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PROCEEDINGS AND DEBATES OF THE 103^d CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Friday, August 6, 1993*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

With all the problems that call for solutions and with all the voices that demand to be heard, with all the business of the hour and the duties of the day, we offer this our prayer, O gracious God, not to ask for easy tasks or simple answers, but to offer our thanks for the opportunities to serve the people of the land with confidence and trust. We are grateful for opportunities when we can work for justice and righteousness and we pray that we are worthy of the liberties and freedoms that have been given us. Bless us, O God, and all people in need, especially those who bear the ravages of the floods and keep us all in Your good grace, now and evermore. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from Ohio [Mr. HOBSON] will please come forward and lead the House in the Pledge of Allegiance.

Mr. HOBSON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 873. An act to provide for the consolidation and protection of the Gallatin Range; and

H.R. 2403. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1994, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 2403), "An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1994, and for other purposes," and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. DECONCINI, Ms. MIKULSKI, Mr. KERREY, Mr. BYRD, Mr. BOND, Mr. D'AMATO, and Mr. HATFIELD to be the conferees on the part of the Senate.

The message also announced that pursuant to section 114(b)(2) of Public Law 100–458, the Chair, on behalf of the Republican leader, reappoints Mr. HATFIELD to serve a 6-year term on the Board of Trustees of the John C. Stennis Center for Public Service Training and Development, effective October 11, 1992.

The message also announced that pursuant to Public Law 102–138, the Chair, on behalf of the President pro tempore, and upon the recommendation of the Republican leader, appoints Mr. STEVENS, vice chairman; Mr. COCHRAN and Mr. GORTON; as members of the Senate delegation to the British-American Parliamentary Group during the first session of the One Hundred Third Congress, to be held in Edinburgh, Scotland, September 1–5, 1993.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize 15 Members on each side for requests for 1-minute speeches.

THE HONORABLE TIMOTHY J. PENNY ANNOUNCES PENDING RETIREMENT AT END OF 103D CONGRESS

(Mr. PENNY asked and was given permission to address the House for 1 minute.)

Mr. PENNY. Mr. Speaker, I come to the floor today to announce next year I will not seek reelection to Congress from Minnesota's First District. I have made this decision based on three factors.

First, I viewed this year as an opportunity to dramatically reduce the deficit in a bipartisan fashion. We have failed to take advantage of that opportunity.

Second, after 10 years in Congress, it is evident to me that far too many politicians end up staying here far too long. I do not want to be one of those politicians.

Third, Minnesota, my family, my friends, and my roots call me home, and I want my four children to finish school in Minnesota so that they might grow to love our State as much as I do.

Mr. Speaker, I have always felt that nothing would make me more proud than to cast a vote for a tough budget-balancing package, one full of deep and controversial program and entitlement cuts, as well as tax increases, and then retire, knowing I had done the right thing for our country. The deficit reduction package just adopted by the House, though certainly controversial, is far short of the plan I envisioned and well short of what is needed to balance the budget and restore economic growth. I voted for the plan last night because I feared that killing it would result in less deficit reduction, not more.

Based on firm assurances from the White House and congressional leaders, I am confident that we will have a fair opportunity to propose and adopt much deeper spending cuts in the next few weeks. This we must do. I will continue to lead the effort for real spending cuts until my last day in Congress.

Mr. Speaker, the advantage of announcing my decision now is that I will

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

have 17 months to say, "Thank you," to my friends and neighbors in southern Minnesota for giving me the honor to serve them.

NATION'S DEPENDENCY ON FOREIGN OIL GROWS, OPEC BLACKMAIL STILL A THREAT

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, last year Congress enacted an energy policy which was to serve as a blueprint for our energy future into the next decade. The 337-page document, however, was not enough to stem the tide of growing import dependency.

Just 2 weeks ago the United States imported an average of 7.9 million barrels of oil a day, the highest level of imports for any week on record. This statistic, in combination with the fact that domestically we are producing at the lowest level in 35 years means we are more dependent on foreign oil imports than ever before in our history.

How are we responding to this situation?

Just last month this body voted to cut $50 million from fossil energy research for coal technologies, including technologies which would have produced liquid from coal to offset the need for continued oil imports.

The same bill also included a ban on exploration and production in much of the Nation's Outer Continental Shelf, an area which is estimated to contain about one-third of all the recoverable natural gas and oil resources in the United States.

I have read that the administration is considering reviving a concept last raised in the late 1980's that would commit the Federal Government to respond if oil imports exceeded a predetermined level. This is at least a positive sign that there is some recognition of the problem. But, you cannot bring an offshore oil or gas well onstream overnight. You cannot miraculously turn coal into liquid overnight.

We have yet to suffer any serious ill effects from our failure to respond to the rising tide of imported oil, but how long we can keep the finger in the dike is anyone's guess.

A more than 50 percent import dependency on such a vital commodity as crude oil is an open invitation to OPEC blackmail. We should develop long-term solutions and a balanced energy policy which must include increased domestic production.

INVESTORS SUPPORT NAFTA AS U.S. WORKERS FEAR LOSS OF JOBS

(Mr. KILDEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KILDEE. Mr. Speaker, I have with me an ordinary, $2.50 spark plug for an automobile.

It represents what is lopsided and wrong about the proposed North American Free-Trade Agreement.

NAFTA supporters claim the treaty will open new American investments in Mexico.

And that, they say, will raise Mexican wages and let the workers there buy more American products.

But that is just sham.

The wage of Mexican mequiladora autoworkers today is actually lower than what it was in 1981—and that is after a period of dramatic investment in the auto industry there.

Today, a typical Mexican auto part worker earns around $1 an hour.

That worker could labor a full 8-hour day building American auto parts and still not be able to afford a single set of these spark plugs.

That situation will not change with NAFTA.

NAFTA will not guarantee fair wages so that Mexican workers will be able to buy the products they make.

Mr. Speaker, NAFTA is a treaty for investors—not for workers—and I urge my colleagues to vote against it.

INTRODUCTION OF RENT REFORM AND EMPOWERMENT ACT OF 1993

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, when I became a Member of this Congress 7 months ago I made clear my commitment to an agenda of empowerment. I do not believe that the solutions to poverty and joblessness will come from more than Government transfer payments. The solutions will come only when our political system encourages and rewards hard work.

A critical element in any empowerment agenda is public housing rent reform. That is why I am today introducing the Rent Reform and Empowerment Act of 1993.

Presently residents of public housing are trapped at the bottom of the economic ladder by a rent formula that punishes them for work. Incredibly, when public housing residents go out and find work the Government punishes them by increasing their rent. Every hard-working American would quickly become discouraged if each time they got a raise, or a better job, the landlord increased the rent. It makes it real tough to get ahead.

My legislation would put an end to this. It would reward hard work and help the current residents of public housing to move up the economic ladder and get out of public housing. This legislation gives public housing authorities the ability to charge fixed rents and market rents. It tells public housing residents that if they work hard and increase their income they will be permitted to save, invest, and move ahead. I do not doubt for a minute that the vast majority of those in public housing want the opportunity to get out and move up into the middle class.

This proposal does not throw more taxpayer money at a problem. It simply treats people with dignity and respect. By rewarding work it will put hope and opportunity back into the lives of some of our poorest citizens.

□ 1010

RUNNING A SCHOOL FOR DICTATORS

(Mr. MEEHAN asked and we given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEHAN. Mr. Speaker, this week's Newsweek contains an article entitled "Running a School for Dictators" about the School of the Americas, located at Fort Benning, GA. The school is supposed to teach foreign military officers democratic values in hopes of shaping their attitudes while training them to fight and lead.

Recent events in El Salvador call into question the school's effectiveness in teaching American ideals. The U.N. Truth Commission report released in March linked 47 graduates of the School of the Americas to human rights violations in El Salvador. If the School of Americas held an alumni association meeting, it would bring together some of the most unsavory thugs in the Western Hemisphere.

We need to encourage respect for democracy, human rights, and economic development. If the School of the Americas does not meet these objectives, then it is hard to see why we should be spending $5.8 million a year to keep classes in session.

The Department of Defense has begun an internal review of security assistance programs in light of the abuses committed by the school's graduates in El Salvador. Let us make sure the right lessons are learned at the School of the Americas.

RETROACTIVE TAXES FOR HYPERACTIVE SPENDING

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, last night the Democrats passed a retroactive tax increase to pay for hyperactive spending. The deluge of callers jamming Washington's switchboards, the bipartisan coalition of 216 Members of this body, and anyone with common sense, understands you reduce a spending deficit by spending less.

However, 218 Members thought the obvious was insufficient. They voted instead to increase taxes, to increase spending, and to leave the deficit right where it is. In fact at the same time they turned economics on its head, they voted to turn back time too. They did this by voting to increase taxes retroactively.

This retroactive tax increase means that if you think you have set aside enough for Uncle Sam, you better think again. The problem has never been that America is undertaxed. The problem is that Washington has spent everything that America has sent them and more. Retroactive taxes will not solve the problems of hyperactive spending. That fact will not change with last night's vote.

FARM PROGRAMS BENEFIT ALL MANKIND

(Mr. BARLOW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARLOW. Mr. Speaker, as we are moving quickly to aid, support, and share in the heartbreak with the many, many Americans in our north central region who are suffering from the devastating floods, I want to pause for a moment with my fellow Americans in deep appreciation and gratitude to our national leaders of all parties who down through the years have built and shaped our farm programs.

We see starkly and with deep respect at this time of national tragedy how these farm support programs for crops are not giveaways to farmers. They have been wisely shaped in legislation through time to spread our productive agriculture across the breadth of our Nation.

Thus, now when we are being hit hard with staggering crop losses in our rich agricultural heartland, our productive farm economy in other important farm regions continues to move the grains to our people and into our export markets without interruption and without the constrictions in flow of supply that would lead to soaring prices for food.

The true beneficiaries of our farm program are we as consumers in America and around the world.

Mr. Speaker, I stand before you to thank our leaders through time for their perseverance in supporting farm programs for the benefit of all mankind.

HEALTH CARE, NOT WELFARE

(Mr. HOBSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOBSON. Mr. Speaker, today the welfare system discourages people from working. Because Medicaid eligibility is linked to other public assistance, welfare recipients who want to work or to get a better job risk losing their health benefits.

We need to separate eligibility for health benefits from public assistance, and encourage those, who want to work, to leave the welfare system without fear of losing health benefits for themselves and their families.

There is a solution that requires no new taxes or new spending. That solution is the Medicaid Health Allowance Act, or H.R. 2789.

This plan provides incentives to work because receiving public assistance is not necessary for receiving health benefits. And for low-income wage earners who are working toward financial independence, this plan continues to provide health benefits using a sliding scale subsidy up to 200 percent of poverty.

The old plan sustains welfare dependency. This plan, the Medicaid Allowance Act, frees people to create a better life without the risk of losing needed health benefits.

COMMUNITY DEVELOPMENT PROGRAM

(Mr. FLAKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLAKE. Mr. Speaker, this morning I rise having heard so much of the debate in regard to the reconciliation package and the many who talk about welfare and talk about trying to reduce the entitlements. Let me suggest this morning that perhaps it is possible to address these issues within the context of the President's community development program, a program that the gentleman from Iowa [Mr. LEACH] and I introduced in this body that expands the President's program. For if we begin the process of creating jobs in those communities from which many of the recipients of welfare come, creating jobs in those communities where in many instances we have ignored them, we have in effect created a Third World nation within these borders.

If our colleagues, those who are liberal and conservative, those Democratic and Republican, would join with us in trying to bring those communities around to where they are part of the overall American landscape, we can create opportunities in those communities. We can create jobs in those communities. We can reduce the dependency on entitlements, reduce welfare, and reduce the amount of money that we are spending for law enforcement and the burgeoning criminal justice enterprise.

Mr. Speaker, I believe that it is right that if we begin the process of that change, we can do it through this community development concept.

TAX INCREASE EXPLAINED

(Mr. BAKER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAKER of California. Mr. Speaker, last night here on this floor we raised taxes, the largest in history, $260 billion. But not very many people had the opportunity or even had a copy of the 1,800-page document.

Hidden within that, the general public will be happy to note is $25 billion in increased spending for welfare. The earned income tax credit, $19 billion; food stamp increase, a program that richly deserves reform, $2.5 billion; Medicaid welfare, child welfare, social service grants, all totaling $25 billion.

Interestingly enough, transportation fuels tax, also known as the gas tax, which started as a Btu tax, brings in $24.2 billion.

Yes, middle class, you are taxed to increase welfare spending, not to reduce the deficit. Two hundred and sixty billion in new taxes, $300 billion in new spending. And, guess what? Five hundred billion dollars coming our way.

Deficit reduction? Not in the first 2 years. Just like 1990: promised reductions will never happen. This is a tax bill, and I hope the Senate kills it.

GUN CONTROL

(Ms. FURSE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FURSE. Mr. Speaker, I rise today to speak of a tragedy which occurred just 1 week ago in my home State of Oregon, but it could have happened in any of the districts we all represent.

At the Albina Head Start Program in Portland, OR, Christina Clagg, a 33-year-old mother of three children, was shot to death in cold blood while sitting at her desk.

It is a problem we all face, but once again it is the children who pay. It is the children who suffer the price, the children of Mrs. Clagg, the children on our streets, the children throughout our society, who fear that they may be the next victims.

The question I raise today, Mr. Speaker, is why do we as a nation continue to allow this to happen? We send huge sums of money to pay for sending our men and women to Somalia to take the guns from the hands of the warlords in Somalia. Do we care more about the children of Somalia than we do about the children in the United States?

Mr. Speaker, it is time we reclaim our country. I commit myself to this struggle, to make our streets safe again and our children secure.

ONE QUESTION

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, there is really only one question: Will the President's economic plan grow the economy and create jobs?

Never before in the history of this country has a major tax increase ever helped the economy. And it is not going to help now.

Instead, this economic plan will depress the economy.

The gas tax, which the President campaigned against, is going to fuel inflation.

The defense cuts, twice as deep as candidate Clinton proposed, will cost half a million dollars.

New taxes on 1 million small business owners will discourage them from adding jobs.

And retroactive taxes will cause Americans to stop spending and investing.

Maybe the President and his party thinks higher taxes and fewer jobs will help the economy, but most Americans don't. And they're right.

□ 1020

WHAT ABOUT VICTIMS RIGHTS?

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, I am all for individual rights. The Congress is debating a bill that will give new religious freedoms to prison inmates. Let us take a look at this.

Prisoners could order the prison to feed them only organically grown vegetables, or they could supply inmates with civilian clothing, if that could be a demand.

How about the right to pray outside the prison in a sweat lodge depicting some religious ceremony? Or how about to sacrifice the blood of a virgin to reach these religious goals?

Now, these are extreme for sure, but while we here in America have bent over backward on prisoners and criminals rights, I think what we have done is forgotten the victims.

We must remember that these people are in jail because they broke the law. this is not a country club.

THE CLINTON ADMINISTRATION POLICY ON BOSNIA

(Mr. CANADY asked and was given permission to address the House for 1 minute.)

Mr. CANADY. Mr. Speaker, in this morning's Washington Post, Charles Krauthammer comments on the "U.S. Follies in Bosnia."

"Folly" is the right word. The Clinton administration's conduct of policy regarding Bosnia and the rest of the Balkans has been, to put it charitably, rather unsteady.

Now the administration is proceeding with plans to conduct bombing missions in Bosnia. The administration's plan to break the siege of Sarajevo, by bombing, is a policy that repeats the mistakes of the past.

As Krauthammer writes, we are turning to that "singular, disastrous conceit of the Vietnam war, the finely calibrated, perfectly tuned bombing campaign."

That policy was a disaster in Vietnam, and it could turn into a disaster in Bosnia. It simply does not work that way.

Before we take any military action, we should count the cost. What happens if the bombing does not work? The Clinton administration does not have an answer to that question.

Common sense demands that we should not start something that we are not prepared to finish adequately. Our creditibility is on the line. We cannot continue with this policy. We must end the folly of the administration's policy in Bosnia.

A TRIBUTE TO "EL METZO"

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, yesterday was, in this Chamber, a time of high drama and great emotion. And using the technique of writers and dramatists, maybe it is time to sort of reduce the tension by speaking of things that are not quite so emotional.

To that extent, I would like to reflect on the fact that before there was such a thing as shock radio and before there was such a thing as schlock radio, we, in Louisville, KY, had what we called real radio. That was "El Metzo," Mr. Milton Metz, who just recently ended 34 consecutive years as a talk show host on WHAS radio in Louisville. I have known Milton all the years of my life, basically. An outstanding human being, a great radio personality, a purveyor of information, a disseminator of doctrine, Milton is all of these. These past 34 years are the measure of a great person.

We are sorry to see Milton end his program. But he will remain with the station, so we look forward to having his words of wisdom for many years to come.

MORE THOUGHTS ON THE PRESIDENT'S BUDGET PLAN

(Mr. GRAMS asked and was given permission to address the House for 1 minute.)

Mr. GRAMS. Mr. Speaker, for months, the President's budget package has been debated, marketed and sold to not only Congress but the American people, all we've heard from the President and the Democratic leadership is how this record tax increase will be paid for by someone else, not you or I.

Only the wealthy will pay the bill. Only corporations will pay the bill. Only those small businesses that are successful will pay the bill. You and I will pay little or nothing, in fact, we will actually get money back.

Clintonnomics is magic.

But if you don't believe in magic, you and I realize that someone has to pay the bill. You don't impose record tax increases on America without someone paying for it. And that someone is consumers, middle America, in the form of higher tax rates or higher prices we'll pay for goods and services.

This is a record transfer of wealth. The President says from the rich to the poor, but that's not true. It's a transfer of wealth from average Americans into the hands of Government.

This bill does not solve the problem of record deficits, it does not balance the budget, and it will not strengthen the economy. But it will build a bigger and bigger Government that will take a bigger and bigger bite out of our paychecks.

This isn't capitalism; this is socialism. I urge the Senate to reject it.

IRS TREATMENT OF VETERANS

(Mr. McCLOSKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLOSKEY. Mr. Speaker, for 16 years the IRS wrongfully collected taxes from needy veterans on disability lump-sum severance payments.

Even though a U.S. district court in 1992 decided that the IRS had no right to do this, and the IRS agreed, we are still leaving literally thousands of these veterans without redress.

Today I am introducing legislation to assist these veterans. A constituent of mine, Mr. David Winters, had received a disability lump-sum payment in 1988, and had to pay tax on it. So he was happy about the court decision and promptly filed his claim for refund in 1992.

The IRS refused his claim, arguing that the 3-year statute of limitations had run out, barring him from filing a valid claim for refund on his 1988 return.

My legislation would allow these veterans to file a claim for refund within a year of enactment, waiving the statute of limitations. It would also require the IRS to use maximum efforts to refund claims to these disabled veterans.

We should pass this bill promptly and I welcome and ask for the support of all the Members of this House for this bill.

PRESIDENT CLINTON'S NOMINATION FOR DIRECTOR OF THE NATIONAL INSTITUTES OF HEALTH

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, last week at a photo opportunity, I told President Clinton that there would be some issues on which I could support him and others, of course, that I could not support him. And within a week, I proved both.

I, of course, opposed the massive tax-and-spend proposal that came to the House last night, but I also offered him my congratulations and support for the nomination that he has made for Director of the National Institutes of Health.

He has appointed and nominated, at last, Dr. Harold Varmus, a Nobel laureate in cancer research.

I know the man personally. He has obtained many speakers for us, other Nobel winners, in fact, to address our biomedical research caucus, which Members are learning more about every single day.

We have had tremendous lectures at the direction of Dr. Varmus in obtaining these speakers on AIDS, on biotechnological transfer, on Alzheimer's disease, on gene therapy, on a lot of different things that are the hope of the future in biomedical research.

As we support the work of the National Institutes of Health, we will find that Dr. Varmus will be closely cooperating with the House of Representatives.

INTRODUCTION OF THE RISK COMMUNICATION ACT

(Mr. MOORHEAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOORHEAD. Mr. Speaker, today, Mr. BROWN of California, Mr. BLILEY, Mr. OXLEY, Mr. HAYES, Mrs. LLOYD, Mr. WALKER, and Mr. ZIMMER join me as original cosponsors in introducing the Risk Communication Act of 1993. This bill sets out principles of objectivity and disclosure in order to provide fair, scientifically sound, and informative assessments of risks to health and the environment by the Environmental Protection Agency.

A series of articles published last winter by the New York Times summed up a substantial problem:

> In the last 15 years, environmental policy has too often evolved largely in reaction to popular panics, not in response to sound scientific analysis, of which environmental hazards present the greatest risks. As a result * * * billions of dollars are wasted each year in battling problems that are no longer considered especially dangerous, leaving little money for others that cause for more harm.

Municipalities and businesses are willing to ensure that their activities are environmentally responsible but cannot afford to expend great sums on excessively hypothetical and exaggerated risks. These groups are increasingly skeptical of environmental mandates and the quality of, and the scientific basis for, EPA risk assessments.

The Risk Communication Act sets forth principles for understanding and open debate of the scientific findings. The bill will enhance scientific credibility; make it easier for other scientific and policy groups to peer review studies; better inform the American public and Federal officials, and, subsequently, lead to better management decisions.

This bill is supported by organizations representing local governments and businesses across America, and I urge my colleagues to join us in moving for swift enactment of this much-needed legislation.

□ 1030

THE POWER OF ONE VOTE

(Mr. HANCOCK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANCOCK. Mr. Speaker, an awfully lot of people do not exercise one of the greatest privileges we have in this country, and that is the privilege to vote. Let us go back a little bit into history and talk about the power of one vote.

In 1645, one vote gave Oliver Cromwell control of England.

In 1649, one vote caused Charles I of England to be executed.

In 1776, one vote gave America the English language instead of German.

In 1845, one vote brought Texas into the Union.

In 1868, one vote saved President Andrew Johnson from impeachment.

In 1875, one vote changed France from a monarchy to a republic.

In 1876, one vote gave Rutherford B. Hayes the Presidency of the United States.

In 1923, one vote gave Adolf Hitler leadership of the Nazi Party.

In 1941, one vote saved selective service, just weeks before Pearl Harbor was attacked.

History is going to show that in 1993, the largest tax increase in the history of the world passed by one vote.

THE CHANGE IN PRESIDENT CLINTON'S DEFICIT REDUCTION GOAL

(Mr. SCHIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHIFF. Mr. Speaker, with all of the publicity over the month that President Clinton received for abandoning his promise not to tax the middle class, I think it is amazing by comparison that there has been very little publicity and commentary over the President changing his deficit reduction goals for when he was a candidate. This is extremely important in view of our vote last night, supposedly for deficit reduction.

What does deficit reduction mean? According to candidate Bill Clinton, deficit reduction meant lowering the Federal budget deficit in half over 4 years. Today it does not mean that any more. It means instead reducing $500 billion off the budget deficit, which means $500 off of some projection of the future.

In fact, under this approach the budget deficit could not be reduced at all, but victory could be claimed if the budget deficit remains below this somewhat arbitrary projection.

Why did the President have to change his budget deficit goal? The reason is what is in this package is a package of gimmicks and shams, not real deficit reduction.

URGING THE SENATE TO HEED AMERICA'S OPPOSITION TO MORE TAXES

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, the phone lines were jammed. Otherwise we would have had far more response. Even so, we had over 300 faxes and phone calls to our office.

This was the result. This number, less than 20, said "Support the President's package." The overwhelming majority, nearly 300, said, "Do not support the President's package."

Mr. Speaker, I believe that this was essentially the vote of Americans all across the country. It was not heeded by this House yesterday.

Let me read from a couple from Eldersburg, MD:

> We are registered Democrats. If these things continue to happen, we will change our party affiliation. I can't believe that Congress would vote for the retroactive tax. I get so upset I can hardly talk. Please vote against the tax.

Mr. Speaker, this is the cry of America today, "Please vote against this bill." The House did not do it yesterday. Pray the Senate do it today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. STUDDS). The Chair would admonish Members that urging action by the Senate is not in order in debate.

CONTINUED GOVERNMENT OVERREGULATION

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, regulations are strangling our economy. The cost of regulation to the average American family is estimated to be a staggering $17,000 per year. The latest new regulatory proposal being considered by this body is the National Biological Survey. This legislation would basically empower Federal bureaucrats to trespass on private property to count plants, animals, and insects. The result would be more regulations, restrictions and expense heaped on private property owners.

Mr. Speaker, as a member of the Republican regulatory relay, I say we must reverse this negative regulatory trend. Regulations are destroying our economy. As George Washington observed, "Government is not reason; it is not eloquence. It is force. Like fire, it is a dangerous servant and a fearful master."

IN RECOGNITION OF RIDGEWOOD, NJ, EFFORTS IN FLOOD DISASTER ASSISTANCE

(Mrs. ROUKEMA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, as the House moves today to pass urgently needed disaster assistance for the flood ravaged Midwest, I want to remind my colleagues that money alone cannot save the homes and livelihoods of those poor suffering families. It has taken hours upon hours and weeks upon weeks of dedicated efforts by scores of volunteers to fill sandbags, build levies, and simply provide comfort.

Today, I want to pay special tribute to the residents of my hometown, Ridgewood, NJ, who are making their own contribution to that effort.

At 5 a.m. tomorrow morning, 23 members of the Ridgewood Police, Fire, and Emergency Services Corps will board a plane at Newark Airport to fly to Ste. Genevieve, MO. For the next week, they will relieve the overworked local public safety force which has been working around the clock to maintain civility in the middle of this disaster. They will also establish a long-term, sister city relationship with Ste. Genevieve in order to provide the victims of the flood with ongoing assistance as they begin the long struggle to normal family and community life as loved ones are reunited and neighborhoods restored.

The trip is being sponsored by scores of businesses large and small who have donated everything from airfare to communications equipment.

Mr. Speaker, coming to the aid of one's neighbors in times of crisis is a proud American tradition. In this effort, these Good Samaritans are going beyond the emergency and committing themselves to the ongoing support these helpless victims will need to put their lives back together. For this they deserve a special commendation. This Nation owes a debt of gratitude to each and every mud-soaked, exhausted volunteer for their tireless efforts. I cannot tell you how proud I am that my hometown of Ridgewood is part of that effort. I wish them Godspeed.

A VOTE TO GET AMERICA MOVING

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS. Mr. Speaker, last night on the razor thin margin that the President received on his budget, I cast my vote with him. I have been in this Congress for eight terms now. I have voted for some budgets and against others, but I have seen no budgets in which I agreed with everything in them. I did not agree with everything in this budget. I disagreed with much of it.

However, above all I despair of the gridlock that has affected this country. Above all, we cannot continue to be locked in the ice of indifference, disagreements, and despair. My vote last night was to get the country moving, to show America that Congress can in fact come together and be affirmative, and above all, to allow this President now to lead us on to the great things ahead in this term.

THE AMERICAN WORKPLACE BECOMES FAMILY FRIENDLY TODAY

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, yesterday the Family and Medical Leave Act took effect.

Starting today, American workers will no longer have to choose between their work and families.

Starting today, American workers will have a right under the law to take a job-guaranteed leave without pay in the case of the birth or adoption of a child, or in the case of a family medical emergency.

I would like to alert both workers and employers to learn your rights and responsibilities under the law.

For workers, the group Nine to Five will be sponsoring a hotline to answer any questions about workers' rights and how the law works. That toll-free number is 1-800-522-0925.

For employers, Secretary of Labor Robert Reich is leading the Department of Labor in an extensive public education effort to educate employers on the law and its regulations.

Mr. Speaker, when I first introduced the Family and Medical Leave Act in 1985, workers were afraid to mention family responsibilities, for fear they would be stigmatized as poor or second-rate workers. In fact, workers were more apt to complain about parking spaces than childcare problems.

Today, that all changes and we begin an era in the American workplace, where being family friendly is good for business, good for employees, and good for families.

KUDOS, NOT CENSURE, OWED TO CUBAN PILOT

(Mr. DEUTSCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEUTSCH. Mr. Speaker, today in Miami the grand jury is meeting to investigate charges that a Cuban pilot who, at great risk to his own life, came to the United States and along with him brought over 40 people, actually 48 people, who were granted political asylum from Fidel Castro's oppressive regime.

Those passengers who do not want to remain in the United States will be returned to Cuba immediately with the airplane. Now the U.S. attorney's office is considering whether to bring charges against Mr. Cancio for his act of bravery.

According to the Hague Convention, the pilot had the discretion to reroute the aircraft as he sees fit. How could the attorney invite individuals to testify from Cuba, a government to which the United States does not give diplomatic recognition as legitimate? In fact, the only thing about the Castro regime that the Untied States has recognized is its brutality and inhumane treatment of its citizens.

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I urge the U.S. attorney to stop this investigation immediately. And again, as opposed to investigating Mr. Cancio, he ought to be praising him, and issuing him awards of freedom.

CONGRESS HAS DEAF EARS IN PEOPLE'S HOUSE

(Mrs. FOWLER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. FOWLER. Mr. Speaker, the House of Representatives is supposed to be the people's House. Once the only branch of our Federal Government elected directly by the people, this body—more than any other—was established to reflect the will, the hopes, and the dreams of the American people.

Mr. Speaker, last night, the people's voice fell on deaf ears in this Chamber. It was drowned out by talk of Presidential support and party loyalty.

Lost in the debate of yesterday were the millions of phone calls to the U.S.

Capitol. The voice of the people saying, "cut spending first."

The American people were not fooled. They know that an outyear spending cut is no spending cut. They know that a retroactive tax increase and an increase in the gas tax will slow down this economy.

I do not ever recall a time, Mr. Speaker, when the American people spoke more clearly and more forcefully than they did in opposition to this tax bill.

Nor can I recall a time, Mr. Speaker, when that voice was so roundly ignored by so many of those who serve in what used to be the people's House.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR RELIEF FROM THE MAJOR, WIDESPREAD FLOODING IN THE MIDWEST ACT OF 1993

Mr. NATCHER. Mr. Speaker, pursuant to the order of the House of August 5, 1993, I call up the resolution (H. Res. 245) providing for the disposition of the Senate amendments to H.R. 2667, a bill making emergency supplemental appropriations for relief from the major, widespread flooding in the Midwest for the fiscal year ending September 30, 1993, and for other purposes.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. STUDDS). Pursuant to the order of the House of Thursday, August 5, 1993, the resolution is considered as read and is not subject to a demand for a division of the question.

The text of House Resolution 245 is as follows:

H. RES. 245

Resolved, That upon the adoption of this resolution the House shall be considered to have taken from the Speaker's table the bill (H.R. 2667) making emergency supplemental appropriations for relief from the major, widespread flooding in the Midwest for the fiscal year ending September 30, 1993, and for other purposes, with Senate amendments thereto, and to have agreed to motions to dispose of the Senate amendments as follows:

(1) A motion that the House disagree to the amendments of the Senate numbered 2, 3, 16, 17, 21, and 27; and

(2) A motion that the House concur in the amendments of the Senate numbered 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 18, 19, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41, 42, 43, 44, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, and 56; and

(3) A motion that the House concur in the amendment of the Senate numbered 1 with the following amendment:

On page 1, line 9, of the Senate Engrossed Amendments to H.R. 2667, strike all after "1985" down the "$200,000,000," on line 13 and insert in lieu thereof a period after "1985" followed by

"DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for emergency expenses resulting from the Midwest floods of 1993 and other disasters,", and

On page 1, line 13, of the Senate Engrossed Amendments to H.R. 2667, after "$200,000,000," insert "to remain available until September 30, 1995, for disaster assistance grants pursuant to the Public Works and Economic Development Act of 1965, as amended, ", and

On page 2, line 4, of the Senate Engrossed Amendments to H.R. 2667, strike all that follows after "Congress" down through "flooding" on page 2, line 19, and insert in lieu thereof a period after "Congress"; followed by

"SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for "Disaster loans program account" for the cost of direct loans for the Midwest floods and other disasters, $90,000,000 to remain available until September 30, 1995, of which $10,000,000, to remain available until expended, may be transferred to an merged with the appropriations for "Salaries and Expenses", and of which $20,000,000 shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further,* That notwithstanding any other provision of law, the $500,000 limitation on the amounts outstanding and committed to a borrower provided in paragraph 7(c)(6) of the Small Business Act shall be increased to $1,500,000 for disasters commencing on or after April 1, 1993.", and

On page 2, line 19, of the Senate Engrossed Amendments to H.R. 2667, strike all after "flooding" down through "for" on line 22 and insert in lieu thereof after "flooding" the following

"DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for disaster relief for the Midwest flood for activities authorized by", and

On page 2, line 23 of the Senate Engrossed Amendments to H.R. 2667, strike "shall be", and

On page 2, line 23 of the Senate Engrossed Amendments to H.R. 2667, after "$54,600,000," insert "to be available for obligation for the period July 1, 1993 through June 30, 1994,", and

On page 3, line 4 of the Senate Engrossed Amendments to H.R. 2667, strike all after "Congress" down through "activities of the" on line 6 and insert in lieu thereof a period after "Congress" followed by

"COMMISSION ON NATIONAL AND COMMUNITY SERVICE

PROGRAMS AND ACTIVITIES

For an additional amount for "Programs and activities" of the", and

On page 3, line 7, of the Senate Engrossed Amendments to H.R. 2667, strike "shall be", and

On page 3, line 7, of the Senate Engrossed Amendments to H.R. 2667, after "$4,000,000," insert "for use in carrying out Federal disaster relief programs, activities, and initiatives under subtitles C, E, F, and G of the National and Community Service Act of 1990 (Public Law 101-610), as the Board determines necessary to carry out programs related to the floods in the Midwest, to remain available until September 30, 1994,", and

On page 3, line 14 of the Senate Engrossed Amendments to H.R. 2667, after "all of the above amounts" insert "in this and the preceding three paragraphs", and

On page 3 of the Senate Engrossed Amendments to H.R. 2667, strike lines 18 through 20, and

On page 5, after line 7 of the Senate Engrossed Amendments to H.R. 2667, insert the following center heading "Sense of the Senate on Bosnia", and

On page 2 of the House Engrossed Bill, H.R. 2667, strike line 6 and all that follows down through line 2 of page 4, and

On page 5 of the House Engrossed Bill, H.R. 2667, strike line 6 and all that follows down through line 22, and

On page 7 of the House Engrossed Bill, H.R. 2667, strike line 1 and all that follows down through line 14, and

On page 8 of the House Engrossed Bill, H.R. 2667, strike line 20 and all that follows down through line 11 on page 9, and

On page 15 of the House Engrossed Bill, H.R. 2667, strike line 11 and all that follows through line 22; and

(4) A motion that the House concur in the amendment of the Senate numbered 20 with the following amendment:

Restore the matter stricken, amended as follows:

Strike "until expended" and insert in lieu thereof "until September 30, 1995"; and

(5) A motion that the House concur in the amendment of the Senate numbered 37 with the following amendment:

Insert the following before the period: ": *Provided further,* That all of the funds provided under this head in this Act shall be used only to repair, replace, or restore facilities damaged or to continue services interrupted by Midwest floods, high winds, hail and other related weather damages of 1993 and other disasters that are essential to public health or safety as defined by the Secretary"; and

(6) A motion that the House concur in the amendment of the Senate numbered 45 with the following amendment

In lieu of "September 30, 1995" named by said amendment, insert "September 30, 1997".

SEC. 2. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

The text of the Senate amendments to H.R. 2667 is as follows:

Senate amendments:

Page 2, after line 5, insert:

EXTENSION SERVICE

For an additional amount for emergency expenses resulting from the Midwest floods and other natural disasters of 1993, $3,500,000, to remain available through June 30, 1994: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That notwithstanding any other provision of this Act, the amount provided herein for Economic Development Assistance programs under the heading "Economic Development Administration" shall be $200,000,000, of which $100,000,000 shall only be available to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: Provided further, That notwithstanding any other provision of this Act, the amount provided herein for the Disaster Loan Program account under the heading "Small Business Administration" shall be $80,000,000, of which

$20,000,000 shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: Provided further, That notwithstanding any other provision of law, the $500,000 limitation on the amounts outstanding and committed to a borrower provided in paragraph 7(c)(6) of the Small Business Act shall be increased to $1,500,000 for Presidentially-declared major disasters for recent Midwest flooding: Provided further, That notwithstanding any other provision of this Act, the amount provided herein under the heading "Employment and Training Administration" for part B of title III of the Job Training Partnership Act shall be $54,600,000, of which $11,100,000 shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: Provided further, That notwithstanding any other provision of this Act, the amount provided herein for programs and activities of the Commission on National and Community Service shall be $4,000,000, of which $2,000,000 shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: Provided further, That all of the above amounts are designated by Congress as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Notwithstanding any other provision of this Act, the following shall be the law with respect to the Commodity Credit Corporation.

COMMODITY CREDIT CORPORATION

COMMODITY CREDIT CORPORATION FUND

For an additional amount for the "Commodity Credit Corporation Fund" to cover 1993 crop losses resulting from damaging weather or related floods associated with the conditions (as defined in section 2251 of Public Law 101–624), in 1993, $1,050,000,000, and in addition $300,000,000, which shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress, the total to remain available until June 30, 1994: Provided, That from funds previously made available in Public Law 102–368 by Presidential declaration, $100,000,000 to remain available until June 30, 1994, shall be for 1993 crop losses only: Provided further, That if prior to April 1, 1994, the President determines that extraordinary circumstances exist that warrant further assistance, the Secretary of Agriculture shall use such funds of the Commodity Credit Corporation as are necessary to make payments in an amount equal to 100 percent of each eligible claim as determined under title XXII of Public Law 101–624: Provided further, That all additional amounts made available herein are subject to the terms and conditions in Public Law 101–624: Provided further, That Congress hereby designates the entire amount provided herein as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That notwithstanding any provision of Public Law 103–50, funds provided by such Act shall not be expended for 1993 crop losses resulting from 1993 natural disasters, and claims for assistance from funds provided by that Act by producers with 1990, 1991, and 1992 crop losses shall be paid only to the extent such claims are filed by September 17, 1993.

(a) The Senate finds that:

(1) Numerous atrocities have been reported on the conflict in the former Yugoslavia;

(2) Such atrocities against innocent civilians and prisoners would violate universally accepted law as embodied in the Geneva Conventions of August 12, 1949 for the Protection of War Victims; the Hague Convention (IV) Respecting the Laws and Customs of War on Land and the Regulations annexed thereto of October 18, 1907; the Convention on the Prevention and Punishment of the Crime of Genocide of December 9, 1948; and the Charter of the International Military Tribunal of August 8, 1945;

(3) In October 1992 the United Nations Security Council adopted Resolution 780 establishing a Commission of Experts to gather and evaluate evidence of such war crimes;

(4) The Commission of Experts submitted an interim report dated January 26, 1993 which concluded that grave breaches and other violations of international humanitarian law had been committed in the territory of the former Yugoslavia, including wilful killing, "ethnic cleansing," mass killings, torture, rape, pillage, and destruction of civilian property, destruction of cultural and religious property and arbitrary arrests;

(5) The Commission of Experts has been hindered in carrying out fully its legal charge because of insufficient resources;

(6) On February 22, 1993, the United Nations Security Council adopted Resolution 808 establishing an international tribunal to try individuals accused of the commission of war crimes in the former Yugoslavia;

(7) On May 3, 1993, the Secretary General of the United Nations issued his report which established the procedures for an international war crimes tribunal;

(8) The United Nations is presently in the process of selecting judges and prosecutors for the international war crimes tribunal;

(9) According to reports, the atrocities in the former Yugoslavia continue unabated; and

(10) There is a dire need to establish promptly the tribunal and commence prosecution of alleged war criminals: Now, therefore.

(b) The Senate hereby commends the United Nations for its recognition of the importance and necessity of the rule of law as evidenced by its establishment of an international tribunal for the prosecution of war crimes in the former Yugoslavia.

(c) It is the sense of the Senate that the United Nations should—

(1) expedite the selection of judges and prosecutors for the tribunal in order to begin prosecutions of alleged war criminals; and

(2) provide all assistance necessary to continue gathering evidence for such prosecutions.

Page 2, line 14, strike out "$850,000,000" and insert "*$1,050,000,000*".

Page 2, lines 23 and 24, strike out "March 31" and insert "*June 30*".

Page 4, line 7, strike out "$25,000,000" and insert "*$60,000,000*".

Page 4, line 8, strike out "June" and insert "*September*".

Page 4, line 10, after "Service" insert "*, of which $25,000,000, shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to Congress*".

Page 4, line 14, after "amended" insert "*: Provided further, That if the Secretary determines that the cost of land and levee restoration exceeds the fair market value of an affected cropland, the Secretary may use sufficient amounts from funds provided under this head to accept bids from willing sellers to enroll such cropland inundated by the Midwest floods of 1993 in any of the affected States in the Wetlands Reserve Program as authorized by subchapter C of Chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837)*".

Page 4, after line 16 insert:

SALARIES AND EXPENSES

For an additional amount for salaries and expenses of the Agricultural Stabilization and Conservation Service, $12,000,000, to remain available until June 30, 1994, to meet the needs arising from the Midwest floods and other natural disasters: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Page 4, line 20, strike out "$20,000,000" and insert "*$30,000,000*".

Page 4, after line 24, insert:

FARMERS HOME ADMINISTRATION

Page 4, after line 24, insert:

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For an additional amount to assist in the recovery from the Midwest floods and other natural disasters of 1993 for the cost of direct section 504 housing repair loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $5,985,000 to remain available through June 30, 1994: Provided, That these funds are available to subsidize additional gross obligations for the principal amount of direct loans not to exceed $15,000,000: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Page 4, after line 24, insert:

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For an additional amount to assist in the recovery from the Midwest floods and other natural disasters of 1993 for the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $21,788,000 to remain available until June 30, 1994, of which $20,504,000 shall be for emergency insured loans and $1,284,000 shall be for water development, use, and conservation loans: Provided, That these funds are available to subsidize additional gross obligation for the principal amount of direct loans not to exceed $87,000,000, of which $80,000,000 shall be for emergency insured loans: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Page 4, after line 24, insert:

RURAL DEVELOPMENT INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for the cost of guaranteed industrial development loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, to assist in the recovery from the Midwest floods and other natural disasters of 1993, $5,410,000 to remain available until June 30, 1994, of which $2,705,000 shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to Congress: Provided, *That these funds are available to subsidize additional gross obligations for the principal amount of guaranteed loans not to exceed $100,000,000: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.*

Page 4, after line 24, insert:

VERY LOW-INCOME HOUSING REPAIR GRANTS

For an additional amount to make housing repairs needed as a result of the Midwest floods and other natural disasters of 1993, $15,000,000, to remain available until June 30, 1994: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Page 4, after line 24, insert:

EMERGENCY COMMUNITY WATER ASSISTANCE GRANTS

For an additional amount for emergency community water assistance grants to assist in the recovery from the Midwest floods and other natural disasters of 1993, $50,000,000 to remain available until June 30, 1994, of which $30,000,000 shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to Congress: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Page 5, line 10, strike out "expended" and insert "*September 30, 1995*".

Page 5, line 13, strike out all after "*Provided,*" down to and including "*further,*" in line 19

Page 6, line 6, strike out "expended" and insert "*September 30, 1995*".

Page 6, line 11, strike out "AGENCIES" and insert "*AGENCY*".

Page 6, strike out lines 13 to 25.

Page 7, line 6, strike out "expended" and insert "*September 30, 1995*".

Page 7, line 22, strike out "$100,000,000" and insert "*$120,000,000*".

Page 7, line 23, strike out "$20,000,000" and insert "*$60,000,000*".

Page 8, line 5, strike out "expended" and insert "*September 30, 1997*".

Page 8, line 11, strike out "$30,000,000" and insert "*$55,000,000*".

Page 8, line 12, strike out "expended" and insert "*September 30, 1997*".

Page 9, line 2, strike out all after "1994" down to and including "Congress" in line 8.

Page 9, strike out all after line 14 over to and including line 2 on page 10, and insert:

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For an additional amount for Public Health and Social Services Emergency Fund for the Midwest floods of 1993, $75,000,000, to remain available until September 30, 1994, which shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Page 10, after line 2 insert:

DEPARTMENT OF EDUCATION

Page 10, after line 2 insert:

IMPACT AID

For carrying out disaster assistance activities related to the Midwest floods of 1993, authorized under section 7(a) of Public Law 81–874, $70,000,000, to remain available until September 30, 1994, which shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Page 10, after line 2 insert:

STUDENT FINANCIAL ASSISTANCE

For an additional amount for "Student Financial Assistance" for payment of awards for award year 1993–1994 made under title IV, part A, subpart 1 of the Higher Education Act of 1965, $30,000,000: Provided, That notwithstanding sections 442(e) and 462(j) of such Act, the Secretary of Education may reallocate, for use in award year 1993–1994 only, any excess funds returned to the Secretary of Education under the Federal Work-Study or Federal Perkins Loan programs from award year 1992–1993 to assist individuals who suffered financial harm as a result of the Midwest floods of 1993: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Page 10, line 11, strike out all after "until" down to and including "Congress" in line 17 and insert "*March 31, 1994*".

Page 11, line 1, strike out "$75,000,000" and insert "*$100,000,000*".

Page 11, line 2, strike out "$50,000,000" and insert "*$75,000,000*".

Page 12, line 24, strike out "expended" and insert "*September 30, 1994*".

Page 13, strike out lines 9 to 25 and insert:

For an additional amount for the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended (Public Law 101–625), for use only in areas affected by the Midwest floods, high winds, hail and other related weather damages of 1993, $50,000,000, to remain available until September 30, 1994: Provided, That in administering these funds, the Secretary may waive any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use by the recipient of these funds, except for requirements relating to fair housing and nondiscrimination, the environment, and labor standards, upon finding that such waiver is required to facilitate the obligation and use of such funds, and would not be inconsistent with the overall purpose of the statute or regulation: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Page 14, strike out lines 3 to 23 and insert:

For an additional amount for "Community development grants," as authorized under title I of the Housing and Community Development Act of 1974, only in areas affected by the Midwest floods, high winds, hail and other related weather damages of 1993 and other disasters, $200,000,000, to remain available until September 30, 1994, of which $25,000,000 is for those community development planning activities related to recovery efforts and for immediate recovery needs not reimbursable by the Federal Emergency Management Agency (FEMA): Provided, That in administering these funds, the Secretary may waive any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use by the recipient of these funds, except for requirements relating to fair housing and nondiscrimination, the environment, and labor standards, upon a finding that such waiver is required to facilitate the obligation and use of such funds, and would not be inconsistent with the overall purpose of the statute or regulation: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Page 15, after line 1 insert:

ENVIRONMENTAL PROTECTION AGENCY

Page 15, after line 1 insert:

ABATEMENT, CONTROL, AND COMPLIANCE

For an additional amount for "Abatement, Control, and Compliance" for the Midwest floods of 1993, $24,250,000, to remain available until September 30, 1994: Provided, That the Administrator may make these funds available notwithstanding any applicable formula allocating funds to States for programs authorized: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(d)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Page 15, after line 1 insert:

PROGRAM AND RESEARCH OPERATIONS

For an additional amount for "Program and Research Operations," for the Midwest floods of 1993, $1,000,000, to remain available until September 30, 1994: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(d)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Page 15, after line 1 insert:

LEAKING UNDERGROUND STORAGE TANK TRUST FUND

For an additional amount for "Leaking Underground Storage Tank Trust Fund" to make cooperative agreements under section 9003(h)(7) of the Solid Waste Disposal Act, as amended, for the Midwest floods of 1993, $8,000,000, to remain available until September 30, 1994: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(d)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Page 15, after line 1 insert:

OIL SPILL RESPONSE

For an additional amount for "Oil Spill Response," for the Midwest floods of 1993, $700,000, to remain available until September 30, 1994: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(d)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Page 15, line 5, strike out "$815,000,000" and insert "*$1,735,000,000*".

Page 15, line 5, after "$815,000,000," insert "*and in addition, $265,000,000, which shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress,*".

Page 15, line 5, strike out "expended" and insert "*September 30, 1995*".

Page 15, line 10, after "amended" insert ", *and title I, chapter II, of Public Law 102–229*".

Page 16, line 8, strike out "$26,354,000" and insert "*$30,000,000*".

Page 16, line 9, strike out "expended" and insert "*September 30, 1995*".

Page 16, after line 14, insert:

HISTORIC PRESERVATION FUND

For an additional amount for "Historic Preservation Fund", $5,000,000, for the Midwest floods of 1993, to remain available until September 30, 1994: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Page 16, line 17, strike out "$850,000" and insert "*$900,000*".

Page 16, line 18, strike out "expended" and insert "*September 30, 1994*".

Page 16, line 25, strike out "$851,000" and insert "*$1,439,000*".

Page 17, line 1, strike out "expended" and insert "*June 30, 1994*".

Page 17, after line 5 insert:

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for "Operation of Indian Programs", $3,878,000, to remain available until September 30, 1995 for the Midwest floods: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Page 17, strike out all after line 10 over to and including line 19 on page 18.

Page 18, after line 19, insert:

SEC. 802. In any case in which the Secretary of Agriculture finds that the farming, ranching, or aquaculture operations of producers on a farm have been substantially affected by a natural disaster in the United States or by a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) during the 1993 crop year, the Secretary of Agriculture shall not require any repayment under subparagraph (G) or (H) of section 114(a)(2) of the Agricultural Act of 1949 (7 U.S.C. 1445j(a)(2)) for the 1993 crop of a commodity prior to January 1, 1994.

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. NATCHER] will be recognized for 30 minutes and the gentleman from Pennsylvania [Mr. McDADE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. NATCHER].

GENERAL LEAVE

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the consideration on House Resolution 245, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. NATCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today, we bring to the House a resolution that provides for the disposition of the Senate amendments to the emergency supplemental appropriation bill for Midwest flood relief, H.R. 2667. Adoption of this resolution will move this important bill along so that it can be enacted prior to our district work period and so that assistance can reach disaster victims without interruption.

As Members will recall, Mr. Speaker, on July 27 the House passed H.R. 2667. At that time the bill contained $3,007,855,000 in budgetary resources after adoption of a floor amendment. Shortly after this, the President revised his estimates and the Senate took action based on this increased level.

The amendments of the Senate increased the funding in this bill to $5,330,449,000 in budgetary resources.

Additionally, Mr. Speaker, the bill would commit approximately $900 million more Commodity Credit Corporation borrowing authority for crop lost payments in fiscal year 1994. The resolution before the House today would increase the Senate-passed level by only $10,300,000, therefore making the total amount of budgetary resources in this bill, as I said, $5,330,449,000 for the fiscal year 1993.

Mr. Speaker, the resolution I have offered that would dispose of the Senate amendments would agree with the Senate to eliminate the language related to the stipend for the Youth Fair Chance Program. The resolution would also insert into the community development block grant account a provision to restrict this funding to health and safety requirements only. Members will recall that this was included in the House bill.

The resolution also retains funding for Legal Services Corporation as included in the House-passed bill. Various other technical changes in the Senate amendments would be made by this resolution. However, the vast majority of the bill reflects the request of the President and is clean of extraneous provisions

I believe the Senate will concur in the changes made by this resolution.

Mr. Speaker, the people of the Midwest have suffered tremendously and these, Mr. Speaker, are our people.

Sunday of this past week made 40 years for me as a Member of the House. For a period of over 20 years I served on the subcommittee that appropriates foreign aid money. Some of that money, Mr. Speaker, was well spent. A whole lot of it was in the other category.

But every dollar contained in this bill is being spent on our people, Mr. Speaker, our people in those States that are really suffering today.

Mr. Speaker, the people of the Midwest have, as I said, suffered tremendously. Unprecedented rainfalls followed by record river stages have occurred now for over 2 months. All government agencies at the Federal, State, and local levels are striving mightily to provide assistance to those stricken by this major disaster. We need to do our part, Mr. Speaker, and do it as quickly as possible. These agencies are running out of resources.

I am proud that the Congress has moved this bill along, and I appreciate the cooperation that the Committee on Appropriations has received. Members on both sides of the aisle have helped us with this bill.

At this time, Mr. Speaker, again I want the Members of the House to know that it is a distinct honor and a privilege for me to serve with my friend, the gentleman from Pennsylvania, Mr. JOE McDADE, an outstanding Member of the House, one of the best Members that ever served on the Committee on Appropriations. And it is an honor for me to serve with him. It is an honor for me, Mr. Speaker, to serve with all 60 members of our committee.

As you will recall, last year my chairman, JAMIE L. WHITTEN of Mississippi, the gentleman who holds the tenure record as a Member of the House of Representatives, needed a little help last year, and I helped my chairman put the bills through. Working together we put all 13 of our bills through. Mr. Speaker, this year he has worked with us just like he has always done ever since he became a Member of the committee and the Congress.

Mr. Speaker, to date the House has passed 11 of the 13 fiscal year 1994 appropriation bills. The two that have not yet been taken up are not the fault of the Committee on Appropriations. We wanted to pass them before we went home for the Fourth of July recess but were unable to.

Mr. Speaker, since I have been a Member of Congress I learned a long time ago that when you have friends on both sides of this aisle, and when you can cross back and forth across this aisle, you are a true Member of Congress. I learned that a long time ago, and I have friends on both sides. Everyone has helped the committee since I was elected chairman, and I want the House to know that I appreciate it, Mr. Speaker.

We have an excellent staff, just like all of the committees in the House do. We appreciate the hard work they do.

Mr. Speaker, we should adopt this resolution and get this bill moving to the White House as soon as possible.

Again I want to emphasize that we are helping our people, Mr. Speaker. Providing the help they desperately need.

Mr. Speaker, at this point I would like to include a table that provides the details of the final action on this bill, H.R. 2667:

FY 1993 EMERGENCY SUPPLEMENTAL APPROPRIATIONS (H.R. 2667)

Doc No.		Supplemental Request	House	Senate	Final Congressional Action	Final Action compared with House	Final Action compared with Senate
	FY 1993 SUPPLEMENTAL APPROPRIATIONS FOR MIDWEST FLOOD RELIEF						
	CHAPTER I						
	DEPARTMENT OF AGRICULTURE						
	Production, Processing and Marketing						
S.Doc. 103-9	Extension service	3,500,000		3,500,000	3,500,000	+3,500,000	
	Commodity Credit Corporation						
103-116 S.Doc. 103-9	Disaster payments	1,050,000,000	850,000,000	1,050,000,000	1,050,000,000	+200,000,000	
103-116	Contingency appropriations	300,000,000	300,000,000	300,000,000	300,000,000		
1/	Disaster payments, 1994 borrowing authority			900,000,000	900,000,000	+900,000,000	
	Total, Commodity Credit Corporation	1,350,000,000	1,150,000,000	2,250,000,000	2,250,000,000	+1,100,000,000	
	Soil Conservation Service						
103-116 S.Doc. 103-9	Watershed and flood prevention operations	35,000,000	25,000,000	35,000,000	35,000,000	+10,000,000	
S.Doc. 103-9	Contingency appropriations	25,000,000		25,000,000	25,000,000	+25,000,000	
	Total, Soil Conservation Service	60,000,000	25,000,000	60,000,000	60,000,000	+35,000,000	
	Agricultural Stabilization and Conservation Service						
103-116 S.Doc. 103-9	Emergency conservation program	30,000,000	20,000,000	30,000,000	30,000,000	+10,000,000	
S.Doc. 103-9	Salaries and expenses	12,000,000		12,000,000	12,000,000	+12,000,000	
	Total, Agricultural Stabilization and Conservation Service	42,000,000	20,000,000	42,000,000	42,000,000	+22,000,000	
	Farmers Home Administration						
	Rural Housing Insurance Fund Program Account:						
S.Doc. 103-9	Housing repair loans	(15,000,000)		(15,000,000)	(15,000,000)	(+15,000,000)	
S.Doc. 103-9	Subsidy	5,985,000		5,985,000	5,985,000	+5,985,000	
	Agricultural Credit Insurance Fund Program Account:						
S.Doc. 103-9	Soil and Water loans	(7,000,000)		(7,000,000)	(7,000,000)	(+7,000,000)	
S.Doc. 103-9	Subsidy	1,284,500		1,284,000	1,284,000	+1,284,000	
S.Doc. 103-9	Emergency disaster loans	(80,000,000)		(80,000,000)	(80,000,000)	(+80,000,000)	
S.Doc. 103-9	Subsidy	20,504,000		20,504,000	20,504,000	+20,504,000	
	Rural Development Insurance Fund Program Account:						
	Industrial development loans: Guaranteed:						
S.Doc. 103-9	Loan level	(50,000,000)		(50,000,000)	(50,000,000)	(+50,000,000)	
S.Doc. 103-9	Contingency Loan level	(50,000,000)		(50,000,000)	(50,000,000)	(+50,000,000)	
S.Doc. 103-9	Loan subsidy	2,705,000		2,705,000	2,705,000	+2,705,000	
S.Doc. 103-9	Contingency Loan subsidy	2,705,000		2,705,000	2,705,000	+2,705,000	
S.Doc. 103-9	Very low-income housing repair grants	15,000,000		15,000,000	15,000,000	+15,000,000	
S.Doc. 103-9	Emergency community water assistance grants	20,000,000		20,000,000	20,000,000	+20,000,000	
S.Doc. 103-9	Contingency appropriations	30,000,000		30,000,000	30,000,000	+30,000,000	
	Total, Chapter I:						
	New budget (obligational) authority	1,553,683,500	1,195,000,000	2,453,683,000	2,453,683,000	+1,258,683,000	
	Appropriations	(1,195,978,500)	(895,000,000)	(2,095,978,000)	(2,095,978,000)	(+1,200,978,000)	
	Fiscal Year - 1993	(1,195,978,500)	(895,000,000)	(1,195,978,000)	(1,195,978,000)	(+300,978,000)	
	Fiscal Year - 1994			(900,000,000)	(900,000,000)	(+900,000,000)	
	Contingency appropriations	(357,705,000)	(300,000,000)	(357,705,000)	(357,705,000)	(+57,705,000)	
	(Guaranteed loan authorization)	(100,000,000)		(100,000,000)	(100,000,000)	(+100,000,000)	
	(Direct loan authorization)	(102,000,000)		(102,000,000)	(102,000,000)	(+102,000,000)	
	CHAPTER II						
	DEPARTMENT OF COMMERCE						
	Economic Development Administration						
S.Doc. 103-9	Economic development assistance programs	100,000,000		100,000,000	100,000,000	+100,000,000	
103-116 S.Doc. 103-9 1/	Contingency appropriations	100,000,000	100,000,000	100,000,000	100,000,000		
	Total, Economic Development Administration	200,000,000	100,000,000	200,000,000	200,000,000	+100,000,000	

FY 1993 EMERGENCY SUPPLELMENTAL APPROPRIATIONS (H.R. 2667), continued

Doc No.		Supplemental Request	House	Senate	Final Congressional Action	Final Action compared with House	Final Action compared with Senate
	National Oceanic and Atmospheric Administration						
S.Doc. 103-9	Operations, research, and facilities	1,000,000	1,000,000	1,000,000	1,000,000		
	Total, Department of Commerce	201,000,000	101,000,000	201,000,000	201,000,000	+100,000,000	
	RELATED AGENCIES						
	Legal Services Corporation						
	Payment to the Legal Services Corporation		300,000		300,000		+300,000
	Small Business Administration						
	Disaster Loans Program Account:						
103-116	Direct loans subsidy	60,000,000	60,000,000	60,000,000	60,000,000		
1/	Contingency loan subsidy	10,000,000		20,000,000	20,000,000	+20,000,000	
103-116	(Direct loan authorization)	(300,000,000)	(300,000,000)	(300,000,000)	(300,000,000)		
1/	Contingency loan level	(48,591,000)		(97,182,000)	(97,182,000)	(+97,182,000)	
103-116	Administrative expenses	10,000,000	10,000,000		10,000,000		+10,000,000
	Total, Small Business Administration	80,000,000	70,000,000	80,000,000	90,000,000	+20,000,000	+10,000,000
	Total, Chapter II:						
	New budget (obligational) authority	281,000,000	171,300,000	281,000,000	291,300,000	+120,000,000	+10,300,000
	Appropriations	(171,000,000)	(71,300,000)	(161,000,000)	(171,300,000)	(+100,000,000)	(+10,300,000)
	Contingency appropriations	(110,000,000)	(100,000,000)	(120,000,000)	(120,000,000)	(+20,000,000)	
	(Direct loan authorization)	(348,591,000)	(300,000,000)	(397,182,000)	(397,182,000)	(+97,182,000)	
	CHAPTER III						
	DEPARTMENT OF DEFENSE - CIVIL						
	DEPARTMENT OF THE ARMY						
	Corps of Engineers - Civil						
103-116 S.Doc. 103-9	Operation and maintenance, general	55,000,000	30,000,000	55,000,000	55,000,000	+25,000,000	
103-116 S.Doc. 103-9	Flood control and coastal emergencies	120,000,000	100,000,000	120,000,000	120,000,000	+20,000,000	
103-116 S.Doc. 103-9	Contingency appropriations	60,000,000	20,000,000	60,000,000	60,000,000	+40,000,000	
	Total, Chapter III:						
	New budget (obligational) authority	235,000,000	150,000,000	235,000,000	235,000,000	+85,000,000	
	Appropriations	(175,000,000)	(130,000,000)	(175,000,000)	(175,000,000)	(+45,000,000)	
	Contingency appropriations	(60,000,000)	(20,000,000)	(60,000,000)	(60,000,000)	(+40,000,000)	
	CHAPTER IV						
	DEPARTMENT OF LABOR						
	Employment and Training Administration						
S.Doc. 103-9	Training and employment services	43,500,000		43,500,000	43,500,000	+43,500,000	
1/	Contingency appropriations	11,100,000	43,500,000	11,100,000	11,100,000	-32,400,000	
	Total, Department of Labor	54,600,000	43,500,000	54,600,000	54,600,000	+11,100,000	
	DEPARTMENT OF HEALTH AND HUMAN SERVICES						
	Assistant Secretary for Health						
103-116 S.Doc. 103-9	Public Health Emergency Fund (contingency appropriations)		54,000,000			-54,000,000	
	Office of the Secretary						
S.Doc. 103-9	Public health and social services emergency fund (contingency appropriations)	75,000,000		75,000,000	75,000,000	+75,000,000	
	Total, Department of Health and Human Services.	75,000,000	54,000,000	75,000,000	75,000,000	+21,000,000	
	DEPARTMENT OF EDUCATION						
S.Doc. 103-9	Impact aid (contingency appropriations)	70,000,000		70,000,000	70,000,000	+70,000,000	
S.Doc. 103-9	Student financial assistance	30,000,000		30,000,000	30,000,000	+30,000,000	
	Total, Department of Education	100,000,000		100,000,000	100,000,000	+100,000,000	
	Total, Chapter IV:						
	New budget (obligational) authority	229,600,000	97,500,000	229,600,000	229,600,000	+132,100,000	
	Appropriations	(73,500,000)		(73,500,000)	(73,500,000)	(+73,500,000)	
	Contingency appropriations	(156,100,000)	(97,500,000)	(156,100,000)	(156,100,000)	(+58,600,000)	

FY 1993 EMERGENCY SUPPLEMENTAL APPROPRIATIONS (H.R. 2667), continued

Doc No.		Supplemental Request	House	Senate	Final Congressional Action	Final Action compared with House	Final Action compared with Senate
	CHAPTER V						
	DEPARTMENT OF TRANSPORTATION						
	United States Coast Guard						
103-116 S.Doc. 103-9	Operating expenses	10,000,000		10,000,000	10,000,000	+10,000,000	
	Contingency appropriations		10,000,000			-10,000,000	
	Total, United States Coast Guard	10,000,000	10,000,000	10,000,000	10,000,000		
	Federal Highway Administration						
103-116	Federal-aid highways (Highway Trust Fund)	100,000,000	75,000,000	100,000,000	100,000,000	+25,000,000	
S.Doc. 103-9	Contingency appropriations	75,000,000	50,000,000	75,000,000	75,000,000	+25,000,000	
	Total, Federal Highway Administration	175,000,000	125,000,000	175,000,000	175,000,000	+50,000,000	
	Federal Railroad Administration						
S.Doc. 103-9	Local rail freight assistance	10,000,000					
S.Doc. 103-9	Contingency appropriations	6,000,000	21,000,000	21,000,000	21,000,000		
	Total, Federal Railroad Administration	16,000,000	21,000,000	21,000,000	21,000,000		
	Total, Chapter V:						
	New budget (obligational) authority	201,000,000	156,000,000	206,000,000	206,000,000	+50,000,000	
	Appropriations	(120,000,000)	(75,000,000)	(110,000,000)	(110,000,000)	(+35,000,000)	
	Contingency appropriations	(81,000,000)	(81,000,000)	(96,000,000)	(96,000,000)	(+15,000,000)	
	CHAPTER VI						
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
	Housing Programs						
S.Doc. 103-9	HOME investment partnerships program	50,000,000	100,000,000	50,000,000	50,000,000	-50,000,000	
103-116 S.Doc. 103-9	Contingency appropriations						
	Community Planning and Development						
103-116 S.Doc. 103-9	Community development grants	200,000,000	53,000,000	200,000,000	200,000,000	+147,000,000	
103-116	Contingency appropriations						
	Total, Community Planning and Development	200,000,000	53,000,000	200,000,000	200,000,000	+147,000,000	
	Total, Department of Housing and Urban Development	250,000,000	153,000,000	250,000,000	250,000,000	+97,000,000	
	INDEPENDENT AGENCIES						
	Commission on National and Community Service						
S.Doc. 103-9	Programs and activities	2,000,000	2,000,000	2,000,000	2,000,000		
1/	Contingency appropriations	2,000,000		2,000,000	2,000,000	+2,000,000	
	Total, Commission on National and Community Service	4,000,000	2,000,000	4,000,000	4,000,000	+2,000,000	
	Environmental Protection Agency						
S.Doc. 103-9	Abatement, control, and compliance	24,250,000		24,250,000	24,250,000	+24,250,000	
S.Doc. 103-9	Program and research operations	1,000,000		1,000,000	1,000,000	+1,000,000	
S.Doc. 103-9	Leaking underground storage tank trust fund	8,000,000		8,000,000	8,000,000	+8,000,000	
S.Doc. 103-9	Oil spill response	700,000		700,000	700,000	+700,000	
	Total, Environmental Protection Agency	33,950,000		33,950,000	33,950,000	+33,950,000	
	Federal Emergency Management Agency						
103-116 S.Doc. 103-9	Disaster relief, FY 1993	873,000,000	815,000,000	1,735,000,000	1,735,000,000	+920,000,000	
103-116 S.Doc. 103-9	Contingency appropriations	265,000,000		265,000,000	265,000,000	+265,000,000	
S.Doc. 103-9	Disaster relief, FY 1994 emergency supplemental	862,000,000					
	Total, Federal Emergency Management Agency.	2,000,000,000	815,000,000	2,000,000,000	2,000,000,000	+1,185,000,000	
	Total, Chapter VI:						
	New budget (obligational) authority	2,287,950,000	970,000,000	2,287,950,000	2,287,950,000	+1,317,950,000	
	Appropriations	(2,020,950,000)	(970,000,000)	(2,020,950,000)	(2,020,950,000)	(+1,050,950,000)	
	Fiscal Year - 1993	(1,158,950,000)	(970,000,000)	(2,020,950,000)	(2,020,950,000)	(+1,050,950,000)	
	Fiscal Year - 1994	(862,000,000)					
	Contingency appropriations	(267,000,000)		(267,000,000)	(267,000,000)	(+267,000,000)	

FY 1993 EMERGENCY SUPPLELMENTAL APPROPRIATIONS (H.R. 2667), continued

Doc No.		Supplemental Request	House	Senate	Final Congressional Action	Final Action compared with House	Final Action compared with Senate
	CHAPTER VII						
	DEPARTMENT OF THE INTERIOR						
	United States Fish and Wildlife Service						
S.Doc. 103-9	Construction and anadromous fish	30,000,000	26,354,000	30,000,000	30,000,000	+3,646,000	
	National Park Service						
S.Doc. 103-9	Historic preservation fund	5,000,000		5,000,000	5,000,000	+5,000,000	
S.Doc. 103-9	Construction	900,000	850,000	900,000	900,000	+50,000	
	Total, National Park Service	5,900,000	850,000	5,900,000	5,900,000	+5,050,000	
	United States Geological Survey						
S.Doc. 103-9	Surveys, investigations, and research	1,439,000	851,000	1,439,000	1,439,000	+588,000	
	Bureau of Indian Affairs						
S.Doc. 103-9	Operation of Indian programs	3,878,000		3,878,000	3,878,000	+3,878,000	
	Total, Chapter VII:						
	New budget (obligational) authority	41,217,000	28,055,000	41,217,000	41,217,000	+13,162,000	
	Appropriations	(41,217,000)	(28,055,000)	(41,217,000)	(41,217,000)	(+13,162,000)	
	Contingency appropriations						
	Grand total, all titles:						
	New budget (obligational) authority	4,829,450,500	2,767,855,000	5,734,450,000	5,744,750,000	+2,976,895,000	+10,300,000
	Appropriations	(3,797,645,500)	(2,169,355,000)	(4,677,645,000)	(4,687,945,000)	(+2,518,590,000)	(+10,300,000)
	Fiscal Year - 1993	(2,935,645,500)	(2,169,355,000)	(3,777,645,000)	(3,787,945,000)	(+1,618,590,000)	(+10,300,000)
	Fiscal Year - 1994	(862,000,000)		(900,000,000)	(900,000,000)	(+900,000,000)	
	Contingency appropriations	(1,031,805,000)	(598,500,000)	(1,056,805,000)	(1,056,805,000)	(+458,305,000)	
	(Guaranteed loan authorization)	(100,000,000)		(100,000,000)	(100,000,000)	(+100,000,000)	
	(Direct loan authorization)	(450,591,000)	(300,000,000)	(499,182,000)	(499,182,000)	(+199,182,000)	

1/ Request transmitted in August 3 & 4, 1993 letters from OMB Director.

Mr. Speaker, I reserve the balance of my time.

□ 1050

Mr. MCDADE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this resolution to dispose of the Senate amendments to H.R. 2667, the emergency supplemental for the Midwest floods and other disasters.

Mr. Speaker, at the outset, I want to pay a tribute to the distinguished gentlemen from Kentucky, our esteemed chairman of the Committee on Appropriations, who in this bill, as in all other bills, has conducted himself in the highest traditions of the Committee on Appropriations and the House itself. He brings credit to all of us, Mr. Speaker, and we are indebted to him.

Before I address the bill, too, Mr. Speaker, if I may on kind of a point of personal privilege, I want to express my deep appreciation to my dear friend and colleague, the gentleman from Indiana [Mr. MYERS]. When this bill was up before the House and being considered, I was taken ill and not able to be here and manage it on the floor of the House. My good friend, the gentleman from Indiana [Mr. MYERS], was called upon to substitute with very, very short notice and did so in a highly professional and a highly workmanlike manner. The House owes him a debt, too, for his willingness to perform in his usual excellent fashion.

Mr. Speaker, in briefest form, what we are doing here is agreeing to the Senate changes to the House-passed bill with just a couple of exceptions.

This means essentially taking the higher numbers for disaster relief programs, $5.7 billion in budget authority and $6.2 billion in budgetary resources, more than double the amount of the bill when it left the House, and deleting unrelated legislative provisions.

The only exceptions to agreeing to the Senate amendments are: first, $300,000 for the Legal Services Corporation that was in the House-passed bill; and second, the House language requiring community development block grant funds to be used for health and safety repairs.

Mr. Speaker, when the flood supplemental left this House on July 27, it contained $3 billion in budgetary resources. Two days later, the administration requested an additional $2 billion, to meet the problems in the Midwest, including $1.2 billion for FEMA, $200 million for agriculture disasters, $147 million for CDBG, and funds for a host of programs that has not been previously requested, such as $100 million for education emergency programs. The Senate Appropriations Committee included those additional items when it marked up the bill on July 30.

Then, when the bill came to the Senate floor, the administration requested $131 million in further funding, including $100 million for the Economic Development Administration, and that was included. Finally, the administration supported the Harkin-Bond amendment to raise agricultural disaster payments from 50 percent of the eligible payment to 100 percent, which CBO scores as costing approximately $900 million in budget authority in 1994.

Mr. Speaker, the net result was to double the amount of funding in the bill, but I want to make this point strongly to my colleagues, that all of it was either at the request or with the endorsement of the administration as it viewed the needs necessary to meet the disaster in the Midwest.

The approach we have taken with emergencies like this is to provide the resources that are necessary, to help struggling families and communities cope with the immense devastation that faces them. So, though this bill has doubled in size in a very short timeframe, because it contains items that were indeed requested or endorsed by the administration consistent with its estimates of the flood disaster, I will support it.

Mr. Speaker, I believe that Members who have expressed themselves, Members on both sides of the aisle with deep feelings on the need to find a new and better way to respond to emergencies without adding to the deficit, have performed a valuable service, and

I sincerely hope that the promises that were made to set up a task force to reexamine the way that we do pay for national disasters in this country will be followed through on. It is, indeed, Mr. Speaker, an issue that is ripe for review.

In closing, let me once again compliment the chairman of the committee on the way that he sought to keep this bill focused on the disaster needs of the affected areas. It is that kind of leadership, Mr. Speaker, that enables the Congress to respond in a timely way to very real needs, and I congratulate him for his success in negotiating a final product that does what is needed to bring assistance to our afflicted fellow citizens.

Mr. Speaker, I reserve the balance of my time.

Mr. NATCHER. Mr. Speaker, I yield 6 minutes to the gentleman from Iowa [Mr. SMITH], chairman of the Subcommittee on Commerce, Justice, State, and Judiciary.

Mr. SMITH of Iowa. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I am not going to repeat a description of the provisions that were in the bill when it left the House or in that part that is handled by the subcommittee that I am privileged to be chairman of, but I will mention some of the changes made by the Senate.

There have been some changes made since it left the House, because there was and is no way to accurately estimate at any time, even now, what is needed. But some changes have been made to update the recent estimates.

We have gotten refined estimates out in Iowa, for example, since that time, and in some instances, the damage is not as much as thought, but in most instances, the damage is even more, because it was a continuing disaster out there.

I visited several more areas last weekend, and it is just amazing how much they have cleaned up in 1 week. Everybody is working together. They have cleaned up the mud and the debris and the sandbags and have really done an awful lot on their own.

I visited several of these areas last weekend, and three times the week before and there is so much damage, that I would not be surprised if we receive another request later for a supplemental or another request for changes in these figures.

There are a large number of applications for help already coming in. However, as of today, I think the funds in this bill are consistent with the best estimates that we can secure, and the changes made by the Senate, were supported by the administration and I think, should be incorporated in this bill.

I want to mention three or four of the things that were changed. With regard to the Economic Development Administration, on the House side we had $100 million in a contingency fund. EDA supplements in the main part, FEMA, with regard to infrastructure and local problems that may have an affect on the number of people employed or development in an area. The $100 million in the contingency fund is still in this bill but $100 million was added that is not in the contingency fund, because it is apparent now that that will be needed soon.

This appropriation has no effect whatever upon the 1994 appropriations, because this is money that is needed related to disasters over and above what would be needed in the normal manner and under the formulas that are in authorizing laws and rules that are used.

In addition to that, there is an additional $20 million for the Small Business Administration disaster loan program. That is a big program that we have operated since 1977. Mainly it provides low-interest rates and quick access to loans until a disaster victim can secure refinancing or permit them to pay off over a longer period of time the damages that they could not possible suffer in 1 year and still stay in business. Eligibility is limited to those people who intend to stay in business and are able to stay in business and will help to get the community back on its feet.

This loan program was passed back in 1977. The gentleman from Pennsylvania [Mr. MCDADE] was the ranking member at the time, or an important member on the committee. I remember he helped set the loan rates at what they are now, and it has been a very good working program.

Twenty million dollars was added for this program in the Senate, and the reason that it was added was that the maximum amount of a business loan was increased from $500,000 to $1.5 million. It had not been changed since 1970.

The authorizing committee had a number of times considered increasing it to $1 million or somewhere higher than the $500,000. Only 1.2 percent of the applicants seek as much as $500,000, so it indicates there is not a large number that will need more than $500,000.

However, in some instances those are businesses that we want to keep in business that may not be able to stay in business without a loan, and it is a loan to be repaid, and the cost of increasing it from $500,000 to $1.5 million is estimated to be $20 million. In this program, we pay up front the total cost of the subsidies and the costs of operating the program, so the $20 million is for the eventual and total cost of making those loans.

So the cost of this is estimated to be $20 million, and that is included in the bill.

In addition to that, the Legal Services Corporation was in the bill for only $300,000, but the Senate took that out. I do not know why. They apparently did not understand the important needs that have to be met which require legal services for those low-income people who qualify for Legal Services help.

We are near the end of the fiscal year here. The allocations have already been made to all the Legal Services field offices. Legal Services are very important because some victims of disasters, elderly people in many instances, are required to show that they can meet the legal requirements that are necessary.

In a large number of cases, it is landlord-tenant problems where, for example, they may have made a deposit to rent the quarters that were flooded and perhaps for a full month's rent, and they need to get the deposit back so they can rent another house or apartment so they can rent other living quarters or they may need to get out of a lease that they had, and there are legal problems and procedures involved. In other cases they need to rehabilitate their house but must show title. There is a demand and need for additional services by those in disaster areas.

□ 1100

Some said we should offset the cost of this bill, but I want to point out that this is exactly the kind of situation where we anticipated a supplemental at the time the budget reconciliation bill was passed 3 or 4 years ago. We intended that there not be a big fund set aside, but instead of that, when these kinds of emergencies arise, we decided that there be an emergency agreed upon by both the President and the Congress. This is exactly the kind of a situation where that should apply. I ask for a favorable vote on the conference report.

Mr. MCDADE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to say to my friend, the gentleman from Iowa [Mr. SMITH] before I yield to a Member on my side, that I well remember the long hours that we put in in reforming the disaster reform bill. I can only say how much I appreciated working with the gentleman from Iowa. And thank God we were able to accomplish it at that time. It has been, as he says, a good program.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. MCDADE. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. I thank the gentleman for yielding.

Mr. Speaker, the gentleman had experience with Johnstown, so he is well educated on how important it is.

Mr. MCDADE. And Hurricane Agnes was an especially big part of that experience.

Mr. Speaker, at this time I am delighted to yield 3 minutes to the distinguished gentleman from Nebraska [Mr.

BEREUTER]. May I say I have not seen very many Members work as hard as he has. He has shaped this bill for the better and for the better treatment of his constituents and the people of his State.

Mr. BEREUTER. I thank the gentleman for yielding to me. And I thank the gentleman not only for his comments but for his assistance and support as I made my efforts in this regard.

Mr. Speaker, I rise in strong support of the conference report and the Senate amendments in it.

Mr. Speaker, it was about 2 weeks ago when I rose in support of the House disaster assistance supplemental. In order to come to the assistance of the victims of Nature's harsh treatment, I thought it was only fair, proper, and equitable that we treat this year's victims in the Midwest in the flooding and the storms in the same generous fashion that we treated victims of the hurricanes that have hit the country and the typhoons and the earthquake lately.

Mr. Speaker, this Member has toured areas of his State affected by flooding and windstorms, and I have never seen the extent of natural damage in my district as was the case this year. It is the most severe in our lifetime.

As severe and as damaging as was the flood damage—and it damaged an incredible amount of infrastructure, crops, and homes—the wind damage in Nebraska was also equally devastating. Its path of damage stretched from the Goodland, KS area through the Denison, IA area. It could be compared in force with a hurricane.

This Member attempted to have an amendment made in order by the Committee on Rules to deal equitably with people that were devastated by the wind damage. Like all other Members, I was denied an opportunity to make such amendments. But because of the support and assistance of the distinguished gentleman from Pennsylvania [Mr. MCDADE] and because of support, assistance, and expressed concerns of the gentleman from Ohio [Mr. STOKES], and especially the assistance I received from the distinguished gentleman from California [Mr. LEWIS], and two members of the minority staff, Doc Syers and Bill Warfield, we were able to convince the other body to add amendments for the CDBG Program and the housing programs, that now treat the wind-related victims in Nebraska, Kansas, and Iowa in the same equitable fashion as we are treating the flood-damaged people. For that I thank the distinguished gentlemen whom I have mentioned on the Appropriations Committee panel and their staff. I could not have done it without them.

Mr. Speaker, nearly 2 weeks ago this Member rose in support of the House disaster assistance supplemental appropriations bill. In order to come to the assistance of the victims of nature's harsh treatment, it seemed only fair and equitable to treat this year's victims of the flooding and storms in the Midwest in the same generous fashion that we treated the victims of Hurricane Hugo in South Carolina, Hurricane Andrew in Florida, the San Francisco Bay area earthquake, and Typhoon Iniki in Hawaii.

Today, however, this Member rises in support of a disaster assistance bill, modified by action in the other body. Specifically, this Member believes the amendment offered by the junior Senator from Iowa to the Senate version of the disaster legislation while certainly well-intended, does raise questions of equity by treating farmers and small business enterprises differently and by treating this year's victims somewhat differently than victims have been treated in the past. Parenthetically Mr. Speaker, I must report that I understand this is the eighth consecutive crop year for ad hoc disaster payments. It only points further to the need to reform the Federal Crop Insurance Program.

Mr. Speaker, this Member had been informed by USDA that because of the Harkin amendment some agricultural producers, in extraordinary circumstances with little or no production costs to consider, would be better off financially with their disaster payment than if they had raised, harvested, and marketed a normal crop.

While USDA is said to assure that current law, unchanged by the Harkin amendment, prevents any producer from receiving more than 100 percent of their expected gross returns. Also this legislation, particularly as changed by the Harkin amendment, does not sufficiently differentiate in disaster payments between those producers who have purchased crop insurance and those who have not. It thus further undermines and proves detrimental to our long-term efforts to encourage greater participation under the Federal Crop Insurance Program. Clearly reform is needed more than ever.

Mr. Speaker, this Member has toured the areas of his State affected by flooding and wind damage. The damage this Member witnessed confirmed his impression that this is the broadest, most violent storm-related damage that has struck eastern Nebraska in this Member's lifetime.

Damage to crops, infrastructure, and personal property is the most severe and wide-ranging anyone in the State can remember.

In Nebraska, the majority of the counties have been substantially affected by this flood and wind-related disaster. Currently at least 18 of the 25 counties in this Member's district will be designated Federal disaster areas and that number may yet grow. Infrastructure damage includes an incredible number of bridges and roads washed away and extremely costly damage to power lines throughout the area. Much property damage cannot even be assessed until flood waters recede and total crop losses won't be known until after the fall harvest.

As severe and damaging as the devastating flooding has been throughout the Midwest, the wind damage experienced in Nebraska has been equally devastating. This Member witnessed damage from windstorms that can only be compared to that inflicted by a hurricane. It is important and appropriate that this measure includes assistance for wind damaged areas. Accordingly, the Senate-passed version of this measure includes language making areas suffering wind damage eligible for assistance under the HOME and CDBG programs. This Member would like to express appreciation to his colleagues for recognizing the equity of treating wind damage the same as flood damage for victims of this violent storm system. Specific thanks go to Chairman STOKES for his personal understanding of this issue and to the distinguished gentleman from California [Mr. LEWIS] for his invaluable efforts to include this much needed language. This Member also commends Mr. Doc Syers of Representative LEWIS' staff and Mr. Bill Warfield of the Appropriations Committee minority staff for their hard work and tireless efforts to bring equitable treatment to victims of wind damage in the Midwest.

Crises like these bring out the best in midwesterners. The pioneer spirit of neighbor helping neighbor is still very much alive in this part of the country, where everyone has come together to work through this emergency, just as they have provided assistance to victims of other disasters in other parts of the country in the past. Mr. Speaker, previously the Federal Government has provided aid to victims of those other disasters, we must do so now for these citizens. This Member supports passage of this measure.

Mr. NATCHER. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. STOKES], chairman of the Subcommittee on Veterans' Affairs, HUD, and Independent Agencies.

Mr. STOKES. I thank the distinguished chairman of the full Committee on Appropriations for yielding this time to me.

Mr. Speaker, I rise in support of this resolution which will provide emergency supplemental disaster funds for relief from flooding in the Midwest. These funds are essential to provide assistance in responding to and recovering from these floods.

The House-passed bill provided $970 million for disaster relief activities in FEMA, HUD, and the Commission on National and Community Service. That bill provided the amounts the administration requested at that time.

The Senate passed bill provides $2,287,950,000 for disaster relief assistance in FEMA, HUD, EPA, and the Commission on National and Community Service. This is the revised amount requested by the administration. This amount consists of: $2 billion for FEMA's disaster relief fund; $50 million for HUD's HOME Investment Partnerships Program; $200 million for HUD's Community Development Grants Program; $33,950,000 for EPA; and $4 million for the Commission on National and Community Service.

This resolution will provide the $2,287,950,000 currently requested for programs under the jurisdiction of the VA, HUD, and Independent Agencies Subcommittee.

Mr. Speaker, there are two items I would like to mention. We have retained a provision in the community development grants paragraph, which was included in the House-passed version. This provision will permit the use of funds only to repair facilities damaged and to continue services interrupted by flooding that are essential to public health and or safety. This provision is intended to ensure that no funds are used for activities such as repairing swimming pools or golf courses. Additionally, language inserted by the Senate has been included which would provide HOME and CDBG funds for areas affected by high winds, hail, and other related weather damages. The Members will recall that there was considerable discussion on this issue between Mr. LEWIS, Mr. BEREUTER, and myself at the time this bill was considered in the House.

Mr. Speaker, these funds are desperately needed by the victims of the Midwest floods. I urge the Members to support the resolution.

Mr. McDADE. Mr. Speaker, I am pleased to yield 1 minute to the distinguished and able gentleman from Florida [Mr. GOSS].

Mr. GOSS. I thank the distinguished gentleman from the greater metropolitan Dalton area for yielding this time to me.

My purpose as a member of the Committee on Rules is to congratulate the ranking member, the gentleman from Pennsylvania [Mr. McDADE], and the chairman of the full committee, the gentleman from Kentucky [Mr. NATCHER], on their sensitive and efficient approach to the problems we had with the rule on this. There is no secret, Members will recall we did have troubles with the rule.

I am satisfied we have an excellent solution, I am satisfied that extraneous matters have been excised, and I am in a position to recommend full support for this resolution. The key point was to get relief to the flood victims. We wanted to make absolutely certain not only did we get the relief to them but that they knew it was coming, to provide the psychological relief involved because the suffering is true and it is great.

Certainly there are questions of costs to be resolved, where these sums are going to come from. We have promises, commitments, and understandings that we are going to get into that serious and responsible debate on how we are going to do this for not only this disaster but other disasters in the future like it.

I think that is a very positive step.

The final point I think we need to point out is that we agree going into recess now knowing that nobody has been denied thus far by our deliberations and certainly we have provided well for those victims at the time we will be in recess.

□ 1110

Mr. NATCHER. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. DURBIN], chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, of the Committee on Appropriations.

Mr. DURBIN. Mr. Speaker, I rise in support of this conference report on the emergency disaster supplemental bill.

I would say to my colleagues that I am certain that America has grown weary of the flood of 1993. Those who do not live in the flooded areas probably wonder if the time will ever come when they turn on their television news and do not see another report of the devastation of this flood.

I can tell them as well as a Congressman who represents the flooded area, we, too, are very, very weary of this flood. The National Guard units have been on alert now for 5 weeks or more, separate from their homes and families, the flood victims who have been out of their homes in many instances now for a month or more, businesses that have been interrupted with all the anxiety wondering if they will ever be able to reopen, farmers who have seen a lifetime of work and perhaps a farm that has been in their family for generations literally washed away by the flood waters.

Think of the tedium, think of the anxiety, think of the pain and suffering that they all go through.

So we rally as a nation to try to help these victims. We come together on the floor of this House and the other body to attempt to find some way through the appropriation of funds to give a helping hand to Americans who otherwise would be in a very terrible situation.

This bill, of course, has increased in size dramatically since it left the House a little over a week ago. As has been said earlier, it now costs more than twice the amount that we appropriated. The money that is included in it has all been requested by the administration.

The largest single element in this disaster supplemental, of course, relates to helping those farm families who have lost their crops. All the increases over the House appropriation were requested by the administration in the area of agricultural payments. Approximately $1.3 billion is included in this bill for disaster payments to farmers. We provide for those farmers who did buy crop insurance, who enrolled in the program and who have literally lost all their crops, compensation to make certain that they are whole again as they would be at the end of this crop year.

Mr. Speaker, there is some concern over the Senate provision which provides for a 100-percent disaster payment rate. The House provision provided for a disaster payment rate of 50.04 percent of the authorized level plus a 90-percent level for catastrophic losses.

First, let me point out that at the 100-percent rate, according to the U.S. Department of Agriculture, no farmer will be better off than if there had been no disaster. That is because the 1990 farm bill provides that you must first deduct 35 percent of your crop loss, and then you are eligible for a payment equal to 65 percent of the remainder of your loss.

If a farmer has suffered a total loss and is participating in the farm program, that farmer may, through a combination of deficiency payment, crop insurance payment, 0-92 participation, and disaster payment recover an amount close to the value of his lost crop but less than what he would have received had there been no disaster. That is because, under the law, the disaster payment is discounted against a crop insurance payment.

Farmers who do not have crop insurance will receive considerably less. Farmers who do not participate in the farm program will receive even less.

I would like to note that, under current law, farmers who receive a substantial disaster payment will be required to purchase crop insurance on next year's crop. I question if this provision of law goes far enough. I believe it may be more equitable to have a 2-year or, preferably, a 3-year purchase requirement.

There is money in here as well for the Extension Service, some $3½ million, to reach out and try to help these families put their lives back together, and some $60 million, critical funds for watershed and flood prevention emergency repair work by the Soil and Conservation Service.

Mr. Speaker, I wish I could stand here with some confidence and tell the Members of the House that this is the end of the flood of 1993, that with this appropriation we will have dispatched our duty, but I have to report to you that I am afraid that is not the case. When we return in September we will, of course, assess the damage again, evaluate what is necessary to help the victims recover. We may be asked again for a helping hand.

I represent people who are very proud, very hard working, who very seldom turn to others for help, except in the most dire circumstances. I am sorry to report for many of these families these circumstances now exist.

We are turning to our neighbors across America for a helping hand. We are trying to help ourselves in the process, too. We stand together as a family today, a family of Americans helping one another through a crisis which this family must endure.

Mr. McDADE. Mr. Speaker, I yield 2 minutes to one of the distinguished ranking members of the Committee on

Appropriations, the gentleman from Iowa [Mr. LIGHTFOOT].

Mr. LIGHTFOOT. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I would just like to say that we are very pleased and relieved that we have been able to move this urgently needed package so swiftly. I believe a great deal of thanks goes to the gentleman from Kentucky [Mr. NATCHER] who wanted to put this through nice and clean in the beginning, but was not allowed to do that, but has been able to effect that at this point in time, and of course, the gentleman from Pennsylvania [Mr. MCDADE] who worked so diligently on our side of the aisle as well.

I would also like to thank the people who have helped so much throughout this flood, the individuals who volunteered, people who sent food, clothing, and money. It is something that will never be forgotten.

I think it is important that we realize this is only a down payment. There will be virtually millions of dollars that will never be repaid or turned in for a claim anywhere, people who repair homes who will not turn it in to the insurance company, who will not look to the Federal Government for help, but will just dig down in their own pockets and do it.

There are millions and millions of dollars in lost business that has occurred during this flood that will never be replaced by anything from the Federal Government.

At best, this package will only help to put the infrastructure back in place which will allow us to continue to go ahead and be the thriving part of the world that we so much like to be.

So again, it is important that this package go through. I certainly would not want Americans to get in their heads that this is going to pay for everything and cure the whole problem. It will not. It is simply one part of the puzzle, but a very important part of the puzzle leading to a solution of the problem.

As the gentleman from Illinois [Mr. DURBIN] mentioned a moment ago, when the waters go down we will continue to make assessments and I am sure we are going to continue to find more and more damaged families, more and more damaged homes, farms, businesses, and public facilities as well.

We estimate that about 1,400 bridges, just in my district, will need some kind of repair.

So again, my heartfelt thanks to everyone on our committee who worked so hard to get this through and to our colleagues here who we hope will very unanimously pass this measure this afternoon.

Mr. NATCHER. Mr. Speaker, I yield 1 minute to the chairman of the Committee on Agriculture, the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I thank the distinguished chairman for yielding this time to me.

Mr. Speaker, I rise in support of this agreement and the changes recommended by the Senate.

I just want to address briefly the question of how will this be paid for and the issue that was raised in the initial consideration of this legislation.

I would like to remind my friends and colleagues that Agriculture in the past 12 years has reduced expenditures by $52 billion, $13 billion since the 1990 act. Last night with the legislation agreed to here, and if it is agreed to in the Senate, we are adding another $3 billion over a 5-year period.

I think we have made our contribution and certainly the issue should not be who is going to pay, because Agriculture for the part they will be considered has already paid in and I think deserves to be considered favorably.

Mr. MCDADE. Mr. Speaker, I am delighted to yield 3 minutes to the gentleman from Iowa [Mr. GRANDY], one of our very able Members.

Mr. GRANDY. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I will rise in support of this particular provision, but it will be reluctant support today, because any of us who come from the flood-ravaged areas knew going in that the House version of this supplemental would be short, that the Senate would add to it, so it comes as no surprise that we have essentially doubled the amount the Senate sent back to the House, and that will be the amount that we will recede to. That is fine.

But I must say that one of the things that concerns me about this package is although it is long on compassion and will probably continue to be so when we come back in September and add to it, I wonder if it is not a little short on common sense.

There are a couple of provisions here that although they provide needed short-term relief to farmers will send conflicting signals and perhaps in the long run further indenture the American farmer to the Federal Government. These two provisions are the ones I want to bring before the House.

And of course, it cannot be lost on us that we are doing this less than 24 hours after supposedly enacting the most historic deficit reduction package in the history of this Congress, but we are adding another $6 billion to the same deficit we tried to reduce last night.

I understand emergency provisions, and I support them, but two points on this particular package I think they are looking at.

One is the provision that was added by the Senate to expand, albeit double the amount of disaster laws paid to farmers. There is no question that disaster provision which had it not been changed is only 21 cents on the dollar is way too short, but the downstream consequence of this if we do not give farmers their own risk management tool which we have tried unsuccessfully year after year through crop insurance to do will be to further tie them to the Federal Government for disaster relief and send the same signals that we have sent every year, a mixed signal, saying, "Buy crop insurance, but if you don't, we will bail you out, and in some cases we will even double your loss."

□ 1120

Mr. DE LA GARZA. Mr. Speaker, will the gentleman yield?

Mr. GRANDY. I will yield to the chairman of the committee in just a minute. I want to make one other point first.

The other problem we have here, and one that I grant you in the short term is probably needed, is the unlimited borrowing authority of the CCC. This essentially opens up a blank check to the Secretary of Agriculture to write off some of these disaster problems. I know, because I am a former member of the committee, that these losses will be offset by the various deficiency payments we will not pay.

Yes, I supported those kinds of measures when we were writing job relief, but there is still no signal from the commodity markets that the price is going to respond that way.

I do not mean to get up and curse the darkness and say that we should not pass this. I am going to support it. But what bothers me is that in our attempt to rush to judgment and provide needed relief, we are perhaps setting in motion some signals that I think will be very hard to repeal when we try to do it under the appropriate authorizing vehicles.

Mr. Speaker, I now yield to my friend, the gentleman from Texas.

Mr. DE LA GARZA. Mr. Speaker, I thank the gentleman for yielding, and I rise to agree with him and commend him for his initiative and the work he has tried to do in regard to crop insurance. Our committee has been working in that effort. We tried to address it in the reconciliation.

The SPEAKER pro tempore (Mr. MAZZOLI). The time of the gentleman from Iowa [Mr. GRANDY] has expired.

Mr. MCDADE. Mr. Speaker, I yield 1 additional minute to the gentleman from Iowa [Mr. GRANDY].

Mr. GRANDY. Mr. Speaker, I yield again to my friend, the gentleman from Texas.

Mr. DE LA GARZA. Mr. Speaker, we were not successful, but I think all of us are in agreement, and certainly we will expect the cooperation and leadership of the gentleman from Iowa as we continue working in this endeavor.

Mr. GRANDY. Mr. Speaker, I trust the chairman implicitly, and I know his word is good in this House, but I will say as a former member of the Committee on Agriculture who has tried to get some kind of proper risk-management tool into the hands of farmers, that I hope the chairman is right, but I am afraid that with this bill we are moving in the opposite direction. Although I will support the relief because it is needed and I know this estimate is short, I am afraid we are perhaps sacrificing long-term gains for short-term amelioration.

Mr. MCDADE. Mr. Speaker, I am pleased to yield 1½ minutes to the distinguished gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding the time, and I rise to add my support to the disaster relief bill for the flood victims of the Midwest, but there are also other areas of the United States I would like to bring attention to before the House this morning.

For those on the east coast, and especially in my area of the Eastern Shore of Maryland, a silent tragedy is taking place, and that is as a result, not only of the drought which harshly impacts the feed products such as corn and soybeans, but also the conditions that affect all of the vegetable farmers and dairy production, the dairy industry. The milk production is down. The weight of the poultry is down, which means much less money for the poultry industry when it comes to market.

What I want to do just very quickly is show not only the impact and the effect of the drought on the east coast and on the Eastern Shore of Maryland but what it does to corn when it is so hot. The heat to the production of corn is just as damaging as the drought. If it is over 87 degrees, it is very difficult for corn to germinate within the very limited period of time it happens to take place.

This is an ear of field corn. It is actually not as big as it should be, but this is about an average ear of field corn for cows and pigs and things like that. This is what that field corn looks like in my area because of the heat and the drought. This is a cob. Compare those two.

Mr. Speaker, this is why I rise this morning in support of this disaster relief program.

Mr. VOLKMER. Mr. Speaker, will the gentleman yield?

Mr. GILCHREST. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Speaker, I well remember our experiences, and I sympathize with the gentleman and especially his farm producers who are going through this.

Just briefly, we went through the same thing back in 1988. I sympathize with the gentleman, and I commend the Senator from Iowa who knocked out the August 1 date so that for the gentleman in Maryland, for those in Virginia, North Carolina, South Carolina, and Georgia, all of this area where they have the drought, those agricultural producers will be entitled to disaster assistance also.

Mr. GILHREST. Mr. Speaker, I thank the gentleman from Missouri.

In the fall the yield might get a little bit worse, and let me make just one other quick comment. We do need reform in agricultural programs, from crop insurance all the way through.

Mr. NATCHER. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I first want to thank the chairman of the committee for yielding me this time. I told him I was opposed to the bill, and as always, he was gracious and fair and acceded to me and yielded 3 minutes of time.

Mr. Speaker, I must rise in opposition to the bill on three different levels. The first is a general level. I think we should all feel sort of foolish here. We spent the last 3 weeks figuring out how to reduce the deficit, fighting over half a billion dollars for this program or maybe $250 million for this, and $1 billion for that, and here we come today with a bill that has almost doubled in size from the time we sent it over to the Senate. All of it will not be included or not be paid for, so we are going to increase the deficit $5.8 billion more than the retroactivity provisions, and nobody gives a peep.

If we keep doing this, the public will say, despite our wonderful efforts last night, that we are not really serious about deficit reduction and it is all symbolic.

I am very sympathetic to the flooded people in the Middle West, and I certainly believe that we should not institute deficit reduction in between the disaster and the disaster relief. But I certainly feel that we ought to be doing something the minute we come back in September to figure out how we are going to pay for disasters and other unexpected events down the road, because here we are the next morning, the morning after, if you will, and $6 billion does not mean a thing, whereas last night $50 million meant everything. It is just not right. It is not fair, and when the public sort of says, "They are not serious about deficit reduction," they have a point.

The second reason I rise in opposition is that the Senate bill went way beyond the more carefully crafted House measure. I want to salute the chairman of the full committee and the chairman of the subcommittee for putting together this bill. But what they have done as the bill went to the Senate and came back is, for those farmers who had crop insurance and who were part of the program, they will be made either whole, a little less than whole, or even a little more than whole, and yet there is not even a requirement that they buy crop insurance for the remaining 3 years. That is wrong. That is a boondoggle. That is unfair.

The House bill kept the 50.04 percentage of the money. So, yes, people would get relief, but they would not be made whole or even greater than whole. Yet here with the Senate bill, as they debate deficit reduction today, they are made fully whole, and if it happens again in 2 years and they do not have crop insurance, they are not even harmed.

If we are going to get the farmers to be responsible, those who do not buy crop insurance, we should remember that we could have started with that here today. That is a terrible and tragic mistake. Rarely do we ever in any kind of disaster, in Maryland or anywhere in the country, say that we are going to make you whole 100 percent.

Mr. VOLKMER. Mr. Speaker, will the gentleman yield?

Mr. SCHUMER. I do not have much time, but I would be glad to talk with the gentleman on his time.

This bill takes an extra billion dollars to do that. I dare say that many of the Members on both sides of the aisle, if this were done on another type of measure, would say, "This goes too far. We can't support it."

Mr. Speaker, I respectfully urge my colleagues to vote no on this measure and go back to the House bill. The Senate bill goes too far.

The SPEAKER pro tempore. The Chair wishes to advise that the gentleman from Pennsylvania [Mr. MCDADE] has 13½ minutes remaining, and the gentleman from Kentucky [Mr. NATCHER] has 4 minutes remaining.

☐ 1130

Mr. MCDADE. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Speaker, I rise in very strong support of the measure before the House. If ever there was a necessary disaster relief bill, this is it.

Mr. MCDADE. Mr. Speaker, I am pleased to yield 1½ minutes to the distinguished gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I find myself in a quandary because on the one hand we fight for the deficit reduction, and I support the comments of my friend, the gentleman from New York [Mr. SCHUMER]. On the other hand, I was in Centerville last week and I looked at the corn in the area of the gentleman from Maryland [Mr. GILCHREST]. I walked through those corn fields. I know the problems they have there, as well as the drought they have in southern California. Mr. Speaker, I cannot mention that any member of my family is in the audience, but within my sound and line of sight, my brother is the president of the chamber of commerce in St. Charles. He said, "Duke, I can throw a rock and hit the water out my front window." He said, "Not only that, the topsoil that the farmers have within that area will never come back. All that topsoil for raising crops is gone, and they need help."

Mr. Speaker, he got here over one bridge, the only bridge that is open to Washington, DC. He brought with him my niece and her husband, whom I have never met before, to say, "Duke, we need help."

Mr. Speaker, most of us did not support the measure on this side of the aisle because of a provision that raised the age of teenagers from 13 to 30 and gave them a $100 a week stipend. That is pork. But people need help, and I think that most Americans do not mind their tax dollars going to help people that are truly in trouble in this country.

Mr. Speaker, maybe we need to take a look, and I hope my friend, the gentleman from New York [Mr. SCHUMER] would take a look at the National Service Act that is coming up, $1.5 billion in 3 years. Again, who pays for that? That is going to go to the national debt.

Mr. Speaker, I would ask for support of this bill. I am not from the Midwest; I am from San Diego. But I know the folks need help, and I think we ought to support this.

Mr. NATCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, I first wish to commend the chairman of the committee and the ranking member, as well as all the subcommittee chairmen and ranking members, for this legislation.

Mr. Speaker, as you remember, back when we passed the bill earlier I mentioned in debate at the time that the $3 billion that was included at that time was not nearly going to be enough. We now have it up to $5.8, almost $6 billion.

Well, folks, that ain't going to be enough. You are going to be seeing at least double this amount when it is all over with. So when you stop and think about it and say well, the Senate increased it too much, the Senate did not. They did not put it up near where it needs to be.

We have a total disaster throughout the Mississippi and Missouri River bottoms. We have farmers and farms completely flooded. I have whole towns, complete communities, flooded. All you could see at the time of the height of the flood was rooftops. That is all you could see. They have been under water for weeks and weeks and weeks, and it still is not down.

I have highways and bridges that are impassable. It has completely disrupted commerce throughout the area. The disruption of manufacturing, even of plants that are not in a flood plain, they cannot go full steam because the people cannot get to the plants that live on the other side of the river.

So we have got all kinds of disruption here. This bill will help bring back some of that economic structure in that area, even though it is not going to make us whole. We are not going to be able to recover everything from this bill. No farmer is going to get everything he would have gotten, even under the Harkin amendment, and I want to say that I strongly support the Harkin amendment and what it has done for the farmers out there. What it means is they get 45 to 48 percent of their money. But they do not get 100 percent of their money.

Mr. Speaker, I want to tell Members that the people out there, they are going to have to do a lot by themselves. The communities are going to have to help themselves a lot, because this disaster assistance does not made any community, does not make any person, does not make any farmer completely whole. It just gives them a helping hand.

Mr. Speaker, I strongly urge support of the bill so that we can lend that helping hand to those people that have suffered so much.

Mr. MCDADE. Mr. Speaker, I yield 1 minute to my distinguished colleague the gentleman from the Commonwealth of Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, when this issue first hit the floor here we were horrified to see that it has included in it some strange provision for a Los Angeles program which, perhaps on its own merits, would merit the support of the House and Congress. But to mix it in with a needed disaster relief program for the Mississippi and Missouri, that was outlandish. It forced many of us to consider not supporting the measure for flood relief.

Mr. Speaker, I stand here having voted for it despite that Los Angeles item on the strength of promises I had received personally, or at least assertions to the fact that the Senate or others would remove that item from the bill. So I am glad I supported it, and I am eager to vote "yes" now.

Mr. Speaker, the people in central Pennsylvania whom I represent remember well the flood disaster of 1972 and the disaster in 1975 where the Members from the Mississippi and Missouri area came to our help. I can do no less. I want to help this situation.

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would advise Members that the gentleman from Kentucky [Mr. NATCHER] has 2 minutes remaining, and the gentleman from Pennsylvania [Mr. MCDADE] has 11 minutes remaining.

Mr. MCDADE. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Speaker, I rise to oppose this supplemental appropriations bill in the amount of $6,210,000,000.

I realize that the people living along these rivers in the Midwest have suffered tremendous losses. I would like to vote to help them and would with a simple addition to this legislation that the Committees on Appropriations in both the Senate and House shall, within 60 days, submit to this Congress legislation to rescind from programs already appropriated a like amount in this bill. A simple offset to help balance the budget.

This bill is off budget, meaning it will add to the national debt, but we will not consider it as an expenditure in our budgets.

Just last night a majority of this House voted to raise taxes to balance the budget sometime in the future. Today, the very next legislation considered is this $6-billion-plus bill which will increase the debt even more.

My recommendation would not slow down the help for the flood victims, but would slow down the hemorrhage to the Treasury.

Mr. MCDADE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. NATCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I said a few moments ago, over eight States are now involved as far as the flood damage situation is concerned in this country.

Mr. Speaker, these are our people in these States. We are concerned about them, and every dollar that has been requested, we have included in this resolution.

Mr. Speaker, I want you and the other Members of the House to know that if additional requests are presented to our committee for disaster assistance, every consideration will be given to these requests. You will recall I said, Mr. Speaker, for 20 long years I served on the Foreign Aid Subcommittee. We provided money for countries all around the world. This bill provides assistance here at home for our people, Mr. Speaker, and they are suffering. We need to help them now.

Mr. Speaker, I recommend this resolution to the House.

Mr. FAZIO. Mr. Speaker, I rise in support of H.R. 2667, the flood disaster supplemental Appropriations bill. The emergency funding legislation will provide needed relief for victims of the flood waters of the Mississippi River.

Today, hundreds of thousands of homes, businesses and farms are still under water. The families and businesses of the Midwest need our help.

Mr. Speaker, it is precisely for catastrophic events like the floods of the Midwest that we must rely on our national resolve to find the resources, assistance and support for citizens in distress. We have always been able to rise to the challenge in the past, Mr. Speaker, whether it was an earthquake in California, a hurricane in North Carolina, or drought in the Great Plains.

Today, we cast our votes to respond to the latest crisis. Today, we vote to provide an opportunity for the families, businesses, farmers and communities of the Midwest to begin the process recovery. This is only the first step, however, as the full extent of the damage is not fully known.

H.R. 2667 provides $4.8 billion and another $599 million in lending authority to provide assistance to areas affected by the Midwest flooding and other natural disasters. This bill is much more extensive than the house version due primarily to updated damage assessments.

One particular component of this bill deals with disaster assistance payments to farmers who suffered severe crop losses because of natural disasters. I support payments to farmers who have suffered catastrophic losses. But, I believe we need to continue to provide incentives to farmers to participate in crop insurance and crop protection programs. Unfortunately, the provision in this bill reverses the priorities that have been established in the farm bill as well as the priorities that were established in the House version of H.R. 2667.

All in all, Mr. Speaker, this emergency assistance represents the best our country has to offer at a time when many are in need. I urge my colleagues to support H.R. 2667.

Mr. PORTER. Mr. Speaker, I rise in strong support of this legislation.

The flooding in the Midwest has devastated many Americans, and it is necessary that we assist them to address this crisis through the swift provision of necessary emergency assistance.

As Members know, I was opposed to a portion of this bill when it was first passed by the House, a provision of interest to the gentlewoman from California [Ms. WATERS]. I did not feel that such a legislative provision belonged in a flood relief bill, and I did not feel that a self-executing rule was the way to go about adopting it. That provision slowed down the passage of this legislation, as I had predicted.

However, I want to take this opportunity to praise Congresswoman WATERS for working with the appropriate administration officials to resolve her concerns with the Fair Chance Program. That is a proper way to handle this matter, and I appreciate her addressing it in that manner and thereby allowing for the removal of the provision from this final bill.

I urge all Members to support this legislation.

Mr. NATCHER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, August 5, 1993, the previous question is ordered on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2010, THE NATIONAL AND COMMUNITY SERVICE TRUST ACT OF 1993

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 241 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 241

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2010) to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from California [Mr. BEILENSON] is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. DREIER], pending which I yield myself such time as I may consume. During the course of this resolution, all time yielded is for the purpose of debate only.

□ 1140

Mr. Speaker, House Resolution 241 is the rule providing for consideration of the conference report on H.R. 2010, the National Service Trust Act of 1993. The rule waives all points of order against the conference report and against its consideration.

Mr. Speaker, we are considering this rule in order that the House might take up this conference report before adjournment for the scheduled recess. As a consequence, a waiver of the 3-day layover rule for the consideration of conference reports was necessary. The House has fully argued the merits of this ambitious initiative over several days already, and we believe Members have the information necessary to vote on the conference report.

Mr. Speaker, the rule also provides for a waiver of section 302(f) of the Congressional Budget Act, a section that prohibits the consideration of measures that contain direct spending authority in excess of a committee's appropriate allocation.

This waiver is the same technical Budget Act waiver that we granted for consideration of the bill a few weeks ago. It addresses the same provisions that create direct spending authority.

One of those provisions would allow Peace Corps and certain VISTA workers who later become Federal employees to credit the time served in their computation of retirement benefits; they must, however, pay the required funds for that period of time. I would remind Members that this change is parallel to one made several years ago making similar accommodations for members of the uniformed services. The Education and Labor Committee has assured us that this would apply to only a small number of transferred employees.

Another provision that technically violates section 302(f) creates executive-level positions for senior officers of the new Corporation for National Service. Individuals appointed to positions in the executive schedule are assigned fixed rates of pay. By precedent, this action constitutes the creation of new entitlement authority.

A final example of the type of provision that requires the waiver is one that permits the Corporation and other Federal agencies to accept donations in support of the National Service Program and to expend those donations directly. While these provisions are deficit neutral—the Federal Government would receive an amount equal to the amount expended—budget process rules count donations to the Federal Government as revenues on one side of the ledger, and the spending of those donations as spending, on the other side of the ledger. As a consequence, these provisions technically violate section 302(f) of the Budget Act.

Mr. Speaker, as a member of the Budget Committee and as one member who has been aggressive in objecting to substantive violations of the Budget Act, I can assure my colleagues that these waivers are indeed minor and technical in nature.

Mr. Speaker, when the House considered H.R. 2010 last month, we did so under an open rule. As I recall, no amendment or motions were offered at that time dealing with the provisions for which these waivers were granted.

Mr. Speaker, the conference report for which this rule is being offered creates a system of national service that would encourage individuals to work in service programs through nongovernmental entities. The proposal would make it possible for individuals to work, at very low wages, in educational, environmental, and human and public safety programs that address many of our Nation's most serious problems.

The National and Community Service Trust Act not only will enable Americans of all backgrounds to perform service and earn educational awards in return, but also will reauthorize several existing programs offering service opportunities for Americans, including senior citizens. The legislation has enjoyed wide bipartisan support.

Mr. Speaker, several major adjustments were made by our colleagues serving on the conference committee. House conferees accepted Senate provisions that lower the funding level for the program, as well as the length of its authorization.

In addition, as examples of amendments successfully offered by the minority during House consideration of H.R. 2010 which this agreement retains are several amendments authored by our colleague on the Rules Committee, the gentleman from New York [Mr. SOLOMON], dealing with drug testing and the budget function. Those amendments were retained in the conference agreement despite strong Senate opposition.

I encourage my colleagues to approve this rule so that we may proceed with consideration of the conference report on this important initiative.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to this rule. From the beginning, the Rules Committee has used a flawed process to consider this new and extraordinarily interesting legislative proposal. First, we had a two-part rule that separated the debate from the amendment process by more than a week. Now, we have a haphazard conference that throws together a report in less than 24 hours and requests a blanket waiver of every rule of the House, including the Budget Act and the 3-day layover, which would permit members to find out what is actually in the report.

Considering the apparent rush, one would suspect that the Democrat leadership is looking for some legislative accomplishment to divert attention away from the largest tax increase in history. First of all, it won't work. You can't hide a 1,000 pound pig behind a legislative flyspeck.

However, it is important that the taxpayers know what this bill does. Due in part to the hectic consideration of this legislation, some in the media have the mistaken impression that this bill is about voluntarism or community service. This is not a service plan, this is a Government make-work jobs plan. When you add in the salary, education benefits, health care, and child care services, these Government service jobs pay better than many private-sector jobs.

Yesterday this House passed the $275 billion Democrat tax increase plan. Out of respect to the American taxpayers, can't we go just 1 day without enacting another new Federal spending program? The vast majority of Americans do not support new Government make-work programs. If they must pay more in taxes, they want them dedicated solely to reduce the deficit, not fund new programs that promise to grow as fat and wasteful as the old ones.

In the end, consideration of this paid national patronage jobs bill does serve one useful purpose: It is an example of the theme of the Clinton administration and the Democrat leadership in Congress. Yesterday was tax day; today in spend day. Tax and spend—how extraordinarily appropriate.

Once again, I urge the House to perform a little community service, Mr. Speaker. Reject this rule and demand that this bill come back when it stands for community service, not another political patronage spending plan.

Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman from California [Mr. CUNNINGHAM] is recognized for 4 minutes.

Mr. CUNNINGHAM. Mr. Speaker, I thank the gentlemen from California for yielding time to me.

Mr. Speaker, a moment ago we said we wanted to help Americans that were in trouble in the Middle West.

A lot of people say, "Duke, we have got students that are in trouble, too. We need to help them."

But I feel that this particular measure is another Federal spending program. Yesterday was tax day; today is spend day, the budget cuts, the new spending.

In 1986 and 1990, we could not control spending. That is one of the problems we are in today.

If we take a look, a volunteer will earn $4,725 in national service that will go toward their college education. That sounds good. But they also receive health care benefits and child care.

Earlier in the debate, it was said around $25,000.

I think, Mr. Speaker, that is incorrect. I think around the first year it is approximately $18,000 to $19,000 that they can get.

But if we look, in 1994 and 1995 and 1997, respectively, it is about $300 million the first year, $500 million the second year, $700 million the third year. That is $1.5 billion in 3 years of new Federal spending.

In the tax bill we voted on last night, they said, we are going to cut spending. But those cuts, except for defense, will not come until after 1996.

If we take a look, we are also talking about how do we control entitlements. This is a new entitlement program that we are going to have to control down the road.

Why should we increase Pell grants? I will vote to support Pell grant increase, but I do not feel that this new tax, this new plague on the American people of $1.5 billion within 3 years is what we need, when we are trying to reduce the deficit.

Mr. FORD of Michigan. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Speaker, the gentleman is a participating member of the committee that brought this bill out.

□ 1150

He just made a rather startling statement. I would like the gentleman to correct it, if he will, on the record. The gentleman suggested that a volunteer could get $18,000, $19,000 the first year.

Would the gentleman from California [Mr. CUNNINGHAM] tell me how that is possible?

Mr. CUNNINGHAM. If the gentleman will take a look at the $4,725 they get for their education, and then the health care benefits and the child care benefits, it could add up to around $17,000 or $18,000 a year, in the cost of the program.

Mr. FORD of Michigan. If the gentleman will continue to yield, they would pick up $7,000 in health care benefits and child care benefits?

Mr. CUNNINGHAM. That is the total cost of the program, if we amortize the total cost, look at the total number of students into it, it runs about $17,000 a student, I believe, Mr. Chairman.

Mr. FORD of Michigan. If the gentleman will continue to yield, as we figured it out, the best they can do is about $12,225, with the whole ball of wax. As the bill originally started out it might have produced as much for a volunteer as the gentleman is suggesting, but not for a long time now. That has been compromised away and passed even before it left the House here.

Mr. CUNNINGHAM. Mr. Speaker, I would ask the gentleman, what is the total cost within the first year that a student could receive with all of those benefits?

Mr. FORD of Michigan. $12,225.

Mr. CUNNINGHAM. $12,000, but in my estimation, it is still an entitlement program.

Mr. FORD of Michigan. That includes a stipend for a year of work.

Mr. CUNNINGHAM. For a volunteer working.

Mr. FORD of Michigan. It is not quite volunteer. It is national service at three-quarters of the minimum wage.

Mr. CUNNINGHAM. Mr. Speaker, who pays that $12,000? When I went to college my parents worked. I worked and got a little scholarship, but no one else in this country paid for my college education.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Speaker, this morning is a beautiful illustration of how the Congress works. We are so oriented toward more and more spending, and all we can ever do to address the deficit is to hike the taxes and to promise down the road to get some spending cuts sometime, somewhere.

Mr. Speaker, this legislation is not an ill-intentioned program. It has good motives. Indeed, just about all of our programs in the Federal Government have some good intent. The problem is, we are crushing the American family as we add spending program after spending program onto the backs of the American taxpayer.

If we were at all serious about the deficit—and I would contend that this Congress is not serious about the deficit—we would be cutting programs, not creating new ones like this one, which is going to cost another $1.5 billion out of the taxpayers' pockets, and more than that, should we be unfortunate enough to see this program get established and continued on into the future, beyond the initial 3 years.

Mr. Speaker, I rise to urge opposition to this bill. The gentleman from California [Mr. DREIER] pointed out that this bill has not had the full opportunity for review. This bill is just another illustration of the Congress wanting to spend somebody else's money; that is, the taxpayers' money. I urge a "no" vote.

Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I rise in strong support of the rule and strong support of this program for national service.

Mr. Speaker, we have an opportunity today with the passage of this legislation to begin the process of healing and binding America back together in its communities, by offering to young Americans across this country the opportunity to give their talent and their time and their knowledge to those in other communities who need their help, whether that is going to be in repairing the natural resources of this great Nation or our urban neighborhoods, or tutoring young children who are less fortunate to read and to write and to gain an education, or to work in the hospitals with the elderly of this country. All of those options become available today with the passage of national service.

President Clinton made this a hallmark of his campaign, and asked us to enact this bill swiftly. We are doing that with the passage of this bill today. This bill gives us an opportunity to ask young Americans to give some time to this country. It gives them an opportunity to participate in communities where they might not otherwise have a chance to do that. It cuts across all socioeconomic lines and it brings back to us the conviction, if you will, of the Peace Corps, VISTA, and the ACTION agency where so many young people provided public service to this Nation.

I would also like to, one, obviously commend the chairman of my committee, the gentleman from Michigan [Mr. FORD], for shepherding this legislation through the committee, through the conference committee, so we could vote on it before we left for the August work period.

I would also like to commend two members of the President's staff, Eli Segal and Jack Lowe, for their work with all of the members of our committee and the Congress in working on this legislation.

Over the last 6 months there has been a lot of criticism from time to time of various people of the staff of the White House. Let me just say these are two individuals that got it right from the beginning, and were a pleasure to work with. I think that the success of this legislation is owned in great part to their diligence and their efforts in securing its passage.

I would hope that this would pass overwhelmingly as a signal, once again, asking young Americans to participate in the future of their country and in the building of their country, and in the building and securing of our neighborhoods.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield such time as he may consume to the gentleman from Texas, Mr. GENE GREEN.

Mr. GENE GREEN of Texas. Mr. Speaker, I appreciate the opportunity to speak this morning. I really did not intend to come up and talk about the rule, but after hearing the Republicans talking about fighting a battle they lost yesterday instead of today, I would comment on that. Before I get into that, let me say, I am a member of the Committee on Education and Labor, and proud to be a member of it. Today is the birthday of our chairman, the gentleman from Michigan [Mr. FORD]. I will not tell the Members how old the chairman is, but I would say happy birthday today, on the day that he is shepherding this needed bill through its final passage in the conference committee report.

Let me talk about what is wrong with the debate on this rule. We are not really talking about national service. What the Republicans are talking about, they say that yesterday was tax day and today is spend day. That is not true, because they lost yesterday because of the distortions that they tried to use. They distorted it by saying this was the largest tax bill in history. We can see it in the newspapers, we can see it everywhere, that the largest tax bill was under their hero, Ronald Reagan, in the early 1980's.

They talked about how terrible it was for retroactivity. I agree. I did not like it, but I was in business in 1986 when we tried to use the investment tax credit that was passed. Then it was taken away 4 months later after we bought our assets, and we could not find out about it. The accountant said, "You do not have an investment tax credit, even though you bought it in April. They took it away in October, so I am sorry, you cannot use it this year."

In fact, even the original income tax, passed in 1917, was retroactive from the time it was passed. We do not like retroactivity, but they distorted every argument yesterday. I can see they are trying today.

Now let me talk about how important national service is, not just in my district in Houston but around the country. National service is a three win for us. Sure it costs money now, but it is going to give those students a chance to go to college, it is going to give them a chance to pay those loans back, it is going to give them a job where they can also get that work experience.

The most important part of it will be that for the first time we will be able to see a concerted effort of providing that voluntarism as much a we can in our communities to help our neighborhoods, to make sure that the districts, whether it be that I represent or the gentleman from Michigan [Mr. FORD] represents or the gentleman from California [Mr. MARTINEZ] represents, that we will have people who say, I am going to be forgiven part of my student loans, but I am also doing something worthwhile for my community.

I urge an "aye" vote on the rule and on the bill.

☐ 1200

Mr. DREIER. Mr. Speaker, let me just say in closing in response to my friend from Texas, clearly yesterday was tax day. Today is spend day.

This is only $1.5 billion, yet frankly, it is $1.5 billion that the American taxpayer does not have to provide.

We want to deal with the issue of deficit reduction. We should defeat this rule. It waives the 3-day layover. This conference was put together in a 24-hour period, and we should give Members a chance to look at it. It waives the Budget Act and other provisions.

So it seems to me we should defeat this, come back with a decent rule and then proceed.

Mr. Speaker, I yield back the balance of my time.

Mr. BEILENSON. Mr. Speaker, this is a decent rule and a very fair rule.

Mr. Speaker, we have no further requests for time. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 256, nays 166, not voting 11, as follows:

[Roll No. 407]

YEAS—256

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Blute
Bonior
Borski
Boucher
Brewster
Brooks

Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Kopetski
Kreidler
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rogers
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Sisisky
Skaggs
Skelton
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—166

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cantwell
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lambert
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Myers
Nussle
Orton
Oxley
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Skeen
Slattery
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Zeliff
Zimmer

NOT VOTING—11

Barlow
Brown (CA)
Conyers
Dickey
Johnston
Klink
McMillan
Mollohan
Packard
Young (AK)
Young (FL)

□ 1226

Messrs. MICHEL, QUINN, and GILMAN changed their vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 436

Mrs. MEYERS of Kansas. Mr. Speaker, my name was mistakenly added to H.R. 436 as a cosponsor, and I ask unanimous consent that it be removed from that legislation.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentlewoman from Kansas?

There was no objection.

CONFERENCE REPORT ON H.R. 2010, NATIONAL AND COMMUNITY SERVICE TRUST ACT OF 1993

Mr. FORD of Michigan. Mr. Speaker, pursuant to House Resolution 241, I call up the conference report on the bill (H.R. 2010) to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Thursday, August 5, 1993, at page 19382.)

The SPEAKER pro tempore. The gentleman from Michigan [Mr. FORD] will be recognized for 30 minutes and the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, 2 weeks ago the House passed a historic bill, the National Service Trust Act by a vote of 275 to 152, with bipartisan support. On Tuesday the Senate passed the bill 58 to 41, and we have since had a relatively noncontentions conference with the Senate.

Mr. Speaker, this is a product of that conference. I want to acknowledge that this is a truly bipartisan effort, and I want to give credit to the members of the Republican Party who have participated for their cooperation and help in approving this legislation.

□ 1230

The gentleman from Pennsylvania [Mr. GOODLING], the ranking Republican on the committee, is responsible for at least one major amendment.

The gentleman from Georgia [Mr. GINGRICH], who is not a member of the committee, is responsible for at least one major amendment.

The gentleman from Texas [Mr. DELAY], not a member of the committee, is responsible for at least one amendment.

The gentleman from North Carolina [Mr. BALLENGER], a member of the committee, is responsible for more than one.

And the gentleman from New York [Mr. SOLOMON], not a member of the committee, is responsible for two major amendments that are in this package.

Senator KASSEBAUM on the other side had 12 amendments to our bill.

Senator DOMENICI, one.

Senator NICKLES, one.

Senator STEVENS, eight amendments.

Senator JEFFORDS, three amendments.

Senator DURENBERGER, one.

And my friend, the minority leader, Senator DOLE, two amendments.

And Senator MCCAIN, one amendment.

All these amendments were accepted by us in conference in a bipartisan attempt to bring this legislation to you here with a minimum of friction between the parties.

This is not a partisan issue. This is, however, a Bill Clinton initiative.

I hope that we can give President Clinton a resounding victory on this vote.

Mr. Speaker, 2 weeks ago, the House passed a historic bill, the National Service Trust Act, 275 to 152, with bipartisan support. On Tuesday the Senate passed the bill, 58 to 41. We have since had a relatively smooth conference with the Senate.

H.R. 2010 is designed to encourage national and community service by all Americans, at all ages, in all forms. It would enable citizens to make a full-time, long-term commitment to solving community problems, and help them pay for college in return. One hundred thousand American would be able to participate over 3 years. Perhaps more importantly, the bill encourages millions of Americans to contribute to society by supporting national and community service by school-age youth and older Americans.

The bill would establish a Corporation for National Service, enhance opportunities for national and community service, and provide educational awards to persons who perform national service.

The principles of the House and Senate bills are the same. Both would establish a new program that builds service programs through nongovernmental entities; set broad eligibility, national recruiting, and local selection of participants; offer identical awards for service; and combine two Federal agencies into one government-owned corporation.

As the House has so recently considered the bill, I just want to mention a few of the differences that were worked out in the conference. I am pleased to report that we were able to preserve most of the House provisions.

The conference agreement includes the personnel provisions crafted by Chairman CLAY, and a number of Republican amendments, including two by Mr. SOLOMON, and others offered by Mr. GOODLING, Mr. GINGRICH, Mr. DELAY and, in modified form, Mr. BALLENGER.

On many secondary issues, the conferees achieved a compromise between House and Senate positions. The Senate bill undertook some simplification of application requirements, and the conference report reflects them while indicating desirable information in the statement of managers. House and Senate membership lists for State commissions have been simplified and combined. Senate provisions ensuring that national service not become an entitlement and not fund advocacy programs were adopted.

The conferees agreed to a 3-year authorization, providing $300 million, $500 million, and $700 million from 1994 through 1996. Three years will give this landmark initiative time to get on its feet and provide a fair period for evaluation. We look forward to reexamining this program in 1996.

I want to commend colleagues on both sides of the aisle for their hard work on this landmark legislation, particularly members of the Committee on Education and Labor, such as Mr. MARTINEZ, Mr. MILLER, Mr. OWENS, and Mr. GUNDERSON, and other Members of the House who have long been leaders in advocating national service, such as Mr. MCCURDY and Mr. SHAYS.

We should salute President Clinton for the leadership and vision he has demonstrated in submitting a national service proposal to Congress. I believe that in generations to come, our action to encourage Americans to help solve our common problems will be seen as one of our finest accomplishments.

Mr. GOODLING. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, last night, the House of Representatives considered the majority's budget plan. This plan was narrowly passed despite a widespread feeling on both sides of the aisle that it did not include sufficient spending cuts given the tremendous budget deficit facing this Nation. The insufficiency of the spending cuts was acknowledged by the Democrat leadership who pledged that the plan was merely the first step and that more cuts and belt tightening would have to follow.

Thus, I find it ironic that, notwithstanding such pledges and promises, just hours after that historic vote, we are considering the enactment of a major new spending program. As is often the case, when the issue is attacking the budget deficit, this body is taking one step forward and two steps back.

While not the gargantuan program urged by the President during the campaign, the conference report on the National Service Trust Act still contemplates over $1½ billion in new spending and the establishment of a new Government entity with offices in each State. The conference report authorizes almost $200 million in spending for administrative costs alone. This National Service Program is a tremendously expensive one with costs from $12 to $20,000 per participant per year depending on whose figures you trust.

Mr. Speaker, Members on this side of the aisle who have consistently opposed the national service proposal are not saying that they do not appreciate and acknowledge the very valuable work performed by hundreds of thousands of volunteers across this Nation each year. From the hurricane in Florida to the floods in the Midwest to thousands of less high profile services, the spirit of voluntarism, and the effort of neighbor helping neighbor, truly makes this country unique.

What many of us are saying, Mr. Speaker, is simply that the enactment of a major new spending program does not fit within the charge given us by our constituents to lock our focus on reducing the budget deficit and insuring the economic future for all generations of Americans. This is particularly true when the National Service Program, by providing higher education assistance without regard to need, contemplates spending money that we do not have in places where it is not needed. The administrative costs alone that will be devoted to this program could open the doors of educational opportunity by supporting almost 120,000 Pell grants, or a half million work-study grants.

This is also true when one acknowledges that many of the activities that the National Service Program will support are already being performed in programs administered by the Commission on National and Community Service and the ACTION Agency.

Mr. Speaker, if we can needs test the child care portion at the beginning, and we do, I do not understand why it is so wrong to needs test the educational benefits at the end.

Mr. Speaker, the fact of the matter remains that this Nation cannot afford this National Service Program at this time.

Mr. FORD of Michigan. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Speaker, I rise in support of the National and Community Service Act conference report.

As a new Member, I have learned a lot working on the national service legislation. I particularly want to thank my chairman, Mr. FORD, for the leadership he provided to members of the Education and Labor Committee during the consideration of this bill.

I am pleased that Members from both sides of the aisle testified as witnesses before the Education and Labor Committee while we were reviewing the National and Community Service Act. I personally attended a number of meetings between members and the administration, and at our committee markup, members worked together to report out a bill with bipartisan support. I saw further compromises made when the bill was debated on the House floor.

This conference report that we will vote on today preserves President Clinton's original goal to make education beyond high school affordable to more Americans through volunteer service.

Mr. Speaker, this bill has been crafted with the active participation of Members from both parties and both legislative bodies. This has been a positive experience for a new Member. I am pleased to vote for it, and I urge my colleagues on both sides of the aisle, to do the same.

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. GUNDERSON], a member of the committee.

Mr. GUNDERSON. Mr. Speaker, after last night's rather rancorous, bitter partisan debate, in a week in which we said goodbye to one of our colleagues on this side of the aisle and we have learned of the intended retirement of one of our friends on the other side of the aisle, I think it is frankly fitting that we would close out this session by bringing before this Congress the conference report on the National Community and Service Trust Act.

I am happy to say we do that in a bipartisan fashion.

The American people asked that we come here to change the way America does things on a bipartisan basis. It is this piece of legislation that is the first evidence that this Congress in a bipartisan fashion is willing to change the way government works.

This is not a top down traditional Washington knows best program. It is a bottom up program through the local levels.

This is not a program full of Federal rules, regulations, paperwork and mandates and formulas. Rather, it is the local entrepreneurs determining the problem, seeking out a program, seeking on a competitive basis the funding for that program and going forward. This indeed represents what ought to be the best government.

To my colleagues on the Republican side of the aisle, if this program ends up costing more money, then I will tell you it is a failure, because the absolute intent of this program is not new spending on top of old programs, but just the opposite, to break the mold of the way the top down formula bureaucratic programs of the past have worked. That is why I so strongly support and endorse this particular bill in front of us.

As the chairman said, we made many changes along the way. He talked to you about no less than 26 Republican amendments that have been included in the bill during House and Senate consideration, but I have to tell you that is after all of the changes in the bill that were made in the process of developing a bipartisan bill in the first place.

□ 1240

So, Mr. Speaker, this truly is the best of the Democratic ideals with the best of a Republican, nonbureaucratic delivery system.

To my colleagues I say, "You should know that this conference report responds to your concerns about money because we have taken the Senate authorization levels, not the open-ended House ones which people felt suggested too much spending. We have included a 3-year authorization which says we give national service 3 years to prove its worthiness in front of this Congress or it won't continue. And we guarantee that every year it will face the competition of all other Federal programs to determine its priority and its proper allocation."

Mr. Speaker, this is a good bill that is worthy of bipartisan support. It is responding to more concerns than any other bill I know of in my years here, and I just want to say to my leadership on both sides of the aisle not only, "Happy birthday," but, more importantly: "Can this be the beginning of this Congress doing something good for the American people?"

Mr. Speaker, I enthusiastically rise in support of the National and Community Service Trust Act of 1993. I commend President Clinton and this Congress in drafting legislation which will enable government, at all levels, to effectively join with the private sector to revitalize communities throughout America. I would like to take this opportunity to outline the reasons that I strongly endorse the National Service Program.

First and foremost, National Service provides public service opportunities for our youth while also giving them the chance to pursue postsecondary education. The National Service Trust Act offers an educational award of $4,725 to any student 17 years or older, regardless of income, who performs 1 year of full-time or 2 years of part-time service in a public service program designated by a State or by the Federal Government.

Second, the public service projects that will be conducted through the National Service Program will address unmet needs in many communities. Four priority areas have been outlined in this legislation: education, environment, human services, and public safety.

EDUCATION

Through public service efforts, tutors, teachers' aides, and other volunteers will be extremely helpful in trying to lower our dropout rate through reading and other literacy programs, helping parents become involved in their children's education at all levels, especially through early childhood education. Early childhood education programs throughout this Nation do not have the number of staff necessary to provide individualized attention which is so important to preschool age children as they develop their cognitive skills.

ENVIRONMENT

A current program that will be enhanced through the new National and Community Service Trust Act is the Conservation Corps. The Conservation Corps has played a key role in cleaning our rivers and preserving and protecting our landscapes. As we have all witnessed the destruction caused by the floods throughout the Mississippi Valley, this Nation's Conservation Corps has been assisting many communities. I would particularly like to express my appreciation to the Wisconsin Conservation Corps which has been especially helpful to several western Wisconsin communities that have been devastated by the flood. Their activities have included sandbagging, moving furniture, and debris cleanup.

PUBLIC SAFETY

Our police departments and schools are in desperate need of committed individuals who will assist in organizing crime prevention education and anticrime activities.

HUMAN SERVICES

I believe human service programs, especially the health care field, will be enhanced through National Service. There are currently over 2,000 health professional shortage areas in the United States, over half are rural communities. Participants in the National Service Program could be extremely useful in providing medical assistance to those underserved areas, especially in emergency medical services.

A third reason I support National Service is that it combines Democratic idealism with Republican philosophy. My rationale for this statement is based on the following: First, working for an educational benefit and not obtaining a free grant; second, this program is not a financial aid program; third, this initiative encourages diverse participation for both the participants and the designated projects; fourth, local programs are required to provide a 25-percent match for program costs; fifth, flexibility is allowed regarding minimum wage; sixth, offers people instead of dollars as the solution for problems; seventh, opportunity for personal growth and responsibility; eighth, builds upon current projects funded by the National Community Service Commission which has awarded 58 grants to over 200 colleges and universities; and ninth, the $5,000 education award does not compete with the GI bill.

I urge my colleagues on both sides of the aisle to not only support this bill, but to go back to their districts and work with local communities in developing national service projects and see how those projects can have a positive impact on communities. Leslie Lenkowski, the president of the Hudson Institute, said in a May 19, 1993, letter that "National service makes Government a partner, but not a lonely actor. National Service can point the way toward the proper role of Government—not to solve our problems or even to try, but to make a limited investment in the people who will make the real difference."

TORRANCE, CA,
July 8, 1993.

DEAR STEVE: Even in writing "Steve" instead of "Congressman Gunderson," I feel a bit odd about the tone of this letter. On a formal level, I have a great deal of respect and admiration for your work and for the kind of politician you are. However, I also feel a more personal connection because of my mother and father's involvement in your campaigns and because of my recent interactions with Scott. Although I'm by no means unique in my impression of you as an approachable and concerned politician (in fact that was and is one of your most effective campaign messages), my experiences around the dinner table with Water F. Baltz III, my father, and the other cogs of the La Crosse GOP have given me an even greater appreciation of your political life. With this in mind, I hope you will forgive the long-winded nature and general informality of this letter; I feel more like I am writing a letter to a family friend than to my Congressman.

I am currently teaching middle school science in Compton, CA through a program called Teach for America. My experiences of the past three years have given me more insight than I probably wanted into the major problems of our inner-cities; problems which are epidemic and expanding. I've enclosed a few pictures so you can see it for yourself. If you want to hear or see more of the specifics of my school, I would be more than happy to talk in detail about my experiences. However, the specific problems of my school are not what this letter is about. There are a number of "larger" proposals or ideas that I really want you to consider. The subject of greatest importance is not my individual experience but the concept of Teach for America (TFA). TFA is a private, non-profit corporation that recruits and places recent college graduates and other qualified people in school districts across the country. These are districts and schools which are either too rural or too urban to attract teachers and thus suffer large teacher shortages. The basic premise, the larger concept, is that it is a private corporation dealing with public problems in our educational system. It has already placed over fifteen hundred teachers across the country, and will continue a yearly influx of about five hundred new teachers.

Programs like Teach for America are the future of school reform and fit virtually any political ideology short of extremism. TFA is an example of a private sector (or "Third Sector" if you espouse the spin given by David Osbourne in Reinventing Government) initiative addressing public problems. Programs such as TFA define deficiencies and then formulate solutions to those inadequacies. Paramount to the picture, is that these undertakings are done with limited governmental interaction or control. The people are taking the initiative. TFA is the embodiment of the oft-used word "empowerment." Wendy Kopp, the founder of TFA, saw a problem, organized, and created a vehicle through which thousands of people with the same concerns can address these social needs. The participants in this program go directly to the source. We are teaching in some of the most challenging environments in our country. Every day we interact positively with a segment of our society whose potential has never been allowed to come to full fruition. We are dealing directly with what most people see as our most pressing problems. Homelessness. Education. Teenage pregnancy. Gangs. What's more, when TFA corps members finish their two year obligation, a network of young, innovative and chronically idealistic people is in place and struggling to secure the education of our children. Many do so within the educational system. Even more do so as members of the private sector. TFA builds a fire inside its participants. We see the inequality and the lost potential. We see the kids with guns and babies. I've seen Jose Leandro with bullet scars through his neck at age twelve. These are experiences never forgotten.

As you know, the irony (or hypocrisy, depending on how rhetorical one wants to be) of federally-based programs is that they inherently "disenfranchise" the very people they aim to help. The immense bureaucracy at the federal level, and the bureaucracy at each of the ensuing levels between creation and implementation, limits the influence any recipient has over these programs. If a program is not meeting the needs of the recipients, those recipients need an avenue through which they can create change. If not, they learn helplessness and apathy. All one needs to do is go to areas similar to where I teach. These are areas which are receiving the vast majority of federal funds for welfare and social services. My school alone received $450,000 last year in compensatory federal funds. Is this money creating any positive effects? Do these people have any control over their lives? Are these people empowered or disenfranchised by these well-intentioned programs? Something must change. Change not for the sake of change, but change which will help our embattled populations feel the strength and vitality they possess. The federal government has an essential role in the inner-city. There are areas which simply do not have the resources to deal with the incredible problems of our cities. However, somebody must redefine that role and allow us to educate the children of these areas. Only through education can we insure that our populace has the basic tools for becoming proud, active and productive citizens. This education is not only that given through the schools but the lessons taught by the system as a whole. Right now, the lesson is "You can do nothing to change your situation." We need to change the structure of our federal programs so the lesson becomes "You are the only one who can change your situation," and then give them the resources and framework in which to do it.

The combination of these two assessments—the imperative role of nonprofit, private corporations and the need for a change of paradigm in federal funding for social programs—creates the basis for and the merit of The National Service Trust Act (HR 2010). I have only been able to get my hands on legislative summaries, so there are many fine points which may be less than palatable, but most of the structural and philosophical frameworks of the bill seem germane to our current political and social needs.

Politically, The National Service Trust Act encourages local initiatives which address the social needs of the immediate community. It is a bottoms-up management structure. It is not the typical social reform template that is forced on our country's various and sundry social ills by some unresponsive and insensitive federal agency. The structure recognizes that the people who are best able to create solutions to the problems of a given community are those people most closely exposed to and affected by that problem. These are the people who should be creating and implementing our programs to help needy communities. This basic premise is one which fits any political philosophy. Call it "grassroots." Say it's encouraging communities to take care of themselves. Call it what you will. The bottom line is that the federal bureaucracy will have very little to say about the implementation of the program, and therefore the control of the various programs will be closer to the people who are directly affected by the program itself. The National Service Trust Act is a structural change which encourages involvement in the political process rather than the perpetuation of the learned helplessness present in our current system. Even if one feels the federal government should have no role in social programs, this legislation is clearly a transition away from the current federal role and toward that idea of zero federal involvement. The system will not change without transitional measures such as this.

The application process also insures that the programs will receive scrutiny at different levels; scrutiny which will provide much-needed innovation and also the eventual elimination of ineffective programs. As set out in the bill, the state Commission first evaluates a proposal in comparison with all other proposals from that state. Then, the best proposals are sent to the federal Corporation which gives the most worthy proposals final approval. However, primary to the process will be the eventual cross-referencing of programs by those creating the proposals in the first place. As with similar processes, such as applying for corporate grants and monies, people will be looking to other programs for ideas and ingenuity. If one believes in the wonders of competition, inevitably this cross-referencing will create the most effective programs by eliminating ineffective initiatives from the process and developing the most efficacious ones. The bill is potentially a transition to creating a competitive dynamic for government programs; a drastic change from their current state of stagnancy and lack of creativity. If the bill is passed, it could spark that ideal of states being laboratories for social invention and innovation. By removing the administrative and creative forces from the federal government, local and state governments will be encouraged to create solutions to their own problems. Again, it is a long-overdue transition away from federal control and toward state and local responsibility for social reform.

The National Service Trust Act could create an alternative to the flawed structure of federally-funded programs while at the same time producing a widespread and direct impact on many of the problems those programs failed to cure, or in some cases even perpetuated. The federal government is not effectively addressing the needs of our underserved communities for reasons we all know. Bureaucracy. Poor management. Lack of ingenuity and evolution. Government is a business—the business being to create a productive, healthy and proud society. Right now, that business is not effective for a large number of its "clients." Even though the funds may seem nonexistent, we cannot file for bankruptcy and call it quits. We need to invest in a new approach, an innovative approach which encourages even greater innovation. H.R. 2010 is that approach. It targets only the neediest areas. It draws on the ideas and efforts of community members. It encourages involvement in the process of improving one's own situation or community. It fosters and creates bridges between people of different colors, socio-economic classes, religions, and ethnicities. It is the best alternative to what we have.

My roommate and I, as well as other members of the Teach for America corps, have been discussing the H.R. 2010 with Representatives from the L.A. area. In my conversations with aides from the offices of Ed Royce, Dana Rohrabacher, and Jane Harman, there have been two primary concerns about the legislation. One concern has been the skepticism about creating what people see as another well-intentioned but ineffective federal program. A second fundamental concern is the sanity of the Teach for America organization. Why would any organization which has been so successful want to become part of the federal government and its quagmire? And why would the government want to fund such a program if it's doing so well on its own? The first concern, and some of the second concern, can be answered by stressing what we see as the primary strength of this legislation's philosophy. The structure of the program attempts to limit the role of the federal government in the conception, administration, and implementation of the various programs which could be created under the auspices of H.R. 2010. The control would be local. As we understand it, the evaluation of these programs would be at the state level. Also, the integrity of the organizations being funded would not be jeopardized because the government would have no direct role in their supervision. Most, if not all, of the causes of federal ineffectiveness could be removed from the creation and exercise of these programs.

As for the second set of questions, there is a dose of the "reality pill" thrown in here. Teach for America receives most of its funding from corporations and businesses. It is a reality that these businesses principally invest in innovative and novel ideas. They invest in groups which are on a "pulse" and which will bring their company as much positive recognition as possible. The tragedy of this is that if an organization becomes successful and starts to lose its novelty, in turn becoming more commonplace and stable, the corporations tend to lose interest. Their eyes and monies turn to the new kids on the block. This leaves the organization with the excessive burden of having to spend more time fund-raising than refining and implementing its program. As for why the government should provide funding, it is a simple matter of smart business. TFA is providing a social more efficiently and effectively than any federal agency could ever imagine. TFA is doing a job which is arguably the job of the government—it is insuring a greater quality of education in our most underserved areas. Unless the government does not really want this to happen, it is in the government's best interests to see that TFA survives and flourishes. Both TFA and the federal government have a stake in the perpetuation of TFA. This same sort of support should be given to as many effective non-profit or private organizations as possible. Any organization that can perform a social service better than the government should be given incentive through subsidies, loans, or tax policies. It just makes sense. The development of this new paradigm of social reform needs to be a policy priority.

In addition, Teach for America has been a "bridge" between La Crosse, a lifestyle and community I thoroughly love and respect, and the problems of Compton, California, which one can only detest. This is a bridge which must be built for as many people as possible because we can no longer live in isolation. The L.A. riots are only too often invoked as proof of our inability to build fortresses against our urban blights. Only through programs which create this kind of direct exposure can we get a clear picture of the problem, and a more authentic conception of potential solutions. These are the types of programs the federal government should be funding—not creating and controlling, but funding. By supporting The National Service Trust Act, or refining whatever parts can be salvaged from another of Clinton's overblown initiatives, the federal government could change the direction of how federal programs are conceived, administered, and implemented. The legislation itself may very well be flawed, but the philosophy behind it is not.

I have written too long and too much. I hope my thoughts and experiences will somehow help generate some solutions to your, my, and my students' problems. Thank you for taking the time to read the letter of a great admirer.

Sincerely,

DAVID F. GUNDERSEN.

Mr. FORD of Michigan. Mr. Speaker, I yield 1 minute to the gentleman from Missouri [Mr. CLAY], the chairman of the Committee on Post Office and Civil Service and the ranking Democrat on the Committee on Education and Labor.

Mr. CLAY. Mr. Speaker, I rise in support of the conference report accompanying H.R. 2010. The Post Office and Civil Service Committee has worked closely with the Education and Labor Committee to ensure that national and community service programs will be competently administered by professional staff on a nonpartisan basis. This conference report reflects the work of the House in this vital respect. I want to commend the administration, the chairman of the Education and Labor Committee, Mr. FORD, and my colleagues on both the Education and Labor Committee and the Post Office and Civil Service Committee for the work they have done to promote national and community service. I urge my colleagues to adopt the conference report accompanying H.R. 2010.

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York [Ms. MOLINARI] about who we recently heard so many wonderful adjectives, but now we will skip all those adjectives and say, "Ditto," because she is now also very wealthy if you look at the rock on her finger.

Ms. MOLINARI. Not after the Clinton tax plan takes place.

I am going to be looking forward to this district work period.

Mr. Speaker, I rise to speak against the conference report on the National Service Trust Act. I cannot in good conscience vote for a bill that creates a program that we simply cannot afford at this time.

This has been an arduous process for all involved, and I regret the compromise efforts put forth by myself and other Republicans have not been successful.

I intend to vote against the conference report, not because I oppose community and volunteer service, but because I am deeply concerned about the large cost and small size of this program, Mr. Speaker.

During consideration of this bill I offered what I believed to be a reasonable amendment which would have protected our existing student aid programs. After all, my colleagues, we are looking at spending $300 million in fiscal year 1994, $500 million in fiscal year 1996, and $700 million in fiscal year 1997, on a brandnew program. At the same time we continue to starve proven student aid programs that help millions of students gain access, and, as the ranking member pointed out, just the administrative costs alone of this National Service Trust Act would afford 120,000 additional students access to Pell grants.

I know that not a single Member of this body opposes community service, but we cannot continue to create expensive programs when there are other ways. Whatever happened to the volunteer aspect of this program, a program that would afford individuals to go into their community and do what is good for their neighborhoods and their Nation for peace of mind and for that educational stipend? That is not what we are voting on today. We are voting on creating government work for young people and old people in this country who want to volunteer.

Mr. Speaker, the ramifications on volunteer programs could be devastating, and it certainly will be devastating on our budget, and let me just conclude by stating again what my ranking member said relative to the rancorous debate that took place last night. We are going to be coming back together again as a body to discuss where further tax cuts can be made so that we can one day balance this budget. The National Service Trust Act, if it is allowed to expand to truly serve Americans in a larger number than we are talking about today, will deeply cut into our budget, will deny existing student aid programs, and, as I said, could be done another way. I believe in the American people, that, if we give them a volunteer, a truly volunteer, program, they will certainly find it in their hearts and spirits to rise up and answer that call.

For those reasons, Mr. Speaker, I urge my colleagues to vote against the conference report.

Mr. FORD of Michigan. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MARTINEZ], the No. 1 name on this legislation, its principal sponsor.

Mr. MARTINEZ. Mr. Speaker, before I expound on my great support for the bill, I would like to wish the chairman of our Committee on Education and Labor a happy birthday, and I say to my colleagues that there could probably not be a greater birthday gift than to see this bill pass overwhelmingly, as it did before.

Mr. Speaker, as I rise in support, I want to make it very clear that I am not attempting to justify any aspect of this bill. I think the bill justifies itself. I would rather let the opponents of the bill justify their reasons for opposing the bill.

It seems to me, Mr. Speaker, in many cases we get very isolated here and do not recognize that all people who serve on any level of government are serving the greater needs of our constituencies, and those constituencies are all alike, the same people. There are many great people out there in the Nation that have never even thought of community service. This bill provides them the opportunity to do that, but, more importantly, it meets community unmet needs. That is something that some of our colleagues cannot seem to grasp, that on the local level of government, with the austere budgets they must work under, that they have a lot of unmet needs in those communities and there are people there with the incentive of education who would provide those communities with those services for those unmet needs.

More than that, Mr. Speaker, they would provide the young person with an opportunity to obtain an education through working for that credit that he might not otherwise be able to obtain, and, therefore, if we look at this bill as it is an as it is really represented, without going into any infinite details about it, it is an investment, and, as many of my colleagues on the other side have said for years, Government ought to work like business. They ignore that fact that in any business, in order for someone to make a profit they have got to make an investment. We look at the programs, like the Job

Corps, that for every dollar invested it returns to the Federal Government $1.40.

Mr. Speaker, I can envision in the community service provided to those communities by these community participants that we will see like figures, and, Mr. Speaker, I urge my colleagues to look deeper than just the spurious arguments that are made against this bill and vote for it.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the entire delegation from Wyoming, the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Speaker, I say to the gentleman, "We have unanimity in this delegation at least."

Mr. Speaker, I rise in opposition to the bill. My friend, the gentleman from Wisconsin [Mr. GUNDERSON] with whom I work on many other things, I have to just respond that this idea that we have got to change, the idea of change for the sake of change, is not a very wholesome idea as a matter of fact. We have to substantiate what the change is for. The idea that there has been a ton of amendments; really a bad idea does not change because it has some amendments. The 3 years? I would like to have someone tell me how many Government programs have been stopped after 3 years. They build a constituency. They never stop. We are unable to stop programs here. That is part of the problem with yesterday's discussion.

It is easy, of course, to come up with a lot of the kind of words that sound good, and the sound bites, they sound good in the campaign, and voluntarism, education. We are all for those kinds of things. It is our job, however, to talk about being realistic about what they cost, how they fit into our concept of government and what the impact has on the future.

This idea of volunteer service is a great idea. This country is based on volunteer service. This is not volunteer service. There is all kinds of volunteer opportunities there.

De Tocqueville talked about voluntarism, but it was bona fide voluntarism. This one is Government jobs.

What are the jobs going to be? No one has defined that. There is sort of a broad notion out there.

If we, in fact, have a responsibility on the Federal level of trying to fill every unfilled need of a community, my colleagues, we have a long, long way to go.

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Everyone should have a chance for higher education. Of course that is a great idea. I am wondering if these dollars are not going to come from the proven programs that are already in place. That is one path that would be very difficult.

Mr. Speaker, the main thing is we need less government, rather than more. I guess we have forgotten yesterday's discussions already. Think of what we have done today in terms of costs. Here we are with new programs, new spending, and we cannot control the spending that we have.

Mr. Speaker, I rise in opposition to the bill.

Mr. FORD of Michigan. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. BECERRA], a valuable new member of the Committee on Education and Labor, who has been very active on this legislation.

Mr. BECERRA. Mr. Speaker, I thank the gentleman from Michigan [Mr. FORD], the chairman of the Committee on Education and Labor, for yielding.

Mr. Speaker, I would also like to mention that this is a special day for a number of us, including the chairman. Happy birthday, Mr. Chairman. But this is not a gift of national service that comes easily. We know it was a great deal of hard work, and I believe if the gentleman will turn in the direction of the gentleman from California [Mr. MARTINEZ], we have a little gift for you there.

Mr. FORD of Michigan. Thank you. I am sure we violated some kind of a rule, but I enjoy it anyway.

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would note for the purpose of the RECORD, this may be a first in the annals of the House of Representatives.

Mr. BECERRA. Mr. Speaker, we all do really wish to thank our chairman, the gentleman from Michigan [Mr. FORD], for his diligent efforts to make sure we had a bill that we could all say that we can get behind.

But I want to share something with the Members today. I had a chance last week to speak to a group of interns from the Congressional Hispanic Caucus Institute. I must tell you, I saw the brilliance in their eyes, and it displayed to me such eagerness and such preparation to go out there and to serve. And that is exactly what we are talking about providing through national service in this particular legislation.

What we are talking about is making it possible for our youth to go out and serve. In its basic simplicity and its mere essence, what we are talking about in national service is giving people a chance to serve. And there can be nothing better than giving our youth a chance to serve.

This is the type of investment that all of America wants, that we all want, and, fortunately, we are going to have an opportunity now to see that.

But not only do I wish to thank the chairman, but I want to mention a few other people that often do not get thanked. Gene Sofer and Alan Lopatin, who are on the staff of the Committee on Education and Labor, deserve a great deal of credit for all their work, and I want to make sure I acknowledge them, because oftentimes we do not give the members of the staffs the credit they deserve.

Again I want to mention Mr. Eli Segal and Mr. Jack Lew with the White House. They did a tremendous job in making sure that 435 Members had a chance to give some input and ultimately vote, and we had enough, fortunately, of a majority to get it passed.

Mr. Speaker, for me, as a freshman Member, it is an honor to be able to say that not only is it a great birthday for a great chairman, but it is a great birthday for America to have national service become a reality.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I want to take this time today to commend my good friend, the gentleman from Michigan, the distinguished chairman of the Committee on Education and Labor, for all of his hard work and expertise on this important legislation, as well as the ranking Republican, Mr. GOODLING. Without his guidance, the expedient manner in which the conference committee wrapped up its work would not have been possible.

Although I do not agree with all of the bill, the conference report itself is an immense improvement over the House-passed version of the bill.

One of the greatest concerns many Members had with the bill was the funding levels in the House-passed version. The House-passed bill's authorization of $389 million in fiscal year 1994 and such sums through fiscal year 1996 was alarming, especially since CBO was unable to fully estimate the cost of the bill.

Figures provided by the administration estimated the total cost of the bill to be $7.4 billion over 4 years.

The conference report addresses this serious problem by scaling back these funding levels to a 3-year authorization of $300 million for fiscal year 1994, $500 million for fiscal year 1995, and $700 million for fiscal year 1996.

I also want to inform my colleagues of three of my extremely important amendments which are also in the conference report.

First, the Education and Labor Committee incorporated my drug prevention language in the original bill.

This amendment would deny eligibility for any person who is convicted of selling drugs while involved in this program. Suspending eligibility for individuals who are convicted of using and selling drugs is most appropriate when you consider all of the Federal benefits an individual would receive under this program. The committee and the Congress agreed with me that national service and drug pushing are not compatible and included this amendment in the conference report.

Second, the Stump-Solomon amendment was retained to assure that benefits under this legislation are limited to 90 percent of the GI bills benefits.

And last, the Solomon amendment to eliminate any competition between veterans programs and this new National Service Program was also retained in the conference report.

This body on two separate occasions overwhelmingly approved my amendment to make sure national service educational and service benefits are considered a part of budget function 500 which covers education, training employment, and social services, and not related to the programs of the Departments of Veterans Affairs, Housing and Urban Development and the independent agencies—for budgetary purposes.

Although some may find this unnecessary, our national veteran organizations are 100 percent behind my amendment because it is important to them that the legislation ensures that we keep these programs in distinct budget categories, subcommittees, and suballocations.

I want to again commend my good friend, the distinguished chairman, for his diplomacy and fairness, as well as ranking member GOODLING.

This conference report is a vast improvement over the House-passed version of the bill and we have the chairman to thank for that.

Mr. FORD of Michigan. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MINETA], chairman of the Committee on Public Works and Transportation.

Mr. MINETA. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of the conference report on H.R. 2010, the National and Community Service Trust Act of 1993 and ask unanimous consent to revise and extend my remarks. First of all, I also would like to commend my good friend and distinguished colleague Chairman BILL FORD for his superb job in sheperding this agreement to the floor. Included in this conference report are some issues on which I worked with the gentleman.

The first issue, in section 106, would establish the Urban Youth Corps. I would like to commend the gentleman from California [Mr. MARTINEZ] for his efforts on behalf of this provision. The Urban Youth Corps will provide grants funding for up to 100 percent through States and local government programs managed by nonprofit agencies. The grants are to be made available for service projects carried out by qualified youth corps established by the Secretaries of Transportation and Housing and Urban Development. We do not intend to require the establishment of a separate agency within the Departments to implement the Youth Corps Programs.

The Urban Youth Corps Program is designed to offer meaningful, full-time work for individuals 16 to 25 in urban public works, public housing, or transportation projects. The program must, in addition to providing work, give the participants the opportunity to acquire basic life experiences, education, training and support services. The Departments of Transportation and Housing and Urban Development programs under this section may utilize and are encouraged to utilize those existing urban youth corps that have proved records of success in providing services in low-income communities through opportunities for inner-city poor and disadvantaged youth.

The other issue that I worked on addresses oversight of the real estate activities of the National Service Corporation enacted by this legislation. The conference report deletes section 193A(c) (4) and (7) and section 196A of both the House- and Senate-passed bills, in order to provide consistency and conformity for the National Services Corporation in Federal real estate activities. By deleting the separate authority under section 193A (c) (4) and (7) for the Corporation to handle real property transactions, the Corporation's real property activities would be subject to the procedures established by the Public Buildings Act of 1959. The Corporation is established in the bill as a wholly owned Government corporation and as such is clearly covered by that act.

In general, the 1959 act establishes two requirement; for those Federal entities using appropriated funds, which includes the corporation, the General Services Administration [GSA] will provide real estate services; and the GSA will submit to the Committee on Public Works and Transportation a prospectus provision details regarding the requested real estate activity.

Section 196A of the House bill is deleted since it is inconsistent with the legislative intent of the conferees that the Public Buildings Act of 1959 to the Corporation's real estate activities.

The conference agreement does not delete section 203(k)(5)(A) of the Federal Property and Administrative Services Act of 1949—added by section 202(b) of the bill—as it is the understanding of the managers that the disposal of surplus property by the chairperson or the Corporation is consistent with the current GSA procedures and practices.

The Committee on Public Works and Transportation and in particular, the Subcommittee on Public Buildings and Grounds, has been working diligently to coordinate and streamline various property activities, such as repairs and alterations, leasing and building acquisition. The goal is to realize more efficiency an therefore, save scarce taxpayer dollars. These deletions will ensure that a comprehensive policy is followed.

Again, I want to thank the gentleman from Michigan for his leadership on these issues and I urge my colleagues to support passage of the conference report on H.R. 2010, the National and Community Service Trust Act of 1993.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I thank the distinguished gentleman for yielding.

Mr. Speaker, last evening the Committee on Rules was called to an emergency meeting. Curiously, it turned out the emergency we were summoned for was not exactly a major flood, nor in fact anything close to it. We took up the conference report on this bill, national service, a $1.5 billion unfunded, brand new entitlement program that we cannot afford.

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They did not tell us and are not telling us today that in the fourth and fifth years, which we are now talking about, that it is 5 times as much as the projected estimates. That would be about $7.5 billion. So here we are, less than 24 hours after the largest tax bill in history has passed, with the Democrats' hands deep in the pockets of the American taxpayers spending already the new taxes.

So what actually was the emergency? What would have been so terrible in waiting until September to consider this bill? Why not allow the Members enough time to figure out what is really in it and how this untested program is going to work?

The only emergency I can see, frankly, today are the White House spin doctors calling for emergency photo ops for the President and Members to announce the good news as sugar coating for their disastrous tax-and-spend budget.

Here we are, rushing once again to create a giant new Government bureaucracy, waiving all the House rules to do it, to be absolutely sure that nothing gets in the way of this program, not even some fiscal common sense.

Even as the President and the Democratic leadership preach deficit reduction, they are rushing at warp speed to implement this new program, adding hundreds of millions of dollars to the national debt and sending the bill to our kids and grandkids in effect.

Mr. Speaker, national service is a worthy concept. I support that, if it is done carefully and within our budget constraints. This does not measure up to those tests.

I urge its defeat.

Mr. FORD of Michigan. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. ROEMER], a member of the committee.

Mr. ROEMER. Mr. Speaker, I rise in strong support of the conference on the national service bill. I do so for a number of reasons.

First of all, the past election was not just about the economy, it was about change. It was about doing things different in Congress and doing things differently for the American people.

The cost of tuition at public colleges in the 1980's went up six times faster than family income and, at private universities, nine times faster than family income.

At the same time, we are experiencing increasing problems at schools, increasing problems with racial tensions in this great country and increasing problems in health care.

Finally, we have a sense from many of our people in this country that they are willing to give more, not only to volunteer but to serve the United States of America. This bill brings all those concepts very firmly together, a concept of doing something about escalating prices at our schools, the concept of uniting our communities again, not dividing black and white, not dividing rich and poor, but bringing these people together in a common interest to help others, whether that be to help others from dropping out of school, to help others who are dying of diseases, to help others getting killed in our cities and law enforcement.

All these things people can do and get help through this national service bill to then take and put toward college education.

President Bush talked about a kinder and gentler nation. President Clinton is acting on a smarter and tougher and more creative America.

I urge my colleagues to support this conference report.

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding time to me.

Listening to this debate, I heard one of our Members say, national service is a worthy concept but he does not support the bill because it is not drafted right.

I would contend the individual who said that does not know this bill. This bill has been drafted carefully with the bipartisan cooperation of Republicans and Democrats.

And for that, I would like to thank the gentleman from Michigan [Mr. FORD] for coming in with an open rule and allowing Members from both sides of the aisle to participate fully in this process. I would also like to thank the White House for reaching out to Republican Members and making us partners in this process.

In addition, I would like to extend my thanks to the gentleman from Pennsylvania [Mr. GOODLING] for his contribution to this debate. He has been constructive and has added to our knowledge of this bill and is responsible for many of its improvements.

This is a bill that has been constructed by Republicans and Democrats.

It creates a decentralized structure to administer the program. The State commissions will get two-thirds of the money to fund local and State programs. Only one-third will be dispensed at the Federal level. The people who will serve in this program are not Government employees. They are there 2 years, working at minimum wage, in our urban and rural areas, teaching young people how to read, helping to clean up our environment, dealing with our health problems.

National service will energize young people to serve their country. Some have criticized the benefits they will receive in return. I served in the Peace Corps, and I received minimum wage. I received a health care benefit. These National Service participants will as well.

The difference is, I was given a stipend. National service participants will be given an educational grant that they can only spend for education. They cannot cash it in, except if they want to further their education. This is hardly an extravagant program.

I urge my colleagues to realize, this is a carefully drafted bill. It is a bill that has been well thought out. It is the kind of bill that if a Republican sat in a room and designed it he or she would do it just this way.

I would like to address one last issue. Can we afford it? We cannot afford this bill, if we fund so many other programs. But I am voting for an authorization that has to be funded every year.

It is not an entitlement. It has to be funded every year by the Committee on Appropriations, from a limited amount of authorization.

My judgment is, this should be put on the table along with all other programs. I am going to vote for this program and I am going to vote to fund it because I believe national services could help change this Nation.

I urge my colleagues to support this conference report. It is the kind of bill Republicans and Democrats can support and support with a tremendous amount of pride.

Mr. FORD of Michigan. Mr. Speaker, I yield 1 minute to the gentleman from Mississippi [Mr. MONTGOMERY], chairman of the Committee on Veterans' Affairs.

Mr. MONTGOMERY. Mr. Speaker, I rise in strong support of the conference report for the national service bill, H.R. 2010.

I really do not think that this new program would hurt our military forces on recruiting of young men and women. Mr. Speaker, I serve on the House Committee on Armed Services, and I serve on the Subcommittee on Military Forces and Personnel. I am comfortable that with this legislation we will not interfere with our military forces.

The House adopted the Stump amendment that reduced the educational benefits to $4,725 for each term of service or $9,450 for two terms.

This amendment was also accepted by the Senate. I am very proud to be an original sponsor of this legislation.

I want to thank the gentleman from Michigan [Mr. FORD], the gentleman from California [Mr. MARTINEZ], the gentleman from Oklahoma [Mr. MCCURDY], also the gentleman from Pennsylvania [Mr. GOODLING], the gentleman from Wisconsin [Mr. GUNDERSON], and the gentleman from Connecticut [Mr. SHAYS] for their help and support.

It is a good bill, and I am proud to be an original sponsor of this legislation.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Speaker, I think with this bill it is not a matter of whether it is a good bill or it is a bad bill. It is simply a matter that we cannot afford this bill.

All the talk all day yesterday about the terrible budget situation we are in, and we raised taxes in an unconscionable way. Then the first thing we do on the next morning after passing that bill is create another gigantic big Federal program to go out and do good.

We simply cannot afford it. Not only can we not afford it, but many of the States cannot afford the burden that will be put on them with this.

I know that in the bill, as it stands right now, this is supposed to be voluntary. But I had a modest little amendment that was accepted by this House, went in the bill, that said, if it becomes a time when we start mandating these things out of this bill, we would have to pay for it. We would not dump those costs on the States.

That amendment passed, after a great deal of negotiation, and we worked out the language. And it passed here without a single dissenting vote.

It was stripped out in the conference committee, along with some other amendments, not because the Senate had a great problem with it but because the chairman of the committee had a problem with it.

□ 1310

He did not particularly like it. When we send the chairman of a committee to a conference committee, he is our representative. Let me say, Mr. Speaker, the House of Representatives, the will of the House of Representatives, had no representative at that conference committee in this particular conference.

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would advise that the gentleman from Michigan [Mr. FORD] has 16½ minutes remaining, and that the gentleman from Pennsylvania [Mr. GOODLING] has 8½ minutes remaining.

Mr. FORD of Michigan. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. OWENS], chairman of the Subcommittee on Select Education and Civil Rights of the Committee on Education and Labor, who graciously threw his jurisdiction into the port so we could make this a common effort in the committee. Mr. Speaker, you will see the gentleman's name right at the top of the list of sponsors.

Mr. OWENS. Mr. Speaker, first let me congratulate the House and the Senate conferees in doing such a fine job and in reaching their agreement in time for us to pass this legislation on to the President before we recess. It is important to send a message.

All the American people care about the youth, and certainly the youth themselves have been following the progress of this piece of legislation very closely. It is very important for us to send this message, that we care about our young people, not only at a time when we are preparing and training them to go off to war to fight, but we also care about them when we are trying to arrange for their more orderly transition into the building of American on a peacetime basis.

We can reorder our priorities and take care of whatever expenses are involved here. We are reordering priorities in the budget reconciliation. We are going to spend less in certain other areas, but we are going to make it clear that youth are a priority.

Youth count for a great deal. We can cut the budget in many other ways. We have overseas bases that we can cut. We have the CIA that we can cut. We have the superconducting super collider. There are a number of ways in which we can set priorities and determine now that our long-neglected youth will be taken care of.

This agreement reflects a natural progression in the evolution of community service. It is not a radical idea that suddenly appeared on the scene. We have been doing things of this kind for some time. This is an improvement of a very good idea. We have the Peace Corps perfected, we have VISTA perfected. In combining VISTA, the original domestic Peace Corps, with the innovation ideas that have emerged from the field over the past decade, this initiative will encourage Americans to serve communities throughout the country.

I am pleased that the conference agreement retains the House provisions which address my concerns earlier regarding the treatment of the personnel structure of a new Corporation for National and Community Service, especially the treatment of ACTION employees within this new corporation. I am pleased that the new agreement preserve the House provision for a minimum allowance which will enable disadvantaged young people to fully participate in this program.

This is something for all of our young people, of all classes, of all income levels. Everybody benefits, and we take a great step forward today when we pass this conference report.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, I rise today in opposition to the conference report on the National Service Act. While this conference report is preferable to the bill that passed the House last month, I cannot support a program that is largely a diversion of scarce resources from more important national goals.

To me, Mr. Speaker, the National Service Act allows people to feel good; it is a lot like cotton candy. It looks good, but when you bite into it, there is not a lot of substance.

Over the next 3 years, Congress will be authorizing $1.5 billion for a program that will divert educational resources away from those who have a demonstrated financial need for it. We will be paying thousands of young Americans to perform services that millions already perform on a truly voluntary basis.

How could this money be better spent? Let me give one example.

This morning I met with Dr. Robert Alexander of Washington who is trying to organize a national magnet school for at-risk dropouts. He intends to provide a structured, disciplined national academy for young people who are in danger of falling out of the system.

Dr. Alexander told me that this Nation has more than 4 million dropouts and the figure is rising. We can expect some 700,000 more this year. And I believe his proposal looks like a successful road map for bringing these young people back from the fringes of our society and into the mainstream.

That is the type of program we should be looking at here at the Federal level.

Why, when we are facing this dropout crisis, do we want to spend more than a billion education dollars creating a new, bureaucratic, non-need-based college assistance program?

The answer I believe is because it looks good—not because it is absolutely necessary. There are already plenty of opportunities to make a difference in our communities. Not because it provides educational assistance—we can do that much more cheaply elsewhere.

We are doing this for the same reason we buy children cotton candy, to feel good about ourselves. At this time in our Nation's history we, as leaders, need to do much better than that.

We need to help our students who have dropped out of high school. That is a very important priority. If we are going to develop a new program for educational support, why not help those who dropped out of high school first, give them the education and training they need, and help our youth get a high school education.

Mr. FORD of Michigan. Mr. Speaker, I yield 2 minutes to the gentleman from Montana [Mr. WILLIAMS], or rather, to the entire delegation from Montana, another distinguished subcommittee chairman from the Committee on Education and Labor and one of the principal authors of this legislation.

Mr. WILLIAMS. Mr. Speaker, the entire Montana delegation in the House appreciates the time.

Today America moves to once again follow our dream, a dream two centuries old. That is, that the American people can marshal themselves to do good in a public way, one for the other. This is a dream that Bill Clinton had long before he was President, so those of us who are the architects of this legislation in a very real way are following Bill Clinton's dream to stimulate the energies of the American people in the service of their country.

America is, despite our difficulties here and abroad, still held in awe by people around the world. We are held in awe not only because of the glitter of our wealth but because of the splendor of our ideals. The ideal that says the American people can be marshaled to do good, to volunteer, to help each other, is the ideal that we follow once again in this Chamber this afternoon.

Mr. GOODLING. Mr. Speaker, I reserve the balance of my time.

Mr. FORD of Michigan. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman for yielding time to me, and I thank the whole committee for working so hard on this bill.

Mr. Speaker, I come from a district that has been absolutely wracked by violence this summer, teen violence that is random, that no one can understand. There is a massive hysteria going on, and we are all trying to cool out and look at it and analyze and figure out what do we do.

This bill that we are passing today is one of the best things we can do. As we have looked at the Centers for Disease Control's analysis of the different things that do work in America, it never works unless we give half hope and half discipline. Unfortunately, for 12 years our only approach to young people in this country has been discipline. It has been the finger in the face, "Do this, Do this because we tell you you have to."

We have really lost a generation of young people. This is reclaiming them. This President has said, "Our young people are our future, and we must get on with building a community among them and showing that they are part of the community of all of us." This is the best of what America is about. If we forget our youth, if we forget the tremendous problems we have got with the risky behavior of youth in this country, then we are off the charts. We are ahead of every other nation when we look at risky behavior problems.

I think a very large percentage of it is because these young people have not had hope. They have not felt included.

I think it is wonderful that this program is going forward today saying, "Henceforth, evermore, they are going to be included. They are a part of it. We need them," and we start rebuilding those ties. I thank the committee for moving it, and I hope we get on with passage. It is a perfect time to do it, in the summer.

□ 1320

Mr. FORD of Michigan. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. KLINK], a new member of the committee this year who has been a valuable contributor to this legislation.

Mr. KLINK. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, I rise today in strong support of the conference report on H.R. 2010, the National and Community Service Trust Act.

Mr. Speaker, I was an original cosponsor of H.R. 2010. Though it has gone through many changes since its introduction, and has been scaled back somewhat, H.R. 2010 is still important legislation.

This bill will help to revive a spirit of service to community and country, where people act on the desire they feel to give something back.

H.R. 2010 will provide opportunity, both to learn and to serve. It will make it easier for young people to afford to choose lower paying public service jobs and create incentives for many Americans to serve their country and their communities.

The renewed national commitment to service will benefit local communities and schools, health clinics and public safety and environmental programs. It will also provide valuable life experience for every participant in the national service program.

This bill will offer equal opportunities for service: it will benefit urban and rural communities, the young and the old, and men and women of all racial, ethnic, and religious backgrounds. I believe it will also promote cooperation in the community and provide participants with a sense of real achievement and civic pride.

The ultimate result of this legislation will be a supply of fresh energy in the neighborhoods and new ideas for old problems.

I commend my chairmen from the Education and Labor Committee: Chairman MARTINEZ for introducing this bill and Chairman FORD for moving it quickly through committee, the floor, and now through conference. I look forward to the President signing the National and Community Service Trust Act into law.

I urge all my colleagues to support the conference report on H.R. 2010.

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Speaker, I want to first thank my distinguished ranking member for yielding me this time and I rise in the strongest possible opposition to this legislation.

Yes, everyone has a strong desire to see more Americans—particularly younger Americans—give of themselves in service to our country. We are all disturbed that the trend seems to be away from voluntarism.

As a matter of fact, as a former educator, if I had the power I would probably make community service a requirement for graduation from secondary school. But that's not what we are debating here today.

MASSIVE NEW SPENDING

What we are debating is the creation of a new bureaucratic Government spending program at a time when we face $400 billion deficits as far as the eye can see.

I find real irony in the scheduling of this vote today, the day after so many of our colleagues paraded to the floor to pledge allegiance to deficit reduction.

Clearly, in their minds there is no contradiction between passing a reconciliation bill that they hope will trim the deficit and then voting to establish a brand, new bureaucracy the very next day.

I appreciate the efforts to Members of the other body. They tried to hold the line and keep this conference report smaller than the House-passed version.

But it will grow. In time, this program will expand into a full-blown entitlement program with its own constituency and momentum.

At the same time, the college work study program will struggle. Pell grants will be underfunded and many other valuable education programs will suffer.

For example, if we would apply the nearly $400 million authorized under this legislation this year and shift it to the college work-study we would increase college work-study authorization by one-third and serve tens of thousands more worthy students next year.

Mr. Speaker, we've got it wrong here. We should be undertaking a hard, clear-eyed evaluation of all our existing programs, zero out of those that are not providing their worth, and use the money we save to fully fund those programs that work.

We should not be initiating new programs, not even this one. Put the money, if we can find it, toward work study and other student aid programs that are presently starved for funds.

Vote "no" on the conference report.

Mr. FORD of Michigan. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma [Mr. MCCURDY], who has been the longest consistent advocate for this program in the House.

Mr. MCCURDY. Mr. Speaker, I proudly and with great joy today rise in support of this conference report. I want to first off commend this leadership of the Committee on Education and Labor, Chairman FORD, and the subcommittee chairs, Mr. MARTINEZ and others who provided strong support for this legislation. I also want to commend my colleagues on the other side of the aisle, the gentleman from Wisconsin [Mr. GUNDERSON] and the gentleman from Connecticut [Mr. SHAYS], for their strong support as well, and their efforts to make this truly a bipartisan package.

Mr. Speaker, I believe this is an important day for America. This has been a dream that has been out there for a long time. It was not initiated just by this administration. This was I think a concept that has a foundation in the real ethics in America that have made this country strong. It is clearly the attributes of mutual responsibility, of mutual respect, of placing community first, of trying to invest in our young people for the future and raising those values to a level which I think can help provide for the future leadership in America. Someday we will have Members of Congress who will be serving their country who got their start in a national service program, just as we have Members of Congress who got their start in civic life in community service through the Peace Corps or through military service and the GI bill.

I believe this is one of the true programs that is an investment in the right area, because it is investing in our young people. The gentlewoman from Colorado [Mrs. SCHROEDER] spoke just a moment ago about violence in America. Each of us can point to personal tragedies not only in our lives but in the lives of friends of ours and loved ones where there has been totally unnecessary and wanton violence that is so much in evidence among young people today.

I believe it is efforts such as this that can start to address those problems.

If Members have an opportunity, I encourage my colleagues to go to some of these programs around the country and see these young people and see the contributions that they are making, and realize that these are the centers of hope for the future. There are no centers of hope for some of these urban areas, and even some of the rural areas, and I truly believe that this is the right effort. I commend the President for his strong leadership, for without that we could not be realizing this dream today.

Again, Mr. Speaker, as one who started with Senator NUNN in advocating this approach some time ago, I just again want to commend the gentleman from Michigan [Mr. FORD], the gentleman from California [Mr. MARTINEZ], and others for their very strong and important efforts.

Mr. GUNDERSON. Mr. Speaker, will the gentleman yield?

Mr. McCURDY. I yield to my friend, the gentleman from Wisconsin.

Mr. GUNDERSON. Mr. Speaker, I just want to say thank you to the gentleman in the well. It was his dream, his vision, and his pursuit of that dream that caused a lot of us on both sides of the aisle to take a second and third look at this, and finally get involved. So you ought to take a lot of the credit for what happens here today.

Mr. McCURDY. I thank the gentleman very much. He is truly a friend.

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman from Pennsylvania [Mr. GOODLING] has 4 minutes remaining, and the gentleman from Michigan [Mr. FORD] has 5½ minutes remaining.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume to merely say that I have heard several speeches about how we must care about youth and we must think about youth. My life has been spent dealing with youth, working with youth, caring about youth, and if we really wanted to care about youth we surely would not spend $340 million on only 19,000 participants when we have at least 4 million more dependent on student loans and grants who are in need, the very programs that we are cutting in order to serve these few, half of which probably will not be in need.

Mr. Speaker, I yield back the balance of my time.

□ 1330

Mr. FORD of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I simply want to say thank you for all the kind words that have been uttered here today, and especially for the birthday greetings.

Yes, it is true, my wife did buy the shirt for me. My colleagues over here are telling me that I am dressing better as I become more mature. It has something to do with her guidance. If I listen to her, I find that I invariably end up doing the right thing.

For what it is worth, MARGE, she thinks this is a good idea, this bill.

Mrs. ROUKEMA. If the gentleman will yield, we cannot always agree with each other, but we will agree to disagree on this one.

Mr. FORD of Michigan. I am sorry we could not all be together on this, but I am very satisfied that this is the first demonstration that we can work together, that we have been able to get this far in this Congress, and, like the gentleman from Wisconsin [Mr. GUNDERSON], I am hopeful this is a beginning of a more productive relationship between Democrats and Republicans in the House, and particularly on my committee than we have experienced in the first months of this year.

I would like to get a chance to work this closely with them again, and I think that an enthusiastic vote for this conference report will confirm that I did the right thing in trying to be conciliatory at every possible turn of the way.

I would not like people now to turn away from the legislation because we went too far to accommodate concerns that people had. I believe we have got a fair and honest bill that will tell us in 3 years whether this works, and I would not be here with it if I felt we had bargained away too much of its bone and substance.

Mrs. KENNELLY. Mr. Speaker, I rise today in strong support of the National and Community Service Trust Act. I have been a sponsor and a supporter of national service for many years now. This is a momentous day as this body moves to pass national service legislation. National service is something we should all believe in. It is a commitment to this Nation and its future.

The national and community service bill is a welcome and important step forward for this country. The bill establishes an important link for the youth of this country between service to their country and a college education. Certain compromises necessary to move this bill forward have altered, even diluted parts of this program, but the legislation nonetheless represents a step forward. However, one provision of the final compromise presents particular problems. I support the passage of this legislation, but I do want to call the attention of my colleagues to this provision, since I hope that we will have the opportunity to revisit this at some time in the future.

The bill requires the postservice educational benefits to students to be taxed as income under certain circumstances. Under current law, if these benefits are used to pay back any outstanding student loans, the benefit may be excluded from income. It makes no sense for students to have to pay taxes on this benefit—since the resource will never be seen by the student as income. To subject students to this tax in order to receive a benefit for service makes no sense, and is unduly punitive. This provision should be removed. I am hopeful that in the near future this issue will be reexamined.

I commend Chairman FORD, his committee and many of my colleagues on both sides of the aisle for their dedication to this legislation, to ensuring its enactment. Your support of this important piece of legislation demonstrates a commitment to your Nation and one of which you can be most proud.

Mr. Speaker, I urge my colleagues to support this conference agreement.

Mr. COLEMAN. Mr. Speaker, I rise today to speak in support of the National and Community Service Trust Act. We owe a debt of gratitude to the President for his vision and to the members of the Education and Labor Committee and its chairman, Mr. FORD, for all of their hard work in bringing the President's idea to fruition.

The National and Community Service Trust Act is about hope. This program will give hope to the disadvantaged among us. It will turn the heads, the hearts and the hands of thousands of Americans to the tasks we have long neglected: To helping poor, urban youth to learn to read and write and have confidence in themselves; to preserving the beauty of our national parks; and to making sure that schoolchildren have immunizations and access to the basic health care they need to grow up healthy.

The National and Community Service Trust will also give hope to those who want to go to college, or to get vocational training, but otherwise might not be able to afford it. Those young people will now have the opportunity to earn what they need by serving their communities.

Finally, the National and Community Service Trust will give hope to all Americans by recognizing and celebrating as more than a pretty thousand points of light show the volunteer spirit that has contributed so much to the success of our Nation.

Again, I congratulate President Clinton and the Education and Labor Committee and I join dozens of corporations and nonprofit organizations in pledging my support for national and community service. I urge my colleagues to join me in supporting this important legislation.

Mr. PORTER. Mr. Speaker, I rise to express my disappointment with the action of the conferees on H.R. 2010.

This body, by a substantial vote, passed my amendment to address the problem of volunteer liability exposure in a reasonable and limited way. However, for purposes of the conference, members of the House Judiciary Committee were appointed to address this provision. The Judiciary Committee has, as I have stated on the floor previously, not held a hearing on my legislation—H.R. 911, the Volunteer Protection Act—for 8 years despite its hundreds of cosponsors and widespread support. Not surprisingly, they removed this provision from the final legislation, a provision which would have strengthened, not weakened this bill.

I think that this is an unfortunate development given the strong support for volunteer protection legislation in this body. I think that conferees should do a better job of representing the will of the House in conference committee, and not only their own personal perspective.

I am also concerned by the cost-per-participant under this act, a const equivalent to that which can fund five Pell grant recipients. I think it is a mistake to allow the cost-per-participant to rise so high.

Mr. FAZIO. Mr. Speaker, I rise in strong support of the conference report on H.R. 2010, the National and Community Service Trust Act of 1993.

National and community service will enable participants to work in programs that address unmet human, educational, environmental, and public safety needs. It will involve the most diverse range of Americans, from high school students to our oldest citizens, and will serve populations as diverse. And, in exchange for their service, participants will receive financial assistance for their education.

At the end of a term of service, service participants will earn $4,725 which can be applied toward past, present, or future educational loans. This will not only help participants pay their way through college, but it will help promote self-discipline, responsibility and a strong work ethic.

State and local programs will be defined and driven by the needs of their own communities. Program participants will teach, tutor, and care for small children; run recycling programs; aid homebound individuals; provide home care for senior citizens; and clean up our parks and playgrounds. Communities will be served through Head Start centers, family support programs, community health centers, police departments, schools, conservation organizations and in many other ways that work to meet the needs of that community in that community. Passage of this national and community service bill will serve our citizens on a number of fronts.

The program is consistent with America's legacy of national service and will grow to include more and more Americans over time. Next year up to 20,000 people will be brought into the national service fold, which has the potential to expand to include up to 100,000 participants over the next 3 years.

This bill harnesses the best in the American spirit—the spirit of reciprocity and commitment to change. I urge my colleagues on both sides of the aisle to support final passage of the conference report on the National and Community Service Trust Act—to invest in America's students and communities and to reward individual responsibility.

Mr. FORD of Michigan. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). Without objection, the previous question is ordered on the conference report.

There was no objection.

The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. ROUKEMA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 275, nays 152, not voting 6, as follows:

[Roll No. 408]

YEAS—275

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bishop
Blackwell
Blute
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Holden
Horn
Houghton
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Klug
Kopetski
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shays
Shepherd
Sisisky
Skelton
Slattery
Slaughter
Smith (IA)
Snowe
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Velazquez
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Watt
Waxman
Wheat
Whitten
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—152

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cantwell
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Hancock
Hansen
Hastert
Hefley
Herger
Hoke
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kasich
Kim
King
Kingston
Knollenberg
Kolbe
Kreidler
Kyl
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Mollohan
Moorhead
Myers
Nussle
Oxley
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Ramstad
Ravenel
Regula
Ridge
Roberts
Rohrabacher
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Skaggs
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stump
Sundquist
Synar
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Valentine
Vucanovich
Walker
Weldon
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—6

Brown (CA)
Dickey
Meek
Packard
Williams
Young (AK)

□ 1355

Mr. VALENTINE changed his vote from "yea" to "nay."

Mr. BONIOR and Mr. HOBSON changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on the conference report on H.R. 2010, just agreed to.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Michigan?

There was no objection.

GENERAL LEAVE

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on the conference report on the bill (H.R. 2348) making appropriations for the legislative branch for the fiscal year ending September 30, 1994, and for other purposes, and that I may include extraneous and tabular material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

CONFERENCE REPORT ON H.R. 2348, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1994

Mr. FAZIO. Mr. Speaker, I call up the conference report on the bill (H.R. 2348) making appropriations for the legislative branch for the fiscal year ending

September 30, 1994, and for other purposes.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of August 2, 1993, at page 18257.)

The SPEAKER pro tempore. The gentleman from California [Mr. FAZIO] will be recognized for 30 minutes, and the gentleman from Florida [Mr. YOUNG] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have had a successful conference. We had 28 Senate amendments to the House bill. All have been resolved by the conferees. I will include a table showing the details of the conference report.

Our toughest problem, obviously, is to reduce spending in the legislative branch, while providing the resources necessary to continue to perform our responsibilities. I think this conference agreement accomplishes that objective—maximum restraint on spending consistent with our needs to carry out the job of the Federal legislature.

We have applied tougher spending standards to our own budget than almost any other part of the Government. That is a continuing process that we are trying to demonstrate leadership on in this bill.

We have also met the instructions of our House and Senate leadership to match the full-time equivalent employee reductions taking place in the executive branch. We have done it here in the legislative branch as well.

☐ 1400

I might also say, Mr. Speaker, we have carried out the instructions of the House to our conferees on amendment No. 9 to delete the authority of the Office of the Architect of the Capitol to allow contingent expense funds to remain available until expended.

The agreement, the conference report, provides $2.27 billion to the entire legislative branch of Government. That is a 1.4-percent reduction below 1993 budget authority, some $33.4 million. That is a 14.1-percent reduction below the budget request from all the legislative agencies. That is $372 million less than we were asked to spend. It is also below the 602(b) figure allowed our subcommittee by the Committee on Appropriations in furtherance of the budget resolution target. That is a $30 million reduction, 1.3 percent below what this committee would have been allowed to spend by the full Committee on Appropriations and the budget resolution.

The conference budget authority, compared to the House bill, shows that we continue to make savings in the context of this conference report. The bill we sent to the Senate obviously did not have Senate operations included in it. We included the Senate items in conference, but, when we take them out to give Members a clear picture of what we passed here versus what comes back from conference, we have reduced by an additional $7.8 million the amount that we passed through the House in June. That savings comes from a reduction of $9 million in charges against the retirement fund for the accelerated retirements made under a retirement incentive provision which we included in the bill. To some extent, that reduction was offset, however, by a $1.2 million increase, mostly consisting of Library of Congress and the Office of Technology Assessment funds. We receded to those higher numbers requested of us by the Senate.

In terms of outlays, which is really what counts in fighting the deficit and how we are being judged by our colleagues, expenditures will be down by $106 million below the 1993 level estimated by CBO. That is a 4.5-percent reduction in outlays over last year.

There are more savings in here than the official figures suggest. The FTE reduction will reduce employment by about 920 jobs. And, because we are allowing our managers to exercise discretion to achieve the 920, and because we have provided a retirement incentive for three agencies, there will be more savings than the $106 million due to the employment reductions.

For that reason we believe some agencies will underspend what we have appropriated. Our estimate is another $10.9 million will be saved in actual spending. That means we will be $117 million below 1993 in outlays. That is 5.2 percent below 1993.

If we add the 6.5-percent savings scored last year in the CBO comparison between 1992 and 1993, we will have reduced spending by 11.7 percent in 2 years.

If the conference agreement is compared to the current year level, adjusted for employee pay raises and other uncontrollable increases—the baseline calculation, the legislative budget is 5.7 percent, $137.6 million below 1993 in budget authority; and 5.0 percent, $119.4 million below in outlays.

If we go back 2 years to the actual 1992 appropriation, and adjust that budget for the modest cost-of-living pay raises for our employees since then, and other uncontrollable items, the legislative bill is 11.8 percent, $304 million below the 1992 level of operations in budget authority, and 9.8 percent, $245.1 million below 1992 in outlays.

HOUSE OF REPRESENTATIVES

I want to mention two important matters. We have reduced House mail costs by $7.7 million under last year. This is the lowest amount we have appropriated for House mail since 1981, even though since then we have had a 93-percent increase in postage rates, from 15 cents to 29 cents. We have saved $173 million in franked mail costs since our 1989 reform package was enacted.

And, we have eliminated all uncommitted carryover balances in House funds that we know about from fiscal years 1991 and 1992.

In summary, the bill is $372 million below the request. It is $33.4 below 1993 in budget authority. And, it is 4.5 percent, $106 million, below scored 1993 outlays.

We have brought the House a tight, fiscally sound conference report.

H.R. 2348 - LEGISLATIVE BRANCH APPROPRIATIONS, 1994

	FY 1993 Enacted	FY 1994 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - CONGRESSIONAL OPERATIONS						
SENATE						
Mileage and Expense Allowances						
Mileage of the Vice President and Senators	60,000	60,000		60,000	60,000	
Expense allowances:						
Vice President	10,000	10,000		10,000	10,000	
President Pro Tempore of the Senate	10,000	10,000		10,000	10,000	
Majority Leader of the Senate	10,000	10,000		10,000	10,000	
Minority Leader of the Senate	10,000	10,000		10,000	10,000	
Majority Whip of the Senate	5,000	5,000		5,000	5,000	
Minority Whip of the Senate	5,000	5,000		5,000	5,000	
Chairmen of the Majority Conference Committee	3,000	3,000		3,000	3,000	
Chairmen of the Minority Conference Committee	3,000	3,000		3,000	3,000	
Subtotal, expense allowances	56,000	56,000		56,000	56,000	
Representation allowances for the Majority and Minority Leaders	30,000	30,000		30,000	30,000	
Total, Mileage and expenses allowances	146,000	146,000		146,000	146,000	
Salaries, Officers and Employees						
Office of the Vice President	1,431,000	1,500,000		1,431,000	1,431,000	
Office of the President Pro Tempore	432,000	452,000		432,000	432,000	
Offices of the Majority and Minority Leaders	2,076,000	2,176,000		2,076,000	2,076,000	
Offices of the Majority and Minority Whips	644,000	644,000		644,000	644,000	
Conference committees	1,884,000	1,974,000		1,884,000	1,884,000	
Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority	362,000	430,000		362,000	362,000	
Office of the Chaplain	172,000	200,000		172,000	172,000	
Office of the Secretary	11,715,000	12,695,000		11,715,000	11,715,000	
Office of the Sergeant at Arms and Doorkeeper	33,739,000	35,500,000		32,739,000	32,739,000	-1,000,000
Offices of the Secretaries for the Majority and Minority	1,133,000	1,187,000		1,133,000	1,133,000	
Agency contributions	16,307,000	19,399,000		17,307,000	17,307,000	+1,000,000
Total, salaries, officers and employees	69,895,000	76,157,000		69,895,000	69,895,000	
Office of the Legislative Counsel of the Senate						
Salaries and expenses	3,080,000	3,342,000		3,080,000	3,080,000	
Office of Senate Legal Counsel						
Salaries and expenses	833,000	904,000		833,000	833,000	
Expense Allowances of the Secretary of the Senate, Sergeant at Arms and Doorkeeper of the Senate, and Secretaries for the Majority and Minority of the Senate: Expenses allowances	12,000	12,000		12,000	12,000	
Contingent Expenses of the Senate						
Senate policy committees	2,398,200	2,644,000		2,398,200	2,398,200	
Inquiries and investigations	77,000,000	82,440,000		77,000,000	77,000,000	
Expenses of United States Senate Caucus on International Narcotics Control	336,000	380,000		336,000	336,000	
Secretary of the Senate	1,452,500	1,366,500		1,366,500	1,366,500	-86,000
Sergeant at Arms and Doorkeeper of the Senate	82,944,000	81,000,000		74,894,000	74,894,000	-8,050,000
Miscellaneous items	6,748,000	6,748,000		6,748,000	6,748,000	
Senators' Official Personnel and Office Expense Account	185,768,000	218,033,000		185,768,000	185,768,000	
Office of Fair Employment Practices	825,000	920,000		825,000	825,000	
Stationery (revolving fund)	13,000	13,000		13,000	13,000	
Official Mail Costs						
Expenses	20,000,000	36,000,000		20,000,000	20,000,000	
Total, contingent expenses of the Senate	377,484,700	429,544,500		369,348,700	369,348,700	-8,136,000
Total, Senate	451,450,700	510,105,500		443,314,700	443,314,700	-8,136,000
HOUSE OF REPRESENTATIVES						
Mileage of Members						
Mileage of Members		210,000				
Salaries and Expenses						
House Leadership Offices						
Office of the Speaker	1,383,000	1,610,000	1,395,000	1,395,000	1,395,000	+12,000
Office of the Majority Floor Leader	994,000	1,121,000	1,003,000	1,003,000	1,003,000	+9,000
Office of the Minority Floor Leader	1,348,000	1,510,000	1,383,000	1,383,000	1,383,000	+35,000
Office of the Majority Whip	1,095,000	1,225,000	1,235,000	1,235,000	1,235,000	+140,000
Office of the Minority Whip	741,000	836,000	855,000	855,000	855,000	+114,000
Total, House leadership offices	5,561,000	6,302,000	5,871,000	5,871,000	5,871,000	+310,000

H.R. 2348 - LEGISLATIVE BRANCH APPROPRIATIONS, 1994

	FY 1993 Enacted	FY 1994 Estimate	House	Senate	Conference	Conference compared with enacted
Office of the Attending Physician						
Medical supplies, equipment, expenses, and allowances	1,509,000	1,502,000	1,502,000	1,502,000	1,502,000	-7,000
Capitol Police Board						
Capitol Police						
Salaries:						
Sergeant at Arms of the House of Representatives	31,000,500	33,455,000	29,453,000	29,453,000	29,453,000	-1,547,500
Sergeant at Arms and Doorkeeper of the Senate	31,851,500	34,146,000	32,802,000	32,802,000	32,802,000	+950,500
Total, salaries	62,852,000	67,601,000	62,255,000	62,255,000	62,255,000	-597,000
General expenses	2,029,000	2,419,000	1,977,000	1,977,000	1,977,000	-52,000
Total, Capitol Police Board	64,881,000	70,020,000	64,232,000	64,232,000	64,232,000	-649,000
Capitol Guide Service						
Salaries and expenses	1,644,000	1,708,000	1,628,000	1,628,000	1,628,000	-16,000
Special Services Office						
Salaries and expenses	366,000	366,000	363,000	363,000	363,000	-3,000
Statements of Appropriations						
Preparation	....	20,000	....	....	....	....
Total, Joint items	80,476,000	86,055,000	78,783,000	78,363,000	78,750,000	-1,726,000
OFFICE OF TECHNOLOGY ASSESSMENT						
Salaries and expenses	21,025,000	22,925,000	20,815,000	21,815,000	21,315,000	+290,000
CONGRESSIONAL BUDGET OFFICE						
Salaries and expenses	22,542,000	23,650,000	22,317,000	22,442,000	22,317,000	-225,000
ARCHITECT OF THE CAPITOL						
Office of the Architect of the Capitol						
Salaries	8,144,000	9,596,000	8,762,000	8,144,000	8,453,000	+309,000
Travel (limitation on official travel expenses)	(50,000)	(50,000)	(20,000)	(20,000)	(20,000)	(-30,000)
Contingent expenses	100,000	100,000	100,000	100,000	100,000	....
Total, Office of the Architect of the Capitol	8,244,000	9,696,000	8,862,000	8,244,000	8,553,000	+309,000
Capitol Buildings and Grounds						
Capitol buildings	23,955,000	27,753,000	23,978,000	23,978,000	23,978,000	+23,000
Capitol grounds	5,600,000	5,748,000	5,289,000	5,289,000	5,289,000	-311,000
Senate Office Buildings	47,339,000	52,758,000	....	47,339,000	47,339,000	....
House Office Buildings	32,387,000	47,366,000	32,287,000	32,287,000	32,287,000	-100,000
Capitol Power Plant	35,288,000	39,719,000	35,977,000	35,977,000	35,977,000	+689,000
Offsetting collections	-3,200,000	-3,200,000	-3,200,000	-3,200,000	-3,200,000	....
Net total, Capitol Power Plant	32,088,000	36,519,000	32,777,000	32,777,000	32,777,000	+689,000
Total, Capitol buildings and grounds	141,369,000	170,144,000	94,331,000	141,670,000	141,670,000	+301,000
Total, Architect of the Capitol	149,613,000	179,840,000	103,193,000	149,914,000	150,223,000	+610,000
LIBRARY OF CONGRESS						
Congressional Research Service						
Salaries and expenses	57,291,000	61,942,000	56,718,000	56,718,000	56,718,000	-573,000
GOVERNMENT PRINTING OFFICE						
Congressional printing and binding	89,591,000	95,000,000	88,404,000	88,404,000	88,404,000	-1,187,000
Total, title I, Congressional Operations	1,571,097,700	1,796,749,500	1,054,926,246	1,545,666,946	1,545,737,946	-25,359,754
TITLE II - OTHER AGENCIES						
BOTANIC GARDEN						
Salaries and expenses	4,906,000	10,349,000	3,008,000	3,008,000	3,008,000	-1,898,000
LIBRARY OF CONGRESS						
Salaries and expenses	203,163,000	222,370,000	201,231,000	202,304,595	202,250,000	-913,000
Authority to spend receipts	-7,500,000	-7,500,000	-7,500,000	-7,500,000	-7,500,000	....
Net total, Salaries and expenses	195,663,000	214,870,000	193,731,000	194,804,595	194,750,000	-913,000
Copyright Office, salaries and expenses	26,228,000	27,771,000	26,244,000	26,244,000	26,244,000	+16,000
Authority to spend receipts	-16,717,000	-16,885,000	-16,833,000	-16,833,000	-16,833,000	-116,000
Net total, Copyright Office	9,511,000	10,886,000	9,411,000	9,411,000	9,411,000	-100,000

H.R. 2348 - LEGISLATIVE BRANCH APPROPRIATIONS, 1994

	FY 1993 Enacted	FY 1994 Estimate	House	Senate	Conference	Conference compared with enacted
Members' Clerk Hire						
Clerk hire	228,313,000	256,808,000	225,004,000	225,004,000	225,004,000	-3,309,000
Committee Employees						
Professional and clerical employees of standing committees	70,950,000	77,750,000	70,445,000	70,445,000	70,445,000	-505,000
Committee on the Budget (Studies)						
Salaries and expenses	389,000	400,000	389,000	389,000	389,000	
Standing Committees, Special and Select						
Salaries and expenses	57,900,000	65,972,000	52,662,000	52,662,000	52,662,000	-5,238,000
Rescission			(-1,500,000)	(-1,500,000)	(-1,500,000)	(-1,500,000)
House Information Systems						
Salaries and expenses	22,885,000	22,906,000	22,885,000	22,885,000	22,885,000	
Offsetting collections	-14,746,000	-13,260,000	-8,328,000	-8,328,000	-8,328,000	+6,418,000
Net total, House Information Systems	8,139,000	9,646,000	14,557,000	14,557,000	14,557,000	+6,418,000
Allowances and Expenses						
Official Expenses of Members	78,545,000	87,797,000	76,545,000	76,545,000	76,545,000	-2,000,000
Supplies, materials, administrative costs and Federal tort claims	19,116,000	22,185,000	11,328,000	11,328,000	11,328,000	-7,788,000
Office equipment	4,427,000	7,196,000	7,196,000	7,196,000	7,196,000	+2,769,000
Net expenses for telecommunications		7,875,000	5,960,000	5,960,000	5,960,000	+5,960,000
Furniture and furnishings	1,720,000	1,806,000	1,720,000	1,720,000	1,720,000	
Stenographic reporting of committee hearings	1,055,000	1,100,000	1,055,000	1,055,000	1,055,000	
Reemployed annuitants reimbursements	1,039,000	1,016,000	933,000	933,000	933,000	-106,000
Government contributions	116,203,000	132,543,000	115,314,000	115,314,000	115,314,000	-889,000
Miscellaneous items	632,000	792,000	761,000	761,000	761,000	+129,000
Total, allowances and expenses	222,737,000	262,310,000	220,812,000	220,812,000	220,812,000	-1,925,000
Committee on Appropriations (Studies and Investigations)						
Salaries and expenses	6,631,000	6,635,000	6,431,000	6,431,000	6,431,000	-200,000
Official Mail Costs						
Expenses	47,711,000	71,495,000	40,000,000	40,000,000	40,000,000	-7,711,000
Salaries, Officers and Employees						
Office of the Clerk	22,354,000	25,793,000	11,947,000	11,947,000	11,947,000	-10,407,000
Office of the Sergeant at Arms	1,369,000	1,508,000	1,384,000	1,384,000	1,384,000	+15,000
Office of the Doorkeeper	10,750,000	12,910,000	10;101,000	10,101,000	10,101,000	-649,000
Office of the Postmaster	4,079,000					-4,079,000
Office of Director of Non-Legislative and Financial Services		4,759,000	14,402,000	14,402,000	14,402,000	+14,402,000
Office of Inspector General		205,000				
Office of General Counsel		794,000	674,000	674,000	674,000	+674,000
Office of the Chaplain	123,000	129,000	123,000	123,000	123,000	
Office of the Parliamentarian	854,000	1,040,000	898,000	898,000	898,000	+44,000
Office of the Parliamentarian	(587,000)	(731,400)	(599,000)	(599,000)	(599,000)	(+12,000)
Compilation of precedents of the House of Representatives	(267,000)	(308,600)	(299,000)	(299,000)	(299,000)	(+32,000)
Office of the Historian	310,000	374,000	310,000	310,000	310,000	
Office of the Law Revision Counsel	1,403,000	1,650,000	1,453,000	1,453,000	1,453,000	+50,000
Office of the Legislative Counsel	4,155,000	4,652,000	4,071,000	4,071,000	4,071,000	-84,000
Six minority employees	735,000	773,000	738,000	738,000	738,000	+3,000
House Democratic Steering Committee and Caucus	1,461,000	1,637,000	1,474,000	1,474,000	1,474,000	+13,000
House Democratic Steering Committee	(934,000)	(1,027,000)	(942,000)	(942,000)	(942,000)	(+8,000)
House Democratic Caucus	(527,000)	(610,000)	(532,000)	(532,000)	(532,000)	(+5,000)
House Republican Conference	1,461,000	1,637,000	1,474,000	1,474,000	1,474,000	+13,000
Other Authorized Employees	1,724,000	1,843,000	1,098,000	1,098,000	1,098,000	-626,000
Technical assistant, Office of the Attending Physician	(145,000)	(173,000)	(146,000)	(146,000)	(146,000)	(+1,000)
L.B.J. Interns	(1,056,000)	(1,116,000)	(483,000)	(483,000)	(483,000)	(-573,000)
Former Speakers' staff	(410,000)	(434,000)	(417,000)	(417,000)	(417,000)	(+7,000)
Miscellaneous items	(113,000)	(120,000)	(52,000)	(52,000)	(52,000)	(-61,000)
Total, salaries, officers and employees	50,778,000	59,704,000	50,147,000	50,147,000	50,147,000	-631,000
Total, salaries and expenses	699,109,000	817,022,000	686,318,000	686,318,000	686,318,000	-12,791,000
Rescission of prior year balances			-1,621,754	-1,621,754	-1,621,754	-1,621,754
Total, House of Representatives	699,109,000	817,232,000	684,696,246	684,696,246	684,696,246	-14,412,754
JOINT ITEMS						
Joint Committee on Inaugural Ceremonies	906,000					-906,000
Joint Economic Committee	4,020,000	4,300,000	3,980,000	3,626,000	3,980,000	-40,000
Joint Committee on Printing	1,391,000	1,546,000	1,377,000	1,311,000	1,344,000	-47,000
Joint Committee on Taxation	5,759,000	6,593,000	5,701,000	5,701,000	5,701,000	-58,000

H.R. 2348 - LEGISLATIVE BRANCH APPROPRIATIONS, 1994

	FY 1993 Enacted	FY 1994 Estimate	House	Senate	Conference	Conference compared with enacted
Books for the blind and physically handicapped, salaries and expenses	43,144,000	46,646,000	43,144,000	42,713,000	42,713,000	-431,000
Furniture and furnishings	4,490,000	5,623,000	3,939,000	3,939,000	3,939,000	-551,000
Total, Library of Congress (except CRS)	252,808,000	278,025,000	250,225,000	250,867,595	250,813,000	-1,995,000
ARCHITECT OF THE CAPITOL						
Library Buildings and Grounds						
Structural and mechanical care	9,733,000	25,386,000	9,543,000	9,974,000	9,974,000	+241,000
COPYRIGHT ROYALTY TRIBUNAL						
Salaries and expenses	911,000	1,028,000	1,028,000	1,028,000	1,028,000	+117,000
Authority to spend receipts	-781,000	-884,000	-900,000	-900,000	-900,000	-119,000
Net total, Copyright Royalty Tribunal	130,000	144,000	128,000	128,000	128,000	-2,000
GOVERNMENT PRINTING OFFICE						
Office of Superintendent of Documents						
Salaries and expenses	29,082,000	33,707,000	29,082,000	29,082,000	29,082,000	....
GENERAL ACCOUNTING OFFICE						
Salaries and expenses	436,367,000	499,185,000	432,415,000	432,415,000	432,415,000	-3,952,000
Offsetting collections	-1,200,000	-1,600,000	-1,600,000	-1,600,000	-1,600,000	-400,000
Subtotal	435,167,000	497,585,000	430,815,000	430,815,000	430,815,000	-4,352,000
Authority to spend receipts	....	....	....	4,000,000	....	....
Total, General Accounting Office	435,167,000	497,585,000	430,815,000	434,815,000	430,815,000	-4,352,000
Total, title II, Other agencies	731,826,000	845,196,000	722,801,000	727,874,595	723,820,000	-8,006,000
Grand total	2,302,923,700	2,641,945,500	1,777,727,246	2,273,541,541	2,269,557,946	-33,365,754

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the conference report that we present today is a reduction from the bill that we sent to the Senate several weeks ago. It is not as much of a reduction as we would have liked, but it is a reduction, and so we support the bill.

In the interest of time, because the Members have had a lot of debate in the last couple of weeks, I am going to present for the RECORD a list of the reductions that our conference committee has agreed to.

POINTS ON LEGISLATIVE BRANCH CONFERENCE REPORT

Conference agreement provides $2.269 billion for operations of the legislative branch: $1.5 billion for congressional operations ($684 million for House operations); and

Another $723 million for other agencies (GPO, GAO, Library, Architect, etc.).

Conference agreement is $33 million below 1993 in budget authority.).

FISCAL HIGHLIGHTS OF AGREEMENT

Reduces funding for:

The Joint Committee on Printing ($33,000 below House).

Salaries of the Architect ($309,000 below House).

House denied Senate attempts to increase: Funding for the Congressional Budget Office ($125,000 for computers); and GAO authority to spend $4 million in receipts from audits conducted for government corporations (e.g. Fannie May, Freddie Mac) that otherwise are paid to the Treasury's miscellaneous receipt account.

POLICY HIGHLIGHTS OF AGREEMENT

Contingent expenses of the Architect:

Pursuant to the House's instruction, funds for the contingent expenses of the Architect were provided for fiscal year 1994 only, as opposed to a no-year basis which would have allowed them to accrue into a potentially large fund.

GPO detailees policy:

The conference report directs the Government Printing Office to work with the Joint Committee on Printing to formulate a policy for reimbursement of GPO detailees. I had offered report language to the House bill which would direct the GPO to seek reimbursement from Congressional entities for details. Because of legitimate concerns, I have accepted an agreement which allows for the GPO to request funds for detailees in their fiscal year 1995 budget, while working with the Congress and the Joint Committee on a more cost-effective policy. I continue to have serious concerns about the cost of these detailees to Congress and the efficiency of the present policy. These detailees will cost the Congress an average well more than $70,000 per detail next year. I look forward to receiving GPO's proposal, and finally resolving this issue.

Executive branch printing:

The conference report also addresses the issue of the growing problem of government printing by executive agencies. A powerful case is being build against allowing this to continue on the massive scale it has. As a member of the Defense Appropriations Subcommittee, I am particularly concerned about the large amount of printing being done by the Defense Printing Service—work that could be done by the GPO or contracted out to private printers at sometimes half the cost. The Appropriations Committee has requested that GAO do a thorough study of this matter so that the proper legislative remedy may be applied, and this crisis alleviated.

Gettysburg Address:

The conference report encourages the Library to open discussions with the National Military Park at Gettysburg with the purpose of establishing a loan policy for the original draft of the document to remain in the park indefinitely. The Library has a second draft in its own vaults and has certified that the storage facility in Gettysburg meets all preservation requirements. Over ½ million visitors view this document each year in this fittingly historic setting.

Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. TAYLOR], a distinguished member of this committee, for a colloquy in which he is vitally interested.

Mr. TAYLOR of North Carolina. Mr. Speaker, I would like, first of all, as a first-term member on this committee to thank our chairman, the gentleman from California [Mr. FAZIO], and our ranking member, the gentleman from Florida [Mr. YOUNG] for the fair and impartial job that was done in the committee. There was a lot of work toward cutting, as the gentleman from Florida [Mr. YOUNG] just said. I would have liked to have seen more cutting, but we did make some progress, and I hope in the time to come we will make more.

I would like to question one item that we were in conference on. In the conference report, on page 5, the conference language states that for the administrative assistant for the former Librarian of Congress, funds for the staff assistant for the Librarian Emeritus should be taken from available funds. I think the conference clearly understood that this was incidental expenses to be paid for by the Library of Congress and that the staff position and the funds for that staff position would be eliminated, and so I would like to ask the gentleman from California:

Would the subcommittee chairman assure the House that the personnel position of the administrative assistant to the Librarian Emeritus is not funded under this bill and that the Library is not to fund such a full-time personnel position from available funds, but should provide incidental clerical and administrative assistance to the Librarian Emeritus?

Mr. FAZIO. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of North Carolina. I yield to the gentleman from California.

Mr. FAZIO. I certainly concur in the gentleman's interpretation of the language in the report. I think it reflects the discussion we had in the conference committee.

Mr. TAYLOR of North Carolina. Mr. Speaker, I thank the gentleman from California [Mr. FAZIO].

Mr. YOUNG of Florida. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I am very pleased that the Appropriations Committee has seen fit to include language in the conference report in favor of allowing the first draft of the Gettysburg Address to remain at its most appropriate site, the Gettysburg National Military Park, which is located in my district.

The Gettysburg Address has been on loan to the park for the last 12 years. Over one-half million visitors have had the opportunity to view this historic document which is truly a national treasure and a symbol of pride for every citizen of our Nation.

I am confident that the National Park Service has made every effort to meet the demands of the Library of Congress in ensuring its protection. The park has taken extreme precautions such as ensuring the document is viewed during limited hours and is protected under the most secure and environmentally safe conditions. Furthermore, the committee and I believe the document is treated with equal, if not superior care, than the second draft which is archived in a permanent storage vault.

Mr. Speaker, I hope the Librarian of Congress will follow the conferees guidance and reopen discussions with the National Military Park for the purpose of extending the loan for an indefinite period so that generations may share in the inspiration that this priceless artifact brings to our Nation.

Mr. YOUNG of Florida. Mr. Speaker, because there will be some time required to discuss several of the amendments that were discussed by the conference, in order to save time now I yield back the balance of my time.

Mr. FAZIO. Mr. Speaker, we have no further requirements on this side, and I yield back the balance of our time.

The SPEAKER pro tempore (Mr. MAZZOLI). All time has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

The conference report was agreed to.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. The Clerk will report the first amendment in disagreement.

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that Senate amendments No. 1, 7, 10, 12, 20, 22, 23, 24, 25, and 27 be considered en bloc and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The texts of the various Senate amendments referred to in the unanimous-consent request are as follows:

Senate amendment No. 1: Page 2, after line 1, insert:

SENATE

MILEAGE AND EXPENSES ALLOWANCES

MILEAGE OF THE VICE PRESIDENT AND SENATORS

For mileage of the Vice President and Senators of the United States, $60,000.

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $10,000; the President Pro Tempore of the Senate, $10,000; Majority Leader of the Senate, $10,000; Minority Leader of the Senate, $10,000; Majority Whip of the Senate, $5,000; Minority Whip of the Senate, $5,000; and Chairmen of the Majority and Minority Conference Committees, $3,000 for each Chairman; in all, $56,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $69,895,000, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $1,431,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $432,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $2,076,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $644,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $942,000 for each such committee; in all, $1,884,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $362,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $172,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $11,715,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $32,739,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,133,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $17,307,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $3,080,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $833,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $3,000; Sergeant at Arms and Doorkeeper of the Senate, $3,000; Secretary for the Majority of the Senate, $3,000; Secretary for the Minority of the Senate, $3,000; in all, $12,000.

CONTINGENT EXPENSES OF THE SENATE

SENATE POLICY COMMITTEES

For salaries and expenses of the Majority Policy Committee and the Minority Policy Committee, $1,199,100 for each such committee; in all, $2,398,200.

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, as amended, section 112 of Public Law 96-304 and Senate Resolution 281, agreed to March 11, 1980, $77,000,000.

EXPENSES OF UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $336,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $1,366,500.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $74,894,000, of which $16,500,000 shall remain available until expended.

MISCELLANEOUS ITEMS

For miscellaneous items, $6,748,000.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $185,768,000.

OFFICE OF SENATE FAIR EMPLOYMENT PRACTICES

For salaries and expenses of the Office of Senate Fair Employment Practices, $825,000.

STATIONERY (REVOLVING FUND)

For stationery for the President of the Senate $4,500, for officers of the Senate and the Conference of the Majority and Conference of the Minority of the Senate, $8,500; in all, $13,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $20,000,000.

ADMINISTRATIVE PROVISIONS

SEC. 1. (a) Charges for expenses of any office, the funds of which are disbursed by the Secretary of the Senate, may be vouched by a Senate support office paying such expenses or to which such charges are owed for goods or services provided, if—

(1) such charges are paid on behalf of the office incurring such expenses by such Senate support office; or

(2) such charges are payable to such Senate support office for goods or services provided by such office to the office incurring such expenses.

(b) Payments under this section shall be charged to the official funds of the office on whose behalf the expenses were paid, or which received the goods or services for which payment is required.

(c) Any voucher submitted by a Senate support office pursuant to this section shall be accompanied by a certification from such office of the amount and that such purchases were of the nature that they could be charged to the official funds of the office on whose behalf charges were paid, or to which goods or services were provided.

(d) Vouchers under this section shall be submitted and paid subject to such regulations as may be promulgated by the Committee on Rules and Administration.

SEC. 2. Effective on and after October 1, 1993, the aggregate of each of the sums determined under clause (iii) and (iv) of section 506(b)(3)(A) of the Supplemental Appropriations Act, 1973, (2 U.S.C. 58(b)(3)(A) (iii) and (iv)), shall be deemed decreased by 2.5 percent.

SEC. 3. Section 12 under the subheading "ADMINISTRATIVE PROVISIONS" under the heading "SENATE" in the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 58–1) is amended in the first sentence by striking "the Committee on Appropriations of the Senate and".

Senate amendment No. 7: Page 16, line 7, after "98–63" insert ": *Provided further*, That the Director of the Congressional Budget Office shall have the authority, within the limits of available appropriations, to dispose of surplus or obsolete personal property by inter-agency transfer, donation, or discarding".

Senate amendment No. 10: Page 17, line 11, after "vehicle;" insert "security installations, which are approved by the Capitol Police Board, authorized by House Concurrent Resolution 550, Ninety-Second Congress, agreed to September 19, 1972, the cost limitation of which is hereby further increased by $200,000;".

Senate amendment No. 12: Page 17, after line 20, insert:

SENATE OFFICE BUILDINGS

For all necessary expenses for maintenance, care and operation of Senate Office Buildings; and furniture and furnishings, to be expended under the control and supervision of the Architect of the Capitol, $47,339,000, of which $10,177,000 shall remain available until expended.

Senate amendment No. 20: Page 34, strike out all after line 19 over to and including line 2 on page 35, and insert:

SEC. 306. (a) The General Accounting Office, the Government Printing Office, or the Library of Congress may for such employees as it deems appropriate authorize a payment to employees who voluntarily separate before January 1, 1994, whether by retirement or resignation, which payment shall be paid in accordance with the provisions of section 5597(d) of title 5, United States Code.

(b) The number of employee positions authorized for the General Accounting Office, the Government Printing Office, or the Library of Congress, as the case may be, shall be reduced by one position for each vacancy created by reason of a separation under subsection (a). No funds appropriated by this Act for salaries and expenses of any position that is eliminated under the preceding sentence may be used for any other purpose.

Senate amendment No. 22: Page 40, strike out all after line 23 over to and including line 7 on page 41 and insert:

SEC. 310. (a) Section 17 of the Act entitled "An Act making appropriations for sundry Civil Expenses of the Government for the year ending June thirtieth, eighteen hundred and sixty-seven, and for other purposes", approved July 28, 1866 (2 U.S.C. 43), is amended by inserting after "mileage" the first place it appears the following: "for each Senator".

(b) The first section of the Legislative Branch Appropriations Act, 1936 (2 U.S.C. 43a), under the heading "SENATE", and subheading "SALARIES AND MILEAGE OF SENATORS", is amended by striking "Senators, Members of the House of Representatives, and Delegates in Congress" and inserting "Senators".

(c) The amendments made by subsections (a) and (b) shall take effect on October 1, 1993.

Senate amendment No. 23: Page 41, after line 23, insert:

SEC. 313. Notwithstanding any other provision of law, such sums as may be necessary for the replacement of the Thomas Jefferson Library of Congress Building roof shall be transferred from the funds appropriated to the Clerk of the House in the Fiscal Year 1986 Urgent Supplemental Appropriations Act, Public Law 99–349, and subsequently transferred to the Architect of the Capitol pursuant to the Legislative Branch Appropriations Act, 1989, Public Law 100–458 for Capitol Complex Security Enhancements, to "Architect of the Capitol, Library Buildings and Grounds, Structural and Mechanical Care": *Provided*, That not to exceed $7,000,000 may be transferred pursuant to this section.

Senate amendment No. 24: Page 41, after line 23, insert:

SEC. 314. Section 316 of Public Law 101–302 is amended in the first sentence of subsection (a) by striking "1993" and inserting "1994".

Senate amendment No. 25: Page 41, after line 23, insert:

SEC. 315. Section 2(a) of the Act of July 25, 1974 (2 U.S.C. 130c(a)) is amended by deleting "$500" and inserting in lieu thereof "$1,500".

Senate amendment No. 27: Page 41, after line 23, insert:

SEC. 317. The Librarian of Congress shall enter into an agreement with the President of the University of Nevada, Reno for the purpose of assisting in the establishment of the Great Basin Intergovernmental Center. The Great Basin Intergovernmental Center is authorized to accept contributions from Federal sources. The Center may also receive contributions both in-kind and cash from private and other non-Federal sources.

MOTION OFFERED BY MR. FAZIO

Mr. FAZIO. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FAZIO moves that the House recede from its disagreement to the amendments of the Senate numbered 1, 7, 10, 12, 20, 22, 23, 24, 25 and 27 and concur therein.

Mr. FAZIO. Mr. Speaker, I do not believe there is anything controversial in any of these amendments. They have been cleared on both sides of the aisle. I would simply ask for an "aye" vote.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. FAZIO].

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

(Mr. FAZIO asked and was given permission to proceed out of order for 1 minute.)

TRIBUTE TO BILL YOUNG OF FLORIDA, RANKING MEMBER OF SUBCOMMITTEE ON LEGISLATIVE

Mr. FAZIO. Mr. Speaker, I simply want to pay tribute to my new ranking member, the gentleman from Florida [Mr. YOUNG], who has guided this bill with such great aplomb. It is a real distinction between my prior ranking member, Mr. LEWIS, and the gentleman from Florida [Mr. YOUNG]. I have enjoyed working with both of them, but I do not believe I have ever had as much success as I have had with the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. FAZIO. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, I would just like to say that it has been a real pleasure to work with my friend, the gentleman from California [Mr. FAZIO]. He and I have a lot of other interests that are in common that we have shared for a long time, and he is a real gentleman, and he has been very, very fair in the conduct of this subcommittee.

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Mr. FAZIO. Mr. Speaker, I thank the gentleman for those comments. We have worked very well together. I appreciate the fact that with a number of new members on our committee this year, they have been able to participate and understand the degree to which we have attempted to guide this subcommittee without rancor and with great fairness. I am pleased we have had such comity among the members on both sides of the aisle.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. FAZIO. I am happy to yield to my friend from California.

Mr. LEWIS of California. Mr. Speaker, I certainly hope that this small little colloquy here is not a reflection of fair weather friendship.

Mr. FAZIO. Mr. Speaker, no, it certainly is not. I would say to the gentleman from California [Mr. LEWIS], it is a very rainy day.

Mr. LEWIS of California. Mr. Speaker, I certainly do appreciate all the expression of friendship from my colleague.

Mr. HEFNER. Mr. Speaker, will the gentleman yield?

Mr. FAZIO. I am happy to yield to my friend from North Carolina.

Mr. HEFNER. Mr. Speaker, I would like to thank the committee for the good work they have done in putting this bill together. All the members are certainly appreciative of all the good things that have been done. The committee has been responsible for looking out for the needs that exist, the mail and inquiries that they get here. I want to thank the gentleman for doing that.

Mr. Speaker, I might inquire of the gentleman from California [Mr. FAZIO], if I could, if the gentleman has the information, what is the next order of business that we have scheduled for the day?

Mr. FAZIO. Mr. Speaker, I think we are going to be taking up the Appropriations Subcommittee on Agriculture. I believe that report has been prepared, and I think there is broad support for it. I do not believe it will take very much time. Members may wish to remain available in case we do have to have a vote on this matter, because, of course, it is so important to our country.

Mr. HEFNER. Mr. Speaker, if the gentleman will yield further, I again want to thank the gentleman for the great job he has done for all Members on both sides of the aisle. The gentleman has been very responsive to the needs of the membership. I want to thank the gentleman for the wonderful work that has been done, and thank my other good friend from California [Mr. LEWIS], who serves on the Defense Subcommittee with us, for the good work he has done on behalf of the Members of the House.

Mr. LEWIS of California. Mr. Speaker, if the gentleman will yield further, I do sincerely want to express my appreciation to my chairman, the gentleman from California [Mr. FAZIO], for the years that we have had working together. I especially want to congratulate the gentleman for the style with which he has very carefully selected his new ranking member.

Mr. FAZIO. Mr. Speaker, reclaiming my time, I thank the gentleman for his comments. This is a very controversial bill on some occasions, but in other years when we proceed with bipartisanship and attempt to really meet the needs of Members, we can set an example in the legislative branch. We find we do have broad bipartisan support, which I think has been reflected by the vote we had just this afternoon.

We hear a lot about the cost of mailings and the various additional costs of operating the legislative branch. This is the second year in a row we have reduced our outlays by a sizable amount. We are well on our way to reducing spending on the legislative branch by something in the neighborhood of 25 percent over 5 years. We are 2 years into that 5-year plan, and I think we are on target.

One of the reasons we have succeeded is that Members are being very conservative in the best sense of that term with the use of their frank. This year, for example, we will be spending less money on the frank than we have spent since the early 1980's, despite the fact we have had huge increases in postal rates in the interim. Postal usage here in Congress is down. It is now appropriate that each Member is accountable, and I think we have accomplished a great deal.

CONFERENCE REPORT ON H.R. 2493, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

Mr. DURBIN. Mr. Speaker, pursuant to the order of the House of Wednesday, August 4, 1993, I call up the conference report on the bill (H.R. 2493), making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1994, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the order of the House of Wednesday, August 4, 1993, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of August 3, 1993, at page 18346.)

The SPEAKER pro tempore. The gentleman from Illinois [Mr. DURBIN] will be recognized for 30 minutes and the gentleman from New Mexico [Mr. SKEEN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. DURBIN].

GENERAL LEAVE

Mr. DURBIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and that I may include tables, charts, and other extraneous material on H.R. 2493.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DURBIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say at the outset I want to express my appreciation to my colleague, the gentleman from New Mexico [Mr. SKEEN]. Due to an illness, the gentleman was unable to join us on the floor when this bill was originally considered. I am happy that he is back with us, healthy, feisty, and ready to go. The gentleman did a great job with us in conference and we bring this conference report together to the floor in the belief that we have presented a good bill to the House for consideration today.

Mr. Speaker, this conference agreement spends $71,300,910,000. That amount is over $5 billion less than the President's request. It is $128 million below the House budget authority allocation to our subcommittee. It is $100 million below the subcommittee's outlay allocation. It is over $16 million below the Senate-passed bill, and $148,175,000 above the House-passed bill.

Let me briefly try to outline some of the major items in this legislation. We have increased spending on the supplemental feeding program for women, infants, and children by $350 million, the largest increase in this program's history, bringing it to a level of spending of $3.2 billion. The figure that was agreed to in conference is identical to the amount that was in the House passed bill.

We have included money for water and sewer grants, which I consider to be absolutely essential to small town America, some $869 million in loans and $500 million in grants.

The Food and Drug Administration receives a substantial increase in appropriation. We deleted the Senate's proposed user fee of $175 million, but still, by cutting in other areas, were able to add $67 million to the Food and Drug Administration for the next fiscal year.

Many people watching may wonder, at a time when the Federal Government is cutting back on spending, why we would make such a substantial increase in one agency. Let me tell you that I think this agency is often overlooked. It is critically important to every American family. There is literally nothing in your kitchen or your medicine cabinet that the Food and Drug Administration has not played a crucial role in making certain it is safe and wholesome for you and your family.

The money we are providing for the Food and Drug Administration will give them $10 million to carry out a congressional mandate to inspect mammography clinics nationwide, to make sure that both the equipment and the technicians on the job are the very best, so that women seeking mammography screening will in fact be confident with the results of that screening.

We have also put another $4 million increase in for approval of generic drugs. These drugs offer to many Americans, particularly senior citizens, an opportunity to save money. We want drug approvals to go through as quickly as possible in a professional manner at the Food and Drug Administration. That is why we have increased spending there.

We have also put money for medical device approval and for the approval of orphan drugs, for those rare diseases which strike, unfortunately, a few Americans, but where cures must still be found.

In addition to this, we have done a few things that I think are important. We have eliminated the Board of Experts on Tea. For the past 100 years we have paid men and women to sip imported tea and determine whether it met certain standards of quality. I happen to believe that this activity is long overdue to be removed from the Federal responsibility. This bill does it. We say to the tea industry, if you want to pay a user fee for the service of inspection standards, so be it. But the Federal taxpayers should not be asked to subsidize the tea sippers.

We have also greatly expanded the Wetlands Reserve Program. This conference agreement expands this program to 75,000 new acres in 20 new States. We are going to have the General Accounting Office look at the costs involved. We want to make sure that wetlands are preserved in America, but that we do it in a priority fashion and make certain the most important ecosystems are protected.

We are also involved in agency streamlining with this conference report. We have merged three of the agencies of USDA These were considered in the debate of the House: the Agricultural Cooperative Service, the Office of International Cooperation and Development, and the Human Nutrition and Information Service. They are all important agencies, but we feel that they can best be handled under the jurisdiction of another agency within the United States Department of Agriculture. This will save about $3 million.

We have closed seven regional Rural Development Administration offices as of April 1, 1994, giving the employees and those working there 8 months from today to be relocated.

We have cut the Market Promotion Program to a level of $100 million in an effort to make sure that American products are still competitive overseas. This cooperative effort between business and the public sector has resulted in more sales and more exports for our country, creating jobs here at home.

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The Senate has gone along with proposals in the House for reform of the crop insurance program. This has been in the news, of course, with the floods in the Midwest and will continue to be considered. We think that the move that was made in our appropriations bill, to set an absolute standard for qualification under this crop insurance system, is a move in the right direction and a valuable first move.

We have also established a user fee for standardization activities in the Agricultural Marketing Service. People who have been watching television shows have seen Federal employees measuring the flow of catsup, the length of pickle stems and the size of pistachio nuts. They write to their Congressmen and say, "What in the world is going on?

Their question is valid. We have said, from this point forward, the industries that are served by the establishment of these standards will pay for them. That will save the American taxpayers $4.5 million.

We have also eliminated the Agricultural Yearbook. For 101 years, this publication has been the official communication between the Department of Agriculture and farm and rural families across America. It served its purpose and it served it well, but at this point, it is a relic that should be retired. The House and the Senate have agreed to do so, saving the American taxpayers about a half a million a year.

We have said that the Conservation Reserve Program will have no new sign-ups. We have gone along with Secretary Espy's request for additional meat inspectors. We made it clear that there will be a Federal policy of no smoking in WIC clinics so that pregnant mothers as well as small children will not be exposed to the danger of secondhand smoke. We have also said that no funds will be used under this Act to promote tobacco exports, either through the Market Promotion Program, the Foreign Agricultural Service, or the General Sales Managers.

The conference committee met for 2 days. I want to salute my colleagues on the subcommittee who stayed with me throughout the deliberations: of course, my former Chairman and colleague, the gentleman from Mississippi [Mr. WHITTEN], the gentlewoman from Ohio [Ms. KAPTUR], the gentleman from Arkansas [Mr. THORNTON], the gentlewoman from Connecticut [Ms. DELAURO], the gentleman from Florida [Mr. PETERSON], the gentleman from Arizona [Mr. PASTOR], the gentleman from Iowa [Mr. SMITH], and the Chairman of the full Committee, the gentleman from Kentucky [Mr. NATCHER].

I have already saluted my colleague, the gentleman from New Mexico [Mr. SKEEN]. I would also like to salute his colleagues and mine, the gentleman from Indiana [Mr. MYERS], and the gentlewoman from Nevada [Mrs. VUCANOVICH], the gentleman from New York [Mr. WALSH] and the gentleman from Pennsylvania [Mr. MCDADE].

Mr. Speaker, I reserve the balance of my time.

Mr. Skeen. Mr. Speaker, I yield myself such time as I may consume.

Mr. SKEEN. Mr. Speaker, before we get into this, I think the chairman has done an outstanding job of presenting the conference report and the results of a lot of hard work.

Before we get into that, I want to say to the chairman, this is his maiden voyage. He has done an outstanding job.

Let me tell Members, the people who watched the exercise yesterday and feel like the rancor is at a very high level, this is an extremely super charged partisan activity, let me tell my colleagues, that may be true in debate on some bills. But in the main, when we operate in these committees, it is completely the opposite. It is very much bipartisan. It is very much dedicated to the solution of the problem and the responsibilities that we have to the area of concern that we operate in.

I want to tell my colleagues that there is no one who could have done a better job than my colleague, the gentleman from Illinois [Mr. DURBIN]. I thank him for the kudos that he attributed to me, and I appreciate the kind words and consideration and concern that he expressed during my little episode with my back.

I want to thank, too, the Members of my delegation on our side of the aisle for the work that they did in standing in for me, the gentleman from Indiana [Mr. MYERS] and the gentlewoman from Nevada [Mrs. VUCANOVICH] and the gentleman from New York [Mr. WALSH] and all the other Members.

But I particularly want to express my appreciation to the staff, Bob Foster, Tim Sanders, Carol Murphy, and all the minority staff over here, John Ryan, Bill Warfield, and Doug Wasitis. These are hardworking people. They put in a tremendous amount of effort. Truly, this is a bipartisan effort.

It is one in which we exercise a great deal of comity. The chairman has always been most solicitous of our views, minority or any member of the committee.

Mr. Speaker, there is only one complaint I have about my chairman. The other day, in the heat of partisan conflict on the floor, he came up with some of the worst doggerel I have ever heard in my entire life. If he wrote it himself, I want to say, get some help. If he did not, tell them no more poetry ever again.

Mr. Speaker, in general, the items of disagreement were negotiated in a very congenial manner in this conference committee. I believe that the House position has been well-preserved in just about every one of the instances in which we had a conference conflict.

Overall, the conference agreement comes in more than $100 million below the 602(b) allocation for budget authority and outlays.

By the way, I ought to mention, too, that one of the problems that we have with the Agricultural Appropriations bill is that this is primarily designed to appropriate funds for agricultural projects. But 80 percent of that funding is mandatory and has very little to do with agriculture other than it is associated because of the nutritional programs. So that means that 80 percent of the Ag appropriation budget is on automatic pilot. We never change it unless we change the law.

That leaves us with only about 20 percent of discretionary spending to take care of requests from the agricultural committee and from House colleagues who have projects involved in agriculture that they want taken care of.

As that money decreases through the years, it is more and more difficult to support and to acquiesce to our colleagues and to serve them well, give the support that they need while remaining under the budget allocation caps.

Therefore, it was very difficult to find the additional savings without substantially affecting farmers and ranchers and the American public, the direct beneficiaries of these programs.

The conference agreement continues to include language to highlight the need to clean up fraud and abuse in many USDA programs, including crop insurance, food stamps, and bid rigging on school lunch programs, which people have been hearing about from the national news media.

Of course, my view of the national news media, when it comes to agricultural issues, is that they have a great deal of expose and very little depth of knowledge. I would appreciate if the media would do a better job in understanding agricultural programs, but it is understandable since only about 2 percent of the population of the United States is involved in agricultural production. It is very difficult to engender a great deal of interest on the part of many folks, because of such a small representation of people who have fed and clothed us very well. And they do it extremely efficiently, at great risk and with no control over their markets whatsoever.

In addition, it was critical that the House insist on its position to allow for the collection of FDA user fees from food, medical device and nonprescription drug and cosmetic industries. I do not object to user fees in principle, but I do think that any newly imposed FDA fees should be directly linked to desperately needed product review reforms.

One area that I had hoped we would have provided more money was the Market Promotion Program. The conference agreement contains $100 million, which is a cut over $47 million from last year's level. No other program took a bigger hit.

If we continue to chop away at this program, we will cripple U.S. agriculture marketing efforts Overseas and reverse the gains made in recent years. Overseas markets for U.S. agriculture in the face of intense government subsidized foreign competition cannot be maintained without a long-term commitment with respect to U.S. policy.

I also want to mention another aspect of the agricultural appropriations bill, that the conference report includes additional resources for the Rural Development Loan Fund Program and for the rural water and waste disposal grants. Some of these funds are for the development of rural water systems and other projects to benefit rural communities, a very extremely important element in the appropriations that we make year by year.

These programs represent an important means of providing water to some rural areas.

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I want to encourage the Secretary of Agriculture, however, to closely monitor how these funds are spent to ensure that loans and grants are made to rural water systems that are economically viable. Let us make sure that these Federal investments are made in the most economically efficient way possible.

All in all, I believe this conference agreement should be acceptable to most Members of the House of Representatives, the administration, and the general public for its provisions, which include a number of cost-saving initiatives, urging the USDA to consolidate offices in Washington and in the field and discontinue others, and increase certain programs which have provided a big bang for the buck.

With this, I recommend this bill to all of my colleagues in the House for their vote of approval.

Mr. Speaker, I reserve the balance of my time.

Mr. DURBIN. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa [Mr. SMITH], a member of the subcommittee.

Mr. SMITH of Iowa. Mr. Speaker, I thank the gentleman for yielding time to me.

I want to first compliment the gentleman from Illinois [Mr. DURBIN]. This is the first year he has handled this bill, but he has done a very good job of it, and also I thank the ranking member, the gentleman from New Mexico [Mr. SKEEN]. They worked very well together, brought a bill here that is the best we can do, I think, under the circumstances. It is a very important bill. It is not well understood by a lot of people, but I do want to mention the bottom line.

The bottom line is this: There is only $12 billion in here for producers of food and fiber for this country. For that, people get food in this country for 12 percent of their income. There is three times that amount for food stamps, which is all right, because those who cannot afford food at the grocery store without food stamps get food stamps, so we are the only country in the world that assures that there is a Government program to assure food at reasonable prices or for free for everyone in this country.

No other country in the world can say that. It is a great success. If we had that kind of a success in the housing program, we would not be spending tens and tens of billions of dollars for housing and still have average spending of 35 percent of income on housing. So, the agriculture and food programs covered by the bill under consideration are the most successful programs that we have had in this country.

Also, it preserves the greatest asset that future generations could need, and that is the soil. We have a watershed and flood control program that has not been funded adequately for many, many years. Some people call these watershed and soil programs "pork," but as a matter of fact, those who suffered the brunt of the floods last week, would wish there were more watershed and flood control programs, whether some call them pork or not.

Upstream is where we need to hold some of the excess water. Included in this bill are the kinds of programs, to keep the water upstream, keep the soil upstream that is washing down to the Gulf of Mexico. This is a very important program. It is a very important bill.

In most other countries, almost every other country, they worry about not having enough food. Their agriculture problem is one of shortages. But in this country our concern is about how we balance supplies with the production, so that we do not have so much excess that our farmers are peasants like they are in some of the other countries. The agriculture programs have been successful and this bill is important. I again congratulate the gentleman from New Mexico [Mr. SKEEN] and the gentleman from Illinois [Mr. DURBIN] on this bill.

Mr. SKEEN. Mr. Speaker, I yield 4 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of this conference report on H.R. 2493, Agriculture appropriations for fiscal year 1994. I would like to commend Chairman DURBIN for the skillful way he guided this bill through the House and for the tough negotiating stance he took in our deliberations with the Senate. I would also like to thank my ranking member, the gentleman from New Mexico [Mr. SKEEN]. All of us on the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Subcommittee of the Committee on Appropriations are glad to have him back.

This conference agreement appropriates $71 billion in fiscal year 1994. The total appropriations in this conference agreement are $148 million more than in the House bill and $10.5 billion more than the fiscal year 1993 appropriation but about $5.6 billion less than the administration's request. The total is $62 million less than the 602(b) allocation.

Most of the increase is due to the higher funding needs to reimburse the Commodity Credit Corporation for expenditures incurred in previous fiscal years to finance the federal farm commodity programs.

I am very pleased with the increased funding level for the Food and Drug Administration for implementation of the Mammography Quality Standards Act. One of my priorities on the subcommittee was to insure accurate testing for breast cancer and to provide an accurate and responsible method of diagnosing this disease. Early detection is extremely critical. I am confident that this conference agreement accomplishes my goals.

In addition, this agreement provides $3.2 billion in fiscal year 1994 for the WIC Program. This is the same amount as provided in the House bill. I have always been an avid supporter of the WIC Program.

I am pleased that this conference report provides for $869 million in direct and guaranteed loans to help fund construction of water and sewer systems in rural areas.

This is a 4-percent increase over the amount in the House bill and a 37-percent increase over the current funding level. The agreement also provides $500 million for rural water and sewer system grants—11 percent more than the House bill and 28 percent more than in the current fiscal year. However, both the loan and grant figure are still below the administration request. These programs help improve the quality of life of those who live and work in rural areas like those in rural Nevada.

Finally, Mr. Speaker, we compromised with the Senate and funded the market promotion at $100 million, up from the Senate figure of $75 million but down from the House-passed level of $127.7 million. This report also caps the Wetland Reserve Program enrollment at 75,000 acres, which is a compromise, does not include a Senate provision eliminating wool and mohair subsidies and adopts the House-passed honey subsidy limit of $50,000.

I urge my colleagues to support this conference report.

Mr. DURBIN. Mr. Speaker, for the purposes of a colloquy, I yield such time as he may consume to the gentleman from California [Mr. MARTINEZ].

Mr. MARTINEZ. Mr. Speaker, I rise to enter into a colloquy with the distinguished chairman of the Appropriations Subcommittee on Agriculture regarding amendment No. 138 of the conference agreement.

During the 102d Congress, legislation I sponsored to reauthorize the Older Americans Act of 1992 became law. This legislation amended section 311 of the Older Americans Act to increase per meal reimbursement rate for the U.S. Department of Agriculture's Elderly Feeding Program from 56.76 cents to 61 cents in fiscal year 1992 and adjusted annually beginning fiscal year 1993 to reflect increases in the Consumer Price Index.

It was the intent of the committees of jurisdiction in the House and the Senate to set a maximum rate of reimbursement to enhance the ability of meal providers to serve congregate and home-delivered meals to older Americans. Before the enactment of the Older Americans Act Amendments of 1992, the previous reimbursement rate of 56.76 cents had not been adjusted in 5 years. As a result, the number of meals served dramatically decreased and a significant number of meal providers were forced to cease operations.

The reimbursement rate was adjusted in the 1992 Older Americans Act Amendments with the understanding that the new rate would be subject to the availability of appropriations and the estimated number of meals to be served in a fiscal year. In the event that available appropriations for this program remain unobligated at the end of the fiscal year, the Secretary of Agriculture presently has the authority to allocate the remaining sum to the states.

I understand that the purpose of Senate language in amendment No. 138 will instead require that any available unobligated funds be rolled over to the subsequent fiscal year to be used with the subsequent fiscal year's appropriation for this program.

I ask the chairman of the Appropriations Subcommittee on Agriculture if my understanding is correct?

Mr. DURBIN. Mr. Speaker will the gentleman yield?

Mr. MARTINEZ. I yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Speaker, the gentleman's understanding of this language is correct.

Mr. MARTINEZ. Mr. Speaker, the Senate language also provides authority to the Secretary of Agriculture to establish a maximum rate of reimbursement, notwithstanding provision in the Older Americans Act. I understand that this language does not effect the maximum authorized rate of reimbursement of meals in the Older Americans Act. I also understand that this language reaffirms the Secretary's present authority to establish the reimbursement rate on the basis of available appropriations and the estimated number of meals to be served in a fiscal year. Finally, I understand that nothing in this language modifies the intent of the act that funds be appropriated at the full level authorized in section 311(a)(4)(A) of the Older Americans Act.

I ask the chairman again if my understanding of the intent of the language in amendment No. 138 is correct.

Mr. DURBIN. Mr. Speaker, if the gentleman will yield further, the gentleman's understanding of the intent of this amendment is correct.

Mr. MARTINEZ. I thank the gentleman from Illinois for clarifying these issues. Before I yield back the balance of my time, I want to also thank the gentleman for his longstanding commitment to the nutritional needs and well-being of older Americans. To that end, I pledge to work with the gentleman from Illinois to ensure that future Agriculture appropriations bills fully fund the per meal reimbursement rate authorized by the Older Americans Act.

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Mr. SKEEN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, I appreciate the gentleman yielding the time and the fine work he did as ranking member, and also want to compliment the chairman for bringing forth this legislation.

I do have a question that I would like to pose to the chairman if I may, and I will yield for a response. During the debate on this particular measure, I joined with my colleague from Florida, Mr. GOSS, in offering an amendment to strike $2.9 million which was the appropriation for relocating the Agricultural Research Service Center in Orlando. It was our understanding at that time that this would not be site-specific.

I noticed from the report language that it is site-specific as far as the relocation, but I would like a clarification that in fact we are not site-specific as to where that is going from the report language, and also if the gentleman could let me know of his intention on behalf of the committee or as chairman of the committee to work with us in making sure that the department does give all sites a fair shot at this?

Mr. DURBIN. Mr. Speaker, will the gentleman yield?

Mr. MICA. I yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Speaker, I thank my colleague from Florida and I understand the predicament he faces.

We are not site-specific in the bill. We leave it to the U.S. Department of Agriculture to make the site selection.

The gentleman's colleague and mine, Mr. GOSS, asked for a meeting with representatives of the U.S. Department of Agriculture. That meeting was held yesterday with Deputy Secretary Rominger. We also had representatives from two of the sites being considered, both Fort Pierce and Immokalee who made presentations to the Deputy Secretary.

As far as we are concerned, that decision is in the hands of the U.S. Department of Agriculture. We want to assist them in securing the most modern facility that they can to serve the needs of your area of the country.

Mr. MICA. I thank the gentleman.

Mr. DURBIN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Ms. DELAURO], a member of the subcommittee.

Ms. DELAURO. Mr. Speaker, as a new member of the Agriculture Appropriations Subcommittee, I want to say what a pleasure it has been to work with Chairman DURBIN, the ranking member Mr. SKEEN, and the staff. Not only is Mr. DURBIN a master of the contents of the bill, he is an agent of change and reform. This bill contains long overdue changes in the crop insurance program—a program that has been frequently abused. It ends Government subsidies to the Tea Board, reduces honey subsidies, and cuts funds to the Market Promotion Program.

Chairman DURBIN deserves tremendous credit for the hard work he has put into this bill, and the outstanding results he has achieved. His leadership in conference will long be remembered by all those who participated. I also want to thank the committee staff: Bob Foster, Tim Sullivan, and Carol Murphy.

Mr. Speaker, this is a bill that reaches into the lives of every American. It improves our health and safety, helps to conserve vital natural resources and protects consumers. I am proud of this bill and what it does for this country. Through the FDA accounts, this bill contains funds for orphan drugs, for research into taxol, a promising cure for cancer, and it provides funds to implement the critical Mammography Quality Standards Act which will finally set standards for technicians and equipment used for mammograms.

And through funds for food and nutrition, this bill meets the most pressing nutritional needs of this country's children, pregnant mothers, and low-income elderly. Through the supplemental milk program and school hot-lunch program it sees to it our children get proper and balanced meals. It contains $350 million in increased funds to improve the health of low-income women, infants, and children. And it helps the low-income elderly live with dignity by providing $150 million for the elderly feeding program.

Mr. Speaker, I commend the chairman for this excellent bill, and I urge your support.

Mr. SKEEN. Mr. Speaker, I yield 1 minute to the gentleman from Iowa [Mr. LIGHTFOOT].

Mr. LIGHTFOOT. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, I would like to voice my support for the conference report and commend the conferees for the tough decisions they had to make on this package. I believe they have produced a very good package in spite of the pressures facing them to meet so many diverse needs.

But I think it is very important that we remind our colleagues and the general public as well that the largest percentage of this bill goes to mandatory programs such as food stamps, and not to farmers. The farm program costs have dropped dramatically since the mid-1980's. At that time the cost of the farm program hit $50 billion. Now they consume a much smaller share of this bill, even though it continues to be referred to as the agriculture and rural development appropriation bill. Of the $71 billion contained in this conference report, $39 billion, that is 55 percent of the total, is for domestic food programs, not for agriculture.

The bill also contains critically important funding for agricultural research, and, of course, these programs are one of the chief reasons the United States still remains the leader in the world in production of high-quality, low-cost food. People come to our country from all over the world to learn to duplicate our efforts.

Again, let me thank Chairman DURBIN and ranking member SKEEN and the members of the subcommittee for putting together a very good product, and I am pleased to lend my support.

Mr. BEREUTER. Mr. Speaker, the appropriations measure being reported from the conference back to the House once again represents a significant and much needed investment in our Nation's agricultural system. With respect to Nebraska, fortunately, through the efforts of the junior Senator from Nebraska [Mr. KERREY] this conference report contains funding for the following agriculture research and extension programs at the University of Nebraska—Lincoln:

CSRS: Nonfood agricultural products, $110,000; food processing, $50,000; sustainable agriculture, $70,000; Rural Policy Research Institute [RUPRI], $200,000; rural housing policy, $80,000.

Extension: Rural development, $400,000; chinch bugs and the Russian wheat aphid control, $67,000.

In addition, the conference report contains initial funding—$500,000—for the Midwest Advance Food Technology Alliance with UNL's food processing center designated as the coordinating center for the alliance, as well as additional funding—$500,000—for the livestock genome mapping project at Clay Center and continued funding—$1.221 million—for the AG-SAT satellite telecommunications network.

Importantly, the conference report includes $750 million in loan authority for the Farmers Home Section 502 Middle-Income Home Loan Guarantee Program. This Member originally proposed this housing program and ultimately steered such provision to passage through the House Banking Committee as a part of an omnibus housing measure. After a very successful 20-State demonstration program in 1991, the 502 unsubsidized home loan guarantee program was expanded to all 50 States in 1992. Once the program was in place, this Member successfully pushed in the authorizing committee for the income limits of the program to be expanded from a top limit of 100 percent of median area income to a top income of 115 percent of median area income in order to match the eligibility limits of the existing HUD programs for urban areas.

The $329.5 million in loan guarantee authority appropriated in fiscal 1993 was completely allocated in the first 6 months of this fiscal year. Congress recently passed a supplemental bill to provide another $250 million in loan guarantee authority for the program for the remainder of fiscal year 1993. Because this program is working very well, equitably fills an important need, and is so cost effective, this Member is very supportive of the additional appropriations for this program. The committee members are to be commended for recognizing the value of this program and providing funding levels which are more in line with the demand for the program from lenders, borrowers, and future homeowners. Particular credit in such recognition should go to the distinguished chairman of the subcommittee, the gentleman from Illinois [Mr. DURBIN].

Finally, this Member is pleased that the conference report includes $66,675,000 for the Wetland Reserve Program, which will enable an additional 11 States to be eligible for the program. This program provides benefits for water quality, flood control, recreation, as well as fish and wildlife. Since the rainwater basin area in Nebraska has received special status under the North American waterfowl management plan, availability of this program to landowners in Nebraska would be extremely useful. Studies indicate that nutrient reserves acquired during spring staging in south-central Nebraska are critically important to the reproductive success of both ducks and geese. This area is recognized as being part of one of the two most important North American flyways for endangered species and other migratory water birds.

Mr. Speaker, this Member urges his colleagues to support the legislation.

Mr. TOWNS. Mr. Speaker, as we complete the Agriculture appropriations for fiscal year 1994, I want to bring to your attention two issues in the conference report.

The first issue concerns the Tea Advisory Board. Among the programs covered by this appropriation are those for the setting of uniform quality standards and the inspection of imported tea to protect consumers from health hazards and from deception through mislabeling. The program is authorized through one of our first consumer-protection statutes, the Tea Importation Act of 1897, 21 U.S.C. 41, et seq.

Because of concerns expressed by some Members over the use of funds for the operation of the expert advisory panel, which assists the Secretary of Health and Human Services and the Food and Drug Administration in setting standards, the Appropriations Committees added a provision barring the use of appropriated funds for the board of experts. While the savings is only $50 per year for each of the six private-sector board members plus expenses for the annual meeting, a total last year of $8,900, the issue was thought to be symbolic especially given some public attention to the program which nonetheless serves a valid and important public purpose.

To its credit, the tea industry requested that Congress increase its industry-paid fees to enable the industry to fully fund the program without any taxpayer subsidy. With the assistance of the authorizing committees, for example, I know that our colleague, the gentleman from Oklahoma [Mr. SYNAR] was also interested in this provision, we tripled the fee to 10 cents per hundred weight to raise $200,000, the full cost of the program, which was included as section 4401 in H.R. 2264, the Omnibus Budget Reconciliation Act of 1993, which the House approved last night. I know that there was a willingness on the part of the House and Senate conferees on this appropriations measure to rescind their ban on the use of appropriated funds if the industry's fees were increased so as to fully fund the program, and indeed, that they had initially done so based on a preliminary report that it had been included in the reconciliation package. Unfortunately, they did not receive final confirmation that this issue had been addressed in the reconciliation conference report before the Appropriations Conference had filed its report.

As a result, Mr. Speaker, we have a situation that deserves correction. The industry has come forward and agreed to fully fund Government's services. Moreover, under the Tea Importation Act, the requirement for a board still exists and the Secretary of Health and Human Services "upon the recommendation of the board of experts" is still required to "fix and establish uniform standards." Under these circumstances, I believe we should act at the earliest opportunity to rescind the ban on funds for the board in fiscal year 1994.

The second issue that I would like to bring to the attention of my colleagues is the fact that this bill appropriates $1 billion in United States agricultural credits to Algeria. We need to seriously consider whether Algeria should continue to receive these credits given their record on democratization. After canceling democratic elections in December 1991, the government of that country announced an indefinite state of emergency which has allowed the ruling State Council to engage in a brutal and systematic process of indiscriminate killing, arbitrary arrests, torture, and the unrestricted detention of thousands or opposition members. Recently, the Government of Algeria expressed some willingness to hand over power at the end of this year to begin a transition to an elected government in 2 to 3 years. While this action indicates some willingness to return to a democratic election process, it would mean that the Algerian people would have to wait probably 5 years for a democratically elected government. While American farmers count on agricultural credits to promote their crops overseas, certainly there must be other democratic governments who can benefit from these credits. We should remind the Government of Algeria that we view the promotion of democratization as an important part of our foreign policy and that we believe that 5 years is far too long for the Algerian people to wait for democratic elections.

Mr. FAZIO. Mr. Speaker, I rise in support of the conference report on H.R. 2493, the fiscal year 1994 Agriculture, Rural Development, FDA, and related agencies appropriations bill. On the whole, this conference report is an excellent bill that provides funding for many critical programs in the U.S. Department of Agriculture. This year has been very difficult for all the appropriations subcommittees and the Agriculture Subcommittee was no different. Considering the shrinking budget and limited resources available to the subcommittee, the members of the subcommittee are to be commended for producing a product we can all be proud of.

Mr. Speaker, I want to take just a moment to give special recognition to my colleague from Illinois, Mr. DURBIN, for the outstanding job he has done in crafting this bill. As you know, this was Mr. DURBIN's first year managing the agriculture appropriations bill and he has brought a new kind of leadership to the Subcommittee on Agriculture. He has been aggressive in his efforts to cut the fat in our agriculture programs and improve the delivery of services to farmers throughout the country. He deserves a great deal of credit for bringing this measure to floor in an expedited fashion. It is a credit to his skills and ability that we have such strong, bipartisan support for this important bill.

ALTERNATIVE PEST MANAGEMENT RESEARCH

I want to highlight certain provisions of the conference report which benefit agriculture in northern California. H.R. 2493 continues efforts to construct two new alternative pest management research facilities in association with the University of California at Davis and at Riverside. These facilities are badly needed to develop alternatives to pesticides currently used to combat insects, plant diseases, and other organisms that harm production.

Phase I of the project will construct an 18,000-square-foot laboratory at University of California-Riverside to accelerate research leading to the development of biological and other natural pest controls. Phase II of the project will construct a 39,000-square-foot facility on the University of California-Davis campus to support research in environmentally compatible pest management strategies, parasitoids, bioengineering, genetically altered organisms, and other crops, fruits, nuts, and vegetables.

As you know, Mr. Speaker, the National Academy of Sciences just released a study which states that the health effects of pesticides on children is understated since risk studies are based on adult dosages. This study does not mean that the food supply is unsafe. Rather, it means that we can do better to make food safer. The alternative pest management research facilities being funded in this bill will be an integral part of the effort to develop a safer food supply.

METHYL BROMIDE

This bill also enhances the country's efforts to find an alternative to methyl bromide, a pesticide which is used extensively by the agriculture industry. Methyl bromide is perhaps the most effective and important chemical available to protect a variety of crops from viruses, fungi, insects, nematodes, and weeds. Methyl bromide is scheduled to be eliminated from marketplace by the year 2000 as it has been designated as an ozone depleting chemical. Unfortunately, viable alternatives are just not available. Enhanced research into methyl bromide alternatives is urgently needed to find a replacement for this important and pervasive tool of the agriculture industry. The bill provides over $8 million toward this end.

GRAPE RESEARCH

This conference report also provides critical research funding for California grape growers. The conferees have recognized the critical need to continue supporting research into phylloxera, which is a worm-like pest that is now devastating the California wine industry in Napa and Sonoma Counties. Additionally, the conference report provides funding for research into grape virus and virus-like diseases. Currently, there is only one USDA researcher in the country who is working on grape virus research. It is important to the future of this significant California industry that this research continue.

MARKET PROMOTION PROGRAM

Mr. Speaker, I am somewhat disappointed by the final level of funding of the Market Promotion Program [MPP]. Originally authorized at an annual level of $200 million under the 1990 farm bill, this conference report provides only $100 million. I recognize that the MPP has generated a certain amount of controversy. However, the MPP has been extremely successful in enhancing agricultural exports overseas and increasing farm incomes here at home. I look forward to working with Chairman DURBIN and the committee to address the concerns about the program and improve its overall effectiveness in the future.

WOMEN, INFANTS, AND CHILDREN

Finally, Mr. Speaker, I want to congratulate the committee for their strong support of the Special Supplemental Food Program for Women, Infants, and Children [WIC]. This year, the committee increased WIC funding by $350 million. WIC provides critical nutrition and health benefits to low-income pregnant women and young children. These benefits reduce infant mortality, avert low weight births, and help ensure that our Nation's needy children can learn in school and reach their full potential. And WIC saves money. Each dollar invested in WIC's prenatal component saved between $1.77 and $3.13 in Medicaid costs.

Overall, Mr. Speaker, the conference report on H.R. 2493 is a strong bill for America. It continues support for our largest domestic industry, while rearranging spending priorities to meet the dynamic needs of our society at large. It is a fair and balanced bill, and I urge my colleagues to give it their support.

Mr. SKEEN. Mr. Speaker, we have no further requests for time, and I yield back the balance of my time.

Mr. DURBIN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). Without objection the previous question is ordered on the conference report.

There was no objection.

The conference report was agreed to.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. The Clerk will designate the first amendment in disagreement.

Mr. DURBIN. Mr. Speaker, I ask unanimous consent that Senate amendments numbered 8, 19, 21, 47, 50, 54, 110, 138, 152, 153, 154, and 155 be considered en bloc and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The texts of the various Senate amendments referred to in the unanimous consent request are as follows:

Senate amendment No. 8: Page 6, line 12, strike out "none of the funds in this Act" and insert "hereafter, none of the funds available to the Department of Agriculture".

Senate amendment No. 19: Page 11, lines 4 and 5 strike out "appropriations hereunder" and insert "hereafter, appropriations available to the Department of Agriculture".

Senate amendment No. 21: Page 13, line 14, after "That" insert "hereafter,".

Senate amendment No. 47: Page 22, line 2, after "amounts" insert ": *Provided further,* That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, up unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building".

Senate amendment No. 50: Page 23, lines 15 and 16, strike out "none of the funds provided by this Act" and insert: "hereafter, none of the funds available to the Federal Grain Inspection Service".

Senate amendment No. 54: Page 26, after line 2, insert:

"In fiscal years 1994 and 1995, section 32 funds shall be used to promote sunflower and cottonseed oil exports to the full extent authorized by section 1541 of Public Law 101–624 (7 U.S.C. 1464 note), and such funds shall be used to facilitate additional sales of such oils in world markets."

Senate amendment No. 110: Page 50, line 1, after "306C" insert ": *Provided further,* That of this amount, up to $15,000,000 shall be available for project grants to remedy the dire sanitation conditions in rural Alaska villages in which the median household income does not exceed 110 percent of statewide non-metropolitan household income and that notwithstanding the Consolidated Farm and Rural Development Act, Public Law 87–128, such grants shall be for 50 percent of the development cost of the project upon a state or local contribution of 50 percent of the development cost of the project".

Senate amendment No. 138: Page 62, line 18, after "1995" insert ": *Provided,* That notwithstanding any other privision of law, for meals provided pursuant to the Older Americans Act of 1965, a maximum rate of reimbursement to States will be established by the Secretary, subject to reduction if obligations would exceed the amount of available funds, with any unobligated funds to remain available only for obligation in the fiscal year beginning October 1, 1994".

Senate amendment No. 152: Page 73, line 12, strike out "No part of the funds contained in this Act" and insert "Hereafter, none of the funds available to the Department of Agriculture".

Senate amendment No. 153: Page 77, line 10, strike out "None of the funds provided in this Act" and insert "Hereafter, none of the funds available to the Department of Agriculture".

Senate amendment No. 154: Page 78, line 25, after "count;" insert "Rural Development Loan Fund Program Account;".

Senate amendment No. 155: Page 79, line 3, after "Account" insert ": *Provided,* That hereafter, such appropriations are authorized to remain available until expended".

MOTION OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. DURBIN moves that the House recede from its disagreement to the amendments of the Senate numbered 8, 19, 21, 47, 50, 54, 110, 138, 152, 153, 154, and 155, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. DURBIN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment numbered 18: Page 10, line 24, strike out "$688,805,000" and insert "$680,165,000".

MOTION OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designated the motion.

The text of the motion is as follows:

Mr. DURBIN moves that the House recede from its disagreement to the amendment of the Senate numbered 18 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert "$692,469,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. DURBIN].

The motion was agreed to.

□ 1450

The SPEAKER pro tempore (Mr. MAZZOLI). The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 28: Page 16, line 10, strike out "$20,827,000" and insert "$20,689,000".

MOTION OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. DURBIN moves that the House recede from its disagreement to the amendment of the Senate numbered 28 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert "$22,655,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. DURBIN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 29: Page 16, line 22, strike out "$428,586,000" and insert "$443,652,000".

MOTION OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. DURBIN moves that the House recede from its disagreement to the amendment of the Senate numbered 29 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert "$453,736,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. DURBIN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 36: Page 18, line 9, after "$10,000,000;" insert "payments for a Nutrition Education Initiative under section 3(d) of the Act, $5,000,000;".

MOTION OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Speaker, I offer a motion.

the SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. DURBIN moves that the House recede from its disagreement to the amendment of the Senate numbered 36 and concur therein with an amendment, as follows:

In lieu of the sum proposed in said amendment, insert "$4,265,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. DURBIN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 40: Page 18, line 18, strike out "$420,785,000" and insert "$422,641,000".

MOTION OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. DURBIN moves that the House recede from its disagreement to the amendment of the Senate numbered 40 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert "$423,395,000".

The Speaker pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. DURBIN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 43: Page 19, line 17, after "improvements" insert ": *Provided further*, That $462,000 shall be available for a grant pursuant to section 1472 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3818), in addition to other funds available in this appropriation for grants under this section".

MOTION OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. DURBIN moves that the House recede from its disagreement to the amendment of the Senate numbered 43, and concur therein.

Mr. BURTON of Indiana. Mr. Speaker, I have an amendment in technical disagreement on this, and I oppose the motion to recede and concur. I do not know how this will affect the pending motion.

The SPEAKER pro tempore. The pending motion is a motion to recede and concur. Does the gentleman seek to debate that matter? If so, the gentleman would be entitled to time.

Mr. BURTON of Indiana. Yes, I do, Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman from New Mexico [Mr. SKEEN] seek time, or is the gentleman from New Mexico opposed to the motion offered by the gentleman from Illinois?

Mr. SKEEN. No, I am not, Mr. Speaker.

The SPEAKER pro tempore. The time will be divided in this fashion: the gentleman from Indiana [Mr. BURTON] will be recognized for 20 minutes, the gentleman from New Mexico [Mr. SKEEN] will be recognized for 20 minutes, and the gentleman from Illinois [Mr. DURBIN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume. I will not prolong the debate. Everybody wants to go home.

Mr. Speaker, amendment No. 43 provides $462,000 for the National Center for Agricultural Law Research and Information at the Leflar School of Law in Fayetteville, AR. This was not in the House this year. It was not in the House bill last year. It was added by the Senate late at night, and I believe it is pure pork. It is something that the President did not request.

Last night we passed the budget reconciliation bill. It included the largest tax increase we have ever had, and everybody on both sides of the aisle said we had to cut spending, we had to cut waste, we had to cut pork. Here is $462,000 that was not requested by the President, was not in the House bill, and it was put in in the Senate, and for that reason I hope that the House will concur with my feeling that we should oppose this motion to recede and concur and save the taxpayers.

Although it is only $462,000, when we are talking about billions, that is not much, but it is still $462,000.

Mr. Speaker, I reserve the balance of my time.

Mr. DURBIN. Mr. Speaker, I rise in opposition to the motion of my colleague, the gentleman from Indiana.

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me explain, for the sake of those who are following this debate, what is at issue here.

For the past 6 years this Appropriations Subcommittee has funded at least partially the National Center for Agricultural Law Research and Information at the University of Arkansas School of Law. This is a center at the Arkansas School of Law which works with the National Agricultural Library, an agency of the U.S. Department of Agriculture. This center is attempting to deal with some of the more complex legal issues which face farmers across America.

I think that many of us who are not working on a day-to-day basis with farmers think that it is a rather idyllic and simple life. I am sure many farmers wish that it were.

In fact, the legal complexities facing today's farmers are substantial The efforts at this center are to try to facilitate the law and make it more understandable for producers and ranchers across America.

They have considered topics including Government farm programs, which are very complex, farm finance and credit, labor practices, land use, liability and insurance coverage, environmental law, international trade, and biotechnology. They conduct research and analysis and provide up-to-date information to farmers and agribusinesses, attorneys, and community groups.

I have a publication here, a recent publication from the Center which outlines some of their products available to farmers across the United States, and I think the gentleman from Indiana and my colleagues would be impressed that they are trying to address issues which farmers are facing across the country.

To spend less than a half-million dollars on an industry which account for 17 percent of our gross domestic product, I do not think, is a misspent investment. In fact, I think it is a very good investment.

Unfortunately, with the economic turmoil that has faced American farming, many farmers have to consider their finance and credit situations, and a lot of research is going into bankruptcy laws to try to keep families on farms that have been there for generations.

In addition, obviously there are issues related to the environment, and I am sure that my colleague, the gentleman from Indiana and I both share the feeling that there should be up-to-date environmental regulation information available, and farmers should be given a clear understanding of the law, and should have publications available to them so that they, their families, and their attorneys can turn to them for solid advice.

This Leflar School of Law, I think, is a valuable part of the agricultural community in America, and I think our investment, though substantial, is an investment which is well placed.

Mr. Speaker, I yield such time as he may consume to my colleague, the gentleman from Arkansas [Mr. THORNTON], who is personally familiar with this institution.

Mr. THORNTON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would like to echo the statements that the gentleman has made and to go further to say that this is the only graduate center for agricultural legal education in the United States, a national center that cooperates with 17 other States including Indiana, with the Indiana Law Review, with the Indiana Farm Bureau Cooperative, and with similar organizations throughout the Nation who are involved in helping farmers to provide a high quality of dependable food at a price that consumers can afford.

This is not something that is untried. It has worked well. It happens to be located at the Leflar School in Fayetteville, AR, which is not in my district, but which has a rich tradition of outstanding legal work in a number of different fields.

Bob Leflar is one of the giants still living in America who taught nearly all of the court of appeals justices in the United States at a school in New York.

Mr. Speaker, this facility and this resource is a wise investment of a relatively small amount of money which provides great dividends to the people of this country, not only the farmers but the consumers who benefit from such things as improving our water quality, non-point-source water pollution, environmental considerations, many complex issues that are dealt with at this center which are dealt with nowhere else in the United States. I know that there are other people here in this Chamber who would share my own view that this center needs to be sustained.

I know that John Paul Hammerschmidt, a former Congressman, took great pride in this fine facility, and I feel sure that it is something that the people of this House will want to continue.

Mr. Speaker, if there are any questions, I would be pleased to try and respond to them.

Mr. BURTON of Indiana. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will make this very brief.

This program was not put in the House bill last year. So evidently the House did not feel it was that important. It was not put in this year. So evidently the House did not feel it was that important.

We are spending $10.456 billion more on agricultural programs than we did in fiscal year 1993, and, granted, a lot of that is for the Commodity Credit Corporation.

□ 1500

But it is a 17-percent increase. We have severe fiscal problems in this country. We ought to economize wherever we can. The House did not see fit to have this in there for the last 2 years, and yet in conference it comes back to us.

One more thing, if I may, parenthetically: Why is it we have to have a law center deal with agriculture? We do we make these agricultural laws so difficult that you have to have a law center to help farmers understand the problems? It seems to me that we ought to simplify the bureaucracy and simplify the programs so that we do not have all the paperwork.

I talk to farmers all the time who are very concerned about the huge amount of paperwork with which they have to deal. Here we have a national center for agricultural law that we have to fund to help farmers with these problems. It seems to me that we as a body should simplify this. This is another issue entirely. We ought to simplify these issues so that we do not have to be spending money for law research to help farmers with the bills that we pass in this body.

Mr. THORNTON. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Arizona.

Mr. THORNTON. I thank the gentleman for yielding.

Mr. Speaker, in an ideal world all rules and regulations would be simple. I must remind the gentleman that it is not only in the field of agriculture today that we have very complex and difficult rules which must be understood. That is not the fault of the farmers or the consumers. So, being faced with that situation, it becomes incumbent upon us to provide them the tools with which to deal with this very difficult circumstance.

Mr. BURTON of Indiana. I thank the gentleman for his comments. I want to say that that is the reason why we as Congressmen and legislators in the other body ought to do everything we can to simplify the rules, regulations, and laws instead of making them more complicated. I remember in the budget reconciliation bill last night we had some retroactive tax features in there. Well, I am going to tell you that is going to cause a lot of businessmen, a lot of people in this country a lot of heartache. They are going to have to hire lawyers to deal with these problems. We continually add more lawyers to deal with these problems. We continually add more legalese to our regulations so we end up having to have legal advice for farmers and other areas of our society. It just seems ridiculous.

Mr. HUTCHINSON. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I yield to my colleague.

Mr. HUTCHINSON. I thank the gentleman for yielding.

Mr. Speaker, I was not aware that the gentleman was going to make this effort, because I normally about 99 percent of the time agree with the efforts the gentleman makes in these areas. I certainly concur with him, with many of the observations that he has made. However, this agricultural law research center is in my district, and I do know that it is doing an outstanding job in an area that is very important in the specialty and has actually, I think, earned a national reputation in an area, which is meeting a need.

So, while I think, yes, the gentleman is right, we do need to try to minimize the kind of regulations on farmers that have necessitated this kind of a specialty, it would be wrong to try to make a move to try to undo what is fulfilling a very important need.

Mr. BURTON of Indiana. I thank the gentleman for his comments. I would just like to say to my colleagues on the Agriculture Committee that maybe next year if this is that important, it ought to be in the House bill so it will not be in disagreement and we will not have this issue raised. Because if it is important, then it ought to come out of the House and not just the Senate.

The SPEAKER pro tempore (Mr. MAZZOLI). Without objection, the motion is agreed to.

There was no objection.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 74: Page 44, line 13, strike out "$166,863,000" and insert "$150,000,000".

MOTION OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. DURBIN moves that the House recede from its disagreement to the amendment of the Senate numbered 74 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert "$133,000,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. DURBIN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 78: Page 44, line 25, strike out "$25,397,000" and insert "$22,830,000".

MOTION OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. DURBIN moves that the House recede from its disagreement to the amendment of the Senate numbered 78 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert "$20,242,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. DURBIN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 111: Page 50, line 2, strike out "$25,000,000" and insert "$25,700,000 and the foregoing $15,000,000".

MOTION OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion

The text of the motion is as follows:

Mr. DURBIN moves that the House recede from its disagreement to the amendment of the Senate numbered 111 and concur therein with an amendment, as follows:

In lieu of the matter inserted in said amendment, insert "$25,000,000 and the foregoing $15,000,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. DURBIN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 136: Page 61, line 2, after "program" insert ": *Provided further*, That until revised allocation regulations have been issued, the Secretary may waive regulations governing allocations as necessary to ensure funds are received by States most in need".

MOTION OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. DURBIN moves that the House recede from its disagreement to the amendment of the Senate numbered 136 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert ": *Provided further*, That until revised allocation regulations have been issued, the Secretary may waive the 15 percent cap regulation to ensure that all funds are allocated to States most in need.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. DURBIN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 137: Page 61, line 2, after "program" insert ": *Provided further*, That hereafter, rebate funds received by States as part of a cost containment initiative for WIC are exempt from the interest provisions of the Cash Management Improvement Act of 1990, Public Law 101-453".

MOTION OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. DURBIN moves that the House recede from its disagreement to the amendment of the Senate numbered 137 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert ": *Provided further*, That no State will incur an interest liability to the Federal Government on WIC rebate funds provided that all interest earned by the State on these funds is used for program purposes".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. DURBIN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 142: Page 64, line 3, strike out "$117,812,000" and insert "$110,284,000".

MOTION OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the amendment is as follows:

Mr. DURBIN moves that the House recede from its disagreement to the amendment of the Senate numbered 142 and concur therein with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert "$118,027,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. DURBIN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 164: Page 81, after line 12, insert:

SEC. 730. (a) None of the funds appropriated or otherwise made available by this Act shall be used by the Secretary of Agriculture to provide a total amount of payments to a person to support the price of honey under section 207 of the Agricultural Act of 1949 (7 U.S.C. 1446h) and section 405A of such Act (7 U.S.C. 1425a) in excess of $50,000 in the 1994 crop year.

MOTION OFFERED BY MR. SKEEN

Mr. SKEEN. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Motion offered by Mr. SKEEN:

Mr. SKEEN moves that the House recede and concur in the amendment of the Senate numbered 164 with an amendment as follows: In the matter proposed to be inserted by the amendment, add the following: "The GAO shall conduct a study and report to Congress on the effectiveness of the program."

The SPEAKER pro tempore. The gentleman from New Mexico [Mr. SKEEN] is recognized for 30 minutes.

PARLIAMENTARY INQUIRIES

Mr. FAWELL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. FAWELL. First of all, the motion that the gentleman from New Mexico offered was read so fast I did not understand just what it was. But I rise in opposition.

The SPEAKER pro tempore. If the gentleman is opposed to the motion offered by the gentleman from New Mexico, the gentleman [Mr. FAWELL] is entitled to 20 minutes to debate the issue.

Is the gentleman opposed to the motion offered by the gentleman from New Mexico?

Mr. FAWELL. Mr. Speaker, if I could, may I have a rereading of that motion.

The SPEAKER pro tempore. The Clerk will rereport the motion offered by the gentleman from New Mexico [Mr. SKEEN].

The Clerk reread the motion.

The SPEAKER pro tempore. Is the gentleman [Mr. FAWELL] opposed to the motion offered by the gentleman from New Mexico [Mr. SKEEN]?

Mr. FAWELL. Yes, I am, Mr. Speaker.

Mr. Speaker, I have a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. FAWELL. At least I think it is a parliamentary inquiry.

Assuming that this particular motion fails, can the Chair advise me where we will be then?

The SPEAKER pro tempore. Another Member will be recognized for another motion on this amendment in disagreement.

Is the gentleman opposed to the motion?

Mr. FAWELL. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from New Mexico [Mr. SKEEN] will be recognized for 20 minutes, the gentleman from Illinois [Mr. FAWELL] will be recognized for 20 minutes, and the gentleman from Illinois [Mr. DURBIN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. Mr. Speaker, I yield myself such time as I may consume.

I offer this amendment because here we go again with the perennial problem of the honey program. I agree something must be done because it occurs and recurs year after year. But I have to say that this amendment allows a reduction that was made in the conference from $150,000 support to a producer to $50,000. Rather than abruptly cutting the entire funding off, the purpose of this is not to create an economic hardship by abruptly eliminating a program that is still important to a lot of producers. Yet it reduces the amount of payment to the individual, the maximum per individual. I think it is called for at this time to do a study, an in-depth study on the honey program, so we quit buzzing around ourselves year after year to do something with this particular program.

Mr. Speaker, I reserve the balance of my time.

Mr. FAWELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, what we have here is really an understandable attempt to evade the issue that I was planning on presenting, which was to simply eliminate the honey program.

The Senate amendment to the agriculture appropriations cuts the honey subsidy program somewhat, but it did not terminate the program. The Senate amendment limits subsidy payments to $50,000 for a honey producer per year. My amendment, if I have a chance to be able to present it, I would ask for ultimately, hopefully, a division with regard to the question of the motion to concur and the motion to recede. I would have an amendment therefore to the Senate amendment, and it would simply reduce the payment to each honey producer to zero.

□ 1510

Thus it would do away with the honey subsidy altogether. I doubt if there is a whole lot that I have to say in regard to this issue, which has been cussed and discussed in this body many times and I think throughout the Nation as being an exemplary example of wasteful spending of the taxpayers' dollars.

Now to ask for another General Accounting Office study which would simply be in repetition of what was done by the GAO in I believe 1983 and there they unequivocally called for a repeal of the honey price support program.

This has been presented to this Congress and the issue has been debated and debated.

I would hope that this motion could be defeated so that we could get on with our business. I do not want to debate it at great length.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. FAWELL. I am glad to yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, I want to thank the gentleman for making this point. I love it that the gentleman is bringing up President Clinton's position on the gentleman's side of the aisle. I think this is one of the programs that the President did come out with.

I do have the Government Accounting Office notices here. They called for repealing this both in 1985 and 1990, pointing out that only 1 percent of the people were getting any of this money and that it really was just filled with what they called waste and all sorts of things.

So I salute the gentleman for his courageous stand and I hope that we can get this out of here.

We have been talking for many days about how we ought to be cutting. It seems like there is bipartisan and GAO support and everything else, and my hope is that we could finally end this program.

Mr. FAWELL. Mr. Speaker, I thank the gentlewoman very much.

I agree that we have studied this to death. We ought to be able today, especially after that historic vote last night where everyone has dedicated himself or herself to doing all we can to do some cutting where it is truly a wasteful program that is not necessary. I think that certainly this honey program falls into that category.

Mr. DURBIN. Mr. Speaker, let me reiterate the comments made by my colleague, the gentleman from New Mexico.

The conference committee tried to take a step even beyond the reconciliation bill to deal with this program. At the current time under the honey program, it is my understanding that producers are limited to $150,000 as a maximum payment limitation. Under the reconciliation bill, that maximum amount, the ceiling, would be reduced $25,000 a year for 4 years so that by the year 1997 there would be a $50,000 payment limitation. That scenario was included in the reconciliation bill passed by the House last night.

Our conference committee went a step further. We put the limitation in place immediately, a $50,000 payment limitation to go into effect in this next fiscal year. I think that is a fiscally responsible step to be taken.

Let me also say there is considerable controversy whether this program is even worth keeping. I, for one, am not convinced at this point that it is, but I have been convinced that it is worth an inquiry by the General Accounting Office to determine its value to farmers and producers across America.

I am in full support of the motion offered by my colleague, the gentleman from New Mexico.

Mr. Speaker, I yield such time as he may consume to the chairman of the Committee on Agriculture, the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I thank the distinguished chairman for yielding this time to me.

Mr. Speaker, I rise in support of the motion by our distinguished colleague, the gentleman from New Mexico, who as always is very perceptive of the situations we find ourselves in.

I think at this point in time it would be worthwhile that we ask the GAO to again look at this program, because it has become the darling of the sensational media. This is not the people.

Somehow I feel that we have Serbs killing Moslems, Bosnians killing Croats. We have a reshuffling of the government in Japan. We do not know what is going to happen in China, if indeed Deng Xiaoping passed away.

We have yet to work out something with Vietnam. The world is in turmoil and here we are discussing the honey program that costs $17 million.

I think, Mr. Speaker, there should be a more serious attempt to address the issue of the day.

Last night, yielding to some of this irresponsible media hype on the honey program, we felt that maybe it was worthwhile that we should do something, and we did. We ratcheted it down in 4 years to the level of the other programs, which is $50,000 a year.

Also, the Senate approved in this measure, while in the Senate, $50,000 that we were willing to accept.

The problem is—and last night I think should be an example—last night we were speaking about jobs. These are jobs, some 12,000 jobs in rural America, some 4,000 honey producers.

But let me tell you what the biggest problem is. We have a GSP with China, but China is inundating the United States, the Chinese shipments of honey have increased 226 percent since 1987. We have a one-penny tariff on honey. China has 60-some dollars. Most countries in the world have $27 and $30.

So the problem that we have had is that foreign competition is inundating us with cheap honey and cheap-cost honey, and we the Government have not done anything to alleviate the suffering or to protect our producers.

Now, let me say that this again is not a subsidy. I do not think any of those advocating this proposal understand the honey program; they do not understand what it does. It is a marketing tool in order to protect the producers in the United States of America.

Are you for U.S. producers? Are you for protecting our national interests? Are you for protecting those who are abused by foreign competition? If you are, then you have to go along with us.

The only alternative we can find at this point in time is that perhaps because there is so much ignorance, there is so much confusion, there is so much misinterpretation and there is this media hype that will give anyone who mentions this program a headline, that we find ourselves having to discuss it while the world burns.

Here we are discussing the honey program, $17 million, while the world burns. Secretaries of State are resigning. We do not know if Deng Xiaoping has passed away. The Japanese Government is in turmoil. We are negotiating in Geneva.

We do not know if the Russians are going to dismantle their nuclear weapons. We do not know if the Ukraine is going to dismantle its nuclear weapons. We do not know what is happening in the world.

Oh, but we here are debating the honey program.

I think we ought to pass the amendment of the gentleman from New Mexico and at least have a GAO study, the honey program versus Bosnia, versus Japan, versus China, versus all the other producers that inundate us with cheap honey and will kill a viable American enterprise.

Free enterprise, I hear so much from that side, the entrepreneurs. This is what we are trying to do, a little marketing program for the entrepreneurs.

Mr. UPTON. Mr. Speaker, will the gentleman yield for a question?

Mr. DE LA GARZA. I yield to the gentleman from Michigan.

Mr. UPTON. Mr. Speaker, I, too, am concerned about the Chinese, and that is one of the reasons I speak on this.

Mr. DE LA GARZA. Well, I am glad the gentleman is concerned, because we are. They could kill this program. They could kill the U.S. producers.

Mr. UPTON. That is one of the reasons I voted to deny MFN status to China.

Mr. DE LA GARZA. Good for the gentleman. I commend the gentleman for that. Now help us so that we can protect the few people who are entrepreneurs, who are small businessmen that deserve your help and let us dedicate our time and our effort to the serious problems of the world, rather than be taking the time of the distinguished chairman and this illustrious committee that has done yeoman work in this endeavor.

□ 1520

Mr. SKEEN. Mr. Speaker, I did not offer this to offend anybody, but I wanted some reason. As my colleagues know, this is one of these baby chicken amendments. I say to my colleagues, "What you do is kill a bunch of baby chickens, and you don't have any real risk involved. You kill this program, and there is no real risk involved because there are so few people involved with it."

But it is an important program to a certain segment of our economy, Mr. Speaker, and, being so few people involved in agriculture today, it is popular not to understand agricultural programs or how they got there.

And I do not mind people wanting to save the taxpayers money when it really involves the taxpayers and the money, but also I think that my colleagues ought to use a little reason and a little judgment when they start shutting down these programs, and they ought to know more about them before they start killing them or trying to kill them, and this one has been hanging around a long time because the bubbleheads in the news media love it because there have been all kinds of jokes made about this program and some of the other agricultural programs because so few people understand how they work, what the economic impact is, and do not really care except: I can come out a great hero because I saved the taxpayers some money.

Well, Mr. Speaker, that is wonderful, but I think we ought to take a reasoned look at this situation, and I know we had a GAO study before, but they do not ever get around to the economics, and I am not really fond of GAO studies because most of the time they are the most difficult people to teach about agriculture, agricultural programs and problems, because so many of those number crunchers over there have never dug up a furrow, or planted a row, or hoed one or tended a hive of bees.

This is an important program to a certain economic segment of our community, the agricultural community. I do not think my colleagues ought to do away with it until we understand what it really does. That is why I offered this amendment.

Mr. FAWELL. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Speaker, I rise in opposition to the amendment offered by the gentleman form New Mexico [Mr. SKEEN]. The only reason we are debating the Skeen amendment at this moment is to stop, to preempt, the gentleman from Illinois [Mr. FAWELL] from offering his amendment. I say to my colleagues, "If you vote "yes" on Skeen today, you are voting to stop consideration of an amendment that would end the honey programs. You are voting once again for a smokescreen."

Now I know we have had GAO studies, and I know that those GAO studies may not have studied the extent to which the honey bee program protects us from nuclear weapons, and certainly we do not want to overlook the possibility that it could be critical in that regard, and I also know that the GAO studies have not defined for us how it is entrepreneurs benefit for Government programs. I would like to understand that myself. It seems to me, from my long study of entrepreneurship, that entrepreneurs reject Federal Government programs. But I may have missed that.

But the fact of the matter, Mr. Speaker, is we are calling for a study now as a very ingenious way of tabling the amendment offered by the gentleman from Illinois [Mr. FAWELL].

Now, Mr. Speaker, last night we saw an enormous debate of enormous consequence where Members on both sides of the aisle were implored, "Stand by your man; give you President what he wants," and some did. Some did, and at the very, very last seconds of the 11th hour in the well itself they came home to their President and gave him his $300 billion increase in taxes.

But this is the one program that the President of the United States has said he wants to cut, to eliminate, to do away with. The President of the United States wants us to debate and vote on the amendment offered by the gentleman from Illinois [Mr. FAWELL].

I say to my colleagues, You can only do that if you first vote "no" on the Skeen amendment. Stand by your man.

Mr. DURBIN. Mr. Speaker, I yield 2 minutes to the gentleman from South Dakota [Mr. JOHNSON].

Mr. JOHNSON of South Dakota. Mr. Speaker, I regret the gentleman from Texas [Mr. ARMEY] has left the floor, the gentleman who struggled so hard to protect Americans earning a quarter of a million dollars from taxes but seems so intent on striking down small honey producers around the country. But I would like to bring some facts to bear on what has been an emotional argument, I think, and for some people the honey program has become virtually a symbolic issue.

The honey program exists essentially for the same purpose as other agricultural programs, and that is to ensure a ready source of pollination for the rest of the agricultural programs, to strengthen and stabilize that industry. The program costs continued to fall even prior to the changes made in the reconciliation bill passed last night, and understand, because of the changes made in the reconciliation bill, the honey program will be a no net cost program to the taxpayers by 1996, and while, in fact, by 1997 and 1998 actually returns a small amount of money to the taxpayers, $2 million in 1997 and $1 million in 1998.

So, we have gone through a radical change in the honey program. We are not on a status quo course here. The cost of the program has been coming down sharply in recent years, and, if we leave it alone, we are on the verge of a no cost, and, in fact, gain a few dollars program in the next couple years. So, I think all the more reasons for going ahead with the amendment offered by the gentleman from New Mexico [Mr. SKEEN]: a GAO study, not as a redundant study, not to repeat an analysis of things that have already been looked at, but to look at what we can do to stabilize this industry, that it is an important industry with no costs to the taxpayers under the terms of the reconciliation bill that is on the verge of passage.

So, I think that this is not a mere front for some other purpose. I think that the GAO study of this new honey program, on how it will work at no cost to the taxpayers, is a legitimate, valid exercise, and I hope that we do, in fact, pass the gentleman's amendment and go forward with a honey program that works and yet costs the taxpayers nothing.

Mr. FAWELL. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I rise in opposition to the amendment offered by the gentleman from New Mexico [Mr. SKEEN] and for the amendment offered by the gentleman from Illinois [Mr. FAWELL].

Mr. Speaker, I understand the arguments of my colleagues here, and certainly, as the gentleman from New Mexico said, they are very familiar with the program, but there are others who are as well. I would just make three points.

The first is:

Until 1949, Mr. Speaker, the honey producers survived very well without any Government support. It is because of shortages created by and in the aftermath of World War II that the program was eliminated. Now that World War II is over I think we can end the honey program, and certainly, just as before 1949, the bees will continue to pollinate and do their thing, help our crops.

Second, this calls for a GAO study. We have had two GAO studies. They have both called for elimination of the program. We do not need another study, and, at the very least, if my colleagues believe in the honey program, they ought to vote for it, and, if they are against the honey program, they ought to vote against it. I say to them, Don't waste any more money with a GAO study.

□ 1530

Third, what I have tried to do in some of the agriculture programs that I have looked at is not eliminate them, but prevent such high amounts of money going to a very few number of individuals. Because I do think to just end the program precipitously is the wrong way to go.

In the committee bill the conferees agreed to limit honey to $50,000 a person. Now, that is intended to rectify a difficult situation. Ten percent of the recipients receive 60 percent of the money. The problem is that is sort of a trick, because it does not just apply to natural persons. So you can form a person made up of two or three people, and that is a person under our law, and there is no limit at all.

In other words, there are these things called the Mississippi Christmas tree. The honey producers will get far more than $50,000 or even $150,000, if they so wish, simply by forming new corporations that are composed of different names and different percentages of people.

If they were truly serious about limiting the honey program to $50,000, which would be an amendment I think would probably be preferable to cutting it out altogether, then they could limit the amount to natural persons, as there have been attempts to do in other amendments that have been proposed.

Mr. DURBIN. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I thank the distinguished gentleman for yielding.

Mr. Speaker, again, as I mentioned earlier, there is not a full understanding of the program and you are hitting blindly. You are just throwing balls out in the sky, hoping that it hits it.

To my distinguished colleague, the gentleman from New York [Mr. SCHUMER], this program does not have the tree entities. The payments in this program are attributable only to the individual. You cannot have corporations, you cannot have the tree entity. This is only to the individual person.

Mr. Speaker, I just wanted to edify my friend, because he agreed with our purpose in the beginning. So I think we are together, and I just want to correct the misperception of what this program does and so many accusations that are basically erroneous.

Mr. DURBIN. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, every Member of the House is well aware of the time spend in the apiaries of Brooklyn, NY, by the gentleman from New York [Mr. SCHUMER] and his personal knowledge of beekeeping and its importance to pollination, not only in his home State, but across the United States of America. But the gentleman stood before us and said he did not want to end this program abruptly.

I say to the gentleman, you should read the amendment from my colleague from Illinois [Mr. FAWELL]. It is the end of the program. It is over.

What the conference agreement talks about is a payment limitation which this gentleman from Brooklyn, NY, has supported in years gone by, and as the gentleman from Texas [Mr. DE LA GARZA] said, its applies to one producer. We are now in the position of the gentleman from Brooklyn, who has been a source of great inspiration for all of us looking for a reform. I certainly hope the gentleman will reconsider his position.

Mr. FAWELL. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Speaker, I would just like to reiterate tonight that we would like to have a vote up or down on this program. The last number of years the gentleman from New Jersey [Mr. ZIMMER], the gentleman from New York [Mr. SCHUMER], the gentleman from Texas [Mr. ARMEY], and a number of Members on both sides of the aisle have in fact tried to do that, and we have been blocked by a parliamentary procedure.

This afternoon we had that ability to vote up or down. But to do so, we have got to defeat this sham amendment of another GAO study.

Come on, folks. The GAO is 1985 and 1990 said, "This program still serves little public purpose but to raise the income of relatively few producers at a high cost to the public."

Let us end this thing. I cannot believe that we cannot end the one program that President Clinton talked about during his campaign about ending, that being the beekeeper subsidy.

In this program, 50 percent of the honey program payments go to only 350 individuals. Yet I will bet they are all on the phones this afternoon calling our offices wondering what is going on.

Mr. Speaker, I would hope that we could defeat this amendment so we can bring up the Fawell amendment to in fact bring the amount of the subsidy to zero, instead of at $50,000.

Mr. SKEEN. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. WALSH].

Mr. WALSH. Mr. Speaker, I rise in support of the Skeen amendment to offer a GAO study of this program. The agriculture budget contributed more to deficit reduction than any other appropriations bill in this Congress, other than the Defense Department. Agriculture programs are continually picked out and picked on by the national media because they are easy. They are easy targets. They do not understand them. The American people do not understand them. So they are picked out and picked upon.

The honey program, I think we have read more about the honey program than the President's deficit reduction budget in the past couple of months. This program has an impact broadly across agriculture. The amount of money, there is no question it is a lot of money. Millions of dollars are spent in this program. But billions of dollars are made in this country, and billions of dollars in product are exported around the world based upon our very strong agriculture commodity support programs.

Mr. Speaker, I think it is foolish, penny-wise, and pound-foolish, to try to eliminate a program that has contributed and will continue to contribute to the wealth of this Nation by just arbitrarily cutting it off.

Mr. Speaker, I think the amendment of the gentleman from New Mexico [Mr. SKEEN] is very responsible. It gives us the opportunity with the GAO to take a serious, scientific, fiscally responsible look at the program to see what the benefits are and to see what the downside is. If the program needs to be phased down, let us do it gradually. But let us not sacrifice our food industry and other industries in this country that are supported by pollination in the honey program. Let us give this amendment an opportunity.

Mr. Speaker, I urge unanimous support of the amendment.

Mr. FAWELL. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. Mr. Speaker, talk about wasteful Government spending. To have a third GAO report, when the first two GAO reports have said that this program itself is a waste of money? Talk about throwing good money after bad.

The fact is that this program is not worth the cost. It is the only program that Candidate Bill Clinton proposed terminating and President Bill Clinton proposed terminating. You all recall last night the Speaker of the House in this well said that the tax and spend program that was being passed was just the first step. We had to get our fiscal house in order by making more spending cuts. The same thing was said by the majority leader.

After this House passed the legislation, the President himself said this is just the first step, that we have got to cut more spending. The Washington Post said so this morning.

Well, now we have an opportunity. So soon after voting for that monumental bill with so many taxes and so few spending cuts, we have an opportunity to show that we are willing to take a second step. It is just a small step. It is an insect size step, but it is very significant, I believe. That is why we should vote "no" on the Skeen amendment and allow the House to put its honey where its mouth is.

Mr. FAWELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I hope I can phrase this as artfully as possible. It seems that we fight so valiantly on ever doing any cutting whatsoever. There is always all kinds of reasons why we should not.

It has been said that if one dies and goes to heaven and wants to come to Earth and have eternal life, come back as a Federal program. We just go on and on, and we will nick away here, and cut a little bit here, and cut a little bit there, as defenses, but so seldom can we exhibit to the American people that we indeed do know how to be able to cut at times.

To me, I am unpersuaded by the arguments that I have heard. The GAO, in its last study, says, "The program serves little purpose," this is 1990, "but to raise the income of relatively few producers at a high cost to the public. Legislatively mandating a termination date for the honey program would save as much as $40 to $100 million annually, depending, of course, on the size of the honey crop."

That is a GAO report in 1990. My good friend, the gentleman from New Mexico [Mr. SKEEN], has said he is not very fond of the GAO, but if it can serve as a mode of continuing the life of a given Federal program, I guess we will flush it off again for still another study, anything to be able to maintain a program.

If we cannot take some toddling steps like this, how on Earth does Congress ever expect to meet the staggering responsibilities which are before us and are before the President of these United States?

I might add that elimination of the honey program is something that is completely bipartisan in nature. H.R. 814, for instance, has cosponsors such as the gentlewoman from Colorado [Mrs. SCHROEDER], who has already spoken here; the gentleman from New York [Mr. SCHUMER], who has already spoken, who did ask for support of the Fawell amendment; the gentleman from Massachusetts [Mr. FRANK], the gentleman from Florida [Mr. GIBBONS], the gentleman from New Hampshire [Mr. SWETT], and then, going on over to the Republican side and a number of Members who have come to the conclusion, these are not Members who are trying to do something in a vindictive manner or to try to hurt somebody or affect the situation in China, whatever it may be, all of the reasons that I have heard here.

We simply have to show that at times we can say enough is enough. To once again give this back for more Washingtonese study by the GAO strikes me as being 100 percent evasive.

I would ask that my colleagues on both sides of the aisle join me in defeating this amendment so that indeed I can ask for a division of the issues on this so that I can then present an amendment to the Senate amendment which went in the right direction, yes, but leaves $50,000 for each beekeeper. Then I can simply put zero where $50,000 is, and then there is no more honey program.

Only 1 percent of all honey producers in the United States receive this subsidy, according to the GAO. And of these, it goes on to say, 10 percent of the recipients receive 60 percent of the money and most of them are big companies.

I think the time has come.

Mr. Speaker, I yield 45 seconds to the gentleman from Arizona [Mr. COPPERSMITH].

Mr. COPPERSMITH. Mr. Speaker, I just wish to note that I have a great deal of respect for the gentleman from Illinois [Mr. DURBIN], as well as for the ranking member from New Mexico. They have done an excellent job bringing a new vision, I think, to this bill. But I think this is one of these issues where the more we learn, the less we know. The more we learn about this program, the more it sort of fuzzes up for us and we think that maybe there is a reason for it.

I would like to suggest to the Members that this is a program where common sense may be the greatest sense of all. If we cannot start here, if we cannot make the issue here, if we cannot draw this particular line and need to study, I suggest it is very hard to find anywhere.

I would wish to support the gentleman from Illinois in this effort. He and I have disagreed on other programs, but I heard him here on the floor. I agree with him and rise in support of what he is attempting to do.

Mr. DURBIN. Mr. Speaker, I yield 1 minute to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Speaker, the bill before us, rather, the amendment before us, I believe, is extremely unfortunate.

Last night this House took action on a meaningful budget reform package. That is the way to begin to responsibly implement meaningful cuts in Federal spending. To have a blindsiding amendment at the last stage of the appropriations process, without discussion with the authorizing committee, strikes me as extremely unfair.

Maybe there is something about honey, because it is produced by insects, that causes people to giggle and take this less seriously as an agriculture commodity, but I can tell Members, from the honey producers in my State, this is small business in rural America, supporting family farming operations. And the Committee on Agriculture has implemented reforms which zero out the costs to the Government. That is the way to reform this program, not to do it by blindsiding, grandstanding attacks on the floor of this House.

Mr. DURBIN. Mr. Speaker, I yield myself such time as I may consume.

Let me say, in closing, I wanted to make it clear to those who were listening to this debate that this Committee on Appropriations took this issue very seriously. We stepped beyond the reconciliation bill, putting a payment limitation on this program far in excess of what was recommended by the Committee on Agriculture. We have followed through, after the conference, in asking for a GAO study to make certain that what we have done is still consistent with the needs of farmers and producers across America.

After everyone gets through with their giggles over this program, let me tell Members, we took a very serious look at it to make sure that if the program is abolished, it will not work to the detriment of agriculture across this country.

I would encourage all of my colleagues to support the motion of the gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. Mr. Speaker, I yield myself such time as I may consume.

With all due respect to everybody who has an opinion or a side or a view of what this is all about, I did not intend to blindside anybody.

Let me say this to Members, if they are really interested in reducing expenditures and they want to use the Ag program to do it, start talking about reducing the uncontrollable growth in the costs of mandatory spending such as food stamps or nutritional aid to women with infant children or the parts of the program that make up the bulk of it, 80 percent in mandatory programs that are extremely important.

I don't think there is a soul over there that would do that.

□ 1550

No one. But to pick on a little program that you do not understand, that you do not know how it operates, you do not know what beekeeping is all about, how important it is to agriculture in general, because it is a science and it is a profession, and it is one that requires management ability and knowledge. A very few people do this because bees do not pollinate or progress throughout the country or travel in wide areas, so these beekeepers move these bees seasonally.

They are keepers, are managers. They work hard at it. To end their program abruptly because it is a ridiculous one from a biased and uninformed viewpoint is, I think, a big mistake, a terrible mistake, and it would be irresponsible if we in the Committee on Appropriations ended it without really telling this group or this body what it was all about.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas.

Mr. DE LA GARZA. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I just wanted to again remind, perhaps, the gentleman from Illinois [Mr. FAWELL], our dear colleague and friend, he did not hear my presentation of yesterday or earlier today on the disaster, but first, this belongs in the authorizing committee where we legislate. It should not be legislating on an appropriations bill.

What I wanted to mention to my dear friend, the gentleman from Illinois, whom I admire and support for his efforts, and I commend him, I know that sometimes people think he chases windmills, like when he tried to shut the women's beauty shop down in the other building, but I know that he is sincere and I appreciate that.

What I wanted to tell the gentleman is that he was not cognizant of what I mentioned, that this Committee on Agriculture that I have the honor to chair has cut, cut $53 billion in the past 12 years. The bill that I voted for, the gentleman did not vote for last night, cut $3 billion in the next 5 years. We have been responsible. We may have one of the few committees that has adopted the discipline to do what the gentleman from Illinois [Mr. FAWELL], my dear friend, wants to do. We have no disagreement with that.

However, the concept and the study, the in-depth study that has been made by our committee, notwithstanding the GAO, is that this is a worthwhile program, that it does good for American business with very little impact on the Government. I think the gentleman probably would have saved more had he been able to shut down the women's beauty shop than he does on this program, and I think the Members should know that.

The legislative committee is very appreciative of the responsible way that it has been handled by the subcommittee, the gentleman from Illinois [Mr. DURBIN] and the gentleman from New Mexico [Mr. SKEEN] and their membership, the responsible way they have addressed this issue.

Now that we have in the reconciliation a change reducing the marketing loan, reducing the support price, and addressing the issue of China and the other areas, I think it is worthwhile that we have a further study. We never stop learning. We are always learning something. I know that there are very few who truly, really understand this program, more so the headliners out there in the editorials who are accusing me of saving programs that do not help American agriculture. That is not so. I do not appreciate that at all. However, we are working in that respect.

Mr. SKEEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, I want to comment the chairman, and urge the House to support the gentleman from New Mexico [Mr. SKEEN] on his motion.

Mr. DE LA GARZA. Mr. Speaker, if the gentleman will continue to yield, I thank the gentleman, and I support for good and valid, solid reasons the amendment offered by our distinguished colleague, the gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. Mr. Speaker, in closing I would say that this could be a very beneficial health program, since bee stings may be good for your arthritis. Vote for this amendment.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the amendment offered by the gentleman from New Mexico [Mr. SKEEN].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FAWELL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were yeas 140, nays 274, not voting 19, as follows:

[Roll No. 409]

YEAS—140

Abercrombie
Barlow
Barrett (NE)
Bartlett
Bateman
Bishop
Blackwell
Bonilla
Boucher
Brewster
Brooks
Brown (FL)
Camp
Canady
Chapman
Clay
Clayton
Clyburn
Coble
Coleman
Collins (IL)
Collins (MI)
Combest
Crapo
Darden
de la Garza
Dellums
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Emerson
English (OK)
Everett
Ewing
Farr
Fazio
Fields (LA)
Foglietta
Ford (MI)
Ford (TN)
Frost
Gephardt
Gibbons
Gilman
Gonzalez
Gunderson
Hall (TX)
Hamburg
Hastings
Hayes
Herger
Hilliard
Hochbrueckner
Houghton
Inslee
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kingston
Kreidler
Lewis (CA)
Lewis (FL)
Lightfoot
Long
Mann
Martinez
Mazzoli
McCandless
McCollum
McDade
McKinney
Meek
Michel
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
Natcher
Oberstar
Obey
Ortiz
Pastor
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Rangel
Reynolds
Richardson
Roberts
Rogers
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Schiff
Scott
Serrano
Skeen
Smith (IA)
Smith (MI)
Smith (OR)
Smith (TX)
Stenholm
Stokes
Stump
Swift
Tauzin
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torres
Towns
Traficant
Tucker
Unsoeld
Velazquez
Volkmer
Vucanovich
Walsh
Watt
Wheat
Whitten
Williams
Wilson
Wynn
Yates

NAYS—274

Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barrett (WI)
Barton
Becerra
Beilenson
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Borski
Browder
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Cantwell
Cardin
Carr
Castle
Clement
Clinger
Collins (GA)
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Cunningham
Danner
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Engel
English (AZ)
Eshoo
Evans
Fawell
Fields (TX)
Filner
Fingerhut
Fish
Flake
Fowler
Franks (CT)
Franks (NJ)
Furse
Gallegly
Gallo
Gejdenson
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Hancock
Hansen
Harman
Hastert
Hefley
Hefner
Hinchey
Hoagland
Hobson
Hoekstra
Hoke
Holden
Horn
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson (GA)
Johnson, Sam
Kanjorski
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kyl
LaFalce
Lambert
Lancaster
LaRocco
Laughlin
Lazio
Leach
Levin
Levy
Lewis (GA)
Linder
Lipinski
Livingston
Lloyd
Lowey
Machtley
Maloney
Manton
Manzullo
Margolies-Mezvinsky
Matsui
McCloskey
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meehan
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Nadler
Neal (MA)
Neal (NC)
Nussle
Olver
Orton
Owens
Oxley
Pallone
Parker
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Petri
Pickle
Pombo
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Rahall
Ramstad
Ravenel
Reed
Regula
Ridge
Roemer
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schroeder
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (NJ)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Strickland
Stupak
Sundquist
Swett
Talent
Tanner
Taylor (MS)
Taylor (NC)
Thomas (WY)
Torkildsen
Torricelli
Upton
Valentine
Vento
Visclosky
Walker
Waters
Waxman
Weldon
Wise
Wolf
Woolsey
Wyden
Young (FL)
Zeliff
Zimmer

NOT VOTING—19

Berman
Bonior
Brown (CA)
Derrick
Dickey
Frank (MA)
Jefferson
Lantos
Lehman
Markey
Menendez
Packard
Quillen
Quinn
Schenk
Studds
Synar
Washington
Young (AK)

☐ 1617

Messrs. STUPAK, BAKER of Louisiana, BRYANT, and HASTERT, Ms. WATERS, Messrs. CRAMER, HEFNER, HOAGLAND, APPLEGATE, BORSKI, and GUTIERREZ, Ms. PELOSI, and Messrs. SKAGGS, BROWDER, BEVILL, NEAL of North Carolina, and HUTTO changed their vote from "yea" to "nay."

Messrs. HERGER, CLYBURN, and SWIFT changed their vote from "nay" to "yea."

So the House refused to concur in the amendment of the Senate numbered 164.

The result of the vote was announced as above recorded.

MOTION OFFERED BY MR. FAWELL

Mr. FAWELL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FAWELL moves that the House recede and concur in the amendment of the Senate numbered 164 with an amendment as follows: In the matter proposed to be inserted by the amendment, strike "$50,000" and insert "$0".

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman from Illinois [Mr. FAWELL] will be recognized for 30 minutes in support of his motion, and the gentleman from Illinois [Mr. DURBIN] will be recognized for 30 minutes in opposition.

The Chair recognizes the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I believe we have fully debated this, and with concurrence from the gentleman from Illinois [Mr. DURBIN] and with concurrence from the gentleman from New Mexico [Mr. SKEEN], I would suggest that we simply go right to the vote, and yield back our time.

I would merely say that those who voted "no" previously would vote "yes" this time if they want to kill the honey program, and I would, assuming there is agreement, I would then yield back my time.

□ 1620

Mr. DURBIN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Illinois [Mr. FAWELL].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DURBIN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 344, noes 60, not voting 29 as follows:

[Roll No. 410]

AYES—344

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (WI)
Bartlett
Barton
Becerra
Beilenson
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Boucher
Brewster
Browder
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Clay
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Cunningham
Danner
Darden
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
Eshoo
Evans
Everett
Farr
Fawell
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Franks (CT)
Franks (NJ)
Furse
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hancock
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
LaRocco
Laughlin
Lazio
Leach
Levin
Levy
Lewis (FL)
Lewis (GA)
Linder
Lipinski
Livingston
Lloyd
Lowey
Maloney
Mann
Manton
Manzullo
Margolies-
 Mezvinsky
Matsui
Mazzoli
McCollum
McCrery
McCurdy
McDermott
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meehan
Meek
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Olver
Orton
Owens
Oxley
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Petri
Pickett
Pickle
Pombo
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Rahall
Ramstad
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rostenkowski
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (MI)
Smith (NJ)
Snowe
Solomon
Spence
Spratt
Stearns
Strickland
Stupak
Sundquist
Swett
Talent
Tanner
Taylor (MS)
Taylor (NC)
Thurman
Torkildsen
Torres
Towns
Traficant
Tucker
Upton
Valentine
Vento
Visclosky
Walker
Walsh
Waters
Waxman
Weldon
Wheat
Wilson
Wise
Wolf
Woolsey
Wyden
Yates
Young (FL)
Zeliff
Zimmer

NOES—60

Barrett (NE)
Bateman
Bishop
Brooks
Clayton
Collins (MI)
Crapo
de la Garza
Dooley
Emerson
English (OK)
Ewing
Fazio
Frost
Gonzalez
Gunderson
Hamburg
Hansen
Herger
Houghton
Inslee
Johnson (SD)
Johnson, E. B.
Johnston
Kingston
Lewis (CA)
Lightfoot
Long
McCandless
McDade
McKinney
Mollohan
Montgomery
Oberstar
Obey
Ortiz
Peterson (MN)
Pomeroy
Rangel
Rose
Rowland
Skeen
Smith (IA)
Smith (OR)
Stenholm
Stokes
Stump
Swift
Tauzin
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Unsoeld
Velazquez
Vucanovich
Watt
Williams
Wynn

NOT VOTING—29

Berman
Bonior
Brown (CA)
Chapman
Derrick
Dickey
Frank (MA)
Gallegly
Lantos
Lehman
Machtley
Markey
Martinez
McCloskey
Menendez
Packard
Quillen
Quinn
Schenk
Shuster
Smith (TX)
Stark
Studds
Synar
Torricelli
Volkmer
Washington
Whitten
Young (AK)

□ 1639

Mr. MONTGOMERY changed his vote from "yea" to "nay."

Mr. HASTINGS changed his vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

A motion to reconsider the votes by which action was taken on the several motions and the conference report was laid on the table.

PERSONAL EXPLANATION

Mr. MENENDEZ. Mr. Speaker, as I was detained in a meeting at the White House, I unavoidably missed two votes; rollcalls No. 409 and No. 410. I had intended to vote "no" on rollcall No. 409, and "aye" on rollcall No. 410.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2339. An act to revise and extend the programs of the technology-Related Assistance for Individuals With Disabilities Act of 1988, and for other purposes.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 1078. An act to confirm the Federal relationship with the Jena Band of Choctaw Indians of Louisiana.

S. 1283. An act to amend the Technology-Related Assistance for Individuals With Disabilities Act of 1988 to improve the Act, and for other purposes.

S. 1284. An act to amend the Developmental Disabilities Assistance and Bill of Rights Act to expand or modify certain provisions relating to programs for individuals with developmental disabilities, Federal assistance for priority area activities for individuals with developmental disabilities, protection and advocacy of individual rights, university affiliated programs, and projects of national significance, and for other purposes.

S.J. Res. 21. Joint resolution to designate the week beginning September 19, 1993, as "National Historically Black Colleges and Universities Week."

The message also announced that the Senate agrees to the amendments of the House the bill (S. 1273) entitled "An Act to enhance the availability of credit in disaster areas by reducing the regulatory burden imposed upon insured depository institutions to the extent such action is consistent with the safety and soundness of the institution."

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1274) entitled "An Act to reduce the subsidy cost for the Guaranteed Business Loan Program of the Small Business Administration, and for other purposes."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2862

Mr. SHAYS. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of the bill, H.R. 2862.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from Connecticut?

There was no objection.

□ 1640

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2859

Mr. CALVERT. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of the bill, H.R. 2859.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from California?

There was no objection.

PROVIDING FOR AN ADJOURNMENT OF THE HOUSE FROM FRIDAY, AUGUST 6, 1993, SATURDAY, AUGUST 7, 1993, MONDAY, AUGUST 9, 1993, OR TUESDAY, AUGUST 10, 1993, TO WEDNESDAY, SEPTEMBER 8, 1993, AND A RECESS OR ADJOURNMENT OF THE SENATE FROM FRIDAY, AUGUST 6, 1993, SATURDAY, AUGUST 7, 1993, OR SUNDAY, AUGUST 8, 1993, TO TUESDAY, SEPTEMBER 7, 1993

Mr. GEPHARDT. Mr. Speaker, I offer a privileged concurrent resolution, House Concurrent Resolution 136, and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 136

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Friday, August 6, 1993, Saturday, August 7, 1993, Monday, August 9, 1993, or Tuesday, August 10, 1993, pursuant to a motion made by the majority leader, or his designee, it stand adjourned until noon on Wednesday, September 8, 1993, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Friday, August 6, 1993, Saturday, August 7, 1993, or Sunday, August 8, 1993, pursuant to a motion made by the majority leader, or his designee, in accordance with this resolution, it stand recessed or adjourned until Tuesday, September 7, 1993, at such time as may be specified by the majority leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the majority leader of the Senate, acting jointly after consultation with the minority leader of the House and the minority leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I have asked to proceed for this one moment that I might inquire of the majority leader, the gentleman from Missouri [Mr. GEPHARDT], where we are at this juncture in the proceedings here with respect to the House and when we might expect to leave this place.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. Mr. Speaker, I am happy to yield to the distinguished majority leader.

Mr. GEPHARDT. Mr. Speaker, obviously there are no more votes today. The House will take special orders, and then we will recess to await Senate action on reconciliation and the adjournment resolution, and, if all goes as planned in the other body, which may or may not happen, but, as planned, we expect to be able to complete action over there and have an adjournment resolution back around 9 or 10 p.m. tonight.

The adjournment resolution provides the ability for the House to return Monday or Tuesday, if necessary, and of course that would only be necessary if the reconciliation conference does not pass in the Senate. The Democrat leadership will consult with the Republican leadership, should that need arise. Members would be informed by a whip call tonight following Senate action if that need arises, and again we hope that it does not.

If there is no need to return next week, the House will stand adjourned until Wednesday, September 8, at noon. On that day Members should expect a full voting day on the defense authorization.

A September Calendar will be made available to Members early next week in each of their offices.

Mr. MICHEL. And, if I might inquire, Wednesday, the 8th, would be a working day, as the majority leader has just indicated. Is it possible to have a Friday session on that week? Do we know that at this point?

Mr. GEPHARDT. We do not expect Friday votes on that week, but that first day back, on Wednesday, will be a full day. We will meet at noon, and, as the gentleman knows, the Defense Department authorization has already got a rule, we have already had general debate, so the amendments will start at, say, 12:30 or 1 o'clock, and we could have votes fairly soon thereafter.

Mr. MICHEL. Mr. Speaker, I thank the distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT], for his response.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, SEPTEMBER 8, 1993

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule be dispensed with on Wednesday, September 8, 1993.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AUTHORIZING THE SPEAKER AND THE MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS NOTWITHSTANDING ADJOURNMENT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Wednesday, September 8, 1993, the Speaker and the minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

REQUEST FOR FURNISHING OF HOUSE POST OFFICE INVESTIGATION MATERIALS AND RECORDS

(Mr. ROSE asked and was given permission to address the House for 1 minute.)

Mr. ROSE. Mr. Speaker, I ask unanimous consent that the Clerk read a letter for me.

The SPEAKER pro tempore. Without objection, the Clerk will report the communication.

There was no objection.

The Clerk read as follows:

U.S. DEPARTMENT OF JUSTICE,
Washington, DC, August 6, 1993.

Hon. CHARLIE ROSE,
Chairman, Committee on House Administration, Washington, DC.
Hon. WILLIAM M. THOMAS,
Ranking Minority Member, Committee on House Administration, Washington, DC.

DEAR CONGRESSMEN: I am writing to follow up on my letter of July 20, 1993, relating to records obtained and generated by the House of Representatives in its review of the operation and management of the House Post Office. As you know, attorneys from our office met with a number of congressional counsel and other staff members on August 2, 1993 to discuss this matter.

The August 2 meeting was very helpful in our efforts to ensure that we obtain all information in possession of the House of Representatives that is relevant to our investigation. At this time, we request the following items: (1) a list of all persons interviewed during the "preliminary investigation" conducted by the Committee on House Administration in early 1992, before the Task Force began its work; (2) all interview notes and summaries made during both the "preliminary investigation" and the Task Force inquiry, relating to the following persons; Robert Rota, Joanna O'Rourke, Nancy Auerbach Collins, James Smith, and Dorothea Niki Risenhoover.

We appreciate your continued cooperation.

Sincerely yours,

J. RAMSEY JOHNSON,
U.S. Attorney.

Mr. ROSE. Mr. Speaker, I apologize for my voice, but we intend to fully comply with that request and also make that material available to the Committee on Standards of Official Conduct.

Mr. THOMAS of California. Mr. Speaker, will the gentleman yield?

Mr. ROSE. I yield to the gentleman from California.

Mr. THOMAS of California. Mr. Speaker, I thank the gentleman from North Carolina [Mr. ROSE] for yielding to me.

What we have received is a letter from the U.S. attorney which is a follow-on to the July 20 letter which requested a reexamination under House Resolution 518 which this House passed in July 1992 forwarding all of the task force records to the Department of Justice and to the Committee on Standards of Official Conduct. Although the request in the August 6 letter is technically outside the scope of House Resolution 518, since it referred only to the task force on the post office, obviously it is material that is pertinent to that investigation, and I fully support the chairman's request that this request be complied with, and that the material will be forwarded to the Department of Justice, and that in the spirit of House Resolution 518 the materials will be forwarded to the Committee on Standards of Official Conduct.

Mr. GRANDY. Mr. Speaker, will the gentleman yield?

Mr. ROSE. I yield to the gentleman from Iowa.

Mr. GRANDY. Mr. Speaker, I appreciate the gentleman from North Carolina [Mr. ROSE] taking the time to clarify this.

I understand what the gentleman is saying, that all materials that are now going to the Justice Department will simultaneously come to the Committee on Standards of Official Conduct. We are not talking about a sequential referral. We will receive the same materials referenced in the July 20 letter and the letter following that up; is that correct?

I want to make sure I understand that because there has been some concern, mostly on our side, that materials were missing from the file of the Committee on Standards of Official Conduct, and my understanding is those pieces will now be sent to us as they go to Justice.

Mr. THOMAS of California. Mr. Speaker, if the gentleman will continue to yield, we are doing this in the spirit of House Resolution 518 so that, if the Department of Justice makes additional requests refining what it is that they want from us, that those materials sent by the House to the Department of Justice will in essence automatically be provided to the Committee on Standards of Official Conduct so that we will not have any confusion as we had in the past.

Mr. GRANDY. Mr. Speaker, if the gentleman would continue to yield, then what I can presume from this, and I am not speaking for the chairman, I do not see him on the floor, but I think I can speak for the committee on this:

As these materials materialize and are forwarded, they will come to us. There will not be any need for the two committees to communicate back and forth to request these materials.

Mr. THOMAS of California. We are going to honor the request of the Department of Justice as though they are under House Resolution 518, which was the House ordering the committee to forward it to the Department of Justice and to the Committee on Standards of Official Conduct. The spirit of that resolution is to be honored on any requests coming to us and are acceptance of those requests from the Department of Justice.

☐ 1650

Mr. ROSE. Mr. Speaker, I agree with the comments that my colleagues have made.

Mr. GRANDY. Mr. Speaker, if the gentleman will yield further, I wanted to ask one question: I noticed in the letter the Justice Department is requesting lists of the people that were interrogated by the Committee on House Administration. Does that also presume that the interviews will be forwarded to Justice as well?

Mr. ROSE. Mr. Speaker, the letter speaks for itself, and we will fully comply with the letter.

VETERANS HEALTH PROGRAMS AMENDMENTS OF 1993

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2034), an act to amend title 38, United States Code, to revise and improve veterans' health programs, and for other purposes, with Senate amendments thereto, and to concur in the Senate amendments with House amendments to the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments and the House amendments to the Senate amendments as follows:

Senate amendments: Strike out all after the enacting clause and insert:

SECTION 1. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS AND MAJOR MEDICAL FACILITY LEASES.

(a) AUTHORIZATION OF PROJECTS AND LEASES.—The Secretary of Veterans Affairs may carry out the major medical facility projects for the Department of Veterans Affairs, and may carry out the major medical facility leases for that Department, for which funds are requested in the budget for fiscal year 1994 that the President submitted to Congress pursuant to section 1105(a) of title 31, United States Code.

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are authorized to be appropriated to the Department of Veterans Affairs for fiscal year 1994 as follows:

(1) For the major medical facility projects authorized under subsection (a), $111,600,000.

(2) For the major medical facility leases authorized under such subsection, $50,123,105.

(c) LIMITATION.—The projects and leases authorized in subsection (a) may only be carried out using—

(1) funds appropriated pursuant to the authorization of appropriations in subsection (b);

(2) funds appropriated for the Department of Veterans Affairs for Construction, Major Projects for any fiscal year before fiscal year 1994 that remain available for obligation; and

(3) funds appropriated for that department for Construction, Major Projects for fiscal year 1994 for a category of activity that is not specifically related to a particular project.

SEC. 2. ENHANCED-USE LEASE AUTHORITY.

(a) UTILIZATION OF CONSTRUCTION FUNDS FOR USE OF SPACE OR SERVICES.—Section 8162(b)(4) of title 38, United States Code, is amended—

(1) by striking out "Any payment" and inserting in lieu thereof "(A) Except as provided in subparagraph (B), any payment";

(2) in subparagraph (A), as designated by paragraph (1), by striking out "only" in the first sentence; and

(3) by adding at the end the following new subparagraph (B):

"(B) The Secretary may make payments for the use of space or services described in subparagraph (A) from funds appropriated to the Department for construction (other than for grants for construction). Any such payment shall be treated as a project for the acquisition of a medical facility subject to the provisions of section 8104 of this title.".

(b) Extension of Authority.—Section 8169 of such title is amended by striking out "December 31, 1994" and inserting in lieu thereof "December 31, 1996".

SEC. 3. INCREASE IN AMOUNT OF MAJOR MEDICAL FACILITY PROJECT THRESHOLD.

Section 8104(a)(3)(A) of title 38, United States Code, is amended by striking out "$2,000,000" and inserting in lieu thereof "$3,000,000".

SEC. 4. FACILITY ACQUISITIONS SUBJECT TO HEALTH-CARE RESOURCE SHARING CONSIDERATIONS.

Section 8102(d) of title 38, United States Code, is amended—

(1) by inserting "(1)" after "(d)";

(2) in paragraph (1), as so designated, by striking out "for any project" and all that follows through "$2,000,000," and inserting in lieu thereof "for any major medical facility project (other than by an acquisition by exchange),"; and

(3) by adding at the end the following:

"(2) In this subsection, the term 'major medical facility project' has the meaning given such term in section 8104(a)(3)(A) of this title.".

SEC. 5. INCREASE IN THRESHOLD FOR REQUIREMENT RELATING TO EXPENDITURES FOR PARKING FACILITIES.

Section 8109(i)(2) of title 38, United States Code, is amended by striking out "$2,000,000" and inserting in lieu thereof "$3,000,000".

SEC. 6. REVISION OF AUTHORITY RELATING TO PERSHING HALL, FRANCE.

Subsection (c)(1) of section 403 of the Veterans' Benefits Programs Improvement Act of 1991 (36 U.S.C. 493) is amended by striking out "35 years" and inserting in lieu thereof "99 years".

Amend the title so as to read: "An Act to authorize major medical facility projects and leases for the Department of Veterans Affairs, to revise and extend the authority of the Secretary of Veterans Affairs to enter into enhanced-use leases, to revise certain authorities relating to Pershing Hall, France, and for other purposes.".

House amendments to the Senate amendments: In lieu of the matter proposed to be inserted by the Senate amendment to the text of the bill, insert the following:

SECTION. 1. AUTHORIZATION OF DEPARTMENT OF VETERANS AFFAIRS CONSTRUCTION PROJECTS.

(a) Authorized Projects.—The Secretary of Veterans Affairs may carry out the major medical facility leases for the Department of Veterans Affairs for which funds are requested in the budget of the President for fiscal year 1994 and may carry out (or, in the case of the project specified in paragraph (1), participate in) the following major medical facility projects in the amounts specified:

(1) Construction in accordance with an agreement between the Secretary of the Air Force and the Secretary of Veterans Affairs of a medical facility at Elmendorf Air Force Base, Anchorage, Alaska, to be shared by the Air Force and the Department of Veterans Affairs, $11,500,000.

(2) Construction of a psychiatric building at the Department of Veterans Affairs Medical Center in Lyons, New Jersey, $41,700,000.

(3) Modernization and seismic corrections at the Department of Veterans Affairs Medical Center in Memphis, Tennessee, $10,700,000.

(4) Construction of a replacement bed building at the Department of Veterans Affairs Medical Center in Muskogee, Oklahoma, $33,200,000.

(5) Construction of an outpatient care addition and parking garage at the Department of Veterans Affairs Medical Center in San Juan, Puerto Rico, $46,000,000.

(6) Construction, or expansion and modernization, of a 120-bed nursing home facility in the area (referred to as the "Chesapeake network") served by the Department of Veterans Affairs medical centers in Baltimore, Maryland; Fort Howard, Maryland; Martinsburg, West Virginia; Perry Point, Maryland; and Washington, District of Columbia, the site for which shall be selected in accordance with subsection (b).

(b) Site Selection.—(1) The Secretary, in selecting a site for the project referred to in subsection (a)(6), shall conduct a study to determine the most appropriate location for that facility. In conducting the study, the Secretary shall determine—

(A) what the specific mission of each medical center operated by the Secretary in the Chesapeake network should be to achieve within that network—

(i) effective planning;

(ii) reduction in duplication of services and programs in the same geographic area;

(iii) realignment of services among facilities within each network;

(iv) improved means of resource distribution; and

(v) more efficient delivery of needed services.

(B) whether there is a need for expansion and modernization of the nursing home care unit at the medical center at Fort Howard, Maryland; and

(C) what effect the construction of nursing home beds in Baltimore, Maryland, as proposed in the President's budget for the Department of Veterans Affairs for fiscal year 1994, would have for the missions of each of the other medical centers operated by the Secretary in the Chesapeake network.

(2) Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans Affairs of the Senate and House a report on the study under paragraph (1). The Secretary shall include in the report a statement of each determination made by the Secretary under that paragraph.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There is hereby authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 1994—

(1) $143,100,000 for the major medical facility projects authorized in paragraphs (1) through (5) of section 101(a) and such sums as may be necessary for the project described in section 101(a)(6), but not to exceed $14,500,000 in the case of construction of nursing home beds in Baltimore, Maryland, as proposed in the President's budget for the Department of Veterans Affairs for fiscal year 1994; and

(2) $50,123,105 for the major medical facility leases authorized in section 101(a).

(b) Limitation.—The projects authorized in section 101 may only be carried out using—

(1) funds appropriated for fiscal year 1994 pursuant to the authorization of appropriations in subsection (a);

(2) funds appropriated for Construction, Major Projects for a fiscal year before fiscal year 1994 that remain available for obligation; and

(3) funds appropriated for Construction, Major Projects for fiscal year 1994 for a category of activity not specific to a project.

SEC. 3. INCREASE IN AMOUNT OF FACILITY PROJECT THRESHOLD.

(a) Section 8104(a)(3)(A) of title 38, United States Code, is amended by striking out "$2,000,000" and inserting in lieu thereof "$3,000,000".

(b) Section 8109(i)(2) of such title is amended by striking out "$2,000,000" and inserting in lieu thereof "$3,000,000".

SEC. 4. INCREASED TERM OF LEASE AUTHORITY RELATING TO PERSHING HALL, FRANCE.

Section 403(c)(1) of the Veterans' Benefits Programs Improvement Act of 1991 (36 U.S.C. 493) is amended by striking out "35 years" and inserting in lieu thereof "99 years".

In lieu of the Senate amendment to the title of the bill, amend the title so as to read: "An Act to authorize major medical facility construction projects for the Department of Veterans Affairs for fiscal year 1994, and for other purposes.".

Mr. MONTGOMERY (during the reading). Mr. Speaker, I ask unanimous consent that the amendments be considered as read and printed in the Record.

The SPEAKER pro tempore (Mr. Murtha). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Mississippi?

Mr. STUMP. Mr. Speaker, reserving the right to object, and I shall not object, I yield to the chairman of the Committee on Veterans' Affairs, the gentleman from Mississippi [Mr. Montgomery] for an explanation.

Mr. MONTGOMERY. Mr. Speaker, I rise in strong support of the House amendments to the Senate amendments to H.R. 2034.

These amendments authorize VA construction funding for fiscal year 1994, and culminate a process the Veterans' Affairs Committee began in early March with hearings on the VA construction process.

House passage in May of H.R. 2034 called for reform of the VA Construction Program. Unfortunately, the other body is not yet prepared to take up such needed reform. We intend to continue to press for changes in VA's construction planning process. But we cannot responsibly place urgently needed construction projects on hold.

The VA health care system faces an aging veteran population and needs more nursing home beds as well as more ambulatory treatment facilities. Many of its older facilities need modernization to assure quality care delivery. The VA's construction budget is a relatively modest one in relation to the scope of the system's construction needs. It is particularly important, therefore, that we satisfy ourselves that construction funding is targeted to those projects that have the highest priority. We have attempted to do that with these amendments.

This measure reflects a compromise agreement which authoirzes appropriations for four high priority construction projects proposed by the President. It adds authorization for funding for one additional project—an outpatient addition for the VA medical center in San Juan, PR—which health care planners believe is even more urgently needed than at least one of the President's proposals. This agreement also recognizes a need for nursing home beds in an area served by VA medical centers in Maryland, the District of Columbia, and Martinsburg, WV. We are not satisfied with the planning VA has done in connection with how this need would best be met. So we have provided authorization for a nursing home project to serve that region, but are requiring VA to conduct a thorough study to assure that principles of sound planning dictate the selection of the site for that project.

Mr. Speaker, this compromise agreement will help VA meet its obligations to our veterans. I urge my colleagues to support passage of these amendments.

Mr. Speaker, I am including in the RECORD at this point the joint explanatory statement which outlines the differences between the House- and Senate-passed measures and the elements of the compromise agreement we have reached.

JOINT EXPLANATORY STATEMENT ON H.R. 2034

H.R. 2034, an Act to authorize major facility construction projects for the Department of Veterans Affairs for fiscal year 1994 and for other purposes, reflects a compromise agreement that the Senate and House of Representatives Committees on Veterans' Affairs have reached on certain bills considered in the Senate and the House during the 103d Congress. These are H.R. 2034 as passed by the House on May 19, 1993 (hereinafter referred to as the "House bill") and S. 1079 as passed by the Senate as a substitute amendment to H.R. 2034 on July 14, 1993 (hereinafter referred to as the "Senate amendment").

The Committees on Veterans' Affairs have prepared the following explanation of H.R. 2034 (hereinafter referred to as "compromise amendment"). Differences between the provisions contained in the compromise agreement and the related provisions in the bills noted above are noted in this document, except for clerical corrections and conforming changes made necessary by the compromise agreement and minor drafting, technical, and clarifying changes.

AUTHORIZATION OF DEPARTMENT OF VETERANS AFFAIRS CONSTRUCTION PROJECTS

Current law: Section 8104(a)(2) of title 38, United States Code, provides that no funds may be appropriated for any fiscal year, and the Secretary of Veterans Affairs may not obligate or expend funds (other than for advance planning and design), for any major medical facility project or any major medical facility lease, unless funds for that project or lease have been specifically authorized by law.

House bill: Section 201(a) would authorize the Secretary, except as provided in section 201(b), to carry out the major medical facility projects and major medical facility leases for the Department of Veterans Affairs for which funds were requested in the President's budget for fiscal year 1994.

Section 201(b) would not authorize the Secretary to carry out the project for the construction of a nursing home facility in Baltimore, Maryland.

Section 201(c) would authorize the Secretary to carry out design of the following major medical facility projects (which were not included in the President's budget), in the amounts specified: (1) an outpatient care addition at the VA Medical Center in San Juan, Puerto Rico, $3,970,000; (2) a spinal cord injury unit and energy center at the VA Medical Center in Tampa, Florida, $4,490,000; and (3) an outpatient care addition at the VA Medical Center in West Haven, Connecticut, $4,860,000.

Section 204 required the Secretary to conduct an assessment of the need for nursing home beds operated by the Secretary in the area (referred to as the "Chesapeake network") served by VA Medical Centers in Baltimore, Maryland; Fort Howard, Maryland; Martinsburg, West Virginia; Perry Point, Maryland, and Washington, D.C. The Secretary would determine the specific mission of each medical center in the Chesapeake network; whether there is a need for expansion and modernization of the nursing home care unit at Fort Howard; and what effect the construction of nursing home beds in Baltimore would have for the missions of the other medical centers in the Chesapeake network. The Secretary's report would be submitted to the Committees on Veterans' Affairs no later than 90 days after enactment of the Act.

Senate amendment: Section 1(a) is substantively identical to the House provision in section 201(a), except that it would authorize all of the VA major medical facility projects for which funds are requested in fiscal year 1994, including the nursing home facility in Baltimore.

Compromise agreement: Section 1(a) would authorize the VA to enter into the major medical facility leases for which funds are requested in the President's budget for fiscal year 1994, and authorize the following VA major medical projects, in the amounts specified: (1) construction in accordance with an agreement between the Secretary of the Air Force and the Secretary of Veterans Affairs of a medical facility at Elmendorf Air Force Base, Anchorage, Alaska, to be shared by the Air Force and VA, $11,500,000; (2) construction of a psychiatric building at VA Medical Center in Lyons, New Jersey, $41,700,000; (3) modernization and seismic correction at VA Medical Center in Memphis, Tennessee, $10,700,000; (4) construction of a replacement bed building at VA Medical Center in Muskogee, Oklahoma, $33,200,000; (5) construction of an outpatient care addition and parking garage at the VA Medical Center in San Juan, Puerto Rico, $46,000,000; and (6) construction, or expansion and modernization, of a 120-bed nursing home facility in the Chesapeake network area (the site to be selected in accordance with subsection (b)). The Committee note that three major medical facility projects in the VA fiscal year 1994 budget submission were partially funded in a prior year and therefore do not require authorization under section 8104(a)(2) of title 38. These projects are: (1) a replacement bed tower and seismic corrections at the VA Medical Center in Palo Alto, California; (2) a nursing home care unit at the VA Medical Center in Tuskegee, Alabama; and (3) a replacement bed building at the VA Medical Center in Temple, Texas.

Section 1(b) would require the Secretary, in selecting the site for the VA major medical facility project in the Chesapeake network, to conduct a study to determine the most appropriate location for that facility. The criteria and reporting requirement for the study would be substantive identical to those set forth in section 204 of the House bill.

AUTHORIZATION OF APPROPRIATIONS

Current law: Section 8104(a)(2) of title 38, United States Code, provides that no funds may be appropriated for any fiscal year, and the Secretary of Veterans Affairs may not obligate or expend funds (other than for advance planning and design), for any major medical facility project or any major medical facility lease, unless funds for that project or lease have been specifically authorized by law.

House bill: Section 201(d) would authorize to be appropriated to the Secretary of Veterans Affairs for fiscal year 1994 (1) $110,420,000 for the authorized major medical facility projects; and (2) $50,123,105 for the authorized major medical facility leases.

Section 201(e) would limit the authorized projects to be carried out only using (1) specifically authorized major construction funds appropriated for fiscal year 1994; (2) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 1994 that remain available for obligation; and (3) funds appropriated for Construction, Major Projects, for fiscal year 1994 for a category of activity not specific to a project.

Senate amendment: Section 1(b) would authorize to be appropriated for fiscal year 1994 the identical amount to the House provision for the authorized major medical facility leases, but would authorize $111,600,000 to be appropriated for the authorized major medical facility projects.

Section 1(c) is substantively identical to the House provision in section 201(e).

Compromise agreement: Section 2(a) follows the House provision, section 201(d), except that it would authorize $143,100,000 for the major medical facility projects authorized in paragraphs (1) through (5) of section 1(a) of the comprise agreement and such sums as may be necessary for the project described in section 1(a)(6) of the compromise agreement, but not to exceed $14,500,000 in the case of construction of nursing home beds in Baltimore, Maryland, as proposed in the President's budget for VA for fiscal year 1994.

Section 2(b) follows the House provision, section 201(e).

INCREASE IN AMOUNT OF FACILITY PROJECT THRESHOLD

Current law: Section 8104(a)(3)(A) of title 38 provides that the term "major medical facility project" means a project for the construction, alteration, or acquisition of a medical facility involving a total expenditure of more than $2,000,000.

Section 8109(i)(2) of title 38 provides that the statutory limitation for treating a parking facility at a medical facility as a major medical facility project is $2,000,000.

House bill: No provision.

Senate amendment: Section 3 would increase the statutory limitation for defining a "major medical facility project" from $2,000,000 to $3,000,000.

Section 5 would increase the statutory limitation for treating a parking facility at a medical facility as a major medical facility project from $2,000,000 to $3,000,000.

Compromise agreement: Sections 3(a) and (b) follow the Senate amendment.

INCREASED TERM OF LEASE AUTHORITY RELATING TO PERSHING HALL, FRANCE

Current law: Subsection (c)(1) of section 403 of the Veterans' Benefits Programs Improvement Act of 1991 (36 U.S.C. 493) authorizes the Secretary to enter into agreements as the Secretary determines necessary or appropriate for the operation, development, and improvement of Pershing Hall and its site, including the leasing of portions of the Hall for terms not to exceed 35 years in areas that are newly constructed or substantially rehabilitated and for terms not to exceed 20 years in other areas of the Hall.

House bill: No provision.

Senate amendment: Section 6 would extend the Secretary's lease authority for Pershing Hall, France, from 35 years to 99 years as the maximum period of lease in areas that are newly constructed.

Compromise agreement: Section 4 follows the Senate amendment.

Mr. STUMP. Mr. Speaker, further reserving the right to object, this legislation authorizes the major construction projects which VA requested for fiscal year 1994.

As Chairman MONTGOMERY mentioned, H.R. 2034, as passed by the House, included language which would have provided the cornerstone for VA construction planning.

I believe it is essential that VA revise its planning methods in order to adequately prepare the Department to meet the changing needs and demographic trends of veterans.

The language contained in H.R. 2034 would have helped the committee identify the highest priority construction projects and help ensure that project authorizations target those areas of the country most in need.

However, we will continue working to gain passage of those provisions.

These projects may all be completely justified at the local level.

But what is becoming more and more evident is the lack of objective prioritization of projects on a national scale.

It seems clear to me that the projects in this construction authorization do not target the areas that need it most.

Not one of the projects authorized is located in a Sun Belt State.

How can the VA ignore the demand in these States in light of the current trend of veteran in-migration from other States?

Let me share an example from my own State. A VA report dated July 22, 1993, states:

> The facility development plan for the VA Medical Center in Phoenix was completed in January 1993. The study has revealed that the Carl T. Hayden VA Medical Center in Phoenix may have to double in size to meet the health care demand projected for the year 2005.

Yet the VA's 5-year medical facility development plan covering the period between fiscal year 1994 and fiscal year 1998, submitted to Congress in April of this year, states that the Phoenix "facility has no major construction projects for the period covered by the plan."

It is time that VA recognize the need to provide an objective distribution of scarce resources nationally.

It seems very simple to me. Resources ought to be following the veterans.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Mississippi?

There was no objection.

A motion to reconsider was laid on the table.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION MANAGEMENT REORGANIZATION ACT OF 1993

Mr. HALL of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Science, Space, and Technology and the Committee on Post Office and Civil Service be discharged from further consideration of the bill (H.R. 2876) to promote and support management reorganization of the National Aeronautics and Space Administration, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. WALKER. Mr. Speaker, reserving the right to object, and I shall not object, I take this time to allow the gentleman from Texas [Mr. HALL] to explain the action that he has brought to the House.

Mr. HALL of Texas. Mr. Speaker, if the gentleman will yield, on June 22, 1993, the President endorsed recommendations made by the Vest Panel, selecting a space station design which would reduce costs while preserving critical research goals and honoring international commitments. As part of this decision, NASA was directed to implement personnel reductions and major management changes to cut costs, reduce bureaucracy, and improve efficiency.

The Committee on Science, Space, and Technology reflected the President's decision for a redesigned space station in H.R. 2200, the NASA Authorization Act for fiscal years 1994 and 1995, which was passed last Thursday by the House. In addition, the House passed H.R. 2491, the VA–HUD–IA Appropriations Act for fiscal year 1994, which appropriates money for the redesigned space station and, consistent with the redesign cost cuts, reduces the funding available for personnel.

To meet fiscal year 1994 funding, NASA is required to reduce space station personnel by 1,100 to 1,300 civil service employees. This reduction necessitates a well-planned and managed program to facilitate voluntary retirement.

Last week H.R. 2800, the NASA Management Reorganization Act of 1993, was introduced which provides authority to NASA to offer monetary incentives for voluntary retirement. It is intended that this buy-out legislation, coupled with existing authority to establish an early out program, will facilitate voluntary retirement of civil service employees to meet the required personnel reduction. This act is consistent with the buy-out authority provided to the Department of Defense and the Central Intelligence Agency.

H.R. 2800 was introduced after the Subcommittee on Space held a hearing and a markup. This past week, the Committee on Science, Space and Technology held a markup on H.R. 2800, incorporating a technical amendment. Working closely with the Committee on Post Office and Civil Service, we introduced yesterday a new bill, H.R. 2876, incorporating the amendment adopted in full committee markup and reflecting an amendment requested by the Committee on Post Office and Civil Service.

The Committee on Science, Space, and Technology strongly supports a managed, voluntary retirement program at NASA. If, at the end of fiscal year 1994, not enough civil service employees have retired or resigned, NASA will be faced with implementing furloughs and, ultimately, a reduction in force. Under current laws and procedures, a reduction in force disproportionately subjects the most recently hired employees to layoffs. These include NASA's young researchers, recent graduates, and women and minorities.

We have worked closely with the Committee on Post Office and Civil Service to address any outstanding concerns and are confident that the new bill, H.R. 2876, reflects a balanced and fair approach to encouraging voluntary retirements at NASA. By providing monetary incentives now for voluntary retirement of civil service employees, NASA will meet fiscal year 1994 funding requirements and avoid a more costly and disruptive reduction in force.

I am pleased to bring before the House, H.R. 2876, which encourages managed voluntary retirements at NASA and ask that my colleagues support this bill.

Mr. Speaker, for the RECORD I include letters from the chairman of the Committee on Post Office and Civil Service, the gentleman from Missouri [Mr. CLAY], and the chairman of the Committee on Science, Space, and Technology, the gentleman from California [Mr. BROWN].

COMMITTEE ON SCIENCE,
SPACE, AND TECHNOLOGY,
Washington, DC, August 4, 1993.

Hon. WILLIAM CLAY,
Chairman, Committee on Post Office and Civil Service, House of Representatives, Washington, DC.

DEAR CHAIRMAN CLAY: Today, the Committee marked up H.R. 2800, the "National Aeronautics and Space Administration Management Reorganization Act of 1993". I believe that this is an important piece of legislation and will assist NASA in achieving cost savings in their personnel base. This is particularly crucial in restructuring the Space Station and streamlining the management of that program in a manner that does not adversely impact civil service employees.

It is crucial that NASA receive this authority as soon as possible so that they may put into place the administrative framework for identifying those employees who may be eligible for incentives established within the act. Appropriations for this purpose have been made available in a supplemental appropriation for fiscal year 1993 and I expect additional funds will be available in fiscal year 1994.

I would like to take this bill up under unanimous consent this week if the substance of the bill meets with your approval. In order to do this, the Committee on Post Office and Civil Service would need to be discharged from further consideration.

I firmly believe that this bill is needed and I would like respectfully to ask for your cooperation.

Sincerely,

GEORGE E. BROWN, Jr.,
Chairman.

COMMITTEE ON POST OFFICE
AND CIVIL SERVICE,
Washington, DC, August 5, 1993.

Hon. GEORGE E. BROWN, Jr.,
Chairman, Committee on Science, Space, and Technology, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: This refers to your letter of August 4, 1993, concerning the bill H.R. 2800, the "National Aeronautics and Space Administration Management Reorganization Act of 1993", which was ordered reported by your Committee on August 4. As pointed out in your letter, the bill was jointly referred to our Committees.

The purpose of H.R. 2800 is to authorize payment of separation pay to encourage eligible employees of NASA to separate voluntarily from Government service. This authority is necessary to facilitate the restructuring of the Space Station program and to minimize the need for involuntary separations.

We have carefully reviewed the provisions of H.R. 2800 and, with one exception, we concur in the substance of those provisions. We request that section 2(e)(1) of the bill be amended so as to terminate the separation pay authority as of September 30, 1995.

In the interest of expediting the consideration of this important legislation, we will not object to the consideration of H.R. 2800 by the House provided such consideration will not imperil or in any other manner affect the jurisdiction of this Committee.

I would appreciate your including a copy of this letter in your remarks on H.R. 2800 when such legislation is considered by the House.

Sincerely,

WILLIAM L. CLAY,
Chairman.

Mr. WALKER. Mr. Speaker, further reserving the right to object, I do so only to ask the gentleman a question: As I understand it, the Committee on Post Office and Civil Service change was to take what had previously been a 4-year bill and make it into a 2-year bill?

Mr. HALL of Texas. Mr. Speaker, that is correct.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2876

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Aeronautics and Space Administration Management Reorganization Act of 1993".

SEC. 2. SEPARATION PAY.

(a) For the purpose of this section—

(1) the term "Administrator" means the Administrator of the National Aeronautics and Space Administration; and

(2) the term "employee" means an employee of the National Aeronautics and Space Administration serving under an appointment without time limitation, who has been currently employed for a continuous period of at least 12 months, except that such term does not include—

(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the Government; or

(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under any of the retirement systems referred to in subparagraph (A).

(b) In order to avoid or minimize the need for involuntary separations due to a reduction in force, installation closure, reorganization, transfer of function, or other similar action affecting the National Aeronautics and Space Administration, the Administrator shall establish a program under which separation pay may be offered to encourage eligible employees to separate from service voluntarily (whether by retirement or resignation).

(c) Under the program, separation pay may be offered only—

(1) with the prior written consent of the Administrator; and

(2) to employees within such occupational groups or geographic locations, or subject to such other similar limitations or conditions, as the Administrator may require.

(d) Such separation pay—

(1) shall be paid in a lump sum; and

(2) shall be equal to the lesser of—

(A) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code, if the employee were entitled to payment under such section; or

(B) $25,000;

(3) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

(4) shall not be taken into account for purposes of determining the amount of any severance pay to which an individual may be entitled under section 5595 of title 5, United States Code, based on any other separation.

(e)(1) No amount shall be payable under this section based on any separation occurring after September 30, 1995.

(2) No amount shall be payable under this section for any member in the Senior Executive Service based on any separation occurring after September 30, 1993.

(f) An employee who receives separation pay under such program may not be reemployed by the National Aeronautics and Space Administration for the 12-month period beginning on the effective date of the employee's separation, unless the employee agrees to repay to the United States an amount equal to such separation pay multiplied by the proportion of such 12-month period during which the employee will be so reemployed.

(g) The Administrator shall prescribe such regulations as may be necessary to carry out this section.

SEC. 3. AMOUNTS TO REMAIN AVAILABLE.

Amounts appropriated after August 1, 1993, for carrying out this Act shall be from sums otherwise authorized to be appropriated for research and program management for the National Aeronautics and Space Administration, and may remain available until expended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HALL of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 2876, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

NUTRITION LABELING AND EDUCATION ACT AMENDMENTS OF 1993

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the bill (H.R. 2900) to clarify and revise the small business exemption from the nutrition labeling requirements of the Federal Food, Drug, and Cosmetic Act, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. BLILEY. Mr. Speaker, reserving the right to object, while I do not object, I take this time to allow the gentleman from California [Mr. WAXMAN] to explain what is in this bill.

Mr. WAXMAN. Mr. Speaker, will the gentleman yield?

Mr. BLILEY. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Speaker, on May 8 of next year, the Food and Drug Administration's regulations to implement the Nutrition Labeling and Education Act will become effective. After that time, virtually all food labels will have the essential nutrition information that consumers want.

However, Mr. Speaker, during the past several months it has become apparent that certain small businesses will have extreme difficulty complying with the NLEA by May 8, 1994. The problem is that it can cost several thousand dollars to change the label of a food product to bring it into compliance with the NLEA. If the product has a small volume of sales, then this cost can severely disadvantage the small business that is selling the product.

The NLEA Amendments of 1993 will address this problem. Under the amendments, qualifying businesses will be given 1 to 3 additional years to comply with the NLEA. After May 8, 1997, any business with fewer than 100 employees can qualify for an exemption for any products for which it sells fewer than 100,000 cans or other units per year. However, after May 8, 2002, the Food and Drug Administration may lower the employee or unit requirements of the law if a lower requirement will not place an undue burden on small business. The bill contains no authority to administratively raise the requirements.

Mr. Speaker, this is a bipartisan bill. It has the support of key Members of the minority and the majority in both the House and the Senate. There is a brief statement of explanation of the bill to which Mr. DINGELL, Mr. BLILEY, and Mr. MOORHEAD have agreed, and I ask that it be included in the RECORD.

In drafting the legislation, we consulted with organizations representing small businesses, organizations representing large food processing companies, consumer groups, and the Food and Drug Administration.

I know of no opposition to the bill and I urge it be adopted by unanimous consent.

STATEMENT OF EXPLANATION

SECTION 1. SHORT TITLE

Section 1 states that the short title is the "Nutrition Labeling and Education Act Amendments of 1993."

SECTION 2. SMALL BUSINESS EXEMPTION

Section 2 defines the scope of the small business exemption in current law (section 403(q)(5)(D) of the Federal Food, Drug and Cosmetic Act ("FDC Act")). 21 U.S.C. 343(q)(5)(D). The statutory language provides that this exemption applies only to retailers ("person[s who] offer[ ] food . . . to consumers"). Nevertheless, in its regulations implementing section 403(q)(5)(D), the FDA extended the exemption to "manufacturers, packers, and distributors," 21 C.F.R. 101.9(j)(1)(i)(1993), who have reasonably relied on this regulation.

Section 2(a)(1) extends the exemption to manufacturers, packers and distributors until May 8, 1995. Under section 2(a)(2), after that date, the exemption shall be available only to retailers and "only with respect to food when it is sold to consumers."

Section 2(b) adds section 403(q)(5)(E), 21 U.S.C. 343(q)(5)(E), which will establish a new small business exemption. The exemption will be available to qualifying manufacturers, importers and other persons but only for those products which qualify for the provision's annual unit sales limitation.

Section 403(q)(5)(E)(iii) states that any person who seeks to meet the requirements of the exemption must file a notice with the Food and Drug Administration ("FDA") providing certain information about the average number of full-time employees such person employed and the number of units of food products sold (unless the person is exempt from the notice requirement). This notice provision is a filing requirement, and the exemption is not contingent on any approval or other action on the part of the FDA.

It is expected that any information submitted pursuant to the provision that is confidential, commercial information would be treated in accordance with the agency's practices for handling such information. It is also intended that persons seeking to qualify for the exemption will make a good faith effort to comply with the notice requirement, but that the FDA will give small businesses an opportunity to correct inadvertent deficiencies in the notice before subjecting such businesses to any enforcement actions.

Section 403(q)(5)(E)(vi)(II) defines "food product." One element of this definition is that a food product is food that has the same statement of identity. By standard of identity, it is intended that the FDA use the definition of "standard of identity" in its regulations, 21 C.F.R. 101.3(b)(1992).

Section 403(q)(5)(E)(vi)(III) defines person, in the case of a corporation, to include all domestic and foreign affiliates of the corporation. The FDA should consider the regulations issued by the Small Business Administration on this issue. 13 C.F.R. 131.401 (1993).

SECTION 3. TECHNICAL AMENDMENTS TO THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

Section 3 makes certain technical amendments to the Federal Food, Drug, and Cosmetic Act. These amendments are not intended to make any substantive change to existing law.

Mr. BLILEY. Mr. Speaker, further reserving the right to object, I strongly support the gentleman from California's request. This bill is the results of months of negotiation with Members of both the House and the Senate and the affected members of the small business community, particularly the National Association for the Specialty Food Trade and the Retail Confectioners International. While the bill does not go as far as I had hoped, It does remedy an important oversight in the crafting of the original statute. It provides an appropriate balance between making nutrition information available to consumers and the ability of small businesses to provide this information.

In 1990, the Nutritional Labeling and Education Act [NLEA] was enacted into law requiring nutrition labeling on the vast majority of food products. The NLEA does not provide for any exemption from the nutrition labeling requirements for small manufacturers. The labeling requirements of the law go into effect on May 8, 1994. While the NLEA does provide an exemption for small retailers, the FDA did issue regulations extending it to small manufacturers. Thus, it is important that this matter be addressed very quickly in order to protect those companies who have reasonably relied on this regulation.

Preliminary FDA data suggests very small firms will bear nearly half the cost of nutrition labeling—approximately 45 percent. Hearings conducted by FDA on this subject provided substantial testimony that small firms which produce low-volume products, with multiple product lines, will not be able to afford nutrition labeling on a per product basis. This is especially true for confectioners and for the specialty food industry where most of the marketing and advertising is done via their labeling and packaging. The initial average cost of labeling a product is about $3,000. These companies have argued that they intend to nutrition label their products eventually for competitive reasons, but simply need more time to comply.

I would like to thank the distinguished chairmen of the Committee and the Health Subcommittee and their staffs for their work and cooperation in this effort. I would also be remiss if I did not express my strong appreciation to Rowena Fullinwinder of Norfolk, VA, for all her efforts and hard work in bringing this issue to the attention of the Congress.

Mr. Speaker, this is a good bill and I urge my colleagues to support it.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2900

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nutrition Labeling and Education Act Amendments of 1993".

SEC. 2. SMALL BUSINESS EXEMPTION.

(a) APPLICATION OF EXISTING EXEMPTION.—

(1) BEFORE MAY 8, 1995.—Before May 8, 1995, the exemption provided by section 403(q)(5)(D) of the Federal Food, Drug, and Cosmetic Act shall be available in accordance with the regulations of the Secretary of Health and Human Services published at 21 C.F.R. 101.9(j)(1)(i)(1993).

(2) AFTER MAY 8, 1995.—After May 8, 1995, the exemption provided by section 403(q)(5)(D) of the Federal Food, Drug, and Cosmetic Act shall only be available with respect to food when it is sold to consumers.

(b) NEW EXEMPTION.—Section 403(q)(5) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(q)(5)) is amended by redesignating clauses (E) and (F) as clauses (F) and (G), respectively, and by adding after clause (D) the following:

"(E)(i) During the 12-month period for which an exemption from subparagraphs (1) and (2) is claimed pursuant to this subclause, the requirements of such subparagraphs shall not apply to any food product if—

"(I) the labeling for such product does not provide nutrition information or make a claim subject to paragraph (r),

"(II) the person who claims for such product an exemption from such subparagraphs employed fewer than an average of 100 full-time equivalent employees,

"(III) such person provided the notice described in subclause (iii), and

"(IV) in the case of a food product which was sold in the 12-month period preceding the period for which an exemption was claimed, fewer than 100,000 units of such product were sold in the United States during such preceding period, or in the case of a food product which was not sold in the 12-month period preceding the period for which such exemption is claimed, fewer than 100,000 units of such product are reasonably anticipated to be sold in the United States during the period for which such exemption is claimed.

"(ii) During the 12-month period after the applicable date referred to in this sentence, the requirements of subparagraphs (1) and (2) shall not apply to any food product which was first introduced into interstate commerce before May 8, 1994, if the labeling for such product does not provide nutrition information or make a claim subject to paragraph (r), if such person provided the notice described in subclause (iii), and if—

"(I) during the 12-month period preceding May 8, 1994, the person who claims for such product an exemption from such subparagraphs employed fewer than an average of 300 full-time equivalent employees and fewer than 600,000 units of such product were sold in the United States,

"(II) during the 12-month period preceding May 8, 1995, the person who claims for such product an exemption from such subparagraphs employed fewer than an average of 300 full-time equivalent employees and fewer than 400,000 units of such product were sold in the United States, or

"(III) during the 12-month period preceding May 8, 1996, the person who claims for such product an exemption from such subparagraphs employed fewer than an average of 200 full-time equivalent employees and fewer than 200,000 units of such product were sold in the United States.

"(iii) The notice referred to in subclauses (i) and (ii) shall be given to the Secretary prior to the beginning of the period during which the exemption under subclause (i) or (ii) is to be in effect, shall state that the person claiming such exemption for a food product has complied with the applicable requirements of subclause (i) or (ii), and shall—

"(I) state the average number of full-time equivalent employees such person employed during the 12 months preceding the date such person claims such exemption,

"(II) state the approximate number of units the person claiming the exemption sold in the United States,

"(III) if the exemption is claimed for a food product which was sold in the 12-month period preceding the period for which the exemption was claimed, state the approximate number of units of such product which were sold in the United States during such preceding period, and, if the exemption is claimed for a food product which was not sold in such preceding period, state the number of units of such product which such person reasonably anticipates will be sold in the United States during the period for which the exemption was claimed, and

"(IV) contain such information as the Secretary may require to verify the information required by the preceding provisions of this subclause if the Secretary has questioned the validity of such information.

If a person is not an importer, has fewer than 10 full-time equivalent employees, and sells fewer than 10,000 units of any food product in any year, such person is not required to file a notice for such product under this subclause for such year.

"(iv) In the case of a person who claimed an exemption under subclause (i) or (ii), if, during the period of such exemption, the number of full-time equivalent employees of such person exceeds the number in such subclause or if the number of food products sold in the United States exceeds the number in such subclause, such exemption shall extend to the expiration of 18 months after the date the number of full-time equivalent employees or food products sold exceeded the applicable number.

"(v) For any food product first introduced into interstate commerce after May 8, 2002, the Secretary may by regulation lower the employee or units of food products requirement of subclause (i) if the Secretary determines that the cost of compliance with such lower requirement will not place an undue burden on persons subject to such lower requirement.

"(vi) For purposes of subclauses (i), (ii), (iii), (iv), and (v)—

"(I) the term 'unit' means the packaging or, if there is no packaging, the form in which a food product is offered for sale to consumers,

"(II) the term 'food product' means food in any sized package which is manufactured by a single manufacturer or which bears the same brand name, which bears the same statement of identity, and which has similar preparation methods, and

"(III) the term 'person' in the case of a corporation includes all domestic and foreign affiliates of the corporation.".

SEC. 3. TECHNICAL AMENDMENTS TO FEDERAL FOOD, DRUG, AND COSMETIC ACT.

(a) REFERENCE.—Whenever in this section an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act.

(b) SECTION 201.—Paragraphs (w), (x), (y), (z), (aa), (bb), (cc), (dd), (ee), and (ff) of section 201 (21 U.S.C 321) are redesignated as paragraphs (v), (w), (x), (y), (z), (aa), (bb), (cc), (dd), and (ee) respectively.

(c) SECTION 301.—Section 301 (21 U.S.C. 331) is amended—

(1) in subsection (j), by striking out "721, or 708" and inserting in lieu thereof "708, or 721"; and

(2) in subsection (s), by striking out "412(d)" and inserting in lieu thereof "412(e)".

(d) SECTION 302.—Section 302 (21 U.S.C. 332) is amended

(1) in subsection (a), by striking out ", and subject to" and all that follows through "381),", and

(2) in subsection (b), by striking out the second sentence.

(e) SECTION 303.—Section 303 (21 U.S.C. 333) is amended by redesignating the second subsection (e) and subsection (f) as subsections (f) and (g), respectively.

(f) SECTION 304.—Section 304 (21 U.S.C. 334) is amended—

(1) in subsection (a)(1), by striking out ": *Provided, however*, That no" and inserting in lieu thereof a period and "No", and

(2) in subsection (d)(1)—

(A) by striking out ": *Provided*, That after" and inserting in lieu thereof a period and "After",

(B) by striking out ": *Provided, however*, That the" and inserting in lieu thereof a period and "The",

(C) by striking out ": *And provided further*, That where" and inserting in lieu thereof a period and "Where", and

(D) by striking out "the foregoing proviso" and inserting in lieu thereof "the preceding sentence"

(g) SECTION 307.—Section 307(b)(3)(A) (21 U.S.C. 337(b)(3)(A)) is amended by striking out "Act" and inserting in lieu thereof "section".

(h) SECTION 401.—Section 401 (21 U.S.C. 341) is amended by striking out "and/or reasonable standards of fill of container: *Provided*, That no" and inserting in lieu thereof "or reasonable standards of fill of container. No".

(i) SECTION 402.—Section 402 (21 U.S.C. 342) is amended—

(1) by striking out "; or" at the end of subparagraphs (1) and (2) of paragraph (a) and inserting in lieu thereof a period and by striking out "if it" at the beginning of subparagraph (3) of such paragraph and inserting in lieu thereof "If it",

(2) in paragraph (d)(1), by striking out ": *Provided*, That this clause" and inserting in lieu thereof ", except that this subparagraph", and

(3) in paragraph (d)(3), by striking out ": *Provided*, That this clause" and inserting in lieu thereof ", except that this subparagraph" and by striking out ": *And provided further*, That the Secretary may, for the purpose of avoiding or resolving uncertainty as to the application of this clause" and inserting in lieu thereof ", except that the Secretary may, for the purpose of avoiding or resolving uncertainty as to the application of this subparagraph".

(j) SECTION 403.—Section 403 (21 U.S.C. 343) is amended—

(1) in paragraph (e), by striking out ": *Provided*, That" and inserting in lieu thereof ", except that",

(2) in paragraph (i), by striking out ", other than those sold as such" and inserting in lieu thereof "unless sold as spices, flavorings, or such colors" and by striking out ": *Provided*, That, to the extent" and inserting in lieu thereof a period and "To the extent",

(3) in paragraph (k), by striking out ": *Provided*, That" and inserting in lieu thereof ", except that",

(4) in paragraph (l), by striking out ": *Provided, however*, That" and inserting in lieu thereof ", except that";

(5) in paragraph (r)(1)(B), by striking out "5(D)" and inserting in lieu thereof "(5)(D)"; and

(6) in paragraph (r)(4)(B), by striking out "subsection" and inserting in lieu thereof "paragraph".

(k) SECTION 408.—Section 408 (21 U.S.C. 346a) is amended—

(1) in subsection (a)(1), by striking out "Secretary of Health and Human Services" and inserting in lieu thereof "Administrator of the Environmental Protection Agency (hereinafter in this section referred to as the 'Administrator')",

(2) in subsection (d)(5), by striking out "section 7(c) of the Administrative Procedure Act (5 U.S.C., sec. 1006(c))" and inserting in lieu thereof "section 556(c) of title 5, United States Code",

(3) in subsection (l), by striking out "It the event" and inserting in lieu thereof "In the event",

(4) in subsection (n), by striking out "of the Federal Food, Drug, and Cosmetic Act",

(5) in subsection (o), by striking out "Secretary of Health and Human Services" each place it occurs and inserting in lieu thereof "Administrator", and

(6) by striking out "Secretary" each place it occurs except when followed by "of Agriculture" and inserting in lieu thereof "Administrator".

(l) SECTION 412.—Section 412(h) (21 U.S.C. 350a(h)) is amended by striking out "(c)(1)(B)," and inserting in lieu thereof "(e)(1)(B)".

(m) SECTION 502.—Section 502 (21 U.S.C. 352) is amended—

(1) in paragraph (e)(3), by striking out ": *Provided further*, That" and inserting in lieu thereof ", except that",

(2) in paragraph (f), by striking out ": *Provided*, That" and inserting in lieu thereof ", except that",

(3) in paragraph (g), by striking out ": *Provided*, That the method" and inserting in lieu thereof a period and "The method" and by

striking out ": *Provided further*, That," and inserting in lieu thereof ", except that", and

(4) in paragraph (n), by striking out ": *Provided*, That" and inserting in lieu thereof ", except that".

(n) SECTION 505.—Section 505 (21 U.S.C. 355) is amended—

(1) in subsection (j)(6)(A)—

(A) by striking out "Secretary" in clause (ii) and inserting in lieu thereof "Secretary", and

(B) by inserting a comma after "Secretary" the first time it appears in clause (iii).

(2) in subsection (k)(1), by striking out ": *Provided, however*, That regulations" and inserting in lieu thereof a period and "Regulations".

(o) SECTION 506.—Section 506(a) (21 U.S.C. 356(a)) is amended by striking out "Federal Security Administrator" and "Administrator" each place it appears and inserting in lieu thereof "Secretary".

(p) SECTION 507.—Section 507 (21 U.S.C. 357) is amended—

(1) in subsection (a), by striking out "Federal Security Administrator" and "Administrator" each place it appears and inserting in lieu thereof "Secretary",

(2) in subsection (e)—

(A) by striking out "section 507" each place it occurs and inserting in lieu thereof "this section",

(B) by striking out "or 507" and inserting in lieu thereof "or this section", and

(C) by striking out ": *Provided*, That, for purposes" and inserting in lieu thereof a period and "For purposes",

(3) in subsection (g)(1), by striking out ": *Provided, however*, That regulations" and inserting in lieu thereof a period and "Regulations".

(4) in subsection (h), by striking out "507".

(q) SECTION 508.—Subsections (c) and (e) of section 508 (21 U.S.C. 358) are each amended by striking out "section 4 of the Administrative Procedure Act (5 U.S.C. 1003)" and inserting in lieu thereof "section 553 of title 5, United States Code".

(r) SECTION 512.—Section 512 (21 U.S.C. 360b) is amended—

(1) in subsection (c)(2)(A)(ii), by inserting "in" after "provided",

(2) in subsection (c)(2)(F)(i), by striking out "(C)(iii)" and inserting in lieu thereof "(D)(iii)",

(3) in subsection (c)(2)(H), by striking out "subclause" the first time it appears and inserting in lieu thereof "subclauses",

(4) in subsection (d)(1), by striking out "subparagraphs (A) through (G)" and inserting in lieu thereof "subparagraphs (A) through (I)", and

(5) in subsection (n)(1)—

(A) by striking out "201(w)" in subparagraphs (B)(ii)(II) and (C)(ii)(I) and inserting in lieu thereof "201(v)", and

(B) by striking out in the last sentence "(H)" and inserting in lieu thereof "(I)".

(s) SECTION 513.—Section 513(b)(3) (21 U.S.C. 360c(b)(3)) is amended by striking out "5703(b)" and inserting in lieu thereof "5703".

(t) SECTION 515.—Section 515(c)(2)(A) (21 U.S.C. 360e(c)(2)(A)) is amended by striking out "refer such application".

(u) SECTION 519.—Section 519(a) (21 U.S.C. 360i(a)) is amended by striking out "paragraph (4)" and inserting in lieu thereof "paragraph (7)".

(v) SECTION 527.—Section 527(b) (21 U.S.C. 360cc(b)) is amended—

(1) by striking out "507,," and inserting in lieu thereof "507,", and

(2) in paragraph (1), by striking out "The" and inserting in lieu thereof "the".

(w) SECTION 534.—Section 534(f)(2) (21 U.S.C. 360kk) is amended by striking out "this Act" and inserting in lieu thereof "the Public Health Service Act".

(x) SECTION 601.—Section 601(a) (21 U.S.C. 361) is amended by striking out ": *Provided*, That this" and inserting in lieu thereof ", except that this".

(y) SECTION 701.—Section 701 (21 U.S.C. 371) is amended—

(1) in subsection (e)(1), by striking out the period after "Regulations)" the second time it occurs, and

(2) in subsection (f)(4), by striking out "sections 239 and 240 of the Judicial Code, as amended" and inserting in lieu thereof "section 1254 of title 28, United States Code".

(z) SECTION 703.—Section 703 (21 U.S.C. 373) is amended—

(1) by striking out ": *Provided*, That" and inserting in lieu thereof ", except that",

(2) by striking out ": *Provided further*, That" and inserting in lieu thereof ", and except that"

(aa)SECTION 704.—Section 704(a)(1) (21 U.S.C. 374(a)(1) is amended—

(1) by striking out the semicolon after "materials" and inserting in lieu thereof a comma, and

(2) by striking out "(j)" the first time it appears and inserting in lieu thereof "(k)".

(bb) SECTION 721.—Section 721(b)(5)(D) (21 U.S.C. 379e(b)5)(D)) is amended by striking out "5703(b)" and inserting in lieu thereof "5703".

(cc) SECTION 801.—Section 801(b) (21 U.S.C. 381(b) is amended—

(1) by striking out "Administrator" the first time it occurs and inserting in lieu thereof "Secretary of Health and Human Services",

(2) by striking out "Administrator" the second and third time it occurs and inserting in lieu thereof "Secretary",

(3) by striking out "Administrator's" and inserting in lieu thereof "Secretary's", and

(4) by striking out "Federal Security Agency" and inserting in lieu thereof "Department of Health and Human Services".

(dd) AGRICULTURE.—

(1) Sections 201(c), 201(d), 701(b), and 801(a) (21 U.S. C. 321(c), 321(d), 371(b), and 381(a) are each amended by striking out "Agriculture" each place it appears and inserting in lieu thereof "Health and Human Services".

(2) Sections 702(c) and 706 (21 U.S.C. 372(c) and 376) are each amended by striking out "of Agriculture" each place it appears.

SEC. 4. TECHNICAL AMENDMENTS TO AMENDATORY ACTS.

(a) SAFE MEDICAL DEVICES ACT OF 1990.—

(1) Section 18(b) of the Safe Medical Devices Act of 1990 (Public Law 101–629) is amended by striking out "(b)(4)(B)" and inserting in lieu thereof "(b)",

(2) Section 19(a)(4) of the Safe Medical Devices Act of 1990 (Public Law 101-629) is amended—

(A) by striking out "as amended by paragraphs (1) and (2)" and inserting in lieu thereof "as amended by paragraphs (1), (2), and (3)",

(B) by striking out "530" and inserting in lieu thereof "531", and

(C) by striking out "354" and inserting in lieu thereof "355".

(b) MEDICAL DEVICE AMENDMENTS OF 1992.—Section 6(a) of the Medical Device Amendments of 1992 (Public Law 102-300) is amended by inserting "wherever appearing" after " 'any of its principal' ".

(c) NUTRITION LABELING AND EDUCATION ACT OF 1990.—Section 8 of the Nutrition Labeling and Education Act of 1990 is amended by striking the period at the end and inserting close quotation marks and a period.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY TO HAVE UNTIL 5 P.M. TUESDAY, AUGUST 30, 1993, TO FILE LATE REPORTS ON SUNDAY BILLS

Mr. HALL of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Science, Space, and Technology have until 5 p.m., Tuesday, August 30, to file late reports on the following measures: H.R. 2811, the National Oceanic and Atmospheric Administration Atmospheric and Satellite Program Authorization Act of 1993; and, H.R. 2820, the Federal Aviation Administration Research, Engineering, and Development Authorization Act of 1993.

This request has been cleared with the minority leadership.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DESIGNATION OF SPEAKER PRO TEMPORE TO SIGN, ENROLLED BILLS AND JOINT RESOLUTIONS DURING PERIOD OF ADJOURNMENT

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
August 6, 1993.

I hereby designate the Honorable STENY H. HOYER to act as Speaker pro tempore to sign enrolled bills and joint resolutions until Wednesday, September 8, 1993.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

BIPARTISAN REFORM NEEDED ON HEALTH CARE

(Mr. HASTERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTERT. Mr. Speaker, all this week we were told it was either the Clinton plan or no plan. While that might work on a tax bill, I am hopeful that we won't approach health care reform that way. And frankly, I am somewhat disturbed about the harsh personal attacks on certain administration officials involved in health care policy. Just last night I was reading an article in which a Member of the President's own party attacked Ira Magaziner calling him a paranoid and "the Rasputin of his administration." I have met weekly with Mr. Magaziner and found him to be thoughtful and dedicated to reform. Let us stop this petty bickering and work together so that reform will bring quality health care to all Americans.

□ 1700

GRAZING LANDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wyoming [Mr. THOMAS] is recognized for 5 minutes.

Mr. THOMAS OF Wyoming. Mr. Speaker, I want to take just a few minutes to talk about a topic that I think is timely, and that is grazing on public lands in the West. The reason it is timely is because we expect the Secretary of the Interior, probably on next Monday, to announce some plans for grazing and grazing fees and the use of public lands in the West.

There are a number of things that I think are peculiar to the West, and it is important that we talk some about them.

First of all, it is terribly important to those of us who live in public land States, my State of Wyoming, for instance, is 50 percent federally owned. Others range as high as 85 percent federally owned. Most of this land is grazing land. Of course, the ranchers that are there depend upon the grazing land. So we are talking about small business.

We are talking about the opportunity for communities in the West, small communities to be prosperous and to live in the future as opposed, frankly, to cashing out.

So it is very important, just in terms of the economics itself. But it is also very important in terms of each individual rancher, their opportunities to obtain credit without some tenure, without some notion of what they will have in the future in terms of grazing, that is a very difficult thing.

I would like to make just several points. First of all, it is often, at least, expressed on this floor that the cost for grazing in the West ought to be the same as the cost on private lands. This is comparing two different things.

The gentleman from Oklahoma [Mr. SYNAR] generally tries to compare and would like to move those to comparable costs. Public lands are not particularly productive. There are some areas in our State where it takes as much as 50 acres for an animal unit to sustain themselves. They have to go on pretty fast on the move to make a living on this land.

Private lands, often fencing is taken care of. The water is taken care of. The livestock is overseen by the people who own the land. This is not the case on public lands.

So the cost of public lands, if you try to compare them, is less. But the value is substantially less as well.

Let me talk just a minute about the notion that grazing has been difficult and been tough on the lands, that the range is in poorer condition than it used to be.

Let me give a couple of numbers that I think are very important. Since 1960, big game population, big game on the same range as we are talking about cattle and sheep, in the case of moose has increased 476 percent; in the case of big horn sheep, 435 percent; in the case of elk, 782 percent.

The fact is that there is very little relationship between the cost of an animal unit for grazing and the condition of the range. The condition of the range is supposed to be handled by the managers, in most cases, BLM, and the cost actually is not relevant to it.

So point No. 3, I would make, is the fact that thee are strange and unusual ownership patterns in the West. Much western land is surrounded by private land. But more importantly, as the private land, as the public land was put into private ownership in the West, the homesteads, primarily the ranchers took the areas, of course, that had water, that had winter feed. And the surrounding lands were not taken up in private ownership. So they are relatively useless without the opportunity to intermingle both the private lands and the range lands.

Furthermore, we have even the stranger situation through the southern part of Wyoming and all through the West that has what is called the checkerboard areas. The checkerboard areas were when, around the Civil War time, the Federal Government, of course, was anxious to have growth in the West and granted the railroads every other section for 20 miles on each side of the railroad. So we have what we call checkerboards.

And every other section is owned privately, and every other section was owned by the railroad and is now in private ownership, and the other is Federal.

These lands, frankly, are not productive enough to be fenced. They have to be used all together. So the land ownership patterns are such that we cannot operate it in any other way.

Finally, let me talk about equity. As I mentioned, in Wyoming it is 50 percent federally owned. Others it is higher. These States were handled differently than the original 13 States or the others where all of the land in a State was made available for private ownership. So we have a tax base. So we have development on private lands. Not the case on the Federal lands.

So we believe that we ought to have the kind of a price that allows for people to continue to use the Federal lands.

Mr. Speaker, I hope when the Secretary moves this week, he takes into account the fact that our economy is affected by having a reasonable price. I hope he takes into account that there is no direct relationship between the value of private land grazing and Federal land grazing. I hope he takes into account that the private ownership patterns make it such that these lands must be used together so that we can prosper, so that we can maintain small communities and ranches in the West.

U.S. TRADE REORGANIZATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MICA] is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, if the United States is to grow economically, we must learn that future opportunities and jobs are not just around the corner, but must be fought for in a highly competitive international market.

Consider these facts: Since 1988, exports have accounted for 70 percent of U.S. economic growth. Over the last 2 years exports have accounted for all growth in the U.S. gross domestic product. Every $1 billion in exports creates 20,000 jobs.

Future economic growth and job creation depends on our ability to export and trade across international boundaries, not just municipal and State lines.

Unfortunately, the United States is not only inexperienced and ill-equipped to enter and compete in these new markets, our Federal structure is a disorganized and disjointed maze, unable to meet this new challenge. No less than 17 different Federal agencies perform duplicate and ineffective functions in the international trade arena.

As a former international trade and business consultant, I have witnessed first hand the disastrous manner in which the U.S. Government marshals its forces in world trade competition.

Today there are tremendous opportunities available for American business. Unfortunately, the United States is consistently outmaneuvered by foreign competitors who are backed by trade organizations designed to succeed in the world economy.

Just as America prevailed in the cold war, I believe we must focus our resources to meet the challenge of the next century by getting our act together to compete in a global economy.

Today, I am introducing the Trade Reorganization Act of 1993, to consolidate and streamline the principal executive branch trade activities within a single, Cabinet-level Department of International Trade. I ask my colleagues to join me in cosponsoring this legislation.

By streamlining trade functions, the United States will finally be able to speak with a single, strong voice on trade matters. A consolidated Department dedicated to trade will expand exports by giving American firms and workers the tools necessary to compete and win in international competition.

As the late Malcolm Baldrige said,

American business deserves the most effective organization we can design for the challenges just ahead. We need a cabinet-level department that can act to assure that the U.S. economy gets maximum benefit from international trade during these demanding and dangerous years.

Legislation to create a Department of International Trade has been introduced in the other Body and enjoys the broad, bipartisan support of Senators ROTH, DOLE, MOYNIHAN, BOREN, COHEN, and LIEBERMAN.

I urge you to join me in becoming an original cosponsor of this important legislation in the House.

HELP SLOW HEALTH CARE INFLATION BY CONTROLLING GUNS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, as we try to reform America's health care system, we are looking for ways to slow health care inflation. Major solutions to the health care crisis are obviously reforming the insurance and delivery system.

But less obvious and little noted is that firearm injuries contribute to the magnitude of our national health care problem. We could also save a significant chunk of health care expenditures by measures to regulate the proliferation and misuse of guns.

Firearm violence in America is an epidemic, happening 90 times more often than in any other country. In my State of California, firearms cause more deaths than automobile accidents.[1] Nationally, treating firearm injuries rates third in terms of cost of injuries to our health care system.[2] If trends continue, guns will ultimately replace cars as the leading cause of injury-related death.

It's hard to come up with an exact price tag, but firearm injuries cost the Nation billions each year. Dr. Garen Wintemute, at the University of California at Davis, estimated that the Government spends $14.4 billion annually to treat firearm injuries. A 1989 study, "Cost of Injury in the United States: A Report to Congress," the authors arrived at a similar figure for 1988.[3] Data from the Centers for Disease Control suggest the costs were $16.2 billion for 1988.[4] A soon to be released study by researchers at Johns Hopkins University, estimates that the Federal Government paid $20.4 billion in 1992 for the medical costs associated with firearm injuries.

Individually, the average cost for medical treatment for one hospitalized gunshot patient is $33,000.[5] This figure includes indirect costs, such as lost income and increased medical insurance, for those victims fortunate enough to have health insurance. For the majority who do not have insurance, researchers have consistently estimated that public funds foot 80–86 percent of the medical costs for these injuries.

Gun shot victims threaten the functioning of our inner-city trauma centers and emergency rooms. They use a disproportionate amount of resources and take an extraordinarily long time to treat. Although they are 15 percent of trauma patients, gunshot victims use 43 percent of the blood from our blood banks.[6] Firearm victims are usually hospitalized for 16.3 days, two times longer than victims from other weapons.[7]

Many trauma surgeons attribute the increased financial stress on trauma centers to the rise in use of semiautomatic assault weapons. Semiautomatic assault weapons are a serious threat to public health. Assault weapons injure people multiple times, making them harder to treat. Paramedics in cities plagued with these weapons now resort to Vietnam war battlefield procedures to treat domestic victims of these military weapons.

Gun violence injuries also raise our national mental health costs, with children being particularly vulnerable to long-term emotional damage after violent episodes. Much like Vietnam veterans, children are likely to suffer from post-traumatic stress disorder, which can cause flashbacks, sleep disorders, diminished ability to concentrate in school, as well as a fatalistic outlook, which leads to risk-taking behavior. Tragically, firearm homicide involving children under 19 increased 114 percent between 1985 and 1990.[8]

Gun violence costs minority communities most. According to the National Crime Survey Report, gun violence tends to be concentrated in disadvantaged social groups. Nationally, firearm homicides have been the leading cause of death for young African-American males aged 15–19 for the past 23 years.[9] Young African-American men, ages 18–29, are at greatest risk of receiving firearm wounds. These same communities are the most likely to lack adequate health care coverage. As a result, the government and community hospitals have to pick up the tab.

The NRA often tries to frighten us saying that guns are necessary to our health and safety. Nothing could be farther from the truth: owning a gun increases risk of injury or death. Guns are used over ten times more often in crimes than they are used in self defense, according to the National Crime Victimization Survey. According to the New England Journal of Medicine, a gun in a home is 43 times more likely to kill a family member or friend than it is to be used in an act of self defense.

Preventing firearm injuries would help reduce our national health care costs. We should consider the following options as useful health care cost-containment proposals as we look to reform our health care system.

In order to save our inner-city emergency rooms, we should pass Congressman REYNOLDS' Strict Liability for Safer Streets Act of 1993 (H.R. 737). This legislation would increase the excise tax on firearms and use a portion of the revenues to assist urban trauma centers and provide better aid to uninsured victims.

We should expand our data collection efforts to find out just how much of a threat guns pose. Currently, we do not collect any nationwide data on firearm injuries. Congress should provide funding for the Centers for Disease Control to expand their pilot programs in this area.

We should immediately pass the Brady bill to mandate a 5-day waiting period before purchasing a gun. Handguns are about one-third of all firearms in the United States, but account for two-thirds of all firearm-related deaths.

And we should immediately implement a features-based ban of domestically made assault weapons, like the Assault Weapons Act (H.R. 1421). Even though these weapons are only a small fraction of the guns owned in the United States, they are used disproportionately in crimes and cost our hospitals far more than other guns.

TIME TO END FOREIGN AID GRANTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. SOLOMON] is recognized for 60 minutes.

Mr. SOLOMON. Mr. Speaker, 3 weeks ago the House passed both the foreign aid authorization and the foreign aid appropriations bills. I would like to take this opportunity to reflect on what we just did, for I feel that we have done the American taxpayer and the people of those countries in receipt of our aid a great disservice.

First, Mr. Speaker, please allow me to voice my discontent with the process by which we passed these bills.

My office, despite repeated attempts, did not receive either of these bills until Friday, June 12, literally just a few work-hours before the amendment deadline.

In addition to placing unfair burdens on my staff, legislative counsel, and the parliamentarian, this type of procedure denies Members the ability to analyze and debate the legislation properly.

Both of these bills were subjected to only minimal debate; substantive deliberation on the actual content of the bills was given short shrift.

And it is the content of these bills that I would like to discuss today. First, the overwhelming majority of our aid, including the new aid programs for the former Soviet Union, is in the form of grants.

This is in contrast to the Japanese, who, as usual, are doing it smartly. Of their $1.8 billion aid package for Russia, a mere $320 million is in the form of grants.

That is just over 17 percent. So while our main competitor quietly collects reimbursement of more than 80 percent of its aid, we are going to play the sucker, again.

This is why I offered an amendment to require that the President secure reimbursement for our aid, Mr. Speaker. Because we cannot afford more giveaways.

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[1] California Department of Health Services, Death Certificate Records, 1991.

[2] Rice, DP, MacKensie, EJ: Cost of Injury in the United States: A Report to Congress, 1989.

[3] Ibid.

[4] Federal Centers for Disease Control, 1988.

[5] Bureau of Justice Statistics, 1986.

[6] Gross, J.: Epidemic in Urban Hospitals: Wounds from Assault Rifles. *The New York Times*, Feb. 21: A1(col 2), A9 (col 1), 1989.

[7] Bureau of Justice Statistics, 1986.

[8] Fingerhut, LA.: "Firearm Mortality Among Children, Youth, and Young Adults 1–34 Years of Age, Trends and Current Status: United States, 1985–1990." Advance Data form Vital and Health Statistics, NCHS, 1993.

[9] Fingerhut LA., Ingram DD, Feldman JJ: "Firearm Homicide Among Black Teenage Males in Metropolitan Counties." Journal of the American Medical Association, 1992.

Because the American people do not want to be coerced into coughing up their money for giveaways.

My amendment would have required that the President conclude barter arrangements with recipient countries. Everyone knows that the former Soviet Union was the most naturally well-endowed country on Earth.

Oil, gas, gold, diamonds, coal, manganese—you name it, and they have it, in vast quantities.

My amendment would have required that our grant money be reimbursed within 7 years, or that loans be collateralized, with this vast natural wealth.

Unfortunately, I was unable to convince the Democrat leadership to allow me to offer the barter amendment.

However, the Rules Committee did allow me to offer a nonbinding sense of Congress amendment that at least 82 percent—based on the Japanese ratio—of the $904 million in Russian aid should be an obligation that has to be repaid to the United States Treasury through barter or other measures.

Mr. Speaker, I would hope that next year we would be able to put some teeth into this idea and require reimbursement for our aid.

Barter with the former Soviets is an idea that makes sense all the way around.

For us, it is the only responsible route, given our $4 trillion national debt.

For the former Soviets, it allows them to repay us not with scarce hard currency, but with things that they have in abundance.

Besides, requiring reimbursement for our aid will help ease them into the tumult of the marketplace, after having lived in an irrational economic fantasy land for 76 years.

Mr. Speaker, the former Soviet people will never see any benefits from government-to-government giveaways, and they know it.

We heard this over and over again from reformers and business people alike on our recent visit to Russia and Ukraine.

This sentiment was reiterated to me and members of my staff by several reformist Russian parliamentarians who visited Congress in May.

This is because the ultimate problem in Russia is political, not economic, and our money cannot solve Russia's political problems.

Indeed, just recently at the Heritage Foundation, Yegor Gaidar, the first architect of Russia's reforms, stated exactly that.

To make matters worse, most of the administration's package, which few Members of Congress analyzed, is destined to go to the place that least needs it: the Russian Government and the ex-Communist apparatus.

The $500 million contribution to a $4 billion privatization fund will do nothing but subsidize ex-Communist bureaucrats.

The hundreds of millions of dollars of loans to the oil and gas sector will help prop up an archaic state-run industry.

The $150 million to build houses for Russian soldiers is tantamount to ransom, and centrally planned ransom at that.

By the way, the Russian Government's recent decision to cut off natural gas supplies to Estonia in response to Estonia's citizenship policy should awaken us to the fact that the slow troop withdrawal from the Baltics is not due to any housing shortage, as this program presupposes, but due to lingering imperial tendencies in the Russian military.

Mr. Speaker, these ideas are unlikely to promote a true market democracy in Russia. It is far more likely that they will help perpetuate the statist system that is the true source of the Russian people's misery.

A recent article in the Washington Post proves my point.

The article reveals how tiny Estonia, one of the least resource-rich of the Soviet republics, has made incredible strides toward economic transformation while receiving only minimal foreign aid.

The key, according to the article, was the political will to make the necessary economic changes.

Estonia introduced its own currency, slashed subsidies, reined in the money supply, passed laws requiring a balanced budget and drastically liberalized trade.

The utterly predictable result: a booming private sector, stocked shelves, an export boom, an explosion of foreign investment, low inflation, and a stable currency.

We have just passed a bill that could very well allow the Russian Government to avoid taking these steps.

Mr. Speaker, Members of this body are going to have to think about how they are going to rationalize this giveaway to their voters.

Fourteen States voted for term limits last year. Why? Because of the massive fiscal irresponsibility and hypocrisy that the voters see each and every day on C–Span.

They saw us pass the President's sham deficit-reduction package, loaded with phony spending cuts and the largest tax increase in history.

They saw us reject a measure to reduce our own spending here in Congress by a measly 5 percent.

And they watched us here 2 weeks ago, as we jettisoned $2 billion of their dollars into a Russian black hole.

It is not that the American people are not generous or compassionate, Mr. Speaker.

It is that they are tired of hypocrisy.

And it is that they have seen billions and billions of their dollars go overseas in recent decades, only to see it flutter into the deep blue sea.

They take a look at the map and ask, "Where has this money gone?"

And they ask, "Has any Third World country ceased to become such after decades of American foreign aid?"

The answer, of course, is no.

Mr. Speaker, it is time to end the charade of foreign aid in the form of gifts and grants. If necessary at all, foreign aid should be in the form of repayable loans or credits that cannot be suspended or waived.

I thank the Speaker for the time and request that the Estonia article be inserted in the RECORD.

Mr. Speaker, for years now the American taxpayer has shelled out billions to Third World countries.

We have given them fish; we have given them money to buy fish, but we never taught them how to fish.

Mr. Speaker, it is time to teach them how to fish.

I thank the Speaker for the time.

I ask unanimous consent that the Estonia article be inserted in the RECORD following my remarks.

[From the Washington Post, June 21, 1993]

ESTONIA HUMS AFTER REBIRTH OF FREEDOM

(By Margaret Shapiro)

TALLINN, ESTONIA.—In this seaside medieval city, grocery stores are filled with food, cafes actually serve coffee, buses run on time, and no one accepts U.S. dollars. A year and a half after the collapse of the Soviet Union, Estonia, the smallest of the three Baltic republics, is making it.

As other former Soviet republics watch their currencies collapse, prices soar and governments tremble and fall, this newly independent state has become a model of stability and serenity. It seems more like its successful Scandinavian neighbors than its troubled former compatriots.

"Just look at me; I'm happy," said President Lennart Meri, 64, as a smart-stepping ceremonial guard paraded outside his office window. "It is a remarkable achievement, and in very harsh circumstances."

During a recent visit here, Strobe Talbott, U.S. ambassador at large for the former Soviet republics, told local leaders: "Estonia proves to its neighbors that it is possible to make the transition from the Soviet era to the new era."

Estonia's achievements are being closely watched by other struggling former republics. For although Estonia, with 1.6 million people, is smaller than many Russian cities, its example offers some basic lessons in how to emerge from the wreckage of communist rule.

Motivated by a desire to reclaim a place in Europe that was lost when Red Army troops seized this country 53 years ago, Estonia has taken drastic steps that no other former Soviet republic has yet been willing to risk. It cut off subsidies to industry, allowed prices to rise freely while keeping wages down, prohibited its central bank from printing new money and forced itself to live under a balanced budget.

As a result, inflation has dropped dramatically. Private industry is taking off, providing jobs to those laid off by crumbling state enterprises. The new Estonian currency, the krone, has been stable since its introduction a year ago. Exports have boomed, and foreign investment has flooded in to take advantage of stable conditions and low costs. Estonia has also broken free of its dependence on the old Soviet economy, with most of its trade now oriented north toward Finland and Scandinavia rather than east toward Russia.

"Estonia is implementing textbook economics in its most fundamental way," said Arno Hansson, a Harvard-educated economic adviser to Estonia's 33-year-old prime minister, Mart Laar.

Because of the country's small size, Hansson said, "Everything is much more manageable here, but it shows it can be done."

In other ex-Soviet republics, such cold-turkey tactics have been shunned as too drastic, too risky, too socially explosive and too unsuited to the complications of unraveling the highly centralized economy.

The result has been halting half-moves and reversals that have fueled wild inflation, caused currencies to lose value daily and stalled much needed restructuring of industry. The unsettled atmosphere in Russia and elsewhere has scared off foreign investment, delayed development of a vibrant private sector and left many throughout the former

Soviet Union feeling anxiety about the future.

"You must make a choice: Do you want to be a popular government, or do you want to do what has to be done?" Laar said.

Life is still not easy here—purchasing power has dropped dramatically, and many worry about future jobs—but the results achieved so far may permit the government to be both right and popular.

"Everything is expensive now and it is very hard," said one young woman who works at a modern grocery near Laar's office. "But I think they are doing the right thing. Now at least we have everything we want, even if it is very expensive."

Just a year and a half ago, things were quite different. The crumbling of the Soviet empire and its intricate economic links left newly independent Estonia without the fuel it needed from Russia, the raw materials it depended on from Ukraine, the rubles owed it by the former Soviet central bank.

Long the most affluent and Europeanized Soviet republic, Estonia was on bread rations. Its homes were frigid and without hot water. Authorities were begging Sweden and Finland for heating oil and making plans to send half of Tallinn into the countryside.

People lined up for hours in front of stores that had empty shelves. Inflation was running at nearly 100 percent a month. Only those with access to dollars or other foreign currencies could manage.

"The attitude then was, 'It's going downhill, and there's no end in sight,'" Hansson recalled. "Everyone was waiting for the government to bail the country out, to get new aid, find fuel."

Recognizing that the country would revive only if it thoroughly disengaged from the chaos of the old regime, and in particular from Russia, Estonia's leadership united under a policy of swift transformation. It set up border controls, required visas and announced it would abandon the ruble.

"We are getting free from eastern influence so that we can act how we want," Laar said. "We're not interested in being dependent on Russia."

Estonia had used the krone during its two decades of independence before 1940 and reviving it was partly a matter of pride. But cold economic calculation was even more important. Russia's Central Bank was printing rubles non-stop to prop up faltering but politically potent state enterprises. This was causing inflation everywhere the ruble circulated.

"This was a period of total monetary chaos," said Hansson. "The only way to get a sane economic policy was to get out."

On June 20 last year, Estonia became the first former Soviet republic to introduce its own currency. All ruble transactions were outlawed and the krone became the only legal tender, freely exchanged for dollars and other currencies. Authorities pegged it to Europe's strongest currency, the German mark, at 8 krone to 1 mark.

To back up the krone, the government imposed laws that balanced the state budget and prohibited Estonia's new central bank from issuing even a single krone more than it has in gold and foreign currency reserves.

There could be no politically motivated printing of money to placate powerful groups, as in Russia or Ukraine. If a company decided to pay higher salaries or buy new raw materials or machinery, it had to increase sales and attract investors or face bankruptcy.

At the same time, Estonia speeded privatization, ended almost all import and export tariffs to increase international trade, put a cap on the minimum wage and imposed a sales tax. The result was a sharp drop in living standards, but also stabilization of the economy. Inflation dropped from nearly 100 percent monthly to 3 percent by March. Last month's inflation rate was 1.7 percent.

New stores, restaurants and other service enterprises sprouted. Shelves filled with local and imported goods. Ferries and hydrofoils brought tourists from Sweden and Finland, not only for sightseeing but also for cheap goods.

Foreign investment, particularly from Sweden and Finland, began to increase as confidence in Estonia's policies grew and companies realized that profits could be converted into other currencies and brought home. In addition, Estonia's low wage scales made it profitable to produce goods here for export.

In 1991, Estonia exported goods worth about $52 million to Europe; in 1993 the government projects exports of about $425 million, including textiles, paper goods, electric components furniture and even food. Two years ago, more than 90 percent of Estonia's exports were sent into the Soviet economy; today, only about 30 percent goes east.

Unemployment has risen less than had been feared, mostly because of private sector growth and the departure of thousands of ethnic Russians. Officially, unemployment is about 3.5 percent; Hansson said the actual rate is probably twice that. Now there are signs that the slump in industrial production is bottoming out.

Estonian officials concede that this picture of success could change. Europe's economy could worsen, or trade barriers could spring up—to the detriment of Estonia's exports. More significantly, a probable rise in unemployment could test the government's resolve not to issue new credits.

Unemployment is likely to be highest in regions populated by ethnic Russians, the offspring of people moved here by Soviet dictator Joseph Stalin during and after World War II to industrialize, colonize and Russify the defiant Baltic states. Because Russia has declared its desire to protect the interests of ethnic Russians throughout the former Soviet Union, discontent in these regions could bring serious political conflict with Russia.

For Estonians, a Finnish-related people who bitterly recall their long history of subjugation by Russian czars and commissars, such a possibility is not taken lightly.

President Meri, who as a boy was deported with his family to Central Asia after the Soviet takeover in 1940, noted that while Russian President Boris Yeltsin has agreed to "rapid, orderly and total" withdrawal of all former Soviet troops still based in Estonia, no timetable has been set. Yeltsin recently has linked their removal to the treatment of ethnic Russians in Estonia.

In addition, officials here worry that the chaotic economic and political situation in Russia, with hardline communists and nationalists battling democratic and free-market reformers, could threaten all the new republics.

"It all depends on which direction Russia will go," said Laar. "If Russia becomes a democratic country, then we won't be afraid at all."

Still, just to be on the safe side, Estonia recently decided to break its military dependence on Russia by signing a deal to buy NATO-compatible weapons from Israel. It also has increased its security ties with the Scandinavian countries and, in what many saw as a play to the United States, appointed an Estonian-American to head its fledgling armed forces.

Laar and others emphasized they are still eager for good relations with Russia and hope Estonia can provide an example to it. But with company or without, said Meri, Estonia will take the steps necessary to return to the ranks of developed European countries, where it belonged until the Soviet takeover.

"We had the same living standard as Finland and the Scandinavian countries then," Meri said. "You see the difference now. That is the price of the Soviet system and 50 years of occupation." And that, he said, is what Estonia is now determined to undo.

VACATING SPECIAL ORDER AND GRANTING SPECIAL ORDER

Mr. DREIER. Mr. Speaker, I ask unanimous consent to change my 60-minute special order to a 5-minute special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

A PLAN FOR ECONOMIC GROWTH AND JOB CREATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, I have taken out this 5-minute special order to discuss the concern that I have about what took place last night here in this House vote that was lost, from our perspective, by a 2-vote margin, and the vote that in a few hours will take place in the U.S. Senate on this largest tax increase in world history. We had several hours of debate on that yesterday and it is now being debated over in the other body.

I am now thinking about this coming fall. We are obviously going on recess over the next 4 weeks, and then we will reconvene following Labor Day. It seems to me that if the U.S. Senate does give President Clinton what he wants, this massive tax increase bill, the so-called reconciliation package that it is going to be even more important for this House to address what I think is the most important key for us, and that is economic growth.

There is a great deal of attention on this issue of spending cuts. I am a strong proponent of trying to implement spending cuts. I have proposed a wide range of spending cuts over the past several months and years, for that matter, and unfortunately, we have found this House has ignored those attempts to implement those spending cuts.

Having done that, it seems to me that we need to focus on job creation. We are all gratified at the figure that came out today on the unemployment rate having dropped from 7 to 6.8 percent. I represent 18 cities and suburban

Los Angeles, and as a Representative from that area, we still have a very serious unemployment problem because of the cuts that have taken place in the defense and aerospace industries, and many other problems that have hit California, primarily the tax and regulatory burden, which has been so overwhelming to those who are trying to create jobs in our State.

I raise these issues because I believe that we have a tremendous opportunity, once we reconvene in September, to put into place a very important jobs creation mechanism. Actually, there are a couple of them I would like to take a couple moments to talk about.

First, one of the things that Bill Clinton referred to in his campaign last fall was the necessity to implement a capital gains differential, a capital gains tax cut, which is not just a tax cut for the rich, as the opponents like to say, but an item which will create jobs by stimulating the economy, by turning over investments that are being held today, the so-called lock-in effect, which leads people who have seen capital gains in their investments to hold onto them, whether it is a senior citizen who has seen appreciation in a home and, unfortunately, has decided not to sell it now because of the fact that we do not have that capital gains differential.

In fact, the United States of America is, tragically, the only developed nation on the face of the Earth without a capital gains differential. President Clinton last fall in his campaign said that he supported the idea of a capital gains differential, and in a bipartisan, bicameral way, that is, Democrats and Republicans in both the House and the Senate, we are coming together to form a coalition to deal with this capital gains issue.

Clearly, it can do a couple of important things: stimulate the economy by creating jobs here in the United States, and at the same time increasing the flow of revenues to the Federal Treasury, because with that capital gains differential we will see people realize their capital gains, sell those items, and increase revenues to the Treasury, and reinvest, stimulating the economy.

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The second item which I think is very important for us to realize, Mr. Speaker, is the need for us to implement a North American Free Trade Agreement.

Since privatization began in 1986 in Mexico, we have seen a tremendous boost in the Mexican economy. What has happened as a byproduct of that boost in the Mexican economy? There has been a tremendous increase in the level of purchases from the average Mexican worker from the United States workers, United States items that have been produced are selling in great numbers in Mexico. States like Pennsylvania, States like Ohio, other spots have seen increases of between 100 percent and 300 percent in the flow of export of goods from those States to Mexico.

If we would implement the North American Free Trade Agreement, which President Clinton has said is one of his top priorities, we can create more jobs right here in the United States. And it seems to me that as we look at the tragedy of the measure that passed last night here, and the one that is now being debated in the Senate, the best thing for us to do is to pursue two items which President Clinton said in his campaign he wanted to implement, that being a capital gains tax differential, and the North American Free Trade Agreement.

So I stand here as a minority Member saying to the President of the United States, although I am doing it through the Speaker of the House, that we very much want to work in a bipartisan way to implement that capital gains differential and the North American Free Trade Agreement. So I wish you well on those as we pursue them, and I want to say to all of my colleagues that I hope that everyone has a wonderful August work period, and we will look forward to reconvening in September to try and create more jobs for U.S. workers.

THE STORY OF S&H FABRICATING OF WALLED LAKE, MI

The SPEAKER pro tempore (Mr. Kanjorski). Under a previous order of the House, the gentlewoman from Ohio [Ms. Kaptur] is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, this evening I would like to continue my once-upon-a-time stories. Tonight I would like to tell the story about workers in a little plant that got lost in the shuffle.

The S&H Fabricating and Engineering plant in Walled Lake, MI, manufactured air-conditioning components for General Motors. Workers earned around $7 an hour plus benefits, enough to feed their families, educate their children, and save something for their retirement years. But just 2 months ago S&H Fabricating decided to close its Walled Lake plant and move production to Mexico where wages average less than $2 an hour.

This story did not make it to the front pages of most of the major dailies in our country. It did not make it on the major channels on the evening news. Yet the people in Walled Lake, MI, understand very well what an additional 100 people standing in the unemployment lines means.

Mr. Speaker, S&H's president blames the decision to close on what is called the global economy. But it meant local misery to 100 employees in Walled Lake who were highly productive workers.

NAFTA would turn this unhappy shuffle into a stampede. This proposed trade agreement with Mexico means the following, which has been told over thousands and thousands and hundreds of thousands of times in this country, plant by plant, community by community in so many of the stories that we have revealed here on the floor of the House of Representatives, S&H Fabricating and Engineering in Walled Lake, MI, 100 more jobs lost in this Nation of people who were earning $7 an hour, which I do not consider to be high wages in today's economy, people who were earning barely enough to sustain a middle-class way of life, an additional 100 jobs moved to Mexico where workers earn $2 per hour, not even considered minimum wage in this country.

Already our Nation has lost over 700,000 jobs to the limited free trade area that has already been established in northern Mexico where over 2,100 United States companies have now located, names you will recognize, Smith Corona Corp., Trico Corp. which made windshield wipers for the Big Three, companies like Converse Shoes, companies like Delco, companies like Green Giant and Birdseye. These are names we know, and in every single case you can directly trace the loss of jobs in the United States, and those jobs moving south of our border where there are no minimum wages, where there are no minimum benefit packages, where people cannot even afford to buy what they make because their wages are so meager, and so the people from the United States lose their jobs to the workers of Mexico who have no protections and work under exploitative conditions.

Ask yourselves this evening, who really benefits? The multinational corporations who have enough power to pit the work force of two countries against one another.

So tonight, ladies and gentlemen, we continue our series of once-upon-a-time stories. If you care about jobs in this country, please write the President of the United States, please write your Members of Congress and Senators, and tell them to vote "no" on the proposed North American Free-Trade Agreement. It would be the most important letter you wrote this year to save jobs in the United States of America.

CREDIBILITY OF CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. Goss] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, on July 30 the Wall Street Journal reported the findings of a journal/NBC poll in which 67 percent of Americans said they believe the U.S. Congress has not gotten the message of reform. And certainly we have not done anything about reforming this place that is meaningful or long enduring this year.

Sixty percent of those surveyed disapprove of the job Congress is doing, 60 percent disapprove. We work for the people of this country, and 3 out of 5 do not like the job we are doing. Anybody who got that kind of message from their boss ought to be thinking about changing the way they are conducting themselves.

That poll, incidentally, was taken before this week's worth of arm twisting, dealmaking and political buyouts by the Democrat leadership of the Congress to ensure that the President's tax plan would squak by, though it squeaked by by the narrowest of margins. I hate to think how much further those credibility ratings will sink after Americans begin to shell out the $250 billion in new taxes that are being imposed by President Clinton's plan, only to see jobs lost, which is what the prediction is, and spending increased, which is a certainty, and the debt rising after 5 years, which is also a certainty and a prediction. The debt is not falling; it is rising.

Mr. Speaker, when people lose faith in this institution they lose faith in its product as well.

People do not feel they can trust their Congress to listen to them and represent their priorities, and that is especially true after this week when 10 million Americans attempted to reach their representatives by phone, and we all know it, a majority called to say do not do it, do not pass that tax bill.

But the Democrats went ahead and did it anyway, and we all saw the spectacle last evening. Americans do not believe Congress is listening to them when that kind of thing happens. And as far as the Democrat majority is concerned, apparently Americans are right. They are not listening.

Much has occurred to damage the credibility of this House under the 40-year watch of Democrat leadership. In recent memory, 2 years ago the House bank scandal erupted, ending the careers, I am sorry to say, of some very fine people, and jeopardizing the careers of many other very fine people, and tearing at the fabric of the people's trust in their own Congress.

□ 1730

Now we have the ongoing post office scandal which has embroiled some of this House's most powerful Members including the chairman of the Committee on Ways and Means, who clearly is a major architect of this monstrous tax bill that just passed, and questions remain about the stock dealings of the very Speaker of this institution who is causing consternation among Americans because he has filed suit against the people of Washington State in an attempt to derail term limits.

Against this backdrop of perks, privileges, institutional arrogance of power, the American people now see this massive tax bill. They see higher income tax rates, rates that curiously enough are just high enough that they will not directly impact on most Members of this House whose pay raises and annual cost-of-living adjustments leave them with incomes of $133,600. Incidentally, that involves pay raises of about $8,000 since January 1, 1992, in the last 18 months, at the same time that these very same elected officials have been passing the biggest tax hit on the American people in history. that sorry level happens to fall just short of the new punitive tax threshold of $140,000 for couples.

Americans see a tax bill that is retroactive, applying to people who have already died and businesses that thought they had paid their tax bills and planned prudently for the year. They see tax bills that hit middle-class seniors hard. Fifty-seven percent of the seniors involved in this are middle class, while breaking the trust of the Social Security System which affects all seniors or anybody in the Social Security System.

They see all of this at the same time as they see massive new spending, and we did it today. We did a billion and half on the new National Service bill today, unfunded; we did the flood bill, unfunded, $5 billion today, more surely when we get back and we have not even started on health care yet.

These kinds of things were only flimsy promises of spending cuts. I know of no government programs that are going to be cut in the Clinton bill, and if they are, it is going to be later, sometime later, ill defined.

Mr. Speaker, the President and his Democratic soldiers in this House pulled out all the stops to get the tax plan passed. We know it. They have promised the world. They promised task forces, they promised everything, and unfortunately the record is broken promises.

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 2401, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

Mr. MOAKLEY, from the Committee on rules, submitted a privileged report (Rept. No. 103–223) on the resolution (H. Res. 246) providing for further consideration of the bill (H.R. 2401) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1994, and for other purposes, which was referred to the House Calendar and ordered to be printed.

MY ADVICE TO THE PRIVILEGED ORDERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, as the Congress is adjourning, at least the House, and depending, of course, on what the Senate does or does not do, we may revisit this Hall next week, but assuming that it is, it is a proper time to remind in the RECORD my colleagues that we are far from having settled matters of the most desperate kind as far as the financial and economic freedom of the United States is concerned.

Now I have been reporting, by virtue of this privilege of being able to address the House in what we have gotten to know as special orders, but which is relatively a new term, but which under the rules and the precedents established since the First Congress and under the rules of the Manual of Jefferson which we have always adopted as our rules, plus such modifications as respective Congresses have added or subtracted, it is a privilege granted a Member of a very numerous body to be able to dwell in a more dispassionate and leisurely manner on some issue that is of great concern to him and, of course, contrary to what sometimes is erroneously reported in some publications, it does not mean that it is proper to address subject matters of any kind.

In other words, I have always interpreted this, and I have read the history of this procedure before I took the first special order which was exactly 12 days after I had been sworn into the U.S. House of Representatives 32 years ago, and I have been taking special orders since then for the record, and because there were issues of great moment, not only because there were some local originated issues that also transcended purely parochial aspects, but had in effect broader not only sectional but, indeed, national relevance, and any search of the several thousand special orders since then, 32 years ago, will reveal to any researcher that my subject matters have been directly related to either my role as a Member of this body or a legislative matter that is in reference to an ongoing issue or one to be confronted.

Since I was assigned the day I was sworn in, which was January 10, 1962, but was elected the prior year in a special election, I have stuck to issues that have direct bearing with being a Member of the U.S. House of Representatives and have always made it a point to make sure that I not only was familiar but frequently revisited the rules, and on a basis of not less than once every 2 months reread the U.S. Constitution. I was assigned from that first day to the Banking and Currency Committee as it was known then, and have served on that committee to this day.

I have been the chairman of the Finance Committee and Banking Committee, as they called it, of the State Senate of Texas, and before that, in my initial period of public elective office 40 years and 3 months ago, served on the city council of San Antonio where I made it a point to develop expertise in budgetary and financial matters.

I think that is one of the reasons that I am in the U.S. House of Representatives today.

So I rise today in order to remind my colleagues, whenever they are interested enough to read the RECORD or by chance some in the office may be in the closed-circuit TV hearing, that as you go out, and I hope you enjoy and have an enjoyable and safe visit with your families and dear ones during this August break, that the tremendous forces impacting and perhaps negativing 90 percent of the actions we have taken here are working every minute of the 24 hours even as I speak here today.

I have developed through the years, with particular reference, a subject matter of interest rates. Who, 32 years ago, would have ever thought that we would have so-called prime interest rates of 20 and 21 percent as we did in 1979 and 1980? Nobody. Because in that day and time, those old nesters would have done something about it. Those men and some women then were of a generation that had suffered the Depression, like I did, and you do not go through those periods of time without remembering and making very definite commitments to do everything in the power of one human being to avoid that experience for the generations to come, our children, grandchildren, and great-grandchildren.

But, my colleagues, we are in the midst of a depression.

□ 1740

All through the years, on the Banking Committee off and on we get the outstanding economists, national, international. And they would all say, when we hit those periods, that they began to define as recessions, "Oh, well, these are aberrations, they are shallow. We will be out."

And I would ask them, "How would you then define a depression? How would you define or differentiate between a recession and a depression?" And universally and without any kind of disagreement, each one that answered that question would say, "Well, if a recession were to last more than a year, you could say that you were in danger of or on the verge of a depression."

Well, this so-called recession that some economists say has bottomed out and, as the Federal Reserve Board Chairman was quoted either yesterday or the day before, "Oh, the upward growth rate has been slowed quite a bit."

The fact is that we have had a depressed economy since 1990.

Now, that is going to be 3 years at the end of this month. In the meanwhile, they are all pronouncing victory over inflation and particularly this Federal Reserve Board Chairman as well as his predecessor. But I do not know how they define inflation. I am not an economist. I have just been on this committee these 32 years or so, and I have sat at the feet of the established economists, and I have read and I have studied and I have often wondered, "What are they talking about when they say inflation has finally been controlled?"

A prior Federal Reserve Chairman, Paul Volcker, stated that triumphantly.

Now, I go back home, I go to the grocery store, I see my constituents—and I have had all through a relatively poor district all along—and it is anguishing when they say, "Well, now, Henry, what is going to happen here? You know, the cost of food isn't going down. We are paying more. My utilities aren't going down. They are going up. My rents are not going down, they are going up. This is not right. How about my wages?"

I come from an area that has had substandard or marginal employment and wage rates. That has been my lifetime devotion and dedication, never once planning or dreaming that I would enter political activity, and which thought and action did not follow until after the war and after I saw what the world was all about in my service with the Bexar County Juvenile Court right after the war. And I can't quite conceive how the economists proclaim that we have now a low interest rate.

I heard one economist say, "Well, business inflation has been controlled." Now, I do not know what he means by that. But if the cost of living for the average American, where his salaries have not only stagnated but have decreased over 7 percent in just the last 6 years, and that is average nationwide, how can he answer that question? He knows he is not paying less for the commodities that he needs to sustain his family, he knows that his rents are not down, and if he is lucky enough to have had a mortgage, by now he probably would have gone into the so-called adjustable mortgage rates and all of the concoctions that when the great aberration of interest rate markets hit us at the end of the 1960's and middle 1970's, then of course the crushing consequences to those institutions, such as the savings and loans that had been created in the Depression period and which were based on an activity of borrowing short and lending long on 30-year fixed mortgages.

Naturally, if all of a sudden your interest rate markets are skewed and unstable, as they still continue to be, what have you got? You have got nothing but potential economic slavery for the overwhelming majority of Americans, like it or not.

Why? Because interest rates is a mechanism by virtue of which wealth is transferred from one sector of a society to another. This is the reason why, from time immemorial, such things were defined as usurious. And usury excessive interest rates or even minimal interest rates in comparison were condemned by death or by severe punishments, going all the way back to 7,000 years before Christ and the Code of Hammurabi.

So what do we have today? We have no national anti-usury law. Or let us put it another way: interest rate control. "Oh, that just can't be. How could you do that?" Were you to try to impose interest rate controls, you would create a devastating effect in the bond markets, in the financial markets generally.

Well, maybe so now, but you have the same thing now all done by the very, very hands of the people who have been mouthing the impossibility or undesirability—every single Federal Reserve Chairman from the very first until the one before this last would always reply to the one question I would ask, that they and the Federal Reserve Board had no control, they had nothing to do with interest rates, until finally just a few years ago it not only said, "Well, yes, we do, yes, we admit that through the Open Market Committee," which is secret in its deliberations even though it is called open market.

□ 1750

That is a banker's committee deciding what the bankers think is best. Who do you think they think it is best for? The general public?

Well, it would defy my power of belief, and I think the results clearly show that we should be disbelieving.

But nevertheless, all these year, and when I would say, "Well, gentleman, what does this depend on? Is this an act of God? Interest rates are an act of God?"

They would look at me and get angry and say, "No, It's you guys in the Congress. It's your budget instability."

Well, we were talking then about budgets that 3 out of 4 years of a President's term in that day and time were in balance. In fact, they had a modicum of excess. So I could not get beyond that.

Then comes the seventies, the tremendous bubbles of speculation, not one, because our country has gone through not one, but about four different money manias.

The one I want to discuss tonight, and I will in a little bit more detail, is even vastly more monstrous, impossible to really define its limits because it is worldwide.

Going back to interest rates, the Nation did not have interest rate caps, or that is antiusury laws until the 1865 National Currency Act. This was what was uppermost in President Lincoln's mind at the time he was killed. He was concerned. He could see what was happening. Of course, just a few years later, by 1869 you had the same thing we have gone through in the wild eighties, the wild speculators, the attempt of these predators, like Jim Fisk and Gould to do such things as corner the bull market through conniving to bribe President Grant's brother-in-law and their total failure and inability to do it, but which sank the country and created scandal after scandal, not very different from what we have just come though in the eighties in the S&L scandals.

You could say that Charlie Keaton was a piker compared to old Jim Fisk.

But those are the concomitments of war. We have not had anything but similar occurrences after each war but when the 1865 National Currency Act was approved and it did away with that 6-percent usury limit which had existed in our national laws since the founding of the Government and even before with the First and Second Continental Congresses.

Then in the early 1830's and the creation of the first U.S. bank and then the veto message which I will recommend to every one of my colleagues to read of Andrew Jackson, the veto message of 1832 that he sent to the Senate. All you have to do is just take out the names of the individuals then and transpose the institutions today and it would not be much different.

But you had men of stature, men who like the ones who prevented the bankers in Philadelphia from wrenching usurious rates out of the Second Continental Congress, men like Thomas Jefferson. Read what Thomas Jefferson says about it.

Gee, no one I have listened to, including myself, has had more severe words about bankers as a class than Thomas Jefferson. He predicted the day would come when in our country the allocation of credit is taken from the people's Representatives and their Governors, out of their hands and placed in the hands of bankers, that is the day it will be as if you have a standing army of occupation and you will be landless and homeless.

But which way are we going today? A long way.

Now, what about today? Forget about trying to control interest rates. In fact, the Federal Reserve now says, "Well, yes, we can determine the cost of Treasuries through the Open Market Committee."

Yes, they can determine the fate of an administration. That used to be the case in England until the reforms after the war. The old Chancellors of the Exchequer used to have the fate of an administration, so they changed it. We have not. In fact, we have retrogressed.

How could Franklin Roosevelt have waged a world war utilizing at the height of that war over 46 percent of the total national gross product of this country to wage and win the war and never paid more than 2 percent. Come to recent years and the Treasury was paying 15 percent and more on 10-year bonds.

There is where the discussion should be, but it will not be, and I do not expect it to be.

So we can say that we will, like we did with the ill-fated—who hears of Gramm-Rudman? But just a few years ago it was an absolute must. It was that totem that on the pane in the words of the chairman of the Federal Reserve Board then in 1986 said,

> If you don't prostrate before this totem, you are going to wreck the country and there won't be any financial and economic health.

Well, by 1990, instead of a reduction in the debt, you had added one plus 400 trillion, $1.4 trillion added to the debt under the first 1½ or 2 years of the Gramm-Rudman so-called operations.

It was sickening to hear last night some of the very voices that are still in this House who boasted in the eighties the prosperity of President Reagan; but it was September 16, 1985, under President Reagan when the Department of Commerce announced that for the first time since 1914 our country was a debtor nation, and during the 8 years of that administration and the 4 succeeding, our total debt went up $4 trillion just since that period of time.

Now, I have to see, as I did for those 12 years, blaming, blaming, blaming. Poor old Jimmy Carter was blamed for everything from carbuncles to fallen arches. Even as he left office, as Reagan did, they were still blaming Jimmy Carter, while they were pointing their finger, dripping with blood, mismanagement and the indebtedness and the fact that a false sense of prosperity was being financed by foreign capital that for the first time was coming to our country and having direct acquisition of assets from banks to factories to shopping malls.

□ 1800

We are somewhat racist, so we like to point to the Japanese, and bash them, and say, "Look how much they have gotten," but who talks about the fact that the British have 2½ times more ownership than the Japanese of everything from banks, to factories, to shopping malls. How did that happen?

That is why I am speaking tonight, because at least, as I have done all through the years, my children and grandchildren, when they will be asked, "Well, wasn't your grandfather there at the time," they will be able to say, "Yeah, and here is what he said at the time, not in retrospect."

So, what we did last night in the House, laudable as it was, should not convey the fact that we have done anything more than tread water. But at least it is not drowning. The alternative would be drowning. It is something, and at least you have to start somewhere, and for this fact I think President Clinton has had courage. Certainly he has had political courage as well as those Members who risked quite a bit because of the hysteria that has been created, and somewhat by the very forces that are at the bottom cause of what it is now that needs to be addressed, but is not fully, and there is not even a glimmer that we are.

We have to get at least 5 to 6 million Americans reemployed. How are we going to do that if we do not propose bold, knowledgeable, and feasible, to reasonable minds, actions that can and should be taken?

Let us go again to the Japanese:

The Japanese have had a social system that did not have such a thing as what we call unemployment. No Japanese factory worker ever had to face the possibility that he would be on an unemployed list until this last year. They have, it is estimated, until recently about 2-percent unemployment for the first time.

So, what did they do recently? It was much publicized in our press. The Japanese leaders, both their diet or parliament, as well as the others, approved 8 trillion yen worth of domestic economic activity so that there would not be that 2-percent unemployment, and they could reenforce their infrastructure, unlike us who have allowed it to totter, and shake and fall around our ears. The President thought about $16 billion, and he could not even get $6 billion. The Japanese are taxing themselves 8 trillion yen, which is a little under $200 billion.

Now, the very same voices, some of which I heard last night decrying even those meager $16 billion or less, even in the constructive side of things such as home building, which means that you have everything connected with home, streets, sewage, everything, water, are the very same ones that did not say, "Boo," when the S&L and the bankers were using the taxpayers' insurance deposit money in order to go into the most risky of ventures and lost their shirt, and that brings me to today.

Realizing that no matter what we do, if the Federal Reserve Board Chairman has both of his feet on the brake pedal, my colleagues, it will not work because it means that we will continue with a depressed economy and still the danger of relapsing into interest rate increases which would cancel everything out that you could say has been a plus or a gain.

Now I have written to the Federal Reserve Board Chairman for quite some time precisely that, and with facts and figures, and I would like to place into the RECORD copies of letters that I have written the Chairman of the Fed going back to almost a year ago and including the last July 26 letter in which I say this:

Mr. Chairman, on June 21 I urge you to use a Federal Reserve influence to encourage banks to disclose to their small business borrowers that the bank's advertised prime lending rate is not necessarily the lowest rate offered to customers; that is, their special customers. On July 6 I urged you to consider changing the Federal open market committee's policy of recording no minutes of its eight secret meetings, and then 6 weeks after a particular meeting issuing only a summary policy directive to the public. Your response or responses display a common theme. You suggest that the public should not receive full information on the bank's lending policies or on the important economic decisions made by FOMC, the Federal Open Market Committee, because the public would not understand.

Mind you, what were we before we held public office? Were we not the public or part of it? You mean now, because we are in office, we are smarter?

But here he is saying, oh, the public would not understand, they do not care about this. The average little businessman does not have to have this information.

Why are you so worried that he have it? Well, he obviously is not in touch with small businessmen.

Well, I could not disagree more, Mr. Chairman. I have always contended that accurate information is essential to the efficient functioning of the marketplace. Federal Reserve officials who are familiar with more than economics and finance and who know about the inside information scandals of the 1980's surely know the effects of withholding information from the American public. That practice produces instability in financial markets and inside information that can be exploited by the few who are given early access to that information.

In response to my proposal to make actual lending rates publicly available instead of allowing banks to publish a deceptive prime rate, your July 9 letter claims that small businessmen, quote, would find it hard to interpret such information, end of quote. You are advocating hiding relevant information from the public. Surely small business owners are not too stupid to interpret correct information. Do you not think it would help small businesses search for business terms if the banks told them of their actual lending rates rather than advertising phony prime rates? Free competition requires accurate information and so on.

Then I follow with given the benefit of our own very hard-working and efficient committee staff, and then that brings me to the final point:

As my colleagues know, we have lost the sense of memory; that is, historical memory, in our country. What happened just 3 months ago is now ancient history, is just totally out of our perceptive range, much less what happened 5, 10, 15, 20, 30 years ago. But it is going to be fatal to us if we somehow do not muster the capability of remembering in our memory our own history.

□ 1810

When the preparations for what turned out to be the Persian Gulf war were announced, I protested. Subsequently, on October 18, 1990, I had a hearing of the Committee on Banking, Finance, and Urban Affairs, to which Chairman Greenspan responded. The theme of the hearing was the economic impact of what was happening to our economy because of these extensive preparations for what turned out to be the Persian Gulf war.

Now, mind you, that was almost 3 weeks before the President doubled the estimate of the number of troops that he would be sending eventually.

Nobody came to the hearing. That is, I found myself alone. The press did not cover it much, or, if they did, they did not catch the thrust of Chairman Greenspan's words.

I said, "Mr. Chairman, the Secretary of State states that what is happening and that we are preparing for is because of jobs, that it is economic. It is jobs." Those were the words Secretary James Baker used.

He said, and it is in the record, like our RECORD here. Thank goodness the House of Representatives has this. I have belonged to such legislative bodies as the State senate of Texas where the thought of even having this kind of record would not even be considered. So I have always been grateful that the House at least has its reporters of debates, who put down faithfully what a Member has uttered. Then it is in that RECORD.

The Federal Reserve Board Chairman said, "Yes. At this point I am not ready to say that we are in a recession, but all of the factors are there. We show a tremendously high rate of unemployment that is disturbing our key evaluative factors. And I would say," and these are his words, "that 70 percent of the adverse impact right now is due to this activity," which was intended, and what turned out to be, the Persian Gulf war.

Nobody picked up on that. But it is in the record, it is in the hearing transcript. It is what he said. Over 70 percent of the adverse impact we are currently feeling, economic impact, is due to this.

Well, we had a lot of hurrah about how the U.N. members were going to help pay. But the end of the war did not come with the developments and the withdrawal from Kuwait. It is still going on now, even with a fiercer and more awesome threat, as reflected in that entire area, and over in the adjoining area known as the Baltic, or the Balkan, or the Eastern European area, or, as they say in Germany, Middle Europe.

Mr. Speaker, I would think that a President would evaluate very seriously the ultimate cost, and particularly at this time, of further involvement in these areas, in which you have turned loose humans that are blood drunk and hate happy; where now there is no talk about working in conjunction with the U.N. but rather with NATO. But NATO does not include France.

What I fail to see is if France and England, but particularly France, which is in closer proximity, and France, Russia, and England have had a traditional alliance with the Serbs as contradistinguished from the other sectors of what was known as Yugoslavia, then what is the United States' national interest?

But from a financial standpoint we are at great risk, and our banking system is at great risk. Just about three special orders ago I placed in the RECORD statistics showing how the leading banks of our country are heavily involved in superscale gambling that makes Las Vegas look like a backyard alley dice game.

Some of our banks, in fact, the largest exposure is by one of our larger banks and, remember, they may be holding companies, but the banks themselves and their capital assets are insured depository institutions. That is, the taxpayer is behind that insurance. And how much of that money is being diverted to gamble in the so-called highly charged, high risk derivatives markets, which I have discussed in previous special orders and will not go into greater detail on now, other than to say that the beginning of an unavoidable bursting of that bubble, which I think will burst the world, is here.

For instance, our banking system is very much unlike most of the other industrialized nations' banking systems. Most of the European industrialized nations and their central banks, or even their private banks, are government-owned. We like to think that ours are private. But there is an entirely different corpus of tradition and aspect and perspective of our private bankers, as contradistinguished from, say, the banker in Germany, where he looks upon himself as an adjunct to the Government's policymaking process, or in Italy.

At this point you have such vast unmeasurable, at this point, other than estimates of trillions of dollars every day, sums going on a nano-blip of an electronic signal, from London, to Frankfurt, to Paris, to Tokyo, to New York, in which you have involved not real economic activity, but what I call this highly volatile paper economy.

Our principal banks, the top 20, are heavily involved. The top seven or eight just absolutely are irretrievably involved. One of those, for instance, is involved 1,750 percent over its total capitalization structure. It is in that part that they call by the real jargon in banking, the off-balance-sheet account. Those accounts do not have reserves, so the exposure is horrendous to think of.

Now, the great Italian conglomerate has gone under. It was involved heavily in the derivatives trading, or gambling, as I call it. It is very complex, in a way they want us to think, but it is not really. It is as old as the tulip mania in Holland 300 years ago. It is as old as the Ponzi scheme, as old as all the fraudulent devices that the mind of man can construe, with one additional thing now, that tremendous electronic ability to transfer in a nanosecond.

□ 1820

So with the exposure of the banks, what is the exposure of the taxpayers? And this is where we are trying to get a little handle on with great difficulty.

I want to announce to my colleagues that upon our return, God willing, after September 8, immediately on our return, we hope to have the first of the hearings on this matter. Now, this involves an area in which today there is no nationality to this. It is international and uncontrolled. So once again, you get individuals, like one, associated with others, like James Goldsmith, who is a relative of the Rothschilds in London and who, just a few years ago, was a matter of attention to us on the committee because he was involved in some of the very heavy leveraged buyouts and attempts on leveraged buyouts such as the Goodyear in Ohio and which cost us a lot in family disruptions, loss of jobs to many of our Americans, heavy indebtedness of our corporate structure, where the private corporate structure is indebted almost equal to the amount of our Government debt, which is over $4 trillion, the greatest ever in the history of mankind of any nation.

We are a debtor nation. We are no longer a creditor nation. All of this almost seemingly imperceptibly. That is why I speak. I do not think that as an individual who at this time happens to be on the watch, I am going to allow to happen what I saw tragically happen over a period of 20 years, where I had no ability, other than my voice here on the House floor, to call attention to and, with great anguish, almost demoralization, I saw coming what should never have happened.

What happened to us? You talk about the near $200 billion the Japanese are targeting for their economic recovery and employment of their own. We have had a tab of over $300 billion, just the cost to the taxpayers of the S&L's alone, not counting the banks, to a certain extent. And yet, more to come; it is obvious.

So what is it? What has led to our confusion in our deliberations and councils.

I am a great believer, maybe this is really antiquated or, as one local newspaper reporter put it, he is old-fashioned and of another era and, if not, eccentric is certainly not anything like the individuals on today's stage. The idea that he would have turned these $4,000 back to this lobbyist, that was unheard of. That makes you eccentric nowadays.

But the main thing is that I believe, like General Grant, in his memoirs, if you read them. He believed that individuals like nations have to pay for their misdeeds and that there was a higher power above us. And he said, directly, we paid for the imperialistic sin of the Mexican War, in which he was a hero. General Grant was a hero at the battle of Chapultepec in Mexico. But he said, we suffered the most divisive, sanguinary, meaning bloody, in that day and time, we change words so much nowadays, in the history of man in our Civil War. That was a punishment for our error as a nation.

And I agree with that. I think we do have to respond to a higher power. I do think as an individual and collectively, as a Member of a body, I share a responsibility. That is why I have been sensitive and that is why I shuddered when I saw that President Bush would unleash the fury of the most sophisticated stealth bombers on a hapless 4,000 black workers in the Torillo district in Panama.

Do you think they love us? We installed the Government that is still there, but we still have to have two-thirds of the troops in Panama that we had at the height of the invasion.

What about the literal massacre of tens of thousands of Moslems in the old Mesopotamia of old, where we have destroyed artifacts that go back to the origin of our Western culture and civilization in Baghdad. That cannot be right, and we are paying for it.

And I think that it behooves us to take care first and above all of the greatest interest of the greatest number.

I recall when anything that we were doing in the committee was out of reaction to what either the bankers or the S&L lobbyists wanted. And I would say, wait a while. We are not here at their bidding. We are here to represent the greatest interests of the greater number. If we are going to be on the Banking Committee and be only reactive to the interests of these particular people and activities that we are supposed to be legislating about, then we might as well disband the committee, have no committee. The people would be better protected, ultimately, in my belief.

And where are we today, as I speak? Well, as I am speaking, you have individuals that can make a billion dollars, like one brag, in compelling the great confusion in the European money market or what they call their mechanism, their European rate mechanism, forcing the British pound out of that mechanism. Failing this time, though, but at great risk.

The great Italian consortium involving a tremendous amount. The Central Bank of Italy had lost its shirt, anywhere from $20 to $40 billion. And I have it on good European sources, very faithful, that they are trying to see how they can manage to deal in secret with the Federal Reserve Board.

Now, it was just a matter of hours that we had the so-called intelligence community authorization. And the House approved a dicta saying that any Member, as if it was worth the paper it was written on, constitutionally, who would place in the RECORD, where in the RECORD, any kind of documentation that was labeled by whom, the executive branch, as being sensitive or restrictive, as an act of something.

□ 1830

I do not know if it was to be considered an act of sedition or an act of something. Where are we on this matter? As of last year, 1992, our Federal Government was secreting away from any kind of public accountability, including the Congress, which after all, is supposed to be the creature of the people, 117,000 papers and documents from any kind of accountability, amounting to about 7,000-plus a day. Where are we headed in our country? Where? Since when are we afraid? I could have told the Members that what they were worried about, that even now, and for the past 20 years, that I can recall, what the American people did not know about the CIA, every European country and almost every prominent newspaper I read in Europe was reporting what the CIA was doing, but not the American people. Who is kidding whom?

It is the same thing with financial transactions. The Federal Reserve Open Market Committee, which works in secret, it does not even keep minutes any more, and is making the life-and-death determinations for the security and freedom of the American public's standard of living, economic and financial freedom.

If we are nothing more than economic serfs, how can we boast? If we continue the bloodletting of productive jobs which just in President Reagan's 8 years we lost over 3 million of those, those were real jobs: manufacturing, producing. They are gone, gone forever.

With the proposed North American so-called free trade, in which, incidentally, I want to announce to my colleagues, we intend to have a hearing on this on the financial section, which I have discussed before, when we get back after September 8, because that is the real hidden section, because it will allow our banks to do what the Congress has not allowed them, but it will expose our investors to the greatest speculative casino ever devised, and that would be the Mexican financial markets.

Mr. Speaker, I include for the RECORD correspondence and documents regarding the matters I have just discussed:

House of Representatives, Committee on Banking, Finance and Urban Affairs,
Washington, DC, July 26, 1993.
Hon. Alan Greenspan,
Chairman, Board of Governors of the Federal Reserve System, Washington, DC.

Dear Mr. Chairman: On June 21 I urged you to use the Federal Reserve's influence to encourage banks to disclose to their small business borrowers that the bank's advertised prime lending rate is not necessarily the lowest rate offered to customers. On July 6 I urged you to consider changing the Federal Open Market Committee's (FOMC's) policy of recording no minutes of its eight secret meetings and then, six weeks after a particular meeting, issuing only a summary policy directive to the public.

Your responses display a common theme. You suggest that the public should not receive full information on a bank's lending policies or on the important economic decisions made by the FOMC because the public would not understand the information they received. I could not disagree more. I have always contended that accurate information is essential to the efficient functioning of the marketplace.

Federal Reserve officials who are familiar with modern economics and finance, and who know about the inside information scandals of the 1980s, surely know the effects of withholding information from the American public. That practice produces instability in financial markets and inside information that can be exploited by the few who are given early access to the information.

In response to my proposal to make actual lending rates publicly available instead of allowing banks to publish a deceptive prime rate, your July 9, 1993 letter to me claims that small businesses "would find it hard to interpret such information." You are advocating hiding relevant information from the public. Surely small business owners are not too stupid to interpret correct information. Don't you think it would help small businesses search for the best terms if the banks told them of their actual lending rates rather than advertising phony prime rates? Free competition requires accurate information.

Your own research staff found prime rate lending practices to be a system of price discrimination against small businesses. I refer to a 1992 article by the research staff at the Federal Reserve Bank of Richmond (Stacey L. Schreft and Anne P. Vilamil, "Credit Rationing by Loan Size in Commercial Loan Markets," May/June 1992 issue of the Economic Review from the Richmond Federal Reserve Bank):

"Price discrimination in loan markets is facilitated by banks' use of 'base rate pricing' practices: banks quote a prime rate (the base) and price other loans of that rate. With a base rate pricing scheme, banks price loan competitively for large borrowers with direct access to credit markets, while they act as price-setters on loans to smaller borrowers. Goldberg (1982, 1984) finds substantial evidence for such pricing practices." [page 4]

The individual referred to is Michael A. Goldberg who published these articles while on the research staff of the Federal Reserve Board of Governors. He found in his 1982 article ("The Pricing of the Prime Rate") published in the *Journal of Banking and Finance:*

". . . it also appears that banks may be using the prime in conjunction with below prime lending to price discriminate between customers on the basis of whether these customers have alternative channels of short-term financing."

The Federal Reserve Board research staffer concluded:

"During periods of declining interest rates, banks may price loans on a marginal basis to certain of their best customers while attempting to recoup the costs of their previously-issued and relatively expensive managed liabilities by charging their remaining customers a higher loan price than they would have in the absence of below prime lending." [p. 293]

The Federal Reserve's own definition of the prime rate included in a form in your survey that goes out to hundreds of banks all over the country encourages collusion in setting the prime rate:

"Your bank may set this rate [the prime rate] internally or may adopt as its own a rate published, for example, in the financial press."

Your explanation of why small businesses pay much higher rates on their bank loans is not meaningful. You say:

"First, the average size of the small floating rate loans was just $24,000 in May, while below-prime loans averaged more than $2 million." [emphasis added]

I realize that small loans, the smallest class of loans listed in the Federal Reserve's Survey of Terms of Lending table, are small and these borrowers do not receive economies of scale savings that allow for some of the lower rates. However, many small businesses make floating rate loans in the $1,000,000 to $4,999,000 range. Your Survey of Terms of Lending for May 3–7, 1993 shows the average rate on these loans for May 1993 was 6.04 percent.

Your data reveal that some of the loans were below a prime rate of 6 percent and some were made at a rate higher than the prime rate. How can you expect small businesses who are not offered prime rate loans to gather information about loan rates when all they see is nearly the same deceptively advertised prime rate at every commercial bank. You admit finding an identical prime rate at 253 of the 348 banks in the Federal Reserve survey. Were there any large banks that deviated from a 6 percent prime rate?

I urge the Federal Reserve to devise a better definition of the prime rate, one that would convey honest information to the small business owner. Please provide me with your suggestions for disseminating information to these small business operators about real lending terms at different banks. I am sure you agree that small businesses must be able to obtain the best credit terms possible in light of the important role they play in new job creation. Surely accurate information leads to efficiencies not otherwise attainable.

Your letter of July 20, 1993 about the extensive leaks of supposedly secret information from FOMC meetings does not deny this practice by the members of the FOMC. Your conclusions contain the following two inconsistent statements:

(1.) "Moreover, policy decisions cannot be adequately assessed by the public without their full context and rationale, which are contained in the minutes."

(2.) "Committee members, however, saw current policies on disclosure [in which no minutes are even taken and only a summary statement is released roughly six weeks later] as soundly based."

I agree with the first conclusion. It is a strong argument for the release of a record of the FOMC meetings, as I have proposed in HR 28, the Federal Reserve System Accountability Act of 1993. Financial markets do not work well when inside information, including detailed leaks, are given to a privileged few, as has occurred following some FOMC meetings. A prompt release of the FOMC summary statement would not be detrimental. It would have quite the opposite effect.

I am writing to request that you revisit the issue I have raised and the specific questions I have asked. Please supply me with your answers to my questions by the close of business August 4, 1993.

Sincerely,
Henry B. Gonzalez,
Chairman.

Board of Governors of the Federal Reserve System,
Washington, DC, July 20, 1993.
Hon. Henry B. Gonzalez,
Chairman, Committee on Banking, Finance and Urban Affairs, House of Representatives, Washington, DC.

Dear Mr. Chairman: I am responding to your letter of July 6 concerning the dissemination of information about Federal Open Market Committee proceedings. I agree that leaks are a very serious matter. Unauthorized release of FOMC proceedings through unofficial channels is unfair to the public, and erodes public confidence in the Federal Reserve.

I have discussed the issues raised by the recent developments with Members of the Board and Federal Reserve Bank Presidents. They reaffirmed the rules governing confidentiality of FOMC information, including the results of FOMC meetings. Additional unauthorized release of information would require further review by the FOMC of its disclosure polices.

Committee members, however, saw current policies on disclosure as soundly based. Concerns about the effects of early release might, in some circumstances, reduce the Committee's flexibility and willingness to make needed adjustments in policy or in the directive guiding policy. Moreover, policy decisions cannot be adequately assessed by the public without their full context and rationale, which are contained in the minutes. Consequently, while the policy of delayed release remains under review, the Committee made no changes to existing practices.

I appreciate your concern regarding this matter.

Sincerely,
Alan Greenspan.

Board of Governors of the Federal Reserve System,
Washington, DC, July 9, 1993.
Hon. Henry B. Gonzalez,
Chairman, Committee on Banking, Finance and Urban Affairs, House of Representatives, Washington, DC.

Dear Mr. Chairman: Your letter of June 21 addresses the loan pricing policies of commercial banks. In your letter, you express concern about the rates of loans to small businesses relative to those on loans to larger businesses, and you suggest that competition in the business loan market could be enhanced by requiring banks to provide information to the public on the actual lending rates they are charging their customers.

As you note in your letter, the spread of the prime rate over market rates has been high by historical standards in recent years, likely reflecting in part an assessment of greater riskiness of loans given the substantial loan losses banks have faced. In addition, regulatory pressures and higher deposit insurance premiums have increased the costs of taking deposits and making loans. Loan interest rates, however, vary a great deal across borrowers. As you point out, the average rate charged on below-prime loans with maturities of less than a year was 3.79 percent in the May Survey of Terms of Bank Lending. By contrast, the average rate on floating-rate loans of less than $100,000 with maturities under a year was 7.48 percent.

Three factors likely account for this difference. First, the average size of the small floating rate loans was just $24,000 in May, while the below-prime loans averaged more than $2 million. The small loans require careful evaluation and monitoring because the borrowing firms are too small to have easily available credit evaluations and ratings. In addition, the fixed costs of making a loan must be covered by the profits on the loan, and these fixed costs are proportionately larger for the small loans. The second reason for the higher rates on the smaller loans is their longer average maturities. The small floating-rate loans had an average maturity of 170 days while the below-prime loans averaged just 25 days, and over a third of them were overnight loans. Because the yield curve is currently upward sloping, funding the longer-maturity loans is likely to be more expensive. Finally, differences in loan interest rates reflect differences in the riskiness of the borrowers. Many of the below-prime loans are presumably to well-established firms and so present relatively little risk. In contrast, the small floating-rate loans are more likely to be newer and riskier firms, and so carry a larger risk premium.

While most commercial and industrial loans to small businesses are prime based, this fact does not imply that there is insufficient competition in the small business loan market. Banks may differ in their assessment of the riskiness of a particular borrower, or they may differ in their willingness to bear that risk. In either case, the differences would be reflected in the spreads that the banks would demand on a loan, or perhaps even in their willingness to make a particular loan. Thus, small businesses might well face different loan rates and terms at different banks even if the banks' prime rates were identical.

Moreover, a surprising number of smaller banks choose prime rates that are different than that chosen by large banks. In the May Survey of Terms of Bank Lending, 95 of the 348 respondents reported prime rates above 6 percent (generally between 6½ and 7½ percent), and one bank reported a prime rate of 5.5 percent. These banks' independently-set prime rates suggest that the concern expressed in your letter—that the definition of the prime rate used in the Federal Reserve's Survey of Terms of Bank Lending might encourage banks to choose the same prime rate as other institutions—is unwarranted. In any case, there is little evidence that the survey definition has affected banks' behavior. The survey definition was changed to include the current reference to a rate published in the financial press in August 1989; in the May survey that year, 88 banks, slightly fewer than in the most recent survey, reported prime rates that differed from the then-prevailing rate of 11.5 percent.

Requiring banks to provide information to the public on the actual loan rates that they are charging customers would not necessarily increase competition among banks. Potential borrowers would find it hard to interpret such information because the spreads charged different borrowers at a particular bank vary greatly, and potential borrowers would not know the creditworthiness of those receiving the loans nor the bank's evaluation of their own creditworthiness relative to that of other banks. Banks may also differ in the average creditworthiness of their borrowers. For example, a bank charging low rates on average might be aggressively attempting to obtain new business, but it could also be imposing relatively tight standards for approving loans in an effort to improve its asset quality. Finally, banks could vary other terms on loans—such as fees or collateralization—in order to compete more or less aggressively without changing loan interest rates.

At a time when attention has centered on the adequacy of flows of credit to small businesses, as one of your other recent letters to me pointed out, the Federal Reserve would be especially concerned about introducing a complex and potentially confusing requirement for disclosing actual loan rates that could have the effect of adding to the regulatory burden of banks, and thereby discouraging business lending.

Sincerely,

ALAN GREENSPAN.

ENCLOSED: FEDERAL RESERVE'S SURVEY OF TERMS OF BANK LENDING; GRAPH OF THE PRIME AND COMMERCIAL PAPER RATES, AND CHAIRMAN GONZALEZ'S LETTER TO THE FEDERAL RESERVE

WASHINGTON, DC.—Chairman Henry B. Gonzalez of the House Banking Committee today urged the Federal Reserve "to use its enormous power to influence and to affect change" to encourage banks to offer competitive prime lending rates so that small business borrowers can benefit from the same low rate as the banks' larger, and ofttimes favored, customers.

"The Federal Reserve's survey of commercial bank lending practices released June 16, 1993 shows that small businesses are getting squeezed while commercial banks are making huge profits by using a discriminatory pricing policy. Sadly, the Federal Reserve is a party to this policy and, despite the central bank's official denials, encourages banks to participate in it," Chairman Gonzalez said.

The Federal Reserve which sets the tone for our nation's banks, defines the prime rate this way:

"The prime rate, sometimes used as a 'base' or 'reference' rate, is the administered rate used for pricing business credit, frequently to preferred customers, which your bank adjusts and announces from time to time in response to changes in market conditions. Your bank may set this rate internally or may adopt as its own a rate published, for example, in the financial press."

"If every bank adopts the rates published in the financial press, this is not competition at work as one observes in the mortgage market, where institutions advertise different mortgage rates in order to compete for customers. This parallel pricing of the prime rate is much the same as the way the OPEC cartel attempts to price oil," said Mr. Gonzalez.

In a letter sent today to Federal Reserve Chairman Alan Greenspan, Chairman Gonzalez said that "Although the announced prime rate has remained at approximately 6 percent since last summer at virtually every commercial bank across the nation, market interest rates have been falling. While small businesses face prime plus floating rate loans the average below prime rate on loans of under one year from commercial banks was 3.79. The spread between the three-month commercial paper rate and the prime rate has widened to 2.86 percent, the largest spread since April 1991 and far above the spreads of the late 1980's that were generally 2 percent or less."

"Yet despite this drop in interest rates, many small business loans are pegged to the six percent prime rate. This seems unfair, particularly in light of information, as indicated by the Federal Reserve's Terms of Bank Lending Survey, that commercial banks give many larger customers huge discounts from the prime rate. The bank offer these special deals to businesses large enough to be able to borrow from the commercial paper or foreign markets so as to not risk losing their business. Small business borrowers, because they can't take their business elsewhere, have no alternative but to accept the terms offered. These pricing practices are severely damaging small business profits and are a form of price discrimination," he said.

Mr. Gonzalez said, "The Federal Reserve, by insisting on its particular definition of the prime rate, encourages banks to offer the exact same prime rate. Banks' pricing policies should be based on their costs of funds and a freely competitive market where the actual lending rates they are charging are available to all borrowers, regardless of size. It is essential that this cartel in business lending be curtailed," he said.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, RAYBURN HOUSE OFFICE BUILDING,
Washington, DC, June 21, 1993.

Hon. ALAN GREENSPAN,
Chairman, Board of Governors of the Federal Reserve System, Washington, DC.

DEAR CHAIRMAN GREENSPAN: I am very concerned about information revealed in the Federal Reserve's June 16, 1993 Survey of Terms of Bank Lending. It shows a continuation of the prime rate pricing policies of commercial banks on commercial loans that reflect price discrimination against small businesses. Although the announced prime rate has remained at approximately 6 percent since last summer at virtually every commercial bank across the nation, market interest rates have been falling. While small businesses face prime plus floating rate loans, the average below prime rate on loans of under one year from commercial banks was 3.79.

The spread between the three-month commercial paper rate and the prime rate has widened to 2.86 percent, the largest spread since April 1991 and far above the spreads of the late 1980's that were generally 2 percent or less. We do not want to repeat the high spreads in the early 1980's when there were two recessions and many small businesses went bankrupt.

These pricing practices are severely damaging small business profits and are a form of price discrimination against small businesses. Businesses that have alternatives such as the commercial paper market or foreign loan sources are separated out for special deals below the prime rate. Small businesses are stuck with prime rate plus pricing. (Economists tell me these conditions—separating customers with different price elasticities—define price discrimination.) To make matters worse, many banks have adopted during the 1980's a definition of their prime rate that would not survive a third grade English lesson: "a rate we announce from time to time as the prime rate". Will your examiners accept this definition on a loan contract as being specific?

You and I know the same prime rate is adopted by commercial banks across the entire nation. This is not competition at work as one observes in the mortgage market where institutions advertise different mortgage rates in order to compete for customers. This is parallel pricing that has the same effect as cartel pricing such as has occurred under OPEC.

I strongly object to the Federal Reserve's assistance in this kind of parallel pricing policy. I object to the use of the following definition of the prime rate that is being sent out by the Federal Reserve to the banks in the Survey of Terms of Bank Lending on form 2028a:

"The prime rate, sometimes used as a 'base' or 'reference' rate, is the administered rate used for pricing business credit, frequently to preferred customers, which your bank adjusts and announces from time to time in response to changes in market conditions. Your bank may set this rate internally or may adopt as its own rate published, for example, in the financial press."

This definition invites banks to copy the prime rate out of the newspaper rather than base it on their own costs and the state of competition. When I first contacted you about this issue on October 22, 1992 you attempted to justify this definition in your letter to me of December 2, 1992 when you wrote:

"The Federal Reserve has no role in defining the prime rate, nor should it have. The definitions in our statistical materials attempt to be as consistent as possible with evolving market practices. The description of the prime rate in these materials is not an attempt to influence banks' pricing practices but to recognize them."

Are you saying that when the Federal Reserve observes collusive or parallel pricing policies in the market the central bank promulgates them so that the Federal Reserve's policies are as "consistent as possible with evolving market conditions"? Plainly, the central bank is encouraging banks to collude with parallel pricing policies.

This practice is threatening our small businesses and hurting our economy. Banks' pricing policies should be based on their costs of funds and a freely competitive market where the actual lending rates they are charging are available to all participants. Correct information is the essential ingredient of free competition. This is not obtained by parallel pricing practices that result in a small business person facing the same published prime lending rate in every commercial bank.

I urge you to change the definition of the prime rate in your survey and send me your suggestions for ending this kind of price discrimination in the commercial bank commercial lending market by the close of business June 23, 1993.

Sincerely,

HENRY B. GONZALEZ,
Chairman.

TABLE 1.—COMMERCIAL AND INDUSTRIAL LOANS MADE BY ALL COMMERCIAL BANKS

Loan characteristics	Amount of loans ($1,000)	Average size ($1,000)	Weighted average maturity	Loan Rate (percent)		Percent of amount of loans			Most common base pricing rate
				Weighted average effective	Standard error	Secured by collateral	Made under		
							Commitment	Participation	
ALL C&I LOANS									
Overnight	10,247.454	6,973		3.55	0.20	5.5	5.7	8.9	Other
1 month and under (excluding overnight)	6,349.205	649	[1]16	4.16	.19	27.4	73.0	5.0	Domestic
Fixed rate	4,002.333	1,341	[1]14	3.81	.28	19.2	70.6	1.4	Do.
Floating rate	2,346.872	345	[1]20	4.75	.25	41.3	77.1	11.2	Do.
Over 1 month and under 1 year	7,876.450	136	[1]142	5.56	.17	57.1	77.2	13.0	Prime.
Fixed rate	2,941.957	137	[1]97	5.11	.27	55.3	72.7	11.6	Other.
Floating rate	4,934.493	136	[1]169	5.83	.22	58.2	80.0	13.9	Prime.
Demand	16,738.804	331		5.45	.18	64.6	65.4	5.0	Prime.
Fixed rate	1,964.129	504		4.13	.31	17.7	81.1	1.9	Fed Funds.
Floating rate	14,774.675	317		5.63	.16	70.8	63.4	5.5	Prime.
Total under 1 year	41,211.913	345	[1]50	4.80	.18	42.7	66.8	7.5	Do.
Fixed rate by size ($1,000)	19,155.873	643	[1]21	3.91	.29	17.2	64.9	7.0	Other.
1 to 99	347.544	14	[1]176	8.27	.19	79.3	27.2	1.2	Do.
100 to 499	442.248	199	[1]147	6.61	.35	68.3	52.9	7.2	Prime.
500 to 999	330.865	689	[1]62	4.76	.13	42.5	81.3	5.9	Other.
1,000 to 4,999	3,508.517	2,215	[1]34	4.27	.15	23.8	76.1	5.2	Domestic.
5,000 to 9,999	3,469.582	6,796	[1]14	3.77	.07	14.4	65.9	8.4	Other.
10,000 Plus	11,057.116	19,123	[1]9	3.57	.12	11.3	62.2	7.4	Do.
Floating rate by size ($1,000)	22,056.041	246	[1]121	5.58	.18	64.8	68.5	8.0	Prime.
1 to 99	1,661.515	24	[1]170	7.48	.05	84.6	84.3	2.7	Do.
100 to 499	3,173.793	200	[1]181	6.93	.08	78.0	88.8	5.5	Do.
500 to 999	1,625.130	655	[1]186	6.55	.09	70.2	89.6	7.8	Do.
1,000 to 4,999	4,640.477	2,050	[1]149	6.04	.19	59.2	84.7	8.4	Do.
5,000 to 9,999	2,154.399	6,700	[1]70	5.30	.27	44.6	81.8	7.1	Do.
10,000 Plus	8,800.726	24,757	[1]63	4.37	.32	63.3	42.6	9.9	Fed Funds.
Total 1 year and over	3,705.469	159	[2]42	6.32	.19	64.7	76.4	7.3	Prime.
Fixed rate by size ($1,000)	1,212.616	109	[2]50	6.02	.34	51.2	59.4	2.3	Other.
1 to 99	164.739	16	[2]44	8.80	.25	93.8	14.3		Do.
100 to 499	131.221	214	[2]76	7.90	.25	87.5	26.9	1.5	Do.
500 to 999	94.398	638	[2]59	8.43	.62	90.5	25.4	2.0	Do.
1,000 Plus	822.258	4,345	[2]46	4.88	.28	32.4	77.5	2.9	Do.
Floating rate by size ($1,000)	2,492.853	205	[2]38	6.47	.16	71.3	84.7	9.8	Prime.
1 to 99	215.718	25	[2]41	7.77	.08	90.1	62.2	4.5	Do.
100 to 499	527.409	218	[2]36	7.06	.11	84.8	71.1	4.7	Do.
500 to 999	330.607	657	[2]39	6.72	.16	75.0	81.2	7.0	Do.
1,000 Plus	1,419.119	2,970	[2]38	5.99	.27	62.6	93.9	13.2	Do.
LOANS MADE BELOW PRIME									
Overnight	10,104.214	8,337		3.52	[3]3.50	4.7	56.7	9.0	6.00[4]
1 month and under (excluding overnight)	5,693.366	3,531	[1]15	3.83	[3]3.80	21.7	71.4	4.3	6.03[4]
Over 1 month and under one year	4,142.750	508	[1]97	4.23	[3]4.21	41.5	77.1	18.5	6.14[4]
Demand	8,161.210	2,998		3.88	[3]3.84	54.9	43.1	3.5	6.01[4]
Total under 1 year	28,101.541	2,052	[1]25	3.79	[3]3.77	28.2	58.8	7.9	6.03[4]
Fixed rate	18,063.114	2,732	[1]15	3.69	[3]3.67	13.9	64.9	7.0	6.02[4]
Floating rate	10,038.427	1,417	[1]70	3.97	[3]3.93	53.8	47.6	9.5	6.06[4]
Total 1 year and over	1,308.599	662	[2]42	4.53	[3]4.50	36.5	77.6	5.7	6.29[4]
Fixed rate	735.393	668	[2]43	4.57	[3]4.55	25.4	69.7	2.1	6.36[4]
Floating rate	573.207	654	[2]40	4.47	[3]4.44	50.8	87.8	10.4	6.20[4]

[1] Days.
[2] Months.
[3] Nominal.
[4] Prime rate.

HOUSE OF REPRESENTATIVES, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, RAYBURN HOUSE OFFICE BUILDING,
Washington, DC.

WASHINGTON, DC.—Chairman Henry B. Gonzalez of the House Banking Committee today called on the Federal Reserve to end the deceptive practice that leads borrowers to believe that the prime rate is the lowest rate available, when in reality 75 percent of the short-term business loans at large banks are made at a rate much lower than the current prime rate of 6 percent."

"The Federal Reserve should lead the way in promoting competitive lending practices among commercial banks rather than encouraging the continued use of a phony 'prime rate'. Business and consumer bank borrowers would be greatly helped and the banks would energize their lending business by adopting competitive lending practices," he said.

"The Federal Reserve records show the lower rate charged favored customers who received below prime rate loans averaged 4.54 percent in May 1992 when the prime rate was supposedly 6.5 percent. Unfortunately, the Federal Reserve is now encouraging collusion in prime rate lending practices with the new definition of the prime it has been circulating to commercial banks," Mr. Gonzalez said.

"I have asked Federal Reserve Chairman Alan Greenspan to take aggressive steps to correct this problem," he said.

Chairman Gonzalez explained that "If you are a small business person trying to finance your business you will already know about the severe problems in this commercial lending market. It is not like the residential mortgage market where borrowers can obtain from newspaper reports a list of mortgage rates of different lenders and can decide where to apply for a loan, often choosing the lender with the lowest lending rate."

"Instead, business borrowers face virtually the same phony advertised prime rate at every bank. The prime rate is now often hidden behind the names 'reference' or 'base rate' to try and avoid all the litigation following our Banking Committee investigation of prime rate pricing in the late 1970's and early 1980's," Mr. Gonzalez said.

"The Federal Reserve itself has admitted that this practice of tying loans to this phony 6 percent prime rate is 'price discrimination' as reported in the Federal Reserve's own research literature as recently as June. It is price discrimination against the country's small and medium size businesses," Mr. Gonzalez said.

"The Federal Reserve has validated and encouraged the bad practices of keeping the small business borrowers in the dark about the lowest lending rates at different commercial banks. It has even encouraged collusion and parallel action in setting the advertised lending rates fed to the public," Mr. Gonzalez said.

"On the Federal Reserve's form #2028A which is sent out to 340 banks four times a year in the Federal Reserve survey of interest rates on commercial loans, the Federal Reserve officially defined the prime rate until May 1985 as the interest rate 'charged on short-term loans to your most creditworthy customers, without regard to size,'' he said.

"But now the Federal Reserve has quietly supported discriminatory pricing by dropping the above definition in its survey forms for the prime rate," he said. These forms say:

'Your bank may set this rate internally or may adopt as its own a rate published, for example, in the financial press.'

"By adding that the bank need not pay attention to its own costs of funds but may copy its prime rate from the newspaper, the Federal Reserve is encouraging collusion in the setting of the prime rate for our commercial banks," Mr. Gonzalez charged.

"This must stop," Chairman Gonzalez said. "Bank regulators should encourage a freely functioning loan market for bank lending, one that gives full and accurate information to all borrowers based on the individual bank's cost of funds and competitive proficiency".

"We must stop price discrimination against small and medium business borrowers who provide employment and valuable goods and services to the American public," Mr. Gonzalez said.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, RAYBURN HOUSE OFFICE BUILDING,
Washington, DC, October 22, 1992.

Hon. ALAN GREENSPAN,
Chairman, Board of Governors of the Federal Reserve System, Washington, DC.

DEAR MR. CHAIRMAN: I ask that aggressive steps be taken to make the commercial bank commercial lending market more freely competitive. I will fully cooperate with you in encouraging banks to advertise useful and accurate information about their lending rates. As you know, a substantial portion of commercial bank lending consists of floating rate prime plus loans. If the Federal Reserve allows banks to define this prime rate vacuously as "a rate we set from time to time" I think you would agree that the discriminatory practices discussed in your own research literature will continue.

Since many of the nation's commercial loans, consumer loans, and even guaranteed loans from the Small Business Administration are tied to the prime rate we must prevent any deception in providing borrowers information about borrowing rates.

I am not asking that any intervention be made that dictates which rates a bank should charge; only that prime rates truly reflect the banks lowest short-term (under one-year maturity) lending rate. Bank loans should be tied to definable rates such as a market rate or the lowest short-term lending rate in the bank. These lending rates be publicly available and used in advertising so that small and medium business borrowers will receive accurate and meaningful information about borrowing rates.

Please advise me within two weeks of the steps you believe should be taken in rectifying this serious problem.

Sincerely,

HENRY B. GONZALEZ
Chairman.

TABLE 2.—COMMERCIAL AND INDUSTRIAL LOANS MADE BY LARGE BANKS

Loan characteristics	Amount of loans (In thousands)	Average size (In thousands)	Weighted average maturity	Loan rate (percent)		Percent of amount of loans			Most common base pricing rate
				Weighted average effective	Standard error	Secured by collateral	Made under		
							Commitment	Participation	
ALL C&I LOANS									
Overnight	$7,993,617	$8,385		4.51	0.23	6.3	52.2	10.8	Other.
1 month and under (excluding overnight)	4,274,878	2,905	[1]13	5.07	.17	20.4	79.8	8.9	Do.
Fixed rate	3,411,157	5,646	[1]13	4.70	.19	12.6	78.0	9.6	Do.
Floating rate	863,721	996	[1]16	6.57	.23	51.5	86.9	6.1	Prime.
Over 1 month and under 1 year	4,738,174	819	[1]129	5.64	.14	51.1	87.8	7.2	Do.
Fixed rate	2,305,434	2,182	[1]88	5.22	.20	46.4	85.4	8.2	Foreign.
Floating rate	2,432,740	514	[1]167	6.04	.18	55.5	90.1	6.3	Prime.
Demand	9,271,501	545		5.83	.15	64.5	59.7	11.8	Do.
Fixed rate	1,984,113	1,831		4.87	.24	26.1	76.9	34.9	Foreign.
Floating rate	7,287,388	457		6.09	.15	74.9	55.1	5.5	Prime.
Total under 1 year	26,278,170	1,042	[1]40	5.27	.14	37.2	65.8	10.2	Other.
Fixed rate by size ($1,000)	15,694,321	4,244	[1]19	4.70	.17	16.1	65.8	13.2	Do.
1 to 99	22,602	27	[1]95	7.44	.09	57.9	48.8	0.6	Prime.
100 to 499	110,510	234	[1]76	6.24	.28	54.2	77.0	3.5	Do.
500 to 999	205,993	702	[1]70	5.51	.18	40.5	79.4	11.0	Other
1,000 to 4,999	2,632,624	2,391	[1]28	5.13	.05	28.1	77.7	10.5	Do.
5,000 to 9,999	3,410,697	6,761	[1]23	4.82	.15	14.7	66.7	13.0	Do.
10,000 plus	9,311,895	19,443	[1]13	4.49	.11	12.1	61.7	14.3	Do.
Floating rate by size ($1,000)	10,583,848	492	[1]127	6.12	.16	68.5	65.7	5.7	Prime.
1 to 99	417,212	31	[1]150	7.71	.04	80.4	87.0	1.8	Do.
100 to 499	1,110,304	204	[1]143	7.31	.04	70.9	88.7	4.0	Do.
500 to 999	710,263	672	[1]151	6.95	.11	63.6	90.0	6.4	Do.
1,000 to 4,999	2,230,488	2,017	[1]146	6.65	.20	55.2	87.5	9.1	Do.
5,000 to 9,999	1,297,321	6,595	[1]151	6.30	.44	51.1	81.8	12.1	Do.
10,000 plus	4,818,259	25,735	[1]88	5.29	.56	78.6	40.6	3.2	Fed Funds.
Total 1 year and over	3,474,104	941	[2]40	6.78	.20	65.2	92.1	23.9	Prime.
Fixed rate by size ($1,000)	492,970	877	[2]63	6.57	.39	73.0	90.0	3.5	Domestic.
1 to 99	9,358	27	[2]47	9.44	.22	91.9	37.4		Other.
100 to 499	26,796	230	[2]55	8.59	.71	84.2	50.2	2.8	Do.
500 to 999	14,779	671	[2]53	7.96	.99	53.8	27.5		Do.
1,000 plus	442,038	6,101	[2]65	6.34	.48	72.5	95.6	3.8	Domestic.
Floating rate by size ($1,000)	2,981,133	952	[2]36	6.81	.13	63.9	92.4	27.3	Prime.
1 to 99	44,589	35	[2]38	7.70	.07	85.0	71.5	4.4	Do.
100 to 499	238,990	232	[2]38	7.50	.07	77.2	80.3	8.8	Do.
500 to 999	235,532	687	[2]36	7.29	.12	70.1	83.3	16.2	Do.
1,000 plus	2,462,022	4,993	[2]35	6.69	.38	61.6	94.8	30.6	Do.
LOANS MADE BELOW PRIME									
Overnight	7,815,361	8,616		4.45	[3]4.43	6.4	52.3	11.1	[4]6.48.
1 month and under (excluding overnight)	3,752,869	5,897	[1]13	4.65	[3]4.63	13.7	80.0	8.6	[4]6.47.
Over 1 month and under 1 year	2,966,097	3,471	[1]101	4.65	[3]4.64	37.4	90.7	7.2	[4]6.42.
Demand	5,044,801	5,190		4.53	[3]4.48	62.2	38.3	16.2	[4]6.50.
Total under 1 year	19,579,128	5,810	[1]25	4.54	[3]4.51	26.9	59.8	11.3	[4]6.48.
Fixed rate	14,866,358	6,115	[1]17	4.56	[3]4.54	13.6	65.4	13.7	[4]6.47.
Floating rate	4,712,770	5,018	[1]100	4.49	[3]4.43	68.7	42.1	4.0	[4]6.48.
Total 1 year and over	782,079	3,103	[2]41	4.82	[3]4.78	52.0	95.5	22.4	[4]6.44.
Fixed rate	214,416	2,959	[2]47	5.04	[3]5.03	54.2	91.4	3.2	[4]6.49.

TABLE 2.—COMMERCIAL AND INDUSTRIAL LOANS MADE BY LARGE BANKS—Continued

Loan characteristics	Amount of loans (In thousands)	Average size (In thousands)	Weighted average maturity	Loan rate (percent)		Percent of amount of loans			Most common base pricing rate
				Weighted average effective	Standard error	Secured by collateral	Made under		
							Commitment	Participation	
Floating rate	567,662	3,161	[2] 39	4.74	[3] 4.68	51.2	97.0	29.7	[4] 6.42.

[1] Days. [2] Months. [3] Nominal. [4] Prime rate.

A TRIBUTE TO EWING MARION KAUFFMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Kansas [Mrs. MEYERS] is recognized for 5 minutes.

Mrs. MEYERS of Kansas. Mr. Speaker, last week the Kansas City area lost a corporate giant, its No. 1 baseball fan, and a fine human being. I want to take this opportunity to pay special tribute to Ewing Marion Kauffman, owner of the Kansas City Royals, who passed away on August 1 at age 76 following a courageous battle against cancer.

Ewing Kauffman brought the Royals to Kansas City. After the Kansas City Athletics left town in 1967, Ewing Kauffman put up $10 million for a new American League expansion team. Since 1969, the Royals have called Kansas City their home, and the people of Kansas City owe Ewing Kauffman a debt of gratitude for taking such a big gamble some 25 years ago. He loved the enjoyment and pleasure that baseball brought to people.

Because he wanted the Royals to stay in Kansas City, Ewing Kauffman announced a unique plan last April that would give the Royals the opportunity to make Kansas City their permanent home. Although this plan requires the approval of the IRS and Major League Baseball owners, I am hopeful that approval will be forthcoming.

Mr. Kauffman was a constituent of mine, and lived on the Kansas side, but his impact reached far beyond Kansas and Missouri. He founded Marion Laboratories, which started as an enterprise from the basement of his home and worked, and nurtured it into a large, publicly traded corporation producing lifesaving pharmaceuticals. Today, Marion-Merrell-Dow is one of the largest employers in Kansas City.

In addition to his success as a corporate giant, Ewing Kauffman was a success as a human being, and really cared about people. In 1984, he and his wife, Muriel, launched a drug and alcohol abuse prevention program aimed at teenagers. Today, Project Star has been incorporated into the curriculum of most Kansas and Missouri school districts. This successful program has also been adopted by school districts in cities such as Denver, Indianapolis, and Washington, DC.

Four years later, Ewing Kauffman offered eighth graders at Westpoint Middle School a college education if they stayed out of trouble, avoided teen pregnancy, and graduated from high school. Project Choice now covers the education costs for over 1,000 Kansas City area disadvantaged youth.

His generosity and commitment to bettering the lives of all people will continue in the years to come. Ewing Kauffman has left a large part of his wealth—over $800 million—to the Kauffman Foundation, placing it among the 20 largest philanthropic foundations in the country. His good works in the areas of drug abuse prevention, educational excellence, and the development of entrepreneurial skills, will live on through the Kauffman Foundation.

No person has meant more to Kansas City and the Kansas City area than Ewing Kauffman. His willing generosity to make Kansas City a better place to live and to solve difficult social problems was a measure of the depth and breadth of his commitment to the people and the community.

RECESS

The SPEAKER pro tempore. The House will stand in recess subject to the call of the Chair.

Accordingly (at 6 o'clock and 38 minutes p.m.) the House stood in recess subject to the call of the Chair.

☐ 2235

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. KANJORSKI] at 10 o'clock and 35 minutes p.m.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 136. Concurrent resolution providing for an adjournment of the House from Friday, August 6, 1993, Saturday, August 7, 1993, Monday, August 9, 1993, or Tuesday, August 10, 1993, to Wednesday, September 8, 1993, and a recess or adjournment of the Senate from Friday, August 6, 1993, Saturday, August 7, 1993, or Sunday, August 8, 1993, to Tuesday, September 7, 1993.

EXTENSION OF REMARKS

Mr. HOYER. Mr. Speaker, I ask unanimous consent that all Members be permitted to extend their remarks and to include extraneous material in that section of the RECORD entitled "Extensions of Remarks" for August 6, 1993.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DICKEY (at the request of Mr. MICHEL), for today, on account of personal family business.

Mr. VOLKMER (at the request of Mr. GEPHARDT), after 4:15 p.m. today, on account of death of father-in-law.

Mr. DERRICK (at the request of Mr. GEPHARDT), after 2 p.m. today.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislation program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MICA) to revise and extend their remarks and include extraneous material:)

Mrs. BENTLEY, for 60 minutes each day, on September 20, 21, 22, 23, 24, 27, 28, 29, 30, October 1, 4, 5, 6, 7, and 8.

Mr. THOMAS of Wyoming, for 5 minutes, today.

Mr. MICA, for 5 minutes, today.

Mrs. MEYERS of Kansas, for 5 minutes, today.

Mr. GOSS, for 5 minutes, today.

(The following Members (at the request of Mr. SCOTT) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. SCOTT, for 5 minutes, today.

Mr. JOHNSTON of Georgia, for 30 minutes each day, on September 8 and 9.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MICA) and to include extraneous matter:)

Mr. SCHIFF.

Mr. LIGHTFOOT.
Mr. FAWELL in three instances.
Ms. MOLINARI.
Mr. GILMAN in two instances.
Mr. DREIER.
Mr. HYDE.
Mr. GOODLING.
Mr. GUNDERSON.
Mr. BOEHNER.
Mr. MOORHEAD.
Mr. WOLF.
Mr. OXLEY in two instances.
Mr. COBLE.
Mr. ALLARD.
Mr. FRANKS of New Jersey.
Ms. ROS-LEHTINEN.
Mr. EMERSON.
Mr. SOLOMON.
Mr. EWING.
Mr. CLINGER.

(The following Members (at the request of Mr. SCOTT) and to include extraneous matter:)

Mr. HOYER.
Mr. LAFALCE in two instances.
Mr. STARK in four instances.
Mr. SCOTT.
Mr. PENNY.
Mr. DE LUGO.
Mr. PETE GEREN of Texas.
Mr. DURBIN.
Mr. BARCIA.
Mr. ROEMER.
Mr. SISISKY.
Mr. CLINGER.
Mr. NADLER in four instances.
Mr. SABO.
Mr. RUSH in two instances.
Mr. COLEMAN.
Mr. SKELTON.
Mr. FOGLIETTA.
Mr. SKAGGS.
Mr. BROWN of California.
Mr. TORRES.
Mr. NEAL of Massachusetts.
Mr. LIPINSKI.
Mrs. KENNELLY.
Ms. DELAURO.
Mrs. COLLINS of Illinois.
Mr. SLATTERY.
Mrs. SCHROEDER.
Mr. MINETA.
Ms. ESHOO.
Mr. COSTELLO.
Mr. KREIDLER in two instances.
Mr. PETERSON of Minnesota.
Mr. KLECZKA.
Mr. KLEIN.
Mr. CLAY.
Mr. WILSON.
Mr. WHEAT.
Mr. SWETT in two instances.
Mr. ENGEL.

SENATE BILLS AND A JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1078. An act to confirm the Federal relationship with the Jena Band of Choctaw Indians of Louisiana; to the Committee on Natural Resources.

S. 1283. An act to amend the Technology-Related Assistance for Individuals With Disabilities Act of 1988 to improve the Act, and for other purposes; to the Committee on Education and Labor.

S. 1284. An act to amend the Developmental Disabilities Assistance and Bill of Rights Act to expand or modify certain provisions relating to programs for individuals with developmental disabilities, Federal assistance for priority area activities for individuals with developmental disabilities, protection and advocacy of individual rights, university affiliated programs, and projects of national significance, and for other purposes; to the Committee on Education and Labor.

S.J. Res. 21. Joint resolution to designate the week beginning September 19, 1993 as "National Historically Black Colleges and Universities Week"; to the Committee on Post Office and Civil Service.

ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that the committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 631. An act to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes.

SENATE ENROLLED BILLS AND A JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 1205. An act to amend the Fluid Milk Promotion Act of 1990 to define fluid milk processors to exclude de minimis processors, and for other purposes,

S. 1273. An act to facilitate recovery from the recent flooding of the Mississippi River and its tributaries by providing greater flexibility for depository institutions and their regulators, and for other purposes,

S. 1274. An act to reduce the subsidy cost for the Guaranteed Business Loan Program of the Small Business Administration, and for other purposes, and

S.J. Res. 99. Joint resolution designating September 9, 1993, and April 21, 1994, each as "National D.A.R.E. Day."

BILLS PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, bills of the House of the following titles:

H.R. 236. An act to establish the Snake River Birds of Prey National Conservation Area in the State of Idaho, and for other purposes, and

H.R. 616. An act to amend the Securities Exchange Act of 1934 to permit members of national securities exchanges to effect certain transactions wit respect to accounts for which such members exercise investment discretion.

ADJOURNMENT

Mr. HOYER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 136 of the 103d Congress, the House stands adjourned until noon, Wednesday, September 8, 1993.

Thereupon (at 10 o'clock and 36 minutes p.m.), pursuant to House Concurrent Resolution 136, the House adjourned until Wednesday, September 8, 1993, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1724. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the report of political contributions by William Dale Montgomery, of Pennsylvania, to be Ambassador to Bulgaria; Roger R. Gamble, of Virginia, to be Ambassador to the Republic of Suriname; and Reginald Bartholomew, of the District of Columbia, to be Ambassador to Italy, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1725. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the President's determination regarding the drawdown of defense articles and services for International Disaster Assistance in Ecuador, pursuant to Public Law 101-513, section 547(a) (104 Stat. 2019); to the Committee on Foreign Affairs.

1726. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1998 resulting from passage of H.R. 2561, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

1727. A letter from the Chief Justice, Supreme Court of the United States, transmitting a copy of the report of the Proceedings of the Judicial Conference of the United States held on September 22, 1992, pursuant to 28 U.S.C. 331; to the Committee on the Judiciary.

1728. A letter from the President and CEO, Resolution Trust Corporation, transmitting a status report of the review required by section 21A(b)(11)(B) of the Federal Home Loan Bank Act for the month of January 1993, pursuant to Public Law 101-507, section 519(a) (104 Stat. 1386); jointly, to the Committees on Appropriations and Banking, Finance and Urban Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 949. A bill to amend title 38, United States Code, to increase the amount of the loan guaranty for loans for the purchase or construction of homes, with amendments (Rept. 103-222). Referred to the

Committee of the Whole House on the State of the Union.

Mr. FROST: Committee on Rules. H. Res. 246. A resolution providing for further consideration of the bill (H.R. 2401) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1994, and for other purposes (Rept. 103–223). Referred to the House Calendar.

Mr. BROOKS: Committee on the Judiciary. H.R. 811. A bill to reauthorize the independent counsel law for an additional 5 years, and for other purposes, with an amendment (Rept. 103–224). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MOORHEAD (for himself, Mr. BROWN of California, Mr. BLILEY, Mr. OXLEY, Mr. HAYES, Mrs. LLOYD, Mr. WALKER, and Mr. ZIMMER):

H.R. 2910. A bill to more fully and accurately inform the public concerning health, safety, and environmental risks, to improve consistency in the presentation of scientific information, and to enhance the scientific credibility of the regulatory decisions of the Environmental Protection Agency; jointly, to the Committee on Science, Space, and Technology and Energy and Commerce.

By Mr. DREIER:

H.R. 2911. A bill to authorize the President to establish an advisory commission to study the merger of the BIF and SAIF funds and the implications for the banking and thrift industries of such a merger; to the Committee on Banking, Finance and Urban Affairs.

By Mr. WYDEN (for himself, Mr. KOLBE, Mr. SKAGGS, and Ms. DUNN):

H.R. 2912. A bill to liberalize controls on the export of telecommunications equipment and technology in order to promote democracy and free communication and enhance economic competitiveness; to the Committee on Foreign Affairs.

By Mr. ARMEY:

H.R. 2913. A bill to eliminate the retroactive tax increases contained in the Revenue Reconciliation Act of 1993; to the Committee on Ways and Means.

By Mr. BAKER of Louisiana:

H.R. 2914. A bill to provide for the emergency disposition of multifamily housing projects acquired by the Secretary of Housing and Urban Development, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BERMAN (for himself, Mr. FRANK of Massachusetts, and Mr. GLICKMAN):

H.R. 2915. A bill to amend chapter 37 of title 31, United States Code, relating to false claims actions, and for other purposes; to the Committee on the Judiciary.

By Mr. BILIRAKIS:

H.R. 2916. A bill to amend title XVIII of the Social Security Act to provide for coverage of a comprehensive health assessment and certain immunizations under part B of the Medicare Program, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. BLACKWELL:

H.R. 2917. A bill to reform the Federal Reserve System; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BROWN of California (for himself, Mr. SAXTON, Ms. ESHOO, Mr. PORTER, Mr. HUGHES, Mr. GOSS, Mr. HEFNER, Mr. DELLUMS, Mr. OLVER, Mr. RAVENEL, Ms. VELAZQUEZ, Mr. SERRANO, Mr. GUTIERREZ, Mr. GILLMOR, Mr. PALLONE, Mr. NEAL of North Carolina, Mr. SANDERS, Mr. REYNOLDS, Mr. RUSH, Mr. LIPINSKI, Mr. PAYNE of New Jersey, Mr. ACKERMAN, Mr. VENTO, Mr. KLEIN, Mrs. MORELLA, Mr. BECERRA, Ms. NORTON, Mr. DEUTSCH, Mr. GALLO, Mr. THOMPSON, Mr. HASTINGS, Mr. WELDON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. VISCLOSKY, Ms. WATERS, Mr. MARKEY, Mr. MCDERMOTT, Mr. MACHTLEY, Mr. WASHINGTON, and Ms. MOLINARI):

H.R. 2918. A bill to establish a National Institute for the Environment, to improve the scientific basis for decision-making on environmental issues, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. KENNEDY:

H.R. 2919. A bill to amend the Public Health Service Act to authorize a national program to reduce the threat to human health posed by exposure to contaminants in the air indoors; to the Committee on Energy and Commerce.

By Mrs. CLAYTON:

H.R. 2920. A bill to suspend until January 1, 1996, the duty on certain textile spinning machines; to the Committee on Ways and Means.

By Mr. CLEMENT (for himself, Ms. BROWN of Florida, Mr. CLYBURN, Mr. CONYERS, Mr. COOPER, Mr. FROST, Mr. HASTINGS, Mr. HILLIARD, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. LLOYD, Mrs. MEEK, Mr. RUSH, Mr. TOWNS, Mr. TUCKER, and Ms. WATERS):

H.R. 2921. A bill to authorize appropriations for the preservation and restoration of historic buildings at historically black colleges and universities; to the Committee on Natural Resources.

By Mr. COLLINS of Georgia (for himself and Mr. BISHOP):

H.R. 2922. A bill to amend the Federal Water Pollution Control Act to provide for grant funding of the Columbus Combined Sewer Overflow Advanced Research Project and for other purposes; jointly, to the Committee on Science, Space, and Technology and Public Works and Transportation.

By Mrs. COLLINS of Illinois:

H.R. 2923. A bill to amend the Federal Food, Drug, and Cosmetic Act to revise the regulation of dietary supplements; to the Committee on Energy and Commerce.

By Mr. COX:

H.R. 2924. A bill to amend the Federal Election Campaign Act of 1971 to eliminate soft money from Federal election campaigns; to the Committee on House Administration.

H.R. 2925. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax for the sale of older, polluting motor vehicles to certain purchasers who scrap the vehicles; to the Committee on Ways and Means.

By Mr. CRAPO:

H.R. 2926. A bill to convey a certain parcel of public land to the county of Twin Falls, ID, for use as a landfill, and for other purposes; to the Committee on Natural Resources.

By Mr. DE LA GARZA (for himself, Mr. ROBERTS, and Mr. BROWN of California):

H.R. 2927. A bill to amend the Plant Variety Protection Act to make such act consistent with the International Convention for the Protection of New Varieties of Plants of March 19, 1991, to which the United States is a signatory, and for other purposes; to the Committee on Agriculture.

By Mr. DE LA GARZA:

H.R. 2928. A bill to authorize the Secretary of State, acting through the Commissioner of the International Boundary and Water Commission, to conclude agreements with the appropriate representative of the Government of Mexico to correct pollution along the United States-Mexico border; to the Committee on Foreign Affairs.

By Mr. COX (for himself, Mr. STENHOLM, Mr. MICHEL, Mr. PALLONE, Mr. GINGRICH, Mr. PENNY, Mr. CONDIT, Mr. ARMEY, Mr. JACOBS, Mr. KASICH, Mrs. LLOYD, Mr. CLINGER, Mr. DREIER, Ms. HARMAN, Mr. ALLARD, Mr. ARCHER, Mr. BACHUS of Alabama, Mr. BAKER of California, Mr. BAKER of Louisiana, Mr. BALLENGER, Mr. BARRETT of Nebraska, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BATEMAN, Mrs. BENTLEY, Mr. BEREUTER, Mr. BILIRAKIS, Mr. BLILEY, Mr. BLUTE, Mr. BOEHLERT, Mr. BOEHNER, Mr. BONILLA, Mr. BUNNING, Mr. BURTON of Indiana, Mr. BUYER, Mr. CALLAHAN, Mr. CALVERT, Mr. CAMP, Mr. CANADY, Mr. CASTLE, Mr. COBLE, Mr. COLLINS of Georgia, Mr. CRANE, Mr. CRAPO, Mr. CUNNINGHAM, Mr. DELAY, Mr. DICKEY, Mr. DOOLITTLE, Mr. DORNAN, Mr. DUNCAN, Ms. DUNN, Mr. EMERSON, Mr. EVERETT, Mr. EWING, Mr. FAWELL, Mr. FIELDS of Texas, Ms. FOWLER, Mr. FRANKS of New Jersey, Mr. FRANKS of Connecticut, Mr. GALLEGLY, Mr. GALLO, Mr. GEKAS, Mr. GILCHREST, Mr. GILLMOR, Mr. GOODLATTE, Mr. GOSS, Mr. GRAMS, Mr. GRANDY, Mr. GREENWOOD, Mr. GUNDERSON, Mr. HANCOCK, Mr. HANSEN, Mr. HASTERT, Mr. HEFLEY, Mr. HERGER, Mr. HOEKSTRA, Mr. HOKE, Mr. HORN, Mr. HOBSON, Mr. HOUGHTON, Mr. HUFFINGTON, Mr. HUNTER, Mr. HUTCHINSON, Mr. HYDE, Mr. INGLIS of South Carolina, Mr. INHOFE, Mr. ISTOOK, Mrs. JOHNSON of Connecticut, Mr. SAM JOHNSON of Texas, Mr. KIM, Mr. KLUG, Mr. KNOLLENBERG, Mr. KOLBE, Mr. KYL, Mr. LEVY, Mr. LEWIS of California, Mr. LEWIS of Florida, Mr. LIGHTFOOT, Mr. LINDER, Mr. LIVINGSTON, Mr. MACHTLEY, Mr. MANZULLO, Mr. MICA, Mr. MCCANDLESS, Mr. MCCOLLUM, Mr. MCCRERY, Mr. MCHUGH, Mr. MCKEON, Mr. MCMILLAN, Mrs. MEYERS of Kansas, Mr. MILLER of Florida, Ms. MOLINARI, Mr. MOORHEAD, Mr. OXLEY, Mr. PACKARD, Mr. PAXON, Mr. POMBO, Mr. PETRI, Mr. PORTER, Mr. PORTMAN, Ms. PRYCE of Ohio, Mr. QUINN, Mr. RAMSTAD, Mr. RAVENEL, Mr. ROBERTS, Mr. ROHRABACHER, Ms. ROS-LEHTINEN, Mrs. ROUKEMA, Mr. ROYCE, Mr. SANTORUM, Mr. SAXTON, Mr. SCHAEFER, Mr. SCHIFF, Mr. SENSENBRENNER, Mr. SHAW, Mr. SHAYS, Mr. SHUSTER, Mr. SMITH of Oregon, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. SMITH of Michigan, Ms. SNOWE, Mr. SOLOMON, Mr. SPENCE, Mr. STEARNS, Mr. STUMP, Mr. SUNDQUIST, Mr. TALENT, Mr. TAYLOR of North Carolina, Mr. THOMAS of California, Mr. THOMAS of Wyoming, Mr. TORKILDSEN, Mr. UPTON, Mrs. VUCANOVICH, Mr. WALKER, Mr. WALSH, Mr. WELDON, Mr. WOLF, Mr. ZELIFF, AND Mr. ZIMMER):

H.R. 2929. A bill to amend the Congressional Budget and Impoundment Act of 1974 to reform the budget process, and for other purposes; jointly, to the Committees on Government Operations, Rules, Appropriations, and Ways and Means.

By Mr. DELLUMS:

H.R. 2930. A bill to require the Secretary of Health and Human Services to establish an America Cares Program to provide for the establishment of demonstration projects for the provision of vouchers and cash contributions for goods and services for homeless individuals, to provide technical assistance and public information, and for other purposes; jointly, to the Committees on Agriculture and Energy and Commerce.

By Mr. DURBIN (for himself, Mr. GEPHARDT, Mr. EVANS, Mr. COSTELLO, Mr. EMERSON, Mr. LEACH, Mr. SMITH of Iowa, Ms. DANNER, Mr. VOLKMER, Mr. POSHARD, Mr. LIGHTFOOT, Mr. NUSSLE, Mr. WHEAT, Mr. MINGE, and Mr. CLAY):

H.R. 2931. A bill to direct the Secretary of the Army to conduct a study to assess the adequacy of current flood control measures on the Upper Mississippi River and its tributaries; to the Committee on Public Works and Transportation.

By Mr. EMERSON:

H.R. 2932. A bill to authorize the establishment of a center for the conservation and interpretation of Ozark culture and heritage at the Ozark National Scenic Riverways, and for other purposes; to the Committee on Natural Resources.

By Mr. ENGEL (for himself, Mr. FOGLIETTA, Mrs. UNSOELD, Mr. ACKERMAN, Ms. MALONEY, Mr. STOKES, and Mr. OWENS):

H.R. 2933. A bill to amend the Elementary and Secondary Education Act of 1965 to improve arts education; to the Committee on Education and Labor.

By Mr. FALEOMAVAEGA:

H.R. 2934. A bill to amend the Fair Labor Standards Act of 1938 to provide that the Commonwealth of Northern Mariana Islands shall be covered under the minimum wage provisions of the act on the same basis as American Samoa; to the Committee on Education and Labor.

By Mr. FARR:

H.R. 2935. A bill to provide for the designation and operation of the Silas B. Hays Community Hospital at Fort Ord, CA, as a satellite facility of a uniformed services treatment facility; to the Committee on Armed Services.

By Mr. FAWELL (for himself, Mr. LIPINSKI, Mr. PORTER, Mr. HYDE, Mr. HASTERT, Mr. KLINK, Mr. BALLENGER, Mr. KILDEE, Mr. WOLF, Mr. UPTON, Mr. GREENWOOD, Mr. RAVENEL, Mr. SANTORUM, Mr. SOLOMON, Ms. PRYCE of Ohio, and Mrs. ROUKEMA):

H.R. 2936. A bill to amend the Abandoned Infants Assistance Act of 1988 to prevent abandoned infants from experiencing prolonged foster care where a permanent adoptive home is available; jointly, to the Committees on Education and Labor and Energy and Commerce.

By Mr. FAWELL (for himself, Mr. GOODLING, Mr. PETRI, Mr. GUNDERSON, Mr. BALLENGER, Ms. MOLINARI, Mr. BARRETT of Nebraska, Mr. HOEKSTRA, Mr. MCKEON, Mr. MILLER of Florida, and Mr. POMBO):

H.R. 2937. A bill to amend the Occupational Safety and Health Act of 1970 to make needed revisions in regulations and programs; to the Committee on Education and Labor.

By Mr. FAWELL (for himself, Mr. LIPINSKI, Mr. PORTER, Mr. HYDE, Mr. HASTERT, Mr. KLINK, Mr. BALLENGER, Mr. KILDEE, Mr. WOLF, Mr. UPTON, Mr. GREENWOOD, Mr. RAVENEL, Mr. SANTORUM, Mr. SOLOMON, Ms. PRYCE of Ohio, and Mrs. ROUKEMA):

H.R. 2938. A bill to amend part E of title IV of the Social Security Act to prevent abandoned babies from experiencing prolonged foster care where a permanent adoptive home is available; to the Committee on Ways and Means.

By Mr. FLAKE:

H.R. 2939. A bill to amend title 23, United States Code, to establish a minimum blood alcohol concentration level for individuals who are less than 21 years of age; to the Committee on Public Works and Transportation.

By Mr. PETE GEREN of Texas (for himself, Mr. WALSH, Mr. DELAY, Mr. GALLEGLY, Mr. ZELIFF, Mr. SARPALIUS, and Mr. FIELDS of Texas):

H.R. 2940. A bill to amend title 28, United States Code, to remove from the district courts jurisdiction over actions to determine questions regarding inmate capacity at State penal and correctional institutions; to the Committee on the Judiciary.

By Mr. GLICKMAN:

H.R. 2941. A bill to amend the Internal Revenue Code of 1986 to provide that the special rules applicable to livestock sold on account of drought will also apply in the case of other natural disasters including excessive moisture; to the Committee on Ways and Means.

By Mr. GOODLATTE:

H.R. 2942. A bill to designate certain lands in the Commonwealth of Virginia as a National Scenic Area for protection of the watershed and scenic values, recreation use, protection of wildlife and their habitat, and for other purposes; to the Committee on Agriculture.

By Mr. GOODLING (for himself, Mr. GUNDERSON, Mrs. ROUKEMA, Mr. HOEKSTRA, Mr. MCKEON, and Mr. MILLER of Florida):

H.R. 2943. A bill to establish a comprehensive workforce preparation and development system in the United States; to the Committee on Education and Labor.

By Mr. HOAGLAND:

H.R. 2944. A bill to provide grants to the States for drug testing projects when individuals arrested and during the pretrial period; to the Committee on the Judiciary.

By Mr. HOKE (for himself, Mr. DICKEY, Mr. HOEKSTRA, Mr. HORN, Mr. INGLIS of South Carolina, Mr. REGULA, and Mr. SMITH of Michigan):

H.R. 2945. A bill to amend the Federal Election Campaign Act of 1971 to prohibit nonparty multicandidate political committee contributions in elections for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. HOYER:

H.R. 2946. A bill to amend title 5, United States Code, to provide that the mandatory-separation age for members of the Capitol Police be conformed to the mandatory-separation age for Federal law enforcement officers; jointly, to the Committees on House Administration and Post Office and Civil Service.

By Mrs. JOHNSON of Connecticut (for herself, Mr. WOLF, Mr. MFUME, Mr. LEWIS of Georgia, Mr. OWENS, Mr. LIPINSKI, Mr. HYDE, Ms. BROWN of Florida, Mr. STOKES, Mr. WATT, Mr. DORNAN, Mr. CARR, Mr. FOGLIETTA, Mr. WASHINGTON, Mr. GORDON, Mr. FRANKS of Connecticut, Ms. MCKINNEY, Mrs. MORELLA, Ms. SLAUGTHER, Mr. DURBIN, Mr. DIAZ-BALART, Mr. MANTON, Mr. TUCKER, Mr. LAZIO, Mr. WALSH, Mr. JOHNSON of South Dakota, Mr. PALLONE, Mr. JACOBS, Mr. KLEIN, Mr. STARK, Ms. NORTON, Mr. CLYBURN, Mr. KLECZKA, and Mr. CONYERS):

H.R. 2947. A bill to extend for an additional two years the authorization of the Black Revolutionary War Patriots Foundation to establish a memorial; to the Committee on Natural Resources.

By Mrs. JOHNSON of Connecticut (for herself and Mrs. KENNELLY) (both by request):

H.R. 2948. A bill to suspend temporarily the duty on synthetic staple fibers containing 84 percent or more by weight of vinyl chloride and 14 percent or more by weight of vinyl acetate; to the Committee on Ways and Means.

By Mr. JOHNSON of Georgia:

H.R. 2949. A bill to establish the Augusta Canal National Heritage Corridor in the State of Georgia, and for other purposes; to the Committee on Natural Resources.

By Mr. JOHNSON of South Dakota (for himself, Mr. GLICKMAN, Mr. PETERSON of Minnesota, Mr. MINGE, Mr. SARPALIUS, and Mr. PENNY):

H.R. 2950. A bill to establish a National Appeals Division of the Department of Agriculture to hear appeals of adverse decisions made by certain agencies of the Department, and for other purposes; to the Committee on Agriculture.

By Mr. JOHNSON of South Dakota (for himself, Mr. EMERSON, Mr. CONDIT, Ms. LAMBERT, Mr. LAUGHLIN, Mr. STENHOLM, and Mr. HERGER):

H.R. 2951. A bill to provide that member countries of the Caribbean Common Market continue to provide access for exports of United States agricultural commodities and products; to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 2952. A bill to amend the Federal Water Pollution Control Act to provide for a Great Lakes pollution prevention demonstration program; to the Committee on Public Works and Transportation.

By Mr. KASICH (for himself, Mr. MILLER of Florida, Mr. MOORHEAD, Mr. SHAYS, Mr. DOOLITTLE, Mr. HOBSON, Mr. KLUG, Mr. RAMSTAD, Mr. ZELIFF, Mr. EWING, Mr. FRANKS of New Jersey, and Mr. ISTOOK):

H.R. 2953. A bill to provide a fair nonpolitical process that will achieve $65,000,000,000 in budget outlay reductions each fiscal year until a balanced budget is reached; jointly, to the Committees on Government Operations and Rules.

By Mr. KASICH (for himself, Mr. GORDON, Mr. GREENWOOD, Mr. MCMILLAN, Mr. HANCOCK, Mr. PARKER, Mr. CRANE, Mr. DORNAN, Mr. FINGERHUT, Mr. CASTLE, and Mr. LEVY):

H.R. 2954. A bill to establish a Civilian Facilities Closure and Realignment Commission to reduce unnecessary spending in the Federal Government by closing or realigning duplicative, wasteful, or otherwise unnecessary civilian facilities, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Mr. KENNEDY:

H.R. 2955. A bill to stimulate the economy by encouraging bank and thrift institution lending to small and medium-sized businesses and to consumers by reducing and standardizing the leverage limit capital standard for safe and sound depository institutions, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. KILDEE:

H.R. 2956. A bill to amend the National School Lunch Act to protect school districts and the Department of Agriculture from anti-competitive activities of suppliers that sell commodities to schools that participate in the school lunch program, the school breakfast program, the special milk program, and the summer food service program for children, and for other purposes; to the Committee on Education and Labor.

By Mr. KNOLLENBERG:

H.R. 2957. A bill to authorize public housing agencies to establish policies regarding the amount of rent paid by tenants of public housing units and units assisted under section 8 of the United States Housing Act of 1937 that create incentives for family self-sufficiency, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. KREIDLER:

H.R. 2958. A bill to amend the Public Health Service Act to establish demonstration projects to prevent mental illnesses and substance abuse among victims of sexual assault or family violence; to the Committee on Energy and Commerce.

By Mr. KYL:

H.R. 2959. A bill to repeal the increase in tax on Social Security benefits; to the Committee on Ways and Means.

By Mr. LAFALCE:

H.R. 2960. A bill to amend the Competitiveness Policy Council Act to provide for reauthorization to rename the Council, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LANCASTER (for himself, Mr. STUDDS, Mr. FIELDS of Texas, Mr. YOUNG of Alaska, Mr. ROSE, Mr. VALENTINE, Mr. HEFNER, Mr. NEAL of North Carolina, Mrs. BENTLEY, Mr. TAUZIN, Mr. MANTON, Mr. BATEMAN, Mr. ORTIZ, Mr. LIPINSKI, Mr. PICKETT, Mr. HOCHBRUECKNER, Mr. RAVENEL, Mr. GILCHREST, Mr. STUPAK, Mr. BARLOW, and Mr. TORKILDSEN):

H.R. 2961. A bill to authorize the Secretary of the Interior to construct and operate the Walter B. Jones Center for the Sounds at the Pocosin Lakes National Wildlife Refuge; to the Committee on Merchant Marine and Fisheries.

By Mr. LANTOS (for himself, Mr. MILLER of California, Mr. DELLUMS, Mr. FAZIO, Mr. HAMBURG, Mr. CLYBURN and Mr. RAVENEL):

H.R. 2962. A bill to amend title 5, United States Code, to modify the early-retirement reduction provisions with respect to certain Federal employees who are separated from service due to a base closure under title II of the Defense Authorization Amendments and Base Closure and Realignment Act, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. LEHMAN (for himself, Mr. POMBO, and Mr. CONDIT):

H.R. 2963. A bill to authorize the Secretary of the Interior to cooperate and assist in environmental and other studies and to execute and implement a contract for the design, construction, operation, and maintenance of facilities in the South Delta, California, and for other purposes; to the Committee on Natural Resources.

By Mr. LEVIN:

H.R. 2964. A bill to improve and extend the Fair Trade in Auto Parts Act of 1988; to the Committee on Ways and Means.

By Mr. LEVY:

H.R. 2965. A bill to revive and extend until January 1, 1997, the suspension of duty on castor oil and its fractions; to the Committee on Ways and Means.

By Mr. LEWIS of Georgia (for himself, Mr. HILLIARD, Ms. MCKINNEY, Mr. CLYBURN, Mr. TOWNS, Mr. STOKES, Mr. HASTINGS, Mr. MCCLOSKEY, Mr. FOGLIETTA, Mr. FAZIO, Mr. ABERCROMBIE, Mr. DELLUMS, Mr. CLAY, Mr. FRANK of Massachusetts, Mr. COYNE, Mr. JOHNSON of South Dakota, Mr. SANDERS, Mr. RICHARDSON, Mr. RANGEL, Mr. KILDEE, Mrs. CLAYTON, Mr. BISHOP, Mr. KENNEDY, Mrs. MINK, Mr. REYNOLDS, Mr. FROST, Mr. BONIOR, Mr. NEAL of North Carolina, Mr. HINCHEY, Mr. EVANS, Mr. WHEAT, Mr. BARRETT of Wisconsin, Miss COLLINS of Michigan, Ms. SLAUGHTER, Mr. WATT, Mrs. MORELLA, and Mr. DURBIN):

H.R. 2966. A bill to amend the National Trails Systems Act to designate the route from Selma to Montgomery as a national historic trail; to the Committee on Natural Resources.

By Mr. LIPINSKI:

H.R. 2967. A bill to amend the Motor Carrier Safety Act of 1984 to require the Secretary of Transportation to issue regulations and encourage the States to adopt and implement laws prohibiting the operation of certain uncovered commercial motor vehicles on highways; to the Committee on Public Works and Transportation.

By Ms. MALONEY (for herself, Mr. PENNY, and Mr. MCHALE):

H.R. 2968. A bill to prohibit retroactive increases in individual income tax rates; to the Committee on Ways and Means.

By Mr. MANTON:

H.R. 2969. A bill to amend the Foreign Assistance Act of 1961 to authorize the Overseas Private Investment Corporation to issue loan guarantees for development projects in Ireland; to the Committee on Foreign Affairs.

By Mr. MCCLOSKEY:

H.R. 2970. A bill to reauthorize the Office of Special Counsel, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MCCLOSKEY (for himself, Mr. JACOBS, and Mr. DARDEN):

H.R. 2971. A bill to permit the recovery of certain overpayments of tax on disability payments received on severance from the military; to the Committee on Ways and Means.

By Mr. MCCOLLUM (for himself, Mr. SAM JOHNSON of Texas, Mr. KNOLLENBERG, and Mr. LINDER):

H.R. 2972. A bill to provide for community development banks; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MICA:

H.R. 2973. A bill to enhance the competitiveness of the United States in the global economy through the establishment of a Department of International Trade as an executive department of the Government, and for other purposes; to the Committee on Government Operations.

By Mr. MINGE:

H.R. 2974. A bill to amend the Internal Revenue Code of 1986 to establish a disaster relief trust fund to provide at least a portion of the funding for Federal disaster programs and to provide for revenues and other funds to be deposited into such trust fund; jointly, to the Committees on Ways and Means, Small Business, Public Works and Transportation, and Agriculture.

By Ms. MOLINARI (for herself, Mr. QUINN, Mr. LEVY, Mr. SENSENBRENNER, Mr. KING, Mr. SANTORUM, Mr. ARMEY, Mr. WALKER, Mr. BLILEY, Mr. SOLOMON, Mr. TRAFICANT, Mr. PAXON and Mr. GILMAN):

H.R. 2975. A bill to amend the Omnibus Crime Control and Safe Streets Act to reduce funding if States do not enact legislation that requires the death penalty in certain cases; to the Committee on the Judiciary.

By Mr. MONTGOMERY (by request):

H.R. 2976. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide mortgage protection life insurance to certain veterans unable to acquire commercial mortgage protection life insurance because of service-connected disabilities; to the Committee on Veterans' Affairs.

H.R. 2977. A bill to amend title 38, United States Code, to provide, upon the death of a veteran who is receiving periodic monetary benefits from the Department of Veterans Affairs, for the payment of all accrued benefits of that veteran to the veteran's spouse or dependent children, rather than only benefits due and unpaid for a period not to exceed one year; to the Committee on Veterans' Affairs.

H.R. 2978. A bill to authorize a period in which otherwise eligible veterans with service-connected disabilities may apply for coverage under the Service Disabled Veterans Insurance Program; to the Committee on Veterans' Affairs.

By Mr. MOORHEAD (for himself, Mr. FISH, Mr. SENSENBRENNER, Mr. MCCOLLUM, Mr. COBLE, and Mr. SCHIFF):

H.R. 2979. A bill to delay the effective date of the proposed amendments to rule 11 of the Federal Rules of Civil Procedure; to the Committee on the Judiciary.

By Mr. MURPHY (for himself, Mr. STARK, Mr. WISE, Mr. MORAN, Mr. BARLOW, Mr. EVANS, Mr. HOLDEN, Mr. STRICKLAND, Mr. RAHALL, Ms. DANNER, Mr. ANDREWS of New Jersey, Mr. COYNE, Mr. MCCLOSKEY, Mr. KILDEE, Mr. APPLEGATE, Mr. BROWN of Ohio, Mr. COSTELLO, Mr. ACKERMAN, Mr. KLINK, Ms. WOOLSEY, and Mr. GENE GREEN of Texas):

H.R. 2980. A bill to amend the National Labor Relations Act to increase the stability of collective bargaining and to preserve job opportunities for workers employed in the bituminous coal mining industry; to the Committee on Education and Labor.

By Mr. NADLER:

H.R. 2981. A bill to prohibit discrimination by the Armed Forces on the basis of sexual orientation; to the Committee on Armed Services.

H.R. 2982. A bill to amend the Public Health Service Act to increase authorizations of appropriations for the program for preventive health measures with respect to breast and cervical cancer; to the Committee on Energy and Commerce.

H.R. 2983. A bill to make an exception to the United States embargo on trade with Cuba for the export of medicines or medical supplies, instruments, or equipment, and for other purposes; to the Committee on Foreign Affairs.

H.R. 2984. A bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 relating to an urban mobility project for New York City, New York; to the Committee on Public Works and Transportation.

By Mr. NADLER (for himself and Mr. DEFAZIO):

H.R. 2985. A bill to direct the Administrator of the Federal Aviation Administration to issue regulations relating to recirculation of fresh air in commercial aircraft, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. NADLER (for himself and Mrs. LOWEY):

H.R. 2986. A bill to amend the Internal Revenue Code of 1986 to provide for inflation adjustments to the income threshold amounts applicable in determining the portion of social security benefits subject to tax; to the Committee on Ways and Means.

By Mr. NADLER (for himself and Mrs. LOWEY):

H.R. 2987. A bill to repeal the tax increase on social security benefits and to reduce Federal spending as necessary to offset such repeal; jointly, to the Committees on Ways and Means, Science, Space, Technology, Armed Services, Agriculture, and Natural Resources.

By Mr. ORTON:

H.R. 2988. A bill to enhance the resources available to community development credit unions; to the Committee on Banking, Finance and Urban Affairs.

By Mr. OXLEY (for himself, Mr. MOORHEAD, Mr. BLILEY, and Mr. FIELDS of Texas):

H.R. 2989. A bill amending the Railway Labor Act to provide for the settlement of railroad labor-management disputes; to the Committee on Energy and Commerce.

By Mr. PALLONE (for himself, Mr. QUILLEN, and Mr. GREENWOOD):

H.R. 2990. A bill to amend the Public Health Service Act to provide for the conduct of expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RAMSTAD:

H.R. 2991. A bill to establish a Uniform Claim Commission, to require the use of a universal claim form to submit claims under certain Federal programs that provide for payments for health care services, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RANGEL:

H.R. 2992. A bill to designate certain units of the National Park System as the Manhattan National Historical Park, and for other purposes; to the Committee on Natural Resources.

By Mr. SANGMEISTER:

H.R. 2993. A bill to provide that information concerning the deportation of certain aliens shall be available through the National Crime Information Center; to the Committee on the Judiciary.

By Mrs. SCHROEDER:

H.R. 2994. A bill to establish an office of family support within the Department of Justice and to make grants to State and local law enforcement departments, and to organizations representing State and local law enforcement personnel; to the Committee on the Judiciary.

By Mr. SISISKY (for himself, WILLIAM CLINGER, JOHN LAFALCE, BOB MICHEL, ROMANO MAZZOLI, JOE MCDADE, BOB WISE, JAN MEYERS, IKE SKELTON, SPENCER BACHUS, BILL BAKER, JIM MORAN, HERB BATEMAN, JIM COOPER, DEBORAH PRYCE, PETER BLUTE, LESLIE BYRNE, ANNA ESHOO, JOHN BOEHNER, TIM VALENTINE, HENRY BONILLA, JIM OBERSTAR, JIM BUNNING, MARCY KAPTUR, DAN BURTON, CAROLYN MALONEY, L.F. PAYNE, MIKE CASTLE, CHARLES STENHOLM, LARRY COMBEST, MARTIN LANCASTER, TOM DELAY, DAVID MCCURDY, JOHN DOOLITTLE, OWEN PICKETT, BILL EMERSON, BLANCHE LAMBERT, HARRIS FAWELL, PETE GEREN, BOB GOODLATTE, BILL ORTON, WILLIAM GOODLING, ANDREW JACOBS, STEVE GUNDERSON, SONNY MONTGOMERY, JIM GREENWOOD, JAMES BILBRAY, DAVID HOBSON, BUDDY DARDEN, BOB INGLIS, JAY KIM, BILL SARPALIUS, JACK KINGSTON, JANE HARMAN, JIM KOLBE, ALCEE HASTINGS, RON MACHTLEY, BILL HEFNER, AL MCCANDLESS, TIM HOLDEN, WILLIAM HUGHES, JOHN MCHUGH, TIM JOHNSON, TOM PETRI, BUD CRAMER, MIKE PARKER, JOHN PORTER, GLENN POSHARD, ROB PORTMAN, ROY ROWLAND, TOM RIDGE, KAREN SHEPHERD, PAT ROBERTS, ERIC FINGERHUT, MARGE ROUKEMA, TOBY ROTH, STEVEN SCHIFF, JIM SENSENBRENNER, CHRIS SHAYS, JOE SKEEN, DON SUNDQUIST, JAMES TALENT, CRAIG THOMAS, PETER TORKILDSEN, FRED UPTON, JAMES WALSH, CURT WELDON, WILLIAM ZELIFF, DICK ZIMMER, and SAM JOHNSON):

H.R. 2995. A bill to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, to establish the Commission on Information Technology and Paperwork Reduction, and for other purposes; to the Committee on Government Operations.

By Mr. SLATTERY:

H.R. 2996. A bill to amend the Community Reinvestment Act of 1977 to exempt small depository institutions and depository institutions located in small towns and rural areas from the requirements of such act; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SLATTERY (for himself, Mr. MONTGOMERY, Mr. STUMP, Mr. APPLEGATE, Mr. BILIRAKIS, Mr. EVANS, Mr. EVERETT, Mr. KENNEDY, Mr. STEARNS, Mr. SANGMEISTER, Mr. TEJEDA, and Mr. KING):

H.R. 2997. A bill to amend title 38, United States Code, to codify the addition by the Secretary of Veterans Affairs of certain additional diseases to the list of diseases occurring in veterans that are considered to be service-connected; to the Committee on Veterans' Affairs.

By Mr. SLATTERY (by request):

H.R. 2998. A bill to amend title 38, United States Code, to increase the limitation on the maximum amount of the estate of certain veterans without dependents who are receiving hospital treatment or institutional or domiciliary care from the United States before disability compensation, pension, and certain other benefits are suspended; to the Committee on Veterans' Affairs.

H.R. 2999. A bill to amend title 38, United States Code to repeal the requirement that a chronic disease becoming manifest in a veteran within 1 year of the veteran's discharge from military service must be at least 10-percent disabling in order to be presumed to be service-connected for purposes of veterans' benefits; to the Committee on Veterans' Affairs.

By Mr. GEPHARDT (for himself and Mr. MICHEL) (both by request):

H.R. 3000. A bill for reform in emerging new democracies and support and help for improved partnership with Russia, Ukraine, and other new independent States of the former Soviet Union; jointly, to the Committees on Foreign Affairs, Armed Services, Banking, Finance and Urban Affairs, the Judiciary, Post Office and Civil Service, Intelligence (Permanent Select), and Ways and Means.

By Mr. SLATTERY (by request):

H.R. 3001. A bill to amend section 110 of title 38, United States Code, to liberalize the standard for preservation of disability evaluations for compensation purposes; to the Committee on Veterans' Affairs.

H.R. 3002. A bill to amend chapter 39 of title 38, United States Code, to increase the automobile assistance allowance for certain disabled veterans and members of the Armed Forces; to the Committee on Veterans' Affairs.

H.R. 3003. A bill to amend title 38 of the United States Code to permit certain eligible veterans to purchase up to $20,000 of National Service Life Insurance; to the Committee on Veterans' Affairs.

H.R. 3004. A bill to amend title 38, United States Code, to limit the apportionment of benefits paid by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. SMITH of Texas (for himself, Mr. KASICH, Mr. COX, and Mr. FRANKS of New Jersey):

H.R. 3005. A bill to amend the Congressional Budget Act of 1974 to establish a Federal regulatory budget and to impose cost controls on that budget, and for other purposes; jointly, to the Committees on Government Operations, Rules, and the Judiciary.

By Mr. STARK (for himself, Mr. FRANK of Massachusetts, Mr. MCNULTY, Ms. KAPTUR, Mr. FALEOMAVAEGA, Mr. JACOBS, Mr. HUGHES, Mr. OLVER, Mr. SANDERS, and Mr. ENGEL):

H.R. 3006. A bill to provide for the imposition of sanctions against any foreign country or any person that violates U.N. sanctions; jointly, to the Committees on Foreign Affairs, Ways and Means, and Banking, Finance and Urban Affairs.

By Mr. STARK:

H.R. 3007. A bill to amend the Internal Revenue Code of 1986, the Employee Retirement Income Security Act of 1974, and the Public Health Service Act to extend for 3 years the period of COBRA continuation coverage; jointly, to the Committees on Ways and Means, Energy and Commerce, and Education and Labor.

By Mr. STARK (for himself and Mr. RAMSTAD):

H.R. 3008. A bill to amend title XVI of the Social Security Act to require plans for achieving self-support to include a career or housing goal; to the Committee on Ways and Means.

H.R. 3009. A bill to amend titles XVI and XIX of the Social Security Act to improve work incentives for people with disabilities; jointly, to the Committee on Ways and Means and Energy and Commerce.

By Mr. STARK (for himself, Ms. NORTON, Mr. MCDERMOTT, and Mr. WHEAT):

H.R. 3010. A bill to protect employment and the economy of the District of Columbia by requiring any Federal agency that seeks to permanently transfer employees from the District of Columbia to receive congressional approval of such transfer and to submit a District of Columbia economic impact statement, to require that headquarters functions of Federal agencies be carried out in the District of Columbia, and for other purposes; jointly, to the Committees on Government Operations and the District of Columbia.

By Mr. TRAFICANT:

H.R. 3011. A bill to establish counseling programs for disabled police officers; to the Committee on the Judiciary.

By Mr. VOLKMER (for himself, Mr. SKELTON, Mr. GEPHARDT, Mr. CLAY, Mr. WHEAT, and Ms. DANNER):

H.R. 3012. A bill to provide relocation assistance in connection with flooding in the Midwest, and for other purposes; to the Committee on Public Works and Transportation.

By Ms. WATERS (for herself, Mr. KENNEDY, Mrs. MEEK, Mr. EVANS, Ms. BROWN of Florida, Mrs. SCHROEDER, Mr. GUTIERREZ, Mr. FILNER, Mrs. MORELLA, Mrs. UNSOELD, Ms. WOOLSEY, Ms. SLAUGHTER, Mrs. LLOYD, Mr. SLATTERY, Ms. VELAZQUEZ, Ms. ROYBAL-ALLARD, Ms. MALONEY, Mrs. CLAYTON, Ms. THURMAN, Mr. BISHOP, Ms. MCKINNEY, Mr. CLYBURN, Mrs. MINK, Ms. SNOWE, and Ms. MARGOLIES-MEZVINSKY):

H.R. 3013. A bill to amend title 38, United States Code, to establish a Women's Bureau in the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. WHEAT:

H.R. 3014. A bill to provide financial assistance for the establishment of a Richard Bolling Center for the Study of Congress; to the Committee on Education and Labor.

By Mr. WILSON:

H.R. 3015. A bill to designate the visitor center at the Big Thicket National Preserve as the "Ralph W. Yarborough Visitor Center"; to the Committee on Natural Resources.

By Mr. WYDEN (for himself, Mr. DEFAZIO, Mr. FINGERHUT, Ms. FURSE, Mr. KOPETSKI, Mr. STOKES, Mr. SAWYER, and Mr. BROWN of Ohio):

H.R. 3016. A bill to provide that individuals shall not be required to repay certain overpayments of emergency unemployment compensation; to the Committee on Ways and Means.

By Mr. SLATTERY (by request):

H.R. 3018. A bill to amend title 38, United States Code, to provide for the payment of additional compensation at the so-called K rate to a veteran with a service-connected disability who has suffered the loss or loss of use of one lung or one kidney; to the Committee on Veterans' Affairs.

By Mr. ALLARD (for himself and Mr. EWING):

H.J. Res. 251. Joint resolution proposing an amendment to the Constitution of the United States to provide for budgetary reform by requiring the reduction of the deficit, a balanced Federal budget, the repayment of the national debt, and establishing line-item veto authority for the President; to the Committee on the Judiciary.

By Mr. BARRETT of Wisconsin (for himself, Mr. SCHUMER, Mr. KLECZKA, and Mr. SHARP):

H.J. Res. 252. Joint resolution to designate October 1993 as "Crime Prevention Month"; to the Committee on Post Office and Civil Service.

By Ms. BYRNE (for herself, Mr. DE LUGO, Mr. ANDREWS of New Jersey, Mr. NEAL of North Carolina, Mr. HALL of Ohio, Ms. KAPTUR, Mr. FAZIO, Mr. MINETA, Mr. DICKS, Mr. PARKER, Ms. NORTON, Mr. MORAN, Mr. WYNN, Mr. NEAL of Massachusetts, Mr. HOYER, Mr. MCCLOSKEY, Mrs. MORELLA, Mr. BEVILL, Mr. BATEMAN, Mr. PAYNE of New Jersey, Mr. ABERCROMBIE, Mrs. MINK, Mr. BLACKWELL, Mr. CARDIN, Mr. HOBSON, Mr. COLEMAN, Mr. YOUNG of Florida, Mr. SWIFT, Mr. KANJORSKI, Mr. EVANS, Mr. EMERSON, Mr. DIXON, Mr. CONYERS, Mr. CLAY, Mr. MATSUI, Mr. LEWIS of California, Mr. MFUME, Mr. HOCHBRUECKNER, Mr. POSHARD, Mr. LEHMAN, Mr. MYERS of Indiana, Mr. BERMAN, Mr. LANTOS, Mr. BORSKI, Mr. FILNER, Mr. WOLF, Mr. WHEAT, Mr. THORNTON, Mr. DOOLITTLE, Mr. SKEEN, Mr. LANCASTER, Mr. TAUZIN, Mr. PICKETT, Mr. HAMBURG, Mr. ACKERMAN, Mr. WALSH, Mr. FRANK of Massachusetts, Mr. CHAPMAN, Mr. SISISKY, Mr. CRAMER, Mr. STOKES, Mr. SLATTERY, and Mr. KREIDLER):

H.J. Res. 253. Joint resolution to designate May 2, 1994, through May 8, 1994, as "Public Service Recognition Week"; to the Committee on Post Office and Civil Service.

By Mr. FRANKS of New Jersey (for himself, Mr. LIPINSKI, Mr. BLUTE, Mrs. LLOYD, Mr. STUMP, Mr. SOLOMON, and Mr. EWING):

H.J. Res. 254. Joint resolution proposing an amendment to the Constitution of the United States to provide that no State shall be obligated by new Federal law to perform any new or expanded program or service, unless the expenses of doing so are paid by the Federal Government; to the Committee on the Judiciary.

By Mr. SOLOMON:

H.J. Res. 255. Joint resolution proposing an amendment to the Constitution of the United States to prohibit retroactive taxation; to the Committee on the Judiciary.

By Mr. GEPHARDT:

H. Con. Res. 136. Concurrent resolution providing for an adjournment of the House from Friday, August 6, 1993, Saturday, August 7, 1993, Monday, August 9, 1993 or Tuesday, August 10, 1993, to Wednesday, September 8, 1993, and a recess or adjournment of the Senate from Friday, August 6, 1993, Saturday, August 7, 1993, or Sunday, August 8, 1993, to Tuesday, September 7, 1993; considered and agreed to.

By Mr. BERMAN:

H. Con. Res. 137. Concurrent resolution to enhance U.S. efforts to stem the proliferation of weapons of mass destruction; to the Committee on Foreign Affairs.

By Mr. GEJDENSON:

H. Con. Res. 138. Concurrent resolution expressing the sense of the Congress with respect to Saudi Arabia and the General Agreement on Tariffs and Trade [GATT]; jointly, to the Committees on Foreign Affairs and Ways and Means.

By Mr. SANGMEISTER:

H. Con. Res. 139. Concurrent resolution to express the sense of the Congress that activities performed by the White House Travel and Telegraph Office should be procured from the private sector; to the Committee on Government Operations.

By Mr. NATCHER:

H. Res. 245. Resolution providing for the disposition of the Senate amendments to H.R. 2667, a bill making emergency supplemental appropriations for relief from the major, widespread flooding in the Midwest for the fiscal year ending September 30, 1993, and for other purposes; considered and agreed to.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

236. By the SPEAKER: Memorial of the Legislature of the State of Nevada, relative to federal funding for services and benefits; to the Committee on Government Operations.

237. By the SPEAKER: Memorial of the Legislature of the State of Nevada, relative to NAFTA; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BILIRAKIS:

H.R. 3017. A bill for the relief of John Mitchell; to the Committee on Armed Services.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of the rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Committee on the Judiciary, H.R. 808. A bill for the relief of James B. Stanley (Rept. 103–221). Referred to the Committee of the Whole House.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. ENGEL, Mrs. MEYERS of Kansas, Mr. NADLER, Ms. NORTON, Mr. MCCRERY, Mr. SHAYS, and Mr. BISHOP.

H.R. 18: Ms. FOWLER and Mr. MURPHY.

H.R. 39: Mr. SERRANO, Mrs. SCHROEDER, Mr. DE LUGO, Mr. BERMAN, Mr. PALLONE, Mr. LIPINSKI, Mr. JACOBS, and Mr. BECERRA.

H.R. 44: Mr. SABO.

H.R. 62: Mr. CASTLE.

H.R. 65: Mr. FIELDS of Texas, Mr. BARLOW, Ms. SHEPHERD, and Mrs. ROUKEMA.

H.R. 68: Mr. HANSEN.

H.R. 101: Mr. GALLO.

H.R. 124: Mr. BAKER of Louisiana and Mr. CLYBURN.

H.R. 127: Ms. ESHOO and Mr. YOUNG of Alaska.

H.R. 140: Mr. FIELDS of Texas, Mr. MINGE, Mr. MONTGOMERY, Mr. CLEMENT, Mr. COSTELLO, Ms. DANNER, Mr. WALSH and Mr. KASICH.

H.R. 174: Mr. LEWIS of Georgia, Mr. WYNN, Mr. CLYBURN, Mr. HASTINGS, and Mr. FIELDS of Louisiana.

H.R. 216: Mr. ROEMER.

H.R. 266: Mr. MCDERMOTT.

H.R. 291: Mr. KLEIN.

H.R. 303: Mrs. ROUKEMA.

H.R. 323: Mr. CRAPO and Mr. EWING.

H.R. 350: Mr. BARRETT of Wisconsin, Mr. BECERRA, Mr. GUTIERREZ, Mr. KLECZKA, Mr.

REYNOLDS, Ms. VELAZQUEZ, and Mr. WASHINGTON.

H.R. 388: Mr. BUYER.

H.R. 429: Mr. BACHUS of Alabama, Mr. GOODLATTE, Mr. KIM, and Mr. PORTMAN.

H.R. 485: Mr. HINCHEY and Mr. HAYES.

H.R. 501: Mr. JOHNSON of South Dakota, Mr. TORRES, and Mr. STUPAK.

H.R. 513: Mr. MACHTLEY.

H.R. 515: Mr. DIAZ-BALART and Mr. SCHIFF.

H.R. 520: Ms. NORTON and Mr. SCOTT.

H.R. 559: Mr. ABERCROMBIE, Mr. ROMERO-BARCELO, and Ms. ROYBAL-ALLARD.

H.R. 643: Mr. ROEMER.

H.R. 647: Mr. MAZZOLI.

H.R. 688: Mr. PORTMAN, Ms. ROS-LEHTINEN, Mr. SKELTON, Mr. REGULA, and Mr. MCINNIS.

H.R. 702: Mr. NUSSLE and Mr. KNOLLENBERG.

H.R. 710: Mr. FOGLIETTA and Mr. KLINK.

H.R. 712: Mr. ABERCROMBIE, Mr. PAYNE of New Jersey, Mr. TRAFICANT, Mr. MENENDEZ, Mr. MANTON, Mr. BORSKI, Mr. ACKERMAN, Mr. ROHRABACHER, Mr. LIPINSKI, Ms. SLAUGHTER, Mr. MCNULTY, Mr. WALSH, Ms. MALONEY, Mr. KING, Mr. LEVY, Mr. OWENS, Mrs. MORELLA, Mr. LAFALCE, Mr. DELLUMS, Mr. SERRANO, Ms. LOWEY, Mrs. ROUKEMA, Mr. PALLONE, Mr. CLAY, and Mr. RANGEL.

H.R. 767: Mr. VALENTINE.

H.R. 789: Mr. BACCHUS of Florida, Mr. ACKERMAN, Mr. CLYBURN, and Mr. STRICKLAND.

H.R. 794: Mr. PARKER.

H.R. 830: Mr. HANSEN, Mr. BARRETT of Nebraska, Mr. JACOBS, Mr. VALENTINE, and Mr. CHAPMAN.

H.R. 833: Mr. MCDERMOTT, Mr. DIXON, and Mr. CARDIN.

H.R. 840: Mr. APPLFGATE and Ms. THURMAN.

H.R. 846: Mr. KIM, Mr. FINGERHUT, Mr. MARTINEZ, Mr. WELDON, and Mr. CANADY.

H.R. 937: Mr. WALSH.

H.R. 949: Mr. STUMP and Mr. BURTON of Indiana.

H.R. 957: Mr. WASHINGTON, Mr. COLEMAN, and Mr. DEAL.

H.R. 962: Mrs. ROUKEMA, Mr. TORRICELLI, and Mr. HALL of Ohio.

H.R. 967: Mr. PETERSON of Florida and Mr. YOUNG of Alaska.

H.R. 1009: Mr. WHEAT.

H.R. 1012: Mr. CRANE, Mr. BISHOP, and Mr. PETE GEREN of Texas.

H.R. 1029: Mr. MARTINEZ, Mr. COX, and Mrs. ROUKEMA.

H.R. 1030: Mr. MARTINEZ and Mrs. ROUKEMA.

H.R. 1031: Mr. COX, Mrs. ROUKEMA, Mr. DELLUMS, and Mrs. UNSOELD.

H.R. 1078: Mr. BURTON of Indiana.

H.R. 1079: Mr. BURTON of Indiana.

H.R. 1080: Mr. BURTON of Indiana.

H.R. 1081: Mr. BURTON of Indiana.

H.R. 1082: Mr. BURTON of Indiana.

H.R. 1083: Mr. BURTON of Indiana.

H.R. 1087: Mr. LIVINGSTON.

H.R. 1120: Mr. FRANK of Massachusetts.

H.R. 1154: Mr. ANDREWS of Maine.

H.R. 1169: Mr. JACOBS.

H.R. 1181: Mr. DOOLITTLE.

H.R. 1203: Mr. SHAYS, Mr. LEHMAN, Mr. PARKER, Mr. EMERSON, and Mr. BOEHNER.

H.R. 1246: Mr. VISCLOSKY.

H.R. 1276: Mr. POMBO and Mr. ROYCE.

H.R. 1322: Mr. ROEMER.

H.R. 1330: Mr. CALLAHAN, Mr. BARTLETT of Maryland, Mr. HILLIARD, Mr. HYDE, Mr. CALVERT, Ms. FOWLER, Mr. ALLARD, Mr. HALL of Texas, Mr. GINGRICH, Mr. SCHAEFER, Mr. SPENCE, Mr. SKEEN, Mr. HUNTER, Mr. BALLENGER, Ms. DUNN, Mr. ORTIZ, and Mr. MCCANDLESS.

H.R. 1352: Mr. ANDREWS of New Jersey.

H.R. 1362: Mr. PASTOR.

H.R. 1363: Mr. ROEMER.

H.R. 1391: Mr. FRANK of Massachusetts, Mr. JACOBS, Mr. MACHTLEY, Mr. KOPETSKI, Mr. TORKILDSEN, Mr. TORRES, Ms. WOOLSEY, and Mr. FOGLIETTA.

H.R. 1407: Mr. MARKEY.

H.R. 1428: Mr. ROEMER.

H.R. 1457: Mr. ANDREWS of Maine.

H.R. 1480: Mr. ISTOOK.

H.R. 1490: Mr. HUTCHINSON, Mr. MCCANDLESS, Mr. DICKEY, Mr. HEFLEY, Mr. GALLEGLY, Mr. MCINNIS, and Mr. ROGERS.

H.R. 1504: Mr. GALLEGLY and Mr. COMBEST.

H.R. 1534: Mr. GILMAN.

H.R. 1541: Mr. DOOLITTLE and Mr. DREIER.

H.R. 1542: Mr. KANJORSKI.

H.R. 1552: Mr. ROEMER.

H.R. 1583: Mr. TORKILDSEN, Mr. YOUNG of Florida, Mr. CRANE, Mr. MCDERMOTT, and Mr. FROST.

H.R. 1586: Mr. INSLEE.

H.R. 1604: Mr. Schumer and Mr. ROEMER.

H.R. 1608: Mr. MILLER of California, Mr. BARCA of Wisconsin, Mr. BAKER of California, Mr. BURTON of Indiana, Mr. DOOLITTLE, Mr. GILLMOR, Mrs. JOHNSON of Connecticut, Mr. MENENDEZ, Mrs. MINK, Mr. QUILLEN, Mr. SCHAEFER, and Ms. SNOWE.

H.R. 1609: Mr. WASHINGTON and Mr. TUCKER.

H.R. 1627: Mr. COX, Mr. LIGHTFOOT, Ms. KAPTUR, Mr. YOUNG of Alaska, Mr. GILCHREST, and Mr. FAZIO.

H.R. 1630: Mr. WILSON.

H.R. 1687: Mr. CHAPMAN and Mr. RANGEL.

H.R. 1697: Mr. QUILLEN and Mr. MCKEON.

H.R. 1709: Mr. BLUTE, Mr. COX, Mr. YATES, Mr. HASTERT, and Mr. KINGSTON.

H.R. 1720: Mr. YATES, Mr. FRANK of Massachusetts, Mr. FILNER, Mr. WYNN, Mr. WASHINGTON, Ms. VELAZQUEZ, Mr. GONZALEZ, and Mr. JOHNSTON of Florida.

H.R. 1722: Mr. STARK, Mrs. COLLINS of Illinois, Mr. STOKES, Mr. TORRICELLI, Mr. BARCIA of Michigan, Mr. BECERRA, Mr. LEWIS of Georgia, Mr. FILNER, Mr. MARTINEZ, Mr. WAXMAN, and Mr. HYDE.

H.R. 1755: Mr. ANDREWS of Maine.

H.R. 1788: Mr. MCHUGH.

H.R. 1796: Mr. MENENDEZ, Mr. SANDERS, Mr. OBERSTAR, Mr. JOHNSON of South Dakota, Mr. KLEIN, Mr. BUYER, and Mr. HANSEN.

H.R. 1827: Mrs. MORELLA.

H.R. 1864: Mr. HUNTER.

H.R. 1883: Mr. KINGSTON, Mr. BLUTE, Mr. STUPAK, Mr. OBERSTAR, Mr. TORRES, Mr. BAKER of Louisiana, Mr. STUDDS, and Mr. WHITTEN.

H.R. 1886: Mr. BILBRAY, Mr. CLYBURN, and Mr. FOGLIETTA.

H.R. 1898: Mr. BAKER of Louisiana and Mr. COLLINS of Georgia.

H.R. 1900: Mr. DEUTSCH, Mr. GEJDENSON, Ms. ROYBAL-ALLARD, and Mr. PENNY.

H.R. 1924: Mr. PALLONE, Miss COLLINS of Michigan, Mr. RUSH, and Mr. DIXON.

H.R. 1930: Mr. MCDERMOTT.

H.R. 1933: Mr. EVANS, Mr. CONDIT, Mr. BROWN of Ohio, Mr. GONZALEZ, and Mr. EDWARDS of California.

H.R. 1937: Mrs. LOWEY, Mrs. CLAYTON, Ms. VELAZQUEZ, and Mr. SCHUMER.

H.R. 2079: Mrs. LOWEY.

H.R. 2088: Mr. BACHUS of Alabama, Mr. BAKER of California, Mr. BONILLA, Mr. DELAY, Mr. GALLEGLY, Mr. INHOFE, Mrs. MEYERS of Kansas, Mr. PARKER, Mr. SANDERS, and Mr. VALENTINE.

H.R. 2121: Mr. ANDREWS of Texas, Mr. SMITH of Iowa, Mr. REGULA, Mr. GUNDERSON, Mr. GEKAS, Mrs. FOWLER, Mr. JOHNSON of Georgia, Ms. PELOSI, Mr. HINCHEY, Mr. MACHTLEY, Mr. GALLEGLY, Mr. LAZIO, Mr. MCMILLAN, and Mr. BARRETT of Nebraska.

H.R. 2140: Mr. SANDERS.

H.R. 2159: Mr. BEREUTER, Mr. PETERSON of Minnesota, Mrs. LLOYD, and Mr. FOGLIETTA.

H.R. 2174: Ms. BYRNE, Mr. BATEMAN, Mr. LAFALCE, Mr. FROST, Mr. UNDERWOOD, Mr. ROMERO-BARCELO, Mr. GILMAN, and Mrs. THURMAN.

H.R. 2215: Mr. GINGRICH, Mr. RAMSTAD, Mr. QUINN, Mr. TORKILDSEN, Mr. LIPINSKI, Mr. DOOLITTLE, Mr. BARTLETT of Maryland, Mr. ZIMMER, Mr. SOLOMON, Mrs. LLOYD, Mr. TAYLOR of North Carolina, and Mr. BUYER.

H.R. 2245: Mr. MEEHAN.

H.R. 2259: Mr. PARKER.

H.R. 2286: Mr. PETERSON of Florida, Mr. DARDEN, Mr. ROBERTS, and Mr. KINGSTON.

H.R. 2291: Ms. WOOLSEY.

H.R. 2292: Mr. DARDEN.

H.R. 2308: Mr. FILNER and Mr. CLYBURN.

H.R. 2319: Mr. ARMEY, Mr. BAKER of California, Mr. BARTLETT of Maryland, Mr. BISHOP, Mr. BOEHLERT, Mr. CASTLE, Mr. CLINGER, Mr. EMERSON, Mr. HUTCHINSON, Mr. INHOFE, Mr. MYERS of Indiana, Mr. OBERSTAR, Mr. POMBO, Mr. STOKES, Mr. THOMAS of Wyoming, Mr. WALKER, and Mr. ZELIFF.

H.R. 2336: Mr. BARRETT of Wisconsin and Ms. THURMAN.

H.R. 2345: Mr. MILLER of California, Mr. GENE GREEN of Texas, Mr. TOWNS, Mr. BERMAN, Mr. FROST, Mr. TORRES, Mr. FILNER, Mr. LIPINSKI, Mr. BONIOR, Mr. MURTHA, Mr. OWENS, Mr. KLINK, Mr. FOGLIETTA, Mr. RAHALL, Mr. KILDEE, Mr. HOCHBRUECKNER, Mr. GONZALEZ, Mr. MCCLOSKEY, Mr. CONYERS, Mr. DE LUGO, Mr. CLYBURN, Mr. DELLUMS, Mr. OLVER, Mr. SANDERS, Mr. ACKERMAN, Mr. OBERSTAR, Ms. VELAZQUEZ, Mrs. MINK, Mr. STOKES, Mr. GLICKMAN, Mr. MARTINEZ, Mr. BECERRA, Miss COLLINS of Michigan, Mr. RUSH, Mr. WILSON, Mr. HINCHEY, Mr. PETERSON of Minnesota, Ms. THURMAN, Mr. KLECZKA, Mr. APPLEGATE, Mr. KANJORSKI, Mr. BORSKI, Mr. TRAFICANT, Mrs. UNSOELD, Mr. FRANK of Massachusetts, Mr. DIXON, Mr. CLAY, Mr. HASTINGS, Ms. NORTON, Mr. MURPHY, Mr. TUCKER, Mr. ENGEL, Mr. GUTIERREZ, Mr. STRICKLAND, Mr. BLACKWELL, Mr. COYNE, Mr. WASHINGTON, Mr. STUPAK, Mr. PALLONE, Mr. LANTOS, Mr. HEFNER, Ms. ESHOO, Mrs. MEEK, Mrs. CLAYTON, Mr. BROWN of California, Mr. EVANS, and Mr. ABERCROMBIE.

H.R. 2349: Mr. COOPER and Mr. TUCKER.

H.R. 2378: Mr. BARTLETT of Maryland.

H.R. 2415: Mr. QUINN and Mr. GILLMOR.

H.R. 2417: Mr. MINETA.

H.R. 2425: Mr. CRANE, Mr. MCHUGH, Mr. LIPINSKI, Mr. GENE GREEN of Texas, Mr. LEVY, Mr. DORNAN, Mr. SOLOMON, Mr. WALSH, Mr. BREWSTER, Mr. ZELIFF, and Mr. PETE GEREN of Texas.

H.R. 2431: Mr. DURBIN, Mr. BACCHUS of Florida, Mr. HAMILTON, Mr. MICA, Ms. ROS-LEHTINEN, Mr. ACKERMAN, Mr. PRICE of North Carolina, Mrs. MEEK, Mr. GORDON, Mrs. JOHNSON of Connecticut, Mr. LAFALCE, Mr. GIBBONS, Mr. WOLF, Mr. MARTINEZ, Mr. MILLER of Florida, Mr. HOCHBRUECKNER, Mr. JACOBS, Mr. MONTGOMERY, Mr. DARDEN, Mr. FROST, and Mr. HUGHES.

H.R. 2444: Mr. WOLF, Mr. BURTON of Indiana, Mr. BOEHNER, Mr. SOLOMON, Mr. LIGHTFOOT, Mr. TALENT, Mr. BAKER of Louisiana, and Mr. CRANE.

H.R. 2451: Mr. BURTON of Indiana.

H.R. 2456: Ms. MCKINNEY.

H.R. 2464: Mr. FALEOMAVAEGA, Mrs. JOHNSON of Connecticut, Mr. KLUG, and Mr. HASTINGS.

H.R. 2467: Mr. CLYBURN and Ms. WATERS.

H.R. 2484: Mr. WALSH and Mr. UNDERWOOD.

H.R. 2488: Mr. CLAY, Mr. RUSH, and Ms. WATERS.

H.R. 2494: Mr. RANGEL, Mr. UNDERWOOD, Mr. EDWARDS of California, and Ms. WATERS.

H.R. 2512: Mr. INGLIS of South Carolina, Mr. HOBSON, Mr. KINGSTON, Mr. ZELIFF, and Mr. LINDER.

H.R. 2536: Mrs. LLOYD, Mr. PASTOR, Mr. BILBRAY, and Ms. WOOLSEY.

H.R. 2537: Mrs. LLOYD, Mr. PASTOR, and Ms. WOOLSEY.

H.R. 2538: Mrs. LLOYD, Mr. PASTOR, Mr. BILBRAY, and Ms. WOOLSEY.

H.R. 2539: Mrs. LLOYD, Mr. PASTOR, Mr. BILBRAY, and Ms. WOOLSEY.

H.R. 2540: Mrs. LLOYD, Mr. PASTOR, and Ms. WOOLSEY.

H.R. 2543: Mr. FALEOMAVAEGA, Ms. KAPTUR, and Mr. TOWNS.

H.R. 2557: Mr. OXLEY, Mr. PARKER, Mr. BAKER of California, Mr. FAWELL, Mr. GINGRICH, and Mrs. VUCANOVICH.

H.R. 2583: Miss COLLINS of Michigan.

H.R. 2602: Mr. GILMAN and Mr. JOHNSTON of Florida.

H.R. 2617: Mr. GINGRICH, Mrs. VUCANOVICH, and Mr. CAMP.

H.R. 2626: Mr. FARR and Ms. VELAZQUEZ.

H.R. 2638: Mr. FRANK of Massachusetts, Mr. SHAYS, Mr. ACKERMAN, Mr. YATES, Mr. SANDERS, Mr. BECERRA, Mr. BEILENSON, and Mr. NADLER.

H.R. 2641: Mr. WASHINGTON, Mr. STARK, Mr. COLEMAN, Mr. MINETA, Mr. OBERSTAR, Mr. COLLINS of Georgia, Mr. DE LUGO, and Mrs. SCHROEDER.

H.R. 2648: Mr. CLYBURN, Mr. MINETA, Mr. UNDERWOOD, and Mr. BONIOR.

H.R. 2651: Mr. FINGERHUT.

H.R. 2662: Mr. BREWSTER, Mr. MCDADE, Mr. GEKAS, Mr. HUNTER, Mr. BOEHLERT, Mr. CALLAHAN, Mrs. VUCANOVICH, Mr. FROST, Mr. MARTINEZ, Mr. RANGEL, Mr. ROMERO-BARCELO, Mrs. COLLINS of Illinois, and Mr. CAMP.

H.R. 2707: Mr. NEAL of Massachusetts and Mr. CLYBURN.

H.R. 2708: Mr. HERGER, Mr. ENGLISH of Oklahoma, Ms. LONG, Mr. CRAPO, Mr. COMBEST, Mr. GILCHREST, Mr. LIGHTFOOT, Mr. OXLEY, Mr. GEKAS, Mr. BARLOW, Mr. BUNNING, Mr. DEAL, Mr. POMEROY, Mr. BURTON of Indiana, Mr. WALSH, Mr. BAKER of California, Mr. BAKER of Louisiana, Mr. CAMP, Ms. THURMAN, and Ms. SNOWE.

H.R. 2720: Mr. FISH, Mr. KLUG, Mr. ROYCE, and Mr. TALENT.

H.R. 2727: Mr. SHAYS, Mr. JOHNSTON of Florida, and Mr. KREIDLER.

H.R. 2786: Mr. SANDERS.

H.R. 2787: Mr. FROST, Mr. BECERRA, and Mr. FOGLIETTA.

H.R. 2814: Mr. DARDEN.

H.R. 2847: Mr. MCMILLAN.

H.R. 2853: Mr. TUCKER.

H.R. 2859: Mr. KINGSTON, Mr. STUMP, Mr. BOEHLERT, Mr. DOOLITTLE, Mr. GILCHREST, Mr. CAMP, Mr. GEKAS, Mr. MCDADE, Mr. BEREUTER, Mr. DREIER, Mr. CUNNINGHAM, Mr. MYERS of Indiana, Mr. DELAY, Mr. TAYLOR of North Carolina, Mr. SENSENBRENNER, Mr. HOBSON, Mr. KANJORSKI, Mr. INHOFE, Mr. COBLE, Mr. OXLEY, Mr. MONTGOMERY, Mr. FRANKS of Connecticut, Mr. CALLAHAN, Mr. MICHEL, Mr. HYDE, Mr. HASTERT, Mr. SISISKY, Mr. BUNNING, Mr. SKELTON, Mr. HANCOCK, Mr. PARKER, Mr. LIPINSKI, Mr. TAUZIN, Mr. HUTCHINSON, Mr. TALENT, Mr. CLINGER, Mr. COX, Mr. CALVERT, Mr. HORN, Mrs. MEYERS of Kansas, Mr. PAXON, Mr. MCHUGH, Mr. QUINN, Mr. BAKER of California, Mr. BURTON of Indiana, Mrs. BENTLEY, Mr. ARMEY, Mr. THOMAS of Wyoming, Mr. MCCRERY, Mr. LIGHTFOOT, Mr. SMITH of New Jersey, Mr. STEARNS, Mr. WALKER, Mr. LINDER, Mr. GOODLING, Mr. SOLOMON, Mr. MANZULLO, Mr. TORKILDSEN, Mr. GOSS, Ms. MOLINARI, Mr. EWING, Mr. ROBERTS, Mr. HERGER, and Mr. ZIMMER.

H.R. 2862: Mr. CLAY and Mr. MCHUGH.

H.R. 2872: Mr. CRANE, Mr. DORNAN, and Mr. SCHIFF.

H.R. 2873: Mr. GIBBONS, Mr. YOUNG of Alaska, and Mr. SHAW.

H.R. 2879: Mr. CRANE, Mr. EWING, Mr. KINGSTON, Mr. LEVY, and Mr. FRANKS of New Jersey.

H.R. 2880: Mr. APPLEGATE, Mr. ZIMMER, Mr. SOLOMON, Mr. TORKILDSEN, Mr. GALLEGLY, Mr. BARTLETT of Maryland, and Mr. DORNAN.

H.R. 2890: Mr. SMITH of New Jersey, Mr. LANTOS, and Mr. WILLIAMS.

H.J. Res. 4: Mr. PORTMAN.

H.J. Res. 38: Mr. DEAL and Mr. PORTMAN.

H.J. Res. 44: Mr. BUYER.

H.J. Res. 61: Mr. BILBRAY and Mr. BAKER of Louisiana.

H.J. Res. 117: Mr. COX.

H.J. Res. 118: Mr. WALSH.

H.J. Res. 119: Mr. ROSE.

H.J. Res. 139: Mr. ANDREWS of New Jersey.

H.J. Res. 148: Mr. MOORHEAD, Mr. RAVENEL, Mr. GINGRICH, Mr. MCHUGH, Mr. SMITH of New Jersey, Mr. LEVIN, Ms. DELAURO, Mr. PAXON, Mr. ANDREWS of New Jersey, Ms. KAPTUR, Mr. YATES, Mr. RAMSTAD, Mr. EMERSON, Mr. VALENTINE, Mr. TORRES, Mr. MANTON, Mr. SCHAEFER, Mr. POSHARD, Mr. WASHINGTON, Mr. HEFNER, and Mr. GILMAN.

H.J. Res. 185: Mr. BILBRAY, Mr. DE LA GARZA, Mr. HUTTO, Mr. PRICE of North Carolina, and Ms. SLAUGHTER.

H.J. Res. 187: Mr. FAZIO and Mr. BEILENSON.

H.J. Res. 189: Mr. ROMERO-BARCELO.

H.J. Res. 194: Mr. ROSE, Mr. GENE GREEN of Texas, Mr. EMERSON, Mr. HALL of Ohio, Ms. VELAZQUEZ, and Mr. FLAKE.

H.J. Res. 197: Mr. BEVILL, Mr. TOWNS, Mr. ROMERO-BARCELO, Mr. OWENS, Mr. LAFALCE, Mr. DE LUGO, Mr. BARCIA of Michigan, Mr. MAZZOLI, Mr. MCDERMOTT, Mr. KREIDLER, Mr. VENTO, Mr. BROWDER, Mr. LIPINSKI, Mr. FAZIO, Mr. PARKER, Mr. COOPER, Mr. SARPALIUS, Mr. LAUGHLIN, Mr. WAXMAN, Mr. MATSUI, Mr. QUINN, Mr. HOLDEN, Mr. BILBRAY, Mr. VALENTINE, Mr. FISH, Mr. ORTIZ, Mr. LIVINGSTON, Mr. CASTLE, Mr. WALSH, Mr. RIDGE, Mr. BALLENGER, Ms. WATERS, Mr. DOOLITTLE, Mr. BEREUTER, Mr. PICKETT, Mr. ROGERS, Mr. ACKERMAN, Mr. BAESLER, Mr. GENE GREEN of Texas, Mr. COLEMAN, Mr. EDWARDS of Texas, Mrs. CLAYTON, Mr. FROST, Mr. BARRETT of Wisconsin, Mr. HINCHEY, Mr. SMITH of New Jersey, Mr. BONIOR, Mr. FARR, Mr. HAYES, Mr. HAMILTON, Mr. HUGHES, Mr. GONZALEZ, Mr. HEFNER, Mr. CLYBURN, Mr. CLAY, Mr. BROWN of Ohio, Mr. EVANS, Mr. YOUNG of Alaska, Mr. JOHNSON of South Dakota, Mr. SERRANO, Ms. ESHOO, Mr. SMITH of Oregon, Mr. HOCHBRUECKNER, Mrs. MEEK, Mr. PETERSON of Minnesota, Ms. FURSE, and Mr. BAKER of Louisiana.

H.J. Res. 198: Mr. HAMILTON.

H.J. Res. 205: Mr. ANDREWS of New Jersey, Mr. GUTIERREZ, Mr. HUTCHINSON, Mr. CARDIN, Mr. PARKER, Mr. TORRES, Mr. DOOLITTLE, Mr. OXLEY, Mr. GILLMOR, Mr. APPLEGATE, Mr. COOPER, Mr. BISHOP, Ms. PRYCE of Ohio, Mr. ROHRABACHER, Mr. MARKEY, Mr. EDWARDS of Texas, Mr. YOUNG of Florida, Ms. KAPTUR, Mr. SOLOMON, Mr. SAWYER, Mr. MANN, Mr. FRANKS of New Jersey, Mr. HANSEN, Mr. BAKER of Louisiana, Ms. ESHOO, Mr. JOHNSON of Georgia, Mr. HALL of Ohio, Mr. MOLLOHAN, Mr. LEACH, Mr. NATCHER, Mr. PRICE of North Carolina, Mr. REGULA, and Mr. RAHALL.

H.J. Res. 212: Mr. SOLOMON.

H.J. Res. 216: Mr. SOLOMON and Mr. BUYER.

H.J. Res. 219: Mr. REGULA, Mr. BARTLETT of Maryland, Mr. CRAMER, Ms. KAPTUR, Mr. DIAZ-BALART, and Mr. GENE GREEN of Texas.

H.J. Res. 226: Mr. BISHOP, Mr. GREENWOOD, and Mr. MOORHEAD.

H.J. Res. 237: Mr. SOLOMON.

H.J. Res. 248: Mr. BACHUS of Alabama, Mr. GILMAN, Mr. CONDIT, Mr. COMBEST, Mr. DUNCAN, Mr. SAM JOHNSON, Mr. CALVERT, Mr. YOUNG of Florida, Mr. LINDER, Mr. LEVY, Mrs. JOHNSON of Connecticut, Mr. SANTORUM, Mr. HEFLEY, Mr. HOBSON, Mr. MCDADE, Mr. CRAPO, Mr. KASICH, Mr. DORNAN, Mr. HANCOCK, Mr. BOEHNER, Mr. ISTOOK, Mr. BAKER of Louisiana, Mr. MILLER of Florida, Mr. CUNNINGHAM, Mr. HERGER, Mr. HUFFINGTON, Mr. HUNTER, Mr. GALLEGLY, Mr. SENSENBRENNER, Mr. KINGSTON, Mrs. VUCANOVICH, Mr. SMITH of Texas, Ms. FOWLER, Mr. WELDON, Mr. MCCRERY, Mr. GRAMS, Mr. ROBERTS, Mr. INGLIS of South Carolina, Mr. COBLE, Mr. PORTER, Mr. SUNDQUIST, Mr. ROGERS, Mr. LIGHTFOOT, Mr. THOMAS of Wyoming, Mr. EWING, Mr. CALLAHAN, Mr. GREENWOOD, Mr. YOUNG of Alaska, Mr. SMITH of New Jersey, Mr. LEWIS of Florida, Mr. STEARNS, Mr. GALLO, Mr. DOOLITTLE, Mr. BUNNING, Mr. HORN, Mr. HANSEN, Mr. GILLMOR, Mr. BLILEY, Mr. STUMP, Mr. QUILLEN, Mr. SKEEN, Mr. CAMP, Mr. REGULA, Mrs. MEYERS of Kansas, Mr. BALLENGER, Mr. FRANKS of Connecticut, Mr. LIVINGSTON, Mr. SAXTON, Mrs. BENTLEY, Mr. SCHAEFER, Mr. TAYLOR of North Carolina, Mr. OXLEY, Mr. MCHUGH, Mr. BILIRAKIS, Mr. BUYER, Ms. DUNN, Mr. FRANKS of New Jersey, Mr. MYERS of Indiana, Mr. LEWIS of California, Mr. TALENT, Mr. DIAZ-BALART, Mr. CRANE, Mr. SCHIFF, Mr. FAWELL, Ms. MOLINARI, Mr. GEKAS, Mr. SHAW, Ms. DANNER, Mr. ARCHER, Mr. BARRETT of Nebraska, Mr. BOEHLERT, Mr. EMERSON, Mr. FISH, Mr. HASTERT, Mr. MCCANDLESS, Mr. GUNDERSON, Mr. GOODLATTE, Mr. ROTH, Mr. DEAL, Mr. MACHTLEY, Mr. HALL of Texas, Ms. SNOWE, and Mr. GOODLING.

H.J. Res. 249: Mr. PORTMAN, Mr. BARRETT of Nebraska, Mr. MCKEON, and Mr. GENE GREEN of Texas.

H.Con. Res. 18: Mr. FINGERHUT.

H. Con. Res. 19: Mr. DEAL.

H.Con. Res. 44: Mr. GEKAS.

H. Con. Res. 49: Mr. HOCHBRUECKNER, Mr. ENGEL, Mr. LAZIO, Mr. TORRICELLI, Ms. MARGOLIES-MEZVINSKY, Mr. COSTELLO, and Mr. BORSKI.

H. Con. Res. 52: Mr. TORRES, Mr. KLINK, Mr. GILCHREST, Mr. GOODLING, Mr. KIM, Ms. ESHOO, Mr. THORNTON, Mr. WALSH, Mr. QUILLEN, Mr. HALL of Texas, and Mr. COPPERSMITH.

H. Con. Res. 65: Mr. WILSON, Mr. HUGHES, and Mr. FINGERHUT.

H. Con. Res. 83: Mr. BAKER of Louisiana.

H. Con. Res. 90: Mr. HALL of Texas, Mr. PENNY, Mr. BURTON of Indiana, Mr. FAWELL, Mr. SAM JOHNSON, Mr. DORNAN, Mr. KIM, Mr. GREENWOOD, Mr. HOKE, Mr. BARTLETT of Maryland, Mr. HUFFINGTON, and Mr. CANADY.

H. Con. Res. 91: Mr. HUTTO, Mrs. THURMAN, Ms. BYRNE, Mr. HILLIARD, and Mr. SANDERS.

H. Con. Res. 96: Mr. ZIMMER and Mr. LEVIN.

H. Con. Res. 98: Mr. DELLUMS, Ms. CANTWELL, Ms. SHEPHERD, Mr. VALENTINE, Mr. NEAL of Massachusetts, Mr. ANDREWS of New Jersey, Mr. TORKILDSEN, Mr. COLEMAN, and Mr. PRICE of North Carolina.

H. Con. Res. 100: Mr. SPRATT, Mr. SHARP, Mr. MCMILLAN, and Mr. WYDEN.

H. Con. Res. 103: Mr. SANDERS.

H. Con. Res. 110: Mr. BARCIA of Michigan, Mr. APPLEGATE, and Mr. COLLINS of Georgia.

H. Con. Res. 116: Mr. GILMAN.

H. Con. Res. 120: Mr. LAZIO and Mr. WALSH.

H. Con. Res. 122: Mr. MOAKLEY, Mr. MARKEY, Mr. ANDREWS of New Jersey, and Ms. VELAZQUEZ.

H. Con. Res. 124: Mr. JOHNSTON of Florida, Mr. BATEMAN, Mr. WHEAT, Mr. PENNY, Mr.

STARK, Mr. UNDERWOOD, Mr. WALSH, Mr. DeFAZIO, Mr. FALEOMAVAEGA, MR. TORRES, and Mr. MARKEY.

H.Con. Res. 132: Mr. HOKE.

H. Res. 117: Mr. ROEMER.

H. Res. 134: Mr. VALENTINE and Mr. MEEHAN.

H. Res. 202: Mr. TUCKER and Mr. MORAN.

H. Res. 234: Mr. McCRERY, Mr. HOYER, Mr. STUPAK, Ms. WATERS, Mr. McHUGH, and Ms. THURMAN.

H. Res. 237: Mr. KINGSTON, Mr. FINGERHUT, and Ms. CANTWELL.

H. Res. 242: Mr. CRANE, Mr. EWING, Mr. KINGSTON, Mr. LEVY, and Mr. FRANKS of New Jersey.

H. Res. 243: Mr. CRANE, Mr. EWING, Mr. KINGSTON, Mr. LEVY, and Mr. FRANKS of New Jersey.

H. Res. 244: Mr. CRANE, Mr. EWING, Mr. KINGSTON, Mr. LEVY, and Mr. FRANKS of New Jersey.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 436: Mrs. MEYERS of Kansas.

H.R. 2859: Mr. CALVERT.

H.R. 2862: Mr. SHAYS.

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS

The following registrations were submitted for the second calendar quarter 1993:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

Is this an Amendment?
☐ YES ☐ NO

IDENTIFICATION NUMBER____________________

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee"*.—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer"*.—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER

—State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have ☐ terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1◆

Organization or Individual Filing	Employer/Client
A-K Associates, Inc, 1024 10th Street, #300 Sacramento, CA 95814	Tahoe Basin Assn of Governments
John A. Adkins, 204 West 19th Street Houston, TX 77008	First Heights Bank, FSB
Michael B. Adlin, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America)
Akin Gump Strauss Hauer & Feld, L.L.P., 1333 New Hampshire Ave., NW, #400 Washington, DC 20036	Alliance of American Insurers
Do	GTECH Corp
Do	Robert Mondavi Winery
Do	Money Store
Do	Mortgage Insurance Cos of America
Do	MAXXAM, Inc
Do	Robert Mondavi Winery
William E. Albers, 11 Dupont Circle, NW, #300 . Washington, DC 20036-1207	Albers & Company (For:Lummi Indian Gaming Commission)
James J. Albertine, 1899 L Street, NW, Suite 500 Washington, DC 20036	Albertine Enterprises, Inc (For:ARCTICO, Inc)
Do	Albertine Enterprises, Inc (For:International Assn of Conventions)
Do	Albertine Enterprises, Inc (For:Lenox, Inc)
John M. Albertine, 1889 L Street, NW, Suite 500 Washington, DC 20036	Albertine Enterprises (For:International Assn of Conventions)
Do	Albertine Enterprises, Inc (For:Lenox, Inc)
Do	Albertine Enterprises, Inc (For:Primark Corp)
Albertine Enterprises, Inc, 1899 L Street., NW Suite 500 Washington, DC 20036	International Assn of Conventions
Do	Lenox, Inc
Do	Primark Corp
Alcalde Rousselot & Fay, 2111 Wilson Blvd., #850 Arlington, VA 22201	Associated Industries of Florida Property & Casualty Trust
Do	City of Jacksonville
Do	Palm Beach County
Ronald A. Allbee, P.O. Box 9205 South Burlington, VT 05407	Arter & Hadden
Peter J. Alto, 422 First Street, SE, Suite 208 Washington, DC 20003	Physicians Who Care
America for Worldwide Balanced Trade Agreement, Inc, 2236 Java Plum Avenue Sarasota, FL 34232	
American Re-Insurance Co, 555 College Road, East Princeton, NJ 08543	
American Society of Clinical Oncology, 750 17th Street, NW, Suite 1100 Washington, DC 2006	
Morris J. Amitay, P.C., 444 N. Capitol Street, NW, #712 Washington, DC 20001	Tenneco, Inc
Andrews' Associates, Inc, 2550 M St., NW, #450 Washington, DC 20037	Blue Cross and Blue Shield of ND
James N. Arbury, 1850 M Street, NW, Suite 540 Washington, DC 20036	National Multi Housing Council
David C. Armijo, 401 Coors Boulevard, NW Albuquerque, NM 87121	Westland Development Co, Inc
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	City of Reading
Do	General Cable Corp.
Do	Scripps Research Institute
Arter & Hadden, 1801 K Street, NW, #400K Washington, DC 20006	Central & South West Corp
Do	Citicorp
Do	Electronic Data Systems Corp
Do	International Hardwood Products Assn
Do	Mesa Petroleum
Do	National Assn of Broadcasters
Do	South West Florida Enterprises, Inc
Do	Tesoro Energy
Do	United Services Automobile Assn
Ater Wynne Hewitt Dodson & Skerritt, 1225 19th Street, NW, #200 Washington, DC 20036	Golden Valley Electric Assn, Inc
APCO Associates, Inc, 1155 21st St., NW Washington, DC 20036	Clark Public Utilities
Do	Englehard Corp
Do	Pennsylvania Power & Light
Robert A. Bacha, P.O. Box 65491 Washington, DC 20035	Westinghouse
Kingsley E. Bailey, 50 Quincy Place, NE Washington, DC 20002	International Foundation for the Mentally Ill
William W. Bailey, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey & Robinson (For:American Cyanamid Co, Inc)
Bailey & Robinson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	American Cyanamid Company
Do	National Futures Assn
Do	Natural Disaster Coalition
Do	Utilities Telecommunication Council
Charles A. Baker III, 1001 G Street, NW Suite 900 East Washington, DC 20001	Dewey Square Group
Baker & Botts, 555 13th Street, NW, #500 East Washington, DC 20004	Elken Metals Co
Do	Westinghouse Electric Corp
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	America's Health Plan
Do	American Football Coaches Assn Retirement Trust
Do	Central Reserve Life
Do	Independent Insurance Agents of America, Inc
Do	National Assn of Casualty & Surety Agents
Do	North American Reinsurance
Baker Worthington Crossley Stansberry & Woolf, 801 Pennsylvania Ave., NW, #800 Washington, DC 20004	AFG Industries, Inc
Do	Salomon Brothers, Inc
Do	Southern Star Shipping Co
Ball Janik & Novack, 1101 Pennsylvania Avenue, NW, #1035 Washington, DC 20004	CPAFB (Committee to Preserve the American Family Business
Do	Portland CommunityCollege
Ballard Spahr Andrews & Ingersoll, 555 13th St., NW, #900 East Washington, DC 20004	Anthracite Region Independent Power Producers Assn
Donald P. Barger, 20 Ridgeway Road Norris, TN 37828	National Parks & Conservation Assn
Sharon W. Barnes, 5535 Hempstead Way Springfield, VA 22151-4094	National Assn for Uniformed Services
Larry P. Barnett, 8752 Center Road Springfield, VA 22152	Aviation Management Associates (For:IBM)
Do	Aviation Management Associates (For:Megapulse, Inc)
Do	Aviation Management Associates (For:Wilcox, Inc)
Timothy Barnicle, 1050 17th Street, NW, Suite 810 Washington, DC 20036- Bar	Neece Cator Barnicle & Associates, Inc (For:Riley Consolidated, Inc)
Do	Neece Cator Barnicle & Associates, Inc (For:RG Assocites, Inc)
Linda L. Bartlett, 1341 G Street, NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp
Virginia Bartlett, Sony Drive Park Ridge, NJ 07656	Sony Electronics
Lezli Baskerville, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn
Bass Berry & Sims, 2700 First American Center Nashville, TN 37238	Attorneys' Liability Assurance Society, Inc
Do	Piedmont Natural Gas Co., Inc
Bayh Connaughton Fensterheim & Malone, PC, 1350 Eye Street, NW, #200 Washington, DC 20005	Citicorp
Do	Lender's Coalition
Do	Massachusetts Institute of Technology
Do	PIE Mutual Insurance Co
Do	TENNECO
Bayless Boland & Madigan, 1072 Thomas Jefferson Street, NW Washington, DC 20007	Energy Transportation Group
Kim Koontz Bayliss, 317 Massachusetts Ave., NE Washington, DC 20002	United Video, INc
Beverly Ann Benedict, 2414 16th Street Anacortes, WA 98221	Gertrude J. Dombrowski Research Organization
Rebecca J. Berg, 901 31st Street, NW Washington, DC 20007	Bostrom Corp (For:Passenger Vessel Assn)
Bergner Boyette Bockorny & Clough, 1101 16th Street, NW, #500 Washington, DC 20036	Dow Chemical Co
Do	HealthCare COMPARE/AFFORDABLE/OUCH Corp
Do	Petroleum Marketers Assn of America
Naomi Berkove, 2121 K Street, NW, #650 Washington, DC 20037	Global USA, Inc
Jacqueline L. Berry, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining and Manufacturing (3M)
Paul Berry, 2121 K Street, NW, #650 Washington, DC 20037	Global USA, Inc
Everett E. Bierman, 1801 K Street, NW, #400K Washington, DC 20006	Arter & Hadden
Do	Arter & Hadden (For:Citicorp)
Do	Loeffelr & Leath, Inc (For:Citicorp)
Birch Horton Bittner, Inc, 1155 Connecticut Ave., NW, #1200 Washington, DC 20036	E.O.N., Inc
Do	Euroatlantic, Inc, FL!
Black Manafort Stone & Kelly, Inc, 211 North Union Street, #300 Alexandria, VA 22314	Congressional Youth Leadership Council
Do	Philip Morris
Do	Phoenix Home Life Insurance
Roger Blacklow, 905 16th Street, NW Washington, DC 20006	Laborers' International Union of NA, AFL-CIO
Richard W. Bliss, 1079 Papermill Court, NW Washington, DC 20007	Audre Recognition Systems, Inc
Do	Consumers Paint Factory, Inc
Anthony Bloome, 2030 M Street, NW Washington, DC 20036	Common Cause
Stephen A. Bokat, 1615 H Street, NW Washington, DC 20062-2000	Chamber of Commerce of the U.S.
Bond Buck Donatelli, Inc, 1414 Prince Street, #300 Alexandria, VA 22314	Wiley Rein & Fielding (For:Francis R. Ruddy Institute of Maritime Communications)
Do	Wiley Rein & Fielding (For:Mobile Telecommunications)
Glenda Booth, 750 17th Street, NW, Suite 1100 Washington, DC 20006	National Organization for Rare Disorders
Borden Group, Inc, 101 N. Alfred Street, Suite 200 Alexandria, VA 22134	American Federation of Home Health Agencies

Organization or Individual Filing	Employer/Client
Beau Boulter, ANB Plaza II 500 Taylor, Suite 504 Amarillo, TX 79101	United Seniors Assn, Inc
Louis L. Boyle, 2717 North Front Street Harrisburg, PA 17110	Pennsylvania Newspaper Publishers' Assn
Bracewell & Patterson, 2000 K St., NW, #500 Washington, DC 20006	Birdsall, Inc
Do	Independent Refiners Coaliton
Do	Securities Industry Association
Marshall A. Brachman, P.O. Box 2200 Fort Worth, TX 76113	Area Metropolitan Ambulance Authority
Bracy Williams & Company, 601 13th Street, NW, #510 South Washington, DC 20005	Southern California Edison
Susan G. Braden, 1401 16th Street, NW Sherman House Washington, DC 20036	Ingersoll & Block, Chtd
Sandra E. Bregman, 2904 Avenue E Kearney, NE 68847	Writers & Research, Inc
Heather Harral Bremer, P.O. Box 25366 Washington, DC 20007-8366	Hawkins and Associates (For:Alza Corporation, et al.)
Thomas R. Bretz, 1801 K Street, NW, Suite 700 Washington, DC 20006	Price Waterhouse (For:Tenneco, Inc)
Kitty Brims, 1331 Pennsylvania Ave., NW, Suite 1500-N Washington, DC 20004-1703	National Assn of Manufacturers
Douglas A. Brook, 1133 Connecticut Avenue, NW, #620 Washington, DC 20036	LTV Corporation
James Brouillette, 2012 Massachusetts Ave., NW Washington, DC 20036	National Federation of Business & Professional Women/USA
Bonnie L. Brown, 1025 Connecticut Ave., NW, Suite 1200 Washington, DC 20036	Health Insurance Assn of America, Inc
Michael A. Brown, 2121 K Street, NW, #650 Washington, DC 20037	Global USA, Inc
Regina A. Brown, 1199 N. Fairfax Street, Suite 204 Alexandria, VA 22314	International Council of Shopping Centers
Rosamond S. Brown, 2121 K Street, NW, #650 Washington, DC 20037	Global USA, Inc
R. Stephen Browning, P.O. Box 1697 Helena, MT 59624	Burlington Northern Railroad
Do	Columbia Falls Aluminum Co.
Do	Cyprus Minerals Co.
Do	Glass Packaging Inst.
Do	Joint Board of Control for Flathead Irrigation Project
Do	Lewis and Clark Interpretive Center
Do	Montana Technology Corp.
Brownstein Hyatt Farber & Strickland, P.C., 410 17th Street, 22nd Floor Denver, CO 80202	American Salvage Pool Assn
Do	Liberty Media Corp
Thomas J. Bulger, 1750 17th Street, NW., #510 Washington, DC 20036	Military Audits of Market Information, Inc
Marwan Burgan, 601 Pennsylvania Avenue, NW, #900 Washington, DC 20004	American Muslim Council
Do	MARJAC Investments
Do	Ruba Harb Sifri, et al.
Tonio Burgos, 909 Third Avenue, 17th Floor New York, NY 10028	Pfizer, Inc
Burson-Marsteller, 1850 M Street, NW, #900 Washington, DC 20036	American Energy Alliance
Business Council for a Sustainable Energy Future, 1725 K Street, NW, Suite 509 Washington, DC 20006-1401	
John D. Cahill, McDermott,O'Neill and Associates 75 State Street #2130 Lower Level Boston, MA 02109	Greater Boston Convention & Visitors Bureau, Inc
Do	John Drew Co
Timothy Neil Cameron, 710 North 20th Street Birmingham, AL 35203	City of Birmingham, AL
Camp Barsh & Tate, 2550 M St., NW, #275 Washington, DC 20037	Ater Wynne Hewitt Dodson & Skerritt
Jeanne Campbell, Campbell-Raupe, Inc 1010 Pennsylvania Avenue, SE Washington, DC 20003	MFJ Task Force
John G. Campbell, 9300-D Old Keene Mill Road Burke, VA 22015	John G. Campbell, Inc (For:Sippican, Inc)
Thomas Campbell, 1301 K Street, NW, #900, East Tower Washington, DC 20005	Gardner Carton & Douglas (For:Ukiah Valley Medical Center)
James R. Cannon Jr., 808 Seventeenth Street, NW, #300 Washington, DC 20006-3910	Stewart & Stewart (For:Floral Trade Council)
Charles H. Cantus, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council
Capitol Associates, Inc, 426 C Street, NE Washington, DC 20002	G-Tech Corp
Do	Ohio Communities I-670, Inc
Do	Smith Barney
Linda E. Carlisle, 1100 Connecticut Avenue, NW, #600 Washington, DC 20036	Amway Corp
Nancy Carlton, 601 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	Merck & Co, Inc
Dan Carol, 7003 Carroll Avenue, Suite 200 Takoma Park, MD 20912	3Com Corp
Paul E. Carothers, 1341 G Street, NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp
Jennifer Casey, 701 Pennsylvania Ave., NW, Suite 900 Washington, DC 20004	Assn of Home Appliance Manufacturers
Cashdollar-Jones & Company, 1000 16th Street, NW, #702 Washington, DC 20036	Concerned Domestic Flower Growers & Handlers
Do	Strategic Agricultural Management Corp
Cassidy and Associates, Inc, 700 13th St., NW, #400 Washington, DC 20005	American Assn of Homes for the Aging
Do	Chicago Board of Trade
Do	Chicago Mercantile Exchange
Do	City of Charlotte
Do	City of Vallejo
Do	Just Say No International
Do	Mac Andrews and Forbes
Do	Motion Picture Assn of America
Do	Southeastern PA Consortium for Info. Tech. & Training
Do	St. Francis Healthcare Foundation of Hawaii
Do	Sylvan Learning Systems, Inc
John J. Castellani, 701 Pennsylvania Avenue, NW Suite 610 Washington, DC 20004	Tenneco, Inc
G. Thomas Cator, 1050 17th Street, NW, #810 Washington, DC 20036	Neece Cator Barnicle & Associates (For:GMIS)
Carol Cayo, 2008 Dayton Street Silver Spring, MD 20902	Information Technology Assn of America
Chadbourne & Parke, 1101 Vermont Ave., NW, #900 Washington, DC 20005	GWF Power Systems
Do	O'Brien Environmental Energy
Do	Solid Waste Assn of North America
Jerry L. Chambers, 1575 Eye Street, NW, #200 Washington, DC 20005	American Cyanamid Co
Chambers Associates, Inc, 1625 K Street, NW, #200 Washington, DC 20006	USX Corp
Leslie Cheek III, 490 L'Enfant Plaza East, SW, #4200 Washington, DC 20024	Xerox Corp
Chernikoff & Company, 1320 18th Street, NW, #100 Washington, DC 20036	Henry Ford Museum & Greenfield Village
Do	National Council for the Traditional Arts
John Chwat, 601 Pennsylvania Avenue, NW, Suite 900 Washington, DC 20005	Role Models America, Inc
Philip Clapp, 1350 New York Ave., NW, Suite 1100 Washington, DC 20005-4798	Spiegel & McDiarmid (For:Oil Chemical & Atomic Workers Int'l Union, AFL-CIO)
Elizabeth Clifford, 1101 Connecticut Ave., NW, Suite 700 Washington, DC 20036	American Assn of Preferred Provider Organizations
Cochran Mitchell & Lotkin, 210 Massachusetts Avenue, NW, Suite C-1 Washington, DC 20002	Burbank Glendale Pasadena Airport Authority
Do	Learning Tools
Colex & Associates, 2775 South Quincy Street, #520 Arlington, VA 22206	Diagnostek, Inc
Collier Shannon Rill & Scott, 3050 K Street, NW, #400 Washington, DC 20007	Fidelity Investments
Do	Owner-Operator Independent Drivers Assn
Do	Wickland Oil Co
Thomas L. Conlan, One West Fourth Street, Suite 200 Cincinnati, OH 45202	Student Loan Funding Corp
Connaught Laboratories, Inc, 1615 L Street, NW, Suite 650 Washington, DC 20036	
Michael E. Connealy, 3501 Thurston Avenue Anoka, MN 55303	National Ag Underwriters, Inc
Ralph T. Conner, 1250 Eye Street, NW Washington, DC 20005	National Tire Dealers & Retreaders Assn
Copeland Hatfield & Lowery, 601 13th Street, NW, #710 North Washington, DC 20005	ORINCON Corp
Do	San Diego State University Foundation
Do	SAIC, Inc
Do	Westlands Water District
Christine Corrado, 1420 King Street Alexandria, VA 22314	National Society of Professional Engineers
Jack Cory, 120 E. Jefferson Street Tallahassee, FL 32301	Florida Lobbying Services, Inc (For:Discovery Cruises)
Keyna Cory, 120 E. Jefferson Street Tallahassee, FL 32301	Florida Lobbying Services, Inc (For:Discovery Cruises)
Brian Cove, 955 L'Enfant Plaza, SW, #5300 Washington, DC 20024	Honda North America
Covington & Burling, P.O. Box 7566 1201 Pennsylvania Avenue, NW Washington, DC 20044	John Hancock Mutual Life Insurance Co
Do	Harry Shooster
Betsy Anne Craib, 1000 Connecticut Ave., NW Washington, DC 20036	Japan Economic Institute of America
Daniel M. Crane, 1010 Pennsylvania Avenue, SE Washington, DC 20003	MFJ Task Force
Christopher K. Croft, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife
Jennifer Cummins, 1616 H Street, NW Washington, DC 20006	National Grange
Linda L. Davidson, 1776 Eye Street, NW, Suite 700 Washington, DC 20006	Phillips Petroleum Co
Davidson Colling Group, 1101 Pennsylvania Avenue, N.W. #810 Washington, DC 20004	Caraustar Industries
Davis & Harman, 1455 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	Aircraft Owners & Pilots Assn
Do	American Home Life Insurance Co
Do	Columbia Gas Development Corp
Do	National Lime Assn
Michael P. Day, 101 North Phillips Avenue P.O. Box 5118 Sioux Falls, SD 57117	Crop Hail Management (NORWEST)
George K. Degnon Associates, Inc, 6728 Old McLean Villiage Drive McLean, VA 22101	George K. Degnon Associates
Glenn Roger Delaney, 415 North St. Asaph Street Alexandria, VA 22314	David P. Stang
James A. Delaney, 9402 Lost Trail Way Potomac, MD 20854	American Society for the Prevention of Cruelty to Animals
Deloitte & Touche, 1001 Pennsylvania Ave. Suite 350N Washington, DC 20004-2505	Enterprise Products
William H. Dennerlein, 329 F Street, #208 Anchorage, AK 99501	National Parks & Conservation Assn

Organization or Individual Filing	Employer/Client
James A. DeChaine, 403 First Street, SE Washington, DC 20003	Hessian McKasy & Soderberg (For:City of Moorhead (MN))
Do	Hessian McKasy & Soderberg (For:Control Data Systems, Inc)
Do	Hessian McKasy & Soderberg (For:Planning Research Corp)
Alecia A. DeCoudreaux, 1101 Pennsylvania Ave., NW, Suite 540 Washington, DC 20004	Eli Lilly & Co
Mark DeSantis, 1455 Pennsylvania Ave., NW, Suite 230 Washington, DC 20004	Texas Instruments
John G. Dicks III, 1111 East Main Street P.O. Box 1122 Richmond, VA 23208-1122	Texaco, Inc
Patsy B. Dix, 1201 16th Street, NW Washington, DC 20036	American Insurance Assn
Sally S. Donner, 1341 G Street NW, 9th Floor Washington, DC 20005	Philip Morris Management Corpp
Jeffrey D. Doranz, 1000 Connecticut Ave., NW, #706 Washington, DC 20036	Palumbo & Cerrell, Inc (For:California Forestry Association)
Do	New Jersey Turnpike Authority
Dorfman & O'Neal, Inc, 1331 Pennsylvania Ave., NW, Suite 730N Washington, DC 20004	General Pneumatics Corp
Do	Hercules Engine Co
Kimberly Olson Dorgan, 1702 Esquire Lane McClean, VA 22041	Children's Television Workshop
Dorsey & Whitney, 1330 Connecticut Ave., NW, #200 Washington, DC 20036	Solvay Pharmaceuticals, Inc
Robert J. Dotchin, One Massachusetts Ave., NW, Suite 800 Washington, DC 20001	U.S. Surgical Corp
Stephen W. Dove, 1199 North Fairfax Street, Suite 801 Alexandria, VA 22314	National Assn of Truck Stop Operators
Dow Lohnes & Albertson, 1255 23rd St., NW, Suite 500 Washington, DC 20037	Kycom
Mary Theresa Doyle, 801 Pennsylvania Avenue, NW, Suite 250 Washington, DC 20004	Massachusetts Mutual Life Insurance Co
Michael Draper, 2101 L Street, NW Washington, DC 20037	Forest Products Industry National Labor-Management Committee
Marcel Dubois, 1301 Connecticut Avenue, NW, #400 Washington, DC 20036	Council for Citizens Against Government Waste
Ducheneaux Gerard & Associates, 1155 Connecticut Avenue, NW, #400 Washington, DC 20036	Crow Creek Sioux Tribe
Do	Intertribal Agricultural Council
Trent D. Duffy, 555 13th Street, NW, Suite 460 W. Tower Washington, DC 20004	Parsons Brinckerhoff Quade & Douglas, Inc
Duncan Weinberg Miller & Pembroke, P.C., 1615 M Street, NW, #800 Washington, DC 20036	National Assn of Energy Service Companies
Andrea Durbin, 218 D Street, SE Washington, DC 20003	Friends of the Earth
Dutko & Associates, 412 First St., SE, #100 Washington, DC 20003	Carpet and Rug Institute
Do	Hercules, Inc
Do	Monarch Wine Co of Georgia/Todhunter Intl, Inc
Do	National American Wholesale Grocers Assn
Do	Oklahoma Basic Economy Corp
Do	Washington Research Group
Do	Wine Institute
Robert J. DuComb Jr., 2929 North Central Avenue, 14th Floor Phoenix, AZ 85012-2742	Sakcs Tierney & Kasen (For:USA Group, Inc)
James W. Dyer, 1667 K Street, NW, #310 Washington, DC 20006	Arrowsmith Shelburne, Inc
Dyer Ellis Joseph & Mills, P.C., 600 New Hampshire Ave., NW, #1000 Washington, DC 20037	American Healthcorp, Inc
Do	BP America, Inc
Do	Heritage Surgical Corp
Do	JM Family Enterprises, Inc
Do	Praxis Community Healthcare Information
Do	Riverview of Frankenmuth, Inc
Do	S.A.I.L., Inc
Dykema Gossett, 1752 N Street, N.W 6th Floor Washington, DC 20036	Comerica
Do	Michigan Biotechnology Institute (MBI)
Anthony S. Earl, One South Pinckney Street P.O. Box 2113 Madison, WI 53701-2113	Quarles & Brady (For:McClure Gerard & Neuenschwander, Inc)
Kerry P. Early, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn
Joseph L. Ebersole, 2101 Connecticut Ave., NW, #63 Washington, DC 20008-1760	
Edward Segal Communications, 1338 28th Street, NW Washington, DC 20007	National Center for Housing Management
James L. Ervin, 1667 K Street, NW, #310 Washington, DC 20006	Arrowsmith Shelburne, Inc
Mark Esherick, 1801 Pennsylvania Avenue, NW Washington, DC 20006	MCI Communications Corp
Lorraine P. Ettinger, 3901 NW 145th Street, Bldg 147 Opalocka, FL 33054	
Faegre & Benson, Sutie 450 North, Homer Building 601 13th Street, NW Washington, DC 20036-4001	Plaintiffs in Federal Dist Court litigation in Anchorage, AK
Robert J. Falb, 1821 Michael Faraday Drive Suite 400 Reston, VA 22090	National Wholesale Druggists' Assn
Tara Federici, 1200 G Street, NW, #400 Washington, DC 20005	Health Industry Manufacturers Assn
Jack Ferguson Associates, Inc, 203 Maryland Ave., NE Washington, DC 20002	Arctic Power
Do	Mountaineer Gas Co
Filipino American Committee on Judicial Appointments, 2417 W. Beverly Blvd. Los Angeles, CA 90057	
Matthew H. Finucane, 1444 Eye Street, NW, #702 Washington, DC 20005	Asian Pacific American Labor Alliance, AFL-CIO
George R. Fister, 4301 N. Fairfax Drive, #330 Arlington, VA 22203	Shipbuilders Council of America
Linda Doorfee Flaherty, 1129 20th Street, NW, Suite 200 Washington, DC 20036	Greater Washington Board of Trade
Fleishman-Hillard, Inc, 1301 Connecticut Ave., NW, 7th Floor Washington, DC 20036	Baxter Healthcare Corp
Do	Douglas Clark
Do	Global Communications Consultants
Do	Hispanic Business
Do	International Sleep Products Assn
Do	Merco Consultants
Do	National Assn of Business & Education Ratio
Do	Novell, Inc
Ronnie G. Flippo, 701 Pennsylvania Ave., NW, #800 Washington, DC 20004	R.G. Flippo & Associates, Inc (For:Reynolds Metal Co)
Florida Business Associates, 1825 Eye Street, NW, #400 Washington, DC 20006	Constellation Technology Corp.
Do	University of Vermont
Joseph P. Foley, P.O. Box 61303 Potomac, MD 20859	National Youth Sports Coaches Assn
Do	Niron Distributors, Inc
M. Todd Foley, 1776 I Street, NW, #1000 Washington, DC 20006	BP America, Inc
Foley & Company, Inc, P.O. Box 61303 Potomac, MD 20859	City of Ontario
Foley & Lardner, 3000 K Street, NW, #500 Washington, DC 20007-5109	Real Estate Services Providers Council
Foreman & Heidepriem, 1155 21st Street NW, #750 Washington, DC 20036	EMILY's List
Forest Products Industry National Labor-Management Comm, 2101 L Street, NW Washington, DC 20037	
Donald L. Fowler, P.O. Box 50627 Columbia, SC 29250	American College of Sports Medicine
Do	AT&T
David C. Frankil, 1875 Eye Street, NW, Suite 540 Washington, DC 20006	Champion International Corp
Franson Hagerty & Associates, 1155 15th Street, NW, Suite 710 Washington, DC 20005	Franson Hagerty & Associates (For:Coalition for American Equity Expansion)
Freedom Technologies, Inc, 1301 K Street, NW, Suite 1025 East Washington, DC 20005	Ameritech
Thomas Gann, 1201 Pennsylvania Avenue, NW Suite 370 Washington, DC 20004	Sun Microsystems, Inc
Patrick J. Garver, 201 South Main Street, #1800 Salt Lake City, UT 84111	Parsons Behle & Latimer (For:Barrick Goldstrike Mines, Inc)
Do	Parsons Behle & Latimer (For:Barrick Resources USA, Inc)
David A. Gerken, 1301 Connecticut Avenue, NW Eighth Floor Washington, DC 20036	Puerto Rico Federal Affairs Administration
Lee G. Gibson, 301 East Clark Avenue, Sutie 300 Las Vegas, NV 89101	Regional Transportation Commission
Michael Gill, 11166 Main Street, Suite 302 Fairfax, VA 22030	Seniors Coalition
Mary Ann Gilleece, 1747 Pennsylvania Ave. NW, #800 Washington, DC 20006	Gadsby & Hannah (For:Dayton Area Chamber of Commerce)
Do	Gadsby & Hannah (For:IPAC)
Do	Gadsby & Hannah (For:Veda, Inc)
Do	Gadsby & Hannah (For:Westinghouse Distribution & Control)
Andrew M. Glick, 1201 Connecticut Ave., NW, Suite 300 Washington, DC 20036	Bailey & Robinson (For:Utilities Telecommunication Council)
Alexandra Glowacki, 3901 Connecticut Ave., NW Washington, DC 20008	Saipan Garment Manufacturers Assn
Gold & Liebengood, Inc, 1455 Pennsylvania Ave., NW, #950 Washington, DC 20004	American Mental Health Counselors Assn
Do	Global Excess Re, Inc
Do	International Council of Shopping Centers
Do	Kidder Peabody & Co
Do	MAPCO, Inc
Neil Goldschmidt, Inc, 222 SW Columbia, #1850 Portland, OR 97201	Evergreen International Aviation, Inc
Do	US Generating
Benson S. Goldstein, 1010 North Fairfax Street Alexandria, VA 22314	National Assn for the Self-Employed
Thomas E. Goode, 1140 Connecticut Avenue, NW Suite 1140 Washington, DC 20036	Utilities Telecommunications Council
Paul E. Goulding, 1140 23rd Street, NW, Suite 505 Washington, DC 20037	Warren & Co (For:Council of the Americas)
Edwin C. Graves, 1615 L Street, NW, Suite 1150 Washington, DC 20036	South Dade Land Corp
Greenberg Traurig Hoffman Lipoff Rosen & Quentel, PC, 2300 N Street, NW, Suite 600 Washington, DC 20037	Central American & Caribbean Textile & Apparel Council
Do	Mount Sinai Medical Center
Do	Ren Corp-USA
Do	Smith Corono Corp
Do	Torrington Co
Ann Thomas Griffin, 2707 D.S. Walter Reed Drive Arlington, VA 22206	Harris Corp
Griffin Johnson & Associates, 1211 Connecticut Ave., NW, #700 Washington, DC 20036	Coopers & Lybrand, et al.
Do	Council for Marketing & Opinion Research
Do	Heartland Health Systems

Organization or Individual Filing	Employer/Client
Do	National Coalition of Burn Center Hospitals
Do	Quotron Systems, Inc
Do	Software Productivity Consortium
Hackard & Holt, 3620 American River Drive, Suite 125 Sacramento, CA 95864	Hillman Properties
Do	National Clay Pipe Institute
Hackard & Taylor, 1435 River Park Drive, Suite 300 Sacramento, CA 95815	Hillman Properties West, Inc
Do	National Clay Pipe Institute
Haight Gardner Poor & Havens, 1300 I Street, NW, #470E Washington, DC 20005	EuroColumbus
Hale and Dorr, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Harcourt Brace & Co
Do	Intra-Sonix
Do	Maxtor Corporation
Do	Park Electrochemical Corp
Do	Psychological Corp
Do	Thinking Machines Corp
Angelynn Hall, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn
Martin L. Hall, 5990 Richmond Highway, #1114 Alexandria, VA 22303	Concord Resources Group, Inc
Jim Halpert, 2000 M Street, NW, #400 Washington, DC 20036	People for the American Way Action Fund
Palmer C. Hamilton, Miller Hamilton Snider & Odom P.O. Box 46 Mobile, AL 36601	Chase Manhattan Bank
Susan C. Hammann, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.
Dolly A. Hanrahan, 1710 Rhode Island Ave., NW Washington, DC 20036	Abbott Laboratories
William D. Hansen, 155 15th Street, NW Washington, DC 20005	Education Finance Council
Harkins Cunningham, 1300 19th Street, NW, Suite 600 Washington, DC 20036	Consolidated Rail Corp
Michael C. Harper, 2111 Wilson Blvd, Suite 1100 Arlington, VA 22201	Teledyne Ryan Aeronautical
William J. Harte Ltd, 111 West Washington Street, Suite 1100 Chicago, IL 60602	AMGEN, Inc
James W. Hawkins III, P.O. Box 25366 Washington, DC 20007-8366	Hawkins & Associates (For:Alza Corp, et al.)
Hawkins & Associates, P.O. Box 25366 Washington, DC 20007-8366	Cochlear Corp
Do	Communicore
Do	Metra Biosystems, Inc
Hawkins Delafield & Wood, 1850 M Street, NW, Suite 540 Washington, DC 20036	Mortgage Bankers Assn
Mary B. Heath, 1801 K Street, NW, Suite 700 Washington, DC 20006	Price Waterhouse (For:Frank Russell Co)
Timothy P. Hecht, 499 South Capitol Street, SW Washington, DC 20003	Digitran Systems Inc.
William H. Hecht, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Digitran Systems Inc.
Hecht Spencer & Associates, Inc, 499 South Capitol Street, SW, #507 Washington, DC 20003	Digitran Systems Inc.
Claire Heffernan, 1620 Eye Street, NW, #1000 Washington, DC 20006	American Automobile Manufacturers Assn
Michael D. Herman, 2000 M Street, NW Washington, DC 20036	Graham & James (For:RR Donnelley & Sons Company)
Owen E. Herrnstadt, 9000 Machinists Place Upper Marlboro, MD 20772	International Assn of Machinists & Aerospace Workers
David S. Hess, 3900 University Boulevard South Jacksonville, FL 32216	Davis S. Hess
Lucy A. Higley, 180 South Clinton Avenue Rochester, NY 14646-0700	Rochester Telephone Corp
Margaret A. Hill, 1400 L Street, NW Washington, DC 20005	Sonoco Products Co
Hill and Knowlton, Inc, 901 31st Street, NW Washington, DC 20007	Healthcare Leadership Council
Do	Monsanto
Do	TV Answer, Inc
Sheila E. Hixson, 1730 Rhode Island Avenue, NW, Suite 1000 Washington, DC 20036	National Solid Wastes Management Assn (NSWMA)
Hobbs Straus Dean & Wilder, 1819 H St., NW, #800 Washington, DC 20006	National Minority Public Broadcasting Consortia
Do	Northwest Indian Child Welfare Assn
Glen D. Hofer & Associates, 1000 16th Street, NW, #702 Washington, DC 20036	AIA Universe Insurance
Judith L. Hoffman, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co
F. Nordy Hoffmann and Assoc, Inc, 400 N. Capitol St., NW, #327 Washington, DC 20001	American Radio Assn
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	Ad Hoc CFTC Energy Coalition
Do	Arctco, Inc
Do	Attorneys Liability Assurance Society
Do	Eidetics, Inc
Do	Farm Credit Bank of Baltimore
Do	Flight Products, Inc
Do	Government of Haiti
Do	Milton S. Eisenhower Foundation
Do	Quality Imaging
Do	Sierra Forest Products
Do	University of Pittsburgh Medical Center
Do	Visiting Nurse Service of New York
Holland & Hart, 1001 Pennsylvania Ave., NW, #310 Washington, DC 20004	CALPINE
Holland & Knight, 888 17th St., NW, #900 Washington, DC 20006	Homestead Community Bank
Do	International Taxicab & Livery Assn
Jocelyn Hong & Associates, 207 Pennsylvania Ave., SE, #2 Washington, DC 20003	Organization Opposed to the Supercollider
Hooper Hooper Owen & Gould, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004	Arkla, Inc
Do	City of San Francisco (Water & Power Div)
Do	CSX/Yukon Pacific Corp
Do	Destec Energy, Inc
Do	Ebasco Services
Do	Entergy Corp
Do	Ewing Kauffman Foundation
Do	ENSERCH Corp
Do	ENSERCH Exploration
Do	Fluor Corp
Do	Goldstrike Mine
Do	Hallmark Cards
Do	Herzog Heine Gedold, Inc
Do	Hubbell, Inc
Do	Integrated Resources Group, Inc
Do	Integrated Waste Services Assn
Do	International Paper Co
Do	IFINT, S.A.
Do	Jena Bank of Choctaw
Do	John Hancock Mutual Life Ins Co
Do	Kansas City Southern Industries
Do	Mobil Corp
Do	National Assn of Royalty Owners
Do	National Rural Letter Carriers' Assn
Do	Panhandle Eastern Corp
Do	Pennsylvania Engineering Co
Do	Phlcorp
Do	Science Applications Intern COrp
Do	Trammell Crow Co
Do	Tulane University
Do	TECO Energy, Inc
Do	Ultramar, Inc
Do	United Asset Management
Do	Utilicorp United, Inc
Do	Water Island Civic Assn
Do	WMX Technology & Services
Edward Hopkins, 1120 19th Street, NW, Suite 630 Washington, DC 20036	Citizen Action Fund
Hopkins & Sutter (Washington), 888 16th Street, NW, 6th floor Washington, DC 20006	Oracle Corp
M'liss Solove Houston, MSH Consulting 5507 Ferndale Street Springfield, VA 22151	National Assn of Veterans Admin Physicians and Dentists
Margaret Renken Hudson, 1212 New York Avenue, NW, Suite 500 Washington, DC 20005	American Portland Cement Alliance
Deidre D. Humphrey, 444 North Capitol Street, #711 Washington, DC 20001	Keefe & Co (For:American Rocket Co)
Do	Keefe Co (For:City of Homestead)
Do	Keefe Co (For:Radiofone, Inc)
Hunton & Williams, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20036	Graphic Artists Guild
Do	Metallgesellschaft Corpo
Angelo Iasiello, 1015 15th Street, NW, Suite 802 Washington, DC 20005	American Consulting Engineers Council
Scot E. Imus, 1199 North Fairfax Street, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators
Charles W. Ingram, 1615 H Street NW Washington, DC 20062	U. S. Chamber of Commerce
Mark Isakowitz, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business
J/T Group, 2555 M Street, NW, #327 Washington, DC 20037	Alliance of Non-Profit Mailers

Organization or Individual Filing	Employer/Client
Alphonse Jackson, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn
Jenner & Block, 601 Thirtenth Street, NW, 12th Floor Washington, DC 20006	Safe Steel Container Coalition
Michael S. Johnson, 1801 K Street, NW, #400K Washington, DC 20006	Arter & Hadden (For:Central South West Corp)
Do	Arter & Hadden (For:Citicorp)
Do	Arter & Hadde (For:Electronic Data Systems)
Do	Loeffler & Leath (For:Mesa Petroleum)
Do	Arter & Hadden (For:Mesa Petroleum)
Do	Arter & Hadden (For:National Assn of Broadcasters)
Do	Loeffler & Leath (For:Tesoro Petroleum)
Do	Arter & Hadden (For:Tesoro Petroleum)
Do	Arter & Hadden (For:United Services Automobile Assn)
Susan E. Johnson, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Real Estate Services Providers Council (RESPRO)
Johnson & Gibbs, P.C., 1301 K Street, NW Suite 800 East Washington, DC 20005	Marine Preservation Assn
Gerald C. Jones Jr., 739 8th Street, SE Washington, DC 20003	Assn of Community Organizations for Reform Now (ACORN)
Ronald D. Jones, 125 West 55th Street, 19th Floor New York, NY 10019	United Distribution Companies
Jones Day Reavis & Pogue, 1450 G Street, NW, #700 Washington, DC 20005-2088	Fleet Call, Inc
Do	Sungard Data Systems, Inc
Patricia Jordan, 1130 Connecticut Avenue , NW #300 Washington, DC 20036	Aerospae Sales Tax Coalition
Jorden Burt Berenson Klingensmith & Suarez, 1025 Thomas Jefferson Street, NW Suite 400 East Washington, DC 20007-0805	City of Gainesville
Do	City of Newark
Do	Florida Endowment Fund for Higher Education
Do	Metropolitan Atlanta Olympic Games Authority
Do	New York University
Do	South Dade Land Corp
Do	University of Medicine & Dentistry of New Jersey
Do	University of Miami
Do	University of Tulsa
Robert R. Jorgensen, 1101 Vermont Avenue, NW, #710 Washington, DC 20005	American Veterinary Medical Assn
Kathy Elena Jurado, 4202 East Fowler Avenue, ADM 280 Tampa, FL 33620	University of South Florida
Charles N. Kahn III, 1025 Connecticut Ave., NW, Suite 1200 Washington, DC 20036	Health Insurance of America, Inc
Lisa Kahn, 218 D Street, SE Washington, DC 20003	Friends of the Earth
Martin B. Kanner, 1575 Eye Street, NW, Suite 370 Washington, DC 20005-1175	Coalition for PUHCA
Do	OPCO Wholesale Customer Group
Robert Karns, 3901 NW 145th Street, Bldg 147 Opalocka, FL 33054- 0	
Douglas G. Kay & Associates, P.O. Box 16866 Washington, DC 20041	PHD, Inc
Kearney & Gleason, One State Street - 8th Floor Boston, MA 02109	New England Telephone Co
Do	NYNEX Government Affairs
David A. Keene & Associates, 919 Prince Street Alexandria, VA 22314	United Seniors Assn
David Keepnews, 600 Maryland Avenue, SW, #100 West Washington, DC 20024-2571	American Nurses Assn
Melissa Kemp, 545 8th Street, SE, Suite 200 Washington, DC 20003	TransAfrica, Inc
Wendy Kenyon, 1700 North Moore Street, 21st Floor ArlingtonVA22209	Boeing Co
King & Spalding, 1730 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Estate of Anne Grant Owens
Do	Estate of Irene W. Michael
Kinghorn & Associates, 900 2nd Street, NE, #109 Washington, DC 20002	American Metalcasting Consortium (AMC)
Andrew B. Kingston, 6593 Ives Lane North Maple Grove, MN 55369	
Kevin J. Kinnaw, 1850 M Street, NW, Suite 600 Washington, DC 20036	Toyota Motor Sales USA, Inc
Koch Industries, Inc, P.O. Box 2256 Wichita, KS 67201	
Kogovsek & Associates, Inc, 1801 Broadway, #1420 Denver, CO 80202	Center for Applied Research
Do	Great-West Life Assurance Co
Gary J. Kohn, 805 15th Street, NW, #300 Washington, DC 20005	Credit Union National Assn
Lawrence B. Kraus, 1615 H Street, NW Washington, DC 20062-2000	Chamber of Commerce of the U.S.
Eric Lachica, 3600 Wilshire Blvd., Suite 2230 Los Angeles, CA 90010	Filipino American Comm for Judicial Appointments
Robert Lamb, 1200 G Street, NW, #600 Washington, DC 20005	Wright & Talisman, P.C. (For:Columbia Natural Resources)
Do	Wright & Talisman, PC (For:National Stripper Well Assn)
Do	Wright & Talisman, PC (For:Tenneco, Inc)
Martha D. Lamkin, 11100 USA Parkway Fishers, IN 46038	USA Group, Inc
Susan Lamson, 1600 Rhode Island Avenue, NW Washington, DC 20036	National Rifle Assn of America
Latham & Watkins, 1001 Pennsylvania Ave., NW, #1300 S Washington, DC 20004-2505	Ahlstrom Development Corp
Do	Digital Equipment Corp
Do	Wireless Cable Assn International
Bob Lawrence & Associates, 803 Prince St. Alexandria, VA 22314	National Geothermal Assn
Marvin Leath, One Massachusetts Ave, NW, #330 Washington, DC 20001-1431	American Logistics Assn
Preston V. Lee Jr., 1101 Pennsylvania Ave., NW, Suite 950 Washington, DC 20077	American Bankers Assn.
Lee Toomey & Kent, 1200 18th Street, NW Washington, DC 20036	American Society for Payroll Managemetn
Do	Avon Products, Inc
Do	ACX Technologies, Inc
Do	Beckman Instruments, Inc
Do	Becton Dickinson & Co
Do	BellSouth Corp
Do	Briggs & Stratton Corp
Do	Burroghs Wellcome Co
Do	Carolina Power & Light Co
Do	Colgate-Palmolive Co
Do	Data General Corp
Do	Deere & Co
Do	Dun & Bradstreet Corp
Do	Ecolab, Inc
Do	GTE Corp
Do	Johnson & Johnson
Do	Millipore Corp
Do	Nestle Holdings, Inc
Do	Raytheon Co
Do	Riviana Foods, Inc
Do	Sterling Winthrop, Inc
Do	Tandem Computers, Inc
Do	Thiokol Corp
Carroll H. Leggett, 1020 North Fairfax Street, Suite 500 Alexandria, VA 22314	Royal Embassy of Saudi Arabia
Mingyew Leung, 1100 17th Street, NW, 10th Floor Washignton, DC 20036	American Assn for Marriage & Family Therapy
Jeff Levey, 1801 K Street, NW, Suite 700 Washington, DC 20006	Frank Russell Co
Do	Price Waterhouse (For:Royalty Coalition)
David M. Levy, 1722 Eye Street, NW Washington, DC 20006	Sidley & Austin (For:Alliance of Nonprofit Mailers)
Jack W. Lewis, 1101 Vermont Ave., NW Washington, DC 20005	Paperboard Packaging Council
Susan Lewis, 5229 Westpath Way Bethesda, MD 20816	Jason Foundation for Education
Lewis Rice & Fingersh, 611 Olive St., #1400 St. Louis, MO 63101	John E. Simon Trust
Lionel Sawyer & Collins, 50 West Liberty Street, Suite 1100 Reno, NV 89501	Circus Circus
Do	General Motors
Do	Nevada Resort Assn
Do	Sears, Roebuck & Co
Thomas G. Loeffler, 1801 K Street, NW, #400K Washington, DC 20006	Arter & Hadden (For:Central & South West Corp)
Do	Arter & Hadden (For:Citicorp)
Do	Arter & Hadden (For:Electronic Data Systems Corp)
Do	Arter & Hadden (For:Mesa Petroleum)
Do	Loeffler & Leath (For:Mesa Petroleum)
Do	Arter & Hadden (For:National Assn of Broadcasters)
Do	Arter & Hadden (For:Tesoro Energy)
Do	Loeffler & Leath, Inc (For:Tesoro Energy)
Do	Arter & Hadden (For:United Services Automobile Assn)
Loeffler & Leath, Inc, 7710 Jones Maltsberger, Suite 540 San Antonio, TX 78216	Mesa Petroleum
Do	Tesoro Energy
Long Law Firm, 8550 United Plaza Blvd., #800 Baton Rouge, LA 70809	Coca-Cola Co
Do	General Health, Inc
Do	Occidental International, Inc
Suellen Lowry, 1531 P Street, NW, #200 Washington, DC 20005	Sierra Club Legal Defense Fund
Manuel Lujan Jr., 1209 California, NE Albuquerque, NM 87110	National Indian Business Assn

Organization or Individual Filing	Employer/Client
Do	Westland Development Corp
Kenneth N. Luongo, 1616 P Street, Suite 310 Washington, DC 20036	Union of Concerned Scientists
M & R Strategic Services, Inc, 1725 K Street, NW, Suite 1209 Washington, DC 20006	Issue Dynamics, Inc
Edward R. Madigan, 1 Massachusetts Ave., NW, #800 Washington, DC 20001	McLeod, Watkinson & Miller (For:PromoFlor)
Bill Magavern, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen
Paul Magliocchetti Associates, Inc, 1755 Jefferson Davis Highway, #1107 Arlington, VA 22202	Options Mental Health
Do	Shipbuilders Council of America
Do	Tenneco, Inc
David C. Main Jr., 1301 K Street, NW, Suite 900 East Tower Washington, DC 20005	Gardner Carton & Douglas (For:Rocky Mountain Health Maintenance Organization)
Linda Major, P.O. Box 2801 Daytona Beach, FL 32115	International Speedway Corp
Do	National Motorsports Council of ACCUS-FIA
Manatt Phelps & Phillips, 1200 New Hampshire Ave., NW, #200 Washington, DC 20036	Dole Food Co, Inc
Do	Medlantic Healthcare Group
Do	Sharp Manufacturing Co of America
Mary Jo Manning, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton (For:Motorola)
S.W. Manteria, 233 Broadway New York, NY 10279	Woolworth Corp
Robert Y. Maples, 2550 M Street, NW, Suite 300 Washington, DC 20037	Smokeless Tobacco Council, Inc.
Lawrence D. Markley, Rt. 1, Box 130-A Mt. Solon, VA 22843	Alaska Village Electric Cooperative
Do	Anchorage Municipal Light & Power
Do	City of Kake
Marks & Murase, 399 Park Avenue New York, NY 10022	Inductotherm Industries, Inc
Marlowe & Company, 1667 K Street, NW, #480 Washington, DC 20006	Captiva Erosion Prevention District
Antonio C. Martinez II, 224 West 14th Street, #2A New York, NY 10014-5003	Nutritional Health Alliance
Nancy Mason, 1020 19th Street, NW, Suite 700 Washington, DC 20036	US WEST, Inc
Gerald M. May, 1608 K Street, NW Washington, DC 20006	American Legion
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Equitable Real Estate Investment Management, Inc
S. Hubert Mayes Jr., 320 West Capitol Avenue, Suite 1000 Little Rock, AR 72201-3525	Alliance of American Insurers
McAuliffe Kelly & Raffaelli, 1341 G Street, NW, #200 Washington, DC 20005	Greenwich Asset Management
Do	Imrig, Inc
Do	ICI Chemical
Do	National Restaurant Assn
Charlie McBride Associates, Inc, 1730 M Street, NW, #800 Washington, DC 20036	Edison Chouest Offshore
Do	ICF International
Law Offices of R. C. McCandless, 1707 H St., NW Washington, DC 20006	Transamerica-Occidental Life Insurance Co
Do	United Seniors Assn, Inc
Nancey K. McCann, 4000 Legato Road, Suite 850 Fairfax, VA 22033-4005	American Society of Cataract & Refractive Surgery
McClure Gerard & Neuenschwander, Inc, 801 Pennsylvania Ave., NW, #820 Washington, DC 20004-2604	Kennecott Corp.
Do	Santa Fe Pacific Gold Corp.
Do	Stillwater Mining Company
McClure Trotter & Mentz, 1100 Connecticut Ave., NW, #600 Washington, DC 20036	Amway Corp
Mark J. McCombs, 225 West Wacker Drive, Suite 3000 Chicago, IL 60606-1229	Wildman Harrold Allen & Dixon
Mark L. McConaghy, 1801 K St., NW, #700 Washington, DC 20006	Price Waterhouse (For:Queen Emma Foundation)
Do	Price Waterhouse (For:Royalty Coalition)
McDermott Will & Emery, 1850 K Street, NW, #500 Washington, DC 20006	Fundesa
Do	MMW/Strategic Communications
Do	Solo Cup Co
Do	United Development Corp
Robert M. McDowell, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America)
Patricia McGill, 1700 K Street, NW, Suite 906 Washington, DC 20006	National Council of Community Hospitals
Lisa Stoltenberg McGreevy, 1101 14th Street, NW Washington, DC 20005	Conference of State Bank Supervisors
Michael R. McLeod, 1 Massachusetts Ave., NW, #800 Washington, DC 20001-1431	McLeod Watkinson & Miller (For:Right Choice Task Force)
William A. McManus, 1101 16th Street, NW Washington, DC 20036-4877	National Soft Drink Assn
Stephen D. McMillan, 501 Wythe Street P.O. Box 1417-D50 Alexandria, VA 22313-1480	Animal Health Institute
McNair & Sanford, P.A., 1155 15th Street, NW, #400 Washington, DC 20005	Liggett Group, Inc
John J. McNichol, 900 2nd Street, NE, Suite 303 Washington, DC 20002	Tierney Group
James Gregory Means, 1317 F Street, NW, Suite 400 Washington, DC 20004	Alliance of Nonprofit Mailers
Do	Eltech Systems Corp
Charles M. Meehan, 1140 Connecticut Avenue, NW Suite 1140 Washington, DC 20036	Utilities Telecommunications Council
Mehl & Pickens Associates, Inc, 230 East Capitol Street, NE Washington, DC 20003	Cessna Aircraft Company
Do	Lockheed Aircraft Service Company
Do	TCOM, LP
Mark Menezes, 1801 K Street, NW, #400K Washington, DC 20006	Arter & Hadden (For:Central South West Corp)
Do	Arter & Hadden (For:Citicorp)
Do	Arter & Hadden (For:Electronic Data Systems)
Do	Arter & Hadden (For:International Hardwood Products Assn)
Do	Loeffler & Leath (For:Mesa Petroleum)
Do	Arter & Hadden (For:Mesa Petroluem)
Do	Arter & Hadden (For:National Assn of Broadcasters)
Do	Arter & Hadde (For:Southwest Florida Enterprises, Inc)
Do	Loeffler & Leath, Inc (For:Tesoro Petroleum)
Do	Arter & Hadden (For:Tesoro Petroleum)
Do	Arter & Hadden (For:United Services Automobile Assn)
Meyers & Associates, 412 First St., SE, #100 Washington, DC 20003	Corpus Christi Bay Area Economic Development Corp
Do	International Chiropractors Assn
Basil J. Mezines, 1100 Connecticut Avenue, NW, #1100 Washington, DC 20036	Automotive Warehouse Distributors Assn
Michigan International Trade Coalition, 1760 South Telegraph Road, Suite 207 Bloomfield Hills, MI 48302	
G. Daniel Miller, Suite 450 North, Homer Building 601 13th Street, NW Washington, DC 20036-4001	Plaintiffs in Federal Dist Court litigation in Anchorage, AK
Grant Miller, 1800 Diagonal Rd. # 600 Alexandria, VA 22314	Grumman Corp
Do	Vought Aircraft Co
Mintz Levin Cohn Ferris Glovsky & Popeo, P.C., 701 Pennsylvania Avenue, NW, #900 Washington, DC 20004	Sprint
Anthony F. Mitchell, 1050 Thomas Jefferson Street, NW Washington, DC 20007	Student Loan Marketing Assn
Mark A. Mix, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee
Brian R. Moir, 1255 23rd Street, NW, #800 Washington, DC 20037	International Communications Assn
Do	
Ark Monroe, 1420 New York Ave, NW, Suite 750 Washington, DC 20005-Mon	Axciom Corp
Do	Metropolitan Life Insurance Co
Donna Moore, 1101 Vermont Avenue, NW, #710 Washington, DC 20005	American Veterinary Medical Assn
Morgan Lewis & Bockius, 1800 M St., NW, #800 N. Washington, DC 20036	National Fuel Gas Distribution Co
Mullenholz & Brimsek, 1150 Connecticut Ave., NW, #700 Washington, DC 20036	Center for Civic Education
Do	Constitutional Rights Foundation
Do	Douglas County Hospital
Do	Equifax
Do	Lake Region Hospital Corp
Do	National Institude for Citizens Education in the Law
Do	Search Group Inc.
Thomas S. Mullikin, 1315 Monument Square P.O. Box 745 Camden, SC 29020	Laidlaw Environmental Services
Do	Saluda River Cooperatives, Inc
Michael L. Mullins, 1101 15th Street, NW, #1000 Washington, DC 20005	Cargill, Inc
Kevin C.W. Mulvey, 1455 Pennsylvania Ave., NW, Suite 900 Washington, DC 20004	American International Group, Inc
Robert D. Murphy, 529 14th St., NW, #961 Washington, DC 20045	Monaghan Farms, Inc
Murphy & Demory, 1101 30th Street, NW, Suite 200 Washington, DC 20007	Village of Schaumburg
Murray Scheer & Montgomery, 2715 M Street, NW, #300 Washington, DC 20007	Dynatech Corporation
Fred Mutz Associates, 1200 New Hampshire Ave, NW, #200 Washington, DC 20036	River Conservation International
William G. Myers, 1301 Pennsylvania Avenue, NW, #300 Washington, DC 20004	National Cattlemen's Assn
Rochelle Nason, 989 Tahoe Keys Blvd, Suite 6 South Lake Tahoe, CA 96150	League to Save Lake Tahoe
National Bankers Assn, 1802 T Street, NW Washington, DC 20009	
National Center for Privatization, 6867 Elm Street, #101 McLean, VA 22101-3863	
National Clay Pipe Institute, 206 Vassar Place Alexandria, VA 22314	
National Coalition for Cancer Survivorship, 1010 Wayne Avenue, Suite 300 Silver Spring, MD 20910	
National Employee Benefits Institute, 2445 M St., NW, #410 Washington, DC 20037	
National Grass Roots & Communications, Inc, 116 N. Saint Asaph Street Alexandria, VA 22314	Wal-Mart
National Strategies, Inc, 888 17th Street, NW, 12th Floor Washington, DC 20006	Instinet
Do	Propane Gas Marketers Coalition
Christine Naylor, 3278 Worthington Street, NW Washington, DC 20021-5	Saipan Garment Manufacturers Assn

Organization or Individual Filing	Employer/Client
Neill & Company, Inc, 815 Connecticut Ave., NW, #800 Washington, DC 20006	Marks & Murase
Do	Saipan Garment Manufacturers Assn
Christine V. Nelson, 1 Massachusetts Ave., NW, #800 Washington, DC 20001-1431	McLeod Watkinson & Miller (For:Right Choice Task Force)
Paul Nelson, 1747 Pennsylvania Ave., NW, Suite 900 Washington, DC 20006	Investment Company Institute
Louis H. Nevins, 9800 S. Sepulveda Blvd., Suite 500 Los Angeles, CA 90045	California League of Savings Institutions
Allan Noe, 1155 15th Street, NW Washington, DC 20005	National Agricultural Chemicals Assn
Jonathan M. Norling, 962 Wayne Avenue, Suite 750 Silver Spring, MD 20910	Integrated Building & Construction Systems
Do	University of Oregon
Northwest Strategies, 111 Queen Anne Avenue North, #500 Seattle, WA 98109	Kaiser Engineers Hanford
Julie Noufer, 8607 Westwood Center Drive, #204 Vienna, VA 22182	Professional Services Council
Nutritional Health Alliance, P.O. Box 267 Washington, DC 20510	
O'Brien Calio, 1350 Eye Street, NW, Suite 690 Washington, DC 20005	General Electric Co
Do	Storage Technology Corp
Do	Tax Reform Action Coalition
Do	Westinghouse Electric Corp
Terrence M. O'Connell II, 444 N. Capitol Street, NW, #711 Washington, DC 20001	Keefe Co (For:American Rocket Co)
Do	Keefe Co (For:City of Homestead)
Do	Guerra & Assoc (For:Mexico Dept of Commerce & Industrial Development)
Carolyn O'Connor, 444 North Capitol Street, #418 Washington, DC 20001	New England Council, Inc
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	Allergan Inc.
Do	Coalition for Tax Equity
Do	Concerned Domestic Flower Growers and Handlers
Do	Government of the Philippines
Do	Mirage
Do	Student Loan Funding Corp
Do	Support Systems International, Inc
Whitney L. O'Daniel, 1308 E. Grand Avenue Carbondale, IL 62901	O'Daniel Farms, Inc
Patrick G. O'Malley, 1600 Rhode Island Ave, NW Washington, DC 20036	National Rifle Assn of America
Rita W. O'Rourke, 1875 Eye St., NW, #800 Washington, DC 20006	Philip Morris Companies, Inc
Ohio Students for Loan Reform, c/o Andrew Goldner 29 West Daniels Cincinnati, OH 45219	Student Loan Funding Corp
Oldaker Ryan & Leonard, 818 Connecticut Avenue, NW, #1100 Washington, DC 20006	Ashland Oil, Inc
Do	Commonwealth Edison
Do	Investment Company Institute
Do	MCI Communications Corp
Do	Republic National Bank
Gary Olson, P.O. Box 5128 Sioux Falls, SD 57117	Norwest Bank South Dakota, NA
One Peace Company, 161 Randolph Place, #2C Washington, DC 20001	
Robert V. Oswald, 1025 Connecticut Ave., NW, Suite 1200 Washington, DC 20036	Health Insurance of America, Inc
Pagonis & Donnelly Group, Inc, 1620 Eye Street, NW, #202 Washington, DC 20006	American Commercial Barge Line Co
Do	Blue Cross & Blue Shield of Texas, Inc
Do	Burlington Northern Railroad, Inc
Do	CSX Corp
Denise A. Painter, 4301 N. Fairfax Drive, #330 Arlington, VA 22203	Shipbuilders Council of America
Leslie Parks, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council
Patton Boggs & Blow, 2550 M Street, NW Washington, DC 20037	American College of Gastroenterologists
Do	Bright Beginnings Inc.
Do	Center for Creative Non-Violence
Do	City of Cincinnati
Do	Federation of American Health
Do	Irvin Industries
Do	Marine Engineers' Beneficial Assn
Do	Republic National Bank of New York
Do	Scheidt & Bachman
Do	Southern Maryland Navy Alliance, Inc
Do	Villa Julie College
Paul Hastings Janofsky & Walker, 1050 Connecticut Avenue, NW, #1200 Washington, DC 20036	Student Loan Marketing Assn
Paul Weiss Rifkind Wharton & Garrison, 1615 L Street, NW, #1300 Washington, DC 20036	Spacelabs Medical, Inc
Gwen Gampel Paulson, 711 Second Street, NE, #200 Washington, DC 20002	National Commitee to Preserve Social Security & Medicare
Lee Peckarsky, South Lobby - 9th Floor 1800 M Street, NW Washington, DC 20036	Kirkpatrick & Lockhart (For:Glendale Federal Bank, FSB)
Perkins Coie, 607 14th Street, NW #800 Washington, DC 20005-2011	Space Labs, Inc
Robert Perschal, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society
Susan Persons, 1522 K Street, NW, Suite 836 Washington, DC 20005	Consortium of Social Science Assn
Gayle Petersen, 900 17th Street, NW Washington, DC 20006	Wilderness Society
Patricia M. Petersen, 6593 Ives Lane North Maple Grove, MN 55369	
Rosemarie A. Piepenhagen, 4350 N. Fairfax Drive, Suite 530 Arlington, VA 22203	
Jennifer M.E. Pierce, 555 13th Street, NW, #300 West Washington, DC 20004	Interstate Natural Gas Assn of America
Lynn A. Pirozzoli, 1130 Connecticut Ave., NW, Suite 350 Washington, DC 20036	Resource Management International, Inc
Pirtle Morisset Schlosser & Ayer, 1815 H Street, NW, #750 Washington, DC 20006-3604	Little River Band of Ottawa Indians
Do	Little Traverse Bay Band of Odawa Indians
Do	Michigan Inter-Tribal Council
Do	Mille Lacs Band of Chippewa Indians
Do	Prairie Band of Potawatomi Indians
Jon Plebani, 1801 K Street, NW, #400K Washington, DC 20006	Arter & Hadden (For:Central South West Corp)
Do	Arter & Hadden (For:Citicorp)
Do	Arter & Hadden (For:Electronic Data Systems)
Do	Arter & Hadden (For:Mesa Petroleum)
Do	Loeffler & Leath (For:Mesa Petroleum)
Do	Arter & Hadden (For:National Assn of Broadcasters)
Do	Arter & Hadden (For:Tesoro Petroleum)
Do	Loeffler & Leath (For:Tesoro Petroleum)
Do	Arter & Hadden (For:United Services Automobile Assn)
Podesta Associates, Inc, 424 C Street, NE Washington, DC 20002	Assn of Directory Publishers
Do	PCS Action Committee
John F. Pontius, 130 North Carolina Avenue, SE Washington, DC 20003	Executive Interventions
Porter Wright Morris & Arthur, 1233 20th Street, NW Washington, DC 20036	Analit USA, Inc
Do	DSA America, Inc
Do	Trading Arrangement Corp/Automanufacturas,SA
Beth Powell, 1201 L Street, NW Washington, DC 20005	American Health Care Assn
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004	Hauser Communications, Inc
Do	Puerto Rico USA Foundation
Kate Premo, 2012 Massachusetts Ave., NW Washington, DC 20036	National Federation of Busines & Professional Women/USA
Preston Gates Ellis Rouvelas & Meeds, 1735 New York Avenue, NW, #500 Washington, DC 20006	Dynasty Cruise Line, Inc
Do	Rhone Poulenc, Inc
Price Waterhouse, 1801 K St., NW, #700 Washington, DC 20006	DuPont Co, et al.
Gwenyth Pritchard, 600 Maryland Ave., NW, #700 Washington, DC 20024	Foster-Miller, Inc
Paul Clement Pritchard, 1776 Massachusetts Ave., NW Washington, DC 20036	National Parks & Conservation Association
Public Affairs Counsel, Inc, 867 Liberty Street, NE Salem, OR 97301	Peter E. Overton
Public Strategies Washington, Inc, 1455 Pennsylvania Ave., NW, #1100 Washington, DC 20004	Advanced Micro Devices
Do	American Forest & Paper Assn
Do	Anheuser-Busch Co, Inc
Do	Beneficial Management Corp
Do	Metallgesellschaft Corp
Brenda Pulley, 1212 New York Avenue, NW, Suite 500 Washington, DC 20005	American Portland Cement Alliance
PFL Life Insurance Company, 9151 Grapevine Highway North Richland Hills, TX 76180-5605	
Patricia A. Quealy, 1310 G Street, NW, 12 Floor Washington, DC 20005	Oralco
Patrick H. Quinn, 1913 Eye Street, NW Washington, DC 20006	Chemical Specialties Manufacturers Assn
George Gregory Raab, 555 13th Street NW, #1260E Washington, DC 20004-1109	Health Industry Manufacturers Assn
Glenn S. Rabin, 1801 Pennsylvania Avenue, NW Washington, DC 20006	MCI Communications Corp
Timothy L. Raftis, 6410 Rockledge Drive, Suite 203 Bethesda, MD 20814	Friends of the NIDCD
Do	P/C Advisors, Inc
Jack Ramirez, 499 South Capitol Street, SW, Suite 401 Washington, DC 20003	National Assn of Independent Insurers
Howard W. Randolph Jr, 815 16th St., NW Washington, DC 20006	Transportation-Communications Union
Helene Rayder, 1020 19th Street, NW, #600 Washington, DC 20036	Mutual of Omaha Companies
Law Offices of Paul S. Reichler, 1747 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Democracy & Dignity Foundation

Organization or Individual Filing	Employer/Client
Reid & Priest, 701 Pennsylvania Avenue, NW Washington, DC 20004	ABB Drives, Inc
Do	Parsons Brinckerhoff Quade & Douglas, Inc
Reinhart Boerner Van Deuren Norris & Rieselbach, 2445 M Street, NW, Suite 410 Washington, DC 20037	National Employee Benefits Institute
Rendon Company, 1439 Rhode Island Ave., NW Washington, DC 20009	Centro Industrial de Laboratorios Farmaceuticos Argentinos
M. Leu Rennebaum, P.O. Box 1636 Middlesboro, KY 40965	Blue Diamond Coal Co
David M. Repass, 1801 K Street, NW, #700 Washington, DC 20006	Price Waterhouse (For:Queen Emma Foundation)
Riley Repko, 1133 Connecticut Avenue, NW, #700 Washington, DC 20036	Repko Group
Larry D. Rhea, 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn
C. Brewster Rhoads Jr., 1421 Salem Woods Lane Cincinnati, OH 45230	Student Loan Funding Corp
David C. Rich, 555 West 57th Street New York, NY 10019	Greater New York Hospital Assn
Allen Richard, 600 Maryland Avenue, SW, #202W Washington, DC 20024	Farmers' Educational & Co-Operative Union of America
Blair A. Rieth Jr., 1901 L Street, NW, Suite 705 Washington, DC 20036	Eli Lilly & Co
Gina J. Rigby-LeDonne, 1901 North Moore Street, Suite 1100 Arlington, VA 22209	Gas Appliance Manufacturers Assn
Robins Kaplan Miller & Ciresi, 1801 K Street, N.W., #1200 Washington, DC 20006	National Assn of Wheat Growers
Do	U.S. Wheat Gluten Assn
Peter D. Robinson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey & Robinson (For:American Cyanamid Co, Inc)
Do	Bailey & Robinson (For:Natural Disaster Coalition)
Do	Bailey & Robinson (For:Utilities Telecommunication Council)
Randall Robinson, 545 8th Street, SE, Suite 200 Washington, DC 20003	TransAfrica, Inc
William P. Roesing, 1401 Eye Street, NW, Suite 1220 Washington, DC 20005-2204	Joseph E. Seagram & Sons, Inc
Rogers & Wells, 607 14th Street, NW Washington, DC 20005	National Automobile Dealers Assn
Do	RPM Securities, Inc
Barbara J. Rohde, 1701 K Street, NW, #400 Washington, DC 20006	Fargo Moorhead Metropolitan Council of Governments
Marice Rosenberg, 966 Redwood Drive Apple Valley, MN 55124	National Right to Life Committee, Inc
Linda Rothleder, 315 Bonifant Road Silver Spring, MD 20904	Ralvin Pacific Properties, Inc, et al.
Robert G. Rothstein, 2200 Mill Road Alexandria, VA 22314	Interstate Truckload Carriers Conference
Michael J. Ryan, 403 First Street, SE Washington, DC 20003	Hessian McKasy & Soderberg (For:City of Moorhead)
Do	Hessian McKasy & Soderberg (For:Control Data Systems, Inc)
Do	Hessian McKasy & Soderberg (For:Planning Reserach Corp)
Sheldon W., Samuels, 815 16th Street, NW Washington, DC 20006	Workplace Health Fund
Ronald L. Saxton, 222 S.W. Columbia Avenue, #1800 Portland, OR 97201	Ater Wynne Hewitt Dodson & Skerritt (For:Golden Valley Electric Assn, Inc)
Marc J. Scheineson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey & Robinson (For:American Cyanamid Co, Inc)
Do	Bailey & Robinson (For:National Futures Assn)
Joseph Scheppman, 2445 NW 32 Oklahoma City, OK 73112	
Peter J. Schildkraut, 1420 New York Avenue, NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc
Jeffrey L. Schlagenhauf, 2550 M Street, NW, #300 Washington, DC 20037	Smokeless Tobacco Council, Inc
Cindy Z. Schonhaut, 3000 K Street, NW, Suite 300 Washington, DC 20007	Metropolitan Fiber Systems Communications Co, Inc
Eric M. Schwing, Illinois Department of Nuclear Safety 1035 Outer Park Drive Springfield, IL 62704	Central Midwest Interstate Low-Level Radioactive Waste Comm
Michael S. Scrivner, 1300 Eye Street, NW, #250-West Washington, DC 20005	Bernard L. Madoff Investment Securities
Do	Iroquois Gas Transmission Systems
Timothy Scully, 25 Louisiana Avenue, NW Washington, DC 20001	Philip Morris Management Corp
Seyfarth Shaw Fairweather & Geraldson, 815 Connecticut Ave., NW, #500 Washington, DC 20006	Council of Hawaii Hotels
James R. Shanahan, 1801 K Street, NW, #700 Washington, DC 20006	Price Waterhouse (For:Frank Russell Co)
Lewis A. Shattuck, 6 Dean Road Winchester, MA 01890	Small Business Alliance on Communications, Inc
P. Scott Shearer, 1600 M Street, NW, #702 Washington, DC 20036	Zeneca, Inc
Jeffrey L. Sheldon, 1140 Connecticut Avenue, NW Suite 1140 Washington, DC 20036	Utilities Telecommunications Council
Shook Hardy & Bacon, One Kansas City Place 1200 Main Street Kansas City, MO 64105	Ewing Marion Kauffman Foundation
Sidley & Austin, 1722 Eye Street,N.W. Washington, DC 20006	Boise Cascade
William A. Signer, 1625 K Street, NW, Suite 200 Washington, DC 20006	Chambers Associates, Inc (For:Greater New York Hospital Assn)
Do	Chambers Associates, Inc (For:Management Insights)
Do	Chambers Associates, Inc (For:National Council of Chain Restaurants (NCCR))
Do	Chambers Associates, Inc (For:New York Hospital)
Do	Chambers Associates, Inc (For:PepsiCo, Inc)
Do	Chambers Associates, Inc (For:Targeted Management Consultants)
Silverstein & Mullens, 1776 K Street, NW, #800 Washington, DC 20006	International Chiropractors Assn
Julie Simon, 222 S.W. Columbia Avenue, #1800 Portland, OR 97201	Ater Wynne Hewitt Dodson & Skerritt (For:Golden Valley Electric Assn, Inc)
Donna L. Singletary, 1101 30th Street, NW Suite 500 Washington, DC 20007	National Federation of Business & Professional Women/USA
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	County of San Joaquin, CA
Linda Arey Skladany, 1350 I Street, NW, #700 Washington, DC 20005	Foundation for Environmental & Economic Progress
Do	Styrene Industry
Michael P. Skredynski, 1180 Cedarwood Drive Moraga, CA 94556	US Strategies Corp
Lawrence E. Smarr, 1130 Connecticut Ave., NW, Suite 800 Washington, DC 20036	Physician Insurers Assn of America
Edward Del Smith, 905 16th Street, NW Washington, DC 20006	E. Del Smith &Co (For:City of Chino Hills)
Do	E. Del Smith & Co (For:City of Lynwood)
Elizabeth M. Smith, 490 L'Enfant Plaza East, SW Suite 4200 Washington, DC 20006	Xerox Corp
W. Lamar Smith, 1600 M Street, NW, Suite 700 Washington, DC 20036	VISA USA, Inc
Smith & Sowalsky, One State Street, Suite 950 Boston, MA 02109	New England Telephone Co
Do	NYNEX Government Affairs
Smith Dawson & Andrews, Inc, 1000 Connecticut Ave., NW, #302 Washington, DC 20036	City of Macon
Do	City of Orlando, California
Do	Metropolitan Water Reclamation District of Greater Chicago
Snyder Ball Kriser & Assoc, Inc, 499 S. Capitol St., SW, #520 Washington, DC 20003	Digital Systems Group
Soble & Associates, 1747 Pennsylvania Ave., NW, Suite 1200 Washington, DC 20006	National Coalition Government of the Union of Burma
Robert Sinclair Sollars, 1004 North Frederick Road Catonsville, MD 21228	
Sonosky Chambers Sachse & Endreson, 1250 Eye Street, NW #1000 Washington, DC 20005	Colville Business Council
Do	Cook Inlet Regional Citizen Advisory Council
Do	Sault Ste. Marie
James M. Sparling Jr., 1733 King Street Alexandria, VA 22314	Capitol Counsel, Inc
Wilbur R. Speer, 1275 K Street, NW Washington, DC 20005	National Center for Housing Management
Richard A. Speizman, 1801 K Street, NW, Suite 700 Washington, DC 20006	Price Waterhouse (For:Queen Emma Foundation)
Herbert Spira, One Thomas Circle, NW, Suite 950 Washington, DC 20005	Independent Bankers Assn of America
Joel B. Spoonheim, 110 Maryland Avenue, NE, Suite 409 Washington, DC 20002	Peace PAC
David E. Springer, 1301 K Street, NW, #900 East Tower Washington, DC 20005	Gardner Carton & Douglas (For:Ukiah Valley Medical Center)
Squadron Ellenoff Plesent Sheinfeld & Sorkin, 551 Fifth Avenue New York, NY 10176	Screen Actors Guild, et al.
Thomas J. St. Hilaire, 1776 Massachusetts Avenue, NW Washington, DC 20036	National Parks & Conservation Assn
Jane Sutter Starke, 2100 Pennsylvania Ave., NW, #600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:Regional Transportation Commission)
R. W. Stephens Jr., 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	Gibson Dunn & Crutcher
Do	Star Enterprise
Terence P. Stewart, 808 17th Street, NW, #300 Washington, DC 20006-3910	Georgetown Railroad Co, et al.
Caroline Stinebower, 600 Maryland Avenue, SW, #700 Washington, DC 20024	National Fed of Independent Business
Sean A. Stokes, 1140 Connecticut Ave., NW, Suite 1140 Washington, DC 20036	Utilities Telecommunications Council
Elizabeth A. Stolpe, 1401 Eye Street, NW, Suite 300 Washington, DC 20005	Koch Industries, Inc
John C. Stone, 1420 New York Avenue, NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:Parsons Brinckerhoff)
Do	Van Scoyoc Associates, Inc (For:WINSM Consortium)
Strategic Policy, Inc, 1615 L Street, NW, Suite 650 Washington, DC 20036	Arthur Andersen & Co
Do	Coopers & Lybrand
Do	Deloitte & Touche
Do	Ernst & Young
Do	KPMG Peat Marwick
Do	Price Waterhouse
Do	US Healthcare
David A. Streilein, 5525 Reitz Avenue Baton Rouge, LA 70809-3802	Blue Cross & Blue Shield of Mississippi, Inc
Swidler & Berlin, Chtd, 3000 K Street, NW, #300 Washington, DC 20007	Business Software Alliance
Do	Concord Resources Group
Do	Conservation Trust of Puerto Rico
Do	Metropolitan Fiber Systems Communications Co, Inc
Do	National Asphalt Pavement Assn
Jill L. Tanis, 800 Connecticut Ave., NW Washington, DC 20006-2701	Food Marketing Institute
Taylor Thiemann & Aitken, 908 King Street, #300 Alexandria, VA 22314	Midwest Motor Express, Inc
Donald M. Temple, 2600 Virginia Avenue, NW, #312 Washington, DC 20037	National Bankers Assn
Terry V. Thiele, AP2-225 Appliance Park Louisville, KY 40225	General Electric Co
Edlu J. Thom, 1333 New Hampshire Ave., NW Suite 1001 Washington, DC 20036	Arco Chemical Company
Kenneth W. Thompson, 1899 L Street, NW #500 Washington, DC 20036	International Assn of Convention & Visitor Bureaus

Organization or Individual Filing	Employer/Client
Do	Lenox, Inc
Do	Primark Corp
Nick Thompson, 1420 New York Ave., NW, Suite 750 Washington, DC 20005	Acxiom Corp
Sarah R. Thomson, 1004 Duke Street Alexandria, VA 22314	American Subcontractors Assn, Inc
Tierney Group, 900 2nd Street, NE, Suite 303 Washington, DC 20002	
George A. Tobin, 1100 Connecticut Avenue, NW, #1100 Washington, DC 20036	Automotive Warehouse Distributors Assn
Clifford Traisman, 1010 Wisconsin Avenue, NW, Suite 900 Washington, DC 20007	Grocery Manufacturers of America, Inc
David Turch & Associates, 517 2nd Street, NE Washington, DC 20002	Inland Valley Development Agency
Do	San Bernardino Associated Governments
Do	San Bernardino International Airport Authority
Oscar H. Turner Jr., Eddy Group, Inc 4046 Chancery Court, NW Washington, DC 20007-2142	
M. Ann Tutwiler, 1722 Eye Street, NW, 4th Floor Washington, DC 20006	Central Soya Co, Inc
Twin City Pipe Trades Welfare Trust, 700 Transfer Road St. Paul, MN 55114	Seyfarth Shaw Fairweather & Geraldson
U.S. Strategies Corp, 1055 N. Fairfax Street, #201 Alexandria, VA 22314	Caretenders Healthcorp
United Distribution Companies, 520 Madison Avenue, 29th Floor New York, NY 10022	
United Seniors Assn, Inc, 12500 Fair Lakes Circle, #125 Fairfax, VA 22033	
Upjohn Co, 1455 F Street, NW, Suite 450 Washington, DC 20005	
Utilities Telecommunications Council, 1140 Connecticut Avenue, NW Suite 1140 Washington, DC 20036	
Nancy Van Duyne, 1301 Pennsylvania Avenue, NW, #1100 Washington, DC 20004-1707	Continental Airlines, Inc
Van Dyk Associates, Inc, 1250 24th St., NW, Suite 300 Washington, DC 20037	General Aviation Manufacturers Assn
Juliane H. Van Egmond, 7108 Beechwood Drive Chevy Chase, MD 20815	Miles, Inc
Van Ness Feldman & Curtis, P.C., 1050 Thomas Jefferson St., NW, 7th Floor Washington, DC 20007	Ormat
Do	Young People for National Service
H. Stewart Van Scoyoc, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:Parsons Brinckerhoff)
Varet Marcus & Fink, P.C., 607 14th Street, NW Washington, DC 20005-2000	Energy Tax Coalition
Verner Liipfert Bernhard McPherson & Hand, Chtd, 901 15th Street, NW, #700 Washington, DC 20005-2301	Advanced Television Research Consortium (ARTC)
Do	Commonwealth of Puerto Rico
Do	David Sarnoff Research Center
Do	George Washington University
Do	Insurance Solvency Coalition
Do	Michelin North America
Vierra Associates, Inc, 1825 I Street, NW #400 Washington, DC 20006	City of Orlando
Do	Jacksonville Transportation Authority
Vinson & Elkins, 1455 Pennsylvania Ave., NW, #800 Washington, DC 20004-1007	Simmons Communications
Louis P. Vitullo, 225 West Wacker Drive, Suite 3000 Chicago, IL 60606-1229	Wildman Harrold Allen & Dixon (For:Arthur Anderson & Co, Inc)
Ellen M. Vollinger, 1875 Connecticut Ave., NW, #540 Washington, DC 20009	Food Research and Action Center
R. Duffy Wall & Associates, Inc, 1317 F Street, NW, #400 Washington, DC 20004	Committee on Radioisotopes & Radiopharmaceuticals II
Do	Medical Associates of America
Do	National Power Company
Do	PPG Industries, Inc
Do	Tandy Corp
Do	US Generating Co
Wallace & Edwards, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Kingdom of Saudi Arabia
R. Douglas Wallin Jr., P.O. Box 1417 D49 Alexandria, VA 22313	Allied Signal Aerospace
Thomas E. Wanley, 1019 19th Street, NW, Suite 1100 Washington, DC 20036	Telocator
Gregg Ward, 1150 Connecticut Ave, NW, #717 Washington, DC 20036-4186	Southern California Gas Co
Robert A. Waspe, P.O. Box 1417-D49 Alexandria, VA 22313-1417	National Association of Chain Drug Stores
Watchdog Publications, Inc, 8182 Maryland Avenue, Suite 102 St. Louis, MO 63105	
Robert K. Weidner, 2300 M Street, NW, #900 Washington, DC 20037	James W. Bunger & Associates
Stanley P. Weiner, One Kansas City Place 1200 Main Street, #3000 Kansas City, MO 64105	Shook Hardy & Bacon, P.C.
Kurt Weinrich, 301 East Clark Avenue, Suite 300 Las Vegas, NV 89101	Regional Transportation Commission of Clark County, NV
Heidi L. Werling, 1620 L Street, NW, Suite 800 Washington, DC 20036	Metropolitan Life Insurance Co
Betsy R. Werronen, 2001 Pennsylvania Avenue, NW, #600 Washington, DC 20006	Council of the Americas
Michelle Westover, 11AA, 412 1st Street, Suite 300 Washington, DC 20003	Independent Insurance Agents of America, Inc
Wexler Group, 1317 F Street, NW, #600 Washington, DC 20004	Advanced Navigation & Positioning Corp
Do	American Dietetic Assn
Do	AIDS Action Council
Do	Camp Barsh & Tate
Do	Grant Communications
Do	MetPath, Inc
Do	Ross Laboratories
Do	Student Loan Marketing Assn
Do	USA NAFTA
John C. White, White Consulting Group 2000 M Street, NW, #380 Washington, DC 20036	Maxxam
Whitten & Diamond, 1725 DeSales Street, NW, #800 Washington, DC 20036	Ringling Bros. Barnum & Bailey Circus
James K. Wholey, 1301 K Street, NW, Suite 900E Washington, DC 20004	Gardner Carton & Douglas (For:Ukiah Valley Medical Center)
Robert H. Wilbur, 1101 Connecticut Ave., NW Washington, DC 20036	Smith Bucklin & Associates, Inc (For:Society of Thoracic Surgeons)
Wiley Rein & Fielding, 1776 K Street, NW, 12th Fl. Washington, DC 20006	David S. Hess
Do	U.S. Banknote Corp
Edward Rockne Wilkinson, 905 16th Street, NW Washington, DC 20006	Laborers' International Union of NA, AFL-CIO
Jack L. Williams, 451 New Jersey Avenue, SE Washington, DC 20003	National Marine Manufacturers Assn
W. Jackson Williams, 111 Center Street, 22nd Floor Little Rock, AR 72201	Williams & Anderson (For:Education Finance Council)
Williams & Jensen, P.C., 1155 21st. Street, NW Washington, DC 20036	Amos Tuck of the School of Business Administration
Do	BancFirst, et al.
Do	California Recycling Co
Willkie Farr & Gallagher, 1155 21st Street, NW, # 600 Washington, DC 20036	William M. Mercer, Inc
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	Apple Computer, Inc
Do	Electric Generation Assn
Diann Wall Wilson, 300 Park Avenue, 17th Floor New York, NY 10022	
Kate V. Wilson, 900 Franklin Street Alexandria, VA 22314	Education Legislative Services, Inc (For:San Diego School District, et al.)
Scott A. Wilson, 888 16th Street, NW Washington, DC 20006	Brown & Williamson Tobacco Corp
Do	Monk-Austin, Inc
John P. Winburn, 50 E Street, SE Washington, DC 20003	Winburn & Jenkins (For:Champion International Corp)
Do	Winburn & Jenkins (For:Fieldale Farms Corp)
Do	Winburn & Jenkins (For:Lockheed Aeronautical Systems Co)
Do	Winburn & Jenkins (For:Milliken & Co)
Kathleen Winn, 213 A Street, NE Washington, DC 20002	Pennzoil Co
Winston & Strawn, 1400 L Street, NW Washington, DC 20005-3502	American Home Products Corp
Do	American Hospital Assn
Do	American Insurance Assn
Do	Bristol-Myers Squibb Co
Do	Cellular Telecommunications Industry Assn
Do	Colorado Bio/Medical Venture Center
Do	Jefferies & Co, Inc
Do	MERCK & Co, Inc
Do	National Retail Federation
Do	NYNEX Corp
Do	Public Securities Assn
Do	PFIZER, Inc
Do	Sprint
Do	Walt Disney Co
Winthrop Stimson Putnam & Roberts, 1133 Connecticut Ave., NW, 1200 Washington, DC 20036	North American Chemical Corp
Do	World Wildlife Fund
WinCapitol, Inc, 2300 N Street, NW, Suite 600 Washington, DC 20037	ANS
Cynthia D. Witkin, 1212 New York Avenue, NW, Suite 500 Washington, DC 20005	American Portland Cement Alliance
S.R. Wojdak and Associates, Inc, The Bellevue - Suite 850 200 S. Broad Street Philadelphia, PA 19102	Hospital of University of Pennsylvania Medical Center
Do	National Assn of Urban Critical Access Hospital
G. Kent Woodman, 2100 Pennsylvania Ave., NW Suite 600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:Regional Transportation Commission)
Woolworth Corp, 233 Broadway New York, NY 10279	
Alan D. Wright, 925 Euclid Avenue, #1700 Cleveland, OH 44115-1405	Blue Cross of Ohio & West Virginia
Wunder Diefenderfer Cannon & Thelen, 1615 L St., NW, #650 Washington, DC 20036	Guam Tax Code Commission
Jill Yacone, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies
Jack Yelverton, 15 Falcon Court Stafford, VA 22554-5316	United Armed Forces Assn
Bradley A. Yingst, 1050 17th Street, NW, Suite 700 Washington, DC 20036	Healthcare Financial Management Assn

Organization or Individual Filing	Employer/Client
Jerry Zanelli, Governmental Advocates, Inc 1127 11th Street, #400 Sacramento, CA 95814	California Resellers Assn
Ziontz Chestnut Varnell Berley & Slonim, 2101 Fourth Avenue, #1230 Seattle, WA 98121	Mille Lacs Band of Chippewa Indians
Do	Northern Cheyenne Tribe

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the second calendar quarter 1993:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ♦

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

IDENTIFICATION NUMBER

Is this an Amendment?
☐ YES ☐ NO

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee"*.—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer"*.—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER

—State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have ☐ terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."♦

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1♦

NOTE on ITEM "D."—*(a)* IN GENERAL. The term "contribution" includes *anything of value*. When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§ 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

Receipts (other than loans)

1. $..............Dues and assessments
2. $..............Gifts of money or anything of value
3. $..............Printed or duplicated matter received as a gift
4. $..............Receipts from sale of printed or duplicated matter
5. $..............Received for services (e.g., salary, fee, etc.)
6. $..............TOTAL for this Quarter (Add "1" through "5")
7. $..............Received during previous Quarters of calendar year
8. $..............TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received—"The term 'contribution' includes a . . . *loan* . . ."—§ 302(a).

9. $..............TOTAL now owed to others on account of loans
10. $..............Borrowed from others during this Quarter
11. $..............Repaid to others during this Quarter

12. $..............''Expense Money'' and Reimbursements received this Quarter.

Contributors of $500 or More (from Jan. 1 through this Quarter)

13. Have there been such contributors?
Please answer "yes" or "no": ....♦

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor* (*"Period"* from Jan. 1 through.............................., 19.......)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE on ITEM "E".—*(a)* IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§ 302 (b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the spaces following the number.

Expenditures (other than loans)

1. $..............Public relations and advertising services
2. $..............Wages, salaries, fees, commissions (other than Item "1")
3. $..............Gifts or contributions made during Quarter
4. $..............Printed or duplicated matter, including distribution cost
5. $..............Office overhead (rent, supplies, utilities, etc.)
6. $..............Telephone and telegraph
7. $..............Travel, food, lodging, and entertainment
8. $..............All other expenditures
9. $..............TOTAL for this Quarter (Add "1" through "8")
10. $..............Expended during previous Quarters of calendar year
11. $..............TOTAL from Jan. 1 through this Quarter (Add "9" and "10")

Loans Made to Others—"The term 'expenditure' includes a . . . *loan* . . ."—§ 302 (b).

12. $..............TOTAL now owed to person filing
13. $..............Lent to others during this Quarter
14. $..............Repayments received during this Quarter

15. *Recipients of Expenditures of $10 or More*____________

If there were no single expenditures of $10 or more, please so indicate by using the word "NONE".

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates*—*Name and Address of Recipient*—*Purpose*
$1,750.00	7–11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7–15, 8–15, 9–15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

PAGE 2

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Ann Hadley vom Eigen, 1828 L Street, NW, #705 Washington, DC 20036	American Land Title Assn	3,725.00	
Robert J. Aagre, 1835 12th Street, NW Washington, DC 20009-4421			
Ande M. Abbott, 2722 Merrilee Drive, #360 Fairfax, VA 22031	International Brotherhood of Boilermakers...	340.55	
Paul C. Abenante, 1350 I Street, NW, #1290 Washington, DC 20005	American Bakers Assn		
Adele L. Abrams, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
Matthew J. Abrams, 1220 19th Street, NW, #400 Washington, DC 20036	CANAMCO (For:Aerospace Industries Assn of Canada)		
Do	CANAMCO (For:Canadian Shipowners Assn)	7,244.11	
Adrian Acevedo, P.O. Box 2880 Dallas, TX 75221-2880	Oryx Energy Company		
Elaine Acevedo, 666 Pennsylvania Ave., SE #403 Washington, DC 20003	Florist's Transworld Delivery Assn	2,000.00	
Rodney J. Ackerman, 1450 Poydras Street New Orleans, LA 70112-6000	CNG Producing Company	1,000.00	525.00
Charles A. Acquard, 2301 M Street, NW, Washington, DC 20037	American Public Power Assn	1,000.00	
Cecelia A. Adams, 1901 Pennsylvania Avenue, NW, 10th Floor Washington, DC 20006	International Mass Retail Association	3,000.00	
Jane M. Adams, 818 Connecticut Avenue, NW, #303 Washington, DC 20006	National Assn for Biomedical Research	315.00	
John J. Adams, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20006	Ethyl Corporation		
Do	Hunton & Williams (For:Vepco)		
John M. Adams, 909 N. Washington Street, #300 Alexandria, VA 22314	Retired Enlisted Assn	1,748.00	1,275.00
Kenneth R. Adams, 2211 Congress Street Portland, ME 04122	UNUM Life Insurance Co		
Wayne W. Adams, 501 Park Avenue Belleair, FL 34616			
Robert O. Aders, 1750 K Street, NW Washington, DC 20006	Food Marketing Institute	200.00	
Allan Robert Adler, 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	Cohn & Marks (For:Association of American Publishers, Inc)	1,000.00	
Do	Cohn and Marks (For:Direct Marketing Assn)		
Terrance M. Adlhock, 1001 Pennsylvania Ave, NW, #450-N Washington, DC 20004	Southern California Edison Co	6,831.00	5,700.00
Michael B. Adlin, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America)		
Advanced Display Manufacturers of America, 3050 K Street, NW, #400 Washington, DC 20007			
Advertising Mail Marketing Assn, 1333 F Street, NW, #710 Washington, DC 20004-1108		6,385.00	6,385.00
Advocacy Group, 1350 I St., NW Suite 680 Washington, DC 20005	American Chiropractic Assn		
Do	Arizona State University		
Do	Border Trade Alliance		
Do	Brown & Root, Inc.		
Do	City of Tempe		
Do	Florida Board of Regents Foundation, inc		
Do	Georgia Southern University		
Do	National Fuel & Energy, Inc		
Do	New Mexico State University		
Do	Port of Brownsville, Texas		
Do	Sam Houston State University		
Do	University of Utah		
Aerospace Industries Assn of America, Inc, 1250 Eye Street, NW, #1100 Washington, DC 20005		5,916.80	5,916.80
Samuel J. Agger, 1133 Connecticut Avenue, NW, #700 Washington, DC 20036	DGA International, Inc (For:Zenith Data Systems)		
John Aguirre, 1401 New York Avenue, NW, #400 Washington, DC 20005	National Food Processors Assn	4,000.00	100.00
David J. Aho, 1667 K Street, NW, #710 Washington, DC 20006	Baxter	2,000.00	280.00
Patricia W. Aho, P.O. Box 2739 Augusta, ME 04338	American Petroleum Institute	34.25	38.60
Judith A. Ahrens, 326 19th Street, NE Cedar Rapids, IA 52402	Steel Tank Institute	6,249.00	7,773.41
Robert S. Aiken, 800 Connecticut Avenue, NW, #610 Washington, DC 20006	Pinnacle West Capital Corp	15,000.00	670.80
Air Conditioning & Refrigeration Institute, 4301 N. Fairfax Dr., #425 Arlington, VA 22203			
Air Products & Chemicals, Inc, 805 15th Street, NW, #330 Washington, DC 20005		13,500.00	38.10
Aircraft Owners & Pilots Assn, 421 Aviation Way Frederick, MD 21701		150,921.00	112,854.00
Randolf H. Aires, 633 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Sears Roebuck & Co	8,000.00	152.50
Airports Council International - North America, 1220 19th Street, NW, #200 Washington, DC 20036			17,980.93
Akin Gump Strauss Hauer & Feld, L.L.P., 1333 New Hampshire Ave., NW, #400 Washington, DC 20036	A.E. Staley Manufacturing	300.00	
Do	Air Transport Assn of America		
Do	Alleghany River Mining Company	4,340.00	76.00
Do	Alliance of American Insurers	351.00	16.00
Do	Amerada Hess Corp	5,740.00	95.00
Do	American Airlines, Inc	5,060.00	95.00
Do	American Financial Corp		
Do	American Share Insurance Corporation	900.00	19.00
Do	American Telephone & Telegraph Co	2,310.00	38.00
Do	Assn of Finance and Insurance Professionals		
Do	Bank of America National Trust & Savings Assn	920.00	19.00
Do	Bank of Nova Scotia		
Do	Bechtel Group, Inc	50.25	
Do	Bolt Beranek & Newman, Inc		
Do	Cambridge Information Group		
Do	Chiquita Brands International, Inc		
Do	City of Houston	100.00	
Do	Clark/Bardes Organization, Inc		
Do	Colombia Government Trade Bureau (PROEXPO)		
Do	Consumers Power Company	1,120.00	19.00
Do	Cotton Bowl Athletic Assn	1,820.00	19.00
Do	Disabled American Veterans	16.75	
Do	Dow Jones & Co	5,530.00	95.00
Do	Fremont Group, Inc	33.50	
Do	Fujitsu America, Inc		
Do	Government of Norway	8,520.00	152.00
Do	W. R. Grace & Co		
Do	Guardian Industries		
Do	GTECH Corp	5,140.00	95.00
Do	International Bank of Commerce		
Do	International Specialty Products, Inc		
Do	Ladies Professional Golf Assn		
Do	Levi Strauss & Co		
Do	Loral Corp		
Do	MacAndrews & Forbes Holdings, Inc	200.00	
Do	Management Compensation Group		
Do	Mazda (North America), Inc	890.00	19.00
Do	Medical Protective Company	900.00	19.00
Do	Mesa, Inc	660.00	
Do	Metropolitan Transit Authority of Harris County	4,550.00	76.00
Do	Miller Brewing Company	3,200.00	57.00
Do	Robert Mondavi Winery	6,640.00	114.00
Do	Money Store		
Do	Morgan Stanley & Co, Inc	1,030.00	19.00
Do	Mortgage Guaranty Insurance Corp	16.75	
Do	Mortgage Insurance Cos of America	390.00	
Do	Motion Picture Assn of America, Inc	2,165.00	38.00
Do	MAXXAM, Inc	230.00	
Do	MCA, Inc		
Do	National Football League		
Do	Nationwide Mutual Insurance Company	201.00	
Do	Natural Gas Vehicle Coalition	8,470.00	152.00
Do	New York Public Library	250.00	
Do	Ongard Systems, Inc		
Do	Riggs National Corp		
Do	Robert Mondavi Winery	6,640.00	114.00
Do	Ryder System, Inc	2,840.00	38.00
Do	RJR Nabisco, Inc		
Do	Southern California Edison Co	1,830.00	19.00
Do	Time-Warner		
Do	Upjohn Company		
Do	USA Group,Inc	17,600.00	228.00
Do	Warner-Lambert Co		
Do	Westinghouse Electric Corp	100.00	
Julia L. Akins, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Albanian American Civic League, 717 Second Street, NE, #303 Washington, DC 20002		9,391.00	1,253.00
William E. Albers, 11 Dupont Circle, NW, #300 . Washington, DC 20036-1207	Albers & Company (For:Lummi Indian Gaming Commission)		
Do	Albers & Company (For:May Department Stores Co)		
David Alberswerth, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	7,805.78	
James J. Albertine, 1899 L Street, NW, Suite 500 Washington, DC 20036	Albertine Enterprises, Inc (For:ARCTICO, Inc)	5,156.00	45.00
Do	Albertine Enterprises, Inc (For:AST Research, Inc)		
Do	Albertine Enterprises, Inc (For:Beckman Instruments, Inc)		
Do	Albertine Enterprises (For:Business Executives for National Security)		
Do	Albertine Enterprises (For:Castle-Harlan Delaware Management, Inc)	7,000.00	346.00
Do	Albertine Enterprises, Inc (For:Council for Superfund Fairness, Inc)		518.00
Do	Albertine Enterprises, Inc (For:Exide Electronics)	6,300.00	210.00
Do	Albertine Enterprises (For:Fruit of the Loom, Inc)	10,500.00	455.00
Do	Albertine Enterprises (For:Greater Kansas City Chamber of Commerce)	1,155.00	53.00
Do	Albertine Enterprises, Inc (For:Itron and Amrplus Partners)	2,772.00	45.00
Do	Albertine Enterprises, Inc (For:Lenox, Inc)	700.00	106.00
Do	Albertine Enterprises, Inc (For:National Assn of Bareboat Charter Personnel)	1,260.00	53.00
Do	Albertine Enterprises, Inc (For:Polaris Industries, LP)	5,156.00	438.00
Do	Albertine Enterprises, Inc (For:Potomac Capital Investment Corp)	1,750.00	53.00
Do	Albertine Enterprises, Inc (For:Primark Corp (TASC))	1,167.00	53.00
Do	Albertine Enterprises, Inc (For:Rogerson Aircraft Corp)		
Do	Albertine Enterprises, Inc (For:SMS Corp)	5,250.00	525.00
John M. Albertine, 1889 L Street, NW, Suite 500 Washington, DC 20036	Albertine Enterprises, Inc (For:ARCTICO, Inc)	9,574.50	81.25
Do	Albertine Enterprises, Inc (For:AST Research, Inc)		72.00
Do	Albertine Enterprises, Inc (For:Beckman Instruments, Inc)		72.00
Do	Albertine Enterprises (For:Business Executives for National Security)		
Do	Albertine Enterprises, Inc (For:Castle Harlan, Inc)	11,700.00	390.00
Do	Albertine Enterprises, Inc (For:Council for Superfund Fairness, Inc)		1,008.00
Do	Albertine Enterprises, Inc (For:Exide Electronics)	11,700.00	390.00
Do	Albertine Enterprises, Inc (For:Fruit of the Loom, Inc)	19,500.00	845.00
Do	Albertine Enterprises (For:Greater Kansas City Chamber of Commerce)	2,145.00	98.00
Do	Albertine Enterprises, Inc (For:Itron and Amrplus Partners)	2,166.58	82.00
Do	Albertine Enterprises, Inc (For:Lenox, Inc)	1,300.00	97.00
Do	Albertine Enterprises, Inc (For:National Assn of Bareboat Charter Personnel)	2,340.00	97.00
Do	Albertine Enterprises, Inc (For:Polaris Industries, LP)	9,574.00	813.00
Do	Albertine Enterprises, Inc (For:Potomac Capital Investment Corp)	2,145.00	95.50
Do	Albertine Enterprises, Inc (For:Primark Corp)	2,166.00	97.00
Do	Albertine Enterprises, Inc (For:Rogerson Aircraft Corp)		
Do	Albertine Enterprises, Inc (For:SMS Corp)	9,750.00	975.00
Albertine Enterprises, Inc, 1899 L Street., NW Suite 500 Washington, DC 20036	ARCTICO, Inc	14,730.00	125.00
Do	AST Research, Inc		60.00
Do	Beckman Instruments, Inc		110.00
Do	Business Executives for National Security		
Do	Castle Harlan, Inc		550.00
Do	Council for Superfund Fairness, Inc		1,500.00
Do	Exide Electronics	18,000.00	600.00
Do	Fruit of the Loom, Inc	30,000.00	1,300.00
Do	Greater Kansas City Chamber of Commerce	3,300.00	150.00
Do	ITRON and AMR	3,333.32	125.00
Do	Lenox, Inc	2,000.00	300.00
Do	National Assn of Bareboat Charter Personnel	3,600.00	150.00
Do	Polaris Industries, LP	14,730.00	1,250.00
Do	Potomac Capital Investment Corp	4,999.98	150.00
Do	Primark Corp	3,333.32	150.00
Do	Rogerson Aircraft Corp		
Do	SMS Corp	15,000.00	1,500.00
Virginia S. Albrecht, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond, P.C. (For:Foundation for Environmental & Economic Progress, Inc).	260.00	
Alcalde Rousselot & Fay, 2111 Wilson Blvd., #850 Arlington, VA 22201	Alliance for Responsible CFC Policy	15,000.00	
Do	Alliance for Sound Atmospheric Policy	3,000.00	
Do	Cargill Fertilizer, Inc	7,500.00	
Do	Center for Applied Engineering	3,750.00	
Do	City of Jacksonville	15,600.00	
Do	City of Virginia Beach	15,000.00	
Do	Concrete Technology Corp	3,000.00	
Do	Consolidated Freightways	12,750.00	
Do	Jack Eckerd Corp	3,000.00	
Do	Eli Lilly	1,000.00	
Do	EMSA Limited Partnership	22,500.00	
Do	Hillsborough County	7,500.00	
Do	Home Shopping Network	27,000.00	
Do	International Council of Cruise Lines	31,500.00	
Do	Jacksonville Chamber of Commerce		
Do	Jim Walter Corp	3,000.00	
Do	Marin County	6,750.00	
Do	Metropolitan Dade County - Seaport Department	6,750.00	
Do	National Refrigerants, Inc	7,500.00	
Do	Palm Beach County	19,500.00	
Do	Port of Jacksonville	6,600.00	
Do	Regular Common Carrier Conference	7,500.00	
Do	Research to Prevent Blindness	6,250.00	
Do	State Road 7 Association, Inc	16,800.00	
Do	Tampa Electric Co	6,000.00	
Do	Tampa Port Authority	6,000.00	
Do	Towers Financial Corp	7,500.00	
Do	Walter Industries	5,312.50	
Do	Washington Workshops	4,500.00	
Gary Aldridge, P.O. Box 3087 Shepherdstown, WV 25443	In Defense of Animals	7,500.00	725.00
Arthur J. Alexander, 1000 Connecticut Ave., NW Washington, DC 20036	Japan Economic Institute of America	500.00	
Donna K. Alexander, 1875 Connecticut Ave. NW, 12th Floor Washington, DC 20009	LeBoeuf Lamb Leiby & MacRae (For:Federal Employees Tax Group)		
Do	LeBoeuf Lamb Leiby & MacRae (For:Feibel-Garek)		
Do	LeBoeuf Lamb Leiby & MacRae (For:Groom & Nordberg (for: Chevron))		
Do	LeBoeuf Lamb Leiby & MacRae (For:Mirage Resorts, Inc)		
Do	LeBoeuf Lamb Leiby & MacRae (For:Physicians Insurers Assn of America)		
Alexander & Associates, Inc, 400 C Street, NE Washington, DC 20002	Merrill Lynch & Co, Inc		
Do	Washington Hospital Center		
Pamela J. Allen, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Companies	1,139.50	47.82
Alliance for Acid Rain Control, 444 N. Capitol Street, #602 Washington, DC 20001		91,000.00	620.00
Alliance of American Insurers, 1211 Connecticut Avenue, NW, #400 Washington, DC 20036			75,873.72
Alliance of Nonprofit Mailers, 2001 S Street, NW, #301 Washington, DC 20009		2,956.25	20,006.57
Robert F. Allnutt, 1100 15th St., NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	1,000.00	
David W. Almy, 1200 18th Street, NW Suite 200 Washington, DC 20036	National Business Aircraft Assn	1,000.00	50.00
Michael J. Altier, 701 Pennsylvania Avenue, NW Washington, DC 20004	National Retail Federation	6,000.00	97.65
Peter J. Alto, 422 First Street, SE, Suite 208 Washington, DC 20003	Physicians Who Care		
Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue, NW Washington, DC 20016			5,000.00
America for Worldwide Balanced Trade Agreement, Inc, 2236 Java Plum Avenue Sarasota, FL 34232		755.00	
American Academy of Family Physicians, 8880 Ward Parkway Kansas City, MO 64114		38,350.69	38,350.69
American Amusement Machine Assn, 12731 Directors Loop Woodbridge, VA 22192		50,490.00	50,490.00
American Arts Alliance Action League, Inc, 1319 F Street, NW, #500 Washington, DC 20004-1151			44,381.00
American Assn of Airport Executives, 4212 King Street Alexandria, VA 22302			44,427.00
American Assn of Bank Directors, 1225 19th Street, NW, #710 Washington, DC 20036			
American Assn of Blood Banks, 8101 Glenbrook Road Bethesda, MD 20814-2749		5,000.00	5,000.00
American Assn of Meat Processors, P.O. Box 269 Elizabethtown, PA 17022		196.19	50.00
American Automobile Assn, 1440 New York Ave., NW, Suite 200 Washington, DC 20005			
American Automobile Manufacturers Assn, 7430 Second Avenue, #300 Detroit, MI 48202		46,519.79	46,519.79

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
American Bankers Assn, 1120 Connecticut Avenue, NW Washington, DC 20036		248,014.43	248,014.43
American Cement Alliance, Inc, 1212 New York Avenue, NW, #520 Washington, DC 20005		102,000.00	64,496.43
American Cemetery Assn, 5201 Leesburg Pike, #1111 Falls Church, VA 22041			
American Council for Capital Formation, 1750 K Street, NW, #400 Washington, DC 20006		5,026.00	4,814.00
American Council of Life Insurance, Inc, 1001 Pennsylvania Avenue, NW Washington, DC 20004		40,713.00	40,713.00
American Dance Therapy Assn, 2000 Century Plaza, #108 Columbia, MD 21044			1,237.50
American Farm Bureau Federation, 225 Touhy Ave Park Ridge, IL 60068		171,693.00	171,693.00
American Fed of Labor & Congress of Industrial Organizations, 815 16th St., NW Washington, DC 20006			207,257.74
American Feed Industry Assn, 1501 Wilson Blvd., #1100 Arlington, VA 22209		5,240.00	5,240.00
American Fiber Manufacturers Assn, Inc, 1150 17th St., NW, #310 Washington, DC 20036			
American Financial Services Assn, 919 18th Street, NW Washington, DC 20006			1,000.00
American Frozen Food Institute, 1764 Old Meadow Rd., #350 Mclean, VA 22102		11,500.00	11,500.00
American Grain Inspection Institute, 1629 K Stret, NW, #1100 Washington, DC 20006		5.89	597.00
American Health Care Assn, 1201 L Street, NW Washington, DC 20005		364,400.00	94,315.49
American Home Products Corp, 1726 M Street, NW, Suite 1001 Washington, DC 20036			9,714.00
American Hotel & Motel Assn, 1201 New York Ave., NW Washington, DC 20005		23,372.31	14,211.83
American Institute of Merchant Shipping, 1000 16th Street, NW, #511 Washington, DC 20036			3,444.50
American Insurance Assn, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036		6,201.00	6,201.00
American International Group, Inc, 70 Pine Street New York, NY 10270			65,923.22
American Israel Public Affairs Comm, 440 First Street, NW, #600 Washington, DC 20001		192,921.00	218,011.87
American Land Title Assn, 1828 L St., NW, #705 Washington, DC 20036			3,995.00
American League for Exports & Security Assistance, Inc, 122 C St., NW, #740 Washington, DC 20001		2,500.00	10,883.08
American Library Assn, 50 E. Huron St. Chicago, IL 60611		2,909.00	10,735.00
American Malting Barley Assn, Inc, 735 North Water Street, #908 Milwaukee, WI 53202		19,450.81	3,373.90
American Meat Institute, 1700 N. Moore Street Arlington, VA 22209		292,833.14	37,156.35
American Medical Association, 515 North State Street Chicago, IL 60610			278,449.43
American Methanol Institute, 815 Connecticut Ave., NW, #800 Washington, DC 20006		8,749.00	24,574.00
American Motorcyclist Assn, P.O. Box 6114 Westerville, OH 43081		26,549.34	26,549.34
American Movers Conference, 1611 Duke Street Alexandria, VA 22314			9,787.00
American Nuclear Energy Council, 410 1st St., SE Washington, DC 20003		272,125.94	114,334.09
American Nurses' Assn, 600 Maryland Avenue, SW, #100 West Washington, DC 20024-2571		108,783.40	108,783.40
American Occupational Therapy Assn, Inc, 1383 Piccard Drive P.O. Box 1725 Rockville, MD 20850-0822		6,734.42	6,734.42
American Optometric Assn, 1505 Prince Street, #300 Alexandria, VA 22314			
American Physical Therapy Assn, 1111 N. Fairfax St. Alexandria, VA 22314		11,123.57	11,123.57
American Podiatric Medical Assn, 9312 Old Georgetown Road Bethesda, MD 20814-1621			24,893.23
American Public Transit Assn, 1201 New York Avenue, NW Washington, DC 20005		47,802.00	47,802.00
American Pulpwood Assn, 1025 Vermont Avenue, NW Washington, DC 20005			
American Re-Insurance Co, 555 College Road, East Princeton, NJ 08543			12,000.00
American Retreaders' Assn, P.O. Box 37203 Louisville, KY 40233		100.00	100.00
American Rivers Conservation Council, 801 Pennsylvania Avenue, SE, #400 Washington, DC 20003-2155		9,000.00	6,186.00
American Short Line Railroad Assn, 1120 G Street NW, #520 Washington, DC 20005			81.09
American Soc for Medical Technology, 7910 Woodmont Avenue, #1301 Bethesda, MD 20814			13,476.60
American Soc of Anesthesiologists, 1101 Vermont Ave, NW, #606 Washington, DC 20005			45,488.75
American Soc of Hospital Pharmacists, 7272 Wisconsin Avenue Bethesda, MD 20814			15,780.00
American Textile Manufacturers Institute, Inc, 1801 K Street, NW, #900 Washington, DC 20006		57,232.34	73,857.51
American Trucking Assns, Inc, 430 First Street Washington, DC 20003		13,000.00	94,090.00
American Tunaboat Assn, 1 Tuna Lane San Diego, CA 92101			
American Veterans of World War II, Korea & Vietnam (AMVETS), 4647 Forbes Boulevard Lanham, MD 20706			20,400.00
American Veterinary Medical Assn, 1101 Vermont Ave. NW Suite 710 Washington, DC 20005-3621		16,079.00	1,181.00
American Waterways Operators, Inc, 1600 Wilson Boulevard, #1000 Arlington, VA 22209		489,538.00	117,384.28
Americans for Immigration Control, Inc, 717 Second Street, NE, #307 Washington, DC 20002		12,664.41	12,664.41
Americans for Nonsmokers' Rights, 2530 San Pablo Ave., #J Berkeley, CA 94702		4,095.00	4,095.00
Laurel W. Ames, 989 Tahoe Keys Blvd., #6 South Lake Tahoe, CA 96150	League to Save Lake Tahoe	278.16	63.20
Amie Amiot, 10801 Rockville Pike Rockville, MD 20815	American Speech Language Hearing Assn		
Morris J. Amitay, P.C., 444 N. Capitol Street, NW, #712 Washington, DC 20001	Northrop Corp	9,000.00	
Do	Rand Eye Institute	10,000.00	
Do	Tenneco, Inc	4,000.00	
Do	Thompson Medical Co	3,000.00	
Anadarko Petroleum Corp, 16855 Northchase Drive Houston, TX 77251-1330			
Toney Anaya, 200 W. DeVargas, #7 Santa Fe, NM 87501		112,500.00	18,894.70
Jeffrey M. Anders, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	51.00
Byron Anderson, 1001 Pennsylvania Ave, NW, #460(N) Washington, DC 20004-2505	New York Life Insurance Company	250.00	
Cynthia C. Anderson, 750 17th Street, NW 4th Floor Washington, DC 20006-4607	Enron Corp	3,000.00	
David J. Anderson, One KeyCorp Plaza P.O. Box 88 Albany, NY 12201-0088	KeyCorp	4,326.93	2,434.82
Debra J. Anderson, 1301 Pennsylvania Ave., NW #900 Washington, DC 20004	Reinsurance Assn of America		
John A. Anderson, 1333 H St., NW, The West Tower, 8th Flr Washington, DC 20005	Electricity Consumers Resource Council (ELCON)		
Margo L. Anderson, 1725 Jefferson Davis Highway, Suite 901 Arlington, VA 22202	Alliant Techsystems, Inc	4,061.50	
Philmore B. Anderson, 412 1st Street, SE, Suite 300 Washington, DC 20003	Independent Insurance Agents of America	10,769.00	
Steven Anderson, 1764 Old Meadow Rd, #350 Mclean, VA 22102	American Frozen Food Institute	6,600.00	
Tobyn J. Anderson, 601 Thirteenth Street, NW, #320 South Washington, DC 20005	National Independent Energy Producers	4,293.40	
William C. Anderson, 818 Connecticut Avenue, NW, #200 Washington, DC 20006	US English, Inc	3,750.00	75.00
Elaine Andrews, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance	325.00	
William Robert Andrews, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	3,000.00	1,338.52
Andrews & Kurth, 1701 Pennsylvania Avenue, NW, #200 Washington, DC 20006	Association of Battery Recyclers	162.00	162.00
Do	Coalition for Habitat Conservation		
Do	GNB, Inc		
Do	(For:Institute of Makers of Explosives)		
Do	Island Development Corp	2,125.00	
Do	RSR Corporation		
Andrews' Associates, Inc, 2550 M St., NW, #450 Washington, DC 20037	Ares-Serono, Inc		
Do	Association of Trial Lawyers of America		
Do	Blue Cross and Blue Shield of ND	20,000.00	
Do	California Dairy Institute		
Do	Interstate Natural Gas Assn of America (INGAA)		
Do	Johanna Dairies		
Do	Mars, Inc		
Do	Safeguard America's Family Enterprises		
Do	Thomson, Inc		
Animal Health Institute, 501 Wythe Street P.O. Box 1417-D50 Alexandria, VA 22313-1480			20,150.00
Decker Anstrom, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	10,238.00	
Ernest Antczak, 27777 Inkster Road Farmington Hills, MI 48334	Michigan National Corp	10.00	
Thomas D. Anthony, 2500 Central Trust Center 201 E. Fifth Street Cincinnati, OH 45202	Frost & Jacobs (For:Comprehensive Medical, Inc)		
Do	Frost & Jacobs (For:Louisville Imaging Services, Inc)		
Do	Frost & Jacobs (For:Western Hills Imaging Center, Inc)		
Apartment & Office Building Assn, 1050 17th Street, NW, #300 Washington, DC 20036			
James J. Apperson, P.O. Box 52075 Phoenix, AZ 85072	Southwest Gas Corporation		
Apple Computer, Inc, 1550 M Street, NW, #1000 Washington, DC 20005			923.00
James N. Arbury, 1850 M Street, NW, Suite 540 Washington, DC 20036	National Multi Housing Council	2,300.00	
Paul W. Arcari, 201 N. Washington Street Alexandria, VA 22314	Retired Officers Assn	7,872.00	
John Archer, 1440 New York Avenue, NW, #200 Washington, DC 20005	American Automobile Assn		
William T. Archey, 1615 H STreet, NW Washington, DC 20062-2000	U.S. Chamber of Commerce	740.00	
R. M. Julie Archuleta, 1747 Pennsylvania Avenue, NW, 3rd Fl. Washington, DC 20006	Occidental Chemical Corp		
Carolin Arczynski, 1201 New York Avenue, NW Washington, DC 20005	American Public Transit Assn	1,600.00	
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	American Assn of Bioanalysts	25,902.48	1,995.73
Do	American Assn of Occupational Health Nurses	6,251.87	441.07
Do	Association of Professional Flight Attendants	9,362.15	3,113.41
Do	Central States SE & SW Areas Health Welfare & Pension Funds	34,753.37	114.12
Do	Children With Attention Deficit Disorder (CHADD)		
Do	Guardian Life Insurance Co of America	16,536.65	54.32
Do	Independent Federation of Flight Attendants	3,500.00	85.00
Do	International Society for Clinical Laboratory Technology	3,007.82	14.29
Do	Mercy Hospital of Des Moines, Iowa	12,368.02	2,000.42
Do	National Field Selling Assn		
Do	National Parking Association	8,423.10	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Navajo Nation	109.226.61	2,651.94
Do	SO-PAK-CO, Inc		13.85
Do	Video Software Dealers Assn	472.32	20.74
John G. Arlington, 1130 Connecticut Ave., NW, Suite 1000 Washington, DC 20036	American Insurance Assn	425.00	350.00
David C. Armijo, 401 Coors Boulevard, NW Albuquerque, NM 87121	Westland Development Co, Inc		2,021.27
Angela J. Arnett, 1001 Pennsylvania Avenue, NW Washington, DC 20004	American Council of Life Insurance	1,000.00	
Luther Glenn Arnette, 125 N. West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Carl F. Arnold, P.O. Drawer 7170 McLean, VA 22106	Ashland Oil Co	200.00	
Do	Corporate Property Investors	1,000.00	
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	American Institute of Certified Public Accountants		
Do	American Red Cross		
Do	Antonelli Unsecured Creditor's Committee		
Do	Avis, Inc		
Do	ACPC		
Do	AFL-CIO		
Do	Bank of Montreal		
Do	Building and Construction Trade Department, AFL-CIO	2,645.00	
Do	Caribbean International News Corporation	5,425.00	
Do	City of Reading	6,483.40	45.08
Do	Commissioner, Dept of Telecommunications City of New York	250.00	
Do	Computer Sciences Corp		
Do	Continental Corporation		
Do	Federated Investors		
Do	General Conference of Seventh-day Adventists	2,588.75	9.17
Do	Hoffmann-La Roche, Inc		
Do	Hopi Indian Tribe		
Do	Michigan National Corp (for: Beverly Hills Fed Savings Bank)		
Do	Montefiore Medical Center		
Do	National Assn of Telecommunications Officers & Advisors	922.50	6.00
Do	National Coordinating Comm for Multiemployer Plans	8,750.00	262.45
Do	Penn Central Industries Group		
Do	Philip Morris, Inc	1,683.58	16.95
Do	Recording Industry Assn of America, Inc		
Do	Republic of Venezuela		
Do	Sacramento Municipal Utility District		
Do	Scripps Research Institute		
Do	Stanford University	816.00	1.50
Do	State Farm Mutual Automobile Insurance Co	15,323.75	252.93
Do	Survival Technology, Inc		
Do	Tambrands, Inc		
Do	Unilever United States, Inc		
Wayne Arny & Associates, Inc, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	American Logistics Infrastructure Improvement Consortium	2,000.00	
Do	FMC Corp	4,700.00	82.72
Do	Guam Airport Authority	4,000.00	214.72
Do	Technology for Communications, International		
Nan Aron, 1601 Connecticut Avenue, NW Washington, DC 20009	Alliance for Justice		
Thomas M. Arrasmith, 1301 K Street, NW, #1200 Washington, DC 20006	IBM Corp	1,405.38	568.33
Deborah Arrindell, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses Assn	8,871.30	241.38
Chad Asarch, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Committee	7,425.00	592.65
Christopher Ashe & Associates, 3511 Davenport Street, NW, Suite 509 Washington, DC 20008			
Asian Pacific Economic Educational Cultural Organization, P.O. Box 891 Manila, Philippines			
Associated Credit Bureaus, Inc, 1090 Vermont Avenue, NW, #200 Washington, DC 20005		1,500.00	
Associated General Contractors of America, 1957 E St., NW Washington, DC 20006			16,500.00
Association of American Publishers, 1718 Connecticut Avenue, NW Washington, DC 20009-1148		18,533.00	18,533.00
Association of American Railroads, American Railroads Building 50 F Street, NW Washington, DC 20001		163,745.52	163,745.52
Association of American Veterinary Medical Colleges, 1101 Vermont Avenue, NW, #710 Washington, DC 20005			
Association of Financial Services Companies, 888 17th Street, NW, #312 Washington, DC 20006			3,750.00
Association of Maximum Service Television, Inc, 1400 16th Street, NW, #610 Washington, DC 20036			92.00
Association of Oil Pipe Lines, 1725 K St., NW Washington, DC 20006			
Association of State and Territorial Health Officials, 415 Second Street, NE, Suite 200 Washington, DC 20002			2,000.00
Association of Trial Lawyers of America, 1050 31st St., NW Washington, DC 20007		9,071.25	9,071.25
Ater Wynne Hewitt Dodson & Skerritt, 1225 19th Street, NW, #200 Washington, DC 20036	Agriculture Ocean Transportation Coalition		
Do	Ailiance for Competitive Transportation (ACT)	540.00	17.40
Do	Golden Valley Electric Assn, Inc	1,800.00	1,830.00
Do	Maritime Fire and Safety Assn	825.00	13.20
Do	Oregon Economic Development Dept, Marine Div	495.00	18.85
Do	Pacific Coast Council		
Do	Port of Portland		
Do	Port of Redwood City		
Do	Reebok International Ltd	559.00	30.00
Victor Atiyeh & Co, 519 SW Park St., #208 Portland, OR 97205	Fujitsu, Ltd		
Do	Seiko Epson		
Atlantic Richfield Co, 515 South Flower Street Los Angeles, CA 90071			1,262.00
Deborah Marie Atwood, 1700 N. Moore St. Arlington, VA 22209	American Meat Institute	2,000.00	1,000.00
Leslie Aubin, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
John J. Auciello, P.O. Box 269 Elizabethtown, PA 17022	American Assn of Meat Processors		
Kenneth E. Auer, 50 F Street, NW, #900 Washington, DC 20001	Farm Credit Council		
Frank W. Ault, 2009 N. 14th Street, #300 Arlington, VA 22201	American Retirees Assn	3,750.00	2,497.00
Anna Aurilio, 215 Pennsylvania Ave., NW Washington, DC 20003	US Public Interest Research Group	5,769.18	
Theodore Austell III, 701 Pennsylvania Avenue, NW, Suite 610 Washington, DC 20004	Tenneco, Inc		
Avon Products, Inc, 9 West 57th St. New York, NY 10019			
Michael G. Ayre, P.O. Box 130 Levis P.Q. Canada G6V 6N7	Mil Davie Inc		
Merribel Symington Ayres, 601 Thirteenth Street, NW, #320 South Washington, DC 20005	National Independent Energy Producers	6,750.85	
ARCO Chemical Co, 3801 West Chester Pike Newtown Square, PA 19073			485.00
Edward J. Babbitt, 400 Broadway Cincinnati, OH 45202	Western-Southern Life Insurance Co		
Gregory R. Babyak, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Contact Lens Institute		
Do	Genentech		
Do	MacAndrews & Forbes Holding, Inc		
Do	Municipal Finance Industry Assn		
Do	John Nuveen & Co, Inc		
Gary Bachula, 2250 Pierce Road University Center, MI 48710	CIESIN		
Richard Anthony Baenen, 1735 New York Avenue, NW, #600 Washington, DC 20006	NANA Regional Corp, Inc		
Do	Shee Atika, Inc		
Charlotte M. Bahin, 900 19th Street, NW, Suite#400 Washington, DC 20006	Savings and Community Bankers of America		
George F. Bailey Jr., 400 South Union Street, #495 Montgomery, AL 36104	CSX Transportation		
William W. Bailey, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey & Robinson (For:American Cyanamid Co, Inc)		
Do	Bailey & Robinson (For:American Imaging Assn)		
Do	Bailey & Robinson (For:Blue Cross of Western Pennsylvania)		
Do	Bailey & Robinson (For:Case Management Society of America)		
Do	Bailey & Robinson (For:Human Factors Applications, Inc)		
Do	Bailey & Robinson (For:Natural Gas Vehicles Coalition)		
Do	Bailey & Robinson (For:Upjohn Corp)		
Bailey & Robinson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	American Cyanamid Company	15,000.00	
Do	American Imaging Assn		
Do	Blue Cross of Western Pennsylvania	22,500.00	
Do	Case Management Society of America	18,000.00	
Do	Human Factors Applications, Inc		
Do	National Futures Assn	16,407.50	
Do	Natural Disaster Coalition	15,000.00	
Do	Natural Gas Vehicles Coalition		
Do	Oralco Management Services	30,000.00	
Do	Upjohn Company		
Do	Utilities Telecommunication Council	1,000.00	
Edward R. Bajer, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	587.50	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Gerald E. Baker, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	12,500.00	625.32
James Jay Baker, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	2,020.48	501.24
John D. Baker, 815 Sixteenth Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	7,830.00	
Baker & Botts, 555 13th Street, NW, #500 East Washington, DC 20004	Association for Manufacturing Technologies	25,650.00	67.05
Do	BrightStar Group Limited		35.45
Do	Computer & Business Equipment Manufacturers Assn	10,500.00	57.40
Do	Elken Metals Co		
Do	Ferro-Alloys Assn		
Do	Martini & Rossi Corporation		
Do	Mickey Leland National Urban Air Toxics Research Center		464.29
Do	Ministry of Foreign Affairs of the Republic of Yemen		1,457.34
Do	Rhone-Poulenc, Inc		
Do	Westinghouse Electric Corp		36.00
Do	Zinc Corporation of America		
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	American Football Coaches Assn Retirement Trust	5,000.00	5,000.00
Do	American Resort & Development Assn	3,000.00	3,000.00
Do	California Independent Casualty Companies Assn	6,000.00	6,000.00
Do	Canadian Sugar Institute		
Do	Chubb Corporation	1,320.00	1,320.00
Do	Cleveland Clinic Foundation		
Do	Cominco, Ltd		
Do	Edison Electric Institute	5,729.47	5,729.47
Do	Financial Holding Corp	2,000.00	2,000.00
Do	Fireman's Fund	4,637.50	4,637.50
Do	Flexi-Van Leasing/Pacific Holding Company	5,000.00	5,000.00
Do	Frank B. Hall & Co, Inc		
Do	Hyatt Corp		
Do	Independent Insurance Agents of America, Inc	5,000.00	5,000.00
Do	Mitsui & Co (U.S.A.), Inc	412.50	675.00
Do	Mitsui Plastics, Inc		
Do	National Assn of Casualty & Surety Agents	5,000.00	5,000.00
Do	National Assn of Insurance Brokers, Inc	5,000.00	5,000.00
Do	National Assn of Professional Insurance Agents	5,000.00	5,000.00
Do	North American Reinsurance	2,500.00	2,500.00
Do	Soap and Detergent Association		
Do	St. Paul Fire & Marine		
Do	Travelers Insurance Co	2,000.00	2,000.00
Do	United Fidelity Life Insurance	2,000.00	2,000.00
H. R. Balikov, 333 Thornall St. Edison, NJ 08818	J. M. Huber Corp		
William L. Ball III, 1101 16th Street, NW Washington, DC 20036	National Soft Drink Assn	562.50	
William Lewis Ball, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	2,849.72
Ball Janik & Novack, 1101 Pennsylvania Avenue, NW, #1035 Washington, DC 20004	City of Bellevue (Washington)	4,657.69	1,597.31
Do	City of Portland, OR	19,436.94	3,813.06
Do	City University	48,794.00	8,297.78
Do	Clackamas County	14,206.00	2,126.07
Do	CPAFB (Committee to Preserve the American Family Business	15,000.00	1,321.26
Do	Greenbrier Leasing, Inc	38,100.00	4,088.52
Do	Harsch Investment Corporation		106.61
Do	Mt. Hood Meadows Oregon, Ltd		
Do	Northwest Industrial Gas Users	240.00	126.57
Do	Northwest Marine Iron Works		
Do	Northwest Woodland Owners Council	18,000.00	5,703.79
Do	Oregon Department of State Lands	10,500.00	1,499.16
Do	Oregon Department of Transportation	23,100.00	3,360.87
Do	Oregon Graduate Institute of Science & Technology	2,139.00	810.07
Do	Oregon Partnership for Metals Research	6,000.00	553.78
Do	Portland CommunityCollege	6,000.00	650.00
Do	Schnitzer Steel Industries	3,596.50	536.73
Robert H. Ballard, 2 North 9th Street Allentown, PA 18101	Pennsylvania Power & Light Co		
Thomas M. Balmer, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Association		
Michael Baly III, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	2,550.00	72.66
Bank of Boston Corporation, 100 Federal St. Boston, MA 02110			
Kathryn Bannan, 1300 I Street, NW, #520-W Washington, DC 20005-3314	Hoffmann-La Roche, Inc	654.03	
M. Graeme Bannerman, 888 16th St., NW Washington, DC 20006	Bannerman & Associates, Inc (For:Arab Republic of Egypt)	3,000.00	400.15
Do	Bannerman and Associates, Inc (For:Beirut University College)	1,000.00	40.00
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)	2,500.00	75.00
Martha G. Bannerman, One Greenwich Plaza P.O. Box 2568 Greenwich, CT 06836-2568	NAC Re Corp		
Linda W. Banton, 1331 Pennsylvania Ave., NW Washington, DC 20004	General Electric Company	1,540.00	
James W. Bapple III, 5535 Hampstead Way Springfield, VA 22151	National Assn for Uniformed Services	997.50	
Samuel J. Baptista, 1225 19th St., NW, #410 Washington, DC 20036	Financial Services Council	5,250.00	
Baraff Koerner Olender & Hochberg, P.C., 5335 Wisconsin Avenue, NW, #300 Washington, DC 20015-2003	College Football Association		
Do	Football Bowl Assn		
Do	National Assn of Collegiate Directors of Athletics		
Do	National Basketball Assn	1,000.00	
Do	National Hockey League	750.00	
John Paul Barber, 8101 Glenbrook Road Bethesda, MD 20814-2749	American Assn of Blood Banks	2,500.00	
Gary C. Barbour, 214 Massachusetts Avenue, NE, #300 Washington, DC 20002	Portland General Electric		
Betsy F. Barclay, 1445 New York Avenue, NW, 8th Floor Washington, DC 20005	Public Securities Assn	12,500.00	294.96
M. Camille Bares, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp, Inc	15,000.00	2,187.12
David H. Baris, 1225 19th Street, NW, #710 Washington, DC 20036	American Assn of Bank Directors		
Robert H. Barker, 1150 17th Street, NW Washington, DC 20036	American Fiber Manufacturers Assn, Inc		
Russell E. Barker, 9005 Congressional Court Potomac, MD 20854	Peanut Butter & Nut Processors Assn	4,200.00	3,337.05
William J. Barloon, 1850 M Street, NW, #1110 Washington, DC 20036	Sprint Corporation	7,000.00	1,503.81
Thomas W. Barlow, P.O. Box 14000 Juno Beach, FL 33408	Florida Power & Light Co		
Iraline G. Barnes, 1900 Pennsylvania Ave, NW Washington, DC 20068	Potomac Electric Power Company		
Mark Barnes, 1200 G Street, NW, Suite 800 Washington, DC 20005	National Rifle Assn	3,300.00	112.15
Larry P. Barnett, 8752 Center Road Springfield, VA 22152	Aviation Management Associates (For:IBM)	887.85	11.03
Do	Aviation Management Associates (For:Megapulse, Inc)		
Do	Aviation Management Associates (For:Wilcox, Inc)		
Barnett & Sivon, PC, 2000 M Street, NW, Suite 740 Washington, DC 20036	Citibank, NA	3,540.00	150.00
Ray A. Barnhart, 2905 San Gabriel, #206 Austin, TX 78705	Marathon Oil Co	9,000.00	1,010.85
Michael E. Baroody, 1331 Pennsylvania Avenue, NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	312.00	
Eugene M. Barr, Associated Petroleum Industries of PA P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute		
Terry N. Barr, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
David C. Barrett Jr., 1201 New York Ave., NW, #830 Washington, DC 20005	National Grain & Feed Assn	6,500.00	
David J. Barrett, 801 Pennsylvania Ave., NW, Suite 955 Washington, DC 20004	Morgan Stanley & Co, Inc	900.00	
Robert W. Barrie, 1331 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	4,000.00	
Robert E. Barrow, 1616 H Street, NW Washington, DC 20006	National Grange	5,000.00	
Albert P. Barry, 2011 Crystal Drive, #107 Arlington, VA 22202	AAI Corp	5,837.50	
Thomas M. Barry, 1667 K Street, NW, Suite 1000 Washington, DC 20006	Southwestern Bell Corp	15,000.00	
Linda Curry Bartholomew, 2 North 9th Street Allentown, PA 18101	Pennsylvania Power & Light Co	1,500.00	422.00
Doyle C. Bartlett, 1015 18th Street, NW, #1100 Washington, DC 20036	Conference of State Bank Supervisors	1,375.00	
Linda L. Bartlett, 1341 G Street, NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp	750.00	111.37
Robert G. Bartlett, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
Kristin Bass, 1615 H Street, NW Washington, DC 20062-2000	U.S. Chamber of Commerce	2,500.00	
Bass and Howes, 1601 Connecticut Ave., NW, #801 Washington, DC 20009	Breast Cancer Coalition	11,050.00	345.74
Do	Family Violence Prevention Fund	3,595.00	80.77
Bass Berry & Sims, 2700 First American Center Nashville, TN 37238	Piedmont Natural Gas Co., Inc		
Robert W. Batchelder, 1201 New York Ave., NW Washington, DC 20005	American Public Transit Assn	1,350.00	
Diane Bateman, 501 2nd Street, NE Washington, DC 20002	Fertilizer Institute	9,000.00	1,712.11
Christopher M. Bates, 1325 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Motor and Equipment Manufacturers Association	1,750.00	1,750.00
Douglas P. Bates, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance, Inc	1,800.00	
Richard M. Bates, 1101 17th St. NW, #501 Washington, DC 20036	Disney Worldwide Services, Inc	4,500.00	285.72
Catharine R. Batky, 801 Pennsylvania Ave., NW, #220 Washington, DC 20004-2604	Burlington Northern Railroad Co	5,000.00	319.85

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Robin Battaglini, 1000 Wilson Blvd., #3000 Arlington, VA 22209	ITT Defense Technology Corp	1,000.00	50.00
Ellen Battistelli, 2010 Massachusetts Ave., NW, 5th Floor Washington, DC 20036	Planned Parenthood Federation of America	757.61	24.60
Lana R. Batts, 919 18th Street, N.W. Washington, DC 20006	American Financial Services Assn	250.00	
Gary Lee Bauer, 700 13th Street, NW, #500 Washington, DC 20005	Family Research Council	1,269.00	
Patricia M. Bauer Carlen, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Beirut University College)		
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)		
Do	Bannerman & Associates, Inc (For:Government of Egypt)	500.00	249.09
Hobart Bauhan, 7101 Wisconsin Avenue, #1390 Bethesda, MD 20814	National Burglar & Fire Alarm Assn	75.00	7.00
Barbara Bauman, 1800 K Street, NW, #1018 Washington, DC 20006	Kansas City Power & Light Company, et al.	18,615.00	5,620.00
Gregory J. Baumann, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
James R. Baxter, 3517 Launcelot Way Annadale, VA 22003	Associated Specialty Contractors	2,000.00	2,000.00
Tammy L. Baxter, 1155 15th Street, NW, Suite 600 Washington, DC 20005	Pennzoil Company	350.00	
Carl T. Bayer, 2111 Wilson Boulevard, Suite 1100 Arlington, VA 22201	Teledyne Industries, Inc	648.00	
Judith Bayer, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	32,400.00	421.27
Bayh Connaughton Fensterheim & Malone, PC, 1350 Eye Street, NW, #200 Washington, DC 20005	Cook Group	4,614.66	325.00
Do	Joseph E. Seagram & Sons	1,683.73	225.00
Do	Merrill Lynch & Company	4,164.00	1,525.00
Do	National Basketball Assn		
Do	National Soft Drink Assn		
Do	Pennsylvania Savings Assn Insurance Corp		
Do	PIE Mutual Insurance Co		
Do	Real Estate Capital Recovery Assn		
Do	SPI		
Bayless Boland & Madigan, 1072 Thomas Jefferson Street, NW Washington, DC 20007	Alyeska Pipeline Service Company	640.00	298.37
Do	CoreTech	250.00	30.00
Do	Distilled Spirits Council of the U.S.	750.00	21.60
Do	Southwest Airlines	323.00	
Do	Southwestern Bell Corp	950.00	
Do	Stewart & Stevenson Services, Inc	1,025.00	94.50
Richard 'Sandy' Beach, 805 15th Street NW, #300 Washington, DC 20005-2207	Credit Union National Assn, Inc	7,000.00	
Joanne Elden Beale, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States		
Bruce A. Beam, 801 Pennsylvania Ave, #214 Washington, DC 20004	American Electric Power Service Corp	468.48	249.84
Hubert Beatty, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Charles D. Becher, 1350 Eye Street, NW, Suite 1000 Washington, DC 20005	Ford Motor Company	1,500.00	672.80
Edward A. Beck III, 1615 L Street, NW Suite 1205 Washington, DC 20036	Smith Helms Mulliss & Moore	2,947.16	
Jeffrey G. Becker, 1225 Eye Street, NW, Suite 825 Washington, DC 20005	Beer Institute		
Steven M. Beckman, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	9,551.27	35.00
William W. Beddow, 1730 Pennsylvania Ave., NW, #750 Washington, DC 20006	Caterpillar, Inc	2,000.00	
Howard Bedlin, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	653.89	318.44
Teresa G. Beeman, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co (ARCO)		
Beer Institute, 1225 Eye Street, NW, #825 Washington, DC 20005			179.50
William A. Behan, 1700 N. Moore St., #820 Arlington, VA 22209	Magnavox Electronics Systems Corp	4,000.00	2,655.77
Edwin L. Behrens, Market Square 801 Pennsylvania Ave., NW, #720 Washington, DC 20004-2604	Procter & Gamble Co	242.79	
Mark Belanger, 805 Third Avenue New York, NY 10022	Major League Baseball Players Assn		
Denise Bell, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	631.16
Sharon S. Bell, 429 N Street, SW, Suite 802 South Washington, DC 20024	SRI		
Winston Everett Bell, P.O. Box 26543 Las Vegas, NV 89126			
Trina Bellak, 1325 G Street, NW, #1000 Washington, DC 20005	Humane Society of the US	8,250.00	160.26
Julia Jackson Bellinger, 2626 Pennsylvania Ave., NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	247.08
Joseph M. Bellino, 1150 17th Street, NW, #701 Washington, DC 20036	National Air Traffic Controllers Assn	449.90	
James P. Bellis, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		8.00
T. A. Bellissimo, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household Finance Corp	4,245.00	
Terre Belt, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	1,250.00	
Keith B. Belton, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn	600.00	191.00
Catherine Bennett, 1455 Pennsylvania Ave., NW, #925 Washington, DC 20004	Pfizer, Inc	3,000.00	801.73
William M. Bennett, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	1,040.00	
John C. Bennison, P.O. Box 23992 Washington, DC 20026-3992	American Soc of Travel Agents	8,500.00	
James M. Bensberg, 1225 Eye Street, NW, #500 Washington, DC 20005-3914	American Motorcyclist Assn	12,261.36	1,335.78
Frederick S. Benson III, 2001 L Street, NW, #304 Washington, DC 20036	Weyerhaeuser Company		864.73
Nancy C. Benson, 1575 Eye St., NW, #220 Washington, DC 20005	American Cyanamid Co	1,034.00	4,826.00
James E. Benton, N. J. Petroleum Council 150 W. State Street Trenton, NJ 08608	American Petroleum Institute	185.00	
Rebecca J. Berg, 901 31st Street, NW Washington, DC 20007	Bostrom Corp (For:Passenger Vessel Assn)	1,950.00	
Douglas L. Berger, 1333 F Street, NW, #710 Washington, DC 20004-1108	Advertising Mail Marketing Assn	3,045.00	
Bob Bergland, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn		
Bergner Boyette Bockorny & Clough, 1101 16th Street, NW, #500 Washington, DC 20036	Avianca Airlines	2,000.00	150.00
Do	Bell Atlantic Corp	4,000.00	900.00
Do	Capital Research & Management Company	2,000.00	643.71
Do	China External Trade Development Council	2,000.00	150.00
Do	Dow Chemical Co	1,200.00	900.00
Do	Edison Electric Institute	2,000.00	500.00
Do	Elanco Animal Health	1,000.00	525.00
Do	Enseco	1,000.00	708.00
Do	Flo-Sun Land Corp	4,000.00	1,520.00
Do	Fox Broadcasting Company	3 000.00	508.00
Do	Friendship in Freedom Assn	1,000.00	550.00
Do	Glaxo, Inc	2,000.00	621.00
Do	HealthCare COMPARE/AFFORDABLE/OUCH Corp	2,000.00	1,028.54
Do	Mallinckrodt, Inc	2,000.00	531.00
Do	McDonnell Douglas Corp	1,000.00	508.00
Do	Metpath	1,200.00	277.00
Do	National Assn of Business & Educational Radio, Inc	500.00	285.00
Do	National Soft Drink Assn	3,000.00	657.05
Do	Ogden Martin Systems, Inc	2,000.00	1,237.99
Do	Okeelanta Corp	5,000.00	1,670.00
Do	Orange & Rockland Utilities	4,000.00	1,452.00
Do	Petroleum Marketers Assn of America	2,000.00	1,449.00
Do	Philip Morris Co, Inc	2,000.00	508.00
Gene S. Bergoffen, 1320 Braddock Place, #720 Alexandria, VA 22314	National Private Truck Council		
Edwin M. Bergsmark, 1000 Regency Court, Suite 209 Toledo, OH 43623	Bergsmark & Associates (For:Rudolph/Libbe Companies, Inc & subsidiaries)		
Paul C. Bergson, 1325 Pennsylvania Ave., NW, #500 Washington, DC 20004	Smokeless Tobacco Council	1,000.00	
Jessica Berk, 1600 M Street, NW Washington, DC 20036	Investment Company Institute	303.85	228.06
Dayle Berke, 519 C Street, NE Washington, DC 20002	National Assn for Home Care	255.71	
Antoinette C. Berkely, P.O. Box 2972 Washington, DC 20013			
Ellen Berman, 2000 L St., NW, #802 Washington, DC 20036	Consumer Energy Council of America		
William R. Berman, 1440 New York Avenue, NW, #200 Washington, DC 20005	American Automobile Assn		
Joan Kovalic Bernard, 2100 Pennsylvania Avenue, NW, #755 Washington, DC 20037	BASF Corp		
Mary E. Bernhard, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.	1,050.00	
Delanne Bernier, 1023 15th Street, NW, #400 Washington, DC 20005	Wine & Spirits Wholesalers of America, Inc		267.82
Dina L. Bernstein, 3050 K Street, NW, Suite 330 Washington, DC 20007	National Club Assn	2,000.00	
Jules Bernstein, 1920 L Street, NW, #602 Washington, DC 20036	Federal Law Enforcement Officers Assn	6,749.00	1,042.40
Bernstein & Lipsett, 1920 L Street, NW, #602 Washington, DC 20036	National Assn of Police Organizations	13,000.00	2,537.74
Craig A. Berrington, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Jacqueline L. Berry, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining and Manufacturing (3M)	1,000.00	
Max N. Berry, 3213 O St., NW Washington, DC 20007	American Importers Meat Products Group		
Do	Centre National Interprofessional de L'Economic Laitiere		
Do	Federation des Exportateurs de Vins & Spiritueux de France		
Do	Florida Department of Citrus		
Robert E. Berry, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	1,950.00	262.22
Willard M. Berry, 801 Pennsylvania Ave., NW, Suite 950 Washington, DC 20004	European-American Chamber of Commerce in Wash, DC, Inc	25,000.00	
Michael J. Bertelsen, 453 NewJersey Ave. SE. Washington, DC 20003	Investment Company Institute	1,802.88	1,033.00
Ed Bethune, P.O. Box 200 210 East Vine Street Searcy, AR 72143	FBI Agents Assn	14,250.00	959.00
Robert Betz, 1350 New York Avenue, NW, Suite 200 Washington, DC 20005	Robert Betz Associates, Inc (For:Alabama Hospital Association)	3,100.00	988.64
Do	American Assn of Eye & Ear Hospitals	2,250.00	295.99
Do	AmeriNet		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Health Industry Group Purchasing Assn	3,500.00	636.52
Beveridge & Diamond, P.C., 1350 Eye Street, NW, #700 Washington, DC 20005	Foundation for Environmental & Economic Progress, Inc	516.87	1,250.69
Janice Bezanson, 601 Westlake Drive Austin, TX 78746	Texas Committee on Natural Resources	179.68	110.91
Everett E. Bierman, 555 13th Stret, NW, Suite 1290 East Washington, DC 20004	Loeffelr & Leath, Inc (For:Citicorp)	100.00	
Do	Loeffler & Leath, Inc		
Heidi Biggs, 2001 L Street NW, #304 Washington, DC 20036	Weyerhaeuser Company		299.58
James L. Bikoff, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America, Inc)		
Leon G. Billings, Inc, 901 15th St., NW, #570 Washington, DC 20005	Main San Gabriel Basin Water Quality Authority	15,000.00	
Do	Manville Corp	55,937.50	
Do	South Coast Air Quality Management District	24,000.00	
Do	Sterling Forest Corporation		
Do	Waste Management, Inc	18,834.37	
Ray B. Billups Jr., 1130 Connecticut Ave, NW, #830 Washington, DC 20036	Southern Company Services, Inc	3,353.25	4,690.88
David Billy, 1750 New York Ave., NW Washington, DC 20006	International Assn of Fire Fighters	10,915.00	
Stuart Binstock, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Peggy K. Binzel, 820 First Street, NE, #620 Washington, DC 20002	Turner Broadcasting System, Inc	2,329.00	
Biocraft Laboratories, Inc, 18-01 River Road Fair Lawn, NJ 07410			1,616.86
Birch Horton Bittner, Inc, 1155 Connecticut Ave., NW, #1200 Washington, DC 20036	Calista Corp	425.00	425.00
Do	CSX Yukon Pacific	500.00	500.00
Do	E.O.N., Inc	400.00	400.00
Do	Euroatlantic, Inc, FL1	400.00	400.00
Do	Fish Alaska, Inc	400.00	400.00
Do	North Slope Borough	5,000.00	5,000.00
Do	Old Harbor Corp	570.00	570.00
Do	Sealaska Corp	1,200.00	1,200.00
Do	Wildlife Legislative Fund of America	12,000.00	12,000.00
John H. Birdsall III, Schelford Farm Route 16, Box 25 Charlottesville, VA 22901	NICOR, Inc	1,087.50	
Susan Birmingham, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	10,459.75	
Bituminous Coal Operators' Assn, 918 16th Street, NW, Suite 303 Washington, DC 20006-2971		153,604.00	35,411.92
Gerrie Bjornson, 1825 Eye Street, NW, #400 Washington, DC 20006	B.F. Goodrich Co	100.00	
Judy Black, 1199 N. Fairfax Street, #204 Alexandria, VA 22314	International Council of Shopping Centers	250.00	
Wayne V. Black, Keller and Heckman 1001 G Street, NW, #500 West Washington, DC 20001	Keller and Heckman (For:INDA, Assn of the Nonwoven Fabrics Industry)		
Black Crotty Sims Hubka Burnett Bartlett & Samuels, 501 North Grandview Ave. P.O. Box 5488 Daytona Beach, FL 32018	Aetna Life & Casualty	75,000.00	
Do	Embry-Riddle Aeronautical University	11,720.00	
Do	Health Images, Inc		
Do	Midland Risk Insurance Company		
Do	Nascar, Inc		
Black Manafort Stone & Kelly, Inc, 211 North Union Street, #300 Alexandria, VA 22314	Aetna Life & Casualty		
Do	Allied-Signal Corp	22,500.00	130.73
Do	American Airlines	15,000.00	41.00
Do	Bethlehem Steel Corp	22,500.00	
Do	Casino Association of New Jersey	7,500.00	
Do	Chrysler Corp	15,000.00	186.42
Do	Clark Construction Group	9,000.00	
Do	Congressional Youth Leadership Council	6,000.00	87.56
Do	Cooper Hospital/University Medical Center	22,500.00	
Do	Delaware North Companies	9,000.00	
Do	First National Bank of Chicago	22,500.00	
Do	Government of Nigeria	12,500.00	
Do	D. George Harris & Associates	4,500.00	
Do	Johnson & Johnson, Inc	30,000.00	312.40
Do	Kashmiri American Foundation	35,000.00	92.57
Do	Katun Corp	11,250.00	8.00
Do	MacAndrews & Forbes Holdings, Inc/Revlon Group, Inc	45,000.00	
Do	Military Audits of Market Information, Inc	1,000.00	
Do	Morton International	22,500.00	114.23
Do	NOVA University	15,000.00	
Do	Philip Morris	6,000.00	
Do	Republic of Kenya	66,000.00	
Do	Software Productivity Consortium	7,500.00	
Do	South Carolina Economic Development Board	2,000.00	
Do	Textron	3,750.00	
Do	Tobacco Institute	22,500.00	
Do	Tourism Development Properties of Puerto Rico	3,750.00	
Do	Trump Organization	18,000.00	
Do	Union Pacific Corp	15,000.00	
Do	UNITA	75,000.00	
Lisa E. Blackwell, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	1,250.00	152.59
Robert J. Blackwell Jr., 1025 Connecticut Avenue, NW, #1014 Washington, DC 20036	Ebasco Services, Inc	3,645.00	12,643.00
Bev D. Blackwood, 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation		
Helen Blank, 25 E Street, NW Washington, DC 20001	Children's Defense Fund	2,636.62	
Ernest Blazar, 122 C Street NW, #740 Washington, DC 20001	American League for Exports & Security Assistance (ALESA)	2,100.00	
Beatrice K. Bleicher, 1200 18th St. NW Washington, DC 20036	Owens-Illinois, Inc	5,000.00	150.00
Michael E. Bleier, One Mellon Bank Center, #1915 Pittsburgh, PA 15258-0001	Mellon Bank N.A.	2,500.00	
Richard W. Bliss, 1079 Papermill Court, NW Washington, DC 20007	Amax, Inc		
Do	Figgie International, Inc	3,900.00	389.11
Do	Hunter Industrial Facilities, Inc	1,500.00	85.00
Do	National Paint & Coatings Assn, Inc	1,000.00	85.69
Do	National Spa & Pool Institute	400.00	7.60
Bliss and Riordan, 431 West 7th Ave., #201 Anchorage, AK 99501	Akhiok-Kaguyak, Inc	7,262.01	
John R. Block, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
L. Thomas Block, 270 Park Avenue New York, NY 10017	Chemical Bank	10,000.00	2,600.00
Peter L. Blocklin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	12,300.00	
Rebecca K. Blood, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	1,000.00	
Anthony Bloome, 2030 M Street, NW Washington, DC 20036	Common Cause	2,210.01	1,030.00
Mark Bloomfield, 1750 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation	2,750.00	
Shirley A. Bloomfield, 2626 Pennsylvania Ave., NW Washington, DC 20037	National Telephone Cooperative Assn	12,000.00	1,583.22
Robert S. Bludworth, 1100 South Washington Street, 1st floor Alexandria, VA 22314-4494	National Beer Wholesaler's Assn	3,500.00	
Charles H. Blum, 1400 L Street, NW, #600 Washington, DC 20005	International Advisory Services Group, Ltd (For:Steel Service Center Institute)		
Jared O. Blum, 3306 Shirley Lane Chevy Chase, MD 20815	Polyisocyanurate Insulation Manufacturers Assn	1,000.00	1,000.00
Joanne Blum, 2010 Massachusetts Avenue, NW, #500 Washington, DC 20036	Planned Parenthood Fed of America, Inc	9,249.67	316.00
Lawrence D. Blume, 2000 M Street, NW Washington, DC 20036	Graham & James (For:American Hawaii Cruises)		
Do	Miles, Inc		
Do	Graham & James (For:Milk Specialties Co)		
Patti Blumer, 1225 Eye Street, NW, #1250 Washington, DC 20005	American Dietetic Assn	1,000.00	310.31
Wayne F. Boan, 9124 E. 87th Place Tulsa, OK 74133	Employers Council on Flexible Compensation	200.00	
Boat Owners Assn of the U.S., 880 S. Pickett St. Alexandria, VA 22304		112,000.00	112,000.00
Elizabeth A. Bock, 1111 19th Street, NW, Suite 408 Washington, DC 20036	Mitsubishi Motors America, Inc		
Judith Ann Boddie, 701 Pennsylvania Ave., NW, 4th Floor Washington, DC 20004	Edison Electric Institute	7,439.55	458.14
Denise A. Bode, 1101 16th Street, NW, Washington, DC 20036	Independent Petroleum Assn of America		250.00
Larry A. Boggs, 1331 Pennsylvania Ave., NW, Washington, DC 20004	General Electric Co	600.00	
Bogle and Gates, 601 13th St, NW, Suite 370S, Washington, DC 20005	American Dehydrated Onion & Garlic Assn	3,000.00	
Do	United Sport Fishermen	1,500.00	
John K. Boidock, 1455 Pennsylvania Ave., NW, Suite 230, Washington, DC 20004	Texas Instruments	1,500.00	150.00
Patricia Boinski, 1333 New Hampshire Ave., NW, Washington, DC 20036	Atlantic Richfield Co	100.00	
Stephen A. Bokat, 1615 H Street, NW, Washington, 20062-2000	Chamber of Commerce of the U.S.	338.46	
Mark P. Bolduc, 1125 15th Street, NW, #700, Washington, DC 20005	Mortgage Bankers Assn of America		
Terry K. Bolger, 1615 L Street, NW, #1150 Washington, DC 20036	Capitoline International Group, Ltd (For:Milliman & Robertson, Inc)		
Eugene R. Bolo, 4000 Boury Center Wheeling, WV 26003	Oralco Management Services, Inc (For:Ormet Corp)		
M. Joel Bolstein, 4000 Bell Atlantic Tower 1717 Arch Street Philadelphia, PA 19103-2793	Dechert Price & Rhoads (For:Monell Chemical Senses Center)	918.00	42.82
Naila Bolus, 305 7th Street, SE Washington, DC 20003	Womens Action for Nuclear Disarmament, Inc, et al.	4,300.00	
Benjamin C. Bolusky, 1250 Eye Street, NW, #500 Washington, DC 20005	American Assn of Nurserymen		
Thomas W. Bonenberger, 1615 M Street, NW #200 Washington, DC 20036	Amoco Corp		
John E. Bonitt, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Janee L. Bonner, 1101 Vermont Avenue, NW, Suite 606 Washington, DC 20005	American Society of Anesthesiologists	5,000.00	
Edward Book, Two Layfayette Centre 1133 21st Street, NW Washington, DC 20036	Travel Industry Assn of America	4,721.00	
Gaylon B. Booker, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America	1,812.50	22.62
Glenda Booth, 750 17th Street, NW, Suite 1100 Washington, DC 20006	National Organization for Rare Disorders	23.44	16.00
John K. Booth, 1001 Pennsylvania Ave., NW Washington, DC 20006	American Council of Life Insurance, Inc		
Borden Group, Inc, 101 N. Alfred Street, Suite 200 Alexandria, VA 22134	American Federation of Home Health Agencies	15,000.00	3,325.78
Henry Borelli, 14589-053 P.O. Box 1000 Leavenworth, KS 66048-1000			
Diana Culp Bork, 1600 M Street, NW, 5th Floor Washington, DC 20036	Hartford Fire Insurance co		
Lydia A. Borland, 2300 M Street, NW, #600 Washington, DC 20037	International Advisers, Inc (For:Embassy of Turkey)	3,333.00	299.00
Richard H. Bornemann, 12 Fourth Street, SE Washington, DC 20003	Kansas City Southern Industries, Inc	2,000.00	
Laurence D. Bory, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	2,681.25	
William J. Bosies Jr., 680 4th Ave. Louisville, KY 40202	New York State Bankers Assn	150.00	
Carroll Bostic, 1776 I St., NW, Suite 1050 Washington, DC 20006	Eastman Kodak Company (Imaging Group)	100.00	20.00
G. Stewart Boswell, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc		
Stephen Bosworth, 1295 State Street Springfield, MA 01111-0001	Massachusetts Mutual Life Insurance Company	360.00	
Charles G. Botsford, 1730 M St., NW, #911 Washington, DC 20036	Evergreen International Aviation, et al.	1,000.00	
John C. Bottenberg, 800 S.W. Jackson, #1120 Topeka, KS 66612	Philip Morris, Inc	2,500.00	895.21
Francis D. Bouchard, 1301 Pennsylvania Ave., NW #900 Washington, DC 20004	Reinsurance Assn of America		
Claude P. Boudrias, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	400.00	447.00
Beau Boulter, ANB Plaza II 500 Taylor, Suite 504 Amarillo, TX 79101	United Seniors Assn, Inc	900.00	4,144.64
Laura L. Bourne, 800 connecticut ave., n.w. Washington, DC 20006	Food Marketing Institute	100.00	
Wayne A. Boutwell, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	1,375.00	
Joseph Bow, 1901 N. Moore Street Arlington, VA 22209	Foodservice & Packaging Institute		
Melissa L. Bowen, 1090 Vermont Ave., NW, #800 Washington, DC 20005	Equifax, Inc	11,500.00	
Betty Hudson Bowers, 800 Connecticut Avenue, NW, #800 Washington, DC 20006	Fluor Corporation	15,000.00	637.38
John Bowers Jr., 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	19,099.08	743.00
Taylor R. Bowlden, 1776 Massachusetts Ave., NW Washington, DC 20036	Highway Users Federation	4,000.00	175.00
M. Kenneth Bowler, 1455 Pennsylvania Ave., NW Washington, DC 20004	Pfizer, Inc	4,000.00	1,082.02
Christopher Bowlin, 1331 Penn. Ave., NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	175.00	
Richard P. Bowling, 1020 Princess Street Alexandria, VA 22314	Truck Trailer Manufacturers Assn	1,000.00	
Joan Costain Bowyer, 1015 15th St., NW, #909 Washington, DC 20005	Phelps Dodge Corp	150.00	
John G. Boyd, 1301 K St., NW, #1200 Washington, DC 20005	International Business Machines Corp	2,010.00	300.50
Thomas M. Boyd, 600 Pennsylvania Ave., SE, Suite 206 Washington, DC 20003	Federal Kemper Life Assurance Co	162.50	10.00
Do	Kemper Corp		
Do	Kemper Financial Services, Inc	200.00	5.00
Do	Kemper Investors Life Insurance Company	162.50	10.00
Do	Kemper Reinsurance Company	50.00	
Do	Kemper Corporation (For:Kemper Securities Group, Inc)		
Philip B. Boyer, 421 Aviation Way Frederick, MD 21701	Aircraft Owners & Pilots Assn	2,500.00	
Violet A. Boyer, 122 C Street, NW, Suite 750 Washington, DC 20001	National Assn of Independent Colleges and Universities	8,124.00	100.00
Celeste D. Boykin, 1701 Pennsylvania Ave., NW, Suite 900 Washington, DC 20006	E.I. duPont de Nemours & Co, Inc		
J. Patrick Boyle, 1700 N. Moore Street, #1600 Arlington, VA 22209	American Meat Institute	2,187.50	
Louis L. Boyle, 2717 North Front Street Harrisburg, PA 17110	Pennsylvania Newspaper Publishers' Assn		193.20
Cynthia R. Boynton, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Export Processing Industry Coalition		
Do	Gordley Associates (For:U.S. Canola Assn)		
Bracewell & Patterson, 2000 K St., NW, #500 Washington, DC 20006	American Methanol Institute		
Do	Browning-Ferris Industries, Inc		
Do	Caribbean Marine, Inc		
Do	Centex Corp	275.00	165.00
Do	Chemical Manufacturers Assn, Inc	825.00	495.00
Do	Edison Electric Institute		
Do	Enron Corp	1,375.00	825.00
Do	Enterprise Products Co		
Do	Genentech, Inc		
Do	Graham Resources, Inc		
Do	Higman Barge Lines, Inc		
Do	Hunt Oil Company		
Do	Independent Refiners Coaliton		
Do	Louisiana Land & Exploration Co	230.00	138.00
Do	Lyondell Petrochemical Co		
Do	MEPC American Properties		
Do	National Cable Television Assn, Inc	550.00	330.00
Do	Pennsylvania Natural Gas Assn		
Do	Rohm & Hass Co	1,787.50	1,072.50
Do	Joseph E. Seagram & Sons, Inc	1,237.50	742.50
Do	Southdown/Pelto Oil Company		
Do	Sterling Chemicals, Inc		
Do	Texas Ophthalmological Assn		
Do	Torch Energy Advisors, Inc		
Do	Valero Energy Corporation	825.00	495.00
Marshall A. Brachman, P.O. Box 2200 Fort Worth, TX 76113	Diamond Management	25,000.00	314.52
Bracy Williams & Company, 601 13th Street, NW, #510 South Washington, DC 20005	Allied Pilots Assn	5,000.00	200.00
Do	American Society for Bone & Mineral Research	6,000.00	80.00
Do	Arkla, Inc	7,000.00	150.00
Do	City of Klamath Falls	12,000.00	120.00
Do	City of Tucson	7,000.00	110.00
Do	Coin Coalition	15,000.00	295.00
Do	County of Winnebago	800.00	80.00
Do	Daishowa America Company, Ltd		
Do	Daylight Saving Time Coalition	2,500.00	50.00
Do	Energy Absorption Systems, Inc	8,000.00	120.00
Do	Fieldstone Co		
Do	Greater Rockford Airport Authority	5,000.00	130.00
Do	Southern California Edison	12,000.00	200.00
Do	St. Louis Airport Authority	4,000.00	135.00
Do	United Technologies Corp	4,000.00	50.00
Nick Braden, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	US Strategies Corp		
Susan G. Braden, 1401 16th Street, NW Sherman House Washington, DC 20036	Ingersoll & Block, Chtd		9,248.98
George M. Brady III, 1301 Pennsylvania Ave., NW, Suite 900 Washington, DC 20004	Reinsurance Assn of America		
John J. Brady Jr., 1615 L Street, NW, #1150 Washington, DC 20036	Capitoline International Group, Ltd (For:National Assn for the Superconducting Super Collider).	2,625.00	
Lynn M. Bragg, 701 Pennsylvania Ave., NW Washington, DC 20004	Edison Electric Institute	2,324.18	192.31
Stuart J. Brahs, 1350 I Street, NW, #1030 Washington, DC 20005	Principal Financial Group	1,714.64	
Barbara Bramble, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	1,295.64	
Brand & Lowell, 923 15th Street, NW, Fifth Fl. Washington, DC 20005	Federal Data Corp	2,875.00	88.62
Do	Hewlett-Packard Co	1,784.50	
Do	Hospital Systems, Inc	2,141.25	
Do	National Assn for Home Care		
Do	National Assn of Professional Baseball Leagues, Inc	945.00	
Do	NCube	572.00	
Do	Oracle Corp	2,016.00	55.53
Do	Seafarers International Union	50.00	
Do	Unisys	1,282.50	61.56
Joel Brandenberger, 627 Edmonston Drive Rockville, MD 20851	National Turkey Federation	13,125.00	103.10
David L. Brandon, 1129 Twentieth Street, NW, #705 Washington, DC 20036	National Assn of Real Estate Investment Trusts, Inc		
Robert M. Brandon, 1120 19th Street, NW Suite 630 Washington, DC 20036	Citizen Action Fund	2,490.00	80.00
Chris Julian Brantley, 1828 L Street, NW #1202 Washington, DC 20036	Institute of Electrical & Electronics Engineers	1,000.00	675.00
Noel Brazil, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Karen Brechtel, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	6,750.00	365.84
Carolyn J. Breedlove, 1201 16th Street, NW Washington, DC 20036	National Education Assn	3,978.55	35.00
Heather Harral Bremer, P.O. Box 25366 Washington, DC 20007-8366	Hawkins and Associates (For:Alza Corporation, et al.)		
Michael J. Brennan, 1750 New York Ave., NW Washington, DC 20006	International Assn of Bridge Struct & Ornamental Iron Wkrs	10,800.00	627.97
Jack E. Bresch, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States	3,305.77	
William O. Bresnick, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Larry K. Brewer, 1235 Jefferson Davis Highway Arlington, VA 22202	ESCO Electronics Corp		480.90
Brickfield Burchette & Ritts, P.C., 1025 Thomas Jefferson Street, NW Suite 400 East Washington, DC 20007	East Texas Electric Cooperative		
Do	Northeast Texas Electric Cooperative		
Do	Sabine River Authority		
Do	Tex-LA Electric Cooperative of Texas, Inc		
Michael Brien, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corp		
John R. Brigance, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	2,000.00	
Craig S. Brightup, 206 E Street, NE Washington, DC 20002	National Roofing Contractors Assn	5,312.50	1,027.05
Kitty Brims, 1331 Pennsylvania Ave., NW, Suite 1500-N Washington, DC 20004-1703	National Assn of Manufacturers		100.00
Michael F. Brinck, 4647 Forbes Boulevard Lanham, MD 20706	AMVETS	6,800.00	
Mary Broderick, 1625 K St., NW, 8th Floor Washington, DC 20006	National Legal Aid & Defender Assn	1,500.00	3.75
William M. Brodhead, 900 Marquette Building Detroit, MI 48226	Plunkett & Cooney, P.C. (For:City of Detroit, Michigan)	13,272.18	
Do	Plunkett & Cooney (For:NBD, Inc)	5,625.00	1,632.16
Do	Plunkett & Cooney (for Michigan Consolidated Gas Co)	10,200.00	1,365.46
David A. Brody, 1100 Connecticut Avenue, NW Washington, DC 20036	American Fiber Manufacturers Assn, Inc		
Do	Anti-Defamation League of B'nai B'rith		
Do	BASF Corp	700.00	
Do	Corn Coalition		
Do	Corning, Inc		
Do	Telecommunications Industry Assn		
Marcia D. Brody, 1101 Vermont Avenue, NW, #710 Washington, DC 20005	American Veterinary Medical Assn	70.00	
Michael J. Brokovich, 8201 Greensboro Drive McLean,, VA 22102	Paramax Systems Corporation	2,000.00	70.75
Michael D. Bromberg, 1111 19th St., NW, #402 Washington, DC 20036	Federation of American Health Systems	9,000.00	
E. R. Brooks, P.O. Box 660164 Dallas, TX 75266	Central & South West Corp		
Mary E. Brooks, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	10,239.84	425.00
Robert F. Brothers, 1776 I Street, NW, #1050 Washington, DC 20006	Eastman Kodak Company	500.00	2,394.39
J. Robert Brouse, 1150 Connecticut Ave., NW Washington, DC 20036	Nonprescription Drug Manufacturers Assn (NDMA)	2,800.00	150.00
Cheryl A. Brown, 1667 K Street, NW, #710 Washington, DC 20005	American Assn for Respiratory Care	29,763.00	29,761.35
Cynthia A. Brown, 1640 Wisconsin Ave., NW, First Floor Washington, DC 20007	American College of Surgeons		
Dale E. Brown, 1801 Pennsylvania Ave., NW Washington, DC 20006	MCI Communications Corp	1,000.00	
Doreen L. Brown, 2000 L Street, NW, #200 Washington, DC 20036	Consumers for World Trade		
John J. Brown, 50 E Street, SE Washington, DC 20003	Clark S. Herman Associates, Inc	500.00	100.00
Do	Govt Affairs Policy Council of the Reg Bell Operating Co	1,000.00	400.00
Do	John J. Brown & Associates (For:Labor Management Committee of the Tobacco Institute).	1,000.00	400.00
Michael J. Brown, 18 East Custis Ave. Alexandria, VA 22301	Klein & Saks (for: Gold Institute)	2,500.00	
Do	Klein & Saks (For:Silver Institute)		
Omer F. Brown II, 701 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Davis Wright Tremaine (For:Hazardous Waste Action Coalition)		
Do	Davis Wright Tremaine (For:Lockheed Environmental Systems & Technologies Co).		
Paul S. Brown, 205 East 42nd Street New York, NY 10017	Risk & Insurance Management Society, Inc		
Ralph Brown, Suite 107 701 S. 22nd Street Omaha, NB 68102	M.O.A.A.I.O.A. & Subs, Inc		
Regina A. Brown, 1199 N. Fairfax Street, Suite 204 Alexandria, VA 22314	International Council of Shopping Centers	550.00	
Robert Craig Brown, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America	2,106.50	49.59
Steven J. Brown, 421 Aviation Way Frederick, MD 21701	Aircraft Owners & Pilots Assn	2,000.00	
Vincent D. Brown, Nebraska Petroleum Council P.O. Box 95063 Lincoln, NB 68509	American Petroleum Institute	6,000.00	
Will Rolland Brown, 11 Dupont Circle, NW, #300 Washington, DC 20036-1207	Albers & Company (For:May Department Stores Co)		
William E. Brown, 1667 K Street, NW #420 Washington, DC 20006	Mead Corporation	35.60	
William R. Brown Jr., 1630 Duke Street,4th Floor Alexandria, VA 22314-3465	National Rural Letter Carriers Assn	1,960.00	
William Y. Brown, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Waste Management, Inc	1,675.00	
Arthur W. Brownell, 1620 Eye St., NW, #700 Washington, DC 20006	International Paper Co	24,000.00	1,830.83
Thomas H. Brownell, Martin Marietta Corp. 6801 Rockledge Drive Bethesda, MD 20817	Martin Marietta Corp.	1,129.00	190.00
R. Stephen Browning, P.O. Box 1697 Helena, MT 59624	Burlington Northern Railroad	300.00	
Do	Columbia Falls Aluminum Co.	600.00	
Do	Cyprus Minerals Co.	2,100.00	
Do	Glass Packaging Inst.	1,500.00	
Do	Joint Board of Control for Flathead Irrigation Project	300.00	
Do	Lewis and Clark Interpretive Center	300.00	
Do	Montana Technology Corp.	1,800.00	
Brownstein Hyatt Farber & Strickland, P.C., 410 17th Street, 22nd Floor Denver, CO 80202	Crystal Creek Homeowners Assn		
Do	Lake Catamount Joint Venture	200.00	
Do	New Valley Corporation		
Broydrick Broydrick & Dacey, 600 East Mason Street Milwaukee, WI 53202	Aurora Health Care	7,056.25	60.70
Do	Blood Center of Southeastern Wisconsin	100.00	
Do	Children's Hospital of Wisconsin	6,912.50	216.35
Do	EDS Corp	975.00	32.40
Do	Milwaukee Metropolitan Sewerage District	1,180.00	9.20
Do	Oneida Nation	68,397.50	1,174.87
Do	Plumbers Local #75	115.00	24.50
Do	PrimeCare Health Plan	7,225.00	60.60
Do	Waste Management, Inc	1,466.25	109.86
Do	Watertown Hospital	325.00	1.20
Thomas P. Bruderle, 7272 Wisconsin Ave. Bethesda, MD 20814	American Soc of Hospital Pharmacists	12,000.00	
William K. Brunette, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	653.08	119.00
J. M. Brunkenhoefer, 400 North Capitol Street, NW. #856 Washington, DC 20001	United Transportation Union	6,250.00	223.21
Michael E. Brunner, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	2,000.00	15.00
Kenley W. Brunsdale, 6071 Aries Drive Salt Lake City, UT 84118	Fabian & Clendenin (For:Wasatch County)	6,000.00	1,500.00
J. Charles Bruse, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Allstate Insurance Cos	2,082.50	975.10
Trudy M. Bryan, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E.I. du Pont de Nemours & Co, Inc		
Bryan Cave, 700 13th Street, NW, #700 Washington, DC 20005	PHP Healthcare Corp		
Dawn M. Brydon, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Assn		
Judith A. Buckalew, 1600 M Street, NW, Suite 702 Washington, DC 20036	Zeneca Pharmaceuticals Group	12,875.00	1,488.35
Robert Buckler, 405 Sibley St., #120 St. Paul, MN 55101	National Board of Fur Farm Organizations	12,400.00	
Jeremiah S. Buckley, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:Massachusetts Bankers Assn)		
Do	Thacher Proffitt & Wood (For:Massachusetts State Carpenter's Guaranteed Annuity Fund).		
Do	Thacher Proffitt & Wood (For:Massachusetts State Carpenter's Pension Fund)		
Betsy Buffington, 23 North Scott #27 Sheridan, WY 82801	Sierra Club	-2,899.59	136.78
J. Bruce Bugg Jr., 100 W. Houston Street, #1660 San Antonio, TX 78205	American College of Mohs Micrographic		
Do	J. Bruce Bugg, Jr., P.C. (For:Karnes Savings and Loan Assn)		
Building Owners & Managers Assn Int'l, 1201 New York Avenue, NW, #300 Washington, DC 20005			12,800.00
Douglas W. Bulcao, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	9,900.00	60.50
William M. Bumpers, 1299 Pennsylvania Ave., NW Washington, DC 20004	Environmental Treatment and Technologies Corp		
Do	Florida Power & Light Co		
Darrel D. Bunge, Minnesota Petroleum Council 350 St. Peter Street, #1025 St. Paul, MN 55102	American Petroleum Institute	6,950.00	1,531.02
David A. Bunn, 1211 Connecticut Avenue, NW, #406 Washington, DC 20036	Hearst Corporation	1,000.00	
Do	Parcel Shippers Assn	2,000.00	
William D. Bunnell, 601 Madison Street, #200 Alexandria, VA 22314	Cummins Engine Co, Inc	884.54	44.44
Marwan Burgan, 601 Pennsylvania Avenue, NW, #900 Washington, DC 20004	American Muslim Council	20,000.00	1,479.61
Do	MARJAC Investments	7,500.00	1,623.00
Do	Ruba Harb Sifri, et al.	4,000.00	1,465.50
James D. Burge, 1350 I Street, NW, #400 Washington, DC 20005	Motorola, Inc	7,000.00	
Tonio Burgos, 909 Third Avenue, 17th Floor New York, NY 10028	Pfizer, Inc		565.00
April L. Burke, 400 North Capitol Street, NW, Suite 585 Washington, DC 20001	Association of Independent Research Institutes (AIRI)	600.00	
Do	California Institute of Technology	1,000.00	
Do	Lewis-Burke Associates (For:Edison BioTechnology Center)	300.00	
Do	Lewis-Burke Associates (For:National History Museum of LA County, et al.)	300.00	
Do	Lewis-Burke Associates (For:University of Cincinnati)	300.00	
Kevin M. Burke, 1350 I Street, NW, #1290 Washington, DC 20005	American Bakers Assn	7,090.01	340.00
Francis X. Burkhardt, 1750 New York Ave., NW Washington, DC 20006	International Brotherhood of Painters & Allied Trades		
Burley & Dark Leaf Tobacco Export Assn, 1100 17th St., NW, #505 Washington, DC 20036		82,468.75	2,825.00
Phillip C. Burnett, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America	2,356.25	18.21
Kevin R. Burns, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Timothy F. Burns, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	6,000.00	93.50

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Burson-Marsteller, 1850 M Street, NW, #900 Washington, DC 20036	American Energy Alliance	4,000.00	
Do	Cincinnati Bell Informaiton Systems (CBIS)		
Do	Clark Oil and Refining Company		
Do	Degussa AG		
Do	Ethyl Corporation		
Do	Korea Iron & Steel Assn		
Do	McDonnell Douglas	3,000.00	
Do	MAPCO		
Do	Republic of Indonesia		
William Burton, 180 Maiden Lane New York, NY 10038	Continental Insurance Company		114.00
Mark R. Burtschi, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	1,787.50	829.40
Barbara L. Bush, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	200.00	
Michael R. Bushman, 321 North Clark Street Chicago, IL 60610	Quaker Oats Company		466.42
Donald G. Butcher, c/o N.Y.S. Petroleum Council 150 State Street Albany, NY 12207	American Petroleum Institute	2,200.00	730.58
Mrs. H. E. Butt, 3700 Ocean Drive Corpus Christi, TX 78411			
William Byler Associates, Inc, 6000 34th Place, NW Washington, DC 20015-1607	Ak-Chin Indian Community Council		
Do	Havasupai Tribe of Arizona		
Do	San Carlos Apache Tribe		
John J. Byrne, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	6,000.00	
Robert D. Byrne Jr., 888 16th Street, NW Washington, DC 20006	International Dairy Foods Assn		
C & C Consulting Group, Inc, 1925 North Lynn Street, #1101 Arlington, VA 22209	MacAndrews & Forbes Holdings, Inc	15,000.00	129.48
Do	Western Resources	15,000.00	419.02
Edward S. Cabot, 2030 M Street, NW Washington, DC 20036	Common Cause	6,120.00	321.75
John R. Cady, 1401 New York Avenue, NW, #400 Washington, DC 20005	National Food Processors Assn		
Morrison G. Cain, 1901 Pennsylvania Ave., NW, 10th Floor Washington, DC 20006	International Mass Retail Assn	6,250.00	
Alan Caldwell, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	2,475.00	
Bonnie Caldwell, 1445 New York Ave., NW Washington, DC 20005	Public Securities Assn	12,500.00	121.92
Antonio J. Califa, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	2,800.00	
Barbara J. Calkins, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	1,625.00	59.12
Era Eugene Callahan, 1050 Connecticut Ave., NW, Suite 1250 Washington, DC 20036	Major League Baseball	1,718.73	1,293.85
Kateri A. Callahan, 701 Pennsylvania Avenue, N.W. Washington, DC 20004	Electric Transportation Coalition	348.00	75.00
Calorie Control Council, 5775 Peachtree-Dunwoody Rd., #500-G Atlanta, GA 30342			
Cambridge International, Inc, 2775 South Quincy Street, #520 Arlington, VA 22206	Alliston Transmission	600.00	
Do	Eastern Technologies, Inc		
Do	General Dynamics Land Systems	1,000.00	
Do	McDonnell Douglas Helicopter Company	600.00	
Do	Oshkosh Trucks Corp	300.00	
Do	Stewart & Stevenson Services, Inc	600.00	
Do	Textron Lycoming	600.00	
Arthur E. Cameron, 225 C Street NE, #A Washington, DC 20002	International Union of Police Assns, AFL-CIO	3,125.00	
Do	Lukens General Industries, Inc	2,250.00	
Do	Potters Industries, Inc	1,125.00	
Do	Safetran Systems Corporation	5,100.00	
Do	Stimsonite Corporation	1,500.00	
Do	3M Company	7,210.00	
Bradley J. Cameron, 1015 15th Street, NW, #1200 Washington, DC 20005	Labor Policy Assn	1,890.00	1,890.00
Bruce P. Cameron, 1725 17th Street, NW, #109 Washington, DC 20006	Embassy of Mozambique	13,000.00	1,264.00
Do	Embassy of Nicaragua	10,500.00	842.00
Do	Fibromyalgia Network	3,000.00	1,873.00
Do	National Council of Maubere Resistance		936.00
Cameron & Hornbostel, 818 Connecticut Ave., NW, Suite 700 Washington, DC 20006	Government of Barbardos	2,541.25	3,285.55
Nancy Camm, 1101 17th St., NW, #1002 Washington, DC 20036	BankAmerica Corp	2,163.60	1,680.87
Paul A. Cammer, 1025 Connecticut Avenue, NW, #712 Washington, DC 20036	Cammer & Associates (For:Business Council on Indoor Air)		
Michael C. Camp, 1899 L Street, NW #1100 Washington, DC 20036	Exxon Corp		
Camp Barsh & Tate, 2550 M St., NW, #275 Washington, DC 20037	Anglo American Auto Auctions, Inc	4,387.50	
Do	Ater Wynne Hewitt Dodson & Skerritt	550.00	
Do	BellSouth Corp		
Do	California Pipe Trades Council		
Do	Chemical Manufacturers Assn, Inc	500.00	
Do	Columbia Gas Systems, Inc		
Do	Committee for Equitable Compensation		
Do	Mobil Oil Corp		
Do	Natural Gas Supply Assn	600.00	
Do	Pennzoil Co		
Do	PGA Tour		
Do	Sheet Metal Workers' International Assn		
Do	Shell Oil Co		
Do	Texaco, Inc		
Do	Union Pacific Resources, Inc		
C. R. Campbell Jr., 1850 M St., NW, #1200 Washington, DC 20036	GTE Corporation	3,000.00	
C. Thomas Campbell, 1776 Eye Street, NW, #575 Washington, DC 20006	DowElanco	500.00	6,912.00
Charles O. Campbell, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	2,000.00	
David Campbell, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation		
Jeanne Campbell, Campbell-Raupe, Inc 1010 Pennsylvania Avenue, SE Washington, DC 20003	Algonquin Gas Transmission		
Do	American Assn of Advertising Agencies		
Do	American Fiber Manufacturing Assn		
Do	American Nuclear Energy Council		
Do	AMT-Assn for Manufacturing Technology		
Do	Chubb Corp		
Do	Invest to Compete Alliance		
Do	Kimberly Quality Care		
Do	National Electrical Manufacturers Assn		
Do	Savings and Community Bankers		
Do	Securities Industry Assn		
Do	Shriners Hospital for Crippled Children		
Do	Stone & Webster Engineering Corp		
Do	Westinghouse Electric Corp		
Jerry L. Campbell, 1201 Chestnut St. Chattanooga, TN 37402	Tennessee Valley Public Power Assn		
John G. Campbell, 9300-D Old Keene Mill Road Burke, VA 22015	John G. Campbell, Inc (For:ARCO Power Technologies, Inc)		
Do	John G. Campbell, Inc (For:BDM International, Inc)		
Do	John G. Campbell, Inc (For:Ebasco)		
Do	John G. Campbell, Inc (For:General Electric Co)		
Do	John G. Campbell, Inc (For:GEO-Centers, Inc)		
Do	John G. Campbell, Inc (For:Hughes Aircraft Company)		
Do	John G. Campbell, Inc (For:Loral Corp)		
Do	ManTech International Corp		
Do	John G. Campbell, Inc (For:Sierra Nevada Corp)		
Do	John G. Campbell, Inc (For:Sippican, Inc)		
Do	John G. Campbell, Inc (For:3M Company)		
Marilyn E. Campbell, 517 2nd Street, NE Washington, DC 20002	David Turch & Associates	2,500.00	
W. Donald Campbell, 1250 Connecticut Ave., NW,#620 Washington, DC 20036	National Multi Housing Council	4,120.00	
Thomas D. Campbell & Associates, Inc, 113 South Alfred Street Alexandria, VA 22314	Cyprus Minerals Co	5,000.00	1,872.67.
William Canary Jr, 2200 Mill Road Alexandria, VA 22314	American Trucking Associations, Inc	3,000.00	
Sharon M. Canavan, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	19,275.00	264.76
Anne C. Canfield, 1331 Pennsylvania Ave., NW, #800-South Washington, DC 20004	General Electric Co	680.00	
Sharon F. Canner, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	186.00	
Hugh C. Cannon, 1500 K Street, NW, #650 Washington, DC 20005	Glaxo, Inc	150.00	
James R. Cannon Jr., 808 Seventeenth Street, NW, #300 Washington, DC 20006-3910	Stewart & Stewart (For:Floral Trade Council)	507.50	
Do	Stewart and Stewart (For:Smith Corona Corp)		
Do	Stewart & Stewart (For:Timken Co)		
Do	Stewart & Stewart (For:Torrington Company)		
Brent A. Cantley, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects		10,184.00
Francis J. Cantrel Jr., 1801 Pennsylvania, Ave., NW Washington, DC 20006	MCI Communications Corp	1,000.00	
Charles H. Cantus, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	5,738.96	502.50

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Gary Capistrant, 1055 North Fairfax Street, #201 Alexandria, VA 22314	US Strategies Corp		
Capital Consultants, 1122 Colorado, #307 Austin, TX 78701	Advanced Telecommunications Corp		
Do	Madison Public...(for Leadership Council of Advertising...)		
Capitol Associates, Inc, 426 C Street, NE Washington, DC 20002	American Assn of Cancer Research	600.00	
Do	American Health Foundation	800.00	
Do	American Soc of Nephrology	4,800.00	
Do	American Soc of Tropical Medicine and Hygiene	600.00	
Do	Arthritis Foundation	1,000.00	
Do	Association for Practitioners in Infectious Control	350.00	
Do	Carnation Co	3,500.00	
Do	Center for Science in the Public Interest	200.00	
Do	Citizens Comm for Medical Research & Health Education	1,000.00	
Do	Collagen Corp	400.00	
Do	Cooper Hospital	1,000.00	
Do	Cystic Fibrosis Foundation	1,200.00	
Do	Fred Hutchinson Cancer Research Center	1,500.00	
Do	FDA Council	10,500.00	
Do	Illinois Collaboration on Youth	100.00	
Do	Johns Hopkins University	1,000.00	
Do	Joint Council of Allergy & Immunology	500.00	
Do	Leukemia Society of America	800.00	
Do	Lipomatrix	200.00	
Do	Massachusetts General Hospital	2,400.00	
Do	Merck & Co, Inc	500.00	
Do	National Assn of Addiction Treatment Providers	800.00	
Do	National Assn of Pediatric Nurse Associates & Practitioners	1,200.00	
Do	National Coalition for Cancer Research	600.00	
Do	Nestle Foods	3,500.00	
Do	New York University Medical Center	1,500.00	
Do	Northwestern Memorial Hospital	1,500.00	
Do	Ohio Communities I-670, Inc	1,000.00	
Do	Partnership for Organ Donation	800.00	
Do	Ringling Brothers	1,500.00	
Do	Siemens Corp	1,000.00	
Do	U.S. Healthcare, Inc	1,000.00	
Do	Wellman Laboratory	1,000.00	
Caplin & Drysdale, Chtd, One Thomas Circle, NW, #1100 Washington, DC 20005	American Methanol Institute (AMI)		
Mark A. Carano, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	100.00	
Denise A. Cardman, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Kate Carey, 1620 L Street, NW, #800 Washington, DC 20036	Metropolitan Life Insurance Cos	1,000.00	
Norval E. Carey, 1100 17th St., NW, #1200 Washington, DC 20036	General Atomics		1,543.21
Robert R. Carey, P.O. Box 2121 Corpus Christi, TX 78403	Central Power & Light Company		
Maurice E. Carino Jr., 1667 K St. N.W., #600 Washington, DC 20006	Bethleham Steel Corp	90.00	
Linda E. Carlisle, 1100 Connecticut Avenue, NW, #600 Washington, DC 20036	Amway Corp		
Do	McClure Trotter & Mentz (For:Commodities Corp)		
Do	McClure Trotter & Mentz (For:Government of Puerto Rico)		
Do	McClure Trotter & Mentz (For:Mercedes-Benz of North America, Inc)		
Do	McClure Trotter & Mentz (For:Methanex, Inc)	540.00	
Do	McClure Trotter & Mentz (For:Princeton Univ Investment Co & American Coun on Education).		
Carlsmith Ball Wichman Murray Case Mukai & Ichiki, 555 South Flower Street, 25th Floor Los Angeles, CA 90071	Gruma Management corp	565.00	565.00
Anne E. Carlson, 750 17th Street, NW, Suite 901 Washington, DC 20006	Nissan North America, Inc	6,083.00	
Catherine A. Carlson, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	2,028.13	
Carmen & Muss, 2100 Pennsylvania Ave., NW, Suite 365 Washington, DC 20037	Richard Cohen	1,225.50	18.00
Julia Carol, 2530 San Pablo Avenue, #J Berkeley, CA 94702	Americans for Nonsmokers' Rights		
Michael C. Carozza, 655 15th Street, NW Washington, DC 20005	Bristol-Myers Squibb Co	1,500.00	
Bertram W. Carp, 820 First Street, NE, #620 Washington, DC 20002	Turner Broadcasting System, Inc	8,190.00	
Terry M. Carr, 1350 I St., NW, Suite 590 Washington, DC 20005	College of American Pathologists	5,865.00	
John R. Carson, 9312 Old Georgetown Rd. Bethesda, MD 20814-1621	American Podiatric Medical Assn	18,000.00	
R. D. Carson Jr., P.O. Box 2021 40 Franklin Rd., SW Roanoke, VA 24022	Appalachian Power Company		
John R. Carter, 1001 19th Street, North, #800 Arlington, VA 22209	TRW, Inc	369.00	
Joseph L. Carter Jr., 50 F Street, NW, #1200 Washington, DC 20001-1564	Association of American Railroads	2,394.29	756.56
Carter Ledyard & Milburn, 1350 I Street, NW, Suite 870 Washington, DC 20005	Liberty Media Corp	1,260.00	
Melanie Carter-Maguire, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
James P. Carty, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	500.00	
Susan B. Carver, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	2,800.00	1,047.77
Winthrop Cashdollar, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	12,000.00	694.93
Cashdollar-Jones & Company, 1000 16th Street, NW, #702 Washington, DC 20036	Bio Gro Systems, Inc	7,650.00	97.26
Do	Concerned Domestic Flower Growers & Handlers	2,700.00	10.00
Do	Council on Education Development and Research	300.00	
Do	Federal Intermediate Credit Bank of Jackson	1,200.00	
Do	Strategic Agricultural Management Corp		
Do	United Foods, Inc		
Allen R. Caskie, 1001 Pennsylvania Ave, NW Washington, DC 20004	American Council of Life Insurance, Inc	1,250.00	
Thomas Cassidy, 801 Pennsylvania Ave., SE, Suite 400 Washington, DC 20003	American Rivers	208.00	
Cassidy and Associates, Inc, 700 13th St., NW, #400 Washington, DC 20005	Albion College	700.00	
Do	American Assn of Colleges of Podiatric Medicine		
Do	American Assn of Homes for the Aging	5,625.00	
Do	American Dredging Co		
Do	American Petroleum Institute		
Do	AmeriBrom, Inc		
Do	Atlantic Drydock Corp		
Do	AT&T	300.00	13.20
Do	Babson College	300.00	145.60
Do	Bean Dredging Company		
Do	Bishop Museum	150.00	
Do	Boston Carmen's Union		
Do	Boston College	2,175.00	89.50
Do	Boston University	2,050.00	24.90
Do	Bryant College	2,175.00	68.60
Do	Buena Vista College	2,900.00	118.10
Do	California Community Colleges	2,625.00	82.60
Do	California Pacific Medical Center	975.00	7.50
Do	Capitol American Life Insurance Co		
Do	Center for Health Technologies, Inc	5,125.00	76.95
Do	CertainTeed Corp	2,100.00	16.00
Do	Charlotte-Mecklenberg Hospital Authority Foundation	2,550.00	65.40
Do	Chicago Board of Trade	600.00	
Do	Chicago Mercantile Exchange	1,200.00	
Do	Children's Hospital and Health Center of San Diego	1,725.00	66.00
Do	Children's Hospital in Michigan	300.00	
Do	Children's Hospital of Pittsburgh	1,575.00	108.50
Do	Children's National Medical Center	1,575.00	114.90
Do	City of Charlotte	1,950.00	
Do	City of Vallejo	1,200.00	59.65
Do	Clark Atlanta University	750.00	
Do	Columbia University	800.00	84.50
Do	Community College Assn for Technology Transfer	2,275.00	
Do	Connecticut Health System, Inc	3,300.00	50.70
Do	Critical Languages & Area Studies Consortium, Inc		
Do	Cryotech, Inc		
Do	CSO Partnerships	3,300.00	83.20
Do	Delaware State Dept of Transportation		
Do	Enichem Elastomers Americas; Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Epcint		
Do	Fairleigh Dickinson University	1,875.00	26.25
Do	Florida Institute of Technology	750.00	135.10
Do	Florida Regional Emergency Services, Inc		
Do	Franklin Institute	3,325.00	
Do	Fudan Foundation		
Do	Garden Isle Cablevision, L.P.		
Do	General Dynamics Corp	750.00	13.20
Do	Genetic Design	2,925.00	109.00
Do	Glaxo, Inc	5,700.00	13.50
Do	Gonzaga University	475.00	
Do	Governor of Hawaii, Executive Office on Aging	150.00	15.00
Do	Great Lakes Dredge & Dock Company		
Do	Hahnemann University Hospital	600.00	
Do	Illinois Eastern Community Colleges		
Do	Illinois Institute of Technology	975.00	7.50
Do	Infirmary Health Systems, Inc		
Do	Insituform of North America, Inc	4,800.00	176.45
Do	Intercontinental Energy Group	8,250.00	51.90
Do	International Data Group		
Do	Just Say No International	1,660.00	86.50
Do	Kauai CableVision, L.P.		
Do	LaSalle University	2,875.00	22.50
Do	Lehigh University		
Do	Lewis and Clark College	375.00	37.50
Do	Loma Linda University Medical Center, Inc	600.00	12.00
Do	Loyola Marymount University	150.00	30.00
Do	Maersk, Inc	1,200.00	45.40
Do	Marquette University		
Do	Mary Washington Hospital Foundation	450.00	138.60
Do	Massachusetts League of Banks		
Do	Massachusetts Municipal Wholesale Electric Company		
Do	Medical Center of Central Massachusetts	3,300.00	96.50
Do	Miami-Dade Community College	4,650.00	7.50
Do	Monterey Institute of International Studies	325.00	
Do	Motion Picture Assn of America	1,200.00	7.50
Do	Mt. Sinai Medical Center of Greater Miami	2,100.00	
Do	Multinational Business Development Coalition	600.00	
Do	MOOG, Inc	3,700.00	99.10
Do	National Assn of Dredging Contractors	190.00	
Do	National Assn of Realtors		
Do	National Cable Television Assn, Inc		
Do	National Jewish Center for Immunology & Respiratory Medicine	2,100.00	51.50
Do	New England Deaconess Hospital Corporation	1,275.00	60.00
Do	New Jersey Instutute of Technology	525.00	46.50
Do	New York Medical College	2,550.00	7.50
Do	North Natomas Landowners Assn		
Do	Northwestern University	950.00	127.25
Do	Ocean Spray Cranberries, Inc	2,550.00	67.00
Do	Pennsylvania Turnpike Commission		
Do	Pine Bluff Sand & Gravel		
Do	Polaroid Corp		
Do	Polytechnic University	450.00	26.75
Do	Providence & Worcester Railroad Company	6,900.00	46.50
Do	Rehabilition Hospial of the Pacific		
Do	Rhode Island Hospital	1,575.00	49.50
Do	Rochester Institute of Technology	375.00	
Do	Sacred Heart Hospital	150.00	7.50
Do	Saint Joseph's University	525.00	
Do	Savings Bank and Life Insurance Company of MA	15,000.00	45.00
Do	Scott County Highway Department		
Do	Sidney Frank Importing Company, Inc		
Do	Societa Cavi Pirelli S.p.A.		
Do	Southeastern PA Consortium for Info. Tech. & Training	6,275.00	59.55
Do	Southwest Marine, Inc		
Do	St. Francis Healthcare Foundation of Hawaii		
Do	St. Norberts College	600.00	
Do	St. Xavier College	4,950.00	71.65
Do	State of Indiana, Office of the Governor		
Do	State of Rhode Island Office of Economic Development		
Do	Suffolk University		
Do	Sutter Bay Associates	1,500.00	7.50
Do	Sylvan Learning Systems, Inc	3,125.00	146.65
Do	Teach for America		
Do	Tufts University	225.00	195.10
Do	Union Memorial Hospital	1,875.00	58.20
Do	Union Switch & Signal	1,800.00	
Do	United Brotherhood of Carpenters & Joiners of America		
Do	University of the Arts		
Do	University of Detroit Mercy		
Do	University of Hawaii	750.00	12.00
Do	University of Limerick Foundation	1,100.00	
Do	University of Pennsylvania		
Do	University of San Francisco	1,650.00	73.55
Do	University of Southern Mississippi	575.00	67.50
Do	University of St. Thomas		
Do	University of Vermont		38.00
Do	Waterman Health Care System (Lake Care)		
Do	Watsonville Community Hospital	1,650.00	32.10
Do	Western Townships Utilities Authority		
Do	World Learning	525.00	
John J. Castellani, 701 Pennsylvania Avenue, NW Suite 610 Washington, DC 20004	TRW, Inc		
Penelope C. Cate, 321 North Clark Street Chicago, IL 60610	Quaker Oats Company		
Catholic Health Assn of the United States, 4455 Woodson Road St. Louis, MO 63134		236,108.99	11,607.04
Harvey E. Cauthen Jr., 2 Dexter Ave. Montgomery, AL 36104	Alabama Power Co	17,550.00	2,309.17
Gordon Cavanaugh, 122 C Street, NW, #875 Washington, DC 20001-2109	Reno Cavanaugh & Hornig (For:Cooperative Housing Foundation)	1,284.00	7.25
Do	Reno Cavanaugh & Hornig (For:Council of Large Public Housing Authorities)	25,815.35	778.62
Do	Reno Cavanaugh & Hornig (For:Housing Assistance Council)	2,547.00	5.40
Do	Reno Cavanaugh & Horning (For:Housing Authority Insurance, Inc)	125.00	
Do	Reno Cavanaugh & Hornig (For:National American Indian Housing Council)	510.77	
Do	Reno Cavanaugh & Hornig (For:National Assn of Service & Conservation Corps)	2,250.24	150.60
Andrew F. Caverly, 180 South Clinton Ave. Rochester, NY 14646-0700	Rochester Telephone Corp		6,000.00
Carol Cayo, 2008 Dayton Street Silver Spring, MD 20902	Information Technology Assn of America	2,749.92	
Center for Responsive Politics, 1320 19th Street, NW Washington, DC 20036		311.42	
David Certner, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	703.44	276.18
Chadbourne & Parke, 1101 Vermont Ave., NW, #900 Washington, DC 20005	AES Corporation		
Do	Biomass Energy Partners		
Do	BTR, Inc		
Do	Cogentrix, Inc		
Do	Falcon Seaboard		
Do	P.H. Glatfelter Co		
Do	Independent Power Tax Group	16,668.00	230.00
Do	Napp Chemicals, Inc	720.00	
Do	OESI Power Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Purdue Frederick Company		
Do	Ruan Transportation Management Systems		
Do	Ryder System, Inc		
Michael J. Chakarun, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Terry M. Chamberlain, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Chambers Associates, Inc, 1625 K Street, NW, #200 Washington, DC 20006	American Postal Workers Union, AFL-CIO	1,200.00	
Do	Belk Stores Services, Inc	1,388.00	
Do	Coalition of Publicly Traded Limited Partnerships	1,463.00	
Do	Council of Infrastructure Financing Authorities	1,785.00	
Do	Manville Corporation	1,800.00	
Do	National Comm to Preserve Social Security & Medicare		
Do	Newhall Land and Farming Company		
Do	U S West, Inc	500.00	
Do	USX Corp	2,188.00	
Ed Chandler, 7901 Westpark Drive McLean, VA 22102	AMT - The Assn for Manufacturing Technology	15,675.00	500.00
William J. Chandler, 1776 Massachusetts Avenue, NW, #200 Washington, DC 20036	National Parks & Conservation Association	6,250.00	198.00
John Chandler Associates, Inc, 9816 Hillridge Drive Kensington, MD 20895	York International	500.00	91.83
Pete Chaney, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Arthur A. Chapa, 5210 East Williams Circle, Suite 500 Tucson, AZ 85711	Pima County Board of Supervisors	15,873.00	1,844.31
Linda Z. Chapman, 1400 L Street, NW, #400 Washington, DC 20005	Biscuit & Cracker Manufacturers Assn		
Michael D. Chapman, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	891.48
Nancy Chapman, 1723 U Street, NW Washington, DC 20009	N. Chapman Associates, Inc (For:Society for Nutrition Education)	4,500.00	739.28
Thomas B. Chapman, 500 E Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	14,191.00	1,433.89
Byron Charlton, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	18,516.09	141.51
Richard A. Charter, 6947 Cliff Ave. Bodega Bay, CA 94923	County Administrative Office County of Santa Cruz	13,500.00	9,559.53
Leslie Cheek III, 490 L'Enfant Plaza East, SW, #4200 Washington, DC 20024	Xerox Corp	36,894.00	92.00
Chemical Manufacturers Assn, Inc, 2501 M Street, NW Washington, DC 20037			115,534.00
Chemical Specialties Manufacturers Assn, Inc, 1913 Eye Street, NW Washington, DC 20006			419.00
William B. Cherkasky, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
Chernikoff & Company, 1320 18th Street, NW, #100 Washington, DC 20036	American Museum of Natural History		1,108.00
Do	Arena Stage	1,292.00	1,398.75
Do	Art Museum Princeton University	500.00	
Do	Bishop Museum		1,000.00
Do	Capital Childrens Museum	1,151.00	1,257.75
Do	Corcoran Gallery of Art	1,245.00	1,351.75
Do	Directors Guild of America	12,711.00	451.92
Do	Ford's Theater	1,151.00	1,257.75
Do	Henry Ford Museum & Greenfield Village	2,000.00	1,008.00
Do	Illinois State Museum Society		
Do	International Photographers Guild		
Do	Isabella Stewart Gardner Museum		508.00
Do	John F. Kennedy Center for the Performing Arts	1,292.00	1,398.75
Do	Meridian House International	1,151.00	1,257.75
Do	Metropolitan Museum of Art		1,108.00
Do	Museum of Northern Arizona		
Do	National Council for the Traditional Arts		
Do	National Museum of Women in the Arts	1,198.00	1,304.75
Do	National Symphony	1,292.00	1,348.75
Do	Natural History Museum of Los Angeles County	4,000.00	1,108.00
Do	Peabody Museum of Archeology & Ethnology		
Do	Peabody Museum of Salem		
Do	Phillips Collection	1,151.00	1,257.75
Do	Science Museum of Minnesota		508.00
Do	Shakespeare Theater at the Folger	1,151.00	1,257.75
Do	Shelburn Museum		
Do	Textile Museum	1,151.00	1,257.75
Do	University of Pennsylvania Museum		508.00
Do	Washington Ballet	1,151.00	1,257.75
Do	Washington Opera	1,292.00	1,398.75
Do	Washington Performing Arts Society	1,198.00	1,304.75
Larry J. Cherry, 1725 Jefferson Davis Hwy, Suite 900 Arlington, VA 22202	Vought Aircraft Co	2,500.00	125.00
Stephan E. Chertoff, 1825 Eye Street, NW, #400 Washington, DC 20006	PCS Health Systems (For:McKesson Corp)	2,125.00	555.00
Samuel D. Chilcote Jr., 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute, Inc	1,525.00	
Child Protection Lobby, Inc, 101 E. Holly Avenue, #2 Sterling, VA 22170		51,522.60	122,087.44
Peggy M. Childress, 811 W. Marvin Avenue Waxahachie, TX 75165	Housing Roundtable		150.00
Edward C. Chow, 1401 Eye Street, NW, #1200 Washington, DC 20005	Chevron Companies		
Arne L. Christenson, 440 First Stret, NW, #600 Washington, DC 20001	American Israel Public Affairs Committee	22,689.96	488.75
Christian Action Network, P.O. Box 606 Forest, VA 24551		577,621.08	454,168.18
James T. Christy, 805 15th Street, NW, #330 Washington, DC 20005	Air Products & Chemicals, Inc	10,000.00	38.10
Chubb Corporation, 15 Mountain View Road Warren, NJ 07061			48,526.95
James R. Churchill, 6301 Stevenson Avenue, #715 Alexandria, VA 22304			
Alan L. Chvotkin, 14829 Dufief Drive Gaithersburg, MD 20878	Sundstrand Corporation	3,825.00	996.68
John Chwat, 601 Pennsylvania Avenue, NW, Suite 900 Washington, DC 20005	Role Models America, Inc	1,000.00	1,000.00
Chwat & Company, 601 Pennsylvania Ave., NW, Suite 900 Washington, DC 20004	American Home Sewing and Craft Assn	1,300.00	1,300.00
Do	American Radio Relay League	3,000.00	3,000.00
Do	Associated Locksmiths of America	1,400.00	1,400.00
Do	National Licensed Beverage Assn	4,500.00	4,500.00
Do	National Weather Service Employees Organization	800.00	800.00
Paul N. Cicio, 1776 Eye Street, NW, Suite 575 Washington, DC 20006	Dow Chemical Corp		6,787.00
Linda Church Ciocci, 555 13th Street, NW, Suite 900-E Washington, DC 20004	National Hydropower Association		
Jane Dunn Cirrincione, 555 13th Street, NW, #900-E Washington, DC 20004	National Hydropower Assn	8,750.00	84.01
Citizen Action Fund, 1120 - 19th Street, NW, #630 Washington, DC 20036		20,000.00	19,908.00
Citizen's Committee to Save the Federal Center, c/o Mr. Michael J. Jackson Battle Creek Area Chamber of Commerce 34 W. Jackson, 4 River Battle Creek, MI 49017.			1,137.50
Citizens for Reliable and Safe Highways (CRASH), 81 Lansing Street, #106 San Francisco, CA 94105-1611		19,494.65	11,894.50
Citizens Comm for the Right to Keep & Bear Arms, Liberty Park, 12500 NE Tenth Place Bellevue, WA 98005		771,490.38	169,116.55
Philip Clapp, 1350 New York Ave., NW, Suite 1100 Washington, DC 20005-4798	Spiegel & McDiarmid (For:American Communities for Cleanup Equity)	12,262.50	2,203.95
Do	Spiegel & McDiarmid (For:City of Piqua, OH)	2,450.00	284.02
Do	Spiegel & McDiarmid (For:Clean Water Action)		
Do	Spiegel & McDiarmid (For:Oil Chemical & Atomic Workers Int'l Union, AFL-CIO)		
Donald A. Clarey, 1001 G St., NW 7th Floor East Washington, DC 20001	Strategic Management Associates (For:American Paper Institute)		
Do	Strategic Management Associates, Inc (For:Brooklyn Hospital Center)		
Do	Strategic Management Associates, Inc (For:Greater New York Hospital Asn)	20,001.00	175.00
Do	Strategic Management Associates (For:Healthcom International)		
Do	Strategic Management Associates (For:Hospital for Special Surgery)		
Do	Strategic Management Associates (For:Lenox Hill Hospital)		
Do	Strategic Management Associates (For:Maimonides Medical Center)		
Do	Strategic Management Associates, Inc (For:MicroGeneSys, Inc)	7,500.00	200.00
Do	Strategic Management Associates (For:Montefiore Medical Center)		
Do	Strategic Management Associates (For:Mount Sinai Medical Center)		
Do	Strategic Management Associates (For:New York Hospital-Cornell Medical Center).		
Do	Strategic Management Associates, Inc (For:Our Lady of Mercy Medical Center)		
Do	Strategic Management Associates (For:Teradata Corporation)		
Marshall C. Clark, 7332 SW 21st Street P.O. Box 4267 Topeka, KS 66604	Kansas Electric Cooperatives, Inc (KEC)	3,246.00	69.59
Thomas R. Clark, 919 18th Street, NW, #200 Washington, DC 20006	Federal Agricultural Mortgage Corp		
Vernon A. Clark, P.O. Box 59347 Potomac, MD 20859-9347	Vern Clark & Associates (For:Coalition for Property Rights)	69,000.00	
Do	Vern Clark & Associates (For:Fox Television Stations, Inc)	22,500.00	
Do	Vern Clark & Associates (For:Metromedia Communications)		
Do	Vern Clark & Associates (For:Metromedia Company)	30,000.00	
Do	Vern Clark & Associates (For:RJR-Nabisco Washington, Inc)	52,500.00	
Vern Clark & Associates, 2100 Pennsylvania Ave. NW #600 Washington, DC 20037-3202	Coalition for Property Rights	69,000.00	
Do	Fox Television Stations, Inc	22,500.00	
Do	Metromedia Communications		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Metromedia Company	30,000.00	
Do	RJR-Nabisco Washington, Inc	52,500.00	
Richard Clarke, 1050 17th Street, NW, #700 Washington, DC 20036	Healthcare Financial Management Assn		2,210.31
Lee Pendergast Claro, 1455 F Street, NW, #450 Washington, DC 20005	Upjohn Company	17,400.00	
Isabelle M. Claxton, 601 Pennsylvania Avenue, NW Washington, DC 20004	Merck & Co, Inc	1,000.00	400.00
Michelle C. Clay, 8601 Georgia Ave., #805 Silver Spring, MD 20910	Federation of Postal Police Officers		
Do	National Assn of Minority Automobile Dealers		
Joan Claybrook, 2000 P Street, NW, #605 Washington, DC 20036	Public Citizen, Inc	4,500.00	
Kenneth J. Clayton, 1120 Connecticut Ave, NW Washington, DC 20036	American Bankers Assn	3,175.00	
Cleary Gottlieb Steen & Hamilton, 1752 N Street, NW Washington, DC 20036	Copolymer Rubber & Chemcal Corp		
Do	Crompton & Knowles Corp		
Do	Day-Glo Color Corp		
Do	Fleet/Norstar Financial Group, Inc		
Do	Government Representatives Cmte Securities Industry Assn		
Do	Harry Frank Guggenheim Foundation		
Do	Ministry of Finance & Public Credit of the United Mexican St		
Do	Salomon Brothers, Inc		
Do	U.S. Bancorp		
Ronald D. Clements, 701 Pennsylvania Avenue, NW Washington, DC 20004	Edison Electric Institute	14,868.13	1,135.95
Cleveland-Cliffs, Inc, 1100 Superior Avenue Cleveland, OH 44114-2589			3,435.00
Climaco Climaco Seminatore Lefkowitz & Garofoli Co, 1228 Euclid Ave., #900 Cleveland, OH 44115	Blue Cross & Blue Shield of Ohio		
Michael P. Cline, 1219 Prince Street Alexandria, VA 22314-2916	Enlisted Assn National Guard	10,686.48	16,911.00
Clohan & Dean, 1101 Vermont Ave., NW, #400 Washington, DC 20005	America's Public Television Stations	425.00	
Do	Coalition of Higher Education Assistance Organizations	275.00	
Do	Consumer Bankers Assn	6,100.00	
Do	Student Loan Funding Corp of Ohio	26,300.00	
Do	Very Special Arts	400.00	
Stephen J. Cloud, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	400.00	
Jamie L. Clover, 1501 Wilson Blvd., #1100 Arlington, VA 22209	American Feed Industry Assn	2,000.00	
W. Dewey Clower, 1199 North Fairfax, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators, Inc		
Coal Industry Health Protection Coalition, 918 16th Street, NW, Suite 303 Washington, DC 20006		75,200.00	23,334.07
Coalition for an Undercharge Relief Bill, 1750 Pennsylvania Ave., NW, #1111 Washington, DC 20006		24,020.00	3,281.00
Coalition of Supporters of the Shipping Act, c/o Morgan Lewis & Bockius 1800 M Street, NW Washington, DC 20036			
Coalition to Promote America's Trade, c/o Steptoe & Johnson 1330 Connecticut Avenue, NW Washington, DC 20036			
Coastal Advocate, Inc, 2101 Central Avenue Ship Bottom, NJ 08008		9,494.00	11,807.33
Richard B. Cobb, Petroleum Council of Ga 50 Hurt Plz., SE, #720 Atlanta, GA 30303-2923	American Petroleum Institute	600.00	
Drew Patrick Cobbs, 60 West Street, #403 Annapolis, MD 21401	American Petroleum Institute	2,000.00	60.08
Robert D. Coble, P.O. Drawer 2426 Columbia, SC 29202	Nexsen Pruet Jacobs & Pollard (For:Greenwood Development Corp)		
PerryAnne Coffey, 3800 N. Fairfax Drive, Suite 4 Arlington, VA 22203	National Water Resources	12,000.00	
Amy A. Coggin, 1201 New York Ave., NW, #400 Washington, DC 20005	American Public Transit Assn	2,500.00	
Arnold D. Cohen, 900 19th Street, NW, Suite 400 Washington, DC 20006	Savings & Community Bankers of America	3,000.00	232.00
Catherine Grealy Cohen, 1776 Eye Street, NW, #1050 Washington, DC 20006	Eastman Kodak Company	750.00	103.00
Daniel L. Cohen, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	2,000.00	100.00
John Cohen, 1331 Penn Ave., NW, #I500-North Washington, DC 20004-1703	National Assn of Manufacturers	180.00	
Kenneth S. Cohen, 1295 State Street Springfield, MA 01111-0001	Massachusetts Mutual Life Insurance Company	2,250.00	1,854.48
Philip Q. Cohen, 255 East Kellogg Blvd. St. Paul, MN 55101	Goff/Wilkie & Associates (For:North Metro Mayors Assn)		
Do	Goff/Wilkie & Associates (For:North Metro TH 610/10 Crosstown Council)		
Cohn and Marks, 1333 New Hampshire Ave., NW Washington, DC 20036	Direct Marketing Assn	20,552.50	
Joseph L. Colaneri, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		471.89
Carol Thompson Cole, 1455 Pennsylvania Ave, NW, #525 Washington, DC 20004	RJR Nabisco, Inc	3,340.00	
Eleanor Cole, 820 First Street, NE, #400 Washington, DC 20002	UBA, Inc	1,000.00	
Cole Corette & Abrutyn, P.C., 805 15th Street, NW, #900 Washington, DC 20005	Government of France		
Do	Matsushita Electric Corp of America, et al.		
Walter S. Coleman, 1101 Connecticut Avenue, NW Washington, DC 20036	Regional Airline Association	1,000.00	
Colex & Associates, 2775 South Quincy Street, #520 Arlington, VA 22206	Alabama State Docks	3,000.00	
Do	Cambridge International, Inc		
Do	Coalition for Employment Opportunities	4,000.00	
Do	Diagnostek, Inc	5,000.00	
Do	MMW/Strategic Communications, Inc		
Do	National Rehabilitation Hospital	3,000.00	
Do	Orleans Levee District	3,000.00	
Do	RGDC, Inc	2,000.00	
Do	St. Bernard Port, Harbor & Terminal District	5,000.00	
Do	Winston & Strawn	4,000.00	
Jessie M. Colgate, 1001 Pennsylvania Ave., NW, #460(N) Washington, DC 20004-2505	New York Life Insurance Company	53.00	
Emilio G. Collado III, Collado Associates 1405 Montague Drive Vienna, VA 22180	American Watch Assn		
Calvin Evans Collier, 1010 Wisconsin Ave., NW Washington, DC 20007	Grocery Manufacturers of America, Inc	8.00	
Collier Shannon Rill & Scott, 3050 K Street, NW, #400 Washington, DC 20007	Alliance for British & Australian Tax Equity (ABATE)		
Do	American Car Rental Assn	2,910.00	2,910.00
Do	American International Group	12,460.00	12,460.00
Do	American Textile Machinery Assn	800.00	800.00
Do	Association of Certified Trucking Schools		
Do	Australian Wheat Board	3,225.00	3,225.00
Do	Bicycle Manufacturers Assn of America	1,300.00	1,300.00
Do	Carfax	1,150.00	1,150.00
Do	Coalition for Safe Ceramicware		
Do	Crop Insurance Research Bureau	2,380.00	2,380.00
Do	COMPACT		
Do	CSR Limited - Sugar Division		
Do	Fidelity Investments	8,640.00	9,640.00
Do	Food Marketing Institute		
Do	Footwear Industries of America		
Do	Gerry Baby Products Co	1,300.00	1,300.00
Do	Golden Gate Petroleum International		
Do	Hyster		
Do	Independent Lubricant Manufacturers Assn	2,400.00	2,400.00
Do	Inland Steel Corp	980.00	980.00
Do	International Crystal Federation		
Do	Leather Industries of America		
Do	Lykes Brothers, Inc		
Do	Municipal Castings Fair Trade Council	470.00	470.00
Do	National Assn of Convenience Stores	5,640.00	5,640.00
Do	National Cosmetology Assn, Inc		
Do	National Juice Products Assn		
Do	Oneida Ltd		
Do	Outdoor Power Equipment Institute		
Do	Owner-Operator Independent Drivers Assn	747.00	747.00
Do	Petroleos de Venezuela, S.A.	8,375.00	8,375.00
Do	PetroJam, Ltd		
Do	Pittsburgh Corning Corporation		
Do	Restor Industries, Inc		
Do	Scotsman Industries, Inc		
Do	Shipbuilders Council of America		
Do	Society of Independent Gasoline Marketers of America	8,225.00	8,225.00
Do	Specialty Steel Industry of the United States	1,770.00	1,770.00
Do	Steel Manufacturers Assn		
Do	Wickland Oil Co	1,095.00	1,095.00
John Collins, 2200 Mill Road Alexandria, VA 22314	American Trucking Assn, Inc	11,000.00	
Michael A. Collins, 13106 Ivy Drive Beltsville, MD 20705	United Assn of Jnymen & Appren of Plmbg & Pipeftg Industry	6,000.00	418.55
Camilla L. Collova, 1025 Connecticut Ave., NW, #1007 Washington, DC 20036	Armstrong World Industries, Inc		9.00
Jeffrey Colman, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	17,077.50	299.84
Mary Colville, 1155 15th St., NW Washington, DC 20005	National Broiler Council	1,375.00	
Jeffrey W. Combos, c/o Tennessee Petroleum Council 315 Deaderick Street, #1430 Nashville, TN 37238-1430	American Petroleum Institute		
Lori A. Comeau, 805 15th Street, NW #610 Washington, DC 20005-2207	CF Industries, Inc	500.00	573.85

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Comiskey & Hunt, One Courthouse Metro, #850 2200 Wilson Boulevard Arlington, VA 22201	Gold Fields Operating Company-Mesquite		
Commercial Finance Association, 225 W. 34th St. New York, NY 10122			14,268.00
Committee for Humane Legislation, Inc, 1623 Connecticut Avenue, NW, 4th Floor Washington, DC 20036		61,220.35	6,902.30
Committee on U.S. Business Canadian Life & Health Ins Assn, c/o Dykema Gossett 800 Michigan National Tower Lansing, MI 48933.			7,355.00
Committee to Support the Antitrust Laws, 1301 K Street, NW., Suite 650 East Washington, DC 20005			
Common Cause, 2030 M St., NW Washington, DC 20036		2,779,620.00	611,219.45
Common Sense, Inc, 188-A Onville Road Stafford, VA 22554		2,605.00	
Community Service Council of Central IN, Inc, 3901 North Meridian Street P.O. Box 88409 Indianapolis, IN 46208-0409	United Way/Community Service Council of Central IN, Inc		
Competitive Enterprise Institute, 233 Pennsylvania Avenue, SE, #200 Washington, DC 20003		431,500.00	
Compressed Gas Assn/Helium Advisory Council, 1725 Jefferson Davis Hwy, #1004 Arlington, VA 22202-4102		30,000.00	30,000.00
Bert M. Concklin, 8607 Westwood Center Drive, Suite 204 Vienna, VA 22182	Professional Services Council	1,500.00	160.07
Concord Associates, Inc, 1455 Pennsylvania Ave., NW, #560 Washington, DC 20004	Association for Commercial Real Estate	3,000.00	
Do	Forest City Ratner Companies	25,000.00	
Do	Kinetic Concepts	3,000.00	
Do	Maglev USA	12,900.00	
Do	Southern Company Services, Inc	3,000.00	
Do	Texas TGV	30,000.00	
Bruce R. Condit, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics	1,000.00	124.00
Conference of State Bank Supervisors, 1015 18th St., NW Washington, DC 20036			2,237.50
Thomas L. Conlan, One West Fourth Street, Suite 200 Cincinnati, OH 45202	Student Loan Funding Corp	1,529.12	985.72
Gregory A. Conley, 9700 W. Higgins Rd. Rosemont, IL 60018	Covia Partnership		
John L. Conley, 2200 Mill Road Alexandria, VA 22314	National Tank Truck Carriers, Inc		100.00
Connaught Laboratories, Inc, 1615 L Street, NW, Suite 650 Washington, DC 20036		510.00	717.77
Jeanne K. Connelly, 1875 Eye St., NW, #540 Washington, DC 20006	Champion International Corp	1,788.00	457.36
Connerton Ray & Simon, 1920 L Street, NW, 4th Floor Washington, DC 20036-5004	Association of University Programs in Occupational Safety...	7,500.00	2,968.75
Do	International Assn of Fire Fighters	5,000.00	2,968.75
Do	International Chemical Workers Union	2,500.00	2,968.75
Do	Laborers Employers Cooperative & Education Trust	12,567.50	2,968.75
Do	Laborers National Health & Safety Fund	8,853.00	2,968.75
Do	Laborers/AGC Education & Training Fund	22,509.25	2,968.75
Do	National Coordinating Comm for Multiemployer Plans	140.00	2,968.75
Catherine Connor, 555 13th Street, NW #460 West Tower Washington, DC 20004-1109	Parsons Brinckerhoff Quade & Douglas, Inc	126.00	
Jerry C. Connors, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	8,500.00	
David Conover, 655 15th Street, NW, #444 Washington, DC 20005	CH2M Hill	1,000.00	
David R. Conrad, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	1,291.77	
Conservative Action Lobby, P.O. Box 931602 Los Angeles, CA 90093			
Consortium for Int'l Earth Science Information Network, 2250 Pierce Road University Center, MI 48710		18,717.03	18,717.03
Consumer Energy Council of America Research Foundation, 2000 L St., NW, #802 Washington, DC 20036			
Consumers for World Trade, 2000 L Street, NW, #200 Washington, DC 20036			
Consumers Union of U.S., Inc, 1666 Connecticut Ave., NW, Suite 310 Washington, DC 20009-1039			17,370.00
John J. Contney, 1130 East Hallandale Beach Blvd. Suite B Hallandale, FL 33009	Textile Rental Services Assn of America		
Daniel J. Conway, One Massachusetts Ave., NW, #350 Washington, DC 20001	Chubb Corporation	10,000.00	649.69
Harry N. Cook, 1130 17th St., NW Washington, DC 20036	National Waterways Conference, Inc		
Ruth E. Cook, 3309 Ridgecrest Court Raleigh, NC 27607	AT&T		
Thomas M. Cook, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Cook Group, Inc, 300 Fountain Square P.O. Box 1608 Bloomington, IN 47402-1608			52,763.64
Charles E. Cooke, 1001 Pennsylvania Avenue, NW, #450-N Washington, DC 20004	Southern California Edison Co	7,763.00	5,700.00
Eileen D. Cooke, 110 Maryland Ave., NE, Suite 101 Washington, DC 20002	American Library Assn	2,116.00	
Ted Coombes, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	1,000.00	
Brian D. Cooney, 1455 Pennsylvania Ave., NW Washington, DC 20004-1007	American Institute of Certified Public Accountants	10,000.00	1,345.75
Billy R. Cooper, 1300 North 17th Street, Suite 1320 Arlington, VA 22209-3801	Eastman Kodak Company (Imaging Group)		40.00
Mitchell J. Cooper, 1001 Connecticut Ave., NW Washington, DC 20036	Rubber & Plastic Footwear Manufacturers Assn	33,000.00	71.31
Darrell Coover, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	2,000.00	233.00
Copeland Hatfield & Lowery, 601 13th Street, NW, #710 North Washington, DC 20005	Bay Area Rapid Transit District	5,327.90	
Do	Biomagnetic Technologies	3,750.00	
Do	County of Alameda	12,800.00	
Do	County of Merced	2,250.00	
Do	CALSTART	20,147.92	
Do	Dillon Development	12,538.23	
Do	Hazardous Waste Action Committee	514.00	
Do	International Bottled Water Assn	7,711.40	
Do	ICF International	3,209.34	
Do	Monarch Wine Company	1,506.50	
Do	ORINCON Corp	3,156.65	
Do	Pacific Mutual Life Insurance Company	6,130.84	
Do	San Diego State University Foundation	30,835.71	
Do	Santa Barbara Metropolitan Transit District	3,761.00	
Do	SAIC, Inc		
Do	Westlands Water District	5,861.72	
Heidi S. Coppola, 425 Park Avenue New York, NY 10043	Citibank N.A.	1,356.00	
Michael J. Copps, 1700 North Moore Street, #1600 Arlington, VA 22209	American Meat Institute	6,312.00	1,134.14
James T. Corcoran, 1667 K Street, NW, #320 Washington, DC 20006	Dial Corp		
John F. Corcoran, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Corn Refiners Assn, Inc, 1100 Connecticut Ave., NW, #1120 Washington, DC 20036		682.00	682.00
Ernest J. Corrado, 1000 16th St., NW, #511 Washington, DC 20036	American Institute of Merchant Shipping	3,352.50	92.00
Mary Marcotte Corrigan, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America		
Richard L. Corrigan, 655 15th Street, NW, Suite #444 Washington, DC 20005	CH2M Hill	2,500.00	
Marty Corry, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	879.23	568.81
Allan D. Cors, 1455 Pennsylvania Avenue, NW, #500 Washington, DC 20004	Corning, Inc	600.00	
Anthony R. Corso, 3225 Gallows Road Fairfax, VA 22037	Mobil Corp	1,500.00	
Philip S. Corwin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,500.00	
Jack Cory, 120 E. Jefferson Street Tallahassee, FL 32301	Florida Lobbying Services, Inc (For:Discovery Cruises)		4,505.35
Keyna Cory, 120 E. Jefferson Street Tallahassee, FL 32301	Florida Lobbying Services, Inc (For:Discovery Cruises)		917.13
Barbara J. W. Cosgriff, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance		
Paul S. Cosgrove, 121 SW Salmon Suite #1400 Portland, OR 97204	Gardner Cosgrove & Gardner (For:Anadarko Petroleum Corp)		
Cosmetic Toiletry & Fragrance Assn, Inc, 1101 17th Street, NW, #300 Washington, DC 20036		2,090.00	2,090.00
Louis A. Costantino Jr., 1850 M Street, NW Washington, DC 20036	Securities Industries Assn	851.00	
Michael E. Costello, 1620 L Street, NW, #1200 Washington, DC 20036	Panhandle Eastern Corp		532.27
Council for Responsible Nutrition, 1300 19th Street, NW #310 Washington, DC 20036-1609		58,898.00	58,785.00
Council for Rural Housing & Development, 2300 M St., NW Washington, DC 20036		2,000.00	2,000.00
Council of Institutional Investors, 1616 P Street NW, #350 Washington, DC 20036			
Council of State Chambers of Commerce, 122 C St., NW, #330 Washington, DC 20001		400.00	
Covington & Burling, P.O. Box 7566 1201 Pennsylvania Avenue, NW Washington, DC 20044	American Assn of Oral & Maxillofacial Surgeons	10,980.00	
Do	American Movers Conference		
Do	American PCS, L.P.	1,300.00	
Do	American Watch Assn	6,433.75	
Do	Association of Maximum Service Television, Inc.	1,035.00	
Do	Attorneys Liability Assurance Society, Inc	5,895.00	36.00
Do	Brown Brothers Harriman & Co		
Do	Committee on Royalty Taxation	4,740.00	359.30
Do	Consolidated Natural Gas Company		
Do	Council for Marketing & Opinion Research	1,450.00	50.00
Do	CBS Television Network Affiliates Assn		
Do	Erisa Industry Committee		
Do	International Business Machines Corp		
Do	Investment Company Institute	250.00	
Do	John E. Simon Trust	3,562.50	97.60
Do	John Hancock Mutual Life Insurance Co		7.00
Do	Jones Financial Companies		
Do	Lin Broadcasting Corp		
Do	Lutheran Brotherhood		
Do	Midwest Television, Inc		
Do	National Football League		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	NationsBank Corp	495.00	9.00
Do	Private Benefits Alliance	115.00	
Do	Public Broadcasting Service	82.50	
Do	State of Alabama, Dept of Human Resources Legal Office		
Do	State of California, Dept of Health Services		
Do	State of California, Dept of Social Services	6,300.00	
Do	State of Florida, Dept of Health & Rehabilitative Services		
Do	State of Georgia, Division of Family & Children's Services		
Do	State of Idaho, Dept of Health & Welfare		
Do	State of Illinois, Department of Public Aid (Food Stamp Act)		
Do	State of Illinois, Dept of Public Aid (Social Security Act)		
Do	State of Indiana	2,500.00	
Do	State of Kentucky, Dept of Social Insurance		
Do	State of Louisiana (Medicaid/QC)		
Do	State of Louisiana, Food Stamp Director	5,000.00	
Do	State of Maryland, Dept of Health Services		
Do	State of Missouri, Dept of Social Services		
Do	State of Nebraska, Dept of Social Services		
Do	State of New York Bureau of Deferrals & Disallowances	2,400.00	
Do	State of New York, Dept of Social Services	12,500.00	
Do	State of Ohio, Dept of Human Services		
Do	State of Oklahoma (Food Stamp/QC)		
Do	State of Oklahoma (Medicaid/QC)		
Do	State of Rhode Island, Dept of Human Services		
Do	State of Washington Office of Analysis & Medical Review		
Do	State of Washington, Dept of Social & Health Services		
Do	State of West Virginia, Bureau of Human Resources	2,500.00	
Do	State of West Virginia, Office of Medical Services	1,250.00	
Do	State of Wisconsin, Dept of Health & Social Services	8,000.00	
Do	Sun Life Assurance Co of Canada (U.S.)		
Do	UniGroup, Inc		
Sharon Cowan, 1828 L Street, NW, #906 Washington, DC 20006	American Soc of Mechanical Engineers		
Archibald Cox, 2030 M St., NW Washington, DC 20036	Common Cause		
C. Richard Cox, 2801 West Tyvola Road Charlotte, NC 28217-4500	Belk Stores Services, Inc		
Cary L. Cox, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Eric Cox, 713 D Street, SE Washington, DC 20003	Campaign for U.N. Reform-Political Education Committee	6,097.41	179.96
Rebecca G. Cox, 1300 Eye Street, NW, #950 East Washington, DC 20005	Continental Airlines Holdings, Inc		
William J. Cox, 1776 K St., Washington, DC 20006	Catholic Health Association of the United States	2,169.23	
Kevin J. Coyle, 801 Pennsylvania Ave., SE, #400 Washington, DC 20003	American Rivers		
Daniel Craig, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	3,788.00	227.96
Claiborn Crain H., 1100 17th Street, NW, #505 Washington, DC 20036	Burley & Dark Leaf Tobacco Assn	2,025.00	
W. Bruce Crain, 900 19th Street,NW Suite#400 Washington, DC 20006	Savings and Community Bankers of America	13,818.75	
James P. Cramer, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects		
Dale A. Crane, 618 South 223rd Street Des Moines, WA 98198	National Parks & Conservation Association		
Daniel M. Crane, 1010 Pennsylvania Avenue, SE Washington, DC 20003	Algonquin Gas Transmission Company		
Do	American Assn of Advertising Agencies		
Do	American Fiber Manufactures Association		
Do	American Nuclear Energy Council		
Do	Association for Manufacturing Technology		
Do	Chubb Corporation		
Do	Invest to Compete Alliance		
Do	Kimberly Quality Care		
Do	National Electrical Manufacturers Assn		
Do	Savings and Community Bankers		
Do	Securities Industry Association		
Do	Shriners Hospitals for Cripled Children		
Do	Campbell-Raupe (For:Stone and Webster Engineering Corporation)		
Do	Westinghouse Electric Corporation		
Donald A. Crane, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co /World Headquarters	3,000.00	
Charles T. Crangle, 560 N Street, SW #N-609 Washington, DC 20024	District 2, MEBA-AMO		1,442.84
Richard C. Crawford, 601 Pennsylvania Ave. NW Suite 500 North Building Washington, DC 20004	Coors Brewing Co	15,000.00	503.49
Robin Crawford, Box M Allentown, PA 18105-5000	Mack Trucks, Inc		
Roger A. Crawford, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	100.00	
Credit Union National Assn, Inc, 805 15th Street, NW, #300 Washington, DC 20005-2207		30,500.00	75.00
Richard C. Creighton, 1212 New York Avenue, NW, #500 Washington, DC 20005	American Cement Alliance, Inc	12,500.00	92.50
Ken A. Crerar, 316 Pennsylvania Ave., SE, #400 Washington, DC 20003	National Assn of Casualty & Surety Agents	4,000.00	
Douglas P. Crew, 1730 Pennsylvania Avenue, NW, #750 Washington, DC 20006	Caterpillar, Inc	3,000.00	
Richard E. Cristol, 1101 15th St., NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers		
Christopher K. Croft, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	1,765.86	
Robert W. Cromartie, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn		
Charles H. Cromwell, Inc, 6709 Georgia Street Chevy Chase, MD 20815	MTS Systems Corp		
Adrian Cronauer, 1301 Pennsylvania ave., NW, Suite 500 Washington, DC 20004	U.S. Interactive Microwave Television Assn		
Crop Insurance Research Bureau, 7301 College Boulevard, #240 Overland Park, KS 66210		2,380.00	2,380.00
Curtis R. Cross, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America		
James W. Cross, 125 N. West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Mary M. Cross, 555 New Jersey Ave., NW Washington, DC 20001	American Federation of Teachers	11,588.36	60.00
Crowell & Moring, 1001 Pennsylvania Ave., NW Washington, DC 20004-2595	Asarco, Inc		
Do	Associated Gas Distributors		
Do	Avon Products, Inc		
Do	Brooklyn Union Gas Co		
Do	Communications Satellite Corp		
Do	Eagle-Picher Industries, Inc	481.25	10.00
Do	Eli Lilly & Company	1,050.00	10.00
Do	Environmental Research Information, Inc		
Do	Helicopter Assn International		
Do	ICF International, Inc & Subsidiaries		
Do	Lehn & Fink Products Group	70.00	
Do	Minnesota Mining & Manufacturing Co		
Do	National Assn of Wholesaler-Distributors	2,012.50	10.00
Do	National Risk Retention Assn		
Do	New York Life Insurance Co	275.00	
Do	Polyisocyanurate Insulation Mfrs Assn		
Do	Regional Airline Association		
Do	United Cities Gas Co		
Do	Wyatt Company		
Crowell & Moring International L.P., 1001 Pennsylvania Ave., NW, #1275 Washington, DC 20004-2505	Avon Products, Inc		
Do	Board of Foreign Trade, Gov't of the Republic of China		
Do	Singapore Trade Development Board		
James P. Crumley Jr., 1100 Wilson Blvd. Arlington, VA 22209	Hughes Aircraft Company	114.00	
John D. Cuaderes, 1235 Jefferson Davis Highway Arlington, VA 22202	ESCO Electronics Corp		3,084.91
Dennis P. Culloton, 233 North Michigan Avenue Chicago, IL 60601	Health Care Service Corp	6,250.00	2,000.00
R. Lee Culpepper, 1200 17th Street, NW, 8th Floor Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
William E. Cumberland, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	18,934.00	
Philip Cummings, 1101 Pennsylvania Avenue, NW Washington, DC 20004	McCutchen Doyle Brown & Enersen (For:American Iron & Steel Institute)	7,498.00	
Do	McCutchen Doyle Brown & Enersen (For:Browning-Ferris Industries, Inc)	1,066.00	
Do	McCutchen Doyle Brown & Enersen (For:Eastman Kodak Company)	14,596.00	
Do	McCutchen Doyle Brown & Enersen (For:Freeport-McMoRan, Inc)	2,600.00	
Do	McCutchen Doyle Brown & Enersen (For:General Electric Co)	23,191.00	
Do	McCuthchen Doyle Brown & Enersen (For:Rohr Industries, Inc)		
Do	McCutchen Doyle Brown & Enersen (For:Southern California Assn of Governments).	1,508.00	
Do	McCutchen Doyle Brown & Enersen (For:3M)		
Law Ofs of Jonathan W. Cuneo, 1301 K Street, NW, #650-E Washington, DC 20005	Committee to Support the Antitrust Laws	12,000.00	
Do	National Assn of Securities and Commercial Attorneys	18,000.00	2,144.75

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Service Station Dealers of America	2,500.00	26.00
Do	Songwriters Guild of America	1,500.00	18.00
Charles V. Cunningham, 1155 15th Street, NW, Suite 504 Washington, DC 20005	American Textile Manufacturers Institute, Inc	1,500.00	
Do	Dunavant Enterprises, Inc	3,000.00	
Do	Hohenberg Bros. Company	1,500.00	
J. Courtney Cunningham, 430 First Street, SE Washington, DC 20003	American Trucking Assn, Inc	6,000.00	
William J. Cunningham, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	18,552.52	1,029.98
F.P. Curran, 7315 Wisconsin Ave., Suite 1250W Bethesda, MD 20814	Treasury Management Assn		1,210.00
Anne M. Curry, 800 Connecticut Avenue, NW Washington, DC 20006	Food Marketing Institute	500.00	
Debra Curtis, 1120 19th Street, NW, Suite 630 Washington, DC 20036	Citizen Action Fund	4,000.00	365.00
Garry R. Curtis, Greater Washington Board of Trade 1129 20th Street, NW Washington, DC 20036	Greater Washington Board of Trade	2,500.00	
Cutler & Stanfield, 700 14th Street, NW, 10th floor Washington, DC 20005	General Atomics		
Do	University of Colorado	10,042.50	102.54
Ralf W.K. Czepluch, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Gulf Power Company	5,070.00	8,765.04
CF Industries, Inc, Salem Lake Dr. Long Grove, IL 60047			
CR Associates, 317 Massachusetts Ave., NE, #100 Washington, DC 20002	Alzheimer's Assn	1,831.25	
Do	American Assn for Dental Research	958.50	
Do	Association of University Programs in Health Administration	489.00	
Do	Conjoint Comm on Diagnostic Radiology	1,200.00	
Do	Delta Dental Plans Assn	1,200.00	
D.C. Legislative & Regulatory Services, 1155 21st Street, NW, #310 Washington, DC 20036	Andersons Management Corp	6,000.00	2,207.29
Do	British Petroleum, America	6,000.00	1,555.29
Do	Farmland Industries, Inc	2,000.00	245.04
Do	Lebanon Chemical Corp and Lebanon Turf	6,000.00	852.88
Do	National Bank & Soil Producers Assn	3,150.00	471.88
Do	Responsible Industry for a Sound Environment	3,900.00	663.59
Do	Scotts Companies & Subsidiaries	15,000.00	1,943.18
Do	ZENECA Ag Products	12,000.00	1,796.00
William K. Dabaghi, Arter & Hadden 1801 K Street, NW, #400K Washington, DC 20006	Central Union of Agricultural Cooperatives (ZENCHU)		
Susan Dahlquist, 2000 K St., NW, 8th Foor Washington, DC 20006	National Comm to Preserve Social Security	18,601.00	507.32
Stephen J. Daigler, 1601 Duke Street Alexandria, VA 22314	Society of American Florists		
Frank J. Daily, 411 East Wisconsin Ave. Milwaukee, WI 53202	Quarles & Brady (For:General Motors Corp)		
Donald W. Dalrymple, 1575 I St., NW Washington, DC 20005	American Cynamid Company (For:Lederle Laboratories)	3,760.00	1,713.22
James G. Dalton, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	2,500.00	
Edward J. Daly III, 1436 U Street, NW Washington, DC 20009	Greenpeace	4,500.00	70.00
Robert P. Daly II, 1000 Wilson Blvd, #2800 Arlington, VA 22209	Grumman Corp	625.00	857.18
John E. Daniel, 1133 21st St., NW, #710 Washington, DC 20036	International Technology Corporation		
David S. Danielson, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Nancy Danielson, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers Educational and Co-Operative Union of America	6,818.69	
Dart Industries, Inc, P.O. Box 2353 Orlando, FL 32802			425.00
Linda Daschle, 4212 King Street Alexandria, VA 22302	American Assn of Airport Executives	8,100.00	
Theodore S. J. Davi, 23 Holland Road Pittsburgh, PA 15235			
Linda L. Davidson, 1776 Eye Street, NW, Suite 700 Washington, DC 20006	Phillips Petroleum Co	700.00	24.48
Davidson Colling Group, 1101 Pennsylvania Avenue, N.W. #810 Washington, DC 20004	American Advertising Federation	854.17	310.66
Do	American Assn of Advertising Agencies	854.17	310.66
Do	Association of National Advertisers, Inc	854.17	310.66
Do	Caraustar Industries	1,932.00	49.64
Do	Direct Marketing Assn	854.17	310.66
Do	Dun & Bradstreet Corporation	5,371.00	800.00
Do	Field Container Corp	276.00	7.09
Do	Garden State Paper Company	828.00	21.28
Do	Grocery Manufacturers of America, Inc	854.17	310.66
Do	Halltown Paperboard Co	138.00	3.55
Do	Homedco	8,400.00	181.94
Do	Lincare	4,200.00	90.97
Do	Magazine Publishers of America	3,631.05	310.66
Do	Media General, Inc	487.50	4.00
Do	Miller & Chevalier, Chtd	300.00	
Do	National Assn of Broadcasters	2,701.05	310.66
Do	Newark Group	2,622.00	67.38
Do	Newman & Company	138.00	3.55
Do	Newspaper Assn of America	1,276.05	310.66
Do	Rock-Tenn Company	2,070.00	53.20
Do	Sonoco Products Co	2,760.00	70.93
Do	Southeast Paper Manufacturing Co	1,656.00	42.56
Do	Waldorf Corp	1,242.00	31.92
Do	White Pigeon Paper Company	138.00	3.55
Do	Yellow Pages Publishers Assn	854.17	310.66
Dionne M. Davies, 1120 Connecticut Ave., NW, #727 Washington, DC 20036	American Bankers Assn	3,420.00	
D. Drew Davis, 3M Center St. Paul, MN 55144-1000	Minnesota Mining and Manufacturing Company (3M)	3,500.00	
Drew M. Davis, 1101 16th St., NW Washington, DC 20036	National Soft Drink Assn	246.00	99.08
Edward M. Davis, 410 First St., SE Washington, DC 20003	American Nuclear Energy Council	3,989.70	
Edwin H. Davis, 2030 M St., NW Washington, DC 20036	Common Cause	11,488.03	12.86
Fred G. Davis, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute	3,019.23	359.85
Lynda C. Davis, 1825 Eye Street, NW, #400 Washington, DC 20006	Florida Business Associates (For:Valencia Community College)	10,000.00	
Michael Davis, 735 North Water St., #908 Milwaukee, WI 53202-4105	American Malting Barley Assn, Inc	1,947.75	
Michael R. Davis, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States	597.78	
Ovid R. Davis, P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company		
William M. Davis, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corp		
Davis & Harman, 1455 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	Ad Hoc Comm of Life Insurance Companies	423.25	
Do	Alcoma Packing Company, Inc	760.00	
Do	American Automotive Leasing Assn	7,200.00	112.71
Do	American General Life Insurance Co	990.00	89.00
Do	American Home Life Insurance Co	508.00	
Do	American Horse Council	1,080.00	
Do	American Integrity Insurance Company	182.25	
Do	American Investors Life Insurance	1,200.00	
Do	Armco Steel Co	2,700.00	
Do	Bethlehem Steel Corp	2,700.00	
Do	Chicago Board of Trade	8,500.20	206.84
Do	Columbia Gas Development Corp	2,000.00	99.00
Do	Committee of Annuity Insurers		
Do	Dresser Industries, Inc		
Do	First Penn-Pacific Life Insurance Co	140.00	
Do	Florida Power & Light	1,521.25	89.00
Do	Florida Sugar Cane League, Inc	1,200.00	
Do	General Aviation Manufacturers Association	4,500.00	31.13
Do	Hughes & Luce	910.00	
Do	James Graham Brown Foundation		
Do	Lincoln National Life Insurance Co	300.00	
Do	National Business Aircraft Assn	1,500.00	58.13
Do	National Cattlemen's Assn	900.00	89.00
Do	National Lime Assn		
Do	Retired Lives Reserve Group	57.50	
Do	Stock Information Group		
Do	U.S. Sugar Corp	1,200.00	89.00
Do	Underwriters of Lloyd's London		
Do	William H. Williams	6,000.00	
Do	Worldspan		
Davis Polk & Wardwell, 1300 Eye St., NW Washington, DC 20005	Kohlberg Kravis Roberts & Co		
Do	LTV Corp		
Do	Morgan Guaranty Trust Co	1,200.00	14.00
Do	Morgan Stanley & Co, Inc		
Do	Norwest Corporation	3,405.00	29.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Davis Wright & Tremaine, 701 Pennsylvania Avenue, NW, #600 Washington, DC 20004	American Honda Motor Co, Inc	1,045.50	269.72
Do	Seattle Times Company		
Robert W. Davis, Jr., 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	1,600.00	673.00
Rhett B. Dawson, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co		
Brenda T. Day, 1100 Connecticut Ave., NW, #900 Washington, DC 20036	Chrysler Corporation	6,249.00	577.00
Harry F. Day, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
James M. Day, 1667 K Street, NW, Suite 801 Washington, DC 20006	American Samoa Government, Office of the Governor		
Gaston De Bearn, 1300 Eye Street, NW, #520-W Washington, DC 20005-3314	Hoffmann-La Roche, Inc	2,696.00	307.60
John Russell Deane III, 1317 F Street NW #550 Washington, DC 20004	Auto International Assn	33.00	56.01
Do	Coalition of Automotive Assns	150.00	76.44
Do	Specialty Equipment Market Assn	360.00	360.73
Mark O. Decker, 1129 20th Street, NW, #705 Washington, DC 20036	National Assn of Real Estate Investment Trusts, Inc		
Tom K. Decker, Box 3529 Portland, OR 97208	Port of Portland	13,975.00	1,014.01
Richard A. Deem, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
Brian Deery, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
George K. Degnon Associates, Inc, 6728 Old McLean Villiage Drive McLean, VA 22101	George K. Degnon Associates		
Tom Dehner, 2030 M Street, NW Washington, DC 20036	Common Cause	5,590.02	2,357.60
William T. Deitz, 1000 Connecticut Avenue NW, #706 Washington, DC 20036	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)		
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)	330.00	66.00
Do	New Jersey Turnpike Authority	2,220.00	134.10
Do	Palumbo & Cerrell (For:Proctor & Gamble Mfg Co)		
Do	Palumbo & Cerrell, Inc (For:Southern California Rapid Transit District)	5,685.00	238.87
Gene A. Del Polito, 1333 F Street, NW, #710 Washington, DC 20004-1108	Advertising Mail Marketing Assn	1,896.00	
Edward N. Delaney & Associates, Chtd, 1629 K Street, NW, #1000 Washington, DC 20006	Association of Outplacement Consulting Firms, Inc		
Do	National Assn of Independent Insurers	18,000.00	3,195.58
Do	National Council of Business Advisors		
Delchamps/Capitol Link, P.O. Box 9183 Arlington, VA 22219	Bishop State Community College		
Do	City of Mobile		
Do	Madison County Commission		
Tania Demchuk, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers		
George H. Denison, 5910 Woodacres Drive Bethesda, MD 20816	Edison Electric Institute		
Do	General Atomics		
Do	(For:Government of Sierra Leone)		
Do	Westinghouse Electric Corp		
Daniel B. Denning, 499 South Capital Street, SW, #502 Washington, DC 20003	Martin Marietta Corp	800.00	
Thomas J. Dennis Sr., 1001 Pennsylvania Ave, NW, #450-N Washington, DC 20004	Southern California Edison Co	9,678.00	5,700.00
Lane Denton, 610 Brazos, Suite 410 Austin, TX 78701	Texas Highway Patrol Assn		6,725.00
Robert Neal Denton, 2001 S Street, NW, #301 Washington, DC 20009	Alliance of Nonprofit Mailers	8,866.10	482.02
Edward M. Desmond, 1776 Eye Street, NW, #1060 Washington, DC 20006	Sterling Winthrop, Inc		
James M. Desmond, 5234 Duvall Road Bethesda, MD 20816	Martin Marietta Corporation	4,500.00	
Jo Ellen Deutsch, 1625 Massachusetts Avenue, NW Washington, DC 20036	Association of Flight Attendants, AFL-CIO	4,500.00	
Caroline M. Devine, 1250 H Street NW., #500 Washington, DC 20005	Mobil Corp	1,000.00	4.00
R. Daniel Devlin, 808 17th Street, NW, #520 Washington, DC 20006	Trans World Airlines, Inc	600.00	
Robert L. Dewey, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife		
David P. Dexter, 1000 Connecticut Ave., NW, #1202 Washington, DC 20036	Wildlife Legislative Fund of America	7,500.00	
Alex J. DeBoissiere, 701 Pennsylvania Avenue, NW, #610 Washington, DC 20004	Tenneco Gas		
Alecia A. DeCoudreaux, 1101 Pennsylvania Ave., NW, Suite 540 Washington, DC 20004	Eli Lilly & Co	3,000.00	28.50
James U. DeFrancis, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Ebasco Services, Inc	4,012.50	1,282.00
Debra DeLee, 1201 16th Street, NW Washington, DC 20036	National Education Assn	4,921.60	
Rodney DeLoach, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,250.00	76.75
Martin L. DePoy, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	2,500.00	928.26
William R. DeReuter, 3000 K Street, NW, #620 Washington, DC 20007	Merrill Lynch & Co, Inc	2,000.00	
Mark DeSantis, 1455 Pennsylvania Ave., NW, Suite 230 Washington, DC 20004	Texas Instruments	1,000.00	200.00
Christine DeVries, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses' Assn	11,628.18	163.90
Bonnie S. DeWitt, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	500.00	96.94
Thomas R. DeYulia, 7361 Calhoun Place Rockville, MD 20850	CNA Insurance Co		
Gregory G. Diaz, 3200 Bristol Street, Suite 640 Costa Mesa, CA 92626	City of Bell and Community Redevelopment Agency of Bell	1,039.50	0.29
Ann Sanders Dickey, 2605 Nonconnah Memphis, TN 38132	Federal Express Corp	6,000.00	
J. Hugh Dickey, 1401 Eye Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies	2,200.00	
Elaine Dickinson, 880 S. Pickett Street Alexandria, VA 22304	Boat Owners Assn of the U.S.	7,000.00	
Dickstein Shapiro & Morin, 2101 L St., NW Washington, DC 20037	Advance Publications		
Do	American Greyhound Track Operators Assn	6,238.95	
Do	Apple Computer Corp		
Do	Avondale Industries, Inc		
Do	ABD Securities Corp		
Do	Bear Stearns & Co		
Do	Cordova District Fishermen United, Inc		
Do	CoreSource	4,777.71	
Do	Electric Generation Assn	500.00	
Do	Federal National Mortgage Assn	3,201.25	
Do	Federated Cash Management Systems	4,500.00	
Do	Harbour Group Ltd		
Do	Illinois Dept of Children & Family Services		
Do	Iroquois Gas, Inc		
Do	Magma Copper Company	900.00	
Do	Malaysian Palm Oil Promotion Council		
Do	Medtronic, Inc	5,006.25	
Do	National Assn of Chain Drug Stores		
Do	National Fed of Societies for Clinical Social Work	6,187.50	
Do	Newport Group		
Do	North Carolina Dept of Natural Resources & Community Develop		
Do	Ocean State Power		
Do	Paulucci Enterprises	8,826.24	
Do	State of Connecticut		
Do	States of Arkansas, et al.		
Do	Tobacco Institute		
Do	U.S. Generating Company		
Rick Diegel, 1125 15th Street, NW Washington, DC 20005	International Brotherhood of Electrical Workers, AFL-CIO-CLC	2,281.25	150.00
Dorothea M. Diemer, 10550 Talbert Avenue Fountain Valley, CA 92728	Hyundai Motor America		
Robbi Rice Dietrich, P.O. Box 660634 Dallas, TX 75266-0634	Frito-Lay, Inc	3,300.00	3,480.00
Thomas A. Dine, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	31,312.49	3,807.08
Michael F. Dineen, 600 Pennsylvania Ave., SE, #206 Washington, DC 20003	Lumbermens Mutual Casualty Co (For:Kemper Investors Life Insurance Co)	112.46	10.00
Do	Lumbermens Mutual Casualty Company (For:Kemper Reinsurance Company)		
Do	Lumbermens Mutual Casualty Company	2,100.00	809.51
James C. Dinegar, 1201 New York Ave., NW, #300 Washington, DC 20005	Building Owners & Managers Assn Int'l	1,250.00	400.00
Charles V. Dinges IV, 1015 15th Street, NW, #600 Washington, DC 20005	American Soc of Civil Engineers	11,990.00	11,990.00
Joseph J. DioGuardi, 50 Baraud Road Scarsdale, NY 10583	Albanian American Civic League		1,253.00
Direct Selling Association, 1776 K Street, NW Washington, DC 20006			
Dale P. Dirks, 711 Second Street, NE, #200 Washington, DC 20002	Health & Medicine Counsel of Washington		
Mary Ann Dirzis, 9 West 57th Street New York, NY 10019	Avon Products, Inc		
Disabled American Veterans, 3725 Alexandria Pike Cold Spring, KY 41076		166,424.62	166,424.62
Discovery Cruises, Inc, 1850 Eller Drive, Suite 402 Fort Lauderdale, FL 33316			6,385.00
Patsy B. Dix, 1201 16th Street, NW Washington, DC 20036	American Insurance Assn		
Do	National Education Assn	3,978.55	
Charles J. DiBona, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	5,000.00	
Ann DiDonato, 2266 Chimney Ridge Road Madison, OH 44057	Centerior Energy	5,000.00	4,558.68
Gerard D. DiMarco, Two State Street, Crossroads Bldg, #400 Rochester, NY 14614	DiMarco Riley & Bulger (For:Tom Gosnell)	3,500.00	480.00
Do	DiMarco, Riley & Bulger (For:Greater Rochester Cable)		
Nicholas J. DiMichael, 1275 K Street, NW, #850 Washington, DC 20005-4006	National Industrial Transportation League	2,405.00	20.00
Anna-Marie DiPasquale, 950 North Glebe Road, Suite 160 Arlington, VA 22203	American Boiler Manufacturers Assn	430.00	275.00
Lucia DiVenere, 925 15th St., NW Washington, DC 20005	Families USA		
Do	National Assn for Home Care	356.40	
E. David Doane, 1350 I Street, NW, #670 Washington, DC 20005	Koch Industries, Inc	12,000.00	911.73
J. Graham Dodson, P.O. Box 21106 Shreveport, LA 71156	Southwestern Electric Power Co	1,200.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Julie Domenick Doerr, 1600 M St., NW Washington, DC 20036	Investment Company Institute	152.74	18.00
H. A. Doersam, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household Internatioinal, Inc.	2,365.00	
J. Jon Doggett, 300 Maryland Avenue,SW Washington, DC 20024	American Farm Bureau Federation	6,650.00	639.87
Brian M. Dolan, 1 Metro-Tech Center Brooklyn, NY 11201	Brooklyn Union Gas Co	95.00	15.00
Mary Anne Dolbeare, 1730 Rhode Island Ave., NW, Suite 1000 Washington, DC 20036	National Solid Wastes Management Assn (NSWMA)	500.00	
Robin C. Dole, 1101 Connecticut Avenue, NW, #500 Washington, DC 20036	Century 21 Real Estate Corp		
Stephan G. Dollinger, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
Douglas Domenech, 1025 Vermont Avenue, NW Washington, DC 20005	American Pulpwood Assn		
Marla M. Donahue, 1901 North Moore Street Arlington, VA 22209	Foodservice & Packaging Institute, Inc		
Andrew J. Donelson, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	3,500.00	
Mary Elizabeth Donnelly, 1233 20th St., NW, #200 Washington, DC 20036	Newmont Mining Corp		
Thomas F. Donnelly, 3800 N. Fairfax Drive, Suite 4 Arlington, VA 22203	National Water Resources Assn	12,000.00	
Sally S. Donner, 1341 G Street NW, 9th Floor Washington, DC 20005	Philip Morris Management Corpp	2,196.50	1,339.65
Winfield L. Donoho, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	5,000.00	
Nancy J. Donohoe, 1331 H Street, NW, #300 Washington, DC 20005	Rosapepe and Spanos, Inc (For:H&R Block, Inc)	1,070.00	7.20
Ridgely Thorp Donohue, 60 Wall Street New York, NY 10260	J. P. Morgan and Co., Incorporated (parent company)	49.55	49.55
Thomas J. Donohue, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	11,000.00	
Donohue and Donohue, 26 Broadway, Suite 911 New York, NY 10004	NSK Corporation, et al.		
William Donovan, 3138 N. 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions	2,500.00	46.78
Brad L. Doores, Three Park Central, #1000 1515 Arapahoe St. Denver, CO 80202	Energy Fuels Nuclear, Inc		
Jeffrey D. Doranz, 1000 Connecticut Ave., NW, #706 Washington, DC 20036	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	165.00	
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)	30.00	
Do	Cerrell Associates, Inc (for Calif Indep Mortgage Brokers..)	6,450.00	281.20
Do	Palumbo & Cerrell, Inc (For:Government Employees Hospital Assn)	5,032.50	158.86
Do	New Jersey Turnpike Authority	52.50	
Do	Proctor & Gamble Mfg Co		
Do	Palumbo & Cerrell, Inc (For:Southern California Rapid Transit District)	15.00	
James R. Dorcy, 1666 Connecticut Avenue, NW, Suite 400 Washington, DC 20009	Federation for American Immigration Reform	410.00	13.00
Michael C. Dorf, 130 East Randolph Street, #3800 Chicago, IL 60601	Schuyler Roche & Zwirner (For:Gabriella Rosenbaum Trust)	6,150.00	279.20
Dorfman & O'Neal, Inc, 1331 Pennsylvania Ave., NW, Suite 730N Washington, DC 20004	General Pneumatics Corp		3,468.15
Do	Hercules Engine Co		4,623.52
Kimberly Olson Dorgan, 1702 Esquire Lane McClean, VA 22041	America's Public Television Stations, Inc	115.00	
Do	Children's Television Workshop	150.00	
Do	National Captioning Institute	115.00	
Keith G. Dorman, 625 Liberty Ave., 7th Pittsburgh, PA 15222	Peoples Natural Gas Company	5,000.00	590.77
Dorsey & Whitney, 1330 Connecticut Ave., NW, #200 Washington, DC 20036	Association of International Automobile Manufacturers, Inc	5,592.00	
Do	City of St. Paul	2,208.00	
Do	Guam Commission on Self Determination	9,312.00	
Do	National Computer Systems		
Do	Regional Transit Board		
Do	United HealthCare Corp	4,080.00	
Dean R. Dort II, 1667 K Street, NW, #1230 Washington, DC 20006	Deere & Company	1,326.00	
Terrie M. Dort, 1101 Connecticut Ave., NW, #700 Washington, DC 20036	National Council of Chain Restaurants		
W. Carter Doswell, 1101 Pennsylvania Avenue, NW, #900 Washington, DC 20004	Goldman Sachs & Co	1,250.00	
Robert J. Dotchin, One Massachusetts Ave., NW, Suite 800 Washington, DC 20001	U.S. Surgical Corp		2,150.00
R. J. Doubrava, 1629 K Street, NW, #501 Washington, DC 20006	Delta Air Lines, Inc	170.00	121.70
Ronald H. Doughty, 2711 N. Haskell Avenue Dallas, TX 75204	Southland Corp		2,357.57
Stephen W. Dove, 1199 North Fairfax Street, Suite 801 Alexandria, VA 22314	National Assn of Truck Stop Operators		
Jane Lind Downey, 1611 Duke Street Alexandria, VA 22314	American Movers Conference	500.00	
Mary Theresa Doyle, 801 Pennsylvania Avenue, NW, Suite 250 Washington, DC 20004	Massachusetts Mutual Life Insurance Co	367.80	
Ronald W. Drach, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	20,484.96	
David P. Drake, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	8,000.00	71.33
James E. Drake, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	5,272.00	
John E. Drawz, 1100 International Centre 900 Second Ave., South Minneapolis, MN 55402-3397	Fredrikson & Byron (For:City of New Brighton)	450.00	
Paul A. Drazek, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	10,468.00	9.00
Dressendorfer-Laird, Inc, 1730 Rhode Island Avenue, NW, #210 Washington, DC 20036	General Dynamics Corp	250.00	
Do	QualMed, Inc	250.00	
Do	Science Applications Int'l Corp	250.00	
Charles T. Drevna, 1110 Vermont Avenue, NW, #400 Washington, DC 20005	Capitol Hill Strategies	1,000.00	50.00
Stephen D. Driesler, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	8,000.00	
Alvin Drischler, 3420 Reedy Drive Annandale, VA 22003	Leucadia National Corp	10,083.09	
Do	PHLCORP	18,000.00	148.74
Kevin J. Driscoll, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Fran Du Melle, 1726 M Street, NW, #902 Washington, DC 20036	American Lung Assn	2,890.00	12,193.00
Duberstein Group, Inc, 2100 Pennsylvania Ave., NW, #350 Washington, DC 20037	Aetna Life & Casualty	4,800.00	
Do	Anheuser-Busch Companies, Inc	800.00	
Do	Consolidated Rail Corporation	800.00	
Do	Dow Corning Corporation	1,600.00	
Do	Federal National Mortgage Assn	4,000.00	
Do	General Motors Corp	2,400.00	
Do	Goldman Sachs & Co	3,200.00	
Do	Healthcare Leadership Council	7,200.00	
Do	Monsanto Company	7,200.00	
Do	National Cable Television Assn, Inc	1,600.00	
Do	Nevada Resort Assn		
Do	Shell Oil Company	587.00	
Do	United Air Lines, Inc	1,600.00	
Do	Warner Communications, Inc	27,500.00	
Stan Dublinske, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
G. Stephen Duca, 1350 I Street, NW, Suite 300 Washington, DC 20005	Marine Spill Response Corporation	2,500.00	
Ducheneaux Gerard & Associates, 1155 Connecticut Avenue, NW, #400 Washington, DC 20036	Ak-Chin Indian Community		
Do	Campo Band of Mission Indians	937.50	
Do	Chippewa-Ottawa Treaty Fishery Management Authority	185.00	
Do	Commissioned Officers Assn of the U.S.P.H.S., Inc	300.00	
Do	Grand Portage Reservation Tribal Council		
Do	Grand Traverse Band of Chippewa and Ottawa Indians	450.00	
Do	Leech Lake Tribal Council	562.50	
Do	Little Six Incorporated	300.00	
Do	Minnesota Indian Gaming Assocation	825.00	
Do	Native American Rights Fund		
Do	Santa Clara Indian Pueblo		
Do	Siletz Tribal Council	450.00	
Do	Tohono O'Odham Nation	562.50	
Do	Tulalip Tribes	600.00	
Do	White Earth Tribal Council	562.50	
Arianne M. Duddy, 1401 I Street, NW, #300 Washington, DC 20005	Koch Industries, Inc		
Tim Dudgeon, 1250 Eye Street, NW, #900 Washington, DC 20005	Distilled Spirits Council of the U.S., Inc	2,000.00	
Jane McPike Dudley, 888 17th Street, NW, #400 Washington, DC 20006	Whiteford Taylor & Preston (For:Giddings & Lewis, Inc)	2,250.00	
Do	Whiteford Taylor & Preston (For:National Constructors Assn)	4,000.00	209.55
Trent D. Duffy, 555 13th Street, NW, Suite 460 W. Tower Washington, DC 20004	Parsons Brinckerhoff Quade & Douglas, Inc	160.50	
Juanita D. Duggan, 1401 New York Ave., NW, #400 Washington, DC 20005	National Food Processors Assn	6,250.00	100.00
Valerie Dulk, 1625 K Street, NW, Suite 1150 Washington, DC 20005	Americans for Democratic Action	1,406.25	10.00
Mac S. Dunaway, Dunaway & Cross 1146 19th Street, NW Washington, DC 20036	Crown Controls Corporation		
Do	Industrial Truck Assn		
Do	Lord Corporation		
Do	Walbro Corp		
Amy K. Dunbar, P.O. Box 19230 Washington, DC 20036	National Assn of Bond Lawyers	23,750.00	14.50
Don R. Duncan, 1776 Eye Street, NW, #700 Washington, DC 20006	Phillips Petroleum Co	6,000.00	
William C. Duncan, 1050 17th Street, NW, #410 Washington, DC 20036	Japan Automobile Manufacturers Assn	2,100.00	1,280.25
Duncan Weinberg Miller & Pembroke, P.C., 1615 M Street, NW, #800 Washington, DC 20036	Lake Andes-Wagner Water Systems, Inc		
Do	Mid-West Electric Consumers Assn, Inc		
Do	National Assn of State Energy Officials		
Do	State of Hawaii, Dept of Business & Economic Development		
Robert Dunkel, 1875 I Street, NW, #1110 Washington, DC 20006	Times Mirror Company		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Mari Lee Dunn, 1750 K St., NW, #409 Washington, DC 20006-2305	American Council for Capital Formation		
Michael V. Dunn, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers' Educational & Co-Operative Union of America	16,904.22	764.60
John H. Dunne, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
James E. Dunstan, 4350 North Fairfax Drive, #900 Arlington, VA 22203-1633	Community Broadcasters Assn		
Judy C. Durand, 1156 15th Street, NW, #1015 Washington, DC 20005	JC Penney Co, Inc		
Chris Durbin, 1630 Duke Street Alexandria, VA 22314-3465	National Rural Letter Carriers Assn	6,778.00	96.00
Daniel T. Durham, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	678.67	390.04
Ed Durkin, 101 Constitution Ave., NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	715.00	
Katherine M. Dutilh, 1100 Connecticut Ave., NW, #1300 Washington, DC 20036-4101	Milliken & Company	5,000.00	670.00
Lloyd L. Duxbury, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	20,750.00	
Ernest DuBester, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	18,857.80	868.25
Marcia L. DuMond, 1300 South Clinton Street Fort Wayne, IN 46801	Lincoln National Corp	900.00	520.00
Robert F. DuPree Jr., 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	588.98	15.00
Roderick T. Dwyer, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Stuart S. Dye, 2000 M Street, NW Washington, DC 20036	Graham & James (For:American Hawaii Cruises)	825.00	
Do	Graham & James (For:National Assn of Dredging Contractors)		
David Dyer, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Assn		
James W. Dyer, 1667 K Street, NW, #310 Washington, DC 20006	Arrowsmith Shelburne, Inc		
Do	Kaman Diversified Technologies Corp		
Do	Martin Marietta Corp		2,214.26
Dyer Ellis Joseph & Mills, P.C., 600 New Hampshire Ave., NW, #1000 Washington, DC 20037	Air Transport Assn of America		2.69
Do	American Healthcorp, Inc		1,070.26
Do	American Lithotripsy Society	1,266.00	624.39
Do	Atlantic Richfield Company	43,809.77	1,367.57
Do	ARCO Transportation Company	27,119.57	29.00
Do	Bay Area Renal Stone Center		
Do	Bender Shipbuilding & Repair Co, Inc	2,054.76	59.80
Do	East Asiatic Company, et al.	10,613.94	146.14
Do	Greek Shipping Cooperation Committee	57,149.05	1,264.47
Do	Heritage Surgical Corp		46.28
Do	International Air Transport Assn (IATA)	10,779.23	274.91
Do	Isolyser Company		
Do	Liberty Maritime Corporation	74,256.74	7,377.35
Do	Medical Care International, Inc	4,012.50	10.92
Do	National Steel & Shipbuilding Co		177.94
Do	Northstar Shipping, Inc		
Do	Physician's Remedy, Inc		17.19
Do	Praxis Community Healthcare Information		347.06
Do	Psychological Associates	2,000.00	109.35
Do	Radiation Care, Inc	39,924.27	276.50
Do	Riverview of Frankenmuth, Inc		42.44
Do	S.A.I.L., Inc		11.66
Do	Sulzer Brothers, Inc		
Do	Surgical Care Affiliates, Inc		37.16
Do	T/2 Medical, Inc	31,595.42	131.69
Do	U.S. Naval Institute		
Dykema Gossett, 1752 N Street, NW 6th Floor Washington, DC 20036	Citizen's Committee to Save the Federal Center	1,137.50	
Do	Committee on U.S. Business Canadian Life & Health Ins. Assn	6,035.00	1,320.00
Do	Discovery Cruises, Inc	2,150.00	
Do	Ferris State University	175.00	
Do	Magic Line, Inc		
Do	Military Boot Manufacturers Assn		
Do	Systems Control, Inc		
Do	Total Petroleum, Inc	4,847.50	
Do	University of Michigan Medical Center		
Do	Wayne State University	175.00	
Talis Dzenitis, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	500.00	
DGA International, Inc, 1133 Connecticut Avenue, NW Washington, DC 20036	Dir Intl Aff of the Gen Del for Armements		
Do	Societe Nationale D'Etude et de Const de Moteurs D'Aviation	450.00	63.22
Do	Sofreavia		
Do	Zenith Data Systems		
Matthew C. Eames, P.O.Box 70 Boise, ID 83707	Idaho Power Company		
Anthony S. Earl, One South Pinckney Street P.O. Box 2113 Madison, WI 53701-2113	Quarles & Brady (For:McClure Gerard & Neuenschwander, Inc)	800.00	110.28
Kerry P. Early, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	5,000.00	
Brenda L. Eberly, 50 F Street, NW, #1050 Washington, DC 20001	Freeport-McMoRan D.C., Inc	2,750.00	26.25
Gordon Alexander Echols, 1325 G Street, NW, Suite 1000 Washington, DC 20005	Institute of Scrap Recycling Industries	2,500.00	346.23
Kevin James Echols, P.O. Box 2952 Washington, DC 20002			10.00
Bradley Eckart, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	8,400.00	7.00
Timothy J. Eckels, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the U.S.	730.04	
Edison Electric Institute, 701 Pennsylvania Avenue, NW Washington, DC 20004		94,257.67	105,845.61
Education Legislative Services, Inc, 5855 Staduim Street San Diego, CA 92122	Central California Legislative Consortium	3,750.00	2,414.81
Do	Long Beach Unified School District	3,750.00	2,414.81
Do	Oakland Unified School District	10,560.00	6,800.35
Do	San Diego Unified School District	5,001.00	3,221.22
Christine A. Edwards, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Dean Witter Financial Services Group	407.00	
Donna F. Edwards, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	9,500.00	
Jack Edwards, 3000 First Natonal Bank Bldg. P.O. Box 123 Mobile, AL 36601	Societe Nationale d'Etude et de Const de Moteurs d'Aviation	490.00	
Michael D. Edwards, 1201 16th Street, NW Washington, DC 20036	National Education Assn	4,410.32	144.00
Sherry L. Edwards, 1330 Connecticut Ave., NW, Suite 300 Washington, DC 20036-1702	Synthetic Organic Chemical Manufacturing Assn	500.00	
Edwards Associates, 214 Mass.Ave. N.E. #300 Washington, DC 20002	Confederated Tribes of Warm Springs Reservation		
Conrad Egan, 1225 Eye Street, NW, Suite 601 Washington, DC 20005	NHP, Inc	5,000.00	
Paul S. Egan, 2101 Huidekoper Pl., NW Washington, DC 20007	Vietnam Veterans of America, Inc	13,587.00	342.47
William J. Ehrig, 700 Anderson Hill Road Purchase, NY 10577	PepsiCo, Inc		3,775.56
Jill A. Eicher, 1655 North Fort Myer Drive, Suite 700 Arlington, VA 22209	American Assn for Respiratory Care	21,070.00	21,070.31
Peter J. Eide, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Roy L. Eiguren, 702 West Idaho Street, #700 Boise, ID 83702	Davis Wright Tremaine (For:Idaho Cooperative Utilities Assn)		
Phyllis Eisen, 1331 Pennsylvania Ave., #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	400.00	
Albert C. Eisenberg, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	16,800.00	
Robert Eisenbud, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	16,750.00	
Earl B. Eisenhart, 1320 Braddock Place, #720 Alexandria, VA 22314	National Private Truck Council		
Linda S. Eisnaugle, 225 W. 34th Street New York, NY 10122	Commercial Finance Assn	12,500.00	1,768.00
Timothy L. Elder, 100 N.E. Adams Street Peoria, IL 61629-1430	Caterpillar, Inc		
Electronic Frontier Foundation, 666 Pennsylvania Avenue, SE, #303 Washington, DC 20003			2,416.00
Elf Atochem North America, Inc, Three Parkway Philadelphia, PA 19102			6,386.34
J. Burton Eller Jr., 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Charles W. Elliott, Wisconsin Petroleum Council 25 W. Main St., #703 Madison, WI 53703	American Petroleum Institute	156.70	
Mark G. Ellis, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Rodney G. Ellis, 1331 Lamar, Suite 1550 Houston, TX 77010	Solar & Ellis (For:Republic of Mexico Ministry of Commerce & Trade)	350.00	1,571.75
Kenneth W. Ellison, 1001 Pennsylvania Ave., NW, #600-S Washington, DC 20004	Belz Investment Company, Inc	3,000.00	
Charles Ellstein, 645 W. St. Joseph Hwy. Lansing, MI 48917	Michigan Hospital Assn		1,159.23
Gary Elmestad & Associates, P.O. Box 3153 St. Peters, MO 63376	City of St. Peters	12,582.00	22.14
Do	St. Charles County	11,250.00	92.66
Alyson A. Emanuel, 2100 Pennsylvania Ave., NW #755 Washington, DC 20037	BASF Corp		
Emergency Committee for American Trade, 1211 Connecticut Ave., NW, #801 Washington, DC 20036		50,465.68	29,792.99
JoAnn Emerson, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Emerson Electric Co, 8000 W. Florissant St. Louis, MO 63136			2,200.68
John M. Emery, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
Michael J. Emig, 1125 15th St., NW Washington, DC 20005	International Brotherhood of Electrical Workers	18,832.00	1,128.00
Randy Eminger, 5205 W. 37th Street Amarillo, TX 79109	Southwestern Public Service Co	1,563.75	
Employment Policies Institute, 607 14th Street, NW, #1100 Washington, DC 20005			14,204.24
Irene R. Emsellem, 1800 M Street, NW Washington, DC 20036	American Bar Assn	400.00	50.00
Energy Consumers & Producers Assn, Box 1726 Seminole, OK 74818-1726		6,650.00	1,089.16
Gary D. Engebretson, 1200 G Street, NW, #750 Washington, DC 20005	Contract Services Assn		238.00
Ralph Engel, 1913 Eye Street, NW, Washington, DC 20006	Chemical Specialties Manufacturers Assn, Inc	395.00	24.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Michael Englehardt, 888 17th St., NW #860 Washington, DC 20006	Intel Corp	15,000.00	3,921.39
English First, 8001 Forbes Place, #102 Springfield, VA 22151		160,062.93	193,190.00
Loretta E. Enloe, 8 Oak Hill Drive Edwardsville, IL 62025	Federation of American Consumers & Travelers (FACT)	2,500.00	
Robert F. Ensslin Jr., 1 Massachusetts Avenue, NW Washington, DC 20001	National Guard Assn of the US	3,312.50	579.92
Epstein Becker & Green, P.C., 1227 25th Street, NW, #700 Washington, DC 20037	MFJ Task Force	11,250.00	
Do	Southern California Edison Co	12,000.00	
Paul A. Equale, 412 First Street, SE, #300 Washington, DC 20003	Independent Insurance Agents of America, Inc	60,081.00	
Equipment Leasing Assn of America, 1300 North 17th St., #1010 Arlington, VA 22209		1,500.00	
Randall Harvey Erben, 100 Congress Avenue, Suite 1010 Austin, TX 78701	Panhandle 2000	30,000.00	2,844.61
Thomas J. Erickson, 1300 L Street, NW, #925 Washington, DC 20005	National Grain Trade Council		
Dennis L. Erpelding, 1101 Pennsylvania Avenue, NW, #540 Washington, DC 20004	Eli Lilly & Company	3,000.00	235.38
James L. Ervin, 1667 K Street, NW, #310 Washington, DC 20006	Arrowsmith Shelburne, Inc	10,159.01	159.01
Do	Kaman Diversified Technologies Corp	9,017.76	17.76
Do	Lister Bolt & Chain, Ltd	9,083.56	83.56
Do	Martin Marietta Corp	25,049.14	2,798.14
Do	MIP Instandsetzungstriebe GmbH	42,372.87	15,372.87
Ingolf G. Esders, 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	14,570.76	298.00
Mark Esherick, 1801 Pennsylvania Avenue, NW Washington, DC 20006	Competitive Telecommunications Assn (COMPTEL)		
Deborah M. Estes, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	2,225.00	279.60
John T. Estes, 1211 Connecticut Avenue, NW, #800 Washington, DC 20036	International Council of Cruise Lines		498.00
Mary Jo Eustice, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	6,000.00	
Billy Lee Evans, 1301 Connecticut Ave., NW, #700 Washington, DC 20036	B.L. Evans & Associates (For:Great Western Financial Corp)		
Do	B.L. Evans & Associates (For:Paul Revere Life Insurance Company)		
Brock Evans, 666 Pennsylvania Avenue, SE Washington, DC 20002	National Audubon Society	4,400.00	165.00
Catherine Evans, 2200 Mill Road Alexandria, VA 22314	American Trucking Associations, Inc	9,000.00	
Cleve Evans, P.O. Box 841 Abilene, TX 79604	West Texas Utilities Company		
Donald C. Evans Jr., 655 15th St., NW, #310 Washington, DC 20005	AFLAC, Inc		
Lynwood J. Evans, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc	91.60	
Robert D. Evans, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Sarah Evans, 750 First Street, NE Room 5004 Washington, DC 20002-4242	Federation of Behavioral, Psychological & Cognitive Science	12.77	
B.L. Evans and Associates, Inc, 1301 Connecticut Ave., NW, #700 Washington, DC 20036	Great Western Financial Corp	5,000.00	
Do	Paul Revere Life Insurance Company		
Fawn K. Evenson, 1420 K Street NW, #600 Washington, DC 20005	Footwear Industries of America	1,000.00	
Kellye A. Eversole, 4434 Indigo Lane Harwood, MD 20776	Eversole Associates (For:North Dakota Agricultural Products Utilization Commission).	8,712.50	121.66
Wayne S. Ewing, Associated Petroleum Industries of PA P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute		
ESCO Electronics Corp, 8100 W. Florissant St. Louis, MO 63136			3,565.81
F/P Research Associates, 1700 K St., NW, #1000 Washington, DC 20006	American Bus Assn		
Do	Employee Relocation Council		
Do	National Cable Television Assn, Inc		
Do	Northrop Corp		
Dan L. Fager, 1401 Eye Street, NW, #1200 Washington, DC 20005	Chevron Companies	2,100.00	
Darryl H. Fagin, 1625 K Street, NW, #1150 Washington, DC 20005	Americans for Democratic Action	5,419.76	
Randa Fahmy, 1212 New York Avenue, NW, #300 Washington, DC 20005	National Association of Arab Americans	11,250.00	100.00
Dale W. Fallat, P.O. Box 119 Maumee, OH 43537	Andersons		
Family Holding Company Advocacy Group, c/o George Helme Wilmington Trust Company Wilmington, DE 19890			
Family Research Council, 700 13th Street, NW, Suite 500 Washington, DC 20005		15,098.00	11,056.00
S. Jackson Faris, 600 Maryland Avenue, SE, #700 Washington, DC 20024	National Federation of Independent Business	1,150.00	200.00
Farm Credit Council, 50 F Street, NW, #900 Washington, DC 20001			
David M. Farmer, 1211 Connecticut Avenue, NW, Suite 400 Washington, DC 20036	Alliance of American Insurers	20,000.00	
Martin T. Farmer, P.O. Box 40789 Jacksonville, FL 32203-0789	Barnett Banks, Inc	26,125.00	8,606.29
Farmers' Educational & Co-Operative Union of America, 600 Maryland Ave., SW, #202w Washington, DC 20024		278,536.00	97,118.91
Dagmar T. Farr, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	300.00	
Richard T. Farrell, 1015 15th St., NW, #401 Washington, DC 20005	Syntex (USA) Inc	4,125.00	12,714.99
J. Michael Farren, 490 L'Enfant Plaza East, SW, #4200 Washington, DC 20024	Xerox Corp	3,000.00	
Marcus G. Faust, 332 Constitution Ave., NE Washington, DC 20002	Central Utah Water Conservancy District	32,377.50	134.08
Do	Clark County Nevada	15,997.50	
Do	Clark County Nevada-McCarran International Airport	16,417.50	66.32
Do	Kirton McConkie & Poelman	1,125.00	
Do	Las Vegas Valley Water District	18,933.75	978.91
Do	Public Service Co of New Mexico	7,500.00	
Do	Sierra Pacific Power Co	47,781.25	1,964.75
Do	State of Montana Dept of Natural Resources & Conservation	6,000.00	27.71
Jane Fawcett-Hoover, 801 Pennsylvania Ave., NW, #720 Washington, DC 20004-2604	Procter & Gamble Manufacturing Co	585.20	
Robert C. Fay, 12731 Directors Loop Woodbridge, VA 22192	American Amusement Machine Assn		
William D. Fay, 1001 19th St. North, #800 Arlington, VA 22209	Product Liability Coordinating Committee	11,500.00	2,364.50
Elizabeth Fayad, 1776 Massachusetts Ave., NW Washington, DC 20036	National Parks & Conservation Association	2,292.00	41.75
Federal Judges Association, 111 West Washington Street, #1100 Chicago, IL 60602-2768		40,403.13	76,529.39
Federation of American Controlled Shipping, 50 Broadway New York, NY 10004		2,634.82	2,634.82
Federation of American Health Systems, 1111 19th St., NW, #402 Washington, DC 20036		16,500.00	16,500.00
Federation of American Scientists, 307 Massachusetts Ave., NE Washington, DC 20002		7,589.06	842.00
Federation of Behavioral Psychological & Cognitive Sciences, 750 First Street, NE Room 5004 Washington, DC 20002-4242.			319.53
John D. Fedor, 1725 Jefferson Davis Highway, #901 Arlington, VA 22202	Alliant Techsystems, Inc	2,730.00	193.59
Donald M. Fehr, 805 Third Ave. New York, NY 10022	Major League Baseball Players Assn		2,160.04
Scott Feierabend, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	2,910.10	
Douglas J. Feith, 2300 M Street, NW—#600 Washington, DC 20037	International Advisers Inc (For:Embassy of Turkey)	1,667.00	122.00
Laura Feldman, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	3,240.00	
Mark B. Feldman, 2300 M Street, NW, #600 Washington, DC 20037	International Advisers, Inc (For:Embassy of Turkey)	1,667.00	178.00
Richard Feller, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	3,853.00	
Kenneth E. Feltman, 927 15th St., NW, #1000 Washington, DC 20005	Employers Council on Flexible Compensation	200.00	
Karen S. Fennell, 1522 K St., NW, #1000 Washington, DC 20005	American College of Nurse-Midwives		
Laura Fennell, 1901 N. Moore Street Arlington, VA 22209	Foodservice & Packaging Institute		
Judith W. Fensterer, 242 E. 80th Street New York, NY 10021	Generic Pharmaceutical Industry Assn	1,801.00	
George F. Fenton Jr., 1920 N Street, NW Washington, DC 20036	American Mining Congress	90.00	
Brian Ferguson, 1776 Eye Street, NW, Suite 1050 Washington, DC 20006	Eastman Kodak Co	1,000.00	150.00
James H. Ferguson, 2310 Trott Avenue Reston, VA 22181	Institute of Electrical & Electronics Engineers	7,500.00	
Maureen H. Ferguson, 143 W. Market Street, Suite 714 Indianapolis, IN 46204	American Petroleum Institute		
DeDe Ferrell, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	4,000.00	1,085.06
Michael J. Ferrell, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	32,734.00	384.00
Deeohn Ferris, 1400 Sixteenth Street, NW Washington, DC 20036-2266	National Wildlife Federation		
Ferris State University, c/o Steven E. Stanley 901 South State Street Big Rapids, MI 49307-2295			175.00
Marvin C. Feuerwerger, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Committee	13,021.86	38.40
Walter L. Fields Jr., 105 East 22nd Street New York, NY 10010	Community Service Society		
Richard G. Fifield, P.O. Box 11000 Montgomery, AL 36198	Alabama Farmers Federation	1,775.00	834.89
Amy M. Finan, 818 Connecticut Ave., NW, #303 Washington, DC 20006	National Assn for Biomedical Research	96.00	
Financial Executives Institute, 10 Madison Avenue P.O. Box 1938 Morristown, NJ 07962-1938			
Financial Services Council, 1225 19th St., NW, #410 Washington, DC 20036		12,750.00	1,294.00
Linda D. Findlay, 1015 15th Street, NW, #909 Washington, DC 20005	Phelps Dodge Corp	1,200.00	
Lawrence A. Fineran, 1331 Pennsylvania Ave., NW, #1500 N Washington, DC 20004	National Assn of Manufacturers	125.00	
Matthew P. Fink, 1600 M St., NW Washington, DC 20036	Investment Company Institute		
Peter J. Finnerty, 1331 Pennsylvania Ave., NW #560 Washington, DC 20004	Sea-Land Service, Inc	3,000.00	
Thomas D. Finnigan, 801 Pennsylvania Avenue, NW, #230 Washington, DC 20004	Praxair, Inc		51.07
First National Bank of Boston, 100 Federal St. Boston, MA 02110			5,596.93
Deborah A. Fischione, 2000 Pennsylvania Ave., NW, #6200 Washington, DC 20006	Chicago Mercantile Exchange	15,000.00	
Carleton W. Fish, P.O. Box 39106 Minneapolis, MN 55435-0106	American Collectors Assn	1,000.00	
H. David Fish, 5855 Stadium St. San Diego, CA 92122	Education Legislative Services, Inc (For:Central California Legislative Consortium).		
Do	Education Legislative Services, Inc (For:Long Beach Unified School District)		
Do	Education Legislative Services, Inc (For:Oakland Unified School District)		
Do	Education Legislative Services, Inc (For:San Diego Unified School District)	1,716.00	
Donald W. Fisher, 3814 Ivanhoe Lane Alexandria, VA 22310	American Group Practice Assn, Inc	1,479.24	
Gary K. Fisher, 1401 Eye St., NW Suite 1200 Washington, DC 20005	Chevron Companies	4,800.00	
J. Paris Fisher, 1801 K St., NW, #800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
William P. Fisher, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn		
Fisher Wayland Cooper & Leader, 1255 23rd Street, NW, #800 Washington, DC 20037-1125	International Communications Assn		
Clyde Fitzgerald, 815 Sixteenth Street Washington, DC 20006	International Longshoremen's Assn, AFL-CIO		
John Fitzgerald, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	137.00	
Mary Clare Fitzgerald, 1155 21st Street, NW, #850 Washington, DC 20036-3308	Secura Group	15,000.00	2,718.69
T. E. Fitzgerald, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household International	10,550.00	
Thomas H. Fitzpatrick, Connecticut Petroleum Council 55 Farmington Avenue, #704 Hartford, CT 06105	American Petroleum Institute	1,500.00	113.80
Donald Fix, 2100 Pennsylvania Ave., NW, #710 Washington, DC 20037	Hyjek & Fix, Inc (For:Canadair Challenger, Inc)	1,500.00	751.59
Do	Hyjek & Fix, Inc (For:Learjet, Inc)	300.00	
Do	Hyjek & Fix, Inc (For:Research & Development Labs)	750.00	1,466.46
Do	Hyjek & Fix, Inc (For:Short Brothers (USA), Inc)	750.00	
Do	Hyjek & Fix, Inc (For:Thompson Defence Projects)	2,125.00	3,001.89
Hilliard J. Fjord, 6725 Wooster Pike Cincinnati, OH 45227	Ohio River Co	1,500.00	524.69
Susan G. Flack, 1100 Connecticut Ave, NW, #1200 Washington, DC 20036	Dayton Hudson Corp	100.00	
Do	National Assn of Chain Drug Stores, Inc	100.00	
Do	Flack, Inc (For:Spiegel, Inc)	100.00	
Robert B. Flagg, 9622 Maury Road Fairfax, VA 22032	Chemical Manufacturers Assn, Inc	750.00	267.19
Linda Doorfee Flaherty, 1129 20th Street, NW, Suite 200 Washington, DC 20036	Greater Washington Board of Trade	8,335.00	400.00
Meghan R. Flaherty, 700 13th Street, NW, Suite 500 Washington, DC 20500	Family Research Council	1,602.00	
Steven H. Flajser, 1111 Jefferson Davis Highway, #811 Arlington, VA 22202	Space Systems/Loral	4,500.00	
John Flatley, 1250 Eye Street, NW, Suite 900 Washington, DC 20005	Distilled Spirits Council of the US	2,000.00	
Fleishman-Hillard, Inc, 1301 Connecticut Ave., NW, 7th Floor Washington, DC 20036	American Ambulance Assn	30,000.00	4,873.37
Do	American Optometric Assn	15,000.00	
Do	Anheuser-Busch Companies, Inc		
Do	Association of American Railroads	24,999.99	
Do	Wally Beyer	13,500.00	
Do	Children's Hospital Medical Center of Northern California	30,000.00	131.75
Do	Douglas Clark	12,000.00	62.45
Do	Clark Oil and Refinery Corporation		
Do	Farmers Mutual Fire Insurance Co of Okarche		
Do	Institute of Scrap Recycling Industries	12,000.00	
Do	Levi Strauss & Company	15,000.00	
Do	Litton Computer Services	75,000.00	550.32
Do	Marazul Charters	45,000.00	1,705.42
Do	Mastercard International	24,000.00	142.18
Do	McDonnell Douglas		
Do	National Auctioneers Assn	67,500.00	292.05
Do	National Collegiate Athletic Assn (NCAA)	4,287.00	
Do	National Spiritual Assembly of the Baha'is of the U.S.	24,000.00	2,800.00
Do	Nintendo of America, Inc	56,520.00	1,393.69
Do	People's Electric Cooperative	7,500.00	
Do	Public Broadcasting Service	22,500.00	
Do	Safe Tire Disposal Corporation	24,000.00	483.75
Do	Sandoz	8,125.00	188.18
Do	Sony Corp of America	60,000.00	42.55
Do	St. Louis NFL Partnership		
Do	Superstar Connection		
Do	Syva Company	37,500.00	
Do	Third District Industrial Development Initiative Fund	7,500.00	
Do	Wackenhut Educational Services	27,000.00	431.29
Terry P. Fleming, Ohio Petroleum Council 88 E. Broad St., #1960 Columbus, OH 43215	American Petroleum Institute	3,000.00	1,197.02
Lynne M. Fletcher, 1700 Pennsylvania Avenue, NW, #950 Washington, DC 20006	Du Pont Merck Pharmaceutical Company	5,000.00	
Nancy J. Fletcher, 1212 New York Avenue, NW, Suite 1210 Washington, DC 20005	Outdoor Advertising Assn of America, Inc	20,000.00	558.51
Ronnie G. Flippo, 701 Pennsylvania Ave., NW, #800 Washington, DC 20004	R.G. Flippo & Associates, Inc (For:Alabama Power Co)	3,000.00	
Do	R.G. Flippo & Associates, Inc (For:Federal Express Corp)	650.00	
Do	R.G. Flippo & Associates, Inc (For:Massachusetts Mutual Insurance Co)	3,000.00	
Do	R.G. Flippo & Associates, Inc (For:Norfolk Southern Corp)	1,575.00	
Do	R.G. Flippo & Associates, Inc (For:Reynolds Metal Co)	2,850.00	
Do	R.G. Flippo & Associates, Inc (For:RJR Nabiso Washington)	2,850.00	
Do	R.G. Flippo & Associates, Inc (For:South Central Bell)	1,800.00	
Florida Business Associates, 1825 Eye Street, NW, #400 Washington, DC 20006	Cray Research, Inc	22,176.32	
Do	Florid Atlantic University	3,000.00	
Do	Florida State University	10,000.00	
Do	Lake City Community College	7,500.00	
Do	MEDCO Containment	4,000.00	
Do	University of Alaska	14,992.66	
Do	University of Nevada-Las Vegas	18,298.53	
Do	University of New Mexico	15,234.29	
Do	Westinghouse Electric Corp	14,432.69	
Veronica M. Floyd, 3306 Fallen Tree Court Alexandria, VA 22310	Brunswick Corp	5,661.00	337.08
John J. Flynn, 1125 17th Street, NW Washington, DC 20036	International Union of Operating Engineers	7,500.00	389.89
Foley & Lardner, 3000 K Street, NW, #500 Washington, DC 20007-5109	Aurora Health Care, Inc, et al.		
Do	Coldwell Banker Real Estate Group		
Do	Council of Community Blood Centers	6,640.00	70.73
Do	Global Technology Systems, Inc		3,353.09
R. D. Folsom, 1317 F Street, NW, #400 Washington, DC 20004	R. Duffy Wall & Associates	1,250.00	
Food & Allied Service Trades Dept, AFL-CIO, 815 16th Street, NW, #408 Washington, DC 20006		16,527.00	16,527.00
Food Marketing Institute, 800 Connecticut Avenue, NW, Washington, DC 20006			4,150.00
Foodservice & Packaging Institute, Inc, 1901 North Moore Street Arlington, VA 22209			
Mari S. Forbes, 11 Dupont Circle, NW, #300 Washington, DC 20036-1207	Albers & Company (For:May Department Stores Co)		
James E. Ford, 1333 New Hampshire Avenue, NW Washington, DC 20036	Atlantic Richfield Co	62.00	
Forest Farmers Assn, P.O. Box 95385 Atlanta, GA 30347			7,752.23
Paul Forlenza, 1301 K Street, NW Washington, DC 20005	IBM	1,260.00	223.89
James R. Forrester, P.O. Box 94661 Cleveland, OH 44101	Centerior Energy Corp, et al.	1,861.25	2,872.40
Larry Forrester, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Cos	90.00	
Heather Forsgren, 1000 Connecticut Ave., NW, Suite 1202 Washington, DC 20036	Wildlife Legislative Fund of America	5,000.00	
Patrick Forte, 888 17th Street, NW, #312 Washington, DC 20006	Association of Financial Services Companies	3,750.00	
Alison B. Fortier, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International	14,730.00	917.40
Richard D. Fortin, 1275 K Street, NW, #850 Washington, DC 20005-4006	National Industrial Transportation League	6,613.00	10.00
Tracy Fortson, 818 Connecticut Ave., NW, #303 Washington, DC 20006	National Assn for Biomedical Research	168.00	
James J. Fotis, 206 Yoakum Parkway, #1205 Alexandria, VA 22304	National Rifle Assn of America		
Foundation for Environmental & Economic Progress, 1350 I Street, NW, Suite 700 Washington, DC 20005		41,250.00	30,150.00
Donald L. Fowler, P.O. Box 50627 Columbia, SC 29250	American College of Sports Medicine		
Do	AT&T		
Do	Chem-Nuclear Systems, Inc	3,185.00	660.14
Do	Greenwood Development Corp	11,865.00	3,744.01
Peter M. Frank, 1667 K St., NW, #250 Washington, DC 20006	Kerr-McGee Corp	2,500.00	
Richard L. Frank, 1400 16th Street, NW, #400 Washington, DC 20036-2220	Olsson Frank & Weeda (For:Ad Hoc Pizza Standard Rulemaking Group)		
Stephen R. Frank, 607 Azure Hills Drive Simi Valley, CA 93065	Church of Scientology	1,500.00	353.57
Faye B. Frankfort, 9312 Old Georgetown Road Bethesda, MD 20814-1621	American Podiatric Medical Assn	4,000.00	
Walter L. Frankland Jr., 1730 M Street, NW, #911 Washington, DC 20036	Silver Users Assn, Inc	1,140.00	19.00
C. Anson Franklin, 919 18th Street, NW, #450 Washington, DC 20006	Franklin Blee & Burling (For:Energy Tax Policy Alliance)	100.00	
Ellis B. Franklin, 5025 Wisconsin Ave., NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Marian C. Franz, 2121 Decatur Place, NW Washington, DC 20008	National Campaign for a Peace Tax Fund	2,315.28	712.40
David Frazier, 1015 15th Street, NW, Suite 802 Washington, DC 20005	American Consulting Engineers Council	425.00	
Douglas Freberg II, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	2,490.00	524.00
Robert M. Frederick, 1616 H St., NW Washington, DC 20006	National Grange	6,000.00	
Freedom Technologies, Inc, 1301 K Street, NW, Suite 1025 East Washington, DC 20005	American Personal Communications	262.50	
James T. Freeman, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	6,060.00	985.61
Mary Ann Freeman-Finnecy, 1331 Pennsylvania Ave, NW Washington, DC 20005	General Electric Co	980.00	
David W. Freer, 1150 Connecticut Ave., NW, #717 Washington, DC 20036	Southern California Gas Co	5,000.00	
Paula D. Freer, 1101 Pennsylvania Avenue, NW Washington, DC 20004	USX Corporation		
Verrick O. French, 1455 Pennsylvania Avenue, NW, #1260 Washington, DC 20004	French & Company (For:International Electronics Mfgrs & Consumers of America, Inc).	500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	French & Company (For:Montgomery Ward & Co, Inc)	175.00	
French & Company, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	International Electronics Mfgrs & Consumers of America, Inc	1,500.00	
Do	Montgomery Ward & Co, Inc	235.00	
Robert H. Frenzel, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service	2,000.00	100.00
Katherine L. Frey, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co, (3M)	1,000.00	
G. William Frick, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute		
Fried Frank Harris Shriver & Jacobson, 1001 Pennsylvania Ave., NW, #800 Washington, DC 20004-2505	General Electric Co	30.00	
Do	Lonza, Inc	2,271.00	284.80
Do	Virgin Islands Rum Industries, Ltd		
James M. Friedman, 1100 Citizens Bldg, Cleveland, OH 44114	Centerior Energy Corp		
Do	Summit Energy Storage, Inc		
Gay Friedmann, 555 13th Street, NW, #300W Washington, DC 20004	Interstate Natural Gas Assn of America	12,000.00	
Friends of NIDCD, Inc, 262 Pennsylvania Avenue Freeport, NY 11520		21,400.00	10,293.22
Owen V. Frisby, 4 Old Stage Court Rockville, MD 20852	National Coal Assn	18,000.00	
Maureen S. Frisch, 1201 Third Avenue, Suite 4900 Seattle, WA 98101-3045	Simpson Investment Company		
Charles H. Fritts, 1515 Wilson Blvd Arlington, VA 22209	American Gas Association	1,667.00	309.13
Edward O. Fritts, 1771 N Street Washington, DC 20036	National Assn of Broadcasters	2,500.00	
Charles H. Fritzel, 499 S. Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	400.00	650.00
Alan Front, 666 Pennsylvania Ave., SE, #401 Washington, DC 20003	Trust for Public Land	5,690.00	23,947.00
Marcy Masters Frosh, 2030 M Street, NW Washington, DC 20036	Common Cause		
Gordon H. Fry, 900 19th St., NW Washington, DC 20006	Aluminum Assn, Inc	25.00	
Fulbright & Jaworski, 801 Pennsylvania Avenue, NW Washington, DC 20004	Barrett Resources Corp	1,632.50	54.89
Nancy R. Fulco, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	120.00
Don Fuqua, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	4,062.50	
Furman Group, 818 Connecticut Ave., NW, #818 Washington, DC 20006	Basic Management, Inc		
Do	Central Basin Municipal Water District	7,500.00	1,247.75
Do	Central Utah Water Conservancy District	15,000.00	306.49
Do	Kamm & Assocites, Ltd	12,000.00	33.60
Do	Las Virgenes Municipal Water District	10,000.00	264.63
Do	Upper San Gabriel Municipal Water District	6,000.00	
Do	West Basin Municipal Water District		1,288.18
James E. Gaffigan, 1201 New York Ave., NW Washington, DC 20005	American Hotel & Motel Assn	3,205.62	
Kathryn M. Gagnon, 3138 North 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions	1,250.00	
Gary P. Galanis, 1100 South Washington Streeet, 1st Floor Alexandri, VA 22134-4494	National Beer Wholesalers Assn	2,000.00	31.77
Leslie Lawing Gallagher, 1801 K Street, NW, Suite 900 Washington, DC 20006	American Textile Manufacturers Institute	357.14	35.50
Galland Kharasch Morse & Garfinkle, P.C., 1054 31st Street, NW Second Floor Washington, DC 20007	Mobile Industrial Caterers Assn		
Karl Gallant, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee		
Cheryl Gannon, 2000 K Street, NW #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	7,610.00	43.97
Sandra M. Garbrecht, 1350 New York Ave., NW Washington, DC 20005	Spiegel & McDiarmid (For:American Communities for Cleanup Equity (ACCE))	1,237.50	183.66
Isabella Garcia, 1201 16th St., NW, #624 Washington, DC 20036	National Education Assn	3,540.85	12.00
Raymond Garcia, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	3,000.00	
Richard E. Gardiner, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America		
James N. Gardner, 121 S.W. Salmon, #1400 Portland, OR 97204-2924	Gardner Cosgrove & Gardner (For:Lindsay Hart Heil & Weigler (for: RENTRAK Corp)).		
Lynda Nelson Gardner, 121 S.W. Salmon , #1400 Portland, OR 97204-2924	Gardner Cosgrove & Gardner (For:Lindsay Hart Neil & Weigler (for RENTRAK Corp)).		
Sherwin Gardner, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Gardner Carton & Douglas, 1301 K Street, NW #900 East Tower Washington, DC 20005	Adventist Health System/Sunbelt Hospital System	1,995.75	48.10
Margaret Garikes, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
Nancy Garland, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Anthony Garrett, 150 andover San Francisco, CA 94105-1611	Citizens for Reliable and Safe Highways (CRASH)	845.00	
Lee D. Garrigan, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	2,100.00	
Theodore J. Garrish, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	11,550.00	249.91
Janet M. Garry, P.O. Box 749 Rockville, MD 20848-0749	National Council Social Security Management Assn, Inc	13,050.00	955.75
Patrick J. Garver, 201 South Main Street, #1800 Salt Lake City, UT 84111	Parsons Behle & Latimer (For:Barrick Goldstrike Mines, Inc)	3,000.00	2,200.00
Do	Parsons Behle & Latimer (For:Barrick Resources USA, Inc)	3,000.00	2,200.00
Garvey Schubert & Barer, 1000 Potomac Street, NW Washington, DC 20007	Canadian Embassy	1,542.14	
Do	City of Aberdeen		
Do	George Gabriel		
Do	Interocean Management Company		
Do	J & B Management Company	4,684.31	
Do	Ministry of the Environment		
Do	Space Industries, Inc		
Do	Tacoma Public Utilities		
Do	Totem Ocean Trailer Express, Inc	61,719.31	
Gas Appliance Manufacturers Assn, Inc, 1901 North Moore Street Arlington, VA 22209			
Lillian B. Gaskin, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Philip Gasteyer, 900 19th Street,NW Washington, DC 20006	Savings and Community Bankers of America	2,237.50	
Bruce A. Gates, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
Kathy Gavett, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores		
Fred Gebler, 1331 Pennsylvania Ave., NW, #1300N Washington, DC 20004	Electronic Data Systems Corp	136.00	165.86
Ruthann Geib, 1156 15th Street, NW, #1101 Washington, DC 20005	American Sugarbeet Growers Assn		
Deanna Gelak, 606 North Washington Street Alexandria, VA 22314	Society for Human Resource Management	15,000.00	
Robert C. Gelardi, 5775 Peachtree-Dunwoody Rd., #500-G Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)		
Do	Kellen Company (For:Infant Formula Council)		
Morton A. Geller, Corporate Tax Department 100 Federal Street Boston, MA 02110	First National Bank of Boston		
General Aviation Manufacturers Association, 1400 K Street, NW, #801 Washington, DC 20005			7,532.00
General Instrument Corporation, 181 West Madison Street, Suite 4900 Chicago, IL 60602		1,500.00	
Generic Pharmaceutical Industry Assn, 200 Madison Ave., #2404 New York, NY 10016		22,711.75	10,037.25
Diane J. Generous, 1331 Pennsylvania Ave., NW, #1500 North Washington, DC 20004-1703	National Assn of Manufacturers		
John Gentille, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
William A. Geoghegan, 1200 18th Street, NW Washington, DC 20036	Securities Industry Assn	3,700.00	
Joseph G. Gerard, 918 16th St., NW, #402 Washington, DC 20006	American Furniture Manufacturers Assn	1,500.00	1,654.44
Louis Gerber, 501 Third Street, NW Washington, DC 20001	Communications Workers of America	7,282.00	282.52
Robin Gerber, 101 Constitution Ave. NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	3,300.00	1,705.27
Scott A. Gerke, 955 L'Enfant Plaza, SW #5300 Washington, DC 20024	Honda North America, Inc	500.00	
David A. Gerken, 1301 Connecticut Avenue, NW Eighth Floor Washington, DC 20036	Puerto Rico Federal Affairs Administration	25,500.00	61.00
Do	Puerto Rico Senate	4,500.00	
Do	Times Mirror Corp	6,000.00	257.71
Gerry Baby Products Co, 12520 Grant Drive Box 33755 Denver, CO 80233			1,300.00
Kenneth Gersten, 69 Franklin Street Annapolis, MD 21401	Sierra Club	64.80	
John J. Gersuk, 3444 Valewood Dr. Oakton, VA 22124	Bechtel Group, Inc		1,092.17
Alvin J. Geske, 1016 16th St., NW, 6th Floor Washington, DC 20036	Renewable Fuels Assn	170.00	
Lawrence R. Gess, One Nalco Center Naperville, IL 60563-1198	Nalco Chemical Company	2,115.00	513.00
Christopher J. Giaimo, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	3,147.00	
Giauque Crockett & Bendinger, 500 Kearns Building 136 South Main Salt Lake City, UT 84101	Intermountain Health Care, Inc		
Wayne Gibbens, 801 Pennsylvania Ave., NW, #840 Washington, DC 20004-2604	Mid-Continent Oil & Gas Assn	17,000.00	585.00
David Wesley Gibbons, 1600 Rhode Island Ave. NW, Washington D.C., DC 20036	National Rifle Assn of America	2,810.31	340.03
Martha A. Gibbons, 1155 Connecticut Ave., NW Washington, DC 20036	Laidlaw Transportation Management, Inc	2,500.00	
Robert B. Giese, 1101 Connecticut Avenue, NW, #1000 Washington, DC 20036	Chris-Craft Broadcasting, Inc	750.00	
Anne Giesecke, 1350 I Street, NW, Suite 1290 Washington, DC 20005	American Bakers Assn		
Lucie Kriste Gikovich, 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group	12,500.00	
Pamela Gilbert, 215 Pennsylvania Avenue, SE Washington, DC 20003	Public Citizen	10,075.00	
James E. Gilchrist, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Joseph A. Gillan, 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation	1,200.00	46.24
Mary Ann Gilleece, 1747 Pennsylvania Ave. NW, #800 Washington, DC 20006	Gadsby & Hannah (For:Astra Holdings Corp)	345.93	
Do	Gadsby & Hannah (For:Dyncorp)	556.93	
Do	Gadsby & Hannah (For:IPAC)	1,915.53	
Do	Gasdby & Hannah (For:NMP Corp)	698.16	
Do	Gadsby & Hannah (For:Veda, Inc)	787.50	
Do	Gadsby & Hannah (For:Westinghouse Distribution & Control)	365.04	
Neal P. Gillen, 1725 K Street, NW, #810 Washington, DC 20006	American Cotton Shippers Assn	50,000.00	1,454.40
Edward A. Gillespie, 1301 K Street, NW, #1100 Washington, DC 20005	IBM Corp	313.91	139.95
Michael B. Gillett, 4612 Meridian Avenue North Seattle, WA 98103-6936	Atantic Richfield Company	11,727.50	

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Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Pacific Lumber & Shipping Co	5,845.00	
William A. Gillon, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America	4,300.00	
Brad Gilman, 2300 Clarendon Blvd., #1010 Arlington, VA 22201	Robertson Monagle & Eastaugh (For:Alaska Groundfish Data Bank)	2,500.00	
Do	Robertson Monagle & Eastaugh (For:Aleutians East Borough)	2,500.00	
Jim Gilmore, 1735 New York Avenue, NW, #500 Washington, DC 20006	American Factory Trawler Assn	18,750.00	3,885.26
Patrick T. Gilmore, 141 Deer Ridge Road Basking Ridge, NJ 07920	Brother Industries (USA), Inc		
Do	Brother International Corporation		
Ginn Edington Wade & Sanders, Inc, 803 Prince Street Alexandria, VA 22314	Allied Signal Aerospace Co	2,000.00	20.10
Do	Bofors AB		
Do	Firearms Training Systems, Inc	10,000.00	98.01
Do	Lockheed Corporation	7,500.00	72.88
Do	Oglethorpe Power Corp	6,000.00	60.31
Do	Turner Broadcasting System, Inc		
Do	U.S. Cane Sugar Refiners' Assn		
Do	Watkins Associated Industries, Inc		
Ginsburg Feldman & Bress, Chartered, 1250 Connecticut Ave., NW, #800 Washington, DC 20036	United Air Lines, Inc		
Caesar A. Giolito, P.O. Box 5793 Carefree, AZ 85377	American Assn of Pastoral Counselors	250.00	
Carolyn H. Giolito, P.O.Box 5793 Carefree, AZ 85377	American Assn of Pastoral Counselors	250.00	
Gerard Giovaniello, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	2,500.00	529.51
Girl Scouts of the USA, 420 Fifth Avenue New York, NY 10018-2702			5,064.27
Lawrence L. Gladchun, 27777 Inkster Road Farmington Hills, MI 48334	Michigan National Corp	950.00	
Nicholas J. Glakas, 1600 M Street, NW Washington, DC 20036	ITT Corporation	180.00	8.00
Glass Packaging Institute, 1627 K Street, NW, #800 Washington, DC 20006			16,949.20
Matthew D. Glasser, 1919 Park Road, NW Washington, DC 20010	City of Broomfield, Colorado	20,000.00	4,134.13
Mark L. Glassman, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	U.S. Strategies Corp		
Robert E. Gleason, 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO		
Law Offices of Gleason & Mathews, 26 Broadway, 17th Floor New York, NY 10004	International Longshoremen's Assn, AFL-CIO		
Martha Cole Glenn, 4637B S. 36th Street Arlington, VA 22206	Humane Society of the U.S.	10,624.98	694.26
Sara B. Glenn, 3225 Gallows Rd Room 3C 004 Fairfax, VA 22037-0001	Mobil Corp	1,125.00	
Andrew M. Glick, 1201 Connecticut Ave., NW, Suite 300 Washington, DC 20036	Bailey & Robinson (For:Utilities Telecommunication Council)		
Global USA, Inc, 2121 K St., NW, #650 Washington, DC 20037	All Nippon Airways Co, Ltd		
Do	Convex Computer Corp	161.05	
Do	Fanuc, Ltd		
Do	Hitachi, Ltd		
Do	Hyundai Motor America		
Do	Japan Fed of Construction Contractors, Inc		
Do	Komatsu Ltd		
Do	Kyocera Corporation		
Do	Mazak Corporation		
Do	Murata Machinery, Ltd		
Do	Sage Alerting Systems, Inc		
Do	South Louisiana Port Commission		
Joseph Gloyd, 1101 Vermont Avenue, #300 Washington, DC 20005	American Veterinary Medical Assn	65.00	
James W. Godlove, 1776 Eye Street, NW, #700 Washington, DC 20006	Phillips Petroleum Co	1,470.00	90.14
Kevin C. Goebel, 2530 San Pablo Avenue, #J Berkeley, CA 94702	Americans for Nonsmokers' Rights	167.00	
Donald G. Goff, McDonnell Douglas Corporation 1735 Jefferson Davis Highway, Suite 1200 Arlington, VA 22202	McDonnell Douglas Corp		
Franklin B. Gold, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Committee	8,988.05	106.11
Harvey S. Gold, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Gold & Liebengood, Inc, 1455 Pennsylvania Ave., NW, #950 Washington, DC 20004	Alco International Group, Inc		2,162.00
Do	Amercan College of Cardiology	4,500.00	2,462.00
Do	American Academy of Dermatology	12,000.00	2,462.00
Do	American Academy of Ophthalmology	6,300.00	2,462.00
Do	American Mental Health Counselors Assn		2,162.00
Do	Beretta U.S.A. Corp	12,730.00	2,462.00
Do	Caremark, Inc	15,000.00	2,462.00
Do	Chemical Manufacturers Assn, Inc	205.00	2,296.00
Do	Coca Cola Company	4,800.00	2,462.00
Do	College of American Pathologists	8,000.00	2,462.00
Do	County of Fairfax, Board of Supervisors	9,840.00	2,162.00
Do	Electronic Data Systems Corp	7,000.00	2,462.00
Do	Equitable Life Assurance Society of the U.S.		2,162.00
Do	Eye Bank Assn of America	4,500.00	2,344.00
Do	Federated Investors, Inc	25,000.00	2,462.00
Do	Fiat, U.S.A., Inc	12,150.00	2,462.00
Do	Ford Motor Co		2,162.00
Do	Genentech, Inc	24,000.00	2,462.00
Do	Global Excess Re, Inc	3,000.00	2,181.00
Do	Hopi Tribe	38,880.00	2,162.00
Do	International Council of Shopping Centers	16,000.00	2,162.00
Do	Investment Company Institute	1,681.00	2,462.00
Do	Kidder Peabody & Co	8,500.00	2,462.00
Do	LEGI-SLATE		2,162.00
Do	Mutual Of Omaha	6,000.00	2,462.00
Do	MAPCO, Inc	13,500.00	2,162.00
Do	MCI Communications Corp	16,000.00	2,462.00
Do	National Football League	8,950.00	2,462.00
Do	National Restaurant Assn	19,500.00	2,462.00
Do	National School Transportation Assn	9,000.00	2,462.00
Do	Nestle USA, INC	1,200.00	2,462.00
Do	Pacific Enterprises	15,000.00	2,462.00
Do	Pennzoil Co	4,000.00	2,462.00
Do	Philip Morris Co	46,250.00	2,462.00
Do	Regional Transportation District	14,600.00	2,162.00
Do	Salomon Brothers, Inc	8,193.00	2,462.00
Do	Thomson-CSF, Inc	5,235.00	2,328.00
Do	Thunder Child Veterans Administration Hospital	1,500.00	2,290.00
Do	Times Mirror Co	3,960.00	2,462.00
Do	Washington Metropolitan Area Transit Authority	16,500.00	2,162.00
Thomas R. Goldberg, 1730 Rhode Island Avenue, NW, Suite 1000 Washington, DC 20036	National Solid Waste Management Assn	500.00	
Goldberg Godles Wiener & Wright, 1229 19th St., NW Washington, DC 20036	PanAmSat, L.P.		
Mark J. Golden, 1019 19th Street, NW, Suite 1100 Washington, DC 20036	Telocator	2,075.00	
Ronald L. Goldfarb, Ronald Goldbarb & Associates 918 16th Street, NW, #400 Washington, DC 20006	Washington Independent Writers, Inc		
Janlori Goldman, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	500.00	100.00
Max Goldman, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc		
Goldman Sachs & Co, 1101 Pennsylvania Avenue, NW, #900 Washington, DC 20004			3,800.00
Robert H. Goldsborough, 5508 Lombardy Place Baltimore, MD 21210	Americans for Immigration Control, Inc	10,950.00	
Benson S. Goldstein, 1010 North Fairfax Street Alexandria, VA 22314	National Assn for the Self-Employed	4,200.00	
John A. Gonzalez, 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	5,000.00	5,305.16
James L. Good, 1725 K Street, NW, Suite 1212 Washington, DC 20006	National Assn of Water Companies	77.51	16.00
Larry I. Good, 1615 L Street, NW, #1150 Washington, DC 20036	Capitoline International Group, Ltd (For:Milliman & Robertson, Inc)	5,760.00	
Thomas E. Goode, 1140 Connecticut Avenue, NW Suite 1140 Washington, DC 20036	Utilities Telecommunications Council		
Susannah Goodman, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	6,250.00	
Richard F. Goodstein, 1350 Connecticut Avenue, NW, #1101 Washington, DC 20036	Browning-Ferris Industries, Inc	930.00	1,056.70
Melvin G. Goodweather, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	1,277.50	9,277.48
John Gordley, 1000 Connecticut Avenue, NW, #1106 Washington, DC 20036	American Soybean Assn	11,000.00	6,283.03
Do	Export Processors Industry Coalition (EPIC)	3,000.00	1,516.16
Do	Iowa Pork Producers Assn	2,500.00	780.24
Do	National Sunflower Assn	7,500.00	3,719.59
Do	U.S. Canola Association	9,000.00	2,839.92
Marvin N. Gordon, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp	625.00	407.06
Mary S. Gordon, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
Randall C. Gordon, 1201 New York Ave., NW #830 Washington, DC 20005	National Grain & Feed Assn	2,042.00	
Harold W. Gore, Television Station WTLK-TV 4350 North Fairfax Drive, #900 Arlington, VA 22203-1633	TV 14, Inc		
David W. Gorman, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	17,561.76	113.66

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Faye A. Gorman, 1800 M Street, NW, #325-S Washington, DC 20036	Dow Corning Corp	5,000.00	16.00
Mark S. Gorman, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Regina M. Gorman, 1850 M Street, NW, Suite 540 Washington, DC 20036	National Multi Housing Council	2,300.00	
Edward J. Gorman III, 101 Constitution Avenue, NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	1,911.00	
Ann M. Gosier, 1920 N Street, NW Washington, DC 20036	American Mining Congress	30.00	14.00
William P. Gotschall, 6222 Cheryl Drive Falls Church, VA 22044	World Resources Company		
Eric Philip Gotting, 801 Pennsylvania Avenue, SE, #400 Washington, DC 20003	American Rivers		
James C. Gould, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004	Hooper Hooper Owen & Gould (For:Destec Energy, Inc)	3,750.00	
Do	Hooper Hooper Owen & Gould (For:National Rural Letter Carriers)		
Do	Hooper Hooper Owen & Gould (For:Pennsylvania Engineering Co)	22,500.00	
Do	Hooper Hooper Owen & Gould (For:Trammell Crow Co)	7,500.00	
Do	Hooper Hooper Owen & Gould (For:TECO Energy, inc)	21,250.00	
Do	Hooper Hooper Owen & Gould (For:Waste Management, Inc)	1,250.00	
Edmund Graber, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	1,320.00	330.00
John R. Graff, 1448 Duke Street Alexandria, VA 22314	International Assn of Amusement Parks & Attractions	75.00	1,451.00
Dennis A. Graham, 180 South Clinton Avenue Rochester, NY 14646-0700	Rochester Telephone Corp		1,550.00
Elaine Z. Graham, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Michael Graham, 625 Slaters Lane, Suite 200 Alexandria, VA 22314	National Assn of Medical Equipment Suppliers	6,000.00	138.72
Frances Turk Granahan, 1620 L Street, NW, #1200 Washington, DC 20036	Panhandle Eastern Corp		464.13
Grange Mutual Casualty Co, 650 South Front Street Columbus, OH 43206			
James L. Granum, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Andrew N. Grass Jr., One World Trade Center, #4511 New York, NY 10048	Security Traders Assn, Inc	2,750.00	
Thomas V. Grasso, 1616 P Street, NW, Suite 310 Washington, DC 20036	Union of Concerned Scientists	833.00	50.00
Clifford S. Graul, 1800 M Street, NW, #325 South Washington, DC 20036	Creative Strategies Group	2,500.00	
Edwin C. Graves, 1615 L Street, NW, Suite 1150 Washington, DC 20036	Ed Graves & Associates (For:Brickfield Burchette & Ritts)	450.00	
Do	Ed Graves & Associates (For:Correctional Education Consultants, Inc)	400.00	
Do	CBI Sugar Group	1,387.50	
Do	Ed Graves & Associates (For:Emerald Resources, Inc)		
Do	Furman Group		
Do	McAuliffe, Kelly & Raffaelli		
Do	Ed Graves & Associates (For:McGuiness & Williams)	150.00	
Do	Capitoline International Grouo, Ltd (For:MCI Communications Corp)		
Do	Capitoline International Group, Ltd (For:Professional Lawn Care Assn of America).		
Do	Republic of Azerbaijan	5,906.25	
Do	South Dade Land Corp	600.00	
W. Lawrence Graves, 1627 K Street, NW, Suite 400 Washington, DC 20006-1790	National Newspaper Assn		
Adrienne A. Gray, 1301 K Street, NW Washington, DC 20005	IBM	807.88	283.45
Barbara Gray, P.O. Box 3958 Missoula, MT 59806	Metropolitan Analysis & Retrieval Systems, Inc (Mars, Inc)	11,300.00	1,527.04
Carol J. Gray, 1850 M Street, NW, #550 Washington, DC 20036	Securities Industry Assn	2,075.00	
Peter Gray, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp/Citibank	1,792.00	
Scott D. Grayson, 1828 L Street, NW, #1202 Washington, DC 20036	Institute of Electrical & Electronics Engineers (IEEE)	900.00	
Mary R. Grealy, 1111 19th Street, NW, #402 Washington, DC 20036	Federation of American Health Systems	1,500.00	
Greater Wash/MD Service Station & Automotive Repair Assn, 9420 Annapolis Rd., #307 Lanham, MD 20706		500.00	500.00
Greater Washington Educational Telecommunications Assn, P.O. Box 2626 Washington, DC 20013			20.00
Donald R. Greeley, 919 18th St., NW, #700 Washington, DC 20006	Hoechst Celanese Corp	5,000.00	123.58
Deborah Green, 610 W. 110th Street #7C New York, NY 10025	Americans United with the Congolese People (For:Ross & Green)	41,610.00	41,772.34
Edward M. Green, 1920 N St., NW Washington, DC 20036	American Mining Congress		
George R. Green, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	450.00	
James E. Green, 1100 Connecticut Ave., NW #620 Washington, DC 20036	Mobil Corp	2,500.00	423.59
Micah S. Green, 1445 New York Ave., 8th Floor Washington, DC 20005	Public Securities Assn	12,500.00	3,219.14
Oliver W. Green, 5025 Wisconsin Ave, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Scott H. Green, 3159 N. Quincy Street Arlinton, VA 22207	Boys & Girls Clubs of America	7,500.00	2,219.00
Do	National Center for Missing & Exploited Children	5,000.00	1,476.00
William Green, 1455 Pennsylvania Ave, #575 Washington, DC 20004	MacAndrews & Forbes Holdings, Inc		
Green Stewart & Farber, P.C., 2600 Virginia Ave., NW, Suite 1111 Washington, DC 20037	Premier Hospitals Alliance, Inc	500.00	500.00
Greenberg Traurig Hoffman Lipoff Rosen & Quentel, PC, 2300 N Street, NW, Suite 600 Washington, DC 20037	Central American & Caribbean Textile & Apparel Council	15,000.00	
Do	Mount Sinai Medical Center	15,000.00	
Do	Ren Corp-USA	15,000.00	
Do	Smith Corono Corp	15,000.00	
Do	Torrington Co	15,000.00	
Fred Greene, 3434 Pinetree Terrace Falls Church, VA 22041	Denny Miller Associates	2,500.00	
H. Thomas Greene, 412 1st St., SE Washington, DC 20003	National Automobile Dealers Assn	15,000.00	
Suzanne Greenfield, 2030 M Street, NW Washington, DC 20036	Common Cause	7,510.02	287.30
Lynn Greenwalt, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation		
Sarah Massengale Gregg, 1667 K Street, NW, #710 Washington, DC 20006	Baxter		
Gregory Company, One Massachusetts Avenue, NW, #880 Washington, DC 20001	Lake Preservation Coalition	2,650.00	16.46
Edward F. Greissing Jr., 1455 F St., NW, #405 Washington, DC 20005	Upjohn Company	52,850.00	
David J. Gribbin IV, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business (NFIB)	3,401.00	200.00
Ann Thomas Griffin, 2707 D.S. Walter Reed Drive Arlington, VA 22206	Harris Corp	1,050.00	565.90
Mary Griffin, 2001 S Street, NW, Suite 520 Washington, DC 20009	Consumers Union	4,000.00	
Robert T. Griffin, 1100 Connecticut Ave., NW, #900 Washington, DC 20035	Chrysler Corporation	3,000.00	305.00
W. M. Griffin, 601 fPenfnsylvania Ave., NW, #200 Washington, DC 20004	Texas Utilities Services, Inc	4,812.00	39.56
Griffin Johnson & Associates, 1211 Connecticut Ave., NW, #700 Washington, DC 20036	Air Transport Assn of America	7,000.00	168.00
Do	American Nuclear Energy Council	7,500.00	180.00
Do	American Petroleum Institute	5,500.00	132.00
Do	American Psychological Assn	5,250.00	126.00
Do	Appalachian Coalbed Methane Assn	20,750.00	498.00
Do	Arthur Andersen & Co	5,750.00	138.00
Do	Blue Cross & Blue Shield Assn	1,250.00	30.00
Do	Central and South West Services, Inc	8,000.00	192.00
Do	City of Broomfield, CO	500.00	12.00
Do	Coal Industry Health Protection Coalition	750.00	18.00
Do	Coopers & Lybrand, et al.	6,500.00	156.00
Do	Council for Marketing & Opinion Research	1,750.00	42.00
Do	Council of Smaller Enterprises (COSE)	17,000.00	408.00
Do	Covia Partnership	3,250.00	78.00
Do	CBS, Inc	7,250.00	174.00
Do	COMSAT Corp	2,000.00	48.00
Do	Delta Dental Plans Assn	3,000.00	72.00
Do	Fireman's Fund Insurance Cos	9,750.00	234.00
Do	General Atomics	2,250.00	54.00
Do	Grumman Corporation	1,000.00	24.00
Do	Halliburton NUS Environmental Corporation	7,500.00	180.00
Do	Heartland Health Systems	1,750.00	42.00
Do	Hong Kong Trade Development Council	3,750.00	120.00
Do	Human Rights Campaign Fund	7,250.00	174.00
Do	Martin-Marietta	5,000.00	120.00
Do	McCaw Cellular Communications, Inc	10,250.00	246.00
Do	Merck & Co, Inc	2,500.00	60.00
Do	Motorcycle Industry Council, Inc		
Do	National Coalition of Burn Center Hospitals		
Do	National Football League		
Do	National Independent Energy Producers	19,000.00	456.00
Do	National Music Publishers Assn, Inc	8,750.00	210.00
Do	Natural Disaster Coalition	9,750.00	234.00
Do	Primerica Corp	10,750.00	258.00
Do	Quotron Systems, Inc	3,750.00	90.00
Do	Software Productivity Consortium	14,750.00	354.00
Do	Tobacco Institute	3,500.00	84.00
Do	Waste Management, Inc	5,000.00	120.00
Do	Yale New Haven Hospital	5,750.00	138.00
Edward D. Griffith, 3801 West Chester Pike Newtown Square, PA 19073	ARCO Chemical Co		485.00
Gary W. Griffith, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	600.00	138.45

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Kathleen Ann Griffith, P.O. Box 1234 La Jolla, CA 92038	Secretariat of Commerce & Industrial Development of Mexico	24,000.00	
Randy Griggs, 1052 Highway 431 North Dothan, AL 36303	Alabama Farmers Federation	600.00	834.89
Craig N. Grimm, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Cynthia P. Grisso, 1101 Sixteenth Street, NW Washington, DC 20036	Independent Petroleum Assn of America		50.00
Olga Grkavac, 1616 North Fort Myer Drive, #1300 Arlington, VA 22209	Information Technology Assn of America, Inc		
Grocery Manufacturers of America, Inc, 1010 Wisconsin Ave., NW, #800 Washington, DC 20007			960.32
Stephanie J. Grogan, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	6,262.18	
James N. Groninger, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc	181.73	
Groom & Nordberg, Chtd, 1701 Pennsylvania Avenue, NW, #1200 Washington, DC 20006	Ad Hoc MGA Group		
Do	Ad Hoc PFIC Group		
Do	American Petroleum Institute		
Do	Amoco Corporation		
Do	Cargill, Inc		
Do	Chevron Corp	450.00	48.00
Do	Eli Lilly & Company		
Do	Maxus Energy Corp	75.00	25.00
Do	Murphy Oil USA, Inc		
Do	Nebraska Public Power District	185.00	10.00
Do	New York City Teachers Retirement System		
Do	Phillips Petroleum Co		
Do	Physicians Mutual Insurance Co		10.00
Do	Principal Financial Group		
Do	Prudential Insurance Co of America	475.00	63.00
Do	Prudential Securities		
Do	Puerto Rico, USA Foundation		
Do	Retired Lives Reserve Group		
Do	Southern California Edison Co		
Do	Sunflower Electric Power Corp		
Do	Union Texas Petroleum Corp		
Do	Westinghouse Electric Corp		
George Gross, 1211 Connecticut Ave., NW, #406 Washington, DC 20036	Magazine Publishers of America, Inc	5,000.00	
Drew Gruenburg, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	1,000.00	
John T. Grupenhoff, 6410 Rockledge Drive, #203 Bethesda, MD 20817	American Academy of Dermatology	790.00	142.00
Do	American Society of Hematology	1,790.00	137.00
Do	Cooley's Anemia Foundation	800.00	127.80
Gene Guerrero, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	1,250.00	
Ana Maria Guevara, 3313 Wyndham Circle Alexandria, VA 22302	United Parcel Service	2,000.00	100.00
Pamela D. Guffain, 501 Second Street, NE Washington, DC 20002	Fertilizer Institute	3,000.00	166.89
Jay F. Guin, P.O. Box 032206 Tuscaloosa, AL 35403	Tanner & Guin (For:Morrow Realty Co, Inc)	795.00	
James E. Guirard Jr., 1730 Rhode Island Avenue, NW, #419 Washington, DC 20036	BASF Corp	1,500.00	85.00
Do	Marine Shale Processors, Inc	500.00	50.00
Do	McDermott, Inc	1,000.00	60.00
Do	Walk-Haydel & Associates, Inc	500.00	40.00
Lewis Gulick, 1911 Ft. Myer Drive, #703 Arlington, VA 22209	International Interests, Inc	5,000.00	100.00
Deborah H. Gum, 9167 Stevens Ct. Manassas, VA 22110	Capital Cities/ABC, Inc		
Gun Owners of America, Inc, 8001 Forbes Place Springfield, VA 22151		137,039.40	198,095.17
Peggy A. Gunn, 601 Second Avenue South MPFP 1704 Minneapolis, MN 55402	First Bank System	14,499.00	3,986.37
Phyllis A. Guss, 1350 Connecticut Avenue, NW, Suite 700 6th Floor Washington, DC 20036	Lockheed Information Management Services Company, Inc		
Ned H. Guthrie, 209 Hayes Avenue Charleston, WV 25314	American Fed of Musicians	13,754.61	2,133.01
Richard E. Gutting Jr., 1525 Wilson Boulevard, #500 Arlington, VA 22209	National Fisheries Institute	6,000.00	
GLB, Inc, 1507 West 6th Street Austin, TX 78703	Jones Motor Co, Inc		
Do	MPPAA Solvency Coalition		
Do	Schneider National, Inc		
Do	Walsh Trucking Service, Inc		
GPIA Animal Drug Alliance, 200 Madison Ave., #2404 New York, NY 10016			
Jane Scherer Haake, 1667 K Street, NW, #420 Washington, DC 20006	Mead Corporation	60.00	35.00
Hackard & Taylor, 1435 River Park Drive, Suite 300 Sacramento, CA 95815	Hillman Properties West, Inc	15,375.00	10,603.70
Do	National Clay Pipe Institute	5,000.00	3,944.82
William G. Haddeland, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Anthony L. Hadley, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	3,000.00	
Joanna Carol Hadley, One Thomas Circle, NW Washington, DC 20005	Independent Bankers Assn of America	6,000.00	167.77
Lonnie E. Haefner, 10 Finlay Road Kirkwood, MO 63122	L.E. Haefner Enterprises, Inc (For:Cape Girardeau Regional Commerce & Growth Assn).		
Do	L.E. Haefner Enterprises, Inc (For:Missouri Botanical Garden)	4,950.00	2,580.15
Do	L.E. Haefner Enterprises, Inc (For:Surface Systems, Inc)	6,000.00	3,850.78
Thomas M. Hagan, 1005 Congress Ave., #795 Austin, TX 78701	Central & South West Services, Inc		
John F. Haifley, 1440 New York Avenue, NW,#200 Washington, DC 20005	American Automobile Assn		
Haight Gardner Poor & Havens, 1300 I Street, NW, #470E Washington, DC 20005	EuroColumbus		
James Hailer, 122 C Street, NW, Suite 740 Washington, DC 20001	American League for Exports and Security Assistance (ALESA)	2,100.00	
Nancy A. Hailpern, 316 Pennsylvania Ave., SE, #200 Washington, DC 20003	American Cancer Society	2,498.00	
Jay D. Hair, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	204.09	
Thomas F. Hairston, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		439.60
Randolph M. Hale, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers		
Hale and Dorr, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Genetics Institute		
Do	Harcourt Brace & Co		
Do	Intra-Sonix	1,589.50	28.80
Do	Medallion Oil Company		
Do	Metalor USA Refining Corp		
Do	Micron Technology, Inc	2,122.00	17.00
Do	Northeastern University	1,710.00	50.59
Do	Park Electrochemical Corp	1,669.00	22.30
Do	Psychological Corp	4,617.00	211.60
Do	Thinking Machines Corp	1,396.50	39.40
Haley Bader & Potts, 4350 North Fairfax Drive #900 Arlington, VA 22203-1633	Community Broadcasters Assn		
Angelynn Hall, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	800.00	
Anne Hall, 35 North Fourth Street, 3rd Floor Columbus, OH 43271-0157	Banc One Corporation		
Elliott S. Hall, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	7,500.00	1,299.90
Janet A. Hall, 1211 Connecticut Avenue, NW, #406 Washington, DC 20036	Magazine Publishers of America	2,000.00	
John P. Hall Jr., 1350 Eye Street, NW, #810 Washington, DC 20005	Johnson & Johnson	497.00	
Joseph Mitchell Hall, 2930 S. Buchanan Street, #A1 Arlington, VA 22230	Harris Corporation	1,475.00	1,812.16
Lawrie Platt Hall, 3175 North Orange Blossom Trail Kissimmee, FL 34744	Dart Industries, Inc		73.10
Martin L. Hall, 5990 Richmond Highway, #1114 Alexandria, VA 22303	Concord Resources Group, Inc		
Robert P. Hall, 701 Pennsylvania Ave., NW, #710 Washington, DC 20004	National Retail Federation	3,000.00	172.45
Marian Hall-Crawford, 316 Pennsylvania Avenue, SE, #301 Washington, DC 20003	San Diego Gas & Electric	3,437.00	2,764.93
Paul Hallisay, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	12,500.00	547.15
Sarah C. Hallman, 1725 17th Street, NW, #109 Washington, DC 20009	Bruce P. Cameron (for Embassy of Mozambique)	1,050.00	
Do	Bruce P. Cameron (for: Embassy of Nicaragua)	700.00	
Eliot J. Halperin, 2000 M Street, NW Washington, DC 20036	Graham & James (For:American Hawaii Cruises)		
Ellice Halpern-Barnes, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
Halprin Temple & Goodman, 1301 K Street, NW, Suite 1020 East Washington, DC 20005	Bell Atlantic	4,606.25	
Do	NYNEX	7,081.25	
Paul T. Haluza, 1325 Pennsylvania Ave., NW, #600 Washington, DC 20004	Motor and Equipment Manufacturers Association	3,000.00	3,058.00
Martha R. Hamby, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	250.80	
Michael F. Hamerlik, 4510 13th Avenue, SW Fargo, ND 58121-0001	Blue Cross Blue Shield of North Dakota	600.00	2,258.29
Matthew W. Hamill, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	8,748.00	67.00
Joyce Hamilton, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn		
Mark Hamilton, 5400 Carillon Point, #400 Kirkland, WA 98083	McCaw Cellular Communications, Inc		
Philip W. Hamilton, 1828 K St., NW, #906 Washington, DC 20036	American Soc of Mechanical Engineers		
William W. Hamilton Jr., 2010 Massachusetts Ave., NW, #500 Washington, DC 20036	Planned Parenthood Fed of America, Inc	959.39	
Amy R. Hammer, 1899 L St., NW, #1100 Washington, DC 20036	Exxon Corporation	700.00	305.43
Thomas A. Hammer, 2100 Pennsylvania Ave, NW, #695 Washington, DC 20037	Sweetener Users Assn	4,600.00	182.00
Sam F. Hamra Jr., Two Corporate Centre, Suite 200 1949 East Sunshine Springfield, MO 65804	Morris, John L.		
Do	Silver Dollar City, Inc	15,000.00	129.02
Timothy A. Hanan, 1250 H Street, NW, #500 Washington, DC 20005	Mobil Corp	2,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Hance & Gamble, PC, 400 West 15th Street, #320 Austin, TX 78701	Kinetic Concepts, Inc	9,000.00	2.84
Nolan W. Hancock, 2722 Merrilee Drive, Suite 250 Fairfax, VA 22031	Oil Chemical & Atomic Workers International Union	7,318.88	
Hand Arendall Bedsole Greaves & Johnston, P.O. Box 123 Moblie, AL 36601	General Electric Co	842.93	
Do	Ingalls Shipbuilding	658.35	
Do	Northrop Corp	966.67	
Do	Teledyne Industries, Inc	1,056.65	
Rose M. Hanes, 1325 G Street, NW, #1003 Washington, DC 20005	Population-Environment Balance		
Rita H. Hankins, 1300 I Street, NW, Suite 400 Washington, DC 20005	NYNEX Government Affairs	8,172.00	780.71
Thomas H. Hanna, 1620 Eye Street, NW, #1000 Washington, DC 20006	American Automobile Manuacturers Assn	750.00	
Anneliz Hannan, 150 Glover Avenue Norwalk, CT 06856	United States Surgical Corp	1,000.00	
P. S. Hannas, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co /World Headquarters	300.00	
Richard L. Hanneman, 700 North Fairfax Street, #600 Alexandria, VA 22314-2040	Salt Institute		
Eric R. Hanson, 1055 N. Fairfax Street, #201 Alexandria, VA 22314	U.S. Strategies Corp (For:Commonwealth of the Northern Mariana Islands)		
Do	U.S. Strategies Corp (For:Healthsouth Rehabilitation Corp)		
Heidi Hanson, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	U.S. Strategies Corp		
William S. Haraf, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc		1,000.00
Julie E. Harbin, 1100 Wilson Blvd. Arlington, VA 22209	Hughes Aircraft Company		
Krysta Harden, 1000 Connecticut Ave., NW, Suite 1106 Washington, DC 20036	American Soybean Assn		
Do	Iowa Pork Producers Assn		
Do	National Sunflower Assn		
Do	U.S. Canola Assn		
Sandra K. Harding, 750 1st Street, N.E., #700 Washington, DC 20002-4241	National Assn of Social Workers	9,600.00	
Charles A. Harkey, 919 18th Street, NW Washington, DC 20006	American Financial Services Assn	250.00	
Donna Akers Harman, 1875 Eye Street, NW, #540 Washington, DC 20006	Champion International Corp	2,238.00	271.00
Patricia L. Harmening, 316 Pennsylvania Ave., SE, #402 Washington, DC 20003	San Diego Gas & Electric	1,528.00	2,630.73
Deborah Harnesberger, 625 Slaters Lane, #200 Alexandria, VA 22314	National Assn of Medical Equipment Suppliers	4,000.00	106.04
Kathleen Harnett, 1301 Pennsylvania Ave., NW #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Diane Harper, 1000 Wilson Blvd. Arlington, VA 22209	Grumman Corporation	625.00	632.68
Edwin L. Harper, 50 F Street, NW Washington, DC 20001	Association of American Railroads	6,000.00	86.40
Michael C. Harper, 2111 Wilson Blvd, Suite 1100 Arlington, VA 22201	Teledyne Ryan Aeronautical	967.50	
Toni Harrington, 955 L'Enfant Plaza North, SW, #5300 Washington, DC 20024	Honda North America, Inc	850.00	
A. J. Harris II, 1825 Eye Street, NW, #350 Washington, DC 20006	CIGNA Corp	5,000.00	325.13
James W. Harris, 900 19th Street, NW, #400 Washington, DC 20006	Savings and Community Bankers of America	5,000.00	1,900.00
Marilyn A. Harris, 1101 Pennsylvania Avenue, NW, #510 Washington, DC 20004	USX Corporation	150.00	157.56
Harris & Ellsworth, 2600 Virginia Avenue, NW, #1113 The Watergate Washington, DC 20037	American Railway Car Institute		
Do	Association of Food Industries, Inc		
Do	Cheese Importers Assn of America, Inc	400.00	8.25
Do	Coalition of Food Importers Assn		5.75
Do	Committee of Domestic Steel Wire Rope & Specialty Cable Mfrs	1,100.00	
Jack E. Harrison, West Virginia Petroleum Council 1250 One Valley Square Charleston, WV 25301	American Petroleum Institute		
Joseph M. Harrison, 1611 Duke Street Alexandria, VA 22314	American Movers Conference	1,000.00	
Robert C. Harrison, 6641 Wakefield Drive, #914 Alexandria, VA 22307	Browning Kaleczyck Bery & Hoven	1,500.00	200.00
L. Ray Harry, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Southern Company Services, Inc	460.00	4,793.84
Elizabeth Kirby Hart, 3050 K Street, NW, #330 Washington, DC 20007	National Club Assn	3,000.00	
Jayne A. Hart, 1101 Vermont Avenue, NW, #604 Washington, DC 20005	College of American Pathologists	2,600.00	
Lynn S. Hart, 1111 19th St., NW, #402 Washington, DC 20036	Federation of American Health Systems	6,000.00	
Martha A. Hart, 700 North Fairfax Street Alexandria, VA 22314	Railway Progress Institute	687.50	
William R. Hart, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	2,360.00	
Hartford Fire Insurance Co, Hartford Plaza Hartford, CT 06115			58,540.00
Carolyn Hartmann, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	6,206.88	
Frederick J. Hartwigsen, 1500 Paxton Street P.O. Box 3565 Harrisburg, PA 17105	UGI Corporation		
Clifford J. Harvison, 2200 Mill Rd. Alexandria, VA 22314	National Tank Truck Carriers, Inc		150.00
Donald F. Haskell Jr., 400 Christiana Road Newark, DE 19713	MBNA America Bank, NA	452.48	
Holly Hassett, 1401 Eye Street, NW, #710 Washington, DC 20005	Hershey Foods Corp		
James C. Hassett, 1747 Pennsylvania Ave., NW, Suite 300 Washington, DC 20006	Occidental Chemical Corp	1,020.25	197.61
James N. Haug, 55 E. Erie Street Chicago, IL 60611	American College of Surgeons		
Barbara S. Haugen, 1401 New York Ave., NW, #720 Washington, DC 20005	National Assn of Insurance Brokers, Inc		
Barbara J. Haugh, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		1,302.27
Todd J. Hauptli, 4212 King Street Alexandria, VA 22302	American Assn of Airport Executives	4,700.00	
Charles W. Havens III, 1875 Connecticut Avenue, NW Washington, DC 20009	Leboeuf Lamb Leiby & MacRae		
Kathryn Joann Hawes, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Sidney G. Hawkes, 1667 K St., NW, #420 Washington, DC 20006	Mead Corporation	1,200.00	75.00
James W. Hawkins III, P.O. Box 25366 Washington, DC 20007-8366	Hawkins & Associates (For:Alza Corp, et al.)		
Paula Hawkins, P.O. Box 193 Winter Park, FL 32790	Genentech, Inc	30,000.00	11,982.00
Do	Pharmaceutical Manufacturers Assn	21,000.00	150.00
Hawkins & Associates, P.O. Box 25366 Washington, DC 20007-8366	Cochlear Corp		
Do	Communicore		
Hawkins Delafield & Wood, 1850 M Street, NW, Suite 540 Washington, DC 20036	Mortgage Bankers Assn		681.03
F. William Hawley, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp/Citibank		
John F. Hay, 1801 K Street, NW, #800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
David J. Hayes, 1001 Pennsylvania Ave., NW Washington, DC 20004	Latham & Watkins (For:Ad Hoc Electronics Coalition)	1,817.62	17.10
Do	Latham & Watkins (For:American Electronics Assn)	6,988.12	79.72
Do	Latham & Watkins (For:Semiconductor Industry Assocation)	1,666.75	20.75
Patty Longstreet Hayes, 777 North Capitol Street, NE, Suite 803 Washington, DC 20002	American Association of Nurse Anesthetists	5,000.00	36.50
Robert G. Hayes, Bogle and Gates 601 13th St., NW #370S Washington, DC 20005	American Fishing Tackle Manufacturers Assn	2,000.00	
Do	Coastal Conservation Assn	6,000.00	
Do	Natural Resources United	9,000.00	
Do	Pacific Northwest Utility Conference Committee	15,000.00	
Robert A. Haynos, 4711 Hunt Circle Harrisburg, PA 17112	Harsco Corporation	42,680.00	2,008.58
Paul Hazen, 1401 New York Ave., NW, #1100 Washington, DC 20005	National Cooperative Business Assn	3,000.00	
Healthcare Financial Management Assn, 1050 17th Street, NW, #700 Washington, DC 20036			5,073.97
Robert Healy Jr., 1201 New York Ave., NW Washington, DC 20005	American Public Transit Assn	4,250.00	
Robert L. Healy, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	100.00	
Anne A. Heanue, 110 Maryland Avenue, NW, #101 Washington, DC 20002	American Library Assn	1,055.00	
David E. Hebert, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	5,000.00	356.00
Timothy P. Hecht, 499 South Capitol Street, SW Washington, DC 20003	Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc)		
Do	Hecht Spencer & Associates (For:MCI Telecommunications)		
Do	Hecht Spencer & Associates (For:National Atomic Merchandising Assn)		
William H. Hecht, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates, Inc (For:Bixby Ranch Co)		
Do	Hecht Spencer & Associates, Inc (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates, Inc (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates (For:Colton Communities, Inc)		
Do	Hecht Spencer & Associates (For:IEMCA)		
Do	Hecht Spencer & Associates, Inc (For:Los Angeles Raiders)		
Do	Hecht Spencer & Associates (For:Mars, Inc)		
Do	Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc)		
Do	Hecht Spencer & Associates (For:MCI Telecommunications)		
Do	Hecht Spencer & Associates (For:National Automatic Merchandising Assn)		
Do	Hecht Spencer & Associates (For:Charles E. Smith Management, Inc)		
Hecht Spencer & Associates, Inc, 499 South Capitol Street, SW, #507 Washington, DC 20003	Bixby Ranch Co	1,000.00	
Do	Boy Scouts of America	1,000.00	
Do	Brown & Williamson Tobacco Corp	2,500.00	
Do	Colton Communities, Inc	1,000.00	
Do	International Electronics Manufacturers & Consumers of Am		
Do	Los Angeles Raiders		
Do	Mars, Inc		
Do	Mid-American Waste Systems, Inc	3,000.00	
Do	MCI Telecommmunications	1,000.00	
Do	National Automatic Merchandising Assn		
Do	Charles E. Smith Management, Inc	3,000.00	
Jay Hedlund, 2030 M St., NW Washington, DC 20036	Common Cause	14,622.54	1,501.54
Edward D. Heffernan, 1019 19th St., NW, Penthouse #1 Washington, DC 20036	American Cast Iron Pipe Company	1,000.00	
Do	CSX Corporation	5,000.00	393.93

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	DePaul University	3,000.00	
Do	Renewable Fuel Assn	3,000.00	
Do	Sealaska Corp	1,000.00	
John Heffner, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
John F. Heilman, 807 Maine Ave., SW Washington, DC 20024	Disabled American Veterans	22,270.56	324.00
Scott E. Heisel, 735 N. Water Street, #908 Milwaukee, WI 53202-4105	American Malting Barley Assn, Inc	1,045.00	
DeWitt F. Helm Jr., 155 East 44th Street New York, NY 10017	Association of National Advertisers, Inc		
Lewis M. Helm, 7000 Millwood Road Bethesda, MD 20817	Associated Public Safety Communications Officers	1,375.00	
Robert W. Helm, 1000 Wilson Boulevard, #2300 Arlington, VA 22209	Northrop Corp	3,000.00	
Edward A. Helme, 444 N. Capitol Street, #602 Washington, DC 20001	Alliance for Acid Rain Control	310.00	
Mike D. Helton, Kentucky Petroleum Council 305 Ann St., #403 Frankfort, KY 40601	American Petroleum Institute		
Carol C. Henderson, 110 Maryland Ave., NE, #101 Washington, DC 20002	American Library Assn	1,419.00	
Donald E. Henderson, 225 South East Street Indianapolis, IN 46202	Indiana Farm Bureau, Inc	6,000.00	3,032.55
Robyn L. Henderson, 1726 M Street, NW, #902 Washington, DC 20036-4502	American Lung Assn	1,097.25	6,004.42
Gail L. Hendrickson, 701 Pennsylvania Ave., NW, Washington, DC 20004	Electric Transportation Coalition	147.00	50.00
Jane E. Henriques, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc		
George H. Henry, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	507.00	90.00
H. Kirk Henry, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household International, Inc	2,400.00	
John Hugh Henry, 1850 K Street, NW, #950 Washington, DC 20006	McDermott, Inc	12,000.00	2,750.96
LeAnn Hensche, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	1,535.00	51.07
Kevin S. Hensley, 1015 15th Street, N.W., #802 Washington, DC 20005	American Consulting Engineers Council	4,800.00	
Michael D. Herman, 2000 M Street, NW Washington, DC 20036	Graham & James (For:RR Donnelley & Sons Company)	128.00	
Catherine L. Heron, 1600 M St., NW Washington, DC 20036	Investment Company Institute	99.17	5.00
Wendy Herr, 1050 17th Street, NW, #700 Washington, DC 20036	Healthcare Financial Management Assn		85.66
John A. Heslip, 2302 Horse Pen Road Herndon, VA 22071	National Concrete Masonry Assn		6,900.00
David S. Hess, 3900 University Boulevard South Jacksonville, FL 32216	Davis S. Hess		8,056.30
William S. Hettinger, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corporation	625.00	383.06
Heublein, Inc, 16 Munson Road Farmington, CT 06034-0388		17,250.00	5,773.37
John Drew Hiatt, 1200 18th Street, NW, #500 Washington, DC 20036	National Business Owners Assn, Inc		
Sydney Tally Hickey, 6401 Phillip Court Springfield, VA 22152	National Military Family Assn, Inc	2,185.00	
William D. Hickman, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Paul T. Hicks, Rhode Island Petroleum Assn 395 Smith Street, #2 Providence, RI 02908	American Petroleum Institute	700.00	
Barbara L. Hiden, 1101 16th Street, NW Washington, DC 20036	National Soft Drink Assn	136.27	146.44
John S. Hightower, 5700 Florida Blvd., #310 Baton Rouge, LA 70806	Louisiana-Pacific Corp	7,125.00	1,381.00
Lucy A. Higley, 180 South Clinton Avenue Rochester, NY 14646-0700	Rochester Telephone Corp		2,200.00
Clifton T. Hilderley Jr., 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
John Hildreth, 1300 Guadalupe, #100 Austin, TX 78701	Consumers Union of U.S., Inc	1,000.00	51.50
Gerald 'Jerry' Hill, 375 Northbridge Road, #350 Atlanta, GA 30350	Amoco Corporation		
J. Eldred Hill Jr., 820 First St., NE, #400 Washington, DC 20002	UBA, Inc	2,000.00	
Robert B. Hill, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	750.00	70.00
Thomas M. Hill, 1726 M St., NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co	2,730.00	
Hill and Knowlton, Inc, 901 31st Street, NW Washington, DC 20007	Blue Cross Blue Shield of Florida		
Do	Broward County	490.00	
Do	Colorado State University		
Do	Fujisawa/Lyphomed		
Do	Healthcare Leadership Council		
Do	McAndrews & Forbes Holding, Inc		
Do	Monsanto	3,200.00	
Do	Phillips Petroleum Company		
Do	Port Everglades	490.00	
Do	Republic of Turkey		
Do	Sallie Mae		
Do	Stelco, Inc		
Do	Tera Computer Company		
Do	Thomson Consumer Electronics		
Do	TV Answer, Inc	13,570.00	
Edward Joseph Hillings, 750 17th Street, NW, 4th Fl Washington, DC 20006	Enron Corp	7,500.00	
Arthur William Hillman, 4301 N. Fairfax Drive, #360 Arlington, VA 22203-1608	National Utility Contractors Assn	5,000.00	858.10
John L. Hills, Rt. 1, Box 645 Purcellville, VA 22132	Sundstrand Corporation	1,984.00	384.64
Cynthia Hilton, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
John M. Himmelberg, 888 17th Street, NW, #900 Washington, DC 20006	Florida Fruit & Vegetable Assn	3,000.00	
Do	Holland & Knight (For:Florida Tomato Exchange)	1,500.00	
Do	J.R. Brooks & Son, Inc	500.00	
Hinman Straub Pigors & Manning, P.C., 50 E Street, SE Washington, DC 20003	New York State Conference of Blue Cross & Blue Shield Plans	5,335.50	854.97
Evan Hirsche, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife		
Tamara Hirschfeld, 2101 L Street, NW, #401 Washington, DC 20037	American Stock Exchange, Inc		51.62
Sheila E. Hixson, 1730 Rhode Island Avenue, NW, Suite 1000 Washington, DC 20036	National Solid Wastes Management Assn (NSWMA)	500.00	
Lawrence S. Hobart, 2301 M St., NW, #300 Washington, DC 20037	American Public Power Assn	1,000.00	
Hobbs Straus Dean & Wilder, 1819 H St., NW, #800 Washington, DC 20006	Alamo Navajo School Board	1,415.20	
Do	Aroostook Band of Micmacs	260.00	
Do	Association of Navajo Community-Controlled School Boards	83.20	
Do	Black Mesa Community School Board	44.00	
Do	Evergreen Legal Services	60.00	
Do	Menominee Indian Tribe	260.00	
Do	Narragansett Indian Tribe		
Do	National Indian Education Assn	168.00	
Do	National Minority Public Broadcasting Consortia	360.00	
Do	Pinon Community School Board	44.00	
Do	Pueblo de Cochiti	400.00	
Do	Ramah Navajo School Board	47.60	
Do	Rock Point Community School Board	44.00	
Do	Rough Rock Community School Board	44.00	
Do	Seminole Tribe of Florida		
Do	Shiprock Alternative Schools, Inc	48.50	
Julius W. Hobson Jr., 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	3,750.00	
Scott Hodes, 150 North Michigan Avenue, #2500 Chicago, IL 60601	Investment Company Institute	15,031.95	
Ann C. Hodges, 500 E Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	8,904.00	750.81
A.R. 'Trey' Hodgkins, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,137.03	1,102.17
Jeanne E. Hoenicke, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance		
Kristin Hofeditz, 1850 M Street, NW Washington, DC 20036	Securities Industry Assn	1,254.00	
Glen D. Hofer & Associates, 1000 16th Street, NW, #702 Washington, DC 20036	AIA Universe Insurance	8,000.00	3,102.43
Do	Froedtert Malt Corp	3,000.00	1,200.94
Do	National Barley Growers Assn	14,500.00	5,704.49
Walter Hoffman, 418 7th Street, SE Washington, DC 20003	World Federalist Association		
William L. Hoffman, 516 First Street, SE Washington, DC 20003	American University of Beirut	11,856.00	13,268.47
F. Nordy Hoffmann and Assoc, Inc, 400 N. Capitol St., NW, #327 Washington, DC 20001	American Radio Assn		
Do	Archer Daniels Midland Company		
Do	Coca-Cola Company		
Do	Marine Engineers' Beneficial Assn		
Elizabeth Hogan, 1801 Pennsylvania Ave., NW Washington, DC 20006	MCI Communications Corp	1,000.00	
Joseph Michael Hogan Jr., 1701 Clarendon Boulevard Arlington, VA 22209	American Chiropractic Assn		
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	Ad Hoc CFTC Energy Coalition	933.76	82.80
Do	AdminaStar		
Do	Alabama Contractors Coalition	4,360.52	651.01
Do	American Academy of Pediatrics	1,430.00	34.00
Do	American Coke & Coal Chemicals Institute		
Do	American College of Osteopathic Surgeons	65.00	
Do	American Frozen Food Institute		
Do	American Insurance Assn		
Do	American Physical Therapy Assn		
Do	American Registry of Pathology	57.50	
Do	Amgen, Inc	9,180.00	226.04
Do	Ansell	47.50	
Do	Arctco, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Auburn University	12,000.00	3,483.36
Do	B.P. America, Inc		
Do	Berg Steel Pipe Corp		
Do	Blount, Inc		
Do	Brother International Corp	41,161.99	6,759.52
Do	Burger King Corp	15,726.98	2,448.61
Do	BE&K Construction	95.00	
Do	California State Teachers Retirement System	1,265.00	
Do	Cholestech Corp	5,903.75	157.68
Do	Computer & Business Equipment Manufacturers Assn		
Do	Damon Corp		
Do	Drummond Company, Inc	24,180.00	2,281.94
Do	Ductile Iron Pipe Research Assn		
Do	Eidetics, Inc		
Do	Farm Credit Bank of Baltimore	8,976.25	1,044.33
Do	Farm Credit Bank of Texas	10,900.00	1,282.38
Do	Freightliner Corp		
Do	General Electric Co	5,622.10	652.54
Do	Glaxo, Inc	105.00	
Do	Grand Metropolitan	10,000.00	2,054.36
Do	Grocery Manufacturers of America, Inc		
Do	Group Hospitalization and Medical Services, Inc	90,500.08	7,809.44
Do	Gulf Citrus Growers Assn	14,118.00	1,661.96
Do	Harbert Corp	2,378.75	1,073.13
Do	Hardie-Tynes Mfg Company		11.69
Do	Humane Society of the United States	2,372.72	245.68
Do	Infectious Diseases Society of America, Inc	1,330.00	14.00
Do	Intergraph Corp		
Do	JKC Stadium, Inc	224,680.50	2,231.51
Do	Marysville Forest Products, Inc		
Do	May Department Stores Co	4,240.00	42.56
Do	Medtronic, Inc	960.00	
Do	Mercedes-Benz of North America, Inc		
Do	Michelin Tire Company	7,598.55	1,266.98
Do	Michigan Consolidated Gas Co	14,426.26	863.30
Do	Mortgage Insurance Companies of America	24,999.99	608.47
Do	National Action Council for Minorities in Engineering, Inc		
Do	National Apparel	21,452.50	873.22
Do	National Assn of Community Health Centers		
Do	National Broiler Council		
Do	National Child Care Assn	6,499.24	1,146.67
Do	National Consumer Bankruptcy Coalition	35,000.00	1,315.83
Do	National Hospice Organization	677.87	
Do	National Osteoporosis Foundation	18,268.64	873.37
Do	National Structured Settlements Trade Assn	1,875.00	
Do	National Tissue Bank Council	1,625.00	29.00
Do	Nuexco Trading Corp, et al.		
Do	Ontario Ministry of Industry, Trade & Technology		
Do	PepsiCo, Inc	35,364.05	3,818.85
Do	Polyisocyanierate Insulation Manufacturers Assn (PIMA)	30,423.76	2,000.66
Do	Private Child Care Providers	26,932.78	2,214.08
Do	Product Liability Coordination Committee	63,336.25	2,730.74
Do	Quality Imaging	3,906.25	40.00
Do	Rust Engineering	15,831.23	3,504.62
Do	Soap & Detergent Assn	33,420.00	1,381.20
Do	Society of Critical Care Medicine		
Do	Southern Company Services	20,000.00	2,807.84
Do	Storage Technology Corp		
Do	Tektronix, Inc		
Do	Timex Corporation		
Do	Toyota Motor Sales, USA, Inc	2,470.00	30.00
Do	United States Sugar Corp	6,797.50	1,424.96
Do	Visiting Nurse Service of New York		
Do	Visiting Nurses Service	481.25	
Do	Vulcan Materials Company	54,685.20	13,302.84
Do	Jim Walter Corp	9,000.00	1,006.82
Do	Williams Telecommunications	7,285.00	2,116.39
Do	XXSYS Technologies,Inc		53.10
Susan R. Hogg, 1331 Pennsylvania Ave, NW, Suite 1500 N Washington, DC 20004-1703	National Assn of Manufacturers	150.00	
Linda M. Hoggatt, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	1,000.00	
Richard F. Hohlt, 209 Princess Street Alexandria, VA 22314	Dime Savings Bank of New York	2,500.00	78.50
Do	Home Savings of America	2,500.00	97.75
Do	Stuzin & Camner	2,500.00	97.40
Bruce E. Holbein, 111 Powdermill Rd. (b79) Maynard, MA 01754	Digital Equipment Corp	28,000.00	
Niels C. Holch, 400 North Capitol Street, NW, #585 Washington, DC 20001	McGuiness & Holch (For:Arch Mineral Corporation)		
Do	McGuiness & Holch (For:National Assn of Health Underwriters)		
Do	McGuiness & Holch (For:National Horse Show Commission)		
Do	Oneida Indian Nation		
Do	McGuiness & Holch (For:RJR Nabisco)		
Robert A. Holland, 1020 19th Street, NW, #420 Washington, DC 20036	SmithKline Beecham Corp (Beecham, Inc)	2,500.00	400.00
Holland & Hart, 1001 Pennsylvania Ave., NW, #310 Washington, DC 20004	American Plastics Council	1,000.00	
Do	Association of Oil Pipe Lines	500.00	
Do	Citgo Petroleum Corp	2,000.00	
Do	Domestic Priorities Leadership Council	1,000.00	
Do	Precious Metals Producers Group	1,500.00	
Holland & Knight, 888 17th St., NW, #900 Washington, DC 20006	Florida Celery Exchange		
Do	Florida International Bankers Association (FIBA), Inc		
Do	Homestead Community Bank	1,000.00	
Do	International Taxicab & Livery Assn	2,298.00	
Do	Pan American Satellite Corp		
Do	Spaceport Florida Authority		
Do	VITAS HealthCare Corp of Florida	675.00	
Brant Patrick Hollenkamp, 517 Second Street, NE Washington, DC 20002	David Turch & Associates	3,000.00	
Everett Boyd Hollingsworth Jr., 1341 G Street, NW, 9th Floor Washington, DC 20005	Kraft General Foods, Inc	2,000.00	
Wendell M. Holloway, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	2,432.40	1,784.80
Holly Corporation, 100 Crescent Court, #1600 Dallas, TX 75201	Holly Corp		
Moses D. Holmes Jr., 1201 16th St., NW Washington, DC 20036	National Education Assn	3,978.55	140.00
John W. Holt, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
John F. Holtz, NJ Petroleum Council 150 West State Street Trenton, NJ 08608	American Petroleum Institute		
Home Recording Rights Coalition, P.O. Box 33576 1145 19th Street, NW Washington, DC 20033		31,500.00	27,613.11
Rebecca Honeycutt, 1250 Eye Street, NW, Suite 900 Washington, DC 20005	Distilled Spirits Council of the US	2,000.00	
Jocelyn Hong & Associates, 207 Pennsylvania Ave., SE, #2 Washington, DC 20003	Organization Opposed to the Supercollider	4,500.00	4,692.03
Candice Shy Hooper, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004	Hooper Hooper & Owen (For:Enserch Corp)	4,500.00	
Do	Hooper Hooper & Owen (For:EG&G, Inc)		
Do	Hooper Hooper Owen & Gould (For:Goldstrike Mine)	1,500.00	
Do	Hooper Hooper Owen & Gould (For:John Hancock Mutual Life Insurance Co)	15,000.00	
Do	Hooper Hooper & Owen (For:National Assn of Royalty Owners)	3,000.00	
Do	Hooper Hooper & Owen (For:Ultramar, Inc)	9,000.00	
Helen Hooper, 1785 Massachusetts Avenue, NW Washington, DC 20036	National Trust for Historic Preservation	1,514.74	
Lindsay Hooper, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004	Hooper Hooper Owen & Gould (For:ENSERCH Exploration)	3,000.00	
Do	Hooper Hooper Owen & Gould (For:Fluor Corporation)		
Do	Hooper Hooper Owen & Gould (For:Hallmark Cards)	3,125.00	
Do	Hooper Hooper Owen & Gould (For:Herzog Heing Gedold, Inc)		
Do	Hooper Hooper Owen & Gould (For:Hubbell, Inc)	7,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Hooper Hooper Owen & Gould (For:Ifint, S.A.)	3,000.00	
Do	Hooper Hooper Owen & Gould (For:International Paper)	7,500.00	
Do	Hooper Hooper Owen & Gould (For:Kansas City Southern Industries)	5,000.00	
Do	Hooper Hooper Owen & Gould (For:Pameko Holdings, Inc)		
Do	Hooper Hooper Owen & Gould (For:Phlcorp)	15,000.00	
Do	Hooper Hooper Owen & Gould (For:United Asset Management)		
Do	Hooper Hooper Owen & Gould (For:Utilicorp United, Inc)	9,000.00	
Hooper Hooper Owen & Gould, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004	American Waterways Operators	18,750.00	
Do	Cap Rock Electric Cooperative, Inc	1,950.00	
Do	Ewing Kauffman Foundation		
Do	Guadalupe Valley Electric Cooperative, Inc	1,950.00	
Edward Hopkins, 1120 19th Street, NW, Suite 630 Washington, DC 20036	Citizen Action Fund	4,250.00	125.00
Mark D. Hopkins, 1401 Eye Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies		
Stephen A. Hopkins, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	3,000.00	
Virginia E. Hopkins, 1302 Noble Street, #3H Anniston, AL 36201	Campbell & Hopkins (For:Wald Manufacturing Company, Inc)	1,125.00	1,579.60
Hopkins & Sutter (Washington), 888 16th Street, NW, 6th floor Washington, DC 20006	Grand Trunk Corp	346.87	86.79
Sue E. Hopkinson, 777 N. Capitol St., SE, #803 Washington, DC 20002	American Assn of Nurse Anesthetists	5,000.00	
Mern Horan, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	7,700.00	
Darnell K. Horio, 801 Pennsylvania Ave., NW, #310 Washington, DC 20004	GPU Service Corporation	10,892.00	344.38
Charles H. Hossack, 50 South First aVenue Coatesville, PA 19320	Lukens, Inc		1,000.00
Gary E. Hotaling, 1401 I Street, NW, Suite 1200 Washington, DC 20005	Chevron Corp	905.00	
M'liss Solove Houston, MSH Consulting 5507 Ferndale Street Springfield, VA 22151	American Collectors Assn, Inc	7,200.00	545.83
Russell Houston, 1199 N. Fairfax Street, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators, Inc		
John H. F. Hoving, 1575 Eye Street, NW #325 Washington, DC 20005	Society of American Value Engineers		
Hoving Group, 1762 Church Street, NW Washington, DC 20036	American Film Marketing Assn	1,200.00	37.40
Do	Eagle-Picher Industries, Inc	30,720.00	1,253.45
Do	Western-Southern Life Insurance Co	4,200.00	244.00
Robert M. Howard, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	2,574.70	1,736.40
Howe Anderson & Steyer, 1747 Penn Ave., NW, #1050 Washington, DC 20006	Association of Bituminous Contractors		
Do	Industrial Diamond Assn		
Do	National Assn of Bankruptcy Trustees	1,000.00	1,000.00
James P. Howell, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	1,900.50	
Dwight A. Howes, 1819 L Street, NW, #800 Washington, DC 20036	Consolidated Natural Gas Co, Inc	1,560.00	1,928.41
Paul R. Huard, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	15,000.00	
David S. Hubbard, 1212 New York Avenue, NW, #520 Washington, DC 20005	American Cement Alliance, Inc	6,771.00	489.49
Walter D. Huddleston, P.O. Box 456 Elizabethtown, KY 42710	Brown & Williamson Tobacco Co	24,000.00	45.60
Do	MCI Telecommunications		
Margaret Renken Hudson, 1212 New York Avenue, NW, Suite 500 Washington, DC 20005	American Portland Cement Alliance	12,500.00	486.60
Stewart Hudson, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	2,007.12	
Thomas H. Hudson, P.O. Box 2787 Baton Rouge, LA 70821	Coastal Corporation		
Do	Louisiana State University	750.00	
Do	Philip Morris, USA		
Do	United Gas Pipe Line Co		
Gary E. Hughes, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Gerald F. Hughes, 1600 Wilson Blvd, Suite 807 Arlington, VA 22209	Roadway Services, Inc	100.00	250.00
James J Hughes Jr., 3128 Kinross Circle Herndon, VA 22071	Child Protection Lobby, Inc	17,750.00	813.04
John P. Hughes, The West Tower, 8th Floor 1333 H Street, NW Washington, DC 20005	Electricity Consumers Resource Council (ELCON)		
Kevin M. Hughes, 200 Second Avenue North Seattle, WA 98109	Pacific Science Center	1,890.00	
Sharon M. Hughes, 1735 I St., NW, Suite 704 Washington, DC 20006	National Council of Agricultural Employers	6,333.00	300.00
Vester T. Hughes Jr., 1717 Main Street, Suite 2800 Dallas, TX 75201	Mrs. H. E. Butt		
Do	Holly Corp		
Do	Sammons Enterprises, Inc		
William Hughes, 27357 Avonbourne Lane Easton, MD 21601-7655	National Assn of Federal Veterinarians	27.50	
B. Jeanine Hull, 1667 K Street N.W. #585 Washington, DC 20006	LG&E Power Systems, Inc	10,000.00	102.96
Gregory A. Humphrey, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers	25,050.24	104.00
Margot Smiley Humphrey, 1150 Connecticut Avenue, NW, 10th Floor Washington, DC 20036	Koteen & Naftalin (For:Alascom, Inc)		
Do	Koteen & Naftalin (For:Telephone & Data Systems, Inc, et al.)	1,320.00	125.50
John M. Humphries, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	2,250.00	1,557.09
Frances A. Hunt, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	3,170.55	
Francis M. Hunt, 11100 Post House Court Potomac, MD 20854-2534	Dow Chemical Co	1,000.00	1,470.00
Harriet Hunt-Burgess, 456 Montgomery Street #1800 San Francisco, CA 94104	American Land Conservancy (ALC)	1,102.89	1,998.86
William N. Hunter, 2104-A Gallows Road Vienna, VA 22180	W.N. Hunter & Associates	2,000.00	
W.N. Hunter & Associates, 2104-A Gallows Road Vienna, VA 22180		2,000.00	
Matthew Huntington, 801 Pennsylvania Ave.,SE, Suite 400 Washington, DC 20003	American Rivers	759.00	
Hunton & Williams, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20036	American Society of Media Photographers		
Do	Graphic Artists Guild		
Gerard F. Hurley, 3050 K Street, NW, #330 Washington, DC 20007	National Club Association		
Robert Hurley, 1317 F Street, NW Washington, DC 20004	Wall & Associates, R. Duffy	1,250.00	
Cathy Hurwit, 1120 19th Street, NW Suite 630 Washington, DC 20036	Citizen Action Fund	4,400.00	68.00
Mark Hurwitz, 1201 New York Ave., NW, #300 Washington, DC 20005	Building Owners & Managers Assn Int'l	1,250.00	400.00
Michael Hussey, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	1,717.95
Philip A. Hutchinson, 1001 N. 19th Street, #1200 Arlington, VA 22209	Assn of International Automobile Manufacturers, Inc		100.00
Suzanne C. Hutchinson, 805 15th Street NW, Suite 1110 Washington, DC 20005	Mortgage Insurance Companies of America	7,375.00	50.66
Randy Huwa, 2030 M St., NW Washington, DC 20036	Common Cause	12,343.14	45.43
Kimberly Hyatt, 800 Connecticut Avenue, NW Washington, DC 20006	Food Marketing Institute	100.00	
Steven M. Hyjek, 2100 Pennsylvania Ave., NW, #560 Washington, DC 20037	Hyjek & Fix, Inc (For:Canadair Challenger, Inc)	1,500.00	543.43
Do	Hyjek & Fix, Inc (For:Learjet, Inc)	600.00	1,565.22
Do	Hyjek & Fix, Inc (For:Research & Development Labs)	750.00	
Do	Hyjek & Fix, Inc (For:Short Brothers (USA), Inc)	1,800.00	683.27
Do	Hyjek & Fix, Inc (For:Thompson Defence Projects)	2,125.00	
Brian M. Hyps, 5301 Wisconsin Avenue, NW, #630 Washington, DC 20015	American Osteopathic Hospital Assn	4,500.00	
Angelo Iasiello, 1015 15th Street, NW, Suite 802 Washington, DC 20005	American Consulting Engineers Council	292.50	
J. William Ichord, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Company of California		1,552.50
Torbjorn Ihre, 2101 Wilson Boulevard Room 402 Arlington, VA 22201	Ericsson Corporation	2,000.00	
Independent Data Communications Manufacturers Assn, c/o Squire Sanders & Dempsey 1201 Pennsylvania Ave., NW Washington, DC 20044.		628.75	628.75
Independent Insurance Agents of America, Inc, 127 S. Peyton Street Alexandria, VA 22314		67,491.00	67,491.00
Independent Lubricant Manufacturers Assn, 651 South Washington Street Alexandria, VA 22314		2,400.00	2,400.00
Industrial Biotechnology Assn, 1625 K Street, NW, #1100 Washington, DC 20006		3,606.37	3,606.37
Industry Union Glass Container Promotion Program, 1801 K Street, NW, Suite 1105-L Washington, DC 20006			6,150.00
Infant Formula Council, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342			
Information Technology Assn of America, Inc, 1616 North Ft. Myer Dr., #1300 Arlington, VA 22209		2,750.00	1,727.50
Charles E. Ing, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc	12,060.00	627.75
Edwin T. C. Ing, 2000 Pennsylvania Ave., NW, #3310 Washington, DC 20006	Hawaiian Electric Industries, Inc		
Do	Kamehameha Schools/Estate of Bernice P. Bishop		
Do	U.S. Windpower, Inc		
Charles W. Ingram, 1615 H Street NW Washington, DC 20062	U. S. Chamber of Commerce	600.00	
Doug Inkley, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	4,517.00	
Institute of Clean Air Companies, Inc, 1707 L St., NW Washington, DC 20036			
Institute of International Bankers, 299 Park Avenue New York, NY 10171			33,112.37
Int'l Union, United Auto Aerospace & Agric Implement Workers, of America (UAW) 8000 E. Jefferson Avenue Detroit, MI 48214.		130,697.06	130,697.06
International Advisers, Inc, 2300 M Street, NW, #600 Washington, DC 20036	Embassy of Turkey	150,000.00	21,954.00
International Advisory Services Group, 601 Pennsylvania Ave., NW, Suite 900 Washington, DC 20004	Steel Service Center Institute		
International Assn of Bridge Struct & Ornamental Iron Wkrs, 1750 New York Ave., NW Washington, DC 20006		21,557.04	34,924.35
International Business-Government Counsellors, Inc, 818 Connecticut Ave., NW, #1200 Washington, DC 20006	Brandy Export Assn	1,255.50	84.71
Do	Hercules, Inc	1,881.25	358.41
Do	Procter & Gamble	1,275.00	
Do	Totes, Inc		250.00
Do	Uniroyal Chemical Company, Inc		71.19
Do	USR Optonix, Inc		
Do	Wine Institute	8,965.00	3,100.48
Do	Xerox Corp	8,662.50	1,151.36
International Council of Shopping Centers, 665 Fifth Ave. New York, NY 10022		13,084.65	13,084.65

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
International Longshoremen's Assn, AFL-CIO, 17 Battery Place, #1500 New York, NY 10004			76,437.23
International Taxicab and Livery Assn, 3849 Farragut Avenue Kensington, MD 20895			
International Union of Bricklayers & Allied Craftsmen, 815 15th St., NW Washington, DC 20005			6,076.25
International Union of Operating Engineers, 1125 17th St., NW Washington, DC 20036		10,500.00	489.89
Investment Company Institute, 1600 M St., NW Washington, DC 20036			31,554.59
Peter A. Iovino, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	2,600.00	1,876.38
Kathleen Ireland, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	2,579.00	181.02
Thomas L. Irmen, P.O. Box 119 Maumee, OH 43537	Andersons		
Iron Ore Lessors Assn, Inc, W-1290 First National Bank Bldg. St. Paul, MN 55101-1361		5,223.14	11,295.88
William Robert Irvin, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	3,904.46	
Edrie Irvine, 750 17th Street, NW, #901 Washington, DC 20006	Nissan North America, Inc	9,240.00	
Sally D. Iskenderian, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	French & Company (For:International Electronics Manufacturers & Consumers of Amer.).	350.00	
William A. Isokait, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Russel Iuculano, 1620 L Street, #800 Washington, DC 20036	Metropolitan Life Insurance Co	600.00	
Ivins Phillips & Barker, Chtd, 1700 Pennsylvania Ave., NW, #600 Washington, DC 20006	Family Holding Company Advocacy Group		
Do	Grand Metropolitan, Inc		
Do	Miles, Inc		
Do	Pechiney Corporation		
Do	Rochester Tax Council		
Kenneth M. Iwashita, 29400 Lakeland Boulevard Wickliffe, OH 44092	Lubrizol Corp		
J/T Group, 2555 M Street, NW, #327 Washington, DC 20037	Alliance of Non-Profit Mailers	500.00	
Do	Coal Industry Health Protection Coalition	18,000.00	
Robert A. Jablon, 1350 New York Ave., NW, #1100 Washington, DC 20005-4798	Spiegel & McDiarmid (For:Michigan Municipal/Cooperative Group, et al.)		
Eva Jack, 888 17th Street, NW #860 Washington, DC 20006	Intel Corp	6,000.00	3,749.89
Dennis J. Jackman, 1700 Pennsylvania Ave., NW, Suite 950 Washington, DC 20006	Du Pont Merck Pharmaceutical Company	7,000.00	575.21
Alphonse Jackson, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	
Alvin B. Jackson Jr., 1400 K Street, NW, #801 Washington, DC 20005	General Aviation Manufacturers Assn	4,119.00	
Bobby J. Jackson, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Charles R. Jackson, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	9,300.00	249.00
Glenn Jackson, 1667 K Street, NW, #800 Washington, DC 20006	Williams Companies, Inc	250.00	
Jacquelyn L. Jackson, 1875 I Street #1110 Washington, DC 20006	Times Mirror Co		
Joseph C. Jackson, 1600 Wilson Boulevard, #1008 Arlington, VA 22209	Suppliers of Advanced Composite Materials Assn		223.00
Thomas C. Jackson, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond (For:Foundation for Environmental & Economic Progress, Inc).	281.87	
P. Bernard Jacob, 1130 Connecticut Avenue, NW Washington, DC 20036	Mississippi Power Company	23,943.00	7,952.67
Stephen Jacobs, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	10,000.00	350.67
Daniel L. Jaffe, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		135.39
Jaffe, Raitt, Heur & Weiss, P.C., One Woodward Avenue, #2400 Detroit, MI 48226	Jaffe Haitt Heuer & Weiss, P.C.		
Edward L. Jaffee, 655 - 15th Street, NW, Suite 300 Washington, DC 20005	ISP Management Company, Inc		
Do	Primary Glass Manufacturers Council		
Khalil E. Jahshan, 1212 New York Avenue, NW, #300 Washington, DC 20005	National Assn of Arab Americans	4,500.00	1,070.00
Daniel M. James, P.O. Box 61473 Vancouver, WA 98666-1473	Pacific Northwest Waterways Assn	6,525.00	68.66
Harriet James, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	3,401.00	200.00
Jerry James, 8303 Mopac Expressway, #150-C Austin, TX 78759	ATC/LDDS Communications		
Timothy P. James, 1125 17th Street, NW Washington, DC 20036	International Union of Operating Engineers	2,500.00	
Jamin Ebell Bolger & Gentry, 323 Carolyn Street Kodiak, AK 99615	Old Harbor Native Corp	22,582.50	12,276.32
J. Jancin Jr., 1800 M Street, NW Washington, DC 20036-5886	American Bar Assn	300.00	30.00
Japan Economic Institute of America, 1000 Connecticut Ave., NW Washington, DC 20036		1,483.00	1,436.00
Joseph J. Jaquay, 5025 Wisconsin Ave., NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Debra Levin Jardot, 1101 17th Street, NW, #501 Washington, DC 20036-4704	Disney Worldwide Services, Inc	1,000.00	
Richard B. Jarman, 1776 Eye Street, NW, #S-1050 Washington, DC 20007	Eastman Kodak Co	300.00	29.00
Marc R. Jartman, 175 Admiral Cochrane Drive Annapolis, MD 21401	UNC, Inc		
John T. Jarvis, The Jarvis Company 1901 L Street, NW, #300 Washington, DC 20036	American Insurance Assn	6,000.00	
Do	Computer Sciences Corp	3,750.00	
Do	Labor-Management Committee for the Timber Industry	11,250.00	
Do	Savarese & Assocs (for Nat'l Assn for the Superconducting..)		
Jerry J. Jasinowski, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	2,000.00	
Judy Jaussi, 205 C Street, SE Washington, DC 20003-1910	NovaCare, Inc	500.00	120.37
Michael A. Jawer, 1201 New York Ave., NW, #300 Washington, DC 20005	Building Owners & Managers Assn Int'l	1,250.00	400.00
Jeford-McManus International, Inc, 513 Capitol Court, NE, #300 Washington, DC 20002	Aerojet-General Corp	100.00	
Do	Rotary Power International, Inc	100.00	
Jellinek Schwartz & Connolly, 1015 15th Street, NW, #500 Washington, DC 20005	ASARCO, Inc	12,702.00	134.02
David M. Jenkins II, 1020 19th Street, NW, #420 Washington, DC 20036	SmithKline Beecham Corp (Beecham Inc)		
Jenner & Block, 601 Thirtenth Street, NW, 12th Floor Washington, DC 20006	MCI Communications Corp		
Nancy H. Jessick, 1331 Pennsylvania Ave., NW, #720 Washington, DC 20004	Hiram Walker & Sons, Inc		
David C. John, 3138 North 10th Stret Arlington, VA 22201	National Association of Federal Credit Unions	1,250.00	
Calvin P. Johnson, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	18,705.26	1,068.17
Carl T. Johnson, 1725 Jefferson Davis Hwy, #1004 Arlington, VA 22202-4102	Compressed Gas Assn/Helium Advisory Council		
David H. Johnson, 750 First Street, NE Room 5004 Washington, DC 20002-4242	Federation of Behavioral Psychological & Cognitive Sciences	212.25	
Jacquelyn M. Johnson, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co	200.00	
John W. Johnson, P.O. Box 39106 Minneapolis, MN 55439-0106	American Collectors Assn	1,000.00	
Mark R. Johnson, 1667 K Street, NW, #350 Washington, DC 20006	Maersk, Inc	2,500.00	
Michael S. Johnson, 1801 K Street NW Suite 400k Washington, DC 20006	Loeffler & Leath, Inc (For:Central South West Corp)		
Do	Loeffler & Leath, Inc (For:Citicorp)	805.00	
Do	Loeffler & Leath, Inc (For:Electronic Data Systems Corp)		
Do	Loeffler & Leath, Inc (For:Hong Kong Trade Development Council)		
Do	Loeffler & Leath (For:Mesa Petroleum)	70.00	
Do	Loeffler & Leath, Inc (For:National Assn of Broadcasters)	525.00	
Do	Sematech		
Do	Loeffler & Leath (For:Tesoro Petroleum)		
Do	Loeffler & Leath, Inc (For:United Services Automobile Assn)	70.00	
Rady A. Johnson, 1615 M Street, NW, Suite 200 Washington, DC 20038	Amoco Corporation		
Richard W. Johnson Jr., 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	8,700.00	1,127.96
Thomas L. Johnson, P.O.Box 2185 Austin, TX 78768	Associated General Contractors of Texas		3,138.00
Johnson & Gibbs, P.C., 1301 K Street NW Suite 800 East Washington, DC 20005	Arco Transportation Company		
Do	Marine Preservation Assn	27,393.75	
Do	Permanente Medical Group, Inc	28,057.50	
David A. Johnston, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects		5,180.00
George A. Johnston, 2000 K St., NW, 8th Foor Washington, DC 20006	National Comm to Preserve Social Security	6,581.00	
James D. Johnston, 1660 L St., NW, #401 Washington, DC 20036	General Motors Corp	3,600.00	8,044.13
Robert J. Johnston, 285 Cambridge Avenue Holland, MI 49423	Herman Miller, Inc		16,804.98
Mary K. Jolly, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,652.63	238.56
Herbert A. Jolovitz, 7531 Sebago Road Bethesda, MD 20817	Owens-Corning Fiberglas Corporation	1,650.00	
Allan R. Jones, 430 First Street, S. E. Washington, DC 20003	American Trucking Assns, Inc	6,250.00	
Allison Humphreys Jones, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Wallace and Edwards (For:American Soc of Farm Managers and Rural Appraisers).		
Belva W. Jones, 1101 15th St., NW, #202 Washington, DC 20005	National Assn of Margarine Manufacturers		
Beverly E. Jones, 1819 L Street, NW, #900 Washington, DC 20036	Consolidated Natural Gas Co	1,000.00	242.05
Earl Jones Jr., 401 West 18th Street Little Rock, AR 72206	Philip Morris, Inc	1,500.00	
Ernest W. Jones Jr., 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Randall T. Jones, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	3,000.00	
Robert L. Jones, 4647 Forbes Blvd. Lanham, MD 20706	AMVETS	6,800.00	
Ronald D. Jones, 125 West 55th Street, 19th Floor New York, NY 10019	United Distribution Companies	500.00	
Suzanne Jones, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	2,702.31	
T. Lawrence Jones, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20006	Marsh & McLennan Cos, Inc		
Wiley N. Jones, 816 Connecticut Ave., NW, 8th Floor Washington, DC 20006	Southern Pacific Transportation Company	1,000.00	500.00
Jones Walker Waechter Poitevent Carrere & Denegre, 1776 Eye Street, NW, #245 Washington, DC 20006	General Atomics		
Do	International Shipholding Corp	1,200.00	
Do	Jefferson Parish Council	525.00	
Do	Port of New Orleans	450.00	
Do	Tulane University	300.00	
Do	Turner Broadcasting System, Inc		
James Jordan Associates, Inc, 1825 K Street, NW Washington, DC 20006	Columbia University	5,000.00	5,064.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Consortium for International Earth Science Info. Network	18,000.00	18,717.03
Do	Polytechnic University	2,500.00	2,508.00
David C. Jory, 1101 Pennsylvania Avenue, NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	4,500.00	
John Steven Judge, 1850 M Street, NW Washington, DC 20036	Securities Industry Assn	2,730.00	
Robert E. Juliano Associates, 2555 M Street, NW, #303 Washington, DC 20037	American Express Co	15,000.00	
Do	Hotel Employees & Restaurant Employees Int'l Union	43,125.00	2,237.37
Do	International Speedway Corp	9,000.00	
Do	Stock Information Group		
Kathy Elena Jurado, 4202 East Fowler Avenue, ADM 280 Tampa, FL 33620	University of South Florida	6,000.00	7,063.92
Melissa J. Kahn, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance		
Walter Kallaur, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
Edward D. Kalman, 6 Beacon Street Boston, MA 02108	National Assn of Long Term Hospitals	6,475.28	
Kamber Group, 1920 L Street, NW, Suite 700 Washington, DC 20036	TDS Health Systems Corp	49,000.00	1,333.04
John F. Kamp, 1899 L Street, NW Washington, DC 20036	American Assn of Advertising Agencies	1,250.00	
John E. Kane, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	2,000.00	
Lesley Kane, 666 Pennsylvania Ave., SE, Suite 401 Washington, DC 20003	Trust for Public Land	8,280.00	141.62
Martin B. Kanner, 1575 Eye Street, NW, Suite 370 Washington, DC 20005-1175	Missouri Basin Municipal Power Agency	1,500.00	
Do	Public Power Council	2,500.00	
Gerald Kaplan, 51 Madison Avenue New York, NY 10010	New York Life Insurance Company		
Phillip J. Kardis, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International	3,000.00	2,393.31
Gene Karpinski, 215 Pennsylvania Avenue, SE Washington, DC 20003	U.S. Public Interest Research Group	9,000.03	
Barry Kasinitz, 1750 New York Avenue, NW Washington, DC 20006	International Assn of Fire Fighters	10,915.00	
George Kassouf, 1601 Connecticut Avenue, NW, #600 Washington, DC 20009	Alliance for Justice		
Michael E. Kastner, 1350 New York Ave., NW, #800 Washington, DC 20005-4797	National Truck Equipment Assn	3,750.00	161.50
Alyce Katayama, 1455 Pennsylvania Ave., NW Suite 230 Washington, DC 20004	Texas Instruments	1,000.00	66.00
Paul C. Katz, 900 19th Street, NW Washington, DC 20006	Savings and Community Bankers of America		
Kaulius & Associates, 1942 Broadway, Suite 400 Boulder, CO 80302	Colorado State University	3,000.00	
Everett E. Kavanaugh, 1101 17th Street, NW, #300 Washington, DC 20036	Cosmetic Toiletry & Fragrance Assn, Inc		
Edward M. Kavjian, 1660 L Street, NW Washington, DC 20036	General Motors Corp	3,000.00	1,513.93
Thomas O. Kay, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Kay Associates	17,500.00	
George R. Kaye, 125 North West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
David Keaney, 655 15th Street, NW,Suite 410 Washington, DC 20005	Bristol-Myers Squibb Co	1,000.00	
Kearney & Gleason, One State Street - 8th Floor Boston, MA 02109	New England Telephone Co	1,250.00	1,573.92
Do	NYNEX Government Affairs	1,250.00	
Judith A. Kearse, 1350 I Street, NW, Suite 300 Washington, DC 20005	Marine Spill Response Corp		
Jennifer L. Keehan, 1901 Pennsylvania Ave, NW 10th Floor Washington, DC 20006	International Mass Retail Assn		
Jeffrey R. Keeler, 1627 K Street, NW, Washington, DC 20006	National Newspaper Assn		
J. Michael Keeling, 1726 M Street, NW, #501 Washington, DC 20036	ESOP Association		
John R. Keeling, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	7,406.00	172.02
Lana Keelty, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	13.50	
David A. Keene & Associates, 919 Prince Street Alexandria, VA 22314	United Seniors Assn	12,000.00	20.00
Melvin Keener, 1155 Connecticut Ave., NW, #420 Washington, DC 20003-6	Laidlaw, Inc (For:Laidlaw Envrionmental Services)	2,500.00	
Joan F. Keiser, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	26.00	
Kendell W. Keith, 1201 New York Avenue, NW, #830 Washington, DC 20005	National Grain & Feed Assn	1,100.00	
William D. Kelleher, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
Robert H. Kellen, 5775 Peachtree-Dunwoody Rd., Suite 500-G Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)		
August Keller, Signature Place II 14785 Preston Road, Suite 1100 Dallas, TX 75240	North American Coal Corporation	30,938.00	16,324.00
Keller & Heckman, 1001 G Street, NW, #500 West Washington, DC 20001	Specialty Advertising Assn Int'l	1,500.00	165.00
John T. Kelley, 800 Connecticut Avenue, NW Washington, DC 20006	Food Marketing Institute	500.00	
W. Curtis Kelley, 1150 17th Street, NW, #600 Washington, DC 20036	Health Insurance Plan of Greater New York	3,437.50	
Kelley Drye & Warren, 2300 M Street, NW Washington, DC 20037	Shaw Pittman et al (For: Institute of International Bankers)		
Joseph T. Kelliher, 410 First St., SE Washington, DC 20003	Public Service Electric and Gas Company		
Stephen S. Kellner, 1913 Eye Street, NW Washington, DC 20006	Chemical Specialties Manufacturers Assn, Inc		
Paulette M. Kellogg, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Association	25.00	
Carol A. Kelly, 1620 L Street, NW, #800 Washington, DC 20036	Metopolitan Life Insurance Companies	600.00	
Cynthia K. Kelly, 8101 Glenbrook Road Bethesda, MD 20814-2749	American Assn of Blood Banks	2,500.00	
Glenn F. Kelly, 2000 M Street, NW, Suite 550 Washington, DC 20036	North American Telecommunications Assn	3,000.00	
John F. Kelly, 3000 K Street, NW, #906 Washington, DC 20007	Merrill Lynch & Co, Inc	2,000.00	
Paul A. Kelly, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	5,625.00	3,364.00
Paul T. Kelly, 1701 Clarendon Boulevard Arlington, VA 22209	American Chiropractic Assn		
Mark L. Kemmer, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	5,663.92
Todd E. Kemp, 1201 New York Avenue, NW Washington, DC 20005	National Grain & Feed Assn	2,650.00	
Kemper Corporation, 1 Kemper Drive Long Grove, IL 60049			
Kemper Reinsurance Company, One Kemper Drive Building 3, R-5 Long Grove, IL 60049-0015			50.00
Kemper Securities, Inc, Chicago, IL 60601			
Jonathan Kempner, 1850 M Street, NW, Suite 540 Washington, DC 20036-5803	National Multi Housing Council	6,475.00	
Kendall & Associates, Inc, 50 E St., SE Washington, DC 20003	ALC Communications Corp		
Do	Manville Corporation	2,000.00	
Do	Toyota Motor Sales, USA, Inc	4,500.00	
John Kendrick, 1000 Wilson Blvd., #2800 Arlington, VA 22209	Grumman Corporation	625.00	2,337.35
Joseph W. Kennebeck, 490 L'Enfant Plaza, SW, #7204 Washington, DC 20024	Volkswagen of America, Inc	650.00	50.00
Art Kennedy, P.O. Box 200576 Anchorage, AK 99520	Koniag, Inc	23,348.00	10,905.00
David Kennedy, 500 E Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	6,250.00	2,492.63
Jerry W. Kennedy, 1025 Thomas Jefferson Street, NW, #407 Washington, DC 20007	General Atomics	6,912.50	425.69
Do	Pemco Aeroplex	393.75	
Judith Kennedy, 1050 Thomas Jefferson Street, NW Washington, DC 20007	Student Loan Marketing Assn	600.00	
Michael E. Kennedy, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Patricia Cregan Kennedy, 205 N. Liberty Street Arlington, VA 22203	Chrysler Corporation		
Robert P. Kennel, 12500 Fair Lakes Circle, #260 Fairfax, VA 22033-3822	LG&E Development Corp		
Do	National Wood Energy Assn, Inc		
Brendan Kenny, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	12,500.00	625.32
Cathy Ann Kenny, c/o NYS Petroleum Council 39 Broadway, #2705 New York, NY 10006	American Petroleum Institute	520.00	
J. H. Kent, 1825 K Street, NW, #305 Washington, DC 20006	Kent & O'Connor, Inc (For:Adria Laboratories)		
Do	Kent & O'Connor, Inc (For:American Soc of Plastic & Reconstructive Surgery)		
Do	Kent & O'Connor, Inc (For:American Supply Association)		
Do	Kent & O'Connor, Inc (For:Carter Footwear, Inc)	1,093.75	752.96
Do	Kent & O'Connor, Inc (For:International Assn of Airport Duty Free Stores)	5,300.00	3,582.96
Do	Kent & O'Connor, Inc (For:Liz Claiborne, Inc)		
Do	Kent & O'Connor, Inc (For:MBI, Inc)	500.00	346.75
Do	Kent & O'Connor, Inc (For:National Customs Brokers & Forwarders Assn of America).	19,000.00	12,713.71
Do	Kent & O'Connor, Inc (For:Vista Chemical Company)		
Kathy Lee Kent, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the US	6,903.91	355.31
William Kenworthy, 410 First Street SE, Washington, DC 20003	American Nuclear Energy Council	6,868.74	1,019.40
Vytautas Kerbelis, P.O. Box 336 Seal Harbor, ME 04675	ARAS		
Michael C. Kerby, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp	625.00	383.06
John P. Kerekes, P.O. Box 10070 Lansing, MI 48901	American Petroleum Institute	762.00	
Eleanor W. Kerr, 1020 19th Street, NW, #420 Washington, DC 20036	SmithKline Beecham Corp	2,000.00	550.00
Suzanne S. Kerr, 110 Maryland Ave., NE Washington, DC 20002	Peace Political Action Committee	5,500.00	
Margaret Kerry, 105 East 22nd Street New York, NY 10010	Community Service Society		
Christopher J. Kersting, 1317 F Street, NW, #550 Washington, DC 20004	Auto International Assn	30.00	37.33
Do	Coalition of Automotive Associations	140.00	69.28
Do	Specialty Equipment Market Assn	240.00	242.16
Richard S. Kessler, 709 2nd Street, NE, #200 Washington, DC 20002	Distilled Spirits Council of the US	7,500.00	751.00
Do	Kessler & Associates (For:Ensco Washington)		
Do	Kessler & Associates (For:National Assn of Beverage Importers)	7,400.00	700.00
Do	Kessler & Associates, Inc (For:Sandoz Corp)	6,000.00	550.00
Do	Kessler & Associates (For:Joseph E. Seagram & Sons, Inc)	9,000.00	1,682.00
Do	Kessler & Asso (For:Upjohn Corp)	15,000.00	4,553.00
G. Chandler Keys III, 1301 Pennsylvania Avenue, NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Mary Turner Khim, 1850 M Street, NW, Suite 600 Washington, DC 20036	Toyota Motor Sales, USA	5,070.00	
Richard F. Kibben, 200 Park Ave., #2222 New York, NY 10166	Business Roundtable		
Carolyn Kiely, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	1,031.25	
Ingolf N. Kiland Jr., 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	2,371.19

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Thomas J. Kilcline, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	1,196.70	
Daryl G. Kimball, 1000 16th Street, NW, #810 Washington, DC 20036	Physicians for Social Responsibility	2,381.00	
James L. Kimble, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Aubrey C. King, 1133 21st Street, NW Washington, DC 20036	Travel & Tourism Gov't Affairs Council	2,190.00	
Lewis O. King, P.O. Box 10045 Austin, TX 78766	National Guard Assn of Texas	7,000.00	77.64
W. Russell King, 50 F St., NW, #1050 Washington, DC 20001	Freeport McMoran D.C., Inc	25,000.00	188.25
King & Spalding, 1730 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Alliance for Small Issue Bonds, Inc		
Do	Banca Nazionale del Lavoro		
Do	Citibank		
Do	Fleet North Star Financial Group		
Do	General Motors Corp		
Do	Generic Pharmaceutical Industry Assn		
Do	Geowaste Incorporated		
Do	National Pharmaceutical Alliance		
Do	Woodruff Foundation		
Kinghorn & Associates, 900 2nd Street, NE, #109 Washington, DC 20002	American Metalcasting Consortium (AMC)	7,125.00	
Do	Ferroalloys Association		
Do	Macalloy Corporation		
Do	Nuclear Metals, Inc		
Do	South Carolina Research Authority	3,400.00	143.81
Kathleen N. Kingscott, 6600 Rockledge Drive Bethesda, MD 20817	IBM Corp	200.94	17.50
Roger P. Kingsley, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Kevin J. Kinnaw, 1850 M Street, NW, Suite 600 Washington, DC 20036	Toyota Motor Sales USA, Inc		
Jan Kinney, 1250 Eye Street, NW, #900 Washington, DC 20005	Distilled Spirits Council of the United States	2,000.00	
Richard J. Kinney, 1850 K Street, NW, #1195 Washington, DC 20006	Schering-Plough Corp	11,000.00	2,226.65
Brian J. Kinsella, 1201 New York Avenue, NW Washington, DC 20005-3931	American Hotel & Motel Association		
Walter M. Kiplinger, 901 15th Street, NW, #250 Washington, DC 20005	American Foundrymen's Society, Inc		
Kevin Kirchner, 1531 P Street, NW, #200 Washington, DC 20005	Sierra Club Legal Defense Fund	1,182.50	424.76
John R. Kirk, Bingham, Dana & Gould 150 Federal Street Boston, MA 02110	First National Bank of Boston		
Raissa V. Kirk, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Sharon Kirk, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Walter B. Kirkwood, 111 Monument Circle Indianapolis, IN 46277	Banc One Corp	12,093.75	7,832.05
Rhona Kisch, 215 Pennsylvania Ave., NW Washington, DC 20003	US Public Interest Research Group	4,423.06	
Marie Kissel, 1620 Eye Street, NW, Suite 1000 Washington, DC 20006	American Automobile Manufacturers Assn		
Steven B. Kistulentz, 1401 New York Avenue, NW, Suite 1100 Washington, DC 20005	National Cooperative Business Assn	5,000.00	218.20
Sam Kito Jr., P.O. Box 210575 Anchorage, AK 99521-0575	Kito, Inc (For:Sealaska Corporation)	32,462.50	11,595.06
Do	Kito, Inc (For:Southeast Alaska Landless Native Coalition)	2,500.00	
Sandra D. Kjellberg, 1133 15th Street, NW, #600 Washington, DC 20005	Maritime Institute for Research & Industrial Development	3,043.70	
Dean Kleckner, 225 Touhy Avenue Park Ridge, IL 60068	American Farm Bureau Federation	4,362.00	
Kenneth H. Klein, 490 L'Enfant Plaza East, SW, #4200 Washington, DC 20024	Xerox Corp	2,100.00	
Michael R. Klipper, 1718 Connecticut Avenue, NW, #700 Washington, DC 20009	Association of American Publishers	3,000.00	39.50
William C. Klostermeyer, 1130 Connecticut Avenue, NW, #350 Washington, DC 20036	Bookman-Edmonston Engineering, Inc		
David M. Klucsik, 1415 Wyckoff Road Wall, NJ 07719	New Jersey Natural Gas Co		
Glenn Knapp, 773 Dartmouth Ave. San Carlos, CA 94070			
John A. Knebel, 1920 N Street, NW, #300 Washington, DC 20036	American Mining Congress		
Theresa Knieriemen, 1331 Pennsylvania Avenue, NW, Suite 1500 Washington, DC 20004-1703	National Assn of Manufacturers		
Keith R. Knoblock, 1920 N St., NW Washington, DC 20036	American Mining Congress	58.00	21.25
Albert B. Knoll, 555 13th Street, NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	2,000.00	1,977.74
C. Neal Knox, Neal Knox Associates Box 6537 Silver Spring, MD 20906	Firearms Coalition	10,000.00	1,100.00
Patricia C. Kobor, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	1,535.00	61.70
Robert P. Koch, 1575 Eye Street, NW, Suite 325 Washington, DC 20005	Wine Institute	6,700.00	180.00
Koch Industries, Inc, P.O. Box 2256 Wichita, KS 67201			21,317.39
Karil L. Kochenderfer, 1801 K Street, NW, #900K Washington, DC 20036	American Textile Manufacturers Institute, Inc		
David G. Koenig, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc		
Gary J. Kohn, 805 15th Street, NW, #300 Washington, DC 20005	Independent Bankers Assn of America		
Howard Kohr, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	9,596.25	119.92
James P. Kolb Jr., 101 Constitution Ave, NW Washington, DC 20001	United Brotherhood of Carpenters and Joiners of America	8,076.96	253.75
Ann Kolker, 1616 P Street, NW, #100 Washington, DC 20036	National Women's Law Center		82.50
David Kolker, 1350 New York Ave., NW Washington, DC 20005	Spiegel & McDiarmid (For:American Communities for Cleanup Equity (ACCE))	33,243.75	5,877.20
Do	Spiegel & McDiarmid (For:Guam Power Authority)		
Diane J. Koller, 1101 17th St., NW, #600 Washington, DC 20036	American Airlines, Inc	3,500.00	467.18
Koniag, Inc, 4300 B Street, #407 Anchorage, AK 99503			81,845.42
Dennis R. Koons, 611 Woodward Avenue Detroit, MI 48226	NBD Bank, NA	2,000.00	2,710.00
Stephen Koplan, 1401 Eye Street, NW, Suite 1220 Washington, DC 20004-2204	Joseph E. Seagram & Sons, Inc		
George S. Kopp, 2121 K Street, NW, #650 Washington, DC 20037	Global USA, Inc (For:Earth Observation Satellite Co)	86.54	
Steven Kopperud, 1501 Wilson Boulevard, #1100 Arlington, VA 22209	American Feed Industry Assn	3,240.00	
Horace R. Kornegay, P.O. Box 3463 Greensboro, NC 27402	Adams Kleemeier Hagen Hannah & Fouts (For:American Tobacco Company)		
Michael V. Kostiw, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco Inc		
Barbara M. Kostuk, 1025 Thomas Jefferson Street, NW, #511 Washington, DC 20007	LTV Corp	1,575.00	150.00
Gerald J. Kovach, 1801 Pennsylvania Avenue, NW Washington, DC 20006	MCI Communications Corp		
Jermone J. Kozak, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Assn		
Jeffrey H. Kramer, 1616 H Street, NW Washington, DC 20006	National Grange		
Alan M. Kranowitz, 1725 K Street, NW, #710 Washington, DC 20006	National Assn of Wholesaler-Distributors		
Barry Krasner, 444 North Capitol Street, NW, #845 Washington, DC 20001	National Air Traffic Controllers Assn	421.28	
Lawrence B. Kraus, 1615 H Street, NW Washington, DC 20062-2000	Chamber of Commerce of the U.S.	790.00	
Stephen W. Kraus, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Raymond R. Krause, 712 Fifth Avenue, # 4600 New York, NY 10019	Grand Metropolitan, Inc	2,000.00	582.64
Earl R. Kreher, 1620 Eye Street, NW, #1000 Washington, DC 20006	American Automobile Manufacturers Association	134.00	
Steven L. Kreseski, 1101 17th Street, NW, #300 Washington, DC 20036	Cosmetic Toiletry & Fragrance Assn	750.00	20.00
Mark Kronenberg, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp		
Keith R. Krueger, 1555 Connecticut Avenue, NW, #200 Washington, DC 20036	U S West Communications	8,000.00	1,064.12
James S. Krzyminski, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Thomas R. Kuhn, 701 Pennsylvania Ave., NW Washington, DC 20004-5475	Edison Electric Institute	2,775.25	
Jake Kuitwaard, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,500.00	1,841.34
Ruth M. Kurtz, 5517 Chevy Chase Pkwy., NW Washington, DC 20015	Coordinadora de Organizaciones Empresariales de Comercio Ext	6,875.00	576.27
Ester Kurz, 440 First Street, NW, 6th Floor Washington, DC 20001	American Israel Public Affairs Comm	29,650.32	323.23
Peter Dev Kurze, 1843 Mintwood Place, NW, #110 Washington, DC 20009	Daimler-Benz Washington, Inc		
Jeffrey Kurzweil, 601 13th street, n.w. #1200 Washington, DC 20005	Jenner & Block (For:Marriott Corp)		
John R. Kyte, 1331 Pennsylvania Avenue, NW Suite 1500 - North Lobby Washington, DC 20004-1703	National Assn of Manufacturers		
James La Sala, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Labor Bureau, Inc, 1101 15th Street, NW, #1010 Washington, DC 20005			
Labor Policy Assn, Inc, 1015 15th St., NW, #1200 Washington, DC 20005		1,659.66	1,659.66
Labor-Management Maritime Committee, Inc, 1150 17TH Street, NW., Suite 700 Washington, DC 20036		5,988.00	
Joseph L. Lach, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	500.00	
Marc E. Lackritz, 1850 M Street, NW Washington, DC 20036	Securities Industry Assn	7,788.00	
Robert A. Ladig, Scott Plaza Philadelphia, PA 19113	Scott Paper Co	1,800.00	484.33
Myron F. Laible, 1212 New York Ave., NW #1210 Washington, DC 20005	Outdoor Advertising Assn of America, Inc		
David N. Lakin, 1350 I Street, NW, Suite 300 Washington, DC 20005	Marine Spill Response Corporation	7,672.50	130.86
Robert Lamb, 1200 G Street, NW, #600 Washington, DC 20005	Wright & Talisman, PC (For:Cabot Energy Corp)		
Do	Wright & Talisman, P.C. (For:Columbia Natural Resources)	5,000.00	
Do	Wright & Talisman, PC (For:Equitable Resources Exploration)	5,000.00	
Do	Wright & Talisman, P.C. (For:Occidental Chemical Corporation)		
Do	Wright & Talisman, PC (For:Potlatch Corp)		
Do	Wright & Talisman, PC (For:Solite Corp)	5,000.00	
Do	Wright & Talisman (For:Sun Company, Inc)		
Do	Wright & Talisman, PC (For:Tenneco, Inc)	5,000.00	
Do	Wright & Talisman (For:Virginia Oil and Gas Assn)		
David F. Lambert III, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores	500.00	
David P. Lambert, 1800 K St., NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Martha D. Lamkin, 11100 USA Parkway Fishers, IN 46038	USA Group, Inc	1,406.00	1,711.72
Lester P. Lamm, 1776 Massachusetts Avenue, NW Washington, DC 20036	Highway Users Federation		25.00
Robert Joseph Lamoureux, McDonnell Douglas Corporation 1735 Jefferson Davis Highway, Suite 1200 Arlington, VA 22202	McDonnell Douglas Corp	781.24	
Jennifer Lamson, 2030 M Street, NW Washington, DC 20036	Common Cause	7,540.02	1,540.36
Susan Lamson, 1600 Rhode Island Avenue, NW Washington, DC 20036	National Rifle Assn of America	3,000.00	19.66

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Ray H. Lancaster, 555 13th Street, NW, #430 West Washington, DC 20004	Texas Gas Transmission Corp, et al.	3,000.00	252.62
Dina Moses Land, 1764 Old Meadow Lane, #350 McLean, VA 22102	American Frozen Food Institute	500.00	
L. Charles Landgraf, Leboeuf, Lamb, Leiby & MacRae 1875 Connecticut Avenue, NW, Suite 1200 Washington, DC 20009-5728.	Leboeuf Lamb Leiby & MacRae		
Robert D. Landis, 777 14th St., NW Washington, DC 20005	NAIOP, Assn for Commercial Real Estate	14,250.00	
Scott H. Lane, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	7,500.00	
William C. Lane, 100 N.E. Adams Street Peoria, IL 61629-1460	Caterpillar, Inc	875.00	772.84
Adrienne C. Lang, 1101 Vermont Ave, NW, #606 Washington, DC 20005	American Soc of Anesthesiologists	15,000.00	
Marily J. Langill, 1275 K Street, NW, #400 Washington, DC 20005	Society of the Plastics Industry, Inc		
Roger W. Langsdorf, 1600 M Street, NW Washington, DC 20036	ITT Corporation	480.00	47.00
Robin W. Lanier, 1901 Pennsylvania Ave., NW, 10th Floor Washington, DC 20006	International Mass Retail Assn	9,000.00	
Fern M. Lapidus, 6736 Hillandale Road Chevy Chase, MD 20815	Association of Proprietary Colleges	7,500.00	350.20
Do	New York City Partnership, Inc	6,000.00	596.56
Do	School of Visual Arts	1,920.00	85.93
Peter J. Larkin, 800 Connecticut Avenue, NW, Washington, DC 20006	Food Marketing Institute	200.00	
Richard Eugene Larochelle, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	1,120.00	
Christopher D. Larsen, 412 First Street, SE., #300 Washington, DC 20003	Independent Insurance Agents of America, Inc (IIAA)	10,500.00	
Reed E. Larson, 8001 Braddock Road, #600 Springfield, VA 22160	National Right to Work Committee		
Rod Larson, 4510 13th Avenue Fargo, ND 58121-0001	Blue Cross Blue Shield of North Dakota		
Warren Lasko, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America		
Robert L. Laszewski, 1225 Connecticut Ave., NW, 7th Floor Washington, DC 20036	Health Policy & Strategy Associates, Inc (For:Alliance of American Insurers)	6,250.00	7,080.26
Do	Health Policy & Strategy Associates, Inc (For:Blue Cross & Blue Shield of Massachusetts).	6,250.00	3,869.49
Do	Health Policy & Strategy Associates, Inc (For:Guardian Life Insurance Company)		
Do	Health Policy & Strategy Associates, Inc (For:Liberty Mutual Insurance Group)		
Do	Health Policy & Strategy Associates, Inc (For:Northwestern National Life Insurance Co).	7,500.00	5,238.98
Do	Health Policy & Strategy Associates, Inc (For:Pan American Life Insurance Co)	8,300.00	5,247.83
Do	Health Policy & Strategy Associates, Inc (For:Washington National Life Insurance Co).	9,375.00	7,587.77
Do	Health Policy & Strategy Associates, Inc (For:Wausau Insurance Companies)	5,000.00	2,636.56
William M. Latimer, 6162 Castletown Way Alexandria, VA 22310	American Group Practice Assn	97.45	
Sabrina Laudati, 1050 Connecticut Ave., NW, Suite 1250 Washington, DC 20036	Major League Baseball		
Karl F. Lauenstein, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	749.41
Lorraine Lavet, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.	7,000.00	267.41
Kathryn M. Lavriha, P.O. Box 1417-D49 Alexandria, VA 22313-1417	National Assn of Chain Drug Stores, Inc		
Elizabeth Kepley Law, 700 13th Street, NW, #500 Washington, DC 20005	Family Research Council	3,509.00	
M. S. Lawrence, 40 Franklin Rd, SW P.O. 2021 Roanoke, VA 24022	Appalachian Power Company	117.27	89.04
Elizabeth Lawson, 1730 M Street, NW Washington, DC 20036	League of Women Voters of the U.S.	8,489.02	253.50
John M. Lawson, 1350 Connecticut Ave., NW #200 Washington, DC 20036	Assn of America's Public TV Stations	671.25	
Keith Lawson, 1600 M Street, NW Washington, DC 20036	Investment Company Institute	58.11	
Richard C. Lawson, 1300 I Street, NW, Suite 520 West Washington, DC 20005	Hoffman-La Roche, Inc	2,417.00	724.81
Richard L. Lawson, 1130 17th St., NW Washington, DC 20036	National Coal Assn	3,750.00	
Laxalt Corporation, 801 Pennsylvania Ave., NW, #747 Washington, DC 20004	Bodie Consolidated Mining Company		
Do	Lamb-Weston, Inc		
Do	Mesa, Inc	2,000.00	
Do	Milliken & Company		
Do	Motion Picture Assn of America, Inc	1,500.00	
Do	Natural Gas Vehicle Coalition	2,560.00	
Do	Sears Roebuck & Co	3,000.00	
Paul Laxalt Group, 801 Pennsylvania Ave, NW, #750 Washington, DC 20004	Generic Pharmaceutical Industry Assn, et al.	5,000.00	
Do	Home Finance Coalition	5,000.00	
Do	Martin Marietta Corp	2,000.00	
Do	Milliken & Company	2,500.00	
Do	Sears Roebuck & Co	6,250.00	
Do	Transcontinental Properties, Inc	2,000.00	
Randall R. LaBauve, P.O. Box 8082 Little Rock, AR 72203	Entergy Services, Inc	1,853.50	418.74
Sandra L. LaFevre, 1301 Pennsylvania Ave., NW #900 Washington, DC 20004	Reinsurance Assn of America		
William N. LaForge, 1150 Connecticut Ave., NW, #900 Washington, DC 20036	Paul Werth Associates, Inc (For:American Business Council of the Gulf Countries (ABCGC)).	2,500.00	131.73
Do	Battelle Memorial Institute	1,150.00	
Do	Paul Werth Associates, Inc (For:Hoechst Celanese Corporation)	9,000.00	1,335.48
Do	Paul Werth Associates, Inc (For:Labor Policy Assn)		
Do	Paul Werth Associates, Inc (For:Mississippi Band of Choctaw Indians)		
Do	Paul Werth Associates, Inc (For:United South and Eastern Tribes Gaming Assn)		210.68
Clifford C. LaPlante, 1331 Pennsylvania Avenue, NW, #860-N Washington, DC 20004	General Electric Co	1,850.00	
Joan H. LaVor, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Laurel Leach, 501 Wythe Street P.O. Box 1417-D50 Alexandria, VA 22313-1480	Animal Health Institute		
League of Women Voters of the U.S., 1730 M St., NW Washington, DC 20036		89,164.28	89,164.28
League to Save Lake Tahoe, 989 Tahoe Keys Blvd., #6 South Lake Tahoe, CA 96150		500.00	2,334.19
Edward R. Leahy, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:Chicago Board Options Exchange)		
Thomas B. Leary, Hogan & Hartson 555 13th St., NW Washington, DC 20004-1109	Business Roundtable		
Wendy Lechner, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business (NFIB)	3,401.00	100.00
Robert F. Lederer Jr., 1735 North Lynn Street, Suite 950 Arlington, VA 22209	National Staff Leasing Assn	2,000.00	
Marque I. Ledoux, 300 Maryland Avenue, NE Washington, DC 20002	Federal Express Corp	6,000.00	
Cara Lee, 9 Vassar Street Poughkeepsie, NY 12601	Scenic Hudson, Inc		
Laura Murphy Lee, 122 Maryland Avenue, NE Washington, DC 20002	American Civil Liberties Union	16,000.00	100.00
Preston V. Lee Jr., 1101 Pennsylvania Ave., NW, Suite 950 Washington, DC 20077	American Bankers Assn.	5,700.00	
Susan J. Lee, 1383 Piccard Drive P.O. Box 1725 Rockville, MD 20849-1725	American Occupational Therapy Assn, Inc	2,500.00	70.00
Gary A. Lee Group, Inc, P.O. Box 271 Sanibel Island, FL 33957	AutoZone, Inc		
Do	Harnischfeger Industries		
Do	MapPower Corporation		
Do	Midas International		
Do	Pet, Inc		
Peter A. Lefkin, 1730 Rhode Island Ave., NW, #1117 Washington, DC 20036	Fireman's Fund Insurance Cos	4,500.00	2,445.56
Marsha P. Lefkovits, 530 N Street, SW, Apt. S908 Washington, DC 20024	RJR Nabisco, Inc	1,400.00	
Mary James Legatski, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn, Inc	500.00	66.59
J. Mark Leggett, 100 North Tryon Street (NC1-007-11-05) Charlotte, NC 28255	NationsBank Corporation		2,527.97
Legislative Management Services, 136 Calmont Drive Pittsburgh, PA 15235	University of Pittsburgh	30,000.00	4,166.52
Jack Legler, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Arnold H. Leibowitz, 888 Sixteenth Street, NW # 507 Washington, DC 20006	Cameron & Hornbostel (For:Hebrew Immigrant Aid Society (HIAS))	14,700.00	3,447.79
Warren R. Leiden, 1400 Eye Street, NW, #1200 Washington, DC 20005	American Immigration Lawyers Assn	5,253.00	
G. Timothy Leighton, 1199 N. Fairfax Street, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators, Inc		
Robert A. Lembo, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	2,000.00	100.00
Burleigh C. W. Leonard, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	3,665.00	247.00
Earl T. Leonard Jr., P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company	678.00	247.60
Lloyd Leonard, 1730 M St., NW Washington, DC 20036	League of Women Voters of the U.S.	9,905.63	251.80
Lepon McCarthy Jutkowitz & Holzworth, 1146 19th Street, NW, Third Floor Washington, DC 20036	Chilean Exporters' Assn		
Charles Leppert Jr., 801 Pennsylvania Avenue, NW, #720 Washington, DC 20004-2360	Procter & Gamble Co	135.66	
Richard L. Lesher, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce		
William Gene Lesher, 1919 South Eads Street, Suite 103 Arlington, VA 22202-3028	Lesher & Russell, Inc		
Lesher & Russell, Inc, 1919 S. Eads Street, #103 Arlington, VA 22202-3028	Monsanto Co		
William J. Lessard Jr., 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	5,108.00	
Dale Lestina, 1201 16th St., NW Washington, DC 20036	National Education Assn	3,978.55	649.00
Nancy R. Levenson, 1401 Eye Street, NW, #1220 Washington, DC 20005-2204	Joseph E. Seagram & Sons, Inc	2,500.00	
Robert John Levering, 1101 17th St., NW, #705 Washington, DC 20036	Direct Marketing Assn	1,000.00	1,000.00
Ted Levi, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Alabama Power Company	17,500.00	26,578.62
Leonard B. Levine, 601 13th Street, NW, #350-S Washington, DC 20005	TransCanada PipeLines	5,300.00	
Peter Levine, 2030 M Street, NW Washington, DC 20036	Common Cause	5,616.00	
Nina Gail Levitt, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	3,000.00	161.55
David M. Levy, 1722 Eye Street, NW Washington, DC 20006	Sidley & Austin (For:Alliance of Nonprofit Mailers)	5,355.00	28.00
Roger N. Levy, 901 15th Street, NW, #520 Washington, DC 20005-2301	Travelers Companies	4,000.00	
Frank J. Lewis, 307 9th Terrace Indialantic, FL 32903	Harris Corporation	675.00	57.20
Howard Lewis, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	2,000.00	100.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Raymond A. Lewis, 815 Connecticit Ave., NW, #800 Washington, DC 20006	American Methanol Institute	3,000.00	1,128.00
Richard Lewis, 1025 Vermont Ave., NW Washington, DC 20005	American Pulpwood Assn		
Robert J. Lewis, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute		
Susan Lewis, 5229 Westpath Way Bethesda, MD 20816	Jason Foundation for Education	9,600.00	39.50
Lewis Rice & Fingersh, 611 Olive St., #1400 St. Louis, MO 63101	John E. Simon Trust	705.00	947.06
John F. Leyden, 815 16th Street, NW, #308 Washington, DC 20006	Public Employee Department, AFL-CIO	5,839.70	
LeBoeuf Lamb Leiby & MacRae, 1875 Connecticut Avenue, NW Washington, DC 20009	Federal Employees Tax Group		
Do	Feibel-Garek Realtors/Environmental Standard Group		
Do	Maritrans Operating Partners, L.P.		
Do	Physicians Insurers Assn of America		
Do	Underwriters at Lloyd's London		
Harris W. LeFew, 300 Pratt Street Luke, MD 21540-1099	Westvaco Corporation		
Lawson LeGate, 177 East 900 South, #102 Salt Lake City, UT 84111	Sierra Club	757.58	1,014.15
Lynn H. LeMaster, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute	2,401.10	260.52
Roger J. LeMaster, 1001 Pennsylvania Ave., NW, Washington, DC 20004	American Council of Life Insurance, Inc	4,500.00	
William J. Lhota, One Riverside Plaza Columbus, OH 43215	American Electric Power Service Corp	900.00	475.50
Bill Libro, 601 Pennsylvania Ave., NW, Suite 600 N Washington, DC 20004	Northern States Power Company	4,440.00	226.00
Jack W. Liddle, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp	200.00	
Robert Y. Lider, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp	500.00	
Richard A. Lidinsky Jr., 700 13th Street, NW, #220 Washington, DC 20005	Sea Containers America, Inc	1,500.00	
Brett E. Lief, 122 C Street, NW, Suite 750 Washington, DC 20001	National Asssn of Independent Colleges & Universities	10,374.00	21.00
Susan A. Lightfoot, 1640 Wisconsin Avenue, NW, First Floor Washington, DC 20007	American College of Surgeons		107.71
Jennifer S. Lim, 1101 Vermont Avenue NW, #710 Washington, DC 20005	American Veterinary Medical Assn		
Lincoln National Corp, 1300 South Clinton Street Fort Wayne, IN 46801			3,590.00
Sharon Lindan, 1875 Connecticut Avenue, NW, Suite 300 Washington, DC 20009-5728	Center for Science in the Public Interest	5,000.00	200.00
Karl W. Lindberg, 2322 Easter Lane New Orleans, LA 70114	Southern Forest Products Assn	2,812.50	
Julienne Wood Lindley, 1725 17th Street, NW, #109 Washington, DC 20009	Bruce D. Cameron (For:Fibromyalgia Network)	1,445.00	
Do	National Council of Maubere Resistance	722.00	
Linton Mields Reisler & Cottone, 1225 Eye Street, NW, #300 Washington, DC 20005	Colorado School of Mines Foundation	16,012.15	
Do	Michigan Dept of Transportation	18,705.38	
Do	Northern States Power Company		
Do	State of Colorado, Dept of Highways	10,962.96	
Do	State of IL, Dept of Transportation, Div of Water Resources	32,215.44	
Do	Water Reclamation District of Greater Chicago	41,698.35	
Do	Wisconsin Power & Light Co	7,925.00	
Lionel Sawyer & Collins, 50 West Liberty Street, Suite 1100 Reno, NV 89501	Circus Circus		
Do	General Motors		
Do	Nevada Resort Assn		
Do	Sears, Roebuck & Co		
Lipe Green Paschal Trump & Gourley, P.C., 2100 Mid-Continent Tower 401 South Boston Avenue Tulsa, OK 74103	Thrifty Rent-A-Car System, Inc		
Linda A. Lipsen, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	2,160.00	
Nelson Litterst, 600 Maryland Ave., SW, Suite 700 Washington, DC 20024	National Federation of Independent Business (NFIB)	3,189.00	200.00
Charles B. Little, 820 First St., NE, #400 Washington, DC 20002	UBA, Inc	1,000.00	
William F. Little, 1350 I Street, NW, #1000 Washington, DC 20007	Ford Motor Co	520.00	672.80
Roy E. Littlefield III, 1707 Pepper Tree Court Bowie, MD 20716	American Retreaders' Assn	100.00	
Do	Greater Washington/Maryland Service Station Assn	250.00	
Robert W. Lively, 1850 K Street, NW, #1195 Washington, DC 20006	Schering-Plough	7,260.00	2,583.79
Wingate Lloyd, 1600 M Street, NW Washington, DC 20036	ITT Corp	200.00	40.00
Lobel Novins Lamont & Flug, 1275 K St., NW, #770 Washington, DC 20005	American Methanol Institute	9,900.00	24.89
Do	Biocraft Laboratories, Inc	1,595.00	18.81
Do	Generic Pharmaceutical Industry Assn	26,825.00	225.56
Do	San Francisco Bay Guardian		0.29
Michael A. Lobue, 1333 New Hampshire, NW Washington, DC 20036	Atlantic Richfield Co	25.00	
Paul Locigno, 2550 M STreet, NW, #275 Washington, DC 20037	Edward J. Rollins Companies (For:City of America)		
W. Timothy Locke, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates (For:Colton Communities, Inc)		
Do	Digitran Systems Inc.		
Do	Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc)		
Do	Hecht Spencer & Associates (For:MCI Telecommunications)		
Do	Hecht Spencer & Associates (For:National Automatic Merchandising Assn)		
Aaron Locker, One Pennsylvania Plaza New York, NY 10119	Toy Manufacturers of America, Inc	5,000.00	350.00
Debbie E. Locker, P.O. Box 4227 Tampa, FL 33677-4227	St. Joseph's Hospital	6,600.00	
Robert F. Lockhart Jr., 1155 15th Street, NW, #600 Washington, DC 20005	Pennzoil Company	1,300.00	
Lockheed Information Management Services Company, Inc, 1350 Connecticut Avenue, NW, #700 Washington, DC 20036			9,000.00
Thomas G. Loeffler, 1801 K Street, NW, #400K Washington, DC 20006	Loeffler & Leath, Inc (For:Central South West Corp)		
Do	Loeffler & Leath, Inc (For:Citicorp)		
Do	Loeffler & Leath, Inc (For:Electronic Data Systems Corp)		
Do	Loeffler & Leath, Inc (For:Hallmark Ghormley Development Co)		
Do	Loeffler & Leath, Inc (For:Hong Kong Trade Development Council)		
Do	Loeffler & Leath (For:Mesa Petroleum)		
Do	Loeffler & Leath (For:National Assn of Broadcasters)		
Do	Loeffler & Leath, Inc (For:Sematech)		
Do	Loeffler & Leath, Inc (For:Tesoro Energy)		
Do	Loeffler & Leath, Inc (For:United Services Automobile Assn)		
Loeffler & Leath, Inc, 7710 Jones Maltsberger, Suite 540 San Antonio, TX 78216	Central South West Corp	1,125.00	656.25
Do	Citicorp	3,276.50	2,180.00
Do	City of Philadelphia		
Do	Electronic Data Systems Corp		
Do	Hallmark Ghormley Development Co	2,625.00	1,531.25
Do	Hong Kong Trade Development Council		
Do	International Hardwood Products Assn, Inc		
Do	Mesa Petroleum	210.00	107.50
Do	National Assn of Broadcasters	1,537.50	1,243.75
Do	Sematech		
Do	South West Florida Enterprises, Inc		
Do	Tesoro Energy	6,375.00	3,718.75
Do	United Services Automobile Assn	4,335.00	1,068.75
William E. Loftus, 1120 G Street NW, #520 Washington, DC 20005	American Short Line Railroad Assn		
London & Satagaj, 1156 15th Street, NW, #510 Washington, DC 20005	Jewelers of America	6,000.00	
Do	National Home Furnishings Assn	6,000.00	
Do	Small Business Legislative Council	6,000.00	
Linda A. Long, 1156 15th Street, NW, #550 Washington, DC 20005	Montgomery McCracken Walker & Rhoads (For:International Republican Institute).		
Do	Montgomery McCracken Walker & Rhoads (For:Ports of Philadelphia Maritime Exchange).	50.00	
Do	Montgomery McCracken Walker & Rhoads (For:US Healthcare)	313.50	
Patricia Davitt Long, 1331 Pennsylvania Ave., NW, 1500 North Washington, DC 20004-1703	National Assn of Manufacturers	390.00	
Robert Michael Long, McElroy & Sullivan First State Bank Tower 400 West 15th Street Austin, TX 78701	American Telephone and Telegraph	20,120.00	302.17
Robert S. Long, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	8,800.00	739.85
Long Law Firm, 8550 United Plaza Blvd., #800 Baton Rouge, LA 70809	Coca-Cola Co	6,550.00	811.17
Do	Employee Stock Ownership Assn	250.00	
Do	General Health, Inc	125.00	
Do	Greater New York Hospital Assn		
Do	Metropolitan Life Insurance Co	400.00	
Do	MicroGeneSys, Inc		
Do	Occidental International, Inc	3,100.00	1,351.14
Do	United Companies Financial Corp		
Shelley A. Longmuir, 1707 L Street, NW, Suite 300 Washington, DC 20036	United Air Lines, Inc	15,000.00	
Dennis Longoria, Central Power & Light Co P.O. Box 3400 Laredo, TX 78044	Central Power & Light Co		
Laura Loomis, 1776 Massachusetts Ave., NW Washington, DC 20036	National Parks & Conservation Association		
Ann Looper, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	9,000.00	
Gerald D. Lore, 1300 I St., NW, Suite 520 West Washington, DC 20005	Hoffmann-La Roche, Inc	5,000.00	150.00
Philip J. Loree, 50 Broadway New York, NY 10004	Federation of American Controlled Shipping	1,000.00	409.50

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Brien Lorenze, 1015 15th Street, NW, Suite 802 Washington, DC 20005	American Consulting Engineers Council	6,800.00	
Robert E. Losch, P.C., 1716 New Hampshire Ave., NW Washington, DC 20009	American Dredging Co, et al.	11,415.00	2,852.50
Franklin W. Losey, 4301 North Fairfax Drive, #330 Arlington, VA 22203	Shipbuilders Council of America	1,000.00	
Bill Loughrey, One Technology Parkway Box 105600 Atlanta, GA 30348	Scientific-Atlanta	300.00	
Timothy Lovain, 3713 Gunston Road Alexandria, VA 22302	Denny Miller Associates	5,000.00	
Celia C. Lovell, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Monica M. Lovell, 1331 Pennsylvania Ave., NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	1,000.00	
Suellen Lowry, 1531 P Street, NW, #200 Washington, DC 20005	Sierra Club Legal Defense Fund	4,052.71	1,225.57
Amy Loy, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	100.00	
Arthur M. Luby, 1300 L Street, NW, #200 Washington, DC 20005-4178	O'Donnell Schwartz & Anderson (For:Transport Workers Union of America, AFL-CIO).	10,000.00	450.00
Joe O. Luby Jr., 1899 L Street, NW, Suite 1100 Washington, DC 20036	Exxon Corp		
Paula D. Lucak, 815 16th Street, NW, #308 Washington, DC 20006	Public Employee Department, AFL-CIO	12,896.52	17.00
William L. Lucas, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	25.00
Michael S. Lucy, One Bowdoin Square Boston, MA 02114	J. Makowski Associates, Inc		
Kenneth M. Ludden, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Beirut University College)		
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)		
Do	Bannerman & Associates, Inc (For:Government of Egypt)	9,000.00	459.86
Mary Riddle Ludke, 1401 I Street, NW, #1200 Washington, DC 20005	Chevron USA, Inc	320.00	85.00
Leslie G. Ludwick, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,750.00	
Manuel Lujan Jr., 1209 California, NE Albuquerque, NM 87110	National Indian Business Assn		
Do	Westland Development Corp	4,500.00	
David R. Lukens, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Sylvester Lukis, One East Lenox Street Chevy Chase, MD 20815	City of Miami	11,250.00	
Do	City of Miami Beach	4,583.00	
Do	City of Palm Springs	8,000.00	
Do	Dade County, Florida	15,416.00	
Do	Florida Medical Center	15,000.00	
Do	Houston Independent School District	7,800.00	
Do	School Board of Dade County, Florida	13,200.00	
J.C. Luman & Associates, 1030 15th Street, NW, #410 Washington, DC 20005	National Assn of Personnel Services		
Lumbermens Mutual Casualty Company, Long Grove, IL 60049			3,858.49
Lund & O'Brien, 1825 K St., NW, #1010 Washington, DC 20006	Pennsylvania Mines Corporation	414.00	17.43
Do	Pennsylvania Power & Light Co	2,160.00	222.26
Francis M. Lunnie Jr., 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers	1,500.00	
Judith W. Luno, 555 13th Street, NW, Ste. 300W Washington, DC 20004	Interstate Natural Gas Assn of America		
R. J. Lyerly, 1667 K Street, NW, #300 Washington, DC 20006	Amdahl Corp	1,000.00	
Beth Lyle-Durham, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	1,154.00	
Marshall L. Lynam, 101 D Street SE Washington, DC 20003	Dallas/Ft. Worth International Airport	20,000.00	
Do	Tandy Corp	10,500.00	
Kevin A. Lynch, 1275 K Street, NW, #1100 Washington, DC 20005	PacifiCorp Electric Operations	690.00	3,254.00
Timothy P. Lynch, 430 First Street SE Washington, DC 20003	American Trucking Associations, Inc	15,000.00	
Eaton Lynn, 1735 North Lynn Street, Suite 950 Arlington, VA 22209	National Staff Leasing Assn	5,000.00	
Margaret Lyons, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	3,810.00	
M & R Strategic Services, Inc, 1725 K Street, NW, Suite 1209 Washington, DC 20006	Issue Dynamics, Inc	1,400.00	870.00
M.O.A.A.I.O.A. & Subs, Inc, 701 S. 22nd, #107 Omaha, NB 68102			
Marcia S. Mabee, 11490 Commerce Park Drive Reston, VA 22091	Coalition for American Trauma care (CATC)		
James H. Mack, 7901 Westpark Dr. Mclean, VA 22102	AMT - The Assn for Manufacturing Technology	28,240.00	500.00
Robb S. Mackie II, 1957 E Street NW, Washington D.C.	Associated General Contractors of America	3,000.00	500.00
Robert A. Macrory, c/o Alabama Petroleum Council P.O. Box 4220 Montgomery, AL 36103-4220	American Petroleum Institute	2,167.00	
Mark MacCarthy, 6305 32nd Street, NW Washington, DC 20015	Capital Cities/ABC, Inc	2,060.00	
Timothy MacCarthy, 750 17th Street, NW, #901 Washington, DC 20006	Nissan North America, Inc	15,000.00	
Gordan D. MacKay, 501 Boylston Street Boston, MA 02117	New England Mutual Life Insurance Co, ('The New England')	2,125.00	1,106.98
Uday Madiman, P.O.BOx 755 Beltsville, MD 20704	Indy Unlocks, Inc		
Cliff Madison Government Relations, Inc, 1611 Landfall Drive Wilmington, NC 28403	Burbank-Glendale-Pasadena Airport Authority	7,500.00	
Do	City of Newport Beach	8,850.00	
Do	Federal Express Corp	12,000.00	
Do	Los Angeles County Transportation Commission	24,999.00	
Do	Mark Air, Inc	6,000.00	
Do	Sarasota-Bradenton Airport	6,333.34	
Bill Magavern, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	1,850.00	
Magic Line, Inc, 23400 Michigan Avenue Dearborn, MI 48124-1999			
James N. Magill, 200 Maryland Avenue, NE Washington, DC 20002	Veterans of Foreign Wars of the U.S.	4,500.00	2,220.58
Paul Magliocchetti Associates, Inc, 1755 Jefferson Davis Highway, #1107 Arlington, VA 22202	American Ship Building Company		
Do	Bath Iron Works Corp		
Do	Chamberlain Manufacturing Corp		
Do	Diagonstic Retrieval Systems, Inc		
Do	Dynamics Research Corp		
Do	Electronic Warfare Associates, Inc		
Do	Era Aviation Services		
Do	Foundation Health Corp		
Do	Grumman Corporation		
Do	Hughes Aircraft Company		
Do	Laurel Technologies, Inc		
Do	Medco Containment Services, Inc		
Do	MIC Industries, Inc		
Do	Orange Shipbuilding Co, Inc		
Do	Schat-Watercraft		
Do	Schweizer Aircraft Corp		
Do	Short Brothers (USA), Inc		
Do	Sunquest Information Systems, Inc		
Do	Technology Applications and Service Co		
Do	Textron, Inc		
Do	Trinity Marine Group		
A. John Maguire, 1521 New Hampshire Avenue, NW Washington, DC 20036-1205	National Cotton Council of America	9,375.00	491.09
David L. Mahan, 1133 Connecticut Ave., NW Washington, DC 20036	DGA International, Inc (For:Societe Nationale D'Etude et de Const de Moteurs D'Aviation).		
Do	DGA International, Inc (For:Sofreavia)		
Jean Mahan, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	5,165.00	
Alisa Learner Maher, 1100 Connecticut Ave., NW Washington, DC 20036	Chrysler Corporation	4,725.00	488.00
Linda F. Maher, 9000 Montgomery Ave Chevy Chase, MD 20815	Turner Broadcasting System, Inc	550.00	
Walter B. Maher, 1100 Connecticut Ave., NW, #900 Washington, DC 20036	Chrysler Corporation	1,998.00	518.00
Terence P. Mahony, 1331 Pennsylvania Ave., NW, #930 North Washington, DC 20004	National Broadcasting Co, Inc	3,250.00	162.97
David C. Main Jr., 1301 K Street, NW, Suite 900 East Tower Washington, DC 20005	Gardner Carton & Douglas (For:Voluntary Hospitals of America, Inc)	15,000.00	300.35
Major League Baseball Players Assn, 805 Third Avenue New York, NY 10022			35,980.45
Todd M. Malan, 801 Pennsylvania Ave., NW, Suite 950 Washington, DC 20004	European-American Chamber of Commerce	8,400.00	
Michelle Mallory, 453 New Jersey Ave., SE Washington, DC 20003	Beneficial Management Corp		
Claudia Malloy, 2030 M Street, NW Washington, DC 20036	Common Cause	5,590.02	657.56
Robert H. Maloney, 3900 Wisconsin Ave., NW Washington, DC 20016	Fannie Mae	2,500.00	
Manatt Phelps & Phillips, 1200 New Hampshire Ave., NW, #200 Washington, DC 20036	Akhiok-Kaguyak, Inc		
Do	Alliance for Managed Competition		
Do	American Bankers Assn		
Do	Appraisal Institute	430.00	3.50
Do	Barr Laboratories	2,741.00	29.50
Do	Bowling Proprietors Assn of America		
Do	California Chiropractic Assn		
Do	California League of Savings Institutions	30,042.50	168.62
Do	Chemical Bank	2,425.00	97.41
Do	City of Hope	2,587.50	56.00
Do	Coalition for Continued Correctional Education		
Do	EDU-DYNE Systems, Inc		
Do	Federal Express Corp		
Do	General Electric, et al.		
Do	Glen-Fed, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	L.A. Gear, Inc		
Do	Melrose Company		
Do	Money Store	6,348.00	8.00
Do	National Cable Television Assn, Inc		
Do	NEC USA, Inc		
Do	Phillip Morris, Inc		
Do	Sharp Manufacturing Co of America	350.00	
Do	Thomas Cook, et al.		
Do	Western Dental Services, Inc	11,879.00	45.75
Do	World Cup USA 1994, Inc	18,296.75	68.50
Susan Rachel Weiss Manes, 2030 M Street, NW Washington, DC 20036	Common Cause	15,882.54	171.10
Mary Jo Manning, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Television Operators Caucus)		
Cynthia Mansfield, 801 Pennsylvania Ave., NW, Suite 310 Washington, DC 20004	GPU Service Corporation	23,913.00	184.96
S.W. Manteria, 233 Broadway New York, NY 10279	Woolworth Corp	325.00	362.73
Manufactured Housing Institute, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202			24,769.00
Albert Manville II, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	3,423.02	862.62
Anthony Manzanares Jr., 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Robert Y. Maples, 2550 M Street, NW, Suite 300 Washington, DC 20037	Smokeless Tobacco Council, Inc.		
Marine Spill Response Corporation, 1350 I Street, NW, Suite 300 Washington, DC 20005			10,303.36
Maritime Institute for Research & Industrial Development, 1133 15th St., NW, #600 Washington, DC 20005			18,689.21
Lawrence D. Markley, Rt. 1, Box 130-A Mt. Solon, VA 22843	Kotzbue Electric Association	2,400.00	
Morry B. Markowitz, 1001 19th Street, North Arlington, VA 22209	Assn of International Automobile Manufacturers, Inc	7,000.00	2,000.00
Luther A. Markwart, 1156 15th St., NW, #1101 Washington, DC 20005	American Sugarbeet Growers Assn		
Ernest Robert Marlow, 1126 16th Street, NW, #200 Washington, DC 20036-1081	International Chemical Workers Union		
Marlowe & Company, 1667 K Street, NW, #480 Washington, DC 20006	American Public Gas Assn	5,350.00	153.91
Do	Captiva Erosion Prevention District	450.00	
Do	City of Venice, Florida	150.00	81.00
Do	Coalition to Keep Alaska Oil	1,425.00	80.71
Do	Coalition to Repeal the Wright Amendment		
Do	End Notch Discrimination		
Do	Independent Pilots Assn	925.00	133.63
Do	National Society of Fund Raising Executives	1,975.00	221.94
Do	Town of Longboat Key		
Stephanie Marrone, 1350 New York Avenue, NW, Suite 1100 Washington, DC 20005-4798	Spiegel & McDiarmid (For:American Communities for Cleanup Equity)	7,665.00	1,469.29
Julie Marsh, 2030 M Street, NW Washington, DC 20036	Common Cause	3,124.00	
Edward C. Marshall, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	3,000.00	500.00
Ellen M. Marshall, 1199 North Fairfax Street, Suite 204 Alexandria, VA 2314	International Council of Shopping Centers	950.00	
David F. Martin, Plumbing Manufacturers Institute 1655 N. Ft. Myer Drive, #700 Arlington, VA 22209	CM Services, Inc	500.00	
Howard R. Martin, 1156 15th Street, NW, Suite 1015 Washington, DC 20005	J.C. Penney Co, Inc		
Larry K. Martin, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc	2,600.00	75.00
Stan Martin, 7101 Wisconsin Avenue, #1390 Bethesda, MD 20814	National Burglar and Fire Alarm Assn		
Susan Roeder Martin, 700 Universe Boulevard, Rm A3074 Juno Beach, FL 33408	Florida Power & Light Co	566.00	219.74
Joseph J. Martyak, 655 15th Street, NW, #225 Washington, DC 20005	Rhone-Poulenc, Inc		
Michael Marvin, 777 North Capitol Street, NE, Suite 805 Washington, DC 20002	American Wind Energy Assn	15,750.00	227.00
Maryland People's Counsel, 231 E. Baltimore Street, 9th Fl. Baltimore, MD 21202			
Robert A. Marzocchi, P.O. Box 1615 15 Mountain Veiw Road Warren, NJ 07061-1615	Chubb & Son, Inc		
Anna M. Maschino, 1015 18th Street, NW Washington, DC 20036	Conference of State Bank Supervisors	462.50	
Mark A. Maslyn, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	8,287.00	355.02
Glen David Mason, 1350 I Street, NW, #590 Washington, DC 20005	College of American Pathologists	4,484.00	
Michael J. Mason, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	10,000.00	83.00
Nancy Mason, 1020 19th Street, NW, Suite 700 Washington, DC 20036	US WEST, Inc	183.20	
Daniel J. Massey, Huntington Center 41 South High Street Columbus, OH 43215-3406	Centerior Energy Corp		
Jacquelyn Massey, 3138 North 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions	1,250.00	
James D. Massie, 1317 F Street, NW, #400 Washington, DC 20004	R. Duffy Wall & Associates	1,250.00	
Theodore W. Mastroianni, 1000 Connecticut Ave., NW, #706 Washington, DC 20036	American Society of Composers, Authors & Publishers		12.00
Do	Atlantic Richfield Company	15.00	
Do	Cerrell Associates, Inc (for Calif Independent Mortgage...)	3,900.00	259.41
Do	Government Employees Hospital Assn	1,410.00	75.70
Sandra Masur, 1776 Eye Street, NW, #1050 Washington, DC 20006	Eastman Kodak Company	1,200.00	
Mary Cheryl Matheis, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	709.11	14.00
Dawson Mathis, 1900 L Street, NW, #250 Washington, DC 20036	Dawson Mathis & Associates (For:Massachusetts Mutual Life Insurance Co)	3,000.00	
Do	United Parcel Service	3,000.00	
Dawson Mathis & Associates, 1900 L Street, NW Suite 300 Washington, DC 20036	Massachusetts Mutual Life Insurance Co	3,000.00	
Kim M. Matthews, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc	1,511.40	
Robert A. Matthews, 700 North Fairfax St. Alexandria, VA 22314	Railway Progress Institute	1,423.62	
Joseph M. Mattingly, 1901 North Moore Street, #1100 Arlington, VA 22209	Gas Appliance Manufacturers Assn, Inc		
Harry D. Mattison, P.O.Box 660164 Dallas, TX 75266-0164	Central & South West Corporation		
Michael N. Matton, 1735 Jefferson Davis Hwy., Suite 1200 Arlington, VA 22202	McDonnell Douglas		
William C. Mattox, 1700 Pennsylvania Avenue, NW Washington, DC 20006	Mutual of Omaha Cos	2,125.00	
Marshall L. Matz, 1400 16th Street, NW, #400 Washington, DC 20036	Olsson Frank & Weeda (For:American Commodity Distribution Program)	1,500.00	
Do	Olsson Frank & Weeda (For:American School Food Service Assn)	9,000.00	
Do	Olsson Frank & Weeda (For:United Fresh Fruit & Vegetable Assn)	3,000.00	
Robert V. Maudlin, 1511 K Street, NW Washington, DC 20005	C.V. & R.V Maudlin (For:Southern Company Services, Inc)	700.00	170.00
Michael Mawby, 2030 M Street, NW Washington, DC 20036	Common Cause	14,895.00	1,060.73
John A. Maxwell, New Jersey Petroleum Council 150 West State Street Trenton, NJ 08608	American Petroleum Institute		
William A. Maxwell, 1250 Eye Street, NW #200 Washington, DC 20005	Computer & Business Equipment Manufacturers Assn	9,000.00	57.13
James C. May, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	30,000.00	
Peter G. Mayberry, 1001 G Street, NW, #500 West Washington, DC 20001	Keller and Heckman (For:INDA (Association of the Nonwoven Fabrics Industry))		
Joseph T. Mayer, 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	18,135.00	2,390.64
Marion R. Mayer, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	714.81	653.74
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Accountants' Liability Assurance Co, Ltd		
Do	Arthur Andersen & Co, et al.	150.00	
Do	Attorneys' Liability Assurance Society Ltd		
Do	Black & Decker Corporation	350.00	
Do	Brunswick Corp	350.00	
Do	Cabot Partners Limited Partnership		
Do	Comdisco, Inc	875.00	
Do	Continental Bank, N.A.	2,250.00	3,955.30
Do	East-West Innovations, Inc		
Do	First Chicago Corp	612.50	
Do	FMC Corporation		
Do	GATX Corporation	175.00	
Do	Household Commercial Financial Services, Inc		
Do	Inland Steel Corp		
Do	JMB Realty Corp		
Do	L & B Estate Counsel		
Do	LaSalle Partners, Inc		
Do	Mayer Brown & Platt Sentencing Commission Coalition		
Do	Merrill Lynch Capital Markets		
Do	Midwest Stock Exchange, Inc	306.25	
Do	Morton International	350.00	
Do	Nalco Chemical Co		
Do	NICOR, Inc	425.00	
Do	Outboard Marine Corporation		
Do	Quaker Oats Company		
Do	RJR Nabisco, Inc		
Do	Santa Fe Pacific Corp		
Do	Sara Lee Corporation		
Do	Sears Roebuck & Co		
Do	Solid Waste Agency of Northern Cook County		
Do	Tele-Communications, Inc		
Do	Vulcan Materials Company, Midwest Division	350.00	
Martin Mayfield, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	3,465.00	666.24
Lee Ann Mayo, 1100 South Washington Street, 1st Floor Alexandria, VA 22314-4494	National Beer Wholesalers Assn	2,000.00	386.58

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Jeffrey G. Mays, 1505 Prince Street, Suite 300 Alexandria, VA 22314	American Optometric Assn		
Michael J. McAdams, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc		
H. Wesley McAden, 1155 15th St., NW, #504 Washington, DC 20005	J. G. Boswell Co	3,000.00	
Do	New York Cotton Exchange	2,000.00	
Do	Supima Association of America	2,000.00	
Rebecca Craford McAuliffe, 1445 New York Avenue, NW, 8th Floor Washington, DC 20005	Public Securities Assn	3,500.00	110.29
McAuliffe Kelly & Raffaelli, 1341 G Street, NW, #200 Washington, DC 20005	American Psychological Assn	1,000.00	
Do	Diagnostic Retrieval Systems	1,000.00	
Do	Imrig, Inc	1,000.00	
Do	ICI Chemical	1,000.00	
Do	Moore Capital Management	1,000.00	
Do	National Realty Committee	2,000.00	
Do	Seafarers International Union	1,000.00	
Do	Soros Fund Management	1,000.00	
Do	Tudor Investment Corp	1,000.00	
Ann McBride, 2030 M St., NW Washington, DC 20036	Common Cause	17,675.04	72.00
Susan P. McCaffrey, 3901 N. Meridian Street P.O. Box 88409 Indianapolis, IN 46208-0409	Community Service Council of Central IN, Inc		
John D. McCallum, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co	285.07	
Mary Stuart McCamy, 666 Pennsylvania Ave., SE, Suite 4 Washington, DC 20003	Trust for Public Land	3,729.00	43.06
Carolyn Kim McCarthy, 1455 Pennsylvania Ave., NW, #500 Washington, DC 20004	Enseco, Inc	9,000.00	300.00
Do	MetPath, Inc	30,000.00	1,000.00
James A. McCarthy, 1711 King Street, Suite One Alexandria, VA 22314	Snack Food Assn		
James R. McCarthy, 1801 K St., NW, Suite 700 Washington, DC 20006	Price Waterhouse (For:Oralco Management Services, Inc)	730.00	10.00
John B. McCarthy, 1101 Vermont Avenue, NW, #710 Washington, DC 20005	American Veterinary Medical Assn		
Brian McClay, c/o Rogers & Wells 607 14th Street, NW Washington, DC 20005	Canadian Pulp and Paper Association	450.00	
Luckie L. McClintock, 901 Massachusetts Ave., NW Washington, DC 20001	United Assn of Journeymen & Apprentices of the P. & P.F.I.	6,000.00	1,544.25
Donald N. McClure Jr., 20 Erford Road #115 Lemoyne, PA 17043	Pennsylvania Assn of Home Health Agencies	9,734.82	540.96
McClure Gerard & Neuenschwander, Inc, 801 Pennsylvania Ave., NW, #820 Washington, DC 20004-2604	Amax, Inc	75.00	
Do	American Mining Congress	75.00	
Do	Asarco, Inc	75.00	
Do	Barrick Resources (USA, Inc)	75.00	
Do	Battle Mountain Gold Company	75.00	
Do	Brush Wellman, Inc	75.00	
Do	Coeur d'Alene Mines Corp	75.00	
Do	Cray Research, Inc		
Do	Crown Butte Mines, Inc	75.00	
Do	Cyprus Minerals	75.00	
Do	Echo Bay Mines		
Do	FMC Gold	75.00	
Do	Gold Fields Mining Corp	75.00	
Do	Hecla Mining Co	75.00	
Do	Homestake Mining	75.00	
Do	Idaho Power Company		
Do	Magma Copper Company	75.00	
Do	Minorco, USA	75.00	
Do	National Endagered Species Act Reform Coalition		
Do	National Rifle Assn	400.00	
Do	Newmont Mining Corp	75.00	
Do	Pacific Gas Transmission Gas Company		
Do	Pegasus Gold Corp	75.00	
Do	Phelps Dodge Corp	75.00	
Do	Placer Dome US, Inc	75.00	
Do	Santa Fe Pacific Minerals Co	75.00	
Do	World Cup USA 1994, Inc	325.00	
McClure Trotter & Mentz, 1100 Connecticut Ave., NW, #600 Washington, DC 20036	Amway Corp	552.00	
Do	Coca-Cola Company	15,874.31	733.22
Do	Methanex, Inc	741.75	
Do	Motion Picture Assn America, Inc		105.45
Do	Paramount Communications, Inc	5,110.31	269.13
Do	Perpetual Corp	83.75	88.86
Do	Rank Video Services America	1,242.00	46.04
Robert S. McConnaughey, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Judith A. McCormick, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	326.56	
Maryanne McCormick, 1455 Pennsylvania Avenue, NW Washington, DC 20004-1007	American Institute of Certified Public Accountants	5,000.00	2,077.10
John E. McDade, 1700 North Moore Street Arlington, VA 22209	American Meat Institute		
Carol A. McDaid, 1317 F Street, NW Washington, DC 20004	R. Duffy Wall & Associates, Inc	1,250.00	
John McDavitt, 2000 K St., NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	4,253.00	
McDermott Will & Emery, 1850 K Street, NW, #500 Washington, DC 20006	Alaska Seafood Marketing Institute	1,110.00	40.00
Do	Allergan, Inc	200.00	
Do	American Dental Hygienists Assn	1,500.00	
Do	American Imaging Assn		
Do	American Meat Institute		
Do	American Soc of Outpatient Surgeons		
Do	Association of Freestanding Radiation Oncology Centers	100.00	
Do	California Avocado Commission	6,198.00	132.00
Do	California Canning Peach Assn	2,128.00	88.00
Do	California Children's Hospital Assn	2,100.00	
Do	California Energy Commission		
Do	California Kiwifruit Commission	5,273.00	1,314.00
Do	California Raisin Advisory Board	4,348.00	90.00
Do	Caylor-Nickel Medical Center	500.00	
Do	Chiquita Brands, Inc	278.00	
Do	Fargo Clinic	2,500.00	
Do	Fundesa	1,850.00	
Do	Good Sam Club	185.00	
Do	International Hearing Society	5,300.00	
Do	Juvenile Diabetes Foundation	6,000.00	
Do	Marshfield Clinic	2,500.00	
Do	Minor Crop Farmer Alliance	19,610.00	106.00
Do	National Potato Council	1,110.00	174.00
Do	Outpatient Opthalmic Surgery Society		
Do	Public Employees Retirement Assn of Colorado	300.00	
Do	Tropicana		
Do	U.S. Mink Export Development Council	1,850.00	94.00
Do	Welch Foods, Inc	740.00	66.00
Jennifer B. McDonald, 1200 18th Street, NW Suite 200 Washington, DC 20036	National Business Aircraft Assn	500.00	50.00
John P. McDonough, 99 Commerce Place Upper Marlboro, MD 20772	O'Malley & Miles (For:National Hockey League)	507.50	
Marian E. McDowell, 1275 Pennsylvania Ave., NW, 4th Floor Washington, DC 20004	Pacific Telesis Group	10,812.00	
Robert M. McDowell, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America)		
Deborah Costolo McElroy, 1101 Connecticut Avenue, NW Washington, DC 20036	Regional Airline Assn	1,000.00	
Robert H. McFadden, 1620 Eye Street, NW, #1000 Washington, DC 20006	American Automobile Manufacturers Assn	4,080.00	
Randall H. McFarlane, 900 19th Street, NW, Suite 400 Washington, DC 20006	Savings & Community Bankers of America	5,900.00	455.84
Paul J. McGeady, 27 Hampton Place Nutley, NJ 07110	Morality in Media, Inc	50.21	
Becky McGee, P.O. Box 2880 Dallas, TX 75221-2880	Oryx Energy Company		
Donna Lee McGee, 1001 Connecticut Ave., #701 Washington, DC 20036	Burlington Industries, Inc	5,000.00	890.00
Meredith McGehee, 2030 M St., NW Washington, DC 20036	Common Cause	11,882.52	159.00
Robert M. McGlotten, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	22,029.28	2,107.04
Phyllis M. McGovern, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	250.00	
Joseph M. McGrail, 52 Washington Ave. Williamstown, NJ 08094	Aircraft Owners & Pilots Assn	200.00	51.00
Do	AT&T Federal Systems		
Do	System Resources Corp		
Daniel H. McGrath, 1000 Wilson Boulevard, #2300 Arlington, VA 22209	Northrop Corp	700.00	
Lisa Stoltenberg McGreevy, 1101 14th Street, NW Washington, DC 20005	Conference of State Bank Supervisors	400.00	
Katy McGregor, 1200 17th Street, NW, 8th Floor Washington, DC 20036	National Restaurant Assn	1,500.00	990.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Kevin S. McGuiness, 400 North Capitol Street, NW, #585 Washington, DC 20001	McGuiness & Holch (For:American Assembly of Collegiate Schools of Business)	2,475.00	
Do	McGuiness & Holch (For:Arch Mineral)	787.50	
Do	McGuiness & Holch (For:Barr Laboratories)	337.50	
Do	McGuiness & Holch (For:Consolidated Rail Corp)	2,700.00	
Do	McGuiness & Holch (For:National Nutritional Foods Assn)	2,700.00	
Do	McGuiness & Holch (For:PepsiCo, Inc)		
Do	McGuiness & Holch (For:RJR Nabisco)	450.00	
McGuiness & Williams, 1015 15th Street, NW, #1200 Washington, DC 20005	American Sod Producers Assn	1,650.00	
Do	Workers Compensation Integrity Stability & Equity (WISE)	8,168.00	3,123.75
Joseph M. McGuire, 4301 N. Fairfax Drive, #425 Arlington, VA 22203	Air Conditioning & Refrigeration Institute		
Mary Lee McGuire, 2300 Clarendon Blvd., #l0l0 Arlington, VA 22201-3367	Cook Inlet Region, Inc	12,000.00	
McIntyre Kahn & Kruse Co., L.P.A., The Galleria & Towers At Erieview 1301 East Ninth Street, #1200 Cleveland, OH 44114			
John J. McKechnie III, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	2,500.00	
Thomas J. McKee, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corporation	625.00	383.06
McKenna & Cuneo, 1575 Eye Street, NW Washington, DC 20005	Cigar Assn of America, Inc		
Do	Fertilizer Institute		
Jan E. McKenzie, 701 Pennsylvania Avenue, NW Washington, DC 20004	Edison Electric Institute	3,768.07	485.35
F.J. McKeown, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	Vought Aircraft Co	2,500.00	125.00
Kim F. McKernan, 600 Maryland Ave., SW, Suite 700 Washington, DC 20024	National Federation of Independent Business (NFIB)	4,875.00	400.00
William Colm McKeveny, Chadbourne & Park 30 Rockefeller Plaza New York, NY 10112	American Pulpwood Assn		
McKevitt Group, 1101 16th Street, NW, #333 Washington, DC 20036	Kelly Services, Inc	6,600.00	679.78
Robert E. McKew, 919 18th Street, NW Washington, DC 20006	American Financial Services Assn	250.00	
C. A. 'Mack' McKinney, 909 North Washington Street, Suite 300 Alexandria, VA 22314	Military Coalition		
Robert L. McKinney, 1101 16th Street, NW Washington, DC 20036-4877	National Soft Drink Assn	39.90	
Bernard A. McKinnon, 1757 N Street, NW Washington, DC 20036	United Automobile Aerospace & Agricultural Implement Workers	19,885.42	240.41
Monette McKinnon, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	3,237.00	
Timothy P. McKone, 1667 K St., NW, Suite 1000 Washington, DC 20006	Southwestern Bell Corp	15,000.00	5,655.31
Patrick M. McLain, 1000 Vermont Avenue, NW, #1000 Washington, DC 20005	Rowan & Blewitt, Inc (For:C.R. Bard, Inc)	500.00	
Do	Rowan & Blewitt, Inc (For:IVAX Corp)		
Do	Rowan & Blewitt Inc (For:Medtronic, Inc)	2,125.00	
Do	Rowan & Blewitt (For:Monsanto Company)	3,500.00	
Do	Rowan & Blewitt, Inc (For:North American Vaccine, Inc)	1,187.50	
Do	Rowan & Blewitt, Inc (For:Par Pharmaceutical, Inc)	1,500.00	
Do	Rowan & Blewitt, Inc (For:Rhone-Poulenc Rorer)	5,886.75	
Do	Rowan & Blewitt, Inc (For:Scripps Research Institute)	3,500.00	
Do	Rowan & Blewitt, Inc (For:Upjohn Company)	2,000.00	
Do	Rowan & Blewitt, Inc (For:Wadley Reserach Institute)	2,437.50	
James D. McLaughlin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,400.00	275.00
Thomas J. McLeod, 610 Opperman Drive P.O. Box 64526 St Paul, MN 55164-0526	West Publishing Company		
Kevin Patrick McMahon, 1001 19th St. N., #800 Arlington, VA 22209	TRW, Inc	13,028.00	
Brian McManus, 7440 Woodland Drive Indianapolis, IN 46278	Golden Rule Insurance Company		
P. E. McManus Associates, 513 Capitol Court, NE, #300 Washington, DC 20002	AAI	50.00	
Do	Hydroacoustics, Inc	50.00	
Do	Litton Data Systems	50.00	
Do	McDonnell Douglas Corp	100.00	
James D. McMillan, 1899 L St., NW, #1100 Washington, DC 20036	Exxon Corporation	1,000.00	185.74
Rachel A. McMillan, 1850 K Street, NW, Suite 950 Washington, DC 20006	McDermott/Babcock & Wilcox	4,000.00	2,461.90
Stephen D. McMillan, 501 Wythe Street P.O. Box 1417-D50 Alexandria, VA 22313-1480	Animal Health Institute	20,000.00	
Gerald R. McMurray, 3900 Wisconsin Avenue, NW Washington, DC 20016	Fannie Mae	2,500.00	
McNair & Sanford, P.A., 1155 15th Street, NW, #400 Washington, DC 20005	Allied-Signal, Inc		
Do	American University of the Caribbean		
Do	Association of Banks in Insurance (ABI)		
Do	Coalition for Auto Repair Equality		
Do	Georgia-Pacific Corp		
Do	International Assn for Financial Planning	2,250.00	82.00
Do	Liggett Group, Inc		
Do	New York State Bankers Assn		
Do	Norfolk Southern Corp		
Do	Phillips Petroleum Co	1,200.00	
Do	South Carolina Research Authority		
Do	SCANA Corp		
Do	W.R. Grace & Company		
Do	Westinghouse Electric Corp		
Susan McNally, 1350 Connecticut Avenue, NW, Suite 700 Washington, DC 20036	Lockheed Information Management Services Company, Inc		
Kathryn M. McNamara, 633 Pennsylvania Avenue, NW, #600 Washington, DC 20004	Dean Witter Reynolds, Inc	55.00	287.50
Laramie Faith McNamara, 1001 19th Street North, #800 Arlington, VA 22209	TRW, Inc	26,975.00	4,846.00
Michael J. McNamara, 2300 M Street, NW, #600 Washington, DC 20037	International Advisers, Inc (For:Embassy of Turkey)	7,154.00	322.00
Peter F. McNeish, 1199 N. Fairfax Street, #200 Alexandria, VA 22314	National Assn of Small Business Investment Cos	3,000.00	
John P. McNerney, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
John J. McNichol, 900 2nd Street, NE, Suite 303 Washington, DC 20002	Tierney Group		1,272.00
John P. McNicholas, 8008 Westpark Drive McLean ton, VA 22102	Unisys Corp	2,500.00	1,619.02
Laura J. McPherson, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	5,000.00	
Michael J. McShane, 1001 19th Street North, #800 Arlington, VA 22209	TRW, Inc	14,333.00	114.00
Martha McSteen, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security	18,232.00	
George G. Mead, 1908 Ednor Road Silver Spring, MD 20905	National Beer Wholesalers Assn	1,500.00	
Do	Norfolk Southern Corp	1,500.00	
Do	North American Van Lines, Inc	1,500.00	
Leslie S. Mead, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	63.00	
John K. Meagher, 1875 Connecticut Avenue, NW, 12th Floor Washington, DC 20009	Leboeuf Lamb Leiby & MacRae (For:Federal Employees Tax Group)		
Do	LeBoeuf Lamb Leiby & MacRae (For:Feibel-Garek/Environmental Standard Group).		
Do	LeBoeuf Lamb Leiby & MacRae (For:Physicians Insurance Assn of America)		
Francis X. Meaney, 701 Pennsylvania Avenue, NW Washington, DC 20004	Mintz Levin Cohn Ferris Glovsky & Popeo (For:Goldman Sachs & Co)		
Do	Mintz Levin Cohn Ferris Glovsky & Popeo (For:Securities Industry Assn)		
Paul N. Means, P.O. Box 551 Little Rock, AR 72203	Arkansas Power & Light Company		50.00
William A. Meaux, 1600 M Street, NW, #702 Washington, DC 20036	ICI Americas, Inc	5,000.00	
Charles M. Meehan, 1140 Connecticut Avenue, NW Suite 1140 Washington, DC 20036	Utilities Telecommunications Council	385.00	
John N. Meeks, 50 West Broad Street, Suite 2900 Columbus, OH 43215	Dayton Area Health Plan (For:Urbanistics, Inc)	5,000.00	5,000.00
Wayne Edward Mehl, 2725 Carter Farm Court Alexandria, VA 22306	Nevada Resort Assn	24,999.99	482.11
Do	Sierra Pacific Power Company		992.93
Michelle Meier, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	1,000.00	
Marilyn F. Meigs, 9300 Lee Highway Fairfax, VA 22031	ICF International, Inc	900.00	120.00
Susan R. Meisinger, 606 North Washington Street Alexandria, VA 22314	Society for Human Resource Management	15,000.00	
John Melcher, 230-B Maryland Avenue, N.E. Washington, DC 20002	American Veterinary Medical Assn	10,500.00	8,417.00
Do	Chicago Mercantile Exchange	11,250.00	8,417.00
Do	National Rural Cooperative Business Center	3,000.00	1,851.00
Kenneth F. Melley, 1201 16th Street, NW Washington, DC 20036	National Education Assn	5,374.95	
Margaret Mellon, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	1,363.50	
Scott Melville, 1776 Eye Street, NW, Suite 1060 Washington, DC 20006	Sterling Winthrop, Inc		
Mark Menezes, 555 13th Street, NW, Suite 1290 East Washington, DC 20004	Loeffler & Leath, Inc (For:Central South West Corp)	375.00	
Do	Loeffler & Leath, Inc (For:Citicorp)	375.00	
Do	Loeffler & Leath, Inc (For:Electronic Data Systems Corp)		
Do	Loeffler & Leath, Inc (For:Hallmark Ghormley Development Co)	875.00	
Do	Loeffler & Leath, Inc (For:Hong Kong Trade Development Council)		
Do	Loeffler & Leath, Inc (For:International Hardwood Products Assn, Inc)		
Do	Loeffler & Leath (For:Mesa Petroleum)		
Do	Loeffler & Leath, Inc (For:National Assn of Broadcasters)	250.00	
Do	Loeffler & Leath, Inc (For:Sematech)		
Do	Loeffler & Leath, Inc (For:South West Florida Enterprises, Inc)		
Do	Loeffler & Leath, Inc (For:Tesoro Petroleum)	2,125.00	
Do	Arter & Hadden (For:Tesoro Petroleum)		
Do	Loeffler & Leath, Inc (For:United Services Automobile Assn)	1,375.00	
Edward L. Menning, 1101 Vermont Avenue, NW, #710 Washington, DC 20005	National Assn of Federal Veterinarians	138.30	
Merle D. Menssen, 3M Center-Bldg 220-6E-02 St. Paul, MN 55144-1000	3M	2,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
J. Roger Mentz, 1100 Connecticut Ave., NW, #600 Washington, DC 20036	McClure Trotter & Mentz (For:Citibank)		
Do	McClure Trotter & Mentz (For:Commodities Corp (USA))		
Do	McClure Trotter & Mentz (For:Mercedes-Benz of North America, Inc)		
Do	McClure Trotter & Mentz (For:Methanex, Inc)	741.75	
Do	McClure Trotter & Mentz (For:Princeton University Investment Co, et al.)		
Jane Mentzinger, 2030 M Street, NW Washington, DC 20036	Common Cause	5,468.76	100.00
Melinda Mercer, 600 Maryland Ave., SW, 100 West Washington, DC 20024-2571	American Nurses Assn	9,740.10	127.69
Sandra K. Meredith, 1133 Connecticut Avenue, NW Washington, DC 20036	DGA International, Inc. (For:Dir Intl Aff of the Gen Del for Armements)		
Do	DGA International, Inc. (For:Sofreavia)		
Do	DGA International, Inc. (For:SNECMA)		
Do	DGA International, Inc (For:Zenith Data Systems)		
Cynthia E. Merifield, 1101 Vermont Ave, NW Washington, DC 20005	American Medical Assn	3,750.00	
Merrill Lynch & Co, Inc, 3000 K Street, NW, #620 Washington, DC 20007			63,786.68
Gordon Merritt, 1100 Wilson Blvd., #2000 Arlington, VA 22209	Hughes Aircraft Company	200.00	
Richard P. Merski, 1455 Pennsylvania Avenue, NW, #900 Washington, DC 20004	American International Group, Inc	5,000.00	
Neil T. Messick, 1331 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	800.00	68.00
Raymond A. Messina, 633 Pennsylvania Avenue, NW Washington, DC 20004	Dean Witter Discover & Co	2,500.00	122.00
Jean L. Mestres, 1747 Pennsylvania Avenue, NW, #300 Washington, DC 20006	OXY USA, Inc	540.75	25.50
Keith R. Mestrich, 815 16th Street, NW, #408 Washington, DC 20006	Food & Allied Service Trades Dept (FAST)	2,434.00	
Matthew S. Metcalfe, P.O. Box 6422 Mobile, AL 36660	American Family Corp		
Metropolitan Chicago Healthcare Council, 222 S. Riverside Plaza Chicago, IL 60606			
David P. Metzger, 1200 19th Street, NW, #500 Washington, DC 20036	Davis Graham & Stubbs		36.00
Ferd C. Meyer Jr., P.O. Box 660164 Dallas, TX 75266-0164	Central & South West Corp	2,346.16	1,812.61
M. Barry Meyer, 900 19th Street, NW Washington, DC 20006	Aluminum Assn, Inc	100.00	50.00
John B. Meyers, P.O. Box 4067 Louisville, KY 40204			
Larry D. Meyers, 412 First Street, SE #100 Washington, DC 20003	American Beekeeping Federation	3,000.00	608.97
Do	International Assn of Refrigerated Warehouses		
Do	National Peanut Growers Group	16,320.00	1,158.76
Do	Ricebelt Warehouse, Inc		203.18
Do	Texas A&M Research Foundation	22,920.00	2,951.34
Meyers & Associates, 412 First St., SE, #100 Washington, DC 20003	American Sheep Industry Assn	19,299.00	2,696.35
Do	Centergas, Inc		
Do	College of Agriculture, New Mexico State University	9,000.00	605.88
Do	College of Engineering, New Mexico State University	9,000.00	380.22
Do	Corpus Christi Bay Area Economic Development Corp	18,000.00	585.87
Do	Federal Land Bank Assn	24,643.75	766.56
Do	International Chiropractors Assn	9,999.00	365.47
Do	Technology Services Group, Inc		
Do	Wellman, Inc	9,000.00	542.75
Daniel Mica, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	5,000.00	
David R. Mica, Florida Petroleum Institute 215 South Monroe Street, #800 Tallahassee, FL 32301	American Petroleum Institute	88.46	
Mark A. Micali, 1200 18th Street, NW, #200 Washington, DC 20036	Direct Marketing Association, Inc	4,000.00	150.00
Michael Best & Friedrich, 135 South LaSalle Street, #1610 Chicago, IL 60603	DePaul University	1,500.00	
Frank G. Michelena, 1918 Kauai Place Costa Mesa, CA 92626	Landsdale Company		
Kathleen Michels, 777 N. Capitol Street, NE, #803 Washington, DC 20002	American Assn of Nurse Anesthetists	5,000.00	128.98
Michigan Hospital Assn, 6215 West St. Joseph Highway Lansing, MI 48917			2,699.23
Mid-Continent Oil & Gas Assn, 801 Pennsylvania Ave., NW, #840 Washington, DC 20004-2604		35,991.75	37,381.70
Mid-West Electric Consumers Assn, 999 18th Street, #1635 Denver, CO 80202			
Michael C. Middleton, 100 South Charles Street P.O. Box 987 Baltimore, MD 21203	MNC Financial, Inc		
Edmund Mierzwinski, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group	7,440.28	
Migrant Legal Action Program, Inc, 2001 S St., NW, #310 Washington, DC 20009			
Lisa Mihaly, 25 E Street, N.W. Washington, DC 20001	Children's Defense Fund		
Nelson L. Milder, 1828 L Street, NW, #906 Washington, DC 20036	American Soc of Mechanical Engineers		
Brent V. B. Miller, 4207 South 7th Road Arlington, VA 22204	American Group Practice Assn	1,329.28	
Chaz Miller, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Denny Miller, 2343 South Meade Street Arlington, VA 22202	Denny Miller Associates	7,500.00	
Edward C. Miller, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance, Inc	750.00	
Ellen S. Miller, 1320 19th Street, NW Washington, DC 20036	Center for Responsive Politics		311.42
Jeffrey T. Miller, 295 Madison Ave 19th Floor New York, NY 10017	Lead Industries Association, Inc		
John C. Miller, Suite 201, Blohm Building Elko, NV 89801	Newmont Mining Corp	500.00	
Joseph A. Miller, 1130 Connecticut Ave., NW, Suite 830 Washington, DC 20036	Southern Nuclear Operating Company	17,825.00	7,990.80
Linda B. Miller, 818 18th Street, NW, #900 Washington, DC 20006	Volunteer Trustees of Not-For-Profit Hospitals		
Monica Miller, 28 Broad Street Kinderhook, NY 12106-0646	Nutritional Health Alliance	9,000.00	2,236.60
Richard G. Miller, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	16,000.00	978.39
Robert G. Miller, 9124 Hardesty Drive Clinton, MD 20735	Air Force Sergeants Assn, Inc		
Sandra Miller, 2343 South Meade Street Arlington, VA 22202	Denny Miller Associates	1,250.00	
Sarah Miller, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	634.38	
Miller & Holbrooke, 1225 19th Street, NW, #400 Washington, DC 20036	City of Dubuque, Cable Television Division		
Do	City of Jamestown	90.00	
Do	City of Laredo		
Do	City of St. Louis, Communications Division		
Do	Montgomery County Government, Cable Television Office		
Do	PRO-NAFTA		
Denny Miller Associates, Inc, 400 North Capitol Street, NW, #363 Washington, DC 20001	Ace Novelty Company	1,000.00	862.00
Do	Alaska Air Group, Inc	1,500.00	1,230.00
Do	Boeing Company	3,000.00	2,460.00
Do	Comprehensive Health Education Foundation	1,875.00	1,530.00
Do	Gamma-Metrics	1,500.00	1,235.00
Do	Makah Indian Council	300.00	245.00
Do	Momentum 93	1,875.00	1,530.00
Do	Montana Technology Center	300.00	245.00
Do	Muckleshoot Indian Tribe	300.00	245.00
Do	Olin Corporation	3,000.00	2,460.00
Do	Pacific Nuclear Systems, Inc	1,062.00	862.00
Do	Port of Tacoma	1,125.00	928.00
Do	State of Washington, Dept of Transportation	1,500.00	1,235.00
Do	Troutlodge, Inc	1,000.33	833.33
Do	Waste Management Environmental Services, Inc	1,500.00	1,230.00
Amy J. Millman, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
Harold W. Mills Jr., 10916 Blue Roan Road Oakton, VA 22124	Eastman Kodak Company		
William Miner, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Beirut University College)		
Do	Bannerman & Associates, Inc (For:Government of the U.A.E.)	2,000.00	80.00
Do	Bannerman & Associates, Inc (For:Government of Egypt)	2,000.00	120.00
Joseph G. Minish, 66 Sheridan Avenue West Orange, NJ 07052	Prudential Insurance Co of America		180.00
Mintz Levin Cohn Ferris Glovsky & Popeo, P.C., 701 Pennsylvania Avenue, NW, #900 Washington, DC 20004	National Cable Television Assn, Inc	7,500.00	
Do	Newspaper Assn of America	15,000.00	52.45
Lawrence H. Mirel, 1614 20th Street, NW Washington, DC 20009	Liberty Mutual Insurance Company	5,000.00	500.00
Anthony F. Mitchell, 1050 Thomas Jefferson Street, NW Washington, DC 20007	Student Loan Marketing Assn	275.00	
Edward F. Mitchell, 1900 Pennsylvania Avenue, NW Washington, DC 20068	Potomac Electric Power Co	1,051.45	
Albert L. Modiano, 801 Pennsylvania Ave., NW, Suite 840 Washington, DC 20004-2604	Mid-Continent Oil & Gas Assn	6,000.00	50.00
Karen Ann Mogan, 1401 New York Avenue, NW, #400 Washington, DC 20005	National Food Processors Association	4,000.00	100.00
Martha Mohler, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	2,798.00	
Brian R. Moir, 1255 23rd Street, NW, #800 Washington, DC 20037	Fisher Wayland Cooper & Leader (For:International Communications Assn)		
Peter A. Molinaro, 1100 15th Street, NW, #1200 Washington, DC 20005	Union Carbide Corp	6,062.50	
Robert M. Moliter, 1331 Pennsylvania Ave., NW, #865 Washington, DC 20004	General Electric Co		
John V. Moller, 1707 L Street NW, #725 Washington, DC 20036	Policy Consulting Services, Inc (For:Nissan Motor Company, Ltd)		
Do	Policy Consulting Services, Inc (For:Nissan Motor Manufacturing, U.S.A.)		
Do	Policy Consulting Services, Inc (For:Nissan North America, Inc)		
Robert A. Molofsky, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO	5,000.00	203.00
John M. Moloney, 1629 K Street, NW, #501 Washington, DC 20006	Delta Airlines, Inc	200.00	45.00
C. Manly Molpus, 1010 Wisconsin Avenue, #900 Washington, DC 20007	Grocery Manufacturers of America, Inc	580.00	
Christopher Monek, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Louis Mark Monroe, 1750 New York Avenue Washington, DC 20006	International Brotherhood of Painters & Allied Trades		
James M. Montgomery, 1401 I Street, NW, Suite 1220 Washington, DC 20005	Joseph E. Seagram & Sons, Inc	1,125.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Peter Montgomery, 2030 M Street, NW Washington, DC 20036	Common Cause	8,320.02	2,402.63
Lisa C. Moody, 1101 16th Street, NW Washington, DC 20036	Independent Petroleum Assn of America		
James P. Mooney, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	18,385.00	
Alan J. Moore, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Atchison Topeka & Santa Fe Railway Co	1,000.00	
Albert W. Moore, 7901 Westpark Drive McLean, VA 22102	AMT-Association for the Manufacturing Technology	1,425.00	25.00
Carlos Moore, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	400.00	25.00
Donna Moore, 1101 Vermont Avenue, NW, #710 Washington, DC 20005	American Veterinary Medical Assn	500.00	
Powell A. Moore, 1615 L Street, NW, Suite 1150 Washington, DC 20036	Capitoline International Group, Ltd (For:Agusta Group)		
Do	Capitoline International Group, Ltd (For:Equifax Corp)		
Do	Capitoline International Group, Ltd (For:EH Industries, Inc)		
Do	Capitoline International Group, Ltd (For:Lockheed Corporation)	1,000.00	
Do	Capitoline International Group, Ltd (For:National Assn forthe Superconducting Super Collider).	500.00	
Do	Capitoline International Group, Ltd (For:National Association of Broadcasters)	3,250.00	
Do	Capitoline International Group, Ltd (For:Republic of Azerbaijan)	2,500.00	
Do	DGA International, Inc (For:Societe Nationale d'Etude et de Const de Moteurs d'Aviation).		
Do	Capitoline International Group, Ltd (For:U.S. Cane Sugar Refiners Assn of America).		
Randall B. Moorhead, 1300 I Street, NW, #1070E Washington, DC 20005	North American Philips Corp	4,000.00	1,030.00
Fred P. Moosally, 1745 Jeff Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	20,000.00	2,714.67
Morality in Media, Inc, 475 Riverside Dr., #239 New York, NY 10115		50.21	50.21
Peter J. Moran, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	1,000.00	
Dudley Digges Morgan III, 4900 Baronne Street New Orleans, LA 70115	Southern Forest Products Assn	15,673.50	
J. Railton Morgan, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	750.00	772.80
Peter Denis Morgan, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	2,000.00	157.99
Stephen L. Morgan, 5201 Leesburg Pike, #1111 Falls Church, VA 22041	American Cemetery Assn		
Suzanne Morgan, 1850 M Street, NW Washington, DC 20036	Securities Industry Assn	940.00	
Morgan Lewis & Bockius, 1800 M St., NW, #800 N. Washington, DC 20036	Coalition for an Undercharge Relief Bill	3,250.00	31.00
Do	Coalition of Supporters of the Shipping Act		
Do	National Fuel Gas Distribution Co		
Do	United Distribution Companies	910.00	23.00
William G. Morin, 1331 Pennsylvania Avenue, NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	169.50	
James A. Morrill, 1726 M St., NW, #901 Washington, DC 20036	Scott Paper Co	10,000.00	79.39
Gerald D. Morris, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers	21,363.42	220.00
Andrew Morrison, 51 Madison Avenue New York, NY 10010	New York Life Insurance Co	90.00	
Gary L. Morrison, 10 Lafayette Square Buffalo, NY 14203	National Fuel Gas Company, et al.	1,254.13	4,420.00
John W. Morrison, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	931.22	
Lynn Morrison, 311 Massachusetts Avenue, NE Washington, DC 20002		32,250.00	
William C. Morrison, 2001 North Adams St. Arlington, VA 22201	Meat Importers Council of America, Inc		
Morrison & Foerster, 2000 Pennsylvania Ave., NW Washington, DC 20006	City and County of San Francisco		
Do	Consolidated Freightways		
Do	Mastercard International, Inc, et al.	5,376.25	4.00
Do	National Electrical Manufacturers Assn		
Do	Valent U.S.A. Corp		
Morrow Realty Co, Inc, P.O. Box 020887 Tuscaloosa, AL 35402-0887			845.00
Valerie T. Morse, 453 New Jersey Avenue, SE Washington, DC 20003	Beneficial Management Corp of America		
Cheryl O. Morton, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn	500.00	
Evelyn M. Morton, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	644.74	457.00
Russell N. Mosher, 950 N. Glebe Rd., #160 Arlington, VA 22203	American Boiler Manufacturers Assn, Inc	430.00	275.00
Richard Moskowitz, 1730 Rhode Island Ave., NW, Suite 1000 Washington, DC 20036	National Solid Wastes Management Assn (NSWMA)	500.00	
Moss Associates, Inc, 2450 Virginia Ave., NW Washington, DC 20037	Association of Bank Holding Cos	540.00	
Kate Moss Company, 2550 M Street, NW, #275 Washington, DC 20037	Committee for Equitable Compensation		
Do	Dean Witter Discover & Co	337.50	
Do	National Assn for the Superconducting Super Collider	2,115.00	
Do	NationsBank, Inc	337.50	
Do	Southwestern Bell Corp		
Do	Trans Union Corp		
Gerald J. Mossinghoff, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	1,000.00	
John J. Motley, 600 Maryland Ave., SW, #700 Washington, DC 20024	National Fed of Independent Business	9,570.00	300.00
Motor and Equipment Manufacturers Association, 1325 Pennsylvania Ave., NW, #600 Washington, DC 20004			4,808.00
Thomas O. Moulton Jr., 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group	20,000.00	
Steve Moyer, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation		
Mullenholz & Brimsek, 1150 Connecticut Ave., NW, #700 Washington, DC 20036	City of Fergus Falls, MN		
Do	Delaware & Hudson Railroad	2,500.00	
Do	Florida East Coast Railway Co	1,000.00	
Do	North American Equipment Dealers Assn	2,500.00	
Do	Soo Line Corporation	10,000.00	
Do	Trade Assn Healthcare Coalition	1,875.00	
Do	TACA International Airlines		
Robert J. Mulligan, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	3,059.00	265.02
William J. Mulligan, 1401 Eye Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies		
Tracy Mullin, 701 Pennsylvania Ave., NW Washington, DC 20004	National Retail Federation	2,500.00	35.00
Edgar J. Mullins, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	5,000.00	1,485.33
Kevin C.W. Mulvey, 1455 Pennsylvania Ave., NW, Suite 900 Washington, DC 20004	American International Group, Inc	2,000.00	50.00
James Brian Munroe, 1300 Eye Street, NW, #520 Washington, DC 20005	Hoffmann-La Roche, Inc	1,375.00	135.00
Cyril D. Murphy, 1707 L Street, NW, Suite 300 Washington, DC 20036	United Air Lines, Inc	2,000.00	
Edward L. Murphy, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn Inc	3,000.00	
Jeanne Marie Murphy, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	7,000.00	
Linda Luniewski Murphy, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	1,000.00	
Michael M. Murphy, 1101 17th St., NW, #400 Washington, DC 20036	American President Companies, Ltd, et al.	20,000.00	
Paul T. Murphy, P.O. Box 619500 Dallas, TX 75261	Caltex Petroleum Corp		
Robert D. Murphy, 529 14th St., NW, #961 Washington, DC 20045	Monaghan Farms, Inc	7,500.00	179.00
Stephen P. Murphy, 715 South Fairfax Street Alexandria, VA 22314	Yellow Freight System, Inc of Delaware	33,000.00	
Hyde H. Murray, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	9,062.00	55.00
James V. Murray, 1100 15th Street, NW, #1200 Washington, DC 20005	Union Carbide Corp		108.52
Richard D. Murray, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn		
Rosemary Griffin Murray, Crystal Park Four, 2345 Crystal Drive Arlington, VA 22227	USAir, Inc		
Murray Scheer & Montgomery, 2715 M Street, NW, #300 Washington, DC 20007	American Assn of Dental Schools	400.00	5.50
Do	American Assn of Public Health Dentistry	600.00	11.00
Do	Atochem, N.A.	6,250.00	50.00
Do	Cleveland Cliffs Iron Co	400.00	22.00
Do	Coalition for Oral Health	2,500.00	33.00
Do	Connecticut Mutual Life Insurance Co	400.00	21.00
Do	Delaware River Port Authority	600.00	11.00
Do	Dynatech Corporation	600.00	45.00
Do	Independence Blue Cross		
Do	Independent Laboratory Consortium		
Do	Industry Council for Tangible Assets	250.00	
Do	International Assn of Environmental Testing Laboratories	300.00	20.00
Do	Iron Ore Assn	450.00	35.00
Do	LTV Corporation	150.00	10.00
Do	National Council of Coal Lessors	600.00	35.00
Do	New England Life Insurance Co	400.00	21.00
Do	North American Philips Corp		
Do	Pacific Mutual Life Insurance Co	400.00	21.00
Do	Penn Mutual Life Insurance Co	400.00	21.00
Do	PepsiCo	200.00	30.00
Do	Philadelphia Regional Port Authority	300.00	11.00
Do	Players Club International		
Do	Porsche Cars North America, Inc	600.00	45.00
Do	Qualimetrics, Inc		
Do	Shubert Organization, Inc	1,200.00	60.00
Do	Student Loan Interest Deduction Restoration Coalition	2,000.00	27.50

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Swaziland Sugar Assn	250.00	21.00
Do	Sweetener Users Assn		
Do	Technology Development & Education Corp	1,900.00	15.00
Do	Temple University	3,000.00	150.00
Do	Wisconsin Central Transportation Corporation	300.00	10.00
Richard Murrell, Maritime Building, 3rd Floor 4 East Port Road Riviera Beach, FL 33404	NICOR, Inc	200.00	
Robert Musil, 1000 16th Street, NW, Suite 810 Washington, DC 20036	Physicians for Social Responsibility	4,528.00	
Mutual Life Insurance Co Tax Committee, 1111 Durham Avenue South Plainfield, NJ 07080-2398			
Lawrence D. Muzzy, 2200 W. Salzburg Road, Mail #W281 Midland, MI 48611	Dow Corning Corp		
Gary D. Myers, 501 2nd Street, NE Washington, DC 20002	Fertilizer Institute	4,500.00	838.11
Christopher Alton Myrick, 1155 15th Street, NW, #900 Washington, DC 20005	Agricultural Retailers Assn	12,600.00	3,919.08
Alan Y. Naftalin, 1150 Connecticut Avenue, NW Washington, DC 20036	Koteen & Naftalin (For:Alascom, Inc)		
Do	Koteen & Naftalin (For:Telephone & Data Systems, Inc)		
Martha Naismith, 1350 Eye Street, NW, Suite 810 Washington, DC 20005	Johnson & Johnson HMI		
Gerald F. Nalepa, 805 15th Street, NW, #330 Washington, DC 20005	Air Products & Chemicals, Inc	3,500.00	
John Francis Nash Jr., 1100 Connecticut Ave NW #1300 Washington, DC 20036	Milliken & Company	5,000.00	1,720.00
Gary M. Nateman, 1225 Eye Street, NW, #825 Washington, DC 20005	Beer Institute		
National Air Carrier Assn, 1730 M St., NW, #806 Washington, DC 20036			
National Air Traffic Controllers Assn, 444 N. Capitol Street, NW, #845 Washington, DC 20001		29,487.21	4,129.97
National Assn for the Self-Employed (NASE), 1101 15th Street N.W., #400 Washington, DC 20005		47,689.99	28,320.48
National Assn for the Superconducting Super Collider, 666 Pennsylvania Ave., SE, Suite 400 Washington, DC 20003		130,400.00	70,537.53
National Assn for Biomedical Research, 818 Connecticut Ave., NW, #303 Washington, DC 20006		198,625.00	19,113.31
National Assn for Uniformed Services, 5535 Hempstead Way Springfield, VA 22151		2,135.66	11,329.38
National Assn of Air Traffic Specialists, 11303 Amherst Avenue, Suite 4 Wheaton, MD 20902			7,800.00
National Assn of Broadcasters, 1771 N Stret, NW Washington, DC 20036		194,046.81	194,046.81
National Assn of Chain Drug Stores, Inc, P.O. Box 1417-D49 Alexandria, VA 22313			29,122.00
National Assn of Federal Veterinarians, 1101 Vermont Avenue, NW, #710 Washington, DC 20005			165.80
National Assn of Independent Colleges & Universities, 122 C St., NW, #750 Washington, DC 20001			117,587.00
National Assn of Insurance Brokers, Inc, 1401 New York Ave., NW, #720 Washington, DC 20005			
National Assn of Manufacturers, 1331 Penn Ave., NW #1500-North Washington, DC 20004-1703		1,220,418.69	1,220,418.69
National Assn of Margarine Manufacturers, 1101 15th St., NW, #202 Washington, DC 20005			
National Assn of Mutual Insurance Cos, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268		1,504.50	1,552.32
National Assn of Real Estate Investment Trusts, Inc, 1129 20th St., NW, #705 Washington, DC 20036			
National Assn of Realtors, 777 14th St., NW Washington, DC 20005			59,043.98
National Assn of Securities and Commercial Law Attorneys, 1301 K Street, NW, #650E Washington, DC 20005			
National Assn of Truck Stop Operators, Inc, 1199 N. Fairfax Street, #801 Alexandria, VA 22314			
National Broiler Council, 1155 15th St., NW Washington, DC 20005		3,025.00	3,025.00
National Business Aircraft Assn, 1200 18th St., NW, #200 Washington, DC 20036-2598		58,036.00	41,571.49
National Clay Pipe Institute, 206 Vassar Place Alexandria, VA 22314		5,000.00	5,000.00
National Club Association, Washington Harbour 3050 K Street, NW, #330 Washington, DC 20007			7,160.00
National Comm for Citizens in Education, 10840 Little Patuxent Pkwy., #301 Columbia, MD 21044-3199		390.00	390.00
National Comm of Cities and States for Air Service, P.O. Box 637 Williston, ND 58802-0637		2,402.42	176.91
National Comm to Preserve Social Security & Medicare, 2000 K Street, NW, #800 Washington, DC 20006		2,368,133.00	2,368,133.00
National Community Action Foundation, Inc, 2100 M Street, NW, #604A Washington, DC 20037		88,418.65	48,501.00
National Cotton Council of America, P.O. Box 12285 Memphis, TN 38182		38,985.29	38,985.29
National Council for Languages & Int'l Studies, 300 Eye Street, Suite 211 Washington, DC 20002		29,972.95	23,893.39
National Council of Agricultural Employers, 1735 I Street, NW, #704 Washington, DC 20006		3,770.00	8,718.00
National Council of Farmer Cooperatives, 50 F Street, NW, #900 Washington, DC 20001		10,903.71	8,126.06
National Council on Alcoholism & Drug Dependence, 1511 K Street, NW, #926 Washington, DC 20005			5,070.00
National Electrical Manufacturers Assn, 2101 L Street, NW, #300 Washington, DC 20037		5,942.38	5,942.38
National Fed of Independent Business, 53 Century Blvd., #300 Nashville, TN 37214			47,466.00
National Food Processors Assn, 1401 New York Avenue, NW, #400 Washington, DC 20005		1,250.00	21,050.00
National Glass Assn, 8200 Greensboro Drive, #302 McLean, VA 22102		3,500.00	7,000.00
National Grain & Feed Assn, 1201 New York Avenue, NW, #830 Washington, DC 20005-3917			12,292.00
National Grain Trade Council, 1300 L Street, #925 Washington, DC 20005			7.75
National Grange, 1616 H St., NW Washington, DC 20006		16,500.00	16,500.00
National Grass Roots & Communications, Inc, 116 N. Saint Asaph Street Alexandria, VA 22314	Coalition for Auto Repair Equality	16,852.00	42,619.36
Do	Wal-Mart	2,500.00	2,755.12
National Grocers Assn, 1825 Samuel Morse Drive Reston, VA 22090		3,000.00	2,019.15
National Guard Assn of the U.S., One Massachusetts Ave., NW Washington, DC 20001		68,719.20	35,891.09
National Independent Energy Producers, 601 13th Street, NW, #320 South Washington, DC 20005		75,000.00	14,770.02
National Multi Housing Council, 1850 M Street, NW, Suite 540 Washington, DC 20036			20,810.10
National Newspaper Assn, 1627 K St., NW, #400 Washington, DC 20006		4,800.00	4,800.00
National Pest Control Assn, 8100 Oak St. Dunn Loring, VA 22027			
National Realty Committee, 1250 Connecticut Ave., NW, #630 Washington, DC 20036		14,212.00	14,212.00
National Retail Federation, 701 Pennsylvania Avenue, NW, #710 Washington, DC 20004			23,021.10
National Right to Work Committee, 8001 Braddock Rd., #600 Springfield, VA 22160		8,523.39	8,523.39
National Rural Electric Cooperative Assn, 1800 Massachusetts Ave., NW Washington, DC 20036			2,469.50
National Rural Letter Carriers Assn, 1630 Duke St., 4th Floor Alexandria, VA 22314-3465		23,782.00	34,855.00
National Society of Professional Engineers, 1420 King Street Alexandria, VA 22314		10,890.00	10,890.00
National Soft Drink Assn, 1101 16th St., NW Washington, DC 20036			1,230.59
National Stone Assn, 1415 Elliot Place, NW Washington, DC 20007			
National Strategies, Inc, 888 17th Street, NW, 12th Floor Washington, DC 20006	American International Group	19,233.00	350.75
Do	Columbia Communications Corp	20,000.00	641.75
Do	Ferrell Gas	18,703.00	110.64
Do	Mothers & Others for a Livable World		
Do	Reuters North America, Inc	7,418.75	163.28
Do	Trian Group, L.P.	2,695.00	2.09
National Telephone Cooperative Assn, 2626 Pennsylvania Ave., NW Washington, DC 20037		27,000.00	3,143.50
National Truck Equipment Assn, 38705 Seven Mile Road, #345 Livonia, MI 48152			6,126.50
National Wildlife Federation, 1400 16th Street, NW Washington, DC 20036-0001			107,536.08
National-American Wholesale Grocers' Assn, 201 Park Washington Court Falls Church, VA 22046		9,000.00	9,000.00
Natural Gas Supply Assn, 1129 20th St., NW, #300 Washington, DC 20036		612,170.00	159,828.26
Michael W. Naylor, 1001 Pennsylvania Ave, NW, #700 Washington, DC 20004-2502	Allied-Signal, Inc		
Rick J. Neal, 1800 South Baltimore Ave. Tulsa, OK 74119	Mapco, Inc	5,250.00	
Katherine Ben Neas, 8630 Fenton Street, Suite 410 Silver Spring, MD 20910	American Assn of University Affiliated Programs	43,000.00	43,150.00
Shirley Neff, 555 13th Street, NW, #300W Washington, DC 20004	Interstate Natural Gas Assn of America		
Janet E. Neigh, 519 C Street, NE Washington, DC 20002	Hospice Assn of America/National Assn for Home Care	28.00	
Neighbor-To-Neighbor Action Fund, 2601 Mission Street, #400 San Francisco, CA 94110		40,526.00	56,620.00
Frederick W. Neill, 600 5th Street Aurora, IL 60505			
Neill & Company, Inc, 815 Connecticut Ave., NW, #800 Washington, DC 20006	Community Services Society	18,000.00	1,036.48
Do	Embassy of the Republic of Korea		3,025.00
Do	General Electric Industrial and Power Systems		379.48
Do	Government of Jamaica	155,000.00	2,836.00
Do	Government of Trinidad and Tobago	200,000.00	8,068.60
Do	Islamic Republic of Pakistan		2,554.08
Do	Joint Diseases North General Hospital		7.68
Do	Kingdom of Morocco	500,000.00	2,159.23
Do	Marks & Murase	10,500.00	342.51
Do	Pasminco, Inc		79.58
Do	Queens Borough Public Library	24,000.00	1,637.06
Do	Republic of Cote d'Ivoire		747.88
Do	Republic of Guinea	100,000.00	31,415.39
Do	Republic of Kenya		2,081.89
Do	Republic of Tunisia		1,606.99
Do	Saipan Garment Manufacturers Assn	40,000.00	4,955.36
Do	Schomburg Center for Research In Black Culture	2,000.00	28.97
Mark E. Nelson, 1825 I Street, NW, #400 Washington, DC 20006	SEMATECH, Inc	5,313.00	1,668.75
Paul Nelson, 1747 Pennsylvania Ave., NW, Suite 900 Washington, DC 20006	Associated Credit Bureaus	10,000.00	50.00
Do	Institute of International Bankers	10,000.00	1,300.00
Do	Investment Company Institute	10,000.00	100.00
Lynda L. Nersesian, 1100 15th St., NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	35.00
Frederick H. Nesbitt, 1750 New York Avenue NW Washington, DC 20006	International Assn of Fire Fighters	16,331.00	
Alexander Netchvolodoff, 1320 19th street, n.w. #200 Washington, DC 20036	Cox Enterprises, Inc		1,327.35

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Network, 806 Rhode Island Ave., NE Washington, DC 20018		81,024.00	66,050.00
E. John Neumann, 1130 Connecticut Avenue, NW, #830 Washington, DC 20036	Southern Company Services, Inc	4,012.56	5,673.66
New York for NAFTA, 70 Pine Street, 36th Floor New York, NY 10270		1,500.00	
New York State Bankers Assn, 485 Lexington Avenue New York, NY 10017		40,000.00	1,335.00
Peter E. Newbould, 750 First Street, NE Washington, DC 20240-4242	American Psychological Assn	950.05	100.00
Newman & Holtzinger, P.C., 1615 L St., NW, #1000 Washington, DC 20036	Utility Nuclear Waste & Transportation Program		
Richard W. Newpher, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	13,419.99	19.50
Sharon Newsome, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	2,507.22	
Sara S. Nichols, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	8,250.00	
E. Bruce Nicholson, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Ronald G. Nickson, 1850 M Street, NW, #540 Washington, DC 20036	National Multi Housing Council	1,800.00	
Alan Nissalke, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn		
Michael E. Nix, 231 W. Michigan Street, #P453 Milwaukee, WI 53203	Wisconsin Electric Power Co	45.00	
Nixon Hargrave Devans & Doyle, One Thomas Circle, NW, #800 Washington, DC 20005	American Free Trade Assn		
Barbara D. Nocera, 955 L'Enfant Plaza, SW, #5300 Washington, DC 20024	Honda North America, Inc	380.00	87.74
Walker F. Nolan, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute	17,680.21	412.66
Non Commissioned Officers Assn, P.O. Box 33610 San Antonio, TX 78265			21,902.50
Nonprescription Drug Manufacturers Assn, 1150 Connecticut Ave., NW, #1200 Washington, DC 20036			3,725.00
Robert I. Nooter, 600 Maryland Avenue, SW, #800 Washington, DC 20024	American Farm Bureau Federation	8,413.00	255.20
David F. Norcross, 1156 15th Street, NW, #550 Washington, DC 20005	Montgomery McCracken Walker & Rhoads (For:International Republican Institute).		
Do	Montgomery McCracken Walker & Rhoads (For:Pilots Assn of the Bay and River Delaware).	300.00	
Do	Montgomery McCracken Walker & Rhoads (For:Ports of Philadelphia Maritime Exchange).	250.00	
Do	Montgomery McCracken Walker & Rhoads (For:US Healthcare)	6,750.00	33.35
Elizabeth J. Norcross, 801 Pennsylvania Ave., SE, #303 Washington, DC 20003	American Rivers	2,706.00	
Julia J. Norrell, 1155 Connecticut Ave., NW, #300 Washington, DC 20036	Ameritas Life Insurance Corp	45.00	
Do	Health Insurance of America	450.00	
Do	Lincoln National Corp	450.00	
Do	Mutual of Omaha	495.00	
Do	National Assn of Chain Drug Stores	450.00	
Do	Provident Life & Accident Insurance Co	450.00	
Do	Washington National Insurance Company	450.00	
North American Telecommunications Assn, 2000 M St., NW, #550 Washington, DC 20036			3,000.00
Patrice North-Rudin, 1133 21st Street, NW Washington, DC 20036	Travel & Tourism Gov't Affairs Council	2,531.00	
Clifford R. Northup, 50 F Street, NW Washington, DC 20001	Assn of American Railroads	7,191.65	347.00
Northwest Strategies, 111 Queen Anne Avenue North, #500 Seattle, WA 98109	Kaiser Engineers Hanford	3,837.50	
Do	Physio-Control Corp	3,700.00	
Do	Royal Seafoods, Inc	575.00	
Rita Ersfeld Norton, 1300 Eye Street, NW, Suite 520 West Washington, DC 20005	Hoffman-LaRoche, Inc	4,000.00	463.69
Julie Noufer, 8607 Westwood Center Drive, #204 Vienna, VA 22182	Chamber of Commerce of the U.S.	350.00	128.18
Do	Professional Services Council	1,500.00	72.18
Mary Ann Novak, 555 13th Street, NW #460 West Tower Washington, DC 20004-1109	Parsons Brinkerhoff Quade & Douglas, Inc	1,330.00	1,779.00
Victoria S. Nugent, 2000 P Street, NW Washington, DC 20036	Public Citizen	500.00	
Nussbaum & Wald, One Thomas Circle, NW #200 Washington, DC 20005	American Soc of Composers Authors & Publishers	1,000.00	
Do	National Football League Players Assn	6,000.00	
J. Michael Nussman, 601 13th Street, NW, #370 South Washington, DC 20005	American Fishing Tackle Manufacturers Assn	20,000.00	
Franklin W. Nutter, 1301 Pennsylvania Ave., NW, #900 Washington, DC 20004	Reinsurance Assn of America		
NAIOP, Association for Commercial Real Estate, Woodland Park, 2201 Cooperative Way Herndon, VA 22071		13,670.95	
Hubert K. O'Bannon, 50 F Street, NW Washington, DC 20001	Association of American Railroads	1,716.65	38.45
O'Bannon & Gibbons, 1455 Pennsylvania Avenue, NW Washington, DC 20004	Florida Citrus Mutual		
Do	Kellogg Company	19,225.00	
Do	Mutual Life Insurance Co of New York		
Do	Underwriters at Lloyd's London		
Do	Zeneca, Inc.	2,000.00	
David D. O'Brien, O'Brien & Associates 600 New Hampshire Avenue, NW, #1010 Washington, DC 20037	Harley-Davidson, Inc		
Do	Primerica Financial Services	15,000.00	417.88
Raymond V. O'Brien, 1600 M St., NW Washington, DC 20036	ITT Corporation	100.00	40.00
Rosemary L. O'Brien, 805 15th Street, NW, #610 Washington, DC 20005-2207	CF Industries, Inc	500.00	
Urban F. O'Brien III, 2000 Post Oak Boulevard Houston, TX 77056-4400	Apache Corporation	178.08	79.47
David S. O'Bryon, 5223 Wisconsin Avenue, NW, #306 Washington, DC 20015	American Assn of Limited Partners	100.00	
James E. O'Connor, 900 19th Street, NW Washington, DC 20006	Savings and Community Bankers of America	2,280.00	41.96
Kelley E. O'Connor, 666 Pennsylvania Ave; SE, #403 Washington, DC 20003	Florists' Transworld Delivery Assn	2,000.00	
Do	Society of American Florists		485.00
Michael J. O'Connor, 11 Dupont Circle, NW, Suite 300 Washington, DC 20036	Albers & Company (For:May Department Stores Co)		
Do	Albers & Company (For:Profit Recovery Group)		
Patrick C. O'Connor, 1825 K Street, NW, #305 Washington, DC 20006	Kent & O'Connor, Inc (For:American College of Occupational Medicine)	1,303.13	913.84
Do	Kent & O'Connor, Inc (For:American Supply Association)		
Do	American Warehousemen's Association	2,285.00	1,485.02
Do	Kent & O'Connor, Inc (For:National Assn of Fleet Administrators)		
Do	Kent & O'Connor, Inc (For:Transportation Lawyers Assn)		
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	Alliance of Marine Parks and Aquariums	5,041.25	
Do	American Clinical Laboratory Assn	6,930.00	
Do	American Family Life Assurance Co	6,211.00	
Do	AFL-CIO Maritime Committee		
Do	Bobby Berosini, Ltd		
Do	Center for Marine Conservation, Inc		
Do	China External Trade Development Council	8,179.00	
Do	Coalition for Tax Equity	6,500.00	80.00
Do	Coca-Cola Company	1,977.00	
Do	Colt's Manufacturing Company, Inc		
Do	Concerned Domestic Flower Growers and Handlers	2,500.00	
Do	CNA Insurance Co	9,074.00	
Do	Distilled Spirits Council of the U.S., Inc	1,000.00	
Do	DKT Memorial Foundation		
Do	Eastern Michigan University	244.00	
Do	Ecomarine USA		
Do	Fishing Assn of Mexico		
Do	Glass Packaging Institute		
Do	Golden Nugget, Inc	2,000.00	
Do	Government of Israel		
Do	Government of Netherlands Antilles	41,351.22	
Do	Government of Peru	60,000.00	945.56
Do	Health Images, Inc		
Do	J.C. Penney Company, Inc		
Do	Kellogg Company	500.00	
Do	Liquidity Fund Management, Inc		
Do	Martin Marietta Corp	2,700.00	
Do	Mercedes-Benz of North America, Inc		
Do	Mirage		
Do	Mullendore & Watt		
Do	National Assn of Optometrists and Opticians, Inc	2,000.00	
Do	National Assn of Portable X-Ray Providers	450.00	
Do	National Multi Housing Council		
Do	New York State Mortgage Loan Corp	6,807.00	
Do	Northern States Power Company		
Do	Pacific Seafood Processors Assn		
Do	Joseph E. Seagram & Sons, Inc	205.00	
Do	Soka University Los Angeles	29,547.40	
Do	Solid Waste Agency of Northern Cook County		
Do	State of Alaska		
Do	Student Loan Funding Corp	6,296.75	
Do	Support Systems International, Inc	8,860.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Wards Cove Packing Company	1,575.81	
Paul T. O'Day, 1150 17th Street, NW #310 Washington, DC 20036	American Fiber Manufacturers Assn, Inc		
Thomas A. O'Day, 1211 Connecticut Avenue, NW, #400 Washington, DC 20036	Alliance of American Insurers	15,000.00	
Wayne O'Dell, 6004 Wilmington Dr. Burke, VA 22015	Cable Television Assn of MD, DE & DC	23,750.00	
Jane O'Grady, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	19,155.88	185.40
Terri O'Grady, 1600 Rhode Island Avenue, NW Washington, DC 20036	National Rifle Assn of America	1,489.48	599.26
Barbara E. O'Hara, P.O. Box 23992 Washington, DC 20026-3992	American Soc of Travel Agents	75.00	
Robert J. O'Hara Jr., 2 North 9th Street Allentown, PA 18101	Pennsylvania Power & Light Company		
Dean O'Hare, 15 Mountain View Road Warren, NJ 07061	Chubb Corporation		
O'Keefe Ashenden Lyons & Ward, 30 North La Salle, #4100 Chicago, IL 60602	Klukwan, Inc	40,000.00	1,228.82
Janet O'Keeffe, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	3,000.00	103.70
John O'Leary, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Patrick G. O'Malley, 1600 Rhode Island Ave, NW Washington, DC 20036	National Rifle Assn of America		
Daniel J. O'Neal III, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses' Assn	2,875.00	58.65
Law Offices of John O'Neal, P.C., 1455 Pennsylvania Ave., NW, #1200 Washington, DC 20004	National Rural Telecom Assn	7,300.00	
Joseph O'Neil, 1000 Wilson Blvd., #3000 Arlington, VA 22209	ITT Defense Technology Corp	1,000.00	50.00
O'Neill and Athy, P.C., 1310 19th Street, NW Washington, DC 20036	American Bankers Assn	1,160.00	
Do	Beth Israel Hospital		
Do	Brigham and Women's Hospital, Inc		
Do	Business Roundtable		
Do	Coalition of Boston Teaching Hospitals		
Do	Cruise America Line, Inc		
Do	General Mills, Inc		
Do	Glass Packaging Institute	2,200.00	
Do	JM Family Enterprises, Inc	2,680.00	
Do	Massachusetts General Hospital		
Do	National Football League		
Do	New England Deaconess Hospital		
Do	New England Medical Center		
Do	Pyrotechnic Signal Manufacturers Assn		
Do	Texas Utilities Co	3,480.00	
Do	University Hospital		
Do	USX Corporation		
Do	Viacom International, Inc		
John T. O'Rourke, 1129 20th Street NW, #500 Washington, DC 20036	Sears Mortgage Corp	1,500.00	66.74
Do	Securities Industry Assn	2,124.90	34.33
Do	The Limited, Inc	900.00	87.02
Rita W. O'Rourke, 1875 Eye St., NW, #800 Washington, DC 20006	Philip Morris Companies, Inc	218.75	384.40
John J. O'Shaughnessy, 1001 G Street, NW 7th Floor East Washington, DC 20001	Strategic Management Associates, Inc (For:American Paper Institute)		
Do	Strategic Management Associates, Inc (For:Brooklyn Hospital Center)		
Do	Greater New York Hospital Assn	20,001.00	175.00
Do	Strategic Management Associates, Inc (For:Healthcom International)		
Do	Strategic Management Associates, Inc (For:Hospital for Special Surgery)		
Do	Strategic Management Associates, Inc (For:Lenox Hill Hospital)		
Do	Strategic Management Associates, Inc (For:Maimonides Medical Center)		
Do	Strategic Management Associates, Inc (For:MicroGeneSys, Inc)	7,500.00	200.00
Do	Strategic Management Associates, Inc (For:Montefiore Medical Center)		
Do	Strategic Management Associates, Inc (For:Mount Sinai Medical Center)		
Do	Strategic Management Associates, Inc (For:New York Hospital-Cornell Medical Center).		
Do	Strategic Management Associates, Inc (For:Our Lady of Mercy Medical Center)		
Do	Strategic Management Associates, Inc (For:Teredata Corporation)		
J. Denis O'Toole, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household International, Inc	7,500.00	
M. Diane O'Toole, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp	1,400.00	864.27
Stephen E. O'Toole, 1660 L St., NW Washington, DC 20036	General Motors Corp	3,000.00	3,446.80
Paul C. Oakley, 50 F Street, NW Washington, DC 20001	Association of American Railroads	2,914.89	
Mario Obledo, 1100 15th Street, NW, Suite 900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	32.00
James C. Odom Jr., 701 Pennsylvania Ave., NW Washington, DC 20004-2696	Edison Electric Institute	1,208.79	310.54
Neil H. Offen, 1776 K Street, NW, #600 Washington, DC 20006	Direct Selling Association		
Donald G. Ogilvie, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,500.00	
Marion Browne Oglesby Jr., 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	4,000.00	
Ohio Students for Loan Reform, c/o Andrew Goldner 29 West Daniels Cincinnati, OH 45219	Student Loan Funding Corp	10,377.09	196.77
Philip M. Ola, 1199 North Fairfax Street, #204 Alexandria, VA 22314	International Council of Shopping Centers	950.00	
John W. Olcott, 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn	1,500.00	25.50
Oldaker Ryan & Leonard, 818 Connecticut Avenue, NW, #1100 Washington, DC 20006	Alleghany Health Education & Research Foundation		
Do	Alliance for Managed Competition	6,000.00	173.76
Do	American International Group	4,500.00	97.03
Do	Ashland Oil, Inc	1,250.00	
Do	Association of American Railroads	6,249.90	132.09
Do	Avis, Inc		
Do	Baxter Healthcare Corp	750.00	2.50
Do	Burlington Resources, Inc	750.00	
Do	Commonwealth Edison	1,250.00	
Do	Federal Express	3,000.00	18.00
Do	Investment Company Institute	3,750.00	35.63
Do	MCI Communications Corp	750.00	
Do	National Cable Television Assn	12,500.00	601.05
Do	Pfizer, Inc	3,000.00	102.29
Do	Phillip Morris, Inc	7,500.00	487.24
Do	Republic National Bank		
Mike Oliva, 1301 K Street, NW, Suite 1200 Washington, DC 20005	IBM Corp	837.96	577.25
R. Teel Oliver, 601 Pennsylvania Avenue, NW North Building, Suite 1200 Washington, DC 20004-2601	Merck & Co, Inc	3,000.00	500.00
Laura L. Olson, 1101 Connecticut Avenue, NW Washington, DC 20036	Smith Bucklin & Associates (For:Amusement & Music Operators Assn)		
Richard C. Olson, 2000 Edmund Halley Drive, #400 Reston, VA 22091	DynCorp		
Sydney Olson, 10801 Rockville Pike Rockville, MD 20852	American-Speech-Language-Hearing Assn		
Olsson Frank & Weeda, 1400 16th Street, NW, #400 Washington, DC 20036-2220	Beef Products, Inc		
Do	Duramed Pharmaceuticals, Inc		
Do	Gentrac, Inc		
Do	Milk Industry Foundation		
Do	National American Wholesale Grocers Assn	800.00	
Do	National Assn of Margarine Manufacturers		
Do	National Food Processors Assn	1,500.00	
Do	National Frozen Pizza Instutute		
Do	Pillsbury Company	500.00	
Do	San Tomo Group		
Do	Schwan's Sales Enterprises, Inc	500.00	
Do	Southern Star Shipping Company, Inc	500.00	
Do	U.S. Surgical Corporation		
Do	Vicam		
Do	Western States Meat Assn		
Philip C. Onstad, 333 Plainfield Road Edison, NJ 08820	International Communications Assn		
Organ. for Protection & Advancement of Small Telephone Cos, 21 Dupont Circle, NW, Suite 700 Washington, DC 20036		4,275.00	4,345.00
Edward R. Osann, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	7,090.97	
Sima Osdoby, 110 Maryland Ave., NE, Suite 205 Washington, DC 20002	Women's Action for New Directions, et al.	4,300.00	
Kaz Oshiki, 6329 Plymouth Ct. Banning, CA 92220	Go for Broke National Veterans Assn	250.00	
J. F. Otero, 815 16th Street, NW Washington, DC 20006	Transportation Communications Union	1,000.00	
Alan R. Ott, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	5,000.00	
Michael F. Ouellette, 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn	6,500.00	273.31
Cliff Ouse, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	25.00	
Overseas Education Assn, 1201 16th Street, NW, Room 210 Washington, DC 20036		500.00	1,212.83
Daryl Owen, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004	Hooper Hooper Owen & Gould (For:Arctic Power)	350.00	
Do	Hooper Hooper Owen & Gould (For:Arkla, Inc)	7,500.00	
Do	Hooper Hooper Owen & Gould (For:City of San Francisco)	9,000.00	
Do	Hooper Hooper Owen & Gould (For:CSX Corp/Yukon Pacific Corp)	3,600.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Hooper Hooper Owen & Gould (For:Ebasco Services, Inc)	5,400.00	
Do	Hooper Hooper Owen & Gould (For:Entergy Corp)	7,500.00	
Do	Hooper Hooper Owen & Gould (For:Integrated Resources Group, Inc)	5,250.00	
Do	Hooper Hooper Owen & Gould (For:Mobil Corp)	6,000.00	
Do	Hooper Hooper Owen & Gould (For:Panhandle Eastern Corp)	22,200.00	
Do	Hooper Hooper Owen & Gould (For:Science Applications, Inc)	11,250.00	
Do	Hooper Hooper Owen & Gould (For:Tulane University)	795.00	
Do	Hooper Hooper Owen & Gould (For:Water Island Civic Association)		
Sally LaHue Owen, 900 19th Street, NW Washington, DC 20006	Savings and Community Bankers of America	3,412.00	55.60
Stephen F. Owen Jr., 107 Park Washington Court Falls Church, VA 22046	Classroom Publishers Assn		
Margaret Owens, 750 First Street, NE, Suite 700 Washington, DC 20002-4241	National Assn of Social Workers	6,252.00	
Thomas E. Owens, 815 16th Street, NW, #309 Washington, DC 20006	AFL-CIO Dept of Legislation	16,936.90	426.02
Thomas J. Owens, P.O. Box 12266 Seattle, WA 98102	Dollar Savings Bank, et al.	42,206.00	9,173.38
William J. Owens, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	144.00	
Pacific Northwest Waterways Assn, P.O. Box 61473 Vancouver, WA 98666-1473		78,628.00	32,259.40
Joel Packer, 1201 16th Street, NW Washington, DC 20036	National Education Assn	3,978.55	27.00
Lee W. Paden, P.O. Box 201 Tulsa, OK 74102	Public Service Co of Oklahoma		
Anthony Padilla, 815 16th Street, NW, #511 Washington, DC 20006	Transportation Communications Union	3,000.00	694.91
Barbara Page, 401 Coors Boulevard, NW Albuquerque, NM 87121	Westland Development Co., Inc	1,076.25	3,747.69
Joseph F. Page III, 201 W. Big Beaver Troy, MI 48084	Cox & Hodgman (For:Aetna Health Plans)		
Pagonis & Donnelly Group, Inc, 1620 Eye Street, NW, #202 Washington, DC 20006	Air Products & Chemicals, Inc	3,000.00	
Do	American Commercial Barge Line Co	23,562.50	
Do	Association of High Medicare Hospitals	16,481.25	
Do	Better Communications, Inc	550.00	74.70
Do	Blue Cross & Blue Shield of Texas, Inc	9,000.00	38.78
Do	Burlington Northern Railroad, Inc	1,800.00	
Do	Burroughs Wellcome Co	14,387.50	
Do	Children's Hospital	2,625.00	
Do	CSX Corp	4,500.00	
Do	Dow Chemical USA	12,837.50	42.46
Do	Government of the Republic of Transkei	14,700.00	389.75
Do	Holiday Inn Corp	22,583.99	
Do	Medies	5,250.00	
Do	National League for Nursing	4,500.00	
Do	Nord Resources Corp		
Do	Peoples Republic of the Sudan	60,000.00	185.81
Do	Rowland Company	315.00	
Do	Tunisian Association for Freedom		
John Palafoutas, 1111 14th Street, NW, Suite 1001 Washington, DC 20005	AMP Inc	2,000.00	
James A. Palmer, 1776 I Street, NW, Suite 1000 Washington, DC 20006	BP America, Inc		
Michael C. Palmer, 1350 I St., NW, Suite 590 Washington, DC 20005	College of American Pathologists	1,168.00	
Benjamin L. Palumbo, 1000 Connecticut Avenue, NW, #706 Washington, DC 20036	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	5,925.00	238.25
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)	1,425.00	63.00
Do	Cerrell Assocs, Inc (for California Ind Mortgage Brokers...)	1,650.00	64.25
Do	Palumbo & Cerrell, Inc (For:Government Employees Hospitalization Assn)	200.00	
Do	New Jersey Turnpike Authority	1,150.00	20.93
Do	Proctor & Gamble Mfg Co	3,812.50	141.75
Do	Palumbo & Cerrell, Inc (For:Southern California Rapid Transit District)	1,612.50	14.25
Palumbo & Cerrell, Inc, 1000 Connecticut Ave. NW, #706 Washington, DC 20036	American Soc of Composers Authors & Publishers	33,750.00	19,278.42
Do	Atlantic Richfield Co	27,000.00	7,051.88
Do	Cerrell Assocs, Inc (for Calif Indep Mortgage Brokers Assn)	22,950.00	16,677.27
Do	Government Employees Hospital Assn	33,000.00	9,406.14
Do	New Jersey Turnpike Authority	15,999.50	5,807.79
Do	Proctor & Gamble Mfg Co	52,500.00	11,012.15
Do	Southern California Rapid Transit District	34,666.75	9,565.30
PanAmSat, LP, One Pickwick Plaza Greenwich, CT 06830			
Stephen J. Paradise, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Jonathan R. Paret, 1850 M Street, NW Washington, DC 20036	Securities Industry Assn	3,704.00	
Akhandal Parija, 1615 H Street, NW Washington, DC 20062	US Chamber of Commerce	1,500.00	52.00
Alan A. Parker, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	5,000.00	100.00
Bruce Parker, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Tom V. Parker, Arkansas Petroleum Council One Riverfront Place, #460 North Little Rock, AR 72114	American Petroleum Institute	1,470.00	1,707.55
Carl M. Parks, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Sears Roebuck & Co	15,000.00	384.41
Leslie Parks, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council	7,715.38	171.42
Ken Parmelee, 1630 Duke Street, 4th Floor Alexandria, VA 22314-3465	National Rural Letter Carriers Assn	23,878.00	3,601.00
Norman T. Parnes, 5503 Mako Court Waldorf, MD 20603	Air Force Sergeants Assn, Inc		
Ronald L. Parrish, 1800 One Tandy Center Fort Worth, TX 75102	Tandy Corporation	1,637,076.00	1,711.85
Parry and Romani Associates, Inc, 233 Constitution Avenue, NE Washington, DC 20002	American Chiropractic Assn	450.00	
Do	Columbia Laboratories, Inc	3,000.00	
Do	Eggland's Best	2,400.00	
Do	Federal Judges Association	525.00	
Do	Genentech	2,100.00	
Do	Generic Pharmaceutical Industry Assn	2,000.00	
Do	Glaxo, Inc	1,500.00	
Do	Herbalife International of America, Inc	1,500.00	
Do	International Assn of Broadcast Monitors	1,200.00	
Do	Lockheed Aeronautical Systems Co	1,650.00	
Do	Motion Picture Assn of America, Inc	3,600.00	
Do	Nonprescription Drug Manufacturers Assn	1,500.00	
Do	Office of the Immigration Judges		
Do	Pfizer, Inc	1,800.00	
Do	Recording Industry Assn of America	1,200.00	
Do	Syntex USA, Inc	1,200.00	
Do	Systech Environmental Corp	1,800.00	
Do	Unilever	1,500.00	
Do	Upjohn Company	2,100.00	
Do	Utah Natural Products Alliance	1,500.00	
Do	Won Door Corporation	750.00	
Charles C. Partridge, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	5,224.67	
Robert D. Partridge, 511 Janneys Lane Alexandria, VA 22302	Burns & McDonnell		
Lisa M. Patera, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	U.S. Strategies Corp		
Gary B. Patterson, Delaware Petroleum Council P.O. Box 1429 Dover, DE 19903-1429	American Petroleum Institute	404.87	62.00
Jerry M. Patterson, 3200 Bristol St., Suite 640 Costa Mesa, CA 92626	City of Alhambra		
Do	City of Alhambra (Long Beach 710 Freeway)		
Do	City of Bell & Bell Community Redevelopment Agency	102.50	
Do	Burke Williams & Sorensen (For:City of Santa Ana)	164.00	
Do	Burke Williams & Sorensen (For:City of Santa Clarita)		
Do	City of Temecula		
Sally Patterson, 810 Seventh Ave. New York, NY 10019	Planned Parenthood Federation of America		
C. James Patti, 1133 15th Street, NW, #600 Washington, DC 20005	Maritime Institute for Research & Industrial Development	9,503.76	
Thomas B. Patton, 1300 I Street, NW, #1070 East Washington, DC 20005	North American Philips Corp	17,000.00	7,157.50
Patton Boggs & Blow, 2550 M Street, NW Washington, DC 20037	Ad Hoc Coalition for Intermarket Coordination	1,525.00	40.00
Do	Air Products & Chemicals, Inc		
Do	Amenco		
Do	American Bankers Assn		
Do	American College of Gastroenterologists	1,025.00	
Do	Armco, Inc		
Do	Association for Manufacturing Technology (AMT)		
Do	Association of Trial Lawyers of America	796.25	100.00
Do	Blair Corporation		
Do	Blue Cross of California	1,435.00	
Do	Bright Beginnings Inc.	155.00	10.00
Do	Bristol Myers/Squibb Corp		
Do	BIC Corporation		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Center for Creative Non-Violence	600.00	
Do	Center for Molecular Medicine & Immunology		
Do	Center for Strategic Tax Reform (CSTR)	3,600.00	1,000.00
Do	Cherokee Nation of Oklahoma	5,720.00	140.00
Do	Chicago Board Options Exchange		
Do	Christopher Columbus Center Development, Inc	1,000.00	
Do	Chrysler Corporation		
Do	City of Baltimore		
Do	City of Cincinnati		
Do	Climate Council	807.50	65.00
Do	Clorox Company	645.00	16.00
Do	Coalition for Fair Allocation of Interest		
Do	Coalition on State Use Taxes		
Do	College Savings Bank		
Do	Council on Community Blood Centers		
Do	CUC International		
Do	Dairy Institute of California		
Do	Denver Colorado Planning Department		
Do	Dole Food Co	3,616.25	142.00
Do	Duty Free Shoppers Group, Ltd	113.75	
Do	Electric Reliability Coalition		
Do	Federation of American Health	688.75	20.00
Do	Federation Against Inequitable & Progressive Taxation	477.50	21.00
Do	Flexi-Van Leasing, Inc	183.00	4.00
Do	Freedom to Advertise Coalition	2,992.50	65.00
Do	Genstar Container Corp	183.00	4.00
Do	George Mason University Foundation, Inc	1,600.00	
Do	Greater Baltimore Committee Foundation	500.00	
Do	Greensboro-Jamestown Neighborhood Assn		
Do	Institute of Scrap Recycling Industries		
Do	International Fabricare Institute		
Do	International Swaps Dealers Assn, Inc		
Do	Irvin Industries	3,075.00	570.25
Do	J.P. Morgan & Co, Inc		
Do	Jena Band of Choctau		
Do	Johanna-Dairies, Inc	675.00	19.00
Do	Kaiser Aluminum & Chemical Corp		
Do	Landauer, Inc	46.25	
Do	Loop, Inc		
Do	Loyola University		
Do	Manhole Adjusting, Inc		
Do	Marathon Oil Co	1,075.00	
Do	Marine Engineers' Beneficial Assn	1,000.00	
Do	Mars, Inc	3,050.00	100.00
Do	Mass Mutual		
Do	Matson Navigation Co		
Do	Metropolitan Life		
Do	Mutual Legislative Committee		
Do	MCI Telecommunications, Inc	2,141.25	20.00
Do	Nansay Hawaii	101.25	
Do	National Assn of Health Underwriters	1,435.00	
Do	National Assn of Life Underwriters	770.00	6.00
Do	National Assn of Theatre Owners		
Do	National Automatic Merchandising Assn	692.50	30.00
Do	National Cable Television Assn, Inc		
Do	National Propane Gas Assn	3,000.00	
Do	National Retail Federation (RITAC)	410.00	
Do	National Soft Drink Assn		
Do	New England Student Loan Marketing Corp	3,747.50	105.00
Do	New York Life Insurance Company	2,033.75	29.50
Do	Newspaper Association of America	745.00	55.00
Do	Northwestern Mutual Life Insurance Co	345.00	10.00
Do	NCNB Texas National Bank		
Do	OSG Bulk Ships, Inc	491.25	20.00
Do	Pepsico, Inc		
Do	PNC Financial Corp		
Do	Reader's Digest Assn, Inc	10,000.00	
Do	Reinsurance Assn of America	692.50	12.00
Do	Reliance Group Holdings, Inc	183.00	4.00
Do	Republic of Guatemala		
Do	Republic of Uganda	285.00	55.00
Do	Republic National Bank of New York		
Do	Scheidt & Bachman	1,672.50	70.01
Do	Raymond F. Schoenke Jr.		
Do	Sedgwick James, Inc		
Do	Charles E. Smith Companies		
Do	SmithKline Beecham		
Do	Smokeless Tobacco Council, Inc	7,250.00	290.00
Do	Southern Maryland Navy Alliance, Inc	1,000.00	
Do	Sprat Bay Corp		
Do	State of Louisiana, Office of Conservation		
Do	Sultantate of Oman		
Do	Susan G. Komen Foundation	5,913.75	143.50
Do	Thomson US, Inc		
Do	Trans Ocean, Ltd	183.00	4.00
Do	Triton Container	183.00	4.00
Do	U.S. Tobacco Company		
Do	University of Arizona Foundation	6,000.00	
Do	USAir, Inc		
Do	USX Corporation		
Do	Villa Julie College	5,000.00	
Do	Wayne County Michigan	260.00	
Do	Westinghouse Electric Corp		
Alma Hale Paty, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Andrew R. Paul, 225 Reinekers Lane, #600 Alexandria, VA 22314	Satellite Broadcasting & Communications Assn	1,500.00	18.30
Paul Hastings Janofsky & Walker, 1050 Connecticut Avenue, NW, #1200 Washington, DC 20036	Allegheny Power System Inc, et al.	11,485.00	100.94
Do	Amdahl Corp		
Do	American College of Neuropsychopharmacology		
Do	American Trucking Assns, Inc	855.00	
Do	Business Council on Indoor Air		
Do	Embassy of the Government of the Republic of Hungary		
Do	Government Affairs Policy Council of Reg Bell Operating Co's	11,186.25	43.15
Do	Kawasaki Motors Corp, USA		
Do	Morehouse College		
Do	Norfolk Southern Corp	997.50	
Do	Novo-Nordisk Pharmaceuticals, Inc	1,468.75	59.74
Do	Siskiyou Co Board of Supervisors & Office of Education	43.75	
Do	Tobacco Institute	2,707.50	
Gwen Gampel Paulson, 711 Second Street, NE, #200 Washington, DC 20002	Congressional Consultants (For:American Assn of Retired Persons)		
Do	Dialysis Clinic, Inc		
Do	Kinetic Concepts, Inc	2,000.00	
Do	Congressional Consultants (For:National Renal Administrators Assn)	3,000.00	70.00
Do	Victims of Insurance Company Errors (Voice)	1,000.00	75.00
Kristin E. Paulson, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	639.00	949.98

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Tommy J. Payne, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	2,980.00	426.86
Bruce Peabody, 110 Maryland Ave., NE Washington, DC 20002	Council for a Livable World		
Peabody & Brown, 2300 M Street, NW Washington, DC 20037	Council for Rural Housing & Development	2,000.00	
Do	National Leased Housing Assn	2,000.00	
Chris Peace, 500 E. Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	5,000.00	828.05
Peace Political Action Committee, 110 Maryland Avenue, NE, #409 Washington, DC 20002			8,392.50
Norman E. Pearson, 125 N. West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Ronald Pearson, 422 First Street, SE, #208 Washington, DC 20003	Pearson & Pipkin (For:Physicians Who Care)		
Russell H. Pearson, 1156 15th Street, NW, #1015 Washington, DC 20005	J. C. Penney Co, Inc		
Pearson and Pipkin, Inc, 422 First Street, SE, #208 Washington, DC 20003	Physicians Who Care	1,500.00	
Robert Peck, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union		
Robert A. Peck, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	5,000.00	
Edward L. Pecotte, 2700 First Avenue Seattle, WA 98121	IBEW Local 46		
Elin Peltz, 1155 15th Street, NW, #900 Washington, DC 20005	National Agricultural Chemicals Assn		
Edward F. Pembleton, 801 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	2,200.00	455.00
Karen W. Penafiel, 1201 New York Avenue, NW, Suite 300 Washington, DC 20005	Building Owners and Managers Assn International	1,250.00	400.00
Randall G. Pence, 2302 Horse Pen Road Herndon, VA 22071-3406	National Concrete Masonry Assn	6,166.00	734.00
James C. Pennington, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	3,406.27	
Pennsylvania Mines Corp, P.O. Box 367 Ebensburg, PA 15931			431.43
Pennsylvania Power & Light Co, 2 North 9th Street Allentown, PA 18101			4,304.26
Eugene K. Pentimonti, 1101 17th Street, NW, #400 Washington, DC 20036	American President Companies, Ltd	15,000.00	
People for America, Inc, 4404 Fairfax Hill Plano, TX 75024			26,141.00
Perkins Coie, 607 14th Street, NW #800 Washington, DC 20005-2011	American Coke & Coal Chemicals Institute		
Do	Boeing Company		
Do	Burlington Resources		
Do	Cook Inlet Region, Inc		
Do	General Electric Co		
Do	James River II, Inc	1,250.00	
Do	Puget Sound Power & Light Company		
Do	Wood Heating Alliance		
Gary J. Perkinson, 453 New Jersey Ave., SE Washington, DC 20003	Beneficial Management Corp		
Leonard Perlman, 1910 Asociation Drive Reston, VA 22091-1502	National Rehabilitation Counseling Assn		
Beverly Perry, 1900 Pennsylvania Ave, NW Washington, DC 20068	Potomac Electric Power Company	169.87	
Edmund F. Perry, 1301 K Street, NW, Suite 1100 Washington, DC 20005	IBM Corp	280.00	76.00
Schley Louie Perry III, 1521 New Hampshire Avenue N.W. Washington, DC 20036	National Cotton Council of America	1,250.00	132.24
Susan Perry, 1015 15th Street, NW Washington, DC 20005	American Bus Assn	2,687.50	75.00
John C. Perryman, 333 Piedmont Avenue, 23rd Floor Atlanta, GA 30308	Georgia Power Co	8,808.11	2,479.18
Mark Pertschuk, 2530 San Pablo Ave, #J Berkeley, CA 94702	Americans for Nonsmokers' Rights	785.00	
John W. Pestle, 333 Ridge Street NW Grand Rapids, MI 49504	Michigan Municipal Cooperative Group	51,674.00	4,452.00
Phillips S. Peter, 1331 Pennsylvania Avenue, NW, #800-S Washington, DC 20004	General Electric Co	200.00	
Robert R. Petersen, 1300 L Street, #925 Washington, DC 20005	National Grain Trade Council		7.75
Alan Peterson, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Cheryl A. Peterson, 600 Maryland Ave., SE, Suite 100 West Washington, DC 20024-2571	American Nurses Assn	5,124.60	0.85
Dan A. Peterson, 1507 Lincoln Way, #304 McLean, VA 22102	Martin Marietta Corporation	6,773.50	
Esther Peterson, 2001 S St., NW, #510 Washington, DC 20009	International Organization of Consumers Unions		
Helena Hutton Peterson, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	2,500.00	
Kenneth W. Peterson, Kansas Petroleum Council 1005 Merchants Tower Topeka, KS 66612	American Petroleum Institute		
Lars E. Peterson, 800 Connecticot Avenue, NW Washington, DC 20006	Food Marketing Institute	500.00	
Joseph P. Petito, 1800 M Street, NW Washington, DC 20036	Coopers & Lybrand	2,200.00	20.00
Susan F. Petniunas, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	500.00	
Michael J. Petrina Jr., 1101 17th Street, NW, #300 Washington, DC 20036	Cosmetic Toiletry & Fragrance Assn, Inc	1,300.00	20.00
Petroleum Marketers Assn of America, 1901 N Ft. Myer Dr. #1200 Arlington, VA 22209		20,000.00	8,444.00
Stephan Petry, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	232.00	
Laura M. Pettey, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical Co	500.00	6,887.00
C. L. Pettit, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Brian T. Petty, 1901 L St., NW, #702 Washington, DC 20036	International Assn of Drilling Contractors		
Steven J. Pfister, National Retail Federation 701 Pennsylvania Avenue, NW #710 Washington, DC 20004	National Retail Federation	3,000.00	24.00
Kurt Pfotenhauer, 316 Pennsylvania Avenue, SE, #304 Washington, DC 20003	United Parcel Service	7,000.00	311.88
Pharmaceutical Manufacturers Assn, 1100 15th Street, NW, #900 Washington, DC 20005		60,835.00	60,835.00
Marshall A. Pharr, 6103 Adirondack Amarillo, TX 79106	Southwestern Public Service Co	4,417.80	78.75
Dennis J. Phelan, 1101 17th St., N.W., #609 Washington, DC 20036	Pacific Seafood Processors Assn	23,750.00	967.00
Mary Frances Phelps, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		
William C. Phelps, 2929 Allen Parkway Houston, TX 77019	American General Corporation	4,840.00	9,786.98
William W. Phelps, P.O. Box 2159 Dallas, TX 75221	FINA, Inc	30,000.19	5,497.21
James R. Phifer, 1700 N. Moore St., #1801 Arlington, VA 22209	Magnavox Electronic Systems Co	8,750.74	1,886.80
Deirdre B. Phillips, 100 Federal Street Boston, MA 02110	Bank of Boston Corporation		
Do	First National Bank of Boston	2,200.00	3,396.93
Joseph M. Phillips, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,539.94	225.35
William H. Phillips, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	4,460.00	173.46
Physicians for Social Responsibility, 1000 16th Street, NW, #810 Washington, DC 20036		14,332.00	15,217.00
Dan Phythyon, 1771 N St., NW Washington, DC 20036	National Assn of Broadcasters	6,800.00	996.75
Lori J. Pickford, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	1,000.00	
Paulette C. Pidcock, 1301 Pennsylvania Ave., NW, #1050d Washington, DC 20004	Baltimore Gas & Electric Co	46.04	
Lino J. Piedra, 1100 Connecticut Avenue, NW, Suite 900 Washington, DC 20036	Chrysler Corporation	6,250.00	388.00
Janice Pieper, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	3,750.00	
Pierson Semmes & Bemis, 1054 31st Street, NW Washington, DC 20007	Mauritius Sugar Syndicate		9.75
Do	Oklahoma Natural Gas Company		
Donna M. Pignatelli, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance	3,000.00	
Susan G. Pikrallidas, 1440 New York Ave., NW, #200 Washington, DC 20005	American Automobile Assn		
Piliero Mazza & Pargament, Farragut Square 888 17th Street, NW, #1100 Washington, DC 20006	City of Portsmouth, New Hampshire		
Do	Latin American Management Assn		
Do	National Fire Protection Assn		
Do	Villa Banfi, U.S.A		
Valerie F. Pinson, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	2,363.00	
Piper & Marbury, 1200 19th Street, NW, #700 Washington, DC 20036	Edison Electric Institute		
Lynn A. Pirozzoli, 1130 Connecticut Ave., NW, Suite 350 Washington, DC 20036	Resource Management International, Inc		
Pirtle Morisset Schlosser & Ayer, 1815 H Street, NW, #750 Washington, DC 20006-3604	Central Council of Tlingit & Haida Tribes of Alaska	23.90	
Do	Ketchikan Indian Corp		
Do	Little River Band of Ottawa Indians		
Do	Little Traverse Bay Band of Odawa Indians		
Do	Michigan Inter-Tribal Council	119.48	
Do	Mille Lacs Band of Chippewa Indians		
Do	Prairie Band of Potawatomi Indians		
Do	Red Lake Band of Chippewa Indians	515.74	
Do	Saginaw Chippewa Indian Tribe	5,949.30	
William P. Pitts, 1667 K Street, NW, #300 Washington, DC 20006	Amdahl Corp	1,000.00	
Frank M. Pizzoli, 1335 North Front Street Harrisburg, PA 17102	Pennsylvania Chiropractic Society	332.00	440.35
Plains Cotton Growers, Inc, 4510 Englewood Lubbock, TX 79414			
Planned Parenthood Fed of America, Inc, 2010 Massachusetts Avenue, NW, 5th Fl. Washington, DC 20036		18,711.35	18,711.35
Reuben C. Plantico, 500 N.E. Multnomah, #1500 Portland, OR 97232-2045	Nerco, Inc	2,335.00	567.38
Michael L. Platner, 1220 L Street, NW, Suite 900 Washington, DC 20005	American Petroleum Institute	9,240.00	227.84
Jon Plebani, 1801 K Street, NW, Suite 400K Washington, DC 20006	Loeffler & Leath, Inc (For:Central South West Corp)		
Do	Loeffler & Leath, Inc (For:Citicorp)	360.00	
Do	Loeffler & Leath, Inc (For:City of Philadelphia)		
Do	Loeffler & Leath, In (For:Electronic Data Systems Corp)		
Do	Loeffler & Leath, Inc (For:Hong Kong Trade Development Council)		
Do	Loeffler & Leath (For:Mesa Petroleum)		
Do	Loeffler & Leath, Inc (For:National Assn of Broadcasters)	1,680.00	
Do	Loeffler & Leath, Inc (For:Sematech)		
Do	Loeffler & Leath (For:Tesoro Petroleum)		
Do	Loeffler & Leath, Inc (For:United Services Automobile Assn)	690.00	
Wyll W. Pleger, 1150 18th Street, NW, #200 Washington, DC 20036	Brown & Root, Inc		
E. R. Plourd, 400 N. Capitol Street, NW, #856 Washington, DC 20001	United Transportation Union	2,500.00	
Rebecca S. Poe, P.O. Box 2450 Clarksburg, WV 26302-2450	CNG Transmission Corp	525.38	130.19

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Thomas C. Polgar, 1875 Eye Street, NW, Suite 1225 Washington, DC 20006	Paramount Communications, Inc	3,750.00	351.37
Policy Consulting Services, Inc, 1707 L Street, NW, #725 Washington, DC 20036	Nissan Motor Company, Ltd		
Do	Nissan Motor Manufacturing Corp, U.S.A.		
Do	Nissan North America, Inc		
Michele Pollak, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	528.24	
Alfred M. Pollard, 900 19th Street NW Washington, DC 20006	Savings & Commmunity Bankers of America	10,508.24	132.00
Thomas B. Pollard Jr., P.O. Drawer 2426 Columbia, SC 29202	Nexsen Pruet Jacobs & Pollard (For:Greenwood Development Corp)		3,213.88
Kris D. Polly, 3800 North Fairfax Drive, Suite 4 Arlington, VA 22203	National Water Resources Assn	3,125.00	
Dale Pontius, 801 Pennsylvania Ave., NW, Suite 400 Washington, DC 20003	American Rivers		
Joseph V. Popolo Jr., 1600 Wilson Boulevard, #807 Arlington, VA 22209	Roadway Services, Inc		
J. Craig Potter, 1850 K Street, NW, #500 Washington, DC 20006	McDermott Will & Emery		
Julie Anna Potts, 1150 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Wallace & Edwards		
Beth Powell, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	12,000.00	1,196.91
John J. Power, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	18,857.80	238.66
Robert J. Powers, 101 Constitution Avenue, NW Washington, DC 20001	United Brotherhood of Carpenters and Joiners of America	8,076.96	1,014.30
David J. Pratt, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	850.00	35.00
Andrew J. Prazuch, 1400 Eye Street, NW, #1200 Washington, DC 20005	American Immigration Lawyers Assn	5,677.87	15.00
Premark International, Inc, 1717 Deerfield Road Deerfield, IL 60015		4,000.00	4,000.00
Preston Gates Ellis Rouvelas & Meeds, 1735 New York Avenue, NW, #500 Washington, DC 20006	American Fisheries Coalition		
Do	American Forest & Paper Assn		
Do	American President Lines	13,190.00	
Do	ASARCO, Inc		
Do	Bay Ship Management		
Do	Bellingham Cold Storage		
Do	Brown Forman Corp		
Do	Burlington Northern Railroad Co		
Do	Calista Corp		
Do	Computer Systems Policy Project		
Do	Council on Research & Technology	1,800.00	
Do	Delta Queen Steamboat Company		
Do	Dynasty Cruise Line, Inc		
Do	ENVIROTIRE, Inc		
Do	Hewlett-Packard Co		
Do	Intelsat		
Do	Intermodal Association of North America		
Do	Kyokuyo Co, Ltd	493.75	
Do	Marine Resources Company International		
Do	Microsoft Corp	3,585.00	
Do	Mormac Marine Group, Inc/Mormac Marine Transport, Inc		
Do	National Council on Compensation Insurance		
Do	Nichiro Corp	439.75	
Do	Nissui Shipping Corp	493.75	
Do	OMI Corp	1,168.00	
Do	Pacific Medical Center		
Do	Pitney Bowes		
Do	Port of Seattle		
Do	Printing Industries of America		
Do	Rokuchu Marine Corp		
Do	Royal Seafoods, Inc		
Do	Software Pubishers Association		
Do	Sunmar Shipping, Inc		
Do	Taiyo Gyogyo Kabushiki Kaisha	493.75	
Do	Transportation Institute		
Do	Tri-City Industrial Development Council	96.00	
Do	University of Washington		
Do	Westinghouse Electric Company		
Price Waterhouse, 1801 K St., NW, #700 Washington, DC 20006	Investment Company Institute	395.00	18.75
Sheila M. Prindiville, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Waste Management Assn	500.00	
Gwenyth Pritchard, 600 Maryland Ave., NW, #700 Washington, DC 20024	Foster-Miller, Inc	75.00	
Paul Clement Pritchard, 1776 Massachusetts Ave., NW Washington, DC 20036	National Parks & Conservation Association	1,400.00	
Procompetitive Rail Steering Committee, c/o Vuono, Lavelle & Gray 2310 Grant Building Pittsburgh, PA 15219			
Stuart E. Proctor Jr., 11319 Sunset Hills Road Reston, VA 22090	National Turkey Federation		
Profit Sharing Council of America, 20 N. Wacker Drive Chicago, IL 60606			
Peter D. Prowitt, 1101 17th Street, NW, #400 Washington, DC 20036	American President Companies, Ltd	11,874.00	
James C. Pruitt, 1050 17th St., NW, #500 Washington, DC 20036	Texaco, Inc		
Jerry Z. Pruzan, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	475.00	
George Prytula, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corporation	250.00	
Public Citizen, Inc, 2000 P Street, NW Washington, DC 20036		63,575.00	68,675.00
Public Employee Department, AFL-CIO, 815 16th St., NW Washington, DC 20006		89,854.34	26,934.80
Public Service Electric and Gas Company, 80 Park Plaza, T4A Newark, NJ 07101			800.00
Public Strategies, 620 Congress Avenue, #310 Austin, TX 78701	Hillwood Development Corp	2,400.00	177.18
Do	Sammons Enterprises, Inc		132.29
Do	Southwest Airlines Co	4,800.00	184.48
Charles R. Pucie Jr., 1615 L Street, NW, Suite 1150 Washington, DC 20036	Capitoline International Group, Ltd (For:Republic of Azerbaijan)	550.00	
David E. Pullen, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	500.00	
Brenda Pulley, 1212 New York Avenue, NW, Suite 500 Washington, DC 20005	American Portland Cement Alliance	8,000.00	344.41
Sue P. Purvis, P.O. Box 14042 St. Petersburg, FL 33733	Florida Power Corp	4,895.00	1,740.00
Do	Florida Progress Corp	1,088.00	382.00
Earle W. Putnam, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Susan Putnam, 1301 K Street, NW Washington, DC 20005	IBM	1,204.50	139.76
Howard Pyle III, 1050 17th Street, NW, #1250 Washington, DC 20036	Houston Industries, Inc	8,000.00	
Robert N. Pyle & Associates, P.O. Box 3731 Washington, DC 20007	Elkem Metals Company	4,250.00	
Do	Independent Bakers Assn	3,000.00	150.00
Do	Stratcor	3,000.00	260.00
Do	Welch Foods, Inc	3,750.00	
PHP Healthcare Corp, 4900 Seminary Road, 12th Floor Alexandria, VA 22005			
Quaker Oats Company, 321 North Clark Street Chicago, IL 60610			466.42
William A. Quinlan, 3045 Riva Rd. Riva, MD 21140	Retail Bakers of America		
John E. Quinn, 11 Beacon Street, #415 Boston, MA 02108	American Petroleum Institute	2,000.00	
Earl C. Quist, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Mark J. Raabe, 601 Pennsylvania Ave., NW North Building, Suite 1200 Washington, DC 20004	Merck & Co, Inc	1,500.00	500.00
Alex Radin, 1200 New Hampshire Ave., NW, #311 Washington, DC 20036	Tennessee Valley Public Power Assn	1,000.00	
Do	Radin & Associates Inc (For:Washington Public Power Supply System)		
Do	Radin & Associates, Inc. (For:Washington Public Utility Districts Assn)	2,187.50	
Zvi Rafiah, Asia house 4 Weizman Street Tel Aviv, 64239 Israel	Rafael Armament Development Authority	25,090.00	3,500.00
Do	TAAS, Israeli Industries LTD (IMI)	14,720.00	3,000.00
Do	Urdan Industries LTD	3,000.00	2,500.00
Timothy L. Raftis, 6410 Rockledge Drive, Suite 203 Bethesda, MD 20814	American Society of Hematology	500.00	130.00
Do	Association of American Cancer Institutes	2,000.00	3,850.00
Do	Washington Center for Internships		
Thomas F. Railsback, 2000 M Street, NW Washington, DC 20036	Graham & James (For:Ameritech, et al.)		
Do	Graham & James (For:R. R. Donnelley & Sons Company)	379.00	
Do	Graham & James (For:English Bay Corp)		
Do	Graham & James (For:Federal Judges Association)	999.00	
Do	Graham & James (For:Federal Magistrate Judges' Assn)		
Do	Graham & James (For:Milk Specialties Co)		
Railway Progress Institute, 700 North Fairfax St. Alexandria, VA 22314			
John C. Ramig, 222 SW Columbia, #1800 Portland, OR 97201	Lindsay Hart Neil & Weigler (For:Business Computer Training Institute)	9,495.00	1,872.57
Do	Lindsay Hart Neil & Weigler (For:Christian Copyright Licensing, Inc)		
Do	Lindsay Hart Neil & Weigler (For:MOEX Corp)		2,237.55
Jack Ramirez, 499 South Capitol Street, SW, Suite 401 Washington, DC 20003	National Assn of Independent Insurers	750.00	
Kristen M. Rand, 2001 S St., NW, #520 Washington, DC 20009	Consumers Union	1,000.00	
Donald A. Randall, 321 D Street, NE Washington, DC 20002	Automotive Service Assn	1,793.16	
Do	National Independent Dairy-Foods Assn	27.58	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
D. Michael Rappoport, P.O. Box 52025 Phoenix, AZ 85072	Salt River Project	1,680.00	6,111.91
Magda A. Ratajski, Norfolk Southern Corporation Three Commercial Place Norfolk, VA 23510-2191	Norfolk Southern Corp		
G. David Ravencraft, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
William Randall Rawson, 950 N. Glebe Road, #160 Arlington, VA 22203-1824	American Boiler Manufacturers Assn, Inc		
Bruce A. Ray, Bruce Ray & Company 636 A Street, NE Washington, DC 20002	ABB Traction, Inc	1,002.05	
Do	Bayley Seton Hospital	9,567.06	
Do	JA Associates, Ltd	5,177.09	
Do	Lutheran Medical Center	6,165.50	
Do	Pegasus Foods, Inc	1,141.74	
John K. Rayburn, 1801 K Street, NW Washington, DC 20006	Westinghouse Electric Corp	500.00	45.00
David A. Raymond, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Ebasco Services, Inc	3,379.00	657.00
Joanna E. Reagan, 815 15th Street, NW Washington, DC 20005	International Union of Bricklayers & Allied Craftsmen	3,000.00	76.25
John M. Rector, 205 Daingerfield Rd. Alexandria, VA 22314	National Assn of Retail Druggists	700.00	150.00
Donald L. Redfoot, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	642.75	168.51
Jo Reed, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	782.14	
Mary Reed, 600 Maryland Ave., Sw, #700 Washington, DC 20024	National Fed of Independent Business (NFIB)	3,401.00	200.00
Michael L. Reed, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	72.00
Reed Smith Shaw & McClay, 1200 18th Street, NW Washington, DC 20036	Association of Financial Guarantee Insurors	3,500.00	50.00
Do	High Speed Rail Assn	5,544.00	84.01
Do	Mid-America Transplant Association	4,000.00	30.00
Do	National Cellular Resellers Assn		
Do	Radio-Television News Directors Assn	4,000.00	
Robert K. Reeg, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	1,250.00	
J. Ronald Reeves, 2345 Crystal Drive Arlington, VA 22227	U.S. Air, Inc	2,000.00	206.25
R. Brent Regan, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp	15,000.00	414.93
Regional Airline Association, 1101 Connecticut Ave., NW, #700 Washington, DC 20036		6,660.00	2,150.00
Regional Commerce & Growth Assn, 1021 Kingsway, #6 Cape Girardeau, MO 63701		34,044.50	35,174.84
David K. Rehr, 1100 South Washington Street, Ist Floor Alexandria, VA 22314-4494	National Beer Wholesalers Assn	3,500.00	664.58
Law Offices of Paul S. Reichler, 1747 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Democracy & Dignity Foundation		
Do	Interim Government of National Unity of Liberia		
Do	Republic of Guyana	24,657.13	6,114.74
Do	Republic of Nicaragua	30,000.00	3,193.88
Do	Saharawi Arab Democratic Republic		46.72
Do	Supreme Court of Justice of the Republic of Guatemala		564.70
Do	United Coconut Assn of the Philippines		12.40
Do	United Front for Multiparty Democracy (Malawi)		131.24
Reid & Priest, 701 Pennsylvania Avenue, NW Washington, DC 20004	Edison Electric Institute		
Do	Kabi Pharmacia, Inc	11,871.75	450.82
Do	Minnesota Power	4,976.00	116.72
Do	MDU Resources Group, Inc	2,034.00	99.78
Do	Nishika Corp	3,998.00	207.35
Do	Pride Refining, Inc		
Do	Tucson Electric & Power Co	3,495.00	104.25
Do	United Illuminating Company		114.78
Ronald T. Reiling, 111 Powdermill Road Maynard, MA 01754	Digital Equiptment Corp	25,000.00	
Burke G. Reilly, 1350 I Street, NW Washington, DC 20005	Ford Motor Co	2,250.00	672.80
Reinsurance Assn of America, 1301 Pennsylvania Avenue, N.W., #900 Washington, DC 20004			
Christine W. Reiter, 1330 Connecticut Ave, NW Suite 300 Washington, DC 20036	Synthetic Organic Chemical Manufaturers Assn	500.00	26.00
Mark Reiter, 1325 G Street, NW, #1000 Washington, DC 20005	Institute of Scrap Recycling Industries, Inc	11,000.00	1,369.44
Renewable Fuels Assn, One Massachusettes Ave, NW, #820 Washington, DC 20002		219,667.66	308,352.61
Diane Rennert, 1718 Connecticut Avenue, NW, #700 Washington, DC 20009	Association of American Publishers	6,500.00	510.43
Judy Rensberger, 2000 K Street, NW Washington, DC 20006	National Comm to Preserve Social Security & Medicare	12,555.00	
Stephen P. Rentner, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	2,000.00	
Edward Repa, 1730 Rhode Island Ave., NW Washington, DC 20036	National Solid Wastes Management Assn	500.00	
David M. Repass, 1801 K Street, NW, #700 Washington, DC 20006	Price Waterhouse (For:Queen Emma Foundation)	1,400.00	7.00
Galen J. Reser, 700 Anderson Hill Road Purchase, NY 10577	Pepsico, Inc		414.09
Barclay T. Resler, 800 Connecticut Ave., NW, Suite 711 Washington, DC 20006	Coca-Cola Company	125.00	67.88
Resource Management Consultants, Inc, 1212 New York Ave.,NW, Suite 345 Washington, DC 20005		11,700.00	
Retired Officers Assn, 201 N. Washington St. Alexandria, VA 22314		146,071.16	51,087.97
Vincent P. Reusing, 1620 L Street, NW, #800 Washington, DC 20036	Metropolitan Life Insurance Co	500.00	
Alan V. Reuther, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	26,880.00	438.75
Allan R. Rexinger, 717 A Street, SE Washington, DC 20003	Nonprescription Drug Manufacturers Assn	775.00	
Jimmie V. Reyna, 808 17th Street, NW, Suite 300 Washington, DC 20006-3910	Stewart & Stewart		
Gregg M. Reynolds, 1441 Gardiner Lane Louisville, KY 40213	KFC Corp		1,357.50
C. Brewster Rhoads Jr., 1421 Salem Woods Lane Cincinnati, OH 45230	Student Loan Funding Corp	2,030.00	628.00
Frederick W. Rhodes, 1111 Jefferson Davis Highway, #811-E Arlington, VA 22202	K & F Industries		
Do	Loral Corporation	4,250.00	
Hermione Rhones, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	2,500.00	
James R. Ricciuti, 601 Pennsylvania Ave, NW, North Bldg., #1200 Washington, DC 20004	Merck & Co, Inc	1,500.00	500.00
Grace Ellen Rice, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation	9,750.00	264.56
James E. Rich Jr., 1401 Eye Street, NW, #1030 Washington, DC 20005	Shell Oil Co	500.00	
Richard Richards, Law Office of Richard Richards 1025 Thomas Jefferson Street, NW, #105 Washington, DC 20007	General Dynamics	1,000.00	
Do	Pratt & Whitney		
Do	Sunrider International	2,000.00	
Alan H. Richardson, 2301 M St., NW Washington, DC 20037	American Public Power Assn	3,000.00	
Donna Rae Richardson, 600 Maryland Ave. SW, #100 West Washington, DC 20024-2571	American Nurses' Assn	6,750.00	4.02
John C. Richardson, 101 Park Avenue New York, NY 10178	Morgan Lewis & Bockius (For:Underwriters at Lloyd's London)		
John G. Richardson, 1130 Connecticut Ave, NW, #830 Washington, DC 20036	Southern Company Services, Inc	1,437.50	4,683.52
K. O. Richardson, 815 16th Street, NW, #511 Washington, DC 20006	Transportation - Communications Union	3,000.00	149.26
Lois Richerson, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	3,056.00	103.38
Max Richtman, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	33,245.00	
Robert G. Rickles, 3350 Peachtree Road, NE Atlanta, GA 30326	Blue Cross and Blue Shield of Georgia		2,258.48
Lowell J. Ridgeway, North Dakota Petroleum Council P.O. Box 1395 Bismarck, ND 58502	American Petroleum Institute	2,000.00	546.44
E. George Riedel, 1000 Wilson Blvd., #3000 Arlington, VA 22209	ITT Defense Technology Corp	1,000.00	50.00
Francis J. Rienzo, 1455 F Street, NW, Suite 450 Washington, DC 20005	Upjohn Company	10,000.00	
Gina J. Rigby-LeDonne, 1901 North Moore Street, Suite 1100 Arlington, VA 22209	Gas Appliance Manufacturers Assn		
Judith Assmus Riggs, 1334 G Street, NW #500 Washington, DC 20005	Alzheimer's Assn	4,500.00	78.00
Michael R. Riksen, 2706 Davis Ave. Alexandria, VA 22302	Harris Corporation	2,025.00	715.74
Dawn Riley R., 1100 17th Street, NW, #505 Washington, DC 20036	Burley & Dark Leaf Tobacco Assn	800.00	
Karen Rindge, 1400 16th Street, NW Washington, DC 20036-2266	National Wildlife Federation	614.85	
Russell C. Ring, 1700 Pensylvania Ave., NW, #500 Washington, DC 20006	Mutual of Omaha Insurance Co	375.00	
Joan D. Ringel, 511 16th Street, Suite 210 Denver, CO 80202-4227			
Irene Ringwood, Bogle & Gates 601 13th Street, NW, #370S Washington, DC 20005	Direct Service Industries, Inc	3,000.00	
Carol A. Risher, 1718 Connecticut Ave., NW 7th Floor Washington, DC 20009-1148	Association of American Publishers	2,000.00	
Mark R. Riso, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Edward W. Rissing, 701 Pennsylvania Ave, NW Washington, DC 20004	Edison Electric Institute		82.86
Tom Ritter, 33045 Hamilton Boulevard Farmington Hills, MI 48018	Alexander Hamilton Life Insurance Co		
William R. Ritz, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	4,308.00	
Valentin J. Riva, 501 School Street, SW, 8th Floor Washington, DC 20024-2713	American Road & Transportation Builders Assn	5,000.00	500.00
Ivette E. Rivera, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	5,000.00	
Andrew W. Robart, 701 Pennsylvania Avenue, NW Washington, DC 20004	Edison Electric Institute	708.48	453.35
Wade H. Robert, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	5,001.00	351.31
Carole T. Roberts, 901 15th Street, NW, #520 Washington, DC 20005	Travelers Companies	2,600.00	
David Gwyn Roberts, 411 Fayetteville Street Mall Raleigh, NC 27601	Carolina Power & Light Company	1,755.00	4,756.00
Glenn Roberts, 1620 I Street, NW Washington, DC 20006	American Spice Trade Association		
Do	Flavor and Extract Manufacturers Assn	237.00	8.00
Do	Fragrance Materials Assn		
Do	International Assn of Color Manufacturers	107.00	8.00
Perry A. Roberts, 8000 W. Florissant St. Louis, MO 63136	Emerson Electric Co		2,200.68
Roselee N. Roberts, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp		
Rebecca Roberts-Malamis, 1 Massachusetts Ave., NW, #350 Washington, DC 20001	Chubb Corporation	5,000.00	135.77
Steve A. Robertson, 1608 K Street, NW Washington, DC 20006	American Legion	11,791.00	493.02
Davis R. Robinson, 1875 Connecticut Avenue, NW, 12th Floor Washington, DC 20009	LeBoeuf Lamb Leiby & MacRae (For:Feibel-Garek)		
H. Alexander Robinson, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Kenneth L. Robinson, 3138 North l0th Street Arlington, VA 22201	National Assn of Federal Credit Unions		
Peter D. Robinson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey & Robinson (For:American Cyanamid Co, Inc)		
Do	Bailey & Robinson (For:American Imaging Assn)		
Do	Bailey and Robinson (For:Blue Cross of Western Pennsylvania)		
Do	Bailey & Robinson (For:Case Management Society)		
Do	Bailey and Robinson (For:Human Factors Applications, Inc)		
Do	Bailey & Robinson (For:Natural Disaster Coalition)		
Do	Bailey & Robinson (For:Natural Gas Vehicles Coalition)		
Do	Bailey & Robinson (For:Upjohn Co)		
Do	Bailey & Robinson (For:Utilities Telecommunication Council)		
Robinson Lake Lerer & Montgomery, 1667 K St., NW, #900 Washington, DC 20006	American International Group, Inc	3,000.00	
Do	Atari Games Corp		
Do	Central Valley Project Water Association		
Do	Commission on Self-Determination	500.00	
Do	CALCOT, Ltd		
Do	Ingersoll-Rand	5,000.00	
Do	Mesa Limited Partnership		
Do	Minolta Corp		
Do	Napa Flood Control and Water Conservation District		
Do	National Venture Capital Association	1,000.00	
Do	New York Mercantile Exchange (NYMEX)		
Do	Sun-Diamond Growers of California	1,500.00	
Do	United States Banknote Corp		
Peggy Rochette, 1825 Samuel Morse Drive Reston, VA 22090	National Grocers Assn	300.00	
James Anthony Rock, 1101 Pennsylvania Avenue, N.W. # 530 Washington, DC 20004-2514	Montana Power Co, et al.	2,500.00	197.04
James W. Rock, 1455 Pennsylvania Ave, NW, #560 Washington, DC 20004	American Resort & Residential Development Assn	3,000.00	
Do	Coalition for Fair Taxation of Real Estate		
Lewis A. Rockman, P.O. Box 8000 Bradford, PA 16701-0980			
Daniel Rode, 1050 17th Street, NW, #700 Washington, DC 20036	Healthcare Financial Management Assn		1,842.10
Quincy Rodgers, 1899 L Street, Suite 500 Washington, DC 20036	General Instrument Corporation	1,500.00	
Richard F. Rodgers, 300 Maryland Avenue, NE Washington, DC 20002	Federal Express Corp	6,000.00	
Raymund Rodriguez, P.O. Box 982 El Paso, TX 79960	El Paso Electric Co		
William P. Roesing, 1401 Eye Street, NW, Suite 1220 Washington, DC 20005-2204	Joseph E. Seagram & Sons, Inc	6,375.00	
Edward M. Rogers Jr., P.O. Box 960 Yazoo City, MS 39194	American Maritme Congress	15,000.00	30.00
Do	American Rice, Inc	15,000.00	168.00
Do	CBS, Inc	30,000.00	82.00
Do	Primerica Financial Services	15,666.66	
James A. Rogers, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service	2,000.00	1,144.15
Kevin Rogers, 1635 Sunset Avenue, SW Seattle, WA 98116	Washington Citizens for World Trade		500.00
Susan L. Rogers, 815 Connecticut Avenue, NW, #900 Washington, DC 20006-4078	R. Duffy Wall & Associates, Inc	1,250.00	
Rogers & Wells, 607 14th Street, NW Washington, DC 20005	Canadian Pulp and Paper Association	1,920.00	135.99
Do	Canadian Steel Industry Council	2,360.00	555.73
Do	Dofasco, Inc		
Do	Italian Trade Commission		
Do	Mill-Max Manufacturing Corp		
Barbara J. Rohde, 1701 K Street, NW, #400 Washington, DC 20006	Fargo Moorhead Metropolitan Council of Governments	1,000.00	32.00
Barbara J. Rohde & Associates, 1701 K Street, NW, #400 Washington, DC 20006	City of Grand Forks	3,000.00	160.00
Do	City of Moorehead	3,000.00	150.00
Do	Hubert Humphrey Institute of Public Affairs	3,000.00	3,650.00
Richard A. Rohrbach, 1615 M Street, NW, #570 Washington, DC 20036	Boise Cascade Corp	34,200.00	
Frank G. Rohrbough, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	3,047.50	
Ian M. Rolland, 1300 South Clinton Street Fort Wayne, IN 46801	Lincoln National Corp	900.00	
Jackie Rollins, 1201 16th Street, NW Washington, DC 20036	Overseas Education Assn, Inc		
Dennis G. Romano, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp	625.00	383.06
Francis P. Rooney, 1400 L Street, NW, #400 Washington, DC 20005	Biscuit & Cracker Mfgrs Assn		
Fred B. Rooney, 700 13th Street, N.W., #400 Washington, DC 20005	American Iron & Steel Institute	200.00	
Do	Association of American Railroads	200.00	
Do	AT&T		
J. Patrick Rooney, 7440 Woodland Drive Indianapolis, IN 46278	Golden Rule Insurance Company		
Ropes & Gray, 1001 Pennsylvania Ave., NW, #1200 Washington, DC 20004	Cabot Corp		
Do	Enron Corp		
Do	Industrial Development Authority of Ireland		
Do	National Food Brokers Assn	9,000.00	
James C. Rosapepe, 1331 H Street, NW, #300 Washington, DC 20005	Rosapepe & Spanos, Inc (For:H&R Block, Inc)	1,284.00	29.45
Rosapepe & Spanos, Inc, 1331 H Street, NW, #300 Washington, DC 20005	H&R Block, Inc	9,750.00	3,625.92
Clifton Peter Rose, 1101 Pennsylvania Ave., NW, #900 Washington, DC 20004	Goldman Sachs & Co	1,250.00	
David Rose, 888 17th Street, NW, Suite 860 Washington, DC 20006	Intel Government Affairs	17,000.00	3,774.89
Frederic B. Rose, 399 Park Avenue New York, NY 10022	Inductotherm Industries, Inc		1,571.17
Rose Communications, Inc, 901 15th Street, NW, #570 Washington, DC 20005	Ad Hoc Coalition on Fuel Cells for Transportation	4,765.00	11,665.00
Do	Johnson Matthey, Inc		
Burt E. Rosen, 655 15th Street , NW, Suite 410 Washington, DC 20005	SmithKline Beecham Corp	2,500.00	800.00
Lester L. Rosen, 7 Fulham Court Silver Spring, MD 20902	Miles, Inc	3,000.00	
Robert M. Rosenberg, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Herb Rosenbleeth, 1811 R Street, NW Washington, DC 20009	Jewish War Veterans of the USA	16,462.90	10.00
Larry M. Rosenstein, 1130 17th Street, NW, #314 Washington, DC 20036	Levin Rosenstein & Kudon, P.C.	500.00	120.00
Roger C. Rosenthal, 2001 S St., NW, #310 Washington, DC 20009	Migrant Legal Action Program, Inc		
Joe Ross, 111 Main Street Little Rock, AR 72201			
John J. Ross, Atticus Consulting 56 West Main Street, P.O. Box 1143 Freehold, NJ 07728		4,406.85	46.26
William F. Ross, South Carolina Petroleum Council 1220 L Street, NW Washington, DC 20005-8	American Petroleum Institute		
Ross & Hardies, 888 16th Street, NW, 3rd Floor Washington, DC 20006	Air Courier Conference of America	4,980.00	
Richard Rosser, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges & Universities	2,424.00	
Joseph L. Rosso, 2200 Mill Road Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
Roth VanAmberg Gross Rogers & Ortiz, P.O. Box 1447 Santa Fe, NM 87504-1447	Pueblo de Cochiti	6,430.20	238.94
Edwin Rothschild, 1120 19th Street, NW SUite 630 Washington, DC 20036	Citizen Action Fund	450.00	75.00
Robert G. Rothstein, 2200 Mill Road Alexandria, VA 22314	Interstate Truckload Carriers Conference	700.00	350.00
Karen Rotterman, P.O. Box 99667 Raleigh, NC 27624	Rotterman & Associates (For:Genentech)		
Louis C. Rotundo, 4948 Courtland Loop Winter Springs, FL 32708	Central Florida Regional Transportation Authority		
Donald D. Rounds, South Dakota Petroleum Council 222 E. Capitol, #16 Pierre, SD 57501	American Petroleum Institute	880.00	1,545.42
Michael O. Roush, 600 Maryland Avenue, SW. #700 Washington, DC 20024	National Fed of Independent Business	4,875.00	300.00
James H. Rowe III, 1331 Pennsylvania Ave., NW Suite 930 North Washington, DC 20004	National Broadcasting Company	250.00	31.30
Deborah Rowell, 1101 Sixteenth Street, NW Washington, DC 20036	Independent Petroleum Assn of America		10.00
J. Patrick Rowland, 1023 15th Street, NW, 7th Fl Washington, DC 20005	Rowland & Sellery (For:Borg-Warner Automotive, Inc)	1,500.00	25.00
Do	Rowland & Sellery, Inc (For:Borg-Warner Security Corp)	1,500.00	25.00
Do	Rowland & Sellery (For:Coalition for Uniform Product Liability Law)	2,000.00	25.00
Do	Rowland & Sellery (For:Independent Armored Car Assn)	2,400.00	50.00
Do	Rowland & Sellery (For:National Armored Car Assn)	2,400.00	30.00
Do	Rowland & Sellery (For:National Check Cashers Assn, Inc.)	1,500.00	25.00
Lori Groves Rowley, 1025 Connecticut Ave, NW, #1014 Washington, DC 20036	Enserch Corp	3,032.00	5,293.80
Natalie Roy, 34 North Highland Street Arlington, VA 22201	Glass Packaging Institute		11,099.20
P. Norman Roy, P.O. Box 1938 (10 Madison Ave) Morristown, NJ 07962-1938	Financial Executives Institute		500.00
Robert S. Royer, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Brunswick Bank & Trust Company		
Do	Citizens Savings Bank		
Do	Financial Security Assurance		
Do	International Futures Exchange		
Do	Intex Holdings (Bermuda) Ltd		
Do	Long Island Savings Bank		
Do	MacAndrews & Forbes Holdings, Inc		
Do	Michigan Trade Exchange		
Do	Municipal Finance Industry Assn		
Do	Philip J. Scutieri		
Royer & Babyak, 1747 Pennsylvania Avenue, NW Washington, DC 20006	John Nuveen & Co, Inc		
David R. Rozier Jr., 333 Piedmont Avenue Atlanta, GA 30308	Georgia Power Company	17,853.54	5,451.06
T. Peter Ruane, 501 School Street, SW, #800 Washington, DC 20024-2713	American Road & Transportation Builders Assn	5,000.00	500.00
Eldon Rudd, P.O. Box 873 Scottsdale, AZ 85252	Central Arizona Project Assn		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Robert E. Ruddy, 9106 Drumaldry Drive Bethesda, MD 20817	Mortgage Insurance Companies of America	4,500.00	
Lois J. Rude, 700 13th Street, NW, #525 Washington, DC 20005	BR Services, Inc	500.00	73.97
Paul M. Ruden, P.O. Box 23992 Washington, DC 20026-3002	American Soc of Travel Agents		
Deborah K. Rudolph, 1828 L Street, NW, #1202 Washington, DC 20036	Institute of Electrical & Electronics Engineers	2,500.00	1,205.00
Gregory Ruehle, 1301 Pennsylvania Avenue, NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Henry C. Ruempler, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	5,000.00	
Nicholas L. Ruggieri, 1667 K Street, NW, #410 Washington, DC 20006	Ares-Serono, Inc	1,000.00	225.00
Terry Cornwell Rumsey, 7900 Westpark Drive #A-400 McLean, VA 22102	Xerox Corp		179.37
Robert A. Rusbuldt, 412 First Street, SE, #300 Washington, DC 20003	Independent Insurance Agents of America, Inc	42,269.00	
Tonda F. Rush, 1627 K Street, NW, #400 Washington, DC 20006-1790	American Newspaper Publishers Assn		
Robert Rusis, 15 Mountain View Road Warren, NJ 07061	Chubb Corporation		
Barry Russell, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		60.00
Judith L. Russell, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co	500.00	
Randall M. Russell, 1919 S. Eads Street #103 Arlington, VA 22202-3028	Lesher & Russell, Inc		
Shannon M. Russell, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Diann Rust-Tierney, 122 Maryland Ave. Washington, DC 20002	American Civil Liberties Union	1,000.00	
Wally Rustad, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	125.00	
Herman Max Ruth 71990-158, Mail Box 129 3150 Horton Road Fort Worth, TX 76119			
J. T. Rutherford & Associates, Inc, 1301 N. Courthouse Rd., #1802 Arlington, VA 22201	American College of Radiology	1,500.00	611.80
Do	American Optometric Assn	1,200.00	601.10
Do	American Society for Medical Technology	600.00	111.10
Frank Ryan, 9420 Annapolis Road, #307 Lanham, MD 20706	Greater Wash/MD Service Station & Automotive Repair Assn	250.00	
John G. Ryan, 655 15th Street, NW, #410 Washington, DC 20005	Bristol-Myers Squibb Co	1,000.00	
Paul D. Ryan, 750 17th Street, NW, #901 Washington, DC 20006	Nissan North America, Inc	8,775.00	
RJR Nabisco, Inc, 1301 Avenue of the Americas New York, NY 10019			32,082.98
G. J. Thomas Sadler Jr., 1155 Connecticut Ave., NW Washington, DC 20036	WMX Technology & Services, Inc	4,246.00	495.61
Susan L. Sadtler, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	533.00
Kenneth J. Salaets, 1250 Eye Street, NW, #200 Washington, DC 20005	Computer & Business Manufacturers Assn	4,000.00	493.82
Lee Becker Salamone, 1350 I Street, NW, Suite 1290 Washington, DC 20005	American Bakers Assn		
Stephen Sale, 910 16th Street, NW Washington, DC 20006	Fehrenbacher Sale Quinn & Deese (For:CSC Credit Services, Inc)		
R. Gerard Salemme, 1250 Connecticut Avenue, NW, #401 Washington, DC 20036	McCaw Cellular Communications, Inc	15,000.00	3,923.15
Scott R. Salmon, 1101 Pennsylvania Ave., NW, #510 Washington, DC 20004	USX Corp		
Shannon Salmon, 1350 Eye Street, NW, #810 Washington, DC 20005	Johnson & Johnson	450.00	65.00
David M. Saltz, 815 16th Street, NW Washington, DC 20006	AFL-CIO	14,635.76	896.26
Joel Saltzman, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	1,600.00	158.17
Sammons Enterprises, Inc, 300 Crescent Court Dallas, TX 75201			
Joseph E. Samora Jr., 1901 Pennsylvania Ave., NW 10th Floor Washington, DC 20006	International Mass Retail Assn	6,250.00	
Wendy B. Samuel, 900 19th Street, NW Washington, DC 20006	Savings and Community Bankers of America		
William Samuel, 900 15th Street, NW Washington, DC 20005	United Mine Workers of America	13,249.98	85.44
Charles A. Samuels, 701 Pennsylvania Avenue, NW, #900 Washington, DC 20004	Mintz Levin Cohn Ferris Glovsky and Popeo, P.C. (For:Association of Home Appliance Manufacturers).		
Felix R. Sanchez, 3625 R Street, NW Washington, DC 20007	American Methanol Institute	2,000.00	752.00
Petronella C. Sanders, 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn	500.00	
Rose Marie Sanders, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	900.00	356.30
Stuart A. Sanderson, 1920 N Street, NW, Washington, DC 20036	American Mining Congress		
Julie Sanderson-Austin, 4240 Brittany Court Woodbridge, VA 22192	American Group Practice Assn		
Stephen E. Sandherr, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	4,000.00	500.00
Mike Sandifer, 2419 Chain Bridge Road, NW Washington, DC 20016	American Telemarketing Assn	1,575.00	502.54
Charles E. Sandler, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	6,000.00	
Peter G. Sandlund, 1730 M Street, NW, Suite 602 Washington, DC 20036	Council of European & Japanese National Shipowners' Assn	300.00	
Leslie Sarasin, 1764 Old Meadow Lane, #350 McLean, VA 22102	American Frozen Food Institute	4,400.00	
Ronald A. Sarasin, 1100 South Washington Street Alexandria, VA 22314-4494	National Beer Wholesalers Assn	500.00	
Satellite Broadcasting & Communications Assn, 225 Reinekers Lane, #600 Alexandria, VA 22314			1,518.30
Ernie Satterwhite, 1301 K Street, NW Washington, DC 20005	IBM	639.66	139.00
Klara B. Sauer, 9 Vassar Street Poughkeepsie, NY 12601	Scenic Hudson, Inc		
Albert C. Saunders, 1100 15th St., NW #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	44.00
Mary Jane Saunders, 1801 K Street, NW, #400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America, Inc)		
Paul R. Savary, 1199 North Fairfax Street, Suite 801 Alexandria, VA 22314	National Association of Truck Stop Operators		
Save Our Children National Alliance, Inc, Collin Creek Crossing 1025 North Central Expressway, #300-112 Plano, TX 75045-8806.		4,134.00	522.36
Savings and Community Bankers of America, 900 19th Street, NW Washington, DC 20006		6,655,458.00	65,773.89
Richard N. Sawaya, 1333 New Hampshire Ave., NW Washington, DC 20036	Atlantic Richfield Co		
Ronald L. Saxton, 222 S.W. Columbia Avenue, #1800 Portland, OR 97201	Ater Wynne Hewitt Dodson & Skerritt (For:Golden Valley Electric Assn, Inc)	500.00	1,600.00
Robert Wayne Sayer, 1742 N Street, NW Washington, DC 20036	Hampshire Instruments		
Charles Scalera, 1200 New Hampshire Avenue, NW, #200 Washington, DC 20036	Sharp Manufacturing Company of America	350.00	
Hermine Scates, 925 East 46th, 2nd Floor Chicago, IL 60653			
Mark S. Schacht, 2000 O Street, #240 Sacramento, CA 95814	California Rural Legal Assistance, Inc	1,200.00	1,891.00
Victoria V. Schaff, Missouri Electric Utitlies 1800 K Street, NW, #1018 Washington, DC 20006	Kansas City Power & Light, et al.	4,756.29	4,370.42
Harold A. Schaitberger, 1750 New York Ave., NW Washington, DC 20006	International Assn of Fire Fighters	22,490.46	
Patricia A. Schaub, 1726 M Street, NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Company	762.85	
Marc J. Scheineson, 1201 Connecticut Avenue, NW, #300 Washington, DC 20036	Bailey & Robinson (For:American Cyanamid Co, Inc)		
Do	Bailey & Robinson (For:National Futures Assn)		
Do	Bailey & Robinson (For:Oralco Management Services)		
Sam Schertz, P.O. Box 2121 Corpus Christi, TX 78403	Central Power & Light Company		
G. David Schiering, 625 Indiana Avenue, NW Suite 500 Washington, DC 20004-2901	Taft Stettinius & Hollister (For:Special Committee for Health Care Reforms)		
Peter J. Schildkraut, 1420 New York Avenue, NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc	7,500.00	
Walter G. Schiller, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc		
Ella M. Schiralli, 2001 Pennsylvania Avenue, NW Washington, DC 20006	Electronic Industries Assn	700.00	
Paul Schlegel, 2001 L Street, NW, Suite 304 Washington, DC 20036	Weyerhaeuser Company		262.34
David S. Schless, 1850 M Street, NW, Suite 540 Washington, DC 20036	National Multi Housing Council	1,575.00	
Terry Schley, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	1,097.24	
James P. Schlicht, 1350 Eye Street, NW. #810 Washington, DC 20005-3305	Johnson & Johnson	1,723.00	177.00
Rodger Schlickeisen, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	403.83	
Kenneth D. Schloman, 499 South Capitol, SW, #401 Washington, DC 20003	National Assn of Independent Insurers	400.00	
Richard M. Schmidt Jr., 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	Association of American Publishers	500.00	
Do	Career College Assn, Inc	1,250.00	
Arnold M. Schneider, 2045 Lundy Ave. San Jose, CA 95106	American Assn of Classified School Employees		
Mahlon C. Schneider, 1100 N.W. 14th Austin, MN 55912	Hormel Foods Corporation		
Richard C. Schneider, 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn	4,000.00	
Abraham Schneier, McKevitt Group 1101 16th St. NW, #333 Washington, DC 20036	Kelly Services, Inc	6,400.00	218.15
Do	PepsiCo, Inc	6,985.00	64.66
Frank Schneller, 1957 E St., NW Washington, DC 20006	Associated General Contractors of America		
Schnitzer Steel Industries, Inc, 3200 N.W. Yeon Avenue Portland, OR 97210			64.25
Jan Schoonmaker, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:Alton Ochsner Medical Foundation)	3,750.00	
Do	Van Scoyoc Associates, Inc (For:Coalition of EPSCoR States)	11,250.00	
Do	Van Scoyoc Associates, Inc (For:National Assn of Water Companies)	3,750.00	
Do	Van Scoyoc Associates, Inc (For:National Institute for Water Resources)	2,500.00	
Do	Van Scoyoc Associates, Inc (For:Tulane University)	6,750.00	
Do	Van Scoyoc Associates, Inc (For:University of Alabama System)	6,750.00	
Do	Van Scoyoc Associates, Inc (For:WINSM Consortium)		
Paul A. Schosberg, 900 19th Street NW Washington, DC 20006	Savings & Community Bankers of America		
Charles G. Schreiber, 1 Massachusetts Ave., NW Washington, DC 20001	National Guard Assn of the U.S.	8,866.00	1,113.14
John G. Schroeder, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	Sikorsky Aircraft/United Technologies	2,852.00	1,030.86
N. Donald Schroeder, Maryland Petroleum Council 60 West St., #403 Annapolis, MD 21401	American Petroleum Institute	900.00	30.40
Lynn M. Schubert, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Leslie Schultz, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Assn		260.42
Richard F. Schultz, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	16,544.16	194.48
Benjamin R. Schuster, 1333 New Hampshire Ave., NW, #1001 Washington, DC 20036	Arco Chemical Company		
Neil D. Schuster, 2120 L Street, NW, #305 Washington, DC 20037	International Bridge Tunnel & Turnpike Assn	1,000.00	2,300.00
James C. Schwaninger, 1156 15th Street, NW, Suite 1015 Washington, DC 20005	J.C. Penney Co, Inc		
A.R. Schwartz, 10 South Shore Drive Galveston, TX 77551	Mitchell Energy & Development Co		
Do	Southwestern Bell Corporation	6,000.00	640.40
Do	Vulcan Materials		277.24
Adam D. Schwartz, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Association	45.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Arthur E. Schwartz, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	1,000.00	
Elinor Schwartz, 318 S. Abingdon Street Arlington, VA 22204	Lobel Novins Lamont & Flug (For:California State Lands Commission)		
Do	Washington State Department of Natural Resources	7,781.52	27.55
Harry K. Schwartz, 1785 Massachusetts Avenue, NW Washington, DC 20036	National Trust for Historic Preservation	10,090.35	
Phillip L. Schwartz, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Richard Schwartz, 880 S. Pickett St. Alexandria, VA 22304	Boat Owners Assn of the U.S.	15,000.00	
Stephen I. Schwartz, Military Production Network 218 D Street, SE, 2nd Floor Washington, DC 20003	Tides Foundation	826.25	2,285.37
Richard S. Schweiker, 1001 Pennsylvania Ave, NW Washington, DC 20004	American Council of Life Insurance, Inc	8,550.00	
Michael C. Sciacca, P.O. Box 10314 Seattle, WA 98110	Washington Oil Marketers Assn	2,729.03	1,329.03
Sally Sciacca, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,250.00	136.24
Dawn M. Sciarrino, 4350 North Fairfax Drive #900 Arlington, VA 22203-1633	TV 14, Inc		
Joseph A. Sciarrino, 10 Madison Ave., Box 1938 Morristown, NJ 07962-1938	Financial Executives Institute		500.00
Scientific-Atlanta, One Technology Parkway Box 105600 Atlanta, GA 30348			1,512.08
Michael Sciulla, 880 S. Pickett St. Alexandria, VA 22304	Boat Owners Assn of the U.S.	20,000.00	
William L. Scogland, One IBM Plaza Chicago, IL 60611	Jenner & Block (For:Heatherton Staff Leasing, Ltd)		
David A. Scott, 1250 H Street, NW, #500 Washington, DC 20005	Mobil Corporation	2,000.00	226.03
James L. Scott, 400 N. Capitol Street, NW, #590 Washington, DC 20001	AmHS Institute	11,125.00	295.13
John H. Scott, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	3,750.00	
R. Denny Scott, 101 Constitution Ave., NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	773.75	
Scribner Hall & Thompson, 1850 K Street, NW, #1100 Washington, DC 20006	California Department of Insurance		
Do	CNA Financial Corp		
Do	Provident Life & Accident Insurance Co		
Do	Security Life of Denver Insurance Co		
Do	Transamerica Corporation		
Kerrill K. Scrivner, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	5,938.00	5,542.52
Michael S. Scrivner, 1300 Eye Street, NW, #250-West Washington, DC 20005	Bernard L. Madoff Investment Securities	1,100.00	815.45
Do	Iroquois Gas Transmission Systems	800.00	777.49
Do	J. Makowski Co	1,200.00	865.99
Do	Mobil Corp	2,250.00	1,751.19
Do	Pfizer, Inc	1,050.00	1,032.43
Do	RBOC-GAPC Task Force	1,125.00	793.38
Anne Scully, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,725.00	692.04
Timothy Scully, 25 Louisiana Avenue, NW Washington, DC 20001	Philip Morris Management Corp		
Murray S. Scureman, 1667 K Street, NW, #300 Washington, DC 20006	Amdahl Corp	1,000.00	
Walter J. Sczudlo, 1401 Eye Street, NW, Suite 1030 Washington, DC 20005	Shell Oil Co	500.00	
John Morton Sebree, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,300.00	792.43
Securities Industry Assn, 1850 M Street, NW Washington, DC 20036			286,900.00
Security Traders Assn, Inc, One World Trade Center, #4511 New York, NY 10048			10,728.00
Pamela Sederholm, 1211 Connecticut Avenue, NW, #800 Washington, DC 20036	International Council of Cruise Lines		125.00
Christopher C. Seeger, 655 15th Street, NW, #400 Washington, DC 20005	USAA		13,529.00
Ruth L. Segal, 1212 New York Avenue, NW Washington, DC 20005	Outdoor Advertising Assn of America	31,250.00	252.57
Carl J. Seiberlich, 1101 17th Street, NW, #400 Washington, DC 20036	American President Companies, Ltd.	1,000.00	
H. Richard Seibert Jr., 1331 Pennsylvania Ave., NW, #1500 N Washington, DC 20004-1703	National Assn of Manufacturers	600.00	
George H. Seidel Jr., Associated Petroleum Industries of PA P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute	219.00	233.19
Elliott M. Seiden, 901 15th Street, NW, #500 Washington, DC 20005	Northwest Airlines, Inc	10,000.00	100.00
Mark K. Seifert, 1101 Sixteenth Street, NW Washington, DC 20036	Independent Petroleum Assn of America		50.00
Elizabeth Seiler, 1010 Wisconsin Avenue, NW, Suite 800 Washington, DC 20007	Grocery Manufacturers of America, Inc		
George M. Seitts, 23733 N. Scottsdale Road Scottsdale, AZ 85255	Giant Industries, Inc		
Gary B. Sellers, 1800 M Street, NW Washington, DC 20036	American Bar Assn	400.00	50.00
Marlisa Senchak, 3900 Wisconsin Ave.,NW Washington, DC 20016	Federal National Mortgage Assn	2,500.00	
W. Edward Senn, 1828 L Street, NW, #1000 Washington, DC 20036	NYNEX Government Affairs Company	8,250.00	802.86
Wendy Senor, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	15,330.00	579.70
David Senter, 1901 L Street, NW, #300 Washington, DC 20036	David Senter & Associates, Inc		
David Senter & Associates, Inc, 1901 L Street, NW, Suite 300 Washington, DC 20036			
Robert A. Seraphin, 1725 Jefferson Davis Highway, #901 Arlington, VA 22202	Alliant Techsystems, Inc	2,730.00	368.67
Peter M. Seremet, 16 Munson Road Farmington, CT 06034-0338	Heublein, Inc	17,250.00	5,773.37
J. Richard Sewell, 801 Pennsylvania Ave., NW, #640 Washington, DC 20004-2604	Florida Power & Light Co	3,000.00	3,517.95
Seyfarth Shaw Fairweather & Geraldson, 815 Connecticut Ave., NW, #500 Washington, DC 20006	American Soc of Pension Actuaries	15,000.00	163.50
Do	Council of Hawaii Hotels	3,690.00	
Erin E. Shaffer, 1620 Eye Street, NW, Suite 700 Washington, DC 20006	International Paper	14,000.00	237.00
Thomas A. Shallow, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
James M. Shamberger, 1301 Pennsylvania Ave., NW #900 Washington, DC 20004	Reinsurance Assn of America		
Deborah L. Shannon, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	6,500.00	
Bernard M. Shapiro, 1801 K Street, NW, #700 Washington, DC 20006	Price Waterhouse (For:Investment Co Institute)	395.00	18.75
Mark R. Shapiro, 5 Darby Court Bethesda, MD 20817	Guam Office (For:Joseph George Bamba)	8,000.00	1,410.94
John Hunter Sharp, 1129 20th St., NW, #300 Washington, DC 20036	Natural Gas Supply Assn	22,675.34	225.81
Norman F. Sharp, 1100 17th Street, NW, #504 Washington, DC 20036	Cigar Assn of America, Inc		
Do	Pipe Tobacco Council		
Sharretts Paley Carter & Blauvelt, P.C., 1707 L Street, NW, #725 Washington, DC 20036	Toy Manufacturers of America	2,362.50	2,014.64
Emily Young Shaw, 1317 F Street, NW, Suite 400 Washington, DC 20004	R. Duffy Wall & Associates, Inc	1,250.00	
Shaw Bransford & O'Rourke, 815 Connecticut Avenue, NW, #800 Washington, DC 20006	PHH Group	3,000.00	36.00
Do	Senior Executives Assn	10,000.00	644.00
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW, #5121 Washington, DC 20037	Atlas Corp		122.19
Do	Edlow International Company		
Do	Embraer Aircraft Corporation		
Do	Emerson Electric Co		
Do	ESCO Electronics Corp		
Do	Institute of International Bankers	4,000.00	39,498.22
Do	Intermountain Health Care, Inc	2,630.00	13.10
Do	International Small Satellite Organization	1,152.75	34.58
Do	National Automobile Dealers Assn		
Do	National Marine Manufacturers Assn	29,240.75	646.04
Do	Nuclear Fuel Services, Inc	2,061.29	58.22
Do	Presbyterian University Hospital		
Do	RJR Nabisco	11,265.80	671.55
Do	Spectrum Astro, Inc	1,067.18	22.62
Do	University of Pittsburgh Medical Center		
Do	Utility Nuclear Waste and Transportation Program		
Do	Vulcan Materials Co	11,944.80	360.88
Do	Waste Management, Inc		
Do	Workplace Health and Safety Council		
Matthew R. Shay, 1350 New York Avenue, NW, #900 Washington, DC 20005	International Franchise Assn		
Shea & Gardner, 1800 Massachusetts Avenue, NW Washington, DC 20036	Societe Generale de Surveillance, S.A.		
Gail E. Shearer, 2001 S St., NW, #520 Washington, DC 20009	Consumers Union	4,000.00	
P. Scott Shearer, 1600 M Street, NW, #702 Washington, DC 20036	Zeneca, Inc	4,500.00	
Shearman & Sterling, 801 Pennsylvania Avenue, NW, 9th Floor Washington, DC 20004-2604	Secretariat of Commerce & Ind. Development of Mexico(SECOFI)	370,998.29	
John J. Sheehan, 815 16th St., NW, #706 Washington, DC 20006	United Steelworkers of America	17,888.61	
Mark Sheehan, 1627 K Street, NW, Suite 400 Washington, DC 20006	National Newspaper Association		
Peggy A. Sheehan, 1401 New York Avenue, NW, #1100 Washington, DC 20005	National Cooperative Business Assn	3,000.00	142.35
Shaun M. Sheehan, 1722 Eye Street, NW, Washington, DC 20006	Tribune Broadcasting Co	3,000.00	1,143.74
C. Douglas Shelby, Florida Petroleum Council 215 South Monroe Street, #800 Tallahassee, FL 32301	American Petroleum Institute	105.96	
Andrea Sheldon, 100 S. Anaheim Blvd., #350 Anaheim, CA 92805	Traditional Values Coalition	6,420.00	
Jeffrey L. Sheldon, 1140 Connecticut Avenue, NW Suite 1140 Washington, DC 20036	Utilities Telecommunications Council		
Louis P. Sheldon Sr., 100 S. Anaheim Blvd., #350 Anaheim, CA 92805	Traditional Values Coalition		
John E. Shelk, 1600 M Street, NW, 5th Floor Washington, DC 20036	Hartford Fire Insurance	12,500.00	1,040.00
Zack H. Shelley Jr., 1212 Falster Road Alexandria, VA 22308	Martin Marietta Corp	375.00	
Julian L. Shepard, 1400 16th Street, NW, Suite 610 Washington, DC 20036	Association for Maximum Service Television, Inc	92.00	
Frances R. Shepardson, 1025 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Dawn M. Shiley, 1330 Connecticut Ave., NW, Suite 300 Washington, DC 20036	Synthetic Organic Chemical Manufacturing Assn	500.00	53.25
William Jeffry Shipp, 50 F St., NW, #900 Washington, DC 20001	Farm Credit Council		
T. V. Shockley III, P.O Box 660164 Dallas, TX 75266-0164	Central & South West Corp		
Bard D. Shollenberger, 1350 Connecticut Ave., NW, Suite 700 Washington, DC 20036	Lockheed Information Management Services Co, Inc	9,000.00	
Harold A. Shoup, 1899 L Street, NW Washington, DC 20036	American Assn of Advertising Agencies	2,500.00	
A. Z. Shows, 1801 Columbia Rd., NW, #203 Washington, DC 20009			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Jennifer M. Shriver, 6200 Oak Tree Blvd. Independence, OH 44131	Centerior Energy Corp		
Walter Shur, 51 Madison Ave. New York, NY 10010	New York Life Insurance Company		
William H. Shute, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp	15,000.00	4,205.13
Linda S. Sickels, 806 Canal Street Irving, TX 75063	Trinity Industries, Inc	1,950.00	1,810.24
Sidley & Austin, 1722 Eye Street,N.W. Washington, DC 20006	Boise Cascade	1,211.25	
Do	Donrey, Inc		
Do	W. K. Kellogg Foundation		
Mark A. Siegel & Associates, 1030 15th Street, NW, #408 Washington, DC 20005	Stevens Institute of Technology	12,000.00	44.23
Susan Siemietkowski, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	1,000.00	
Jill Sigal, Jill Sigal Associates 412 First Street, SE #100 Washington, DC 20003	ASARCO, Inc	9,500.00	1,363.32
William A. Signer, 1625 K Street, NW, Suite 200 Washington, DC 20006	Chambers Associates, Inc (For:Advocates for Flexible Employment)	375.00	
Do	Chambers Associates, Inc (For:Alarm Industry Communications Committee (AICC)).	1,275.00	170.66
Do	Chambers Associates, Inc (For:Committee for Employment Opportunities)	450.00	219.45
Do	Chambers Associates, Inc (For:Greater New York Hospital Assn)	1,062.50	127.91
Do	Chambers Associates, Inc (For:Management Insights)	300.00	57.76
Do	Chambers Associates, Inc (For:National Council of Chain Restaurants (NCCR))	1,800.00	
Do	Chambers Associates, Inc (For:New York Hospital)	1,162.50	181.60
Do	Chambers Associates, Inc (For:PepsiCo, Inc)	2,679.81	153.90
Do	Chambers Associates, Inc (For:Targeted Management Consultants)		
Mark Silbergeld, 2001 S Street, NW, #520 Washington, DC 20009	Consumers Union of U.S., Inc	4,000.00	20.00
Hilary Sills, 1615 L Street, NW, Suite 1150 Washington, DC 20036	Capitoline International Group, Ltd (For:National Assn for the Superconducting Super Collider).	195.00	
Do	Capitoline International Group, Ltd (For:OHM Corp)	4,290.00	
Steve Silver, 2300 Clarendon Blvd, #1010 Arlington, VA 22201	Robertson Monagle & Eastaugh (For:Alaska Loggers Assn)	2,000.00	
Do	Robertson Monagle & Eastaugh (For:Anchorage School District)		
Do	Robertson Monagle & Eastaugh (For:BP America, Inc)	3,000.00	
Do	Robertson Monagle & Eastaugh (For:City of Craig)	3,000.00	
Do	Robertson Monagle & Eastaugh (For:City of Kotzebue)	3,000.00	
Do	Robertson Monagle & Eastaugh (For:City of Silverton)		
Do	Robertson Monagle & Eastaugh (For:Echo Bay Mining Company)		
Do	Robertson Monagle & Eastaugh (For:Goldbelt)	7,500.00	
Do	Robertson Monagle & Eastaugh (For:Kennecott Corp)	18,000.00	
Do	Robertson Monagle & Eastaugh (For:Municipality of Anchorage)	3,000.00	
Silver Users Assn, Inc, 1730 M St., NW, #911 Washington, DC 20036		400.00	2,450.00
Curtis Silvers, 888 16th St., NW, #606 Washington, DC 20006	Bannerman & Associates, Inc (For:Arab Republic of Egypt)	500.00	108.50
Do	Bannerman and Associates, Inc (For:Beirut University College)		
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)	1,500.00	48.00
Reuben Silvers, 2030 M Street, NW Washington, DC 20036	Common Cause	6,240.00	105.00
Silverstein & Mullens, 1776 K Street, NW, #800 Washington, DC 20006	Association for Advanced Life Underwriting	5,000.00	
Do	C & M Services, Inc		
Do	Walter Harris, et al.	800.00	
Do	International Chiropractors Assn	2,000.00	
Do	IEEE	6,000.00	
Do	Life College	3,000.00	
Do	Monrovia Nursery Company	3,000.00	
Do	MCA, Inc	10,000.00	
Do	National Structured Settlements Trade Assn	15,000.00	
Do	5600, Inc	300.00	
Donald M. Simmons, 323 West Broadway, #404 Muskogee, OK 74401	Caltex Petroleum Corp	200.00	200.00
David J. Simon, 1776 Massachusetts Ave., NW Washington, DC 20036	National Parks & Conservation Association	2,250.00	146.25
Julie Simon, 222 S.W. Columbia Avenue, #1800 Portland, OR 97201	Ater Wynne Hewitt Dodson & Skerritt (For:Golden Valley Electric Assn, Inc)	300.00	
Simon & Company, Inc, 1001 Connecticut Ave., NW, #435 Washington, DC 20036	American Water Works Assn	10,500.00	6,612.81
Do	City of Portland, OR	11,481.16	5,976.25
Do	Elkhart, IN	5,254.17	5,743.50
Do	Gary, Indiana	7,923.73	5,775.81
Do	National Easter Seal Society	7,515.72	5,720.31
Do	Newark, CA	5,593.56	6,348.15
Do	San Bernardino, CA	5,549.68	5,799.05
Do	San Leandro, CA	5,417.43	6,423.92
Do	Tacoma Public Utilities	1,607.28	5,361.87
Do	Tacoma, WA	6,003.09	5,591.87
Do	Urban Redevelopment Authority of Pittsburgh	5,293.05	5,547.64
Charles W. Simpson, 555 13th Street, NW, #410-W Washington, DC 20004	Morrison Knudsen Corp		
Thomas D. Simpson, 700 N. Fairfax Street, #601 Alexandria, VA 22314	Railway Progress Institute	785.94	
William G. Simpson, 1155 15th St., NW, #504 Washington, DC 20005	Entergy Services, Inc (Mississippi Power & Light Co)	2,000.00	
Do	First Mississippi Corp	2,000.00	
Stephen F. Sims, 1120 Connecticut Avenue, 11th Floor Washington, DC 20036	National Nutritional Foods Assn		31,182.31
Do	Synergen Corporation		1,182.38
Christopher A. Singer, 1455 Pennsylvania Avenue, NW, suite 925 Washington, DC 20004	Pfizer, Inc	1,500.00	369.74
James W. Singer III, 1100 15th Street, NW Suite 900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	
Stephen G. Sinkez, 1111 19th Street, NW, #408 Washington, DC 20036	Mitsubishi Motors America, Inc		
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	Air Transport Assn of America		
Do	Akzo America, Inc		
Do	Allied-Signal, Inc	2,000.00	
Do	American International Group, Inc	500.00	
Do	Armco, Inc	10,000.00	
Do	Bethlehem Steel Corp	10,000.00	
Do	Dun & Bradstreet		
Do	Edersheim Maurits/Amstel Hudson Management Corp		
Do	Enron Corporation	17,500.00	
Do	General Mills		
Do	Inland Steel Industries, Inc	10,000.00	
Do	LTV Steel Company, Inc	10,000.00	
Do	Merrill Lynch & Co, Inc		
Do	National Assn of Energy Service Companies		
Do	National Steel Corp	10,000.00	
Do	Sara Lee Corporation	1,000.00	
Do	Transco Energy Corp		
Do	USX Corp	10,000.00	
Edmund J. Skernolis, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	2,125.00	
William J. Skinner, 751 Rockville Pike, # 27B Rockville, MD 20852	U.S. Pharmacopeial Convention, Inc.	78.12	
Barney J. Skladany Jr., 1250 H Street, NW, #500 Washington, DC 20005	Mobil Corp	2,500.00	
Linda Arey Skladany, 1350 I Street, NW, #700 Washington, DC 20005	Foundation for Environmental & Economic Progress	21,000.00	30,150.00
Do	Styrene Industry	15,000.00	17,500.00
Sklar Associates, 100 West Linden Street Alexandria, VA 22301	Institute for International Sport		
Lucy N. Skrabut, 655 15th Street, NW, Suite 410 Washington, DC 20005	Bristol-Myers Squibb Company	1,500.00	
Paul A. Skrabut Jr., 1000 Connecticut Avenue, NW, #706 Washington, DC 20036	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	6,067.50	58.50
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)	1,935.00	
Do	Cerrell Assocs, Inc (for California Ind Mortgage Brokers..)	75.00	
Do	Proctor & Gamble Mfg Co	3,802.50	76.25
Michael P. Skredynski, 1180 Cedarwood Drive Moraga, CA 94556	U.S. Strategies Corp (For:Commonwealth of the Northern Marianna Islands)		
Dale D. Skupa, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Cos	275.00	
Albert J. Slechter, 1100 Connecticut Ave., NW, #900 Washington, DC 20036	Chrysler Corporation	4,998.00	691.00
Kirsten A. Sloan, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	615.20	120.62
Kelly Campbell Slone, 1667 K Street, NW, #710 Washington, DC 20006	Baxter		
Slover & Loftus, 1224 17th St., NW Washington, DC 20036	Western Coal Traffic League	5,000.00	
Stephan K. Small, 122 C Street, NW, #240 Washington, DC 20001	Peabody Holding Company, Inc		
Small Business Council of America, Inc, P.O. Box 4299 Columbus, GA 31904		62,024.29	40,150.84
Douglas T. Smalls, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service	7,000.00	50.00
Robert G. Smerko, 2001 L St., NW, #506 Washington, DC 20036	Chlorine Institute, Inc		
Donald E. Smiley, 1899 L St., NW, #1100 Washington, DC 20036	Exxon Corporation		
James Smiley, 1020 19th Street, NW, Suite 700 Washington, DC 20036	US West, Inc	458.00	
C. Douglas Smith, 1850 M St., NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Elizabeth M. Smith, 490 L'Enfant Plaza East, SW Suite 4200 Washington, DC 20006	Amalgamated Clothing & Textile Workers Union	6,669.00	
Erik J. Smith, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	U.S. Strategies Corp		
Frank Sumner Smith Jr., P.O. Box 1365 Columbia, SC 29202	Colonial Companies, Inc	2,500.00	
Jennifer L. Smith, 1000 Connecticut Avenue, NW, #304 Washington, DC 20036	West Mexico Vegetable Distributors Assn	300.00	
Julian H. Smith Jr., 600 North 18th Street Birmingham, AL 35291	Alabama Power Co	32,575.80	2,281.55
Keith H. Smith, 1455 Pennsylvania Ave, NW, #1260 Washington, DC 20004	French & Company (For:International Electronics Mfgrs & Consumers of America, Inc).	650.00	
Do	French & Company (For:Montgomery Ward & Co, Inc)	60.00	
Kevin R. Smith, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc	1,374.00	
Michael E. Smith, P.O. Box 5000 Cleveland, OH 44101	Cleveland Electric Illuminating Co	97.36	406.60
Michael P. Smith, 485 Lexington Ave. New York, NY 10017	New York State Bankers Assn	1,000.00	30.00
Patricia Smith, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	795.52	464.36
Robert E. Smith, 1730 K St., NW, #1300 Washington, DC 20006	Olin Corporation	7,200.00	2,350.00
Sara Hope Smith, 1275 Pennsylvania Ave, NW, #400 Washington, DC 20004	Pacific Telesis Group	14,425.00	
Scott Smith, 1130 Connecticut Avenue, NW, #830 Washington, DC 20036	Southern Company Services, Inc	684.00	4,767.50
Susan Snyder Smith, 7900 Westpark Drive, #A320 Mclean, VA 22102	Chocolate Manufacturers Assn of the USA		
Tim Smith, 410 1st St., SE Washington, DC 20003	American Nuclear Energy Council	5,775.00	388.89
W. Glenn Smith, 101 West Washington Street Indianapolis, IN 46255	National City Bank, Indiana		
Smith & Sowalsky, One State Street, Suite 950 Boston, MA 02109	New England Telephone Co	1,250.00	
Do	NYNEX Government Affairs	1,250.00	690.50
Smith Dawson & Andrews, Inc, 1000 Connecticut Ave., NW, #302 Washington, DC 20036	Children's Hospital & Medical Center	10,000.00	
Do	City of Eugene, Oregon	9,500.00	
Do	City of Gillespie, IL	6,000.00	
Do	City of Springfield, Oregon	1,500.00	
Do	Coalition Advocating State Regulation of Insurance	3,000.00	
Do	CRASH	9,700.00	50.00
Do	Haarmann & Reimer Corp	4,000.00	75.00
Do	Kansas City Transit Authority	6,666.66	
Do	Lane County, Oregon	4,666.66	
Do	N.Y. Metropolitan Transportation Agency	14,000.00	100.00
Do	National Assn of Foreign Trade Zones	3,500.00	150.00
Do	Port of San Francisco	4,500.00	
Smith Heenan & Althen, 1110 Vermont Avenue, NW, Suite 400 Washington, DC 20005	Private Benefits Alliance		
David A. Smitherman, 1012 Fleming Building Des Moines, IA 50309	American Petroleum Institute	1,443.75	1,713.80
Smokeless Tobacco Council, Inc, 2550 M Street, NW, #300 Washington, DC 20037		8,380.25	8,380.25
William Snape, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	411.42	302.41
Rand Snell, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Broward County)	300.00	
Do	Hill & Knowlton, Inc (For:Port Everglades Authority)	800.00	
David F. Snyder, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
John M. Snyder, 2301 South Jefferson Davis Highway, #925 Arlington, VA 22202	Abraham Lincoln Foundation for Public Policy Research	450.00	
Do	Citizens Comm for the Right to Keep & Bear Arms	9,000.00	
Snyder Ball Kriser & Assoc, Inc, 499 S. Capitol St., SW, #520 Washington, DC 20003	Digital Systems Group	50.00	
Do	General Motors Corp	140.00	673.93
Do	NKF Engineering, Inc	50.00	469.53
Do	Puget Sound Naval Bases Assn, Inc (PSNBA)	54.00	
Alan C. Sobba, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Soble & Associates, 1747 Pennsylvania Ave., NW, Suite 1200 Washington, DC 20006	National Coalition Government of the Union of Burma		293.43
Society for Animal Protective Legislation, P.O. Box 3719 Georgetown Station Washington, DC 20007		3,947.92	15,924.04
Society for Human Resource Management, 606 North Washington Street Alexandria, VA 22314			45,000.00
Society for Nutrition Education, 2001 Killebrew Drive, #340 Minneapolis, MN 55425-1882			5,239.28
Lisa Sockett, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	3,400.00	180.00
Marlene J. Soderstrom, 6215 West St. Joseph Highway Lansing, MI 48917	Michigan Hospital Assn		
Denise Sofranko, 1101 Vermont Avenue, #710 Washington, DC 20005	American Veterinary Medical Assn		
J. Michael Solar, 1331 Lamar, Suite 1550 Houston, TX 77010	Solar & Ellis (For:Republic of Mexico Ministry of Commerce & Trade)		
Andrea L. Solarz, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	2,000.00	17.00
Henry A. Solomon, 4350 North Fairfax Drive, #900 Arlington, VA 22203-1633	Community Broadcasters Assn		
Regina Solomon, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
Patricia F. Soltys, 1776 Eye Street, NW, Suite 1050 Washington, DC 20006	Eastman Kodak	500.00	20.00
Frederick P. Somers, 1383 Piccard Drive P.O. Box 1725 Rockville, MD 20850-0822	American Occupational Therapy Assn, Inc	2,500.00	45.00
Nancy C. Somerville, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects	4,000.00	
Judah C. Sommer, 1101 Pennsylvania Ave., NW, #900 Washington, DC 20004	Goldman Sachs & Co	1,250.00	
James E. Sommerhauser, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
William A. Sonntag, 1101 Connecticut Ave., NW, #700 Washington, DC 20036	Smith Bucklin & Associates (For:National Assn of Metal Finishers)		
Mary Sophos, 1133 20th St., NW Washington, DC 20036	Grocery Manufacturers of America, Inc	96.00	
Sorensen & Edwards, PS, 1201 Third Avenue, #2900 Seattle, WA 98101-3028	Klukwan, Inc		
Do	Shee Atika, Inc		
Do	Western Pioneer, Inc		
Michele A. Sorenson, 1735 Jefferson Davis Hwy., Suite 1200 Arlington, VA 22202	McDonnell Douglas Corp		
Angela Sorrentino, 1615 H Street, NW Washington, DC 20062-2000	U.S. Chamber of Commerce		100.00
Tasha Soudah, 888 16th Street, NW Washington, DC 20006	Bannerman and Associates, Inc (For:Beirut University College)		
Do	Bannerman and Associates, Inc (For:Government of Egypt)	500.00	96.00
Do	Bannerman and Associates, Inc (For:Government of U.A.E.)	100.00	40.00
Southern Forest Products Assn, P.O. Box 641700 Kenner, LA 70064-1700		26,930.79	26,930.79
Southwest Airlines Co, P.O. Box 36611 Dallas, TX 75235-1611			14,413.00
Space Industries, Inc, 101 Courageous Drive League City, TX 77573			
John S. Sparkman, 1301 Pennsylvania Ave., Nw, #1050d Washington, DC 20004	Baltimore Gas & Electric Co	452.46	279.11
Jonathan B. Spear, 601 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	Merck & Co, Inc	1,000.00	250.00
Richard A. Speizman, 1801 K Street, NW, Suite 700 Washington, DC 20006	Price Waterhouse (For:Queen Emma Foundation)	1,080.00	7.00
Spiegel & McDiarmid, 1350 New York Ave., NW Washington, DC 20005-4798	Aspen-Pitkin County		
Do	City & County of Denver, Director of Aviation		
Do	City of St. Louis Airport Authority		
Do	Connecticut Municipal Electric Energy Coop		
Do	Former Residents of Centralia Pennsylvania		
Do	Minneapolis/St. Paul Metropolitan Airport Commission		
Do	Northern California Power Agency		
Do	Orange County		
Do	Transmission Access Policy Study Group		
Larry N. Spiller, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	1,000.00	
William M. Spodak, 1801 K St., NW Washington, DC 20006	Westinghouse Electric Corp	2,500.00	75.00
Richard Spotts, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	5,277.44	1,819.82
Lisa M. Sprague, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	51.90
David E. Springer, 1301 K Street, NW, #900 East Tower Washington, DC 20005	Gardner Carton & Douglas (For:American Telephone & Telegraph)	22,500.00	1,622.18
Do	Gardner Carton & Douglas (For:Jones Intercable)	5,565.00	4,331.94
Do	Gardner Carton & Douglas (For:National Cable Television Assn, Inc)	18,750.00	269.19
Do	Gardner Carton & Douglas (For:Perrigo Company)	787.50	12.73
Do	Gardner Carton & Douglas (For:Rocky Mountain Health Maintenance Organization).	5,000.00	122.67
Do	Gardner Carton & Douglas (For:Telecommunications Industry Assn)		
Do	Gardner Carton & Douglas (For:Ukiah Valley Medical Center)		
Do	Gardner Carton & Douglas (For:Voluntary Hospitals of America, Inc)	15,000.00	300.35
Mark G. Spurrier, 400 Kenilworth Drive Towson, MD 21204	Baltimore County Police Department, et al.		
Philip Squair, 4301 N. Fairfax Dr., Suite 425 Arlington, VA 22203	Air Conditioning & Refrigeration Institute		
Squire Sanders & Dempsey, 1201 Pennsylvania Ave., NW P.O. Box 407 Washington, DC 20044	American Chamber of Commerce in German, Rossmarkt		
Do	American Soc of Anesthesiologists		
Do	Independent Data Communications Manufacturers Assn	1,568.75	38.00
Do	Information Technology Association of America	1,457.50	10.00
Do	National Collegiate Athletic Assn	1,753.75	
Do	Public Securities Assn		
Cecile Srodes, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Janet G. St. Amand, 1225 19th Street, NW, #410 Washington, DC 20036	Financial Services	2,186.00	
Charles A. St. Charles, 808 17th Street, NW, #300 Washington, DC 20006-3910	Stewart & Stewart (For:Libbey Glass)	8,379.00	
Do	Stewart & Stewart (For:Novus International, Inc)		
Thomas J. St. Hilaire, 1776 Massachusetts Avenue, NW Washington, DC 20036	National Parks & Conservation Assn	780.00	
Karen A. St. John, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corp	1,200.00	325.41

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Vivian Escobar Stack, 2010 Massachusetts Avenue, NW, #500 Washington, DC 20036	Planned Parenthood Fed of America, Inc	1,079.49	36.00
Connell Stafford, P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company	300.00	1,206.65
Roger Staiger Jr., 1667 K Street, NW, #450 Washington, DC 20006	Alyeska Pipeline Service Co	3,000.00	2,300.00
David P. Stang, P.C., 2019 Park Rd., NW Washington, DC 20010	McDermott, Inc	8,748.94	
Joseph M. Stanton, 1445 New York Avenue, NW, 8th Floor Washington, DC 20005	Public Securities Assn	7,500.00	466.50
Michael J. Stanton, 1620 Eye Street, NW, #1000 Washington, DC 20006	American Automobile Manufacturers Assn	3,125.00	
Stanton & Associates, 1310 19th Street, NW Washington, DC 20036	Gateway Economic Development Corp of Greater Cleveland		
Do	National Assn of Bankruptcy Trustees		
Do	Philip Morris		
Do	University Hospitals of Cleveland		
Mary Murray Staples, P.O. Box 660634 Dallas, TX 75266-0634	Frito-Lay, Inc	3,000.00	6,189.00
Jane Sutter Starke, 2100 Pennsylvania Ave., NW, #600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:Blockbuster Entertainment Corp)		
Lois Starkey, Suite 511 1745 Jefferson Davis Hwy. Arlington, VA 22202	Manufactured Housing Institute	8,125.00	
Kent D. Starwalt, 501 School Street, SW, 8th Floor Washington, DC 20024	American Road & Transportation Builders Assn	500.00	
James D. Staton, 320 Timberbrook Drive Waldorf, MD 20601	Air Force Sergeants Assn, Inc		
Robert E. Staton, P.O. Box 1365 Columbia, SC 29202	Colonial Companies, Inc	9,000.00	
John E. Stauffer, 13307 Vanessa Lane Bowie, MD 20720			
Julie A. Stauss, 1225 Eye Street, NW, Suite 1250 Washington, DC 20005	American Dietetic Assn	1,000.00	282.32
Rozann M. Stayden, 1800 M Stret, NW Washington, DC 20036-5886	American Bar Association	400.00	50.00
Barbara E. Steakley, 1155 15th Street, NW, #600 Washington, DC 20005	Pennzoil Company	900.00	
Kathryn A. Steckelberg, 701 Pennsylvania Ave, NW Washington, DC 20004-2696	Edison Electric Institute	2,369.50	449.04
Henry J. Steenstra Jr., 10001 19th Street, #800 Arlington, VA 22209	TRW, Inc	2,174.00	
Allan Stein, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Dan Stein, 1666 Connecticut Ave., NW, #400 Washington, DC 20009	Federation for American Immigration Reform		
Barry P. Steinberg, 1030 Fifteenth Street, NW, #500 Washington, DC 20005	ID Systems, Inc		
Rena Steinzor, 1350 New York Ave., NW, #1100 Washington, DC 20005-4798	Spiegel & McDiarmid (For:American Communities for Cleanup Equity (ACCE))	44,302.50	7,897.48
Do	Spiegel & McDiarmid (For:Guam Power Authority)	14,568.75	3,201.97
John C. Stellman, 1725 Jefferson Davis Hwy, #500 Arlington, VA 22202-4102	Chrysler Technologies Corp		
Jackson T. Stephens, 111 Center Street Little Rock, AR 72201	Stephens Group, Inc		
Michael R. Stephens, 2449 W. Pensacola Ave. Chicago, IL 60618			
R. W. Stephens Jr., 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Stephen O. Stephens, P.O. Box 3507 111 Center Street Little Rock, AR 72203	Stephens Group, Inc		
Stephens Group, Inc, 111 Center Street P.O. Box 3507 Little Rock, AR 72203			
Stephens Overseas Services, Inc, 111 Center Street P.O. Box 3507 Little Rock, AR 72203			
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	Bear Stearns & Co		
Do	Citizens Savings & Financial Corp		
Do	Co-Operative Central Bank		
Do	Coalition to Promote America's Trade		
Do	CSO Company		
Do	Del Webb Corp		
Do	Hillman Properties, Inc	8,160.00	276.76
Do	Isolyser Company, Inc		
Do	Mutual Life Insurance Company Tax Committee		
Do	Western Financial		
Do	Yavapai-Prescott Indian Tribe		
Gary M. Stern, 122 Maryland Ave, NE Washington, DC 20001	American Civil Liberties Union	4,000.00	50.00
Michael Stern, 1317 F Street, NW, #400 Washington, DC 20004	Investment Company Institute	2,719.78	755.02
Seymour Sternberg, 51 Madison Avenue New York, NY 10010	New York Life Insurance Co	400.00	
Steve Israel-David Norman Public Affairs, Inc, 1996 Deer Park Avenue Deer Park, NY 11729	Rosalind & Joseph Gurwin Jewish Geriatric Center of Long Isl	3,000.00	
Do	Touro Law Center	7,500.00	
Michael E. Steward, 1730 M Street, NW, #607 Washington,, DC 20036	Puget Sound Power & Light Co	1,198.00	422.99
Eugene L. Stewart, 808 17th Street, NW, #300 Washington, DC 20006-3910	Floral Trade Council		
Do	Monsanto Co		
Do	Timken Co		
Jessica Stewart, 1350 New York Avenue Washington, DC 20005	Spiegel & McDiarmid (For:Michigan Municipal/Cooperative Group)		
Terence P. Stewart, 808 17th Street, NW, #300 Washington, DC 20006-3910	Floral Trade Council	6,761.60	1,325.74
Do	Georgetown Railroad Co, et al.		
Do	Stewart & Stewart (For:Hudson Industries Corp)		
Do	Stewart & Stewart (For:Libbey Glass)	39,401.64	18,241.90
Do	Monsanto Co		
Do	Novus International, Inc		
Do	PPG Industries, Inc	2,499.25	525.55
Do	Smith Corona Corp	407.92	
Do	Stewart and Stewart		1,414.10
Do	Timken Co	1,771.15	208.65
Do	Torrington Company	1,633.75	208.73
Don Stillman, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	2,381.89	15.00
Lee J. Stillwell, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	750.00	
Bonny S. Stilwell, 3803 Densmore Ct. Alexandria, VA 22309	National Vietnam Verterns Coalition	4,550.00	576.28
Edward W. Stimpson, Suite 801 1400 K St., NW Washington, DC 20005	General Aviation Manufacturers Association	2,558.00	
Neal Stine, 1667 K Street, NW, #710 Washington, DC 20006	Baxter		
Kenneth F. Stinger, 2200 Mill Rd Alexandria, VA 22314	American Trucking Assns, Inc	9,000.00	
Kaye L Stinson, 1575 I Street, NW, #200 Washington, DC 20005	American Cyanamid Co	5,200.00	508.88
John J. Stirk, 1725 Jefferson Davis Hwy, #601 Arlington, VA 22202-3585	Litton Industries	2,000.00	2,110.23
Heidi A. Stirrup, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
John J. Stocker, 4301 North Fairfax Drive, #330 Arlington, VA 22203	Shipbuilders Council of America	3,300.00	
Steven F. Stockmeyer, 499 South Capitol Street, SE #103 Washington, DC 20004	Manville Corporation	500.00	
Do	National Assn of Business PACs	1,000.00	
Do	Springs Industries, Inc	1,000.00	
Sean A. Stokes, 1140 Connecticut Ave., NW, Suite 1140 Washington, DC 20036	Utilities Telecommunications Council	56.00	
Elizabeth A. Stolpe, 1401 Eye Street, NW, Suite 300 Washington, DC 20005	Koch Industries, Inc	4,500.00	875.96
Robin E. Stombler, 1640 Wisconsin Avenue, NW, 1st Floor Washington, DC 20007	American College of Surgeons		403.52
John C. Stone, 1420 New York Avenue, NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:WINSM Consortium)		
Floyd E. Stoner, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	9,000.00	
Sam E. Story Jr., 1700 N. Moore Street, #1600 Arlington, VA 22209	American Meat Institute	12,750.00	940.00
Todd A. Stottlemyer, 1501 BDM Way McLean, VA 22102	BDM International, Inc		
Anna Stout, 122 C Street, NW, #740 Washington, DC 20001	American League for Exports & Security Assistance, Inc	5,500.00	123.08
Susan M. Stout, 1010 Wisconsin Avenue, NW, #900 Washington, DC 20007	Grocery Manufacturers of America, Inc	90.00	
William P. Stout, P.O. Box 1475 Nashville, TN 37202	United Paperworkers International Union		
William M. Stover, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	1,000.00	
John L. Stowell, 1800 K St., NW, #1018 Washington, DC 20006	PSI Energy	19,490.00	12,214.94
Luther J. Strange III, 801 Pennsylvania Ave, NW, #230 Washington, DC 20004	Sonat, Inc		
Raymond L. Strassburger, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
Strategic Management Associates, Inc, 1001 G Street, NW, 7th Floor East Washington, DC 20001	American Paper Institute		
Do	Brooklyn Hospital Center		
Do	Greater New York Hospital Assn	20,001.00	175.00
Do	Healthcom International		
Do	Hospital for Special Surgery		
Do	Lenox Hill Hospital		
Do	Maimonides Medical Center		
Do	MicroGeneSys, Inc	7,500.00	200.00
Do	Montefiore Medical Center		
Do	Mount Sinai Medical Center		
Do	New York Hospital-Cornell Medical Center		
Do	Our Lady of Mercy Medical Center		
Do	Teradata Corporation		
Terrence D. Straub, 1101 Pennsylvania Avenue, NW Washington, DC 20004	USX Corporation	250.00	
Richard H. Streeter, Federal Bar Building 1815 H Street, NW, #800 Washington, DC 20006	Cast North America (1983), Inc		
Stephen P. Strickland, 1835 K Street, NW, #610 Washington, DC 20006	National Peace Foundation	71.42	
Carol Stroebel, 777 N. Capitol Street, #410 Washington, DC 20002	Advocates for Highway & Auto Safety	8,395.36	45.00
Jack B. Strong, 400 West 15th Street, Suite 804 Austin, TX 78701	Advanced Telecommunications Corp		
Stroock & Stroock & Lavan, 1150 17th St., NW Washington, DC 20036	J. Aron & Co, Inc		
Do	Commission on Self-Determination, Govt of Guam	5,525.00	98.00
Do	Dreyfus Corporation		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Jerry S. Stroope, Route 3, Box 258 Alvin, TX 77511	American Honey Producers Association		
Heather P. Stroup, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	803.25	100.00
George Strumpf, 1150 17th St., NW, #600 Washington, DC 20036	Health Insurance Plan of Greater New York	12,000.00	6,500.00
Cory N. Strupp, Legal Dept., 38th Floor 60 Wall Street New York, NY 10260	J.P. Morgan & Company, Inc	4,878.71	917.71
William Mark Stuart, 1331 Pennsylvania Ave., NW, Suite 1500N Washington, DC 20041-703	National Assn of Manufacturers		
Janet R. Studley, 888 17th Street, NW,#900 Washington, DC 20006	American Life Resources Corp	1,269.00	
Glenn Sugameli, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	6,286.71	
Austin P. Sullivan Jr., P.O. Box 1113 Minneapolis, MN 55440	General Mills, Inc		
Charles S. Sullivan, P.O. Box 2310 Washington, DC 20002	Citizens United for Rehabilitation of Errants	1,058.00	2,816.00
Gael M. Sullivan, 1025 Thomas Jefferson St., NW, #511 Washington, DC 20007	LTV Corporation	2,344.00	755.40
Harold R. Sullivan, 800 Connecticut Avenue, NW, Washington, DC 20006-2701	Food Marketing Institute	600.00	
Pauline Sullivan, P.O. Box 2310 Washington, DC 20013-2310	Citizens United for Rehabilitation of Errants	900.00	
Rebecca M. Sullivan, 1199 N. Fairfax Street, Suite 204 Alexandria, VA 22314	International Council of Shopping Centers	300.00	
Sullivan & Cromwell, 1701 Pennsylvania Ave., NW, #800 Washington, DC 20006	Massachusetts Bay Transportation Authority (MBTA)	4,500.00	42.50
Do	Massachusetts Port Authority (MASSPORT)		
Scott M. Summers, 1776 Eye Street, NW, #1050 Washington, DC 20006	Eastman Kodak Company	400.00	28.00
Hyo-Jye Sung, 1800 K Street, NW, #700 Washington, DC 20006	Korea Foreign Trade Assn	720.00	730.00
Donald B. Susswein, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:Citicorp Washington (Banking))		
Stephen Sutton, 1000 Wilson Blvd., #2800 Arlington, VA 22209	Grumman Corporation	625.00	975.51
Douglass W. Svendson Jr., 6443 Lily Dhu Lane Falls Church, VA 22044	Hollywood Marine, Inc	3,000.00	
Deborah Swartz, 1225 19th Street, NW, #210 Washington, DC 20036	Luggage & Leather Goods Manufacturers of America, Inc	500.00	
Do	Neckwear Assn of America, Inc	500.00	
Thomas L. Swartz, 89 East Avenue Rochester, NY 14649-0001	Rochester Gas & Electric Corp	1,903.00	
Rosemarie Sweeney, 2021 Massachusetts Avenue, NW Washington, DC 20036	American Academy of Family Physicians	2,480.00	1,314.81
Frederic H. Sweet, 720 East Wisconsin Avenue Milwaukee, WI 53202	Northwestern Mutual Life Insurance Co	1,100.00	
Leland H. Swenson, 10065 East Harvard Avenue Denver, CO 80251	Farmers' Educational & Co-Operative Union of America	12,187.50	841.00
Byron Swift, 1400 16th Street, NW Washington, DC 20036	(For:IUCN-US)		265.00
Philip E. Swink, 1Pepsi Way Somers, NY 10589-2201	Pepsi-Cola Company		284.26
Ronald G. Sykes, 1660 L Street, NW, #400 Washington, DC 20036	General Motors Corp	3,000.00	2,216.09
David A. Sykuta, Illinois Petroleum Council 400 W. Monroe, #205 Springfield, IL 62704	American Petroleum Institute		
Christopher U. Sylvester, 1831 Briar Ridge Court Mclean, VA 22101	Garrison Diversion Conservancy District		
Elizabeth Symonds, 122 Maryland Avenue, NE Washington, DC 20002	American Civil Liberties Union		
Systems Control, Inc, 10240 Old Columbia Road Columbia, MD 21046			
Ronald P. Szabat, 1101 Vermont Ave., NW Washington, DC 20005	American Medical Assn	25.00	
Janis Tabor, 1828 L Street, NW, #906 Washington, DC 20036	American Soc of Mechanical Engineers		
Robert Taft Jr., 625 Indiana Avenue, NW, #500 Washington, DC 20004	Taft Stettinius & Hollister (For:Dosimeter Corp of North America)		
Do	Taft Stettinius & Hollister (For:Great American Broadcasting Co)		
Do	Taft Stettinius & Hollister (For:Telephone & Data Systems, Inc)		
Do	Taft Stettinius & Hollister (For:Wald Manufacturing Co, Inc)		
George C. Tagg, 300 Maryland Ave., NE Washington, DC 20002	Federal Express Corp	6,000.00	
Taggart & Associates, Inc, 1155 15th Street, NW, #1108 Washington, DC 20005	Association of American Railroads		
Do	M&M/Mars, Inc		
Do	Marion Merrell Dow, Inc		
Do	National Agricultural Chemicals Assn		
Do	TDS Telecom		
Nkechi Taifa, 122 Maryland Avenue, NE Washington, DC 20002	American Civil Liberties Union	1,000.00	
Susan Tannenbaum, 2030 M St., NW Washington, DC 20036	Common Cause	7,472.52	170.00
Tanner & Guin, P.O. Box 032206 Tuscaloosa, AL 35403	Morrow Realty Co., Inc	795.00	845.00
Jeffrey A. Tassey, 919 18th Street, NW Washington, DC 20006	American Financial Services Assn	250.00	
Eula M. Tate, 1757 N Street, NW Washington, DC 20036	United Auto. Aerospace & Agricultural Implement Wks of Amer.	20,003.96	341.54
Thomas N. Tate, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	1,854.30	
Graca Da Silva Tavares, 17 Perkins Street West Newton, MA 02165			25.00
Victor Tawil, 1400 16th Street, NW, #610 Washington, DC 20036	Association of Maximum Service Television, Inc		
Charles A. Taylor III, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	1,500.00	
Jefferson D. Taylor, 655 15th Street, NW, #1200 Washington, DC 20005	Safe Buildings Alliance		
Larry D. Taylor, P.O.Box 70 Boise, ID 83707	Idaho Power Company		
Margaret J. Taylor, 700 13th Street, NW, #525 Washington, DC 20005	BR Services, Inc	1,750.00	139.21
Marie Taylor, 1825 Eye Street, NW, #400 Washington, DC 20006	BF Goodrich Co	100.00	
Mary Price Taylor, 4350 North Fairfax Drive, #900 Arlington, VA 22203-1633	TV 14, Inc		
Paul C. Taylor, 1215 Jefferson Davis Highway, #100 Arlington, VA 22202	NAIOP, Assn for Commercial Real Estate	24,150.00	
Peggy Taylor, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	19,915.10	784.68
Taylor Thiemann & Aitken, 908 King Street, #300 Alexandria, VA 22314	Association of Personnel Test Publishers		
Do	CTB MacMillan/McGraw-Hill	218.75	
Do	Multiemployer Pension Plan Solvency Coalition		
Do	National Assn of Convenience Stores		
Randy Teach, 1156 15th Street, NW, #1100 Washington, DC 20005	Medical Group Management Association		
T. Daniel Tearno, 1341 G Street, NW, #900 Washington, DC 20005	Miller Brewing Company	261.92	
Richard Telthorst, Missouri Oil Council 428 East Capitol, Suite 203 Jefferson City, MO 65101	American Petroleum Institute		
Joshua P. Tenuta, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	6,000.00	
Cheryl Terio, 1957 E Steet, NW Washington, DC 20006	Associated General Contractors of America		
Betty-Grace Terpstra, 1726 M St., NW, #901 Washington, DC 20036	Scott Paper Co	6,000.00	415.80
John H. Terry, P.O. Box 4878 Syracuse, NY 13221	Hiscock & Barclay (For:Niagara Mohawk Power Corp)	2,870.00	892.08
Richard Tessier, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn		
Robert D. Testa, 1726 M Street, NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co	1,235.30	257.00
James G. Tetirick, 807 Brazos, #601 Austin, TX 78701	J. C. Penney Co, Inc		
Texas Committee on Natural Resources, 5934 Royal Lane, #223 Dallas, TX 75230		567.22	567.22
Thacher Proffitt & Wood, 1500 K Street, NW, #200 Washington, DC 20005	Chicago Board Options Exchange		850.00
Do	Citicorp Washington (Banking)		850.00
Do	Massachusetts Bankers Assn		850.00
Do	Massachusetts State Carpenter's Guaranteed Annuity Fund		
Do	Massachusetts State Carpenter's Pension Fund		
Laura I. Thevenot, 1025 Connecticut Avenue, NW Washington, DC 20036	Principal Financial Group		
Janelle C.M. Thibau, 3000 K Street, NW, #620 Washington, DC 20007	Merrill Lynch & Co, Inc	1,500.00	
Terry V. Thiele, AP2-225 Appliance Park Louisville, KY 40225	General Electric Co	780.00	
Gregory A. Thies, 14111 Scottslawn Road Marysville, OH 43041	O.M. Scott & Sons Company		
Robert G. Thoma, 2100 Pennsylvania Ave., NW, #755 Washington, DC 20037	BASF Corp	450.00	36.00
Amber Thomas, 7901 Westpark Drive McLean, VA 22102	AMT-The Association for Manufacturing Technology	1,860.00	500.00
John L. Thomas, P.O. Box 796322 Dallas, TX 75379-6322	Visual Information Technologies, Inc		
Rich Thomas, 2030 M Street, NW Washington, DC 20036	Common Cause	4,680.00	100.00
W. Dennis Thomas, 1620 Eye St., NW, #700 Washington, DC 20006	International Paper Co	2,000.00	305.04
Brent Thompson, 1331 Pennsylvania Ave., NW #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	125.00	
Bruce E. Thompson Jr., 3000 K Street, NW, #620 Washington, DC 20007	Merrill Lynch & Co, Inc	7,500.00	
Duane R. Thompson, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn	105.00	84.52
Herbert G. Thompson, 1517 Southlake Pkwy Atlanta, GA 30354	Southern States Police Benevolent Assn	14,559.93	9,817.00
Kenneth W. Thompson, 1899 L Street, NW #500 Washington, DC 20036	BellSouth Corp		125.00
Do	Business Executives for National Security, Inc		
Do	City of Kansas City, MO		
Do	Council for Superfund Fairness, Inc		125.00
Do	Duke Power Co	18,000.00	700.00
Do	Greater Kansas City Chamber of Commerce	10,000.00	350.00
Do	Itron and AMRplus Partners	8,000.00	550.00
Do	Polaris Industries	3,277.00	120.00
Do	Potomac Capital Investment Corp	15,000.00	125.00
Do	Primark Corp	6,364.00	450.00
Law Offices of Fred Thompson, 12th Floor, Life & Casualty Tower 401 Church St. Nashville, TN 37219	Central States SE & SW Areas Health Welfare & Pension Funds	3,000.00	
Richard L. Thompson, 655 15th Street, NW, #410 Washington, DC 20005	Bristol-Myers Squibb Co	1,500.00	
Robert L. Thompson Jr., P.O. Box 70 Fort Mill, SC 29715	Springs Industries, Inc		2,443.44
Thompson & Mitchell, 700 14th street, NW, #900 Washington, DC 20005	Cold Finished Steel Bar Institute	1,458.00	
Judith Thorman, 1010 Wisconsin Avenue, NW, Suite 800 Washington, DC 20007	Grocery Manufacturers of America, Inc	43.00	
Cindy C. Thorne, 4500 Vestal Parkway East P.O.Box 3607 Binghamton, NY 13902-3607	New York State Electric & Gas Corp	4,112.50	6,091.67
Jill Thorne, 222 NW Davis, #309 Portland, OR 97209	Oregon Trail Coordination Council	750.00	
Margo Thorning, 1750 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation	393.00	
John Thornton, 444 North Capitol Street, NW, #845 Washington, DC 20001	National Air Traffic Controllers Assn	1,562.00	
Kathryne M. Thorpe, 1100 17th Street, NW, #1200 Washington, DC 20036	General Atomics	1,250.00	201.17

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Walter L. Threadgill, 1001 Connecticut Avenue, NW, #622 Washington, DC 20036	Millicom, Inc		
Gil Thurm, 1350 New York Avenue, NW, #900 Washington, DC 20005	International Franchise Assn	10,000.00	281.82
Patti A. Tilson, 1000 Connecticut Avenue, NW, #304 Washington, DC 20036	Toyota Motor Sales, USA, Inc	500.00	
Maria Tilves-Aguilera, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
Barbara Timmer, 1600 M Street, NW Washington, DC 20036	ITT Corp	780.00	53.00
John W. Timmons, 1133 Connecticut Ave, NW, #1000 Washington, DC 20036	America West Airlines, Inc	10,000.00	5,205.00
Timmons & Co, Inc, 1850 K St., NW, #850 Washington, DC 20006	American Factory Trawler Assn	1,015.00	
Do	American Petroleum Institute	2,175.00	
Do	Amoco Corporation	2,025.00	
Do	Anheuser-Busch Companies, Inc	2,475.00	
Do	Association of Trial Lawyers of America	675.00	
Do	Capital Cities/ABC, Inc	1,957.50	
Do	Chrysler Corporation	1,667.50	
Do	General American Life Insurance Co	616.25	
Do	H.J. Heinz Co	3,768.75	
Do	Major League Baseball	5,002.50	
Do	National Rifle Assn of America	1,232.50	
Do	Northern Telecom, Inc	1,425.00	
Do	Northrop Corp	725.03	
Do	NutraSweet Co	1,425.00	
Do	Phoenix Mutual Life Insurance Company	507.50	
Do	G. D. Searle & Co	2,475.00	
Do	SCEcorp and Subsidiaries	1,575.00	
Do	Union Pacific Corp	2,025.00	
Alan R. Timothy, 601 Pennsylvania Ave., NW, #500 Washington, DC 20004	Adolph Coors Co	12,109.50	
Michael L. Tiner, 1824 S Street, NW #402 Washington, DC 20009	McDonald's Corp	500.00	
Do	Systech Environmental Corp	500.00	
Michael L. Tiner and Associates, 1824 S Street, NW, #402 Washington, DC 20009	Genentech, Inc	500.00	
Do	Joseph E. Seagram & Sons, Inc	500.00	
G. Wayne Tingle, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	Loral Vought Systems Corp	2,500.00	125.00
William C. Tinklepaugh, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Association		
Constance E. Tipton, 888 16th Street, NW Washington, DC 20006	International Dairy Foods Association		195.08
E. Linwood Tipton, 888 16th St., NW Washington, DC 20006	International Dairy Foods Assn		203.65
Eben S. Tisdale, 900 17th Street, NW, #1100 Washington, DC 20006	Hewlett-Packard Co	4,500.00	1,555.00
Francis M. Tivnan, Massachusetts Petroleum Council 11 Beacon Street Boston, MA 02108	American Petroleum Institute	2,000.00	
Tobacco Associates, Inc, 1725 K Street, NW, #512 Washington, DC 20006			3,675.00
James S. Todd, 515 North State Street Chicago, IL 60610	American Medical Assn	12,600.00	
David R. Toll, 1155 Connecticut Ave., NW, #400 Washington, DC 20036	Public Service Co of Colorado		
Frank Toohey, 1850 M Street, NW #550 Washington, DC 20036	Securities Industry Assn	3,769.00	
Jean R. Toohey, 1401 Eye Street, NW, #200 Washington, DC 20005	Rhone-Poulenc, Inc	200.00	137.23
Michael J. Toohey, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Jeff Topfer, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	US Strategies		
William T. Torgerson, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co		
Total Petroleum, Inc, P.O. Box 500 Denver, CO 80202			8,820.13
James P. Towers, 2555 Pennsylvania Avenue, NW, #602 Washington, DC 20037	Gulf States Utilities Company	4,300.00	4,211.00
Bronwyn Bachrach Towle, 499 South Capitol Street, SW #507 Washington, DC 20003	Hecht Spencer & Associates (For:Bixby Ranch Co)		
Do	Hecht Spencer & Associates (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates (For:National Automatic Merchandising Assn)		
Stephen Townsend, 12300 Twinbrook Parkway, Suite 320 Rockville, MD 20852	National Council of Community Mental Health Centers	105.95	3.00
Wanda Townsend, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	3,000.00	43.55
Toy Manufacturers of America, Inc, 200 Fifth Ave., #740 New York, NY 10010			2,517.14
Traditional Values Coalition, 100 S. Anaheim Boulevard, Suite 350 Anaheim, CA 92805			7,766.00
Clifford Traisman, 1010 Wisconsin Avenue, NW, Suite 900 Washington, DC 20007	Grocery Manufacturers of America, Inc	86.00	
Transportation - Communications International Union, 815 16th St., NW, #511 Washington, DC 20006		7,000.00	8,844.17
Thomas C. Trauger, 1350 New York Avenue, NW Washington, DC 20005	Spiegel & McDiarmid (For:Michigan Municipal/Cooperative Group)		
Travel & Tourism Government Affairs Council, 1133 21st Street, NW Washington, DC 20036		4,741.00	4,741.00
Travel Industry Assn of America, Two Lafayette Centre 1133 21st Street, NM Washington, DC 20036			9,462.00
S. Bradley Traverse, 1667 K Street, NW, #1230 Washington, DC 20006	Deere & Company		
Olivia Trible, 1776 Eye St., NW, #700 Washington, DC 20006	Phillips Petroleum Co	1,000.00	
Jeffery S. Trinca, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:American Forest & Paper Assn)	6,250.00	
Do	Van Scoyoc Associates, Inc (For:Anheuser-Busch Companies)	12,500.00	
Do	Van Scoyoc Associates, Inc (For:Arkansas Electric Cooperative Corp)	8,125.00	
Do	Van Scoyoc Associates, Inc (For:Assn of Health Insurance Agents)	1,250.00	
Do	Van Scoyoc Associates, Inc (For:Kellogg Company)		
Do	Van Scoyoc Associates, Inc (For:National Assn of Private Enterprise)	4,875.00	
Do	Van Scoyoc Associates, Inc (For:National Assn of Water Companies)	3,750.00	
Do	Van Scoyoc Associates, Inc (For:National Realty Committee)	1,250.00	
Do	Van Scoyoc Associates, Inc (For:Schering-Plough Corp)	5,000.00	
Do	Van Scoyoc Associates, Inc (For:USF&G Insurance)	1,250.00	
Tripp Scott Conklin & Smith, 110 Tower, 28th Floor 110 Southeast 6th Street Fort Lauderdale, FL 33301	Alamo Rent-A-Car, Inc		1,309.54
Julie Trocchio, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States	71.89	
Michael G. Troop, 900 19th Street NW Washington, DC 20006	Savings and Community Bankers of America	16,800.00	
Jack F. Trope, 32 Division Street P.O. Box 609 Somerville, NJ 08876	Sant'Angelo & Trope, P.C. (For:Association on American Indian Affairs, Inc)	6,802.50	8,086.09
Gregory A. Troxell, 1800 K Street, NW, #1018 Washington, DC 20006	PSI Energy, Inc	5,000.00	3,830.69
Tucker Flyer & Lewis, 1615 L Street, NW, #400 Washington, DC 20036-5601	National Realty Committee	1,682.00	
Michael R. Tuosto, One Massachusetts Avenue, NW, Suite 710 Washington, DC 20001	Pubic Service Electric and Gas Company	800.00	
David Turch & Associates, 517 2nd Street, NE Washington, DC 20002	City of Rialto	4,800.00	3,088.47
Do	Golden Rule Insurance Company	9,000.00	6,282.65
Do	Recovery Engineering	6,000.00	3,030.44
J. Terry Turner, 2200 Mill Road, #600 Alexandria, VA 22314	Interstate Truckload Carriers Conference	700.00	350.00
Pamela J. Turner, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	8,438.00	446.34
Turner Broadcasting System, Inc, 820 First Street, NE Washington, DC 20002		12,519.00	12,519.00
James S. Turpin, 3444 S. Wakefield St. Arlington, VA 22206	American Nukem		
Tuttle & Taylor, 1025 Thomas Jefferson Street, NW Suite 407 Washington, DC 20007	Blue Diamond Growers	4,087.50	221.13
Do	Sunkist Growers, Inc	55,731.25	2,221.32
St. Clair J. Tweedie, 1575 Eye Street, NW, #200 Washington, DC 20005	American Cyanamid Co	15,000.00	
Twenty-First Century Technologies, 1945 Old Gallows Road, #580 Vienna, VA 22182	PRC	16,245.62	19,881.59
John R. Tydings, 1129 20th Street, NW Washington, DC 20036	Greater Washington Board of Trade	9,100.00	
Joseph D. Tydings, 2000 Pennsylvania Ave., NW, #7500 Washington, DC 20006	Anderson Kill Olick & Oshinsky (For:Population Crisis Committee)		
Craig Tyle, 1600 M Street, NW Washington, DC 20036	Investment Company Institute		
Peter Tyler, 1000 16th Street, Suite 810 Washington, DC 20036	Physicians for Social Responsibility	2,151.00	
George Randall Tyree, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	15.00	
G. John Tysse, 1015 15th Street, NW, #1200 Washington, DC 20005	Labor Policy Assn	3,762.00	3,762.00
U.S. Independent Microwave Television Assn, 2300 M Street, NW, Suite 800 Washington, DC 20037			
U.S. Public Interest Research Group, 215 Pennsylvania Avenue, SE Washington, DC 20003		61,658.31	82,994.00
U.S. Strategies Corp, 1055 N. Fairfax Street, #201 Alexandria, VA 22314	American Day Treatment Centers, Inc		
Do	City of Las Vegas		
Do	Continental Medical Systems		
Do	Curaflex Health Services, Inc		
Do	Healthsouth Rehabilitation Corp		
Do	Integrated Health Services, Inc		
Do	USA Healthnet, Inc		
U.S.-China Business Council, 1818 N Street, NW Washington, DC 20036		6,854.53	6,854.53
Matthew Ubben, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	1,080.00	273.94
Stephen J. Ubl, 606 C Street, NE Washington, DC 20002	American Physical Theraphy Assn/Private Practice Section	7,500.00	394.90
Laura Uhl, 1666 Connecticut Ave., NW, Suite 400 Washington, DC 20009	Federation for American Immigration Reform	450.00	50.00
John R. Ulrich, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical Company		6,787.00
Robert D. Umphrey Jr., 919 18th St., NW, #700 Washington, DC 20006	Hoechst Celanese Corp	3,000.00	265.83
United Brotherhood of Carpenters & Joiners of America, 101 Constitution Ave., NW Washington, DC 20001			25,826.99
United Distribution Companies, 520 Madison Avenue, 29th Floor New York, NY 10022			933.00
United Seniors Assn, Inc, 12500 Fair Lakes Circle, #125 Fairfax, VA 22033		1,306,903.89	336,982.15
University of Michigan Medical Center, 300 North Ingalls, Room NI4A18 Ann Arbor, MI 48109			2,981.21
Upjohn Co, 1455 F Street, NW, Suite 450 Washington, DC 20005			408,550.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Richard P. Urian, 1850 K Street NW, #1190 Washington, DC 20006	EG&G, Inc	175.00	
Jane Usdan, 555 New Jersey Ave, NW Washington, DC 20001	American Fed of Teachers, AFL/CIO	13,624.98	60.00
Utilities Telecommunications Council, 1140 Connecticut Avenue, NW Suite 1140 Washington, DC 20036			1,582.72
Robert E. Vagley, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Anthony Valanzano, 1825 I Street, NW, #400 Washington, DC 20006	American Council of Life Insurance, Inc	7,000.00	142.20
Do	American Insurance Assn	5,000.00	15.50
Do	Valanzano & Associates (For:American International Group)	2,000.00	23.22
Do	Chubb Corporation	3,300.00	89.80
Do	Colonial Life & Accident Insurance Co	21,200.00	616.60
Do	Valanzano & Assocs. (For:Natural Disaster Coalition National Comm. on Property Insur.).	12,000.00	77.40
Read Carson Van de Water, 901 15th Street, NW, #500 Washington, DC 20005	Northwest Airlines, Inc	10,500.00	250.00
Van der Voort Associates, Ltd, 1134 Westmoreland Road Alexandria, VA 22308	Pharmaceutical Manufacturers Assn	500.00	
Do	SPACEHAB	500.00	
R. Thomas Van Arsdall, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Jeanette Van DeWater, 262 Pennsylvania Ave., NW Freeport, NY 11520	Friends of NIDCD, Inc	3,099.99	389.72
Van Dyk Associates, Inc, 1250 24th St., NW, Suite 300 Washington, DC 20037	American Gas Assn		
Do	Pharmaceutical Manufacturers Assn		
Juliane H. Van Egmond, 7108 Beechwood Drive Chevy Chase, MD 20815	Miles, Inc		
Van Ness Feldman & Curtis, P.C., 1050 Thomas Jefferson St., NW, 7th Floor Washington, DC 20007	Alaska Eskimo Whaling Commission		
Do	Arctic Slope Regional Corp	2,818.50	33.00
Do	Bar-S Foods Company	2,400.00	46.25
Do	Barron Collier Co		
Do	Bio Resources, Ltd	72.00	
Do	Blackfeet Tribe		
Do	City Public Service of San Antonio	234.00	18.50
Do	Clean Coal Technology Coalition		
Do	Consumers United for Rail Equity (C.U.R.E.)	120.00	
Do	Doyon, Ltd		
Do	Electric Transportation Coalition	211.50	
Do	Geothermal Resources Assn	504.00	37.00
Do	GNB, Inc		
Do	Intertribal Agricultural Council	2,677.50	
Do	Kenai Natives Assn		
Do	Koncor Forest Products Company	117.50	
Do	Mack Trucks, Inc	225.00	
Do	McKesson Corp	1,016.00	
Do	National Endangered Species Act Reform Coalition	4,787.50	29.00
Do	National Wetlands Coalition	6,952.50	30.00
Do	Navajo Nation	1,225.00	44.00
Do	Ormat	75.00	
Do	Price Waterhouse		
Do	Sacramento Municipal Utility District	52.50	
Do	Toyota Motor Corporate Services of North America, Inc	775.00	
Do	Uranium Producers of America		
Do	Young People for National Service		23.00
H. Stewart Van Scoyoc, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:Alton Ochsner Medical Foundation)	3,750.00	
Do	Van Scoyoc Associates, Inc (For:American Forest & Paper Assn)		
Do	Van Scoyoc Associates, Inc (For:Anheuser-Busch Companies, Inc)	12,500.00	
Do	Van Scoyoc Associates, Inc (For:Arkansas Electric Cooperative Corp)	8,125.00	
Do	Van Scoyoc Associates, Inc (For:Assn of Health Insurance Agents)	1,250.00	
Do	Van Scoyoc Associates (For:Champion International Corp)	2,500.00	
Do	Van Scoyoc Associates (For:Coalition of EPSCoR States)	11,250.00	
Do	Van Scoyoc Associates, Inc (For:Dresser Industries, Inc)	2,500.00	
Do	Van Scoyoc Associates (For:Du Pont de Nemours & Company, E.I.)	2,500.00	
Do	Van Scoyoc Associates (For:International Paper)	2,500.00	
Do	Van Scoyoc Associates, Inc (For:Kellogg Company)		
Do	Van Scoyoc Associates, Inc (For:National Assn of Private Enterprise)	4,875.00	
Do	Van Scoyoc Associates, Inc (For:National Assn of Water Companies)		
Do	Van Scoyoc Associates, Inc (For:National Institute for Water Resources)	2,500.00	
Do	Van Scoyoc Associates, Inc (For:National Realty Committee)	1,250.00	
Do	Van Scoyoc Associates (For:Quanex)	8,375.00	
Do	Van Scoyoc Associates, Inc (For:Schering-Plough Corp)	5,000.00	
Do	Van Scoyoc Associates, Inc (For:Tulane University)	6,750.00	
Do	Van Scoyoc Associates (For:University of Alabama System)	6,750.00	
Do	Van Scoyoc Associates (For:USF&G Insurance)	1,250.00	
Do	Van Scoyoc Associates (For:Weyerhaeuser)	2,500.00	
Do	Van Scoyoc Associates, Inc (For:WINSM Consortium)		
John A. Vance, 1726 M St., NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Co		
Marjorie Vanderbilt, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses' Assn	11,955.20	284.30
Norman C. VanderNoot, New Hampshire Petroleum Council 11 Depot Street Concord, NH 03301	American Petroleum Institute		
Charlene Vanlier, 6203 A Waterway Drive Falls Church, VA 22044	Capital Cities/ABC, Inc	928.48	
Robert Neil Vannoy, 3350 Peachtree Road, NE Atlanta, GA 30326	Blue Cross and Blue Shield of Georgia	1,250.00	1,009.00
Glenn Vanselow, P.O. Box 61473 Vancouver, WA 98666-1473	Pacific Northwest Waterways Assn	7,248.00	
Norman W. VanCor, 111 Tallwood Drive Southington, CT 06489	Yankee Gas Services Company	547.99	820.80
Todd VanHoose, 50 F Street, NW, #900 Washington, DC 20001	Farm Credit Council		
Robert C. Varah, c/o Rogers & Wells 607 14th Street, NW Washington, DC 20005	Dofasco, Inc		
Barbara J. Varca, 1015 15th Street, NW, #401 Washington, DC 20005	Syntex (U.S.A.), Inc	1,200.00	974.99
Varet Marcus & Fink, P.C., 607 14th Street, NW Washington, DC 20005-2000	Energy Tax Coalition	54,482.25	79,281.67
Do	New York Mercantile Exchange (NYMEX)	3,891.00	3,976.06
Patricia C. Vaughan, 205 E. 42nd Street, #1504 New York, NY 10017	Risk & Insurance Management Society, Inc		
Audrey S. Vaughn, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Alabama Power Company	19,500.00	8,383.77
Paul S. Vayer, 50 Hillcrest Avenue New Britain, CT 06053			
Haleh Vaziri, 516 First Street, SE Washington, DC 20003	Gryphon International		
Nicholas A. Veliotes, 1718 Connecticut Avenue, NW Washington, DC 20009	Association of American Publishers	4,000.00	
Carol Verby, 7361 Calhoun Place Rockville, MD 20850	CNA Insurance Co		
Robert J. Verdisco, 1901 Pennsylvania Avenue, NW, #10th Fl. Washington, DC 20006	International Mass Retail Assn	10,000.00	200.00
Frank Verrastro, 1155 15th Street, NW, #600 Washington, DC 20005	Pennzoil Co	1,500.00	
Sara Vickerman, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	676.94	1,095.00
Linda Vickers, 1706 23rd St., South Arlington, VA 22202	Communicating for Agriculture, Inc	9,000.00	615.04
Do	National Ag Underwriters	21,000.00	2,353.18
Do	National Assn of Crop Insurance Agents	19,989.98	2,040.43
Vierra Associates, Inc, 1825 I Street, NW #400 Washington, DC 20006	City of Orlando	4,000.00	1,490.33
Do	Dallas Area Rapid Transit Authority	20,800.00	11,871.02
Do	Embry-Riddle Aeronautical University	6,000.00	1,437.66
Do	Jacksonville Transportation Authority	2,000.00	
Do	Lipton Sports, Inc		
Do	Memphis Area Transit Authority		
Do	Metropolitan Dade County	7,062.00	
Do	Metropolitan Transportation Authority	2,000.00	
Do	Niagara Frontier Transportation Authority	10,500.00	2,830.73
Mary Vihstadt, 1667 K Street, NW, Suite 320 Washington, DC 20006	Dial Corp		
Susanne Vikoren, 1350 New York Ave., NW Washington, DC 20005	Spiegel & McDiarmid (For:American Communities for Cleanup Equity)	4,470.00	734.66
Ralph Vinovich, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	1,000.00	85.70
Vinson & Elkins, 1455 Pennsylvania Ave., NW, #800 Washington, DC 20004-1007	Attorney's Liability Assurance Society, Inc	105.00	
Do	Bank Tax Group	26,682.50	
Do	Bank United of Texas FSB	951.75	
Do	BMC Software, Inc		
Do	Citicorp Washington, Inc		
Do	Cook Inlet Region, Inc	190.00	
Do	E. M. Warburg Pincus & Co, Inc		
Do	Federal Express Corp	126.25	
Do	Goldman Sachs & Co	12,425.00	
Do	Large Public Power Council		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Merrill Lynch & Co, Inc		
Do	Panhandle Eastern Corp	1,237.50	
Do	Simmons Communications	2,882.50	
Do	Texas Veterans Land Board	270.00	
Do	Time-Warner, Inc		
Walter D. Vinyard Jr., Vinyard and Associates 555 13th St., NW, #800 East Washington, DC 20004	Continental Insurance Companies	1,000.00	
Do	National Fraternal Congress of America	3,000.00	
Joseph A. Violante, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	12,886.56	
Virginia Association of Railway Patrons, P.O. Box 867 Richmond, VA 23207		500.00	0.58
George A. Viverette Jr., 1440 New York Avenue, NW, Suite 200 Washington, DC 20005	American Automobile Assn		
Dina Vizzaccaro, 1620 Eye Street, NW, #1000 Washington, DC 20006	American Automobile Manufacturers Assn	15,785.00	
David Vladeck, 2000 P Street, NW Washington, DC 20036	Public Citizen	1,200.00	
John R. Vogt, 1445 New York Avenue, NW, 8th Floor Washington, DC 20005	Public Securities Assn	10,000.00	77.00
David K. Voight, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	840.00	
Nick J. Volcheff, 7325 Del Norte Drive Scottsdale, AZ 85258	AT&T		
Marina Volkov, 750 1st Street, NE, Room 5004 Washington, DC 20002-4242	Federation of Behavioral, Psychological and Cognitive Scienc	94.51	
Volkswagen of America, Inc, 490 L'Enfant Plaza, SW, #7204 Washington, DC 20024			650.00
Douglas K. Vollmer, 801 18th St., NW Washington, DC 20006	Paralyzed Veterans of America	19,162.50	
Ian D. Volner, 1201 New York Ave., NW, #1000 Washington, DC 20005	Career College Assn, Inc	1,250.00	
Do	Cohn & Marks (for Direct Marketing Assn)		
Do	Venable Baetjer Howard & Civiletti (For:USA Networks)		
John M. Volpe, 1825 Eye Street, NW, Suite 400 Washington, DC 20006	Heublein, Inc	6,562.50	100.00
Volpe Boskey & Lyons, 918 16th Street, NW, #602 Washington, DC 20006	Equipment Leasing Assn of America		
Volunteer Trustees of Not-For-Profit Hospitals, 818 18th Street, NW, #900 Washington, DC 20006		35,500.00	11,293.00
Ingrid A. Voorhees, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America)	75.00	
Philip H. Voorhees, 1776 Massachusetts Ave., NW Washington, DC 20036	National Parks & Conservation Assn	4,125.00	189.84
Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036	American Environmental Company		
Do	Clinton Gas Systems, Inc		
Do	Committee of Publicly Owned Companies	1,473.18	50.68
Do	Community Mutual Insurance Company	4,549.50	108.55
Do	CVI, Inc	1,479.95	87.42
Do	Dale Michael A/K/A Riviera Bowling Lanes		
Do	Foreign Credit Insurance Assn Management Co, Inc		
Do	Fraternal Order of Police - National Headquarters	1,706.00	495.56
Do	Grocery Manufacturers of America, Inc		
Do	Honda North America, Inc	5,756.10	195.06
Do	Ohio Advanced Technology Center, Inc		
Do	Ohio Assn of Broadcasters	29.19	
Do	Ohio Cable Television Assn	228.59	94.13
Do	Ohio Forestry Assn		
Do	Professional Lawn Care Assn of America		31.83
Do	Recyclers of Copper Alloy Products	8,003.75	321.38
Do	Snow Aviation International, Inc		
Carmen Delgado Votaw, 1025 Connecticut Ave., NW, #309 Washington, DC 20036	Girl Scouts of the U.S.A.		5,064.27
Frank J. Voyack, 1750 New York Ave., NW Washington, DC 20006	International Assn of Bridge Struct & Ornamental Iron Wkrs	21,557.04	1,939.34
John A. Vuono, Vuono Lavelle & Gray 2310 Grant Building Pittsburgh, PA 15219	Procompetitive Rail Steering Committee		
Thomas D. Wacker, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	765.20
Rex B. Wackerle, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Corp	1,400.00	
Sadami Wada, 9 West 57th Street New York, NY 10019	Sony Corp of America		
Joan Wages, 913 East Taylor Run Parkway Alexandria, VA 22302	Association of Professional Flight Attendants	9,000.00	948.00
Do	Independent Federation of Flight Attendants	41.25	9.77
Pamela Hyde Wagner, 4301 North Fairfax Srive, #360 Arlington, VA 22203-1608	National Utility Contractors Assn	7,400.00	60.59
Herbert R. Waite, 1036 South Collier Blvd., #105 Marco Island, FL 33937	J.P. Morgan/Morgan Guaranty Bank	7,000.00	3,546.57
Susan Stephenson Walden, 1350 Eye Street, NW, #810 Washington, DC 20005	Johnson & Johnson	600.00	192.48
Doug Walgren, 8312 Hunting Hill Lane McLean, VA 22102	Association of Chiropractic Colleges	7,500.00	
Do	Institute of Scrap Recycling Industies, Inc	12,000.00	
Do	Merck & Company	9,000.00	
Do	University of Pittsburgh Medical Center	15,000.00	
Walker/Free Associates, Inc, 1730 Pennsylvania Ave., NW Washington, DC 20006	American Telephone & Telegraph Co	12,500.00	
Do	Anheuser-Busch Companies, Inc	6,250.00	
Do	Broadcast Music, Inc	4,375.00	
Do	Coalition for Competitive Capital		
Do	Coalition on Superfund		
Do	CSX Corporation	3,750.00	
Do	Federal Home Loan Mortgage Corp	3,450.00	
Do	GAF Corp		
Do	Mexican Department of Commerce & Industrial Development		
Do	Mid Continent Oil and Gas Assn		
Do	MBNA America Bank NA	10,000.00	
Do	National Assn for the Superconducting Super Collider	6,000.00	
Do	National Stone Assn		
Do	Northville Industries Corp	750.00	
Do	Northwestern Mutual Life Insurance Co	3,750.00	
Do	Sony Music Entertainment, Inc		
Do	Sony Pictures Entertainment, Inc	5,000.00	
Do	Southern Company Services, Inc	3,750.00	
Do	USA Group, Inc	15,750.00	
Do	Wheelabrator Envrionmental Systems, Inc, et al.	5,000.00	
R. Duffy Wall & Associates, Inc, 1317 F Street, NW, #400 Washington, DC 20004	Ad Hoc Comm on Coal Taxation	1,000.00	
Do	Allied-Signal, Inc	500.00	
Do	American Paper Institute, Inc	1,250.00	
Do	Bell Atlantic Corp	1,500.00	
Do	Cominco, Ltd		
Do	Committee on Radioisotopes & Radiopharmaceuticals I	1,000.00	
Do	Committee on Radioisotopes & Radiopharmaceuticals II	500.00	
Do	Committee on Radioisotopes and Radiopharmaceuticals	1,000.00	
Do	CIBA-GEIGY Corp	500.00	
Do	EcoScience Corp	500.00	
Do	Eli Lilly & Company		
Do	Ernst & Young	3,000.00	
Do	ENERCO & Affiliates	1,000.00	
Do	Footwear Distributors and Retailers of America	1,500.00	
Do	Graham Resources		
Do	Hazelden Foundation	1,000.00	
Do	Hong Kong Trade Development Council	2,500.00	
Do	Jackson National Life Insurance Co	1,500.00	
Do	Levi Strauss & Co		
Do	Medical Associates of America	1,000.00	
Do	National Agricultural Chemicals Assn	1,000.00	
Do	National Coal Assn	1,000.00	
Do	National Power Company	1,000.00	
Do	Peabody Holding Co, Inc	500.00	
Do	Pharmaceutical Manufacturers Assn	1,000.00	
Do	Pittston Group	1,000.00	
Do	Sandoz Corporation Protection Corp.	1,000.00	
Do	State of California	500.00	
Do	Sumitono Chemical Co	500.00	
Do	Tandy Corp	1,000.00	
Do	Torchmark Corporation	1,000.00	
Do	United Company	500.00	
Do	US Generating Co	1,000.00	
Mary L. Wallace, 7272 Wisconsin Avenue Bethesda, MD 20814	American Soc of Hospital Pharmacists	3,780.00	
Thomas D. Wallace, 1000 Kiewit Plaza Omaha, NE 68131	Peter Kiewit Sons', Inc		3,000.00
Wallace & Edwards, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Alabama Farmers Federation	3,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	American Soc of Farm Managers and Rural Appraisers	10,000.00	
Do	American Sugar Cane League	22,500.00	
Do	Calgene, Inc	10,000.00	
Do	Cash America International	2,500.00	
Do	Cotton Warehouse Assn of America	22,500.00	
Do	Domino Sugar Corp	7,500.00	
Do	Flue-Cured Tobacco Cooperative Stabilization Corp	5,000.00	
Do	Service Corporation International	7,500.00	
Lori M. Wallach, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	7,500.00	
Richard J. Walsh, 6770 Lake Ellenor Drive Orlando, FL 32809-3330	General Mills Restaurants, Inc	1,062.50	179.15
John C. Walton, 1401 North Oak Street, #302 Arlington, VA 22209	John E. Chance & Associates, Inc	6,000.00	
Do	General Dynamics Corp	15,000.00	
Do	Grumman Corporation	21,249.99	2,115.97
Do	National Assn of Dredging Contractors		
Do	National Rifle Assn of America	35,000.00	1,491.14
Do	Textron, Inc	15,000.00	2,081.62
Do	Thiokol Corp	10,500.00	357.85
Do	TRW, Inc	40,000.00	278.46
Bonnie B. Wan, 700 11th Street, NW, Suite 660 Washington, DC 20001	Kimberly-Clark Corp		
Thomas E. Wanley, 1019 19th Street, NW, Suite 1100 Washington, DC 20036	Telocator	2,625.00	
Alan S. Ward, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Baker & Hostetler (For:Soap & Detergent Assn)		
Clarence D. Ward, 1727 Hoban Road, NW Washington, DC 20007	Martin Marietta Corporation	4,847.00	
Michael D. Ward, c/o Virginia Petroleum Council, 701 E. Franklin Street, #105 Richmond, VA 23219	American Petroleum Institute	200.00	525.44
Stephen E. Ward, 1401 Eye Street, NW, Suite 1030 Washington, DC 20005	Shell Oil Company	3,000.00	
Barbara F. Warden, 1757 N Street ,NW, Washington, DC 20036	International Union United Auto Aerospace & Ag. W of A(UAW)	20,464.69	372.95
Michael A. Waring, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	1,000.00	810.90
Ann D. Warner, 2120 L Street, NW, #305 Washington, DC 20037	International Bridge Tunnel & Turnpike Assn	3,588.00	3,588.00
Ernest R. Warner Jr., 1133 Connecticut Avenue, NW Washington, DC 20036	DGA International, Inc (For:Dir Intl Aff of the Gen Del for Armements)		
Do	DGA International, Inc (For:Sofreavia)		
Do	DGA International, Inc (For:SNECMA)		63.22
Do	DGA International, Inc (For:Zenith Data Systems)		
James H. Warner, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America		
David E. Warr, 655 15th Street, NW, #410 Washington, DC 20005	Bristol-Myers Squibb Company	1,000.00	
B. Jack Warren, P.O. Box 95385 Atlanta, GA 30347	Forest Farmers Assn		
Richard F. Warren, 918 16th Street, NW, Suite 402 Washington, DC 20006	American Furniture Manufacturers Assn	750.00	375.00
Tristan Carter Warren, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	7,000.00	847.52
Barbara J. Washburn, 1660 L Street, NW, #400 Washington, DC 20036	General Motors Corp	3,000.00	1,387.17
Gregory J. Washington, 1050 17th Street, NW, Suite 500 Washington, DC 20036	Texaco, Inc		
Washington Independent Writers, Inc, 733 15th Street, NW, #220 Washington, DC 20005			
Washington Public Affairs Group, 5910 Woodacres Drive Bethesda, MD 20816	National Union for the Total Independence of Angola (UNITA)		
Robert A. Waspe, P.O. Box 1417-D49 Alexandria, VA 22313-1417	National Association of Chain Drug Stores	500.00	
Watchdog Publications, Inc, 8182 Maryland Avenue, Suite 102 St. Louis, MO 63105			819.58
Mary Kirtley Waters, 888 17th Street, NW, #300 Washington, DC 20006	ConAgra, Inc	5,000.00	227.76
Austen W. Watson, 1215 Jefferson Davis Hwy., #1203 Arlington, VA 22202	GEC-Marconi Electronic Systems Corp	1,300.00	839.32
John L. Watson III, One World Trade Center, #4511 New York, NY 10048	Security Traders Assn, Inc	7,978.00	
Leroy Watson, 1616 H Street, NW 11th Floor Washington, DC 20006	National Grange	5,500.00	
Sherri D. Watson, 1726 M Street, NW, Suite 902 Washington, DC 20036-4502	American Lung Assn	1,000.00	5,915.82
James B. Watt, 1015 18th Street, NW Washington, DC 20036	Conference of State Bank Supervisors		
Carolyn Herr Watts, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	45.00	
Douglas R. Watts, 1320 19th Street, NW, #201 Washington, DC 20036	Tele-Communications, Inc	3,750.00	
George B. Watts, 1155 15th St., NW, #614 Washington, DC 20005	National Broiler Council	1,650.00	
Bruce H. Watzman, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	10,500.00	77.00
Nancy Watzman, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	6,250.00	
Philip A. Waxman, 2800 Quebec St., NW, #536 Washington, DC 20008	Boehringer Ingelheim Pharmaceuticals, Inc	15,525.00	1,769.78
William H. Weatherspoon, North Carolina Petroleum Council PO Box 167 Raleigh, NC 27602	American Petroleum Institute	1,000.00	
A. Vernon Weaver, 111 Center Street Little Rock, AR 72201	Stephens Group, Inc		
Barbara G. Webb, 600 Maryland Avenue, SW, Suite 202W Washington, DC 20024	Farmers Educational and Co-Operative Union of America	8,393.12	132.60
R. Clifton Webb, 1701 Pennsylvania Ave, NW Washington, DC 20006	EI duPont de Nemours & Co, Inc		
Sandra M. Webb, 1150 18th Street, NW, #200 Washington, DC 20036	Brown & Root Services Corp		
Jack Weber, 1301 pennsylvania ave., n.w. #900 Washington, DC 20004		37,500.00	2,123.18
Phillip J. Weber, 3900 Wisconsin Ave., NW Washington, DC 20016	Federal National Mortgage Assn (Fannie Mae)	2,500.00	
William R. Weber, 50 F Street, NW, Suite 900 Washington, DC 20001	Farm Credit Council		
Webster Chamberlain & Bean, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	International Taxicab and Livery Assn		
Lee J. Weddig, 1525 Wilson Boulevard, #500 Arlington, VA 22209	National Fisheries Institute	4,000.00	
Weinberg Bergeson & Neuman, 1300 Eye Street, NW, #1000 West Washington, DC 20005	Battery Council International		
Do	National Assn for Plastic Container Recovery (NAPCOR)		
Do	Portable Rechargeable Battery Association		
Robert A. Weinberger, 816 Connecticut Ave., NW Washington, DC 20006	Unilever U.S., Inc	1,000.00	379.00
Donald G. Weinert, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	1,500.00	
Kurt Weinrich, 301 East Clark Avenue, Suite 300 Las Vegas, NV 89101	Regional Transportation Commission of Clark County, NV	1,408.00	1,979.00
Sandra G. Weis, 445 Hamilton Ave. White Plains, NY 10601	Prodigy Services Company		
Arthur A. Weiss, One Woodward Avenue, Suite 2400 Detroit, MI 48226	Jaffe Raitt Heuer & Weiss, P.C.		
Walter F. Weiss, 1762 Church Street, NW Washington, DC 20036	American Foreign Service Assn	5,400.00	
Michael C. Weland, 1776 Massachusetts Ave., NW Washington, DC 20036	National Parks & Conservation Assn	2,250.00	109.50
John F. Welch, 655 15th Street, NW, #1200 Washington, DC 20005	Safe Buildings Alliance		
Paul S. Weller Jr., 1629 K St., NW, #1100 Washington, DC 20006	American Grain Inspection Institute		
Brad G. Welling, 1455 Pennsylvania Ave., NW, Suite 900 Washington, DC 20004	American International Group, Inc	2,000.00	50.00
Meredith K. Wellington, 1250 Connecticut Ave., NW, Suite 700 Washington, DC 20036	National Assn of Computer Consultant Businesses (NACCB)	187.50	
Arnold Wellman, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service	11,000.00	122.00
Jane V. Wellman, 122 C Street, NW, Suite 750 Washington, DC 20001	National Assn of Independent Colleges and Universities	13,752.00	234.00
Kent M. Wells, 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp	15,000.00	3,570.10
Robert C. Wells, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	3,975.00	
Thomas F. Wenning, 1825 Samuel Morse Dr. Reston, VA 22090	National Grocers Assn	500.00	
David Wentworth, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance		
Heidi L. Werling, 1620 L Street, NW, Suite 800 Washington, DC 20036	Metropolitan Life Insurance Co		
Fred Wertheimer, 2030 M St., NW Washington, DC 20036	Common Cause	18,362.52	252.00
James K. Wessel, 1800 M Street, NW, #325 South Washington, DC 20036	Dow Corning Corp	5,000.00	
Charles M. West, 205 Daingerfield Road Alexandria, VA 22314	National Assn of Retail Druggists	1,500.00	300.00
Ford B. West, 501 Second Street, NE Washington, DC 20002	Fertilizer Institute	25,000.00	487.79
G. Franklin West, 1530 North Key Blvd., #122 Arlington, VA 22209	Church Alliance	21,000.00	
Do	Oklahoma Natural Gas	15,000.00	
Sherece West, 105 East 22nd Street New York, NY 10010	Community Service Society		
William Preston West Jr., 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn	1,000.00	202.33
West Mexico Vegetable Distributors Assn, P.O. Box 848 Nogales, AZ 85621			
J. C. West, P.C., 1090 Vermont Ave., NW, #800 Washington, DC 20005	City of Detroit	38,311.44	13,993.93
Western Coal Traffic League, 1224 17th St., NW Washington, DC 20036		5,000.00	5,000.00
Westland Development Co., Inc, 401 Coors Boulevard, NW Albuquerque, NM 87121		4,076.25	11,325.94
Michelle Westover, 11AA, 412 1st Street, Suite 300 Washington, DC 20003	Independent Insurance Agents of America, Inc	2,046.00	
Do	National Trust for Historic Preservation		
John F. Wetzel Jr., 50 F St., NW Washington, DC 20001	Association of American Railroads	694.83	366.94
Brian B. Whalen Jr., 455 North Cityfront Plaza Drive Chicago, IL 60611	Navistar International Transportation Corp	4,000.00	10.93
Curtis E. Whalen, 1600 Wilson Blvd., #1000 Arlington, VA 22209	American Waterways Operators, Inc	5,000.00	117,384.28
Whalen Company, Inc, 1717 K Street, NW, #700 Washington, DC 20006	Toyota Motor Sales, USA, Inc		
David W. Wheeler, 600 North 18th Street Birmingham, AL 35291	Alabama Power Co	34,200.00	11,322.94
Larry Wheeler, 1100 Wilson Blvd. Arlington, VA 22209	Hughes Aircraft Company	400.00	
Sandra Wheeler, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	4,314.00	
George E. White Jr., 706 Lowerline St New Orleans, LA 70118	Avondale Industries, Inc	21,250.00	8,337.88
Jeff White, 919 18th Street, NW, Suite 450 Washington, DC 20006	Energy Tax Policy Alliance	600.00	309.83
John C. White, White Consulting Group 2000 M Street, NW, #380 Washington, DC 20036	AMGEN	10,000.00	
Do	Coastal Corporation	20,000.00	
Do	Goldman Sachs & Co	5,000.00	
Do	Tobacco Institute	4,000.00	
John Thomas White III, 701 Pennsylvania Ave., NW, #610 Washington, DC 20004	Tenneco, Inc		
Joyce White, 222 NW Davis, #309 Portland, OR 97209	Oregon Trail Coordinating Council	562.50	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Larry White, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	666.52	
Leland J. White, 777 14th Street, NW Washington, DC 20005	National Assn of Realtors	1,750.00	196.95
Margita E. White, 1400 16th Street, NW, #610 Washington, DC 20036	Association of Maximum Service Telecasters, Inc		
Raymon M. White Jr., 5501 Seminary Road, Apt. 2211-South Falls Church, VA 22041	Harris Corporation	3,500.00	1,115.76
Richard H. White, 1875 I Street, NW, #800 Washington, DC 20006	Tobacco Institute	600.00	69.05
Sam White, 1155 15th Street, NW, #900 Washington, DC 20005	National Agricultural Chemicals Assn		
Steven C. White, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Whiteford Taylor & Preston, 888 17th St., NW, #400 Washington, DC 20006	Giddings & Lewis, Inc	5,920.00	2,682.06
Do	National Constructors Association	6,666.66	6,290.08
Suzanne K. Whitehurst, 332 Constitution Ave., NE Washington, DC 20002	Marcus G. Faust, PC (For:Central Utah Water Conservancy District)	1,406.00	
Do	Marcus G. Faust, PC (For:Clark County Nevada)	1,406.00	
Do	Marcus G. Faust, PC (For:Clark County Nevada-McCarran International Airport)	1,406.00	
Do	Marcus G. Faust, PC (For:Las Vegas Valley Water District)	1,406.00	
Do	Marcus G. Fnust, PC (For:Public Service Co of New Mexico)	1,406.00	
Do	Marcus G. Fsust, PC (For:Sierra Pacific Power Co)	1,406.00	
Do	Marcus G. Faust, P.C. (For:State of Montana Dept of Natural Resources & Conservation).	1,406.00	
Elizabeth D. Whitley, 600 Maryland Ave., SW, #800 Washington, DC 20024	American Farm Bureau Federation	8,444.00	137.64
William F. Whitsitt, 13155 Noel Road Dallas, TX 75240-5067	Oryx Energy Company		
Larry H. Whitt, 9111 E. Douglas Wichita, KS 67207	Pizza Hut, Inc		
Robert Whittaker, c/o Fleishman Hillard, Inc 1301 Connecticut Ave., NW Washington, DC 20036	J. I. Gray & Associates		
Do	Arnold J. Lande MD.		
Pamela J. Whitted, 1225 Eye Street, NW, #500 Washington, DC 20005	BHP Petroleum Americas	500.00	
Whitten & Diamond, 1725 DeSales St., NW, #800 Washington, DC 20036	Chambers Development Co, Inc		
Do	Health Trust, Inc	1,500.00	75.41
Do	McDonald's Corp	3,000.00	583.00
Do	National Rural Letter Carriers Assn	500.00	17.00
Do	Pioneer Seed Co, Inc	3,000.00	
Whitten & Diamond, 1725 DeSales Street, NW, #800 Washington, DC 20036	City of Philadelphia	7,500.00	266.00
Do	Ringling Bros. Barnum & Bailey Circus		429.34
Whitworth & Associates, 801 Pennsylvania Ave., NW, #747 Washington, DC 20004	Mesa, Inc	3,000.00	
Do	Natural Gas Vehicle Coalition	4,000.00	
James K. Wholey, 1301 K Street, NW, Suite 900E Washington, DC 20004	Gardner Carton & Douglas (For:Jones Intercable)	2,733.97	
Do	Gardner Carton & Douglas (For:Ukiah Valley Medical Center)		
William E. Wickert Jr., 1667 K Street, NW, #600 Washington, DC 20006	Bethlehem Steel Corp	250.00	
Helen C. Wiederhorn, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	3,930.00	3,036.77
Phillip R. Wiedmeyer, 600 North 18th Street Birmingham, AL 35203	Alabama Power Co	29,811.00	1,866.23
Andrew F. Wiessner, 1801 Broadway #1420 Denver, CO 80202	Kogovsek & Associates, Inc (For:Pitken & Eagle Counties, Colorado)	1,509.42	1,509.42
Wiggin & Dana, One Century Tower P. O. Box 1832 New Haven, CT 06508-1832	Villa Banfi, U.S.A.		
Robert Wigington, 1220 19th Street, NW, #200 Washington, DC 20036	Airport Association Council International	17,175.00	
W. Scott Wilber, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	3,975.00	
Robert H. Wilbur, 1101 Connecticut Ave., NW Washington, DC 20036	Smith Bucklin & Associates (For:Amusement & Music Operators Assn)	2,000.00	
Shirley J. Wilcher, 122 C Street, NW, #750 Washington, DC 20001	National Assn of Independent Colleges and Universities	9,210.00	90.00
Brian Wilcox, American Psychological Association 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	4,000.00	18.50
Wildlife Legislative Fund of America, 1000 Connecticut Ave., NW, #1202 Washington, DC 20036			
Harry G. Wiles II, 1023 15th St., NW, # 400 Washington, DC 20005	Wine & Spirits Wholesalers of America, Inc		774.09
Cynthia H. Wiles Consulting, 10898 Woodleaf Lane Great Falls, VA 22066	Environmental Research Institute of Michigan	16,500.00	
Do	Industrial Technology Institute	10,000.00	44.50
Do	MERRA	3,750.00	
Wiley Rein & Fielding, 1776 K Street, NW, 12th Fl. Washington, DC 20006	Aeronautical Radio, Inc		
Do	Allied Marketing Group		
Do	Association of Telemessaging Services, International	1,856.00	16.00
Do	Chaparral Steel Co	43.00	
Do	Club Car, Inc	,645.00	20.91
Do	CBS, Inc		
Do	Firemen's Fund Insurance Cos		
Do	Georgetown Industries	5,727.00	138.30
Do	David S. Hess	5,476.00	83.52
Do	Marine Mammal Coalition	420.00	
Do	Merchants National Bank		
Do	National Assn for Information Services		
Do	Newspaper Assn of America (NAA)	960.00	69.86
Do	Olan Mills, Inc	60.00	
Do	Prodigy Services Company	986.00	
Do	Raritan River Steel Co		57.50
Do	U.S. Banknote Corp	1,959.00	32.64
Do	United Parcel Service	960.00	107.48
Do	United States Banknote Corp	1,959.00	32.64
Do	W.F. Young, Inc		
Guenther O. Wilhelm, 1899 L Street, NW, #1100 Washington, DC 20036	Exxon Corporation		
Carl B. Wilkerson, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Julia Bullard Wilkie, 206 E Street, NE Washington, DC 20002	National Roofing Contractors Assn	2,395.83	1,055.70
Horace Wilkins Jr., 1667 K Street, NW, #1000 Washington, DC 20006	Southwestern Bell Corp		
Suzanne C. Wilkins, 801 Pennsylvania Ave., SE, #303 Washington, DC 20003	American Rivers		
E. John Wilkinson, 1899 L Street, NW, #500 Washington, DC 20036	Vulcan Materials Co	1,700.00	540.00
Wilkinson Barker Knauer & Quinn, 1735 New York Ave., NW Washington, DC 20006	Aetna Life Insurance	7,400.00	751.96
Do	Bank of America		
Do	Bank of Boston		
Do	Barnett Banks, Inc		
Do	First Interstate Bank		
Do	Fleet Financial Group, Incorporated	38,235.62	4,189.60
Do	Hobbs Straus Dean & Wilder		
Do	Northwest Hydroelectric Assn	2,300.00	82.00
Do	RECOLL Management Corp		
Do	RMJ Options Trading Corp		
Do	Solano Water Authority	717.50	9.00
Do	Suntrust Banks, Inc		
Do	Turlock Irrigation District	2,660.00	85.00
Do	VISA USA, Inc		
Do	Wachovia Bank and Trust		
Do	Wells Fargo & Company		
Faith Williams, 1001 Pennsylvania Ave., NW, #460 Washington, DC 20037	New York Life Insurance Company	285.00	63.01
Jack L. Williams, 451 New Jersey Avenue, SE Washington, DC 20003	Ark-Best Co	1,450.00	300.00
Do	Arkansas Louisiana Gas Co (ARKLA)	1,200.00	350.00
Do	Electro Com Automation, Inc	1,500.00	300.00
Do	Mid America Dairymen, Inc	1,400.00	250.00
Do	Pacific Telesis Group	1,400.00	250.00
Do	Riceland Foods, Inc	1,450.00	300.00
Do	Tyson Foods, Inc	1,450.00	400.00
Leonard B. Williams, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation	50.00	397.63
Marshall Williams, Box 1000, Building A3 Leavenworth, KS 66048	Lobby Quorum International		
Michael E. Williams, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,500.00	312.89
Patricia Williams, 1400 16th Street, NW Washington, DC 20036-2266	National Wildlife Federation	3,838.94	
Percy V. Williams II, 606 North Washington Street Alexandria, VA 22314	Society for Human Resource Management	15,000.00	
Richard T. Williams, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	2,000.00	
Fred H. Williamson, 1300 North 17th Street, Suite 1320 Arlington, VA 22209-3801	Eastman Kodak Company (Imaging Group)		
Alan R. Willis, Box 3529 Portland, OR 97208	Port of Portland	12,403.00	
Roy W. Willis, 1101 16th Street, NW Washington, DC 20036	Independent Petroleum Assn of America		
Wayne D. Willis, 1100 17th Street, NW, #1200 Washington, DC 20036	General Atomics	952.67	93.28
Willkie Farr & Gallagher, 1155 21st Street, NW, # 600 Washington, DC 20036	Association of Directory Publishers	275.00	
Do	Browning-Ferris Industries, Inc		
Do	Council of Appraisal & Property Professional Societies		
Do	Morgan Guaranty Trust Co	992.50	
Do	National Assn of Independent Fee Appraisers	2,715.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Standard Commercial Tobacco Co, Ltd		
Do	Time Warner	2,772.50	
Do	Westinghouse Electric Corp	2,782.50	
Do	Yamaha Motor Co, Ltd, et al.	420.00	
Do	Yamaha Motor Manufacturing Corp of America		
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	Aetna Life & Casualty Co		
Do	American Cyanamid Co	490.00	
Do	Apple Computer, Inc		
Do	Business Roundtable		
Do	Capital Cities/ABC, Inc	650.00	
Do	Citibank, N.A.		
Do	Computer Systems Policy Project		
Do	Cook Inlet Communications, L.P.		
Do	CPC International, Inc	4,108.50	86.23
Do	Electric Generation Assn	825.00	
Do	Federal Home Loan Bank of San Francisco		
Do	G-IV Family Coalition, Inc		
Do	Handgun Control, Inc		
Do	Intellectual Property Committee		
Do	International Metals Reclamation Company, Inc		
Do	Long Island Savings Bank		
Do	McDonald's Corporation		86.23
Do	Pepsico, Inc		
Do	Swiss Bankers Assn		
David W. Wilmot, 1029 Vermont Avenue, NW Washington, DC 20005	Anheuser-Busch Companies, Inc	9,200.00	
Ann Wilson, 1611 Duke Street Alexandria, VA 22314	American Movers Conference	7,500.00	
Charles D. Wilson, P.O. Box 19130 1919 South Broadway Green Bay, WI 54307-9130	Fort Howard Corp	2,307.60	3,243.65
David I. Wilson, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America, Inc)	56.65	232.38
Gary Wilson, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Michael J. Wilson, 815 16th St., NW, #507 Washington, DC 20006	Amalgamated Clothing & Textile Workers Union	4,375.00	
Patricia M. Wilson, 1101 Pennsylvania Ave., NW, #510 Washington, DC 20004	USX Corporation		
Robert Dale Wilson, 1133 15th Street, NW, #1200 Washington, DC 20005-2710	Wilson & Wilson (For:Cadmium Council)		
Do	Wilson & Wilson (For:Hecla Mining Company)		
Tyler J. Wilson, 1615 H Street, NW Washington, DC 20062	Chamber of Commerce of the U.S.	2,500.00	350.00
William F. Wilson, 231 W. Michigan Street Milwaukee, WI 53201	Wisconsin Electric Power Co	270.00	
John P. Winburn, 50 E Street, SE Washington, DC 20003	Winburn & Jenkins (For:American Insurance Assn)	45,000.00	
Do	Winburn & Jenkins (For:Bell Atlantic Capital Corp)	15,000.00	
Do	Winburn & Jenkins (For:BR Services)	15,000.00	
Do	Winburn & Jenkins (For:Champion International Corp)	30,000.00	
Do	Winburn & Jenkins (For:Chicago Northwestern Railroad)	15,000.00	
Do	Winburn & Jenkins (For:Delta Air Lines)	30,000.00	
Do	Winburn & Jenkins (For:Equipment Leasing Assn)	22,500.00	
Do	Winburn & Jenkins (For:Fieldale Farms Corp)	10,000.00	
Do	Winburn & Jenkins (For:Fluor Corp)		
Do	Winburn & Jenkins (For:Hartford Insurance Group)	45,000.00	
Do	Winburn & Jenkins (For:Leggett & Platt)	21,000.00	
Do	Winburn & Jenkins (For:Lockheed Aeronautical Systems Co)		
Do	Winburn & Jenkins (For:Milliken & Co)	15,000.00	
Do	Winburn & Jenkins (For:National Assn of County Office Employees)	3,000.00	
Do	Winburn & Jenkins (For:Norfolk Southern Railroad)	30,000.00	
Do	Winburn & Jenkins (For:Pfizer, Inc)	45,000.00	
Do	Winburn & Jenkins (For:Philip Morris)	81,000.00	
Stephen H. Wines, 1133 15th Street, NW, #600 Washington, DC 20005	Maritime Institute for Research & Industrial Development	5,734.70	
Eugene J. Wingerter, 1730 Rhode Island Ave., NW, Suite 1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Eileen M. Winkelman, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	600.00	291.20
David L. Winstead, 1666 K Street, NW, #1100 Washington, DC 20016	Wilkes Artis Hedrick & Lane (For:Aldrich Eastman & Waltch, Inc)	32,550.00	
David A. Winston, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	887.50	74.00
Winston & Strawn, 1400 L Street, NW Washington, DC 20005-3502	American Hospital Assn	4,830.75	45.38
Do	Bedminster Bioconversion Corp		
Do	Cellular Telecommunications Industry Assn		
Do	Colorado Bio/Medical Venture Center	5,513.75	
Do	Compaq Computer Corporation		
Do	Digital Equipment Corp		
Do	ELGARD Corp	907.50	4.00
Do	Gross Pointes-Harper Woods Study Comm for Detroit City Airpt		647.50
Do	Harpo, Inc	702.50	
Do	Illinios State Medical Society	10,935.00	450.66
Do	International Council of Shopping Centers		
Do	Jefferies & Co, Inc	2,790.83	28.00
Do	Lockheed Air Terminal, Inc		7,576.75
Do	National Marine Manufacturers Assn		2,580.00
Do	National Retail Federation		
Do	NYNEX Corp		
Do	Public Securities Assn		
Do	Regional Transit Authority	5,568.75	177.00
Do	Robinson Terminal		
Do	Sprint		35.50
Do	Student Loan Funding Corp		428.50
Do	Walt Disney Co		
Linda A. Winter, 1400 Sixteenth Street, NW Washington, DC 20036-2266	National Wildlife Federation	1,627.02	
Winthrop Stimson Putnam & Roberts, 1133 Connecticut Ave., NW, 1200 Washington, DC 20036	America West Airlines, Inc		
Do	American Automobile Manufacturers Assn	2,031.25	49.06
Do	Amoco Performance Products, Inc		
Do	BASF Corp		
Do	BASF Structural Materials, Inc		
Do	Coalition for Responsible Waste Incineration (CRWI)		
Do	Fiberite Corp		
Do	Goldman Sachs		
Do	Hercules Aerospace Co		
Do	Lower Elwha Klallam Tribe		
Do	Macrovision, Inc		
Do	MCI Communications Corp		
Do	MTN Coalition	31.75	
Do	Navajo Nation		
Do	North American Chemical Company		
Do	North American Chemical Corp		26.00
Do	Organization for International Investment (OFII)	325.00	
Do	Refractory Ceramics Fiber Coalition		
Do	RAT Coalition		
Do	Sabreliner Corp		
Do	Saloman Brothers, Inc		
Do	Securities Industry Assn	3,437.50	4.00
Do	Smith Corona		
Do	Snappy Car Rental		
Do	St. Thomas & St. John Chamber of Commerce		
Do	Thrifty Rent-A-Car System, Inc		
Do	World Wildlife Fund		
Elizabeth Wirick, 805 15th Street, NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	2,000.00	
James E. Wisuri, 635 Wenonah Avenue Oak Park, IL 60304-1031	Pairie Oak Communications (For:Steel Tank Institute)	10,218.75	888.65
Cynthia D. Witkin, 1212 New York Avenue, NW, Suite 500 Washington, DC 20005	American Portland Cement Alliance	9,375.00	888.59
Anne Wixom, 1130 Connecticut Ave., NW, Suite 830 Washington, DC 20036	Southern Company Services, Inc	305.25	4,784.50
S.R. Wojdak and Associates, Inc, The Bellevue - Suite 850 200 S. Broad Street Philadelphia, PA 19102	Albert Einstein Medical Center	9,000.00	1,965.38
Do	Centennial Health Services, Inc		796.77
Do	Children's Hospital of Philadelphia	51,000.00	3,007.06

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Children's Hospital of Pittsburgh	9,000.00	3,233.66
Do	Commission on Economic Opportunity of Luzerne County	5,000.00	118.89
Do	Episcopal Hospital		796.76
Do	Healthcare Management Alternatives, Inc	9,000.00	893.17
Do	Hospital of the Philadelphia College of Osteopathic Medicine		796.77
Do	Hospital of University of Pennsylvania Medical Center		796.77
Do	Magee-Womens Hospital	9,000.00	5,259.72
Do	Mercy Health Corporation	15,000.00	2,130.37
Do	Mercy Health Plan		796.77
Do	North Philadelphia Health System		796.77
Do	Presbyterian University Hospital		796.77
Do	Thomas Jefferson University Hospital		796.77
Do	University of Pennsylvania	37,500.00	1,646.18
Do	Virginia Commonwealth University	15,000.00	
Henry C. Wolf, Norfolk Southern Corp. Three Commercial Place Norfolk, VA 23510	Norfolk Southern Corp	250.00	380.00
James E. Wolf, 2020 14th St., North Arlington, VA 22201	American Standard, Inc	2,000.00	
J. Thomas Wolfe, 1325 G Street, NW, #1000 Washington, DC 20005	Institute of Scrap Recycling Industries	5,750.00	249.96
Melissa A. Wolford, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	(For:American Insurance Assn)	394.35	
Charles V. Wollerton, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance	500.00	
Ronald Wolsey, 1615 M Street, #200 Washington, DC 20036	Amoco Corporation	1,200.00	380.91
Richard Marvin Womack, Market Square 801 Pennsylvania Ave., NW, #720 Washington, DC 20004-2604	Procter & Gamble Co	92.05	
Burton C. Wood, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	15,000.00	
Lloyd Wood, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	1,732.50	27.50
S. Roy Woodall Jr., 1001 Pennsylvania Ave., NW, Washington, DC 20004-2599	American Council of Life Insurance		
Andrew L. Woods, 625 Indiana Avenue, NW Suite 500 Washington, DC 20004-2901	Taft Stettinius & Hollister (For:Special Committee for Health Care Reforms)		
Jeanne M. Woods, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	2,315.00	
Jerry D. Woods, 1000 Wilson Boulevard Arlington, VA 22209	Northrop Corp	1,400.00	213.80
Robert W. Woody, 1875 Connecticut Avenue, NW, #1200 Washington, DC 20009	LeBoeuf Lamb Leiby & MacRae		
Woolworth Corp, 233 Broadway New York, NY 10279			687.73
Noel C. Woosley, 4647 Forbes Boulevard Lanham, MD 20706	AMVETS	6,800.00	
Workers Compensation Integrity Stability & Equity (WISE), P.O. Box 18300 Washington, DC 20036-8300		17,500.00	46,652.00
Workplace Health & Safety Council, 2300 N Street, NW Washington, DC 20037			
Worthington Associates, 2132 Southbay Lane Reston, VA 22091	HRM		
David L. Wray, 20 North Wacker Drive Chicago, IL 60606	Profit Sharing Council of America		
Alan D. Wright, 925 Euclid Avenue, #1700 Cleveland, OH 44115-1405	Blue Cross of Ohio & West Virginia	1,500.00	1,867.60
Andrew S. Wright, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	497.05	90.00
David L. Wright, Anderson Hill Rd. Purchase, NY 10577	Pepsico, Inc		
Elizabeth L. Wright, 1455 Pennsylvania Ave., NW Suite 230 Washington, DC 20004	Texas Instruments	1,050.00	50.00
Wunder Diefenderfer Cannon & Thelen, 1615 L St., NW, #650 Washington, DC 20036	American Bus Assn	6,193.95	70.47
Do	American International Group, Inc	9,046.50	219.90
Do	American Orthotic & Prosthetic Assn	9,801.31	343.52
Do	American President Companies	250.00	
Do	American Soc of Assn Executives	3,701.38	1,024.31
Do	Ares-Serono, Inc	2,825.88	28.88
Do	BellSouth Corp		
Do	Bermuda, Government of	1,392.25	41.42
Do	Connaught Laboratories, Inc	16,368.63	512.27
Do	Cosmetic Toiletry & Fragrance Assn, Inc		
Do	Council of Industrial Boiler Owners		
Do	Crescent Cities Jaycees Foundation, Inc	2,313.06	36.72
Do	CSX Corporation	2,750.00	
Do	Grand Metropolitan/Pillsbury	3,750.00	101.97
Do	HDTV 1125/60 Group		
Do	Kelly Assisted Living/Kelly Services		
Do	Kohlberg Kravis Roberts & Co	6,321.00	841.53
Do	Lonesome Dove Petroleum Company	3,501.56	105.04
Do	Manville Corporation	3,674.25	110.75
Do	Maxxam	3,353.00	540.54
Do	McDonnell Douglas	1,792.40	197.93
Do	Metropolitan Life Insurance Co		
Do	Montana Department of Transportation	510.00	
Do	Mylan Laboratories, Inc	684.00	186.13
Do	National Assn of Small Business Investment Companies	1,000.00	14.70
Do	National Funeral Directors Assn	10,987.20	454.08
Do	National Liquor Stores Assn.	2,500.00	264.85
Do	National Retail Hardware Assn	5,382.25	414.80
Do	Neurology Center	9,000.00	303.00
Do	Northwestern Mutual Life Insurance Co		
Do	Process Gas Consumers Group		
Do	RJR Nabisco	3,025.55	49.30
Do	SmithKline Beecham	6,000.00	400.31
Do	Sony Corp of America	3,000.00	193.66
Do	South Dakota Dept of Transportation	510.00	
Do	Squibb Corporation		
Do	Tobacco Industry Labor Management Committee	4,992.45	612.64
Do	U.S. Telephone Assn	7,500.00	33.69
Do	Westinghouse Electric Corp	923.00	52.41
Sandi Wurtz, 12300 Twinbrook Parkway, Suite 320 Rockville, MD 20852	National Council of Community Mental Health Centers	35.00	
James Wyerman, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife		
Thomas L. Wylie, 555 13th St., NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	1,519.00	
David S. Wynett, 1629 K Street, NW, #501 Washington, DC 20006	Delta Air Lines, Inc	110.00	210.00
Jill Yacone, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies	1,800.00	2,662.64
Daniel V. Yager, 1015 15th Street, NW, #1200 Washington, DC 20005	Labor Policy Assn	2,860.00	2,860.00
Nick Yaksich, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America		
T. Albert Yamada, 1000 Connecticut Avenue, NW, Suite 304 Washington, DC 20036	Toyota Motor Sales, USA, Inc	500.00	
Do	West Mexico Vegetable Distributors Assn	500.00	
Nancy Foster Yanish, 800 Connectitut Avenue, NW Washington, DC 20006	Food Marketing Institute	400.00	
Yankee Gas Services Company, Attn: Mr. Steve Piascik 599 Research Parkway P.O. Box 1030 Meriden, CT 06450-1030			1,368.79
Mary J. Yarrington, 2000 K St., NW, 8th Foor Washington, DC 20006	National Comm to Preserve Social Security	4,348.00	
Bruce Yarwood, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	25,000.00	1,612.20
Edward R. Yawn, 701 Pennsylvania Avenue, NW Washington, DC 20004-5475	Edison Electric Institute	1,587.60	101.78
Kim Yelton, 8120 Fenton St. Silver Spring, MD 20910	Americans United for Separation of Church and State	10,981.38	77.06
Jack Yelverton, 15 Falcon Court Stafford, VA 22554-5316	United Armed Forces Assn		
Edward L. Yingling, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	10,000.00	283.89
John S. Yodice, 500 E Street, SW, #930 Washington, DC 20024	Yodice Associates (For:Aircraft Owners & Pilots Assn)	513.00	
D. Scott Yohe, 1629 K St., NW, #501 Washington, DC 20006	Delta Air Lines, Inc	450.00	176.20
Andrew Yood, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
Stephen G. Young, 1800 Washington Road Pittsburgh, PA 15241	CONSOL, Inc		
Thomas F. Youngblood, 1201 New York Avenue, NW Washington, DC 20005-3931	American Hotel & Motel Assn	2,425.50	
Betsy Younkins, 1220 L Street, NW, #1200 Washington, DC 20005	American Petroleum Institute	8,000.00	179.09
Eugene A. Yourch, 50 Broadway New York, NY 10004	Federation of American Controlled Shipping	200.00	
M. Marty Youssefiani, 1615 L Street, NW, Suite 1150 Washington, DC 20035-6	Capitoline International Group, Ltd (For:Republic of Azerbaijan)		
Michael J. Zabko, 125 North West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Paulette Zakrzeski, 1521 New Hampshire Ave., NW Washington, DC 20036	National Cotton Council of America	7,000.00	458.18
Jerry Zanelli, Governmental Advocates, Inc 1127 11th Street, #400 Sacramento, CA 95814	County of Placer		
Do	San Joaquin Partnership		
Janice Zarro, 1726 M Street, NW, Suite 701 Washington, DC 20036	Mallinckrodt Medical, Inc		
Thomas K. Zaucha, 1825 Samuel Morse Drive Reston, VA 22090	National Grocers Assn	500.00	
Renee E. Zavoico, 555 13th Street, NW, #1010 East Washington, DC 20004-1109	Sun Company, Inc	2,000.00	1,092.57
Shirley Zebroski, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	2,659.81
Leo C. Zeferetti, 49 Graham Place Breezy Point, NY 11697	Building & Construction Trades Dept, AFL-CIO		
Do	New York Telephone		
Philip F. Zeidman, 1401 New York Ave., NW, #900 Washington, DC 20005	American Business Conference, Inc		
Eugene J. Zeiszler, 7901 Westpark Drive McLean, VA 22102	AMT - The Assn for Manufacturing Technology	3,300.00	250.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Don J. Zeller, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation	1,850.00	373.00
Steven L. Zeller, Box 3005 Columbus, IN 47202-3005	Cummins Engine Company, Inc	200.00	378.23
Alan P. Zepp, 1401 New York Avenue, NW, Suite 1100 Washington, DC 20005	National Cooperative Business Assn	7,000.00	105.09
Ronald L. Ziegler, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	1,000.00	
Arlene Zielke, 3724 West 107th Street Chicago, IL 60655	National PTA		4,052.16
Joelle Zieman, 919 18th Street, NW, Suite 450 Washington, DC 20006	Illinois Power		
Elaine Ziemba, 601 Pennsylvania Avenue N.W. #600 North Building Washington, DC 20004	Northern States Power Company	6,000.00	629.56
Kelly Ziglar-Clay, 805 15th Street, NW, #1110 Washington, DC 20005	Mortgage Insurance Companies of America	6,474.97	123.68
Fred Everett Zillinger II, 501 Second Street, NE Washington, DC 20002	Fertilizer Insititue	9,000.00	1,051.13
W. Craig Zimpher, One Nationwide Plaza Columbus, OH 43216	Nationwide Insurance Companies	1,000.00	1,250.00
Ziontz Chestnut Varnell Berley & Slonim, 2101 Fourth Avenue, #1230 Seattle, WA 98121	Fallon Paiute-Shoshone Tribes		
Do	Makah Indian Tribe		
Do	Mille Lacs Band of Chippewa Indians		
Do	Northern Arapaho Indian Tribe		
Gary M. Zizka, 1100 South Washington Street, Ist floor Alexandria, VA 22314-4494	National Beer Wholesalers Assn	2,000.00	660.75
Robert R. Zoglman, 1801 K Street, NW, Suite 800 Washington, DC 20006	Westinghouse Electric Corp	1,200.00	
Charles O. Zuver, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	12,000.00	75.00
965, Inc, 513 Capitol Court, NE, #300 Washington, DC 20002	General Electric Co	75.00	
Do	Kaman Diversified Technologies	50.00	
Do	Tenneco, Inc	75.00	
Do	Woods Hole Oceanographic Institution	75.00	

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the fourth calendar quarter of 1993 were received too late to be included in the published reports for that quarter:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

Is this an Amendment? ☐ YES ☐ NO

IDENTIFICATION NUMBER

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee"*.—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer"*.—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER

—State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have ☐ terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1◆

NOTE on ITEM "D."—*(a)* IN GENERAL. The term "contribution" includes *anything of value*. When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§ 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

Receipts (other than loans)

1. $..............Dues and assessments
2. $..............Gifts of money or anything of value
3. $..............Printed or duplicated matter received as a gift
4. $..............Receipts from sale of printed or duplicated matter
5. $..............Received for services (e.g., salary, fee, etc.)
6. $..............TOTAL for this Quarter (Add "1" through "5")
7. $..............Received during previous Quarters of calendar year
8. $..............TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received—"The term 'contribution' includes a . . . *loan* . . ."—§ 302(a).

9. $..............TOTAL now owed to others on account of loans
10. $..............Borrowed from others during this Quarter
11. $..............Repaid to others during this Quarter

12. $..............“Expense Money” and Reimbursements received this Quarter.

Contributors of $500 or More (from Jan. 1 through this Quarter)

13. Have there been such contributors?
Please answer "yes" or "no": ....

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor* (*"Period"* from Jan. 1 through............................, 19.......)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE on ITEM "E".—*(a)* IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§ 302 (b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the spaces following the number.

Expenditures (other than loans)

1. $..............Public relations and advertising services
2. $..............Wages, salaries, fees, commissions (other than Item "1")
3. $..............Gifts or contributions made during Quarter
4. $..............Printed or duplicated matter, including distribution cost
5. $..............Office overhead (rent, supplies, utilities, etc.)
6. $..............Telephone and telegraph
7. $..............Travel, food, lodging, and entertainment
8. $..............All other expenditures
9. $..............TOTAL for this Quarter (Add "1" through "8")
10. $..............Expended during previous Quarters of calendar year
11. $..............TOTAL from Jan. 1 through this Quarter (Add "9" and "10")

Loans Made to Others—"The term 'expenditure' includes a . . . *loan* . . ."—§ 302 (b).

12. $..............TOTAL now owed to person filing
13. $..............Lent to others during this Quarter
14. $..............Repayments received during this Quarter

15. *Recipients of Expenditures of $10 or More*______________

If there were no single expenditures of $10 or more, please so indicate by using the word "NONE".

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7–11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7–15, 8–15, 9–15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
A-K Associates, Inc, 1024 10th Street, #300 Sacramento, CA 95814	City of South Lake Tahoe		
Do	DDP*Delta	41,925.00	39,335.00
Do	Golden Gate Bridge Highway & Transportation District	6,300.00	8,699.46
Do	Reclamation District 1000		
Do	Tahoe Basin Assn of Governments	2,362.34	1,921.42
Richard M. Aborn, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	12,480.00	
Access Technology Assn, 1747 Pennsylvania Ave., NW, Suite 205 Washington, DC 20006			
Rodney J. Ackerman, 1450 Poydras Street New Orleans, LA 70112-6000	CNG Producing Company	500.00	234.00
Kenneth R. Adams, 2211 Congress Street Portland, ME 04122	UNUM Life Insurance Co		
David A. Affeldt, 10404 Joiners Lane Potomac, MD 20854	Association for Gerontology in Higher Education	500.00	
Air Transport Assn of America, 1301 Pennsylvania Avenue, NW Suite 1100 Washington, DC 20004-1707		123,100.36	123,100.36
Michael A. Aisenberg, 1331 Pennsylvania Ave., NW, #600-2 Washington, DC 20004	Digital Equipment Corp	23,500.00	
Julia L. Akins, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Albanian American Civic League, 717 Second Street, NE, #303 Washington, DC 20002		6,518.00	252.00
Dale L. Alberts, 401 East E Street Casper, WY 82601	Rio Algom Mining Corp	14,503.24	26,952.08
Virginia S. Albrecht, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond, P.C. (For:Foundation for Environmental & Economic Progress, Inc).		
Marjorie D. Allen, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	11,681.28	658.70
William E. Allen, 1111 14th Street, NW, #1200 Washington, DC 20005	American Dental Assn	925.00	
Allen Company, Richard V., 905 16th Street, NW Washington, DC 20006	Centennial Companies		
American Advertising Federation, 1101 Vermont Ave.,N.W., Suite 500 Washington, DC 20005			
American Amusement Machine Assn, 12731 Directors Loop Woodbridge, VA 22192		19,904.00	19,904.00
American Assn of Bank Directors, 1225 19th Street, NW, #710 Washington, DC 20036			
American Cement Alliance, Inc, 1212 New York Avenue, NW, #520 Washington, DC 20005			53,867.53
American Counseling Association, 5999 Stevenson Ave. Alexandria, VA 22304		88,565.00	65,733.00
American Dance Therapy Assn, 2000 Century Plaza, #108 Columbia, MD 21044			
American Dental Assn, 211 E. Chicago Ave. Chicago, IL 60611			33,332.48
American Fed of State County & Municipal Employees, 1625 L St., NW Washington, DC 20036			131,506.79
American Gas Assn, 1515 Wilson Boulevard Arlington, VA 22209		32,004.00	32,004.00
American International Automobile Dealers Assn, 99 Canal Center Plaza, #500 Alexandria, VA 22314		551,052.00	125,363.00
American International Group, Inc, 70 Pine Street New York, NY 10270			61,106.35
American Library Assn, 50 E. Huron St. Chicago, IL 60611		2,676.00	12,872.00
American Postal Workers Union, AFL-CIO, 1300 L Street, NW Washington, DC 20005		73,627.17	61,591.60
American Retreaders' Assn, P.O. Box 37203 Louisville, KY 40233		100.00	100.00
American Rivers Conservation Council, 801 Pennsylvania Avenue, SE, #400 Washington, DC 20003-2155		2,344.00	2,344.00
American Soc of Anesthesiologists, 1101 Vermont Ave, NW, #606 Washington, DC 20005			40,329.02
American Soc of Cataract & Refractive Surgery, 4000 Legato Road, Suite 850 Fairfax, VA 22033-4003			9,548.01
American Society of Clinical Oncology, 750 17th Street, NW, Suite 1100 Washington, DC 2006			
Amie Amiot, 10801 Rockville Pike Rockville, MD 20815	American Speech Language Hearing Assn		
Sarah Jane Amundson, 900 2nd Street, NE, #303 Washington, DC 20002	Doris Day Animal League	564.00	
Toney Anaya, 200 W. DeVargas, #7 Santa Fe, NM 87501		18,500.00	11,445.12
Jeffrey M. Anders, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	4,000.00	40.00
Frederick M. Anderson, P.O. Box 8000 Unit 1B Bradford, PA 16701-0980			
Jon A. Anderson, 1745 Jefferson Davis Highway, #601 Arlington, VA 22202	AIL Systems, Inc		
Margo L. Anderson, 1725 Jefferson Davis Highway, Suite 901 Arlington, VA 22202	Alliant Techsystems, Inc	4,061.00	
Anderson Hibey & Blair, 1708 New Hampshire Ave., NW Washington, DC 20009	Alamo Rent-A-Car, Inc	6,694.48	3,490.26
Do	Bay Area Rapid Transit District		
Do	Evans Company	682.50	207.51
Do	Japan Machine Tool Builders Assn		
Do	Liquidity Fund Management, Inc	2,346.31	459.56
Do	Navajo Nation		231.00
Appraisal Institute, 2555 M Street, NW, #301 Washington, DC 20037-1302		2,362.00	2,362.00
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	Motor and Equipment Manufacturers Association		
Do	National Parking Association		
Do	Navajo Nation	41,451.92	3,459.73
Armenian Assembly of America, 122 C Street, NW #350 Washington, DC 20001		8,543.00	8,543.00
Nan Aron, 1601 Connecticut Avenue, NW Washington, DC 20009	Alliance for Justice	57.75	
Karen McGill Arrington, 1629 K Street, N.W., #1010 Washington, DC 20006	Leadership Conference on Civil Rights	2,946.46	
Thomas Ludlow Ashley, 730 15th St., NW Washington, DC 20005	Association of Bank Holding Cos	3,500.00	
Association of Oil Pipe Lines, 1725 K St., NW Washington, DC 20006			
Association of Private Pension & Welfare Plans, Inc, 1212 New York Avenue, NW, #1250 Washington, DC 20005.			
Ater Wynne Hewitt Dodson & Skerritt, 1225 19th Street, NW, #200 Washington, DC 20036	Agriculture Ocean Transportation Coalition		
Do	Alliance for Competitive Transportation (ACT)		
Do	Maritime Fire and Safety Assn	495.00	30.20
Do	Oregon Economic Development Dept, Marine Div	412.50	30.20
Do	Pacific Coast Council		
Do	Port of Portland	330.00	19.40
Do	Port of Redwood City		
Do	Reebok International Ltd	508.75	30.70
Fritz E. Attaway, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	1,500.00	153.60
Susan M. Auther, 555 Thirteenth Street, NW, #450 West Columbia Square Washington, DC 20004	Union Pacific Corporation	7,850.00	2,450.62
Automotive Parts Rebuilders Assn, 4401 Fair Lakes Court Fairfax, VA 22033		807.50	807.50
APCO Associates, Inc, 1155 21st St., NW Washington, DC 20036	American Maritime Congress		
Do	City Utilities of Springfield		
Do	Colorado River Energy Distributors		
Do	Gerber Products Company		
Do	Heart of America Northwest	3,000.00	34.00
Do	Hoffmann-La Roche Inc		
Do	Philip Morris Companies, Inc		
Do	Sacramento Municipal Utility District		
Do	Southern California Public Power Authority	60.00	7.89
Do	State Farm Mutual Automobile Insurance Co		
Do	Tennessee Valley Public Power Assn		
Gregory R. Babyak, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Ciba-Geigy		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Richard Anthony Baenen, 1735 New York Avenue, NW, #600 Washington, DC 20006	NANA Regional Corp, Inc		
Do	Shee Atika, Inc		
George F. Bailey Jr., 400 South Union Street, #495 Montgomery, AL 36104	CSX Transportation		
Edward R. Bajer, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	587.50	
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	American Football Coaches Assn Retirement Trust	5,000.00	5,000.00
Do	Independent Insurance Agents of America, Inc	2,000.00	2,000.00
Do	National Assn of Casualty & Surety Agents	2,000.00	2,000.00
Baker Worthington Crossley Stansberry & Woolf, 801 Pennsylvania Ave., NW, #800 Washington, DC 20004.	Argo Air		
Do	AT&T		
Do	Burger King Corp	672.50	
Do	Dallas/Fort Worth International Airport Board	4,628.25	138.70
Do	Day & Zimmerman, Inc	3,243.75	
Do	Dinamo	2,835.00	
Do	Duty Free International, Inc		
Do	Electric Data Systems, Inc		
Do	Federal Express Corp		
Do	Fokker Aircraft, BV		
Do	Grand Metropolitan, Inc	6,552.50	1,164.00
Do	Hashemite Kingdom of Jordan	3,718.00	
Do	International Business Machines Corp (IBM)	2,467.50	
Do	Landauer, Inc		
Do	Los Angeles County Transportation Commission	12,963.75	315.00
Do	Morrison Knudsen Corp		
Do	Motion Picture Assn of America		
Do	Mutual Guaranty Corp	675.00	
Do	MAS-Hamilton Group		
Do	National Business Aircraft Assn		
Do	National Soft Drink Assn		
Do	North Carolina Air Cargo Airport Authority	411.00	
Do	Occidental Petroleum Corp		
Do	Pennzoil Co	3,172.50	102.81
Do	Pillsbury Company	1,537.50	70.00
Do	Pratt & Whitney		
Do	Ryder Aviall, Inc		
Do	Schelle Cellular Group, Inc		
Do	Schering-Plough Corp	7,197.50	192.69
Do	U.S. Sprint/Contel		
Do	U.S. Tobacco, Inc	562.50	
Do	United Technologies Corp	2,677.50	49.53
Do	Ventura Port District	5,118.00	23.67
Do	Waste Management, Inc		
Stanley W. Balis, 1101 14th Street, NW, #1400 Washington, DC 20005	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn (APGA)).	957.50	65.00
Robert D. Bannister, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Samuel J. Baptista, 1225 19th St., NW, #410 Washington, DC 20036	Financial Services Council	5,250.00	
Baraff Koerner Olender & Hochberg, P.C., 5335 Wisconsin Avenue, NW, #300 Washington, DC 20015-2003.	College Football Association		
Do	Football Bowl Assn		
Do	National Assn of Collegiate Directors of Athletics		
Do	National Basketball Assn	490.00	
Do	National Hockey League	365.00	
Gary C. Barbour, 214 Massachusetts Avenue, NE, #300 Washington, DC 20002	Portland General Electric		35.30
Leslie A. Barhyte, 529 14th Street, NW, #440 Washington, DC 20045	Newspaper Association of America	5,000.00	74.25
David H. Baris, 1225 19th Street, NW, #710 Washington, DC 20036	American Assn of Bank Directors		
G. Denise Barksdale, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company		
William J. Barloon, 1850 M Street, NW, #1110 Washington, DC 20036	Sprint Corporation	7,000.00	1,197.06
Jim Barnes, 218 D St., SE Washington, DC 20003	Friends of the Earth	28.29	
Mark Barnes, 1200 G Street, NW, Suite 800 Washington, DC 20005	National Rifle Assn	350.00	20.00
Barnes Richardson & Colburn, 1819 H St., NW, #400 Washington, DC 20006	American Tartaric Products, Inc		0.51
Do	American Xyrofin, Inc		
Do	Cummins Engine Company, Inc	1,952.23	35.40
Do	Department 56, Inc	1,130.08	34.98
Do	J.G. Durand International	8,003.00	1.47
Do	Florida Citrus Mutual		
Do	Industrial Fastener Equity Committee		21.20
Do	Marion Merrell Dow, Inc	1,897.00	120.42
Do	Miles, Inc	2,447.73	231.50
Do	Omni USA, Inc		
Do	Polaroid Corp	9,788.05	141.77
Do	Schering-Plough Products, Inc	6,384.91	109.47
Do	Sundstrand Corp		51.00
Larry P. Barnett, 8752 Center Road Springfield, VA 22152	Air Transport Assn of America	12,940.28	
Timothy Barnicle, 1050 17th Street, NW, Suite 810 Washington, DC 20036- Bar	Neece Cator Barnicle & Associates, Inc (For:Riley Consolidated, Inc).	1,150.00	1,150.00
Do	Neece Cator Barnicle & Associates, Inc (For:RG Associtės, Inc)	500.00	500.00
Albert P. Barry, 2011 Crystal Drive, #107 Arlington, VA 22202	AAI Corp	5,837.50	
Patricia L. Bartlett, 700 13th Street, NW, #800 Washington, DC 20005	Georgia Institute of Technology	684.00	
Zemphria R. Baskin, 1301 Pennsylvania Ave., NW, Suite 1100 Washington, DC 20004-1707	Air Transport Assn		
Robin Battaglini, 1000 Wilson Blvd., #3000 Arlington, VA 22209	ITT Defense Technology Corp	1,000.00	50.00
John L. Bauer Jr., 1667 K St., NW, #650 Washington, DC 20006	Armco, Inc	1,900.00	896.00
Jeffrey A. Baum, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company	3,000.00	
Charles E. Baxter, P.O. Box 1682 Austin, TX 78767	Blue Cross Blue Shield of Texas	2,500.00	2,661.24
Bayh Connaughton Fensterheim & Malone, PC, 1350 Eye Street, NW, #200 Washington, DC 20005	Cook Group	5,968.40	325.00
Do	Joseph E. Seagram & Sons		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Merrill Lynch & Company		
Do	Milk Industry Foundation		
Do	National Basketball Assn	2,250.00	650.00
Do	National Soft Drink Assn		
Do	Pennsylvania Savings Assn Insurance Corp		
Do	Real Estate Capital Recovery Assn	10,912.22	325.00
Do	SPI		
Bayless Boland & Madigan, 1072 Thomas Jefferson Street, NW Washington, DC 20007	Alyeska Pipeline Service Company	320.00	12.00
Beacon Consulting Group, Inc, 1012 Pennsylvania Ave, SE Washington, DC 20003	Asphalt-Rubber Producers Group	17,000.00	4,311.20
Do	Big Brothers & Big Sisters of America		61.32
Do	Museum of Science & Industry	3,390.00	251.26
Do	Mystic Seaport Museum	9,000.00	117.13
Do	National Coalition for Volunteer Protection		
Do	National Crime Prevention Council	13,500.00	479.26
Do	National Museum of Health & Medicine Foundation	15,000.00	1,115.97
Do	New England Conservatory of Music	13,500.00	336.05
Do	Orton Dyslexia Society		
Do	TDS Healthcare Systems Corp	11,685.60	4,399.17
Dorothy A. Beam, 1510 Laburnum Street McLean, VA 22101	Richard J. Sullivan Associates (For:Association of American Railroads).	500.00	
Do	Richard J. Sullivan Associates, Inc (For:Design Professionals Coalition).	2,500.00	
Do	Richard J. Sullivan Associates, Inc (For:National Utility Products Co).		
Do	Richard J. Sullivan Associates, Inc (For:Northeast Ohio Regional Sewer District).		
Do	Richard J. Sullivan Associates, Inc (For:Water Environment Research Foundation).	1,000.00	
Edward A. Beck III, 1615 L Street, NW Suite 1205 Washington, DC 20036	Smith Helms Mulliss & Moore	2,802.74	33.45
David Beier, 1747 Pennsylvania Ave., NW, #1223 Washington, DC 20006	Genentech, Inc	3,000.00	183.60
Mark Belanger, 805 Third Avenue New York, NY 10022	Major League Baseball Players Assn		
Trina Bellak, 1325 G Street, NW, #1000 Washington, DC 20005	Institute of Scrap Recycling Industries, Inc		
Joseph M. Bellino, 1150 17th Street, NW, #701 Washington, DC 20036	National Air Traffic Controllers Assn	449.90	
Lisa Bellucci, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States		
Terre Belt, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	1,250.00	
Mike Benner, 1300 L St., NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	3,119.41	55.74
Bergner Boyette Bockorny & Clough, 1101 16th Street, NW, #500 Washington, DC 20036	Avianca Airlines	2,000.00	150.00
Do	Bell Atlantic Corp	4,000.00	1,000.00
Do	Capital Research & Management Company	2,000.00	500.00
Do	China External Trade Development Council	2,000.00	150.00
Do	Edison Electric Institute	2,000.00	537.00
Do	Enseco	1,000.00	715.00
Do	Fox Broadcasting Company	3,000.00	537.00
Do	Friendship in Freedom Assn	1,000.00	450.00
Do	Glaxo, Inc	2,000.00	704.53
Do	Mallinckrodt, Inc	2,000.00	520.00
Do	McDonnell Douglas Corp	1,000.00	500.00
Do	Metpath	1,200.00	673.42
Do	Murry's, Inc		
Do	National American Wholesale Grocers Assn (NAWGA)		
Do	National Assn of Business & Educational Radio, Inc	500.00	319.00
Do	National Soft Drink Assn	3,000.00	721.07
Do	Ogden Martin Systems, Inc	2,000.00	1,259.04
Do	Okeelanta Corp	5,000.00	1,791.95
Do	Orange & Rockland Utilities	4,000.00	1,495.14
Do	Philip Morris Co, Inc	2,000.00	538.00
Antoinette C. Berkely, P.O. Box 2972 Washington, DC 20013			
Jason S. Berman, 1020 19th St., NW, #200 Washington, DC 20036	Recording Industry Assn of America, Inc	1,500.00	
Willard M. Berry, 801 Pennsylvania Ave., NW, Suite 950 Washington, DC 20004	European-American Chamber of Commerce in Wash, DC, Inc	25,000.00	
John F. Betar, 700 13th Street, NW #1170 Washington, DC 20005	Association of Bank Holding Cos	2,900.00	
Albert J. Beveridge, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond (For:Foundation for Environmental & Economic Progress, Inc).	35.62	
Beveridge & Diamond, P.C., 1350 Eye Street, NW, #700 Washington, DC 20005	Foundation for Environmental & Economic Progress, Inc	2,148.43	1,863.64
Moe Biller, 1300 L St., NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	12,910.04	
Birch Horton Bittner, Inc, 1155 Connecticut Ave., NW, #1200 Washington, DC 20036	AEA Industiral Technology	150.00	160.00
Do	British Ministry of Defense	375.00	385.00
Do	Rolls Royce, Inc	1,350.00	1,534.00
William G. Bishop III, 249 Maitland Avenue Altamonte Springs, FL 32701-4201	Institute of Internal Auditors		
Mark E. Bitterman, 21700 Atlantic Boulevard Dulles, VA 22166-6801	Orbital Sciences Corp	149.00	250.00
Cathleen Black, 11600 Sunrise Valley Drive Reston, VA 22091	Newspaper Association of America	6,000.00	
Black Manafort Stone & Kelly, Inc, 211 North Union Street, #300 Alexandria, VA 22314	Casino Association of New Jersey	7,500.00	150.08
Do	Tourism Development Properties of Puerto Rico	3,750.00	110.01
Brent Blackwelder, 218 D St., SE Washington, DC 20003	Friends of the Earth	52.91	
Helen Blank, 25 E Street, NW Washington, DC 20001	Children's Defense Fund	5,344.59	
Nadine Block, 70 West 40th Street, 3rd Floor New York, NY 10018	American Pacific Enterprises		
Shawn M. Bloom, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging		
John B. Blount Jr., 777 14th Street, NW Washington, DC 20005	Assn of Private Pension and Welfare Plans		
Jared O. Blum, 3306 Shirley Lane Chevy Chase, MD 20815	Polyisocyanurate Insulation Manufacturers Assn		
Louis Blumberg, 900 - 17th Street NW Washington, DC 20006	Wilderness Society	102.56	200.00
Robert Spurrier Boege, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
Timothy A. Boggs, 800 Connecticut Ave., NW Suite 800 Washington, DC 20006	Time Warner, Inc	16,000.00	11,500.23
John Bohm, 1800 Diagonal Road, #140 Alexandria, VA 22314	National Assisted Housing Management Assn	500.00	
Eugene R. Bolo, 4000 Boury Center Wheeling, WV 26003	Oralco Management Services, Inc (For:Ormet Corp)		
M. Joel Bolstein, 4000 Bell Atlantic Tower 1717 Arch Street Philadelphia, PA 19103-2793	Dechert Price & Rhoads (For:Monell Chemical Senses Center)	2,484.00	95.21
Bond Buck Donatelli, Inc, 1414 Prince Street, #300 Alexandria, VA 22314	Akin Gump Strauss... (MacAndrews & Forbes Holdings, Inc)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	U.S. Sprint		
Judith Bonderman, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	567.00	
Janee L. Bonner, 1101 Vermont Avenue, NW, Suite 606 Washington, DC 20005	American Society of Anesthesiologists	5,000.00	
Laurence D. Bory, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	2,681.25	
Melissa L. Bowen, 1090 Vermont Ave., NW, #800 Washington, DC 20005	Equifax, Inc	3,800.00	
Thomas M. Boyd, 600 Pennsylvania Ave., SE, Suite 206 Washington, DC 20003	Kemper Corporation (For:Kemper Securities Group, Inc)	25.00	5.00
Carolyn A. Boyer, 1025 Connecticut Ave., NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc	173.26	38.00
Celeste D. Boykin, 1701 Pennsylvania Ave., NW, Suite 900 Washington, DC 20006	E.I. duPont de Nemours & Co, Inc		
Paul Boyle, 529 14th Street, NW, #400 Washington, DC 20045	Newspaper Association of America	7,000.00	75.81
Bracy Williams & Company, 601 13th Street, NW, #510 South Washington, DC 20005	Allied Pilots Assn	5,000.00	150.00
Do	American Society for Bone & Mineral Research	6,000.00	90.00
Do	Arkla, Inc	7,000.00	190.00
Do	City of Klamath Falls	7,000.00	95.00
Do	City of Tucson	7,000.00	105.00
Do	Coin Coalition	15,000.00	756.00
Do	County of Winnebago	1,000.00	80.00
Do	Daishowa America Company, Ltd		
Do	Energy Absorption Systems, Inc	8,000.00	130.00
Do	Fieldstone Co	1,000.00	30.00
Do	Greater Rockford Airport Authority	5,000.00	110.00
Do	St. Louis Airport Authority	4,000.00	135.00
Do	United Technologies Corp	4,000.00	80.00
Do	Western Fuels Association, Inc	1,000.00	65.00
Henry E. Braden, 2122 N. Galvez Street New Orleans, LA 70119	Entergy Services, Inc	9,600.00	
Cynthia P. Bradley, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	10,666.74	570.00
Sarah Brady, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	12,578.00	
Joel Brandenberger, 627 Edmonston Drive Rockville, MD 20851	National Turkey Federation	13,810.00	57.50
Chris Julian Brantley, 1828 L Street, NW #1202 Washington, DC 20036	Institute of Electrical & Electronics Engineers	1,000.00	675.00
Roy Braunstein, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	15,250.44	1,353.41
Carolyn L. Brehm, 1660 L Street, NW Washington, DC 20036	General Motors Corp	3,000.00	2,357.16
Robert J. Brinkmann, 11600 Sunrise Valley Drive Reston, VA 22091	National Newspaper Assn	4,000.00	26.22
Brother Industries (USA), Inc, 2950 Brother Boulevard Bartlett, TN 38133			24,984.96
Brother International Corp, 200 Cottontail Lane Somerset, NJ 08875			12,957.74
David C. Brown, 601 Pennsylvania Ave., NW, Suite 620-North Building Washington, DC 20004	Philadelphia Electric Company	20,000.00	5,806.52
David S. J. Brown, 700 14th Street, NW Washington, DC 20005	Monsanto Co	700.00	833.17
William R. Brown Jr., 1630 Duke Street,4th Floor Alexandria, VA 22314-3465	National Rural Letter Carriers Assn	20,117.00	
William Y. Brown, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Waste Management, Inc	1,675.00	
Brownstein Zeidman & Lore, 1401 New York Ave., NW, #900 Washington, DC 20005	New York City Housing Development Corp	1,400.00	
Do	New York State Mortgage Loan Enforcement & Admin Corp	1,358.00	
Broydrick Broydrick & Dacey, 600 East Mason Street Milwaukee, WI 53202	Aurora Health Care	4,978.76	219.00
Do	Blood Center of Southeastern Wisconsin	100.00	
Do	Children's Hospital of Wisconsin	14,070.00	596.53
Do	EDS Corp	1,312.50	151.46
Do	Menominee Indian Tribe of Wisconsin	100.00	
Do	Milwaukee Metropolitan Sewerage District	1,877.50	185.71
Do	Oneida Nation	42,191.25	1,395.33
Do	Plumbers Local #75	370.00	
Do	PrimeCare Health Plan	1,487.50	131.18
Do	Waste Management, Inc	23,418.75	965.22
Do	Watertown Hospital	100.00	
Kenley W. Brunsdale, 6071 Aries Drive Salt Lake City, UT 84118	Fabian & Clendenin (For:Wasatch County)	6,000.00	1,500.00
Trudy M. Bryan, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E.I. du Pont de Nemours & Co, Inc		
John G. Buckley, 901 15th Street, NW, #700 Washington, DC 20005-2301	New England Fuel Institute	500.00	
Michael Buckley, 1522 K Street, NW, #836 Washington, DC 20005	Consortium of Social Science Assn		19.00
Roy C. Buckner, 1101 Pennsylvania Avenue, NW, #400 Washington, DC 20004	Textron, Inc	600.00	150.00
Betsy Buffington, 23 North Scott #27 Sheridan, WY 82801	Sierra Club	65.90	3.70
Thomas J. Bulger, 1750 17th Street, NW., #510 Washington, DC 20036	Association for Commuter Transportation	6,000.00	25.00
Do	Metropolitan Transportation Commission	30,762.48	252.00
Do	Robinson Town Center	6,000.00	25.00
Diane B. Burke, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	14,974.74	420.00
J. J. Burke Jr., 40 E. Broadway Butte, MT 59701	Montana Power Co		
Larry D. Burton, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc	5,500.00	547.00
Business Council for a Sustainable Energy Future, 1725 K Street, NW, Suite 509 Washington, DC 20006-1401.		236,250.00	
James J. Butera, 1275 Pennsylvania Avenue, NW Washington, DC 20004	Federal Home Loan Bank of Boston	1,000.00	
Do	Savings Bank of the Finger Lakes	500.00	
Butera & Andrews, 1275 Pennsylvania Ave., NW Washington, DC 20004	Anchor Savings Bank	2,000.00	
Do	ADVANTA Corporation	2,500.00	
Do	CRISIS	10,000.00	
Do	Dime Savings Bank of New York	1,500.00	
Do	Drayton Company		
Do	Edison Electric Institute		
Do	Euro-Nevada Mining Corp, Inc		
Do	Federation for American Immigration Reform	1,500.00	
Do	Franco-Nevada Mining Corp, Inc		
Do	Household International	5,000.00	
Do	NVR Savings Bank		
Do	Peoples Bank	1,500.00	
Do	River Bank America	1,500.00	
Do	Rochester Community Savings Bank	1,500.00	
Do	Savings Banks Assn of New York State	1,500.00	
Do	Savings Banks Life Insurance Fund	1,000.00	
Do	Superior Bank, FSB	1,500.00	
Do	Texas Savings & Loan League	1,500.00	
Patrick J. Cacchione, 4600 Edmundson Road St Louis, MO 63134	Daughters of Charity National Health Systems		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Elizabeth B. Cady, 815 Connecticut Avenue, NW, #710 Washington, DC 20006	Steel Service Center Institute		
Dominique Cahn, 555 13th Street, NW, #1260 East Washington, DC 20004	Medtronic, Inc		9.55
David B. Calabrese, 2001 Pennsylvania Ave, NW Washington, DC 20006	Electronic Industries Assn	750.00	23.71
Campaign for U.N. Reform-Political Education Committee, 713 D Street, SE Washington, DC 20003		25,488.51	18,096.65
John D. Canatsey, 1735 Jefferson Davis Hwy., #1001 Arlington, VA 22202	Thiokol Corp		85,005.00
Shawn Cantrell, 218 D Street, SE Washington, DC 20003	Friends of the Earth	71.30	
Capital Partnerships, Inc, 4350 North Faifax Drive, #530 Arlington, VA 22203	American Guideway Corporation	23,000.00	3,450.00
Do	ATC Management Corporation	25,600.00	6,428.00
Do	Hansen Engine Corp	15,000.00	5,318.00
Do	International Taxicab and Livery Association		
Do	North Metro Mayors Coalition	10,000.00	1,500.00
Do	RADAR	18,040.00	2,747.00
Capitol Associates, Inc, 426 C Street, NE Washington, DC 20002	G-Tech Corp	800.00	
Do	Smith Barney	1,000.00	
Do	U.S. Surgical Corp	2,000.00	
Capitol Strategies, 1420 New York Avenue, NW, #1050 Washington, DC 20005	Coldwell Banker		
Do	Equitable Capital Management Corp		
Do	Equitable Life		
Marie C. Carbone, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	3,353.00	
Hugh L. Carey, 919 18th Street, NW, Suite 400 Washington, DC 20006	WR Grace & Co		
Linda E. Carlisle, 1100 Connecticut Avenue, NW, #600 Washington, DC 20036	McClure Trotter & Mentz (For:Princeton Univ Investment Co & American Coun on Education).		
Kenneth A. Carpi, 407 C Street, #306 San Diego, CA 92101	San Diego County Water Authority	9,000.00	5,763.80
Margie Carriger, 415 2nd St., NE, #300 Washington, DC 20002	National Assn of Wheat Growers	1,000.00	
Mary Carroll, 555 West 57th Street New York, NY 10019	Greater New York Hospital Assn	1,265.00	20.00
John R. Carter, 1001 19th Street, North, #800 Arlington, VA 22209	TRW, Inc	268.00	
Frank H. Case III, 2600 Virginia Ave., NW, 10th Floor Washington, DC 20037-1905	Schmeltzer Aptaker & Shepard, PC (For:Council of Nursing Home Suppliers).	6,252.00	
Thomas Cassidy, 801 Pennsylvania Ave., SE, Suite 400 Washington, DC 20003	American Rivers	416.00	
Cassidy and Associates, Inc, 700 13th St., NW, #400 Washington, DC 20005	American Assn of Homes for the Aging	1,500.00	
Do	Chicago Board of Trade		
Do	Chicago Mercantile Exchange		
Do	City of Charlotte	1,950.00	
Do	City of Vallejo	826.00	736.40
Do	Just Say No International	600.00	89.46
Do	Mac Andrews and Forbes		
Do	Motion Picture Assn of America		
Do	Southeastern PA Consortium for Info. Tech. & Training		
Do	St. Francis Healthcare Foundation of Hawaii		
Do	Sylvan Learning Systems, Inc	75.00	7.50
Mark A. Casso, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	912.50	
Rita L. Castle, 100 NE Adams Street Peoria, IL 61629	Caterpillar, Inc	5,500.00	932.00
G. Thomas Cator, 1050 17th Street, NW, #810 Washington, DC 20036	Neece Cator Barnicle & Associates (For:American Industrial Hygiene Assn).	2,200.00	2,200.00
Do	Neece Cator & Associates, Inc (For:Association of Small Business Development Centers).		
Do	Neece Cator Barnicle & Associates (For:Design Professional Coalition).		
Do	Neece Cator Barnicle & Associates (For:GMIS)	750.00	750.00
Do	Neece Cator Barnicle & Associates (For:Hazardous Waste Action Coalition).		
Do	Neece Cator Barnicle & Associates (For:National Assn of Development Companies).		
Do	Neece Cator Barnicle & Associates (For:National Assn of Government Guaranteed Lenders, Inc).	1,500.00	1,300.00
Do	Neece Cator Barnicle & Associates (For:Southeastern Lumber Manufacturers Assn).		
Philip T. Cavanaugh, 1401 Eye Street, NW, #1200 Washington, DC 20005	Chevron Companies	4,200.00	800.00
Cement Kiln Recycling Coalition, 1212 New York Ave. NW Suite 500 Washington, DC 20005			1,916.66
Cendrowski, Selecky & Reinhart, 2050 N. Woodward, #310 Bloomfield Hills, MI 48013	Taubman Company, Inc	27,948.00	
Chambers Associates, Inc, 1625 K Street, NW, #200 Washington, DC 20006	American Postal Workers Union, AFL-CIO		
Do	Belk Stores Services, Inc	300.00	
Do	Coalition of Publicly Traded Limited Partnerships	1,500.00	
Do	Columbia Falls Aluminum Company		
Do	Council of Infrastructure Financing Authorities	1,530.00	
Do	Lead Industries Assn		
Do	Manville Corporation	1,800.00	
Do	National Comm to Preserve Social Security & Medicare		
Do	Newhall Land and Farming Company		
Richard A. Charter, 6947 Cliff Ave. Bodega Bay, CA 94923	County Administrative Office County of Santa Cruz	13,500.00	4,207.16
Child Care America, Inc, 14102 Warwick Blvd Newport News, VA 23602		100.00	100.00
Ronald S. Chillemi, 1111 14th Street, NW, #1100 Washington, DC 20005	American Dental Assn	2,800.00	641.01
Christians' Israel Public Action Campaign, Inc, 2013 Q Street, NW Washington, DC 20009		1,226.11	848.25
Linda Church Ciocci, 555 13th Street, NW, Suite 900-E Washington, DC 20004	National Hydropower Association		
Citizens Comm for the Right to Keep & Bear Arms, Liberty Park, 12500 NE Tenth Place Bellevue, WA 98005.		577,616.00	148,749.87
Citizens Political Action Committee, P.O. Box 645 228 South A Street, #2 Oxnard, CA 93032			
Julie Clark, 1625 K St., NW, #800 Washington, DC 20006	National Legal Aid & Defenders Assn	16,120.02	
Guy Clough, 1301 Pennsylvania Avenue, NW, #1100 Washington, DC 20004-1707	Air Transport Assn of America	17,350.56	
Coal & Slurry Technology Assn, 1156 15th Street, NW, #505 Washington, DC 20005			
Coalition for Vehicle Choice, 1440 New York Ave., NW, #310 Washington, DC 20005		780.00	23,806.30
Coastal Advocate, Inc, 2101 Central Avenue Ship Bottom, NJ 08008		7,987.00	4,625.23
Lisa M. Cody, 11600 Sunrise Valley Drive Reston, VA 22091	Newspaper Association of America	180.00	
David Cohen, 1616 P St., NW, #320 Washington, DC 20036	Professionals' Coalition for Nuclear Arms Control		
Sharon Cohen, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	3,552.00	966.27

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Ken W. Cole, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal, Inc		
Cole Corette & Abrutyn, P.C., 805 15th Street, NW, #900 Washington, DC 20005	Government of France		
Do	Matsushita Electric Corp of America, et al.		
Kent W. Colton, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Community Antenna Television Assn (CATA), P.O. Box 1005 Fairfax, VA 22030-1005		69,000.00	61,515.00
Community Service Society, 105 East 22nd Street New York, NY 10010			1,797.92
Jon R. Comola, P.O. Box 1682 Austin, TX 78767	Blue Cross Blue Shield of Texas		
Conkling Fiskum & McCormick, 900 SW 5th Avenue, Suite 2300 Portland, OR 97204-1268	Electro Scientific Industries, Inc	3,102.00	3.50
Do	Electronic Design Automation Council	3,493.00	3.50
Do	Mentor Graphics Corporation	10,638.00	161.79
Do	Sequent Computer Systems	3,705.00	43.11
Do	Sisters of Providence	6,750.00	48.06
Do	Tektronix, Inc	32,500.00	69.07
Do	Unified Sewerage Agency	4,600.00	
Do	Washington County	10,786.00	220.40
Gregory A. Conley, 9700 W. Higgins Rd. Rosemont, IL 60018	Covia Partnership		
John L. Conley, 2200 Mill Road Alexandria, VA 22314	National Tank Truck Carriers, Inc		100.00
Michael Conlon, 1818 N Street, NW, #200 Washington, DC 20036	Automotive Parts Rebuilders Assn	807.50	
Michael E. Connealy, 3501 Thurston Avenue Anoka, MN 55303	National Ag Underwriters, Inc		2,324.00
Francis J. Conners, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	27,621.82	
Consortium of Social Science Assns, 1522 K Street, NW, #836 Washington, DC 20005		138,495.00	3,823.75
Consumer Federation of America, 1424 16th St., NW, #604 Washington, DC 20036		105,874.00	79,068.00
Liz Cook, 218 D Street, SE Washington, DC 20003	Friends of the Earth		
Brian D. Cooney, 1455 Pennsylvania Ave., NW Washington, DC 20004-1007	American Institute of Certified Public Accountants	10,000.00	1,049.02
Edward Cooney, 1875 Connecticut Ave., NW, #24 Washington, DC 20009	Food Research & Action Center	3,783.89	
Edward R. Cooper, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States		
Mark N. Cooper, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	300.00	
Richard M. Cooper, The Edward Bennett Williams Bldg. 725 12th Street, NW Washington, DC 20005	Williams & Connolly (For:Unilever United States, Inc)		
Stephen H. Cooper, 74 North Pearl St. Albany, NY 12207	Hospital Association of New York State	932.61	8,973.92
Tom Corcoran, O'Connor & Hannan 1919 Pennsylvania Avenue, NW, #800 Washington, DC 20006-3404	Wallace Associates Corp		
Maria C. Cordone, 9000 Machinists Place Upper Marlboro, MD 20772	International Assn of Machinists & Aerospace Workers	17,181.15	
Alfred W. Cors Jr., 4505 Blue Jay Court Woodbridge, VA 22193	National Taxpayers Union	5,840.00	
Walter Couillard, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	19,341.09	
William K. Coulter, 950 L'Enfant Plaza, SW Washington, DC 20024	Communications Satellite Corp (COMSAT)		
Council for Educational Development & Research, 2000 L Street, NW, #601 Washington, DC 20036		4,746.51	3,905.50
Council of Nursing Home Suppliers, c/o Schmeltzer, Aptaker & Shepard 2600 Virginia Ave., NW, 10th Floor Washington, DC 20037-1905.		60,000.00	17,303.19
Thomas J. Cove, 1625 K Street, NW, #900 Washington, DC 20006	Sporting Goods Manufacturers Assn (SGMA)	5,000.00	1,000.00
Covington & Burling, P.O. Box 7566 1201 Pennsylvania Avenue, NW Washington, DC 20044	Washington Post Company (for: Media Group)		
Cary L. Cox, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
John A. Cox Jr., 9300 Livingston Road Ft. Washington, MD 20744	National Tooling & Machining Assn	22,078.55	1,132.97
Rebecca G. Cox, 1300 Eye Street, NW, #950 East Washington, DC 20005	Continental Airlines Holdings, Inc	2,250.00	1,615.00
Kevin J. Coyle, 801 Pennsylvania Ave., SE, #400 Washington, DC 20003	American Rivers		
Richard C. Creighton, 1212 New York Avenue, NW, #500 Washington, DC 20005	American Cement Alliance, Inc	15,000.00	92.15
Ken A. Crerar, 316 Pennsylvania Ave., SE, #400 Washington, DC 20003	National Assn of Casualty & Surety Agents	4,000.00	220.19
Anne Crichton Crews, 8787 Stemmons Freeway Dallas, TX 75247	Mary Kay Cosmetics, Inc		
Christopher K. Croft, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	98.04	
Sonia Messirian Crow, 122 C Street, NW, Suite 350 Washington, DC 20001	Armenian Assembly of America	2,824.00	
Law Ofs of Jonathan W. Cuneo, 1301 K Street, NW, #650-E Washington, DC 20005	Committee to Support the Antitrust Laws	27,000.00	
Do	National Assn of Securities and Commercial Attorneys	54,000.00	273.32
Do	Service Station Dealers of America	4,500.00	44.00
John T. Curran, 905 16th St., NW Washington, DC 20006	Laborers' Intl Union of North America, AFL-CIO	23,100.00	260.00
Do	National Coordinating Comm for Multiemployer Plans		
Jay B. Cutler, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	3,944.00	1,067.27
CLP Associates, 725 15th Street, N.W. #800 Washington, DC 20005	American Assn of Neurological Surgeons	1,425.00	1,425.00
Do	Congress of Neurological Surgeons	1,425.00	1,425.00
Do	Intersociety Council for Research of the Kidney & Urinary...	3,220.00	3,220.00
CR Associates, 317 Massachusetts Ave., NE, #100 Washington, DC 20002	Alzheimer's Assn	1,831.25	
Do	American Assn for Dental Research	958.00	
Do	Association of University Programs in Health Administration	489.30	
Do	Conjoint Comm on Diagnostic Radiology	1,200.00	
Do	Delta Dental Plans Assn	1,200.00	
CRS, P.O. Box 118 Cold Spring Harbor, NY 11724-0118			
D.C. Legislative & Regulatory Services, 1155 21st Street, NW, #310 Washington, DC 20036	Andersons Management Corp	6,000.00	1,426.26
Do	British Petroleum, America	6,000.00	1,535.00
Do	Lebanon Chemical Corp and Lebanon Turf	6,000.00	780.19
Do	National Bank & Soil Producers Assn	3,150.00	450.67
Do	Responsible Industry for a Sound Environment	3,900.00	312.91
Do	Scotts Companies & Subsidiaries	15,000.00	2,488.66
Do	ZENECA Ag Products	12,000.00	1,953.19
Dairy Farmers for Responsible Dairy Policy, 1919 South Eads St., #103 Arlington, VA 22201-3028			
Donald W. Dalrymple, 1575 I St., NW Washington, DC 20005	American Cynamid Company (For:Lederle Laboratories)	6,825.00	929.02
Sharon M. Daly, 25 E Street, NW Washington, DC 20001	Children's Defense Fund	37.60	
Davidson Colling Group, 1101 Pennsylvania Avenue, N.W. #810 Washington, DC 20004	American Advertising Federation	510.00	169.17
Do	American Assn of Advertising Agencies	510.00	169.17
Do	Association of National Advertisers, Inc	510.00	169.17
Do	Caraustar Industries	756.00	27.44
Do	Direct Marketing Assn	510.00	169.17
Do	Field Container Corp	108.00	3.92
Do	Garden State Paper Company	324.00	11.76
Do	Grocery Manufacturers of America, Inc	510.00	169.17
Do	Halltown Paperboard Co	54.00	1.96
Do	Homedco	4,999.50	
Do	Lincare	2,575.50	
Do	Magazine Publishers of America	735.00	169.17

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Media General, Inc	900.00	
Do	Miller & Chevalier, Chtd	900.00	
Do	National Assn of Broadcasters	735.00	169.17
Do	Newark Group	1,026.00	37.24
Do	Newman & Company	54.00	1.96
Do	Newspaper Assn of America	735.00	169.17
Do	Rock-Tenn Company	810.00	29.40
Do	Sonoco Products Co	1,080.00	39.20
Do	Southeast Paper Manufacturing Co	648.00	23.52
Do	Waldorf Corp	486.00	17.64
Do	White Pigeon Paper Company	54.00	1.96
Do	Yellow Pages Publishers Assn	510.00	169.17
Ovid R. Davis, P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company		
Donald S. Dawson, 1133 Connecticut Ave., NW, #1000 Washington, DC 20036	Leo A. Daly Company		
Do	Michael Gaughan		
Do	Opticians Assn of America		
Do	St. Thomas-St. John Chamber of Commerce, Inc	10,000.00	
Do	Virgin Islands Gift & Fashion Shop Assn		
Do	Virgin Islands Merchants Assn		
Harry F. Day, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Michael P. Day, 101 North Phillips Avenue P.O. Box 5118 Sioux Falls, SD 57117	Crop Hail Management (NORWEST)		1,426.51
Barbara Daye, 655 Fifteenth Street, NW 300 Metropolitan Square Washington, DC 20005-2	Blue Cross of California	11,250.00	
Ralph De Gennaro, 218 D Street, SE Washington, DC 20003	Friends of the Earth	1,620.22	
Maryann M. Dean, I875 Eye Street, NW, #775 Washington, DC 20006	Georgia-Pacific Corp	1,000.00	
George K. Degnon Associates, Inc, 6728 Old McLean Villiage Drive McLean, VA 22101	George K. Degnon Associates		
Daniel B. Denning, 499 South Capital Street, SW, #502 Washington, DC 20003	Martin Marietta Corp	708.00	
M. Sharon Dennis, 666 Pennsylvania Avenue, SE Washington, DC 20003	National Audobon Society		
Edward M. Desmond, 1776 Eye Street, NW, #1060 Washington, DC 20006	Sterling Winthrop, Inc		
Dewey Ballantine, 1775 Pennsylvania Ave., NW, #500 Washington, DC 20006	Boeing Company		
Do	Catholic Health Assn of the U.S.		
Do	Cellular Telecommunications Industry Assn		
Do	Federation of American Health Systems		
Do	General Electric Co	800.00	
Do	General Electric Pension Trust		
Do	Georgia-Pacific Corp	1,600.00	
Do	Household International	800.00	
Do	PacifiCorp Financial Services	800.00	
Do	Potomac Capital Investment Corp		
Do	Sealaska Corp		
Do	Thompson Publishing Group		
Do	U.S. Golf Association	800.00	
Do	Union Pacific Corp	4,000.00	
Do	West Indies Rum & Spirits Producers Assn		
Do	Xerox Corp	1,600.00	
Kendall P. Dexter, 4009 Old Shell Rd, #A-8 Mobile, AL 36608	Mobile Bar Pilots Assn		
Jennifer S. DeAnna, 601 13th Street, NW, Suite 650 North Washington, DC 20005	Detroit Edison Company	480.00	18.00
Judith Martin DeSarno, 122 C Street, NW, #380 Washington, DC 20001-2109	National Family Planning & Reproductive Health Assn, Inc	154.00	5.00
Chester T. Dickerson Jr., 700 14th Street, NW, #1100 Washington, DC 20005	Monsanto Co		223.30
Thomas C. Diederich, 2170 Piedmont Road, NE Atlanta, GA 30324	Orkin Exterminating Co, Inc		1,141.62
Dorothea M. Diemer, 10550 Talbert Avenue Fountain Valley, CA 92728	Hyundai Motor America		
Lisa M. Dinackus, 1455 Pennsylvania Avenue, NW Washington, DC 20004-1007	American Institute of Certified Public Accountants	5,000.00	590.72
Charles V. Dinges IV, 1015 15th Street, NW, #600 Washington, DC 20005	American Soc of Civil Engineers	3,925.00	3,925.00
Joseph J. DioGuardi, 50 Baraud Road Scarsdale, NY 10583	Albanian American Civic League		252.00
Barbara A. Dixon, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc	1,290.00	138.55
Nicholas J. DiMichael, 1275 K Street, NW, #850 Washington, DC 20005-4006	National Industrial Transportation League		
E. David Doane, 1350 I Street, NW, #670 Washington, DC 20005	Koch Industries, Inc	3,000.00	1,073.64
Thomas B. Dobbins, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	6,750.00	
Paul Donnellan, 99 Canal Center Plaza, #500 Alexandria, VA 22314	American International Automobile Dealers Assn	11,850.00	
Sally S. Donner, 1341 G Street NW, 9th Floor Washington, DC 20005	Kraft General Foods, Inc	2,196.50	217.40
Daniel Dooley, 1250 I Street, NW, Suite 801 Washington, DC 20005	Kahn Soares & Company (For:Mid-Valley Water Authority)	202.50	
Do	Kahn Soares & Conway (For:Westlake Farms)	1,552.50	35.00
Brad L. Doores, Three Park Central, #1000 1515 Arapahoe St. Denver, CO 80202	Energy Fuels Nuclear, Inc		
Jeffrey D. Doranz, 1000 Connecticut Ave., NW, #706 Washington, DC 20036	New Jersey Turnpike Authority		
Dorfman & O'Neal, Inc, 1331 Pennsylvania Ave., NW, Suite 730N Washington, DC 20004	General Pneumatics Corp		1,565.93
Do	Hercules Engine Co		1,308.10
Doris Day Animal League, 900 2nd Street, NE, #303 Washington, DC 20002		79,855.00	46,780.00
Dow Lohnes & Albertson, 1255 23rd St., NW, Suite 500 Washington, DC 20037	Center for Employment Training		
Do	Cox Enterprises, Inc, et al.		
Do	Directors Guild of America		
Do	Home Shopping Network, Inc	135.00	
Do	Profit Sharing Council of America		
Do	Stelco, Inc	623.00	61.05
Arianne M. Duddy, 1401 I Street, NW, #300 Washington, DC 20005	Koch Industries, Inc		
Valerie Dulk, 1625 K Street, NW, Suite 1150 Washington, DC 20005	Americans for Democratic Action	1,406.25	10.00
John H. Dunne, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Chris Durbin, 1630 Duke Street Alexandria, VA 22314-3465	National Rural Letter Carriers Assn	6,059.00	
Jean Durning, 900 17th Street, NW Washington, DC 20006	Wilderness Society	346.67	20.16
Dutko & Associates, 412 First St., SE, #100 Washington, DC 20003	American Plastics Society	35,000.00	816.51
Do	American Society of Cataract & Refractive Surgery (ASCRS)	30,000.00	728.64
Do	Association of Oil Pipe Lines		
Do	BOC Council	30,000.00	1,215.04
Do	Carpet and Rug Institute		15.97
Do	Chickasha Cotton Oil Co	6,000.00	95.85
Do	Child Care Support Council		34.50
Do	Citgo Petroleum Corp		1,783.99

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Communications Satellite Corp	10,000.00	254.56
Do	Creditors Alliance for Freight Undercharge Assets	21,053.56	1,683.76
Do	CILCORP, Inc	21,000.00	1,854.49
Do	CYCLEAN, Inc	15,000.00	
Do	Domestic Priorities Leadership Council		1,407.59
Do	DSC Communications Corp	42,572.50	1,020.53
Do	Earth Observation Satellite Co	30,000.00	751.04
Do	Haldor-Topsoe, Inc	30,000.00	6,633.24
Do	Hart-Culp International		
Do	Hercules, Inc		
Do	International Arid Lands Consortium		
Do	International Telecharge, Inc	15,000.00	172.10
Do	Jewish National Fund	20,000.00	1,966.88
Do	Monarch Wine Co of Georgia/Todhunter Intl, Inc	73,950.00	1,494.14
Do	National Accrediting Comm of Cosmetology Arts & Sciences	30,000.00	360.65
Do	National American Wholesale Grocers Assn	4,000.00	289.43
Do	National Cellular Resellers Assn	13,333.32	1,685.83
Do	Oklahoma Basic Economy Corp		
Do	PacifiCare Health Systems	42,500.00	5,678.84
Do	Polyisocyanurate Insulation Manufacturers Assn (PIMA)	9,000.00	267.75
Do	PBX Users Anti-Fraud Coalition		
Do	Rmax, Inc		
Do	Satellite Broadcasting & Communications Assn	2,000.00	94.19
Do	SICPA Industries of America, Inc	10,000.00	
Do	Washington Research Group	10,000.00	507.43
Do	Wine Institute		187.72
Marcia L. DuMond, 1300 South Clinton Street Fort Wayne, IN 46801	Lincoln National Corp	900.00	520.00
Pam Eaton, 900 17th St., NW Washington, DC 20006	Wilderness Society	883.07	
John D. Echeverria, 801 Pennsylvania Ave., SE, #303 Washington, DC 20003	National Audubon Society		
Edelman Public Relations Worldwide, 1420 K Street, NW 10th Floor Washington, DC 20005	Safety-Kleen		65.98
Norman R. Eder, 19600 NW Von Neumann Drive Beaverton, OR 97006-1999	Oregon Graduate Institute of Science & Technology	11,346.88	2,589.79
Stephen R. Effros, P.O. Box 1005 Fairfax, VA 22030-1005	Community Antenna Television Assn, Inc	16,500.00	100.00
Harry William Eicher, P.O. Box 19175 Houston, TX 77024	Catholic Truth International	1,700.00	1,700.00
Timothy L. Elder, 100 N.E. Adams Street Peoria, IL 61629-1430	Caterpillar, Inc		
Electronic Industries Assn, 2001 Pennsylvania Avenue, NW Washington, DC 20006		13,319.69	38,829.67
John M. Ellis, 1120 Fairfield Avenue Roseville, CA 95678	Alliance of Government Managers	2,690.00	2,690.00
Dorothy A. Ellsworth-Gannon, 9000 Machinists Place Upper Marlboro,, MD 20772	International Assn of Machinists & Aerospace Workers	17,928.15	512.00
Alyson A. Emanuel, 2100 Pennsylvania Ave., NW #755 Washington, DC 20037	BASF Corp		
Ronald K. Ence, One Thomas Circle, NW, #950 Washington, DC 20005-5802	Independent Bankers Assn of America	23,000.00	435.26
J. Barry Epperson, 201 West 5th Street, #440 Tulsa, OK 74103-4211	Associated Wire Rope Fabricators		2,652.05
Dawn Erlandson, 218 D Street, SE Washington, DC 20003	Friends of the Earth	357.89	
Ernst & Young, 1200 19th Street, NW,Suite 300 Washington, DC 20036	Coalition Against Expanding Subpart F	135,000.00	115,644.50
Dennis L. Erpelding, 1101 Pennsylvania Avenue, NW, #540 Washington, DC 20004	Eli Lilly & Company	3,000.00	568.13
John T. Estes, 1211 Connecticut Avenue, NW, #800 Washington, DC 20036	International Council of Cruise Lines	7,950.00	407.00
Billy Lee Evans, 1301 Connecticut Ave., NW, #700 Washington, DC 20036	B.L. Evans & Associates (For:Great Western Financial Corp)		
Do	B.L. Evans & Associates (For:Paul Revere Life Insurance Company).		
Brock Evans, 666 Pennsylvania Avenue, SE Washington, DC 20002	National Audubon Society	4,400.00	165.00
B.L. Evans and Associates, Inc, 1301 Connecticut Ave., NW, #700 Washington, DC 20036	Great Western Financial Corp	5,000.00	
Do	Paul Revere Life Insurance Company		
Paul K. Eyer, P.O. Box 8600 Harrisburg, PA 17105-8600	Hospital Assn of Pennsylvania	5,000.00	856.25
EDON Company, 600 New Hampshire Ave., NW #1010 Washington, DC 20037	Coca-Cola Foods		
Do	Pinnacle Data Corporation		
Family Holding Company Advocacy Group, c/o George Helme Wilmington Trust Company Wilmington, DE 19890.			
S. Jackson Faris, 600 Maryland Avenue, SE, #700 Washington, DC 20024	National Federation of Independent Business	1,150.00	200.00
Robert C. Fay, 12731 Directors Loop Woodbridge, VA 22192	American Amusement Machine Assn		
Federal Kemper Life Assurance Co, One Kemper Drive, T-1 Long Grove, IL 60049			767.88
Federation for American Immigration Reform, 1666 Connecticut Avenue, NW, #400 Washington, DC 20009.			6,751.00
Robert Feenstra, 13545 Euclid Avenue Ontario, CA 91761	Milk Producers Council (For:Dairy Farmers for Responsible Dairy Policy).		
Donald M. Fehr, 805 Third Ave. New York, NY 10022	Major League Baseball Players Assn		1,111.88
Melody H. G. Fennel, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Karen S. Fennell, 1522 K St., NW, #1000 Washington, DC 20005	American College of Nurse-Midwives		
Denise G. Ferguson, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co	12,269.00	1,920.86
Jack Ferguson Associates, Inc, 203 Maryland Ave., NE Washington, DC 20002	Arctic Power	3,350.00	500.00
Do	Dillingham Construction Group	7,500.00	625.66
Do	Global Marine, Inc	2,500.00	553.62
Do	Klukwan, Inc	11,250.00	616.37
Do	Mountaineer Gas Co	15,000.00	638.30
Do	Northern Air Cargo	3,750.00	594.52
Do	U.S. Borax & Chemical Corp	7,812.50	500.00
Robert J. Fersh, 1875 Connecticut Avenue, NW, #540 Washington, DC 20009	Food Research & Action Center	389.22	
Edward G. Fickes, 900 17th Street, NW Washington, DC 20006	Wilderness Society	373.59	
Steven I. Fier, 777 14th Street, NW, 5th Fl. Washington, DC 20005	Equipment Leasing Assn of America		
Fighting Apartheid Confrontation Transformation Systems, 209 Underwood St., NW Washington, DC 20012.			
Financial Services Council, 1225 19th St., NW, #410 Washington, DC 20036		12,999.00	1,328.00
Joseph D. Fincher, 4100 Bank of Oklahoma Tower Tulsa, OK 74172	Wichita Tribe	1,980.00	42.13
Sharon R. Fine, 1776 K Street, NW Washington, DC 20006	Washington Citizens for World Trade	1,875.00	
James K. Finley, 12300 Twinbrook Parkway Rockville, MD 20852	National Community Mental Healthcare Council	2,070.00	45.00
James J. Finnucan, 2 Hodio Drive Ansonia, CT 06401	Northeast Utilities Service Co	2,695.62	1,604.25
Deborah A. Fischione, 2000 Pennsylvania Ave., NW, #6200 Washington, DC 20006	Chicago Mercantile Exchange		
Mary Ellen Fise, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	5,859.00	21.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Carleton W. Fish, P.O. Box 39106 Minneapolis, MN 55435-0106	American Collectors Assn	1,000.00	
Gary K. Fisher, 1401 Eye St., NW Suite 1200 Washington, DC 20005	Chevron Companies	4,800.00	48.61
John Fitzgerald, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	685.00	
Donald Fix, 2100 Pennsylvania Ave., NW, #710 Washington, DC 20037	Hyjek & Fix, Inc (For:Canadair Challenger, Inc)	1,500.00	584.56
Do	Hyjek & Fix, Inc (For:Learjet, Inc)	300.00	
Do	Hyjek & Fix, Inc (For:MSI Defence Systems)		
Do	Hyjek & Fix, Inc (For:Research & Development Labs)	750.00	790.67
Do	Hyjek & Fix, Inc (For:Short Brothers (USA), Inc)	750.00	
Do	Hyjek & Fix, Inc (For:Thompson Defence Projects)	2,125.00	3,276.40
Karen Florini, 1875 Connecticut Ave. NW, #1016 Washington, DC 20009	Environmental Defense Fund		5,000.00
Ruth Flower, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	9,916.00	
Veronica M. Floyd, 3306 Fallen Tree Court Alexandria, VA 22310	Brunswick Corp	6,125.00	230.42
R. D. Folsom, 1317 F Street, NW, #400 Washington, DC 20004	R. Duffy Wall & Associates	1,250.00	
John P. Ford, One Kellogg Square Battle Creek, MI 49016	Kellogg Co	2,000.00	283.00
Mark A. Forman, 8th & Eaton Avenues Bethlehem, PA 18018	Union Pacific Corp	1,250.00	
Richard C. Fortuna, 915 15th Street, NW, 5th Floor Washington, DC 20005	Hazardous Waste Treatment Council	750.00	375.00
Maria Foscarinis, 918 F Street, NW, #412 Washington, DC 20004	National Law Center on Homelessness and Poverty		
Foundation for Environmental & Economic Progress, 1350 I Street, NW, Suite 700 Washington, DC 20005		48,250.00	29,600.00
Fox Group, USA Ltd, P.O. Box 1831 Charleston, SC 29402	Camp Barsh Bates & Tate (for Sears Roebuck & Co), et al.		
Phillip L. Fraas, 1 Massachusetts Avenue, N.W., #800 Washington, DC 20001	McLeod Watkinson & Miller (For:First South Production Credit Assn).		
Michael Francis, 900 17th Street, NW Washington, DC 20006	Wilderness Society	9,772.62	216.76
George Franklin, 1 Kellogg Square Battle Creek, MI 49016-3599	Kellogg Company	1,500.00	150.00
James R. Franklin, One Highwoods Rd. St. James, NY 11780	Parkdale Mills, Inc, et al.	18,750.00	7,000.00
David Frazier, 1015 15th Street, NW, Suite 802 Washington, DC 20005	American Consulting Engineers Council	425.00	
David W. Freer, 1150 Connecticut Ave., NW, #717 Washington, DC 20036	Southern California Gas Co	5,000.00	
Freer & Alagia, Chtd, 1000 Thomas Jefferson St., NW, #600 Washington, DC 20007	Dairymen, Inc	10,780.00	1,610.16
John Freshman Associates, Inc, 1722 I Street, NW, #500 Washington, DC 20006	Alaska Department of Environmental Conservation		
Do	Anheuser-Busch Companies, Inc	18,000.00	118.04
Do	Gulf Coast Waste Disposal Authority	10,951.00	85.55
Do	Los Angeles County Sanitation District	14,312.00	435.81
Do	James M. Montgomery Consulting Engineers Inc		
G. William Frick, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute		
Gay Friedmann, 555 13th Street, NW, #300W Washington, DC 20004	Interstate Natural Gas Assn of America	12,000.00	
Friends Committee on National Legislation, 245 2nd St., NE Washington, DC 20002		136,991.00	188,144.00
Jeffrey Fritzlen, 555 13th Street, NW, #450-W Columbia Square Washington, DC 20004	Union Pacific Corp	12,500.00	618.25
Gordon H. Fry, 900 19th St., NW Washington, DC 20006	Aluminum Assn, Inc	25.00	
Nancy R. Fulco, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
FMR Group, Inc, 1000 Potomac Street, NW, #401 Washington, DC 20007	Songwriters Guild of America	500.00	
Vivian Gabor, 1901 L Street, NW, Suite 260 Washington, DC 20036	March of Dimes	6,750.00	
Kathryn M. Gagnon, 3138 North 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions		
Juan Gallardo, 1025 Thomas Jefferson Street, NW Washington, DC 20007	Coordinadora de Organizaciones Empresariales de Comercio Ext.		
Lee D. Garrigan, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	2,100.00	
Garvey Schubert & Barer, 1000 Potomac Street, NW Washington, DC 20007	J & B Management Company	2,342.71	
Fred Gebler, 1331 Pennsylvania Ave., NW, #1300N Washington, DC 20004	Electronic Data Systems Corp	80.00	166.88
David A. Gerken, 1301 Connecticut Avenue, NW Eighth Floor Washington, DC 20036	Puerto Rico Federal Affairs Administration	17,000.00	
Katherine Doddridge Gerlach, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States		
Matthew Gerson, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc	4,425.00	1,068.20
David Troy Saxton Getty, 3301 E. Garland Fresno, CA 93726			
Michelle Gibson, 1212 New York Ave. NW Suite 500 Washington, DC 20005	Cement Kiln Recycling Coalition	958.33	
Richard Gilbert, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	1,222.00	
Mary Ann Gilleece, 1747 Pennsylvania Ave. NW, #800 Washington, DC 20006	Gadsby & Hannah (For:Dyncorp)		
Do	Lepon McCarthy Jutkowitz & Holzworth (For:NMP Corp)		
Do	Gasdby & Hannah (For:NMP Corp)		
Do	Gadsby & Hannah (For:Veda, Inc)		
Michael B. Gillett, 4612 Meridian Avenue North Seattle, WA 98103-6936	Atantic Richfield Company	18,825.00	
Do	Pacific Lumber & Shipping Co	7,726.50	
Dorothy M. Gillman, One Thomas Circle, NW, #950 Washington, DC 20005	Independent Bankers Assn of America	11,350.00	900.12
Brenda M. Girton, 5999 Stevenson Avenue Alexandria, VA 22304	American Counseling Assn	20,128.00	
Donna Siss Gleason, 1146 19th Street, NW Suite 700 Washington, DC 20036	Susan Davis Companies		
Joanne Glisson, 700 14th Street, NW, Washington, DC 20005	Monsanto Company		246.74
Horace D. Godfrey, 15 Golf Course Road Littleton, NC 27850	Godfrey Associates, Inc		
Godfrey Associates, Inc, 15 Golf Course Road Littleton, NC 27850			
Donald G. Goff, McDonnell Douglas Corporation 1735 Jefferson Davis Highway, Suite 1200 Arlington, VA 22202.	McDonnell Douglas Corp		
Neil Goldschmidt, Inc, 222 SW Columbia, #1850 Portland, OR 97201	Nike, Inc		
Do	Southern Pacific Transportation Co.		
Marva Goldsmith, 601 13th Street, NW, #650-North Washington, DC 20005	Detroit Edison Company	750.00	61.00
Evelyn G. Goodfriend, 1000 Potomac Street, NW, Suite 401 Washington, DC 20007	California State Department of Education	2,400.00	
Richard F. Goodstein, 1350 Connecticut Avenue, NW, #1101 Washington, DC 20036	Browning-Ferris Industries, Inc	1,080.00	1,053.04
Marvin N. Gordon, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp	625.00	330.42
Barry Gottehrer, 1295 State Street Springfield, MA 01111-0001	Massachusetts Mutual Life Insurance Co	86.93	
Eric Philip Gotting, 801 Pennsylvania Avenue, SE, #400 Washington, DC 20003	American Rivers	193.00	
George B. Gould III, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	13,627.25	2,812.61
Augusto F. Grace, 13 Skilton Lane Burlington, MA 01803	Gadsby & Hannah (For:National Bankers Assn)		
Suzanne Granville, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	10,573.41	
Thomas V. Grasso, 1616 P Street, NW, Suite 310 Washington, DC 20036	Union of Concerned Scientists	2,500.00	100.00
Ruth P. Graves, 600 Maryland Ave., SW, #600 Washington, DC 20560	Reading Is Fundamental, Inc	1,330.00	176.00
Scott D. Grayson, 1828 L Street, NW, #1202 Washington, DC 20036	Institute of Electrical & Electronics Engineers (IEEE)	900.00	
Greater New York Hospital Assn, 555 West 57th Street 15th Floor New York, NY 10019		721,882.00	67,053.00
Stanley C. Green, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	Hamilton Standard	2,400.00	160.08
William Green, 1455 Pennsylvania Ave, #575 Washington, DC 20004	MacAndrews & Forbes Holdings, Inc		
John P. Gregg, 1101 14th Street, NW, #1400 Washington, DC 20005	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn)	208.00	71.98
Greyhound Lines, Inc, P.O. Box 660362 Dallas, TX 75266-0362			20,150.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Mary Griffin, 2001 S Street, NW, Suite 520 Washington, DC 20009	Consumers Union	4,000.00	
Philip M. Grill, 444 N. Capitol Street, NW, #514 Washington, DC 20001	Matson Navigation Company, Inc		
Jane Grimm, 3150 Spring Street Fairfax, VA 22031-2399	International Communications Industries Assn	2,125.00	
Gerald M. Guarilia, 70 North Main Street Wilkes-Barre, PA 18711	Blue Cross of Northeastern Pennsylvania		
Kenneth A. Guenther, One Thomas Circle, NW, #950 Washington, DC 20005	Independent Bankers Assn of America	56,250.00	
Gabriel Guerra-Mondragon, 444 North Capitol Street, #711 Washington, DC 20001	Guerra & Associates, Inc (For:Mexican Dept of Commerce & Industrial Development).	25,000.00	4,899.73
Lewis Gulick, 1911 Ft. Myer Drive, #703 Arlington, VA 22209	International Interests, Inc	5,000.00	100.00
Z. Lou Guttman, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange	1,000.00	
GRQ, Inc, 5454 Wisconsin Ave., NW, #1340 Chevy Chase, MD 20815	American Dietetic Association	16,500.00	
Do	American Health Information Management Assn	5,000.00	
Do	Council on Accreditation of Services for Families & Children		
Do	Manor Healthcare, Inc	13,500.00	
Do	Midwest Organ Bank, Inc	1,000.00	
Do	National Assn of Medical Directors of Respiratory Care	7,000.00	
Do	Puritan Group-Puritan Bennett Corp	1,000.00	
Do	Transtracheal Systems	2,000.00	
Joanna Carol Hadley, One Thomas Circle, NW Washington, DC 20005	Independent Bankers Assn of America	6,000.00	500.81
Veronica A. Haggart, 1350 I Stret, NW, Suite 400 Washington, DC 20005	Motorola	6,500.00	
Hale and Dorr, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Genetics Institute		
Do	Harcourt Brace & Co	399.00	8.00
Do	Intra-Sonix	85.50	
Do	Medallion Oil Company		
Do	Metalor USA Refining Corp		
Do	Northeastern University	883.50	
Do	Park Electrochemical Corp	1,852.50	
Do	Psychological Corp	1,539.00	13.50
Do	Thinking Machines Corp	513.00	
Angelynn Hall, 1120 Connecticut Avenue, NW Washington, DC 20036	Air Transport Assn of America	30,070.29	
John P. Hall Jr., 1350 Eye Street, NW, #810 Washington, DC 20005	Johnson & Johnson	958.50	
Maurice E. Halsey, P.O. Box 190 Aurora, IL 60507	Northern Illinois Gas Company		
Daniel O'Connell Hamilton, 1825 Eye Street, NW, #400 Washington, DC 20006	Quentin Wilson & Associates (For:University of Missouri at Rolla).	2,500.00	
David S. Hamilton, 215 Pennsylvania Ave., SE Washington, DC 20003	U.S. Public Interest Research Group		
Palmer C. Hamilton, Miller Hamilton Snider & Odom P.O. Box 46 Mobile, AL 36601	Chase Manhattan Bank	10,893.03	30,757.99
Handgun Control, Inc, 1225 Eye Street, NW, #1100 Washington, DC 20005		1,739,430.00	952,223.00
Jake Hansen, 11166 Main Street, #302 Fairfax, VA 22030	Seniors Coalition	8,749.97	558.80
Sandra K. Harding, 750 1st Street, N.E., #700 Washington, DC 20002-4241	National Assn of Social Workers	9,600.00	
William G. Harley, 4301 North Fairfax Drive, #360 Arlington, VA 22203	National Utility Contractors Assn		
Wiley C. Harrell Jr., 1776 Eye Street, NW, #200 Washington, DC 20006	Anheuser-Busch Companies, Inc		
Clifford J. Harvison, 2200 Mill Rd. Alexandria, VA 22314	National Tank Truck Carriers, Inc		150.00
Barbara S. Haugen, 1401 New York Ave., NW, #720 Washington, DC 20005	National Assn of Insurance Brokers, Inc		
Christina M. Hauptli, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States		
Kathryn Joann Hawes, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
John F. Hayden, 1700 N. Moore Street, 20th Floor Arlington, VA 22209	Boeing Company		
Leah V. Haygood, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	913.00	
Holly Elisabeth Hazard, 900 2nd Street, NE, #303 Washington, DC 20002	Doris Day Animal League	561.00	
Health Insurance Assn of America, Inc, 1025 Connecticut Ave., NW Washington, DC 20036		1,464.58	1,464.58
Barbara D. Heffernan, 1776 I Street, NW, #200 Washington, DC 20006	Anheuser-Busch Companies, Inc		
Robert M. Heine, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co	558.03	109.20
Helicopter Assn International, 1619 Duke Street Alexandria, VA 22314			23,699.00
Lewis M. Helm, 7000 Millwood Road Bethesda, MD 20817	Associated Public Safety Communications Officers	10,200.00	
Do	Senior Army Reserve Commanders Assn	6,000.00	
Thomas M. Helscher, 700 14th Street, NW, #1100 Washington, DC 20005	Monsanto Co		225.90
Cedric R. Hendricks, 1228 17th Street, NW Washington, DC 20036-3003	Pierson & Hendricks (For:Multinational Business Services)		
Do	Pierson & Hendricks (For:Washington Transportation Supervisors Assn).		
Dennis A. Henigan, 1225 Eye Street, NW Washington, DC 20005	Handgun Control, Inc	1,741.00	
Kevin S. Hensley, 1015 15th Street, N.W., #802 Washington, DC 20005	American Consulting Engineers Council	4,800.00	
William Hermelin, 2215 Constitution Ave, NW Washington, DC 20037	American Pharmaceutical Assn	1,000.00	
Grace L. Hinchman, 1331 Pennsylvania Ave., NW, #635 Washington, DC 20004	Digital Equipment Corp	25,000.00	
Nancy Hirshbein, 1400 16th Street, NW, #320 Washington, DC 20036	Zero Population Growth	161.00	
Alex Hittle, 218 D Street, SE Washington, DC 20003	Friends of the Earth	51.75	
Charles W. Hitzemann, 1701 Pennsylvania Ave, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		
Hobbs Straus Dean & Wilder, 1819 H St., NW, #800 Washington, DC 20006	Bristol Bay Area Health Corp		
Do	Maniilaq Assn		
Do	Metlakatla Indian Community	50.00	7.00
Do	Miccosukee Tribe of Indians of Florida		
Do	Navajo Nation		
Do	Norton Sound Health Corp		
Do	Oglala Sioux Tribal Public Safety Commission		
Philip M. Hocker, 20 West Chapman Street Alexandria, VA 22301	Mineral Policy Center		104.50
Irvin A. Hoff, 18 Meadowlark Lane Hilton Head Island, SC 29926	U.S. Cane Sugar Refiners' Assn		
Joseph Michael Hogan Jr., 1701 Clarendon Boulevard Arlington, VA 22209	American Chiropractic Assn		
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	AdminaStar	5,118.75	3.50
Do	American Academy of Pediatrics	845.00	14.00
Do	American College of Osteopathic Surgeons		
Do	B.P. America, Inc	21,142.15	
Do	Damon Corp		
Do	Farm Credit Bank of Texas	21,840.00	1,202.32
Do	Grocery Manufacturers of America, Inc		
Do	Gulf Citrus Growers Assn	12,499.98	1,386.93
Do	Infectious Diseases Society of America, Inc	1,300.00	14.00
Do	Marysville Forest Products, Inc	3,722.42	
Do	National Tissue Bank Council	1,820.00	8.50

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	PepsiCo, Inc		1,652.53
Do	Soap & Detergent Assn	3,257.27	347.19
Do	Society of Critical Care Medicine	1,040.00	
Do	United States Sugar Corp	6,000.00	988.39
Do	Visiting Nurses Service	1,115.58	
Gerard L. Holder, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging		
Holland & Hart, 1001 Pennsylvania Ave., NW, #310 Washington, DC 20004	Alamo Rent-A-Car, Inc		
Do	Alyeska Pipeline Service Co		
Do	American Plastics Council	1,500.00	
Do	Anderman/Smith Operating Co		
Do	Association of Oil Pipe Lines		
Do	Citgo Petroleum Corp	1,450.00	
Do	Domestic Priorities Leadership Council	1,500.00	
Do	Precious Metals Producers Group	1,250.00	
Everett Boyd Hollingsworth Jr., 1341 G Street, NW, 9th Floor Washington, DC 20005	Kraft General Foods, Inc	3,000.00	
William Holmberg, 499 S. Capitol Street, SW, #406 Washington, DC 20003	Nebraska Ethanol Authority & Development Board		
Karen A. Hoover, 2111 Jefferson Davis Highway Apt. 407 Arlington, VA 22202	American Maritime Officers Service		803.66
Deborah L. Horan, 122 C Street, NW, Suite 380 Washington, DC 20001-2109	National Family Planning & Reproductive Health Assn, Inc	1,254.00	
Bernard Horn, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	3,076.00	
Robert Jack Horn, 601 13th Street, NW. #650 N Washington, DC 20005-3808	Detroit Edison Company	1,320.00	885.16
Hospital Association of New York State, 74 N. Pearl St. Albany, NY 12207		10,367.49	10,367.49
Gerald M. Howard, 15th & M Street, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
John Howard, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		
Mary Lynch Howell, 1101 Pennsylvania Avenue, NW, #400 Washington, DC 20004	Textron, Inc	1,500.00	280.00
Ronnie Allen Howell, 1620 Eye Street, NW, #700 Washington, DC 20006	International Paper		
Dwight A. Howes, 1819 L Street, NW, #800 Washington, DC 20036	Consolidated Natural Gas Co, Inc	1,500.00	2,844.56
Clifford T. Howlett Jr., 1875 Eye St., NW, #775 Washington, DC 20006	Georgia-Pacific Corp	4,800.00	
David S. Hubbard, 1212 New York Avenue, NW, #520 Washington, DC 20005	American Cement Alliance, Inc	6,250.00	381.44
J. Martin Huber, 5301 Wisconsin Ave., NW, #450 Washington, DC 20015	National Assn of Surety Bond Producers		
Walter E. Huizenga, 99 Canal Center Plaza, Suite 500 Alexandria, VA 22314	AIADA	13,500.00	
Brenda Gore Hull, 1001 - 19th Street, North, Suite 800 Arlington, VA 22209	TRW, Inc	550.00	404.97
Brett Hulsey, Midwest Office 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	1,016.86	239.42
Deidre D. Humphrey, 444 North Capitol Street, #711 Washington, DC 20001	TKC International, Inc (For:Government of Aruba)	1,500.00	
Beverly A. Hunter, 100 Maryland Ave., NE Washington, DC 20002	Religious Coalition for Abortion Rights	9,499.98	
Matthew Huntington, 801 Pennsylvania Ave.,SE, Suite 400 Washington, DC 20003	American Rivers	760.00	
Hunton & Williams, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20036	Long Island Lighting Co	1,000.00	
Robert Hurley, 1317 F Street, NW Washington, DC 20004	Wall & Associates, R. Duffy	1,250.00	
Joanne L. Hustead, 1875 Connecticut Avenue, NW, Suite 710 Washington, DC 20009	Women's Legal Defense Fund	3,031.00	1,102.00
Steven M. Hyjek, 2100 Pennsylvania Ave., NW, #560 Washington, DC 20037	Hyjek & Fix, Inc (For:Canadair Challenger, Inc)	1,500.00	
Do	Hyjek & Fix, Inc (For:Learjet, Inc)	600.00	446.06
Do	Hyjek & Fix, Inc (For:MSI Defence Systems)		
Do	Hyjek & Fix, Inc (For:Research & Development Labs)	750.00	
Do	Hyjek & Fix, Inc (For:Short Brothers (USA), Inc)	1,800.00	1,103.63
Do	Hyjek & Fix, Inc (For:Thompson Defence Projects)	2,125.00	
Angelo Iasiello, 1015 15th Street, NW, Suite 802 Washington, DC 20005	American Consulting Engineers Council	292.50	
Immigration Services Associates, 211 Wilson Boulevard, #850 Arlington, VA 22201-3008	Agricultural Producers		
Do	American Council on International Personnel (ACIP)	1,600.00	39.27
Do	Circuses, et al		
Do	Citicorp/Citibank		
Do	Fragomen Del Rey & Bernsen, PC (for National Hockey League)		
Do	Fragomen Del Rey & Bersen, P.C. (for IBM)		
Do	Information Technology Assn of America (ITAA)		
Do	Irish Immigration Reform Movement (IIRM)	193.75	11.91
Do	McDonald's Corp		
Do	Professionals for Spouse Reunification	776.25	47.10
Do	Search Group, Inc		
Industrial Union Department, AFL-CIO, 815 16th St., NW, #301 Washington, DC 20006		10,461.50	10,461.50
Edwin T. C. Ing, 2000 Pennsylvania Ave., NW, #3310 Washington, DC 20006	Hawaiian Electric Industries, Inc		
Do	Kamehameha Schools/Estate of Bernice P. Bishop		
Do	U.S. Windpower, Inc		
Charles W. Ingram, 1615 H Street NW Washington, DC 20062	U. S. Chamber of Commerce	600.00	
Int'l Union, United Auto Aerospace & Agric Implement Workers, of America (UAW) 8000 E. Jefferson Avenue Detroit, MI 48214.		126,065.71	126,065.71
International Assn of Bridge Struct & Ornamental Iron Wkrs, 1750 New York Ave., NW Washington, DC 20006.		20,160.63	35,252.17
International Assn of Machinists & Aerospace Workers, 9000 Machinists Plaee Upper Marlboro, MD 20772.		27,788.62	512.00
International Communications Industries Assn, 3150 Spring Street Fairfax, VA 22031-2399		351,534.00	2,899.00
International Speedway Corp, 1801 Volusia Avenue Daytona Beach, FL 32114			18,747.55
Walter G. 'Skip' Irvine Jr., c/o Children's Hospital of Philadelphia 34th & Civic Center Blvd. Philadelphia, PA 19104.	Children's Hospital of Philadelphia	10,000.00	2,022.94
Ivins Phillips & Barker, Chtd, 1700 Pennsylvania Ave., NW, #600 Washington, DC 20006	Family Holding Company Advocacy Group		
Do	Grand Metropolitan, Inc		
Do	Miles, Inc		
Do	Pechiney Corporation		
Do	Rochester Tax Council		
J/T Group, 2555 M Street, NW, #327 Washington, DC 20037	Coal Industry Health Protection Coalition	18,000.00	
Al Jackson, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	12,827.49	262.30
Beverly Roberson Jackson, 3707 Ingomar Street, NW Washignton, DC 20015	National Center for Clinical Infant Programs	419.00	
Thomas C. Jackson, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond (For:Foundation for Environmental & Economic Progress, Inc).	850.31	
Jeff P. Jacobs, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	1,200.00	
E. A. Jaenke & Associates, Inc, 777 14th St., NW, #666 Washington, DC 20005	University of Kansas	3,750.00	3,221.38
Pierre R. Jambon, 1001 19th Street, North #800 Arlington, VA 22209	TRW, Inc	480.00	50.49
Philip J. James, 8200 Greensboro Drive, #302 McLean, VA 22102	National Glass Assn (NGA)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Jar-Mon Consultants, Inc, 208 N. Patrick St. Alexandria, VA 22314	American Business Council, Inc	8,700.00	
Do	American Freedom Coalition		
Do	Christian Voice, Inc	2,400.00	
Charles W. Jarvis, 11240 Waples Mill Rd., #101 Fairfax, VA 22030	Rust International, Inc.		
John T. Jarvis, The Jarvis Company 1901 L Street, NW, #300 Washington, DC 20036	Savarese & Assocs (for Nat'l Assn for the Superconducting..)	3,000.00	
Edwin S. Jayne Jr., 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	17,879.64	786.28
Kevin Jefferson, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc		
Wendell Jeffreys, 245 N. Waco P.O. Box 2940 Wichita, KS 67201-2940	Wichita District Farm Credit Council		
Jellinek Schwartz & Connolly, 1015 15th Street, NW, #500 Washington, DC 20005	ASARCO, Inc	29,315.00	293.15
Joseph S. Jenckes, Suite 300 1710 Rhode Island Ave., NW Washington, DC 20036	Abbott Laboratories	10,000.00	
Linda Jenckes, 1025 Connecticut Avenue, NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc		
Carole P. Jennings, 8904 First Avenue Silver Spring, MD 20910	American Academy of Nurse Practitioners	6,000.00	300.00
Janet I. Jenson, 2600 Virginia Ave., NW, 10th Floor Washington, DC 20037-1905	Schmeltzer, Aptaker & Shepard (For:Council of Nursing Home Suppliers).	2,310.00	
Jewish Peace Lobby, 8604 Second Ave., #317 Silver Spring, MD 20910		42,980.58	2,312.62
John W. Johnson, P.O. Box 39106 Minneapolis, MN 55439-0106	American Collectors Assn	1,000.00	
Michael A. Johnson, 200 S. Wacker Dr.- 33rd Floor Chicago, IL 60606	Sonnenberg Anderson O'Donnell & Rodriguez (For:Aplix, Inc)		
Do	Sonnenberg Anderson O'Donnell & Rodriguez (For:West Bend Company).		
Barbara W. Johnston, 1225 I Street, NW, Suite 200 Washington, DC 20005	BHP Minerals		
Beverly E. Jones, 1819 L Street, NW, #900 Washington, DC 20036	Consolidated Natural Gas Co	500.00	156.23
Earl Jones Jr., 401 West 18th Street Little Rock, AR 72206	Philip Morris, Inc	1,500.00	
Robin Wagner Jones, 1129 20th Street, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc	12,825.00	
Theodore L. Jones, P.O. Box 65122 Baton Rouge, LA 70896	BellSouth Telecommunications, Inc		
Do	United Companies Financial Corporation		
Wiley N. Jones, 816 Connecticut Ave., NW, 8th Floor Washington, DC 20006	Southern Pacific Transportation Company	1,000.00	500.00
G. Harris Jordan, 99 Canal Center Plaza, #500 Alexandria, VA 22314	American International Automobile Dealers Assn (AIADA)	25,500.00	
Jorden Schulte & Burchette, 1025 Thomas Jefferson Street, NW, #400E Washington, DC 20007	City of Gainesville		
Do	City of Newark		
Do	Florida Endowment Fund for Higher Education		
Do	International Geographical Congress		
Do	Mutual Benefit Life		
Do	New York University		
Do	University of Medicine & Dentistry of New Jersey		
Do	University of Miami		
Do	University of Tulsa		
Robert E. Juliano Associates, 2555 M Street, NW, #303 Washington, DC 20037	American Express Co	15,000.00	1,199.99
Do	Hotel Employees & Restaurant Employees Int'l Union	45,125.00	2,640.86
Do	International Speedway Corp	9,000.00	
Do	Stock Information Group		
Justice Fellowship Advocates, P.O. Box 17500 Washington, DC 20041-0500			
JM Family Enterprises, Inc, 100 Northwest 12th Avenue Deerfield Beach, Fl. 33443			
Hans Kaehler, P.O. Box 118 Cold Spring Harbor, NY 11724			
Kahn Soares & Conway, 1919 S. Eads St., Suite 103 Arlington, VA 22202-3028	Central Soya/Novamont	15,000.00	4,285.27
Do	Mid-Valley Water Authority	202.50	2,132.50
Do	National Agricultural Chemicals Assn	3,500.00	2,370.50
Do	Westlake Farms	1,552.50	2,097.50
Laurel B. Kamen, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co	10,350.00	
Linda Heller Kamm, 1875 Connecticut Ave., NW, #710 Washington, DC 20009	Women's Legal Defense Fund		
James L. Kane Jr., 1315 Vincent Place Mclean, VA 22101			
Thomas J. Kane Jr., 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp	625.00	300.42
Donald J. Kaniewski, 905 16th St., NW Washington, DC 20006	Laborers' Intl Union of North America, AFL-CIO	18,918.90	450.50
Dennis R. Kanin, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	American Insurance Assn		
Do	Humane Society of the U.S., et al.		
Martin B. Kanner, 1575 Eye Street, NW, Suite 370 Washington, DC 20005-1175	Missouri Basin Municipal Power Agency	1,000.00	
Do	Public Power Council	2,500.00	
James W. Kanouse, 1700 North Moore Street, 21st Floor Rosslyn, VA 22209	Boeing Company	10,538.45	1,448.00
S. Steven Karalekas, 1250 Connecticut Avenue, NW, #318 Washington, DC 20036	Karalekas & McCahill (For:American Retirees Assn)	3,000.00	15.00
Do	Karalekas & McCahill (For:Gates Rubber Company, et al.)	13,000.00	
David A. Karcher, 4000 Legato Rd., #850 Fairfax, VA 22033-4003	American Soc of Cataract & Refractive Surgery	741.60	87.83
George Kassouf, 1601 Connecticut Avenue, NW, #600 Washington, DC 20009	Alliance for Justice	125.00	
Paul F. Kavanaugh, 11240 Waples Mill Road, #101 Fairfax, VA 22030	RUST International, Inc		
Kearney & Gleason, One State Street - 8th Floor Boston, MA 02109	New England Telephone Co	1,250.00	432.50
Do	NYNEX Government Affairs	1,250.00	
David L. Keating, 3415 Shepherd Chevy Chase, MD 20815	National Taxpayers Union	3,311.00	
Richard F. Keating, 1776 I Street, NW, #200 Washington, DC 20006	Anheuser-Busch Companies, Inc		1,000.00
Keck Mahin & Cate, 1201 New York Ave., Penthouse Washington, DC 20005	American Assn for Marriage & Family Therapy		
Do	Arkansas Oklahoma Gas Company		
Do	Arkansas Western Gas Company		
Do	Arkla, Inc		
Do	General Instrument Corporation	8,158.00	
Do	Group Health, Inc	17,760.50	
Do	Williams Companies		
David A. Keene & Associates, 919 Prince Street Alexandria, VA 22314	United Seniors Assn	12,000.00	20.00
Keiki Kehoe, 218 D St., SE Washington, DC 20003	Friends of the Earth		
Heather Anne Keith, 3050 K Street, NW, #330 Washington, DC 20007	National Club Association		
W. Curtis Kelley, 1150 17th Street, NW, #600 Washington, DC 20036	Health Insurance Plan of Greater New York	3,437.50	
Donald E. Kelly, 2555 M Street, NW, #301 Washington, DC 20037-1302	Appraisal Institute	1,750.00	
Edward L. Kelly, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Psychiatric Health Systems	500.00	
John A. Kelly, 1025 Thomas Jefferson St., NW, #105 Washington, DC 20007	BMW of North America, Inc	10,000.00	
Do	Perdue Farms Inc	15,000.00	
Paul T. Kelly, 1701 Clarendon Boulevard Arlington, VA 22209	American Chiropractic Assn		
Susan N. Kelly, 1101 14th Street, NW, #1400 Washington, DC 20005	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn (APGA)).		
Jane Kelso, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	7,316.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Kemper Investors Life Insurance Co, One Kemper Drive, T-1 Long Grove, IL 60049			2,253.96
Vytautas Kerbelis, P.O. Box 336 Seal Harbor, ME 04675	ARAS		
Susan Akers Kernus, 1424 Longfellow St., NW Washington, DC 20011	Synthetic Organic Chemical Manufacturers Assn, Inc		
T. Michael Kerr, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees	15,693.68	74.00
Carolyn Kiely, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	1,031.25	
Gregory Kilgore, 1850 M Street, NW, 11th Floor Washington, DC 20036	Sprint	8,000.00	505.98
John J. Killeen, 1101 Pennsylvania Ave. NW #400 Washington, DC 20004	Textron, Inc	600.00	150.00
William P. Killmer, 1201 - 15th Street, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Daryl G. Kimball, 1000 16th Street, NW, #810 Washington, DC 20036	Physicians for Social Responsibility	2,381.00	
Roy Caldwell Kime, 515 North Washington Street, #400 Alexandria, VA 22314	International Assn of Chiefs of Police	12,606.40	1,538.91
Gene Kimmelman, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	10,586.00	291.00
Kinghorn & Associates, 900 2nd Street, NE, #109 Washington, DC 20002	American Metalcasting Consortium (AMC)	7,125.00	
Kathleen N. Kingscott, 6600 Rockledge Drive Bethesda, MD 20817	IBM Corp	309.32	72.50
Roger P. Kingsley, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Janie A. Kinney, 1500 K Street., N.W #650 Washington, DC 20005	Glaxo, Inc	4,500.00	200.00
Jill H. Kinsella, P.O. Box 1005 Fairfax, VA 22030-1005	Community Antenna Television Assn	4,500.00	215.00
Peter C. Kirby, 1447 Peachtree St., #812 Atlanta, GA 30309	Wilderness Society		
Kirkpatrick & Lockhart, 1800 M Street, NW, South Lobby, #900 Washington, DC 20036	Center for Civic Education	1,916.50	485.76
Do	Constitutional Rights Foundation	1,916.50	485.76
Do	Equifax, Inc	930.40	185.57
Do	National Institute for Citizens Education in the Law	1,916.50	485.76
Do	Search Group, Inc	5,593.83	865.96
Jerry D. Klepner, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	36,601.41	136.00
William J. (Bill) Klinefelter, 815 16th Street, NW, #301 Washington, DC 20006	Industrial Union Department (AFL-CIO)	9,161.50	
Theodore Knappen, 1001 G Street, NW, #400 East Washington, DC 20001	Greyhound Lines, Inc	20,000.00	
Do	Mid-Atlantic Medical Services, Inc	12,000.00	
James E. Kneale, 1725 Jefferson Davis Hwy., #300 Arlington, VA 22202	Lockheed Corporation	4,000.00	212.15
Bruce Knight, 415 Second Street, NE, #300 Washington, DC 20002	National Assn of Wheat Growers	1,000.00	
C. Neal Knox, Neal Knox Associates Box 6537 Silver Spring, MD 20906	Firearms Coalition	10,000.00	1,100.00
Darrell Knuffke, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society	233.46	
Robert P. Koch, 1575 Eye Street, NW, Suite 325 Washington, DC 20005	Wine Institute	6,000.00	144.00
Blair Koehler, 1800 Diagonal Road, #140 Alexandria, VA 22314	National Assisted Housing Management Assn	500.00	
Kirk Koepsel, 23 North Scott Sherican, WY 82801	Sierra Club	3,065.50	331.90
Kogovsek & Associates, Inc, 1801 Broadway, #1420 Denver, CO 80202	Colorado Water Congress		
Do	Dolores Water Conservancy District		1,847.89
Do	Rio Grande Water Conservation District	3,000.00	1,052.83
Do	Rocky Mountain Health Care Corp	9,675.00	3,684.08
Do	San Juan Water Commission	1,955.00	1,405.12
Do	Southern Ute Indian Tribe	12,500.00	9,362.89
Do	Southwestern Water Conservation District, Durango County	55,000.00	10,961.32
Do	Ute Mountain Ute Tribe	21,666.00	
Do	Water Protection Assn of Central Kansas	4,000.00	1,389.79
Gary J. Kohn, 805 15th Street, NW, #300 Washington, DC 20005	Independent Bankers Assn of America	19,350.00	878.61
Koniag, Inc, 4300 B Street, #407 Anchorage, AK 99503			82,909.88
Barry Krasner, 444 North Capitol Street, NW, #845 Washington, DC 20001	National Air Traffic Controllers Assn	421.28	
Gawain Kripke, 218 D Street, SE Washington C, DC 20003	Friends of the Earth	739.07	
Peter Dev Kurze, 1843 Mintwood Place, NW, #110 Washington, DC 20009	Daimler-Benz Washington, Inc		
Kutak Rock, 1101 Connecticut Ave., NW, #1000 Washington, DC 20036	Education Resources Institute		1,990.21
Do	Fidelity Management & Research Co		
Do	First National Bank of Omaha		
Do	Louisiana Public Facilities	13,000.00	7,367.53
Do	Municipal Bond Investors Assurance Corp	20,196.25	2,666.12
Do	Smith Barney Harris Upham & Co	5,300.00	1,850.90
Labor-Management Maritime Committee, Inc, 1150 17TH Street, NW., Suite 700 Washington, DC 20036		5,988.00	4,844.00
Laborers' Intl Union of North America, AFL-CIO, 905 16th St., NW Washington, DC 20006			42,729.40
John D. Lacopo, 1331 Pennsylvania Ave., NW, #1300 Washington, DC 20004	EDS Corporation		
Bruce C. Ladd Jr., 1350 I Street, NW Washington, DC 20005	Motorola, Inc		
Gerard F. Lamb, 2341 Jefferson Davis Hwy, #1100 Arlington, VA 22202	Bath Iron Works Corp	5,000.00	
Robert Lamb, 1200 G Street, NW, #600 Washington, DC 20005	Wright & Talisman, PC (For:Cabot Energy Corp)		
Do	Wright & Talisman, P.C. (For:Columbia Natural Resources)		
Do	Wright & Talisman, PC (For:Equitable Resources Exploration)		
Do	Wright & Talisman, P.C. (For:Occidental Chemical Corporation)		
Do	Wright & Talisman, PC (For:Potlatch Corp)		
Do	Wright & Talisman, PC (For:Solite Corp)		
Do	Wright & Talisman (For:Sun Company, Inc)		
Do	Wright & Talisman (For:Virginia Oil and Gas Assn)		
David P. Lambert, 1800 K St., NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Stephen K. Lambright, One Busch Place St. Louis, MO 63118	Anheuser-Busch Companies, Inc		
Lester P. Lamm, 1776 Massachusetts Avenue, NW Washington, DC 20036	Highway Users Federation	150.00	45.00
Jill Lancelot, 7100 Sycamore Avenue Takoma Park, MD 20912	National Taxpayers Union	5,538.00	
David W. Landsidle, 1710 Rhode Island Avenue, NW, #300 Washington, DC 20036	Abbott Laboratories	5,000.00	
Bruce Alan Landy, 2601 Virginia Avenue, NW Washington, DC 20037	B.A.L. Co		
Do	Cryogenic Vacuum Technology Co		
Do	FAA-Congress Watch		
Do			
William C. Lane, 100 N.E. Adams Street Peoria, IL 61629-1460	Caterpillar, Inc	625.00	1,986.28
Adrienne C. Lang, 1101 Vermont Ave, NW, #606 Washington, DC 20005	American Soc of Anesthesiologists	15,000.00	
Latham & Watkins, 1001 Pennsylvania Ave., NW, #1300 S Washington, DC 20004-2505	Alexander & Alexander Services, Inc		
Do	EUA Cogenex Corp		
Do	Manville Corp		
Do	National Independent Energy Producers	5,000.00	
Do	Sithe Energies USA, Inc		
K.P. Lau, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council		
Paul Laxalt Group, 801 Pennsylvania Ave, NW, #750 Washington, DC 20004	Sears Roebuck & Co	6,250.00	
William N. LaForge, 1150 Connecticut Ave., NW, #900 Washington, DC 20036	Paul Werth Associates, Inc (For:American Business Council of the Gulf Countries (ABCGC)).	7,500.00	173.65

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Battelle Memorial Institute		
Do	Coordination Council for North American Affairs		
Do	Paul Werth Associates, Inc (For:Grocery Manufacturers Assn)		
Do	Paul Werth Associates, Inc (For:Hoechst Celanese Corporation)	9,000.00	69.54
Do	Paul Werth Associates, Inc (For:Mississippi Band of Choctaw Indians).		
Do	Paul Werth Associates, Inc (For:United South and Eastern Tribes Gaming Assn).	19,998.00	20.40
Do	Paul Werth Associates, Inc (For:Von Roll America, Inc)		
Leadership Conference on Civil Rights, 1629 K Street, N.W., Suite 1010 Washington, DC 20006		92,007.69	44,576.66
Lee Toomey & Kent, 1200 18th Street, NW Washington, DC 20036	American Society for Payroll Managemetn		20.00
Do	Avon Products, Inc		20.00
Do	ACX Technologies, Inc		20.00
Do	Beckman Instruments, Inc		20.00
Do	Becton Dickinson & Co		20.00
Do	BellSouth Corp		20.00
Do	Briggs & Stratton Corp		20.00
Do	Burroghs Wellcome Co		20.00
Do	Carolina Power & Light Co		20.00
Do	Colgate-Palmolive Co		20.00
Do	Coors Brewing Company and Subsidiaries		20.00
Do	Data General Corp		20.00
Do	Deere & Co		20.00
Do	Dun & Bradstreet Corp		20.00
Do	Ecolab, Inc		20.00
Do	First Data Corp		20.00
Do	Golden Aluminum Company		20.00
Do	Golden Technologies Company		20.00
Do	Graphic Packaging Corp		20.00
Do	GTE Corp		20.00
Do	Johnson & Johnson		20.00
Do	Millipore Corp		20.00
Do	Minnesota Mining & Manufacturing Co		20.00
Do	Nestle Holdings, Inc		20.00
Do	Raytheon Co		20.00
Do	Reynolds Metals Company	20.00	
Do	Riviana Foods, Inc		20.00
Do	RJR Nabisco, Inc		20.00
Do	Sterling Winthrop, Inc		20.00
Do	Tandem Computers, Inc		20.00
Do	Thiokol Corp		20.00
Arnold H. Leibowitz, 888 Sixteenth Street, NW # 507 Washington, DC 20006	Cameron & Hornbostel (For:Hebrew Immigrant Aid Society (HIAS)).	29,400.00	8,158.39
Lynette Lenard, 1350 Connecticut Avenue, NW, #1101 Washington, DC 20036	Browning-Ferris Industries	3,000.00	300.00
Donna Lenhoff, 1875 Connecticut Avenue, NW, #710 Washington, DC 20009	Women's Legal Defense Fund	2,709.00	790.00
David J. Lennett, P.O. Box 71 Litchfield, ME 04350	Environmental Defense Fund		
Do	National Audubon Society		
Barbara W. Levine, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	634.50	
Leonard B. Levine, 601 13th Street, NW, #350-S Washington, DC 20005	TransCanada PipeLines	4,800.00	59.86
David R. Levinson, 1133 15th Street, NW, #1200 Washington, DC 20005	Office & Professional Employees Intl Union, Local 2, AFL-CIO		
Stuart A. Lewis, 1919 Pennsylvania Ave., NW, #850 Washington, DC 20006	First Interstate Bancorp	400.00	
Lawson LeGate, 177 East 900 South, #102 Salt Lake City, UT 84111	Sierra Club	799.67	1,103.31
Robert G. Liberatore, 1100 Connecticut Avenue, NW, #930 Washington, DC 20036	Chrysler Corporation	6,252.00	328.00
Judith Lichtman, 1875 Connecticut Avenue, NW, #710 Washington, DC 20009	Women's Legal Defense Fund	5,248.00	1,417.00
Sharon Lindan, 1875 Connecticut Avenue, NW, Suite 300 Washington, DC 20009-5728	Center for Science in the Public Interest	3,000.00	100.00
Karl W. Lindberg, 2322 Easter Lane New Orleans, LA 70114	Southern Forest Products Assn	2,812.50	
Kathleen M. Linehan, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	2,400.00	45.00
Linton Mields Reisler & Cottone, 1225 Eye Street, NW, #300 Washington, DC 20005	Colorado School of Mines Foundation	15,150.13	
Do	Michigan Dept of Transportation	19,085.69	
Do	Northern States Power Company		
Do	State of Colorado, Dept of Highways	11,399.45	
Do	State of IL, Dept of Transportation, Div of Water Resources	26,486.23	
Do	Water Reclamation District of Greater Chicago	33,635.77	
Do	Wisconsin Power & Light Co	7,725.00	
Jeanne Marie Little, 9300 Livingston Road Ft. Washington, MD 20744	National Tooling & Machining Assn	9,777.17	973.81
Roy E. Littlefield III, 1707 Pepper Tree Court Bowie, MD 20716	American Retreaders' Assn	100.00	
Do	Greater Washington/Maryland Service Station Assn	100.00	
E. Geoffrey Littlehale, 1500 K Street, NW, #650 Washington, DC 20005	Glaxo, Inc	2,000.00	
Aaron Locker, One Pennsylvania Plaza New York, NY 10119	Toy Manufacturers of America, Inc	5,500.54	709.60
Frank P. Lombardo II, 317 Baronne Street, N-25 New Orleans, LA 70112	Entergy Services, Inc	1,075.53	149.95
G. Thomas Long, 1200 G Street, NW, #400 Washington, DC 20005	Health Industry Manufacturers Assn		
Brien Lorenze, 1015 15th Street, NW, Suite 802 Washington, DC 20005	American Consulting Engineers Council	6,800.00	
James Lovell, 20361 Middlebelt Livonia, MI 48152	National Hearing Aid Society		
P. Vincent LoVoi, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company	5,000.00	
Joe O. Luby Jr., 1899 L Street, NW, Suite 1100 Washington, DC 20036	Exxon Corp		
Amy J. Lucas, 15th & M Street, NW Washington, DC 20005	National Assn of Home Builders of the United States		
Mrs. Freddie H. Lucas, 1660 L St., NW, Suite 400 Washington, DC 20036	General Motors Corp	3,000.00	1,899.13
Michael L. Lunceford, 8787 Stemmons Freeway Dallas, TX 75247	Mary Kay Cosmetics, Inc		
Kevin A. Lynch, 1275 K Street, NW, #1100 Washington, DC 20005	PacifiCorp Electric Operations	690.00	2,919.58
Margaret Lyons, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	3,810.00	
William T. Lyons, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	9,250.00	9,547.00
Robert E. Mackin, 122 South Swan Street Albany, NY 12210	National Conference of Insurance Legislators	12,500.00	
Brian C. MacDonald, 1301 Pennsylvania Avenue, NW, Suite 300 Washington, DC 20004	Public Lands Council	1,000.00	
James J. Magner, 314 Massachusetts Ave, NE Washington, DC 20002	James J. Magner & Associates, Inc. (For:ASARCO, Inc)	13,943.07	683.47
Do	James J. Magner Associates, Inc (For:Inter-Mountain Forest Industries Assoc.).	1,775.77	0.39

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	James J. Magner & Associates (For:Kaibab Forest Products Company).	8,385.57	1,162.97
Do	James J. Magner & Associates, Inc (For:Manhole Adjusting Contractors, Inc).		
Do	James J. Magner & Associates, Inc (For:Northern Arizona University Foundation).	7,366.15	1,041.67
James J. Magner and Associates, Inc, 314 Massachusetts Ave., NE Washington, DC 20002	Asarco, Inc	21,273.75	20,343.54
Do	Canyoneers		
Do	Inter-Mountain Forest Industries Assn	2,715.00	2,504.27
Do	Kaibab Forest Products Company	12,847.50	12,986.83
Do	Manhole Adjusting Contractors, Inc		
Do	Northern Arizona University Foundation	11,250.00	11,428.12
Alisa Learner Maher, 1100 Connecticut Ave., NW Washington, DC 20036	Chrysler Corporation	4,725.00	507.00
Walter B. Maher, 1100 Connecticut Ave., NW, #900 Washington, DC 20036	Chrysler Corporation	1,998.00	512.00
Linda Major, P.O. Box 2801 Daytona Beach, FL 32115	International Speedway Corp	600.00	2,393.08
Do	National Motorsports Council of ACCUS-FIA	600.00	2,393.36
Major League Baseball Players Assn, 805 Third Avenue New York, NY 10022			
Todd M. Malan, 801 Pennsylvania Ave., NW, Suite 950 Washington, DC 20004	European-American Chamber of Commerce	8,400.00	
Manatt Phelps & Phillips, 1200 New Hampshire Ave., NW, #200 Washington, DC 20036	Alliance for Managed Competition	8,600.00	
Do	California Chiropractic Assn	412.50	6.00
Do	EDU-DYNE Systems, Inc		
Do	Federal Express Corp		
Do	General Electric, et al.		
Do	Glen-Fed, Inc	412.50	4.00
Do	National Cable Television Assn, Inc	400.00	
Do	Phillip Morris, Inc	800.00	
Do	Thomas Cook, et al.		
Anne Mancer, P.O. Box 530187 Birmingham, AL 35253-0187	Vulcan Materials Co	1,000.00	1,271.26
Jennifer A. Mann, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company	3,000.00	
Albert Manville II, 1244 19th Street, NW Washington, DC 20036	Defenders of Wildlife	1,340.90	11.60
Robert Y. Maples, 2550 M Street, NW, Suite 300 Washington, DC 20037	Philip Morris Management Corp	839.00	179.00
Marc Associates, Inc, 1101 17th Street, NW, #803 Washington, DC 20036-4704	Affiliated Leadership League of & for the Blind		
Do	American Assn of Colleges of Osteopathic Medicine	1,666.00	
Do	American College of Foot Surgeons	2,500.00	
Do	American Soc for Gastrointestinal Endoscopy	2,500.00	
Do	American Soc of Anesthesiologists	15,000.00	
Do	American Soc of Clinical Pathology	5,000.00	
Do	American Soc of Hematology	1,000.00	
Do	American Urological Assn/Amer Assn of Clinical Urologists	5,500.00	
Do	Health Industry Manufacturers Assn (HCR)		
Do	Health Industry Manufacturers Assn (HME)	21,000.00	
Do	Health Industry Manufacturers Assn (IOL)		
Do	Helen Keller National Center	250.00	
Do	International Soc for Cardiovascular Surg/Soc for Vascular..	4,500.00	
Do	Los Angeles County Transportation Commission	3,000.00	
Do	Merck Sharp and Dohme	1,000.00	
Do	National Assn of Epilipsy Centers	2,000.00	
Do	National Coalition on Immune System Disorders		
Do	National Hemophilia Foundation	4,000.00	
Do	NI Industries	3,000.00	
Do	Recording for the Blind, Inc	1,000.00	
Do	Research Society on Alcoholism	2,000.00	
Do	Society of Geriatric Opthalmology		
Marlowe & Company, 1667 K Street, NW, #480 Washington, DC 20006	Kansas City International Airport		
Do	Law Enforcement Steering Committee		
Alexandra Maroulis-Cronmiller, One Thomas Circle, NW Washington, DC 20005	Independent Bankers Assn of America	12,310.00	35.06
Howard R. Martin, 1156 15th Street, NW, Suite 1015 Washington, DC 20005	J.C. Penney Co, Inc		
Judith Marty, 1 Crane Place Bellevue Hill, NSW 2023 Australia			
Maryland People's Counsel, 231 E. Baltimore Street, 9th Fl. Baltimore, MD 21202			
James D. Massie, 1317 F Street, NW, #400 Washington, DC 20004	R, Duffy Wall & Associates	1,250.00	
Noel D. Matchett, 1001 Spring St., #123 Silver Spring, MD 20910	Information Security, Inc		
Michael J. McAdams, 1776 Eye Street, NW, #1000 Washington, DC 20006	BP America, Inc		
Mary E. McAuliffe, 555 Thirteenth Street, NW, #450 West Columbia Square Washington, DC 20004	Union Pacific Corp	13,750.00	9,948.78
McAuliffe Kelly & Raffaelli, 1341 G Street, NW, #200 Washington, DC 20005	American Psychological Assn	1,000.00	
Do	COSTEP		
Do	Diagnostic Retrieval Systems	1,000.00	
Do	Puerto Rico Federal Affairs Administration		
Do	Seafarers International Union	1,000.00	
Charlie McBride Associates, Inc, 1730 M Street, NW, #800 Washington, DC 20036	American Nuclear Energy Council	3,000.00	489.13
Do	Carolina Power & Light Co	900.00	
Do	Commonwealth Edison Co	900.00	
Do	Consolidated Edison Co of New York, Inc	2,400.00	
Do	Edison Chouest Offshore	1,600.00	79.94
Do	General Atomics	2,400.00	301.24
Do	ICF International	1,200.00	
Do	Louisiana Energy Services	1,200.00	
Do	Naitonal Assn for the Superconducting Super Collider	4,000.00	296.17
Do	Sealaska Corp	1,800.00	188.80
Do	Turlock Irrigation District	800.00	79.94
Do	Westinghouse Electric Corp	3,560.00	1,642.60
Do	Yukon Pacific Corp	2,400.00	301.25
Katherine S. McCarter, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	2,566.00	
Stephen McConnell, 1334 G Street, NW, #500 Washington, DC 20005	Alzheimer's Assn	3,500.00	100.00
Maryanne McCormick, 1455 Pennsylvania Avenue, NW Washington, DC 20004-1007	American Institute of Certified Public Accountants	5,000.00	1,684.84
Carol A. McDaid, 1317 F Street, NW Washington, DC 20004	R. Duffy Wall & Associates, Inc	1,250.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Marianne McDermott, 1350 New York Avenue, NW, #615 Washington, DC 20005	Resources for Group Management, Inc (For:Greeting Card Assn).		
McDermott Will & Emery, 1850 K Street, NW, #500 Washington, DC 20006	Associated Financial Corporation	62.49	
Do	ARA Services, Inc		
Do	Blue Cross & Blue Shield of Missouri	250.00	
Do	Campbell Soup Company	187.50	
Do	Coalition for Employment Opportunities	291.66	
Do	Fashion Accessories Shippers Association		
Do	Harcourt Brace Jovanovich		
Do	Home Intensive Care, Inc	333.33	
Do	Kmart Corporation		
Do	Muscular Dystrophy Assn	458.33	
Do	National Association of Diagnostic Services		
Do	Olin Corporation		
Do	Russ Berrie & Company	166.66	
Do	Southland Corporation	395.83	
Do	St. Anthony Publishing		
Do	World Airways		
James E. McDonald, 410 First Street, SE, 3rd Floor Washington, DC 20003	American Nuclear Energy Council (ANEC)		
Tom McDonald, Arter & Hadden 1100 Huntington Bldg. Cleveland, OH 44115	Mt Carmel Health		2,548.10
Patrick J. McHugh, c/o NYS Petroleum Council 150 State Street Albany, NY 12207	American Petroleum Institute		
Robert McIntyre, 1313 L St., NW Washington, DC 20005	Citizens for Tax Justice	12,692.28	
Francis X. McLaughlin Jr., 1111 14th Street, NW, #1100 Washington, DC 20005	American Dental Assn	712.00	71.80
Lindsay McLaughlin, 1133 15th Street, NW Washington, DC 20005	ILWU	10,000.00	429.46
Michael R. McLeod, 1 Massachusetts Ave., NW, #800 Washington, DC 20001-1431	McLeod Watkinson & Miller (For:American Assn of Crop Insurers).	10,734.00	260.55
Do	McLeod Watkinson & Miller (For:American Mushroom Institute)		
Do	McLeod Watkinson & Miller (For:American Peanut Product Manufacturers, Inc).	2,073.00	200.36
Do	McLeod Watkinson & Miller (For:Chicago Board of Trade)	9,599.00	
Do	McLeod Watkinson & Miller (For:PromoFlor)	5,036.00	95.80
Do	McLeod Watkinson & Miller (For:State of Florida Department of Citrus).	109.00	
Do	McLeod Watkinson & Miller (For:United Egg Producers)	799.00	
Nancy L. McLernon, 1747 Pennsylvania Avenue, NW, #704 Washington, DC 20006	Organization for International Investment (OFII)		1,595.85
Victor McMahan, 218 D Street, SE Washington, DC 20003	Friends of the Earth		
Thomas E. McMahon, 11718 Bowman Green Drive Reston, VA 22090	National Automatic Merchandising Assn	9,687.00	1,299.25
McNair Group, Inc, 1155 15th St., NW, #400 Washington, DC 20005	Harmon Industries, Inc		
Do	Hercules, Inc		
Do	State of Hawaii/Dept of Transportation		
Larry McNickle, 901 E Street, NW, #500 Washington, DC 20004-2873	American Assn of Homes for the Aging	203.03	50.26
James Meadows, 600 Congress Ave., #1360 Austin, TX 78701	Capital Network System, Inc	1,200.00	
Francis X. Meaney, 701 Pennsylvania Avenue, NW Washington, DC 20004	Mintz Levin Cohn Ferris Glovsky & Popeo (For:Goldman Sachs & Co).		
Do	Mintz Levin Cohn Ferris Glovsky & Popeo (For:Securities Industry Assn).		
Paul N. Means, P.O. Box 551 Little Rock, AR 72203	Arkansas Power & Light Company		50.00
Medtronic, Inc, 7000 Central Avenue, NE Minneapolis, MN 55432			9.55
Stewart C. Megaw, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	620.00	
Larry Mehlhaff, 23 N. Scott, #27 Sheridan, WY 82801	Sierra Club	5,052.50	5,138.89
Stanley Meierfeld, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange		
Carol Melton, 800 Connecticut Avenue, NW, #800 Washington, DC 20006	Time Warner, Inc	9,250.00	79.38
Scott Melville, 1776 Eye Street, NW, Suite 1060 Washington, DC 20006	Sterling Winthrop, Inc		
Joseph R. Membrino, 1120 20th Street, NW, #750 South Washington, DC 20036	Hall Estill et al (For:Cherokee Nation)	7,585.50	235.24
Do	Hall Estill et al. (For:Hoopa Valley Tribe)	15,975.00	289.67
Do	Wichita Tribe	1,980.00	
Edward A. Merlis, 1301 Pennsylvania Avenue. NW, #1100 Washington, DC 20004-1707	Air Transport Assn		
Nancy Jo Merrill, 1901 L St., NW, #260 Washington, DC 20036	March of Dimes Birth Defects Foundation	1,325.00	
Richard P. Merski, 1455 Pennsylvania Avenue, NW, #900 Washington, DC 20004	American International Group, Inc	5,000.00	256.35
Carol Messer, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co	5,148.00	162.75
Howard M. Messner, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	625.00	
Alden M. Meyer, l6l6 P Street, NW Washington, DC 20036	Union of Concerned Scientists	2,919.29	6,069.06
M. Barry Meyer, 900 19th Street, NW Washington, DC 20006	Aluminum Assn, Inc	100.00	
Nicholas Meyers, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	3,675.00	925.21
Richard P. Michalski, 900 Machinists Place Upper Marlboro, MD 20772	International Assn of Machinists & Aerospace Workers	9,860.47	
Michigan International Trade Coalition, 1760 South Telegraph Road, Suite 207 Bloomfield Hills, MI 48302.			32,806.72
Michael C. Middleton, 100 South Charles Street P.O. Box 987 Baltimore, MD 21203	MNC Financial, Inc		
Rene Milam, 11600 Sunrise Valley Drive Reston, VA 22091	Newspaper Association of America	6,000.00	
Military Boot Manufacturers Assn, Belleville Shoe Manufacturing Co P.O. Box 508 Belleville, IL 62222			
Fred Millar, 218 D St., SE Washington, DC 20003	Friends of the Earth		
Bonnie K. Miller, Box 528 Gainesville, VA 22065-0528	Liberty Lobby	3,000.00	1,510.35
Do	National Council for Improved Health	4,000.00	3,120.79
Boyce Miller, 218 D Street, SE Washington, DC 20003	Friends of the Earth		
Clinton R. Miller, P.O. Box 528 Gainesville, VA 22065-0528	Liberty Lobby		
Do	National Council for Improved Health, et al.	1,500.00	578.82
Deborah Imle Miller, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Grant Miller, 1800 Diagonal Rd. # 600 Alexandria, VA 22314	Grumman Corp	3,000.00	300.00
Do	Northrop Corporation	3,000.00	300.00
Howard Miller, 115 West College Drive Marshall, MN 56258	Schwan's Sales Enterprises, Inc		
Jeffrey T. Miller, 295 Madison Ave 19th Floor New York, NY 10017	Lead Industries Association, Inc		
Linda B. Miller, 818 18th Street, NW, #900 Washington, DC 20006	Volunteer Trustees of Not-For-Profit Hospitals		
Pamela A. Miller, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society	515.88	1,382.66
Richard W. Miller, 1701 Clarendon Blvd. Arlington, VA 22209	American Chiropractic Assn		
William T. Miller, 1101 14th Street, NW, #1400 Washington, DC 20005	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn (APGA)).		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Miller & Associates, Harris N., 1212 New York Avenue, NW, #850 Washington D.C.	Home Insurance		
C.G. Pete Milligan, 1442 S.W. Troon Circle Palm City, FL 33490	American Telephone & Telegraph Co	2,200.00	566.81
Anna Minaya, 2632 Wagon Drive, #2D Alexandria, VA 22303	Helicopter Assn International	7,500.00	700.00
Elliot Mincberg, 2000 M Street, NW, Suite 400 Washington, DC 20036	People for the American Way Action Fund	2,888.00	75.75
David T. Modi, 1875 Eye Street, NW, #775 Washington, DC 20006	Georgia-Pacific Corp	120.00	
Louis Mark Monroe, 1750 New York Avenue Washington, DC 20006	International Brotherhood of Painters & Allied Trades		
Michael Monroney, 1250 H Street, NW, #700 Washington, DC 20005-3908	Citizens for a Sound Economy		
Kevin P. Montgomery, 1629 K Street, NW, #503 Washington, DC 20006	Evergreen International Aviation, Inc		38.00
Karl R. Moor, 1101 Connecticut Avenue, NW, #800 Washington, DC 20036	Balch & Bingham (For:Alabama Power Co)		
Do	Balch & Bingham (For:Southern Company Services, Inc)		
Cynthia L. Moore, 5908 North 35th Street Arlington, VA 22207	National Council on Teacher Retirement	775.00	24.68
Walter K. Moore, 1901 L Street, NW, #705 Washington, DC 20036	Eli Lilly & Company		577.55
Randall B. Moorhead, 1300 I Street, NW, #1070E Washington, DC 20005	North American Philips Corp	4,000.00	1,030.00
Richard M. Moose, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co	16,450.00	
Dudley Digges Morgan III, 4900 Baronne Street New Orleans, LA 70115	Southern Forest Products Assn	15,673.50	
Tom C. Morris, 1776 Eye Street, NW, #700 Washington, DC 20006	Phillips Petroleum Co	1,800.00	
Mark E. Morrison, 1725 Jefferson Davis Highway Arlington, VA 22202	Lockheed Corp	2,000.00	473.54
Michael L. Morton, 1301 Pennsylvania Ave, NW, S401 Washington, DC 20004-1701	Florida Sugar Cane League, Inc		
Do	Rio Grande Valley Sugar Growers		
Kate Moss Company, 2550 M Street, NW, #275 Washington, DC 20037	Committee for Equitable Compensation		
Do	Dean Witter Discover & Co		
Do	National Assn for the Superconducting Super Collider	900.00	
Do	NationsBank, Inc	2,200.00	
Do	Southwestern Bell Corp		
Do	Trans Union Corp	200.00	
Motion Picture Assn of America, Inc, 1600 Eye Street, NW Washington, DC 20006		24,007.20	24,007.20
Susan Connolly Moya, 1101 15th Street, NW, #500 Washington, DC 20005	Asea Brown Boveri, Inc	7,500.00	165.34
Mt. Carmel Health, 793 West State Street Columbus, OH 43222			2,548.10
John A. Mullett, 1627 K St., NW, #500 Washington, DC 20006	FMC Corporation	2,400.00	46.00
Cecilia Munoz, 810 First Street, NE, Suite 300 Washington, DC 20002	National Council of La Raza	28,664.85	25,664.85
Richard D. Murray, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn		
Susan A. Murray, 666 Pennsylvania Ave., SE Washington, DC 20002	National Audubon Society		
Robert Musil, 1000 16th Street, NW, Suite 810 Washington, DC 20036	Physicians for Social Responsibility	4,528.00	
Robert J. Muth, 180 Maiden Lane New York, NY 10038	Asarco, Inc	500.00	
Lawrence D. Muzzy, 2200 W. Salzburg Road, Mail #W281 Midland, MI 48611	Dow Corning Corp		1,020.00
Karen Magee Myers, 1331 Pennsylvania Ave., NW, suite 1300-N Washington, DC 20004	Electronic Data Systems Corp	384.00	165.28
Mary Ellen Natale, 1875 Connecticut Avenue, NW,#540 Washington, DC 20009	Food Research and Action Center	453.84	
National Agricultural Chemicals Assn, 1155 15th St., NW Washington, DC 20005		50.00	70.00
National Air Traffic Controllers Assn, 444 N. Capitol Street, NW, #845 Washington, DC 20001		29,487.21	4,129.97
National Assn for the Self-Employed (NASE), 1101 15th Street N.W., #400 Washington, DC 20005		47,299.06	29,522.43
National Assn for the Superconducting Super Collider, 666 Pennsylvania Ave., SE, Suite 400 Washington, DC 20003.		107,600.00	82,171.33
National Assn for Stock Car Auto Racing, inc (NASCAR), P.O. Box 26765 1801 Volusia Avenue Daytona Beach, FL 32115-2875.			4,346.36
National Assn of Beverage Importers, 1025 Vermont Avenue, NW, #1205 Washington, DC 20005			
National Assn of Casualty & Surety Agents, 316 Pennsylvania Ave., SE, #400 Washington, DC 20003			8,489.00
National Assn of Criminal Defense Lawyers, 1627 K Street, NW, 12th Floor Washington, DC 20006		24,575.00	17,022.83
National Assn of Home Builders of the U.S., 15th & M Sts., NW Washington, DC 20005		53,929.92	139,102.93
National Assn of Letter Carriers, 100 Indiana Ave., NW Washington, DC 20001		5,286,979.29	147,142.25
National Assn of Wheat Growers, 415 2nd St., NE, #300 Washington, DC 20002		5,000.00	8,200.00
National Cable Television Assn, Inc, 1724 Massachusetts Ave., NW Washington, DC 20036		65,266.26	65,266.26
National Coal Assn, 1130 17th Street, NW Washington, DC 20036		1,718,410.58	19,381.59
National Coalition for Cancer Survivorship, 1010 Wayne Avenue, Suite 300 Silver Spring, MD 20910			
National Education Assn, 1201 16th St., NW Washington, DC 20036		42,621.76	42,621.76
National Family Planning & Reproductive Health Assn, Inc, 122 C St., NW, #380 Washington, DC 20001		122,196.00	1,783.00
National Federation of Business & Professional Women/USA, 2012 Massachusetts Ave., NW Washington, DC 20036.	Business & Professional Women/USA		10,309.00
National Glass Assn, 8200 Greensboro Drive, #302 McLean, VA 22102		3,500.00	7,000.00
National Hearing Aid Society, 20361 Middlebelt Livonia, MI 48152			
National League of Postmasters, 1023 North Royal Street Alexandria, VA 22314			50,970.00
National Motorsports Council of ACCUS-FIA, 1500 Skokie Boulevard, Suite 101 Northbrook, IL 60602		60,126.00	10,893.91
National Newspaper Assn, 1627 K St., NW, #400 Washington, DC 20006		120,000.00	4,800.00
National Pork Producers Council, 501 School Street, SW, #400 Washington, DC 20074		176,071.00	21,187.00
National Rural Letter Carriers Assn, 1630 Duke St., 4th Floor Alexandria, VA 22314-3465		26,716.00	37,474.00
National Spa & Pool Institute, 2111 Eisenhower Ave. Alexandria, VA 22314		12,000.00	6,500.00
Natural Gas Supply Assn, 1129 20th St., NW, #300 Washington, DC 20036		2,875,263.00	199,778.13
Katherine Ben Neas, 8630 Fenton Street, Suite 410 Silver Spring, MD 20910	American Assn of University Affiliated Programs	43,000.00	43,150.00
Ralph G. Neas, 1629 K Street, N.W., Suite 1010 Washington, DC 20006	Leadership Conference on Civil Rights	20,551.86	281.04
Allen Neece Jr., 1050 17th Street, NW Washington, DC 20036	Neece Cator & Associates (For:American Industrial Hygiene Assn).		
Do	Neece Cator & Associates, Inc (For:Association of Small Business Development Centers).	2,200.00	2,200.00
Do	Neece Cator & Associates, Inc (For:National Small Business United).	2,200.00	2,200.00
Do	Neece Cator & Associates, Inc (For:National Venture Capital Association).	1,300.00	1,300.00
Susan Neely, 1667 K Street, NW, Suite 430 Washington, DC 20006	CMF & Z Public Relations (For:Iowa Electric)		3,000.00
Do	CMF & Z Public Relations (For:Iowa Methodist Medical Center)		3,000.00
Do	CMF & Z Public Relations (For:IBP, Inc)		3,000.00
Shirley Neff, 555 13th Street, NW, #300W Washington, DC 20004	Interstate Natural Gas Assn of America	1,000.00	
Christine V. Nelson, 1 Massachusetts Ave., NW, #800 Washington, DC 20001-1431	McLeod Watkinson & Miller (For:PromoFlor)	791.00	51.47
Do	McLeod Watkinson & Miller (For:United Egg Assn)	2,017.00	305.88
Do	McLeod Watkinson & Miller (For:United Egg Producers)	2,593.00	330.66
Gaylord Nelson, 900 17th Street, NW Washington, DC 20006	Wilderness Society		
Lisanne Nelson, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	3,312.50	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Mark D. Nelson, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20036	E. I. du Pont de Nemours & Co		
Barry New, 1530 Wilson Boulevard, Suite 270 Arlington, VA 22209	Rolls-Royce, Inc	1,562.00	171.41
Peter E. Newbould, 750 First Street, NE Washington, DC 20240-4242	American Psychological Assn	950.50	90.00
William B. Newman Jr., P.O. Box 23451 Washington, DC 20024	Consolidated Rail Corporation	5,500.00	
Newspaper Association of America, 11600 Sunrise Valley Drive Reston, VA 22091		161,711.83	161,711.83
Daniel E. Nickelson, 2000 L St., NW, #200 Washington, DC 20036	Cleveland Clinic Foundation		
David P. Nicoli, 1341 G Street, NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp	1,375.00	
Alan Nissalke, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn		
Noah's Ark Crisis Center, Inc, P.O. Box 29192 Baltimore, MD 21213			
James A. Noone, 1250 Connecticut Avenue, NW, #318 Washington, DC 20036	Karalekas & McCahill (For:American Retirees Assn)	3,000.00	12.00
Do	Karalekas & McCahill (For:Gates Rubber Company, et al.)	12,000.00	6.00
Elizabeth J. Norcross, 801 Pennsylvania Ave., SE, #303 Washington, DC 20003	American Rivers	1,352.00	
Helen L. Norton, 1875 Connecticut Avenue, NW, #710 Washington, DC 20009	Women's Legal Defense Fund	1,724.00	555.00
James Norton, 900 17th Street, NW Washington, DC 20006	Wilderness Society	1,428.78	300.00
Ellis T. Nottingham Jr., 7900 Westpark Drive, Suite A530 McLean, VA 22102	Honeywell, Inc	4,000.00	355.00
Patrick J. Nugent, 1133 19th Street, NW Washington, DC 20036	MCI Communications Corp	2,000.00	
Nancy Nye, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	8,010.00	
Quinn O'Connell, 5009 Sangamore Road Bethesda, MD 20816			
Terrence M. O'Connell II, 444 N. Capitol Street, NW, #711 Washington, DC 20001	Keefe Company (For:Government of Aruba Embassy of the Netherlands).	9,000.00	
Do	Keefe Co (For:Sanders Associates, Inc)	18,000.00	346.62
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	American Soc of Cataract & Refractive Surgery		
Do	Associated Credit Bureaus, Inc	8,000.00	
Do	AFL-CIO Maritime Committee		
Do	Bear Stearns & Company, Inc	6,830.00	
Do	Citizens Savings and Loan		
Do	Coca-Cola Company	758.50	
Do	Colt's Manufacturing Company, Inc		
Do	Electronic Data Systems Corp		
Do	Evangelical Lutheran Good Samaritan Society		
Do	First Winthrop Corp		
Do	Glass Packaging Institute		
Do	Government of Netherlands Antilles	4,158.08	
Do	Healthcare Financing Study Group		
Do	J.C. Penney Company, Inc		
Do	Martin Marietta Corp	2,700.00	
Do	MasterCard International, Inc	2,550.00	
Do	Mercedes-Benz of North America, Inc	1,387.75	
Do	Miller & Schroeder	4,742.00	
Do	National Apartment Assn		
Do	National Multi Housing Council	5,063.06	
Do	New York State Mortgage Loan Corp	3,859.37	
Do	Northern States Power Company		
Do	Pacific Telesis Group	3,750.00	
Do	Securities Industry Assn		
Do	Soka University Los Angeles	2,413.50	
Do	State Street Bank & Trust Company	6,750.00	
Do	UST	2,920.00	
Do	VISA, U.S.A., Inc.	2,550.00	
Do	Westinghouse Electric Corp		
Denise M. O'Donnell, 1875 Eye Street, NW, #775 Washington, DC 20006	Georgia-Pacific Corp		
John F. O'Donnell, 1111 14th St., NW, #1100 Washington, DC 20005	American Dental Assn		
Sean B. O'Hollaren, 555 13th Street, NW, Suite 450 West Columbia Square Washington, DC 20004	Union Pacific Corp	10,000.00	1,272.78
Law Offices of John O'Neal, P.C., 1455 Pennsylvania Ave., NW, #1200 Washington, DC 20004	National Rural Telecom Assn	2,700.00	
Joseph P. O'Neill, 1455 Pennsylvania Ave., NW, #1100 Washington, DC 20004	Public Srategies Washington, Inc (For:National Assn of Chain Drug Stores).	24,999.00	
Jana R. Oakley, 1776 I Street, NW, #275 Washington, DC 20006	Entergy Services, Inc	4,199.00	248.59
Harry R. Obley, One Mellon Bank Center, #1905 Pittsburgh, PA 15258-0001	Mellon Bank N.A., et al.	2,000.00	1,334.75
R. Michael Ochs, 1455 Pennsylvania Ave., NW, Suite 1100 Washington, DC 20004	National Assn of Chain Drug Stores	24,999.00	
Office & Professional Employees Intl Union, Local 2, AFL-CIO, 8455 Colesville Road, #1250 Silver Spring, MD 20910-3320.			
Richard Oleck, 1181 South Rogers Circle, #6 Boca Raton, FL 33487-2724	Building Trades Assn, Inc		
Erik Olson, 1350 New York Avenue, NW Washington, DC 20005	Natural Resources Defense Council, Inc	3,250.00	
Gary Olson, P.O. Box 5128 Sioux Falls, SD 57117	Norwest Bank South Dakota, NA		1,087.14
Laura L. Olson, 1101 Connecticut Avenue, NW Washington, DC 20036	American Amusement Machine Assn		
Sydney Olson, 10801 Rockville Pike Rockville, MD 20852	American-Speech-Language-Hearing Assn		
Ronald S. Oppenheimer, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange	6,000.00	
Opperman Heins & Paquin, 1301 K Street, NW, Suite 650 East Washington, DC 20005	Minnegasco		
Do	West Publishing Company	12,030.00	542.46
Orbital Sciences Corporation, 21700 Atlantic Boulevard Dulles, VA 22166-6801			421.00
Organization for International Investment, 1747 Pennsylvania Avenue, NW, #704 Washington, DC 20006-4604.		73,500.00	39,971.28
Elvira J. Orly, 1350 Connecticut Ave., NW, #1101 Washington, DC 20036	Browning-Ferris Industries, Inc		
David E. Ortman, 218 D Street, SE Washington, DC 20003	Friends of the Earth	148.52	
David S. Osterhout, 1725 Jefferson Davis Highway Arlington, VA 22202	Lockheed Corporation	6,000.00	
Robert V. Oswald, 1025 Connecticut Ave., NW, Suite 1200 Washington, DC 20036	Health Insurance of America, Inc	175.30	
Karl Ottosen, 208 G Street, NE Washington, DC 20002	NL Industries/Baroid Corp	11,250.00	
Do	U.S. Federation of Small Businesses, Inc	1,500.00	
Arthur R. Ouslander, P.O. Box 23451 Washington, DC 20026	Consolidated Rail Corporation	2,667.00	
Joseph F. Page III, 201 W. Big Beaver Troy, MI 48084	Cox & Hodgman (For:Aetna Health Plans)		
Pagonis & Donnelly Group, Inc, 1620 Eye Street, NW, #202 Washington, DC 20006	Air Products & Chemicals, Inc	4,500.00	20.09
Do	Association of High Medicare Hospitals	12,918.75	
Do	Blue Cross & Blue Shield of Texas, Inc	9,000.00	
Do	Burlington Northern Railroad, Inc	1,050.00	
Do	Burroughs Wellcome Co	16,825.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Children's Hospital	2,625.00	
Do	Dow Chemical USA	18,875.00	352.59
Do	Holiday Inn Corp	16,112.50	269.49
Do	MediD		
Do	Rowland Company	1,850.00	
Brian Pallasch, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
James A. Palmer, 1776 I Street, NW, Suite 1000 Washington, DC 20006	BP America, Inc		
Stephen J. Paradise, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Nancy L. Parke, 5410 Grosvenor Lane, #100 Bethesda, MD 20814-2122	American Cong. on Survey. & Mapp./Amer Soc of Photogrammetry.	2,692.65	
James Parmelee, 11166 Main Street, Suite 302 Fairfax, VA 22030	Seniors Coalition	1,425.60	80.00
Ken Parmelee, 1630 Duke Street, 4th Floor Alexandria, VA 22314-3465	National Rural Letter Carriers Assn	20,716.00	3,812.00
Jack C. Parnell, 1919 South Eads Street, Suite 103 Arlington, VA 22202-3028	Kahn Soares & Conway (For:Central Soya/Novamont)	15,000.00	129.02
Do	Kahn Soares & Conway (For:National Agricultural Chemicals Association).	3,500.00	8.00
Richard N. Parsons, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	956.00	
Kevin Patrick, 515 Noth Washington Street Alexandria, VA 22314-2357	International Association of Chiefs of Police	9,410.40	1,489.69
Thomas B. Patton, 1300 I Street, NW, #1070 East Washington, DC 20005	North American Philips Corp	8,000.00	4,470.34
Patton Boggs & Blow, 250 West Pratt Street, Suite 1100 Baltimore, MD 21201	Christopher Columbus Center Development, Inc	1,000.00	
Do	George Mason University Foundation, Inc	1,600.00	
Do	Greater Baltimore Committee Foundation	500.00	
Do	Marine Engineers' Beneficial Assn	1,000.00	
Do	National Propane Gas Assn	3,000.00	
Do	University of Arizona Foundation	6,000.00	
Paul Weiss Rifkind Wharton & Garrison, 1615 L Street, NW, #1300 Washington, DC 20036	National Music Publishers Assn, Inc		
Kristin E. Paulson, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	639.00	237.25
Joann Payne, 622 North Tazewell Street Arlington, VA 22203	Payne Shea & Associates, Inc (For:Curbs, Inc)		
Do	National Women Business Enterprise Associates		
Do	Safe T Flare		
J. Leon Peace Jr., 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States		
Russell H. Pearson, 1156 15th Street, NW, #1015 Washington, DC 20005	J. C. Penney Co, Inc		
Lee Peckarsky, South Lobby - 9th Floor 1800 M Street, NW Washington, DC 20036	Kirkpatrick & Lockhart (For:Glendale Federal Bank, FSB)	34,627.50	322.00
Edward L. Pecotte, 2700 First Avenue Seattle, WA 98121	IBEW Local 46		
Edward F. Pembleton, 801 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	2,200.00	455.00
Nicholas J. Penning, 1801 N. Moore Street Arlington, VA 22209	American Assn of School Administrators	9,500.00	
Laura T. Peralta, 1667 K Street, NW, #1270 Washington, DC 20006	Warner-Lambert Company	3,000.00	
Robert A. Perkins, 1100 Connecticut Avenue, NW Washington, DC 20036	Chrysler Corporation		
Cidette S. Perrin, 1319 F Street, NW, Suite 1000 Washington, DC 20004	National Association of Private Psychiatric Hospitals	500.00	
Anne Powers Perry, 1212 New York Avenue, NW, #1200 Washington, DC 20005-3987	Oryx Energy Co	14,400.00	1,715.32
Esther Peterson, 2001 S St., NW, #510 Washington, DC 20009	International Organization of Consumers Unions		
J. Scott Peterson, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council		
Joseph P. Petito, 1800 M Street, NW Washington, DC 20036	Coopers & Lybrand	2,200.00	20.00
Susan M. Pettey, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging		
Peyser Associates, Inc, 1000 Vermont Ave., NW, #400 Washington, DC 20005	City of Philadelphia		
Do	MacAndrews & Forbes Holdings, Inc		
Do	Medical College of Ohio	2,500.00	
Do	Metro	8,333.33	
Do	Morton International	20,000.00	
Do	Mothers Against Drunk Driving (MADD)		
Do	New York State Thruway Authority		
Do	Southeastern Pennsylvania Transit Authority	22,500.00	
Do	Toledo-Lucas Port Authority	7,500.00	
Laura Phelps, 1 Massachusetts Ave., NW, #800 Washington, DC 20001-1431	McLeod Watkinson & Miller (For:American Assn of Crop Insurers).	9,511.00	83.41
Do	McLeod Watkinson & Miller (For:American Mushroom Institute)	6,688.00	
Do	McLeod Watkinson & Miller (For:American Peanut Product Manufacturers, inc).	1,240.00	142.04
Physicians for Social Responsibility, 1000 16th Street, NW, #810 Washington, DC 20036		14,321.00	15,216.00
Lino J. Piedra, 1100 Connecticut Avenue, NW, Suite 900 Washington, DC 20036	Chrysler Corporation	6,250.00	585.00
Theodore M. Pierce, 5301 Wisconsin Ave., NW, #450 Washington, DC 20015	National Assn of Surety Bond Producers		
Pierson & Hendricks, 1228 17th Street, NW Washington, DC 20036-3003	Multinational Business Services		
Do	(For:Washington Transportation Supervisors Assn)		
Elizabeth P. Pigott, 155 Marblehead Court Jackson, MS 39211	Entergy Services, Inc		
Paul E. Pike, 1301 Pennsylvania Ave., NW, #1100 Washington, DC 20004-1707	Air Transport Assn	5,720.49	
Piper & Marbury, 1200 19th Street, NW, #700 Washington, DC 20036	American Assn of Pharmaceutical Distributors		
Do	Biotechnology Software Manufacturers Assn		
Do	Direct Marketing Assn	8,693.00	140.00
Do	Information Industry Assn	47.25	
Do	Journal of Commerce, Inc	2,000.00	
Do	Mead Data Central, Inc	8,060.00	8.60
Pirtle Morisset Schlosser & Ayer, 1815 H Street, NW, #750 Washington, DC 20006-3604	Central Council of Tlingit & Haida Tribes of Alaska	694.48	
Do	Ketchikan Indian Corp	15.69	
Do	Little River Band of Ottawa Indians		
Do	Little Traverse Bay Band of Odawa Indians		
Do	Michigan Inter-Tribal Council		
Do	Mille Lacs Band of Chippewa Indians	28.77	
Do	Prairie Band of Potawatomi Indians		
Do	Red Lake Band of Chippewa Indians	1,189.36	
Do	Saginaw Chippewa Indian Tribe	3,662.03	
Plains Cotton Growers, Inc, 4510 Englewood Lubbock, TX 79414			
Martha Rachel Plotkin, 2300 M Street, NW, #910 Washington, DC 20037	Police Executive Research Forum	1,850.00	24.25
Podesta Associates, Inc, 424 C Street, NE Washington, DC 20002	Allied-Signal, Inc	968.75	100.57
Do	Committee for America's Copyright Community	5,000.00	445.59
Do	Computer & Business Equipment Manufacturers Assn	1,000.00	112.29
Do	Digital Equipment Corp	1,000.00	83.51

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Eidak	4,000.00	
Do	Electronic Frontier Foundation	175.00	162.80
Do	Genentech, Inc	5,333.00	1,045.97
Do	National Assn of Broadcasters	7,500.00	456.57
Do	National Conference of Bankruptcy Judges	7,200.00	729.64
Do	Newspaper Assn of America	3,637.50	150.12
Do	Research Coporation Technologies	5,000.00	
Do	Times Mirror	3,000.00	109.04
Do	Unilever United States, Inc		
Stephen Pohlot, Box 1000/11880-054 Milan, MI 48160			
Anne L. Polansky, 777 North Capitol St., NE, Suite 805 Washington, DC 20002	Solar Energy Industries Assn	1,968.75	771.17
Pollack & Greene, 201 North Fairfax Street, Suite 22 Alexandria, VA 22314	National Coalition of Abortion Providers	52,358.72	36,058.61
Dale Pontius, 801 Pennsylvania Ave., NW, Suite 400 Washington, DC 20003	American Rivers		
John F. Pontius, 130 North Carolina Avenue, SE Washington, DC 20003	Ashley, Inc		
J. Craig Potter, 1850 K Street, NW, #500 Washington, DC 20006	McDermott Will & Emery		
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004	CORETECH	22,000.00	
Do	Hewlett-Packard Co	4,650.00	
Do	National Alliance for Infusion Therapy		
Do	NovaCare, Inc	192.00	
Do	Schering-Plough	595.00	
Do	Westinghouse Electric Corp	21,000.00	
Ann L. Pride, 1776 I Street, NW, #275 Washington, DC 20006	Entergy Services, Inc	580.66	10.90
Daniel B. Priest, 1825 K St., NW, Suite 210 Washington, DC 20006	Ecolocorp, Inc		
Stuart E. Proctor Jr., 11319 Sunset Hills Road Reston, VA 22090	National Turkey Federation		
Project Cure, Inc, 5910 N. Central Expressway, #760 Dallas, TX 75206			
Public Resource Associates, 1815 H Street, NW, #600 Washington, DC 20006			1,165.50
Public Strategies Washington, Inc, 1455 Pennsylvania Ave., NW, #1100 Washington, DC 20004	American Forest & Paper Assn	25,000.00	
Do	American Trucking Assns, Inc	20,000.00	
Do	Blue Cross Blue Shield Assn	40,000.00	
Do	Boston Capital Partners, Inc	12,000.00	
Do	Mexican Department of Commerce & Finance		
Do	National Assn of Chain Drug Stores	24,999.00	
Do	Southwest Airlines	12,000.00	
Brenda Pulley, 1212 New York Avenue, NW, Suite 500 Washington, DC 20005	LeBoeuf Lamb Leiby & MacRae (For:National Assn of Chem Recyclers (NACR)).		
Sue P. Purvis, P.O. Box 14042 St. Petersburg, FL 33733	Florida Progress Corp	1,088.00	360.00
Robert N. Pyle & Associates, P.O. Box 3731 Washington, DC 20007	Elkem Metals Company	4,250.00	84.00
Do	Independent Bakers Assn	3,000.00	150.00
Do	Stratcor	3,000.00	250.00
Do	Welch Foods, Inc	3,750.00	65.00
Todd Quisenberry, 1212 New York Ave.NW Suite 500 Washington, DC 20005	Cement Kiln Recycling Coalition	958.33	
George Gregory Raab, 555 13th Street NW, #1260E Washington, DC 20004-1109	Medtronic, Inc		
Radio-Television News Directors Assn, 1000 Connecticut Avenue, NW, #615 Washington, DC 20036		2,500.00	
W. A. Radziewicz, 400 N. Capitol Street, NW, #860 Washington, DC 20001	Brotherhood of Railroad Signalmen	918.00	
James D. Range, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	Waste Management, Inc	10,000.00	9.00
Daniel Rappaport, Four World Trade Center New York, NY 10048	New York Mercantile Exchange		
Kenneth E. Raske, 555 West 57th Street New York, NY 10019	Greater New York Hospital Assn	2,932.00	953.00
Helene Rayder, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co	6,163.00	1,008.37
Robert S. Raymar, 1180 Raymond Boulevard Newark, NJ 07102	Hellring Lindeman Goldstein & Siegal (For:GAF Corporation)		
Reading Is Fundamental, Inc, 600 Maryland Ave., SW, #500 Washington, DC 20560			1,634.65
Clark E. Rector Jr., 1101 Vermont Ave., N.W.,Suite#500 Washington, DC 20005	American Advertising Federation		
Bill Redding, 214 N. Henry Street, #203 Madison, WI 53703	Sierra Club	340.85	
Joseph M. Rees, 1000 Potomac Street, NW, #401 Washington, DC 20007	Heartland Health System	2,000.00	
Do	National Coalition Burn Center Hospitals	1,500.00	
Robert S. Reese Jr., 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	3,000.00	756.00
Timothy J. Regan, 1455 Pennsylvania Ave., NW, #500 Washington, DC 20004	Corning, Inc	2,000.00	1,072.56
Law Offices of Paul S. Reichler, 1747 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Interim Government of National Unity of Liberia		546.32
Do	Republic of Guyana		454.91
Do	Republic of Nicaragua		4,704.38
Do	Saharawi Arab Democratic Republic		
Do	Supreme Court of Justice of the Republic of Guatemala		44.38
Do	United Coconut Assn of the Philippines		163.21
Do	United Front for Multiparty Democracy (Malawi)		36.49
Reichler & Soble, 1747 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Interim Government of National Unity of Liberia	26,237.12	1,082.85
Do	Republic of Guyana		49.84
Do	Saharawi Arab Democratic Republic		
Do	Supreme Court of Justice of the Republic of Guatemala	66,029.64	79.59
Do	United Coconut Assn of the Philippines		429.54
Do	United Front for Multiparty Democracy (Malawi)		60.16
Michael W. Reid, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	14,217.15	184.83
Reid & Priest, 701 Pennsylvania Avenue, NW Washington, DC 20004	ABB C-E Nuclear Fuel	1,098.00	102.01
Do	City of Cleveland, Department of Port Control	1,702.50	63.69
Do	City of Philadelphia		
Do	Henschel, Inc		
Do	Robert E. Derecktor of Rhode Island, Inc		
Do	SPD Technologies		
Joan Reiss, 900 17th Street, NW Washington, DC 20006	Wilderness Society	247.39	
Reserve Officers Assn of the US, 1 Constitution Ave., NE Washington, DC 20002		4,698.00	26,902.00
Resource Management Consultants, Inc, 1212 New York Ave.,NW, Suite 345 Washington, DC 20005			
Michael S. Reynolds, 900 Threadneedle Houston, TX 77079	Vista Chemical Company		3,906.25
Jeffrey K. Richard, 317 Massachusetts Ave.,NW, #200 Washington, DC 20002-5701	J. Richard Government Strategies (For:City of Fort Worth Center for Municipal Development).	22,600.00	18,095.87
Michael T. Richard, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council		
Alan K. Richards, 1025 Connecticut Ave., NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc		
John C. Richardson, 101 Park Avenue New York, NY 10178	Morgan Lewis & Bockius (For:Underwriters at Lloyd's London)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Kevin C. Richardson, 2001 Pennsylvania Avenue, NW Washington, DC 20006	Electronic Industries Assn	3,000.00	1,191.21
Paige Richardson, 2000 K Street, NW, Suite 800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	3,290.00	
Les Richter, 2555 M Street, NW, #327 Washington, DC 20037	National Assn for Stock Car Auto Racing, Inc (NASCAR)		3,062.36
Do	National Motorsports Comm of Accus-FIA, Inc		3,062.36
Robert G. Rickles, 3350 Peachtree Road, NE Atlanta, GA 30326	Blue Cross and Blue Shield of Georgia		1,175.83
E. George Riedel, 1000 Wilson Blvd., #3000 Arlington, VA 22209	ITT Defense Technology Corp	1,000.00	50.00
Norbert J. Riedy Jr., 900 17th Street, NW Washington, DC 20006	Wilderness Society	1,808.98	995.32
Michael R. Riksen, 2706 Davis Ave. Alexandria, VA 22302	Harris Corporation	2,025.00	468.82
John S. Rippey, 700 13th Street, NW, #1170 Washington, DC 20005-3960	Association of Bank Holding Cos	2,010.00	
Valentin J. Riva, 501 School Street, SW, 8th Floor Washington, DC 20024-2713	American Road & Transportation Builders Assn	5,000.00	500.00
Michelle Robbins, 1825 Eye Street, NW, #1100 Washington, DC 20006	Lockheed Corporation	2,000.00	730.47
Liz Robbins Associates, 522 8th St., SE Washington, DC 20003	Babcock & Brown	7,647.86	250.81
Do	Cantor Fitzgerald & Co, Inc	10,500.00	326.32
Do	CO2 Coalition	21,750.07	398.57
Do	Forest City Paper	900.00	
Do	HJ Heinz Company	15,000.00	180.00
Do	Merrill Lynch & Co	2,460.30	107.24
Do	New York State Housing Finance Agency	2,250.00	247.58
Do	Phoenix House Foundation	1,350.00	86.33
Do	Project Orbis, Inc	2,000.00	73.26
Do	Reed USA, Inc	26,771.50	556.14
Do	Scholastic, Inc	1,250.00	68.60
Do	Town of Avon	7,500.00	
Do	Warburg Pincus Capital Corp	26,834.00	656.61
Do	World Cup USA	12,000.00	192.27
Do	Writers Guild of America West, Inc	4,250.00	
Wade H. Robert, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	5,001.00	899.33
Richard R. Roberts, P.O. Box 809 North Beach, MD 20714	American Council of Highway Advertisers	17,500.00	1,147.53
Michael A. Rock, 555 13th Stret, NW, Suite 450 West Columbia Square Washington, DC 20004	Union Pacific Corp	10,500.00	500.34
Rocking K Development, 2200 East River Road, #115 Tuscon, AZ 85718			
David B. Rockland, 1705 DeSales Street, NW 8th Floor Washington, DC 20036	Times Mirror Magazines, Inc		
Michael F. Rodgers, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging		
Randall B. Roe, 1400 K Street, NW, #910 Washington, DC 20005	Burns & Roe Enterprises, Inc		
Phillip Roeder, 1667 K Street, NW, Suite 430 Washington, DC 20006	CMF&Z Public Relations (For:Iowa Electric)		3,000.00
Do	CMF & Z Public Relations (For:Iowa Methodist Medical Center)		3,000.00
Kathleen Rogers, 666 Pennsylvania Avenue, SE Washington, DC 20003	National Audobon Society		
Susan L. Rogers, 815 Connecticut Avenue, NW, #900 Washington, DC 20006-4078	R. Duffy Wall & Associates, Inc	1,250.00	
Emil A. Romagnoli, 180 Maiden Lane New York, NY 10038	Asarco, Inc	10,000.00	
John C. Roney, 1156 15th Street, NW, 1103 Washington, DC 20005	Hawaiian Sugar Planters' Assn		
Fred B. Rooney, 700 13th Street, N.W., #400 Washington, DC 20005	American Iron & Steel Institute	200.00	
Do	Association of American Railroads	200.00	
Do	AT&T		
Leslie Rose, 1129 20th St., NW, #600 Washington, DC 20036	Group Health Assn of America, Inc	6,450.00	
Richard Rosen, 6707 Old Dominion Drive, #210 McLean, VA 22101			
Marilyn Rosenthal, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States		
Joe Ross, 111 Main Street Little Rock, AR 72201			
Edwin Rothschild, 1120 19th Street, NW SUite 630 Washington, DC 20036	Citizen Action Fund	450.00	113.00
J. Patrick Rowland, 1023 15th Street, NW, 7th Fl Washington, DC 20005	Rowland & Sellery (For:Borg-Warner Automotive, Inc)	1,500.00	25.00
Do	Rowland & Sellery (For:Burns International Guard Services)		
Do	Rowland & Sellery (For:Coalition for Uniform Product Liability Law).	2,000.00	25.00
Do	Rowland & Sellery (For:Independent Armored Car Assn)	2,400.00	50.00
Do	Rowland & Sellery (For:National Armored Car Assn)	2,400.00	30.00
Do	Rowland & Sellery (For:National Check Cashers Assn, Inc.)	1,500.00	25.00
Do	Rowland & Sellery (For:Wells Fargo Guard Service)		
Rowland & Sellery, 1023 15th Street, NW, 7th Fl Washington, DC 20005	Burns International Guard Services		
Do	National Check Cashers Assn, Inc	1,500.00	25.00
Do	Security Companies Organized for Legislative Action (SCOLA)	1,004.00	25.00
Do	Rowland & Sellery (For:Wells Fargo Guard Service)		
T. Peter Ruane, 501 School Street, SW, #800 Washington, DC 20024-2713	American Road & Transportation Builders Assn	5,000.00	500.00
N. Lee Rucker, 2215 Constitution Avenue, NW Washington, DC 20037	American Pharmaceutical Assn	500.00	34.83
Eldon Rudd, P.O. Box 873 Scottsdale, AZ 85252	Central Arizona Project Assn		1,723.92
Lois J. Rude, 700 13th Street, NW, #525 Washington, DC 20005	BR Services, Inc	500.00	35.88
Glenn S. Ruskin, 1747 Pennsylvania Avenue, NW, #700 Washington, DC 20006	CIBA-GEIGY Corp	4,375.00	45.05
Cathleen Russell, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	375.00	120.00
Frank Ryan, 9420 Annapolis Road, #307 Lanham, MD 20706	Greater Wash/MD Service Station & Automotive Repair Assn	150.00	
Lawrence E. Sabbath, 1023 15th Street, NW, 7th Fl Washington, DC 20005	Rowland & Sellery (For:Burns International Guard Services)		
Do	Rowland & Sellery (For:National Check Cashers Assn, Inc)		
Do	Rowland & Sellery (For:Security Companies Organized for Legislative Action (SCOLA)).		
Do	Rowland & Sellery (For:Wells Fargo Guard Service)		
G. J. Thomas Sadler Jr., 1155 Connecticut Ave., NW Washington, DC 20036	WMX Technology & Services, Inc	4,246.00	412.11
Sagamore Associates, Inc, 1701 K Street, NW #400 Washington, DC 20006	Ebasco Services Inc	6,000.00	149.97
Do	Erie County Industrial Development Agency	4,600.00	9.67
Do	Flash Technology Corporation of America	7,800.00	111.60
Do	Indiana Electric Assn	20,140.00	1,099.79
Do	Indiana University	10,800.00	135.25
Do	MSE Corp	238.75	113.09
Do	United Student Aid Funds	5,220.00	381.89
San Mateo Pro Life, P.O. Box 6273 San Mateo, CA 94403-0991	Pro-Life Congressional District 11	198.50	247.44
Petronella C. Sanders, 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn	500.00	
Arthur R. Sando, 950 L'Enfant Plaza, SW Washington, DC 20024	Communications Satellite Corp (COMSAT)	2,500.00	
C. Patrick Sankey, 501 School Street, SW, 8th Floor Washington, DC 20024-2713	American Road & Transportation Builders Assn	500.00	
James D. Santini, 1101 King Street, #350 Alexandria, VA 22314	Conference of National Park Concessioners	6,000.00	461.56
Do	National Tour Assn, Inc	27,497.25	5,428.34

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Susan Sarason, 1025 Connecticut Avenue, NW, Suite 1014 Washington, DC 20036	Ebasco Services, Inc	2,865.00	1,293.44
Save Our Children National Alliance, Inc, Collin Creek Crossing 1025 North Central Expressway, #300-112 Plano, TX 75045-8806.		510.00	350.17
Marc Steven Scarduffa, 15th & M Street,NW Washington, DC 20005	National Assn of Home Builders of the United States		
Hermine Scates, 925 East 46th, 2nd Floor Chicago, IL 60653			
Mark S. Schacht, 2000 O Street, #240 Sacramento, CA 95814	California Rural Legal Assistance, Inc	1,802.24	2,894.00
Jennifer A. Schafer, 962 Wayne Avenue, Suite 750 Silver Spring, MD 20910	American Gas Cooling Center	7,150.00	8,200.00
Do	Florida Solar Energy Center	800.00	880.00
Do	ICC Technologies	6,300.00	7,120.00
Do	University of Oregon	1,300.00	1,400.00
Thomas A. Schatz, 1301 Connecticut Ave., NW, #400 Washington, DC 20036	Council for Citizens Against Government Waste	3,000.00	26.74
Peter J. Schildkraut, 1420 New York Avenue, NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc	2,500.00	
James P. Schlicht, 1350 Eye Street, NW, #810 Washington, DC 20005-3305	Johnson & Johnson	1,723.00	342.70
Schmeltzer Aptaker & Sheppard, 2600 Virginia Ave., NW, 10th floor Washington, DC 20037-1905	Council of Nursing Home Suppliers	14,652.00	17,303.19
Karin Schmerler, 2300 M Street, NW, #910 Washington, DC 20037	Police Executive Research Forum	235.87	15.19
John G. Schroeder, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	Sikorsky Aircraft/United Technologies	2,852.00	1,855.94
Daniel J. Schulder, 925 15th Street, NW Washington, DC 20005	National Council of Senior Citizens	18,417.07	1,727.58
Schwabe Williamson & Wyatt, 2100 Pennsylvania Ave., NW, #670 Washington, DC 20037	Nichols Institute	869.50	28.56
Do	Public Generating Pool	3,609.38	222.77
Do	Solid Waste Assn of Morth America	792.75	15.24
Do	Tri-Met	16,607.04	516.87
James C. Schwaninger, 1156 15th Street, NW, Suite 1015 Washington, DC 20005	J.C. Penney Co, Inc		
Stephen I. Schwartz, Military Production Network 218 D Street, SE, 2nd Floor Washington, DC 20003	Tides Foundation	219.20	2,101.70
Carl F. Schwensen, 415 2nd St., NE, #300 Washington, DC 20002	National Assn of Wheat Growers	1,500.00	
Gregory R. Scott, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	1,237.50	306.89
Michael Scott, 900 17th Street, NW Washington, DC 20006	Wilderness Society	1,910.37	68.02
Michael S. Scrivner, 1300 Eye Street, NW, #250-West Washington, DC 20005	RBOC-GAPC Task Force	1,000.00	110.00
Robert T. Scully, 750 First Street, NE, Suite 935 Washington, DC 20002-4241	National Assn of Police Organizations, Inc	23,500.00	23,292.99
Mark Seetin, 919 18th Street, NW Washington, DC 20006	New York Mercantile Exchange	6,000.00	
Jerome M. Segal, 8604 Second Avenue, #317 Silver Spring, MD 20910	Jewish Peace Lobby	900.00	75.00
Frances Seghers, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc		
John F. Seher, 1825 I Street, NW, #400 Washington, DC 20006	UST Public Affairs, Inc	9,000.00	5,000.00
H. Richard Seibert Jr., 1331 Pennsylvania Ave., NW, #1500 N Washington, DC 20004-1703	National Assn of Manufacturers	200.00	
Tom Sellers, 1701 Pennsylvania Ave., NW Washington, DC 20006	E. I. du Pont de Nemours & Co		
Seniors Coalition, 11166 Main Street, #302 Fairfax, VA 22030		3,831,351.64	652,282.17
Stuart D. Serkin, 1156 15th Street, NW, #505 Washington, DC 20009	Coal & Slurry Technology Assn		
Seyfarth Shaw Fairweather & Geraldson, 815 Connecticut Ave., NW, #500 Washington, DC 20006	American Soc of Pension Actuaries	15,000.00	
Ritu R. Sharma, 1400 Sixteenth Street, NW, Suite 320 Washington, DC 20203-6	Zero Population Growth, Inc		
John Hunter Sharp, 1129 20th St., NW, #300 Washington, DC 20036	Natural Gas Supply Assn	21,305.66	2,258.38
Emily Young Shaw, 1317 F Street, NW, Suite 400 Washington, DC 20004	R. Duffy Wall & Associates, Inc	1,250.00	
P. Scott Shearer, 1600 M Street, NW, #702 Washington, DC 20036	Halfpenny Hahn Roche & Marchese (For:Automotive Service Industry Assn).		
Peggy A. Sheehan, 1401 New York Avenue, NW, #1100 Washington, DC 20005	National Cooperative Business Assn	3,000.00	
John E. Sheeley, 1 Massachusetts Ave., NW, Suite 800 Washington, DC 20001	McLeod Watkinson & Miller (For:American Assn of Crop Insurers).	8,057.00	106.12
Andrea Sheldon, 100 S. Anaheim Blvd., #350 Anaheim, CA 92805	Traditional Values Coalition	3,850.00	
Karin P. Sheldon, 900 17th Street, NW Washington, DC 20009	Wilderness Society	81.85	
Louis P. Sheldon Sr., 100 S. Anaheim Blvd., #350 Anaheim, CA 92805	Traditional Values Coalition		
Judith C. Sherman, 1111 14th Street, NW, #1100 Washington, DC 20005	American Dental Assn	5,500.00	190.67
John B. Shlaes, 1331 Pennsylvania Avenue, NW Washington, DC 20004	Global Climate Coalition		
Julie Shroyer, 1400 K Street, NW Washington, DC 20005	American Psychiatric Assn	2,100.00	1,141.30
Mark A. Siegel & Associates, 1030 15th Street, NW, #408 Washington, DC 20005	Stevens Institute of Technology	12,000.00	16.50
William A. Signer, 1625 K Street, NW, Suite 200 Washington, DC 20006	Chambers Associates, Inc (For:Advocates for Flexible Employment).	375.00	
Do	Keefe Company (For:Alarm Industry Communications Committee).		
Do	Chambers Associates, Inc (For:Alarm Industry Communications Committee (AICC)).	425.00	35.24
Do	Keefe Company (For:Committee for Employment Opportunities)		
Do	Chambers Associates, Inc (For:Committee for Employment Opportunities).	450.00	43.51
Do	Keefe Company (For:Greater New York Hospital Assn)		
Do	Chambers Associates, Inc (For:Greater New York Hospital Assn).	1,050.00	25.66
Do	Chambers Associates, Inc (For:Management Insights)	300.00	14.51
Do	Keefe Company (For:Management Insights, Inc)		
Do	Keefe Company (For:McDermott, Will & Emery)		
Do	Keefe Company (For:National Council of Chain Restaurants)		
Do	Chambers Associates, Inc (For:National Council of Chain Restaurants (NCCR)).	750.00	
Do	Keefe Company (For:New York Hospital)		
Do	Chambers Associates, Inc (For:New York Hospital)	1,162.50	8.12
Do	Chambers Associates, Inc (For:PepsiCo, Inc)	807.50	27.23
Do	Chambers Associates, Inc (For:Targeted Management Consultants).		
Pam Silberstein, 1101 14th Street, NW, Suite 1400 Washington, DC 20005	Miller Balis & O'Neil (For:American Public Gas Association (APGA)).		
Howard J. Silver, 1522 K Street, NW, #836 Washington, DC 20005	Consortium of Social Science Assns		
Silverstein & Mullens, 1776 K Street, NW, #800 Washington, DC 20006	C & M Services, Inc		
Donald M. Simmons, 323 West Broadway, #404 Muskogee, OK 74401	Caltex Petroleum Corp	525.00	320.00
Karen H. Simon, 2600 Virginia Ave., NW, 10th Floor Washington, DC 20037-1905	Schmeltzer, Aptaker & Shepard (For:Council of Nursing Home Suppliers).	6,000.00	
Talmage E. Simpkins, 444 North Capitol Street, #801 Washington, DC 20001	Labor-Management Maritime Committee, Inc	2,875.00	553.00
Charles W. Simpson, 555 13th Street, NW, #410-W Washington, DC 20004	Morrison Knudsen Corp		
Albert M. Sims, 11006 Hampton Rd. Fairfax Station, VA 22039	Performance Engineering, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	American Electronics Assn	375.00	15.00
Do	Amoco Corporation		
Do	Computer & Business Equipment Manufacturers Assn		
Do	Conkling, Fiskum & McCormick		
Do	Council on Research & Technology	1,500.00	20.00
Do	Hewlett-Packard Company	1,500.00	20.00
Do	National Assn of Energy Service Companies		
Do	PSI Energy, Inc		
Edmund J. Skernolis, 1155 Connecticut Ave., NW Washington, DC 20036	Waste Management, Inc	2,125.00	
Scott Sklar, 777 N. Capitol St. NE #805 Washington, DC 20002	Solar Energy Industries Assn	6,600.00	12,502.68
Glen J. Skovholt, P.O. Box 524 Minneapolis, MN 55440-0524	Honeywell, Inc		
Paul A. Skrabut Jr., 1000 Connecticut Avenue, NW, #706 Washington, DC 20036	New Jersey Turnpike Authority		
Jonathan Slade, 2000 L St., NW #200 Washington, DC 20036	Berna Products Corp	12,000.00	145.50
Do	MWW Strategic Communications (For:Cuban American Foundation, Inc).	9,000.00	173.25
Do	MWW Strategic Communications (For:Environmental Compliance Services).	10,000.00	170.50
Do	MWW Strategic Communications (For:Farmland Dairies)	18,000.00	120.00
Do	MWW Strategic Communications (For:GAF Corp)	45,000.00	149.70
Do	MWW Strategic Communications (For:Hadassah Medical Organization).	12,000.00	150.75
Do	MWW Strategic Communications (For:Puerto Ricans for Civic Action).	23,000.00	172.50
Do	MWW Strategic Communications (For:Ross University)	8,000.00	125.00
William T. Slider, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Smathers Hickey & Smathers, 1050 Connecticut Avenue, NW, #222 Washington, DC 20036	Pennzoil Co	6,000.00	
Allen Smith, 900 17th St., NW Washington, DC 20006	Wilderness Society		
Edward Del Smith, 905 16th Street, NW Washington, DC 20006	Burke Williams & Sorensen (for: City of Port Hueneme)		
Do	E. Del Smith & Company (For:BEMS)		
Do	E. Del Smith & Company (For:Calleguas Creek Flood Prevention).		
Do	E. Del Smith and Company (For:Cement Importers Group)		
Do	E. Del Smith & Company (For:CenterPort Int'l)		
Do	E. Del Smith and Company (For:City of Anaheim Civic Center)		
Do	E. Del Smith & Co (For:City of Anaheim Public Utilities)		
Do	E. Del Smith &Co (For:City of Chino Hills)		
Do	E. Del Smith and Company (For:City of Laguna Beach, CA)		
Do	E. Del Smith & Co (For:City of Santa Barbara)		
Do	E. Del Smith and Company (For:City of Santa Monica)		
Do	E. Del Smith & Co (For:City of Victorville, CA)		
Do	E. Del Smith and Company (For:County of Los Angeles)		
Do	E. Del Smith and Company (For:Long Beach Naval Shipyard Employees Assn).		
Do	E. Del Smith & Company (For:National Independent Schools Assn).		
Do	E. Del Smith and Company (For:Northern California Power Agency).		
Do	E. Del Smith and Company (For:Port of Long Beach, CA)		
Do	E. Del Smith and Company (For:Rancho Palos Verdes)		
Do	E. Del Smith and Company (For:Signal Landmark, Inc)		
Do	E. Del Smith & Company (For:Teague-McKevett Company)		
Kirkland E. Smith, Docs# 83-A-4548 Mid-Orange Correctional Facility 900 Kings Highway Warwick, NY 10990- 090.	Kirkland Smith		
Marc Smith, 714 Jackson St. Suite 939 Dallas, TX 75202			
Philip Hardy Smith, P.O. Box 2801 Daytona Beach, FL 32115	International Speedway Corp	2,600.00	4,796.39
Do	National Motorsports Comm of ACCUS-FIA, Inc	2,600.00	5,438.39
Richard F. Smith, 1101 Pennsylvania Avenue, NW, #400 Washington, DC 20004	Textron, Inc	600.00	150.00
Velma Smith, 218 D Street, SE Washington, DC 20003	Friends of the Earth	24.20	
Smith & Sowalsky, One State Street, Suite 950 Boston, MA 02109	New England Telephone Co	1,250.00	
Do	NYNEX Government Affairs	1,250.00	
Randall D. Snodgrass, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	2,950.00	1,020.00
Society of Glass & Ceramic Decorators, 888 17th Street, NW, #600 Washington, DC 20006			
Vincent R. Sombrotto, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	32,345.61	
James E. Sommerhauser, 8701 Georgia Ave., #701 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
J.C. Songer, 51437-060 P.O. Box 8000 Bradford, PA 16701			
Sonnenberg Anderson O'Donnell & Rodriguez, 200 South Wacker Dr. 33rd. Floor Chicago, IL 60606	Florsheim Shoe Co		
William A. Sonntag, 1101 Connecticut Ave., NW, #700 Washington, DC 20036	Smith Bucklin & Associates (For:National Assn of Metal Finishers).		
Sonosky Chambers Sachse & Endreson, 1250 Eye Street, NW #1000 Washington, DC 20005	Alaska Native Health Board		
Do	American Association of Acupuncture and Oriental Medicine		
Do	Assiniboine and Sioux Tribes		
Do	Class of Native Alaskan Plaintiffs		
Do	Colville Business Council		
Do	Cook Inlet Regional Citizen Advisory Council		
Do	Great Lakes Indian Fish & Wildlife Commission		
Do	Hatteras Tuscarora Tribal Foundation		
Do	Houlton Band of Maliseet Indians of Maine		
Do	Lac du Flambeau Band of Lake Superior Chippewa Indians		
Do	Multi-Housing Laundry Assn, Inc		
Do	Pueblo of Jemez		
Do	Sault Ste. Marie		
Do	Shoshone-Bannock Tribes of the Fort Hall Indian Reservation		
Do	Standing Rock Sioux Tribe		
Do	Yukon-Kuskokwim Health Corp		
Angela Sorrentino, 1615 H Street, NW Washington, DC 20062-2000	U.S. Chamber of Commerce		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Southern Forest Products Assn, P.O. Box 641700 Kenner, LA 70064-1700		26,090.82	26,090.82
Thomas J. Spangler, 1111 14th Street, NW, #1200 Washington, DC 20005	American Dental Assn	16,000.00	104.00
Sparber and Associates, Inc, 1325 Pennsylvania Ave., NW, #500 Washington, DC 20006	National Volunteer Fire Council		
Specialized Carriers & Rigging Assn, Inc, 2750 Prosperity Avunue, #620 Fairfax, VA 22314			
Sandra Spence, 808 17th Street, NW, #200 Washington, DC 20006-3953	Society of Glass & Ceramic Decorators (SGCD)		
Cecile Srodes, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Janet G. St. Amand, 1225 19th Street, NW, #410 Washington, DC 20036	Financial Services	2,150.00	
James St. Pierre, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society		
Elvis J. Stahr Jr., 1815 H Street, NW, #600 Washington, DC 20006	Public Resource Associates	1,165.50	
Arlan Stangeland, 305 C Street, NE, #101 Washington, DC 20002	American International Group	5,000.00	
Joseph M. Stanton, 1445 New York Avenue, NW, 8th Floor Washington, DC 20005	Public Securities Assn	7,500.00	1,076.40
Jane Sutter Starke, 2100 Pennsylvania Ave., NW, #600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:Blockbuster Entertainment Corp).		
Do	Eckert Seamans Cherin & Mellott (For:Ormet Corp)	800.00	
Kent D. Starwalt, 501 School Street, SW, 8th Floor Washington, DC 20024	American Road & Transportation Builders Assn	500.00	
Law Offices of Deborah Steelman, Columbia Square 555 13th Street, NW, #1220 East Washington, DC 20004-1109.	American Health Care Association	5,362.50	2,062.50
Do	AEtna Life & Casualty	9,500.00	21,604.00
Do	Johnson & Johnson	6,731.50	17,740.00
Do	Lockheed Corp		
Do	Lockheed Information Management Systems Company	2,116.50	7,019.50
Do	National Assn for the Support of Long Term Care	6,640.00	17,180.00
Do	National Health Labs, Inc	5,246.50	16,960.00
Do	Pfizer, Inc	7,459.00	17,237.50
Do	Pharmaceutical Manufacturers Assn	6,141.50	15,337.50
Do	Private Benefits Alliance		
Do	XOMA Corporation	6,257.50	15,867.50
Henry J. Steenstra Jr., 10001 19th Street, #800 Arlington, VA 22209	TRW, Inc	1,459.00	
Jo Stephens, 139 Blue Ridge Acres Harpers Ferry, WV 25425	Farm Sanctuary	2,727.00	123.00
Ruth L. Stern, 122 C Street, NW, Suite 380 Washington, DC 20001-2109	National Family Planning and Reproductive Health Assn, Inc		
Helen H. Stidham, 5999 Stevenson Avenue Alexandria, VA 22304	American Counseling Assn		
Bradley Stillman, 1424 16th Street, NW, Suite 604 Washington, DC 20036	Consumer Federation of America	5,385.00	397.00
Kaye L Stinson, 1575 I Street, NW, #200 Washington, DC 20005	American Cyanamid Co		156.88
John C. Stone, 1420 New York Avenue, NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:WINSM Consortium)		
Dena G. Stoner, 2000 L Street, NW #601 Washington, DC 20036	Council for Educational Development & Research	1,162.50	23.00
George Strumpf, 1150 17th St., NW, #600 Washington, DC 20036	Health Insurance Plan of Greater New York	12,000.00	6,500.00
John F. Sturm, NAA 529 - 14th Street, NW, #440 Washington, DC 20045	Newspaper Association of America	15,000.00	100.00
Richard J. Sullivan, 1507 Laburnum Street McLean, VA 22101	Richard J. Sullivan Associates, Inc (For:Association of American Railroads).	7,360.00	
Do	Richard Sullivan Associates, Inc (For:Design Professionals Coalition).	3,000.00	
Do	Richard J. Sullivan Associates, Inc (For:National Utility Products Company).		
Do	Richard J. Sullivan Associates, Inc (For:Northeast Ohio Regional Sewer District).	1,100.00	
Do	Richard J Sullivan Associates, Inc (For:Water Environment Research Foundation).	3,400.00	
Sullivan & Cromwell, 1701 Pennsylvania Ave., NW, #800 Washington, DC 20006	American International Group, Inc		
Do	Securities Industry Assn	19,000.00	
Richard J. Sullivan Associates, Inc, 1507 Laburnum Street McLean, VA 22101	Association of American Railroads	8,333.32	11,313.42
Do	Design Professionals Coalition	5,500.00	8,953.42
Do	National Utility Products Company		
Do	Northeast Ohio Regional Sewer District	1,400.00	4,553.42
Do	Water Environment Research Foundation	6,000.00	7,853.42
Sutherland Asbill & Brennan, 1275 Pennsylvania Avenue, NW Washington, DC 20004	CompuServe, Inc		
Douglass W. Svendson Jr., 6443 Lily Dhu Lane Falls Church, VA 22044	Hollywood Marine, Inc	1,500.00	
Rosemarie Sweeney, 2021 Massachusetts Avenue, NW Washington, DC 20036	American Academy of Family Physicians	2,480.00	2,029.35
Swidler & Berlin, Chtd, 3000 K Street, NW, #300 Washington, DC 20007	Chrysler		
Do	National Council of Community Hospitals	265.00	
Do	New England Power		
Chris Ray Swonger, 1825 I Stret, NW, Suite 400 Washington, DC 20006	UST Public Affairs, Inc	4,500.00	750.00
Ronald G. Sykes, 1660 L Street, NW, #400 Washington, DC 20036	General Motors Corp	3,000.00	5,799.49
Z. Michael Szaz, 7200 Commerce Street, Suite 101 Springfield, VA 22150	Transylvanian World Federation		
SEC Donohue, 11240 Waples Hill Road, #100 Fairfax, VA 22030		937.50	
SJS Advanced Strategies, 1330 Connecticut Ave., NW Washington, DC 20036	Coordinadora de Organizaciones Empresariales de Comercio Ext.		
Bruce B. Talley, 1101 15th Street, NW, #500 Washington, DC 20005	Asea Brown Boveri Inc	8,500.00	14.21
Mary T. Tavenner, 1725 K Street, NW, #710 Washington, DC 20006	National Assn of Wholesaler-Distributors		
Gary J. Taylor, 444 North Capitol Street, NW, #534 Washington, DC 20001	International Assn of Fish & Wildlife Agencies	13,797.25	32.30
Margaret J. Taylor, 700 13th Street, NW, #525 Washington, DC 20005	BR Services, Inc	1,750.00	139.21
R. William Taylor, 1575 Eye Street, NW Washington, DC 20006	American Soc of Assn Executives	300.00	
Sandra E. Taylor, 1600 M St,. NW, #702 Washington, DC 20036	ICI Americas, Inc	20,000.00	
Ellen S. Teller, 1875 Connecticut Avenue, NW, #540 Washington, DC 20009	Food Research and Action Center	506.18	
Richard L. Templeton, P.O. Box 17500 Washington, DC 20041-0500	Justice Fellowship		
Richard Tessier, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn		
Textron, Inc, 40 Westminster St. Providence, RI 02903		3,900.00	880.00
Robert G. Thoma, 2100 Pennsylvania Ave., NW, #755 Washington, DC 20037	BASF Corp	400.00	16.00
Gordon M. Thomas, 1101 Pennsylvania Avenue, NW, #400 Washington, DC 20004	Textron, Inc	600.00	150.00
Kathryn S. Thompson, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Kenneth W. Thompson, 1899 L Street, NW #500 Washington, DC 20036	Potomac Capital Investment Corp		
Otis N. Thompson, Room 1414-S, Ag. Building Washington, DC 20250	Organization of Professional Employees of USDA	755.38	
Patricia L. Thompson, 601 Pennsylvania Avenue #620-North Building Washington, DC 20004	United Illuminating Company	2,739.00	
Patrick Thompson, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange	5,000.00	
W. Reid Thompson, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co		
Thompson & Hutson, 1317 F St., NW, Suite 900 Washington, DC 20004	Fluor-Daniel, Inc	2,625.00	31.75

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	National Dual Shop Coalition		
Thompson & Mitchell, One Mercantile Center St. Louis, MO 63101	U.S. Durum Milling, Inc	456.00	50.00
Cindy C. Thorne, 4500 Vestal Parkway East P.O.Box 3607 Binghamton, NY 13902-3607	New York State Electric & Gas Corp	4,112.50	6,292.58
John Thornton, 444 North Capitol Street, NW, #845 Washington, DC 20001	National Air Traffic Controllers Assn	1,562.00	
William J. Tobin, 3612 Bent Branch Ct. Falls Church, VA 22041	Access Technology Assn		6.00
Do	Child Care America, Inc	100.00	6.00
Do	National Hearing Aid Society		5.00
Marijke Torfs, 218 D Street, SE Washington, DC 20003	Friends of the Earth		
Mary C. Toups, 410 First Street, SE Washington, DC 20003	American Nuclear Energy Council		
Charles H. Tower, 1026 16th Street, NW, #503 Washington, DC 20036	Dun & Bradstreet		
Robert L. Trachtenberg, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Psychiatric Health Systems	500.00	
Traditional Values Coalition, 100 S. Anaheim Boulevard, Suite 350 Anaheim, CA 92805			5,569.00
Tripp Scott Conklin & Smith, 110 Tower, 28th Floor 110 Southeast 6th Street Fort Lauderdale, FL 33301	Alamo Rent-A-Car, Inc		1,969.00
Eugene M. Trisko, P.O. Box 596 Berkeley Springs, WV 25411	Stern Bros, Inc		
Jack F. Trope, 32 Division Street P.O. Box 609 Somerville, NJ 08876	Sant'Angelo & Trope, P.C. (For:Association on American Indian Affairs, Inc).	10,777.50	10,607.43
Thomas L. Trueblood, 455 North Cityfront Plaza Drive Chicago, IL 60611	Navistar International Transportation Corp	1,000.00	
Paul E. Tsongas, Foley Hoag & Eliot One Post Office Square Boston, MA 02109	American Insurance Assn		
Do	Humane Society of the U.S., et al.		
John M. Turner, 1875 Eye St., NW, #775 Washington, DC 20006	Georgia-Pacific Corp	3,200.00	
St. Clair J. Tweedie, 1575 Eye Street, NW, #200 Washington, DC 20005	American Cyanamid Co	10,000.00	
Peter Tyler, 1000 16th Street, Suite 810 Washington, DC 20036	Physicians for Social Responsibility	2,151.00	
U.S. Durum Milling, Inc, 7900 Van Buren Street St. Louis, MO 63111			
U.S. Recreational Ski Association, 1315 East Pacifico Avenue Anaheim, CA 92805			
U.S. Strategies Corp, 1055 N. Fairfax Street, #201 Alexandria, VA 22314	Cities in Schools		
Do	NRG Energy, Inc		
U.S. Telephone Assn, 900 19th Street, NW, #800 Washington, DC 20036		7,500.00	7,500.00
University of Michigan Medical Center, 300 North Ingalls, Room NI4A18 Ann Arbor, MI 48109			3,998.10
Jack J. Valenti, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	5,390.00	
Reginald T. Valliere, 8 Herbert Street Alexandria, VA 22305-2600	National Assn of Postmasters of the U.S.	17,295.23	
Nancy Van Duyne, 1301 Pennsylvania Avenue, NW, #1100 Washington, DC 20004-1707	Air Transport Assn of America	12,936.90	
Burkett Van Kirk, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Anheuser-Busch Companies, Inc		
Robert Neil Vannoy, 3350 Peachtree Road, NE Atlanta, GA 30326	Blue Cross and Blue Shield of Georgia		1,560.33
Ross P. Vartian, 122 C Street, NW #350 Washington, DC 20001	Armenian Assembly of America	941.00	
Stephen J. Verdier, One Thomas Circle, NW, #950 Washington, DC 20005-5802	Independent Bankers Assn of America	25,050.00	797.67
Verner Liipfert Bernhard McPherson & Hand, Chtd, 901 15th Street, NW, #700 Washington, DC 20005-2301.	American Museum of Natural History		
Do	Ameritech	2,835.00	
Do	Association of American Railroads	1,171.00	
Do	Brown & Root, Inc	395.00	
Do	Burlington Northern, Inc		
Do	Central Gulf		
Do	Embry-Riddle Aeronautical University		
Do	General Dynamics Corp	3,625.00	
Do	GenCorp	4,110.00	
Do	Guardian Industries	16,202.00	
Do	Hughes Communications, Inc	2,138.00	
Do	Hughes Network Systems, Inc		
Do	Investment Company Institute	3,085.00	
Do	K Mart Corp		
Do	Kellogg	1,450.00	
Do	Large Public Power Cos		
Do	Manville Corp	3,789.00	
Do	Mars, Inc	2,772.00	
Do	McDonnell Douglas Corp	6,695.00	
Do	Merrill Lynch & Co, Inc	2,910.00	
Do	New Progressive Party		
Do	Northwest Airlines	5,085.00	
Do	NBC	2,715.00	
Do	Puget Sound Power & Light Company	2,025.00	
Do	Rubber Manufacturers Assn		
Do	Savings Coalition of America		
Do	Travelers Companies	6,278.00	
Do	TRW, Inc		
Do	Uniroyal Chemical Company, Inc		
Do	Upjohn Co		
Vierra Associates, Inc, 1825 I Street, NW #400 Washington, DC 20006	City of Orlando	4,000.00	250.52
Do	Dallas Area Rapid Transit Authority	10,400.00	4,677.54
Do	Embry-Riddle Aeronautical University	3,750.00	2,384.43
Do	Jacksonville Transportation Authority	2,000.00	
Do	Lipton Sports, Inc	350.00	118.50
Do	Memphis Area Transit Authority		
Do	Metropolitan Dade County	7,062.00	
Do	Metropolitan Transportation Authority	6,000.00	476.16
Do	Niagara Frontier Transportation Authority	10,500.00	1,749.71
Robert J. Vilhauer, 1700 N. Moore Street, #2120 Arlington, VA 22209	Boeing Company	2,737.00	524.79
David K. Voight, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	525.00	
Earl J. Volk, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	12,465.00	
Volunteer Trustees of Not-For-Profit Hospitals, 818 18th Street, NW, #900 Washington, DC 20006		158,700.00	11,108.00
Kurt Vorndran, 1331 F Street, NW Washington, DC 20004-1171	National Council of Senior Citizens	12,625.58	1,069.75
Jay J. Vroom, 1155 15th Street, NW, #900 Washington, DC 20005	National Agricultural Chemicals Assn	50.00	20.00
John S. Walker, 700 13th Street, NW, #500 Washington, DC 20005	Family Research Council		
Robert J. Walker, 1225 Eye Street, NW, Suite 1100 Washington, DC 20005	Handgun Control, Inc	10,875.00	
Walker/Free Associates, Inc, 1730 Pennsylvania Ave., NW Washington, DC 20006	Northwestern Mutual Life Insurance Co		
R. Duffy Wall & Associates, Inc, 1317 F Street, NW, #400 Washington, DC 20004	Ad Hoc Comm on Coal Taxation	1,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	American Paper Institute, Inc	1,250.00	
Do	Bell Atlantic Corp	1,500.00	
Do	Chambers Development Co, Inc		
Do	Cominco, Ltd	2,000.00	
Do	Committee on Radioisotopes and Radiopharmaceuticals	2,000.00	
Do	CIBA-GEIGY Corp	500.00	
Do	EcoScience Corp	500.00	
Do	Eli Lilly & Company	2,500.00	
Do	Ernst & Young	3,000.00	
Do	ENERCO & Affiliates	1,000.00	
Do	Footwear Distributors and Retailers of America	1,500.00	
Do	Graham Resources	2,000.00	
Do	Hazelden Foundation	500.00	
Do	Hong Kong Trade Development Council	2,500.00	
Do	Jackson National Life Insurance Co	1,500.00	
Do	Kimberly-Clark		
Do	Levi Strauss & Co		
Do	National Agricultural Chemicals Assn	1,000.00	
Do	National Coal Assn	1,000.00	
Do	National Power Company		
Do	Peabody Holding Co, Inc	1,000.00	
Do	Pharmaceutical Manufacturers Assn	1,500.00	
Do	Pittston Group	1,000.00	
Do	Sandoz Corporation Protection Corp.	1,000.00	
Do	Securities Industry Assn		
Do	State of California	500.00	
Do	Sumitono Chemical Co	250.00	
Do	Torchmark Corporation	1,000.00	
Do	United Company	500.00	
Thomas D. Wallace, 1000 Kiewit Plaza Omaha, NE 68131	Peter Kiewit Sons', Inc		2,000.00
Lori M. Wallach, 215 Pennsylvania Ave., SE Washington, DC 20003	Public Citizen	7,500.00	
Anne Marie Walsh, 1025 Connecticut Ave, NW, NW Washington, DC 20036	Health Insurance Assn of America, Inc	50.10	
James Waltman, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	1,875.00	975.00
Robert A. Warden, 1331 F Street, NW, #400 Washington, DC 20004	Public Employees Retirement Assn of Colorado		
Michael O. Ware, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co	2,500.00	
Jerry B. Waters, 777 14th Street, NW, #680 Washington, DC 20005	Farmland Industries, Inc	10,000.00	
Mary Kirtley Waters, 888 17th Street, NW, #300 Washington, DC 20006	ConAgra, Inc	2,900.00	500.75
David Weaver, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc		
James D. Webb, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society		
R. Clifton Webb, 1701 Pennsylvania Ave, NW Washington, DC 20006	El duPont de Nemours & Co, Inc		
Andrew H. Webber, 810 First Street, NE, #410 Washington, DC 20002	American Medical Peer Review Assn		
Susan Weber, 1400 16th Street, NW, #320 Washington, DC 20036	Zero Population Growth, Inc		
Webster Chamberlain & Bean, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Commercial Law League of America		
Deborah Feldman Weiner, 11004 Petersborough Drive Rockville, MD 20852	American Soc for the Prevention of Cruelty to Amimals	2,000.00	1,589.00
Arthur E. Weisberg, 220 South Sixth Street Minneapolis, MN 55402	Dorsey & Whitney		
Suzanne Weiss, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging		
Brad G. Welling, 1455 Pennsylvania Ave., NW, Suite 900 Washington, DC 20004	American International Group, Inc	2,000.00	50.00
Stuart P. Wells, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the United States		
Michael L. Welsh, Executive Mews, Suite D-20 Cherry Hill, NJ 08003	Welsh Consulting Corporation		
G. Franklin West, 1530 North Key Blvd., #122 Arlington, VA 22209	Church Alliance	21,000.00	
Do	Oklahoma Natural Gas	15,000.00	
Leonard P. Wheat, 1111 14th St., NW, #1200 Washington, DC 20005	American Dental Assn	6,250.00	138.00
Gordon B. Wheeler, 1025 Connecticut Ave, NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc	295.04	397.85
Steven C. White, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
Richard M. Whiting, 730 15th Street, NW Washington, DC 20005	Association of Bank Holding Cos		
Steven C. Whitney, 900 17th Street, NW Washington, DC 20006	Wilderness Society	293.34	13.00
Whitten & Diamond, 1725 DeSales St., NW, #800 Washington, DC 20036	Chambers Development Co, Inc		
Do	Health Trust, Inc	1,500.00	43.17
Do	McDonald's Corp	3,000.00	27.00
Do	National Rural Letter Carriers Assn	500.00	
Do	Pioneer Seed Co, Inc	3,000.00	195.88
Wickham & Associates, 1016 16th Street, NW, 6th Floor Washington, DC 20036	Times Square Center Associates		
Andrew F. Wiessner, 1801 Broadway #1420 Denver, CO 80202	Kogovsek & Associates, Inc (For:Pitken & Eagle Counties, Colorado).	7,894.83	1,819.73
Valerie Wilbur, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging	121.91	16.16
Cynthia H. Wiles Consulting, 10898 Woodleaf Lane Great Falls, VA 22066	Environmental Research Institute of Michigan	14,250.00	
Do	Industrial Technology Institute	7,500.00	
Do	MERRA	3,750.00	
Wiley Rein & Fielding, 1776 K Street, NW, 12th Fl. Washington, DC 20006	Chaparral Steel Co		
Do	Club Car, Inc	1,118.00	38.50
Do	Georgetown Industries		
Do	Raritan River Steel Co	776.00	13.00
Do	Ruddy Institute for Maritime Communications	1,780.00	20.88
Do	UtiliCorp United	4,854.00	11.00
Do	Washington Citizens for World Trade	28,175.00	2,098.44
Suzanne C. Wilkins, 801 Pennsylvania Ave., SE, #303 Washington, DC 20003	American Rivers		
David A. Wilkinson, 1331 Pennsylvania Ave., NW, #890-North Washington, DC 20004	General Electric Co	2,000.00	
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	Business Roundtable		
Do	Computer Systems Policy Project		
Do	Educational Testing Service		
Do	Federal Home Loan Bank of San Francisco		
Do	Intellectual Property Committee		
Do	Swiss Bankers Assn	8,865.00	233.88
David W. Wilmot, 1029 Vermont Avenue, NW Washington, DC 20005	Anheuser-Busch Companies, Inc	5,703.00	
Michael J. Wilson, 815 16th St., NW, #507 Washington, DC 20006	Amalgamated Clothing & Textile Workers Union	4,375.00	22.50

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Scott A. Wilson, 888 16th Street, NW Washington, DC 20006	American Airlines, Inc	512.50	28.00
Do	Brown & Williamson Tobacco Corp	225.00	52.95
Do	Glaxo Australia Pty, Ltd	820.00	7.00
Do	Monk-Austin, Inc		16.75
Do	Trading & Investment Corp		39.75
John P. Winburn, 50 E Street, SE Washington, DC 20003	Winburn Associates, Inc (For:American Assn of Equipment Lessors).		
Do	Winburn VanScoyoc & Hooper (For:American Insurance Assn)		
Do	Winburn Associates, Inc (For:Burlington Northern Railroad Co)		
Do	Winburn Associates, Inc (For:Burlington Northern Services, Inc)		
Do	Winburn Associates, Inc (For:Hartford (The))		
Do	Winburn Associates, Inc (For:National Assn of County Office Employees).		
Do	Winburn Associates, Inc (For:Pennzoil)		
Do	Winburn Associates, Inc (For:Philip Morris)		
Katherine M. Winklejohn, 555 13th Street, NW, Suite 450 West Columbia Square Washington, DC 20004	Union Pacific Corp	9,375.00	
David L. Winstead, 1666 K Street, NW, #1100 Washington, DC 20016	Wilkes Artis Hedrick & Lane (For:Aldrich Eastman & Waltch, Inc).	4,768.75	
Do	Wilkes Artis Hedrick & Lane (For:Peter N. G. Schwartz Companies).		
Winston & Strawn, 1400 L Street, NW Washington, DC 20005-3502	American Honey Producers Assn	2,237.50	8.00
Do	Barr Laboratories, Inc	13,907.00	8,677.55
Do	CSR, Ltd	4,484.37	27.50
Do	U.S. Rice Producers Legislative Group	9,301.25	122.75
Do	Western Peanut Growers Assn	2,381.87	15.00
WinCapitol, Inc, 2300 N Street, NW, Suite 600 Washington, DC 20037	California Energy Company, Inc	1,300.00	
Do	Edison Electric Institute		
Do	Geotherman Resources Assn		
Jim Wise Associates, 104 North West St. Alexandria, VA 22314	Kern County, CA	7,500.00	460.00
Do	Matthews Foundation for Prostate Cancer Research	3,000.00	155.00
Do	National Assn of Credit Management	12,000.00	725.00
Do	San Francisco Bar Pilots Assn	6,000.00	472.00
James E. Wisuri, 635 Wenonah Avenue Oak Park, IL 60304-1031	Pairie Oak Communications (For:Steel Tank Institute)	5,441.25	
Cynthia D. Witkin, 1212 New York Avenue, NW, Suite 500 Washington, DC 20005	American Airlines		
Joel Wood, 316 Pennsylvania Avenue, S.E. #400 Washington, DC 20003	National Assn of Casualty and Surety Agents	1,500.00	268.89
James M. Wootton, 1146 19th Street, NW, Suite 700 Washington, DC 20036	Northeast Apple Council		
Wunder Diefenderfer Cannon & Thelen, 1615 L St., NW, #650 Washington, DC 20036	American Insurance Assn	1,858.73	16.79
Do	American International Group, Inc		
Do	American Iron & Steel Institute		
Do	Ashland Oil Company		
Do	Bermuda, Government of	2,532.75	84.39
Do	Business Council on Indoor Air		
Do	Circuit City Stores, Inc		
Do	Committee Against Revising Staggers		
Do	Council of Industrial Boiler Owners		
Do	Electronic Industries Assn	2,000.00	58.79
Do	Environmental Air Control, Inc		
Do	General Motors Corp		
Do	Industrial Oil Consumers Group		
Do	Johanna Dairies, Inc		
Do	Kohlberg Kravis Roberts & Co	2,889.50	336.17
Do	Martin Marietta		
Do	McDonnell Douglas	1,858.73	16.79
Do	MCI Communications Corp		
Do	National Assn of Small Business Investment Companies	2,000.00	17.20
Do	North American Phillips Corp	882.19	187.04
Do	NYNEX Corp	6,000.00	104.73
Do	Pfizer, Inc	3,000.00	299.00
Do	Philip Morris Management Corp		
Do	Process Gas Consumers Group		
Do	Refiners' Coalition for Competitive Markets		
Do	RJR Nabisco	2,035.00	84.00
Sandi Wurtz, 12300 Twinbrook Parkway, Suite 320 Rockville, MD 20852	National Council of Community Mental Health Centers	52.50	
Milan P. Yager, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
John W. Yago, 501 School Street, SW, #800 Washington, DC 20024	American Road & Transportation Builders Assn	27,500.00	148.38
Deborah K. Yamada, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co	8,225.00	152.00
Dalton Yancey, 1301 Pennsylvania Ave., NW, #401 Washington, DC 20004-1701	Florida Sugar Cane League, Inc		
Do	Rio Grande Valley Sugar Growers		
Yankee Gas Services Company, Attn: Mr. Steve Piascik 599 Research Parkway P.O. Box 1030 Meriden, CT 06450-1030.			759.52
Jonathan P. Yates, 1025 Connecticut Avenue, NW, #1200 Washington, DC 20036	Health Insurance Assn of America, Inc	335.03	
Kim Yelton, 8120 Fenton St. Silver Spring, MD 20910	Americans United for Separation of Church and State	12,811.61	171.90
Caryl Yontz, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	11,428.02	701.91
Robert A. Young, 12248 Turkey Creek Maryland Heights, MO 63043	Brown & Associates	4,500.00	
Paul J. Zanowski, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Shirley Zebroski, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	954.60

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Sharon G. Zedd, 1050 17th Street, NW, #810 Washington, DC 20036	Neece Cator & Associates (For:American Wood Preservers Institute).	2,000.00	2,000.00
Zero Population Growth, Inc, 1400 16th St., NW, #320 Washington, DC 20036		645.00	617.00
Carl A. Zichella, 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	3,367.88	389.57
Bradley P. Ziff, 1270 Avenue of the Americas, #2118 Rockefeller Center New York, NY 10020-1702	International Swap Dealers Assn, Inc		1,795.84
Amy G. Zirkle, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co	4,950.00	252.00

SENATE—*Friday, August 6, 1993*

(Legislative day of Wednesday, June 30, 1993)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable HARRIS WOFFORD, a Senator from the State of Pennsylvania.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Rest in the Lord * * *.—*Psalms 37:7.*

Gracious God our Father, busy people tend not to take care of themselves personally. They work tirelessly, often to the neglect of personal health and family. These have been tempestuous days in the Senate and the Senators need a vacation. Despite the pressure of time and agenda, enable the Senate to complete its work today so that it may begin its August recess. Help the Senate to resist all irrelevant issues for the sake of the essentials.

Grant journeying mercies and safe return to all who must travel. Help them make time for family, personal recreation, and rest.

"The Lord bless you and keep you. The Lord make His face to shine upon you and be gracious unto you. The Lord lift up His countenance upon you and give you peace." Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 6, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRIS WOFFORD, a Senator from the State of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WOFFORD thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

OMNIBUS BUDGET RECONCILIATION ACT—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore. The Senate will now proceed to the consideration of the conference report accompanying H.R. 2264, which the clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2264) to provide for reconciliation pursuant to section 7 of the concurrent resolution on the budget for fiscal year 1994 having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The ACTING PRESIDENT pro tempore. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of August 5, 1993.)

The ACTING PRESIDENT pro tempore. Under the previous order, the first 2 hours of consideration of the conference report will be limited to debate only.

Mr. SASSER. Mr. President, we are ready to proceed on the conference report which was taken up last evening, and may I ask of the distinguished ranking member of the Senate Budget Committee, Senator DOMENICI, do you have someone on the floor to speak at this time?

Mr. DOMENICI. I was going to tell the chairman, Senator PACKWOOD did not have a chance to speak last night. He is going to lead off for us this morning. So at the Senator's pleasure, we will do what you think. He is ready, if that is your pleasure.

Mr. SASSER. We are pleased to let the distinguished Senator from Oregon lead off this morning.

Mr. PACKWOOD. Mr. President, I might just read into the RECORD the phone calls that we have had in both my Oregon office and the Washington, DC, office after the President's speech on Tuesday night, and Senator DOLE's response, as to whether or not the public favored or opposed the President's tax plan.

In my Oregon office, the phone calls after the two speeches of the President and Senator DOLE—those that were opposed were 1,283; those in favor, 248. That is about a 5-to-1 ratio. In the Washington office, those opposed were 516; those in favor 110, again about a 5-to-1 ratio. This is through 5:30 p.m. last night, Thursday, August 5.

Interestingly, the number of phone calls were greater on Thursday than on Wednesday, and the strength of the opposition got greater on Thursday than on Wednesday.

Mr. President, everyone who rises to speak says, "I am going to try not to be partisan. I realize the opposition is being partisan, but I will not be," and that is always in the eye of the beholder. So I am going to speak mostly historically and will attempt to present the tax bill that is before us in historical perspective.

I am going to start with this premise: All governments that have what they regard as extra money will spend it. They very unlikely will rebate it to the taxpayers or use it to pay down the deficit. Governments will spend it. It is true of dictatorships, true of democracies, and it is true throughout the world. It does not appear to be a Republican versus Democratic argument or a conservative versus liberal argument. It seems to be endemic in all governments that given money to spend, they spend it.

Example: In 1950, all of the governments of the United States—the Federal Government, State and local governments, fire districts, water districts, school districts, all of the governments put together in the United States—taxed about 21 percent of the gross national product. We took about $1 in $5, 21 percent. Collectively, however, we spent 23 percent. So all of the governments in the United States together in 1950 had a deficit: Taxed 21 percent, spent 23 percent. If we fastforward to 1992, 42 years later, and take all of the same governments, nothing has changed. We still have State and Federal governments, school districts, and fire districts, and all of those governments now tax 30 percent of the gross national product; taxing has grown to $1 in $3. We are now spending 34 percent.

We still have a deficit. We have raised taxes rather significantly over the last 42 years. We have raised spending even more. So that if, in 1950, taxes were here and spending was here, 40 years later it has gone up, and taxes are here and spending is here. We still have a deficit and have not used the extra taxes to rebate them to the taxpayer. We have not used the extra taxes to narrow the deficit. We have spent it.

I ask unanimous consent that a table showing those years and sources, the budget base lines from the OMB, be printed in the RECORD at this point.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEDERAL, STATE/LOCAL, AND TOTAL GOVERNMENT TAXES AND SPENDING AS A PERCENTAGE OF GROSS DOMESTIC PRODUCT: 1950–92

	Federal		State/local[1]		Total	
	Tax	Spend	Tax	Spend	Tax	Spend
Year:						
1950	15	16	7	7	21	23
1955	17	18	7	7	24	25
1960	18	18	8	8	26	26
1965	17	18	9	9	26	26
1970	20	20	10	10	30	30
1975	19	22	11	10	29	32
1980	20	23	10	9	30	31
1985	19	24	11	9	29	33
1990	19	22	11	10	30	33
1991	19	24	11	11	30	34
1992	19	24	11	11	30	34

[1] This column does not include the receipt or spending of grants-in-aid from the Federal Government, which are counted as Federal expenditures.

Note.—All figures rounded. Totals may not add due to rounding.

Source: "Budget Baselines, Historical Data, and Alternatives for the Future," Office of Management and Budget, January 1993.

Mr. PACKWOOD. Second, Mr. President, here is a similar table. This is prepared by the Organization for Economic Cooperation and Development. This is an organization composed of the major industrial countries of the world that is principally a fact-gathering organization. Its statistics are very good. They use a slightly different method of counting government taxes and spending than we do, but for the purposes of this comparison it does not matter. I am simply using this table to show what happened in the United States—taxes going up and spending going up—has happened throughout the world.

This is true of all of our major industrial competitors. Let us take a couple of examples. Let us take the Netherlands and Denmark. OECD statistics only go back to 1965. In 1965, the Netherlands was taxing 37 percent of its gross national product; it was spending 39 percent. So it had a deficit. Twenty-five years later, it is not taxing 37 percent of its gross national product; it is taxing 50 percent, and it is spending 56 percent as a deficit.

Denmark: In 1965, Denmark was taxing 31 percent of its gross national product and spending 30. They actually had a slight surplus. Twenty-five years later, it is not taxing 31 percent of its gross national product; it is taxing 56 percent of its gross national product. It is spending 58 percent as a deficit. Taxes have gone up tremendously. Spending has gone up tremendously, and a deficit exists.

I ask unanimous consent that at this point, a table from the OECD showing the taxing and spending percentages of the different industrial countries be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TOTAL GOVERNMENT TAXES AND SPENDING FOR SELECTED ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT [OECD] COUNTRIES AS A PERCENTAGE OF GROSS DOMESTIC PRODUCT, 1965–90

	1965		1970		1980		1985		1990	
	Tax	Spend	Tax	Spend	Tax	Spend	Tax	Spend	Tax	Spend
Switzerland	23	20	27	21	33	29	34	31	34	31
Japan	20	20	21	19	28	33	31	32	35	32
United States	27	28	29	32	31	34	31	37	31	33
United Kingdom	33	36	40	39	40	45	42	46	40	42
Germany	36	37	38	39	45	48	46	48	43	46
Canada	28	29	34	35	36	41	39	47	42	47
France	38	38	39	39	46	46	48	52	47	50
Italy	30	34	30	34	33	42	38	51	42	53
Norway	37	34	44	41	54	51	55	46	56	55
Netherlands	37	39	42	44	53	58	54	60	50	56
Denmark	31	30	42	40	52	57	57	59	56	58
Sweden	40	36	47	43	57	62	60	65	64	61

Note.—All figures rounded. The percentages in this chart are compiled by the Organization for Economic Cooperation and Development (OECD), an association of the major industrialized countries of the world. The OECD uses a slightly different method of calculating government expenditures and revenues than the standard budget accounting method used by the U.S. Government. Therefore, while the figures in this chart give an accurate comparison of the spending and revenue trends of our major competitors, these figures should not be compared directly to other data.

Source: Prepared by Greg Esenwein of the Library of Congress from OECD data, April 1993.

Mr. PACKWOOD. Now, Mr. President, I use these two tables, again, to illustrate what happens when the Government has extra money. We spend it. And in the bill that we are considering—and I want to confine my comments to this bill; not some promise for the future, not some hope that we are going to have a deficit reduction trust fund, not some ephemeral statement that later on we will cut spending—I want to take this bill and what this bill guarantees will happen.

This bill has about $255 billion in taxes and user fees in it. They are real, they are now, and they are permanent; and most of them, the big tax increases, are retroactive to the first of this year. They are going to be in effect, and do not worry about it. There is no sunset law in these. They are going on forever.

In this bill, that has taxes and user fees of about $255 billion, there are guaranteed spending cuts of about $65 billion. These are mostly in Medicare and Medicaid, and they come out of the hides of hospitals, doctors, laboratories—what we call providers. Those are in the bill. You have a ratio of about 4-to-1, taxes to spending cuts.

There is a hope that we will—now this is a hope; this is not in the bill—there is a hope that we will get savings from reduced interest costs because if we pass this bill and if the taxes are used to reduce the deficit—if—then we should have slightly less to borrow and our interest rates would come down. But that is based upon what we might do in the future.

I say again: This bill has $255 billion of taxes and $65 billion in spending cuts; about a 4-to-1 ratio. There is also a hope—because the bill contains what we call caps, limitations on discretionary spending—that if we go above a certain level of spending, automatically there is supposed to be a sequester, a cut across the board if we pass bills that go above the spending. But that is a hope and a promise for the future.

I was intrigued with the headline in the Washington Post this morning in their story about the passage of the bill in the House of Representatives last night. The headline reads:

> President Woos Last-Minute Votes With Pledge of More Cuts Later

And, the Washington Post story says:

> As part of the deal, the administration promised to introduce legislation this fall that would have the effect of lowering the 1994 Federal spending ceiling by $5 billion to $10 billion and implementing the recommendations from Vice President Gore's National Performance Review to streamline Government. The legislation also would give lawmakers the opportunity to propose additional cuts in discretionary and mandatory spending beyond the $255 billion in spending reductions proposed in the budget package.

I appreciate the generosity of the President in giving us the opportunity to propose them, and we get to propose them. The story goes on to say:

> Also, Clinton and Democratic leadership promised Members votes on a proposed balanced-budget amendment to the Constitution and on legislation designed to discourage the growth of entitlement programs.

These are all promises of what may happen in September or October when we get back. They are not in this bill.

So here comes this extra $255 billion of taxes. Now, what is going to happen? Every group that has been convinced that it has been shorted in the last 12 years by the allegations of cheapness of the Reagan and Bush administrations are going to come to President Clinton and say, "Mr. President, you've got this extra $255 billion and we are just a little program. Ours only costs $500 million, and we just need $100 million."

Or, "Ours only costs $2 billion, and we need $1 billion more."

We talk about entitlement programs. Entitlement programs are programs that automatically pay money without any further action of Congress. Social Security is the one we know best. Medicare is another. As to Social Security, you work so many years, you receive so much money and reach a certain age, there is an automatic computation, and here is your check. It does not require any further legislation by Congress. That is called an entitlement.

As a matter of fact, we have over 400 entitlement programs in this Government. Some of them are small. Some of them cost $100,000 or $500,000 a year. Some of them, like Social Security, cost several hundred billion dollars. This money is spent automatically. Here comes this $200 billion, and these entitlement programs, unless we say you cannot have it, you are going to get it.

Then comes what we call the discretionary programs. These are programs that do not get money automatically; we have to vote it each year. Education, the Environmental Protection Agency, the Drug Enforcement Agency, the FBI, the Department of Justice, the Customs Service, the Coast Guard, all of these we have to vote for the money every year. They are going to say, "Mr. President, we have been so shorted," or, "The problems of drug interdiction are getting so great," or the problems of crime, or the problems of environmental protection, or the money we need for education, or just put in dot, dot, dot. "Can you not ask Congress to vote us an extra $100 million this year, or an extra $1 billion, or an extra $2 billion?"

But none of them, Mr. President, are coming in and asking for cuts.

So what has happened in the past is going to happen again in the future. You know, the argument is made that during the Reagan-Bush years, Congress and the administration was very cheap; we did not fund programs adequately, and they could not keep up with the rate of inflation. They just could not keep even with the rate of inflation.

Let us take what happened from 1980 to 1993. These are the Reagan-Bush years. From 1980 to 1993, inflation in those years was 75 percent, total. Taxes in the same years went up 121 percent. Spending went up 145 percent.

Is it any wonder the deficit got bigger? We did not have any trouble keeping up with inflation. We spent at almost twice the rate of inflation.

So, again, along comes this extra $255 billion that is going to be coming into the Federal Treasury, guaranteed and permanent, as soon as this bill passes. And if history is any indication, we are going to take this money and spend it.

Here I want to comment, and I do not mean exactly to be critical about this, but I mean to be factual, because the programs that are absorbing most of the Federal money are programs that are, by and large, very popular.

I am going to take just four of the so-called entitlement programs: Medicare, Medicaid, Social Security, and other civilian or military Federal retirement—just those programs plus interest. Interest is not technically called an entitlement, but when people buy a Government bond, we promise to pay them. If we do not pay them, they can sue us. If that is not the ultimate entitlement, I do not know what is. As to these other entitlements, if we want to change the law, we change the law. If we want to change the law on Social Security, we could do it. I do not think we can change the law on the money we owe to people who lend us money.

Those four programs—Medicare, Medicaid, Social Security, and other Federal retirement, plus interest, in 1963 were 23 percent of the entire budget; of all the Federal Government spent, we spent 23 percent on those four, plus interest. That was in 1963.

In 1973, on the same programs, we spent 36 percent; in 1983, we spent 46 percent; in 1993, we spent 55 percent. In the year 2003, just 10 years away, if we do not change the laws—it is automatic—69 percent of all the money the Federal Government collects, everything we collect, is going to go for those four programs and interest.

What do you think is going to happen to the other programs in Government? One of two things is going to happen. If we keep giving a bigger and bigger portion of the pie to these four programs, plus interest, everybody else—education, environmental protection, the Coast Guard, everybody else—is going to get less unless we increase the taxes to spend on these other programs to keep them at least whole, or perhaps increase our spending on them. And if we do, then the extra taxes raised in this bill are not going to go for deficit reduction.

I know the President has said he is going to sign an Executive order saying that these taxes must go into a deficit trust fund and they cannot be spent.

Mr. President, we have been down that road before. I do not know how often we have to be burned before we learn. Remember the old adage: Fool me once, shame on you; fool me twice, shame on me.

In 1978, we passed what was known as the Byrd law. That was not named after Senator BYRD from West Virginia. It was named after Senator Harry Byrd of Virginia. I am quoting it; it is only 18 words. We passed this in 1978.

> Beginning with FY 1981, the total budget outlays of the Federal Government shall not exceed its receipts.

Very clear; very simple. In 3 years, we were to balance the budget. These were the days when the deficits were $50 billion and $60 billion. We could have done it.

But we got to 1980. We realized we were not going to make it by 1981. So we amended the Byrd law to read as follows—remember, the law did say:

> Beginning in FY 1981, the total budget outlays of the Federal Government shall not exceed its receipts.

We added the following words in 1980:

> The Congress reaffirms its commitment that—beginning in fiscal year 1981, et cetera.

Now it is no longer exactly a binding law. It is our commitment that we will observe this law. Commitments are not suable in court.

That was not enough. We get to 1982—we have now gone past 1981 and we did not comply with it. In 1982, we passed this language:

> Congress reaffirms its commitment that budget outlays of the United States Government for a fiscal year may not be more than the receipts of Government for the same year.

That is the law, too. That is the law today. And the President is going to sign an Executive order, in essence, saying he wants to do the same thing this law says. The President's order is not binding.

I will tell you a further problem with this bill— emergency spending. Emergency spending is, in theory, what the name implies. There is an emergency, an unexpected happening—the floods in the Midwest are a real emergency. Although, ironically, you could probably, on average, say we are going to set aside $5 to $10 billion a year into a trust fund, because, on average, there are going to be emergencies—hurricanes in Florida, floods in the Midwest, fires in the national parks. You can assume, on average, you are going to have them.

But President Clinton has already declared a variety of emergencies this year. The first one occurred the day after he was sworn in. Under the Gramm-Rudman-Hollings law, which was the law of the land, he was required to cut spending across the board because we were above the totals that the Gramm-Rudman-Hollings law said the deficit was to be. And if you are above it, you are to cut spending across the board unless you want to make technical corrections.

So the day after he was sworn in as President, the President waived the 1993 sequester of $22 billion and he waived the 1994 sequester of $42 billion. He declared an emergency.

Then he is not in office a month and in comes his stimulus program—$19 billion. He declares an emergency. We have to have this as an emergency in order to avoid the spending caps and limits. Fortunately, the Republicans were able to defeat that by, frankly, filibustering it to death.

Then comes the unemployment compensation bill. This is a spending increase that is supposed to be paid-as-you-go under the law. Really unemployment, while it is an emergency to the person unemployed, is not unforeseeable to Congress. But the President gives us a bill and says it is an emergency; we are going to borrow the money; we do not need to pay for it.

Flood relief is a genuine emergency. We are going to borrow the money and not pay for it.

Then, the national service bill that we passed just a couple days ago, will establish a new program and spend new money. We are going to borrow it. We are not going to pay for it.

My hunch is that when the President asks for Russian aid, we will borrow the money and not pay for it. And if we expand our operation in Bosnia, we will borrow it. We will not pay for it.

In this bill, here is what happens; and under the laws that exist, here is what happens. This is why the Republicans feel so vehemently about declaring an emergency. Let us say that you have a spending cap that says the Government, on all these named programs, will spend no more than $1,000. And in comes the President with a bill that says, I want to spend $1,200—not $1,000, but $1,200—and it is an emergency. So a bill is introduced in the Congress and we want to spend $1,200. It is an emergency. Now it only takes a majority to pass a bill that declares an emergency. And, if it passes, then the spending limit does not count.

Here is the catch-22 situation. If the Republicans want to say that is not an emergency—"Mr. President, I move to raise a point of order to strike out of this bill the emergency provision"—we have to have 60 votes out of 100 to strike it out, because if we strike it out, then there is no emergency provision and then the spending will be above the legal cap.

So, all the President has to do is say this is an emergency for whatever he wants and, if he has a majority, it passes. It passes.

Now, would Congress do a thing like that? If the President says this is an emergency, would Congress do it? We do it when it is not an emergency.

Remember, in this bill, in this bill itself, is a provision to get rid of the deduction of lobbying expenses. When the garden club now goes to the State capitol to lobby or goes to the planning commission, or when anybody who lobbies—that is, goes to petition your Government—they will not be able to deduct the legitimate expenses for doing it.

I am not going to get into an argument as to whether or not it is wise policy.

But the President says, I want to eliminate the deduction and I want the money to go into a deficit reduction trust fund.

What did Congress do? Wow. Here is over $1 billion. Do you know what we did? This proposal was not hot for 3 days. We passed a bill in this Senate demanding public financing of congressional campaigns. It cost $1.2 billion.

Do you know what we used for the money? The elimination of the lobbying deduction produced just about the same amount of money. This is the money the President wanted in the deficit trust fund. Gone; just like that. It went by him so fast he never saw it.

Second, when we were working on this bill in the Finance Committee—which had the jurisdiction of the tax part of it—we had professionals that estimate how much money the bill will produce. Between the time that the bill was reported out of the Finance Committee and it came to the floor, the revenue estimators—I am not being critical of them—estimated there was about $3 to $4 billion more to be produced than we thought. Hallelujah. We can reduce the deficit $3 to $4 billion. Oh, no. The same day we knew we had $3 to $4 billion, we spent it.

What we did was allow small business to do what we call expense equipment to a greater degree than they could. The present laws says, if you buy a computer or other equipment and you are a small business, you can expense $10,000 a year. Expense it means you can deduct the whole cost. You do not have to depreciate it. Buy equipment for $5,000 and you can take $5,000 as expenses. We raised that amount to $20,500 and used up the $3 billion or $4 billion because we had this extra money.

Well, that was only $3 or $4 billion. Now we are going to have $255 billion extra to spend. The mind of man cannot comprehend how many things we can spend this on. So, Mr. President, I think there is no doubt as to what is going to happen.

I will make one last quote from the President. This was when his bill passed the House last May to start the process. Here is what the President said: "I think it will help the economy, bring in more revenues and permit us to spend more."

So I will make you this bet. I am willing to risk the mortgage on it, Mr. President. One year from now we will be back, and what we will discover is as follows: We have passed an awful lot of emergency bills to use up this $255 billion. It has not gone for deficit reduction. And 1 year from now the deficit will be bigger than we are now predicting.

Two, unemployment will be higher than we are now predicting, because if you are going to pass $255 billion in new taxes, if you are going to say to the person that owns the hardware store or the dairy, "We are going to increase your personal tax, we are going to increase your business tax, we are going to increase your gasoline taxes, now go out and hire more people," that just is not going to square. They are not going to hire more people.

So the deficit will be up; unemployment will be up; in my judgment, inflation will be up.

And here will be the excuses as to why we missed on the estimates: Revenues did not come in from individuals and business as fast as we thought and predicted they would come in. Of the *x* billion, they came in at *x* minus 50, so we are $50 billion short. we had to pay out a little more for unemployment compensation. We had to pay more unemployment compensation than we thought because the unemployment is higher than we had predicted.

Oh, and by the way, we did not save all that money on interest that we thought we were going to save. By the time this bill had passed and the markets had really looked at it, they realized it was not going to reduce the deficit $500 billion as was promised. Therefore, they have discounted that, as they call it. And the interest rates are higher to borrow than we thought, so instead of saving $55 billion over these 5 years of interest, we are only going to save $15 billion, another $40 billion.

So we come back next year with a deficit that is anyplace from $75 to $150 billion higher than we thought. I do not mean a deficit of $75 to $150 billion, I mean higher than we thought.

Then next year we will have a debate about should we raise the taxes to narrow the deficit, and somebody will say, "What happened to these other taxes and the deficit reduction fund?" The answer will be, "We had these emergencies." Mr. President, it is the tiger chasing its tail. I cannot emphasize more strongly what is going to happen if this bill passes: Bad for the economy, bad for employment, bad for the deficit; good for those who like Government programs, who want to expand them. Because they are going to have a cornucopia of new money, uncommitted to any specific purpose other than deficit reduction. Somehow that is going to occupy a very low priority in the minds of those who want to spend more money on Government.

I thank the chairman and ranking member of the Budget Committee for letting me speak first.

The PRESIDING OFFICER (Mr. MATHEWS). The Senator from Tennessee is recognized.

Mr. SASSER. Mr. President, I thank the Senator from Oregon. His views are always of great interest. He is a very knowledgeable member of the Senate Finance Committee, having served as chairman for a period, now serving as ranking minority member. And his knowledge of the entitlement programs and how they work is very complete.

I do not, of course, agree with the conclusions of my friend from Oregon, but I always listen to his views with great interest.

Mr. President, there is some good news today. The Labor Department announced this morning that the unemployment rate fell to 6.8 percent in

July. That is the lowest unemployment rate we have had in this country in over 2 years. The unemployment rate fell from 7 percent in June to 6.8 in July. In July of this year, 162,000 new jobs were created for our fellow Americans. Since the beginning of this year more than 1 million new jobs have been created here in the United States. So far during the Clinton administration, the monthly job gains have averaged 172,000 new jobs every month. That compares to the average of 40,000 new jobs during the previous administration.

So, something is working here. Since the election in November, critical long-term interest rates have fallen more than 1 full percentage point. Average mortgage rates have fallen more than a percentage point since the election, from 8.3 percent to 7.2 percent on the average. Home construction is running 7 percent ahead of the rate at the beginning of last year.

So what we have here: Unemployment rates coming down in July, the lowest unemployment figures in 2 years; 162,000 new jobs created in July; over 1 million new jobs created since the beginning of this year; mortgage rates have fallen more than a full percentage point since the election, now averaging 7.2 percent; and home construction is up 7 percent over what it was since the beginning of last year.

Mr. DOMENICI. I wonder if the Chairman will yield for a question?

Mr. SASSER. I am happy to yield for a question.

Mr. DOMENICI. I wonder if all that wonderful news would not be a grand argument for leaving things alone. Things are going well, you are saying. What would you want to put all these taxes on if they are going so well?

Mr. SASSER. I am glad my friend asked that question, because I think this economy is coming back partly based on the expectation and the anticipation that at long last, after 12 years—12 long years of neglecting the economy and neglecting the fiscal health of this country, at long last there is a plan to do something about it.

I remember talking just a few weeks ago to one of the leading businessmen in my State, indeed, one of the leading businessmen in this country, who has an international operation. His company is one of the top 100 companies in the Forbes 100. I asked him about the plan that President Clinton had presented to the Congress and what his view of it was. He said, "Well, I think it is a good plan." He said, "It is not perfect, but it has given me and my colleagues the reassurance we need that at long last there is someone at home in the White House; that someone at long last is managing the store; that someone at long last has a plan."

I asked him, "Well, what would be the effect, in your judgment, if this plan was rejected by the Congress?"

He said, "There would be an immediate fallout in the financial markets." In his view, interest rates would go up. But the most damaging long-term repercussion in the economy and in the business world would be that no one was in charge, that no one was running the Government of the United States, which is the largest government on the face of the globe. So, clearly this plan has a lot to recommend it.

Dr. Alan Greenspan, the Chairman of the Federal Reserve Board, indicated that, should this plan fail it would send a "clearly negative" signal to the financial markets across the country.

My friends on the other side of the aisle, and many others, have invested a lot of time and lot of energy, and indeed a lot of money in trying to misinform the American people about this proposal before this body today. We have seen front groups spring up all across the country with catchy names, buying television advertising, radio advertising, newspaper advertising, direct mail campaigns—to try to frighten and propagandize the American people, to make them believe that this program is purely a tax program, that a tax will be levied on them.

Let me lay that controversy to rest right now. I have a chart before me which indicates what will happen with regard to taxes on this bill. Income taxes will only be raised on the very top income brackets in this country. As a matter of fact, joint filings—that is a husband and wife—would have to have a gross income of $180,000 before they would pay one dime of additional taxes under this bill. Let me restate that so there can be no confusion. In order for your income taxes to go up, joint filers must be making about $180,000 a year before their taxes will go up.

Let me just call the attention of my colleagues to this chart as to who is paying the income taxes. In these brackets here from zero to $25,000 there is no increased income tax. As a matter of fact, these people making less than $25,000—in fact making less than $30,000—will actually experience tax cuts under this particular proposal. No income tax increases from those making between $50,000 and $180,000. No income tax increases for joint filers who make less than $180,000 a year. I hope the American people hear that and understand it.

Let us just look at who is actually paying the increased taxes. If you have a gross income of between $180,000 and $310,000, then your tax rate will go up 5 percent—well, your effective tax rate will go up 5 percent. If you make in excess of $310,000, then your effective tax rate will go up 8.6 percent.

Some will say, "Well, that is terrible to even be raising the taxes on those who make in excess of $180,000 a year." Why are we doing that, and how much are we actually raising their taxes? The effective tax rate of the top 1 percent in this country, who make over $200,000 a year who have average incomes of $560,000 a year, in 1979, their effective tax rate was 33.7 percent. That was cut beginning in 1981 to 27.9 percent.

During this period of time, remember, between 1981 and now, the Federal deficit and the national debt has quadrupled, has gone up four times.

So what we are saying under this proposal is let us bring the tax rate of the top 1 percent, those making in excess of $310,000, with an average income of $560,000 a year, let us just bring their tax rate back up to almost where it was in 1979—not quite there. They were paying an effective tax rate of 33.7 percent in 1979. Let us bring it back up to 33.1 percent.

So much for the scare tactics of trying to tell the average American working family that their taxes are going up. They are not going up. They will not go up unless you are making, as joint filers, a gross income of about $180,000 a year.

Mr. President, I want to be fair about it, and I want to say to the American taxpayers, yes, there is a gasoline tax in this bill that every American motorist will pay. It is 4.3 cents per gallon. According to the American Almanac of Statistics, which was quoted in a New York Times story just last Sunday, the average American automobile is driven 12,250 miles a year. With an additional 4.3 cents a gallon gasoline tax, that means the average American motorist will pay over a year's time $27.50 in additional taxes. That is all the average person is going to pay, if they drive a car; $27.50 in additional taxes.

What do they get for that? Because of the effectiveness of this proposal and the fact that this administration, for the first time in 12 years, is giving evidence that it will grapple with the long-term problem of catastrophic deficits, we are seeing interest rates come down.

What does that mean for the average American? If you make $40,000 a year and if you have a mortgage on your house that totals $100,000 and that mortgage you took out at a 10-percent rate, and because rates have come down as a result of the anticipation of fiscal discipline—rates have come down to 7.5 percent—if you went back to your banker or mortgage company and said, "I want to refinance my $100,000 mortgage. Take it down from the 10 percent that were the rates when I took it out, to the 7.5-percent that is effective now," that $40,000 income family would save $175 a month on that mortgage rate. That is what I call a net plus for the average American family. That is why it is so necessary that this proposal be put in place.

As a highly successful, knowledgeable businessman from my State said—a man who is an international success, a nonpartisan individual—as he told me, if this plan should fail, it would send the signal to the financial markets that no one was in charge of the Government of the United States. It would send a signal that would be very disruptive to the financial markets and a signal that would clearly indicate that it is time for interest rates to go up.So it is critical that we pass this proposal.

Mr. President, it has been a long and arduous journey from the State of the Union Message on February 17, when a new young President addressed the Congress in a joint session, to this particular moment on the floor of the U.S. Senate. But the measure of this journey is not by its length nor by its difficulty. The measure of this journey is what we have achieved: $496 billion in deficit reduction over 5 years. We have achieved tax fairness, and we are achieving economic growth.

Passage of the President's deficit reduction plan will begin the process of putting our country back on a sound fiscal and economic foundation by taking control of this deficit. By taking control of this deficit, Mr. President, we, in this body, along with our countrymen, can once again take control of our future.

It is no secret that I believe the President's economic plan deserves the Senate's support. It is a good plan. It is a fair plan. But most important, it is the only credible plan that has been before this body. Without it, this country's fiscal crisis threatens to undermine the very credibility of our governing structure.

I think it is fair to say that our fellow citizens have been cheated—have been cheated—by the economic debauchery of the past 12 years, and that is what this deficit reduction plan is all about, Mr. President. This deficit reduction plan is about change. It is about changing the way the Government has been doing business for the past 12 years. It is about changing the tax burden from the middle-class, struggling, working family where a man and his wife are working trying to raise their children and have a decent standard of living and getting ahead. It is about changing the tax burden from them to the very wealthy who increased their wealth very substantially during the past 12 years.

I have no problem with people doing well in our economic system. I wish them well. I wish we had a nation of 280 million multimillionaires, but we do not. What we are simply saying is those who did so well during the last 12 years, we are asking you now to come on and join us and pay the same effective tax rate that you paid in 1979 and join the rest of us in paying your fair share to try to do something about bringing this deficit under control.

Mr. President, it is my sincere desire—and I am confident we will—have a sensible and civil debate on this bill. It is a clean bill. It is free of extraneous matter.

So there should not be any Byrd rule challenges. It is a bill on which one can say there are many merits, and I hope we can discuss these merits rationally.

Yes, this is the largest deficit reduction package in history. The deficit is reduced by $496 billion over 5 years through $255 billion in real spending cuts and $240 billion in new revenues.

It was interesting that a moment ago my good friend from Oregon, the distinguished ranking member of the Senate Finance Committee, indicated that the bill consisted of 255 billion dollars' worth of taxes and user fees. He was characterizing user fees, I suppose, as a tax. Well, user fees have always been characterized in budgeting as savings. They were so characterized in the budget proposal captioned the Dole-Domenici budget plan that was presented here a few weeks ago when this matter was being debated in this Chamber.

Why is it all right for our friends on the other side of the aisle to characterize user fees as savings but characterize them as taxes when they are utilized here on our side of the aisle?

So let us be fair. What is good for one side or creditable for one side ought to be creditable for the other.

But the $241 billion in new revenues are imposed almost exclusively on the wealthiest 2 percent of the country, and we made hundreds of specific cuts that get us more than halfway home to the $496 billion in deficit reduction. We made cuts in entitlements. We made cuts in discretionary spending.

Now, let us look at the entitlements which have attracted such a lot of attention in recent months and which my good friend from Oregon referred to a moment ago.

This plan cuts mandatory and entitlement programs by $88 billion. There are 30 specific cuts, cuts that are named in Medicare and Medicaid alone, the two fastest growing entitlement programs, that reduce the deficit by $63 billion. And let me hasten to add that these cuts are not on our senior citizens. They are on providers. They are on doctors. They are on hospitals.

My friend from Oregon a moment ago referred to the telephone calls that were coming into his office in support and in opposition to the plan. We have been getting calls in my office, too. In one of my offices, we were getting a disproportionate number of negative calls and finally we realized what was happening. There was an organized effort in the medical community—doctors, hospital administrators, those who work for hospitals, those who work for pharmaceutical companies, prescription drug companies, they were calling our offices in an organized fashion in opposition to this plan.

And well they should, because they are the ones who are going to take some of the heat. When the spending cuts go into effect, there is going to be less money for the hospitals, less money for the doctors, less money for the prescription drug companies. But this is not going to affect what is available for our senior citizens under Medicare and Medicaid because their benefits are not going to be cut.

Now, there are specific and substantial cuts in Federal and military retirement entitlements. There are cuts in banking and housing programs. There are cuts in agricultural programs and in commerce and communications programs. The cuts are real, and they are creditable, and they were adopted in toto without exception in the minority plan.

Now, is that not interesting? Our friends on the other side of the aisle say these cuts are not enough; they are ineffective; they do not go into effect until the outyears, in 1995, 1996, 1997. But they adopted every one of the cuts in the proposal that they offered. What they did is they took the President's program, took all of his spending cuts, slapped on top of it an entitlement cap, which everyone knows cannot work, and called that their proposal. They were not critical of the President's spending cuts when they adopted them in their own proposal which they offered here on the floor of the Senate as the so-called Dole-Domenici proposal.

I do not fault them for that. I think these spending cuts are good. I think they are well-timed. Any time you can come up with almost 265 billion dollars' worth of spending cuts, they should adopt them. But I do not understand why they then criticize the President's program after adopting his spending cuts in the same sequence in which the spending cuts become effective, why they criticize the President's program and say, well, these spending cuts do not become effective until the outyears.

Well, let us talk about discretionary spending. The President's deficit reduction plan found 100 domestic programs which could be cut by $100 million each.

Mr. DOMENICI. Mr. President, could I—

Mr. SASSER. Let me yield to my colleague.

Mr. DOMENICI. I did not hear what the Senator said about these 100 cuts. Could the Senator just preface that again?

Mr. SASSER. I said that there are 100 domestic programs which will be cut by $100 million apiece and these cuts—the President's plan had 100 domestic programs that were cut by $100 million each.

May I inquire of my friend, the Senator has others here who wish to speak?

Mr. DOMENICI. I have not spoken yet this morning, so I am going to speak next, whenever the Senator is finished.

Mr. SASSER. I am going to conclude here very rapidly.

Mr. DOMENICI. Do not go on my score.

Mr. SASSER. Yes.

Mr. President, I remind my colleagues on the other side of the aisle that the alternative to the Clinton deficit reduction plan did not include a single new specified cut that the President did not include in his plan. It did not include a single specific spending cut beyond the President's deficit reduction plan. As I said earlier, every cut in the Dole-Domenici plan is right here in the original, the President's deficit reduction plan.

Mr. President, as we have seen, there is $1.06 in spending cuts for every $1 in new revenues in the President's plan. There has been an effort to twist these ratios and to try to make it appear that is not the case. But these ratios of $1.06 in spending cuts to every $1 in new revenues are valid and have been so validated by the Congressional Budget Office.

Mr. President, I do not want to go on unduly. I will have more to say later. We have a lot of time. I see the Senator from North Dakota is in this Chamber, and he wishes to speak. And I know the distinguished ranking member would wish to speak. The distinguished chairman of the Finance Committee is on the floor, along with others. So I will yield the floor now and inquire of my friend from New Mexico how long he might anticipate speaking.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Let me say to the chairman, I think I will take about 15 minutes, no more than 20. But I would like to inquire of the Senator, we have many Senators who want to speak and we are going to try to accommodate them, as is the Senator. We had envisioned in the unanimous consent that we would speak 1 hour on each side, after which time we might proceed to a point of order on this side, but that we would each have an hour on each side of just full debate.

I am wondering if the chairman would like to increase that to an additional half-hour, so it would be an hour and a half before we make a point of order.

Mr. SASSER. I am being advised that the unanimous-consent agreement does not provide that.

The PRESIDING OFFICER. The Chair advises the Senator that the point of order is in order after the expiration of the 2 hours.

Mr. DOMENICI. Could we go an additional half-hour on each side?

Mr. SASSER. Yes. I have no objection to that.

Mr. DOMENICI. That would be an hour and a half on each side. I so request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. This time allocation will allow a few more Senators on each side to speak before we are distracted by some rather specific issues.

Mr. President, first let me say that I concur wholeheartedly with the chairman. While this is a very serious debate with very big differences between the two parties, it is my hope that we will conduct this debate in a very civil manner. I believe we will. I do compliment the chairman on the content of his first speech here today and the way he has presented matters so that perhaps during the day we can both enlighten our constituents and the American people in a very reasonable and high-level manner.

Mr. President, today we begin the final debate on the President's budget and the tax proposals. This is the end of a very long legislative journey. It is the culmination of much discussion and debate in this Chamber and around America. But one result of the debate has been to expose a clear and fundamental contrast between what the two parties believe is best for the American economy at this point in time; the debate points to a philosophical rift.

The Democrats have cobbled together a plan beginning with higher taxes and ending with higher taxes. They have tried to make less of the fact through budgetary hocus-pocus and some gimmickry such as calling fees imposed on the public spending cuts. The most recent gimmick proposed by the President and not the Democrats in this Senate is a deficit trust fund.

But the truth is clear. The plan before us is anchored by increased taxes on Americans. And what does the Democratic plan offer for America? It will force Americans to pay higher taxes. In total this will be the largest tax in American history, $255 billion net. I might suggest there may be some taxpayers out there who are wondering how come they are getting hit so much when it is $255 billion, and they were told they were not going to get hit unless they were millionaires.

Actually, the total new taxes are $275 billion. In this very bill, which is supposed to be a deficit reduction exercise, it creates spending an additional $25 billion in new Government domestic programs at the same time we are trying to cut spending. Maybe the American people understood this tax-and-spend approach all along. We would put on $275 billion in taxes, and right away in the very bill that did that we would have $25 billion in direct spending that is in this bill. We are spending taxpayer money on such things as FCC operating costs, Customs officers foreign language proficiency, food stamps—SSI, social services block grants, $100 million for the Presidential fund for campaigns. The sum total is $25 billion.

For starters, it seems to me that the philosophy was tax and then spend right in the same bill that you tax some more.

I might say that for a long time we talked about this budget as the most honest and sincere. Actually it is full of very questionable cuts. I will not now, but in due course I hope to ask the chairman where the Congressional Budget Office is on a number of these items so that we might know what the real numbers are according to them. I am not going to do that now.

Last, the American people should know unequivocally this plan does not reduce our long-term deficit. What I am suggesting is, if you like these taxes, wait around because the deficit starts back up in 1998 even with all of these taxes and more will be needed. And I ask where are we going to get the spending cuts and the money to bring it under control? My guess is more taxes year after year.

That is what is before us. Once you strip away the White House public relations veneer, you get to the truth. And the truth about this program is clear.Passing the largest tax increase in American history will destroy jobs. Small business, that portion of small business regardless of the charts on percentages, the most productive part of American small business in terms of jobs creation gets hit the hardest by this. In fact, we believe that portion of small business which produces 75 percent of the jobs today and are expected to produce it in the future, are the ones that get hit hardest by this income tax increase from 31 to 36 percent. When you add on the other taxes imposed, the rates can be as high as 44 percent.

Job producing small business will get hit harder than we have ever clobbered a single group of taxpayers before in one single add-on to the Tax Code.

Senior citizens get hit. Some will speak of how important the tax treatment of Social Security is to those who are currently paying into the Social Security trust fund. In a very real and simple sense, to get the deficit under control, this is a license to dig deeper into the wallets of the American people in an effort to control a budget that is not out of control because taxes are too low, but is out of control because spending is out of control.

If we do not control spending, in particular the entitlement programs of this country, all of these taxes are eaten up, gobbled up, and those programs continue on their merry way to bring us back into a $300, $400, $500 billion deficit.

I am amazed—I think I understand why—but I am literally amazed that today we are talking about getting together and cutting some more spending in September. You see, there are apparently some Senators who are very reluctant, on the Democrat side to vote for this package. Their message is, "not enough cuts."

Let me say to the Senate and those who may be listening, do you think the business of your country is being handled properly when the largest cut in history is being imposed in the name of deficit reduction, which I assume meant cutting spending, and in order to get the votes to make sure it passes, the President is announcing that Congress will get together and choose some additional spending a month from now? If we need more spending cuts, why not in this bill? In this program? And in these caps?

So I conclude by talking about what we think ought to be done. We want to cut spending, not only first, but permanently. We believe that Government, not the American taxpayers, should be the first to sacrifice. And we agree that the deficit must be reduced. But we do not agree that simply taxing our people is the solution.

That has been tried before. It does not work. The problem is not that the American people are undertaxed. The problem is that Government is growing too fast. So in a sense I compliment the President for focusing on the right problem. He is attacking the right problem. But I think also it is the wrong program.

Let me just to prove one simple point and I believe these numbers are confirmed by the Congressional Budget Office.

I believe we have made a series of inquiries, program by program. Since they did not want to pass judgment on the budget, we did it program by program, and this chart that I am going to go over, very simply, gives full credit not only to what is in this bill, but to what the Democrats expect the caps to do in the future.

In the year 1994, net new taxes are $31.7 billion. Look over at the spending cuts for the year 1994. No wonder we are going to have another meeting in September to talk about cuts. The net spending cuts, I say to the distinguished chairman from New York, are zero. Some will stand up and say, "We cut this program and that program." Let me remind you that I just told you that in this bill, $25 billion in new spending occurs, and as you go through it all, we believe this is the right number—zero—in real reductions on the cut side.

In the second year, taxes go up to $45.9 billion net, and the cuts amount to $4.3 billion. I know that people are saying this just cannot be true. How in the world can this be a dollar-for-dollar—$1 in taxes, $1 in spending—when in the first year there is zero spending, the second 4.3. Let me wrap up with 1996—$52.1 billion in new net taxes and $19.6 billion in cuts, if it all works.

What is that year? That year is the end of this President's first term. And after the first term is over, 80 percent of the cuts which are expected in spending occur.

So let me summarize on this point. The taxes start 21 days before the President is sworn into office—new taxes, 21 days before he is sworn in. Eighty percent of the cuts occur after his first term. It is entirely possible that the 80 percent of the cuts would occur after he leaves office.

Mr. President, I do not believe this is the way to reduce the deficit. I want to go through the deficit reduction claims item by item—seven of them—because I said there are some very interesting cuts that I am not sure are really cuts, and savings that are accounted for that I do not believe are really attributable to this budget, savings achieved in the 1990 budget agreement. We believe those are already there, and there are $44 billion which are taken credit for in this one. The American taxpayer already paid for that in the 1990 agreement.

The Congressional Budget Office, the authenticator, estimates the administration's debt management is $10 billion off the mark. Lower interest savings, using CBO's capped baseline assumptions—and that is just jargon, but they contend that is $5 billion overestimated on interest. We will go through the rest quickly and then insert this into the RECORD. I suggest that I hope before the day is out, each of these will be answered by the majority, if they see fit. Frankly, we think we have a Congressional Budget Office letter backing up each one of these. So it will be interesting to see where their numbers come from.

Two final remarks. If it has not been said already, it will be said soon. It will be said soon that this deficit that is very large today ought to be laid at the cornerstone of the Republican Party. I will also insert into the RECORD the history of all of the reconciliation bills since 1981. That is the instrument by which we saw fit to either spend money or increase taxes, or cut programs, which basically dictated policy.

It would be amazing, I think, to many to find out that on each and every one, from 1981 through 1986, and then on to 1990, over 50 percent of the sitting Democrats in the U.S. Senate voted for each and every one of them. Eighty-three Senators voted for the tax cut that President Reagan asked for, which some are saying is the reason we have a deficit, which was clearly bipartisan, and the facts probably are untrue.

Aside from that, I want to make one more case with reference to what the Republicans did during the last 3 months. It is being said that we did nothing, that we did not come up with a plan.

First of all, let me say one more time that Senator DOLE, Senator DOMENICI, and Senator PACKWOOD wrote to the President in January. First, we told him to please use the Gramm-Rudman sequester rule. Second, we said we would be glad to help and put a different budget together, and we would like to work on it. We offered amendments to the 1994 budget in markup in committee. Republicans offered 29 amendments. On the reconciliation bill on the floor, we offered 12. Amendments offered by Republicans in markup, 29. Did any of them win? Zero. Zero were accepted.

We offered seven amendments which reduced both his tax increases and spending increases during debate on the resolution and we got zero. On this reconciliation bill, we offered three amendments that reduced taxes and spending. We got zero amendments which reduced taxes.

I hope we do not spend the whole day revisiting the past and that we focus on this reconciliation bill. I believe these numbers are right. I believe they are. There is every reason in the world for our President to be saying to some who are doubtful of this plan: Vote for it and we will have another meeting and maybe another summit on spending cuts. My only comment on that is: You can count on it. You can count on it.

The spending cuts will not happen, and the taxes are real; they are in place. I do not know if anybody around here contemplates giving the taxes back to the public if we do not get the spending cuts that we are going to meet and talk about in September.

I yield the floor.

Mr. MOYNIHAN. Mr. President, may I begin by expressing my appreciation to, and admiration of the Senator from New Mexico, the sometimes chairman of the Budget Committee, a person of the highest personal sense of honor, integrity, and a timely and formidable mastery of these numbers. I believe he and his counterpart, the Senator from Tennessee, have begun this debate in just the manner we would hope for but do not always see in the U.S. Senate.

I want him to know how much I appreciate that.

Mr. DOMENICI. If the Senator will yield for an observation. I thank the Senator, and I also say to him that I have the highest respect and admiration for you, Senator, and I am very pleased that we are friendly opponents here today. I gather you are probably going to win, perhaps by one vote, perhaps at 9 o'clock tonight, if everything works well on your side, as planned.

I do compliment you on the hard work. I am not sure I compliment you on the final product, and I know you would not expect me to do that.

Mr. MOYNIHAN. I would be alarmed if you had done that.

Mr. President, I will have to confirm one of the many objections of the forecasts and forebodings of my friend from New Mexico, in that I am going to talk just a little bit about the past.

We must ask how we reached this moment, in a sense, entering the second decade of protracted stalemate, disagreement, and agony over public spending and debt.

The very able author, journalist Thomas B. Edsall, wrote about this in the Outlook section of the Washington Post just a little while ago on July 25. His article has the ironic title "Parking the Red Ink" and subtitle "Will the Reagan Deficit Swallow the Clinton Program?" Mr. Edsall hearkened back to an argument which I had advanced on this floor in some detail over a long period in the 1980's, that in the early days of the Reagan administration it had been decided that a deficit in the Federal budget would force the Congress to cut programs that were deemed to be superfluous, or worse. These programs were sometimes known as waste, fraud, and abuse. But call it whatever you wish. The deficit would be the driving force.

This was a hard idea to be absorbed. It was hard to believe that anybody would create a crisis. I remember having published this in the "New Republic" in 1983, and people being not certain of events. Hidden behavior was not problem solving. That got one nowhere. Who is he? What is he doing in Washington?

Later, Mr. Stockman, who was part of the exercise, published this all in his book "The Triumph of Politics." He explained that the plan had not worked, that politics had overcome it because the cuts were not made as craven politicians are expected to do. I think we can revisit this with a certain serenity, reminded of things past.

I used the phrase at that time, and Mr. Edsall quotes it, of strategic deficits—strategic—a big word. If Senator BYRD were on the floor he would remind us it arises from the Greek word for general.

The idea was that these deficits would force us to reduce spending. You know for all that, it was a certain level of hidden behavior which Mr. Stockman, as I said later, was admirably candid about. In fact, no one was more candid or less deceptive among Presidents than Ronald Reagan. The man was beloved, and it is because he was so open.

Sixteen days after his inauguration, President Reagan said, and Mr. Edsall quotes:

> There were always those who told us that taxes could not be cut until spending was reduced.

Well, you know, we can lecture our children about extravagance until we run out of voice and breath, or we can cut their extravagance by simply reducing their allowance. And you can see the Gipper saying it: What are you going to do with those kids up on Capitol Hill? You are going to have to make it hard for them, and they will come along.

Of course, Mr. President, that did not happen; did it? Far from putting an end to the extravagance, this is what happened. There is the Federal debt—the gross debt, I should say. But you see it moving along as it did in the fifties and sixties, flat; nothing kind of special. It then begins to rise in the seventies and then takes off almost perpendicularly. It looks like an F-15—swoosh, from under, you know; from about $800 billion up to around $4 trillion today.

The Washington Post, in an editorial this morning, speaks of this. Speaking of this budget, the editorial is entitled "A Budget for Conservatives Too."

"Why do conservatives not support this measure? It is what they asked for."

But it says:

> The Republicans all bemoan its weakness; they'll vote no. These are the same defenders of fiscal principle on whose watch the national debt was allowed to quadruple to more than $3 trillion in the past 12 years; then they call this President soft for undoing in a budget only a part of the grievous damage their policies have done.

I am not really sure I would want to use that word grievous damage. I will explain. I think we are involved here with problems of understanding and a transition from one era of our public life to another.

I stand here, Mr. President, as something of a missing link, who has lived in one of those eras and now is in this other, and can feel the difference.

This huge increase in the deficit came about because of two miscalculations, both of them human, both of them understandable, both of them forgivable, if we can just bring you the understanding required. I would like to say to my friends on the other side and some of my friends on this side, we are still in a state which psychologists, medical doctors, have called denial. Denial, Mr. President.

My friends—and they are friends—on the other side of the aisle and on this side of the aisle just do not know. No, this did not happen. The world began on January 20 and the deficit has gone up since.

But it did happen. And why?

Well, for two reasons: The first was the huge miscalculation made about the course of world events from the late seventies into the eighties. The miscalculation which apposited, if that is a phrase I could use, a Soviet Union growing stronger and more aggressive; therefore, more dangerous.

It is the irony of President Reagan's strategic deficit that while he wanted to cut waste, fraud, whatever, in domestic matters, he asked for large increases in defense areas. Mark Shields, who is I regret to say a keen observer of life on Capitol Hill and in the White House, remarked the other day that in contrast to Mr. Clinton's budget, Mr. Reagan came along and said to the American people: Now, American people, you are called to large and fateful duties in this decade that will demand things of you. We are going to have to arm against the Soviet Union, and to do so, Mr. and Mrs. America, I am going to have to cut your taxes 40 percent.

Well, many brave citizen rallied to that challenge. It was not the most difficult, I suppose.

The miscalculation, on the other hand, was real. We, if you will recall, thought we might have to stand off the Soviet threat on the Rio Grande, it was believed, and anyone who so believed could not honorably act unwise. And the defense buildup went on and on.

It stopped in the mid-eighties, but even then, we did not understand the Soviet Union was dangerous only to the extent that its breaking up could have calamitous consequences, including nuclear consequences.

I can recall, because this is very important, I was one of the Senators—there were a dozen of us who were asked to observe the Strategic Arms Reduction Talks in Geneva, so that, contrary to SALT II, when a treaty was returned to the Senate, there would be those who could say, "Well, we watched it being negotiated." We did not do any negotiating, but we had seen it.

And I recall, Ambassador Max Kampelman, who was there at the time—I would come to Geneva and be given lunch—and I would say to our negotiators, "Now, when you are finished with the mind-numbing details of this treaty on strategic nuclear weapons with the U.S.S.R., what makes you think there will still be a U.S.S.R.?"

And I could say, Mr. President, these men of enormous ability and energies beyond anything I could conceive, much less summon, they did not say, "Well, that is a good question. You know, we have thought about it, but really we decided there will be a U.S.S.R." They just did not hear the question. It was beyond their reach. As the youth of today would say, they could not access that file.

And, indeed, when the treaty came to the Committee on Foreign Relations, I asked the two chief negotiators, men of great distinction—the country owes them a great deal—"If this treaty is between the U.S. and the U.S.S.R. but there is no U.S.S.R., who is this treaty with?"

And they named four countries, of which I had only heard of two. And I said, "Well, how do we know it is with these four countries?"

They said, "Well, we have letters."

"Where did you get them?"

"They were sent from Lisbon."

But, of course, we now have a problem of a nuclear Ukraine, a Byelarus, maybe not, apparently doing better—and the President very wisely had the President of the Byelarus here—and Kazakhstan.

But more of that was foreseen, and so spending took place which could have been moderated. And there is a sense, Mr. President, in which we appear to the world as, and have the risk of, being in disarray.

I hope I am not causing unease on the other side.

The PRESIDING OFFICER (Mr. DORGAN). The Chair would ask for order in the Senate while the Senator is speaking.

Mr. MOYNIHAN. I thank the Chair.

We do not want the kind of disarray that settled on our cold war opponents to settle on us.

But Mr. President, I said there were two miscalculations. Let me now talk about the second, which is what really is involved here and will continue to be involved here.

That first miscalculation was a onetime event, a past event. What about now?

The Senator from New Mexico has said spending is out of control. I want to say to my friend from New Mexico I think he is right.

But I would ask you: Why is he right? Is he right in terms of the old model of legislators, willing to spend anything, willing to spend but not tax and so forth—in our case, we are accused of doing both, tax and borrow, tax and spend—or is something happening to costs, relative costs, that change the setting of our political economy?

Mr. President, I would like to ask you—we are still in early morning and we can think this way— I would like to ask you to imagine our country if the citizens had only two things they needed; only needed two things. That is the way economists talk—imagine.

Say all they needed was food and education. That is not so impossible. I can think of my family. We do not need any more clothes. I have all the clothes I need. We have a house. We need food and education.

Now, suppose that the Government provided free food, but each family had to buy its own education.

Now I could tell my distinguished friend, the Presiding Officer, who is from North Dakota—I do not have to tell him—that if the only thing the Government had to do was provide free food, we would have a tax cut every year, because the price of food keeps going down, and down, and down.

On the other hand, if families had to buy their own education, half the families in the country would be sitting around the kitchen table with a family budget crisis every year as they figure out how to pay for high school, the cost of which is going up again. That is called the cost disease of personal service.

I associate William Baumol of NYU and William Bowen, when they wrote their book in the 1960's. Literature, which has been around for a quarter of a century, but we are just beginning to read it.

Mr. President, in our way of Government, we have just the opposite. Instead of providing free food, the Government provides free schools. And instead of having to buy education, the family has to buy food. So it is not just family budgets. In that sense, family budgets with respect to food are easy all the time, where the public budget is strained.

That is not going to change, Mr. President. The activities which tend to migrate to the public sector because they have cost disease are going to go on and on and on, and we are going to have to think about it.

I said earlier, I offered the idea that we have moved from one era in the matter of the political economy to another, and that I can remember the other. Indeed, I do.

I came to Washington in the administration of President Kennedy. I remember Arthur Goldberg, then Secretary of Labor, in his generous way, would take me over to the White House mess for lunch. And the talk of the White House mess in 1961 was the problem of fiscal drag, a dread malady characterized by the fact that, as the economy grew and you went towards full employment, revenues grew but Congress would not spend them, which depressed the recovery and you never reached full employment.

Walter Heller, Chairman of the Council of Economic Advisors under President Kennedy, came up with an idea; a good idea. He said on revenue sharing: "If Congress will not spend the money, the Governors will." Those Governors love to spend money.

I do not think he quite knew it, but the cost disease had hit the State houses before it hit Washington. And eventually President Nixon did get revenue sharing with States and cities, lost in the 1980's as cost disease consumed us, as well.

But, it was a very difficult thing getting all this straight.

In the first half of our century the great issue was whether the private economy could work; whether the recessions and depressions would not prove destabilizing to the point where the whole thing would have to be scrapped. Unemployment, the great social malady, was not understood. There is no unemployment on the farm. There is not much of anything else in marginal agriculture, but it was a new experience for the species. I am talking about something new under the Sun. And it almost destroyed Western civilization.

The Great Depression, communism—a heresy within the Western civilization—sweeping nations, sweeping sectors of opinion, followed by the Second World War: Civilization was in the balance, and just made it.

But before it was over we had begun to learn how to manage the economy. It turned out that the Great Depression did not represent the fundamental rottenness of Western civilization. John Maynard Keynes came along and others like him came along and said, no, it is a question of money supply. The Central Bank contracted the money supply when they should have expanded it. The Chicago school had a different view from Keynes, but in the same world.

I had a letter the other day from that most wondrous of men, Erwin Griswold, sometime dean of the Harvard Law School and Solicitor General of the United States. He was in the Solicitor General's office in 1933. He recalls that the third act of the New Deal was to cut all Federal pay, individual salaries, by 10 percent. President Roosevelt ran against Mr. Hoover—I wish Mr. HATFIELD were on the floor—ran against Mr. Hoover as a big spender. He promised retrenchment until he realized experience began to direct you other ways. It was trial and error.

Finally, analytic economics came. It did not take long. In 1947, Herbert Stein, who would be a member of the Council under President Nixon—Herbert Stein, working then for the Committee for Economic Development, which is a blue chip business group here in Washington, developed the idea of a full-employment budget.

What is a full-employment budget? I am going to ask you to believe me. I can see others—I think there are probably those on the floor listening who will not believe me—my friend from Texas will. He is an economist. A full-employment budget, as developed by Herb Stein in 1947, has a built-in deficit. The outlays represent what would be the revenues of the Federal Government at full employment, even though the revenues are less than such because we do not have full employment. But that deficit will stimulate you in the direction of full employment—a built-in deficit, a deliberate deficit: A sound Republican idea. Stein developed this in his masterful work—his master work, "Fiscal Revolution in America."

Mr. GRAMM. And a surplus in expansion.

Mr. MOYNIHAN. The Senator from Texas very aptly states when you get an expansion and you reach full employment, then you better have a surplus to keep yourself from overheating and inducing inflation. Yes.

George Shultz wrote the introduction to Stein's book "Fiscal Revolution in America." He was dean of the business school at the University of Chicago. And as Director of the Office of Management and Budget under Mr. Nixon, George Shultz sent a budget to the Congress with a built-in deficit designed to stimulate the economy to full employment.

That was then. We do not have to do that anymore. President Reagan never sent a balanced budget to this Congress, and I do not suppose any President in the rest of this century will. Cost disease has taken hold. We, the Federal Government, have brought on board more and more activities, in which there is very little growth in productivity, which are necessary—policemen, teachers, health care providers, even, as we will no doubt learn later in this session, actors and painters—and those prices go up and up. In consequence you have this phenomenon.

I would like to think we are going to learn about it and teach it to each other and study it. It took a long time to get those lessons of the Keynesian and the Chicago school through. But they did. I think we can learn this because the simple fact is, if the relative costs of education go up while the relative costs of food go down, you are not worse off. The fact is you are better off. I mean, the U.S. News & World Report, I think last week, had a cover on computer wars. There were the price tags of computers: Down, down, down. Today, for $1,700 you can buy what $10 million could possibly have got you 15 or 20 years ago. That is productivity. It is a miracle. And it is nice. But it is not happening to public sector services. So we have to think how it can do.

I was very pleased the President has agreed to revisit the subject of expenses after the August recess. I hope we will do so—as Vice President GORE talks about reinventing government—I hope we can do so in the spirit of "Let's not deny what has been happening." There is a little bit of blame. Everybody has some blame. None of us is without transgression. But in the main we are dealing with forces that are no more evil than the misunderstandings which led to the Great Depression—or led to the long and unavailing efforts to get out of it. We did not get out of it until World War II, which it brought on.

But we have before us an honest effort to address the maladies. I will not say that without fail the programs we are proposing here are going to succeed. Most social programs have a very chancy prospect. We know that. I am not sure—I have had very earnest letters from the National Bureau of Economic Research, saying, "These higher tax rates will produce avoidance behavior. You will not bring in the revenue." I accept that prospect.

I know this bill is front-loaded in taxes and back-loaded in cuts. That is, alas, human. But it is an acceptance of the fact that we have a problem. It is an end of a period of denial.

I remember the National Economic Commission, which was established in the last months of 1988. I was a member. We worked all after the election toward the inaugural time for President Bush. We were all ready, as a Republican and Democratic group, to say to him: "Do something about the deficit. Do it before it takes hold of you and it is yours and you cannot get rid of it. Pretend, if you need be, that you did not know this was going on, but do it now."

We almost got there, Mr. President, but at the last moment "wiser heads prevailed" and the President said, "Kill it." The Republicans, the majority, filed a report that said "Do not do anything," and we filed a minority report that said, "Well, you will be sorry," and he was, was he not?

At least this President has come in and said, "All right, it has to be done and I have to do it. The buck stops here." It is a naval term, Mr. President, who gets served first in a ward room. It moves every day. Harry Truman made it a symbol of a Presidency prepared to take responsibility.

That, Mr. President, is what we have here today, and which we are going to vote on before this day is ended, and which I am confident we are going to vote on successfully, if narrowly, because there is only, at best, a narrow agreement if even this must be done. Therefore, as the President said the other evening, we have only begun our work.

I have spoken at length. I would like to thank the Chamber for the courtesy with which it has heard me. I hope I have kept to the high standards with which the Senator from New Mexico began. If I have said anything that was needlessly assertive, I only ask to be understood where feelings are high, voices sometimes tend to be raised. I do not think I raised mine. But in any event, I want to thank all who listened so attentively and thoughtfully.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I would like to ask how much time in the hour and a half we each have under the unanimous consent agreement?

The PRESIDING OFFICER. The Senator from New Mexico has 45 minutes remaining, and the Senator from Tennessee will control 26½ minutes.

Mr. DOMENICI. Mr. President, I wonder at this point, the other side has used up about 19 minutes more than we have, going back and forth. I have two Senators who want to speak very briefly, Senator WALLOP and Senator THURMOND; that is, 3 or 4 minutes. I wonder if we might schedule 19 minutes worth and then go back to the Senator from Tennessee?

Mr. SASSER. I think that is satisfactory. The Senator from North Dakota has been waiting for some time, but we have taken more than our share of the time this morning. That will be an agreeable arrangement that you would take 19 minutes and then we will come back to our side.

Mr. DOMENICI. We may not do that because the third speaker wants to speak longer than that. I yield 4 minutes to the Senator from Wyoming. I am pleased the Senator is on the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 4 minutes.

Mr. WALLOP. Mr. President, the level of forgetfulness, the lack of a sense of history in this body is only exceeded by the claims that this package is the largest deficit reduction package in history.

I take the Senate back, in fact, to October 17, 1990, when the majority leader, on the Senate floor, said:

> This is the first serious deficit reduction effort in 10 years, a $500 billion deficit reduction package . . .

Also on October 17, 1990, the Senator from Tennessee said:

> I say to my colleagues that with the adoption of this budget reconciliation bill today, this budget reconciliation bill that will reduce the indebtedness of our children and our children's children by $500 billion . . .

The Senator from Tennessee, celebrating passage of the 1990 Budget Act, said:

> At the risk of sounding immodest, we are on the verge of giving the largest deficit reduction package in the history of this republic, putting that deficit reduction package in the law.

The fact of it is, according to their own figures, they only have $496 billion, not $500 billion, as claimed. The 1990 Budget Act also had $496 billion in deficit reduction. The 1990 Budget Act raised taxes. It cut Medicare. It raised gasoline taxes by 5 cents. It contained unenforceable cuts, and it did not work. Similarly, this bill before us will not, either. The hypocrisy that continues to go on claiming that this bill is something that it is not is almost unbelievable.

Mr. President, I ask unanimous consent to print in the RECORD a series of comparative quotes of then-Congressman and Chairman of the House Budget Committee, Leon Panetta, now Director of OMB, and of other Senators and Members of the House of Representatives that show the debate now in 1993 is no different from the debate in 1990. The messages are the same, as will be the result.

There being no objection, the quotes were ordered to be printed in the RECORD, as follows:

> 1990 AND 1993: WHO SAID WHAT WHEN?
>
> President Clinton—1992 campaign debate with Bush & Perot: "Hillary gave me a book about a year ago in which the author defined insanity as doing the same thing over and over again and expecting a different result."
>
> Leon Panetta—1993, on Meet the Press:
>
> NBC's Tim Russert: "Why are you going to do now, what didn't work in 1990?"
>
> Panetta: "My assertion would be that those spending cuts in fact did work: we stuck to the caps, we got the discretionary savings that were required, and we had the entitlement savings that were part of that plan."
>
> Russert: "But the deficit went up and the economy stalled."
>
> Panetta: "But what happened obviously was the economy went into a recession. Not caused by that plan. I would reject the assertion. It was caused by a lot of other factors that were in play at the time. But once you go into a recession, once we have to bail out

the savings and loan industry, and take on a few other challenges like that obviously, the deficit went up. Clearly we had to put that $500 billion package in place or we would be in worse shape today. And if we don't do this $500 billion package we will be in even worse shape for the future. That's why we have to do it."

Vice President Al Gore (8/1/93, CBS' "Face the Nation"): "It's just playing political games to pretend otherwise—because there is no alternative. People say, well, let's wait and have a budget summit. We've had six summits in the last 10 years as the national debt has quadrupled."

THE FIRST PRESIDENT—TO EVEN ADMIT THERE IS A DEFICIT?

1993—Senator David Pryor, on floor of U.S. Senate: "This is the president, the first president I have seen in a long time around here who's had the courage to even admit there is a deficit, who's had the courage to even try to do something about the deficit."

1990—President Bush (9/30/90 Rose Garden ceremony): "The bipartisan leaders and I have reached agreement on the federal budget. Over five years it would reduce the projected deficit by $500 billion, that is half-a-trillion dollars."

Senator George Mitchell (10/17/90, on Senate floor): "Whatever the intention, the effect of this amendment [to strike the gas tax] will be to destroy this deficit reduction effort. The first serious deficit reduction effort in 10 years, a $500 billion deficit reduction package, will be undermined and fatally effected by this amendment. That is what is at stake here. Are we for deficit reduction or are we not for deficit reduction?"

WHO'S LIABLE FOR THE LAST THREE YEARS OF FISCAL IRRESPONSIBILITY?

1993—Senator Jim Sasser (in Senate Budget Cmte.):

"Now lets bear in mind while we are being critical of this administration, this president. [President Clinton] did not create this deficit. These deficits are the result of twelve years of the most irresponsible fiscal policy in the history of the United States of America."

1990—Senator Sasser (10/17/90, on Senate floor): "In terms of deficit reduction, [this reconciliation] package contains more out-year savings than any reconciliation bill that has ever been enacted. * * * [W]e have assembled a package that seeks to make up for the fiscal excesses and deficiencies, I would submit, of an entire decade. * * * [T]he proposal that we present to our colleagues today accomplishes real genuine deficit reduction without fakery, without deception, and without shrinking from the stark reality of the fiscal problem that faces this country."

Senator Sasser (10/17/90, on the Senate floor): "I say to my colleagues that with the adoption of this budget reconciliation bill today, this budget reconciliation bill that will reduce the indebtedness of our children and our children's children $500 billion over the next five years, we will have demonstrated * * * that we here in this Chamber, and we in this Government know how and can govern."

THE LARGEST DEFICIT REDUCTION PLAN EVER PROPOSED?

1993—Senator Jim Sasser (on Senate floor): "It bears repeating that this is the largest deficit reduction plan ever proposed by any president of the United States. Let me repeat that so there can be no misunderstanding. This is the largest deficit reduction plan ever proposed by any President of the United States."

1990—Senator Sasser (celebrating 1990 budget agreement):

"At the risk of sounding immodest, we are on the verge of giving the largest deficit reduction package in the history of this republic, putting that deficit reduction package in the law."

Senator Sasser (10/17/90, on Senate floor): "In terms of deficit reduction, [this reconciliation] package contains more out-year savings than any reconciliation bill that has ever been enacted.

OMB Director Leon Panetta (1993 on "Meet the Press"): "Clearly we had to put that $500 billion package in place [in 1990] or we would be in worse shape today. And if we don't do this $500 billion package we will be in even worse shape for the future. That's why we have to do it."

RECONCILIATION PASSAGE NEEDED TO AVERT CERTAIN ECONOMIC COLLAPSE

1993—Vice President Al Gore (8/1/93 CBS's "Face the Nation"): "But we have been putting together a majority for quite some time. We're very confident about it. And one reason we're confident is that the alternative is totally unacceptable. The alternative is gridlock, the alternative is more delay, more increases in the deficit, rising interest rates, a return to recession. We simply cannot go down that road. * * * And I don't think anybody seriously doubts that the consequences throughout our economy and the global economy would be absolutely devastating."

1990—House Majority Leader Richard Gephardt (on House floor):

"So we can produce a reconciliation bill in 10 days or two weeks that we can bring out here. And get 218 votes—half of this side and half of this side. So that we can address this deficit problem that everybody in this room knows has to be solved—for the future of this country and, I would even say, the future of the world."

Senator Sasser (10/27/90, on Senate floor):

"So, in short, we must act to reduce our needs for borrowing. We must act to reduce the deficit. If we do not, the rates of interest we must pay to attract the necessary capital will simply have to go up. The higher interest rates will combine with the rising cost of oil to strangle economic growth. Our steadily weaker economy will further weaken our already tenuous financial institutions which will, in turn, be unable to provide the investment capital we need to get off our knees.

"The whole thing could turn into a nightmarish economic death spiral with high interest rates and economic weakness forcing higher interest rates still.

"That all has to be avoided. That is why I submit, Mr. President, that it would be fundamentally irresponsible to vote against this conference report here today."

House Budget Cmte. Chair Leon Panetta (on House floor): "You can't develop a deficit reduction package that doesn't involve sacrifice on the part of everyone. The economy is in desperate straits. * * * And the question we have to ask tonight is: What happens if we fail? That's the question you have to ask. What happens to this economy if we fail to adopt a serious deficit reduction package for this country? The answer to that is, if we fail, it is almost comparable to an act of irresponsibility by us, because we know that if we fail we doom our economy to a deep recession."

Senator Boren (10/8/90, on Senate floor):

"We all know that the state of our economy is very fragile. If we demonstrate that we lack the will to truly deal with the budget deficit even when asked by the President and congressional leaders of both parties, we run the grave risk that the final vestiges of confidence in our economy will be destroyed. Such a loss of confidence could well do serious damage to our economy for decades to come and endanger the future for the next generation.

"This budget resolution is not perfect, but the alternative could well be economic chaos for our country. The risk of defeating it is too great."

DEFICIT REDUCTION-LOWER INTEREST RATES

1993—Vice President Gore (8/1/93, CBS' "Face the Nation"): "Well, don't take my word for it. Listen to Alan Greenspan * * * he's been saying loudly and clearly to anybody who will listen that failure to pass this plan is going to drive interest rates up. * * * President Clinton was able to go [to the G-7 summit] and do what no president's been able to do for more than a decade: offer leadership to the global economic community because he has a serious effective plan to reduce the deficit, invest in jobs, and get our economy moving again."

1990—Senator Mitchell (10/8/90, on Senate floor): "The single most important contribution that we can make to America's economic future is to bring the deficit down so interest rates can come down. High interest rates are the greatest barrier to the expansion of our economy. The need to provide jobs for our people, jobs in a free market economy, the best social program ever devised, the best solution to our economic problems, the best way to have productive families, living in decent homes with their children going to good schools; in short, to give American families a chance to achieve the American dream. That is what we can help contribute to it we vote for this budget resolution."

FIRST RATE PROGNOSTICATION ABILITY

Senator Christopher Dodd (10/8/90, on Senate floor):

"I happened to have voted against the Reagan tax bill in 1981, and I voted against the Reagan budget in 1981 as well because, as I said then, Mr. President, I did not think that "it presents the fiscal policy needed to increase productivity, employment, trade and growth while restraining inflation.'"

Senator Dodd (10/18/90, on Senate floor):

"This budget plan isn't perfect to this Senator either. But it is a real beginning toward serious deficit reduction. This budget will help us address the problems of the next century and put our Nation back on track. This budget truly is about our Nation's future: Without a solution to our budget crisis, we will continue mortgaging our children's future."

NOT PUTTING THE BURDEN OF DEFICIT REDUCTION ON THE MIDDLE-CLASS

Senator Gore: "We are not going to let the Government pick middle-income Americans' pockets with this budget. We are not asking those who can least afford it to find money they do not have to pay someone else's bills. We are asking those who can most afford it to pay more of their fair share. * * *

"All the working families, all the seniors, all who have no more to give and who have been holding on to their pocketbooks can feel a little better about this package today * * *

"Reducing the deficit is our first priority. But, as this [reconciliation] agreement shows, we do not have to shake down seniors or middle-income families to do it." (Record, 10/27/90, p. 17510)

Senator Sasser: "I do not believe we should ask middle-income Americans, those who have been stretched and squeezed by the policies of the 1980's, to work overtime in the gristmill of deficit reduction. I think all of us would agree that middle-income Americans have done their fair share, and it is only fair that the 700,000 upper-income households that benefitted most from the policies of the 1980's, who saw their tax rates cut in half and then income in many cases double, should contribute proportionately to help solve this Nation's deficit crisis. * * * [T]his proposal will not suffocate middle-income Americans. It seeks only a 2-percent tax rate increase for middle Americans." (Record, 10/17/90, p. S15451)

Senator Sasser: "Yes. We tell the American people that there will be some sacrifice in this package. But we tell them at the same time that it will be fair, that no American is going to be asked to make more sacrifice than another. We tell them that the wealthiest in our society are going to pay their fair share. I say, Mr. President, that if we can implement this, if we can move this deficit reduction plan into place quickly before our economy deteriorioriates further, then we stand a good chance of receiving real benefits, a chance of receiving real substantial gains." (Record, 10/17/90, p. 15451)

Senator Mikulski: "I am here today to speak for the middle class. In speaking for the middle class, they have no more to give, no more to give. They are either tuition poor, or they are mortgage poor; or they are poor because they do not have a long-term care policy, and they are taking care of their mothers and fathers.

"They have no more to give because they pay high property tax, they pay high health insurance, and they pay for their car insurance. When they get to their bottom line, they have no more to give.

"We have two parents working now because they need to out of economic desperation. Our middle class is shrinking.

"Mr. President, regardless of what we do on this amendment, all subsequent amendments and so on, let us remember the middle class in this country has no more to give. The poor have nothing to give. So let us go and get it from those who have it." (Record, 10/17/93, p. S?????)

Senator Daschle: "Asking the wealthy to give back just a little of what they have been handed by the administrations of Ronald Reagan and George Bush is fair.

"Asking ordinary families, who have been handed nothing over the past 10 years except bills, to bear a 12-cent per gallon increase in the gasoline tax and take a $60 billion Medicare cut is not fair.

"My votes for South Dakota have been designed to chop just as many pennies as I possibly can off that gas tax, to restore just as much of those Medicare and farm income cuts as is humanly possible and to pay for these things by cutting unnecessary spending like foreign military aid and asking the wealthy to bear their fair share of the deficit reduction burden.

"In the budget bill before us today we have moved the gas tax increase down from the President's 12 cents per gallon to 5 cents per gallon phased-in over 5 years. We have slimmed the Medicare reductions from the President's $60 billion to $40 billion, most of which will be borne by physicians and hospitals rather than individuals seniors." (Record, 10/27/90, S17540)

Senator Dodd: "I said that I wanted to support a budget resolution that would responsibly adjust spending priorities to perform the budget process without reducing economic growth and require the most affluent of our Nation to bear some fair share of the cost of government without shoving the brunt of that cost onto the middle-income taxpayers of this country." (Record, 10/8/90, S14720)

Senator Kohl: "But I would like to make clear that my support for this goal will not extend to the reconciliation bill that implements the budget resolution if that bill does not do two basic things. First, and most importantly, it must add to, not subtract from, the progressivity of the Tax Code. Second, that bill must not ask for unreasonable sacrifice from the most vulnerable members of our society: the poor, the elderly, the ill, and the children. In other words, to keep my support, the reconciliation bill has got to be fair. Deficit reduction involves cutting benefits, stopping programs, and raising taxes; there is no way to make those actions painless. But there are ways to make them fair. In the days ahead, I will be doing everything I can to make sure that we do deficit reduction, and that we do it in a fair and progressive way." (Record, 10/8/90, S14739)

John F. Kennedy—12/14/62, The Economic Club of New York:

"We shall therefore neither postpone our tax cut plans, nor cut into essential national security programs. This administration is determined to protect America's security and survival and we are also determined to step up its economic growth. And I think we must do both.

"Our true choice is not between tax reduction on the one hand and the avoidance of large federal deficits on the other. It is increasingly clear that no matter what party is in power so long as our national security needs keep rising, an economy hampered by restrictive tax rates will never produce enough revenues to balance our budget, just as it will never produce enough jobs or profits.

"Surely the lesson of the last decade is that budget deficits are not caused by wild-eyed spenders but by slow economic growth and periodic recessions, and any new recession would break all deficit records.

"In short, it is a paradoxical truth that tax rates are too high today and tax revenues are too low. And the soundest way to raise the revenues in the long run is to cut the rates now."

HISTORIC PROPORTION OF $500 BILLION IN DEFICIT REDUCTION

Senator Daschle: "It seemed absolutely essential that we agree on a budget compromise that would provide for serious long-term deficit reduction; a budget resolution that represents real progress toward the Federal deficit in a coherent manner.

"Mr. President, I intend to support the budget resolution now before us. * * * It represents the largest deficit reduction package in history. It preserves the overall summit agreement, including deficit reduction of $40.1 billion in fiscal year 1991, and $500 billion over fiscal years 1991–95." (Record, 10/8/90, S14720)

Senator Daschle: "From day one my personal bottom line on this deficit reduction fight has remained the same. The Government of the United States must be forced to cut at least $500 billion from its budget over the next 5 years. And the cuts made to achieve this goal are absolutely unacceptable unless they include significant contributions from the very richest Americans whose bank acccounts have been so fattened by the policies of the last 10 years." (Record, 10/27/90, p. S17540)

Senator Dodd: "The [reconciliation] resolution preserves the overall summit agreement on deficit reduction. It is the largest deficit reduction package ever considered by the Congress, including deficit reduction of some $40 billion in fiscal year 1991 and $500 billion over fiscal years 1991 through 1995." (Record, 10/18/90, p. S15864)

Senator George Mitchell: "Whatever the intention, the effect of this amendment [to strike the gas tax] will be to destroy this deficit reduction effort. The first serious deficit reduction effort in 10 years, a $500 billion deficit reduction package, will be undermined and fatally effected by this amendment. That is what is at stake here. Are we for deficit reduction or are we not for deficit reduction." (Record, 10/17/90, p. S15534)

DEFICIT REDUCTION IS CRITICAL AND OF HISTORIC PROPORTIONS

Senator Dodd: "This budget resolution is imperfect, as all budget resolutions are. But the solid deficit reduction it provides is far more important, Mr. President, than its flaws.

"Our country must have a national budget, which means compromises have to be made. If this resolution fails, the growing deficit and the ongoing paralysis in budget making will continue to erode our ability to govern.

"Once and for all, we must begin erasing this Federal deficit that has plagued this Nation for the past 10 years, and now is the time to end this fiscal insanity. All of us must come together in the spirit of cooperation to help solve this financial crisis." (Record, 10/8/90, S14720)

Mr. SASSER. May I inquire?

Mr. WALLOP. On your time.

Mr. SASSER. May I inquire of the Senator from Wyoming, is he going to insert the statements of those on your side of the aisle who supported the 1990 agreement, including the distinguished ranking member? After all, this was an agreement that was entered into by a President of your party. I would think it was a nonpartisan agreement. I hope that it would not be characterized today in a partisan fashion and that there would be statements inserted by those who support it from both sides of the aisle.

Mr. WALLOP. Mr. President, I would only say, I was contrasting the language of those Members who now claim that this bill is the largest deficit reduction package in history, who also made the very same claims, using precisely the same deficit reduction figures in 1990. I agree that it was passed by a bipartisan majority. The reason it is not going to be bipartisan now is because some of us have learned that it did not work.

Mr. President, speaking of the retroactive tax increases contained in this bill, I would note that the first thing they will do is to tax the most productive taxpayers, the risk-takers, and the businesses who employ.

Retroactive taxes are the single most scurrilous aspect of this bill, and the administration itself knows it. They understand the pain that these retroactive taxes will cause because they are going to provide for those of us who may have to pay them—I do hope that I am not one—the ability to pay by installment.

It is very interesting what Treasury has to say about these installments. Did you know that the Treasury Secretary is given the ability to terminate the installments and demand that the whole of the unpaid tax be paid? Has anybody taken a look at who has been given this power? For example, what if you are contesting an audit and the IRS says either agree to this or we will call on you to pay your supertax extension on demand right now? What kind of power are we giving these people?

Mr. President, a New York Times article claims that these retroactive taxes are a burden—a burden we know the administration has recognized—and that the installment payments amount to an interest-free loan to the rich.

Mr. President, whose money are we talking about? Are all the efforts of Americans first the Government's? Do we not have a tax rate of 36 percent but a loan rate of 64 percent? Is that what the Democratic Party and the leadership of this country is claiming for us? Do Democrats really believe that all the work of Americans belongs to Washington, that our earnings are theirs and that we keep what we keep only by grace? And do they really believe that this is an interest-free loan of our own money? Is that what we are hearing today?

The PRESIDING OFFICER. The time of the Senator from Wyoming has expired.

Mr. WALLOP. I thank the Chair, and I thank the Senator from New Mexico.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, I yield 5 minutes to Senator THURMOND.

The PRESIDING OFFICER. Senator THURMOND is recognized for 5 minutes.

Mr. THURMOND. Mr. President, I rise today to express my strong opposition to the conference report to the Budget Reconciliation Act of 1993. This bill, also known as President Clinton's deficit reduction plan, is no such thing. It is essentially a tax-and-spend plan. It contains no real spending cuts to reduce the deficit or improve our Nation's economic outlook, and I shall vote against it. It was a bad bill when it came up in the Senate in June, and it is still a bad bill.

The major thrust of this package is to raise revenues through increased taxes. I have long been an advocate of deficit reduction, but believe me, Mr. President, increasing taxes is not the answer to our economic woes. We must cut spending, or we will never pull ourselves out of this fiscal mudhole in which we are floundering. Of the spending cuts which are included in the bill, 80 percent will be delayed until after 1996. This is a smoke and mirrors approach to deficit reduction, and it will not work.

I cosponsored the Republican alternative to this plan, which would have reduced the deficit through real spending cuts, without any increase in taxes. Unfortunately, this amendment was defeated by the Democrats.

Mr. President, we need to assist Americans and American businesses. What we do not need to do is burden our people with a wide array of new taxes. The budget reconciliation bill will increase the corporate and individual income taxes. It will levy a 4.3-cent increase in the tax on gasoline, which hurts my people very much because a lot of them travel a long way to work. It will increase the tax on Social Security benefits. Many small businesses will be especially hard hit with the increase in the income tax rates, as well as the surtax on earnings over $250,000. The higher gasoline tax will likely place an unfair burden on farmers and residents of rural areas.

Mr. President, the phones in my office have been ringing off the hook, and the overwhelming majority of the calls have been from people in my State and around the Nation who see through the haze of Democratic rhetoric. Americans do not want to pay higher taxes. They believe, as I do, that fiscal responsibility begins with reduced spending and not increased taxes.

Our Nation is struggling to recover from an economic slump. I am concerned that any increase in taxes will discourage growth and the creation of new jobs; both of which are essential if we are to get back on our feet again economically. You can call a donkey a racehorse all you want, but it is still a donkey; and you can call this a deficit-cutting package all you want, but it is still the same old tax-and-spend policy.

This is our last chance to save the American people from increased taxes and big spending. Mr. President, I say again—I will vote against this bill, and I strongly encourage my colleagues to vote against it as well.

Mr. President, I ask unanimous consent that an article entitled "Senate Should Insist on Cuts Now" which appeared in the Charleston Post and Courier on August 6, 1993, follow these remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SENATE SHOULD INSIST ON CUTS NOW

The former Rhodes Scholar from Arkansas who occupies the White House signed up for full course-load in economic and social reform when he took office in January. It was too much. He has already failed at stimulus and taken incompletes in welfare and health care reform. Today he gets his final grade in his remaining major subject—the budget. From here it looks like he deserves to fail.

The Democrats and the President have manufactured a fiction that this budget breaks all records for deficit reduction. That has repeatedly been shown to be a fatuous fable.

To lay claim to a $496 billion, five-year deficit reduction package, they dismissed the spending caps voted by previous Congresses for fiscal years 1994 and 1995, but claim credit for similar caps they have proposed for the next three years. They can't have it both ways. Strike $44 billion in claimed savings.

The remaining $452 billion in projected savings relies heavily on $250 billion in hoped for new revenue from taxes mostly on wealthy individuals and corporations, who have repeatedly shown that they can find various ways to reduce reported income when they perceive that taxes are too high. Respected—albeit admittedly conservative—economists have argued recently that such behavior could reduce the expected tax take by three-fourths, or more.

While the proposed tax increases are being made retroactive to Jan. 1, the proposed spending cuts are delayed until the later years of the budget plan, and are far from being cast in concrete.

The President has promised that new tax revenues will be put into a deficit reduction trust fund—hoping thereby to garner a critical vote or two in the Senate. That this promise can't be kept is made evident by the fact—reported by the respected, bipartisan Committee for a Responsible Federal Budget—that budget conferees "agreed to make tax rate increases retroactive to Jan. 1 to make room for some new spending" for food stamps and low-income tax credits in an apparent effort to nail down liberal votes in the House.

This new spending is on top of the House-Senate plan to increase domestic discretionary spending by about $100 billion over the next five years and the Senate plan to increase selected entitlement spending by at least $17 billion.

Reported last-minute Senate maneuvering to pass the budget has raised the possibility, proposed by Sen. Bob Kerrey (D-Neb.), of a special session of Congress later in the year devoted exclusively to cutting federal spending.

If that is the plan, what's the rush to pass this budget before the needed cuts? The 1990 deficit reduction plan was rejected at a comparable stage in the legislative process and was sent back for last minute changes—to satisfy Democratic liberals. Today the conservatives seemingly have the upper hand. They should use it to insist on meaningful spending cuts now.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Tennessee.

Mr. SASSER. Mr. President, may I inquire of the Senator from North Dakota how much time he wishes?

Mr. CONRAD. I had earlier been told I would have 20 minutes.

Mr. DOMENICI. Senator GRAMM wishes to speak for 20 minutes, also. The Senator is a little long on time, but what is his pleasure at this point?

Mr. SASSER. Mr. President, unless it discommodes the Senator from North Dakota unduly, I would have no objection to Senator GRAMM going first and then coming back to our side because we only have 19 minutes remaining. Perhaps I could get a minute or 2 by unanimous consent to give the Senator.

Mr. CONRAD. That will be fine.

Mr. SASSER. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. I yield 20 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 20 minutes.

Mr. GRAMM. I thank the Senator for his generosity.

Mr. President, a budget is not just about numbers. It is not just about taxes and spending. It is not just about the deficit. It really is the one document that we adopt each year which says something about our vision for the future of America.

We have before us a budget that outlines a vision. In fact, in the last 14 years in looking at these budgets, I have found that they basically fall into one of two visions. One is a vision of Government growing, providing more benefits and more services to more people. I think that is what this budget is. The other is a vision of America growing, providing more opportunities for more people. I think that is what this budget is not.

The real conflict comes in that you cannot have unlimited opportunity and unlimited Government. That is what this debate is about. It is in that context, Mr. President, that I would like to talk about this budget.

We have before us a plan that will raise taxes and fees by $255 billion. Income tax rates at the highest marginal rate will go up by 32 percent. The estimate that we have is that between 60 and 70 percent of those taxes will be paid by proprietors, partnerships, and subchapter S corporations. As many as 1.5 million of these businesses file as individuals under the Tax Code.

In other words, between 60 and 70 percent of these higher taxes that are imposed on individual incomes will actually be imposed on small businesses and family farms. The corporate tax rate will go up. Social Security taxes will rise. Those who have worked a lifetime, built up a modest nest egg, achieved a level of security with a retirement income of $34,000 a year will now have 85 percent of their Social Security benefits taxed.

The gasoline tax will go up. We have all heard the figure that the President has said and the Ways and Means Committee has said of $28 a family. But when you examine their claim, Mr. President, that figure appears to be the per capita consumption of gasoline times the tax. When you actually look at the gas tax, you will notice two things. First of all, there is a new tax of 4.3 percent. Second, there is an extension of an expiring tax, a temporary tax that was part of the 1990 budget summit agreement, of 2.5 percent. So if this bill passes, gasoline taxes will rise 6.8 cents a gallon in my State. That means the average family in Texas, given the amount we drove in 1990, will pay $134.57; over the 5 years of this budget, $573.93. That is a long way from $28.

What tax hikes are in this budget? Income taxes, gift taxes, estate taxes, gasoline taxes, Medicare taxes, Social Security taxes, unemployment insurance taxes, diesel fuel taxes, custom taxes, corporate taxes, and alternative minimum taxes.

Altogether, these taxes add up to primarily a tax on business that when compared to the after-tax profits of all American businesses last year, you find a fairly remarkable number. What percentage of aftertax profits of corporate America last year would be taken by all the taxes imposed on businesses, large and small, contained in this budget? The answer is 15.8 percent—15.8 percent of all profits of all corporate businesses in America would be taken by the higher taxes imposed on business through this bill, and that would be true every year for the next 5 years.

Now, I ask my colleagues, if you owned stock in a company and its profits fell by 16 percent, and you knew that the policies were in effect to hold them down by 16 percent every year for the next 5 years, would you want to buy that stock, additional stock, or would you want to sell?

I think the answer is that people would sell.

Mr. President, second, I am very concerned about what this bill is going to do in terms of incentives. We are going to raise taxes on the people who do the investing in America. Their marginal tax rates are going to go up by 32 percent. We are going to raise taxes on the small businesses and on the large companies that make the investments that create the jobs. Can we tax investors and get them to invest? Can we tax job creators and get them to create jobs? I think the bottom line is we cannot. I am deeply concerned that this tax bill is a one-way ticket to a recession, and by my telephone calls that are running 10 to 1 against this bill, America does not want to go.

I thought people might be interested in what these new taxes will do to the portion of the economy that is taken by the Government. When fully implemented, the President's plan will produce a situation where the Federal Government is getting 19.6 percent of gross domestic product. Government at all levels will get about 40 cents out of every dollar earned. I thought it would be interesting to look back and find out what happened in the last year that Government took 19.6 percent of the gross domestic product.

That year was 1980. Jimmy Carter was President. And as Ronald Reagan would say, let me take you down memory lane.

In 1980, the poverty rate was 13 percent. It rose 1.3 percent that year.

In 1980, 29.3 million people were living in poverty, 3.2 million more people went into poverty in 1980.

In 1980, median family income in America fell by $1,817.

In 1980, the inflation rate was 12.5 percent, and the dollar lost one-eighth of its value.

Finally, the annual unemployment rate in 1980 rose from 5.8 percent to 7 percent, and it continued to go up for the next 2 years.

I do not believe that this is a history that we are eager to replicate.

What about spending cuts? We have heard a lot of talk about them. And there are some spending cuts in this bill. Defense is cut by $72 billion. Medicare is cut by $56 billion. Our colleagues jump up and say, well, nobody is going to be cut except the hospitals. I remind my colleagues that when the Government undercompensates hospitals for Medicare, that means people that are paying their own hospital bills, their insurance company, and out of their pockets paying, they are going to see their bills go up to pay for the amount of hospital care Medicare does not pay for.

But what happens after these defense cuts, the largest in the history of the country, and these massive cuts in reimbursement under Medicare to hospitals? What happens to spending?

If you look at the number, I think most people would be startled to find that spending next year under this budget goes up by $54 billion. In fact, if you look back and see what spending would have grown by if we did not pass this budget, you find remarkably the number is $54 billion. In other words, every penny of defense cuts next year, every penny of underreimbursement to your community hospital that you will have to pay for in your medical bill if you go to the hospital, every penny of that money is going to be spent on something else.

Next year, given the bill that we adopted the day before yesterday for flood relief—and we voted against paying for it 55 to 45—spending will go up by $68 billion in 1995.In fact, by 1998, the last year of this budget, spending actually goes up faster than taxes.

So in short, during President Clinton's term, all the defense cuts and all the Medicare cuts are used for new spending programs. And then, after 1996, the budget promises that cuts are going to be made. Maybe they will be, and maybe they will not be, Mr. President. But I can say this: I have seen Democrat budgets and I have seen Republican budgets. And never have I seen cuts promised 3 and 4 years into the future made by anybody.

There is one dead giveaway that proves no spending is actually cut. I ask my colleagues to remember the day, those who were in Congress, that we voted on the Reagan budget. I ask them to remember the day we voted on Gramm-Rudman. I ask them to remember the budget we voted on in 1985 where we had real spending cuts. And if they remember any one of those 3 days, they remember their phones were ringing off the hooks, and people were saying, "Do not cut my program; vote no." They walked into the Chamber through a tidal wave of humanity, people waving, holding up signs, saying, "Don't cut my program."

Well, is it not funny, Mr. President, that yesterday my office got 1,800 telephone calls, 10 to 1 saying vote against this bill, but nobody said vote against it because it is cutting my program. Everybody said vote against it because it is raising my taxes. I ask my colleagues to walk into the hallway and look for lobbyists saying, "Don't cut my program." They were there in 1981. They were there in 1985 twice. Where are they today? Where are the people that are saying, "Don't cut my program"? They are not there because they know their program is not being cut. They know that during the first term of the Clinton administration, which I believe is going to be the last term, that their programs will grow, not be cut.

I ask my colleagues to remember that we have been down this road before. In 1990, President Bush negotiated with the Democratic leadership, took $160 billion of taxes, big promises of cuts to be made in the future. The taxes went into effect, the economy went down, the cuts were never made. We are about to replicate that mistake except now the taxes are almost twice as big.

What is the alternative? I am sure that there will be those here who say there was no alternative. I want to remind my colleagues that we have had 29 amendments in committee and on the floor of the Senate where we had an opportunity to cut spending, and 29 times Democrats have rejected those amendments. We had eight amendments to eliminate the Social Security tax and cut spending, and eight times Democrats defeated those amendments. We had 12 opportunities to eliminate energy taxes, and 12 times those taxes were endorsed relative to cutting spending. And eight times we had amendments to exempt small businesses and family farms from these taxes and to cut spending or to cut Clinton add-on spending, and eight times it was rejected.

Mr. President, my guess is, given what happened in the House, that there are still enough post offices to be named, enough reservoirs to be built, enough arms to be twisted that this bill is probably going to pass.

And it calls to my mind a statement that Abraham Lincoln made in the second week of what had been a disastrous first week as President. Abraham Lincoln said he was reassured by the belief that no program of any single administration in 4 years could do permanent harm to America. We are about to put Lincoln's faith to the test.

You know, Mr. President, I believe that we will overcome the negative impact of this program. I believe this program is going to make the economy weaker. I believe that hundreds of thousands of people are going to lose their jobs as a result of this program. I believe that Bill Clinton will be one of those people. I believe that there will be those who vote for these taxes today who will join him in that unemployment line or in another profession.

But I also believe that America will overcome not only the illness, which will be the recession, but the absurd prescriptions of the doctor, which will be the Clinton program. I am always skeptical about government. I am never skeptical about America. I have no doubt that the American economy will ultimately overcome the program that we impose today. I am hopeful to be part of repealing this program and doing something about spending.

But let me say that if the program is adopted, tomorrow it will be the law of the land, and it will be everyone's obligation, to the maximum extent possible, to try to make it work. I hope I am never here so long that I start getting up every morning hoping something bad happens to America because it is going to help my party politically. I hope I am wrong and that this program is going to work. I hope we are going to defy history and prove that raising taxes on investors, raising taxes on job creators, can promote investment and promote job creation, that really Government ought to be bigger and not smaller. Only in Cuba and North Korea and Washington, DC, does anybody believe that today. But perhaps the whole world is wrong. I hope I am wrong in what I am saying today, but I do not believe I am.

Finally, let me say, just by chance, that there is one soul who is still undecided about this budget, let me conclude by suggesting what we do if it fails, and this would be hard for everybody, but I, for one, would be willing to do it.

I would say, if this tax bill fails, the American people are rejecting raising taxes, and they have honest-to-God said "cut spending first." I think Republicans ought to begin by sitting down and putting together a concrete program to cut spending by $500 billion. We ought to take it to the Congressional Budget Office, get it certified, and we ought to take it down to the White House. We ought to ask the President to do exactly the same thing. We ought to put both of those plans on the table, and where they overlap, we ought to agree in advance that we are going to accept it. Then we ought to take the Republicans' and President Clinton's list and we ought to pick one-half of his cuts. He ought to take our list and pick one-half of our cuts.

We would have a proposal that we would all hate. I am sure there would be programs on Clinton's list that we would take—because the others would be worse—that I would be for. But the net result is that we would hate it, but the economy would love it. If we did that, I have no doubt that all of this private response that the Clinton administration is hoping for on this bill would really happen.

I really believe we should, this year, do something that we have not done here in a decade, and that is: Cut spending first. That, I think, is the alternative. That is what would happen if we rejected this plan. I guess at this point we are going to have a 50–50 vote, and the Vice President is going to break the tie. But I would simply like to say that that is my commitment to work with the President if we defeat this plan. It will be that the American people have said we are not willing to raise taxes now and cut later. We want to cut spending first. I, for one, would be willing to work to do that, and I pledge to the President today, on just the off chance that we might get an opportunity to put our vote where our mouth is, that I would work with the President to do that.

I thank my colleagues for listening to me today. I think this is a very important vote. I think each of us will be remembered for how we voted here, at least by our constituents. As the great majority leader from Maine once said, "The essence of democracy is accountability."

So I ask that when the names are taken down, people look at what our vision for America was and hold us accountable.

I yield the floor.

Mr. SASSER. Mr. President, I yield such time as he may require to the distinguished Senator from North Dakota.

How much time do we have remaining?

The PRESIDING OFFICER. The Senator from Tennessee has 24 minutes 45 seconds.

Mr. SASSER. Could my friend from North Dakota give me any idea how much time he might consume?

Mr. CONRAD. About 19 minutes.

Mr. SASSER. I yield 19 minutes to the distinguished Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota [Mr. CONRAD], is recognized for 19 minutes.

Mr. CONRAD. I thank the chairman of the Budget Committee. We have just heard another remarkable speech on the floor of the Senate. Mr. President, it is a good thing that consistency is not required for speeches on the floor of the U.S. Senate, because we have just heard the Senator from Texas talk at length about, No. 1, this being the largest tax increase in history. It is not.

He has talked about the evils of tax increases. I think all of us would prefer not to have tax increases. But even worse is the growth of the debt. And even the Senator from Texas recognized that in 1982 when, as a Member of the House, he voted for what was in fact the biggest tax increase in history.

It is fascinating how soon it is forgotten, what happened, and who did what. But, in 1982, Republicans controlled the U.S. Senate; they had the

White House, and they had effective control of the House of Representatives, and they passed a tax increase that, in 1993 dollars, would be $298 billion. That is the Republican tax increase of 1982. The Senator from Texas is recorded in the CONGRESSIONAL RECORD as voting in favor of it.

This tax measure that includes spending cuts and taxes, in 1993 dollars, is $219 billion—far less than the tax package the Senator from Texas voted for in 1982, and I might add, that was shepherded through the Senate by the Republican leader, who now rails against any tax package.

I assume they voted for that tax package because they recognized what we face today. We face a debt that is growing out of control.

Mr. President, why is it that we have before us a package of deficit reduction of some $496 billion that includes tax increases, but also includes spending reductions? It is because this is where we find ourselves today. This shows the growth of the Federal debt since 1950. Here is 1950, 1955, and 1960. We did not see the national debt explode until the Reagan era. President Reagan came to power, and we had a national debt of about $900 billion. Look what has happened since then. The national debt has absolutely skyrocketed to over $4 trillion today. And if we fail to act, it is headed for well over $6 trillion in the next 5 years.

Mr. President, there is only one vote today that is going to do something about this explosion of debt, and that is to vote "yes." As difficult as it is, as painful as it is, there is only one vote today that is going to address this skyrocketing national debt. There has been too little focus, and there has been too little discussion of why it is that the vote today we must cast is a vote to start to reduce the skyrocketing deficits that build this national debt.

That is what we must do, Mr. President. And the reasons are clear. This chart shows what is happening to interest spending as a percentage of our gross domestic product, again, from 1955 to the year 2003, and one can see that interest is starting to eat up our Federal budget. It is starting to grow dramatically as a percentage of our total economy and similarly as a percentage of our total budget.

Mr. President, these numbers have real consequences. This chart shows what has happened to the U.S. position in the world with the growth of the debt. As the debt has grown dramatically, our position in the world has slipped dramatically, and the two are connected. We have gone from being the largest creditor nation in the world, as recently as 1981, to now being the largest debtor nation in the world. And that is growing inexorably. Year after year our debt owed to other countries grows and grows and grows.

Mr. President, it is time to act.

There are real consequences, real consequences for families of our failure to reduce this debt. This chart shows what our children's economic position will be in the year 2020 under two different scenarios. Scenario one, no action. Today, we do not vote to cut spending and to raise taxes and to reduce the deficit. Today, we just continue on the same old course. We follow the advice of the other side. We followed their advice previously and we saw this debt skyrocket. If we stay on that course we see the per capita gross national product in the year 2020 will be $23,875.

If instead we move toward balancing our budget by the year 2001, we can expect per capita gross national product to be $32,555 in the year 2020, in an economy that is almost 40 percent larger if we make the hard choices, if we have the courage to cut spending and raise taxes and reduce the deficit. That is the choice that is before this body today.

(Mrs. MURRAY assumed the chair.)

Mr. CONRAD. Madam President, this chart shows the deficit reduction in the Senate plan. It shows the business as usual approach versus the choice that is before us today of supporting the President's package.

Madam President, starting in 1989 deficits increased each and every year of the Bush administration. If we stay on a business as usual course those deficits will continue to grow and the debt will continue to grow. If instead we adopt the plan before us today, the deficits will decline and for the first time we will turn and move this country in a different direction.

Madam President, the other side has talked a lot about their alternative. Indeed, they had an alternative. They introduced an alternative that called for reducing the deficits over 5 years by $359 billion. That is more than $100 billion less in deficit reduction than the package we have before us in the vote we will cast today.

The Republicans have talked a lot about the need for deficit reduction, but when it came their turn, when it came their time, for the 6 years they controlled the United States Senate, for the 8 years they controlled the White House under President Reagan and the 4 additional years of the Bush term as President, the deficits and the debt skyrocketed, and now when it comes time for them to present their alternative in 1993 here is the difference—$359 billion of deficit reduction versus our package, which provides $496 billion of deficit reduction.

Madam President, this chart shows the costs and benefits to middle-income households of this overall economic plan. This tax change—and the only impact on middle-income Americans on the tax side is not in the income tax. Ninety-eight percent of Americans will pay no higher income tax as a result of this plan. Let me repeat that. Ninety-eight percent of Americans will pay no higher income tax as a result of this plan. The only part of the tax plan that affects middle America is the gas tax of 4.3 cents a gallon, about $29 a year. That is in contrast to the Btu tax which would cost $117 per person per year.

There is a real benefit to be gained, and that benefit is in lower interest rates. Let me just give you an example of a family that has a $100,000 mortgage and refinances, reducing their interest from 10 to 7½ percent. They will find real savings of a $175 monthly reduction in their house payment as a result of these lower interest rates.

Madam President, we have also heard a lot about the changes in the income taxes. If you listen to this debate, you would think that we are headed toward income tax rates we have never seen before. Nothing could be further from the truth. In 1960, the top individual income tax rate in this country was 91 percent through the sixties; in the seventies and the eighties, the top rate averaged over 70 percent, and then we had the dramatic reduction in the early eighties in the top individual income tax rate. We got down to a low of 31 percent.

This legislation raises that to 39.6 percent, still far below the income tax rates that we experienced in the sixties and seventies and, by the way, that was a period of much higher economic growth.

So, Madam President, I would say the lesson that one would learn from the information that is available is that the enormous growth of the debt has hurt us most, and there is one vote today that is going to do something about reducing deficits. That is to vote "aye."

Madam President, we also heard a lot of talk about the impact upon small business. The fact is most small businessowners will not pay higher taxes. In fact, many small businessowners are going to see a reduction in what they pay because nobody talks about it, but the fact is expensing for small business is being increased by over 70 percent. That means that the average small businessowner in Washington State or in my State of North Dakota is going to be able to get a tax reduction.

Nobody has talked much about the tax reductions that are included in this package. Not only are most small businessowners going to get a tax reduction, but many individual taxpayers are going to get a tax reduction as a result of this plan. In fact, on average, almost anybody earning less than $30,000 a year in this country is not going to have a tax increase. They are going to have a tax reduction. And that is because of the earned income tax credit provisions of this legislation.

Nobody talks about it. You do not hear the other side saying an awful lot of Americans are going to have a tax reduction, but it is true. Most small businessowners are going to have a tax reduction. Only 4 percent are going to pay higher taxes.

Madam President, we have also heard a lot of talk about spending, and we have heard over and over and over that there are no spending cuts in this package. That is not true. There are spending cuts in this package. All one has to do is look at defense. Defense, which is one of the largest categories of spending in the U.S. budget this year will be $277 billion in fiscal year 1994. In 1998, spending on defense, 5 years from now, will be $235 billion.

Madam President, that is a real cut. That is a real cut. That is less money 5 years from now than we are spending today.

Madam President, when you factor in inflation, it is even a larger cut. When people say there are no cuts here——

Mr. DOMENICI. Will the Senator yield for a question?

Mr. CONRAD. They are not being accurate.

No. I would like to complete my statement, and then I would be happy to answer questions.

Beyond that, domestic discretionary spending is going to have a hard freeze for 5 years. At the end of 5 years, we will be spending no more on domestic discretionary spending than we are spending today.

Madam President, let's also look at total spending as a percent of gross domestic product, the spending of the Federal Government compared to the size of the economy. That is what economists will tell you matters.

Very interesting. We look at the 4 years of the Bush administration. Spending went up every year as a percentage of gross domestic product; every year spending went up under the 4 years of the Bush administration.

Under this plan, for the 4 years of this Clinton administration, the first 4 years, spending will go down as a percentage of gross domestic product each and every year.

Madam President, that is the real story on spending.

Finally, I thought we should do a reality check on spending and look at what has happened in the last 30 years. What has happened to spending in this country?

Do you know what I found, Madam President? I found that 30 years ago, we spent about 19 percent of our gross domestic product through the Federal Government. In fact, it was 19.3 percent. Today, we spend 23.5 percent of our gross domestic product. So Federal spending over 30 years has gone up, measured against the size of our economy. No question about that.

So then I asked the next question: Where has the spending gone up? And I found a very interesting thing. I found that spending has gone up in four areas, while it has declined in all the others.

Those four areas where spending has gone up are Medicaid—it was zero 30 years ago, today it is about 1 percent of gross domestic product; Medicare—that was zero 30 years ago; today it is about 2 percent of gross domestic product. Social Security 30 years ago was 2.6 percent of gross domestic product; today it is 4.9 percent. And the biggest increase of all, interest on the debt. Thirty years ago, that was 1.2 percent of the gross domestic product; today it is 3.4. percent.

So the total increase in spending that we have experienced over the 30 years is in four areas: Medicaid, Medicare, Social Security, and interest on the debt.

That is why, when the President says the next phase of deficit reduction in getting control of our fiscal destiny is health care reform, he is exactly right.

This is just a first step. The next step is aimed right here at the skyrocketing costs of healthcare.

Madam President, all other parts of Federal spending have actually declined from 15.3 percent of gross domestic product to 11.9 percent. That is the history of spending in this country over the last 30 years.

Madam President, I end as I began. There is only one vote today that will reduce the deficit, and that is to vote yes to cut spending, to raise taxes, to reduce the deficit, to get this country back on track.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, how much time do we have and how much does the other side have at this point?

The PRESIDING OFFICER. The Senator from New Mexico controls 15 minutes 18 seconds; the Senator from Tennessee controls 5 minutes 8 seconds.

Mr. DOMENICI. Madam President, I yield 8 minutes at this point to the Senator from New Hampshire, and then Senator MACK will take the remainder. If he cannot finish his remarks in that time, I will yield some additional time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I thank the Senator from New Mexico. I appreciate that.

You know, I think there is a common strain in American politics, and that strain is that the American people have a lot of common sense. The calls which we have been receiving over the last few days have reflected the American people have taken a look at this package and concluded that it does not make sense for them. They have reached that conclusion because they see it as basically a rerun of the classic tax and spend proposals that this legislative body has been passing for so many years.

This is a $260 billion tax proposal. It is the largest tax proposal in history.

In the first year, it has $30 of new taxes for every dollar of spending cuts. In the second year, it has $10 of new taxes for every dollar of spending cuts. As a result, basically, it is a tax package. It is not a spending reduction package.

In fact, if you look at this package overall, it has a dramatic increase not only in taxes but a dramatic increase in spending. And that is what I want to focus on today.

People may have been a little charted out here over the last few days, but if you look at this chart here, it reflects the relationship of the revenue increases and spending increases.

You will see that in the first year, the revenue that has increased in the Federal budget is $102 billion, but in the first year spending goes up $54 billion.

In the second year of this budget, revenue goes up $90 billion, but spending goes up $66 billion.

In the third year, revenue goes up $69 billion, but spending goes up $50 billion.

In the fourth year, revenue goes up $71 billion, but spending goes up $64 billion. So that you basically have a wash there. Revenue and spending increases are the same.

In the fifth year of the budget, spending actually increases faster than revenues in this budget. That, by definition, is a classic tax and spend budget.

Yes, it increases revenue and, yes, it increases spending, and that is about all that it does.

The representations that there are spending cuts in this budget simply do not come to fruition on its own terms. The fact that there are major new taxes and the fact that there are major new increases in spending do come to fruition. And that is old-time politics, and it is old-time politics that the people of this country are tired of.

You know, they elected Bill Clinton President of the United States with the expectation that he would do something different. He said he was. He said during the campaign that he would cut $3 in spending for every dollar of tax increases that occurred. Yet, here we get the reverse, or worse than the reverse, really, in the first year. We are getting $30 in new taxes for every dollar of spending cuts.

It is ironic and unfortunate that once again the American people find themselves having been taken, essentially, by the political process.

So you ask yourself: How did we get to this point? How do we get to the point where we have a budget which is so fundamentally inconsistent with what the American people thought they were voting for? How do we get to the point where we have a budget where literally millions of people, on their own volition, called the Congress today and yesterday, saying, "Don't pass it. Don't hit us with this new tax and spend bill."

Well, as I mentioned, we have a new President and he ran under the theory that he would be a centrist President; that he would govern in a new way and there would be change.

Unfortunately, he has been governing as an old-time Democratic liberal politician.

But still, he is the new Democratic President. And I think the Democrats in Congress feel they have to help him so that his Presidency will not fail and be harmed.

Really, that is about the only argument that is left on the side of this budget. You hear it all the time in private conversations around here. Many Democrats will say they are voting for this plan because the only thing worse than its passage is the effect of its defeat on this Presidency.

And as the process has moved along from the budget resolution to the budget reconciliation, this Presidential aspect has intensified. Any critic of the plan becomes a critic of the President. Any change in the plan is deemed as hurting the President. The President has to win because the Democrats have to prove that a Democratic President can govern. As a result, partisanship and differences were accentuated and possible alternative coalitions were ignored.

I take, for example, the BOREN-DURENBERGER proposal as an area where at least some responsible Members of the body decided to put forward another approach. It was ignored. It was rejected. It was spurned by the other party and the leadership of the White House.

So this vote becomes an easy vote for Republicans and a tough vote for the Democrats. Senators know that, and that is how the pundits characterize it. We are fairly confident the substance and politics are with us. We recognize the 1990 budget deal failed. It was a tax-and-spend agreement, and it did not reduce the deficit, and this is "deja vu all over again." This is the 1990 budget deal once again presented us. Whereas the Democratic Members of this Congress are put in the position where many have become more concerned, quite honestly, with Presidential prestige than with the substance of this plan. And the President's interests have become, or at least have overwhelmed, the national interests. When the Congress votes to protect Presidential prestige, is it undermining its role as a representative of the people? I believe it is. As this bill makes painfully clear, bad legislation results when Congress begins to represent the President rather than the people.

So I believe this plan fails on two levels. It fails clearly on substance. It is a tax plan with very low cuts. It is a tax-and-spend plan. The numbers of the proposal speak for themselves.

But it also fails more fundamentally. It fails in the area of governing, because we as a body are not here to represent the President. We are here to represent the people of this country, and we should not put protecting the prestige of the President's office ahead of the need to protect the people's concerns. The result when we do that is Government as usual and politics as usual. Congress has failed here. It has failed to act in its leadership role, and it has failed to deliver a package which was called for by the American people in the last election.

As I said, President Clinton was elected because the American people expected something different and they hoped for something better in the way the Government operates. Unfortunately, this plan fails to achieve those goals. The American people expected better, and I oppose this plan because I believe the American people deserve better.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Madam President, I ask unanimous consent we move back the time an additional 10 minutes at which a point of order may be raised, and that those 10 minutes be charged against the time under the control of the majority.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Reserving the right to object, I understood that was for one speaker?

Mr. SASSER. That is correct.

Mr. DOMENICI. Then we will follow using our remaining time with Senator MACK, and that will still be within the time agreement the Senator just asked consent for?

Mr. SASSER. That is my understanding.

Mr. DOMENICI. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee.

Mr. SASSER. Madam President, I yield 15 minutes to the distinguished Senator from Wisconsin, Senator FEINGOLD.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, this situation today, voting on the President's budget package, reminds me a little bit of an experience I had in early 1983. I had just been elected to the State Senate in Wisconsin, in a predominantly Republican district, and had only won by 37 votes out of 47,000. I was informed shortly after the election that the first thing I would get to do is deal with the fact that our State of Wisconsin was $1 billion in debt. That does not sound like a lot out here. But in Wisconsin, $1 billion in debt is big trouble. In fact, we had a greater debt than the State of California had at the time, and we knew we were in trouble. We had no choice. The first bill I had to vote for as a freshman State senator, my very first vote required me to vote to raise taxes by $1 billion.

A number of the Republican aides informed me that I would be a one-term State senator, and the thought crossed my mind that could happen. But, of course, we had to do it. We could not just leave that $1 billion sitting there. We had to solve the problem.

Yes, 10 years later when I sought to become a Member of this distinguished body, I did hear about that vote. My opponent, the incumbent, ran ad after ad after ad saying the first thing RUSS FEINGOLD did when he got elected was vote to raise taxes. He just could not wait. And I had to watch that and wonder whether it would make it impossible for me to win that election.

It is the same situation today. The people of this country voted for change, and they voted for change in our race in Wisconsin because they know we have a problem and that there is only one alternative and that is solving the problem: dealing with the deficit; bringing down the spending; and in some cases, having to raise taxes. We have no other alternative.

The Republican leader has been heard to say on this floor—and I have seen him on television saying this—that he thinks we ought to have a plan that the American public would like. The American public does not like the President's plan. We should have one that they will like. And he has a plan.

I think that is part of the problem. The question is not whether the American people should like a deficit reduction plan. How in the world could they like a deficit reduction plan? What is there in there to like? There are taxes and there are spending cuts, more spending cuts than taxes. But the truth is it is about half and half.

People may want spending cuts, they may believe they are necessary, but they do not really enjoy them. The truth is that a spending cut involves eliminating people's jobs.

I have been involved in fighting the duplication in Radio Free Europe and Radio Liberty, and I regret to say my success in that area, getting that effort moved forward, will mean that some people will, unfortunately, lose their jobs. That is not nice for anyone. That is not something we enjoy voting for. But we do have a problem.

This is an important vote for me as a freshman. This morning I decided, since this was a big vote, that I would hold one of these radio news conferences out of my office. It is a wonder of modern technology. I can talk to all the radio stations in the State at the same time and they can ask me questions. The questions they asked really gave me the opportunity to focus on what I wanted to talk about today.

The first question I got was: Senator, you are going to vote for this bill, but are you comfortable voting for the bill? Can you do it in good conscience?

I waited for a minute. I thought, wait a minute. I am not comfortable. The word comfort is not what comes to mind. I am not comforted by voting for this bill. That is not what we are here to do, to do things that are comfortable. But I can vote for it in good conscience. In good conscience, I feel I have to vote for this bill. I have four children. I hope someday to have grandchildren—not too soon, believe me—but I hope someday to have them. I do not want them to say, "Gee, my dad, or my grandfather, was a U.S. Senator. Big deal, he came down here and spent the money that we could have today. He got his name in the paper, everybody knew who he was. But he left me the bill."

I do not want them thinking that about me. And that is what is going to happen if we do not get the ball rolling today on dealing with the deficit.

Then I got another question: Senator, how are the phone calls going on this? I said something like, "I was afraid you were going to ask me that question." The truth is the phone calls in my office are going pretty strongly against this bill; about 4 to 1. The people of Wisconsin are saying in the phone calls: "Don't vote for this thing."

I do have to tell you the phone calls to my office are also going 10 to 1 against confirming Judge Ginsburg. That does not quite square with what I hear when I go home. Fortunately, I do hold listening sessions in every one of Wisconsin's 72 counties, and that is not what I hear at home about Judge Ginsburg or about the President's plan.

But the phone calls are important. I do not want to suggest for 1 minute those people do not have a right to tell me what they believe and that I do not have to listen to them. They are good citizens. They care enough to pick up that phone and call. They deserve a response. You know, I would just love it if those phone calls were the other way; if they were 4 to 1 in favor of the President's bill. I do not want people to just think I am hard working and get around the State. I want them to think I am exercising a reasonable judgment when I cast my vote. So I regret those phone calls are not going the way I would like. But there is a reason for it, and the reason is that two serious myths have been perpetrated about the President's bill that are simply untrue. It is a terribly unfortunate thing to have these kinds of distortion.

The first is really symbolized by this little sticker I was handed yesterday in the Capitol. It is kind of small. I do not know if people can see it. It has a red line through the words, "Middle-Class Tax." "Stop The Middle-Class Tax," it says. "Declare Tax Independence."

This is not terribly creative. This kind of mechanism has been used many times before. But, of course, it is false. It is true that there is an increase in Social Security taxes for 20 percent of the Social Security recipients and some of those people are middle class. It is also true that there is a 4.3-cent-gas-tax increase, which will cost American families maybe $20 or $25, and that will affect the middle class.

But everyone knows that that is not what this sticker is trying to say, that is not the message that has been conveyed to the American people. In fact, many people in that middle-income category who pay the gas tax will actually end up getting a tax cut because of the improvement in the earned-income tax credit.

But what this is about is the intentional effort to distort the truth, to make middle-class and even upper-income Americans think that their taxes are going to go up.

The truth is that unless a working couple makes over $180,000, approximately, their income taxes are not going to go up.

I was asked today on that radio program whether we were slipping in a new income tax on people who make $15,000 to $20,000. I just had to laugh. It was so far from reality. But people out there have been led to believe and make phone calls thinking that they are going to get an income tax increase.

One of my colleagues here told me he had a businessman call him up and say that he made $85,000 a year and this new income tax was just going to kill him, it is going to prevent him from being able to hire some new people. The Senator said to him, "Well, now wait a minute, are you married?" "Yes." "Does your wife work?" "No." "Well, sir, I have to tell you then, you make less than half of what it would take to get one penny of new income tax under this bill."

This distortion is not just wrong, it does not just mislead the American people and lead to phone calls about what is the reality going on here. These distortions actually depress our economy. If somebody believes that they are going to get hit with a big tax, a businessman or businesswoman, they may have already decided not to hire the young intern in their office, whom they might have hired if they did not think they were having a big tax load coming up.

That is what is depressing this economy: The negative talk and the myth that more than 1 percent of the American people will be paying that tax.

I have news for the folks who perpetuate this myth. It is not just the wealthy who create jobs. It is also people who make less than $100,000, even less than $40,000, and these people are being fooled into believing that this bill will tax them more. They will find out in April that that is not the case. They will say, "What were they talking about? I don't have more taxes."

This is fraud, it is wrong and it hurts our country.

There is another myth going on here. I go around the State and people say, "Why doesn't the President's bill have any spending cuts?" I just look at them. Part of me wants to laugh and part of me wants to do something else. Fortunately, now I do have this list here of 203 spending cuts in the President's bill.

The effort has been made to actually pretend that there are no spending cuts. That is the first effort. Yet it does not seem terribly consistent because the Republican leader's plan, the Republican plan, actually begins by taking all of the President's spending cuts and adding to them. Well, if there are no spending cuts, why are they building the base of their plan on the very thing that the President has proposed? That is the first level of falsehood.

Mr. SASSER. Will the Senator yield for a question?

Mr. FEINGOLD. Yes.

Mr. SASSER. Is the Senator aware that in the Republican plan offered, in which they adopt entirely all of the President's spending cuts, any cuts that they put on top of that are unspecified entitlement caps which the Chairman of the Federal Reserve Board and the Director of the Congressional Budget Office say have no validity? They are not even scorable under CBO procedures.

Mr. FEINGOLD. I thank the Senator for the question. I am painfully aware of that because I was presiding when the plan was presented. I was struck by the fact that the only specificity offered under the plan is what the President already proposed. That is exactly the point.

The second level of distortion on this myth about no spending cuts is: The other side says that there is no complete elimination of programs; that we do not get rid of any whole programs.

Let us assume that is true for the moment. So what? As to Radio Free Europe and Radio Liberty, we may cut $500 million over the next 5 years. We may not eliminate everything in international broadcasting, but I think the American people consider it worthwhile to cut half of a program if you cannot get it all. The same goes for the wool and mohair subsidy. I sought to eliminate the whole thing. We got some of it. We got the ball rolling, and that helps us lead up to the $500 billion.

Maybe there are spending cuts, maybe some are partial, maybe some are complete. But they do not take effect right away, they do not take effect for 4 or 5 years.

Let us assume that is true for a moment. Again, I say so what? We are passing the law today that will be signed by the President; that if everything is left the way it is will force these cuts to be made over the next 4 or 5 years. The truth is that the taxes do not all get collected this year. There are $240 billion in tax increases, but those are raised over 5 years, not 1 year.

So in every instance, the American people are being misled. It is a disservice to them. Unfortunately, unlike the myth about middle class taxes, people will not discover they are being misled about spending cuts very easily. They are going to find out there is not a tax increase when they see their tax return, but this one is a tough one. It is no wonder that one gets phone calls like this.

This plan is one that is going to look better every day after we pass it tonight. People will realize that the country has not come down, and they will see that this is just a beginning, but an important beginning, a $500 billion beginning toward solving the debt and doing it in a fair manner.

The best thing to me, as I conclude, is that I believe that this bill is the key to whetting an appetite that I think I have noticed in this place in the last 7 months. It is a growing appetite. It is an appetite to cut spending. For 12 years there has been a very different hunger here. That is a hunger for spending and especially excessive defense spending. That hunger has led to so much eating in the form of spending that this country is just plain bloated with spending.

Since I have arrived here, I have had the chance to talk to many Members of this body who, I think, are hungry to cut spending, Members who are more eager to bring home the cuts than the bacon. I have been inspired by it. I think it will build on the President's leadership.

I see my friend, the senior Senator from Arkansas [Mr. BUMPERS], whom I consider to be the principal advocate for deficit reduction in this body. He invited me to cosponsor with him bills to cut star wars, the Trident missile, the space station, the superconducting super collider. And I learned right away it was not just the freshmen here, but some of the more senior Members who are absolutely dedicated to bringing this deficit down.

He also had the guts to stand here on the National Endowment for Democracy, which may be a good program, but we are asking tough questions because people know we have to cut spending.

I also want to laud the efforts of the two Senators from Nevada, Mr. BRYAN and Mr. REID, who have had the courage to take on an outdated subsidy that directly benefits a significant industry in their State.

The Senator from Pennsylvania [Mr. WOFFORD] too, has provided particularly effective advocacy in cutting spending from our overseas broadcasting.

Both Senators from North Dakota, Mr. CONRAD and Mr. DORGAN, have been preeminent in fighting for spending cuts and deficit reduction. North Dakota, like Nevada, is indeed fortunate to have both their Senators so thoroughly committed to deficit reduction.

I also want to commend the Senator from Arizona [Mr. DECONCINI], not only for his ongoing work to identify and pursue spending cuts, but also for his ground breaking leadership in the establishment of a deficit trust fund.

The Senator from Ohio [Mr. METZENBAUM] and the Senator from New Jersey [Mr. BRADLEY] have taken on the especially difficult task of reviewing tax expenditures, and of continually pruning that area of special interest spending, an area that requires even more scrutiny.

Deficit reduction is by no means the exclusive province of Democrats, and I want to commend my Republican colleagues on the Foreign Relations Committee for their work in reducing unjustified spending in the committee's jurisdiction.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FEINGOLD. Madam President, let me conclude by saying there are many others here who fit that description. I want to work with them. For us to move forward, we must pass this bill tonight. I do vote for it with enthusiasm and in good conscience.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, how much time do we have?

The PRESIDING OFFICER. The Senator from New Mexico controls 7 minutes.

Mr. DOMENICI. I yield myself 30 seconds, and the remainder of the time to the distinguished Senator from Florida.

In due course I will get into some further detail on why the President's budget does not cut any spending in the first year and $4.3 billion in the second, because what is being forgotten is, for every cut there are new expenditures.

One can say we are cutting, but the question is, what is the net effect on the budgets of the United States and the resulting deficits? It turns out many programs are going up in dollars and new ones are being created.

I yield the remainder of the time to Senator MACK.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Madam President, I thank the Senator for yielding. At this time, I will attempt to compare 1990 to 1993, but the significance of the repeal of the luxury tax to this proposal, indicate that we will not see tax collections increase as projected under this plan, show that the plan costs Americans jobs, and demonstrate that the spending cuts which have been proposed, if they ever take place, won't happen until the fourth and fifth year.

The American people are confused. They hear different facts, see different charts, are presented with different sets of information on both sides of the debate. Still there is a fair way for the average person to determine whether or not they should support what we are doing here. That would be to compare what we are doing now to what we did in 1990.

In 1990, Congress came up with a huge $500 billion deficit reduction plan. That plan called for a 5-cent gasoline tax; raised the marginal rate on the wealthy; pushed spending cuts out into the fourth and fifth year; cut Medicare by $45 billion.

Compare that to 1993: A 4.3-cent gasoline tax; a $500 billion deficit reduction package; an increased tax rate on the so-called wealthy; spending cuts pushed out into the fourth and fifth year; and $56 billion worth of Medicare cuts. And just as in 1990, there is no significant cap on entitlement spending growth.

Therefore, I think it is fair for the American people to ask the question: If such a parallel exists between the 1993 plan and the 1990 plan, did the 1990 plan work?

Was the deficit slashed? Were millions of new jobs created? Did America get moving again? I think the American people clearly understand that the 1990 plan was another failure, and the 1993 plan will fail as well.

Now, what is interesting about this proposal is that there is a repeal of the luxury tax. Do you remember in 1993 we were told, let us raise the tax on the wealthy? In order to get the wealthy to pay more taxes, let's sock them with a luxury tax.

Everyone knows today that the luxury tax does not work, that it was not the wealthy who ended up paying more in taxes. Instead, the American working people—the boat manufacturers, the plane manufacturers lost their jobs. They are the ones who paid the real tax.

Yet even while everyone now agrees that we ought to repeal the luxury tax, some want to take the same concept and impose it on the incomes of the wealthy, on the same flawed assumption, just as in 1990, that tax changes do not affect people's behavior. They now claim that the wealthy will not alter their behavior to protect their incomes.

Now, the third point. Simple math: Since we are not going to collect all the tax money that the plan claims, the result will be an even higher deficit. Just look at the revenue from the tax that was imposed in 1991. We only have that 1 year since the passage of the 1990 tax. We find that the wealthy in the country, believe it or not, paid $6.5 billion less in taxes in 1991 as a result of higher marginal tax rates—$6.5 billion less. You might be quick to say, wait a minute, that's just because it was a bad year. Consider this, in 1991 incomes for all Americans increased by 3.3 percent. But the taxes paid by the wealthy came down. Tax revenues from everyone else went up.

This bill will cost America jobs, no doubt about it, but let me be more specific. Several days ago an administration spokesman went to Florida and indicated that this plan would increase employment in the State of Florida by over a million between now and 1996. That is an average of 250,000 jobs per year.

Guess what? They are trying to tell the people of Florida that we are going to create more jobs under this plan than we did through the roaring eighties. During the eighties, in Florida, we created 181,000 new jobs each year. But the administration tells us, that their plan is going to create 250,000 new jobs a year, and at the same time they go to the Chairman of the Federal Reserve and plead with him for an accommodative monetary policy to offset the contractive fiscal policy they are trying to push through.

With respect to spending cuts, it is very clear to me—and clear to anyone who takes the time to look at this proposal—that the big mistake in every deficit reduction plan which has been proposed in the last 10 years, is that each one of those delays spending cuts until the fourth and fifth years.

If you look at the first and second and third years of this plan, you will find that there are $24 billion proposed in spending cuts in 3 years. In that same period of time, there are $130 billion in new taxes. It is no wonder that the American people believe, and believe very strongly, that this plan is just like all the other ones that has been passed by the Congress of the United States with respect to deficit reduction.

This plan simply won't work. It has pushed the tough decisions about spending cuts out into the fourth and fifth years. It saddens and enrages me that I made exactly that same point back in the debate in 1990, yet here we are again. What we were asking the Congress to do in the fourth and fifth years of that plan was to stand up and vote for individual cuts of a greater magnitude than the sequestration that would have taken place in 1990.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MACK. No one ever believed we would do it. They were right, we did not do it. This plan will not work, and I ask my colleagues to vote against it.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Madam President, may I ask how much time remains?

The PRESIDING OFFICER. The time has expired for both sides under the 3-hour limit.

The Senator from Tennessee controls 3 hours and 20 minutes; the Senator from New Mexico controls 3 hours and 30 minutes.

Mr. SASSER. May I inquire of the Chair. It was my understanding that the Senator from New Mexico or someone on his side was going to raise a point of order, and may I ask my friend from New Mexico when we might anticipate that?

Mr. DOMENICI. We are ready right now, I was going to say to the chairman. I do not think it is clear under the rules, and it is certainly not provided in the statute, as to how much time would be allowed for it. Half-hour on a side?

Mr. SASSER. It is my understanding it is an hour equally divided.

Mr. DOMENICI. We intend to do that. Is that the Senator's pleasure at this point?

Mr. SASSER. Yes, although we have a number of speakers on our side who might wish to speak beyond the 30 minutes, we will yield additional time off the bill to let them speak on this particular point of order should they wish to do so.

Mr. DOMENICI. If Senators speak beyond the half-hour on that side, it is going to come out of the Senator's time, the time remaining?

Mr. SASSER. That is the way I understand it.

Mr. DOMENICI. Madam President, I yield to the distinguished Senator from Arizona [Mr. McCAIN] to make a point of order.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Madam President, I make a constitutional point of order that the retroactive tax increases in the conference report which predate April 8, 1993, are in violation of the due process clause of the fifth amendment of the Constitution.

The PRESIDING OFFICER. Under the precedents and practices of the Senate, the Chair has no power or authority to pass on such a point of order. The Chair, therefore, under the precedents of the Senate, submits the question to the Senate, Is the point of order well taken?

Debate on this question is limited to 1 hour equally divided and controlled in the usual form pursuant to section 305(c)(2) of the Congressional Budget Act.

The Senator from Arizona controls 30 minutes, the Senator from Tennessee controls 30 minutes.

Who yields time?

Mr. McCAIN. Madam President, before we begin, could I ask a parliamentary inquiry of my friend from New Mexico? I understand that there may be additional time used on the other side, as was just mentioned in the colloquy between the Senator from New Mexico and the Senator from Tennessee. Would my friend from New Mexico anticipate additional time then taken from his time on the bill in response to that?

Mr. DOMENICI. Let me say to my friend, I have so many requests for time on this bill that I am not prepared to say that at this point. Clearly, we will wait until the hour is up and then we will consult with the Senator, as the leader of this, and those who are with him as to how we are going to yield additional time.

Mr. McCAIN. I thank my friend from New Mexico because it would be important in the allocation of time because there are a number of Senators who would like to speak on this issue.

Madam President, I yield myself 5 minutes.

Madam President, this constitutional point of order comes in response to the outrage of the American people who find themselves in the unique situation of having to pay taxes backdated to the first of January of this year. Before this President took office, before this Congress came into session, and certainly in violation of commitments that were made not only by the President of the United States but also by the leadership of this body itself, we are now about to pass a retroactive tax.

Let me quote, with all due respect, the distinguished chairman of the Finance Committee, who I see in this Chamber, on June 6, 1993, on ABC "This Week with Brinkley."

Question. Will the taxes on individuals be retroactive?

Mr. MOYNIHAN. No.

Question. They will not?

Mr. MOYNIHAN. No. It doesn't feel right to anybody, not me.

And Majority Leader MITCHELL on this issue, June 7, 1993, NBC News "Today Show":

Question. It's my understanding, Senator, that the tax increases will not be retroactive. Is that right?

Mr. MITCHELL: That's what I hope will happen. I have long urged that the tax increases not be retroactive and take effect either July 1 or some date around there.

Madam President, what we are talking about here is fairness for the American people. We are talking about perhaps in the view of the opponents of this constitutional point of order that the people of this country may be bound by a very strict interpretation of the Constitution.

I note there is a letter from the Assistant Attorney General circulating—I guess the Attorney General is too busy—Assistant Attorney General saying that retroactive taxes are constitutional.

Madam President, we are talking about what the American people expect, and that is fairness. They believe that retroactively imposed taxes on the living and the dead back to January 1, 1993, is the height of unfairness.

I would also ask my colleagues if the next time they are on talk shows and give answers that are fairly straightforward, they stick to those answers because millions of Americans, either rightly or wrongly, take them at their word.

Madam President, I am not going to use the whole 5 minutes. Some supporters of the retroactive tax say President Clinton gave Americans fair warning during the 1992 Presidential campaign that he would raise taxes on the wealthy. But I will also note he said he was against the gas tax increase, and in favor of the middle-income tax cut.

I would remind my colleagues that this point of order is only against taxes that predate April 8, 1993. That was the time that a message was sent from the President of the United States to this Congress that he intended to raise taxes. This is not a blanket repeal of retroactive tax increases.

But, Madam President, I bet it comes as a heck of shock to poor old departed Uncle Louie who never guessed Clinton, with the IRS, would hound him through the afterlife for yet another contribution or another investment. Can the administration not confine its broken promises to the living and let the dead rest in peace? Now on his deathbed instead of asking for a priest or for his dearly beloved to gather around him, Uncle Louie must ask for his tax lawyer to see him through his last moments, and his last earthly comments will be, "Quick, shift all of my investments into shelters."

This pay-today, pay-tomorrow, pay-yesterday tax plan establishes a precedent that is frightening to every American. Mark Twain once observed that, "No man's property is safe while the legislature is in session."

We were not in session on January 1, 1993. Who would have known that the Congress would someday punish Americans who celebrated New Year's Day confident that for at least that day their savings were safely out of our reach.

Madam President, I repeat, this is an issue of fairness. This is an issue of whether we are going to tell the American people that we can retroactively tax there productivity to January 1. If this, then why not over the last 10 years?

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. I yield 10 minutes to the Senator from Washington [Mr. GORTON].

The PRESIDING OFFICER. The Senator from Washington [Mr. GORTON] is recognized.

Mr. GORTON. Madam President, there is no question that the American people consider retroactive taxes and taxes on dead people to be harsh and oppressive. The immediate question before this Chamber is whether Members of the U.S. Senate agree with the American people. That obvious conclusion causes this legislation to be subject to a point of order because since 1938 in Welch versus Henry, harsh and oppressive retroactive taxation has been determined to violate the due process clause of the fifth amendment.

Note that our point of order does not challenge every retroactive aspect of this tax bill but only those harsh and oppressive elements of the bill, that is to say, the taxes that it imposes on income and estates earned before April 8, the day the President's budget informed Americans that he was proposing taxes not just on future income but on income already earned. All these retroactive taxes are unfair. Those before April 8 are unconstitutional.

In addition, the Supreme Court ruled as recently as 1984 in *Pension Benefit Guaranty Corporation* v. *R.A. Gray & Company* 467 U.S. 717 that "(R)etroactive does have to meet a burden not faced by legislation that has only future effects. If does not follow * * * that what Congress can legislate prospectively it can legislate retrospectively. The retroactive aspects of legislation, as well as the prospective aspects, must meet the test of due process, and the justification for the latter may not suffice for the former."

Although Congress is granted broad judicial deference with respect to retroactive taxes, recently courts have identified occasions where taxpayers' constitutional rights have indeed been violated. For instance, the Ninth Circuit Court of Appeals held just last year in a case involving our 1986 tax reform, Carlton versus United States, that "retroactive application of the tax laws is not 'automatically' permitted so long as a wholly new tax is not involved." Based on previous Supreme Court decisions, including Welch versus Henry, United States versus Darusmont, and United States versus Hemme the panel in Carlton established a two part inquiry to determine whether the tax was harsh and oppressive and thus, a violation of the taxpayer's constitutional rights.

The ninth circuit panel asked:

> First, did the taxpayer have actual or constructive notice that the tax statute would be retroactively amended? Second, did the taxpayer rely to his detriment on the pre-amendment tax statute, and was such reliance reasonable?

Applied to the facts surrounding the legislation before us, the answer to the first question is an emphatic "no." The earliest possible notice that can be argued is the April 8 date on which the President sent the text of his proposed budget to Congress. Yet the date to which these taxes are retroactive is January 1, more than 3 months before the earliest notice. In this case and other Supreme Court decisions I have found, the constitutional requirement for due process was met by prior notice to the American taxpayers, notice found in the public record, such as bills in Congress or committee reports, always in print prior to the retroactive date of the new tax. Here, no such notice was given to the American taxpayer until after the President's April 8 message.

The answer to the second question—as to potential detriment to the taxpayer—is an obvious "Yes." Americans reasonably relied on the President and Congress to avoid at the very least a retroactive increase in their taxes.

Late this spring, the distinguished majority leader, Mr. MITCHELL agreed. In responding to a question about whether or not the taxes would be retroactive said, "I have long urged that the tax increase not be retroactive and take effect either July 1 or some date around there."

These words of fairness and sympathy for the taxpayers were echoed by the chairman of the Finance Committee, Mr. MOYNIHAN, as well. On June 6 while appearing on "This Week with David Brinkley", the chairman was asked:

"Will the taxes on individuals be retroactive?" His answer: "No." Asked again, he replied: "No. Doesn't feel right to anybody, not me. July 1."

The profound unfairness of this repudiation of these assurances to the taxpayers is clear. Many live on a tight budget, and spend money from paycheck to paycheck, based on a predictable take home pay, after withholding to reflect the expected tax rate. Now Democrats in Congress and President Clinton, with a retroactive income tax increase, would tell the taxpayer that he or she has been spending too much money since January, and come next April must find the extra cash to pay extra taxes that he or she did not even know about. Indeed, last January, the taxpayer was still happily waiting for Bill Clinton's famous middle class tax cut, and was on notice to spend more money and have less taxes withheld.

Today, Democrats propose government by surprise. But the Constitution forbids it. And let me emphasize that it is our independent duty to determine constitutionally at this point, imposed on us by our oath of office.

Mr. President, our phones are ringing off the hook because: First, American taxpayers did not have notice of retroactivity; and second, they will in fact be hurt by these surprise taxes. That qualifies this proposal before us as hopelessly harsh and oppressive and thus most outrageously unconstitutional.

This constitutional doctrine, of course, reflects the elemental fairness required of all of us in Congress and of the President.

In the case of the retroactive estate tax increases in this reconciliation bill, the constitutional violation is even worse. The unfairness to the taxpayer of a retroactive estate tax increase is more radical even than that of an income tax increase. An ill person who carefully prepared a will in January with the best legal advice, and then died in February, could have all his or her carefully laid plans destroyed by this retroactive estate tax hike in August. Now, in August, the dead person obviously cannot fix his or her will so that children can receive what was intended. It is profoundly callous for Congress to seek to upset the plans and heirs of the recently deceased in this cavalier and unconstitutional manner. They say that nothing is certain but death and taxes, but can't we have the simple decency to prohibit new taxes after death itself? The Constitution says we must.

A few days ago, the White House published a list of 14 retroactive tax increases since 1917. In not a single one of those instances was the new tax retroactive to a date both earlier than the inauguration of the President recommending and approving the tax and before the convening of the Congress imposing the tax. Yet that is exactly what this bill would do for the first time. This bill is the first to attempt to remove all of the limits to the retroactivity of tax increases. Under this theory, the Democratic fiction of Reagan era excesses would permit a retroactive tax hike covering all of the Reagan-Bush years. Some may like that idea, but the Constitution forbids it.

In view of the unfairness and unconstitutionality of these retroactive taxes I find myself in agreement with my distinguished friend and colleague, the junior Senator from Arkansas [Mr. PRYOR]. In a Senate finance subcommittee hearing in February 1992 he attacked all retroactive tax increases saying, "One of the more disturbing trends that I see in the Federal system is the tendency to move toward more * * * retroactivity [of taxes]. I do not think it is justified. I do not think it is fair. In fact, I do not even think it is legal." I agree. The Senate should agree with me and with the Senator from Arkansas.

So Senators must ask themselves a simple question: Do they believe that the unprecedented retroactive taxes on dead as well as working Americans in this plan are fair and equitable? If so, they can vote against this constitutional point of order. Or do Senators believe, as the American people do, that they are harsh and oppressive and therefore unconstitutional? If so, they must vote for this point of order.

We are sworn to uphold the Constitution and must do so here. The constitutional point of order should be sustained.

The PRESIDING OFFICER. Who yields time?

Mr. MCCAIN. I yield 4 minutes to the Senator from Pennsylvania [Mr. SPECTER].

Mr. SPECTER. Madam President, I oppose the budget bill for many reasons, but one of the key reasons is the fact that it imposes retroactive taxation. I believe this is a bad bill because the American people are overtaxed at the present time, and there will be an enormous additional tax burden placed upon Americans by a bill which does not sufficiently address the need for budget cuts.

This bill has been opposed by both Republicans and Democrats, and I believe that if we had a secret ballot, it would fail in this body by 90–10, and it may be that it could not even get 10 votes if it were not for the party pressure for Senators to back the bill. One of the significant reasons for the opposition is that it imposes taxes back to January 1. If you take a bill which is signed into law in August and apply the tax rates for the balance of the year, which is really the measure of fairness, the tax rate is overwhelming and really confiscatory, and I think violates the principles of due process of law.

Madam President, I have not hesitated in my tenure in the Senate to cross party lines if the bill is a good bill. But this bill simply has so many bad features in terms of not having sufficient cuts in expenses, in terms of imposing so many taxes, and especially in terms of imposing a retroactive tax. The vote in the House of Representatives was fascinating last night. It was 215–215 for a long time, until three of the four remaining Democrats could be persuaded to vote for the bill.

In raising this constitutional point of order, it is my hope, Madam President, that we will persuade perhaps one Senator on the other side of the aisle to join with us. It is anticipated that this vote will be very close—perhaps 50–50.

I do not believe the Democrats can spare an extra vote, and I think they may have some people in reserve under the reserve clause. But they will not have an extra vote. We seek to persuade one, perhaps two, or perhaps even three of the Members of the other side of the aisle to vote against this patently unfair, intrusive, and really confiscatory tax.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Madam President, on this whole issue of retroactivity, let me just say that the Supreme Court has already ruled. Back in 1981, the Court said that a 1976 retroactive increase in the minimum tax was constitutional.

I am looking here at an article that appeared today in the Chicago Tribune. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, Aug. 6, 1993]

HYPERBOLE ASIDE, RETROACTIVE TAXES NOT NEW

(By Michael Arndt)

WASHINGTON—Leading the final charge against President Clinton's deficit-reducing tax package, Senate Republican Leader Bob Dole of Kansas told a national TV audience Tuesday night: "Never before in American history has the government increased tax rates retroactively." Wrong.

Though not done automatically, rates have been raised retroactively at least 23 times since the federal income tax was permanently imposed in 1913. And the last two times Congress did so, under President Ronald Reagan in the 1980s, Dole was instrumental in enacting both measures.

Morever, contrary to assertions by Dole and other Republicans, the U.S. Supreme Court has ruled in at least a half dozen cases that retroactive increased are constitutional and don't violate due process guarantees. The most recent ruling was in 1981.

In that unanimous decision, the court quoted from a 1930 opinion by U.S. Judge Loarned Hand; "Nobody has a vested right in the rate of taxation, which may be retroactively changed at the will of Congress at least for periods of less than 12 months."

While retroactive tax increases are legal, many tax analysts agree with Dole and other Republicans that they seem unfair.

Retroactive increases "absolutely violate basic principals of good tax policy," said J.D. Foster, chief economist of the Tax Foundation. "One of the important attributes of a tax system is that it be transparent and that you can rely on it."

The outcry had an effect on the tax bill's authors. After Dole's assault—and after the measure evidently was finalized—the Clinton administration and Democratic leaders in Congress modified the provision that would raise income tax rates on wealthy taxpayers as of last Jan. 1.

Under the modification, these upper income people would be given three years to pay the new taxes owed because of higher rates. Congressional aides said the idea originated with Treasury Secretary Lloyd Bentsen.

The administration also launched a public relations counteroffensive distributing a list of 14 instances of retroactive tax rate increases.

Congress began imposing back-dated tax increases early in this century. In 1917, for example, the revenue act raised individual and corporate tax rates retroactive to the start of that year. The law was passed Oct. 3. A year later, Congress again increased rates retroactively.

More recently, in 1982, when Dole was chairman of the tax writing Senate Finance Committee, Congress retroactively raised income taxes of 5.3 million out-of-town people by subjecting more of their unemployment compensation to taxes. Though not enacted until Sept. 3, the increase was effective Jan. 1.

In 1988, Congress raised taxes retroactively again, when Dole was Senate majority leader. In that year's tax bill, signed into law Oct. 22, several business tax shelters were reduced, retroactive to Jan. 1.

In its 1981 ruling, the Supreme Court rejected the arguments that Dole and other Republicans are now making.

The plaintiffs in the case, E.M. Darusmont and his wife, B.L., had made a capital gain of $51,332 on the sale of two Houston condominiums on July 15, 1976. Nearly three months later, on Oct. 4, the Tax Reform Act was signed into law.

Among its other permanent changes, the law raised the minimum tax rates and reduced exemptions retroactive to Jan. 1, thus subjecting the Darusmonts to an additional $2,280 in taxes. The couple sued, contending the law violated the due-process clause of the 5th Amendment.

But the Supreme court declared 9-0 that the law was constitutional, noting that "in enacting general revenue statutes, Congress almost without exception has given each such statute an effective date prior to the date of actual enactment."

The court also said the couple couldn't claim to be surprised by the rate increase since it had been under public discussion for almost a year before President Gerald Ford signed it.

Democrats in Congress and some tax analysts argue that affected taxpayers have had plenty of warning this time, too.

Twice in 1992 the Democratic-controlled Congress passed tax legislation that would have hiked income taxes of the affluent, if President George Bush hadn't vetoed the measures. And throughout his presidential campaign, Clinton vowed he would raise taxes of the wealthiest 2 percent of Americans.

Heading these warning some upper-income taxpayers moved income into 1992 by taking early bonuses, among other things. In that way, they reduced their ultimate tax liability. These actions often were publicized, allowing others to follow suit.

"People were on fair notice" at least back to Clinton's Nov. 3 victory, said Clinton Stretch, director of tax and legislative affairs for accountants Deloitte & Touche.

Moreover, Democrats point out that some of the tax breaks in the Clinton package would be retroactive to as far back as July 1, 1992. Yet Dole is not making an issue of this, they noted.

Dole is unmoved. In a statement Thursday denouncing the retroactive tax hikes, he said. "Here's one where even the Russians are ahead of us. Article 57 of their draft constitution specifically bans retroactive tax increases."

RETROACTIVE TAX INCREASES ARE OFTEN-USED WASHINGTON TACTIC

[Retroactive tax increases have been legislated at least 26 times in this century. The U.S. Supreme Court upheld the practice in a unanimous decision, Jan. 12, 1981, that supported the 1976 Tax Reform Act. Some major examples of retroactive tax increases]

Retroactive tax increases	Date passed	Retroactive to
Revenue Act of 1917	Oct. 3, 1917	Jan. 1, 1917.
Revenue Act of 1918	Feb. 24, 1919	Jan. 1, 1919.
Revenue Act of 1935	Aug. 30, 1935	June 30, 1935.
Revenue Act of 1936	June 22, 1936	Dec. 31, 1935.
Revenue Act of 1938	May 28, 1938	Dec. 31, 1937.
Revenue Act of 1940	June 25, 1940	Dec. 31, 1939.
Second Revenue Act of 1940	Oct. 10, 1940	Dec. 31, 1939.
Revenue Act of 1941	Sept. 9, 1941	Dec. 31, 1940.
Revenue Act of 1943	Feb. 26, 1943	Dec. 31, 1942.
Excess Profits Act of 1950	Jan. 3, 1951	June 30, 1950.
Revenue Act of 1951	Oct. 31, 1951	Jan. 1, 1951.
Revenue and Expenditure Control Act of 1968	Oct. 22, 1968	Apr. 1, 1968.
Tax Reform Act of 1976	Oct. 4, 1976	Dec. 31, 1975.
Tax Equity and Fiscal Responsibility Act of 1982	Sept. 3, 1982	Jan. 1, 1982.
Tax Reform Act of 1986	Oct. 22, 1986	Jan. 1, 1986.
Fiscal 1994 budget	Yet to pass	Jan. 1, 1993.

Source: Treasury Department.

Mr. SASSER. This article quotes the distinguished minority leader, Mr. DOLE of Kansas, as saying to a television audience Tuesday night:

> Never before in American history has a government increased tax rates retroactively.

The article goes on to say:

> Wrong. Rates have been raised retroactively at least 26 times since the Federal income tax was permanently imposed in 1913, and the last two times Congress did so under President Ronald Reagan in the 1980's.

Mr. DOLE was chairman of the Senate Finance Committee.

So there is adequate precedent for raising taxes retroactively. It has been done 26 times since 1913. I recall that here on the floor, in 1982, when the distinguished minority leader was chairing the Finance Committee, that we modified the employment tax retroactively, if I am not mistaken. I think I will be proved correct on that.

But on the whole question of retroactivity, let me just say that this is an effort, really, to kill this bill. Our friends on the other side know that these provisions are clearly constitutional. They are simply using this point of order as a ploy to try to bring down the whole bill, to bring down the whole package of spending cuts, along with the revenue increases and the deficit reduction that is here before us.

It is interesting that our friends are concerned about the retroactivity of the tax increases in this bill, but say not a word about the retroactivity of the tax cuts in this bill. In fact, one of our friends on the other side said just a moment ago that there were no tax cuts, as I understood him.

Well, as a matter of fact, there are in this bill, $21 billion in tax cuts that go to working families making under $30,000 a year. Let me repeat that: In this bill on this floor, in this reconciliation bill, there are $21 billion of tax cuts that go to working families that make less than $30,000 a year. And with regard to increases in the income tax, as I have said earlier, you have to have a gross income of about $180,000 for joint filers to have any income tax increase at all. It is one of the great tragedies that the American people have been so misinformed about this whole bill.

Tax cuts for those making under $30,000; no income tax increases for those in the great middle class. You have to be making about $180,000 in gross income before you have any income tax increase at all. A majority of these income tax increases come to people who are making over $200,000 a year. With regard to retroactivity, the research and experimentation tax credit in this bill is retroactive back to January 1. I hear no one on the other side saying that the research and experimentation credit is unconstitutional because it is retroactive, it being a tax cut that seeks to reward and encourage research and development in American industries so we can be more competitive.

No one on the other side of the aisle has asked that the direct expensing provision of the bill that allows small businesses to take a direct, immediate writeoff when they buy a piece of capital equipment, which is retroactive to January 1—none of our friends is complaining about that provision which is a great tax cut to small business. No one complains about that being retroactive. That provision is not being called unconstitutional by our friends on the other side.

How about the repeal of the luxury excess tax about which so many crocodile tears had been shed? That is retroactive. I do not hear anybody saying that the repeal is unconstitutional.

Or, how about the 25 percent deduction, for those who are self-employed, on their health insurance? That is retroactive to January 1. Do our friends find that unconstitutional?

Or, what about the tax relief in the bill for real estate professionals? That is retroactive to January 1. It amounts to a tax cut. No one on the other side seems to be concerned that that would be unconstitutional.

Madam President, I am bothered by retroactivity myself. I do not like it, but it is constitutional. The income tax increases on those with gross incomes above or exceeding $180,000 are retroactive. But the tax cuts are also retroactive.

The only tax increase on the middle class in this bill, on those working Americans making less than $180,000 for joint filers, is a gasoline tax of 4.3 cents a gallon. As I said earlier, the American Almanac of Statistics says that the average American automobile is driven 12,250 miles a year. So if the motorist drives his or her automobile the American average, they will have to pay $27.50 more gasoline taxes. That is the only tax on working Americans with incomes of less than $180,000 a year, and those making under $30,000 get tax cuts. And the tragedy is the American people do not know it.

I have never, in my years in public life, seen such an organized, coordinated effort to misinform the American people about a piece of legislation before this body as on this particular bill.

Madam President, I see the distinguished Senator from New York, the chairman of the Finance Committee on the floor. He knows much more about this subject than I. It is in his area of expertise. He is an expert.

I yield to the distinguished Senator from New York.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. I do thank the able and learned chairman of the Budget Committee.

Madam President, I have not a great deal to say about this point of order because there is not much to say. The Supreme Court has disposed of the matter in the most explicit terms and within the time in which I have served on the Finance Committee. And I remember the ruling; it is United States versus Darusmont, 1981.

The practice of adjusting the dates of when taxes become effective—tax increases, tax decreases, tax extensions, tax cessations—is an informal one in the Finance Committee and the Committee on Ways and Means. We will frequently, for example, provide that a tax bill take effect on the day we report the bill out of committee. Sometimes we refer to the day a bill was first proposed and other times we make the adjustment prospective or retroactive.

In the case cited, the Court—and I am now reading from a Congressional Research Service memorandum:

> In United States v. Darusmont, the Supreme Court recognized that retroactive application of tax laws is sometimes required by the practicalities of producing national legislation and deemed it a customary congressional practice. The Court upheld the constitutionally of this practice. We have no reason to believe that a retroactive increase in income tax rates, such as that proposed in the reconciliation legislation, would violate the Fifth Amendment of the Constitution.

This memorandum of law was prepared in anticipation of this particular point of order. The Court has ruled and said that retroactive application of tax law is customary congressional practice.

I could use up time, if that had any purposes, in listing such practices. But I would simply point out that the Revenue Act of 1917 was passed on October 3, 1917, a wartime measure. It was an increase in tax retroactive to January 1.

At that point, Madam President, the income tax would have been 4 years old in the United States. It required a constitutional amendment, of course.

From the very beginning of the income tax, we have made adjustments that have been made effective retroactively, on a date certain at time of adoption, or prospectively. It is, in the terms of the Supreme Court, something required by the practicalities of producing national legislation.

There is nothing more to be said on the constitutional matter, but a great deal more to be said concerning the reasons this nonissue is raised.

I see my friend from Arkansas on the floor. I believe he will have something to say to this point.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. AKAKA). Who yields time?

Mr. SASSER. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator has 16 minutes and 50 seconds.

Mr. SASSER. I yield such time as he may consume to the distinguished Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas [Mr. PRYOR] is recognized.

Mr. PRYOR. Mr. President, I thank the manager.

I first rise to thank my colleague from Washington, Senator GORTON, because he brought my name into this debate unexpectedly and he did me a real service. He indicated, through a past statement I made in a committee hearing, this Senator's disdain and dislike for what we are talking about today, retroactive taxes.

I do not think that that is any secret back home. I do not think that that is any secret among the conferees who put this particular tax package together. The Senator is absolutely correct. I do like retroactive taxation. I did not like it in the past. I do not like it now.

However, because of the necessity of the moment, and because of the fact that this retroactivity only applies to 1 percent of the highest of the high-income taxpayers, I am going to support this package, notwithstanding the fact that it does contain a very small degree of retroactivity which is the issue of the moment.

But now that the Senator from Washington has brought my name into this debate, I would like to bring his name into this debate. I would like to remind my good friend from Washington State, and other friends on the other side of the aisle, what has been going on around here for the past decade.

I refer my colleagues to a chart. At the top of the chart it says simply "Republican Retroactive Tax Bills." I have just chosen four tax bills since the year 1981. Surprisingly, in 1981, 1982, 1984, and 1986, my good friend from Washington State and friends on the other side of the aisle have supported retroactive tax measures, that is, going back and having people pay more taxes.

By the way, the Senator from Pennsylvania, who also questioned the validity, and why we should have retroactive taxes, voted in 1982 and in 1986 for retroactive taxes.

Mr. President, what is this issue really all about? The issue that we are faced with on this particular point of order—that retroactive taxation is unconstitutional—is not, in fact, the issue.

The issue is: Who are the people on the other side of the aisle trying to protect?

Let us look, if we might, Mr. President, at TEFRA, the 1982 tax bill. At that time, the Republicans controlled the Senate and the Republicans controlled the Finance Committee.

That particular tax bill, Mr. President, I think it might be interesting to note, was supported by exactly 80 percent of the Republican Members of the Senate at that time, reduced—reduced—the threshold for computing the amount of unemployment compensation subject to tax from $20,000 down to $12,000 for single taxpayers and from $25,000 to $18,000 for married couples.

In simple translation, Mr. President, what that translates to is a tax increase on those people in 1982 who were unemployed; tax on unemployment benefits on those individuals without a job in 1982, reached back from September of 1982 to January 1, 1982.

So is the issue really retroactive taxes, Mr. President? That is not the issue. The issue for our friends on the other side of the aisle is: Who do you want to tax? Or who do you want to protect from tax? Do you want to tax unemployed people—as 80 percent of the Republicans on the other side of the aisle did—or do you want to protect from tax that 1 percent of the highest-income taxpayers in America, as will be affected by this particular retroactive tax increase?

Mr. President, I think it is very, very interesting to note that this morning on the floor of the U.S. Senate—in fact, the time exactly was 11:26 this morning—our good friend from the State of Wyoming, the Senator from Wyoming [Mr. WALLOP] got up on the floor and started talking about the hypocrisy of the Democrats.

Mr. President, I was sitting in my office and I could not believe my ears when my good friend, Senator WALLOP, started talking about the hypocrisy of the Democrats, when I knew and he knew of these various tax proposals that he voted for; that many of us voted for—in this particular decade, that ultimately became the law of the land.

Mr. President, as I arrived at my office yesterday morning, I found the people, who answered the phones, covered up in telephone calls.

So I took off my jacket. I said "Look, I have an hour or so. I'm going to sit here and help answer some of these phone calls."

They were calling and we could not get enough people to answer all of those phone calls. I sat there and sat there and picked up that receiver.

I can tell you that people from our State have been given so much wrong information that I could not believe it. I was trying to find out where this information was coming from. I will not go into that at this time.

But once we had the opportunity to say, "Wait just a minute. Do you make $180,000 a year?" The answer came back over and over "Of course not; no." We do not have many people in Arkansas making that amount of money.

I said, "Well, then you are not going to have to pay any additional income tax."

They said, "Oh, I didn't know that. Is that the truth?"

I said, "That is the truth, and I will send you information on it."

One gentleman called me, Mr. President, and said: "Senator PRYOR, I am 70 years old, and I live on my Social Security check. I do not have any outside income. My tax is going to be 75 percent of my Social Security check."

I said, "Sir, that is not right. Where did you get that information?"

He said, "Well, I heard it on the radio. It was on a talk show, and they told us to call all of our Senators and Representatives."

Now some of these people are calling the 1-800 number and they are flooding our offices. That is part of democracy.

But, Mr. President, there is another part of democracy. There is a part of democracy that says that we have to tell the truth. And this is the time to tell the truth.

This President did not create but he inherited the largest deficit and the largest debt of any President in the history of this country. He is trying to do something about it. And all we get from that side of the aisle are people who say, "Oh, my goodness, you have got retroactive taxes on 1 percent of the highest-income taxpayers in the country. We can't stand it. It ought to be ruled unconstitutional."

Mr. President, that is hypocrisy. We believe that today is the time to tell the American people the truth; that we cannot continue passing this debt, this load, this tremendous obligation that we have incurred in this generation and especially in this past decade, we cannot pass that responsibility on to the next generation.

Mr. President, I hope that this debate is going to be a good debate. I hope it will be constructive. But I also hope that we will engage in the facts, we will tell the people the truth, and that, when we talk about what has happened in this decade of taxation, we will tell the whole story, not just part of the story.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator has 13 minutes and 15 seconds.

Mr. McCAIN. And the other side?

The PRESIDING OFFICER. The other side has 7 minutes and 10 seconds.

Mr. McCAIN. Mr. President, I yield 2 minutes to the Senator from Missouri [Mr. DANFORTH].

The PRESIDING OFFICER. The Senator from Missouri is recognized for 2 minutes.

Mr. DANFORTH. Mr. President, I thank the Senator from Arizona.

Mr. President, every time a tax measure is debated in Congress and every time it is discussed by politicians at any level, the key question that is raised is one of the fairness.

We are constantly told that purpose of tax legislation is not just to raise some revenue, but to be fair. Fairness is the test for the tax laws. And it is said by people who are advocating this legislation that it is in the name of tax fairness.

Well, it happens that, under the due process clause, the constitutional test is exactly the same test that we apply politically to tax laws—the test of fairness. The issue under the due process clause is whether the provision in the law is fundamentally fair.

So that is the question that we will be voting on the floor of the U.S. Senate. It is a very simple question. It is not a court's interpretation of fairness. It is the Senate's interpretation of fairness.

The issue is whether or not we, as Senators, believe that the retroactive application of a tax law before reasonable notice is given that the law will take effect is fair? Is it fair or is it not? Yes or no. That is the issue on which we are about to vote.

Mr. McCAIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. SASSER. Parliamentary inquiry, Mr. President. I was engaged here. Has a point of order been raised?

The PRESIDING OFFICER. A request has been made for the yeas and nays.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. McCAIN. Mr. President, I yield 3 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 3 minutes.

Mr. MACK. Mr. President, my first comment is related to a statement made earlier by the Senator from Tennessee, who wondered why we did not raise the question of the retroactivity with respect to the tax cuts that are in this bill. I do not think anyone would conclude that the fifth amendment, which says that one cannot be deprived of property without due process, would conclude that tax cuts are unconstitutional. So that was kind of a silly way to start the debate, to tell you the truth.

The second point I would like to make concerns our constituents' perspective.

This is not a constitutional issue to them. They are talking about whether they can believe their elected officials. They have heard over and over again this tax is not going to be retroactive. They feel like they have been lied to. They feel like they have been betrayed. They feel like they have been deceived. They are angry—and rightly so.

A democracy works on the premise that those who are being governed will accept the leadership of those who are governing. The people accept that role because of their faith in their elected officials.

Instead, there is a very strong sense of betrayal on the part of the American people. I will just read one letter. This is from Augusto Villalon, of Cape Coral, FL. He says:

> * * * somehow the government is not working the way it was supposed to work. I do not know if it is the result of Alvin Toffler's predictions on "Future Shock" or simply the amount of TV we are watching, but the consensus out there in the "small businessman's world" is clear as Bahamian waters. The government of our country is trying to destroy us from every direction possible."

He goes on to say:

> What is going to be my tax liability (retroactive to January) this year and next?, What is going to be my portion of the Health Care cost?, What are EPA, DNR, OSHA, HHS, and 72 other parasitic agencies cooking up against me? How do I plan my "comeback"?, How do I get out of this rut?, Is there a Costa Rica in my future?, Do I jump on the NAFTA bandwagon and move to Mexico?
>
> Do I still belong in business * * * or should I throw in the towel now?

Another letter says: "I love my country but I fear my elected officials."

While this is being debated as a constitutional issue, it is really a question about whether the people of this country can still have faith in their Government. What is being proposed here will destroy that faith. Once Americans believe that laws can be made retroactive on taxes or anything else, they will never again feel secure about their Government, and their trust will erode. The American people have every right to be afraid of their Government if today's laws punish yesterday's actions.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. SASSER. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator from Tennessee has 7 minutes remaining.

Mr. SASSER. May I ask how much time our friends on the other side have remaining?

The PRESIDING OFFICER. They have 7 minutes and 24 seconds.

Mr. SASSER. Mr. President, I see no one on our side wishing to speak at the moment, although I am advised there may be a speaker on the way. But I would be pleased to yield to our colleagues on the other side if they have additional speakers.

Mr. McCAIN. How much time is remaining?

The PRESIDING OFFICER. The Senator from Arizona has 7 minutes and 24 seconds.

Mr. McCAIN. Mr. President, I ask unanimous consent that an article from the Wall Street Journal by Mr. Stephen Glazier be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Aug. 5, 1993]

TAX BILL: RETROACTIVE, UNCONSTITUTIONAL . . .

(By Stephen C. Glazier)

As this page went to press, the new budget bill was heading toward passage by Congress. Yet the bill contains provisions that are unconstitutional because they are retroactive. These retroactive provisions need to be debated and corrected. If they are not, and the bill becomes law; we can expect taxpayer litigation to overturn the provisions.

Specifically, the bill contains tax provisions that would raise income tax rates and certain estate tax rates retroactively to Jan. 1 of this year. Yet Article I, Section 9, Clause 3 of the Constitution says that "no * * * ex post facto law shall be passed." The Founders' purpose here was to ensure that laws are general and prospective, rather than specific and retroactive.

Specific, retroactive laws tend to look more like judgments and penalties from juries than like legislation in the national interest. Retroactive laws also would allow a new party taking power after an election to, in effect, legislate history—to undo the past of its opponents. Indeed, the current budget has the flavor of a partisan effort by a new party in the White House to "repeal the decade of greed," i.e., punish the taxpayer for 10 years of economic growth during Republican administrations.

SAME OLD CONSTITUTION

The nation's courts have long wrestled with the issue of retroactivity. An 1878 Supreme Court case, *Burgess* v. *Salmon*, looked at taxes specifically. In that case, a tax increase on tobacco sales was signed into law on the afternoon of March 3, 1875. The court refused to apply the increase to a sale that took place on the morning of that March 3, saying that the (retroactive) imposition of the increase on a sale that took place before the president put pen to paper would subject the taxpayer to a "criminal punishment or penalty [in the amount of the increase]" that would be an ex post facto law. The court went on to say that if the case had been brought by the government as a criminal indictment for violating the tax law, then it would be even more clearly an ex post facto problem * * * this issue, but the courts and Congress unfortunately have. In this century, with the invention of income tax and the growth of government intrusiveness, the courts have tended to limit the ex post facto concept mostly to the area of criminal law. Particularly in the case of income taxes, some retroactivity has been allowed. This budget bill's retroactive income and estate taxes, however, go beyond even these new stretched rules.

The more modern cases have allowed some retroactive tax increases but limited them by requiring specific prior notice to the taxpayer. (This is a simple application of the Constitution's procedural due process protection). Specifically, these cases tend to look at the notice of the proposed change that the taxpayer received. If the Senate or House had bills in debate detailing the tax increase by a given date, then, it is argued, the taxpayer still had enough notice to plan his affairs.

But even such stretching of the retroactivity rules has not to date applied to transfer taxes, such as estate taxes. In a 1927 case, *Nichols* v. *Coolidge*, the Supreme Court struck down a retroactive estate tax. The court said that such a law "is arbitrary, capricious and amounts to confiscation" and therefore violates the Constitution. In *Untermeyer* v. *Anderson*, a 1928 case, the Supreme Court struck down a retroactive gift tax. Both taxes were found to be unconstitutional violations of due process. The idea is that no one can properly plan his affairs if actions today can be affected somehow by future law.

Of course, any person who wrote his will in January 1993 planned according to current law. If that person died before August, he could not possibly change his will to accommodate the new law. One practical effect of the current estate tax proposal is that certain wills drafted before this year—may fail to allocate the inheritance among the deceased's children equally—despite the intent of the deceased—because of Congress's attempt at law by surprise. Shirley Peterson, a former commissioner of internal revenue, documented this recently in the New York Times.

In this century, Congress has not succeeded in passing a retroactive estate tax increase. This despite efforts such as those struck down in *Nichols*. Yet this year, Congress is even proposing to tax the dead retroactively.

Under this century's precedents, income tax increases (as opposed to estate tax increases) may have some retroactivity, but not as much as this bill's authors desire. In the 1981 case *U.S. v. Darusmont*, the Supreme Court upheld retroactive 1976 increases in the minimum tax and discussed notice requirements. But in that case, the court found that the taxpayer had notice because the specific changes were found in Senate and House reports that appeared prior to the date the law went into effect.

Discussing the same notice test in 1984 (*PBGC v. Gray & Co.*), the Supreme Court upheld a retroactive pension law on employers. The retroactive law was designed to prevent employers from taking advantage of lengthy legislative processes and withdrawing from covered pension plans while Congress debated the change. But both the cases set a modern limit to retroactivity for income-tax increases. That limit is the date that the specific increase was first proposed in Congress.

On Jan. 1, the taxpayer had no such specific notice of the tax increases that the president and Congress are currently proposing. Indeed, on that date most Americans were still waiting for the famous "middle-class tax cut." Not until Florio's speech making it clear that he was going to raise taxes. Looking at the precedents, even that is not enough to provide specific notice. The effective notice could not have happened until April 8, when the language of the budget was actually proposed. This tax-by-surprise leaves the taxpayer in a tight spot. We have been living within a budget and spending money from paycheck to paycheck, based on our take home pay with a certain rate of withholding. Now Congress contemplates telling us that we have spent too much money and next April we must find the extra cash to pay extra taxes that we did not know about.

CONGRESSIONAL RESEARCH

Congress's own in-house law firm, the Congressional Research Service, has even supported this analysis of the notice requirement. In a 1986 report to support the retroactive tax increases of that year, CRS lays out the notice test for due process but argues that the 1986 increases passed muster because their effective date, although retroactive, was after the increases were first proposed in writing in Congress. But the current budget bill fails this test described by Congress's own lawyers. Clearly, this Congress doesn't care who says what about the Constitution, when it comes to taking more of our money.

It is impossible to predict reliably the outcome of any case that might go before the Supreme Court. The larger issue here, though, is not economic or legal—it is political. This type of unconstitutional legislation is the norm that will continue until the current majority of Congress is removed. Self-satisfied incumbents in Washington might like to take a look at the current draft of the new Russian constitution. That document's own Article 57 states that "laws introducing new taxes * * * are not retroactive." It seems that, in this instance, Boris Yeltsin may have more respect for the U.S. Constitution than the majority of our own House of Representatives.

Mr. McCAIN. I yield 4 minutes to the Senator from Georgia [Mr. COVERDELL].

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, it is true that there is court precedent for sanctioning retroactive taxation. But there also is court evidence that challenges such activity as well.

I might say the retroactive taxation, as embraced in this proposal, reaches new limits. This retroactive tax goes back to a former administration. This retroactive tax occurs before the President was inaugurated. This retroactive tax goes back before any of us were officially seated. I believe it, in that reach, goes to new limits that stretch the constitutionality, as has been proposed here this afternoon.

I also add, comments by the Senator from Arkansas, my good friend, actually points specifically to the reason the forefathers said no bill of attainder, no ex post facto bill shall be passed in order to protect retroactive punishment, or singling out of any of our citizens for unique treatment, such as was perfectly described by the Senator from Arkansas.

Of the thousands of calls we have all received from Americans throughout the United States, the questions I hear asked most often are these: "What does it take to communicate with you people in Washington? Why isn't anyone listening?"

What they are telling us is that this type provision, this reaching back for nearly a year and changing all the rules, is an example they were trying to complain about in the 1992 election when they said they wanted things done differently. And it is a demonstration of the disconnect between this city and the people of this country.

We are hearing all sorts of legal machinations, but the real jury is the American people. And the American people know—know—that this is wrong, that it is bad policy, and that it ought to be corrected.

And as a matter of interest, as I yield, some 19 Members of this body have now joined in the authoring of a constitutional amendment that would prohibit this egregious behavior from occurring again.

I yield the floor to the Senator from Arizona.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Are there any other speakers on that side?

Mr. McCAIN. Is it the intention of the Senator from Tennessee to have more speakers?

Mr. SASSER. I do not think we are going to have any more speakers on our side. I am still waiting to see if one additional speaker is going to appear.

Mr. McCAIN. I will go ahead and use the remainder of my time.

Mr. President, we have one speaker remaining and then it is my understanding the Republican leader is going to use a couple of minutes of his time and that will complete our effort on this side.

I yield to the Senator from Washington for whatever time remains.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes and 47 seconds.

Mr. GORTON. Mr. President, I have listened with interest to this constitutional debate. This is, in fact, a constitutional debate. At this point it is not on the merits of this legislation however few there may be.

I must say I have heard at least two entirely bizarre constitutional theories presented here this afternoon. My distinguished friend, the manager of this bill, the Senator from Tennessee, says that Members on this side are not objecting to retroactive tax credits or tax reductions on the ground that they violate the Constitution. Of course not. A simple reading of the fifth amendment to the Constitution of the United States, which I will share with the Senator from Tennessee—it says, "No persons shall be deprived of property without due process of law."

A tax cut deprives no one of property. It may be wise or unwise, but it is certainly not a constitutional violation.

Here the claim, the serious claim, is that people are being deprived of property without due process of law. My friend, the Senator from Arkansas, seems to say it is OK because only 1 percent of the people of the United States are being deprived of due process. That would be like reading the eighth amendment prohibition against cruel and unusual punishment to be inapplicable if we only subjected 1 percent of our people to the rack and the thumb screw.

Overall, however, all of the arguments of the Senators from Tennessee, New York, and Arkansas go to a point we have not made. They go to the point that, under some circumstances—under many circumstances—retroactive taxation, though perhaps unfair and unwise, is not unconstitutional.

This point of order is that it does become unconstitutional and it becomes harsh and oppressive; that it becomes harsh and oppressive when it is imposed without notice, that is to say when it is imposed retroactively beyond the date in which the Congress and the President have given notice that they intend to pass a tax.

In this case, for the first time that I have been able to discover in our history, and it certainly is not in any of the statutes cited here, this tax goes back beyond the date on which the President of the United States, who is imposing the tax, even took office or, for that matter, this Congress itself took office.

It is for that reason that this tax is harsh and oppressive, and it is because it is harsh and oppressive, as applied to income earned before April 8 of this year, that it is clearly unconstitutional and should so be found by this body.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. How much time remains?

The PRESIDING OFFICER. The Senator from Arizona has 37 seconds.

Mr. McCAIN. Mr. President, I will use the remaining 37 seconds before the Republican leader, or if the Senator from Tennessee chooses to go.

Mr. SASSER. I will go after.

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. McCAIN. Mr. President, as has been stated by the Members on this side, this is an issue of fairness; this is an issue of what the American people think are their constitutional rights and that is, to keep their worldly goods and not have them taxed in a retroactive fashion.

My friend from the State of Washington has made a strong constitutional argument. Other constitutional experts have made these same arguments. Mr. President, the American people are interested in fairness, and they believe that this is a patently unfair treatment of them, their families, and their futures.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Tennessee is recognized.

Mr. SASSER. Mr. President, my friend from Washington alluded to me a moment ago. I do not like to personalize these debates, and I do not intend to do that with my good friend from Washington, but if tax increases retroactively are unconstitutional, then why did so many of our friends on the other side of the aisle vote for them time after time in the decade of the 1980's?

My friend from Washington, Senator GORTON, on the so-called TEFRA bill that passed the Senate on August 18, 1982, voted in favor of that bill which was signed into law sometime in late October, but was retroactive to January 1, 1982.

The TEFRA bill, in real dollars—that is dollars corrected for inflation—was the largest tax increase we have ever had. That tax increase passed this body when the Senate was controlled by Members of the other party and it was passed with almost unanimous votes with our friends from the other side, including the distinguished Senator from Washington and others who are present on the floor today.

They were not concerned about retroactivity in 1982, when they passed the largest tax bill in real terms to be passed in this country, and I do not blame them for not being concerned about retroactivity. That question was not even raised on the floor in 1982, because all of us knew that the issue was, in fact, well-settled law, that it was not unconstitutional to have these increases retroactive.

We can just go down the list of the retroactive tax changes that have occurred over the last few years. Bear in mind, I do not like a retroactive tax policy. When this bill left this body originally, the tax increases were not retroactive. It has come back in the conference report and now they are retroactive. We can either adopt the whole bill or reject it. But just looking at this list: The Tax Reform Act of 1986, signed into law by President Reagan on October 22, 1986, effective back to January 1, 1986; TEFRA, Tax Equity and Fiscal Responsibility Act of 1982, signed into law on September 3, 1982, effective back to January 1, 1982; Deficit Reduction Act of 1984, signed into law by President Reagan on July 18, 1984, effective back to January 1, 1984. And the list goes on and on.

Here are tax increases almost as far back as the original—income tax bill that passed this Congress in 1913. The first retroactive increase was passed on October 3, 1917, and applied to the entire year of 1917.

So it is clear what we have before us now. It is not a constitutional issue; it is a political issue. This point of order is being raised at this late hour in an effort to bring the whole bill down and do away with the whole process of deficit reduction that we have been engaged in so diligently for the past few months.

So I will just say to my friends on the other side that they cannot have it both ways. You cannot vote for tax increases and support them retroactively a number of times during the 1980's, and particularly under the administration of President Reagan, and then come in under the administration of a Democratic President and cry foul and say it is unconstitutional.

The Constitution endures and it does not change with each administration. Thank goodness. The Constitution is one thing that is permanent and has been the governing document of this country for over 200 years. I think we have done pretty well with it.

Mr. President, may I inquire how much time I have remaining?

The PRESIDING OFFICER. The Senator has 42 seconds remaining.

Mr. SASSER. I see the distinguished minority leader on the floor. He has been waiting patiently, and I thank him for that.

The PRESIDING OFFICER. The minority leader.

Mr. DOLE. Mr. President, was leader time reserved?

The PRESIDING OFFICER. Leader time was reserved.

Mr. DOLE. I would like to use 3 minutes of my leader time.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, the Senator from Washington put his finger on one point, and that is notice; when did people know about the tax increase? In many cases, in the Finance Committee, the two chairmen will issue a joint letter saying it is going to be effective on a certain date. That may not be the date of enactment, but it is notice. Other times, we close loopholes, we make those retroactive because some body is making an egregious profit or windfall from some tax provision that ought to be changed. So retroactivity is not always bad.

But look at that chart. There is not one example, not one example on that chart where anybody made retroactive tax rate increases. That is the point: Tax rate increases. In this bill, they are raising the rates and being retroactive to January. We are also raising the rates on the dead. The estate tax is going up, and they are retroactive to January. That is not the case.

I notice the White House in one of their efforts—"Oh, Senator DOLE voted for a surtax back in 1968, 25 years ago." That was during the Vietnam war. There was not any question about that because we were told we had to finance the war, and in the returns that year, there was even a separate line for a surtax. It was not a rate increase, it was a surtax.

That is the point we are trying to make. This is a rate increase, and it is made retroactive. That is the point we want to make. It is not fair. We are talking about $10 billion being taken away from business and from individuals and from families who have lost loved ones since today and, say, last January. They are going to have to cough up over $10 billion because of this retroactive provision; $10 billion, that is what this debate is all about. It is not about 1 percent. It is not about the heirs of people who passed away since January 1. This is about a tax rate increase that is retroactive. There is not a single tax rate increase on that chart. That is a phony chart. It does not tell you anything. And neither does the White House operation grinding out all these fabrications.

Most of these taxes were wartime surtaxes. The 1917 tax was a wartime tax. We had to finance World War I.

We had to finance World War I, and most of those other taxes were surtaxes in World War I, World War II, the Korean war, and the Vietnam war. I think people had plenty of notice. I know in 1968 President Johnson said very clearly he had to have a surtax so we could fund the war in Vietnam.

So I just suggest that we could have charts and they can blow smoke and keep the fog machine running in the White House, but this is an unfair retroactive tax rate increase—tax rate increase—on the living and on the dead.

I reserve the remainder of my time.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Will the manager yield to me what time remains on this side?

Mr. SASSER. I will be pleased to yield to the distinguished majority leader what time remains. I think we have just a matter of seconds.

Mr. MITCHELL. Then, Mr. President, I will use my leader time for the remainder of the time I use.

The PRESIDING OFFICER. The majority leader has that right.

Mr. PRYOR. Mr. President, may we have order.

Mr. MITCHELL. Mr. President, the question before the Senate is whether or not it violates the American Constitution to change the tax laws retroactively.

Every single Senator, everyone, without exception knows that it is not a violation of the Constitution—every single one. In fact, several Senators in this Chamber at this moment have voted in the past to make tax law changes retroactively.

Did those Senators knowingly and willfully vote for something they believed violated the Constitution? When each of us stood right here by the Presiding Officer's chair and took the oath of office, we swore to uphold the Constitution. Did those Senators who have now voted for retroactive tax changes do so knowingly and willfully, voting for something that they believed to violate the Constitution?

I do not believe that, Mr. President. I do not believe that for a second. I do not think there is a single Member of this Senate who would knowingly vote for something he believed violated the Constitution.

So what is the only possible option? It is that those same Senators do not believe in this amendment. They do not believe in the point of order that they themselves have raised. And so they are going to march up here now and vote to say that a change in tax rates which is retroactive, violates the Constitution, when they know that not to be true, when they themselves have voted in the past to make tax changes retroactive.

For what? Why would anyone do that? For short-term, purely partisan political gain, to score a political point, Members of this Senate will walk up and cast their vote for what they know not to be the case.

It has been settled law in America for more than three-quarters of a century that retroactive changes in tax law are constitutional. There is not a single legal basis, there is not a single constitutional basis that supports the contention of this point of order. Nothing has been offered except a political statement.

It is true that it is politically unattractive, and that is the reason the points are being made. But think of that, members of the Senate being asked to come forward and vote for a proposition which they know not to be true, for which there is not a single shred of legal or constitutional or rational basis to believe is true. And they are going to do it to make the political point. That is a sad day for the United States Senate.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the minority leader.

Mr. DOLE. I ask if I might use 1 more minute, to be notified, of my leader's time.

I want to make a distinction. The majority leader talks about tax law change. That is pretty broad. That is everything. I am talking about tax rate increases—tax rate increase. That is what we are talking about today. That is the unfairness. That is the $10 billion. No notice, as pointed out by the Senator from Washington. Nobody knew about this, until April 22 or thereabouts, precisely what President Clinton had in mind.

We were told by the chairman of the Finance Committee in one of the talk shows it was not going to be retroactive; nobody liked retroactivity.

So I think it is a question of fairness. And we would be happy to furnish information about all these different surtaxes and other changes that were made retroactive, sometimes for good reasons. But there is a case on appeal right now on estate taxes, on appeal, I think, in the ninth circuit, because it is a rate increase, tax rate increase in estates where those who died had no choice, no notice, their heirs had no notice; they could not make any changes in their estate planning. They have to pay the higher rates. They cannot get out of it.

So the living and dead in this country are going to feel the impact.

In Russia, in their draft Constitution, in article 57, it says that taxes shall not be retroactive. So let us listen to Boris Yeltsin on this one.

Several Senators addressed the Chair.

Mr. MITCHELL. Mr. President, much has been made by my friend and colleague about the lack of notice, and repeatedly in recent weeks my colleagues have taken to quoting my words. The Republican leader has quoted my past words several times. In fact, once he described it as the "Mitchell doctrine." I told him that I was flattered because no words I ever previously uttered in my life had been elevated to the status of doctrine.

I think it is appropriate to quote a few words by our colleagues. In 1982, the Senate Finance Committee considered a major tax bill which a lot of us voted on, and 5.3 million Americans were affected by that provision. It was not part of any well-publicized program. The provision increased the amount of tax on people who received unemployment benefits—the poorest, least well off of Americans, nearly 5½ million of them—by reducing the threshold that was subject to tax, a tax increase on the poorest of Americans.

It was not contained in the House bill. It was not contained in the Senate bill. It was added in the conference, according to then chairman, "Near the end of the conference."

Five and a half million Americans did not have any notice the—5½ million of the poorest Americans did not have any notice then.

By contrast, this change was well publicized by the President early this year. Nobody is surprised by it. The only people affected by it are those persons whose incomes—the income tax rate change affects only those whose taxable income exceeds, for couples filing jointly, $140,000 a year. That is on average gross income of $180,000 a year. So all of this hue and cry by our colleagues is to protect the 1 percent of Americans whose gross incomes exceed $180,000 a year. But when it was 5½ million Americans receiving unemployment benefits, there was not any notice of that and there was no concern about them expressed then.

Mr. DOLE. Mr. President, I ask to have 1 more minute.

The VICE PRESIDENT. The Republican leader.

Mr. DOLE. One more minute.

Again, that was not rate increase. That was a threshold change. There were hearings on that. There was plenty of notice on that, even though it was added in the conference.

So again, we can blow the fog and obfuscate this all we want. This is $10 billion. It is only a $427 billion deficit reduction package or less, and there is not much in cuts the first year—$30 billion in new taxes and no cuts in this package. So $10 billion more in taxes, wherever they come from, is $10 billion.

This is a change in the tax rate, and it is retroactive and that has not happened.

Mr. McCAIN. Mr. President, I ask that the Chair state the point of order.

Mr. COATS. Mr. President, I rise in support of Senator McCAIN'S constitutional point of order against retroactive taxation. There must be no mistake about the degree that this bill hurts the American taxpayer. In total, the package contains some $255 billion in net new taxes and user fees—the biggest tax increase in the history of our Nation.

But what is most disturbing about this package is the fact that Americans will be taxed retroactive to January 1—20 days before the President took office and 20 days before the Congress that is voting on this package even convened. Even the dead are not spared from this retroactive tax—families who had loved ones die since January will face an additional estate tax bill from Uncle Sam.

Article I, section 9, clause 3 of the Constitution States that "No * * * ex post facto law shall be passed." In drafting the Constitution, the Founders intended to ensure that laws are general and prospective, not specific and retroactive. I urge my colleagues to support the McCAIN point of order.

Mr. BRYAN. Mr. President, it is with great reluctance that I will vote against the constitutional point of order raised against the retroactive income tax provisions of this budget reconciliation bill.

Later today, I will vote against this legislation. One of the reasons I will vote against this bill is the retroactive tax increases. I oppose these tax increases, and if we were to have an up or down vote on retroactivity, there would be no question on what my vote would be.

Unfortunately, however, the vote today will not be on the merits of the retroactive tax increases. Instead, the vote will be on whether or not retroactive tax increases are constitutional.

A constitutional point of order is not a frivolous matter, and should not be taken lightly. As United States Senators, we have all taken an oath to uphold the Constitution.

I have reviewed the law and the opinions of constitutional scholars, and have come to the conclusion that no matter how inappropriate, unfair, or unwise retroactive income tax increases may be, they are not, under these circumstances, unconstitutional.

With regret, therefore, I will vote against this constitutional point of order.

Mr. LIEBERMAN. Mr. President, I will oppose this point of order. At the same time, I am also opposed to the retroactive income taxes contained in this bill. However, as a former IRS Commissioner under President Ford was quoted this morning as saying, "Unwise is one thing: unconstitutional is another."

I will vote against this point of order because I do not agree with the unconstitutionality argument. But I am troubled enough by the retroactivity of these income taxes to believe we should take constructive steps to eliminate it. For this reason I am proposing, and I encourage my colleagues to join me in supporting, a proposal to use the $10 billion we are in the process of cutting from the various fiscal year 1994 appropriations bills to offset a repeal of the retroactive tax increase. While I understand that this cannot be done in the context of this bill, I encourage my colleagues to join me in pressing for this action when we return to this Chamber in September.

Mr. President, this deficit reduction program is a difficult but important step toward long-term economic recovery and job creation. This point of order would effectively put an end to this package. For that reason, I encourage my colleagues to join me in voting against the point of order and in working to eliminate the unfair retroactivity in a more constructive way.

The VICE PRESIDENT. Has all time expired?

Mr. MITCHELL addressed the Chair.

The VICE PRESIDENT. The majority leader.

Mr. MITCHELL. When an American pays higher taxes, that is a tax increase. You can call it what you want, but when an American pays higher taxes, that is a tax increase.

Mr. McCAIN addressed the Chair.

The VICE PRESIDENT. The Senator from Arizona.

Mr. McCAIN. I request that the Chair state the constitutional point of order.

The VICE PRESIDENT. The question before the Senate is, Is the point of order well taken? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 44, nays 56, as follows:

[Rollcall Vote No. 244 Leg.]

YEAS—44

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Jeffords
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NAYS—56

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

The VICE PRESIDENT. On this vote, the yeas are 44, the nays are 56. The point of order is not sustained.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The VICE PRESIDENT. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, if I might inquire of the chairman, as I told him, we had another point of order and there may be one other before the day is out.

I was thinking of now proceeding, in a couple of minutes, and let Senator DANFORTH make a point of order. We will try to use less than the allotted time under the statute so we will have more time for Senators.

Mr. SASSER. I thank the Senator for that.

As the Senator from New Mexico knows, there are many Senators on both sides of the aisle who want to speak on this particular measure and our time is limited.

So if we could squeeze down the time on the points of order, it would allow our colleagues to express their views on the bill in general.

Mr. DOMENICI. Mr. President, I wonder if I might speak to Senators, for just a moment, on our side of the aisle.

Could we have order, please, Mr. President?

The VICE PRESIDENT. The Senator's point is well taken.

Those Senators wishing to engage in conversation will please retire to the cloakroom. Senators will please take their seats.

The Senator from New Mexico.

Mr. DOMENICI. I thank you for getting order, Mr. President.

Let me indicate to Republican Senators that I am trying to accommodate anybody who has come down here and asked for time. I now have 20 Senators on our side who have asked for some time. If more come and want time, I may have to cut back on the time of everyone a minute or so to see if I could accommodate as many as possible. I hope everybody understands that. I will do the best I can.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, I want to yield 1 minute to the distinguished Senator from Vermont.

But before doing so, I am advised that we have 26 Senators on our side of the aisle who have expressed a desire to speak. We are presently compiling a list. We are going to try to accommodate as many or all Senators if at all possible.

So, if there are others, other than the 26 on the list who wish to speak, I would ask them to come forward and make themselves known so that we can make a determination of what to do with the time.

Mr. DOMENICI. Could we have order, Mr. President?

The VICE PRESIDENT. The Senate will please be in order. Senators will please take their seats. Those wishing to engage in conversation, please retire to the Cloakroom.

The Senator from Tennessee.

Mr. SASSER. I thank the Chair.

I think the point has been made, Mr. President.

I yield 1 minute off the bill to the distinguished Senator from Vermont.

The VICE PRESIDENT. The Senator from Vermont.

Mr. LEAHY. Mr. President, on this last vote I voted "no." I was the last person in the Chamber to vote. I realize that my vote either way would not have made a difference.

I did this with great reluctance. I am strongly opposed to the idea of retroactive taxes of any sort. I think it is a great mistake. I think it is unfair. But I am convinced from reading the law that it is not unconstitutional. That is a different situation.

As I interpreted this, my vote means I do not feel that the retroactivity is unconstitutional. But I do think it is not the way to go. I think that it is a mistake and a mistake of policy for the Congress of the United States to institute retroactive tax hikes of any sort.

I thank the distinguished chairman of the Budget Committee for yielding a minute to me.

I yield back to the distinguished Senator from Tennessee.

The PRESIDING OFFICER (Mr. KOHL). Who yields time?

The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, if I might ask the distinguished chairman a question, we wanted to proceed with Senator DANFORTH, who has a point of order under the Byrd rule with reference to the State option provisions regarding immunization.

I am wondering if we cannot, on that, agree to 15 minutes on a side instead of a half hour as provided.

Mr. SASSER. Mr. President, I do not believe there is any time for debate allocated under the rules on a point of order.

Mr. DOMENICI. On the appeal, I mean.

The PRESIDING OFFICER. Appeals are debatable for 1 hour.

Mr. SASSER. I think the suggestion made by the distinguished ranking Member is a good one, and 15 minutes would be fine.

Mr. DOMENICI. I make that request and so ask unanimous consent.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. If there is an appeal, I ask unanimous consent there be 15 minutes on each side.

Mr. SASSER. Mr. President, reserving the right to object.

Mr. DOMENICI. Mr. President, I do not want to put the unanimous consent request and waste the Senate's time. We will take it up as it comes, and maybe the chairman and I can discuss that aspect.

Mr. SASSER. That is fine. I think that is a good suggestion.

I think we are going to be in position to agree to the request of the distinguished ranking Member. I was simply being distracted here and did not give full attention and did not quite understand what is being proposed. And I want to do that.

Mr. DOMENICI. I want 1 minute at this point, if the chairman does not mind.

Mr. SASSER. I am pleased to do that.

The distinguished Senator from Alabama, who was here a moment ago, also wanted 1 minute.

I yield to the distinguished Senator.

Mr. DOMENICI. I yield 1 minute off the bill, not off the Danforth proposal.

Mr. President, the time ran out on the debate with reference to constitutionality of retroactive tax increases. I have just spoken briefly with the majority leader as he stood there during the vote. I want to talk about an issue just very, very briefly that was raised.

I believe it was suggested that every one on this side and everyone in the Senate, so I imagine that includes this Senator, all knew that this retroactive tax was constitutional. I just want to state for myself that I am very, very doubtful that it is constitutional, and I use as my authority a recent court case dealing with retroactive tax provisions, a fact pattern that is very close to the law which is in this reconciliation bill. The Ninth Circuit Court of Appeals ruled in the case of Carlton versus United States, 1992, that a retroactive estate tax provision is unconstitutional.

The decision has been appealed to the Supreme Court. But the Ninth Circuit interpreted the Supreme Court rulings to indicate that a retroactive death tax, estate tax, was indeed unconstitutional.

> Courts must consider the nature and circumstances in which it is laid before it can be said that its retroactive application is so harsh and oppressive as to transgress the constitutional limit.

So I voted the way I did because I believe this case is right and will be sustained by the Supreme Court. I have no such belief that I voted on political grounds or the like. I think it very well may be that the courts declare it unconstitutional.

The Senate could have saved the courts the trouble, because it is our prerogative under the Constitution to make fair laws and we could have voted today to at least make the income and estate taxes prospective.

With that, I yield the floor.

Perhaps the chairman has somebody on his side who wishes to speak.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Mr. President, I see the distinguished Senator from California on the floor. She has been waiting patiently to speak for some time.

I yield 10 minutes to the distinguished Senator from California.

The PRESIDING OFFICER. The Chair recognizes the Senator from California [Mrs. FEINSTEIN].

Mrs. FEINSTEIN. Thank you, very much, Mr. President. And I thank the Senator from Tennessee for this opportunity.

For decades, America—and my State of California—have been the golden land where dreams come true. Endless economic opportunity. A good job. And the hope that our sons and daughters will have even better lives than ours.

Today, however, the American dream is in jeopardy of being shattered—by the lingering recession, higher unemployment, corporate downsizing, and defense downsizing. In fact, in California, there are 1.4 million people out of work

The growing Federal deficit and the interest on the debt has a major impact on the American economy.

Not to act and not to address the deficit will, I believe, penalize our children, our grandchildren, and, yes, our great grandchildren.

Our economy is on the wrong track. The budget deficit is too high, the national debt too large, and our savings and investment rates are too low.

The time for strong leadership is now. It is now time to step forward—with a package that creates job and reduces this massive debt. And the time has come to put America back on the right track.

The tragedy is that none of this can happen until we get a handle on our debt. This bill is the first step—it attacks and reduces the growth of the deficit by nearly $500 billion.

This is not a perfect bill, far from it. This is a bill that will move this country forward. It will help us reduce the deficit by $496 billion—by cutting spending by $225 billion and raising revenues by $241 billion.

A lot of people think that they are going to be hit with a large tax increase. That just isn't true. Let me correct a major misunderstanding about this bill: Families that earn less than $140,000 will not see their income taxes increase 1 cent from this bill. There is no increase in income taxes for the middle class.

Let me, Mr. President, tell you how the personal income tax provisions of this bill impact Californians.

I come from the largest State in the Union with 31 million people and let me tell you who is impacted by the tax provisions of this bill.

In California, there are 13 million Federal income tax payers out of the entire population of 31 million people. Fifty thousand were single taxpayers who earned over $115,000 adjusted gross income or $140,000 of total income. Two hundred and fifty thousand were families who earned over $140,000 adjusted gross income or $180,000 in total income. These are the only taxpayers in the State who will have their income taxes go up as a product of this bill; 300,000 out of 13 million Federal income taxpayers.

Meanwhile, 2 million taxpayers will have their taxes go down as a consequence of this bill. Of course, this bill would ask everyone to contribute through a modest increase in the gas tax—and will ask 13 percent of the Social Security recipients, those with the highest incomes, to contribute. The important point to note, however, is that over 12 million people in California will see their income taxes remain the same or go down.

There are two charts which tell a story that have not been told in these discussions. They tell the story of the interest on the debt.

I remember when I paid my home mortgage and every month I would get that home mortgage tab from the bank. One line would be interest and the other would be payment on principal of 30-year fixed rate loan. So, during the first years, I noticed I was paying almost all interest. And then suddenly, the interest began to decline and suddenly I was paying more principal and was building equity in my home. And, it was a great thrill. I could replace a refrigerator. If the roof leaked I could replace it. If all of a sudden, I walked downstairs and a pipe had burst—which happened—I could replace it. The interest on my loan continued to decline and as the equity grew, it could finance repairs and improvements.

The problem with the Federal Government is that the interest on the debt is not declining. The interest on the debt is increasing. And, consequently, it is pushing all other things aside and we're not able to take care of our education, our agriculture, our crime needs, or anything else. Because, the largest single escalating part of the budget, next to entitlements, is interest on the debt.

Let me show you for a moment what that means. In 1968, net interest comprised 6.2 percent of the budget. The military was 46 percent of our budget. Entitlements were 25.2 percent. And all other spending comprised 22.6 percent.

Things are very different today—and it is shocking. Entitlements are almost half of our entire Federal outlay—48.5 percent. The military is down to about 20 percent. Net interest is up to 13.7 percent—$201 billion.

Mr. President, the interest on the debt today is higher than the entire budget in 1968.

I am someone who until Wednesday was undecided about how to vote on this package. I also wanted to look at alternatives. But the one alternative—the Republican plan—has none there. No additional spending cuts not one more than the $255 billion offered by this plan. And it would cut the deficit by $359 billion—$13 billion less than the measure before us.

Now, I must say that I do not like retroactivity one bit. I agree and I will support an additional cut of 3 percent across-the-board cut in discretionary spending this year to eliminate the retroactivity of this bill. This would generate about $13 billion. The retroactivity generates $10 billion.

The plan before us today—the only real plan—involves pain for all of us. But deficit reduction cannot be achieved without some pain because our situation is so critical. If all so-called discretionary spending was eliminated, that would still not eliminate the deficit. At the very least, if a bill has to inflict pain, it should be on those most able to handle the pain.

Let's look what will happen if we don't pass this today and instead stay with our current policies. In 10 years:

Our deficit will more than double to $653 billion.

Our national debt will more than double to $7.5 trillion.

The money spent on just the interest on the debt will increase to $437 billion—from $200 billion today.

If we fail to get a hold of the deficit, America's economic roof will cave in. In short, we will be bankrupt. Today, 42 cents of every individual's taxpayer dollar goes only to pay interest on the debt. So, all the tax dollars collected from people west of the Mississippi pays interest only. These taxes don't go to defense, or education, or agriculture, or health care. They only go to interest.

And if that isn't bad enough, this debt is increasingly owned by foreign interests. Today, foreign interests own nearly 20 percent of our debt. We are dependent on other countries to purchase debt instruments just to keep the largest democracy in the world alive. That, I believe, is one of the reasons America is often a paper tiger when it comes to trade.

Rising interest costs and the budget deficit have another major impact on the health of our economy—our savings rate. Money saved in a bank does not just sit in the bank.

It is used by the bank to make loans to small businesses, to build and finance homes, and to invest in the creation of new jobs. Savings is the engine that drives our economy. As our savings rate drops, so does our investment in our economy.

In less than a generation, our national savings rate as a percent of our national product has fallen by half. The United States now saves less than any other major industrialized country in the world.

Between 1969 and 1989, the United States saved at an average of 7.2 percent. During that same period the Japanese saved at nearly three times that rate—20.7 percent—and the Germans at nearly double our rate—14 percent. No wonder banks aren't lending. Between 1980 and 1990, the U.S. savings rate fell to about 3 percent. In one decade, savings dropped 50 percent of gross domestic product.

It is time for change. It is time to change our economic policies. And this, Mr. President, is the first step.

And now let me say what one economist—Charles Schultze—a former Chairman of the President's Council of Economic Advisers—wrote to me:

> The retroactivity feature will take some modest additional income from high income taxpayers and from corporations next spring. While the program would have been better without this feature, the economic consequences, in a $6 trillion economy, will be minimal. But failure of the bill itself would be a truly major blow to the American economy. Both in itself, and in terms of what it implies for future budget discipline, failure to enact the bill would be a serious setback to the prospects for long term economic growth. And it would also pose some major threats to short term economic recovery. The government in Washington would be sending a signal to financial markets, to American consumers, and to the rest of the world that the nation had lost the political will and capacity to control a key element of its own economic destiny—its fiscal policy.
>
> Interest rates would most likely jump substantially. I would be worried that consumer confidence would be badly affected: why would the average citizen not draw the reasonable conclusions that America was simply drifting economically, with no hand on the tiller and no plan for economic improvement in place? And American economic leadership—in a world that is economically fragile anyway—would be eroded in a major way.
>
> I am normally not a Cassandra. Usually the nation is strong enough to withstand a lot of bad economic management; we somehow muddle through successfully. But now, with the Democratic Party in control of both branches of government, after an initially promising start and then months of negotiation, if it turns out that the system simply cannot pull itself together to accomplish the first steps of essential budget discipline, then I do fear the consequences.
>
> If there is anything I can do to help, now or in the future, please let me know.

This is signed by Charles L. Schultze, senior fellow, the Brookings Institution.

A top business leader from Wall Street, Henry Kaufman, wrote to me:

HENRY KAUFMAN & CO., INC.,
New York, NY, July 29, 1993.

Hon. DIANNE FEINSTEIN,
Senate Hart Office Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: I want to urge you to make a strong effort to help prevent an impasse in the budgetary proceedings. This is because a budgetary stalemate would have serious negative implications for our financial markets and thus, for the economic recovery. Such a stalemate would end market expectations of stable and certainly further declines in interest rates. Indeed, it would set the stage for interest rate increases from a series of market developments that are likely to become visible in the coming months.

There are at least four factors that will encourage higher interest rates. First, market participants would conclude that rising budget deficits are in the offing. Instead of declining U.S. borrowings, the markets would have to contend with enlarged credit demands from the Government just at a time when private credit demands would be rising, a typical event during a business recovery.

Second, the Federal Reserve will most likely view the absence of budgetary progress as a signal that will encourage it further to tighten monetary policy. As you know, the Fed has already adopted an asymmetrical approach in favor of a tighter policy should conditions warrant it.

Third, a budgetary stalemate raises serious questions concerning the U.S. Treasury's capacity to put into place its recently announced modified quarterly financing procedure in which it eliminated the offering of new seven year notes and reduced the offering of new 30-year bonds to a semi-annual instead of a quarterly basis. I believe this decision has already contributed to strengthening the long term bond market. Market participants, however, will quickly conclude that the U.S. Treasury will have to go back to the former enlarged financing pattern in the absence of a satisfactory budgetary resolution.

Fourth, foreign private sector purchases, which have been an important source of funds to both U.S. bond and stock markets, would slow appreciably as foreigners would question anew our resolve to put in place an effective fiscal policy.

A reversal in declining interest rates, would, of course, end the ability of households to refinance existing debt such as mortgage borrowings at substantial cost savings and hamper what up to now is already a below cyclical recovery in new residential home activity. For business, the reduction in interest rates has facilitated substantial balance sheet restructuring, reduced financing costs and a huge volume of new equity flotation. In contrast, a rise in interest rates now would not only terminate the financial rehabilitation of businesses and households, but the accompanying likely drop in stock prices would reduce household wealth appreciably. This is because households have been huge buyers of stock and bond mutual funds by liquidating short term liquid assets, mainly deposits. As a result, falling stock and bond prices would have a greater negative impact on consumer spending than in the past when these markets were under pressure.

If you wish to discuss these conclusions or any other related matter with me, I would be pleased to do so.

Sincerely,

HENRY KAUFMAN.

My conclusion is that this bill is the first step to reduce the deficit. It is not a perfect plan. But it is critical that we make the choice now.

I represent a State in the depths of the recession. Nearly 1.4 million people in the State of California are out of work—more than the total population of 13 other States.

I was disappointed by this bill when it was before the Senate a few weeks ago because it did not contain enough incentives to crate jobs. And I'm talking about good jobs with good salaries for working men and women. And I have raised these concerns on this floor, with the President, and the congressional leadership.

Today this bill is very different in that it will now provide several billion dollars in economic investment incentives. Among them

Targeted capital gains tax break.—Any incentive to start a small or midsized business was entirely wiped out of the bill previously approved by the Senate. The conference committee report puts this important incentive back in the package—and includes a capital gains exclusion of 50 percent for investment in small businesses that are held for at least 5 years.

This will provide patient capital for the startup and expansion of small and midsized businesses. Increasingly, as large businesses downsize, the jobs of the future will come from new businesses—and they will be small and midsized businesses. This targeted capital gains reduction can help create jobs.

Extension of the research and development tax credit.—Entrepreneurial companies need this incentive to invest and expand. I was deeply concerned that the Senate bill only extended the tax credit for 1 year—and in addition let the credit lapse for a year. So I began pushing. And today the conference committee report extends the tax credit back a year and forward 2 years. So, the tax credit is in place for a total of 3 years—a major change.

With this longer credit, a major business leader in California told me his company would hire 100 new scientists with this credit and estimated that it would create 10,000 new jobs in California alone.

Elimination of the surtax on capital gains.—The previous Senate bill placed a 10-percent surtax on capital gains. The conference report eliminated this proposed surtax. The goal is to see capital pumped back into the economy to increase jobs. If the Federal Government is going to tax high income earners, it should not discourage them from investing in our Nation's economy.

A Federal enterprise zone program.—Without real tax incentives, enterprise zone programs don't work. And rather than make the changes in the program needed, the earlier Senate bill did not include an enterprise zone program at all. I believe these programs can be critical in regions such as east Los Angeles, south central Los Angeles and Oakland to attract businesses to invest. The conference report includes a $3.5 billion program to promote job creation.

In addition, the bill includes other investment incentives, such as expensing provisions, the passive loss rule changes for real estate and low-income housing credits. This will create thousands of good jobs in California and the expansion of small businesses which can stimulate economic recovery.

Just these provisions offer a possible stimulus for the California economy of $2 billion.

As I said, this is an important first step. I will vote for the bill. But unless we control entitlement spending—particularly health care costs—we will not truly control our Federal budget. that is the next step. But we cannot get there until we control the growth of interest on the debt and that is what this bill will do.

With that done, this economy can grow and create jobs. That is what this is all about—creating new jobs and good jobs. And that is the essence of the American dream—a good job, a solid home, and a hope for a better future for our children.

I urge my colleagues to vote for the conference report and to take the first step to improve the economic health of this country.

Mr. SASSER. Mr. President, I thank the Senator from California. I have been discussing with the distinguished ranking member ways and means with which we could allow all of our colleagues to speak, or as many as possible in the limited time that is available to us. I shall propound a unanimous consent request at this time.

Mr. President, I ask unanimous consent that the following be the order of speakers and that all speakers be limited to no more than 7 minutes each, or such lesser amount as their respective manager might yield; provided that such time may not exceed the time currently available for either side. And the speakers who have indicated they wish to speak on the minority side are: Senators ROTH, MURKOWSKI, PRESSLER, HUTCHISON, BENNETT, McCAIN, LOTT, D'AMATO, NICKLES, COVERDELL, WARNER, BROWN, DANFORTH, HATCH, HELMS, SPECTER, COATS, NUNN, BURNS, COCHRAN, GRASSLEY, DOMENICI, and the distinguished minority leader, Senator DOLE.

On the majority side the speakers who have indicated a wish to speak are Senators GLENN, BOXER, WOFFORD, DORGAN, BRADLEY, DeCONCINI, RIEGLE, REID, GRAHAM, AKAKA, KERRY of Massachusetts, ROBB, FORD, MURRAY, LEVIN, BAUCUS, HOLLINGS, BREAUX, METZENBAUM, WELLSTONE, MOSELEY-BRAUN, KENNEDY, SIMON, SARBANES, PELL, HARKIN, SASSER, and the distinguished majority leader of the Senate, Senator MITCHELL.

There should be alternating between sides of the respective speakers, beginning with Senator ROTH on the minority side; provided further, that if a Senator is not present when that Senator's time arrives, the manager may substitute another Senator on that side and place the absent Senator later in the order; provided further, that if time remains on either side after the speakers named, that the manager on that side shall control such time as remains; provided further, that each manager shall control 30 minutes out of the time currently available that he may yield at any time; provided further, that points of order may be raised at any time.

Mr. DOMENICI. And the appeal would follow.

Mr. SASSER. And the appeal will follow and shall be limited to 15 minutes evenly divided.

Mr. DOMENICI. Fifteen minutes on a side.

Mr. SASSER. Thirty minutes evenly divided.

Mr. DANFORTH. Mr. President, reserving the right to object. My hope had been to make a point of order at this time, however, to precede that point of order with two parliamentary inquiries. I wonder if those two parliamentary inquiries preceding the point of order could be accommodated and, if so, you can strike me from the rest of the list.

Mr. DOMENICI. I am willing to add that as a part of the consent.

Mr. SASSER. Yes, I have no objection.

Mr. President, and further amending the unanimous-consent request, I ask that Senator EXON be added to the list following Senator HARKIN.

Mr. DOMENICI. And, Mr. President, I would like to, at the suggestion of the Senator, Senator COVERDELL does not desire to speak any further; Senators CRAIG, BOND, CHAFEE and SMITH on our side.

Mr. SASSER. That pretty well includes, Mr. President, every Senator in the body, I think, on both sides of the aisle.

Mr. RIEGLE. Mr. President, is there a unanimous-consent request pending?

Mr. SASSER. There is a unanimous consent request pending.

Mr. RIEGLE. May I reserve the right to object to ask a question with respect to the issue the Senator from Missouri is going to raise?

As I understand it, there was a request for 30 minutes of time equally divided on that issue. I am not sure we are going to need that much time. I am wondering, in light of the pressure on time and the fact that so many Members want to speak anyway, if we could not reduce that amount of time. I am prepared to do so if the Senator is.

Mr. DANFORTH. Mr. President, I just as soon keep it at 30 minutes, but I have no intention of taking any more time than absolutely necessary. So I will attempt to economize the time.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

Mr. SASSER. Mr. President, I ask unanimous consent to amend the unanimous consent agreement to add Senator BUMPERS following Senator EXON.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I wonder if the Senator from Tennessee might engage me with just a quick colloquy. Even though there may be more Senators from one side of the aisle or the other that are on the list—and I assume it is more on the other side —the intention of this is that the amount of time we have and the amount of time the other side has will be governed on the proposition that we each have an equal amount of time; I will divide up mine among our side and the Senator from Tennessee will divide his among his Members.

Mr. SASSER. Such time as we have remaining to us will be equally divided, as it is now.

Mr. DOMENICI. I yield the floor now to Senator DANFORTH.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

PRIVILEGE OF THE FLOOR

Mr. SASSER. Mr. President, before yielding to the distinguished Senator from Missouri, I ask unanimous consent that Ed Grossman of the House Legislative Counsel's office be granted the privilege of the floor during consideration of this reconciliation conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Missouri.

POINT OF ORDER

Mr. DANFORTH. Mr. President, I am concerned about the state of the Byrd rule, which is a rule that I think is extremely important in the Senate, and concerned that budgetary effects which are incapable of estimation have been used to justify what I would think to be extraneous provisions in this bill, I would like now to make two inquiries of the Chair.

First, is a provision of the budget reconciliation bill extraneous under section 313(b)(1)(A) of the Budget Act, the Byrd rule, if it produces no changes in outlays or revenues that can be estimated?

The PRESIDING OFFICER. Such a provision would not necessarily be out of order.

Mr. DANFORTH. Would not necessarily be out of order.

The second question is: If the impact on outlays or revenues cannot be estimated, are they merely incidental to a nonbudgetary component under section 313(b)(1)(D) of the Byrd rule?

The PRESIDING OFFICER. Once again, that would not necessarily be the case.

Mr. DANFORTH. Mr. President, I now wish to raise a point of order, and do raise a point of order under sections 313(b)(1)(A) and 313(b)(1)(D) of the Budget Act, known as the Byrd rule; that title XIX, section 1928(d)(4)(B) in the conference agreement, section 13631(b) is extraneous to the reconciliation bill because it produces no change in the outlays or revenues or produces changes in outlays or revenues which are merely incidental to the nonbudgetary components of the provision.

The PRESIDING OFFICER. The point of order is not well taken.

Mr. DANFORTH. Mr. President, I appeal the ruling of the Chair.

The PRESIDING OFFICER. Under the previous order, there is a half-hour equally divided on the appeal.

Mr. DANFORTH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is this a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DANFORTH. Mr. President, as I stated earlier, my concern is about the efficacy of the Byrd rule which I think is very important in keeping extraneous matters from reconciliation bills. This particular provision on which the point of order has been raised is a provision on which there is precedent in the Senate; that is, the comparable provision that was in the Senate reconciliation bill was a provision on which a point of order was made and that point of order was ruled on by the Chair. The point of order and the ruling can be found in the CONGRESSIONAL RECORD of June 24, 1993, at pages 14110 and 14114.

So there is a precedent contrary to the just-announced ruling of the Chair that is in the precedents of the Senate.

The Congressional Budget Office was asked by me for the budgetary effects of this particular provision which has to do with the so-called State option provision of the immunization portion of the bill. The relevant part of the answer of Mr. Reischauer was as follows:

> The paragraph referenced in your letter would allow States to purchase additional quantities of vaccines at the CDC price and would, therefore, affect the prices the Federal Government would pay. While the paragraph cited was a consideration in developing our estimate of section 13631, we do not have the ability to estimate its budgetary effects separately.

So, in other words, the quantity of vaccine purchased would affect price, but CBO is unable to make that estimation.

What has happened in this particular provision of the bill is that there is a major substantive change in the law, a major substantive provision appears in the bill and CBO is unable to estimate what the consequences of that provision would be. It is the position of this Senator that if CBO cannot make that estimate, then clearly at the very least the revenue consequences or the budgetary consequences are merely incidental and that that provision should not be allowed to stand.

There are other provisions in the bill in which the budgetary consequences are so thin as to raise the question as to whether they are incidental. I am not going to raise them on one point after another, but I simply make that point to the Senate, that we have embarked on what I think is a very dangerous course by using puny, if any, budgetary consequences to justify very significant changes in the substance of the law.

I have already debated before the Senate on another occasion the so-called BST provision in the legislation which creates a moratorium for 90 days on the sale of bovine somatotropin. I think that is a terrible precedent as far as both trade policy and science policy is concerned, but that is justified by the fact that it is linked to a $4 million increase in outlays. In other words, we have shoehorned into this legislation $4 million of additional spending in order to rationalize a major change in U.S. science policy.

Similarly, with respect to the auction of spectrums, a very significant substantive change in the law, changing the way in which mobile telephones are regulated is in the legislation, despite the fact that the Congressional Budget Office has said: By itself, excluding the provisions you have identified, would not cause CBO to change its estimate of receipts, although the probability that the Federal government would receive the amount that they have estimated would decrease."

So my point is very simply this, Mr. President. If CBO is unable to estimate the amount, then the budgetary consequences are so minimal and so tangential to the bill that they do not justify substantive changes in the law. And therefore, if the Byrd rule has any real meaning, if it is truly a rule, then these provisions should be stricken.

Mr. CHAFEE. I wonder if the Senator will yield to a question, Mr. President?

Mr. DANFORTH. Of course.

Mr. CHAFEE. I ask the distinguished Senator from Missouri, are we not on a course here that really makes a complete joke out of the Byrd rule? All one has to do is to take a provision that makes a major change in the law, that has nothing to do with finances, either revenue or expenditures, for the Federal Government, and then dream up some conjectural figure that affects the spending of the Government in some way, tack that in there and say we have now complied with the Byrd rule.

For example, I suppose somebody could stick into a reconciliation measure statehood for the District of Columbia and say, oh, it is going to affect expenditures, and so thus we have opened the way for reconciliation to include all forms of massive changes in the law for the U.S. Government and actually everything goes through in an expedited fashion, limited debate, no filibuster. We are duplicative of the House of Representatives. Am I correct in that?

Mr. DANFORTH. That is exactly my concern. The author of the Byrd rule is on the floor. I hope he speaks to this issue. But I would simply point out that when the Byrd rule was adopted in the debate, Senator BYRD said, and this is a quote, "Because policy matters that do not have clear and direct budgetary consequences are supposed to remain outside its scope."

That is precisely the point of the Byrd rule, which I think is an excellent rule, and I am really concerned that with extremely thin pretexts, the Byrd rule is being circumvented and that the effect is to include in this legislation major matters of substance.

Mr. CHAFEE. Could I ask one more question of the Senator?

Am I correct in that we are not discussing the merits of the proposal, whether it is good or bad; what we are discussing is the procedural situation here, where we can just make major changes in laws of the United States under the guise of reconciliation, which is to deal with the Federal budget and expenditures, and instead we are changing laws of the country?

Mr. DANFORTH. That is correct. And it is exactly the point. The two managers of the bill have just set forth a time agreement where everybody gets to speak for 7 minutes. If you get to speak for 7 minutes on changing the way that the mobile phone industry is regulated, for example, that is precious little time, and that is exactly the reason why that kind of matter of substance should not be part of a reconciliation bill.

Mr. CHAFEE. I thank the Senator.

Mr. DANFORTH. I reserve the remainder of my time, Mr. President.

The PRESIDING OFFICER (Mr. DODD). Who yields time?

Mr. RIEGLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. Mr. President, how much time has been consumed by the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri has consumed 8 minutes and 17 seconds.

Mr. RIEGLE. I thank the Chair.

Let me make several points. First of all, I think the last colloquy between the Senator from Missouri and the Senator from Rhode Island establishes that they are not challenging this provision on its merits. They are challenging a technical budget procedure here but not the substance of this provision.

I think I am stating that correctly. And the Senator from Missouri is nodding in the affirmative.

So, this is not a substantive difference on the merits of this provision. It is a very good provision because it has to do with immunizing uninsured children in this country. And we want them immunized against diseases for their safety and also because it costs us a lot more, frankly, if they get sick and have to be treated than it does to pay a much smaller price to see that they are properly immunized and protected against diseases.

Now, just in terms of the consequence of what has happened here, the point of order has been ruled invalid by the Chair. The Parliamentarian ruled that the way this is drafted is proper. It does meet the Byrd rule, and so therefore a point of order does not lie.

Now, the Senator is pressing beyond that and has asked for a vote. We will have a vote. I raised my hand as well for him to have a vote. But let me just make a point with respect to what the practical consequences would be if this point of order, which the Chair has ruled is incorrect, and which I am asserting is incorrect, were to prevail.

In that unfortunate instance, my understanding is that that would delete this provision from the bill. This would make our bill then different from the House bill, and we would be in a situation where the entire conference report would be rendered in effect null and void.

So this is really a killer vote, whether so intended or not, and it should be understood that it would have that consequence if it were to be adopted. So not only does it fall on the merits, and it falls on the substance, which I am going to get to in a second, but it also in a third instance is a killer proposition in terms of, in a sense, bringing down the entire package, not just this one item but in effect the entire package.

Now, with respect to the substance of the issue itself, the Senator from Missouri quoted from a letter from the Congressional Budget Office but he did not quote the most important part of that letter, which in effect answers and refutes the assertion that he is making.

I am going to ask unanimous consent that that letter be printed in the RECORD at the end of my remarks.

(See exhibit 1.)

But in the final paragraph of that letter, the director of the Congressional Budget Office, Dr. Reischauer says: "The paragraph referenced in your letter would allow States to purchase additional quantities of vaccines at the CDC price" and here is the critical language "and would therefore affect the prices the Federal Government would pay."

That is the whole issue here. States come in and combine their purchasing with the Secretary in terms of the national purchasing effort of vaccines. That will have an effect on the price, and therefore the total cost of this effort.

So the Budget Office has clearly established the relationship that makes it proper within this bill and means that, of course, it does conform to the Byrd rule.

So it is important that that be noted because that in a sense is the proof, if anybody needed an independent proof, that in fact that is the case.

Finally, the issue here is that if States should decide that they want to blend their buying requirements together with the Federal Government so that the Secretary of Health and Human Services can go out and negotiate a package purchase and a package price, that is obviously beneficial to the States and clearly is going to be beneficial to the Federal Government and does have an obvious and direct budgetary impact.

Underneath this, we are trying to get kids out there protected against preventable diseases. This is a solid immunization program. It has been worked out on all sides.

The Senator from Missouri and the Senator from Rhode Island have said they are not challenging it on its merit. I appreciate the fact that they have made that stipulation. It is very important that it be in here. It is entirely within the rules, as the Parliamentarian has now ruled. It is very important that it be retained; and, in fact, if it were to be knocked out, improperly so at this point, it would jeopardize the entire package.

I reserve the remainder of my time.

Mr. DANFORTH. Mr. President, just three short points. The first is that I did read the part of the letter that Senator RIEGLE read. I read the entire paragraph in question. I am not trying to hide——

Mr. RIEGLE. Let me beg the pardon of the Senator from Missouri. If he did, I did not hear that. I do not want to make an assertion.

Mr. DANFORTH. I did read it. What the letter does say is that the quantity of vaccine that is purchased has some effect on the price. But it says that the CBO cannot estimate what the effect is. That is exactly the nature of the question, two questions that I put to the Chair.

If budgetary impacts cannot be estimated, if no number can be put on them, then it is the position of this Senator that they are so ethereal, so lacking in form as not to constitute the kind of clear and direct budgetary consequences that Senator BYRD spoke of in the debate when the Byrd rule was first created.

So that really is the point.

The second point I would make is that in connection with the Senator from Michigan's point about bringing down the entire bill, that is exactly the situation we are in now. I mean, that is the position that we have been put in by virtue of this whole legislation. Senators are able to leverage their vote into whatever they want to put in the legislation. That is what happened with the BST issue, where a moratorium on bringing to market a new scientific product was accomplished because a Senator took the position that that was absolutely essential to him.

So I think that that is exactly the point. I mean, if a Senator feels strongly about a position, if a Senator really believes in some particular change in the law, then that Senator can say, well, the best way to get this done is the budget reconciliation.

So I am going to insist that my substantive change be put in the law and then the Parliamentarian is under tremendous pressure. How do I justify the situation? How do I come up with some rationale for it under the Byrd rule? And the result is a convoluted process of reasoning which ends up with some theory of pricing despite, I might say, the fact that there is an overall cap in this legislation on the price that can be charged.

So, maybe anything goes. Maybe any change that is theoretically possible in the budget justifies the most gigantic substantive change in the law. Maybe, as Senator CHAFEE pointed out, the fact that if the District of Columbia were to become a State, it might have budgetary consequences, would justify inserting that in this legislation.

But the point of the Senator from Missouri is if the Byrd rule is really a rule—if it is more than something that is just applied on a whimsical basis—if it is really a rule, then we have to say that unless there is a real number placed on the budgetary consequence, the budgetary consequence is not sufficient to justify the extraneous matter in the legislation.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. CHAFEE. Will the Senator yield for another question?

Mr. DANFORTH. Of course.

Mr. CHAFEE. I would like to ask the Senator from Missouri, this has unlimited possibilities and legally can turn this place upside down.

Let us take another example. A major issue that is going to be debated presumably on the floor of this Senate is going to be whether you should permanently ban replacement workers for strikers. That is a big substantive issue. There are strong feelings on both sides of the aisle.

Is there anything that would prevent that being put in reconciliation, going through under a time limit with 8 minutes to debate it, by an individual Senator?

Mr. DANFORTH. Nothing at all. I believe that unless the Chair is overruled by the Senate, unless the Chair is overruled, there is nothing to prevent major health care reform from being put into the reconciliation bill.

Mr. CHAFEE. Clearly, that is going to affect the Federal budget. You can put a 1,200-page health care reform bill into reconciliation without any trouble. The Byrd rule in effect means nothing as far as I can tell.

Mr. DANFORTH. That is my concern. My concern is that the effect of this ruling, if it is allowed to stand, means that the Byrd rule has been gutted.

The PRESIDING OFFICER. Who yields time?

Mr. RIEGLE. How much time is left on both sides, Mr. President?

The PRESIDING OFFICER. There is 1 minute, 24 seconds on the side of the Senator from Missouri; and 9 minutes, 32 seconds on the side controlled by the Senator from Michigan.

Mr. RIEGLE. I thank the Chair.

Mr. President, let me just respond to the points that have just been made. First of all, going back to the CBO letter, we will have the whole letter printed in the RECORD as a point of reference for those who will be reading this.

In fact, the CBO letter, to my reading, sustains the argument that I am making, that there is a relationship between quantity of vaccines being negotiated for and purchased and therefore the price and therefore the cost. Depending upon where that works out, it has a direct budgetary impact. That is the clear message of the letter from the Director of the Congressional Budget Office.

It obviously means that this does meet the Byrd rule. It is germane in every sense, and proper. That is what the Parliamentarian has ruled.

So I think that letter makes that very clear.

Second, the Senator from Missouri concedes the point that if his challenge, which I think and if asserted is properly grounded, if his challenge were to carry on this vote that is upcoming, it will bring down the entire bill. He acknowledges that point. That would be the effect, whether that is what he intends or not.

I think that is a very powerful reason in and of itself to reject his contention. But I think a careful reading of the facts here and what the Parliamentarian has ruled provides the proper grounds for doing so.

Finally, again, I think it is important to emphasize that the Senate from Missouri and the Senator from Rhode Island, who has joined him in a colloquy, are not objecting to the substance of this provision, the merit of this provision, which has to do with making sure that poor children in this country who do not have insurance are able to be immunized against dreaded diseases, diseases that can kill them.

And so this has been very carefully worked out. It conforms with the Byrd rule, and it does have a budgetary impact. But it has a very important human impact. This is something in this bill that makes a positive difference for our country, and it will save us money over the long run, and a lot of heartache as well.

There are a lot of things people might want to knock out of this bill. This is one thing nobody should want to knock out of this bill, and they, in a sense, say that themselves, that they are conceding the merit of this provision.

This provision is absolutely germane. It fits the Byrd rule. That has been the ruling. If it were to be taken out at this point, it brings down the entire bill, and that would be a disservice by any measure. I hope the Senate will so vote and reject the contention of the Senator from Missouri.

I reserve the remainder of my time.

Mr. DANFORTH. Mr. President, I yield the remainder of my time to the manager.

The PRESIDING OFFICER. The Senator from New Mexico has 1½ minutes.

Mr. DOMENICI. Mr. President, let me first compliment the Senator for raising this issue and make a couple of points.

One, if this provision is stricken, the bill does not die. It goes back to the House. Second, we know that this is a bill that some want to get through here so quickly that maybe it is not even thought to be right to talk about the impact of this bill on the future of the Senate. But, frankly, I want to do that for a minute. Somewhere in this 20-pound bill, 2,000 or so pages between bill and report, different committees in the Senate and the House and a myriad of staff members were busy putting new things in here that had nothing to do with the budget.

You see, reconciliation is a measure that is supposed to match up with the budget resolution. So if taxes are raised in the budget resolution, you are supposed to come along in this reconciliation bill and raise taxes.

However, over time, it got very loaded with measures that had nothing to do with the deficit, and the limitations on amending or striking these extraneous items were extensive.

So about 7 or 8 years ago, Senator BYRD proposed a limitation on what you could put in there. And even after a couple of years of experience with the rule, he said—and I want to quote—he said to the Presiding Officer:

"I close by saying, as I began, that human ingenuity can always find a way to circumvent a process, and reconciliation is a process. It has been abused terribly."

Now we put in this Byrd rule so reconciliation would not be abused terribly. I compliment the chairman and the Parliamentarian for taking out about 150 measures from this bill that were part of the concern Senator BYRD had 7 or 8 years ago. However, there are now some newfound potentials for abuse that have not been dreamt up before that are being applied to the Byrd rule itself. One of them is this provision where the Senator attempts to establish that you cannot even prove that this provision adds to the deficit or subtracts from the deficit, and his conclusion is, I assume, rather logically, it is therefore not germane; that it is extraneous to deficit reduction, am I correct?

Mr. DANFORTH. That is correct.

Mr. DOMENICI. In that case the only remedy we have is to make a point of order and appeal. The Senate obviously will not grant that tonight, because the Parliamentarian has ruled, and that is the way the majority party is going to vote.

I thank the Senator for raising that point. It is a very important one. The future of this process may depend on whether in the future we are willing to do something about these kinds of problems or not.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan has 6 minutes, 30 seconds remaining.

Mr. RIEGLE. I do not intend to use all of that time. I want to correct the RECORD—there was an issue on the case of new vaccines coming into the market, whether there will be a cap on the price of those vaccines in terms of this negotiating process with the Secretary, and the answer is there would not be.

These new vaccines would come in in their own right. Whatever price would be negotiated would be negotiated based on them as being new vaccines coming into the market and taking into account research and developmental costs and things of that kind. So there should be no confusion about that. I am told there are some six new vaccines that are in the mill and will be coming on stream at a later time.

Contrary to what the Senator from New Mexico, I think, implied in his comments, if this challenge were to be sustained—and as I say, improperly so in my view, in terms of the parliamentary facts—this would effectively kill this bill. Sending it back to the House to start again through the negotiation process would have the effect of putting us in an impossible situation. I think everybody here knows that. So that will be the effect, whether that is the intent or not.

So this provision is entirely germane. It is carefully written. It does meet the Byrd rule, as the Parliamentarian ruled. It is going to save us money, and it will help the country in important ways in terms of protecting children against things like measles and diphtheria and other things that we can vaccinate them against to protect them.

I very much hope that the Senate will reject this effort to overturn the ruling of the Parliamentarian.

EXHIBIT 1

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 5, 1993.

Senator JOHN DANFORTH,
U.S. Senate, Washington, DC.

DEAR SENATOR: Your letter of August 5th requests a cost estimate of a paragraph in section 13631(b) and is title XIX section 1928(d)(4)(B) of the Conference Agreement of the Omnibus Reconciliation Act of 1993.

Section 13631 would establish a Pediatric Immunization Distribution program. The Congressional Budget Office has estimated that this program would result in federal costs of $585 million over the period 1994 through 1998. In order to estimate the costs of this program, we have estimated the prices that the Center for Disease Control (CDC) would be able to negotiate with vaccine manufacturers. These prices would depend in part on the quantities of vaccines to be purchased.

The paragraph referenced in your letter would allow states to purchase additional quantities of vaccines at the CDC price and would, therefore, affect the prices the federal government would pay. While the paragraph cited was a consideration in developing our estimate of Section 13631, we do not have the ability to estimate its budgetary effects separately.

I hope this information is helpful.

Sincerely,

ROBERT D. REISCHAUER.

Mr. SASSER. Mr. President, I yield myself such time as I may consume, and I will be very brief.

Mr. President, first, with regard to the Byrd rule, we worked very hard and very faithfully over a period of well over a week in going over this bill to try to clarify and remove items that might be subject to the Byrd rule.

As the distinguished ranking member indicated, I think over 150 items were removed from the reconciliation instrument here, because it was felt that they would be subject to the Byrd rule. And we furnished our friends on the other side of the aisle, the distinguished staff colleagues on the Senate Budget Committee, copies of the draft language so that we would each know where we were, and there would be no surprises as we worked together to try to expunge the Byrd rule problems from the reconciliation conference report.

Our efforts here were not totally altruistic, because we knew that if there were items left in here that were subject to a valid challenge under the Byrd rule, that would simply, for all practical purposes, kill this reconciliation conference report; that we simply could not reconstitute a conference, come up with another conference report, and we could not send it back to the House of Representatives. So we were very careful and as true as we could be to the letter of the Byrd rule and to the intent of it.

I want to express my profound gratitude and appreciation to the Senate Parliamentarian, Mr. Alan Frumin and his staff, Kevin Kayes, Jim Weber, and Beth Smerko who worked long and hard with us day and night—I might say, Saturday and Sunday included—to try to expunge what could have conceivably been called Byrd rule problems here.

So I hope there is no suggestion here that there was not a conscientious effort to try to adhere as rigidly as possible to the Byrd rule, or adhere to it as rigidly as required by the rules of the Senate to the Byrd rule, because we worked very, very hard to do that.

I might say some of our House colleagues could not understand, and I do not blame them because there were a number of things that were pulled out of this budget reconciliation that had been voted on and passed by large majorities in both houses. But simply because they violated the Byrd rule, we had to go to the chairmen of the appropriate House committees and tell them they had to come out. They simply did not understand it. I think it made them perhaps have a little less high esteem for some of us here in the Senate, and we had to go to them and request they do it. In the final analysis, their leadership had to demand that some of these provisions subject to the Byrd rule come out.

So I think we have all worked very hard and in good faith on both sides of the aisle really to try to be true to the Byrd rule.

I just wanted to make that statement.

Mr. President, I ask unanimous consent that Senator BINGAMAN be added to the list of speakers following Senator BUMPERS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

The Senator from Michigan has 35 seconds remaining.

Mr. RIEGLE. I yield back my time.

The PRESIDING OFFICER. All time has been yielded back.

The question is, is the appeal of the Senator from Missouri well taken? An affirmative vote of three-fifths of the Senators duly chosen and sworn is required for the appeal to be well taken.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

The yeas and nays resulted—yeas 43, nays 57, as follows:

[Rollcall vote No. 245 Leg.]

YEAS—43

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
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Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NAYS—57

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Cohen
Conrad
Daschle
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Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Wellstone
Wofford

The PRESIDING OFFICER. On this vote the yeas are 43, the nays are 57. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the appeal is rejected.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, pursuant to the unanimous consent agreement which has been entered, may I inquire of the Chair the next Senator to be in line for recognition?

The PRESIDING OFFICER. The Chair would inform the Senator from Tennessee that the next Democrat is the Senator from Ohio [Mr. GLENN]. The next Republican is Senator ROTH, the Senator from Delaware.

Mr. SASSER. If I might have the attention of the distinguished Senator from Ohio, I think we are ready to proceed with his statement at this time.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, last year Americans voted for change, a change in fiscal policies that over the last 12 years caused our national debt to quadruple from $1 trillion to $4 trillion. They wanted a change in the trickle-down policies which flooded the wealthy with benefits, while the middle class received rarely a drop.

When we go through all the reasons we are where we are, there has been a lot of finger-pointing back and forth, and that includes Democrats. We go back to the pre-Reagan years and we had a time there, with a Democratic President, when we had a 21 percent interest rate and we had a 17 percent inflation rate. That was at least a large part of the reason why President Reagan got elected. Then we got into supply-side economics.

Some of us here argued on the floor at that time that the tax cuts should be reduced to 5-5-5 for 3 years instead of the 5-10-10 that went into effect. We reduced our revenues by one-fourth at that time with the supply-side economic theories that just flat did not work. Ever since that time we have found ourselves trying to catch up, trying to make changes, and we wind up with $3 trillion in additional debt. So there is enough finger-pointing and blame to go around for everybody.

President Clinton did not create the deficit but to his credit the President has kept his pledge to tackle this runaway problem. I will read the last paragraph out of a Dayton Daily News editorial of yesterday. It says, in commenting on some of these things:

> The big news is that congressional Democrats have kept to the goal of reducing projected deficits by nearly $500 billion, despite the political risks. This kind of acceptance of responsibility has been so rare in American Government in recent years that a lot of people are still having trouble believing that it is happening.

It is happening. These enormous deficits over the last 12 years have created an almost unimaginable debt. Interest payments on this debt constitute a $800 million-a-day tax on our economy. And it is growing every day. The sea of red ink now threatens to sink our economy.

We are getting a lot of phone calls. People are very much concerned. They want something to be done. We cannot go on the way we are going. Cutting programs and raising taxes are tough things to do. It is much easier to sit back and criticize while the deficit spirals out of control. But the President and the House of Representatives last night very rightly recognized that the long-term interests of the country demand we risk doing the politically difficult thing.

The Clinton plan offers $496 billion in real deficit reduction. More than half of its savings come from spending cuts, cuts that are listed one by one. No smoke and no mirrors, they are listed one by one.

Those who say this is a figment of someone's imagination, just take a look at this list. When you eliminate unnecessary nunclear reactor R&D saving $1.099 billion, is that blue smoke and mirrors? No, it is not.

Eliminating some of the CSRS programs, cooperative State research programs, eliminating CSRS's earmarked facilities, eliminating special purpose grants, eliminating some of the SBA earmarked grants, eliminating public housing new construction amendments—billions totaled up here in these cuts that are to be made. This is not blue smoke and mirrors. These cuts are for real. As the people have been saying, something has to be done about the deficit. And it is being done.

I am very glad to have a President willing to do something. Most all of the calls I got from Ohio the last couple of days were from people who really do not believe the cuts in this bill are ever going to take place. I am here to tell the people of Ohio and this country that when I vote tonight for the President's package, I am also committing myself to making sure that these cuts take place and that many more cuts are made so we can once and for all get our deficit crisis under control.

The plan includes taxes. It does. Call them revenues or enhancements or whatever you want. But do not call it a tax increase on the middle class because it is not. Instead, it is a correction of the failed supply-side policies of the past, in which the wealthy over the past 12 years saw their incomes rise by almost 50 percent from 1980 to 1993, while their tax rates were cut by nearly 25 percent.

The President now asks those who reaped the benefits of the eighties to pay their fair share for the deficits that were created. That is not class warfare. It is just plain fair to the American people.

Mr. President, 80 percent of this tax burden will fall on those making more than $200,000 a year. If you are a working family and make less than $180,000 a year you will not face higher income tax rates. Working families would only face a modest new levy for fuel amounting to somewhere around $30. In Ohio, 17½ percent of all Ohio families would actually get a tax reduction due to the expansion of the earned income tax credit—yes, over 17 percent of all Ohio families actually get a tax reduction.

The Wall Street Journal points out that the public has been misled about the effect of the plan on small business. Actually, small business really gains from this bill. They do not lose in this bill. In fact, one of the National Federation of Independent Businesses, top priorities is an increase in the write-off for investments in plant and equipment which will create jobs and increase productivity—and that is included in this bill.

The president of Goodyear is quoted in an article out of the Akron Beacon Journal of yesterday; and I quote:

> Goodyear Chairman Stanley Gault lobbied against the energy tax on behalf of the National Association of Manufacturers. Goodyear on Wednesday said it was glad the energy tax and the tax on foreign royalties failed to show up in the final plan. Goodyear said it accepted Clinton's call to boost the corporate tax rate to 35 percent from 34 percent, as its part to reduce the deficit, but said any higher taxes would risk harming the Nation's competitive position.

So we have people falling into line behind this bill, people who are out there in the business world and have a firsthand view of what is going on.

Do not think this budget is perfection. It is not. There is plenty in it I do not agree with like the retroactive tax changes. That has already been discussed here on the floor. I am against that sort of thing. And I think we can cut more in spending. But I am going to vote for this bill because if we wait around for the perfect alternative that some people would like, I know what we will hear—to quote another national figure—we are going to hear a giant sucking sound all right, and it is going to be our economy going right down the drain. I say to those who pick some little item here they do not particularly like, I say: The pursuit of an unattainable perfection can be the death knell of progress.

That is what is going to happen if this bill goes down.

Mr. President, last April I held economic summits in every corner of my State to hear what Ohioans had to say about the Clinton economic program. And at every stop along the way, leaders from business, labor, and local communities told me that the Btu tax would hurt Ohio jobs.

So I came back to Washington and I told President Clinton and I told Budget Director Panetta that Ohio had real problems with the Btu.

And the replacement that they came up with just happens to be the tax that was suggested by one of Ohio's and one of the Nation's leading businessmen who I mentioned earlier, Mr. Stanley Gualt, the CEO of Goodyear.

At a summit I held in Cleveland, Stan Gault also told me that the biggest threat to the U.S. economy and to U.S. business is the budget deficit.

While the President's plan may not be perfect, it does provide $496 billion in deficit reduction which will strengthen the economy, reduce interest rates and create jobs.

And what are the alternatives? My Republican colleagues offered a plan that reminded me of a variation of that old country and western song—The rich get the gold mine and the middle class get the shaft.

It would have reduced the deficit by $133 billion less than the President's proposal and contained little in the way of specific cuts. But what was clear, is that the middle class and the poor would have borne the entire burden of deficit reduction.

That is no alternative. And doing nothing is not an alternative either. If this plan does not pass, interest rates will go up and cause our interest payments on the debt to increase. The stock market will fall, construction will slack off, and companies won't invest in new plants and equipment that will create jobs.

Maybe that is why I am joined in supporting this bill by some of Ohio's largest companies. Companies like TRW and BP America. In fact, just yesterday, I received a letter from one of the largest employers in my State—Procter and Gamble—reaffirming their support for the President's plan. As the largest newspaper in Ohio—the Cleveland Plain Dealer—said in an editorial the "budget package offers a realistic way for America to start investing and growing again."

They know that passage of this bill is critical for the economy.

And they know there is no turning back.

Last year, the American people voted for change, not the same old song and dance.

Now is the time for courage and leadership, not sound bites and one liners.

Now is the time for action—not attacks.

And now is the time to put the rhetoric aside and to finally face our Nation's fiscal problems head on.

We are lucky to have a President willing to stand up to tough choices. It is time we stood with him.

Mr. President, I yield the floor.

I ask unanimous consent the editorial comments from several Ohio papers be printed in the RECORD together with some letters from business executives, and a list of spending cuts.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BP AMERICA,
Cleveland, OH, July 26, 1993.

Hon. WILLIAM J. CLINTON,
President, The White House,
Washington, DC.

DEAR PRESIDENT CLINTON: BP is proud to reiterate its strong support for your economic package. BP firmly believes that reduction of the U.S. federal deficit is key to future global economic growth and prosperity. Your proposal is the best opportunity to achieve this reduction.

As a major energy company, BP believes that the federal deficit is a serious problem which must be faced if the U.S. is to continue to be an engine for world economic growth. The United States can no longer afford a future based on $300 billion annual deficits. Your proposal is a serious attempt to address economic realities in a fair and practical manner.

You can be assured that BP will continue to show its support for your budget deficit reduction initiative to help facilitate its final passage.

Sincerely,

RODNEY F. CHASE.

Cleveland, OH, July 22, 1993.

Hon. DANIEL MOYNIHAN,
U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: As you begin your deliberations on the 1993 Budget Reconciliation package, I wanted to state my support for working toward the passage of a bill that achieves President Clinton's deficit reduction proposal.

I firmly believe that our nation must pull together and work to reduce the federal deficit. Spending restraint should be the government's chief fiscal objective, and I am hopeful that the Conference Committee will embrace all feasible spending cuts that are within the scope of the reconciliation bill.

I would like to commend specifically the leadership that was demonstrated in the Senate to hold the corporate tax rate at 35%, as well as to adopt an energy tax that has a broader base. As you address issues in conference, I hope that you will also consider the need to create permanent extensions of the Section 861 research and development (R&D) allocation and the R&D credit. These provisions, currently in the House bill, need to be viewed as essential components of a final package to assist industry in maintaining a competitive position on a global basis. Thanks you for your consideration in these matters and my best wishes for a successful Conference.

Sincerely

JOSEPH T. GORMAN.

PROCTER & GAMBLE,
Washington, DC, August 4, 1993.

Hon. WILLIAM J. CLINTON,
The President, The White House,
Washington, DC.

DEAR MR. PRESIDENT: We want to be sure you understand Procter & Gamble's support for the reconciliation bill. At 10:00 this morning Edwin L. Artzt, Chairman and Chief Executive, issued the following statement:

"The reconciliation bill is essentially the same as the bill P&G supported in May, and we continue to support it."

We will confirm this support with any media who contact us.

Sincerely,

MARVIN WOMACK,
Vice President.

$100 million spending cuts—over 100 examples

	Savings in millions, 1994–98
1. Unpaid Flexible Acres	−1960
2. Conservative Reserve (CRP) & Wetlands Reserve (WRP)	−469
3. Dairy Program	−259
4. Market Promotion Program (MPP)	−235
5. Peanut Marketing Assessments	−112
6. Retirement COLAs	−2339
7. Armed Services Pay Changes	−20,263
8. Depositor Priority for FDIC & RTC	−750
9. Reduce FHA Premium Rebates	−416
10. GNMA REMIC Guarantees	−730
11. HUD/IRS Income Verification	−1022
12. Direct Student Loan Program	−4270
13. States Share FFEL Default Costs	−300
14. Third Party Medicare/caid Liability	−1247
15. Medicare—Physician Payments	−8045
16. Prohibition on Physician Referral	−350
17. Laboratory Services	−3220
18. Hospital Outpatient and Ambulatory Surgical Services	−2058
19. Medicare Secondary Payor Provisions	−5522
20. Durable Medical Equipment (DME)	−908
21. Medicare Hospital-Based Home Health Agencies	−1150
22. Medicare: Purchase Erthropoietin (EPO)	−243
23. Medicaid: Remove Prohibition on State Use of Drug Formularies	−220
24. Transfer of Assets/Estate Recovery	−950
25. Disproportionate Share Hospitals (DSH)	−2250
26. Medicaid Offsets to Immunization Program	−905
27. Northern Marianas Islands	−118
28. Extend 50% Net Receipt Sharing for On-shore Minerals	−201
29. Civil Service Retirement	−779
30. Lump-Sum Retirement Option	−8810
31. Payments by the United States Postal Service	−1041
32. Additional Personnel Reductions	−1266
33. Cash Bonus Awards	−3250
34. Death and Indemnity Compensation (DIC)	−133
35. Pensions-extends IRS Income Verification for Pensions Eligibility	−136
36. VA: Permanently Extend Medical Care Cost Recovery	−606
37. VA: Collect from Health Insurers for Services Connected Care	−368
38. DVA Housing Programs	−665
39. Charge Fee for State SSI Administration and Other SSI	−703
40. Equate Matching Rates for Welfare Programs (AFDC)	−204
41. Fund Priority Health Professions Curriculum Assistance Grants	−116
42. HHS Personnel Reductions	−1034
43. HHS Administrative Savings	−2360
44. Completion of Wastewater Treatment Grants Authorization (except NAFTA)	−6311
45. EPA Personnel Reductions	−149
46. EPA Administrative Savings	−132
47. Reforms in Light of New Crime Initiative	−1704
48. Eliminate Unnecessary Nuclear Reactor R&D	−1099
49. Reduce Rural Electrification Administration 5% Loan Subsidies	−545
50. Eliminate Cooperative State Research Service (CSRS) Earmarked Research Grants	−144
51. Eliminate CSRS Earmarked Facilities Construction	−146
52. Agriculture Administrative Savings	−1092
53. Termination of NOAA Demonstration Projects	−293
54. Commerce Personnel Reductions	−925
55. Commerce Administrative Savings	−308
56. Reduce Construction Funding for Lower Priority Water Projects	−250
57. Corp of Engineers Administrative Savings	−209
58. Eliminate Special Purpose Grants	−853
59. HUD Personnel Reductions	−104
60. HUD Administrative Savings	−102
61. Reduce Construction Funding for Lower Priority Water Projects	−186
62. Interior Personnel Reduction	−762
63. Interior Administrative Savings	−659
64. Labor Personnel Reductions	−210
65. Labor Administrative Savings	−171
66. Low Priority Transportation Programs and Projects	−1749
67. Transportation Personnel Reductions	−579
68. Transportation Administrative Savings	−482
69. Eliminate SBA Earmarked Grants	−431
70. Treasury Administrative Savings	−935
71. Reduce Enterprise for the Americas Debt Forgiveness	191
72. Reduce Development-oriented Foreign Food Aid	−336
73. Phase Out Below-cost Timber Sales (Forest Service)	−360
74. Implement One New Farm Service Organization	−1133
75. Reform Crop Insurance through Area-yield	−647
76. Reduce Economic Research and Foreign Service Program	−124
77. Reform Campus-based Aid	−1044
78. Phase Out Impact Aid "b"	−553
79. Education Personnel Reductions	−143
80. Uranium Enrichment Initiative	−1615

	Savings in millions, 1994-98
81. Energy Administrative Savings	−2262
82. Eliminate Public Housing New Construction Amendments	−101
83. Reforming Low-income Housing Preservation	−195
84. Consolidate Several HUD Housing Programs into HOME	−652
85. Reduce Prison Construction	−580
86. Justice Administrative Savings	−562
87. Federal Aviation Administration (Operations)	−303
88. Coast Guard: Pay Adjustment	−336
89. Improving Management of VA Construction	−434
90. Improve Management of VA Hospitals	−1500
91. Veterans Administrative Savings	−229
92. Increase Private Sector Superfund Financing	−426
93. Reduce 7(a) Business Loan Subsidies	−476
94. Consolidate Overseas Broadcasting	−894
95. Cut WH and Office of Nat'l Drug Control Policy Staff, Abolish Council on Environmental Quality	−99
96. Re-orient AID Programs and Reduce Spending	−841
97. Phase Out Defense Acquisition Fund	−472
98. Reduce International Security Assistance	−2526
99. Reduce Export-Import Bank Credits	−327
100. Freeze Other Foreign Assistance Programs	−301
101. Maintain Current Program Level for Programs in Small Agencies	−266
102. Freeze Federal Pay in fiscal year 1994; COLA at ECI Minus 1 fiscal year 1995–97; and Revise Locality Pay Beginning fiscal year 1995	−13,244
103. Reduce Overhead Rate on University R&D	−1560

[From the Dayton Daily News, Aug. 5, 1993]

CONFERENCE BILL STICKS TO COURSE; SMALL NEWS AND BIG NEWS HERE

What has been true about the Clinton deficit plan all along is true about the deficit plan emerging from Congress;

It's a basically honest effort to reduce the projected deficit substantially and the actual deficit somewhat.

It puts the burden mainly on the wealthy, which is only right, as the wealthy have been the only class that has grown substantially more affluent in recent years.

The burden on the non-wealthy is trivial.

Through the earned income tax credit, the plan moves the country toward the day when every working person can support a family.

The anti-deficit part of the plan might not work.

It's not as aggressive as it should be.

And the plan has to be tried.

The rest is mainly bull.

The Republican insistence that the plan will hurt the economy is a guess that is meant to divert attention from the fact that the Republicans resolutely ignored the deficit for a decade and now, having saddled the Democrats with the problem, are determined to reap the political rewards of that success.

As the plan has moved through Congress, President Clinton's proposed tax on all forms of energy consumption has been replaced by a combination of a smaller tax on gasoline and new cuts in projected payments to doctors and hospitals via Medicare. This is not an improvement. Medical costs should be dealt with through reform of the entire medical system.

But that's small news. The big news is that congressional Democrats have kept to the goal of reducing projected deficits by nearly $500 billion, despite the political risks. This kind of acceptance of responsibility has been so rare in American government in recent years that a lot of people are still having trouble believing that it is happending.

[From the Plain Dealer, Aug. 5, 1993]

"YES" TO THE NEW BUDGET PLAN

Today, it all comes down to this: The choice is either approving a serious federal deficit-reduction package, or abandoning this year's entire antideficit effort. There is not third choice, and there is no more time for delay.

For Ohio's representatives in Congress, the right vote is "Yes" on the first Clinton-era budget package. As the budget reconciliation measure nears its final showdown today in the House of Representatives and tomorrow in the Senate, Ohioans should support the five-year outline for restraining the deficit, promoting investment and restoring tax-code fairness.

The mammoth, five-year budget outline is certainly not perfect. Congress indulged in many disappointing compromises that protected special interests—especially agriculture and military programs—rather than cooperating with President Bill Clinton in slaughtering more of Washington's sacred cows. But this package, on balance, offers an acceptable combination of spending restraints and tax increases.

This package is designed to squeeze the deficit by $496 billion over the next five years, with $255 billion in spending restraints and $241 billion in higher taxes. Despite the doubts of cynics who claim that this package would not attack the deficit, this plan would reduce the projected deficit of about $300 billion in 1993 to an estimated $243 billion in 1994 and $198 billion in 1997. That's still not good enought—yet this plan would begin to substantially constrain the deficit.

Middle-income taxpayers have little to fear from this package. About 80% of the new revenue will be raised from families earning more than $200,000—the wealthiest 2% of Americans, in the income bracket that gained most of the benefits from the excessive tax cuts of the 1980s. The middle class would be hit only with a 4.3-cent-a-gallon gasoline-tax hike, requiring the average motorist to pay an extra $29.90 a year.

The plan requires a "hard freeze" for five years, with no adjustment for inflation, on all domestic discretionary programs. But the package also includes cost-effective new aid for those who need help most. About 18 million families with annual incomes under $30,000 would receive a tax break, thanks to the expansion of the Earned Income Tax Credit. Distressed inner cities would be helped by the creation of enterprise zones. About 25 million of the lowest-income families would get a modest increase in food stamps. An expanded child-inoculation program would provide early medical treatment to families in poverty.

Business could benefit, too. By encouraging interest rates to stay low, the budget plan could make it easier for businesses to invest and thus create jobs. A reduction in the capital-gains tax would promote long-term investment in start-up industries. And 90% of small business would be eligible for a tax break on new expenses.

Deficit reduction requires still more efforts to reduce spending—and that will require an overhaul of the nation's health-care system, which is by far the taxpayer's biggest budget-buster. But this first Clinton-era budget package offers a realistic way for America to start investing and growing again. This plan merits support.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware.

Mr. ROTH. Mr. President, here we go again.

I finally understand that when supporters of President Clinton said he was a revolutionary leader they were comparing him to King George. As if taxation without representation was bad enough, the old colonists ought to take a look at this Clinton plan and see how bad taxation is with representation.

I am concerned about what this plan will do to our economy. I am concerned about what it will do to jobs. I am concerned about what it will do to our families, our communities and to our children's future.

History has proven that the economic policy driving this plan is seriously flawed. We cannot tax America into prosperity. No government can long endure that so willfully and wantonly strips the private sector of the resources it needs for job creation.

The redistribution of wealth, which is exactly what this Clinton economic program amounts to, was the very foundation for failure that brought down the governments of Central and Eastern Europe.

These nations have learned that governments do not create wealth. People working in the private sector—they create the wealth. The way to bring the deficit down is to help small businesses and the private sector improve the economy. The more money that's made, the more taxes are paid—just like we saw in the 1980's when revenues into the Federal Treasury more than doubled. That is how simple it is. Kemp-Roth proved it in the 1980's; President Kennedy proved it in the 1960's: Any government is better off taxing a booming economy at 20 percent than a busted economy at 100 percent.

Even the strongest advocates of this tax-and-spend package are warning that it will be contractionary—that it will flatten the economy. They are trying to persuade Alan Greenspan to loosen the money supply—just what the Government did under Jimmy Carter. And we all remember the results of those failed policies—that era of malaise. When the most strident supporters of this tax-and-spend program are warning that it will hurt the economy how can we, in all seriousness, be expected to pass it and place it directly on the backs of hard-working Americans?

America is built on risk-taking, independence, investment, and reward. Take those qualities away with tax increases and you alter not only America's character, but her destiny. In the last few years we saw this happen—we saw Congress levy higher taxes on risk-taking, investment and reward. We saw it with the luxury tax, a tax that destroyed thousands of jobs; threw families into economic chaos; and depressed important industries. In 1990 we saw tax increases deepen and lengthen economic recession.

Remember the 1990 increase was supposed to cut the deficit to $29 billion by 1995; real spending caps were promised to the American people; government was supposed to be getting serious about deficit reduction. Well, we all know what happened: the spending—as always—continued to grow. The taxes went up, the economy slowed down, and today the deficit stands near $300 billion. And that, Mr. President happened with legislation that was supposed to cut spending $2 for every $1 it raised in taxes. This legislation before us today does the exact opposite: it contains $2 in tax increases for every $1 in spending cuts.

Mr. President, I stood firm against those taxes in 1990. And today, I stand firm against this one. My constituents in Delaware have told me loud and clear that our job must be to cut spending first. Americans want a government that lives within its means. Is not $1.2 trillion enough? I think it is, the American people think it is, and that is what the Republican alternative offered. This plan does not.

Not only does this recordsetting tax increase create broad disincentives for economic growth, business expansion, private investment and even family security, but it does all this in a grossly inequitable way. At a time when we should be concerned about creating jobs, encouraging economic security for American families—helping them build stronger, safer, sounder communities—this tax is the wrong medicine; some might even call it poison.

In the interest of time—and borrowing liberally from David Letterman—I would like to outline just how bad this tax program is. Here, as I see it, are the top 10 reasons to vote "no" on the Clinton plan:

Reason No. 10: This plan is filled with gaps, holes, and gimmickry. The CBO has consistently disagreed with the Democrats scoring of this budget bill. The fact is, the liberals have double counted some $44 billion in savings that is already part of the law from the 1990 5-year budget agreement. A large number of other gimmicks and distortions have been used for no other reason than politics.

Reason No. 9: History proves that the revenues the supporters of this bill believe will be realized from the rich never will be; the revenues will fail to materialize. Prominent Harvard economist, Dr. Martin Feldstein, has completed a detailed analysis using realistic assumptions, to show that the Clinton tax increases will not raise expected revenue. In fact, small changes in behavior by these wealthy taxpayers to reduce their taxable income by as little as 10 percent will wipe away almost all of the tax revenue that the Treasury Department thinks it will be scooping up from the rich.

Reason No. 8: This bill is not fair. It hits the small business man and woman in a most unfair way. As a consequence, it will cut into employment—cost jobs—jobs that belong to hard-working middle class Americans. The fact is, small businesses will be hit by an increase of 37 percent in their overall tax burden, while the largest corporations in the world will have only a 3-percent overall increase in their taxes. What a way to say thank you to the real engine of economic growth and future prosperity.

Reason No. 7: Middle-income taxpayers are going to suffer tax increases—tax increases that range from gasoline taxes, to the denial of moving expenses, to lower pension benefits, to the denial of meal and entertainment costs, to higher taxes at death—or what I call taxation without respiration—to higher social security taxes and unemployment premiums. All told, these tax increases total almost $80 billion—$80 billion of the $240 billion tax increase. And again, almost all of the rest of this tax increase—the remaining $160 billion—falls directly on the backs of America's employers—which again, for middle income Americans, means fewer jobs, less security, and lower incomes.

Reason No. 6: This is not a deficit reduction package. Overall spending actually increases by more than $300 billion during the period covered by this bill. This $313 billion increase—to be exact—represents a 4-percent growth rate more than current inflation.

Reason No. 5: Almost 80 percent of the supposed budget cuts in this plan are not scheduled to take effect until fiscal year 1997—after the next Presidential election.

Reason No. 4: The bill is one of the most anti-business—anti-jobs—pieces of legislation in U.S. history.

Reason No. 3: The bill raises taxes retroactively. What more can be said about this that already has not? There are not only questions concerning the constitutionality of retroactively raising income taxes, but there are practical concerns as well. If we can go back to January 1—days before President Clinton was even sworn into office—why can we not go back to 1984 or 1963? Talk about the Boston Tea Party, just imagine if the British Parliament had tried to raise taxes on the tea the colonists had already consumed.

Reason No. 2: History has proven that just like the 1990 budget bill—the one that promised to reduce the deficit to $29 billion—this one will not reduce the deficit either.

And finally, the top reason why this bill should not be supported. Reason No. 1: This bill is the largest tax increase in the history of the world. And everyone knows we cannot tax American into prosperity.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. LIEBERMAN). Who yields time?

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska [Mr. MURKOWSKI].

Mr. MURKOWSKI. I thank the Chair.

The PRESIDING OFFICER. If the Senator will withhold.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. If the Senator will withhold, the Chair is advised that under the previous order, which the current occupant of the chair was not aware of, the Senator from California was to be recognized at this point.

Mr. MURKOWSKI. I apologize.

The PRESIDING OFFICER. The Chair recognizes the Senator from California.

Mrs. BOXER. I thank the Senators and the Chair.

Mr. President, first, I have to say this is not the largest tax increase in the history of the world. That was Ronald Reagan's tax increase of 1982, $45 billion more. So that is the kind of example of distortions we have seen in this debate.

Mr. President, I wish to speak today about political courage. Political courage is doing what you think is right for this country from the alternatives that you have before you.

Political courage is taking on the status quo. Political courage is looking the rich and the powerful right in their eyes and saying we need you to pay your fair share.

That is what this plan does. It asks the rich and the powerful to pay their fair share. And political courage is standing up to the naysayers and the gloom and doomers and the darlings of delay that we see here in this Chamber every day who would lead us to paralysis.

Political courage is standing up to the distortions that we hear. I just pointed one out to you. We hear them coming minute after minute from the Republican side of the aisle. We hear them from a party that brought us the outrageous deficits we have today by giving tax breaks to the Boeskys and the Helmsleys and the Trumps while they increased military spending by more than 100 percent and never even paid for it.

I will say this. The Republicans never forget who brought them to the dance. These Republican voices have no problems washing their hands of the policies of the last 12 years that led us to this day.

Let us look at the Republican record under George Bush. Compared to all other Presidents since World War II, President Bush produced the smallest growth in jobs. He created only a million private sector jobs during his 4 years. And do you know what, Mr. President? In the 6 months since President Clinton has been in office, we have seen 940,000 jobs—almost 1 million jobs—in 6 months compared to 1 million jobs in 4 years. Pretty good for a start.

Three-year Treasury bonds are now at 3.1 percent compared to 7.76 percent under Reagan and Bush. And, during the Reagan-Bush era 1,215 savings and loans failed—1,000 plus.

That is their record. And still my Republican colleagues want America to believe that their economic theories are good for us. I say they have had their chance. And, California has suffered from these policies.

This economic plan means 2 million jobs for my State of California. This plan includes extension of the research and development tax credit, crucial to our high tech industries. It includes a targeted capital gains cut for our small businesses and our startup companies. And, again a distortion we hear day after day on this Senate floor: that this is bad for small business. Ninety percent of small businesses will be eligible for tax breaks under this plan and only 4 percent will get tax hikes.

This bill includes the earned-income tax credit for working families with children. Now, let me point out in California, that means tax breaks for 2.1 million people. Yes, 300,000 people, the wealthy, will pay more, but 2.1 million will pay less. And, nationally the numbers are 10 million people will get a tax break from that earned-income tax credit and 1.4 million of the wealthiest will pay more.

This bill is good for California. This bill means relief for the real estate industry. It means empowerment zones and enterprise communities for our cities. It means the targeted jobs tax credit, a private activity cap exemption for high-speed rail bonds, permanent extension of mortgage revenue bonds program and low-income housing tax credits to give housing construction in California a boost. And, it means tax relief for victims of natural disasters such as the Oakland fire.

All of these things are crucial to California. The golden State, the State that represents, Mr. President, 14 percent of the gross domestic product of this country. A State which would be the eighth largest country. If California does not get out of the doldrums, Mr. President, the Nation will not get out of the doldrums. This bill is good for California and good for this Nation.

The Republican party is not the party of answers, not answers for California, not answers for America.

I serve on the Budget Committee, Mr. President, and what did they offer us. A ghost budget plan, full of ghost cuts. They claim they have cuts, but they will not specify them. And now, today, and yesterday, they offer us a great promise. After battling us day after day, after throwing distortions at us day after day, they say, vote this down and we will come and sit with you. We will talk to you, and we will put something together.

I say that is a prescription for failure. Why? Because they are committed to protecting the wealthiest in this country. They are committed to not raising taxes on the wealthiest. They want to continue with a Tax Code that says if you earn $53,500, you pay the same rate as a millionaire, or a billionaire for that matter. That is not good for this country. Maybe it is Republican fairness, but it is not American fairness.

So, my friends, the hours are ticking away, and this is the vote to change course for America. Political courage is doing what is right. It is right to vote for this plan.

I yield the remainder of my time to the Senator from Maryland.

Mr. SARBANES. Mr. President, we reserve the time. We are prepared to proceed in the usual order. How much time do we retrieve?

The PRESIDING OFFICER. The Senator from California used 7 minutes.

Mr. SARBANES. The Senator used all our time.

I thank the Chair.

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from Alaska [Mr. MURKOWSKI].

Mr. MURKOWSKI. I thank the Chair.

Mr. President, the biggest news in the country today is the result of the House vote last night on the Democratic tax bill, and we have heard that interpreted by our President as a mandate—a mandate, Mr. President, of two votes.

I think it is interesting to reflect as well on the fact that our President asked the American people to respond to this budget reconciliation package by calling those of us in Washington.

Mr. President, the American people did respond. They responded by saying no. In my State of Alaska, the calls came in 6 to 1 against the President's reconciliation package.

Now, supporters of the tax bill say it is the solution to the Federal deficit. Well, make no mistake about it, all Americans want deficit control. But, Mr. President, this bill will not control the deficit. It will simply raise taxes and it will cost jobs. It does not cut spending.

Mr. President, it is interesting to reflect that the President of the United States asked Americans to sacrifice. The interesting thing, however, is Government is playing no role in this sacrifice. The sacrifice is from the American people.

Another thing that I find very interesting, Mr. President, is from the beginning Republicans in this body to a member were excluded from the negotiations. Now we see a situation where not a single Republican in either body is supporting the package.

That is important, Mr. President, because there is no mandate here. In fact, many of our Democratic colleagues are opposed to this legislation in private but feel they have to support the President because of the alternatives associated with a failed Presidency.

Nobody wants to see a President fail. But the fact is that we have a bad bill before us. This bill raises taxes from 31 to 39 percent on small businesses. That is a 9 percent tax increase on the same people who provide 56 percent of the jobs in this country.

And it is a retroactive tax increase. You know, the old saying used to be, you cannot escape taxes or death. Well, with this bill you get both. Those that have passed away between January and this week will have the same tax liability as those of us who still walk the planet.

Further, Mr. President, and this is the most significant point; American history shows that every time taxes go up, Government spending goes up.

Let us make no mistake about it. Taxes go up in 1960, 1970, 1980, and 1990. And what does spending do? Does spending stop? Does spending go down? No. Spending increases. This is history. This is a fact.

Democrats would have you believe that this time things are going to be different. This time when we raise taxes, spending is going to come down. History teaches us a different lesson.

The Government is simply going to take more of the revenue of the American taxpayer in taxes, and Government is going to spend more. They always have, and they always will. This will not be an exception, regardless of what those on the other side of the aisle are saying.

Mr. President, you cannot argue with facts. You cannot argue with history. Nobody can deny the validity of history. It is simply a fact that when taxes go up, the Government spends more.

I would like my colleagues to reflect on this because there is no way that you can refute facts. You cannot tax your way out of a deficit, Mr. President. And the plan, this plan, does not cut spending enough.

What do we have: $2.13 in new taxes for every $1 in cuts, and over 80 percent of the cuts do not occur until 1997 and 1998. Are we going to have the selfdiscipline in this body to make those cuts then? History again teaches otherwise.

The message from our colleagues is tax now, cut later, and later is after the 1996 Presidential election.

This plan also does nothing, unfortunately, to control entitlements. We talk about political courage in this body. Each one of us knows that we are going to face the realities of the growth in entitlement spending. We will say it to each other. But, Mr. President, will we say it to the American people?

Clearly, we will not with this bill but the day will come when we will have to. You can talk about political courage; let us defeat this package now and get on with the reality that we should throw this thing out. It should be defeated. The Republicans or Democrats should get together with some real cuts. That is political courage, because we are going to have to face the entitlements.

Because this plan fails to control entitlements, by 1998 the deficit is going to be $218 billion, and it will be increasing again. By 1998, this plan will have added more than another $1 trillion to the national debt, increasing it from about 4.2 trillion dollars to 5.3 trillion dollars.

So where is the White House getting its support for this bill? They are desperate, Mr. President. They are cutting deals all over the place to pick up votes. We saw it in the House last night. It has been evident in this body for some time.

We are going to come back from our recess and what are we going to see? We are going to see a health care bill. It is much needed. What is it going to cost? It is going to cost over $100 billion. How are we going to pay for that?

This budget reconciliation package should be voted down now. We should get together and work, with the support of both parties, to make the real cuts and control the entitlements.

Mr. President, this is a bad plan. If it passes Americans are going to be left with a plan that will raise taxes that will slow job growth, and that will fail to control either Federal spending or the growth of the national debt.

One more time, Mr. President, here are the facts. Here is the history. Here is the reality. Each time you increase taxes, Government spending goes up. The American people believe this. They know it. And that is why they are so opposed to this package and have expressed it to each one of us.

I think it is fair to say those of us on this side are prepared to see the thing buried, start again, and come up with something that really will cut spending.

I thank the Chair.

I thank the floor manager for the time.

Mr. SARBANES. Mr. President, we have some calculations here. There is really not enough time to handle all of the Senators if we stick with the 7-minute allocation that is within the unanimous consent request. In fact, I understood that under the consent the manager can yield less time. I really would like to start doing that.

I wonder—Senator DORGAN is next—if I yield the Senator 6 minutes, whether that would be sufficient?

Mr. President, I yield 6 minutes to the Senator from North Dakota.

Mr. DOMENICI. Mr. President, would the Senator yield 30 seconds on my time for a similar announcement?

Mr. DORGAN. Yes.

Mr. DOMENICI. Mr. President, let me say to the Republican Senators who are waiting to speak that perhaps we are all assuming that since the unanimous consent is up to 7 minutes, that everybody can have 7 minutes. We cannot do that. Let me just say that Senator PRESSLER is going to have 4; Senator BENNETT, 4; and then we are going to start reducing; Senator LOTT, 5; NICKLES, 5.

So I wish you would check with me if you are preparing or planning because it will be somewhat less than we originally thought.

Also, the Senator from Texas still has 6 minutes.

Mr. DORGAN. I ask the Chair, does the Senator from North Dakota still have 6 minutes?

The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. Thank you very much. Mr. President, I bow to no one in this Chamber on the subject of independence. A couple of years ago Congressman OBEY and I took on the Speaker of the House of Representatives and the majority leader during another budget debate. We defeated it the first time through the House because I did not think it was a good deal. A couple of months from now I will probably take on this President on NAFTA. I am not going to support NAFTA. I will fight it aggressively. So I bow to no one on the subject of independence.

The last 2 years I have worked on a task force on Government waste, and we identified about $80 billion in Government waste that we could save in a year. We are saving some of it in this budget agreement. This Government spends too much, it wastes too much. We need to change our ways. I bow to no one when it comes to cutting waste. But this is not about being independent, this vote. Nor is it about wasteful spending, although we will cut some. It is about whether you are willing to step up and make tough choices or whether, when the time for tougher choices comes, you are absent.

Everybody understands this debate, because it is very simple. The central question for all of us is how do we get this country moving again? How do we get this economy off its back and moving toward a future of opportunity and hope?

I have seen people in this town crusade forever about the issue of Federal deficits; when it comes time to vote they are nowhere around. They have taken a hike. They have taken the easy way out.

This is not a perfect document. In some respects, it is awful. I can give you a half dozen areas that I do not support, and that I do not like in this package. I expect everyone can.

The fact is, we are going to decide today whether we do something about this crippling deficit or whether we continue to do nothing. The American people these days, if you watch polls, believe the worst about all of us—all of you on that side of the aisle, and all of us. We are all in the same boat. It is only one boat. It is headed in the same direction.

That is because people believe something fundamental about us. They believe virtually everyone in this Chamber will make every single decision based on one factor alone: "What is good for your personal political future. What is good for you? All you care about is reelection. You don't care about anything else." That is what most people believe.

But if that were true, there would not be one vote for this package. There is no upside, no plus to vote yes. Does anybody here really want to cut spending? Does anybody really want to raise taxes? Those are tough votes.

This issue, in my judgment, ought not ever be about popularity. If it were, there would be no votes for this package. My popularity as a politician is a whole lot less important to me than the future of my children. We are going to decide today whether we are going to set things right in this country.

Does this bill set them right? Not entirely. But it is a step in the right direction. The alternative is to decide to take the easy way out and vote no, or decide to take the political way out and to vote "no", and say, "I am going to save my hide. I am going to vote 'no'." It is not the right thing for the country, Mr. President.

I grew up in a small town. When I went to school every day, we were the biggest, the best, the strongest, the most, and that is the way this country was. And it is not anymore. We are on the wrong track, but we can be that way again in the future if we begin to exhibit just a smidgen of courage and do what is right.

When I was a Member of the House of Representatives, Mr. Reagan said, "If not us, who? If not now, when?" And every time it is important, the answer comes back: "Not us, and not now."

Well, if we do not one day, all of us, decide our careers are worth tough choices and doing the right thing for this country, then there will never be a "now". We must, when we go down to the well tonight and vote, decide that this bill will advance the cause of reducing the crippling deficit that has mortgaged our country's future. We must muster enough votes to pass this legislation.

President Clinton stepped forward and said, "I am for economic change. I do not like what is going on. I am willing to risk some of my political capital to change it."

Finally, some leadership. Do you know what? Leadership is not very popular. This President has gotten clobbered because he stepped forward and said he is willing to do something. The easiest thing in the world for the President would have been to say, "I will do what we have been doing, what other Presidents have done. I am not going to tackle these issues, I am not going to confront these issues, and I am not going to accept the risk of unpopularity in order to do what is right for this country." That what President Clinton could have said.

Thomas Wolfe once talked about "a boundless optimism, a quenchless hope, and an indestructible belief." Those are the words I use when I think of what we can do if we rise up as public officials with the interest of this country at heart and decide we are going to do the right thing to set America back on track. There is no reason we cannot win, and no reason we cannot succeed, and no reason our future cannot be better if we get the Federal deficit off our backs. That will allow this country to grow again.

This debate is not about charts or arcane statistics. It is about whether we will fix what is fundamentally wrong in our country. We are spending money we don't have on things we don't need. We must stop it. We must stop it in a way that offers the American people hope, hope that their future and their kids' future will be bright.

I hope in a couple of hours we will pass this important conference report.

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from Texas, Mrs. HUTCHISON.

Mrs. HUTCHISON. Thank you Mr. President.

Several weeks ago, in a town hall meeting, a gentleman asked President Clinton the question: Name one nation that ever taxed itself into prosperity? The President had no answer, because there are none.

We are in the midst of a fragile, nervous economic recovery. Taking $250 billion out of this economy will turn a fragile recovery into a solid recession.

The other night after his address to the Nation, President Clinton asked Americans to call their Senators and Representatives. They did, and the message, Mr. President, is loud and clear: We cannot afford any new taxes. The President asked for advice from Americans. They gave some. Now let us take it.

The small business owners, the workers, and the retired people can see through all of the debate, all of the charts, and all of the rhetoric. In fact, Mr. President, this budget bill will give Americans a bigger headache than the one Robin Ventura woke up with this week after his encounter with Nolan Ryan.

Here are a few letters I have received from the people in my home State:

> DEAR SENATOR HUTCHISON: This bill will cause inflation and dry up our investment money. And as the private sector lays off employees and dries up that income tax, what will government do then? Come back for more taxes? We have not had a raise in four years, yet every time we turn around there are more taxes, more taxes, more taxes.

From Jim and Marian Burkhardt, Corpus Christi, TX.

This is from Jerry's Ace Hardware, in North Richland Hills:

> I am a struggling small business person. I employ eight people in my hardware store. My wife works outside the store. I have a military retirement income for 21 years of service to my country. Because of our outside income, any profit made from the store is taxed at 43.5 percent. We are not wealthy. Most of my employees take more home in wages from the store than I do.
>
> . . . If the president's budget package is passed, it will increase my tax rate to a point that I will have to close my store. Eight tax paying citizens will be out of work.

Mr. President, here is what those taxpayers see:

First, President Clinton says his plan taxes only the rich, but it taxes every tax-paying, working American. This plan is devastating for small business, the sector of our economy which creates jobs. President Clinton's tax hike means that Jerry's Ace Hardware Store will pay higher tax rates than General Motors. I ask you: Is that fair?

Second, this retroactive tax crushes the dreams and the hopes for Americans who have thought ahead and planned for their retirement. This bill calls for an unprecedented retroactive balloon tax payment that could result in an effective fourth quarter tax rate of up to 75 percent because it goes back to January 1.

Third, Social Security recipients earning $34,000 a year are not wealthy. This tax will take from 218,000 retired Texans an additional $196 million next year.

Fourth, the gasoline tax not only penalizes those who drive to work or school, but it increases the cost of everything we buy, from a tube of toothpaste to a gallon of milk. If this bill is passed, the citizens of my State will pay over 38 cents per gallon in Federal and State taxes on a gallon of gasoline—more than one-third of the total cost of a gallon of gas.

Last, but not least, the spending cuts just are not there. Eighty percent of the spending reductions in this bill do not take place until 1996, and even then they will have to be approved by Congress, and 68 percent of this package is tax and fee increases.

Like so many times before, Mr. President, Congress and the President of the United States are asking Americans to swallow a tax increase now for possible spending cuts down the road. Americans will not be fooled again. This plan will not help our economy because people will do what they always do when they have a greater tax burden imposed on them—they will try to ease that tax burden by making investments that will not raise their taxes.

Mr. President, let us take the example of California. In 1991, they raised $7 billion in taxes to balance their budget. That tax hike resulted in loss of employment, stagnant personal income growth, weak retail sales, and the worst recession in that State since the Great Depression. The poor economy did not give them $7 billion of increased revenue; it left them $4 billion short of their estimates.

The red flag is up. We can learn from the mistakes of the past, or we can repeat them.

Mr. President, I urge my colleagues to listen to America. The taxpayers of this Nation are speaking, and the small business people and the senior citizens cannot handle a $250 billion tax increase in the next 5 years.

Let us support the working people. Let us support the retired people. Let us take taxes off the table. Let us start again. Let us defeat this tax bill.

Mr. President, I ask unanimous consent that the letters I quoted from be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JERRY'S ACE HARDWARE,
North Richland Hills, TX, July 20, 1993.

Senator KAY BAILEY HUTCHISON,
U.S. Senate,
Washington, DC.

DEAR SENATOR HUTCHISON: I am a struggling small business person. I employ eight people in my hardware store. My wife works outside the store. I have a military retirement income for 21 years of service to my country. Because of our outside income, any profit made from the store is taxed at 43.5%. We are not wealthy. Most of my employees take more in wages from the store than I do.

I have little enough incentive to continue operation of this store. If the president's budget package is passed, it will increase my tax rate to a point that I will have to close my store. Eight tax paying citizens will be out of work.

I very strongly urge you to VOTE NO to the budget package.

Sincerely,

JERRY K. LUCAS,
Owner.

CORPUS CHRISTI, TX, *July 29, 1993.*

Senator KAY BAILEY HUTCHISON,
Washington, DC.

DEAR SENATOR GRAMM: We feel sure that you are voting against the "deficit reduction bill" that is coming out of conference. Of course it is not deficit reduction, it is a tax increase bill. If it looks like a duck, quacks like a duck, and waddles like a duck, then it must be a duck. This bill looks like a tax increase, sounds like a tax increase, and is a tax increase.

This bill will cause inflation and dry up our investment money. And as the private sector lays off employees and drys up that income tax, what will the government do then? Come back for more taxes? We have not had a raise in four years, yet everytime we turn around there are more taxes, More Taxes, MORE TAXES.

We ask that you vote against this tax bill.

Very truly yours,

JIM AND MARIAN BURKHARDT.

Mrs. HUTCHISON. I yield to my colleague.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I yield 5 minutes to the distinguished Senator from the State of Washington.

The PRESIDING OFFICER. The Senator from Washington [Mrs. MURRAY].

Mrs. MURRAY. Mr. President, I am here to talk about America's renaissance, a beginning of a new era in American history, a time when Government starts being responsible, living within its means, and ending the borrow-and-spend policies of the reckless 1980's.

In the eighties, I was a preschool teacher in Shoreline, WA. Let me tell you, Mr. President, that job was just as challenging as this one. My family is not wealthy, and my husband and I were working hard to raise our kids and care for our parents. I kept looking to Washington and asking: What is wrong with our National Government? They told us that we are not going to have to pay anything and life would be wonderful.

What they did not tell us was that they mortgaged our future and left us with a $3 trillion debt.

This budget is a first step to correcting that. It is not as courageous nor as bold as the step President Clinton challenged the Congress to take in his State of the Union Address, but it is progress.

And this budget does represent change—the tax burden has been shifted from working families to those with the largest incomes in the Nation. And, finally, average American working families like mine will get hope, investment, and a future in return for their tax dollars. For the first time in a long time, a President is willing to be responsible and brave enough to tell us there is no such thing as a free lunch.

This is new era—a turning point, a time when Americans cast off the notion that Government is bad. The farmers of the Midwest understand the positive effects of Government spending. The victims of Hurricanes Andrew and Bob and Iniki know the positive effects of Government. Residents of the State of Washington know it, too—look at the specifics of the budget.

The plan provides relief for distressed timber communities by ensuring long-term stability for counties with large national forests. It steers more logs into the domestic timber supply. This is vital for diversifying our State's economy.

The plan gives hope to 210,000 Washington families who are counting on the earned income tax credit. It helps small businesses, like Steve Elliott's company in Seattle, with targeted capital gains breaks and SBA loans.

It helps our future-oriented companies like Microsoft and small startup biotech companies by making the research and development tax credit retroactive to January 1, and extending it to 1995.

It exempts our troubled airline industry from the fuel tax for 2 years.

As the daughter of a disabled veteran, I believe the United States has a special responsibility to provide the highest quality health care to our Nation's veterans. I am really pleased that benefits to veterans will continue unaffected by this plan.

This country was founded by people banding together with a vision for the future—of a life and a Government better than the one they left. They would not have made it without cooperation. They would not have made it without hard choices. That's what makes America great.

All of us—Democrats and Republicans alike—have a vested interest, an American interest, in seeing this plan succeed. And, that is why I was sent here—to make Government work for the people. But an entire segment of the Congress has opted out of the process. The Republicans have said hands off, just say "no."

Mr. President, we cannot say "no" to this country. We cannot say "no" to the American people. We cannot say "no" to deficit reduction. We cannot say, "No, this is not my problem." We have to get back to the point where everyone in this country takes responsibility for our economic future.

Of course, I appreciate loyal opposition. I served in the Washington State senate, and I was in the minority party. I have always kept an open mind to ideas and legislation which originate on the other side of the aisle. There are some Senators who, out of philosophic difference, will not vote for this budget. I honor their commitment to their cause. But others seem to be making political points in trying to cause this process to fail.

Participating in this process is why I was sent here. It has been a fascinating and a frustrating experience. I wish that every citizen in the country had the opportunity to serve on the Budget Committee and go over the numbers in this plan, as I have.

President Clinton last January warned us that every special interest would be here, yapping at our heels, picking and begging for more and more and more spending. And he was right. I just wish my friends and neighbors at home in Washington could see what it is like. Guys in gray suits and red ties and women in expensive shoes, clogging the corridors of the Capitol Building, screaming in public, "Call your Senator, tell them to cut spending first," but in private they plead: "Don't touch mine." They try to protect their tax breaks. And they try to convince us—and the American people—that change is bad and dangerous.

But change has happened everywhere. Today, the Senate will show that it can change, too. And what is the alternative? The status quo? Watching levees break and roads crumble beneath our feet? Settling for low-skill, low-wage jobs? Abandoning our timber-dependent communities? Burdening students with unimaginable debt with no future for employment? Sitting by while our children go without immunizations? Watching the AIDS epidemic run rampant through our society? Balancing the budget on the backs of our senior citizens? Ignoring our veterans? Leaving an entire generation with no hope for the future?

Mr. President, I will vote for this budget, but I am not so naive to think that it will solve all of America's problems. The 93 men and 7 women in the U.S. Senate cannot solve every problem with our country's economy. In fact, many issues are best addressed in the local context.

We cannot legislate social harmony. We cannot mandate every American a stake in society. But we can set a tone and foster an economic climate that gives them that stake, and gives them hope for the future.

But this budget is just a first step. We must continue to cut spending. Health care costs must be reined in. The welfare system must stop being a way of life. We have to take a serious look at America's entitlement programs—and I am talking about structural reform, not just recommendations of across-the-board cuts.

When I graduated from college, I knew that if I worked hard, I could achieve whatever goals I set. Today, my children don't have that same faith, because they're facing a situation where jobs are scarce. Mr. President, when I stand in this body as a Senator, I do not forget my responsibility as a mother. I refuse to vote for anything that would not give America's children hope in our economy and confidence in our system.

In order to live up to this, we must legislate with responsibility and with maturity. We must stretch the boundaries of creativity in governing. We must take a first step in shifting priorities. We must pass this budget.

The PRESIDING OFFICER. The time yielded to the Senator has expired.

Mr. SARBANES. Mr. President, I yield 5 minutes to the distinguished Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona [Mr. DECONCINI] is recognized.

Mr. DECONCINI. Mr. President, I rise today to give my support to the reconciliation agreement because I believe it stands alone as the single best opportunity this Nation has ever had at real deficit reduction. This plan will reduce the deficit by $496 billion. The President's Executive order creating a deficit reduction trust will insure that these reductions are achieved. The bill contains more spending cuts than tax increases. Those income tax increases will fall only on the top 1 percent of the wealthiest Americans. The plan will get this economy moving again. In Arizona alone, it is projected to create over 320,000 new jobs over the next 4 years—one of the largest projected job increases in the Nation—1,600 percent more jobs than were created over the last 4 years under the last administration. While it is not a perfect plan, it is the only one on the table. I am convinced it is in the best interest of the country to move forward with it.

As everyone in this body is well aware, my vote on this issue remained in doubt until Wednesday. In wrestling with this issue, I was confronted with the undeniable fact that this debate is not just about the economic future of this Nation. At its most basic level, it is also about the way this Congress conducts its business.

This body, once regarded as the greatest deliberative body in all the world, is in danger of becoming little more than a monument to inaction, gridlock, and partisan bickering. It is little wonder that the public's faith in this body, in all of us regardless of party, has fallen so dramatically. This debate, perhaps more vividly than any other in recent memory, underscores why the American people are so fed up with the U.S. Congress. In the face of some of the most difficult choices of this half century, we have engaged in bickering and self-interested theatrics which threaten the credibility of this body's ability to govern. The gridlock must end if we are ever to restore the people's faith in Government. That is what the public wants and they should expect no less. I hope the Senate will meet the challenge by passing the economic package before us. Voting for this package may not be the easy choice, but I am convinced it is the right thing to do.

Clearly, I would rather not face senior citizens in my State and tell them that some will see increased taxes on their Social Security benefits. I would rather not tell people whose lives rely on Government programs that those programs will be scaled-back, if not terminated. I would rather not tell a mother of two, who has to shuttle her children to baseball games and doctor visits and who must hold down a full-time job at the same time, that she must pay an additional gas tax. And I certainly don't relish telling the almost 16,000 Arizona taxpayers who will see increased income taxes that they are retroactive. The easy thing to do, the politically expedient thing to do, is to vote against change, to vote against this bill, to continue to engage in deficit spending as if the bill for such action will never come due. The status quo is comfortable, familiar, and easy. It takes no courage to follow the path of least resistance, as this body has proven again and again over the last 12 years.

But I submit that none of us was sent here to do the easy thing. What each of us is sent here to do is to govern, to lead, and especially when the choices are tough and so much hangs in the balance, to do what is right for this country. The people of this Nation spoke loud and clear last November when they called for a mandate for change. They told us it is time to replace apathy with action. The campaign is over; it is time to govern.

This President has made a legitimate attempt to reduce this Nation's deficit, despite the fact that doing so requires some unpopular and difficult choices. This plan—the only plan on the table—will bring our deficit down from $319 billion today to $206 billion in fiscal year 1998. The Republican plan would have left the deficit at least $114 billion higher at the end of 5 years than the one before us today.

There are opponents of this reconciliation bill who have launched a vast disinformation campaign about what is actually in this package. It is a vindictive campaign and it calls to mind what Walter Cronkite once said about "the political lie": It "has become a way of life. It has been called by the more genteel name of 'news management.' I say here and now, let's call it what it is: lying."

I want to second Mr. Cronkite and say on this floor that elected officials and members of the media have a responsibility and an obligation to inform the public of the truth. To those who want to oppose this package, I welcome your arguments. That is what informed debate is all about. But let us argue on the facts.

The opponents of this bill have asserted that this is "the largest tax increase in world history." Not true. according to the New York Times, history's largest tax hike came during the Reagan administration. The 1982 tax bill, authored principally by Senator DOLE and signed into law by President Reagan, raised taxes by $215 billion over 5 years. This amounts to $286 billion in 1993 dollars, considerably more than the figure in the bill before us today—$241 billion.

The opponents of this reconciliation bill claim that is it a tax-and-spend bill with few real spending cuts. The fact is this bill contains over 100 specific spending cuts. While Medicare will be cut by $56 billion, there will be no increases in beneficiary premiums. Spending on agriculture programs will be reduced by $3.1 billion over 5 years. Student loan reform will result in savings of $4.3 billion. Cuts in the administrative costs of welfare will save us another $1 billion. the list goes on—real, quantifiable cuts, not illusions or promises.

This bill is only a first step in cutting spending. I intend to work with the administration and with congressional leaders this fall to produce a package of additional cuts in discretionary and mandatory spending beyond the $255 billion in spending reductions proposed in this economic package. I intend to be an active participant in this effort to further cut government spending.

Crucial to my support of the bill was the establishment of a deficit buy-down fund which I proposed to protect any savings generated by the bill from being used for more Government spending. Many have wrongfully dismissed this fund as a gimmick. Nothing could be farther from the truth. The fund, established by Executive order on Wednesday, is a new and historic idea whose time has come. Unlike other trusts funds, to which this one has been wrongfully and irresponsibly compared, this fund allows increased revenues and savings from spending cuts to be used for one purpose and one purpose only, to reduce the deficit. This fund cannot be looted, or eroded for any purpose other than fulfilling the goal of deficit reduction, period. This mechanism does by Executive order that which Members of Congress have been unable to do for themselves: Ensure fiscal self-restraint.

This bill does raise taxes and no one disputes that. However, opponents of the bill have intentionally misrepresented who will bear the increased tax burden. It is not the middle class, as opponents have claimed, but the wealthy. Only people making over $180,000 a year will see any income tax increase. This means that only 1 percent of the richest taxpayers will have their income taxes raised. In Arizona, it will affect less than 16,000 taxpayers. The typical middle-class family, on the other hand, will see absolutely no increase in their Federal income tax—none. The only tax which will affect the middle class will be the 4.3-cent gas tax, which because of the buy-down fund will be applied to deficit reduction. The 4.3 cents of verified deficit reduction per gallon of gas is a small price to pay to ensure the economic security of future generations, especially given the costly alternatives of a Btu tax or a 50-cent-per-gallon tax. The average driver in Arizona will have to pay approximately $31 a year in increased gas taxes—or around 8 cents a day.

I have previously voiced concern about the effect of this bill upon the country's senior citizens. Many are concerned about their hard-earned benefits, and rightfully so. while I would have preferred no increase in taxation of Social Security benefits, and while I offered an amendment to lessen the impact of those taxes, my amendment was unsuccessful. It was opposed by virtually every Republican. nevertheless, I continued to pressure the President on this issue with the result that the threshold at which these taxes kick in was finally raised in the package before us today. As a result, this compromise will save roughly 1 million middle-income seniors nationwide from any additional taxation of their Social Security benefits. The tax liability of another 1 million middle-income seniors will be reduced by roughly 50 percent. In my own State of Arizona, 20,000 seniors will be relieved of any additional tax burden, and the majority of another 40,000 affected by the change will see their additional tax burden reduced by at least 50 percent. The average reduction is $320. While I did not achieve all I wanted, resolution of this difficult problem was a fair one which I can support. it is certainly a better resolution than walking away from the table.

In the past weeks, I have been reminded all too often of the possible political implications of my decision to support this package. The easy decision would have been to oppose the bill. But I will sacrifice political popularity for national prosperity any day of the week. I came to the Senate to do what I thought was best for the State of Arizona and this Nation. For 12 long years we have deferred the tough choices to another day—and we are paying the consequences. This bill speaks directly to the economic security of our children and our children's children. That is why I will support the legislation before us today.

Mr. SARBANES. Mr. President, I yield 4 minutes to the distinguished Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii [Mr. AKAKA] is recognized for up to 4 minutes.

Mr. AKAKA. Mr. President, after months of debate, countless amendments, and a vigorous period of negotiation, we are about to cast a final vote on the Clinton economic plan.

Every time we vote on the floor of the Senate, the outcome has some measurable impact on the American public. On a few occasions, the votes we cast may influence the lives of many Americans. And on rare occasions, a vote will profoundly affect all Americans because it charts a new direction for Government.

This deficit reduction bill represents one of those rare moments. With this legislation we have the opportunity to abandon the old ways of doing business and chart a new direction for Government. This is a landmark bill. It will reduce the deficit more than any other measure considered by Congress. In the annals of deficit reduction, this is a defining moment.

One month after taking office, President Clinton announced his comprehensive plan to reduce the deficit and reorder the priorities of Government. The President was responding to the American public who, in record numbers, voted for change last November.

If you ask Americans what they mean by change, you get a variety of answers. But two issues that surface time and time again are the need to reduce the deficit and the need to get our economy rolling again. Without question, the deficit and the economy are the issues that concern Americans most.

The bill before us tackles these tough issues with nearly $500 billion in deficit reduction and investment incentives designed to promote long-term growth and capital formation, and stimulate our align economy. The savings generated by this bill will be locked away in a deficit reduction trust fund to ensure that every penny is used to lower the deficit and none is diverted to spending program.

This legislation cuts $255 billion from more than 100 Federal programs. It contains some tax increases, but the wealthy, not the middle class or the poor, will bear the brunt of these increases. This legislation is a serious effort at getting our fiscal house in order.

If you examine the details of this budget package, everyone will find something they do not like. Personally, I wanted to maintain the meals and entertainment deduction for Hawaii's visitor industry. I wish Medicare and Medicaid could have been spared. And, I worry that the gas tax will be an added burden on top of Hawaii's already high energy prices.

But we must look beyond the details of this bill and consider the big picture. The best way to end our current economic slump and return America to prosperity is to pass a budget bill, and go forward with serious deficit reduction. We cannot reach our deficit goal unless we begin the process by enacting this bill. Our budget problems make this deficit measure a painful, but necessary, first step.

But this bill will not be the last step we take down the deficit reduction path. This fall we will consider legislation to cut an additional $5 to $10 billion from the 1994 budget. We will also vote on balanced budget legislation and Vice President GORE's National Performance Review, designed to reinvent and streamline Government. This is the beginning, not the end, of the process. The quest for deficit reduction will continue.

The bill before us offers hope of an improved economy in the months and years ahead. That is welcome news, because most Americans faced income stagnation over the past 20 years. Since 1971, the average annual increase in median family income has been only one-half of 1 percent. Of course this dismal economic statistic is nothing new to working families that face rising prices every time they shop at the grocery store or buy clothing for their children.

No one expects this deficit bill to be a magic wand, capable of making our economic troubles disappear. Yet the financial markets have already begun to respond to the likelihood of this bill becoming law. On Tuesday, August 3, 30-year Treasury bonds dropped to 6.5 percent, the lowest yield since the Treasury began auctioning these bonds on a regular basis. The Wall Street Journal attributed this decline to hopeful expectations within financial markets that the Clinton budget bill will pass Congress. The financiers on Wall Street have endorsed this bill, and that is good news for our economy.

The bill also is pro-small business. It contains a targeted small business capital gains tax cut and a more generous small business expense deduction. It will extend the small business deduction for health insurance premiums and increase tax credits for research and experimentation by nearly $5 billion.

In Hawaii, 95 percent of our companies are small businesses, and as we all know, small businesses are the driving force behind job creation. This legislation will help stimulate our stalled economy and promote job growth. That's why CEO's from more than 100 corporations, as well as 8 small business groups, have endorsed its passage.

This bill will boost housing opportunity in Hawaii. It extends the mortgage revenue bond program, known in Hawaii as the Hula Mae Program. Hula Mae mortgages provide below-market financing to first-time home buyers. More than 6,000 families has successfully purchased homes since this program began in 1989. The average price of such home is nearly 30 percent less than the price of a home purchased with conventional financing. That is real, tangible savings for families who otherwise would have a tough time affording a home.

The budget agreement also permanently extends low-income housing tax credits for the construction of rental housing. During my first year in the Senate, I introduced legislation to make this program permanent, so I am especially pleased that this change will finally become law.

But the greatest boost to our housing market will come from a sustained period of low interest rates. Millions of Americans are refinancing their mortgages, and millions more are finally able to own a home because declining interest rates have brought the dream of home ownership within reach.

The bill also promotes tax fairness. Working families making less than $180,000 a year will not experience any increase in income taxes. The only new tax that affects the middle class is the gasoline tax, but the increases will average less than $3 a month.

But above all else, this measure is a deficit reduction bill. The Federal deficit is public enemy No. 1, because mounting debt drives up interest rates and strangles economic growth. The deficit subjects financial markets to constant pressure, draining sorely-needed capital from businesses and depressing our economy.

The way I see it, our Nation is at a watershed, a turning point. Will we stay on our current course of escalating deficits and a stagnant economy? Or will we take bold and decisive action that offers hope of a better future for ourselves and our children? The choice is in our hands.

I have decided to vote for this bill, to vote for deficit reduction and the hope of a brighter future, and I urge my colleagues to do likewise.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, shortly I will yield to Senator PRESSLER. I think we are back in order here.

However, after Senator PRESSLER is finished and the matter returns to our side, Senator BROWN, from Colorado, is going to offer a point of order regarding tobacco provisions in the bill.

I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from New Mexico has up to 1 minute.

Mr. DOMENICI. Mr. President, my friend, the Senator from Arizona, used this much, much-used phrase "gridlock."

I just want to tell those who are observing our deliberations here, there are no gridlock potentials in this bill. There is no filibuster allowed. The whole budget process is one of rigid time constraints. That is why we are doing that here today. So nobody is engaged in any gridlock with reference to this package.

Second, the notion of a trust fund, which was alluded to, to preserve the integrity of all of these tax increases so they will all go to the deficit, along with the cuts, frankly, that is not in this bill. Everybody should know there are plenty of things in it, but that is not, because the Senate refused to adopt it.

The President promised that he would do this by Executive order, even though the President, last year, called trust funds of this type, particularly for the deficit, turkeys. The chairman of the committee here has said it would not work. The deputy OMB Director, Alice Rivlin, has called it an accounting gimmick or accounting display.

So I would not want anyone to think that we will be missing something that is really going to work here, nor should they believe that it is going to have any more effect in the natural raising of taxes and trying to put them on a debt when you are spending more and more on the other side.

I yield to Senator PRESSLER.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Mr. President, I shall be fairly brief.

I want to summarize the reasons behind my decision to vote against the Clinton budget plan. I call it the deficit-increase plan.

First of all, 80 percent of the cuts in this package will not occur until after the next election. Thus, the bill is fraudulent in its presentation. People are being told there are cuts, but 80 percent of them do not occur until after the next Presidential election. That is misleading the public.

The President has made a valiant effort to sell his plan. He has barnstormed the country. We have been bedazzled with colorful charts and graphs. TV commercials attempt to appeal to our sense of patriotism. Scores of young people are outside this Chamber handing out stickers that say "Pass the Plan" or "Vote 4 our Future."

Yet, after 6 months of populist pleas and Madison Avenue campaigns, most Americans oppose the President's plan. Hundreds of my fellow South Dakotans have called me this week. In fact, in the last 2 days, nearly 90 percent of them have told me they want Congress to reject the President's plan.

Why are South Dakotans so adamantly opposed to the President's plan? Are they unwilling to sacrifice? Hardly. South Dakotans always have answered the call to duty. Whether it is a world war or a cold war, an economic crisis or an energy crisis, South Dakotans are willing to do their fair share.

I believe South Dakotans are willing to do their part to reduce the Federal deficit. They recognize that eliminating our deficit is the key to long-term economic prosperity. So why the objection to the President's plan? The answer is obvious: The President's plan is misleading, unfair, unbalanced, and would do little to control our Federal debt.

Even if we use the administration's numbers, our national debt would increase by another $1 trillion under the President's plan. Is that deficit reduction? No. Even if we use the administration's numbers, Federal spending would increase under his plan from $1.5 trillion this year to $1.8 trillion in 1998. Is that cutting Federal spending? Again, no.

Under the President's plan, the Democrats count $18 billion in new user fees as spending cuts. They count $44 billion in cuts that were required already by the 1990 budget agreement. Does the President's plan really cut spending by $255 billion? For the third time, no.

Will the President's plan help the economy? Obviously not. Also, let me say that the increased taxes on small business and the increased gas taxes will fall unusually hard on South Dakota, a State of small cities and rural areas.

In fact, one of the main reasons I oppose this plan is because of the devastating impact it will have on South Dakota small business. As ranking member of the Senate Small Business Committee, I feel compelled to outline some of the other troubling examples of how this plan will harm the most productive sector of our economy.

Before I do so, however, I would like to highlight one bright spot. When the plan first came before the Senate, it contained a provision known as the service industry noncompliance initiative [SINC]. Current law requires businesses to report any payments made for services to an unincorporated individual if the payments exceed $600 per year. The President's plan would have expanded this requirement by forcing all businesses to file a report with the IRS anytime they purchased more than $600 from an incorporated business. This one provision would have cost businesses millions if not billions of dollars in compliance costs. Yet, the Joint Tax Committee estimated it would have brought in only about $80 million per year in new revenue. Further, the IRS itself admitted it could not use the information for at least 6 years.

During the Senate's initial consideration of the President's plan last July, I offered an amendment to strike the SINC proposal. My amendment was accepted unanimously after a motion to table the amendment failed 0 to 98. I worked hard to keep the provision out of the conference report and was very gratified when the conferees emerged from negotiations having accepted the Senate position. Given the variety of other ways in which the bill hammers small business, my amendment's survival is a small but significant consolation.

Now, the bad news. The President's proposed increase in income tax rates will be imposed on many small business women and men. Under this package, most major corporations—many of which are cutting jobs—will pay a 35-percent corporate tax rate. On the other hand, many small businesses—companies that are creating jobs—will see their effective tax rates climb to near 45 percent. It's not surprising why people are opposed to this plan. The Democrats are placing the greatest burden of their plan on those businesses responsible for creating most of our new jobs.

Let us just look at this chart of what the taxation of small business income under the Clinton tax plan will do to the marginal rate of taxation on small businesses.

We are told that this plan increases taxes on the rich. However, most small businesses in my State pay taxes at the individual rate. Under this bill, many of the 4 percent of those small businesses that create the most jobs will see their tax rate go up to 44.5 percent, when you include the self-employment tax, the so-called millionaires' surtax, and the new top marginal rate.

In other words. This plan does not just tax the rich. It raises taxes on many of the small businesses in South Dakota that create most of our new jobs.

Meanwhile, the top corporate rate will be at 35 percent. Thus, the reality is that small businesses—the firms that are creating new jobs and causing our State to be one of the leaders in new job development—will be paying 44.5 percent of taxation, while General Motors will pay over 35 percent.

Not only that, Mr. President, it punishes these firms retroactively. The plan makes all tax increases retroactive to January 1, 1993—20 days before the President even took office. This means 7 months of business decisions have been made by unsuspecting business owners who now find the rules governing those decisions have changed and there is nothing they can do about it. This is reprehensible. Perhaps it has occurred in previous tax bills. I do not care. I am still opposed to such a policy.

It also is one of the most misguided policy precedents I have seen in all my years in Congress. It makes tax planning impossible. In addition, how can U.S. businesses ever again be expected to compete internationally when their Government may step in at any moment and change tax laws not just for the future, but for the past as well?

In defense of their plan, Democrats are quick to point to the numerous incentives for small businesses included in the bill. They point to their plan to provide targeted capital gains tax relief for small businesses. It's targeted, alright. In order to qualify for the new rate, a business must be incorporated. Eight out of ten small businesses are not. this incentive is useless to at least 80 percent of small businesses.

Mr. President, I could go on. However, in the interest of time, I ask simply that a joint statement on the impact this measure would have on small business that I have prepared with Representative JAN MEYERS, ranking member of the House Small Business Committee, be included in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. PRESSLER. We know the President's plan would be ineffective in reducing the deficit. We know the President's plan would have a detrimental impact on small business, our Nation's economic growth engine. Just as important, even if it was effective, the President's plan is unfair, particularly in my home State of South Dakota.

Very quickly, I want to look at one other chart here. This shows who will bear the burden of a gas tax—those least able.

In my home State of South Dakota, the impact of the gas tax is much higher than it is, let us say, in the State of Connecticut, a State much richer than ours, where the per-capita income is much higher. This is because in States like South Dakota per-capita income is lower than the national average, but per-capita use of gasoline is much higher.

The proposed 4.3-cent-gasoline tax is estimated to cost South Dakotans $90.8 million over the next 5 years. With incomes lower than the national average and the need to drive great distances, citizens in rural, small city States like the Dakotas and Wyoming would be hardest hit by the gas tax. Is this fair?

Many of our people drive trucks for a living. For instance, lumbermen, who are both small businessmen and drive trucks, and people who drive a tractor or a truck or drive great distances will be hit hard by this plan. So we are rewarding our most productive entrepreneurs with higher taxes.

The President's plan taxes small businesses, farmers, truckers, and seniors yesterday, today, and tomorrow in return for the promise of cuts way off in the future. Is this fair?

Most of the real cuts proposed in the plan are in Medicare spending increases totaling $56 billion. The administration contends these cuts would come from the pockets of doctors and hospitals. However, medical providers simply will shift this loss of Federal revenue to the private sector and senior citizens. The cost of entitlement programs must be reduced. However, this cut is disproportionate. Nearly 108,000 South Dakotans are enrolled in the Medicare Program. Last year Medicare reimbursements in South Dakota totaled more than $300 million. Spending reductions of the size would severely hurt health care providers in rural areas. Is this fair?

For these reasons, Mr. President, I think this is a bad package. I think it is extremely misleading to the public.

Fairness and effectiveness, Mr. President. That's the bottom line. We have before us a plan that requires Americans to sacrifice yesterday and today in return for a promise of future Federal Government sacrifices. Even if the Federal Government fulfills its promise, the plan is weighted heavily toward tax increases. That's not fair to the American taxpayer, the small businessperson, the farmer, the rancher, and the senior citizen. That's why the American people are opposed to this plan.

Despite all the rhetoric, the pie charts, graphs, and studies, this plan would not reduce our annual deficit below $200 billion, and would add $1 trillion to the Federal debt. That's not real deficit reduction. That's why the American people are opposed to this plan.

The Democrats claim it's their plan, or no plan. Don't be fooled. Republicans have offered serious proposals to reduce our enormous deficit without raising taxes, and we stand ready to work with the President to achieve real deficit reduction without sacrificing fairness and economic growth.

The Republicans do have an alternative. Senator DOLE is prepared, if this fails, to move to reconsider and to immediately call for a budget summit to develop a plan that will contain cuts that go into effect immediately.

This bill represents little more than the Clinton Democrats' Treasury cooking the books. I think it is time the American people find out the truth.

One Member of Congress stated that it takes courage to vote for the President's plan. Yes, it does take courage to vote for a plan that is misleading, taxes more than it cuts, and in the end, will achieve little, if any, deficit reduction. But it takes even greater courage to make real cuts in the size of Government. It takes greater courage to come up with a deficit reduction plan that will mean real reductions in deficit spending. It takes even greater courage to reject this current plan, stay here during the August recess, and come up with a strong bipartisan plan that cuts spending now rather than later.

I urge my colleagues to exercise that courage. Let's not settle for second best. Let's reject this plan. Let's get back to the drawing board. Let's reduce and eliminate deficit spending once and for all.

I yield back to my friend from New Mexico. I thank him very much.

EXHIBIT 1

SENATOR PRESSLER AND REPRESENTATIVE MEYERS OFFER SOME SPECIFIC THOUGHTS AND FACTS ON SMALL BUSINESS AND RECONCILIATION

Small business is widely recognized as our Nation's top job producer and innovator.

Small business and the rest of the business community are this country's tax collectors and our government's major data gatherer. They receive no compensation for these duties; and, in fact, small businesses are often penalized and then charged interest when they attempt to comply with our voluminous and complex tax code.

Never before in our political history have so many individuals in government uttered the words "small business." Unfortunately, by the looks of the reconciliation package, that's about all they did—talk about small business. Why? keep reading!

The Treasury Department admits that at least four percent of all small businesses will be paying more taxes under this package. While we believe their figures may be low, we will accept them. Four percent of all small businesses in this nation translates into 800,000 employers. Many of these employers are fast-growing firms which are hiring workers at above the average rate. So we reward them with higher taxes, which will be retroactive from January 1, 1993?

Much has been made of the various tax credits which will be extended under this package. First, all these credits are already in current law. Why aren't they permanent?

As for the self-employed health insurance deduction, it doesn't even make economic sense. Why can incorporated businesses deduct 100 percent of health insurance premiums yet the self-employed may only deduct 25 percent (and only a few years ago it was 0 percent?)

Lowering the meal and entertainment deduction to 50 percent will have a devastating impact on restaurants, hotels, other entertainment ventures, and some tourism businesses. These industries are a major growing part of our economy. Why would we choose to harm them and not help them? In addition, we should not overlook the fact that many new business owners use this deduction to great benefit. Many start-up firms must rely on business meals as the only affordable means of meeting potential customers in the hopes of selling their products and services and building their client base.

We are going to raise the fuel tax 4.3 cents a gallon. We've heard all the arguments why this is supposed to be good. Here is what you have not heard. There is an often stated axiom, "If you've got it, a truck brought it." A great portion of consumer goods in this Nation are moved by truck. Obviously, this movement of goods affects small business in several ways. As of today, our Nation's trucking companies and the tens of thousands of independent owner-operator truckers already pay a six cent per gallon gas tax differential. In other words they now pay 20.1 cents in Federal tax on each gallon of diesel fuel they purchase. We are now going to add 4.3 cents per gallon. That is a 21 percent increase. In addition, effective October 1 of this year, the Clean Air Act mandates that all commercial highway vehicles must switch to a low sulfur diesel fuel. There is a $2,500 fine per violation for failure to meet this mandate. The Nation's refiners have stated that this will add 3 to 7 cents per gallon in cost. Taking the middle ground of a five cent increase and adding it to the new tax, truckers' fuel costs will now increase almost a dime per gallon with no certainty that overall fuel prices will remain constant. Most truckers average 5 to 7 miles per gallon of fuel. You figure it out. Isn't this going to have a dramatic impact on our economy?

One of the hallmarks of small business throughout our history has been the family-owned business. Many entrepreneurial dreams have been passed down to children, grandchildren, and even beyond. Reinstating the top estate tax of 55 percent and making it retroactive from January 1, 1993 will pose yet another hardship for many small business owners. What should people do? Spend the estate off? Try to devise a way to pass-off the portions of the estate to others? Set up some sort of trust? In this legalistic society some individuals will be able to figure a way around the tax, but what of the many truly small enterprises and family farms who won't or can't do this? Is this our government's thanks to them and their families—an onerous and confiscatory tax?

The Service Industry Noncompliance Proposal (SINC) dreamed up in the House, without benefit of hearings, would increase recordkeeping and paperwork by small business beyond anyone's imagination. Senator PRESSLER's amendment thoroughly discredited this in the Senate by a vote of 98-0. Yet the proposal lived on until the final minutes of the reconciliation conference. Rumors are that it will reemerge under the administrative authority of the Internal Revenue Service. This is an ill-conceived proposal for which no one has shown a need and is a pure example of the Federal bureaucracy run amok, in concert with some friends in Congress. Let us remember it is the IRS who already creates half of small business' paperwork burden.

We have heard much about the reconciliation package's expensing proposal as the be-all and end-all of small business development. One should note that increasing expensing is a positive, but its benefits are limited. The vast majority of small businesses are labor intensive, not capital intensive. That doesn't mean we should not help the small business that can use this deduction. However, we highlight the negotiations on this issue because they truly portray the way small business regularly is treated as a second class citizen in the budget negotiation process. The current expensing limit is $10,000. The House bill proposed $25,000. The Senate bill proposed $20,500. The final compromise was $17,500—this must be an example of what they call the new mathematics.

A capital gains exclusion for an investment in small business is an excellent idea. However, this provision, which reduces capital gains by half on investments in small business held over five years, has some serious limitations. The investment must be held five years, it must be invested in a firm that is incorporated, and the firm must engage in a specific type of production. By the time you exclude 16 million unincorporated small businesses from the benefit, leave out countless forms of production activities, and eliminate investors unwilling to tie up capital for five years, this proposal probably won't produce the results its proponents champion.

Many federal lobbying efforts will be eliminated with the proposal, as will the business deduction for club dues. It is easy for someone to get up and rail against the powerful lobbies that allegedly control Washington. Small business is not one of them. To blindly eliminate lobbying expenses across-the-board will not stifle or quiet the powerful interests that work their will in Washington day-in and day-out. What it will do is further erode the limited strength, and silence the voices, of the small interests who, in fact, need lobbyists to speak on their behalf. The nation's small businessmen and women go to work early in the morning and don't turn out the lights until late at night. They don't have time to continually lobby government at all levels. To further restrict the limited access they have will only put our nation in greater jeopardy. One needs only to read through this reconciliation package to see this quite vividly.

Mr. DOMENICI. I say to Senator PRESSLER, I am so pleased he came down and showed what happens with rural States with this gasoline tax as compared to others. Mine is even worse than that. I appreciate the Senator presenting that to the Senate today.

I yield to Senator BROWN of Colorado who I think will make a point of order. We hope he can keep it to a minimal time so others will be able to speak during the remaining time.

Mr. BROWN. I thank my friend from New Mexico.

Mr. President, I raise a point of order that section 1106(a) is extraneous and violates section 313(b)(1)(D) of the Congressional Budget Act of 1974.

It violates it because it produces changes in the revenues that are clearly only incidental to the nonbudgetary components of the provision. The reality is this imposes the first domestic content provision that applies to exports. It is a tiny fraction of revenue—actually not even reducing the deficit—but only one-fourth of 1 percent of the tobacco——

The PRESIDING OFFICER. If the Senator will withhold, the Chair wishes to advise the Senator the point of order is not debatable. So if the Senator is setting a predicate for offering a point of order, that is acceptable. If he is debating a point of order already offered, it is not.

Mr. BROWN. I do raise that point of order and ask the Chair to rule on section 1106(a).

The PRESIDING OFFICER. The Chair will not sustain the point of order. The point of order is not sustainable.

Mr. BROWN. Mr. President, I appeal the ruling of the Chair and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The vote will be taken by the yeas and nays.

Mr. FORD. Mr. President, as I understand it we have 30 minutes? Was that the gentleman's agreement? Or what is the time agreement?

The PRESIDING OFFICER. The Chair advises the Senate the time available for debate will be 1 hour unless changed by unanimous consent.

Mr. FORD. I have no problem with reducing that.

Mr. SARBANES. I suggest 5 minutes each?

Mr. DOMENICI. Can the Senator make his explanation in 5 minutes?

Mr. BROWN. I can and will make my explanation within 5 minutes.

Mr. DOMENICI. Five minutes on a side.

Mr. SARBANES. Mr. President, we ask unanimous consent the time on the appeal be limited to 10 minutes equally divided, 5 to a side.

The PRESIDING OFFICER. Hearing no objection, that will be the order.

PRIVILEGE OF THE FLOOR—H.R. 2264

Mr. FORD. Mr. President, I ask unanimous consent that Kenny Gill and Rob Mangas of my staff be allowed the privilege of the floor during this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time? The Senator from Colorado [Mr. BROWN].

Mr. BROWN. I yield myself 4 minutes.

Mr. President, occasionally a provision reaches a bill like this without having public hearings. This particular measure, I believe, is one of the most dramatic examples of special interest legislation that I have seen in over 12 years in the U.S. Congress.

It will have an enormous impact on our country and an enormous impact on our trade policies. It has special penalties for those who have chosen to manufacture products in the United States and enormous rewards for those who have chosen to manufacture products outside the United States.

The provision is one that requires the domestic content for the manufacture of tobacco products in the United States. That domestic content provision not only applies to products sold in the United States, but manufactured in the United States and then exported. It is an incredible provision that would place manufacturers of products at an enormous disadvantage if they choose to manufacture in America versus manufacturing overseas.

Currently because of our tobacco program, U.S. tobacco sells at roughly twice the price of imported tobacco. And because they are having difficulty in maintaining that artificially high price, this measure, I believe, came to the floor.

But what it does do is price U.S. manufacturers that export out of their own markets. It has an enormous beneficial impact to one company, Philip Morris, that has chosen to locate roughly three-fourths of its facilities that manufacture cigarettes overseas—that is facilities that export outside the United States.

Their annual report indicates roughly only 26 percent of their sales volume that was sold outside the United States ends up being manufactured by their facilities inside the United States.

The simple fact is this, Mr. President. This is special interest legislation. It has an enormously bad effect with regard to our trade policies. It clearly violates, in my opinion, the GATT rules.

Mr. President, I draw to the attention of the Members, several items with regard to the GATT. First of all the comments by the U.S. Department of Agriculture talking about this issue. In a recent publication they say:

> An important limit on tobacco is probably in violation of the General Agreement on Tariffs and Trade.

I would also refer the Members to a recent communication from a series of Ambassadors of countries that we have been negotiating with on trade matters, urging them to do away with protectionist legislation. Here is what those Ambassadors said.

> For years, U.S. representatives in the GATT, Uruguay Round of negotiations and elsewhere have been consistently fighting against this kind of provision.

That is this tobacco provision.

> In the name of free trade and for the benefit of both consumers and efficient producers, at this time, when a large number of countries in the developing world have undertaken, on a unilateral basis, far-reaching trade liberalization programs, the consideration and eventual approval of this type of discriminatory measure would severely disrupt those efforts and would clearly violate one of the most basic principles of the General Agreement on Tariffs and Trade.
>
> Further, the implementation of such provision would undermine the United States negotiating position in the Uruguay rounds.

These are the people we have been trying to persuade to open up their markets and here we violate exactly what we have been advocating. This sort of thing undercuts our ability to negotiate, not only the GATT agreements but our agreements in the European common market.

Once again:

> The import limit could give the European Economic Community sufficient grounds to use the import limit against the U.S. in trade negotiations.

It is also clear this will have a penalty under the GATT rules, at least in my view. We ought to vote against this special tobacco provision because what it does is disadvantage people who have chosen to manufacture in the United States and advantage those who have taken their business outside of America. I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Kentucky [Mr. FORD].

Mr. FORD. Mr. President, I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator is recognized for up to 4 minutes.

Mr. FORD. Mr. President, the Byrd rule under which my colleague from Colorado has made his appeal is very important. The individual's name who is carried on this Byrd rule does it because it is important to this institution.

Mr. President, let me explain to my colleagues, while I believe the Parliamentarian after careful review—and I underscore careful—has advised the Chair that this provision does not violate that Byrd rule.

This provision raises some $29 million over a 5-year period for deficit reduction.

The CBO estimate for this provision analyzed each part of the provision and concluded that each had a budgetary impact on the $29 million in savings achieved by this provision. That is the Byrd rule question, not the underlying argument.

If you want to get into an underlying argument, let us talk about what effect it might have. My colleagues may not be aware, but tobacco farmers today are helping to finance our deficit by paying a budget deficit assessment. Remember that. Our farmers are paying a budget deficit assessment on domestically-grown leaf.

The budget deficit assessment does not go to help the tobacco farmer. It goes to reduce the spending on other agricultural programs under the Commodity Credit Corporation, to the tune of $24 million, in fiscal year 1993 alone.

To meet its reconciliation instructions the agricultural title of the House-passed bill, H.R. 2264, increased this budget deficit assessment on U.S. tobacco farmers by 10 percent, generating $10 million additional in budget savings over 5 years.

The provision in question today is a Senate alternative to that provision and raises not $10 million but $29 million over the same 5-year period. But the important difference is that the Senate provision levels the playing field for our U.S. farmers by extending the same budget deficit assessment in current law to imported leaf.

Mr. President, it is only fair that before we ask our farm families to pay more out of their pockets to finance our deficit that we ask the imported leaf, which directly competes with American leaf, to shoulder the same responsibilities.

The Senate provision is equitable. It is fair. It raises $29 million to help reduce the deficit, and it clearly does not violate the Byrd rule.

So, Mr. President, I urge my colleagues to uphold the ruling of the Chair, and if this is not done, then this bill is defeated because this amendment then will cause it to go back to the House, and we all understand what will happen there. This is the reason, and the main reason, that this point is being made because they know, and everyone knows, that we meticulously factored this amendment so it would comply with the Byrd rule.

Let me reiterate what my colleague, Senator SASSER, the distinguished chairman of the Budget Committee, said earlier today. The Budget Committee, in conjunction with the individual committees of jurisdiction over the various titles in the bill, worked overtime with the Parliamentarian to ensure that the provisions contained in this conference report did not violate the Byrd rule.

I can assure my colleagues from my own experience, that the Parliamentarian, and his most able assistants, carried out their responsibility with the utmost integrity and concern for the rules and precedents of the Senate. And their decision on this provision is that it does not violate the Byrd rule.

This provision should not be new to my colleagues. It is the Senate provision that was before this body when we debated S. 1134, the budget reconciliation bill, in June. No point of order was raised at that time. Now, however, my colleague chooses to raise the point of order, and although the Chair has ruled that this provision does not violate the Byrd rule, he would have this body overturn the ruling of the Chair, which will effectively kill this conference report.

My colleague knows that is the result of his appeal—if the ruling of the Chair is overturned, the conference report is dead. So if there are not enough votes to kill it outright, it appears some will use parliamentary moves to do so.

But it will not work. Those of us committed to turning our economy around, restoring fiscal integrity to our budget, expanding our job base, and putting an end to the deficit financing that is mortgaging the future of our children and grandchildren, are standing firm behind this package.

I urge my colleagues to uphold the ruling of the Chair.

I think the Parliamentarian has advised the Chair correctly.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Colorado has 48 seconds remaining.

Mr. BROWN. Mr. President, adoption of my proposal or elimination of this amendment will not defeat the bill. What it will do is the House will go along with eliminating this onerous provision. More than anything, this is unfair. U.S. tobacco is double the price of imports. If you say that you are going to force the use of that in exported product, all it means is this: Those who have manufacturing plants overseas that want to sell to Japan will manufacture the exports to Japan overseas. Why? Because they can buy the raw material for half the price.

What you will say to the person who invested in plant and equipment in the United States is you have to pay double the price for the raw material. What this does is penalize those who invested in jobs and opportunity in America and exports those jobs overseas. It ultimately will not help the farmer and ultimately what it will do is destroy jobs and opportunities by the thousands in America.

It does one other thing, Mr. President.

The PRESIDING OFFICER. The time allocated to the Senator from Colorado has expired.

Mr. DOMENICI. I yield another minute to the Senator.

The PRESIDING OFFICER. The Senator has another minute.

Mr. BROWN. Mr. President, just one other thing. If you are making a decision of where you produce cigarettes or tobacco products that you import into the United States, you have two factors to consider: Your cost of producing them and the cost of the raw materials and the tariffs that come into play.

With this amendment, what you will do is urge people to move all their manufacturing facilities overseas because their raw materials will be half price and they can then pay the tariff to bring it into the United States and it will still be much lower in cost than if you processed in the United States.

This is a bad amendment. The Washington Post has editorialized against it. More than anything, it is special interest on fair legislation. What it does is reward those who have moved their plants offshore and now come to this Chamber to get protection and enhancement in what is going to be a multimillion dollar windfall for having not provided the jobs in the United States.

The PRESIDING OFFICER. The Senator from Kentucky has 1 minute 9 seconds remaining.

Mr. FORD. Mr. President, CBO concluded that the savings scored for section 1106 includes budgetary impacts of subsections (A), (B), (C), and (D). So the provisions do not violate the Byrd rule.

I ask unanimous consent to print in the RECORD the CBO estimate.

There being no objection, the estimate was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 4, 1993.

Hon. PATRICK J. LEAHY,
Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for the conference agreement on title I of H.R. 2264, the Omnibus Budget Reconciliation Act of 1993. This title contains provisions regarding agricultural price supports, conservation activities, rural electrification, crop insurance, and Forest Service activities. CBO's estimate reflects the language agreed upon by the Senate Committee on Agriculture, Nutrition, and Forestry and the House Committee on Agriculture as of August 3, 1993.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Eileen Manfredi, Ian McCormick, David Hull, Peter Fontaine, Deborah Reis, Patricia Conroy, and Theresa Gullo, who can be reached at 226-2860.

Sincerely,

ROBERT D. REISCHAUER.

ESTIMATED BUDGET IMPACT OF TITLE I OF H.R. 2264, THE OMNIBUS BUDGET RECONCILIATION ACT OF 1993—CHANGES FROM CBO MARCH 1993 BASELINE

[By fiscal years, in millions of dollars]

Direct spending	1994	1995	1996	1997	1998	Total
Subtitle A—COMMODITY PROGRAMS						
Sec. 1101. Change cotton stocks/use ratio to 29.5 percent in 1995 and 1996 and 29 percent in 1997 and 1998	0	−4	−30	−84	−57	−175
Sec. 1101–1104. Maintain 0/50/92 for prevented planting and alternative crops, but reduce to 0/50/85 otherwise	−24	−56	−60	−67	−89	−297
Sec. 1105. Change butter and nonfat dry milk support prices; reduce dairy assessment to $0.10/cwt. after 1995; delay use of bovine growth hormone and reduce assessments	−45	−62	−52	−47	−48	−254
Sec. 1106. Impose marketing assessment on imported tobacco[1]	−6	−6	−6	−6	−6	−29
Sec. 1107. Increase assessments 10 percent on sugar	0	−3	−3	−3	−3	−12
Sec. 1108. Changes in Oilseeds Program—Include eliminating loan origination fees, reducing the loan rates to $4.92 a bushel for soybeans and $8.70 a cwt for minor oliseeds, and requiring fiscal year loan repayment	0	−204	20	14	10	−159
Sec. 1109. Increase assessments 10 to 20 percent a year on peanuts	(2)	−1	−1	−2	−2	−6
Sec. 1110. Lower honey loan rate to $.47 by 1998 with payment limit and eliminate marketing assessment from 1994	−3	−5	−6	−6	−4	−24
Sec. 1111. Change Wool and Mohair Programs	0	−6	−10	−13	−20	−48
Total subtitle A—Commodity programs:						
Budget authority	−79	−342	−145	−209	−211	−985
Outlays	−79	−348	−148	−212	−219	−1,005
SUBTITLE B—RESTRUCTURING OF LOAN PROGRAMS						
Sec. 1201. Refinancing and prepayment of FFB loans:.						
Budget authority	(2)	(2)	(2)	(2)	(2)	−1
Outlays	(2)	(2)	(2)	(2)	(2)	−1
SUBTITLE C—AGRICULTURAL TRADE						
Sec. 1301. Eliminate GATT trigger language for corn and wheat	0	−227	−204	−153	−2	−586
Sec. 1302. Reduce Market Promotion Program by $90 million a year	−45	−90	−90	−90	−90	−405
Total subtitle C—Agricultural trade:						
Budget authority	−45	−317	−294	−243	−92	−991
Outlays	−45	−317	−294	−243	−92	−991
SUBTITLE D—MISCELLANEOUS						
Sec. 1401. Add Forest Service recreation fees:						
Budget authority	−5	−8	−9	−10	−10	−42
Outlays	−6	−9	−9	−10	−10	−44
Sec. 1402. Cap CRP at 38 million acres through 1995 and cap WRP at 975,000 acres:						
Budget authority	−234	−369	81	31	63	−428
Outlays	−18	−145	−231	−58	−17	−469
Sec. 1403. Change Crop Insurance Program:						
Budget authority	−41	−83	−127	−173	−222	−646
Outlays	−14	−56	−98	−143	−190	−501
Total subtitle D—Miscellaneous:						
Budget authority	−280	−460	−55	−152	−169	−1,116
Outlays	−38	−210	−338	−211	−217	−1,014
Grand total—Direct spending:						
Budget authority	−404	−1,119	−494	−604	−472	−3,093
Outlays	−162	−875	−780	−666	−528	−3,011

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[1] Includes costs and savings in subsections a, b, c, and d of sec. 1106.

[2] Annual savings of less than $500,000 per year.

Note.—Budget authority for the commodity programs equals outlays for all sections above, except for wool, where budget authority equals the previous year's outlays. Savings for several provisions may change if the fiscal year 1994 agriculture appropriations bill is completed before the reconciliation bill. Provisions increasing Forest Service recreation fees currently appear in title X of this bill as well as in title I. The estimated savings from the fee increases authorized in title X duplicate the savings shown in this table. Savings for several provisions may change if the fiscal year 1994 agriculture appropriations bill is completed before the reconciliation bill.

Mr. FORD. Mr. President, we talked about the editorial in the Washington Post. I wonder which tobacco company wrote that editorial because if you look at the top of the paper, or the editorial put on our desk, it names a company. It is a fight between big companies.

What the Senator is trying to do is damage my little farm families in Kentucky and throughout the tobacco belt. We are not asking for anything. We are not asking for protection, just equal treatment and the ability to save the small farm family.

Almost 30 percent of the farm income in my State comes from tobacco, and as we stand here today, over $600 million of foreign tobacco, not paying anything, has come into this country through May. That is two-thirds already this year of the income to my farm families in my State. Imported tobacco is being asked to contribute just like our farmers.

Talk about fighting for big. The Senator from Colorado fights for big. I fight for the farmer.

I hope my colleagues will sustain the Chair.

The PRESIDING OFFICER (Mr. ROBB). All time has expired. The question is, Is the appeal of the Senator from Colorado well taken? An affirmative vote of three-fifths of the Senators duly chosen and sworn is required to overturn the decision of the Chair.

Mr. BROWN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the role.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 43, nays 57, as follows:

[Rollcall Vote No. 246 Leg.]

YEAS—43

Bennett
Bond
Boxer
Bradley
Brown
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Feinstein
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Hutchison
Jeffords
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
Murkowski
Nickles
Nunn
Packwood
Pressler
Roth
Shelby
Simpson
Smith
Specter
Stevens
Wallop

NAYS—57

Akaka
Baucus
Biden
Bingaman
Boren
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Faircloth
Feingold
Ford
Glenn
Graham
Harkin
Heflin
Helms
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Thurmond
Warner
Wellstone
Wofford

The PRESIDING OFFICER. If there are no other Senators desiring to vote, on this vote the yeas are 43, the nays are 57. Three-fifths of the Senators duly chosen and sworn, not having voted in the affirmative, the appeal is rejected.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the appeal was rejected.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, Senator HATCH has requested the opportunity to address the Senate on a matter of personal privilege unrelated to the pending bill.

I therefore ask unanimous consent that Senator HATCH be recognized to address the Senate for 20 minutes and that the time he uses not be counted against the bill.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Without objection, it is so ordered.

NBC DATELINE SHOULD GET ITS FACTS STRAIGHT

Mr. HATCH. Mr. President, I thank the majority leader for this time.

Mr. President, it is important that we have the facts straight as we debate the President's tax plan. It is important that we have the facts straight on every issue of public policy that we address. And it is important that the media get the facts straight when they report what happens here to the people of America.

On a point of personal privilege, I would like to address a recent episode of tabloid journalism that got none of the facts straight.

Last Tuesday, August 3, 1993, NBC News broadcast an episode of its "Dateline" program—a program not noted for its adherence to professional standards of journalism. In one segment of this episode, "NBC Dateline" claimed that I had offered legislation that would have increased the value of an indirect investment that I have in a company called Pharmics, Inc. This charge is false and reckless. Let me tell you the facts, and you will see that in this case NBC stands for "Nothing But Crock."

Before I begin, let me first observe that those of us in public life learn to expect criticism. Sometimes the criticism may be fair. Sometimes it is unfair. But so long as the criticism is honest, we have to learn to live with the criticism, even if we think it is wrong.

There is, however, a world of difference between honest criticism and reckless character assassination. Recent events indicate that NBC News does not seem to understand this difference. Last November, "NBC Dateline" aired an episode that purported to show GM pickup trucks bursting into flames in side-impact collisions. What "NBC Dateline" did not tell the viewing public, and what it did not tell GM, is that NBC had secretly attached incendiary devices to the GM trucks. For nearly 3 months, NBC ignored GM's complaints about the unfairness of the program. Meanwhile, GM conducted its own investigation that proved that NBC had rigged the crash tests. Only then—after GM made the results of this investigation public and sued NBC—did NBC acknowledge its dishonesty and agree to pay GM some 2 million dollars in damages.

Then in January of this year, NBC News aired a segment of the Clearwater National Forest in Idaho on the harm supposedly caused by timber harvesting. NBC purported to show dead fish being removed from the water. In fact, the fish were alive, and had simply been stunned as part of a routine fisheries inventory. As my distinguished colleague, the senior Senator from Idaho, put it, NBC "hoodwinked the Nation."

This week, in another shoddy piece of irresponsible tabloid journalism, NBC News attached its incendiary devices to me and attempted to hoodwink the Nation about me. Unlike GM, I do not have the assets of a major corporation to help me withstand NBC's falsehoods. But because these falsehoods bear directly on legislation introduced on this floor, let me take a few minutes to set the record straight.

I am a limited partner in a limited partnership that owns 2.3045 percent of a company called Pharmics, Inc. My own indirect interest in Pharmics amounts to a whopping 1.1523 percent of the company. I have never had any authority regarding management decisions of Pharmics. Pharmics, I am told, is a company whose primary assets are in real estate. Pharmics is also a wholesale distributor of some prescription and over-the-counter pharmaceuticals. Pharmics is not, and has not been, in the so-called salvaging business.

Beginning in 1990, my office introduced legislation that was designed to address the problem of unsalvaged pharmaceutical shipments being diverted to the street drug market. My office's exposure to this problem arose out of contacts made by one of my constituents, a business called Associated Pharmaceutical Group, or APG. APG was in the salvaging business. I do not own, and have never owned, any shares of APG. According to Pharmics, Pharmics does not own any shares of APG.

Let me detail what my legislation would have done. It would have authorized the Food and Drug Administration to establish a "drug salvager compensation program." Under this program, the FDA would have been authorized to enter into contracts with salvagers of pharmaceutical shipments. The contracts would have required the salvagers "to return [the pharmaceuticals] to the manufacturer or to destroy such products if the manufacturer cannot be determined." The contracts would also have required the FDA to "reimburse" the salvagers only "for any costs incurred" in returning or destroying the pharmaceuticals. In short, no salvager would have received a dime of profit from the FDA under this program.

Let me again emphasize that Pharmics—the company in which I have a small, indirect interest—is not, and has never been, in the salvaging business. Nor is it a manufacturer of pharmaceuticals. There is, in short, no scenario that I can conceive of under which Pharmics could ever have benefited from this legislation, and there is no way that my small, indirect interest in Pharmics would have profited from—much less motivated—this legislation.

Let me add that my staffers tell me that APG—the salvaging company that initially made my staff aware of the pharmaceutical salvaging issue—said it did not like the legislation that I introduced. Perhaps that is why APG's chairman, Kelly Farmer, who attacked me on "NBC Dateline," is mad at me.

Let me turn now to "NBC Dateline's" lies from last Tuesday. The anatomy of a smear is, of course, not as titillating as the smear itself. But as you will see, every allegation made by "NBC Dateline" is false and reckless:

"Dateline" deception No. 1: "NBC Dateline" claims that I was "seeking favors for a small Salt Lake City drug company called Pharmics." In fact, all of "NBC Dateline's" charges relate to APG or salvaging. And I did not do any special favors for APG. My staff simply provided my constituent Kelly Farmer, the chairman of APG, assistance in navigating his way through the Federal bureaucracy. I am pleased to provide all my constituents this assistance, and I am grateful that most of them appreciate my help more than Kelly Farmer apparently did.

"Dateline" deception No. 2: "NBC Dateline" claims that I sent a "letter to the Drug Enforcement Agency asking that [my] business partners be granted a special license to handle lost shipments of prescription drugs." As is clear from the text of the letter, which NBC failed to disclose, this letter was sent on behalf of Kelly Farmer of APG, which was the entity seeking the license. I have never been a business partner of Mr. Farmer.

"Dateline" deception No. 3: "Dateline" claims that "when the license was not granted, Hatch introduced an unusually specific bill that could have given Pharmics part of a $17 million government program to handle [salvaged] drugs." This sentence is full of so many errors that it is difficult to know where to begin. The most important point, as I discussed before, is that Pharmics could not have benefited from the salvaging legislation, for the simple reason that it was not a salvager. Let me add also that there was nothing "unusually specific" about this legislation: any salvager could have sought to take part in it. How NBC cooked up the $17 million figure is beyond me. We did estimate that the wholesale value of salvaged shipments of pharmaceuticals was $17 million per year, but this figure has nothing to do with the costs of the salvaging program, which were limited to reimbursement costs and which were to come out of existing funds.

What does seem clear is that none of the so-called investigative journalists at "NBC Dateline" ever bothered to read the legislation that was the centerpiece of their story. For if they had, they would have understood that Pharmics would not have benefited from this legislation. My office did receive a letter from an NBC producer, Mark Hosenball, this past Monday—the day before the "Dateline" episode aired. In this letter, Mr. Hosenball claimed that "sources have told NBC that the FDA believed that Pharmics was one of the companies which would have been eligible for FDA reimbursement for its inventory of salvaged drugs had the legislation become law."

Instead of relying on double hearsay from so-called sources, perhaps Mr. Hosenball could have read the legislation. But that, of course, would have spoiled his story. As I have discussed, the legislation would have authorized the FDA merely to reimburse contracting salvagers for the costs of returning salvaged pharmaceutical shipments to the manufacturer or of destroying them. It would not have authorized the FDA to purchase any inventory of pharmaceuticals. Also, the legislation would not have applied at all to distributors, like Pharmics, who are not salvagers but who may come into possession of pharmaceuticals from previously salvaged shipments if and when the pharmaceuticals are properly reintroduced into the stream of commerce.

Dateline deception No. 4: According to "Dateline," "what few people knew then was that Hatch himself owns stock in the company." Two points: First, I do not own any stock in APG. Second, my small, indirect ownership of stock in Pharmics—which could not possibly have benefited from the legislation that I introduced—has been a matter of public record for years.

Dateline deception No. 5: "Dateline" claims that if my legislation had become law, "it could have meant a nice profit for the Senator." As I have already discussed, I would not have profited 1 penny from the legislation.

Dateline deception No. 6: "Dateline" showed footage of my refusing to talk with an NBC reporter and walking away from the NBC cameras. This footage was 6 months old and was taken as I was leaving a committee hearing for a lunch meeting. At that time, NBC had not informed me of the ridiculous charges they were pursuing.

I must say that that is an impressive number of deceptions by NBC in a 2-minute story. But I also must say that I am sick and tired of journalists with the morals of jackals. There are a lot of good journalists out there, and I respect them. They have a difficult job.

And they suffer from the taint left by smear artists like the ones responsible for the "NBC Dateline" segments on me and on others.

I demand an apology and a full retraction from NBC News. Its "Dateline" episode was false and reckless. Based on this episode and other incidents, I am convinced that certain persons at NBC News are engaged in a campaign of malice. Rest assured that I will not sit still for character assassination and misrepresentation of the facts by tabloid journalists.

I have taken this opportunity to address my colleagues because I cannot stand by and watch Americans make decisions on how they vote, what they buy, and what policies America should pursue based on the deliberate misinformation that NBC has recently given on this and other matters.

Mr. Chairman, I ask unanimous consent that the salvaging legislation that I referred to be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION REORGANIZATION ACT

KENNEDY (AND HATCH) AMENDMENT NO. 1081

Mr. MITCHELL (for Mr. KENNEDY, for himself, and Mr. HATCH) proposed an amendment to the bill (S. 1306) to amend title V of the Public Health Service Act to revise and extend certain programs to restructure the Alcohol, Drug Abuse, and Mental Health Administration, and for other purposes, as follows:

SEC. 147. DRUG SALVAGER COMPENSATION PROGRAM.

Chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 710. DRUG SALVAGER COMPENSATION PROGRAM.

"(a) PURPOSE.—It is the purpose of this section to establish a program to decrease the availability of drugs that are acquired through salvage of shipments of pharmaceuticals and controlled substances through the provision of assistance to salvagers of such products to enable such salvagers to return such product to the manufacturer or to destroy such product.

"(b) ESTABLISHMENT.—The Commissioner, in consultation with the Administrator of the Drug Enforcement Administration, shall establish a drug salvager compensation program (hereinafter referred to in this section as the 'program') to carry out the purpose described in subsection (a).

"(c) CONTRACTS.—

"(1) IN GENERAL.—To carry out the program the Commissioner, in consultation with the Administrator of the Drug Enforcement Administration, shall enter into contracts with private nonprofit or profit making entities that acquire pharmaceuticals and controlled substances through the salvage of shipments of such products.

"(2) REQUIREMENT.—A contract entered into under paragraph (1) shall require the entity that is subject to the contract to return any pharmaceuticals and controlled substances acquired by such entity through salvage to the manufacturer or to destroy such products if the manufacturer cannot be determined.

"(3) COMPENSATION.—In exchange for entering into a contract under paragraph (1), the Commissioner shall reimburse such entity for any costs incurred by such entity in complying with the requirement of paragraph (2).

"(d) DEA NUMBERS.—Entities that are subject to a contract under subsection (c) shall be assigned a Drug Enforcement Administration number and shall be considered as an appropriate recipient of any controlled substances salvaged and disposed of under this section.

"(e) REPORTS.—

"(1) ENTITIES.—Entities that are subject to a contract under subsection (c) shall prepare and submit, to the Commissioner and the Administrator of the Drug Enforcement Administration, quarterly reports concerning their activities under this section.

"(2) CONGRESSIONAL.—Not later than 90 days after the end of each fiscal year, the Secretary, in consultation with the Attorney General, shall prepare and submit, to the Committee on Energy and Commerce and Judiciary of the House of Representatives and the Committee on Labor and Human Resources and Judiciary of the Senate, a report concerning the amount of drugs that have been obtained through salvage and disposed of under this section.".

EXHIBIT 1

DESCRIPTION OF THE COMMITTEE AMENDMENT TO S. 1306

The amendment improves the bill in several respects. In addition to technical and clarifying provisions, the amendment adds new research and service authority and supplements the bill with two important new programs.

Drug Salvaging

The amendment adds a new program, proposed by Senator HATCH, concerning the salvaging of seized pharmaceutical drugs.

Under current law, the pharmaceutical distribution system allows a significant amount of drugs to fall into the hands of unauthorized individuals. The Committee is concerned about the potential misuse of these drugs and this new section is intended to address the problem.

The pharmaceutical distribution system is a complicated network of wholesalers, distributors, and transportation companies that channel drugs from the manufacturer to drug retail outlets. Although the distributors and wholesalers are controlled and regulated by the Prescription Drug Marketing Act of 1987 (PDMA), the transportation companies are not. These companies handle enormous volumes of pharmaceuticals and some are invariably lost, damaged, or unclaimed by the transportation companies. These products are referred to as salvage products.

The volume of salvage products is significant—worth approximately $17 million (based on Average Wholesale Price) each year. There is a significant potential for large amounts of prescription and controlled pharmaceuticals to fall into the hands of unauthorized individuals, because there is no authorized procedure for the transportation industry to dispose of or salvage these products.

The Committee amendment establishes a demonstration drug salvager compensation program which provides authority to compensate transportation companies in possession of salvage pharmaceuticals in a manner that does not cause them to fall into the hands of unauthorized individuals. The Commissioner of the Food and Drug Administration, in consultation with the Administrator of the Drug Enforcement Administration, shall enter into contracts with private nonprofit or profit making entities that acquire salvage pharmaceuticals and controlled substances. Those that enter into such contracts must either return the pharmaceuticals recovered to the manufacturer or destroy the pharmaceuticals if the identity of the manufacturer cannot be determined.

Mr. HATCH. Mr. President, I again thank the majority leader for allowing me to take this time. This is important to me. I wanted to do this before we go in recess. I apologize to my colleagues for taking time from this very important debate in which I will take part as well.

Mr. President, this is a matter of great importance to me. I appreciate my colleagues and their courtesy in listening and, of course, in allowing me to make these remarks.

I yield back the remainder of my time.

OMNIBUS BUDGET RECONCILIATION—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

The PRESIDING OFFICER. The Senate resumes consideration of the conference report, and the Chair recognizes the Senator from Tennessee [Mr. SASSER].

Mr. SASSER. Mr. President, I yield 5 minutes to the distinguished Senator from Pennsylvania [Mr. WOFFORD].

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. WOFFORD], is recognized for up to 5 minutes.

Mr. WOFFORD. Mr. President, this vote is not about the next election. It is about the next generation. This plan is fair. It is responsible. It is only a first step, but it is a big step and it is a step we must take today.

Maybe because I came here and ran for office for the first time at age 65, maybe because I have been involved in long battles like the civil rights movement that began with the idea of what is right and not with what is popular, maybe because I have seen friends and colleagues jailed, beaten and even murdered trying to change the hearts and minds and the future of the country, maybe for those reasons I reject all hand-wringing about how much Members of Congress are risking by simply voting for an honest budget. I find it even harder to accept the cynicism of opponents who had their chance to balance the budget and never took it. We tried their way, and it failed.

Mr. President, this is not a risk. This is our duty. Let us do it.

Mr. President, an hour and half ago I left my place in line in order to go to the White House to talk with the President about the nearly $65 billion of additional spending cuts that I have been proposing and pressing for and will be proposing and pressing for when we return in September. These deeper spending cuts, I told him, are the next steps we must take.

I talked with the President about the schedule and the strategy for comprehensive health care reform, which we agreed must be the next main order of business, the next big step in controlling government spending and preventing further increases in the deficit.

Mr. President, as I have listened to this debate, I have been remembering the reasons the people of Pennsylvania sent me here. They were sick and tired of a government that always collected their tax dollars on time but just seemed to sit by and waste time when they or their friends lost jobs, lost health insurance, lost their savings, lost hope. They wanted a government that gives some answers, not just excuses.

I know how they feel. For more than a decade as a private citizen and a State official, I also watched past Presidents talk about balanced budgets and never once submit won. Twelve years of dishonest budgets have quadrupled our national debt and undermined our economic strength. Pennsylvanians sent me down here to make the tough choices necessary to change our course and put our economy back on the right track.

Today is the day to do just that.

I hope all Pennsylvanians are listening because I want them to hear the truth about this plan, instead of the distortions and falsehoods they have been getting from the very people who created the problem and now will not lift a finger to help solve it.

Today, I have been taking calls from constituents and have seen the kind of misinformation swirling around their heads.

I want them to know that a vote for this plan is the right thing to do because it will make their lives better and the lives of their children better.

It will cut nearly half a trillion dollars from the Federal deficit that exploded over the past 12 years. As a result, our current low interest rates—the lowest in two decades—will continue, and capital will be available for business growth and job creation. Low interest rates that allow people to buy and refinance homes and cars and other products. That creates jobs. And jobs are what my State needs; jobs are what the country needs.

Those who say the plan won't cut the deficit are being dishonest. And when they say it means a big new tax increase on working America, they are being outrageous. My constituents could not know it though from listening to the opposition. They could not know that more than half of this plan's deficit reduction, some $255 billion, is achieved through real and very specific spending cuts.

That is not a bad first step. We must go much further. That is what I told President Clinton this afternoon. He agrees that we must go further.

Back in June I proposed nearly $65 billion in deeper spending cuts over the next 5 years. Yesterday, I introduced or cosponsored legislation to make those spending cuts, starting with Congress itself, a reality.

I urged the President to support these deeper cuts when we return in September. And I'll be very interested to see how much support I get from my Republican colleagues on the other side of the aisle when the roll is called.

No body likes taxes. But I also do not like the fact that for the past 12 years the wealthiest Americans have gotten the biggest tax breaks while the national debt quadrupled and everyone else struggled harder just to make ends meet.

You would not know it from listening to the opposition, but the fact is that working families earning less than $180,000 will not have to pay another penny in income taxes. And those families with children earning $30,000 or less will actually get a tax break through the earned income tax credit. The truth is that 80 percent of all the new taxes will be paid by the wealthiest 1 percent of Americans—those earning $200,000 a year or more, the very people who got all the tax breaks in the 1980's.

It's also true that the plan does have the gas tax all of us will pay. I wish we did not need it, but I was especially concerned about what the alternative—a Btu tax—might have meant to jobs and companies in Pennsylvania. And the fact is that we will all have to pay 4.3 cents a gallon more at the pump—about $2 a month for the average Pennsylvanian—50 cents a week.

And in return, the average family will save an estimated $191 a month in lower interest costs on their credit cards, home mortgages and car loans because of deficit reduction.

So those who say this plan will heavily tax the middle class are simply not telling the truth.

And you wouldn't know it from listening to the opposition, but the plan will help, not hurt, most small businesses—which create most of the new jobs in America. More than 90 percent of small businesses will be eligible for a tax cut, through the plan's expensing innovations and targeted capital gains tax cuts. And the bill includes a permanent extension of the mortgage revenue bond program and the low-income housing tax credit that will help the homebuilding industry and stabilize real estate values.

So those who say this plan will hurt small business are not telling the truth.

The plan watches out for our country's older citizens, especially compared to the Republican alternative, which would have cut benefits for more than 34 million Medicare beneficiaries. While the President's plan will reduce payments to Medicare providers, this plan will not cut benefits to any Medicare recipient.

So those who say this plan is designed to hurt seniors aren't telling the truth.

Months or years from now, as the American people learn the facts and discover by their own experience that there is no big new tax on the middle class, the scare tactics heard today will be exposed for what they are: A dishonest and hypocritical effort to block a solution by the very people who created the problem. And just for the record, Ronald Reagan's 1982 tax inrecase was, according to the New York Times, "considerably more than this year's figure," adjusted for inflation.

The plan is not perfect, Mr. President. But it is a first step. As I've said, I wish it had more spending cuts. So for the rest of this year and next year and, if necessary, after that, I intend to push for further steps such as the nearly $65 billion in deeper cuts that I've put on the table.

And let us remember that the most important step we must take to tame the Federal deficit is enact comprehensive health care reform which controls skyrocketing costs. With all the talk about the need to cut entitlements, let us remember that 85 percent of the increase in entitlement spending is in health care costs. Through Medicare and Medicaid, the Federal Government is already the biggest buyer of health care in the Nation.

So the next main order of business before Congress and the country must be health care reform. That's the right way to put caps on entitlements—as part of a strategy that controls cost increases across the whole health care system.

That, of course, is what Pennsylvanians sent me here to do. But what they also sent me here to do was help turn this economy around. Finally, to those who keep saying what a terrible political risk it is to support this plan; to those House Members who sarcastically waved goodbye to their colleagues last night, I say: Doing nothing about this deficit really means waving goodbye to our children's future.

Let us not wave or weave or dodge. Let us stand up and be counted and help this country change course. For with this plan, we can go forward and begin a new journey of recovery, renewal, and reform.

The PRESIDING OFFICER. The time yield to the Senator from Pennsylvania has expired.

Under the alternating procedure established in the unanimous-consent agreement, the Senator from Utah, Senator BENNETT is now recognized.

Mr. BENNETT. I thank the Chair.

I appreciate the opportunity of speaking in this hour. I do not think anybody's mind is going to be changed. We are making statements more or less for the RECORD at this point and I made mine last night.

Mr. DOMENICI. Mr. President, would the Senator yield for a clarification?

Mr. BENNETT. Yes.

Mr. DOMENICI. The Senator has 5 minutes, is that his understanding?

Mr. BENNETT. That is my understanding. I hope I can finish in less time than that.

Mr. DOMENICI. I yield myself 30 seconds.

For those kind of looking at where we are, my understanding is that on this side we have 2 hours and 2 minutes and on the other side they have 1 hour and 28 minutes. So if you added it up you kind of get a judgment as to where things are going to be.

We know of no more votes until final passage.

I thank the Senator.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. BENNETT. Thank you, Mr. President.

In my statement last night, I think I made it clear that there will be people who are earning less than $180,000 a year who will be adversely hurt by this. I would refer those Senators who want to discuss it to that statement.

But, as I say, we have reached a point now where we are merely commenting for the RECORD.

I want to make one point at this point with respect to the argument that we must do something; that it would be irresponsible to do nothing.

I do not know about institutional memory around here. I have not been here that long, but I do have a memory of these same arguments last February when we were debating the President's then so-called stimulus package. We were told we must do something or we will not have any jobs this summer. The disaster would be to lose this bill.

Well, we took the course of disaster. We lost the bill. And what has happened?

Today, we find that there were 162,000 jobs created last month; that the total gain so far this year is 1.7 million jobs; that unemployment is down to 6.8 percent from 7 percent last month. That is the disaster we got for doing nothing in February.

And, interestingly enough, President Clinton, who accused us of bordering on the edge of disaster, is taking credit for those jobs being created on his watch.

That is why, Mr. President, I am willing to risk disaster one more time and say if disaster and irresponsibility in February brought us this kind of result, I believe that we can run the risk of not passing this bill either the way we did not pass the stimulus package, and see what happens.

I am confident that if we do, we will find the economy will continue to create jobs at this level, because the small business engine that is the source of those jobs will not be stifled by the increased taxes.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Under the previous order, the Senator from New Jersey [Mr. BRADLEY], would be recognized next.

Mr. SASSER. Mr. President, I ask unanimous consent that the Senator from South Carolina, [Mr. HOLLINGS], go next. Through inadvertence, Senator HOLLINGS' name was left off the list and off the unanimous-consent request. He came here early this morning and has been faithful. I ask unanimous consent that he be allowed to address the body for 5 minutes at this time.

The PRESIDING OFFICER. Without objection, the Senator from South Carolina, Senator HOLLINGS, is recognize for 5 minutes.

Mr. HOLLINGS. I thank the chairman, and I thank my colleague from New Jersey.

Mr. President, we are in deep trouble. As we well know, the United States has gone from being the largest creditor to the largest debtor Nation. The national debt has soared, more than quadrupled, to $4.4 trillion, and we have cut deeply into programs that are vital to the well-being of our people.

Out at National Institutes of Health, I was dismayed to learn the other day, 85 percent of the approved grants, those for the young scholars and scientists who compete and get approval, 85 percent of those meritorious projects cannot be funded.

The infrastructure is in shambles, roads, bridges, and everything else of that kind.

And they dare to talk about alleged broken promises by President Clinton.

Our trouble is the broken promise of President Reagan. I remember it well. He said he was going to balance that budget the first year of his term. And when he came in, he said, "Oops, this is the worst I have ever seen. Instead of 1981, the first year, it is going to take me until 1983 to balance the budget."

Let the RECORD show that President Reagan gave us the first $100 billion deficit, and the first $200 billion deficit. President Bush gave us the first $300 billion deficit, and the first $400 billion deficit.

And do not give me this nonsense about Democratic Congresses being responsible. President Bush's name is on every red cent that is being spent right now.

President Bill Clinton has not had a chance to spend any money. He just took office in January. We are on automatic pilot of deficit spending, locked in by Presidents Reagan and Bush. And we are locked into the automatic pilot of interest payments on their debt—interest payments of $1 billion a day, all of which we must borrow.

And Republicans come now and, instead of meeting up to the problem as President Clinton is trying to do with cuts and freezes and taxes, they resort to this monkeyshine game of sloganeering, engaging in political palaver about this being the largest tax increase in history, when they know that the largest tax increase is the one they instituted in 1982, when Republicans controlled the White House and Senate.

We cannot match the over $300 billion in interest taxes in just 1 year, each year, courtesy of the Reagan-Bush deficits. Yet they feign shock at Clinton's $241 billion in taxes over 5 years.

Yet every day the Republicans are increasing deficit taxes. The interest cost on the debt is automatically going up $1 billion each day, over $300 billion a year.

They ask mockingly whether tax increases have ever led to prosperity. Yes, it has. I raised taxes as a Governor, and as a result won the first AAA credit rating of any Southern States and created prosperity for my State.

President Lyndon Johnson raised taxes, a 10-percent surtax, and as a result produced a budget surplus—the last balanced budget in the history of this Government. And we had prosperity at that time.

They play other games. They say, "Well, the cuts are delayed."

I have never seen such hypocrisy. You look at the Dole-Domenici Republican alternative, you see that some 75 percent of its cuts come in the last 2 years. Dole-Domenici delays the cuts for 3 years, when their entitlement cap would finally kick in.

Then they say, "Well, the cuts will never happen. They will never happen."

Yet when Senator SASSER proposed a provision of enforcement to lock in the entitlement cuts, the distinguished Senator from Texas, Senator GRAMM, raised a point of order and a 100-percent vote against enforcement. Hypocrisy, if I have ever seen it in my life.

Social Security, we gave them a chance. Senator MOYNIHAN and I, the year before last, said, "All right, let us quit increasing the Social Security tax."

Yet when Senator MOYNIHAN and I brought to a vote our plan to roll back the Social Security tax increase, 79 percent of Republicans voted against it.

The PRESIDING OFFICER. The time allocated to the Senator from South Carolina has expired.

Mr. SASSER. Mr. President, I yield an additional 2 minutes to the Senator.

The PRESIDING OFFICER. The Senator from Tennessee yields 2 additional minutes to the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, on the morning of March 24, at 11:17, they voted for the McCain amendment. Senator McCAIN said you cannot cut military and civilian pay levels, which President Clinton had the fortitude to recommend and put in this budget. So at 11:17, 95 percent of the Republicans who said they were so cooperative and wanted to help with the amendments voted against the military and civilian pay cuts. Yet that same afternoon, at 4:47, they voted for a 5-year freeze of military and civilian pay.

Likewise, Senator DOMENICI rails against tax increasing and new spending. Yet just last year Senator DOMENICI and Senator NUNN, under the aegis of the Center for Strategic and International Studies, proposed an ambitious program of tax increases and new spending, including "$160 billion on children, education, R&D, and technology." They did not say anything about "cut spending first" back then.

The Nunn-Domenici plan also called for "$100 billion for highways, airports, and physical infrastructure." That's a total of $260 billion in new spending initiatives proposed by Senator DOMENICI just last year.

Likewise, Ross Perot said last year "Let's increase social security taxes; let's raise by 50 cents the tax on a gallon of gas; let's increase the income tax." Yet now he faults Clinton's plan for raising taxes—oh, come on. They have the gall to vote as a solid bloc against this plan, the only credible plan on the table.

It is a disgrace. It is really a disgrace.

The PRESIDING OFFICER. The time allocated to the Senator from South Carolina has expired. Under the order, the next Senator present to be recognized would be the Senator from Mississippi [Mr. LOTT].

Mr. DOMENICI. Will the Senator yield?

Mr. LOTT. I will be glad to yield.

Mr. DOMENICI. I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 2 minutes.

Mr. DOMENICI. Mr. President, I came perilously close a minute ago to asking the Senate to consider its rule XIX, with reference to my good friend and his personal accusations and allegations against a number of Senators on this side; but I chose not to.

I think a review of the voting record of the distinguished Senator from South Carolina during the 1980s on budget resolutions that make the policy of the land and on reconciliation bills that made the law of the land will show that about half the time he has voted for this legislation.

We are saying do not cut the military pay. At least, we will want to get the budget under control. Of course we do. We do not want to mistreat the military and civilian people when nobody else is getting cut.

So we are hearing a part of the story, as the Senator from South Carolina takes the floor and acts as if he has to talk so loud, as if the louder you talk the more you are understood. I guess I am trying to compete with him, but that is sort of impossible.

But it does not make what he is saying any more the truth, no matter how loud the bellows come forth.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Mississippi is recognized for up to 5 minutes.

Mr. LOTT. Mr. President, I had intended to bellow some, but I think I will take a little calmer approach.

First of all, I want to correct some things that have been said here on the floor this afternoon, some charges that have been made here, and some in the news media, about who is doing what on this budget resolution.

I want to remind my colleagues that the vote in the House of Representatives last night was 218 to 216. Yes, every Republican voted against this package, but also 41 Democrats had the courage to stand up under intense pressure from their own President and vote against this package.

The bipartisan vote in the House of Representatives was against the package. The partisan vote was for it.

When the Senate voted on this issue earlier this year, every Republican voted against it, but so did six Democrats who had the courage to stand up and say: This is not in the best interests of my State; this is not in the best interests of the country. And they voted against it.

The bipartisan vote was against the package. The partisan vote was for it.

So when you stand up and say the Republicans have not been involved, let me assure you, we should have been involved. We would have liked to have been involved. But we would like to concentrate on spending cuts at first. And then we can talk about other things, like economic growth incentives, that we would like to see considered in this process.

So if there is any partisanship, it is on the Democratic side. It is not on this side. Because we have been bipartisan in our votes against this package.

Let me tell my colleagues, after listening to that speech I just heard a moment ago—yes, more taxes. Always. Let us address the deficit with more taxes, tax increases. Do you know what is in this package in the first year? There is $32 billion in tax increases. Do you know what is in it in terms of spending cuts? Almost nothing. Yes, the tax increases in this package are locked in. We are going to get the tax increases. But the spending cuts—oh, they are down the road, third, fourth, fifth year. But there is something even worse in this package.

Even the Washington Post—even the Washington Post that endorses this travesty every morning—has said in their reporting of the news: "Lawmakers scramble behind closed doors to make special budget deals."

This is a pork alert: Pork alert. This bill is 1,800 pages. We will not know until next April 15, probably, all the stuff that has been slid in here. Are we talking about, oh, just a little bit of money? A few million here and there? No; we are talking about big sums.

I could not even find out exactly what the amount is, but I understand there is a special Medicaid grant for Puerto Rico in this conference report in this porker bill, there is more spending. There have been some little things slipped in here.

For instance, there is a $100 million increase in the check-off for the Presidential campaign fund. They are not getting enough money to pay for Presidential campaigns out of the General Treasury so we are going to raise the check-off from $1 to $3; for single filers and from $2 to $6 for joint filers. This $100 million item just happened to slide in there in the conference.

There is $10 million for bonuses for Federal employees learning a foreign language—$10 million for bonuses for Federal employees to learn a foreign language. Great. We are going to give them special training and then we are going to give them a bonus, $10 million. A lot of my constituents would like that.

And $215 million in new spending for a downpayment on the spotted owl agreement, $215 million. Lord help me: Snail darter; spotted owls; the sandhill cranes in Mississippi cost us millions of dollars. Just another little item slipped in. Also included are $215 million and $221 million to waive Federal pension laws and for other Medicaid payments.

It is laced with this sort of thing. We do not even know how many, but I just thought I would cite some of the pork alert you would find in this bill.

In my very limited time, I want to also say I have looked at what it is going to do to my own State of Mississippi. I am convinced this package is bad for the economy of Mississippi and therefore will be bad for the people of my State. The $250 billion-plus in tax hikes contained in the plan would cost Mississippi taxpayers an additional $1.7 billion over the next 5 years, or $1,831 per household.

Mississippi taxpayers currently send Uncle Sam only $7.1 billion a year. So we are going to have added on top of that over this 5-year period, $1.7 billion. And in a poor State, that is very tough. The proposed 4.3-cents-per-gallon tax increase on gasoline and other transportation fuels alone could cost Mississippi consumers $300.2 million over the next 5 years. Mississippi consumers already pay 18.2 cents per gallon for State gas taxes.

The Federal fuel tax increase also would reduce the State tax revenues by an estimated $33 million, putting increased pressure on our State's budget. I am convinced it is not in the best interests of America or my State.

I urge my colleagues: Vote against this package.

The PRESIDING OFFICER. The 5 minutes allocated to the Senator from Mississippi has expired. Under the rotation agreement established earlier in the unanimous consent agreement, the Chair now recognizes the Senator from New Jersey [Mr. BRADLEY].

Mr. BRADLEY. Mr. President, last year, voters in this country voted overwhelmingly for change. They were fed up with economic hardship and fear for the future.

This demand for basic change swept Bill Clinton into the White House and brought this package before us today. Most of the provisions in this bill the President advocated in the campaign, and the people elected him. With this bill, we begin dealing with one of our primary national problems—the staggering deficit and astronomical debt.

The President deserves credit for acknowledging deficit spending as a problem. Last January, I hoped that he would boldly move on the debt and put on each legislator's desk by spring the vote of that legislator's lifetime—a vote that would challenge special interests ask all Americans to give up a little now so they can have more in the future and deal a death blow to the exploding debt that like acid eats away at our future prospects. This package is not that vote of a lifetime, but it is an important first step, the biggest of the last decade, to reduce the increase in the deficit. Remember, that is all this package does. It is a sad but true comment on our predicament and the disastrous economic stewardship of the last 12 years. If we do nothing, the debt will go from $4 trillion to $5.4 trillion in 5 years.

With this package, it will go from $4 trillion to $4.9 trillion.

It is sobering to think just 12 years ago, the debt was $900 billion, not $4 trillion or $4.9 trillion or $5.4 trillion. Because I believe we need more spending cuts and deeper deficit reduction, I know there must be a second step, but we will never reach the second step without taking the first today.

The first step is $500 billion in real deficit reduction. That is what the vote is today. If you are for deficit reduction, you will vote for this bill. The time for making excuses and passing the buck is over. If you vote against this package, you must either lay out a specific alternative plan to cut the deficit by $500 billion, or be revealed as someone who does not care about the burden we are loading on our children's backs. Without a specific alternative with equivalent deficit reduction, opponents of this package are simply playing the old politician's game, which is to deliver exclusively good news, never to level with constituents and, above all, to appear to be all things to all people.

There will never again be a $500 billion deficit reduction package that asks less of the middle class than this package does today. Eighty percent of all taxes come from people who make more than $180,000 a year. Only 15 percent of senior citizens in America will pay higher taxes on their Social Security benefits. Only 1.2 percent of all taxpayers will pay higher income tax rates. Lower middle-class families earning under $27,000 in income actually will get a tax cut. Small businesses will get a targeted capital gains. Big businesses end up paying only a 35-percent rate. Some loopholes are eliminated.

Spending cuts in the budget will be $255 billion, and tax increases $241 billion. It is a fair package, but more important, it is a choice between excuses or deficit reduction. I choose deficit reduction.

But there is something missing. I do not mean another penny on the gas tax or another one-tenth of 1 percent reduction in Medicare or another loophole to entice one more vote. What I mean is change. How much will we really achieve with this package? Not enough. At its core, this package is disappointing because it is only a change from something and not a change to something. We have, with this package, finally broken the pattern of irresponsibility and indifference that governed the past 12 years. It is the biggest deficit reduction package in history. We have cut some spending, raised some taxes, and pared some tax loopholes.

We have changed from the pattern of the Reagan-Bush years, when it was thought nothing could be done for our country except to loosen a regulation, to provide a tax break for somebody who was already well off, and to quadruple our national debt. We are changing from that policy, but I believe that is only half of what the American people demanded in November. They also insisted that the Government change to something: To a responsive, vigorous Government that would rise above special interests and lead on the basis of an honestly articulated vision.

What Americans want, even many of those who did not vote for President Clinton, is bold action informed by principle. They want us to move powerfully against our problems, guided by principles that would explain our decisions. Judged against this standard, today's choice is somewhat disappointing.

There are fundamental, systemic problems with the way our Government taxes our constituents and spends their money. Our deficit quite literally defines our economy and limits our possibilities. There is no better proof of that fact than a 1992 GAO study which says that all of our incomes—all of them—will be 40 percent lower than they otherwise would be in the year 2020 if we do nothing about our deficit. This package is not bold, for even as it reduces the deficit by $500 billion, it increases the federal debt by $900 billion. It does not establish a new course and does not fulfill the sweeping desire for overhaul the public is seeking.

I lament an opportunity lost to redefine the Government's contract with the taxpayers by reforming the system through entitlement reform that reduces the budget's single largest expenditures; a line-item veto that allows a President to cut out the pork and protect the general interest against the special interest sunset legislation that eliminates Government programs that have outlived their usefulness; a larger energy tax that helps to reduce pollution and lower our dependence on insecure sources of foreign oil; and an elimination of costly tax loopholes that increase the deficit and leave the rest of us paying higher taxes.

But boldness is only the 1st part of the equation. In order to have meaning for Americans, to provide them with a sense of purpose, dramatic action must be informed by the principle. It must be a principle from which every action follows and to which every decision is steered. A principle—any principle—provides guidance and assures consistency. It counts for something, and it leads.

This package is not sculpted by such a defining principle. It asks for more from those who have earned more, but it gives a lot back in tax breaks. It raises the gas tax, but not in a way that would reduce consumption. It cuts Medicare, but offers no systemic approach on other entitlements. And so on.

To a certain degree, this package is a bit like a thick stew, where the cook picks and chooses among an array of vegetables and meats. The collected pickings are put in a pot, stirred up, and then poured out as the deficit reduction stew-of-the-day.

If today we were presented with the vote of our lifetimes, we would not be arguing over half pennies on a gas tax. The country is not overcome by a fear of 3 percent higher prices at the pump. Last August in New Jersey, unleaded regular gas cost on average $1.31 per gallon. This August it's $1.11—some places even less. With the 4.3-cent tax in this bill, New Jerseyans will still be paying 15 cents less for a gallon than they were 1 year ago.

But when we make our battles on the margins, fear and anger express themselves on the margins. If we are going to shave and whittle, people will seek to emerge unscathed. But if our battles are for fundamental change, not just against business as usual, people will respect our goal and, where they do not support it, debate differences in belief, not sub-sections of committee provisions or fractions of a cent.

What New Jerseyans and Americans are afraid of is losing their jobs and with them a sense of economic security. If we don't reduce the deficit, more people will lose their jobs. More people will lose health coverage and pension benefits. And life chances for our children will decrease. Their possibility of having a higher standard of living than we do will drift further and further away from them.

There will be an act II to the deficit reduction drama. We will be back here soon—next year, the year after. Our purpose then will not just be to reduce the deficit further, although much needs to be done. Our purpose will be to understand how more deficit reduction, greater personal security for those who work including health, pension security, and lifetime education, and enhanced productivity can make us more competitive in world markets and assure more higher paying jobs both now and for our children.

But that is tomorrow. Today we must not run away from the problem of the debt. We must face it and make progress. Parts of this package I do not support—especially retroactivity—but it is real deficit reduction and deserves the vote of all in this Chamber. It has mine.

The PRESIDING OFFICER (Mrs. BOXER). The Senator's time has expired.

Under the previous order of the Senate, the Senator from New York [Mr. D'AMATO] is recognized for up to 5 minutes.

Mr. D'AMATO. Madam President, we have seen this before. Smoke and mirrors. And here we are once again: "Step right up, ladies and gentleman, because Magical Bill and his band of liberal magicians have a bag of tricks for you. Here we are, we take $292 billion and we just tuck 'em away, tuck 'em away,

away, away and it's gone—presto—$292 billion, gone. Oh, yes, we have smoke and mirrors and we have things for you. Abracadabra, alakazaam, presto."

Let me tell you what this budget is going to do: $32.5 billion. That is what it is going to take out of my State. That is going to be 650,000 jobs in the next 5 years. Abracadabra, alakazaam, presto—gone. Chefs, waiters, cooks, bartenders, and what about the construction industry? Electricians, carpenters, plumbers—abracadabra, alakazaam, presto—gone; smoke and mirrors—gone; $240 billion from New York.

Let me tell you about senior citizens. Senior citizens in New York are going to pay $359 million more. That is going to come from 375,000 seniors who are retired. They are going to pay in terms of their increase on Social Security an average of $957 more. And by the way, 60 percent of that comes from families that have an income of between $40,000 and $75,000. They are not rich. They are not the super wealthy. They are working people.

Is there any reason why the American people are going to be fooled? No. Once again, they see us playing our tricks.

Now let us look at this chart. We all bring charts in here.

This is the most illuminating chart, ladies and gentleman, of all. Step up here and watch it because what does it have in deficit cuts for the first year? You see it. Nothing. Nothing. And what does it have in deficit cuts for the second year? Take a look at it. Nothing. We do not cut spending in the first year. We do not cut spending in the second year. But abracadabra, alakazaam, presto. After the next Presidential election, I promise you, my friends, there will be a cut. It is a stealth cut. It is a stealth deficit spending plan that we are voting on, and we have been here before and we play the same game again.

It is sad—it is sad—that we have turned into a shoddy circus of magicians. I have to tell you, the American people know, and when we get the outfall of the loss of jobs, when we see seniors who are hit and have to move out of high-income areas like New York, New Jersey, Connecticut—and they will—and a further erosion of the job base, why, then we can remember the trick that we played on ourselves and our people.

Let us send this back in a bipartisan way and see to it that we do not have to depend on abracadabra, alakazaam, and presto. If we are going to wait 4 years from now to see if there is a cut, I am afraid that that is not going to be a very entertaining show.

I yield the floor.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Madam President, I yield myself 30 seconds.

I want to congratulate the distinguished Senator from New York. He has put on a superb performance this morning. And if he ever becomes weary of the Senate, I think he would do very well on the carnival circuit as a barker for the side shows or Mandrake the Musician in one of the tents.

But the facts are that his facts are incorrect. They were amusing but incorrect, I say to my friend from New York.

In 1994, there will be $21 billion in spending cuts under this proposal as opposed to $26 billion in revenue increases. In 1995, there will be $32 billion in spending cuts. In 1996, $47 billion; 1997, $67 billion; 1998, $89 billion, for a total of $255 billion.

I yield myself an additional 30 seconds.

So those are the facts, Madam President: $21 billion in cuts in 1994; $32 billion in 1995; $46 billion in 1996, all taking place before the next Presidential election.

Now, I have heard a lot of talk here this evening about how taxes are going to go up in certain areas. My friend from Mississippi talked about how taxes were going to go up on the folks in his State, on the average I think of $1,200 per household over 5 years. What are the facts? Six thousand one hundred—another 30 seconds—6,100 households in Mississippi will see their taxes go up; 408,000 households in Mississippi will see their taxes go down. Those are the people who make under $30,000 a year.

In my own native State of Tennessee, 20,000 households will see their taxes go up; over 500,000 households will see their taxes go down under this proposal.

An additional 30 seconds.

Those households that will see their taxes go up are those that have a gross income of about a minimum of $180,000. Those who will see their taxes go down are those who have income of less than $30,000. So there is the fairness, and there is the equity, and there are the spending cuts, Madam President.

The PRESIDING OFFICER. The Senator's time has expired.

Under the previous order, the Senator from Michigan is recognized for 5 minutes.

Mr. DOMENICI addressed the Chair.

Mr. RIEGLE. I thank the Chair.

Let me start by saying that there are no easy answers or any easy way forward after 12 years of the wrong direction and voodoo economics, as George Bush called it, way back in 1980.

We are in a situation now where we have massive Federal deficits. We have a lot of economic unfairness in the country. We are not getting the job creation we need, and we do have to change direction.

I just want to refer to one chart tonight. That is a chart which shows the Federal budget deficit since 1981 rising year-by-year, getting up to $100 billion a year, $200 billion, $300 billion, over $400 billion a year if you actually count it accurately. And now that we are up here to a $450 billion deficit; to bring ourselves down from that requires very difficult actions and decisions. And so there is no easy way to do this. There is no painless way to do it.

I think the package we have has some good features in it. It has some features in it that I do not like and that I wish were not there. But I am convinced that under the circumstances, and with our friends on the other side of the aisle unwilling to have any part in fixing this problem, although they had a lot to do with building it up, I think the best we can accomplish under the situation we face right now is in this package.

If we do not pass this package, let me tell you what I think is going to happen. I think we will face a growing paralysis in Government. I think we will face even higher Federal budget deficits. I think we will face higher interest rates and more damage to the economy and more job loss.

We succeeded in this package in killing the Btu tax. I think that was important. I thought the Btu tax was a mistake. That is out of here.

We have blocked any income tax increases on families that earn less than $180,000 a year. So we have held most of the families in the country absolutely harmless from any possible income tax increase.

It does not solve our whole problem, but it changes our direction, and it gives us the chance to start afresh and to move on from there to do the other things we need to do.

The next big thing we are going to have to do, if we can pass this package today, is move on to health care reform. We need to do it, both to protect our people and to make it affordable, but also to start to bring the costs down under control. One way to solve our Federal budget deficit problem is to deal with reforming the health care system.

The PRESIDING OFFICER. The Senator will suspend for a moment. The Senator does have more than 3 minutes remaining but I would like to see order in the Chamber, if we might.

The Senator may continue.

Mr. RIEGLE. I thank the Chair.

So there is no easy way out of this situation. I want to make sure that people across the country understand that.

We make major cuts in the deficit in this package. We are bringing this deficit down from what it otherwise would be, nearly $500 billion over the next 5 years. We make many cuts in spending. We are going to have to make a lot more cuts in spending.

In this bill, we are only able to reach certain items in the budget, but we are going to have to move on beyond that, to reduce the size of the Federal bureaucracy and reduce other Federal programs, and it is going to be painful and nobody is going to like it. Everybody knows we have to pass a package and this is the only pakcage we have.

Frankly, the reason it is going to pass on a tie vote with the Vice President deciding it, is there are a lot of people who know it needs to pass, but they would just as soon not have to vote for it and not have the weight of voting for it fall on them and let somebody else vote for it. That is the way it often works here.

We will probably have a tie vote. If that is the way it is, so be it. We have to get it done in a sense of breaking gridlock, to start getting these deficits down, to reintroduce some fairness in the tax system and get some job lift back into the economy.

I said there is some good in here and some bad in here. I do not like the retroactive tax feature. I think it is wrong. I do not think it ought to be here. I do not think we ought to have any increase in taxes on Social Security recipients. I prefer not to see the gas tax, although we have pushed it down as low as we are able to get it, given the lay of the land around here. And we need other cuts in Government spending. We cannot reach them within the confines of this bill. We are going to have to move on and do those in the months ahead. I am determined to do that; we must have deficit reduction that is substantial.

We have an immunization program we talked about earlier that lets kids without insurance get the vaccinations they need to get protection against diseases. We do get enterprise zones to help in the inner cities. We have a lot of job creating initiatives. We have a targeted job tax credit, industrial development bonds. We have the earned income tax credit so people can get off welfare and into the work system and pay their bills and support their kids and support themselves. We make the mortgage revenue bond program permanent into the future to help families with modest incomes buy homes. We help with small business capital recovery by increasing the expensing amounts, and in other ways we generally provide job lift to the economy.

But this is not a cure-all, and nobody should be under that illusion. But if we do not act now to change the direction, the problems are going to get worse and everybody in the country will be worse off as a result.

So let us take the best step we can at this time with the good parts and the parts we may not like, and then let us move on to health care reform and the other cuts that need to be made in Federal spending and in the Federal bureaucracy and let the American people know we are willing finally to face up to this, and we are going to cap these deficits off and start to bring them down in a way that is fair to people and in a way that will create jobs in America.

I thank the Chair.

The PRESIDING OFFICER. The Senator's time has expired.

Under the previous order, by unanimous consent, the Senator from Oklahoma is recognized for up to 5 minutes.

Mr. NICKLES. Madam President, thank you very much.

I compliment my friend, Senator DOMENICI, for doing an outstanding job of managing this bill. I attribute to him a lot of our success. I think we are making some headway in educating the people. I would like to comment on the statement of my colleague from Michigan that we are bringing the deficit down. If you look at the President's own numbers, the deficit comes down somewhat and goes back up fairly substantially.

Madam President, I would like to allude to a comment President Clinton made when the House Ways and Means Committee passed the tax bill. On May 14, he said: "I think it will help the economy bring in more revenues and permit us to spend more."

That is exactly what we are talking about. We are talking about a massive tax increase so Congress can have more money to spend. I will predict tonight that this bill will pass by probably a tie vote and the Vice President will break the tie. He did that once before. I also predict within an hour of that we will be passing the National Service Program, a brandnew spending program, a brand new multi-billion-dollar spending program. People need to be aware of it.

Yes, we are raising taxes. We are raising gasoline taxes, taxes on some individuals, Social Security income. We are raising corporate taxes, small business taxes, and also before the day is over, we are going to end up spending—we are going to pass a brandnew spending program that is going to cost billions of dollar.

Madam President, the bill before us increases food stamps spending $12.7 billion. It increases earned income tax credits $19.1 billion. Some people want to get people off welfare. This bill expands the EITC, a tax credit where the Government writes checks to low-income individuals.

I just happen to have four kids, three of whom are working, some of whom are in that low-income status. I do not know why the Federal Government is going to be writing them a check for 40 percent of their salary, but it will.

And I cannot help but think some employer is going to factor that into their wage base, which is ridiculous.

In this bill, we are going to spend $215 million on the spotted owl. I look at the savings and I think, well, wait a minute. What are we going to do? We are going to cut spending because we do not want to increase the deficit. What about these spending increases?

Mr. DOMENICI. Will the Senator yield on my time for a question?

Mr. NICKLES. I will be happy to yield.

Mr. DOMENICI. I just wanted to share with the Senator, he started listing some of the new expenditures in a bill that is supposed to be cutting the deficit.

I wish to share with the Senator, because the Senator covered many of them, there are 25.3 billion dollars' worth, and I would like to make that list a part of the RECORD so that everyone will know, while we are raising taxes, we are spending $25 billion in new programs and new expenditures at the same time.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

NEW SPENDING IN RECONCILIATION CONFERENCE

[Deficit impact in billions of dollars]

Provision	1994	1995	1996	1997	1998	1994–98
Direct Spending:						
Forest Service/BLM timber sales receipts to States and counties (spotted owl)	0.043	0.053	0.049	0.040	0.030	0.215
Food stamps	.056	.274	.452	.838	.044	2.664
FCC operating costs	.002	.002	.002	.002	.002	.010
Medicare expansions	.041	.056	.074	.102	.119	.392
Medicaid: TB services	.020	.035	.045	.050	.055	.205
Medicaid: Puerto Rico	.041	.049	.058	.067	.078	.293
Medicaid: Immunizations	.006	.227	.124	.114	.114	.585
Medicaid: Other	.038	.022	.007	.005	.005	.077
Child welfare	.160	.133	.202	.247	.255	.997
SSI	.004	.004	.005	.005	.005	.023
Social service block grant (title XX)	.040	.440	.455	.035	....	.970
FSLIC double dip	.136	.014	.029	.095	.109	.355
EITC expansion	.209	2.000	4.397	6.122	6.378	19.106
Presidential campaign $3 check-off	....	....	.081	....	....	.081
Customs officers' foreign language proficiency	.002	.002	.002	.002	.002	.010
Student loans	.188	.445	.540	.565	.595	2.333
National vaccine injury compensation program amendments	.001	.001	.001	.001	.001	.001
Total new spending	.888	3.402	6.022	7.412	7.718	25.438

Source: CBO/JCT cost estimates.

Mr. NICKLES. I appreciate the Senator inserting that into the RECORD.

Madam President, I thank my colleague from New Mexico.

Madam President, it bothers me—I think it bothers most Americans when they find out that 80 percent of the spending cuts occur in 1997 and 1998. It is my guess that Bill Clinton will no longer be President at that time. That means that those spending cuts do not really happen. Actually, there are no spending cuts in 1994. If we consider the fact that we have already passed the urgent supplemental for flood relief, that means we are going to end up with no spending cuts in 1994 and 1995.

So there are no spending cuts in either 1994 or 1995. We have already taken care of that today. We have already spent all of the savings in the first 2 years of this budget package. We are saying that 80 percent of the spending cuts are going to happen after the next Presidential election year. That is phony. That is hogwash.

I wonder if my colleagues and if the American public are aware of the fact that we are increasing the debt $530 billion in this package. We are increasing the debt limit from $4.37 trillion to $4.9 trillion in this so-called reconciliation package. We are going to increase our debt limit by $530 billion.

Madam President, I cannot help but think of the promises that candidate Bill Clinton made during the campaign. He said he was against a gasoline tax increase. This bill has a gasoline tax increase. During the campaign he said he wanted to give a tax cut to seniors. This bill has a heavy tax increase for senior citizens that are dependent on Social Security if they have income above $34,000 as individuals or $44,000 as couples. I know I have heard people on the floor say no one has an income tax increase if they have incomes less than $180,000. That is not the case. Because if they happen to have Social Security income and they are individuals above $34,000, they have a heavy hit to the tune of over $100 a month in many cases. So I again think we need to tell the facts.

I really believe that if candidate Bill Clinton had campaigned on this tax package that he would still be in Arkansas. He would not have won.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. NICKLES. I will conclude.

The PRESIDING OFFICER. The Senator's time has expired.

Does anyone yield time to the Senator?

Mr. WARNER. I yield time out of my time.

Mr. DOMENICI. I yield 2 minutes off the bill.

Mr. NICKLES. I thank my friend and colleague, and also my friend and colleague from Virginia for his generosity.

If candidate Clinton had campaigned on this program, he would still be in Arkansas. There is no question.

This tax bill is a repudiation of what he said as a candidate. Frankly, it will not get the deficit down. What it will do is it will give him a lot of new money to spend. We will pass a National Service Program tonight. It is going to cost billions of dollars. We will watch that program grow substantially. We will spend more money for food stamps; billions more in earned income tax credits, even though they increased last year by 55 percent. Entitlements will continue to explode. There is no deficit reduction in this bill.

Madam President, I urge my colleagues to defeat this unfair tax bill.

I thank my friend and colleagues.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Nevada is recognized.

Mr. SASSER. Madam President, may I inquire how much time we have left on our side?

The PRESIDING OFFICER. The majority has 1 hour and 2 minutes.

Mr. SASSER. How much time does the minority have?

The PRESIDING OFFICER. 1 hour 40 minutes.

Mr. SASSER. Madam President, I would suggest that we in order to even up the time move to another speaker on the minority side. I have discussed this with Senator DOMENICI and the distinguished ranking member. He has no objection. I would also suggest that speakers on our side be limited to 3 minutes. We have 22 speakers left. By that calculation, I do not think we can get them all in in 3 minutes. But under the previous order, I will have to limit all future speakers on the majority side to 3 minutes.

Mr. DOMENICI. Madam President, might I ask unanimous consent that Senator KASSEBAUM be substituted for Senator HELMS, and that she be allowed 3 minutes in his stead.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Virginia is recognized for 5 minutes.

Mr. WARNER. Madam President, I thank the Chair. I thank the managers of the bill.

Madam President, I want to take but a few minutes because the message I have tonight is relatively short but it is one that is terribly important to me and I would hope it would be terribly important to all Members of this Chamber.

I have had the privilege of serving in the Senate for some 14 years. I think I am going to do something I have never done before. I do not need the podium. Madam President, I am going to use the bill. That is the conference report. That will serve as my podium, 1,800 pages provided to the Members of this body barely 48 hours ago.

I want to go back and read a decision of the Supreme Court in 1910. It embraces a maxim of law that has been followed in this country since the very inception of our great Republic. It emanates from the common law of England. It is tried and tested. And it reads: "Ignorance of the law will not be an excuse."

I say to my colleagues that none of us have had the opportunity to go through these 1,800 pages, nor have our staffs which are provided for by the taxpayers to assist us. We are going to be asked to vote on this package in a bare few hours. I daresay not one of us have had the opportunity to go through and study it in that detail that we are committed to in our oath of office, in our campaign promises, when we promised to our constituents to listen to them.

How many have listened to these millions of telephone calls that have come to this body and the other body? As of this morning, 2.3 million calls, the vast majority of which indicate "Do not adopt this bill."

I add to the many good reasons given tonight by my distinguished colleagues on this side for their reasons not to vote. I add that reason that ignorance of the law will not be an excuse when you are confronted by your constituents and asked questions why did you vote for this. You cannot say I did not have time to go through it. You cannot say I am ignorant of it. To me this is a violation of a fundamental duty, a violation of the law of the land of the United States since the very inception of our Republic.

I yield the floor.

The PRESIDING OFFICER. Under a previous order, the Senator from Nevada [Mr. REID], is recognized for up to 5 minutes.

Mr. REID. I reserve my time.

Mr. SASSER. Madam President, the distinguished ranking member, the Senator from Kansas, wishes to take her time at this time.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 3 minutes.

Mrs. KASSEBAUM. Madam President, the Senator from Virginia just pointed out this 1,800 page bill which he used as a podium. It has many facets, many parts of it which we do not really know. I would like to speak to one small part, however, which I know well. As ranking member of the Labor and Human Resources Committee, I was involved in the reconciliation process.

The provision that I was involved in was a direct lending provision on student loans. Frankly, Madam President, it is a situation that disturbs me gravely, not only from the standpoint of procedure but the standpoint of substance.

The Labor and Human Resources Committee was given a budget that required it to come up with over $4 billion in savings. This allocation had the effect of forcing the committee to adopt a direct lending approach on student loans that was favored by the President but untested in the real world. For the CBO, Congressional Budget Office, scoring purposes, the President's direct lending proposal did not assume the full administrative costs. It is as if the program would magically administer itself. In reality, the administrative costs of the direct lending program, I believe, will be phenomenal. As a result, Madam President, the massive new program will likely cost taxpayers instead of saving taxpayers any dollars.

More importantly, the program will do little to reduce educational costs for students. That, I think, is one thing that has been very misleading about the debate on direct lending for student loans. This experience with the charade of the reconciliation process has reconfirmed my belief that Congress must reform the budget process to provide for more accountability and for greater understanding on the part of not only the public, but the Congress, in the process.

In the wake of reconciliation, I hope the Joint Committee on the Reorganization of Congress will make substantive proposals for improving the budget process. Personally, I would like to see a 2-year budget cycle. We never, ever really realize savings that are usually in the fourth or fifth year. I would like to see it more streamlined and more understandable. I think this would lead to a more realistic means of addressing our spending and our revenues, and it would instill discipline and restore public confidence that Congress indeed knows what it is doing and can be held accountable for what we do.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, a Member of the majority will be recognized at this time, unless there is another speaker.

Mr. SASSER. I suggest, Madam President, that we return to the Senator from Indiana [Mr. COATS].

The PRESIDING OFFICER. The Senator from Indiana is recognized up to 5 minutes.

Mr. COATS. Madam President, we have discussed a lot of numbers and details. I imagine that the American public, if they are watching, is pretty numbered out at this particular point, with the size of the deficit, the amount of deficit reduction, and the amount of taxes and spending cuts and when they go into effect, the growth of the deficit, et cetera.

I thought it would be important to try to understand, in practical terms, what the impact of this would be on an individual business or on a particular individual. So I called a friend of mine who operates a small business in Indiana. It is a profitable business. They employ 200 people. They earned, last year, a net profit of $7 million. It is a substantial operation. Yet, with 200 employees, they would certainly not be considered big business. They are a small business, but they are a growing business and a successful business.

I said, "What is going to be the impact of this budget plan with the increase in taxes on your business?" He said, "Well, I do not know. I have not run the numbers."

So I was able, then, when the budget deal was finalized, to send him the numbers, and they had their accountants run it through the computers, and they calculated it all out, and he called me back just recently. He said, "Well, I have your answer." He said, "This tax increase is going to cost our business an additional $1 million over last year's earnings."

When he found out it was retroactive, he realized he had to pay the million dollars this year. He was counting on it going into effect July 1 or January 1 of next year. He said,

> This year, it will cost our business an additional $1 million in taxes, because you are raising the rate very substantially. We are a subchapter S corporation, and the money will flow through to the individuals, and we therefore will have to pay those kinds of rates. They are not subject to just the 1 percent increase from 34 to 35 percent; they are going to their tax rate well into the 40 percent range.

I said, "Well, in practical effect, what does that mean?"

He said,

> What that means is that we will have $1 million less to invest in the business. Bottom line, we will not be hiring any new workers. In fact, we probably will be laying off some people, because that is a pretty big hit.

I think you can multiply that story by hundreds of thousands, if not millions, of examples across this country. The whole idea behind this economic recovery plan—or budget deficit reduction plan, or reconciliation, or whatever you want to call it—is to improve the economic performance of the United States. It is to provide, as the President has said, more jobs. It is to provide more job opportunities for Americans.

Yet, in this one instance which I think represents what is going to happen across this country, we are not going to see an increase in jobs; we are going to see a decrease. We are going to see businessmen and women in this country making decisions like my friend, saying, I have less money to invest, less money to put back into the business, less money to increase my productivity; and it is going to result in our hiring fewer, rather than more workers.

We all agree here on the floor as to what the problem is. The disease is the deficit. What we cannot agree on is the cause of the disease and the solution.

The cause, according to those on the Democrat side, is that we do not have enough revenues. The Republicans are saying the cause is we are spending too much, and the Government has not used restraint in terms of the way it provides growth for Government functions. You cannot get revenues generated fast enough to chase the growth in spending. Until you reconcile that basic difference, you cannot resolve the problem that exists in this body.

On the one hand, we have a bill that provides more revenues to Government. On the other hand, you have Members on the Republican side saying, We think the problem is spending, and until you restrain spending, we are not going to solve the problem. It has been said over and over that until we get a handle on spending, we are not going to resolve the problem.

This bill does not do that. It raises taxes, defers spending, and for that reason, I do not support it, and I urge my colleagues to vote "no".

The PRESIDING OFFICER. Under the previous order, the majority has time for speakers.

Mr. SASSER. The distinguished Senator from Nevada is not here at the moment. He will be next. The distinguished Senator from Florida, Senator GRAHAM, is here and will speak.

The PRESIDING OFFICER. Under the request, are we using 3 minutes?

Mr. SASSER. Yes.

The PRESIDING OFFICER. The Senator from Florida is recognized for 3 minutes.

Mr. GRAHAM. Madam President, I am supporting the President's plan tonight, because it is the only alternative that we have. It is the only alternative that we have any expectation of having in the foreseeable future.

For too long, we have taken the easy way out. We have mortgaged our future. We have lived off of our children and our grandchildren's credit cards.

My grandfather was born in Sanilac County, MI, in 1856. In 1856, the total national debt of the United States of America was $32 million. The per capita debt was $1.30 per American citizen.

When my second grandchild was born, four generations later, in January 1991, the national debt had just exceeded $4 trillion. Today it is $4½ trillion, and my granddaughter and all the other children of her generation began their life as an American with an average debt of $15,700.

Madam President, we cannot continue to live off of our grandchildren. I believe this plan, as difficult as it is and with as many specific features that each of us would like to see written differently, meets three basic tests.

One, it does seriously attack the Federal deficit. We currently are running at a deficit line, Madam President, which by the end of this century will have us at annual deficits of over $500 billion a year. This plan gives us the opportunity to arrest that spiral of Federal budget deficits. This plan reduces spending by $255 billion while it increases revenue by $241 billion.

Second, this plan is fair. It asks those Americans who are most able to pay to pay more. It attempts to shelter those who are least able to pay and to give encouragement to the poorest of Americans.

Third, this plan has the opportunity of stimulating new job creation and a stronger economy for the future by giving us the prospect of recent historically low long-term interest rates and the benefits that they will have for sustained economic development.

Madam President, this action tonight is not the end. This is an important but not the final chapter of our fight against deficits and to provide a strong economy.

Looking ahead, there are other things we must do. We must control health care costs if we are going to avoid a run to higher levels of deficits. We must continue to look for ways to reduce spending.

I believe we must pass a line-item veto and a balanced budget amendment in order to give us the legal tools.

Finally, I would suggest that we must look for ways in which we can work together. We cannot attack a problem as systemic as the national debt that has gone from $900 billion to $4½ trillion with Democratic votes alone. It is going to require a bipartisan commitment and effort.

I hope after this breech tonight there begin an evening of reconciliation and we can move together to build for our grandchildren, all of our grandchildren, a better future.

The PRESIDING OFFICER. The Senator's time has expired.

Under the previous order, the Senator from New Hampshire is recognized for up to 5 minutes.

Mr. SMITH. Madam President, the American people elected a Democratic President, a democratically controlled House, and a Senate controlled by the same Democratic Party. In essence, the voters told the Democratic Party to govern the Nation. This tax package is the result.

The President crowed about a great victory last night in the House. It was a victory for Democrats—some Democrats—but a defeat for the taxpayers.

It is going to increase taxes and user fees by $255.3 billion over the next 5 years.

More than 80 percent of the spending cuts will occur in 1997 and 1998, after conveniently after the next Presidential election, and the ratio of tax increases to spending cuts is about 2 to 1.

So, either way, under this plan, the national debt will rise by more than $1 trillion over the next 5 years, and deficits will begin to rise in 1998.

If that is the bottom line, what have we gained?

Madam President, in addition, this is retroactive. The tax increase is retroactive on the American people, as if taxpayers did not have enough trouble trying to pay the taxes that are due tomorrow let alone the ones that are due in January.

This is the Clinton plan in all its glory. It is not subject to any partisan gridlock. Do not believe that. This legislation, which makes sweeping changes in our tax and spending laws, requires a simple majority of Senators to become law. That is all it takes—51. The last time I checked, there were 56 Democratic Senators. All they have to do is say "aye" and it is a done deal. So do not blame us for gridlock.

I want my Democratic colleagues to know, with all respect, I wish them best of luck; I hope their predictions are right. I hope this package slashes the deficit, not only for their sake, but for America's sake. More importantly, I hope it creates jobs and reduces interest rates.

If it does, the American people will see the wisdom of what you have done and reward you at the polls by millions of votes. If you are right, I will be the first Senator to stand up and put President Clinton's bust on Mount Rushmore.

I do not think Lincoln, Jefferson, Teddy Roosevelt, and Washington will have to worry. I think the stone cutter will relax because it is not going to happen.

We have done this before. If this worked, George Bush would still be President. I have news for my colleagues. We tried it once, and it did not work.

I feel as if I am in some kind of time machine here. I need a new calendar. This cannot be 1993. It must be 1990. I must be wrong. We have been through all this before, have not we?

This budget bill is the failed 1990 budget agreement dressed in 1993 clothing—more promises, more taxes, more spending, more deficits, and more debt.

I have heard it all before in 1990 with my President and my party.

Madam President, as an American I hope and pray that the economic predictions of my Democratic colleagues somehow become reality.

But as a student and a teacher of history, I know better.

In 1990, the budget agreement raised the tax rates on upper income Americans. In 1993, the Clinton budget raises taxes on upper income Americans.

In 1990, the budget agreement raised taxes on gasoline. In 1993, the Clinton budget raises taxes on gasoline.

In 1990, the American people were promised $500 billion in deficit reduction. In 1993, it is the same thing under the Clinton plan.

Madam President, a reasonable person is likely to wonder exactly what the differences are between these two bills, and a reasonable person might ask why a bill that failed to reduce deficits before is suddenly going to reduce deficits now.

When asked how he was going to meet the $500 billion deficit reduction target, Senator MOYNIHAN, one of our colleagues, used the word "magic."

This Senator does not believe in magic. I believe in history and lessons, and unfortunately the Senate is doomed to repeat history.

In December 1962 one of our own, a great American, President Kennedy, said:

> * * * an economy hampered by restrictive tax rates will never produce revenues to balance our budget just as it will never produce enough jobs or profits.

How true. How true, Madam President.

I yield the remainder of my time.

The PRESIDING OFFICER (Mrs. FEINSTEIN). The Senator from Tennessee.

Mr. SASSER. Madam President, I believe the Senator from Massachusetts is next on the list.

The PRESIDING OFFICER. Under the previous order, the Senator from Massachusetts [Mr. KERRY] is recognized for 3 minutes.

Mr. KERRY. Madam President, we know that nobody is about to change a vote out here this afternoon. So it is not a debate in the traditional sense. We are sharing with colleagues and with the American people the sense of what is at stake in this issue.

I would like to observe that I think a more complete and honest response to the fiscal predicament of our country would take a far greater seriousness of purpose and frankly far more courage than has been summoned here in these past months.

I do think that President Clinton has made a substantial shift from the shoddy budgeting of the Reagan-Bush years when we had phony prices on all the numbers.

Indeed the reason the Senator from New York puts on such a good magic show is he had a lot of practice these past 12 years.

The fact is for the first time we have real numbers and we are dealing with real deficit reduction.

I also want to observe I feel very strongly that more could have and should have been done to deal with the national crisis we face.

While I will vote for this bill, I want to make it very clear before this vote that I would have preferred a different approach. My own personal view is we have not cut enough where we could have and should have cut more. We have cut too much in many places where we should not be cutting where, in fact, we should add, and we have not adequately met the needs of this Nation for investment either in infrastructure or research and particularly in our cities, in our children, and in our schools.

Finally, and most important, I believe we have missed an extraordinary opportunity to shift this country to a sounder economic footing by changing the very fundamentals of our tax structure all together. If we had boldly changed that tax structure in our country, we could have embarked on a journey as legislators that might have done far more to create jobs and make us more competitive. We should have moved to a system that encourages savings and discourages consumption, and that is a debate for another time though it should have been the debate for now.

Some might ask, if you consider this bill insufficiently bold, why then would you vote for a bill that may be politically unpopular?

First, the bill has some important provisions to stimulate investment, especially for small business. It extends the research and development tax credit, establishes a targeted capital gains incentive for investment in small business for which I have fought, and creates enterprise zones in low-income urban areas. These are important initiatives. Moreover, only 1.1 percent of the people in my State will see their income tax rate increase. That's the 1.1 percent of our people who are most well off, and in the best position to do more to contribute to the national need.

But there is another, more fundamental point.

This is the only real deficit reduction plan available. This bill will cut the annual Federal budget deficit in half as a percentage of GDP. It will increase job creating investment. The Republican plan would do neither one, because there is no Republican plan.

As President Reagan's budget director, David Stockman, last month told Sidney Blumenthal of the New Yorker, President Clinton is, and I quote, "getting a fast education in how decadent this whole fiscal process has become." Stockman said of the Clinton deficit cutting plan we are voting on today:

> He's addressing it an honest way, putting tough measures on the table. * * * It's a phony debate that the Republicans and some of the Democrats have put up. It's a pretty cowardly display—not only cowardly, but intellectually ragged. * * * Rather than look at what is needed, the response is: How do we posture?

Stockman continued with the following assessment of the performance of what used to be his side of the aisle:

The Republicans, Stockman said are "totally irresponsible."

So, let us tell the truth about what the other side of the aisle is offering the American people in the way of reform. Groucho Marx summed up their approach 50 years ago in the movie "Duck Soup," when he portrayed a politician whose political rallying cry was "whatever it is—I'm against it!"

This abdication of responsibility by the Republicans, dismaying as it is, gone on a long time, and was largely responsible for creating our present predicament in the first place.

The Republicans want Americans to forget just what they did in 1981, when the national debt was under $1 trillion—less than one-quarter of the amount it reached by the end of the Bush years.

The Republicans want Americans to forget about the magic asterisks, rosy scenarios, and advantageous baselines they used to make appearances seem more favorable than reality, when they pretended to balance the budget during President Reagan's first term, but in fact, created the most massive budget deficits in our nation's history through a combination of increased military spending and tax cuts for the rich.

As David Stockman later confessed, the Republicans knew throughout the process they weren't going to balance the budget—that they were creating historically large deficits through the tax breaks for the rich. Their real intention was to create the deficits, and through creating the deficits, use those deficits as a Trojan Horse, to force the Federal Government to shrink.

And in fact, they were successful. The domestic discretionary portion of the Federal budget has shrunk as a portion of our gross domestic product by about 24 percent—while interest payments on the federal debt have increased by 70 percent. The Federal government has shrunk in terms of its ability to deliver services to the nation. And as a result of the adoption of this legislation, which calls for an additional 5-year freeze in discretionary spending, it looks like the shrinkage in the delivery of services by the Federal Government is going to continue for the forseeable future.

That will be painful. But it will also be worth the pain, because the bill will cut $500 billion from the deficit over 5 years. If it becomes law, the deficit should be lower next year than it is this year, and lower the year after that. By the year 1998, the deficit will be one-half the percentage of GDP that it is today. It is the largest deficit cutting package proposed by any American president in history.

As my colleague Senator HOLLINGS has said so well, the interest that Americans currently pay on the debt—$1 billion every day—is a tax. It is the tax the middle class must pay for the profligacy of the 1980's. It is a tax that eats away at our ability to finance programs to help our most needy, to combat crime on our streets, to invest in technology, and to improve our roads and bridges. It is a tax that grows as our debt grows—every day that we have a budget deficit. The net interest on the debt is now about 14 percent of our budget. If we do not adopt the Omnibus Budget Reconciliation Act and do nothing to address the deficit; if we continue to pretend that deficit reduction does not entail painful decisions; if we prefer to play politics than to shoulder our responsibilities to the voters who put us here; then the interest on the debt will grow to almost 18 percent of the budget by the year 2003.

This reconciliation bill addresses this devastating tax by reducing the deficit. And, unlike proposals which the opposition has offered, the President's plan does not rely on gimmicks which require that we made cuts at a later date without specifying what those cuts will be. Instead it makes real spending cuts and achieves real deficit reduction. Over half of the $500 billion in deficit reduction derives from 200 very tough, very specific spending cuts.

In short, President Clinton is trying responsibly to clean up the mess that President Reagan, with the collusion of a number of people on the other side of the aisle who are still here, created, in legislation like Kemp-Roth and Gramm-Latta.

The very people loudest in blaming President Clinton for this bill are among those most responsible for the current situation.

Some of them are among the very people who say, "cut, cut, cut, cut," but when you try to cut, they go to the floor to defend their favorite programs. Multi-billion-dollar boondoggles like the super collider in Texas. Ridiculous Federal subsidy programs like the special payments we make to mohair goat ranchers.

Recently, Senators BRYAN, REID, and I attempted to cut some Federal spending by offering an amendment to the Senate version of the reconciliation bill and then again to the agriculture appropriations bill to eliminate the wool and mohair price support program.

Given the rhetoric in Congress about the need to cut more, given the fact that the subsidy's stated purpose is to maintain a supply of wool and mohair for strategic purposes which no longer exist, given the fact that mohair is now used only for the decorative braids on military uniforms, given the fact that elimination of this subsidy would save the American taxpayer over $700 million program, and given the fact that the program been ridiculed in the New York Times, the Washington Post, and other editorial pages across the Nation—I would have thought it would be easy to kill the wool and mohair subsidy.

Yet, goat ranchers will continue to receive subsidies.

This experience has come to symbolize for me the grip that parochial concerns and the politics of cynicism have on Washington. Many of the most vociferous critics of President Clinton's plan—who claim he has not cut enough—are the ones who worked behind the scenes to ensure that sheep, goats, and some ranchers will not have to sacrifice as much as others to bring down our mammoth deficit. It is clear that these critics are hiding behind the rhetoric of tough choices in order to avoid actually doing anything that might offend their parochial interests.

For years, they have perpetuated budgetary myths that they still haul out every time we try to do something to change the status quo left us by the Reagan-Bush years. We've heard their claims a thousand times.

They say that tax cuts will pay for themselves. We tried it. They did not. Those tax cuts to the rich caused massive bleeding to the Federal Government and created these deficits we are now trying to respond to.

They say that we will grow our way of the Federal budget deficit. Remember that one? The result of the Reagan-Bush economic policies has been painfully slow growth, slower growth than we have had or recession, even as we have literally allowed our Nation's physical infrastructure to collapse, our children to be less-well housed, less-well educated, and our workers to be less-well trained. While all that has taken place, the deficit skyrocketed. Because supply-side economics was not merely an economic failure—it was an economic joke—a cruel joke—an economic trick played upon an entire nation.

We have a consensus today about what this Nation needs. On the one hand, we need to reduce our deficit. On the other, we need to improve our productivity and competitiveness. The latter requires substantial increases in investment. We need to modernize our capital stock. We need to invest in education. We need to train our workers. We need to rebuild our infrastructure.

These are somewhat contradictory goals. It is not easy to simultaneously reduce a Federal budget deficit and increase spending in the areas where the Nation needs the investment. The President tried to balance those needs in his original bill. Since then, to my regret, some of the investment and capital formation mechanisms were removed. But the basic thrust of the package—which demands that the wealthiest 1-percent of our people pay a fair share toward cutting the deficit—has been retained. The rest of us will pay in the vicinity of ten pennies a day for deficit reduction. That is hardly an unfair way to place the burden.

The Republicans have gone on and on about how unfair the tax provisions are in this bill. In fact, the bill reduces taxes for many businesses, including small businesses.

While you would not know it from the rhetoric from the other side of the aisle, there are a number of important tax cuts in this bill. We are extending the research and development tax credit. We are cutting capital gains taxes for long-term investments in small business, a provision I have fought for over many years. We are increasing tax deductions for small business equipment purchases, and modifying passive loss rules applicable to real estate. These and other provisions will actually lower taxes for a substantial number of Americans.

The plan also contains provisions designed to increase investment in families, in infrastructure, and in job creation. The bill provides funding for the earned income tax credit—the first step towards welfare reform and making work pay—the childhood immunization program, and enterprise zones to increase economic development in low-income communities. It makes permanent the low-income housing tax credit and it expands the mortgage revenue bond program.

The job creation provisions include the Bumpers-Kerry targeted capital gains tax incentive for investment in small businesses, extension of the R&D tax credit—though unfortunately not a permanent extension—and increased expensing for small businesses. It repeals some of the passive loss rules to provide some relief to the Nation's ailing real estate industry. And, it ends finally the so-called luxury tax on boats which has compounded the devastation of the boat industry brought about by our sick economy.

These modest investment proposals are a crucial component of the package. In addition to a budget deficit, our Nation faces an investment deficit. We must address both if we are again to create high-wage jobs that can support a family. We must begin to invest again as we did after World War II when we sent returning soldiers to school on the GI bill, built an interstate highway system and invested in the technology that led to the creation of the microelectronics industry among others.

As for my constituents, out of the 2,691,817 taxpayers in Massachusetts, there are 43,500 tax filers whose incomes are over $200,000. That's about 1.6 percent of all the tax filers in my State. The 1.6 percent of taxpayers who are doing the best financially.

On average, this group will pay 7.2 percent more in taxes than they currently pay. Not 50 percent more—not 30 percent more—not 20 percent, not percent, but 7.2 percent more. By contrast, 246,000 of the State's least wealthy taxpayers will receive a tax cut.

In recent weeks, as most Democrats in the Senate have readied themselves to vote for President Clinton's $500 billion deficit reduction package, many of us have privately expressed our wish that the political process had permitted us to do even more to cut Federal spending. We know even better than the public does that if every Federal program was placed one by one before us on the Senate floor in a line-item vote, some number of them would see their funding wither under the public spotlight.

It is not a criticism of the President's deficit reduction package that some programs which should have been cut, have not been cut. His budget was conceived in February. It necessarily includes only those program reductions identified by the administration in its first days in office and not eliminated during the byzantine wheeling and dealing that takes place through the congressional budget process. His deficit package is crucially important, but only a first step on the road to a balanced budget.

Earlier this week, 20 Democratic Senators recommended to the President a simple process, sanctioned by current law, for circumventing the politics that plague efforts to cut wasteful spending. We suggested that the President announce his intention to package and send to the Congress once each month for the next 15 months—until the next election—a collection of requests for rescission, or cuts, of no-longer-compelling appropriations.

We advised the President that the rescissions should be accompanied with expedited procedure requests to eliminate unjustifiable tax expenditures and entitlement benefits. We suggested that Congress commit to this process too, placing all of us in the position of either saying "yes" to the President's cuts, or of continuing the spending.

Month by month rescissions could do a lot to force out who is posturing in this institution, and who is serious about change.

I hope the President will take advantage of this opportunity to send us rescissions and expedited procedures for tax expenditures and cuts starting in September, so we can continue the process that he has started with this bill.

The PRESIDING OFFICER. The Chair is going to proceed down the list.

The next on the Republican list is the Senator from Georgia, to be recognized for 5 minutes of time.

Mr. NUNN. I thank the Chair.

Madam President, because I recognize the dilemma that President Clinton faces in drafting a budget plan that is both effective and capable of being enacted, I have carefully reviewed the provisions of the budget conference report. I give the President high marks for recognizing the magnitude of the deficit and its impact on our country's future. He has worked effectively to focus the Nation's attention on this critical problem. On balance, however, I believe that the reconciliation conference report does not sufficiently address the fundamental elements of deficit reduction that are required. Therefore, I will vote against this legislation. I made my position clear as to this vote to both the White House and to the Senate leadership on Wednesday of this week.

Our Nation's challenge is to reverse our pattern of high deficits and low national savings, which result in low investment, slow economic growth, and a very difficult job market for so many of our people.

Investment can only come from savings. We have talked an awful lot about investment, but we do not talk very much about savings, and that is the focus that we have to have in the future in this country.

Any meaningful deficit reduction effort must also cut projected spending. In particular, it must restrain runaway entitlement growth. It must raise projected revenues.

I am not one of those who believes that we can get by without additional revenues, but it is very important how those revenues are raised.

Most importantly, it must meet these goals in a manner that promotes healthy economic growth and good jobs for our people.

This reconciliation bill falls short of this standard in that it does not provide for meaningful entitlement restraint. Most of the cuts in this bill—not all, but most—are defense cuts, and those cuts were already underway though now at an accelerated rate.

Second, the bill fails to provide meaningful incentives for savings and, therefore, for investment and, therefore, for the kinds of jobs that we need in this country.

Without controlling future growth of entitlement programs, revenue increases cannot possibly keep up with increases in entitlement spending.

Over the next 5 years—this conference agreement would provide for projected spending of $400 billion more for Medicare and $300 billion more for Medicaid in the next 5 years than was spent in the last 5 years, and there are no effective provisions for limiting this growth even to the high levels in this bill.

I am hopeful that health care reform will make great strides. And I know President Clinton and Mrs. Clinton are working very hard on that. I hope they will make great strides in reducing health care cost growth. But I must say, I remain very fearful that without firm and enforceable caps on health care spending by the Federal Government, health care reform, even though well intentioned, will not bring this deficit down or under control.

Madam President, while defense cuts must contribute—and they are contributing—to any meaningful deficit reduction package, this reconciliation bill has no wall between defense spending and discretionary spending on the domestic side, even though a majority of the Senate has voted twice for such a wall this year already. The absence of this wall virtually guarantees that Congress will slash defense far below the President's recommendation, and the President's defense budget recommendation is already coming down.

And it also virtually guarantees that these funds will be shifted to other spending programs rather than, if we are going to cut defense more, to the deficit itself. This invitation to cut and transfer defense funds will cause serious defense problems without contributing to our deficit reduction effort.

Madam President, I regret to say that Washington continues to play the old game we grew up playing as children called "Let's pretend." Many but not all Republicans pretend that we can achieve fiscal soundness with no new taxes. Many but not all Democrats pretend that we can achieve fiscal soundness while doing nothing about runaway growth in entitlement programs.

Both parties pretend that we can get our fiscal house back in order with little or no sacrifice by the vast middle class, even though we all know that most revenues come from the middle class and most expenditures of our Federal Government go to the middle class.

We do not like to say that, but we are not doing a favor to the middle class if we do not tell the American people the facts.

Madam President, realists in both political parties recognize that we must cut the growth rate of entitlements and other expenditures. We must raise taxes in a fair way that takes into account our present weak economy—may I have 1 more minute?

Mr. DOMENICI. I yield 2 more minutes to the Senator from Georgia.

Mr. NUNN. Madam President, we must raise taxes in a way that takes into account the present weak economy we have, and that means the effective date is very important on those taxes. And we must also provide incentives for savings and for investment. All of these steps are needed to restore fiscal responsibility and to promote long-term economic growth and good jobs; not simply one of those steps, but all of them. All of these steps must be taken together. A piecemeal approach will not deliver the results.

Madam President, the President of the United States cannot be expected to cure all of these problems without a lot of help from Congress, both Democrats and Republicans.

If Republicans continue to sit on the sidelines, they shift the political pendulum to the left and help ensure the very results they denounce. Until the President and the realists in Congress come together across party lines, the game of "Let's pretend" will continue, the huge deficits will continue, and our economic problems will continue.

The losers will continue to be the American people, particularly the middle class that Washington spends so much time talking about protecting.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Montana is next on the list. Does the Senator wish to defer to Senator DURENBERGER?

Mr. BURNS. Yes.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 5 minutes.

Mr. DOMENICI. Will the Senator yield to me, please?

Mr. DURENBERGER. Yes.

Mr. DOMENICI. Madam President, I say to Senator NUNN before he leaves the floor, I congratulate him on that statement. I think it is kind of known around here that Senator NUNN and I worked for about 18 months, if we count current times, on a 10-year approach to salvaging the American economy and making it strong again.

I think Senator NUNN has articulated most of the principles that are part of that endeavor. Obviously, there are some found in this package, but certainly the philosophy of it is considerably different.

I truly recognize how difficult this has been for Senator NUNN because of what he sees in his vision versus what is before us.

I want to congratulate him for his strength and his courage. I pledge to him, and to whomever is listening, that I will not be one who is sitting on the sidelines in the event this package were to fail. I can assure you, the principles that have been discussed here could be repeated in every detail by this Senator at another time. And I may indeed do that because I stand ready to solve the problem by going after those things that really contribute to it, and frankly that is the entitlements and mandatory programs of our country.

I thank the Senator.

Mr. NUNN. I thank my friend from New Mexico.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 5 minutes.

Mr. DURENBERGER. Madam President, I am pleased to follow my colleague from Georgia and my colleague from New Mexico because it is their leadership that brought us really close over the last couple of years to real bipartisan reconciliation. I regret we have not achieved it tonight.

I think I gave most of my remarks on generational equity and taxing and spending on the flood damage bill and I am not going to repeat a lot of them tonight. But I must say I am going to oppose this bill simply because I am convinced it is a monumental breach of faith with the decision of the American people in the election of last November.

When I am home I sort of, at least to smile, say to people about 95 percent of the people in this country voted for change last year. Certainly the 43 percent that voted for Bill Clinton, and the, whatever it is, 27 percent or something like that who voted for Ross Perot, and even a lot of us Republicans who voted for George Bush voted for change.

The American people wanted a fundamental change in the role of Government, and the bill before us as we have heard all day long from Republicans and Democrats, simply does not do it.

The $496 billion deficit reduction goal may be met. It will certainly be met on paper. But as my distinguished colleague from New York, Senator MOYNIHAN, has said so often: "It is magic." That is the way we do it around here. But I must say where I come from people do not believe in it anymore. They want real deficit cuts.

This bill will increase our national debt by another $1.1 trillion in the next 5 years; it will increase interest payments on the debt from $199 billion a year today to $270 billion in 1998, just that year.

That year, every man, woman, and child in the State of Minnesota will be paying $3 a day or $1,000 a year for interest payments alone.

If interest rates went up from, say 6 percent today to 7 percent next year and stayed there, just at 7 percent for the next 4 years, it would be $200 billion a year in interest payments higher and the folks in Minnesota would each of them man, woman, and child be paying $1,167 a year just for payments of interest.

And a family of four will be paying nearly $5,000.

I ask my colleagues to admit all of these facts, not because I expected President Clinton to present us with a balanced budget, but merely to outline the true seriousness of the debt crisis—to demonstrate why we have to abandon business as usual.

No one believes that there is $496 billion in deficit reduction in this bill. No one believes that this bill is going to fix the growing hole in Congress' fiscal dike. Far from it.

Even now, instead of fixing that dike, Congress is opening up more and more cracks in it. Flood relief. Aid to Russia. The timber agreement for the Northwest. Base closing. Aid to cities. All these new priorities have cost us $13.5 billion in just the last 2 months. All this money is going out—and it is not being paid for.

The reforms we need are fundamental—because our problems are fundamental. It has taken us many decades to create them, and it will take many more decades to solve them.

But to solve them, we will have to take steps. Steps in the right direction. The opposite direction from this bill.

We have to begin with the understanding that raising taxes will not—I repeat, not—reduce the deficit in any lasting way.

The problem is spending. Over the last 30 years, Washington has spent more and more money on non-means-tested income transfers—transferring money without regard for the actual need of the recipients. This year alone, these social insurance benefits account for direct spending of $441 billion—paid for by $427 billion in payroll taxes and other revenues.

This policy has taken a heavy toll on job creation—and it has added significantly to the budget deficit.

Washington's tax policies have forced communities—cities, workplaces, and families—to change their behavior in major ways. When you add the tax increases in this bill to increases in the Social Security payroll tax, increases in the cost of health insurance, and the cost of Federal workplace mandates—the clear and unavoidable result is that companies are going to reduce their pay increases for employees.

And State and local governments are going to raise taxes. In the last 10 years, Federal mandates on State and local government have grown even faster than projected. These people at the local level—both employers and governments—have been placed in an extremely tight fiscal position.

Either way, real people are going to lose real money. And we will not have solved the basic problem—the Federal Government is still spending too much, and it is still forcing others to spend too much.

Congress is trapping America in a vicious circle. As far as the Federal budget is concerned, we won't be on the right track until this vicious circle is broken.

This is not a problem that has been freshly discovered. As far back as 1976, the movie "Network" tapped into a rich vein of public discontent: People were madder than hell because their Government cost too much and produced too little.

In 1977, proposition 13 surfaced in California. In 1978, demands for wholesale change in Government prompted the election of two Republicans to the Senate from Minnesota—me and my friend Rudy Boschwitz. By 1980, it was clear that the Democrats were out of ideas—and the American people gave Republicans a chance to govern.

As a result of this demand for change, in 1981, Ronald Reagan proposed his solution: Cut off Government's unlimited allowance, and it will change—for the better—the way it operates.

So—clearly—this is not a new problem. But it is a problem still in search of solutions.

Because the fact is, in the 1980's we did not change the role of Government.

We did not use Government spending in a way that provided better value for less money.

And we did not change the attitude that believes every problem is capable of a Federal solution.

The tax cuts of 1981 helped the economy. We cut inflation. We cut interest rates. We reduced the marginal rate of income taxation. And we created over 20 million new jobs.

But Government spending kept accelerating on the very same track it was on in 1977.

The American people know all this. They decided last November that the Republicans were out of gas on this issue. What they really wanted was a third choice—none of the above. They looked at Ross Perot, and decided he might not be reliable. So they settled for letting the Democrats try again.

As I look back on the first 200 days of the Clinton administration, especially as reflected in this bill, I do not think they will find much cause for reassurance. Because what they are demanding is that we change the way the Government spends money. This bill will increase yearly spending by over $300 billion—from today's total of $1.44 trillion to a projected $1.76 trillion in 1998. And we are spending that money the same old way.

In other words, business as usual. The same story Congress has been writing for the last three decades. And it just will not work.

The distinguished majority leader has told us that—in his observation—those who talk the loudest about spending cuts are usually very slow to actually vote for spending cuts.

Mr. President, I can speak only for myself on this. But I am very proud of the past votes that I have cast to bring Federal spending under control in a fundamental way.

Those were votes. But they were necessary. And America is a lot worse off today because Congress didn't bite the bullet and enact those reforms.

Today, we are considering a much weaker budget—a budget that does not even begin to confront our real fiscal problems. And what this budget does do, it does badly.

This budget would provide a new top tax rate of 43.2 percent on individuals and small businesses. When you add Minnesota taxes to that, the total marginal tax on Minnesota's job creators will rise to 48.3 percent.

An extremely short-sighted policy—for little or no long-term benefit.

And this budget is similarly irresponsible in its clumsy attempts to cut spending. Clearly, we need to bring Medicare costs under control—and I am fighting to do that as part of the health care reform package. But this bill's approach to Medicare will only make the problem worse.

This bill does not address the fundamental problem of Medicare—that premiums are assessed without regard to the ability to pay.

What this bill does instead is take a meat-ax to the payments made by Medicare to doctors and hospitals. What will happen, of course, is that the doctors and hospitals will increase the amount of service they provide so they can get more fee-for-service payments. They will not get the money from taxpayers through Medicare, so they will bill the taxpayers for it directly through increased charges to non-Medicare patients.

Medicaid in Minnesota pays 42 cents for every dollar billed. Minnesotans and their employers pick up the rest. This bill is going to cut that 42 cents even further.

Instead of playing this shell game to come up with some illusory revenue gains, wouldn't it be better to reform how the program works?

But if intelligent reform is what you are looking for, you will not find it in this piece of legislation. I can think of only one exception, one provision that we can really be proud of—the reform of college student loans. Our direct lending provision moves to broaden access to higher education—and it saves taxpayers $4.5 billion.

That is reinventing government. That is a more efficient way to deliver more services at lower cost. But in this bill, it is a lonely provision.

On Medicare, we'll just have to tackle it when the health reform package comes up some time in the next few months. And as for all the other needed reforms, it looks like we'll have to wait even longer than that.

The central failing of this reconciliation bill is that it rests on a pretty basic misunderstanding of what America demands. The American people are not demanding that we raise taxes on the rich, and leave the average American free of tax increases.

What they are demanding is something much more basic—that we cut their taxes because we are not giving them their money's worth in spending. Put simply: America believes that a dollar sent to Congress is a dollar wasted.

That is what we need to change.

The American people are willing to sacrifice if we guarantee them real deficit reduction—and real changes in the role of Government.

No more smoke and mirrors. No more gimmicks. No more business as usual. And—especially this week, as we debate this bill—no more absurd charges of gridlock.

How on Earth can there be gridlock in an undivided Government?

The Democratic Party has controlled the House of Representatives for 43 of the last 45 years. They have controlled the Senate for all but 8 of those 45 years. They have controlled all three political organs—White House, House, and Senate—for 17 of those years.

Considering this recent history, the Democratic Party ought to be prepared to govern. This budget, therefore, is a major disappointment.

A disappointment to everyone who pulled the lever for Bill Clinton in the hope that a Democratic administration would change Congress' disastrous budget policies.

A disappointment to everyone who believes in reinventing Government.

A disappointment to everyone who knows it is wrong to pile trillions of dollars of debt onto the backs of our grandchildren for no good purpose.

Mr. President, back to the drawing board for this budget. The majority has been criticizing Republicans all along for not offering alternatives—but that criticism is not working. On Wednesday night, Jay Leno got an ovation from his audience when he said that if the choice is really between the Clinton plan and no plan—he would like to look at the no plan.

But I, for one, stand ready to help design a comprehensive plan to balance the budget.

We must all remember that America does not want just deficit reduction. America wants deficit elimination.

I stand ready to accept this challenge.

I stand ready to make the hard choices that Congress has avoided in past decades—allowing the deficit to tighten its stranglehold on our future.

I am particularly impressed by the responsible approach presented by our former colleagues, Paul Tsongas and Warren Rudman, and their Concord Coalition.

Let me highlight, in this regard, the truly selfless efforts of one of my constituents. Darren Chase, the former State coordinator of the Concord Coalition, challenged me to develop a bipartisan plan to balance the budget. Despite important financial and family obligations in Minnesota, he moved to Washington to help me develop such a comprehensive plan.

We could learn a lot from Darren Chase's observations of how Congress operates. He has become convinced that each of us separately knows what must be done to balance the budget. But we lack the courage and the bipartisanship—collectively—to do it.

On an issue of this importance, we can no longer afford to stand apart—as Democrats and Republicans. We have to sit down together—as Americans—and solve the problem.

Later this year, the Concord Coalition will present a long-term plan for balancing the budget. While we have not seen the specifics of the Concord Coalition plan, I fully endorse the process under which it was developed. It was created in a spirit of bipartisan cooperation—the only kind of approach that will really solve the problem of the deficit.

It's an approach that puts the national interest above the special interests—and it is the only approach that will answer the public's demand that we balance the budget.

It will force us to face facts that partisanship too often allows us to ignore.

It would force Democrats to realize that the Federal Government cannot afford to be all things to all people. That some good programs must be delayed until we can afford them. That we should not spend money we do not have in the bank. That not every problem has a Federal solution. And that the solution is not always to throw more money at it.

It would force Republicans to recognize that the impact of the spending cuts that would be required to balance the budget—if we relied on spending cuts alone—would be too drastic. That it would be too draconian for the people who depend on those programs.

And most importantly, it would force Republicans to recognize that while tax increases do hurt the economy, and tax increases do result very often in reduced revenues to the Federal Treasury, and intelligently designed tax reform—including tax increases—will nonetheless be needed in order to balance the budget.

Our bipartisan approach should begin with agreement on broad principles on how we are going to eliminate the deficit in a permanent way. After agreeing on those general principles, we could work together on the specifics—devising more creative, innovative, and efficient ways to deliver Government services.

Along the way, we would have to abandon our sacred cows—because in a task of this importance, nothing is off the table.

This is the kind of bold approach the American people are demanding—and it is far more likely than the Clinton plan to result in a permanent solution to the fiscal crisis that has already left America $4 trillion in debt.

The American people want—demand—and deserve real change.

We can do better than the Clinton plan. And we have to do better than no plan. Working together, in a truly bipartisan way, we can—and must—make major changes in how the Federal Government spends our money. This bill does not do it—and that is why I intend to vote no on reconciliation.

But I must point out, Mr. President, that I am very encouraged by the leadership that is being exercised by my good friends, Congressman TIM PENNY of Minnesota and Senator BOB KERREY of Nebraska.

The fact that TIM PENNY chose this occasion to announce his retirement from Congress says a whole lot about why young Americans—and young American leaders—are getting turned off by the political process.

But TIM PENNY and BOB KERREY believe—as I do—that the kind of serious, nonpartisan approach I have just discussed is our last, best hope for dealing with the deficit and creating a solid economic future for this country.

They are using their considerable political leverage to help change the role of Government. To put real limits on spending. And to put us on the road to a sensible—and sustainable—Federal budget policy.

The future of America—thankfully—does not hinge on the passage of the bad bill that is before us today. What it does hinge on is our willingness to get serious—after this bad bill is passed—and create the change the American people demand. I will do my utmost over the coming months to make sure that these bipartisan efforts succeed, and create a lasting reform of our Federal Government.

After the last echoes of this partisan debate have faded from the Chamber, we can come back and tackle the problem. And tackle it for real.

This bill increases yearly spending by $300 billion and you have heard about taxes all day today. So, Madam President, the bill is business as usual.

It is the same story Congress has been writing for the last three decades and it just will not work. We have to do better than that and I cannot recommend any better 5-, 6-minute comment to you on that subject than just delivered by the senior Senator from Georgia.

So I for one stand here as I did on April 1 of 1985, and again last year on Nunn-Domenici, and a few months ago on a vote that got 45 votes.

I stand ready to help design a comprehensive plan to change the way this

Government works, to balance the Federal budget. America does not want just deficit reduction, it wants deficit elimination. This fall I want to join in a truly bipartisan approach to deficit reduction. I am pleased with everything I heard today from various Democratic colleagues about the need for health care reform; about restoring a credible Social Security trust fund; about enforcing discretionary spending caps; about target spending levels for Federal health expenditures; about enforceable caps for other entitlements; about tax restructuring. I think I have heard as much about these sort of things from some of our Democratic colleagues as I have heard on our side.

Last night a young man from Minnesota led an effort to try to do that on this bill, the Congressman from our First District, happens to be a Democrat. This morning he stood in the well of the House for 1 minute and said, "I have done my best. I am leaving."

Here is a young man about 39-, 40-years-of-age, who came here to change the way this system works on behalf of his kids and his grandchildren, all over this country. And one very emotional minute this morning he said it all.

He said,

> I voted for that reconciliation bill last night because I was afraid if it did not pass, things would get worse instead of better. But now I am not so sure whether they are going to get better at all and I am going to go home and take my kids home with me and do something different.

To me it is the loss of people like that in this body and in the other body. It is the loss of that kind of young leadership in this country that I regret more than anything else, when I see the kind of bill that I have to vote on.

I have a young man who has been working with me for the last 3 or 4 weeks. He came from the Concord Coalition, in the State of Minnesota where he was running the Concord Coalition, Darren Chase. He put together a comprehensive plan to balance the budget called "Hard Choices Versus Wishful Thinking." This is a young man, former Navy lieutenant, came out, sort of starry-eyed and all the rest of that sort of thing. He has been fighting Members on the House side and the Senate side to get them to pay attention to this. He has the charts and everything that goes with it.

Maybe he will replace TIM PENNY. I do not know whether he is Democrat or Republican. But I hope he does and I hope as soon as we get through with this, if this bill should pass, that we do find a way to bring Democrats and Republicans together for the future of America.

Madam President, I ask unanimous consent that "A Comprehensive Plan To Balance the Budget," by Darren Chase, be printed in the RECORD.

There being no objection, the plan was ordered to be printed in the RECORD, as follows:

A COMPREHENSIVE PLAN TO BALANCE THE BUDGET—HARD CHOICES VERSUS WISHFUL THINKING

Balance the budget by the year 2000.

Based on guiding principles developed by bipartisan coalition.

Establishes an enforceable discretionary spending cap.

Cuts spending 5% per year for 2 years then 3 year freeze.

Cuts $500 billion over 7 years.

Addresses entitlements in 3 separate categories:

Social Security;

Federal Health (Medicare & Medicaid); and

Other Entitlements.

Works toward restoring a credible Social Security Trust Fund.

Taxes a larger portion of benefits.

Credits proceeds to the trust fund.

Does not use Social Security cuts for federal spending.

Establishes target spending levels for federal health expenditures.

Generates short term savings through Medicare cuts and reform.

Comprehensive health reform to generate long term savings.

Establishes fiscal constraints for health care debate.

Limits annual growth to 9%.

Cuts $327 billion over 7 years.

Establishes an enforceable cap for other entitlements.

Spending reduced through:

Comprehensive means testing

Limited cost of living adjustments

Increased user fees.

cuts $209 billion over 7 years.

Entitlement reform encouraged through nonpartisan external commission.

Treats entitlement reform like military base closure.

Adds new taxes as necessary to achieve deficit reduction targets.

Five year taxes are $10 billion less than Reconciliation; 78% of new taxes are levied after 1996.

Encourages economic growth through tax and investment reform.

Incremental capital gains tax cuts.

Business investment incentives.

Ratio of cuts to taxes is over 4 to 1 in 1994; 7 year ratio is 2 to 1.

Program reflects the priorities of grassroots Americans.

Contact: Darren Chase (224-3244)

Mr. DOMENICI. I ask unanimous consent Senator BURNS be next for the time allotted under the unanimous consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Montana is recognized for 5 minutes.

Mr. BURNS. Mr. President, I think I heard this morning, the statement made that since the first of the year, 172,000 new jobs had been created a month since the first of the year; new confidence in an economy. And we have not changed a policy around here as far as economics in this country since the last administration.

I would say the rebuttal to that was, there is a new air here. There is a new expectation. Let me tell you about the most successful people in the world. In the world of business, anyway, and commerce and success, and the business of buying and selling and making things happen there is an underlying philosophy to successful people. They buy on fact. They sell on rumor.

I am not buying tonight. I am a freshman here in this body. But I remember what happened in 1990. I remember the rhetoric. And those who choose to forget history are destined to repeat it. The same rhetoric, $500 billion, deficit reduction, 5 years. With the spending cuts coming late.

What has happened? Madam President, we cannot make these assumptions of tax collections because we are not going to have anybody wanting to be rich to be taxed. We have not seen anybody go after the $7.5 trillion that, if you cut capital gains half—in two—that would come on the commercial market and would create some economic activities and collect taxes from that. We have not heard anybody talk about that.

I voted against the 1990 bill. I voted against my President. I understand that pressure. But it was wrong then and it is wrong now. Because we are going down the same path. We were supposed to have about 2.5 cents gas tax that sundowns in 1995. That is going to be extended out plus we are going to put 4.3 on top of it. Some of that was suppose to go in the highway trust fund where it was supposed to be to build roads and infrastructure. That is not going to happen. Most goes down to the Treasury for deficit reduction. Remember folks, we will still have a deficit.

When we deficit-spend we create debt. We are still going to have at the end of the period $1.4 trillion of new debt—brand new debt.

So, this package will do one thing even according to the President's own people. They say this package will cost 1.5 million jobs over the 5 years, by his own assumptions. And they have made up their minds, this Government, that they can spend your money better than you can spend it. They have made that determination.

As the Senator from Oklahoma pointed out on May 14, on the front page of the Washington Post, it was already admitted by the President. This will bring in more revenues, so we can spend more. So nothing has changed. Gridlock—nothing has changed; gas tax is unfair to those in the West, we drive further. Any energy tax, we drive further, our winters are longer and colder. So it sort of leaves us out but we are only 800,000 people in 148,000 square miles.

Taxes are increased by $32 billion and $46 billion in the next 2 years with no cuts at all in spending. In fact the Government's budget will continue to increase.

So, basically what we argue about here is priorities. We offered a 4 percent solution here about 2½ years ago—said OK, we will allow all parts of Government to grow 4 percent based on previous year's expenditures and in 5 years we would have balanced that budget and started working on this debt. That was not acceptable because it does not allow those folks who love Government and like to see it grow, to continue.

So we are still going to pile up some more debt, but most of all, we are going to cost jobs in this country. And when we cost jobs, we cannot make assumptions.

I ask my colleagues to vote this down and go back to the drawing board and come up with a plan that is progrowth.

I thank the Chair, I thank my leader, and I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Madam President, next in line on our side is Senator LEVIN, from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 3 minutes.

Mr. LEVIN. When Harry Truman wrote his autobiography, he called it "Plain Speaking."

So, let me ask some plain questions and give some plain answers.

First, "Does this budget proposal before us hit a home run for deficit reduction?" No, it does not, but through a combination of spending cuts and revenue increases, it is a solid base hit that puts this country in the position to score against the deficit. The public debt will still increase if this plan is approved, but by about $500 billion less over 5 years than if we just did nothing. Just standing at home plate with the bat on our shoulders won't do the job, regardless of how much Senators pretend they are Babe Ruths pointing to the fences and saying that's where they would like to hit the ball.

But, in honestly recognizing that this budget plan is not everything, we should also acknowledge that deficit reduction of the size we are talking about in this bill will help keep interest rates low and hopefully drive them even lower. That means more investment by businesses, more jobs created, more affordable homes, more car sales and more money in people's pockets after they have refinanced their mortgages. A middle-income family, refinancing their mortgage at a lower rate can save them about $100 to $200 a month. This is far more than the few dollars a month that a middle-income family would pay in extra gasoline taxes under this bill.

Second, "Does this deficit reduction package contain real spending cuts?" Not as much as I would like, but more than the opponents of this legislation would try to make people believe. Spending cuts are not painless. People like to talk about cuts but when it comes to voting for them, they balk.

This bill has some real cuts and I know it is not easy to vote for them. Under this bill, Federal retiree entitlements are cut by almost $12 billion over 5 years and agricultural programs are cut by $3 billion over the same time period. Medicare and Medicaid spending is restrained by more than $60 billion over 5 years. Discretionary spending is frozen for 5 years. That doesn't sound like a cut, but it means real reductions in services because there is no allowance for inflation.

Third, "Is this deficit reduction bill unfair and does it raise most of its revenue from middle income folks?" The $250 billion in spending cuts is about matched with the $250 billion in tax increases, 80 percent of which are on the top 1 percent of the taxpayers. I have listened with interest to those who complain that this bill is unfair because the increase in the income tax rates for the top 1 percent of the taxpayers is said to be retroactive. Well, at least these income tax increases apply to this year's income only. They do not apply to an earlier tax year. I, too, prefer to apply the increase in the income tax rates only to the last half of the current tax year, as the Senate passed bill did, instead of back to January 1. But compare what this final bill does to the wealthiest 1 percent of the taxpayers to what the 1986 Tax Reform Act—which by the way was strongly supported by many of those now complaining about retroactivity—did to tens of millions middle-income taxpayers who had taken out car, education, and other loans not months, but even years before. The 1986 Tax Reform Act took away some of the deductibility of the interest on these loans although the loans were taken out years before by middle-income people.

Or, let us look at the 1982 tax bill, which, again, was supported by some of the currently most vocal opponents of retroactivity. This 1982 bill increased taxes on unemployment benefits that had already been received. Now, some of those complaining about retroactivity now say that there is a difference. They say that the bill before us retroactively raises tax rates and that the tax increase on over 5 million unemployed folks in 1982 was not really a tax increase because it did not carry the label of "tax rate increase." But, these are some of the same people who are saying on the floor today that folks should not be confused with labels—a user fee is a tax increase, they say. Well, I say, you cannot have it both ways. The taxes on those unemployed were raised retroactively in 1982. Period.

And many of those folks were suffering real deprivation in my State of Michigan in 1982 during the depth of the recession and literally had to sell their blood to put food on the table. I agree that retroactivity is not the preferred route, but let us do a reality check and put things in some kind of historical and moral perspective. The 1.2 percent of the wealthiest in this country who will be paying a higher income tax rate for this entire tax year instead of just the last half of this year are surely in a better position to do so than were the unemployed in 1982.

And others argue against this bill because, they say, we should follow the majority of phone calls coming into our offices. Of course, we have to take into account public opinion as we make up our minds as to what is the best public policy. But measuring public opinion is not easy or certain. For example, the CBS/New York Times poll taken after the President's speech indicated that 40 percent of the people supported the plan and 35 percent opposed.

But, my question when it comes to public opinion is where were the opponents of this legislation for the past 3 or 4 years when poll after poll consistently showed that 70 to 80 percent of the public favored increasing taxes on the wealthiest taxpayers? I did not see them supporting legislation to raise the top marginal rate because that is what the public was demanding.

So, we should not be distracted by arguments against this budget plan that flutter up like a knuckleball with little regard for consistency and designed to have the American people swing at the air in frustration and anger.

The plain fact is that nearly 80 percent of the tax burden in this bill, including the changes in the gasoline and income taxes, will be carried by taxpayers with incomes over $200,000. The opponents of this legislation have seized upon the argument that small businesses will be affected by these increased rates. But, the plain fact is that 4 percent of the small businesses will have a high enough taxable income to be affected by the increase in the personal income tax rates contained in this budget package. That's it. It is certainly not painless to the 4 percent of small businesses affected. But that is 4 percent and not 14 or 40 percent of the small businesses, regardless of what impression the opponents of this legislation seek to create. The opponents of this legislation also ignore the benefits for the vast majority of mall businesses in this bill ranging from almost a doubling of the amount of investments that can be written off entirely in the first year to the capital gains tax reduction for investments in small businesses.

There is a 4.3-cent gasoline tax increase in this bill that will affect middle-income folks. But people should not distort the facts and make middle-income folks think that it is larger than it is. I believe it is necessary to include this provision in the budget package if it is to meet the goal of substantial deficit reduction. I do not think that this is too much to ask for middle income folks in exchange for a substantial investment in our economic future. The stakes are high. The consequences of failing to pass this legislation will be an increase in interest rates, which would be bad news for anyone who wants to buy a house, or car, or finance an education, or who has to buy on credit, which is most of us.

Perhaps more fundamentally, it is important to pass this legislation because failure to pass it would show that we are still in gridlock's deadly grip. Some hope that a new budget summit would produce a better economic plan. I am afraid it is more likely that it would produce months of haggling and uncertainty and result in a minimalist, least common denominator approach. Instead of inspiring confidence among the public that we are finally going to act to try to get our economic house in order, we would be sending out the unmistakable signal that the "open" sign is up for the business-as-usual drift.

If we pass this bill, we will finally defy the tendency to talk and talk and talk about hard choices while doing nothing about them. We will put change over gridlock and the American people and the American economy will be better for it.

Modest progress on the deficit is surely better than none. Failure to act in hope that failure will free us to do better is a cop-out and a rationalization—it is playing Russian roulette with an economy that is soft and with a nation that is sick of drift and deadlock.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Madam President, the chairman of our conference, Senator COCHRAN, of Mississippi, is next with 5 minutes as agreed to.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 5 minutes.

Mr. COCHRAN. Madam President, this bill raises taxes that virtually all Americans will have to pay and it only promises to cut Government spending later.

Higher taxes will slow economic growth, cost us jobs, reduce our competitiveness in the international marketplace, and make it harder for working people to make ends meet.

Here are some specifics:

First, this proposal will increase the national debt by $1 trillion over the next 5 years.

Second, it will raise $240 billion in new taxes and $15 billion in new user fees.

Third, based on a White House office estimate that the economy will produce 9.4 million new jobs if it is left alone by the Government—compared with its projection of 8 million new jobs if this plan is enacted, there will be a loss of 1.4 million jobs in the United States as a result of the enactment of this bill.

Fourth, this bill will cost the people in my State of Mississippi alone $300 million over the next 5 years because of the new gasoline tax.

Madam President, we can achieve real deficit reduction, not by increasing taxes, but only by cutting spending.

A vote for this bill is a vote for a bigger Federal Government and a smaller economy.

We should vote against it.

During the past week, one editorial in The Christian Science Monitor entitled "Higher Taxes Jeopardize New Jobs," another in the August 4 The Clarion-Ledger of Jackson, MS, entitled "Deficit Reduction Not Worth Taxes," and still another in an AP wire story carried in yesterday's Commercial Appeal of Memphis, TN, entitled "Economists Dampen Job Claims In Budget."—all agreed that this plan represents a bad deal for the American people. It is a bad bill. It is not a good bargain. Consider what it says. If you send more money to Washington, we will cut spending a few years from now, but in the meantime, your taxes will go up and the deficit will not come down.

That is a bad deal, and this bill should be defeated.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Madam President, I yield 3 minutes to the distinguished Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 3 minutes.

Ms. MOSELEY-BRAUN. Madam President, as all of my colleagues know, our economy has been in real tough shape in recent years. We have had a triple-dip recession; economic growth for the first quarter of this year was only nine-tenths of 1 percent; and it looks like overall economic growth for the year will be 2 percent, or less.

When I talk to families from Illinois, I find that most of them feel under real economic pressure. Their incomes have stagnated, or even eroded, even though more and more families became two-income families in order to try to continue making their mortgage payments, their car payments, their school payments, and all the rest of their basic living expenses. And yet, the sad fact is that, many, many Illinoisans are no better off with two wage earners in the family than they used to be with just one.

And that is because the good jobs—the kind of jobs that enable families to buy a home and educate their children—seem to be disappearing. Daily, we see the reports in the newspapers: One Fortune 500 company after another announcing massive layoffs. We see one industry after another downsizing—steel, textiles, automobiles. And we see one industry after another asking their employees to give back wages and benefits, even though top management's compensation had risen rapidly and by large amounts.

And all too many Illinoisans do not have jobs at all—or are forced into working in one or more part-time jobs with few or no benefits in an attempt to keep going. Unemployment in my State was 7.2 percent in July, still over the national average.

Illinois' over 600,000 small businesses seem equally apprehensive. They are uncertain of whether to make new investments, and whether to create new jobs, because the economic future is so clouded, and because many of them are not financially strong enough to take the risks involved.

It is with that background, Mr. President, that I have to consider the budget plan now before us—a State with high unemployment, and a sour economy; a State with people that are very apprehensive, even fearful about their future, and the future of our economy.

The question, Madam President, is what do we do about these problems; how do we deal with our economic problems? What can we do to help create an environment that maximizes job creation and economic growth?

The first thing we have—the only way to confront fear is with the truth. But not the truth as told by the last two Presidents—because what they called truth is actually a series of myths.

The myth is that the Reagan-Bush administrations were against big Government, and for shrinking Federal spending. The reality is that they presided over the largest spending increase in our history. When then-candidate Ronald Reagan won the election in 1980, the Federal Government was spending less than $600 million per year; by the time President George Bush left office, the Federal Government was spending almost $1½ trillion per year.

The myth is that Republican President's were not responsible for that spending increase—that it was all the fault of Congress. The reality is that Congress appropriated less than the Republican Presidents' requested every single year. And the reality is that the Republican Party controlled this U.S. Senate for 6 of those years.

The myth is that the Reagan-Bush administrations' hated Federal deficits and were fiscally prudent. The reality is that, in their 12 years, they produced 10 of the largest Federal deficits in history.

The myth is that the Reagan-Bush administration and its allies in Congress would hold down our nation debt. The reality is that it increased almost fivefold to $3.3 trillion while they were in office.

The myth is that the Reagan-Bush administrations had no power to cut the deficit, that without the line-item veto or the balanced budget constitutional amendment they simply could not restrain spending. The reality is

President Ronald Reagan was only overridden on 8 of 68 vetoes, but that, over his 8 years in office, he never used the veto in a concerted effort to reduce Federal deficits. The reality is that President George Bush did not have a single veto overridden, but he never acted to restrain the growth of Federal spending and deficits.

The myth is that the Democratic Party is somehow the party of big Government, while the Republicans are the party of the ordinary guy. But Ronald Reagan's own 1980 campaign line demonstrates what the reality really is. In 1980, he asked, "Are you better off now than you were 4 years ago?" This year, after 12 years of Republican rule, does anyone honestly believe that ordinary Americans are better off than they were 12 years ago?

The myth is that Republicans are good for economic growth. The reality is that the Reagan-Bush administrations gave us our first triple-dip recession. The reality is that they created a budgetary and economic mess that will take years to clean up. The reality is that they mortgaged our economic future because they could not bring themselves to face the truth.

What we have before us now is a bill that attempts to begin the process of facing our problems, a bill grounded in reality, and not in mythology.

That makes this an ugly bill, Madam President, and an unpopular bill. But we need to keep in mind just why its an ugly bill.

It is not because this is a tax-and-spend bill, because this bill reduces the deficit by $496 billion over the next 5 years, and because it actually shrinks the Government as a percentage of our economy.

It is not because this bill kills the middle class, because families with incomes below $30,000 actually get a tax cut. Only households with incomes of $180,000 and more will pay higher income tax rates; and only about 18 percent of the revenue burden—or less than 10 percent of the overall deficit reduction amount—comes from revenues raised from the middle class.

In my State of Illinois, over 5.3 million Federal tax returns were filed in 1991. Of those only about 178,000 returns showed income above $100,000. What that means therefore, is that the income tax provisions of this legislation will likely affect less than 3 percent of the residents of my State who file Federal tax returns.

It is not because the 4.3-cent gas tax will pick the middle-class taxpayers pocket. Gasoline prices are currently at almost record low levels, and for the average family, that tax amounts to about $3 to $5 per month.

It is not even because this bill confiscates the incomes of the wealthiest Americans. Even though their income rose by over 50 percent in the 1980's, while their tax rate fell by almost 25 percent, their tax increase under this bill is a little over 7 percent of income.

It is not because the bill devastates small business. Over 90 percent of small businesses would either see no tax increase or actually get a tax cut under this bill. Even the Wall Street Journal called that the argument that the bill burdens small business is specious. And a study cited by the National Federation of Independent Businesses made the point that the bill would hardly touch the fastest growing small businesses that are creating most of the jobs.

In my State of Illinois, it means that probably less than 24,000 of Illinois' 600,000 small businesses could face a tax increase; the rest of them would see either to increase or a tax cut.

And it is not because the bill does not cut spending. It does—to the tune of $255 billion. In fact, excluding interest on the national debt, under this bill, Federal revenues will actually exceed Federal spending on programs by about $127 billion. During the Reagan/Bush years, on the other hand, spending on programs exceeded Federal revenues by over $716 billion.

What makes this an ugly bill is the ugly problems we face. There just is not an account in the Federal Treasury labeled waste, fraud, and abuse that can be cut to $0.00, and thereby balance the budget painlessly without affecting any American.

There simply is no pain-free, easy way to cut Federal deficits. We saw the clearest demonstration of that in the lack of any credible alternative proposal offered by the nattering nabobs of negativism scaring people with catch phrases offering no hope.

Having said that, I must also say, however, that there are a number of features of this bill that trouble me. The retroactivity feature of the income tax provision, for example, is a major problem. I agree with the President that our Tax Code must be made more fair, and I think he is to be commended for producing a proposal where over 80 percent of the new revenues comes from the wealthiest Americans.

And what about the issue most on the minds of the citizens of my State—spending cuts? Should we not have more spending cuts? In candor, I have to say that I am not at all satisfied with the bill in this area, either. It is absolutely critical to have more cuts. While the cuts in this bill are real—and not smoke and mirrors—we must terminate some Federal programs.

We had an explosion of Federal spending in the last decade, Madam President. But that explosion didn't help poor people or communities that need economic development. The fastest growing Federal programs are interest expense, and medical programs, but that spending hasn't helped create economic opportunity and new jobs in neighborhoods like Lawndale in Chicago, or in cites like Decatur.

I am pleased, therefore, that the President and the Senate leadership both see the bill now before us as just the beginning of the fight to cut spending. The President told me that he is absolutely committed to taking further tough steps.

I share that interest and that commitment. I think that is what the people of my State want to see; indeed, it is what they have to see.

Comprehensive health care reform, to be unveiled in just a few short weeks, will provide another major step toward cutting spending.

There should be a specific structure, with a specific mandate and a specific timetable, to help guide the next steps we need to take to reform Government, to ensure that Government resources are concentrated where they are needed, and that old programs that are no longer a priority are terminated or consolidated, to see that our tax structure makes sense for the increasingly interdependent world we live in, to recommend the kind of coordinated Federal policies that are the most conducive to creating economic growth and opportunity, and good, private sector jobs, and to consider changes in our procedures and decisionmaking processes that will maximize the opportunity to see that the substantive goals are realized.

I want to conclude, Madam President, by making two very simple, related, points. First, we cannot take all the steps at once. We cannot balance the budget in one bill. It took a long time to create the mess we are now in; it is going to take some time, and a number of steps, to get us out of it.

Second, we cannot take any steps without taking the first step. This bill is that first step. There is a lot not to like about this bill: Retroactivity, not enough cuts, and programs that should have been ended.

The alternative, however, to do nothing, to continue the drift, to continue adding to the deficits at the pace of the last 12 years, is simply unthinkable. We coined a token in Chicago with our football team "winning ugly." This bill may be ugly but our country, our people win with it.

The step this legislation represents is both significant and credible. Based in no small part on the expectation that this legislation will be enacted, financial markets have brought long-term interest rates down to their lowest levels in decades. The savings these interest rates are producing will more than offset the contractionary pressure on the economy this bill creates.

The Federal Reserve believes deficit reduction is essential, and if we act, we will finally be in a position to have monetary policy and fiscal policy working together to restore a climate for strong economic growth, and real job creation.

No one can be sure that this bill, or any single legislative act will cure our ailing economy, Madam President, and so I understand the apprehension about the future and about this legislation that I am hearing from my State. But we simply must act. We have to begin the process of changing the course of this country, and that means we have to pass this bill. When the question is put on the conference report, therefore, this Senator will vote aye.

Mr. SASSER. Madam President, did the distinguished Senator conclude her remarks?.

Ms. MOSELEY-BRAUN. I thank the Senator very much. I did conclude my remarks. I used the 3 minutes.

Mr. SASSER. I thank the Senator.

Mr. DOMENICI. Madam President, we have agreed on our side, and I ask unanimous consent, that Senator CRAIG precede Senator GRASSLEY, and that the order remain consistent thereafter.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 5 minutes under the previous order.

Mr. CRAIG. Madam President and Members of the Senate, this morning my service on the Joint Economic Committee took me to that committee to listen to the Bureau of Labor Statistics representative speak of the economic activities in this Nation for the month of July. And when all of their facts and figures were laid out, I asked the question: Are you telling me statistically that the economy as it relates to jobs and job growth did not grow in July? And the gentleman from the Bureau of Labor Statistics said, "Senator, you are absolutely right. There was, for statistical purposes, no growth in the month of July." In other words, our economy was stagnant.

Now, you have just heard the Senator from Mississippi say that by this administration's own admission, we will lose 1.4 million jobs during the effective period of this new budget program. Those are the facts, and yet tonight we see an administration and a party push us toward an economic program that by their own definition sends this country into a flat or declining economy.

Why? They have angered the American people, frustrated them, and now those people are fearful of what to do with their futures, with retroactivity in taxes, saying we are going to take it away from you even though we promised you we would not. Seniors in this country on fixed income are going to take another hit.

But most importantly, the engine that has driven this economy for well over a decade in the generation of jobs unprecedented in the free world, the small business community, is going to take an effective tax rate hit of from a 35 to 45 percent increase, the largest increase that we have ever seen.

And what are you telling them? Madam President, you are telling them do not risk it anymore. Do not live lean if you own your own business and pour that money into new investment and job creation and a new physical plant and new machinery. Back off. Do not risk it. Your Government is getting bigger, and it is not only going to tax you even more, it is going to be even more punitive in rule and regulation.

That is the clarion call coming from this administration, and that is the challenge of this Senate. The House did not meet the challenge last night. They faded and broke away into the smoke filled rooms with their basket of goodies promised to them in another interesting and unique way that defies logic on the part of the American people. We do not do ourselves proud when we say to the American people we know better; we are going to grow larger and, in the process of growing larger, we are going to tax you more; we are going to regulate you more and, most importantly, we are not going to reduce the deficit that piles up a debt everendingly, demanding over $200 billion a year in interest, that denies young people a future in this country, at least a future equal to or greater than the one we had when we were at their age.

That has always been the American challenge, and it will remain the challenge. Americans will grow wary of a government that progressively taxes them, takes away their flexibility, takes away the unique freedoms that we have had that have made us the greatest economy in the world.

This budget does not address those problems. It multiplies those problems. How can we be talking about a positive economy when the figures that this administration puts out are negative?

So we take away from small business. We take away from our seniors. In the West, as my colleague from Montana said, we tax the movement of commerce at an ever higher rate through fuel taxes.

Those are the realities with which we are dealing.

Now, I will vote "no," and I will withstand the pressures at hand. Why? Because it is positive to vote negative, to say to this administration, come back to the drawing board; we will work with you. Sure, we will. But we will not work with you if you do not bring true deficit reduction and if you do not propose an economic engine for this country that is job creating and expansionary of its very nature.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. DOMENICI. I believe the other side would like to go with another. Senator GRASSLEY is next on our list.

The PRESIDING OFFICER. The Senator from Iowa.

The Senator from Iowa has 5 minutes.

Mr. GRASSLEY. I thank the Chair.

Mr. President, the Federal budget is the fundamental statement of policy of our Government. It puts its money where its mouth is. In that sense, this tax bill helps define the difference between Democrats and Republicans.

There were two budget alternatives this year. The Republican one reflected the mood of the country—to cut spending first. It did not raise taxes; yet it reduced the deficit by $460 billion over 5 years. It was real deficit reduction. Even in the out-years.

The other budget is a classic tax-and-spend budget. A mirror-image of the 1990 budget agreement. Two dollars in taxes now and yesterday, for every dollar cut mañana. The opposite of what the country is demanding.

In supporting this bill, the Democrats are still the party of big government. There is no new Democrat in the White House. They are the party of government growth. The party of tax and spend. They never met a tax they wouldn't hike. The party of broken promises. Of class warfare. And doublespeak.

Most important, they are the party that breached the trust of the American people. This bill does not reflect what was promised to the people; nor does it reflect what is good for the country, or what the people are asking for as our phones are ringing off the hook.

In opposing this bill, and in offering 29 amendments to cut spending first, Republicans are clearly the party of responsible government. And of responsive government. The party that will not raise taxes first. The party that listens to the American people; to small business men and women; to the overburdened middle class.

I have spoken on this floor in recent days in support of the administration's reinventing government initiative. It is a critical ingredient in changing the way we do business in Washington.

But this budget is a barrier to reinvention—because we have to spend all this money. How can we get efficiency and better performance out of our bureaucracies when the budget is so fat? We have not cut domestic spending. It is growing just as resolutely as ever under this budget.

We have not terminated any programs, either. This budget promotes business-as-usual. It is jam-packed with programs and it is bursting at the seams.

Back on the farm where I come from, we have a word for that. It is called a blivet. A blivet is 5 pounds of manure in a 4-pound sack. It is all bursting out at the seams—just like this budget.

The point is, if you vote for this budget, you are voting for deep doo doo.

Mr. President, Washington tends to orbit the real world rather than live in it. The Democrats, who control Washington right now, are in denial over the fact that this bill is a jobs-killer.

Every once in a while you need to splash a little reality around town. You need to remind Washington about what is going on out there beyond the beltway. You need to show Washington the consequences of the legislation we pass.

That is what I did last night, as I read to my colleagues from letters I have received from businesses in Iowa. They said that this tax bill either will cost jobs to their companies or already have cost jobs.

This is proof positive that this bill is costing jobs—even before it is passed. And I urge my colleagues to read these letters in today's RECORD lest they remain in denial.

Mr. President, I really do not think it takes a rocket scientist to know this bill will cost jobs. By the President's own admission, it will cost 1.4 million jobs nationwide.

This is undoubtedly why there is bipartisan opposition to this bill. It is why an all-Democrat government can only pass this bill by one vote.

If we voted by secret ballot, it would go down in flames. So, the issue is not what is good for the country—it is what is good for the President's prestige and political well-being. They are playing politics with the country's future.

Phone calls from citizens around this country are pouring in and registering their opposition to this tax bill. In my office, now, it is running 7 to 1. Overwhelmingly they are saying: "Don't tax us first. Cut spending first." And what are they getting? They are getting $32 billion of taxes this year, retroactive to January, and no spending cuts; $10.66 of tax increases the second year for each spending cut. Eighty percent of the cuts come mañana.

Given that the people want spending cuts first, and given that the President solicited this hemorrhaging of phone calls in opposition, he has a moral obligation to pull down this bill.

Instead, he has the temerity, after it passed by one vote in the House to say "The mandate is clear."

Mr. President, that is the height of cheek.

Not only do we get taxed today and get spending cuts mañana; we are getting taxed yesterday as well. This tax bill sets a dangerous precedent by taxing us 8 months before this bill would pass—and 20 days before this President even took office.

As the Republican leader said the other day, even the Russians have outlawed retroactive taxes—article 57 of their draft Constitution. So while the Russians are making progress on democracy and perestroika, the so-called party of change is regressing.

Meanwhile, to ensure passive of this blivet, we are buying off votes. We studded a little more manure in there for California. Then, New York. Then, we stuffed another pound in there for a few Senators to get their votes. Finally, we gave it a display device, AKA the deficit reduction trust fund. The display device is the customary figleaf so that this blivet does not look like such a mess of manure, oozing out at the seams.

The best estimate, now, is that we are up to about 6 pounds of manure in this 4-pound sack.

The other side is trying desperately to sell it to the American people. But they are not buying it. To them, if it looks like a blivet and it smells like a blivet—it is a blivet.

What else stinks about this bill? The smoke and mirrors, for one thing.

The norm around here is that when a conference or a summit begins, the No. 1 casualty is always the deficit. To get everyone on board, you have got to stuff the blivet a little more. And then they give it a little display device so it looks better. The deficit gets larger, but smoke and mirrors cover it up.

The Democrats have done this with their budget. All their deal-making during the conference cost them $7.3 billion. So the task-orders went out to the staff to come up with 7.4 billion dollars' worth of smoke and mirrors. No problem, they said. We will just raise the price on the spectrum asset sale from $7.2 billion to $10.2 billion. We will just double-count the pay-as-you-go savings to date and get another $4.3 billion.

Smoke and mirrors has done it again. A big deficit that looks smaller.

There is nothing unusual about this. It happens every year. The problem is, this is the party that was going to bring change.

For 12 years, I joined with my colleagues on the other side to expose smoke and mirrors used by Presidents in my own party. No longer do they have the moral authority to condemn smoke and mirrors. And no longer can they claim the mantle of change.

Finally, Mr. President, is the issue of taxing the middle class. Middle America is going to get socked with this tax. The gas tax; the tax on small businesses that file on personal schedules; the corporate tax hike which, as I demonstrated last night, will indirectly cost jobs to small business; and the Social Security tax, which taxes middle-income people who prudently saved their money over the years for retirement.

This is not a small tax burden, Mr. President. This is burden after burden after burden.

Finally, Mr. President, we have just received a report from the joint economic committee. It represents a midsession review of the deficit, which the administration has yet to provide. It shows that the deficits between 1994 and 1998 will grow anywhere from $61 billion to $274 billion. This is mainly due to a revision in the projected performance of the economy.

This new trend means that the entire tax increase meant for deficit reduction could be wiped out. A slower growing economy calls for fewer taxes, not more taxes.

Mr. President, it is time we went back to the drawing board. We need to cut spending first and hold the line on taxes. We need to get the outyear deficits down, rather than up as we would get under this bill.

For those of my colleagues who are inclined to support this package, I would just say: Listen to the people you represent. Do not walk the plank for a budget that makes no sense. Reject this plan, and let us go back to the drawing board and do the job right.

Mr. SASSER. Madam President, I yield 3 minutes to the distinguished Senator from Nebraska [Mr. EXON].

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 3 minutes.

Mr. EXON. Madam President, I would like to take a few minutes to express some of my views on the budget reconciliation bill and reiterate some of my concerns that I have been voicing throughout this entire budget process.

Madam President, we are now in a very important debate on a most critical issue—whether or not we can face in this Nation the changes that must be taken to get our financial house in order. Can we or can we not?

This talk and utterances on the Senate floor today and tonight is not likely to change one vote. The die is cast. Sometime tonight the Senate will either tie on a 50-50 vote and the Vice President will cast a tie-breaking vote in favor of the $496 billion deficit reduction measure, or it will fail on a, 51-49 vote. We are therefore talking past each other on the floor of the U.S. Senate, and addressing ourselves to the public. There is nothing wrong with that. In fact, under the circumstances, it might be well and good.

Keeping my word that I would support the conference report if it basically followed the tenets of the version of the measure that was earlier passed by the Senate, I will do so. To say that this is a perfect bill is an understatement. To say that it is safe to vote no is absolutely accurate.

Using President John Kennedy's "Profiles in Courage" analogy, the Senate all too often shirks from that worthy posture.

It may be somewhat trite. It may sound self-serving. But my vote, Madam President, tonight will be in favor of the reconciliation measure primarily because I am convinced that it is the right vote for my grandchildren, and all grandchildren of America similarly situated.

We have been selling them into economic slavery. There is only one thing worse than tax and tax. That is borrow and borrow and spend.

With this reconciliation bill, we will not guarantee an end to all of this; all of this bloodletting for future Americans. No. It will not do that. But it is the only vehicle available to us at least to begin. More cuts must be made and the actions of the Senate and the House leadership yesterday clearly promises that that should come to pass in some form.

During the last several days, I have heard from hundreds of Nebraskans who have expressed their disagreement with many aspects of this legislation. I listen to my constituents and have taken a very close look at this legislation considering the many objections that have been voiced against it. They have heard many conflicting reports about this bill, and I can understand their fears.

On a measure of this magnitude and importance, I expect partisanship to be great and the attacks on the bill to be loud and persistent. That is what our democratic process is all about. However, the residents of my State have been bombarded with so many misleading and outright false claims that politics in Nebraska has reached a new low. Opponents of this bill have spent tens of thousands of dollars, generated outside my State, to distort and hide the truth about this bill.

As recently as but a few days ago, residents of my State were being bombarded with claims that the proposed Btu tax was still alive. That was not true then and it is not true now. The Btu tax is not part of this bill and as a practical matter has not been since before the Senate's initial consideration of this matter.

Nebraskans have been told that this bill includes a major tax increase on our middle class. Again, that is simply false. The only income tax rate changes in this bill affect those taxpayers filing joint returns of families with taxable incomes of over $140,000. If a working family does not have adjusted gross income of approximately $180,000 or more, they will not have to pay additional income taxes under this bill. Likewise, individual working tax filers with taxable incomes under $115,000, after taking deductions for things like home mortgage interest, will not have to pay more income taxes.

In the entire State of Nebraska, only about 5,500 working taxpayers will pay additional income taxes as a result of this increase, less than 1 percent of all Nebraska tax filers. Those are the facts, Nebraskans and their families making less than these amounts will not pay a penny more in income taxes.

This bill does indeed raise some taxes but it holds true to the principle that their impact on lower- and middle-income Americans should be minimal. Nearly 90 percent of all of the taxes in this bill, including the gasoline tax, fall on those families with incomes of over $100,000. There is no basis or justification for the scare tactics now being used by some opponents of this bill.

The impact of this bill on an average middle income American family will be about $1 per week, due to a 4.3-cent-per-gallon increase in the tax on gasoline and other transportation fuels. Families that have less than $30,000 income may receive a tax break through this bill's expansion of the earned income tax credit. In Nebraska, we have about five times more families that will qualify for a tax break than we have families that will be hit by the new top tax bracket.

Nebraskans have been told that this bill will devastate small businesses and that all small businesses will be subjected to increased tax rates. As a former small businessman, I understand the importance of small businesses to our economy. I have been very concerned over the allegations that this bill will unnecessarily impact our small businesses and will retard job growth as a result. Were that true, I would not hesitate to oppose this measure. But, it is not.

This bill, by increasing the expending allowance to $17,500, will actually help our small businesses grow and create new jobs. In addition, it includes a capital gains tax break for certain investments in small businesses. Over 90 percent of our small businesses will be eligible for a tax cut, as compared to less than 4 percent of business owners who will be required to pay higher rates as a result of the new top tax bracket for those with taxable incomes over $115,000 for individuals and $140,000 for couples. Business owners pay taxes only on their profits, after taking allowable deductions for expenses.

Opponents of this bill also fail to mention that it extends certain tax breaks that are very beneficial to our Nation's small businesses. The 25 percent self-employed health deduction is perhaps the most important but many businesses also take advantage of the targeted jobs tax credit and the deduction for employer provided education assistance.

Seeing through the partisan smoke to get a clear picture of this bill has been very difficult. But, I have done my best to analyze this measure closely with the overall question of whether this bill is best for our country and my State uppermost in my thoughts. On that score, there answer is clear. After 12 years of borrow-and-spend policies, this bill changes the way we do things and begins us down the long and difficult road toward fiscal sanity.

While some of the criticisms of this bill have been, at best, misleading, this bill surely has its faults and weaknesses. We need to do more than what has been done in this bill to get Government spending under control. While I am encouraged by the progress that has been made regarding Government spending, I am not satisfied with what we have achieved.

I have joined with my colleague from Nebraska in pushing for special action by Congress where we will solely consider budget cuts. In my view, everything should be on the table—discretionary programs, entitlement programs, as well as Government spending through special interest tax breaks.

President Clinton has been receptive to this idea and so has our leadership. But, this effort must be bipartisan to succeed and I am anxious to hear the specific spending cuts proposed by both parties. I am hopeful that with the passage of this bill we can put our partisan differences aside and work together to streamline our Government and make it more efficient.

From the beginning of this process, I have expressed my concern that we are only addressing our annual deficit spending. Our national debt, well over $4 trillion, will continue to grow. By allowing our national debt to quadruple since 1980, we have created two problems, not one. Balancing our budget is less than half the battle. We must then worry about our huge debt and the ever increasing interest payments that are required to service that debt. Almost $300 billion per year, about one-fifth of our total Federal budget, goes right down a rat hole simply to pay for our past fiscal excesses. I believe we must continue to seek spending cuts over and over again.

I most certainly considered the alternative plan offered by Senator DOLE on behalf of his Republican colleagues. That plan fell $100 billion short of reaching even the modest goals of President Clinton's budget plan. There is little explanation, other than crass partisanship, for criticism from that side of the aisle that our plan does too little when theirs did even less.

This bill contains $496 billion in deficit reduction over the next 5 years. In other words, if we do not pass it, we will pile another $496 billion onto our national debt and onto the backs of our children and grandchildren.

In considering this important measure, I have never lost sight of what in my view must be our overriding goal. We simply must begin taking the necessary steps to get our Federal budget under control. In that regard, this bill is indeed a step in the right direction.

By imposing discretionary spending caps, we are in effect freezing spending for a large part of our Government. Counting for inflation, discretionary spending will be cut by nearly 13 percent over the next 5 years. Our discretionary spending caps are already causing our Federal Government to keep appropriations under control and this new freeze will surely result in more difficult and tough choices being made.

This bill calls for tough cuts in our entitlement programs. Our Medicare Program is cut by $56 billion, Medicaid by over $7 billion. In all, our entitlement cuts over the next 5 years total about $88 billion.

Spending cuts in this bill, including interest, total $255 billion. We have achieved a ratio of more than 1 to 1 in comparison with the tax increases, mostly on upper income Americans, in this bill. These cuts are binding now. No future act of Congress is necessary to make them happen. we are biting the bullet today, not promising to bite it later.

I have heard from many Nebraskans that the only solution to our budget problem is to cut spending to match revenues. While I agree that we need to concentrate on that side of the equation, I do not agree that we should take tax increases off of the table. Any real effort to balance our budget will include efforts on both sides as this one does. The problem is simply too big to limit our options in that way.

I share the concern I have often heard that tax increases may have a negative impact upon our economy. But, we need to keep in mind that spending cuts have a major impact as well. One of our major concerns in the Armed Services Committee has been how to avoid the devastating impact defense spending cuts can have on regional and local economies.

While most of the attention has been given to the revenue increases in this bill, it is important to note that this bill extends some needed tax breaks. I have long supported, as has a clear majority of the Senate, our mortgage revenue bond program and the targeted jobs tax credit, both of which are given new life with this bill.

This bill is indeed the result of much negotiation and many compromises. But, unlike its detractors, I do not see that as a fault but believe most of the changes that have been made to President Clinton's original plan have improved the bill. I actively sought many of those changes.

The Btu tax has been dropped and replaced with the increase in the fuels tax which is more fair to residents of my State. This bill scales back President Clinton's proposed investment spending and, in doing so, further holds the line on Government spending.

Agriculture will be required to do its fair share in the deficit reduction effort. Yet, we have beaten back proposals to which would have crippled our agriculture sector. In addition to killing the Btu tax, the irrigation surcharge has been dropped and the increased barge tax is dead. Off-road vehicle use is exempted from the transportation fuels increase. There is now no increased energy tax on agriculture.

I was particularly concerned with our President's proposal to increase the amount of Social Security benefits that are subject to taxation. My proposal to raise the threshold for the increase in taxation to $40,000 of income for a retired couple has been increased further to $44,000. With the higher threshold, only about 10 percent of the highest income Social Security beneficiaries in Nebraska will pay any additional tax.

In sum, this is a tough plan and, in that regard, is more credible than the Budget Summit Agreement of 1990. I did not support that agreement which was based upon unrealistic assumptions and predictions. It replaced tough decisions with blue smoke and mirrors. This plan is based upon realistic, perhaps even pessimistic, economic assumptions.

This plan makes some tough choices. This bill includes real spending cuts. While it asks the wealthiest to sacrifice the most, it also asks for sacrifice from millions of Americans. Yet, I am convinced that the sacrifice will be fairly distributed and that Americans are willing to take some risks to get the job done. We simply must change course if we are going to assure a sound and secure economic future for coming generations of Americans.

Mr. President, the time has come to drive a stake through the heart of the borrow-and-spend policies of the past 12 years. As most of us predicted, it could not go on forever without harming our economy. It is long past time to start down the road to fiscal responsibility.

As I indicated earlier, this bill is but a step down that road but it is an important step and one that must be taken. The journey is not going to be easy and will constantly be threatened by those who will not even now, in the face of a national debt of over $4.2 trillion, admit that we had been heading in the wrong direction. Balancing our budget is not going to be easy nor will it be accomplished overnight.

It is time to start. I intend to vote for this bill and urge my colleagues to do so as well.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 5 minutes.

Mr. BOND. Madam President, I thank the Chair. I thank my distinguished colleague from New Mexico.

There are many things we could address in this bill but because I have been interested in and committed for a long time to adopting the procedural reforms that will bring deficit spending under control, I wanted to speak to one particular part of this bill. I favor the line-item veto action. As Governor I used it. I know it can keep spending under control. I also believe we have to impose caps on the entitlement growth to get this body to make difficult choices, but before us today in this bill is something called the deficit reduction trust fund.

The President when he was campaigning in San Antonio said a deficit reduction trust fund is a turkey. I think he is dead right. This bill includes that turkey.

Let me go through a little brief mathematics for my colleagues to show why a deficit reduction trust fund does not mean anything.

Taking round figures, let us say we are spending $1.45 trillion. We take in $1.15 trillion. That leaves us with a $300 billion deficit. And $1.45 trillion less $1.15 trillion—that is $300 billion. If we have a deficit reduction trust fund, and we are still spending $1.45 trillion, and we take in $1.15 trillion, but we put $100 billion in a deficit reduction trust fund, that means we have only $1.05 trillion, and our deficit is $400 billion, and we have $100 billion in a deficit reduction trust fund.

If you tried that with your credit card, you would probably wind up going to jail. If you told the credit card company, when you had say a $1,400 bill and you had to pay them $1,100 on it, and you only offered to pay them $1,000, and you said, "Don't worry, Mr. Credit Card Issuer, I am going to put a hundred dollars in a credit card deficit reduction trust fund," your credit would not last very long. They would revoke your credit card. Frankly, if we are relying on a deficit reduction trust fund to get the deficit down, the people of America ought to have the right to revoke our card to vote.

Alice Rivlin, the very distinguished and able Deputy Director of the Budget, says this is a display device. Boy, it is a device. It is a device to comfort legislators, amuse the accounting profession, amaze the media, and confuse the voters. What does this package actually do?

Well, let us take a look at it. Here is the spending cut program of the Clinton plan. It starts off here in fiscal year 1994 at right about $1.5 trillion, and by fiscal year 1998, goes to $1.8 trillion. Show me where the spending cuts click in on that one.

Here is where the debt goes from $4.5 trillion to over $6 trillion in fiscal year 1998. This is supposed to be a package to benefit the economy by bringing the deficit down.

So what are we doing for the economy? Well, even under the administration's optimistic projections, economic growth goes from over 3 percent down to a flat 2.5 percent, and all the while it is doing that, look what Federal spending does. It goes from about 3.7 percent up and down, and goes up at an increased rate of about 4.7 percent.

This is a plan to grow the Federal Government budget, not to grow the economy.

The debt is going up nearly twice as fast, at over 7 percent a year; spending is going up at an annual rate of 4 percent a year.

How do we hear that this is evenly balanced between tax increases and spending cuts? Well, it claims $44 billion in spending cuts that we paid for the 1990 budget agreement.

I am from Missouri. Show me the real cuts before we vote on another budget that promises future spending cuts.

The PRESIDING OFFICER (Mr. WELLSTONE). Who yields time?

Mr. DOMENICI. Mr. President, I think we have agreed that the next speaker would, once again, be on our side. We have more time.

I yield to Senator CHAFEE for 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. CHAFEE. Madam President, I strongly believe that this legislation is bad for our country. We, in our Nation, are in what we might call a fragile recovery. Unemployment, nationally, is at 7 percent, and in my State it is over 8 percent.

Many of our Nation's largest employers are not adding employees but indeed are cutting employment: IBM, 35,000 people to go; Procter & Gamble, 13,000 people to go; Westinghouse, 7,500 people being cut. We are just not creating enough new jobs in our country. This is a tremendous tragedy for millions of our citizens. What they want is jobs for themselves and jobs for their families. This bill before us this evening, regrettably, is a jobs killer.

When times are bad, it is not the occasion to impose stiff new taxes on our economy. It is all well and good for the administration to pour out a torrent of information saying this bill will only tax the rich, but that glosses over the fact that unincorporated businesses, larger sole proprietorships, subchapter S corporations, which are the job-creating engines in our society, will see their taxes leap from 31 percent to as high as 44 percent. You might say that from 31 percent to 44 percent is a 13 percent increase. Not at all. That is a 42 percent increase. Furthermore, it is retroactive to January 1 of this year. Obviously, the last thing that these businesses are going to be doing is to plan on hiring more people.

Much has been made of the cuts in spending in this bill, but nearly all of these cuts come in 1997 and 1998—4 and 5 years from now. Nearly all of these cuts are from Medicare providers—on the doctors, $23 billion; on the hospitals, $23 billion. These may represent savings to the U.S. Government, but what will the hospitals do to make up for the lost income from the Medicare fund? Hospitals are not wallowing in wealth. Certainly in my State they are not. They cannot make deep cuts in the wages of their employees. So what will they do? They will increase the charges to the other patients, those whose insurance is paid for by individuals or by their employers. This is what we call cost shifting.

Thus, the insurance costs for these businesses will rise inevitably, leaving less money for the businesses to modernize their plants, to become more competitive and to hire more people. The best thing that could happen, Mr. President, tonight is for this measure to be defeated, and we start all over again, with Republicans being invited to the table. The extremes of both parties would not be totally happy, but the result would be a measure with some new or additional taxes, but not of the magnitude of this bill. The cuts and savings would be considerably greater than we now have before us, and the difficult decisions that neither party can make alone would be jointly made. And our Nation would be the winner. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. I yield 3 minutes to the distinguished Senator from Montana.

Mr. BAUCUS. Mr. President, I rise today in very strong support of the conference agreement. Today in this body, we can send the President the largest deficit reduction package in the history of this Nation. Today in this body, we can give our children an economic future. Today in this body, we can serve our country.

Less than a month after the inauguration, President Clinton unveiled a comprehensive economic plan. He asked us for the courage to change. He asked the country to share work and sacrifice today for the sake of tomorrow. Today we will do it.

DEFICIT REDUCTION

For the past 12 years, Republican administrations mismanaged the country. They got us to the place we stand today. Their policy of borrow and spend blew up the Federal debt like a dead horse in the sun.

Our debt grew from under $1 trillion in 1980 to about $4.5 trillion today, and because of those 12 Republican years, it is still growing at a rate of almost $1 billion per day.

Simply put, President Clinton inherited a mess. We spend more than we take in each year. That means we have to borrow to keep the Government afloat. The more we borrow, the more we transfer our wealth and purchasing power to other nations. Admittedly, $496 billion of deficit reduction over 5 years is not sufficient to significantly improve our international economic standing, or to reduce our spiraling Federal debt.

However, as the Chairman of the Federal Reserve, Alan Greenspan has emphasized repeatedly in the past few months:

> Reducing the deficit is crucial. Postponing action would only extend the pattern of sluggish growth * * * and ultimately make it even more difficult to engage in the programmatic actions that are necessary.

Passing this plan will stabilize our economy during its fragile recovery from recession. It will bolster the confidence of the financial markets, keeping long-term interest rates at historic low levels.

The international impact of a serious deficit reduction effort is shown by our success at the G–7 summit last June. President Clinton came to the summit after the House and Senate passed deficit reduction plans. He came there with credibility. The result was action on GATT, and action on growth.

The domestic impact you all know. Deficit reduction; lower interest rates; responsibility and fairness. This bill is what our country needs. It is what our children need. It is the right thing to do.

BALANCE

The package reduces the deficit: $496 billion in 5 years. It is also balanced; it provides investment incentives to small business, relief to lower income taxpayers and support for cities suffering from urban blight.

It is a balanced mix of spending cuts and tax increases. Specifically, $256 billion in spending cuts and $240 billion in taxes. For every $10 in deficit reduction, $5 comes from cuts in spending, $4 from tax increases on those earning over $100,000 per year, and only $1 from tax increases on those earning under $100,000 per year.

FAIRNESS

And it is fair. It asks all Americans to sacrifice to get our economy back on the right track.

It is fair to working families. It combines an expanded earned income tax credit with an increase in income tax rates on corporations and the wealthiest Americans. That makes this reconciliation bill the most progressive proposal in recent history.

It is fair to middle-class Americans and senior citizens. A Montana middle class family will pay $31 a year extra. That is about 12 cents every working day—a fourth of the price for the Billings Gazette—and not a penny on weekends and holidays.

And it fair to the West. We held the line at the Senate Finance Committee's 4.3-cent gas tax. Even that is tough. But westerners are born tough. A 4.3-cent-per-gallon tax is an acceptable compromise in light of the economic benefits this plan will bring, but it is a permanent compromise. And I will strenuously oppose any future efforts to raise the gas tax, whatever the reason, whenever the time, whoever the sponsor.

LOG EXPORTS

There is one other important provision that I would like to highlight. This bill contains an amendment that I sponsored to eliminate irresponsible tax breaks which encourage the export of raw logs at the expense of the environment and American sawmill workers.

These breaks have existed for many years and have contributed to the timber supply crisis afflicting Oregon, Washington, Idaho, Montana, and northern California. By encouraging the export of raw logs, they have put pressure upon environmentally critical old-growth forests.

This bill includes a provision which eliminates those tax breaks and puts the money into payments and tax incentives for workers in timber dependent communities throughout the northwest. It is a win for the environment and a win for sawmill workers.

I ask unanimous consent that a letter from the administration describing their plans for dispersing these funds in Montana and Idaho be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, August 5, 1993.

Hon. MAX BAUCUS,
The U.S. Senate,
Washington, DC.

DEAR SENATOR BAUCUS: Thank you for discussing your proposal to encourage economic development and investment in timber dependent communities of Montana and Northern Idaho.

You make a convincing case. The unemployment figures alone prove the severity of the economic dislocation in these communities. While the crisis may have occurred more precipitously in the Pacific Northwest, the sources of economic dislocation are the same in both regions: mill automation and modernization; liquidation of private timber inventories; and curtailments in public timber harvest due to requirements of federal environmental laws.

President Clinton recognizes the need to encourage economic development in these timber dependent communities. As specified in the Reconciliation Conference Agreement, three of the 9 authorized Empowerment Zones and 30 of 95 Enterprise Communities would be designated in non-urban areas that meet the Act's eligibility criteria. Communities in Montana and Northern Idaho that submit a strategic plan for coordinated economic, human, community, and physical development and are selected will receive a range of tax benefits and grants for social services. In addition, the Administration agrees with your proposal to target appropriate economic development programs such as those in the Rural Development Administration and the Economic Development Administration towards timber dependent communities in Montana and Northern Idaho. We agree to commit as much as $120 million to this effort, depending on final action on Reconciliation and appropriations measures. We will take whatever administrative and legislative action that may be required to accomplish these goals.

Again, thank you for bringing this proposal to my attention. Please let me know if you have any additional views on this issue.

Sincerely,

LEON PANETTA,
Director.

Mr. BAUCUS. But on the larger bill, let us set the record straight on some key points.

COUNTERING THE RHETORIC

Spending cuts: The fact is, more than half of the $496 billion in deficit reduction in this package is legitimate spending cuts. We will eliminate about $100 billion in discretionary spending, $100 billion in entitlements, and $50 billion in interest payments.

Specific cuts include: $56 billion in Medicare, $7.5 billion in Medicaid, a 5-year freeze in discretionary spending, $10 billion from reduction of the Federal work force, and elimination of special purpose HUD grants.

Small business: 4 percent of small business owners make over $180,000. They will be affected by the increase in the maximum tax rates. Nobody else.

In fact, over 90 percent of all small businesses will benefit from a tax cut. They get tax incentives as an increase in the expensing level from $10,000 per year to $17,500 per year. Smaller businesses get a 50-percent capital gains break for certain small business owners, and will benefit from extension of the research and development tax credit.

The middle class and the elderly: 99 percent of all Americans will have no change in their income tax. I've looked at the data on Montana taxpayers. Only 1 percent of the Montana Federal tax returns filed in 1990 showed taxable income between $100,000 and $200,000. One percent. The remaining 99 percent will have no change in their income taxes.

Finally, there is the question of a Republican alternative.

For the past 12 years, Republican administrations have taken a walk on the deficit. This year, the Republicans in Congress strolled off down the same daisy path. The do not want to do a thing about the deficit. They simply want to talk about it.

I want to point out the bill offered as an alternative by the Republicans adopted all the specific spending cuts included in this bill, and a host of unspecific unrealistic ghost cuts. Furthermore, they have openly admitted that their projected deficit reduction was over $100 billion less than the plan we will pass today.

This plan is real. It has real deficit reduction. It has real cuts. It is fair. There is no alternative.

Mr. President, our generation is a lucky one. Our parents weathered the Depression and won the war. They left us a strong and prosperous country. Will we fail our children now? Will we leave them less than our parents left us?

The time has come for us to make the hard choice we have talked about for so long. Simply, that means casting a vote in favor of this package. A difficult vote. A tough one. The right vote.

Vote for this bill. We are the people and this is the time. Vote for this bill.

Mr. President, this is one of those historic moments in the Senate where we are about to make a decision which will be fairly significant for the future of our country. These decisions come up once in a while. They do not come up probably as often as many of us in the Senate would like them to. But this is one.

It is historic essentially because we are in a time when we are faced with the question of whether to cut the budget deficit by $500 billion, a time where if we make that decision we will be nudging our country in a slightly different direction.

It is also historic because it is not easy. This is not a unanimous decision. There are Senators on both sides who feel that this is too difficult, that it is difficult to cut spending. Therefore, it is not something they want to do. It is difficult to raise income taxes. That is something you do not want to do. But we all know that in life, certainly if we are going to serve responsibly, we sometimes have to make difficult decisions that in our judgment are for the good of the country. I believe this is one of those decisions. It is not easy. It is not easy to cut the debt. It is not easy to cut spending. It is not easy to increase income. But it is something that we have to do.

We have to do it because the accumulated deficits from President George Washington up through President Jimmy Carter totaled—national debt—about $1 trillion. Since then, since President Carter, our country's national debt has increased over fourfold to $4.5 trillion.

We cannot keep going on like this. That is why President Clinton campaigned on the promise of change and to bring our country back together again. And it is why this Democratic Senate and Democratic House have attempted to find a solution which reduces that budget deficit. It does so by about $500 billion. Is it perfect? No, it is not perfect. Each individual Senator would do it differently. Each individual House Member would do it differently.

We are a democracy. We are a collection of a wide variety of Senators, House Members, different ages, different parts of the country. We are people like everybody else, attempting to represent our people back home. This is fair because it is done with more spending cuts than revenue rates. Our people want more spending cuts than revenue rates. It is also fair because it corrects a grave injustice that this Congress, this country pursued in the 1980's, namely taxing the middle-income taxpayers of this country, and letting the most wealthy off the hook.

During the 1980's, the most wealthy Americans saw their after-tax income go way, way up, partly because they were making much more money, and also because their taxes were lower. At the same time, middle income saw their incomes basically remain flat and, in some cases, decline and their taxes increase.

This is an attempt to correct that mistake—an attempt to do so fairly. Mr. President, it is also the right thing to do because 99 percent of Americans will experience no income tax increase under this, and 90 percent of small businesses will either receive or be eligible for cuts, not increases.

I strongly urge Senators to recognize that the facts say take the historic step, do what is right, and vote for this program.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, I yield 7 minutes to Senator COHEN from Maine.

Mr. COHEN. Mr. President, I think that very little we are going to say this evening will alter anybody's vote, certainly, in this Chamber. Hopefully, the American people who have been watching during the course of today will have a better understanding as to why this has been such a controversial matter.

But before I speak to the issue of the budget itself, I would like to first commend my friend from New Mexico, Senator DOMENICI.

I do not know of another Senator in this Chamber who has dedicated himself more to fiscal responsibility and to responsible budgeting than Senator DOMENICI. I do not know of anyone else certainly on our side who has been more willing to reach across the aisle and grasp the hands of the majority in an effort to work in a bipartisan fashion.

He has been called a moderate, and I daresay that because of his willingness to try to operate on a bipartisan fashion his moderation may very well cost him a leadership position in this party, and I think that is to our great loss.

A couple years ago, he joined with Senator NUNN in an effort to try to get control of the spiraling costs of our entitlement programs and they proposed a deficit reduction plan. They were able to gather only 28 votes for their program.

I regret very much that the President did not seek to work with Senator DOMENICI from the very beginning but rather adopted a strategy of just working with the majority. As a result of just working with the majority, we have seen the debate has broken down virtually on party lines. I regret that was the strategy first adopted.

Mr. President, I think it was an adviser to either Louis XV or XVI who said that the art of all taxation is to pluck the most amount of feathers from the goose with the least amount of hissing.

We are plucking a lot of feathers with this particular reconciliation package. We are plucking about $240 or $250 billion worth of feathers. It is a lot of hissing, and there is a reason for this.

The people, the golden goose that has been laying these eggs that we depend upon for our prosperity, are being plucked again and again, and they know that we have been squandering their feathers. We have been spending them and throwing them away recklessly. And that is what all the hissing is about.

They do not believe us anymore. They do not trust us, that we are going to do what we say we are going to do here, namely, we are going to tax now but cut later. They know we are going to tax now. They do not believe we are going to cut later. They think we are going to continue to pluck and pluck and throw those feathers away.

They can look at our programs. Just this week we had hearings in the Governmental Affairs Committee and we found that we have one agency, one department in our executive branch, that pays millions of dollars to farmers to irrigate their land while a different agency pays those same farmers not to plant crops on those lands. We know that we are spending a good deal of money helping to promote the tobacco industry and spending millions of dollars on cancer research programs as well.

We just heard this week that the Internal Revenue Service has either outdated computer equipment or deficient records, so deficient to the point that we may not be collecting up to about $100 billion, $100 billion going uncollected.

Our Medicare-Medicaid systems are being defrauded by unscrupulous scam artists to the tune of billions of dollars, billions of feathers, if you will, and still the first thing we do is go back and continue to pluck and pluck and pluck that goose once again.

For the last day I have been watching these charts offered by the majority, and they keep saying for the last 12 years you Republicans are the ones who spent this country into the trillions of dollars of deficit. You are the ones who have been bailing out the rich.

The last time I checked it was a leading Democratic Senator, a friend of mine and yours, Senator BRADLEY, who offered a proposal to reduce the number of tax rates in order to stimulate the kind of investment that is necessary to move this country's economy forward.

The last time I checked, the Democratic Party was in the majority over the last 40 or 50 years, for the most part in both Houses, with one 6 year interlude in the Senator. The last time I recall going over to the House Chamber to listen to a Republican President deliver a State of the Union Message the first reaction by the majority was that the President proposes but we will dispose, and that his budget is dead on arrival.

And so yet they get up here tonight and to point those charts and say the Republicans were the ones spending. The last time I checked it was the U.S. Congress, under the Constitution, that has the responsibility for spending all those billions and trillions of dollars.

We are talking about taxing the rich. Once again, we are engaging in classic class warfare.

The last time we did this in 1989 those on that side of the aisle, in particular, said let us tax the rich. Let us get those people who are buying the luxury items, all those cars, furs and jewels and, by the way, boats. You know what we did. We struck at the white collar rich people and we hit the blue collar craftsman. We threw hundreds of people out of work in this country.

Now they are back here in this bill saying we made a mistake; we thought we were taxing the rich. What we were doing is we were putting the middle-class and working poor out in the unemployment lines.

I think that is the danger in the kind of attack that is being launched here today.

Mr. President, a lot of people have written to me saying we are willing to pay more taxes; we are not willing to pay more taxes until you start acting more responsibly. That is the reason for the hissing.

One of the more artful measures that the President has indulged in and he had to make more twists and turns and anatomical contortions than Houdini himself in order to get support from his own party.

He proposed this much talked about deficit trust fund that Alice Rivlin called a display device. It is an artifice. It is empty. It is a false promise.

With all the charts we have seen displayed here tonight, I am asking Senator DOMENICI to construct another display device, that each week or month, if the week is too burdensome, we hold up a display device of the new deficit trust fund and that Senator DOMENICI points out each week or month the amount of money that remains in that deficit trust fund so the American people watching these floor proceedings can then decide whether or not that is being filled or depleted with more spending rather than more savings.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I will use just 30 seconds on my time, and then I am ready for the Democratic side.

I tell the Senator from Maine we will be glad to try that, and if we can do it in a manner that is helpful to the Senate and House, the American people, we will certainly do it and get it up so that we can understand that it is indeed a gimmick. If you do not stop the deficit from growing, the trust fund is rather meaningless. I think we had that explained today. I thank the Senator for again pointing that out and for the kind remarks he expressed in behalf of this Senator.

I yield the floor.

Mr. FORD. Mr. President, on behalf of the floor manager, I yield 3 minutes to the Senator from Louisiana [Mr. BREAUX].

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. BREAUX. Mr. President, I think we might have found our 51st vote on the Democratic side tonight. My former colleague, Russell Long, was visiting with us during this historical event.

Mr. President, this is the toughest legislation that I have ever had an opportunity in my 21 years in this Congress to participate in.

I think privately many of our Republican colleagues are privately, secretly just hoping like heck this thing passes because they do not really want to be dragged kicking and screaming into the process of trying to find some of the tough answers that are going to have to be brought into play in order to solve this problem. They do not really want to be involved in this. They know how difficult it is, and they know how tough it is, and they know it is not easy.

It was easy under President Reagan. He asked us to do two things, essentially. No. 1, he said let us cut taxes. We all said, yes, that is a great idea—cut taxes. That was fun. It was easy. He also asked us to do one other thing, spend more money. Most Members of Congress said, hey, that is a good idea. Let us spend a lot of money.

As a result of cutting taxes like we did and spending like we did, we now have a $4 trillion long-term national debt and a $350 billion deficit every year. We spend $1 billion every 24 hours just paying interest on the national debt.

If anybody thinks we are going to get out of this mess with easy answers, I would suggest if it was that easy we would have done it a long time ago.

Congress, unfortunately, has become very polarized. Conservatives tell us we should solve this problem with cuts, no taxes, just cut programs but, by the way, cut someone else's program and not mine. Liberals say, no, we should not cut anything; we should pass new spending programs, pay for it with new taxes, and let us add more programs.

Mr. President, I would suggest that neither one of those approaches is going to pass. Neither one of those approaches in and of themselves would be able to solve the problem.

Mr. President, I am going to support this plan, not because it is perfect, because it is not, not because I like it, because I do not, but because I am trying as hard as I possibly can to come up with a plan that can pass and that can make a real step toward reducing the deficit.

It is time for action. Giving good speeches will not cut it. Making excuses will not get the job done. I would love to have my plan that I could write on a piece of paper pass, but I am one of 535 Members of Congress.

No Member can get his or her plan passed by himself or by herself. That is why compromise is so important. This bill moves in that direction.

I urge my colleagues: Let us make a tough decision, not a political decision, and let us get the job done.

The PRESIDING OFFICER. Who yields time?

Mr. BUMPERS. Mr. President, will the distinguished floor manager yield time to me?

Mr. SASSER. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The majority has 34 minutes remaining and the minority has 29 minutes remaining.

Mr. SASSER. Mr. President, the distinguished Senator from Virginia [Mr. ROBB] was next on the list. Senator BUMPERS has been waiting for some time.

Mr. ROBB. I yield to the Senator from Arkansas.

Mr. SASSER. Mr. President, I yield 3 minutes to the distinguished Senator from Arkansas.

Mr. BUMPERS. Mr. President, it is hard for me to get a good breath in 3 minutes, but I will try to say what I want to say.

First of all, Ripley has a new statistic—of the 175 Republicans in the House and 44 in the Senate, not one, not one Republican in the House or the Senate, thought reducing the deficit $500 billion was a good idea. Not one voted for the budget resolution.

I listened to the Senator from Maine awhile ago say we are blaming them. Well, I will tell you what the facts are, and they are unassailable.

In 1981, Republicans took over this body and they took over the White House. Ronald Reagan came riding into town out of the West. And in September, from his home in Rancho Mirage, CA, he said, "Now Congress has given me the tools, and I will do the work." The rest is history.

Then the Senators from Maine says that he could not spend a nickel that Congress did not appropriate. And the American people ought to thank us, because we appropriated a lot less than he asked for.

In addition to that, nobody can spend a nickel without his permission. He has to sign off on it.

I will give the Republicans credit for one thing. They have out "public relationed" us.

But I have never heard as much snake oil peddled in this Chamber in my life as I have heard in the last 24 hours.

Mr. President, we talk about all those poor little working people. We are talking about poor little working people that make $180,000 a year.

I promise you 90 percent of those orchestrated phone calls I have been getting are from people who will get a tax cut out of this thing. I promise you 50 percent or more of the people in my State make less than $30,000 a year, and if they are a working family they get a tax cut. They will pay maybe $2.50 a month for gasoline. Is that too much to ask for the future of our children?

I heard Senator HUTCHISON from Texas last night talk about the little hardware dealer. He said, "Don't vote for that." He said, "I work so hard, and most of my employees are making more than what I am. If things don't change, we are going to have to shut my doors."

If he has employees making $180,000, that is one heck of a hardware store.

Mr. President, talk about small business. I am chairman of the Small Business Committee. I yield to nobody in this body in my efforts for small business.

Why, they get a capital gains bill in this thing that is going to be a bonanza for them. They get an expense account, expensing their equipment that they are going to love, and a host of other things.

Poor little small business people. Four percent of those little small business people making over $180,000 a year will be included.

The markets, Wall Street, business in this country has already assumed that this is a done deal. And it is, I am quite sure.

But I am going to tell you something. Do you know what happened today? The unemployment rate went down two-tenths of a point. And the market went up after the House passed it last night.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SASSER. I yield the Senator one additional minute.

Mr. BUMPERS. Mr. President, I think it is only fair to say you have heard all these references today—as I say, I never heard so much erroneous information.

But let me say, in a rather emotional appeal to the American people—we are not changing any votes here—you know, when the people in my State and the people of your State sit around the dinner table in the evening, they do not talk about "I wonder if taxes are going to go up or down." They do not talk about that Mercedes out in the driveway. And they do not talk about that posh office downtown, or the farm out back.

Do you know what they talk about, I say to the Senator? They talk about their children. They talk about their children's future. That is what we all talk about. That is who we love most.

I do not want to vote for this bill. It is not popular. You are not going to win anything.

The Republicans can vote no, pat themselves on the back, and go home with their antitax awards.

The truth of the matter is, we are trying to reverse 12 years of economic lunacy in this country.

Do you know why? To keep faith with those parents who are sitting around the dinner table talking about their children's future. They deserve it. I intend to vote to give it to them.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Mr. President, I yield 3 minutes to the distinguished Senator from Virginia [Mr. ROBB].

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ROBB. Thank you, Mr. President. And I thank the chairman of the committee.

I had planned to speak earlier but, as many of the Members of this body and others who may be watching the debate tonight know, we had a tornado that touched down in Virginia and has caused tragedy in some of the areas. I have been coordinating with some of the State and Federal emergency personnel. I must tell you that, on both scores, I am pleased to report that the emergency response, at least on the basis of the reports that I have received so far, has been very good.

I am going to go down with Senator WARNER and the congressional members to look at the situation tomorrow.

Mr. President, I rise in support of the plan. I have just a couple figures. I know we are not going to change any votes at this hour of the evening. We may be able to educate just a little bit.

I did some checking in may own State to find out how many people would be affected by the tax increase that is in this bill. I found out it was 1.36 percent of the total population of my State. I am fortunate enough to be a member of that 1.36 percent. I will see my taxes go up.

But there are 19 percent of the citizens of my State who will benefit from the earned income tax credit that is in this particular bill. So there is equity. It is $500 billion of deficit reduction we would not get it if we did not pass it.

I have one new chart that I do not believe the Members have seen to date, although it has been available earlier. To me, it is one of the most instructive charts here, because it points out the fallacy of some of the things we have been hearing from our friends from the other side.

Very briefly, if you take out the interest on the national debt—which is what any President inherits from those who preceded him—and look only at the spending, exclusive of interest on the national debt, you see an interesting phenomena. You see that during the last 12 years, less interest on the national debt, the debt increased $716 billion.

And if you look at if we did not have to pay interest on the inherited debt—which went up over $3 trillion during the last 12 years—President Clinton's budget, as submitted, would be providing $127 billion of surplus. We actually would be buying down the national debt.

The only relevance of this chart is it gives some indication of the good faith and the effort that goes into making the kind of tough choices that the President has called for and those who have put this budget together have managed to produce.

The net result is that, instead of having the national debt increase from $4 trillion to $5.5 trillion—it is going to increase, regrettably, and many of us would like to do more about it and will afterward—but it will go up $500 billion less because of the work of the President and the Congress in responding to the challenges this country faces.

With that, Mr. President, I yield the floor.

I thank my colleagues for all the work they have put in on this particular proposal.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Mr. President, according to the list that we entered into the unanimous-consent agreement on, Senator Simon will be next on the list for 3 minutes.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, this is not a package that any one of us personally would draft. There is, particularly, a provision on goodwill for corporations that acquire other corporations that I think is not only a revenue loser long term, it is simply bad economic policy. But, on balance, the total package is a good package.

How does it play in Peoria? The Peoria Journal Star, which endorses more Republicans than Democrats, has an editorial. I ask unanimous consent to have it printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SIMON. "Pass the Plan; Cut the deficit."

The final paragraph says:

> Compared to some of the other issues the country faces, shrinking the deficit is relatively simple. You do it by cutting spending and raising revenue. Congress can get the Nation unstuck by passing Clinton's plan, then preparing to do more.

That just makes eminent good sense. We are finally facing the deficit.

Let me just add, we are doing one other thing that I have not heard discussed on the floor yet, and that is moving toward direct loans, something the Presiding Officer knows something about. It is going to help students in this country. In my State of Illinois alone, we will cut fees for students $100 million in the next 5 years. And we are going to make college available to a great many more people. That is, long term, a major plus for this country.

But primarily it is facing the deficit. My colleague from Arkansas, Senator BUMPERS, hit it right on the head. If I just wanted to do the popular thing it would be easy to vote against this. Cutting spending sounds great in the abstract. I notice our friends on the other side of the aisle kept it abstract. They have not pinpointed where they are going to do it. And raising revenue, obviously is unpopular.

But we had better stop living on a national credit card. We have been doing that. This is the first generation of Americans to live on a national credit card saying, send the bill to our children and our grandchildren. We are finally starting to slow down and I hope we will take additional steps to move away from it.

I am casting my aye vote, not with pleasure—because it is not pleasant to do what we are doing. But I am casting it knowing we are doing the right thing for the future of this country.

EXHIBIT 1

[From the Peoria (IL) Journal Star, Aug. 5, 1993]

PASS THE PLAN; CUT THE DEFICIT

No subject has wrung as much passion out of these pages the last dozen years as the federal budget deficit. "We hate to keep bringing this up," the newspaper apologized in 1986, and then we brought it up anyway, again and again and again.

We are stuck, and so is this nation. Bill Clinton was correct when he said on television Tuesday that if we don't get unstuck, we won't be able to move on to other important issues—the health-care system, welfare reform, trade policy. We won't have the resources to try to revitalize our cities, our infrastructure, our manufacturing engines, our children. Our creditors will get it all.

It is incredible, illogical, and downright scary that we should continue to refuse to resolve what most Americans say is the nation's foremost problem. It is as if we have all come down with malaria and are too busy debating the merits of various cures to go after the cesspools where the mosquitoes breed. The deficit is the national drug, numbing our minds and dulling our ability to reestablish authority over ourselves, even as each day saps from us more of the strength we need to recover.

President Clinton's plan to cut the deficit by $496 billion over five years is no miracle cure, and to his credit, he says as much. The plan suffers from too much compromising, not enough spending cuts, too few controls on entitlement growth. It suffers from the false assumption that we can cut the deficit without cutting benefits to the middle-class. Most of all, it suffers from 12 years of inattention and pretending.

Those in Congress, Republicans and Democrats alike, who fault Bill Clinton for not doing enough about the deficit are for the most part the same folks who threw a 12-year party, then invited the whiz kid from Arkansas to come in and clean up the debris. But he's not doing it right, they say now. He's not doing it fast enough. He's asking too much. He's not asking enough. Someone might get hurt.

Unfortunately, the mess these hypocrites have left us is so bad that it will take more than four years and more than one presidency to fix it. What Clinton offers, as he acknowledges, is a start. That is more than his critics offer.

It is too easy to criticize this president. He promised more than anymore has the capacity to deliver. He blew his February advantage by letting other issues steal the show his message of shared sacrifice required. In order to deliver at all, he's had to do what he said he didn't want to do: Cut deals. Business as usual.

Still, Clinton occupies the higher ground here. His has been one of the few consistent voices, reminding us of where we must go and why it's important to get there, that a few extra pennies on a gallon of gas is really a small down payment on the kids' future, and how those with greater resources should bear the large share of the burden.

Compared to some of the other issues the country faces, shrinking the deficit is relatively simple. You do it by cutting spending and raising revenue. Congress can get the nation unstuck by passing Clinton's plan, then preparing to do more.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

The Senator from Tennessee.

Mr. SASSER. Mr. President, I see the distinguished Senator from Nebraska has arrived in the Chamber. I ask the Senator how much time he will require?

Mr. KERREY. I request 15 minutes?

Mr. SASSER. I yield 15 minutes to the distinguished Senator from Nebraska [Mr. KERREY].

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. KERREY. Mr. President, I have taken too long, I am afraid to reach this decision. My head, I confess, aches with all the thinking. But my heart aches with the conclusion that I will vote "yes" for a bill which challenges America too little, because I do not trust what my colleagues on the other side of the aisle will do if I say no.

Individually, the Republicans in this body are fine and able people, patriots, parents, God-fearing citizens who came here to serve their country as every other Member of this body.

Collectively, however, you have locked yourselves together into the idea of opposition; opposition, not to an idea, but to a man—a man who came to this town green and inexperienced in our ways, and who wants America to do better, to be better, and to continue to believe in the invincibility of ideas, of courage and action.

Oh, you say this plan does not have enough cuts. You say it is too heavy on taxes. One by one, you have approached, however, individuals and groups, to tell them the price of this program is too high. Oh, how I wish this evening I could trust you. But the truth is, in fact, the price of this proposal is too low, it is too little to match the greatness needed from Americans now, at this critical moment in this world's history.

This is not to say we are free from blame on this side of the aisle. When the challenge came from someone who did not want to pay or did not want to accept less from their Government, we unfortunately all too often ran too. We ran when opposition arose to the Btu tax, we ran when some seniors said they did not want to pay any higher taxes, we ran when the program getters, the salary seekers, the pay-raise hunters, COLA receivers, and other solicitors begged us to leave them alone.

So I vote yes, and we pass a bill that seems to follow a perverse interpretation of the Sermon on the Mount: The meek shall inherit the Earth.

President Clinton, if you are watching now, as I suspect you are, I tell you this: I could not and should not cast a vote that brings down your Presidency. You have made mistakes and know it far better than I. But you do not deserve, and America cannot afford, to have you spend the next 60 days quibbling over whether or not we should have this cut or this tax increase. America also cannot afford to have you take the low road of the too easy compromise, or the too early collapse. You have gotten where you are today because you are strong, not because you are weak. Get back on the high road, Mr. President, where you are at your best. On February 17 you told America the deficit reduction was a moral issue and that shared sacrifice was needed to put it behind us.

Mr. President, you were right. But it is not shared sacrifice for us to brag that we are only raising taxes on those who earned over $180,000 a year. It is political revenge. Our fiscal problems do not exist because wealthy Americans are not paying enough taxes. Our fiscal problems exist because of rapid, uncontrolled growth in programs that primarily benefit the middle class.

So what do we achieve by our actions? Unfortunately, it is disdain, distrust, and disillusionment. Shared sacrifice, Mr. President. It is our highest ideal, and the only way we will build the moral consensus needed to end this nightmare of borrowing from our children.

Get back on the high road, Mr. President. On February 17 you told America that our tax system must encourage us to save rather than consume. Saving, Mr. President, is just as difficult as shared sacrifice. To save I must say no to something that I want now because I believe deeply that the dollar I save today will be worth considerably more tomorrow.

You had the right idea, Mr. President, with the Btu tax. And when we came after you with both barrels blazing, threatening to walk if you did not yield, you should have let us walk. You should have said to us that at least we would be exercising something other than our mouths.

Instead, we find ourselves with a bill that asks Americans to pay 4.3 cents a gallon more. If they notice, they will be surprised. And if they complain, I will be ashamed. Instead of collecting $70 billion from consumption, we get it from incomes, personal and corporate. Instead of fairness we get retroactivity and surcharges. Instead of change we get the same old stuff.

I am sympathetic, Mr. President. I know how loud our individual threats can be. But I implore you, Mr. President, say no to us. Get us back on the high ground where we actually prefer to be. This legislation will now become law. As such, it represents a first step. But if it is to be a first step toward regaining the confidence of the American people and their Congress and their Federal Government, then we must tell Americans the truth. And the truth is, Mr. President, to spend less means someone must get less.

And to control costs means someone must accept less. To save means I must spend less. And to grow, we must take the time and make the effort to build.

I began by saying that I do not trust 44 Republicans enough to say no to this bill. I close by saying that I suspect the feeling is mutual. The challenge for us—and too much is at stake for us to even consider the possibility of failing—is for us to end this distrust and to put this too partisan debate behind us. For the sake of our place in history, rise to the high road that the occasion requires.

Mr. President, I yield the floor.

[Applause.]

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Mr. President, parliamentary inquiry. How much time do we have remaining on our side?

The PRESIDING OFFICER. The majority has 14 minutes 51 seconds remaining.

Mr. SASSER. May I inquire how much time the minority has?

The PRESIDING OFFICER. Twenty-nine minutes 42 seconds remaining. Who yields time?

Mr. SASSER. Mr. President, I yield 3 minutes to the distinguished Senator from Rhode Island [Mr. PELL].

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, I must say that I find myself in agreement with the thoughts of Mr. KERREY as I rise to register my support for the budget reconciliation conference report.

The bill is by no means perfect and does not solve our problems for all time, But I believe it has more good than harm. And like all prescriptions for change and sacrifice, it has aroused honest differences of opinion and sharp public debate. This is part of the democratic process and some rancor is to be expected. But as the time to vote has drawn closer, it seems to me that rancor has led to obfuscation.

Special pleading, misinformation, conflicting claims and distortions have enveloped this debate to a far greater degree than most. Missing from the discourse has been any sense of common commitment to positive principles, such as that enunciated by Franklin Roosevelt when he reminded us that "Taxes are the dues that we pay for the privileges of membership in an organized society."

It is no wonder that our constituents are confused and frightened. I sympathize with them and understand their misgivings. I particularly regret that some have been misled by special interests, often on grounds that are just not valid or accurate.

So in an effort to clear up some of the major misconceptions which seem to be rife, I would like to list for the record a few things this bill does not do:

It does not increase income taxes for all taxpayers, but only for those with taxable incomes of $140,000 per couple and individuals with taxable income of $115,000. In my State of Rhode Island only 2.5 percent of all taxpayers reported incomes in excess of $100,000.

It does not apply retroactively for everyone, but only for those of us paying increased taxes on taxable income over $140,000 per couple.

It does not increase taxes for all Social Security beneficiaries, but only for couples with incomes in excess of $44,000 and individuals with taxable incomes in excess of $34,000.

It does not tax all small businesses, only the 4 percent who make in excess of $180,000 a year. In fact some 90 percent of small business will be eligible for retroactive tax breaks.

It does not impose an unduly burdensome energy tax on working people, considering the fact that the average estimated household burden of the gasoline tax of $33 a year will be more than offset for some by the increased earned income tax credit. I will be frank to say in this regard that I believe the President's original proposal of a Btu tax would have been even fairer.

It does not penalize Medicare beneficiaries, but rather achieves budget cuts by reducing payments to hospitals, physicians, and other medical providers.

It is not the first bill in history to apply retroactively. In fact, it is the 14th since 1917.

And it is not the biggest tax increase in history when earlier efforts are adjusted for inflation. And it must be acknowledged that by that measure it may not even be the biggest deficit reduction plan in history either.

What the bill does do is achieve some $255 billion in real spending cuts, which when combined with revenues 80 percent of which will come from those making over $200,000, will yield total deficit reduction of some $496 billion.

This is laudable, whether or not it is the largest deficit cut in history. It is a very substantial step in the right direction, but we should be under no illusion that it takes us all the way. We have only begun a long fight to redress the fiscal balance, and I would venture to guess that no matter who is President in 1977, this Chamber will be engaged in a similar debate.

Then, as now, I hope the pressure of public debate will not result in a frenzy of budget cutting for its own sake without reference to the objective of deficit reduction. That objective, as I see it, is to reduce pressure on credit markets and ultimately transferring investment capital from the public to the private sector. And the end result of that process is new economic activity and job growth throughout the Nation.

The adjustment of the economy to such massive shifts argues strongly for immediate intervention in terms of stimulus and investment. In this regard, I very much regret the failure of the Senate to pass the stimulus package which was the first stage of the administration's plan. But I am pleased to note that the bill now before us does contain a healthy mix of tax incentives for job creation, research and development and a targeted capital gains tax credit for investment in small business.

I am heartened by the administration's conservative projection that 8.3 million jobs will be created by this budget by 1996, and I am pleased to note that employment in my own small State of Rhode Island is estimated to grow by more than 35,000 jobs. And our situation will be improved in no small measure by the repeal of the luxury tax which has been such a burden on our boat building industry.

The arguments of those who say the same number of jobs would be created by continued deficit spending are clearly specious. If we were to follow that course, the deficit would be that much larger, and the pool of resources available for private sector expansion that much smaller. This plan turns it around and sets us on a course of prudence and recovery.

Given the sorry record of Government in fiscal matters in recent years, I can understand why the public outcry against this bill has become so intense. But I must say that I find such dissent disheartening in view of the high intentions and solid purposes of the legislation. It is in such circumstances that we in public office must make the hard choice and do what seems best for the country.

Two hundred years ago, the English statesman Edmund Burke was confronted with a similar dilemma and explained his position to the electors of Bristol in a statement which bears repeating here:

> Your representative owes you, not his industry only, but his judgement; and he betrays instead of serving you if he sacrifices it to your opinion.

It must be acknowledged that Mr. Burke was, alas, shortly turned out of office, probably—and hopefully—because his cause was far less promising and worthy than the one we vote on today. Indeed, I trust the time will soon be at hand when we can look back on this bill and this vote and say that we began a new era of responsible government.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Mr. President, I yield 3 minutes to the distinguished Senator from New Mexico [Mr. BINGAMAN].

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 3 minutes.

Mr. BINGAMAN. Mr. President, I appreciate the opportunity to express my views on this bill. The real economic issue before us is whether it is possible, given the state of our economy, to begin cutting down on the artificial stimulus of deficit spending; that is the economic equivalent of annual doses of steroid drugs that we have used to force economic growth during the last 12 years.

Let us face facts, Mr. President. This President—President Clinton—inherited a weak economy, an economy that remains weak today in spite of the fact that we are spending today nearly $1 billion, and we are spending nearly, $1 billion each day this year. Over the last 12 years, we have run up larger and larger deficits and, in doing so, we have caused our economy to rely more and more on the artificial stimulus of deficit spending.

The Republicans, as I understand their main argument, are predicting that this bill, the passage of this economic plan, will throw our economy once again into recession. Essentially, the case is being made that the economy is so anemic that we have no alternative but to continue the deficit spending that we have trapped ourselves into.

In their view, the proposed tax increases, of course, are particularly objectionable because they take capital away from those in our society who might otherwise use that capital to create jobs. But presumably even the spending cuts would be a problem because those spending cuts themselves would restrict available funds, reduce consumer demands for goods and services.

The claim that serious deficit reduction can be accomplished in this country by simply cutting spending with no contribution being made from increased revenues, in my view, is pure political posturing. Ronald Reagan did the country a disservice with his "make my day" stance in opposition to taxes. George Bush was irresponsible in making his "read my lips" pledge. And today, the Republican leadership in the Congress is continuing that same tradition of irresponsibility by offering an alternative economic package that does nothing to raise revenues and yet claims to be serious deficit reduction.

The deficit reduction package the President has presented, although far from ideal, is the only credible and serious plan we have before us. We can adopt this plan or we can continue to preach the same old "feel good" political rhetoric that has gotten us into the present predicament.

The responsible course is to adopt the plan and then to work for more progress, both in spending cuts and in deficit reduction in the future. That would be my vote.

I thank my colleagues, and I yield the floor.

The PRESIDING OFFICER (Mr. SIMON). Who yields time?

Mr. DOMENICI. I yield 5 minutes to Senator HATCH.

The PRESIDING OFFICER. The Senator from Utah is recognized for 5 minutes.

Mr. HATCH. Mr. President, I thank my colleague from New Mexico who, I think, deserves a lot of praise, as does the distinguished Senator from Tennessee, for the way they have conducted this debate and throughout this year on the budget.

Mr. President, I rise today to make a final appeal to my colleagues on the other side of the aisle. Let us not make the mistake of enacting President Clinton's tax bill.

It is not too late to reject the incorrect premises on which this bill is based and come together to forge a plan that we and all America can be proud of. But, we first must defeat this bill today.

Americans everywhere have paused to watch the unfolding of this conference agreement—an agreement that says that more taxes are the only choice. And, this has indeed been high drama—sort of a Dallas or Dynasty on the Potomac. There has probably been more dealmaking in the last 24 hours than in all the corporate board rooms of America combined.

Why has the President had to engage in this huge fire sale? If this plan is such a great idea and the only way to reduce the deficit, why is he having such a rough time selling it?

Mr. President, the people of Utah are not stupid. They understand perfectly well the political and economic sleight of hand that is going here. The calls from my constituents are running 10-to-1 against the plan.

And, 41 Democrats who are not willing to follow their President and their leadership off a cliff joined every Republican in the House of Representatives in voting no on the bill last night. It seems to me, Mr. President, that an awful lot of people see the defeat of this plan as the first step toward a better solution.

On national television the other night, the President called the opponents of this plan guardians of gridlock. He appealed to the American people to ask their Representatives to break out from business as usual and do something.

But, Mr. President, we were not sent here to do something if it is the wrong thing. It is time to be the guardians of good sense.

President Clinton told us Tuesday evening that there are five basic principles that form the basis of his plan. Unfortunately, the principles are solid but the plan misses them by miles.

First, the President told us that this plan represents the largest deficit reduction in history.

Where have we heard this one before? Four times in the past 11 years—in 1982, 1984, 1987, and 1990—Congress raised taxes to cut the deficit, and every time the deficit went higher.

Mr. President, taxpayers will adjust to these new taxes by shifting investments into ones that generate fewer taxes by working less and by taking fewer risks. The consequences will punish far more than just the wealthy. Economic growth will slow and fewer jobs will be created.

Moreover, noted economist Martin Feldstein estimates that if taxpayers reduce their taxable incomes by just 10 percent in response to these higher rates, 75 percent of the new revenue projected from these tax increases will not be realized.

Second, the President told us that this plan is based on fairness.

What is fair about a retroactive tax increase? What is fair about marginal Federal tax rates that are 33 percent higher?

What is fair about a regressive gas tax on everyone—rich or poor, working or retired, urban or rural?

What is fair about a new tax on senior citizens?

What is fair about a plan that taxes Americans up front and postpones spending cuts until later?

Third, the President told us this plan protects older Americans.

This is a curious assertion since over 5 million senior citizens will see much of their effort to save for their retirement go directly to the tax collector.

This plan places an unfair burden of tax not on Social Security benefits, but on the fruits of the lifelong labors of those seniors whose initiative led them to work and save for retirement.

And, it is not only senior citizens who should be alarmed about this, Mr. President. Because these higher thresholds for taxation on Social Security recipients are not indexed for inflation, by the time the baby boom generation retires, most every retiree will be hard hit by the higher tax.

Fourth, the President told us that this bill keeps faith with hard working middle-class families.

In reality, Mr. President, this is where the plan disappoints me the most. There is far more to be considered here than just the increase on gas at the pumps.

The blatant regional discrimination inherent in this tax will make Western States pay nearly twice as much per capita than geographically smaller States.

But, in addition, the gas tax will have an insidious inflationary and job killing effect. The price of nearly every product and service in America will increase because of this tax, adding to the inflationary pressures that many economists say may be just around the corner.

The minority staff of the Joint Economic Committee estimated that a 5-cent increase in gasoline taxes would result in over 637,000 lost jobs.

Other provisions in the bill will also lead to layoffs. The reduced threshold for deductibility of meals and entertainment expenses will result in 165,000 lost jobs.

What do I tell an unemployed restaurant worker in Utah, Mr. President? That the tax bill was aimed at the wealthy, but it must have missed?

Finally, we were told that this bill would create jobs.

Frankly, I wonder how.

Even most of those provisions that may actually create jobs are merely extensions of provisions that expired last summer. Reinstating them helps put us back to where were last year, but doesn't necessarily move us ahead.

The increased expensing provision for small businesses is overshadowed by the much higher rates that many of the larger and fastest growing small businesses will pay under this plan.

But, I just do not see how American businesses—particularly small businesses that create three-quarters of all new jobs in our country—can create those new jobs when more of their resources are going to be devoted to satisfying the Federal Government.

Contrary to what the proponents of this plan would have us believe, small businesses will be hit hard by the income tax increases of this bill. The IRS reports that in 1990, 77 percent of all individual Federal tax returns on incomes over $200,000 came from small businesses such as proprietorships, partnerships, and S corporations.

It may be true that this tax rate increase misses most small businesses, Mr. President. But over three-fourths of the so-called wealthy that the tax hike does hit are businesses paying taxes as individuals. Make no mistake, these higher rates will cost jobs.

So now we stand at this crossroad.

We can continue to tax and spend—a road proven to fail. Or, we can join together and pass an effective deficit package. We need a deficit reduction package that will generate new revenues from more jobs and increased economic activity and that will reward hard work, innovation, and risk-taking.

Let us quit trying to sell this economic plan that obviously does not even adhere to its own principles.

I thank my dear colleague.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, I understand that the Senator from Texas [Mr. GRAMM] wanted to speak 2 minutes on a very specific issue. I believe he is here. We will yield him that time in just a moment.

Mr. President, I would like to yield Senator GRAMM 2 minutes at this point. I understand he has a specific matter he wishes to discuss with the Senate.

The PRESIDING OFFICER. The Senator from Texas is recognized for 2 minutes.

Mr. GRAMM. Mr. President, I thank our dear colleague for yielding, and I wish to congratulate Senator DOMENICI for the great job he has done tonight. I think it is clear that the American people have received the point about this bill. Telephone calls are running overwhelmingly against it. I do not think it is an accident. I think one of the reasons has been the Senator's great leadership, and I congratulate the Senator.

Mr. President, all night long our colleagues on the left have been saying only rich people are going to pay more income taxes, only people making $115,000 a year of taxable income or more are going to pay more income taxes.

Well, I just would like to direct my colleagues to line 21(a) of the 1040 form. On the 1040 form, line 21 is where you list your Social Security benefits, and then in tax table 18 you look up to see what your tax liability is based on your income.

And so what is clearly going to happen, if this bill becomes law, is that everybody in America who is making over $34,000 a year, who draws Social Security benefits, is going to have a new higher tax number on that line, and they are going to pay more income taxes.

Second, we continue to hear in this debate that there was no viable alternative; that the only alternative was to raise taxes on income, small business, corporations, Social Security benefits, and gasoline taxes, and that had there been any way to cut spending, it would have been adopted.

I simply remind my colleagues that in the first 2 years under this budget—could I have 1 additional minute?

Mr. DOMENICI. Yes.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mr. GRAMM. That in the first 2 years under this budget, with the emergency flood relief bill we have adopted, there will not be one penny of cuts. But 13 times on the floor of the Senate, Republican Members of the Senate offered amendments to cut spending, freeze discretionary spending, shear off billions of dollars of add-on spending, cut Government overhead, reduce specific types of programs, and 13 times those amendments were defeated on virtually a straight party-line vote.

So we had an opportunity to cut spending, but the Members of the Senate on a partisan basis rejected those opportunities. I think the American people do not believe that having gotten 255 billion dollars' worth of taxes tonight, we are going to come back in 3 years and deliver on these spending cuts.

Mr. President, I do not believe it either.

The President says he is going to set up a spending cut study. If he were serious, I think we would have already done it.

I thank the Chair.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. DOMENICI. Mr. President, first of all, I have been through many rounds of budget debates and annual ordeals where an effort is made to control the Federal deficit and to do it in a manner that is consistent with economic growth and prosperity.

This one has been a very tough one, even as compared with the arduous and difficult ones of the past 12 to 14 years. This one started on February 17 with the President of the United States delivering his address, and it should be obvious to everyone that the President changed his mind considerably from that speech until this budget that is before us.

It is obviously much different and many things that he said he would do and not do turned out very, very differently over the course of the last 3 or 4 months.

But for this Senator, I start by saying in the many opportunities we have had to discuss this issue of fiscal sanity, where do we really spend our money, what is happening to it, what needs to be brought under control, what are we controlling well, how much should we tax our people, how much is too much, I believe this year thus far has already yielded more by way of informing the public of the United States, and I might say, in no way with anything other than the highest respect, I believe Senators in this body on both sides of the aisle are more informed tonight than they have ever been in the past about what will work and what will not work to get our Government under control.

So in a very real sense tonight, it is the end of a trail, but I really wish the deficit were finished as we end this trail tonight because we are only ending a very lengthy debate, a very lengthy this-year ordeal filled with drama, filled with all kinds of events that one might never have expected would occur.

I only wish I could be standing here telling the American people we have fixed their devil of a deficit. And let me say to my friends who might question whether Republicans are to be trusted, let me just say that if this Senator believed that this package was going to reduce the deficit of the United States in a way that was consistent with the good of our Nation, and that we would not be back asking the American people for more taxes and more taxes while spending remains out of control, you could count on this Senator to vote "aye."

The problem is this debate is over and the deficit, the devil of a deficit, persists. And in about 4 years, it will start getting worse again and the people are entitled then to say, "What happened to our taxes?"

I want to thank Senator SASSER, the chairman, and all the staff on both sides who have worked very hard, and the principal lead committees of Finance and Ways and Means, who worked very hard. We are approaching the end of this trail tonight, and we are going to vote. But I believe this debate maybe, for the first time in the myriad of debates we have had on budget, might truly have underscored a real difference in the approach of the two parties.

First, it seems to me that tonight we are undergoing a true transformation. It is now clear that this side of the aisle wants to control the deficit by taxing first. And frankly, all the discussion about who we are going to tax seems to me to be irrelevant. What we really are going to decide tonight is that we ought to tax first, even though spending is out of control.

I believe this side of the aisle, a majority on this side of the aisle, are saying taxes last; only when you have proven that you finally can get the uncontrollable expenditures of this Government under control.

The Democrats have pieced together a plan, and it is basically based on taxes. It is taxes first, and it is taxes last. Because it is doubtful that we will even impose the claimed spending cuts in this package because they are not even due until after the next Presidential election.

You know the American people understand that, just as they understand that day will follow night; that if you put the taxes on now, and the deficit cuts are going to come, the budget cuts are going to come after the next election. They are wondering and wondering and concluding and concluding. We will pay more taxes, and the deficit will not get cut by reducing spending.

So the American people clearly are going to get stuck with higher taxes: Social Security taxes, corporate taxes, income taxes, and more.

Those taxes go into effect right away. Some are retroactive to January 1, 1993, well before President Clinton even took office. But the spending cuts come later, much later, if at all. More than 80 percent of the cuts that still have to be acted upon by Congress do not take effect until after 1996.

In other words, President Clinton's plan calls for him to raise taxes 21 days before he took office. But 80 percent of the meager spending cuts in this plan will not take effect until the next Presidential election.

So in a sense, it is tax now, and cut later, if ever. Republicans have joined together, on the other hand, recognizing that this will not work, that we will just tax and never cut, or we will tax and say we cannot cut and recognize that paying taxes only will not reduce the deficit and will not bring about prosperity and jobs.

We know that job one is to cut spending and reform programs that are spending us into bankruptcy. That is why Americans want us to do what we have all said we should do; that is, cut spending first. That is what Government should be doing. It should be getting smaller, and sacrificing. But this plan does not do that. It raises taxes first. And the truth about this plan can no longer be avoided. It is not going to help the economy. If there are new things happening positive in this economy, ask anyone that knows anything about our system whether this plan has anything to do with it.

This plan cannot help the economy in the short term. How can taxes imposed now on the most productive part of the American economy create jobs?

So I ask, where is the middle-class tax cut that was promised? This program is not what was promised, and it is not what the people want. Do not take my word. Pick up the phone. Listen to the American people. They are calling into our offices and they are overwhelmingly opposed to this plan.

Let me conclude with a few remarks, and then I hope our leader on this side will eventually wrap this discussion up tonight.

Democrats in the White House complained that we have not contributed. That is nonsense. We have during the course of this debate offered alternative budgets, a number of them, one that was by all of us; and 60 amendments aimed at cutting spending. There have been Republicans who have repeatedly offered to cooperate in a bipartisan deficit reduction plan. And the answer has been: No help wanted. That is the answer to us: No help wanted.

So I view this as a rare opportunity this year to deal seriously and in a bipartisan fashion to reduce this deficit.

We have failed to take advantage of that. And therefore, the plan will not work.

I think we should kill the bill, but that is not going to happen. If we would, we should go back to the drawing board and put together under the President's leadership a bipartisan plan that fixes the deficit, and puts taxes last.

We are not going to do that, I am sure. We are not going to do that, I am positive.

So as some have said, and I understand that, one of our friends in the U.S. House, a new, new Member from Minnesota, announced he was retiring, and he said this:

> I viewed this as an opportune year to deal seriously and in a bipartisan fashion to dramatically reduce this deficit. We have failed to take advantage of that opportunity.

This from a Democrat in the House who voted for the bill, and with the vote, departs the scene because we did not get the job done.

Let me close now by saying I want to congratulate the President. His plan is going to be adopted. I hope it will work. I do not think it will. But I would not hope that America would have ill bestowed upon it under any circumstances.

I hope we can work together. There will be many opportunities to do that. I hope we can prove on our side that if we are given a chance, we will contribute.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Mr. President, I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator is recognized for 4 minutes.

Mr. SASSER. Mr. President, the plan before us this evening is indeed a watershed in American fiscal history. It signals a turning away from the fiscal debauchery that occurred over the past 12 years, and is the first strong and brave step forward to bringing this deficit under control and to moving our economy down a path to prosperity.

Many negative statements have been made this evening and all during the day about the plan before us this evening. One that I have heard constantly reiterated is that "spending cuts do not come in this plan until after the election of 1996."

Nothing could be further from the truth.

In 1994, there are $21 billion in spending cuts alone. In 1995, $32 billion, in 1996, $46 billion, for a total of $255 billion in spending cuts laid down against $241 billion in revenue, giving you a ratio of $1.06 in spending cuts for every dollar of revenues.

Let us correct, once again, for the record the misapprehension that the income taxes of the average American are going to be raised. The truth is that there will be no new income taxes on working Americans who filed jointly, who make under about $180,000 a year in gross income. That is simply the facts. There are no new income taxes on working American families who are joint filers, who have a gross income of less than about $180,000 a year.

Indeed, there are tax cuts in this plan for working Americans. Families making less than $30,000 a year will experience a tax cut under this proposal. In my native State of Tennessee, 20,000 families will experience tax increases, income tax increases—those in the upper-income brackets, grossing about $180,000 a year. But over 500,000 families will get a tax decrease—those families making less than $30,000 a year.

Mr. President, this economic plan before us tonight will give this economy some oxygen to breathe and to run on. It is bringing interest rates down. Long-term interest rates tonight are at their lowest level in over 20 years. We have created over 1 million jobs since the first of the year just on the idea that this plan would be adopted. The unemployment rate figures in July indicate that unemployment is at its lowest level in over 2 years.

Mr. President, that is progress, and part of that is built on the confidence that this Government, at long last, has someone in charge who will take control of this deficit and make the economy the No. 1 priority of the White House and the Congress and the American Government.

We are already reaping economic benefits this evening.

Mr. President, how much time do I have remaining?

The VICE PRESIDENT. The Senator has 4 minutes 20 seconds remaining.

Mr. SARBANES. Will the Senator yield for 30 seconds?

Mr. SASSER. Yes.

Mr. SARBANES. I commend the distinguished Senator from Tennessee for the extraordinary leadership he has shown in bringing us to this point. The President met his challenge in facing the economic problems of our country. The House of Representatives last night met its challenge. And tonight it is up to the Senate to meet its challenge and to gain control, once again, of our economic destiny.

That is what is at stake with this vote—getting control of our economic destiny and shaping our own economic future. We must pass this proposal.

The VICE PRESIDENT. Who yields time?

Mr. DOLE. Mr. President, how much time is remaining on this side?

The VICE PRESIDENT. The leader has 8 minutes 11 seconds remaining.

Mr. DOLE. I think I still have leader time, is that correct?

The VICE PRESIDENT. That is correct. Six minutes of leader time is remaining.

Mr. DOLE. Mr. President, it has been a long day, and I will not make it much longer. I do not think there is any surprise. There has not been for a while about how the vote is going to turn out. It is going to be close, and we are pleased the Vice President is here to make certain that it does not fail on a tie.

So in a few minutes all those Americans watching on CNN and C-SPAN, put down your remote control and grab your wallet, because your taxes are about to go up.

In fact, they went up 7 months ago, but some did not find it out. In fact, I watched Washington Week in Review. It was hard to do, but I watch it now and then. I heard Alan Murray say, "Senator Dole has been giving a lot of misinformation about it being retroactive." He said, "There was a retroactive tax change in 1982."

I was very careful when I made my statement following the President's speech. I talked about tax "rate" increases which are retroactive. I hope he might correct that the next time. we have been consistent.

I thank the American people for their efforts in trying to defeat this terrible bill. Last Tuesday evening, I asked you to call your Congressmen and Senators, and millions and millions of you have done just that. In every office I have checked, your opinion is very loud and clear: You do not like this bill. In fact, somebody asked me on the telephone: "If nobody likes the bill, why is it being passed?" That is a pretty good question. It is a hard question to answer.

But we have heard the message. The President has heard the message. We have heard from supporters of this bill, and you, the American people, are not buying what they are selling. That is why my friends on the other side of the aisle are up in arms. After all, Members of Congress are going home tomorrow, and at least some of us will be able to stand up and say why we voted against this bill. We are going to have to look you in the eye, if you are watching CNN or C-SPAN or somebody else out there worried about the future, and we are going to have to explain our vote on this terrible package. I would guess if all the people who called in feel that way tomorrow and the next week and the next week, it is going to be pretty tough for some to explain their votes.

So I wish my colleagues well when they try to explain why they voted for this package. I notice that some have tried to blame me. In fact, some tried to blame other Republicans, or to blame the radio call-in hosts, or blame somebody. The Democrats have said it is our fault. They have said a lot of things I do not think they meant. We have been referred to as "demagogs" and "hypocrites" and "irresponsible" and "untrustworthy." They say we are feeding the American people a lot of misinformation, and that we are playing with your emotions, and we are getting you all stirred up, because we tell you that this bill is important to your job, to your future, and to your family, and we should not say things like that.

Well, I appreciate the confidence of Senators who think I have the power to convince millions of Americans to do what I want to do.

But what the Democrats have not figured out is that you, the viewers, have them figured out, and you have this bill figured out.

I must say I have listened to all this talk the past several weeks and months about the last 12 years as if Columbus discovered America 12 years ago and all he found was Republican Presidents, did not have any Congress—I guess never heard about the Democratic Congress those 12 years. You would think the Democrats had no role to play in anything that happened in the past 12 years even though they controlled the Senate 6 out of those 12 years; they controlled the House of Representatives for 40 years straight, 40 years straight and, boy, did these Democrats love taxes.

So I asked the American people the other night four questions. I asked the first question: Do you think this bill raises taxes? Boy, does it ever. Does it really raise taxes? What this bill has done is underscore the deference between the Republican Party and the Democratic Party and the philosophies of Democrats and Republicans.

Some have said in the past there is not a dime's worth of difference between the two parties. There is not a dime's worth of difference. There is 290 billion dollars' worth of difference, $269 billion in gross new taxes, $275 billion in gross new taxes and $15 million in user fees. That adds up to $290 billion.

They say we are only after that 1 percent. We are only after the rich. If for some reason that was the reason to celebrate, we are going to go out and punish someone successful in America, someone creating jobs and opportunity for all of us. We are going to get you, nail you, because you are successful.

It is only 4 percent of the 21 million business men and women who are touched by this bill. That is the 4 percent that creates 70 percent of the jobs.

So I guess when the Democrats win they can go out and celebrate—we nailed the rich; we nailed the successful; we nailed the people creating the jobs. We ought to be happy.

But the problem is a lot of people did not know the rich are going to be rich when this bill passed. They are going to get to pay more taxes. I am talking about two-career families. I am talking about the marriage penalty. I noticed last night the Speaker was kind enough to recognize SUSAN MOLINARI and BILL PAXON who I guess were engaged or it was announced on the floor, but he did not tell under this bill they are going to get a marriage penalty tax of about $3,000. Maybe that is why he introduced them. They are going to be a two-career family.

We do not talk about the small businessmen and small businesswomen.

Then, of course, there is the matter of retroactivity which we were told this afternoon we did not have a leg to stand on, but that is not the case. We talked about retroactivity early.

Again, I want to make it very clear we talked about raising tax rates—tax rates in case someone does not understand, not tax changes, tax rates making them retroactive. That is one point the American people are not going to forget.

Whether you are dead or alive, you are going to have retroactive tax rate increases and your estate tax is going to affect the families, the heirs. That is going to affect a lot of people in this country to the tune of $10 billion—$10 billion. That is what retroactivity means even though very prominent Members on the other side of the aisle said they did not like retroactivity and we should not have it.

So, I want to remind some of the freshmen Senators on the other side of the aisle that by voting for this bill, they are voting to raise tax rates on their constituents back to a time even before they became a Senator—not a bad trick.

I wonder what would have happened last November if they announced during the campaign they would not only raise taxes once they took office but they would even raise taxes that would be effective before they took office.

Then Americans ask a second question: Does the President's bill control Government spending?

And the answer is no, not really, not really. Oh, we have seen these baseline numbers and double counting, the $44 billion we save in the so-called budget agreement of 1990, counting it again, counting some of it three times. There is not one dime saved in the first year of this package—$30 billion in taxes and not one dime in spending, as the Senator from New Mexico pointed out, zero. In a $1.5 trillion budget, President Clinton could not find a way to save one dollar in the first year.

In fact, 80 percent of what spending cuts there are in this budget, as have already been said and disputed—but I think we are accurate—are not going to happen until after the next Presidential election.

Let me predict that President Clinton may well go down in history as the only President who increased taxes before he took office and who did not cut spending until after he left office, because these taxes are retroactive and the spending does not occur until after 1996. The taxes are effective before he took office.

And question No. 3 is, does the President's plan help put Americans back to work?

And the answer is no.

The State of California office of planning and research just released a study which shows that the Clinton plan would cost the State of California an average of 351,000 jobs per year, a total 1.75 million jobs over 5 years. And that is in just in California. That is just in California.

And question 4 is the most important question of all: Does the President's plan get the deficit under control?

Even by White House's own admission, the answer is "No."

I always watch when the President shows that nice little deficit chart that shows the deficit going down to about 1997, and that is where it ends because it starts going back up the next year.

We knows what it will be in 1998 and 1999 and the year 2000. Because we have not dealt with spending, as the Senator from Nebraska just pointed out.

Now, it is not Bob Dole who has convinced the American people to oppose this bill. It is the answer to those questions. If you answer those questions and you answer those questions honestly and objectively, whether Democrat or Republican, you are going to get the same answer.

Mr. President, this has been a very instructive debate. And I want to especially congratulate my colleague Senator Domenici for the way in which he has led our side on this debate.

Few people have more integrity and more authority on budget issues than Senator Domenici, and he and his outstanding staff are to be congratulated.

Let me also say I want to respond just a moment to my good friend from Nebraska. Senator Kerrey admitted the President's plan is a bad plan. If he wants to vote for it, obviously he will. He has every right to do so.

But my conscience is clear. Like Senator Kerrey, I believe this is a bad plan. It raises taxes and it does little to effectively reduce Government spending and control the deficit, and that is why I am voting against it. That is why 43 of my Republican colleagues are voting against it. That is why 6 of Senator Kerrey's Democratic colleagues are voting against it. And that is why the vast majority of American people are opposed to it.

When it comes to a matter of trust, I must say I was a bit startled to hear my friend say "you cannot trust Republicans; if I could trust Republicans I might vote 'no.'"

Let me echo the remarks of the Senator from New Mexico. I am willing to put my record of making the tough votes to reduce the deficit up against anyone in this Chamber, and I can go back and recite 1985, and many will of my colleagues are here on the other side who voted right down the line against our package, right down the line. One Democrat who happened to be a Senator from Nebraska, Senator Zorinsky, voted with us. One Democrat voted with us.

So, we know what the tough votes are all about. We did not raise taxes. We cut spending. We did a lot of things that people said were tough.

I told President Clinton soon after his election if he was really ready to tackle the budget and the deficit and to cut spending first he would have a lot of help.

But President Clinton knows, Senator Kerrey knows, I know and the American people know that the plan does not tackle the deficit head on, it does not cut spending first, second or third.

So, I would say to my friend from Nebraska that I am worried about trust, too. I am worried about those who gave us retroactive tax rate increases and who promise spending cuts are for some time in the future. And I am worried about the trust that has been broken with the American people. Before he took office, President Clinton said he had heard the American people. He heard their message to cut spending first. If he heard it, it must have been ignored.

Let me add one word. When it comes to trust, the only trust that matters to me and I think should to any of us is the trust that the Kansas voters have, and they trust me to do what is right. And I hope we have done with what is right.

Let me also thank my distinguished colleague from Oregon, Senator Packwood, for his help. Most of this package came from the Finance Committee. Republicans never were part of anything after—well, in fact, I hear a number of colleagues say they did not offer one amendment to cut the budget in the Finance Committee. I asked the chairman of the Finance Committee. I said are all these going to be party-line votes? Are you going to adopt anything? The answer was, no. And we said why offer any amendments?

So, let me just say this: This conference report will pass. It is certainly not a mandate: Two votes in the House; maybe one vote in the Senate.

But, in an effort to continue to work with the President, a number of my colleagues, including this Senator, sent him a letter yesterday that said, if the conference report failed, we are ready to sit down, Mr. President, and work with you on the deficit reduction.

I ask unanimous consent that the text of that letter be printed in the Record.

There being no objection, the text of the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, DC, August 5, 1993.

The President,
The White House, Washington, DC.

Dear Mr. President: We agree that effective action to reduce the Federal government's projected long-term deficits is critical if America's economy is to grow and create jobs. Our disagreement with the Administration centers on the means employed to achieve that objective.

As you know, we have offered to work with you in a bipartisan effort to reduce the deficit. Should the conference report on the reconciliation bill fail, we stand ready to meet with you and the Democrat leadership in Congress to work in good faith on a bipartisan deficit reduction and growth plan.

Respectfully,
Bob Dole, Al Simpson, Pete V. Domenici, Don Nickles, Bob Packwood, Judd Gregg, Chuck Grassley.

Mr. DOLE. Mr. President, I would just say, finally, to those who may be watching on television, I think many of us have heard the message.

I have heard, "Oh, this is only step No. 1."

Do not kid anybody. Nobody is going to cut spending around here. Spending cuts—when will they come? Do not hold your breath, America. Do not hold your breath waiting for spending cuts. This is $290 billion in taxes. It is well over 2 to 1 in taxes over spending. Do not hold your breath for spending cuts.

So I just suggest to all those who have an interest, we want the economy to work. This bill is not going to make it work. It is going to be a drag on the economy.

But we are going to be around to help. We are going to be around to be constructive, as we think we have been in this debate.

We have a right to give the other side, the other view, and reflect the views of the American people.

So I say to my colleagues on this side who have fought the good fight and those who have joined us, we thank you for your efforts. We think we are on the right side. We believe the American people know precisely who is on the right side. We will continue the fight to cut spending first.

The VICE PRESIDENT. The Republican leader's time has expired.

The majority leader has 3 minutes and 50 seconds remaining on the conference report and, in addition, has 4 minutes of leader time, should he wish to use it.

Mr. MITCHELL. Mr. President, I ask unanimous consent that I be entitled to take such time as I may use for my statement.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, and Members of the Senate, the U.S. Government has a national debt of over $4 trillion. It was less than $1 trillion in 1980. So in 12 years, the national debt has risen by 4 times as much as it rose in the nearly two centuries of previous American history.

Unless we act, the deficit will keep rising, depriving American businesses of the savings they need for investment and expansion, depriving Americans of opportunities for more and better jobs, depriving all of our children of a bright future.

Those are the facts. They are not in dispute. The only question is whether we will do anything about it.

The deficit-reduction plan before us is the largest in our history. It contains $255 billion in spending cuts over the next 5 years. It contains $241 billion in taxes over 5 years. Every dollar of the taxes will go to reduce the deficit. Altogether, this bill will reduce the deficit by $496 billion over 5 years.

Mr. President, there is much criticism that has been made against this bill and I would like to comment briefly on those criticism.

First, it has been argued repeatedly, including here this evening, that the bill is unconstitutional because the income tax rates in the bill take effect on January 1, 1993.

That is obviously untrue. There has been an income tax in effect in this country for 80 years. Throughout those years, there have been many changes in tax laws which applied retroactively, going all the way back to 1917.

Several Senators—Republicans and Democrats; some sitting in this Chamber at this very moment—have written retroactive changes into law, and many others have voted for them.

A second criticism of this bill is that it does not cut the deficit enough. But the Republican alternative offered in the Senate cut the deficit far less. Their plan would have cut the deficit by $359 billion over 5 years. That is $137 billion less in deficit reduction than is in this bill. How can anyone who proposes to do less fairly criticize the President for not doing more?

A third criticism of this bill is that it does not contain enough specific spending cuts. How often have we heard that? It does not have enough specific spending cuts.

But when our Republican colleagues had a chance to amend the bill, their alternative did not include a single specific spending cut beyond those proposed by the President.

Let me repeat that. For all of the rhetoric by our Republican colleagues, their alternative here in the Senate contained no specific spending cuts beyond those proposed by the President' none, not one.

A fourth criticism of the bill is that the cuts that are in it come too late in the 5-year cycle. But, once again, the critics are inconsistent and their words are contrary to their deeds.

In the Republican alternative offered here in the Senate, more than three-fourths of the cuts would come in the fourth and fifth years, far more than is in the pending bill. What they are saying is that the cuts in this bill come too late, but in their plan more cuts come later than in this bill.

A fifth criticism has been that it includes reductions in interest payments as spending cuts.

Once again, the critics are inconsistent. In every one of the 12 budgets submitted by Presidents Reagan and Bush, reductions in interest payments were counted as spending cuts. And more recently, in the Republican plan offered here in the Senate just a few weeks ago, reductions in interest payments were counted as spending cuts. In other words, they are criticizing President Clinton for doing precisely what they did.

There are many words to describe such conduct and the most charitable one I can think of is that it is inconsistent.

A sixth criticism of the bill is that it will tax small business. That is not true; it is false; it is untrue.

There is no tax increase for small business in this bill. None. The increase relates to the size of income, not the size of business.

And, to the contrary, 90 percent of all small businesses will benefit from the increased expensing allowance and the capital gains incentives that are in this bill.

We all know that millions and millions of dollars have been spent by opponents and special interest groups to spread distortions about this bill. The most common has been that large numbers of middle-income Americans will pay higher income taxes if this bill passes. That is not true.

Senator HEFLIN effectively punctured that distortion last night when he described the circumstances in his State of Alabama.

The situation in my home State of Maine is just as dramatic, and I ask my colleagues to listen to these statistics.

There are about 1,220,000 people in Maine. In 1991, the most recent year for which figures are available, there were about 445,000 tax returns filed by households in Maine. Of that total, only 3,800 of them will have higher income tax rates under this bill.

I repeat, in the entire State of Maine, only 3,800 families have incomes so high that they will have higher income tax rates. And, by contrast, 81,000 families in Maine have incomes so low that they will benefit from the bill. Those 81,000 families with incomes below $27,000 a year will get a tax cut under this bill because of the earned income tax credit.

To sum up, in Maine, 3,800 families have gross incomes of over $180,000 a year and they will be subject to higher income tax rates, while 81,000 families will get a tax cut because their incomes are below $27,000 a year and they are eligible for the earned income tax credit.

If every Senator looks at his or her State, you will find about the same thing.

So those who vote "no" on this bill will be voting to help the few whose gross incomes are over $180,000 a year and not to help the many whose incomes are below $27,000 a year.

Mr. SASSER. Mr. President, later this evening the Senate will vote on passage of the conference report to the budget reconciliation bill.

It has been a long, arduous journey from the State of the Union Message on February 17 to this crucial, defining moment for the Congress and the Nation.

But the measure of this journey is not its length, nor its difficulty. It is what we have achieved—$496 billion in deficit reduction, tax fairness and economic growth.

Passage of the President's deficit reduction plan will begin the process of putting the country back on a sound fiscal foundation. By taking control of the deficit, we take control of our future.

The President's economic plan deserves the Senate's support. It's a good plan. It's a fair plan. More importantly, it's the only credible plan that's been put before this body, and without it, this country's fiscal crisis threatens to undermine the very credibility of our governing structure.

It's fair to our fellow citizens who were cheated by the economic debauchery of the past 12 years. It's in sync with their desire for meaningful change.

And that's what this deficit reduction plan is all about—change. Changing the way the Government has been doing business for the past 12 years. Changing the tax burden from the middle class to the wealthy. Changing our economic priorities toward investment in America.

It's my sincere desire that we can have a civil and sensible discourse on this bill.

It's a clean bill—free of extraneous material—so there should not be any Byrd rule challenges.

It's a bill of many merits and I hope we can discuss those merits rationally.

This is the largest deficit reduction package in history.

The deficit is reduced by $496 billion over 5 years through $225 billion in real spending cuts and $241 billion in new revenues—new revenues which are imposed almost exclusively on the wealthiest 2 percent of Americans.

We made hundreds of specific cuts that get us more than halfway home to the $496 billion in deficit reduction. We made cuts in entitlements. We made cuts in discretionary spending.

Let's look at entitlements, which have attracted a great deal of attention in recent months. This plan cuts mandatory and entitlement programs by $88 billion. It makes 30 specific cuts in Medicare and Medicaid alone that reduce the deficit by $63 billion. And these cuts come from providers—not our seniors.

There are also specific and substantial cuts in Federal and military retirement entitlements, in banking and housing mandatories, in agricultural mandatories, in commerce and communications programs. The cuts are real and credible enough that they were adopted in total, and without exception, in the minority plan.

How about discretionary spending?

The President's deficit reduction plan found 100 domestic programs which were cut by $100 million each. And all of the cuts were specific.

I would again remind my colleagues on the other side of the aisle that their alternative to the Clinton deficit reduction plan did not include a single new cut. It did not include a single specific spending cut beyond the President's deficit reduction plan. Every cut in the Dole-Domenici plan is right here in the original—the President's deficit reduction plan.

Mr. President, as we have seen, spending cuts count for one-half of all deficit reduction. Once again, there is $1.06 in spending cuts for every $1 raised in new revenues.

Unfortunately, some have tried to twist the ratios to their own gain. But their ratios are widely inaccurate.

They do not count discretionary spending cuts as spending cuts at all—ignoring 125 domestic discretionary cuts.

They do not count interest savings as spending cuts—even though interest is always incorporated in the spending totals that our friends on the other side of the aisle adduce with horror.

And they do not count user fees as spending cuts—even though every administration, Republican and Democrat—has done so. Even though user fees were, once again, incorporated as outlay savings in what was passed off as a Republican alternative. When George Bush offered, say, a fee for those who would use our national parks, it was a spending cut. When Bill Clinton proposes the same thing, it's miraculously transformed into a tax increase.

If we cut through all the rhetorical smoke and take a straightforward approach, where outlays are treated as outlays, revenues are revenues and we measure from CBO's estimate of the administration's baseline, we get $1.06 in spending cuts for every $1 of new revenues.

And even that is only half of the story.

For every $10 in deficit reduction, $5 comes from spending cuts and $4 comes from taxing those whose incomes exceed $100,000.

And let me be clear. No new income taxes for working families whose gross income is under $180,000.

Eighty percent of all the taxes will come from those making over $200,000 a year.

The most distressing aspect of this entire debate has been the almost rabid distortion of the taxes contained in the President's deficit reduction plan.

At the risk of igniting partisan fires, I'd have to observe that the minority has been tricking middle class Americans into believing that their taxes—particularly their income taxes—are going up.

They have minimum wage workers—whom this bill would protect—believing that their take-home pay will be cut.

The minority has laid on the fog so thick that a recent poll shows that one-half of those polled believe that their income taxes are going up. What a terrible tragedy when the truth is only 1.2 percent of Americans will have their taxes raised under this bill.

The minority has also scared to death half of the small business men and women in America. They told them flat out that the President's plan was going to kill America's small businesses.

It's simply not true. The Wall Street Journal—not exactly a friend of Bill Clinton's—said this and I quote: "Foes of Clinton's tax boost proposals misled public and firms on the small business aspects." In fact, over 90 percent of the small businesses in the country will be eligible for a tax cut if the plan passes.

I'm sure that every Senator has received thousands of letters, postcards and phone calls from concerned citizens who have fallen prey to this wildly inaccurate propaganda.

But when you sit down with a constituent, whether in person, over the phone, or an interview program, you can put their fears to rest.

You ask them one simple question: "How much do you make a year?" If their family's gross income is under $180,000, you can tell them with all honestly that their income tax rate is not going up one thin dime.

If fact, all that they will be asked to pay is about one dime a day in a new gasoline tax.

You would be hard pressed to find anything today that costs only a dime. You can't mail a letter, buy a newspaper or a cup of coffee, or make a phone call for a dime.

But for that one dime a day, you can help save this country from fiscal calamity.

I hope that when the minority fog lifts, the American people will see that the legislation before us today is not just a deficit reduction plan.

The President's deficit reduction plan also lays the foundation for a robust and vibrant economy—an economy that includes targeted public investment in education, training, and infrastructure.

This deficit reduction plan will help keep interest rates at historically low levels. The rates on 30-year Treasury bonds keeps tumbling to new lows—6.5 percent at last count. That's a tangible benefit that all middle-class Americans can appreciate. It will make it easier for working men and women to own their own home, buy a new car, finance a college education and pay down their consumer debt.

This is not trickle-down economics, it's money-in-your-pocket economics—money in your pocket right now. For example, if you make $40,000 a year and refinance a $100,000 mortgage down from 10 to 7.5 percent, you will save $175 a month—more than 10 times what you would pay in any new taxes.

These lower interest rates will also fuel higher private investment—investments that will create the high-skill, high-wage jobs that will carry us into the next century.

And we already have proof positive. In the first 5 months of the new administration, 813,000 new jobs have been created, and 90 percent of these jobs have been in the private sector.

With lower interest rates and increased building, construction jobs have increased. The construction sector lost 712,000 jobs during the Bush administration. During the first 5 months of the Clinton administration, we have gained 112,000 construction jobs.

Continued lower interest rates, not new tax breaks for the wealthy, are the engine of economic growth.

And nowhere is this more true than in small business which will be able to take advantage of lower interest rates for growth and expansion.

Mr. President, we have seen this deficit reduction plan smeared as being anti-small business. The President's plan is 100 percent pro-small business. Once again, 90 percent of the small business operators in America are going to see their taxes cut. Only 4.2 percent of small business owners that file individual returns will pay more taxes.

What small tax increases there are, affect only those small business operators whose personal taxable income is above $140,000—that's income after all deductions and expenses are taken.

The President's plan will more than double the $10,000 in investments that small businesses will be able to expense immediately. That threshold will be boosted to $75,000 for small businesses in 10 empowerment zones.

There is a special capital gains tax cut for investment in small and medium sized businesses.

And lost among all of the minority recent attacks on the retroactive upper income tax in this bill is the fact that many of the tax credits are also retroactive. Not only are the well-known low-income housing and targeted jobs income tax credits retroactive to the beginning of the years, but there are two tax credits which will specifically aid small business.

There is a retroactive extension of the 25-percent deduction for health insurance premiums of the self-employed.

There is a retroactive extension of the ability of State and local governments to issue tax-exempt bonds for small businesses.

But the President's deficit reduction plan is not just about spending cuts and tax fairness. It's about reinvesting in America, in its people, in its infrastructure, in training and technology. It's about helping those Americans most in need—not with a Government check, but by providing them the tools they'll need to compete and thrive in the marketplace.

The President's plan rewards work by increasing the earned income tax credit for the working poor. It extends the low-income housing credit. It creates empowerment zones to help meet the problem of distressed urban and rural communities. It helps create jobs through a targeted-jobs tax credit.

And all Americans will benefit, especially the youngest Americans, through childhood immunization, child hunger prevention, family support and preservation, and education benefits.

Isn't it amazing what just one dime a day will do?

And isn't it amazing that some would tear this bill down?

Over the past 2 weeks, I have heard calls from inside and outside the Senate to defeat this bill or to hold another budget summit. The next thing you know we'll have a commission, then a blue-ribbon panel and the deficit will go up and up as we sit around and jaw and jaw and jaw.

If we spurn this opportunity of a lifetime, and I stress a lifetime, the deficit will rise to $361 billion by 1998.

If we do nothing, interest rates will soar again. Federal Reserve Chairman Alan Greenspan testified before the Banking Committee that long-term interest rates are built upon the expectation that we will have credible deficit reduction.

If we do nothing, the national debt will rise by another $1.6 trillion.

If we do nothing, the dollar will plunge on international markets. We will be a laughing stock in front of our G-7 allies.

If we do nothing, the 1998 Federal debt will equal 61.6 percent of the gross domestic product—all that we make in this country.

If we do nothing, we have failed our children and our children's children.

Mr. President, we don't need a summit. We don't need another plan. We don't need defeatism or retreat. I feel a bit like Capt. Lloyd Williams at the Battle of the Belleau Woods, "Retreat, hell! We just got here."

As a recent Washington Post editorial stated:

> There has been a summit—the kind called for in the Constitution. A newly elected President made a proposal to a newly elected Congress, which worked its will and now must do so a final time. No more backing or filling or dodging: there'll be another chance another year. The choice is yes or no.

We have a President who has not dallied with the deficit. He has not played at cutting spending. He has done it. We don't need a budget summit because there's a more appropriate summit before us: the summit you reach in acting responsibly to solve your country's problems. Let us not falter, nor lose courage as we take these last steps to the top.

THE DEFICIT REDUCTION PLAN

Mr. DORGAN. The Senate votes tonight on President Clinton's deficit reduction plan. I will vote for deficit reduction.

When all is said and done, the issue boils down to this: making a tough choice or taking a walk. The President's plan isn't perfect, but the alternative—to do nothing—is unexcusable.

We simply cannot continue the course we've been on these last 12 years. This country now faces record deficits, mounting debt, diminishing jobs, and a shrinking economy. Family incomes are being squeezed and hopes for prosperity are being dashed. We must act now to tackle this country's massive economic problems.

FAIRNESS FOR RURAL AMERICA

Still, I would be the first to vote against a deficit reduction package I though was unfair to America's family farmers and rural communities. I would vote against any package that included more new taxes than spending cuts. And I would vote against any package that did not provide serious deficit reduction.

But this package does none of that.

Congress has been debating this plan for the last 6 months. We have taken the President's proposal and gotten rid of the Btu tax and the barge tax, reducing the impact on farm families from $2,000 a year to about $100. We now have a 4.3-cent-a-gallon gas tax which, although still not perfect, will cost the average North Dakotan $2.50 per month. We have killed a group of proposed agriculture cuts. We have shielded nearly 9 out of 10 Social Security recipients from new tax payments.

In short, we have made the package fairer to farmers and rural America.

Under the President's plan, only one-half of 1 percent of North Dakotans will pay more income taxes than they do now because of rate inceases: Only couples making over $180,000 and individuals making over $140,000. Just over 1,400 North Dakota resident tax returns meet this threshold. Period.

The rest of North Dakota's families, people who make less than $180,000, will not pay a penny more income tax rate increases. And once the earned income tax credit is in place, if you are like 17.3 percent of North Dakota families, you will receive a tax break.

And, I reiterate, most drivers in North Dakota will pay about $30 per year for the gas tax increase. Some would pay more; but this is not a punishing tax when compared with those in most advanced industrial nations.

FAIRNESS FOR ALL AMERICANS

This budget plan not only meets the fairness test for rural America, it does so for all America. Here are the facts:

Eighty percent of the tax burden for deficit reduction will fall on those earning $200,000 over per year. Only the top 1.2 percent of American taxpayers will experience an income tax increase.

The tax increase in this plan that affects America's working families is the 4.3 cent-a-gallon gas tax. Nationwide, the average worker will pay $3 per month for the gas tax.

Twenty million working families and households will receive a tax cut as a result of an expanded earned income tax credit. This gives fairer tax treatment to the working poor and also offers an incentive to stay on the payroll and off the welfare rolls.

Even with the tax increases in the bill, America will remain one of the lowest taxed nations in the industrialized world. And the new top tax bracket of under 40 percent pales in comparison with the top rate of 90 percent in 1960.

Through substantial spending cuts, tax increases on the richest 1 percent of Americans, and the 4.3-cent-a-gallon gasoline tax increase, this plan will cut almost $500 billion from the deficit. That will mean lower interest rates, more investment, and more economic growth. In fact, lower mortgage payments from lower interest rates will more than offset tax increases for most homeowners.

STRONGER MEDICINE FOR DEFICIT REDUCTION

To ensure that this budget stays on course, President Clinton has signed two Executive orders. One guarantees that all money from new taxes will go to deficit reduction. The second helps control entitlement spending, which accounts for a major share of increased deficits.

It would be nice if there were no tax increases and no budget cuts at all. But we aren't starting from scratch. We are digging out from 12 years of dishonest budgets, in which we borrowed from the Japanese to give tax cuts to the rich while our whole economy sunk deeper into the hole.

We've got to get this country back on solid footing, and we have to do it in a way that's fair. All Americans will share the cost of deficit cuts. But the people who gained the most during the 1980's should be asked to pay a little more now.

That's what this new budget does.

It is easy to criticize. The opponents of the deficit reduction bill have become expert at that. They have sat there and said, "No, no, no." I can understand why they don't want to take any responsibility, make any hard decisions, take any heat. But I can't admire that stance. I don't think it's good for this country.

When we asked them to produce an alternative, what did they bring forth? A big zero.

The alternative floor amendment cut the deficit $130 billion less than President Clinton's plan. And as usual, the other side's floor amendment benefits the very rich on the shoulders of the middle class.

That is just not acceptable, and I will not support that approach.

As the Bismarck Tribune in my home State opined:

> Thanks to Republican intransigence—posturing on hopes of earning future political capital—there is no other program under consideration. (Senator) Dole offers no alternative * * *.

SMALL BUSINESS FAIRS WELL

Instead of a real alternative, the President's critics have produced phony arguments. Over the past weeks, the opponents of this bill have filled the airwaves with dire warnings. They have said the budget will clobber small business, for example.

Nothing could be further from the truth. Even the Wall Street Journal—no champion of liberal causes—acknowledged as much. "All the rhetoric to the contrary," a Journal reporter found, "the vast majority of small businesses * * * wouldn't be touched."

The facts speak for themselves. Under this plan, over 90 percent of small businesses will benefit from a series of tax cuts. Only 4 percent of business owners make over $180,000 and will be affected by higher income tax rates. Most small businesses will benefit from increased expensing provisions in the bill, too.

There are some who don't want to pass a budget. They simply want to make President Clinton look bad. Still others refuse to shoulder their fair share of deficit reduction. But the American people can't wait while politicians here in Washington play their people can't wait while politicians here in Washington play their partisan games or the privileged bleat in a chorus of complaint.

I would have preferred a budget plan with no energy tax. I favored a more robust deficit reduction by cutting another $100 billion in wasteful or low-priority spending. I don't like retroactive tax increases.

But we can't debate this budget forever. It's not perfect, but we have to move on. We have to deal with the people's business.

DOING THE NATION'S BUSINESS

Our medical care system, for example. Every day that we dally on this budget, medical costs go up, hospital costs go up, drug prices go up, people lose their jobs and all their insurance. While we argue over a small gas tax, the American people are being shaken down by a medical system over which they have no control.

We have to change that. We have to pass this bill, strengthen our cities, our farms, our whole economy. We have to cut our deficit and put America back to work. We have to move beyond statistics and get the job done.

The question today is not whether to pass this budget. It's what will happen if we don't.

IMMUNIZATION FOR CHILDREN

Mr. RIEGLE. Mr. President, I am extremely pleased that the conference report includes provisions to improve childhood immunization rates, particularly among preschoolers. These provisions were part of a comprehensive plan to immunize all children in this country that I introduced with Senator KENNEDY earlier this year. I have been working on this issue for many years. Senator KENNEDY and I had been working on a bill since last December based on a bill I first introduced in November 1991.

In April, I introduced S. 733, the Comprehensive Child Immunization Act, which together with S. 732, Senator KENNEDY's bill, represented President Clinton's immunization initiative. S. 733 was referred to the Finance Subcommittee on Health for Families and the Uninsured, which I chair. I worked to move this bill through the committee process as part of the budget deficit plan. Unfortunately, due to a procedural problem, Senator KENNEDY's committee proposal, which provides for outreach, tracking, and the creation of immunization registries was not included in the budget deficit plan.

This country needs a comprehensive plan to improve immunization rates—free vaccines are not enough by themselves. A comprehensive plan includes vaccine purchase, improvements in our infrastructure such as longer clinic hours, more outreach, better parent education, innovative community-based activities, and improved physician fees, and registries to keep track of and monitor immunization status. I remain committed to work with Senator KENNEDY to enact critical components of S. 732 later this year. I want to commend the leadership of Senator KENNEDY on this issue and thank him and his staff for their assistance in helping us move this plan forward.

Mr. President, hearings were held on the original bill, S. 733, and comments were solicited from a wide range of individuals and organizations, many from my own State of Michigan. The product is thus a compromise that was developed by Congressman DINGELL, WAXMAN, and myself and Secretary Shalala after consulting with Senator BUMPERS.

I want to commend Congressmen DINGELL and WAXMAN and Secretary Shalala for their leadership on this issue. In addition, I greatly appreciated the assistance and support of Chairman MOYNIHAN on this important initiative. I want to thank all the staff that has been involved in the process, from many different offices, including the staffs of Congressmen DINGELL and WAXMAN and the Department of Health and Human Services, House and Senate Legislative Counsel, the Congressional Budget Office, the Senate Budget Committee, and the Senate Parliamentarian's Office. Finally, I want to give a special thanks to Jane Horvath and Paul Offner of the Finance Committee.

BACKGROUND ON THE PROBLEM

Mr. President,, 40 to 60 percent of 2-year-olds in this country are not fully immunized. It's a tragedy that countries like Bulgaria, 99 percent, and Yugoslavia, 90 percent, have better immunization rates of their 1-year-olds than the United States, 48 percent. In 1992, only two-thirds of Michigan 2-year-olds received their full state of vaccinations. In urban Detroit, only one-third were fully immunized. In addition, Michigan had a measles outbreak in 1990 with 478 cases and one death.

It is a well-known fact that immunizations are extremely cost-effective. Every $1 spent on vaccinations saves $10 later on in medical costs. In fact, the measles outbreak from 1989 to 1991 resulted in over 55,000 cases, 130 deaths and 11,000 hospitalizations, costing over $150 million in direct medical costs.

IMMUNIZATION PROVISIONS

Mr. President, the statement of the managers that helped to write explains these provisions and the conferees' intentions but I would like to highlight some key provisions and discuss how this proposal will help Michigan in particular.

CENTRAL BULK PURCHASE PROGRAM

The key piece of the conference committee provision is a central bulk purchasing program that provides vaccines to a targeted group of vulnerable children. Over 3 million more children are estimated to be covered under the plan. These children include those who are eligible for Medicaid, those who have no insurance coverage whatsoever, those who are native Americans and those children who are underinsured and who receive vaccinations at community and migrant health centers or rural health clinics. It's important to note that the majority of children who are uninsured live in families with incomes below 200 percent of the Federal poverty level.

This provision is important because the price of vaccines is a significant barrier to immunizing children under our current system. This is particularly true for children in lower income families who go to private doctors. The cost for immunizations through private doctors is about $240 compared to $114 in the public sector. In Michigan, I have heard from many families who have private pediatricians but are uncovered for immunizations, so they are then referred to public clinics. The problem is that for a variety of reasons, many children aren't immunized after being referred. The bottom line is we miss opportunities to immunize children when they are referred. I have held several hearings on this problem.

In Michigan, our public clinics have been overburdened and it is difficult for families to immunize their kids for the reasons described above. This program would give States the option to provide vaccines directly to private providers, which Michigan's Public Health Department wants to do. Under the central bulk purchasing program, when a parent visits his or her child's doctor, the child can be immunized immediately and receive all their care from one place.

COMPETITION AND RESEARCH AND DEVELOPMENT

Under the conference agreement, the Secretary would negotiate a price based on a process similar to the current Centers of Disease Control [CDC] process but with changes intended to stimulate competition and strengthen the Secretary's ability to negotiate a fair and reasonable price. To stimulate competition, this proposal requires the Secretary to contract with multiple suppliers of a vaccine.

Michigan produces its own DTP vaccine and distributes it free to all providers. The conference agreement allows Michigan to bid for the Federal contracts to produce DTP and other new vaccines under their joint venture with SmithKline Beecham, thus providing additional revenue for the State.

Mr. President, I understand the concerns of some vaccine manufacturers about their research and development costs and about their profit levels and whether they are sufficient to encourage future investment in research and development. I want to emphasize that the conferees were sensitive to this. The negotiated price cannot be higher than the current CDC discounted price, adjusted for inflation for current vaccines. Some of the current vaccine prices have been growing at less than inflation so this may be an increase in the price.

For new vaccines, the negotiation process would be similar to the current CDC process and there is no limit whatsoever. We anticipate that the negotiated price include the costs for research and development and be established at a level to encourage future investment. In fact, one vaccine manufacturer, SmithKline Beecham, supports the compromise developed.

STATE FLEXIBILITY

Mr. President, I want to emphasize that these immunization provisions give States maximum flexibility. Several State organizations support the conference agreement provisions, including the Association of State and Territorial Health Officers and the State Medicaid Directors, Association. States have the option to purchase more vaccine at the negotiated price using their own money. Many states do this now and need to be allowed to continue doing so at the discounted price.

At least 11 States have universal purchase programs of some sort, including Michigan, Maine, New Hampshire, and Rhode Island. Michigan produces and distributes the DTP vaccine free to all providers. There has been an increase in private doctors providing DTP due to this program. Other States want to purchase more vaccines at the discounted price but have been unable to. When South Carolina, Hawaii, and others tried to get more vaccine at the CDC price they were discouraged from doing so by some drug companies. The compromise program was developed to give States the flexibility to make sure children are immunized in a variety of ways, including vaccine purchase.

OTHER IMPROVEMENTS

This legislation would make improvements in Medicaid's Early and Periodic Screening, Diagnosis, and Treatment [EPSDT] Program by requiring State Medicaid programs to cover the entire set of recommended childhood vaccines and to conduct more aggressive outreach.

The National Vaccine Injury Compensation Program, which compensates for injuries resulting from vaccinations, is an essential element in a strengthens the program by extending it to cover additional vaccines recommended for universal use in children and by restoring the excise tax on vaccines to ensure that parents and providers are adequately protected.

MICHIGAN AND NATIONAL SUPPORT

Mr. President, my wife Lori and I have been working to raise public awareness about immunizations. Lori and I have traveled throughout Michigan meeting with health care providers, children's advocates, and parents. We were able to gather a great deal of information about immunization rates communities and about the problems local providers and parents are encountering within the current system. This information was essential in crafting the conference agreement program.

Throughout this process, I have worked with Michigan organizations and individuals, including the Michigan Chapter of the Academy of Pediatrics, the Michigan Council for Maternal and Child Health, and the Michigan Department of Public Health. The Comprehensive Child Health Immunization Act has also received the support of many national children's advocacy groups, including the Children's Defense Fund, American Academy of Pediatrics, the March of Dimes, and many others.

In addition, the conference agreement program is supported by the Association of State and Territorial Health Officers, State Medicaid Directors' Association, and SmithKline Beecham Pharmaceuticals. I want to thank these organizations and will continue to work with them on other important immunization and children's health issues. I ask unanimous consent that several letters of support be included in the RECORD at the end of my remarks.

CONCLUSION

Ideally, Mr. President, children should receive immunization as part of a comprehensive, preventive health care program. Declining immunization rates reflect the larger problem of lack of access to basic health services for many children. Ultimately, we need to guarantee access to comprehensive health care services for all Americans. President Clinton has made national health care reform one of his administration's highest priorities, and I am working with the new administration's highest priorities, and I am working with the new administration to bring affordable health care to all Americans. Improvements in the childhood vaccine delivery system, however, cannot wait until we enact national health care reform.

Mr. President, this proposal is a first step toward a comprehensive proposal to immunized all our Nation's children. I will be working with my colleagues to make sure that other components of the plan we introduced in April are enacted this year.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MARCH OF DIMES,
BIRTH DEFECTS FOUNDATION,
Washington, DC, August 5, 1993.
Hon. DONALD RIEGLE,
U.S. Senate, Washington, DC.

DEAR SENATOR RIEGLE: The 103rd Congress has worked February to develop new, effective immunization policies for the Nation. The Budget Reconciliation legislation contains a compromise built with key elements from each of the proposals considered this session—including President Clinton's Immunization Initiative, the proposal of Senate Republican leaders, and the House package. The March of Dimes applauds the result of months of negotiation and strongly supports the immunization provisions in the Reconciliation bill.

As with any good compromise, not all parties are satisfied.

The vaccine industry is crying because price increases for publicly-purchased vaccines will be linked to the CPI. This protest does not seem reasonable. Many other businesses would be pleased to have a guaranteed market of 6–8 million children who each need 17 doses of a product—with a built-in price inflator. Moreover, the vaccine industry retains a private market of equal size.

Advocates pushed to have more children get publicly purchased vaccine. However, because of the budget deficit, Congress made tough choices to limit the number of children to those in greatest need. We accept that.

States are losing some flexibility, but a grandfather clause protects current level of effort. The "optional state purchase" provisions leave the door open to negotiate a discount price for vaccines purchased with state funds. The Secretary would be central to these negotiations to ensure public health and equal treatment of states.

You know how difficult these choices can be. We applaud the efforts by Congress to improve the immunization system this year. It is a part of the Budget Reconciliation package about which one can be proud.

Sincerely,

DR. JENNIFER L. HOWSE.

VACCINE COSTS: OPTIONS AND RELIEF FOR STATES

WHAT STATE AND FEDERAL FUNDS NOW PURCHASE VACCINES?

Under the current system, a mix of State and Federal funds are used to purchase vaccines. States have generally made up the difference between need and the Federal appropriation.

Over 60% of the funds appropriated by Congress for the Centers for Disease Control (CDC) immunization program have been used by State and local areas for purchase of vaccines—a total of $158 million in FY 1992.

State legislatures also appropriate millions of dollars to purchase vaccines. States reported spending over $115 million on immunization programs in 1992.

In addition to the millions of appropriated State funds, Medicaid dollars paid for hundreds of thousands of doses of vaccine.

WHAT WOULD CHANGE UNDER THE BUDGET RECONCILIATION PROPOSAL?

A new Federal vaccine purchase program would be created under Medicaid with Federal funds. Vaccines bought through the new program would be used for disadvantaged children.

Children eligible to receive publicly purchased vaccines include: children enrolled in Medicaid, children who have no health insurance, children served in community and rural health centers, and Native American children.

Vaccine prices will be negotiated by the Secretary of HHS at no higher than the current CDC purchase price and the new process will cap vaccine price inflation at the CPI for vaccines now is use. For new vaccines, there is no such limit.

Federal funds would be used to replace state dollars for all children on Medicaid.

At State option, additional vaccine could be purchased at prices negotiated by the Secretary.

No State's expenditure for vaccines will increase under this plan. Virtually every State would have a windfall as their share of vaccine costs is reduced—particularly through reductions in Medicaid expenditures.

AMERICAN ACADEMY OF PEDIATRICS,
August 5, 1993.

Hon. DONALD W. RIEGLE, Jr.,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: Through the leadership of key House and Senate members, a fair and positive step has been taken to assure that more children in this country will be protected from the ravages of preventable childhood diseases. We applaud their efforts and urge your support of this measure as part of the budget reconciliation package.

The compromise focuses on the poor and the uninsured, giving states the flexibility to vaccinate additional children in the state at the federal contract price. Ideally, it would be wonderful if all states could afford to take advantage of this opportunity. Unfortunately, many state budgets are already stretched to capacity. While Texas, North Carolina and Hawaii have recently passed legislation that would benefit from this option, others are looking to other solutions to improve their poor immunization rates of two-year-old children. For example, New York, Minnesota and Pennsylvania, have worked to mandate insurance coverage of immunizations.

We feel limiting the federal contract prices for vaccines to the CPI is an acceptable approach. In the first place, the federal contract price of most vaccines has been holding relatively steady over the past five years. The price of DTP vaccine actually declined 56% and MMR vaccine decreased by 7%. Secondly, the private market for vaccines, which is not regulated by price controls, is guaranteed in the legislation. Approximately 42% of the nation's children are currently covered by private insurance, and this share will increase over time with reform measures at the state level and should eventually reach 100% under health care reform. The CPI limit will not apply to "new" vaccines in either market. Hence, current research and development dollars are not threatened.

This compromise addresses the financial barrier faced by many families in getting their children immunized. Other barriers remain, including improved access and the development of a tracking/registry system. All these barriers must be addressed to assure our children and society are protected.

We look forward to working with you in this regard.

Sincerely yours,
HOWARD A. PEARSON, M.D.,
President.

SMITHKLINE BEECHAM,
PHARMACEUTICALS,
August 5, 1993.

Hon. DONALD W. RIEGLE, Jr.,
U.S. Senate, Washington, DC.

DEAR SENATOR RIEGLE: On behalf of SmithKline Beecham, I am writing to congratulate you on your role and all the hard work you put into forging a compromise on the childhood immunization legislation. We feel that the final version of the bill will go a long way in meeting this country's commitment to getting full immunization for all children.

SmithKline Beecham feels that this bill will get more children immunized, and will also foster competition in the U.S. vaccine marketplace. As a new entrant in this market, we want to state our firm belief that this competition will be beneficial to our nation's children. This legislation, and especially the provision that preserves a private market, will encourage companies like ours to continue to research and develop new and better vaccines, and will provide the necessary assurances and incentives to potential manufacturers to develop immunizations against childhood diseases.

You are to be commended for your hard work and commitment to these important goals. Thank you for listening to our views on this issue, and for allowing SmithKline Beecham to participate in this historic debate.

Sincerely,
A. KARABELAS, Ph.D.

JULY 28, 1993.

Hon. DONALD W. RIEGLE,
U.S. Senate,
Washington, DC.

DEAR SENATOR RIEGLE: In your state, 450,426 children are living in poverty. Still more children and their families are struggling to survive on incomes only slightly higher than poverty. And, across our nation, a full 42 percent of all families with children are living on incomes below $30,000. I am writing to share information with you about how four key portions of the House budget reconciliation bill will help children and families in your state.

The attached sheet provides state-specific information about these four initiatives:

THE CHILDHOOD IMMUNIZATION INITIATIVE

These provisions will assure that no child goes unvaccinated because her parents are unable to pay the high cost of vaccines and will assure that outreach and education programs on the importance of immunizing children are improved.

THE CHILD WELFARE/FAMILY PRESERVATION AND SUPPORT PROVISIONS

This program will prevent child abuse and neglect by strengthening families and providing them with the support and assistance they need. It will also improve the quality of services available to children who must be removed from their homes.

THE LELAND CHILDHOOD HUNGER RELIEF ACT

These provisions will increase food assistance to poor families who must pay more than half their income for rent and utilities, leaving them with a choice between paying the rent or feeding their children. Adoption of the Leland provisions will also promote responsibility by encouraging work and collection of child support.

THE EXPANSION OF THE EARNED INCOME CREDIT

A parent who works full-time should not have to raise his or her children in poverty. These provisions will move our nation closer to meeting this very modest, critically important, goal.

Our nation's children and their families—the children in your state/district—are counting on you to assure that all four of these provisions are included in the final version of the budget reconciliation bill.

We hope that you will find this information to be helpful. If we can be of assistance to you on any of these critically important provisions, please contact us at the attached numbers.

Sincerely,

Marian Wright Edelman, President, Children's Defense Fund; David Liederman, Executive Director, Child Welfare League of America; Robert J. Fersh, Executive Director, Food Research and Action Center; Jennifer Vasiloff, Executive Director, Coalition on Human Needs.

CHILDREN'S INITIATIVE: MICHIGAN—CHILDHOOD IMMUNIZATIONS

Children currently eligible: medicaid recipients	Additional Children eligible under—		
	House	Senate Finance	Bumpers
Michigan: 255,000	171,000	52,000	0

CHILD WELFARE AND FAMILY PRESERVATION

[Estimated Federal Funding for provisions in House bill; in thousands of dollars]

State	Fiscal year—				
	1994	1995	1996	1997	1998
Michigan:	2,542	5,516	9,766	14,872	25,083

Mickey Leland Childhood Hunger Relief Act

Number of Food Stamp Recipients who will receive increased food stamp allotments if the House provisions pass—

Michigan: 1,034,148—(April, 1993)

EARNED INCOME CREDIT

[Annual increase in dollars that low income workers will be eligible to receive as a result of EIC expansions (estimate is for FY97, the first year the Senate bill will be completely in effect; in two previous years, substantial funds will also be provided); in millions of dollars]

State	House bill	Senate bill
Michigan	189.83	142.57

Sources: attached.

CHILDREN UNDER AGE 5 ELIGIBLE FOR VACCINE ASSURANCE PLAN: ESTIMATES UNDER HOUSE AND SENATE PLANS

[Congressional Budget Office Estimates of U.S. children eligible for new vaccine assurance plan]

	House-passed bill	Senate Finance Committee bill	Senate-passed bill
Total served by new plan.	11.1 million (includes 4.6 million under- and uninsured and 8.5 million Medicaid-eligible children under 5).	7.9 million (includes 1.4 million under- and uninsured and 5.5 million Medicaid-eligible children under 5).	No additional (coverage continues for 6.5 million Medicaid-eligible children under 5)

Source: CBO Preliminary Staff Estimates, May-June, 1993.

States	Currently eligible: Medicaid recipients age 5 and under*	CDF projections of newly eligible children, by State based on CBO national estimates**		
		Additional eligible: House-passed bill	Additional eligible: Senate Finance Committee	Additional eligible: Senate-passed bill
Alabama	101,000	70,000	21,000	None.
Alaska	14,000	13,000	4,000	None.
Arizona	N/A	75,000	23,000	None.
Arkansas	71,000	40,000	12,000	None.
California	933,000	651,000	198,000	None.
Colorado	60,000	62,000	19,000	None.
Connecticut	70,000	56,000	17,000	None.
Delaware	15,000	12,000	4,000	None.
D.C.	27,000	10,000	3,000	None.
Florida	257,000	222,000	68,000	None.
Georgia	190,000	125,000	38,000	None.
Hawaii	21,000	21,000	7,000	None.
Idaho	23,000	20,000	6,000	None.
Illinois	300,000	212,000	65,000	None.
Indiana	107,000	95,000	29,000	None.
Iowa	58,000	46,000	14,000	None.
Kansas	50,000	44,000	13,000	None.
Kentucky	114,000	61,000	19,000	None.
Louisiana	183,000	80,000	24,000	None.
Maine	29,000	20,000	6,000	None.
Maryland	96,000	90,000	27,000	None.
Massachusetts	136,000	102,000	31,000	None.
Michigan	255,000	171,000	52,000	None.
Minnesota	106,000	79,000	24,000	None.
Mississippi	138,000	48,000	15,000	None.
Missour9	128,000	89,000	27,000	None.
Montana	12,000	14,000	4,000	None.
Nebraska	37,000	28,000	9,000	None.
Nevada	17,000	25,000	8,000	None.
New Hampshire	14,000	19,000	6,000	None.
New Jersey	138,000	135,000	41,000	None.
New Mexico	50,000	31,000	10,000	None.
New York	614,000	322,000	98,000	None.
North Carolina	174,000	116,000	35,000	None.
North Dakota	11,000	11,000	3,000	None.
Ohio	326,000	187,000	57,000	None.
Oklahoma	69,000	55,000	17,000	None.
Oregon	76,000	50,000	15,000	None.
Pennsylvania	297,000	192,000	58,000	None.
Rhode Island	N/A	17,000	5,000	None.
South Carolina	97,000	64,000	20,000	None.
South Dakota	16,000	13,000	4,000	None.
Tennessee	168,000	83,000	25,000	None.
Texas	575,000	351,000	107,000	None.
Utah	37,000	41,000	13,000	None.
Vermont	14,000	9,000	3,000	None.
Virginia	120,000	110,000	34,000	None.
Washington	118,000	92,000	28,000	None.
West Virginia	72,000	25,000	8,000	None.
Wisconsin	85,000	85,000	26,000	None.
Wyoming	11,000	8,000	2,000	None.

*Source: US Department of Health and Human Services, Health Care Financing Administration, Medicaid Bureau, Medicaid Statistics: Program and Financial Statistics, Fiscal Year 1991 HCFA Pub. No. 02182, January 1993.

FY 1991 Medicaid data by age of recipient not available for Arizona and Rhode Island. While CBO numbers include all children through age 4, numbers published by HCFA are for children through age 5. Therefore state numbers for Medicaid, as presented in this table, represent all Medicaid recipients age 5 and under. Principally for this reason, the numbers in the column will not add up to the total of Medicaid recipients by CBO.

**Note: These are estimates of uninsured and underinsured (no vaccine coverage) children who would be eligible under the new plans. The precise number of children who would be eligible is unknown. The projections in this table for each state were calculated by multiplying the CBO national estimate by the proportion of U.S. children under age 5 living in that state. This estimation method assumes an equal distribution of uninsured and underinsured children across all states. For states with a higher or lower proportion of under and uninsured children, the numbers presented here are an underestimate or overestimate, respectively, of the true number of children who would be eligible.

ASSOCIATION OF STATE AND
TERRITORIAL HEALTH OFFICIALS,
Washington, DC, August 4, 1993.

Hon. DONALD RIEGLE,
U.S. Senate,
Washington, DC.

DEAR SENATOR RIEGLE: On behalf of the Association of State and Territorial Health Officials (ASTHO), which represents the chief health officer and health agency in each state, I am writing in strong support of the Budget Reconciliation language which will provide states with the option to purchase additional childhood vaccines at the Federal contract rate.

This option is critically important for state activities to ensure that we improve the immunization rates and ultimately the health of all of this nation's children. Last year, ASTHO surveyed its membership regarding the obstacles that state health departments face in improving immunization rates. Many obstacles were identified including the complication of the Vaccine Immunization Pamphlet, staffing needs, clinic hours, lack of education and the cost of vaccines. The importance of these issues in getting children immunized varies from state to state. For example in some states, the issue of clinic hours and lack of personnel far outweigh any other impediment while lack of education is more important in many others. In some states the cost of vaccines is an overriding issue. In those states where cost is one of the most recognized impediments to getting children vaccinated it is vitally important that those states have the option of purchasing vaccines at the federal contract rate. Without the state flexibility to implement such a program, scarce state and local resources that could be used for other immunization activities will be consumed by the high cost of vaccines at the private sector rate. This will continue to result in low immunization rates for our preschool children.

Many states will choose not to spend their limited resources on the purchase of vaccines but will direct their resources into other programs which they have identified as more important. Some states may only opt to purchase a small additional number of vaccines to cover certain populations in the state. Others may determine that they need the option for all children within their state. Of the current 14 states which use the universal option, only two are truly universal option states. Yet state flexibility is critical to ensure that states can improve the immunization rates within their jurisdictions.

As the Senate considers the Budget Reconciliation Bill, I strongly encourage you to support the optional use clause for states. Without this option, this nation's children will suffer.

Sincerely yours,

GEORGE K. DEGNON,
Executive Vice President.

STATE MEDICAID
DIRECTORS' ASSOCIATION,
Washington, DC, August 6, 1993.

Hon. DONALD W. RIEGLE, Jr.,
Senate Dirksen Office Building, Washington, DC.

DEAR SENATOR RIEGLE: I have just reviewed the immunization portion of the conference report of the budget reconciliation act, and want to thank you for being so sensitive to the states' concerns as you developed these provisions. The final bill will help states by freeing state dollars now spent on vaccines for other equally critical activities, such as parental outreach and education. States that already operate bulk purchase programs will be able to continue to do so. The decision to permit uninsured children to quality for free vaccines by a simple self-declaration will minimize any provider resistance to participation, and remove one more barrier in the path of assuring all our children are fully immunized. I look forward to the bill's prompt passage and early implementation.

Sincerely,

RAY HANLEY,
Chair, State Medicaid Directors' Association and Director, Arkansas Office of Medical Services.

THE NATIONAL BLACK CAUCUS
OF STATE LEGISLATORS,
Washington, DC.

NBCSL RESOLUTION IN FAVOR OF CHILDREN'S INITIATIVE

Whereas one out of five children in the United States lives in poverty;

Whereas still more children and their families are struggling to survive on incomes only slightly higher than poverty;

Whereas the Community Childhood Hunger Identification Survey (CCHIP) found that about 5 million children are hungry at some point each month and another 6 million are at risk of hunger;

Whereas about 8,000 children a day were reported abused or neglected in 1992;

Whereas only 20–33% of the nation's African American two year olds were fully immunized against vaccine preventable diseases in 1991;

Whereas African American children suffer disproportionately from problems of poverty and hunger; and

Whereas investing in the health and productivity of our children and our families is investing in our future;

Therefore, NBCSL believes that federal budget policy must address the needs of children and their families by including in the final Omnibus Reconciliation Bill the Children's Initiative provisions from the House-passed bill;

The Mickey LeLand Childhood Hunger Relief Act: This bill would make needed improvements in the Food Stamp Program; 90 percent of the bill's benefits would go to families with children. A key provision will increase food assistance to poor families who must pay more than half their income for rent and utilities. People who are elderly or disabled can already do this. Families will no longer have to choose between paying the rent and feeding their children.

The Childhood Immunization Initiative: These provisions will assure that no child goes unvaccinated because his/her parents are unable to pay the high cost of vaccines and will assure that outreach and education programs on the importance of immunizing children are improved.

The Child Welfare/Family Preservation and Support Provisions: This program will prevent child abuse and neglect by strengthening families, providing them with the support and assistance they need. It will also improve the quality of services available to children who must be removed from their homes.

The Expansion of the Earned Income Tax Credit: A parent who works full-time should not have to raise his or her children in poverty. These provisions will move our nation closer to meeting this very modest, critically important goal. Furthermore, NBCSL applauds the leadership that the Members of the Congressional Black Caucus and other progressive Members of Congress have shown in fighting for the inclusion of these programs. As CBC Chairman Kweisi Mfume wrote to President Clinton in his letter dated June 9, 1993: "Many of our constituents were left behind and neglected by two previous administrations. They cannot be expected to bear the brunt of deficit reduction alone."

NBCSL strongly urges adoption of the Children's Initiative.

Adopted July 28, 1993, Executive Committee.

San Diego, CA.

JULY 28, 1993.

Hon. DONALD RIEGLE,
U.S. Senate,
Washington, DC.

DEAR MR. RIEGLE: As a conferee negotiating the budget reconciliation bill, you have the opportunity to significantly improve the immunization rates among our nation's children. The House bill includes a guarantee that *all* American children have either private health insurance for immunizations or coverage through a new vaccine assurance system. In contrast, the Senate bill provides *no* additional children with coverage for immunizations, even though 8.3 million children lack any health insurance at all and fewer than half of traditional indemnity health insurance plans that do include children cover vaccinations for them.

Somehow, this very simple and cost-effective measure is threatened by the vaccine industry despite the support of over 50 provider and other child advocacy organizations who applaud the Administration's initiative to remove all barriers to immunizations. The main purpose of this legislation is to enable children to get immunizations as part of their routine health care, especially in private physicians' offices.

The federal government will spend 30 times as much for childhood vaccines this year as it did fifteen years ago. That is because the public cost to fully vaccinate a child has increased 11-fold and the private price (e.g., in a doctor's office) has increased 21-fold. There are many reasons for these price increases. However, the result is that while the cost was virtually nominal 15 years ago, many families cannot afford vaccines today.

The private sector cost of vaccines to fully immunize a child has climbed from less than $11 in 1977 to over $230 in 1993. In response, more and more children—many of them middle income but not insured for vaccines—are sent by their private pediatricians and family doctors to public clinics for their shots. Each time this happens, a child's health care is disrupted and an opportunity to vaccinate is lost. Many children then go to a clinic for shots, but many do not. Simply put, if the nation wants its children immunized, it cannot afford to make getting a shot a two-visit process for millions of children who get the rest of their care in the doctor's offices and for working parents who miss two days of work in the process.

If you reflect on the families in your own state, the following scenario probably rings true: rent to pay, car brakes need fixing, and kids due for immunizations. Which will have to wait until next month? That's a choice parents should not have to make.

Several studies document how parents are increasingly being referred away from their own family doctors and pediatricians because they are unable to afford immunizations for their children.

A recent North Carolina survey of every licensed pediatrician and family physician in the state, the first results of which were announced at the National Academy of Social Insurance in June, found that 94 percent of doctors referred children to public clinics for immunizations. Nearly all of the physicians (95 percent) cited parents' concerns over cost of vaccines as the most important reason for referring patients to health departments. The authors of the study concluded that "if out-of-pocket costs to patients for immunizations were significantly reduced or eliminated, referrals to health departments for immunizations would decrease substantially and physicians would immunize a much greater proportion of patients in their offices. This change could potentially enhance both immunization rates and continuity of care."

Orange County, California health officials wrote in the New England Journal of Medicine that "as those in moderately difficult financial circumstances use the immunization services provided by the public sector, the traditionally underserved population in greatest need of immunization and at higher risk for vaccine-preventable disease may be increasingly displaced. This factor may be exacerbating and feeding the U.S. measles epidemic. American families must be given the financial means to gain access to private physicians in their communities for childhood immunizations."

The House vaccine assurance provision coupled with components on access, tracking, and outreach provides a comprehensive solution. Opponents of the House bill propose alternatives which will send even children away from their own private doctors to public clinics for immunization services. The Senate bill, as amended on the floor, assumes that uninsured and underinsured children should go to public clinics rather than receiving the service from their family doctors.

Protecting our children against vaccine-preventable diseases is too important to delay. We urge you to build on the House bill to assure that as many children can be immunized as possible. Please do not hesitate to contact us if you need more information.

Sincerely,

AMERICAN ACADEMY OF PEDIATRICS.
CHILDREN'S DEFENSE FUND.
MARCH OF DIMES BIRTH DEFECTS FOUNDATION.

MICHIGAN PTA,
Lansing, MI, May 10, 1993.

Hon. DONALD W. RIEGLE, Jr.,
U.S. Senator, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: On behalf of the 800 delegates to our 1993 Annual Convention, thank you for taking time in your busy schedule to deliver your message about immunizations via video tape. While we would have preferred having you there in person, we understand the demands on your time and we are sincerely grateful to have had the opportunity to hear from you about this important children's issue.

We applaud your efforts to ensure that our nation's young children receive their vaccinations on time and we intend to monitor the progress of the Comprehensive Child Health Immunization Act of 1993, S. 732 and 733. I trust you will keep us posted as these bills move through the legislative process.

Thanks to your Lansing and Washington staff members for their efforts in working out all the necessary details and thanks to Debbie Chang whose presentation at the National PTA Legislative Conference whose presentation sparked the idea of inviting you to attend and to Elizabeth Gertz for being their in Dearborn to introduce your presentation and answer questions.

Again, thank you and we look forward to your attendance at a future convention.

Sincerely,

DAVID J. GROSS,
President.

J.P. CHILDREN'S COALITION,
June 8, 1993.

Hon. DONALD RIEGLE,
U.S. Senator,
Washington, DC.

DEAR SENATOR RIEGLE: The Upper Peninsula Children's Coalition, an organization of over 85 agencies, and also additional citizen members, respectfully urges you to do what you can to safeguard the portions of the President's Budget Reconciliation Bill now before the Senate Finance Committee which pertain to the well being of our children.

Specifically, we would hope that you would be able to help safeguard the portions of the bill which relate to the Childhood Immunization Initiative, the Family Preservation Provisions, and the Earned Income Credit Expansion.

We believe that these portions of the bill should not be compromised.

Thank you for your continued support of children in Michigan and throughout the nation.

Respectfully,

CHARLES D. WILBER,
Secretary, U.P. Children's Coalition.

MACOMB COUNTY HEALTH DEPARTMENT,
Mount Clemens, MI, May 26, 1993.

Senator DONALD W. RIEGLE, Jr.,
Washington, DC.

DEAR SENATOR DONALD W. RIEGLE: As Public Health Director of the Macomb County Health Department I strongly urge your support of the Comprehensive Childhood Immunization Act of 1993 and/or amended or substitute legislation with a similar intent.

Preventive services are the basis of public health's approach to the improvement of community and personal health status. Immunization programs have been eminently successful in not only accomplishing the improvement of health status but have proven to be extremely cost effective. One dollar ($1.00) spent on immunization results in a minimum ten dollars ($10.00) of savings in treatment costs. Public health preventive services such as immunization are a key to cost containment currently a major issue in the discussion of national health care reform.

As Director of the Health Department, I would particularly urge your support of provisions in the proposed legislation which fund in addition to vaccine, community outreach, the staffing of local health immunization programs and the development of tracking systems.

A major force of the Macomb County Health Department has been the strengthening of its immunization effort. In the last several years the demand for immunization services for children has increased substantially. In 1989 approximately 52,000 immunizations were given by this department and in 1992 this increased to 96,952. Similar to national data, it estimated that up to 40% of children under two in Macomb County are not adequately immunized.

Passage of federal legislation as proposed in the Childhood Immunization Act of 1993 would significantly assist local public health departments working with private health providers to assure that all children are adequately immunized thus improving their health status and the public health of the community in a most cost effective manner.

Yours truly,

DANIEL C. LAFFERTY,
Director/Health Officer.

MICHIGAN CITIZENS FOR AMERICA'S CHILDREN,
Ann Arbor, MI, May 11, 1993.

Mr. KEVIN AVERY,
Office of Senator Don Riegle, U.S. Senate, Washington, DC.

DEAR KEVIN: First of all, congratulations on all the hard work Senator Riegle is doing for full immunizations (S. 733)! I am enclosing a piece I got from the Center for Disease Control about the barriers to full immunization for toddlers, which I thought might be helpful if you don't already have it. The thrust of the paper is to identify barriers, including cost, with the conclusion. "Though it is tempting for health care providers to attribute low immunization uptake to consumer apathy, much evidence points to correctable deficiencies of the health care system." (p. 395).

The Family Preservation Act (S. 596) and Mickey Leland Hunger Relief Act are with us again, and maybe this time we will see them pass into law. I hope Senator Riegle will cosponsor these, or take a leadership role in getting them through.

When the Finance Committee considers the Earned Income Credit proposals, the following data might be helpful to enhance the feeling of urgency for helping working parents.

The younger you are in Michigan, the more likely you are to be poor.

Between 1969 and 1989, the poverty rate among Michigan's children nearly doubled—this is the worst record among the 50 states and the District of Columbia.—Tufts University Hunger, Poverty, and Nutrition Policy Center

One out of every four preschool children in Michigan lives below the official poverty level.

The number of children living in poverty in Michigan would fill the cities of Grand Rapids, Lansing, and Flint.

Children living in poverty die almost two and a half times more frequently than other children.—Michigan Department of Public Health

Another child is born into poverty in Michigan every 17 minutes.

Keep up the good fight.

Warm regards,

JAN KROHN,
President.

ENTERPRISE ZONE PROVISIONS

Mr. RIEGLE. Mr. President, I am particularly pleased that the agreement includes funding for a comprehensive, enhanced enterprise zone program designed to turn around some of America's most distressed communities.

I have long supported enterprise zones as an experiment worth trying to bring economic opportunity to inner city residents. But I have argued that enterprise zones must include more than just tax breaks for businesses that locate in zones. They must include enhancements in the form of targeted public investment to provide the tools to empower neighborhood residents to turn their communities around.

Along with Senators KENNEDY and BIDEN, I offered an amendment which added public investment enhancements to the enterprise zone provisions that Congress passed last year because I was convinced that enterprise zones as traditionally conceived are only half a strategy. And half a strategy is doomed to fail unless it is made whole.

In crafting the investment enhancements, I built on what I saw and heard in Benton Harbor, an inner city community in my home State of Michigan. Benton Harbor is Michigan's only State-sponsored enterprise zone. The lesson that Benton Harbor has learned from its enterprise zone experience is one we here in Washington should heed as we craft Federal enterprise zone legislation: Tax incentives can be helpful, but tax incentives alone will not provide an adequate new economic start for the poor and minority residents of our inner cities.

The people of Benton Harbor and of similar communities throughout the Nation must have the means to improve their job skills before they can fully take advantage of new employment opportunities. They also need better access to capital to start businesses of their own and to buy or upgrade their homes. Job skills and access to capital—along with targeted tax breaks for entrepreneurs—can be the foundation for true economic empowerment. In addition, distressed communities cannot begin to turn themselves around while most of the work force lives in dilapidated housing, has inadequate access to needed child care and faces an inadequate education system.

Unfortunately, the enterprise zone bill Congress passed last year was vetoed by President Bush. Therefore, this Congress, I introduced the Enhanced Enterprise Zones Act of 1993, which built on what we passed last Congress.

I have worked as a conferee with Senator BRADLEY and Chairman MOYNIHAN to ensure that the conference agreement before us today incorporates the ideas that we put forth in our previous legislation. It provides $2.5 billion over 5 years in tax incentives for 9 empowerment zones and 95 enterprise communities. But more important, it provides empowerment zones and enterprise communities with $500 million a year in targeted public investment for 2 years.

This targeted public investment will be channeled through an expanded version of the social services block grant, title XX of the Social Security Act. Federal assistance must be spent to benefit residents of empowerment zones or enterprise communities. The activities on which funds can be spent has been broadened so that zones and communities can allocate the additional investment consistent with a comprehensive development plan. The zones and communities can spend the money on a variety of services to promote affordable housing, community facilities, and public infrastructure; to develop job skills and provide financial and business counseling that improves access to credit and financial services; and to provide needed social services like child care and health-related assistance.

Even this enhanced empowerment zone and enterprise community program will only help a few communities. And, even for these communities, it will provide only a small part of the additional investment and support needed to restore them to economic self-sufficiency. But it is a welcome experiment which is long overdue. I urge my colleagues to support it and to support the reconciliation bill. I hope that the initiatives included to help our inner cities and distressed rural communities are only a first step in a renewed and strengthened commitment to restore economic opportunity to all our communities and all our citizens.

MEDICARE AND MEDICAID AND THE BUDGET DEFICIT PLAN

Mr. RIEGLE. Mr. President, the spending cuts from the Medicare and Medicaid programs in this budget deficit plan total $62.9 billion over 5 years. Medicare accounts for $55.8 billion and Medicaid accounts for $7.06 billion.

As a conferee, I was very concerned that we not undermine these important programs and I worked hard to make sure the cuts to these programs were achieved in the fairest way possible.

Medicare and Medicaid serve some of our most vulnerable populations—senior citizens, persons with disabilities, and low-income families. So, it is important to note that the savings were not achieved through increased beneficiary premiums or other cuts in benefits, but rather through cuts in reimbursements to providers. However, we were also concerned that providers be treated fairly as well.

This budget process has strongly reinforced the need for comprehensive reform of our health care system. Provider payment reductions in Medicare and Medicaid get quickly passed on to private payers, through a process called cost-shifting. The best way to address escalating health care costs is through a systemwide approach, rather than cuts targeted solely to the Medicare and Medicaid programs. All sectors of the health care system must be reformed to prevent cost-shifting; this is the only way to effectively halt skyrocketing health care costs. I will continue to work with the President and First lady and my colleagues to enact comprehensive reform of our health care system.

MEDICAID PROVISIONS THAT HELP MICHIGAN

Mr. President, I am very pleased that improvements in the Medicaid Program that I have been working on for several years were included in the final package. These provisions will directly help the State of Michigan. In last year's urban aid package, H.R. 11, Congress tried to move such Medicaid provisions but the plan was vetoed by former President Bush.

One provision, section 13643, would restore funding for a Medicaid demonstration program that Congressman DINGELL and I developed in the Omnibus Budget Reconciliation Act of 1989 [OBRA89]. This innovative program, called Caring for Children, provides essential health care services to uninsured children through the private sector. We supported Michigan's application for this funding which was approved last year. Due to the lengthy application process and startup time and the fact that authorization for funding was expected to expire this year, the funds haven't been used. The provision would provide $30 million for the program, of which about $7 million would go to Michigan. Michigan has 300,000 uninsured children who may benefit greatly from this demonstration program.

The other Medicaid provision, section 13642, also builds on work I started in OBRA89. It will help two hospitals in Michigan that offer short-term psychiatric services—Kent Community Hospital and Saginaw Community Hospital. The legislation prevents HCFA from classifying these hospitals as Institutes for Mental Diseases [IMD]. Designation as an IMD would have resulted in the loss of an estimated $3 million in Medicaid funds for these hospitals with severe financial consequences for these essential community providers. Under health care reform, I expect the comprehensive benefit package will include mental health services and the services that these hospitals provide. For this reason, we need to extend the moratorium until this issue is addressed through health care reform.

FOOD STAMP FRAUD PROVISIONS

Mr. McCONNELL. Mr. President, I want to take a moment today to talk about some provisions that were not included in the final conference report to the budget reconciliation bill: provisions to fight fraud in the Food Stamp Program. This might seem like a minor issue to some in light of the fact that we are considering the largest tax increase in American history, but I want to point out to my colleagues certain provisions that were both included in and excluded from this tax package.

It is well known that $1 billion is lost annually to fraud, waste, and abuse in the Food Stamp Program. Earlier this year, I introduced S. 505, the Food Stamp Anti-Fraud Act of 1993, because of my concern with the fraudulent activities occurring in the program. From trafficking food stamp coupons for cash to trading the stamps for guns and drugs, the violations are deplorable and the transgressors must be brought to justice.

My bill focuses on improving the Department's ability to investigate trafficking abuses by both retailers and recipients, and strengthens the penalties imposed on abusers. Several of my provisions were included in the package, which I was pleased to see; however, two important provisions were stricken from the final version.

I know that many of my colleagues on both sides of the aisle share my concerns with fraud in our Nation's largest food assistance program. That is why I am perplexed with the actions taken by the Democrats with respect to fraud fighting initiatives in the budget package. While the Democrats have agreed to increase food stamp spending by $2.5 billion, they have also decided to cut funding that goes to the States to help them fight fraudulent activities.

Currently, the Federal Government pays the States 75 percent of the cost to investigate and prosecute violations under the Food Stamp Program. The reconciliation package cuts that support to 50 percent. Now, I am all for cutting Government spending, and I don't think this bill goes far enough in that aspect; but, to cut funds that are being used to improve the integrity and management of the Food Stamp Program baffles me.

Mr. President, to me this sends the exact opposite signal that I think we should be sending to the taxpayers. During tight fiscal times when we are increasing program spending, we need to be particularly concerned about how our taxpayer's money is being spent. We need to ensure that the food stamps are being used for the intended purpose: to help needy Americans buy food to supplement their diet. I know that the vast majority of the participants in the Food Stamp Program are honest, trustworthy citizens. But the stories of food stamp fraud you hear, do occur and must be stopped.

Mr. President, in my view, this Congress passed up the opportunity to advance meaningful antifraud legislation. As I said before, two provisions from my bill, S. 505, were removed from this conference report, and I am troubled by that action. These proposals would have strengthened the Department's ability to fight fraud in the Food Stamp Program, and in turn improve the integrity and administration of our Nation's largest food assistance program. I assure my colleagues that I will continue to push to see that these provisions become law.

NTIA

Mr. STEVENS. Mr. President, I would like to thank the chairman of the Communications Subcommittee, my good friend from Hawaii, for his efforts to attain in conference what we had in the Senate bill. It is unfortunate that the House would not accept more of the protections that were in our original provisions.

With respect to the conference report, I would like to ask for a clarification of one section regarding spectrum reallocation that was added in conference. I note the legislation calls for all persons using a Government frequency for non-Government applications to acquire a license from the FCC and to submit proof of such license to the Department of Commerce's National Telecommunications and Information Administration. There are many situations in which members of the public communicate with Federal agencies over Federal radio frequencies, particularly agencies charged with ensuring safety and the protection of our various transportation systems. For example, all private and commercial aircraft work with the Federal Aviation Administration-authorized stations in the air traffic control system; a multitude of boats, aircraft, and hikers have emergency position-indicating radio beacons that work in conjunction with the National Oceanographic and Atmospheric Administration's search and rescue satellite; and thousands of private and commercial vessels work with Coast Guard-authorized stations.

In my State of Alaska, requiring private parties who are communicating with Federal agencies to obtain and file with NTIA a license would result in an unnecessary and onerous burden on the public. The National Telecommunications and Information Administration is ill-equipped to enforce such a provision or process data to implement it.

If read too broadly, the language could be construed to require NTIA to keep proof of millions of FCC licenses associated with a single NTIA license. It would be nearly impossible for NTIA to maintain an accurate database, as FCC licenses for private parties expire and are canceled routinely.

For these reasons, I would like to obtain the chairman's assistance in clarifying the intention of this provision. The legislative language requires private parties using Federal Government frequencies and Federal Government radio stations to obtain licenses and file proof of those licenses for any nongovernmental application. I believe that the use of Federal Government frequencies by the users specified above would not constitute nongovernmental applications so that such users would not be required to obtain an FCC license and would not be required to file proof of such license with NTIA. Mr. Chairman, I assume it is not the intent of this provisions to reach these types of situations. Am I accurate in my understanding?

Mr. INOUYE. That is correct. The examples you have mentioned all involve Federal agencies that are communicating with the public in the course of fulfilling their agency missions. Section 6001(b) is not designed to require these users to obtain an FCC license or to require NTIA to monitor the status of the FCC licenses of members of the public who are communicating with agencies in the course of their official business. The intention of this provision is to preclude commercial entities from using Federal Government spectrum for nongovernmental purposes. I consider the public safety uses described above to be the kind of governmental applications that do not require an FCC license.

FEDERAL GRAIN INSPECTION SERVICE REAUTHORIZATION (FGIS) LEGISLATION

Mr. DASCHLE. Mr. President, the U.S. Department of Agriculture's Federal Grain Inspection Service [FGIS] is responsible for designing grain standards that effectively communicate the storability and end-use characteristics of grain, maintaining and supervising the official inspection system, and conducting mandatory inspections of export grain. FGIS was last reauthorized in 1988, and this authority expires September 30, 1993. While I had anticipated introducing a reauthorization bill prior to the August recess, the press of other business has forced a postponement until September when the Senate reconvenes. Therefore, I will now present an overview and summary of the bill I intend to introduce immediately after the Senate reconvenes in September.

The Subcommittee on Agricultural Research, Forestry, and General Legislation, which I chair, has conducted frequent and intensive oversight activities on FGIS. The oversight included a year-long investigation by the General Accounting Office. Most recently, on May 13, 1993, the Subcommittee held a hearing to examine opportunities to improve the operations of FGIS. Among other witnesses at that hearing, GAO presented the results of their investigation.

The hearing demonstrated a consensus of views that will be incorporated into the legislative proposal. The hearing produced the following broad conclusions with disagreement coming from some interest groups:

The official grain inspection system serves a necessary and important component of the U.S. grain production and marketing system by assuring integrity in international and domestic markets.

The mandatory export and voluntary domestic design framework of the official inspection system is working well and should be maintained into the future.

Designated State and private inspection agencies do have sufficient control and flexibility to be competitive providers of inspection service with the introduction of the Official Commercial Inspection option.

There is no compelling administrative or financial reason to delegate mandatory export inspections to profit-making private inspection agencies. Reversion to such pre-1976 system would risk undermining the integrity of the now widely respected independent role played by FGIS.

FGIS standardization activities are becoming increasingly important to the future of the grain industry as grain buyers become more demanding of particle purity, soundness, and intrinsic quality characteristics. The benefits of standardization work are widely distributed throughout the grain industry, having the character of a public good that cannot be supplied on a user fee basis, and should continue to be funded through appropriations.

There are opportunities for FGIS to improve its operations and reduce costs that can be facilitated by granting the agency greater flexibility in charging fees for testing commercial inspection equipment and contracting with private providers of services.

This Federal Grain Inspection Service Reauthorization Act of 1993 will continue the activities of the U.S. Department of Agriculture's Federal Grain Inspection Service [FGIS] through September 30, 1999.

A number of amendments to the U.S. Grain Standards Act will enable FGIS to operate in a more efficient and cost-effective manner. In short, the proposed legislation will reauthorize FGIS for the next six years. FGIS will continue to receive appropriated funds to carry out compliance and standardization activities. FGIS will continue to be responsible for conducting or delegating to State inspection agencies mandatory inspections of all export grain. The cost of export inspections as well as the cost of supervising official inspection agencies will continue to be recovered through fees on the recipients of these services. The bill will propose several changes that give FGIS increased flexibility in dealing with the ups and downs of grain marketing. The bill will also give FGIS authority to provide fee-based testing services to the manufacturers and users of commercial grain inspection and weighing equipment.

Another mission of FGIS, and one that was given higher priority by the grain quality title of the 1990 farm bill, is to provide leadership in building incentives into the grain marketing system that will encourage all participants—from plant breeders, to farmers to country elevators, to shippers, to exporters—to meet the quality needs of end users. Not only does the U.S. grain industry have to compete in the world export market, it will increasingly have to compete with other countries in our own domestic market.

The grain industry is beginning to recognize that grain is not a bulk commodity. It is an industrial ingredient that must meet the quality specifications of different processors making different products. For this Nation's grain industry to compete in a global economy—and that includes here in our own domestic market—we need a grain marketing system that rewards quality, with quality defined by end-use value.

The front-page Wall Street Journal article titled, "Soaking 'Em" (July 1, 1993) amplified my concerns about, and focused the attention of probably everyone in the grain industry, on problems caused by the abusive addition of water to grain. Water systems are now used to control grain dust. Maybe this is an effective dust control technique that when done properly does not add weight or cause end-use quality problems. However, there is evidence that many foreign buyers find the practice unacceptable and insist that the inspection certificate attest that water has not been added. Furthermore, the opportunity to add weight in the name of dust control and sell water for the price of grain may be an irresistible temptation.

The abusive and illegal addition of water to grain, which is done for the fraudulent purpose of increasing its weight, cannot be tolerated. It is also my belief that the image created by telling the world's grain buyers that the United States waters its grain will seriously undermine the integrity of America's grain industry.

The FGIS reauthorization bill will impose a ban on the addition of water to grain. Such strong action appears to be the only way of preventing every grain handler, and possibly every farmer, from installing water-based dust control systems that raise the moisture level of grain up to the maximum contract limits. A ban is the only practical way to assure world grain markets that the United States is committed to exporting grain that has not been soaked with water.

Instead of banning the application of water, I would prefer a solution that is self-enforcing in the marketplace. It would be preferable to simply eliminate any potential financial gain that would result from adding water to increase weight. Pricing and contracting grain on the basis of its dry matter weight is exactly such a market-driven enforcement scheme. Maybe in the long run the marketing system will move to dry matter pricing. However, there is currently no indication of a shift in that direction and nothing to encourage the adoption of dry matter marketing.

Therefore, the bill will include another provision that might unobtrusively encourage the grain industry to always seek quality improvement. Specifically, the bill will require that official inspection certificates report the net weight of sound whole grain at a standardized moisture level. Net grain pricing would eliminate the opportunity to profit from increasing the weight of grain by adding water. But until the marketplace adopts net grain pricing or dry matter pricing, it will be necessary to enforce a ban on watering grain.

In summary, the FGIS reauthorization bill that I will introduce immediately after the August recess will: reauthorize FGIS through September 30, 1999; limits use of State agency inspection fees to only inspection activities; authorize pilot tests allowing official designated agencies to compete across territorial boundaries; authorize FGIS to test commercial inspection equipment on a fee basis; broaden FGIS's contract authority to carry out technical functions; make willful violations of the law felonies; authorize FGIS to offer small courtesies to foreign officials visiting FGIS research and laboratory facilities; ban the addition of water to grain in both domestic and export marketing; and, require the reporting of net whole sound grain on inspection certificates.

COMMUNICATIOINS SITE FEE INCREASE ISSUE

Mr. BURNS. Mr. President, I rise today in strong, unequivocal opposition to a provision in the reconciliation package which calls for an increase in the fees paid by broadcast and other telecommunications providers whose transmitters are located on Federal land.

As a former broadcaster and Member of the Senate who takes a personal, active interest in national telecommunications and information policy, I know first hand how rural communities in Western States heavily rely upon local radio and television broadcasting service and other wireless telecommunications services for vital, essential services.

Broadcasting service, for instance, is not merely entertainment. More importantly and critically, its local news, weather, public service, farming and ranching news, high school sports events, et cetera—all provided free to the public and vital to a community's proper functioning.

The best sites for broadcasting transmitters and other telecommunications antennas in Western States dominated by mountainous terrain are mountain tops which often are on Federal lands.

Mountain transmission ensures that broadcast and other telecommunications signals have clear reception. Broadcasters, in most cases, have no other choice but to build their towers on mountains in order to reach and serve their community of license.

These mountains are owned primarily by the Federal Government and managed either by the U.S. Forest Service or the BLM. At the same time, these sites are good for little other than communications towers or sheep grazing.

All sides recognize that increases in rental fees for these Federal sites are appropriate. But the agencies need to balance fair return for these rentals with a recognition of the vital, free public service provided by the broadcast site lessors.

That fairness and balance has been lacking to date in the proposed unfair, unjustifiably high increases by agencies. That is why Congress has blocked these increases for 4 years in a row, and why Congress established the advisory group to develop recommendations for a fair resolution of this issue.

The agencies have proposed increases which were out of line with local market place conditions. The agency proposed increases ranged from 1,000 to 8,000 percent over current rates in 1 year. We in Congress repeatedly refused to allow the agencies to enact these outrageous fee proposals.

The Advisory Committee was directed by Congress to establish a methodology for the Secretaries of Agriculture and Interior to establish fair market rental fees for radio and television broadcast uses on Federal land.

The committee consisted of 11 members appointed jointly by the Secretaries of Agriculture and Interior. Only 1—and I repeat, only 1—of the 11 members of the Advisory Committee represented broadcasters with sites on Federal land.

The agencies picked the committee members, directed the discussions, voted on every provision in the report and signed it. The recommendations in the report are the recommendations of the Forest Service and the BLM as well as the majority of the other committee members.

The recommendations of the Advisory Committee appear to me to be a fair, reasonable, and sound solution. I would remind my colleagues that the increases recommended by the Advisory Committee range from 200 to 900 percent. These new fee schedules will bring in roughly $9 to $10 million over a 5-year period, according to CBO.

The Advisory Committee recommends a fee schedule, which is much easier to implement than individual site appraisals. The schedule reflects the public service that these broadcast stations provide, and reflects appropriate distinctions between fees for radio and television stations. And, as noted, the schedule would provide for substantial increases in the moneys the Federal Government would receive from these sites.

I understand that both the industry representatives and the agency staff agreed upon these recommendations. It appears, however, that higher-ups at the agencies now believe that they can get even more money, and thus have rejected these recommendations.

It is tremendously disappointing—indeed, I consider it an outrage—that the agencies changed their position of support upon transmittal to the Congress.

After all, each of the meetings held by the Advisory Committee was public, announced in the Federal Register, and detailed minutes were kept of each meeting.

Congress should not support any agency proposal that merely seeks to raise the most money possible from these broadcasters and other telecommunications service providers, who are providing vital service to their local communities. The Advisory Committee recommendations are sound, and I believe that the Congress should codify them and put this contentious issue to rest.

The authorizing committees for these agencies need some time to work on legislation to codify the schedules recommended by the Advisory Committee. In the interim period, I believe it is necessary to place another moratorium on fee increases for the fiscal year 1994 bill to ensure that the agencies are not allowed to implement the fees they are currently proposing to be effective January 1, 1994.

These agencies have thwarted and ignored congressional intent and direction on this issue for nearly 5 years. By participating, directing, controlling and selecting the Advisory Committee and its agenda, signing off on its recommendations, and then reversing their position upon transmission to Congress, these agencies have brought the debate back to 1988.

We have made no progress. We have received absolutely no cooperation from the agencies. I strongly believe that we should hold them accountable for their actions. Until the Advisory Committee fee schedule can be authorized, these agencies do not deserve additional revenues or communications sites on their lands.

Finally, Mr. President, an effort was made to include the Advisory Committee fee schedule in the reconciliation package. In fact, Mr. President, the Senate Energy and Natural Resources Committee approved the Advisory Committee recommendations in the Senate version of reconciliation. Despite the support of a majority of the Natural Resources conferees, it was not included.

Therefore, Mr. President, it may be appropriate that we address this issue in the Interior appropriations bill. By placing a 1-year moratorium on any fee increases until an authorization bill can be introduced and makes its way through the legislative process we will ensure that these agencies no longer thwart the intent of Congress on this important issue.

FOOD STAMP TITLE IN RECONCILIATION BILL

Mr. LEAHY. The childhood hunger relief title of the reconciliation bill contains major provisions that help hungry families with children.

This bill aids needy families who often pay more than their incomes in rent and heating bills—and may have to choose between paying for shelter costs or eating.

A study by Boston City Hospital last winter found that emergency room visits by malnourished children increased 30 percent in the coldest winter months. When they followed up with parents they discovered the heat or eat dilemma.

Parents were making the decision to pay their winter fuel bills even thought it meant there was not enough money left to feed their families. According to Dr. Deborah Frank of the Boston City Hospital, "Parents know children will freeze before they starve. From a health point of view, the choices are intolerable."

This bill will mean that poor families on food stamps will no longer have to make such a choice.

By increasing the excess shelter deduction for the Food Stamp Program, the reconciliation bill would provide additional food stamps to families with especially high rent and utility bills.

One in five children in the United States are poor; and over half of food stamp recipients are children.

Fifty-eight percent of households receiving food stamps are so poor that their income is less than half the poverty line.

The changes in reconciliation are designed so that 85 percent of the benefits go to families with children.

We should not tell children to tighten to tighten their belts when they are wearing diapers.

In addition to helping children the bill also provides several incentives to encourage food stamp recipients to work or to hunt for work. For example, the bill requires that earned income tax credit payments, whether Federal or State, not be counted against food stamp benefits.

This food stamp title helps working families become self-sufficient—poor families deserve Government support as they try to make ends meet and work their way out of poverty.

The bill helps food stamp recipients to participate in the employment and training programs by raising reimbursements for child care costs.

Any person of food stamps who wants to work, and has the opportunity to work, should not be hindered because they cannot afford to pay for child care or transportation. We need to help them get off food stamps.

The bill also increases the fair market value of a vehicle which a food stamp recipient can own, eventually to $5,250. If families have to sell their car before they can get food stamps it will be difficult for them to find work, or keep a job, in rural areas. The $5,250 limit ensures that no one on food stamps has an expensive car, but that food stamp families can have a reliable car.

President Reagan's task force on food assistance recommended an increase in that exclusion to $5,500.

The bill provides for demonstration projects to allow food stamp recipients to save up to $10,000 for specific self-sufficiency goals such as starting their own business or saving to finance an education. The money could only be used for those purposes. This will help persons get off food stamps.

The bill encourages the payment of child support by excluding legally required child support payments from being counted as income for the purposes of food stamp eligibility and benefits. Now these payments are counted as income to the family that pays them, and to the family that receives them. This is not only unfair, it is a disincentive for absent fathers to pay child support.

We must remove current disincentives for absent parents to take respsonbility for their children—this bill will do that.

If you think $2.5 billion is too much to pay, over 5 years, to help hungry Americans, remember that each hungry child is an empty promise.

Remember that the increase in the bill are important since the average food stamp benefit is only 75 cents per meal, and millions of families run out of food stamps way before the end of the month.

American can afford to reduce hunger—and to reduce the deficit. Children are American's future.

This chapter in the reconciliation bill also makes other improvements in the program.

Mr. President, the Mickey Leland Childhood Hunger Relief Act, which is contained within this conference agreement, contains much to be proud of. It represents years of hard work by countless Members of this and the other body and embodies our conviction that investments in the health and well-being of our children will pay rich dividends in the years and decades to come. I appreciate that President Clinton sent a budget proposal to the Congress including the Mickey Leland provisions. I wish to note that on his last day a Member, the OMB Director Leon Panetta introduced the legislation that provided the core of the final package.

I was also pleased that last session the Senate Agriculture Committee reported out a version of the Mickey Leland bill, which I introduced, with only one dissenting vote.

The centerpiece of the bill is the removal of the cap on the excess shelter deduction. In the time since this cap was imposed in 1977, the supply of low-cost housing has fallen rapidly at the same time that the number of low-income households has risen to a level higher than even the worst recession year in the 1970's. Just paying the rent or mortgage has always been hard enough for many low-income families.

Now many families' ability to stay in their homes hangs in the balance each month on whether they can make a particular payment on a second or third mortgage, a bankruptcy plan, or a payment plan entered to reschedule their debts. With families in these circumstances, it makes no sense for the Food Stamp Program to assume that this money is available to buy food. Yet that is exactly what current rules do. By eliminating this arbitrary cap, we allow households to avoid having to choose between food and shelter, or between heating and eating.

As the conference report reiterates, the excess shelter expense deduction will only serve its intended purpose if it is administered in a way that complements, rather than undercuts, the purposes of other programs helping this population with housing expenses. A recent court decision declined to strike down a policy that denied the standard utility allowance to some households receiving energy assistance under a HUD program.

The Court urged the Secretary to find "an alternative to the incredibly and needlessly complex scheme we address herein, and/or to attempt to carry out the perceived congressional intent with a simplified set of regulations." It concluded that "anyone reading this opinion is bound to conclude there must be a better way." The conference report this year, as well as the conference report to the 1985 farm bill, makes clear that Congress never intended for the excess shelter deduction to be burdensome to administer or for the standard utility allowance to hinder, rather than help, program simplification.

We certainly never intended for the Food Stamp Program to undercut energy assistance programs operated by HUD or any other Federal, State, or local agency. Since this policy has never been published as uniform national regulations, the conferees hoped, as do I, that the Secretary will follow the Court's advice and find a better, simpler way that is more consistent with the purposes of both programs.

Although the primary impact of the resource exclusion for earned income tax credits is for recipients of the Federal credit, it should also apply to refunds that households receive because of a State EITC. Several States have State earned income credits based on the Federal earned income credit system. The bill uses the term "earned income tax credit" generically; it does not restrict this provision to the Federal EITC or cite the EITC sections of the Internal Revenue Code. The purpose of this provision is to avoid undercutting tax policies designed to reward work among low-income families by forcing them to spend refunds quickly to avoid exceeding food stamp resource rules. I am proud to say that Vermont is one of the States with such a State earned income credit.

The final bill excludes from food stamp resource calculations any vehicle that a household uses to carry fuel or water if that household lacks piped-in heating fuel or water. This provision, like others enacted over the last few years, is intended to ensure that a household is not denied food stamps for failing to dispose of a vehicle when it would be pointless or counterproductive to dispose of that vehicle. Heat is an obvious necessity, and it makes no sense to ask a household to sell a vehicle that helps it get coal, firewood, kerosene, or other heating fuel. This provision would apply both to households that live in communities unserved by gas or water pipes as well as to households that do not currently have gas or water service to their particular houses or apartments.

The bill includes a major revision of the food stamp household definition. This is intended in part to eliminate disincentives for low-income people to share housing to save on costs. The revised household definition in this legislation requires, among other things, that spouses be included in the same food stamp household. This language has no application to adults who are not actually married. Persons living together who have not been married should be combined into the same household if, but only if, they customarily purchase and prepare food together.

The deduction for child support payments made to nonhousehold members is intended to supplement existing deductions and exclusions. Working households should still receive the earned income deduction on 20 percent of their gross earnings, and households with high shelter costs should still have the excess shelter deduction computed based on their income after all other deductions, including this one. Since the purpose of this amendment is to encourage absent parents to live up to the full extent of their child support obligations, the value of legally binding child support that is provided in-kind, such as payments of rent directly to the landlord would also be eligible for this deduction.

The prohibition on prorating of food assistance for households reapplying less than 1 month after being terminated from the program will correct a policy that has long been criticized by the General Accounting Office. It will make a difference in many circumstances: Where a household missed a deadline in the monthly reporting system or the recertification process or when a household member violates an employment and training requirement but the household has cured the violation or otherwise regained its eligibility.

It also applies to households terminated in one area and reapplying in another, as migrant farmworkers do and as homeless households and others may be expected to do. The 30 days would only start to run once the household had actually been terminated from the program. Time during which the household is only suspended, with the possibility of reinstatement, would not count toward the 30 days even if the household was not receiving benefits during that time.

This legislation contains two specific exclusions for vendor payments. This represents a recognition that vendor payments are be definition not available to the household as cash to spend on discretionary expenses. It is not intended to imply any limiting or narrowing construction of the existing exclusions in law for in-kind or vendor payment income. The exclusion for AFDC and general assistance vendor payments for transitional housing applies to any arrangements meeting the broad McKinney Act definition of transitional housing, whether or not the particular program receives funding under that act.

Agencies directing programs for the homeless, not the Food Stamp Program, should be the ones to decide what sort of housing programs are most appropriate. Also, the broader exclusion for general assistance vendor payments applies regardless of the name of the particular program: Whether it is called general assistance, general relief, home relief, or something else. If the program provides means-tested assistance for basic living expenses to poor households or individuals not covered by the Federal AFDC or SSI programs, and is funded entirely with State or local funds, it is covered by this provision.

The conference agreement allows the Secretary to the offset Federal pay to collect claims caused by households' errors. This device is appealing because it allows the collection of claims owed the Government without reducing the food resources of poor households. This device should, of course, be applied only when the household had been given clear notice of what the claim is, when it occurred, how it was calculated, and that the State will seek to recover it through a pay offset. A household's failure to respond to a general notice about the claim that does not specify how it will be recovered would be insufficient to establish the claim.

The bill also improves the Food Stamp Program's treatment of low-income families with children who are working or in education or training programs. As the conference report makes clear, the increased limits for dependent care deductions and reimbursements should be applied in a manner to minimize burden on States and households. Neither should be asked to track the care expenses for each individual dependent. Instead, a household should be assigned a single limit, based on the number of dependents under age 2 plus the number of older dependents, with a deduction or reimbursement allowed so long as the household's total dependent care expenses do not exceed that limit.

The final bill requires the Secretary to conduct demonstration projects allowing households to accumulate resources in excess of the program's normal limits. Secretary Espy expressed a strong interest in these empowerment programs that allow individuals to work their way out of poverty, to improve their circumstances or help their children. The bill limits the total number of households with assets that would otherwise disqualify them from the Program that may be allowed to participate. There is no limit on the number of otherwise eligible households that may reside in the areas in which these demonstrations are taking place, and the Secretary should strive to undertake these demonstrations in areas with as large a total number of participants as possible, consistent with the statutory language's limit on the number of otherwise ineligible households that may receive food stamps. These areas should include urban, suburban, and rural areas as well as diverse regions of the country.

This provision, recommended by Secretary Espy and Assistant Secretary Ellen Haas, is also modeled on a provision passed last year as part of H.R. 11 but vetoed by President Bush. Although this provision is intended only to allow households that have initially met food stamp income and resource criteria to accumulate resources, the Secretary has discretion to apply its provisions to households whose food stamp participation is interrupted for a few months. This would be fully consistent with the terms of H.R. 11, which served as a model for this provision. A change in program rules intended to encourage selfsufficiency should not create disincentives for recipients to take temporary jobs or jobs whose future is uncertain.

Also, for this resource exclusion to achieve its purpose, the exclusion would need to cover income that is generated by and added to the excluded resources which are accumulating. For example, interest that is accrued on a bank account excluded under the rules of the demonstration project would not count as income unless it is withdrawn and spent.

Finally, households that are legitimately accumulating resources for one of the designated purposes should not be denied benefits or terminated from the demonstration project because they are forced to expend some of their excluded savings for a family emergency such as preventing an eviction or utility shut-off.

Mr. President, I urge my distinguished colleagues to consider carefully the excellent features of the Leland bill provisions included here when they cast their votes on final passage of the conference report.

It is impossible to thank everyone involved in helping develop this legislation. I want to thank the Food Research and Action Center, their director Rob Fersh and their deputy director Ed Cooney for continuous and indispensable support for the Mickey Leland bill.

Also, Bob Greenstein and David Super of the Center on Budget and Policy Priorities provided data and analysis critical to our ability to craft a great bill.

Dr. Larry Brown of Tufts University, Jim Chapin and Bill Ayres of World Hunger Year, David Beckman of Bread for the World, Christina Vladimiroff of Second Harvest, and many others have been extremely helpful.

As always Julie Isaacs of CBO was very patient even though we asked her to estimate costs on a multitude of variations of provisions.

In my home State of Vermont, Commissioner Jane Kitchel provided very valuable input on how to design the legislation. She noted that removal of the excess shelter deduction cap, for example, will help around 6,800 Vermont households. Also she pointed out that the provisions will foster the efforts of low-income Vermonters to help themselves through education and employment.

I especially need to thank Senator SASSER for leading the fight to include funding for childhood hunger initiatives in the budget resolution. Provisions from his antihunger legislation are included in this bill.

Mr. JEFFORDS. Mr. President, as the ranking minority member on the Subcommittee on Education, Arts and Humanities I wish to comment on the education provisions under the jurisdiction of the Labor and Human Resources Committee. I was also author of the amendment setting forth the percentage of participation requirements set forth below. Thus I wish to make my intent clear.

The reconciliation savings instruction to the Senate Committee on Labor and Human Resources was $4.6 billion over 5 years. The main assumption underlying the savings was a complete replacement of the current guaranteed student loan program by a direct loan program.

Direct lending would eliminate the current procedure of using private capital to finance student aid and instead replace it with a system whereby the Federal Government would provide both the capital for, and administration of the loan program. Such a shift was first proposed by President Clinton in his budget recommendations to Congress. Both the House and Senate's original reconciliation package included full immediate implementation of direct lending.

During Senate committee consideration the bill was altered to phase in only 50 percent of loan volume to direct lending while the other 50 percent would remain in the current system. Included in this new Senate version were also changes to streamline and cut excess costs in the current program. The House bill, however, remained committed to full 100 percent phase-in of direct lending over 5 years.

The conference report before us today includes a good portion of the Senate-passed bill. The agreement negotiated between the House Committee on Education and Labor and the Senate Labor and Human Resources Committee now provides that in the first year of implementation 5 percent of student loan volume will be shifted to direct lending, up to 40 percent in year 2, 50 percent in years 3 and 4 and 60 percent in year 5.

In the last 3 years, however, the conference agreement allows the Secretary to move beyond these caps if demand warrants. This provision was a fundamental part of the negotiated agreement but one that must be clearly understood. The intent is to limit the authority of the Secretary to mandate participation in the direct lending program to the percentages stated unless demand for the program exceeds those percentages. The Secretary first must accept all those that want to participate before he can order others to participate to meet the desired balance of institutions and the required percentage. If the number requesting participation still exceeds the stated percentage the Secretary may allow them to participate.

The agreement creates a finely balanced test between direct lending and the current student loan program. As such, it is important that there be enough loan volume in the direct lending program to test its effectiveness against the current program. Second, it is important that the loan portfolio being tested reflects the make up of the total loan portfolio of the student financial aid program nationwide. That means that students attending Ivy League institutions as well as those that attend for-profit proprietary institutions be included in the test in a balanced fashion. To this end, the Secretary has the authority to mandate that institutions of higher education participate in the direct loan demonstration project—both to achieve the necessary goals of the loan volume suggested in the legislation as well as to ensure that the institutions that participate represent a broad and diverse group of institutions. Thus if the additional institutions requesting and receiving participation over the set percentage present an unbalanced situation the Secretary should have the authority to require institutions to participate to provide the balance to have a legitimate test. It should be noted that since the admission of additional institutions is discretionary that authority could be used to attain the required balance.

In the third and fourth years if the starting percentage exceeds the stated percentage because of demand the Secretary may allow additional participants consistent with the above described intent. In summary if demand for participation for the direct lending program is growing it should be allowed to occur consistent with the intent to allow a fair comparison. On the other hand, the Secretary should not have the power to create artificial demand by use of the authority to require institutions to join except to meet the percentages set forth in the bill.

For those of us who wish to see a true demonstration between the two programs, it is imperative that there be no misunderstanding concerning the Secretary's authority to require institutional participation. In 4 years, this body will be asked to review the student loan program in relation to the direct loan program. To be able to make a thorough judgment and comprehensive review it is important that the direct lending demonstration be as fair as possible. Ensuring that the Secretary not take advantage of his or her authority to force institutions into direct lending is an important aspect of safeguarding this demonstration from impropriety.

I am pleased with the final agreement reached by the House and Senate on this provision. The compromise allows for a slow, thoughtful implementation of a new loan delivery system. It provides for a time frame to evaluate each loan delivery system to determine their effectiveness, costs and facility. Furthermore, the compromise provides critical benefits to students in the current loan program.

It lowers the interest rate on student loans during the in-school, grace, and deferment periods from the 91-day T-bill plus 3.1 percent to the 91-day T-bill plus 2.5 percent starting July 1995. It also lowers the origination fee charged to students and parents as well as reduce the maximum interest rate caps for all loans. Furthermore, it simplifies the loan program by merging two separate loan programs into one but keeps the combined maximum loan amounts which a student would have received under both loan programs the same.

I support the compromise because I believe that direct lending may be the best way to finance and administer student loans. However, I do not believe that it is wise to move to full implementation of direct lending without properly testing the implications for students and institutions,. This year alone over 7 million students relied on the student loan program—without a cautious approach, we risk disrupting the whole system and placing these students in jeopardy of losing access to financial aid.

For these reasons I fought during conference for a slower more cautious approach to direct lending. I believe that we have succeeded in our efforts to keep a viable loan option for students available through the current student loan program while, at the same time, we test the direct lending.

Mr. BIDEN. Mr. President, the debate on this deficit reduction plan has been usually long and heated. My vote for this program is not given lightly, or without serious reflection.

If I had designed a deficit reduction plan, I would have done it differently. Specifically, I want more spending cuts and, with those savings, a higher priority for investments in our economy. I will continue to work for those goals. But the choice before us is the plan that has come out of the House-Senate conference or no plan at all.

We have already wasted 12 years debating how we should attack the deficit, while the Federal debt has continued to grow. Some of my colleagues now suggest that we write off the months of hard work that have gone into the current package and go back to square 1.

Will the hard choices be any easier next week? Next month? Those who argue for more delay and more debate are like those who vow to start their diets—next week.

Bad habits are hard to break, Mr. President. We have become addicted to borrowing for the regular operations of our Federal Government. There is no painless way to break this habit. But I believe this budget package—like all things in this imperfect world, it is less than ideal legislation—will be an important step in the process of putting our Federal finances in order.

Before I decided to give my support to this package, I wanted answers to three essential questions: Will it reduce the deficit, will it be fair, and will it contribute to the real goal of budget policy, economic growth? Let me briefly answer each of those questions now.

Will this plan reduce the Federal deficit? Well, Mr. President, Alan Greenspan, Chairman of the Federal Reserve Board—first appointed by President Reagan and certainly no cheerleader for the current administration—tells us that this is a plan with realistic economic assumptions, the foundation of any budget plan. No rosy scenario, no wishful thinking is needed to achieve the goals of the plan. Compared to the blue chip survey of private economists, this plan is based on conservative estimates of how well the economy will be doing over the next 5 years.

Given these assumptions, the plan calls for a mix or revenues and spending that will result in $496 billion less Federal debt than we will have if we fail to act. Counting by the same rules used in past budgetmaking—including budgets supported by Republicans who now oppose this plan—there is a mix of more than $1 of spending cuts to $1 of tax increases.

We can debate in the abstract if this is enough; but the political reality—demonstrated clearly in the tough fights in Congress over the past 12 years—is that this is about as far as we can go this year and still find the votes we need to enact deficit reduction. The roughly $500 billion goal is also endorsed by Federal Reserve Chairman Greenspan as big enough to assure our financial industry that the Government is serious about deficit control.

At the same time, with economic growth and job creation still far behind other recoveries, simply driving the deficit down to zero for its own sake—slamming on the budget brakes with no thought of the effect on the economy—would be irresponsible. The plan's overall deficit reduction is a prudent mix of what is politically possible and economically desirable.

It took us years of financial mismanagement to get into this mess. President Clinton's first budget is only one step in what will have to be a long process to restore balance to our finances.

Now, some attack this plan because, even with it, we will still have deficits; this is true Mr. President, but what will happen if we do nothing?

If we fail to act, the deficit will be $47 billion more this year, $76 billion more in 1995, $98 billion more in 1996, $127 billion more in 1997, and $148 billion in 1998. That is what we will face if the opponents of this plan have their way.

If the deficit reduction numbers are realistic and substantial, Mr. President, is the plan fair? This is the question that has been subject to the greatest amount of distortion by the program's opponents.

Let's talk first about income taxes. Fully 100 percent of income taxes in this plan will be paid by those with family incomes over $180,000. Let me put this another way, Mr. President: those with family incomes of less than $180,000 will not pay a cent more in additional income taxes. That's right: despite fear spread by the misleading attacks of the opponents of this plan, the simple fact is that families who make less than $180,000 a year in gross income won't pay a cent more in income taxes.

Mr. President, only the top 1 percent of taxpayers will be subject to this increase in income taxes. The outcry we have heard—an outcry to proect 1 percent of taxpayers—has caused genuine fear among many of our citizens who have, unfortunately, trusted the opponents of the plan.

It is true, whatever their income, Americans will pay an additional gasoline tax of 4.3 cents a gallon. For the average American who drives 12,000 miles a year, that will mean $27 in additional gas tax a year, little more than $2 a month.

This plan is not an attack on those who have been successful in our free enterprise economy. The income tax changes—that affect only those with family incomes above $180,000 income, will only restore some of the balance lost in the last decade, when middle-class taxes went up while the tax burden on the wealthiest among us actually declined. This plan asks those who have benefited most during the period of spiralling deficits to contribute their share to brining the budget under control.

This tax increase will not affect the standard of living of those taxpayers. An analysis by PaineWebber—a private business analysis, not partisan or even government estimates—concludes first, that only 1 percent of taxpayers will be subject to increased income taxes; and second, quoting from that analysis: "since most of these generally earn much more than they spend, concern about a severe dampening effect on consumption appears misplaced." That is, those affected will still ample money to spend.

Over the last decade and more, Mr. President, the American middle class has already shouldered extra tax increases, while taxes on that top 1 percent were cut.

I do not want more taxes on anyone, but I know—because they have told us in poll after poll, that Americans are willing to pay a fair share to get real deficit reduction. With this plan, they will get something for their hard-earned tax dollars.

But even in the short run, deficit reduction is not all sacrifice—lower interest rates are one of the tangible rewards. Middle-class taxpayers who make about $40,000 a year and have refinanced a $100,000 mortgage down from 10 percent to 7.5 percent in recent months will be saving $175 a month compared to the additional $2 they will pay gas tax.

Interest payments on cars, appliances, and other major purchases will also come down with a credible deficit reduction package. These benefits far outweigh the few dollars a month increase in the gasoline tax.

And if we do not pass this plan, who thinks that interest rates will not go back up again, wiping out the gains we have made so far, and effectively cutting the paychecks of every American who pays interest on a loan.

If the wealthiest and the middle class contribute to deficit reduction according to their ability to pay, what of the working poor? Under this plan, a family of four earning less than $25,000 will pay, along with everyone else, a little more for gasoline, but, Mr. President, they are also eligible for a tax break.

Through the earned income tax credit, low-income working families with children will receive a tax break. Their tax credit—for holding a minimum wage job and staying off of welfare—can mean as much as $3,750 for a family of four with full time minimum wage earnings. This is the best kind of social policy—it supports families and rewards work.

Mr. President, I know that many Social Security recipients are concerned about the increased amount of their benefits that will be subject to taxation. I said when it was first proposed that this part of the plan was my greatest concern. In the Senate, I voted to reduce the number of Social Security recipients affected by this provision. I am pleased to see that the final version goes a long way toward the goals I sought in my Senate votes. Under this version, seven out of eight recipients would be unaffected by the changes in this plan.

I would prefer that Social Security recipients—and all other Americans, for that matter—could be spared increased taxes. But it should be stressed, Mr. President, that those who do not pay taxes on Social Security benefits now will not pay any additional taxes under this plan. Because of all the false information and genuine concern surrounding this provision, let me say that again, Mr. President: If you are not paying taxes on your Social Security benefits now, you will pay no new taxes when this plan becomes law.

The money collected from this increase will stay within the Social Security system, to help the Medicare system, insuring that it will continue to be there for those who need it. Those who pay the taxes will be those who make use of the program. I think that meets the test of fairness.

Let's look at the impact on small businesses, the real job generators in our economy. Will they, as some have claimed, be stifled by the plan? Again, Mr. President, contrary to a well-orchestrated propaganda campaign, this plan guarantees that 96 percent of small businesses will pay no additional income tax.

Unless you are a small business person who makes more than $180,000, this plan will not change your income tax bill at all. Only a few small businesses—little more than 4 percent of the total—will pay any increased income tax. Ninety-six percent of small business make less that this, and will pay no additional taxes under this plan. For those who will, their tax increase will be based on their ability to pay, a principle based on both fairness and efficiency.

The plan provides investment incentives for over 90 percent of small businesses—not as much as I wanted and voted for in the Senate, but still considerable—to compensate those small businesses who will pay more in taxes. They will have capital gains relief, increased tax writeoffs for new equipment investments, self-employed health insurance deduction, and other benefits to keep our small business sector growing.

And given the recent credit crunch that affected the small business sector so directly, lower interest rates that will result from passage of this bill will be of particular help to them.

Finally, will this deficit reduction program meet the real test of budget policy—will it help the economy? Let me begin to answer that question with another—what will happen if we do nothing, if we put off to some uncertain future the hard choices we will not face today?

If we fail to act, the deficit will only get worse. The price of inaction will be an additional debt of $496 billion over the next 5 years. Every additional dollar borrowed by the Government is a burden on us today, shrinking the resources we need for current investment. And it will be a burden on the future of our children, who will have to pay off those debts.

Around the country, the lower interest rates we have enjoyed have helped to sustain the fragile recovery from the last recession. Now, I won't claim the only reason for lower interest rates is the anticipation of the deficit reduction plan. But it is clear that the financial markets that set those rates are confident that this plan will reduce the Federal borrowing that kept rates so high in the recent past.

Federal Reserve Chairman Greenspan warned Congress recently that failure to pass this plan will cause interest rates to rise, threatening to choke off recovery altogether.

To conclude, Mr. President, this plan will be good for our country. To earn its benefits, we will require no sacrifice from those with incomes below $30,000, very little sacrifice—only the 4.3 cent gas tax—from working families with incomes up to $180,000, and reasonable contributions from those most able to afford it. In return, our country will get real deficit reduction, based on honest economic projections.

We will put our country on a sound footing to take further steps to cut spending and increase investments for the future. This is a positive step to put our financial house in order.

This plan has required months of tough political negotiating. Our choices are clear. We can either face up to the need for a real change in policy or we can stick with the drift, the denial, and the indecision that have brought us to our current sorry state of affairs.

And we should not think that there is some easy, apparent alternative that we have overlooked, an alternative that a new round of debate and delay will reveal to us. Mr. President, it is hard to believe that at this late date there are those who are still calling for more talk instead of the action this plan provides.

Let us look at the alternative offered by the Republicans during our debate earlier this summer. To hear them tell it, their plan will cut spending and reduce the deficit more than the plan before us today. The reality is quite different from their claims.

First, their plan uses every one of the substantial spending cuts in the President's plan, the very cuts they claim are not there. They count as spending cuts the same things they denounce as gimmicks in the President's plan. The only real cuts they make are the ones that the President's plan has already committed to. On top of that, they promise that in the future, after 5 years, they will find unspecified cuts in entitlement programs. Then they complain that the President's plan has spending cuts that phase in over future years.

This transparently political plan—despite all the misinformation that has accompanied it—fails to make any hard choices, and still leaves the deficit $135 billion higher than the President's plan.

I am not happy with this vote. I wish there were a painless way out of the bad habits of the past 12 years. But I would be less happy if I ducked my responsibility and failed to face the need for action now. The tight votes, heated debates, and special interest pleading against this plan are all the evidence we need that while this may not be the best plan we can imagine, this is the best plan we will get. The time has come to take the first steps down a new path—a path that some are too timid to explore—the path away from the status quo and toward fiscal sanity.

STUDENT LOAN PROVISIONS

Mr. SIMON. Mr. President, an important part of this budget bill is a radical change in Federal student aid programs that will benefit anyone who has a student loan, anyone who is in college, and anyone who plans or hopes to go to college in the future. At the same time, President Clinton's reforms to the student loan program will save taxpayers more than $4 billion, part of the nearly half-trillion dollars in deficit reduction that the legislation will bring.

These changes faced strong special interest opposition, and would not have been included in this package without the leadership and courage that President Clinton showed in taking on this issue.

At the heart of the new program is President Clinton's promise to allow students to pay off their loans as a percentage of income, so that no one is prevented from serving the country as a teacher, rural health worker, or other valuable yet lower-paying profession.

Under the legislation that we will vote on today:

Over the next 5 years, the current, complex, bank-based student loan program will be replaced with a more streamlined system. By 1997, at least half of all colleges will be in the new system, and their students will have the option of income-contingent repayment of their loans.

Anyone who currently has a loan and cannot get income-contingent repayment from his or her lender will be able to convert the loan to the new system.

Fees that students pay on their loans are cut by as much as half, from the current high of 8 percent, to just 4 percent.

The interest rates on the loans are reduced during the in-school period starting in 1995, and are cut for the entire loan period beginning in 1998.

These changes benefit students, reduce costs to taxpayers, and simplify the process for colleges.

Yet, Mr. President, these reforms came close to failing due to a multi-million-dollar lobbying campaign by banks and other middlemen in the current student loan system. Over the next year or two, as we consider Vice President GORE's proposals to "reinvent government," we must keep in mind that these kinds of efforts will be fought strenuously.

On this particular issue, the special interests used virtually every available lobbying tactic to undermine President Clinton's proposal: direct and indirect lobbying, grassroots scare tactics, front groups, and even studies by hired guns.

And while we have made remarkable progress despite the opposition, in one sense the real winners were the lobbyists: by not adopting the plan for a full phase-in of direct lending over the next 5 years, we have maintained a reason for those who profit from the status quo to continue paying the lobbyists to seek a reversal of policy in the future. We must be vigilant in tracking and countering that effort.

Mr. President, I would like to review the litany of lobbying that this issue has brought:

Direct lobbying: Sallie Mae, the banks, guaranty agencies and other secondary markets hired no less than seven of the top lobbying firms in Washington. More than anything else, these firms provide access to lawmakers. Some of these lobbyists have access because they are friends of ours; many of them used to hold important Government positions, a number of them advise their clients on campaign contributions.

Of course, none of these lobbyists are so crass as to threaten to withhold either friendship or campaign help because of a vote. Instead, they use their access to make arguments which, though biased due to the source, still seem compelling. For example, on this issue, many of my colleagues had never heard of direct lending until a lobbyist and friend brought it up and asked rhetorically, "Do we really want the Education Department to take over student loans from the private sector? What many of my colleagues did not realize, and some may still not understand, is that the current student loan program is not a private sector program at all. Instead, it is a program in which the colleges do most of the work, the taxpayers take nearly all of the risk, and the lenders get all of the profits. The Federal Government already oversees every aspect of the student loan program, including the collection of payments by banks. Direct lending is not a takeover, it is an effort to assert better control over a program that is already fully our responsibility.

But after a lobbyist has created doubt in a lawmaker's mind, it is that much more difficult to correct the misunderstanding.

Indirect lobbying: Probably more effective than the paid lobbyists are the powerful constituents who call, write and visit an elected official. Because of the links that guaranty agencies have with State governments, it was not unusual for a Governor or members of the State legislature to weigh in against direct lending. In other cases, guaranty agencies would have members of their boards visit with lawmakers. In my State, a college president forwarded me information about direct lending that had been prepared by Sallie Mae. It turns out that a vice president of that college also serves on the board of Sallie Mae.

Grassroots scare tactics: Guaranty agencies asked college presidents to send letters and make phone calls opposing direct lending. Sallie Mae sent at least two letters to college presidents claiming that direct lending would lead to all kinds of horrors. They even sent teams to campuses to analyze how direct lending would cost them. Fortunately, higher education groups did their own analyses and concluded otherwise. But many individual colleges were scared, and fear and uncertainty is enough to get someone to write a letter.

Hundreds of financial aid officers around the country signed on to a letter, distributed by Sallie Mae and others, suggesting that direct lending could take away from funding of Pell grants and other Federal aid programs. Of course, the opposite is true, since direct lending saves money. But by raising the question, the special interests were able to create fear and uncertainty and another signature on the letter.

Front groups: My colleagues may have heard of the group operating out of the offices of an Ohio lender, calling itself Ohio Students for Loan Reform. The group had a toll-free number, slick advertisements, and posters, all suggesting that direct lending could increase tuition and prevent someone from graduating from college. It was preposterous, but again, in defending the status quo it is enough to create fear and uncertainty.

One of the most active groups in Washington, hiring lobbyists and making contact with the media, was called the Coalition for Student Loan Reform. It is actually a group of guaranty agencies and their related secondary markets.

Studies. Opponents of direct lending also fell back on a time-honored special interest tradition made famous by the tobacco lobby: when they do not like the facts, they buy their own. Instead of just making their arguments themselves, opponents often cited studies by supposedly disinterested parties. But in most cases, there turned out to be a direct financial tie. For example, a report by a former Congressional Budget Office Director was paid for by guaranty agencies through the Coalition for Student Loan Reform. Another study, and an op-ed, by a "former senior staff economist for the Council of Economic Advisors" was paid for by an Indiana-based guaranty agency called USA Funds. Even one of the Congressional Research Service's reports was mainly a summary of the former CBO Director's study.

In contrast, studies by the U.S. General Accounting Office and the inspector general conclude that the current student loan system is riddled with conflicts of interests, perverse incentives, and unnecessary complexity.

Mr. President, given the lobbying effort against direct loans, it is remarkable that we were able to achieve as much as we did in this legislation. I support this compromise to move to at least 50 percent direct lending prior to the next reauthorization of the Higher Education Act because I am confident that direct lending will prove itself over time. But I am also aware that by maintaining the current system, there is a strong incentive for the same entities that have spent millions over the past several months to continue in the effort to sabotage reform. Officials at the Department of Education warned us of this danger. We must work to ensure that this does not occur. And if it does occur, we must expose it and act to counter it.

Mr. President, we have made great progress. This could not have happened without the strong leadership on this issue by President Clinton, and by the chairmen of the two relevant committees, Representative BILL FORD of Michigan and Senator EDWARD M. KENNEDY. Also battling long and hard on this issue, and deserving of much of the credit, were my colleague from Minnesota, Mr. DURENBERGER, the ranking member of the House Postsecondary Education Subcommittee, Mr. PETRI, and Representative ROB ANDREWS of New Jersey.

EMPOWERMENT ZONE DIRECT SPENDING IN BUDGET

Mr. BRADLEY. Mr. President, I rise to speak briefly about one provision of this bill which has received little attention but that will make an immediate, positive difference in people's lives. In this budget, for the first time, we are finally singling out the urban areas of deepest economic despair for special attention. Barely a year ago, every American had a chance to see what has happened to our cities when we saw Los Angeles explode in disorder across our television screens. And then there was a parade of people saying it was time to do something. And nothing happened.

So now it's time to combine some old ideas that have never really been tried, and some programs that really work, and some new ideas that I have developed, and combine them into a politics of conversion for our cities. This legislation would establish 9 empowerment zones in urban and rural areas, and 95 enterprise communities. Both would be eligible for generous tax benefits and spending.

This is a big improvement on the bill passed by the House, which offered only tax incentives, 5.3 billion dollars' worth. Tax incentives are one part of the politics of conversion, but they cannot be the only solution. Tax incentives cannot restore meaning to life where there is no community. Community means the chance to build a better future with savings and capital for economic growth. It means safe streets and comfortable public spaces, education and skills, and strong families. People who share goals and a common effort have a purpose in life.

Earlier this year, I introduced the urban community building initiative, a package of eight bills that provide tools to those who are committed to building community for themselves. The ideas come from the streets and community-based organizations where creative individuals have been developing these tools for themselves during 12 long years of neglect and insult by Washington. From the moment I introduced that bill, it began to draw bipartisan support and interest from my colleagues here and in the House of Representatives. I am very pleased that this initiative laid the groundwork for the significant improvement on the empowerment zone proposal which was developed in recent months, with invaluable help from Senators RIEGLE and KENNEDY, and Congressman RANGEL.

In this conference report, we give back more than half of the originally proposed tax incentives, and then convert just $1 billion of those savings to direct social investment. It takes the form of a targeted increase in the social services block grant by $500 million a year for 1994 and 1995. Each of six large urban empowerment zones would get $50 million a year; the remainder would be shared among rural zones and the smaller enterprise communities.

Zones and communities would have to develop a comprehensive plan, with cooperation among State and local government and community organizations, for use of the funds. The new funds can be used for seven purposes, most based on the proposals in my urban community-building initiative:

Residential early intervention programs for mothers and infants to provide comprehensive services through the first year of the child's life, including substance abuse counseling, primary and preventive health care, and cognitive stimulation.

Programs to train and employ disadvantaged youth in light repair of public facilities that benefit the zone, particularly by matching private sector investments in such projects.

Grants to community organizations and community colleges to train zone residents in business skills for entrepreneurship and self-employment.

To keep schools open after hours for mentoring programs, or safe havens.

Programs to help zone residents enter the work force, including job counseling and transportation programs such as my mobility for work initiative.

Emergency and transitional housing for poor families.

Programs that match families' savings to help them develop assets for homeownership or education, based on my individual development account proposal.

Empowerment zones may request a waiver to use these funds for other services developed at the local level that serve similar purposes.

The social services block grant was established in 1981 as title XX of the Social Security Act, to provide flexible funds for states to use to promote self-sufficiency and protect families. It is a mandatory appropriation in the jurisdiction of the Finance and Ways and Means Committees, and for the last 6 years, spending has been capped at $2.8 billion a year. The additional $500 million a year provided for empowerment zones marks the first attempt to target these funds to the neediest communities or to the most effective and innovative services.

With this balanced program, we finally pull it all together. Empowerment zones that combine some tax incentives with these new tools will create a climate that is not only healthy for business, but healthy for families, kids, and schools.

Mr. DECONCINI. Mr. President, I rise once more to raise a human rights issue that we had earlier thought would become a relic of the cold war. I am referring to the continued existence of state secrecy refuseniks in Russia. Despite the fact that most persons who wish to leave Russia are able to obtain exit visas, there are still an estimated 150 refusenik families in Russia.

Occasionally, human rights activists and Members of the Congress are taken to task for raising cases that are no longer active. Well, let us take a look at two very active cases, both of which are from St. Petersburg.

Yuri Rubinov worked at the Vavilov Optical Institute from 1970 until 1991 when he resigned. In July of that year he was refused permission to emigrate supposedly because he possesses state secrets. His last refusal was in June 1993.

Now, as we know, former secret facilities in Russia have been opening up all over the country. Hardly a week goes by without a newspaper account of the latest visit by Western journalists to some formerly closed city or Russian television reporting from some heretofore secret base in Russia.

So what has been happening with the formerly secret Vavilov Optical Institute? Well, according to the Center for Human Rights Advocacy in Denver, the Vavilov Institute now has business ties with Corning, Inc., Lawrence Livermore National Laboratory, and Lockhead. Moreover, according to the Center, Corning has hired approximately 115 scientists and technicians, and some of these researchers visited the Corning labs in 1992. In fact, the deputy chief of Mr. Rubinov's department and the laboratory chief have made trips to the United States, Japan, China, and Germany. So obviously some of the folks from Vavilov have been able to travel abroad, but not Mr. Rubinov.

A similar case is that of Dmitri Pevzner, a former employee of the Ravenstvo firm. Mr. Pevzner applied for an exit visa in June 1991, was refused, and has filed for reconsideration every 6 months, as stipulated by law. He has been refused each time on the grounds of secrecy. According to Pevzner, the assistant director of the Ravenstvo plant told him that he would be able to leave when the new law on entry and exit was passed, since his so-called secrets had been overtaken by events. Well, January 1993 has passed and Dmitri Pevzner is still in St. Petersburg. Incidentally, a colleague of his who worked with the same equipment emigrated to California in February.

What, then, does all this tell us about the validity of these secrecy claims? It tells us that they are entirely unsubstantiated. It tells us that there are discrimination and favoritism being perpetuated in these institutions. It tells us that Russia is lax in enforcing its commitment to the CSCE process and to human rights.

Mr. Pevzner and Mr. Rubinov both have spouses and family members in the United States. They should be allowed to join them as soon as possible.

Mr. President, the Russian Government frequently claims that it wants to enter into business partnership with the West. I am all for that. But at what cost? If Russia wants to reap the benefits of international trade with the West and move toward a democratic society and market-oriented society it cannot continue to violate the human rights of its citizens. It is time to end the institution of refusal.

REVIEW OF INTELLIGENCE SPENDING

Mr. MOYNIHAN. Mr. President, last evening it was stated by both the Speaker of the House, THOMAS S. FOLEY, and the majority leader of the House, RICHARD A. GEPHARDT, having regard for the House vote on the bill before us today that it is clearly understood that this is the beginning, not the middle or the end of the process of increasing spending cuts to bring the deficit down.

Similar remarks have been made on the Senate floor today. Senator WOFFORD, for example, reported that just this afternoon he had met with President Clinton to discuss some $58 billion, as I recall, in cuts—specific cuts—which he has in mind.

I rise for the purpose of stating and recording that in conversation with the Honorable Anthony Lake, National Security Adviser to the President, I was authorized to state that these deliberations and discussions will extend to the size and direction of the intelligence budget. This budget is, of course, secret. A matter of clear unconstitutionality. It is, however, no secret that even as we are making the cuts included in our reconciliation bill, and contemplating more such cuts, the administration has been proposing to increase the intelligence budget. This was first revealed by the New York Times on April 15—a not inappropriate date.

I have spoken with President Clinton a number of times in this regard. Most recently just yesterday. The record of the intelligence community in altogether missing the breakup of the Soviet Union and the consequent end of the cold war has produced a crisis of confidence—not to mention the fiscal crisis to which I referred in my remarks earlier today. This crisis of confidence must be addressed, and I can now report to the Senate that it will be addressed.

I would hope this will be a public debate. But cold war habits die hard, and monumental mistakes are most easily concealed under the guise of national security. Even so, it is a large event that the President has agreed to this enquiry and debate. I believe this is the first time any President has done so since the National Security Act of 1947. It is about time.

I speak with no animus. I speak as a proud recipient of the Seal Medallion of the Central Intelligence Agency and sometime vice chairman of the Senate Select Committee on Intelligence. In the interests of the intelligence community, the time has come for this review. The community budget reportedly doubled in the 1980's. It is legitimate to ask whether that improved the quality of our intelligence—clearly it did not—or worsened it through extravagance and redundance.

TARGETED CAPITAL GAINS

Mr. BUMPERS. Mr. President, I am very pleased that the targeted capital gains legislation that I have been the principal sponsor and author of for several years has been included in the final version of the deficit reduction/tax bill we are considering today. I am grateful for the wide support this legislation has received in the Senate, particularly from my numerous cosponsors.

Of course, the bill now needs to be implemented properly, and I wanted to take this opportunity to comment and interpret several issues in the final version of the bill, illuminating the underlying intent. I speak from my perspective as the originator of this legislation and as its principal Senate supporter.

Concerning section 13113 of the Omnibus Budget Reconciliation Act of 1993, which establishes a 50-percent exclusion for gain from certain small business stock, I want to comment on three aspects of this provision regarding its intent:

Redemptions by issuing corporation. If taxpayer acquires stock that otherwise would be qualified small business stock, and the corporation issuing that stock purchases (directly or indirectly) any of its stock from that taxpayer or a related person within the 4-year period beginning on the date 2 years before the issuance of the stock held by the taxpayer, such stock will not be treated as qualified small business stock. In addition, stock issued by a corporation will not be treated as qualified small business stock if, during the 2-year period beginning on the date 1 year before the issuance of such stock, the corporation made 1 or more purchases of its stock with an aggregate value (determined as of the date of the respective purchases) exceeding 5 percent of the value of all of its stock as of the beginning of such 2-year period. If a transaction is treated under section 304(a) as a distribution in redemption of the stock of any corporation, such corporation shall be treated as purchasing an amount of its stock equal to the amount treated as such a distribution. For these purposes, it is intended that a purchase will not include an exchange of stock for stock, a conversion of preferred stock or convertible debt into common stock, or a redemption treated under section 302 as a dividend under section 301.

Active business requirement: treatment of subsidiaries. In determining whether a corporation satisfies the active business requirement, stock and debt in any subsidiary corporation are disregarded, and the parent corporation is deemed to own its ratable share of the subsidiary's assets, and to conduct its ratable share of the subsidiary's activities. For this purpose, a corporation will be considered a subsidiary if the parent owns more than 50 percent of the total combined voting power of all classes of stock entitled to vote, or more than 50 percent in value, of such corporation. It is intended that, for this purpose, a parent corporation's ratable share of any subsidiary's assets and activities shall be equal to the parent corporation's share of the total combined voting power of all classes of stock of the subsidiary entitled to vote.

Working capital. For purposes of the active business requirement, any assets which are held as part of the reasonably required working capital needs of a qualified trade or business of the corporation, or are held for investment and are reasonably expected to be used within 2 years to finance research and experimentation or increases in working capital needs of a qualified trade or business, shall be treated as used in the active conduct of the trade or business. For periods after the corporation has been in existence for more than 2 years, however, no more than 50 percent of the assets of the corporation may qualify as used in the active conduct of a qualified trade or business by reason of the working capital exception. In determining whether assets are reasonably required for working capital, it is anticipated that regulations will incorporate standards similar to those articulated in *Bardahl Mfg. Corp.* v. *Comm'r*, 24 TCM 1030 (1965).

ESTABLISHING A TARGETED CAPITAL GAINS APPROACH FOR CERTAIN SMALL BUSINESSES

Mr. LIEBERMAN. Mr. President, I have been pleased to join my colleague Senator DALE BUMPERS of Arkansas as a principal advocate for the past several years of legislation creating a capital investment incentive for small business.

As a leading cosponsor of this legislation, I am very pleased that this provisions has now been included in the final version of H.R. 2264, the Budget Reconciliation Act, as section 13113, a 50-percent exclusion for gain from certain small business stock.

At this time, it is appropriate to clarify the intent of four aspects of section 13113: redemptions by issuing corporations; treatment of passthrough entities; active business requirement related to treatment of subsidiaries; and working capital. These provisions are interpreted below and will help assure the legislation's successful and proper implementation.

Senator BUMPERS has also placed this language regarding legislative intent in the RECORD, and by inserting this I join him in his interpretation. In addition to the language he has put in the RECORD, I have included language on passthrough entities.

Redemptions by issuing corporation. If taxpayer acquires stock that otherwise would be qualified small business stock, and the corporation issuing that stock purchases (directly or indirectly) any of its stock from that taxpayer or a related person within the 4-year period beginning on the date 2 years before the issuance of the stock held by the taxpayer, such stock will not be treated as qualified small business stock. In addition, stock issued by a corporation will not be treated as qualified small business stock if, during the 2-year period beginning on the date 1 year before the issuance of such stock, the corporation made 1 or more purchases of its stock with an aggregate value (determined as of the date of the respective purchases) exceeding 5 percent of the value of all of its stock as of the beginning of such 2-year period. If a transaction is treated under section 304(a) as a distribution in redemption of the stock of any corporation, such corporation shall be treated as purchasing an amount of its stock equal to the amount treated as such a distribution. For these purposes, it is intended that a purchase will not include an exchange of stock for stock, a conversion of preferred stock or convertible debt into common stock, or a redemption treated under section 302 as a dividend under section 301.

Treatment of Pass-Thru Entities. If any amount is included in gross income by reason of holding an interest in a pass-thru entity, such amount is attributable to gain on the sale or exchange by the pass-thru entity of stock which is qualified small business stock in the hands of such entity (determined by treating such entity as an individual) and which was held by such entity for more than 5 years, and such amount is includable in the gross income of the taxpayer by reason of holding an interest in such entity on the date that such pass-thru entity acquired such stock and at all times thereafter before the disposition of such stock by such pass-thru entity, then such amount will be treated as gain from the disposition of such qualified small business stock and the taxpayer's proportionate share of the adjusted basis of the pass-thru entity in such qualified small business stock shall be taken into account. However, the amount taken into account in determining the taxpayer's excludible gain shall not exceed an amount determined with reference to the interest the taxpayer held in the pass-thru entity on the date the qualified small business stock was acquired. "Pass-thru entity" means any partnership, S corporation, regulated investment company or common trust fund.

In the case of a partnership, it is intended that a partner's interest in that partnership at the time the partnership acquired qualified small business stock will be equal to the greater of the partner's interest in the capital or the profits of the partnership at that time. A taxpayer who is an individual holding an interest in an upper-tier partnership that is a partner in a lower-tier partnership shall be entitled to exclude that taxpayer's share of gain realized on the sale or exchange by the lower-tier partnership of stock that would be qualified small business stock if held directly by an individual, subject to limitations similar to those applicable to taxpayers holding direct interests in the lower-tier partnership but determined by reference to both the upper-tier partnership's interest in the lower-tier partnership at the time that stock was acquired, and by the taxpayer's interest in the upper-tier partnership at such time. Similar rules will apply for purposes of determining the treatment of gain attributable to a sale or exchange of stock received by a taxpayer in a transfer from an upper-tier partnership that received that stock in a transfer from a lower-tier partnership.

Active business requirement: treatment of subsidiaries. In determining whether a corporation satisfies the active business requirement, stock and debt in any subsidiary corporation are disregarded, and the parent corporation is deemed to own its ratable share of the subsidiary's assets, and to conduct its ratable share of the subsidiary's activities. For this purpose, a corporation will be considered a subsidiary if the parent owns more that 50 percent of the total combined voting power of all classes of stock entitled to vote, or more than 50 percent in value, of such corporation. It is intended that, for this purpose, a parent corporation's ratable share of any subsidiary's assets and activities shall be equal to the parent corporation's share of the total combined voting power of all classes of stock of the subsidiary entitled to vote.

Working capital. For purposes of the active business requirement, any assets which are held as part of the reasonably required working capital needs of a qualified trade or business of the corporation, or are held for investment and are reasonably expected to be used within 2 years to finance research and experimentation or increases in working capital needs of a qualified trade or business, shall be treated as used in the active conduct of the trade or business. For periods after the corporation has been in existence for more than 2 years, however, no more than 50 percent of the assets of the corporation may qualify as used in the active conduct of a qualified trade or business by reason of the working capital exception. In determining whether assets are reasonably required for working capital, it is anticipated that regulations will incorporate standards similar to those articulated in *Bardahl Mfg. Corp.* v. *Comm'r*, 24 TCM 1030 (1965).

Mr. PELL. Mr. President, I support the compromise worked out by the Education conferees on title IV of the budget reconciliation conference report concerning student loan issues. In my view, the conferees produced an agreement that assures the maintenance of a viable mechanism for financing federally insured student loans through a private sector-government partnership that has existed for nearly three decades.

The conference agreement makes it clear that the private sector can continue to play an essential role in the financing of higher education in this country. Furthermore, the agreement allows us to test direct student lending through a pilot program that is similar, albeit on an expanded scale, to what we provided for only last year when we reauthorized the Higher Education Act.

I am confident that the agreement reached by the conferees will work. I am also confident that the Department of Education is committed to providing a fair and level playing field so that a valid comparison can be made between direct lending by the Government and the present guaranteed loan system modified in this agreement. Strong congressional scrutiny, directly and through the Advisory Commission on Student Financial Assistance, will also ensure that there will be equity in this test program.

The conference agreement assures continued congressional oversight over the direct lending test program. Specifically, the Conferees have called on the Advisory Committee to submit a final report by January 1, 1997 to help Congress and the Secretary of Education decide whether or not to move forward with full implementation of direct lending.

My colleagues and I in the Senate and the House intend to keep close watch on these issues, and I specifically urge the Department of Education, in carrying out its authority under these student loan reform provisions, to work with the community to establish reasonable, performance based regulations for both programs.

My objective, which I am sure that the President and his administration share, is to do what we can to ensure that student loans are delivered in a timely, effective, and cost-efficient manner. Our work on student lending in the Labor and Human Resources Committee and in conference was undertaken to achieve savings to help accomplish the President's budget objectives, provide increased benefits to students, and ensure that we have an effective student loan program. I remain hopeful that we have achieved those objectives.

It is without question that the final agreement would not have been possible without strong and consistent bipartisan support. We are particularly indebted in this regard to the chairman of the Labor Committee, Senator KENNEDY, to the ranking Republican, Senator KASSEBAUM, to the ranking Republican on the Education Subcommittee, Senator JEFFORDS, and to the strong leadership we have from Senators DODD and MIKULSKI, among others.

Mr. President, the conference agreement is, to my mind, worthy of the strong support of my colleagues and one that definitely should be enacted.

COMMUNICATION SITE FEES

Mr. CRAIG. Would the Senator from Wyoming yield for a question?

Mr. WALLOP. I would be glad to yield to my good friend from Idaho.

Mr. CRAIG. It is my understanding in section 10004 of the Budget Reconciliation bill, which deals with communication site fees that the intent of the conferees in the language referring to "radio and television, and commercial telephone transmission communication sites" includes both the broadcast and nonbroadcast users on Forest Service and Bureau of Land Management Lands.

Mr. WALLOP. The Senator from Idaho is correct. The language in section 10004 refers to all communication site users on the Federal lands under the jurisdiction of the Forest Service and Bureau of Land Management.

Mr. CRAIG. I thank the Senator from Wyoming.

SECTION 197 INTANGIBLES

Mr. HEFLIN. With respect to the intangibles provision, I have a concern. The House and Senate Committee report language describes the treatment of amounts paid under covenants not to compete. There has been some concern that Committee Report's description of the new amortization rules for noncompete covenants paid for with fixed payments might be interpreted to require a deferred, backloaded deduction. The result would be worse than the amortization the bill provides for goodwill.

Mr. MOYNIHAN. I wish to clarify that the legislation is not intended to treat covenants differently than other section 197 intangibles. If an amount is properly amortized ratably under current law—over the duration of the contract—the writeoff is ratable over 15 years under the new law. The committee report language providing for a deferred, backloaded deduction is intended to apply only to contingent payments. Thus, the amortization provided under the bill is the same as for goodwill and other section 197 intangible assets.

HARDROCK MINING CLAIM MAINTENANCE FEES

Mr. WALLOP. Mr. President, during consideration of the holding fee provisions in this budget reconciliation package, the Senate Energy and Natural Resources Committee included report language to restate and clarify current practice with respect to reclamation and payment of the claim maintenance fees. This language was inadvertently omitted from the statement of managers accompanying the conference report. For purposes of legislative history, I will restate the original report language.

It is the committee's understanding that a claimant may choose to maintain a claim, and the claim maintenance fee must be paid. If the claimant does not choose to maintain the claim, and does not pay the fee, the claimant's interest in the claim lapses. However, this lapse in no way affects any requirement to reclaim. The maintenance fee requirements are separate from requirements to complete reclamation. Reclamation after a claim lapses is enforced by, among other requirements, a reclamation bond which is retained in whole or in part until reclamation is fully completed.

It is the committee's intention not to impose the claim maintenance fee where a claimant has completed all mining activity, only reclamation work remains to be completed, and the claimant's purpose is to relinquish permanently the interest in the claim. Where mining activity and reclamation occur contemporaneously, the claimant is required to pay the fee.

THE WALLOP-BREAUX PROVISION

Mr. WALLOP. Mr. President, the 4.3-cents-per-gallon gasoline tax increase is actually more than it seems because this Clinton tax bill also permanently extends the temporary 2.5-cents-per-gallon tax that was to expire in 2 years. So the tax is actually 6.8 cents. One particularly noxious aspect of this tax is the violation of a trust, a commitment.

The gasoline tax affects not just automobiles but all forms of transportation. This includes motorboats. Now, motorboats do not normally cruise on our Nation's highways. Ten years ago, congress adopted the Wallop-Breaux amendment which created the aquatic resources trust fund. The fuel taxes paid by boaters would go to that trust fund rather than the highway trust fund. It is a pure example of a program funded solely by the users. The aquatic resources trust fund, also known as the Wallop-Breaux fund, provides assistance for boating and fishing programs in every State. Every penny comes from fishermen and boaters. Not one cent of Federal general revenues goes to this program.

When Congress increased the gas tax in 1990 by 2.5 cents, the tax collected from motorboats continued to go to the aquatic resources trust fund. But, the extension of this tax in the Clinton tax package also includes a provision to divert these funds to general revenues. The chairman of the Finance Committee once stated, in another context, that diverting funds from a trust fund was "thievery." That is what we have here.

What is worse is that the tax package which we will vote on today would begin the diversion immediately, rather than in 1995. This revokes the language, the commitment made in the 1990 Budget Act. It is just one more reason why Clinton's tax bill is a bad deal for America.

Mr. COHEN. Mr. President, I rise to voice my opposition to the budget reconciliation conference report, the President's modified budget plan. There are few things more important to the long-term growth of the U.S. economy than reducing the deficit. Unfortunately, the plan before us will not achieve lasting deficit reduction because it relies too heavily on new revenues and not enough on spending cuts.

I am not opposed to new taxes, especially on the wealthiest members of our society. However, no taxes should be increased until all possible spending cuts are made. Unless spending is restrained, new revenues will lead to more Government, not lower deficits. Since World War II, spending has increased $1.59 for every new $1 in taxes. The record is clear: Without enforceable spending restraints, new taxes will not lower the deficit.

During last year's campaign, President Clinton pledged to cut spending by at least $2 for every $1 in new taxes. This pledge was renewed during the Office of Management and Budget [OMB] Director Panetta's confirmation hearing. I regret that this objective was abandoned subsequently by the administration. I believe the administration and the Democratic majority too quickly resorted to new taxes. Any public tolerance for new taxes that may exist is based upon the belief that new revenues will be used to reduce the deficit. I am afraid that few people realize that the President's budget cuts nondefense domestic spending by only $65 billion over the next 5 years, most of which was already required under the 1990 budget agreement. Taxes, on the other hand, are raised by $240 billion.

I am not opposed to reducing defense spending, nor am I opposed to increasing spending for certain domestic programs with proven records of success. However, I believe that the peace dividend should be used solely for the purposes of helping individuals and communities affected by defense cuts, and for reducing the deficit. The end of the cold war provides a unique opportunity to cut spending and reduce the deficit. We should not squander this opportunity.

As I noted, certain domestic programs with proven track records may warrant increased funding. However, we should pay for these programs by shifting money from wasteful or unproductive programs. There are legions of programs that have outlived their original purpose but have, nonetheless, become part of the permanent Washington landscape. Just last week, the Governmental Affairs Committee on which I serve held hearings on the billions of dollars of wasteful programs in the Department of Agriculture alone.

I do not suggest that deep spending cuts are easily obtained. It is critical, however, that we commit ourselves to make the necessary cuts. We cannot tax or borrow our way out of the spending binge we have been on. While over the past 30 years Federal taxes as a share of the economy have remained about the same, spending has increased steadily.

Serious deficit reduction is impossible without addressing entitlement spending which accounts for half of all Federal spending and is the fastest growing part of the budget. Entitlement spending is on automatic pilot in that expenditures are made without direct appropriations by the Congress. It is fiction, however, to suggest that Congress has no control over entitlements. Congress has the power to modify entitlement programs at any time. Failure to restrain spending in these programs is a willful act by the Congress and the President. I regret that an amendment I cosponsored which would have saved $97 billion over 5 years by limiting entitlement spending did not pass. This amendment would have held Congress' feet to the fire to reform health care since escalating health care costs are the principal cause of rising entitlement spending.

It should make us very queasy to look at the mountains of debt we are passing along to our children and their children. By our actions and choices, we are jeopardizing the future of our children. Our debt-financed consumption binge will lower future economic growth and future standards of living. As a recent General Accounting Office [GAO] report on the deficit pointed out, "[T]he key question facing policymakers is not whether to undertake major deficit reduction, but when and how."

We cannot reduce the deficit without sacrifice. In his State of the Union Address, President Clinton made an impassioned plea for the need for common sacrifice if we are to reduce the deficit in any meaningful way. I was very encouraged by the President's words because, in my view, the word "sacrifice" has been banned from the political lexicon for too long. We have been telling people they can have lower taxes and higher spending for too long.

Unfortunately, it soon became apparent that these calls for sacrifice were not as they appeared. The beginning of the end of any serious deficit reduction plan occurred on March 3 when, as reported on the front page of the Washington Post, "Clinton Bows to Westerners on Grazing Fees." At that moment, it became open season for special interests to ask to be excused from the cost-cutting table.

Soon thereafter, the voters and editorial boards across the country started to wonder whether the plan presented by the President to Congress was the same one he described in his State of the Union Address. On April 10, for example, the Portland Press Hearld's lead editorial read, "Voters expected real reductions in Government spending. Where are they?"

The President's budget asked taxpayers to contribute more in terms of taxes. But for long-term deficit reduction, sacrifice in terms of spending cuts is essential. Without enforceable spending cuts, higher taxes will simply mean bigger Government.

Early in the budget process, I joined Senators BOREN, DANFORTH, and JOHNSTON in offering the only bipartisan alternative to President Clinton's budget. Our plan exceeded the President's deficit reduction goal by $46 billion without imposing any new taxes, gasoline or otherwise, on middle-income families. Furthermore, our plan maintained a 2-to-1 ratio of spending cuts to new taxes.

Despite strong support for this plan in Maine and throughout the country, it soon became clear that there was little interest in Washington in pursuing a bipartisan approach to reducing the deficit. The President decided early on to pursue a Democrat-only strategy in the budget process. And, to be sure, many Republicans were just as pleased not to have been invited. Unfortunately, partisanship has been the rule rather than the exception in terms of how best to deal with the deficit. Republicans generally have opposed new taxes under any circumstances while Democrats generally have opposed spending cuts. The result has been a stubborn standoff and a rising national debt.

So, once again Congress is about to pass a deficit reduction plan that cannot help but to fail to cure the underlying problems of the deficit. The plan, in fact, will add nearly $1 trillion to the deficit over the next 5 years. Even as a percentage of gross domestic product, the deficit in 1997 when the economy is predicted to be a full employment will be about the same as it was in 1989, the last year of full employment. It is difficult, therefore, to see how this plan will remedy the deficit in any significant way.

The economic problems caused by the deficit—higher interest rates, lower future economic growth, larger trade deficits—have been well documented. Perhaps more than the economic anemia associated with the deficit, however, is the effect it has on the public's perception of Government. To many, the deficit stands as a symbol of Government incompetence. Households throughout the country understandably bristle at the notion of Congress not doing what each of them is required to do, balance their checkbooks. The deficit thereby has come to epitomize an inability of Congress to solve problems in effective ways. For this reason alone, we must eliminate the deficit.

Deficit reduction inevitably will require sacrifice, but this sacrifice should come in the form of spending cuts before tax increases. We should not ask the American taxpayer to send another nickel to Washington until we have fixed the leaky bucket of wasteful Federal spending. Only when spending is controlled can the deficit be reduced. Because the President's plan asks taxpayers to contribute more in taxes before reducing spending, I cannot support the plan. When the issue of deficit reduction is revisited as it inevitably will be, I will be working with both Republicans and Democrats to develop a more long-term solution to the deficit. Meanwhile, I will continue to support cost-cutting measures that will reduce the deficit now to relieve future generations from the burdens of our fiscal irresponsibility.

Mr. BYRD. Mr. President, the reconciliation bill provides for major changes in the composition of spending and revenue programs and tax policies. Making these changes is a complex, arduous, and trying process. Members of Congress, like other human beings, prefer to give benefits rather than take them away, prefer to cut taxes not increase them, and prefer to please everyone and offend no one.

The test of the reconciliation procedure is to make the difficult choices to cut the deficit and get those cuts enacted into law. The reconciliation procedure by its nature runs contrary to what we as legislators would like to do, but it is the best mechanism thus far developed that assists us in making the cuts we must make.

The bill before us is not perfect. No Member would claim that it is. But the bill before us reduces the deficit primarily and reduces the deficit with few frills.

In some instances, in order to reach agreement on an acceptable package, provisions were included in the final conference report that may not have stood the test of section 313 if they had been in the Senate-reported bill. The number of provisions that were brought to conference, and excluded from the final conference agreement, far outnumber the provisions now included in this package that some may question.

Let me use the example of the enterprise zone spending provisions. Mr. President, I have not opposed the inclusion of the enterprise zone spending provisions in this bill.

These provisions would not necessarily have been in order on the Senate reconciliation bill. These provisions would likely have run afoul of section 313 of the Congressional Budget Act of 1974, as amended, commonly referred to as the "Byrd rule" on extraneous matter on reconciliation legislation, on two grounds.

First, section 313(b)(1)(C) prohibits a provision that is not in the jurisdiction of the committee that submitted the provision for inclusion in the conciliation bill. This section does not apply to conference reports.

Second, section 313(b)(1)(B) prohibits any provision increasing outlays—or decreasing revenues—if the net effect of all provisions reported by the authorizing committee is not in compliance with its reconciliation instructions. The Parliamentarian has stated publicly that he would advise the Chair not to apply this section to conference reports.

There are two principal considerations behind this reasoning: Attribution of jurisdiction of a provision; and determination of the applicable instruction.

It is not necessarily possible to attribute jurisdiction of a provision on a bill in conference involving nearly all authorizing committees. Drafting of these provisions involved at least two authorizing committees of the Senate and as many, or more, committees in the House. There is no incontrovertible basis on which to assign a provision to one committee over another when more than one committee involved in a subconference may be involved in its writing.

Second, there is no equitable method of determining what instruction controls the consideration of elements of the conference report—the original House instruction, the original Senate instruction, or some hybrid of the two. In the House, unlike the Senate, it is a common practice to require two committees to achieve the same reconciliation savings.

Let me give an illustration. The conferees on a budget resolution may contemplate achieving savings of $1 billion in Medicare savings and $1 billion in fees for use of the radio spectrum. In the Senate, instructions would be given to two committees: Finance for $1 billion in Medicare savings; and Commerce, Science and Transportation for $1 billion for radio spectrum fees. In the House, instructions would also be given to two committees: Energy and Commerce for $2 billion, of which $1 billion would be for spectrum fees and $1 billion would be for Medicare; and Ways and Means for $1 billion for Medicare which shares jurisdiction with Energy and Commerce for a portion of the program. Keep in mind that only the instruction, but not the assumptions behind the instruction, is binding on the instructed committee. If in conference, an agreement is reached that includes $1.5 billion in spectrum fees and $750 million in Medicare, $250 million in excess of the original House instruction, would you call the Finance Committee out of compliance with its instruction? Such an interpretation, binding the conference to the most restrictive of interpretations of the instructions in the respective Houses, could very well make any conference agreement on any reconciliation bill impossible to attain. The ultimate goal of the reconciliation procedure is to enact deficit reduction, not to fill in numbers on some budgetary tot sheet.

The "Byrd rule" was not designed to make conference agreements impossible to attain. Section 313(b)(1)(B) explicitly contemplates the inclusion of provisions increasing outlays, this is, spending, in a Senate-reported reconciliation bill. I note that not all spending decreases are permitted under section 313 of the Budget Act, just as not all spending increases are banned. These increases might offset potentially deleterious effects of provisions in the bill or otherwise make the provisions of the bill more acceptable. The ultimate goal of the reconciliation procedure is to achieve deficit reduction. The ultimate goal of section 313 of the Budget Act is to protect the rights of all Senators from the willful, action of a few.

Earlier, I stated that the provisions would "not necessarily have been in order in the Senate." I say this because the drafters have shown such great ingenuity in preparing their language that, with time they might have been able to draft it in compliance with the more stringent tests for Senate consideration of a provision reported to the Senate pursuant to a reconciliation instruction.

Now, with respect to the enterprise zone proposal in the reconciliation bill: This is an idea that has been supported, in its various configurations, by Republicans and Democrats, and by conservatives and liberals. Over time, it has been called "enterprise zones," "community investment," "Weed and Seed," and, recently, "empowerment zones and enterprise communities."

The proposal before us is a limited experiment. It provides for funding to be mandatory for fiscal years 1994 and 1995 only. Rather than beginning a new, never-ending, back-door spending program, this experiment is limited to 2 fiscal years only.

It is correct to say that these provisions cause new spending that, by themselves, would increase the deficit. In the context of this bill, these provisions offset a portion of deficit reduction that otherwise would be achieved. These provisions increase spending, but that spending is covered by other offsetting cuts elsewhere in the bill.

The conferees should be commended for the special efforts they have taken to expunge from the legislation extraneous matters. Applying the tests of section 313 requires great thought and prudence. While there may yet be an occasional provision that some might challenge under section 313, this conference report, at first blush, is extraordinarily clean.

I commend the conferees on their diligence. Their task has been a most difficult one. Section 313 is but one arrow in the deficit reduction quiver. It was the will of the conferees to cut spending that makes the reconciliation process work.

Mr. President, I yield the floor.

Mr. BRADLEY. Mr. President, I would like to thank the chairman of the Finance Committee, my friend Senator MOYNIHAN, for his help and attention in developing the empowerment zone provisions of this bill. For the first time, we are focusing our concentrated attention on the most desperately impoverished urban and rural areas of our Nation, with a combination of tax incentives to lure back investment and jobs, and direct spending to help creative leaders rebuild vibrant communities.

That spending is particularly important because tax incentives on their own cannot restore meaning to life where there is no community. So instead of $5.3 billion in pure tax incentives as in the bill the House passed, we designed a more balanced package: $2.5 billion in tax breaks and $1 billion, over 2 years, in spending through a new targeted allotment to title XX of the Social Security Act, the social services block grant.

As my colleagues know, the social services block grant has been, and in the main it will continue to be, a fairly open allotment to States for a variety of social services, defined more by its limitations than by specific purposes. But for this new investment in empowerment zones, I believe we agree that we want to encourage innovative thinking and build on some of the approaches that imaginative individuals and community organizations developed on their own during the last dozen years when the Federal Government essentially abandoned the cities.

To that end, we have described a series of purposes for just the new title XX funds that are targeted to empowerment zones and enterprise communities. They include residential early intervention programs for mothers and infants to provide comprehensive services through the first year of the child's life; programs to train and employ disadvantaged youth in rehabilitation of public facilities that benefit the zone; programs to train zone residents in business skills for entrepreneurship; keeping schools open after hours for mentoring programs, or safe havens; and programs to help families develop assets for home ownership or education. Of course, we also want to give the local and State governments and community organizations that will be involved in developing the zone's strategic plan an opportunity to use the funds for other purposes that are more suited to local needs.

To provide that local flexibility, we have included a provision that requires zones, in their strategic plan that accompanies their application for designation as a zone, to explain their intention to use any funds for purposes other than those described. We do not want to place an unreasonable burden on those zones that have their own priorities or needs.

But I would like to ask my colleague, the chairman of the Finance Committee, if he agrees with me that zones should have both incentive and encouragement to use these funds for the innovative programs described in the bill. Specifically, I would hope that when all the relevant departments, not only the Department of Health and Human Services but also the Departments of Housing and Urban Development and Agriculture, which will designate the zones, put forth guidelines for areas to apply, they will detail these purposes and indicate that the strategic plan for a successful application should involve a serious effort to undertake one or more of the purposes described. It should not be sufficient for a zone applicant simply to declare that it prefers to spend the funds on general social services, such as those currently funded through title XX, rather than develop innovative locally designed programs.

Mr. MOYNIHAN. I thank my colleague for his work on these provisions. I believe the result in this bill is a good balance between tax incentives and direct investment, and will give us the first real test of whether empowerment zones can work as promised.

I share my colleague's view that the innovative purposes described in this new section of the social services block grant are central to the provision and should be a priority for any applicant. I agree that the relevant departments should describe these purposes in some detail to applicant areas. I believe that is the intent of this Congress.

Mr. BRADLEY. I thank my colleague.

THE DIRECT LOAN PROGRAM

Mr. DURENBERGER. Notwithstanding my intention to oppose this bill, Mr. President, I must point out one very positive feature that I do hope will become law.

This provision establishes a new direct student loan program to be gradually phased-in over the next 5 years.

This new program is modeled after the IDEA proposal that Senator PAUL SIMON and I first introduced almost 2 years ago. That legislation, in turn, had been previously introduced in the House by Representative TOM PETRI of Wisconsin.

Under the compromise reflected in this bill, a new direct student loan program will be phased-in beginning next July. Under this new program, loans will be made directly to students—without going through banks and all the other players that now help clog up the system. And, when students repay their loans, they'll have the option of adjusting their payments to reflect changes in their income each year.

These two features—direct lending and payments based on post-college income—will save taxpayers billions of dollars a year in lower overhead and fewer defaults.

And, they will launch a program that is much simpler and that helps both students and their families meet the rising cost of going to college.

In addition to Representative PETRI; I want to pay tribute to Senator SIMON, Senator BRADLEY, and others in this Chamber who have helped make this new opportunity for American students and families a reality.

And, I also want to commend President Clinton for his leadership in building the kind of national constituency for this reform that we will need.

Once this new program is enacted, Mr. President, the hard work of designing its mechanics and totally overhauling our existing student loan system will begin.

One of the most important elements of implementing direct lending must be effective use of the IRS in collecting loan payments that are based on borrower income.

The mechanics of loan repayment are also very important to the long-range feasibility of this program.

I want to call attention to the guidance given the administration by the conference committee on how to design income-dependent direct lending, Mr. President, and to include the relevant portions committee's report at the conclusion of my statement.

I would also like to enter into the RECORD a letter that Representative PETRI and I have today written to President Clinton.

Our letter makes a number of the same points about the importance of IRS collection of student loans and the importance of designing the new program in a way that is consistent with the IDEA proposal that Senator SIMON, Representative PETRI, and I have previously proposed.

If properly implemented, direct lending with income-dependent repayment through the IRS represents a significant and very positive reform—not just for today's students but to future generations who will benefit from its flexibility and its savings to both borrowers and taxpayers.

Thank you, Mr. President. I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, August 6, 1993.

HON. BILL CLINTON,
Office of the President, The White House, Washington, DC.

DEAR MR. PRESIDENT: Despite our opposition to the Budget Reconciliation Act, we wanted to take this opportunity to reaffirm our strong support for the new direct student loan program it creates and to commend you for your leadership on this issue as we launch a new era in how American students and their families pay for college.

We also want to state again our strong support for using the IRS to carry out the income-dependent repayment option contained in the new direct loan program; and to offer our assistance to you and your Administration in designing the mechanics of income-dependent repayment as the new direct loan program is implemented.

As you know, our own interest in this new program stems from our authorship of the Income Dependent Education Assistance (IDEA) Act. We are pleased that essential elements of that legislation—including direct lending and income-dependent loan repayment—are contained in the legislation being acted on by the Congress this week.

We are also very pleased that the Budget Reconciliation Conference Report includes the attached strong statement of legislative intent on how the authority to design income dependent loan repayment should now be carried out.

This guidance to the Administration is important since, like you, we believe the IRS is an efficient and cost-effective resource to both calculate the size of payments that vary each year according to income and to collect those payments from student borrowers.

In addition, the attached Conference Committee report language includes guidance to the Administration on a number of issues that need to be faced in designing the mechanics of income-dependent loan repayment. Again, based on more than a decade of work on this issue, we believe this direction is needed to ensure that income-dependent repayment will be feasible to borrowers and actuarially sound.

Finally, because of our strong interest in both the policy issues and mechanics of income-dependent direct lending, we would appreciate being kept regularly informed on the Administration's implementation of this new legislation. And, we want to make ourselves—and our staffs—available as resources to the Administration in designing the mechanics of income dependent repayment and in determining an appropriate IRS role in student loan collection.

Thank you again for your leadership in carrying forward this important example of reinventing government. We look forward to continuing our past support and involvement on this issue in the weeks and months ahead.

Sincerely,

DAVE DURENBERGER,
U.S. Senator.
THOMAS E. PETRI,
U.S. Representative.

MANAGERS' STATEMENT ON IRS ROLE IN INCOME-CONTINGENT LOAN REPAYMENT CONFERENCE COMMITTEE REPORT, BUDGET RECONCILIATION ACT OF 1993, AUGUST 1993

The House bill contained a section (Sec. 4033) expressing the sense of the Education and Labor Committee that, although it lacked jurisdiction over amendments to the Internal Revenue Code, it would support provisions providing for the collection of student loans using the Internal Revenue Service, as well as amendments to the Higher Education Act, in the manner proposed by H.R. 2073, introduced by Mr. Petri on May 11, 1993. The managers on the part of both Houses reaffirm that IRS collection of student loans should be explored and that the following principles behind H.R. 2073 provide a useful guide to that exploration:

1. That IRS collection should be as convenient as possible for borrowers.

2. That it should impose no significant burden on employers.

3. That to produce the simplest, most efficient program and minimize burdens on the IRS, it should conform as closely as possible to the operations of the IRS in collecting the regular individual income tax, self employment tax, and social security taxes on tip income not reported to an employer.

4. That in the case of income dependent loans:

a. The repayment schedules should accommodate individuals with high indebtedness and large loan volumes.

b. Payments should be kept manageable for borrowers.

c. No payments should be required of borrowers whose incomes fall below the income tax filing threshold.

d. Payments should generally be directly proportional to the amount borrowed (to discourage overborrowing).

e. Borrowers should be excused from further payments when they have repaid their loans at some effective interest rate.

f. Most borrowers should finish repayment in a reasonable period of time.

g. Borrowers should be allowed to repay, in any year, more than they owe under the income-dependent schedules, in order to complete their obligations more rapidly, and

h. There should be adequate treatment of marriage, including:

(1) no excessive marriage penalties or subsidies,

(2) no ability to avoid payment by shifting income between spouses,

(3) equal payments for couples with equal joint income and borrowing, and

(4) fair allocation of a joint payment between two spouses' accounts (in case of later divorce).

5. That the combination of IRS collection and an income-dependent repayment option provides an opportunity to further streamline student loan programs and to target subsidies more fairly based on the wherewithal to repay loans, which is post-school income.

Accordingly, the managers request that the Secretaries of Education and Treasury jointly develop a plan for involvement of the Internal Revenue Service in collection of student loans, including an analysis of its feasibility, the additional resources that would be required for the IRS, the enforcement procedures that should be used, the effect on the collection of ordinary income taxes, and the effect on the management of federal student loan collections and on borrower repayment of such loans. The Secretaries are further requested to submit this plan to the Congress together with the results of the feasibility study and any legislative recommendations they may deem advisable, no later than six months after the date of enactment of this bill.

Mr. PRYOR. Mr. President, I would like to commend President Clinton for his Tuesday night address to the American people.

The President has had the courage to propose a specific and serious solution to a huge and growing deficit, while at the same time, managing to redirect money for investments in the American people.

President Clinton has accepted responsibility and provided solutions to problems he was elected to solve—especially the deficit that he inherited.

As the electorate's agent for change, President Clinton deserves credit from both supporters and detractors alike for standing up, proposing specific solutions, and marshaling support to bring his deficit reduction plan to a final vote in record time.

Immediately after President Clinton's Tuesday night address, the Republican response was delivered by the

Republican leader of this body, Senator DOLE.

Senator DOLE asked four questions about the Clinton deficit reduction plan:

First, does President Clinton's plan increase taxes?

Second, does President Clinton's plan reduce Government spending?

Third, does President Clinton's plan help put Americans back to work?

Fourth, does President Clinton's plan reduce the deficit?

I thought that I would take a few minutes today to give some straightforward, complete, and direct answers to his questions.

Question 1: Does President Clinton's plan increase taxes? The Republican leader's answer was "yes."

Well, Mr. President, the answer is "Yes"—the Clinton deficit reduction plan does increase taxes—it contains 241 billion dollars' worth of tax increases over the next 5 years. But let's look at the whole story.

No one likes increased taxes. I don't like it one bit. I certainly wish that we could pass a $500-billion budget deficit reduction package that would be fair, without raising taxes. But no one—on either side of the aisle—has presented a serious and fair plan to cut the deficit by $500 billion without raising some new revenues.

So who pays the new taxes in the Clinton plan? Only single individuals with more than $115,000 taxable income and couples with more than $140,000 of taxable income will pay any additional income taxes. Mr. President, let me repeat: No family with less than $140,000 in taxable income will pay one additional penny in new income taxes—only the wealthiest 1 percent of the American people pay any additional income taxes.

The Republican leader also claims that this budget reconciliation bill contains the largest tax increase in history. Unfortunately, this claim, which has been repeated by many, is not accurate.

As the first chart shows, in inflation-adjusted dollars, Tax Equity and Fiscal Responsibility Act of 1982 was a larger tax increase than is the current reconciliation bill.

Just for the record, I would also point out that the chairman of the Finance Committee in 1982, and the principle sponsor of the tax bill in the Senate, was Senator DOLE.

Question 2: Does President Clinton's plan reduce Government spending? Senator DOLE says "No."

Mr. President, this answer is simply wrong. If there were no true spending cuts in President Clinton's plan, then why did Senator DOLE'S alternative budget plan, offered on the Senate floor in June, use all of President Clinton's specific spending cuts? In fact, President Clinton's spending cuts were the only specific cuts in the whole Republican alternative.

So in June, the Republican leader embraced and endorsed President Clinton's real spending cuts by putting them in his plan. And now, when the same spending cuts come to a vote as part of the President's package, my friends on the other side of the aisle say they are not real.

Were they real then and not real now? Some might call this exercise political expediency and doubletalk at its worst, but the American people must be the ultimate judge.

The truth is that President Clinton's plan reduces Government spending by over $250 billion over the next 5 years. This $500 billion deficit reduction package is made up of one-half specific spending cuts and one-half tax increases.

Mr. President, this next chart may be very difficult to read, because 200 specific spending cuts look pretty crowded on a single page. This is a list of over 200 specific spending cuts that President Clinton requested this spring.

These are specific, difficult choices that President Clinton had the courage to lay out on the table, out in public months ago, where everyone could debate their merits openly.

How many additional, specific spending cuts did our colleagues from the other side of the aisle include in their alternative? You guessed it, zero.

They have talked about spending cuts for months, but it is August and we haven't seen one specific cut yet. Not one. It might make someone wonder how serious they actually are about cutting spending.

Mr. President, I submit that any true plan to reduce the deficit by $500 billion will be controversial. A responsible plan must be thoughtful, fair and serious. The Republican alternative plan failed that test—it was not responsible. President Clinton's plan is the only thoughtful, fair, and serious plan—and it must pass.

Question 3: Does President Clinton's plan help put Americans back to work? The Republican leader's answer was "No."

This to me seems quite an inappropriate attack from the member who led the filibuster that killed President Clinton's jobs bill this spring—the jobs bill would have meant 800,000 new jobs this year and next. Where was the concern about jobs then?

I have been concerned about job creation in this country for years, especially the previous 4 years when only 1 million new jobs were created. As a matter of fact during the Bush administration only 21,000 private sector jobs were created on average every month. During the first 5 months of the Clinton administration over 750,000 private sector jobs have been created, an average of almost 150,000 per month. President Clinton is concerned about job creation, and under his administration, more jobs are being created every month—and this bill will add to that total.

Mr. President, was the concern by Members on that side of the aisle during the filibuster on the jobs bill the same as it is now—to politically embarrass the President of the United States? I hope not.

Mr. President, let me answer the Republican leader's question directly. Yes, this plan will create jobs, and without this economic plan we will return to the status quo, slow-growth Bush era.

As President Clinton said in his speech Tuesday night, this plan will create over 8 million new jobs in the next 4 years. The Congressional Budget Office has projected that unemployment will be lower in each of the next 4 years with this bill.

This bill contains important incentives for businesses, large and small, to create jobs—including a targeted capital gains tax reduction, an increase in the amount that small businesses can expense when they buy new equipment, and a research and development tax credit.

Reducing the Federal debt will free up money for private borrowers, both businesses looking to expand and consumers looking to buy. Long-term interest rates have already fallen by a full percentage point as a result of President Clinton's dedication to this deficit reduction package. Low inflation and low interest rates are perhaps the best ingredients for job creation—and this plan means both.

Question 4: Does President Clinton's plan reduce the deficit? Once again, the Republican leader's answer was "No."

This strikes me as confusing because the Republican leader in the next sentence went on to say that President Clinton's plan reduces the annual deficit to under $200 billion, from its current level of over $300 billion. That sounds like reducing the deficit to me.

Let me use a similar chart to the one that President Clinton used Tuesday. The top line is the deficit if we do nothing—if we follow the Republican leader and vote no on Friday. The bottom line is what will happen under the Clinton deficit reduction plan.

To answer the Republican leader's question—yes, the Clinton plan does reduce the deficit by about $500 billion over the next 5 years. Even Senator DOLE admitted that in his speech.

The Republican leader's concern is that the deficit will increase after 1998, even with the Clinton plan. I share that concern and so does the President.

Why does the deficit increase beginning in 1998? The answer is no mystery—health care costs.

President Clinton is not running away from that problem either. Let me quote his speech Tuesday:

> If you want the deficit to go down to zero as I think almost all of you do, we have got to challenge the health care system. It is

bankrupting the private sector, bankrupting the public sector, and millions of Americans live in insecurity and constant fear of losing their health care.

Sure, President Clinton could run away from the health care problem—remember that the deficit doesn't begin to go up because of health care costs until 1998, after the 1996 election. But unlike the leadership of the last 12 years, this President isn't making excuses and running away from the difficult problems—he's making the tough choices needed to solve the problems facing the American people. That's courageous leadership.

So will this plan reduce the deficit? Don't take my word for it—as a matter of fact, I'm a little sick and tired of hearing what politicians and Washington number crunchers have to say about this plan.

This chart isn't politicians and bureaucrats bickering back and forth—this is the verdict of millions of independent business decisions and transactions. The fall of interest rates accelerated because the markets have taken a long look at how serious and credible this deficit reduction plan is, and they have judged it as serious deficit reduction.

Don't forget what else this chart means—it means lower mortgages for homeowners, lower borrowing costs for a small business looking to expand, reduced interest payments for corporations seeking to pay off debt they ran up in the 1980's, and lower interest payments on everyone's monthly credit card bill.

So in the final tally, the Republican leader asked four questions and gave one almost correct answer; 1 out of 4—a mere 25 percent correct. That's not even close enough for Government work.

Mr. President, in the end, let us all remember what this debate is about. This debate is not about gaining political points or scoring some symbolic victory that scores political points.

This debate is about our country's economic well being. It is about our future standard of living.

It is unconscionable and inexcusable to pass this enormous and expanding Federal debt to the next generation. We must stop it now.

I have been in the U.S. Senate since 1978. I am willing to take my share of responsibility for our current situation. And I am also willing to make the tough choices and cast the tough votes to start in a new direction to curb deficit spending.

It all comes down to doing nothing, or taking the chance for change. And I believe the American people are right when they say "The status quo is not good enough." Therefore, I support the President.

Mr. KENNEDY. Mr. President, I give my strong support to the conference report on the Budget Reconciliation Act, and I urge the Senate approve it.

This measure is the cornerstone of President Clinton's strategy to reduce the massive Federal budget deficit and lay the groundwork for a return to economic growth. Its purpose is to get this economy back on track, and begin to undo the damage that 12 years of Republican rule have done to the economy and the country.

President Clinton is right to encourage the American people to take charge of their future and insist that Congress pass this economic plan. After years of irresponsible policies, the President has offered genuine economic leadership. He has proposed a realistic way to achieve the deficit reduction that is essential to revive the economy and achieve future economic growth.

The President's plan is fair to all citizens. It is not unreasonable to ask the wealthy, who have benefited most from 12 years of Reaganomics, to pay their fair share now.

I support this bill because it is balanced and it is fair. But most important, I support it because it is essential for Congress to act, and to end the gridlock that prevents Government from governing.

The President's plan puts us back on the road to fiscal responsibility. It will cut almost $500 billion from the Federal deficit over the next 5 years. It is a balanced plan, with more spending cuts than tax increases. Unlike past efforts to reduce the deficit, or the sham alternatives that have been offered by our Republican colleagues, President Clinton's plan makes over 200 specific spending cuts.

It rejects the "Gone With the Wind" Republican strategy that says "cut spending tomorrow." This bill puts in place a specific plan for specific spending cuts today and in the years to come. It is the only realistic alternative on the table to cut spending, and it deserves to pass.

It is also a fair plan with respect to taxes. The vast majority of the tax increases fall on the wealthiest 1 percent of Americans. Families with incomes of less than $180,000 a year will see no increase at all in their income tax rates.

And the gas tax that has become such a partisan punching bag in this debate will cost the average family the grand total of $31 a year. In other words, the entire sacrifice that middle-class Americans are being asked to make for deficit reduction in this bill is less than a dime a day—one single solitary thin dime.

Working families earning less than $30,000 a year won't even pay that. Their tax burden will actually go down because of the earned income tax credit, which helps to lift low-income working families and their children out of poverty.

The plan is well-rounded in yet another way. It contains specific incentives for business growth. The research and development tax credit is reinstated and extended.

Capital gains incentives are provided for investing in new small businesses. The ability of existing small firms to make investments is enhanced by raising the amount they can deduct in the year it is spent, instead of depreciating the investment over a period of several years.

This bill is important as well for many other worthwhile sections that achieve other needed reforms.

The enterprise zone provisions mean that this long overdue plan to revitalize our poverty-stricken inner cities and rural areas is finally under way. The immunization provisions will make timely vaccinations more available and accessible to millions of children in all parts of the country.

The reform of college student loans will streamline the current program, save money for students, and open up new opportunities for young Americans to pay for their college education by participating in community service.

But our Republican colleagues are endeavoring to obscure all of these achievements. The American people have been subjected to a brazen barrage of baloney about the President's program.

Rather than work in a bipartisan fashion, our Republican opponents have deliberately chosen the path of continued gridlock and obstruction. We will not see a single Republican vote cast in support of the President in the House or the Senate.

No other bill of this importance has ever been subjected to such a partisan stonewall. We all know that sometimes party loyalty asks too much—and this is one of those times.

The Republicans would have the American people believe that this bill raises significant taxes from the middle class. But it does not. They claim that they have an alternative deficit reduction plan.

But their plan is vague on all the details, and it would produce $80 billion less in deficit reduction than the President's plan, while not asking the wealthiest 1 percent of Americans to pay one extra dime in taxes.

The entire Republican strategy of opposition is based on their desire to protect the rich, to give Reaganomics one more try, to give trickle-down economics one last gasp. But those polices have failed. They didn't work for Herbert Hoover, they didn't work for Ronald Reagan and they didn't work for George Bush. This vote should be—and it deserves to be—the last hurrah for Reaganomics.

Our opponents make the preposterous claim that the President's plan will hurt small business. But 96 percent of all small businesses will pay no income taxes under this plan. And for those 4 percent whose taxes will go up, their average income—their average income—is over $500,000 a year. So who are we kidding about whose taxes will go up under this plan?

Despite all the rhetoric and all the smokescreens, this bill is not an attack on the middle class or small business. All it asks is that the wealthiest Americans—the same high-income citizens who reaped vast tax breaks under trickle-down economics—pay their fair share. And that is a small price for them to pay for the economic recovery that is essential to their own future wealth.

The Senate is also awash in Republican crocodile tears over the retroactivity of these tax increases on the wealthy. The Republican leader is shocked—shocked to find that this bill actually applies to income earned starting on January 1, 1993.

Is there any wealthy person in America who didn't know that this tax increase might well be coming?

What about all the wealthy individuals who held their breath until the November election, and then rushed to manipulate the timing of their income, so that it would be received in 1992 instead of 1993, to avoid the higher taxes that President Clinton's deficit reduction bill was likely to impose.

The business press was full of stories about those tax shenanigans. The so-called retroactivity argument has no bite, no teeth, and no gums. This tax increase was widely anticipated by wealthy citizens—and it deserves to be applied starting January 1.

We all know what was at stake in the final hours of the conference on this bill.

The alternative to a retroactive tax increase for the wealthy was a higher gasoline tax on the middle class. The conferees made the right choice, and I commend them for their decision.

Finally, our Republican colleagues assert that the President's plan will hurt the economy.

If that charge wasn't being used to scare the American people, the criticism would be comical, coming from those who were the principal architects of the failed economic policies of the past 12 years. Let me remind my colleagues, and the American people, that the deficits we face today are the deficits that exploded under two Republican Presidents.

The Bush administration had the worst record on job creation of any Presidency since World War II. The American people do not believe that Republicans—who gave us the biggest deficits and the worst job growth in the past half century—have any lingering credibility when it comes to jobs and the economy. Their obstruction today is a cynical attempt to appeal the result of the 1992 election, and it deserves to fail, because their policies have failed.

We must not give in to that type of negative politics. It is time to move forward, not backward, to the future.

And after we pass this budget, we intend to come back again and again in the months and years ahead, to cut spending responsibly, to reform health care and welfare, to invest in education, to create jobs, and to help Americans compete again with any other country in the world. We know that a sound economy is the prerequisite for any other genuine social progress.

We need to approach these goals in a good faith bipartisan spirit. Gridlock is bad policy and bad politics. It is obstruction for the sake of obstruction. So let us pass this bill and move ahead, and find a way to work together once again, because it is the only realistic way to achieve the goals we share for the economy and for our country.

REGARDING THE DEFICIT REDUCTION BILL

Mr. EXON. Mr. President, we are now in a very important debate on the most critical matter facing this Nation—are we going to begin to get our financial house in order or are we not? This talk, and all others on the Senate floor today, is not likely to change one vote. The die is cast.

Sometime tonight the Senate will either tie on a 50–50 vote and the Vice President will cast the telling vote in favor of the $496 billion deficit reduction measure or it will fail on a 51–49 vote. We are, therefore, talking past each other on the floor of the U.S. Senate today and addressing ourselves to the public. There is nothing wrong with that; in fact, under the circumstances, it might be well and good.

Keeping my word that I would support the conference report if it basically followed the tenets of the version of the measure that earlier passed the Senate, I will do so. To say that this is not a perfect bill is an understatement. To say that the safe political vote is "no" is absolutely accurate. Using President John Kennedy's "Profiles in Courage" analogy, the Senate all too often shrinks from that worthy posture.

It may sound trite, it may sound self-serving, but my vote will be cast in favor of the reconciliation measure primarily because I am convinced it is the right vote for my grandchildren and all grandchildren of America similarly situated. We have been selling them into economic slavery. There is only one thing worse than tax and spend and that is borrow and spend. Will this reconciliation bill guarantee an end to that economic blood-letting of future Americans? No. But it is the only vehicle available to us to at least begin. More cuts must be made and the actions of the Senate and House leadership yesterday clearly promise that should come to pass in some form.

I am encouraged particularly by the agreement that has been worked out by painstaking negotiations and commitments the last few days that if the reconciliation bill prevails there will be some form of high profile, high stakes action on budget cuts this fall, while we are still in session. This has been specifically agreed to by the President, the Speaker and majority leader of the House and by the majority leader of the Senate.

I could go on for hours citing the pros and cons of this debate. I am not completely satisfied with the initial steps proposed in the reconciliation bill and certainly have serious objections to come of its tenets, including the unwise predating of the income tax increases. But I am sure that many of my other concerns have already been voiced in debate and this is no time for unnecessary redundancy.

I do want to talk briefly about what I feel have been unfortunate and, in some cases, premeditated falsehoods and in some cases outright lies being peddled by well-financed opponents.

The so-called Citizens for a Sound Economy has spent tens of thousands of dollars on mostly untrue advertising in my State of Nebraska. Citizens for a sound economy should be exposed for what it is—the brainchild of the Koch Brothers of Kansas, who owns the largest independent, privately held oil company in America. David Koch is chairman of the CSE Foundation. He also ran for Vice President on the Libertarian Party ticket in 1980. That party's platform included legalizing drug and prostitution, ending public education, abolishing Social Security, Medicare, and Medicaid, repealing all taxes and eliminating all agriculture subsidies. This is not a typical Nebraska grassroots organization.

To correct some of this horrible misinformation, as I use that word deliberately as an understatement, I reference page S9525 of the CONGRESSIONAL RECORD of Tuesday, July 27 where my colleague from Nebraska inserted my "Myth vs. Fact" statement on the reconciliation proposal.

Therefore, Mr. President, I would hope that the Senate and public at large would recognize this legislation as an important first step in the process of righting the wrong of years of deficit financing of the Federal Government. It is not the final product, but a recognition that we must begin and stop just talking.

There is one last comment I would like to make. I am discouraged that partisanship has taken on such a keen cutting edge to this process and debate. While the Democrats are not without our share of the blame, I note with interest that some Democrats here in the Senate as well as in the House have had the independence to leave their party ranks to vote in opposition. It may be just a coincidence, but there has been unanimous, without exception opposition by every elected Republican in the House and Senate. They have marched in lockstep against the proposal. Some may claim that shows how bad the plan is. It also just might be that the Republicans, marshaled as one, see more of a chance for political gain. So much for profiles in courage.

WHY I SUPPORT THE BUDGET PLAN

Mr. KOHL. Mr. President, for weeks we have debated the details of this budget package. We have all pushed our policy preferences. We have all tried to shape this measure in ways that we believe meet the needs of our constituents and our country.

But all that is over. The deals are done. The details are finalized. The bill is before us. We cannot alter it. We cannot modify it. We cannot change it. We can simply vote "yes" or "no."

And I will vote "yes."

Not without reservation. But with a firm conviction that I am casting the right vote on behalf of the people of Wisconsin and the Nation.

Mr. President, this bill is not the bill I would have written. It is not everything I wanted it to be. Despite my efforts, it still contains a middle-class tax. It does not do enough to cut spending. It does little to control entitlement spending.

These are real flaws in the plan. But the decision before us is whether these flaws are fatal. And, in my mind, they are not.

Some believe we should reject this plan because it does not do enough. Yet it does more than we have ever done before.

Some suggest that we could solve all our problems tomorrow. Yet these problems have been accumulating for years.

John F. Kennedy once said that "a journey of a thousand miles must start with a single step."

And this is that step—toward the long journey of eliminating our deficit and reducing our national debt. Other steps will be needed. But the time to begin that journey has come.

Mr. President, this bill is the largest single deficit reduction plan we have ever considered. And it has three basic elements.

CUTS IN SPENDING

First, it contains $255 billion in real spending cuts. More spending cuts, in fact, than tax increases. Programs are eliminated. Funding levels are cut. Enforceable spending limits are established.

While many of us, myself included, believe that we can do more to cut spending, we must all keep in mind that no cut is painless. Eliminating the Federal wool and mohair program, for example, may make sense, but not to the sheep farmers in my State. But when I voted against that program, I voted against a program that benefits people in my State. And the same is true of countless other programs we reduced or eliminated in this bill.

Cutting spending is not pleasant. It is not easy. But it is done in this bill. Over $255 billion will be cut from Federal spending. Entitlements will be reduced. Discretionary spending will be frozen. And after this package is adopted, total Federal spending next year—with the exception of spending on health care—will be about the same as total Federal spending this year.

INCREASES IN REVENUES

Second, this bill will raise an additional $250 billion in new revenues.

That is a substantial sum, Mr. President. But we cannot look just at the size of the tax increase. We have to look at who pays those taxes.

Let me look at it from a Wisconsin perspective first. There were 2,287,060 tax returns filed by Wisconsin residents last year. Only 20,645 would force people to pay a higher tax rate. That is less than nine-tenths of 1 percent. For 99 percent of the residents of Wisconsin, there will be no increase in Federal income taxes.

Higher tax rates come into effect when a family has a gross income of approximately $180,000 a year and an individual has a gross income of approximately $140,000 a year. Approximately 80 percent of the tax increase in this bill will come from those making more than $200,000 a year.

Our motive here is not to punish the rich. Our motive is to recognize that a relatively small segment of our society did extremely well in the 1980's and now, in a time of national need, can legitimately be asked to do more.

This plan also asks business to make a modest contribution to deficit reduction. The corporate rate will be increased by 1 percent on firms with taxable income above $10 million. And businesses will no longer be able to deduct certain expenses—like club memberships and executive salaries in excess of $1 million a year—to the same degree. Again, the motive is not to punish business. It is to raise needed revenue in a way that does not hamper business growth and economic expansion.

While I believe that the personal and corporate tax increases are reasonable, I do recognize that there are some special problems associated with the way they are implemented. Let me discuss three of those problems.

RETROACTIVITY

Even though this problem affects less than 1 percent of the people of Wisconsin, I do not like the fact that personal income tax increases will be applied retroactively. In fact, I was one of several Senators who told the President we would oppose retroactivity when this bill first came before the Senate and, as a result, there was no retroactive provision in the Senate bill. Since learning that the conference rejected the Senate's position and included retroactivity, I have signed a letter to the majority leader asking him to cooperate with an effort that a number of my colleagues and I will be making to correct this problem.

While I obviously dislike this provision and will seek to eliminate it, I recognize that steps have been taken to reduce its impact. We allow people subject to this retroactive tax increase to pay this year's increase in three installments over the next 2 years without paying penalties or interest. It isn't perfect, but as one of the people who will be paying higher taxes, I know it is bearable.

THE GAS TAX

The only tax middle-income Americans will be asked to pay—the only tax 99 percent of the people in Wisconsin will be asked to pay—is a 4.3-cent-per-gallon gas tax.

Mr. President, I fought hard to eliminate this gas tax increase. I offered an amendment to eliminate the tax when the Senate considered the bill—an amendment that was unfortunately defeated on a 50–48 vote. I repeatedly told the President and the Senate leadership that I opposed the tax. But in the end, it was clear that some level of gas tax had to be included in the bill. The President wanted it. The mathematics of reaching close to $500 billion in deficit reduction required it. And once that became clear, I fought to prevent the tax from being increased. There was talk during conference of a 6, or 7, or even 10-cent increase. But I made it clear that I would not vote for anything more than the Senate's 4.3-cent increase.

And that is what we have. A 4.3-cent per-gallon tax.

I am not happy about even this small increase. I do not want to vote for even that. But I will, because it is part of an overall deficit reduction plan. Because it will cost the average Wisconsin driver $25 a year, 52 cents a week, 7 cents a day. Because without a gas tax we would have no deficit reduction package. And because I saved middle-income Americans over $8 billion by holding the line at 4.3 cents.

TAXES ON SELECTED SOCIAL SECURITY BENEFITS

Some senior citizens will pay increased taxes on their Social Security benefits. But most will not. This increase will affect only individuals whose total incomes exceed $34,000 and couples whose total incomes exceed $44,000. And the impact of the legislation is limited even as it applies to them: a greater percentage of their benefits—not their total income—will be taxed if they earn more than the $34,000 or $44,000 threshold.

While the impact is limited, I recognize it is still real. Any tax increase has a real impact. But it is an impact which should not cause an undue burden on senior citizens and will produce real benefits in terms of reducing the deficit and protecting the future for their children and grandchildren.

Mr. President, to be honest, if the bill only included these first two elements—spending cuts and tax increases—I might not have supported it.

I know deficit reduction is important. But I also know that the economy is fragile. We have, too often, destroyed something in the name of saving it. We could have destroyed the economy in an effort to free it from the drag created by our deficit and debt. But we did not and we will not. Because there is a third element to this plan.

GROWING THE ECONOMY

The third element includes business incentives and investments. We have modified the alternative minimum tax provision. We have expanded the expensing provisions available to small businesses. We have eliminated luxury taxes. We have created a targeted capital gains provision. We have liberalized the passive loss rules. And we have extended effective tax incentives, like tax-exempt financing for small business, the research tax credit, the low-income housing credit, and the targeted jobs tax credit. Additionally, and perhaps most importantly, this deficit reduction package should continue to keep interest rates low. For individuals and businesses, that will mean lower costs and increased purchasing power.

Independent economic experts have also estimated that the plan will produce an additional 8 million jobs over the next 5 years. And this plan will help people get those jobs. There are training provisions included in the package. And there is a major expansion of the earned income tax credit. That will encourage people to take jobs because the expanded EITC will help to ensure that anyone who works 40 hours a week will not be forced to live in poverty. In Wisconsin it means help for 193,000 families. It means over $313 million coming into our State. It means real progress for real people.

These are the three elements. Interconnected. Balanced. And reasonable.

MISCONCEPTIONS ABOUT THE BUDGET

But, unfortunately, not well explained to the American people.

Mr. President, I am not a partisan person. I believe cooperation is important between Republicans and Democrats and Independents. I believe that is the best way to solve our national problems. To pull together and to work together.

But I have to confess that cooperation has not been possible in regard to this bill.

Maybe the President did not reach out to the Republicans early enough. But his failure does not justify or excuse the action taken by some leaders of the opposition.

It isn't just that facts have been distorted. It is that they have refused to cooperate at all.

For the first time in memory, no Member of Congress not of the President's party will vote for his budget. Not one. For the first time in memory, opponents have used obscure Senate rules to block policies that they actually agree with in an effort to damage the bill. Republicans in the Senate have used the rules to prevent this legislation from having a deficit reduction trust fund, even though they support that idea. They have used the rules to keep from including enforcement mechanisms which would let us better control entitlement spending, even though they support that idea. They have blocked a host of legitimate and worthwhile programs and projects—like Project New Hope, a model welfare-to-work project in Wisconsin—simply because they don't want to make a package they oppose better.

They have not just cut off their nose to spite their face, they have disfigured a plan which will affect all Americans simply because they can not defeat it. And that is unacceptable. It is childish. It is totally unjustified.

And the distortions that have been made are incredible. Let me take just four of the major ones.

First. The plan will hurt small business. Nonsense, Mr. President. Only 4 percent of the small businesses in the country will face higher taxes under this plan. Four percent. But because we lower the deficit, all small business will benefit from lower long-term interest rates. And over 90 percent of this country's small businesses will qualify for a tax cut because the plan increases the expensing allowance, creates targeted capital gains reductions, and retroactively restore the 25 percent deduction for health insurance.

Second. There are no spending cuts in this plan. Again, nonsense. There are cuts. Real cuts. They happen now and they continue for the next 5 years.

Third. The plan is nothing more than a re-hash of the 1990 budget summit; that plan failed and so will this one. This may be the most dishonest claim made. It ignores the fact that the 1990 deal did succeed in one respect; it restrained spending—and so will this plan. It ignores the fact that the 1990 deal was based on overly optimistic economic forecasts—and this plan is based on conservative economic assumptions. It ignores the fact that the 1990 deal was based on a deficit estimate which was, by the Bush administration's own admission, almost $115 billion off the mark due to a calculating error—while this plan is based on the worst case estimates available. It ignores the fact that the 1990 deal did not contain any incentives—while this plan does.

Fourth. If this plan is defeated, we will work with the President to create a new tone. If I believed that, I might vote against this plan in an effort to craft a bipartisan policy. But I don't believe it. There are no credible alternatives which have been proposed. There are no realistic alternatives on the table. There is no choice available other than doing nothing and watching the deficits mount.

MORE WORK TO DO

But making the choice to vote for this plan is not enough. After all, it simply reduces the deficit, it does not eliminate it. That means our job is not done. We need to keep going. And I am going to do everything I can to make sure we do.

I have joined Senator BOB KERREY in calling for a special session of the Congress to consider additional spending cuts; I have joined Senator JOHN KERRY in calling on the President to submit a series of spending recision proposals to the Congress; and, at the request of the majority leader, I have been working with a number of other Senators to develop a specific plan—one which can gain bipartisan support—to ensure that the Congress will act on a series of specific spending cut proposals in a specific timeframe.

Mr President, as I look back at this entire budget process, I wish we had done it differently. I wish Democrats and Republicans had worked together. I wish there were more progrowth incentives, fewer taxes, and more spending cuts in the plan. But in the end, I am convinced that this is the best option we have. I am convinced that it will help reduce the deficit, that it will increase the share of taxes paid by the wealthiest among us, and that it will control spending. I do not believe it does enough to encourage business or enough to cut spending. But this is just the first step in the long and painful process of getting our budget in order and our economy growing. More needs to be done, but this does enough to get us started.

TITLE XII OF H.R. 2264—VETERANS' AFFAIRS PROVISIONS

Mr. ROCKEFELLER. Mr. President, as chairman of the Committee on Veterans' Affairs, I rise to comment on title XII of the conference report on the proposed Omnibus Budget Reconciliation Act of 1993, H.R. 2264, and to urge my colleagues to support this enormously important measure.

Section 7(b)(12) of the concurrent resolution on the budget for fiscal year 1994 (H. Con. Res. 64) required our committee to report changes in laws within our jurisdiction sufficient to reduce outlays for veterans' programs by $266 million in fiscal year 1994 and a total of $2,580,250,000 during fiscal years 1994–98.

Pursuant to section 7(b)(12) of the budget resolution and the unanimous, bipartisan vote of the committee at a June 10, 1993, meeting, the Senate Committee on Veterans' Affairs submitted legislation to the Budget Committee on June 15, 1993, that complied with our reconciliation instructions. Estimated savings from that legislation would have exceeded the 5-year total required savings of $2.58 billion by approximately $29 million. According to CBO estimates, the committee's legislation would have produced net savings of $2.609 billion in outlays during fiscal years 1994 through 1998.

The conferees on this part of the reconciliation bill met in open session on July 26, 1993. Title XII of the conference report contains the final agreement of the subconference on veterans' programs. According to CBO, the provisions in title XII would produce net savings of $2.544 billion in outlays during fiscal years 1994 through 1998.

SUMMARY OF PROVISIONS

Mr. President, title XII of the conference report contains amendments to title 38, United States Code, and freestanding provisions that would make changes in laws relating to VA compensation and pensions, health care cost recovery, educational assistance, and home loan guaranties. These provisions would:

First, in section 12002, extend through September 30, 1998, the Department of Veterans Affairs' current authority to collect copayments from certain veterans for certain medical care and outpatient medications.

Second, in section 12003, extend through September 30, 1998, VA's current authority to recover from a veteran's private medical insurance the cost of medical care VA provides for nonservice-connected conditions.

Third, in section 12004, extend through September 30, 1998, VA's current authority to verify eligibility for VA need-based benefits using income information provided by the Internal Revenue Service and the Social Security Administration.

Fourth, in section 12005, extend through September 30, 1998, the current $90-a-month limitation on pension benefits paid to Medicaid-eligible veterans and surviving spouses who are in nursing homes and who have no dependents.

Fifth, in section 12006, extend through September 30, 1988, the current requirement that VA consider its average resale loss in the formula VA uses to determine, upon foreclosure of a VA-guaranteed home loan, whether to acquire and resell the property or pay off the VA guaranty.

Sixth, in section 12007, increase the fee borrowers pay to VA for a VA-guaranteed home loan by 0.75 percent of the loan amount—increasing the basic fee from 1.25 to 2 percent—and require a higher fee for borrowers who previously have used a VA-guaranteed loan and make no downpayment. The increased fees would apply to loans closed between October 1, 1993, and September 30, 1988.

Seventh, in section 12008, require that each new payment rate resulting from enactment of an fiscal year 1994 cost-of-living adjustment for veterans' disability compensation and survivors' dependency and indemnity compensation be rounded down to the next lower whole dollar. The provision also would limit the fiscal year 1994 COLA for survivors receiving dependency and indemnity compensation under the formula that existed before Congress enacted DIC reform in 1992 to half of the COLA amount paid to those who receive the basic DIC rate under the new law formula.

Eight, in section 12009, eliminate the automatic increase for Montgomery GI bill educational assistance for fiscal year 1994 and limit the increase in fiscal year 1995 to half of the percentage that would have been provided under the statutory formula.

DISCUSSION

Mr. President, the effort to meet the budget reconciliation instructions with respect to veterans' programs has been a long, difficult, and painful process. The task of cutting programs and imposing fees for veterans benefits and services is certainly not a pleasant one.

Mr. President, all of the provisions in the veterans' programs portion of this bill are real spending reductions. The opponents of this reconciliation bill do not want the public to know about the real, painful spending cuts that this legislation contains. They want the American people to think of this as a tax bill.

The veterans' provisions provide a good example of the difficult choices that have been made in this bill. As difficult as the process was, the people who care about these programs made the necessary cuts, rather than resorting to the meat-cleaver approaches of those who advocate entitlement caps or other, supposedly easy answers. The provisions in this title will reduce fraud and waste in VA programs.

At the outset of the reconciliation process, I decided that my guiding principle would be to protect service-disabled veterans, their families, and their survivors. Simple, crude answers like entitlement caps allow no room in the budget-cutting process for this kind of compassion toward deserving individuals.

Mr. President, most of the credit for the compassion that has been shown to veterans in this deficit-reduction measure goes to President Bill Clinton and Secretary of Veterans Affairs Jesse Brown. We also must pay tribute to veterans themselves, who deserve a great deal of the credit in the process leading to this legislation. From the beginning, veterans organizations indicated that veterans were willing to do their part in the effort to reduce the deficit. This legislation reflects the commitment by veterans to share in the sacrifices that are required, and it shows our commitment to ensure that those sacrifices be reasonable and fair.

Mr. President, while I believe that the veterans' provisions in this bill could have been less painful, they are not as objectionable or harmful as they might have been. When the House initially passed the reconciliation legislation, it rejected a provision in the President's proposed package that would have increased servicembmers' payments for Montgomery GI bill education benefits. In order to make up for the savings lost as a result of rejecting that provision, the House proposed four alternative measures. One would have authorized VA to collect from veterans' private health insurance the cost of medical care VA provides for service-connected conditions. The other would have totally eliminated the fiscal year 1994 cost-of-living adjustment for survivors receiving dependency and indemnity compensation paid under the formula that existed before enactment of our landmark DIC reform law late last year.

Mr. President, without the dire need for us to reduce the deficit, I would not recommend any of the provisions contained in this legislation.

The Senate package I proposed—which the Senate Veterans' Affairs Committee passed unanimously—was almost identical to the President's proposed reconciliation package. We explicitly rejected the House's authorization for third-party billing for service-connected medical care and elimination of the old law DIC COLA. The Senate Committee unanimously agreed to a set of provisions that actually would have exceeded by a small amount our reconciliation instructions, in a manner the committee believed was least harmful to veterans.

The unanimous, bipartisan vote in our committee showed strong support for the reasonable and fair proposals by the administration.

Mr. President, all of the members of the Senate Veterans' Affairs Committee, Republicans and Democrats alike, felt strongly that third-party billing would undermine the Federal Government's solemn obligation to take care of those who were injured through service to our country. Primary entitlement for VA medical care is based on service connection. To collect from a third party the cost of treatment for service-connected disabilities undercuts the entire basis of the VA health care system. Many of us on the committee also were concerned that such a provision would have an adverse effect on the availability and cost of private health insurance for service-disabled veterans.

Mr. President, I am enormously pleased that we succeeded in excluding this terrible House provision from the conference report.

The Senate Veterans' Affairs Committee also was committed to ensuring that survivors receiving old law DIC receive a COLA in fiscal year 1994. For weeks, I adamantly refused to accept any package that included the elimination of the old law DIC COLA for fiscal year 1994. the House committee just as adamantly refused to make a very reasonable increase in new military recruits' payments for Montgomery GI bill educational assistance, or even to limit the automatic increases in educational benefits, so the Senate was forced to agree to some limitation of the fiscal year 1994 COLA for old law DIC recipients.

Mr. President, despite the House's position, I am pleased that the conference report ensures that these survivors receive at least one half of the COLA that recipients of DIC under the new law will receive. I greatly regret that we were compelled to agree to any reduction at all, but I am proud that the Senate successfully avoided totally eliminating the COLA for these deserving survivors. Given the unyielding position of the House committee on the Montgomery GI bill, we had no other choice.

CONCLUSION

Mr. President, as I mentioned earlier, if it were not for the dire necessity to reduce the deficit, I would not recommend any of these provisions. I believe we could have achieved our goals through more appropriate and less harmful means, as demonstrated by the original Senate-passed version of this bill. But, given the importance of reaching a compromise to meet our obligation, and in light of the House committee's inflexible position with respect to the Montgomery GI bill provisions, we have accepted certain provisions that I would not otherwise have accepted.

Mr. President, I urge my colleagues to support this reconciliation measure. We must make this courageous and difficult step toward reducing our huge, growing deficit. The alternatives are frightening and far more detrimental than what is contained in this bill. We need to support the President's bold move toward positive change. He has shown incredible political courage and leadership, and now it is our turn to do the same.

TRANSPORTATION FUELS TAX

Mr. BREAUX. Mr. President, I rise for the purpose of entering into a colloquy with the chairman of the Finance Committee, the senior Senator from New York.

Mr. President, when I first proposed adoption of a transportation fuels tax and more spending cuts to replace the Btu tax, I did not propose taxing all liquid fuels or compressed natural gas [CNG]. The conference agreement we are considering today further expands the transportation fuels tax to CNG, a gaseous fuel, when it is used as a highway or motorboat fuel. This is the first instance in which the motor fuels taxes have been imposed on nonliquid fuels.

Because this is the first fuel to be taxed which is not in liquid form, the conferees were required to determine an appropriate rate of tax for CNG. It is my understanding that the U.S. Conference on Weights and Measures is currently considering the establishment of standards of measurement for natural gas. I would like to clarify with the Senator from New York that the conferees did not intend to influence the efforts of the U.S. Conference in adopting the unit of measurement they adopted for CNG.

Mr. MOYNIHAN. The Senator is correct.

Mr. BREAUX. I thank the Chairman.

Mr. DASCHLE. Mr. President, as chairman of the Subcommittee on Energy and Agricultural Taxation, I support the effort of my distinguished colleague from Louisiana to clarify this point, and I appreciate the interest expressed by the chairman of the Senate Finance Committee.

Mr. BREAUX. I thank my distinguished colleagues from South Dakota.

APPLICATION OF INTANGIBLES PROVISIONS TO VIDEOTAPES PURCHASED AS PART OF THE ACQUISITION OF A TRADE OR BUSINESS

Mr. MITCHELL. Mr. President, I would like to ask the chairman of the Finance Committee his view as to the application of section 13261 of the conference report, the provisions dealing with the amortization of acquired intangible assets, to mass-produced videotapes, recordings, books, and other similar items that are readily available for purchase by the public, have not been substantially modified, and are acquired without the acquisition of the copyright or any right to copy or other exclusive license. It is my understanding that when such items are purchased as part of the acquisition of a business that sells or rents such items, the items are not section 197 intangibles.

Mr. MOYNIHAN. That is correct.

THE MARK-TO-MARKET ACCOUNTING METHOD FOR SECURITIES DEALERS

Mr. MITCHELL. I understand that the statement of managers provides clarification as to when a financial institution that is treated as a dealer under the mark-to-market provision is to identify certain indebtedness as held for investment, and thus not subject to the provision, based on the accounting practices of the institution. I wish to clarify two things for this purpose: First, the term "held for investment" generally means the same as "not held for sale" as provided in the statute; and second, that the "accounting practices of the institution" refers to the time when the institution identifies the indebtedness, not to the generally accepted accounting principles that are used to determine whether or not an evidence of indebtedness is to be marked-to-market for financial accounting purposes.

Mr. MOYNIHAN. The Senator is correct.

FAMILY PRESERVATION AND RECONCILIATION

Mr. BOND. Mr. President, in earlier speeches today I have laid out the reasons for my opposition to this package. There is, however, one part of this package that I will find it very difficult to vote against: the family preservation piece.

There is a desperate need for reform of the child welfare system to protect abused and neglected children.

The child welfare system has been stretched to the limit. More than 2.6 million children were reportedly abused or neglected in 1991—an increase of more than 150 percent over a decade. Skyrocketing caseloads have overwhelmed the State child welfare systems responsible for the care and protection of abused, neglected and vulnerable children, and troubled families.

The solutions are not simple. Back in 1980, Congress passed the adoption assistance and child welfare amendments to modify our child welfare system. However, while foster care payments became an entitlement to States for children placed in out-of-home care, we failed to invest a proportionate amount of money on prevention and training.

Since 1980, we have learned a great deal about the value of prevention and crisis intervention. We have also learned that there is a great emotional toll on children who are removed from their families unnecessarily. Many children are shifted from placement to placement, unable to form the stable attachments necessary for emotional well-being. While part of this is due to parents' unwillingness to terminate their rights, others have had parental rights terminated but languish in foster care because adoptive families cannot be found for them.

Over the last year, the Senator from West Virginia [Mr. ROCKEFELLER] and I have worked together on several initiatives to benefit children and families. Key among these is providing more funding for family preservation services, and for reform of the child welfare system generally.

The conference report agreement contains many of the same provisions we argued for in S. 596, the child protection reform bill. States will have new money to invest in child abuse prevention and prevention of family dissolution. States like Missouri can expand their family preservation programs which prevent family dissolution through intensive counseling and case management for those facing crises they cannot handle on their own.

Certainly family preservation is not appropriate in cases of serious and ongoing physical or sexual abuse, and States which have implemented family preservation programs do not recommend those services for children who are in danger of such abuse. But there are plenty of other reasons that children are now removed from their homes unnecessarily. Inadequate housing is one primary example. Temporary crises like separation, divorce, and unemployment often lead otherwise decent parents to lash out at their children when they would not under normal circumstances.

In these cases, and certainly there are fine lines to be drawn, we believe family preservation and family support programs may be a more effective solution to the family's problems than splitting them up.

Many States currently operating family preservation programs have found that it is successful in the large majority of families—over 80 percent—where it is tried. But the realization that family preservation will not work for every child or every family is why we have insisted on continuing Federal reimbursement to States who must place children outside their families.

The decision to remove a child from his or her family is a difficult, but sometimes essential, judgment to make. It requires skill and compassion on the part of the social workers, the judges, and others responsible for making the decisions. Yet the combination of escalating caseloads and tight social service budgets has many social workers and judges unable to cope. Our bill, and the conference agreement, contains funds for needed improvements in the court system so that the decisionmakers are better equipped to act in the best interest of the child.

Other improvements include easing States' ability to implement automated data systems, to cut down on paperwork, and permanently extending the independent living program for children who age out of the foster care system.

And so, while I am disappointed that I cannot support the package that contains some much-needed reforms of the child welfare system, I remain committed to these reforms.

BUDGET

Mr. JEFFORDS. Mr. President, today's vote has been described in historic terms. Only the historians can ultimately make that decision, but a brief discussion of our budget history might be instructive. In the heat of our arguments the past gets poorly presented.

Some of my Democratic colleagues seem to have their own version of recent history. In it, the massive tax cuts of 1981 gave a huge windfall to the wealthy and absolutely nothing has occurred since then to rectify that terrible injustice. Time and again I have heard my colleagues on the other side of the aisle complain about 12 years of inaction, of how today's is the first serious attempt to deal with the deficit.

Meanwhile, some of my Republican colleagues hold fast to the belief that we can cure our enormous Federal deficit through spending cuts alone, that there is no need for tax increases. They diminish the problems that President Clinton has inherited—from Republican Presidents and many Congresses. They argue that the bill before us is the largest tax increase in our history.

The Democrats, quite naturally, argue that this is not the largest tax increase, that when you account for inflation, the 1982 tax bill was the biggest. Indeed, they would have us believe that this is the largest, indeed the only effort to reduce the budget in the past 12 years.

Wait a minute, what is wrong with this picture? Well, what is wrong is that the Democrats cannot have it both ways. Much as they might like to rewrite history, they cannot ignore the actual record of the 1980's. They cannot stop history in 1981, and yet charge that the 1982 tax bill was history's largest. This is the very sort of double-talk that has made the American people distrustful of what Congress tells them.

I do not lay this out as an indictment of the Democrats. My party is guilty of plenty of the same revisionism. For example, many will not admit that the 1981 tax bill, a bill which I opposed, did indeed dramatically reduce Federal tax revenues.

But in the wake of that tax bill, Congress did not sit on its hands. Indeed, in 1982 we passed what the Democrats now want to call the largest tax increase in history. In 1982 we passed legislation to overhaul the troubled Social Security System, increasing taxes in the process. In 1985 we passed Gramm-Rudman. In 1986 we passed the Tax Reform Act. In 1987 and 1989 we passed substantial budget reconciliation bills.

And in 1990 we passed the Budget Enforcement Act, which promised close to $500 billion in deficit reduction, something like $532 billion in real dollar terms, which Senate Budget Committee Chairman SASSER labeled "the largest deficit reduction package in the history of this Republic."

All this history may be a bit dry, but I hope it illustrates that we have not been unmindful of the deficit for the past 12 years.

But the fact that we are here today facing continuing deficits is proof enough that while we were not unmindful, we clearly were unsuccessful. We need to do more. But we should not go about our business by ignoring what should be the lessons of our past efforts.

I suspect the White House was mindful of some of these lessons in adopting its strategy on this legislation. The process by which the 1990 budget agreement was adopted was long and messy. The administration and the bipartisan leadership of the House and Senate met for months in an effort to fashion an agreement, only to have their efforts rejected by the House on the first attempt.

I do not blame the Clinton White House for avoiding this course. But I think it made a serious mistake by deciding instead to adopt a "Democrats-only" strategy for creating and passing this legislation. From the beginning, this bill was drafted by and for the Democrats. Republicans were excluded from the start.

Why was this a mistake? First, the result of such a strategy makes the margin of votes so close that each Member of the Senate and House has enormous leverage over the process. As a result, a bill designed to reduce the deficit must be littered by spending provisions catering to the special interests of individual Members. We know of plenty of these provisions, and plenty more will come to light when people actually have a chance to read this bill.

Second, by adopting a Democrats-only strategy, the President was forced to abandon his goal of an equal ratio of tax increases to spending cuts, relying instead on far more tax increases than spending cuts because that is where the center of gravity lies within the Democratic Party. Reaching out for bipartisan agreement would have resulted in a more balanced bill.

Finally, such a fragile coalition can only produce temporary results. Even by the administration's estimates, this bill will do no more than take the deficit from the current $300 billion to about $200 billion in 1997. In 1998, at the end of the President's budget proposal, it will rise to $220 billion, just about where it was in 1990. Our national debt will be over a trillion dollars higher than it is today. And from that point on, the deficit is projected to rise steadily.

Thus, I think that while adopting a partisan strategy may have been good politics, I think it made for bad policy. Regardless of what happens with this legislation, which I suspect will pass, the President should join with Democrats and Republicans who are interested in real, long-term deficit reduction to agree on a plan to achieve it. As I and others have proved time and again—on family and medical leave, campaign finance reform, national service and other issues—there are plenty of Republicans who want to help President Clinton succeed on goals we have in common. And no goal is more important to me than reducing the deficit.

Health care has to be part of that equation, and the President is fully aware of that fact. I have made it clear that I will support real, tough spending restraint in Federal health care programs, and will support his efforts to do so.

And I have made it clear that I will support the President in a balanced effort. As my colleagues will recall, candidate Clinton called for deficit reduction comprised of $3 in spending cuts for every $1 in tax increases. Two months later, at the time of his inauguration, that ratio slipped to $2 in cuts to every $1 in increased taxes. And less than a month after that, in his budget speech to Congress, the ratio slipped to 1-to-1.

Bill Clinton is not the first candidate to make grandiose claims on the campaign trail that prove difficult to implement once in office. I don't fault him for the slippage in his promises, and unlike many if not most of my Republican colleagues, I would support him if he had achieved his goal of an equal measure of tax increases to spending cuts.

Despite claims to the contrary, he has not. Proponents of this legislation want us to believe that there are more spending cuts than tax increases in this bill. Upon any objective examination, that claim is sadly hollow. Here's why.

If you asked most Vermonters, charging them more for a government service is not a spending cut. Yet categorized as spending cuts in this bill are $15 billion in increased fees.

If you asked most Vermonters, interest payments saved from a $250 billion tax increase are not spending cuts. No choice was made, no program reduced.

Finally, if you asked most Vermonters, counting $44 billion in savings that were achieved by the 1990 budget agreement as savings achieved by this bill is insulting to their intelligence. Yet that is what proponents of this bill would do, pretending that the spending caps put in place by the 1990 agreement do not exist.

Not only is this bill tilted too far toward tax increases, but the timing of the taxes and spending cuts is skewed as well.

The 1990 budget agreement, which I supported, contained more than $2 in spending cuts for every dollar in tax increases. But just as importantly, it contained at least an equal measure of tax increases and spending cuts from the very first year it was in place. This is important, because as we have seen throughout the past decade, the tendency in Congress is to quickly undo whatever budget agreement we reach.

The ink on the 1990 agreement was barely dry before efforts began to undermine it. And I think we can anticipate that the shelf life of this agreement may only be about 2 or 3 years.

Why does this matter? Because the vast majority of spending cuts, over 80 percent, are promised for 1997 and 1998, after the next Presidential election. Yet the tax increases started eight months ago. They are retroactive. A very disturbing precedent.

In the first few years, the years that really matter, the ratio of taxes to spending cuts is as follows: In 1994, there are $29.5 billion in tax increases versus $3.3 billion in savings, savings that are more than wiped out by $2.3 billion in unemployment spending, increased entitlements in the bill and billions in flood relief. In 1995, there are $43.5 billion in increased taxes, compared to $4.3 billion in spending cuts. And in 1996, there are $19.6 billion in spending cuts, versus $48.4 billion in tax increases.

That's the 3-year picture, and that's the picture we should focus on. All told, it adds up to about $121.4 in taxes and only $26.2 in spending cuts, almost a 5-to1 ratio of taxes to spending cuts.

I know full well we need to increase taxes to address the deficit. That's why I could not support the Republican alternative offered by Senator DOLE, which purported to cut the deficit without raising taxes. I am not interested in making political hay out of this issue, I want to solve the problem. And surprisingly, the Vermonters I have talked to who are going to pay these taxes are quite willing to pay them if that is the price of real change and a real reduction in the deficit.

So I neither have an interest in protecting the rich, nor much of a constituency. Let is face it, we are in a hole. Affluent Americans should pay more in taxes to get us out of it, and no doubt they will pay. But what do these increased taxes buy in terms of reduced spending? Sadly, precious little. Spending will rise over the next 5 years, and the fundamental mismatch between spending and receipts will not have been fixed.

Not many people will lose sleep at night if millionaires pay more in personal income taxes. Unfortunately, filing tax returns right alongside them are hundreds of thousands of small businesses, the very same businesses that are producing jobs in this country.

What most people do not realize is that perhaps two-thirds of the rich who will be affected by the tax increases are not people at all but small businesses—the self-employed, partnerships and subchapter S companies. That's because the vast majority of companies, over 80 percent, file their tax returns as individuals. And the vast majority of individuals who file with incomes over $200,000, are companies.

The number of companies affected by the tax increases are significant, perhaps as many as 800,000. As a percentage of all companies, they are small. Estimates run as low as 4 percent, but probably the true share is more like 10 percent.

Given the relatively small number of companies, it might not appear too worrisome. But the fact of the matter is that when you look at where the jobs are being produced in our economy, it is from an equally small share of companies. According to one recent study, only 4 percent of the small businesses in our country produced 70 percent of all the jobs in our economy over the past few years.

To be fair, it is not clear how much these numbers overlap, but I think it stands to reason that companies would not be growing and producing jobs if they did not have profits to plow back into their operations. This bill will take over $100 billion in tax increases out of businesses over the next 5 years. And it is abundantly clear that that is $100 billion that will be unavailable to help produce jobs in this country.

Of course the argument is made that this tax bite out of businesses will be offset by lowered interest rates. Certainly low interest rates, produced by the Federal Reserve's efforts to spur the economy, could help. But if companies are burdened by higher taxes and lack the cash to borrow, low interest rates may be of no help in creating jobs.

These businesses will be caught by surprise by this legislation. Having made plans, and operating under tight budgets, they will be subject to retroactive tax rate increases that date back to the beginning of the year, before the President took office, before the President's speech, before this bill was introduced, before they could have possibly anticipated this tax increase. I think this is unfair.

Mr. President, this debate has been filled with history and histrionics, facts and fiction. Our past has been twisted beyond recognition in hopes of influencing our future. This bill has been described as our only course, and it is not. It has been described as the same old course, and it is not that either.

It is a sincere effort from a President who has inherited a terrible legacy, the product of both our parties. But it is not our last, best hope. It is a first and insufficient effort.

I do not want to oppose this effort. My career has been one of trying my best to tackle the problems of our country, of joining with whatever party, and whatever President, to meet our challenges.

But Vermonters did not elect me to cast aside my judgment, to support this President or any President regardless of the course they are embarked upon. I could not support President Reagan is his effort to cut taxes, and I cannot support this President in this effort to raise them. I was, I am, and I will continue to be willing to meet this President halfway. But I cannot go further. I cannot vote for a bill that increases taxes while cutting spending so little. Such an approach will only give the illusion of deficit reduction.

BROWN AMENDMENT TO STRIKE TOBACCO PROVISION

Mr. McCONNELL. Mr. President, we have reached a point where something must be done to protect our tobacco farmers. Prior to 1970, very little Burley tobacco was imported into this country. Today, foreign Burley makes up one-third of the total volume which goes into manufacturing tobacco products. Nearly $600 million of foreign grown tobacco was imported into the United States, and over one-half of this directly displaced Flue-cured and Burley tobacco usage.

I find the present situation very discouraging. While I wish this issue could be resolved without legislation, few other options exist. Kentucky Burley farmers suffered a 45 million pound drop in the 1993 basic quota, due largely to the decline in manufacturer purchase intentions. This represents a direct loss of nearly $200 million in farm income to Kentucky Burley growers.

Unless something is done Kentucky Burley producers will suffer another major cut in income and Kentucky farming communities will suffer. We have reached the point where something must be done to protect tobacco quota holders.

Section 1106 of H.R. 2264, the conference report on the Omnibus Budget Reconciliation Act, requires domestic manufacturers of cigarettes to report and certify the quantity of tobacco both foreign and domestically grown. If manufacturers import unusually large amounts of foreign grown tobacco, then the manufacturers are required to pay an assessment.

Also, the current budget deficit assessment placed on domestic tobacco is extended to imported tobacco. Importers will be required to pay an assessment into the no net cost tobacco fund, which allows the tobacco program to operate at no cost to taxpayers. In addition, imported tobacco must meet the same grading and inspection guidelines as U.S. tobacco and importers will pay for the cost of this inspection, not taxpayers.

Mr. President, I support my colleague from Kentucky and thank him for his work in crafting this legislation. Tobacco farmers have been faced with many obstacles; fighting mother nature, fighting against bans on the use of the product which they grow, and fighting against those who want to tax their product out of business. I am very proud to represent Kentucky's 60,000 farmers' tobacco and will continue to fight to protect their right to grow tobacco and make sure they are treated fairly and justly.

FINAL PASSAGE OF THE BUDGET RECONCILIATION ACT

Ms. MIKULSKI. Mr. President, I rise today to support President Clinton's deficit reduction package.

Its time for change. Not time to defend the status quo. Not time for more delay and more process. It's time to move it.

President Clinton inherited a crippling budget deficit that threatens our future prosperity. He has faced that deficit head-on, and given us a plan for action.

This budget deficit places our children's future at risk. It stifles the growth of our economy, and straight jackets our ability to meet the needs of our people.

Where did this deficit come from? It grew out of control as a result of the policies of the last 12 years. Let there be no mistake, the American people do not want us to keep going in the direction of the last 12 years.

President Clinton's deficit reduction initiative moves us in a new direction—a direction that will generate jobs, generate opportunity, and remove the burden of our debts from our children and grandchildren.

This plan creates jobs today and jobs tomorrow. Not just McNugget jobs. But good jobs at good pay, doing a good day's work.

This plan will give a good guy bonus to the sheet metal company in Glen Burnie that wants to purchase new equipment to help it stay competitive—this means more jobs.

This plan creates new opportunity. It will help the single mother in Baltimore who practices self help. Through expanding the earned income tax credit, that working mother gets a helping hand up, instead of a hand out. This credit will mean a tax cut for 20 million working families across America.

Most importantly, this package lowers the deficit. We are doing more to reduce the deficit than ever before.

Cutting the deficit will benefit the family in Rockville who can refinance their home at a lower interest rate. They can use that extra cash to set aside in their savings account, fix up their home, or buy new, American-made products.

We must get this deficit off the backs of our children, and our children's children. We must take this strong medicine now.

And Mr. President, the only sacrifice this plan asks of working Americans is less than a nickel a gallon on the gasoline tax—this will mean about a dime a day for the average family.

This country has bounced its checks for too long. This legislation cuts spending by more than $255 billion. For the other side that says cut spending first, I want to know where have they been on spending cuts over the last 12 years when more than $3 trillion was added to our national debt?

Furthermore, I just dispute the new wave of Washington wisdom that now says we must make further cuts in medical care for older Americans and the poor, or further limit payments to health care providers that serve critical needs in rural and urban areas.

To those of my colleagues who advocate this, I say: Cost reductions will come in health care. They'll come later this year, when we reform our entire health care system. We're make our system more efficient, and provide affordable access to all Americans.

We could keep talking about this. We could keep wonking around the process. Hold more hearings. Hold more summits. But Mr. President, I am impatient for change—and the American people are impatient for change.

We need to end the uncertainty that's crippling the American economy. We need to move it.

This Senator will not hold up change. I will not participate in gridlock—I will not be a roadblock. I will not defend the status quo. I am ready to roll up my sleeves and work for change.

Our constituents believe that when all is said and done in Congress, a lot more gets said than done. It's time to act, to bite the bullet and make the decisions we were elected to make.

The days of drift and decline are over. We have an opportunity to begin building toward a strong and prosperous economy in the 21st century, if we act.

When we do act and pass this deficit reduction package, it will keep the faith with the people at home who voted for change.

Mr. President, a new millennium is on its way. A new era is about to be born. And when that new century begins, only 7 years from now, I want to be able to look back and know that we in this Congress acted to ensure: A strong and growing economy that generates jobs, creates new opportunities for Americans, and gets the Federal debt under control for all future generations.

RETROACTIVE TAX INCREASES

Mr. GORTON. Mr. President, the regrettable closing remarks of the distinguished majority leader indicate that he is misinformed on the law on the subject of the constitutionality of retroactive tax increases and is thus led to characterize the arguments by this Senator and others as disingenuous. The majority leader should have known by listening to the debate that this Senator did not question the constitutionality of retroactive tax increases in general. The point of order questioned the constitutionality of retroactive tax increases on the American people without notice. The majority leader's failure to appreciate that distinction led him to attack a straw man, and to avoid addressing the real issue.

I refer the majority leader to the ninth circuit decision last year in Carlton versus United States, which it was held that "retroactive application of the tax laws is not 'automatically' permitted so long as a wholly new tax is not involved." Based on previous Supreme Court decisions, the panel held that:

> Two circumstances emerge as of paramount importance in determining whether the retroactive application of a tax is unduly harsh and oppressive. First, did the taxpayer have actual or constructive notice that the tax statute would be retroactively amended? Second, did the taxpayer rely to his detriment on the preamendment tax statue, and was such reliance reasonable?

The court found that "the 1987 amendment to the Federal estate tax imposing a decedent ownership requirement on the ESOP proceeds deduction formerly contained at U.S.C. 2057, as applied to the transaction at issue here, violated the due process clause of the fifth amendment." In other words, an attempt to tax a transaction completed before a bill proposing to tax such transactions had been introduced or recommended by the administration was held to constitute a deprivation of due process and struck down.

So you see, Mr. President, this Senator did not, as the majority leader asserted, "know better" and make a unsubstantiated remarks. Had the majority leader listened carefully to the entire debate he might have adhered to his present views, but I do not believe that he would have characterized those of his opponents to be without merit. I suppose this Senator and other proponents of our actual point of order should take it as a compliment that no substantive counter argument was made by the majority. However, when the leader of the majority questions the intentions and character of this Senator and many of his well-meaning colleagues, he must be corrected for the RECORD.

TAXPAYER PROTECTION IS NOT GRIDLOCK!

Mr. KEMPTHORNE. Mr. President, Americans are the victims of the angry and devisive debate about whether Congress should pass President Clinton's budget bill.

In newspapers and on television and radio, charges and countercharges about the President's bill are flying fast. Republicans say the bill raises taxes retroactively, hurts the economy, cripples small business and is backloaded with spending cuts and deficit reduction gimmicks.

The President fires back. He says Republicans are on a mission of misinformation to deceive the public about his budget and its effect on the economy.

For those living in Boise or Boston who want to know the real story and not just the score in the partisan debate, who should they believe? The President? Or the Republicans unanimously opposed to the President's budget?

Let's look at the record and at actual quotes from policy leaders. Let's find out who's really telling the truth.

The gas tax. There is one point that neither side disputes. This tax bill raises gasoline taxes 4.3 cents a gallon. Consider this quote from the June 7, 1993 Los Angeles Times: "A gasoline tax * * * would tend to hit rural areas harder."

Who said that? Senate Minority Leader BOB DOLE? The president of the American Farm Bureau? Office of Management and Budget Director Leon Panetta?

The answer is that it was the President's own Budget Director, Leon Panetta who said a gasoline tax hits rural areas harder. And he's right. There is no regional balance in a gas tax. This tax punishes those States that have vast rural areas or don't have extensive mass transit.

On this issue, you don't have to take my word that it is a bad idea. You don't have to take any Republicans word either. Take it from the President's own Budget Director.

The deficit reduction trust fund. There has been a sharp debate about the merit of the deficit reduction trust fund the President has created by executive order. Regarding the trust fund concept, who said:

> * * * It is a display device (The Washington Times, May 18, 1993, and * * * As long as the government is spending more than it's taking in, I don't see that [the trust fund] has any real meaning. It's really just a gimmick.? (Washington Post, May 13, 1993).

Who said that? Republican Senator PHIL GRAMM? The president of the National Taxpayers Union? Republican Senator PETE DOMENICI? Or Alice Rivlin, Deputy Director of the Office of Management and Budget?

The answer is the President's own OMB Deputy Director Alice Rivlin who first stated that opinion in 1992 and affirmed it in the Washington Post. And she's right. It is just a gimmick created to get the votes of those who need to show they are serious about deficit reduction.

Don't take my word for it. Take Dr. Rivlin's.

Tax and spend. Then there is the concern that President Clinton's package is nothing more than tax and spend. There is no dispute that the ratio of new taxes and fees to spending cuts is $2.11 to $1 for the full 5 years, and a staggering $28 to $1 in the first year. Republicans claim that this is part of the President's tax and spend, elect and elect strategy. Who is quoted on the front page of the Washington Post on May 14, 1993 saying: "I think it will help the economy bring in more revenue and permit us to spend more."?

It would be unfair to make you guess this one. The answer is President Clinton. That's right. President Clinton. His confession that he wants to tax and tax—spend and spend, was on the front page of the Washington Post for all to see.

Small business. A sharp debate has raged on the effect that the President's tax increases will have on small business. The White House has said only 300,000 small businesses would be affected. Republicans disagree. Who said the following:

Using the more liberal definition of who might be characterized as a businessman or woman, about 300,000 of the 14.5 million sole proprietorships, 600,000 of the 4.8 million partners, 300,000 of the 1.9 million filers reporting S corporation income, and less than 50,000 farmers will pay higher taxes this year (CONGRESSIONAL RECORD July 23, 1993).

Did Senator BOB DOLE say that? The president of the National Federation of Independent Business? Jack Kemp? Treasury Secretary Lloyd Bentsen?

The answer is the President's own Treasury Secretary Lloyd Bentsen said the tax bill would raise taxes on 1.2 million small businessmen and women, four times the number claimed by the White House.

This is a crucial issue to Idaho. Nearly 95 percent of all businesses in Idaho are small business. Those firms employ 66 percent of all Idahoans. Most small businesses file their tax returns as individuals and they will pay the taxes imposed by this bill.

Retroactivity. The President chose to make the effective date of the income tax rate increases in this bill retroactive to January 1, 1993. The tax increases go back 20 days before President Clinton took the oath of office.

I think retroactivity in tax rate legislation is dangerous. There are a significant number of Idahoans who have taken the proper withholdings, and now find they have underwithheld. They will be forced to write out a check to the Government to meet the new tax codes.

There is a nation which has an explicit constitutional law forbidding the imposition of retroactive taxation. Which one is it? The United States? Canada? England? Russia?

The answer is Russia. Article 57 of the Russian Constitution forbids the imposition of retroactive taxation. That's right, Russia. Now I won't ever advocate we follow the Russian lead in fiscal management, but if retroactivity in tax law is apparent to the Russians, it should be painfully obvious that it's a bad idea for America.

Budget alternatives. Finally, the President says Congress should pass his plan because there is no other plan. Which newspaper or magazine wrote an editorial that said the spending cuts in the congressional Republican deficit reduction plan are "far more specific than the Democrats are contemplating (and) * * * it involves no tax increases."?

The Wall Street Journal? Fortune? BusinessWeek? The New York Times?

It was the New York Times—hardly a bastion of conservative Republican thinking—that said Republicans had the guts to propose spending cuts as an alternative to tax increases.

Mr. President, I rise today in opposition to the current budget reconciliation bill as both a U.S. Senator, and as a U.S. taxpayer. In doing so I vehemently reject President Clinton's description of those who do not support his tax and spend bill as guardians of gridlock. Taxpayer protection is not gridlock.

Supporters of this bill would have the American public believe that it accomplishes deficit reduction while it reduces spending. That simply is not true! You cannot reduce the deficit without either making significant spending cuts, imposing large tax increases on American business, or both. The President has chosen to implement only half of this equation and that just won't work. In fact, under the President's plan, almost 80 percent of the proposed spending cuts are not scheduled to take effect until 4 or 5 years from now.

Mr. President I would like to highlight portions of letters I received this week from folks in Meridian, Fruitland, and Geneva, ID. I have submitted the full text of these letters for the RECORD. They state, and I quote:

From David and Sharyl Holm, of Fruitland, Idaho; "We are overwhelmed by the Clinton administration's so-called deficit reducing budget, whose proposed tax increases would greatly impact our cash flow in a negative way. Please do not endorse this superficially disguised tax increase with your favorable vote!"

From Ben Jepson, of Meridian, Idaho; "I am convinced that the new budget is entirely wrong. Additionally, how can congress be so arrogant as to pass a tax bill that is retroactive. If I as a private citizen ran my financial dealings the way Congress does I'd be locked up. I very strongly urge you to vote against the current proposal and to dig in and come up with a reasonable plan to provide the stimulus needed for the country to recover."

From Harry Armstrong, of Geneva, Idaho; "You and your fellow members must reduce government spending now, not in 1996 or 1997. The tax increases will not reduce government spending. We elected you and your other fellow Congressional, Senatorial and Presidential officials to reduce our Federal Deficit, balance the budget and get our country back in world leadership status. Start that process of spending reduction this fiscal year.

Mr. President, I am going to vote against President Clinton's budget. And for these reasons.

I agree with the President's own Budget Director Leon Panetta that a gas tax is unfair to rural States.

I agree with the President's own Deputy Budget Director Alice Rivlin that the deficit reduction trust fund is a display device that has no real meaning.

I agree with the President's own Treasury Secretary that this bill will affect far more small business men and women than the President claims.

I agree with the President and the Congressional Budget Office that adoption of this plan will cost jobs.

I agree that this bill is part of the President's confessed strategy of tax and tax, spend and spend, elect and elect. And I am against that.

I agree with the New York Times that Republicans have a credible spending reduction alternative.

Mr. President, I agree with Idahoans, like David and Sharyl Holm, Ben Jepson, and Harry Armstrong.

I ask that the letters be included in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MERIDIAN, ID,
July 28, 1993.

Senator DIRK KEMPTHORNE,
U.S. Senate, Washington, DC.

DEAR SENATOR KEMPTHORNE: I am becoming more and more concerned about the direction that this country appears to be taking, and especially about the lack of control in the Congress of the United States.

Every time I hear about another proposal coming from our President or from the Congress, I wonder just how much this country will be able to tolerate.

I am convinced that the new budget proposal is entirely wrong. Additionally, how can Congress be so arrogant as to pass a tax bill that is retroactive. That is unconscionable.

The budget plan presently before the conference committee makes little sense to me. To increase taxes will only place further burdens on an already weak economy and only serve to further stagnate any expected recovery. The way to revive the economy is not to tax and spend, but rather to encourage growth by holding taxes at current levels, or to reduce them, and to reduce the deficit by reducing spending. This would encourage small businesses, the heart of the economy, to further invest and hire more workers, causing growth to occur, which would increase revenue and foster a stronger economy. We need to get the government out of the business of trying to run private businesses.

I am becoming very, very angry with the direction that many of our elected officials are taking. It's time that you folks in Washington start to make sound fiscal decisions based on the input and desires of the populace. If I as a private citizen ran my financial dealings the way Congress does I'd be locked up.

I very strongly urge you to vote against the current proposal and to dig in and come up with a reasonable plan to provide the stimulus needed for the country to recover.

Please vote against the proposed budget bill.

Sincerely,
BEN JEPSON.

HALF CIRCLE RANCH,
Geneva, ID, July 30, 1993.

Hon. DICK KEMPTHORNE,
Senate Office Building,
Washington, DC.

DEAR SENATOR KEMPTHORNE: My name is Harry Armstrong and my wife, Cathy, and I and several of our employees are among your voting constituents. We have recently returned to Montana ranching near Ryegate, Mt. and own commercial ranching operations in Idaho and Wyoming. My wife and I employ ten (10) full time and three part time workers. Nearly all have family which reside on our ranches.

We have a major problem with the current tax and budget package you are working on at the present time. You and your fellow members must reduce government spending now, not in 1996 or 1997. The tax increases will not reduce government spending. It will reduce the amount of revenue available to the small businessman for expansion and it will reduce the amount of dollars his customers have available to purchase his products. The resultant reduction in sales revenue reduces the business profit and therefore reduces the amount of taxes payable and, probably, contributes to an increase in the Federal Deficit.

My wife and I have always paid all of our bills and have not always been as fortunate as we, perhaps, are at this time. Both she and I are from relatively poor working families and have always been taught to work hard, be fair, honest, and believe it is a sin to not pay our bills and respect others.

We worked in the agriculture, aerospace and health services industries until the mid-70's when I, and three others started a computer business. Those were years which had extremely high interest and high inflation rates. We lost our business and I personally ended up repaying over $150,000 of debt which the business incurred. I did not declare bankruptcy. My wife and I went to work and we repaid every penny.

I was very fortunate in the early 1980's to be one of the founders of an extremely successful computer software company, Novell, Inc. We gave partial ownership of our company to all employees in the form of employee stock options and we set out to become successful. We enthusiastically gave of ourselves, whatever personal sacrifices it took, to ensure the success of our products, customers and our company. All we had to do was work 70–80 hours per week, develop our product to perfection, travel all over the world to develop sales channels, meet sales and profit goals, maintain our products and customer relationships, and—when we could—we spent some quality time with our families.

We truly lived the "American Dream". Our company employed 12, highly motivated, individuals at our low point and over 1500, highly motivated associates when I left seven years later. By the way, my wife and I have paid thousands and thousands of dollars in the form of taxes on this success and will continue to do so if our governmental policies are such that our business can çontinue to prosper and grow. Mr. Clinton, and many of our elected officials, must be reminded that there are many of us out here who have held real jobs and have been successful and who do pay all of our taxes and obligations and we still manage to employ, at more than fair wages, those fine people who work in our businesses.

We have leveraged our investment in Novell and other stocks to fund this business as have several of my other associates. We always invest to the long term benefit of our family, fellow employees, business and, as livestock producers, our land resources, no matter if they are private, State, BLM or USFS land entrusted to our care. Increasing taxes and increasing governmental borrowing and spending are very restrictive to all investments which are the basis of every viable business entity in this country.

We demand that our elected and appointed governmental officials reduce and balance the Federal Budget. We do not want more taxes, more entitlements, more foreign aid, more farm subsidies or subsidies of any type. Let them die of their own accord. We do need a strong National Defense.

We elected you and your other fellow Congressional, Senatorial and Presidential officials to reduce our Federal Deficit, balance the budget and get our country back in world leadership status. Start that process of spending reduction this fiscal year.

My wife and I will work very hard for the re-election of those candidates which vote to reduce our spending and balance our budget. Our employees have the very same opinions as my wife and myself. We will all work very hard to replace those officials who vote for the current budget which has been presented to the Congress.

Your Non-Political response is requested.

Sincerely,
HARRY J. ARMSTRONG.

FRUITLAND, ID,
July 28,1993.

Hon. DIRK KEMPTHORNE: We're writing on behalf of our young families, and agribusiness. Since 1979, our family has earned its living, solely, on the money generated by our 300 acre dairy farm in Fruitland Idaho. One day, we hope to pass the family business, and lifestyle, on to our children, but now we aren't sure if the proposed tax increases, and intensifying federal regulations will permit us to continue, as planned.

We are overwhelmed by the Clinton administration's so-called deficit reducing budget, who's proposed tax increases would greatly impact our cash flow in a negative way. Please do not endorse this superficially disguised tax increase with your favorable vote!

Thank you for continuing to keep small business in mind as you ponder the merits of laws that impact not only business, but families too!

We're eagerly awaiting the result of your vote.

Sincerely,

DAVID W. HOLM.

Mr. BYRD. Mr. President:

> Man is no angel. He is sometimes more of a hypocrite and sometimes less, and fools say that he has or has not principles.—HONORÉ DE BALZAC.

The opponents of the President's plan moan about the tax increases, but they know full well that we will never reduce the deficit without taxes. These same opponents cry out for spending cuts, and yet they glibly vote for additional spending with abandon. Only this week we saw repeated attempts on this Senate floor to increase spending for the flood disaster by some of the most severe critics of this deficit reduction effort. Many of these same members heartily endorse billions for aid to Israel and Egypt each year without a thought about the deficit. The administration will undoubtedly not oppose the billions in foreign aid that we spend each year—billions that could be used here at home.

We ask the American people to sacrifice. There is nothing wrong with that. Americans should be willing to sacrifice for the future good of their country. But if we ask them for sacrifice we then certainly owe the American people a more diligent effort in cutting wasteful spending and in taking a very hard look at some of the sacred cows in the budget that we fund yearly almost by rote. And we owe them a more diligent effort in the Congress in trying, where we can, to hold down spending.

Government spending is not inherently wasteful. To the contrary, Government does many good things; Federal spending supports many necessary and beneficial activities. Federal dollars are used to good effect to help bright young Americans go to college; help young married couples buy a home; help find cures and treatments for cancer and other deadly diseases; help build the public infrastructure that keeps our economy moving; help keep our senior citizens from having to live out their lives in poverty; help prevent the scourge of drugs from destroying our children; help keep our environment clean; help fight crime, and help keep our Nation safe from a sometimes hostile world.

So let us not mislead our constituents. Let us not tell them that all Government spending should be cut or that cutting spending alone will get our budget deficits down. But let us try to exercise prudence as we enact spending measures or contemplate new spending programs

The time for indulgence is over. The time for sacrifice is here. For the future of our great land we must stop thinking only of ourselves and begin to worry about our posterity and the future of this Republic.

I have been on the Senate floor for several months now talking about Roman history once a week. Every Senator here would be wise to study Roman history because it holds lessons for us here today. The Roman Republic lasted over 700 years. It finally fell for a variety of reasons, but some of those circumstances have parallels with our own society. We, too, seem to have lost our sense of direction like Rome. We, too, are over extended, not in territorial acquisition, but financially. We, too, have rampant crime in our streets. We, too, increasingly enjoy violence and revere the Almighty dollar. A night spent watching American television will rival the gladiatorial exhibitions of Rome. We are slowly separating into a society of the haves and the have nots. Greed thrives.

Living for today seems to be the dominant lifestyle. Our leaders shrink from telling the people the truth. But, it is now time to think and think hard about the very economic and moral survival of this Nation. We are in extreme trouble and we are headed down. That is the truth. I fear this Nation will never make anything like 700 years of survival. I fear that we have become fat and happy and largely uncaring about much of anything but day to day gratification. Our leaders pander. Courage is in very short supply.

The naysayers make it all sound so simple and so easy. In their simplistic world, our deficits result from nothing more than Government spending. Yet, other than abstract budget freezes and caps on spending growth, they are unable to tell us how they would cut spending. They argue that we need not even consider higher taxes, ignoring the fact that non-Social Security revenues, measured as a percent of our gross domestic product, stand today at their lowest level in 50 years. That's right, excluding Social Security taxes, the share of our national income taken by the Federal Government in the form of taxes is lower today than at any time since 1943.

In addition to refusing to face up to the reality of what is required to get the budget under control and reduce the deficit in the years ahead, the critics cry that the tax increases in the conference agreement will slow our economy and hurt job growth. To this charge, I respond by saying frankly that it is time that we take our heads out of the sand and recognize that real deficit reduction is not a painless process. The fact is that, with respect to its near-term economic impact, deficit reduction is inherently contractionary. Moreover, cutting spending is likely to slow the economy as much, if not more, than raising taxes. There are no easy choices.

I don't enjoy voting for measures like the one before us, but I know that we have to do something. I would be less than honest if I were to say that there is a painless way to deal with the deficit. I would also be less than honest if I were to say that this plan is the solution to our economic woes. It is not. Yet it is a start. It may help control the deficit if this administration does not squander the savings on ill conceived United Nations adventures or on nonessential foreign aid programs or on unwise new domestic spending programs or on deals to capture votes for this issue or that.

This plan may help if we do not become entangled in a war or experience another catastrophe like the S&L crisis or have a series of natural disasters which are exceptionally costly. Any one of the above occurrences could negate the effect of this plan and wipe out all of the deficit reduction. There are no guarantees. We are unwise if we sell this plan to the American people as a sure-fire recipe for deficit reduction. There is only a possibility that it will work, just as there is a possibility that it will not.

Still we must try. For not to try is to risk the fate of the Nation and to pass a horrendous debt on to generations of Americans yet unborn.

According to the Congressional Budget Office, 10 years from now, if we do nothing, the deficit will be $655 billion and the cost of servicing our national debt will have soared to $436 billion. Five years from now, if we do nothing, the national debt will be six trillion, four hundred and seventy-eight billion dollars. If everyone in this Nation would seriously contemplate those mid-boggling numbers and what they mean for our children and grandchildren, I believe we would hear less grandstanding and hypocrisy and more talk of sacrifice and finding a solution.

To the President's credit he has done what his recent predecessors refused to do. He has faced reality and risked proposing some unpopular remedies for our deficit problem. I hope, if we pass this plan, he and we will not foolishly squander the hard won ground we may gain. If we pass this deficit reduction effort, the job will have only just begun. So let us realize that even if we adopt this deficit reduction plan we will only have taken a first step this day. We, as leaders, must build on the effort if we are to convince the American people that their sacrifice is worthwhile. We cannot go to the well again without evidence of some success. Each of us here will have a responsibility in that regard. As I cast my vote today in the hope that this plan will be effective, I also hope that all of us in this Government will do our part to make it so.

NATIONAL HEALTH CARE REFORM

Mr. HATFIELD. Mr. President, as we anticipate the debate over national health care reform and the development of strategies to contain and reduce escalating health care costs, I again bring to the attention of my colleagues the importance of medical research.

Health care cost containment depends largely upon preventing and curing those diseases that incur the greatest need for long-term care. Investment in medical research is the most successful method of controlling the costs associated with disease as it is the first step toward preventing disease. As an example of the importance of medical research, I would like my colleagues to consider Alzheimer's disease. This perilous disease affects 4 million people and the indirect and direct costs of Alzheimer's disease are in excess of $90 billion annually. As Dr. Gene Cohen, Director of the National Institute on Aging, testified before the Senate Appropriations Committee earlier this year, without substantial advances in the prevention and treatment of diseases which lead to disability, the growth in the size of our oldest age groups will have a devastating impact on future health care costs. These increased costs will more than offset potential gains from any cost containment strategies. We know, Mr. President, that simply delaying the onset of Alzheimer's disease by 5 years would yield savings of $45 billion annually.

Two days ago I received a letter which reported recent developments in Alzheimer's disease research and which gives me reason to believe that our investments in this research are beginning to pay off. Dr. Allen D. Roses, the chief of neurology at Duke University, wrote that, "The pace of new discovery concerning the cause[s] of Alzheimer's disease has accelerated to the speed of light." Dr. Roses went on to say, "we have found an important genetic risk factor for the most common form of this devastating disease which, through further research, promises to pinpoint the mechanisms of this disease. This will allow new, relevant therapies to be developed. It will also allow us to have early and more accurate diagnostic procedures. Early diagnosis also would allow us to test treatments which may significantly slow or stop the progression of this disease."

These recent discoveries were reported in a June 7 Wall Street Journal article. I ask unanimous consent that it be included in the RECORD immediately following my remarks.

[From the Wall Street Journal, June 7, 1993]

CLUE TO A KILLER: ALZHEIMER'S IS LINKED TO THE WAY THE BLOOD TRANSPORTS CHOLESTEROL

(By Michael Waldholz)

An Alzheimer's disease research finding considered outlandish when first reported late last year is igniting a new assault on the baffling, mind-destroying brain disorder.

A Duke University scientist says his laboratory last year stumbled upon a startling discovery: People born with a certain fairly common gene are at high risk of developing Alzheimer's late in life. The gene makes a protein whose sole job, scientists had believed was to shuttle cholesterol in and out of cells and tissues. Now it appears the protein also carts into brain cells a normally harmless substance that, over time, may destroy memory.

Alzheimer's researchers agree it is too soon to know the full implications of the finding. But even the most cautious concede that it opens an entirely new area of research into diagnostics and therapies for a disease that afflicts about four million Americans and for which there is currently no good treatment.

A SIMPLE BLOOD TEST

If further research definitively fingers the cholesterol-carrying protein as a culprit in Alzheimer's, work will turn to seeking drugs to block its role in killing brain cells. The find also might someday lead to a blood test to show who is a risk of developing the disease.

"It's very suggestive of a major breakthrough," says Jo Ann McConnell, vice president at the Alzheimer's Association in Chicago. Dr. McConnell believes the Duke find is so "earth-shattering" that other scientists should immediately attempt to duplicate it or prove it wrong.

Earlier this year, the Duke lab's claim was seen as just one of a flurry of fascinating but inconclusive new findings about Alzheimer's. But since early April, reports of numerous supporting discoveries circulating among scientists are converting the staunchest of skeptics. Several drug makers are courting the Duke lab's lead scientist, Allen D. Roses. He has been invite to present his findings to Abbott Laboratories, to Italy's Sigma-Tau SpA and to a lab of Britain's Glaxo Holdings PLC.

THE TIDE TURNS

Dr. Roses is a brilliant but controversial neurologist whose ideas about Alzheimer's have often been at odds with mainstream thinking. The link between the cholesterol-transporting protein and Alzheimer's was found in a burst of recent serendipitous experiments following 13 years of Alzheimer's research at his lab.

Scientists have long known that the brains of Alzheimer's victims are littered with clumps of an insoluble, epoxy-like material known as beta amyloid. But what its role was—as a cause or merely a byproduct—has been far from clear. And how the material builds up in the brain has been a subject of intense scientific research.

Dr. Roses's claim that it is brought in by one of the proteins that carry cholesterol in the blood—one known as apolipoprotein E, or ApoE—was first greeted with suspicion, since it seemed at odds with prevailing theories about amyloid accumulation. "If you asked me three months ago, I'd have told you the research was rubbish," says John Hardy, a top British Alzheimer's scientist and frequent critic of the Duke laboratory's work. "But now I've now seen the data and it's very strong," Dr. Hardy adds. He says his mind was changed "quite dramatically" during a 15-minute talk Dr. Roses gave at a scientific symposium in early April near Washington. "As I sat there I became increasingly worried that I'd been wrong—that perhaps I'd missed something quite obvious," he says. "When he finish speaking I thought, 'Oh s———, we could have done those same experiments.'"

Especially intriguing, scientists say, is a study by Dr. Roses showing that many people with the common "late-onset" Alzheimer's—after age 65 or so—are born with a form of ApoE that is particularly adept at binding to beta amyloid. The finding supports the notion that this particular cholesterol-carrying protein can pull tiny bits of amyloid from the bloodstream and pile it up in the brain.

Dr. Roses's lab says most healthy elderly people carry different versions of ApoE that don't bind well to beta amyloid, suggesting why most people don't accumulate the brain plaques. "The guess is that the one form of ApoE is especially powerful at accumulating amyloid, while other forms don't," Dr. Roses says. "We think getting Alzheimer's depends on which form you inherit."

When he presented his work at another scientific meeting later in April at a New York hotel, researchers who hadn't previously heard details of the findings jumped to their feet, pelting him with questions. In the hallways afterward, several noted Alzheimer's researchers buzzed around Dr. Roses, seeking to collaborate with him on efforts to validate—or refute—the findings.

One advised him that a colleague at the University of Washington already had reproduced an important aspect of the Duke finding. The colleague, Gerard D. Schellenberg, says his lab has found a "statistically significant" link between those who carry one version of ApoE and those who have Alzheimer's. He declines to release details because he hopes to publish his findings soon, but says they were "close" to what Dr. Roses is reporting.

"It's clearly a risk factor," Dr. Schellenberg says. "People with this protein circulating in their blood are at higher risk" of developing Alzheimer's. But he adds, "Exactly what that means is far from clear. We still don't yet know if or how [ApoE] actually plays a role in causing the disease. I'd be very cautious about jumping to conclusions."

Despite advances over recent years in understanding alterations in the brain anatomy of Alzheimer's patients, scientists are still baffled as to exactly why crucial brain nerve cells, or neurons, deteriorate and then expire, causing loss of memory, ability to function and, eventually, death. Hence the excitement Dr. Roses is stirring.

"After years of not getting anywhere, there has been a steady stream of exciting findings in the field of late," says Zaven F. Khachaturian, head of Alzheimer's disease research at the National Institute of Aging. "Now people are beginning to see how [Dr. Roses's work] might fit in, perhaps even help explain a great deal."

It is just in the past four years that scientists have found that beta amyloid is the main component of the "senile plaques" found in autopsies of Alzheimer's victims. Researchers have speculated that the brain plaques form when thousands of molecules of amyloid accumulate over many years, perhaps blocking nutrients from getting to the nerve cells.

As far the source of the amyloid, scientists increasingly have accepted the notion that it forms from the abnormal breakdown of a "precursor" protein. Several biotechnology companies and numerous academic labs have been racing to identify this abnormal process, hoping it might lead to new drugs.

For years, Dr. Roses has enjoyed ruffling the scientific feathers of the Alzheimer's research establishment, stubbornly arguing that scientists were wrong to focus solely on the precursor protein. To prove his point, the 50-year-old Dr. Roses, who runs the Joseph and Kathleen Bryan Alzheimer's Disease Research Center at Duke University Medical Center in Durham, N.C., spent years scouring the globe for families where two or more siblings develop Alzheimer's late in life. His hope was to find a shared gene.

"My only problem was I couldn't prove it until I identified the gene," he says. That was before biochemist Warren Strittmatter arrived at the Duke University lab. About a year ago, Dr. Strittmatter developed a test to identify natural substances that chemically bind to amyloid. His goal was to find something involved in amyloid accumulation. In one series of experiments, Dr. Strittmatter says he was annoyed to discover the frequent presence of what he thought was an experimental contaminant. After finally isolating it, he found it was ApoE.

"I didn't know what it was until I looked it up in a textbook," he recalls.

Discovered about 20 years ago, this cholesterol-carrying substance is one of the hottest subjects of study in heart disease. Scientists have found that it is made from combinations of three different genes, dubbed E2, E3 and E4. By getting one gene from each parent, a person can have any one of six combinations.

Very recent research shows, for instance, that people born with the E4/E3 combination have a high risk of developing a heart attack. That's because that gene combination makes a form of ApoE that allows cholesterol-rich deposits to clog coronary arteries. But there was no reason to think that inheriting a form of ApoE had anything to do with an increased likelihood of Alzheimer's.

"When I looked up ApoE, I found that the gene for it already had been located and isolated," Dr. Strittmatter says.

Moreover, the ApoE gene sat in the very spot where Dr. Roses previously had located the suspect gene in families with late-onset Alzheimer's. "I had known the ApoE gene was in the region, but I had no reason to suspect it had anything to do with Alzheimer's," says Dr. Roses.

Through a series of experiments, he, Dr. Strittmatter and their Duke colleagues forged a link between ApoE and Alzheimer's. They studied tissue samples from 176 deceased individuals whose Alzheimer's had been confirmed by autopsy and found that 64% inherited at least one copy of the E4 gene, while only 31% of a group of healthy people did. Moreover, they found that people who inherit an E4/E4 gene combination were nine times more likely to develop Alzheimer's than people with the E3/E3 variant.

In addition, his study of samples from autopsied patients found that, on average, people with the double dose of E4 genes developed Alzheimer's at about age 68; those with the E4/E3 variation at about 77; and those with E3/E3 at about age 85.

Dr. Roses argues that these findings may support his long-held hypothesis that Alzheimer's disease is something that eventually arises in all humans. "Carrying the E4 gene merely means you can get the disease earlier," he says.

Still, some Alzheimer's scientists urge caution. "I'm not convinced by any measure that ApoE4 is causative," says Dennis Selkoe, a researcher at Harvard University's Brigham and Women's Hospital and one of the world's pre-eminent amyloid experts. "In fact, even Dr. Roses's data shows that some people with the E4 genes don't get Alzheimer's and many with Alzheimer's don't have the E4 variant. What's becoming apparent is that many things cause Alzheimer's. But ApoE looks as if it plays a role."

If it does prove true, Dr. Roses speculates, doctors may use the gene to identify who would benefit from drugs that keep ApoE from locking on to amyloid. Richard Mayeux, a neurologist at Columbia University, is beginning a study that will follow about 1,500 healthy elderly people to determine whether Alzheimer's disease can be predicted based on their ApoE typing. "We need to show if, indeed, this gene can be predictive," Dr. Mayeux says. "We should know in a few years."

COLLOQUY

Mr. STEVENS. Mr. President, I would like to engage the distinguished chairman and ranking member of the Senate Finance Committee in a brief colloquy concerning the ability of Alaska Native Corporations [Native Corporations] to avail themselves of the judicial system in certain tax cases. Last year, the conference report to H.R. 11, the Revenue Act of 1992, contained a procedural provision of critical importance to Native Corporations. This provision granted the Native Corporations standing to contest deficiencies in so-called net operating loss [NOL] transactions expressly permitted by law. Working with the Department of the Treasury, the Joint Committee on Taxation [JCT] and the Senate Finance Committee, we were able to craft a detailed provision which protected the rights of all of the parties and was self-financed by revenue estimating purposes. However, because of the President's veto of H.R. 11, this provision failed to become law and the Native Corporations remain without the right to go to court to contest a tax liability for which they are the true party in interest.

Recently, I reintroduced this standing amendment as S. 353, which I had hoped would be included in this bill. Since so much effort has been expended on this provision to protect the interests of the parties to the transaction and the Government, I trust that the provision should raise little controversy, particularly since it pays for itself. Indeed, we have once again received a revenue-neutral estimate from the JCT and have once again worked with staff of the JCT and Treasury to address all technical questions. Now, all we need is enactment of the provision. However, because additional tax legislation may not be enacted for some time and because Native Corporations face critical administrative determinations by the Internal Revenue Service [IRS] which may negate the standing provision for some Native Corporations prior to its presumed enactment, I am concerned that such IRS actions might render congressional consideration moot.

Currently, Native Corporations are in, or are moving to, the final IRS administrative stage—the Appeals Office review process. While at one time it was anticipated that many of the cases would be settled at that level, recent meetings with the IRS have proven disappointing. Failure to reach settlement with the IRS will result in the IRS effectuating an unusual springback theory which will transfer all excess income, as determined by the IRS because of its denial of a major portion of a Native Corporation's losses, back to the buyer. The Native Corporation will thus be left with no income, no tax and hence no standing, and the IRS will be in a position to issue a deficiency notice—commonly known as a 90/day letter—to the buyer, which has that time period to file a petition in the Tax Court. once such a buyer petition is filed, even the subsequent enactment of a provision creating standing for Native Corporations would have no effect since the controversy would already be subject to the court's jurisdiction. That is why this provision is so time-sensitive and why we must insure that the IRS take no action which could jeopardize the very viability of these Native Corporations until Congress can once again consider the standing legislation.

I would ask the distinguished chairman and ranking member of the Finance Committee to join me in urging that, in the absence of an agreement of both the Native Corporation and the buyer in a transaction to accept such a deficiency notice, the Secretary of the Treasury and the Commissioner of the IRS refrain from issuing such a buyer-deficiency notice based on an NOL transaction until Congress has had the opportunity to again consider the previously passed standing provision. It is further recommended that the IRS continue the expedient processing of these cases but, after the Native Corporation exhausts all administrative rights, the parties remain in the status quo until the end of this Congress or until the standing legislation becomes law, whichever occurs sooner. However, such a deficiency notice could be issued upon agreement of both parties to the transaction—the Native Corporation and the buyer.

Mr. PACKWOOD. I understand the concern of the distinguished senior senator from Alaska. It is clear that the underlying amendment is procedural in nature and would merely grant the Native Corporations a judicial forum to adjudicate this tax issue. Having once expressed its view that such relief should be available, Congress should be given the opportunity to confirm that action without the IRS preempting such legislation to the detriment of the

Native Corporations. I join my distinguished colleague in urging the Secretary and the Commissioner to refrain from issuing such deficiency notices to the buyer until Congress once again has had the opportunity to address the issue or until the end of this Congress, if the matter has not been legislatively disposed of by that time. Of course, the parties to the transaction could jointly agree to accept such a deficiency notice at any time.

Mr. MOYNIHAN. I concur in the views of the distinguished ranking member of the Finance Committee.

MEDICAID PEDIATRIC IMMUNIZATION PROVISIONS

Mr. President, I understand that the portion of the statement of managers intended to accompany the conference report relating to childhood immunization inadvertently was omitted from the filed copy of the conference report. Therefore, I would like to take this opportunity to set forth the contents of that statement of managers language for the benefit of my colleagues and any other individuals with an interest in this portion of the legislation.

There being no objection, the provisions were ordered to be printed in the RECORD, as follows:

Sec. 13631. Medicaid pediatric immunization provisions.

House Bill

The House bill establishes a new Subtitle 3 of Title 21 of the Public Health Service (PHS) Act dealing with childhood immunizations. It establishes a new entitlement program, under which the Secretary of HHS will provide adequate amounts of vaccine to each State to immunize fully every eligible child within the State. Eligible children are defined to be children eligible for Medicaid, children without any form of health insurance (including indemnity plans, pre-paid plans, and ERISA plans), children with insurance but without coverage under those plans for immunization, and children who are Indians. The Secretary is to ensure the distribution without charge of Federally purchased vaccines to be made available to States and providers. These obligations are undertaken by the Federal government in advance of appropriations acts and are binding regardless of the availability of appropriated funds or of discretely segregated or named funds or accounts. The effective date of the program is October 1, 1994.

The House bill requires that a State or a provider apply to the Secretary in order to participate in the program, and establishes conditions under which providers may participate, including that providers or entities receiving federally purchased vaccines must agree not to charge for the vaccine and not to deny immunization services to persons unable to pay an administration fee.

The bill prohibits States from modifying or repealing, in a manner that reduces the amount of currently required coverage, any State laws in effect as of May 1, 1993, that require insurance plans to provide coverage for immunizations.

The House bill allows the Secretary to enter into, or decline to enter into, contracts with manufacturers of pediatric vaccines for an agreed upon duration and, with the consent of the manufacturers involved, to modify or extent contracts. The Secretary must negotiate a price that includes a reasonable profit for manufacturers and provides for shipping and handling of the vaccine, without subsequent additional charges for delivery of vaccines. Information supplied by a manufacturer for these purposes shall be considered a trade secret (under Sec. 552(b)(4) of the U.S. Code) and maintained in a confidential manner by the Secretary. In addition, the bill requires HHS to negotiate for the maintenance of a six-month supply (or a "stockpile") of vaccines to meet unanticipated needs.

The bill requires that Secretary to provide a State that manufactures vaccines an amount equal to the value of the vaccine that otherwise would have been provided to the State under the program. Funds received by such States in lieu of vaccines may be used only for purposes relating to pediatric vaccines.

The bill establishes a State option regarding vaccine purchases for additional children within the State. The Secretary's obligation to provide vaccine under this option is limited to the vaccine that has been made available under manufacturers' contracts. If multiple contracts with multiple prices are in effect, the Secretary is authorized to determine which contract is available to States electing this option.

The Secretary is required to establish a list of recommended pediatric vaccines, subject to medical contraindications, and a recommended schedule for the administration of such vaccines. Such list and schedule established by the Advisory Committee on Immunization Practices (ACIP) (an advisory committee established by the Secretary acting through the Centers for Disease Control and Prevention) is deemed to be the Secretary's list for purposes of this requirement. The establishment of a list and schedule does not supersede State laws regarding immunizations (including laws relating to religious or medical exemptions).

The bill establishes a Trust Fund in the Treasury of the United States to assist the Secretary in carrying out activities of the program. The Trust Fund will receive funds appropriated, funds directed from the Internal Revenue Code, and any income earned from investment of the Trust Fund.

Finally, the bill terminates this program on such date as may be prescribed in a Federal law that provides for immunization services for all children as part of a broad-based reform of the National health care system.

Senate Amendment

Although the Senate amendment contains no provision comparable to the House bill, it does provide for several changes in immunization programs of the Federal government, including a requirement that State Medicaid programs provide for the establishment of a State vaccine bulk purchase program or a vaccine replacement program for the purchase of pediatric vaccines; limitation on the price of a vaccine purchased through such a program to the price that is in effect in contracts with the Centers for Disease Control and Prevention on the date of enactment, (increased by the consumer price index from the date of the contract); and optional authority for multiple contractors for such purposes.

Conference Agreement

The Conference Agreement is a substitute provision incorporating elements of both the House bill and the Senate amendment and reflects the requests of the Administration.

SUMMARY

In broad terms, the agreement provides for the establishment of a new entitlement program that is a required part of each State's Medicaid plan. Under this program, States are entitled to receive from the Federal government sufficient vaccine to provide fully for a limited class of children (i.e., Medicaid-eligible, uninsured, and Indian children and children receiving immunizations at Federally qualified health centers or rural health clinics). In turn, States must make this free vaccine available both (1) to all public and private health care providers who are authorized to administer vaccines under the laws of the State, who are willing to participate in the program, and who satisfy the Secretary's requirements and (2) to all children who seek such vaccine through a willing health care provider. No charge may be made for the free vaccine, either by the State or by the providers, although providers may charge a limited fee for the administration of the vaccine (subject to prescribed limitations).

To provide the vaccine needed to carry out this program, the Secretary is to negotiate with manufacturers for a consolidated purchase price. For currently recommended vaccines, this price may not exceed the current purchase price under vaccine contracts administered under the Public Health Service Act, adjusted for inflation. For new vaccines, the Secretary is to negotiate a consolidated purchase price and no ceiling is specified. Special rules are provided for States that manufacture their own vaccines.

No change is made in other current law programs regarding immunization, including the program for grants to States for childhood immunization programs (under section 317(j) of the Public Health Service Act). The Conferees expect those Federal programs to continue in place. To the extent that discretionary funds provided by grants under these programs—or State immunization program funds—are no longer needed for the purchase of vaccines, the Conferees expect that these funds will be used to provide for the important infrastructure for vaccine delivery. Indeed, the Conferees note their belief that the provision of free vaccine must be done together with essential immunization infrastructure improvements (such as longer clinic hours, more outreach workers, better parent education, innovative community-based activities, and improved physician fees).

DESCRIPTION AND INTENT

Subsection (a)—State plan requirement for pediatric immunization distribution program.

Subsection (a) creates a new requirement of State Medicaid plans regarding immunizations as Section 1902(a)(61) of the Social Security Act, and makes various conforming amendments.

Under the Conference Agreement, States must establish a pediatric vaccine distribution program as an amendment to their Medicaid plans, although (1) this program is available to a larger class of children than those who receive general Medicaid benefits and (2) the program providers may include a larger class of providers than those who agree to be Medicaid providers. (The Conferees note that providers who have not elected to be Medicaid providers may still participate in this new program.) Other than for those children whose eligibility for the program derives from their status as Medicaid beneficiaries, Medicaid eligibility requirements are not to be applied in determining which children are eligible for free vaccine.

Subsection (b)—Description of required program

Subsection (b) creates a new program for distribution of pediatric vaccines as Section 1928 of the Social Security Act.

"Section 1928(a)—Establishment of Program":

Under the Conference Agreement, each State must establish a program of distribution of free vaccines to certain Federally vaccine-eligible children (defined below). This program may be administered by the State department of health or other agency designated by the State.

To facilitate these State-administered pediatric vaccine distribution programs, the Conference Agreement requires that the Secretary provide for the purchase and delivery for each State (or Indian tribe or tribal organization) sufficient vaccine to immunize certain children within the State (or tribe or tribal organization). This requirement constitutes the creation of a new entitlement and represents an obligation to provide for the purchase and delivery of vaccines that is undertaken by the Federal government in advance of appropriations acts and is binding on the Federal government regardless of the availability of appropriated funds or of discretely segregated or named funds or accounts.

The Conference Agreement provides special rules regarding the administration of this entitlement for situations in which a vaccine is unavailable or in which the State is a manufacturer.

The Conference Agreement also requires that States provide that any willing health care provider in the State, who meets enumerated registration requirements, be entitled to receive free vaccine to administer to Federally vaccine-eligible children. States may not impose additional qualifications or conditions for providers, except those approved by the Secretary to prevent fraud and abuse and for related purposes.

The Conferees intend that this program may be administered within States by the State health department, or by another department, if the State so designates. Because many providers who might see Federally vaccine-eligible children are not Medicaid providers and many Federally vaccine-eligible children are not Medicaid beneficiaries, failure to distinguish between this program and the Medicaid program could create confusion and result in fewer providers and children receiving free vaccine. In most cases, immunization programs have been administered within public health programs and thus, the Conferees believe that an administrative location in the public health program will benefit the increased immunization efforts outlined herein.

The Conferees do not intend that this new group (i.e., federally vaccine-eligible children) be treated as Medicaid eligibles for purposes of Medicaid quality control eligibility and reviews.

The Conferees adopted an entitlement approach because they believe that the commitment to provide vaccine against preventable childhood diseases must be constant and certain and that State that come to rely on the Federal promise to provide vaccine must be protected against possible shortfalls. Funding by any other mechanism (such as a reliance on discretionary spending) is inherently less reliable than the guarantee authorized here and could place States and their citizens at risk of outbreaks of serious disease.

The Conferees have provided that States create entitlements for children and providers as a means to ensure that the program reaches all Federally vaccine-eligible children and all willing providers. While providers are not required to take part in the program, States may not restrict the availability of free vaccine if a provider is willing to participate and is otherwise qualified to administer vaccines under applicable law. The Conferees seek to forestall any attempt by a State to require that patients be referred from a qualified, willing provider to another site, because such referrals often result in a postponement of immunization or failure to immunize. The Conferees also seek to assure that Federally vaccine-eligible children are able to choose the provider that they wish to use for this benefit.

The Conferees recognize that the enforcement of the entitlement rights for providers may, in many cases, be of little value to providers, but of great value to the Federally vaccine-eligible children who may wish to be served by that provider. The Conferees intend, therefore, that Federally vaccine-eligible children be allowed to enforce a provider's rights on behalf of the provider.

In the event that available quantities of vaccine are insufficient to cover all children, both Federally and State-eligible, the Conference Agreement provides that the Secretary is to establish priorities for purchase and distribution of the available vaccine, with priority given to Federally vaccine-eligible children unless the Secretary finds that there are other public health considerations. The Conferees believe that the Federally vaccine-eligible children are the most vulnerable populations and, in the event of shortages, should be given highest priority. The Conferees recognize, however, that, in some instances, there may be other needs, such as the control of outbreaks of disease, which the Secretary may find are more pressing.

"Section 1928(b)—Vaccine-Eligible Children":

The Conference Agreement defines children eligible for the provision of free vaccine purchased by this program (known as "Federally vaccine-eligible children") to be those children who are Medicaid-eligible, uninsured, Indians, or children who are administered vaccines in a Federally qualified health center or a rural health clinic and who are not insured for vaccine costs. Any child who meets these criteria is entitled to receive an immunization without charge for the vaccine.

In addition, the Conference Agreement establishes a category of children known as "State vaccine-eligible children" to be those children who are not Federally vaccine-eligible children but who are children that a State elects to provide with vaccine without charge for the vaccine. Such an optional category will include children in those States that currently purchase vaccines for all children, and potentially other States as well.

"Section 1928(c)—Program-Registered Providers":

Under the terms of the Conference Agreement, to be program-registered providers, health care providers must agree to ask parents if a child is eligible for free vaccine, although the providers are not required independently to verify the answers to these questions. Providers must maintain certain records and comply with applicable State law, including laws relating to religious or other exemptions. Providers must administer vaccines according to the schedule recommended by the Advisory Committee on Immunization Practices (ACIP) of the Centers for Disease Control and Prevention, unless in the provider's medical judgment (subject to accepted medical practice) such compliance is medically inappropriate.

While providers may not charge for the vaccine per se, providers may charge a fee for the administration of the vaccine. Providers may not, however, charge an amount greater than the actual regional costs for such administration, as determined by the Secretary. Providers may not, under any circumstance, turn away a child because of the inability of the child's parents to pay the administration fee. Providers need not, however, accept every request for immunization.

States are required (1) to encourage a variety of different providers to participate in the program and (2) to administer vaccines in an appropriate cultural context.

The Conferees note that the Conference Agreement's provisions regarding providers are simple and underscore the intent that both the Secretary and the States implement these provisions in a similarly simple manner so as to encourage providers to participate and yet maintain accountability for the program. The Conferees recognize that different States have established a wide variety of distribution programs for vaccines and intend that existing effective distribution systems, including the use of independent wholesale distributors, be left in place.

The Conferees emphasize that this program in no way mandates immunization. This program deals with payment for vaccines. Individual State laws regarding immunization status are preserved, and the exemptions under these State laws for religious, medical, and other reasons are also preserved. The Conferees affirm their support of compliance with such laws and their exemptions. Acting under those laws, providers are to use their best medical judgment regarding an immunization and may decline to administer an immunization if it is medically inappropriate within the range of accepted medical practice.

The Conference Agreement does not require program-registered providers to administer a vaccine to each child seeking to be immunized. The Conferees clearly intend for this program to serve as many children as possible. But the Conferees believe that it is impractical to require that each provider who administers one shot to a vaccine-eligible child in his/her practice to immunize every other child who seeks vaccines whether in his/her practice or not. Such a requirement could quickly serve to drive all providers from the program. The Conferees do intend, however, that the Secretary seek to encourage program-registered providers to participate to the greatest extent possible.

The Conference Agreement provides for some restrictions on the fees that program-registered providers may charge to Federally vaccine-eligible children. Such fees may not exceed a schedule developed by the Secretary. The Conferees have included such a schedule because they believe that the cost of administration may serve as a significant roadblock for families of limited means that are eligible for this program. The Conferees recognize, however, that if fee limits are set too stringently, few providers may be willing to participate in the program and the Conferees intend for the Secretary to establish the schedule with these two problems in mind. The Conferees have not limited the fees for providers participating in a State-option programs. If States wish to limit such providers' fees, they are free to do so as part of their State option program.

The Conferees have also prohibited program-registered providers from denying vaccine to any vaccine-eligible child (whether State or Federal) because of the child's family's inability to pay for the administration of the vaccine. The Conferees believe that this protection is a fundamental standard to which providers may be reasonably expected to adhere.

Finally, the Conferees note that they have prohibited States from imposing additional qualifications for eligibility as a program-registered provider. The Conferees have done this because, as was discussed above regarding enforcement of entitlement rights, they seek to forestall any attempt by a State to require that patients be referred from a qualified, willing provider to another site. The Conferees also seek to assure that Federally vaccine-eligible children are able to choose the provider that they wish to use for this benefit.

"Section 1928(d)—Negotiation of Contracts with Manufacturers":

The Conference Agreement requires that the Secretary negotiate and enter into contracts with manufacturers of vaccines to meet the requirements of this program. The Secretary is required to consolidate these negotiations and contracts with other such activities. These contracts may be for multiple years.

The Conference Agreement specifies that the Secretary may not agree to a contract for these purposes under which the price of the vaccine would exceed the cost of the vaccine under the contract of the Centers for Disease Control and Prevention on May 1, 1993, adjusted for inflation. If, however, a new vaccine is recommended for routine use in children, the Secretary is required to negotiate for the purchase price of that vaccine and is not bound by prices set for current vaccines. Contract prices are to include the price for shipping and handling. In carrying out these negotiations, the Secretary is to take into account the needs that States have identified (and provided in advance of negotiations to the Secretary) for State vaccine-eligible children under their own programs. The Secretary is also to take into account the need to maintain a 6-month supply of pediatric vaccines to meet unanticipated needs and to consider the potential for disease outbreaks.

The Conference Agreement further provides that the Secretary shall, as appropriate, enter into a contract with each manufacturer of the vaccine that meets the terms and conditions of the Secretary. The Secretary also may have multiple prices.

The Conferees intend that negotiations proceed according to the Federal Acquisition Regulation, subject to specific provisions of this section, including the price ceiling. The Conferees note that the maximum price allowed under the Conference Agreement is intended to be a ceiling and not a floor or a presumptive price. The Conferees understand that in recent years, the increase in the public price on some vaccines has not kept up with the Consumer Price Index. They intend to retain Secretary's ability to negotiate savings below the maximum price that is established in this section.

The Conferees also intend, however, that the Secretary conduct negotiations in a manner that will ensure the continuation of research and development toward new, better, and safer vaccines. The Conferees recognize that most vaccine innovation is conducted in the private sector by manufacturers and intend that the Secretary act to foster such innovation through every means available. While the program provides substantial fiscal relief to the States and is cost-effective for the Federal government and the public at large, the Conferees have not adopted the new vaccine program principally as a cost-cutting measure but rather as a public health measure. To the extent that increases in negotiated prices can be justified as subsidizing research and development necessary for the improvement of public health, the Conferees intend for the Secretary to allow such increases. Indeed, recognizing that research and development in vaccines are vital to public health, the Conferees have not attempted to cap the cost of new vaccines but have chosen to leave such negotiations to the Secretary to be done on an ad hoc basis. Moreover, if the Secretary comes to believe that the statutory limitation on prices for current vaccines does not allow for sufficient research and development subsidies, the Conferees expect her to report that belief to the Congress and to request an amendment to the limitation.

The Conferees intend that vaccine manufacturers retain their ability under these contract provisions to distribute pediatric vaccines through independent drug wholesalers. Manufacturers may elect to subcontract the shipping, handling, and related distribution functions to such wholesalers. Independent drug wholesalers frequently have served these functions in the past and the Conferees do not intend to disrupt such practices. The Conferees further intend that States be allowed to retain their distribution systems.

In carrying out the responsibilities of this subsection, the Secretary is intended to consolidate these negotiations with all others that she carries out for the purchase of vaccine, including those for the use of grants funds under the Public Health Service Act. The Conferees believe that this consolidation is an efficient means of assuring that the largest possible number of children have access to vaccines and do not intend the explicit description of authority in this program to limit the Secretary's authority in any others.

The Conference Agreement also provides for an emergency stockpile of vaccines to be negotiated and purchased under these provisions. While the Conferees recognize that this is an increased cost in the short run, they believe it is necessary to avoid situations in which potentially life-saving vaccines are unavailable because of natural disasters or manufacturing problems.

The Conference Agreement provides authority for the Secretary to decline to enter into contracts. The Conferees have provided this authority for extreme circumstances only and, again, would emphasize the importance of continuity of vaccine supplies for Federally vaccine-eligible children and States.

Recognizing that the manufacturing process for vaccines is complex and has specific physical plant requirements, the Conferees understand that manufacturers may need the reassurance of contracts for a time longer than the traditional one-year period. The Conferees have, therefore provided the Secretary with the unusual authority, traditionally reserved for defense issues, to provide multi-year contracts to allow for stability of vaccine supply.

Also recognizing that the Federal market share in the vaccine industry will be increased under the new program, the Conferees have provided that the Secretary shall, as appropriate, enter into a contract with each of the manufacturers that meets the terms and conditions of the Secretary, attempting to ensure that each manufacturer obtains an appropriate share of the contract. The Conferees have adopted this provision to assure that Federal contracts under the program encourage competition, innovation, and efficiency. In order to do so, the Secretary may, at her discretion, also allow for different prices from different manufacturers.

The Conferees intend that manufacturers involved agree to submit to the Secretary such reports as the Secretary determines to be appropriate with respect to compliance with the contract.

"Section 1928(e)—Use of Pediatric Vaccines List":

In carrying out the requirements of this section, the Secretary is to purchase vaccines from the list established, maintained, and revised by the Advisory Committee on Immunization Practices. The Conferees understand that this list includes the guidelines and schedule of appropriate immunization as outlined by the Advisory Committee on Immunization Practices.

The Conferees note that they do not intend that this list and these guidelines be considered guidelines, standards, performance measures or review criteria for purposes of the Agency for Health Care Policy and Research under Title IX of the Public Health Service Act or under Section 1142 of the Social Security Act.

In carrying out negotiations under this subsection and all duties of this section, the Secretary is to rely on the ACIP list of recommended vaccines. The Conferees intend that the Secretary provide for Federally vaccine-eligible children the same vaccines that are recommended for children with their own source of payment.

The Conferees intend that the Advisory Committee on Immunization Practices be allowed to conduct its work in an objective manner, concerned only with issues of public health and medicine. While decisions regarding the listing of recommended vaccines will, undoubtedly, have some budget implications for the program and the Secretary, it is the Conferees' intention that the ACIP's work be rigorously separated from such concerns. The Conferees are troubled by past examples of budgetary influence in matters of science and has chosen the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention as a committee less vulnerable than some others to such influence. So, for example, if the ACIP were to decide that one vaccine that produces side effects and reactions should be replaced with a more produces side effects and reactions should be replaced with a more expensive vaccine that does not, neither the Secretary nor any other public officer should attempt to affect that judgment. If proposed changes present a budget implication so serious as to cause the Secretary to question their validity, the Secretary should present that concern and a proposed legislative change to the Congress, but until legislative change is made, the entitlements of States to ACIP-recommended vaccines are to continue in effect.

"Section 1928(f)—Requirement of State Maintenance of Immunization Laws":

The Conference Agreement requires the maintenance of State laws that were in effect on May 1, 1993, that require health insurance policies or plans to provide some coverage with respect to pediatric vaccines. In addition, the Conference Agreement prohibits any group health plan that is covered by the requirements of Title XXII of the Public Health Service Act from reducing its coverage for the costs of pediatric vaccines.

In keeping with other provisions in this Act regarding the maintenance of insurance immunization benefits (whether private, ERISA, or State-run), the Conferees have adopted this requirement to forestall any attempts to decrease the amount of private insurance coverage that currently exists for vaccines. The Conference Agreement necessarily includes only a limited pool of eligible children and the Conferees do not intend for States or private insurers to shift costs now borne by private third-party payors onto the new program.

"Section 1928(g)—Termination":

The Conference Agreement provides that the new plan requirement and this program terminate upon the enactment of additional Federal law providing for immunization services for all children as part of a broad-based reform of the national health care system.

"Section 1928(h)—Definitions":

Section 1928(h) provides definitions for the terms used in the creation of the vaccine distribution program.

Other Provisions Relating to Immunizations

Current Law

(a) *Outreach and Education.* States participating in Medicaid are required to cover Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) services for all eligible children under 21. States are required to inform all Medicaid-eligible children under age 21 of the availability of EPSDT services.

(b) *Schedule of Immunizations under EPSDT.* The screening services element of the EPSDT benefit must, at a minimum, include appropriate immunizations according to age and health history, at intervals which meet reasonable standards of medical practice, as determined by each State.

(c) *Assuring Adequate Payment Rates for Administration of Vaccines to Children.* States are required to reimburse for EPSDT and other pediatric services at levels which are sufficient to enlist enough providers so that care and services are available to Medicaid beneficiaries at least to the extent that they are available to the general population in the geographic area. With respect to pediatric services, States must submit, by April 1 of each year, a State plan amendment that specifies, by procedure, the payment rates to be used for pediatric services in the year beginning the following July 1 and that includes data to assist the Secretary in evaluating the State's compliance with the provider participation requirement.

(d) *Denial of Federal Financial Participation for Inappropriate Administration of Single-Antigen Vaccine.* Federal Medicaid matching funds are available for the costs of single-antigen vaccines and their administration.

(e) *Requiring Medicaid Managed Care Plans to Comply with Immunization and Other ESPDT Requirements.* States may contract on a risk basis with managed care plans to deliver covered services, including appropriate immunizations and other EPSDT benefits, to Medicaid-eligible children and other beneficiaries.

House Provision (Section 5183)

(a). Outreach and Education. Requires the States to inform all Medicaid-eligible children under age 21 of the need for age-appropriate immunizations against vaccine-preventable conditions. Requires State Medicaid agencies to enter into agreements with State agencies and other institutions or organizations receiving Maternal and Child Health (MCH) Block Grant funds under Title V providing for coordination of information and education on childhood vaccinations and to coordinate delivery of immunization services. Requires State Medicaid agencies to provide, or assure the provision of, information and education on childhood vaccinations and the delivery of immunization services with the State's operations under the Special Supplemental Food Program for Women, Infants and Children (WIC).

Effective Date: Enactment.

(b) *Schedule of Immunizations Under EPSDT.* Requires that States, as part of the screening services element of the EPSDT benefit package, cover appropriate immunizations according to the schedule recommended by the Secretary under the Public Health Service Act.

Effective Date: 90 days after the issuance of the Secretary's recommended schedule of immunizations.

(c) *Assuring Adequate Payment Rates for Administration of Vaccines to Children.* Clarifies that, for purposes of determining whether pediatric service payment levels are sufficient, pediatric services include the administration of vaccines by health care practitioners.

Effective Date: Applies with respect to State amendments submitted by April 1, 1994.

(d) *Denial of Federal Financial Participation for Inappropriate Administration of Single-Antigen Vaccine.* The House bill denies Federal Medicaid matching funds for single-antigen vaccines, and the administration of such vaccines, in any case in which the administration of a combined-antigen vaccine was medically appropriate (as determined by the Secretary).

Effective Date: Applies with respect to vaccines administered on or after October 1, 1993.

(e) *Requiring Medicaid Managed Care Plans to Comply withImmunization and Other EPSDT Requirements.* Requires that a risk contract between a State Medicaid agency and an entity: (1) specify which EPSDT services are to be provided under the contract to children enrolled with the entity; (2) specify, with respect to those EPSDT services that are not to be provided under the contract, the steps the entity will take (through referrals, scheduling appointments with appropriate providers, monitoring the receipt of referred services, or other arrangements) to assure that such individuals will receive such services; and (3) require the entity to submit periodic reports as necessary to enable the State to meet its reporting requirements under sections 1902(a)(43)(D) (relating to EPSDT screening and referral rates and State participation goals) and 506(a)(2) (relating to progress in achieving the national year 2000 health status objectives relating to mothers and children). Provides for the imposition of a civil monetary penalty in an amount of up to $25,000 for each instance in which an entity fails substantially to provide EPSDT services to the extent specified in its contract with the State.

Effective Date: Applies to contract years beginning on or after October 1, 1993.

Senate Amendment: The Senate amendment contains no comparable provision.

Conference Agreement:

(a) *Outreach and Education.* The Conference Agreement follows the House bill with a modification.

(b) *Schedule of Immunizations under EPSDT.* The Conference Agreement follows the House bill.

(c) *Assuring Adequate Payment Rates for Administration of Vaccines to Children.* The Conference Agreement does not contain the House language regarding Medicaid vaccine administration fees. The Conferees agree with the Secretary's view that, under current law, she has the authority and the Conferees understand that it is the Secretary's intent to accomplish what the House bill would have required.

(d) *Denial of FFP for Inappropriate Administration of Single-Antigen Vaccines.* The Conference Agreement follows the House bill.

(e) *Requiring Medicaid Managed Care Plan to Comply with Immunization and Other EPSDT Requirements.* The conferees have been informed that a point of order could be raised in the Senate, under the so-called "Byrd rule" (section 313 of the Congressional Budget Act of 1974), to the substance of the House provision if included in the conference agreement. In order to avoid such a possible point of order, the conference agreement does not include the House provision. The conferees express no views on the merits of the provision.

Availability of Medicaid Payments for Childhood Vaccine Replacement Programs.

Current Law. States may not make payment for covered care or services provided to Medicaid beneficiaries to anyone other than the beneficiary or the practitioner or institution providing the service, with certain limited exceptions.

House Bill (Section 5184)

Allows States, at their option, to make payments directly to vaccine manufacturers participating in a voluntary replacement program. Under such a program, the manufacturer supplies doses of the vaccine to providers that administer it, periodically replaces the provider's supply of the vaccine, and charges the State the manufacturer's bid price to the CDC, plus a reasonable premium to cover shipping and handling of returns.

Senate Amendment (Sec. 7801)

Require state Medicaid agencies to purchase vaccines directly from manufacturers at prices negotiated by the Centers for Disease Control (plus shipping and handling fees for return doses) and develop a distribution system to deliver the vaccines to all Medicaid providers for inoculation of Medicaid eligible children. Annual price increases under the CDC contract are limited to increases in the CPI beginning in fiscal year 1994 through fiscal year 1998.

Conference Agreement

The Conference agreement follows the House bill with a modification limiting its duration to FY 1994.

Sec. 13632. National Vaccine Injury Compensation Program Amendments.

Current Law

The National Childhood Vaccine Injury Act of 1986 (P.L. 99-660) created a system for compensating children for injuries received from routine pediatric immunizations. The Vaccine Compensation Amendments of 1987 (P.L. 100-203) provided for a source of payment for such compensation and began the implementation of the system.

House Bill

The House bill increases the amount of administrative expenses for Health and Human Services, Department of Justice and the U.S. Claims Court from the Compensation Trust Fund from $2.5 million to $3 million. It allows individuals to file for compensation if the effect of a revision in the Vaccine Injury Table were to increase significantly the likelihood of such individual's obtaining compensation. It extends the time period for suspension of proceedings for pre-enactment cases from 540 days to 30 months (but for no more than six months at a time). It also simplifies requirements regarding vaccine information materials and provides for a quicker process through which the required information is to be made available.

Senate Amendment

The Senate amendment contains similar provisions. In addition, the Senate amendment increases the direct spending authority for awards for retroactive cases and amendments to the table of injuries for compensation.

Conference Agreement

The Conference Agreement contains the House and Senate provisions regarding extension of time and the Senate provisions regarding increases in direct spending and amendments to the table for compensation.

The Conferees have been informed that a point of order could be raised in the Senate, under the so-called "Byrd rule" (section 313 of the Congressional Budget Act of 1974), to the substance of the remaining House and Senate provisions if included in the Conference Agreement. In order to avoid such a possible point of order, the Conference Agreement does not include these provisions. The Conferees express no views on the merits of these provisions.

The Conferees also express their intention that the Administration make substantive proposals to address the serious problems that remain in the vaccine injury compensation system regarding payment of claims for pre-enactment cases. Continued postponement of addressing these issues threatens to work a serious injustice to petitioners, manufacturers, and the program itself.

National System for Monitoring Immunization Status of Children

House Bill (Sec. 5181)

The House bill establishes a new discretionary State grants program (to be administered by the Centers for Disease Control and Prevention) for the purpose of developing and maintaining registries containing information relating to the immunization status of the Nation's children. It requires States as a condition of receiving free vaccine under the free vaccine distribution program to have a registry in place not later than October 1, 1996. The bill also allows for State exemption for the collection of data on any child if a parent of such a child makes such a request. The bill authorizes appropriations for this purpose.

Senate Amendment

The Senate amendment contains similar provisions, although participation in the registry program is not made a condition of participation in the free vaccine distribution program.

Conference Agreement

The Conferees have been informed that a point of order could be raised in the Senate, under the so-called "Byrd rule" (Section 313 of the Congressional Budget Act of 1974), to the substance of both the House and the Senate provisions if included in the Conference Agreement. In order to avoid such a point of order, the Conference Agreement does not include either the House or Senate provision. The Conferees express no views on the merits of these provisions.

House bill

The House bill establishes in Title XXI of the Public Health Service Act a new childhood immunizations grants program. This Program replaces the Centers for Disease Control and Prevention program authorized under Section 317 of the Public Health Service Act, and authorizes all activities previously funded through that program with the exception of the purchase and delivery of vaccines. The bill authorizes appropriations for this purpose.

Senate amendment

The Senate amendment contains similar provisions, although it does not replace Section 317, and focuses on rebuilding the public health infrastructure and outreach activities to enhance the delivery of immunizations. It also contains provisions for better coordination of Federal efforts to improve immunization rates.

Conference agreement

The Conferees have been informed that a point of order could be raised in the Senate, under the so-called "Byrd rule" (Section 313 of the Congressional Budget Act of 1974), to the substance of both the House and Senate provisions if included in the Conference Agreement. In order to avoid such a possible point of order, the Conference Agreement does not include the House or the Senate provision. The Conferees express no views on the merits of the provisions.

Healthy Start for Infants

Current Law

In FY 1993, the Federal Government made $79 million in grants for the purpose of reducing infant mortality in selected communities. There is no statutory authority for the appropriation of funds for these "Healthy Start" demonstrations.

House Bill (Sec. 5185)

The House bill authorizes the Secretary to make grants for the operation of no more than 21 Healthy Start demonstration projects for the purpose of reducing, in the geographic area involved, (i) the incidence of infant mortality and morbidity; (ii) the incidence of fetal deaths; (iii) the incidence of maternal mortality; (iv) the incidence of fetal alcohol syndrome; and (v) the incidence of low-birthweight babies. The Secretary is required, in providing for a demonstration project in a geographic area, to seek to meet the applicable Year 2000 Health Status Objectives with respect to each of the four program purposes described above. For each of FY 1994 through 1997, the Program is authorized at an amount of "such sums as may be necessary." The program sunsets on October 1, 1997.

Senate Amendment

The Senate Amendment contains no similar provisions.

Conference Agreement

The Conferees have been informed that a point of order could be raised in the Senate, under the so-called "Byrd rule" (section 313 of the Congressional Budget Act of 1974), to the substance of the House provisions if included in the Conference Agreement. In order to avoid such a possible point of order, the Conference Agreement does not include the House provisions. The Conferees express no views on the merits of the provisions.

Tort Claims Coverage for Health Centers

House Bill

The House bill clarifies that a Community Health Center (or other entity described in section 224(g)(4) of the Public Health Service Act) may elect not to participate in coverage under the Federal Tort Claims Act if the entity establishes that it has been a participant in, and a partial owner of, a nonprofit risk retention group. In addition, the bill clarifies that officers and employees of entities under section 224(g)(4) are covered under the FTCA, even if they are not health care providers.

Senate Bill

The Senate bill made similar changes to the Public Health Service Act, with minor technical differences.

Conference Agreement

The conferees have been informed that a point of order could be raised in the Senate, under the so-called "Byrd rule" (section 313 of the Congressional Budget Act of 1974), to the substance of the provision if included in the conference agreement. In order to avoid such a possible point of order, the conference agreement does not include the provision. The conferees express no views on the merits of the provision.

Physician Ownership Study:

House Bill

The House bill contained no provision.

Senate Bill

The Senate bill required the Secretary of Health and Human Services to study the desirability of mandating that providers not refer patients to entities in which the providers have a financial interest and to evaluate different options with respect to the scope of such prohibition.

Conference Agreement

The conferees have been informed that a point of order could be raised in the Senate, under the so-called "Byrd rule" (section 313 of the Congressional Budget Act of 1974), to the substance of the Senate provision if included in the conference agreement. In order to avoid such a possible point of order, the conference agreement does not include the Senate provision. The conferees express no views on the merits of the provision.

National Health Service Corps Retirement:

House Bill

The House bill contained no such provision.

Senate Bill

The Senate bill required that retirees of the National Health Service Corps be treated the same as military retirees with respect to increases in retirement pay.

Conference Agreement

Senate recedes.

ARKANSAS BEST

Mr. LUGAR. Mr. President, I would like to call attention to an important tax issue, the treatment of hedging transactions, which is touched upon the revenue reconciliation bill but is left largely unresolved. This issue, referred to as the "Arkansas Best" issue has major ramifications on the commercial activities of business across America. In this uncertain economy, the last thing the business community needs are further impediments to their activities, particularly their risk management activities.

I urge that resolution of the hedging problem be giving immediate attention by the administration. This is an issue that should not be permitted to remain unfinished. Hedging transactions contribute to the efficient operation of businesses by reducing or transforming unwanted risks encountered by farmers and other businesspersons in their business activities. Hedging should be encouraged as a matter of public policy. Yet, hedging activities are being unfairly and unnecessarily challenged by the Internal Revenue Service.

The tax problem concerning the business world is the prospect of having hedging losses considered nondeductible against the ordinary income produced by the business operations being hedged. This problem can arise in many different business contexts, from farmers and grain dealers to currency traders and petroleum companies.

For example, assume that a farmer wants to insure himself against a decline in corn prices during the period of time prior to the harvest and sale of his 1994 corn crop. Therefore, in the spring of 1994 he enters into corn futures contracts for the sale of corn for December 1994, delivery in a quantity approximating what he expects to harvest and at a price of $2.50/bu. A $2.50/bu. price is expected to result in a $.50/bu profit after taking account of the farmer's out-of-pocket expenses.

If, at the time of harvest in the fall, the then-prevailing price for corn is only $2.30/bu., the farmer's sale of corn on the spot market for that price will ostensibly reduce his profit to only $.30/bu. However, closing out the short December corn futures contracts at that time—through offsetting trades on the futures exchange—should produce a counterbalancing gain of about $.20/bu., leaving the farmer with the anticipated profit of $.50/bu. And, if the prevailing price when the farmer sells his corn turns out to be $2.70/bu., the ostensible $.70/bu. profit from the sale of physical corn will be offset by a $.20/bu. loss on the futures contracts, resulting again in a $.50/bu. profit.

In the example, the farmer has used short futures contracts effectively to lock in a price of $2.50/bu. and, under the expense assumptions, a profit of $.50/bu. Through hedging, the farmer has insulated his before-tax economics profits from commodity price fluctuations.

The only rational tax result is to tax the farmer on the $.50/bu. net economic profit in the example, regardless of whether the insured-against commodity prices have fallen to $2.30/bu.—resulting in an offsetting hedging gain—or risen to $2.70/bu.—resulting in an offsetting hedging loss. Appropriately, for over 60 years, this rational result was accepted by taxpayers and the Internal Revenue Service. The farmer's sale of physical corn produces ordinary income—or loss. And, until recently, there was no question but that the futures transactions in the example would also receive ordinary treatment, so that any hedging losses could be fully offset against ordinary income from the physical corn transactions being hedged.

However, many IRS agents are now claiming that the futures transactions produce capital gain or loss. This claimed capital treatment for hedges creates an intolerable tax risk. Because capital losses can be deducted only against capital gain—and, in the case of individuals, $3,000 of ordinary income—the hedger may have his taxable income distorted to his disadvantage. In the example of corn prices rising to $2.70/bu., the IRS will tax the farmer the full $.70/bu. gross profit on the sale of physical corn without permitting any deduction, except possibly $3,000, for the $.20/bu. economic loss on the corn futures. The farmer is effectively taxed on $.20/bu. of phantom profits.

Taxing this phantom income is unquestionably bad tax policy, but many IRS agents take the view that the result is required by the 1988 Supreme Court opinion in Arkansas Best versus Commissioner. Although Arkansas Best was not a hedging case, language in the opinion has been interpreted by some to require capital gain or loss treatment for sales or exchanges of virtually all property except inventory, such as the farmer's physical corn, or substitutes for inventory. In the narrow view of some agents, long futures contracts, that is, contracts to buy commodities, qualify as inventory substitutes for this purpose, but short contracts that is, contracts to sell, do not.

This misguided interpretation of Arkansas Best adversely affects a wide range of hedging activities in addition to the classic agricultural futures hedge just described. It places a cloud of uncertainty over the use of various techniques utilizing options positions to hedge business transactions, including the use by farmers of options on futures contracts under the Options Pilot Program, established by Congress in 1980 as a market alternative to farm price supports. Also affected are hedges of business borrowing costs, manufacturing profits, fuel costs of airlines, prices for energy producers, and many other risk management activities.

A recent decision of the U.S. Tax Court in *Federal National Mortgage Association* v. *Commissioner*, 100 T.C. No. 36 (June 17, 1993), represents a significant rejection of the IRS' litigating position. In the Fannie Mae case, the court upheld the ordinary treatment claimed by the taxpayer with respect to losses incurred on interest-rate hedges. The taxpayer had used futures contracts, options, and short sales of securities to hedge against the risk of rising interest rates in connection with the taxpayer's commitments to purchase interest-bearing obligations and the taxpayer's anticipated issuances of debentures to finance or refinance the acquisition of such obligations.

While Fannie Mae represents a major advance in the development of reasonable tax results for hedges, the Tax Court opinion does not put the hedging issues to rest. The court left unanswered questions abut types of hedging transactions dissimilar from those at issue in that case. Also, the opinion is subject to appeal and thus cannot now be considered a determinative judicial rejection of the IRS' arguments.

Eventually, if the IRS insists upon pursuing its litigating position through a series of cases and years of trials and appeals, the courts would like decide definitively that most business hedges qualify for ordinary treatment notwithstanding Arkansas Best. But the years of uncertainty resulting from protracted litigation would be costly for the U.S. economy. The prospect of IRS challenge has already forced many farmers and other businesspersons to forgo prudent hedging activities to reduce their business risks. The threat of being taxed on phantom profits is simply too dire.

The tax problems of hedgers are noted in the conference report on the revenue reconciliation bill. The bill itself would add a new section 475 to the Internal Revenue Code, which provides for mark-to-market accounting for securities dealers and addresses part of the hedging problem encountered by those taxpayers. But the bulk of the hedging issues are not addressed in the bill, and the conferees have urged in the statement of conference managers that the remaining hedging problems be resolved expeditiously through legislation, regulations, or some combination of the two.

Immediate action is urgently needed to remove the threat of this unwarranted tax penalty for hedges. If, as many believe, the current tax laws give the administration the ability to correct this uncertain environment, then regulations should promptly be drafted to achieve that result. If legislation is needed, the administration should send that signal. In no event should the threat of devastating tax results be allowed to continue to disrupt important risk management activities in the economy.

Mr. McCONNELL. Mr. President, I have come to the floor today to oppose the President's tax package. That's right, tax package. Let's quit trying to hoodwink the American people in thinking this package reforms the wasteful way Congress spends taxpayers' dollars.

This package contains the largest tax increase in history, and promises deficit reduction. This package will not reduce the Federal debt, or even balance one annual budget for that matter. Under the bet circumstances this package merely slows the growth of Federal spending to no less than $200 billion per year. In fact, even by the President's own calculation, this package will contribute $1 trillion to the deficit over the next 5 years.

President Clinton has saddled this country with $255 billion in taxes and user fees, while only reducing spending by $119 billion. Mr. President, it is important to note that 80 percent of the few proposed cuts have been put off until after the next election. Therefore, the American people are left with fewer after-tax dollars, while the Government is allowed to increase in size and scope, putting off promised cuts until the hazy future.

In fact, this proposal raises nearly $2.13 in taxes for every $1 in spending cuts. In the first year, the ratio of taxes to spending is $30 to $1. Not until 1998, after the next election, does the ratio narrow to about $1.10 in new taxes to $1 in cuts. OMB Director Leon Panetta testified the President's package would be about $2 in cuts to $1 in taxes. Despite the promises, taxes will outpace the promised cuts by over 2 to 1.

If the people of this country had any question regarding President Clinton's true colors, it is now painfully clear that he is a tax-and-spend Democrat.

President Clinton ran for President like Ronald Reagan, and now he is running the country like Jimmy Carter. Rather than delivery on his deficit-cutting promise, he has betrayed the American people with massive tax increases. The only promise Bill Clinton has fulfilled is his promise of change—he has changed all of the policies that got him elected while making the middle class pay more.

The message I am receiving from an overwhelming majority of Kentuckians is clear: Cut spending, period. We don't have a budget deficit because we tax too little, but because we spend too much. This tax package is crafted with the largest percent of deficit reduction coming from hard-earned tax dollars.

Higher taxes, increased Government spending, and budget gimmicks contained in this tax package are identical to the failed budget agreement passed in 1990. The 1990 agreement also included ineffective budget restraints, false promises of future deficit reduction, and what we can now consider a relatively small tax increase of $164 billion. The agreement was a disaster. Instead of the intended $527 billion in deficit reduction, the deficit is now expected to be $875 billion higher than intended.

Mr. President, I would like to point out to my colleagues and the American people that Mr. Clinton modeled his package so closely after the failed 1990 budget agreement that he actually included $44 billion in cuts enacted in 1990. That's right. Mr. Clinton poached $44 billion from the 1990 agreement. So, instead of the projected $427 billion in deficit reduction, I guess his cuts only amount to only $383; and believe me, I am giving him the benefit of the doubt.

Since 1980, Congress has increased taxes six times under the pretense of deficit reduction. In each of the six budget agreements of 1982, 1984, 1985, 1987, 1989, and 1990, higher taxes coupled with promised deficit reduction produced higher deficits. It's critical that we break the tax-and-spend budget mold this Congress has cast.

In Mr. Clinton's address to the American people he told them that his administration was going to end business as usual. Rather than a departure from business as usual, I think Mr. Clinton intended to say that the tax-and-spend Democrats are open for business.

Throughout this budget process, President Clinton has insisted that only the wealthiest Americans will pay higher taxes, when in truth, small businesses, the elderly, and anyone who drives a car will be hit with a higher tax bill. In Kentucky, residents will see a 14.8-percent increase in the gasoline tax, draining over $420 million from the Kentucky economy. This means a tax increase of $326 a year for Kentucky families.

Small businesses, which have accounted for over 80 percent of the new job creation in the past decade, will also be targeted. President Clinton is entirely wrong in burdening the best and the brightest small businesses. If we are to restore economic vitality to this country we cannot cripple the over 800,000 small businesses that will bear the burden of higher taxes. Mr. President, we cannot afford to tax success.

Mr. Clinton insists that this package will create new jobs and restore vitality to the economy. I have listened to the businessowners of Kentucky, and they are downright pessimistic about Clintonomics. In an Associated Industries of Kentucky survey, an overwhelming 84 percent of employers blasted the President's tax proposals as bad or very bad for their business. In a similar poll of businessowners taken by Citizens for a Sound Economy, 85 percent opposed the plan and a whopping 40 percent stated they are likely to lay off one or more employees.

Mr. President, this is not a ringing endorsement of the President's tax plan. The American people oppose this plan and I will vote to defeat the largest tax increase in this Nation's history, in hopes that a compromise can be worked out that will make substantial and lasting cuts in Government spending.

Mr. ROCKEFELLER. Mr. President, how many times has the direction of this country been decided here in the Senate? How many times has the Senate debated the question of war, pondered the prosperity of our people, or weighed the fate of our Nation? This Chamber has been something of a crossroad for America. It is right here where policies and ideas meet and diverge, and where the destiny of the American people has hung in the balance.

Today, once again, the crossroad of America lies right here. This is the time to determine the direction of the country's economic future. A vote in support of this budget plan is a vote to, finally, begin to get our economic house in order. It is a vote for an essential part of an economic strategy to create jobs and invest in the American people. It is a vote for the first step in a long march for progress that must include reforming our health care system, regaining our economic competitiveness, and reviving a sense of hope among all of our people.

A vote against the plan is an endorsement for stagnation and for the fiscal foolishness that has sapped our strength and brought us to the brink of ruin.

This budget plan lives up to principles that we share with the President. It is fair and equitable, and it offers encouraging news for those Americans hit hardest by our economic slump. It meets the test that I have heard time and time again expressed by the West Virginians I represent—when they said they were willing to shoulder part of the burden of digging out and moving forward, but if and only if everyone else were required to do their fair share.

For American families, passing this plan will translate into lower interest rates on houses and cars. Less of their tax dollars will go down the black hole of debt service, which in the end buys nothing. The fears of tax hikes—fueled by special interests and scare tactics—are unfounded. Working families in West Virginia and throughout America will pay less than $3 a month on a 4.3-cent-a-gallon gasoline tax. The expansion of the earned income tax credit will allow working families—100,000 in West Virginia alone—to pull themselves out of poverty. Expansion of the earned income tax credit is a major downpayment on building income security for our families, and another step forward in implementing the recommendations of the bipartisan National Commission on Children, which I was so proud to chair.

In addition to helping working families struggling to make ends meet with this pro-work tax credit, the package makes needed social investments for children and families. Over $1 billion will be invested in new innovative programs for family preservation and family support as a way to strengthen family and help prevent child abuse and neglect. As the sponsor of legislation in the Senate to reform child welfare services, which shares the same fundamental goals, I am delighted that we are acting to help our most vulnerable children. My State of West Virginia should receive as much as $8 million under this initiative for children. Improvements in the Food Stamp Program and child immunizations are meaningful initiatives that will make a real difference in the lives of children and families in West Virginia and across our country.

Small businesses will benefit from incentives and tax cuts aimed at stimulating job creation and capital formation. Fully 96 percent of business owners will get more out of the plan than they will put in through capital gains tax cuts for equipment, research, bricks, and mortar. West Virginia is projected to get an economic boost that will yield 23,000 new jobs.

Some of our Nation's most desperate and destitute areas—both urban and rural—will benefit from a new and innovative empowerment zone proposal. This will encourage development, investment, and job creation to help people replace their welfare checks with pay stubs.

This package also invests in affordable housing with the permanent extension of the low-income housing tax credit and the Mortgage Revenue Bond Program. These programs help finance new construction which creates good jobs for Americans. In West Virginia, the Mortgage Revenue Bond Program has helped over 20,000 middle-income families secure the American Dream, a home of their own, and this package will ensure that similar help is available in the future for young families seeking to buy their first home.

A dramatic reform of the student loan program will save $4 billion, cut borrowing costs for students, and put a college education within reach for millions with the skill and the will for college, but not the wallet.

For me personally, the President's plan holds additional reasons for optimism—it is an encouraging first step on the road to health care reform. Deficit reduction and health care reform have a symbiotic relationship—like the conundrum of one hand clapping, one will not succeed without the other.

In this long and laborious process of trying to enact this deficit reduction part of the President's economic plan, I focused on the role that the Federal health care programs, Medicare and Medicaid, would play in making their contribution to the savings we needed to achieve in Federal spending. Working with the new, stupendous chairman of the Senate Finance Committee, Senator MOYNIHAN, I fought to find the right level of savings and the responsible blend of policies to achieve those savings. We had no choice but to look to the Medicare Program to do its fair share, but I was adamantly against resorting to drastic, indiscriminate cuts. Some of my colleagues actually called for subjecting these programs to over $100 billion in cuts. Some suggested arbitrary caps, turning a blind eye to the effects on the poor and the elderly, and the promises we made to them.

Benefits for more than 34 million Medicare beneficiaries and cost-of-living adjustments for millions of Social Security recipients are spared in this legislation. Payments to health care providers are curbed, allowing us to move on to health care reform with the support of senior citizens and veterans.

We also succeeded in incorporating some changes to the Federal health programs to improve our health care system. We worked hard to emphasize and prioritize primary care and rural health care in every way possible.

And I would like to dwell for a moment on one small, but important initiative that has been adopted in this legislation. Based on a bill that I first introduced 2 years ago, important improvements in Medicare coverage for cancer patients were included that will result in spending Medicare dollars more wisely and more humanely.

Medicare's reimbursement policy for chemotherapy drugs will be, for the first time, uniform and consistent. Medicare cancer patients will get the most appropriate therapy based on their own doctor's best medical opinion and sound medical evidence. No longer will they have to wonder and worry whether or not Medicare will pay for their doctor's prescribed treatment. All cancer patients, but particularly rural patients, will benefit from another cost effective provision that will allow Medicare reimbursement for oral chemotherapeutic drugs when substituted for an IV drug. This will decrease drug side effects, greatly increase patient comfort, and, very importantly, relieve rural patients from the ordeal of daily trips—often, involving great distances—to a doctor's office to receive their prescribed therapy. Both of the provisions have been included at no additional cost to the Medicare Program because the additional costs are offset by savings from unnecessary hospitalizations and fewer doctor visits.

This bill also clarifies past Federal policy that limited Medicaid reimbursement for certified nurse midwives to maternity-related services. When we enact this legislation, Medicaid coverage will extend to primary and preventive care services provided by certified nurse midwives, such a cancer screening and well baby care.

Clearly, if this bill fails, then it's virtually impossible to see how we go to the next step of health care reform. It would force all of us to go back to square one on an economic package and it would force health care reform into a near-permanent holding pattern. Passing this budget plan opens the way to placing health care reform front and center on our agenda. That is still more good news for middle-class Americans and senior citizens who now watch 100,000 people lose their health coverage each month and tremble about their own health security.

That is why I stand to urge all of my colleagues—Democrats and even Republicans—to vote in support of this budget plan. The President offered a plan that helps move the country back towards economic stability.

With a vote looming, we need to see this package for what it is: a first genuine step in the right direction. The President's plan is not perfect or painless. But any plan that seeks to seriously attack our deficit burden cannot be perfect or painless. By definition, what is demanded to tackle our deficit will be difficult. No magic bullet. No economic sleight of hand. No creative bookkeeping.

We in the Senate have followed a long and convoluted path to get to this point. Demands for more spending cuts were met. Concerns about unfair burdens on the middle class were debunked. Assurances that new revenue would go only to deficit reduction were guaranteed. In the end, what we are going to consider is a fundamentally good bill.

This package offers nearly $500 billion in deficit reduction—the largest in history. It relies on $255 billion in real spending cuts and asks the wealthiest 1 percent of Americans to shoulder 80 percent of the burden. For the vast majority of Americans, the President's economic plan asks for only $33 per year. There are incentives for businesses to invest and expand, creating new jobs. In short, the President's plan is founded upon turning the myth of trickle-down economics upside-down, restoring fairness and protecting the middle class.

If fairness and equity is not enough to convince you to support the President's plan, I offer you a vision of our country without this plan: a $600 billion deficit within a decade; 20 percent of our tax dollars spent on nothing but debt service; higher mortgage and auto loan interest rates; slumping stock prices, stagnant economic growth, an even weaker job market. I don't know, maybe some of you who plan on voting against this bill come from States that can afford this fate, but I know my constituents in West Virginia cannot and should not have to wait any longer.

Some will stand up and say we should wait a while longer, look at other options, maybe go back to square one. Those are not options. Those are the ideas that got us here in the first place—the idea of waiting another day, of looking for someone else to lead, of hoping that the next quarter will show a miraculous upturn.

This country cannot afford any more tomorrows. And we should not have to wait. No one is holding this package out as a cure-all. No one has boasted of its infallibility. And to do so would be to deny the seriousness of our economic straits. For our economic peril will require far more than one bill or one budget from Congress.

This plan is a statement from Congress to the American people, to the markets and the investors, to our trading partners around the world, that we are serious about getting our economic house in order. It is, as so many have said, a step in the right direction.

But it was never supposed to be an easy step. To back this plan many of us will have to vote against interests and concerns we have long championed. We will have to explain how the good of the country may have cost some of our constituents. We will have to cut through all the rhetoric, statistics, and static to the two kernels of truth that matter: First, this plan asks the most from those who benefited the most during the past 10 years and a very small contribution from every other American; and second, we cannot afford to put this off or wait 1 day longer.

To reject the President's budget—to vote "no"—is to stand paralyzed upon ground that is crumbling beneath us. The Nation's roads cross right here—in this Chamber, in this well. Our votes will decide the path. Voting "yes," to support the President's economic package, puts this country, at last, upon a firm, stable path.

Mr. COATS. Mr. President, I rise today to voice my concerns about a part of this package which has received little attention during this budget debate, but which will impact tens of thousands of families in each of our States—the student loan provisions contained in title IV. Under title IV, the Federal Government will take over 60 percent of student loan volume in the current guaranteed Student Loan Program.

Under the existing Federal Family Education Loan Program [FFELP], students receive loans through a system of private lenders and guarantors. This spring, President Clinton proposed legislation which would eliminate the existing program and replace it with an untested direct Government loan program by 1997.

The administration, without benefit of a pilot program, and driven only by disputed budget analyses, would have us throw away the entire existing system. This is especially disturbing since the call for direct lending is not driven by any clearly defined benefits that will accrue to student borrowers. It is driven by a budget process in which statistical claims fly back and forth with little concern about how any changes will affect the students and parents borrowing the money, and the educational institutions providing the education.

Many Senators from both sides of the aisle were extremely concerned about the advisability of adopting full-fledged direct Government lending. As a result, the Senate Committee on Labor and Human Resources crafted a bipartisan compromise to test the program. The compromise authorized a 5-year test, in which a maximum of 50 percent of loan volume would be handled through direct Government lending. This approach would allow for a true test, while ensuring the stability of the existing Student Loan Program, so as not to disrupt the flow of funds to students.

Unfortunately, the conferees did not adopt the Senate position. Instead, they adopted a 5-year phase in to at least 60 percent of loan volume.

Mr. President, I was upset by the process during the direct lending conference because the scoring—not the policy—drove the debate. This is especially troublesome since the scoring is based on the smoke and mirrors accounting methods of the Credit Reform Act. Even the Congressional Budget Office [CBO], which had initially stated that direct lending would lead to savings of $4.27 billion, admitted that more than half of these supposed savings are smoke and mirrors. In other words, take away the budgeting tricks and you have, at most, $2.08 billion in savings.

Another little known fact about direct lending is that the Federal Government will be forced to borrow money by issuing new debt—to the tune of $10 to $15 billion going into the third year of the program. However, due to the smoke and mirrors accounting methods of the Credit Reform Act, these funds will not be counted as new debt. CRS estimates that 100 percent direct Government lending would add an additional $200 to $300 billion to the national debt over a 20-year period.

These trick accounting practices enabled the supporters of direct lending to claim savings of $4.27 billion when, in fact, they were only saving $2.08 billion. This put the supporters of the current loan program in the position of having to slash the current program to achieve the same savings. As a result, when the conferees adopted the 60-percent loan volume, they were forced to make even deeper cuts in order to maintain the student savings from the Senate bill. Cutting fees and allowances to the bone, as we have in title IV, puts us on the edge of impoverishing the whole system to the point that student access to capital may be jeopardized.

For these reasons, I am unable to support the direct lending provisions in title IV. I cannot, in good conscience, risk the student financial aid of our Nation's students to an untested Federal bureaucracy. Imposition of direct Government lending is a big Government solution in search of a problem. If we use the budget process to force big Government back into every aspect of student aid, our young people, their families, and the colleges and universities will bear the burden.

I would, however, like to commend Chairman KENNEDY and Senator KASSEBAUM for their patient and persistent leadership during the conference and their willingness to accommodate the concerns of Senators throughout this process. I would also like to thank my colleagues Senator PELL and Senator JEFFORDS for their diligence in crafting the Senate compromise and, as always, for their expertise on education issues.

REGARDING THE MORATORIUM ON BOVINE GROWTH HORMONE

Mr. HATCH. Mr. President, I would like to add my great concern to that expressed earlier by Senator DANFORTH regarding the inclusion of the moratorium on bovine growth hormone in the budget reconciliation bill.

First, this provision will make it unlawful for manufacturers to sell a product regulated by FDA after the FDA approves an application for commercial use. This is an unprecedented legislative intrusion of social and economic considerations into the regulatory process and the U.S. market-based system. While the current restriction is only for 90 days, I am concerned about the precedent it sets, and I fear that the sponsors of this provision will seek to extend the time indefinitely. This legislative action not only deprives Americans of U.S.-developed technology, but it also exposes the U.S. taxpayers to the costs of paying expensive judgments in likely to ensue takings litigation.

Second, the moratorium legislation imposes a projected cost of $5 million on the taxpayers for the payment of additional dairy subsidies as a result of the gimmick employed to allow this provision to pass the Byrd rule. Thus, the taxpayers will get stuck with two bills, one for takings judgments and one for the cost of getting this provision to pass the Byrd rule.

Third, while this provision is included in the agriculture title of the bill, it has severe implications for health care and other beneficiaries of biotechnology. Adoption of moratoria on biotechnology products by the Congress may begin to erode domestic support for the U.S. biotechnology industry, encourage our international competitors, and result in a loss of U.S. competitiveness. Instead of imposing a moratorium on biotechnology, we should be taking steps to maintain the United States as the world leader in biotechnology, an industry which now employs more than 80,000 employees and generates annual sales of around $5 billion.

Fourth, this legislation may well raise the specter of safety concerns that have not been supported in exhaustive reviews conducted by the Food and Drug Administration. I certainly hope that the FDA does not take this legislation as a signal to slow down or in any way change its current review procedures related to the application for market approval of bovine growth hormone.

It is time that we look to maintaining the U.S. competitiveness that benefits all of us.

DIGITAL TELECOMMUNICATIONS: ABERDEEN UPDATE

Mr. PRESSLER. Mr. President, recently I addressed my colleagues on the issue of bringing digital telecommunications technology to Aberdeen and northeastern South Dakota. Thanks to the efforts of the region's leading citizens, telecommunications providers soon may begin to view Aberdeen as a potentially expanding market for telecommunications services. Signs are encouraging.

When I last spoke on this issue on the Senate floor, I described a South Dakota Public Utility Commission [PUC] meeting held in Aberdeen on June 2, 1993. The meeting brought telecommunications users, providers, and regulators together to discuss present and future communications needs. Consumers representing manufacturing companies, service industries, financial institutions, the medical profession, universities, and personal computer users expressed their needs for state of the art telecommunications services. U S West, other local exchange companies, South Dakota Network, AT&T, and MCI listened to these diverse interests with attention.

The Aberdeen community is trying actively to attract new businesses to an area of my State steadily losing population. State of the art telecommunications facilities are essential to their economic development goals. U S West has begun sending a representative to the weekly meetings of the Aberdeen Community Action Resource Team—the group that organized the June 2 meeting. This is a hopeful a sign that U S West intends to work more closely with the community in determining how best to serve its telecommunications needs.

I am encouraged by U S West's initial responses. I understand that U S West recognizes the currently unmet communications needs in Aberdeen. To meet some of this demand, U S West plans to file tariffs soon for SwitchNet 56, which originally was scheduled for installation in 1994. As I understand the technology, SwitchNet 56 would upgrade the analog switch so that it could support some high-speed data services. In addition, video conferencing service would be available to customers who purchase the appropriate equipment.

SwitchNet 56 may be an important first step, but is at best a short-term solution to the Aberdeen area's current telecommunications needs. SwitchNet 56 provides only a partial interface with services based on integrated services digital network [ISDN] technology. To make use of the most advanced reservation systems, companies like Super 8 Motels may need ISDN and be forced to bypass U S West's switch. Not all customers can afford this option. Digital switching in the public telephone network would make ISDN services available to all customers, including small businesses and residential users. SwitchNet 56 simply will not meet Aberdeen's future needs and economic development goals.

U S West and other common carriers have spent years developing, sustaining, and upgrading analog-based telecommunications systems. With so much time and energy invested, I understand the difficulties of immediately moving to an entirely digital network. Technology is changing rapidly. Therefore, communities like Aberdeen are faced with the difficult question of which technology advancement to invest in. Should a community upgrade its analog systems? Should the entire system quickly move to digital transmission and switching? Should a community wait for yet another advancement to surface before proceeding? Amidst this debate, one thing is clear: outdated analog systems can no longer shoulder the demands of today's more sophisticated telecommunications needs. The present and future is digital.

Indeed, it seems not a week goes by without another newspaper or magazine article proclaiming how digital technologies are opening a new arena of communication possibilities. Very soon, through a television, one would be able to view, order, transfer, buy, link, research, and access worlds of entertainment and information. This data superhighway promises unlimited potential that begins with access to digital telecommunications.

The popularity of fax machines and cellular phones opened the minds of Americans toward new communications technology. Today it is hard to imagine doing business without these devices. Video conferencing, network computing, voice messaging, remote data transfer and processing, once only available to the largest corporations, are on the brink of becoming part of the everyday world for small business and residential customers.

Through the latest developments in satellite, cellular, digital, and fiber optic technology, telecommunications are on the launching pad of even greater change. Libraries of information and entertainment can be sent to a home terminal at the speed of light. From a computer terminal one will be able to work at home with all the capabilities of being at the office. News and information services, databases, long-distance services, classified advertisements, video catalogs, financial services, and interactive shopping channels soon will be at our fingertips.

Whether one is checking stock market investments or just doing local banking, the digital future promises to make either as simple as changing TV channels. Ordering books, buying groceries, and pursuing real estate options could be done with ease and convenience.

In terms of research, the information superhighway could bring the Congressional Research Service to American homes. Entire databases of Congressional and academic information could unfold on a TV screen. Think of it, Mr. President, the Library of Congress' 100 million item collection of books, films, maps, periodicals, and photographs could be accessed easily through a computer and phone line. One could read any book or periodical, explore court cases, or just browse the morning newspaper.

The American Bar Association is considering using digital technology to create a database of legal briefs. Countless hours of research are duplicated all over the United States as law clerks research similar areas. Creating a database of legal briefs would save time and money for both the lawyer and the client.

The convergence of television, computer, and telephone services in a digital world promises all this and more. While all of these innovations sound exciting, without on ramps to the digital highway, small cities and towns will be left behind in this telecommunications revolution. As communities attempt to solicit new businesses to areas of declining population, those with outdated analog-based telecommunications equipment are inhibited in their efforts.

According to the publication Communications Daily, no telephone company has purchased an analog switch in 10 years. Yet the seven Regional Bell Companies and GTE spent $1.13 billion in 1990 and 1991 upgrading analog switches. U S West led other companies by spending $126 million on analog switch upgrades in 1991. Overall, investment in digital switching surpassed investment in analog upgrades. During the same 1990–91 period, the Bell Companies and GTE spent $6.3 billion on digital switching. Nonetheless, considerable embedded investment in analog switching remains. Forty-four percent of the total investment value of the Bell Companies switching plant is tied up in analog technology.

Some Bell Companies have converted to digital more rapidly than others. The total investment value of analog plant is as follows: Ameritech, $2.6 billion, 46 percent of total switching value; Bell Atlantic, $2.158 billion, 37 percent; BellSouth, $2.472 billion, 37 percent; Nynex $2.183 billion, 32 percent; PacTel $2.664 billion, 51 percent; Southwestern Bell, $4.52 billion, 56 percent; U S West $2.149 billion, 45 percent. With billions at stake, how quickly can companies convert to all-digital networks? How much should they spend to upgrade analog systems with proven limits?

The South Dakota Public Utilities Commission [PUC] can be justifiably proud of its role in bringing digital switching technology to South Dakota. In 1989, U S West and the PUC entered into a agreement in which U S West agreed to provide state of the art switching capability to all its telephone exchanges in the State by 1994. Since then, U S West has invested millions of dollars in South Dakota to replace outdated switches. Today, most areas of my State are served by digital switches. The major exception is Aberdeen and the surrounding communities served by the host switch in Aberdeen.

Mr. President, I believe that it is our responsibility as Senators to encourage economic development in our own States. I will continue to work with South Dakota citizens and officials to upgrade our State's entire telecommunications network. As a member of the Senate Communications Subcommittee, I have been working to ensure that all communities—small cities, towns, and rural areas—have access to the digital information superhighway. We must invest in the small cities of America and its capabilities and move away from the outdated analog systems that inhibit communications and thwart economic development. We must insist that communities large and small have the most advanced telecommunications equipment possible. I look forward to working with my colleagues to expand our nationwide telecommunications capabilities.

PASSAGE OF 5-YEAR DEFICIT REDUCTION PLAN

Mr. MITCHELL. Mr. President, the United States has a national debt of over $4 trillion. It was less than $1 trillion in 1980. So in 12 years the debt has risen by four times as much as it rose in the nearly two centuries of previous American history.

Unless we act, the annual deficits will keep rising—depriving American businesses of the savings they need for investment and expansion; depriving Americans of opportunities for more and better jobs; depriving all our children of a bright future.

Those are the facts. They're not in dispute. The only question is whether we will do anything about it.

The deficit reduction plan before us is the largest in our history. It contains $255 billion in spending cuts over the next 5 years.

It contains $241 billion in taxes over 5 years. Eighty percent of those taxes will be paid by those Americans whose incomes exceed $200,000 a year. Every dollar of taxes will go to reduce the deficit. Altogether, this bill will reduce the deficit by $496 billion over 5 years.

I think it's important to respond to the criticisms that have been made against this bill.

First, it has been argued repeatedly, including here this evening, that the bill is unconstitutional because the income tax rates in the bill take effect on January 1, 1993.

That is obviously untrue.

There has been an income tax in effect for 80 years. Throughout those years, there have been many changes in tax laws which applied retroactively. The practice goes as far back as 1917. Tax rates were raised in October 1917, effective January 1917.

Several Senators, Republicans and Democrats, some sitting in this Chamber right now, have written retroactive changes into the law, and many others here have voted for them.

Furthermore, the changes which take effect in January apply to only 1.2 percent of all American families. For families filing joint returns, taxable income must be more than $140,000 before the higher rate applies. That means that, on average, a family's gross income must be over $180,000 a year to be affected. So about 99 percent of all American families won't be affected. Let me repeat that. Nearly 99 percent of American families won't be affected by these changes in income tax rates. They won't pay higher income taxes.

A second criticism of this bill is that it doesn't cut the deficit enough. But the Republican alternative offered in the Senate cut the deficit far less. Their plan would have cut the deficit by $359 billion over 5 years. That's $137 billion less in deficit reduction. How can anyone who proposes to do less fairly criticize the President for not doing more?

A third criticism of the bill is that it doesn't contain enough specific spending cuts.

But when our Republican colleagues had a chance to amend the bill, their alternative did not include a single specific spending cut beyond those proposed by the President.

Let me repeat that.

For all of the rhetoric by our Republican colleagues, their alternative contained no specific spending cuts beyond those proposed by the President. None. Not one.

A fourth criticism of the bill is that the cuts that are in it come too late in the 5 year cycle.

But once again the critics are inconsistent.

In the Republican alternative offered here in the Senate, more than three-fourths of the cuts come in the fourth and fifth years, far more than in the pending bill.

What they're saying is: The cuts in this bill come too late. But in their plan, more cuts come later than in this bill.

A fifth criticism of the bill has been that it includes reductions in interest payments as spending cuts.

Once again the critics are inconsistent.

In every one of the 12 budgets submitted by Presidents Reagan and Bush, reductions in interest payments were counted as spending cuts. More recently, in the Republican plan offered here in the Senate, just a few weeks ago, reductions in interest payments were counted as spending cuts.

In other words, they are criticizing President Clinton for doing precisely what they did. There are many words to describe such conduct. The most charitable one I can think of is that it is inconsistent.

A sixth criticism of the bill is that it will tax small business. That's not true either.

There is no tax increase for small business in this bill. None.

Single persons who report business income and whose gross income is over $140,000, on average, will pay higher taxes. Married couples who report business income and whose gross income is over $180,000, on average, will pay higher taxes. So will everyone in those income levels.

In other words, if you file a joint return, you will pay at a higher income tax rate only if your gross income is over $180,000. If your gross income is less than $180,000, you won't pay at a higher income tax rate. The higher rate is applied based on income, not on the size of your business.

There is no tax increase for small business in this bill.

To the contrary: 90 percent of all small businesses will benefit from the increased expensing allowance and the capital gains incentive that are in this bill.

Millions of dollars have been spent by special interest groups to spread distortions about this bill.

The most common distortion is that large numbers of middle income Americans will pay higher income taxes if this bill passes. That's not true. Senator HEFLIN effectively punctured that distortion last night when he told the Senate that his State's tax assessor estimates that in the entire State of Alabama, with more than 1,800,000 working people, only 15,000 will pay higher Federal income taxes. Although the figures would vary, the same thing is true in every State because the truth is that only the highest 1.2 percent of incomes will pay higher income taxes. The other 98.8 percent of taxpayers will not pay higher income taxes.

The situation in my home State of Maine is as dramatic. There are about 1,200,000 people in Maine. In 1991, the most recent year for which figures are available, there were about 445,500 tax returns filed by Maine households. Of that total, only 3,800 of them will have higher income tax rates under this bill. I repeat. In the entire State of Maine only 3,800 families have incomes so high that they will have higher income tax rates. By contrast, 81,000 Maine families have incomes so low that they will benefit from the bill. Those 81,000 Maine families with incomes below $27,000 a year will get a tax cut under this bill because of the earned income tax credit.

To sum up, in Maine 3,800 families have gross incomes of over $180,000 a year and will be subject to higher income tax rates, while 81,000 families will get a tax cut because their incomes are below $27,000 a year and they are eligible for the earned income tax credit.

If every Senator looks at his or her State, you'll find about the same thing.

So, those who vote "no" on this bill will be voting to help the few whose gross incomes are over $180,000 a year and not to help the many whose incomes are below $27,000 a year.

This bill does not raise income tax rates on middle-income families. It does ask middle income families to pay about $30 more a year in gas taxes. And for eligible families whose incomes are below $27,000 a year, there's a tax cut.

The vote on this bill will be razor thin. It will be close because this bill is about real spending cuts and real deficit reduction.

There's no more smoke and mirrors. This plan doesn't have a magic asterisk, like the plan of 1981. It doesn't have guesses in place of economic estimates. There's no rosy scenario.

That's why the vote will be close. Not because it's not a good enough plan. Not because it doesn't cut spending enough. The vote will be close precisely because it does make painful cuts and it does ask for sacrifice. This vote will be close because it's about a real program, a real program for change.

If we made a pile of the speeches that have been given in this Chamber about reducing the deficit, it would go up through the ceiling, beyond the Capitol Dome and reach high into the night sky. And, as usual, those who speak most and loudest, will be least willing to act. But we've had enough speeches.

The time has come to act. We need a sound economy, with low interest rates and the savings that will allow the private sector to invest in new products, to expand markets for American goods, to create more and better jobs for American worker, to keep the American dream alive for our children.

More than anything else we need economic growth.

We can't have economic growth when interest on the national debt is one of the fastest growing items in the budget. We can't have economic growth when government borrowing soaks up private savings. We can't have economic growth when engineers, computer programmers and skilled workers are thrown out of work and into a market that has no jobs for them.

The plan before us is the first step—not the only one or the last one, but the first step.

Those who don't like taking the first step won't like the next ones either. Mark my words, those who say this step doesn't go far enough will say the next step goes too far.

They'll offer the same excuses for doing nothing they've made for 12 years. That isn't going to change.

But the American people want change. Last year they voted for change. Tonight we're going to deliver it.

President Clinton has presented us with a credible plan. I say it's fair to give him a chance. Twelve years ago, the Republican majority in the Senate said it was only fair to give the new Republican President's program a chance. We did.

We ought to give the new President's program a fair chance.

We Americans are the most fortunate people ever to have lived, to be citizens of the most free, the most open, the most just society in all of human history. We enjoy enormous benefits from our citizenship. With those benefits come responsibilities. Especially for us, serving as the representatives of the people of our States, there are responsibilities. Greatest among them is the obligation to do what's right for our country. Sometimes the right thing is not the easy thing.

Every Member of this Senate loves our country. Love of country is not the franchise of any political party.

But if you believe as I do, that our country's future demands action now, I ask you to join me in voting yes on this bill.

The VICE PRESIDENT. All time has expired. The question is on the adoption of the conference report on H.R. 2264, the Budget Reconciliation Act.

Is there a request for the yeas and nays?

Mr. DOMENICI. Yes.

Mr. SASSER. Mr. President, I ask for the yeas and nays.

The VICE PRESIDENT. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The VICE PRESIDENT. The question is on the adoption of the conference report on H.R. 2264, the Budget Reconciliation Act. The yeas and nays are ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted, yeas 50, nays 50, as follows:

[Rollcall Vote No. 247 Leg.]

YEAS—50

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Kennedy
Kerrey
Kerry
Kohl
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—50

Bennett
Bond
Boren
Brown
Bryan
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Jeffords
Johnston
Kassebaum
Kempthorne
Lautenberg
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

The VICE PRESIDENT. On this question, the yeas are 50, the nays are 50. The Senate being equally divided, the Vice President votes "yes," and the conference report on the President's economic plan is agreed to.

Mr. MITCHELL. I move to reconsider the vote by which the conference report was agreed to.

Mr. SASSER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SASSER addressed the Chair.

The VICE PRESIDENT. The Senator from Tennessee.

Mr. SASSER. Mr. President, a lot of people have put in a lot of work to get this bill passed, and I wish to take just a few moments to thank a few of them.

The majority leader worked tirelessly to help craft this legislation so that it could achieve its majority victory today.

Mr. President, I would also like to take the opportunity to thank some of the many Budget Committee staff who worked so hard on this bill. Many of them worked late into the night, on Saturdays and Sundays, to review legislation with the Parliamentarian to avoid points of order. These tireless staff helped to ensure that we could pass this bill today with a majority vote rather than 60 votes.

In particular, I want to single out Kathy Deignan and David Williams, who labored on some of the most complicated procedural questions. As well, Amy Abraham, Chuck Marr, Chuck Hanson, Bill Dauster, Agnes Bundy, and Matt Greenwald each helped to steer complex provisions through dangerous procedural shoals. Kip Banks, Randy DeValk, Doug Olin, Sue Nelson, and a number of others, played a vital part in this process.

And finally, I want to take a moment especially to thank the Budget Committee's staff director, Larry Stein, for his manifold contributions to the progress of this bill. His patience and good humor in the face of incredible pressures serve as an example for us all.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER (Mr. Feingold). The Senator from New York.

Mr. MOYNIHAN. Mr. President, as has been commented on several times today, the largest portion of the work on the conferees committee fell to the Committee on Ways and Means and the Committee on Finance in the Senate.

On behalf of the Committee on Finance, I would like to acknowledge the extraordinary work of our respective staffs. The Finance Committee, Mr. Lawrence O'Donnell, Jr., the first role as the chief of staff performed incomparably well, as did Ed Lopez, Joe Gale, Paul Offres, also in their first positions in this respect.

On the House side, Janice Mays, in her first appearance as chief of staff; Chuck Brian, Deborah Colton, and Don Longano; and of course, sir, Hank Guttman and Peter Cobb of the Joint Committee on Taxation.

They have worked ceaselessly since February on this matter, and they deserve every bit of vacation coming to them.

Mr. President, the staff list is as follows:

FINANCE COMMITTEE STAFF

Lawrence O'Donnell, Jr., Ed Lopez, Joe Gale, Paul Offner, Chuck Konigsberg, Faye Drummond, Margaret Malone, Marcia Miller, Rob Connor, Susan Himes, Patty McClanahan, Will Sollee, Rob Hanson, Kevin Farrell.

Kathy King, Jane Horvath, Barbara Wynn, Webb Philips, Maya Bermingham, Annette Neilsen, Deborah Lamb, Eric Biel, Tim Bernstein, Jodie Taylor, Mark Blair, Darcell Savage, Jeanne Roby, Donna Ridenour.

Gayle Fralin, Genie McCreery, Ted Godbout, Paul Bledsoe, Janet Blum, Kerri Goshorn, Bruce Anderson, Eric Mayer, Wayne Hosier, Bob Merulla, Hope Zeitz, Frank Sebree, and Maneesh Shah.

JOINT COMMITTEE ON TAXATION STAFF

Hank Guttmon and Peter Cobb.

WAYS AND MEANS STAFF

Janice Mays, Chuck Brain, Deborah Colton, and Don Longano.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I too want to thank Senator SASSER for his work on this budget reconciliation bill, and on my staff side I wanted to thank Senator PACKWOOD for his extraordinary work; our distinguished leader, Senator DOLE, for his help; chairman of our policy committee; Senator NICKLES, of our conference committee; distinguished Senator from the State of Mississippi, Senator THAD COCHRAN; and, without their help we could not have been here tonight.

The staff members from the Budget and Finance Committees deserve our congratulations and thanks for a job well-done.

Mr. President, the staff list follows:

BUDGET COMMITTEE STAFF

Bill Hoagland, Austin Smythe, Bob Stevenson, Denise Ramonas, Ann Miller, Jim Capretta, Peter Taylor, Cheri Reidy, Lisa Morin, and Lynne Dayhliai.

FINANCE COMMITTEE STAFF

Lindy Paull, Rick Grafmeyer, Ed Mihalski, Mark Prater, Susan Nestor, Julie James, Greg Powell, and Kathy Leonard.

I yield the floor.

MORNING BUSINESS

Mr. MITCHELL. I ask unanimous consent that there now be a period for morning business.

The VICE PRESIDENT. Without objection, it is so ordered.

U.N. MEMBERSHIP FOR THE R.O.C.

Mr. WALLOP. Mr. President, one of the anomalies in today's world is the exclusion of the Republic of China on Taiwan from the United Nations. That is ironic, considering the R.O.C. was a founding member of the United Nations. Taiwan remained a constructive and faithful member of the United Nations and other subordinate U.N. organizations like the World Health Organization until 1971. As many of my colleagues remember, it was in 1971 that the People's Republic of China took Taiwan's seat on the United Nations.

The P.R.C. has never held jurisdiction over Taiwan, and it has never represented the 21 million Chinese people on Taiwan. Thus the rights and privileges of these 21 million residents of free and democratic Taiwan are not represented in the United Nations clearly, this goes against the United Nation's principal of universal representation.

But it is not only Taiwan's loss. The people of Taiwan are well-educated and hardworking. They enjoy an increasingly high standard of living, and they are willing and able to help other countries reach their own development goals. Countries around the world are emulating Taiwan's economic model.

To deny the people of Taiwan and their government the opportunity to be represented in the United Nations is unfair and unjustified. In closing, let me urge my colleagues to support the R.O.C.'s bid to reenter the United Nations.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt stood at $4,355,231,149,967.19 as of the close of business on Wednesday, August 4. Averaged out, every man, woman and child in America owes a part of this massive debt, and that per capita share is $16,955.73.

LANDLOCKED MARINE MAMMALS

Mr. PRESSLER. Mr. President, when Congress enacted the Marine Mammal Protection Act in 1972, the goal was to reduce practices that contributed to the dwindling numbers of marine mammal stocks in our oceans and waterways, since that time, many positive changes have been made.

At the same time, Congress recognized the positive aspects of the public display of marine mammals in national aquariums and zoos. This view was reinforced in the act's 1988 reauthorization language:

> Public display has served a useful educational purpose, exposing tens of millions of people to marine mammals and thereby contributing to the awareness and commitment of the general public to protection of marine mammals and their environment.

This statement certainly applies to my landlocked home State of South Dakota, where many young people may not have the opportunity to travel to coastal regions of the United States to see the oceans and view marine mammals firsthand. This is why the Marine Life Aquarium in Rapid City, SD, is such a valuable resource for awareness and education about marine mammals in my State.

The Marine Life Aquarium provides many Rapid City youngsters their first exposure to dolphins, sea lions, and two types of seals. Sunny, one of two dolphins, has been there since 1984, as have several other marine mammals. Firsthand experience with these animals creates greater awareness of and commitment to marine mammal conservation.

The Marine Life Aquarium has been educating South Dakotans and others since 1963. The aquarium allows year-round visitors, more than 80,000 last year, the unique experience of interaction with marine mammals not possible from reading books or viewing television.

The Marine Life Aquarium offers educational and entertaining marine mammal presentations geared to South Dakota residents and with sensitivity to Native American viewpoints on the environment. The aquarium routinely serves as an important educational tool for area schools and teachers. For example, 5,000 children participated in Operation Ocean, a free educational program this past spring. The aquarium also provides access to students for research and development.

The mammals at the Marine Life Aquarium also enjoy a safe and healthy environment. Marine Life Aquarium's professional staff ensure that all of its animals receive first rate care and medical attention. In addition, the training staff provide a changing environment for the animals, allowing them to use their natural curiosity and predatory skills.

Public display facilities are useful for entertaining and educating aquarium visitors about marine mammals. Research conducted by member facilities of the Alliance of Marine Mammal Parks and Aquariums, and the American Association of Zoological Parks and Aquariums [AAZPA] has provided much of the information available on marine mammals. This research has increased understanding of the health, diet, and reproductive biology of these animals.

Alliance and AAZPA member facilities also provide an invaluable service by volunteering to rescue and rehabilitate thousands of stranded or distressed marine mammals each year. This practice also contributes to our knowledge of ways to protect marine mammals in the wild.

The United States is a world leader in marine mammal research. Other countries look to American expertise for assistance in dealing with their own marine mammal populations. Chinese scientists, for example, have contacted aquariums and oceanariums in the United States for help in conserving the Baiji, or Chinese River Dolphin, which is the most endangered marine mammal in the world.

Despite the many benefits I have outlined, some individuals want to further restrict or even eliminate the public display of marine mammals in places like South Dakota's Marine Life Aquarium. I do not believe this is in the best interest of the American public, or the animals themselves. These aquariums provide a unique opportunity to build strong public interest in and awareness of our Earth's environment and the survivability of marine mammals in their natural habitat. These facilities also allow experts to expand their knowledge of marine mammals, which benefits mammals living in the world.

Further, imagine with me the devastating environmental impact if an additional 1 million people attempted to view marine mammals in the wild. This would mean more boats, more trash, more disruption of the migration of whales, and other adverse consequences. Mr. President, imagine what this might do.

The small number of marine mammals on public display in ecoparks, zoos, and aquariums in the United States eliminates this need. Pubic display facilities increase public awareness of our animal friends from the sea without the serious environmental consequences of viewing them in the wild.

SECTION 11004: FEDERAL EMPLOYEES SURVIVOR ANNUITY IMPROVEMENTS

Mr. PELL. It was a pleasure to work with the distinguished Senator from Ohio on the conference report for the reconciliation bill. I congratulate him for his fine work on this difficult piece of legislation.

The Foreign Relations Committee participated in the conference because of the committee's jurisdiction over the Foreign Service Retirement and Disability System. Throughout the consideration of the reconciliation bill, our committee's primary objective has been to ensure that there is comparable treatment of Foreign Service and Civil Service retirees.

I have noted with interest section 11004 of the conference report that would make it easier for Civil Service retirees who marry to establish a survivor's benefit for their spouse. This provision does not specifically reference the Foreign Service.

Nonetheless, I believe this provision would have applicability to Foreign Service retirees, and I would like to clarify that the chairman is of the same view. Specifically, section 827 of the Foreign Service Act of 1980 requires the President to prescribe by Executive order regulations to achieve compatibility between the Civil Service and Foreign Service Retirement Systems.

Would the Senator from Ohio share my view, that, pursuant to section 827 of the Foreign Service Act, the benefits accorded to Civil Service retirees under section 11004 of the conference report should also be extended to Foreign Service retirees?

Mr. GLENN. I appreciate the Senator's kind comments and his inquiry. In my view, he is correct. The provision in the conference report was not intended to exclude Foreign Service retirees from the benefit being accorded to Civil Service retirees and should be applied to Foreign Service retirees.

AMERICANS WITH DISABILITIES ACT

Mr. DOLE. Mr. President, last week we marked the third anniversary of the Americans With Disabilities Act. As Members of this Chamber know well, ADA was a watershed event. We determined unequivocally that our Nation's proper goals regarding people with disabilities are to assure equality of opportunity, full participation, and economic self-sufficiency.

But less celebrated, indeed apparently forgotten, is next week's silver anniversary of the progenitor of ADA—the Architectural Barriers Act of 1968 (Public Law 90-480). On August 12, 25 years ago, the Barriers Act became this Nation's first attempt to legislate an accessible and inclusive society.

Mr. President, Senator E.L. "Bob" Bartlett of Alaska introduced the Barriers Act in January 1967. Only a page long and with no enforcement provision, its purpose was modest but compelling—that buildings built with Federal funds be accessible to people with disabilities.

Only several blocks from the Capitol is one place that prompted this legislation. In the early 1960's, a young aide to Senator Bartlett, Hugh Gallagher, a wheelchair user, wanted to visit the National Gallery of Art on weekends, as do thousands of other Americans. But to enter unassisted he needed a ramp at the Constitution Avenue entrance.

Gallagher wrote to the National Gallery, and was told that a ramp would destroy the architectural integrity of the building. He had the audacity to believe that a national museum belonged to all Americans, not just those who could walk into it.

Despite this refusal, Gallagher got his wish. Senator Bartlett prevailed on the museum's trustees to install a ramp in 1965. Made of wood and intended only to be temporary, that ramp is still there today and works fine. For those who still believe architectural modifications must be expensive, this ramp again proves otherwise.

But to improve accessibility more generally, Gallagher drafted the Barriers Act. The Barriers Act was the last legislative accomplishment of Senator Bartlett, who died in December 1968. Despite its limited scope, this legislation has been the model for all subsequent disability rights laws. I wonder what Senator Bartlett would think today of the profound changes in our values and law initiated by the Barriers Act.

Mr. President, we have come a long way in 25 years, but much remains to be done. Let me cite just two areas.

First, employment and economic security of people with disabilities. Today we spend over $55 billion on Social Security disability programs and vocational rehabilitation. Despite these great expenditures, only 40 percent of people with disabilities are working. It should not be surprising then that 30 percent of people with disabilities in poverty, and many more are what the Federal Government calls near poor. The rate of poverty among the disabled is nearly three times that for the general population. Something is profoundly wrong, and we must do better.

Second, health care reform. For many obvious reasons, there is perhaps no other group for whom health care reform holds such opportunity and peril. Apart from issues of access and equity that concern every American, people with disabilities have a keen interest in such things as personal assistance, assistive technology and durable medical equipment, rehabilitation services, and long-term care—which today are not covered or only partly covered by many medical insurance plans.

In closing, Mr. President, I would like to address the future, the place where we all shall live. With the aging of the American population and the increasing success of medicine in keeping people alive from once fatal conditions, although often with severe and lifelong impairments, an unprecedented number of Americans are predicted to become disabled over the next two decades. One likely scenario suggests a 42-percent rise in disability prevalence by the year 2010.

Mr. President, for this reason I believe disability will come to drive our health and social welfare policies in wholly unexpected ways. Let us prepare now, or be prepared for the consequences.

FAMILY LEAVE ACT

Mr. DOLE. Mr. President, the Family and Medical Leave Act may have a great-sounding name, but it is a classic example of the law of unintended consequences.

The Family Leave Act exempts from its requirements those businesses with fewer than 50 employees. So, it's no wonder that many small employers have decided to take advantage of this exemption simply by keeping their payrolls under 50, as explained in today's Wall Street Journal.

The Wall Street Journal article proves the point that Senate Republicans have been making for some time now—that the Family Leave Act is a mixed bag: It may benefit some in the work force, but it may also mean a ticket to the unemployment line for others.

Mr. President, I ask unanimous consent that the article be inserted in the

RECORD immediately after my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SMALL FIRMS TRY TO CURB IMPACT OF LEAVE LAW

(By Jeanne Saddler)

The easiest way to handle the federal family-leave law, many small companies have decided, is to avoid it.

Many businesses are taking pains to keep their payrolls under 50. That's because the law, which takes effect today, requires employers with 50 or more people on their payroll to allow leaves for certain family and medical needs. Some small businesses plan to use temporary workers or limit expansion to stay under 50 employees.

"Fifty is the magic number," says Ruth Stafford, president of Kiva Container Corp., a Phoenix packing manufacturer with 48 employees. To keep her payroll under 50, she plans to use temporary employees as needed to handle simple jobs such as bundling cardboard boxes or stripping dye-cut items off a machine.

Smaller employers are trying other approaches, too. Personnel specialists say some have begun discriminating in hiring against younger women, thinking they would be the most likely to take family leave.

Employers trying to avoid the law fear it will raise costs and disrupt operations. The measure, signed by President Clinton in February, requires that workers at companies with 50 or more employees be allowed as much as 12 weeks of unpaid leave a year after the birth or adoption of a child. It also mandates leave to care for a spouse, child or parent during a serious illness as well as to deal with an employee's own medical problems. Businesses that provide health insurance must continue the coverage during a worker's leave.

To be sure, many smaller companies aren't worried about the prospect of more employees taking leaves of absence and are doing nothing to circumvent the law. Many have provided smaller benefits on their own for years and favor the law. But many entrepreneurs say the act will have the heaviest impact on them because they lack the staff and financial resources of big corporations to absorb the cost and dislocation of additional worker leaves.

That's why some small companies are pushing to curb permanent employment. Uniforce Temporary Services in Hyde Park, N.Y., is getting more inquiries from small employers that want to "keep their head count below 50 by using temporaries," says Rosemary Maniscalco, the company's chairwoman. (A long-term temporary worker, however, would come under the law for working more than 24 hours a week over a 12-month period.)

Similarly, several restaurant owners at a recent meeting of the Virginia Restaurant Association in Richmond, Va., "decided not to start new catering or carry-out services because of the additional employees" involved, says Jim Wordsworth, the group's chairman.

Other small businesses may be trying to minimize the leave law's impact by discriminating against young women. During the past year, about a third of employers calling Terry Neese Personnel Service in Oklahoma City have asked for female job candidates more than 40 years old, says Terry Neese, president of the Oklahoma City agency. In prior years, she adds, such requests were rare. Most of the agency's clients are small businesses.

"When I tell [clients] I don't discriminate based on age or sex, they're not real happy" Ms. Neese says. "They don't want to take the time to interview people they know they don't want to hire."

There may be some basis for such employers' reasoning. Women are more willing than men to take long amounts of unpaid time off, according to a recent nationwide survey of 700 employees by the Bureau of National Affairs, a newsletter publisher in Washington, D.C. About 43% of the women surveyed said they would take 12 weeks off after the birth or adoption of a child, compared with 7% of men. And 46% of the women said they would take off the maximum time allowed to care for a seriously ill parent or spouse, compared to 25% of men.

Some entrepreneurs say that following the law's uniform requirements could be expensive because they will have to hire temporary replacements and pay health-insurance benefits for workers on leave.

"I don't have a problem with the intent of the law. Where I have a problem is the costs," says James Bunnell, owner of Bunnell Printing Corp., a Norton Ohio, print shop with 65 workers. "If everybody took advantage of this, I'd have extra costs of $60,000 to $70,000 a year."

Other small employers worry that the law will encourage abuse of leave policies. In the Kessler Exchange survey, two-thirds of the small businesses polled said they were concerned that employees intending to quit would take leave under the act in order to maintain their health benefits. The same situation could occur when people face seasonal layoffs.

"I also think some workers will think this is a way to take time off and use it as vacation time," says Rebecca Llewellyn, president of Payco Specialists Inc., a San Diego construction firm. "By including different members of the family," she adds, the law "leaves the door wide open to abuse."

Some smaller employers, however, have decided against trying to limit the reach of the new law. Michael Rogers, a human-resources vice president for BancFirst Corp. In Oklahoma City, recently hung a big state map on the wall behind his desk so he could check the mileage between each of the bank's 20 branches and its headquarters. That's because regulations for the act exempt branch offices that are more than 75 miles from an employer's headquarters and have fewer than 50 workers.

Mr. Rogers found that five of its 20 branches were indeed more than 75 miles from headquarters. But the midsized bank, which already grants its 600 employees an average of six weeks of unpaid leave for childbirth or other personal reasons, will include the five branches anyway.

"We decided there's no benefit in us saying 'gotcha' to some of our employees because they technically aren't covered by the law," Mr. Rogers says. "The bank decided to cover everybody to maintain employee morale and to prevent an administrative headache."

BancFirst is among the many small businesses that already provided family leave on a flexible basis. A June survey of 300 small companies by the Kessler Exchange, a research company in Northridge, Calif., showed that 69% of businesses covered by the new law had family-leave policies, as did 60% of those with fewer than 50 employees.

A 1989 study sponsored by the Small Business Administration concluded that most small companies let their employees use a combination of paid leave and paid or unpaid sick leave to tend to family illnesses and childbirth. But few small companies had formal maternity and child-care leave policies, the study found.

IMMIGRATION REFORM

Mr. DOLE. Mr. President, nearly every schoolchild in this country learns that America is a nation of immigrants.

For centuries, people from every corner of the world, from all racial and ethnic groups, from every religion, and with vastly different economic backgrounds—have come to our Nation's shores seeking a better life.

Some have found the life they sought. Others have devoted their lives to building better lives for their children. And, yes, there have been some notable failures, including the failure of slavery.

During my nearly 33 years in Congress, I have received many requests for help from people who want to come to America. But I have never, ever received a single request from anyone seeking help in getting a ticket out of this country. Everyone wants to come to America. Very few want to leave.

Now, America is not perfect, as history teaches us, but we have succeeded brilliantly in building a country founded on the shared ideals of self-government, liberty, and tolerance.

And America is more than a country, it is an experiment, an experiment in molding diverse peoples into a common culture bound by a common destiny and served by common institutions.

As historian Daniel Boorstin recently pointed out in Parade magazine, the American experiment has succeeded because America had been spared the ethnic conflicts of the Old World and has been blessed with a tradition that views the newcomer-immigrant not as an enemy to be feared or hated, but as a builder of the shared American community. We have also been the fortunate inheritors of perhaps the greatest achievement ever in political technology—the U.S. Constitution.

But, Mr. President, I suspect that even our Founding Fathers could not have foreseen the tide of immigration that is, today, crashing against our shores.

During the past decade, nearly 9 million people have immigrated legally into this country—a population greater than the population of most States. In the years ahead, we can expect that millions more will seek to immigrate into our country, and do so legally.

But these numbers just tell half the story. The other half involves the millions of undocumented, illegal aliens who choose to evade our laws and enter our country without our consent.

The Immigration and Naturalization Service, for example, estimates that more than 3,000 people illegally cross the Mexico-California border each night. Nearly 60 percent of them succeed in entering our country without detection.

In 1986, the apprehension of illegal, undocumented aliens reached an all-time high of 1.8 million. Last year, in 1992, the number of apprehensions was still staggering—more than 1 million.

In some areas of the country, the issue of illegal immigration has reached crisis proportions.

In California, for example, there are an estimated 1.3 million illegal aliens, and more than half of these illegals live in a single county—the county of Los Angeles. Not surprisingly, a staggering 10 percent of the budget of Los Angeles County was spent last year on providing services to illegal aliens.

Now, the administration's recently-announced proposals to address the problems of alien smuggling and asylum fraud are steps in the right direction. In fact, in many respects, they reflect proposals first developed by my colleague from Wyoming, Senator SIMPSON.

Earlier this week, Senate Republicans also introduced a bill, the Neighborhood Security Act, that recognizes the link between illegal immigration and criminal activity. Today, criminal aliens make up 25 percent of the Federal prison population, a shockingly high number.

The Neighborhood Security Act cracks down on alien smuggling and asylum fraud, expedites the deportation of aliens who are in this country illegally, and authorizes funding for 1,000 additional border patrol agents, 1,000 additional INS criminal investigators, and a criminal alien tracking center.

In addition, the Neighborhood Security Act authorizes funding for 10 regional prisons that would house illegal aliens who have committed violent crimes while in this country.

These are important steps, but, again, we must do more.

Mr. President, when the Congress returns in September, Senate and House Republicans will propose a comprehensive plan to deal with the immigration crisis. This plan may ruffle a few feathers. It will be applauded by some, and criticized by others, but it will represent a national policy, a comprehensive approach to this very complex, and delicate, issue.

A TRIBUTE TO OLGA ZHONDETSKAYA

Mr. COHEN. Mr. President, it is with great sorrow that I rise today in recognition of the passing of a very special citizen and an extraordinary woman: Olga Zhondetskaya.

Olga was born in Tallinn, Estonia. Eighty-two years old at the time of her death, Ms. Zhondetskaya led a difficult life. She was treated as a social outcast by the Communist Party for being born into the Czarist nobility. She was imprisoned by the Germans during World War II, and her husband was declared missing in action during that war.

It had been Ms. Zhondetskaya's lifelong dream to emigrate to the United States, and in 1988, after more than 40 years of struggle, she succeeded. Unfortunately, only months before she would have met the statutory 5-year residency requirement for U.S. citizenship, she was diagnosed with inoperable lung cancer and given only a short time to live. Disappointed but not defeated, she appealed to me to introduce private immigration legislation that would expedite her naturalization.

When I first met Olga last month, I was greatly touched by her ability to overcome adversity, her patient determination, and her love for this country. This remarkable women, dying of cancer, gave me a simple and elegant message during our meeting—that she wanted to die an American citizen. The legislation which I introduced and which was enacted into law earlier this week removed those barriers to her naturalization which she did not immediately satisfy. She became a citizen hours after the President signed the measure on August 3, and when asked how she felt, she responded with a single word—"splendid." It was one of the most eloquent and appropriate acceptance speeches that I have ever heard.

It was truly an honor and a privilege to help Ms. Zhondetskaya become a citizen as she so valued the principles and ideals that form the foundation of this country. She reminded me that none of us should take for granted the freedoms and privileges that accompany U.S. citizenship. Ms. Zhondetskaya spent a lifetime waiting for the opportunity to experience these freedoms and privileges, and though she only experienced them for a short time, I hope that they brought her much contentment.

Although Ms. Zhondetskaya had no living relatives at the time of her death, I wish to express my most sincere condolences to her immediate adoptive family, the many friends and admirers she acquired during her past 4 years in the United States. Among these are Ann Bay, the other staff of the Southern Maine Area Agency on Aging, the residents of the Thomas P. Smith House, and the medical staff of the Maine Medical Center in Portland. And I wish to express my sympathies to Ms. Zhondetskaya's extended family—all of her fellow American citizens. While I am greatly saddened by her passing, I am comforted by the fact that she will forever be a part of her country, the United States of America.

SUPPORT FOR MULTILATERAL APPROACH TO BOSNIA

Mr. PELL. Mr. President, on Wednesday, I chaired a closed briefing on United States policy in Bosnia given by representatives of the State Department and the Joint Chiefs of Staff. The main goal of that session was to learn more about the decisions regarding Bosnia that were taken at the North Atlantic Council meeting held in Brussels earlier this week. The message we received was that the allies are considering air strikes against those responsible for strangling Sarajevo and other Bosnian cities.

Since July 22, the NATO allies have been ready to provide protective air power in case of attack against UNPROFOR in the performance of its mandate in Bosnia. They have this authority under existing U.N. Security Council Resolution 836, and the commitment to protect U.N. forces was an important part of the joint action plan put forth this spring. As I said last week after that decision was announced, this is a critical time for Bosnia, both in terms of the magnitude of human suffering, and in terms of the negotiations in Geneva. I welcomed the fact that after weeks of negotiation, the United States and other European countries have agreed to participate in a U.N. operation, to be carried out by NATO, to provide air cover for U.N. forces in Bosnia.

This past week, at President Clinton's initiative, the NATO allies took a further step to try to ameliorate the terrible suffering in Bosnia, and to improve prospects at the negotiating table for the beleaguered Bosnian Government. According to the press statement issued following the North Atlantic Council meeting, the allies reaffirmed their support for the Geneva negotiations; they characterized the humanitarian situation in Sarajevo and other cities as unacceptable, and they pledged "to make immediate preparations for undertaking, in the event that the strangulation of Sarajevo and other areas continues, including wide-scale interference with humanitarian assistance stronger measures including air strikes against those responsible, Bosnian Serbs and others, in Bosnia and Herzegovina."

Mr. President, NATO, in close consultation with the U.N. Protection Force in Bosnia, is now drawing up plans for air strikes to break the seige of Sarajevo and other cities in Bosnia being strangled by Serb forces. At our session with the Administration earlier this week, we were assured that the U.N. authority for this action is already in place under Security Council Resolution 770.

The North Atlantic Council will meet again next week to consider the options for air strikes, and I trust the administration will continue to consult with Congress as further details develop. Key questions, not only about how the strikes would be carried out, but about their precise relationship to our goals at the Geneva talks, need to be answered.

The Bosnian Serbs should make no mistake, however, that NATO is prepared to act if the seige of Sarajevo continues and that the international community is committed to preserving a Bosnian state. News reports this morning suggest that Bosnian Serb leader Radovan Karadzic agreed to lift the seige of Sarajevo and remove "all obstacles" hindering the talks with the Bosnian Government. Mr. President, time and again, Mr. Karadzic has proven himself to be a man of empty promises, and it is difficult to believe that he will follow through on his latest statement. I am convinced that Mr. Karadzic's forces will pay a heavy price if he fails to make good on his pledge to lift the seige of Sarajevo.

Mr. President, I commend President Clinton for taking a leadership role on this issue and demonstrating his commitment to the preservation of the principles of international law. As I have said previously, however, my support for military action in Bosnia is wholly contingent upon its being multilateral. I am hopeful that united action will help to bring about a negotiated settlement and an end to the terrible suffering in Bosnia.

TRIBUTE TO C. COURTNEY WOOD

Mr. NICKLES. Mr. President, I am pleased and honored today to recognize and congratulate an outstanding fellow Oklahoman, Mr. C. Courtney Wood of Edmond who will become president of the Independent Insurance Agents of America [IIAA] this September.

Mr. Wood's contributions to his community, our State of Oklahoma and the insurance industry are significant. In addition to his civic service and responsibilities, Courtney has also been teaching insurance courses at several universities.

Courtney has compiled a long and distinguished record within the insurance industry in Oklahoma that includes serving as president of the Independent Insurance Agents of Oklahoma and the Independent Insurance Agents of Oklahoma City. In addition, he served as Oklahoma's member on the board of national directors from 1982 to 1987. He also acted as editor for 12 years of Policy magazine, an Oklahoma insurance publication.

In honor of his service, the insurance industry has awarded Courtney IIAA's Presidential Citation, the Oklahoma association's Pointer Education and Eagle of Excellence Awards, the Coalition of Property & Casualty Insurance Association's Insurance Industry Service Award, and the America Association of Managing General Agents' Mr. Chairman Award.

As the new president of IIAA, Courtney Wood's industry experience and myriad leadership roles will enable him to continue this organization's tradition of excellence within the insurance industry. I am proud to recognize a fellow Oklahoman in this distinguished role and I wish him well in his new leadership position with the Independent Insurance Agents of America.

ON THE DEATH OF ED A. HEWETT

Mr. BINGAMAN. Mr. President, earlier this year Ed A. Hewett died. Ed was a renowned scholar and policy analyst in the field of Soviet and East European studies. For 10 years, 1981–91, he was a fellow at the Brookings Institution. In 1991, he was named Senior Director for Russian and Eurasian Affairs at the National Security Council, and served in that capacity and as a Special Assistant to President Bush until his death.

I knew Ed, was familiar with his work, and had the privilege of attending briefings and seminars with him. From time to time he testified as an expert witness about Soviet and related affairs before congressional committees. He appeared before the Joint Economic Committee, on which I serve, and he contributed on several occasions to studies and reports of that committee. He was an author of several important books and many articles. He was an extremely busy and productive person, but he always found time to respond to an inquiry or to provide counsel to a harried legislator.

Ed Hewett was the kind of person on which a policymaker could rely. He was knowledgeable, objective, and sincere. He had a knack of explaining complicated and technical matters in a way so that an average Member of Congress could comprehend them. He was also very persuasive. From what I understand, he was equally successful in practicing his skills at the highest levels of the Bush administration.

He was much admired and highly respected in the U.S. Senate and by all who knew him. His death was a great loss to his profession and to the political community, as well as to his family and friends.

A eulogy to Ed Hewett was delivered by his friend and mentor Herbert S. Levine, at a memorial service in Washington, DC, January 22, 1993. I request unanimous consent that the eulogy by Professor Levine be inserted in the RECORD at the close of my remarks.

There being no objection, the eulogy was ordered to be printed in the RECORD, as follows:

ED A. HEWETT

(A Personal Eulogy by Herbert S. Levine)

Eulogy—from the Greek, "To Say Good Words." With Ed Hewett this is not a serious challenge. What is a challenge is to constrain oneself to an appropriate time frame for this Memorial Service.

Some brief biographical milestones. Ed was born on September 2nd, 1942 in Missouri. He went to Colorado State University where he earned a BS and MS in Economics and then to the University of Michigan, a certificate in Russian and East European Studies and a PHD in Economics in 1971.

Ed's professional life can be divided into three parts:

First: a primarily academic period of ten years (1971–1981) at the University of Texas, with visiting semesters or academic years spent in Budapest at the Institute for World Economics, Philadelphia at the University of Pennsylvania, and Cambridge, at the Harvard Russian Research Center (later he was also a visiting professor at Columbia);

Second: a combined academic-policy period in Washington at the Brookings Institution from 1981–1991;

Third: a two-year period of high-level policy advising as Special Assistant to the President and Senior Director for Russian and Eurasian Affairs in The National Security Council, from 1991 to January 15th, 1993, a week ago.

Ed was one of a very small number of people in the profession who could do basic research in both Russian and Hungarian. His early work, especially, reflected this. In the initial period, his research, including several econometric studies, focused heavily on foreign trade issues in the Soviet Bloc. He published his first book, "Foreign Trade Prices in CMEA" in 1974. This solid study did much to bring him to the attention of the profession. In 1981, when Abe Bergson and I organized the volume on the "Soviet Economy: Toward The Year 2000" Ed was the clear choice to do the chapter on "Foreign Economic Relations."

In the second period, at Brookings, his work turned significantly toward policy related issues. At first he focused on the issue of Soviet energy and energy Policy. His second book "Energy, Economics, and Foreign Policy In The Soviet Union" published by Brookings in 1984, was a masterful study, highly acclaimed by specialists and also generalists in both academia and the policy world.

When Gorbachev came to power in 1985 and serious prospects for economic reform in the Soviet Union began to arise, Ed turned his attention to the issue of reform. His work culminated in his magnum opus, "Reforming The Soviet Economy: Equality Versus Efficiency" published by Brookings in 1988. In this brilliant book, Ed carefully chronicled and cogently analyzed the operation of Soviet central planning, the need for and past attempts at reform, early reform efforts under Gorbachev and possible future paths and problems. The book is an achievement of major proportions and was recognized as such in both West and East. It established Ed as one of the leading experts in the world on the study of and understanding of the Soviet economy.

In the third period of his professional life, the two years that he spent in the White House as advisor to the President on Soviet affairs, his research was curtailed. His fourth book, "Open for Business: Russia's Return To The Global Economy," written with the assistance of Clifford Gaddy, was published by Brookings in 1992.

His contributions to the formulation of U.S. Policy in this historical period were enormous. A special award for exceptional service was presented to him by the President. Its citation stated:

"In recognition of Dr. Ed A. Hewett's vital role in the execution of United States policy toward the former Soviet Union in 1991–1992. Dr. Hewett's exceptional creativity, energy and leadership were instrumental in forging a new administration policy of support for democratic reform in Russia, Ukraine and the other new states. He provided brilliant advice and support to the President and the

National Security Advisor and made an important contribution to U.S. national security."

In addition to this scholarly and policy advising work, Ed was energetically engaged in creative organizational and administrative activities. He along with several of us was a founder and until 1991 a member of the Board of PlanEcon, Inc. He and I were founders of the SSRC Summer Workshop on Soviet and East European Economics. He was the founder and until 1991 the editor of the journal "Soviet Economy". He was the key organizer of the George Soros "Open Sector Project." And he was chairman of the National Council for Soviet and East European Research, and president of the Association for Comparative Economic Studies.

These are the milestones. What of the man? Thinking of Ed and the key characteristics that made him the man he was, a flood of qualities rush to my mind and to the minds of others with whom I have spoken.

Perception, insight, and judgment.

Relaxed intensity calm tenacity, self-assuredness, blunt and terse, and avoidance of self-glorification.

Honesty, loyalty, and absence of pettiness.

Leader, organizer, negotiator, gift for language, and ability to communicate.

Kindness, humanity, and gentleness.

Dignity and elegance.

Zest for life, love of humor, and courage.

PERCEPTION, INSIGHT, JUDGMENT

Ed's scholarly work is marked by his perception and insight into how what he was analyzing really functioned. He had, it seemed to me, almost an insider's feel for the operation and behavior of the Soviet economy. Alfred North Whitehead has written: "There are no whole truths: all truths are half-truths. It is trying to treat them as whole truths that plays the devil." Ed avoided that devil, he avoided the attempt to explain through the use of over-arching laws claimed to be everywhere applicable. He struggled with real life's half-truths in his attempt to generate meaningful analysis. But more than this perception and insight, what has always impressed me about Ed was his judgment. If intelligence can be said to be the ability to quickly apprehend, then judgment can be said to be the ability to use what is apprehended wisely. Oliver Wendell Homes in one of his decisions wrote: "General propositions do not decide concrete cases. The decision will depend on a judgment or intuition more subtle than any articulate major premise."

Ed's judgment was one of his strongest traits. I am told it played a crucial role in the policy our government adopted during the attempted Soviet coup. In the pressurized atmosphere that reigned on the morning of Monday, August 19th, 1991, the President was being advised by some to distance himself from Gorbachev and Yeltsin in preparation for having to deal with the apparent new leaders of the Soviet Union. But Ed opposed this advice. In his judgment, we needed to support the democratic forces in the Soviet Union at this critical moment in history. And it was Ed, I am told, who urged the President to make the now famous call to Yeltsin.

RELAXED INTENSITY, SELF-ASSUREDNESS

Ed always gave the impression of being relaxed, but one sensed that below that surface he was far from languid. There was an intensity, a tenacity, a self-assuredness. "The New York Times," in its obituary of Ed, noted that he could be blunt and terse. Yes, he could. Indeed, I shudder to think what he might have said about this eulogy. I can visualize the "Don't get sappy on me Herb" expression on his face. For along with his self-assuredness, Ed studiously avoided self-glorification.

HONESTY

Ed had a strong sense of honesty. Not only in his dealings with others but in his dealing with himself. I think the underlying self-confidence that he had allowed him to be honest with himself. In his academic life, he was quick to recognize errors and to attempt to correct them. And I am told that in his policy-advising work, during such a difficult, intractable period for policy formulation, he was often the first to acknowledge that a policy he had formulated and proposed was not working and should be abandoned.

Ed's loyalty to friends and associates could be depended upon. I never had a concern about what Ed might be saying about me to others. For I never heard him exhibit any pettiness in discussions with me about others.

LEADER, NEGOTIATOR

Ed was an established leader in the academic world before entering government. But academics do not often do well in government. We are used to developing our own ideas, publishing them, and then defending them against our critics in the scientific arena. Government is different. It requires repeated negotiation and compromise. I am told that Brent Scowcroft was concerned about this when considering Ed for the NSC position. But Ed flourished in the governmental environment. He was a superb negotiator and leader. He was an accomplished communicator. He had a gift for language, the colorful phrase, the appropriate metaphor. With the respect people had for him, he was an effective leader. Furthermore, he had "sharp elbows" and when necessary did not shrink from using them.

HUMANITY, GENTLENESS, DIGNITY

In his personal relations, Ed was gentle, and had a sense of dignity about him. He interacted, with interest and kindness, with people at all levels of life, from the top in social status to those at the bottom. Ed had a strong sense of what it meant to be part of humanity.

ZEST FOR LIFE

Ed was not all work and no play. He had a zest for life and a love of humor. On one occasion in the early eighties, I was asked to write a conference paper on "The Soviet Union's Economic Relations In Asia." I said I would do it, if it could be a joint paper with Ed, hoping that Ed knew something about the subject. I then called Ed and he started what appeared to me was going to be an explanation of why he couldn't do the paper with me. I cut in quickly and said a free trip to Korea was involved. His terse reply: "When do we have to have it in?"

COURAGE

The American author, Louis Adamic, has written: "There is a certain blend of courage, integrity, character and principle which has no satisfactory dictionary name but has been called different things at different times in different countries. Our American name for it is guts."

Ed had "guts" in his professional life, his personal life, and in his struggle this past year with cancer. That struggle epitomized his courage. He felt he had a chance to overcome the disease and he was anxious for the doctors to do everything that might contribute to his eventual recovery no matter how painful it might be. He wanted to work and kept coming to work during his treatment. He never gave up.

The following message was received from the Russian Federation Ministry of Foreign Affairs:

"It is with deep sorrow that we have learned the grievous news of the demise of our old friend Edward A. Hewett. We have lost one of the most longstanding and ardent proponents of friendship and cooperation between America and Russia. This great loss is especially hard to bear now that our two countries joined hands in building relations based upon democratic values and partnership which our friend Edward dreamed of. Please convey our deepest condolences to the Hewett family, his friends, and colleagues. We will always keep a memory of Edward Hewett and pray for his soul."—(signed) Andrei Kozyrev

One cannot speak of Ed without speaking of his life with Nancy. Nancy and Ed's devotion to each other was immediately apparent to all who knew them. They truly built a life together for they married at the young ages of 19 and 21. But they in no way resembled the classic story of kids marrying before they knew who they were and what they wanted. They simply understood their commitment and wished to make their future their present. The ensuing 29 years of marriage attest to their youthful wisdom. Their marriage was marked by elegance, dignity, equality, and cooperation. When our younger daughter first spent time in their home at the age of 15, she was struck by their method of alternating weekly duties for planning, shopping for, and preparing the family meals. Their mutual love for the art of cooking provided a demonstration of how women's entrance into the public sphere need not be accompanied by a decline in the quality of home life. Nancy and Ed were in the vanguard of a social movement that is coming to the fore in American society. Those who knew them had a model of husband and wife sharing responsibilities and power and thus we were prepared for what the Clintons have brought to the visibility of the White House.

The respect they gave each other was extended to others through acts of generosity and gentle kindness. When our daughter spent a year in Washington during a difficult and sad time in our family's history, Ed and Nancy went out of their way to ease her transition and provided quiet support throughout the year. When she found an apartment, Ed even paid a visit to make sure he was satisfied with the security of the building. I am told there are others who received similar warm welcomes upon arrival in Washington.

My association with Ed began a year or two after he completed his graduate work. From the beginning it was clear to me that though he could have developed into a highly proficient technical economist, his desires and interests lay elsewhere. He viewed economic science as a tool, not an end in itself, a tool to be applied for the improvement and benefit of society. His career goal was to play a major role in the formulation of national policy toward the Soviet Union and Eastern Europe. He structured his career toward this goal and this goal he achieved. Though his life was short, it was full, professionally and personally.

Life is often so mixed-up. Parents are not supposed to bury their children and the old are not supposed to outlive the young. Ed spoke at our son's funeral and now here am I speaking at Ed's memorial service. Nancy, along with all those who knew him and knew his work—by god, I will miss him.

IRISH-AMERICAN HERITAGE MONTH

Mr. HATCH. Mr. President, I rise today as a proud cosponsor of Senate Joint Resolution 119, which designates March 1994 as Irish-American Heritage Month. The Irish have contributed a great deal to the United States in the arts, education, and science. In my own State of Utah, Irish-Americans helped to industrialize the territory. It is therefore fitting to recognize their important contribution to this country.

One figure of great importance for Utah was Father Lawrence Scanlan, who was born in Ireland in 1843. Father Scanlan was ordained in 1868 and appointed as the pastor of the diocese. He helped forge a close Irish community that subsequently flourished in Utah. Father Scanlan was instrumental in helping to establish Holy Cross Hospital, which today continues to serve patients from across the State. Father Scalan also helped construct the beautiful Salt Lake City of St. Mary's Cathedral dedicated in 1909. The cathedral was later renamed the Cathedral of the Madeleine. This cathedral was restored during the past year under the leadership of Bishop William Weigand and the Reverend Monsignor Francis Mannion. I had an opportunity to attend the restoration ceremony and it was a wonderful experience. I can personally attest to the beauty of this cathedral.

Mr. President, I would like to mention another example of a prominent Irish-American from my State, Mr. Thomas Kearns. He exemplified the spirit of the Irish-Americans. Mr. Kearns was a dedicated and hardworking individual who built a business from scratch. He is the personification of the Horatio Alger story. Mr. Kearns worked as a laborer in the mines and eventually established the Silver King Mine in the Park City Mining District. His work was important for mineral development and rapid industrialization of the intermountain region. He was also interested in philanthropy. Mr. Kearns started the St. Anne's Orphanage in Salt Lake City. In a fitting symbol of Mr. Kearn's commitment to the State, he turned over his mansion to the Utah Historical Society. The Kearns Mansion now serves as the Governor's mansion.

There are thousands of other stories far too numerous to tell. Irish-American labor was vital in the construction and completion of the transcontinental railroad, that helped build a bridge across the United States. This railway united the country and it represents one of the most important economic and social achievements in 19th-century American history.

Mr. President, Irish-Americans have a long and distinguished history in this country. These are but a few examples that illustrate why I am pleased to again serve as an original cosponsor of this legislation. I urge my colleagues to sign on to Senate Joint Resolution 119.

A TRIBUTE TO A GREAT SURGEON GENERAL

Mr. HATCH. Mr. President, it was just a little over 3 years ago that a former staffer of mine, Antonia Novello, was before the Labor and Human Resources Committee for her confirmation hearing as Surgeon General of the United States. I am proud of what she did on my staff, but even more proud of what she contributed to the Nation.

She served her country well, not only as Surgeon General of the U.S. Public Health Service, but in other capacities as well. She served as one of the Federal health chiefs, the Veterans' Administration Chief and Surgeon Generals of the Army, Navy, and Air Force. She was also a member of the U.S. delegation to the World Health Organization.

But it was her service as Surgeon General that brought her the most satisfaction and generated for all of us a great health agenda.

Toni Novello's desire to have the best health care for all Americans probably began as she was growing up in Puerto Rico. She came from a small town. Her father died when she was a child. Her mother, a school principal, instilled in her the right values, to help others less fortunate. She brought those values with her to her new home in the United States.

Mr. President, I would like to outline a few of her many contributions. She saw the problems and tried to address them as this country's 14th Surgeon General.

A MAJOR HEALTH ISSUE TODAY

One of the major health hazards facing us today is the menace of AIDS—and how to put a stop to this horrible disease.

No other public health problem in modern history has had the impact that HIV-AIDS is having on everyone in our society—but especially on our youth. Young people who engage in unprotected sex at an early age and with multiple partners, and those who use alcohol and other drugs are at special risk for HIV transmission.

Surgeon General Toni Novello has spoken out about the challenge to come up with solutions to this killer; but she has not hesitated to advocate abstinence as the best prevention. She is taken her story all over this country and in numerous other countries.

As Surgeon General, she chaired the PHS Panel on Women, Adolescents, and Children with HIV infection and AIDS and has provided HHS with pertinent information that will help guide policy.

She is currently finishing a report on adolescents and HIV-AIDS for use in every State and local community.

WOMEN'S HEALTH

Dr. Novello has always emphasized that the health of our Nation's families is dependent on the health of women. She has been particularly concerned about the prevalence of domestic violence, something hardly recognized as a health problem before she brought it to the forefront.

Her reports indicate that there were more women who died of violent attacks by men than there were soldiers who died during the entire Vietnam war. And sadly, violence perpetuates more violence; children of violent parents are much more likely to become violent spouses themselves.

As Surgeon General, Toni Novello tried to get some answers to some very distressing statistics: Every year 250,000 women die of heart disease. It is known that by age 40, heart disease is the second leading cause of death for women; and, after age 65, it is the leading cause.

Breast and lung cancer are two killers of women. Breast cancer remains the leading cause of death in women ages 40 to 44. But, early detection can increase disease-free survival by 95 percent.

And while Toni has asked women to start to take control of breast cancer by early screening, she has also warned women to stop smoking in order to defeat lung cancer. Lung cancer has surpassed breast cancer as the leading cause of cancer among women. And, Dr. Novello believes prosmoking advertising is pushing that death toll even higher.

CHILD AND ADOLESCENT HEALTH

In private life Toni is a pediatrician, so it is no surprise that child and adolescent health would be a cornerstone of her agenda. She's been active in many children's organizations and campaigns throughout the world to help give children's health the importance it should have. She participated in a children's vaccination program in her native Puerto Rico and throughout much of the United States.

ALCOHOL—ILLEGAL UNDERAGE DRINKING

In addition, Dr. Novello has pointed out the danger of teen drinking. Ten million adolescents drink alcohol, including 90 percent of our high school students. This serious health problem has been underscored wherever Toni has spoken. She has been a tireless crusader on this subject. As a result, many teenagers are beginning to recognize the dangers of disease and injury caused by alcohol consumption and have taken steps to stop or curtail their drinking.

Likewise, she has tried to put a halt to underage smoking. She has been a leading critic of the tobacco industry's attempts to corner the youth market with the use of cartoon characters and other prosmoking devices.

MINORITY HEALTH

Dr. Novello was among the first Surgeons General to focus on the health care needs of minorities in America and the first Surgeon General to convene a national workshop on Hispanic-Latino health. She successfully developed five health concerns critical to the Hispanic community. A comprehensive research, health promotion, and disease prevention agenda was developed. Five regional meetings have taken place, and from those meetings health strategies and agendas pertinent to those living in the regions were developed.

Toni Novello has also been active in health programs devoted to organ donations, mental health, aging, and farm safety.

It is no wonder that I, like millions of Americans, am very proud of Toni Novello.

With the office of Surgeon General comes a great and somber responsibility for health matters, but Toni has managed to keep her sense of humor. By virtue of her vibrant and refreshing personality, I believe Toni has been able to reach a nation of people who sometimes need reassurance more than lectures and positivism more than doom and gloom. Toni managed to stay very down-to-earth, while at the same time, pursuing a necessary agenda and accomplishing all she did in such a very short time.

I which her well in her new endeavors, and I know the people of this Nation are in much better health because of what she has done and recommended as Surgeon General.

DEVELOPMENTAL DISABILITIES AND TECHNOLOGY-RELATED ASSISTANCE ACT

Mr. HATCH. Mr. President, yesterday the Senate passed legislation to reauthorize two programs that are of vital importance to those Americans with disabilities: the Developmental Disabilities Act and the Technology-Related Assistance Act. I was pleased to be a cosponsor of these measures.

I want to congratulate Senator HARKIN, chairman of the Senate Subcommittee on Disability Policy, and Senator DURENBERGER, the ranking minority member, on developing legislation that has won broad support from the disability community as well as the unanimous support of the Senate Labor and Human Resources Committee. I sincerely appreciate their leadership in this area.

As some of my colleagues may know, I have an active advisory committee in Utah on disability issues. The committee is made up of representatives from virtually all the State's public and nonprofit organizations with interest and expertise in these matters. I have relied heavily on their advice, and I have appreciated the opportunity to discuss their recommendations with Senator HARKIN and Senator DURENBERGER as this legislation was being developed. I have joined as a cosponsor of these bills at their recommendation.

I do, however, want to take this opportunity to share with the Members of this body some of the Utah Advisory Committee's observations regarding this legislation. I believe it is important that we continue looking at ways we can improve services to individuals with disabilities as well as ways to ensure the effectiveness of disability policy overall.

With respect to the developmental disabilities bill, the Utah Advisory Committee recommended that the "age of onset" requirement be dropped. This requirement for determining eligibility for services has the effect of excluding many Americans whose disabilities occurred after the arbitrary age of onset. I am pleased that the bill allows for a waiver of this requirement on a limited basis in the projects of national significance, but I hope that Congress will give careful consideration to eliminating this requirement entirely in the future.

The Utah Advisory Committee also urged that the original mission of the University Affiliated Programs [UAP's] be maintained. The committee did not object to optional expansion of the role of the UAP's. However, they believed that the principal benefit of the university affiliation was to bring an interdisciplinary approach to training, data collection and analysis, research, and development of emerging technologies and models and that, in establishing new emphases for the program, these benefits should not be lost. I agree with them and hope that the optional inclusion of direct services in the UAP's will not compromise the excellent work that the UAP's have done to date.

Overall, the Utah Advisory Committee on Disability Issues supports the Technology-Related Assistance Act—the Tech Art—amendments proposed for this program and agree that systemic changes could have a greater impact over time than legislation that only permitted the purchase of devices for a few individuals with disabilities.

The Utah Advisory Committee has expressed to me their hope that title II programs would continue to emphasize training, and has recommended that opportunities for both inservice and preservice training to service providers be expanded. While studies and evaluations are important to determine what works and what doesn't, I agree with the consensus of my constituents that it should not take precedence over the training aspects of this title.

Finally, I want to share with my colleagues a few thoughts about the Protection and Advocacy [P&A] provisions that are in both the developmental disabilities bill and the Tech Act.

I recognize how important the P&A function is to maintaining the effectiveness of both the DD and Tech Act programs. I recognize that the P&A provides an essential check on any institution rendering services to individuals with disabilities under these bills. It it clear to me that the P&A is aimed at guarding the interests of those who cannot speak for themselves; and, to the extent that the taxpayers' money pays for these services, it is in the best interests of the taxpayers to have the P&A helping to provide proper oversight of these programs.

I appreciate the willingness of the Senator from Iowa and the Senator from Minnesota to work with me on these provisions.

However, in expanding the role of the P&A, it is equally important that we do not turn the program against itself. A dedicated P&A organization can ensure the efficacy of the programs; an out-of-control P&A can eat up precious resources in unnecessary litigation and destroy the credibility of institutions and the program itself.

There was no consensus on the Utah Advisory Committee on Disability Issues with respect to the expanded P&A function and particularly the mandatory set-aside for the P&A under title I of the Tech Act. I note this because, despite the strong view of my advisory committee that the P&A function was necessary and worthwhile, there were many opinions on how it should be structured in this legislation.

We have adopted these provisions, which are strongly supported by many organizations and individuals in the disability community, but not the entire disability community. I believe we should give the provisions for an expanded P&A role in both the DD and Tech Acts a chance to work. But I also believe that we should not be reticent to make changes of these changes do not work the way we intend them to work.

Mr. President, again, I want to complement my colleagues on the Labor and Human Resources Committee, Senators HARKIN and DURENBERGER, as well as their staffs, Bob Silverstein and Susan Heegaard, for the fair and efficient way they went about developing this legislation. I appreciate their efforts and am pleased to be a cosponsor of these bills that are so important to the disability community.

JAMES PATRICK BEIRNE

Mr. WALLOP. Mr. President, earlier this week the people of this country lost a dedicated public servant. James Patrick Beirne died at his home in Florida at the age of 92.

Jim lived a long life, much of it dedicated to his job of 20 years with the Bureau of Land Management. He started at BLM when it was young and had a budget of only $40 million.

When he retired from BLM in 1971, he was the Assistant Director of Administration, the No. 2 man, and the Acting Director as Directors came and went.

He retired at a good salary. But rather than just vegetate in his retirement, he came back for several years at a salary that was less than half of what he had been making.

He received his training as an accountant from Benjamin Franklin University. He was a charter member of the Federal Government Accountants Association and of the American Accountants Association.

He worked on the energy policy project of the Ford Foundation, performed yeoman's duty on the mineral leasing records of the Federal Government, and early on dealt with royalty issues and what would later on become the Outer Continental Shelf Program of the Minerals Management Service.

Jim often traveled for the Government. Hating to fly, he would take a train whenever he could. By this means he often showed up relatively unannounced at field locations.

One of my favorite stories about James Patrick Beirne illustrates his dedication as a public servant. The story begins as he came into St. George, UT, on a very hot summer day many years ago. His first stop was the district office of the Bureau of Land Management.

I can imagine his surprise and chagrin when he found the office locked and a sign indicating that it was siesta time due to the heat. Well now, I don't know of any Government offices that made their own policy to close when it got hot out, and I don't think he knew of any either.

I wish that I had been there to hear his conversation with the District Manager, whom he called at home from a pay phone. Jim identified himself, and stated that he could be visiting the office soon. Since the District Manager thought that Jim was calling from Washington, he asked when Jim would be visiting.

I don't think he was ready for the answer that it would be in 30 minutes, and that Jim wanted every employee of the office to be there for a meeting. I am told that they were all there in time for the meeting. Jim told them clearly that the BLM was not serving the public by arbitrarily taking time off in the middle of the afternoon. I wish we had more public servants like Jim Beirne working for us today.

Jim Beirne was a force in the BLM, a dedicated man who knew the meaning of public service. Our thoughts and prayers go out to his family, including his wife Margaret, his son Jim, who works on my staff, and his daughter Carol. Perhaps in this, their hour of sorrow, it is of some comfort to know that James Patrick Beirne made a difference in the lives of the people he touched. He will be missed.

REINVENTING GOVERNMENT

Mr. GRASSLEY. Mr. President, on Friday, I spoke before this body, along with my colleague Senator ROTH of Delaware, on the issue of reinventing Government. I had indicated on Friday that I would continue this week with further statements exploring the issue in greater depth. That is my objective today.

On Friday, I spoke of the definition of and need for reinvention. Today, I will talk about political context.

In recent days, a monograph was published by the Brookings Institution called "Improving Government Performance." The authors caution that reform should come incrementally and experimentally, and with humility.

They also argue that reinventors may be too optimistic about reforms taking hold in the bureaucracy. Reform, they say, will occur selectively, as an evolutionary process.

In Tuesday's Washington Post, another core point is addressed in an article on reinventing Government on the Federal page by Stephen Barr. The point is raised under the subheading "Seeking Allies in Cabinet, Work Force":

> Reinventing Government also has its skeptics, especially in political science circles and on Capitol Hill. A number argue that the performance review, which is the vice president's reinventing Government initiative, Mr. President, will be marginally effective, because Washington's real problems are shaped by larger political, policy and economic considerations:

Mr. President, I intend in subsequent statements to review in depth the Brookings work. Today, I want to keep my comments general.

And so I will address these two broad points; the one in the Post article and the other in the Brookings study.

Again, those two points are: First, we should take the incremental approach to reform, and second, the real problem is the larger political and economic consideration.

The quote from the Post article represents the typical Washington view toward reform: Skepticism. Washingtonians, in and out of Government, have seen so-called reform efforts come and go. There's hardly an administration that passes through town that doesn't try at least one major effort to reform the bureaucracy.

Yet all were unsuccessful when measured against the stated goals. Bureaucrats just hunkered down until the reform winds blew over. When the winds subsided, business-as-usual resumed.

You don't have to go back too far to recall a typical case in point. How about the Grace commission? Or the Packard commission. How about PPBS, or zero-based budgeting. There was some good work done in each of these endeavors. But it didn't do anywhere near what was advertised. And it certainly wasn't good enough to do battle with the system. Like a grand chess player, the system always wins.

Ironically, skepticism is also what the electorate, in growing and growing numbers, and with more and more vehemence, are fed up with. These are voters who are no longer content with sitting at home with their cynicism. They are actively doing things about it. They are swing voters. They are demanding change.

These people are tired of a political industry that feeds and grows at the expense of the country. This industry is a case study in destructive management. It is awash in money yet ineffective. Taxpayers get less and less value for their dollars. Its conspicuous symptom is a Federal debt that literally cannot diminish.

These voters are demanding corrections now. They are not enough in number, yet, to be able to form a Government. But they sure as heck can cancel out those not providing governance.

Washington, therefore, is caught between a rock and a hard place. On the one hand, it is realistic. Reforms come and go, and fail to take hold. Politicians are full of noblesounding platitudes but have insufficient commitment to rock the political boat.

On the other hand, there is the growing political imperative to either get the job done or throw the rascals out. These voters are intent on destroying politics-as-usual to save democracy.

The question, then becomes: Who will win, the rock or the hard place? Washington or a determined electorate?

This is not a question that will be answered anytime soon. One thing is clear, though. Previous would-be reformers did not have 20 million voters looking over their shoulders with a performance evaluation chart. So theoretically, at least, there's a chance history will not repeat itself.

There is a fine line between skepticism and realism. I'm not yet sure which side of that line the Brookings position lies. I do not consider this to be a fault, because regardless, the Brookings study is trying to inject some realism into the equation.

Incrementalism may or may not change bureaucracy's institutional culture. But it sure as heck won't address the political imperative, which demands a reinvention offensive. Glasnost and perestroika were incremental changes in Russia; unfortunately for Gorbachev they didn't meet the imperative of the Russian people.

Peter Drucker once said that when seeking to replace obsolete paradigms you must aim high. Incrementalism, I am afraid, is an insufficient aim.

To aim higher—to ensure that the administration's reinventing Government effort is more than marginally effective—we must lift our efforts to the larger political, policy and economic considerations, as the Post article puts it. Let me suggest how that might be done.

The first step would be to declare a reinvention offensive. The time has come when we must reassess the balance of responsibilities between the public and private sectors.

This cannot be done by evolution. We don't have time, either politically or economically. In 1980, David Stockman and others laid out an aggressive economic agenda designed to avoid an economic Dunkirk—that is, to avoid a major economic debacle. Prudent decisions back then would have helped us avoid economic contraction and the need for radical reforms.

But we didn't make those prudent decisions. And now we're faced with a contracted economy and a more formidable task.

A clash is unavoidable. The question is, again: Who will win, Washington or a determined electorate?

The second step is to rethink the responsibilities of the public sector versus the private sector. We must decide which functions of Government are better off being run by entities closer to the citizenry. I spoke about this on Friday, offering three categories of Federal activities. The implications of this approach go way beyond turning bureaucrats into a bunch of smiling faces that still deliver monopoly services. I am talking about a fundamental rethinking of what Government does now and what it should do tomorrow. Believe me, such an approach would fit into the category of larger political, policy, and economic considerations.

Finally, we have to resist the urge to deal with the problem of change with happy-talk the problem of change with happy-talk platitudes. Change will not occur unless we reverse the upside-down structure of incentives. We must create disincentives to the shell game, which is at the heart of the management problem in both Congress and the executive branch. If we can somehow lick this shell game and all of its vestiges, we will have a chance to make reform take hold.

Mr. President, this issue of incentives and shell games is the key to reforming the bureaucracy. I will speak more in depth about this tomorrow.

Let me just say, in conclusion, that the scope of reinvention will tell all. I have high hopes for this administration, that the scope of its reinventing Government effort will be broad and ambitious. We must take a look at all of Government and ask the fundamental questions: Should we be doing this? Or, should we turn that function—that is, its ownership—over to the citizenry. All Government programs should be on the table. This is the reinvention offensive vision. Under this vision, health care and welfare reform would be subsets of the overall effort.

Perhaps, on the other hand, the effort might be restricted to small potatoes—a program here, a program there. This is the small potato vision. It is an approach that will be ginned up by bureaucrats. It is a bone thrown to the electorate so the President won't have broken another campaign promise. But the real intent is to provide cover, and time, for the next great hunkering-down. This is not a serious approach, in my view.

Mr. President, the people want a reinvention offensive. If they don't get it, they're likely to reinvent their representation in Government.

* * *

TO CORRECT THE RECORD REGARDING THE STATEMENT BY PROFESSOR BASSIOUNI ON MAY 12, 1993

Mr. DODD. Mr. President, on May 12, the Foreign Relations Subcommittee on Terrorism, Narcotics and International Operations held a hearing that I chaired in which testimony was taken on the issue of establishing an international criminal court. One of the witnesses at that hearing was Prof. M. Cherif Bassiouni, a professor of law at DePaul University and one of the world's leading scholars on this issue.

Unfortunately, Mr. President, the printed record of this transcript, contained in the appendix to Senate Report 103–71, contained several important printing errors in the opening statement of Professor Bassiouni's remarks. So that the record might accurately reflect the content of this statement, I ask unanimous consent to include in the CONGRESSIONAL RECORD at this time a corrected copy of Professor Bassiouni's remarks.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

STATEMENT OF PROF. M. CHERIF BASSIOUNI

Thank you very much, Mr. Chairman. I am grateful for your kind words, as well as for the words of Senator Specter. And I think I would be remiss if I would not acknowledge the leadership role and contribution of Senator Specter and Congressman Jim Leach for their work in support of the establishment of a permanent international criminal court.

I cannot help, if I may, recall that I met your father, Senator Tom Dodd, many years ago, and had an opportunity to discuss that very same question on a television program in Chicago called KUP's Show in which we harkened back to the days of Nuremberg and to the establishment of a permanent international criminal court. It was about 25 years ago.

And I think that to a large extent the question really has to start with whether or not one believes that the progress of the world and relations between states is moving toward making this a smaller world, which necessitates the establishment of permanent international institutions and mechanisms that would operate not as a substitute for national mechanisms, but as complementary thereto.

If one has a vision of the world as moving in a direction of increased interdependence, then the need for greater cooperation is obvious. This also means that we must fill in the gaps on bilateralism. Exclusively narrow perceptions of sovereignty are in this respect counterproductive to both international and national interests.

Efforts are now aimed at the creation of new permanent international legal institutions that are capable of functioning fairly, impartially and effectively. There is no doubt that the concerns that were expressed by Senator Helms are valid concerns, and there are many others he has not expressed which many of us who have worked on the subject also appreciate.

It is not easy to establish an international criminal court, no more than it is easy to establish a national criminal court elsewhere. The entire infrastructure of a system of international criminal justice needs to be established and needs to be built literally block by block, not only in order to ensure that it will work, but that it will work effectively and that it will accomplish the ends of justice with impartiality, in order to earn the credibility that Senator Helms referred to as possibly lacking if things are done on an ad hoc basis.

There are judgments that have to be made, there is no doubt about that. And there are judgments that can be made on the basis of the rule of law. I do not believe in an approach to international institution building based exclusively on geographic or political representation. I believe that institutions must be built not only on the sound rule of law, but with discriminating judgment as to how these institutions function. That includes the selection, quality and qualification of judges, their integrity, their independence, their impartiality, and their knowledge. It also includes a discriminating choice as to the selection of the crimes and jurisdictional mechanisms on the basis of which the tribunal shall function. That is why I am opposed to associating the ILC's draft code of crimes with the establishment of a permanent international criminal court.

Like Senator Helms and others, I am equally troubled by the ILS's draft code of crimes and have frequently criticized such notions as crimes of colonialism and mercenarism or the loose definition of environmental crimes. Other crimes, however, are well established: crimes against humanity, genocide, war crimes, slavery, traffic of women and children, sexual exploitation of women and children, traffic of children for adoption, international traffic in drugs, hijacking of airplanes, taking of civilian hostages, and the kidnapping of diplomats. These and others are well established crimes over which the tribunal could readily exercise jurisdiction.

What I have tried to do in the various proposals that I have drafted, some of which have been used as a basis for the work of the International Law Commission and now for the Ad Hoc War Crimes Tribunal for the Former Yugoslavia, is to offer what I would call discriminating and reasoned options.

There are 24 recognized international categories of crimes. I do not advocate that we should start a tribunal with all 24 categories of crimes. I would look for a minimum threshold of those crimes on which there would be the greatest agreement and consensus in the world, so that we can start with a foundation of consensus and build upon it. We need to find out if and how the tribunal will function, and then to allow it to gain confidence. Only then should we add more crimes to its jurisdiction.

I also believe that for a period of time we should try the international criminal tribunal on the basis of concurrent jurisdiction with national criminal justice systems. This approach avoids the problems that many perceive, as Senator Helms does, with relinquishing national sovereignty. Concurrent jurisdiction gives a certain amount of flexibility in the initial stages of the tribunal's life to allow a state in which the crime has occurred to voluntarily transfer criminal jurisdiction to the court.

Now, for some this may be too much of a minimalist position, and some would advocate that there has to be at least some compulsory jurisdiction with respect to such crimes as genocide and crimes against humanity. While I fully sympathize and would hope that we would reach that point one day, I would argue caution in not wanting to achieve a maximalist position from the beginning. Instead we should try the institution with a minimalist position and build upon its success. This was a position I have taken in my work with Parliamentarians for Global Action and I think that it may be a wise route to follow.

If I may just spend a few words on what is happening today in New York, the discussions of the Ad Hoc War Crimes Tribunal on the Former Yugoslavia. As a member of the UN Commission of Experts and the Special Rapporteur on the gathering and analysis of the facts, I must first clearly state that my views do not represent the position of the Commission or that of the United Nations.

As I have spent the last 6 months gathering facts about this tragic conflict, I have been confronted with the reality of how do you gather evidence when a war is going on? What do you do to preserve the evidence when a conflict like this is going on? How do you record the evidence for future prosecution?

These are very difficult questions. I have interviewed and have records of a number of women who have been subjected to rape. Many of them may not want to be identified, or may not want to testify in the future. Some will certainly not want to go to the Hague and testify under confrontation and cross examination, under the glare of publicity, for the whole world to know what terrible things have happened to them.

This is a small practical question, but it's one that may doom the prosecution of these types of cases if they are not carefully handled, if the witness and victims are not carefully treated, and if they are not secure and protected from embarrassment, harassment, and future reprisals.

Another example is the torture victim. How many torture victims are going to want to relive their ordeal in open court? How many of them will want to travel to a foreign country to do that in public? How will they be able to prove months later when the scars have healed and there are no medical records that these scars were the result of torture?

All of these real problems of evidence which I have to face have given me a completely different perception on the work I have been doing for 25 years from the theoretical point of view. And I am the one who is today arguing caution with members of the Security Council and others about the Ad Hoc War Crimes Tribunal. Not because I don't want to see it, but because I want to see it succeed. And because I want to see it succeed, it has to be based on very strong foundations of credibility. It has to have the resources necessary to obtain the evidence. It has to be able to have impartiality of operation and function and not be tainted by any politics in order to be able to produce the quality of justice that the world would come to expect. We cannot have a low quality of justice become the minimum common denominator of the world but we must seek the highest quality of justice.

When we aim at the establishment of a permanent international criminal tribunal, in my humble judgment I think we should aim at establishing something that stands up to the highest common denominator of justice in the world and yet at the same time will be effective.

Thank you for the opportunity of being here, and I hope the Chairman and distinguished members will excuse me if I have to leave at 3:15 since I have to brief some members of the Security Council on this very topic at 6:00 today.

NATIONAL AND COMMUNITY SERVICE

Mr. DOMENICI. Mr. President, I cannot express strongly enough my objections to the legislation we now have before us.

We have been presented with the conference report on the National and Community Service Act which in no way resembles the bill passed in the Senate. While I opposed that legislation for various reasons—and hoped against hope that the bill would be improved in confernece—the bill we currently have before us is far more objectionable than the bill that was passed by the Senate.

I think it is fair to say that all of us in the Senate are in favor of community and volunteer service. Frankly, it is because I am in favor of community and volunteer service that I will vote against this conference report.

I had several significant objections to the bill that was passed in the Senate. Mainly, I was concerned that the bill spent too much for too few participants, and that there were better ways to utilize the vast human resource of volunteers in a community than were provided for in the bill. This program is too expensive, especially as we are preparing to burden our citizens with new taxes under the President's budget.

However, the Senate bill did contain numerous amendments which, if we were to pass a bill, made the bill stronger in several meaningful ways.

For example, the Senate accepted two of my amendments to, first, increase the proportion of funding that initially flowed to the States, and second, to ensure that this new program was not treated or scored as an entitlement program. These were two reasonable amendments that were accepted unanimously by the Senate, and they gave the bill some much-needed teeth.

The bill before us sends on 33⅓ percent of the money directly to the Stats, as opposed to the 50 percent my amendment would have provided.

In addition, the House has increased the authorization levels for this bill beyond what we agreed to in the Senate bill. Under the Senate bill, we authorize the program to be funded at $300 million, $500 million, and $700 million over 3 years.

Although this is still, in my opinion, too much money, it was a significant reduction from the bill as it was introduced. What do we find now, but that the house conferees have not only added an additional $200 million to be spent over 3 years, but that these funds are to be used for administrative purposes.

Administrative purposes? Mr. President, I think if you ask the average person on the street if we need to spend more money on Government—because that is what we really mean when we say administrative purposes—he will tell you, unequivocally, no. And, frankly, he would be right.

But under this bill, not only do we decrease the proportion of funds that flow to the State—from 50 percent, as my amendment provided, down to 33 percent—but we have also increased the proportion of money that goes back into the bureaucracy. I find this provision alone outrageous, and I will not support it.

The bill also makes payments from the State trust fund and grants to States subject to the availability of appropriations.

However, the language in the bill stating that participants shall receive their educational award gives me pause. I am concerned that the present drafting that entitles eligible participants to receive educational awards will force the hand of the appropriators.

With this in mind, let me pause for a question to the chairman of the Labor Committee: "Is it your intention that participants in the program would be entitled to receive education awards, despite the availability of appropriations?"

Looking over the remainder of this bill, it seems to me the House conferees had already decided the fate of this legislation before it ever reached conference. And that, Mr. President, is not the purpose of a conference.

I regret we have come to this impasse, because I know many of the Senate conferees legitimately wanted to craft a compromise that stood at lest a ghost of a chance of meeting the volunteer needs of the States and local communities. This bill is not it.

I will vote against passage of the conference report.

HERMAN E. TALMADGE: A NEW DEMOCRAT BEFORE HIS TIME

Mr. NUNN. Mr. President, on August 9, Herman E. Talmadge will celebrate his 80th birthday. Those of us who were his colleagues when he served in the Senate wish him well, and still remember clearly the special brand of wisdom and common sense that he brought to this body.

Senator Talmadge served with distinction in the U.S. Senate from 1957 to 1981. His exemplary career in public service began with his entering the U.S. Navy in 1941 and continued with his service as Governor of Georgia from 1948 to 1955.

Senator Talmadge distinguished himself serving on the Senate Finance Committee, the Select Committee on Presidential Campaign Activities, known as the Watergate Committee, and during his almost 10 years as chairman of the Senate Committee on Agriculture, Nutrition, and Forestry.

While Senator Talmadge was a fiscally conservative Democrat, his philosophy is more in tune with what the press today refers to as the New Democrats. He felt that while the Government should help the less fortunate, it also had the responsibility to come up with money to pay for these programs. In fact, every year that he was in the Senate, he sponsored a constitutional amendment to balance the budget. This was long before the idea of such an amendment had any popularity or credibility in Congress. Further, he strongly advocated programs calculated to get people on their feet, and give them the means with which to secure their own future and the future of their children. He opposed programs which created and perpetuated cycles of dependency.

Under his tenure as chairman of the Senate Agriculture Committee, the child nutrition programs and the food stamp programs were greatly expanded. He was also an innovator and leader in the area of rural development. From early in his tenure in the Senate, he recognized that there was no way that any farm policy could succeed in keeping all of our farmers on the land. The mechanization of agriculture would inevitably diminish the available farm jobs. Therefore, he began a crusade for rural development, and when he became chairman of the Senate Agriculture Committee in 1971, he established a rural development subcommittee with his colleague Hubert Humphrey as chairman. Together they enacted the Rural Development Act of 1972.

In the 1980's, there was a loss of interest in rural development and it was deemphasized during the Reagan administration. However, in the last few years, more Members of Congress have realized the need for an improved rural development program, and it has resurfaced as a national priority.

Another area of public policy which has received increasing attention from new Democrats recently is job training and welfare reform. As a member of the Senate Finance Committee, Talmadge was very active in welfare reform and was the author of a provision providing private business with a tax credit for job training. He reasoned that it was more efficient to have incentives for private business to train people for jobs which existed rather than have the Government provide training for nonexistent jobs.

One hallmark of Talmadge's career as a public servant was his empathy with small business. Having been a successful entrepreneur himself, he realized firsthand what a crippling impact excessive regulations could have on small businesses. While he decried the tendency of the Federal bureaucracy to promulgate excessive regulations, he realized that a great deal of the blame lay with Congress. Therefore, he authored a rule, rule 29.5 of the Standing Rules of the Senate, requiring every Senate committee reporting a bill to include an evaluation of the regulatory impact of the legislation and the additional economic and paperwork burden that would result from the legislation.

While Senator Talmadge has not served in this body since 1981, if he were serving today, he would be known as a new Democrat. The simple values he loved to espouse, such as, You gotta have more people pulling the wagon than riding, are as true today as when he used to state them on the floor of the Senate. I think he would also urge us all to stop reading polls and get about the business of leading. He used to say, Being a leader demands more than riding the lead cow in a stampede. We miss the Senator and wish him well on the occasion of his 80th birthday.

TRIBUTE TO MAJOR JOHN T. GODFREY

Mr. PELL. Mr. President, I rise to pay tribute to the late Maj. John T. Godfrey, USAF, who on Sunday, May 16, 1993, was inducted into the Rhode Island Heritage Hall of Fame. Major Godfrey served as a fighter pilot during World War II under the Royal Canadian Air Force, the British Royal Air Force, and the United States Army Air Corps. He showed uncommon valor, and earned the distinction as being one of the greatest aces of all time.

I am pleased to note that Major Godfrey was a native of Woonsocket, RI. Immediately following graduation from Woonsocket High School, he enlisted in the Canadian Air Force in order to bypass the U.S. Army college entry requirements. During his service, he was downed twice in addition to once begin lost at sea. He returned home to Rhode Island after the war, after having earned distinction as a renowned fighter ace while flying solo in British and American fighter planes.

Although Major Godfrey was able to escape harm and return home safely, he prematurely and unfortunately fell in 1958 to Lou Gehrig's Disease, also known as ALS. It is my hope that through his induction into the Hall of Fame, Major Godfrey will be remembered for his patriotism and his valorous achievements and accomplishments on behalf of our country.

Mr. President, I ask unanimous consent that a letter submitted by Major Godfrey, shortly before his death, to the Jay Egan Gazette, a local Woonsocket publication edited and produced by Jay Egan, then age 11, be inserted in the RECORD. This letter is particularly timely as it illustrates John Godfrey's final convictions as a man, and illustrates a page of our history as a nation.

CASCO LACES, INC.,
Freeport, ME, October 28, 1957.

JAY EGAN GAZETTE,
Woonsocket, RI.

DEAR MASTER EGAN: Your letter of October 4th chased me to Germany and finally caught up with me in Maine today. I'm very pleased to write a brief letter which I hope will suit you for one of the issues of the Jay Egan Gazette.

A new era in air history is now in the making. No longer will pilots such as I engage in the twisting and spinning Air Force of yesteryears. Gladiators of the Royal Air Force were the last planes in my lifetime to engage in the romantic and thrilling air fights. People have talked about and read with vivid interest how they fought in Greece in 1939 against the Messerschmits: They used the tactics of World War I, Immelmann, loops and stall turns. They were badly mauled by the German Air Force and the bi-wing fighter plane obscured itself in air war history.

I was privileged to fight in Spitfires, Thunderbolts and Mustangs; propeller driven aircraft which now are as obsolete as the Model T Ford is in the automotive industry. Tactics changed so that loops and Immelmann were suicidal maneuvers. Then the Air War was dependent upon the power of the engines and the maneuverability of the Fighter Plane in a tight turn climb or dive. The romantic days were gone when fighter planes waved to each other before engaging. Speeds were prohibitive and fast sneak attacks were the rule of the day. Some of the glamour was left however, but the Korean war with it's fast Jet Aircraft was the end in my opinion of the fighter pilot. Supersconic speeds made a ten mile radius necessary for a tight turn. Head on attacks were suicidal due to the fast closing speed of both aircraft.

Now the Rocket Age is upon us. Fighter Pilots will be seated in large comfortable chairs, sheltered 50 feet underground by massive concrete bunkers. His eyes, instead of scanning the blue skies above him, will be focused instead on a radar screen with only a blip to show his target. There will be no engine noises or a feeling of greatness such as former pilots experienced flying 30,000+ over the earths contours. His hands will flick a switch and his rocket will be airborne to meet his adversary hundreds of miles above the earths surface. The ignominious death of the fighter pilot is on its way. No power on earth can stop it as we plunge headlong into this new era.

My eminent death foreshadows all possibilities of my seeing this happen, but I am afraid my children will see the horror created by science plunging into a field which the devil himself would hesitate to enter. The unleashed fury of atoms and our tampering with this devil's tool hastens the world into a suicidal pact of destruction. We have commited ourselves now with no turning back. The fiends in hell wring their hands in satisfaction and laugh derisively at the catastrophy we are about to bring upon ourselves.

Sincerely yours,

JOHN T. GODFREY,
President.

SARAJEVO ON VERGE OF FALLING

Mr. DOLE. Mr. President, Sarajevo is on the verge of falling. The key strategic mountain overlooking Sarajevo, Mount Igman, is now in Serbian hands—its capture facilitated by Serb helicopters violating the no-fly zone. Although the Bosnian Serb leadership has promised to withdraw its forces, as we have seen over the past 16 months, they make and break promises as a matter of course. The fact is that Sarajevo is now effectively cut off, at the mercy of Serb Forces.

On Monday, our NATO allies at long last agreed to take tougher measures against Serbian Forces in Bosnia and Herzegovina. While the NATO agreement takes long-overdue and significant steps forward, in particular by preparing for air strikes against Serbian military positions, there are still some hurdles to overcome before such action can be taken.

Some of these hurdles result from continued French, Canadian, and British opposition to anything but narrowly defined military action to protect UNPROFOR troops. It is hard to imagine that after 16 months of brutal aggression against Bosnia, some of our allies still think that the move from words of warning to action is too soon. However, that is why there is a requirement that NATO Ministers meet again before initiating any military action. This NATO Council meeting will likely take place early next week; in my view, the sooner, the better.

There are also other political hurdles to overcome. While Serb forces continue their offensives on Sarajevo and other areas, the United Nations and NATO are locked in a political tug-of-war. So, instead of watching the launch of air strikes against advancing Serb units, we are watching the U.N. Secretary General launch letters to the State Department saying he is in charge.

President Clinton rightfully believes that air strikes should be undertaken to prevent the fall of Sarajevo and other cities, and that NATO should be in charge of such military operations—in consultation and coordination with the United Nations.

The fact is that NATO can handle the job and the United Nations cannot. It seems to me that with Serb Forces choking Sarajevo, we do not have time for a bureaucratic power struggle. We cannot let this tug-of-war continue. Let us be clear, NATO has the authority to act under United Nations Security Council Resolution 770 and under article 51 of the UN Charter. So Boutros-Ghali should step out of the way and let NATO do the job.

Mr. President, the credibility of NATO is on the line. And, U.S. credibility is on the line—not just at NATO, but in Geneva, too.

Yesterday the Bosnia desk officer at the State Department, Marshall Harris, resigned. This is the second State Department resignation protesting United States policy toward Bosnia; last year, George Kenney, who was also the Bosnia desk officer, resigned in protest. In his letter, Mr. Harris stated that he "could no longer serve in a Department of State that accepts the forceful dismemberment of a European State." This was a courageous move and despite the cheap shots hurled at Mr. Harris by the State Department spokesman, I think it is clear that Marshall Harris is a man of conscience, who puts his principles above promotions.

This resignation together with news reports from Geneva call into serious question the United States commitment to upholding the principle of the territorial integrity of Bosnia and Herzegovina.

Behind closed doors in Geneva, mediators Owen and Stoltenberg are pressuring the Bosnians to sign away most of their country. Their solution to silencing the guns around Sarajevo is to give the aggressors what they want. This is not a negotiation. Owen and Stoltenberg are merely facilitators of surrender.

The United States has sent representatives to Geneva, but the question is, what are they doing? Are they just watching the sell out? And, why isn't the United States attempting to bring principle back into the process?

In my view, there should be a timeout in Geneva. Owen and Stoltenberg should take a long vacation and review all of the U.N. resolutions upholding the principle of the territorial integrity of Bosnia and Herzegovina. They should also take a look at their own earlier statements against partition and dismemberment.

The United States has said that it will accept any settlement agreed to by all of the parties. Well, this approach guarantees that the party with the greatest strength and the most territory will dictate the terms of settlement. As the Bosnian Foreign Minister, Haris Silajdzic, said a few days ago this is the rule of force, not the rule of law.

I urge President Clinton to rethink his position on the Geneva talks and to commit the United States to supporting only a settlement that does not reward aggression and genocide. Maybe our United States representatives in Geneva could give the mediators a quick seminar on international law, the United Nations Charter and the rule of law.

Mr. President, this is not just Bosnia's last chance, but the international community's last chance to do what is right—to prevent the fall and partition of Bosnia.

I urge President Clinton to stay on course with our NATO allies—to press for their cooperation to move swiftly and decisively, and not to be deterred by bureaucratic obstacles raised by the United Nations.

STATEMENT OF SENATOR CONRAD BURNS

Mr. BURNS. Mr. President, today I would like to voice my opposition to H.R. 2348, the legislative branch appropriations bill. As a member of the subcommittee, I successfully added a cost-saving amendment regarding the printing Government documents. But during the conference committee the amendment was deleted. In a time when most people, including those in Montana, are saying cut Government spending, this amendment should have survived because it would save $120 million.

The amendment required that large print jobs be sent to the Government Printing Office and awarded to open-competitive, private sector bids at 21 offices across the country. These private sector competitive jobs save taxpayers approximately 50 percent over the agency in-house jobs of over $1,000 in cost. The bottom line is, this would have saved American taxpayers at least $120 million.

Not only would this have stopped redundancy in our Government, it would have created jobs. Allowing the private sector to perform these services would mean more jobs, and the Government in turn would be able to collect more taxes. This was a win-win situation, and I am very disappointed that the amendment was stripped.

Therefore, I will not support the final passage of the legislative branch appropriations bill. However, next year we will revisit this issue, I can guarantee it. Cutting Government spending and creating new jobs is what Montanans want.

Mr. President, I yield the floor.

MULTIPLE USE IS RESPONSIBLE USE

Mr. PRESSLER. Mr. President, the multiple use concept has worked well for managing the public lands in the Black Hills for many years. A wide variety of uses—including hiking, backpacking, snowmobiling, cross-country skiing, timber, cattle grazing, mining and hunting—are accommodated through a balanced multiple use approach. As my colleagues know, the National Forest Management Act of 1976 requires that every national forest be managed according to a plan based on the multiple use model. The Black Hills National Forest is no exception. An important part of multiple use is the harvesting of timber, which is accomplished by Forest Service timber sales.

However, a serious problem has arisen with Forest Service timber sales in the Black Hills, and on other public lands. Some environmental groups supposedly concerned with preserving the forest for future generations actually may be doing more harm than good to the Black Hills National Forest. These environmental organizations file frivolous court appeals against timber sales. Their goal is not to stand by the law, but to stand against the lawful sale of timber. These frivolous appeals cost the American people a great deal in Government time, money, and resources that could be better spent taking care of the Black Hills.

Yes, some citizens do have legitimate appeals. But there are others who are abusing the Forest Service appeals process for no reason other than to pursue their own environmental agenda. For example, it is my understanding that in a university elsewhere in the country, students were required to appeal a timber sale as part of a class assignment. Under the current appeals regulations, the Forest Service must process each appeal and spend hundreds of man-hours and thousands of scarce taxpayer dollars, even if the appellant is a college student whose motive is to file the appeal for class credit.

In less than 10 years, the number of timber appeals has increased by more than 670 percent. In 1991, out of the 1,154 appeals that were filed, 94 percent were ruled to be without merit. The Forest Service issued 11 decisions on Black Hills timber sales in 1992. Six were appealed, and five of those six were upheld. The remaining decisions have yet to be determined. Each of these appeals costs an average of $8,000. Nearly $100,000 was spent in 1992 in the Black Hills alone. This expensive process diverts scarce Federal resources that could be better spent on actual forest management programs, which would be more in the public interest.

These frivolous appeals are having a detrimental impact on responsible forest management, responsible timber harvesting and the people that depend on the forest for their economic wellbeing. In the Black Hills, more than 1,900 jobs depend directly on the timber industry. More than $60 million are paid out directly to employees of processing companies, contract loggers, and other contractors. The value of the wood produced is more than $100 million.

As a result of these appeals, the timber industry cannot get at the abundant timber. The industry and the communities in the Black Hills region are facing very difficult times. Earlier this year one local lumber mill laid off a significant portion of its work force. Another mill closed altogether. The tightening supply of timber is causing the price of timber to skyrocket. This affects other timber-dependent industries. In February, 1,000 board feet sold for more than $437, a 75-percent increase from the previous 4 months. This increase has added $2,000 to $3,000 to the price of new houses, which in turn adds to the price of almost everything. These useless and expensive delays must be stopped.

Managing the forest to keep jobs, sustain the timber yield and preserve the environment is in everyone's best interest. The reality of the world we live in dictates that any responsible decisions involving our environment and public lands must be carefully researched and considered. We all know this and, as a result, the Black Hills and other forests are carefully tended. No clear-cutting or other injurious practices are allowed in the Black Hills. In fact, Ponderosa Pine, the predominant species of tree being cut in the Black Hills, grows so quickly that its growth must be managed to prevent dangerous forest fires and insect infestations.

Mr. President, the United States was founded on a principle of individual participation. I support the right of citizens to seek review of Government agency decisions with which they disagree. In this case, however, some irresponsible groups are filing frivolous appeals to tie up the system in order to pursue their own extreme environmental agendas. We must not tolerate this waste of time and money.

I have supported strongly revising the regulations governing the appeal of timber sales. Last year for example, I voted for the Craig amendment which allowed only citizens who were involved in the decision making process from the beginning to have standing for appeals. After a close vote in the Senate, a modified, and more modest amendment was passed. However, the new regulations to revise the Forest Service appeal process are taking a long time to be implemented.

Earlier this spring I was in Spearfish with a number of Black Hills residents who depend on a vibrant timber industry for their living. Their message was loud and clear: "Let us keep our jobs. We want to work and pay taxes." For their sake, I have urged Secretary Espy to act quickly on implementing the revised Forest Service appeal regulations.

Changing the appeals process will not silence the public's right to be heard. That is not the intent. Those citizens with valid interests still would be allowed an opportunity to participate in the decision making process from the beginning. By streamlining the appeal rules, jobs can be saved, timber can be available and the people's views can still be aired. We must moved forward on these changes and let the public know we believe in responsible forest management.

NOTE

(The text of S. 1283, Technology Related Assistance Act Amendments of 1993, passed by the Senate on August 5, 1993, is as follows:)

S. 1283

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Technology-Related Assistance Act Amendments of 1993".

SEC. 2. REFERENCES.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.).

SEC. 3. FINDINGS, PURPOSES, AND POLICY.

(a) SECTION HEADING.—Section 2 (29 U.S.C. 2201) is amended by striking the heading and inserting the following:

"SEC. 2. FINDINGS, PURPOSES, AND POLICY.".

(b) FINDINGS.—Section 2(a) is amended—

(1) in paragraph (3)(C), by striking "nondisabled individuals" and inserting "individuals who do not have disabilities";

(2) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively;

(3) by inserting after paragraph (3) the following new paragraph:

"(4) The goals of the Nation properly include providing individuals with disabilities with the tools, including assistive technology devices and assistive technology services, necessary to—

"(A) make informed choices and decisions; and

"(B) achieve equality of opportunity, full inclusion and integration in society, employment, independent living, and economic and social self-sufficiency, for such individuals.";

(4) in paragraph (6) (as redesignated in paragraph (2) of this subsection)—

(A) by striking "assistive technology devices and services" and inserting "assistive technology devices and assistive technology services"; and

(B) by striking "families" and inserting "the parents, family members, guardians, advocates, and authorized representatives";

(5) in subparagraph (C) of paragraph (7) (as redesignated in paragraph (2) of this subsection), to read as follows:

"(C) information about the potential of technology available to individuals with disabilities, the parents, family members, guardians, advocates, and authorized representatives of the individuals, individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities, educators and related services personnel, employers, and other appropriate individuals;";

(6) in paragraph (8) (as redesignated in paragraph (2) of this subsection) by striking "limited markets" and inserting "a perception that such individuals constitute a limited market"; and

(7) in the second sentence of paragraph (9) (as redesignated in paragraph (2) of this subsection), by striking "to individuals with disabilities" and all that follows and inserting the following: "to individuals with disabilities, the parents, family members, guardians, advocates, and authorized representatives of the individuals, individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities, educators and related services personnel, employers, and other appropriate individuals.".

(c) PURPOSES.—Section 2(b) is amended by striking paragraph (1) and inserting the following:

"(1) To provide financial assistance to the States to support systemic change and advocacy activities designed to assist each State in developing and implementing a consumer-responsive comprehensive statewide program of technology-related assistance, for individuals of all ages who are individuals with disabilities, that is designed to—

"(A) increase the availability of, funding for, access to, and provision of assistive technology devices and assistive technology services for individuals with disabilities;

"(B) increase the active involvement of individuals with disabilities, and the parents, family members, guardians, advocates, and authorized representatives of individuals with disabilities in the planning, development, implementation and evaluation of such a program;

"(C) increase the involvement of individuals with disabilities, and, if appropriate, the parents, family members, guardians, advocates, or authorized representatives of individuals with disabilities, in decisions related to the provision of assistive technology devices and assistive technology services;

"(D) increase and promote interagency coordination among State agencies, and between State agencies and private entities, that are involved in carrying out activities under section 101, particularly providing assistive technology devices and assistive technology services, that accomplish a purpose described in another subparagraph of this paragraph;

"(E)(i) increase the awareness of laws, regulations, policies, practices, procedures, and organizational structures, that facilitate the availability or provision of assistive technology devices and assistive technology services; and

"(ii) facilitate the change of laws, regulations, policies, practices, procedures, and organizational structures, that impede the availability or provision of assistive technology devices and assistive technology services;

"(F) increase the probability that individuals of all ages who are individuals with disabilities will, to the extent appropriate, be able to secure and maintain possession of assistive technology devices as such individuals make the transition between services offered by human service agencies or between settings of daily living;

"(G) enhance the skills and competencies of individuals involved in providing assistive technology devices and assistive technology services;

"(H) increase awareness and knowledge of the efficacy of assistive technology devices, and assistive technology services, among—

"(i) individuals with disabilities;

"(ii) the parents, family members, guardians, advocates, or authorized representatives of individuals with disabilities;

"(iii) individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities;

"(iv) educators and related services personnel;

"(v) employers; and

"(vi) other appropriate individuals and entities;

"(I) increase the capacity of public entities and private entities to provide and pay for assistive technology devices and assistive technology services, on a statewide basis for individuals of all ages who are individuals with disabilities; and

"(J) increase the awareness of the needs of individuals with disabilities for assistive technology devices and for assistive technology services.".

(d) POLICY.—At the end of section 2, add the following new subsection:

"(c) POLICY.—It is the policy of the United States that all programs, projects, and activities receiving assistance under this Act shall be carried out in a manner consistent with the principles of—

"(1) respect for individual dignity, personal responsibility, self-determination, and pursuit of meaningful careers, based on informed choice, of individuals with disabilities;

"(2) respect for the privacy, rights, and equal access (including the use of accessible formats), of the individuals;

"(3) inclusion, integration, and full participation of the individuals;

"(4) support for the involvement of a parent, a family member, a guardian, an advocate, or an authorized representative if an individual with a disability requests, desires, or needs such support; and

"(5) support for individual and systemic advocacy and community involvement.".

SEC. 4. DEFINITIONS.

Section 3 (29 U.S.C. 2202) is amended—

(1) in paragraph (2)(E), by striking "for an individual" and all that follows and inserting the following "for an individual with a disability, or, where appropriate, the parent, family member, guardian, advocate, or authorized representative of an individual with a disability; and";

(2) by redesignating paragraphs (3) through (8) as paragraphs (6), (7), (9), (10), (12), and (13), respectively;

(3) by inserting after paragraph (2) the following new paragraphs:

"(3) CONSUMER-RESPONSIVE COMPREHENSIVE STATEWIDE PROGRAM OF TECHNOLOGY-RELATED ASSISTANCE.—The term 'consumer-responsive comprehensive statewide program of technology-related assistance' means a statewide program of technology-related assistance developed and implemented by a State under title I that—

"(A) is consumer-responsive; and

"(B)(i) addresses the needs of all individuals with disabilities, including underserved groups, who can benefit from the use of assistive technology devices and assistive technology services;

"(ii) addresses such needs without regard to the age, type of disability, race, ethnicity, or gender of such individuals, or the particular major life activity for which such individuals need the assistance; and

"(iii) addresses such needs without requiring that the assistance be provided through any particular agency or service delivery system.

"(4) CONSUMER-RESPONSIVE.—The term 'consumer-responsive' means, with respect to an entity or program, that the entity or program—

"(A) is easily accessible to and usable by individuals with disabilities and, when appropriate, the parents, family members, guardians, advocates, or authorized representatives of such individuals;

"(B) responds to the needs of individuals with disabilities in a timely and appropriate manner; and

"(C) facilitates the full and meaningful participation of individuals with disabilities in—

"(i) decisions relating to the provision of assistive technology devices and assistive technology services to such individuals; and

"(ii) the planning, development, implementation, and evaluation of the consumer-responsive comprehensive statewide program of technology-related assistance for individuals with disabilities.

"(5) DISABILITY.—The term 'disability' means a condition considered to be a disability or handicap for the purposes of any Federal law other than this Act or for the purposes of the law of the State involved.";

(4) in paragraph (6) (as redesignated by paragraph (2) of this subsection), to read as follows:

"(6) INDIVIDUAL WITH A DISABILITY; INDIVIDUALS WITH DISABILITIES.—

"(A) INDIVIDUAL WITH A DISABILITY.—The term 'individual with a disability' means any individual—

"(i) who is considered to have a disability for the purposes of any Federal law other than this Act or for the purposes of the law of the State in which the individual resides; and

"(ii) who is or would be enabled by assistive technology devices or assistive technology services to maintain a level of functioning or to achieve a greater level of functioning in any major life activity.

"(B) INDIVIDUALS WITH DISABILITIES.—The term 'individuals with disabilities' means more than one individual with a disability.";

(5) in paragraph (7) (as redesignated by paragraph (2) of this subsection) by striking "section 435(b)" and inserting "section 481";

(6) by inserting after such paragraph (7) the following new paragraph:

"(8) PROTECTION AND ADVOCACY SERVICES.—The term 'protection and advocacy services' means services that—

"(A) are described in part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.), the Protection and Advocacy for Mentally Ill Individuals Act (42 U.S.C. 10801 et seq.), or section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e); and

"(B) assist individuals with disabilities, or the parents, family members, guardians, advocates, or authorized representatives of the individuals, with respect to assistive technology devices and assistive technology services.";

(7) in paragraph (10) (as redesignated by paragraph (2) of this subsection)—

(A) by striking "several States" and inserting "several States of the United States";

(B) by striking "Virgin Islands" and inserting "United States Virgin Islands"; and

(C) by striking "the Trust Territory of the Pacific Islands" and inserting "the Republic of Palau (until the Compact of Free Association with Palau takes effect)";

(8) by inserting after such paragraph (10) the following new paragraph:

"(11) SYSTEMIC CHANGE.—The term 'systemic change' means efforts that result in public or private agencies and organizations having greater capacity or enhanced ability to be consumer-responsive and provide funding for or access to assistive technology devices and assistive technology services, or otherwise increase the availability of such technology, to benefit individuals with disabilities, or the parents, family members, guardians, advocates, or authorized representatives of such individuals on a permanent basis."; and

(9) in paragraph (12) (as redesignated by paragraph (2) of this subsection)—

(A) by striking "functions performed and"; and

(B) by inserting "any of subparagraphs (A) through (J) of" before "section 2(b)(1)".

TITLE I—GRANTS TO STATES

SEC. 101. PROGRAM AUTHORIZED.

(a) GRANTS TO STATES.—Section 101(a) (29 U.S.C. 2211(a)) is amended—

(1) by inserting after "provisions of this title" the following: "to support systemic change and advocacy activities designed"; and

(2) by striking "to develop and implement" and inserting "in developing and implementing".

(b) ACTIVITIES.—Section 101 is amended by striking subsections (b) and (c) and inserting the following:

"(b) ACTIVITIES.—

"(1) USE OF FUNDS.—

"(A) IN GENERAL.—Any State that receives a grant under section 102 or 103 shall use the funds made available through the grant to accomplish the purposes described in section 2(b)(1) by carrying out any of the systemic change and advocacy activities described in paragraphs (2) through (12) in a manner that is consumer-responsive.

"(B) PARTICULAR ACTIVITIES.—In carrying out such systemic change and advocacy activities, the State shall particularly carry out activities regarding—

"(i) the development, implementation, and monitoring of State, regional, and local laws, regulations, policies, practices, procedures, and organizational structures, that will improve access to and funding for assistive technology devices and assistive technology services;

"(ii) the development and implementation of strategies to overcome barriers to funding of such devices and services, with particular emphasis on addressing the needs of underserved groups; and

"(iii) the development and implementation of strategies to enhance the ability of individuals with disabilities, and the parents, family members, guardians, advocates, and authorized representatives of such individuals, to successfully advocate for access to and funding for assistive technology devices and assistive technology services.

"(2) ACCESS TO AND FUNDING FOR ASSISTIVE TECHNOLOGY.—The State may support activities to increase access to and funding for assistive technology, including—

"(A) the identification of barriers to funding of assistive technology devices and assistive technology services for individuals of all ages who are individuals with disabilities, with priority for identification of barriers to funding through State special education services, vocational rehabilitation services, and medical assistance services or, as appropriate, other health and human services; and

"(B) the development, and evaluation of the efficacy, of model delivery systems that provide assistive technology devices and assistive technology services to individuals with disabilities, that pay for such devices and services, and that, if successful, could be replicated or generally applied, such as—

"(i) the development of systems for the purchase, lease, other acquisition, or payment for the provision, of assistive technology devices and assistive technology services; and

"(ii) the establishment of alternative State or privately financed systems of subsidies for the provision of assistive technology devices and assistive technology services, such as—

"(I) a loan system for assistive technology devices (including assistive technology demonstration and recycling centers);

"(II) an income-contingent loan fund;

"(III) a low-interest loan fund;

"(IV) a revolving loan fund;

"(V) a loan insurance program; and

"(VI) a partnership with private entities for the purchase, lease, or other acquisition of assistive technology devices and the provision of assistive technology services.

"(3) REPRESENTATION.—The State may support individual case management or representation of individuals with disabilities to secure their rights to assistive technology devices and assistive technology services.

"(4) INTERAGENCY COORDINATION.—The State may support activities—

"(A) to identify and coordinate Federal and State policies, resources, and services, relating to the provision of assistive technology devices and assistive technology services, for individuals with disabilities, including entering into interagency agreements;

"(B) to support the establishment or continuation of partnerships and cooperative initiatives among public sector agencies and between the public sector and the private sector to facilitate the development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance for individuals with disabilities;

"(C) to convene interagency work groups to enhance public funding options and coordinate access to funding for assistive technology devices and assistive technology services for individuals of all ages who are individuals with disabilities, with special attention to the issues of transition, home use, and individual involvement in the identification, planning, use, delivery, and evaluation of such devices and services; or

"(D) to document and disseminate information about interagency activities that promote coordination with respect to assistive technology services and assistive technology devices, including evidence of increased participation of State and local special education, vocational rehabilitation, and State medical assistance agencies and departments.

"(5) STATEWIDE NEEDS ASSESSMENT.—The State may conduct a statewide needs assessment, which may be based on data in existence on the date on which the assessment is initiated and may include—

"(A) estimates of the numbers of individuals with disabilities within the State, categorized by residence, type and extent of disabilities, age, race, gender, and ethnicity;

"(B) in the case of an assessment carried out under a development grant, a description of efforts, during the fiscal year preceding the first fiscal year for which the State received such a grant, to provide assistive technology devices and assistive technology services to individuals with disabilities within the State, including—

"(i) the number of individuals with disabilities who received appropriate assistive technology devices and assistive technology services; and

"(ii) a description of the devices and services provided;

"(C) information on the number of individuals with disabilities who are in need of assistive technology devices and assistive technology services, and a description of the devices and services needed;

"(D) information on the cost of providing assistive technology devices and assistive technology services to all individuals with disabilities within the State who need such devices and services;

"(E) a description of State and local public resources and private resources (including insurance) that are available to establish a consumer-responsive comprehensive statewide program of technology-related assistance for individuals with disabilities;

"(F) information identifying Federal and State laws, regulations, policies, practices, procedures, and organizational structures, that facilitate or interfere with the operation of a consumer-responsive comprehensive statewide program of technology-related assistance;

"(G) a description of the procurement policies of the State and the extent to which such policies will ensure, to the extent practicable, that assistive technology devices purchased, leased, or otherwise acquired with assistance made available through a grant made under section 102 or 103 are compatible with other technology devices, including technology devices designed primarily for use by—

"(i) individuals who are not individuals with disabilities;

"(ii) individuals who are elderly; or

"(iii) individuals with particular disabilities; and

"(H) information resulting from an inquiry about whether a State agency or a task force (composed of individuals representing the State and individuals representing the private sector) should study the practices of private insurance companies holding licenses within the State that offer health or disability insurance policies under which an individual may obtain reimbursement for—

"(i) the purchase, lease, or other acquisition of assistive technology devices; or

"(ii) the use of assistive technology services.

"(6) OUTREACH.—The State may provide assistance to statewide and community-based organizations, or systems, that provide assistive technology devices and assistive technology services to individuals with disabilities. Such assistance may include outreach to consumer organizations and groups in the State to coordinate the activities of the organizations and groups with consumer-driven efforts (including self-help, support groups, and peer mentoring) to assist individuals with disabilities, or the parents, family members, guardians, advocates, or authorized representatives of the individuals, to obtain funding for and access to assistive technology devices and assistive technology services.

"(7) PUBLIC AWARENESS PROGRAM.—

"(A) IN GENERAL.—The State may—

"(i) support a public awareness program designed to provide information relating to the availability and efficacy of assistive technology devices and assistive technology services for—

"(I) individuals with disabilities;

"(II) the parents, family members, guardians, advocates, or authorized representatives of such individuals;

"(III) individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities;

"(IV) educators and related services personnel;

"(V) employers; and

"(VI) other appropriate individuals and entities; or

"(ii) establish and support such a program if no such program exists.

"(B) CONTENTS.—Such a program may include—

"(i) the development and dissemination of information relating to—

"(I) the nature of assistive technology devices and assistive technology services;

"(II) the appropriateness, cost, and availability of, and access to assistive technology devices and assistive technology services; and

"(III) the efficacy of assistive technology devices and assistive technology services with respect to enhancing the capacity of individuals with disabilities;

"(ii) the development of procedures for providing direct communication among public providers of assistive technology devices and assistive technology services and between public providers and private providers of such devices and services (including employers); and

"(iii) the development and dissemination of information relating to—

"(I) use of the program by individuals with disabilities, the parents, family members, guardians, advocates, or authorized representatives of such individuals, professionals who work in a field related to an activity described in this section, and other appropriate individuals; and

"(II) the nature of the inquiries made by the persons described in subclause (I).

"(8) TRAINING AND TECHNICAL ASSISTANCE.—The State may carry out directly, or may provide support to a public or private entity to carry out, training and technical assistance activities—

"(A) that—

"(i) are provided for individuals with disabilities, the parents, family members, guardians, advocates, and authorized representatives of the individuals, and other appropriate individuals; and

"(ii) may include—

"(I) training in the use of assistive technology devices and assistive technology services;

"(II) the development of written materials, training, and technical assistance describing the means by which agencies consider the needs of an individual with a disability for assistive technology devices and assistive technology services in developing, for the individual, any individualized education program described in section 614(a)(5) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(a)(5)), any individualized written rehabilitation program described in section 102 of the Rehabilitation Act of 1973 (29 U.S.C. 722), any individualized family service plan described in section 677 of the Individuals with Disabilities Education Act (20 U.S.C. 1477), and any other individualized plans or programs;

"(III) training regarding the rights of the persons described in clause (i) to assistive technology devices and assistive technology services under public laws and regulations in existence at the time of the training, to promote fuller independence, productivity, and inclusion in and integration into society of such persons; and

"(IV) training to increase consumer participation in the identification, planning, use, delivery, and evaluation of assistive technology devices and assistive technology services; and

"(B) that—

"(i) enhance the assistive technology skills and competencies of—

"(I) individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities;

"(II) educators and related services personnel;

"(III) employers; and

"(IV) other appropriate personnel; and

"(ii) include—

"(I) developing and implementing strategies for including such training within State training initiatives; and

"(II) taking actions to facilitate the development of standards, or, when appropriate, the application of such standards, to ensure the availability of qualified personnel.

"(9) PROGRAM DATA.—The State may support the compilation and evaluation of appropriate data related to a program described in subsection (a).

"(10) ACCESS TO TECHNOLOGY-RELATED INFORMATION.—

"(A) IN GENERAL.—The State may develop, operate, or expand a system for public access to information concerning an activity carried out under another paragraph of this subsection, including information about assistive technology devices and assistive technology services, funding sources and costs of such assistance, and individuals, organizations, and agencies capable of carrying out such an activity for individuals with disabilities.

"(B) SYSTEM.—In developing, operating, or expanding a system described in subparagraph (A), the State may—

"(i) develop, compile, and categorize print, braille, audio, and video materials, and materials in electronic formats, containing the information described in subparagraph (A);

"(ii) identify and classify existing funding sources, and the conditions of and criteria for access to such sources, including any funding mechanisms or strategies developed by the State;

"(iii) identify existing support groups and systems designed to help individuals with disabilities make effective use of an activity carried out under another paragraph of this subsection; and

"(iv) maintain a record of the extent to which citizens of the State use or make inquiries of the system established in subparagraph (A), and of the nature of such inquiries.

"(11) INTERSTATE AGREEMENTS.—The State may enter into cooperative agreements with other States to expand the capacity of the States involved to assist individuals of all ages who are individuals with disabilities to learn about, acquire, use, maintain, adapt, and upgrade assistive technology devices and assistive technology services that such individuals need at home, at school, at work, or in other environments that are part of daily living.

"(12) OTHER ACTIVITIES.—The State may utilize amounts made available through grants made under section 102 or 103 for any systemic change and advocacy activities, other than the activities described in another paragraph of this subsection, that are necessary for developing, implementing, or evaluating the consumer-responsive comprehensive statewide program of technology-related assistance.".

(c) CONFORMING AMENDMENT.—Section 231(b)(1) is amended by striking "section 101(c)(1)" and inserting "section 101(b)(2)(B)".

SEC. 102. DEVELOPMENT GRANTS.

Section 102 (29 U.S.C. 2212) is amended—

(1) in subsection (a)—

(A) by striking "3-year grants" and inserting "3-year grants to support systemic change and advocacy activities described in section 101(b)"; and

(B) by striking "to develop and implement statewide programs" and inserting "in developing and implementing consumer-responsive comprehensive statewide programs";

(2) by striking subsection (b);

(3) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively;

(4) in subsection (b) (as redesignated in paragraph (3) of this section)—

(A) in paragraph (3)(C), by striking "statewide program" and inserting "consumer-responsive comprehensive statewide program"; and

(B) in paragraph (5)—

(i) in subparagraph (A)—

(I) by striking "(A)" and inserting "(A) STATE.—";

(II) by inserting "United States" before "Virgin Islands"; and

(III) by striking "Trust Territory of the Pacific Islands" and inserting "Republic of Palau"; and

(ii) in subparagraph (B)—

(I) by striking "(B)" and inserting "(B) TERRITORY.—";

(II) by inserting "United States" before "Virgin Islands"; and

(III) by striking "Trust Territory of the Pacific Islands" and inserting "Republic of Palau (until the Compact of Free Association takes effect)";

(5) in paragraph (2) of subsection (c) (as redesignated in paragraph (3) of this section) by striking "statewide programs" and inserting "consumer-responsive comprehensive statewide programs";

(6) by inserting after such subsection (c) the following:

"(d) DESIGNATION OF THE LEAD AGENCY.—

"(1) DESIGNATION.—In each State that desires to receive a grant under this section, the Governor shall designate a lead agency responsible for—

"(A) submitting the application described in subsection (e) on behalf of the State;

"(B) administering and supervising the use of amounts made available under the grant;

"(C)(i) coordinating efforts related to, and supervising the preparation of the application;

"(ii) coordinating the planning, development, and implementation of the consumer-responsive comprehensive statewide program of technology-related assistance among public agencies and between public agencies and private agencies, including coordinating efforts related to entering into interagency agreements; and

"(iii) coordinating efforts related to, and supervising, the active, timely, and meaningful participation by individuals with disabilities, the parents, family members, guardians, advocates, or authorized representatives of such individuals, and other appropriate individuals, with respect to activities carried out under the grant; and

"(D) the delegation, in whole or in part, of any responsibilities described in subparagraph (A), (B), or (C) to one or more appropriate offices, agencies, entities, or individuals.

"(2) QUALIFICATIONS.—In designating the lead agency, the Governor—

"(A) may designate—

"(i) a commission appointed by the Governor;

"(ii) a public-private partnership or consortium;

"(iii) a university-affiliated program;

"(iv) a public agency;

"(v) a council established under Federal or State law; or

"(vi) another appropriate office, agency, entity, or individual; and

"(B) shall designate an entity that provides evidence of ability to—

"(i) respond to needs of individuals with disabilities who represent a variety of ages and types of disabilities;

"(ii) respond statewide to the assistive technology needs of individuals with disabilities;

"(iii) promote and accomplish systemic change;

"(iv) promote and accomplish the establishment of public-private partnerships;

"(v) exercise leadership in identifying and responding to the technology needs of individuals with disabilities and the parents, family members, guardians, advocates, and authorized representatives of such individuals;

"(vi) document consumer confidence in, and responsiveness to, the consumer-responsive comprehensive statewide program of technology-related assistance; and

"(vii) exercise leadership in implementing effective strategies for capacity building and training for appropriate entities, and enhancement of interagency coordination of activities related to funding for assistive technology devices and assistive technology services.";

(7) in subsection (e)—

(A) by striking paragraphs (1), (2), and (3) and inserting the following:

"(1) DESIGNATION OF THE LEAD AGENCY.—Information identifying the lead agency designated by the Governor under subsection (d).

"(2) AGENCY INVOLVEMENT.—A description of the nature and extent of involvement of various State agencies, including the State insurance department, in the preparation of the application and the continuing role of each such agency in the development, implementation, and evaluation of the consumer-responsive comprehensive statewide program of technology-related assistance, including a description of the process used by each agency for providing access to and funding for assistive technology devices and assistive technology services.

"(3) INVOLVEMENT.—

"(A) CONSUMER INVOLVEMENT.—A description of procedures that—

"(i) provide for—

"(I) the active involvement of individuals with disabilities, the parents, family members, guardians, advocates, and authorized representatives of the individuals, and other appropriate individuals, in the development, implementation, and evaluation of the program; and

"(II) the active involvement, to the maximum extent appropriate, of individuals with disabilities who use assistive technology devices and assistive technology services, in decisions relating to such devices and services; and

"(ii) shall include—

"(I) mechanisms to provide support for the expenses related to such involvement of individuals with disabilities, including payment of travel expenses, qualified interpreters, readers, personal care assistants, or other similar services and action necessary to ensure participation by such individuals; and

"(II) mechanisms for determining consumer satisfaction and participation of individuals with disabilities who represent a variety of ages and types of disabilities, in the consumer-responsive comprehensive statewide program of technology-related assistance.

"(B) PUBLIC INVOLVEMENT.—A description of the nature and extent of—

"(i) the involvement of—

"(I) individuals with disabilities;

"(II) the parents, family members, guardians, advocates, or authorized representatives of such individuals;

"(III) other appropriate individuals who are not employed by a State agency; and

"(IV) organizations, providers, and interested parties, in the private sector,

in the designation of the lead agency under subsection (d), and in the development of the application; and

"(ii) the continuing role of the individuals and entities described in clause (i) in the program.";

(B) in paragraphs (4) and (5), by striking "statewide program" each place the term appears and inserting "consumer-responsive comprehensive statewide program";

(C) by striking paragraphs (6) and (7) and inserting the following:

"(6) GOALS, OBJECTIVES, ACTIVITIES, AND OUTCOMES.—Information on the program to be carried out under the grant with respect to—

"(A) the goals and objectives of the State for the program;

"(B) the systemic change and advocacy activities described in section 101(b) that the State plans to carry out under the program, including, at a minimum, activities related to access to, and funding for, assistive technology devices and assistive technology services, case management or representation, and interagency coordination as described in section 101(b), unless the State demonstrates through the progress reports required under section 104 that—

"(i) significant progress has been made in the development and implementation of such a program; and

"(ii) other systemic change and advocacy activities described in section 101(b) will increase the likelihood that the program will accomplish the purposes set out in 2(b)(1); and

"(C) the expected outcomes of the State for the program,

consistent with the purposes described in section 2(b)(1).

"(7) DATA COLLECTION AND EVALUATIONS.—A description of—

"(A) the data collection system used for compiling information about the program, consistent with such requirements as the Secretary may establish for such system, and, to the extent that a national classification system is developed pursuant to section 201, consistent with such classification system; and

"(B) the procedures that will be used to conduct evaluations of the program.";

(D) in paragraphs (11)(B)(i) and (12)(B) by striking "individual with disabilities" and inserting "individual with a disability";

(E) in paragraph (16)(A), by striking "families or representatives" and inserting "parents, family members, guardians, advocates, or authorized representatives";

(F) by redesignating paragraph (17) as paragraph (22); and

(G) by inserting after paragraph (16) the following new paragraphs:

"(17) AUTHORITY TO USE FUNDS.—An assurance that the lead agency designated under subsection (d) will have the authority to use funds made available through a grant made under section 102 or 103 to comply with the requirements of section 102 or 103, respectively, including the ability to hire qualified staff necessary to carry out activities under the program.

"(18) PROTECTION AND ADVOCACY SERVICES.—Either—

"(A) an assurance that the State will annually provide, from the funds made available to the State through a grant made under section 102 or 103, not less than an amount equal to the lesser of—

"(i) $75,000; or

"(ii) 10 percent of such funds,

in order to make a grant or enter into a contract to support protection and advocacy services to assist individuals with disabilities in receiving appropriate assistive technology devices and assistive technology services through the systems established to provide protection and advocacy under the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.), the Protection and Advocacy for Mentally Ill Individuals Act (42 U.S.C. 10801 et seq.), and section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e); or

"(B) at the discretion of the State, a request that the Secretary annually reserve, from the funds made available to the State through a grant made under section 102 or 103, not less than the amount described in subparagraph (A) in order for the Secretary to make a grant or enter into a contract to support the protection and advocacy services described in subparagraph (A) through entities described in subparagraph (A).

"(19) LIMIT ON INDIRECT COSTS.—An assurance that the State will not use more than 8 percent of the funds made available to the State through a grant made under section 102 or 103 for the indirect costs of the program.

"(20) COORDINATION WITH STATE COUNCILS.—An assurance that the lead agency will coordinate the activities funded through a grant made under section 102 or 103 with the activities carried out by other councils within the State, including—

"(A) any council or commission specified in the assurance provided by the State in accordance with section 101(36) of the Rehabilitation Act of 1973 (29 U.S.C. 721(36));

"(B) the Statewide Independent Living Council established under section 705 of the Rehabilitation Act (29 U.S.C. 796d);

"(C) the advisory panel established under section 613(a)(12) of the Individuals with Disabilities Education Act (20 U.S.C. 1413(a)(12));

"(D) the State Planning Council described in section 124 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6024);

"(E) the State mental health planning council established under section 1914 of the Public Health Service Act (42 U.S.C. 300x-3); and

"(F) any council established under section 204, 206(g)(2)(A), or 712(a)(3)(H) of the Older Americans Act of 1965 (42 U.S.C. 3015, 3017(g)(2)(A), and 3058g(a)(3)(H).

"(21) COORDINATION WITH OTHER SYSTEMIC CHANGE PROJECTS.—An assurance that the lead agency will coordinate the activities funded through a grant made under section 102 or 103 with the activities carried out by other systemic change projects funded through Federal or State sources."; and

(8) by adding at the end the following:

"(f) PROTECTION AND ADVOCACY REQUIREMENTS.—

"(1) REQUIREMENTS.—A State that, as of June 30, 1993, has provided for protection and advocacy services through a program that—

"(A) is comparable to the program described in subsection (e)(18); and

"(B) is not carried out by an entity described in such subsection,

shall be considered to meet the requirements of such subsection.

"(2) PROTECTION AND ADVOCACY SERVICE PROVIDER REPORT.—

"(A) PREPARATION.—An entity that receives funds reserved under subsection (e)(18)(B) to carry out the protection and advocacy services described in subsection (e)(18)(A) in a State shall prepare reports that—

"(i) describe the activities carried out by the entity with such funds; and

"(ii) contain such additional information as the Secretary may require.

"(B) Submission.—The entity shall submit the reports to the program described in subsection (a) in the State not less often than every 6 months.

"(C) Updates.—The entity shall provide monthly updates to the program described in subsection (a) concerning the activities and information described in subparagraph (A).

"(3) Consultation with state programs.—Before making a grant or entering into a contract under subsection (e)(18)(B) to support the protection and advocacy services described in subsection (e)(18)(A) in a State, the Secretary shall solicit and consider the opinions of the lead agency designated under subsection (d) in the State with respect to the terms of the grant or contract.".

SEC. 103. EXTENSION GRANTS.

Section 103 (29 U.S.C. 2213) is amended to read as follows:

"SEC. 103. EXTENSION GRANTS.

"(a) Extension Grants.—

"(1) Initial extension grant.—The Secretary may award an initial 2-year extension grant to any State that meets the standards specified in subsection (b)(1).

"(2) Additional extension grant.—The Secretary may award an additional 3-year extension grant to any State that meets the standards specified in subsection (b)(2).

"(b) Standards.—

"(1) Initial extension grant.—In order for a State to receive an initial extension grant under this section, the designated lead agency of the State shall—

"(A) provide the evidence described in section 102(d)(2)(B); and

"(B) demonstrate that the State has made significant progress, and has carried out systemic change and advocacy activities described in section 101(b) that have resulted in significant progress, toward development and the implementation of a consumer-responsive comprehensive statewide program of technology-related assistance, consistent with sections 2(b)(1), 101, and 102.

"(2) Additional extension grant.—In order for a State to receive an additional extension grant under this section, the designated lead agency shall—

"(A) provide the evidence and make the demonstration described in paragraph (1);

"(B) describe the steps the State has taken or will take to continue on a permanent basis the consumer-responsive comprehensive statewide program of technology-related assistance with the ability to maintain, at a minimum, the outcomes achieved by the systemic change and advocacy activities; and

"(C) identify future funding options and commitments for the program from the public and private sector and the key individuals, agencies, and organizations to be involved in, and to direct future efforts of, the program.

"(c) Amounts of Grants.—

"(1) In general.—

"(A) States.—From amounts appropriated under section 106 for any fiscal year, the Secretary shall pay to each State that receives a grant under this section an amount that is not less than $500,000 and not more than $1,500,000.

"(B) Territories.—From amounts appropriated under section 106 for any fiscal year, the Secretary shall pay to each territory that receives a grant under this section an amount that is not more than $150,000.

"(C) Definitions.—For purposes of this paragraph:

"(i) State.—The term 'State' does not include the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Republic of Palau.

"(ii) Territory.—The term 'territory' means the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau (until the Compact of Free Association takes effect).

"(2) Calculation of amount.—The Secretary shall calculate the amount described in subparagraph (A) or (B) of paragraph (1) with respect to a State on the basis of—

"(A) amounts available for making grants pursuant to this section;

"(B) the population of the State;

"(C) the types of assistance to be provided in the State; and

"(D) the amount of resources committed by the State and available to the State from other sources.

"(3) Priority for previously participating states.—Amounts appropriated in any fiscal year for purposes of carrying out the provisions of this section shall first be made available to States that received grants under this section during the fiscal year preceding the fiscal year concerned.

"(d) Application.—A State that desires to receive an extension grant under this section shall submit an application that contains the following information and assurances with respect to the consumer-responsive comprehensive statewide program of technology-related assistance in the State:

"(1) Information and assurances.—The information and assurances described in section 102(e), except the preliminary needs assessment described in section 102(e)(4).

"(2) Needs; problems; strategies; outreach.—

"(A) Needs.—A description of needs relating to technology-related assistance of individuals with disabilities (including individuals from underserved groups), the parents, family members, guardians, advocates, or authorized representatives of individuals with disabilities, and other appropriate individuals within the State.

"(B) Problems.—A description of any problems that remain with the development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance in the State.

"(C) Strategies.—A description of the strategies that the State will pursue during the grant period to remedy the problems with the development and implementation of such a program.

"(D) Outreach activities.—A description of outreach activities to be conducted by the State, including dissemination of information to eligible populations, with special attention to underserved groups.

"(3) Activities and progress under previous grant.—A description of—

"(A) the specific systemic change and advocacy activities described in section 101(b) carried out under the development grant received by the State under section 102, or, in the case of an application for a grant under subsection (a)(2), under an initial extension grant received by the State under this section, including—

"(i) a description of State actions that were undertaken to produce systemic change on a permanent basis for individuals of all ages who are individuals with disabilities;

"(ii) a description of activities undertaken to improve the involvement of individuals with disabilities in the program, including training and technical assistance efforts to improve individual access to assistive technology devices and assistive technology services as mandated under public laws and regulations as in effect on the date of the application; and

"(iii) an evaluation of impact and results of the activities described in clauses (i) and (ii);

"(B) the relationship of such systemic change and advocacy activities to the development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance; and

"(C) the progress made toward the development and implementation of such a program.

"(4) Public involvement.—

"(A) Report.—In the case of an application for a grant under subsection (a)(1), a report on the hearing described in subsection (e)(1) or, in the case of an application for a grant under subsection (a)(2), a report on the hearing described in subsection (e)(2).

"(B) Other state actions.—A description of State actions, other than such a hearing, designed to determine the degree of satisfaction of individuals with disabilities, the parents, family members, guardians, advocates, or authorized representatives of such individuals, public service providers and private service providers, educators and related services providers, employers, and other appropriate individuals and entities with—

"(i) the degree of their ongoing involvement in the development and implementation of the consumer-responsive comprehensive statewide program of technology-related assistance;

"(ii) the specific systemic change and advocacy activities described in section 101(b) carried out by the State under the development grant or the initial extension grant;

"(iii) progress made toward the development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance; and

"(iv) the ability of the lead agency to carry out the activities described in section 102(d)(2)(B).

"(5) Comments.—A summary of any comments received concerning the issues described in paragraph (4) and response of the State to such comments, solicited through a public hearing referred to in paragraph (4) or through other means, from individuals affected by the consumer-responsive comprehensive statewide program of technology-related assistance, including—

"(A) individuals with disabilities;

"(B) the parents, family members, guardians, advocates, or authorized representatives of such individuals;

"(C) public service providers and private service providers;

"(D) educators and related services personnel;

"(E) employers; and

"(F) other appropriate individuals and entities.

"(6) Compatibility and accessibility of electronic equipment.—An assurance that the State will comply with guidelines established under section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).

"(e) Public Hearing.—

"(1) Initial extension grant.—To be eligible to receive a grant under subsection (a)(1), a State shall hold a public hearing in the third year of a program carried out under a grant made under section 102, after providing appropriate and sufficient notice to allow interested groups and organizations and all segments of the public an opportunity to comment on the program.

"(2) Additional extension grant.—To be eligible to receive a grant under subsection (a)(2), a State shall hold a public hearing in the second year of a program carried out under a grant made under subsection (a)(1), after providing the notice described in paragraph (1).".

SEC. 104. PROGRESS CRITERIA AND REPORTS.

Section 104 (29 U.S.C. 2214) is amended to read as follows:

"SEC. 104. PROGRESS CRITERIA AND REPORTS.

"(a) Regulations.—The Secretary shall by regulation establish criteria for determining, for purposes of this title, whether a State that received a grant under section 102 or 103 is making significant progress in developing and implementing a consumer-responsive comprehensive statewide program of technology-related assistance. Such criteria shall include standards for assessing the impact of the systemic change and advocacy activities described in section 101(b) in the State in achieving the purposes described in section 2(b)(1).

"(b) Reports.—Each State that receives a grant under section 102 or 103 to carry out a program shall submit to the Secretary annually a report that—

"(1) documents the significant progress made by the State in developing and implementing the program, consistent with the standards and criteria established under subsection (a); and

"(2) includes information on—

"(A) identification of the successful systemic change and advocacy activities carried out through the program to increase funding for, and access to, assistive technology devices and assistive technology services, including an analysis of laws, regulations, policies, practices, procedures, and organizational structures, that—

"(i) have changed as a result of the program to facilitate the acquisition of assistive technology;

"(ii) the program has attempted to change during the grant period; or

"(iii) need to be changed in the next grant period;

"(B) the degree of consumer involvement of individuals with disabilities who represent a variety of ages and type of disabilities, in terms of—

"(i) the numbers of consumers involved;

"(ii) the activities that the consumers are involved in; and

"(iii) the outreach activities of the State intended to increase consumer participation in the consumer-responsive comprehensive statewide program of technology-related assistance;

"(C) the degree of consumer satisfaction with the program;

"(D) the degree of involvement of various State agencies, including the State insurance department, in the preparation of the application for the program and the continuing role of each agency in the development and implementation of the program, including—

"(i) a description of the process used by each agency for providing access to and funding for assistive technology devices and assistive technology services; and

"(ii) a description of the activities undertaken to enhance interagency coordination of the provision of assistive technology devices and assistive technology services;

"(E) documentation of efforts to collect and disseminate information on successful efforts to secure assistive technology devices and assistive technology services that occurred as a result of systemic change and advocacy activities identified in paragraph (2); and

"(F) identification and documentation of State and local laws, regulations, policies, practices, procedures, and organizational structures that have been developed or changed in order to inform individuals with disabilities, or the parents, family members, guardians, advocates, or authorized representatives of the individuals, of Federal requirements pertaining to assistive technology devices and assistive technology services, particularly under parts B and H of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq. and 1471 et seq.) and title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.).".

SEC. 105. ADMINISTRATIVE PROVISIONS.

(a) Review of Participating States.—Section 105(a) (29 U.S.C. 2215(a)) is amended—

(1) in paragraph (1), by inserting before the period the following: ", consistent with the standards and criteria established under section 104(a)";

(2) in paragraph (2), to read as follows:

"(2) Onsite visits.—

"(A) Visits.—The Secretary shall conduct an onsite visit during the final year of each State's participation in the development grant program. The Secretary shall conduct an additional onsite visit to any State that received an extension grant under section 103 and whose initial onsite visit occurred prior to the date of enactment of the Technology-Related Assistance Amendments of 1993.

"(B) Team.—Two-thirds of the onsite monitoring team in each case shall be qualified peer reviewers, who—

"(i) shall not be agency personnel;

"(ii) shall be from States other than the State being monitored; and

"(iii) shall include an individual with a disability, or a parent, family member, guardian, advocate, or an authorized representative of such an individual.

"(C) Compensation.—

"(i) Officers or employees.—Members of any onsite monitoring team who are officers or full-time employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States, but they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5702 of title 5, United States Code, for individuals in the Government service traveling on official business.

"(ii) Other members.—Members of any onsite monitoring team who are not officers or full-time employees of the United States shall receive compensation at a rate not to exceed the daily equivalent of the rate of pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including traveltime) during which such members are engaged in the actual performance of their duties as members of an onsite monitoring team. In addition, such members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

"(D) Report.—The Secretary shall prepare a report of findings from the onsite visit. The Secretary shall consider the findings in determining whether to continue funding the program either with or without changes. The report shall be available to the public.";

(3) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(4) by inserting after paragraph (2) the following:

"(3) Advance public notice.—The Secretary shall provide advance public notice of the onsite visit and solicit public comment through such notice from individuals with disabilities, and the parents, family members, guardians, advocates, and authorized representatives of such individuals, public service providers and private service providers, educators and related services personnel, employers, and other appropriate individuals and entities, regarding the State program funded through a grant made under section 102 or 103. The public comment solicitation notice shall be included in the onsite visit report described in paragraph (2)."; and

(5) in paragraph (4) (as redesignated by paragraph (3) of this subsection) by striking "statewide program" and inserting "consumer-responsive comprehensive statewide program".

(b) Corrective Action Plan.—Section 105(b) is amended—

(1) in paragraph (2)—

(A) in the heading, by striking "Penalties" and inserting "Corrective actions";

(B) by striking "or" at the end of subparagraph (B);

(C) by striking the period at the end of subparagraph (C) and inserting "; or"; and

(D) by adding at the end the following:

"(D) required redesignation of the lead agency designated under section 102(d), after notice and an opportunity for comment, in order to continue to receive funds through a grant made under section 102 or 103."; and

(2) in paragraph (3), by striking "subsection (a)(4)" and inserting "subsection (a)(5)".

(c) Additional Administrative Provisions.—Section 105 is amended by adding at the end the following:

"(d) Change of Protection and Advocacy Services Provider.—

"(1) Determination.—The Governor of a State, based on input from individuals with disabilities, or the parents, family members, guardians, advocates, or authorized representatives of such individuals, may determine that the entity providing protection and advocacy services required by section 102(e)(18) has not met the protection and advocacy service needs of the individuals with disabilities, or the parents, family members, guardians, advocates, or authorized representatives of such individuals for securing funding for and access to assistive technology devices and assistive technology services, and that there is good cause to provide the required services for the State through a contract with another nonprofit agency, organization or institution of higher education.

"(2) Notice and opportunity to be heard.—On making such a determination, the Governor shall—

"(A) give the agency providing protection and advocacy services—

"(i) 30 days notice of the intention of the Governor to change the agency providing such services, including specification of the good cause for such a change; and

"(ii) an opportunity to respond to the determination that good cause has been shown;

"(B) provide individuals with disabilities, or the parents, family members, guardians, advocates, or authorized representatives of such individuals, with timely notice of the proposed change and an opportunity for public comment; and

"(C) provide the agency with the opportunity to appeal the determination on the basis that the change was not for good cause.

"(3) Review.—At the request of the agency, the Secretary shall review the protection and advocacy services provided by the entity pursuant to section 102(e)(18), based on the criteria for such services set out in the grant or contract to support such services that is described in such section.

"(4) Review.—Based on such review, the Secretary may refuse to change the agency providing the protection and advocacy services.

"(e) ANNUAL REPORT.—

"(1) IN GENERAL.—Not later than December 31 of each year, the Secretary shall prepare, and submit to the President and to the Congress, a report on Federal initiatives, including the initiatives funded under this Act, to improve the access of individuals with disabilities to assistive technology devices and assistive technology services.

"(2) CONTENTS.—Such report shall include information on—

"(A) the demonstrated successes of such Federal initiatives at the Federal and State levels in improving interagency coordination, streamlining access to funding for assistive technology, and producing beneficial outcomes for users of assistive technology;

"(B) the demonstration activities carried out through the Federal initiatives to—

"(i) promote access to such funding in public programs that were in existence on the date of the initiation of the demonstration activities; and

"(ii) establish additional options for obtaining such funding;

"(C) the education and training activities carried out through the Federal initiatives to promote such access in public programs and the health care system and the efforts carried out through such activities to train professionals in a variety of relevant disciplines, and increase the competencies of the professionals with respect to technology-related assistance;

"(D) the education and training activities carried out through the Federal initiatives to train individuals with disabilities, the parents, family members, guardians, advocates, or authorized representatives of individuals with disabilities, individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities, educators and related services personnel, employers, and other appropriate individuals, about technology-related assistance;

"(E) the research activities carried out through the Federal initiatives to improve understanding of the cost-benefit results of access to assistive technology for individuals with disabilities who represent a variety of ages and types of disabilities;

"(F) the program outreach activities to rural and inner-city areas that are carried out through the Federal initiatives;

"(G) the activities carried out through the Federal initiatives that are targeted to reach underserved groups; and

"(H) the consumer involvement activities in the programs carried out under this Act.

"(3) AVAILABILITY OF ASSISTIVE TECHNOLOGY DEVICES AND ASSISTIVE TECHNOLOGY SERVICES.—As soon as practicable, and to the extent that a national classification system for assistive technology devices and assistive technology services is developed pursuant to section 201, the Secretary shall include in the annual report required by this subsection information on the availability of assistive technology devices and assistive technology services for individuals with disabilities, and shall report such information in a manner consistent with such national classification system.

"(f) INTERAGENCY DISABILITY COORDINATING COUNCIL.—

"(1) CONTENTS.—On or before October 1, 1995, the Interagency Disability Coordinating Council established under section 507 of the Rehabilitation Act of 1973 (29 U.S.C. 794c) shall prepare and submit to the President and to the Congress a report containing—

"(A) the response of the Interagency Disability Coordinating Council to—

"(i) the findings of the National Council on Disability resulting from the study entitled 'Study on the Financing of Assistive Technology Devices and Services for Individuals with Disabilities', carried out in accordance with section 201 of this Act, as in effect on the day before the date of enactment of this subsection; and

"(ii) the recommendations of the National Council on Disability for legislative and administrative change, resulting from such study; and

"(B) information on any other activities of the Interagency Disability Coordinating Council that facilitate the accomplishment of section 2(b)(2) with respect to the Federal Government.

"(2) COMMENTS.—The report shall include any comments submitted by the National Council on Disability as to the appropriateness of the response described in paragraph (1)(A) and the effectiveness of the activities described in paragraph (1)(B) in meeting the needs of individuals with disabilities for assistive technology devices and assistive technology services.".

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 106(a) (29 U.S.C. 2216(a)) is amended by striking "$9,000,000" and all that follows and inserting "such sums as may be necessary for each of the fiscal years 1994 through 1996.".

(b) RESERVATIONS.—Section 106(b) (29 U.S.C. 2216(b)) is amended to read as follows:

"(b) RESERVATIONS.—

"(1) PROVISION OF INFORMATION AND TECHNICAL ASSISTANCE.—

"(A) IN GENERAL.—Of the funds appropriated for any fiscal year under subsection (a), the Secretary shall reserve 2 percent or $1,500,000, whichever is greater, of such funds, for the purpose of providing information and technical assistance as described in subparagraphs (B) and (C) to States, individuals with disabilities, the parents, family members, guardians, advocates, or authorized representatives of such individuals, community-based organizations, and protection and advocacy agencies.

"(B) TECHNICAL ASSISTANCE TO STATES.—In providing such information and technical assistance to States the Secretary shall consider the input of the directors of consumer-responsive comprehensive statewide programs of technology-related assistance, and shall provide information and technical assistance that—

"(i) facilitate service delivery capacity building, training of personnel from a variety of disciplines, and improvement of evaluation strategies, research, and data collection;

"(ii) foster the development and replication of effective approaches to information referral, interagency coordination of training and service delivery, outreach to underserved groups, and public awareness activities;

"(iii) improve the awareness and adoption of successful approaches to increasing the availability of public and private funding for and access to the provision of assistive technology devices and assistive technology services by appropriate State agencies;

"(iv) assist in planning, developing, implementing, and evaluating appropriate activities to further extend consumer-responsive comprehensive statewide programs of technology-related assistance for individuals with disabilities; and

"(v) promote effective approaches to the development of consumer-controlled systems that increase access to, funding for, and awareness of assistive technology devices and assistive technology services.

"(C) INFORMATION AND TECHNICAL ASSISTANCE TO INDIVIDUALS WITH DISABILITIES AND OTHER PERSONS.—The Secretary shall provide such information and technical assistance to individuals with disabilities, the parents, family members, guardians, advocates, or authorized representatives of such individuals, community-based organizations, and protection and advocacy agencies, on a nationwide basis, to—

"(i) foster awareness and understanding of Federal, State, and local laws, regulations, policies, practices, procedures, and organizational structures, that facilitate, and overcome barriers to, funding for and access to assistive technology devices and assistive technology services, to promote fuller independence, productivity, and inclusion for individuals of all ages who are individuals with disabilities;

"(ii) facilitate effective systemic change activities;

"(iii) improve the understanding and use of assistive technology funding decisions made as a result of policies, practices, and procedures, or through regulations, administrative hearings, or legal actions, that enhance access to funding for assistive technology devices and assistive technology services for individuals with disabilities;

"(iv) promote effective approaches to Federal-State coordination of programs for individuals with disabilities, through information dissemination and technical assistance activities in response to funding policy issues identified on a nationwide basis by organizations, and individuals, that improve funding for or access to assistive technology devices and assistive technology services for individuals of all ages who are individuals with disabilities; and

"(v) promote effective approaches to the development of consumer-controlled systems that increase access to, funding for, and awareness of assistive technology devices and assistive technology services, including the identification and description of mechanisms and means that successfully support self-help and peer mentoring groups for individuals with disabilities.

"(D) COORDINATION.—The Secretary shall coordinate the information and technical assistance activities carried out under subparagraph (B) or (C) with other activities funded under this Act.

"(E) GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS.—

"(i) IN GENERAL.—The Secretary shall provide the technical assistance and information described in subparagraphs (B) and (C) through grants, contracts, or cooperative agreements with public or private agencies and organizations, including institutions of higher education, with documented experience, expertise, and capacity to carry out identified activities related to the provision of such technical assistance and information.

"(ii) ENTITIES WITH EXPERTISE IN ASSISTIVE TECHNOLOGY SERVICE DELIVERY, INTERAGENCY COORDINATION, AND SYSTEMIC CHANGE ACTIVITIES.—For the purpose of achieving the objectives described in paragraph (1)(B), the Secretary shall reserve not less than 45 percent and not more than 55 percent of the funds reserved under subparagraph (A) for each fiscal year for grants to, or contracts or cooperative agreements with, public or private agencies or organizations with documented experience with and expertise in assistive technology service delivery, interagency coordination, and systemic change activities.

"(iii) ENTITIES WITH EXPERTISE IN ASSISTIVE TECHNOLOGY SYSTEMIC CHANGE, PUBLIC FUNDING OPTIONS, AND OTHER SERVICES.—For the purpose of achieving the objectives described in paragraph (1)(C), the Secretary shall reserve not less than 45 percent and not more than 55 percent of the funds reserved under subparagraph (A) for each fiscal year for grants to, or contracts or cooperative agreements with, public or private agencies or organizations with documented experience with and expertise in—

"(I) assistive technology systemic change;

"(II) public funding options; and

"(III) services to increase nationwide the availability of funding for assistive technology devices and assistive technology services.

"(iv) ENTITY WITH EXPERTISE IN FUNDING.—The Secretary may reserve funds equally from the amounts reserved under clauses (ii) and (iii) for a fiscal year in an amount up to $300,000 for an additional grant to, or contract or cooperative agreement with, a public or private organization with demonstrated expertise in funding. An organization that receives funding through such a grant, contract, or agreement shall use the funding to provide information and technical assistance specifically related to funding to assist the agencies, and organizations described in clauses (ii) and (iii) in carrying out activities under this paragraph.

"(v) APPLICATION.—The Secretary shall make any grants, and enter into any contracts or cooperative agreements, under this subsection on a competitive basis. To be eligible to receive funds under this subsection an agency, organization, or institution shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(2) ONSITE VISITS.—The Secretary may reserve, from amounts appropriated for any fiscal year under subsection (a), such sums as the Secretary considers to be necessary for the purposes of conducting onsite visits as required by section 105(a)(2).".

SEC. 107. REPEALS.

Section 107 (29 U.S.C. 2217) is repealed.

TITLE II—PROGRAMS OF NATIONAL SIGNIFICANCE

SEC. 201. NATIONAL CLASSIFICATION SYSTEM.

Part A of title II (29 U.S.C. 2231 et seq.) is amended to read as follows:

"PART A—NATIONAL CLASSIFICATION SYSTEM

"SEC. 201. CLASSIFICATION SYSTEM.

"(a) PILOT PROJECT.—

"(1) IN GENERAL.—The Secretary shall conduct a pilot project to develop and test a national classification system for assistive technology devices and assistive technology services, with the goal of obtaining uniform data through such a system on such devices and services across public programs and information and referral networks.

"(2) CONTRACTS AND COOPERATIVE AGREEMENTS.—The Secretary may carry out this section directly, or, if necessary, by entering into contracts or cooperative agreements with appropriate entities.

"(b) SINGLE TAXONOMY.—In conducting the pilot project, the Secretary shall develop a national classification system that includes a single taxonomy and nomenclature for assistive technology devices and assistive technology services.

"(c) DATA COLLECTION INSTRUMENT.—In conducting the pilot project, the Secretary shall develop a data collection instrument to—

"(1) collect data regarding funding for assistive technology devices and assistive technology services; and

"(2) collect such data from public programs, including, at a minimum, programs carried out under—

"(A) title I, VI, or VII of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq., 795 et seq., or 796 et seq.);

"(B) part B or H of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq. or 1471 et seq.);

"(C) title V or XIX of the Social Security Act (42 U.S.C. 701 et seq. or 1396 et seq.);

"(D) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.); or

"(E) the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.).

"(d) CONSULTATION AND COORDINATION.—

"(1) CONSULTATION.—The Secretary shall conduct the pilot project in consultation with the Interagency Disability Coordinating Council established under section 507 of the Rehabilitation Act of 1973 (29 U.S.C. 794c) and the National Council on Disability established under section 400 of such Act (29 U.S.C. 780).

"(2) COORDINATION.—The Secretary shall coordinate activities related to conducting the pilot project with—

"(A) activities carried out through State programs funded under title I;

"(B) the provision of technical assistance under section 106(b);

"(C) data collection activities that are being carried out on the date on which the Secretary initiates the pilot project;

"(D) activities being carried out through data collection systems in existence on such date; and

"(E) activities of appropriate entities, including entities involved in the information and referral field.

"(e) TIMING.—The Secretary shall complete the pilot project not later than 24 months after the date of enactment of this section.

"(f) REPORT TO CONGRESS ON IMPLEMENTATION OF UNIFORM DATA COLLECTION SYSTEM.—Not later than January 1, 1996, the Secretary shall prepare and submit to the appropriate committees of Congress a report containing—

"(1) the results of the pilot project; and

"(2) the recommendations of the Secretary concerning the feasibility of implementing a uniform data collection system based on such a national classification system.

"(g) RESERVATION.—From the amounts appropriated under part D, the Secretary shall reserve $200,000 to carry out this part.".

SEC. 202. TRAINING AND PUBLIC AWARENESS PROJECTS.

Section 221 (29 U.S.C. 2251) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "institutions of higher education" and inserting "institutions of higher education and community-based organizations";

(ii) in subparagraph (A), by striking "and" at the end;

(iii) by striking the period at the end of subparagraph (B), and inserting the following: ", to enhance opportunities for independence, productivity, and inclusion of individuals with disabilities; and"; and

(iv) by adding at the end the following:

"(C) providing training to develop awareness, skills, and competencies of service providers, consumers, and volunteers, who are located in rural areas, to increase the availability of technology-related assistance in community-based settings for rural residents who are individuals with disabilities.";

(B) in paragraph (2)—

(i) by striking "needs of individuals with disabilities" and all that follows and inserting the following: "needs of individuals with disabilities, the parents, family members, guardians, advocates, and authorized representatives of the individuals, individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities, educators and related services personnel, employers, and other appropriate individuals."; and

(C) by adding at the end the following new paragraphs:

"(3) USES OF FUNDS.—An agency or organization that receives a grant under paragraph (1) may use amounts made available through the grant to—

"(A) pay for a portion of the cost of courses of training or study related to technology-related assistance; and

"(B) establish and maintain scholarships related to such courses of training or study, with such stipends and allowances as the Secretary may determine to be appropriate.

"(4) APPLICATION.—

"(A) IN GENERAL.—To be eligible to receive a grant under this section, an agency or organization shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(B) STRATEGIES.—At a minimum, any such application shall include a detailed description of the strategies that the agency or organization will use to recruit and train persons to provide technology-related assistance, in order to—

"(i) increase the extent to which such persons reflect the diverse populations of the United States; and

"(ii) increase the number of individuals with disabilities, and individuals who are members of minority groups, who are available to provide such assistance."; and

(2) in subsection (b)—

(A) in paragraph (1), by inserting "public and private agencies and organizations, including" before "institutions of higher education";

(B) in paragraph (2), by striking "preparation of personnel" and all that follows and inserting the following: "interdisciplinary preparation of personnel who provide or who will provide technical assistance, who administer programs, or who prepare other personnel, in order to—

"(A) support the development and implementation of consumer-responsive comprehensive statewide programs of technology-related assistance to individuals with disabilities; and

"(B) enhance the skills and competencies of individuals involved in the provision of technology-related assistance, including assistive technology devices and assistive technology services, to individuals with disabilities.";

(C) in paragraph (3), to read as follows:

"(3) USES OF FUNDS.—An agency or organization that receives a grant under paragraph (1) may use amounts made available through the grant to—

"(A) pay for a portion of the cost of courses of training or study related to technology-related assistance; and

"(B) establish and maintain scholarships related to such courses of training or study, with such stipends and allowances as the Secretary may determine to be appropriate."; and

(D) by adding at the end the following:

"(4) APPLICATION.—

"(A) IN GENERAL.—To be eligible to receive a grant under this section, an agency or organization shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(B) STRATEGIES.—At a minimum, any such application shall include a detailed description of the strategies that the agency or organization will use to recruit and train persons to provide technology-related assistance, in order to—

"(i) increase the extent to which such persons reflect the diverse populations of the United States; and

"(ii) increase the number of individuals with disabilities, and individuals who are members of minority groups, who are available to provide such assistance.".

SEC. 203. DEMONSTRATION AND INNOVATION PROJECTS.

Section 231(b)(3) (29 U.S.C. 2261(b)(3)) is amended to read as follows:

"(3) DIRECT LOAN PROJECTS.—Demonstration projects carried out in accordance with regulations issued by the Secretary (which may include a requirement that the Secretary provide not more than 90 percent of the costs of carrying out any such project under this section) to—

"(A) examine alternative direct loan programs, including—

"(i) programs involving low-interest loan funds;

"(ii) programs involving revolving loan funds; and

"(iii) loan insurance programs,

that would provide loans to individuals with disabilities, the parents, family members, guardians, advocates, or authorized representatives of individuals with disabilities, or employers of individuals with disabilities; and

"(B) evaluate the efficacy of the particular loan systems involved.".

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

Section 241 (29 U.S.C. 2271) is amended to read as follows:

"SEC. 241. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title such sums as may be necessary for each of the fiscal years 1994, 1995, and 1996.".

SEC. 205. REPEALS AND REDESIGNATIONS.

Title II (29 U.S.C. 2231 et seq.) is amended—

(1) by repealing part B;

(2) by redesignating parts C, D, and E as parts B, C, and D, respectively;

(3) by repealing section 222;

(4) by redesignating sections 221 and 223 as sections 211 and 212, respectively; and

(5) by redesignating sections 231 and 241 as sections 221 and 231, respectively.

TITLE III—REQUIREMENTS UNDER HEAD START ACT

SEC. 301. ADMINISTRATIVE REQUIREMENTS UNDER THE HEAD START ACT.

Section 644(f) of the Head Start Act (42 U.S.C. 9839(f)) is amended—

(1) in paragraph (1)—

(A) by inserting ", or to approve a prior purchase of" after "to purchase,"; and

(B) by inserting before the period at the end thereof the following: ", and shall suspend any proceedings pending against any Head Start agency to claim costs incurred in purchasing such facilities until the agency has been afforded an opportunity to apply for approval of the purchase and the Secretary has determined whether the purchase will be approved. The Secretary shall not be required to repay claims previously satisfied by Head Start agencies for costs incurred in the purchase of facilities"; and

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting "or that was previously purchased" before the semicolon; and

(B) in subparagraph (C)—

(i) by inserting ", or the previous purchase has resulted," after "purchase will result" in clause (i); and

(ii) by inserting ", or would have prevented," after "will prevent" in clause (ii).

(The text of H.R. 2339 EAS is identical to S. 1283 ES, as passed by the Senate on August 5, 1993, is identical to the text of S. 1283 as printed in today's RECORD.)

STATEMENT ON THE NOMINATION OF JAMES HALL

Mr. PRESSLER. Mr. President, I would like to take a few minutes to explain my concerns regarding the President's nominee to serve on the National Transportation Safety Board [NTSB].

Mr. President, many of my colleagues have asked my why I urged the Commerce Committee to postpone the confirmation of James Hall for membership to the NTSB. It is not my practice to needlessly hold up a nomination. In this case, my concerns with this nomination are valid. There are some serious issues that need to be resolved with respect to Mr. Hall's confirmation.

The Federal law governing the NTSB addresses the qualifications of NTSB members. Specifically, the law's provision regarding these qualifications reads:

> At any given time, no less than three members of the Board shall be individuals who have been appointed on the basis of technical qualification, professional standing, and demonstrated knowledge in the fields of accident reconstruction, safety engineering, human factors, transportation safety, or transportation regulation.

Given the law's specific professional requirements for NTSB membership, as well as the fact that the NTSB is one of the most critical agencies effecting transportation safety, I believe it is essential that the qualifications of any NTSB nominee—Democratic or Republican—receive a thorough examination by the Senate prior to confirmation. That is why I have asked the Commerce Committee not to "rubber stamp" this nomination.

Mr. President, let me explain my specific concerns with Mr. Hall's confirmation. First, by his own admission, Mr. Hall does not have the professional qualifications as defined by law. Therefore, in my view, we must consider the qualifications of all members currently serving on the NTSB, when they were appointed. Furthermore, I have serious concerns with the responses Mr. Hall gave during his nomination hearing. I ask him numerous questions relating to transportation safety and policy. Unfortunately, I found Mr. Hall's responses to be extremely vague at best. As a result, I do not have a clear understanding of Mr. Hall's general philosophy regarding transportation safety. That troubles me. I should trouble my colleagues, too. In fact, I encourage my colleagues to examine thoroughly the hearing record.

Mr. President, it is the responsibility of each Member to determine whether, in their judgment, a nominee should be confirmed for the position that he or she has been nominated. Hastily confirming any nominee who is to fill a critical position in the administration is wrong. We have a duty and a responsibility to scrutinize each nominee's qualifications.

In this case, we are asked to confirm a nominee who will affect greatly our Nation's transportation safety agenda. That is why the law provides a minimum standard of qualifications for NTSB membership. In my opinion, that nominee should be held to the highest standards of hands-on transportation experience and working knowledge.

Let me make myself perfectly clear. Mr. Hall's personal character and reputation are admirable. My sole concerns are based principally on the law's requirement that no less than three members of the National Transportation Safety Board be appointed on the basis of specific professional qualifications. Again, I urge my colleagues to read the nomination hearing transcript and also to scrutinize carefully the nominee's professional expertise in relation to the qualifications of the other NTSB members.

Mr. President, I also should point out that I am not alone in holding deep concern over Mr. Hall's lack of transportation-related knowledge and professional experience. While I am one of the few Senators voicing those concerns, others beyond the beltway also have recognized the seriousness of this matter. I ask unanimous consent that articles from Aviation Week & Space Technology, the Chattanooga News-Free Press, the Nashville Banner, and the Washington Post be printed in the RECORD immediately following my remarks.

In closing, Mr. President, I urge my colleagues to review the law. I encourage my colleagues to review Mr. Hall's qualifications as they relate to the other members of the NTSB. And I recommend that my colleagues examine the hearing record. That is our responsibility. Only then can each of us come to our own conclusions on whether or not Mr. Hall has the qualifications that will further the safety of the traveling public. I myself have not come to any conclusions. I merely suggest we be given the time to make sound conclusions

[From Aviation Week and Space Technology, June 7, 1993]

CLINTON DID A DISSERVICE TO NTSB

President Bill Clinton has taken the political—and wrong—road in nominating Tennessee's Jim Hall for membership on the National Transportation Safety Board. Hall, a lawyer with nearly 20 years of state and congressional staff experience, may be well qualified for many federal posts, but the safety board is not one of them.

He lacks the aviation safety and technical experience needed to handle the technical challenges intrinsic to the job. Worse, Hall was nominated to succeed fellow Democrat Christopher Hart, a board member for more than two years, who is an aerospace engineer and licensed pilot. The White House both overlooked Hart's service and treated him shabbily. He learned of Hall's nomination from a White House press release.

The Administration also overlooked the technical expertise emphasized in the public law governing NTSB appointments. The law says three of the five board members must be technically qualified or experienced in accident investigation or in safety-related fields. The law leaves a gaping loophone for political appointments, but stresses the importance of technical experience to the board, which is a key guardian of public safety. Political connections will not boost board members skills in directing accident investigations.

The paramount interest in safety board appintments should be an individual's qualifications. Serving on the NTSB is more akin to occupying a judicial seat than one on most federal regulatory commissions. In the crucial role of investigations, the job cries out for expertise.

The Hall nomination smacks of political cronyism. Weak on the technical side, Hall is strong on connections high in the Administration, such as Bruce R. Lindsey, head of the White House personnel office and a friend of Clinton. U.S. Sen. Wendell H. Ford (D.-Ky.), chairman of the aviation subcommittee, knows Hall and has approved him, probably cinching his confirmation. Political friendship should not negate Hall's appointment, but the Administration would have served the NTSB better by nominating someone with Christopher Hart's background.

[From the Chattanooga News-Free Press, Aug. 3, 1993]

HOUSE PANEL QUIZZES HALL ON SAFETY

Members of a U.S. Senate committee spent Monday quizzing Signal Mountain's Jim Hall in what the National Transportation Safety Board nominee called a "long and involved" confirmation hearing.

The Commerce, Science and Transportation Committee could take action on Hall's nomination later this week. If the panel approves Hall, the full Senate could vote on his nomination by the end of the week or in September.

"It was long and involved, but it's over," Hall said after the hearing.

Hall, 52, of Signal Mountain is a former top aide to Gov. Ned McWherter and currently chief of staff to U.S. Sen. Harlan Mathews.

Mathews introduced Hall to committee members, saying that in his own 40-year public career, "I have known few people in public service who can boast a record of innovation and success equal to that of Jim Hall.

"Specifically, Jim Hall would bring to the National Transportation Safety Board a level of creative thought too rarely seen in government service," Matthews said. "While particular skills are an asset to any such position, the ability to provide the board innovative ideas and strategies will ultimately be the critical standard by which we measure this nomination."

Mathews said that while he was serving as deputy Gov. Ned McWherter and Mr. Hall was the governor's executive assistant three years ago, "I watched in wonder as he undertook the task of developing a solid waste plan for the state of Tennessee.

"After dozens of meeting with local officials, environmentalists and business interests, Jim Hall surprised the doubters by quietly fashioning a compromise out of controversy," Mathews said.

One House Republican criticized President Clinton's nomination of Hall several weeks ago. The following day, a Washington Post columnist described Hall as a "politically connected white male Democrat whose only transportation experience apparently is a driver's license."

But Hall said he believe he is "well-qualified" for the NTSB post, noting he would be the only member with experience at the state and local level in implementing federal policies.

"I feel very comfortable with the process," Hall said of the committee hearings,

"Right now, unless you're willing to submit yourself to very careful analysis and scrutiny, you shouldn't be looking for a federal job."

Hall, who has served at senior levels in state and federal government for over two decades, began his political career with Sen. Albert Gore Sr., in 1979, ran then-candidate Jimmy Carter's Tennessee campaign, as well as the successful Volunteer state campaigns of Gov. McWherter and President Bill Clinton.

Hall has been nominated for a term on the five-member board that expires Dec. 31, 1997.

The NTBS investigates accidents, conducts studies and makes recommendations to government agencies on the safety of measures and practices within the transportation industry.

[From the Nashville Banner]

TENNESSEAN'S NOMINATION HITS SNAG

Washington—The Clinton administration's nomination of a long-time Tennessee political insider to the National Transportation and Safety Board hit a snag today.

Jim Hall a former aide in the Tennessee governor's office who now serves as Sen. Harlan Mathews' chief of staff, had been expected to get the nod from a Senate committee today.

Instead, a Republican senator who pelted him with questions at a confirmation hearing on Monday placed a hold on the nomination, pending written response to further queries.

Two other transportation nominees were approved by the committee.

On Monday, Sen. Larry Pressler, R–SD., hammered Hall with technical questions relating to the work of the NTSB, which Hall said he was unprepared to answer. Pressler charged that Hall lacked qualifications for the job, while the nominee maintained otherwise.

A spokesman for the Senate Commerce, Science and Transportation Committee said Pressler's hold would delay any Senate action on Hall's nomination until September, after Congress returns from a month-long recess.

In a prepared statement, Hall called the hold "routine" and pledged to continue to work with the committee, as requested.

Mathews offered a statement on his top aide's behalf, saying he felt "confident Mr. Hall will be confirmed at this first committee mark-up (meeting) following the recess." That meeting has not yet been scheduled.

Hall has been nominated to a job as an investigator of the causes of plane crashes, oil spills, train derailments and major highway accidents.

As one of the NTSB's five members, Hall would serve a five-year term and get a $112,100 annual salary to oversee an agency with 350 employees and an annual budget of $36 million.

At the opening of Monday's confirmation hearing, Hall was flanked by Tennessee Sens. Jim Sasser and Mathews, who both praised Hall as a dedicated public servant.

"In 40 years, I have known few people in public service who can boast a record of innovation and success equal to that of Jim Hall," Mathews told the committee. Sasser said he "could not have been more pleased" with Hall's nomination.

The mood of Monday's hearing shifted considerably when Pressler began a relentless series of questions in what appeared to be an attempt to illustrate, Hall's lack of qualifications.

Pressler prefaced his questions by citing federal law, which says that at least three of the five members of the board must be appointed on the basis of "technical qualification, professional standing and demonstrated knowledge in the fields of accident reconstruction, safety engineering, human factors, transportation or safety, or transportation regulation."

Fressler claims that only two standing members of the board have such qualifications, which would designate the need for a so-qualified member. The Republican senator asked Hall if he has such technical qualifications.

The nominee replied, "No senator, I don't think I am an expert in any of those areas. . . . I do not profess to have that experience."

Pressler said Hall's lack of technical expertise was a cause of "serious concern" for him, to which Hall countered he believed himself "equal to the job."

[From the Washington Post, May 28, 1993]

ROUTE TO NTSB RUNS THROUGH TENNESSEE

(By Al Kamen)

The Clinton administration is dedicated to diversity. But it apparently doesn't want to be accused of reverse discrimination either. That may be why it is replacing a black Democratic member of the National Transportation Safety Board who has a background in transportation with a politically connected white male Democrat whose only transportation experience apparently is a driver's license.

The nomination, if approved, would return the five-member board to all-white status, its only claim to diversity being a woman, Vice Chairman Susan M. Coughlin.

The board is the country's major investigative agency for transportation disasters. It has never been completely immune to politics, but aviation professionals and the board's staff are upset about the seemingly total political nature of the nomination of Jim Hall.

The brief White House announcement of Hall's appointment, which mentions no transportation or safety-related experience, said Hall "has previous experience in real estate development, management and law, and on the staffs of former senators Albert Gore Sr. and Edmund Muskie." Currently, Hall has been a "top aide" to Sen. Harlan Mathews (D-Tenn.), who succeeded Vice President Gore in the Senate.

The Tennessee connection ain't the half of it. Hall also is well-acquainted with Senate Majority Leader George J. Mitchell (D-Maine). And there's an important connection in Kentucky, home state of Sen. Wendell H. Ford (D), who will chair Hall's confirmation hearings: Hall's brother is chief executive officer of Ashland Oil Inc. of Kentucky.

Hall said that he feels "well qualified" because while working in the Tennessee governor's office, he cooperated with the safety board in accident investigations. An activist in controlling teenage drug abuse, Hall said one of his main interests on the board would be teenage drinking and driving.

Hall would replace Christopher A. Hart, a private pilot and aviation lawyer, with a master's degree in aeronautical engineering from Princeton. Hart gained a reputation as a dogged questioner at board meetings. There are reports he may get another administration job—Hart is one of several candidates to head the National Highway Traffic Safety Administration.

ON THE NOMINATION OF MORTON HALPERIN

Mr. WARNER. Mr. President, the Clinton administration has indicated that it intends to nominate for Assistant Secretary of Defense, Morton Halperin. He is currently working at the Department of Defense as a consultant. The position Mr. Halperin will reportedly be nominated for is a new position in the Office of the Secretary of Defense which I understand has been designated as the Assistant Secretary of Defense for Democratization and Peacekeeping.

Mr. President, I am extremely concerned about some of the allegations that have been made against Mr. Halperin and some of the statements that have been attributed to him.

The purpose of my remarks today is to give notice that, as a senior member of the Armed Services Committee, I will intensely examine Mr. Halperin's complete record in the course of the Senate's consideration of this nomination.

Mr. President, I want to make it clear that I do not intend to prejudge any nominee of this or future administrations. However, the allegations that have already emerged on Mr. Halperin cause me great concern.

Mr. President, I ask consent to submit for the RECORD an editorial entitled "Who is Mort Halperin" which appeared in the Washington Times on June 28, 1993, and an article which appeared in the July 16, 1993, edition of the New York Post concerning Mr. Halperin and entitled "More Shocking Than Guinier." In addition, I ask consent to include in the RECORD a summary of some of Mr. Halperin's most controversial writings on national security matters during the last 25 years, which was compelled by the Center for Security Policy. The director of the center, Frank Gaffney, Jr. submitted this summary of writings to President Clinton on August 2, 1993.

I believe the President and the Secretary of Defense should carefully reconsider the advisability of making this nomination and how Mr. Halperin's record would compare with the high standards established thus far by the outstanding group of Presidential appointees now serving in the Department of Defense.

[From the Washington Times, June 28, 1993]

He is a former Nixon administration official who had his phone tapped by the FBI because he was suspected of leaking information to the press about the secret U.S. bombing of Cambodia in 1969. He is a former American Civil Liberties Union lawyer who defended the right of the ultraradical Progressive magazine in 1979 to publish a recipe for the hydrogen bomb; who aided and abetted ex-CIA agent Philip Agee in his campaign during the '70s to expose the identities of CIA agents overseas, which is believed to have resulted in the murder of the CIA's Athens station chief; who unabashedly avowed, in print and in congressional testimony, his opposition to any and all covert intelligence operations; who, just before the Persian Gulf war, urged federal employees to come forward with any information indicating the Bush administration was withholding the full truth about its action in the Gulf. He is a former member of the Carnegie Endowment for International Peace who believes the United States should never intervene militarily anywhere without an invitation from the United Nations.

Morton Halperin is also President Clinton's choice to fill the Defense Department position—a position created just for him—of assistant defense secretary for democratization and peacekeeping.

Some illuminating quotations from his writings:

"Surely, at this point in time it is not necessary to remind ourselves of the certainty that the techniques that we apply to others will inevitably be turned on the American people by our own intelligence services. Whether that extends to assassination has sadly become an open question but little else."

"Groups and individuals concerned about preventing nuclear war must recognize that the fight to prevent greater secrecy and to restrain the threat of draconian measures against public debate in a nuclear crisis is their battle. Only an informed public free to engage in open debates and armed with adequate information, can keep the Administration from pursuing dangerous policies."

"It is time for Congress to draw the line and abolish covert operations."

"Wars, which are conducted in the name of protecting the liberty of Americans, have always resulted in limitations on the freedoms Americans properly cherished."

"The United States should explicitly surrender the right to intervene unilaterally in the internal affairs of other countries by overt military means or by covert operations."

Mr. Halperin's appointment is by no means a done deal. His nomination has not been formally forwarded to the Senate, and there is every indication that if it is, it will be subjected to the most intense scrutiny. Sen. John McCain, ranking Republican on the Senate Armed Services Committee, who was himself languishing in a Vietnamese prisoner-of-war camp even as Mr. Halperin was formulating his radical views on military intervention and covert operations, is, he says, "very concerned about the nominee's writings and statement." Mr. Halperin may well turn out to be the next Lani Guinier. In the meantime, he is ensconced in the Pentagon, working as a "consultant" to the Department of Defense.

As for the man who put him there, Bill Clinton's actions over the past 25 years have done little to inspire confidence in him as commander in chief of the armed services. From his very vocal opposition to the Vietnam War from the safe haven of Oxford, England, to his very first act as commander in chief to attempt to lift the ban on homosexuals in the services, his record is one that raises serious doubts.

Whether the president has learned a lesson from the resistance that has met his effort to lift the ban on homosexuals, however, remains to be seen.

Going forward with the nomination of Morton Halperin, an avowed enemy of military intervention, intelligence operations and nuclear weapons—the very things that have safeguarded democracy and kept the peace for the past 50 years—would surely send another message of contempt for the military and its mission.

Withdrawing that nomination would be a step toward reassuring the nation of Mr. Clinton's willingness to act responsibly as commander in chief.

[From the New York Post, July 16, 1993]

President Clinton has produced his share of ideologically controversial nominees—from Lani Guinier to Sheldon Hackney. But Morton Halperin, Clinton's prospective assistant secretary of defense for democracy and peacekeeping (a newly created post), plainly tops the list.

Halperin, to be sure, hasn't yet formally been nominated. And the Washington based weekly Human Events reports that a number of GOP senators—including Trent Lott (R-Miss.) * * * P.O.W. John McCain (R-Ariz.), mean to fight the Halperin appointment.

Indeed, the president himself is said to be having second thoughts about Halperin. But with Defense Secretary Les Aspin urging Clinton to stand by his man, there's still every reason to expect that the president will press forward with the nomination, provoking a bruising confirmation battle on Capitol Hill.

The impending battle is altogether appropriate—naming Halperin to a national security post is as bizarre as anything this administration's done in the appointments sphere.

Hackney, after all, will likely survive the confirmation process—despite his embrace of a Politically Correct campus "speech code" at the University of Pennsylvania; in the end, it's hard to get anyone excited about the chairmanship of the National Endowment for the Humanities. Hackney's transparent confirmation conversion—he proved willing to denounce both speech codes and Political Correctness in order to get the job—didn't fool anyone who'd actually followed his misguided tenure as Penn's president. Still, no one much cares about the emergence of yet another guilty, white Southern "progressive" in a comparatively insignificant job.

Guinier, of course, failed to make the cut because her written euvre left her too vulnerable to charges that she's a racial reductionist who favors quotas and questions the very principle of "one man, one vote." Clinton was wise to withdraw her name, not just for the country's sake, but simply because she wouldn't have been confirmed as assistant attorney general for civil rights.

Morton Halperin, however, is an even more insidious proposition. A National Security Council aide who became a virulent foe of American policy in Vietnam, Halperin left government in 1969 and made a quasi-profession out of suing Nixon administration officials for wiretapping his telephone. In his spare time, he devoted himself to fighting America's ostensibly evil national security apparatus.

Halperin ran a hard-left outfit called the Center for National Security Studies which dedicated itself—by its own account—ensuring that U.S. intelligence agencies operated within the framework of the Constitution.

Subsequently, he headed the Washington office of the American Civil Liberties Union, where he turned his new employer's energies and resources toward a series of left-wing causes.

The CIA was a particular Halperin target. He demanded the elimination of the agency's covert operations division, called the CIA "the subverter of everyone else's democracy" and defended a pro-communist ex-CIA agent, Philip Agee, after Agee drew national notoriety for publishing the names of active-duty CIA officers, thereby endangering their lives. While Halperin's ostensible purpose was to defend Agee's constitutional right to free speech, it became difficult to discern ideological differences between the ACLU activist and his pro-Castro client.

Halperin has also devoted himself to attacking the FBI. In 1976, he charged the bureau with "murdering" Black Panther Fred Hampton. The following year, Halperin—together with the National Lawyers Guild, a longtime Communist Party front, and various other radical-left groups—helped form a legal resources center to combat "police spying."

Actually, Halperin scarcely believes in the government's right to keep any secrets at all. He favors full public disclosure by both the CIA and the FBI of all budgetary allocations; of weapons research, and of ties to academic institutions.

Halperin, moreover, opposes virtually all FBI efforts to gather domestic intelligence—even including legal, court-ordered wiretapping. It would be interesting to know how he thinks the bureau should deal with the threat posed by Islamic fundamentalist terror cells (assuming, of course, that he recognizes the existence of such a threat).

Needless to say, all of this makes Halperin a decidedly unusual candidate for a high-level Pentagon post—one which carries with it a first-echelon security clearance. At the Defense Department, Halperin would have access to highly classified information—information he believes should be in the public domain.

Perhaps that best summary of Morton Halperin's worldview is one he himself provided. A 1977 book he co-authored is entitled: "The Lawless State: The Crimes of the U.S. Intelligence Agencies."

Now Halperin is poised to go to work for the very state he's long deemed lawless—unless, of course, the senators on the Armed Services Committee decide that this time Clinton has gone too far.

THE CENTER FOR SECURITY POLICY,
Washington, DC, August 2, 1993.

Hon. BILL CLINTON,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: Press reports indicate that you have decided personally to review some of Morton Halperin's more controversial writings before deciding whether to proceed with his nomination to the position of Assistant Secretary of Defense for Democracy and Human Rights. I commend you for this prudent step and am confident that it will spare your Administration unnecessary anguish and political costs.

The reason for this confidence is that my colleagues at the Center for Security Policy and I find it inconceivable that you would willingly associate yourself with the highly controversial views Mr. Halperin has held and publicly advocated for many years. These include positions on: national security policy, the U.S. intelligence community, American commitments to our allies, the classification of information, and the conduct of counter-terrorist activities, among many others—positions that can only be described as extreme.

Mr. Halperin's recorded policy attitudes are, in short, ones we believe you will not easily be able to defend, nor should you have to. In the hope that we might assist you in reaching a similar conclusion, we have prepared the attached compendium of a number of Mr. Halperin's writings for your review—and that of Members of the U.S. Senate who would have to consider his nomination should it to go forward.

Sincerely,

FRANK J. GAFFNEY, Jr.,
Director.

THE CASE AGAINST THE HALPERIN NOMINATION: SELECTED READINGS FROM MORTON HALPERIN'S COLLECTED WORKS

INTRODUCTION

On 31 March 1993, the White House announced that President Clinton intended to nominate Morton Halperin to a new position in the Department of Defense, apparently created expressly for him. This post—the Assistant Secretary of Defense for Democracy and Human Rights—would be at the cutting edge of many of the United States' most pressing national security problems; its occupant would be well situated to shape American policy in every region of the world.

Consequently, many in the national security community reacted to this appointment first with astonishment, then with horror. After all, Halperin had for decades been an assiduous and vociferous critic of security policy and institutions under both Democratic and Republican administrations. He had, in particular, made a career of denouncing U.S. intelligence—accusing it of systematic criminal and anti-constitutional behavior, encouraging moves to hamstring or dismantle its operations and defending those who deliberately exposed American agents operating undercover. In his new position, Halperin would have daily dealings with the intelligence community and access to many of its most sensitive secrets.

The Halperin appointment, in short, seemed to offer early confirmation of fears that President Clinton's campaign rhetoric about being a "New Democrat"—one who would be responsible and tough-minded about national security matters—would prove to be little more than that, empty rhetoric.

And yet, four months have now passed since the President stated his intention to nominate Halperin to this key Pentagon position and the nomination has still not been submitted to the Senate. While that step has been said to be imminent for several weeks, the trade publication Defense Daily recently reported that—in the wake of the fiasco over the written record of another nominee, Prof. Lani Guinier—Mr. Clinton had decided to review personally "some of [Halperin's] most controversial writings before forwarding his nomination to the Senate."

The Center for Security Policy welcomes the President's decision to take a first-hand look at the Halperin record of advocacy of policies that are extremely hostile to U.S. defense and intelligence capabilities. Had they been adopted during the Cold War, these policies would have done incalculable harm to the national interest. Were they (or comparable prescriptions) to be adopted now—in what is, according to Mr. Clinton's own Director of Central Intelligence James Woolsey, in some ways an even more dangerous world—the consequences could be no less grave.

The following pages document these policy views in Mort Halperin's own words. While but a small sampling of his voluminous writings and public statements, the cited quotes exemplify the larger body of work which can only be enumerated here. Like Lani Guinier's controversial writings about "authentic Afro-Americans" and "equal outcomes," they are not isolated or ill-considered comments. Rather, they reflect decades of serious and extraordinarily consistent, if wrong-headed, thinking about and advocacy of extreme national security policies.

And, as with Prof. Guinier's record, President Clinton will be inextricably associated with—and obliged to defend—such fringe sentiments should he seek Morton Halperin's confirmation by the Senate. Consequently, Mr. Clinton's decision whether to withdraw this bizarre nomination, as the Center strongly recommends, will be more than just a test of the attention he pays to Halperin's writings. It will also, inescapably, be a test of his judgment and the credibility of any claim he might yet make to credentials as a "New Democrat" with responsible views on defense and foreign policy.

FRANK J. GAFFNEY, Jr.,
Director,
The Center for Security Policy.

II. NOTABLE HALPERIN QUOTES ON SELECTED TOPICS

On the Fundamental Nature of the Cold War

"The Soviet Union apparently never even contemplated the overt use of military force against Western Europe * * *. The Soviet posture toward Western Europe has been, and continues to be, a defensive and deterrent one. The positioning of Soviet ground forces in Eastern Europe and the limited logistical capability of these forces suggests an orientation primarily toward defense against a Western attack." (Defense Strategies for the Seventies, 1971)

"* * * Every action which the Soviet Union and Cuba have taken in Africa has been consistent with the principles of international law. The Cubans have come in only when invited by a government and have remained only at their request * * *. The American public needs to understand that Soviet conduct in Africa violates no Soviet-American agreements nor any accepted principles of international behavior. It reflects simply a different Soviet estimate of what should happen in the African continent and a genuine conflict between the United States and the Soviet Union." ("American Military Intervention: Is It Ever Justified?", The Nation, June 9, 1979)

On U.S. International Commitments

"One of the great disappointments of the Carter Administration is that it has failed to give any systematic reconsideration to the security commitments of the United States. [For example, President Carter's] decision to withdraw [U.S. ground forces from Korea] was accompanied by a commitment to keep air and naval units in and around Korea—a strong reaffirmation by the United States of its security commitment to Korea. This action prevented a careful consideration of whether the United States wished to remain committed to the security of Korea * * *. Even if a commitment is maintained, a request for American military intervention should not be routinely honored." (The Nation, June 9, 1979)

On the Use of U.S. Military Power Abroad

"All of the genuine security needs of the United States can be met by a simple rule which permits us to intervene [only] when invited to do so by a foreign government * * *. The principle of proportion would require that American intervention be no greater than the intervention by other outside powers in the local conflict. We should not assume that once we intervene we are free to commit whatever destruction is necessary in order to secure our objectives." (The Nation, June 9, 1979)

On the U.S. Defense Establishment

Referring to the Reagan defense buildup: "Are we now buying the forces to meet the real threats to our security? Unfortunately, there is little reason to be confident that we are." (New York Times, June 7, 1981)

"In the name of protecting liberty from communism, a massive undemocratic national security structure was erected during the Cold War, which continues to exist even though the Cold War is over. Now, with the Gulf War having commenced, we are seeing further unjustified limitations of constitutional rights using the powers granted to the executive branch during the Cold War." (United Press International, January 28, 1991)

On the U.S. Intelligence Establishment

"Using secret intelligence agencies to defend a constitutional republic is akin to the ancient medical practice of employing leeches to take blood from feverish patients. The intent is therapeutic, but in the long run the cure is more deadly than the disease. Secret intelligence agencies are designed to act routinely in ways that violate the laws or standards of society." (The Lawless State: The Crimes of the U.S. Intelligence Agencies, 1976)

"You can never preclude abuses by intelligence agencies and, therefore, that is a risk that you run if you decide to have intelligence agencies. I think there is a very real tension between a clandestine intelligence agency and a free society. I think we accepted it for the first time during the Cold War period and I think in light of the end of the Cold War we need to assess a variety of things at home, including secret intelligence agencies, and make sure that we end the Cold War at home as we end it abroad." (MacNeil/Lehrer Newshour, July 23, 1991)

"Generally, secrecy has been used more to disguise government policy from American citizens than to protect information from the prying eyes of the KGB * * *. U.S. government officials admit that experts in the Soviet Union know more about American policies abroad than American citizens do." (The Lawless State)

"* * * The intelligence [service's] * * * monastic training prepared officials not for saintliness, but for crime, for acts transgressing the limits of accepted law and morality * * *. The abuses of the intelligence agencies are one of the symptoms of the amassing of power in the postwar presidency; the only way to safeguard against future crimes is to alter that balance of power * * *.

"Clandestine government means that Americans give up something for nothing—they give up their right to participation in the political process and to informed consent in exchange for grave assaults on basic rights and a long record of serious policy failures abroad." (The Lawless State)

"Secrecy * * * does not serve national security * * * . Covert operations are incompatible with constitutional government and should be abolished." ("Just Say No: The Case Against Covert Action," The Nation, March 21, 1987)

"The primary function of the [intelligence] agencies is to undertake disreputable activities that presidents do not wish to reveal to the public or expose to congressional debate." (The Lawless State)

"CIA defenders offer us the specter of Soviet power, the KGB, and the Chinese hordes. What they fail to mention is more significant: they have never been able successfully to use espionage or covert action techniques against the USSR or China, which are the only two nations that could conceivably threaten the United States * * * . The 'successes' of covert action and espionage, of which the CIA is so proud, have taken place in countries that are no threat to the security of the United States." (The Lawless State)

"Spies and covert action are counterproductive as tools in international relations. The costs are too high; the returns too meager. Covert action and spies should be banned and the CIA's Clandestine Services Branch disbanded." (The Lawless State)

On Behalf of Extreme Interpretations of the First Amendment

Under the First Amendment, "Americans have every right to seek to 'impede or impair' the functions of any federal agency, whether it is the FTC or the CIA, by publishing information acquired from unclassified sources." ("The CIA's Distemper: How Can We Unleash the Agency When It Hasn't Yet Been Leashed?", The New Republic, February 9, 1980)

"Lawful dissent and opposition to a government should not call down upon an individual any surveillance at all and certainly not surveillance as intrusive as a wiretap." ("National Security and Civil Liberties," Foreign Policy, Winter 1975–76)

In opposition to draft legislation setting heavy criminal penalties for Americans who deliberately identify undercover U.S. intelligence agents: "[Such legislation] will chill public debate on important intelligence issues and is unconstitutional * * * . What we have is a bill which is merely symbolic in its protection of agents but which does violence to the principles of the First Amendment." (UPI, April 8, 1981)

In criticizing scientists who "refused to help the lawyers representing The Progressive and its editors" in fighting government efforts to halt the magazine's publication of detailed information about the design and manufacturing of nuclear weapons: "They failed to understand that the question of whether publishing the 'secret of the H-bomb' would help or hinder non-proliferation efforts was beside the point. The real question was whether the government had the right to decide what information should be published. If the government could stop publication of [this] article, it could, in theory, prevent publication of any other material that it thought would stimulate proliferation." ("Secrecy and National Security," The Bulletin of the Atomic Scientists, August 1985)

In response to government attempts to close down the Washington offices of the PLO: "It is clearly a violation of the rights of free speech and association to bar American citizens from acting as agents seeking to advance the political ideology of any organization, even if that organization is based abroad. Notwithstanding criminal acts in which the PLO may have been involved, a ban on advocacy of all components of the PLO'S efforts will not withstand constitutional scrutiny." (The Nation, October 10, 1987)

In arguing that the random use of polygraph tests to find spies was unconstitutional: "Congress should strip these measures from the bill and start attacking the genuine problems, such as over-classification of information." (Associated Press, July 8, 1985)

On U.S. Aid to Foreign Pro-Democratic Movements

Regarding President Reagan's veto of a bill tying U.S. military aid to El Salvador to improved human rights, "[This action] makes clear that the administration has reconciled itself to unqualified support for those engaged in the systematic practice of political murder." (Washington Post, December 1, 1983)

Halperin called U.S. aid to the pro-democracy Contra rebels "ineffective and immoral." (Associated Press, October 2, 1983)

On Nuclear Strategy and Arms Control

As reported by the New York Times on November 23, 1983: "Mr. Halperin said the most important contribution American officials could make to stability would be 'to renounce the notion that nuclear weapons can be used for any other purpose than to deter nuclear attack.' He also argued that the United States should abandon plans to attack Soviet missile silos in responding to a nuclear attack. For one thing, he said, the missiles would probably have already been fired. Also, he said, a high degree of accuracy would be required."

As reported by the Chicago Tribune on December 11, 1987: "Halperin explained the NATO deterrent strategy known as coupling, whereby a Soviet conventional attack in Europe would be met with Allied tactical, and if the Soviets persisted, strategic nuclear weapons, in this way: 'First, we fight conventionally until we're losing. Then we fight with tactical nuclear weapons until we're losing; then we blow up the world.'"

Referring to the Nuclear Freeze proposal: "Sounds like good arms control to me." (Bulletin of the Atomic Scientists, March 1983)

On Classification of Sensitive Information

"While the most flagrant abuses of the rights of Americans associated with the Cold War are thankfully gone from the scene, we have been left behind with a legacy of secrecy that continues to undermine democratic principles." (Boston Globe, July 26, 1992)

Halperin called the government's prosecution of Samuel Loring Morison, who was convicted of disclosing classified satellite photos of a Soviet aircraft carrier under construction "an extraordinary threat to the First Amendment." (Washington Post, October 8, 1985).

ABSTRACTS AND QUOTES FROM SELECTED PUBLISHED WORKS BY MORTION HALPERIN

"American Military Intervention: Is It Ever Justified?"—The Nation (June 9, 1979)

Abstract:

Halperin believes that the United States possesses the right to intervene abroad only when three conditions are met: First, the United States must be invited to intervene by a foreign government. Second, intervention must be debated thoroughly and openly in the public and approved by both houses of Congress before being realized. Third, and U.S. military intervention must be in accordance with both international law and the United Nations charter.

According to Halperin, the United States is justified in its intervention if, and only if, these principles have been met. But the United States still needs to be certain that it does not use more force than is necessary to accomplish its objectives; that is, the U.S. is not free to use whatever force it deems necessary during that intervention.

Pertinent Quotes:

"The principle of proportion would require that American intervention be no greater than the intervention by other outside powers in the local conflict."

"We should not assume that once we intervene we are free to commit whatever destruction is necessary in order to secure our objectives."

"The American public needs to understand that Soviet conduct in Africa violates no Soviet-American agreements nor any accepted principles of international behavior. It reflects simply a different Soviet estimate of what should happen in the African continent and a genuine conflict between the United States and the Soviet Union."

"The kind of secret commitments that the United States in the past made to countries such as Thailand or Spain to intervene with military force when necessary should be clearly prohibited."

"The United States should never contemplate intervention unless that intervention is consistent with principles embodied in the United Nations Charter, international law, and bilateral agreements including the Soviet-American agreement."

"Moreover, all the genuine security needs of the United States can be met by a simple rule which permits us to intervene when invited to do so by a foreign government * * *. In my judgment, there are no circumstances that would justify the United States using nuclear weapons unless those weapons were used first by an opposing power."

"One of the great disappointments of the Carter Administration is that it has failed to give any systematic reconsideration to the security commitments of the United States. In several cases it has in fact changed some aspects of American policy but done it in ways which appear to reinforce the commitment rather than to move away from it."

"The Carter Administration's actions in Korea provide a classic example of this. The President made a decision that the United States would withdraw some forces from Korea not because he had concluded that the United States would not use military force to defend those interests but rather because he concluded that those commitments could be met without the continued stationing of American ground forces in Korea. Thus, the decision to withdraw the forces was accompanied by a commitment to keep air and naval units in and around Korea—a strong reaffirmation by the United States of its security commitment to Korea. This action prevented a careful consideration of whether the United States wished to remain committed to the security of Korea * * *. Even if a commitment is maintained, a request for American military intervention should not be routinely honored."

"All of the genuine security needs of the United States can be met by a simple rule which permits us to intervene when invited to do so by a foreign government * * *. I would argue that a necessary condition of any American intervention, including military intervention, is that it be consistent with a reasonable interpretation of the standards of the United Nations Charter, of international law and of any bilateral agreements that we may have negotiated."

"I would add a second prerequisite for any evaluation of a particular situation to determine whether the United States should intervene, i.e., that the intervention decisions must be made in a way which is consistent with American constitutional process. If the decision has to be made in ways which violate these procedures, then it should not be made. The procedures include public discussion of alternatives and public debate on the relevant facts * * *. These arguments, briefly summarized, constitute, in my view, an overwhelming case against covert operations since such operations must by definition be carried on in secret and cannot be evaluated even on a post hoc basis."

"Ending The Cold War At Home"—Foreign Policy, Winter 1990–91 (with Jeanne Wood)

Abstract:

Halperin contends that the Cold War brought about numerous limitations on our constitutional liberties and with its conclusion should come the curtailment of government's intrusion upon the liberties of its citizens. Policies such as the denying or revoking of security clearances based on basis of political beliefs or sexual orientation, control of "sensitive" information, restrictions on travel abroad and immigration policies aimed at keeping "terrorists" out of the U.S. should be eradicated. He urges Congress to take steps to ensure that new "threats" do not replace the Cold War as justifications for infringing on constitutional rights.

Pertinent Quotes:

"The national security apparatus that was put in place to wage the Cold War is now a burgeoning bureaucracy in search of a new mission."

"Another way the government circumvents the recent legal reforms is by labeling foreigners 'terrorists' based on their political support for guerrilla movements Washington disapproves of, such as the Irish Republican Army."

"[Needed] legislation should, among other things, reaffirm Congress' constitutional mandate authority in the conduct of foreign affairs; make the information available to Congress (and to the public) that is necessary for it to exercise its authority; end restrictions on the free flow of information and ideas across U.S. borders; and restore the First Amendment, due process, and privacy rights that have been circumscribed in the name of national security."

"President George Bush's act of putting U.S. troops in a position where conflict could erupt at any moment (Operation Desert Shield), violated an unambiguous constitutional principle. * * *

"Standard Form 86 (questionnaire for applicants to sensitive or critical government positions) asks intrusive and irrelevant questions regarding Communist party membership, prior arrests (whether or not they resulted in a conviction), drug and alcohol abuse, and private medical information, including mental health history."

"International terrorism is rapidly supplanting the communist threat as the primary justification for wholesale deprivations of civil liberties and distortions of the democratic process."

"The constitutional rights of Americans have also been major casualties in the 'war on drugs'. * * * Gross invasions of privacy such as urine testing, excessive property forfeitures and seizures without due process of law, the circulation of extensive government files on suspected drug offenders, and border patrols and checkpoints that inhibit free travel, all are among the draconian actions deemed necessary to wage the war on drugs."

"The elimination of these impediments to democratic decision-making should be given a high priority by the administration, Congress, and the public. This will require a massive public education campaign, because the perceived need for such limitations on domestic freedom has become so ingrained in the American psyche that most Americans are either not conscious of them or unaware that these are relatively new restrictions permitted only during the Cold War."

"Just Say No: The Case Against Covert Action"—The Nation, March 21, 1987

Abstract:

Halperin maintains in this article—as in many of his other published works—that covert operations have not contributed to the national security and instead threaten America's democracy. He argues that the findings of the Senate Intelligence Committee's 1975–76 investigation led by Sen. Frank Church (D-ID) and the debacle of the Iran/Contra affair demonstrate the illegality and negative consequences of clandestine policy, which should be prohibited under the dictates of the First Amendment. Covert operations breed a disrespect for the truth and the rule of law. Congress should not limit itself to restraining America's capability to conduct covert operations, but enact a total ban.

Pertinent Quotes:

"If the Church Committee report didn't make it clear enough, there can no longer be any doubt that covert operations are incompatible with constitutional government and should be abolished."

"Covert operations involve breaking the laws of other nations, and those who conduct them come to believe that they can also break U.S. law and get away with it * * *. Covert operations breed a disrespect for the truth."

"Lawful Wars"—Foreign Policy, Fall 1988

Abstract:

Halperin believes that the system of checks and balances has been malfunctioning with regards to the implementation of American foreign policy. It has gradually been distorted from the original implied powers in the Constitution. A system of prior consultation is needed. He also contends that a system of "overt covert" actions, approved by Congress and the president, should replace traditional covert actions. The Congress would debate the operation as a whole but not the essential details. This would ensure a democratic consensus prior to the operation itself so as to avoid potential political problems later.

Halperin believes there should, in addition, be a permanent consultative body that the President must consult with prior to using force. They should be consulted prior to any covert military action, hostage rescue or military assistance to allies engaged in a military conflict.

Pertinent Quotes:

"Restoring Congress' constitutional role demands that Congress activate its full share of authority over paramilitary operations by taking the 'covert' out of covert action."

"The only way to stop this pattern [of abuse] is to impose an absolute requirement of public approval to bar paramilitary operations that are covert."

"National Security and Civil Liberties"—Foreign Policy, Winter 1975–76

Abstract:

According to Halperin, there is, during wartime and times of crisis, frequently an untoward erosion of basic civil rights. Until Watergate this was accepted by most as a necessary evil to safeguard the nation's security. The Watergate affair, however, highlighted the need to strike a balance between national security concerns and American's civil liberties. To achieve this balance there needs to be input from national security experts outside and inside of the government.

Halperin obviously feels a special passion born of personal experience about wiretapping. He argues that this practice is a good example of how civil liberties can be compromised under the guise of national security. The Fourth Amendment guarantees against general searches and searches without a warrant. Wiretaps are, by nature, general. Wiretaps are not vital and have proven less effective than other intelligence gathering methods.

Pertinent Quote:

"Wiretapping and other electronic surveillance may also affect the First Amendment right to free speech, free press, and free association in that it interferes with the exercise of those rights and may cast a chilling effect on them by raising the fear that the government is monitoring those activities * * * Congress should resist any proposal to give the government power to wiretap with or without a warrant on any standard less than probable cause to believe that a crime is being committed."

"Oversight is Irrelevant if C.I.A. Director Can Waive the Rules"—The Center [for National Security Studies] Magazine, March/April 1979.

Abstract:

Halperin believes that procedures and regulations which provide oversight of the intelligence community are inadequate and lead to activity which violates the fundamental rights of the American system, and abuses the Constitution. The Director of Central Intelligence should not have the power to wave constraints when he feels they interfere with the job he has to do. It is the domain of Congress and the public to grant such authority. Intelligence collection must then operate within those limits, even if they reduce effectiveness. The Intelligence community does not need broad capability to conduct covert operations, the most useful intelligence comes from good analysis of information from public sources.

Pertinent Quotes:

"We should not let the CIA decide what are acceptable constraints on their activities. We must recognize that the goal is not the most efficient intelligence service imaginable."

"The problem of bad intelligence is not due to not having enough spies. The problem of bad intelligence is poor analysis and not drawing on public sources of information."

"Secrecy and National Security"—The Bulletin of the Atomic Scientists, August 1985.

Abstract:

Halperin contends that the first amendment supersedes national security. In order to conduct an informed public debate on national security issues, the gathering of intelligence and its dissemination must adhere to the First Amendment. Even information pertaining to the construction of nuclear weapons can not be protected at the expense of the public debate. Through successive cases (e.g., the Pentagon Papers), the Executive branch has used the Courts to violate the First Amendment in order to gag individuals in the name of national security.

Pertinent Quotes:

"[U.S. scientists] failed to understand that the question of whether publishing the 'Secret of the H-Bomb' would help or hinder nonproliferation effort was beside the point. The real question was whether the government had the right to decide what information should be published."

"This involvement of the Judiciary in the enforcement of the executive branch's decisions about what national security information must be kept secret is an extraordinarily ominous development."

"The CIA's Distemper"—The New Republic, February 9, 1980.

Abstract:

In this article, Halperin contends that severe limitations and restrictions on the CIA put into place after the Church committee investigation are both desirable and effective and should be preserved. He criticizes President Carter for attempting to remove or modify a number of these restrictions. In particular, he opposes any reduction in the number of congressional oversight committees and, consequently, the number of people who are briefed on covert intelligence matters due to the potential for leaks. Halperin contends that the Hughes/Ryan amendment of 1974—which stipulated that before the CIA undertakes any covert activity for any purpose other than intelligence gathering it must report to the president and the appropriate committees—has not resulted in a significant number of leaks.

In keeping with his radical views on the desirability of making public information about CIA covert operatives and intelligence sources and methods, Halperin also defends the right to publicize such information as long as it is acquired through unclassified channels.

Pertinent Quotes:

"The [Freedom of Information Act] does require the CIA to respond to requests from people it may not like, such as this writer or Philip Agee, and even to answer queries that it suspects emanate from the KGB—The FOIA is expensive, but that seems a price well worth paying."

"* * * under the First Amendment, Americans have every right to seek to 'impede or impair' the functions of any federal agency, whether it is the FTC or the CIA, by publishing information acquired from unclassified sources."

"The Freeze is Arms Control"—The Bulletin of the Atomic Scientists, March 1983

Abstract:

Halperin argues that the House of Representatives and the Senate would be wise to give serious thought and consideration to the nuclear freeze resolution awaiting congressional action. He takes to task particularly those advocates of arms control who dismiss the freeze on the grounds that is neither possible nor verifiable, arguing that these "arms controllers" will "provide the most effective arguments" against the freeze.

Pertinent Quotes:

"No one who takes the trouble to study the freeze can * * * conclude that it is not a serious, well-thought-out proposal which may or may not acceptable to either the Administration or the Soviet Union. If arms controllers would concede just that much they would do much to increase support for the freeze in Congress."

"Can anyone really believe that the Administration would be in the START talks or be discussing substantial reductions of not for the freeze movement? If the freeze is seen to be losing support in Congress then no arms control will be possible under this Administration. In the longer run the viability of the freeze movement is what will make possible the ratification of any agreement which the next Administration might reach with the Soviet Union."

"* * * Is the freeze not the best possible arms control agreement? The danger now is not so much threat of a first strike but the danger that both sides will come to believe that nuclear war can be limited, won and survived. By heading off the next generation of controlled weapons, the freeze would do much to dispel that dangerous belief. * * * Sounds like good arms control to me."

"We Need New Intelligence Charters"—The Center [for National Security Studies] Magazine, May/June 1985

Abstract:

In this article, Halperin returns to a favorite theme: The intelligence community is not to be trusted and must be subjected to new limitations and additional congressional oversight in order to achieve the proper balance between our interest in national security and our interest in civil liberties.

Pertinent Quote:

"The Federal Bureau of Investigation's counter-intelligence program (COINTELPRO), for example, was as serious a threat to individual freedom in the United States as one can imagine."

A CHRONOLOGY OF RELEVANT ASPECTS OF MORTON HALPERIN'S CAREER

Present: On 31 March 1993, the White House announced the President's intention to nominate Halperin to the newly created position of Assistant Secretary of Defense for Democracy and Human Rights. Since that time, he has been working in the Pentagon nominally as a consultant but on an essentially full time basis in a manner that appears to exceed congressional and departmental restrictions on the involvement of nominees in policy-making prior to their confirmation.

Halperin is formally still listed as a Senior Associate of the Carnegie Endowment for International Peace and the Baker Professor at George Washington University's Elliott School of International Affairs.

1984–1992: Director of the Center for National Security Studies (CNSS), originally an offshoot of the hard left-wing Institute for Policy Studies (IPS). Halperin was also the director of the Washington Office of the American Civil Liberties Union (ACLU), with responsibility for the national legislative program of the ACLU.

1977: One of the founders and the director of the Campaign to Stop Government Spying, which changed its name the following year to the more benign Campaign for Political Rights. Like CNSS, the Campaign was populated with personnel associated with the Institute for Policy Studies and dozens of other dubious organizations (e.g., the National Committee Against Repressive Legislation, reportedly a Communist Party front).

Also in 1977, while serving as the deputy director of the Center for National Security Studies, Halperin went to London to help in the defense of Philip Agee. At the time, Agee was in the process of being deported from Great Britain as a security risk for collaborating with Cuban and Soviet intelligence.

1969–1973: Senior Fellow associated with the Foreign Policy Division of the Brookings Institution.

1969: Member of senior staff of the National Security Council during the Nixon Administration with responsibility for program analysis and planning. During this period, the information concerning secret U.S. bombings of targets in Cambodia was leaked to the New York Times. Then NSC Advisor suspected Halperin and colleague Anthony Lake of the leak and authorized FBI wiretaps on their office and home phones.

1966–1969: Deputy Assistant Secretary of Defense for International Security Affairs, with responsibility for political-military planning and arms control.

RELEVANT PUBLICATIONS BY MORTON HALPERIN

Books

A Proposal for a Ban on the Use of Nuclear Weapons, Special Studies Group, Study Memorandum Number 4, Washington, 1961.

Strategy and Arms Control, with Thomas C. Schelling, The Twentieth Century Fund, New York, 1961.

Limited War: An Essay on the Development of the Theory, Center for International Affairs, Harvard University, Cambridge, 1962.

China and the Bomb, Frederick A. Praeger Publishers, Washington, 1965.

Communist China and Arms Control, with Dwight H. Perkins, East Asian Research Center—Center for International Affairs, Harvard University, Cambridge, 1965.

Is China Turning In? Center for International Affairs, Harvard University, Cambridge, 1965.

China and Nuclear Proliferation, Center for Policy Studies, University of Chicago, Chicago, 1966.

Contemporary Military Strategy, Little, Brown and Company, Boston, 1967.

Defense Strategies for the Seventies. University Press of America, Washington, 1971.

The Lawless State: The Crimes of the U.S. Intelligence Agencies, with Jerry J. Berman, Robert L. Borosage and Christine M. Marwick, Center for National Security Studies, Washington, 1976.

Freedom Versus National Security, with Daniel N. Hoffman, Chelsea House Publishers, New York, 1977.

Top Secret: National Security and the Right to Know, with Daniel N. Hoffman, New Republic Books, Washington, 1977.

Nuclear Fallacy: Dispelling the Myth of Nuclear Strategy, Ballinger Publishing Company, Cambridge, 1987.

Self-Determination in the New World Order, with David J. Scheffer and Patricia L. Small, Carnegie Endowment for International Peace, Washington, 1992.

Articles

"Nuclear Weapons and Limited War," *Journal of Conflict Resolution*, June 1961.

"On Resuming Tests: Lessons the Moratorium Should Have Taught Us," *The New Republic*, April 30, 1962.

"The President and the Military," *Foreign Affairs*, January 1972.

"Led Astray by the CIA," *The New Republic*, June 28, 1975.

"The Most Secret Agents," *The New Republic*, July 26, 1975.

"CIA: Denying What's Not in Writing," *The New Republic*, October 4, 1975.

"The Cult of Incompetence," *The New Republic*, November 8, 1975.

"National Security and Civil Liberties," *Foreign Policy*, Winter 1975–1976.

"Secrecy and the Right to Know," with Daniel N. Hoffman, *Law and Contemporary Problems*, Summer 1976.

"Oversight is Irrelevant if CIA Director Can Waive the Rules," *The Center [for National Security Studies] Magazine*, March/April 1979.

"American Military Intervention: Is It Ever Justified?", *The Nation*, June 9, 1979.

"The CIA's Distemper," *The New Republic*, February 9, 1980.

"NATO and the TNF Controversy: Threats to the Alliance," *Orbis*, Spring 1982.

"The Freeze is Arms Control," *Bulletin of the Atomic Scientists*, March 1983.

"The Key West Key," with David Halperin, *Foreign Policy*, Winter 1983–1984.

"We Need New Intelligence Charters," *The Center [for National Security Studies] Magazine*, May/June 1985.

"Secrecy and National Security," *Bulletin of the Atomic Scientists*, August 1985.

"The Case Against Covert Action," *The Nation*, March 2, 1987.

"The Nuclear Fallacy," *Bulletin of the Atomic Scientists*, January/February 1988.

"Lawful Wars," with Gary M. Stein, *Foreign Policy*, Fall 1988.

"Ending the Cold War at Home," with Jeanne M. Woods, *Foreign Policy*, Winter 1990–1991.

ADJOURNMENT OR RECESS OF CONGRESS UNTIL SEPTEMBER 7, 1993

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 136, a concurrent resolution providing for a recess or adjournment of the House and Senate just received from the House; that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The VICE PRESIDENT. Without objection, it is so ordered.

So the concurrent resolution (H. Con. Res. 136) was agreed to, as follows:

H. CON. RES. 136

Concurrent resolution providing for an adjournment of the House from Friday, August 6, 1993, Saturday, August 7, 1993, Monday, August 9, 1993, or Tuesday, August 10, 1993, to Wednesday, September 8, 1993, and a recess or adjournment of the Senate from Friday, August 6, 1993, Saturday, August 7, 1993, or Sunday, August 8, 1993, to Tuesday, September 7, 1993.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, may I ask the majority leader, will there be any more votes?

The VICE PRESIDENT. The majority leader.

Mr. MITCHELL. Mr. President, There will be no further rollcall votes. I wish each of my colleagues a very healthy and happy recess, and I look forward to our reconvening in September.

CONFERENCE REPORT ON NATIONAL SERVICE

Mr. KENNEDY. Mr. President, we passed the national service conference report. It passed the House of Representatives. And we were wondering whether we could at least at this time have an opportunity to pass the conference report. I understand that Senator KASSEBAUM last reviewed the material and has I understand no objections to that consideration even though that she had expressed reservations about the concept earlier.

I was just wondering if we would have an opportunity to implement the President's program on national service.

Mr. DOLE. If the Senator would yield, I am advised on this side that there would be no objection. There were 100 new pages added to the bill, and nobody has had a chance to read it. Most of the amendments were stricken out that were added by Republican Members, and someone needs to take a look at some of those to see what was stricken out. There were a number of Stevens amendments and others.

So I am not prepared to take it up at this time.

Mr. KENNEDY. Mr. President, I just want the RECORD to show the conference that we had with the House which the Republican Members attended was less than 15 minutes. There was no objection at that time with the Republican conferees. I just think if there would be objection to it, we want to have that out in the open because I know that the Senator perhaps is not familiar with the details of the program. But in effect it is the Senate's bill; the House, administration program, and organization. But the rest of it is the $300 million, $500 million, $700 million, the Kassebaum amendments on the simplification of the program.

All the Republican amendments effectively that we accepted here on the floor including the Senator's own amendment. And we have effectively in terms of the administrative costs reduced them to what passed the U.S. Senate.

So I find it difficult to understand why we cannot move ahead and at least have the acceptance of the conference report. We are prepared to stay here tonight and to take any time to go into it and to debate it and discuss it. But I just do think it is a real disservice to object to the conference report which basically incorporates the majority of the Senate recommendations.

The Senator is quite within his rights to object. The majority leader said there would be no further votes. I would hope that perhaps the minority leader would consult with the members of our committee that were the conferees, and if they have particular difficulties in terms of what was actually conferenced, we would be glad to try and discuss those further.

I want the RECORD to show my colleague and friend, Senator WOFFORD, is here; others who have been committed to this. We are hopeful that at least we would be able to get the acceptance of the conference report so that this program could be actually implemented. It passed without objection in the House of Representatives.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMMIGRATION: THE PROBLEM, GUIDING PRINCIPLES, AND REFORM PROPOSALS

Mr. SIMPSON. Mr. President, since we are awaiting conference activity, and I see no one else wanting to speak—I will certainly respect the leadership of the assistant majority leader, Senator FORD, if there is some intervening official business—I shall yield the floor for that purpose.

At this point I want to speak on an issue which is of critical importance, and that is illegal immigration and a bill that I will be introducing after the summer recess.

As I say, I do have a few minutes of remarks, and at any point, if an official entry of business needs to be reviewed, I will yield.

Mr. President, I have been working on the issue of illegal and legal immigration for many years, as has a colleagues on this floor, Senator KENNEDY of Massachusetts. We may not agree on all the issues that confront us with regard to this burning issue, but we have worked closely together for many years in the spirit of friendship and accommodation. There will be issues here that we will not agree on once again.

I served as a member of the Select Commission on Immigration and Refugee Policy, as chairman of the Subcommittee on Immigration and Refugee Policy—serving under Senator STROM THURMOND, the former chairman of Judiciary—and now as ranking member on the Subcommittee on Immigration and Refugee Policy. In those capacities I see that we have come to the point where now we see large scale illegal immigration into the United States, fueling an anti-immigration mood in this country.

The American people believe that our immigration laws and policy are ineffective, and this feeling of helplessness about immigration will soon have a most detrimental affect on legal immigration and on legal immigrants. I know this is so, Mr. President, because our constituents make this so very clear to us whenever we return to our districts. Mail to my office from persons concerned about immigration is at its highest level since I have been on the Immigration and Refugee Subcommittee. Some will say this is the result of a recession, and as the economy improves, so will the feelings we have about immigration. But this is not so, Mr. President—not this time. This antiimmigration mood was virtually nonexistent during the depths of the recession. Efforts to make it a political issue during the last Presidential campaign failed miserably and completely. But today the mood is changed, and we had best be prepared to respond—and in our best as a Nation.

Newspapers and television have given wide coverage to those aliens who destroy their passports upon arrival at our airports, and then inform the immigration authorities that they want to stay to pursue an asylum claim. They well know that the system is so overwhelmed that it will be a year or more before their claim can be heard. They should be detained, yet they also know that there is limited detention space, and they will be released to live and work in the United States. In many cases, the authorities never hear from them again.

We have also vividly seen the rusty freighters loaded with mainland Chinese intending to enter the country illegally. If stopped, these aliens, too, will claim asylum, often alleging fear of punishment for violation of China's family planning laws. This alien smuggling operation, carried out by Asian organized crime gangs in the United States, has been called a modern-day "slave trade" by the United Nations High Commissioner for Refugees.

We cannot let CNN or the networks drive our immigration policy. What makes good television does not make good immigration policy, nor does it necessarily reflect the serious problems that we do have with immigration today.

However, although tens of thousands of illegal aliens enter our country because of asylum abuse at our airports and through organized smuggling operations, they are but a drop in the bucket compared to the number of aliens who walk, swim, and drive across our borders, illegally—every single day.

Each night, thousands of persons enter illegally to seek jobs in the United States, and the Immigration Service apprehends over 3,000 of them daily but twice as many slip through. More than 1.2 million persons attempting to enter illegally were apprehended and were required to leave in 1992. Many of these aliens attempt to reenter the same day. Thousands of other aliens enter the country legally with temporary visas and simply stay on illegally, after their visas have expired. The illegal population in the United States is in the millions, and growing.

This illegal population is a heavy financial burden on State and local governments. The costs for education and medical care are particularly high, and it is not only a school budget problem, but the quality of education is affected. The growing number of students who have difficulty with English causes tremendous problems for native-born students, as teachers attempt to accommodate the limitations of the newcomers.

County officials tell us that 70 percent of the babies born in the Los Angeles County hospitals are born to illegal alien mothers. Under current law, these children become citizens at birth and are eligible for welfare assistance, which their families seek and accept.

In Los Angeles County, 11 percent of the prison population is illegal, and over 40 percent of those illegal aliens are rearrested within a year after their release. In the Federal prison system, 25 percent of all prisoners are aliens.

Millions of illegal aliens are working in the United States, most in jobs that pay in excess of the minimum wage. Although the knowing employment of illegal aliens is prohibited by law, illegal aliens purchase fraudulent documents, or craft them, to prove their legality to employers. The widespread sale and use of fraudulent documents has serious consequences for the United States, not only with illegal immigration, but also with regard to access to welfare assistance—and what will be access to our health care systems when we complete any kind of health care reform—particularly health care—firearms purchases, a tremendous gimmickry regarding fraudulent documentation, and even voter registration.

The growing illegal population in the United States is causing still further problems. Debates have arisen in the Congress and elsewhere regarding the counting of illegal aliens in the census for apportionment purposes, and some studies indicate that many aliens, legal and illegal, are voting in State and local elections. Some localities have even passed legislation permitting such voting by aliens.

Illegal aliens live and work in the United States for years without being detected. If detected, may claim political asylum as a defense to deportation, despite the fact that the alien may have been in the United States for years. Our asylum process is burdened with so many layers of appeal and opportunities for delay. Any alien fleeing to the United States to avoid persecution should make his claim of asylum at the time he enters, rather than violating the laws of the country in which he seeks protection. This practice of not claiming asylum until the illegal status is detected, combined with the built-in opportunities for delay in our asylum procedures, has created an enormous backlog of more than 300,000 asylum claims. The United States has only half as many asylum officers as Sweden, and our asylum system is completely overwhelmed.

There are also hundreds of thousands of aliens in the country who entered illegally, and then asked for "temporary safe haven" here—until conditions improved in their home country. El Salvadorans constitute one of the largest such groups. More recent arrivals include the more than 10,000 Haitian boat people brought here from our refugee processing camp in Cuba after claiming fear of persecution following the coup against President Aristide. We have allowed temporary safe haven to become permanent residence as these groups remain here months and years after conditions have changed for the better at home. They cannot be returned unless things have changed for the better at their home—none would want that. Legal immigration to the United States is at its highest level ever. Approximately 700,000 immigrants are admitted legally each year. In addition, we have been admitting more than 120,000 refugees annually in recent years. On top of that we grant temporary protective status to hundreds of thousands of persons, many, if not most, of whom stay on permanently. Finally another 10,000 were given "humanitarian parole" into the country in the past year.

Mr. President, I believe I am being very conservative when I say that, in addition to those that have been admitted legally, another 250,000 persons enter illegally and then stay on permanently every year. Altogether, well over 1 million new persons are added to our permanent population every year from immigration. Most Americans, and many of my colleagues, will be surprised to know that there is no firm limit on the number of immigrants that can be admitted to the United States each year. For the past 15 years, the number of immigrants admitted for permanent residence has increased in all but 3 years. In effect, Mr. President, the number of immigrants coming to the United States each year is governed, not by the laws of the United States, but by the desires of the immigrants themselves. We should have an overall limit on immigration which can be increased or decreased by the Congress. If it is true that the United States was once a nation of immigrants, it is also true that it is one no longer, nor can it become a land of unlimited immigration—a quote from the work of the Select Commission on Immigration and Refugee Policy. The Statue of Liberty always enters this debate, but Emma Lazarus did not say "everyone you've got, legal or illegal."

If we are willing to act to control illegal immigration. If we establish a firm limit on the growth of legal immigration. Then I believe the Congress and the American people will continue to support our traditional generous immigration and refugee policy.

The Immigration and Naturalization Service [INS], which enforces our immigration laws, has long been underfunded and understaffed by the Congress and by successive administrations, Democratic and Republican. The INS is expected to administer the world's largest immigration and refugee programs, as well as enforce the immigration laws in a country with nearly 4,000 miles of land borders. It has the duty of guarding the world's only border between a still-developing country to our south and our neighbor to our north. Job opportunities in the United States create a powerful magnet to illegal immigration. We must give more than lip service to the needs of the INS. We must provide the personnel, the equipment, and the other resources necessary to do the job we expect of them.

Mr. President, let me note here that we have a splendid new Attorney General, Janet Reno, who has an acute sense of the importance of enforcing our immigration laws. She is also well aware of the importance of providing the resources required to enforce those laws. And most important, Mr. President, she has chosen a gifted person to be Commissioner of Immigration who is better prepared for the job than any Commissioner in our history. I believe we are going to see sweeping and important changes at INS and great improvement in the amount of support that agency receives from the Department of Justice. I am absolutely heartened by the promise and the performance that will come from the Attorney General, Janet Reno and Doris Meissnet, who I hope will be confirmed, and the sooner the better, as Commissioner of Immigration. It is time to reasonably tighten and seriously enforce our immigration laws. The first duty of a sovereign nation is to control its borders, and we are unable to do that today. We must reform our immigration laws, and the basis for that reform must be in our national interest, not the interest of any particular individual or group. My view of the national interest is that which will increase the well-being of the majority of American citizens. No individual alien or group of aliens has a right to enter or remain in the United States contrary to the will of the American people. With these principles in mind, I propose to introduce the following reforms in our immigration laws:

1. ASYLUM FRAUD

To address the problem of aliens arriving at ports of entry with either fraudulent or no documents, and then claiming asylum, the bill will provide for an expedited exclusion procedure with a prompt deportation of illegal aliens, but with adequate safeguards for those who demonstrate a credible claim of persecution at home.

This provision incorporates S. 667, which I introduced on March 29, 1993.

2. ALIEN SMUGGLING

To address the problem of organized criminal smuggling of aliens into the United States, the bill will increase penalties for such smuggling, including the death penalty if death occurs during the course of a smuggling operation, allow racketeering [RICO] charges to be brought against organized smuggling groups, and extend the expedited exclusion procedures to aliens intercepted on the high seas. The provision will bring the penalties for human trafficking in line with those for drug trafficking.

This provision incorporates S. 1196, which I introduced on July 1, 1993.

3. DETENTION OF ILLEGAL ALIENS

To address the problem of illegal aliens being released into society pending asylum hearings, the bill will provide for the reprogramming of funds from other Department of Justice accounts to the detention and deportation account of the INS to be used to provide adequate facilities to detain those aliens entering illegally and claiming asylum. The bill will express the sense of the Senate that the administration should explore carefully the use of military bases which become available through the base closure program.

4. BORDER SECURITY

To address the problem of millions of illegal aliens crossing our borders annually, the bill will provide authorization for substantial increases in appropriations for hiring and equipping additional officers for border enforcement, and additional investigators for employer sanctions enforcement. The bill will require the INS to install additional structures at the border to deter unauthorized crossings in areas of high illegal entry. A recommended source of funding is the Department of Justice forfeiture fund. The bill will also provide that illegal aliens who are forced to return to a country contiguous to the United States are to be repatriated to an interior point in the country, instead of being returned to the border where they may immediately seek to reenter.

5. PUBLIC BENEFITS ABUSE

To address the financial burden on the Federal, State, and local governments from the improper use of welfare benefits by illegal aliens, the bill will allow the provision of federally funded benefits only to those aliens who are lawfully admitted as permanent residents, as refugees, or who are granted asylum—except for emergency medical care which will always remain available to all aliens. The bill will also prohibited illegal aliens from living in federally funded public housing, and will provide for the deportation of all aliens who become public charges, a definition under current law.

6. BIRTHRIGHT CITIZENSHIP

To address the problem of illegal aliens entering the United States solely for childbirth in order that their children will become U.S. Citizens, to eliminate the use of the welfare system by newborn-citizen children of illegal aliens, and to conform our law to the intention of the drafters of the 14th amendment the bill will deny automatic birthright citizenship to children of unauthorized immigrants.

7. WORK AUTHORIZATION VERIFICATION

To address the widespread manufacture and use of fraudulent documents by illegal aliens to obtain employment and other benefits, the bill will require the administration to develop and implement a secure system to verify the work authorization, and the welfare authorization, of every person who works, or who applies for public benefits in the United States. The bill will further provide that such a secure verification document shall be presented by every worker at the time of new hire employment, and by every applicant for federally funded public benefits, but shall not be required to be carried on the person, may not be requested by law enforcement officials for identification purposes, and shall not be used as a national identification document for any purpose other than at the time of the seeking of the employment, or the welfare application.

8. ASYLUM REFORM

To address the problem of illegal aliens using the asylum system as a defense to deportation and making asylum claims months or years after entry, the bill would require asylum claims to be filed within 30 days of arrival, and will provide time limits and deadlines in the asylum processing. Frivolous applications and failure to appear from asylum hearings will render aliens ineligible for future immigration benefits.

9. TERMINATION OF TEMPORARY STATUS WHEN CONDITIONS CHANGE

To address the problem of groups of aliens, who have been granted a temporary status, remaining here after conditions improve in their home country, the bill will terminate the temporary protected status for persons whose country is now at peace and has a democratically elected government. It will also provide for the return of the screened-in Haitians within 6 months after the return of the duly elected President to Haiti.

10. OVERALL LIMITATION ON IMMIGRATION

To address the problem of growing legal immigration, occurring without congressional approval or action, the bill will set an overall ceiling on all legal immigration—except for immediate relatives of U.S. citizens who will continue to be exempt from any numerical limitations.

11. IMMIGRATION AND NATURALIZATION SERVICE FUNDING

To address the problem of underfunding and understaffing the enforcement activities of the INS, the bill will direct the Attorney General to impose land-border user fees to be deposited into a special account in the general fund of the Treasury to be used exclusively for border enforcement and employer sanctions enforcement.

The Senator from California [Mrs. FEINSTEIN] has courageously proposed a border user fee. I have proposed that in the past. I would like to join her in this effort to provide for land-border user fees. I commend Senator FEINSTEIN for her interest in this issue.

I think this country needs these measures—they are not nativist, not mean, not xenophobic. They are reasonable and practical. Unless we close the back door to illegals and those who gimmick our systems, we will see that ever hospitable and open front door—the Golden Door of our heritage—slowly swing shut. That we do not want. That we can and must avoid. Here is a start.

As I see my friend from Kentucky, I think of his colleague, the senior Senator at one time, from Kentucky, Senator Dee Huddleston, who worked probably in the most lonely capacity on this floor speaking of immigration and refugee matters when no one in America was really paying attention.

It seems only appropriate that his former colleague is on the floor and serves with me as assistant majority leader and I as assistant minority leader. I know that Senator Dee Huddleston would be here cheering us on with his remarkable background that he had on this issue.

At the time of introduction of the bill after the summer recess, I ask unanimous consent that Senator ROBERT BYRD be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. FORD. Mr. President, I ask unanimous consent that the Senator from Michigan be recognized for up to 2 minutes; that the Senator from Massachusetts [Mr. KENNEDY] be recognized for up to 10 minutes; and that the Senator from Delaware [Mr. BIDEN] be recognized for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. I thank the Chair.

Mr. RIEGLE. I thank the Chair, and I thank the Senator from Kentucky.

TRULY MAGNIFICENT WORK ON THE BUDGET RECONCILITATION

Mr. RIEGLE. Mr. President, I want to pay a tribute tonight to several people with respect to the legislation that we have enacted today. It is clearly one of the marvels of the legislative process to watch a package of this complexity come together in a government of divided powers and functioning as a democracy. It truly was an extraordinary piece of work.

I want to particularly salute Senator Moynihan, the new chairman of the Senate Finance Committee. This was an enormous initial test of his capacity as the chairman of that committee. I had the chance on that committee to watch it firsthand. It was a magnificent job that deserves recognition.

Majority Leader Mitchell, I just almost cannot say enough about the extraordinary job that he has done in bringing this bill through. I do not think there is anybody in the country, let alone in Washington, that has worked harder the last 2 months or so on this than he.

And Chairman SASSER, of the Budget Committee, managing the bill on the floor today, did a magnificent job, as he does so many times.

I want to thank and acknowledge also my colleagues on the Senate Finance Committee on the Democratic side, and those that I served with on the conference committee for their work and for their collaborative efforts in finding the golden mean, if you will.

Last, but not least, I want to acknowledge the members of my staff that assisted me on the legislation. Sharon Heaton, Debbie Chang, David Krawitz, and Joan Huffer worked as a team with others above and beyond the call of duty to try to make sure in every way that we did what we could to improve this bill, tried to get rid of the defects, and put in positive thoughts.

Let me also say to President Clinton how much I appreciate the fact that he has led the charge on this issue. He and those around him were willing to try to bring about the change in terms of a new balance in our economic strategy.

I will not go into the details. We talked about it earlier. But without him out front breaking the way, the work here would not have been possible.

The people I have mentioned, I think, have really done truly magnificent work and it should be recognized.

I thank the Chair.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL AND COMMUNITY SERVICE TRUST ACT CONFERENCE REPORT

Mr. KENNEDY. Mr. President, I had hoped that we would be able to move, after the conclusion of the earlier vote of reconciliation, on the conference report on the National Service Program. I will just take a few moments of the Senate's time just to outline briefly what was agreed to in the conference and still hope we might be able to find some way or means of adopting the conference so the program, which has strong bipartisan support here in the Senate as well in the House, and passed overwhelmingly in the House and I believe would in the Senate as well, would be able to be passed and signed by the President so the program could be initiated and put into place.

The conferees have worked diligently to preserve the most important features of the Senate and House bills.

It preserves many of the important elements that Republicans and Democrats have worked together to approve. If the recent vote on the economic legislation symbolizes partisanship at its worst, this legislation on national and community service shows bipartisanship at its best.

The conference report retains the key compromises in the Senate bill. The spending levels for new national service spending are set at $300 million in 1994, $500 million in 1995, and $700 million in 1996. We have also reduced the amount which can be spent on administrative costs below the level in the Senate bill.

The final bill preserves the studies by the Corporation, proposed by Senator DURENBERGER, and endorsed by Senator KASSEBAUM, to test such fundamental principles of national service such as whether educational benefits are needed to attract participants, whether programs should be economically targeted or diverse, and what outcomes we should expect from service programs.

The conference report contains provisions advocated by Senator JEFFORDS to ensure that actual programs dovetail with National and State priorities. Given the cost of national and community service, it is vital that participants are performing needed services.

We have retained provisions to address concerns that national service participants not engage in lobbying.

We have retained provisions regarding the Serve America Program, leaving more discretion to the Corporation and to State educational agencies to set application requirements for the programs.

To ensure that qualified individuals were selected, Republicans wanted programs to provide descriptions of the service that participants would perform, and the minimum qualifications needed for such service. We have retained this language.

Republicans had voiced concern that the national Corporation had too strong a role in administration. This measure retains a larger role for State commissions to set their own priorities. The Corporation's representative on State commissions will be an ex-officio, nonvoting member, to ensure that Federal oversight is not intrusive.

We have kept language developed by Senator KASSEBAUM on child care, so that it will be available only to those who demonstrate that such care is needed to enable them to participate.

The conference report retains Republican language clarifying that the National Service Program is not an entitlement program. The living allowance and postservice educational benefit will be subject to tax. Participation in the stipend program is limited to 2 years.

To ensure that this program does not interfere with military recruiting, the postservice educational benefit is reduced to 90 percent of the GI bill, and a report to the Department of Defense is required on the impact of national service on military recruiting.

Senator KASSEBAUM also proposed to ensure that national service educational awards do not have the unintended consequence of raising tuition at educational institutions. We have retained her provision limiting the percentage of students at any one institution who can pay for their education with national service educational awards to accomplish his goal.

In addition, we have retained provisions of the Senate Governmental Affairs Committee on the structure of the Corporation. These provisions are designed to be as strict as those for any other agency of Government. They will protect against financial mismanagement, ensure effective audits of operations, and require grant accountability systems.

Our goal in this legislation is to help the country do a better job of meeting its challenges by drawing on our best resources: The Nation's men, women, and children. Our goal is to make every citizen a more active participant in our democracy. Our goal, in sum, is to restore the sense of community we have lost in recent years, and revitalize the sense of common purpose that has served America so well from the beginning of our history.

So I am hopeful we can pass this conference report now, and start a new direction for our Nation.

I would be very hopeful that any of those who had offered amendments, if they do have concerns, would inquire of us here on the Senate floor. We will attempt to review with them what changes were made in the conference.

Our good friend and colleague from the State of Alaska inquired of us about the various seven amendments of the Senator from Alaska. We were able to show where in the legislation they were actually included.

We have done the best to maintain the Senate's position. I believe we have, although it is a conference and there were minor changes. But I would think any review, laying the Senate bill next to the House bill, would lead you to believe that any characterization of the conference report would say that it reflects the Senate legislation by an overwhelming preponderance.

I hope we could still find a way, before we adjourn this evening, to take action on the conference report.

Again, I am grateful to Senator WOFFORD and to Senator KASSEBAUM, who has pursued this issue with great diligence. We have had some differences in some of the approaches, but she has offered amendments which made it a stronger bill.

I see on the floor Senator JEFFORDS and Senator DURENBERGER, who have been two of our key cosponsors as we address this issue.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kansas.

NATIONAL AND COMMUNITY SERVICE TRUST ACT CONFERENCE REPORT

Mrs. KASSEBAUM. Mr. President, I want to respond for just a moment to the Senator from Massachusetts, who is chairman of the Human Resources Committee, who has, of course, provided the leadership along with Senator WOFFORD for the National and Community Service Trust Act.

Earlier in the evening, the Senator from Massachusetts said the conference lasted only 15 minutes and there were no Republican objections.

I know there was one, Mr. President, and that was myself. But I have not been supporting the legislation, although I have been very supportive of the desire, on both sides of the aisle, to work together to shape what I felt would be a stronger bill. However, when the Senator from Massachusetts said the conference only lasted 15 minutes, it is illustrative of some of the problems that have occurred.

With a complex bill, 300-some pages long and with 100 extra pages added in the conference, I would just like to point out two examples of some uncertainty. And there is much, I think, to be pointed out.

For one thing the final language of the conference report, and the manager's statement, was not received by my office—and as ranking member, I would have logically had that report—until 10:30 this morning.

And there are examples of a couple of mistakes.

The manager's report, for instance, states the House receded to the Senate on the Dole amendment, which would place the Secretary of Veterans Affairs on the board of the corporation as an ex officio member. Yet the conference bill does not reflect that change.

The same amendment by Senator DOLE would have added "individuals with experience in veterans' programs" to the long list of suggested members of the State commissions. And that provision is not included in the conference bill.

Second—and perhaps this could be clarified—Senator JEFFORDS, a cosponsor of the bill, requested and was assured that language would be included which would strengthen the program accountability by requiring that programs funded on a competitive basis by the corporation be consistent with its programs' priorities. Yet, on page 34 of the conference report, that requirement is clearly gone.

Mr. President, perhaps the Senator from Massachusetts could respond to that and help. Or perhaps Senator JEFFORDS has an answer. But it shows some confusion in what we had assumed was there and yet does not appear to be there.

I think before there can be approval of this conference report, we have to get some of these things clarified.

I will be happy to yield to the Senator from Vermont for perhaps an answer to the question.

The PRESIDING OFFICER. Under the unanimous-consent agreement, the Senator from Delaware is to be recognized for 15 minutes.

Mr. BIDEN. I will be happy to withhold to allow this colloquy to continue.

Mr. JEFFORDS. Mr. President, I would like to respond. I was assured at the conference that the language establishing priority language, so-called, was to be in the conference report. However, as of this moment, we have not been able to locate it in the report. So I am hopeful that our search will bring forth what I understand is in the report. But I can understand the confusion and concern of some Members here who are trying to ascertain exactly what is in that conference report.

(Ms. MOSELEY-BRAUN assumed the chair.)

Mrs. KASSEBAUM. Madam President, I think both of us, from both sides of the aisle, have been involved with the best of intentions. But think a conference is designed to work out differences between House and Senate legislation, and be a deliberative and thoughtful process.

In this case, I think expediency overtook the thoughtful and deliberative process. A conference was raced through without the ability to make certain that we had in thoughtful language exactly what was meant.

For that reason, I am disappointed that we find ourselves in this position at this point on an important piece of legislation—whether one agrees with it or not.

It would be my hope, Madam President, that this can be clarified in some of the questions answered if, indeed, there will be any opportunity to approve the bill tonight. I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I am somewhat troubled by the comments of the Senator from Kansas because I have various provisions that she stated that are not in the bill that are in the bill. Maybe we can review very briefly the provisions that she described earlier in the conference report about not being in the legislation. I have them referenced here. I would be glad to have an opportunity—I see the Senator from Delaware and others on the floor—to have a chance to review these measures with the Senator.

There is no question, there was a great deal of activity. We had important responsibilities on the reconciliation, on the education provision, and then we came right into that from reconciling the House and the Senate. Unlike our reconciliation provisions, we really did not have differences which were strongly held on issues of direct loan and guaranteed loans. We are basically working closely together with the House. There are some differences, and we have attempted to preserve the Senate provisions.

I welcome, during the time of a quorum call, the chance to go through what is in the managers' statements and what is actually in the bill and point those out. Hopefully if we are able to do that satisfactorily, we will be able to move together. If we are not, then we will have to recognize the schedule realities. But I appreciate the courtesy of the Senator from Delaware in permitting us to have this exchange.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I thank the Chair.

(The remarks of Mr. BIDEN pertaining to the introduction of S. 1441 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

LAWRENCE WALSH

Mr. DOLE. Madam President, it used to be said that death and taxes were the only two certainties in life. But after nearly 7 years on the job, we can now officially add independent counsel, Lawrence Walsh, to this list.

Since December 1986, Mr. Walsh and his army of lawyers have destroyed reputations, harassed families, run up a tab of more than $40 million, even left top-secret documents behind at an airport taxi stand.

But like the Energizer bunny, Lawrence Walsh keeps going and going and going, apparently, without any sense of remorse for the mean-spirited witch hunt he has led for nearly 7 years and counting.

Since last December, when President Bush pardoned former Defense Secretary Cap Weinberger, Lawrence Walsh has spent nearly 8 months drafting his so-called final report. According to press accounts, this report has now been filed with the court of appeals here in Washington.

Although not yet publicly available, the Walsh report is no doubt a self-serving testimonial to the heroics of the Independent Counsel's Office, and even worse, it has been paid for by the American taxpayer.

Over and over again, Lawrence Walsh has failed in the courtroom of law. And now, desperate to revive his own sullied reputation, he is apparently seeking success in another venue—the courtroom of public opinion.

It is never easy for a prosecutor when he loses a case. But when the not guilty verdict is read, a prosecutor normally picks up his briefcase, hopefully learns from his mistakes, and moves on to the next file.

He does not spend 8 months, at taxpayer expense, writing a report, memorializing his own efforts and blasting the very people he failed to convict, an approach I suspect Mr. Walsh takes in his just-completed, but still secret, final report.

And Lawrence Walsh is not the only culprit. Much of the blame lies with the independent counsel statute itself, which requires the IC to submit a final report—without any limitations on time or expense, and with few restrictions on the permissible scope of the report.

Madam President, the Senate will have the opportunity to fix the independent counsel statute when we consider its reauthorization, probably in September.

But these fixes will be little consolation for the good men and women who have fallen victim to Lawrence Walsh's selfish crusade to enhance his own professional reputation.

GET NAFTA MOVING NOW

Mr. DOLE. Madam President, Leon Panetta, the Director of the Office of Management and Budget, was quoted in the press some time ago saying that the NAFTA—the North American Free-Trade Agreement—"is resurrecting itself" and that ultimately the administration expects to see it passed.

I am hopeful that Leon Panetta, the Director of the Office of Management and Budget, is correct when he said the North American Free-Trade Agreement is resurrecting itself and that the administration expects to see it pass the Congress.

I think this is going to be an area where there will be strong support on this side of the aisle for the President, unless the so-called side agreements so complicate the process that much support on this side will be lost.

So we think that is good news. Some of us intend to visit Mexico later this month to visit with President Salinas, and see what we can do to help keep the process going and support the President when NAFTA comes to the floor.

It seems to me that we need to get out front, and to try to help the American people understand what is at stake and what should be done.

The optimism on Mr. Panetta's part is good news, Mr. President, since he had proclaimed NAFTA dead just a short time before. While this talk of resurrection comes too late for Easter time, I hope it means that the administration is getting religion on a historic agreement with the potential for significant economic benefit for the United States and our two closest neighbors.

No doubt about it, NAFTA is having its share of problems. While the pro-NAFTA lobby has been relatively quiet, an anti-NAFTA lobby has grown up and it's prospering. While the administration was occupied first with the transition and then with charting a course on NAFTA, the anti-trade lobby took advantage of the vacuum and seized the initiative. The isolationists, the professional trade critics and the fear mongers have discovered that bad news is good business and they are cashing in with op-ed pieces, television appearances, reports, and studies all delivering the message of their anti-NAFTA patrons.

A recent court ruling, which holds that NAFTA legislation cannot be sent to Congress without an environmental impact statement, threatens this and any other trade agreement and, could apply to many pieces of legislation sent to Congress from the executive branch. I disagree with the court's decision, Madam President, and share the administration's hope that it will be overturned.

Now it is time for the administration to take back the initiative and make the case for a NAFTA which will create jobs in America and secure for American manufacturing, agriculture, and services an important and growing market.

It is time for President Clinton to put together the coalition that got NAFTA moving in the first place—a bipartisan group of political leaders, farm and manufacturing groups who understand the long-term benefits of a United States-Canadian-Mexican trade agreement and have the ability to see beyond the next election.

It is important to remember, Madam President, that it was a strong bipartisan effort that got NAFTA where it is today. In seeking fast-track negotiating authority to conclude NAFTA 2 years ago, President Bush would not have been successful without the active support of leaders in both parties, particularly the distinguished chairman of the Committee on Ways and Means and the distinguished chairman of the Committee on Finance, our former colleague, Senator Lloyd Bentsen.

The potential for a strong, bipartisan NAFTA coalition is out there. State Governors have as good a handle on NAFTA's prospects for their constituents as anyone. The Heritage Foundation recently surveyed the 50 Governors and found that 40 of them actively support NAFTA and none has come out against it. Even the 10 not in active support still stand behind the National Governors' Association February 1993 statement backing NAFTA.

The Governors have seen trade negotiations at work and know the real benefits that good trade agreements can bring in terms of export and job growth. For the past 5 years, virtually every State has seen a sharp rise in exports to Mexico. The reason is simple: In that time, since Mexico joined the GATT, it has had to lower its once formidable trade barriers and that gave our farmers and manufacturers their chance to turn Mexico into our third largest trading partner and a trade deficit into a growing trade surplus.

The Governors also know that eliminating those remaining tariff barriers and doing away with Mexican quotas and licensing systems will send even more exports South and keep more jobs North.

There are solid arguments to make to get NAFTA back on track:

The NAFTA debate shouldn't revolve around comparative wages because if low wages were the key, Haiti would be a major manufacturing center.

The fact is our domestic auto industry gets most of its competition from Japan and Germany, two of the highest wage nations in the world.

The fact is that defeating a NAFTA will not do anything to keep companies from relocating, will not do anything to improve the environment in Mexico or along the border and will not do anything to improve labor standards for Mexican workers.

The fact is that defeating a NAFTA will almost certainly hand our trade competitors in Europe and Asia a windfall profit at the expense of our own workers and exporters.

Time is running out for NAFTA. There are only a few months left in the schedule in which the administration wants to put the agreement into effect. In that time, the side agreement negotiations must be completed, the implementing legislation must be written and delivered to Congress for debate and voting when appropriations, health care and other important legislation remain before us.

I also believe that leaders in both parties should provide some measure of assurance to the Mexican people that the debate will be conducted on the merits of the agreement itself and to categorically reject any element of derogatory comments directed at the Mexican people or the Hispanic-American community in the United States.

I raise this issue, Madam President, because of a letter I recently received from the president and chief executive officer of the U.S. Hispanic Chamber of Commerce. This organization, which strongly supports NAFTA, represents more than 650,000 businesses employing a majority of Hispanics.

The letter makes a strong case for the political and economic benefits that NAFTA would bring to both the United States and Mexico but it goes on to deplore derogatory and offensive remarks about the Hispanic community which apparently have been made in the course of the debate. That kind of remark has no place in this discussion, Madam President, and I intend to do my part to see that Hispanic workers, businessmen, and businesswomen get the enormous respect that they deserve as we debate NAFTA.

NAFTA needs leadership now—from both parties and from all sectors of the economy. I want to say again that President Clinton knows he has my support and the support of a solid majority of Republican Senators for the basic NAFTA agreement.

But if we do not get out front now and make a strong case to the American people for NAFTA, an extraordinary opportunity for economic progress will be lost, certainly for this year and maybe forever.

TRAVELGATE

Mr. DOLE. Madam President, we have been hearing a lot these days about retroactive tax increases, but for five of the former employees of the White House Travel Office, there is another type of retroactivity—retroactive innocence.

Last May, the White House smeared the good reputations of the travel office employees, charging them with gross mismanagement. The White House subsequently released a statement indicating that the travel office employees were under criminal investigation, even though the employees themselves had no notice of the charges against them, nor an opportunity to respond.

The travel office employees were fired, then unfired, placed on administrative leave, and subjected to a Justice Department probe.

Now, it appears that the probe came up empty, as news reports suggest that the White House is seeking to employ the travel office workers elsewhere in the Federal Government.

More than 3 weeks ago, on July 13, I wrote to Attorney General Reno requesting the appointment of a special counsel to look into the entire Travelgate affair.

Although I have not received a response from the AG, I have read troubling news accounts that the Justice Department has rejected other requests for an independent review of the travel office antics.

Whether it's a special counsel, or an independent counsel, or a congressional committee hearing, the bottom line is that the American people deserve to get a complete accounting of Travelgate—not with internal reviews and sanitized reports, but with a full, independent investigation.

And there's plenty to investigate. The political manipulation of the FBI. The possibility that the IRS was misused for political purposes. And the very real chance that Federal ethics laws were violated.

While the White House was quick to slander, and then fire, the travel office employees who now have apparently been cleared of any wrongdoing, they opted for the slap-on-the-wrist approach for their own political appointees, the people—by the White House's own admission—who are the real Travelgate culprits.

Madam President, I am pleased to learn that the travel office employees are no longer the subject of a Justice Department probe. But, when all is said and done, it appears that the probe was directed at the wrong people. The spotlight should be focused not on the travel office employees, but on those who tried—unsuccessfully—to convert garden-variety political cronyism into good government.

So we hope this matter can still get a complete investigation.

Again, I extend my sympathy to the five fired employees whose reputations have been smeared for no good reason.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Madam President, are we in morning business?

The PRESIDING OFFICER. The Senator is correct.

THE NOMINATION OF M. JOYCELYN ELDERS TO BE SURGEON GENERAL OF THE UNITED STATES

Mr. FORD. Madam President, as in executive session, I ask unanimous consent that at 10:30 a.m. on Tuesday, September 7, the Senate turn to the consideration of the nomination of M. Joycelyn Elders to be Surgeon General, Executive Calendar 309, that there be 8 hours of debate divided and controlled in the usual form between the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Kansas [Mrs. KASSEBAUM]; that when all time is used or yielded back, the Senate vote without any intervening action on the nomination; that upon the confirmation, the motion to reconsider be laid upon the table; and that the President be notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 103-10

Mr. FORD. Madam President, as in executive session, Madam President, I ask unanimous consent that the injunction of secrecy be removed from the Convention on the Limitation Period in the International Sale of Goods, with Protocol Treaty Document No. 103-10 transmitted to the Senate by the President today; and I ask that the treaty be considered as having been read the first time; that it be referred with accompanying papers to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to accession, I transmit herewith the United Nations Convention on the Limitation Period in the International Sale of Goods done at New York on June 14, 1974, and the Protocol amending the Convention done at Vienna on April 11, 1980. Also transmitted for the information of the Senate is the report of the Department of State with respect to the Convention.

This is the second Convention in the field of international sales of goods law produced by the United Nations Commission on International Trade Law (UNCITRAL) that has been transmitted to the Senate for its advice and consent. The first, the 1980 United Nations Convention on Contracts for the International Sale of Goods, was ratified by the United States and entered into force for this country on January 1, 1988. Both of these Conventions establish uniform international standards in the commercial law of sales of goods in order to facilitate commerce and trade. Both benefit the United States by removing artificial impediments to commerce that arise from differences between the national legal systems that govern international sales of goods.

The Secretary of State's Advisory Committee on Private International Law, on which 11 national legal organizations are represented, in May 1989, and the House of Delegates of the American Bar Association, in August 1989, endorsed U.S. accession to the Convention and amending Protocol, subject to a U.S. declaration permitted under Article XII of the Protocol. The declaration is set forth with reasons in the accompanying report of the Department of State.

I recommend that the Senate promptly give its advice and consent to accession to this Convention together with its amending Protocol.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *August 6, 1993.*

EXECUTIVE CALENDAR

EXECUTIVE SESSION

Mr. FORD. Madam President, I ask unanimous consent that the Senate proceed to the executive session to consider the following nominations reported today:

ARMY, AIR FORCE, NAVY, AND MARINES

The nominations and promotions in the Army, Air Force, Navy, and Marines, reported by the Committee on Armed Services;

DEPARTMENT OF ENERGY

Victor H. Reis to be an Assistant Secretary of Energy, reported by the Committee on Armed Services;

PERSONNEL MANAGEMENT

Lorraine Green to be a Deputy Director of the Office of Personnel Management, reported by the Committee on Governmental Affairs;

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Susan Gaffney, to be inspector general of the Department of Housing and Urban Affairs, reported by the Committee on Governmental Affairs.

I further ask unanimous consent that the nominations be confirmed en bloc, that any statements appear in the RECORD as if read; that upon confirmation, the motions to reconsider be laid upon the table en bloc; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, considered and confirmed, are as follows:

ARMY, AIR FORCE, NAVY, AND MARINES

The nominations and promotions in the Army, Air Force, Navy, and Marines, reported by the Committee on Armed Services;

DEPARTMENT OF ENERGY

Victor H. Reis to be an Assistant Secretary of Energy, reported by the Committee on Armed Services;

PERSONNEL MANAGEMENT

Lorraine Green to be a Deputy Director of the Office of Personnel Management, reported by the Committee on Governmental Affairs;

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Susan Gaffney, to be inspector general of the Department of Housing and Urban Affairs, reported by the Committee on Governmental Affairs.

THE PROMOTION OF THAD A. WOLFE TO THE RANK OF LIEUTENANT GENERAL, U.S. AIR FORCE

Mr. SIMPSON. Madam President, I rise today in support of the promotion of Thad Wolfe, a truly fine man, to the rank of lieutenant general in the U.S. Air Force.

Thad is the brother of my friend, Al Wolfe, who is the chairman of the board of the University of Wyoming Art Museum and who serves on the board of the University of Wyoming Foundation. My wife, Ann, and I are privileged to have Al and his lovely wife, Cari, as our very special friends. They have both given so much to our State and our special university. They, too, are justly proud of Thad Wolfe for attaining this high honor which he so richly deserves.

Thad Wolfe was born in October 1942, in Coulee Dam, Washington. He earned a military science degree from the U.S. Air Force Academy in 1964 and a master's degree in electrical engineering from the University of Wyoming in 1969.

Thad has had a distinguished career in the Air Force. After graduating from the Air Force Academy, he served in a variety of operational and command-and-staff positions—in locations ranging from England to Vietnam—which earned him well-deserved recognition.

He received his pilots wings in May 1971, and subsequently served as an instructor pilot, flight commander, B-52 aircraft commander, and operations officer—to name but a few of his many command assignments.

He attended air command and staff college at Maxwell Air Force Base, Alabama and then he was assigned to headquarters, U.S. Air Force, Washington, DC, where he filled a number of readiness, personnel and operational positions with great distinction.

He continued on to command the 9th Bombardment Squadron in Texas, and the 509th Bombardment Wing in New Hampshire. He then served in the strategic air command headquarters as special assistant to the commander in chief.

He also commanded the Strategic Warfare Center in South Dakota and assumed his present duty as assistant deputy director for operations of the National Security Agency in January 1992.

He is a superb command pilot with more than 3,885 flying hours. He has been awarded the Defense Superior Service Medal, the Legion of Merit, the Bronze Star Medal, the Meritorious Service Medal with three Oak Leaf Clusters, and myriad other awards and decorations.

His wife, Jill, and his children—Thori, Christian, and Molly—have contributed to his success and surely must excitedly share in this latest achievement.

Madam President, on behalf of the people of Wyoming, it is with a great sense of pride and admiration that I vote to confirm Maj. Gen. Thad A. Wolfe's nomination to the rank of lieutenant general.

EXECUTIVE SESSION

TREATY ON OPEN SKIES

Mr. FORD. Madam President, I ask unanimous consent that the Senate proceed to the Executive Calendar 1, the Treaty on Open Skies.

I further ask unanimous consent that the treaty be considered as having been advanced through the various parliamentary stages up to and including presentation of the resolution of ratification, that the two conditions and one declaration recommended by the Committee on Foreign Relations be agreed to; that no additional amendments, conditions, declarations, provisos, understandings, or reservations be in order; that any statement appear, as if read, in the RECORD, and that the Senate vote on the resolution of ratification without intervening action or debate; that after the vote the motion to reconsider the vote be tabled, and that the President be notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The treaty will be considered to have passed through their various parliamentary stages up to and including the presentation of the resolution of ratification, which the clerk will state.

TREATY ON OPEN SKIES

The resolution of ratification was read as follows:

VIII. RESOLUTION OF RATIFICATION

SENATE OF THE UNITED STATES IN EXECUTIVE SESSION

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty on Open Skies signed at Helsinki on March 24, 1992, including annexes on Quotas and Maximum Flight Distances; Information on Sensors, with an Appendix on Annotation of Data Collected During an Observation Flight; Information on Observation Aircraft; Certification of Observation Aircraft and Sensors, with an Appendix on Methodologies for the Verification of the Performance of Sensors Installed on an Observation Aircraft; Procedures for Arrivals and Departures, with an Appendix on Designation of Sites; Pre-Flight Inspections and Demonstration Flights; Flight Monitors, Flight Representatives, and Representatives; Co-ordination of Planned Observation Flights; Information on Airspace and Flights in Hazardous Airspace; Montreux Convention; Information on Film Processors, Duplicators and Photographic Films, and Procedures for Monitoring the Processing of Photographic Film; and Open Skies Consultative Commission (all transmitted within Treaty Doc. 102-37); all such documents being integral parts of and collectively referred to as the "Open Skies Treaty", subject to the following:

(a) CONDITIONS.—The Senate's advice and consent to the ratification of the Open Skies Treaty is subject to the following conditions, which shall be binding upon the President:

(1) CHANGES TO SENSORS.—In the event that a State Party or States Parties seeks to obtain agreement, within the framework of the Open Skies Consultative Commission in accordance with Article IV, paragraph 3, and Article X, paragraph 5, of the Open Skies Treaty, to the introduction of additional categories of sensors, or to additions to the capabilities of existing sensors provided for pursuant to the Treaty, as an improvement to the viability and effectiveness of the Treaty not requiring an amendment to the Treaty, and the United States intends to agree to such proposed improvement, the President—

(A) shall provide prompt notification to the President of the Senate of each such proposed improvement, to include an analysis of the legal, cost, and national security implications of such proposed improvement; and

(B) shall not provide United States agreement to each such proposed improvement, or otherwise permit adoption of each such proposed improvement by consensus within the framework of the Open Skies Consultative Commission, until at least 30 days have elapsed from the date of notification to the Senate of the intention of the President to agree to such proposed improvement.

(2) NUMBER OF UNITED STATES OBSERVATION AIRCRAFT.—The Senate finds that United States interests may not require the utilization of the full quota of allowed observation flights or the procurement of more than one or two observation aircraft. Accordingly, within 60 days following completion of the first year after entry into force of the Open Skies Treaty, the President shall submit to the Senate a report setting forth:

(A) an analysis of the first year of operation of the Treaty, highlighting any ambiguities, differences, or problems that arose in the course of implementation, as well as any benefits that have accrued to the United States by its participation in the Open Skies regime;

(B) a determination of the estimated number of observation flights to be conducted annually by the United States for the duration of the Treaty; and

(C) an assessment of the number of United States observation aircraft required to carry out the observation flights described in subparagraph (B) above, taking into consideration the potential utilization of non-United States aircraft.

(b) DECLARATION.—The Senate's advice and consent to ratification of Open Skies Treaty is subject to the following declaration, which expresses the intent of the Senate:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the Resolution of Ratification with respect to the INF Treaty, approved by the Senate on May 27, 1988.

Mr. PELL. Mr. President, on behalf of the Committee on Foreign Relations, I am pleased that the Open Skies Treaty is now being taken up by the Senate.

The treaty was signed at Helsinki on March 24, 1992, and submitted to the Senate by President Bush on August 12, 1992.

Mr. President, the principal purpose of the Open Skies Treaty is to enhance military openness and transparency by providing each state party with the right to overfly the territory of other states parties using unarmed observation aircraft. The premise underlying the treaty is that if there is greater military openness and transparency, then regional tensions will be reduced, thereby decreasing the probability of conflict. Because the United States already possesses high-quality national technical means of verification, the treaty is expected to be largely of value to European states parties, particularly for those nations that do not have access to sophisticated reconnaissance satellites. For such states, the treaty may serve as a useful confidence- and security-building measure.

The original 25 signatories of the treaty were the 16 members of the North Atlantic Treaty Organization [NATO], the 5 Eastern European members of the former Warsaw Pact, and 4 former Soviet Republics, Russia, Ukraine, Belarus, and Georgia. Because the treaty was signed after the dissolution of the Soviet Union, issues concerning state succession did not arise, as in the case of the 1990 Conventional Armed Forces in Europe Treaty [CFE] and the 1991 Strategic Arms Reduction Treaty [START]. The Kyrgyz Republic, another former Soviet Republic, subsequently signed the treaty on February 16, 1993. The Czech and Slovak Republic, an original signatory, separated into two countries on January 1, 1993, and both joined the treaty. Thus, to date, there are 27 participants in the Open Skies regime. It is generally expected that the Open Skies regime will be expanded to the rest of the CSCE nations, and may well be adopted by countries in other regions of the world.

President Eisenhower proposed the first Open Skies initiative in 1955, before reconnaissance satellites were available. The purpose of Eisenhower's Open Skies was to allow for wide-ranging aerial inspections with optical cameras between the superpowers. These aerial inspections would have allowed each side to examine some military facilities in order to give early warning on military buildups. These inspections would probably have had a deterrent effect, could have reduced worse-case analysis assumptions about the other party, and could have established a mutual confidence building measure. First Secretary of the Communist Party Nikita Khrushchev strongly rejected Eisenhower's proposal because the Soviets feared that it was a way for Westerners to spy on the closed Soviet society.

With the advent of high-quality satellite reconnaissance in the early 1960's, the idea of Open Skies was overtaken by technological progress. However, today only the United States and Russia have extensive capabilities to photograph with satellites. Other nations of Europe do not have any significant ability to observe threatening military facilities or activities of their neighbors. Because of these multinational concerns, President Bush proposed a multilateral, rather than a bilateral, Open Skies initiative on May 12, 1989, in a speech at Texas A&M University.

The nations of Europe, and in particular, the new nations of Eastern Europe, appear to support the Open Skies Treaty as a measure to build mutual confidences at this time of transition. Canada has been a leader in the Open Skies negotiations, hosting Open Skies conferences and carrying out trial aerial inspections. In 1991, Hungary and Romania adopted a bilateral Open Skies Treaty which is consistent with the Open Skies multilateral treaty.

Mr. President, I chaired the first hearing on the treaty on September 22, 1992. Witnesses included Ambassador John Hawes, U.S. Representative to the Open Skies Conference, Department of State; the Honorable William Inglee, Deputy Assistant Secretary, Conventional Forces and Arms Control Policy, Office of Secretary of Defense; Maj. Gen. Robert Parker, U.S. Air Force, Director, On-Site Inspection Agency; Thomas Karas, Ph.D., senior associate, International Security and Commerce Program, Office of Technology Assessment; Mr. Michael Krepon, president, Henry L. Stimson Center, Washington, DC; Mr. Michael Moodie, Assistant Director, Bureau of Multilateral Affairs, U.S. Arms Control and Disarmament Agency; and Brig. Gen. Teddy E. Rinebarger, U.S. Air Force, Assistant Deputy Director for International Negotiations, Joint Chiefs of Staff.

On March 4, Secretary of State Warren Christopher wrote me to express his "strong support" for Open Skies. He wrote that:

> The Treaty on Open Skies represents the broadest international effort to date to promote openness and transparency of military forces and activities. The Treaty covers all the territory of its signatories, which include all NATO Allies, the East European members of the former Warsaw Pact, Russia, Ukraine, Belarus, Georgia, and Kyrgyzstan. Additional states have indicated their interest in becoming parties in the near future.

Moreover, the Secretary wrote:

> It will contribute to mutual understanding and confidence-building by giving all States Parties, regardless of size, a direct role in gathering information about military forces and activities of concern to them. The Treaty responds to the desire of many states for innovative means of strengthening security and stability, especially throughout Europe, including the states of the former Soviet Union. The basic principles and modalities of Open Skies could be used to contribute to the reduction of tensions in other regions of the world as well.

A second hearing was held on March 11, 1993, with representatives of the Clinton administration. Witnesses included the Honorable Robert L. Gallucci, Assistant Secretary for Politico-Military Affairs, Department of State; Mr. Thomas Graham, Acting Director and general counsel, U.S. Arms Control and Disarmament Agency; Ambassador John Hawes; and Brig. Gen. Teddy E. Rinebarger.

The final hearing was held in closed session on March 24, 1993, with Mr. Craig Chellis, special assistant to the Director of Central Intelligence for Arms Control.

Mr. President, on Thursday, May 20, 1993, the committee considered in markup a resolution of ratification recommending that the Senate advise and consent to ratification of the Treaty on Open Skies. The resolution includes a condition regarding sensor changes and a condition requiring a report by the President, following a year's experience with the treaty, providing his assessment of the need for additional aircraft and the necessity to carry out the full quota of inspections allocated to the United States. By voice vote, the committee voted unanimously, with a majority of the members present, to report the resolution favorably.

The condition on sensor changes was approved by the Committee on Foreign Relations, at the recommendation of the Select Committee on Intelligence. The committee was subsequently informed that the Committee on Armed Services also favors such a condition. The condition provides that, in the event states parties propose in the Open Skies Consultative Commission to adopt additional categories of sensors or additions to the capabilities of existing sensors, and the United States intends to agree to such improvements, the President shall give the Senate 30 days' notice, together with an analysis of the legal, cost, and national security implications of such proposed improvements. The cost estimates are also of interest to the Senate Committee on Armed Services.

The Foreign Relations Committee was concerned regarding potential costs of the treaty as contrasted with potential benefits. The committee noted that the Defense Department plans to procure three aircraft at considerable cost. In the committee's view, it was not clear that the number of observation flights allowed would be advisable, nor was it clear that more than one or two aircraft would be necessary to monitor this treaty.

The committee, therefore, approved a condition requiring a report by the President, following a year's experience with the treaty, providing his assessment of the need for additional aircraft and of the necessity to carry out the full quota of inspections permitted to the United States. A decision to forego the third WC–135 would save the United States approximately $30 million, not including costs associated with aircraft operations and maintenance and crew training and support.

Mr. President, I agree with the Secretary of State and the Open Skies Treaty is in the national interest of the United States and should be approved by this body. The primary benefits will be seen by the European partners in this venture and it could serve to provide reassurance in a period of continued uncertainty following the disintegration of the Soviet Union. It should be seen as a modest step forward in the continuum of modern arms control in which we do our best to move away from the mistrust and fears that characterized the bleak period of the cold war.

Mr. DECONCINI. Mr. President, I will vote in favor of ratification of the Treaty on Open Skies. This treaty was negotiated by the Bush administration and has been endorsed by President Clinton as well. While it will not provide many tangible benefits to the United States, officials in the executive branch have assured us that it will have a positive impact on European security. And that, in turn, is surely a benefit to the United States.

I speak today, however, not as an Open Skies supporter, but as chairman of the Select Committee on Intelligence. As a service to the Foreign Relations Committee and the Senate as a whole, the Intelligence Committee supports the treaty ratification process by providing its assessment of the monitoring and counterintelligence issues raised by each arms control treaty submitted to the Senate for advice and consent to ratification.

On Wednesday, May 19, we issued both classified and unclassified reports to the Senate on "Intelligence and Security Implications of the Treaty on Open Skies." The unclassified report was published in the CONGRESSIONAL RECORD for that day and is reprinted in the report of the Committee on Foreign Relations. We also have additional copies available for interested members or staff.

Members of the Senate are also invited to examine that select committee's more detailed, classified report, and I would be pleased if any colleague wished to examine that report today. We can bring a copy to the Vice President's office, if any Member wishes to examine it here, or show it to the Member in his or her own office.

The Intelligence Committee followed the Open Skies talks closely since their inception in 1989 and held a series of three briefings for staff in late 1992. On March 4, 1993, the committee held a closed hearing on the treaty at which it took testimony from Ambassador John H. Hawes, chief U.S. negotiator; Mr. Craig Chellis, Acting Chief of the DCI's Arms Control Intelligence Staff; Mr. Leo Hazlewood, Director of the National Photographic Interpretation Center; Maj. Gen. Robert W. Parker, USAF, Director, DOD On-Site Inspection Agency; Mr. Ray W. Pollari, Acting Deputy Assistant Secretary of Defense/Counterintelligence and Security Countermeasures; and Brig. Gen. Teddy E. Rinebarger, USAF, Assistant Deputy Director for International Negotiations, Strategic Plans and Policy, the Joint Staff.

The Intelligence Committee sought and obtained from the intelligence community an interagency assessment of the likely information gains and losses resulting from the treaty. The committee also obtained an interagency assessment of the treaty's counterintelligence and security countermeasures implications. Finally, the committee submitted and received answers to a series of questions for the record.

The Open Skies Treaty is not an arms control treaty in the traditional sense. It does not require the destruction or limit the capabilities of any weapons or other military equipment. It does not require, therefore, the same sort of monitoring through national technical means to determine other countries' compliance that one finds in, for example, the START Treaty.

The observation flights that would be conducted pursuant to the Open Skies Treaty are very similar, however, to cooperative measures for verification that have grown out of arms control treaties. Thus, they would be implemented by many of the same U.S. Government agencies that implement arms control verification; the information collected by these flights would have to be analyzed by the U.S. intelligence community; and the issues of counterintelligence and security protection for U.S. personnel and for sensitive or proprietary information are similar to those faced in various on-site inspections for arms control purposes.

It is these issues of implementation costs and benefits and of security concerns and costs that warranted the Intelligence Committee's attention and are the focus of its report, which is organized around the following questions:

Does the treaty contain ambiguities or present monitoring difficulties that are likely to lead to compliance questions?

What information gains will the United States obtain from this treaty?

What sensitive or proprietary information might the United States lose as a result of other countries' observation of U.S. territory or overseas bases?

How effectively will U.S. security precautions limit the potential loss of such sensitive or proprietary information?

What costs will be incurred in order to implement the treaty, analyze the information that is obtained, and protect U.S. security?

WILL TREATY AMBIGUITIES LEAD TO COMPLIANCE QUESTIONS?

Because the Open Skies Treaty is not a traditional arms control agreement with arms destruction requirements or limitations on weapons capabilities, there are few specific injunctions to obey and, therefore, few areas in which compliance questions could arise. The committee's report noted, however, that some difficulties could arise in such areas as the conduct of overflights. The provision in article VI of the treaty that limits observation flight paths was one example.

One area in which a decision mechanism is not specified is what to do if representatives of the observed party believe that the observing party has used a sensor improperly. The observed party controls both the airspace and the ground, so it can always bring force to bear. But no other means is set forth in the treaty for preventing the observing party from leaving the country with improperly gathered data.

WHAT INFORMATION IS THE UNITED STATES LIKELY TO GAIN?

The Intelligence Committee found that, at least initially, the Open Skies Treaty will offer the United States little of value in terms of information. If improved sensors or an environmental sensing package were to be approved in the future, this calculation could change. The chief U.S. representative to the Open Skies negotiations testified to the committee that the United States does not expect to be the primary direct beneficiary, in terms of information gains, of the openness that the treaty will provide. Rather, he stated, the greatest information gains resulting from the treaty will go to the great majority of participants who do not operate national technical means.

Article X of the treaty permits the Open Skies Consultative Commission to make decisions regarding both improvements in the resolution of existing sensors and even wholly new categories of sensors. Such decisions may be made without submitting them to the parties as amendments to the treaty. Thus, new or improved sensors could be authorized without Senate review or approval, even if the executive branch were to give insufficient attention to security concerns or preparedness.

While there has been no such unwise action in the Open Skies context thus far, the potential exists for problems in the future. New security concepts and capabilities could well be needed to meet the challenges posed by new sensors. Environmental sensing packages could also significantly increase the chances of Open Skies flights developing evidence of illegal activity, such as violations of environmental laws or international agreements, by companies in the United States, using sensors that could raise fourth amendment concerns.

The select committee therefore recommended as follows:

> The Senate should add a condition to the resolution of ratification to the effect that the United States shall not agree to Open Skies Consultative Commission approval of any new Open Skies sensor or of one with improved resolution until at least thirty days after notifying interested Committees of the Senate of its intention to do so; such notification shall include an analysis of the legal and security implications of the proposed change or changes.

This recommendation was accepted by both the Committee on Foreign Relations and the administration. It is incorporated in the resolution of ratification that is before us today. I want to thank the chairman and ranking minority member of the Foreign Relations Committee for the professional manner in which our committee's suggestion was turned into useful legislative language.

If Russia exercises its option to require United States use of a Russian aircraft and sensors, then little or no wide-area coverage may be obtained from United States flights over that country during the initial years of the treaty. If Russian film is not compatible with United States exploitation equipment, moreover, the requirement to use a Russian aircraft and sensors could severely complicate the exploitation of Open Skies data. The Intelligence Committee therefore recommended as follows:

> The United States should make every effort to use a U.S. observation aircraft and sensors in its Open Skies observation flights.

For example, since the United States observation aircraft and sensors are likely to provide better coverage during the transitional period than will the Russian aircraft and sensors, Russia/Belarus might agree to let United States overflights use the United States equipment in return for some arrangement that enabled them to use the same United States equipment in overflights of the United States.

WHAT SENSITIVE OR PROPRIETARY INFORMATION MAY BE COMPROMISED?

The basic theory of Open Skies observation is that the medium-resolution sensors permitted by the treaty will enable parties to monitor the size and disposition of each other's military forces. Russia and Belarus, the group of states parties that was the only requester for rights to overfly the United States, may gain new insights only from some of the sensors, since Russia already has imaging satellites. But countries with no national technical means could purchase the Russian data and/or, in later years, request their own flights over United States territory.

Open Skies surveillance could provide a country useful information about U.S. defense systems and manufacturing capabilities, as well as radar signature data for targeting purposes. Having said this, however, the intelligence value of each sensor would be limited—for other countries, just as for the United States. This is true largely because U.S. security countermeasures should be able to deny access to sensitive information that goes beyond what the U.S. Government is prepared to disclose for confidence-building purposes.

HOW EFFECTIVELY WILL THE GOVERNMENT SAFEGUARD U.S. PERSONNEL AND SENSITIVE AND PROPRIETARY INFORMATION?

U.S. personnel and potentially hostile security services will be in contact only for relatively short periods of time in connection with any given overflight, unlike the situation with some onsite inspection or portal monitoring teams pursuant to arms control treaties. Thus, even though Russian observers and escorts are expected to consist largely of air force and military intelligence personnel, the potential vulnerability of United States personnel to hostile intelligence approaches will be relatively limited.

The Open Skies Treaty specifically limits the types and capabilities of sensors to be employed in overflights, and several treaty provisions are designed to guard against the clandestine use of illegal or overly powerful sensors. Thus, the treaty provides for the certification of observation aircraft and sensors, a process that may involve both on-the-ground inspection and inflight tests to demonstrate the resolution of the sensors. The observed party may also inspect the observing aircraft and sensors before each observation flight. And the treaty provides for the use and inspection of external covers on sensors before and after each observation flight.

Executive branch security officials assured the committee that they can adequately guard against the use of illegal sensors. This does not mean, however, that one can ever have absolute certainty that no illegal intelligence collection is occurring.

Even the observation that is permitted under the Open Skies Treaty could result in the compromise of sensitive information. Aerial observation of military movements or exercises, industrial plant configurations or activities, and outdoor testing, development or storage of equipment could give foreign countries direct or indirect insight into U.S. military capabilities and readiness beyond that which the U.S. Government is prepared to disclose for the purpose of confidence-building. It is also conceivable—although perhaps not likely, given the low resolution of Open Skies sensors—that proprietary industrial information could be compromised.

To help U.S. facilities and defense contractors prepare for treaty-related inspection or monitoring, including Open Skies observation flights, the Defense Department has created the Defense Treaty Inspection Readiness Program (DTIRP), an interagency program that is administered by the On-Site Inspection Agency. The uncertain vulnerability of nondefense proprietary information to disclosure through Open Skies observation led the executive branch to concentrate upon the security of U.S. military facilities and defense industry. The Intelligence Committee pressed the issue of nondefense trade secrets both in its March 4 hearing and in a question for the record, however, believing that the U.S. Government should not ignore even a slight risk that its arms control actions could affect the security of private information.

The Assistant to the President for National Security Affairs, in letters to the chairman and vice chairman of the Intelligence Committee, informed the committee of steps that the executive branch is taking to address this question:

> An interagency working group has begun to explore steps that might be taken to notify private, nondefense companies about the Open Skies Treaty and possible flights over the United States. The Commerce Department, with other appropriate agencies, will work to devise options for such notification.
>
> The Executive Branch will (a) develop a strategy for notifying private, non-defense companies of the nature and extent of Open Skies missions; (b) consider how private, non-defense companies might be able to take advantage of the DTIRP system managed by the Department of Defense; and (c) explore any other possible low-cost means of better informing private, non-defense companies whose proprietary information might be disclosed through Open Skies missions, about the Treaty.

The Intelligence Committee is pleased that the executive branch has begun to develop a policy regarding the protection of proprietary nondefense information and is tasking the Commerce Department and other agencies to develop cost-effective measures to inform and assist non-defense industry. In its report, the committee recommended as follows:

> The Executive branch should institute an outreach program to inform industry about the likely impact of the Open Skies Treaty and to offer appropriate assistance in safeguarding proprietary information that may be put at risk. Such assistance need not incur major costs to the government and could, if necessary, be user-funded.

Article IX of the treaty requires that Open Skies data be "used exclusively for the attainment of the purposes of this Treaty." While the risk of Open Skies imagery or other data being used for purposes inconsistent with the treaty is probably remote, such an outcome is not impossible if the data are made freely available to the public. It would be prudent to take action to guard against improper use of such data. At the same time, however, it would seem out of keeping with the confidence-building objectives of the Open Skies Treaty either to classify this information or to enact a statute penalizing its improper use. The select committee therefore recommended a more limited step, as follows:

> Congress should consider legislation to create a new b(3) exemption to the Freedom of Information Act that would permit the Government to withhold information collected pursuant to the treaty from public disclosure.

We understand that the Foreign Relations Committee has been asked by the administration to take the initiative on this matter, and we look forward to their drafting of an appropriately narrow FOIA exemption.

CAN WE JUSTIFY THE COSTS OF IMPLEMENTING OPEN SKIES?

At least for the time being, all of the resources needed to exploit Open Skies imagery will come from existing funds and personnel. This means that any exploitation and analysis resources—people or dollars—expended in support of the Open Skies Treaty will have to be diverted from other efforts in this field. Executive branch managers recognize the distinct possibility that the costs of Open Skies exploitation will exceed the expected value of the data.

Roughly $93.7 million in Defense Department funds was appropriated in fiscal years 1992 and 1993 for implementation of the Open Skies Treaty. The bulk of this figure is for the modification of three aircraft and the short-term lease and modification of a fourth. The Department of Defense has budgeted over $120 million through fiscal year 1997 to continue implementation of the treaty.

These projected costs are based upon planning assumptions that include nine observation flights the first year, increasing to 15 flights in fiscal year 1995 and fiscal year 1996, and some higher figure in later years. The assumptions also see overflights of U.S. territory rising to 15 flights in fiscal year 1995 and fiscal year 1996, and more thereafter. If those assumptions were relaxed to a level of no more than 15 flights in the out-years, then it might well be possible to forego one of the three observation aircraft, as well as the operations and maintenance costs of the extra flights. This could save $25 to $30 million in fiscal years 1996 and 1997 alone.

In light of the low expectations and high costs associated with this treaty, the committee recommended as follows:

> After the first 1-2 years, the United States should not use its full active observation flight quota unless there is a clear likelihood of obtaining significant information through those flights. Unless an environmental sensing package is adopted under Open Skies, only two aircraft should be used for Open Skies flights after the transitional period.

The Armed Services Committee and the Foreign Relations Committee have made similar recommendations. I trust that the executive branch will take those recommendations seriously and work to minimize expenditures unless there is some truly tangible benefit to be gained.

Mr. President, while the committee did not take a stand regarding the wisdom of ratifying this treaty, clearly many of our concerns have been addressed to some degree. Thus, there will be a prior notice provision for decisions to permit new or improved sensors; there is an ongoing interagency process to deal with the risk of compromise to proprietary nondefense information; there will likely be proposed a narrow FOIA exemption for Open Skies data; and all the concerned committees of the Senate agree that implementation costs should be reduced by having fewer observation flights than we can demand under the treaty, unless we expect to get something useful from those flights.

From the Intelligence Committee's standpoint, therefore, the process has been a useful one. We hope that our work and recommendations will also prove useful to our colleagues in the Senate.

Mr. President, I ask unanimous consent that the text of a letter from the National Security Advisor be reprinted after my remarks in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, May 12, 1993.

Hon. DENNIS DECONCINI,
Chairman, Select Committee on Intelligence, United States Senate, Washington, DC.

DEAR MR. CHAIRMAN: During the March 4, 1993 SSCI hearing on the Treaty on Open Skies, and in a subsequent question for the record, Committee members raised the question how the U.S. government could help protect proprietary information of private, non-defense companies which might be disclosed through Open Skies observation flights.

This is to inform you that since the hearing the Executive Branch has taken additional steps to address this question. An interagency working group has begun to explore steps that might be taken to notify private, non-defense companies about the Open Skies Treaty and possible flights over the United States. The Commerce Department, with other appropriate agencies, will work to devise options for such notification.

The Executive Branch will (a) develop a strategy for notifying private, non-defense companies of the nature and extent of Open Skies missions; (b) consider how private, non-defense companies might be able to take advantage of the DTIRP system managed by the Department of Defense and; (c) explore any other possible low-cost means of better informing private, non-defense companies whose proprietary information might be disclosed through Open Skies missions, about the Treaty.

I hope that this supplementary information will be useful to the Committee as it prepares its final report on the Open Skies Treaty. I have sent a similar letter to Senator Warner.

Sincerely,

ANTHONY LAKE,
Assistant to the President for National Security Affairs.

Mr. FORD. Madam President, I ask for a division vote.

The PRESIDING OFFICER. A division is requested.

Senators in favor of the resolution of ratification stand and be counted. (After a pause.) Those opposed to the resolution of ratification, stand and be counted.

So it was

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty on Open Skies signed at Helsinki on March 24, 1992, including annexes on Quotas and Maximum Flight Distances Information on Sensors, with an Appendix on Annotation of Data Collected During an Observation Flight; Information on Observation Aircraft; Certification of Observation Aircraft and Sensors, with an Appendix on methodologies for the Verification of the Performance of Sensors Installed on an Observation Aircraft; Procedures for Arrivals and Departures, with an Appendix on Designation of Sites; Pre-Flight Inspections and Demonstration Flights; Flight Monitors, Flight Representatives, and Representatives; Co-ordination of Planned Observation Flights; Information on Airspace and Flights in Hazardous Airspace; Montreux Convention; Information on Film Processors, Duplicators and Photographic Films, and Procedures for Monitoring the Processing of Photographic Film; and Open Skies Consultative Commission (all transmitted within Treaty Doc. 102-37); all such documents being integral parts of and collectively referred to as the "Open Skies Treaty", subject to the following:

(a) CONDITIONS.—The Senate's advice and consent to the ratification of the Open Skies Treaty is subject to the following conditions, which shall be binding upon the President:

(1) CHANGES TO SENSORS.—In the event that a State Party or States Parties seeks to obtain agreement, within the framework of the Open Skies Consultative Commission in accordance with Article IV, paragraph 3, and Article X, paragraph 5, of the Open Skies Treaty, to the introduction of additional categories of sensors, or to additions to the capabilities of existing sensors provided for pursuant to the Treaty, as an improvement to the viability and effectiveness of the Treaty not requiring an amendment to the Treaty, and the United States intends to agree to such proposed improvement, the President—

(A) shall provide prompt notification to the President of the Senate of each such proposed improvement, to include an analysis of the legal, cost, and national security implications of such proposed improvement; and

(B) shall not provide United States agreement to each such proposed improvement, or otherwise permit adoption of each such proposed improvement by consensus within the framework of the Open skies Consultative Commission, until at least 30 days have elapsed from the date of notification to the Senate of the intention of the President to agree to such proposed improvement.

(2) NUMBER OF UNITED STATES OBSERVATION AIRCRAFT.—The Senate finds that United States interests may not require the utilization of the full quota of allowed observation flights or the procurement of more than one or two observation aircraft. Accordingly, within 60 days following completion of the first year after entry into force of the Open Skies Treaty, the President shall submit to the Senate a report setting forth:

(A) an analysis of the first year of operation of the Treaty, highlighting any ambiguities, differences, or problems that arose in the course of implementation, as well as any benefits that have accrued to the United States by its participation in the Open Skies regime;

(B) a determination of the estimated number of observation flights to be conducted annually by the United States for the duration of the Treaty; and

(C) an assessment of the number of United States observation aircraft required to carry out the observation flights described in subparagraph (B) above, taking into consideration the potential of non-United States aircraft.

(b) DECLARATION.—The Senate's advice and consent to ratification of the Open Skies Treaty is subject to the following declaration, which expresses the intent of the Senate:

TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionaly based principles of treaty interpretation set forth in Condition (1) of the Resolution of Ratification with respect to the INF Treaty, approved by the Senate on May 27, 1988.

EXECUTIVE CALENDAR

Mr. FORD. Madam President, I ask unanimous consent that the Senate proceed to the following nominations:

Calendar Nos. 315, 319, 327, 328, 329, 330, 331, 332, 333, 334, and 335.

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the

RECORD as if read; that upon the confirmation, the motions to reconsider be laid upon the table, en bloc; that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The nominations, considered and confirmed, en bloc, are as follows:

DEPARTMENT OF JUSTICE

Louis J. Freeh, of New York, to be Director of the Federal Bureau of Investigation for the term of 10 years.

DEPARTMENT OF TRANSPORTATION

David Russell Hinson, of Illinois, to be Administrator of the Federal Aviation Administration.

DEPARTMENT OF STATE

John T. Sprott, of Virginia, a career member of the Senior Executive Service, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Swaziland.

Roland Karl Kuchel, of Florida, a career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zambia.

Walter C. Carrington, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Nigeria.

Aurelia Erskine Brazeal, of Georgia, a career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kenya.

John S. Davison, of Maryland, a career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Niger.

James Robert Jones, of Oklahoma, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mexico.

Donald J. McConnell, of Ohio, a career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Burkina Faso.

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

J. Joseph Grandmaison, of New Hampshire, to be Director of the Trade and Development Agency, vice Jose E. Martinez, resigned.

THE JUDICIARY

Russell F. Canan, of the District of Columbia, to be an associate judge of the Superior Court of the District of Columbia for the term of 15 years.

STATEMENT ON THE NOMINATION OF LOUIS J. FREEH

Mr. BIDEN. Mr. President, I am pleased to speak in support of the nomination of Louis Freeh to be the Director of the Federal Bureau of Investigation. He is an individual of great character, who has proven himself as a prosecutor, a Federal judge, and an agent of the FBI.

His personal qualities and experience will serve him well as Director of the Nation's chief law enforcement agency.

Of great importance to me was Judge Freeh's commitment to maintain the independence of the FBI.

He testified that he sought and received assurances from the President and the Attorney General that the FBI would remain free from political interference.

Judge Freeh also indicated his commitment to respecting individual rights and the Constitution, and promised that the FBI would not lose sight of these principles while pursuing its law enforcement goals.

Judge Freeh's integrity, independence, commitment to the law, and extensive experience in law enforcement will serve him well as Director of the Federal Bureau of Investigation.

I strongly urge all Members of the Senate to support his nomination.

STATEMENT ON THE NOMINATION OF JUDGE LOUIS FREEH TO BE DIRECTOR OF FBI

Mr. LAUTENBERG. Madam President, I rise in strong and enthusiastic support of the nomination of Judge Louis Freeh to be the next Director of the Federal Bureau of Investigation.

Judge Freeh has the personal and professional qualities necessary to become a truly outstanding Director. His background as a successful FBI agent, prosecutor, and judge provides a broad-based perspective so important for an FBI Director. It has given him a thorough understanding of the responsibilities and the limits of the FBI's power and mission.

But his qualifications for the job go beyond his résumé. His integrity and character will enable him to handle the difficult challenges of his demanding job with skill, tact, and persistence. And, as his service as an FBI agent demonstrates, he is genuinely committed to the mission of the Bureau and knowledgeable about its operations. Of course, the fact that he hails from my home State of New Jersey is an added qualification that only increases my certainty of his success.

Filling the position of FBI Director is no small matter. The work of the FBI is critical to the safety and well-being of Americans in their homes, their streets, their workplaces, and their communities. The FBI plays a key role in protecting Americans against terrorism, violence, and crime.

The Bureau has won the respect and praise of Americans across our land because of its leadership in protecting Americans from these threats. In New Jersey, the local FBI office in Newark, headed by Jim Esposito, has done a superlative job in dealing with the recent terrorist threats in our area. And for many years, the FBI has worked hard to earn its well-deserved reputation for excellence.

Judge Louis Freeh personifies that reputation of excellence. His whole life has been characterized by achievement, commitment to excellence, determination to produce results, and dedication to his community. I predict that these qualifies will help him take on the daunting challenges that face the FBI today and in the future.

From the threats of international terrorism, to drug dealing, gangs, and growing violence throughout our Nation, the safety of all Americans is at risk every day. Meeting this challenge, while remaining true to America's ideals of individual freedom, will not be easy.

Nor will it be easy to deal with some of the management issues that will confront the new Director, such as ensuring fair treatment for all employees, regardless of gender or color.

The challenges are real and difficult. But I know of no person who is better qualified for the job than Judge Louis Freeh.

I want to congratulate President Clinton on his selection. And on behalf of a lot of very proud New Jerseyans, I would urge the Senate to approve Judge Louis Freeh to be the next Director of the FBI.

STATEMENT ON THE NOMINATION OF LOUIS J. FREEH TO BE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION

Mr. HATCH. Madam President, I will vote to confirm Judge Louis J. Freeh to be the Director of the Federal Bureau of Investigation. Judge Freeh brings to his position significant experience in law enforcement and an impeccable reputation.

Before being appointed to the Federal bench by President Bush in 1991, he spent nearly 10 years as an assistant U.S. attorney in New York prosecuting complex organized crime and drug trafficking cases. Judge Freeh will bring to the job of Director the investigative instincts of an FBI agent, the prosecutorial savvy of an assistant U.S. attorney, and the temperament of a Federal judge. Standing alone, each of these qualities might be sufficient to confirm a nominee for Director. Taken together, they demonstrate why Judge Freeh is so qualified for this position.

Judge Freeh will take over the world's preeminent law enforcement agency. He will need to lead the FBI in meeting new challenges. Additional resources will have to be committed to the ever emerging threat of domestic terrorism. Health care fraud, telemarketing fraud, and other emerging corruption will command greater attention in coming years. I believe Judge Freeh is well qualified to take on these challenges.

Judge Freeh also recognizes the need to enhance the FBI's efforts in rural States like my home State of Utah. All too often, Federal agencies here in Washington fail to respond adequately to the rising crime problem in rural America. Judge Freeh has pledged to work to insure that the crime problems of rural states like Utah are adequately addressed.

Finally, I want to comment on the politicization of the FBI. The FBI is one of our Nation's most cherished institutions. That is why it is very important that the FBI be insulated from even the slightest appearance of politics. Judge Freeh has committed to insuring that the FBI will remain neutral on all political issues.

For these reasons, I urge my colleagues to support the nomination of Louis Freeh.

STATEMENT ON THE NOMINATION OF JUDGE LOUIS J. FREEH TO BE DIRECTOR OF THE FBI

Mr. PRESSLER. Madam President, I rise today to speak on the President's nomination of Judge Louis J. Freeh to be the next Director of the FBI. Judge Freeh's record is most impressive. He has accomplished a great deal in his career to date. Five years with the FBI as an agent, 10 years as an assistant U.S. attorney, and the last 2 as a Federal judge, appointed by President Bush. It is a commendable record in itself, and particularly well suited for the position he has been nominated.

The FBI is the principal investigative agency of the U.S. Government. It is charged with investigating all federal crimes and crimes occurring on federal properties. In my State of South Dakota, the FBI operates in the usual areas—investigating bank robberies, embezzlements, interstate flights to avoid prosecution, and the like. But in my state, the FBI also has the additional responsibility of investigating crimes on the Indian reservations. With seven reservations in my State, covering vast amounts of territory, and populated by tens of thousands, the activity of the FBI on the reservations is of great interest to me.

Government's foremost responsibility is to protect its citizens from the life-threatening, aggressive, and violent actions of those operating outside the bounds of international and domestic law. Traditionally, the military has protected Americans from enemy nations that sought to deprive Americans of life and property. But in today's world, the threat of foreign government aggression has dissipated. The threat of international and domestic terrorists now dominates the agenda of our national security apparatus. I see the FBI playing a key role in the years ahead in eradicating terrorist threats to the security of American people, both at home and abroad.

I believe Judge Freeh is up to the challenge. In the testimony he presented at his confirmation hearing, he demonstrated fresh and vigorous ideas for preparing the FBI for the challenges facing it and law enforcement in the future. I look forward to seeing the FBI, under Judge Freeh's leadership, serving the desire of all Americans to be free from fear of violent crime, whether perpetrated by home-grown thugs or foreign-trained terrorists. Judge Freeh has a great challenge ahead of him. I am convinced he is up to it.

Judge Freeh is a remarkable nominee. The American people are fortunate to have this man heading the Nation's foremost law enforcement agency. We owe to him and his family more thanks than we can ever adequately extend for the service and sacrifice they are about to perform. I am proud to support this confirmation. I wish Judge Freeh and his family all the best.

STATEMENT ON THE NOMINATION OF JUDGE LOUIS FREEH TO SERVE AS DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION

Mr. THURMOND. Madam President we are now considering the nomination of Judge Louis Freeh to serve as Director of the FBI.

I recall favorably when Judge Freeh was before this committee as President Bush's nomination to serve as U.S. district court judge for the Southern District of New York. He is to be commended for moving from the security of a life-tenured position to serve his country in fighting crime.

The responsibility facing Judge Freeh is immense. As Director of the FBI, he will be in charge of this Nation's premier law enforcement agency with a budget of over $2 billion.

As a former FBI agent, Judge Freeh will bring a keen insight to the operation of the Bureau and will be uniquely positioned to respond to concerns of agents in the field. Additionally, Judge Freeh enjoyed a successful career as a Federal prosecutor where he specialized in organized crime. His credentials for this important position are impressive and will serve him well as Director of the FBI. I have great confidence that he will lead the FBI in a capable and aggressive manner.

The challenges posed by the criminal element in this country demand a vigilant FBI committed to maintaining law and order. It is imperative that the FBI cooperate with State and local law enforcement in our work to combat crime. Additionally, the FBI must work in concert with other Federal law enforcement agencies to protect the law-abiding citizens from sinister criminal activity.

Here in the Congress, we must commit to providing the FBI with the resources it needs to meet the challenges of terrorism, violent crime and white collar crime.

Judge Freeh will have a formidable task as Director of the FBI. He brings with him a proven track record of dedication, tenacity, and a sense of responsibility to get the job done.

Madam President, I am pleased to support Judge Freeh and I look forward to working with him in the years ahead.

STATEMENT ON THE NOMINATION OF JUDGE LOUIS FREEH TO BE DIRECTOR OF FBI

Mr. DOLE. Madam President, I will vote to confirm Judge Louis Freeh as the next Director of the Federal Bureau of Investigation.

This is a crucial time for the FBI, as the chief threat to the security of the United States is no longer an expansionist Soviet Union, but the escalating levels of violence in our cities and towns and the threat posed by international terrorism. As we head into the 21st century, the FBI must be prepared to confront these challenges.

To be effective, the FBI must also have the confidence to the American people. Charges that the White House improperly used the FBI in the so-called Travelgate affair raise troubling questions about the FBI's independence.

And for the first time in history, an FBI Director was removed by a President prior to the completion of his 10-year term. The reason given for the dismissal was also novel in the annals of the FBI history—an alleged "deficiency in judgment."

Now, Judge Sessions may have shown some poor judgment along the way. But the independence of the FBI suffers when its Director can be removed simply by alleging "deficiency in judgment." It is my hope that this precedent will remain simply that—precedent—and will not be repeated in future administrations.

No doubt about it, the American people have a right to expect that their top law enforcement agencies will make decisions free of political considerations.

I am pleased that Judge Freeh himself has pledged his commitment to ensure that the FBI is immune to political influence. And he has specifically pledged to me his willingness to cooperate fully with the General Accounting Office's own travelgate investigation.

As a former FBI agent, an assistant U.S. attorney, and a Federal district court judge, Judge Freeh is certainly qualified to take over the reins of the FBI.

His experience as a prosecutor, spearheading the famous "Pizza Connection" case and leading the investigation into the mail-bombing murders of Judge Robert Vance and N.A.A.C.P official Robbie Robinsons, should serve him well. His record suggests that he is someone who knows how to get things done, working with criminal investigators and prosecutors at all levels of Government.

With his background as a field agent, I suspect that Judge Freeh will also command the respect of the FBI rank-and-file, which is essential to any FBI director who desires a successful tenure.

Madam President, I wish Judge Freeh the very best as he assumes the considerable responsibility of heading up our Nation's top law enforcement agency.

STATEMENT ON THE NOMINATION OF LOUIS FREEH AS FBI DIRECTOR

Mr. D'AMATO. Madam President, I rise today to enthusiastically support the nomination of Louis J. Freeh to become Director of the Federal Bureau of Investigation. I support this nominee with particular pleasure: not only is

Louis Freeh extremely well-qualified to serve as head of the FBI, but for his entire career he has used his exceptional abilities to enforce the laws of the United States vigorously and fairly.

Few citizens can match Louis Freeh's record of public service. In 1975, as a young lawyer, he joined the FBI. Five years later, he received its special commendation for his investigative work in cases involving organized crime and labor racketeering. In 1981, he was assigned to assist Senator NUNN and former Senator Rudman in preparation for hearings into labor racketeering conducted by the Permanent Investigation Subcommittee. Those hearings led to significant amendments to the United States Code.

Also in 1981, Louis Freeh became an assistant U.S. attorney for the Southern District of New York, where he served three U.S. attorneys as chief of the organized crime unit, deputy U.S. attorney, and associate U.S. attorney. In 1983, he was appointed the national coordinating prosecutor for the so-called "Pizza Connection Case." That appointment culminated 4 years later in the successful prosecution of 18 members of the Sicilian La Cosa Nostra. The trial, which lasted 17 months—the longest criminal jury trial in the history of the Southern District—put an end to an international drug cartel that generated more than $60 million from the sale of heroin and cocaine in this country. Recognizing Louis Freeh's unparalleled dedication and genius in case management, the Department of Justice awarded him the John Marshall Award for Preparation of Litigation in 1984, and the Attorney General's Distinguished Service Award in 1987.

Louis Freeh successfully investigated the mail-bombing deaths of Judge Robert Vance and Savannah, GA attorney Robert Robinson and subsequently obtained convictions in those murders; even though when he was assigned them, the cases had languished. Since 1991, he has served as U.S. district court judge in the Southern District of New York, where, had he not been picked by President Clinton to be Director of the FBI, I believe he would have led an exemplary career.

Judge Louis Freeh, quite simply, is a person of great judgement, wisdom and integrity. It is for these reasons that I am pleased and privileged to support his nomination to be the next Director of the Federal Bureau of Investigation.

STATEMENT ON THE NOMINATION OF DAVID R. HINSON

Mr. HOLLINGS. Madam President, today the Senate is considering the nomination of David R. Hinson to the important post of Administrator of the Federal Aviation Administration [FAA]. Much work needs to be done concerning the future of our aviation system, and the FAA Administrator will have a challenging responsibility in this regard.

The FAA Administrator has two primary responsibilities: to ensure a safe aviation system and to spend the taxpayer's dollars wisely. The air transportation system was constructed with taxpayer dollars, and further expenditures must build appropriately upon those initial investments. Furthermore, Federal funds should be used for those purposes for which they were intended. Over the years, the aviation trust fund has had a significant surplus, which now amounts to about $4.4 billion. These funds are collected for specific aviation uses and should be expended accordingly.

As the Nation's top aviation safety official, the FAA Administrator is responsible for ensuring that the system is safe and efficient. There is no higher priority than the safety of the traveling public. The FAA Administrator must work closely with the National Transportation Safety Board, the general and commercial aviation communities, labor, and airports to ensure that this goal is met.

Many promises have been made by former FAA Administrators. I have heard grandiose plans to modernize the air traffic control system, among others, but all too often those promises have not been kept. As an example, the air traffic control modernization effort continues to be over budget and behind schedule. Important projects like this one cannot continue to be mismanaged. We have an obligation to ensure the most efficient aviation system possible.

If confirmed, Mr. Hinson will face a difficult task, but I am convinced he has the experience needed to move the FAA into the next century. He has worked in the aviation industry for a long time, both as a pilot and as an airline and aircraft manufacturing executive. Mr. Hinson has been involved in the aviation industry for 37 years.

He was most recently executive vice president for marketing and business development of McDonnell Douglas. Prior to this position, he served as chairman and chief executive officer of Midway Airlines from 1985 to 1991. From 1973 to 1985, he was President and CEO of Hinson-Mennella, Inc., a firm based in Portland, OR, that managed various aviation-related businesses.

Mr. Hinson also served in the U.S. Navy as a carrier pilot from 1954 to 1959. For the next 14 years after that, he was employed by two U.S. airlines as a pilot and flight instructor.

Mr. President, Mr. Hinson's qualifications speak for themselves. I urge my colleagues to support this nominee.

STATEMENT ON THE NOMINATION OF DAVID HINSON

Mr. PRESSLER. Madam President, I rise today to comment on the Senate's confirmation of David Hinson to be Administrator of the Federal Aviation Administration [FAA]. As my colleagues know, over the past months. I have been voicing my deep concerns with Federal bureaucracy and its devastating effect on the safety of our Nation's transportation industry. In my view, lack of Federal responsiveness was a contributing factor in the April 19 plane crash that claimed the lives of South Dakota's Governor and seven prominent citizens. Now is the time to tackle bureaucratic ineffectiveness.

In my effort to bring needed attention to the issue of transportation safety—particularly the issue of aviation safety—I have been accused of political grandstanding. Such accusations do not—and will not—affect my relentless mission. In fact, such statements only fuel my fire. I will not apologize for demanding for a Federal Government that vigorously enforces aviation safety. I will continue fighting for the safety of our traveling public.

I believe it is imperative that Presidential appointees—Democratic or Republican—who will influence our Nation's transportation agenda, be held to the highest standards of transportation safety. These provisions should be filled by individuals with proven expertise, proven qualifications, and proven leadership in the transportation field. David Hinson is one of those individuals.

I have conducted exhaustive and thorough examination of David Hinson's qualifications for Administrator of the FAA. Prior to Mr. Hinson's nomination hearing before the Senate Commerce, Science, and Transportation Committee, I asked him to respond to a number of my questions and concerns—particularly in the area of aviation safety. I had the opportunity to meet with Mr. Hinson in my office to discuss his qualifications and views on aviation issues. I was impressed with Mr. Hinson's firsthand knowledge of the complexities of aviation, as both an industry and a mode of transportation.

At this nomination hearing, I questioned Mr. Hinson extensively about the FAA's responsiveness to safety concerns, especially toward the National Transportation Safety Board [NTSB]. I also asked Mr. Hinson what he thought of the FAA's regulatory process. Frankly, I was not satisfied with several of Mr. Hinson's responses during the hearing. Therefore, I submitted additional post-hearing questions for Mr. Hinson so that I could understand more fully his position and views with respect to the FAA.

Also, during the hearing, I asked Mr. Hinson a number of questions that required further review before he could provide an adequate response. I certainly respected Mr. Hinson's need for additional time to respond to my hearing questions and appreciated his written responses.

I have reviewed carefully Mr. Hinson's stated professional experiences and qualifications for the position of FAA Administrator. I also have reviewed his oral and written responses to the numerous questions I have raised, and I believe he more than demonstrated his commitment to the safety of the air traveling public. Indeed, Mr. Hinson stated that he recognizes the importance of timely FAA action on safety initiatives.

If confirmed, Mr. Hinson pledged to consider carefully methods that would improve the FAA's responsiveness, particularly to NTSB recommendations. Finally, Mr. Hinson pledged to seek creative solutions to streamline the FAA's rulemaking process.

I am confident that Mr. Hinson has the needed leadership skills—as well as the professional expertise—to serve effectively as the next FAA Administrator.

Let me reiterate that I am troubled deeply by previous agency gridlock and lack of responsiveness to safety concerns. Strong leadership is needed at the FAA. I am encouraged that Mr. Hinson is committed to providing that leadership. I am generally satisfied that Mr. Hinson will do his utmost to ensure our skies and our aircraft are safe.

David Hinson is about to meet one of the challenges of a lifetime. As ranking member of the Senate Aviation Subcommittee, I stand ready to work with Mr. Hinson to assist him in his efforts to promote a safe and sound aviation industry. At the same time, I will hold Mr. Hinson to carry out his pledges and to make aviation safety a top FAA priority. I extend to him my support and my best wishes for continued professional success.

STATEMENT ON THE NOMINATION OF JAMES R. JONES

Mr. BOREN. Madam President, I rise today to support the nomination of James R. Jones to the post of Ambassador to Mexico. His expertise and knowledge will serve this country well as we define our new economic relationship with our neighbor to the South. His strong support for the North American Free-Trade Agreement will be crucial to opening doors in this enormous new market for our goods and services. he is committed to ensuring that Americans are able to obtain accurate information about the economic and trade effects of this agreement as we continue to debate its ratification.

Jim Jones will also be sensitive in handling the inherent difficulties in our close relationship. For example, in his confirmation hearing, he addressed the environmental hazards along the 2,000-mile border separating our two countries. He is convinced that we are committed to solving this pollution problem and will play a role in implementing a workable and effective solution.

As the chairman of the American Stock Exchange and chairman of the American Business Conference, he has become knowledgeable about and been impressed with the economic reforms that have recently occurred in Mexico and will encourage the expansion of these crucial changes. His expertise in trade, honed through his work with the Overseas Development Council and the United States-Japan Leadership Council, will serve him well in negotiations. But his vision will be broader than the economic and trade issues involving our countries.

Jim Jones served the State of Oklahoma with ability and distinction as its Representative from the First Congressional District for 14 years. From 1981 through 1985, he was the Chairman of the House Budget Committee; and he served for over 10 years as a member of the Ways and Means Committee. In these posts he demonstrated a far-sighted grasp of economic issues. If his advice about ways to bring the deficit under control had been heeded, we would be in a much stronger position as a nation today.

Jim Jones was one of the most able and effective Members of Congress with whom I have had the opportunity to work. The President could not have appointed a better person to be Ambassador of Mexico at this crucial time. I wholeheartedly support this nomination.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

S. CON. RES. 38—REPRINTING OF "U.S. CAPITOL: A BRIEF ARCHITECTURAL HISTORY"; S. CON. RES. 39—PRINTING OF "HISTORY OF U.S. CAPITOL"; S. CON. RES. 40—PRINTING OF "CONSTANTINO BRUMIDI: ARTIST OF CAPITOL"; S. CON. RES. 41—PRINTING OF "THE CORNERSTONES OF U.S. CAPITOL"

Mr. FORD. Madam President, I send to the desk four concurrent resolutions on behalf of the majority leader and Republican leader, and I ask unanimous consent that it be in order for the Senate to proceed to their immediate consideration, en bloc; that the concurrent resolutions be agreed to, the motion to reconsider laid upon the table, en bloc, and that the majority leader's statement and related documents be printed in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the concurrent resolutions (S. Con. Res. 38, 39, 40, and 41) were considered and agreed to.

Mr. MITCHELL. Madam President, the purpose of these routine concurrent resolutions is to authorize the printing of four important publications prepared under the auspices of the Office of the Architect of the Capitol in cooperation with the U.S. Capitol Preservation Commission and the Commission on the Bicentennial of the U.S. Capitol.

Because September 1993, marks the 200th anniversary of the laying of the first cornerstone of the Capitol, it would be helpful for the Senate to agree to these resolutions prior to the August recess.

The titles of these publications are: "The U.S. Capitol: A Brief Architectural History"; "Glenn Brown's History of the U.S. Capitol"; "Constantino Brumidi: Artist of the Capitol"; and "The Cornerstones of the U.S. Capitol."

Three of these publications focus on the architectural history of the Capitol, while the fourth examines the life and work of the artist of the Capitol, Constantino Brumidi.

Among the three books that examine the architectural history of the building, one is a reprint of a popular brief history of the Capitol, the second is an updated, annotated version of the complete 2-volume treatise on the Capitol published in 1900 and 1983, and the third is a brief study of the architectural phases of the Capitol begun with each of its cornerstones.

Madam President, I ask unanimous consent that three explanatory statements prepared by the Office of the Architect of the Capitol on these publications be printed in the CONGRESSIONAL RECORD.

There being no objection, the statements were ordered to be printed in the RECORD as follows:

GLENN BROWN'S "HISTORY OF THE U.S. CAPITOL"

To date, the most important publication on the United States Capitol is the one written by Glenn Brown and published by the Government Printing Office in two volumes in 1900 and 1903. The book still provides important information on the development of the Capitol and is a visual record of the building and the art collection at the turn of the century. The book set a new standard for architectural history and was well received in this country as well as abroad. The book also played a role in the revival of Pierre Charles L'Enfant's plan for the city of Washington through the 1901 McMillan plan, and thus it had significant effect on the shape the city took in the twentieth century. The History was reprinted in a smaller one-volume facsimile version in 1970, but this book is no longer in print.

The new annotated history will provide historical context and contemporary perspective on Glenn Brown and his philosophy and achievements in the introductory biographical profile. The text will be annotated to correct errors, to identify issues that are controversial, and to point readers to both newly discovered documentation and recent sources. The volume will also include an updated bibliography. The publication will be illustrated with high-quality photographs, based on Glenn Brown's selection. Color will be introduced where most important to show architectural renderings and paintings.

The publication will be of interest to the Congress, the public, libraries, and scholars interested in the U.S. Capitol and its history. The publication is not intended to substitute for the new history of the Capitol that is being planned as a long-term bicentennial project.

CONSTANTINO BRUMIDI: ARTIST OF THE CAPITOL

Constantino Brumidi, who described himself as the "artist of the Capitol," painted in the meeting place of the Congress between 1855 and 1880. He contributed greatly to the beauty and unique symbolic character of the Rotunda and many of the rooms and corridors in the wings. Since 1984, attention has been devoted to the conservation of many of his important frescoes and decorative murals. The strength of his forms and delicacy of his colors have been revealed by the removal of grime and unsightly overpaint, leading to a new appreciation of his mastery as an artist. The fresco conservation program was begun with the areas most in need of preservation and is on-going. The difference made by the cleaning and restoration is as dramatic as that seen on the Sistine Chapel ceiling. Because of this opportunity to see Brumidi's work as he intended for the first time in many decades and because of the importance of his work in the Capitol, it seems appropriate to focus on his contributions in this bicentennial period.

There is a clear need for a publication on Brumidi's work in the Capitol. Myrtle Cheney Murdock published the first book on Brumidi in 1950, which was an important pioneering effort. While the information she gathered is still useful, her research was incomplete and lacking art historical analysis or perspective. Compiling a full chronology and explaining the complete story of Brumidi's work in the Capitol have required new and comprehensive research. The new publication being prepared by the Office of the Architect of the Capitol will include a central essay on Brumidi's work at the Capitol supplemented by essays on the architectural context, his Italian background, and his iconography. New information and photographs resulting from the conservation program will also be highlighted. Contributors include the Curator and Architectural Historian for the Architect of the Capitol, the conservators of the frieze and canopy in the Rotunda, and two distinguished outside scholars.

The book is being written to be comprehensible to the general public, appropriate for distribution by Members of Congress and sale to the public through the United States Capitol Historical Society and the Government Printing Office. It will also be of interest to art and museum bookstores. It is being written in clear language and will present striking photographic comparisons and diagrams. Enough specialized and technical information will be included to make the book a valuable resource for art historians, preservationists, and conservators.

The proposed format is a book manageable in size for visitors to the Capitol to carry with them, 8 x 11 or 7 x 10 inches, and approximately 175 pages in length. Half of the space would be devoted to photographs and approximately 100 illustrations, most of them in color. Captions will provide detailed information about each subject.

CORNERSTONES OF THE U.S. CAPITOL

The history of the Capitol's cornerstones will be presented in a size and format similar to The United States Capitol: A Brief Architectural History. It will focus on the architectural evolution of the Capitol through its four cornerstones as part of the commemoration of the bicentennial of the building.

The first cornerstone was laid by President George Washington on September 18, 1793. Workmen laid the second cornerstone without ceremony on August 14, 1818, four years after the Capitol was damaged by the fire set by invading British troops. President Millard Fillmore laid the cornerstone of the Capitol extension on July 4, 1851. One hundred and seven years later, Dwight D. Eisenhower laid the cornerstone of the East Front Extension.

Through an examination of the architectural phases begun by each cornerstone, the public will gain an appreciation of the Capitol's two hundred years of history.

CONVEYANCE OF LAND TO COLUMBIA HOSPITAL FOR WOMEN

Mr. FORD. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar 184, H.R. 490, a bill to provide for the conveyance of land to Columbia Hospital for Women, that the bill be deemed read a third time, passed and the motion to reconsider be laid upon the table; that any statements relating to this measure appear in the RECORD as if given.

The PRESIDING OFFICER. Without objection, it is so ordered.

So, the bill (H.R. 490) was deemed read a third time and passed.

Mr. THURMOND. Madam President, I am pleased that the Senate is considering H.R. 490, a bill to authorize the sale of property located in Washington, DC, from the Federal Government to the Columbia Hospital for Women. This legislation is identical to S. 91, a bill I introduced earlier this year which is cosponsored by Senators FEINSTEIN, HEFLIN, DOMENICI, CONRAD, BUMPERS, MOSELEY-BRAUN, SIMON, HATCH, MIKULSKI, and DURENBERGER.

This property will be used for the construction of a facility to house the National Women's Health Resource Center. The mission of the resource center is to provide information to professionals and consumers about women's health issues, including menopause, hormone replacement therapy, breast cancer, cardiovascular disease, osteoporosis, and domestic violence. When constructed, the resource center will be a multidisciplinary facility, emphasizing educational and clinical research facilities, and including space for specialty clinical services, such as the Betty Ford Comprehensive Breast Center and the Incontinence Center. This will be the only center in the Nation dedicated solely to women's health services.

Madam President, there is a critical need for greater research of women's health concerns. American women need this center to identify health problems, and to promote education and research of these problems. I am very supportive of women's health issues, and I am pleased that the Senate is today acting on this measure.

WORLD CAPITAL OF AEROBATICS

Mr. FORD. Madam President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of House Joint Resolution 110, regarding the "World Capital of Aerobatics," and that the Senate then proceed to its immediate consideration; that the joint resolution be deemed read a third time, passed, and the motion to reconsider be laid upon the table, and the preamble agreed to; that any statements relating to this measure appear in the RECORD as if given.

The PRESIDING OFFICER. Without objection, it is so ordered.

So, the joint resolution (H.J. Res. 110) was deemed read a third time and passed.

MENOMINEES INDIANS

Mr. FORD. Madam President, I ask unanimous consent that the Judiciary Committee be discharged, en bloc, from further consideration of S. 1335 and Senate Resolution 137, both relating to the Menominees Indians, and that the Senate then proceed, en bloc, to their immediate consideration; that the bill be deemed read three times, and passed, that the resolution be agreed to, and the motion to reconsider laid upon the table, en bloc, that the consideration of these items appear individually in the RECORD and any statements related thereto appear in the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

So, the bill (S. 1335) was deemed read three times and passed, as follows:

S. 1335

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. The Secretary of the Treasury is authorized and directed to pay to the Menominee Indian Tribe of Wisconsin, out of any money in the Treasury of the United States not otherwise appropriated, a sum equal to the damages sustained by the Menominee Indian Tribe of Wisconsin by reason of—

(a) the enactment and implementation of the Act of June 17, 1954 (68 Stat. 250), as amended, and

(b) the mismanagement by the United States of Menominee assets held in trust by the United States prior to April 30, 1961, the effective date of termination of Federal supervision of the Menominee Indian Tribe of Wisconsin.

SEC. 2. Payment of the sum referred to in section 1 shall be in full satisfaction of any claims that the Menominee Indian Tribe of Wisconsin may have against the United States with respect to the damages referred to in such section.

So, the resolution (S. Res. 137) was agreed to, as follows:

S. RES. 137

Resolved, That S. 1335 entitled "A bill for the relief of the Menominee Indian Tribe of Wisconsin" now pending in the Senate, together with all the accompanying papers, is referred to the Chief Judge of the United States Claims Court. The Chief Judge shall proceed according to the provisions of sections 1492 and 2509 of title 28, United States Code, and report back to the Senate, at the earliest practicable date, providing such findings of fact and conclusions that are sufficient to inform the Congress of the nature, extent, and character of the damages referred to in such bill as a legal or equitable claim against the United States or a gratuity, and the amount, if any, legally or equitably due from the United States to the Menominee Indian Tribe of Wisconsin by reason of such damages.

THE CATAWBA TRIBE OF SOUTH CAROLINA

Mr. FORD. Madam President, I now ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 182, S. 1156, relating to the Catawba Tribe of South Carolina.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1156) to provide for the settlement of land claims of the Catawba Tribe of Indians in the State of South Carolina and the Restoration of the Federal trust relationship with the Tribe, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to the consideration of the bill.

Mr. HOLLINGS. Madam President, I rise today to thank my friend and colleague, Senator INOUYE, along with his able staff, for all their hard work in prompting passage of S. 1156. It is my firm belief that Senate passage of this legislation puts us one step closer to settling this dispute and ending the threat of over 67,000 individual suits against landowners in South Carolina.

Among the most important issues negotiated in this bill were the provisions concerning the creation of an expanded reservation. Like other provisions of the settlement agreement and this bill, those provisions are the result of hard bargaining and are designed to accommodate the needs of the Catawbas and their neighbors in the surrounding community. To achieve this balance of the Catawbas' need for flexibility and their neighbors' need for certainty, we have set up a very precise mechanism for the purchase of lands to be added to the existing reservation.

This bill and the settlement agreement provide the maximum amount of flexibility in the acquisition of lands contiguous to the existing reservation. So long as the land being acquired is contiguous to the reservation and in a defined expansion zone, the Catawbas are free to select and acquire any land they wish, up to the maximum acreage provided in the settlement agreement.

The negotiators recognized that there might be obstacles in assembling a sufficient amount of land under those conditions, and built in some additional flexibility for the Catawbas, together with some additional protection for the surrounding community. If the area set aside as the primary area for expansion did not yield enough land, the Catawbas could move to a second area after securing the approvals established by the agreement. If they cannot acquire sufficient contiguous parcels, they have the flexibility to acquire noncontiguous parcels under specified procedures and subject to certain approval provisions. In short, the bargain reached was to provide the Catawbas with additional flexibility in the assembly of their reservation, but to involve the surrounding community in the decisionmaking if the Catawbas elect to use that flexibility and depart from the goal of a contiguous reservation in the primary expansion zone. Chief Blue has repeatedly said that he expects that the Catawbas will work as partners with the surrounding community. This bill and the settlement agreement adopt that model in the acquisition of lands for the reservation.

The bill and settlement agreement also provide for flexibility and certainty in the acquisition and treatment of nonreservation lands. The Catawbas are permitted to use their trust funds to acquire as much nonreservation land as they wish. In return for that flexibility, the bill provides that those lands, however acquired, shall be owned in fee simple, and be subject to the same laws, regulations, and jurisdiction as other land in South Carolina. Thus, the bill permits only two types of lands. First, the land held in trust by the United States as the expanded reservation. Any other land not qualifying for reservation status will be held in fee simple and have all the jurisdictional attributes of any other land in South Carolina.

Mr. THURMOND. Madam President, I rise today in support of S. 1156, the Catawba Indian Tribe of South Carolina Land Claims Settlement Act of 1993. This bill addresses an urgent matter in my State. I am pleased the Senate is taking action on this measure in such a timely manner.

Mr. President, this bill is required to implement a settlement agreement which resolves a long-standing issue between the Catawba Indians, the State of South Carolina, and the Federal Government. That issue relates to the status of property ceded to the State by treaty in 1840. The tribe alleges that treaty was void under the Indian Non-Intercourse Act because it was never ratified by Congress. Today, Mr. President, thousands of residents in my State are threatened with lawsuits, with resulting clouds on title to real estate if the settlement agreement is not ratified.

This legislation will complete the ratification of the settlement agreement, which has already been approved by the State and the tribe. This bill restores the trust relationship between the United States and Catawbas. It authorizes the Federal share of the settlement funds and establishes the trust funds. It ratifies prior land transfers and extinguishes future claims by the tribe.

Madam President, I thank the Indian Affairs Committee for their expeditious handling of this legislation. Again, I am pleased the Senate is taking action on this matter of great importance to my State.

AMENDMENT NO. 774

(Purpose: To provide for tax treatment of income and transactions)

Mr. FORD. Madam President, I send an amendment to the desk on behalf of Senator MOYNIHAN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD] for Mr. MOYNIHAN proposes an amendment numbered 774.

Mr. FORD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

After section 15 of the committee amendment insert the following new section.

SEC. 15A. TAX TREATMENT OF INCOME AND TRANSACTIONS.

Notwithstanding any provision of the State Act, Settlement Agreement or this Act (including any amendment made under section 15(f)) any income or transaction otherwise taxable shall remain taxable under the general principles of the Internal Revenue Code of 1986.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

So, the amendment (No. 774) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1156

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Catawba Indian Tribe of South Carolina Land Claims Settlement Act of 1993".

SEC. 2. DECLARATION OF POLICY, CONGRESSIONAL FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress declares and finds that:

(1) It is the policy of the United States to promote tribal self-determination and economic self-sufficiency and to support the resolution of disputes over historical claims through settlements mutually agreed to by Indian and non-Indian parties.

(2) There is pending before the United States District Court for the District of South Carolina a lawsuit disputing ownership of approximately 140,000 acres of land in the State of South Carolina and other rights of the Catawba Indian Tribe under Federal law.

(3) The Catawba Indian Tribe initiated a related lawsuit against the United States in the United States Court of Federal Claims seeking monetary damages.

(4) Some of the significant historical events which have led to the present situation include:

(A) In treaties with the Crown in 1760 and 1763, the Tribe ceded vast portions of its aboriginal territory in the present States of North and South Carolina in return for guarantees of being quietly settled on a 144,000-acre reservation.

(B) The Tribe's district court suit contended that in 1840 the Tribe and the State entered into an agreement without Federal approval or participation whereby the Tribe ceded its treaty reservation to the State, thereby giving rise to the Tribe's claim that it was dispossessed of its lands in violation of Federal law.

(C) In 1943, the United States entered into an agreement with the Tribe and the State to provide services to the Tribe and its members. The State purchased 3,434 acres of land and conveyed it to the Secretary in trust for the Tribe and the Tribe organized under the Indian Reorganization Act.

(D) In 1959, when Congress enacted the Catawba Tribe of South Carolina Division of Assets Act (25 U.S.C. 931–938), Federal agents assured the Tribe that if the Tribe would release the Government from its obligation under the 1943 agreement and agree to Federal legislation terminating the Federal trust relationship and liquidating the 1943 reservation, the status of the Tribe's land claim would not be jeopardized by termination.

(E) In 1980, the Tribe initiated Federal court litigation to regain possession of its treaty lands and in 1986, the United States Supreme Court ruled in South Carolina against Catawba Indian Tribe that the 1959 Act resulted in the application of State statutes of limitations to the Tribe's land claim. Two subsequent decisions of the United States Court of Appeals for the Fourth Circuit have held that some portion of the Tribe's claim is barred by State statutes of limitations and that some portion is not barred.

(5) The pendency of these lawsuits has led to substantial economic and social hardship for a large number of landowners, citizens and communities in the State of South Carolina, including the Catawba Indian Tribe. Congress recognizes that if these claims are not resolved, further litigation against tens of thousands of landowners would be likely; that any final resolution of pending disputes through a process of litigation would take many years and entail great expenses to all parties; continue economically and socially damaging controversies; prolong uncertainty as to the ownership of property; and seriously impair long-term economic planning and development for all parties.

(6) The 102d Congress has enacted legislation suspending until October 1, 1993, the running of any unexpired statute of limitation applicable to the Tribe's land claim in order to provide additional time to negotiate settlement of these claims.

(7) It is recognized that both Indian and non-Indian parties enter into this settlement to resolve the disputes raised in these lawsuits and to derive certain benefits. The parties' Settlement Agreement constitutes a good faith effort to resolve these lawsuits and other claims and requires implementing legislation by the Congress of the United States, the General Assembly of the State of South Carolina, and the governing bodies of the South Carolina counties of York and Lancaster.

(8) To advance the goals of the Federal policy of Indian self-determination and restoration of terminated Indian Tribes, and in recognition of the United States obligation to the Tribe and the Federal policy of settling historical Indian claims through comprehensive settlement agreements, it is appropriate that the United States participate in the funding and implementation of the Settlement Agreement.

(b) PURPOSE.—It is the purpose of this Act—

(1) to approve, ratify, and confirm the Settlement Agreement entered into by the non-Indian settlement parties and the Tribe;

(2) to authorize and direct the Secretary to implement the terms of such Settlement Agreement;

(3) to authorize the actions and appropriations necessary to implement the provisions of the Settlement Agreement and this Act;

(4) to remove the cloud on titles in the State of South Carolina resulting from the Tribe's land claim; and

(5) to restore the trust relationship between the Tribe and the United States.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) The term "Tribe" means the Catawba Indian Tribe of South Carolina as constituted in aboriginal times, which was party to the Treaty of Pine Tree Hill in 1760 as confirmed by the Treaty of Augusta in 1763, which was party also to the Treaty of Nation Ford in 1840, and which was the subject of the Termination Act, and all predecessors and successors in interest, including the Catawba Indian Tribe of South Carolina, Inc.

(2) The term "claim" or "claims" means any claim which was asserted by the Tribe in either Suit, and any other claim which could have been asserted by the Tribe or any Catawba Indian of a right, title or interest in property, to trespass or property damages, or of hunting, fishing or other rights to natural resources, if such claim is based upon aboriginal title, recognized title, or title by grant, patent, or treaty including the Treaty of Pine Tree Hill of 1760, the Treaty of Augusta of 1763, or the Treaty of Nation Ford of 1840.

(3) The term "Executive Committee" means the body of the Tribe composed of the Tribe's executive officers as selected by the Tribe in accordance with its constitution.

(4) The term "Existing Reservation" means that tract of approximately 630 acres conveyed to the State in trust for the Tribe by J.M. Doby on December 24, 1842, by deed recorded in York County Deed Book N, pp. 340–341.

(5) The term "General Council" means the membership of the Tribe convened as the Tribe's governing body for the purpose of conducting tribal business pursuant to the Tribe's constitution.

(6) The term "Member" means individuals who are currently members of the Tribe or who are enrolled in accordance with this Act.

(7) The term "Reservation" or "Expanded Reservation" means the Existing Reservation and the lands added to the Existing Reservation in accordance with section 12 of this Act, which are to be held in trust by the Secretary in accordance with this Act.

(8) The term "Secretary" means the Secretary of the Interior.

(8A) The term "service area" means the area composed of the State of South Carolina and Cabarrus, Cleveland, Gaston, Mecklenburg, Rutherford, and Union counties in the State of North Carolina.

(9) The term "Settlement Agreement" means the document entitled "Agreement in Principle " between the Tribe and the State of South Carolina and attached to the copy of the State implementing legislation and filed with the Secretary of State of the State of South Carolina, as amended to conform to this Act and printed in the Congressional Record on the date of the enactment of this Act.

(10) The term "State" means, except for section 6 (a) through (f), the State of South Carolina.

(11) The term "State Act" means the Act enacted into law by the State of South Carolina on June 14, 1993, and codified as S.C. Code Ann., sections 27–16–10 through 27–16–140, to implement the Settlement Agreement.

(12) The term "Suit" or "Suits" means Catawba Indian Tribe of South Carolina v. State of South Carolina, et al., docketed as Civil Action No. 80–2050 and filed in the United States District Court for the District of South Carolina; and Catawba Indian Tribe of South Carolina v. The United States of America, docketed as Civil Action No. 90–553L and filed in the United States Court of Federal Claims.

(13) The term "Termination Act" means the Act entitled "An Act to provide for the division of the tribal assets of the Catawba Indian Tribe of South Carolina among the members of the Tribe and for other purposes", approved September 21, 1959 (73 Stat. 592; 25 U.S.C. 931–938).

(14) The term "transfer" includes (but is not limited to) any voluntary or involuntary sale, grant, lease, allotment, partition, or other conveyance; any transaction the purpose of which was to effect a sale, grant, lease, allotment, partition, or conveyance; and any act, event or circumstance that resulted in a change in title to, possession of, dominion over, or control of land, water, minerals, timber, or other natural resources.

(15) The term "Trust Funds" means the trust funds established by section 11 of this Act.

SEC. 4. RESTORATION OF FEDERAL TRUST RELATIONSHIP.

(a) RESTORATION OF THE FEDERAL TRUST RELATIONSHIP AND APPROVAL, RATIFICATION, AND CONFIRMATION OF THE SETTLEMENT AGREEMENT.—On the effective date of this Act—

(1) the trust relationship between the Tribe and the United States is restored; and

(2) the Settlement Agreement and the State Act are approved, ratified, and confirmed by the United States to effectuate the purposes of this Act, and shall be complied with in the same manner and to the same extent as if they had been enacted into Federal law.

(b) ELIGIBILITY FOR FEDERAL BENEFITS AND SERVICES.—Notwithstanding any other provision of law, on the effective date of this Act, the Tribe and the Members shall be eligible for all benefits and services furnished to federally recognized Indian Tribes and their members because of their status as Indians. On the effective date of this Act, the Secretary shall enter the Tribe on the list of federally recognized bands and Tribes maintained by the Department of the Interior; and its members shall be entitled to special services, educational benefits, medical care, and welfare assistance provided by the United States to Indians because of their status as Indians, and the Tribe shall be entitled to the special services performed by the United States for Tribes because of their status as Indian Tribes. For the purpose of eligibility for Federal services made available to members of federally recognized Indian Tribes because of their status as Indian tribal members, Members of the Tribe in the Tribe's service area shall be deemed to be residing on or near a reservation.

(c) REPEAL OF TERMINATION ACT.—The Termination Act is repealed.

(d) EFFECT ON PROPERTY RIGHTS AND OTHER OBLIGATIONS.—Except as otherwise specifically provided in this Act, this Act shall not affect any property right or obligation or any contractual right or obligation in existence before the effective date of this Act, or any obligation for taxes levied before that date.

(e) EXTENT OF JURISDICTION.—This Act shall not be construed to empower the Tribe with special jurisdiction or to deprive the State of jurisdiction other than as expressly provided by this Act or by the State Act. The jurisdiction and governmental powers of the Tribe shall be solely those set forth in this Act and the State Act.

SEC. 5. SETTLEMENT FUNDS.

(a) AUTHORIZATION FOR APPROPRIATION.—There is hereby authorized to be appropriated $32,000,000 for the Federal share which shall be deposited in the trust funds established pursuant to section 11 of this Act or paid pursuant to section 6(g).

(b) DISBURSEMENT IN ACCORDANCE WITH SETTLEMENT AGREEMENT.—The Federal funds appropriated pursuant to this Act shall be disbursed in four equal annual installments of $8,000,000 beginning in the fiscal year following enactment of this Act. Funds transferred to the Secretary from other sources shall be deposited in the trust funds established pursuant to section 11 of this Act or paid pursuant to section 6(g) within 30 days of receipt by the Secretary.

(c) PRIVATE FUNDS.—Any private payments made to settle the claims may be treated, at the election of the taxpayer, as either a payment in settlement of litigation or a charitable contribution for Federal income tax purposes.

(d) FEDERAL, STATE, LOCAL AND PRIVATE CONTRIBUTIONS HELD IN TRUST BY SECRETARY.—The Secretary shall, on behalf of the Tribe, collect those contributions toward settlement appropriated or received by the State pursuant to section 5.2 of the Settlement Agreement and shall either hold such funds totalling $18,000,000, together with the Federal funds appropriated pursuant to this Act, in trust for the Tribe pursuant to the provisions of section 11 of this Act or pay such funds pursuant to section 6(g) of this Act.

(e) NONPAYMENT OF STATE, LOCAL, OR PRIVATE CONTRIBUTIONS.—The Secretary shall not be accountable or incur any liability under this Act for the collection, deposit, or management of the non-Federal contributions made pursuant to section 5.2 of the Settlement Agreement, or payment of such funds pursuant to section 6(g) of this Act, until such time as such funds are received by the Secretary.

SEC. 6. RATIFICATION OF PRIOR TRANSFERS; EXTINGUISHMENT OF ABORIGINAL TITLE, RIGHTS AND CLAIMS.

(a) RATIFICATION OF TRANSFERS.—Any transfer of land or natural resources located anywhere within the United States from, by, or on behalf of the Tribe, any one or more of its Members, or anyone purporting to be a Member, including but without limitation any transfer pursuant to any treaty, compact, or statute of any State, shall be deemed to have been made in accordance with the Constitution and all laws of the United States, and Congress hereby approves and ratifies any such transfer effective as of the date of such transfer. Nothing in this section shall be construed to affect or eliminate the personal claim of any individual Member (except for any Federal common law fraud claim) which is pursued under any law of general applicability that protects non-Indians as well as Indians.

(b) ABORIGINAL TITLE.—To the extent that any transfer of land or natural resources described in subsection (a) of this section may involve land or natural resources to which the Tribe, any of its Members, or anyone purporting to be a Member, or any other Indian, Indian nation, or Tribe or band of Indians had aboriginal title, subsection (a) of this section shall be regarded as an extinguishment of aboriginal title as of the date of such transfer.

(c) EXTINGUISHMENT OF CLAIMS.—By virtue of the approval and ratification of any transfer of land or natural resources effected by this section, or the extinguishment of aboriginal title effected thereby, all claims against the United States, any State or subdivision thereof, or any other person or entity, by the Tribe, any of its Members, or anyone purporting to be a Member, or any predecessors or successors in interest thereof or any other Indian, Indian Nation, or Tribe or band of Indians, arising at the time of or subsequent to the transfer and based on any interest in or right involving such land or natural resources, including without limitation claims for trespass damages or claims for use and occupancy, shall be deemed extinguished as of the date of the transfer.

(d) EXTINGUISHMENT OF TITLE.—(1) All claims and all right, title, and interest that the Tribe, its Members, or any person or group of persons purporting to be Catawba Indians may have to aboriginal title, recognized title, or title by grant, patent, or treaty to the lands located anywhere in the United States are hereby extinguished.

(2) This extinguishment of claims shall also extinguish title to any hunting, fishing, or water rights or rights to any other natural resource claimed by the Tribe or a Member based on aboriginal or treaty recognized title, and all trespass damages and other damages associated with use, occupancy or possession, or entry upon such lands.

(e) BAR TO FUTURE CLAIMS.—The United States is hereby barred from asserting by or on behalf of the Tribe or any of its Members, or anyone purporting to be a Member, any claim arising before the effective date of this Act from the transfer of any land or natural resources by deed or other grant, or by treaty, compact, or act of law, on the grounds that such transfer was not made in accordance with the laws of South Carolina or the Constitution or laws of the United States.

(f) NO DEROGATION OF FEE SIMPLE IN EXISTING RESERVATION, OR EFFECT ON MEMBERS' FEE INTERESTS.—Nothing in this Act shall be construed to diminish or derogate from the Tribe's estate in the Existing Reservation; or to divest or disturb title in any land conveyed to any person or entity as a result of the Termination Act and the liquidation and partition of tribal lands; or to divest or disturb the right, title and interest of any member in any fee simple, leasehold or remainder estate or any equitable or beneficial right or interest any such member may own individually and not as a member of the Tribe.

(g) COSTS AND ATTORNEYS' FEES.—The parties to the Suits shall bear their own costs and attorneys' fees. As provided by section 6.4 of the Settlement Agreement, the Secretary shall pay to the Tribe's attorney in the Suits attorneys' fees, and expenses not to exceed 10 percent of the $50,000,000 obligated for payment to the Tribe by Federal, State, local, and private parties pursuant to section 5 of the Settlement Agreement.

(h) PERSONAL CLAIMS NOT AFFECTED.—Nothing in this section shall be deemed to affect, diminish, or eliminate the personal claim of any individual Indian which is pursued under any law of general applicability (other than Federal common law fraud) that protects non-Indians as well as Indians.

(i) FEDERAL PAYMENT.—In the event any of the Federal payments are not paid as set forth in section 5, such failure to pay shall give rise to a cause of action by the Tribe against the United States for money damages for the amount authorized to be paid to the Tribe in section 5(a) in settlement of the Tribe's claim, and the Tribe is authorized to bring an action in the United States Court of Claims for such funds plus applicable interest. The United States hereby waives any affirmative defense to such action.

(j) STATE PAYMENT.—In the event any of the State payments are not paid as set forth in section 5, such failure to pay shall give rise to a cause of action in the United States District Court for the District of South Carolina by the Tribe against the State of South Carolina for money damages for the amount authorized to be paid to the Tribe in section 5(d) in settlement of the Tribe's claim. Pursuant to §27-16-50 (E) of the State Act, the State of South Carolina waives any Eleventh Amendment immunity to such action.

SEC. 7. BASE MEMBERSHIP ROLL.

(a) BASE MEMBERSHIP ROLL CRITERIA.—Within one year after enactment of this section, the Tribe shall submit to the Secretary, for approval, its base membership roll. An individual is eligible for inclusion on the base membership roll if that individual is living on the date of enactment of this Act and—

(1) is listed on the membership roll published by the Secretary in the Federal Register on February 25, 1961 (26 FR 1680-1688, "Notice of Final Membership Roll"), and is not excluded under the provisions of subsection (c);

(2) the Executive Committee determines, based on the criteria used to compile the roll referred to in paragraph (1), that the individual should have been included on the membership roll at that time, but was not; or

(3) is a lineal descendant of a Member whose name appeared or should have appeared on the membership roll referred to in paragraph (1).

(b) BASE MEMBERSHIP ROLL NOTICE.—Within 90 days after the enactment of this Act, the Secretary shall publish in the Federal Register, and in three newspapers of general circulation in the Tribe's service area, a notice stating—

(1) that a base membership roll is being prepared by the Tribe and that the current membership roll is open and will remain open for a period of 90 days;

(2) the requirements for inclusion on the base membership roll;

(3) the final membership roll published by the Secretary in the Federal Register on February 25, 1961;

(4) the current membership roll as prepared by the Executive Committee and approved by the General Council; and

(5) the name and address of the tribal or Federal official to whom inquiries should be made.

(c) COMPLETION OF BASE MEMBERSHIP ROLL.—Within 120 days after publication of notice under subsection (b), the Secretary, after consultation with the Tribe, shall prepare and publish in the Federal Register, and in three newspapers of general circulation in the Tribe's service area, a proposed final base membership roll of the Tribe. Within 60 days from the date of publication of the proposed final base membership roll, an appeal may be filed with the Executive Committee under rules made by the Executive Committee in consultation with the Secretary. Such an appeal may be filed by a Member with respect to the inclusion of any name on the proposed final base membership roll and by any person with respect to the exclusion of his or her name from the final base membership roll. The Executive Committee shall review such appeals and render a decision, subject to the Secretary's approval. If the Executive Committee and the Secretary disagree, the Secretary's decision will be final. All such appeals shall be resolved within 90 days following publication of the proposed roll. The final base membership roll of the Tribe shall then be published in the Federal Register, and in three newspapers of general circulation in the Tribe's service area, and shall be final for purposes of the distribution of funds from the Per Capita Trust Fund.

(e) FUTURE MEMBERSHIP IN THE TRIBE.—The Tribe shall have the right to determine future membership in the Tribe; however, in no event may an individual be enrolled as a tribal member unless the individual is a lineal descendant of a person on the base membership roll and has continued to maintain political relations with the Tribe.

SEC. 8. TRANSITIONAL AND PROVISIONAL GOVERNMENT.

(a) FUTURE TRIBAL GOVERNMENT.—The Tribe shall adopt a new constitution within 24 months after the effective date of this Act.

(b) EXECUTIVE COMMITTEE AS TRANSITIONAL BODY.—(1) Until the Tribe has adopted a constitution, the existing tribal constitution shall remain in effect and the Executive Committee is recognized as the provisional and transitional governing body of the Tribe. Until an election of tribal officers under the new constitution, the Executive Committee shall—

(A) represent the Tribe and its Members in the implementation of this Act; and

(B) during such period—

(i) have full authority to enter into contracts, grant agreements and other arrangements with any Federal department or agency; and

(ii) have full authority to administer or operate any program under such contracts or agreements.

(2) Until the initial election of tribal officers under a new constitution and by-laws, the Executive Committee shall—

(A) determine tribal membership in accordance with the provisions of section 7; and

(B) oversee and implement the revision and proposal to the Tribe of a new constitution and conduct such tribal meetings and elections as are required by this Act.

SEC. 9. TRIBAL CONSTITUTION AND GOVERNANCE.

(a) INDIAN REORGANIZATION ACT.—If the Tribe so elects, it may organize under the Act of June 18, 1934 (25 U.S.C. 461 et seq.; commonly referred to as the "Indian Reorganization Act"). The Tribe shall be subject to such Act except to the extent such sections are inconsistent with this Act.

(b) ADOPTION OF NEW TRIBAL CONSTITUTION.—Within 180 days after the effective date of this Act, the Executive Committee shall draft and distribute to each Member eligible to vote under the tribal constitution in effect on the effective date of this Act, a proposed constitution and bylaws for the Tribe together with a brief, impartial description of the proposed constitution and bylaws and a notice of the date, time and location of the election under this subsection. Not sooner than 30 days or later than 90 days after the distribution of the proposed constitution, the Executive Committee shall conduct a secret-ballot election to adopt a new constitution and bylaws.

(c) MAJORITY VOTE FOR ADOPTION; PROCEDURE IN EVENT OF FAILURE TO ADOPT PROPOSED CONSTITUTION.—(1) The tribal constitution and bylaws shall be ratified and adopted if—

(A) not less than 30 percent of those entitled to vote do vote; and

(B) approved by a majority of those actually voting.

(2) If in any such election such majority does not approve the adoption of the proposed constitution and bylaws, the Executive Committee shall prepare another proposed constitution and bylaws and present it to the Tribe in the same manner provided in this section for the first constitution and bylaws. Such new proposed constitution and bylaws shall be distributed to the eligible voters of the Tribe no later than 180 days after the date of the election in which the first proposed constitution and bylaws failed of adoption. An election on the question of the adoption of the new proposal of the Executive Committee shall be conducted in the same manner provided in subsection (b) for the election on the first proposed constitution and bylaws.

(d) ELECTION OF TRIBAL OFFICERS.—Within 120 days after the Tribe ratifies and adopts a constitution and bylaws, the Executive Committee shall conduct an election by secret ballot for the purpose of electing tribal officials as provided in the constitution and bylaws. Subsequent elections shall be held in accordance with the Tribe's constitution and bylaws.

(e) EXTENSION OF TIME.—Any time periods prescribed in subsections (b) and (c) may be altered by written agreement between the Executive Committee and the Secretary.

SEC. 10. ADMINISTRATIVE PROVISIONS RELATING TO JURISDICTION, TAXATION, AND OTHER MATTERS.

In the administration of this Act:

(1) All matters involving tribal powers, immunities, and jurisdiction, whether criminal, civil, or regulatory, shall be governed by the terms and provisions of the Settlement Agreement and the State Act, unless otherwise provided in this Act.

(2) All matters relating to taxation involving the Tribe, its Members, and any property owned by or held in trust for the Tribe or its Members, shall be governed by the terms and provisions of the Settlement Agreement and the State Act, unless otherwise provided in this Act.

(3) All matters pertaining to governance and regulation of the reservation (including environmental regulation and riparian rights) shall be governed by the terms and provisions of the Settlement Agreement and the State Act, including, but not limited to, section 17 of the Settlement Agreement and section 27-16-120 of the State Act, unless otherwise provided in this Act.

(4) The Indian Child Welfare Act of 1978 (25 U.S.C. 1901 et seq.) shall apply to Catawba Indian children except as provided in the Settlement Agreement.

(5) Whether or not the Tribe, under section 9(a), elects to organize under the Act of June 18, 1934, the Tribe, in any constitution adopted by the Tribe, may be authorized to exercise such authority as is consistent with the Settlement Agreement and the State Act.

(6) Section 7871 of the Internal Revenue Code of 1986 (26 U.S.C. 7871, commonly referred to as the "Indian Tribal Government Tax Status Act) shall apply to the Tribe and its Reservation. In no event, however, may the Tribe pledge or hypothecate the income or principal of the Catawba Education or Social Services and Elderly Trust Funds or otherwise use them as security or a source of payment for bonds the Tribe may issue.

(7) The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall apply to the Tribe except to the extent that such application may be inconsistent with this Act or the Settlement Agreement.

SEC. 11. TRIBAL TRUST FUNDS.

(a) PURPOSES OF TRUST FUNDS.—All funds paid pursuant to section 5 of this Act, except for payments made pursuant to section 6(g), shall be deposited with the Secretary in trust for the benefit of the Tribe. Separate trust funds shall be established for the following purposes: economic development, land acquisition, education, social services and elderly assistance, and per capita payments. Except as provided in this section, the Tribe, in consultation with the Secretary, shall determine the share of settlement payments to be deposited in each Trust Fund, and define, consistently with the provisions of this section, the purposes of each Trust Fund and provisions for administering each, specifically including provisions for periodic distribution of current and accumulated income, and for invasion and restoration of principal.

(b) OUTSIDE MANAGEMENT OPTION.—(1) The Tribe, in consultation with and subject to the approval of the Secretary, as set forth in this section, is authorized to place any of the Trust Funds under professional management, outside the Department of the Interior.

(2) If the Tribe elects to place any of the Trust Funds under professional management outside the Department of the Interior, it may engage a consulting or advisory firm to assist in the selection of an independent professional investment management firm, and it shall engage, with the approval of the Secretary, an independent investment management firm of proven competence and experience established in the business of counseling large endowments, trusts, or pension funds.

(3) The Secretary shall have 45 days to approve or reject any independent investment management firm selected by the Tribe. If the Secretary fails to approve or reject the firm selected by the Tribe within 45 days, the investment management firm selected by the Tribe shall be deemed to have been approved by the Secretary.

(4) Secretarial approval of an investment management firm shall not be unreasonably withheld, and any Secretarial disapproval of an investment management firm shall be accompanied by a detailed explanation setting

forth the Secretary's reasons for such disapproval.

(5)(A) For funds placed under professional management, the Tribe, in consultation with the Secretary and its investment manager, shall develop—

(i) current operating and long-term capital budgets; and

(ii) a plan for managing, investing, and distributing income and principal from the Trust Funds to match the requirements of the Tribe's operating and capital budgets.

(B) For each Trust Fund which the Tribe elects to place under outside professional management, the investment plan shall provide for investment of Trust Fund assets so as to serve the purposes described in this section and in the Trust Fund provisions which the Tribe shall establish in consultation with the Secretary and the independent investment management firm.

(C) Distributions from each Trust Fund shall not exceed the limits on the use of principal and income imposed by the applicable provisions of this Act for that particular Trust Fund.

(D)(i) The Tribe's investment management plan shall not become effective until approved by the Secretary.

(ii) Upon submission of the plan by the Tribe to the Secretary for approval, the Secretary shall have 45 days to approve or reject the plan. If the Secretary fails to approve or disapprove the plan within 45 days, the plan shall be deemed to have been approved by the Secretary and shall become effective immediately.

(iii) Secretarial approval of the plan shall not be unreasonably withheld and any secretarial rejection of the plan shall be accompanied by a detailed explanation setting forth the Secretary's reasons for rejecting the plan.

(E) Until the selection of an established investment management firm of proven competence and experience, the Tribe shall rely on the management, investment, and administration of the Trust Funds by the Secretary pursuant to the provisions of this section.

(c) TRANSFER OF TRUST FUNDS; EXCULPATION OF SECRETARY.—Upon the Secretary's approval of the Tribe's investment management firm and an investment management plan, all funds previously deposited in trust funds held by the Secretary and all funds subsequently paid into the trust funds, which are chosen for outside management, shall be transferred to the accounts established by an investment management firm in accordance with the approved investment management plan. The Secretary shall be exculpated by the Tribe from liability for any loss of principal or interest resulting from investment decisions made by the investment management firm. Any Trust Fund transferred to an investment management firm shall be returned to the Secretary upon written request of the Tribe, and the Secretary shall manage such funds for the benefit of the Tribe.

(d) LAND ACQUISITION TRUST.—(1) The Secretary shall establish and maintain a Catawba Land Acquisition Trust Fund, and until the Tribe engages an outside firm for investment management of this trust fund, the Secretary shall manage, invest, and administer this trust fund. The original principal amount of the Land Acquisition Trust Fund shall be determined by the Tribe in consultation with the Secretary.

(2) The principal and income of the Land Acquisition Trust Fund may be used for the purchase and development of Reservation and non-Reservation land pursuant to the Settlement Agreement, costs related to land acquisition, and costs of construction of infrastructure and development of the Reservation and non-Reservation land.

(3)(A) Upon acquisition of the maximum amount of land allowed for expansion of the Reservation, or upon request of the Tribe and approval of the Secretary pursuant to the Secretarial approval provisions set forth in subsection (b)(5)(D) of this section, all or part of the balance of this trust fund may be merged into one or more of the Economic Development Trust Fund, the Education Trust Fund, or the Social Services and Elderly Assistance Trust Fund.

(B) Alternatively, at the Tribe's election, the Land Acquisition Trust Fund may remain in existence after all the Reservation land is purchased in order to pay for the purchase of non-Reservation land.

(4)(A) The Tribe may pledge or hypothecate the income and principal of the Land Acquisition Trust Fund to secure loans for the purchase of Reservation and non-Reservation lands.

(B) Following the effective date of this Act and before the final annual disbursement is made as provided in section 5 of this Act, the Tribe may pledge or hypothecate up to 50 percent of the unpaid annual installments required to be paid to this Trust Fund, the Economic Development Trust Fund and the Social Services and Elderly Assistance Trust Fund by section 5 of this Act and by section 5 of the Settlement Agreement, to secure loans to finance the acquisition of Reservation or non-Reservation land or infrastructure improvements on such lands.

(e) ECONOMIC DEVELOPMENT TRUST.—(1) The Secretary shall establish and maintain a Catawba Economic Development Trust Fund, and until the Tribe engages an outside firm for investment management of this Trust Fund, the Secretary shall manage, invest, and administer this Trust Fund. The original principal amount of the Economic Development Trust Fund shall be determined by the Tribe in consultation with the Secretary. The principal and income of this Trust Fund may be used to support tribal economic development activities, including but not limited to infrastructure improvements and tribal business ventures and commercial investments benefiting the Tribe.

(2) The Tribe, in consultation with the Secretary, may pledge or hypothecate future income and up to 50 percent of the principal of this Trust Fund to secure loans for economic development. In defining the provisions for administration of this Trust Fund, and before pledging or hypothecating future income or principal, the Tribe and the Secretary shall agree on rules and standards for the invasion of principal and for repayment or restoration of principal, which shall encourage preservation of principal, and provide that, if feasible, a portion of all profits derived from activities funded by principal be applied to repayment of the Trust Fund.

(3) Following the effective date of this Act and before the final annual disbursement is made as provided in section 5 of this Act, the Tribe may pledge or hypothecate up to 50 percent of the unpaid annual installments required to be paid by section 5 of this Act and by section 5 of the Settlement Agreement to secure loans to finance economic development activities of the Tribe, including (but not limited to) infrastructure improvements on Reservation and non-Reservation lands.

(4) If the Tribe develops sound lending guidelines approved by the Secretary, a portion of the income from this Trust Fund may also be used to fund a revolving credit account for loans to support tribal businesses or business enterprises of tribal members.

(f) EDUCATION TRUST.—The Secretary shall establish and maintain a Catawba Education Trust Fund, and until the Tribe engages an outside firm for investment management of this Trust Fund, the Secretary shall manage, invest, and administer this Trust Fund. The original principal amount of this Trust Fund shall be determined by the Tribe in consultation with the Secretary; subject to the requirement that upon completion of all payments into the Trust Funds, an amount equal to at least ⅓ of all State, local, and private contributions made pursuant to the Settlement Agreement shall have been paid into the Education Trust Fund. Income from this Trust Fund shall be distributed in a manner consistent with the terms of the Settlement Agreement. The principal of this Trust Fund shall not be invaded or transferred to any other Trust Fund, nor shall it be pledged or encumbered as security.

(g) SOCIAL SERVICES AND ELDERLY ASSISTANCE TRUST.—(1) The Secretary shall establish and maintain a Catawba Social Services and Elderly Assistance Trust Fund and, until the Tribe engages an outside firm for investment management of this Trust Fund, the Secretary shall manage, invest, and administer the Social Services and Elderly Assistance Trust Fund. The original principal amount of this Trust Fund shall be determined by the Tribe in consultation with the Secretary.

(2) The income of this Trust Fund shall be periodically distributed to the Tribe to support social services programs, including (but not limited to) housing, care of elderly, or physically or mentally disabled Members, child care, supplemental health care, education, cultural preservation, burial and cemetery maintenance, and operation of tribal government.

(3) The Tribe, in consultation with the Secretary, shall establish eligibility criteria and procedures to carry out this subsection.

(h) PER CAPITA PAYMENT TRUST FUND.—(1) The Secretary shall establish and maintain a Catawba Per Capita Payment Trust Fund in an amount equal to 15 percent of the settlement funds paid pursuant to section 5 of the Settlement Agreement. Until the Tribe engages an outside firm for investment management of this Trust Fund, the Secretary shall manage, invest, and administer the Catawba Per Capita Payment Trust Fund.

(2) Each person (or their estate) whose name appears on the final base membership roll of the Tribe published by the Secretary pursuant to section 7(c) of this Act will receive a one-time, non-recurring payment from this Trust Fund.

(3) The amount payable to each member shall be determined by dividing the trust principal and any accrued interest thereon by the number of Members on the final base membership roll.

(4)(A) Subject to the provisions of this paragraph, each enrolled member who has reached the age of 21 years on the date the final roll is published shall receive the payment on the date of distribution, which shall be as soon as practicable after date of publication of the final base membership roll. Adult Members shall be paid their pro rata share of this Trust Fund on the date of distribution unless they elect in writing to leave their pro rata share in the Trust Fund, in which case such share shall not be distributed.

(B) The pro rata share of adult Members who elect not to withdraw their payment from this Trust Fund shall be managed, invested and administered, together with the funds of Members who have not attained the age of 21 years on the date the final base membership roll is published, until such Member requests in writing that their pro rata share be distributed, at which time such Member's pro rata share shall be paid, together with the net income of the Trust Fund allocable to such Member's share as of the date of distribution.

(C) No member may elect to have their pro rata share managed by this Trust Fund for a period of more than 21 years after the date of publication of the final base membership roll.

(5)(A) Subject to the provisions of this paragraph, the pro rata share of any Member who has not attained the age of 21 years on the date the final base membership roll is published shall be managed, invested and administered pursuant to the provisions of this section until such Member has attained the age of 21 years, at which time such Member's pro rata share shall be paid, together with the net income of the Trust Fund allocable to such Member's share as of the date of payment. Such Members shall be paid their pro rata share of this Trust Fund on the date they attain 21 years of age unless they elect in writing to leave their pro rata share in the Trust Fund, in which case such share shall not be distributed.

(B) The pro rata share of such Members who elect not to withdraw their payment from this trust fund shall be managed, invested and administered, together with the funds of members who have not attained the age of 21 years on the date the final base membership roll is published, until such Member requests in writing that their pro rata share be distributed, at which time such Member's pro rata share shall be paid, together with the net income of the Trust Fund allocable to such Member's share as of the date of distribution.

(C) No Member may elect to have their pro rata share retained and managed by this Trust Fund beyond the expiration of the period of 21 years after the date of publication of the final base membership roll.

(6) After payments have been made to all Members entitled to receive payments, this Trust Fund shall terminate, and any balance remaining in this Trust Fund shall be merged into the Economic Development Trust Fund, the Education Trust Fund, or the Social Services and Elderly Assistance Trust Fund, as the Tribe may determine.

(i) DURATION OF TRUST FUNDS.—Subject to the provisions of this section and with the exception of the Catawba Per Capita Payment Trust Fund, the Trust Funds established in accordance with this section shall continue in existence so long as the Tribe exists and is recognized by the United States. The principal of these Trust Funds shall not be invaded or distributed except as expressly authorized in this Act or in the Settlement Agreement.

(j) TRANSFER OF MONEY AMONG TRUST FUNDS.—The Tribe, in consultation with the Secretary, shall have the authority to transfer principal and accumulated income between Trust Funds only as follows:

(1) Funds may be transferred among the Catawba Economic Development Trust Fund, the Catawba Land Acquisition Trust Fund and the Catawba Social Services and Elderly Assistance Trust Fund, and from any of those three Trust Funds into the Catawba Education Trust Fund; except, that the mandatory share of State, local, and private sector funds invested in the original corpus of the Catawba Education Trust Fund shall not be transferred to any other Trust Fund.

(2) Any Trust Fund, except for the Catawba Education Trust Fund, may be dissolved by a vote of two-thirds of those Members eligible to vote, and the assets in such Trust Fund shall be transferred to the remaining Trust Funds; except, that (A) no assets shall be transferred from any of the Trust Funds into the Catawba Per Capita Payment Trust Fund, and (B) the mandatory share of State, local and private funds invested in the original corpus of the Catawba Education Trust Fund may not be transferred or used for any non-educational purposes.

(3) The dissolution of any Trust Fund shall require the approval of the Secretary pursuant to the Secretarial approval provisions set forth in subsection (b)(5)(D) of this section.

(k) TRUST FUND ACCOUNTING.—(1) The Secretary shall account to the Tribe periodically, and at least annually, for all Catawba Trust Funds being managed and administered by the Secretary. The accounting shall—

(A) identify the assets in which the Trust Funds have been invested during the relevant period;

(B) report income earned during the period, distinguishing current income and capital gains;

(C) indicate dates and amounts of distributions to the Tribe, separately distinguishing current income, accumulated income, and distributions of principal; and

(D) identify any invasions or repayments of principal during the relevant period and record provisions the Tribe has made for repayment or restoration of principal.

(2)(A) Any outside investment management firm engaged by the Tribe shall account to the Tribe and separately to the Secretary at periodic intervals, at least quarterly. Its accounting shall—

(i) identify the assets in which the Trust Funds have been invested during the relevant period;

(ii) report income earned during the period, separating current income and capital gains;

(iii) indicate dates and amounts of distributions to the Tribe, distinguishing current income, accumulated income, and distributions of principal; and

(iv) identify any invasions or repayments of principal during the relevant period and record provisions the Tribe has made for repayment or restoration of principal.

(B) Prior to distributing principal from any Trust Fund, the investment management firm shall notify the Secretary of the proposed distribution and the Tribe's proposed use of such funds, following procedures to be agreed upon by the investment management firm, the Secretary, and the Tribe. The Secretary shall have 15 days within which to object in writing to any such invasion of principal. Failure to object will be deemed approval of the distribution.

(C) All Trust Funds held and managed by any investment management firm shall be audited annually by a certified public accounting firm approved by the Secretary, and a copy of the annual audit shall be submitted to the Tribe and to the Secretary within four months following the close of the Trust Funds's fiscal year.

(l) REPLACEMENT OF INVESTMENT MANAGEMENT FIRM AND MODIFICATION OF INVESTMENT MANAGEMENT PLAN.—The Tribe shall not replace the investment management firm approved by the Secretary without prior written notification to the Secretary and approval by the Secretary of any investment management firm chosen by the Tribe as a replacement. Such Secretarial approval shall be given or denied in accordance with the Secretarial approval provisions contained in subsection (b)(5)(D) of this section. The Tribe and its investment management firm shall also notify the Secretary in writing of any revisions in the investment management plan which materially increase investment risk or significantly change the investment management plan, or the agreement, made in consultation with the Secretary pursuant to which the outside management firm was retained.

(m) TRUST FUNDS NOT COUNTED FOR CERTAIN PURPOSES; USE AS MATCHING FUNDS.—None of the funds, assets, income, payments, or distributions from the trust funds established pursuant to this section shall at any time affect the eligibility of the Tribe or its Members for, or be used as a basis for denying or reducing funds to the Tribe or its Members under any Federal, State, or local program. Distributions from these Trust Funds may be used as matching funds, where appropriate, for Federal grants or loans.

SEC. 12. ESTABLISHMENT OF EXPANDED RESERVATION.

(a) EXISTING RESERVATION.—The Secretary is authorized to receive from the State, by such transfer document as the Secretary and the State shall approve, all rights, title, and interests of the State in and to the Existing Reservation to be held by the United States as trustee for the Tribe, and, effective on the date of such transfer, the obligation of the State as trustee for the Tribe with respect to such land shall cease.

(b) EXPANDED RESERVATION.—(1) The Existing Reservation shall be expanded in the manner prescribed by the Settlement Agreement.

(2) Within 180 days following the date of the enactment of this Act, the Secretary, after consulting with the Tribe, shall ascertain the boundaries and area of the existing reservation. In addition, the Secretary, after consulting with the Tribe, shall engage a professional land planning firm as provided in the Settlement Agreement. The Secretary shall bear the cost of all services rendered pursuant to this section.

(3) The Tribe may identify, purchase and request that the Secretary place into reservation status, tracts of lands in the manner prescribed by the Settlement Agreement. The Tribe may not request that any land be placed in reservation status, unless those lands were acquired by the Tribe and qualify for reservation status in full compliance with the Settlement Agreement, including section 14 thereof.

(4) The Secretary shall bear the cost of all title examinations, preliminary subsurface soil investigations, and level one environmental audits to be performed on each parcel contemplated for purchase by the Tribe or the Secretary for the Expanded Reservation, and shall report the results to the Tribe. The Secretary's or the Tribe's payment of any option fee and the purchase price may be drawn from the Catawba Land Acquisition Trust Fund.

(5) The total area of the Expanded Reservation shall be limited to 3,000 acres, including the Existing Reservation, but the Tribe may exclude from this limit up to 600 acres of additional land under the conditions set forth in the Settlement Agreement. The Tribe may seek to have the permissible area of the Expanded Reservation enlarged by an additional 600 acres as set forth in the Settlement Agreement.

(6) All lands acquired for the Expanded Reservation shall be held in trust together with the Existing Reservation which the State is to convey to the United States.

(7) Nothing in this Act shall prohibit the Secretary from providing technical and financial assistance to the Tribe to fulfill the purposes of this section.

(c) Expansion Zones.—(1) Subject to the conditions, criteria, and procedures set forth in the Settlement Agreement, the Tribe shall endeavor at the outset to acquire contiguous tracts for the Expanded Reservation in the "Catawba Reservation Primary Expansion Zone", as defined in the Settlement Agreement.

(2) Subject to the conditions, criteria, and procedures set forth in the Settlement Agreement, the Tribe may elect to purchase contiguous tracts in an alternative area, the "Catawba Reservation Secondary Expansion Zone", as defined in the Settlement Agreement.

(3) The Tribe may propose different or additional expansion zones subject to the authorizations required in the Settlement Agreement and the State implementing legislation.

(d) Non-Contiguous Tracts.—The Tribe, in consultation with the Secretary, shall take such actions as are reasonable to expand the Existing Reservation by assembling a composite tract of contiguous parcels that border and surround the Existing Reservation. Before requesting that any non-contiguous tract be placed in Reservation status, the Tribe shall comply with section 14 of the Settlement Agreement. Upon the approval of the Tribe's application under and in accordance with section 14 of the Settlement Agreement, the Secretary, in consultation with the Tribe, may proceed to place non-contiguous tracts in Reservation status. No purchases of non-contiguous tracts shall be made for the Reservation except as set forth in the Settlement Agreement and the State implementing legislation.

(e) Voluntary Land Purchases.—(1) The power of eminent domain shall not be used by the Secretary or any governmental authority in acquiring parcels of land for the benefit of the Tribe, whether or not the parcels are to be part of the Reservation. All such purchases shall be made only from willing sellers by voluntary conveyances subject to the terms of the Settlement Agreement.

(2) Conveyances by private land owners to the Secretary or to the Tribe for the Expanded Reservation will be deemed, however, to be involuntary conversions within the meaning of section 1033 of the Internal Revenue Code of 1986.

(3) Notwithstanding any other provision of this section and the provisions of the first section of the Act of August 1, 1888 (ch. 728, 25 Stat. 357; 40 U.S.C. 257), and the first section of the Act of February 26, 1931 (ch. 307, 46 Stat. 1421; 40 U.S.C. 258a), the Secretary or the Tribe may acquire a less than complete interest in land otherwise qualifying under section 14 of the Settlement Agreement for treatment as Reservation land for the benefit of the Tribe from the ostensible owner of the land if the Secretary or the Tribe and the ostensible owner have agreed upon the identity of the land to be sold and upon the purchase price and other terms of sale. If the ostensible owner agrees to the sale, the Secretary may use condemnation proceedings to perfect or clear title and to acquire any interests of putative co-tenants whose address is unknown or the interests of unknown or unborn heirs or persons subject to mental disability.

(f) Terms and Conditions of Acquisition.—All properties acquired by the Secretary for the Tribe or acquired by the Tribe shall be acquired subject to the terms and conditions set forth in the Settlement Agreement. The Tribe and the Secretary, acting on behalf of the Tribe and with its consent, are also authorized to acquire Reservation and non-Reservation lands using the methods of financing described in the Settlement Agreement.

(g) Authority To Erect Permanent Improvements on Existing and Expanded Reservation Land and Non-Reservation Land Held in Trust.—Notwithstanding any other provision of law or regulation, the Attorney General of the United States may approve any deed or other instrument which conveys to the United States lands purchased pursuant to the provisions of this section and the Settlement Agreement. The Secretary or the Tribe may erect permanent improvements of a substantial value, or any other improvements authorized by law on such land after such land is conveyed to the United States.

(h) Easements Over Reservation.—(1) The acquisition of lands for the Expanded Reservation shall not extinguish any easements or rights-of-way then encumbering such lands unless the Secretary or the Tribe enters into a written agreement with the owners terminating such easements or rights-of-way.

(2)(A) The Tribe, with the approval of the Secretary, shall have the power to grant or convey easements and rights-of-way, in a manner consistent with the Settlement Agreement.

(B) Unless the Tribe and the State agree upon a valuation formula for pricing easements over the Reservation, the Secretary shall be subject to proceedings for condemnation and eminent domain to acquire easements and rights of way for public purposes through the Reservation under the laws of the State in circumstances where no other reasonable access is available.

(C) With the approval of the Tribe, the Secretary may grant easements or rights-of-way over the Reservation for private purposes, and implied easements of necessity shall apply to all lands acquired by the Tribe, unless expressly excluded by the parties.

(i) Jurisdictional Status.—Only land made part of the Reservation shall be governed by the special jurisdictional provisions set forth in the Settlement Agreement and the State Act.

(j) Sale and Transfer of Reservation Lands.—With the approval of the Secretary, the Tribe may sell, exchange, or lease lands within the Reservation, and sell timber or other natural resources on the Reservation under circumstances and in the manner prescribed by the Settlement Agreement and the State Act.

(k) Time Limit on Acquisitions.—All acquisitions of contiguous land to expand the Reservation or of non-contiguous lands to be placed in Reservation status shall be completed or under contract of purchase within 10 years from the date the last payment is made into the Land Acquisition Trust; except that for a period of 20 years after the date the last payment is made into the Catawba Land Acquisition Trust Fund, the Tribe may, subject to the limitation on the total size of the Reservation, continue to add parcels to up to two Reservation areas so long as the parcels acquired are contiguous to one of those two Reservation areas.

(l) Leases of Reservation Lands.—The provisions of the first section of the Act of August 9, 1955 (ch. 615, 69 Stat. 539; 25 U.S.C. 415) shall not apply to the Tribe and its Reservation. The Tribe, with the approval of the Secretary, shall be authorized to lease its Reservation lands for terms up to but not exceeding 99 years.

(m) Non-Applicability of BIA Land Acquisition Regulations.—The general land acquisition regulations of the Bureau of Indian Affairs, contained in part 151 of title 25, Code of Federal Regulations, shall not apply to the acquisition of lands authorized by this section.

SEC. 13. NON-RESERVATION PROPERTIES.

(a) Acquisition of Non-Reservation Properties.—The Tribe may draw upon the corpus or accumulated income of the Catawba Land Acquisition Trust Fund or the Catawba Economic Development Trust Fund to acquire and hold parcels of real estate outside the Reservation for the purposes and in the manner delineated in the Settlement Agreement. Jurisdiction and status of all non-Reservation lands shall be governed by section 15 of the Settlement Agreement.

(b) Authority To Dispose of Lands.—Notwithstanding any other provision of law, the Tribe may lease, sell, mortgage, restrict, encumber, or otherwise dispose of such non-Reservation lands in the same manner as other persons and entities under State law, and the Tribe as land owner shall be subject to the same obligations and responsibilities as other persons and entities under State, Federal, and local law.

(c) Restrictions.—Ownership and transfer of non-Reservation parcels shall not be subject to Federal law restrictions on alienation, including (but not limited to) the restrictions imposed by Federal common law and the provisions of the section 2116 of the Revised Statutes (25 U.S.C. 177).

SEC. 14. GAMES OF CHANCE.

(a) Inapplicability of Indian Gaming Regulatory Act.—The Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) shall not apply to the Tribe.

(b) Games of Chance Generally.—The Tribe shall have the rights and responsibilities set forth in the Settlement Agreement and the State Act with respect to the conduct of games of chance. Except as specifically set forth in the Settlement Agreement and the State Act, all laws, ordinances, and regulations of the State, and its political subdivisions, shall govern the regulation of gambling devices and the conduct of gambling or wagering by the Tribe on and off the Reservation.

SEC. 15. GENERAL PROVISIONS.

(a) Severability.—If any provision of section 4(a), 5, or 6 of this Act is rendered invalid by the final action of a court, then all of this Act is invalid. Should any other section of this Act be rendered invalid by the final action of a court, the remaining sections of this Act shall remain in full force and effect.

(b) Interpretation Consistent With Settlement Agreement.—To the extent possible, this Act shall be construed in a manner consistent with the Settlement Agreement and the State Act. In the event of a conflict between the provisions of this Act and the Settlement Agreement or the State Act, the terms of this Act shall govern. In the event of a conflict between the State Act and the Settlement Agreement, the terms of the State Act shall govern. The Settlement Agreement and the State Act shall be maintained on file and available for public inspection at the Department of the Interior.

(c) Impact of Subsequently Enacted Laws.—The provisions of any Federal law enacted after the date of enactment of this

Act shall not apply in the State if such provision would materially affect or preempt the application of the laws of the State, including application of the laws of the State applicable to lands owned by or held in trust for Indians, or Indian Nations, Tribes or bands of Indians. However, such Federal law shall apply within the State if the State grants its approval by a law or joint resolution enacted by the General Assembly of South Carolina and signed by the Governor.

(d) ELIGIBILITY FOR CONSIDERATION TO BECOME AN ENTERPRISE ZONE OR GENERAL PURPOSE FOREIGN TRADE ZONE.—Notwithstanding the provisions of any other law or regulation, the Tribe shall be eligible to become, sponsor and operate (1) an "enterprise zone" pursuant to title VII of the Housing and Community Development Act of 1987 (42 U.S.C. 11501–11505) or any other applicable Federal (or State) laws or regulations; or (2) a "foreign-trade zone" or "subzone" pursuant to the Foreign Trade Zones Act of 1934, as amended (19 U.S.C. 81a–81u) and the regulations thereunder, to the same extent as other federally recognized Indian Tribes.

(e) GENERAL APPLICABILITY OF STATE LAW.—Consistent with the provisions of section 4(a)(2), the provisions of South Carolina Code Annotated, section 27–16–40, and section 19.1 of the Settlement Agreement are approved, ratified, and confirmed by the United States, and shall be complied with in the same manner and to the same extent as if they had been enacted into Federal law.

(f) SUBSEQUENT AMENDMENTS TO THE SETTLEMENT AGREEMENT OR STATE ACT.—Consent is hereby given to the Tribe and the State to amend the Settlement Agreement and the State Act if consent to such amendment is given by both the State and the Tribe, and if such amendment relates to—

(1) the jurisdiction, enforcement, or application of civil, criminal, regulatory, or tax laws of the Tribe and the State;

(2) the allocation or determination of governmental responsibility of the State and the Tribe over specified subject matters or specified geographical areas, or both, including provision for concurrent jurisdiction between the State and the Tribe;

(3) the allocation of jurisdiction between the tribal courts and the State courts; or

(4) technical and other corrections and revisions to conform the State Act and the Agreement in Principle attached to the State Act to the Settlement Agreement.

SEC. 16. TAX TREATMENT OF INCOME AND TRANSACTIONS.

Notwithstanding any provision of the State Act, Settlement Agreement or this Act (including any amendment made under section 15(f)) any income or transaction otherwise taxable shall remain taxable under the general principles of the Internal Revenue Code of 1986.

SEC. 17. EFFECTIVE DATE.

Except for section 12, the provisions of this Act shall become effective upon the transfer of the Existing Reservation under section 12 to the Secretary.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mrs. KASSEBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE BRANCH APPROPRIATIONS, FISCAL YEAR 1994—CONFERENCE REPORT

Mr. FORD. Madam President, I submit a report of the committee of conference on H.R. 2348 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2348) making appropriations for the legislative branch for the fiscal year ending September 30, 1994, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of August 5, 1993.)

Mr. REID. Madam President, I am pleased to recommend to the Senate the conference report on H.R. 2348, making appropriations for the legislative branch for fiscal year 1994, and for other purposes.

The conference report and joint explanatory statement provide a detailed description of the agreements we are recommending.

The conference agreement provides a total of $2,269,557,946 in budget authority for the legislative branch in fiscal 1994. This is $33,365,754, or 1.4 percent below the enacted levels of funding for the current fiscal year and is almost $4 million lower than the amount recommended in the bill that was passed by the Senate on July 23, 1993.

More significantly, the amounts in this bill are $74 million dollars less than the conference agreement reached 2 years ago for fiscal year 1992. And this difference, of course, ignores the effects of inflation and other uncontrollable costs on the real purchasing power of the funding provided in this conference report. In real terms, the budgets of the agencies of the legislative branch have been reduced by $302 million, or 11.7 percent in the span of two years. With the possible exception of Defense, no other component of the Federal government can match that rate of contraction.

I should also point out that this bill includes two provisions, sections 307 and 308, designed to assure further reduction in personnel and administrative expenses in conformity with the joint leadership commitment to match the savings announced by President Clinton for the executive branch last spring.

Section 307 will require the number of employee positions, on a full-time equivalent basis, to be reduced by at least 4 percent by September 30, 1995. Section 308 requires a 14-percent reduction in administrative expenses by fiscal year 1997.

In closing, let me once again recognize Chairman FAZIO, the ranking member, Mr. YOUNG, and the other House conferees. Meeting these gentlemen in conference is always a pleasurable experience. I think we are usually able to work out a package of compromises that resolves our disagreements in a fair and responsible fashion. My thanks to them and their capable staff.

Much of the credit for what we have accomplished in this bill belongs to my ranking members, Senator MACK and the other Senate conferees. The Senate is particularly fortunate that Senator MACK serves as ranking member of this subcommittee. He is committed to the welfare of this institution and of the legislative branch in general. His ideas and advice are invariably sensible and constructive.

The Senate delegation on the legislative bill, of course, always includes our full committee chairman, Senator BYRD, and his colleague and ranking member, Senator HATFIELD. Both personify what it means to be a Senator. Their guidance and assistance are invaluable.

Finally, I wish to acknowledge the work of our committee staff: Jerry Bonham, the majority clerk on the subcommittee, and Keith Kennedy, the minority staff director for the full committee who, fortunately, is also assigned to this subcommittee.

I urge the Senate to approve the conference report and I yield the floor.

Mr. HATFIELD. Madam President, in its initial action on the fiscal year 1994 legislative branch appropriations act, the other body deleted funding for administrative support for the Librarian of Congress Emeritus, and directed in report language that costs for this support not be provided from other sources. In my view, this action violated the provisions of Public Law 100–83, which conferred the status of Librarian of Congress Emeritus upon Dr. Daniel J. Boorstin, and authorized administrative and clerical support. Accordingly, when the Senate considered H.R. 2348 I offered an amendment restoring the funding for this purpose.

The conference agreement, as I read it on page 5 of House Report No. 103–210, restates the language of Public Law 100–83 that the Librarian Emeritus "may receive incidental administrative and clerical support through the Library of Congress," and further stipulates that funds for this staff assistance "should be taken from available funds."

Clearly, the conference agreement enables the Library to provide administrative support for the Librarian Emeritus just as it has for the past 6 years. I ask the chairman of the subcommittee, Senator REID, if that is his view of the agreement as well.

Mr. REID. Yes, Madam President, that is indeed the case. The Library has provided support to the Librarian Emeritus for the past 6 years in accordance with Public Law 100–83, and the conference agreement on the fiscal year 1994 legislative branch appropriations act clearly provides for that support to continue. I thank the Senator from Oregon for the opportunity to emphasize this part of our conference agreement.

Mr. HATFIELD. Madam President, I thank the chairman for his assistance on this matter and many others, and commend him for his work on this difficult appropriations bill.

Mr. MACK. Madam President, the subcommittee on legislative branch appropriations met in conference with our counterparts from the other body last Monday, August 2, and reached agreement on all items. The conference report Senator REID and I bring to the Senate today embodies that agreement.

Total funding for all legislative branch entities funded in this conference agreement totals $2,269,557,946, a reduction of $3,983,595 from the Senate-passed level, $33,365,754 from fiscal year 1993 enacted amounts, and $372,387,554 from the fiscal year 1994 request. In addition, the conference agreement includes general provisions requiring future reductions in both personnel and expenses in all legislative branch agencies. As I said when this bill was debated on the Senate floor, Mr. President, we are making good progress in reducing spending for the legislative branch of our Government. We are setting an example in this bill that I hope other Appropriations subcommittees will follow.

Mr. President, our conference agreement has been available since Tuesday, and was printed in full in the CONGRESSIONAL RECORD of Monday's date, so there is no need for a lengthy description. I urge the adoption of the conference report.

The PRESIDING OFFICER. Without objection, the conference report is agreed to.

So, the conference report was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mrs. KASSEBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NUTRITION LABELING AND EDUCATION ACT AMENDMENTS OF 1993

Mr. FORD. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2900, the Nutrition Labeling and Education Act Amendments of 1993, just received from the House, that the bill be deemed read three times, passed, and the motion to reconsider laid upon the table; further that any statements relating to the passage of this measure be printed in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

So, the bill (H.R. 2900) was deemed read three times and passed.

Mr. KENNEDY. Madam President, I rise to support the passage of H.R. 2900, the Nutrition Labeling and Education Act Amendments of 1993. The bill amends the 1990 Nutrition Labeling and Education Act [NLEA] to provide a broader exemption for small businesses with respect to certain labeling requirements of that act.

The Food and Drug Administration [FDA] has published regulations implementing NLEA, and its requirements are now being met by many large food companies. I commend the food industry for its responsiveness to this act and for its cooperation. By May 1994, we can expect that labels on most of the food products in the American grocery basket will provide consumers with clear, accurate information about the nutrition content of their food. This information will be invaluable to their decisions about their food purchases, diets, and daily nutrition. The act is clearly an important piece of legislation, and its implementation is proceeding effectively.

In the course of deliberations over implementing regulations, however, FDA recognized that NLEA's original small business exemption was so narrow that few existing food companies could qualify. FDA held a series of regional meetings with small businesses and determined, based on information provided during and after those meetings, that the small business community had legitimate concerns about their ability to implement NLEA, particularly in the allotted time frame. These concerns were brought to our attention, and we believe they have merit. Congress should act expeditiously to address them.

The bill I support broadens the current small business exemption, while still maintaining the integrity of the NLEA. The bill does three things. First, it bases the small business exemption on the number of units of products sold and the number of employees, rather than on the current narrow definition of net earnings or profits. Second, it allows more time for compliance with the act. Third, it provides a straightforward system under which a company simply notifies the FDA that one or more of its products qualify for an exemption.

For the year ending May 8, 1995, the exemption will apply to products for which sales are fewer than 600,000 units sold by companies with fewer than an average of 300 full-time employees. For the year ending May 8, 1996, the exemption applies to products with sales of fewer than 400,000 units sold by companies with fewer than 300 employees. For the year ending May 8, 1997, the exemption will apply to products with fewer than 200,000 units sold by companies with fewer than 200 employees. Finally, after May 8, 1997, the exemption will apply to products with sales of fewer than 100,000 units sold by companies with fewer than 100 employees.

These amendments give small companies more time to absorb the costs of complying with the NLEA. A small business may notify the FDA of its intention to claim an exemption for one or more products. No action or response by the FDA is required for the exemption to be in place. Businesses with fewer than 10 employees, which sell fewer than 10,000 units of products, are required to file any notice with the FDA.

Finally, for products introduced after May 8, 2002, the FDA may tighten this exemption by regulation, if the change does not place an undue burden on small businesses affected by it.

This bill responses to the legitimate concerns of small food businesses. These include small firms whose primary business, for example, is the manufacture and sale of specialty foods such as mustards, sauces, and jellies. It will help small bakers and small confectioners whose source of income may rest on the manufacture and sale of seasonal products such as chocolate Santas and candy canes.

At the same time, this bill is compatible with NLEA's central goal of giving consumers more complete information about the nutritional content of their food.

This proposal has been extensively discussed in both the House and Senate, with our colleagues who were principally involved in the enactment of the NLEA, and with others who have a strong interest in that legislation.

I urge my colleagues to support this bill.

Mr. BUMPERS. Madam President, I am pleased that the House and Senate have passed a measure to help small food producers as they come into compliance with the Nutrition Labeling and Education Act. Without the amendments we have approved today, small specialty food and confectionery companies across the country were faced with a deadline that most simply could not meet. The cost of labeling small numbers of a product is far costlier per item than the labeling of grater numbers of products, and the profit margins among these companies is razor thin. Without the relief this measure provides, many would undoubtedly have been forced to close their doors. At best, many would have been forced to reduce the variety of products they offer. I hope this bill will give the small businesses sufficient time to comply with the labeling regulations.

It is estimated that a retail confectioner must offer a minimum of 70 or 80 different items. New products are vital to their survival, and they frequently modify products to satisfy consumer demands. Their competitive advantage over large companies rests on their ability to continually develop novel, specialty items that are packaged in a variety of ways. One small company may produce jams, sauces, cakes, cookies, seasonings, and even cookie mixes. In addition, the products in demand may change with the seasons.

I understand that analytical testing of one product can cost $500. Multiply that by the large number of products these confectioners and specialty foods companies offer and it is clear that with the additional cost of label printing, they would face prohibitive costs.

It is difficult enough for a small company to get a loan to expand or modernize. A loan for an activity that would not generate additional income or increased productivity would be nearly impossible for a small company.

The effort to enact this measure has been bipartisan, and the result is a responsible approach to ensure that small companies that produce the specialty items many of us cannot resist remain in business.

Mrs. KASSEBAUM. Madam President, I am pleased to support the passage of H.R. 2900, the Nutrition Labeling and Education Act Amendments of 1993. This legislation substitutes a more reasonable small business exemption from the nutrition labeling requirements than that provided in the Nutrition Labeling and Education Act of 1990. If the original exemption remains unchanged, a number of small specialty food and confectionery manufacturing and retail businesses may be forced to reduce their product lines or go out of business, and it will be very difficult to establish new businesses. Many of these businesses are family-owned and started by women working out of their homes.

The Nutrition Labeling and Education Act requires that most products be labeled for nutritional content according to Federal guidelines, effective May 1994. The act exempts small businesses, but defines small businesses as those having gross revenues or sales—not profits—of not more than $500,000. Only the smallest of businesses would be exempt under this definition.

The cost of complying with the Nutrition Labeling and Education Act requirements will be prohibitive for small businesses which sell a low volume of products at low profits and often make a wide variety of products. Estimates of per-product costs range from $3,000 to $6,000. The legislation we are introducing provides an exemption that phases down over a 3-year period the number of people a business could employ and product units it could sell and qualify for an exemption. When fully phased down, only businesses employing fewer than 100 full-time equivalent employees and selling fewer than 100,000 product units would qualify. This phase-down period will allow businesses to accumulate the resources they will need to come into compliance with the labeling requirements.

I am pleased that our colleagues have allowed us to move quickly on this legislation because time is of the essence. To come into compliance with the May 1994, effective date of the Nutrition Labeling and Education Act requirements, small businesses must in the very near future begin to incur the costs of initiating product analysis and labeling redesign.

In order to ensure the timely passage, it was essential that this legislation be confined only to the provision of this very modest small business exemption from the labeling requirements. I know that there are other problems with the Nutrition Labeling and Education Act statute and regulations that must be addressed, such as one brought to my attention by my distinguished colleague from Vermont, Senator JEFFORDS, relating to the standards for maple syrup. I share his concern about the need to strengthen the regulatory standards for maple syrup, and I pledge that I will work hard to address this issue, which is of great importance to thousands of his constituents.

I urge my colleagues to agree to approve this small business exemption measure under unanimous consent.

Mr. HATCH. Madam President, I rise in support of H.R. 2900, the Nutrition Labeling and Education Act Amendments of 1993, and urge its expeditious consideration.

As my colleagues are aware, almost 3 years ago, we implemented the Nutrition Labeling and Education Act [NLEA], a landmark piece of legislation with only the best of intentions: to provide consumers with the information needed to improve their health through good nutrition.

Unfortunately, the act engendered some unintended consequences, among them an overly narrow exemption of small business which proved extremely onerous. We have all heard complaints from small manufacturers, packers, or distributors who cannot meet the act's labeling requirements.

H.R. 2900 will address these problems through its three major provisions. The bill: First, bases the exemption for small business on the number of units of products sold and the number of employees. The current narrow definition which has proven unworkable is based on net earnings or profits; second, extends the timeframe for compliance to May 8, 1995; and third, simplifies the process for compliance by allowing companies simply to notify the FDA that one or more of their products qualify for exemption.

I am pleased that we are able to move this amendment to the NLEA forward tonight. Although a minor change in the law, this bill shows that Congress is willing to examine problems which arise with the NLEA and resolve them in a straightforward fashion. I hope this process will continue and that my colleagues will recognize we can fine tune the NLEA without undermining its fundamental intent.

The Nutrition Labeling and Education Act Amendments of 1993 is a minor but much-needed improvement on the NLEA, and it deserves our full support.

I thank Chairman KENNEDY and Senator KASSEBAUM for their leadership in developing this legislation with our House colleagues, Chairmen DINGELL and WAXMAN, and ranking minority members MOORHEAD and BLILEY. I worked closely with them during this process and am confident that the legislation we are considering today deserves our full support.

DESIGNATING "TRY AMERICAN DAY"

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Joint Resolution 124, introduced earlier today by the Republican leader and others, that the joint resolution be deemed read three times and passed, the motion to reconsider laid upon the table; that the preamble be agreed to, and that any statements relating to this measure appear in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

So, the joint resolution (S.J. Res. 124) was deemed read three times and passed, as follows:

S.J. RES. 124

Whereas the creativity and ingenuity of American working men and women in the United States have provided a host of new products and services which improve the quality of life in the United States and the world;

Whereas American workers should be recognized as one of our Nation's most valuable resources;

Whereas the American spirit of entrepreneurship, pride of craftsmanship, and commitment to quality are hallmarks recognized throughout the world;

Whereas the United States and its citizens have reason to celebrate the strength and quality of American products and services;

Whereas the quality and abundance of American goods are a tribute to the productivity and ability of American workers;

Whereas the ability of American companies to export, even in the face of strong trade barriers in many countries, is a sign of the true competitiveness of American products;

Whereas American farmers and ranchers provide this country and the world with a wide variety of high quality food and fiber products and consistently create annual agricultural trade surpluses of more than $20,000,000,000;

Whereas the energy and perseverance of American business serves as a beacon for other nations that strive to ensure prosperity for their people; and

Whereas American small business provides a basis for economic progress and for the creation of jobs and opportunities for people from every corner of America: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 6, 1993, Labor Day, is designated as "Try American Day". The President is authorized and requested to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities and to honor the day through the purchase of American-made goods and services.

Mr. DOLE. Madam President, in the frequent debates we have in the Senate over the trade deficit, we pay a great deal of attention to the reasons for that deficit: The competitiveness of our producers, the trade barriers erected by some of our competitors, and the relative openness of the American market in comparison with other countries to name a few.

The debate often overlooks one reason for the trade deficit which is the tremendous appetite Americans have for products made outside the United States. That appetite helps make us the largest importing nation in the world.

Being the largest importer shouldn't be a problem for us. In fact, it should serve as an argument for other countries to open their markets to American-made products.

I believe it would be constructive, however, if we, as Americans, all gave more thought to selecting American-made products whenever we can. It would be good if every American looked at products made here in the United States as not just a consumer's choice but as a job in their locality, a paycheck for their neighbor and a direct economic benefit to their community.

This idea should not just occur to the individual consumer but to corporate purchasers as well. Those corporations who come to Washington seeking some sort of protection from imported products might do well to survey their machine tools, their corporate vehicles, and their capital equipment to see where they were produced and how the purchasing choice was made.

To try and promote the idea of considering American-made products, I am introducing today a joint resolution designating September 6, 1993, Labor Day, as "Try American Day." I am pleased to say that this resolution is supported by USA-Owned USA-Made, an organization which promotes American quality, services and products.

This resolution is very similar to Senate Joint Resolution 262 which was introduced last year with 33 Senators as cosponsors. There are three substantive changes in this resolution from the original bill. First, the designation has been changed from "Buy American Day" to "Try American Day" to avoid any confusion with "Buy American" legislation or any Federal Government mandate. This should be a personal choice for the American buyer.

Second, Labor Day has been chosen this year instead of July 4 as a more appropriate day to honor the American worker. Finally, a paragraph on agriculture has been added to salute the productivity of that important sector of American life.

The resolution also authorizes the President to issue a proclamation calling on Americans to observe the day with appropriate activities and the purchase of American-made goods and services. But I would hope, Madam President, that the resolution would have a positive effect on the purchase of American-made goods and services for the other 364 days of the year as well.

Madam President, I am pleased to be joined in sponsoring this resolution by Senators MURKOWSKI, BOND, DOMENICI, MATHEWS, and SHELBY. To date, Try America resolutions similar to this one have been passed by State governments in Arizona, Nevada, and Utah and by counties and cities in California, Arizona, and Washington State and are expected to pass in a number of other States and localities.

I want to make it clear to all my colleagues that this resolution is not intended as any sort of government—imposed mandate or any criticism of goods produced in other countries. It is simply intended as a modest effort to make consumers more aware of the skills and hard efforts of the millions of American men and women working in large companies, small businesses, agriculture, the food industry, and the service sector.

CHILDHOOD CANCER MONTH

Mr. FORD. Madam President, on behalf of the majority leader, I ask unanimous consent the Senate proceed to the immediate consideration of House Joint Resolution 125, a joint resolution introduced earlier today by Senator MITCHELL, and others, to designate "Childhood Cancer Month"; that the joint resolution be read three times, passed, and the motion to reconsider laid upon the table; that the preamble be agreed to, and any statements relating to the measure appear in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the joint resolution (H.J. Res. 125), with its preamble, was deemed read a third time, and passed.

LIMITED PARTNERSHIP ROLLUP REFORM ACT OF 1993

Mr. FORD. Madam President, on behalf of the majority leader, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 179, S. 425, a bill to amend the Securities Exchange Act of 1934 with respect to limited partnership rollup.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 424) to amend the Securities Exchange Act of 1934 with respect to limited partnership rollup.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, with an amendment to strike out all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Limited Partnership Rollup Reform Act of 1993".

SEC. 2. REVISION OF PROXY SOLICITATION RULES WITH RESPECT TO LIMITED PARTNERSHIP ROLLUP TRANSACTIONS.

(a) AMENDMENT.—Section 14 of the Securities and Exchange Act of 1934 (15 U.S.C. 78n) is amended by adding at the end the following new subsection:

"(h) PROXY SOLICITATIONS AND TENDER OFFERS IN CONNECTION WITH LIMITED PARTNERSHIP ROLLUP TRANSACTIONS.—

"(1) PROXY RULES TO CONTAIN SPECIAL PROVISIONS.—It shall be unlawful for any person to solicit any proxy, consent, or authorization concerning a limited partnership rollup transaction, or to make any tender offer in furtherance of a limited partnership rollup transaction, unless such transaction is conducted in accordance with rules prescribed by the Commission under subsections (a) and (d). Such rules shall—

"(A) permit any holder of a security that is the subject of the proposed limited partnership rollup transaction to engage in preliminary communications for the purpose of determining whether to solicit proxies, consents, or authorizations in opposition to the proposed transaction, without regard to whether any such communication would otherwise be considered a solicitation of proxies, and without being required to file soliciting material with the Commission prior to making that determination, except that—

"(i) nothing in this subparagraph shall be construed to limit the application of any provision of this title prohibiting, or reasonably designed to prevent, fraudulent, deceptive, or manipulative acts or practices under this title; and

"(ii) any holder of not less than 5 percent of the outstanding securities that are the subject of the proposed limited partnership rollup transaction who engages in the business of buying and selling limited partnership interests in the secondary market shall be required to disclose such ownership interests and any potential conflicts of interests in such preliminary communications;

"(B) require the issuer to provide to holders of the securities that are the subject of the transaction such list of the holders of the issuer's securities as the Commission may determine in such form and subject to such terms and conditions as the Commission may specify;

"(C) prohibit compensating any person soliciting proxies, consents, or authorizations directly from security holders concerning such a transaction—

"(i) on the basis of whether the solicited proxy, consent, or authorization either approves or disapproves the proposed limited partnership rollup transaction; or

"(ii) contingent on the approval, disapproval, or completion of the limited partnership rollup transaction;

"(D) set forth disclosure requirements for soliciting material distributed in connection with a limited partnership rollup transaction, including requirements for clear, concise, and comprehensible disclosure, with respect to—

"(i) any changes in the business plan, voting rights, form of ownership interest, or the compensation of the general partner in the proposed limited partnership rollup transaction from each of the original limited partnerships;

"(ii) the conflicts of interest, if any, of the general partner;

"(iii) whether it is expected that there will be a significant difference between the exchange values of the limited partnerships and the trading price of the securities to be issued in the limited partnership rollup transaction;

"(iv) the valuation of the limited partnerships and the method used to determine the value of the interests of the limited partners to be exchanged for the securities in the limited partnership rollup transaction;

"(v) the differing risks and effects of the transaction for investors in different limited partnerships proposed to be included, and the risks and effects of completing the transaction with less than all limited partnerships;

"(vi) the statement by the general partner required under subparagraph (E);

"(vii) any opinion (other than an opinion of counsel), appraisal, or report received by the general partner or sponsor that is prepared by an outside party and that is materially related to the limited partnership rollup transaction and the identity and qualifications of the party who prepared the opinion, appraisal, or report, the method of selection of such party, material past, existing, or contemplated relationships between the party or any of its affiliates and the general partner, sponsor, successor, or any other affiliate, compensation arrangements, and the basis for rendering and methods used in developing the opinion, appraisal, or report; and

"(viii) such other matters deemed necessary or appropriate by the Commission;

"(E) require a statement by the general partner as to whether the proposed limited partnership rollup transaction is fair or unfair to investors in each limited partnership, a discussion of the basis for that conclusion, and an evaluation and a description by the general partner of alternatives to the limited partnership rollup transaction, such as liquidation;

"(F) provide that any solicitation or offering period with respect to any proxy solicitation, tender offer, or information statement in a limited partnership rollup transaction shall be for not less than the lesser of 60 calendar days or the maximum number of days permitted under applicable State law; and

"(G) contain such other provisions as the Commission determines to be necessary or appropriate for the protection of investors in limited partnership rollup transactions.

"(2) SUMMARY.—Disclosure requirements established under paragraph (1)(D) shall require that soliciting material include a clear and concise summary of the limited partnership rollup transaction (including a summary of the matters referred to in clauses (i) through (viii) of that subparagraph) with the risks of the limited partnership rollup transaction set forth prominently in the forepart thereof.

"(3) EXEMPTIONS.—The Commission may, consistent with the public interest, the protection of investors, and the purposes of this title, exempt by rule or order any security or class of securities, any transaction or class of transactions, or any person or class of persons, in whole or in part, conditionally or unconditionally, from the requirements imposed pursuant to paragraphs (1) and (2) or, from the definition contained in paragraph (5).

"(4) EFFECT ON COMMISSION AUTHORITY.—Nothing in this subsection limits the authority of the Commission under subsection (a) or (d) or any other provision of this title or precludes the Commission from imposing, under subsection (a) or (d) or any other provision of this title, a remedy or procedure required to be imposed under this subsection.

"(5) DEFINITION.—As used in this subsection the term 'limited partnership rollup transaction' means a transaction involving—

"(A) the combination or reorganization of limited partnerships, directly or indirectly, in which some or all investors in the limited partnerships receive new securities or securities in another entity, other than a transaction—

"(i) in which—

"(I) the investors' limited partnership securities are reported under a transaction reporting plan declared effective before the date of enactment of this subsection by the Commission under section 11A; and

"(II) the investors receive new securities or securities in another entity that are reported under a transaction reporting plan declared effective before the date of enactment of this subsection by the Commission under section 11A;

"(ii) involving only issuers that are not required to register or report under section 12 both before and after the transaction;

"(iii) in which the securities to be issued or exchanged are not required to be and are not registered under the Securities Act of 1933;

"(iv) which will result in no significant adverse change to investors in any of the limited partnerships with respect to voting rights, the term of existence of the entity, management compensation, or investment objectives; or

"(v) where each investor is provided an option to receive or retain a security under substantially the same terms and conditions as the original issue; or

"(B) the reorganization of a single limited partnership, directly or indirectly, in which some or all investors in the limited partnership receive new securities or securities in another entity, and—

"(i) transactions in the security issued are reported under a transaction reporting plan declared effective before the date of enactment of this subsection by the Commission under section 11A;

"(ii) the investors' limited partnership securities are not reported under a transaction reporting plan declared effective before the date of enactment of this subsection by the Commission under section 11A;

"(iii) the issuer is required to register or report under section 12, both before and after the transaction, or the securities to be issued or exchanged are required to be or are registered under the Securities Act of 1933;

"(iv) there are significant adverse changes to security holders in voting rights, the term of existence of the entity, management compensation, or investment objectives; and

"(v) investors are not provided an option to receive or retain a security under substantially the same terms and conditions as the original issue.

"(6) EXCLUSIONS.—For purposes of this subsection, a limited partnership rollup transaction does not include—

"(A) a transaction that involves only a limited partnership or partnerships having an operating policy or practice of retaining cash available for distribution and reinvesting proceeds from the sale, financing, or refinancing of assets in accordance with such criteria as the Commission determines appropriate;

"(B) the combination or reorganization of limited partnerships or the reorganization of a single limited partnership—

"(i) in which a non-affiliated party succeeds to the interests of a general partner or sponsor, if—

"(I) such action is approved by not less than 66⅔ percent of the outstanding units of each of the participating limited partnerships; and

"(II) as a result of the transaction, the existing general partners are entitled to receive only compensation expressly provided for in the preexisting limited partnership agreements; or

"(ii) involving only limited partnerships wherein the interests of the limited partners are repurchased, recalled, or exchanged pursuant to the terms of the preexisting limited partnership agreements for securities in an operating company specifically identified at the time of the formation of the original limited partnership; or

"(C) a transaction in which the securities offered to investors are securities of another entity that are reported under a transaction reporting plan declared effective before the date of enactment of this subsection by the Commission under section 11A, if—

"(i) such other entity was formed, and such class of securities was reported, not less than 12 months before the date on which soliciting material is mailed to investors; and

"(ii) the securities of that entity issued to investors in the transaction do not exceed 20 percent of the total outstanding securities of the entity.".

(b) SCHEDULE FOR REGULATIONS.—The Securities and Exchange Commission shall promulgate final regulations under the Securities Act of 1933 and the Securities Exchange Act of 1934 which shall become effective not later than 12 months after the date of enactment of this Act to implement the requirements of section 14(h) of the Securities Exchange Act of 1934, as added by subsection (a).

SEC. 3. RULES OF FAIR PRACTICE IN ROLLUP TRANSACTIONS.

(a) REGISTERED SECURITIES ASSOCIATION RULE.—Section 15A(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3(b)) is amended by adding at the end the following new paragraph:

"(12) The rules of the association to promote just and equitable principles of trade, as required by paragraph (6), include rules to prevent members of the association from participating in any limited partnership rollup transaction (as such term is defined in paragraphs (5) and (6) of section 14(h)) unless such transaction was conducted in accordance with procedures designed to protect the rights of limited partners, including—

"(A) the right of dissenting limited partners to one of the following—

"(i) an appraisal and compensation;

"(ii) retention of a security under substantially the same terms and conditions as the original issue;

"(iii) approval of the limited partnership rollup transaction by not less than 75 percent of the outstanding units of each of the participating limited partnerships; or

"(iv) other rights designed to protect dissenting limited partners;

"(B) the right not to have their voting power unfairly reduced or abridged;

"(C) the right not to bear an unfair portion of the costs of a proposed rollup transaction that is rejected; and

"(D) restrictions on the conversion of contingent interests or fees into non-contingent interests or fees and restrictions on the receipt of a non-contingent equity interest in exchange for fees for services which have not yet been provided.

As used in this paragraph, the term 'dissenting limited partner' means a person who, on the date on which soliciting material is mailed to investors, is a holder of a beneficial interest in a limited partnership that is the subject of a limited partnership rollup transaction, and who casts a vote against the transaction and complies with procedures established by the association, except that for purposes of an exchange or *tender offer, such person shall file an objection in writing under the rules of the association during the period in which the offer is outstanding.".*

(b) LISTING STANDARDS OF NATIONAL SECURITIES EXCHANGES.—Section 6(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(b)) is amended by adding at the end the following:

"(9) The rules of the exchange prohibit the listing of any security issued in a limited partnership rollup transaction (as such term is defined in paragraphs (5) and (6) of section 14(h)), unless such transaction was conducted in accordance with procedures designed to protect the rights of limited partners, including—

"(A) the right of dissenting limited partners to one of the following—

"(i) an appraisal and compensation;

"(ii) retention of a security under substantially the same terms and conditions as the original issue;

"(iii) approval of the limited partnership rollup transaction by not less than 75 percent of the outstanding units of each of the participating limited partnerships; or

"(iv) other rights designed to protect dissenting limited partners;

"(B) the right not to have their voting power unfairly reduced or abridged;

"(C) the right not to bear an unfair portion of the costs of a proposed rollup transaction that is rejected; and

"(D) restrictions on the conversion of contingent interests or fees into non-contingent interests or fees and restrictions on the receipt of a non-contingent equity interest in exchange for fees for services which have not yet been provided.

As used in this paragraph, the term 'dissenting limited partner' means a person who, on the date on which soliciting material is mailed to investors, is a holder of a beneficial interest in a limited partnership that is the subject of a limited partnership rollup transaction, and who casts a vote against the transaction and complies with procedures established by the exchange, except that for purposes of an exchange or tender offer, such person shall file an objection in writing under the rules of the exchange during the period in which the offer is outstanding.".

(c) STANDARDS FOR AUTOMATED QUOTATION SYSTEMS.—Section 15A(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-3(b)) is amended by adding at the end the following new paragraph:

"(13) The rules of the association prohibit the authorization for quotation on an automated interdealer quotation system sponsored by the association of any security designated by the Commission as a national market system security resulting from a limited partnership rollup transaction (as such term is defined in paragraphs (5) and (6) of section 14(h)), unless such transaction was conducted in accordance with procedures designed to protect the rights of limited partners, including—

"(A) the right of dissenting limited partners to one of the following—

"(i) an appraisal and compensation;

"(ii) retention of a security under substantially the same terms and conditions as the original issue;

"(iii) approval of the limited partnership rollup transaction by not less than 75 percent of the outstanding units of each of the participating limited partnerships; or

"(iv) other rights designed to protect dissenting limited partners;

"(B) the right not to have their voting power unfairly reduced or abridged;

"(C) the right not to bear an unfair portion of the costs of a proposed rollup transaction that is rejected; and

"(D) restrictions on the conversion of contingent interests or fees into non-contingent interests or fees and restrictions on the receipt of a non-contingent equity interest in exchange for fees for services which have not yet been provided.

As used in this paragraph, the term 'dissenting limited partner' means a person who, on the date on which soliciting material is mailed to investors, is a holder of a beneficial interest in a limited partnership that is the subject of a limited partnership rollup transaction, and who casts a vote against the transaction and complies with procedures established by the association, except that for purposes of an exchange or tender offer such person shall file an objection in writing under the rules of the association during the period during which the offer is outstanding.".

(d) EFFECT ON EXISTING AUTHORITY.—The amendments made by this section shall not limit the authority of the Securities and Exchange Commission, a registered securities association, or a national securities exchange under any provision of the Securities Exchange Act of 1934, or preclude the Commission or such association or exchange from imposing, under any other such provision, a remedy or procedure required to be imposed under such amendments.

(e) EFFECTIVE DATE.—The amendments made by this section shall become effective 12 months after the date of enactment of this Act.

SEC. 4. REVIEW OF FILINGS PRIOR TO EFFECTIVE DATE.

Prior to the effective date of regulations adopted pursuant to this Act, the Securities and Exchange Commission shall continue to review and declare effective registration statements and amendments thereto relating to limited partnership rollup transactions in accordance with applicable regulations then in effect.

The PRESIDING OFFICER. Are there amendments?

If not, the question is on agreeing to the committee substitute.

The committee substitute was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the committee substitute was agreed to.

Mrs. KASSEBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. Madam President, I rise in support of S.424, The Limited Partnership Rollup Reform Act. Passage of this legislation is absolutely critical in order to protect millions of investors in limited partnerships from abusive partnership rollups.

This legislation has been before the Senate for more than 2 years. There have been numerous hearings. An earlier version of this bill passed the Senate last year with the support of 87 Senators. Forty-two Senators have cosponsored the legislation this year, and it was reported by the Banking Committee by a unanimous vote. Legislation on this subject passed the House of Representatives in March by a vote of 408 to 6.

As I have said in the past, there is a reason why so many Members of Congress support this bill. Our constituents—primarily small investors with an average investment of about $10,000—have documented a long record of abuses in limited partnership rollups.

Rollups generally are transactions in which investors in an existing limited partnership are solicited to approve a reorganization of their partnership, or a combination of their partnership with other partnerships. In the transactions covered by the legislation, the reorganization or combination results in an exchange of the existing limited partnership securities for securities in a new publicly traded entity, in which the investors' rights are substantially different.

In these transactions, investors have received misleading and confusing disclosure documents. Many investors have been pressured to vote in favor of rollup transactions by brokers who were being paid only if they produced yes votes. In addition, general partners have structured deals to award themselves abusively high fees in the rolled up entities and to pay high fees to affiliates.

Investors who have voted against a rollup have been forced to accept shares in a new corporation, often with substantial reductions in their voting rights, while the voting rights of managements have increased. Thus, investors have been forced to accept shares in a new entity they did not want, with a management fee structure that ensured that management would be paid first, and investors last. No one has disputed the extent of these abuses.

In many of these transactions, the price of securities issued in the rollup have declined 40 percent or more on the first day of trading.

Of course, other economic factors have contributed to losses in real estate and oil and gas partnerships. But when we have seen managements lining their pockets first—making sure they get paid first, and investors last—then we have to question whether some of these deals were structured for the benefit of investors, or for the benefit of general partners.

Having said that, I want to emphasize that limited partnerships have been an excellent capital-raising tool for business, as well as an excellent investment vehicle for many individuals. And, today, the restructuring of real estate partnerships, research and development partnerships, and drilling programs in the oil and gas industry, is healthy, and offers the potential for businesses to conserve capital and for investors to realize greater values.

Therefore, in developing the legislation, our goal has been to take the steps necessary to curb the abusive transactions but to permit fair deals that are good for investors to go forward.

Since we started this legislative process over 2 years ago, the SEC, the NASD, and the State of California have taken steps to address abusive rollup transactions. These have been very constructive actions, but gaps in investor protection still remain. Moreover, if we do not act, other States may feel they have to act, and the result could be a patchwork of different rules that would inhibit even the best transactions.

Prior to the committee's markup, Senator GRAMM and I developed an amendment that furthers our objective of placing limits on abusive transactions, while giving businesses the flexibility to carry out good transactions.

In the amendment, we exclude from the bill's requirements: certain arms-length acquisitions; certain transactions in which investors are offered seasoned, exchange-traded securities, whose value is readily ascertainable; and other transactions in which the original partnership documents clearly state that a reorganization in the future was planned. We also provide greater flexibility for certain transaction that receive the wide approval of limited partners. In addition, we provide greater certainty for investors and for businesses with respect to the effective date of the legislation.

All of these provisions make it clear that we certainly are not banning transactions—but banning abuses. So, where investor rights are protected, these transactions may go forward.

Let me thank my colleague, Senator GRAMM, for his hard work on this legislation. In my view, we took a very good bill and made it even better.

Let me also thank Chairman RIEGLE for his support on this issue over the past 2 years. Senator D'AMATO played a very constructive role in working out the final amendment, and I want to thank him. Senator BOND, as always, has been one of the strongest supporters of this legislation.

I also want to thank the staff who have worked so hard on the legislation: Wayne Abernathy of Senator GRAMM's staff; Laura Unger and Ira Paull of Senator D'AMATO's staff; and Mitchell Feuer of Chairman RIEGLE's staff. Let me also thank my two staff members who have shaped this legislation: Michael Stein, the deputy staff director of the Securities Subcommittee, and Marti Cochran, chief counsel and staff director of the subcommittee. These same staff, majority and Republican, also were responsible for the securities legislation passing the Senate last week, the Government Securities Act Amendments of 1993.

We have been assisted in our efforts on both bills by the hard-working staff of the SEC and, on the Government securities legislation, the hard work of the Treasury staff as well. I want to thank all of them.

Finally, let me say, Madam President, I look forward to working with our House colleagues to iron out the differences between the House and Senate bills. The House initiated this legislative effort, both in the last Congress and in this one. Chairman MARKEY of the Subcommittee on Telecommunications and Finance and Chairman DINGELL of the Energy and Commerce Committee have worked tirelessly to ensure that investors in limited partnerships are protected from abusive rollup transactions. I applaud their efforts and greatly respect their leadership on this issue.

I believe the Senate has taken a very good House bill and improved upon it. We have had the benefit of more time, and, as a result of the efforts of my colleague from Texas, we have had the benefit of perhaps a sharper debate over the kinds of transactions that should be covered by the bill, and those that should be excluded.

Senator GRAMM has asked that we not go to conference on this bill yet, but that we attempt to work out differences with the House with the goal of passing an agreed-upon bill in both Houses in September. I urge my House colleagues to look carefully at our bill, and I hope they will accept it, particularly as it provides greater specificity as to the types of transactions in which investor rights are adequately protected. I look forward to working with Chairman MARKEY and Chairman DINGELL, and I am confident we will have a bill to send to the President in the near future.

Mr. RIEGLE. Madam President, I am pleased that the Senate has today passed an important piece of investor protection legislation, the Limited Partnership Rollup Reform Act. This bill has garnered broad bipartisan support in the Congress. It also is supported by the State securities regulators, by investor groups, and by the organization representing general partners.

Limited partnerships were an important investment vehicle in the 1980's; roughly $150 billion of interests were sold, in average investments of $10,000. It has been estimated there are over 317,000 limited partner investors in Michigan alone. Most partnerships invested in oil and gas properties and commercial real estate.

As those sectors have experienced difficulties, many general partners have rolled up partnerships into new, publicly traded entities. Typically, limited partners no longer receive their investment back at a fixed time; the general partner's compensation is increased; and it is often more difficult to remove the general partner.

What do the limited partners receive in return? A publicly traded security, instead of an illiquid partnership interest. Unfortunately for them, the market values the securities based on cash flow, rather than asset value. The limited partners lose a great deal of their equity.

The bill improves disclosure to limited partners. Recent SEC rules address the bill's requirements for clear and concise disclosure of the items of most importance to investors. The bill further requires that limited partners be provided with a list of other limited partners, and permits them to engage in preliminary communications without filing with the SEC. The bill also prohibits any person soliciting proxies in a rollup from being paid only for yes votes or only if the transaction is completed.

It further protects investors by prohibiting broker-dealers from participating in a rollup, and the stock exchanges from listing a security issued in a rollup, unless the transaction meets certain requirements of fairness. These include the right of dissenting limited partners to an appraisal and compensation, or other rights designed to protect them. While this legislation does not require that any appraisals be performed, investor interests would be served by the development of consistent industry standards, such as the Uniform Standards of Professional Appraisal Practice.

The bill passed by the Senate today was amended at committee markup by a provision developed by Securities Subcommittee Chairman CHRIS DODD and ranking member PHIL GRAMM. They deserve credit for fashioning a compromise that has allowed this legislation to proceed by unanimous vote. This amendment excludes from the scope of the legislation certain transactions that do not present the potential for abuse that motivated the legislation. As amended, the bill continues to provide significant investor protections in transactions that potentially pose conflicts of interest. The legislation is not intended to restrict the use of any method of reorganization that is permitted under state law.

In addition, the legislation grants the SEC broad authority to exempt securities and transactions from the provisions of the bill. The SEC should use this authority to exempt transactions that do not raise substantial investor protection concerns. For example, transactions involving diagnostic and medical service centers entered into to comply with certain Medicare and Medicaid antifraud regulations may not involve passive investors, and so may not raise investor protection concerns.

This bill preserves the integrity of our securities markets by preventing rollup securities from trading on the exchanges unless investors were protected. By protecting average investors, it promotes investor confidence and capital formation. I look forward to resolving the differences between the House and Senate versions, so the measure may be enacted.

Mr. ROTH. Madam President, since on this day there has been considerable discussion of the issue of retroactivity with respect to the budget reconciliation legislation, I would like to raise a similar type of question with respect to S. 424, the Limited Partnership Rollup Reform Act.

This legislation provides that the rules of securities exchanges prohibit the listing of any security issued in a limited partnership rollup transaction unless that transaction was conducted in accordance with certain standards laid out in the bill. The legislation further provides that this provision shall become effective 12 months after the date of enactment of this act. In spite of the language of the effective date, I am concerned that the legislation has retroactive effect. Therefore, I would like to address the following questions to the distinguished chairman of the Subcommittee on Securities, and the lead sponsor of the legislation.

Senator DODD, does the legislation require the delisting of a listed security resulting from a rollup not conducted according to the bill's standards, even if the rollup occurred several years ago? And, further, would the bill prohibit the listing of such a security on a different exchange from the one on which it is currently listed, after the effective date of these provisions?

Mr. DODD. The answer to both of your questions is no. The bill applies to limited partnership rollup transactions, which is a defined term in the legislation and involves the issuance of securities. If the rollup transaction occurred prior to the effective date of the bill, the securities have already been issued and are already listed on an exchange. The bill does not require a delisting based on transactions that occurred prior to the effective date. The term listing in the provision you cited refers to the listing of securities as part of the rollup transaction and is not intended to embrace the continuance of the listing of a security of an exchange.

Moreover, the whole purpose of the new listing standard in the bill is to affect rollup transactions in the future. It would be potentially disruptive to businesses and harmful to shareholders if the legislation were interpreted to require delisting or to prohibit new listings with respect to rollup transactions that have already been consummated.

Mr. ROTH. I thank the Senator from Connecticut for his clarification. I would also note that I have filed dissenting views with respect to the committee's report, but I will not repeat those reservatons at this time. I am satisfied with the Senator's explanation of the retroactivity issue that I have raised, and I agree that the legislation would be disruptive and harmful if it sought to police limited partnership rollup transactions which have already occurred.

The PRESIDING OFFICER. Is there further debate? If not, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and deemed read the third time.

The PRESIDING OFFICER. The bill having been deemed read the third time, the question is, Shall the bill pass?

So the bill (S. 424), as amended, was passed.

Mr. FORD. Madam President, I move to reconsider the vote by which the bill was passed.

Mrs. KASSEBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UTAH SCHOOLS AND LANDS IMPROVEMENT ACT OF 1993

Mr. FORD. Madam President, on behalf of the majority leader, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 184.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 184) entitled "An Act to provide for the exchange of certain lands within the State of Utah, and for other purposes," do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Utah Schools and Lands Improvement Act of 1993".

SEC. 2. UTAH-NAVAJO LAND EXCHANGE.

(a) ADDITIONS TO RESERVATION.—For the purpose of securing in trust for the Navajo Nation certain lands belonging to the State of Utah, which comprise approximately thirty-eight thousand five hundred acres of surface and subsurface estate, and approximately an additional nine thousand five hundred acres of subsurface estate, as generally depicted on the map entitled "Utah-Navajo Land Exchange", dated May 18, 1992, such lands are hereby declared to be part of the Navajo Indian Reservation in the State of Utah effective upon the completion of conveyance from the State of Utah and acceptance of title by the United States.

(b) AUTHORIZATION.—The Secretary of the Interior is authorized to acquire through exchange those lands and interests in land described in subsection (a) which are owned by the State of Utah, subject to valid existing rights.

SEC. 3. STATE LANDS WITHIN THE GOSHUTE INDIAN RESERVATION.

(a) ADDITIONS TO RESERVATION.—For the purpose of securing in trust for the Goshute Indian Tribe certain lands belonging to the State of Utah, which comprise approximately nine hundred eighty acres of surface and subsurface estate, and an additional four hundred and eighty acres of subsurface estate, as generally depicted on the map entitled "Utah-Goshute Land Exchange", dated May 18, 1992, such lands are hereby declared to be part of the Goshute Indian Reservation in the State of Utah effective upon the completion of conveyance from the State of Utah and acceptance of title by the United States.

(b) AUTHORIZATION.—The Secretary of the Interior is authorized to acquire through exchange those lands and interests in land described in subsection (a) which are owned by the State of Utah, subject to valid existing rights.

(c) OTHER LAND.—(1) The following tract of Federal land located in the State of Nevada, comprising approximately five acres more or less, together with all improvements thereon, is hereby declared to be part of the Goshute Indian Reservation, and shall be held in trust for the Goshute Indian Tribe: Township 30 North, Range 69 East, lots 5, 6, 7, 9, 11, and 14 of section 34.

(2) No part of the lands referred to in paragraph (1) shall be used for gaming or any related purpose.

SEC. 4. IMPLEMENTATION.

The exchanges authorized by sections 2 and 3 of this Act shall be conducted without cost to the Navajo Nation and the Goshute Indian Tribe.

SEC. 5. STATE LANDS WITHIN THE NATIONAL FOREST SYSTEM.

(a) AUTHORIZATION.—The Secretary of Agriculture is authorized to accept on behalf of the United States title to the school and institutional trust lands by the State of Utah within units of the National Forest System, comprising approximately seventy-six thousand acres as depicted on a map entitled "Utah Forest Land Exchange", dated May 18, 1992.

(b) STATUS.—Any lands acquired by the United States pursuant to this section shall become a part of the national forest within which such lands are located and shall be subject to all the laws and regulations applicable to the National Forest System.

SEC. 6. STATE LANDS WITHIN THE NATIONAL PARK SYSTEM.

(a) AUTHORIZATION.—The Secretary of the Interior is hereby authorized to accept on behalf of the United States title to all school and institutional trust lands owned by the State of Utah located within all units of the National Park System, comprising approximately eighty thousand acres, located within the State of Utah on the date of enactment of this Act.

(b) STATUS.—(1) Notwithstanding any other provision of law, all lands of the State of Utah within units of the National Park System that are conveyed to the United States pursuant to this section shall become a part of the appropriate unit of the National Park System, and shall be subject to all laws and regulations applicable to that unit of the National Park System.

(2) The Secretary of the Interior shall, as a part of the exchange process of this Act, compensate the State of Utah for the fair market value of five hundred eighty and sixty-four one-hundredths acres within Capitol Reef National Park that were conveyed by the State of Utah to the United States on July 2, 1971, for which the State has never been compensated. The fair market value of these lands shall be established pursuant to section 8 of this Act.

SEC. 7. OFFER TO STATE.

(a) SPECIFIC OFFERS.—Within thirty days after enactment of this Act, the Secretary of the Interior shall transmit to the State of Utah a list of lands, or interests in lands, within the State of Utah for transfer to the State of Utah in exchange for the state lands and interests described in sections 2, 3, 5, and 6 of this Act. Such list shall include only the following Federal lands, or interests therein:

(1) Blue Mountain Telecommunications Site, fee estate, approximately six hundred and forty acres.

(2) Beaver Mountain Ski Resort site, fee estate, approximately three thousand acres, as generally depicted on the map entitled "Beaver Mountain Ski Resort" dated September 16, 1992.

(3) The unleased coal located in the Winter Quarters Tract.

(4) The unleased coal located in the Crandall Canyon Tract.

(5) All royalties receivable by the United States with respect to coal leases in the Quitchupah (Convulsion Canyon) Tract.

(6) The unleased coal located in the Cottonwood Canyon Tract.

(7) The unleased coal located in the Soldier Creek Tract.

(b) ADDITIONAL OFFERS.—(1) In addition to the lands and interests specified in subsection (a), the Secretary of the Interior shall offer to the State of Utah a portion of the royalties receivable by the United States with respect to Federal geothermal, oil, gas, or other mineral interests in Utah which on December 31, 1992, were under lease and covered by an approved permit to drill or plan of development and plan of reclamation, were in production, and were not under administrative or judicial appeal.

(2) No offer under this subsection shall be for royalties aggregating more than 50 per centum of the total appraised value of the State lands described in sections 2, 3, 5, and 6.

(3) The Secretary shall make no offer under this subsection which would enable the State of Utah to receive royalties under this section exceeding $25,000,000.

(4) If the total value of lands and interests therein and royalties offered to the State pursuant to subsections (a) and (b) is less than the total value of the State lands described in sections 2, 3, 5, and 6, the Secretary shall provide the State a list of all public lands in Utah that as of December 31, 1992, the Secretary, in resource management plans prepared pursuant to the Federal Land Policy and Management Act of 1976, had identified as suitable for disposal by exchange or otherwise, and shall offer to transfer to the State any or all of such lands, as selected by the State, in partial exchange for such State lands, to the extent consistent with other applicable laws and regulations.

SEC. 8. APPRAISAL OF LANDS TO BE EXCHANGED.

(a) EQUAL VALUE.—All exchanges authorized under this Act shall be for equal value. No later than ninety days after enactment of this Act, the Secretary of the Interior, the Secretary of Agriculture, and the Governor of the State of Utah shall provide for an appraisal of the lands or interests therein involved in the exchanges authorized by this Act. A detailed appraisal report shall utilize nationally recognized appraisal standards including, to the extent appropriate, the uniform appraisal standards for Federal land acquisition.

(b) DEADLINE AND DISPUTE RESOLUTION.—(1) If after two years from the date of enactment of this Act, the parties have not agreed upon the final terms of some or all of the exchanges authorized by this Act, including the value of the lands involved in some or all of such exchanges, notwithstanding any other provisions of law, any appropriate United States District Court, including but not limited to the United States District Court for the District of Utah, Central Division, shall have jurisdiction to hear, determine, and render judgment on the value of any and all lands, or interests therein, involved in the exchange.

(2) No action provided for in this subsection may be filed with the Court sooner than two years and later than five years after the date of enactment of this Act. Any decision of a District Court under this Act may be appealed in accordance with the applicable laws and rules.

(c) ADJUSTMENT.—If the State shares revenue from the selected Federal properties, the value of such properties shall be the value otherwise established under this section, less the percentage which represents the Federal revenue sharing obligation, but such adjustment shall not be considered as reflecting a property right of the State of Utah.

(d) INTEREST.—Any royalty offer by the Secretary pursuant to subsection 7(b) shall be adjusted to reflect net present value as of the effective date of the exchange. The State shall be entitled to receive a reasonable rate of interest at a rate equivalent to a five-year Treasury note on the balance of the value owed by the United States from the effective date of the exchange until full value is received by the State and mineral rights revert to the United States as prescribed by subsection 9(a)(3).

SEC. 9. TRANSFER OF TITLE.

(a) TERMS.—(1) The State of Utah shall be entitled to receive so much of those lands or interests in lands and additional royalties described in section 7 that are offered by the Secretary of the Interior and accepted by the State as are equal in value to the State lands and interests described in sections 2, 3, 5, and 6.

(2) For those properties where fee simple title is to be conveyed to the State of Utah, the Secretary of the Interior shall convey, subject to valid existing rights, all right, title, and interest, subject to the provisions of subsection (b). For those properties where less than fee simple is to be conveyed to the State of Utah, the Secretary shall reserve to the United States all remaining right, title, and interest of the United States.

(3) All right, title, and interest in any mineral rights described in section 7 that are conveyed to the State of Utah pursuant to this Act shall revert to the United States upon removal of minerals equal in value to the value attributed to such rights in connection with an exchange under this Act.

(4) If the State of Utah accepts the offers provided for in this Act, the State shall convey to the United States, subject to valid existing rights, all right, title, and interest of the State to all school and institutional trust lands described in sections 2, 3, 5, and 6 of this Act. Except as provided in section 7(b), conveyance of all lands or interests in lands shall take place within sixty days following agreement by the Secretary of the Interior and the Governor of the State of Utah, or entry of an appropriate order of judgment by the District Court.

(b) INSPECTIONS.—Both parties shall inspect all pertinent records and shall conduct a physical inspection of the lands to be exchanged pursuant to this Act for the presence of any hazardous materials as presently defined by applicable law. The results of those inspections shall be made available to the parties. Responsibility for costs of remedial action related to materials identified by such inspections shall be borne by those entities responsible under existing law.

(c) CONDITIONS.—(1) With respect to the lands and interests described in section 7(a), enactment of this Act shall be construed as satisfying the provisions of section 206(a) of the Federal Land Policy and Management Act of 1976 requiring that exchanges of lands be in the public interest.

(2) Development of any mineral interest transferred to the State of Utah pursuant to this Act shall be subject to all laws, rules, and regulations applicable to development of non-Federal mineral interests, including, where appropriate, laws, rules, and regulations applicable to such development within National Forests. Extraction of any coal resources described in section 7(a) shall occur only through underground coal mining operations.

SEC. 10. LEGAL DESCRIPTIONS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, a map and legal description of the lands added to the Navajo and Goshute Indian Reservations and all lands exchanged under this Act shall be filed by the appropriate Secretary with the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, and each such map and description shall have the same force and effect as if included in this Act, except that the appropriate Secretary may correct clerical and typographical errors in each such legal description and map. Each such map and legal description shall be on file and available for public inspection in the offices of the Secretary of Agriculture and the Secretary of the Interior and the Utah offices of the appropriate agencies of the Department of the Interior and Department of Agriculture.

(b) PILT.—Section 6902(b) of title 31, United States Code, is amended by striking "acquisition." and inserting in lieu thereof "acquisition, nor does this subsection apply to payments for lands in Utah acquired by the United States if at the time of such acquisition units, under applicable State law, were entitled to receive payments from the State for such lands, but in such case no payment under this chapter with respect to such acquired lands shall exceed the payment that would have been made under State law if such lands had not been acquired.".

(c) INTENT.—The lands and interests described in section 7 are an offer related only to the State lands and interests described in this Act, and nothing in this Act shall be construed as precluding conveyance of other lands or interests to the State of Utah pursuant to other exchanges under applicable existing law or subsequent act of Congress. It is the intent of Congress that the State should establish a funding mechanism, or some other mechanism, to assure that counties within the State are treated equitably as a result of this exchange.

(d) COSTS.—The United States and the State of Utah shall each bear its own respective costs incurred in the implementation of this Act.

(e) DEFINITION.—As used in this Act, the term (1) "School and Institutional Trust Lands" means those properties granted by the United States in the Utah Enabling Act to the State of Utah in trust and other lands which under State law must be managed for the benefit of the public school system or the institutions of the State which are designated by the Utah Enabling Act; and (2) "Secretary" means the Secretary of the Interior; unless specifically defined otherwise.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

AMENDMENT NO. 775

(Purpose: To increase the amount of royalties the State of Utah may receive for mineral interests and to require due diligence by the State of Utah with respect to coal tracts received by the State)

Mrs. KASSEBAUM. Madam President, I move that the Senate concur in the amendments of the House, with the following amendment that I now send to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mrs. KASSEBAUM] on behalf of Mr. HATCH, for himself and Mr. BENNETT, proposes an amendment numbered 775.

Mrs. KASSEBAUM. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

In paragraph (3) of section 7(b), strike "$25,000,000" and insert "$50,000,000".

In section 9, at the end of subsection (c), add the following new paragraph:

(3) Transfer of any mineral interests to the State of Utah shall be subject to such conditions as the Secretary shall prescribe to ensure due diligence on the part of the State of

Utah to achieve the timely development of such resources.

Mr. HATCH. Madam President, I rise this evening to urge the Senate to pass S. 184, the Utah Schools and Lands Improvement Act of 1993, as amended, and to accept two modifications to the House version being offered by Senator BENNETT and myself to the bill. This amendment, which has been cleared by both sides on the Senate Energy and Natural Resources Committee, makes a critical change in the bill as amended by the House of Representatives. As the prime sponsor of this legislation, I believe S. 184, as amended by our amendment, is in the best interests of the State of Utah and deserves the support of my colleagues.

As my colleagues will recall, the effect of S. 184 is to exchange approximately 200,000 acres of State lands located within Utah's national forests, national parks, and the Navajo and Goshute Indian Reservations for Federal lands, or interest in certain Federal lands, which are currently producing a revenue stream or royalty, or have the potential of producing such revenue. The income from these lands will be deposited in the Utah school trust fund.

S. 184 seeks a value for value exchange so that the Federal Government, the State of Utah, and its schoolchildren, are treated fairly. The total amount to be received by Utah from these Federal interests will be determined once the State's lands are appraised and a value established. The bill includes a provision that allows the Federal Government to offer the State a direct payment from royalties now received by the United States from certain Federal geothermal, oil, gas, or other mineral interests. To achieve the remaining balance of the appraised value for the State lands, the State of Utah will develop several unleased coal tracts located on Federal land in central Utah that are identified in S. 184.

Last week, the House amended S. 184 by establishing a ceiling on the amount to be received by the State through a direct payment. The figure in the House bill is $25 million, which is unacceptable to me and the State of Utah. The estimated value of these State lands may be as high as $200 million, and my goal with this legislation has been to ensure that the State of Utah is fully—I repeat, fully—compensated as soon as possible by the Federal Government. A figure as low as $25 million would not achieve this goal, especially when the Senate version would have possibly allowed the State to receive four times this amount in a direct payment.

Our amendment will raise the House's ceiling figure to $50 million. This figure is not as high as I would want it to be, as I stated, but it is a compromise amount that equals half of what might have been obtained in the Senate bill. This means the State will receive royalties from existing mineral leases equal to 50 percent of the total value of the State lands and interests to be transferred to the United States, or $50 million, whichever is less.

Our amendment also includes language that adds a due diligence requirement with respect to the coal tracts. This ensures that the State of Utah will achieve a timely development of the resources, which the State has strongly indicated it intends to do as soon as this legislation is enacted.

The House included language granting jurisdiction to resolve valuation disputes to any appropriate U.S. district court, and prohibiting the strip mining of any coal transferred to the State. I would prefer that each of these items were excluded from the bill. But, in the spirit of compromise and with a desire to see this legislation adopted this year, I am willing to accept them.

Madam President, for my State of Utah, passage of this legislation has been long in coming and highly desired by many Utah, both in and out of Government. I truly appreciate the efforts of all those involved. They understand that this measure is necessary to infuse some badly needed funds into Utah's educational system.

This bill corrects a serious problem that has existed for decades, which has been stated many times on this floor. In brief, the lands set aside for the Utah school trust fund when Utah joined the Union have been enveloped over many years by protected Federal lands, making the trust land less productive as a source of income for our schools.

The failure of our State school lands to produce substantial income, which is the situation now, is a severe hinderance to educational reforms and opportunities for Utah children. S. 184 corrects this situation—not in a way that everyone, including myself, would consider perfect, but in a way that takes into consideration the myriad of concerns that are raised when dealing with public land issues and in a way that gets the job done.

Utah and its school districts are struggling with the financial burden of educating the growing population of schoolage children in the State. Currently, Utah spends more on education as a percent of its total budget than any other State in the Nation. The citizens of Utah are not asking for a handout or for something to which they are not entitled. This bill recognizes Congress' role in helping the State remedy a situation to which it has been a party—and which it helped create in 1896. Under this bill, Utah's school districts—all districts—will reap financial benefits to aid them in meeting Utah's educational needs.

I want to express my sincere appreciation to all the members of the Senate Energy and Natural Resources Committee for their support of this measure. In particular, Senators JOHNSTON, BUMPERS, WALLOP, and, of course, my colleague from Utah, Senator BENNETT, who have shown great understanding on this issue and have helped to expedite its passage. Hearings were scheduled early in the session and accommodated the schedules of many Utahans interested in this issue, including our current Utah Governor, Mike Leavitt. On behalf of all Utahans, I want to thank the Energy Committee for recognizing the importance of this legislation to Utah's schoolchildren and for keeping their commitment to move this legislation expeditiously.

I am also enormously grateful for the assistance of their counterparts in the House, namely Representatives BRUCE VENTO and GEORGE MILLER. Mr. VENTO and Mr. MILLER have recognized the importance of this legislation to Utah and have been willing to work with the Senate to craft this final version of the bill. I appreciate their willingness and commitment to see that Utah is properly compensated for these State lands, which I am confident will occur through the provisions contained in this bill.

Utah Representatives JIM HANSEN and KAREN SHEPHERD carried this legislation through the intricate proceedings in the House. Their work cannot be overlooked or understated. I thank my colleagues for their consideration.

And, on behalf of the State of Utah, and the many public and private individuals who have worked on this concept for many years—including former Utah Governors Scott Matheson and Norm Bangerter, former Senator Jake Garn, and former Representatives Dan Marriott, Dave Monsen, Howard Nielsen, and Wayne Owens—I thank the Congress for passing this legislation which resolves part of the historic problem that surrounds Utah's school trust lands. Congress has addressed its responsibility toward the particular State inholdings located within Federal reservations. I hope that we can work in harmony in the future to address the remaing inholdings that will continue to have an impact on Utah's public lands.

I thank my colleagues and yield the floor.

Mr. BENNETT. Madam President, the Utah School and Lands Improvement Act of 1993, S. 184, will provide the State of Utah with much-needed funding for the elementary and secondary education system in my State. The schoolchildren of Utah have waited a long time for its passage.

This bill will exchange 200,000 acres of State school inholdings for Federal lands and revenues from certain Federal coal leases. Up until now the State of Utah has had difficulty in managing and developing these school lands because they have been scattered throughout the State. This legislation will allow the State of Utah to generate much-needed funding for Utah schools.

This legislation begins to resolve the question of ownership of State school lands. Although the Federal Government and the State of Utah may continue to disagree on some aspects of the State school land issue, I feel this legislation provides the way for both parties to come to a fair and equitable settlement.

I thank my colleague, Senator HATCH, for his leadership on this legislation. I also would like to express my deep appreciation to the chairman of the Committee on Energy and Natural Resources Committee, Senator JOHNSTON and the ranking minority member, Senator WALLOP, for their willingness to move this legislation. I am grateful for their support.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion is agreed to.

Mrs. KASSEBAUM. Madam President, I move to reconsider the vote by which the motion was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZATION OF TESTIMONY OF SENATE EMPLOYEES

Mr. FORD. Madam President, on behalf of the majority leader, I ask unanimous consent the Senate proceed to the immediate consideration of Senate Resolution 140, a resolution authorizing testimony of present and former Senate employees, introduced earlier today by Senator MITCHELL and Senator DOLE; that the resolution be agreed to; the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements appear in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 140) was deemed agreed to, as follows:

S. RES. 140

Whereas, in the case of United States v. Dean, Cr. No. 92-0181, Independent Counsel Arlin M. Adams has requested the trial testimony of Kenneth A. McLean, a former Senate employee on the staff of the Committee on Banking, Housing, and Urban Affairs;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §288b(a) and 288c(a)(2) (1988), the Senate may direct its counsel to represent committees, Members, officers and employees of the Senate with respect to subpoenas or orders issued to them in their official capacity: Now, therefore, be it

Resolved, That Kenneth A. McLean, and any other present or former Senate employee whose testimony may be required, is authorized to testify in the trial of United States v. Deborah Dean, Cr. No. 92-0181 (D.D.C.), except as to matters for which a privilege should be asserted.

SEC. 2. That the Senate Legal Counsel is directed to represent Kenneth A. McLean, and any other present or former Senate employee, in connection with the testimony authorized under section 1.

Mr. MITCHELL. Madam President, by Senate Resolution 334, 102d Congress, the Senate authorized the production of documents and the testimony of a Senate employee in connection with the case of *United States* v. *Deborah Dean*, Cr. No. 92-0181, pending in the U.S. District Court for the District of Columbia. This case is one of several arising out of the investigation of Independent Counsel Arlin M. Adams, who was appointed in 1990 to investigate allegations that federal officials and others conspired to defraud the United States in connection with the administration of Department of Housing and Urban Development programs.

The Independent Counsel now seeks the trial testimony of additional Senate witnesses, including Kenneth A. McLean, former staff director of the Committee on Banking, Housing, and Urban Development. The following resolution would authorize present and former Senate employees to testify in this case. It also would authorize the Senate legal counsel to represent any present and former Senate employees whose testimony is required in connection with their testimony.

VETERANS HEALTH PROGRAMS

Mr. FORD. Madam President, on behalf of the majority leader, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 2034.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendments of the Senate to the bill (H.R. 2034) entitled "An Act to amend title 38, United States Code, to revise and improve veterans' health programs, and for other purposes," with the following amendments:

In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill, insert:

SECTION. 1. AUTHORIZATION OF DEPARTMENT OF VETERANS AFFAIRS CONSTRUCTION PROJECTS.

(a) AUTHORIZED PROJECTS.—The Secretary of Veterans Affairs may carry out the major medical facility leases for the Department of Veterans Affairs for which funds are requested in the budget of the President for fiscal year 1994 and may carry out (or, in the case of the project specified in paragraph (1), participate in) the following major medical facility projects in the amounts specified:

(1) Construction in accordance with an agreement between the Secretary of the Air Force and the Secretary of Veterans Affairs of a medical facility at Elmendorf Air Force Base, Anchorage, Alaska, to be shared by the Air Force and the Department of Veterans Affairs, $11,500,000.

(2) Construction of a psychiatric building at the Department of Veterans Affairs Medical Center in Lyons, New Jersey, $41,700,000.

(3) Modernization and seismic corrections at the Department of Veterans Affairs Medical Center in Memphis, Tennessee, $10,700,000.

(4) Construction of a replacement bed building at the Department of Veterans Affairs Medical Center in Muskogee, Oklahoma, $3,200,000.

(5) Construction of an outpatient care addition and parking garage at the Department of Veterans Affairs Medical Center in San Juan, Puerto Rico, $46,000,000.

(6) Construction or expansion and modernization, of a 120-bed nursing home facility in the area (referred to as the "Chesapeake network") served by the Department of Veterans Affairs medical centers in Baltimore, Maryland; Fort Howard, Maryland; Martinsburg, West Virginia; Perry Point, Maryland; and Washington, District of Columbia, the site for which shall be selected in accordance with subsection (b).

(b) SITE SELECTION.—(1) The Secretary, in selecting a site for the project referred to in subsection (a)(6), shall conduct a study to determine the most appropriate location for that facility. In conducting the study, the Secretary shall determine—

(A) what the specific mission of each medical center operated by the Secretary in the Chesapeake network should be to achieve within that network—

(i) effective planning;

(ii) reduction in duplication of services and programs in the same geographic area;

(iii) realignment of services among facilities within each network;

(iv) improved means of resources distribution; and

(v) more efficient delivery of needed services.

(B) whether there is a need for expansion and modernization of the nursing home care unit at the medical center at Fort Howard, Maryland; and

(C) what effect the construction of nursing home beds in Baltimore, Maryland, as proposed in the President's budget for the Department of Veterans' Affairs for fiscal year 1994, would have for the missions of each of the other medical centers operated by the Secretary in the Chesapeake network.

(2) Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans Affairs of the Senate and House a report on the study under paragraph (1). The Secretary shall include in the report a statement of each determination made by the Secretary under that paragraph.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is hereby authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 1994—

(1) $143,100,000 for the major medical facility projects authorized in paragraphs (1) through (5) of section 101(a) and such sums as may be necessary for the projects described in section 101(a)(6), but not to exceed $14,500,000 in the case of construction of nursing home beds in Baltimore, Maryland, as

proposed in the President's budget for the Department of Veterans Affairs in fiscal year 1994; and

(2) $50,123,105 for the major medical facility leases authorized in section 101(a).

(b) LIMITATION.—The projects authorized in section 101 may only be carried out using—

(1) funds appropriated for fiscal year 1994 pursuant to the authorization of appropriations in subsection (a);

(2) funds appropriated for Construction, Major Projects for a fiscal year before fiscal year 1994 that remain available for obligation; and

(3) funds appropriated for Construction, Major Projects for fiscal year 1994 for a category of activities not specific to a project.

SEC. 3. INCREASE IN AMOUNT OF FACILITY PROJECT THRESHOLD.

(a) Section 8104(a)(3)(A) of title 38, United States Code, is amended by striking out "$2,000,000" and inserting in lieu thereof $3,000,000".

(b) Section 8109(i)(2) of such title is amended by striking out "$2,000,000" and inserting in lieu thereof "$3,000,000".

SEC. 4. INCREASED TERM OF LEASE AUTHORITY RELATING TO PERSHING HALL, FRANCE.

Section 403(c)(1) of the Veterans' Benefits Programs Improvement Act of 1991 (36 U.S.C. 493) is amended by striking out "35 years" and inserting in lieu thereof "99 years".

In lieu of the amendment of the Senate to the title of the bill, amend the title as to read: "An Act to authorize major medical facility construction projects for the Department of Veterans Affairs for fiscal year 1994, and for other purposes.".

Mr. ROCKEFELLER. Madam President, as chairman of the Committee on Veterans' Affairs, I am very pleased that the Senate is about to take final action on legislation to authorize major medical facility projects and leases for the Department of Veterans Affairs, to increase the amount of the major medical facility project threshold, and to revise authority relating to Pershing Hall, France.

The pending measure, H.R. 2034 as amended by a House amendment to the Senate amendment to the bill, represents a compromise agreement that the Veterans' Affairs Committees of the House of Representatives and the Senate have reached on bills relating to the VA construction and facilities program.

Madam President, the House passed this compromise bill on August 6, 1993. I urge the Senate to approve this measure and thus send it to the White House for signature.

Because I will submit for the RECORD an explanatory statement prepared by the two Veterans' Affairs Committees that describes in detail the provisions in this measure, at this point I will briefly summarize the provisions of the compromise agreement and discuss certain provisions in the bill.

SUMMARY OF PROVISIONS

The compromise agreement contains provisions that would:

First, authorize the Secretary of Veterans Affairs to carry out the VA major medical facility leases requested in the fiscal year 1994 budget that the President submitted to Congress.

Second, authorize the Secretary to carry out six named VA major medical projects, including a 120-bed nursing home facility in the area, referred to as the Chesapeake network, served by VA medical centers in Baltimore, MD; Fort Howard, MD; Martinsburg, WV; Perry Point, MD; and Washington, DC, the site to be selected by the Secretary.

Third, authorize to be appropriated to the Secretary for fiscal year 1994, $143,000,000 for five of the authorized VA major medical facility projects and such sums as may be necessary for the project in the Chesapeake network, but not to exceed $14,500,000 in the case of construction of nursing beds in Baltimore, Maryland, as proposed in the President's budget for VA for fiscal year 1994.

Fourth, authorize to be appropriated to the Secretary for fiscal year 1994, $50,123,105 for the authorized major medical facility leases.

Fifth, limit the funds that may be used to funds appropriated for fiscal year 1994; funds appropriated for construction, major projects, for a fiscal year before fiscal year 1994 that remain available for obligation; and funds appropriated for construction, major projects, for fiscal year 1994 for a category of activity not specific to a project.

Sixth, increase the statutory limitation for defining a "major medical facility project" from $2 to $3 million.

Seventh, increase the statutory limitation for treating a parking facility at a VA medical facility as a major medical facility project from $2 to $3 million.

Eighth, extend the Secretary's lease authority for Pershing Hall, France, from 35 years to 99 years as the maximum period of lease.

MAJOR MEDICAL FACILITY PROJECTS AND MAJOR MEDICAL FACILITY LEASES

Madam President, I am pleased that the compromise agreement contains a provision that would authorize the Secretary of Veterans Affairs to carry out all 11 of the major medical facility leases—leases of space for use as a medical facility at an average annual rental of more than $300,000—for which funds were requested in the President's budget submission for fiscal year 1994, and would authorize the appropriation of $50,123,105 for those 11 leases. The leases are in the following communities: Albuquerque, NM; Boston MA; Cleveland, OH; Decatur IL; Las Vegas, NV; Mayaguez, PR; Redding, CA; Rochester, NY; Sacramento, CA; San Jose, CA; and Santa Barbara, CA.

I also am pleased that the compromise agreement contains a provision that would authorize six major medical facility projects—projects for the construction, alteration, or acquisition of a medical facility currently involving a total expenditure of more than $2 million, a threshold the compromise agreement would raise to $3 million. The following four authorized projects, and the amount specified, were requested in the President's budget submission for fiscal year 1994: First, construction in accordance with an agreement between the Secretary of the Air Force and the Secretary of Veterans Affairs of a medical facility at Elmendorf Air Force Base, Anchorage, AK, to be shared by the Air Force and the Department of Veterans Affairs, $11,500,000; second, construction of a psychiatric building at the VA Medical Center in Lyons, NJ, $41,700,000; third, modernization and seismic corrections at the VA Medical Center in Memphis, TN, $10,700,000; and fourth, construction of a replacement bed building at the VA Medical Center in Muskogee, OK, $33,200,000.

The fifth authorized major medical facility project would be the construction of an outpatient care addition and parking garage at the VA Medical Center in San Juan, PR, for $46 million. This project, not included on the President's list of requested projects to Congress, was nevertheless, on the VA's requested list to the Office of Management and Budget and has a VA priority ranking above that of projects in Tuskegee and Baltimore. I am a supporter of the VA priority ranking system and believe that inclusion of the San Juan project maintains the integrity of that system.

The sixth authorized major medical facility project would be the construction, or expansion and modernization, of a 120-bed nursing home facility in the Chesapeake network, the site to be selected by the Secretary of Veterans Affairs. The Chesapeake network is defined in the bill as being that area served by VA medical centers in Baltimore, MD; Fort Howard, MD; Martinsburg, WV; Perry Point, MD; and Washington, DC. In selecting the Chesapeake network site, the Secretary must conduct a study to determine the most appropriate location for that facility and report the findings to the Committee on Veterans' Affairs no later than 90 days from the date of enactment of the Act. The President's budget submission for fiscal year 1994 requested, and the Senate amendment to H.R. 2034 authorized, a 120-bed nursing home facility in Baltimore—Loch Raven—MD. By including in the compromise agreement the authorization of a 120-bed nursing home facility in the Chesapeake network, the Committees on Veterans' Affairs recognize the need for nursing home care in the mid-Atlantic area. By not naming the site location in the bill, but authorizing the Secretary to select that location after conducting a study with specific issues to determine, the committees intend to accept the Secretary's site selection as final. The report to Congress would be only for the information of the committees.

As noted by both committees in the explanatory statement, three major medical facilities projects in the VA fiscal year 1994 budget submission were partially funded in a prior year and therefore do not require authorization under section 8104(a)(2) of title 38, United States Code. These projects are at the VA medical centers in Palo Alto, CA; Tuskegee, AL; and Temple, TX.

I am pleased that the compromise agreement also would include an authorization of $143,100,000 for the first five major medical facility projects I outlined earlier and such sums as may be necessary for the Chesapeake network project, but not exceed $14,500,000 in the case of construction of nursing home beds in Baltimore, MD, as proposed in the President's budget for VA for fiscal year 1994.

It is critical to the VA's mission that it maintain its capital investment and modernize the physical plants where appropriate to ensure that the VA health care system can provide state-of-the-art medical care and respond to the changing needs of our Nation's veterans.

REVISION OF AUTHORITY RELATING TO PERSHING HALL

Madam President, I am pleased that the compromise agreement includes a provision that would extend the Secretary's lease authority for Pershing Hall, a facility in Paris, France, to 99 years as the maximum period of lease.

In 1991, Congress gave VA the responsibility for the rehabilitation, operation, and use of Pershing Hall, an existing building located in Paris, France. Through managing the property over the past 18 months, VA has determined that the authorizing legislation needs to be modified to improve Pershing Hall's value as an asset of the U.S. Government. The VA believes that the Secretary should be able to negotiate a lease for up to 99 years so as to maximize VA's return on a development contract. VA has indicated that the current 35-year lease authority is contrary to the custom and practice in Paris and that financial advisers have advised VA that the value of redevelopment proposals for a 35-year lease will be 30 to 40 percent of what the Department should be able to receive if it follows the Paris custom and practice, which is to provide for a 99-year lease. Because it appears that VA would lose nothing in terms of control over the building if the lease term were extended because of the overall control it would still maintain as lessor, the increased lease authority should provide the Secretary of Veterans Affairs with an additional option to review and compare as VA makes decisions about the facility.

CONCLUSION

Madam President, I express my appreciation to the distinguished ranking Republican member of the Senate committee, Mr. MURKOWSKI, and all other members of the committee, as well as the chairman and ranking minority member of the House Committee on Veterans' Affairs, Mr. MONTGOMERY and Mr. STUMP, for their cooperation on this measure.

Madam President, I also express my deep gratitude to the committee staff members who worked on this legislation—on the minority staff, Chris Yoder and John Moseman, and on the majority staff, Todd Houchins, Chuck Lee, Bill Brew, and Jim Gottlieb—and the House Committee on Veterans' Affairs staff, Ralph Ibson, Pat Ryan, and Mack Fleming for the majority, and for the minority, Carl Commenator.

Madam President, I also note the fine work of the staff of the two Offices of Legislative Counsel, Charlie Armstrong in the Senate and Bob Cover in the House. They provided their usual excellent assistance as we prepared this legislation.

Madam President, I urge the Senate to give its unanimous approval to this measure.

Madam President, I ask unanimous consent that the explanatory statement to which I referred earlier, and which takes the place of a joint explanatory statement in a conference report, be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

JOINT EXPLANATORY STATEMENT ON H.R. 2034

H.R. 2034, an Act to authorize major facility construction projects for the Department of Veterans Affairs for fiscal year 1994 and for other purposes, reflects a compromise agreement that the Senate and House of Representatives Committees on Veterans' Affairs have reached on certain bills considered in the Senate and the House during the 103rd Congress. These are H.R. 2034 as passed by the House on May 19, 1993 (hereinafter referred to as the "House bill") and S. 1079 as passed by the Senate as a substitute amendment to H.R. 2034 on July 14, 1993 (hereinafter referred to as the "Senate amendment").

The Committees on Veterans' Affairs have prepared the following explanation of H.R. 2034 (hereinafter referred to as "compromise agreement"). Differences between the provisions contained in the compromise agreement and the related provisions in the bills noted above are noted in this document, except for clerical corrections and conforming changes made necessary by the compromise agreement and minor drafting, technical, and clarifying changes.

AUTHORIZATION OF DEPARTMENT OF VETERANS AFFAIRS CONSTRUCTION PROJECTS

Current law: Section 8104(a)(2) of title 38, United States Code, provides that no funds may be appropriated for any fiscal year, and the Secretary of Veterans Affairs may not obligate or expend funds (other than for advance planning and design), for any major medical facility project or any major medical facility lease, unless funds for that project or lease have been specifically authorized by law.

House bill: Section 201(a) would authorize the Secretary, except as provided in section 201(b), to carry out the major medical facility projects and major medical facility leases for the Department of Veterans Affairs for which funds were requested in the President's budget for fiscal year 1994.

Section 201(b) would not authorize the Secretary to carry out the project for the construction of a nursing home facility in Baltimore, Maryland.

Section 201(c) would authorize the Secretary to carry out design of the following medical facility projects (which were not included in the President's budget), in the amounts specified: (1) an outpatient care addition at the VA Medical Center in San Juan, Puerto Rico, $3,970,000; (2) a spinal cord injury unit and energy center at the VA Medical Center in Tampa, Florida, $4,490,000; and (3) an outpatient care addition at the VA Medical Center in West Haven, Connecticut, $4,860,000.

Section 204 required the Secretary to conduct an assessment of the need for nursing home beds operated by the Secretary in the area (referred to as the "Chesapeake network") served by VA Medical Centers in Baltimore, Maryland; Fort Howard, Maryland; Martinsburg, West Virginia; Perry Point, Maryland; and Washington, D.C. The Secretary would determine the specific mission of each medical center in the Chesapeake network; whether there is a need for expansion and modernization of the nursing home care unit at Fort Howard; and what effect the construction of nursing home beds in Baltimore would have for the missions of the other medical centers in the Chesapeake network. The Secretary's report would be submitted to the Committees on Veterans' Affairs no later than 90 days after enactment of the Act.

Senate amendment: Section 1(a) is substantively identical to the House provision in section 201(a), except that it would authorize all of the VA major medical facility projects for which funds are requested in fiscal year 1994, including the nursing home facility in Baltimore.

Compromise agreement: Section 1(a) would authorize the VA to enter into the major medical facility leases for which funds are requested in the President's budget for fiscal year 1994, and authorize the following VA major medical projects, in the amounts specified: (1) construction in accordance with an agreement between the Secretary of the Air Force and the Secretary of Veterans Affairs of a medical facility at Elmendorf Air Force Base, Anchorage, Alaska, to be shared by the Air Force and VA, $11,500,000; (2) construction of a psychiatric building at VA Medical Center in Lyons, New Jersey, $41,700,000; (3) modernization and seismic correction at VA Medical Center in Memphis, Tennessee, $10,700,000; (4) construction of a replacement bed building at VA Medical Center in Muskogee, Oklahoma, $33,200,000; (5) construction of an outpatient care addition and parking garage at the VA Medical Center in San Juan, Puerto Rico, $46,000,000; and (6) construction, or expansion and modernization, of a 120-bed nursing home facility in the Chesapeake network area (the site to be selected in accordance with subsection (b)). The Committees note that three major medical facility projects in the VA fiscal year 1994 budget submission were partially funded in a prior year and therefore do not require authorization under section 8104(a)(2) of title 38. These projects are: (1) a replacement bed tower and seismic corrections at the VA Medical Center in Palo Alto, California; (2) a nursing home care unit at the VA Medical Center in Tuskegee, Alabama; and (3) a replacement bed building at the VA Medical Center in Temple, Texas.

Section 1(b) would require the Secretary, in selecting the site for the VA major medical facility project in the Chesapeake network, to conduct a study to determine the most appropriate location for that facility. The criteria and reporting requirement for the study would be substantively identical to those set forth in section 204 of the House bill.

AUTHORIZATION OF APPROPRIATIONS

Current law: Section 8104(a)(2) of title 38, United States Code, provides that no funds may be appropriated for any fiscal year, and the Secretary of Veterans Affairs may not obligate or expend funds (other than for advance planning and design), for any major medical facility project or any major medical facility lease, unless funds for that project or lease have been specifically authorized by law.

House bill: Section 201(d) would authorize to be appropriated to the Secretary of Veterans Affairs for fiscal year 1994 (1) $110,420,000 for the authorized major medical facility projects; and (2) $50,123,105 for the authorized major medical facility leases.

Section 201(e) would limit the authorized projects to be carried out only using (1) specifically authorized major construction funds appropriated for fiscal year 1994; (2) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 1994 that remain available for obligation; and (3) funds appropriated for Construction, Major Projects, for fiscal year 1994 for a category of activity not specific to a project.

Senate amendment: Section 1(b) would authorize to be appropriated for fiscal year 1994 the identical amount to the House provision for the authorized major medical facility leases, but would authorize $ 111,600,000 to be appropriated for the authorized major medical facility projects.

Section 1(c) is substantively identical to the House provision in section 201(e).

Compromise agreement: Section 2(a) follows the House provision, section 201(d), except that it would authorize $143,100,00 for the major medical facility projects authorized in paragraphs (1) through (5) of section 1(a) of the compromise agreement and such sums as may be necessary for the project described in section 1(a)(6) of the compromise agreement, but not to exceed $14,500,000 in the case of construction of nursing home beds in Baltimore, Maryland, as proposed in the President's budget for VA for fiscal year 1994.

Section 2(b) follows the House provision, section 201(e).

INCREASE IN AMOUNT OF FACILITY PROJECT THRESHOLD.

Current law: Section 8104(a)(3)(A) of title 38 provides that the term "major medical facility project" means a project for the construction, alteration, or acquisition of a medical facility involving a total expenditure of more than $2,000,000.

Section 8109(i)(2) of title 38 provides that the statutory limitation for treating a parking facility at a medical facility as a major medical facility project is $2,000,000.

House bill: No provision.

Senate amendment: Section 3 would increase the statutory limitation for defining a "major medical facility project" from $2,000,000 to $3,000,000.

Section 5 would increase the statutory limitation for treating a parking facility at a medical facility as a major medical facility project from $2,000,000 to $3,000,000.

Compromise agreement: Sections 3(a) and (b) follow the Senate amendment.

INCREASED TERM OF LEASE AUTHORITY RELATING TO PERSHING HALL, FRANCE

Current law: Section (c)(1) of section 403 of the Veterans' Benefits Programs Improvement Act of 1991 (36 U.S.C. 493) authorizes the Secretary to enter into agreements as the Secretary determines necessary or appropriate for the operation, development, and improvement of Pershing Hall and its site, including the leasing of portions of the Hall for terms not to exceed 35 years in areas that are newly constructed or substantially rehabilitated and for terms not to exceed 20 years in other areas of the Hall.

House bill: No provision.

Senate amendment: Section 6 would extend the Secretary's lease authority for Pershing Hall, France, from 35 years to 99 years as the maximum period of lease in areas that are newly constructed.

Compromise agreement: Sections 4 follows the Senate amendment.

Mr. FORD. Madam President, I move that the Senate concur en bloc in the amendments of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

The motion was agreed to.

Mr. FORD. Madam President, I move to reconsider the vote by which the motion was agreed to.

Mrs. KASSEBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORITY TO CONSIDER H.R. 2520

Mr. FORD. Madam President on behalf of the majority leader I ask unanimous consent that the majority leader may, at any time after consultation with the Republican leader, turn to the consideration of Calendar No. 166, H.R. 2520, the Interior appropriations bill; that when it is considered it be considered under the following limitations:

That all but the following excepted committee amendments be agreed to, en bloc, for purposes of original text, provided that no point of order be considered waived by their adoption; that the only floor amendments in order be the following and that they be in order as either first-degree amendments or as amendments to an excepted committee amendment; that, if they are offered as first-degree amendments, they be subject to relevant second-degree floor amendments and under the same time limitation as the first degree, where applicable:

The excepted committee amendments are as follows: Page 49, lines 6–10 (Section 116); page 87, lines 12–14; page 96, lines 3–13; and page 97, lines 1–4 (Section 319).

The floor amendments are as follows:

Byrd amendment re: relevant.

Nickles amendment re: relevant.

Lautenberg amendment re: Forest Service.

Byrd amendment re: relevant.

Murray amendment re: timber receipts/county payments.

Baucus amendment re: Virginia City preservation study.

Domenici amendment re: prohibiting the use of funds to increase communication sites fees above the levels in effect on January 1, 1993.

Helms amendment re: relevant.

Helms amendment re: relevant.

Helms amendment re: relevant.

Inouye amendment re: Indians—cut BIA travel funds to initiate facility maintenance and rehabilitation program for tribal colleges.

Wellstone amendment re: relevant.

Inouye amendment re: Indians—bill language earmarking $5.15 million within Indian Health Service Hospital and clinic funds, for child abuse programs.

Domenici amendment re: relevant.

Hatch amendment re: wilderness—relevant to BLM.

Bingaman amendment re: Indian Health Service, Bureau of Indian Affairs and Reservation Landfills.

Dole amendment re: shift money from FWS construction at Kirwin, KS to Bureau of Indian Affairs operations for Haskell, KS.

Riegle amendment re: relevant.

Metzenbaum amendment re: relevant.

Metzenbaum amendment re: relevant.

Levin amendment re: North Country Trail.

Byrd/Nickles amendment re: use of funds for cooperation on rural development activities in communities adjacent to National Forest System lands.

Wofford amendment re: relevant.

DeConcini amendment re: relevant.

Hatfield amendment re: Bureau of Land Management—forest ecosystem health and recover (expansion of salvage fund purposes).

Born amendment re: Indian Health Service-Cherokee Tribe.

Stevens amendment re: Bureau of Indian Affairs YK Delta emergency situation.

Stevens amendment re: relevant.

Johnston amendment re: Northern Mariana Islands Covenant Funding.

Hatfield amendment re: relevant.

Hatfield amendment re: relevant.

Stevens amendment re: relevant.

Stevens amendment re: relevant.

Stevens amendment re: relevant.

Stevens amendment re: relevant.

Wallop amendment re: Northern Mariana Islands.

Wallop amendment re: range management.

Wallop amendment re: Bureau of Land Management.

Craig amendment re: communications site fees.

Craig amendment re: Idaho National Engineering Lab.

Craig amendment re: cougar research.

Coats amendment re: relevant.

Cohen amendment re: Indians.

Packwood amendment re: timber.

Packwood amendment re: timber.

Simpson amendment re: relevant.

Brown amendment re: relevant.

Brown amendment re: relevant.

Murkowski amendment re: relevant.

Murkowski amendment re: relevant.

Burns amendment re: relevant.

Mack amendment re: relevant.

Gramm amendment re: relevant.

Dole amendment re: relevant.

Dole amendment re: relevant.

Baucus amendment re: relevant.

Hatch amendment re: relevant.

Bradley amendment re: relevant.

Kerry amendment re: relevant.

Kohl amendment re: relevant.

Bumpers amendment re: communications sites on public lands.

DeConcini amendment re: relevant.

DeConcini amendment re: relevant.

Boxer amendment re: relevant.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

THE DEVELOPMENT OF TRIBAL JUDICIAL SYSTEMS

Mr. FORD. Madam President, on behalf of the majority leader, I ask unanimous consent the Indian Affairs Committee be discharged from further consideration of H.R. 1268, a bill to assist the development of tribal judicial systems, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 1268) to assist the development of tribal judicial systems, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 776

(Purpose: To assist the development of tribal judicial systems, and for other purposes)

Mrs. KASSEBAUM. Madam President, I send a substitute amendment on behalf of Senator MCCAIN to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mrs. KASSEBAUM], for Mr. MCCAIN, proposes an amendment numbered 776.

Mrs. KASSEBAUM. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert the following:

TITLE I—GENERAL PROVISIONS

SEC. 101. SHORT TITLE.

This Act may be cited as the "Indian Tribal Justice Systems Act".

SEC. 102. FINDINGS.

Congress finds and declares that—

(1) there is a government-to-government relationship between the United States and each Indian tribe;

(2) the United States has a trust responsibility to each tribal government that includes the protection of the sovereignty of each tribal government;

(3) Congress, through statutes, treaties, and the exercise of administrative authorities, has recognized the self-determination, self-reliance, and inherent sovereignty of Indian tribes;

(4) Indian tribes possess the inherent authority to establish their own form of government, including tribal justice systems;

(5) tribal justice systems are an essential part of tribal governments and serve as important forums for ensuring public health and safety and the political integrity of tribal governments;

(6) Congress and the Federal courts have repeatedly recognized tribal justice systems as the appropriate forums for the adjudication of disputes affecting personal and property rights;

(7) traditional tribal justice practices are essential to the maintenance of the culture and identity of Indian tribes and to the goals of this Act;

(8) tribal justice systems are inadequately funded and the lack of adequate funding impairs their operation; and

(9) tribal government involvement in and commitment to improving tribal justice systems is essential to the accomplishment of the goals of this Act.

SEC. 103. DEFINITIONS.

For purposes of this Act:

(1) The term "Bureau" means the Bureau of Indian Affairs of the Department of the Interior.

(2) The term "Courts of Indian Offenses" means the courts established pursuant to part 11 of title 25, Code of Federal Regulations.

(3) The term "Indian tribe" means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native entity, which administers justice under the authority of the United States or the inherent authority of the native entity and which is recognized as eligible for the special programs and services provided by the United States to Indian tribes because of their status as Indians.

(4) The term "judicial personnel" means any judge, magistrate, court counselor, court clerk, court administrator, bailiff, probation officer, officer of the court, dispute resolution facilitator, or other official, employee, or volunteer within the tribal justice system.

(5) The term "Office" means the Office of Tribal Justice Support within the Bureau of Indian Affairs.

(6) The term "Secretary" means the Secretary of the Interior.

(7) The term "tribal organization" means any organization defined in section 4(l) of the Indian Self-Determination and Education Assistance Act.

(8) The term "tribal justice system" means the entire justice system of an Indian tribe, including but not limited to traditional methods and forums for dispute resolution, lower courts, appellate courts (including intertribal appellate courts), alternative dispute resolution systems, and circuit rider systems, established by inherent tribal authority without regard to whether they constitute a court of record.

TITLE II—TRIBAL JUSTICE SYSTEMS

SEC. 201. OFFICE OF TRIBAL JUSTICE SUPPORT.

(a) ESTABLISHMENT.—There is hereby established within the Bureau the Office of Tribal Justice Support. The purpose of the Office shall be to further the development, operation, and enhancement of tribal justice systems and Courts of Indian Offenses.

(b) TRANSFER OF EXISTING FUNCTIONS AND PERSONNEL.—All functions performed before the date of the enactment of this Act by the Branch of Judicial Services of the Bureau and all personnel assigned to such Branch as of the date of the enactment of this Act are hereby transferred to the Office of Tribal Justice Support. Any reference in any law, regulation, executive order, reorganization plan, or delegation of authority to the Branch of Judicial Services is deemed to be a reference to the Office of Tribal Justice Support.

(c) FUNCTIONS.—Except as otherwise provided in title III, in addition to the functions transferred to the Office pursuant to subsection (b), the Office shall perform the following functions:

(1) Provide funds to Indian tribes and tribal organizations for the development, enhancement, and continuing operation of tribal justice systems.

(2) Provide technical assistance and training, including programs of continuing education and training for personnel of Courts of Indian Offenses.

(3) Study and conduct research concerning the operation of tribal justice systems.

(4) Promote cooperation and coordination between tribal justice systems, the Federal judiciary, and State judiciary systems.

(5) Oversee the continuing operations of the Courts of Indian Offenses.

(d) NO IMPOSITION OF STANDARDS.—Nothing in this Act shall be deemed or construed to authorize the Office to impose justice standards on Indian tribes.

(e) ASSISTANCE TO TRIBES.—(1) The Office shall provide training and technical assistance to any Indian tribe or tribal organization upon request. Technical assistance and training which may be provided by the Office shall include, but is not limited to, assistance for the development of—

(A) tribal codes and rules of procedure;

(B) tribal court administrative procedures and court records management systems;

(C) methods of reducing case delays;

(D) methods of alternative dispute resolution;

(E) tribal standards for judicial administration and conduct; and

(F) long-range plans for the enhancement of tribal justice systems.

(2) Technical assistance and training provided pursuant to paragraph (1) may be provided through direct services, by contract with independent entities, or through grants to Indian tribes and tribal organizations.

(f) INFORMATION CLEARINGHOUSE ON TRIBAL JUSTICE SYSTEMS.—The Office shall establish and maintain an information clearinghouse (which shall include an electronic data base) on tribal justice systems, including, but not limited to, information on staffing, funding, model tribal codes, tribal justice activities, and tribal judicial decisions. The Office shall take such action as may be necessary to ensure the confidentiality records, and other matters involving privacy rights.

SEC. 202. SURVEY OF TRIBAL JUDICIAL SYSTEMS.

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary, in consultation with Indian tribes, shall enter into a contract with a non-Federal entity to conduct a survey of conditions of tribal justice systems and Courts of Indian Offenses to determine the resources and funding, including base support funding, needed to provide for expeditious and effective administration of justice. The Secretary, in like manner, shall annually update the information and findings contained in the survey required under this section. Any survey conducted pursuant to this section shall be completed and its findings reported by the Secretary and the Congress not later than 12 months after the date on which the contract for the conduct of the survey is executed.

(b) LOCAL CONDITIONS.—In the course of any annual survey, the non-Federal entity shall document local conditions of each Indian tribe, including, but not limited to—

(1) the geographic area and population to be served;

(2) the levels of functioning and capacity of the tribal justice system;

(3) the volume and complexity of the case loads;

(4) the facilities, including detention facilities, and program resources available;

(5) funding levels and personnel staffing requirements for the tribal justice system; and

(6) the training and technical assistance needs of the tribal justice system.

(c) CONSULTATION WITH INDIAN TRIBES.—The non-Federal entity shall actively consult with Indian tribes and tribal organizations in the development and conduct of the survey, including updates thereof, of conditions of tribal justice systems. Indian tribes and tribal organizations shall have the opportunity to review and make recommendations regarding the findings of the survey, including updates thereof, prior to final publication of the survey, or any update thereof. After Indian tribes and tribal organizations have reviewed and commented on the results of the survey, or any update thereof, the non-Federal entity shall report its findings, together with the comments and recommendations of the Indian tribes and tribal organizations, to the Secretary, the Committee on Indian Affairs of the Senate, and the Subcommittee on Native American Affairs of the Committee on Natural Resources of the House of Representatives.

SEC. 203. BASE SUPPORT FUNDING FOR TRIBAL JUSTICE SYSTEMS.

(a) IN GENERAL.—Pursuant to the Indian Self-Determination and Education Assistance Act, the Secretary is authorized to enter into contracts, grants, or agreements with Indian tribes and tribal organizations, for the development, enhancement, and continuing operation of tribal justice systems and traditional tribal judicial practices by Indian tribal governments.

(b) PURPOSES FOR WHICH FINANCIAL ASSISTANCE MAY BE USED.—Financial assistance provided through contracts, grants, or agreements entered into pursuant to this section may be used for—

(1) planning for the development, enhancement, and operation of tribal justice systems;

(2) the employment of judicial personnel;

(3) training programs and continuing education for tribal judicial personnel;

(4) the acquisition, development, and maintenance of a law library or computer assisted legal research capacities;

(5) the development, revision, and publication of tribal codes, rules of practice, rules of procedure, and standards of judicial performance and conduct;

(6) the development and operation of records management systems;

(7) the construction or renovation of facilities for tribal justice systems;

(8) membership and related expenses for participation in national and regional organizations of tribal justice systems and other professional organizations; and

(9) the development and operation of other innovative and culturally relevant programs and projects, including programs and projects for—

(A) alternative dispute resolution;

(B) tribal victims assistance or victims services;

(C) tribal probation services or diversion programs;

(D) juvenile justice services and multidisciplinary investigations of child abuse; and

(E) traditional tribal judicial practices, traditional tribal justice systems and traditional methods of dispute resolution.

(c) FORMULA.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary, with the full participation of Indian tribes, shall establish and promulgate by regulation, a formula which establishes base support funding for tribal justice systems in carrying out this section.

(2) The Secretary shall assess caseload and staffing needs for tribal justice systems and take into account unique geographic and demographic conditions. In the assessment of these needs, the Secretary shall work cooperatively with Indian tribes and tribal organizations and shall refer to any data developed as a result of the surveys conducted pursuant to section 202 and to comparable relevant assessment standards developed by the Judicial Conference of the United States, the National Center for State Courts, and the American Bar Association.

(3) Factors to be considered in the development of the base support funding formula shall include, but are not limited to—

(A) the caseload and staffing needs identified under paragraph (2) of this section;

(B) the geographic area and population to be served;

(C) the volume and complexity of the caseloads;

(D) the projected number of cases per month;

(E) the projected number of persons receiving probation services or participating in diversion programs; and

(F) any special circumstances warranting additional financial assistance.

(4) In developing the formula for base support funding for tribal judicial systems under this section, the Secretary shall ensure equitable distribution of funds.

TITLE III—TRIBAL JUDICIAL CONFERENCES

SEC. 301. ESTABLISHMENT; FUNDING.

(a) ESTABLISHMENT.—In any case in which two or more governing bodies of Indian tribes establish a regional or national judicial conference, such conference shall be considered a tribal organization and eligible to contract for funds under this title, if each member tribe served by the conference has adopted a tribal resolution which authorizes the tribal judicial conference to receive and administer funds under this title. At the written request of any tribal judicial conference, a contract entered into pursuant to this title shall authorize the conference to receive funds and perform any or all of the duties of the Bureau and the Office under sections 201 and 202 of this Act on behalf of the members of such conference.

(b) CONTRACT AUTHORITY.—Pursuant to the Indian Self-Determination and Education Assistance Act, the Secretary is authorized, subject to appropriations, to enter into contracts, grants, or agreements with a tribal judicial conference for the development, enhancement, and continuing operation of tribal justice systems of Indian tribes which are members of such conference.

(c) FUNDING.—The Secretary is authorized to provide funding to tribal judicial conferences pursuant to contracts entered into under the authority of the Indian Self-Determination and Education Assistance Act for administrative expenses incurred by such conferences.

TITLE IV—STUDY OF TRIBAL/FEDERAL COURT REVIEW

SEC. 401. STUDY.

(a) TRIBAL/FEDERAL COURT REVIEW.—A comprehensive study shall be conducted in accordance with subsection (b), of the treatment by tribal justice systems of matters arising under the Indian Civil Rights Act (25 U.S.C. 1301 et seq.) and of other Federal laws for which tribal justice systems have jurisdictional authority and regulations promulgated by Federal agencies pursuant to the Indian Civil Rights Act and other Acts of Congress. The study shall include an analysis of those Indian Civil Rights Act cases that were the subject of Federal court review from 1968 to 1978 and the burden, if any, on tribal governments, tribal justice systems, and Federal courts of such review. The study shall address the circumstances under which Federal court review of actions arising under the Indian Civil Rights Act may be appropriate or warranted.

(b) TRIBAL/FEDERAL COURT REVIEW STUDY PANEL.—The study required in subsection (a) shall be conducted by the Tribal/Federal Court Review Study Panel in consultation with tribal governments.

SEC. 402. TRIBAL/FEDERAL COURT REVIEW STUDY PANEL.

(a) COMPOSITION.—The Tribal/Federal Court Review Study Panel shall consist of—

(1) four representatives of tribal governments, including tribal court judges, two of whom shall be appointed by the Speaker of the House of Representatives and two of whom shall be appointed by the President pro tempore of the Senate; and

(2) four members of the United States Courts of Appeal, of whom one shall be appointed by the chief judge of the eighth circuit, one by the chief judge of the ninth circuit, one by the chief judge of the tenth circuit, and one by the chief judge of the Federal circuit.

(b) PERSONNEL.—The Tribal/Federal Court Review Study Panel may employ, on a temporary basis, such personnel as are required to carry out the provisions of this title.

(c) FINDINGS.—The Tribal/Federal Court Review Study Panel, not later than the expiration of the 12-month period following the date on which moneys are first made available to carry out this title, shall submit its findings and recommendations to—

(1) Congress;

(2) the Secretary;

(3) the Director of the Administrative Office of the United States Courts; and

(4) each Indian tribe.

(d) TERMINATION.—Thirty days after the Panel has submitted its findings and recommendations under subsection (c), the Panel shall cease to exist.

TITLE V—AUTHORIZATIONS

SEC. 501. TRIBAL JUSTICE SYSTEMS.

(a) OFFICE.—There are authorized to be appropriated to carry out the provisions of sections 201, 202, and 301(a) of this Act, $7,000,000 for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000. None of the funds provided pursuant to the authorizations under this subsection may be used for the administrative expenses of the Office.

(b) Base Support Funding for Tribal Justice Systems and Judicial Conferences.—There are authorized to be appropriated to carry out the provisions of section 203 of this Act, $50,000,000 for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.

(c) Administrative Expenses for Office.—There are authorized to be appropriated, for the administrative expenses of the Office, $500,000 for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.

(d) Administrative Expenses for Tribal Judicial Conferences.—There are authorized to be appropriated, for the administrative expenses of tribal judicial conferences, $500,000 for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.

(e) Survey.—For carrying out the survey under section 202, there is authorized to be appropriated, in addition to the amount authorized under subsection (a) of this section, $400,000 for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.

(f) Authorization.—For carrying out the study under section 401, there is authorized to be appropriated such sums as may be necessary.

(g) No Offset.—No Federal agency shall offset funds made available pursuant to this Act for tribal justice systems against funds otherwise available for use in connection with tribal justice systems.

(h) Allocation of Funds.—In allocating funds appropriated pursuant to the authorization contained in subsection (a) of this section among the Bureau, Office, tribal governments, and tribal judicial conferences, the Secretary shall take such action as may be necessary to ensure that such allocation is carried out in a manner that is fair and equitable, and is proportionate to base support funding under section 203 received by the Bureau, Office, tribal governments, and tribal government members comprising a judicial conference.

(i) Indian Priority System.—Funds appropriated pursuant to the authorizations provided by this section and available for a tribal justice system shall not be subject to the Indian priority system. Nothing in this Act shall preclude a tribal government from supplementing any funds received under this Act with funds received from any other source including the Bureau or any other Federal agency.

TITLE VI—DISCLAIMERS

SEC. 601. TRIBAL AUTHORITY.

Nothing in this Act shall be construed to—

(1) encroach upon or diminish in any way the inherent sovereign authority of each tribal government to determine the role of the tribal court within the tribal government or to enact and enforce tribal laws;

(2) diminish in any way the authority of tribal governments to appoint personnel;

(3) impair the rights of each tribal government to determine the nature of its own legal system or the apportionment of authority within the tribal government;

(4) alter in any way traditional dispute resolution forums;

(5) imply that any tribal court is an instrumentality of the United States; or

(6) diminish the trust responsibility of the United States to Indian tribal governments and tribal justice systems of such governments.

Mr. McCain. Mr. President, I am offering the text of S. 521, the Indian Tribal Justice Systems Act, as an amendment to H.R. 1268 so that we may proceed to a conference with the House of Representatives in an effort to reconcile differences between these two bills.

S. 521 passed the Senate on July 21 by a unanimous vote. With two exceptions, S. 521 is nearly identical to H.R. 1268 as passed by the House on August 2, 1993. The Senate bill provides an authorization for funding for tribal judicial conferences and for a panel to review the need for Federal judicial review of enforcement of the Indian Civil Rights Act by tribal courts. H.R. 1268 does not contain comparable provisions.

As many of my colleagues know, we have spent almost 6 years in an effort to enact legislation to assist Indian tribal justice systems. With the exception of the two matters now in disagreement between the House and the Senate, we are now in virtual agreement on the necessary legislation. I am hopeful that a conference on these two bills will promptly resolve the remaining differences.

I want to thank all of those who have worked so diligently to bring this legislation this far, particularly those tribal leaders and judges who have devoted years of effort. We all appreciate their hard work. With a little more effort and mutual goodwill these two bills are reconcilable. I look forward to a productive conference after we return from the August recess.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 776) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 1268), as amended, was passed.

Mr. FORD. Madam President, I move to reconsider the vote.

Mrs. KASSEBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FORD. Madam President, I move the Senate insist on its amendments, request a conference with the House on the disagreeing votes of the two Houses, that the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kentucky.

The motion was agreed to, and the Presiding Officer (Ms. Moseley-Braun) appointed Mr. Inouye, Mr. DeConcini, Mr. Daschle, Mr. Conrad, Mr. Reid, Mr. Simon, Mr. Akaka, Mr. Wellstone, Mr. Dorgan, Mr. Campbell, Mr. McCain, Mr. Murkowski, Mr. Cochran, Mr. Gorton, Mr. Domenici, Mrs. Kassebaum, Mr. Nickles, and Mr. Hatfield conferees on the part of the Senate.

COMMODORE JOHN BARRY DAY

Mr. FORD. Madam President, on behalf of the majority leader, I ask unanimous consent the Senate proceed to the immediate consideration of House Joint Resolution 157, Commodore John Barry Day, that the joint resolution be read three times and passed, the preamble agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 157) was deemed read the third time and passed.

The preamble was agreed to.

NATIONAL POW/MIA RECOGNITION DAY

Mrs. KASSEBAUM. Madam President, I ask unanimous consent the Senate proceed to the immediate consideration of Senate Resolution 126, a joint resolution introduced earlier today by Senators Smith and Dodd, to designate National POW/MIA Recognition Day, that the joint resolution be read three times, passed, and the motion to reconsider laid upon the table, the preamble to be agreed to, and any statements relating to this measure appear in the Record at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 126) was deemed read the third time and passed.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S.J. Res 126

Whereas the United States has fought in many wars and thousands of Americans who served in those wars were captured by the enemy or listed as missing in action;

Whereas many American prisoners of war were subjected to brutal and inhumane treatment by their enemy captors in violation of international codes and customs for the treatment of prisoners of war, and many such prisoners of war died from such treatment;

Whereas many of these Americans are still listed as missing and unaccounted for, and the uncertainty surrounding their fates has caused their families to suffer tragic and continuing hardships;

Whereas, in Public Law 101-355, the Federal Government officially recognized and designated the National League of Families POW/MIA flag as the symbol of the Nation's concern and commitment to accounting as fully as possible for Americans still prisoner, missing in action, or unaccounted for in Southeast Asia; and

Whereas the sacrifices of Americans still missing and unaccounted for from all our Nation's wars and their families are deserving of national recognition and support for continued priority efforts to determine the fate of those missing Americans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF NATIONAL POW/MIA RECOGNITION DAY.

September 10, 1993, is designated as "National POW/MIA Recognition Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

SEC. 2. REQUIREMENT TO DISPLAY NATIONAL LEAGUE OF FAMILIES POW/MIA FLAG.

(a) IN GENERAL.—The POW/MIA flag shall be displayed—

(1) at all national cemeteries and the National Vietnam Veterans Memorial on May 31, 1993 (Memorial Day), September 10, 1993 (National POW/MIA Recognition Day), and November 11, 1993 (Veterans Day); and

(2) on, or on the grounds of, the buildings specified in subsection (b) on September 10, 1993;

as the symbol of our Nation's concern and commitment to accounting as fully as possible for Americans still prisoner, missing, and unaccounted for, thus ending the uncertainty for their families and the Nation.

(b) BUILDINGS.—The buildings specified in this subsection are—

(1) the White House; and

(2) the buildings containing the primary offices of—

(A) the Secretary of State;

(B) the Secretary of Defense;

(C) the Secretary of Veterans Affairs; and

(D) the Director of the Selective Service System.

(c) POW/MIA FLAG.—As used in this section, the term "POW/MIA flag" means the National League of Families POW/MIA flag recognized officially and designated by section 2 of Public Law 101-355.

DIRECTING THE SENATE LEGAL COUNSEL TO APPEAR IN UNITED STATES VERSUS DURENBERGER

Mr. FORD. Madam President, on behalf of Senator MITCHELL and the distinguished Republican leader, Mr. DOLE, I send to the desk a resolution to direct the Senate legal counsel to appear as amicus curiae in the name of the Senate in a case pending in the U.S. District Court for the District of Minnesota, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 141) to direct the Senate Legal Counsel to appear as amicus curiae in the name of the Senate in *United States versus Durenberger, et al.*

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, the Government has obtained an indictment against Senator DAVE DURENBERGER that charges the Senator with one count of conspiring with Michael Mahoney and Paul Overgaard to submit false claims to the Senate and one count of submitting false claims to the Senate in connection with his requests for reimbursement for lodging in a Minneapolis condominium.

In separate counts, the indictment also charges Mr. Mahoney and Mr. Overgaard with making false statements to the Select Committee on Ethics, not only in depositions taken by the committee's special counsel, but also in affidavits that Senator DURENBERGER submitted to the committee as part of his defense.

Senator DURENBERGER'S counsel has advised the Senate legal counsel of their intention to move to dismiss the indictment on the ground that it violates the Senator's privilege under the speech or debate clause, article I, section 6, and clause 1, of the Constitution. The motion will raise an important question of first impression relating to the scope of the speech or debate clause; namely, whether it protects a Senator's communications to the Ethics Committee in the form of affidavits from witnesses which the Senator places into the committee's record. Senator DURENBERGER was not indicted for submitting the affidavits to the Ethics Committee. Nevertheless, the charges against him relate to the subject matter of the affidavits and the grand jury indicated the Senator's codefendants on the basis of the affidavits.

In a case involving a Senator and the predecessor of the Ethics Committee, *Ray* v. *Proxmire* (581 F.2d 998, 1000 (D.C. Cir.), cert. denied, 439 U.S. 933 (1978)), the court recognized that a Member's communications to a congressional ethics committee are protected under the speech or debate clause. This principle was applied, in *United States* v. *Eilberg* (465 F. Supp. 1080, 1082–83 (E.D. Pa. 1979)), to bar the use of a Member's testimony before the House Committee on Standards of Official Conduct as evidence at a criminal trial. These holdings are consistent with the Supreme Court's teaching that the clause protects Members' participation in committee proceedings with respect to matters the Constitution places within the jurisdiction of the Senate or the House.

The power to discipline its Members is one of the most solemn responsibilities the Constitution places within the jurisdiction of the Senate. The communications of Members to the Ethics Committee are an important component of the committee's deliberative process. Protecting those communications from questioning by the executive or judicial branches helps to preserve the legislative independence guaranteed by the speech or debate clause. Of course, the protection of the clause only applies to being questioned outside of the Member's House. The Members of either House are subject to a disciplinary inquiry within their respective Houses for any allegation that they presented false evidence to a congressional ethics committee.

This resolution would authorize the Senate legal counsel to file a brief as amicus curiae on the Senate's behalf in support of Senator DURENBERGER'S claim that the Government violated the speech or debate clause when it presented the Senator's Ethics Committee submissions to the same grand jury which indicted him on charges related to the events described in those submissions.

Mr. FORD. Madam President, at Senator BRYAN'S request I submit a letter from him to the majority leader and ask unanimous consent it be printed at the appropriate place in the RECORD. It explains the reasons for his disapproval of this resolution.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 30, 1993.

Hon. GEORGE MITCHELL,
Majority Leader,
The Capitol,
Washington, DC.

DEAR GEORGE: This is in response to a request for Senate support of motions to be filed to dismiss the indictment against Senator Durenberger. I do not believe the Senate should support either motion, and am not prepared to support such a resolution.

With regard to the issue of a statutory bar to an action by the government to redress a fraud upon the Senate, there appears to be ample case and legislative history to show that judicial actions may be brought against Members of Congress to recover disbursements for falsely claimed expenses, and that payment by the Senate Rules Committee does not constitute an action which would bar prosecution for submitting false claims.

On the issue of the application of the speech/debate clause, I do not believe that the protections under the speech/debate clause should apply to affidavits by third parties, even if submitted by counsel to a Senator before the Senate Ethics Committee.

In the two court cases, *Ray* v. *Proxmire* and *United States* v. *Eilberg*, involving information submitted to an ethics committee by a Member, the protection of the speech or debate clause was affirmed for a Member's direct communications to the Ethics Committee, i.e., a letter from the Senator himself (Proxmire) or through the testimony of the Representative himself (Eilberg) to the Ethics Committee.

In the matter now under consideration, the question raised is if the speech/debate clause protection should be applied to affidavits by third parties submitted by a Member to the Ethics Committee. This is a case of first impression. No court has ever extended the protection of this clause beyond direct communications from a Member to the Ethics Committees. I believe it would be an overly board, and not intended, application of the speech/debate clause to apply its protection to third party affidavits submitted by a Senator or Representative to an ethics committee.

I also believe we should look at the varying roles assumed by the Senator in this case. Obviously, if a Senator is appearing on the Senate floor to speak, he is doing so as a Senator acting in his or her official legislative or representative capacity, and the speech/debate clause should apply. In this case, however, in submitting material to the Senate Ethics Committee, the Senator is appearing in the capacity of a respondent before an ethics proceeding, and his submissions, as well as those of his counsel, should be judged in the Senator's role as a respondent offering testimony of others in the ethics proceeding. He therefore should be judged in this role of respondent providing evidence from third parties.

Additionally, if the speech/debate clause is so broadly interpreted as to provide impunity to a Senator should he present false documents or evidence from others to the Ethics Committee, the integrity of the ethics process is mortally damaged. I do not believe that the authors of our Constitution intended this result. Again, I believe this would be an overly broad application of the speech or debate clause, and one that is not in the best interest of the Ethics Committee, the Senate as an institution, or the public.

Therefore, it is my opinion that the Senate should not support the motions under question if offered to the court by counsel to Senator Durenberger.

Sincerely,

RICHARD H. BRYAN,
U.S. Senator.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 141) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 141

Whereas, in the case of United States v. Durenberger, et al., Cr. No. 3–93–65, pending in the United States District Court for the District of Minnesota, Senator Dave Durenberger is charged with conspiring to submit false claims to the Senate and his codefendants are charge with making false statements to the Select Committee on Ethics in affidavits that Senator Durenberger submitted to the Committee;

Whereas, this case places in issue Senator Durenberger's privilege under the Speech or debate Clause, Article I, Section 6, Clause 1 of the Constitution, to be free from questioning in any other place about his communications to the Ethics Committee;

Whereas, pursuant to sections 703(c), 706(a), 709(1), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(c), 288e(a), 288h(1), and 2881(a) (1988), the Senate may direct its Counsel to appear as amicus curiae in the name of the Senate in any legal action which places in issue the powers and responsibilities of Congress under the Constitution, including the privilege of Members to be free from questioning in any other place about any speech or debate: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to appear as amicus curiae in the name of the Senate in United States v. Durenberger, et al., to defend the constitutional privilege of Senators under the Speech or debate Clause to be free from questioning in any other place about their communications to the Select Committee on Ethics.

Mr. FORD. Madam President, I move to reconsider the vote.

Mrs. KASSEBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FORD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Madam President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING ANTI-DEFAMATION LEAGUE

Mr. FORD. Madam President, on behalf of the majority leader, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Concurrent Resolution 30, congratulating the Anti-Defamation League on the celebration of its 80th anniversary; that the Senate then proceed to its immediate consideration; that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table, and the preamble agreed to; that any statements relating to this measure appear in the RECORD as if given.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the concurrent resolution (S. Con. Res. 30) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 30

Whereas in 1993 the Anti-Defamation League celebrates the 80th anniversary of its founding;

Whereas by fighting bias, bigotry, and racism and by promoting understanding and respect among people the league has been at the forefront of the Nation's quest for justice and fair treatment for all individuals;

Whereas the purpose and program of the league is to counter violence through the promotion of tolerance, thereby, thereby espousing and fulfilling the highest ideals and aspirations of people of all faiths, races, and backgrounds;

Whereas the league's activities are a constant reminder to the world community never to forget the Holocaust and to incorporate the lessons learned from the Holocaust into political systems and political decision-making;

Whereas the league has been a leading contributor to the causes relating to democracy, respect for human rights and for the dignity of all peoples, the security of Jewish communities around the world, and the State of Israel;

Whereas the league's record of achievement sets as inspiring example of participation in the struggle for justice and of leadership in that struggle;

Whereas the league continues to grow in strength and broaden the scope of its activities even as it maintains its original purpose of educating the public about anti-Semitism and other manifestations of prejudice; and

Whereas racism and other forms of intolerance persist and lead all too frequently to hate-inspired violence: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States congratulates the Anti-Defamation League as it celebrates its 80th anniversary in 1993 and commends the league for pursuing effectively the goal of promoting greater tolerance among people throughout the world.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FLOOD RELIEF

Mr. FORD. Mr. President, on behalf of the majority leader, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 2667.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendments of the Senate numbered 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 18, 19, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41, 42, 43, 44, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, and 56 to the bill (H.R. 2667), appropriations for relief from the major, widespread flooding in the Midwest for the fiscal year ending September, 30, 1993, and for other purposes.".

Resolved, That the House agree to the amendment of the Senate numbered 1 to the aforesaid bill with the following amendments:

(1) Page 1, line 9, of the Senate engrossed amendments, strike all after "1985" down to "$200,000,000," on line 13 and insert in lieu thereof a period after "1985" followed by:

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for emergency expenses resulting from the Midwest floods of 1993 and other disasters,

(2) Page 1, line 13, of the Senate engrossed amendments, after "$200,000,000," insert "to remain available until September 30, 1995, for disaster assistance grants pursuant to the Public Works and Economic Development Act of 1965, as amended,".

(3) Page 2, line 4, of the Senate engrossed amendments, strike all that follows after "Congress" down through "flooding" on page 2, line 19, and insert in lieu thereof a period after "Congress" followed by:

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for "Disaster loans program account" for the cost of direct loans for the Midwest floods and other disasters, $90,000,000 to remain available until September 30, 1995, of which $10,000,000, to remain available until expended, may be transferred to and merged with the appropriations for "Salaries and Expenses", and of which $20,000,000 shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That notwithstanding any other provision of law, the $500,000 limitation on the amounts outstanding and committed to a borrower provided in paragraph 7(c)(6) of the Small Business Act shall be increased to $1,500,000 for disasters commencing on or after April 1, 1993.

(4) Page 2, line 19, of the Senate engrossed amendments, strike all after "flooding" down through "for" on line 22 and insert in lieu thereof after "flooding" the following:

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for disaster relief for the Midwest flood for activities authorized by

(5) Page 2, line 23, of the Senate engrossed amendments, strike [shall be]

(6) Page 2, line 23, of the Senate engrossed amendments, after "54,600,000," insert "to be available for obligation for the period July 1, 1993 through June 30, 1994,".

(7) Page 3, line 4 of the Senate engrossed amendments, strike all after "Congress" down through "activities of the " on line 6 and insert in lieu thereof a period after "Congress" followed by:

COMMISSION ON NATIONAL AND COMMUNITY SERVICE

PROGRAMS AND ACTIVITIES

For an additional amount for "Programs and activities" of the

(8) Page 3, line 7, of the Senate engrossed amendments, strike [shall be]

(9) Page 3, line 7, of the Senate engrossed amendments, after "$4,000,000," insert "for use in carrying out Federal disaster relief programs, activities, and initiatives under subtitles C, E, F, and G of the National and Community Service Act of 1990 (Public Law 101–610), as the Board determines necessary to carry out programs related to the floods in the Midwest, to remain available until September 30, 1994.".

(10) Page 3, line 14, of the Senate engrossed amendments, after "all of the above amounts" insert "in this and the preceding three paragraphs".

(11) Page 3 of the Senate engrossed amendments, strike lines 18 through 20.

(12) Page 5, after line 7 of the Senate engrossed amendments, insert the following center heading: SENSE OF THE SENATE ON BOSNIA

(13) Page 2 of the House engrossed bill, strike line 6 and all that follows down through line 2 on page 4.

(14) Page 5 of the House engrossed bill, strike line 6 and all that follows down through line 22.

(15) Page 7 of the House engrossed bill, strike line 1 and all that follows through line 14.

(16) Page 8 of the House engrossed bill, strike line 20 and all that follows through line 11 on page 9.

(17) Page 15 of the House engrossed bill, strike line 11 and all that follows through line 22.

Resolved, That the House agree to the amendment of the Senate numbered 20 to the aforesaid bill with the following amendment:

Restore the matter stricken, amended to read as follows:

Strike "until expended" and insert in lieu thereof "until September 30, 1995".

Resolved, That the House agree to the amendment of the Senate numbered 37 to the aforesaid bill with the following amendment:

Insert the following before the period ": *Provided further*, That all of the funds provided under this head in this Act shall be used only to repair, replace, or restore facilities damaged or to continue services interrupted by Midwest floods, high winds, hail and other related weather damages of 1993 and other disasters that are essential to public health or safety as defined by the Secretary.

Resolved, That the House agree to the amendment of the Senate numbered 45 to the aforesaid bill with the following amendment:

In lieu of "September 30, 1995" named by said amendment, insert "September 30, 1997".

Resolved, That the House disagree to the amendment of the Senate numbered 2, 3, 16, 17, 21, and 27 to the aforesaid bill.

Mr. BYRD. Madam President, I am pleased to inform the Senate that the House has taken action with regard to the Senate amendments to H.R. 2667, the emergency supplemental for the Midwest floods and other disasters. The changes that the House has proposed restore one item of the House-passed bill we had stricken and makes only technical changes to the Senate bill. I recommend that we agree to the House action. This action will clear the measure for the President and I expect that he will sign it soon.

This means that those victims in the Midwest, the drought in the Southeastern States, and other natural disasters can expect additional aid soon. Once the waters recede, we will be ready to step in and clear farmland, rebuild and repair levees that have been destroyed, and help put peoples' lives back together. I am grateful to our colleagues in the House of Representatives for their consideration of our amendments, particularly to the distinguished chairman of the House Appropriations Committee, Congressman WILLIAM NATCHER, and his ranking member, Congressman JOSEPH McDADE, for their help and hard work on this bill.

I want to thank all Senators for their help and patience in helping us pass this bill. By holding to only those matters that the administration had requested, Senator HATFIELD and I hoped to avoid a conference on this emergency bill. The House action has proved us right.

Madam President, I want to take this opportunity to review for the information of Senators the status of the regular appropriations bills for fiscal year 1994. The House has passed and sent to the Senate 11 of the 13 bills. They have yet to take final action on the Transportation bill and the Defense bill.

Of the 11 that have been sent to the Senate, the committee has reported 6, and the Senate has passed 5 of those measures. The Interior Subcommittee bill remains on the calendar awaiting floor action. Of the five bills that have been passed, the Commerce-Justice-State appropriations bill, the Treasury-Postal Service appropriations, and the District of Columbia appropriations bill, are expected to go to conference soon after we return in September. The legislative branch bill and the Agriculture appropriations bill have completed conference and we expect to send those bills to the President.

Therefore, Madam President, the Senate has made good progress on appropriations measures and I hope that we will be able to complete final action on all of the bills before the beginning of the fiscal year on October 1, 1993.

This progress would not have been possible without the efforts of committee members on this side, and the cooperation of our colleagues on the other side. I again want to offer a special word of appreciation to the Senator from Oregon, Mr. HATFIELD, for his collaboration and amicable manner in bringing these bills through the committee and the Senate.

Finally, Madam President, I want to thank the staff of the Appropriations Committee on both sides. It is a staff second to none and I applaud them for their excellent work.

Mr. FORD. Madam President, I move that the Senate recede from its amendments numbered 2, 3, 16, 17, 21, 27 and that the Senate concur in the amendments of the House to the Senate amendments numbered 1, 20, 37, and 45; that any statements thereon appear in the RECORD at the appropriate place.

The motion was agreed to.

Mr. FORD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RETROACTIVE TAX INCREASES

Mr. MITCHELL. Madam President, earlier today, Senator McCAIN made a constitutional point of order that retroactive tax increases in the conference report which predate April 8, 1993, are in violation of the due process clause of the fifth amendment of the Constitution.

During debate on that point of order, I made the following statement.

There is not a single legal basis, there is not a single constitutional basis that supports the contention of this point of order.

Following my statement, Senator GORTON called to my attention one case in the ninth judicial circuit in which the court found on the specific facts of that case that applying certain retroactive estate tax legislation was unconstitutional.

Thus my statement that "There is not a single legal basis * * *" was in error. There was this one case, of which I was unaware. I regret the error and I thank Senator GORTON for calling the case to my attention.

PASSAGE OF APPROPRIATIONS BILLS

Mr. MITCHELL. Madam President, just a few moments ago the Senate completed action on the legislative appropriations conference report and on the supplemental appropriations bill for flood relief. I compliment Senators REID and MACK, the managers of the legislative appropriations bill, and

Senators BYRD and HATFIELD, the managers of the supplemental appropriations bill for flood relief for their diligent work on these important measures.

THE NOMINATION OF DR. M. JOYCELYN ELDERS TO BE SURGEON GENERAL

Mr. SIMPSON. Madam President, I rise today in support of the nomination of Dr. Joycelyn Elders for Surgeon General. I sincerely believe that she can make a real difference in addressing some of the toughest health care problems which presently face our Nation.

I want to indicate my support of the nomination of Dr. Joycelyn Elders to be Surgeon General.

I have wanted to say those things. I do not want to wait until September, because I think that they are going to try to dig up a lot of things about this woman, if I know Washington, as I do.

Unless they find a lot more things than I know now, I will be supportive. I believe she can make a real difference in addressing some of the toughest health care problems, things to do with passion and determination about teen pregnancy, sexually transmitted diseases, AIDS, infant mortality, and preventive care.

She has an extraordinary record.

Dr. Elders is an innovator and a pioneer in the field of public health. We need a Surgeon General with her passion and determination to tackle issues such as teen pregnancy, sexually transmitted diseases, infant mortality, and preventive care.

She has compiled a distinguished record of achievements as a health professional in Arkansas, and I am confident that she will be able to replicate these achievements on a national level. Under her administration, the infant mortality rate in Arkansas decreased because of policies that ensured that more pregnant women received early and regular prenatal care. She dramatically improved the childhood immunization rate in Arkansas by instituting after-hours clinics, and by initiating a policy to ensure that every child visiting a health clinic received immunizations when necessary.

A primary factor in my decision to support Dr. Elders is her ability to reach an audience of young people that I fear might be lost without the unique skills she possesses. She has demonstrated her talents in getting down into the trenches and communicating with kids in the inner cities, as well as, in poor, rural areas. They might hear her, and listen to her, and talk with her in a more constructive manner than any other possible candidate for this important position might achieve. As one of my colleagues stated yesterday, "she can talk the talk and walk the walk." She can communicate with these kids because she knows who they are and where they come from—she grew up in poor, rural Arkansas and knows about their poverty, and their potential. She lifted herself out of poverty, and I believe that she has the determination to be a great role model in the health care area.

I know that she has said several things that some, including many of my colleagues on this side of the aisle have found to be offensive. I talked with her for nearly an hour on August 5. She has been chastened by her position in this cauldron of controversy. She understands that she can accomplish more by discarding elements of her rhetoric which some find incendiary. I think she is sincere about this.

I am familiar with outspoken people. I come from a whole gene pool of similarly situated folks. Dr. Elders and I talked about some of those common character traits. She has heard the criticisms and I believe that she sincerely understands that she must turn down the volume in order to avoid such problems in the future, and to do the most effective job.

I think her heart is in the right place, and I, for one, am willing to give her the benefit of what she tells me she has learned through this process.

For these reasons, I will be supporting Dr. Elders when her nomination comes to the floor in September.

Where she rung the bell with me and my primary reason to support her is I think she has an ability, a native ability, to reach an audience of people that no one could reach, that I fear will be lost without the unique skills that she possesses.

She has demonstrated those talents in getting right down in the trenches, communicating with kids from the inner cities as well as in poor rural areas. I think they might hear her, especially when they may be pretty smart-alecky—and I am not talking about color. I am talking about white, black, brown, who are going to listen to things like abstinence. She does talk of abstinence. That is something that she in my visit with her—and I spent an hour with her, I am very impressed. Abstinence is not something corny to her. What breaks her heart she says is teenage pregnancy.

She is going to be able to talk to people in a very spirited and energetic manner that I think we will never have seen before or since. One of my colleagues said, "she can talk the talk and walk the walk." I think she can communicate in a way that no one else could who has been presented to us—perhaps Dr. Koop. There were many who voted against Dr. Koop and we found him to be a superb Surgeon General. I think those who will vote against this woman will find the same when she perhaps has come aboard.

But she knows. She lifted herself up. I believe she has all the determination to be a great role model in the health care area. She has a husband of 37 years. She knows the world. She rode in that bus with those high school athletic teams. She knows young men. She knows young women.

And I know that things have been said about her and what she has said that were found to be offensive and alarming. I talked with her for some time.

I think she has been chastened by her position in this cauldron of controversy. She did not know Washington, DC, which is the only city on Earth where we take care of bird, bee, tree, beast of the field, animal, rat, and everything else, and then eat human beings alive.

She has found that. She understands that she can accomplish more by discarding elements of her rhetoric which some might find incendiary. I think she was very sincere about that.

And when she spoke about the church, she is not speaking of the Catholic Church. And if you remember during the war, if you remember during the Holocaust, the National Council of Churches sat absolutely mute and did nothing while that carnage was going on.

Remember your history. So when she talked of the church, that is what she was speaking of. That was my church, the Episcopal Church, nothing in those years, in 1937 and 1940—nothing was said by the National Council of Churches. So I think she was referring to that and her frustration.

I am very familiar with outspoken people. I come from a whole gene pool of similarly situated people. So she and I talked about some of those common character traits. She has heard the criticisms. I believe she sincerely understands that she must perhaps turn down the volume a bit in order to avoid such problems of misinterpretation in this remarkable village where they take every single phrase or grimace out of context.

I think she will do an effective job. I think her heart is in the right place. I for one am certainly willing to give her the benefit of what she has told me she has learned through this process and for that extraordinary ordinary record.

For those reasons, I will be supporting her, and I will have more detailed remarks in debate when her nomination comes to the floor. I appreciate the leader's indulgence. I just wanted to say those things before September.

Mr. MITCHELL. Madam President, I thank my friend and colleague for his comments, and I simply want to repeat to him something that I said following the vote earlier here this evening. I sincerely, with an my heart and soul, hope that when we deal with the next series of major issues coming before us—and I am talking specifically of health care—that it can be in a cooperative and bipartisan way, and that if everyone is active and gives genuine participation, we can pass it with votes on both sides of the aisle—I say that on other measures as well. That one just came to me.

Mr. SIMPSON. Let me assure our leader—and he is majority leader of all of us, in that sense—that this Republican minority, through Senator JOHN CHAFEE, will be presenting a so-called Republican plan of principles, and we have our hands fully outstretched to work with the first lady and you on that side of the aisle as to health care, which should not be bipartisan, it should be nonpartisan. We are ready to do that, and we will probably bet you that we will rustle up more votes for the North American Free-Trade Agreement on our side than you might on yours. We must get to work on your colleagues there so we can help our President.

Mr. MITCHELL. That is true. I will be pleased to do that after a few weeks in Maine.

Mr. SIMPSON. And Russian aid, we will be there. Health care is a key, and the proof is that we are ready. Senator CHAFEE will be our spokesman, and he is a very deeply respected as a moderate man.

Mr. MITCHELL. We do have that respect for Senator CHAFEE, and I have the privilege of serving on the Senate Health and Finance Subcommittee with Senator CHAFEE and others, and I believe we can do this.

Madam President, before we leave I want to thank my very good friend and closest associate, the majority whip, Senator FORD, who has always been tremendous in his support and assistance and without whom this Senator could not operate as he does.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by David Zaroff, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 2330. An act to authorize appropriations for fiscal year 1994 for the intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

H.J. Res. 157. Joint resolution to designate September 13, 1993, as "Commodore John Barry Day."

H.J. Res. 220. Joint resolution to designate the month of August as "National Scleroderma Awareness Month," and for other purposes.

The message further announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 99. Joint resolution designating September 9, 1993, and April 21, 1994, each as "National D.A.R.E. Day."

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 109. Concurrent resolution expressing the sense of the Congress respecting the 80th anniversary of the Anti-Defamation League.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

S. 1205. An act to amend the Fluid Milk Promotion Act of 1990 to define fluid milk processors to exclude de minimis processors, and for other purposes.

H.R. 631. An act to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore [Mr. BYRD].

At 3:55 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2010) to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes.

The message also announced that the House agrees to the amendments of the Senate numbered 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 18, 19, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41, 42, 43, 44, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, and 56 to the bill (H.R. 2667) making emergency supplemental appropriations for relief from the major, widespread flooding in the Midwest for the fiscal year ending September 30, 1993, and for other purposes; it agrees to the amendments of the Senate numbered 1, 20, 37, and 45, each with an amendment, in which it requests the concurrence of the Senate; and it disagrees to the amendments of the Senate numbered 2, 3, 16, 17, 21, and 27.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2348) making appropriations for the legislative branch for the fiscal year ending September 30, 1994, and for other purposes; and that it recedes from its disagreement to the amendments of the Senate numbered 1, 7, 10, 12, 20, 22, 23, 24, 25, and 27 to the bill and concurs therein.

At 6:53 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2493) making appropriations for Agriculture, Rural Development, Food, and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1994, and for other purposes; it recedes from its disagreement to the amendments of the Senate numbered 8, 19, 21, 42, 47, 50, 54, 110, 138, 152, 153, 154, and 155, and agrees thereto; it recedes from its disagreement to the amendments of the Senate numbered 18, 28, 29, 36, 40, 74, 78, 111, 136, 137, 142, and 164, and agrees thereto, each with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 2034) to amend title 38, United States Code, to revise and improve veterans health programs, and for other purposes, with amendments, in which it requests the concurrence of the Senate.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2876. An act to promote and support management reorganization of the National Aeronautics and Space Administration.

H.R. 2900. An act to clarify and revise the small business exemption from the nutrition labeling requirements of the Federal Food, Drug and Cosmetic Act and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 136. Concurrent resolution providing for an adjournment of the House from Friday, August 6, 1993, Saturday, August 7, 1993, Monday, August 9, 1993, or Tuesday, August 10, 1993, to Wednesday, September 8, 1993, and a recess or adjournment of the Senate from Friday, August 6, 1993, Saturday, August 7, 1993, or Sunday, August 8, 1993, to Tuesday, September 7, 1993.

ENROLLED BILLS SIGNED

At 9:11 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolution:

S. 1273. An act to facilitate recovery from the recent flooding of the Mississippi River and its tributaries by providing greater flexibility for depository institutions and their regulators, and for other purposes.

S. 1274. An act to reduce the subsidy cost for the Guaranteed Business Loan Program of the Small Business Administration, and for other purposes.

S.J. Res. 99. Joint resolution designating September 9, 1993, and April 21, 1994, each as "National D.A.R.E. Day."

The enrolled bills and joint resolution were subsequently signed by the President of the Senate [Mr. GORE].

MEASURES REFERRED

The following measures were read the first and second times by unanimous consent, and referred as indicated:

H.R. 2330. An act to authorize appropriations for fiscal year 1994 for the intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Select Committee on Intelligence.

H.R. 2876. An act to promote and support management reorganization of the National Aeronautics and Space Administration; to the Committee on Commerce, Science, and Transportation.

H.J. Res. 220. Joint resolution to designate the month of August as "National Scleroderma Awareness Month", and for other purposes; to the Committee on the Judiciary.

The following measure was received and referred as indicated:

H. Con. Res. 109. Concurrent resolution expressing the sense of the Congress respecting the 80th anniversary of the Anti-Defamation League; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1370. A communication from the Assistant Deputy Under Secretary of Defense (Conservation and Installations), transmitting, pursuant to law, a report on the performance of Department of Defense commercial activities for fiscal year 1992; to the Committee on Armed Services.

EC-1371. A communication from the Secretary of Energy, transmitting, pursuant to law, a report for the Strategic Petroleum Reserve for the period January 1, 1993 through March 31, 1993; to the Committee on Energy and Natural Resources.

EC-1372. A communication from the Administrator of the General Services Administration, transmitting, reports of building project surveys; to the Committee on Environment and Public Works.

EC-1373. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the Surface Transportation Research and Development Plan for fiscal year 1992; to the Committee on Environment and Public Works.

EC-1374. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled "The Role of Ozone Precursors in Tropospheric Ozone Formation and Control"; to the Committee on Environment and Public Works.

EC-1375. A communication from the Assistant Legal Adviser (Treaty Affairs), Department of State, transmitting, pursuant to law, a report of the texts of international agreements and background statements; to the Committee on Foreign Relations.

EC-1376. A communication from the Chair of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the annual report for calendar year 1992; to the Committee on Governmental Affairs.

EC-1377. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the assignment or detail of General Accounting Office employees to congressional committees as of July 9, 1993; to the Committee on Governmental Affairs.

EC-1378. A communication from the President of the American Academy of Arts and Letters, transmitting, pursuant to law, a report of activities during calendar year 1992; to the Committee on the Judiciary.

EC-1379. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the use of specific service signs; to the Committee on Environment and Public Works.

EC-1380. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, notice of the awarding of a contract for a telecommuting center; to the Committee on Environment and Public Works.

EC-1381. A communication from the Assistant Secretary (Legislative Affairs), Department of State, transmitting, pursuant to law, a report relative to emergency assistance to Ecuador; to the Committee on Foreign Relations.

EC-1382. A communication from the Secretary of Education, transmitting, pursuant to law, a draft of proposed legislation to establish a national framework for the development of School-to-Work Opportunities systems in all States, and for other purposes; to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated.

POM-257. A House Joint Resolution adopted by the Legislature of the Commonwealth of the Mariana Islands relative to the establishment of a non-voting Delegate from the Northern Mariana Islands; to the Committee on Energy and Natural Resources.

"HOUSE JOINT RESOLUTION 8-5

"Taking note that the Covenant negotiating history makes it clear that Section 901 does not preclude the Government of the Northern Marianas from requesting that a Delegate from the Northern Mariana Islands be established in the Congress of the United States;

"Finding further that Article V, Section 2, of the Commonwealth Constitution, as amended by Constitutional Amendment 24, provides that the United States may confer the status of non-voting delegate or member in the United States Congress on the Resident Representative;

"Observing that P.L. 3-92, Section 1 (Title 1, CMC, Div. 4, Subsection 4101) provides that the Resident Representative shall function pursuant to Article V of the Constitution and the terms and conditions set forth in Division 4;

"Observing further that P.L. 3-92, Section 2(b) (Title 1, CMC, Div. 4, Subsection 4202(b)) prescribes the following duties for the Resident Representative: "To represent the Commonwealth and the people of the Commonwealth on a full-time basis before the Congress of the United States, its committees and subcommittees. To act as a liaison office in the District of Columbia for other official and unofficial matters pertaining to the public welfare of the Commonwealth. To actively and fully advocate all programs and policies duly adopted by the Commonwealth" and "To coordinate all actions of the Commonwealth Government respecting federal grants and programs in the District of Columbia and appropriate regional and district offices in other states and territories";

"Realizing that many of the functions of the Resident Representative would still be needed if such additional representational status were placed upon that office and would unduly encumber the new Delegate;

"Holding it to be true that providing a separate Delegate for the Northern Mariana Islands while maintaining an Office of the Resident Representative would neither diminish the full force and effect of the Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America nor in any sense abrogate, qualify, or modify the right to local self-government contained in Article 1, Section 103 of the Covenant; it is

"Resolved by the House of Representatives of the Eighth Northern Mariana Commonwealth Legislature, the Senate concurring, that the United States of America is hereby requested to:

"(1) Establish a seat of Delegate from the Northern Mariana Islands in the United States Congress;

"(2) Provide that the Delegate from the Northern Mariana Islands receive the same compensation, allowance, and benefits as a Member of the United States House of Representatives, and be entitled to at least those same privileges and immunities granted to the non-voting delegate from the territory of Guam and serve on the same term as the Resident Commissioner from the Commonwealth of Puerto Rico;

"(3) Work closely with the Resident Representative in the drafting of the federal legislation necessary to realize the Delegate from the Northern Mariana Islands; and

"*Resolving further*, That the Speaker of the House and the President of the Senate shall certify and the House Clerk and the Senate Legislative Secretary shall attest to the adoption of this Resolution and thereafter transmit copies to: The Honorable Bill Clinton, President of the United States; the Honorable Lorenzo I. De Leon Guerrero, Governor of the Commonwealth of the Northern Mariana Islands; the Honorable Thomas Foley, Speaker of the U.S. House of Representatives, the Honorable Richard Gephardt, Majority Leader of the U.S. House of Representatives; the Honorable Robert H. Michel, Minority Leader of the U.S. House of Representatives; the Honorable George Miller, U.S. House of Representatives, the Honorable Don Young, U.S. House of Representatives; the Honorable Ron De Lugo, U.S. House of Representatives; the Honorable Elton Gallegly, U.S. House of Representatives; the Honorable Eni F.J. Faleomavaega, U.S. House of Representatives; the Honorable Eleanor Holmes Norton, U.S. House of

Representatives; the Honorable Carlos Romero-Barcelo, U.S. House of Representatives; the Honorable Robert Underwood, U.S. House of Representatives; the Honorable Al Gore, Vice President of the United States and President of the U.S. Senate; the Honorable George Mitchell, Majority Leader of the U.S. Senate; the Honorable Robert Dole, Minority Leader of the U.S. Senate, the Honorable J. Bennett Johnston, U.S. Senate; the Honorable Daniel K. Akaka, U.S. Senate; the Honorable Malcolm Wallop, U.S. Senate; and the Honorable Bruce Babbitt, Secretary of the U.S. Department of Interior."

POM–258. A House Resolution adopted by the House of Representatives of the Northern Marianas Commonwealth Legislature relative to Ambassador Williams; to the Committee on Energy and Natural Resources.

"H.R. No. 8–103

"With absolute resolve, the people of the Northern Mariana Islands have valiantly struggled to obtain their right of self determination and have triumphantly risen in the face of historical oppression by other nations; and

"Whereas, our self government has evolved through formative years under the administration of the United States Navy, the Trust Territory Government and the Congress of Micronesia; and

"Remembering that the aspirations of the people of the Northern Marianas for an affirmative political status led us toward a closer political association with the United States; and

"Evidenced on March 13, 1971 when President Richard M. Nixon appointed Ambassador Franklin Haydn Williams, the President of the Asia Foundation, as his personal representative for political status negotiations with the Marianas Political Status Commission; and

"Diligently laboring through five rounds of negotiations between 1972 and 1975, Ambassador F. Haydn Williams worked arduously as Chairman of the United States' delegation with the Marianas Political Status Commission to accordantly create the document that would ultimately embody the political desires of the people of the Northern Mariana Islands; and

"Whereas, their cooperative efforts came to fruition in the signing of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America on February 15, 1975; and

"Subsequently the people of the Northern Marianas gave their express endorsement of the covenant by the unanimous approval of the Mariana District Legislature and the overwhelming approval by the public of the plebiscite of June 17, 1975;

"Resulting in Presidential approval by Gerald Ford of the Covenant on March 24, 1976 which effectuated the achievement of Ambassador F. Haydn Williams and the Marianas Political Status Commission into U.S. Public Law 94–241: 90 Stat. 263; and

"Whereas, Ambassador F. Haydn Williams has since continued to support the political endeavors of the Commonwealth through consultations as recently evidenced by his visit to our islands, during which he presented his valuable knowledge and approving opinion to the House Committee on Federal and Foreign Relations on the establishment of a Delegate from the Northern Mariana Islands to the United States Congress: Now, therefore, be it

"*Resolved, by the House of Representatives, Eighth Northern Marianas Commonwealth Legislature*, That the House expresses its heartfelt appreciation to Ambassador Franklin Haydn Williams for his dedication and assistance to the people of the Northern Mariana Islands in the realization of their political destiny; and be it further "*Resolved*, That the Speaker of the House shall certify and the House Clerk shall attest to the adoption of this resolution and thereafter transmit copies to: The Honorable Bill Clinton, President of the United States; Ambassador Franklin Haydn Williams; the Honorable Lorenzo I. De Leon Guerrero, Governor of the Commonwealth of the Northern Mariana Islands; the Honorable Thomas Foley, Speaker of the U.S. House of Representatives; the Honorable Richard Gephardt, Majority Leader of the U.S. House of Representatives; the Honorable Robert H. Michel, Minority Leader of the U.S. House of Representatives; the Honorable George Miller, U.S. House of Representatives; the Honorable Don Young, U.S. House of Representatives; the Honorable Ron De Lugo, U.S. House of Representatives; the Honorable Elton Gallegly, U.S. House of Representatives; the Honorable Eni F.H. Faleomavaega, U.S. House of Representatives; the Honorable Eleanor Holmes Norton, U.S. House of Representatives; the Honorable Carlos Romero-Barcelo, U.S. House of Representatives; the Honorable Robert Underwood, U.S. House of Representatives; the Honorable Al Gore, Vice President of the United States and President of the U.S. Senate; the Honorable George Mitchell, Majority Leader of the U.S. Senate; the Honorable Robert Dole, Minority Leader of the U.S. Senate; the Honorable J. Bennett Johnston, U.S. Senate; the Honorable Malcolm Wallop, U.S. Senate; the Honorable Bruce Babbitt, Secretary of the U.S. Department of the Interior; and the Honorable Leslie M. Turner, Assistant Secretary Designee for Territorial and International Affairs."

POM–259. A Joint Resolution passed by the Nevada legislature relative to tax-exempt bonds; to the Committee on Finance.

"ASSEMBLY JOINT RESOLUTION NO. 36

"Whereas, tax-exempt bonds have been instrumental in promoting economic diversification and expansion in the State of Nevada by assisting qualified business enterprises to finance capital expansion projects within Nevada and by providing a stable source of mortgage loans for residents of Nevada with low and moderate incomes, thereby alleviating the crucial shortage of housing for such persons; and

"Whereas, there is a need to improve the availability of long-term capital for investment in small manufacturing companies to create jobs and promote growth, which the tax-exempt small issue industrial development bond program is designed to address; and

"Whereas, there is a shortage of affordable single-family housing in the State of Nevada for purchase by persons of low or moderate income, which the qualified tax-exempt mortgage revenue bond program is designed to correct; and

"Whereas, these tax-exempt bond programs expired June 30, 1992, and the immediate restoration of these financing tools would have immediate and long-term positive impact on Nevada's economy; and

"Whereas, the continuation of these tax-exempt bonds will assist the State of Nevada in its efforts to diversify the state's economy, to create new jobs, and to achieve many of the goals and objectives of the 1992 State Plan for Economic Diversification and Development; and

"Whereas, the State of Nevada has previously established a process pursuant to chapter 348A of NRS which authorizes the establishment of an allocation program by which the State of Nevada can restrict the number of tax-exempt private activity bonds so that the amount of such bonds can be contained within the volume cap established for the State of Nevada by federal tax law (26 U.S.C. §146(b) and (c)); and

"Whereas, the State of Nevada has successfully managed these financing tools under the existing allocation process; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of Nevada, jointly*, That Congress and the President of the United States are hereby urged to approve legislation to make permanent the authority for states to issue tax-exempt small issue industrial development bonds and qualified tax-exempt mortgage revenue bonds; and be it further

"*Resolved*, That the authority to issue these bonds should remain within the Department of Commerce or its successor organization pursuant to the reorganization of state government; and be it further

"*Resolved*, That a copy of this resolution be transmitted by the Chief Clerk of the Assembly to the President of the United States, the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

"*Resolved*, That this resolution becomes effective upon passage and approval."

POM–260. A House Joint Resolution adopted by the legislature of the State of Alaska relative to the desecration of the Flag of the United States; to the Committee on the Judiciary.

"S.J. RES. 27

"Whereas certain actions, although arguably related to one person's free expression, nevertheless raise issues concerning public decency, public peace, and the rights of expression and sacred values of others; and

"Whereas there are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, that are the property of every American and are therefore worthy of protection from desecration and dishonor; and

"Whereas the American Flag was most nobly born in the struggle for independence that began with "The Shot Heard Round the World" on a bridge in Concord, Massachusetts; and

"Whereas in the War of 1812 the American Flag stood boldly against foreign invasion, symbolized the stand of a young and brave nation against the mighty world power of that day, and in its courageous resilience inspired our national anthem; and

"Whereas in the Second World War the American Flag was the banner that led the American battle against fascist imperialism from the depths of Pearl Harbor to the mountaintop of Iwo Jima, and from defeat in North Africa's Kasserine Pass to victory in the streets of Hitler's Germany; and

"Whereas Alaska's star was woven into the fabric of the Flag in 1959, and that 49th star has become an integral part of the Union; and

"Whereas the American Flag symbolizes the ideals that good and decent people fought for in Vietnam, often at the expense of their lives or at the cost of cruel condemnation upon their return home; and

"Whereas the American Flag symbolizes the sacred values for which loyal Americans risked and often lost their lives in securing civil rights for all Americans, regardless of race, sex, or creed; and

"Whereas the American Flag was carried to the moon as a banner of goodwill, vision, and triumph on behalf of all mankind; and

"Whereas the American Flag to this day is a most honorable and worthy banner of a nation that is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

"Whereas the law as interpreted by the United States Supreme Court no longer accords to the Stars and Stripes that reverence, respect, and dignity befitting the banner of that most noble experiment of a nation-state; and

"Whereas it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency; Be it "*Resolved by the Alaska State Legislature*, That the Congress of the United States is requested to prepare and present to the legislatures of the several states an amendment to the Constitution of the United States that would specifically provide the Congress and the legislatures of the several states the power to prohibit the physical desecration of the Flag of the United States; this request does not constitute a call for a constitutional convention: and be it further "*Resolved*, That the legislatures of the several states are invited to join with Alaska to secure ratification of the proposed amendment.

"Copies of this resolution shall be sent to the Honorable Al Gore, Vice-President of the United States and President of the U.S. Senate; the Honorable George J. Mitchell, Majority Leader of the U.S. Senate; to the Honorable Thomas S. Foley, Speaker of the U.S. House of Representatives; the governors of each of the several states; the presiding officers of each house of the legislatures of the several states; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, United States Senators, and the Honorable Don Young, United States Representative, members of the Alaska delegation in Congress."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Indian Affairs, without amendment:

S.J. Res. 19. A joint resolution to acknowledge the 100th anniversary of the January 17, 1893 overthrow of the Kingdom of Hawaii, and to offer an apology to Native Hawaiians on behalf of the United States for the overthrow of the Kingdom of Hawaii (Rept. No. 103–26).

By Mr. GLENN, from the Committee on Governmental Affairs, without amendment:

H.R. 490. A bill to provide for the conveyance of certain lands and improvements in Washington, District of Columbia, to the Columbia Hospital for Women to provide a site for the construction of a facility to house the National Women's Health Resource Center (Rept. No. 103–125).

By Mr. BAUCUS, from the Committee on Environment and Public Works, without amendment:

S. 597. A bill to designate the United States Courthouse located at 10th and Main Streets in Richmond, Virginia, as the "Lewis F. Powell, Jr. United States Courthouse".

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Legislative and Oversight Activities Report of the Committee on Small Business, United States Senate, One Hundred Second Congress" (Report No. 103–127).

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1994" (Report No. 103–128).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GLENN, from the Committee on Governmental Affairs:

Lorraine Allyce Green, of the District of Columbia, to be Deputy Director of the Office of Personnel Management.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee on the Senate.)

By Mr. NUNN, from the Committee on Armed Services:

Victor H. Reis, of the District of Columbia, to be an Assistant Secretary of Energy (Defense Programs.)

The following-named rear admiral (lower half) in the line of the Navy for promotion to the permanent grade of rear admiral, pursuant to title 10, United States Code, section 624, subject to qualifications therefore as provided by law:

UNRESTRICTED LINE OFFICER

To be real admiral

Rear Adm. (lh) Joseph Wilson Prueher, [redacted], U.S. Navy.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. NUNN. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again.

The PRESIDING OFFICER. Without objection, it is so ordered.

*Capt. Harold E. Grant, Judge Advocate General's Corps USN to be rear admiral and to be Deputy Judge Advocate General of the Navy (Reference No. 62)

*In the Navy there are 24 promotions to the grade of rear admiral (lower half) (list begins with James Frederick Amerault) (Reference No. 63–2)

**In the Army there are 1,608 promotions to the grade of major (list begins with Angel L. Acevedo) (Reference No. 91)

**In the Army there are 128 promotions to the grade of colonel (list begins with Rufus Y. Brandy) (Reference No. 151)

*In the Army there are 28 promotions to the grade of major general (list begins with William H. Campbell) (Reference No. 166)

*Maj. Gen. Thomas G. Rhame, USA to be lieutenant general (Reference No. 214)

**In the Marine Corps there are 96 appointments to the grade of colonel (list begins with Michael J. Aguilar) (Reference No. 231)

**Rear Adm. (lower half) William Anton Heine III, USNR to be rear admiral (Reference No. 298)

*Maj. Gen. John P. Otjen, USA to be lieutenant general (Reference No. 327)

*Maj. Gen. Kenneth R. Wykle, USA to be lieutenant general (Reference No. 330)

*Lt. Gen. John E. Jaquish, USAF to be placed on the retired list in the grade of lieutenant general (Reference No. 365)

*Lt. Gen. Stephen B. Croker, USAF for reappointment to the grade of lieutenant general (Reference No. 368)

*Lt. Gen. John E. Jackson, Jr., USAF for reappointment to the grade of lieutenant general (Reference No. 369)

*Lt. Gen. Walter Kross, USAF for reappointment to the grade of lieutenant general (Reference No. 370)

*Maj. Gen. Thad A. Wolfe, USAF to be lieutenant general (Reference No. 371)

**In the Navy there is 1 promotion to the grade of commander (Paul I. Murdock) (Reference No. 399)

**In the Navy there is 1 promotion to the grade of lieutenant commander (Christopher M. Culp) (Reference No. 400)

**In the Navy and Naval Reserve there are 14 appointments to the grade of commander and below (list begins with David V. Barnes) (Reference No. 401)

**In the Navy there are 73 appointments to the grade of lieutenant and below (list begins with Stephen Paul Ambrose) (Reference No. 402)

**In the Navy there are 332 appointments to the grade of captain and below (list begins with Robert Dean Allen) (Reference No. 403)

**In the Navy there is 1 promotion to the grade of captain (John Forrest Schork) (Reference No. 430)

**In the Navy and Naval Reserve there are 15 appointments to the grade of commander and below (list begins with Todd A. Braynard) (Reference No. 431)

**In the Air Force and Air Force Reserve there are 47 appointments to the grade of colonel and below (list begins with John D. Anderson) (Reference No. 446)

**In the Air Force there are 125 promotions to the grade of major (list begins with Wanda P.C. Adkins) (Reference No. 447)

**In the Army there are 15 promotions to the grade of colonel (John W. Brinsfield) (Reference No. 473)

**In the Army there are 292 promotions to the grade of major (list begins with Rebecca L. Aadland) (Reference No. 474)

**In the Air Force Reserve there are 40 promotions to the grade of lieutenant colonel (list begins with John C. Chase) (Reference No. 479)

**In the Air Force and Air Force Reserve there are 29 appointments to the grade of colonel and below (list begins with Mark A. McLaughlin) (Reference No. 484)

**In the Air Force Reserve there are 23 promotions to the grade of lieutenant colonel (list begins with Bernard R. Barker) (Reference No. 485)

**In the Army Reserve there are 37 promotions to the grade of colonel and below (list begins with David H. Blair) (Reference No. 486)

*Brig. Gen. Nolan Sklute, USAF to be major general and to be Judge Advocate General of the U.S. Air Force (Reference No. 492)

**In the Army there are 5 promotions to the grade of colonel and below (list begins with Robert M. Wilson) (Reference No. 493)

*Maj. Gen. William W. Hartzog, USA to be lieutenant general (Reference No. 499)

Total 2,946.

The above listing of nominations appeared in the RECORD on the following dates: February 16, 1993; March 29, 1993; April 19, 1993; June 7, 22, 29, 1993; July 13, 15, 16, 20, 1993.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. KOHL:

S. 1395. A bill relating to the tariff treatment of certain plastic flat goods; to the Committee on Finance.

By Mr. NUNN (for himself, Mr. BREAUX, Mr. WARNER, Mr. PRYOR, Mr. HEFLIN, Mr. GRAHAM, and Mr. LIEBERMAN):

S. 1396. A bill to establish youth apprenticeship demonstration programs, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. REID:

S. 1397. A bill to require the Secretary of Agriculture to convey certain lands in Austin, Nevada, to the Austin Historical Mining District Historical Society, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRAHAM:

S. 1398. A bill to provide law enforcement scholarships and retirement incentives; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself, Mr. RIEGLE, and Mr. ROCKEFELLER):

S. 1399. A bill to amend the Competitiveness Policy Council Act to provide for reauthorization, to rename the Council, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LAUTENBERG (for himself and Mr. SIMON):

S. 1400. A bill to amend title 18, United States Code, to permanently prohibit the possession of firearms by persons who have been convicted of a violent felony, and for other purposes; to the Committee on the Judiciary.

By Mr. PELL (by request):

S. 1401. A bill to provide for the adjudication of certain claims against Iraq, and for other purposes; to the Committee on Foreign Relations.

By Mr. CRAIG (for himself and Mr. KEMPTHORNE):

S. 1402. A bill to convey a certain parcel of public land to the county of Twin Falls, Idaho, for use as a landfill, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 1403. A bill to extend the suspension of duty on certain narrow fabric weaving machines; to the Committee on Finance.

By Mr. KOHL:

S. 1404. A bill to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing cases, disclosures of discovery information in civil actions, and for other purposes; to the Committee on the Judiciary.

By Mr. KERRY:

S. 1405. A bill to strenghten the National Flood Insurance Program and to reduce risk to the flood insurance fund by increasing compliance, providing incentives for community floodplain management, providing for mitigation assistance, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KERREY (for himself and Mr. DASCHLE):

S. 1406. A bill to amend the Plant Variety Protection Act to make such Act consistent with the International Convention for the Protection of New Varieties of Plants of March 19, 1991, to which the United States is a signatory, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. MOSELEY-BRAUN (for herself, Mr. SIMON, Mr. BOND, Mr. DANFORTH, Mr. FEINGOLD, Mr. GRASSLEY, Mr. HARKIN, and Mr. KOHL):

S. 1407. A bill to direct the Secretary of the Army to conduct a study to assess the adequacy of current flood control measures on the Upper Mississippi River and its tributaries, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LOTT:

S. 1408. A bill to repeal the increase in tax on social security benefits; to the Committee on Finance.

By Mr. JOHNSTON:

S. 1409. A bill to limit the funding to the Northern Mariana Islands pursuant to the provisions set forth in the Agreement of the Special Representatives on Future Federal Financial Assistance, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. INOUYE (by request):

S. 1410. A bill to amend Indian Self-Determination and Education Assistance Act; to the Committee on Indian Affairs.

By Mr. GORTON:

S. 1411. A bill to authorize certain elements of the Yakima River Basin Water Enhancement Project, and for other purposes.

By Mr. LIEBERMAN (for himself and Mr. JEFFORDS):

S. 1412. A bill to amend title 13, United States Code, to require that any data relating to the incidence of poverty produce or published by the Secretary of Commerce for subnational areas is corrected for differences in the cost of living in those areas; to the Committee on Governmental Affairs.

By Mr. LEVIN (for himself and Mr. COHEN):

S. 1413. A bill to amend the Ethics in Government Act of 1978, as amended, to extend the authorization of appropriations for the Office of Government Ethics for eight years, and for other purposes; to the Committee on Governmental Affairs.

By Mr. BINGAMAN:

S. 1414. A bill to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to award grants to improve wastewater treatment for certain unincorporated communities, and for other purposes; to the Committee on Environment and Public Works.

By Mr. PRYOR (for himself, Mr. SIMON, Mr. BOREN, Mr. DURENBERGER, Mr. WALLOP, Mr. INOUYE, Mr. BURNS, Mr. HEFLIN, Mr. LEVIN, Mr. CHAFEE, Mr. BAUCUS, and Mr. COCHRAN):

S. 1415. A bill to amend the Internal Revenue Code of 1986 to clarify provisions relating to church pension benefit plans, to modify certain provisions relating to participants in such plans, to reduce the complexity to bring workable consistency to the applicable rules, to promote retirement savings and benefits, and for other purposes; to the Committee on Finance.

By Mr. BRADLEY:

S. 1416. A bill to authorize appropriations for the Coastal Heritage Trail Route in the State of New Jersey, and for other purposes; to the Committee on Finance.

By Mr. WOFFORD (for himself and Mr. BAUCUS):

S. 1417. A bill to amend the Federal Water Pollution Control Act to provide for training and certification of individuals in the operation of wastewater treatment works, and for other purposes; to the Committee on Environment and Public Works.

By Mr. WARNER:

S. 1418. A bill to ban the use of radar in commercial motor vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GRASSLEY:

S. 1419. A bill to provide for regional equity in funding resolution of failed savings asssociations, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GLENN (for himself, Mr. BRADLEY, Mr. DURENBERGER, Mr. RIEGLE, Mr. DODD, Mrs. FEINSTEIN, Mr. ROBB, Mr. DECONCINI, Mr. KENNEDY, Mr. HATFIELD, Mr. NUNN, Ms. MOSELEY-BRAUN, Mr. CHAFEE, and Mr. BINGAMAN):

S. 1420. A bill to reauthorize the National Commission to Prevent Infant Mortality, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HATCH (for himself and Mrs. FEINSTEIN):

S. 1421. A bill to amend title 17, United States Code, to provide an exclusive right to perform sound recordings publicly by means of digital transmissions; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 1422. A bill to confer jurisdiction on the United States Claims Court with respect to land claims of Pueblo of Isleta Indian Tribe; to the Committee on the Judiciary.

By Mr. CHAFEE (for himself and Mr. BRADLEY):

S. 1423. A bill to amend the Social Security Act to improve access to medicaid benefits and to reduce State administrative burdens under the medicaid program; to the Committee on Finance.

By Mr. DORGAN:

S. 1424. A bill to amend chapter 4 of title 23, United States Code, to establish a national program concerning motor vehicle pursuits by law enforcement officers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CONRAD (for himself, Mr. DASCHLE, and Mr. DORGAN):

S. 1425. A bill to establish a National Appeals Division of the Department of Agriculture to hear appeals of adverse decisions made by certain agencies of the Department, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CONRAD (for himself, Mr. INOUYE, and Mr. BINGAMAN):

S. 1426. A bill to amend title XVIII of the Social Security Act and the Budget and Emergency Deficit Control Act of 1985 with respect to essential access community hospitals, the rural transition grant program, durable medical equipment, adjustments to discretionary spending limits, standards for medicare supplemental insurance policies, expansion and revision of medicare select policies, psychology services in hospitals, payment for anesthesia services furnished directly or concurrently in providers, improve reimbursement for clinical social worker services, and for other purposes; to the Committee on Finance.

By Mr. KERRY:

S. 1427. A bill to provide the necessary authority to manage the activities in Antarctica of United States scientific research expeditions and United States tourists, and to regulate the taking of Antarctic marine living resources, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SIMON (for himself, Mrs. MURRAY, Mr. RIEGLE, Ms. MOSELEY-BRAUN, and Mrs. BOXER):

S. 1428. A bill to amend the Public Health Service Act to provide for programs regarding women and the human immunodeficiency virus, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. SIMON (for himself, Mrs. MURRAY, Mr. RIEGLE, Ms. MOSELEY-BRAUN, and Mrs. BOXER):

S. 1429. A bill to amend the Public Health Service Act to establish programs of research with respect to women and cases of information with the human immunodeficiency virus, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. GRAHAM:

S. 1430. A bill to designate the Federal building in Miami, Florida, as the "David W. Dyer Federal Justice Building"; to the Committee on Environment and Public Works.

By Mr. DECONCINI:

S. 1431. A bill to establish a Commission on Crime and Violence; to the Committee on the Judiciary.

By Mr. HOLLINGS (for himself, Mr. BREAUX, Mr. KERRY, Mr. ROBB, and Ms. MIKULSKI):

S. 1432. A bill to amend the Merchant Marine Act, 1936, to establish a National Commission to Ensure a Strong and Competitive United States Maritime Industry; to the Committee on Commerce, Science, and Transportation.

By Mr. BRADLEY:

S. 1433. A bill to suspend temporarily the duty on 5-(N,N-dibenzylglycl)-salicylamide, 2-{N-benzyl-N-tert-butylamino}-4′-hydroxy-3′- hydromethylacetophenone hydrochloride, flutamide, and loratadine; to the Committee on Finance.

By Mr. BRADLEY (for himself and Mr. LAUTENBERG):

S. 1434. A bill to suspend temporarily the duty on certain chemicals; to the Committee on Finance.

S. 1435. A bill to suspend temporarily the duty on certain chemicals; to the Committee on Finance.

S. 1436. A bill to extend the suspension of duties on certain chemicals; to the Committee on Finance.

By Mr. DOLE (for himself, Mr. LAUTENBERG, and Mr. HATFIELD):

S. 1437. A bill to amend section 1562 of title 38, United States Code, to increase the rate of pension for persons on the Medal of Honor roll; to the Committee on Veterans' Affairs.

By Mr. STEVENS:

S. 1438. A bill to encourage States to enact and enforce laws ensuring that motor vehicles yield the right-of-way to pedestrians, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LIEBERMAN:

S. 1439. A bill to provide for the application of certain employment protection laws to the Congress, and for other purposes; to the Committee on Governmental Affairs.

By Mr. BURNS:

S. 1440. A bill to amend the Endangered Species Act of 1973 with commonsense amendments to strengthen the Act, enhance wildlife conservation and management, augment funding, and protect fishing, hunting, and trapping; to the Committee on Environment and Public Works.

By Mr. BIDEN:

S. 1441. A bill to reform habeas corpus; to the Committee on the Judiciary.

By Mr. SHELBY:

S.J. Res. 123. A joint resolution to designate the week beginning November 6, 1994, as "National Elevator and Escalator Safety Awareness Week"; to the Committee on the Judiciary.

By Mr. DOLE (for himself, Mr. MURKOWSKI, Mr. BOND, Mr. DOMENICI, Mr. MATHEWS, Mr. SHELBY, Mr. PRESSLER, Mrs. FEINSTEIN, Mr. D'AMATO, Mr. ROTH, Ms. MIKULSKI, Mr. BROWN, and Mr. DECONCINI):

S.J. Res. 124. A joint resolution designating September 6, 1993, as "Try American Day"; considered and passed.

By Mr. MITCHELL (for himself, Mrs. MURRAY, Mr. AKAKA, Mr. BINGAMAN, Mr. HOLLINGS, Mr. MOYNIHAN, Mr. D'AMATO, Mr. PELL, Mr. STEVENS, Mr. SASSER, Mr. THURMOND, Mr. BOND, Mr. BAUCUS, Mr. DODD, Mr. LEAHY, Mr. BREAUX, Mr. MATHEWS, Mr. CHAFEE, Mr. METZENBAUM, Mr. DANFORTH, Mr. LIEBERMAN, Mr. ROCKEFELLER, Mr. FORD, Mr. DOMENICI, Mr. MURKOWSKI, Mr. DORGAN, Mr. MACK, Mr. GLENN, Mr. HEFLIN, Mr. KENNEDY, Mr. REID, Mr. WARNER, Mr. COHEN, Mr. DASCHLE, Mr. SARBANES, Ms. MIKULSKI, Mr. DURENBERGER, Mr. WELLSTONE, Mrs. BOXER, Mr. BRADLEY, Mr. BRYAN, Mr. RIEGLE, Mr. SIMON, Mr. BURNS, Mr. CRAIG, Mr. DOLE, Mr. GRASSLEY, Mr. JEFFORDS, Mr. MCCAIN, Mr. PRESSLER, Mr. SPECTER, Mr. HELMS, Mr. COATS, Mr. COVERDELL, and Mr. ROTH):

S.J. Res. 125. A joint resolution designating September 1993 as "Childhood Cancer Month"; considered and passed.

By Mr. SMITH (for himself and Mr. DODD):

S.J. Res. 126. A joint resolution designating September 10, 1993, as "National POW/MIA Recognition Day" and authorizing the display of the National League of Families POW/MIA flag; considered and passed.

By Mr. BURNS:

S.J. Res. 127. A joint resolution proposing an amendment to the Constitution prohibiting the imposition of retroactive taxes on the American people; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FORD (for Mr. MITCHELL (for himself and Mr. DOLE)):

S. Res. 140. A resolution to authorize the testimony of Senate employees; considered and agreed to.

S. Res. 141. A resolution to direct the Senate Legal Counsel to appear as amicus curiae in the name of the Senate in United States v. Durenberger, et al; considered and agreed to.

By Mr. BRADLEY:

S. Con. Res. 34. A concurrent resolution expressing the sense of the Senate regarding the accounting standards proposed by the Financial Accounting Standards Board; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WOFFORD:

S. Con. Res. 35. A concurrent resolution to express the sense of the Congress with respect to certain regulations of the Occupational Safety and Health Administration; to the Committee on Labor and Human Resources.

By Mr. RIEGLE (for himself, Mr. ROCKEFELLER, Mr. SIMON, and Ms. MOSELEY-BRAUN):

S. Con. Res. 36. A concurrent resolution expressing the sense of the Congress that United States truck safety standards are of paramount importance to the implementation of the North American Free Trade Agreement; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. MCCAIN, and Mr. GLENN):

S. Con. Res. 37. A concurrent resolution to state the sense of the Congress with respect to the proliferation of space launch vehicle technologies; to the Committee on Foreign Relations.

By Mr. FORD (for Mr. MITCHELL (for himself and Mr. DOLE)):

S. Con. Res. 38. A concurrent resolution to authorize the reprinting of the book entitled "The United States Capitol: A Brief Architectural History"; considered and agreed to.

S. Con. Res. 39. A concurrent resolution to authorize the printing of a new annotated edition of Glenn Brown's "History of the United States Capitol", originally published in two volumes in 1900 and 1903, prepared under the auspices of the Architect of the Capitol; considered and agreed to.

S. Con. Res. 40. A concurrent resolution to authorize the printing of the book entitled "Constantino Brumidi: Artist of the Capitol", prepared by the Office of the Architect of the Capitol; considered and agreed to.

S. Con. Res. 41. A concurrent resolution to authorize the printing of the book entitled "The Cornerstones of the United States Capitol"; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KOHL:

S. 1395. A bill relating to the tariff treatment of certain plastic flat goods; to the Committee on Finance.

PLASTIC FLAT GOODS CLARIFICATION ACT OF

• Mr. KOHL. Mr. President, on June 29, 1993, I introduced legislation to clarify the classification of certain plastic flat goods, items carried in your wallet or purse, and close a loophole which occurred when the United States converted to the international Harmonized Tariff Schedule [HTS]. But after extensive discussion with Members of the House of Representatives and other interested parties, I would like to introduce a compromise version of my original legislation. This new bill, which is identical to the substantiative provisions of H.R. 1748, has accommodated the legitimate concerns of importers of plastic flat goods with leather trim. I believe this legislation is an improvement on my first bill (S. 1176) and I would ask that the Senate treat this bill as a substitute for S. 1176. I ask unanimous consent that my remarks and the full text of the bill be inserted into the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1395

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTAIN PLASTIC FLAT GOODS.

(a) In General.—Chapter 42 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new subheading, with the article description having the same degree of indentation as the article description in subheading 4202.21.90.

"4202.21.90	With outer surface area of not less than 20 percent leather.	8%	Free (IL, CA) 7.4% (E,J).	35%".

(b) Definition.—The Additional U.S. Notes to chapter 42 of the Harmonized Tariff Schedule of the United States are amended by adding at the end the following new note:

"3. For purposes of subheading 4202.32.10, the term 'reinforced or laminated plastics' means—

"(a) rigid, infusible, insoluble plastics formed by the application of heat and high pressure on 2 or more superimposed layers of fibrous sheet material which has been impregnated or coated with plastics, or

"(b) rigid plastics comprised of imbedded fibrous reinforcing material (such as paper, fabric, asbestos, and fibrous glass) impregnated, coated or combined with plastics usually by the application of heat or heat and low pressure.".

(c) Staged Rate Reductions.—Any staged rate reduction of a special rate of duty set forth in subheading 4202.31.60 that was proclaimed by the President before the date of the enactment of this Act and that takes effect on or after the date of the enactment of this Act shall apply to the corresponding special rate of duty in subheading 4202.32.05 (as added by subsection (a)).

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.•

By Mr. NUNN (for himself, Mr. Breaux, Mr. Warner, Mr. Pryor, Mr. Heflin, Mr. Graham, and Mr. Lieberman):

S. 1396. A bill to establish youth apprenticeship demonstration programs, and for other purposes; to the Committee on Labor and Human Resources.

THE YOUTH APPRENTICESHIP ACT OF 1993

• Mr. NUNN. Mr. President, I reintroduce legislation to authorize demonstration projects aimed at establishing a national system of youth apprenticeships. I first introduced a variation of this proposal in the 101st Congress. I am joined today in introducing this legislation by Senators Breaux, Pryor, Warner, Bob Graham, Lieberman, and Heflin. Congressman Dave McCurdy has introduced the same legislation in the House.

It is no secret that American workers' skills have too often not kept pace with the increasingly complex jobs in our knowledge-based, high tech global economy. For far too long, our Nation has concentrated most of its educational resources on young people who go to college, even though 60 percent of the jobs for the future will not require a college degree. The majority of those jobs, however, will require skills and training—training that most of our trading partners provide their young people through nationwide systems of apprenticeship programs.

I am introducing this bill because of the enormous importance such a program could have for our Nation and for our young people. It is critical that in the highly competitive global marketplace we have a highly skilled and fully employed work force. The prosperity of all of our people depends on our ability to innovate, to have the flexibility to respond quickly and efficiently to changing needs and to make effective use of advancing technology. To do that, our workers must have the fundamental knowledge and skills to compete with workers in the most advanced industrialized nations, and it is clear that there are important opportunities for learning in work places that cannot be matched in classrooms alone. We must provide our noncollege young people with a clear, direct, and functional path into careers.

For a number of years, Western Europe and Japan have been doing a much better job of preparing their young people who do not go to college to meet these challenges. I have long felt that by failing to do this, Americans are undermining our own economy and our future.

The agreement between the Group of Seven industrialized nations last month to concentrate on job creation was an acknowledgment of the worldwide need, not just to produce more and better products and services, but to truly provide better lives for our people in the process. We cannot afford to leave significant segments of our population out of our economy, even if that was our wish. We must bridge the growing opportunity gap between college and noncollege youth.

In point of fact, we cannot ultimately build a strong economy in an age of high technology without a skilled, flexible work force. The program provided in this bill would lay the groundwork for a system to build that kind of work force—not by arbitrarily imposing systems used elsewhere, but by creating a uniquely American system to provide for the needs of our people, making use of the long experience of other nations in such programs. By trying and carefully evaluating demonstration projects around the country, we can more effectively design such a national system to prepare our young people for a knowledge-based global economy.

I understand that President Clinton plans to propose a larger school-to-work transition program this week. I want to make it clear that this bill is not intended to compete with his proposal in any way. I know he shares my concern and my sense of urgency on this matter, and I look forward to working with him and Secretaries Reich and Riley on this important issue.

A variety of proposals for increasing worker skills have floated around each year that I have submitted this legislation. As we stand here today, however, students that were in junior high school when I first proposed it have now graduated—or dropped out of school—into the worst job market in many years, without the training and skills this bill might have provided them. Many of those young people have been unable to find jobs. Many more have only been able to find work that, at best, will never lead to a job that could support a family and provide a good future.

Poorly trained workers can cost employees in downtime, defective products, wasted materials, health and safety risks, late deliveries, poor customer service, and lost business. Workers who are not prepared can also delay the implementation of new technology and reduce its efficiency and effectiveness.

Many of the serious problems our Nation faces domestically could be greatly alleviated if all of our young people were prepared to do needed, useful work well—and be well paid for doing it. The real key to solving the problems of health, welfare, productivity, infrastructure, and economic development in our communities, lies in significant part in the education and training of the young and their opportunities to get good jobs.

This is a matter of concern not only for the generation of young people now in school but for all Americans, whatever their age. If the older generation and the middle-aged generation expect there to be an economy that can support its retirement funds when our generation needs them, then we had better provide the young with the tools to build that kind of economy, and the skills to hold the jobs.

This bill creates a new Institute of Youth Apprenticeship, a public-private partnership managed by a board of directors which would include representatives of educational institutions, business, labor, trade associations, and government.

The institute would set up demonstration projects, with the apprenticeships administered by a partnership between local secondary and post secondary schools and business. I believe the direct involvement of business is crucially important to making this program effective. The institute would evaluate results of these programs and would then make recommendations on how to create a nationwide apprenticeship system.

The bill provides for a 3-year apprenticeship—during the 11th and 12th grades in high school and for 1 year after graduation from secondary school. During the first 2 years, high school courses would be combined with training at work sites. The time a student would spend at the work site would increase from 30 per cent in the 11th grade to 50 percent in the 12th grade. During the third year, apprentices would supplement on-the-job training with academic courses at technical institutes or community colleagues.

Students would receive high school diplomas when they complete the first 2 years of the program and their other high school courses and would graduate with their high school class. Upon satisfactorily completing apprenticeship training, they would receive a certificate recognizing their competency in the field in which they received training.

I believe three elements are essential to any genuine apprenticeship program:

First, it must offer students certifiable skills that are directly transferable into the private job market;

Second, it must involve employers as direct participants with a stake in the individual student's achievements, both academically and in skills training;

Third, it must make apprenticeships an integral part of the school curriculum. Apprenticeship should not be an add-on or adjunct program, but a basic option in life that is available to all students and that carries prestige in the school and in the community, rather than the stigma currently attached to so many vocational educational programs.

To do this, we will have to make a clean break with the currently prevailing philosophy of vocational education, although a national program may well be implemented by reorienting existing programs and funds.

The decision to start with demonstration programs does not indicate that we are not fully convinced that apprenticeship programs are a good idea, but to help determine exactly how best to make the transition from today's system to tomorrow's as quickly and smoothly as possible.

Passage of this bill would be the first expression of a national commitment to offer all our young people the best possible preparation for the workplaces of the future.

I mentioned last year the old saying that, "Unless a society honors its plumbers as well as its philosophers—then neither its pipes nor its ideas will hold water."

I urge my colleagues to pass the bill and honor all of our young people by providing them an opportunity to learn the skills they will need to build a strong economy for our Nation and good lives for themselves and their families.

Mr. President, I ask unanimous consent that the text of this bill be inserted into the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1396

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Youth Apprenticeship Act of 1993".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) many foreign countries, including Germany, Japan, Denmark, and Sweden, have national policies that—

(A) are aimed at effective employment preparation of youth who do not seek a college education; and

(B) include programs that provide occupational guidance to students and combine schooling with work experience;

(2) in Germany, almost all eligible students apply for vocational training, which substantially reduces the risk of unemployment for young people, and German firms spend $18,000,000,000 annually on vocational training;

(3) United States international competitiveness is being eroded because a substantial increase is occurring in jobs requiring greater skills and youth are unprepared to meet the new labor market demands;

(4) partly as a result of inadequate skills in the work force, the productivity growth of the United States has slowed dramatically over the past 10 years, with the country taking almost 3 years to achieve the same productivity improvement previously achieved in 1 year;

(5) while the United States still leads the world in productivity, the rate of productivity improvement is increasing much faster among competing nations;

(6) the economic position of United States high school graduates who do not seek a college education is deteriorating, with real earnings of the graduates declining by 28 percent from 1973 to 1986;

(7) about 9,000,000 of the 33,000,000 United States youth age 16 to 24, or 27 percent of the youth, lack the necessary skills to meet employer requirements for entry level positions;

(8) in the United States, apprenticeship training programs are providing valuable training services to—

(A) 300,000 apprentices enrolled in more than 40,000 federally registered programs; and

(B) 100,000 apprentices participating in nonregistered programs;

(9) attempts to expand apprenticeship training in the United States have been unsuccessful and the percentage of the civilian United States work force enrolled in federally registered apprenticeship programs fell from an already low .3 percent in 1970 to only .16 percent in 1987;

(10) federally registered apprenticeship training programs do not provide assistance to the average high school graduate, as evidenced by the fact that—

(A) fewer than 2 percent of United States high school graduates enter into youth apprenticeship training programs; and

(B) the median age of United States apprentices is 25;

(11) currently, there are at most approximately 3,500 United States high school students participating in school-to-work apprenticeship programs; and

(12) school-to-work apprenticeship programs can—

(A) allow students to become registered apprentices as the students complete high school;

(B) produce positive outcomes for the students, schools, and employers; and

(C) provide supervised work experience for the students during high school, promoting desirable work habits and developing knowledge and skills for the working world.

(b) PURPOSE.—The purpose of this Act is to develop and evaluate a range of youth apprenticeship programs that will—

(1) establish partnerships between secondary and postsecondary schools, employers, labor organizations, and community and civic leaders to bridge the growing gap in skills, income, and opportunity between college bound and noncollege bound youth;

(2) offer young people a better chance to gain marketable skills and incentives to remain in school and achieve better grades;

(3) establish a systematic transition for students from school to work by combining work experience for youth with a work-related curriculum;

(4) identify and develop competency standards for youth apprentices;

(5) instill a sense of pride, self-esteem, and purpose in youth apprentices;

(6) contribute to the public policy debate on youth apprenticeship programs; and

(7) test a range of approaches to youth apprenticeship programs.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) BOARD.—The term "Board" means the Board of Directors of the Institute.

(2) DISADVANTAGED YOUTH.—The term "disadvantaged youth"—

(A) means an individual (other than an individual with a handicap) who—

(i)(I) is an economically disadvantaged individual; or

(II) has academic disadvantages; and

(ii) requires special services and assistance in order to succeed in an apprenticeship training program; and

(B) includes—

(i) an individual who is a member of an economically disadvantaged family;

(ii) a migrant;

(iii) an individual with limited-English proficiency; and

(iv) an individual who is identified as a potential dropout from a secondary school.

(3) ECONOMICALLY DISADVANTAGED FAMILY; ECONOMICALLY DISADVANTAGED INDIVIDUAL.—The terms "economically disadvantaged family" and "economically disadvantaged individual" mean a family and an individual, respectively, that the Institute, or a partnership participating in a youth apprenticeship demonstration program, determines to be low-income, according to the latest available data from the Department of Commerce.

(4) INSTITUTE.—The term "Institute" means the Institute for Youth Apprenticeship, established in section 4.

(5) PARTNERSHIP.—The term "partnership" means a coalition of secondary and postsecondary schools, employers, labor organizations, and community and civic leaders,

formed for the purpose of operating a youth apprenticeship demonstration program.

(6) Postsecondary school.—The term "postsecondary school" means a community college, junior college, technical institute, or area vocational school.

(7) Postsecondary school demonstration program.—The term "postsecondary school demonstration program" means a demonstration program described in section 6(b)(3).

(8) Secondary school demonstration program.—The term "secondary school demonstration program" means a demonstration program described in section 6(b)(2).

(9) Youth apprenticeship demonstration program.—The term "youth apprenticeship demonstration program" means a demonstration program described in paragraph (2) or (3) of section 6(b).

SEC. 4. INSTITUTE FOR YOUTH APPRENTICESHIP.

(a) Establishment.—There is established an Institute for Youth Apprenticeship that shall administer the programs established under this title. The Institute shall be an independent establishment, as defined in section 104 of title 5, United States Code.

(b) Composition of Board of Directors.—The Institute shall be administered by a Board of Directors. The Board shall be composed of 21 members, including—

(1) a Chairperson, appointed by the President with the advice and consent of the Senate;

(2) the Administrator of the Office of Work-Based Learning of the Department of Labor;

(3) the Director of the Division of Vocational and Technical Education of the Department of Education; and

(4) 18 members, appointed by the President—

(A) who shall include—

(i) nine individuals from among individuals nominated by the Speaker of the House of Representatives; and

(ii) nine individuals from among individuals nominated on the joint recommendation of the Majority Leader of the Senate and the Minority Leader of the Senate; and

(B) of whom—

(i)(I) six individuals shall be representatives of the education community;

(II) six individuals shall be representatives of labor and worker groups; and

(III) six individuals shall be representatives of the business community; and

(ii) individuals within each of the groups described in subclauses (I), (II), and (III) of clause (i) shall represent the national, State, and local community levels.

(c) Term.—Each appointed member of the Board shall be appointed for a term of 5 years.

(d) Vacancies.—Vacancies in the membership of the Board shall be filled in the same manner as the original appointment. The vacancy shall not affect the power of the remaining members to execute the duties of the Board.

(e) Federal Employment.—

(1) Members.—Members of the Board appointed under subsection (b)(4) shall not be employees or officers under section 2104 or 2105 of title 5, United States Code.

(2) Chairperson.—The Chairperson of the Board shall be an officer under section 2104 of title 5, United States Code.

(f) Suit.—Members of the Board shall be immune from suit and legal process relating to acts performed by the members in their capacity, and within the scope of their functions, as members of the Board.

(g) Compensation and Reimbursement of Expenses.—

(1) Uncompensated service.—Members of the Board who are not employees of the Federal Government shall not be compensated for the performance of duties for the Board.

(2) Travel expenses.—Each member of the Board shall receive travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(h) Quorum.—A quorum shall consist of 14 members of the Board, except that 9 members may conduct a hearing.

(i) Meetings.—The Board shall meet at the call of the Chairperson or a majority of the members of the Board.

(j) Executive Director.—The Chairperson, in consultation with the Board, shall appoint an Executive Director for the Institute.

(k) Staff.—

(1) Appointment and compensation.—The Executive Director of the Institute may appoint and determine the compensation of such staff as the Board determines to be necessary to carry out the duties of the Institute.

(2) Limitations.—The rate of compensation for each staff member appointed under paragraph (1) shall not exceed the daily equivalent of the rate for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day the staff member is engaged in the performance of duties for the Institute. The Executive Director of the Institute may otherwise appoint and determine the compensation of staff without regard to the provisions of title 5, United States Code, that govern appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, that relate to classification and General Schedule pay rates.

(l) Experts and Consultants.—The Executive Director of the Institute may obtain the services of experts and consultants and compensate such experts and consultants in accordance with section 3109(b) of title 5, United States Code, as the Board determines to be necessary to carry out the duties of the Institute.

(m) Detail of Federal Employees.—On the request of the Board, the Secretary of Labor and the Secretary of Education shall detail, without reimbursement, any of the personnel of the Department of Labor and the Department of Education to the Institute as the Board determines to be necessary to carry out the duties of the Institute. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(n) Technical Assistance.—On the request of the Board, the Secretary of Labor, the Secretary of Education, and the heads of other pertinent Federal agencies shall provide, without reimbursement, such technical assistance and administrative support services to the Institute as the Board determines to be necessary to carry out the duties of the Institute.

(o) Obtaining Information.—The Executive Director of the Institute may secure directly from any Federal agency information necessary to enable the Institute to carry out the duties of the Institute, if the information may be disclosed under section 552 of title 5, United States Code. Subject to the previous sentence, on the request of the Executive Director of the Institute, the head of the agency shall furnish the information to the Institute.

(p) Gifts and Private Contributions.—The Executive Director of the Institute may accept on behalf of the Institute gifts or contributions from private sources for the benefit of the Institute or to carry out any of the functions of the Institute. No gift or contribution shall be accepted if the gift or contribution is conditioned on any expenditure of funds by the Institute.

(q) Voluntary Service.—Notwithstanding section 1342 of title 31, the Chairperson of the Board may accept for the Board voluntary services provided by a member of the Board.

SEC. 5. ESTABLISHMENT OF YOUTH APPRENTICESHIP DEMONSTRATION PROGRAMS.

After consultation with the Board, the Chairperson of the Board shall establish guidelines, criteria, and procedures for youth apprenticeship demonstration programs, including—

(1) developing recommended guidelines for an appropriate curriculum for each occupational field within the programs, including postsecondary courses to enable apprentices to supplement training after completion of the programs;

(2) establishing site criteria to be used in the selection of partnerships to develop and evaluate youth apprenticeship demonstration programs, including requirements that the programs be established in rural and urban areas in all regions of the country;

(3) establishing criteria for apprenticeship occupations, including requirements that demand exist for skill training in the occupations and that the occupations offer a career ladder for apprentices;

(4) establishing competency criteria for apprenticeships and trainers in specific occupational fields; and

(5) establishing certification procedures for apprentices and trainers.

SEC. 6. CONTRACTS.

(a) Establishment.—Not later than 12 months after the date of enactment of this Act, the Executive Director of the Institute shall, to the extent appropriations are available, enter into contracts with eligible partnerships, to pay for the Federal share of developing and evaluating youth apprenticeship demonstration programs, in accordance with the requirements specified in section 7.

(b) Contracts.—

(1) In general.—The Board shall enter into contracts under this section with eligible partnerships that propose youth apprenticeship demonstration programs consistent with the criteria and procedures established under section 5.

(2) Secondary school demonstration programs.—

(A) In general.—The Board shall enter into contracts with eligible partnerships to establish demonstration programs at the secondary school level.

(B) Wage incentive demonstration program.—The Board shall enter into a contract with an eligible partnership to establish at least one demonstration program in which the Institute shall pay for 50 percent of the cost of the apprenticeship wage.

(C) Disadvantaged youth demonstration program.—The Board shall enter into a contract with an eligible partnership to establish at least one demonstration program that shall train disadvantaged youth.

(3) Postsecondary school demonstration programs.—The Board may enter into contracts with two eligible partnerships to establish demonstration programs that solely involve students at the postsecondary school level.

(4) Awards.—The Board shall enter into contracts under this section on a majority vote of the Board.

(c) APPLICATION.—To be eligible to enter into a contract under this section, a partnership shall submit an application to the Executive Director of the Institute at such time, in such manner, and containing such information as the Executive Director may require. At a minimum, the application shall include—

(1) a description of the youth apprenticeship demonstration program proposed to be conducted by the partnership, including sufficient information to enable the Executive Director to determine whether the proposal of the partnership is consistent with the criteria and procedures specified in section 5;

(2) an assessment of the future work force needs of each area in which a youth apprenticeship demonstration program will be established and the manner in which the program will help provide skilled workers to meet the needs;

(3) a description of the activities to be offered through the youth apprenticeship demonstration program to students in the seventh grade or older;

(4) a description of the manner in which each school, employer, or other representative of a partnership shall participate in the partnership;

(5) a description of the manner in which the program will be administered by schools participating in the youth apprenticeship demonstration program, including the support and counseling staff available to students pursuing apprenticeships, which staff at a minimum shall include one full-time vocational counselor;

(6) a description of the manner in which inservice training for teachers will be provided and the manner in which such training will—

(A) be designed to train teachers to effectively implement apprenticeship training curricula;

(B) provide for joint training for all the teachers in the partnership; and

(C) provide for the training in weekend, evening, and summer sessions, institutes, or workshops;

(7) a description of the manner in which training programs will be provided for counselors and the manner in which such training will be designed to enable counselors to more effectively—

(A) recruit students for apprenticeship training programs;

(B) ensure that such students successfully complete high school and the apprenticeship training program; and

(C) assist such students in finding appropriate employment;

(8) a description of courses to be offered to students considering or participating in the apprenticeship program;

(9) a description of the work processes to which apprentices will be exposed;

(10) a description of the manner in which apprentices shall be selected;

(11) a description of the academic and technical skill levels to be achieved by apprentices on completion of the program;

(12) a description of the apprenticeship wage and employee benefits offered;

(13) an estimate of the amount of time to be spent by apprentices at the workplace during the school day;

(14) a plan for monitoring and evaluating apprentices and the youth apprenticeship demonstration program within each partnership; and

(15) an assurance that the partnership will comply with the matching requirement specified in subsection (d).

(d) MATCHING REQUIREMENT.—

(1) FEDERAL SHARE.—The Federal share of the costs of developing and evaluating youth apprenticeship demonstration programs shall be not more than 50 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of the costs may be in cash or in kind, fairly evaluated, including plant, equipment, and services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal share.

SEC. 7. YOUTH APPRENTICESHIP DEMONSTRATION PROGRAM REQUIREMENTS.

(a) RESPONSIBILITIES.—Each partnership that participates in a youth apprenticeship demonstration program shall be responsible for—

(1) program and curriculum development;

(2) coordination and quality assurances; and

(3) provision of information to the Institute for the assessment and evaluation of apprentices and training programs.

(b) SECONDARY SCHOOL DEMONSTRATION PROGRAMS.—

(1) IN GENERAL.—The partnerships participating in secondary school demonstration programs shall provide apprenticeship training to students as appropriate for the grade level of the students.

(2) SEVENTH THROUGH TENTH GRADE STUDENTS.—The partnerships shall provide students in the seventh through tenth grades with an opportunity to learn about possible occupations through school courses, site visits, job sampling, and employer visits to schools. The partnerships shall also provide information about the youth apprenticeship demonstration program to the parents of students in the seventh through tenth grades.

(3) TENTH GRADE STUDENTS.—The partnerships shall provide students in the tenth grade with an opportunity to apply and interview for apprenticeships. Apprentices who successfully complete the tenth grade, pass a basic skills test, and successfully interview with employers may sign agreements with employers at the end of the academic year.

(4) ELEVENTH AND TWELFTH GRADE STUDENTS.—The partnerships shall provide training at work sites for students in the eleventh and twelfth grades, in combination with high school courses. The partnerships shall structure the training and educational requirements of students—

(A) so that students gradually increase the time spent at work sites from 30 percent in eleventh grade to 50 percent in the twelfth grade, depending on the structure of the program; and

(B) in such a manner as to allow the students to graduate and receive a high school diploma with other members of their class.

(5) HIGH SCHOOL GRADUATES.—The partnerships shall structure the training and educational requirements of high school graduates so that students spend 75 to 80 percent of program time at work sites and draw on postsecondary schools for supplementary theory and skill courses. The youth apprenticeship demonstration programs shall allow students in technical fields to take basic skills courses and apply them toward an associate degree.

(c) POSTSECONDARY SCHOOL DEMONSTRATION PROGRAMS.—Partnerships participating in postsecondary school demonstration programs shall provide on-the-job training to students to supplement academic courses taught in postsecondary schools.

(d) PAYMENT.—

(1) SECONDARY SCHOOL DEMONSTRATION PROGRAMS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), employers participating in secondary school demonstration programs shall pay for 100 percent of the cost of wages to apprentices.

(B) SUBSIDIZED WAGE.—Employers participating in demonstration programs described in section 6(b)(2)(B) shall pay for 50 percent of the cost of the apprenticeship wage.

(2) POSTSECONDARY SCHOOL DEMONSTRATION PROGRAMS.—

(A) WAGES.—Employers participating in postsecondary school demonstration programs shall pay for 100 percent of the cost of the apprenticeship wage to apprentices.

(B) SCHOOL COSTS.—Individual students shall pay for the cost of taking continuing basic skills courses from a postsecondary school.

(3) AMOUNT.—Apprentices participating in the secondary and postsecondary school demonstration programs shall receive, at a minimum, an apprenticeship wage equal to the wage rate described in section 6(a)(2) of the Fair Labor Standards Amendments of 1989 (29 U.S.C. 206 note).

(e) TRAINING.—Employers participating in the postsecondary school demonstration programs shall pay for the cost of on-the-job training.

(f) EMPLOYMENT.—The Institute shall encourage, but not require, employers participating in youth apprenticeship demonstration programs to place, or assist in placing, the apprentices in employment positions similar to the positions in which the apprentices received training.

(g) OTHER EMPLOYER CONTRIBUTIONS.—Apprentices participating in youth apprenticeship demonstration programs shall—

(1) be covered by all applicable Federal and State laws regarding occupational health and safety; and

(2) receive the same employment benefits as full-time employees, commensurate with the length of service of the apprentices to the employer.

SEC. 8. COORDINATION.

The Institute shall—

(1) consult with the Office of Work-Based Learning of the Department of Labor and with the Division of Vocational and Technical Education of the Department of Education;

(2) provide technical assistance to partnerships participating in youth apprenticeship demonstration programs to assist the partnerships with strategic planning, curriculum planning, and coordination;

(3) operate an apprenticeship clearinghouse for the partnerships;

(4) disseminate model programs and practices to the partnerships;

(5) gather input from all sources regarding the labor mobility of apprentices; and

(6) comply with evaluation and report requirements specified in section 12.

SEC. 9. NONDISCRIMINATION.

(a) IN GENERAL.—Any assistance provided under this Act shall constitute Federal financial assistance for purposes of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), and the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.).

(b) NONDISCRIMINATION.—

(1) IN GENERAL.—Any individual with responsibility for the administration of a youth apprenticeship demonstration program that receives assistance under this Act shall not discriminate in the selection of participants to the demonstration program

on the basis of race, religion, color, national origin, sex, age, disability, or political affiliation.

(2) Exception.—This subsection shall not apply to an employer or educational institution that is controlled by a religious organization, if any, if the application of this subsection would not be consistent with the religious tenets of the organization.

(c) Rules and Regulations.—The Chairperson of the Board shall promulgate rules and regulations to provide for the enforcement of this section, including provisions for summary suspension of assistance for not more than 30 days, on an emergency basis, until notice and an opportunity to be heard can be provided.

(d) Right of Action.—Notwithstanding any other provision of law, the Attorney General of the United States may file an action under this section in the appropriate district court of the United States against any organization or partnership under this Act that violates this subsection.

SEC. 10. NOTICE, HEARING, AND GRIEVANCE PROCEDURES.

(a) In General.—

(1) Suspension of payments.—The Chairperson of the Board may in accordance with the provisions of this Act, suspend or terminate payments under a contract providing assistance under this Act whenever the Chairperson determines there is a material failure to comply with this Act or the applicable terms and conditions of any contract entered into under this Act.

(2) Procedures to ensure assistance.—The Chairperson of the Board shall prescribe procedures to ensure that—

(A) assistance provided under this Act shall only be suspended for not more than 30 days for failure to comply with the applicable terms and conditions of this Act and only in emergency situations; and

(B) assistance provided under this Act shall not be terminated for failure to comply with applicable terms and conditions of this Act unless the recipient of such assistance has been afforded reasonable notice and opportunity for a full and fair hearing.

(b) Hearings.—Hearings or other meetings that may be necessary to fulfill the requirements of this section shall be held at locations convenient to the recipient of assistance under this Act.

(c) Transcript or Recording.—A transcript or recording shall be made of a hearing conducted under this section and shall be available for inspection by any individual.

(d) State Legislation.—Nothing in this Act shall be construed to preclude the enactment of State legislation providing for the implementation, consistent with this Act, of the programs administered under this Act.

(e) Grievance Procedure.—

(1) In general.—State and local applicants that receive assistance under this Act shall establish and maintain a procedure to adjudicate grievances from participants, labor organizations, and other interested individuals concerning programs that receive assistance under this Act, including grievances regarding proposed placements of the participants in the projects.

(2) Deadline for grievances.—Except for a grievance that alleges fraud or criminal activity, a grievance shall be made not later than 1 year after the date of the alleged occurrence.

(3) Deadline for hearing and decision.—

(A) Hearing.—A hearing on any grievance conducted under this subsection shall be conducted not later than 30 days after the filing of the grievance.

(B) Decision.—A decision on any grievance shall be made not later than 60 days after the filing of the grievance.

(4) Arbitration.—

(A) In general.—On the occurrence of an adverse grievance decision, or 60 days after the filing of the grievance if no decision has been reached, the party filing the grievance shall be permitted to submit the grievance to binding arbitration before a qualified arbitrator who is jointly selected and independent of the interested parties.

(B) Deadline for proceeding.—An arbitration proceeding shall be held not later than 45 days after the request for the arbitration.

(C) Deadline for decision.—A decision concerning a grievance under this paragraph shall be made not later than 30 days after the date of the beginning of the arbitration proceeding concerning such grievance.

(D) Cost.—The cost of an arbitration proceeding shall be divided evenly between the parties to the arbitration.

(5) Proposed placement.—If a grievance is filed regarding a proposed placement of a participant in a program that receives assistance under this Act, the placement shall not be made unless it is consistent with the resolution of the grievance pursuant to this subsection.

(6) Remedies.—Remedies for a grievance filed under this subsection shall include—

(A) suspension of payments for assistance under this Act;

(B) termination of payments; and

(C) prohibition of the placement described in paragraph (5).

SEC. 11. NONDUPLICATION AND NONDISPLACEMENT.

(a) Nonduplication.—

(1) In general.—Assistance provided under this Act shall be used only for a program that does not duplicate, and is in addition to, an apprenticeship program operating in the locality.

(2) Private nonprofit entity.—Assistance made available under this Act shall not be provided to a private nonprofit entity to conduct activities that are the same or substantially equivalent to activities provided by the State or local government agency in the locality that the entity resides in, unless the requirements of subsection (b) are met.

(b) Nondisplacement.—

(1) In general.—An employer shall not displace an employee or position, including partial displacement such as reduction in hours, wages, or employment benefits, as a result of the use by such employer of a participant in a program receiving assistance under this Act.

(2) Service opportunity.—An employer shall not create a service opportunity under this Act that will infringe in any manner on the promotional opportunity of an employed individual.

(3) Limitation of services.—

(A) Duplication of services.—A participant in a program receiving assistance under this Act shall not perform any services or duties or engage in activities that would otherwise be performed by an employee as part of the assigned duties of the employee.

(B) Supplantation of hiring.—A participant in any program receiving assistance under this Act shall not perform any services or duties or engage in activities that will supplant the hiring of full-time workers.

(C) Duties formerly performed by another employee.—A participant in any program receiving assistance under this Act shall not perform services or duties that have been performed by or were assigned to any—

(i) presently employed worker;

(ii) employee who recently resigned or was discharged;

(iii) employee who is subject to a reduction in force;

(iv) employee who is on leave (terminal, temporary, vacation, emergency, or sick); or

(v) employee who is on strike or who is involved in a lockout.

SEC. 12. EVALUATION.

(a) Evaluation by the Institute.—

(1) Final evaluation.—

(A) Evaluation.—The Institute shall conduct an evaluation of all youth apprenticeship demonstration programs to determine the effectiveness of apprenticeship training and the most effective youth apprenticeship program structures for a nationwide youth apprenticeship program. The evaluation shall include an analysis of—

(i) the ability of the programs to prepare workers, particularly minorities and women, for the technical workplace;

(ii) the ability of such programs to increase the overall competency of the work force in the United States;

(iii) the level of academic and technical skills acquired by an apprentice in the programs;

(iv) the potential labor mobility of apprentices;

(v) the effectiveness of combining on-the-job training with classroom instruction;

(vi) the ability of the programs to encourage students to complete high school;

(vii) the ability of the programs to establish a more definite transition from school to work;

(viii) the value of apprentices and the effectiveness of the program according to business; and

(ix) the direct and indirect costs and benefits of the demonstration program to the company and the individual student.

(B) Report.—The Institute shall prepare and submit a report to the President, the Secretary of Labor, the Secretary of Education, the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives, containing the evaluation described in subparagraph (A), and recommendations for legislative reform. The Institute shall submit the report not later than 9 months after the conclusion of the youth apprenticeship demonstration programs.

(2) Interim evaluation.—

(A) Evaluation.—Not later than 24 months after the initiation of the youth apprenticeship demonstration programs, the Institute shall conduct an interim evaluation of the effectiveness of all the demonstration programs, including an assessment of the matters described in paragraph (1)(A) to the extent that the necessary data and information is available.

(B) Report.—The Institute shall prepare and submit a report to the President, the Secretary of Labor, the Secretary of Education, the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives containing the evaluation described in subparagraph (A). The Institute shall submit the report not later than 33 months after the initiation of the demonstration programs.

(b) Evaluation by Partnerships.—

(1) Data collection and assistance.—Each partnership that participates in a youth apprenticeship demonstration program shall establish data collection mechanisms consistent with the needs of the Institute and provide to the Institute information

for, and assistance in conducting, the final evaluation described in subsection (a)(1) and the interim evaluation described in subsection (a)(2).

(2) ANNUAL REPORT.—

(A) EVALUATION.—Each partnership that participates in a youth apprenticeship demonstration program shall conduct an annual evaluation that contains summary information on the implementation and operation of the demonstration program including—

(i) the number and type of students enrolled in apprenticeship training;

(ii) a description of the type of activities in which the youth apprentices are participating, including the type of occupational training youth apprentices are receiving;

(iii) the effectiveness of the program in keeping youth in school;

(iv) the reaction of businesses involved in the training program; and

(v) any other information that the Institute may require.

(B) REPORT.—Each such partnership shall submit an annual report to the Institute containing the information described in subparagraph (A).

SEC. 13. EXECUTIVE SCHEDULE.

Section 5314 of title 5, United States Code, is amended by adding at the end the following:

"Chairman, Board of Directors of the Institute for Youth Apprenticeship.".

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $50,000,000 for fiscal year 1994, which shall remain available until expended.

SEC. 15. TERMINATION AND REPEAL.

(a) TERMINATION.—Not later than 69 months after the initiation of the youth apprenticeship demonstration programs, the Board and Institute shall be abolished, and all programs established by this Act shall terminate.

(b) REPEAL.—Not later than 69 months after the initiation of the youth apprenticeship demonstration programs, this Act and the amendments made by this Act shall be repealed.•

By Mr. BINGAMAN (for himself, Mr. RIEGLE, and Mr. ROCKEFELLER):

S. 1399. A bill to amend the Competitiveness Policy Council Act to provide for reauthorization, to rename the Council, and for other purposes; to the Committee on Commerce, Science, and Transportation.

REAUTHORIZATION OF THE COMPETITIVENESS POLICY COUNCIL

• Mr. BINGAMAN. Mr. President, I introduce legislation, together with Senators RIEGLE and ROCKEFELLER to reauthorize the Competitiveness Policy Council. The Council is a bipartisan government-industry-labor advisory committee established in the 1988 Trade Act to report to the President and the Congress on our Nation's economic competitiveness.

To date, the Council has issued two annual reports, both of which were well received on both sides of the aisle. I believe that the Council is a useful mechanism for developing recommendations for a comprehensive competitiveness strategy for this country.

This legislation reauthorizes the Council for 4 years and makes various technical modification requested by the Council. The bill, also by request of the Council, changes the name to National Competitiveness Commission. This change is necessary to reduce confusion with other organizations.

This bill is similar to legislation that passed the Senate last year, both as a free-standing bill and as part of the reauthorization of the various trade agencies. Unfortunately, that legislation was caught up in the end of session logjam and did not become law. I hope we will be able to move expeditiously to reauthorize the Council this year.

I ask unanimous consent that a copy of the bill and a section-by-section analysis be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1399

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REAUTHORIZATION.

Section 5209 of the Competitiveness Policy Council Act (15 U.S.C. 4808) is amended—

(1) by striking "1991 and 1992" and inserting "1993, 1994, 1995, and 1996"; and

(2) by striking "$5,000,000" and inserting "$2,500,000".

SEC. 2. RENAMING OF COUNCIL.

The Competitiveness Policy Council Act (15 U.S.C. 4801 et seq.) is amended as follows:

(1) In the subtitle heading—

(A) insert "National" before "Competitiveness"; and

(B) strike "Policy Council" and insert "Commission".

(2) In section 5201—

(A) insert "National" before "Competitiveness"; and

(B) strike "Policy Council" and insert "Commission".

(3) In section 5202(b)(2)—

(A) insert "National" before "Competitiveness"; and

(B) strike "Policy Council" and insert "Commission".

(4) In section 5203—

(A) in the section caption, strike "COUNCIL" and insert "COMMISSION";

(B) insert "National" before "Competitiveness";

(C) strike "Policy"; and

(D) strike "council" each place it appears and insert "Commission".

(5) In section 5204—

(A) in the section caption, strike "COUNCIL" and insert "COMMISSION"; and

(B) strike "Council" and insert "Commission".

(6) In sections 5205 through 5208, strike "Council" each place such term appears and insert "Commission".

(7) In section 5207, in the section caption, strike "COUNCIL" and insert "COMMISSION".

(8) In section 5210—

(A) in paragraph (1)—

(i) inset "National" before "Competitiveness";

(ii) strike "Policy"; and

(iii) strike "Council" each place it appears and insert "Commission"; and

(B) in paragraph (2)—

(i) insert "National" before "Competitiveness"; and

(ii) strike "Policy Council" and insert "Commission".

SEC. 3. DUTIES OF THE COMMISSION.

Section 5204 of the National Competitiveness Commission Act (15 U.S.C. 4802) is amended by striking paragraphs (11) and (12) and inserting the following:

"(11) prepare, publish, and distribute reports that—

"(A) contain the analysis and recommendations of the Commission; and

"(B) comment on the overall competitiveness of the United States economy, including the report described in section 5208; and

"(12) submit an annual report to the President and to the Congress on the activities of the Commission.".

SEC. 4. EXECUTIVE DIRECTOR AND STAFF OF COMMISSION.

Section 5206 of the National Competitiveness Commission Act (15 U.S.C. 4805) is amended—

(1) in subsection (a)(1), by striking "GS-18 of the General Schedule" and inserting "the maximum rate payable under section 5376 of title 5, United States Code";

(2) in subsection (b)—

(A) by striking paragraph (a);

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting before paragraph (3), as redesignated, the following:

"(1) FULL-TIME STAFF.—The Executive Director may appoint such officers and employees as may be necessary to carry out the functions of the Commission in accordance with the Federal civil service and classification laws, and fix compensation in accordance with the provisions of title 5, United States Code.

"(2) TEMPORARY STAFF.—The Executive Director may appoint such employees as may be necessary to carry out the functions of the Commission for a period of not more than 1 year, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, at rates not to exceed the maximum rate payable under section 5376 of title 5, United States Code."; and

(3) in subsection (c), by striking "GS-16 of the General Schedule" and inserting "the maximum rate payable under section 5376 of title 5, United States Code.".

SEC. 5. POWERS OF THE COMMISSION.

Section 5207 of the National Competitiveness Commission Act (15 U.S.C. 4806) is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following:

"(g) CONTRACTING AUTHORITY.—Within the limitation of appropriations to the Commission, the Commission may enter into contracts with State agencies, private firms, institutions, and individuals for the purpose of carrying out its duties under this subtitle.".

SEC. 6. REPORTING REQUIREMENTS.

Section 5208 of the National Competitiveness Commission Act (15 U.S.C. 4807) is amended—

(1) by striking the caption and inserting the following:

"SEC. 5208. ANNUAL PUBLICATION OF ANALYSIS AND RECOMMENDATIONS.";

(2) in subsection (a)—

(A) by striking the subsection heading and inserting "(a) PUBLICATION OF ANALYSIS AND RECOMMENDATIONS.—"; and

(B) by striking "on" and inserting "not later than"; and

(3) by adding at the end the following:

"(d) OTHER REPORTS.—The Commission may submit to the President and the Congress such other reports containing analyses and recommendations as the Commission deems necessary.".

SEC. 7. REFERENCES IN FEDERAL LAW.

(a) COMPETITIVENESS POLICY COUNCIL.—Any reference in Federal law to the Competitiveness Policy Council shall be construed to be a reference to the National Competitiveness Commission.

(b) COMPETITIVENESS POLICY COUNCIL ACT.—Any reference in Federal law to the Competitiveness Policy Council Act shall be construed to be a reference to the National Competitiveness Commission Act.

REAUTHORIZATION AND RENAME OF THE COMPETITIVENESS POLICY COUNCIL—SECTION-BY-SECTION ANALYSIS

Section 1. This section reauthorizes the Commission for 4 years, through fiscal year 1996, and reduces the authorization from $5 million to $2.5 million.

Section 2. This section changes the name from Competitiveness Policy Council to National Competitiveness Commission. This change is needed to differentiate this organization from other groups with similar names.

Section 3. This section clarifies that the Commission mandated report on the competitiveness of the U.S. economy is separate from the agency's annual report as defined under the printing laws. The Commission had a problem earlier in that the wording of the law caused its report to fall under the restrictions which govern agency annual reports.

Section 4. This section updates references to GS schedules to conform with changes in law, and allows the Commission to appoint temporary staff without regard to civil service rules and classifications, but with a salary cap.

Section 5. This section gives the Commission explicit contract authority, which something that was inadvertently left out of the original statute.

Section 6. This section allows the Commission to publish its analysis of U.S. competitiveness before March 1 and clarifies the Commission's authority to print reports.

Section 7. This section updates any other references in law to the "Competitiveness Policy Council" and Competitiveness Policy Council Act" in light of the change in the name.•

By Mr. LAUTENBERG (for himself and Mr. SIMON):

S. 1400. A bill to amend title 18, United States Code, to permanently prohibit the possession of firearms by persons who have been convicted of a violent felony, and for other purposes; to the Committee on the Judiciary.

STOP ARMING FELONS ACT

• Mr. LAUTENBERG. Mr. President, today, along with Senator SIMON, I am introducing legislation, the Stop Arming Felons [SAFe] Act, to close two loopholes in current law that allow convicted violent felons to possess and traffic in firearms.

The bill would abolish a procedure by which the Bureau of Alcohol, Tobacco and Firearms can waive Federal firearm restrictions for individuals otherwise prohibited from possessing firearms. The legislation also would end a practice by which States are restoring the firearm rights of individuals convicted of violent felonies and serious drug offenses. In addition, the bill would increase penalties for the unlawful possession of a firearm by a felon or other disqualified person.

In essence, Mr. President, this bill stands for two common sense propositions.

First, convicted violent felons and serious drug offenders should not be entrusted with firearms. Second, taxpayers should not be forced to pay $10,000 so that a convicted felon can possess these deadly weapons.

Unfortunately, the law in this area has drifted far from common sense.

As a general matter, Federal law does prohibit any person convicted of a crime punishable by a term of imprisonment exceeding 1 year from possessing, receiving, shipping interstate, or transporting interstate, any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

In short, felons cannot possess firearms.

However, Mr. President, there are two gaping loopholes. I call them the "guns for felons loopholes."

First, if all the felon's basic civil rights have been restored under State law—that is, rights like the right to vote, the right to hold public office, and the right to sit on a jury—then the conviction is wiped out and all firearm rights are restored. This is true unless the restoration of rights explicitly maintains the firearm ban.

Many States now automatically restore the civil rights of convicted felons. Sometimes, the restoration is effective immediately after the felon serves his or her sentence. Sometimes, the felon must wait a few years.

As a result of this loophole, which was added with little debate in 1986, even persons convicted of violent crimes can legally obtain firearms.

I think most Americans would agree that this loophole makes no sense. Given the severity of our crime problem, we should be looking for ways to get tougher, not easier, on convicted felons. How can the government claim to be serious about crime, and then turn around and give convicted violent felons their firearms back?

According to some theories, the criminal justice system is supposed to rehabilitate convicted criminals. But in reality, many of those released from prison soon go back to their violent ways. According to the Justice Department, of State prisoners released from prison in 1983, 62.5 percent were rearrested within only 3 years. Knowing that, how many Americans would want convicted violent felons legally carrying firearms around their neighborhood?

Our bill would close this loophole. Under the legislation, persons convicted of violent felonies or serious drug offenses would be banned from possessing firearms, regardless of whether a State restores other rights. Moreover, in the case of those convicted of other crimes that disqualify them from firearm possession, a State's restoration of civil rights, or setting aside of a conviction, would not eliminate the Federal firearm prohibition unless the State makes an individualized determination that the person is not likely to act in a manner dangerous to public safety.

Let me turn now to the second "guns for felons loophole."

Even if a felon's civil rights have not been restored under State law, the felon can still apply to the Federal Bureau of Alcohol, Tobacco and Firearms. Upon application, ATF performs a broad-based field investigation and background check. If the Bureau believes that the applicant does not pose a threat to public safety, it can grant a waiver.

Since 1985, well over 2,000 waivers have been granted.

Mr. President, this relief procedure has an interesting history. It was first established in 1965 not to permit common criminals to get access to guns, but to help out a particular firearm manufacturer, called Winchester. Winchester had pleaded guilty to felony counts in a kickback scheme. Because of the conviction, Winchester was forbidden to ship firearms in interstate commerce. The amendment was approved to allow Winchester to stay in business.

Because it was drafted broadly, however, the waiver provision applied not only to corporations like Winchester, but to common criminals. Originally, waivers were not available to those convicted of firearms offenses. But the loophole was further expanded in the 1986 McClure-Volkmer bill, which allowed even persons convicted of firearms offenses, as well as those involuntarily committed to a mental institution, to apply for a waiver.

Between 1988 and 1990, ATF processed about 3,000 applications at taxpayer expense. While some applications are withdrawn or disposed of easily, many require a substantial amount of scarce time and resources. ATF officials perform investigations that can last weeks, including interviews with family, friends, and the police.

In the late 1980's, the cost of processing and investigating these petitions worked out to about $10,000 for each waiver granted.

It is hard to imagine a more outrageous waste of hard-earned taxpayer dollars.

Mr. President, from 1985 to 1991, ATF spent well over $20 million to process and investigate applications for relief. That's more than $20 million to put guns in the hands of convicted terrorists, rapists, and armed robbers, while pressing domestic needs have gone unmet and our budget deficit has skyrocketed.

Of course, Mr. President, giving firearms to convicted felons is more than a problem of wasted taxpayer dollars and misallocated ATF resources. It also threatens public safety.

Under the relief procedure, ATF officials are required to make an educated guess whether a given convicted felon can be entrusted with deadly weapons. Needless to say, it is a difficult task. Even after Bureau investigators spend long hours investigating a particular criminal, there is no way to know with any certainty whether he or she is still dangerous.

Officials are now forced to make these types of guesses, knowing that a mistake could have tragic consequences for innocent Americans; consequences that could range from serious bodily injury to death.

Mr. President, thrusting this heavy responsibility on ATF officials is not fair. It is not fair to the innocent Americans whose safety is at risk. And it is not fair to the officials themselves.

What happens when convicted felons get their firearms rights back? Well, some apparently go back to their violent ways. Those granted relief subsequently have been rearrested for crimes ranging from attempted murder to rape and kidnaping.

Mr. President, this simply has got to stop.

Last year, Senator SIMON and I were successful in securing language in the fiscal year 1993 appropriations bill for the Treasury Department that prohibited the use of appropriated funds to implement the firearm disability relief procedure. We are pushing for similar language in the fiscal year 1994 appropriations bill, and I am pleased that the Senate has approved language that would continue the funding ban.

A funding ban, however, is merely a stop-gap measure effective for 1 fiscal year. This bill would eliminate the relief procedure permanently. As we see it, taxpayers should never be forced to pay a single cent to arm a felon.

In addition to closing the two guns-for-felons loopholes, Mr. President, this bill would increase the maximum fine for the unlawful possession of a firearm by a convicted felon, drug user, or other disqualified person, from $5,000 to $20,000. This increase accounts for inflation since the penalty was originally established.

Mr. President, in the last Congress, Senator SIMON and I introduced very similar legislation, S. 2304. That bill was endorsed by the Fraternal Order of Police, the National Association of Police Organizations, and the International Brotherhood of Police Officers.

Also, as OMB Director Leon Panetta wrote in a letter to me dated June 28, 1993:

> The Administration shares your view that the Government should not be in the business of rearming dangerous felons and supports enactment of legislation to assure that violent felons and those convicted of serious drug trafficking crimes are not provided access to firearms.

Similarly, in a letter to me dated May 26 of this year, Treasury Secretary Lloyd Bentsen agreed with my assessment of the ATF relief procedure, stating, and I quote, "the expenditure of funds for processing relief applications is not the best utilization of law enforcement resources."

I appreciate that many Americans are very concerned about any effort that could lead to unreasonable restrictions on the rights of law-abiding citizens to get access to guns for sporting or other lawful purposes. So I want to emphasize something: this is an anticriminal bill. And a protaxpayer bill. Law-abiding citizens have nothing to fear, and everything to gain from a prohibition on firearm possession by violent felons and serious drug offenders.

I also want to state that we are not criticizing the many dedicated men and women to work for ATF. To the contrary, the role they play is vitally important, and they deserve our appreciation and support. The problem in this case is not with the Bureau itself, but with the law that they are obligated to implement.

Mr. President, firearm violence has reached epidemic proportions. And we have a responsibility to the victims and prospective victims to take all reasonable steps to keep this violence to a minimum. Keeping firearms away from convicted violent felons is the least these innocent Americans should be able to expect.

I urge my collegues to support the legislation.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1400

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stop Arming Felons (SAFe) Act".

SEC. 2. PERMANENT FIREARMS PROHIBITION FOR CONVICTED VIOLENT FELONS AND SERIOUS DRUG OFFENDERS.

Section 921(a)(20) of title 18, United States Code, is amended—

(1) in the first sentence—

(A) by inserting "(A)" after "(20)"; and

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) in the second sentence, by striking "What" and inserting the following:

"(B) What"; and

(3) by striking the third sentence and inserting the following new subparagraph:

"(C)(i) A conviction that has been expunged or set aside, or for which a person has been pardoned or has had civil rights restored, shall not be considered to be a conviction for purposes of this chapter if—

"(I) the expungement, setting aside, pardon, or restoration of civil rights applies to a named person; and

"(II) the authority that grants the expungement, setting aside, pardon, or restoration of civil rights expressly authorizes the person to ship, transport, receive, and possess firearms and expressly determines that the circumstances regarding the conviction and the person's record and reputation are such that—

"(aa) the person is not likely to act in a manner that is dangerous to public safety; and

"(bb) the granting of the relief is not contrary to the public interest.

"(ii) Clause (i) shall not apply to a conviction of a serious drug offense (as defined in section 924(e)(2)(A)) or violent felony (as defined in section 924(e)(2)(B)).".

SEC. 3. ADMINISTRATIVE RELIEF FROM CERTAIN FIREARMS PROHIBITIONS.

(a) IN GENERAL.—Section 925(c) of title 18, United States Code, is amended—

(1) in the first sentence by inserting "(other than a natural person)" before "who is prohibited";

(2) by striking the second and third sentences;

(3) in the fourth sentence—

(A) by inserting "person (other than a natural person) who is a" before "licensed importer"; and

(B) by striking "his" and inserting "the person's"; and

(4) in the fifth sentence, by inserting "(i) the name of the person, (ii) the disability with respect to which the relief is granted, and, if the disability was imposed by reason of a criminal conviction of the person, the crime for which and the court in which the person was convicted, and (iii)" before "the reasons therefor".

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to—

(1) applications for administrative relief and actions for judicial review that are spending on the date of enactment of this Act; and

(2) applications for administrative relief filed and actions for judicial review brought after the date of enactment of this Act.

SEC. 4. INCREASE IN PENALTIES FOR UNLAWFUL POSSESSION OF A FIREARM BY A CONVICTED FELON OR OTHER PROHIBITED PERSON.

Section 924(a)(2) of title 18, United States Code, is amended—

(1) by inserting "(A)" before "Whoever";

(2) by striking "(g),"; and

(3) by adding at the end the following new subparagraph:

"(B) Whoever knowingly violates subsection (g) of section 922 shall be fined not more than $20,000, imprisoned not more than 10 years, or both.".

[From the Washington Post, Sept. 25, 1991]

WHY ARE WE REARMING FELONS?

In this era of budget shortages and service cut-backs, it is ludicrous that the federal government is spending money to help rearm convicted felons, but because of a congressional directive, that is being done. A sensible federal law bars convicted felons from possessing, shipping, transporting or receiving firearms or ammunition, but an amendment adopted in the '60s creates a loophole so that the secretary of the Treasury can grant relief in cases where the applicant "will not be likely to act in a manner dangerous to public safety." The Violence Policy Center, which studied the operation of this law and recently released a report, says that the loophole was created as a favor to the Winchester firearms company whose parent corporation, Olin Mathieson had pleased guilty to felony counts in a kickback scheme. Without the amendment, Winchester would have gone out of business.

Despite this narrow intent, the amendment is broad enough to accommodate individuals, and they have been applying by the thousands for relief. To make matters worse, Congress amendment the law again in 1986 creating a right to appeal an adverse decision to the U.S. District Court. Thus while the secretary had been free to withhold relief in almost every case, there is now what amounts to a presumption that this privilege will be restored and that he has to have a good reason for turning down each applicant.

In the past six years, the Treasury's Bureau of Alcohol, Tobacco and Firearms has had to process about 10,000 applications for relief. Some are easily disposed of, but most require a full field investigation of the applicant, including interviews with family, neighbors, employers and the like. About one out of four requests is granted. To BATF's credit, its judgment has proved wrong in only 2.6 percent of the cases. But the task of deciding who is not likely to pose a danger to the community at some time in the future is a formidable one, given the frequency with which supposedly reformed and nonviolent criminals disappoint the psychiatrists, parole boards and others who thought they would do no further harm.

As far as we are concerned, the fewer felons walking around armed, the better. Why is it wrong to decide that no one convicted of a felony can own a gun again? Why is it important that this privilege be restored? Felons lose other rights as a consequence of conviction—the right to vote or run for office, for example—which in most cases can only be restored by a pardon. Why is the privilege of owning a firearm easier to regain? Congress made a mistake in creating this loophole in firearms regulation, and that mistake was compounded in 1986. Legislators now considering the crime bill should reassess this law.

[From the Washington Post, Nov. 27, 1991]

Four Million a Year To Rearm Felons

Congress, reluctant for so long, to buck the National Rifle Association, has come to understand the importance of controlling firearms. Whether or not the measure becomes law this year, both houses have now voted for a waiting period before the purchase of a handgun, and the Senate was even willing to prohibit the sale of certain kinds of semi-automatic assault weapons. Another proposal to limit gun possession, first suggested by the Washington-based Violence Policy Center, was offered too late for inclusion in the crime bill will be introduced by its sponsors, Rep. Edward Feighan (D-Ohio) and Rep. Lawrence Smith (D-Fla.), when Congress returns in January.

By statute, the Treasury's Bureau of Alcohol, Tobacco and Firearms is required to process applications submitted by convicted felons seeking to have their right to own guns restored. In general, such individuals are prohibited from possessing, shipping, transporting or receiving firearms, but a special exception was created to allow the federal government to restore these rights in some circumstances. The loophole was created to save the Winchester Firearms Co.—whose parent company had been convicted in a kickback scheme—from bankruptcy. Unfortunately, the law is broad enough to encompass individuals who are found "not likely to act in a manner dangerous to public safety," and because special appellate rights have been granted to applicants who are turned down, BATF must take every application seriously and be able to justify every ruling.

How does a federal agency go about deciding which felons, of the 10,000 who have applied for restoration of gun rights, would constitute a danger to society if allowed to own a firearm? By full field investigations, involving interviews with family, friends, neighbors and business associates of the applicant, by reviewing criminal records and parole histories and by relying on the expert judgment of professionals trained to assess an individual's potential for violence—if, indeed, that can be done. All this takes a great deal of time and costs the taxpayer about $4 million a year.

The idea of the government's making a special effort to rearm convicted felons is difficult to fathom. The continued expenditure, in tight budget times, of millions of dollars to implement this program is impossible to justify. Both situations should be remedied by the passage of the Feighan-Smith bill early next year.

[From the New York Times, July 27, 1992]

How Your Tax Dollars Arm Felons

Who is the most egregious coddler of criminals in Washington? It turns out to be the Bureau of Alcohol, Tobacco and Firearms. Because of a bizarre legal loophole, the bureau must spend as much as $4 million annually helping convicted felons regain the right to own a gun.

Federal law once prohibited any convicted felon from possessing a gun. But in 1965, the Olin Mathieson Corporation pleaded guilty to felony charges in a kickback scheme; since Olin owned the Winchester Arms Company, the law threatened to put the gun producer out of business. So Congress passed a new law intended to save Winchester, but its wording allowed individual felons to apply for reinstatement as well.

Many did apply—and more followed after 1986, when the National Rifle Association pushed Congress to pass a bill that permitted return of gun privileges to a broader range of felons, including those convicted of gun crimes.

Applications now run about 1,000 per year; a third gain approval. Since they aren't treated casually, the B.A.T.F. employs more than 40 people to evaluate them. Even so, a sample of those approved isn't reassuring: one felon had been convicted of killing his cousin with a shotgun while drunk, another of binding and raping a former girlfriend, another of trafficking illegally in machine guns.

The B.A.T.F. is proud that of 1,781 felons whose gun rights were restored, only 47 have been rearrested. But what justifies exposing the public to even a low level of risk? Or the tax dollars to keep the program going? No such program exists to help felons regain the right to vote.

Representatives Ed Feighan of Ohio and Lawrence Smith of Florida, both Democrats, are pushing a measure to eliminate money for the processing of such applications. It was passed by the House and deserves swift Senate approval—for the sake of safety, savings and common sense.•

• Mr. SIMON. Mr. President, Senator LAUTENBERG and I are once again introducing the Stop Arming Felons Act of 1993, a bill which would save taxpayers millions of dollars and help prevent felons from receiving firearm privileges.

In 1965, Congress passed legislation to provide convicted felons the opportunity to apply to the Bureau of Alcohol, Tobacco and Firearms [BATF] for firearms privileges. The purpose of the provisions was to help the Winchester Firearms Co., whose parent company had been convicted of a felony. Without this help, the company would have been put out of business because Federal law prohibits convicted felons from possessing firearms. Because the provision was broadly drafted, however, since 1965, the BATF has had to use agent time and agency money to determine which individual felons should get firearm privileges returned—at a taxpayer cost of approximately $4 million per year.

Amazingly, an application for relief isn't always necessary: Several States automatically restore gun privileges to felons upon the completion of their sentence. This is possible because Congress made it even easier for felons to receive firearms in 1986. The 1986 McClure-Volkmer amendments placed the responsibility for determining who can't own a firearm after conviction upon the State where the proceedings were held.

According to the Washington Post, some 22,000 applications for exemption by individuals have been processed by BATF in the past decade. Not only is the process costly, it's also very laborious. Because an applicant's eligibility depends upon laws of the State where he or she was convicted, BATF agents must be familiar with 50 different statutes. Furthermore, many of the numerous applications for relief require a background check and an extensive investigation of the former felon. These time consuming, often tedious investigations are performed by agents who would otherwise be investigating violent crimes. How unfortunate that we have created a law which binds the ATF to expending valuable resources so that they may rearm those whom law enforcement have previously sent to jail.

Who is ultimately rearmed by this process? Felons like Sherman D. Williams who pleaded guilty to the felony offense of illegally selling machineguns. He was rearmed even after neighbors described him as "kind of strange acting," and local law enforcement officers said he would be a threat to the community if armed, but had no arrest records to substantiate their fears. Robert Christopher Gunn was also rearmed. He pled guilty to two separate counts of delivery of a controlled substance and received 3 to 20 years for each count. Felon John Wayne Young had his firearm privileges restored even though he pled guilty to aggravated assault and aggravated robbery and had a record of sex-related offenses that dated back to his 13th year. Even

Jerome Sanford Brower, who pled guilty to charges of conspiracy to transport explosives in foreign commerce with intent to use unlawfully, was found eligible to regain his firearm privileges.

Perhaps the most disturbing case of them all has been that of Idaho felon Baldemar Gomez. He had been convicted of a second-degree murder, voluntary manslaughter and battery on a correctional officer. However, because Idaho was one of the States that automatically restored convicts' civil rights upon their release from prison, in the words of Assistant U.S. Attorney Kim Lindquist, "when Baldemar walked out of the penitentiary, someone could have been standing there and handed him a shotgun and it would have been entirely legal * * *." In 1987, Gomez was rearrested during a drug raid and was convicted of violating the Gun Control Act. However, this conviction was overturned by the U.S. court of appeals because of Idaho's automatic relief provision. In response to the Gomez case, the Idaho legislature changed its law so that felons must wait five years after their sentence and then get state approval in order to own a firearm.

Unfortunately, the list doesn't end with Gunn, Young, Brower, or Gomez. Former felons such as these are given the privilege of obtaining and possessing firearms every day—all at the taxpayers' expense. An average of one in four requests to BATF is granted, and to date, an average of 2.6 percent of relieved felons have been rearrested for other crimes. A computer criminal history check has shown that 47 individuals who were granted relief by BATF during the period of 1985–89 were subsequently rearrested. 10 of these 47 individuals were rearrested for offenses involving firearms, such as the possession of firearms in drug crimes, malicious wounding, and unlawful use of a weapon. However, there are many other criminal charges among the 47 rearrests that could have also involved the use of a firearm, such as aggravated assault, robbery, kidnaping, wanton endangerment, rape and attempted murder.

As the crime rate continues to soar and as more and more citizens walk in fear of gun-related violence, why should BATF agents spend their time and our tax dollars giving firearms back to felons? Clearly, their time is far better spent fighting crime.

Our act can put an end to this unnecessary expense and allow the agents as BATF to investigate violent crimes, and not convicted felons. Specifically, the bill would prohibit individuals—including felons and fugitives from justice—from applying to BATF for firearms disability relief. In addition, the bill would prohibit the States from granting violent felons firearm privileges. The States could still grant nonviolent felons firearms privileges.

Last year, Senator LAUTENBERG and I successfully included language in the Treasury, Postal and General Government appropriations bill to ensure that no money was spent by the Bureau in 1993 to rearm felons. However, a permanent ban is clearly needed.

While there are some gun related issues where my colleagues in the Senate and House are divided, I think we can all agree that convicted felons should not be applying to the Federal Government for firearms relief at the taxpayers' expense—nor should violent felons be getting relief from the States. This is simply common sense. I urge all of my colleagues to join me in this effort.●

By Mr. PELL (by request):

S. 1401. A bill to provide for the adjudication of certain claims against Iraq, and for other purposes; to the Committee on Foreign Relations.

IRAQ CLAIMS ACT OF 1993

● Mr. PELL. Mr. President, by request, I introduce for appropriate reference a bill to provide for the adjudication of certain claims against Iraq, and for other purposes.

This proposed legislation has been requested by the Department of State, and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD, together with the section-by-section analysis and the letter from the Assistant Secretary for Legislative Affairs of the Department of State, which was received on August 3, 1993.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1401

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as the "Iraq Claims Act of 1993".

SEC. 2. ADJUDICATION OF CLAIMS.

(a) The Foreign Claims Settlement Commission of the United States ("the Commission") is authorized to receive and determine the validity and amounts of any claims referred to it by the Secretary of State with respect to which the United States has received lump-sum payments from the United Nations Compensation Commission ("the UNCC").

(b) The Commission is further authorized to receive and determine the validity and amounts of any claims by nationals of the United States against Iraq that are determined by the Secretary of State to be outside the jurisdiction of the UNCC.

(c) In deciding such claims, the Commission shall apply, in the following order—

(1) relevant decisions of the United Nations Security Council and the UNCC (in the case of claims under subsection (a));

(2) applicable substantive law, including international law; and

(3) applicable principles of justice and equity.

(d) The Commission shall, to the extent practical, decide all pending non-commercial claims of members of the armed forces and other individuals arising out of Iraq's invasion and occupation of Kuwait before deciding any other claim.

(e) Except as otherwise provided in this act, the provisions of titles I and VII of the International Claims Settlement Act of 1949 (22 U.S.C. 1621 et seq.) shall apply with respect to claims under this act. Any reference in such provisions to "this title" shall be deemed to refer to those provisions and to this act. Any reference in such provisions to "section 703" shall be deemed to refer to section 2(b) of this act.

(f) In determining the amount of any claim adjudicated under this act, the Commission shall deduct all amounts the claimant has received from any source on account of the same loss or losses.

SEC. 3. CLAIMS FUNDS.

(a) The Secretary of the Treasury is authorized to establish in the Treasury of the United States one or more funds ("the UNCC Claims Funds") for payment of claims under section 2(a). The Secretary of the Treasury shall cover into the UNCC Claims Funds such amounts as are transferred to him by the Secretary of State pursuant to subsection (e).

(b) The Secretary of the Treasury is further authorized to establish in the Treasury of the United States a fund ("the Iraq Claims Fund") for payment of claims under section 2(b). The Secretary of the Treasury shall cover into the Iraq Claims Fund such amounts as are allocated by the President from assets of the Government of Iraq liquidated pursuant to subsection (d).

(c) In accordance with section 8(g) of the International Claims Settlement Act of 1949 (22 U.S.C. 1627(g)), the funds established pursuant to sections 3(a) and 3(b) shall be invested in public debt securities and shall bear interest at rates determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturity.

(d) The President is authorized to vest and liquidate as much of the assets of the Government of Iraq in the United States that have been blocked pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) as may be necessary to satisfy claims under section 2(b), as well as claims of the United States Government against Iraq which are determined by the Secretary of State to be outside the jurisdiction of the UNCC. The President shall allocate these funds in the manner he determines appropriate between the Iraq Claims Fund and such other accounts as are appropriate for the payment of claims of the United States Government.

(e) The Secretary of State shall allocate funds received by the United States from the UNCC in the manner he determines appropriate between the UNCC Claims Funds and funds established under the authority of section 2668a of title 22 of the United States Code.

SEC. 4. PROGRAM ADMINISTRATION SELF-SUFFICIENCY.

Notwithstanding any other provision of law, the Secretary of the Treasury shall deduct an amount equal to 1½ per centum from any amount covered into the claims funds established under Section 3, and from any amounts the Secretary of State receives from the UNCC which are not covered into a claims fund established under Section 3 and not in payment of a claim of the United States Government, to reimburse the agencies of the Government of the United States for their expenses in administering the Iraq claims program and this act. The Secretary of the Treasury, in consultation with the Chairman of the Foreign Claims Settlement Commission and the Secretary of State, shall determine the proportional distribution of the reimbursement set-aside, and shall advance for credit or reimburse a department, agency, or instrumentality of the Federal Government for its respective expenses in administering the Iraq claims program and this act. Amounts received by such department, agency or instrumentality shall be credited or reimbursed to the appropriation account then current and shall remain available for expenditure without fiscal year limitation.

SEC. 5. PAYMENTS.

(a) The Commission shall certify to the Secretary of the Treasury each award made pursuant to section 2. The Secretary of the Treasury shall make payment in the following order of priority out of the appropriate fund provided for in section 3:

(1) payment in the amount of $10,000 or the principal amount of the award, whichever is less;

(2) when the Secretary of the Treasury has determined that funds are available to pay each claim having priority under section 2(d) an additional $90,000, payment of a further $90,000 of the principal of the awards that have priority under section 2(d);

(3) payments from time to time in ratable proportions on account of the unpaid balance of the principal amounts of all awards according to the proportions which the unpaid balance of such awards bear to the total amount in the appropriate claims fund that is available for distribution at the time such payments are made;

(4) after payment has been made of the principal amounts of all such awards, pro rata payments on account of accrued interest on such awards as bear interest;

(5) after payment has been made in full of all the awards payable out of any of the claims funds established by section 3, any funds remaining in that claims fund shall be transferred to the other claims fund created by that section, except any funds received by the United States from the UNCC shall be so transferred to the extent not inconsistent with UNCC requirements.

(b) Payment of any award made pursuant to this act shall not extinguish any unsatisfied claim, or be construed to have divested any claimant, or the United States on his or her behalf, of any rights against the Government of Iraq with respect to any unsatisfied claim.

SEC. 6. RECORDS.

(a) The Secretary of State and the Secretary of the Treasury may transfer or otherwise make available to the Commission such records and documents relating to claims authorized by this act as may be required by the Commission in carrying out its functions under this act.

(b) Notwithstanding section 552 of title 5 of the United States Code (commonly referred to as the Freedom of Information Act), records pertaining to claims before the Commission and the UNCC may not be disclosed to the general public, except that—

(1) decisions of the UNCC and filings of the United States on its own behalf at the UNCC shall be made available to the public, unless the Secretary of State determines that public disclosure would be prejudicial to the interests of the United States or United States claimants, or that public disclosure would be inconsistent with the procedures of the UNCC;

(2) with respect to records of the Department of State, the Secretary of State may determine on a case-by-case basis to make such information available when in the judgment of the Secretary the interests of justice so require;

(3) With respect to records of the Department of the Treasury, the Secretary of the Treasury may determine on a case-by-case basis to make such information available when in the judgment of the Secretary the interests of justice so require; and

(4) with respect to records of the Commission, the Chairman of the Commission may determine on a case-by-case basis to make such information available when in the judgment of the Chairman the interests of justice so require. Before releasing records that originated with another Executive Branch agency (as defined in section 105 of title 5 of the United States Code), the Commission shall obtain the concurrence of the originating agency.

SEC. 7. SEVERABILITY.

If any provision of this act or the application thereof to any person or circumstance shall be held invalid, the remainder of the act or the application of such provision to other persons or circumstances shall not be affected.

SEC. 8. STATUTE OF LIMITATIONS; DISPOSITION OF UNPAID CERTIFIED CLAIMS.

(a) Nine years after the Secretary of the Treasury last covers funds into the UNCC Fund(s) or the Iraq Claims Fund established under Section 3 of this act, the Secretary of the Treasury shall publish a notice in the Federal Register detailing this statute of limitations and identifying the claim numbers and awardee names of unpaid certified claims. Any demand or claim for payment on account of an award certified under the Iraq claims program shall be barred one year after the publication date of the notice required by this subsection.

(b) Two years after the publication date of the notice required by subsection (a), any unpaid certified claim amount and any remaining balance in the UNCC Claims Fund(s) or the Iraq Claims Fund established under Section 3 of this act shall be deposited to the miscellaneous receipts of the Treasury.

SECTION-BY-SECTION ANALYSIS

Purpose. The purpose of the legislation is to provide a fair and orderly system for adjudicating the claims of U.S. nationals against Iraq. The bill authorizes the vesting of frozen Iraqi assets to pay claims that are not within the jurisdiction of the U.N. Compensation Commission (UNCC). The UNCC will provide compensation out of a percentage of Iraqi oil exports for direct losses resulting from the invasion and occupation of Kuwait (for members of the allied coalition forces, only claims for inhumane treatment of prisoners of war in violation of international humanitarian law). Other losses, such as pre-war debts and obligations, injury claims of the seamen on the U.S. Stark, and death and injury claims of veterans of Desert Storm, are outside the jurisdiction of the UNCC. These claims would be adjudicated by the United States Foreign Claims Settlement Commission (FCSC). The bill also authorizes the FCSC to allocate to U.S. claimants any lump-sum awards which may be received from the UNCC, in the event that the UNCC does not adjudicate claims on a case-by-case basis.

Sec. 1. The legislation may be cited as the "Iraq Claims Act of 1993."

Sec. 2. Subsection (a) authorizes the FCSC to adjudicate any claims referred to it by the Secretary of State with respect to which the United States has received a lump-sum payment from the UNCC. While the UNCC currently is planning to make claim-by-claim awards (which would be distributed to claimants under the existing authority in 22 U.S.C. §2668a without the intervention of the FCSC), it is possible in view of its massive docket that the UNCC will have to sample the claims of each country and made lump-sum awards covering a number of claims submitted by the country. If the United States should receive such a lump sum award covering a number of claims, the FCSC would be asked to review the claims covered so that distribution of the lump sum could be made.

Subsection (b) authorizes the FCSC to adjudicate any claims by U.S. nationals that the Secretary of State determines to be outside the jurisdiction of the UNCC. This category of claims includes all pre-war private claims against Iraq, including those arising from debt and other obligations, as well as such claims as the U.S.C. Stark seamen's injury claims and the certain claims of U.S. members of the allied coalition forces.

Subsection (c) directs the FCSC, in deciding such claims, to apply relevant decisions of the U.N. Security Council and the UNCC (with respect to UNCC lump sum allocations), applicable substantive law, including international law, and applicable principles of justice and equity.

Subsection (d) provides that the FCSC shall, to the extent practical, decide non-commercial claims of members of the armed forces and other individuals arising out of the invasion and occupation of Kuwait before other claims. This corresponds to the processing priority accorded by the UNCC to the claims of individuals for amounts below $100,000. It will also benefit any Persian Gulf War veterans who may have valid claims.

Subsection (e) incorporates by reference the provisions of other titles of the International Claims Settlement Act, 22 U.S.C. 1621 et seq., including a provision allowing U.S. nationals with ownership interests in foreign corporations to present claims for a pro rata share of losses sustained by such corporations.

In order to prevent double recoveries, subsection (f) requires that compensation received from any other source by deducted from any FCSC award. (The UNCC has established a similar requirement that compensation received from any other sources be deducted from its awards.)

Sec. 3. Subsection (a) authorizes the Secretary of the Treasury to establish one or more UNCC Claims Funds to receive payments made by the UNCC.

Subsection (b) authorizes the establishment of the Iraq Claims Fund to receive amounts allocated by the President for payment of claims by U.S. nationals out of frozen Iraqi assets vested under the act.

Subsection (c) provides that these claims funds shall earn interest, as is the case for claims funds under the International Claims Settlement Act.

Subsection (d) authorizes the President to vest and liquidate the amount of frozen Iraqi assets as may be needed to satisfy awards of the FCSC for non-UNCC claims non-UNCC United States Government claims. The subsection provides for the use of frozen Iraqi assets only for non-UNCC claims, since this maximizes the total recovery to all U.S. claimants. If any portion of UNCC-covered claims were paid out of frozen assets, the UNCC recovery would be reduced by the amount of such payments, decreasing the net recovery to U.S. claimants. Further, this subsection provides that the President shall allocate the proceeds of any vested frozen Iraq assets between the claims fund established to cover FCSC awards to non-UNCC private claimants and other accounts as are appropriate for the payment of claims of the United States Government.

Subsection (e) directs the Secretary of State to allocate funds received from the UNCC as appropriate to either UNCC Claims Funds or to funds established pursuance to 22 U.S.C. §2668a. If the UNCC makes lump sum awards covering several claimants, funds would be allocated to the appropriate UNCC Claims Fund established by the act, and the FCSC would determine the distribution of the funds among the claimants. If the UNCC makes individual awards to claimants, existing authority in 22 U.S.C. §2668a would be used. This permits money received to be deposited into the Treasury in trust for claimants and to be paid out of the direction of the Secretary of State; there would be no need for such claims to be reviewed again by the FCSC.

Sec. 4. This section provides that 1½ percent is to be deducted from funds obtained to pay claims, in order to reimburse the United States Government for its expenses in administering the Iraq claims program and this act. The provision calls on the Secretary of the Treasury to allocate these deductions to any agency of the federal government for expenses in administering the Iraq claims program of the act.

Sec. 5. Subsection (a) establishes the payment mechanism for awards made by the FCSC. First, an initial payment of up to $10,000 in principal is provided for, which can be made if there are adequate funds available upon certification of an award by the FCSC to the Treasury Department. Thereafter, again assuming there are adequate funds, individuals with non-commercial claims are to obtain a payment of up to $90,000 in principal of their award. Thereafter, as funds become available, proportionate payments of first, principal, and then, interest, will be made to all award holders. When all the claims covered by any claims fund are paid, the section contemplates a spillover of any moneys remaining in that fund to the other claims funds. Subsection (b) provides that a claimant's rights against Iraq are not extinguished with respect to any unsatisfied portion of his or her award.

Sec. 6. Subsection (a) provides that the Secretaries of State and Treasury will make available relevant records to the FCSC.

Subsection (b) is modeled on a similar provision in the Iran Claims Act (section 505 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987, codified at 50 U.S.C. 1701 note). The provision provides for the confidentiality of records and documents relating to claims before the UNCC and FCSC, except provision is made for disclosure where this would be in the interests of justice. This is important to enable the United States to comply with the rules of the United Nations Compensation Commission and to protect the privacy interests of claimants.

Sec. 7. This section provides for the severability of the provisions of the act is case any provision should be held invalid.

Sec. 8. This section provides that nine years after money is last deposited in any of the claims funds established by section 3, the Secretary of Treasury shall publish a notice identifying an uncollected award and indicating that the claimant has a further year in which to collect his or her award. Thereafter, any claim for payment of the award is barred, and in a further year any balance in the fund is to be deposited to the miscellaneous receipts of the Treasury.

DEPARTMENT OF STATE,
Washington, DC, August 2, 1993.

Hon. AL GORE,
President of the Senate.

DEAR MR. PRESIDENT: There is transmitted herewith proposed legislation concerning claims of the United States and U.S. nationals against Iraq. Its purpose is to provide a fair and orderly system for adjudicating thee claims and for utilizing blocked Iraqi assets in the United States for their satisfaction. (A similar bill was initially transmitted to Congress on October 6, 1992, but no action was taken prior to the end of the 102nd Congress.)

The proposed legislation would expressly authorize the vesting of blocked Iraq assets in the United States for the satisfaction of claims by the U.S. Government and U.S. nationals that are not within the jurisdiction of the newly created UN Compensation Commission. These claims would be adjudicated by the U.S. Foreign Claims Settlement Commission (FCSC), and paid from any vested Iraqi assets. The UN Commission has jurisdiction only over claims resulting from the Iraqi invasion and occupation of Kuwait, and not claims arising from pre-existing obligations.

The bill would also provide express authorization to the FCSC to allocate among U.S. claimants lump-sum awards which we receive in due course from the UN Compensation Commission. Those with claims within the jurisdiction of the UN Compensation Commission would not have access to the assets vested by the United States, on the assumption through the UN mechanism from Iraqi oil export revenues. The FCSC will give priority to non-commercial claims of members of the armed forces and other individuals arising out of Iraq's invasion and occupation of Kuwait.

There is, of course, no guarantee that full compensation will be available for either class of claimants. In fact, our best estimate is that the volume of pre-war U.S. claims will substantially exceed the value of the Iraqi assets blocked in the United States, and that the volume of worldwide war claims will substantially exceed the value of Iraqi oil export revenues that are likely to be collected by the UN Commission. Nonetheless, we believe these mechanisms will provide substantial compensation, as well as a procedure for adjudicating these claims while evidence is still fresh and available, and are in any event the best remedies available under the circumstances.

The vesting of assets is not the approach generally favored for the resolution of claims against a foreign government. Normally, we strongly prefer to hold such assets until it is possible to negotiate a settlement with the government involved, which as a general matter is more conducive to the protection of foreign investment and the peaceful resolution of disputes. However, the UN Security Council has already decided that Iraq is responsible under international law both for claims arising from the war and for pre-existing obligations; it has directed Iraq to honor these obligations and Iraq has not done so. The war with Iraq and Iraq's continuing refusal to comply with the terms of the ceasefire and the decisions of the Security Council have removed any practical prospect of resolving these claims through negotiation with Iraq.

The UN Security Council has adopted a resolution providing for the temporary use of certain frozen Iraqi assets for UN purposes. Under this resolution, the United States has transferred over $92 million to date, and is prepared to transfer a total of up to $200 million from frozen Iraqi oil revenues received in the United States after the imposition of UN sanctions in August 1990; these assets will be used for urgent UN operations concerning Iraq, and will be reimbursed in full (with applicable interest) from the proceeds of Iraqi oil exports as soon as such exports resume. Thirty per cent of blocked assets contributed under this resolution goes to the UN Compensation Commission, whose processing of claims has been delayed for lack of financial resources; accordingly, the resolution should have an immediate and positive effect on the prospects of U.S. claimants before the Commission. The resolution does not affect the terms of the proposed legislation.

The Omnibus Budget Reconciliation Act in of 1990 (OBRA) requires that all revenue and direct spending legislation meet a pay-as-you-go requirement: that is, no such legislation should result in an increase in the deficit, and, if it does, it would trigger a sequester if it is not fully offset. Offsetting collections in this bill would recover costs of administering the Iraq claims program and the activities provided for under the bill, resulting in a net zero pay-as-you-go effect. Thus, this bill meets the pay-as-you-go requirement of OBRA.

The Office of Management and Budget advises that there is no objection, from the standpoint of the Administration's program, to the submission of this proposed legislation to the Congress.

The Administration will welcome the opportunity to work with the Congress to achieve early enactment of this proposed legislation and the Department of State stands ready to respond to any questions you or your colleagues may have on this issue.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary,
Legislative Affairs.

By Mr. CRAIG (for himself and Mr. KEMPTHORNE):

S. 1402. A bill to convey a certain parcel of public land to the county of Twin Falls, Idaho, for use as a landfill, and for other purposes; to the Committee on Energy and Natural Resources.

THE TWIN FALLS COUNTY LAND FILL ACT OF 1993

• Mr. CRAIG. Mr. President, I rise to introduce the Twin Falls County Land Fill Act of 1993. This bill is needed so that Twin falls County, ID, will have a sanitary land fill that meets Environmental Protection Agency Resource Conservation and Reclamation Act subtitle D municipal solid waste landfill regulations.

Twin Falls County, located in south central Idaho has completed an exhaustive search of the entire county for possible locations for a new land fill and has performed a detailed study of four possible sites. As a result of this analysis, a site referred to as Hub

Butte was identified as the best choice. This selection was made based on criteria that included a wide range of consideration such as effects on the natural and human environment.

Twin falls County encompasses 1,957 square miles and has a population of approximately 54,000 people. Of the total land base in Twin Falls County, approximately 52 percent is owned by the Federal Government. This fact of land ownership has led to the siting of the proposed facility on a tract of Federal land.

The time period for Twin Falls County to meet the Environmental Protection agency requirements is fast approaching and the time to allow the usual process for the Federal Government to pass title to this site extends beyond the date that EPA has placed on meeting the subtitle D requirements. Even with the recent extension of the subtitle D requirements by the EPA the county will be faced with not meeting the rather narrow extension criteria proposed by EPA.

For these reason, it is necessary to introduce and pass this legislation that will allow the county of Twin Falls to own the land needed for the land fill after it has paid the Federal Government the fair market value of the land.•

• Mr. KEMPTHORNE. Mr. President, I am pleased to join my colleague the distinguished senior Senator from Idaho in introducing this bill to transfer at fair market value a relatively small parcel of federal land to Twin Falls County, ID. Without the transfer of title to this land, there is no way that Twin Falls County will be able to provide its citizens with a landfill that meets subtitle D environmental requirements prior to expiration of the Environmental Protection Agency's proposed 6 months extension of the compliance deadline. Failure to meet the deadline will impose unreasonable and avoidable costs on the county.

Three to 4 years ago, Twin Falls county entered negotiations to establish a regional landfill. Its citizens strongly objected, so county commissioners began the task of looking around for a site that could serve Twin Falls county needs and meet the subtitle D standards. The county commissioners had five criteria: First, the site had to be within 30 miles of Twin Falls City; second, it had to offer a minimum life of 25 years; third, the site had to provide minimum impact to residents; fourth, the site had to minimize impact on prime agricultural lands; and most importantly; fifth, the site had to meet all state and Federal requirements, including those outlined in subtitle D regulations for airport safety, flood plains, wetlands, fault areas, seismic impact areas, unstable areas, and existing closures. State requirements included those related to critical habitat, setback, scenic and national lands, and perennial streams and lakes.

The county narrowed the field to four sites, all of which are located on Bureau of Land Management [BLM] lands, and finally selected the Hub Butte site, which is the subject of this land transfer bill. The county made formal application to BLM in December 1992 and ever since has been bogged down in the red tape associated with doing anything on federal land.

Mr. President, 52 percent of Twin Falls County is federal land. There are no remaining good and sound options available to Twin Falls County. The commissioners have made a good faith effort to do their homework and to select a site that is very best from all standpoints. That process has taken longer than any of us could of wished and the expenses to date have been enormous.

I submit to my colleagues that requiring Twin Falls County to shoulder the additional costs associated with failure to meet the subtitle D deadline is unreasonable, especially since that original deadline did not take realistic account of the problems and delays that are routine in siting, designing, constructing and permitting a landfill. EPA has proposed a 6-month extension, an extension period that has also been chosen in a rather arbitrary fashion and makes no allowance for special circumstances like those facing Twin Falls. Fairness dictates that, given Twin Falls County's good faith efforts to comply with subtitle D, and the genuine likelihood that EPA and Congress are going to do nothing to provide for some flexibility on a case-by-case basis, Congress ought to do what it can to help out.

I therefore urge my colleagues to look favorably on this bill to transfer land to Twin Falls County at fair market value.•

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 1403. A bill to extend the suspension of duty on certain narrow fabric weaving machines; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

• Mr. LAUTENBERG. Mr. President, I introduce legislation on behalf of myself and Senator BRADLEY to suspend the duty on narrow fabric weaving machines and lace braiding machines.

This legislation would assist, F.G. Montabert Co., a manufacturer of woven labels in my State. F.G. Montabert Co. manufactures woven labels, primarily for sale to manufacturers of clothing and accessories for clothing. The machinery for production of these woven labels is not being manufactured in the United States at this time. F.G. Montabert must purchase its equipment from Europe and other international markets.

Mr. President, the duty-free status on these very specialized textile weaving machines expired at the end of 1992. This expiration occurred at a time when F.G. Montabert was trying to expand its production capabilities by acquiring additional label weaving looms. The expiration of duties has so far resulted in additional costs to the company in the form of import duties. And because of F.G. Montabert's plans for expansion, these additional costs will be very high.

Mr. President, early in our history, the Government relied on tariffs as its sole source of income. In this century, with the introduction of the income tax, tariffs were replaced by other revenues as the main source of Government revenues. Some tariffs have remained in place to protect domestic markets from international competition. However, many tariffs have outlived their original purpose. Now, as a routine matter, after investigation by the International Trade Commission and the Finance and Ways and Means Committees, they are periodically suspended to avoid imposing burdens on U.S. companies trying to compete internationally. When the ITC confirms there is no known domestic producers of a product, it will support tariff suspensions.

To my knowledge, the weaving machinery affected by this bill is not produced domestically and tariffs on the machinery affected would serve only to make U.S. companies that import these machines less competitive and perhaps cost their employees their jobs.

As our Nation continues to face a trade deficit, a deficit which has hit the apparel and textile industry especially hard, passage of this legislation would assist F.G. Montabert and its employees in New Jersey by easing the way for its expansion, creating jobs for less skilled workers.

Mr. President, I urge my colleagues to support this measure. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1403

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUSPENSION OF DUTY.

Heading 9902.84.42 of the Harmonized Tariff Schedule of the United States (relating to power-driven weaving machines for weaving fabrics not exceeding 30cm in width) is amended by striking "12/31/92" and inserting "12/31/98".

SEC. 2. EFFECTIVE DATE.

(a) IN GENERAL.—The amendment made by subsection (a) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(b) RETROACTIVE APPLICATION.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the appropriate customs officer before the 90th day after the date of the enactment of this Act, any entry, or withdrawal from warehouse for consumption, of any good described in heading 9902.84.42 of the Harmonized Tariff Schedule of the United States that was made—

(1) after December 31, 1992; and

(2) before the 15th day after the date of the enactment of this Act;

shall be liquidated or reliquidated as though such entry or withdrawal occurred on the 15th day after the date of the enactment of this Act.●

By Mr. KOHL:

S. 1404. A bill to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing cases, disclosures of discovery information in civil actions, and for other purposes; to the Committee on the Judiciary.

LITIGATION IN THE SUNSHINE ACT OF 1993

● Mr. KOHL. Mr. President, I introduce the Litigation in the Sunshine Act of 1993. The measure is designed to combat a dangerous trend: secret court settlements and confidentiality orders which prevent people from gaining access to vital information about threats to public health and safety.

The problem is a simple one. An individual files a law suit in which they allege, for example, that they were injured by a defective product. The defendant, at any stage of the litigation, can offer to settle the case—and can, as a condition of that offer, require the plaintiff to agree to seal any information they have about the product. In fact, they often offer plaintiff a larger cash settlement if they agree to seal, destroy, or return the information they have obtained in the course of litigation. The plaintiff is interested in resolving the case and collecting the damages; the offer is a quick way to do that; the plaintiff accepts; the court, with at best a cursory review, agrees to a motion to seal the record; the case is closed. And public access to any information about the defective product is choked off.

Mr. President, a few of these agreements are even more troubling because they also prohibit the plaintiff from talking about the case to the State and Federal regulators charged with ensuring all of our safety.

There are no records kept of the number of confidentiality orders accepted by State or Federal courts. Anecdotal evidence, however, suggests that the use of such orders is increasing. And specific examples demonstrate the impact that these orders can have. Indeed, a variety of product liability, medical malpractice, environmental, and consumer fraud cases furnish chilling evidence of the harm caused by judicially sanctioned secrecy on public health and safety. Let me share a few examples.

At my 1990 Judiciary Committee hearing on confidentiality orders, we learned firsthand about an instance where secrecy seemed to undermine safety. For more than a decade, Bjork-Shiley pursued a strategy of requiring confidential settlements with persons harmed by its defective heart valves. A resident of my home State of Wisconsin, Frederick Barbee, testified that his wife—who died when her heart valve stopped functioning—would be alive today if courts had not agreed to seal records revealing the safety-related problems with the product.

General Motors' side-saddle gas tanks provide another timely and tragic example. For the past 20 years, lawsuits have charged that these gas tanks—used in many of GM's pickup trucks—are potential fire hazards during collisions. Nevertheless, this information became public only recently. Why? The reason is simple: GM paid over $100 million in out-of-court settlements and, in exchange, it demanded and received confidentiality agreements from virtually every plaintiff. The alleged perils of side-saddle gas tanks remained secret—until one litigant refused to accept such an agreement. Now the public knows about the problem—but we could have known about it, and acted to deal with it, years earlier if courts had not agreed to seal the records which revealed it.

Yet another illustration involves the recent disclosures about silicone implants. By the early 1980's, the manufacturer was apparently aware of the potentially harmful effects. But safety and research memos were withheld from Government regulatory agencies and restricted from public access. Again, court-approved confidentiality orders played a role in keeping relevant information from the Government and the public.

I ask unanimous consent to place in the RECORD at the end of my statement newspaper articles from the Wisconsin State Journal, the Idaho Statesman, and the New York Times discussing other instances of court secrecy as well as Dow Corning's strategy of requiring sealed settlements in resolving lawsuits over its breast implants.

Mr. President, reasonable people can disagree about whether heart valves are faulty, trucks are defective, or breast implants are dangerous. But they must agree that the increasing use of protective orders and secret court settlements unfairly tips the scales of justice against the public's right to know. And what is most disturbing to me is that, because of this secrecy, we just do not know what other dangers are out there. Those who do know are often silenced.

Initially I had hoped this problem could be corrected by the courts themselves. I believed that if all judges would examine requests for confidentiality orders more carefully—as a few already do—they might not be as willing to grant them routinely. Indeed, when Judge Weis of the third circuit testified at our hearing, I was optimistic about the willingness and ability of the Federal courts to develop a solution. "I think it is interesting that Texas solved its problem by changing its rules of civil procedure," Judge Weis told the committee, "and I think that the Federal courts should be given the same opportunity." Well, we gave the Federal courts 3 years of opportunity to change its rules, but they did not.

So now we have to.

I believe my solution, the Litigation in the Sunshine Act of 1993, is simple, effective, straightforward, but limited in scope. It would require that, prior to making any portion of a case confidential, a judge would have to determine—by making particularized findings of fact—that doing so would not restrict the disclosure of information which is relevant to the protection of public health and safety. The essence of this provision is to require a judge to critically examine the request for confidentiality from the perspective of the public interest rather than the private interests of the parties appearing before him or her. Additionally, the legislation would prohibit agreements that forbid persons from disclosing such information to the Federal and State regulators charged with protecting us.

The proposal would not eliminate confidentiality orders entirely—nor should we—but it does help guarantee that information crucial to the public well being is not hidden. The status quo—where judges have no obligation to consider the public interest and which too often leads to the triumph of secrecy over safety—is clearly unacceptable.

Mr. President, a few special interest groups have mistakenly claimed that this legislation could harm business or bottleneck the courts. But in fact the opposite may be true: several States have passed far more sweeping antisecrecy legislation and, in these States, business is still thriving and the courts are not clogged.

Even more disturbing, however, are the critics who baldly claim that business will oppose this legislation. I know that is not true. I have worked with several business organizations, and while they may not yet endorse the bill, they are willing to work with me on it. And there is a simple reason for their willingness to cooperate: no one cares about safety more than businessmen. We plan to prove this when the Judiciary Committee holds hearings on my measure later this year, and as we continue to work with the business community to improve this legislation. In fact, if we are honest with each other, this legislation protects both business and consumers because just as no one would want a loved one to purchase a defective product, no business worth having would want to produce a defective product.

Mr. President, how many deadly secrets lie buried in courthouse files? We don't know. But the Litigation in the

Sunshine Act of 1993 will, at the very least, bring this matter out of the shadows and into the public light. I urge my colleagues to support it and ask unanimous consent the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1404

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sunshine in Litigation Act of 1993".

SEC. 2. PROTECTIVE ORDERS AND SEALING OF CASES AND SETTLEMENTS RELATING TO PUBLIC HEALTH OR SAFETY.

(a) IN GENERAL.—Chapter 111 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 1659. Protective orders and sealing of cases and settlements relating to public health or safety

"(a)(1) A court shall enter an order under rule 26(c) of the Federal Rules of Civil Procedure restricting the disclosure of information obtained through discovery or an order restricting access to court records in a civil case only after making particularized findings of fact that such order would not restrict the disclosure of information which is relevant to the protection of public health or safety.

"(2) No order entered in accordance with the provisions of paragraph (1) shall continue in effect after the entry of final judgment, unless at or after such entry the court makes a separate particularized finding of fact that such order would not prevent the disclosure of information which is relevant to the protection of public health or safety.

"(b) The party who is the proponent for the entry of an order, as provided under this section, shall have the burden of proof in obtaining such an order.

"(c)(1) No agreement between or among parties in a civil action filed in a court of the United States may contain a provision that prohibits or otherwise restricts a party from disclosing any information relevant to such civil action to any Federal or State agency with authority to enforce laws regulating an activity relating to such information.

"(2) Any disclosure of information to a Federal or State agency as described under paragraph (1) shall be confidential to the extent provided by law.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 111 of title 28, United States Code, is amended by adding after the item relating to section 1658 the following:

"1659. Protective orders and sealing of cases and settlements relating to public health or safety.".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall take effect 30 days after the date of the enactment of this Act and shall apply only to orders entered in civil actions or agreements entered into on or after such date.

[From the Wisconsin State Journal, July 25, 1993]

SEALED DEALS MAY BE HURTING OTHERS

(By Marilyn Kaifus)

Susan and Richard Lundblade were determined to warn other families after their toddler was crippled by a recliner. The boy's neck was crushed as the chair folded.

Settling their lawsuit with a secret pact was out of the question.

"We'd be defeating our purpose if we didn't let the public know about the dangers of the chair," said Susan Lundblade, of Santa Ana, Calif. "they're still in people's homes."

Confidential settlements and sealed records are routine in civil disputes. Taped-up envelopes bulge with all sorts of bad news: Toxic chemicals, unsafe cars, doctors who may be dangerous.

But the practice of concealing such information has come under increasing attack.

In May, San Francisco Superior Court judges adopted a rule that restricts sealing documents in civil cases. The rule, expected to take effect in January, is similar to one San Diego judges passed in 1990.

California Gov. Pete Wilson vetoed a bill to limit confidentiality last year, but state legislators are taking another shot at it.

So the debate goes on.

"To have the public's court system operating in secret is appalling," said Alameda County Superior Court Judge Roderic Duncan, a former newspaper reporter.

"If you're going to use the public courts, I don't think you have a right to keep secret from the public what you're doing."

Other experts contend that the legal system exists so people can resolve disputes—and confidentiality speeds up that process.

"The name of the game is to settle lawsuits," said Ron Talmo, a Santa Ana civil-rights lawyer. "The personal-injury lawyer's job is simply to get dollars, and the more dollars the better. The obligation is to the client, not to society in general."

The money isn't the only thing no one can talk about. When a case is settled—often, with no admission of wrongdoing—the file or certain documents can be sealed as part of the deal. So lawyers who come along later and sue the same company may have to reinvent the wheel.

Deals to keep documents secret have been struck over auto gas tanks and cigarette lighters that exploded, drugs that caused deadly reactions and heart valves that fractured midbeat.

Dow Corning settled early lawsuits over silicone-gel breast implants on condition of secrecy many years before the Food and Drug Administration banned their sale. More than 5,000 cases are pending. Leaks from the gel-filled implants have been linked to immune-system diseases and abnormal growths.

"Dow has been settling left and right," said Lucy Dalglish, chairwoman of the Freedom on Information Committee for the Society of Professional Journalists. "How many women in that period of time have had these implants?"

Defense lawyers, however, say sealed settlements and documents discourage lawsuits and protect companies from competitive and unproven allegations. They say news that a company paid a six-figure or multimillion-dollar sum would attract syringe-in-the-Pepsi-type scam artists.

"The fact that something may be settled may or may not mean there is any substance to the allegation," said Karen Kudushin, president of the San Francisco Bar.

"It's a lot cheaper to settle it than it is to litigate it. You cannot assume they have something to hide."

But what if they do?

"The defense tries to buy you off by saying, 'We'll settle with you, but only on the condition that you don't tell anybody else,'" said William Smith, president of the San Francisco Trial Lawyers Association. "I think it's criminal to stipulate to that."

Victims, however, feel they are being held hostage.

"Most clients are not willing to put themselves through a nasty and aggressive trial for the public good," said Wylie Aitken, a Santa Ana personal-injury lawyer. "They're not quite willing to be the sacrificial lamb. And no one can blame them for that."

The Lundblades were prepared to do just that, though ultimately, it wasn't necessary because the companies did not force a secret settlement.

Michael Lundblade, now 8, was brain-damaged at 18 months old when his head was caught in the space between the seat and the footrest of a recliner at a day-care center. The boy's weight on the footrest apparently created a vise-like chokehold on his neck, cutting off oxygen.

Michael cannot walk, barely speaks and has impaired motor skills.

Two years ago, the Lundblades settled their lawsuit against Mohasco Corp., the maker of the chair, and the Levitz furniture chain for $5 million. The family's attorney expects that through investments that sum will yield $50 million to $75 million during the boy's lifetime.

And there was no pact to keep them from going public.

"We felt we were doing it for a purpose other than financial," said Susan Lundblade, 40. "We wanted to get a lot of public awareness."

The Lundblades' lawyer, Robert Barta, said the Consumer Product Safety Commission determined that at least nine children had been killed by such chairs and that others had suffered permanent brain damage.

Francis Breidenbach, the lawyer for the manufacturer and the furniture chain, has said Mohasco was unaware of the defect until receiving a letter from the safety commission in 1985. The chair in which Michael was injured was made before that date, he said.

The California Defense Counsel, whose members are product-liability and malpractice lawyers, say forced disclosure would clog the court system.

If companies and other defendants have to go public anyway, said Jon Smock, legislative advocate for the counsel, they might as well slug it out in open court. Besides, he said, companies are already required to report information about defective products to the government.

"It's much better to have that kind of reporting to the responsible agency than to publish a wild report in the press," he said.

But some lawyers question how candid companies are in their self-reporting and contend that regulatory agencies, plagued by budget cuts, do not do the best job protecting the public.

People tend to pay more attention to a conflict when it's being played out in a high-profile court case than in a regulatory agency's proceeding, said Terry Francke, executive director of the California First Amendment Coalition.

Said Francke, "How many times have we seen instances where the regulatory agency is galvanized because there has been some accident, some tragedy, some scandal?"

CONFIDENTIAL CASES

These cases involved confidential settlements:

Claims against the Dalkon Shield, in intrauterine contraceptive implant, were initially resolved as sealed settlements. Eventually, allegations of miscarriages, sterility and infections caused the now-defunct maker, A. H. Robins Co., to seek bankruptcy protection.

The U.S. government and Morton Thiokol Inc., the maker of the defective O-ring that caused the explosion of the space shuttle Challenger in 1986, kept secret a court settlement giving $7.7 million to the families of four crew members killed in the accident. The information became public when news organizations sued.

Dozens of claims for death and injury against Shiley Inc. over its Bjork-Shiley convexo-concave heart valve were settled and sealed. The valves, with an internal part susceptible to fracture, were blamed for more than 200 deaths and crippling injuries.

A 17-year legal struggle between a Cypress, Calif., family and the Hare Krishna sect ended last month with the Krishnas agreeing to a secret cash payment. The family accused the Krishnas of brainwashing and coercing Robin Westkamp into joining the sect.

The California Republican Party last year paid a secret settlement to five Santa Ana voters who accused the state Republican Party of conspiring to intimidate Hispanic voters when security guards were posted at polling places in 1988.

[From the Idaho Statesman, Mar. 14, 1992]

WOMAN'S BREAST IMPLANT SUIT STARTED THE DOMINOES FALLING

(By Ursula Thomas)

BOISE, ID—When Maria Stern received two silicone breast implants after a double mastectomy in 1978, she thought they would restore her self esteem.

Instead, they made her lift a living hell.

First, she suffered a bizarre series of medical problems. Convinced it was linked to the implants, which were removed in 1981, Stern sued the Nation's No. 1 maker of silicone breast implants, Dow Corning Corp. of Midland, Mich.

In 1984, she won a $1.7 million settlement. Hers became the first case to threaten the future of silicone breast implants, which had been marketed successfully since 1964.

But no public warning about the implants was issued because court records were sealed in an agreement between both sides.

Despite that secrecy agreement, the lawsuit by Stern who moved to Boise from California two years ago, started the dominoes falling.

Her legal victory prompted Dow Corning to change the packaging of the silicone breast implants to include warnings of possible problems, said Jerry Kuester, a researcher and implants expert at Public Citizen Health Research Group, a Washington, D.C., consumer group that has long questioned implant safety.

"Doctors were supposed to start telling their patients that there was some risk involved," he recalled. "But no one knows if they did it."

Stern said she never understood the broad implications of the court's decision to keep critical documents from her case out of the public eye. And the San Francisco attorney who handled her case, Dan Bolton, says now he probably should not have agreed to it.

Nontheless, it was evidence from Stern's case and several others that convinced the Food and Drug Administration in January to place a moratorium on the use of silicone implants. The reason: to allow time to review the long-sealed documents.

A decision on the future use of the implants is expected next month.

The Stern case was significant because it unearthed the first bits of damaging evidence from Dow Corning's own files, including internal memos that indicated quality control problems in the manufacturing of the implants and virtually no scientific studies to prove their safety.

Dow Corning has maintained that there is no concrete link between its implants and autoimmune illnesses, which some women with implants are believed to suffer. Still, the company has announced it will launch two major studies to "expand our existing data" on whether the implants could be linked to cancer or autoimmune disorders.

Following Stern's direction, hundreds of lawsuits are being filed by women alleging that they developed immune diseases and other health problems after their implants ruptured.

Stern, 46, says she is convinced that there are "a lot of people who are sick and don't know why."

Ironically, Stern had been told 13 years ago that her implants would last a lifetime and that she "would live happily ever after."

She first noticed problems when her fingers mysteriously became "swollen up like sausages," one year after she got the implants. Then she lost her sense of taste and smell, much of her hearing and about 50 percent of her hair.

Doctors initially couldn't diagnose what was wrong. One told her she had advanced rheumatoid arthritis and prescribed aspirin. By 1981, she was bedridden with "bone-shattering pain" and believed she was near death.

Finally, doctors at Stanford Medical Center in Palo Alto, Calif., removed the implants in 1981. They were found to be perforated and leaking silicone throughout her body, she said. About a third of the silicone could not be recovered.

That's when she decided to sue.

In many ways, Stern has not recovered from her ordeal. Her 5-foot-4 frame dropped from 120 pounds to 87 in the summer of 1981. Since then, she has regained only eight pounds.

Now, she wears a prosthesis, an external breast-like pouch, and is fairly healthy. On a good day, she walks sprightly and speaks with an energetic voice. But her appearance is still frail, and she continues to experience silicone-filled lymph nodes from time to time.

"It's been 10 years, and, as far as I can tell, I will continue to feel the effects," she said.

GNS national medical reporter Sherry Jacobson contributed to this story.

[From the New York Times, Feb. 18, 1992]

SECRECY ORDERS IN LAWSUITS PROMPT STATES' EFFORTS TO RESTRICT THEIR USE

(By Gina Kolata)

John Sparco won a bitter victory last year in his medical malpractice case. He had sued two doctors who, he said, botched his brain surgery. In September, eight years after he filed suit, the doctors agreed to settle the case.

But there was one condition. Their names would have to be kept secret. Only their hospital, Johns Hopkins University Hospital in Baltimore, would be mentioned in the public record.

The settlement was thus kept secret from the public and from a newly formed national list of doctors who had lost or settled malpractice suits, a list intended to inform hospitals and state licensing boards about questionable doctors.

"A SLAP IN THE FACE"

When Mr. Sparco learned of the secrecy condition, he was outraged. "It was a slap in the face," he said. But he was deeply in debt from pursuing the case and had been unable to work since the surgery. Although he wanted to see justice done and the doctors' names made public, he felt he had no choice but to agree to the order.

Cases like Mr. Sparco's have proliferated in recent years. Files are routinely sealed, for example, in product liability suits, medical malpractice suits and suits involving toxic chemicals released into the environment.

These secrecy orders have a significant bearing on agencies like the Food and Drug Administration, which are denied pertinent information about the safety of products they regulate.

In the case of silicone breast implants, trial lawyers first saw the documents that cast doubt on the implants' safety some eight years before the drug agency did. They agency ordered a moratorium on the implants immediately after reading the documents.

Another recent case involved some side effects of the sleeping drug Halcion. But in that case, the company agreed to let the drug agency see the documents in question.

Trial lawyers defend the use of secrecy orders, saying that the system is working well and that judges always have the option to refuse orders that can harm the public. They maintain that such orders are necessary to protect trade secrets and keep unproved accusations of wrongdoing by doctors or corporations out of the public eye.

Robert D. Monnin, a Cleveland trial lawyer who is president of the Defense Research Institute, which represents 18,000 trial lawyers, said the debate over protective orders is "an emotional issue right now." But he added, "The system works just fine."

Mr. Monnin said a principal benefit of secrecy orders is that they induce parties to settle and reduce litigation. In addition, he said, the orders protect companies from unreasonable disclosure of proprietary data.

"A lot of things in lawsuits start out as allegations," Mr. Monnin said. "Suppose somebody gets in an everyday auto accident and gets a broken arm. Then they come in and sue the manufacturer of the car, saying, 'Give me all the documents you have since you have been making cars.' You may think that's farfetched, but we get requests like that."

With a protective order, he added, the car maker can agree to provide some documents in return for secrecy, and then settle the case quickly.

"The question is, 'Is a protective order supposed to serve the public or is it supposed to serve the parties?'" Mr. Monnin asked. The answer, he said, is that it is supposed to serve the disputing parties.

But opponents of secrecy orders vehemently disagree. They are "an absolutely horrible problem," said Arthur Bryant, executive director of Trial Lawyers for Public Justice. "What these companies want to keep secret is exactly what the public needs to know."

Mr. Bryant said companies can use the orders to keep damaging documents away from the eyes of state and Federal regulators, for example. With the help of secrecy orders, every lawyer whose client wants to sue a company has to start from scratch in finding out what documents the company has. This makes product liability suits much costlier for the litigants.

Mr. Bryant contended that the companies often say: "I will give you what you want if you agree to keep it secret. If not, I will fight you tooth and nail and I will still argue for secrecy." Faced with such a choice, Mr. Bryant said, a plaintiff "will often sign on the dotted line and take the documents."

"A SYSTEMATIC COVER-UP"

George Annas, a lawyer who directs the program on law, medicine and ethics at Boston University, said secrecy orders had become a serious problem in the medical profession. When doctors settle malpractice suits, he said, they routinely move to have the cases sealed.

"There is a systematic cover-up, and that's bad for the public," Mr. Annas said. "Even though nobody would say they are doing this to hurt the public, that's the effect."

Legislators in some states are becoming so concerned by what they perceive as the abuse of secrecy orders that they are passing laws to restrict this well-established legal tool.

Florida, New York and Texas recently passed laws that greatly restrict secrecy orders, and on Jan. 30 the California Senate passed a bill that would create similar restrictions in that state. In addition, a Washington public interest group, Trial Lawyers for Public Justice, has embarked on a national project to petition courts to lift secrecy orders in cases where they believe the orders hurt the public.

The states hope to force judges to deny requests for protective orders when the data are in the public interest. The orders would usually be denied if, for example, they involve documents describing defective products, environmental hazards or medical malpractice.

Critics of secrecy orders cite the positive experience of states that have restricted them. Trial lawyers and companies lobbied heavily in Florida, New York and Texas against restrictions on protective orders. But so far none of the dire consequences they predicted have come to pass.

In New York, whose law restricting protective orders took effect last March, "we have not had any problems," said Sol Wachtler, chief judge of the New York Court of Appeals. "Settlements have been made and they have been on the record."

Protective orders in New York "had become almost automatic," Judge Wachtler said, adding: "It occurred to me that this was wrong. We are a public court, this is a public forum. Sealing records seemed somewhat perverse."

Justice Lloyd Doggett of the Texas Supreme Court said Texas, too, had not had any problems in the 18 months since that state passed a law restricting protective orders. Industry representatives warned that companies would leave the state, he said, and lawyers predicted that the courts would be clogged with cases that would otherwise have been settled. But none of these predictions have occurred, Justice Doggett said.

PLAINTIFFS IN THE DARK

Trial lawyers often maintain that it should be up to judges to weigh the public interest in granting secrecy orders. But Justice Doggett said, "Unless you have specific rules or statutes, judges will sign whatever order they get and the public interest will be forgotten."

To obtain a protective order, lawyers for both sides go the judge, saying they have agreed to secrecy. But sometimes plaintiffs are unaware that the condition for settlement was a protective order.

This was the experience of Maria Stern of Boise, Idaho, who brought the first product liability suit against the Dow Corning Corporation, which manufacturers silicone breast implants. She contended that the implants leaked silicone throughout her body and caused a life-threatening autoimmune reaction. In the discovery process, her lawyer, Dan Bolton of San Francisco, had combed through the company's files and pulled out what he and Ms. Stern considered damning memorandums and studies on the implants. In 1984, Dow Corning settled the suit for an amount that ran to seven figures.

But, although Ms. Stern did not realize it, Mr. Bolton had made an agreement with Dow Corning that if they allowed him to see their documents he would return the papers to the company and would never tell anyone about them. They had been found late last year in another lawsuit and were accidentally released by a court clerk despite a protective order.

"A TOTAL OUTRAGE"

Ms. Stern said she spent years wondering why the F.D.A. was not taking any action on the implants. Now that she realizes there was a secrecy order, she said, she believes that it was "a complete and total outrage."

Mr. Bolton said he was certain he told Ms. Stern about the secrecy order. He also said that he was not happy with the order, but that he felt he had no choice but to accept it.

"There are only so many battles you can fight in a lawsuit," Mr. Bolton said. "Getting the documents was more important than debating whether they should be under a protective order. I needed the documents to represent my client."

Mr. Bolton said he had "very strong feelings that this is information the public needs to know, but my first obligation is to my client."

The lawyer in Mr. Sparco's malpractice suit, Nicole Schultheis of Baltimore, said that at first she was adamantly opposed to a protective order. When the lawyers for the Johns Hopkins doctors proposed it, she said, she "became very angry and hung up the phone on them."

Then she told Mr. Sparco what she had done. He was distraught and told Ms. Schultheis that he could not afford to turn down the settlement, she said. So, reluctantly, she called the lawyers for the other side and told them that she would agree to a secrecy order after all.●

By Mr. KERRY:

S. 1405. A bill to strengthen the National Flood Insurance Program and to reduce risk to the flood insurance fund by increasing compliance, providing incentives for community floodplain management, providing for mitigation assistance, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

NATIONAL FLOOD INSURANCE REFORM ACT OF 1993

Mr. KERRY. Mr. President, the Bible defines a foolish man as one who "builds his house upon the sand."

The question I put before the Senate the same week as we have passed an emergency supplemental appropriation of over $5 billion for flood disaster relief in the upper midwest, is how we would define a Congress that has provided subsidized insurance for that house upon the sand? Would we define such a legislature as wise?

Over the past quarter-century, the Federal flood insurance program has become one more case of the federal government committing itself to a liability on a program that was supposed to be self-financing. The problems with the program have been known about for a long time. We tried to fix them 2 years ago, and again last year. We warned then that the flood insurance fund was depleted, and in danger of requiring funds from the Treasury. Now, with the program $18 million in the red prior to the massive summer flooding of the Mississippi and Missouri, the taxpayers are once again at risk from yet another program that threatens to increase the Federal budget deficit.

I have been concerned about the National Flood Insurance Program [NFIP] for many years—on fiscal grounds, on environmental grounds, and in terms of increased risk to human life. As our coastal and river floodplain populations have grown, my concerns have grown. And as we continue to experience one "storm of the century" after another—massive flooding in the upper Mississippi River basin being the latest natural calamity—the need for reform has never been more vitally important.

You would think that our government would discourage people from living in areas where these risks are the greatest. But we don't. We do the opposite. The Federal flood insurance program provides an incentive for people to live in at least some areas where common sense would dictate it makes no sense to live. In so doing, we provide especially the most recent emigres to the coast a false sense of security. We tell them: "go ahead, build your house in the floodplain or on sand, and if Mother Nature should do what Mother Nature is all too often prone to do, don't worry, the Federal Government will bail you out."

Whether this outcome was intentional or not, one now must ask, as public policy, does this make sense? Of course it doesn't, and it is time to change it.

The National Flood Insurance Reform Act of 1993 which I am introducing today, addresses the chronic problems of the NFIP and would improve the financial soundness of the flood insurance fund through a balanced, comprehensive approach of increased participation and risk reduction.

The NFIP was created to alleviate the taxpayer burden of paying for disaster relief in areas damaged, often repeatedly, by floods. In exchange for the insurance, communities were required to plan and implement measures to limit and constrict development in order to reduce future flood losses. Today, over 18,000 communities participate in this voluntary program.

Unfortunately, the mandate to plan and sensibly limit unwise development, and guide development out of harm's way has never been adequately carried out. Communities have been allowed to develop in ill-advised areas, almost as if hurricanes, floods, and erosion will not occur. Consequently, the program has become an increasingly large financial liability now insuring over $215 billion in property. More important, as of May 31, 1993, the NFIP had reached an $18 million deficit, a figure that will grow substantially higher when claims start rolling in from the great midwest flood this summer.

The last thing this country needs is another bail-out of a federally guaranteed benefits program. But that is exactly where we are headed with the NFIP. The time to act is now, before the next catastrophic storm, such as a class five hurricane hitting the east coast of Florida or the Gulf of Texas, where estimated losses could run anywhere between $2 to $4 billion, strikes. And who will make up the difference if the flood insurance fund runs short? The answer, of course, is your constituents and mine—the taxpayers.

The legislation I am introducing today would bolster the financial soundness of the NFIP by increasing participation in the program. Ensuring compliance by lenders with the mandatory purchase requirement is essential towards greater participation and a broadened insurance risk pool. Only 2.4 million of the estimated 11 million structures in flood hazard areas are covered by flood insurance. That is a compliance rate of 19 percent, an unacceptable rate in what is supposed to be a mandatory program for participating communities. The policy base must expand, and those institutions making loans in hazardous floodplain areas must share that risk and responsibility with the borrower, not the Federal Government.

Title II of this legislation would improve compliance in four major ways. First, it would expand the scope of the flood insurance purchase requirement by requiring Government sponsored enterprises, notably Fannie Mae and Freddie Mac, and Federal agencies which function as lenders, such as the Federal Housing Administration, Veterans' Administration, and Federal Farm Credit Administration, to require flood insurance for the mortgages they originate or purchase, and to document that a determination as to whether the property requires flood insurance has been done.

Second, this title would require lenders and Federal agencies that currently escrow to also escrow for flood insurance premiums. This provision would make it much more difficult for a borrower to allow an insurance policy to lapse after the initial purchase of insurance at origination. Part of the problem attributed to low participation has been that there is no mechanism to ensure that borrowers who are required to purchase flood insurance renew policies when they expire. Escrowing for flood insurance premiums would provide just such an effective mechanism and ensure that policies are maintained for the life of the mortgage as required by law.

Third, a notification process and flood hazard determination form would be established to provide lenders with a reasonable 5-year "safe harbor" once they have made a flood hazard determination at the origination of a mortgage. In addition, information recorded on the determination form, if provided by someone other than the lender, must be guaranteed. This would improve the accuracy of flood hazard determinations at origination and also eliminate unnecessary determinations in the future.

Fourth, this title would enable regulated lenders and Federal agency lenders to purchase flood insurance for mortgages they uncover which are without the required flood insurance in force. Such authority to force place flood insurance coverage is necessary to provide lenders with the ability to comply with the mandatory purchase requirement in the event that a flood insurance policy has lapsed, or if a structure is determined to be in a flood hazard area after origination of the mortgage due to a flood insurance rate map revision caused by changes in the local floodplain.

In summary, these provisions would provide a streamlined compliance strategy that is not overly intrusive, costly or burdensome for lenders, and should significantly improve participation in the NFIP by making sure that flood insurance is purchased and maintained as a regular part of lending in floodplains.

This legislation would also provide additional encouragement to participate by increasing the amounts of available insurance coverage. Available coverage for single-family residences would be raised from $100,000 to $250,000, and coverage for non-residential properties would be raised from $250,000 to $2.4 million. Maximum coverage amounts have not been raised since the 1970's, and these increases more accurately reflect the increased insurable value of buildings in floodplains.

Importantly, additional coverage at actuarial rates also would be made available to address substantially damaged or repetitively flooded structures. This coverage would allow property owners to comply with local land use and control measures, provide property owners with an enhanced sense of financial security, and reduce the frequency and cost of repetitive flood losses to the flood insurance fund.

While increasing program participation is essential, it alone is not enough to ensure a more financially sound NFIP. Risk reduction through mitigation is a proven, cost-effective strategy to reduce future flood losses and is as equally important as increased participation toward a balanced reform of the NFIP. This legislation would provide additional incentives to encourage States and communities to implement mitigation activities in order to reduce future flood damage, and would direct FEMA to improve and expand its identification of floodplain hazards.

Title III of this bill would establish a Community Rating System (CRS) as a permanent program in the NFIP. The [CRS] is an incentive program that provides for credits to a community's flood insurance premium rates if that community has adopted performance standards that exceed the minimum criteria required for participation in the regular NFIP. Importantly, this legislation would also allow credits under CRS for communities that implement measures that protect and preserve natural and beneficial floodplain functions, or that address local erosion hazards.

This legislation also recognizes that States and communities need financial assistance to implement local mitigation projects to improve the floodworthiness of buildings and make them less costly to insure. Title IV of this legislation, would establish a State and community mitigation program within the NFIP to provide mitigation grants to eligible States and communities that develop comprehensive mitigation plans for flood and erosion hazards. Planning grants also would be available to encourage States and communities to develop these plans.

Funding for planning grants and mitigation activities would be made available from the flood insurance fund, phased in during the first 2 years of the program at $10, and $15 million respectively, and would be capped at $20 million in the third year of the program and for subsequent years. Mitigation grants, which would require a 25 percent State or community match, would be used to implement eligible mitigation activities including elevation, relocation, and demolition and acquisition of structures.

The current section 1362 program which provides funds for the purchase of repetitively flooded properties on a willing seller basis would be repealed. Also, the section 1306(c) provision, or "Jones/Upton" benefit, which allows for claims to be paid by FEMA for the relocation or demolition of structures certified as in imminent collapse due to erosion, would be terminated after 1 year since this program has not functioned as intended by Congress, and has contributed to the current deficit in the flood insurance fund by providing excessive payments that are not actuarially based. Importantly, acquisition, relocation and demolition are retained as eligible mitigation activities under the mitigation assistance program to ensure that these activities are implemented consistent with comprehensive mitigation plans, and in a cost-effective manner to the NFIP.

Of course, mitigation will only be effective if the hazards are clearly known and identified. A common concern raised during congressional hearings on flood insurance has been the relative poor quality of flood insurance rate maps.

For this reason, title VI of this legislation would direct FEMA to regularly review, and update, where necessary, flood insurance rate maps on a regular 5-year cycle. FEMA would be required to publish all revisions and changes every 6 months in a compendium to be made available to States and communities at no charge. Also, a Technical Mapping Advisory Council would be created to improve the accuracy of maps, and importantly, to make them easier to use.

It is also time for FEMA to finally identify erosion hazards on flood insurance rate maps. Coastal geologists have estimated that over 70 percent of the Nation's coastlines are experiencing erosion. Further, the Army Corps of Engineers has calculated that 24 percent of shoreline is eroding significantly, and that 4 percent of the Nation's streambanks are seriously eroding. From an insurance standpoint, omitting the identification and consideration of erosion from the premium rate structure simply makes no sense. I know of no other insurance program that so casually dismisses a known risk of this magnitude.

This legislation would direct FEMA to identify erosion hazard areas in coastal areas as well as along the Nation's rivers. Determination of erosion hazard areas would be based on erosion rate data and local baseline reference features, an approach endorsed in a 1991 report of coastal erosion by the National Academy of Sciences, and a method currently employed by certain States.

Importantly, FEMA would be required to use existing State erosion rate data and reference features, and to include local erosion control projects in the determination of erosion rates. To ensure consistency and coordination with the Coastal Zone Management Act, FEMA would be required to coordinate erosion actitivies with State coastal zone management programs.

To further reduce future claims in erosion hazard areas, this legislation would not allow FEMA to make available insurance to new construction, or for additions to structures that render them not readily movable within a 30-year erosion area. Landward of the 30-year area, flood insurance would be limited to new, readily movable structures in the 60-year erosion hazard area. Beaches, bluffs and riverbanks that are predicted to disappear within the life of a mortgage cannot be considered "safe" places to build. And while this legislation would not prohibit construction in erosion hazard areas, it would reasonably limit NFIP from insuring structures that will become total losses.

In short, Mr. President, Congress needs to reform the NFIP to make it a more effective took in the Unified National Program for Floodplain Management, and to ensure that the program does, in fact, function to reduce costs for Federal disaster assistance.

Ill-advised coastal and river floodplain development and resulting storm or flood damage impose additional financial burdens beyond flood insurance claims. Often, these costs go unnoticed because they are picked up by the taxpayer on the local, State or Federal level. But the taxpayer foots the bill for repairs to public infrastructure damaged in storms—crucial items like roads, sewers, levees, dikes and utility lines. Additional costs must also be paid for vital public services, notably for police and fire assistance, not to mention the personal risks of life and limb taken by these individuals to save individuals who have voluntarily placed themselves in jeopardy.

Damage to our floodplain environment is another cost that is often ignored but can no longer be overlooked. Building out to the water's edge has meant a substantial loss of sensitive fish and wildlife spawning and breeding habitat, areas critical to the vitality of our commercial and recreational fisheries. Also, damaged septic systems and oil tanks pollute coastal waters and force closures of shellfish beds. And then there's simply the unsightly debris left to litter our shores and riverbanks following storms and floods. None of these costs are picked up by flood insurance, but are paid out by everyone.

Defenders of the flood insurance program, as it is currently operated, often overlook the chronic problems with the NFIP, but I think that is wrong. These problems are real, costly to the Nation's taxpayers, and will not vanish unless Congress acts. In fact, if the hurricanes, nor'easters and floods that our Nation has experienced over the past 2 years are an indication—a scenario, I might add, predicted by the National Hurricane Center—things are going to worsen, and worsen in a hurry.

Over the past 6 months, I have worked closely with Senator D'AMATO, the ranking member of the Senate Committee on Banking, Housing and Urban Affairs, who has provided many valuable suggestions as to how to improve this legislation. Although he is not ready to join me in sponsoring this bill, his efforts to date have improved it. I wish to express my thanks for the serious effort he and his staff have made and will continue to make to achieve real reforms in the flood insurance program.

Obviously, any changes in a program such as the NFIP will be controversial. But not to act, and to ignore the problem is an abrogation of the legitimate role of government which is to protect the health, safety and welfare of its citizenry. The one outcome I will not accept is inaction, or continuation of the status quo. I anticipate a hearing on this bill as soon as we reconvene in September, and will work to see legislation action on it this year.

In closing, Mr. President, this legislation is fair, reasonable and balanced, and would accomplish essential reforms without prescribing Federal construction standards or cancellation of existing flood insurance policies. It would improve the financial soundness of the Nation's flood insurance program by increasing participation and by reducing the potential damage from future flooding and erosion through an incentive-based approach.

I urge my colleagues to recognize the need for reform and to support this bill. I ask unanimous consent that the full text of the bill, and a section-by-section summary, be placed following my remarks in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1405

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Flood Insurance Reform Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Congressional findings.
Sec. 3. Declaration of purpose under the National Flood Insurance Act of 1968.

TITLE I—DEFINITIONS

Sec. 101. Flood Disaster Protection Act of 1973.
Sec. 102. National Flood Insurance Act of 1968.

TITLE II—COMPLIANCE AND INCREASED PARTICIPATION

Sec. 201. Expanded flood insurance purchase requirements.
Sec. 202. Escrow of flood insurance payments.
Sec. 203. Notice requirements.
Sec. 204. Placement of flood insurance by regulated lending institution or Federal agency lender.
Sec. 205. Standard flood hazard determination forms.
Sec. 206. Examinations regarding compliance by regulated lending institutions.
Sec. 207. Penalties and corrective actions for failure to require flood insurance, escrow, or notify.
Sec. 208. Financial Institutions Examination Council.
Sec. 209. Conforming amendment.

TITLE III—RATINGS AND INCENTIVES FOR COMMUNITY FLOODPLAIN MANAGEMENT PROGRAMS

Sec. 301. Community rating system and incentives for community floodplain management.
Sec. 302. Funding.

TITLE IV—MITIGATION OF FLOOD AND EROSION RISKS

Sec. 401. Mitigation assistance in Federal Insurance Administration.

Sec. 402. Authorization of National Flood and Erosion Mitigation Funds under section 1362.
Sec. 403. State and community mitigation assistance program.
Sec. 404. Repeal of program for purchase of certain insured properties.
Sec. 405. Termination of erosion threatened structures program.
Sec. 406. Limitations on new flood insurance coverage in erosion hazard areas.
Sec. 407. Riverine erosion study.
Sec. 408. Coordination with coastal zone management programs.

TITLE V—FLOOD INSURANCE TASK FORCE

Sec. 501. Flood Insurance Interagency Task Force.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Maximum flood insurance coverage amounts.
Sec. 602. Additional coverage for compliance with land use and control measures.
Sec. 603. Flood insurance program arrangements with private insurance entities.
Sec. 604. Updating of flood insurance maps and identification of erosion hazard areas.
Sec. 605. Technical Mapping Advisory Council.
Sec. 606. Funding for increased administrative and operational responsibilities.
Sec. 607. Regulations.

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) unprecedented growth in population and development has occurred along the coasts and rivers of the United States and a significant portion of the United States population is exposed to the hazards of flood, mudslide, and erosion damage;

(2) the number of properties insured against floods remained roughly constant during the 1980's, despite continuing growth in real estate activity in coastal, lakeshore, and riverine areas, and the level of flood insurance coverage that an individual can purchase has not been increased since 1977;

(3) due to substantial increases in construction costs, many property owners are prevented from purchasing flood insurance for the replacement value of the building, potentially resulting in an owner not receiving a payment to fully restore flood-damaged property;

(4) since 1989, there has been a significant increase in the incidence of major storms and hurricanes and severity of related damages in the United States;

(5) as a consequence of the increase in the incidence of storms, the national flood insurance fund has been depleted, creating the risk of borrowing from the Treasury, and threatening to exacerbate the Federal budget deficit;

(6) no comprehensive Federal program exists to assist in the removal of structures from high risk areas, such as regulatory floodways and coastal high hazard areas, before disaster strikes;

(7) no comprehensive Federal program exists to evaluate and provide technical assistance and funds to communities for the mitigation of damages to repetitively and severely damaged structures or insured structures threatened by shoreline erosion, and such a program would reduce the vulnerability of the Federal Government to flood- and erosion-related losses;

(8) a Federal flood insurance program that combines predisaster mitigation efforts together with an insurance and compliance program will reduce the physical and economic effects of flood-related damage on the Federal Government, State and local governments, and individuals;

(9) requiring regulated lending institutions, government agencies, and government-sponsored enterprises to make sure that flood insurance coverage is purchased on all properties in areas of special flood hazards in participating communities will increase compliance with the program, and increase the pool of funds, thereby decreasing the impact on the fund of individual flood events;

(10) the relative rise in sea level and the fluctuations in water levels of the Great Lakes expose the National Flood Insurance Program to greater risks, and such risks should be adequately considered in order to determine a comprehensive assessment of risk under the program;

(11) erosion hazard areas have not been identified or adequately considered for the purposes of insurance established under the National Flood Insurance Act of 1968;

(12) identification of erosion hazard areas and erosion management can improve public safety, guide appropriate development, and help reduce erosion losses to existing structures and protect new structures from erosion losses, thereby reducing Federal, State, local, and private expenditures due to erosion;

(13) a community-based approach to mitigation and erosion management, to reduce losses in floodplains and to minimize adverse impacts on natural and beneficial floodplain functions, is the most comprehensive, effective, and cost-efficient method to reduce losses in floodplains and disaster assistance expenditures, and such benefits could be enhanced if combined with insurance protection for insured property owners to meet the increased reconstruction costs required by Federal, State, or local mitigation standards;

(14) incentives in the form of reduced premium rates for flood insurance under the National Flood Insurance Program should be provided in communities that have adopted and enforced exemplary or particularly effective measures for comprehensive floodplain and erosion hazard area management; and

(15) such community-based and individual mitigation and loss prevention methods and incentives should be incorporated into the National Flood Insurance Program.

SEC. 3. DECLARATION OF PURPOSE UNDER THE NATIONAL FLOOD INSURANCE ACT OF 1968.

Section 1302(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4001(e)) is amended—

(1) by redesignating paragraphs (3), (4), and (5), as paragraphs (4), (5), and (6), respectively; and

(2) by inserting after the comma at the end of paragraph (2) "(3) encourage State and local governments and Federal agencies to protect natural and beneficial floodplain functions that reduce flood-related losses,".

TITLE I—DEFINITIONS

SEC. 101. FLOOD DISASTER PROTECTION ACT OF 1973.

(a) IN GENERAL.—Section 3(a) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4003(a)) is amended—

(1) by striking paragraph (5) and inserting the following new paragraph:

"(5) 'Federal entity for lending regulation' means the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Office of Thrift Supervision, and the National Credit Union Administration Board, and with respect to a particular regulated lending institution means the entity primarily responsible for the supervision, approval, insuring, or regulation of the institution;";

(2) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(3) by inserting after paragraph (6) the following new paragraphs:

"(7) 'regulated lending institution' means a bank, savings association, credit union, or similar institution subject to the supervision, approval, regulation, or insuring of a Federal entity for lending regulation; and

"(8) the term 'Federal agency lender' means the Federal Housing Administration, the Farm Credit Administration, the Farmers Home Administration, the Small Business Administration, and the Veterans' Administration, when such agency makes loans secured by improved real estate or a manufactured home.".

(b) CONFORMING AMENDMENTS.—

(1) REQUIREMENTS TO PURCHASE FLOOD INSURANCE.—Section 102(b) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(b)) is amended by striking "Each Federal instrumentality responsible for the supervision, approval, regulation, or insuring of banks, savings and loan associations, or similar institutions shall by regulation direct such institutions" and inserting "Each Federal entity for lending regulation shall by regulation direct regulated lending institutions".

(2) EFFECT OF NONPARTICIPATION IN FLOOD INSURANCE PROGRAM.—Section 202(b) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4106(b)) is amended by striking "Federal instrumentality described in such section shall by regulation require the institutions" and inserting "Federal entity for lending regulation (with respect to regulated lending institutions)".

SEC. 102. NATIONAL FLOOD INSURANCE ACT OF 1968.

(a) IN GENERAL.—Section 1370(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4121(a)) is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(7) the term 'Federal entity for lending regulation' means the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Office of Thrift Supervision, and the National Credit Union Administration Board, and with respect to a particular regulated lending institution, means the entity primarily responsible for the supervision, approval, insuring, or regulation of the institution;

"(8) the term 'regulated lending institution' means a bank, savings and loan association, credit union, or similar institution subject to the supervision, approval, regulation, or insuring of a Federal entity for lending regulation;

"(9) the term 'Federal agency lender' means the Federal Housing Administration, the Farm Credit Administration, the Farmers Home Administration, the Small Business Administration, and the Veterans' Administration, when such agency makes loans secured by improved real estate or a manufactured home;

"(10) the term 'natural and beneficial floodplain functions' means—

"(A) the functions associated with the natural or relatively undisturbed floodplain that moderate flooding, retain flood waters, reduce erosion and sedimentation, and mitigate the effects of waves and storm surge from storms; and

"(B) ancillary beneficial functions, including maintenance of water quality, recharge of ground water, and provision of fish and wildlife habitats;

"(11) the term 'erosion hazard area' means, based on erosion rate information and other historical data available, an area where erosion or avulsion is likely to result in damage to or loss of buildings and infrastructure within a 60-year period;

"(12) the term 'erosion control measures' means a community's efforts to control erosion through nonstructural and structural projects;

"(13) the term 'baseline reference feature' means an identifiable and prevalent physical or mapped feature of a shoreline from which erosion shall be measured;

"(14) the term 'readily movable structure' means a small permanent structure of less than 5,000 square feet that is designed, sited, and built to accomplish relocation at a reasonable cost relative to other structures of the same size and construction and that has access of sufficient width and acceptable grade to permit such relocation; and

"(15) the term 'repetitive loss structure' means an insured property that has incurred flood-related damage on 2 occasions during a 10-year period ending on the date of the event for which a second claim is made, in which the cost of repair, on the average, equaled or exceeded 25 percent of the value of the structure at the time of each flood event.".

(b) Conforming Amendment.—Section 1322(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4029(d)) is amended by striking "federally supervised, approved, regulated or insured financial institution" and inserting "regulated lending institution".

TITLE II—COMPLIANCE AND INCREASED PARTICIPATION

SEC. 201. EXPANDED FLOOD INSURANCE PURCHASE REQUIREMENTS.

(a) In General.—Section 102(b) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(b)) (as amended by section 101(b)) is further amended—

(1) by inserting "(1)" after "(b)";

(2) by inserting before "shall by regulation" the following: "(after consultation and coordination with the Federal Financial Institutions Examination Council established under the Federal Financial Institutions Examination Council Act of 1974)"; and

(3) by adding at the end the following new paragraphs:

"(2) The Director of the Office of Federal Housing Enterprise Oversight (after consultation and coordination with the Federal Financial Institutions Examination Council) shall by regulation direct that the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation implement procedures reasonably designed to assure that all loans that are—

"(A) secured by improved real estate or a manufactured home located in an area that has been identified at the time of the origination of the loan by the Director of the Federal Emergency Management Agency, as an area of special flood hazards and in which flood insurance is available under the National Flood Insurance Act of 1968, and

"(B) purchased by either such entity,

are covered for the term of the loan by flood insurance in the amount provided in paragraph (1).

"(3) Each Federal agency lender shall implement procedures reasonably designed to assure that all property—

"(A) that secures loans that the Federal agency lender makes, increases, extends, renews, or purchases, and

"(B) that is improved by real estate or a manufactured home located in an area that has been identified at the time of the origination of the loan by the Director of the Federal Emergency Management Agency as an area of special flood hazards and in which flood insurance is available under the National Flood Insurance Act of 1968,

is covered for the term of the loan by flood insurance in the amount provided in paragraph (1).".

(b) Effective Date.—The provisions of this section shall apply to all transactions occurring after the expiration of the 1-year period beginning on the date of enactment of this Act.

SEC. 202. ESCROW OF FLOOD INSURANCE PAYMENTS.

(a) In General.—Section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) is amended by adding at the end the following new subsection:

"(d)(1) Each Federal entity for lending regulation, after consultation and coordination with the Federal Financial Institutions Examination Council, shall by regulation require that, if a regulated lending institution requires the escrowing of taxes, insurance premiums, fees, or any other charges for loans secured by residential real estate or manufactured homes, all charges for flood insurance under this title for the property shall be paid by the borrower to the institution. Upon receipt of a notice from the Director or the provider of the insurance that insurance premiums, fees, or other charges are due, the institution shall pay from the escrow account to the provider of the insurance the amount of insurance premiums, fees or other charges owed.

"(2) If a Federal agency lender requires the escrowing of taxes, insurance premiums, fees, or any other charges, then any charges for flood insurance under this title for the residential real estate or the manufactured home shall be paid by the borrower to the Federal agency lender. Upon receipt of a notice from the Director or the provider of the insurance that insurance premiums, fees, or other charges are due, the Federal agency lender shall pay from the escrow account to the provider of the insurance the amount of insurance premiums, fees or other charges owed.

"(3) Escrow accounts used to collect flood insurance premiums, fees, or other charges under this subsection shall be subject to the provisions of section 10 of the Real Estate Settlement Procedures Act of 1974.".

(b) Applicability.—Section 102(d) of the Flood Disaster Protection Act of 1973 (as added by subsection (a)) shall apply with respect to any loan made, increased, extended, or renewed after the expiration of the 1-year period beginning on the date of enactment of this Act.

SEC. 203. NOTICE REQUIREMENTS.

Section 1364 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104a) is amended to read as follows:

"SEC. 1364. NOTICE REQUIREMENTS.

"(a) Lending Institutions.—Each Federal entity for lending regulation, after consultation and coordination with the Federal Financial Institutions Examination Council, shall by regulation require that before a regulated lending institution makes, increases, extends, or renews a loan secured by improved real estate or a manufactured home located in an area that has been identified by the Director as an area of special flood hazards, the institution shall notify the borrower of the special flood hazards and of the need to purchase and maintain flood insurance.

"(b) Federal Agency Lenders.—Before a Federal agency lender makes, increases, extends, or renews a loan secured by improved real estate or a manufactured home located in an area that has been identified by the Director as an area of special flood hazards, the Federal agency lender shall notify the borrower of the special flood hazards and of the need to purchase and maintain flood insurance.

"(c) Participating Communities.—The Director shall by regulation require each participating community, upon receiving the semiannual list prepared by the Director of all changes, revisions, and amendments made to the flood insurance rate maps during the preceding 6 months, to determine whether any properties in their community have been affected, and to provide annual notice by mail, notice by publication, or notice by other reasonable method, to regulated lending institutions that are known to lend in the community, and to the owners of all properties newly determined to be in special flood hazard areas, of the requirement that Federal flood insurance be purchased for insurable structures located within the special flood hazard areas in the community.

"(d) Contents of Notice.—Notification required by this section shall include a warning, in a form to be established by the Director, stating that the real estate or manufactured home securing the loan is located in an area of special flood hazards, a description of the flood insurance purchase requirements under section 102(b) of this title, a statement that flood insurance coverage may be purchased under the National Flood Insurance Program and may also be available from private insurers, and any other information that the Director considers necessary to carry out the purposes of the National Flood Insurance Program.".

SEC. 204. PLACEMENT OF FLOOD INSURANCE BY REGULATED LENDING INSTITUTION OR FEDERAL AGENCY LENDER.

(a) Required Actions by Lender.—Section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) (as amended by section 202(a)) is further amended by adding at the end the following new subsection:

"(e) Required Actions by Lender.—

"(1) Notification to borrower of lack of coverage.—If, at any time during the term of a loan secured by improved real estate or by a manufactured home located in an area that has been identified by the Director as an area of special flood hazards and in which flood insurance is available under this title, a regulated lending institution or Federal agency lender determines that the building or manufactured home and any personal property securing the loan held or serviced by the regulated lending institution or Federal agency lender is not covered by flood insurance, in an amount not less than the amount required by subsection (b)(1), the regulated lending institution or Federal agency lender shall notify the borrower that the borrower should obtain, at the borrower's expense, an amount of flood insurance that is not less than the amount required by subsection (b)(1), for the term of the loan. If, not later than 60 days after receiving such notification, the borrower fails to purchase such flood insurance, the regulated lending institution or Federal agency lender shall purchase the insurance on behalf of the borrower and may charge the borrower for the cost of premiums and fees incurred by the regulated lending institution or Federal agency lender in purchasing the insurance.

"(2) Review.—

"(A) By the Director.—A borrower may request that the Director review a determination that the improved real estate or manufactured home securing the loan is located in an area of special flood hazards. Not later than 45 days after the Director receives the request, the Director shall review the determination and provide the borrower with a letter stating whether or not the property is in a special flood hazards area. The determination of the Director shall be final.

"(B) Insurance not required.—If a person is provided by the borrower with a letter issued by the Director pursuant to subparagraph (A) during the preceding 1-year period, stating that the property is not in an area of special flood hazards, such person shall have no obligation under this title to require the purchase of flood insurance on the property.".

(b) Applicability.—Section 102(e) of the Flood Disaster Protection Act (as added by subsection (a)) shall apply to all loans outstanding on or after the date of enactment of the National Flood Insurance Reform Act of 1993.

SEC. 205. STANDARD FLOOD HAZARD DETERMINATION FORMS.

Chapter III of the National Flood Insurance Act of 1968 (42 U.S.C. 4101 et seq.) is amended by adding at the end the following new section:

"SEC. 1365. STANDARD FLOOD HAZARD DETERMINATION FORMS.

"(a) Development.—The Director, in consultation with the Federal entities for lending regulation, shall develop a standard flood hazard determination form (hereafter in this section referred to as the 'determination form') for use in connection with loans secured by improved real estate or a manufactured home located in an area of special flood hazards and in which flood insurance is available under this title.

"(b) Design and Contents.—The determination form shall state whether the property is in an area of special flood hazards, the risk premium rate classification established for the special flood hazard area in which the property is located, the complete map and panel numbers for the property, and the date of the map used for the determination. If the complete map and panel numbers for the property are not available because the property is not located in a community that is participating in the National Flood Insurance Program or because no map exists for the relevant area, the determination form shall so state.

"(c) Required Use.—Each Federal entity for lending regulation shall by regulation require the use of the determination form by regulated lending institutions. Each Federal agency lender shall by regulation provide for the use of the determination form. The Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation shall require use of the determination form by any person from whom they purchase loans.

"(d) Guarantees Regarding Information.—In recording information on a determination form, a person may rely on information provided by a third party to the extent that the third party guarantees the accuracy of the information.

"(e) Reliance on Previous Determination.—A person or institution increasing, extending, renewing, purchasing, or servicing a loan may rely on a previous determination as to whether property is in a special flood or erosion hazard area, if the previous determination was made not later than 5 years after the date of the transaction, and the basis for the previous determination has been set forth on a determination form.".

SEC. 206. EXAMINATIONS REGARDING COMPLIANCE BY REGULATED LENDING INSTITUTIONS.

(a) Amendment to Federal Deposit Insurance Act.—Section 10 of the Federal Deposit Insurance Act (12 U.S.C. 1820) is amended by adding at the end the following new subsection:

"(h) Flood Hazard Insurance Compliance by Insured Depository Institutions Required.—

"(1) Examinations.—The appropriate Federal banking agency shall, during each scheduled on-site examination required by this section, determine whether the insured depository institution is complying with the requirements of the National Flood Insurance Program.

"(2) Report.—Not later than 1 year after the date of enactment of the National Flood Insurance Reform Act of 1993, and biannually thereafter for the next 4 years, each appropriate Federal banking agency shall submit a report to Congress on compliance by insured depository institutions with the requirements of the National Flood Insurance Program. The report shall include a description of the methods used to determine compliance, the number of institutions examined during the reporting year, a listing and total number of institutions found to be in noncompliance, actions taken to correct incidents of noncompliance, and an analysis of compliance, including a discussion of any trends, patterns, and problems, and recommendations regarding reasonable actions to improve the efficiency of the examinations processes.".

(b) Amendment to the Federal Credit Union Act.—Section 204 of the Federal Credit Union Act (12 U.S.C. 1784) is amended by adding at the end the following new subsection:

"(e) Flood Hazard Insurance Compliance by Insured Credit Unions Required.—

"(1) Examination.—The Board shall, during each examination conducted under this section, determine whether the insured credit union is complying with the requirements of the National Flood Insurance Program.

"(2) Report.—Not later than 1 year after the date of enactment of the National Flood Insurance Reform Act of 1993, and biannually thereafter for the next 4 years, the Board shall submit a report to Congress on compliance by insured credit unions with the requirements of the National Flood Insurance Program. The report shall include a description of the methods used to determine compliance, the number of insured credit unions examined during the reporting year, a listing and total number of insured credit unions found to be in noncompliance, actions taken to correct incidents of noncompliance, and an analysis of compliance, including a discussion of any trends, patterns, and problems, and recommendations regarding reasonable actions to improve the efficiency of the examinations processes.".

SEC. 207. PENALTIES AND CORRECTIVE ACTIONS FOR FAILURE TO REQUIRE FLOOD INSURANCE, ESCROW, OR NOTIFY.

Section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) (as amended by sections 202(a) and 204(a)) is further amended by adding at the end the following new subsections:

"(f) Civil Penalties.—

"(1) In general.—A regulated lending institution that is found to have a pattern or practice of violating this section shall be assessed a civil penalty by the appropriate Federal entity for lending regulation of not more than $350 for each such violation. A penalty under this subsection may be issued only after notice and an opportunity for a hearing on the record.

"(2) Total amount.—The total amount of penalties assessed under this subsection against a single regulated lending institution for any calendar year may not exceed $100,000.

"(3) Sales or transfers.—The subsequent sale or other transfer of a loan by a regulated lending institution that has committed a violation of this section shall not affect the liability of the transferring institution with respect to any penalty under this subsection. An institution shall not be liable for a violation relating to a loan committed by another institution that previously held the loan.

"(4) 3-year limit.—No penalty may be imposed under this subsection after the expiration of the 3-year period beginning on the date of the occurrence of the violation.

"(g) Additional Actions.—If a Federal entity for lending regulation determines—

"(1) that a regulated lending institution has demonstrated a pattern and practice of noncompliance in violation of the regulations issued pursuant to subsection (b) or subsection (d) or the notice requirements under section 1364 of the National Flood Insurance Act of 1968, and

"(2) that the regulated lending institution has not demonstrated measurable improvement in compliance despite the issuance of penalties under subsection (f),

the agency may require the regulated lending institution to take such remedial actions as are necessary to ensure that the regulated lending institution is in satisfactory compliance with the requirements of the National Flood Insurance Program.".

SEC. 208. FINANCIAL INSTITUTIONS EXAMINATION COUNCIL.

Section 1006 of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3305) is amended by adding at the end the following new subsection:

"(g) Flood Insurance.—The Council shall consult and assist the Federal entities for lending regulation, as such term is defined in section 1370(a)(7) of the National Flood Insurance Act of 1968, in developing and coordinating uniform standards and requirements for use by regulated lending institutions and Federal agency lenders under the National Flood Insurance Program.".

SEC. 209. CONFORMING AMENDMENT.

The section heading for section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) is amended to read as follows:

"FLOOD INSURANCE PURCHASE AND COMPLIANCE REQUIREMENTS AND ESCROW ACCOUNTS".

TITLE III—RATINGS AND INCENTIVES FOR COMMUNITY FLOODPLAIN MANAGEMENT PROGRAMS

SEC. 301. COMMUNITY RATING SYSTEM AND INCENTIVES FOR COMMUNITY FLOODPLAIN MANAGEMENT.

(a) Requirement for Participation in Flood Insurance Program.—Section 1315 of the National Flood Insurance Act of 1968 (42 U.S.C. 4022) is amended—

(1) by inserting after "Sec. 1315." the following: "(a) Requirement for Participation in Flood Insurance Program.—"; and

(2) by adding at the end the following new subsection:

"(b) Community Rating System and Incentives for Community Floodplain Management.—

"(1) Authority and goals.—The Director shall carry out a community rating system program to evaluate the measures adopted by communities voluntarily participating in the community rating system, to provide incentives for measures to reduce the risk of flood or erosion damage that exceed the criteria set forth in section 1361, to encourage adoption of more effective measures for floodplain and erosion management, and to promote the reduction of Federal flood insurance losses.

"(2) Incentives.—The program shall provide incentives in the form of credits on premium rates for flood insurance coverage in communities that the Director determines have adopted and enforced measures to reduce the risk of flood and erosion damage that exceed the criteria set forth in section 1361. In providing incentives under this paragraph, the Director may provide for credits to flood insurance premium rates in communities that the Director determines have implemented measures relating to—

"(A) the protection of natural and beneficial floodplain functions; and

"(B) the management of erosion hazards.

"(3) Credits.—The credits on premium rates for flood insurance coverage shall be based on the estimated reduction in flood damage risks resulting from the measures adopted by the community under this program.

(b) Reports.—Two years after the date of enactment of the National Flood Insurance Reform Act of 1993 and biannually thereafter, the Director shall submit a report to the Congress regarding the program under section 1315(a) of the National Flood Insurance Act of 1968. Each report shall include an analysis of the cost-effectiveness and other accomplishments and shortcomings of the program and any recommendations of the Director for legislation regarding the program.

SEC. 302. FUNDING.

Section 1310(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4017(a)) is amended—

(1) in paragraph (4), by striking "and" at the end;

(2) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(3) by adding after paragraph (5) the following new paragraph:

"(6) for carrying out the program under section 1315(b);".

TITLE IV—MITIGATION OF FLOOD AND EROSION RISKS

SEC. 401. MITIGATION ASSISTANCE IN FEDERAL INSURANCE ADMINISTRATION.

Section 1105(a) of the Housing and Urban Development Act of 1968 (42 U.S.C. 4129(a)) is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following new paragraph:

"(2) The Director of the Federal Emergency Management Agency shall coordinate all mitigation activities, including the administration of the program for mitigation assistance under section 1367, under the Federal Insurance Administrator. These activities shall include the development and implementation of various mitigation activities and techniques, the provision of advice and assistance regarding mitigation to States, communities, and individuals, including planning assistance under section 1367(d), coordination with other Federal flood and erosion mitigation efforts, and coordination with State and local governments and public and private agencies and organizations for collection and dissemination of information regarding erosion.".

SEC. 402. AUTHORIZATION OF NATIONAL FLOOD AND EROSION MITIGATION FUNDS UNDER SECTION 1362.

Chapter III of the National Flood Insurance Act of 1968 (42 U.S.C. 4101 et seq.), is amended by adding at the end the following new section:

"SEC. 1366. NATIONAL FLOOD AND EROSION MITIGATION PROGRAM.

"(a) Expenditures.—For flood and erosion mitigation activities authorized under section 1367, the Director may expend from the National Flood Insurance Fund—

"(1) up to $10,000,000 in the fiscal year ending September 30, 1994;

"(2) up to $15,000,000 in the fiscal year ending September 30, 1995;

"(3) up to $20,000,000 in the fiscal year ending September 30, 1996;

"(4) up to $20,000,000 in each fiscal year thereafter; and

"(5) any amounts recaptured under section 1367(i).

"(b) Report.—Not later than 1 year after the date of enactment of the National Flood Insurance Reform Act of 1993 and biannually thereafter, the Director shall submit a report to the Congress describing the status of flood and erosion mitigation activities carried out with funds authorized under this section.".

SEC. 403. STATE AND COMMUNITY MITIGATION ASSISTANCE PROGRAM.

(a) In General.—Chapter III of the National Flood Insurance Act of 1968 (42 U.S.C. 4101 et seq.) is amended by adding at the end the following new section:

"SEC. 1367. STATE AND COMMUNITY MITIGATION ASSISTANCE.

"(a) Authority.—The Director shall develop and implement a financial assistance program with amounts made available under section 1366 to States and communities for planning and activities designed to reduce the risk of flood and erosion damage to insured structures.

"(b) Mitigation Plan Requirement.—To be eligible to receive financial mitigation assistance, a State or community shall develop, and have approved by the Director, a flood and erosion risk mitigation plan (hereafter in this section referred to as a 'mitigation plan'), that is more protective against flood losses and if applicable, erosion losses, than the criteria established by the Director under section 1361. The mitigation plan shall include a comprehensive strategy for mitigation activities adopted by the State or community following a public hearing.

"(c) Notification of Approval.—Not later than 120 days after the submission of a mitigation plan, the Director shall notify the State or community submitting the plan of the Director's approval or disapproval of the plan. If the Director does not approve a plan, the Director shall notify the State or community in writing of the reasons for such disapproval.

"(d) Planning Assistance.—

"(1) In general.—The Director shall make planning assistance available to States and communities for developing mitigation plans.

"(2) Funding.—From any amounts made available for use under section 1366 of the National Flood Insurance Act of 1968 in any fiscal year, the Director may use not more than $1,500,000 to provide planning assistance grants to States or communities to develop mitigation plans under this subsection.

"(3) Limitations.—

"(A) Timing.—A grant for planning assistance may be awarded to a State or community once every 5 years and each grant may cover a period of 1 to 3 years.

"(B) Amount.—A grant for planning assistance may not exceed—

"(i) $150,000, to any State; or

"(ii) $50,000, to any community.

"(C) Geographic.—Not more than $300,000 may be awarded to any 1 State and all communities located in that State for planning assistance in each fiscal year.

"(e) Eligible Mitigation Activities.—The Director shall determine eligibility for assistance under this section for mitigation activities that shall be technically feasible and cost-effective. These activities may include—

"(1) elevation, relocation, demolition, or floodproofing of structures;

"(2) acquisition by States and communities of property substantially damaged by flood for public use as the Director determines is consistent with sound land management and use in such area; and

"(3) the provision of technical assistance by States to communities and individuals to conduct eligible mitigation activities.

"(f) Limitations on Mitigation Assistance.—

"(1) Amount.—The amount of mitigation assistance provided under subsection (e) may not exceed in any 5-year period—

"(A) $10,000,000, to any State; or

"(B) $3,300,000, to any community.

"(2) Geographic.—Not more than $20,000,000 may be awarded to any 1 State and all communities located in that State for mitigation assistance in any 5-year period.

"(g) Matching Requirement.—The Director may provide mitigation assistance to a State or community in an amount not to exceed 3 times the amount that the State or community certifies, as the Director shall require, that the State or community will contribute from other funds to carry out mitigation planning under subsection (d) and eligible activities under subsection (e).

"(h) Oversight of Mitigation Plans.—The Director shall conduct oversight of recipients of mitigation assistance to ensure that the mitigation assistance is used in compliance with approved plans.

"(i) Recapture.—If the Director determines that a State or community that has received mitigation assistance has not carried out the mitigation activities as set forth in the mitigation plan, the Director shall recapture any unexpended amounts and deposit the amounts in the Fund.

"(j) Definition of Community.—For purposes of this section, the term 'community' means a political subdivision that has zoning and building code jurisdiction over a particular area of special flood hazards, and that is participating in the National Flood Insurance Program.".

(b) Regulations.—Not later than 6 months after date of enactment of this Act, the Director of the Federal Emergency Management Agency shall issue regulations implementing section 1367 of the National Flood Insurance Act of 1968, as added by subsection (a).

SEC. 404. REPEAL OF PROGRAM FOR PURCHASE OF CERTAIN INSURED PROPERTIES.

(a) Repeal.—Section 1362 of the National Flood Insurance Act of 1968 (42 U.S.C. 4103) is repealed.

(b) Transition.—Notwithstanding the repeal under subsection (a), the Director of the

Federal Emergency Management Agency may continue to purchase property under subsections (a) and (b) of section 1362 of the National Flood Insurance Act of 1968, as such section existed immediately before the date of enactment of this Act, for a period of 1 year beginning on the date of enactment of this Act.

SEC. 405. TERMINATION OF EROSION THREATENED STRUCTURES PROGRAM.

(a) IN GENERAL.—Section 1306 of the National Flood Insurance Act of 1968 (42 U.S.C. 4013) is amended by striking subsection (c).

(b) TRANSITION.—The Director of the Federal Emergency Management Agency (hereafter in this title referred to as the "Director") may pay amounts under flood insurance contracts for demolition or relocation of structures as provided in section 1306(c) of the National Flood Insurance Act of 1968 (as in effect immediately before the date of enactment of this Act) only during the 1-year period beginning on the date of enactment of this Act.

SEC. 406. LIMITATIONS ON NEW FLOOD INSURANCE COVERAGE IN EROSION HAZARD AREAS.

The National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) is amended by inserting after section 1313 the following new section:

"SEC. 1314. PROPERTIES LOCATED WITHIN 30-YEAR AND 60-YEAR EROSION HAZARD AREAS.

"(a) PROPERTIES LOCATED WITHIN 30-YEAR EROSION HAZARD AREA.—After the establishment of erosion hazard areas under section 1360(i), the Director may not make flood insurance available within a 30-year erosion hazard area with respect to any new—

"(1) construction; or

"(2) addition to an existing structure, if the addition makes the structure not readily movable.

"(b) PROPERTIES LOCATED WITHIN 60-YEAR EROSION HAZARD AREA AND OUTSIDE 30-YEAR EROSION HAZARD AREA.—After the establishment of erosion hazard areas under section 1360(i), the Director may not make flood insurance available with respect to any new—

"(1) nonresidential structure;

"(2) residential structure that is not readily movable; or

"(3) addition to an existing structure, if the addition makes the structure not readily movable;

that is constructed or relocated landward of the 30-year erosion hazard area and within the 60-year erosion hazard area established by the Director under such section.".

SEC. 407. RIVERINE EROSION STUDY.

(a) STUDY.—The Director shall conduct a study to determine the feasibility of identifying and establishing riverine erosion hazard areas, erosion rates, and baseline reference features, and the best methods of community management of such hazards consistent with section 1361 of the National Flood Insurance Act of 1968. In conducting the study, the Director shall—

(1) investigate and assess existing and state-of-the-art technical methodologies for assessing riverine erosion;

(2) examine and evaluate natural riverine processes, environmental conditions, human-induced changes to the banks of rivers and streams, examples of erosion and likely causes, and examples of erosion control; and

(3) analyze riverine erosion management strategies, the technical standards, methods, and data necessary to support such strategies, and methods of administering such strategies through the National Flood Insurance Program.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Director shall submit a report to the Congress regarding the findings and conclusions of the study under this section. The report shall include any recommendations of the Director regarding appropriate methods and approaches for identifying and determining riverine erosion hazard areas and management strategies relating to riverine erosion.

SEC. 408. COORDINATION WITH COASTAL ZONE MANAGEMENT PROGRAMS.

(a) IN GENERAL.—In the implementation of this title and the amendments made pursuant to this title, the Director shall consult with the Under Secretary of Commerce for Oceans and Atmosphere and representatives from State coastal zone management programs to promote full coordination of the erosion management provisions of the National Flood Insurance Act of 1968 as amended by this Act, and the provisions of the Coastal Zone Management Act of 1972. The Director shall, to the greatest extent possible, utilize State management programs approved under section 306 of the Coastal Zone Management Act of 1972 to facilitate development and implementation of regulations and guidelines for this title.

(b) COORDINATION REPORT.—The Director and the Under Secretary of Commerce for Oceans and Atmosphere shall jointly prepare a report that details the proposed mechanisms for achieving the coordination required in subsection (a). This report shall be transmitted to the Congress not later than 2 years after the date of enactment of this Act.

TITLE V—FLOOD INSURANCE TASK FORCE

SEC. 501. FLOOD INSURANCE INTERAGENCY TASK FORCE.

(a) ESTABLISHMENT.—There is established an interagency task force to be known as the Flood Insurance Task Force (hereafter in this title referred to as the "Task Force").

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Task Force shall consist of 11 members, who shall be the designees of—

(A) the Director of the Federal Emergency Management Agency;

(B) the Federal Housing Commissioner;

(C) the Secretary of Veterans Affairs;

(D) the Administrator of the Farmers Home Administration;

(E) the Administrator of the Small Business Administration;

(F) each member of the Federal Financial Institutions Examination Council;

(G) the chairman of the Board of Directors of the Federal Home Loan Mortgage Corporation; and

(H) the chairman of the Board of Directors of the Federal National Mortgage Association.

(2) QUALIFICATIONS.—Members of the Task Force shall be designated for membership on the Task Force by reason of demonstrated knowledge and competence regarding the National Flood Insurance Program.

(c) DUTIES.—The Task Force shall—

(1) make recommendations to the head of each Federal agency and corporation referred to under subsection (b)(1) regarding the establishment or adoption of standardized enforcement procedures among such agencies and corporations responsible for enforcing compliance with the requirements under the National Flood Insurance Program to ensure the fullest possible compliance with such requirements;

(2) study the extent to which Federal agencies and the secondary mortgage market can provide assistance in ensuring compliance with the requirements under the National Flood Insurance Program;

(3) study the extent to which existing programs of Federal agencies and corporations for compliance with the requirements under the National Flood Insurance Program can serve as a model for other Federal agencies responsible for enforcing compliance, and submit to the Congress a report describing the study and any conclusions;

(4) study the extent to which the flood insurance premium rate structure could be revised to minimize existing premium rate subsidies, to incorporate premium rate adjustments for erosion hazards, to account for catastrophic loss events, and propose strategies to establish an actuarial-based premium structure to account for all insurable risks identified under the National Flood Insurance Act of 1968, as amended by this Act; and

(5) develop guidelines regarding enforcement and compliance procedures, based on the studies and findings of the Task Force and publishing the guidelines in a usable format.

(d) REPORTS.—Not later than 2 years after the date of enactment of this Act, the Task Force shall transmit to the Congress a report describing its studies and any conclusions.

(e) COMPENSATION.—Members of the Task Force shall receive no additional compensation by reason of their service on the Task Force.

(f) CHAIRPERSON.—The members of the Task Force shall elect 1 member to serve as the chairperson of the Task Force (hereafter in this section referred to as the "Chairperson").

(g) MEETINGS AND ACTION.—The Task Force shall meet at the call of the Chairperson or a majority of the members of the Task Force and may take action by a vote of the majority of the members. The Federal Insurance Administrator shall coordinate and call the initial meeting of the Task Force.

(h) OFFICERS.—The Chairperson may appoint officers to carry out the duties of the Task Force under subsection (c).

(i) STAFF OF FEDERAL AGENCIES.—Upon the request of the Chairperson, the head of any of the Federal agencies and corporations referred to in subsection (b)(1) may detail, on a nonreimbursable basis, any of the personnel of the agency to the Task Force to assist the Task Force in carrying out its duties under this Act.

(j) POWERS.—In carrying out this section, the Task Force may hold hearings, sit and act at times and places, take testimony, receive evidence and assistance, provide information, and conduct research as the Task Force considers appropriate.

(k) TERMINATION.—The Task Force shall terminate 2 years after the date on which all members of the Task Force have been designated under subsection (b)(1).

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. MAXIMUM FLOOD INSURANCE COVERAGE AMOUNTS.

(a) IN GENERAL.—Section 1306(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(b)) is amended—

(1) in paragraph (1)(A)—

(A) by inserting "and" at the end of clause (i); and

(B) by striking clause (iii);

(2) by striking subparagraph (B) of paragraph (1) and inserting the following new subparagraph:

"(B) in the case of any nonresidential property, including churches—

"(i) $100,000 aggregate liability for each structure; and "(ii) $100,000 aggregate liability for any contents related to each structure;";

(3) by striking subparagraph (C) of paragraph (1);

(4) in paragraph (2), by striking "so as to enable" and all that follows through the end of the paragraph and inserting "up to an amount, including the limits specified in clause (i) of paragraph (1)(A), of $250,000 multiplied by the number of dwelling units in the building;";

(5) in paragraph (3), by striking "so as to enable" and all that follows through the end of the paragraph and inserting "up to an amount of $90,000 for any single-family dwelling and $240,000 for any residential structure containing more than one dwelling unit;"; and

(6) by striking paragraph (4) and inserting the following new paragraph:

"(4) in the case of any nonresidential property, including churches, additional flood insurance in excess of the limits specified in clauses (i) and (ii) of paragraph (1)(B) shall be made available to every insured upon renewal and every applicant for insurance up to an amount of $2,400,000 for each structure and $2,400,000 for any contents related to each structure; and".

(b) REMOVAL OF CEILING ON COVERAGE REQUIRED.—Section 1306(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(b)) is amended—

(1) in paragraph (5), by striking "; and" at the end and inserting a period;

(2) by striking paragraph (6); and

(3) by adding at the end the following new flush sentence:

"Upon determining that a property is a repetitive loss structure, the Director shall charge the applicable risk premium rate for flood insurance based on consideration of the risk involved and accepted actuarial principles under section 1307(a)(1).".

(c) CONFORMING AMENDMENTS.—Section 1306(b)(5) of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(b)(5)) is amended—

(1) by striking "(A), (B), or (C)" and inserting "(A) or (B)"; and

(2) by striking "(1)(C),".

SEC. 602. ADDITIONAL COVERAGE FOR COMPLIANCE WITH LAND USE AND CONTROL MEASURES.

Section 1304(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4011(a)) is amended by inserting before the period ", including the cost of compliance with land use and control measures adopted by the State or community pursuant to section 1315, for properties that are repetitive loss structures or that have flood damage in which the cost of repairs equals or exceeds 50 percent of the value of the structure at the time of the flood event".

SEC. 603. FLOOD INSURANCE PROGRAM ARRANGEMENTS WITH PRIVATE INSURANCE ENTITIES.

Section 1345(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4081(b)) is amended by striking the period at the end and inserting the following: "and without regard to the provisions of the Federal Advisory Committee Act.".

SEC. 604. UPDATING OF FLOOD INSURANCE MAPS AND IDENTIFICATION OF EROSION HAZARD AREAS.

(a) 5-YEAR UPDATES.—Section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101) is amended by adding at the end the following new subsections:

"(e) ASSESSMENT OF NEED TO UPDATE AREAS.—(1) Once during each 5-year period (the 1st such period beginning on the date of enactment of the National Flood Insurance Reform Act of 1993), or more often as the Director determines necessary, the Director shall assess the need to revise and update the flood insurance rate map.

"(2) Upon the request of a State or community stating that a flood insurance rate map needs revision or updating and the State or community making the request agrees to provide not less than 50 percent of the cost, or the equivalent value of data, technical analysis, or other in-kind services, for the requested revision or update, the Director shall review and update the flood insurance rate map for the State or community.

"(f) AVAILABILITY.—To promote compliance with the requirements of this title, the Director shall make flood insurance rate maps and related information available free of charge to State agencies directly responsible for coordinating the National Flood Insurance Program and to appropriate representatives of communities participating in the National Flood Insurance Program, and at a reasonable cost to all other persons pursuant to section 1310.

"(g) NOTIFICATION.—The Director shall publish in the Federal Register or by other comparable method, not later than 30 days after the map change or revision under this section becomes effective, notices of changes to flood insurance map panels, and changes to flood insurance map panels issued in the form of Letters of Map Amendment and Letters of Map Revision. Such comparable methods shall include all pertinent information, provide for regular and frequent distribution, and be at least as accessible to map users as the Federal Register. Notices published in the Federal Register, or otherwise, shall also include information on how to obtain copies of the changes or revisions.

"(h) AVAILABILITY.—Every 6 months, the Director shall publish separately and make available in their entirety within a compendium, all changes and revisions to flood insurance map panels and all Letters of Map Amendment and Letters of Map Revision that were published in the Federal Register or distributed through other comparable methods during the preceding 6 months, free of charge, to States and communities participating in the National Flood Insurance Program pursuant to section 1310 and at cost to all other parties.".

(b) ASSESSMENT, IDENTIFICATION, AND MAPPING OF EROSION HAZARD AREAS.—Section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101) (as amended by subsection (a)) is further amended by adding at the end the following new subsection:

"(i) ASSESSMENT, IDENTIFICATION, AND MAPPING OF EROSION HAZARD AREAS.—

"(1) IN GENERAL.—Not later than 60 months after the date of enactment of the National Flood Insurance Reform Act of 1993, the Director shall, using erosion rate information and other historical data, assess, identify, and map all erosion hazard areas.

"(2) MAPPING PRIORITIES.—Not later than 2 years after the date of enactment of the National Flood Insurance Reform Act of 1993, the Director shall determine areas that are at greatest risk from erosion and assess, identify, and map the erosion hazard areas in these areas.

"(3) CONSIDERATION OF MITIGATION ACTIVITIES.—In identifying and mapping erosion hazard areas, the Director shall determine erosion rates based on the presence of any community erosion control measures and erosion of the area in the absence of the project. The Director shall use the lower estimated erosion rate in the determination of erosion hazard areas.

"(4) TRANSITION.—Until the Director has assessed, identified, and mapped erosion rate data for a community, the community may obtain, review, and reasonably use erosion rate information or other historical data available from other Federal, State, or other sources in order to develop a mitigation plan.

"(5) STATE EROSION RATE DATA AND BASELINE REFERENCE FEATURES AND STATE AND COMMUNITY LOSS REDUCTION PROGRAMS.—The Director shall, to the maximum extent practicable, use State or community erosion rate data and baseline reference features in designating erosion hazard areas under this title.

"(6) EROSION HAZARDS.—On each flood insurance rate map established under this section, the Director shall publish erosion rates for areas that are subject to erosion hazards. These erosion rates shall be used to identify areas that are subject to erosion hazards within a 60-year period (hereafter referred to as the '60-year erosion hazard area'), and for areas that are subject to erosion hazards within a 30-year period (hereafter referred to as the '30-year erosion hazard area') as measured from a baseline reference feature. On each flood insurance rate map, the Director shall identify and provide legible demarcation of the baseline reference feature. The Director may also provide for legible demarcation of erosion hazard areas where map scale or other limitations allow for such demarcation.

"(7) REVISION OF EROSION HAZARD AREAS.—In revising the demarcation of the baseline reference feature and erosion rate data, the legible demarcation of erosion hazard areas, or geographical boundaries of erosion hazard areas, the Director shall give special consideration to—

"(A) areas (or subdivisions thereof) that are experiencing or have recently experienced erosion rates in excess of the erosion rate established under this section, due to storms, high lake levels, or other extraordinary events creating a dynamic change in the local erosion rate; and

"(B) areas in which community erosion control measures have been implemented or erosion rates established under this section have been significantly altered otherwise by manmade or induced activity.

"(8) REVIEW.—The Director shall consult with State and community governments in the determination of erosion hazard areas, and shall provide for a public review and appeals process comparable to the established review and appeals process for flood elevation determinations required under this title.".

SEC. 605. TECHNICAL MAPPING ADVISORY COUNCIL.

(a) ESTABLISHMENT.—There is established a council to be known as the Technical Mapping Advisory Council (hereafter in this section referred to as the "Council").

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Council shall consist of the Director of the Federal Emergency Management Agency (hereafter in this section referred to as the "Director"), or the Director's designee, and 12 additional members to be appointed by the Director or his designee, and shall include—

(A) the Under Secretary of Commerce for Oceans and Atmosphere (or his or her designee);

(B) a member of recognized surveying and mapping professional associations and organizations;

(C) a member of recognized professional engineering associations and organizations;

(D) a member of recognized professional associations or organizations representing flood hazard determination firms;

(E) a representative of the United States Geologic Survey;

(F) a representative of State geologic survey programs;

(G) a representative of State national flood insurance coordination offices;

(H) a representative of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation; and

(I) a representative of a regulated lending institution.

(2) QUALIFICATIONS.—Members of the Council shall be appointed based on their demonstrated knowledge and competence regarding surveying, cartography, remote sensing, geographic information systems, or the technical aspects of preparing and using flood insurance rate maps.

(c) DUTIES.—The Council shall—

(1) make recommendations to the Director on how to improve in a cost-effective manner the accuracy, general quality, ease of use, and distribution and dissemination of flood insurance rate maps;

(2) recommend to the Director mapping standards and guidelines for flood insurance rate maps; and

(3) transmit an annual report to the Director describing—

(A) the activities of the Council;

(B) an evaluation of the status and performance of flood insurance rate maps and mapping activities to update and revise flood insurance rate maps as established by the amendments made under section 604; and

(C) a summary of recommendations made by the Council to the Director.

(d) CHAIRPERSON.—The members of the Council shall elect 1 member to serve as the chairperson of the Council (hereafter in this section referred to as the "Chairperson").

(e) COORDINATION.—To ensure that the Council's recommendations are consistent to the maximum extent practicable with national digital spatial data collection and management standards, the Chairperson shall consult with the Chairperson of the Federal Geographic Data Committee (established pursuant to OMB Circular A-16).

(e) COMPENSATION.—Members of the Council shall receive no additional compensation by reason of their service on the Council.

(g) MEETINGS AND ACTIONS.—

(1) IN GENERAL.—The Council shall meet not less than twice each year at the request of the Chairperson or a majority of its members and may take action by a vote of the majority of the members.

(2) INITIAL MEETING.—The Director, or a person designated by the Director, shall request and coordinate the initial meeting of the Council.

(h) OFFICERS.—The Chairperson may appoint officers to assist in carrying out the duties of the Council under subsection (c).

(i) STAFF OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY.—Upon the request of the Chairperson, the Director may detail, on a nonreimbursable basis, personnel of the Federal Emergency Management Agency to assist the Council in carrying out its duties.

(j) POWERS.—In carrying out this section, the Council may hold hearings, receive evidence and assistance, provide information, and conduct research as it considers appropriate.

(k) TERMINATION.—The Council shall terminate 5 years after the date on which all members of the Council have been appointed under subsection (b)(1).

SEC. 606. FUNDING FOR INCREASED ADMINISTRATIVE AND OPERATIONAL RESPONSIBILITIES.

(a) AVAILABILITY OF FUND.—Section 1310(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4017(a)) (as amended by section 302) is further amended—

(1) in the matter preceding paragraph (1), by inserting "(except as otherwise provided)" after "without fiscal year limitation"; and

(2) by adding at the end the following new paragraphs:

"(7) for assessment and mapping of erosion hazard areas under section 1360(1), except that the fund shall be available for the purpose under this paragraph in an amount not to exceed an aggregate of $25,000,000 over the 5-year period beginning on the date of enactment of the National Flood Insurance Reform Act of 1993; and

"(8) for revising and updating flood insurance rate maps under section 1360(1), except that the fund shall be available for the purpose under this paragraph in an amount not to exceed $2,000,000, in each fiscal year beginning after the expiration of the 2-year period beginning on the date of enactment of the National Flood Insurance Reform Act of 1993.".

(b) CREDITS OF FUND.—Section 1310(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4017(b)) is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) by redesignating paragraph (6) as paragraph (7); and

(3) by inserting after paragraph (5) the following new paragraph:

"(6) any penalties collected under section 102(f) of the Flood Disaster Protection Act of 1973; and".

SEC. 607. REGULATIONS.

The Director of the Federal Emergency Management Agency, and any head of an appropriate Federal agency may each issue any regulations necessary to carry out the applicable provisions of this Act and the applicable amendments made by this Act.

SECTION-BY-SECTION SUMMARY OF THE NATIONAL FLOOD INSURANCE REFORM ACT OF 1993

Sec. 1. Short Title and Table of Contents. This title may be cited as the "National Flood Insurance Reform Act of 1993."

Sec. 2. Congressional Findings.

Sec. 3. Declaration of Purpose Under The National Flood Insurance Act Of 1968.

Encourages state and local governments to protect natural and beneficial floodplain functions that reduce flood-related losses.

TITLE I—DEFINITIONS.

Sec. 101. Flood Disaster Protection Act of 1973.

Defines the terms "Federal entity for lending regulation," "regulated lending institution," and "Federal agency lender." Requires all regulated lending institutions and federal agency lenders to enforce the mandatory purchase requirement for flood insurance.

Sec. 102. National Flood Insurance Act of 1968.

Defines the terms "Federal entity of lending regulation," "regulated lending institution," "Federal agency lender," "natural and beneficial floodplain functions," "erosion hazard area," "state coastal zone program," "erosion control measures," "baseline reference feature," "readily movable structure," and "repetitive loss structure."

TITLE II—COMPLIANCE AND INCREASED PARTICIPATION.

Sec. 201. Expanded Flood Insurance Purchase Requirements.

Extends the mandatory purchase requirements to Federal agency lenders and to Fannie Mae and Freddie Mac effective one year after the date of enactment.

Sec. 202. Escrow Of Flood Insurance Payments.

Requires regulated lending institutions and federal agency lenders to escrow for flood insurance payments if the lender or federal agency escrows for other taxes, insurance premiums and fees effective one year after date of enactment.

Sec. 203. Notice Requirements.

Requires regulated lending institutions and federal agency lenders to notify borrowers of special flood hazards. Requires participating communities upon receiving a semiannual list of map changes to annually publicly notify affected property owners and local regulated lending institutions of the flood insurance purchase requirement for newly determined properties. Specifies the contents of the notice.

Sec. 204. Placement of Flood Insurance by Regulated Lending Institution or Federal Agency Lender.

Authorizes a regulated lending institution or Federal agency lender to purchase flood insurance on behalf of the borrower within 60 days if the property is found to be in a special flood hazard area without flood insurance. Borrowers may dispute flood determinations and, if a property is found not to be in a special flood hazard area, a letter of such findings issued by the Director of FEMA relieves the obligation of lenders and Federal agencies to require flood insurance. Such a letter is valid for one year after date of issuance.

Sec. 205. Standard Flood Hazard Determination Form.

Requires development of a standard flood hazard determination form for use by regulated lending institutions, Federal agency lenders, and Fannie Mae and Freddie Mac for real estate loans and mortgages. Provides for guarantees regarding the accuracy of flood determination information by third parties and reliance on such information for five years.

Sec. 206. Examinations Regarding Compliance by Regulated Lending Institutions.

Requires appropriate federal entities for lending regulation as part of scheduled onsite examinations to determine whether an institution is complying with the requirements of the NFPI and to report such findings to Congress.

Sec. 207. Penalties and Corrective Actions For Failure To Require Flood Insurance, Escrow, or Notify.

Imposes up to a $350 fine per violation on regulated lending institutions for a pattern and practice of failure to require flood insurance, to escrow, or to notify for flood insurance. Total penalties may not exceed $100,000 for any lender in any one year.

Sec. 208. Federal Financial Institutions Examination Council.

The Council shall consult and assist federal regulators and the Director of FIA in developing and coordinating uniform standards and requirements for use by lenders.

Sec. 209. Conforming Amendment.

Changes the heading of section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) to read: "Flood Insurance Purchase and Compliance Requirements and Escrow Accounts".

TITLE III—RATINGS AND INCENTIVES FOR COMMUNITY FLOODPLAIN MANAGEMENT PROGRAMS.

Sec. 301. Community Rating System And Incentives For Community Floodplain Management.

Authorizes a Community Rating System to provide premium rate credits for communities that implement land use and loss control measures that exceed the minimum criteria, to promote flood insurance awareness, and to provide incentives for management of natural and beneficial floodplain functions and erosion hazards.

Sec. 302. Funding.

Authorizes funds to carry out this program from the National Flood Insurance Fund.

TITLE IV—MITIGATION OF FLOOD AND EROSION RISKS.

Sec. 401. Mitigation Assistance In Federal Insurance Administration.

Authorizes the Federal Insurance Administrator to carry out a program for mitigation assistance available to eligible states and communities; to coordinate all mitigation activities; to develop and implement various mitigation techniques; to provide planning and technical assistance; and, to coordinate and collect information regarding erosion hazards.

Sec. 402. Authorization of National Flood and Erosion Mitigation Funds Under Sec. 1362.

Authorizes the expenditure of funds from the National Flood Insurance Fund for flood and erosion mitigation activities to be phased in at $10, $15 and $20 million over the first three fiscal years after date of enactment, not to exceed $20 million per fiscal year thereafter. Requires the Director to report to Congress regarding the status of activities carried out with funds made available under this section.

Sec. 403. State and Community Mitigation Assistance Program.

Authorizes a financial assistance program to implement mitigation activities including building acquisition, elevation, relocation, demolition or floodproofing, and technical assistance. States and communities are eligible pending approval of mitigation plans. Planning assistance grants are available and capped at $150,000 to any State or $50,000 to any community, limited $300,000 to any state per year. Mitigation grant amounts are capped at $10 million per state, and $3.3 million per community over a 5-year period, limited to $20 million per state in any five-year period. All grants require a 75/25 non-federal fund match. Compliance with mitigation plans is to be monitored, and unexpended funds are to be recaptured by the Director.

Sec. 404. Repeal of Program Purchase of Certain Insured Properties.

Section 1362 of the National Flood Insurance Act of 1968 (42 U.S.C. 4103) is repealed. This activity is included in the mitigation assistance program.

Sec. 405. Termination of Erosion Threatened Structures Program.

Terminates the current Sec. 1306(c) Jones/Upon program one year after date of enactment. Relocation and demolition are activities included in the mitigation assistance program.

Sec. 406. Limitations on New Flood Insurance Coverage in Erosion Hazard Areas.

Federal flood insurance will not be available for new construction or additions to existing structures that make them not readily movable within 30-year erosion hazard areas, and limits availability of flood insurance to new readily movable residential structures within 60-year erosion hazard areas.

Sec. 407. Riverine Erosion Study.

Requires FEMA to conduct a study to determine the feasibility of identifying riverine erosion hazards and methods for management. A report of findings is to be submitted to Congress within two years after date of enactment.

Sec. 408. Coordination With Coastal Zone Management Programs.

Requires FEMA to consult with NOAA to promote full coordination regarding coastal erosion management under the National Flood Insurance Act of 1968 and the Coastal Zone Management Act of 1972. Approved state CZM program are to be utilized in the development of regulations and guidelines. A coordination report is to be filed jointly by FEMA and NOAA one year after date of enactment.

TITLE V—FLOOD INSURANCE TASK FORCE.

Sec. 501. Flood Insurance Interagency Task Force.

Establishes an interagency task force to conduct studies and make recommendations regarding: secondary market compliance and enforcement of insurance purchase requirements; existing federal compliance programs; actuarial adjustments to premium rates; enforcement and compliance of guidelines; and, implementation of loss reduction provisions. A report is to be submitted 2 years after date of enactment.

TITLE VI—MISCELLANEOUS PROVISIONS.

Sec. 601. Maximum Flood Insurance Coverage Amounts.

Coverage amounts are increased for single-family residences from $100,000 to $250,000, and from $250,000 to $2.4 million for non-residential properties. Authorizes excess coverage not to exceed $250,000 for reconstruction of structures to meet land use criteria under section 1361(c). Authorizes the Director to charge applicable premium rates for repetitive loss structures.

Sec. 602. Additional Coverage for Compliance with Land Use and Control Measures.

Authorizes coverage to enable compliance with land use and control measures adopted by States or communities under section 1315 for repetitive loss structures or for flood which exceed 50% of the value of the structure.

Sec. 603. Flood Insurance Program Arrangement With Private Insurance Entities.

Exempts arrangements made between FEMA and private insurers from the Federal Advisory Committee Act.

Sec. 604. Updating of Flood Insurance Maps and Identification of Erosion Hazard Areas.

Requires FEMA to update flood insurance maps every 5 years, or more frequently if necessary, and to distribute revised maps free of charge to states and communities. Requires FEMA to publish changes within 30 days, and requires FEMA to publish a compendium of all changes every 6 months. Requires FEMA to map 30- and 60-year erosion hazard areas using erosion rate data and baseline reference features and to subsequently update erosion areas as necessary. Requires the use of existing state erosion rate data and reference features and consideration of local mitigation activities.

Sec. 605. Technical Mapping Advisory Council.

Establishes an advisory council to provide guidance and recommendations to improve flood insurance rate maps.

Sec. 606. Funding for Increased Administrative and Operational Responsibilities.

Authorizes funding for administrative costs necessary to develop and service the program for mitigation assistance. Also authorizes $25 million over 5 years for mapping erosion zones, and $2 million per year for revising erosion hazard areas starting 2 years after date of enactment.

Sec. 607. Regulations.

The Director of FEMA and any appropriate head of any federal agency may issue regulations necessary to implement provisions of this amendment.

By Mr. KERREY (for himself and Mr. DASCHLE):

S. 1406. A bill to amend the Plant Variety Protection Act to make such act consistent with the International Convention for the Protection of New Varieties of Plants of March 19, 1991, to which the United States is a signatory, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

PLANT VARIETY PROTECTION ACT AMENDMENTS OF 1993

Mr. KERREY. Mr. President, today I am joined by Senator DASCHLE in introducing the Plant Variety Protection Act Amendments of 1993.

This legislation has three objectives. First, it is intended to ensure that those who risk the technological, financial, and other resources necessary to develop successful new seed varieties are rewarded for their investment and encouraged to continue this essential research.

Second, the measure is intended to make sure that those who have come to depend on steady germplasm advancements—including farmers, consumers, and others who benefit from plant improvements—continue to enjoy the economic and other rewards provided by scientific progress.

Finally, this bill is offered as a necessary step to fulfill the obligations incurred by the United States as a result of our participation in agreements designed to protect intellectual property rights in the international marketplace.

Mr. President, Federal protection of the intellectual property rights that arise from plant breeding is available in the United States in three forms: Plant patents, plant variety protection, and utility patents. Parental lines of crops normally sold as hybrids, such as corn and sunflowers, are protected as trade secrets which fall under State contract law.

Prior to 1930, plant breeding and research depended on federally funded agricultural experiment stations or the limited endeavors of private plant breeders to develop new varieties. Financial incentives for the private sector were inadequate to recover research and development costs. Indeed, the only opportunity for cost recovery was in the initial sales of the varieties, since purchasers could freely propagate the variety once it was released to the public.

To address this shortcoming and to encourage private investment in plant development, asexually-reproduced plants were the first to receive protection with enactment of the Plant Patent Act of 1930 [PPA]. Because of doubts about whether sexually-reproduced plants would breed true-to-type, sexually-reproduced varieties continued to be bred primarily at public institutions and released without protection.

Two developments subsequently led to enactment of the Plant Variety Protection Act [PVPA] and its protection for sexually-reproduced varieties. First was eventual acceptance of the notion that sexually-reproduced varieties would breed true-to-type. Second was the formation, in 1960, by several European countries, of the International Union for the Protection of New Varieties of Plants [UPOV].

The PVPA was enacted in 1970: First, to provide economic incentive for companies to undertake the costs and risks inherent in producing new varieties and second, to alleviate the competitive disadvantage that American agriculture and breeders faced because European countries offered protection under UPOV.

In recent years, so-called utility patents have been granted on living material under the Patent and Trademark Act. Both asexually and sexually-reproduced plants which have been developed by traditional breeding, genetic engineering, tissue culture, and various other methods have received utility patents.

While similar in its intent of providing incentive and protection to inventors, the PVPA differs from the Patent and Trademark Act in a number of ways: The legal standards for protection are less stringent; administration is through the Department of Agriculture rather than the Patent and Trademark office; and exemptions allow the use of protected varieties in the development of new varieties and permit individual farmers to save and sell limited quantities of seed—the so-called "farmer's exemption."

Eligiblity for protection under the current PVPA requires that varieties be novel, distinct, uniform, and stable. The unobvious requirement of patent law, considered a more difficult hurdle, is supplanted in PVPA by distinctiveness—a requirement that the variety may be unique in one or more identifiable morphological, physiological, or other characteristics. Therefore, an obvious, but distinct, new variety, may be more easily protected under PVPA.

The research exemption was included to promote the free flow of germplasm—essential to the maintenance of genetic diversity. The farmer's exemption was included to allow farmers to continue their traditional practice of saving seed for their own planting needs and selling a limited quantity to their neighbors.

The International Convention for the Protection of new Varieties of Plants [UPOV], which prompted enactment of the PVPA, was updated in 1991 as part of the general strengthening of intellectual property rights in the international arena and in response to advancements in knowledge and technology. Twenty-one countries, including the United States, are now members of the UPOV, and 16 of those members, including the United States, have signed the updated treaty, although none have ratified the new treaty to date. Six other countries have breeders rights laws similar to UPOV and are expected eventually to comply with UPOV.

The major revisions to UPOV that were made in 1991 are as follows:

First, protection of all plant genera and first generation hybrids. Member countries must provide protection for all plant genera even if the variety will not be grown in the member country.

Second, extension of breeders' rights to propagating material. Production of propagating material without permission of the breeder is prohibited. In the original UPOV, production was allowed if it was not commercial use. This new restriction extends to both asexual, cuttings and tissue culture, and sexual, seed, reproduction of protected varieties. An exemption authorizes, but does not require, member countries to allow farmers to save seed for planting on their own holdings.

Third, extension of breeders' rights to harvested material. This provision prevents importation of harvested material of a protected variety from a country where protection is not available. Currently, only propagating material is protected.

Fourth, essential derivation. Defines essentially-derived varieties as new varieties which are predominantly derived from an initial variety with only one or a few clearly distinguishing characteristics. Essentially-derived varieties may be protected, but only with the permission of the owner of the initial variety. Thus, stronger protection is provided to developers of basic varieties.

Fifth, length of Protection. Protection is extended from 18 and 20 years to 20 and 25 years for non-woody varieties, respectively.

Additional changes may be required due to negotiations about intellectual property protection in other international treaties including the General Agreement on Tariffs and Trade [GATT], the World International Property Organization [WIPO], the Biodiversity Treaty [UNCED], and the North American Free-Trade Agreement [NAFTA].

Ratification of the new UPOV treaty requires the United States to make conforming changes in the PVPA. That is what the legislation I am introducing today is all about. The changes required—which are embodied in the legislation—first, extend protection to first generation hybrids; second, lengthen the term of protection to 20 years; third, extend protection to harvested plant parts; fourth, limit the farmer's exemption to saving seed for use only on their own holdings; fifth, define essentially derived; and sixth, modify the definitions of breeder and variety to conform to UPOV.

In the original effort to protect plant breeders' rights, Congress intended "To encourage the development of novel varieties of sexually reproduced plants and to make them available to the public, providing protection available to those who breed, develop, or discover them, and thereby promoting progress in agriculture in the public interest." The success of the PVPA can be judged from the increase in private sector research and development on plant breeding and the success of modern varieties.

For example, increases in crop yields since enactment of PVPA for major commodities range from 7 percent for alfalfa to 35 percent for cotton. According to USDA estimates, approximately 60 percent of the increase can be attributed to improvements in plant breeding. At the end of fiscal year 1992, nearly 3000 plant variety protection certificates were in force and 325 are expected to be issued in 1993.

In preparing this legislation, I requested technical assistance from the Department of Agriculture in drafting the changes necessary to bring the PVPA into compliance with the 1991 UPOV. The bill in its current form reflects those technical recommendations—nothing more, nothing less.

In discussions with representatives of farmers, commodity groups, seed industry representatives, Government officials, and others, it is apparent that the farmer's exemption is the most contentious issue. In fact, a case concerning the farmer's exemption has been appealed to the U.S. Supreme Court.

In addition, both public and private breeders have expressed some reservations about the practical application of the essentially-derived concept and the potential for restrictions on germplasm availability. Plant breeding is a progressive process. New varieties are based on past improvements and germplasm exchanges among plant breeders are common. Providing protection for developers of initial varieties may restrict such traditional exchanges, as well as preservation of plant material in germplasm centers.

For all these reasons I view the bill I am introducing today as a starting point—a reference point for further debate and discussion on this issue. I look forward to hearings on this legislation so that interested parties will have an opportunity to make additional recommendations for what modifications, if any, should be made in this legislation and whether, in fact this particular effort is necessary and should move forward.

The text of the bill and a section-by-section analysis follow:

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1406

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Plant Variety Protection Act Amendments of 1993".

(b) REFERENCES TO PLANT VARIETY PROTECTION ACT.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Plant Variety Protection Act (7 U.S.C. 2321 et seq.).

SEC. 2. DEFINITIONS AND RULES OF CONSTRUCTION.

Section 41 (7 U.S.C. 2401) is amended to read as follows:

"SEC. 41. DEFINITIONS AND RULES OF CONSTRUCTION.

"(a) DEFINITIONS.—As used in this Act:

"(1) BASIC SEED.—The term 'basic seed' means the seed planted to produce certified or commercial seed.

"(2) BREEDER.—The term 'breeder' means the person who directs the final breeding creating a variety or who discovers and develops a variety. If the actions are conducted by an agent on behalf of a principal, the principal, rather than the agent, shall be considered the breeder. The term does not include a person who redevelops or rediscovers a variety the existence of which is publicly known or a matter of common knowledge.

"(3) ESSENTIALLY DERIVED VARIETY.—

"(A) IN GENERAL.—The term 'essentially derived variety' means a variety that—

"(i) is predominantly derived from another variety (referred to in this paragraph as the 'initial variety') or from a variety that is predominantly derived from the initial variety, while retaining the expression of the essential characteristics that result from the genotype or combination of genotypes of the initial variety;

"(ii) is clearly distinguishable from the initial variety; and

"(iii) except for differences that result from the act of derivation, conforms to the initial variety in the expression of the essential characteristics that result from the genotype or combination of genotypes of the initial variety.

"(B) METHODS.—An essentially derived variety may be obtained by the selection of a natural or induced mutant or of a somaclonal variant, the selection of a variant individual from plants of the initial variety, backcrossing, transformation by genetic engineering, or other method.

"(4) KIND.—The term 'kind' means one or more related species or subspecies singly or collectively known by one common name, such as soybean, flax, or radish.

"(5) SEXUALLY REPRODUCED.—The term 'sexually reproduced' includes any production of a variety by seed.

"(6) UNITED STATES.—The terms 'United States' and 'this country' mean the United States, territories and possessions of the United States, and the Commonwealth of Puerto Rico.

"(7) VARIETY.—The term 'variety' means a plant grouping within a single botanical taxon of the lowest known rank, that, without regard to whether the conditions for plant variety protection are fully met, can be defined by the expression of the characteristics resulting from a given genotype or combination of genotypes, distinguished from any other plant grouping by the expression of at least one characteristic and considered as a unit with regard to the suitability of the plant grouping for being propagated unchanged. A variety may be represented by seed, transplants, plants, and other matter.

"(b) RULES OF CONSTRUCTION.—For the purposes of this Act:

"(1) SALE OR DISPOSITION FOR NONREPRODUCTIVE PURPOSES.—The sale or disposition, for other than reproductive purposes, of harvested material produced as a result of experimentation or testing of a variety to ascertain the characteristics of the variety, or as a by-product of increasing a variety, shall not be considered to be a sale or disposition for purposes of exploitation of the variety.

"(2) SALE OR DISPOSITION FOR REPRODUCTIVE PURPOSES.—The sale or disposition of a variety for reproductive purposes shall not be considered to be a sale or disposition for the purposes of exploitation of the variety if the sale or disposition is done as an integral part of a program of experimentation or testing to ascertain the characteristics of the variety, or to increase the variety on behalf of the breeder or the successor in interest of the breeder.

"(3) SALE OR DISPOSITION OF HYBRID SEED.—The sale or disposition of hybrid seed shall be considered to be a sale or disposition of harvested material of the varieties from which the seed was produced.

"(4) APPLICATION FOR PROTECTION OR ENTERING INTO A REGISTER OF VARIETIES.—The filing of an application for the protection or for the entering of a variety in an official register of varieties, in any country, shall be considered to render the variety a matter of common knowledge from the date of the application, if the application leads to the granting of protection or to the entering of the variety in the official register of varieties, as the case may be.

"(5) DISTINCTNESS.—The distinctness of one variety from another may be based on one or more identifiable morphological, physiological, or other characteristics (including any characteristics evidenced by processing or product characteristics, such as milling and baking characteristics in the case of wheat) with respect to which a difference in genealogy may contribute evidence.

"(6) PUBLICLY KNOWN VARIETIES.—

"(A) IN GENERAL.—A variety that is adequately described by a publication reasonably considered to be a part of the public technical knowledge in the United States shall be considered to be publicly known and a matter of common knowledge.

"(B) DESCRIPTION.—A description that meets the requirements of subparagraph (A) shall include a disclosure of the principal characteristics by which a variety is distinguished.

"(C) OTHER MEANS.—A variety may become publicly known and a matter of common knowledge by other means.".

SEC. 3. RIGHT TO PLANT VARIETY PROTECTION; PLANT VARIETIES PROTECTABLE.

Section 42 (7 U.S.C. 2402) is amended to read as follows:

"SEC. 42. RIGHT TO PLANT VARIETY PROTECTION; PLANT VARIETIES PROTECTABLE.

"(a) IN GENERAL.—The breeder of any sexually reproduced plant variety (other than fungi or bacteria) who has so reproduced the variety, or the successor in interest of the breeder, shall be entitled to plant variety protection for the variety, subject to the conditions and requirements of this Act, if the variety is—

"(1) new, in the sense that, on the date of filing of the application for plant variety protection, propagating or harvested material of the variety has not been sold or otherwise disposed of to other persons, by or with the consent of the breeder, or the successor in interest of the breeder, for purposes of exploitation of the variety—

"(A) in the United States, more than 1 year prior to the date of filing; or

"(B) in any area outside of the United States—

"(i) more than 4 years prior to the date of filing; or

"(ii) in the case of a tree or vine, more than 6 years prior to the date of filing;

"(2) distinct, in the sense that the variety is clearly distinguishable from any other variety the existence of which is publicly known or a matter of common knowledge at the time of the filing of the application;

"(3) uniform, in the sense that any variations are describable, predictable, and commercially acceptable; and

"(4) stable, in the sense that the variety, when sexually reproduced, will remain unchanged with regard to the essential and distinctive characteristics of the variety with a reasonable degree of reliability commensurate with that of varieties of the same category in which the same breeding method is employed.

"(b) MULTIPLE APPLICANTS.—

"(1) IN GENERAL.—If 2 or more applicants submit applications on the same effective filing date for varieties that cannot be clearly distinguished from one another, but that fulfill all other requirements of subsection (a), the applicant who first complies with all requirements of this Act shall be entitled to a certificate of plant variety protection, to the exclusion of any other applicant.

"(2) REQUIREMENTS COMPLETED ON SAME DATE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), if 2 or more applicants comply with all requirements for protection on the same date, a certificate shall be issued for each variety.

"(B) VARIETIES INDISTINGUISHABLE.—If the varieties that are the subject of the applications cannot be distinguished in any manner, a single certificate shall be issued jointly to the applicants.".

SEC. 4. APPLICATIONS.

Section 52 (7 U.S.C. 2422) is amended—

(1) in paragraph (1), by adding at the end the following new sentence: "The variety shall be named in accordance with regulations issued by the Secretary.";

(2) in the first sentence of paragraph (2), by striking "novelty" and inserting "distinctiveness, uniformity, and stability";

(3) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(4) by inserting after paragraph (2) the following new paragraph:

"(3) A statement of the basis of the claim of the applicant that the variety is new.".

SEC. 5. BENEFIT OF EARLIER FILING DATE.

Section 55(a) (7 U.S.C. 2425(a)) is amended—

(1) by redesignating the first and second sentences as paragraphs (1) and (2), respectively;

(2) in paragraph (1) (as so designated), by inserting before the period at the end the following: ", not including the date on which the application is filed in the foreign country"; and

(3) by adding at the end the following new paragraph:

"(3)(A) An applicant entitled to a right of priority under this subsection shall be allowed to furnish any necessary information, document, or material required for the purpose of the examination of the application during—

"(i) the 2-year period beginning on the date of the expiration of the period of priority ; or

"(ii) if the first application is rejected or withdrawn, an appropriate period after the rejection or withdrawal, to be determined by the Secretary.

"(B) An event occurring within the period of priority (such as the filing of another application or use of the variety that is the subject of the first application) shall not constitute a ground for rejecting the application or give rise to any third party right.".

SEC. 6. CONTENTS AND TERM OF PLANT VARIETY PROTECTION.

Section 83 (7 U.S.C. 2483) is amended—

(1) in the second sentence of subsection (a), by striking "by variety name";

(2) in the first sentence of subsection (b)—

(A) by striking "eighteen" and inserting "20"; and

(B) by inserting before the period at the end the following: ", except that, in the case of a tree or vine, the term of the plant variety protection shall expire 25 years from the date of issue of the certificate"; and

(3) in subsection (c), by striking "repository: *Provided, however*, That" and inserting "repository, or requiring the submission of a different name for the variety, except that".

SEC. 7. PRIORITY CONTEST.

(a) PRIORITY CONTEST; EFFECT OF ADVERSE FINAL JUDGMENT OR INACTION.—Sections 92 and 93 (7 U.S.C. 2502 and 2503) are repealed.

(b) INTERFERING PLANT; VARIETY PROTECTION.—

(1) REDESIGNATION.—Chapter 9 of title II (7 U.S.C. 2501 et seq.) is amended by redesignating section 94 (7 U.S.C. 2504) as section 92.

(2) AMENDMENTS.—Section 92 (as so redesignated) is amended—

(A) by striking "The owner" and inserting "(a) The owner"; and

(B) by striking the second sentence.

(c) APPEAL OR CIVIL ACTION IN CONTESTED CASES.—

(1) TRANSFER.—Section 73 (7 U.S.C. 2463) is amended by transferring subsection (b) to the end of section 92 (as redesignated by subsection (b)(1)).

(2) REPEAL.—Section 73 (as amended by paragraph (1)) is repealed.

(d) CONFORMING AMENDMENT.—Section 71 (7 U.S.C. 2461) is amended by striking "92,".

SEC. 8. INFRINGEMENT OF PLANT VARIETY PROTECTION.

Section 111 (7 U.S.C. 2541) is amended—

(1) in subsection (a)—

(A) by striking "novel" the first two places it appears and inserting "protected";

(B) in paragraph (1), by striking "the novel" and inserting "or market the protected";

(C) by striking "novel" each place it appears in paragraphs (2) through (7);

(D) by striking "or" each place it appears at the end of paragraphs (3) through (6);

(E) by redesignating paragraphs (7) and (8) as paragraphs (9) and (10), respectively; and

(F) by inserting after paragraph (6) the following new paragraphs:

"(7) condition the variety for the purpose of propagation;

"(8) stock the variety for any of the purposes referred to in paragraphs (1) through (7);";

(2) by redesignating subsection (b) as subsection (f); and

(3) by inserting after subsection (a) the following new subsections:

"(b) The owner of a protected variety may authorize the use of the variety under this section subject to conditions and limitations specified by the owner.

"(c) This section shall apply equally to—

"(1) any variety that is essentially derived from a protected variety, unless the protected variety is an essentially derived variety;

"(2) any variety that is not clearly distinguishable from a protected variety;

"(3) any variety whose production requires the repeated use of a protected variety; and

"(4) harvested material (including entire plants and parts of plants) obtained through the unauthorized use of propagating material of a protected variety, unless the owner of the variety has had a reasonable opportunity to exercise the rights provided by this Act with respect to the propagating material.

"(d) It shall not be an infringement of the rights of the owner of a variety to perform any act concerning propagating material of any kind, or harvested material, including entire plants and parts of plants, of a protected variety that has been sold or otherwise marketed with the consent of the owner in the United States, unless the act involves further propagation of the variety or involves an export of material of the variety, that enables the propagation of the variety, into a country that does not protect varieties of the plant genus or species to which the variety belongs, unless the exported material is for final consumption purposes.

"(e) It shall not be an infringement of the rights of the owner of a variety to perform any act done privately and for noncommercial purposes.".

SEC. 9. RIGHT TO SAVE SEED; CROP EXEMPTION.

The first sentence of section 113 (7 U.S.C. 2543) is amended by striking "section: *Provided*, That" and all that follows through the period and inserting "section.".

SEC. 10. LIMITATION OF DAMAGES; MARKING AND NOTICE.

Section 127 (7 U.S.C. 2567) is amended by striking "novel" each place it appears.

SEC. 11. OBLIGATION TO USE VARIETY NAME.

Section 128(a) (7 U.S.C. 2568(a)) is amended by adding at the end the following new paragraph:

"(4) Failure to use the name of a variety for which a certificate of protection has been issued under this Act, even after the expiration of the certificate.".

SEC. 12. TRANSITIONAL PROVISIONS.

(a) IN GENERAL.—Except as provided in subsection (b), any variety for which a certificate of plant variety protection has been issued prior to the effective date of this Act, and any variety for which an application is pending on the effective date of this Act, shall continue to be governed by the Plant Variety Protection Act (7 U.S.C. 2321 et seq.), as in effect on the day before the effective date of this Act.

(b) APPLICATIONS WITHDRAWN AND REFILED.—If a pending application is withdrawn and refiled after the effective date of this Act, eligibility for protection and the terms of protection shall be governed by the Plant Variety Protection Act, as amended by this Act.

SEC. 13. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective 180 days after the date of enactment of this Act.

SECTION-BY-SECTION ANALYSIS OF THE PLANT VARIETY PROTECTION ACT AMENDMENT OF 1993

Section 1. This section would provide that the Act may be cited as the "Plant Variety Protection Act Amendments of 1993".

Section 2. This section would replace section 41 of the Plant Variety Protection Act (hereafter referred to as the "PVPA") by reordering, revising, adding and deleting definitions [subsection (a)] and rules of construction [subsection (b)], as follows:

Sec. 2(a)(1) would designate current section 41(g) as 41(a)(1).

Sec. 2(a)(2) would revise the definition of the term "breeder" in order to conform to Article 1(iv) of the International Convention for the Protection of New Varieties of Plants (UPOV), March 19, 1991, by removing the statement that the terms "breed", "develop", "originate", and "discover" each include the other and instead specifying that the breeder is the person who directs the final breeding or who both discovers and develops the variety. Also, it would be made clear that a person who rediscovers a publicly known variety is not the breeder of that variety.

New section 2(a)(3) would define a new term, "essentially derived variety", to comply with article 14(5) of the 1991 UPOV Convention. A variety that is essentially derived from another variety may be protected (if otherwise eligible) but if derived from a protected variety, the consent of the owner of the initial variety must be obtained to avoid infringement (see section 8(2) of these amendments).

Sec. 2(a)(4) would redesignate current section 41(c) as 41(a)(4).

Sec. 2(a)(5) would redesignate current section 41(f) as 41(a)(5).

Sec. 2(a)(6) would redesignate current section 41(b) as 41(a)(6) and make minor revisions to adapt the definition to current U.S. standards.

Sec. 2(a)(7) would add a definition of "variety" and remove the definition of "novel variety." The PVPA did not define the term "variety", although the meaning was implicit in the definition of "novel variety." The elements of a novel variety (distinctness, uniformity, and stability) would be modified and placed in section 42. Part of the provision relating to distinctness would be placed in a rule of construction, discussed below. This would place the substantive requirements for protection in one section and would avoid confusion which may result from the use of the term "novel variety." The PVPA used "novel variety" to refer primarily to a variety which is distinct, while the 1991 UPOV Convention uses "novelty" to refer to a variety which is new.

The definition of the term "date of determination" [current section 41(d)] would be removed, because the term would no longer be used elsewhere in the PVPA (section 3 of this Act would amend section 42 of the PVPA to base eligibility for protection on the date of filing for protection rather than the date of determination of a variety). The 1991 UPOV Convention requires that protection be based on the date of filing and not the date of determination.

Section 2(b) would define Rules of Construction. Current subsection (h) is a definition of the term "testing". The definition would be replaced by a rule of construction, discussed below. Current subsections (i) and (j) are the definition of the term "public variety" and a rule of construction concerning that term. The term "public variety" will no longer be used in the PVPA but, as discussed below, the vast majority of the varieties which, without these amendments, would be excluded from protection because they have been public varieties for more than one year, will continue to be excluded from protection.

New sections 41(b)(1) and (2) would add rules of construction which would replace the definition of the term "testing." New section 41(b)(1) would provide that the disposition for purposes other than propagation of harvested material produced as a result of experimentation or testing to ascertain the characteristics of a variety will not be considered a disposition for the purposes of exploitation of the variety, which would otherwise begin a time period bar to protection under section 42 of the PVPA as amended. New section 41(b)(2) would provide that the sale or other disposition of a variety for reproductive purposes shall not be considered to be for the purposes of exploitation of the variety if done as an integral part of a testing program or to increase the variety on behalf of the breeder. These clarifying provisions reflect the long standing interpretation of the PVPA.

New section 41(b)(3) would add a rule of construction which would provide that the sale of hybrid seed shall be considered a sale of harvested material of the varieties from which it was produced. Whether the sale was for the purposes of exploitation of those varieties would depend upon the circumstances of the sale. Prior to these amendments, a similar result was obtained under section 42 of the PVPA, which made the use of a variety an event which began a one year period after which protection for the variety would be barred.

New section 41(b)(4) would provide that the filing of an application for protection or for the entering of another variety in an official register of varieties, in any country, shall be considered to render that other variety a matter of common knowledge from the date of the application, provided that the application leads to the granting of protection or to the entering of the said other variety in the official register of varieties, as the case may be. This rule of construction is necessary to conform to Article 7 of the 1991 UPOV Convention.

New section 41(b)(5) is derived from the distinctness portion of the deleted definition of "novel variety" and would clarify the broad range of characteristics which may be the basis of distinctiveness.

New section 41(b)(6) would provide a rule of construction clarifying that a variety which is adequately described by a publication which includes a disclosure of the principal characteristics by which the variety is distinguished, will be considered to be publicly known and a matter of common knowledge, and that a variety may become publicly known or a matter of common knowledge by other means. This provision is derived from current subsections 41(i) and (j) and related portions of section 42(a)(1).

Section 3. This section would amend section 42 of the PVPA, "Right to Plant Variety Protection; Plant Varieties Protectable". The amended section would set forth the substantive requirements for plant variety protection, which would be changed in several significant ways.

The amendment would remove the exclusion of protection for first generation hybrids. This is necessary to conform to Articles 1(vi), 5 and 9 of the 1991 UPOV Convention.

Also, the amendment would place together the substantive requirements for protection, that the variety be new, distinct, uniform and stable. Currently, section 42 of the PVPA incorporates the elements of distinctness, uniformity and stability from the definition of "novel variety," and separately states the bars to protection. Because all of the requirements would be set forth together, the bars to protection would be integrated and would no longer be separately stated.

The first requirement that a variety would have to meet in order to be protected is that it be "new". This concept would incorporate most of the first part of the current "public variety" bar which precludes protection when a variety has been sold or used in this country for more than one year. It would modify the bar in that sale or use without the consent of the breeder (or successor in interest) would no longer be a bar. Also, the secret commercial use of a variety would not present a bar to protection of a variety which cannot be clearly distinguished from the secret variety. This is because the requirement that a variety be "new" applies only to the variety for which protection is sought, and not to any other variety, including those which cannot be clearly distinguished from it.

The second requirement, that a variety be "distinct," would make two significant changes in the PVPA. First, the date at which the variety must be distinct would be changed to the date of filing, rather than the date of determination. Second, it would eliminate a portion of the second part of the "public variety" bar which denies protection if the variety has been both publicly known and existing in this country for more than one year prior to the application. Thus, the breeder would be able to publish the characteristics of the variety or to place it in varietal trials without beginning a time bar to protection.

The amendment would remove the bar in section 42(a)(2) for filing an application in another country more than one year before the effective filing date here. This provision is necessary to conform to Article 5(2) of the 1991 UPOV Convention. It should be noted that the Secretary has issued regulations under section 42(b) of the PVPA which have the effect of extending the one year periods in section 42(a) to four years (six years for trees and vines) from the time the variety was marketed in another country (7 CFR 180.7(a)(7) (1992)). The regulation was necessary to conform to the 1978 UPOV Convention.

The amendment would also remove the bar in section 42(a)(3), that another person is entitled to an earlier date of determination. As discussed above, eligibility for protection would be based on the date of filing rather than the date of determination.

The requirements for uniformity and stability would not be changed substantively but would be moved from the definition of "novel variety" to section 42(a).

The amendment would also add a provision (new section 42(b)) to determine eligibility for protection when applicants have the same effective filing date for varieties which cannot be clearly distinguished from one another.

Current section 42(b), which allows the secretary to extend certain time limits and to commensurately reduce the term of protection, is deleted. This assures conformity to Articles 5, 6, 7 and 19 of the 1991 UPOV Convention.

Section 4 would amend section 52 of the PVPA, "Content of Application."

Sec. 4(1) would add a sentence at the end of section 52(1) of the PVPA specifying that the variety must be named in accordance with regulations issued by the Secretary. This provision is intended to assure conformity with Article 20 of the 1991 UPOV convention. Regulations issued by the Secretary would permit only variety names that comply with the provisions of the 1991 UPOV Convention or any other treaty or statute which may apply. In particular, the regulations would only permit denominations that are not liable to mislead or cause confusion concerning the characteristics, value or identity of the variety or the identity of the breeder. In addition, the regulations would only permit a variety name that is different from that of another variety of the same species or of a closely related species, either in this country or in any member of UPOV. (Other aspects of Article 20 are addressed elsewhere; provisions for requiring a change in the variety name are in section 6 and provisions for requiring the use of the variety name are in section 11.)

Sec. 4(2) would amend section 52(2) of the PVPA by replacing the word "novelty" with the phrase "distinctiveness, uniformity and stability". This change is not substantive since distinctiveness, uniformity and stability are the elements of a novel variety in the PVPA. The change avoids confusion since the amendments would discontinue the use of the term "novel variety" throughout the PVPA.

Sec. 4(3) would amend section 52 of the PVPA by adding a provision requiring that the application contain a statement of the basis of the applicant's claim that the variety is new.

Section 5. This section would amend section 55 of the PVPA, "Benefit of Earlier Filing Date."

Sec. 5(1) would divide subsection (a) into paragraphs (1) and (2). This change is not substantive but is clarifying in view of an addition discussed below.

Sec. 5(2) would add the phrase "not including the date on which the application is filed in the foreign country" to assure that the provision for a twelve-month period in which an applicant may claim the priority of an earlier filing date in another country will conform to the period contained in Article 11(1) of the 1991 UPOV Convention.

Sec. 5(3) would add a paragraph providing that an applicant entitled to a right of priority shall be allowed a period of two years after the expiration of the period of priority to furnish any necessary information, document, or material required for the purpose of the examination of the application, or if the first application is rejected or withdrawn, an appropriate period after such rejection or withdrawal, to be determined by the Secretary, to provide the information, document, or material. An event occurring within the period of priority (such as the filing of another application or use of the variety that is the subject of the first application) shall not constitute a ground for rejecting the application or give rise to any third party right.

This provision would assure conformity with Article 11(3) of the 1991 UPOV Convention, which is intended to assure that applicants are not unfairly denied the benefit of the earlier date of application because of unreasonable time constraints. For example, a breeder who files for protection in several countries may not have enough seed of the variety to submit the required sample to each country.

Section 6. This section would amend section 83 of the PVPA, "Contents and Term of Plant Variety Protection."

Sec. 6(1) would revise section 83(a) so that it continues to allow an owner to elect that the variety shall be sold only as a class of certified seed, but no longer allows an election that the variety be sold by variety name only as a class of certified seed. This change is necessary to conform to Article 20(7) of the 1991 UPOV Convention, which requires that protected varieties must be sold by variety name.

Sec. 6(2) would revise section 83(b) to provide that the term of plant variety protection shall expire 20 years after the date of issue, except that the term shall expire 25 years after the date of issue in the case of a tree or vine. This would extend the term of protection from the current 18 years, in conformity with Article 19 of the 1991 UPOV Convention.

Sec. 6(3) would amend section 83(c) by adding the failure to comply with regulations requiring the submission of a different name for the variety as a condition which shall cause a certificate of protection to expire. This provision is necessary to assure that varieties are named in conformity with Article 20 of the 1991 UPOV Convention and to secure the cooperation of owners in making any necessary changes in variety names. It is in conformity with Article 22 of the 1991 UPOV Convention, pertaining to cancellation of the breeder's right.

Section 7. This section would amend the PVPA by removing the provisions which relate exclusively to priority contests and by making conforming changes in other sections. A priority contest is an adversarial proceeding between competing applicants to determine which has the earliest date of determination (the date that it was determined that a variety had been developed or discovered and sexually reproduced). These changes are necessary because section 42 of the PVPA would be amended so that the date of filing for protection, rather than the date of the determination of the variety, would determine priority when applications are received for the same variety, or for varieties which cannot be clearly distinguished from one another. Because the date of filing is a matter of record, it is no longer necessary or appropriate to provide for an adversarial proceeding.

Section 8. This section would amend section 111 of the PVPA, "Infringement of Plant Variety Protection".

Sec. 8(1)(a) would change the first reference to "novel variety" to "protected variety" and Sec. 8(1)(B) would also add marketing as an act which requires the authority of the breeder. This clarifying change assures conformity with Article 14(1)(iv) of the 1991 UPOV Convention. Sec. 8(1)(C) would delete the word "novel" elsewhere in section 111.

Sec. 8(1)(E) would redesignate paragraphs to allow for the insertion of new provisions.

Sec. 8(1)(F) insert two new provisions containing actions which constitute infringement: conditioning a variety for the purposes of propagation (planting), and stocking a variety for any of the purposes which would constitute infringement. These provisions are necessary to conform to Article 14(1)(a) of the 1991 UPOV Convention. They would allow the owner of a variety to take action at earlier stages and thus minimize injury. The provision against conditioning a variety for planting would not apply to the conditioning of seed saved by farmers for replanting on their own holdings.

Sec. 8(2) redesignate subsection (b) as subsection (f) and would add new subsections (b) through (e).

New subsection 111(b) would provide that the owner of a protected variety may make authorization to use the variety subject to conditions and limitations. This is a clarifying change which would assure conformity with Article 14(1)(b) of the 1991 UPOV Convention.

New subsection 111(c) would provide that the infringement provisions apply equally go any variety that is essentially derived from a protected variety, unless the protected variety is itself an essentially derived variety, to any variety that is not clearly distinguishable from a protected variety, to any variety whose production requires the repeated use of the protected variety, and to harvested material (including entire plants and parts of plants) obtained through the unauthorized use of propagating material of a protected variety, unless the owner of the variety has had a reasonable opportunity to exercise the rights provided by this Act with respect to the propagating material. These provisions are necessary to conform to Article 14 (5) and (2) of the 1991 UPOV Convention.

New subsection 111(d) would provide that it shall not be an infringement to perform any act concerning harvested material, including entire plants and parts of plants, of a protected variety which has been sold or otherwise marketed with the consent of the owner in the United States, unless such act involves further propagation of the variety or involves an export of material of the variety, which enables the propagation of the variety, into a country which does not protect varieties of the plant genus or species to which the variety belongs, except where the exported material is for final consumption purposes. This provision assures conformity to Article 15 of the 1991 UPOV Convention and sets forth the exhaustion of the rights provided by the PVPA.

New subsection 111(e) would provide that it shall not be an infringement to perform any act done privately and for noncommercial purposes. This provision assures conformity to Article 15(1)(i) of the 1991 UPOV Convention.

Section 9. This section would amend section 113 of the PVPA by removing the provision which allows a person, whose primary farming occupation is the growing of crops for sale for other than reproductive purposes, to sell "saved seed" to other such persons, for reproductive purposes. The amendment would not diminish the right of a farmer to save seed for replanting and to use the crop or to sell it for other than reproductive purposes. The deletion of the provision allowing certain sales of saved seed is necessary to conform to Articles 14(1) and 15(2) of the 1991 UPOV Convention.

Section 10. This section would amend section 127 of the PVPA by deleting the word "novel". It is unnecessary to refer to a variety as a "novel variety" in this context and it could cause confusion in view of the deletion of "novel variety" as a defined term in section 41 of the PVPA. Section 128 of the PVPA prohibits the use of the notices referred to in section 127 on varieties for which an application for protection has not been filed or for which a certificate of protection has not been granted, as the case may be.

Section 11. This section would amend section 128 of the PVPA by adding a requirement that a protected variety be sold by variety name, even after the expiration of protection. This requirement is necessary to conform to Article 20(7) of the 1991 UPOV Convention. The requirement is placed in section 128 for efficiency in enforcement.

Section 12. This section would provide for the transition from the current PVPA. Applications received before the effective date of these amendments would be examined under current law, but an applicant could reapply under the new provisions if the time for filing requirements may be met. The scope of protection provided by certificates issued under current law would not be changed by these amendments.

Section 13. This section would provide that these amendments would be effective 180 days after the date of enactment in order to provide for the issuance of new regulations and for the efficient transition from current law.

By Ms. MOSELEY-BRAUN (for herself, Mr. SIMON, Mr. BOND, Mr. DANFORTH, Mr. FEINGOLD, Mr. GRASSLEY, Mr. HARKIN, and Mr. KOHL):

S. 1407. A bill to direct the Secretary of the Army to conduct a study to assess the adequacy of current flood control measures on the Upper Mississippi River and its tributaries, and for other purposes; to the Committee on Environment and Public Works.

MISSISSIPPI RIVER FLOOD CONTROL ASSESSMENT STUDY

Ms. MOSELEY-BRAUN. Mr. President, as communities continue to battle the great flood of 1993, I rise today, along with my distinguished colleague from Illinois, Senator SIMON, and Senators FEINGOLD, KOHL, HARKIN, GRASSLEY, BOND, and DANFORTH, to introduce legislation directing the Secretary of the Army to assess the adequacy and performance of the existing flood control measures along the Upper Mississippi River. This legislation is similar to a companion measure introduced in the House of Representatives by my good friend and colleague from Illinois, Congressman RICHARD DURBIN, whom I would like to thank for his leadership on this issue.

Most of the levees, which now have suffered severe flood damage, are maintained by local drainage districts. These levees were constructed to provide important flood control functions, protect prime farmland, and facilitate commercial navigation along the waterway. Long before this summer's catastrophic floods, however, extensive shoreline erosion and deterioration caused by fluctuating water levels and river commerce had already threatened the integrity of many of these levees.

Months ago, letters began arriving in my office from farmers and homeowners in the Sny Island, Lima Lake, and Henderson County drainage districts in Illinois, for example, detailing their attempts to get the Corps of Engineers to strengthen these levees before deterioration worsened and high-cost emergency repairs became necessary. These letters were clear warnings on the extent to which these levees had weakened. These problems are not unique to Illinois, but are illustrative of a broad range of levee conditions throughout the Upper Mississippi River area.

Of course, Mr. President, not even the most fortified levees along the Mississippi were all able to hold back the force of a flood of a magnitude which occurs only once every 500 years. But the fact remains that for a long time, drainage districts have sought help from the corps to strengthen their only shield from the might of the Mississippi.

This problem originates in a legal dispute between the corps and the local drainage districts as to which entity is responsible for addressing levee erosion. Drainage districts currently mow the grass, remove roots and trees, and perform general upkeep around the levees. Erosion repairs are another matter, however. The high cost of such repairs far outweighs the financial capabilities of most rural districts, which typically have a very limited tax base.

In the Lower Mississippi Valley, the Corps of Engineers has the authority under the Flood Control Act of 1928 to perform levee maintenance and repairs. But in the Upper Mississippi River area, the corps operates under separate legislative authority. Questions remain as to whether the corps has responsibility under existing legislation to address river bank and levee erosion along the Upper Mississippi.

The legislation we are introducing today directs the Secretary of the Army to study the differences in Federal policy regarding construction and maintenance requirements of levees in the Upper and Lower Mississippi River systems, to determine what sort of effect these differences have on levees and flood control measures in the Upper Mississippi River, and to recommend changes in Federal cost-sharing for flood control projects.

This legislation requires the Secretary of the Army to examine other questions that have arisen on the role of levees in flood control. Environmentalists argue that levees damage the delicate ecology of wetlands in the flood plains, within which many endangered species are found. Public works specialists point out that levees can intensify the velocity and height of floodwaters, creating greater water pressures and flooding downstream. Our legislation would examine the role of wetlands as alternative flood control measures, and assess the impact that levees have had on flood levels during this disaster.

Furthermore, this legislation directs the Secretary of the Army to evaluate the adequacy of flood protection for water, sewer, transportation and other essential public facilities, and to assess the impact that the great flood of 1993 has had on established flood prevention measures along the Upper Mississippi. The Corps of Engineers will recommend improvements in all of these areas and report these findings to Congress no later than January 1, 1995.

Mr. President, I can certainly say that if I was a farmer or a homeowner who lives along the Upper Mississippi, and I had spent years sounding the alarm that levee repairs were needed, I now would be simply shaking my head in dismay, or even my fist in anger, at the fact that it appears to take an emergency of this magnitude to wake up the Federal Government. I was sent to the Senate because people are tired of inaction. And I say its time we ended the debate on responsibility and begin to answer these questions. The residents of the Midwest have waited too long for this. I thank the chair and I yield the remainder of my time.

Mr. President, I ask unanimous consent that a copy of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1407

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSES.

The purposes of this Act are as follows:

(1) To improve the flood protection on the Upper Mississippi River and its tributaries in order to protect public health and safety, maintain commerce, and reduce economic losses due to flooding

(2) To assess the adequacy of current flood control measures in use at the time of the assessment (referred to in this Act as "then current flood control measures"), both Federal and non-Federal, on the Upper Mississippi River and its tributaries and recommend improvements to protect critical public facilities and prevent the release of hazardous materials into flood waters.

(3) To examine the Federal and non-Federal roles in funding the construction and maintenance of flood control measures on the Mississippi River and its tributaries and recommend changes to improve flood protection for high priority facilities.

SEC. 2. FLOOD CONTROL MEASURES ON UPPER MISSISSIPPI RIVER AND TRIBUTARIES.

(a) STUDY.—The Secretary of the Army shall conduct a study to assess the adequacy of then current flood control measures on the Upper Mississippi River and its tributaries.

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) identify critical water, sewer, transportation, and other essential public facilities that currently do not have adequate flood protection;

(2) identify high priority industrial, petrochemical, hazardous waste, and other facilities that require additional flood protection due to the special health and safety risks caused by flooding;

(3)(A) evaluate then current Federal, State, and local flood impact review requirements for infrastructure improvements and other development in the flood plain; and

(B) recommend changes to reduce the potential loss of life, property damage, economic losses, and threats to health and safety caused by flooding;

(4) examine the differences in Federal cost-sharing for construction and maintenance of flood control projects on the Upper and Lower Mississippi River systems and assess the effect of the differences on the level of flood protection on the Upper Mississippi River and its tributaries;

(5)(A) assess the then current Federal policy on pre-event repair and maintenance of both Federal and non-Federal levees; and

(B) recommend actions to help prevent the failure of the levees during flooding;

(6)(A) assess the impact of the then current system of levees and flood control projects on the flood levels experienced on the Upper Mississippi River and its tributaries in 1993; and

(B) evaluate the cost-effectiveness of alternative flood control measures, such as the preservation and restoration of wetlands;

(7) recommend flood control improvements, changes in Federal cost-sharing, and other measures to reduce economic losses, damage to critical public facilities, and the release of hazardous materials from industrial, petrochemical, hazardous waste, and other facilities caused by flooding of the Upper Mississippi River and its tributaries; and

(8) assess the environmental impact of then current flood control measures and the flood control improvements recommended pursuant to this section.

(c) REPORT.—Not later than January 1, 1995, the Secretary shall submit to Congress a report on the results of the study conducted under subsection (a).

Mr. SIMON. Mr. President, several of my colleagues and I are introducing a bill today that directs the Secretary of the Army to conduct an assessment of the current flood control measures on the Upper Mississippi River and its tributaries. The Secretary is to report back to Congress no later than January 1, 1995, with its findings. Congressman DICK DURBIN is introducing similar legislation on the House side.

This legislation is both necessary and timely. We are all aware of the widespread and catastrophic damage caused by the flood of 1993, and to avoid similar disasters in the future, we must improve the flood protection on the Upper Mississippi and its tributaries. The current flood control measures for Federal levees in the Lower Mississippi region are far more effective than those in place for the non-Federal levees on the upper portion of the Mississippi.

Many States are affected by the complex flood control structure along the Mississippi River. To provide maximum protection, all levees along the Mississippi need to work together as a system. Allowing the upper region to continue as a weak link in the system is penny-wise and pound-foolish.

This bill authorizes a study to examine all aspects of flood control along the Upper Mississippi River and its tributaries, and asks for recommendations for flood control improvements, changes in Federal cost-sharing, and other measures to avoid the catastrophic damage to homes, farms, public facilities and businesses that this most recent Mississippi River flood has wrought.

Mr. President, there is no doubt that this year's flood is the worst to hit the Midwest this century. Once the danger has passed, and people have begun to put their lives and businesses back together, a new challenge arises: How to avoid a repetition of this disaster in the future—how can we improve flood protection for the entire Mississippi River region.

We need the Army Corps of Engineers to use its vast experience and expertise to find solutions, so that the same high-quality flood protection provided for the Lower Mississippi exists for those who live and work upstream.

By Mr. LOTT:

S. 1408. A bill to repeal the increase in tax on social security benefits; to the Committee on Finance.

TAX REPEAL LEGISLATION

Mr. LOTT. Mr. President, this bill will repeal the increase in the tax on Social Security benefits.

It is a simple, straightforward piece of legislation to remove an unfair surtax on the elderly. This tax is no small amount in the President's budget. It will take $24 billion from the fixed pockets of seniors.

As a reference point, this $24 billion is the third largest tax revenue source in Mr. Clinton's budget. The first is the increase in the top income tax bracket, and the second is the removal of the cap on health insurance—another elderly tax.

Frankly, the tax on Social Security benefits is a tax on the savings of senior citizens. It directly hits those prudent and frugal Americans who worked, sacrificed, and invested in America.

Just under one fourth of America's seniors will be affected by this tax, and because it is not indexed for inflation with each passing year more and more seniors will get socked by this tax.

This is not fair or logical.

On June 24, 1993—just 43 days ago, the last time this Chamber voted on this tax, 46 Senators were in favor of removing this tax provision. Despite the fact that it was a procedural vote which tends to fall along party lines, it received support from a significant number of Senators who want to remove this tax provision. It should be noted that this vote enjoyed bipartisan support with five Democrats voting to remove this provision. It should also be noted that on this vote 3 Senators were unable to vote, but it is likely that 2 would have joined the 46 for a very near majority.

The tax increase on Social Security benefits is unfair and many Senators know it. My bill will remove this tax increase.

I, and the elderly all over America, look forward to your support on this legislation.

By Mr. JOHNSTON:

S. 1409. A bill to limit the funding to the Northern Mariana Islands pursuant to the provisions set forth in the Agreement of the Special Representatives on Future Federal Financial Assistance, and for other purposes; to the Committee on Energy and Natural Resources.

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS FUNDING ACT OF 1993

Mr. JOHNSTON. Mr. President, today I am introducing a bill that would limit Federal funding to the Commonwealth of the Northern Mariana Islands [CNMI]. This issue was debated in the context of budget reconciliation, but was not resolved. It is important legislation that we need to move forward with, and enact quickly into law.

In 1947 the United Nations placed the Northern Mariana Islands within the Trust Territory of the Pacific Islands. The United States became the administering authority of the trust territory under the terms of a trusteeship agreement. In 1976 Congress approved the "Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States" which had been negotiated between the two governments. The first constitutional government in the CNMI took office in January 1978. The Covenant was fully implemented on November 3, 1986, pursuant to a Presidential Proclamation which terminated the trusteeship as it applied to the CNMI.

Section 702 of the Covenant committed the United States to provide financial assistance to the CNMI for 7 years to "achieve a progressively higher standard of living for its people * * * and to develop the economic resources needed to meet the financial responsibilities of local self-government." In addition, section 902 of the Covenant provided that, before the end of this initial period of financial assistance, representatives of the United States and CNMI would meet to consider and make recommendations regarding future multiyear financial assistance to the CNMI. In order to ensure that there was no lapse in funding, the Covenant provided that until Congress approved a subsequent level of assistance, the amounts would continue. The provision constitutes an entitlement backed by the full faith and credit of the United States. Assistance to the CNMI during the first 7 years, 1978 through 1985, totaled $192 million.

In 1985, Congress enacted the second multiyear financial assistance agreement which provided funds for the period of 1986 to 1992. This second agreement continued the provision of the Covenant that the CNMI would continue to receive $27.7 million, the seventh year funding level, annually after the seventh year until Congress provided otherwise by law. This provision was intended to assure continued funding for the CNMI in the event that an agreement was not reached between the United States and CNMI representatives or Congress was unable to enact implementing legislation prior to the end of fiscal year 1992. As it happened, an agreement was not reached prior to the end of fiscal year 1992, so the CNMI received this $27.7 million contingency payment. On December 17, 1992, the special representatives of the CNMI and the United States signed the third multiyear financial assistance agreement and it was transmitted to Congress on January 19, 1993.

On February 17, 1993, President Clinton included the implementation of this new agreement in his economic plan. Because the new agreement would reduce financial assistance to the CNMI from the current $27.7 million annual payment, its implementation would result in a budget savings estimated at $42 million over the period 1994–98.

The Committee on Energy and Natural Resources adopted, as part of its budget reconciliation legislation, language that would have decreased funding to the CNMI pursuant to the 1992 agreement.

The House of Representatives' budget reconciliation language would have repealed the annual funding of $27.72 million to the CNMI and required congressional approval prior to providing any further funding, as well as other provisions.

After many long hours of hard work, we came close to reaching an agreement that would have saved the American taxpayers $42 million. We would have allowed funding to go forward, but only if the CNMI made significant changes in policy to address serious conditions that exist in the CNMI regarding immigration, alien labor, and taxation. I regret that we were unable to reach final resolution on this issue within the allotted time.

Because we were unable to agree, under current law the CNMI will receive $27.7 million in 1994—almost $6 million more than they would have under the 1992 negotiated agreement. And without any guarantee that changes in policy would be made. This is a result that no one intended. My bill would readdress this situation.

The bill contains the last Senate offer to the House on this issue. We had reached agreement on all but two issues. It is my hope that we can resolve these differences in conference. If we can, we can save almost $6 million in 1994 and ensure meaningful reforms in the CNMI.

The bill would provide funding for fiscal year 1994 at the level provided for the first year of the 1992 agreement: $22 million. The CNMI would be required to match this with a $9 million contribution. Over the 7-year life of the 1992 agreement, Federal funding decreases each year to $9 million in the 7th year, with a required CNMI match in the 7th year of $22 million. But in order to receive funding, the CNMI would be required to meet certain conditions, including the following:

CNMI would freeze immigration at the 1992 level;

CNMI would limit immigration so that an increasing percentage of the employees in the garment industry are local residents, rather than alien labor;

CNMI would raise the same amount of net revenues as if the mirror tax system applied; and

CNMI would amend it's minimum wage law to provide the same exemptions of job categories and for the same level of deductions for housing and other expenses as are contained in the Fair Labor Standards Act of 1938.

A goal of the United States in the insular areas is to assist them in becoming self-sufficient. However, as the CNMI has moved toward self-sufficiency, problems associated with rapid economic growth have arisen.

The CNMI has taken significant steps to address some of these concerns. Recently, they have enacted into law a minimum wage reform bill and legislation to increase revenues through developer taxes. The legislature is also debating a package of comprehensive tax reforms and an alien labor bill to reform and increase labor enforcement. While I applaud the CNMI for taking these steps, we need to ensure that the reforms are meaningful, and that there is no backsliding. Without enactment of legislation similar to that debated in the budget reconciliation conference, the CNMI will receive funding in excess of the amount provided in the negotiated agreement. Additionally, we have no absolute guarantee that there will be long lasting, meaningful reform in the CNMI.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1409

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SEC. 2. Public Law 94-241 (90 Stat. 263) as amended, is further amended by striking "law" in subsection (b) of section 4 and inserting in lieu thereof "law: *Provided*, That for fiscal years 1994 through 1998, payments shall be limited to the provisions set forth in the Agreement of the Special Representatives on Future Federal Financial Assistance of the Northern Mariana Islands, executed on December 17, 1992, between the special representative of the President and the special representatives of the Governor of the Northern Mariana Islands for the first five years of such 1992 Agreement; *Provided further*, That no amendment to such 1992 Agreement may take effect until approved by an Act of Congress; *Provided further*, after fiscal year 1998, the amount shall continue at the annual amount of $27,720,000, unless Congress otherwise provides by law.

"(c) No funds made available in accordance with the 1992 Agreement referred to in subsection (b) shall be obligated until 60 days after the Secretary of the Interior certifies, together with findings, after the date of enactment of this provision, and each fiscal year thereafter, to the Committee on Natural Resources of the House of Representatives, and the Committee on Energy and Natural Resources of the Senate, that the following conditions have been fulfilled, to the extent such condition is applicable in such fiscal year, and no such funds shall be obligated for additional projects thereafter if the Secretary of the Interior determines that the Northern Mariana Islands are not in compliance with such conditions to the extent such condition is applicable at that time:

"(1) the number of aliens (a person who is not a citizen or national of the United States, a citizen of a state in free association with the United States, or an alien lawfully admitted into the United States) present in the Northern Mariana Islands for work or residency does not exceed the 1992 average daily number of such aliens present in the Northern Mariana Islands as determined by the Commissioner of the United States Immigration and Naturalization Service (INS), except that within such limitation, the Northern Mariana Islands shall impose a numerical limitation on the total number of alien workers admitted for employment in the garment industry so that the percentage of alien workers compared to the total number of workers in the garment industry shall be 75 percent in 1994, 70 percent in 1995, and 65 percent in 1996 and thereafter;

"(2) the Northern Mariana Islands shall implement a petitioning mechanism similar to that in section 214 (c)(1) of the Immigration and Nationality Act (8 U.S.C. 1184 (c)(1)) to measure and compare the number of alien admissions with the 1992 average and the Northern Mariana Islands shall provide the Immigration and Naturalization Service with such information and access as the Commissioner of the Service determines to be necessary to make his determination and for verification;

"(3) The Northern Mariana Islands has enacted and is enforcing such measures as may be necessary to raise revenues, and expend for public purposes, in each of the years funding is provided pursuant to the Agreement, in addition to those revenues which would have been raised under laws in effect on the date of enactment of this provision, of at least the same amount of net revenue (taking into account all credits, deductions, exemptions, and payments provided for in Federal law) that would otherwise have been raised in calendar year 1992 under full application of section 601 of the Covenant absent any rebates pursuant to section 602 of such Covenant, less the actual amount of revenues retained by the Northern Mariana Islands from income taxes, which measures may include, but need to be limited to, one or more of the following:

"(A) developer taxes and impact fees;

"(B) taxes on services to visitors;

"(C) a reduction in the level of rebates of taxes levied under section 602 of the Covenant;

"(D) income taxes, or

"(E) taxes or fees imposed for public benefit of users of publicly provided services.

"(4) the Northern Marina Islands is implementing a rate schedule approved by the Secretary of the Interior that, over a five year period beginning on the date of enactment of this provision, will phase in charges for all (except low-income) users of utilities which will recover the full operating, maintenance, and debt service cost of the power utility services, and, as a minimum, the operating and maintenance costs of the water and sewer utility services;

"(5) the Secretary has approved the plans of the Northern Mariana Islands for the fiscal year for the use of the funds which indicate the priority and purpose of the projects and their cost and financing arrangements; and

"(6) the Secretary of the Interior, in consultation with the Secretary of Labor, determines that the Northern Mariana Islands has enacted and is enforcing laws—

"(A) to provide no greater deductions from wages for housing, food, transportation, health care, employment fees, or other expenses for any workers not permanently admitted into the Northern Mariana Islands than are contained in Fair Labor Standards Act of 1938 and

"(B) which allow for the same exemptions from the payment of minimum wages as provided in the Fair Labor Standards Act of 1938.".

By Mr. INOUYE (by request):

S. 1410. A bill to amend Indian Self-Determination and Education Assistance Act; to the Committee on Indian Affairs.

INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT AMENDMENTS OF 1993

Mr. INOUYE. Mr. President, I introduce a bill at the request of many Indian tribal governments across the country, to amend the Indian Self-Determination and Education Assistance Act.

Mr. President, 5 years ago, the Committee on Indian Affairs reported a measure to amend this act—it was acted upon by the Senate and House—and signed into law by the President. But today, 5 years and 6 months later, regulations to implement these comprehensive amendments and there is, understandably, a growing sense of frustration in Indian country.

Mr. President, the bill I am introducing today, by request, represents a good faith effort on the part of the Indian tribal governments and their attorneys to develop a bill that will bridge the 5-year gap in the regulatory process by proposing amendments to the act that will go into effect without awaiting the promulgation of regulations.

Mr. President, the Indian Affairs Committee will examine this bill closely. We will consult with the new Assistant Secretary for Indian Affairs in the Department of the Interior and with Secretary Babbitt. We will consult with the Acting Director of the Indian Health Service and Secretary Shalala. And last, but clearly not least, we will consult with the leaders of Indian country.

Mr. President, I look forward to working with my colleagues to give our serious consideration to this measure.

Mr. President, I ask unanimous consent of the Senate that this measure and the section-by-section analysis of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1410

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the Indian Self-Determination and Education Assistance Act Amendments Act of 1993.

SEC. 2. AMENDMENTS.

The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) is amended as follows:

(1) at the beginning of section 4, insert the following new paragraph and redesignate all other paragraphs accordingly:

"(a) "construction contract" means a fixed-price or cost-reimbursement self-determination contract for a construction project. Contracts (i) limited to providing architectural and engineering services, planning services, and/or construction management services; (ii) for the Housing Improvement Program or roads construction and maintenance program administered by the Secretary of the Interior; and (iii) for the health facility maintenance and improvement program administered by the Secretary of Health & Human Services, shall not be deemed to be construction contracts within the meaning of this Act";

(2) amend the text of section 5(f) to read as follows:

"(f) For each fiscal year during which an Indian tribal organization receives or expends funds pursuant to a contract or grant under this subchapter, the tribal organization which requested such contract or grant shall submit to the appropriate Secretary a single agency audit report as required by chapter 75 of Title 31, United States Code. Such tribal organization shall also submit such information on the conduct of the program or service involved, and such other information as the appropriate Secretary may request through regulations promulgated in conformity with sections 552 and 553 of Title 5, United States Code, except that the Secretary shall only request the minimal information necessary to assure the delivery of satisfactory services and protection of trust resources, consistent with the purposes of this Act to vest primary responsibility for the administration of contracted programs in the tribal organization.";

(3) in section 7(a) delete "of subcontractors" and insert in lieu thereof "or subcontractors (excluding tribal organizations)";

(4) at the end of section 7, add the following new subsection:

(c) Notwithstanding subsections (a) and (b), where a self-determination contract, or portion thereof, is intended to benefit one tribe, a tribal organization contracting under this Act shall comply with tribal employment or contract preference laws adopted by such tribe.";

(5) at the end of section 102(a)(1), add the following new sentence:

"Such programs shall include administrative functions of the Department of the Interior or the Department of Health and Human Services which support the delivery of services to Indians, including those administrative activities related to, but not part of, the service delivery program, which are otherwise contractible, without regard to the organizational level within the Department where such functions are carried out.";

(6) amend the text of section 102(a)(2) to read as follows:

"(2) If so authorized by an Indian tribe under paragraph (1) of this subsection, a tribal organization may submit a proposal for a self-determination contract, or to amend or renew a self-determination contract, to the Secretary for review. Subject to the provisions of subsection (4) hereof, the Secretary shall, within ninety days after receipt of the proposal, approve the proposal unless, within sixty days of receipt of the proposal, a specific finding is made that—

"(A) the service to be rendered by the tribal organization to the Indian beneficiaries of the particular program or function to be contracted will not be satisfactory;

"(B) adequate protection of trust resources by the tribal organization is not assured; or

"(C) the proposed project or function to be contracted for cannot be properly completed or maintained by the proposed contract, either because (i) the amount of funds proposed in the contract is in excess of the funding levels specified in section 106(a) of this Act, (ii) the program (or portion thereof) to be contracted is beyond the scope of paragraph (1) hereof, because the proposal includes activities which cannot be lawfully carried out by the contractor, or (iii) the existence of some other deficiency justifying declination under this section.";

(7) at the end of section 102(a), add the following new paragraph (4):

"(4) The Secretary shall approve any severable portion of a contract proposal which does not support a declination finding as provided in paragraph (3) of this subsection. Whenever the Secretary determines under paragraph (3) that a contract proposal (A) proposes in part to plan, conduct or administer a program that is beyond the scope of paragraph (1), or (B) proposes a funding level in excess of the funding levels specified in section 106(a) of this Act, the Secretary shall approve the proposal to the extent authorized by paragraph (1) or section 106(a) of this Act, as appropriate (subject to any agreed-upon alteration in the proposed scope of work). In the event the tribal organization elects to operate the severable portion of a contract proposal, subsection (b) hereof shall apply only with respect to the declined portion of the contract.";

(8) at the end of section 102, add the following:

"(e) In any hearing or appeal provided under subsection (b)(3), the Secretary shall carry the burden of proof to establish by clear and convincing evidence that the contract proposal should be declined. Final departmental decisions in all such appeals shall be made at a level not lower than the level of the Assistant Secretary.

"(f) A tribal organization in Alaska authorized by tribal resolution(s) to contract under this Act the operation of one or more programs may redelegate that authority, by formal action of the tribal organization's governing body, to another tribal organization provided advance notice of such redelegation and a copy of the contracting proposal, prior to its submission to the Secretary, are provided to all tribes served by the tribal organization. Nothing herein is to be construed as a limitation on the authority of a tribe to limit, restrict or rescind its resolution at any time or in any manner whatsoever. A tribe receiving such notice shall have 60 days from receipt of the notice to notify the tribal organization in writing of its intent to adopt a limiting resolution prohibiting or conditioning the proposed redelegation, and thereafter shall have 60 days to adopt and transmit such resolution to the tribal organization. A tribal organization so notified of a tribe's intent shall not proceed with any redelegation proposal until the expiration of the 60 day period.

(9) amend the text of section 105(a), to read as follows:

"(a) Contracts, grants and cooperative agreements with tribal organizations pursuant to sections 102 and 103 of this title shall not be subject to general Federal contracting, discretionary grant or cooperative agreement laws and regulations, except to the extent such laws expressly apply to Indian tribes; *Provided*, That with respect to construction contracts as defined in Section 4 of this Act (or subcontracts of such a construction contract), the Office of Federal Procurement Policy Act (88 Stat. 796; 41 U.S.C. 401 et. seq.) and Federal acquisition regulations promulgated thereunder shall only apply to the limited extent such statute or regulations are necessary to assure proper completion of the contract and are not inconsistent with the provisions or policy of this Act.";

(10) amend the text of section 105(e) to read as follows:

"(e) Whenever an Indian tribe or tribal organization requests retrocession of the appropriate Secretary for any contract, or portion thereof, entered into pursuant to this Act, such retrocession shall, unless the request for retrocession is rescinded by such tribe or tribal organization, become effective one year from the date of the request by the Indian tribe or at such date as may be mutually agreed by the Secretary and the Indian tribe.";

(11) amend the text of section 105(f)(2) to read as follows:

"(2) donate to an Indian tribe or tribal organization the title to any personal or real property found to be excess to the needs of the Bureau of Indian Affairs, the Indian Health Service, or the General Services Administration, except that title to property and equipment furnished by the federal government for use in the performance of the contract or purchased with funds under any self-determination contract or grant agreement shall, unless otherwise requested by the tribe or tribal organization, vest in the appropriate tribe or tribal organization, and upon retrocession, rescission or termination of such self-determination contract or grant, title to such property having a present value in excess of $5,000 and remaining in use in support of the contracted program shall, at the Secretary's option, revert to the Secretary; and";

(12) in section 105(g) add "for the provision of personal services" after "make any contract";

(13) at the end of section 105, add the following new subsections (i), (j), (k), and (l):

"(i) Where a self-determination contract requires the Secretary to administratively divide a program which has previously been administered for the benefit of a greater number of tribes than are represented by the tribal organization that is a party to the contract, the Secretary shall

"(1) endeavor to minimize any adverse effect on the level of services to be provided to all affected tribes;

"(2) notify all affected tribes not party to the contract of the receipt of the contract proposal at the earliest possible date, and of the right of such tribes to comment on how the Secretary's program should be divided to best meet the needs of all affected tribes;

"(3) explore the feasibility of instituting cooperative agreements amongst the affected tribes not a party to the contract, the tribal organization operating the contract, and the Secretary; and

"(4) identify and report to Congress the nature of any diminution in quality, level or quantity of services to any affected tribe resulting from the division of the Secretary's program, together with an estimate of the funds which would be required to correct such diminution. In determining whether to decline a contract under section 102(a)(2), the Secretary shall not consider the effect which a contract proposal will have on tribes not represented by the tribal organization submitting such proposal, nor on Indians not served by the portion of the program to be contracted. The Secretary shall make such special provisions as may be necessary to assure that services are provided to the tribes not served by a self-determination contract.

"(j) Upon notice to the Secretary, tribal organizations carrying out self-determination contracts are authorized to redesign programs, activities, functions and services under contract, including program standards, to best meet the local geographic, demographic, economic, cultural, health and institutional needs of the Indian people and tribes served under the contract. The Secretary shall evaluate any redesign proposal against the declination criteria set forth in section 102 of this Act.

"(k) For purposes of section201(a) of the Act of June 30, 1949 (40 U.S.C. 481(a)) (involving federal sources of supply), an Indian tribe or tribal organization carrying out a contract, grant or cooperative agreement under this Act shall be deemed an executive agency when carrying out such contract, grant or agreement.

"(l) Upon the request of an Indian tribe or tribal organization, the Secretary shall enter into leases with Indian tribes and tribal organizations which hold title to, a leasehold interest in, or a beneficial interest in, facilities used by Indian tribes or tribal organizations for the administration and delivery of contract services under the Act. The Secretary shall compensate such Indian tribes or tribal organizations for the use of leased facilities for contract purposes. Lease compensation may include: rent, depreciation based on the useful life of the building, principal and interest paid or accrued, operation and maintenance expenses, and such other reasonable expenses determined by regulation to be allowable.

(14) amend the text of section 106(a) to read as follows:

"(a)(1) The amount of funds provided under the terms of self-determination contracts entered into pursuant to this Act shall not be less than the appropriate Secretary would have otherwise provided for the operation of the programs or portions thereof for the period covered by the contract, without regard to the organizational level or levels within the Department at which the program (or portion thereof), including supportive administrative functions which are otherwise contractible, is operated.

"(2) There shall be added to the amount required by paragraph (1) contract support costs which shall consist of an amount for the reasonable costs for activities which must be carried on by a tribal organization as a contractor to ensure compliance with the terms of the contract and prudent management, but which-

"(A) normally are not carried on by the respective Secretary in his direct operation of the program; or

"(B) are provided by the Secretary in support of the contracted program from resources other than those under contract.

"Contract support costs shall include, without distinction, funds to reimburse tribal contractors for reasonable and allowable costs of contracting attributable to direct program expenses, and reasonable administrative or other overhead expenses in connection with tribal operation of federal programs. The amount of funds to which a tribe or tribal organization is entitled pursuant to this subparagraph shall be negotiated annually with the Secretary.

"(3) Any savings in operation under a self-determination contract (including a cost reimbursement construction contract) shall be utilized to provide additional services or benefits under the contract or be expended in the succeeding fiscal year as provided in section 13a of this title.

"(4) During the initial year of a self-determination contract there shall be included, in the amount required to be paid under paragraph (2), start-up costs consisting of the reasonable costs, either previously incurred or to be incurred under the contract on a one-time basis, necessary to plan, prepare for and take over operation of the contracted program and to also ensure compliance with the terms of the contract and prudent management, *provided that* previously incurred costs shall not be included to the extent the Secretary was not notified in advance and in writing of the nature and extent of the costs to be incurred.";

(15) amend section 106(c) as follows:

(A) in clause (1) delete "and indirect costs" and insert in lieu thereof "indirect costs and negotiated contract support costs";

(B) in clause (2) insert immediately after "indirect costs" the following: "and negotiated contract support costs";

(C) delete "and" at the end of clause (4);

(D) delete the period at the end of clause (5) and insert in lieu thereof a semicolon and "and"; and

(E) at the end thereof, add the following:

"(6) a reporting of any deficiency of funds needed to maintain the preexisting level of services to any tribes affected by contracting activities under this Act.";

(16) at the end of section 106(d)(2), add the following new sentence:

"Notwithstanding any other provision of law, and subject to the availability of appropriations, every federal agency and every State shall pay its full proportionate share of the indirect costs associated with federally funded contracts or grants awarded to tribes or tribal organizations under any other law. In the event that appropriations are not sufficient for agencies other than the Department of the Interior and the Department of Health and Human Services, or for state governments or state agencies, to pay their full proportionate share as provided herein, the Secretary shall, subject to the availability of appropriations for this purpose, fund and pay such shortfalls and report all unfunded shortfalls to the Congress, as provided in Section 106(c)(2).";

(17) amend section 106(f) by inserting immediately after the second sentence thereof the following:

"For the purpose of the 365 day period, an audit report shall be deemed received on the date of actual receipt by the Secretary, absent a notice by the Secretary within sixty days of receipt that the report will be rejected as insufficient due to non-compliance with chapter 75 of title 31 of the United States Code, or other applicable law.";

(18) amend the text of section 106(g) to read as follows:

"(g) Upon approval of a self-determination contract, the Secretary shall allocate to the contract the full amount to which the contractor is entitled under section 106(a), subject to adjustments for each subsequent year that federal programs are administered by such tribe or tribal organization.";

(19) amend the text of section 106(i) to read as follows:

"(i) The Secretary shall consult annually with, and solicit the participation of, Indian tribes and tribal organizations in the development of the budget for the Indian Health Service and the Bureau of Indian Affairs, including participation in the formulation of annual budget requests of Congress.";

(20) amend section 106 by adding at the end thereof the following:

"(j) A tribal organization may use funds provided under a self-determination contract to meet matching or cost participation requirements under other Federal and non-Federal programs.

"(k) Without intending any limitation, a tribal organization may, without approval, expend funds provided under a self-determination contract for the following purposes to the extent supportive of a contracted program:

"(1) depreciation and use allowances not otherwise specifically prohibited by law, including depreciation of facilities owned by the tribe or tribal organization and constructed with federal financial assistance;

"(2) publication and printing costs;

"(3) building, realty and facilities costs, including rental costs or mortgage expenses;

"(4) automated data processing and similar equipment or services;

"(5) cost of capital assets and repairs;

"(6) management studies;

"(7) professional services other than services provided in connection with judicial proceedings by or against the United States;

"(8) insurance and indemnification, including insurance covering the risk of loss of or damage to property used in connection with the contract without regard to the ownership of such property;

"(9) costs incurred to raise funds or contributions from non-Federal sources for the purpose of furthering the goals and objectives of a self-determination contract;

"(10) interest expenses paid on capital expenditures such as buildings, building renovation, or acquisition or fabrication of capital equipment, and interest expenses on loans necessitated due to Secretarial delays in providing funds under a contract; and

"(11) expenses of a tribal organization's governing body to the extent attributable to the management or operation of programs under this Act.

"(l) Within twelve months following the date of enactment of this subsection, the Office of Management and Budget, with the active participation of Indian tribes and tribal organizations, the Department of the Interior, Office of the Inspector General, and the Health and Human Services Department, Cost Determination Branch, shall develop a separate set of cost principles applicable to Indian tribes and tribal organizations consistent with the government-to-government Federal-Tribal relationship embodied in this Act.

"(m) Except in connection with rescission and reassumption of a contract under section 109 of this Act, the Secretary shall in no circumstance suspend, without or delay the payment of funds to a tribal organization under a self-determination contract.

"(n) Program income earned by a tribal organization in the course of carrying out a self-determination contract shall be used by the tribal organization to further the general purposes of the contract and shall not be a basis for reducing the amount of funds otherwise obligated to the contract, provided that use of collections made under Title IV of Pub. L. 94-437 shall be further limited to the extend provided in that Act.

"(o) To the extent contracting activities under this Act reduce the secretary's administrative or other responsibilities in connection with the operation of Indian programs, resulting in savings which have not otherwise been included in the contract amount specified in subsection (a) herefor, and to the extent that doing so will not adversely affect the Secretary's ability to carry out his responsibilities to other tribes and tribal organizations, the Secretary shall make such savings available to tribal organizations contracting under this Act.

"(p) notwithstanding any laws or regulations to the contrary, a tribal organization may budget within the approved budget of its contract to meet contract requirements, provided that such rebudgeting does not have a significant and adverse effect upon the level or nature of services.";

(21) amend the text of section 107(a) to read as follows:

"(a) The Secretaries of the Interior and of Health and Human Services are each authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purposes of carrying out the provisions of this subchapter:*Provided, however*, That all Federal requirements for self-determination contracts and grants under this Act shall be promulgated as a single set of regulations in Title 25 of the Code of Federal regulations and in conformity with sections 552 and 553 of Title 5. Notwithstanding the preceding sentence, the amendments made by the Indian Self-Determination and Education Act Amendments of 1993 shall be effective as of October 5, 1988.";

(23) amend the text of section 107(b) to read as follows:

"(b) In drafting, and promulgating, regulations for implementation of this Act, as amended, the Secretaries shall comply with the following procedures:

"(1) prior to publishing proposed regulations, the Secretaries shall within 45 days from the date of enactment of these amendments convene regional meetings and a national meeting to obtain input from interested parties in the development of proposed regulations to implement the provisions of this Act, as amended. Such meetings shall include representatives of Indian tribes, tribal organizations, individual tribal members, and representatives of other parties interested in the implementation of this act, as amended.

"(2) during the meetings identified in subparagraph (1), the tribal representatives shall identify key issues concerning implementation of the Indian Self-Determination Act, as amended. The Secretaries shall provide for a comprehensive discussion and exchange of information on these issues. Likewise, the Secretaries may identify issues concerning implementation of the Indian Self-Determination Act, as amended, and provide for a comprehensive discussion and exchange of information received at such meetings in the development of proposed regulations, and shall publish a summary of such information in the Federal Register along with a notice of proposed rulemaking.

"(3) subsequent to the regional and national meetings and prior to publication of proposed regulations in the federal Register, the Secretaries shall prepare draft regulations implementing the Indian Self-Determination Act, as amended, including regulations addressing all key issues identified by the tribal organizations and those key issues identified by the Secretaries pursuant to paragraph (2), and the Secretaries shall submit the draft regulations to a negotiated rulemaking process. The process shall waive application of the Federal Advisory Committee Act (5 U.S.C. App. 2 §1 et seq.). The rulemaking process shall follow the guidance of the Negotiated Rulemaking Act of 1990 and of the Administrative Conference of the United States in Recommendation 82-4 and 85-5, "Procedures for Negotiating Proposed Regulations" (1 C.F.R. §§305.82-4 and 305.85-5), and any successor recommendation, regulation or law. Participants in the negotiation shall be chosen by the Secretaries from among participants in the regional and national meetings, representing the groups described in paragraph (1) and from all geographic regions. The Secretaries shall publish the product of the negotiated rulemaking process in the Federal Register in the form of a proposed rule. The Secretaries shall also include in the final rule as much of the proposed rule as is practicable. The negotiations shall be conducted in a timely manner and the proposed rule shall be published in the Federal Register by the Secretaries within six (6) months from the date of enactment of these Amendments.";

(24) amend section 107 by adding at the end thereof the following new subsection (d);

"(d) Notwithstanding any laws or regulations to the contrary, the Secretary shall retain the authority to waive or make exceptions to his regulations where the Secretary finds that such waiver or exception is in the best interest of the Indians served by the contract. The Secretary shall review a waiver request under the declination criteria contained in section 102(a)(2) of this Act.";

(25) amend the text of section 109 to read as follows:

"Each contract or grant agreement entered into pursuant to sections 102 and 103 of this title shall provide that in any case where the appropriate Secretary determines that the tribal organization's performance under such contract or grant agreement involves (1) the violation of the rights or endangerment of the health, safety, or welfare of any persons; or (2) gross negligence or mismanagement in the handling or use of funds provided to the tribal organization pursuant to such contract or grant agreement, such Secretary may, under regulations prescribed by him and after providing notice and a hearing on the record to such tribal organization, rescind such contract or grant agreement and assume or resume control or operation of the program, activity, or service involved if he determines that the tribal organization has not taken corrective action as prescribed by him to remedy the contract deficiency: *Provided*, That the appropriate Secretary may, upon written notice to a tribal organization, and the tribe(s) served thereby, immediately rescind a contract or grant and resume control or operation of a program, activity, or service if he finds that there is an immediate threat of imminent harm to the safety of any person and that such threat arises from the contractor's failure to fulfill the requirements of the contract. In such cases, he shall provide the tribal organization with a hearing on the record within ten days or such later date as the tribal organization may approve. Such Secretary may decline to enter into a new contract or grant agreement and retain control of such program, activity, or service until such time as he is satisfied that the violations of rights or endangerment of health, safety, or welfare which necessitated the rescission has been corrected. In any hearing or appeal provided for under this section, the Secretary shall carry the burden of proof to establish by clear and convincing evidence that the contract should be rescinded, assumed or reassumed. Nothing in this section shall be construed as contravening the Occupational Safety and Health Act of 1970, as amended.

(26) amend section 110(a) by inserting immediately before the period at the end thereof the following:

"(including immediate injunctive relief to compel the Secretary to fund an approved self-determination contract)"; and

(27) amend section 110(d) by inserting immediately before the period at the end thereof the following:

"except that all such administrative appeals shall be heard by the Interior Board of Contract Appeals".

SECTION-BY-SECTION ANALYSIS

Section 1 provides that the Act may be cited as the "Indian Self-Determination and Education Assistance Act Amendments of 1993".

Section 2(1) amends the definitions section of the Act to insert a new subsection (a) at the beginning of section 4, and redesignates all of the other subsections accordingly. This new subsection provides a definition for the term "construction contract," a term which is presently used but not defined in the statute. The term excludes architectural and engineering services, programs administered under the Bureau of Indian Affairs' Housing Improvement Program and roads program, and the health facility and maintenance program administered by the Secretary of Health and Human Services. As the term is later used in the statute, the amendment will assure that the federal acquisition regulations are not applied to contracts which do not involve classic construction activities.

Section 2(2) conforms portions of section 5(f) of the Act with the 1988 Amendments, and also clarifies and reinforces the intent of Congress to minimize the reporting requirements which the Secretary may impose upon tribal contractors. One of the primary goals of the 1988 amendments was to eliminate excessive and burdensome reporting requirements. The amendment is designed to compel the Departments to substantially cut back on the amount of reporting now required from tribal contractors.

As amended, section 5(f) of the Act [25 U.S.C. §405c(f)] will read:

(f) For each fiscal year during which an Indian tribal organization receives or expends funds pursuant to a contract or grant under this subchapter, the tribal organization which requested such contract or grant shall submit to the appropriate Secretary a single agency audit report as required by chapter 75 of Title 31, United States Code. Such tribal organization shall also submit such information on the conduct of the program or service involved, and such other information as the appropriate Secretary may request through regulations promulgated in conformity with sections 552 and 553 of Title 5, United States Code, except that the Secretary shall only request the minimal information necessary to assure the delivery of satisfactory services and protection of trust resources, consistent with the purposes of this Act to vest primary responsibility for the administration of contracted programs in the tribal organization.

For each fiscal year during which an Indian tribal organization receives or expends funds pursuant to a contract or grant under this subchapter, the tribal organization which requested such contract or grant shall submit to the appropriate Secretary a single agency audit report as required by chapter 75 of Title 31, United States Code. Such tribal organization shall also submit such information on the conduct of the program or service involved, and such other information as the appropriate Secretary may request through regulations promulgated in conformity with sections 552 and 553 of Title 5, United States Code, except that the Secretary shall only request the minimal information necessary to assure the delivery of satisfactory services and protection of trust resources, consistent with the purposes of this Act to vest primary responsibility for the administration of contracted programs in the tribal organization.

3. Amendment No. 3

Amend section 7(a) (25 U.S.C. 450e(a)) to delete the word "of" before the word "subcontractors" and insert in lieu thereof the word: "or"; and add after the word "subcontractors" the words: "(excluding tribal organizations)". As amended, section 7(a) (25 U.S.C. 450e(a)) will read:

(a) All laborers and mechanics employed by contractors or subcontractors (excluding tribal organizations) in the construction, alteration, or repair, including painting or decorating of buildings or other facilities in connection with contracts or grants entered into pursuant to this Act, shall be paid wages at not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act of March 3, 1931 (46 Stat. 1494), as amended [40 U.S.C.A. 276a et seq.]. With respect to construction, alteration, or repair work to which the Act of March 3, 1921 is applicable under the terms of this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950, and section 276c of Title 40.

4. Amendment No. 4

Amend section 7 (25 U.S.C. 450e) to add a new subsection (c). Section 7(c) (25 U.S.C. 450e) of the Act will read:

(c) Notwithstanding subsections (a) and (b), where a self-determination contract, or portion thereof, is intended to benefit one tribe, a tribal organization contracting under this Act shall comply with tribal employment or contract preference laws adopted by such tribe.

5. Amendment No. 5

Amend section 102(a)(1) (25 U.S.C. 450f(a)(1)) to insert at the end thereof the following sentence: "Such programs shall include administrative functions of the Department of the Interior or the Department of Health and Human Services which support the delivery of services to Indians, including those administrative activities related to, but not part of, the service delivery program, which are otherwise contractible, without regard to the organizational level within the Department where such functions are carried out." Amend section 102(a)(2) (25 U.S.C. 450f(a)(2)) to add the words: ", or to amend or renew a self-determination contract," before the words "to the Secretary"; and to delete the word "The" in the second sentence and to add in lieu thereof the following phrase: "Subject to the provisions of subsection (4) hereof, the". In section 102(a)(2)(A) (25 U.S.C. 450f(a)(2)(A)), add the words: "by the tribal organization" after the world "rendered". In section 102(a)(2)(B) (25 U.S.C. 450f(a)(2)(B)), add the words: "by the tribal organization" after the word "resources". In section 102(a)(2)(C), (25 U.S.C. 450f(a)(2)(C)), add after the word "contract" but before the period, the following clause: ", either because (i) the amount of funds proposed in the contract is in excess of the funding levels specified in section 106(a) of this Act, (ii) the program (or portion thereof) to be contracted is beyond the scope of paragraph (1) hereof, or (iii) the existence of some other deficiency justifying declination under this section" In section 102(a) (25 U.S.C. 450f(a)), add a new subsection (4). As amended, section 102(a) (25 U.S.C. 450f(a)), of the Act will read:

(a)(1) The Secretary is directed, upon the request of any Indian tribe by tribal resolution, to enter into a self-determination contract or contracts with a tribal organization to plan, conduct, and administer programs or portions thereof, including construction programs—

(A) provided for in sections 452 and 457 of this title;

(B) which the Secretary is authorized to administer for the benefit of Indians under sections 13 and 52a of this title, and any Act subsequent thereto;

(C) provided by the Secretary of Health and Human Services under sections 2001 to 2004b of Title 42;

(D) administered by the Secretary for the benefit of Indians for which appropriations are made to agencies other than the Department of Health and Human Services or the Department of the Interior; and

(E) for the benefit of Indians because of their status as Indians without regard to the agency or office of the Department of Health and Human Services or the Department of the Interior within which it is performed.

Such programs shall include administrative functions of the Department of the Interior or the Department of Health and Human Services which support the delivery of services to Indians, including those administrative activities related to, but not part of, the service delivery program, which are otherwise contractible, without regard to the organizational level within the Department where such functions are carried out.

(2) If so authorized by an Indian tribe under paragraph (1) of this subsection, a tribal organization may submit a proposal for a self-determination contract, or to amend or renew a self-determination contract, to the Secretary for review. Subject to the provisions of subsection (4) hereof, the Secretary shall, within ninety days after receipt of the proposal, approve the proposal unless, within sixty days of receipt of the proposal, a specific finding is made that—

(A) the service to be rendered by the tribal organization to the Indian beneficiaries of the particular program or function to be contracted will not be satisfactory;

(B) adequate protection of trust resources by the tribal organization is not assured; or

(C) the proposed project or function to be contracted for cannot be properly completed or maintained by the proposed contract, either because (i) the amount of funds proposed in the contract is in excess of the funding levels specified in section 106(a) of this Act, (ii) the program (or portion thereof) to be contracted is beyond the scope of paragraph (1) hereof, because the proposal includes activities which cannot be lawfully carried out by the contractor, or (iii) the existence of some other deficiency justifying declination under this section.

(3) Upon the request of a tribal organization that operates two or more mature self-determination contracts, those contracts may be consolidated into one single contract.

(4) The Secretary shall approve any severable portion of a contract proposal which does not support a declination finding as provided in paragraph (3) of this subsection. Whenever the Secretary determines under paragraph (3) that a contract proposal (A) proposes in part to plan, conduct or administer a program that is beyond the scope of paragraph (1), or (B) proposes a funding level in excess of the funding levels specified in section 106(a) of this Act, the Secretary shall approve the proposal to the extent authorized by paragraph (1) or section 106(a) of this Act, as appropriate (subject to any agreed-upon alteration in the proposed scope of work). In the event the tribal organization elects to operate the severable portion of a contract proposal, subsection (b) hereof shall apply only with respect to the declined portion of the contract.

6. Amendment No. 6

Amend section 102 (25 U.S.C. 450f) to add new subsections (e) and (f). Sections 102(e) (25 U.S.C. 450f(e)) and section 102(f) (25 U.S.C. 450f(f)) of the Act will read:

(e) In any hearing or appeal provided under subsection (b)(3), the Secretary shall carry the burden of proof to establish by clear and convincing evidence that the contract proposal should be declined. Final departmental decisions in all such appeals shall be made at a level not lower than the level of the Assistant Secretary.

(f) A tribal organization in Alaska authorized by tribal resolution(s) to contract under this Act the operation of one or more programs may redelegate that authority, by formal action of the tribal organization's governing body, to another tribal organization provided advance notice of such redelegation and a copy of the contracting proposal, prior to its submission to the Secretary, are provided to all tribes served by the tribal organization. Nothing herein is to be construed as a limitation on the authority of a tribe to limit, restrict or rescind its resolution at any time or in any manner whatsoever. A tribe receiving such notice shall have 60 days from receipt of the notice to notify the tribal organization in writing of its intent to adopt a limiting resolution prohibiting or conditioning the proposed delegation, and thereafter shall have 60 days to adopt and transmit such resolution to the tribal organization. A tribal organization so notified of a tribe's intent shall not proceed with any redelegation proposal until the expiration of the 60 day period.

7. Amendment No. 7

Amend Section 105(a) (25 U.S.C. 450j(a)) to insert the words:", grants and cooperative agreements" after the word "Contracts" in the first sentence, and to insert the words: "and 103" after the words "section 102". Also in the first sentence, substitute the words: "not be subject to general" for the words "be in accordance with all" after the word "shall". After the words "Federal contracting" insert the words: ", discretionary grant or cooperative agreement", and after the words "laws and regulations" insert the words: "except to the extent such laws expressly apply to Indian tribes;". Delete all the words beginning with the words "except that" and ending with "*Provided further*, That, except for". Insert "*Provided*, That with respect to" prior to the words "construction contracts" and insert immediately after "as defined in Section 4 of this Act". In the last clause, substitute the word "only" for the word "not", and substitute the words "the limited extent such statute or regulations are necessary to assure proper completion of the contract and are not inconsistent with the provisions or policy of this Act" for the words "self-determination contracts". As amended, section 105(a) (25 U.S.C. 450j(a)) of the Act will read:

(a) Contracts, grants and cooperative agreements with tribal organizations pursuant to sections 102 and 103 of this title shall not be subject to general Federal contracting, discretionary grant or cooperative agreement laws and regulations, except to the extent such laws expressly apply to Indian tribes; with respect to construction contracts as defined in Section 4 of this Act (or subcontracts of such a construction contract), the Office of Federal Procurement

Policy Act (88 Stat. 796; 41 U.S.C. 401 et seq.) and Federal acquisition regulations promulgated thereunder shall only apply to the limited extent such statute or regulations are necessary to assure proper completion of the contract and are not inconsistent with the provisions or policy of this Act.

8. Amendment No. 8

Amend section 105(e) (25 U.S.C. 450j(e)) to insert "or tribal organization" after the word "tribe" in the first sentence, and after the word "shall" insert the words ", unless the request for retrocession is rescinded by such tribe or tribal organization,". As amended, section 105(e) (25 U.S.C. 450j(e)) of the Act will read:

(e) Whenever an Indian tribe or tribal organization requests retrocession of the appropriate Secretary for any contract, or portion thereof, entered into pursuant to this Act, such retrocession shall, unless the request for retrocession is rescinded by such tribe or tribal organization, become effective one year from the date of the request by the Indian tribe or at such date as may be mutually agreed by the Secretary and the Indian tribe.

9. Amendment No. 9

Section 105(f)(2) is amended to delete the word "including" and insert in lieu thereof the words: "except that title to"; and to insert the words "furnished by the federal government for use in the performance of the contract or" following the word "equipment"; and to insert after the word "agreement" but prior to the semicolon the following phrase: "shall, unless otherwise requested by the tribe or tribal organization, vest in the appropriate tribe or tribal organization, and upon retrocession, rescission or termination of such self-determination contract or grant, title in such property having a present value in excess of $5,000 and remaining in use in support of the contracted program shall, at the Secretary's option, revert to the Secretary." As amended, subsection 105(f) (25 U.S.C 450j(f)) of the Act will read:

(f) In connection with any self-determination contract or grant made pursuant to section 102 or 103 of this title, the appropriate Secretary may—

(1) permit an Indian tribe or tribal organization in carrying out such contract or grant, to utilize existing school buildings, hospitals, and other facilities and all equipment therein or appertaining thereto and other personal property owned by the Government within the Secretary's jurisdiction under such terms and conditions as may be agreed upon their use and maintenance;

(2) donate to an Indian tribe or tribal organization the title to any personal or real property found to be excess to the needs of the Bureau of Indian Affairs, the Indian Health Service, or the General Services Administration, except that title to property and equipment furnished by the federal government for use in the performance of the contract or purchased with funds under any self-determination contract or grant agreement shall, unless otherwise requested by the tribe or tribal organization, vest in the appropriate tribe or tribal organization, and upon retrocession, rescission or termination of such self-determination contract or grant, title to such property having a present value in excess of $5,000 and remaining in use in support of the contracted program shall, at the Secretary's option, revert to the Secretary; and

(3) acquire excess or surplus Government personnel or real property for donation to an Indian tribe or tribal organization if the Secretary determines the property is appropriate for use by the tribe or tribal organization for a purpose for which a self-determination contract or grant agreement is authorized under this Act.

10. Amendment No. 10

Amend section 105(g) (25 U.S.C. 450j(g)) to add the words: "for the provision of personal services" after the words "make any contract" in the last clause. As amended, the last sentence of section 105(g) (25 U.S.C. 450j(g)) of the Act will read:

The contracts authorized under section 102 of this title and grants pursuant to section 103 of this title may include provisions for the performance of personal services which would otherwise be performed by Federal employees including, but in no way limited to, functions such as determination of eligibility of applicants for assistance, benefits, or services, and the extent or amount of such assistance, benefits or services to be provided and the provisions of such assistance, benefits, or services, all in accordance with the terms of the contract or grant and applicable rules and regulations of the appropriate Secretary: *Provided*, That the Secretary shall not make any contract for the provision of personal services which would impair his ability to discharge his trust responsibilities to any Indian tribe or individual.

11. Amendment No. 11

Amend section 105 (25 U.S.C. 450j) to add the following new subsections; (i)(1), (i)(2), (i)(3), (i)(4), (j), (k), and (l). These new subsections will read:

(i) Where a self-determination contract requires the Secretary to administratively divide a program which has previously been administered for the benefit of a greater number of tribes than are represented by the tribal organization that is a party to the contract, the Secretary shall:

(1) endeavor to minimize any adverse effect on the level of services to be provided to all affected tribes;

(2) notify all affected tribes not party to the contract of the receipt of the contract proposal at the earliest possible date, and of the right of such tribes to comment on how the Secretary's program should be divided to best meet the needs of all affected tribes;

(3) explore the feasibility of instituting cooperative agreements amongst the affected tribes not a party to the contract, the tribal organization operating the contract, and the Secretary; and

(4) identify and report to Congress the nature of any diminution in quality, level or quantity of services to any affected tribe resulting from the division of the Secretary's program, together with an estimate of the funds which would be required to correct such diminution.

In determining whether to decline a contract under section 102(a)(2), the Secretary shall not consider the effect which a contract proposal will have on tribes not represented by the tribal organization submitting such proposal, nor on Indians not served by the portion of the program to be contracted. The Secretary shall make such special provisions as may be necessary to assure that services are provided to the tribes not served by a self-determination contract.

(j) Upon notice to the Secretary, tribal organizations carrying out self-determination contracts are authorized to redesign programs, activities, functions and services under contract, including program standards, to best meet the local geographic, demographic, economic, cultural, health and institutional needs of the Indian people and tribes served under the contract. The Secretary shall evaluate any redesign proposal against the declination criteria set forth in section 102 of this Act.

(k) For purposes of section 201(a) of the Act of June 30, 1949 (40 U.S.C. 481(a)) (involving federal sources of supply), an Indian tribe or tribal organization carrying out a contract, grant or cooperative agreement under this Act shall be deemed an executive agency when carrying out such contract, grant or agreement.

(l) Upon the request of an Indian tribe or tribal organization, the Secretary shall enter into leases with Indian tribes and tribal organizations which hold title to, a leasehold interest in, or a beneficial interest in, facilities used by Indian tribes or tribal organizations for the administration and delivery of contract services under the Act. The Secretary shall compensate such Indian tribes or tribal organizations for the use of leased facilities for contract purposes. Lease compensation may include: rent, depreciation based on the useful life of the building, principal and interest paid or accrued, operation and maintenance expenses, and such other reasonable expenses determined by regulation to be allowable.

12. Amendment No. 12

Section 106(a)(1) (25 U.S.C. 450j-1(a)(1)) is amended to insert after the word "contract" but before the period, the following clause: ", without regard to the organizational level or levels within the Department at which the program, including supportive administrative functions which are otherwise contractible, is operated." Section 106(a)(2) (25 U.S.C. 450j-1(a)(2)) is amended to insert the words: "an amount for" after the words "consist of". Insert at the end of section 106(a)(2) (25 U.S.C. 450j-1(a)(2)) the following sentence: "Contract support costs shall include, without distinction, funds to reimburse tribal contractors for reasonable and allowable costs of contracting attributable to direct program expenses in connection with tribal operation of federal programs. The amount of funds to which a tribe or tribal organization is entitled pursuant to this subparagraph shall be negotiated annually with the Secretary." Amend section 106(a)(3) (25 U.S.C. 450j-1(a)(3)) to add after the words "self-determination contract" the words: "(including a cost reimbursement construction contract)". Amend section 106(a) (25 U.S.C. 450j-1) to add a new subsection 106(a)(4) (25 U.S.C. 450j-1(a)(4)). As amended, section 106(a) (25 U.S.C. 450j-1(a)) of the Act will read:

(a)(1) The amount of funds provided under the terms of self-determination contracts entered into pursuant to this Act shall not be less than the appropriate Secretary would have otherwise provided for the operation of the programs or portions thereof for the period covered by the contract, without regard to the organizational level or levels within the Department at which the program, (or portion thereof), including supportive administrative functions which are otherwise contractible, is operated.

(2) There shall be added to the amount required by paragraph (1) contract support costs which shall consist of an amount for the reasonable costs for activities which must be carried on by a tribal organization as a contractor to ensure compliance with the terms of the contract and prudent management, but which—

(A) normally are not carried on by the respective Secretary in his direct operation of the program; or

(B) are provided by the Secretary in support of the contracted program from resources other than those under contract.

Contract support costs shall include, without distinction, funds to reimburse tribal contractors for reasonable and allowable costs of contracting attributable to direct program expenses, and reasonable administrative or other overhead expenses in connection with tribal operation of federal programs. The amount of funds to which a tribe or tribal organization is entitled pursuant to this subparagraph shall be negotiated annually with the Secretary.

(3) Any savings in operation under a self-determination contract (including a cost reimbursement construction contract) shall be utilized to provide additional services or benefits under the contract or be expended in the succeeding fiscal year as provided in section 13a of this title.

(4) During the initial year of a self-determination contract there shall be included, in the amount required to be paid under paragraph (2), start-up costs consisting of the reasonable costs, either previously incurred or to be incurred under the contract on a one-time basis, necessary to plan, prepare for and take over operation of the contracted program and to also ensure compliance with the terms of the contract and prudent management, provided that previously incurred costs shall not be included to the extent the Secretary was not notified in advance and in writing of the nature and extent of the costs to be incurred.

13. Amendment No. 13

Amend section 106(c)(1) (25 U.S.C. 450j–1(c)(1)) to substitute a comma for the word "and" after the words "program costs"; and to insert the words "and negotiated contract support costs" after the words "indirect costs". Amend section 106(c)(2) (25 U.S.C. 450j–1(c)(2)) to insert after the word "costs" the following words: "and negotiated contract support costs". Delete the word "and" at the end of section 106(c)(4) (25 U.S.C. 450j–1(c)(4)). Replace the period at the end of section 106(c)(5) (25 U.S.C. 450j–1(c)(5)) with "; and". Add a new subsection 106(c)(6) (25 U.S.C. 450j–1(c)(6)). As amended, section 106(c) (25 U.S.C. 450j(c)) of the Act will read:

(c) The Secretary shall provide an annual report in writing on or before March 15 of each year to the Congress on the implementation of this Act. Such report shall include—

(1) an accounting of the total amounts of funds provided for each program and budget activity for direct program costs, indirect costs and negotiated contract support costs of tribal organizations under self-determination contracts during the previous fiscal year;

(2) an accounting of any deficiency of funds needed to provide required indirect costs and negotiated contract support costs to all contractors for the current fiscal year;

(3) the indirect costs rate and type of rate for each tribal organization negotiated with the appropriate Secretary;

(4) the direct cost base and type of base from which the indirect cost rate is determined for each tribal organization;

(5) the indirect cost pool amounts and the types of costs included in the indirect cost pools; and

(6) a reporting of any deficiency of funds needed to maintain the preexisting level of services to any tribes affected by contracting activities under this Act.

14. Amendment No. 14

Amend section 106(d)(2) (25 U.S.C. 450j–1(d)(2) of the act, to add the following sentence at the end: "Notwithstanding any other provision of law, and subject to the availability of appropriations, every federal agency and every State shall pay its full proportionate share of the indirect costs associated with federally funded contracts or grants awarded to tribes or tribal organizations under any other law. In the event that appropriations are not sufficient for agencies other than the Department of the Interior and the Department of Health and Human Services, or for state governments or state agencies, to pay their full porportionate share as provided herein, the Secretary shall, subject to the availability of appropriations for this purpose, fund and pay such shortfalls and report all unfunded shortfalls to the Congress as provided in Section 106(c)(2)." As amended, section 106(d) (25 U.S.C. 450j–1(d)) of the Act will read:

(d)(1) Where a tribal organization's allowable indirect cost recoveries are below the level of indirect costs that the tribal organizations should have received for any given year pursuant to its approved indirect cost rate, and such shortfall is the result of lack of full indirect cost funding by any Federal, State, or other agency, such shortfall in recoveries shall not form the basis for any theoretical over-recovery or other adverse adjustment to any future years' indirect cost rate or amount for such tribal organization, nor shall any agency seek to collect such shortfall from the tribal organization.

(2) Nothing in this subsection shall be construed to authorize the Secretary to fund less than the full amount of need for indirect costs associated with a self-determination contract. Notwithstanding any other provision of law, and subject to the availability of appropriations, every federal agency and every State shall pay its full proportionate share of the indirect costs associated with federally funded contracts or grants awarded to tribes or tribal organizations under any other law. In the event that appropriations are not sufficient for agencies other than the Department of the Interior and the Department of Health and Human Services, or for state governments or state agencies, to pay their full proportionate share as provided herein, the Secretary shall, subject to the availability of appropriations for this purpose, fund and pay such shortfalls and report all unfunded shortfalls to the Congress, as provided in Section 106(c)(2).

15. Amendment No. 15

Amend section 106(f) (25 U.S.C. 450j–1(f)) to insert after the second full sentence the following new sentence: "For the purpose of the 365 day period, an audit report shall be deemed received on the date of actual receipt by the Secretary, absent a notice by the Secretary within sixty days of receipt that the report will be rejected as insufficient due to non-compliance with chapter 75 of title 31 of the United States Code, or other applicable law." As amended, section 106(f) (25 U.S.C. 450j–1(f)) of the Act will read:

(f) Any right of action or other remedy (other than those relating to a criminal offense) relating to any disallowance of costs shall be barred unless the Secretary has given notice of any such disallowance within three hundred and sixty-five days of receiving any required annual single agency audit report or, for any period covered by law or regulation in force prior to enactment of chapter 75 of Title 31, any other required final audit report. Such notice shall set forth the right of appeal and hearing to the board of contract appeals pursuant to section 110 of this title. For the purpose of the 365 day period, an audit report shall be deemed received on the date of actual receipt by the Secretary, absent a notice by the Secretary within sixty days of receipt that the report will be rejected as insufficient due to noncompliance with chapter 75 of title 31 of the United States Code, or other applicable law. Nothing in this subsection shall be deemed to enlarge the rights of the Secretary with respect to section 476 of this title

16. Amendment No. 16

Amend section 106(g) (25U.S.C. 450j-1(g)) to delete the word "the" which immediately precedes the word "approval", and to delete the words "and at the request of an Indian tribe or tribal organization". After the words "Secretary shall", substitute the words "allocate the full amount to which the contractor is entitled under paragraph 106(a) to the contract" for the words "add the indirect cost funding amount awarded for a self-determination contract to the amount awarded for direct program funding to the tribe or tribal organization for the first year and". After the word "adjustments", delete the words "in the amount of direct program costs for the contract", and after the words "subsequent year that" substitute the words "federal programs are administered by such tribe or tribal organization" for the words "the program remains continuously under contract". As amended, section 106(g) (25 U.S.C.450j-1(g)) of the Act will read:

(g) Upon approval of a self-determination contract the Secretary shall allocate to the contract the full amount to which the contractor is entitled under section 106(a), subject to adjustments for each subsequent year that federal programs are administered by such tribe or tribal organization.

17. Amendment 17

An amendment to section 106(h) was considered. This amendment has been deleted from this latest draft as too overreaching. An overhaul of the indirect costs language could bog down the amendments in a highly technical debate, arresting their progress through the legislative process.

[Amend section 106(h) (25 U.S.C. 450J-1(H)) by substituting the words "contract support" "indirect". As amended, section 106(h) of the Act will read:

(h) In calculating the contract support costs associated with a self-determination contract for a construction program, the Secretary shall take into consideration only those costs associated with the administration of the contract and shall not take into consideration those moneys actually passed on by the tribal organization to construction contractors and subcontractors.]

18. Amendment No. 18

Repeal section 106(i) (25 U.S.C. 450j-1(i)) and reenact it to read as follows:

(i) The Secretary shall consult annually with, and solicit the participation of, Indian tribes and tribal organizations in the development of the budget for the Indian Health Service and the Bureau of Indian Affairs, including participation in the formulation of annual budget requests to Congress.

19. Amendment No. 19

Amend section 106 (25 U.S.C. 450j-1) by adding new subsections (j), (k)(1), (k)(2), (k)(3), (k)(4), (k)(5), (k)(6), (k)(7), (k)(8), (k)(9), (k)(10), (i)(11), (l), (m), (n), (o), and (p). Sections 106(j)-106(p) of the Act will read:

(j) A tribal organization may use funds provided under a self-determination contract to meet matching or cost participation requirements under other Federal and non-Federal programs.

(k) Without intending any limitation, a tribal organization may, without approval, expend funds provided under a self-determination contract for the following purposes to the extent supportive of a contracted program:

(1) depreciation and use allowances not otherwise specifically prohibited by law, including depreciation of facilities owned by the tribe or tribal organization and constructed with federal financial assistance;

(2) publication and printing costs;

(3) building, realty and facilities costs, including rental costs or mortgage expenses;

(4) automated data processing and similar equipment or services;

(5) cost of capital assets and repairs;

(6) management studies;

(7) professional services other than services provided in connection with judicial proceedings by or against the United States;

(8) insurance in indemnification, including insurance covering the risk of loss of or damage to property used in connection with the contract without regard to the ownership of such property;

(9) costs incurred to raise funds or contributions from non-Federal sources for the purpose of furthering the goals and objectives of a self-determination contract;

(10) interest expenses paid on capital expenditures such as buildings, building renovation, or acquisition or fabrication of capital equipment, and interest expenses on loans necessitated due to Secretarial delays in providing funds under a contract; and

(11) expenses of tribal organization's governing body to the extent attributable to the management or operation of programs under this Act.

(l) Within twelve months following the date of enactment of this subsection, the Office of Management and Budget, with the active participation of Indian tribes and tribal organizations, the Department of the Interior, Office of the Inspector General, and the Health and Human Services Department, Cost Determination Branch, shall develop a separate set of cost principles applicable to Indian tribes and tribal organizations consistent with the government-to-government Federal-Tribal relationship embodied in this Act.

(m) Except in connection with rescission and reassumption of a contract under section 109 of this Act, the Secretary shall in no circumstance suspend, without or delay the payment of funds to a tribal organization under a self-determination contract.

(n) Program income earned by a tribal organization in the course of carrying out a self-determination contract shall be used by the tribal organization to further the general purposes of the contract and shall not be a basis for reducing the amount of funds otherwise obligated to the contract, provided that use of collections made under Title IV of Pub. L. 94-437 shall be further limited to the extent provided in that Act.

(o) To the extent contracting activities under this Act reduce the Secretary's administrative or other responsibilities in connection with the operation of Indian programs, resulting in savings which have not otherwise been included in the contract amount specified in subsection (a) hereof, and to the extent that doing so will not adversely affect the Secretary's ability to carry out his responsibilities to other tribes and tribal organizations, the Secretary shall make such savings available to tribal organizations contracting under this Act.

(p) Notwithstanding any laws or regulations to the contrary, a tribal organization may budget within the approved budget of this contract to meet contract requirements, provided that such rebudgeting does not have a significant and adverse effect upon the level or nature of services.

20. Amendment No. 20

Amend section 107(a) (25 U.S.C. 450k(a)) to add after the word "promulgated" the words "as a single set of"; to add before the words "in conformity with" the words "in Title 25 of the Code of Federal Regulations and"; and to add the following new sentence at the end. "Notwithstanding the preceding sentence, the amendments made by the Indian Self-Determination and Education Act Amendments of 1993 shall be effective as of October 5, 1988." The amended section 107(a) (25 U.S.C. 450k(a)) of the Act will read:

(a) The Secretaries of the Interior and of Health and Human Services are each authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purposes of carrying out the provisions of this subchapter: *Provided, however*, That all Federal requirements for self-determination contracts and grants under this Act shall be promulgated as a single set of regulations in Title 25 of the Code of Federal Regulations and in conformity with sections 552 and 553 of Title 5. Notwithstanding the preceding sentence, the amendments made by the Indian Self-Determination and Education Act Amendments of 1993 shall be effective as of October 5, 1988.

21. Amendment No. 21

Repeal section 107(b) (25 U.S.C. 450k(b)), and enact in the following section 107(b). When reenacted, section 107(b) (25 U.S.C. 450k(b)) of the Act will read:

(b) In drafting, and promulgating, regulations for implementation of this Act, as amended, the Secretaries shall comply with the following procedures:

(1) prior to publishing proposed regulations, the Secretaries shall within 45 days from the date of enactment of these amendments convene regional meetings and a national meeting to obtain input from interested parties in the development of proposed regulations to implement the provisions of this Act, as amended. Such meetings shall include representatives of Indian tribes, tribal organizations, individual tribal members, and representatives of other parties interested in the implementation of this Act, as amended.

(2) during the meetings identified in subparagraph (1), the tribal representatives shall identity key issues concerning implementation of the Indian Self-Determination Act, as amended. The Secretaries shall provide for a comprehensive discussion and exchange of information on these issues. Likewise the Secretaries may identify issues concerning implementation of the Indian Self-Determination Act, as amended, and provide for a comprehensive discussion and exchange of information on these issues. The Secretaries shall take into account the information received at such meetings in the development of proposed regulations, and shall publish a summary of such information in the Federal Register along with a notice of proposed rulemaking.

(3) subsequent to the regional and national meetings and prior to publication of proposed regulations in the Federal Register, the Secretaries shall prepare draft regulations implementing the Indian Self-Determination Act, as amended, including regulations addressing all key issues identified by the tribal organizations and those key issues identified by the Secretaries pursuant to paragraph (2), and the Secretaries shall submit the draft regulations to a negotiated rulemaking process. The process shall waive application of the Federal Advisory Committee Act (5) U.S.C. App. 2 §1 et seq.). The rulemaking process shall follow the guidance of the Negotiated Rulemaking Act of 1990 and of the Administrative Conference of the United States in Recommendation 82-4 and 85-5, "Procedures for Negotiating Proposed Regulations" (1 C.F.R. §§305.42-4 and 305.85-5), and any successor recommendation, regulation or law. Participants in the negotiation shall be chosen by the Secretaries from among participants in the regional and national meetings, representing the groups described in paragraph (1) and from all geographic regions. The Secretaries shall publish the product of the negotiated rulemaking process in the Federal Register in the form of a proposed rule. The Secretaries shall also include in the final rule as much of the proposed rule as is practicable. The negotiations shall be conducted in a timely manner and the proposed rule shall be published in the Federal Register by the Secretaries within six (6) months from the effective date of enactment of these Amendments.

22. Amendment No. 22

Amendment section 107 (25 U.S.C. 450k) by adding a new subsection (d) to the Act. Section 107(d) (25 U.S.C. 450k(d)) of the Act will read:

(d) Notwithstanding any laws or regulations to the contrary, the Secretary shall retain the authority to waive or make exceptions to his regulations when the Secretary finds that such waiver or exception is in the best interest of the Indians served by the contract. The Secretary shall review a waiver request under the declination criteria contained in section 102(a)(2) of this Act.

23. Amendment No. 23

Amend section 109, (25 U.S.C. 450m) to add the words "to remedy the contract deficiency" after the words "corrective action as prescribed by him" but before the colon. Insert the word "written" after the word "upon" and before the word "notice". In the same clause, insert the phrase ", and the tribe(s) served thereby" after the words "tribal organization", but before the words "immediately rescind". Replace the words "to safety and," with the words "of imminent harm to the safety of any person and that such threat arises from the contractor's failure to fulfill the requirements of the contract." Capitalize the "I" at the beginning of the phrase "in such cases". Before the last full sentence insert the following sentence: "In any hearing or appeal provided for under this section, the Secretary shall carry the burden of proof to establish by clear and convincing evidence that the contract should be rescinded, assumed or reassumed." As amended, section 109 (25 U.S.C. 450m) of the Act will read:

Each contract or grant agreement entered into pursuant to sections 102 and 103 of this title shall provide that in any case where the appropriate Secretary determines that the tribal organization's performance under such contract or grant agreement involves (1) the violation of the rights or endangerment of the health, safety, or welfare of any persons; or (2) gross negligence or mismanagement in the handling or use of funds provided to the tribal organization pursuant to such contract or grant agreement, such Secretary may, under regulations prescribed by him and after providing notice and a hearing on the record to such tribal organization, rescind such contract or grant agreement and assume or resume control or operation of the program, activity, or service involved if he determines that the tribal organization has not taken corrective action as prescribed by him to remedy the contract deficiency: *Provided*, That the appropriate Secretary may, upon written notice to a tribal organization, and the tribe(s) served thereby, immediately rescind a contract or grant and resume control or operation of a program, activity, or service if he finds that there is an immediate threat of imminent harm to the safety of any person and that such threat arises from the contractor's failure to fulfill the requirements of the contract. In such cases, he shall provide the tribal organization with a hearing on the record within ten days or such later date as the tribal organization may approve. Such Secretary may decline to enter into a new contract or grant agreement and retain control of such program, activity, or service until such time as he is satisfied that the violations of rights or endangerment of health, safety, or welfare which necessitated the rescission has been corrected. In any hearing or appeal provided for under this section, the Secretary shall carry the burden of proof to establish by clear and convincing evidence that the contract should be rescinded, assumed or reassumed. Nothing in this section shall be construed as contravening the Occupational Safety and Health Act of 1970, as amended.

24. Amendment No. 24

Amend section 110(a) (25 U.S.C. 450m-1(a)) to add the words: "(including immediate injunctive relief to compel the Secretary to fund an approved self-determination contract)" immediately following the word "hereunder" but preceding the period. As amended, section 110(a) (25 U.S.C. 450m-1(a)) of the Act will read:

(a) The United States district courts shall have original jurisdiction over any civil action or claim against the appropriate Secretary arising under this Act and, subject to the provisions of subsection (d) of this section and concurrent with the United States Court of Claims, over any civil action or claim against the Secretary for money damages arising under contracts authorized by this Act. In an action brought under this paragraph, the district courts may order appropriate relief including money damages, injunctive relief against any action by an officer of the United States or any agency thereof contrary to this Act or regulations promulgated thereunder, or mandamus to compel an officer or employee of the United States, or agency thereof, to perform any duty provided under this Act or regulations promulgated hereunder (including immediate injunctive relief to compel the Secretary to fund an approval self-determination contract).

25. Amendment No. 25

Amend section 110(d) (25 U.S.C. 450m-1(d)) to add the words: "except that all such administrative appeals shall be heard by the Interior Board of Contract Appeals" after the word "contracts" but preceding the period. As amended, section 110(d) (25 U.S.C. 450m-1(d)) of the Act will read:

(d) The Contract Disputes Act (Public Law 95-563, Act of November 1, 1978; 92 Stat. 2383, as amended) shall apply to self-determination contracts except that all such administrative appeals shall be heard by the Interior Board of Contract Appeals.

By Mr. GORTON:

S. 1411. A bill to authorize certain elements of the Yakima River Basin Water Enhancement Project, and for other purposes.

YAKIMA ENHANCEMENT LEGISLATION

Mr. GORTON. Mr. President, for many, many years, those with an interest in the Yakima irrigation project in Washington State have worked to develop legislation authorizing project improvements that would benefit both irrigators and fish and wildlife in the Yakima Basin. Former Congressman Sid Morrison was tireless in his pursuit of a bill that had broad support, and I was pleased to join him in introducing Yakima enhancement legislation in the last Congress. Unfortunately, the committees of jurisdiction did not have time to act on the bill. I rise today to reintroduce the same legislation, and to ask that the Committee on Energy and Natural Resources schedule hearings on the bill.

The Yakima enhancement effort has been driven by the continuing uncertainty of irrigation water supplies, deteriorating water quality and lack of sufficient instream flows for fish. The legislation I am introducing today addresses these issues by authorizing phase II of the Yakima enhancement project. Phase I, which was initiated in 1983 and is essentially complete, involved installation of fish passage facilities at project dams and placement of screens at irrigation diversions. Phase I has greatly improved conditions for anadromous fish in the basin, and will aid the recovery of important wild fish stocks.

Phase II of the enhancement effort would achieve water conservation through structural improvements and changes in system operations at the Yakima project. Conservation measures would be evaluated and prioritized by a diverse advisory group, and saved water would be used both to improve instream flows for fish and firm up irrigation water supplies. Phase II would also provide for the use of saved water to irrigate new lands in the Yakima Reservation, and would provide an additional 14,600 acre feet of storage at Lake Cle Elum.

This bill would not effect ongoing adjudication of Yakima Basin water rights, and would not settle the treaty-reserved water rights of the Yakima Indian Nation. The bill also does not authorize significant new water storage, with the exception of the Lake Cle Elum expansion, even though storage in the Yakima Basin is relatively limited compared to other projects of its size.

Mr. President, this bill will be good for both farmers and fish and wildlife in the Yakima Basin. The bill balances a variety of traditionally competitive interests, but does so in a way that will allow those interests to cooperate in an effort to conserve the basin's most precious resource. I hope that the Senate will act quickly to approve this measure.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1411

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Yakima Basin Water Enhancement Act of 1993".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to protect, mitigate, and enhance fish and wildlife through improved water management, improved instream flows, improved water quality, protection, creation and enhancement of wetlands, and by other appropriate means of habitat improvement;

(2) to improve the reliability of water supply for irrigation;

(3) to authorize a Yakima basin water conservation program that will improve the efficiency of water delivery and use, and to enhance basin water supplies, improve water quality, protect, create and enhance wetlands, and determine the quantity of basin water needs that can be met by water conservation measures;

(4) to encourage voluntary transactions among public and private entities that result in the implementation of water conservation measures, practices, and facilities; and

(5) to provide for the discretionary implementation by the Yakima Indian Nation of—

(A) an irrigation demonstration project on the Yakima Indian Reservation using water savings from system improvements to the Wapato Irrigation Project; and

(B) a Toppenish Creek corridor enhancement project integrating agricultural, fish, wildlife, and cultural resources.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) BASIN CONSERVATION PROGRAM.—The term "Basin Conservation Program" means the Yakima River Basin Water Conservation Program established under section 4(a).

(2) CONSERVATION ADVISORY GROUP.—The term "Conservation Advisory Group" means the Yakima River Basin Conservation Advisory Group established under section 4(c).

(3) IRRIGATION DEMONSTRATION PROJECT.—The term "Irrigation Demonstration Project" means the Yakima Indian Reservation Irrigation Demonstration Project authorized in section 5(b).

(4) ON-DISTRICT STORAGE.—The term "on-district storage" means small water storage facilities located within the boundaries of an irrigation entity, including reregulating reservoirs, holding ponds, or other new storage methods that allow for efficient water use.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) TOPPENISH ENHANCEMENT PROJECT.—The term "Toppenish Enhancement Project" means the Toppenish Creek Corridor Enhancement Project authorized by section 5(c).

(7) YAKIMA PROJECT SUPERINTENDENT.—The term "Yakima Project Superintendent" means the individual designated by the Regional Director, Pacific Northwest Region, Bureau of Reclamation, to be responsible for the operation and management of the Yakima Federal Reclamation Project, Washington.

SEC. 4. YAKIMA RIVER BASIN WATER CONSERVATION PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary, in consultation with the Governor of the State of Washington, representatives of the Yakima

Indian Nation, Yakima River Basin irrigators, and other interested parties, shall establish and administer a Yakima River Basin Water Conservation Program.

(2) PURPOSE.—The purpose of the Basin Conservation Program shall be to evaluate and carry out measures to improve the availability of water supplies for irrigation and the protection and enhancement of fish and wildlife resources, including wetlands, while improving the quality of water in the Yakima Basin.

(3) YAKIMA INDIAN NATION.—This section shall not apply to the Yakima Indian Nation except to the extent that the Yakima Indian Nation specifically applies for funds from the Basin Conservation Program.

(4) GRANTS.—The Secretary may make grants to eligible entities to carry out this Act under such terms and conditions as the Secretary may require.

(b) PHASES OF PROGRAM.—The Basin Conservation Program shall encourage and provide funding assistance for the following 4 phases of water conservation:

(1) FIRST PHASE.—The first phase shall consist of the development of water conservation plans, consistent with guidelines developed pursuant to subsection (d), by—

(A) irrigation districts;

(B) conservation districts;

(C) water purveyors;

(D) other areawide entities; and

(E) individuals not included within an areawide entity.

(2) SECOND PHASE.—The second phase shall consist of the investigation of the feasibility of specific potential water conservation measures identified in conservation plans.

(3) THIRD PHASE.—The third phase shall consist of the implementation of measures that have been identified in conservation plans and have been investigated for feasibility.

(4) FOURTH PHASE.—The fourth phase shall consist of post-implementation monitoring and evaluation of implemented measures.

(c) CONSERVATION ADVISORY GROUP.—

(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Governor of the State of Washington, representatives of the Yakima Indian Nation, Yakima River basin irrigators, and other interested and related parties, shall establish the Yakima River Basin Conservation Advisory Group.

(2) MEMBERS.—Members of the Conservation Advisory Group shall be appointed by the Secretary and shall be comprised of—

(A) 2 representatives of the Yakima River basin irrigators;

(B) 1 representative of the Yakima Indian Nation;

(C) 1 representative of counties and cities in the Yakima River basin; and

(D) 1 representative of environmental interests.

(3) DUTIES.—The Conservation Advisory Group shall—

(A) provide recommendations to the Secretary regarding the structure and implementation of the Basin Conservation Program;

(B) assist in the preparation of guidelines for the Basin Conservation Program, as provided for in subsection (d);

(C) structure a process to integrate specific water conservation measures into a basin conservation plan;

(D) provide for an annual review of the implementation of the guidelines; and

(E) provide recommendations consistent with State laws, on rules, regulations, and administration of a process to facilitate the voluntary sale or lease of water.

(4) DECISIONMAKING.—The Conservation Advisory Group shall make decisions based on consensus whenever possible. If disagreement occurs, any member may submit independent comments to the Secretary.

(5) TERMINATION.—The Conservation Advisory Group shall terminate 5 years after the date of the establishment of the Advisory Group, unless extended by the Secretary.

(d) GUIDELINES.—

(1) IN GENERAL.—The Secretary, in cooperation with the Governor of the State of Washington, representatives of the Yakima Indian Nation, Yakima River basin irrigators, and interested agencies, and in consultation with the Conservation Advisory Group, shall, not later than 1 year after all of the members of the Conservation Advisory Group are appointed, adopt guidelines to be used in the administration of the Basin Conservation Program.

(2) REPORT.—

(A) IN GENERAL.—The Secretary shall submit a detailed report on the guidelines to—

(i) the Committee on Energy and Natural Resources of the Senate;

(ii) the Committee on Natural Resources of the House of Representatives; and

(iii) the Governor of the State of Washington.

(B) DRAFT REPORT.—Not later than 60 days prior to the submission of the report under subparagraph (A), the Secretary shall make a draft of the report available to—

(i) the Governor of the State of Washington;

(ii) representatives of the Yakima Indian Nation;

(iii) Yakima River basin irrigators;

(iv) representatives of related agencies; and

(v) the public.

(C) COMMENT.—

(i) PROCEDURES.—The Secretary shall establish procedures for timely comments on the draft report.

(ii) INCLUSION OF COMMENTS.—The Secretary shall include a summary of the comments on the draft report as an appendix to the final report.

(3) CONTENTS OF GUIDELINES.—The guidelines shall, to the extent possible, be consistent with State law funding processes, regulations, and guidelines and shall include the following:

(A) Standards for the scope and content of water conservation plans and for feasibility studies of specific measures.

(B) Eligibility requirements for funding of proposals for conservation plan development, investigation of measures, and implementation.

(C) Criteria for evaluating and prioritizing proposals for the development of conservation plans and the investigation of potential measures and implementation, including—

(i) the availability of information on water diversions and use in the area for which the measures are proposed;

(ii) information to be gained, and applicability to other areas and programs in the Yakima River basin;

(iii) cost-effectiveness and availability of non-Federal funding;

(iv) the quantity of reduced diversions and timing in relation to present diversions;

(v) the extent to which each measure will contribute to the improved use of the available water and the reliability of the water supply of the Yakima River basin;

(vi) post-implementation monitoring and evaluation;

(vii) a plan to mitigate adverse environmental effects;

(viii) the extent to which proposed measures incorporate the testing of innovative water management techniques and technology;

(ix) the extent to which proposed measures contribute to the maintenance of the economic viability of agriculture in the area;

(x) consistency with applicable laws and Federal, State, tribal, and Yakima River basin water resource policies, goals, and objectives;

(xi) the existence or willingness of irrigation entities and other Basin Conservation Program participants to adopt procedures providing for incremental water pricing; and

(xii) the willingness to permanently restrict annual water diversions to a mutually agreed quantity in recognition of securing funding from and accomplishments of the Basin Conservation Program.

(D) Institutional and economic incentives to increase conservation and to promote more efficient use of water, including the specification of procedures for the voluntary transfer of water within the Yakima River basin.

(E) Procedures for administration and allocation of funds from the Basin Conservation Program.

(F) Oversight of the Basin Conservation Program and consultation requirements.

(e) COST SHARING.—

(1) IN GENERAL.—Costs incurred in the 4 phases of the Basin Conservation Program shall be shared as follows:

Program phase	Non-Federal		Federal share
	State share	Local	
1. Development of water conservation plans	50% but not more than $200,000 per recipient	Residual amount if any	50%
2. Investigation of specific water conservation measures	50% but sum of 1 and 2 not greater than $200,000 per recipient	20% after deducting State funds for Item 2	Residual amount after deducting State and local funds for Item 2
3 and 4. Implementation and post-implementation monitoring and evaluation	35%	30%	35%

(2) SPECIFIC WATER RELATED IMPROVEMENTS.—

(A) NON-FEDERAL EXPENDITURES.—Water and water related resource improvements implemented in the Yakima River basin subsequent to and independent of this Act that utilize funding from the Bonneville Power Administration under the Pacific Northwest Electric Power Planning and Conservation Act of 1980 (16 U.S.C. 839 et seq.) to enhance fishery resources, and independent water related improvements of the State of Washington and other public and private entities to improve irrigation water use, water supply, and water quality shall be treated as non-Federal cost-share expenditures under this Act for purposes of the implementation and post-implementation monitoring and evaluation phases of the Basin Conservation Program.

(B) LIMITATION ON AMOUNT OF NON-FEDERAL SHARE.—Expenditures described in subparagraph (A) shall be limited to 50 percent of the non-Federal share of the total costs incurred in the implementation and post-implementation monitoring and evaluation phases of the Basin Conservation Program, and shall reduce the total amount of the non-Federal cost share required for the phases.

(3) BASIN CONSERVATION PROGRAM.—Costs of the Basin Conservation Program related to projects on the Yakima Indian Reservation shall be a Federal responsibility, shall be nonreimbursable, and shall not be subject to the cost-sharing requirements of this subsection.

(f) PUBLIC REVIEW.—A water conservation plan recommended for funding through the Basin Conservation Program shall be made available to the public for a period of not less than 30 days for review and comment prior to submission to the Secretary. A summary of the comments shall be included with the recommendation of the Conservation Advisory Group upon transmittal to the Secretary.

(g) CONSERVATION MEASURES.—

(1) IN GENERAL.—Measures considered for implementation in the Basin Conservation Program may include—

(A) conveyance and distribution system monitoring;

(B) automation of water conveyance systems;

(C) lining and piping of water conveyance and distribution systems;

(D) on-district storage;

(E) electrification of hydraulic turbines;

(F) tailwater recycling;

(G) consolidation of irrigation systems;

(H) irrigation scheduling; and

(I) improvement of on-farm water application systems.

(2) FUNDING.—Basin Conservation Program funds may be used throughout all 4 phases of the Conservation Program to mitigate adverse effects of program measures.

(3) OTHER MEASURES.—

(A) TESTING.—In addition to implementing technologies existing on the date of enactment of this Act, the Secretary shall encourage the testing of innovative water conservation measures.

(B) INNOVATIVE ALLOCATION TOOLS.—The Secretary shall, to the maximum extent possible under Federal and State law, cooperate with the State of Washington to facilitate—

(i) water and water right transfers;

(ii) water banking;

(iii) dry year options;

(iv) the sale and leasing of water; and

(v) other innovative allocation tools used to maximize the utility of Yakima River basin water supplies.

(4) ACQUISITION OF WATER RIGHTS.—The Secretary may use funds made available to carry out this section for the purchase or lease of land, water, or water rights from any entity or individual willing to limit or forego water use on a temporary or permanent basis.

(5) ON-FARM WATER MANAGEMENT.—On-farm water management improvements shall be coordinated with programs administered by the Secretary of Agriculture and State conservation districts.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary the following amounts for the Basin Conservation Program:

(1) $1,000,000 for the development of water conservation plans.

(2) $4,000,000 for investigation of specific potential water conservation measures identified in conservation plans for consideration for implementing through the Basin Conservation Program.

(3) $67,500,000 for implementation, post-implementation monitoring and evaluation of measures, and addressing environmental impacts.

(4) $6,000,000 for the initial acquisition of water from willing sellers or lessors specifically to provide instream flows for interim periods to facilitate the outward migration of anadromous fish. The funds shall not be subject to the cost-sharing requirements of subsection (e).

(5) $100,000 for each fiscal year for the establishment and support of the Conservation Advisory Group during duration of the Group. Funds made available under this paragraph shall be made available for travel and per diem expenses, rental of meeting rooms, typing, printing and mailing, and associated administrative needs. The Secretary and the Governor of the State of Washington shall provide appropriate staff support to the Conservation Advisory Group.

SEC. 5. YAKIMA INDIAN NATION.

(a) WAPATO IRRIGATION PROJECT IMPROVEMENTS.—

(1) COORDINATION.—The system improvements of the Yakima Indian Nation to the Wapato Irrigation Project proposed pursuant to this Act shall be coordinated with the Bureau of Indian Affairs.

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated to the Secretary $10,000,000 for the preparation of plans, investigation of measures, and, following the certification by the Secretary that the measures are consistent with the water conservation objectives of this Act, the implementation of system improvements to the Wapato Irrigation Project.

(B) FURTHER IMPROVEMENTS.—Funding for further improvements within the Wapato Irrigation Project may be acquired under the Basin Conservation Program or other sources identified by the Yakima Indian Nation.

(3) USE OF SAVINGS.—Water savings resulting from irrigation system improvements shall be available for the use of the Yakima Indian Nation for irrigation and other purposes on the reservation and for protection and enhancement of fish and wildlife within the Yakima River basin. The conveyance of the water through irrigation facilities, other than the Wapato Irrigation Project, shall be on a voluntary basis.

(b) IRRIGATION DEMONSTRATION PROJECT.—

(1) IN GENERAL.—Subject to paragraph (3), there are authorized to be appropriated to the Secretary $8,500,000 for the design and construction of the Yakima Indian Reservation Irrigation Demonstration Project.

(2) OPERATION AND MAINTENANCE.—In addition to amounts made available under paragraph (1), and subject to paragraph (3), there are authorized to be appropriated to the Secretary such sums as are necessary for the operation and maintenance of the Irrigation Demonstration Project, including funds for administration, training, equipment, materials, and supplies for a period specified by the Secretary.

(3) CONCURRENCE OF SECRETARY.—Funds may not be made available under this subsection until the Yakima Indian Nation obtains the concurrence of the Secretary in the construction, management, and administration of the Irrigation Demonstration Project.

(4) CONSTRUCTION OF FACILITIES.—The Irrigation Demonstration Project shall provide for the construction of distribution and on-farm irrigation facilities to use water savings resulting from the Wapato Irrigation Project system improvements for—

(A) demonstrating cost-effective, state-of-the-art irrigation water management and conservation;

(B) training tribal members in irrigation methods, operation, and management; and

(C) upgrading existing hydroelectric facilities and constructing additional hydroelectric facilities on the reservation to meet irrigation pumping power needs.

(c) TOPPENISH CREEK CORRIDOR ENHANCEMENT PROJECT APPROPRIATIONS.—There are authorized to be appropriated to the Secretary—

(1) $1,500,000 for the investigation by the Yakima Indian Nation of measures to develop a Toppenish Creek Corridor Enhancement Project to demonstrate integration of management of agricultural, fish, wildlife, and cultural resources to meet tribal objectives; and

(2) such sums as the Secretary determines are necessary for the implementation and maintenance of a Toppenish Creek Corridor Enhancement Project.

(d) REPORT.—Not later than 5 years after the implementation of the Irrigation Demonstration Project and the Toppenish Enhancement Project, the Secretary, in consultation with the Yakima Indian Nation, shall report to the Committee on Energy and Natural Resources of the Senate, the Committee on Natural Resources of the House of Representatives, and the Governor of the State of Washington on the effectiveness of the conservation, training, mitigation, and other measures implemented.

(e) STATUS OF IMPROVEMENTS AND FACILITIES.—The Wapato Irrigation Project system improvements and any specific irrigation facility of the Irrigation Demonstration Project and the Toppenish Enhancement Project shall be considered part of the Wapato Irrigation Project.

(f) TREATMENT OF CERTAIN COSTS.—Costs related to Wapato Irrigation Project improvements, the Irrigation Demonstration Project, and the Toppenish Enhancement Project shall be a Federal responsibility and shall be nonreimbursable.

SEC. 6. OPERATION OF YAKIMA BASIN PROJECTS.

(a) WATER SAVINGS FROM BASIN CONSERVATION PROGRAM.—

(1) INTENTION OF CONGRESS.—It is the intention of Congress that the Basin Conservation Program shall result in reductions in water diversions allowing for changes in the operation of the Yakima Project, as in existence on the date of enactment of this Act, to improve streamflow conditions in the Yakima River basin.

(2) ESTIMATION OF WATER SUPPLY; FLOWS.—

(A) IN GENERAL.—The Secretary shall, acting through the Yakima Project Superintendent—

(i) continue to estimate the water supply that is anticipated to be available to meet water entitlements; and

(ii) provide instream flows in accordance with the following criteria:

Water supply estimate for period (million acre feet):				Target flow from date of estimate thru October downstream of (cubic feet per second):	
April through September	May through September	June through September	July through September	Sunnyside Diversion Dam	Prosser Diversion Dam
(1) 3.2	2.9	2.4	1.9	600	600
(2) 2.9	2.65	2.2	1.7	500	500
(3) 2.65	2.4	2.0	1.5	400	400
Less than line 3 water supply				300	300.

(B) TARGET FLOWS.—The instream flows referred to in subparagraph (A)(ii) shall, with represent target flows at the respective points, with reasonable fluctuations from the targets flows anticipated in the operation of the Yakima Project.

(C) DEFINITION OF FULL SUPPLY.—As used in this section, the term "full supply" means the figures in the water supply columns referred to in subparagraph (A)(ii).

(3) INCREASE IN INSTREAM FLOWS.—The instream flows shall be increased for interim periods during April through October to facilitate, when necessary, the outward migration of anadromous fish. Increased instream flows for the interim periods shall be obtained through voluntary sale and leasing of water or water rights.

(4) REVIEW OF FALL SUPPLY.—

(A) IN GENERAL.—The Secretary, in cooperation with the Governor of the State of Washington, representatives of the Yakima Indian Nation, and Yakima River basin irrigators shall, not less often than once every 5 years after the completion of the first measure of the Basin Conservation Program, review the components that comprise the full supply.

(B) ADJUSTMENTS.—If the actual supply reflects an increase in relation to the quantity required to meet irrigation water entitlements and a reduction in water diversions that are attributed to the Basin Conservation Program, the full supply may be adjusted downward and the Yakima Project shall be operated by the Yakima Project Superintendent in accordance with the adjusted criteria.

(C) USE OF WATER SAVINGS.—Water savings resulting from improvements to the Wapato Irrigation Project shall be available for use by the Yakima Indian Nation for irrigation and other purposes on the reservation and for the protection and enhancement of fish and wildlife within the Yakima River basin.

(5) EFFECT OF JUDICIAL ACTIONS.—Operational procedures and processes in the Yakima River basin that have been or may be implemented through judicial actions shall not be affected by this Act.

(b) WATER FROM LAKE CLE ELUM.—Water accruing from the development of additional storage capacity at Lake Cle Elum, made available as a result of the modifications authorized in section 6(a), shall be considered a part of the water supply of the basin as provided in subsection (a). Releases may be made from other Yakima Project storage facilities to most effectively utilize water surpluses, except that water deliveries to holders of existing water rights shall not be impaired.

(c) STATUS OF BASIN CONSERVATION PROGRAM FACILITIES.—

(1) INTEGRATION AND COORDINATION.—Measures of the Basin Conservation Program that are implemented in connection with facilities under the administrative jurisdiction of the Secretary, except as provided in section 5, shall be considered part of the Yakima River Basin Water Enhancement Project, and the operation and maintenance of the Basin Conservation Program shall be integrated and coordinated with other features of the Yakima Project.

(2) OPERATION AND MAINTENANCE.—The responsibility for operation and maintenance and the related costs of the facilities described in paragraph (1) shall remain with the operating entity. As appropriate, the Secretary shall incorporate the operation and maintenance of the facilities into agreements.

(3) OPERATION.—The Secretary shall ensure that the facilities are operated in a manner consistent with Federal and State laws and in accordance with water rights recognized under Federal and State law.

(d) WATER ACQUIRED BY PURCHASE AND LEASE.—Water acquired from voluntary sellers and lessors shall be administered in accordance with the laws of the State of Washington, including chapter 90.38 of the Revised Code of Washington.

(e) APPROPRIATION FOR CHANDLER POWER CANAL OPERATIONS.—There are authorized to be appropriated to the Secretary $480,000 for facilities to automate the headgate, wasteways, and trashrack of the Chandler Power Canal to maintain operating controls for the delivery of water to the Kennewick Division as the requirements of subsection (a) are implemented.

SEC. 7. LAKE CLE ELUM AUTHORIZATION OF APPROPRIATIONS.

(a) MODIFICATIONS AND IMPROVEMENTS.—There are authorized to be appropriated to the Secretary—

(1) $2,934,000 to—

(A) modify the radial gates at Cle Elum Dam to provide an additional 14,600 acre-feet of storage capacity in Lake Cle Elum;

(B) provide for shoreline protection of Lake Cle Elum; and

(C) construct juvenile fish passage facilities at Cle Elum Dam; and

(2) such sums as are necessary for environmental mitigation.

(b) OPERATION AND MAINTENANCE APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary for the share of the operation and maintenance of Cle Elum Dam determined by the Secretary to be a Federal responsibility.

SEC. 8. ENHANCEMENT OF WATER SUPPLIES FOR YAKIMA BASIN TRIBUTARIES.

(a) GENERAL PROVISIONS.—The following shall apply to the investigation and implementation of measures to enhance water supplies for fish and wildlife and irrigation purposes on tributaries of the Yakima River basin:

(1) AGREEMENT OF WATER RIGHT OWNERS.—An enhancement program undertaken in any tributary shall be contingent upon the agreement of appropriate water rights owners to participate.

(2) WATER RIGHTS.—The enhancement program shall not impair—

(A) the water rights of any water rights owners in the tributary;

(B) the capability of tributary water users to divert, convey, and apply water; and

(C) existing water and land uses within the tributary area.

(3) LAWS OF WASHINGTON APPLICABLE.—The water supply for tributary enhancement shall be administered in accordance with the laws of the State of Washington.

(4) AVAILABILITY OF WATER SUPPLY.—Any enhancement program shall be predicated upon the availability of a dependable water supply.

(b) STUDY.—

(1) MEASURES STUDIED.—The Secretary, after consultation with Governor of the State of Washington, the tributary water rights owners, and representatives of the Yakima Indian Nation, and the agreement of appropriate water rights owners to participate, shall conduct a study concerning the measures that can be implemented to enhance water supplies for fish and wildlife and irrigation purposes on Taneum Creek, including—

(A) water use efficiency improvements;

(B) the conveyance of water from the Yakima Project through the facilities of any irrigation entity willing to contract with the Secretary without adverse impact to water users;

(C) the construction, operation, and maintenance of ground water withdrawal facilities;

(D) contracting with any entity that is willing to voluntarily limit or forego present water use through lease or sale of water or water rights on a temporary or permanent basis;

(E) the purchase of water rights from willing sellers; and

(F) other measures compatible with the purposes of this Act, including restoration of stream habitats.

(2) CONSIDERATION.—In conducting the Taneum Creek study, the Secretary shall consider—

(A) the hydrologic and environmental characteristics;

(B) the engineering and economic factors relating to each measure; and

(C) the potential effects on the operations of present water users in the tributary and measures to alleviate the effects.

(3) PUBLIC COMMENT.—

(A) IN GENERAL.—The Secretary shall make available to the public for a 45-day comment period a draft report describing in detail the findings, conclusions, and recommendations of the study.

(B) INCLUSION IN FINAL REPORT.—The Secretary shall consider and include any comment made in developing a final report.

(C) SUBMISSION OF FINAL REPORT.—The final report shall be submitted to the Committee on Energy and Natural Resources of the Senate, the Committee on Natural Resources of the House of Representatives, and the Governor of the State of Washington, and shall be made available to the public.

(c) IMPLEMENTATION OF NONSTORAGE MEASURES.—After securing the necessary permits, the Secretary may, in cooperation with the head of the Department of Ecology of the State of Washington and in accordance with the laws of the State of Washington, implement nonstorage measures identified in the final report under subsection (b) upon fulfillment of the following conditions:

(1) The Secretary enters into an agreement with the appropriate water rights owners who are willing to participate, the Governor of the State of Washington, and representatives of the Yakima Indian Nation, for the use and management of the water supply to be provided by proposed tributary measures pursuant to this section.

(2) The Secretary and the State of Washington finds that the implementation of the proposed tributary measures will not impair the water rights of any person or entity in the affected tributary.

(d) OTHER YAKIMA RIVER BASIN TRIBUTARIES.—An enhancement program similar to the program described in this section may be investigated and implemented by the Secretary in other tributaries contingent upon the agreement of the appropriate tributary water right owners to participate. The requirements of this section shall be applicable to such other programs.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), there are authorized to be appropriated to the Secretary—

(A) $500,000 for the study of the Taneum Creek Project;

(B) such additional amounts as the Secretary subsequently determines are necessary for the implementation of tributary measures pursuant to this section; and

(C) such sums as the Secretary determines are necessary for the investigation of similar enhancement programs in other Yakima River basin tributaries contingent upon the agreement of the appropriate water right owners to participate.

(2) INVESTIGATION REPORT.—Funds for the implementation of any enhancement program, other than the program described in this section, shall be appropriated to the Secretary following the submittal of an investigation report to the appropriate congressional committees.

SEC. 9. ENVIRONMENTAL COMPLIANCE.

(a) COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—Implementation of this Act is contingent upon compliance by the Secretary with the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $2,000,000 for—

(1) environmental compliance activities, including the conduct, in cooperation with the Governor of the State of Washington, of an inventory of wildlife and wetland resources in the Yakima River basin; and

(2) an investigation of measures including wetland banking, that may be implemented to address potential effects of actions taken under this Act.

SEC. 10. SAVINGS PROVISIONS.

Nothing in this Act shall be construed to—

(1) affect or modify any treaty or other right of the Yakima Indian Nation;

(2) authorize the appropriation or use of water by any Federal, State, or local agency, the Yakima Indian Nation, or any other entity or individual;

(3) impair the rights or jurisdictions of the Federal Government, the States, the Yakima Indian Nation, or other entities over waters of any river or stream or over any ground water resource;

(4) alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact entered into by the States;

(5) alter, establish, or impair the respective rights of States, the United States, the Yakima Indian Nation, or any other entity or individual with respect to any water or water-related right;

(6) alter, diminish, or abridge the rights and obligations of any Federal, State, or local agency, the Yakima Indian Nation, or other entity, public or private;

(7) affect or modify the rights of the Yakima Indian Nation or successors in interest to, and management and regulation of, water resources arising or used within the external boundaries of the Yakima Indian Reservation;

(8) affect or modify the settlement agreement between the United States and the State of Washington filed in Yakima County Superior Court with regard to Federal reserved water rights other than rights reserved by the United States for the benefit of the Yakima Indian Nation and the members of the Nation; or

(9) affect or modify the rights of any Federal, State, or local agency, the Yakima Indian Nation, or any other entity, with respect to any unresolved and unsettled claim in any water right adjudication, or court decision, including State against Acquavella, or constitute evidence in any proceeding in which any water or water-related right is adjudicated.

By Mr. LIEBERMAN (for himself and Mr. JEFFORDS):

S. 1412. A bill to amend title 13, United States Code, to require that any data relating to the incidence of poverty produced or published by the Secretary of Commerce for subnational areas is corrected for subnational areas is corrected for differences in the cost of living in those areas; to the Committee on Governmental Affairs.

POVERTY DATA CORRECTION ACT OF 1993

Mr. LIEBERMAN. Mr. President, I rise to introduce a bill which will improve the quality of our information on persons and families in poverty, and which will make more equitable the distribution of Federal funds. This bill requires the Bureau of the Census to adjust for differences in the cost of living, on a State-by-State basis, when providing information on persons or families in poverty.

The current method for defining the poverty population is woefully antiquated. The definition was developed in the late 1960's based on data collected in the late 1950's early 1960's. The assumptions used then about what proportion of a family's income is spent on food is no longer valid. The data used to calculate what it costs to provide for the minimum nutritional needs, not to mention what minimum nutritional needs are, no longer applies. Nearly everyone agrees that it is time for a new look at what constitutes poverty. And, I am pleased to be able to report that the National Academy of Science, through its Committee on National Statistics, is studying this issue.

But there is a more serious problem with our information on poverty than old data and outdated assumptions. In calculating the number of families in poverty, the Census Bureau has never taken into account the dramatic differences in the cost of living from State to State. Recent calculations from the academic community show that the difference can be as much as 50 percent.

Let my give you an example. let's say that the poverty level is $15,000 for a family of four. That is, it takes $15,000 to provide the basic necessities for the family. In some States, where the cost of living is high, it really takes $18,750 to provide those basics. In other States, where the cost of living is low, it takes only $11,250 to provide those necessities. But when the Census Bureau counts the number of poor families, they don't take those differences into account.

But this is more than just an academic problem of definition. These census numbers are used to distribute millions of Federal dollars. Chapter 1 of the Elementary and Secondary Act allocates Federal dollars to school districts based on the number of children in poverty. States like Connecticut, where the cost of living is high, get fewer Federal dollars than they deserve because cost differences are ignored. Other States, where the cost of living is low, get more funds than they deserve.

It is important that we act now to correct this inequity. This bill provides a mechanism for that correction. Thank you Mr. President, I would also like to thank my colleagues, Representatives GALLO and KAPTUR, who introduced this legislation in the House of Representatives. Mr. President, I ask unanimous consent that the full text of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1412

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Poverty Data Correction Act of 1993".

SEC. 2. REQUIREMENT.

(a) IN GENERAL.—Chapter 5 of title 13, United States Code, is amended by adding after subchapter V the following:

"Subchapter VI—Poverty Data

"SEC. 197. CORRECTION OF SUBNATIONAL DATA RELATING TO POVERTY.

"(a) Any data relating to the incidence of poverty produced or published by or for the Secretary for subnational areas shall be corrected for differences in the cost of living, and data produced for State and sub-State areas shall be corrected for differences in the cost of living for at least all States of the United States.

"(b) Data under this section shall be published in 1995 and at least every second year thereafter.

"SEC. 198. DEVELOPMENT OF STATE COST-OF-LIVING INDEX AND STATE POVERTY THRESHOLDS.

"(a) To correct any data relating to the incidence of poverty for differences in the cost of living, the Secretary shall—

"(1) develop or cause to be developed a State cost-of-living index which ranks and assigns an index value to each State using data on wage, housing, and other costs relevant to the cost of living; and

"(2) multiply the Federal Government's statistical poverty thresholds by the index value for each State's cost of living to produce State poverty thresholds for each State.

"(b) The State cost-of-living index and resulting State poverty thresholds shall be published prior to September 30, 1994, for calendar year 1993 and shall be updated annually for each subsequent calendar year.".

(b) CONFORMING AMENDMENT.—The table of subchapters of chapter 5 of title 13, United States Code, is amended by adding at the end the following:

"SUBCHAPTER VI—POVERTY DATA
"Sec. 197. Correction of subnational data relating to poverty.
"Sec. 198. Development of State cost-of-living index and State poverty thresholds.".

By Mr. LEVIN (for himself and Mr. COHEN):

S. 1413. A bill to amend the Ethics in Government Act of 1978, as amended, to extend the authorization of appropriations for the Office of Government Ethics for 8 years, and for other purposes; to the Committee on Governmental Affairs.

OFFICE OF GOVERNMENT ETHICS REAUTHORIZATION ACT OF 1993

Mr. LEVIN. Mr. President, today I am introducing a bill that would reauthorize the Office of Government Ethics [OGE] for 8 years beyond its current expiration date of September 30, 1994. Senator COHEN, the ranking member of the Subcommittee on Oversight of Government Management, which I chair, joins me as an original cosponsor.

OGE was created in 1978 as part of the Office of Personnel Management. Over the years, Congress has given OGE more authority and autonomy, making it a separate agency as of October 1, 1989.

OGE was last reauthorized in 1988 for 6 years. We are seeking an 8-year reauthorization this time in order to avoid reauthorizing the office next time during a presidential election year or the first year of a new administration, which is a very important and busy time at OGE given its role in the nominee clearance process.

In addition to reauthorizing OGE, this bill would give OGE the authority to accept donations or gifts that would facilitate the agency's work. A Federal agency can't accept gifts unless it has specific statutory authority to do so. Many agencies do have such authority but, up until now, OGE hasn't been one of them. The reason OGE seeks this authority is mainly in connection with its training mission. OGE conducts multiagency ethics training sessions around the country, and sometimes there is no nearby Federal facility that is appropriate in terms of size and services. This gift acceptance authority would allow OGE to accept the use of non-Federal facilities—for example, an auditorium and related services such as projectionists and custodians—which might be offered by a State or local government or a university.

In reauthorizing OGE, our subcommittee plans to not only examine the specifics of the bill—the time period for reauthorization and gift acceptance authority—but OGE's overall mission and performance. OGE has a massive job: promoting ethics throughout the entire executive branch. Congress and the President both have assigned new tasks to OGE since the last reauthorization. OGE's responsibilities range from teaching to enforcement, from issuing regulations to providing guidance and interpretation, from reviewing financial disclosure forms to auditing agency ethics programs. In one sense, OGE's successes add to its workload: Increased education about ethics leads to a heightened sensitivity to potential ethical problems, and more agencies and individuals call on OGE for help and guidance.

In 1990, my subcommittee held a hearing to look at OGE's oversight of agency ethics programs. What we found was that when OGE went in and looked at an agency's ethics program, it did a pretty good job of identifying weaknesses. The problems were that OGE didn't look at enough programs or follow up effectively to get problems solved in the programs it reviewed.

Since that time, OGE oversight has improved. OGE told us in 1990 that one big impediment to its doing a better job in the auditing area was lack of staff—it simply did not have enough people to visit all of the executive branch agencies often enough, or to follow up diligently. GAO concurred in OGE's assessment that staffing was a major problem. In response to this, OGE's budget cap was lifted in October 1992, and the overwhelming proportion of the new staff hired with this money was assigned to the monitoring and compliance division. This was an important improvement.

Also since the last reauthorization, OGE has issued comprehensive new regulations on standards of conduct for all Federal employees. This was the culmination of a major effort, and the process continues as OGE teaches ethics officials at other agencies about the regulations, responds to requests for guidance, and works with agencies on supplemental regulations.

I ask unanimous consent that a copy of the bill be placed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1413

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Office of Government Ethics Authorization Act of 1994".

SEC. 2. GIFT ACCEPTANCE AUTHORITY.

Section 403 of the Ethics in Government Act of 1978 (5 U.S.C. App. 5) is amended by—

(1) inserting "(a)" before "Upon the request"; and

(2) adding at the end thereof the following:

"(b)(1) The Director is authorized to accept and utilize on behalf of the United States, any gift, donation, bequest, or devise of money, use of facilities, personal property, or services for the purpose of aiding or facilitating the work of the Office of Government Ethics.

"(2) No gift may be accepted—

"(A) that attaches conditions inconsistent with applicable laws or regulations; or

"(B) that is conditioned upon or will require the expenditure of appropriated funds that are not available to the Office of Government Ethics.

"(3) The Director shall establish written rules setting forth the criteria to be used in determining whether the acceptance of contributions of money, services, use of facilities, or personal property under this subsection would reflect unfavorably upon the ability of the Office of Government Ethics or any employee to carry out its responsibilities or official duties in a fair and objective manner, or would compromise the integrity or the appearance of the integrity of its programs or any official involved in those programs.".

SEC. 3. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.

The text of section 405 of the Ethics in Government Act of 1978 (5 U.S.C. App. 5) is amended to read as follows: "There are authorized to be appropriated to carry out the provisions of this title and for no other purpose such sums as may be necessary for the fiscal years beginning with fiscal year 1995 and ending with fiscal year 2002.".

SEC. 4. EFFECTIVE DATE.

This Act shall become effective upon October 1, 1994.

By Mr. BINGAMAN:

S. 1414. A bill to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to award grants to improve wastewater treatment for certain unincorporated communities, and for other purposes; to the Committee on Environment and Public Works.

UNINCORPORATED COMMUNITY WASTEWATER TREATMENT ACT OF 1993

Mr. BINGAMAN. Mr. President, today I am introducing a bill that will help meet the wastewater treatment needs of small, semirural communities. These are communities that are too large to qualify for existing Federal rural water grants for construction of wastewater facilities, but are too small and too poor to shoulder the costs of financing these projects through loans or other alternative financing mechanisms.

The communities I especially have in mind are unincorporated communities near urban centers which face a unique combination of environmental, financial, and governmental problems. The communities are under environmental pressure as urban growth causes increased population. Household septic systems which once were adequate to handle wastewater treatment needs can no longer accommodate the density. However, these communities often lack the tax base and the governmental structure needed to fund the needed infrastructure improvements. They can also face high-system costs per household because of relatively low density, a high percentage of residents with lower incomes, and lack of access to funding programs intended for small, rural communities.

The problem is perhaps no more evident than in the South Valley in Bernalillo County, NM. Most of the 4,100 households in the South Valley have onsite water wells and septic tanks. A combination of soil characteristics and a very shallow water table makes the area susceptible to groundwater contamination. The individual septic tanks can easily leach into the water table, introducing dangerous levels of nitrate and contaminating the drinking water.

State and local governments are already contributing to finding solutions to problems such as found in South Valley. But these funds cannot meet all needs. I believe that the Clean Water Act should be amended to include a special grant program for small, unincorporated communities facing extreme hardship in providing adequate wastewater treatment.

I ask unanimous consent that the full text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1414

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Unincorporated Community Wastewater Treatment Act of 1993".

SEC. 2. FINDINGS.

Congress finds that—

(1) as of the date of enactment of this Act, there is a severe lack of wastewater treatment facilities in small, semi-rural, unincorporated communities in the United States;

(2) the lack of facilities is leading to the pollution of rivers and ground water in the area; and

(3) the pollution presents a potential threat to the public health of the communities referred to in paragraph (1).

SEC. 3. GRANTS TO UNINCORPORATED COMMUNITIES.

Title V of the Federal Water Pollution Control Act (33 U.S.C. 1361 et seq.) is amended—

(1) by redesignating section 519 as section 520; and

(2) by inserting after section 518 following new section:

"SEC. 519. GRANTS TO UNINCORPORATED COMMUNITIES.

"(a) DEFINTIONS.—As used in this section:

"(1) CONSTRUCTION.—The term 'construction' has the same meaning provided in section 212(1).

"(2) NON-METROPOLITAN AREA.—The term 'non-metropolitan area' means an area no part of which is within an area designated as a metropolitan statistical area by the Office of Management and Budget.

"(3) TREATMENT WORKS.—The term 'treatment works' has the same meaning provided in section 212(2).

"(b) AUTHORIZATION FOR GRANT AWARDS.—Notwithstanding any other provision of law, the Administrator is authorized to award a grant for wastewater treatment to an unincorporated community for a wastewater treatment project that serves a population—

"(1) of 20,000 or fewer residents; and

"(2) with a median household income that is less than or equal to the median household income for non-metropolitan areas of the State in which the community is located.

"(c) USE OF GRANT.—A grant awarded under this section may be used for 1 or more of the following activities:

"(1) The acquisition or construction (including planning, design, repair, extension, improvement, alteration, or reconstruction) of a treatment works or any portion or any associated structure of a treatment works (including any associated collection line or interceptor sewer, notwithstanding any limitation otherwise imposed with respect to the provision of assistance for the line or sewer).

"(2) The acquisition of land, or any easement or other right-of-way, with respect to which the recipient of the grant is not the owner at the time of the acquisition, that is necessary to carry out the construction or operation of the treatment works referred to in paragraph (1).

"(3) The final disposal of residues resulting from the treatment of water or waste.

"(4) The disposal of wastewater by surface or underground methods (or both).

"(5) The disposal of wastewater through recycling or reclamation (or both).

"(d) COST-SHARING.—

"(1) FEDERAL SHARE.—The Federal share of a grant described in subsection (a) shall not exceed 75 percent of the total cost of the project that is the subject of the grant.

"(2) NON-FEDERAL SHARE.—Payment of the non-Federal share of a grant described in subsection (a) may be satisfied by any combination of public or private funds for inkind services. The non-Federal share may include public funds authorized or expended for the project that is the subject of the grant during the period beginning on the date that is 3 years before the date of enactment of the Unincorporated Community Wastewater Treatment Act of 1993.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Environmental Protection Agency, to carry out this section, such sums as may be necessary for each of fiscal years 1994 through 2000.".

By Mr. PRYOR (for himself, Mr. SIMON, Mr. BOREN, Mr. DURENBERGER, Mr. WALLOP, Mr. INOUYE, Mr. BURNS, Mr. HEFLIN, Mr. LEVIN, Mr. CHAFEE, Mr. BAUCUS, and Mr. COCHRAN):

S. 1415. A bill to amend the Internal Revenue Code of 1986 to clarify provisions relating to church pension benefit plans, to modify certain provisions relating to participants in such plans, to reduce the complexity to bring workable consistency to the applicable rules, to promote retirement savings and benefits, and for other purposes; to the Committee on Finance.

THE CHURCH RETIREMENT BENEFITS SIMPLIFICATION ACT OF 1993

Mr. PRYOR. Mr. President, I am pleased to introduce today the Church Benefits Simplification Act of 1993, legislation which I also introduced and held hearings on in the 101st and 102d Congresses. This act provides much needed clarification of the rules that apply to church retirement and welfare benefit plans and brings consistency to those rules. In addition, the act resolves significant problems churches face in administering their retirement and welfare benefit programs under current law.

In developing this important legislation, we have worked closely with leaders of the pension boards of 28 mainline Protestant and Jewish denominations. The employee benefit programs of these mainline denominations are among the oldest programs in our country. Several date from the 1700's, and their median age is in excess of 50 years. These programs provide retirement and welfare benefits for several hundred thousand ministers and lay workers employed by thousands of churches and church ministry organizations serving the spiritual needs of literally millions of members.

Church retirement benefits programs began in recognition of a denomination's mission to care for its church workers in their advanced years. Several church retirement and welfare benefit programs were initially formed to provide relief and benefits for retired, disabled, or impoverished ministers and families as particular cases of need were identified. As time passed, church denominations began to provide for the retirement needs of their ministers and lay workers on a current and systematic basis. Today, church retirement and welfare benefit programs provide benefits for ministers and lay workers employed in all forms of pastoral, healing, teaching, and preaching ministries and missions, including, among others, local churches, seminaries, old-age homes, orphanages, mission societies, hospitals, universities, church camps, and day care centers.

The goal of the act is to clarify the rules that apply to church employee benefit plans. Under current law, these rules are generally lengthy and complex and are, for the most part, designed for for-profit, commercial employers. Most denominations are composed of thousands of work units, each having only a few employees, and the budgets of these work units are marginal at best. These organizations rely almost completely on contributions from the offering plate to support their missions, including the salaries and retirement and welfare benefits of their ministers and lay workers. Unlike for-profit business entities, churches cannot pass operating costs on to customers by raising prices.

Churches are also much more loosely structured than most for-profit business organizations, and many denominations cannot impose requirements, on their constituent parts. For example, hierarchically organized denominations may be able to control the provision of employee benefits to ministers and lay workers, while in congregational denominations, such control is typically more difficult.

In addition, churches are tax-exempt and, unlike for-profit business organizations, have no need for tax deductions. Churches and church ministry organizations therefore lack the incentive of for-profit employers to maximize either the amount of the employer's tax deduction or the amount of income which the highly compensated employees who control a for-profit business can shelter from current taxation through plan contributions and tax-free fringe or welfare benefits.

Retirement and employee benefit tax laws do not always take the difference between churches and for-profit employers into account, with the result that churches have had to divert a significant amount of time and resources from their religious mission and ministries in attempting to identify and comply with rules that in many instances are unworkable or simply not needed for church employee benefit plans.

If the act becomes law, the reduction in administrative burdens and consequent savings in related costs now imposed on churches and church ministry organizations will outweigh any possible gain from an employee benefits policy perspective. Unlike the for-profit sector where cost savings result in a better bottom-line for shareholders, savings in the church sector will find their way into mission and ministries that help people who needed help.

A 1993 study by Independent Sector, a national membership organization composed of over 600 tax-exempt organizations and corporate philanthropy departments, indicated that approximately half the funds contributed to churches is used in service to others. Religious congregations are the primary voluntary service providers for neighborhoods. Ninety-two percent of religious congregations have one or more programs in human services. Three-fifths of religious congregations offer family counseling, and more than one-third—almost 40 percent—give means or shelter to the poor. Some 74 percent donate for international relief or missionary activity, and almost 90 percent sponsor hospices, health programs, hospitals, or provide for the disabled, retarded, or people in crises. The Independent Sector study indicated that in 1991 religious congregations made $6.6 billion in direct grants to other groups and gave $15.9 billion for education, human services and health programs. These figures are well beyond the giving of all U.S. foundations and corporations combined.

It is my view that the Congress should do everything possible to ensure that churches can continue to maximize their contributions toward these important missions and ministries, rather than paying for costs of complying with rules that are unworkable or not needed for church employee benefit plans.

The cornerstone of the act is a recodification of the rules applicable to church retirement plans so that all of such rules in the Internal Revenue Code are identified, simplified, and separated from the rules that apply to for-profit employers. Retirement plan issues unique to churches will thus not be inadvertently affected when Congress is considering future Code changes which are applicable to for-profit employers but not appropriate for churches.

The act would also ensure that church retirement plans, whether described in the new section 401A—applicable only to those church section 401(a) plans that affirmatively decide to be subject to it—or section 403(b), are subject to the same coverage and related rules. In 1986, Congress determined that the section 403(b) plans of churches and so-called qualified church controlled organizations should not be subjected to coverage and related rules. The act would extend this same relief to church section 401(a) plans and would also eliminate the troublesome qualified church controlled organization approach in favor of a provision that only subjects church-related hospitals and universities to applicable coverage and related rules. The act, consistent with the law that now applies to church section 401(a) plans, would also clarify that the coverage rules that will apply to the section 403(b) programs of church-related hospitals and universities are those that were applicable prior to the enactment of the Employee Retirement and Income Security Act of 1974.

The act also would resolve a number of other problems many church pension boards face under current law. For example, under present law there is a question as to whether self-employed ministers and chaplains who work for nonchurch employers are able to participate in their denominations's retirement and welfare benefit programs. The act would make it clear that such ministers may participate in such programs.

The act would also;

Make it clear that the portion of a retired minister's pension which is treated as parsonage allowance is not subject to Self Employment Contribution Act, or SECA, taxes.

For the first time, subject church plans to definite, objective vesting schedules;

Solve several church employer aggregation problems.

Provide relief that will result in better retirement income for foreign missionaries;

Simplify the required distribution rules that apply to church retirement plans;

Eliminate an unworkable requirement under the so-called section 403(b) catch-up contribution rules; and

Make relief granted under section 457 consistent with coverage relief proposed for church retirement and welfare benefit plans.

Mr. President, I ask unanimous consent that the text of the act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1415

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Church Retirement Benefits Simplification Act of 1993".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. NEW QUALIFICATION PROVISION FOR CHURCH PLANS.

(a) IN GENERAL.—Subpart A of part I of subchapter D of chapter 1 (relating to pension, profit-sharing, stock bonus plans, etc.) is amended by adding after section 401 the following new section:

"SEC. 401A. QUALIFIED CHURCH PLAN.

"(a) GENERAL RULE.—For purposes of all Federal laws, including this title, a qualified church plan shall be treated as satisfying the requirements of section 401(a), and all references in (or pertaining to) this title and such laws to a plan described in section 401(a) shall include a qualified church plan. Except as otherwise provided in this section, no paragraph of section 401(a) shall apply to a qualified church plan.

"(b) DEFINITION OF QUALIFIED CHURCH PLAN.—A plan is a qualified church plan if such plan meets the following requirements:

"(1) CHURCH PLAN REQUIREMENT.—The plan is a church plan (within the meaning of section 414(e)), and the election provided by section 410(d) has not been made with respect to such plan.

"(2) EMPLOYEE CONTRIBUTIONS ARE NONFORFEITABLE.—An employee's rights in the employee's accrued benefit derived from the employee's own contributions are nonforfeitable.

"(3) VESTING REQUIREMENTS.—The plan satisfies the requirements of subparagraph (A) or (B).

"(A) 10-YEAR VESTING.—A plan satisfies the requirements of this paragraph if an employee who has at least 10 years of service has a nonforfeitable right to 100 percent of the employee's accrued benefit derived from employer contributions.

"(B) 5- TO 15-YEAR VESTING.—A plan satisfies the requirements of this paragraph if an employee who has completed at least 5 years of service has a nonforfeitable right to a percentage of the employee's accrued benefit derived from employer contributions which is not less than the percentage determined under the following table:

"Years of service	Nonforfeitable percentage
5	25
6	30
7	35
8	40
9	45
10	50
11	60
12	70
13	80
14	90
15 or more	100.

"(C) YEARS OF SERVICE.—For purposes of this paragraph, an employee's years of service shall be determined in accordance with any reasonable method selected by the plan administrator.

"(4) FUNDING REQUIREMENTS.—The plan meets the funding requirements of section 401(a)(7) as in effect on September 1, 1974.

"(5) ADDITIONAL REQUIREMENTS.—

"(A) The plan meets the requirements of paragraphs (1), (2), (8), (9), (16), (17), (25), (27), and (30) of section 401(a).

"(B) If the plan includes employees of an organization which is not a church, the plan meets the requirements of sections 401(a)(3) and 401(a)(6) (as in effect on September 1, 1974) and sections 401(a)(4), 401(a)(5), and 401(m).

For purposes of subparagraph (B), the plan administrator may elect to treat the portion of the plan maintained by any organization (or organizations) described in subparagraph (B) as a separate plan (or plans).

"(c) DEFINITIONS AND SPECIAL RULES.—

"(1) CHURCH.—For purposes of this section, the term 'church' means a church or a convention or association of churches, including an organization described in section 414(e)(3)(A) and an organization described in section 414(e)(3)(B)(ii), other than—

"(A) an organization described in section 170(b)(1)(A)(ii) above the secondary school level (other than a school for religious training), or

"(B) an organization described in section 170(b)(1)(A)(iii)—

"(i) which provides community service for inpatient medical care of the sick or injured (including obstetrical care); and

"(ii) not more than 50 percent of the total patient days of which during any year are customarily assignable to the categories of chronic convalescent and rest, drug and alcoholic, epileptic, mentally deficient, mental, nervous and mental, and tuberculosis, and care for the aged.

"(2) SATISFACTION OF TRUST PROVISION.—A plan shall not fail to be described in this section merely because such plan is funded through an organization described in section 414(e)(3)(A) if—

"(A) such organization is subject to fiduciary requirements under applicable State law;

"(B) such organization is separately incorporated from the church or convention or association of churches which controls it or with which it is associated;

"(C) the assets which equitably belong to the plan are separately accounted for; and

"(D) under the plan, at any time prior to the satisfaction of all liabilities with respect to participants and their beneficiaries, such assets cannot be used for, or diverted to, purposes other than for the exclusive benefit of participants and their beneficiaries (except that this paragraph shall not be construed to preclude the use of plan assets to defray the reasonable costs associated with administering the plan and informing employees and employers of the availability of the plan).

"(3) CERTAIN SECTIONS APPLY.—Section 401 (b), (c), and (h) shall apply to a qualified church plan.

"(4) FAILURE OF ONE ORGANIZATION MAINTAINING PLAN NOT TO DISQUALIFY PLAN.—If one or more organizations maintaining a church plan fail to satisfy the requirements of subsection (b), such plan shall not be treated as failing to satisfy the requirements of this section with respect to other organizations maintaining such plan.

"(5) CERTAIN EMPLOYEES NOT CONSIDERED HIGHLY COMPENSATED AND EXCLUDED EMPLOYEES.—For purposes of this section, no employee shall be considered an officer, person whose principal duties consist in supervising the work of other employees, or highly compensated employee if such employee during the year or the preceding year received compensation from the employer of less than $50,000. For purposes of this section, there shall be excluded from consideration employees described in section 410(b)(3)(A). The Secretary shall adjust the $50,000 amount under this paragraph at the same time and in the same manner as under section 415(d).

"(6) TIME FOR DETERMINATION OF APPLICABLE LAW.—Except where otherwise specified, the determination of whether a plan meets the requirements of subsection (b) shall be made in accordance with the provisions of this title as in effect immediately following enactment of the Church Retirement Benefits Simplification Act of 1993."

(b) EFFECT ON EXISTING PLANS.—A church plan (within the meaning of section 414(e) of the Internal Revenue Code of 1986) which is otherwise subject to the applicable requirements of section 401(a) of such Code and which has not made the election provided by section 410(d) of such Code shall not be subject to section 401A of such Code, and shall remain subject to the applicable requirements of section 401(a) of such Code, unless the board of directors or trustees of an organization described in section 414(e)(3)(A) of such Code, or other appropriate governing body responsible for maintaining the plan, adopts a resolution under which the church plan is made subject to section 401A of such Code.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by this section shall be effective for years beginning after December 31, 1992, except that the provisions of section 401A(b)(3) of the Internal Revenue Code of 1986 shall be effective for years beginning after December 31, 1994. No regulation or ruling under section 401(a) of such Code issued after December 31, 1992, shall apply to a qualified church plan described in section 401A of such Code unless such regulation or ruling is specifically made applicable by its terms to qualified church plans.

(2) PRIOR YEARS.—A church plan (within the meaning of section 414(e) of such Code) shall not be deemed to have failed to satisfy the applicable requirements of section 401(a) of such Code for any year beginning prior to January 1, 1993.

SEC. 3. RETIREMENT INCOME ACCOUNTS OF CHURCHES.

(a) IN GENERAL.—Section 403(b)(9) is amended to read as follows:

"(9) RETIREMENT INCOME ACCOUNTS PROVIDED BY CHURCHES, ETC.—

"(A) AMOUNTS PAID TREATED AS CONTRIBUTIONS.—For purposes of this title—

"(i) a retirement income account shall be treated as an annuity contract described in this subsection, and

"(ii) amounts paid by an employer described in paragraph (1)(A) or by a church or a convention or association of churches, including an organization described in section 414(e)(3)(A) or 414(e)(3)(B)(ii), to a retirement income account shall be treated as amounts contributed by the employer for an annuity contract for the employee on whose behalf such account is maintained.

"(B) RETIREMENT INCOME ACCOUNT.—For purposes of this paragraph, the term 'retirement income account' means a program established or maintained by a church, a convention or association of churches, including an organization described in section 414(e)(3)(A), to provide benefits under this subsection for an employee described in paragraph (1) or an individual described in paragraph (13)(F), or their beneficiaries."

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by this section shall be effective for years beginning after December 31, 1992.

(2) PRIOR YEARS.—A church plan (within the meaning of section 414(e)) shall not be deemed to have failed to satisfy the applicable requirements of section 403(b) for any year beginning prior to January 1, 1993.

SEC. 4. CONTRACTS PURCHASED BY A CHURCH.

(a) CLARIFICATION OF APPLICABLE NONDISCRIMINATION REQUIREMENTS.—Subparagraph (D) of section 403(b)(1) is amended to read as follows:

"(D) except in the case of a contract purchased by a church, such contract is purchased under a plan which meets the nondiscrimination requirements of paragraph (12)(A), and".

(b) CERTAIN COVERAGE RULES APPLY.—Subparagraph (B) of section 403(b)(12) is amended to read as follows:

"(B) CERTAIN REQUIREMENTS.—If a contract purchased by a church is purchased under a church plan (within the meaning of section 414(e)) by—

"(i) an organization described in section 170(b)(1)(A)(ii) above the secondary school level (other than a school for religious training), or

"(ii) an organization described in section 170(b)(1)(A)(iii)—

"(I) which provides community service for inpatient medical care of the sick or injured (including obstetrical care), and

"(II) no more than 50 percent of the total patient days of which during any year are customarily assignable to the categories of chronic convalescent and rest, drug and alcoholic, epileptic, mentally deficient, mental, nervous and mental, and tuberculosis, and care for the aged,

the plan meets the requirements of sections 401(a)(3) and 401(a)(6), as in effect on September 1, 1974, and sections 401(a)(4), 401(a)(5), 401(a)(17), and 401(m).

For purposes of this subparagraph, the plan administrator may elect to treat the portion of the plan maintained by any organization (or organizations) described in this subparagraph as a separate plan (or plans)."

(c) SPECIAL RULES FOR CHURCHES.—Section 403(b) is amended by adding the following new paragraph at the end thereof:

"(13) DEFINITIONS AND SPECIAL RULES.—

"(A) CONTRACT PURCHASED BY A CHURCH.—For purposes of this subsection, the term 'contract purchased by a church' includes an annuity described in section 403(b)(1), a custodial account described in section 403(b)(7), and a retirement income account described in section 403(b)(9).

"(B) CHURCH.—For purposes of this subsection, the term 'church' means a church or a convention or association of churches, including an organization described in section 414(e)(3)(A) or section 414(e)(3)(B)(ii).

"(C) VESTING.—In the case of a contract purchased by a church under a church plan (within the meaning of section 414(e))—

"(i) sections 403(b)(1)(C) and 403(b)(6) shall not apply;

"(ii) such contract is not described in this subsection unless an employee's rights in the employee's accrued benefit under such contract which is attributable to contributions made pursuant to a salary reduction agreement are nonforfeitable; and

"(iii) such contract is not described in this subsection unless the plan satisfies the requirements of either of the following:

"(I) The plan provides that an employee who has at least 10 years of service has a nonforfeitable right to 100 percent of the employee's accrued benefit derived from employer contributions.

"(II) The plan provides that an employee who has completed at least 5 years of service has a nonforfeitable right to a percentage of the employee's accrued benefit derived from employer contributions which percentage is not less than the percentage determined under the following table:

"Years of service	Nonforfeitable percentage
5	25
6	30
7	35
8	40
9	45
10	50

"Years of service	Nonforfeitable percentage
11	60
12	70
13	80
14	90
15 or more	100.

For purposes of clause (iii), an employee's years of service shall be determined in accordance with any reasonable method selected by the plan administrator.

"(D) FAILURE OF ONE ORGANIZATION MAINTAINING PLAN NOT TO DISQUALIFY PLAN.—In the case of a contract purchased by a church under a church plan (within the meaning of section 414(e)), if one or more organizations maintaining the church plan fails to satisfy the requirements of this section, such plan shall not be treated as failing to satisfy the requirements of this section with respect to other organizations maintaining such plan.

"(E) CERTAIN EMPLOYEES NOT CONSIDERED HIGHLY COMPENSATED AND EXCLUDED EMPLOYEES.—For purposes of this subsection, no employee for whom a contract is purchased by a church shall be considered an officer, person whose principal duties consist in supervising the work of other employees, or highly compensated employee if such employee during the year or the preceding year received compensation from the employer of less than $50,000. For purposes of this subsection, there shall be excluded employees described in section 410(b)(3)(A). The Secretary shall adjust the $50,000 amount under this subparagraph at the same time and in the same manner as under section 415(d).

"(F) CERTAIN MINISTERS MAY PARTICIPATE.—For purposes of this subsection—

"(i) IN GENERAL.—The term 'employee' shall include a duly ordained, commissioned, or licensed minister of a church in the exercise of his or her ministry who is a self-employed individual (within the meaning of section 401(c)(1)(B)) or any duly ordained, commissioned, or licensed minister of a church in the exercise of his or her ministry who is employed by an organization other than an organization described in section 501(c)(3).

"(ii) TREATMENT AS EMPLOYER AND EMPLOYEE.—A self-employed minister described in clause (i) shall be treated as his or her own employer which is an organization described in section 501(c)(3) and which is exempt from tax under section 501(a). Such an employee who is employed by an organization other than an organization described in section 501(c)(3) shall be treated as employed by an organization described in section 501(c)(3) and which is exempt from tax under section 501(a).

"(iii) COMPENSATION.—In determining the compensation of a self-employed minister described in clause (i), the earned income (within the meaning of section 401(c)(2)) of such minister shall be substituted for 'the amount of compensation which is received from the employer' under paragraph (3).

In determining the years of service of a self-employed minister described in clause (i), the years (and portions of years) in which such minister was a self-employed individual (within the meaning of section 401(c)(1)(B)) shall be included for purposes of paragraph (4).

"(G) TIME FOR DETERMINATION OF APPLICABLE LAW.—Except where otherwise specified, the determination of whether a contract purchased by a church meets the requirements of this subsection shall be made in accordance with the provisions of this title as in effect immediately following enactment of the Church Retirement Benefits Simplification Act of 1993."

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall be effective for years beginning after December 31, 1992, except that the provisions of section 403(b)(13)(C)(iii) of the Internal Revenue Code of 1986 shall be effective for years beginning after December 31, 1994. No regulation or ruling issued under section 401(a) or 403(b) of such Code after December 31, 1992, shall apply to a contract purchased by a church unless such regulation or ruling is specifically made applicable by its terms to such contracts. For purposes of applying the exclusion allowance of section 403(b)(2) of such Code and the limitations of section 415 of such Code, any contribution made after December 31, 1994, which is forfeitable pursuant to section 403(b)(13)(C) of such Code shall be treated as an amount contributed to the contract in the year for which such contribution is made and not in the year the contribution becomes nonforfeitable.

(2) PRIOR YEARS.—A church plan (within the meaning of section 414(e) of such Code) shall not be deemed to have failed to satisfy the applicable requirements of section 403(b) of such Code for any year beginning prior to January 1, 1993.

SEC. 5. CHANGE IN DISTRIBUTION REQUIREMENT FOR RETIREMENT INCOME ACCOUNTS.

(a) IN GENERAL.—Subparagraph (A) of section 403(b)(11) is amended by inserting "or, in the case of a retirement income account described in paragraph (9), within the meaning of section 401(k)(2)" after "section 72(m)(7)".

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective for years beginning after December 31, 1988.

SEC. 6. REQUIRED BEGINNING DATE FOR DISTRIBUTIONS UNDER CHURCH PLANS.

(a) IN GENERAL.—Subparagraph (C) of section 401(a)(9) is amended by striking the last sentence and inserting the following new sentence: "For purposes of this subparagraph, the term 'church plan' has the meaning given such term by section 414(e)."

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective as if included in the provision of the Tax Reform Act of 1986 to which such amendment relates.

SEC. 7. PARTICIPATION OF MINISTERS IN CHURCH PLANS.

(a) IN GENERAL.—Section 414 is amended by adding the following new subsection:

"(u) SPECIAL RULES FOR MINISTERS.—Notwithstanding any other provision of this title, if a duly ordained, commissioned, or licensed minister of a church in the exercise of his or her ministry participates in a church plan (within the meaning of section 414(e)), then—

"(1) such minister shall be excluded from consideration for purposes of applying sections 401(a)(3), 401(a)(4), and 401(a)(5), as in effect on September 1, 1974, and sections 401(a)(4), 401(a)(5), 401(a)(26), 401(k)(3), 401(m), 403(b)(1)(D) (including section 403(b)(12)), and 410 to any stock bonus, pension, profit-sharing, or annuity plan (including an annuity described in section 403(b) or a retirement income account described in section 403(b)(9)) described in this part. For purposes of this part, the church plan in which such minister participates shall be treated as a plan or contract meeting the requirements of section 401(a), 401A, or 403(b) (including section 403(b)(9)) with respect to such minister's participation; and

"(2) such minister shall be excluded from consideration for purposes of applying an applicable section to any plan providing benefits described in an applicable section.

For purposes of paragraph (2), the term 'applicable section' means section 79(d), section 105(h), paragraphs (1), (2), and (3) of section 120(c), section 125(b), section 127(b)(2), and paragraphs (2), (3), and (8) of section 129(d)."

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective for years beginning before, on, or after December 31, 1992.

SEC. 8. CERTAIN RULES AGGREGATING EMPLOYEES NOT TO APPLY TO CHURCHES, ETC.

(a) IN GENERAL.—Section 414 is amended by adding the following new subsection:

"(v) CERTAIN RULES AGGREGATING EMPLOYEES NOT TO APPLY TO CHURCHES, ETC.—

"(1) IN GENERAL.—If the election provided by paragraph (3) is made, for purposes of sections 401(a)(3), 401(a)(4), and 401(a)(5), as in effect on September 1, 1974, and sections 401(a)(4), 401(a)(5), 401(a)(17), 401(a)(26), 401(h), 401(m), 410(b), 411(d)(1), and 416, subsections (b), (c), (m), (o), and (t) of this section shall not apply to treat the employees of church-related organizations as employed by a single employer, except in the case of employees of church-related organizations which are not exempt from tax under section 501(a) and which have a common, immediate parent.

"(2) DEFINITION OF CHURCH-RELATED ORGANIZATION.—For purposes of this subsection, the term 'church-related organization' means a church or a convention or association of churches, an organization described in section 414(e)(3)(A), an organization described in section 414(e)(3)(B)(ii), or an organization the employees of which would be aggregated with the employees of such organizations but for the election provided by paragraph (3).

"(3) ELECTION TO DISAGGREGATE.—The provisions of this subsection shall apply if a church-related organization makes an election for itself and other church-related organizations (in such form and manner as the Secretary may by regulations prescribe) on or before the last day of the first plan year beginning on or after January 1, 1996."

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective as if included in the provisions of Public Law 93-406, Public Law 98-369, and Public Law 99-514 to which such amendment relates.

SEC. 9. SELF-EMPLOYED MINISTERS TREATED AS EMPLOYEES FOR PURPOSES OF CERTAIN WELFARE BENEFIT PLANS AND RETIREMENT INCOME ACCOUNTS.

(a) IN GENERAL.—Section 7701(a)(20) is amended to read as follows:

"(20) EMPLOYEE.—For the purpose of applying the provisions of section 79 with respect to group-term life insurance purchased for employees, for the purpose of applying the provisions of sections 104, 105, and 106 with respect to accident or health insurance or accident or health plans, for the purpose of applying the provisions of section 101(b) with respect to employees' death benefits, for the purpose of applying the provisions of subtitle A with respect to contributions to or under a stock bonus, pension, profit-sharing, or annuity plan, and with respect to distributions under such a plan, or by a trust forming part of such a plan, and for purposes of applying section 125 with respect to cafeteria plans, the term 'employee' shall include a duly ordained, commissioned, or licensed minister of a church in the exercise of his or her ministry who is a self-employed individual (within the meaning of section 401(c)(1)(B)) or a full-time life insurance salesman who is considered an employee for the purpose of chapter 21, or in the case of services performed before January 1, 1951, who would be considered an employee if his services were performed during 1951."

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective for years beginning before, on, or after December 31, 1992.

SEC. 10. DEDUCTIONS FOR CONTRIBUTIONS BY CERTAIN MINISTERS TO RETIREMENT INCOME ACCOUNTS.

(a) IN GENERAL.—Section 404(a) is amended by adding the following new paragraph:

"(10) CONTRIBUTIONS BY CERTAIN MINISTERS TO RETIREMENT INCOME ACCOUNTS.—In case contributions are made by a minister described in section 403(b)(13)(F) to a retirement income account described in section 403(b)(9) and not by a person other than such minister, such contributions shall be treated as made to a trust which is exempt from tax under section 501(a) which is part of a plan which is described in section 401(a) and shall be deductible under this subsection to the extent such contributions do not exceed the exclusion allowance of such minister, determined under section 403(b)(2)."

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective for years beginning after December 31, 1992.

SEC. 11. MODIFICATION FOR CHURCH PLANS OF RULES FOR PLANS MAINTAINED BY MORE THAN ONE EMPLOYER.

(a) IN GENERAL.—Section 413(c) is amended by adding the following new paragraph:

"(8) CHURCH PLANS MAINTAINED BY MORE THAN ONE EMPLOYER.—A church plan (within the meaning of section 414(e)) maintained by more than one employer, and with respect to which the election provided by section 410(d) has not been made, which commingles assets solely for purposes of investment and pooling for mortality experience to provide to participants annuities computed with reference to the balance in the participants' accounts when such accounts become payable shall not be treated as a single plan maintained by more than one employer under this subsection. The rules provided by this paragraph shall apply for purposes of applying section 403(b)(12) to such church plan."

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective for years beginning before, on, or after December 31, 1992.

SEC. 12. SECTION 457 NOT TO APPLY TO DEFERRED COMPENSATION OF A CHURCH.

(a) IN GENERAL.—Paragraph (13) of section 457(e) is amended to read as follows:

"(13) SPECIAL RULE FOR CHURCHES.—The term 'eligible employer' shall not include a church (within the meaning of section 401A(c)(1))."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1978.

SEC. 13. CHURCH PLAN MODIFICATION TO SEPARATE ACCOUNT REQUIREMENT OF SECTION 401(h).

(a) EXCEPTION TO SEPARATE ACCOUNT REQUIREMENT.—Section 401(h) is amended by adding the following new sentence at the end thereof: "Notwithstanding the preceding sentence, in the case of a pension or annuity plan that is a church plan (within the meaning of section 414(e)) which is maintained by more than one employer, paragraph (6) shall not apply to an employee who is a key employee for purposes of section 416 solely because such employee is described in section 416(i)(1)(A)(i) (relating to officers having an annual compensation greater than 150 percent of the amount in effect under section 415(c)(1)(A))."

(b) APPLICATION OF SECTION 415(l).—Section 415(l)(1) is amended to read as follows:

"(1) IN GENERAL.—For purposes of this section, the following shall be treated as an annual addition to a defined contribution plan for purposes of subsection (c):

"(A) contributions allocated to any individual medical account which is part of a pension or annuity plan; and

"(B) the actuarially determined amount of prefunding for the insurance value of benefits which are—

"(i) described in section 401(h);

"(ii) paid under a pension or annuity plan that is a church plan (within the meaning of section 414(e));

"(iii) paid under a plan maintained by more than one employer; and

"(iv) payable solely to an employee who is a key employee for purposes of section 415 solely because such employee is described in section 416(i)(1)(A)(i) (relating to officers having an annual compensation greater than 150 percent of the amount in effect under section 415(c)(1)(A)), his spouse, or his dependents.

Subparagraph (B) of section (c)(1) shall not apply to any amount treated as an annual addition under the preceding sentence."

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after March 31, 1984.

SEC. 14. RULE RELATING TO INVESTMENT IN CONTRACT NOT TO APPLY TO FOREIGN MISSIONARIES.

(a) IN GENERAL.—The last sentence of section 72(f) is amended to read as follows: "The preceding sentence shall not apply to amounts which were contributed by the employer, as determined under regulations prescribed by the Secretary, to provide pension or annuity credits, to the extent such credits are attributable to services performed before January 1, 1963, and are provided pursuant to pension or annuity plan provisions in existence on March 12, 1962, and on that date applicable to such services, or to provide pension or annuity credits for foreign missionaries (within the meaning of section 403(b)(2)(D)(iii))."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 15. REPEAL OF ELECTIVE DEFERRAL CATCH-UP LIMITATION FOR RETIREMENT INCOME ACCOUNTS.

(a) IN GENERAL.—Clause (iii) of section 402(g)(8)(A) is amended to read as follows:

"(iii) except in the case of elective deferrals under a retirement income account described in section 403(b)(9), the excess of $5,000 multiplied by the number of years of service of the employee with the qualified organization over the employer contributions described in paragraph (3) made by the organization on behalf of such employee for prior taxable years (determined in the manner prescribed by the Secretary)."

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective as if included in the provision of the Tax Reform Act of 1986 to which such amendment relates.

SEC. 16. CHURCH PLANS MAY ANNUITIZE BENEFITS.

(a) IN GENERAL.—A retirement income account described in section 403(b)(9) of the Internal Revenue Code of 1986, a church plan (within the meaning of section 414(e) of such Code) that is a plan described in section 401(a) or 401A of such Code, or an account which consists of qualifed voluntary employee contributions described in section 219(e)(2) of such Code (as in effect before the date of the enactment of the Tax Reform Act of 1986) and earnings thereon, shall not fail to be described in such sections merely because it pays benefits to participants (and their beneficiaries) from a pool of assets administered or funded by an organization described in section 414(e)(3)(A) of such Code, rather than through the purchase of annuities from an insurance company.

(b) EFFECTIVE DATE.—This provision shall be effective for years beginning before, on, or after December 31, 1992.

SEC. 17. CHURCH PLANS MAY INCREASE BENEFIT PAYMENTS.

(a) IN GENERAL.—A retirement income account described in section 403(b)(9) of the Internal Revenue Code of 1986, a church plan (within the meaning of section 414(e) of such Code) that is a plan described in section 401(a) or 401A of such Code, or an account which consists of qualified voluntary employee contributions described in section 219(e)(2) of such Code (as in effect before the date of the enactment of the Tax Reform Act of 1986) and earnings thereon, shall not fail to be described in such sections merely because it provides benefit payments to participants (and their beneficiaries)—

(1) to take into account the investment performance of the underlying assets or favorable interest or mortality experience, or

(2) that increase in an amount not in excess of 5 percent per year.

(b) EFFECTIVE DATE.—This provision shall be effective for years beginning before, on, or after December 31, 1992.

SEC. 18. RULES APPLICABLE TO SELF-INSURED MEDICAL REIMBURSEMENT PLANS NOT TO APPLY TO PLANS OF CHURCHES.

(a) IN GENERAL.—Section 105(h) is amended by adding the following new paragraph:

"(11) PLANS OF CHURCHES.—This subsection shall not apply to a plan maintained by a church (within the meaning of section 401A(c)(1))."

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective for years beginning before, on, or after December 31, 1992.

SEC. 19. RETIREMENT BENEFITS OF MINISTERS NOT SUBJECT TO TAX ON NET EARNINGS FROM SELF-EMPLOYMENT.

(a) IN GENERAL.—Section 1402(a)(8) (defining net earning from self-employment) is amended by inserting ", but shall not include in such net earning from self-employment any retirement benefit received by such individual from a church plan (as defined in section 414(e))" before the semicolon at the end.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning before, on, or after December 31, 1992.

By Mr. BRADLEY:

S. 1416. A bill to authorize appropriations for the Coastal Heritage Trail Route in the State of New Jersey, and for other purposes; to the Committee on Finance.

FUNDING REAUTHORIZATION FOR THE NEW JERSEY COASTAL HERITAGE TRAIL

Mr. BRADLEY. Mr. President, I introduce a simple funding reauthorization for the New Jersey Coastal Heritage Trail. This bill brings forth the funding authorization, which was for the first year's efforts, up to date and allows for future needs.

Since 1988, the National Park Service has been working with other Federal agencies, the State of New Jersey, and local officials and citizens. Right now, the Park Service is putting the finishing touches on a series of trails that will link sites of special interest by one of several themes. These trails, which will be identified by maps, road signs, and wayside exhibits, will create a force that will add meaning and vitality to critical landmarks that too often become lost or overlooked.

Mr. President, this effort is a pioneering one to preserve and strengthen key elements of our collective heritage without an intensive Federal role or ownership. This is a new approach and is the first of its kind. It has taken time and resources. But, I feel strongly that the return to the public will more than compensate for the Federal expenditures. I urge the passage of this increased authorization.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1416

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 6 of Public Law 100-515 (16 U.S.C. 1244 note) is amended by striking "$250,000" and inserting in lieu thereof, "$2,500,000".

By Mr. WOFFORD (for himself and Mr. BAUCUS):

S. 1417. A bill to amend the Federal Water Pollution Control Act to provide for training and certification of individuals in the operation of wastewater treatment works, and for other purposes; to the Committee on environment and Public Works.

WASTEWATER TREATMENT OPERATOR TRAINING AND CERTIFICATION ACT OF 1993

Mr. WOFFORD. Mr. President, today I am introducing the Wastewater Treatment Operator Training and Certification Act of 1993.

Water treatment during the last two decades has become a highly technical field. Chemical and engineering processes make wastewater treatment increasingly complex. Well-trained operators are essential not only to protect human health and the environment but also to protect the taxpayers' investments in municipal water treatment systems.

This legislation reauthorizes the existing training programs under the Clean Water Act. As a member of the Subcommittee on Clean Water, Fisheries and Wildlife, which is currently holding hearings on the reauthorization of the Clean Water Act, I believe it is important that the people who operate and maintain our Nation's water treatment facilities have the best training possible. This legislation creates public-private partnerships with our States and educational institutions in an effort to achieve that goal. The authorization levels for training here are far below those that Congress originally authorized in 1972.

I have received welcomed comments from the Pennsylvania Governor's Office as well as the Pennsylvania Departments of Environmental Resources and Community Affairs on the need to provide operator training. Pennsylvania already has a well-established training program, which has proven to be cost effective. In fact, our Operator Outreach Program has produced two recipients of regional and national awards.

As the Senate considers amendments to the Clean Water Act, I believe that the training of operators can enhance career opportunities, contribute to decreased water pollution, and protect public investment in water treatment plants.

By Mr. WARNER:

S. 1418. A bill to ban the use of radar in commercial motor vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

RADAR DETECTORS BAN ACT OF 1993

Mr. WARNER. Mr. President, First I, send a bill to the desk for filing which will have the effect of removing from trucks in interstate commerce radar devices. We have suffered terrible tragedies recently on the Beltway. I am anxious to have the Congress address this issue immediately. I have spoken to the distinguished chairman of the subcommittee of the Senate, Mr. LAUTENBERG, about it, and he may have his own bill in which I will join with him.

Mr. President, I introduce legislation to improve the safety of our interstates and other highways by prohibiting the use of radar detectors in commercial vehicles.

The recent rash of accidents involving trucks on the Capital Beltway and other interstates around the metropolitan Washington area which have resulted in fatalities and severe injuries demands that we take immediate action to improve safety and reduce the fear of the motoring public.

There is no doubt that excessive speed by heavy commercial trucks is a major cause of traffic deaths and injuries.

According to the Insurance Institute for Highway Safety, more than 50 percent of truckers use radar detectors, and that those persons using these devices are more likely to travel at speeds above the legal limit.

One need only ask if radar detectors serve a legitimate purpose. I don't think they do. The purpose of radar detectors is simply to evade law enforcement.

The Capital Beltway is no longer a major east coast thoroughfare for interstate travel and commerce. For many commuters in the metropolitan area, it is the primary route of daily travel to and from work.

When construction on eight lanes of the beltway was completed in 1978, it's design capacity was for 93,000 cars at peak hours. Today, at peak hours, sections of the beltway carry over 200,000 cars per day.

The capacity of the beltway leaves no margin for error on the part of any drivers. Excessive speeds and routine lane changing is a deadly combination that occurs much to frequently on our Nation's highways.

Last year, over 39,000 Americans lost their lives on our highways. As tragic as that statistic is, another 3 million persons were injured in traffic accidents.

Clearly, prohibiting the use of radar detectors in commercial vehicles is not the only option to reducing traffic accidents. This action is, however, a reasonable and effective step that must be taken to save lives. I am pleased to state that this effort is endorsed by the American Trucking Association and the Advocates for Highway Safety.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ORGANIZATIONS, AGENCIES AND FIRMS WHO HAVE FILED COMMENTS IN SUPPORT OF THE BAN

Chiefs of Police and Sheriffs from:

Alexandria, VA; Alsip, IL; Arizona Western College, AZ; Arroyo Grande, CA; Arvada, CO; Beckley, WV; Berkeley Springs, WV; Boca Raton, FL; Bossier City, LA; Boston Metro Police, MA; Broward Co., FL; Bryan, OH; Buckhannon, WV; Burton, WV; Cameron Parish, LA; Charleston, SC; Cincinnati, OH; Clarksburg, WV; Clay Co., WV; Clendenin, WV; Collinsville, IL; and Concord, NC.

Crest Hill, IL; Dallas, TX; Dunbar, WV; Eagar, AZ; East Baton Rouge Parish, LA; Elmhurst, IL; Evanston, IL; Farmington, WV; Fayetteville, WV; Fort Worth, TX; Greensboro, NC; Iowa City, IA; Jemez Springs, NM; Lewisburg, WV; Lincoln Co., WV; Mammoth, AZ; Marlinton, WV; Martinsburg, WV; Mason, WV; Menomonee Falls, WI; Mingo Co., WV; Morgantown, WV; Moundsville, WV; Naperville, IL; New Haven, CT; and New Martinsville, WV.

North Andover, MA; North Miami Beach, FL; Oro Valley, AZ; Philippi, WV; Pine Grove, WV; Plano, TX; Prince William Co., VA; Ranson, WV; Redmond, WA; Rye, NY; San Jose, CA; Santa Barbara, CA; Scottsdale, AZ; Shinnston, WV; Show Low, AZ; Shreveport, LA; Sioux City, IA; Spokane, WA; Stonewood, WV; Surprise, AZ; Sutton, WV; Tallahassee, FL; Tallmadge, OH; Tarpon Springs, FL; Uwchlan Township, PA; Vienna, WV; Waukegan, IL; Wayne, WV; Whitesburg, WV; Wilmington, NC; and Yonkers, NY.

Companies and Organizations:

Adolf Carlson Insurance Agency, CT; Advocates for Highway & Auto Safety; Aetna Life & Casualty, CT; Affiliated Insurance Consultants, Inc., IL; Agency Insurance Brokers, Inc., NY; AIM Insurance Agency, PA; American Association of Motor Vehicle Administrators; American Automobile Assn.; AAA of Maine; American Driver & Traffic Safety Education Assn.; American Insurance Assn.; American Public Health Assn.; American Trauma Society; American Trucking Associations; Amerisure Cos., MI; Amica Mutual Insurance Co., RI; ANR Freight System, CO;

Automotive Safety for Children Program, James Whitcomb Riley Hospital for Children, IN; Bear Enterprises, MD; Bellevue Hospital Center, NY; Brady, Chapman, Holland & Associates, TX; Bridgeport Hospital, CT; Bum Foundation, PA; Charter Risk Retention Group Insurance Co., NE; Child, Savory-Haward, MA; and Coalition for Consumer Health & Safety.

Columbia University; Community Insurance Center, IL; Consumer Federation of America; Craft Insurance Group, NC; Dane Co. Driving Force, WI; Davis, Jones, Lamb Insurance Agency, Inc., IA; Downtown General Hospital, TN; Driver Prep. Centers, Inc., FL; Emergency Nurses CARE; Employers Mutual Cos., IA; Florida Treasure Coast Safety Council, Inc.; Flue-Cured Tobacco Coop. Stabilization Corp., NC; Friedman & Friedman Agency, NY; Fuchs Baking Co., FL; GEICO, DC; The Gem Agencies, TX; Grinnell Lithographic Co., NY; Hardesty Insurance, Inc., DE; Hudson Valley Tree, Inc., NY; Injury Prevention Resource & Research Center, NH; Injury Prevention Works, PA; Insurance Institute for Highway Safety; International Association of Chiefs of Police; and ITT Hartford Insurance Group, CT.

Johns Hopkins University; Injury Prevention Center; Lamb, Little & Co., IL; Lampe-Batkin Assoc., NY; Liberty Mutual Insurance Co., CT; Lou Stafford Insurance, Inc., OR; The Mariner Group, FL; Maryland Child Passenger Safety Assn.; Maryland SAFE KIDS Coalition; McDowell Insurance Inc., PA; McErlain & Assoc., Inc., PA; McKenzie & Mouk Insurance, LA; Merced Mutual Insurance Co., CA; Michigan Assn. of Chiefs of Police; Michigan Sheriff's Assn.; Michigan Stae Police Troopers Assn., Inc.; Montgomery Insurance Cos., MD; Motor Voters; Nansemond Insurance Agency, Inc., VA; Napa Valley RID, CA; National Assn. of Governors' Highway Safety Representatives; and National Assn. of Independent Insurers.

National Assn. of Pediatric Nurse Associates & Practitioners; National Commission Against Drunk Driving; National Safety Council; National Truck Underwriting Managers, Inc.; Nationwide Insurance Cos., OH; New Jersey Motor Truck Assn.; New Jersey State Safety Council; Nickles Bakery, OH; Norment & Castleberry, TX; North Coast Emergency Medical Services, CA; Northern Illinois Medican Center; Offenhauser & Co., AR; Parisan, Inc., AL; Pennsylvania Millers Mutual Insurance Co., PA; Pepsi-Cola Co.; Pickard Inc., IL; Polar-BEK, AL; and Police Foundation.

Progressive Commercial Vehicle Div., OH; Radio Flyer, Inc., IL; Relax Learn Live Traffic Seminars, CA; Safety Belt Safe USA, CA; Safety Council of NE Ohio; Safety Council of Palm Beach, FL; Sanford Insurance Agency, TX; San Francisco Injury Center, CA; Siskin Steel & Supply Co., TN; South Dakota Safety Council; State Farm Insurance Cos.; State Mutual Insurance Co., MI; State Troopers Fraternal Assn. of New Jersey; Thomas F. Keefe Insurance, MA; 3E Electrical Eng. & Equip., IA; Tobacco Growers Services, NC; Treiber Insurance, NY; Utica Fire Insurance Co., NY; Utica Natl. Insurance Group, NY; Wagoner-Hickok Agency, Inc., NY; The Weeks Agency, Inc., CT; Western Container Corp., TX; William Shanbrom & Assoc., CA; Wisconsin Highway Safety; Coordinators Assn.; and Yellow Freigh System, Inc.

State Agencies:

Alabama Dept. of Public Safety; Alabama Highway Patrol; Alaska Dept. of Public Safety; Arizona Highway Patrol Bureau; Arkansas State Police; California Highway Patrol; Connecticut Div. of State Police; Delaware Div. of State Police; Florida Highway Patrol; Georgia Dept. of Public Safety; Hawaii Dept. of Transportation; Idaho State Police; Illinois State Police; Indiana State Police; Iowa Dept. of Public Safety; Iowa Dept. of Transportation; Kansas Highway Patrol; Kentucky State Police; Louisiana Governor's Highway Safety Representative; and Louisiana State Police.

Massachusetts Passenger Safety Program; Massachusetts State Police; Michigan Dept. of State/State Safety Commission; Michigan Dept. of State Police Minnesota Dept. of Public Safety; Minnesota Dept. of Public Safety Minnesota State Patrol; Mississippi Dept. of Public Safety; Missouri Div. of Highway Safety Missouri State Highway Patrol; Nebraska State Patrol; Nevada Dept. of Transportation; New Jersey Div. of State Police; New Mexico Highway & Trans. Dept. Traffic Safety Bureau; New Mexico Dept. of Public Safety; New York State Police; North Carolina Div. of State Highway Patrol; Ohio Dept. of Public Safety; Oklahoma Dept. of Public Safety; Oregon Dept. of State Police Pennsylvania State Police; Rhode Island Div. of State Police; Rhode Island Governor's Office on Highway Safety.

South Carolina Highway Patrol; South Dakota Div. of Highway Patrol; Tennessee Public Service Commission; Texas Dept. of Public Safety; Utah Highway Patrol; Vermont Dept. of Motor Vehicles; Vermont Governor's Highway Safety Program; Virginia Dept. of Motor Vehicles; Virginia Dept. of State Police; Washington State Patrol; Washington Traffic Safety Commission; West Virginia Governor's Office of Community & Industrial Development; West Virginia State Police; and thousands of police officers and concerned citizens across the country.

WHAT IS GUARD?

GUARD (Group United Against Radar Detectors) is a coalition of organizations formed to educate the public about the highway safety problem resulting from radar detectors. Radar detectors are illegal for use by all vehicles in Virginia and the District of Columbia. They are illegal for use by commercial vehicles in Illinois and New York. The coalition was started in response to a growing number of drivers who use radar detectors to break the law by speeding without getting caught. Studies by the Insurance Corporation of British Columbia, Texas A&M University, the Insurance Institute for Highway Safety, the Missouri Highway Patrol and others have shown a strong relationship between speeding and accidents. GUARD also support the use of photo radar as a means of speed control.

Members of GUARD include:

Advocates for Highway and Auto Safety; Alliance Against Intoxicated Motorists; American Association of Motor Vehicle Administrators; American Driver and Traffic Safety Education Association; American Trucking Association; Amica Mutual Insurance Company; Auto-Owners Insurance Company; District of Columbia Insurance Federation; Farm Bureau Mutual Insurance Company; Farm Family Insurance Company; Foremost Corporation of America; GEICO Corporation; General Accident Insurance; Howard E. Clendenen, Inc.; Institute for Safety in Transportation Inc.; Institute of Police Traffic Management; International Association of Chiefs of Police; John Deere Insurance Company; and Kemper Group.

Keystone Insurance Company; Liberty Mutual Insurance Company; Los Angeles Traffic Advisory Group; Maryland Association of Women Highway Safety Leaders; Metropolitan Property and Liability Company; Michigan Driver and Traffic Safety Education Association; Mid-Continent Casualty Company; Motor Voters; National Association of Governors Highway Safety Representatives; National Association of Independent Insurers; National Association of Women Highway Safety Leaders; National Capital Area Transportation Federation; National Insurance Consumer Organization; National Safety Council; PEMCO Mutual Insurance Company; Secura Insurance; Shelter Insurance Companies; State Auto Insurance Group; Transamerica Insurance Group; University of Illinois School of Public Health; University of Michigan School of Public Health; University of New York School of Public Health; and Westfield Companies.

By Mr. GRASSLEY:

S. 1419. A bill to provide for regional equity in funding resolution of failed savings associations, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

FAILED SAVINGS ASSOCIATIONS REGIONAL EQUITY ACT OF 1993

Mr. GRASSLEY. Mr. President, I recently received a letter from the Northeast-Midwest Congressional Coalition regarding an issue of great concern to my constituents. I rise today to introduce legislation to address this concern—the gross disparity that the Midwest has suffered throughout the course of the resolution of the savings and loan crisis.

From August 9, 1989, to June 18, 1993, the period covered by this bill, the Federal Government resolved 656 insolvent thrifts at an estimated cost of $84.4 billion. Of that number, 280 were State-chartered thrifts, costing an estimated $47.5 billion.

The cost of this bailout has been unfairly distributed at a significant price to the taxpayers of the Northeast-Midwest regions. The 18 States of the Northeast-Midwest region shoulder 46.5 percent of the Nation's total tax burden. Yet, the institutions of our States account for only 15.3 percent of the total cost of the savings and loan bailout.

Contrast this, for example, with the State of Texas. Texas pays just 6.1 percent of the Nation's taxes. Yet Texas thrifts—many of them State-chartered but federally insured—are responsible for 41.2 percent of the bailout's total cost from 1986 to 1992. In the period covered by this bill, between August 1989 and June 1993, Texas alone cost the American taxpayer $23.9 billion. That is 50 percent of the total bailout for that time period.

This bill focuses on State-chartered thrifts, which are chartered and supervised by the State while at the same time qualifying for Federal deposit insurance. The failure of State-chartered thrifts is most directly related to State regulatory actions and the costs should thus be partially carried by the State.

The Federal-State partnership worked well in the past. Unfortunately, some State regulators in the 1980's allowed thrifts to stray from their traditional role of providing mortgages to homeowners. Some of these thrifts strayed into highly speculative ventures, often bordering on fraud. When these speculative ventures failed, and loan obligations could not be met, the savings and loans which had engaged in these high-risk activities were plunged into insolvency, leaving the American taxpayer holding the bag.

It is important to introduce some small measure of accountability and equity into this entire bailout. This bill will send a strong message to Governors, State legislators, and State regulators that future abuses will not be tolerated or go unchecked. In addition, it could reduce the burden on taxpayers in States which have not contributed excessively to the cost of the bailout due to irresponsible State regulation of the industry.

This bill requires States which had excessive costs due to the resolution of State-chartered thrifts to pay a Federal deposit insurance premium if the State's remaining thrifts are to maintain their eligibility for Federal deposit insurance in the future. The State deposit insurance premium would be determined by a formula reflecting the State's overall contribution to the cost of resolving State-chartered thrifts since 1988.

The Savings Association Insurance Fund [SAIF], created under the 1989 FIRREA Act which established the cleanup process, would receive the deposit payments to help defray the costs of capitalizing the SAIF.

The formula established under this bill requires that those States in which the 1989–93 share of total resolution costs is more than twice their 1980 deposits must pay excess costs. However, the bill only requires that these States pay one-quarter of those costs. If States do not pay, the language requires that these States' remaining thrifts become ineligible for Federal deposit insurance. High risk States which owe more than $1 billion can spread out their payments.

Besides bringing some regional equity to the bailout process, this bill also should prevent a future need for a similar bailout by sending a clear message that any future failure to adequately regulate, resulting in this kind of disaster, will not be tolerated.

The American law division of the Congressional Research Service has determined that the premium established under this bill does not constitute a tax. Any payment is entirely voluntary; thus, there is no concern with the constitutionality of this action. Since the Federal Government grants Federal deposit insurance to State-chartered thrifts, it is fully within its authority to establish a condition on a State—such as payment of a deposit insurance premium—if the State wishes to continue to receive the benefit of the deposit insurance.

The formula created in this bill doubles a State's share of deposits in the base year before holding the State accountable for excessive costs. This is intended to very narrowly define "excessive costs" to only cover those which are truly egregious. Thus, a State is found to have excessive costs only when its share of the national bailout costs of State-chartered institutions is more than double its share of deposits in 1980.

The year 1980 was chosen as the base year because it predates the explosion in deposits in State-chartered thrifts later in the decade. It was therefore before any trouble developed in the S&L industry.

Another means of achieving fairness under this bill is that it only holds States accountable for 25 percent of the excessive costs of bailing out State-chartered thrifts under its supervision.

This 25 percent accountability ratio is in recognition of the fact that the Federal Government should share some of the burden of bailing out these thrifts, since there remains a Federal/State partnership.

I ask unanimous consent that a table prepared by the Northeast/Midwest congressional coalition, which outlines the consequences of this bill to various States, be placed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FINANCIAL IMPACT OF GRASSLEY BILL

[Figures for State chartered thrifts]

State or region	1980 deposits (thousands)	1980 deposits (percent of U.S. total)	1989–93 costs[1] (thousands)	1989–93 costs[1] (percent of U.S. total)	Impact of amendment (thousands)
New England:					
Connecticut	$1,004,493	0.00468	$66,000	0.00139	0
Maine	405,303	.00189	0	.00000	0
Massachusetts	0	.00000	0	.00000	0
New Hampshire	339,314	.00158	23,000	.00048	0
Rhode Island	555,084	.00295	19,000	.00040	0
Vermont	56,051	.00026	0	.00000	0
Total	2,360,245	.01099	108,000	.00228	0
Mid-Atlantic:					
Delaware	54,683	.00025	0	.00000	0
Maryland	949,226	.00442	62,000	.00131	0
New Jersey	15,658,995	.07294	990,000	.02086	0
New York	4,555,119	.02122	0	.00000	0
Pennsylvania	8,676,216	.04041	1,133,000	.02388	0
Total	29,894,239	.13924	2,185,000	.04604	0
Midwest:					
Illinois	12,971,203	.06042	254,000	.00535	0
Indiana	1,843,008	.00858	21,000	.00044	0
Iowa	2,204,881	.01027	69,000	.00145	0
Michigan	3,850,692	.01794	0	.00000	0
Minnesota	943,360	.00439	0	.00000	0
Ohio	16,430,113	.07653	220,000	.00464	0
Wisconsin	8,916,922	.04153	35,000	.00074	0
Total	47,160,179	.21966	599,000	.01262	0
South:					
Alabama	499,272	.00233	0	.00000	0
Arkansas	915,104	.00426	130,000	.00274	0
D.C.	0	.00000	0	.00000	0
Florida	6,364,674	.02965	3,641,000	.07673	$206,840
Georgia	0	.00000	0	.00000	0
Kentucky	104,924	.00049	0	.00000	0
Louisiana	4,950,801	.02306	1,042,000	.02196	0
Mississippi	539,753	.00251	190,000	.00400	0
North Carolina	4,201,014	.01957	53,000	.00112	0
Oklahoma	906,531	.00422	64,000	.00135	0
South Carolina	999,742	.00466	0	.00000	0
Tennessee	267,743	.00125	51,000	.00107	0
Texas	21,487,496	.10008	23,911,000	.50387	3,602,999
Virginia	4,140,637	.01929	101,000	.00213	0
West Virginia	17,365	.00008	0	.00000	0

FINANCIAL IMPACT OF GRASSLEY BILL—Continued

[Figures for State chartered thrifts]

State or region	1980 deposits (thousands)	1980 deposits (percent of U.S. total)	1989–93 costs[1] (thousands)	1989–93 costs[1] (percent of U.S. total)	Impact of amendment (thousands)
Total	43,395,056	.21144	29,183,000	.61496	3,809,839
West:					
Alaska	7,197	.00003	68,000	.00143	16,205
Arizona	3,428,218	.01597	5,179,000	.10913	915,871
California	61,452,156	.28623	9,429,000	.19869	0
Colorado	4,058,954	.01891	235,000	.00495	0
Hawaii	447,214	.00208	0	.00000	0
Idaho	83,930	.00039	0	.00000	0
Kansas	2,808,356	.01308	301,000	.00634	0
Missouri	7,162,390	.03336	101,000	.00213	0
Montana	0	.00000	0	.00000	0
Nebraska	585,773	.00273	0	.00000	0
Nevada	1,521,716	.00709	22,000	.00046	0
New Mexico	1,241,100	.00578	0	.00000	0
North Dakota	465,908	.00217	0	.00000	0
Oregon	2,437,128	.01135	0	.00000	0
South Dakota	214,805	.00100	0	.00000	0
Utah	2,007,978	.00935	32,000	.00067	0
Washington	1,739,321	.00810	5,000	.00011	0
Wyoming	222,060	.00103	8,000	.00017	0
Total	89,884,204	.41866	15,380,000	.32410	932,076
Northeast	32,254,484	.15023	2,293,000	.04832	0
Midwest	47,160,179	.21966	599,000	.01262	0
Northeast/Midwest	79,414,663	.36990	2,892,000	.06094	0
South	45,395,056	.21144	29,183,000	.61496	3,809,839
West	89,884,204	.41866	15,380,000	.32410	932,076
South and West	135,279,260	.63010	44,563,000	.93906	4,741,915
U.S. total	214,693,923	1.00000	47,455,000	1.00000	4,741,915

[1] Actual time period is Aug. 9, 1989 to June 18, 1993.

Note.—Accountability was determined by finding which State's share of 1989–93 resolution costs were over double their share of 1980 deposits.

Source: Northeast-Midwest staff calculations based on Office of Thrift Supervision and Resolution Trust Corporation data.

By Mr. GLENN (for himself, Mr. BRADLEY, Mr. DURENBERGER, Mr. RIEGLE, Mr. DODD, Mrs. FEINSTEIN, Mr. ROBB, Mr. DECONCINI, Mr. KENNEDY, Mr. HATFIELD, Mr. NUNN, Ms. MOSELEY-BRAUN, Mr. CHAFEE, and Mr. BINGAMAN):

S. 1240. A bill to reauthorize the National Commission to Prevent Infant Mortality, and for other purposes; to the Committee on Labor and Human Resources.

NATIONAL COMMISSION TO PREVENT INFANT MORTALITY REAUTHORIZATION ACT OF 1993

Mr. GLENN. Mr. President, I rise today to introduce legislation which would reauthorize the Commission to Prevent Infant Mortality. To offer a parody of Will Rogers, I never met a commission I really liked—except that the Commission to Prevent Infant Mortality is truly needed.

In 1986, Congress passed Public Law 99-660 for the explicit purpose of developing a national strategy to reduce this Nation's infant mortality rate. The improvement has been very slow and, in fact, this Nation still ranks as the worst among industrialized Western countries in terms of infant mortality statistics.

According to the Commission to Prevent Infant Mortality the basic fundamental means of preventing poor birth outcomes in the first place, such as early, comprehensive prenatal care, good nutrition during pregnancy, and adequate well-child care, are not available to all pregnant women and young children. Children born at risk are much more likely to require costly and long-term medical interventions, special education and other services. An investment now will save us money in the long term.

Mr. President, this Commission deserves to be reauthorized because there still exists a tremendous need to improve the accessibility of preventive prenatal and pediatric services. There is a continuing need to raise public awareness about the healthy behaviors, numerous financial and nonfinancial barriers which still exist in the service delivery system. The Commission continued to do a terrific job in attempting to make sure that the public has the information it needs to be motivated to make healthy choices.

The extensive private participation in Commission activities is also extremely important. Companies such as Prudential, AT&T, Honeywell, and others actually contribute more money to the Commission than does the Federal Government.

Funding for the Commission is included in the President's budget. The Commission's proposal for funding is $480,000 for the next 3 fiscal years and calls for the Commission to sunset on December 31, 1997.

In a letter to the Congress, Governor Lawton Chiles, the Commission Chairman, stated:

> The Commission has a strong track record of leadership and resourcefulness in addressing the range of issues associated with infant mortality and maternal and infant health overall. I believe it is a model of the direction this country must take if we are to improve the health and well-being of the Nation's youngest citizens and their families.

Mr. President, I ask unanimous consent that a copy of Governor Chiles' letter be included at the appropriate point in the RECORD, that the bill be printed in the RECORD, and that the following Senators be listed as cosponsors: Senator DURENBERGER, Senator BRADLEY, Senator FEINSTEIN, Senator RIEGLE, Senator DODD, Senator ROBB, Senator DECONCINI, Senator KENNEDY, Senator HATFIELD, Senator NUNN, Senator MOSELEY-BRAUN, Senator CHAFEE, and Senator BINGAMAN.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1420

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Commission to Prevent Infant Mortality Reauthorization Act of 1993".

SEC. 2. REFERENCES.

A reference in this Act to "the Act" shall be a reference to the National Commission to Prevent Infant Mortality Act of 1986 (42 U.S.C. 285g note; Public Law 99-660; 100 Stat. 3752).

SEC. 3. FINDINGS.

The Congress finds that—

(1) infant mortality is largely preventable with early, regular, and comprehensive prenatal care, good nutrition, healthy behaviors during pregnancy, and preventive well baby care;

(2) while the United States' infant mortality rate is slowly improving, the Nation still lags behind most other developed nations, and the advances that are being made continue to be due mostly to improved technology that saves low birthweight and otherwise at-risk newborns rather than making sure all babies are born as healthy as possible in the first place;

(3) children born at low birthweight and otherwise at-risk not only are more likely to

die, but also are much more likely to suffer long-term disabilities and require costly medical interventions, special education, and other services;

(4) in 1988, the National Commission to Prevent Infant Mortality developed a strategic national plan to reduce infant mortality, and submitted such plan to the Congress and the President in a report entitled "Death Before Life: The Tragedy of Infant Mortality";

(5) the report's many recommendations centered on fundamental solutions to the problem of infant mortality that have existed for decades, including recommendations that all pregnant women and infants must have universal access to the range of necessary services, and that the health and well-being of mothers and children must become a high national priority;

(6) since issuing such report, the Commission has continued to promote specific actions, based on the report's recommendations, for Congress and all sectors of society to take to improve the health and well-being of all infants, children, and pregnant women;

(7) despite considerable effort and success by many throughout the Nation to improve the accessibility of services and to raise awareness about healthy behaviors, numerous financial and nonfinancial barriers still exist in the service delivery system, the public continues to lack the information and often motivation needed to make healthy choices, and the infant mortality rate, low birthweight rate, and other indicators continue to be far too high; and

(8) to help assure that the Nation reaches the goal of universal access to care and that the health and well-being of all infants, children, and pregnant women becomes a high national priority, the need for the Commission continues.

SEC. 4. COMPOSITION OF COMMISSION.

Section 203(b) of the Act is amended—

(1) in the matter preceding paragraph (1) by striking out "fifteen members" and inserting in lieu thereof "sixteen members";

(2) in paragraph (3) in the second sentence—

(A) by inserting "directly" before "responsible for administering the State medicaid program"; and

(B) by inserting "directly" before "responsible for administering the State maternal and child health programs"; and

(3) in paragraph (6) by striking out "Six at large members" and inserting in lieu thereof "Seven at large members".

SEC. 5. DUTIES OF THE COMMISSION.

Section 204 of the Act is amended to read as follows:

"SEC. 204. DUTIES OF THE COMMISSION.

"The Commission shall—

"(1) develop strategic plans to initiate and stimulate action on the recommendations in the report submitted by the Commission to the Congress and President in 1988 entitled, "Death Before Life: The Tragedy of Infant Mortality";

"(2) inform the Congress and others, through reports, conferences, briefings, public information campaigns, and other means of the specific actions that can be taken to improve the health and well-being of pregnant women, infants, and children;

"(3) serve as an information clearinghouse for the Congress and other interested parties on domestic and international model programs and cost effective strategies for—

"(A) improving the health and well-being of pregnant women and children in the areas of Federal and State legislation and program administration; and

"(B) organizing and delivering local services, raising public awareness, and conducting outreach to populations in need;

"(4) annually report and make recommendations on the demographic and related trends concerning the health of pregnant women, infants, and children to the Congress and the President; and

"(5) establish working relationships and networking linkages with organizations and other entities within and outside the Federal Government to promote the health and well-being of pregnant women, infants, and children.".

SEC. 6. POWERS OF THE COMMISSION.

Section 205 of the Act is amended by redesignating subsection (d) as subsection (f) and inserting after subsection (c) the following new subsections:

"(d) GRANTS.—To carry out its activities, the Commission may accept and expend private sector funds from corporations, nonprofit foundations, or individuals. The Commission may also accept and expend interagency transfer funds from agencies of the United States Government. The Commission shall report all grant raising, acceptance, and expending activities and the amount of all funds related to such activities to the Appropriations Committees of the Senate and the House of Representatives on an annual basis.

"(e) VOLUNTARY SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept voluntary and uncompensated services.".

SEC. 7. COMMISSION STAFF.

Section 206 of the Act is amended—

(1) in subsection (b) by striking out "the rate payable for GS–18 of the General Schedule under section 5332 of such title" and inserting in lieu thereof "the rate payable for a position at level IV of the Executive Schedule under section 5315 of such title"; and

(2) in subsection (d) by striking out "the daily rate payable for GS–18 of the General Schedule under section 5332 of such title" and inserting in lieu thereof "the daily rate payable for a position at level IV of the Executive Schedule under section 5315 of such title".

SEC. 8. REAUTHORIZATION OF COMMISSION.

Sections 208 and 209 of the Act are amended to read as follows:

"SEC. 208. TERMINATION OF THE COMMISSION.

"The Commission shall terminate on December 31, 1997.

"SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Commission $480,000 in fiscal year 1995, $480,000 in fiscal year 1996, and $600,000 in fiscal year 1997. Sums appropriated pursuant to this section shall remain available through December 31, 1997.".

SEC. 9. TECHNICAL AND CONFORMING AMENDMENT.

The matter under the heading "NATIONAL COMMISSION TO PREVENT INFANT MORTALITY" under title IV of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1989 (Public Law 100–436; 102 Stat. 1709) is amended by striking out the second and third sentences.

STATE OF FLORIDA,
OFFICE OF THE GOVERNOR,
Tallahassee, FL, July 14, 1993.

DEAR COLLEAGUE: I am writing to invite you to join Senator John Glenn in co-sponsoring the National Commission to Prevent Infant Mortality Reauthorization Act of 1993. I have enclosed a copy of the draft language for the bill for your information.

As you may recall, Congress created the Commission in late 1986 through public law 99–660 for the purpose of developing a national strategy to reduce this nation's unacceptably high rate of infant mortality. I have been pleased to chair the Commission since its establishment during my tenure in the U.S. Senate, and am proud of the work it has done to raise awareness about the problems and, most importantly, the solutions for our nation's infant mortality tragedy. In August 1988, the Commission issued its mandated report to Congress and the President, "Death Before Life: The Tragedy of Infant Mortality." Since that time, the Commission has worked hard not to let that report sit on a shelf gathering dust. Through our efforts, the Commission works to see that the report's recommendations are implemented. We help policymakers, health and education professionals, business and community leaders, and others understand what they can do on behalf of the nation's pregnant women, infants and children.

To give you further background on the Commission's current work and our plans, I have enclosed a copy of my testimony presented to Chairman Harkin concerning the Commission's appropriation request for fiscal year 1994. Congress has continued to support the Commission over the years with a modest appropriation, $446,000 this fiscal year. I hope you will agree that the Commission has been a hard-working and valuable asset for Congress.

I wish I could report that the nation's infant mortality problem is behind us and that we are on the right track in terms of improving women's access to prenatal care and breaking down barriers to preventive health care for infants and young children, and other initiatives that are vitally needed. Unfortunately, that is not the case. Although infant mortality is coming down—the 1990 rate was 9.1 deaths per 1,000 live births, this improvement is still due mainly to advanced medical technologies that can save the lives of babies born at risk. Although there are pockets of good news in most states, we as a nation still are not doing all we can to be sure all babies are born as healthy as possible in the first place and go on to get a good start in life. Significant racial and ethnic disparities persist. The African American infant mortality rate is twice the white rate and the gap is growing. The United States' ranking among all developed nations in terms of infant mortality has not improved for many years and has actually slipped over the past few decades.

Because of these continuing issues, Senator Glenn will be introducing the National Commission to Prevent Infant Mortality Reauthorization Act of 1993 within the next several days. This legislation will update the Commission's duties, authorize an appropriation of $480,000 for the next three fiscal years, and call for the Commission to sunset on December 31, 1997, allowing the Commission to complete a decade-long commitment to working with Congress, the Administration, the private sector, and others to address our infant mortality problem.

The Commission has a strong track record of leadership and resourcefulness in addressing the range of issues associated with infant mortality and maternal and infant health overall. I believe it is a model of the direction this country must take if we are to improve the health and wellbeing of the nation's youngest citizens and their families. I urge you to join Senator Glenn in co-sponsoring this important bill by contacting Bob Harris at 224–4751.

For further information about the Commission and its work, please call Mary Carpenter at 205-8364. Thank you in advance for your support.

Sincerely,

LAWTON CHILES,
Chairman, National Commission to Prevent Infant Mortality.

By Mr. HATCH (for himself and Mrs. FEINSTEIN):

S. 1421. A bill to amend title 17, United States Code, to provide an exclusive right to perform sound recordings publicly by means of digital transmissions; to the Committee on the Judiciary.

PERFORMANCE RIGHTS IN SOUND RECORDINGS ACT OF 1993

Mr. HATCH. Mr. President, I rise today, together with my distinguished colleague from California, Senator FEINSTEIN, to introduce the Performance Rights in Sound Recordings Act of 1993.

Despite that complicated title it is really a simple bill amending the Copyright Act to give those who create sound recordings the full copyright protections that current law gives to all other creators. Specifically, the bill provides that the copyright owners of sound recordings have the exclusive right to control all digital transmissions that may be made of their music.

Thus, like other copyright owners, such as film and video producers, those who create sound recordings will, on passage of this bill, be able to license the digital transmissions of their works or, should no acceptable license scheme be achievable, to prohibit such digital transmissions.

One common illustration of how this disparity in treatment operates in practice will demonstrate the irrationality of our current law: Many new recordings are released in video formats as well as in traditional audio only form. When the video is broadcast on television or cable, the composer of the music, the publisher of the music, the producer of the video, and the performer of the work are all entitled to a performance right royalty. However, when only the audio format is played on the radio—even though it may be identical to the video soundtrack—only the composer and publisher have performance rights that must be respected. The producer's and performer's interests are ignored.

It should be initially noted, Mr. President, that this bill does not impose new financial burdens on broadcasters or on any other broad class of users who traditionally perform sound recordings. Those users will instead continue to be subject only to those financial burdens that they voluntarily undertake. That is how the free market system works. This bill only levels the playing field by according to sound recording the same performance rights that all other works capable of performance have long enjoyed.

It should be remembered that sound recordings are not the only source of music available to broadcasters, nor is music programming the only format. Should those who are granted these new performance rights in the digital transmission of sound recordings be so unwise as to unfairly and unrealistically charge for licensing their works or to actually withhold their works from the public, then the detriment will fall principally on the very copyright owners that the law is designed to protect. All that this law does is to allow all parties to exercise their essential economic rights in a nondiscriminatory manner, a manner more closely resembling the free market system than current copyright law permits.

The basic issue raised by our bill is not new, Mr. President. The adoption of the Copyright Act of 1976 was the key event in the development of our current system of copyright. The importance of the performance right issue was recognized at that time though not ultimately addressed by the legislation. Congress did, however, request a study of the issue to be made by the Copyright Office, and that study, released in 1978, did conclude that a performance right in sound recordings was warranted. This was at a time, it should be noted, when few could have anticipated the widespread availability of digital technology and the possibility for flawless copying that is now plainly seen on the horizon.

A subsequent study of this issue was provided to the Subcommittee on Patents, Copyrights and Trademarks in October, 1991, in response to a joint request by Chairman DECONCINI and Representative HUGHES, chairman of the House Subcommittee on Intellectual Property. Their request was for an assessment of the effect of digital audio technology on copyright holders and their works. Again, the Copyright Office concluded that sound recordings should, for copyright purposes, be equated with other works protected by copyright. From this premise flows the inevitable conclusion that the producers and performers of sound recordings are entitled to a public performance right, just as are all other authors of works capable of performance. Thus, it should not be surprising that the Copyright Office recommended in 1991 that Congress enact legislation recognizing the performance right. Today's bill responds, at least in part, to that recommendation.

Currently, sales of recordings in record stores and other retail outlets represent virtually the only avenue for the recovery of the very substantial investment required to bring to life a sound recording. There are no royalties payable to the creators of the sound recording for the broadcast or other public performance of the work.

If the technological status quo could be maintained, it might well be that the current laws could be tolerated. But, we know that technological developments such as satellite and digital transmission of recordings make sound recordings vulnerable to exposure to a vast audience through the initial sale of only a potential handful of records. Since digital technology permits the making of virtually flawless copies of the original work transmitted, a potential depression of sales is clearly threatened, particularly when the copyright owner cannot control public performance of the work. And new technologies such as audio on demand and pay-per-listen will permit instant access to music, thus negating even the need to make a copy.

But, Mr. President, even if this economic argument were not persuasive, fairness and responsible copyright policy nonetheless dictate the recognition of the rights embodied in today's bill. As the Copyright Office has noted, "Even if the widespread dissemination by satellite and digital means does not depress sales of records, the authors and copyright owners of sound recordings are unfairly deprived by existing law of their fair share of the market for performance of their works." (Report on Copyright Implications of Digital Audio Transmission Services, Oct. 1991, pp. 156–157).

Mr. President, the bill that Senator FEINSTEIN and I are introducing today is about fairness, plain and simple. Unless Congress is prepared to create a hierarchy of artists based on a theory of rewarding some forms of creativity but not others, it must maintain a strict policy of nondiscrimination among artists. This should be true whether we are tempted to discriminate among artists based on the content of their creations, based on the nature of the works created, or based on the medium in which the works are made available to the public. As an eminent German authority on authors' rights has noted, governments that discriminate among artists place at liberty the rights of all artists everywhere.

For too long, American law has tolerated an irrational discrimination against the creators of sound recordings. Every other copyrighted work that is capable of performance—including plays, operas, ballets, films, and pantomimes—is entitled to the performance right. It is denied only for sound recordings.

It is frankly difficult, Mr. President, to understand the historical failure to accord to the creators of sound recordings the rights seen as fundamental to other creators. I acknowledge that in other nations some have advanced the theory that copyright protection should not extend to sound recordings. This theory is based on the view that the act of embodying a musical work on a disc or tape is more an act of technical recordation than a creative enterprise. But, this has not been the American view, nor the view of most nations with advanced copyright systems. Since 1971, Congress has clearly recognized sound recordings as works entitled to copyright on an equal basis with all other works.

Thus, the joint authors of sound recordings—those who produce them and those who perform on them—must be seen as authors fully entitled to those rights of reproduction, distribution, adaptation, and public performance that all other authors enjoy. It is, I believe, no longer possible to deny the true creative work of the producers of sound recordings. While few are so well known as their stage and film counterparts, there are significant exceptions. In the field of operatic recording alone, one could cite legendary figures such as Walter Legge, Richard Mohr, or John Culshaw. As the New Grove Dictionary of Opera states with reference to the latter's landmark Wagner recordings of the 1950's, "Mr. Culshaw's great achievement was to develop the concept of opera recording as an art form distinct from live performance." (Vol. I, p. 1026; Macmillan Press, 1992). The events referred to occurred over 30 years ago, yet American law still fails fully to recognize the sound recording as an art form entitled to the full range of copyright protections enjoyed by live performances.

Similarly, the unique creative input of the performing artist as a joint author cannot be casually discounted as a proper subject of copyright protection. It has been said that the recording industry was almost single-handedly launched by the public demand for one performer's renditions of works largely in the public domain. Indeed, Enrico Caruso's recordings from the early years of this century are almost all still in print today. To take a more contemporary example, it could be noted that Willie Nelson authored a country music standard when he composed "Crazy," a song he has also recorded. But, Patsy Cline made the song a classic, by her inimitable performance of it.

It should be carefully noted, Mr. President, that today's bill is, frankly, compromise legislation. It does not seek to create a full performance right in sound recordings, a right that would extend to the more common analog mode of recording. Also, the digital right that the bill does create is limited to digital transmissions. Other public performances of digital recordings are still exempted from the public performance right that the bill would create.

I believe that these major limitations on the rights that we seek to create today will limit as mush as possible the dislocations and alterations of prevailing contractual arrangements in the music and broadcasting industries. I am sure I speak for Senator FEINSTEIN as well when I say that we are open to the consideration of additional means of ensuring that this bill does not have unintended consequences for other copyright owners, be they songwriters, music publishers, broadcasters, or others.

Mr. President, while today's bill is landmark legislation, it should also be noted that the bill only proposes to give the creators of sound recordings something approaching the minimum rights that more than 60 countries already give their creators. In so doing, the legislation should also have extremely beneficial consequences in the international sphere by strengthening America's bargaining position as it continues to campaign for strong levels of protection for all forms of intellectual property and by allowing American copyright owners to access foreign royalty pools that currently deny distributions of performance royalties to American creators due to the lack of a reciprocal right in the United States.

The absence of a performance right has long hindered efforts of U.S. trade negotiators as they work to address matters such as the Uruguay Round of the General Agreement on Tariffs and Trade [GATT] and the current efforts of the World Intellectual Property Organization to develop a new instrument to settle the rights of producers and performers of sound recordings. In each instance, U.S. negotiators are faced with the argument from our trading partners that the United States cannot expect other countries to provide increased protection when U.S. law is itself inadequate.

Furthermore, in many countries that do provide performance rights for sound recordings, there is often a refusal to share any collected royalties with American artists and record companies for the public performance of their recordings in those foreign countries. This is based on the argument that these rights should be recognized only on a reciprocal basis. For so long as foreign artists receive no royalties for the public performance of their works in the United States, American artists will continue to receive no royalties for the performance of American works in those foreign countries that insist on reciprocity.

The royalty pools we are talking about here, Mr. President, are in fact, considerable. The Recording Industry Association of America has estimated that in 1992 American recording artists and musicians were excluded from royalty pools that distributed performance royalties in excess of $120 million. It is likely that this figure has increased in recent years and will continue to grow.

The insistence of certain foreign nations on reciprocity of rights as a condition to the receipt of performance royalties is inconsistent with the fundamental obligation of those nations to provide national treatment under the Berne Convention on the Protection of Literacy and Artistic Property or under the Rome Convention for the Protection of Performers, Producers of Phonograms, and Broadcasting Organizations. It is nonetheless an economic fact of life that seriously disadvantages American producers and performers and therefore must be dealt with. If passed, the Performance Rights in Sound Recordings Act should provide Americans who are entitled to royalties from foreign performances the right to recover those funds. Thus, the direct economic benefits to be derived from the legislation are considerable.

Before concluding, Mr. President, I would like to express my personal gratitude to the U.S. Copyright Office, its head, Ralph Oman, and its professional staff for their contributions over many years in raising the visibility of this issue and in educating all of us who follow copyright issues as to the subtleties of this complex area of the law. The leadership shown by the Copyright Office on this issue should be a model for all government agencies on how they can best serve the Congress in the development of legislation in specialized and complex areas of the law.

I would also like to thank my colleague from California, Senator FEINSTEIN, for joining me in introducing this important legislation and for drawing our attention to the significant economic consequences involved. I look forward to a detailed investigation of the subjects addressed by the bill.

Also, credit for leadership on this issue should be paid to Representative BILL HUGHES, chairman of the Subcommittee on Intellectual Property and Judicial Administration, who, together with Representative HOWARD BERMAN, has previously introduced similar legislation in the House of Representatives. I look forward to working with each of them as we attempt to secure passage of this important measure.

Mrs. FEINSTEIN. Mr. President, I rise today, along with the distinguished ranking member of the Judiciary Committee, Senator HATCH of Utah, to introduce the Performance Rights in Sound Recordings Act of 1993. The bill will—for the first time—grant full copyright protection to the owners of sound recordings so that they may control and legitimately profit from the digital transmission of their music.

More than 60 countries around the globe extend similar rights to producers and their artists, and have for many years. The extension of that right to American artists and companies is hardly a radical or unexamined concept. Indeed, the U.S. Copyright Office has recommended since 1978 that a performance right in sound recordings be granted in all public performances, not just digital transmissions, and recently reiterated the urgency of the need for such reform created by the advent of digital audio technology. It's time to heed this expert call.

Before pursuing this issue further, I want to thank Senator HATCH for suggesting that he and I collaborate in redressing what, for many years, has been an imbalance in the level of copyright protection afforded to parties in the music industry. I commend him for his concern, and look forward very much to collaborating with him, as well as with Chairman DECONCINI, on this and other intellectual property legislation in this Congress.

I also want to thank my colleagues in the other Chamber, Representative BILL HUGHES, chairman of the House Judiciary Committee's Intellectual Property Subcommittee, and Representative HOWARD BERMAN, my good friend from California, for their leadership in introducing an almost identical bill in the House of Representatives just a few weeks ago.

This bill is about equity, economics, and the need to expedite resolution of a complex issue. Without it, the owners of sound recordings will continue to be the only class of copyright holders without the full panoply of rights conveyed under long-standing copyright law. That inequity will not be corrected unless and until this legislation is passed.

Specifically, copyright owners of every other type of copyrighted work—movies, books, magazines, advertising, and artwork, for example—enjoy the exclusive right to authorize the public performance of their copyrighted work. Sound recordings, and the artists and companies that make them, however, have no such performance right.

Technical though it may be, this is more than an academic distinction. For decades artists and recording companies have had no ability to control, or profit from, the performance of their product—sound recordings.

When a song is played on the radio or, as is increasingly the case, over a new digital audio cable service, the artist who sings the song, the musicians and backup singers, and the record company whose investment made the recording possible have no legal right to control or to receive compensation for this public performance of their work. In that sense, they are treated very differently from songwriters and music publishers, who do receive compensation each and every time that the very same song is performed publicly over the radio.

Digital technology, however, has created a real need to correct that disparity in copyright law and, thus, for this legislation. Compact discs so faithfully reproduce original recordings that the sound quality from an ordinary radio now surpasses that of far more expensive stereo equipment marketed just a few years ago. Impressive as that is, the real revolution has come in the kind of signal that the consumer can now listen to at home. Ordinary—or analog—radio signals are waves and, as such, they vary in strength and break down over distance. That breakdown diminishes sound quality. The same technology that has given us CD's, however, now allows perfect reproductions of music to be digitized—turned into computer dots and dashes—that can be sent by satellite or over cable TV wires around the globe, and reassembled into concert hall-quality music in our homes.

The bottom line is that digital transmission technology could—and may well—make music recorded on compact disc as obsolete as CD's made the 45's and LP's that we and our children grew up with. That would be a tolerable evolution of the marketplace if artists and record companies were compensated for the use of their sound recordings by the new digital transmission services and by broadcasters who eventually switch over to digital radio. Right now, however, because of skewed copyright law, that's not the way the market works.

New subscription digital audio services are operating in cities, towns, and rural communities across the country. For a modest monthly fee, they deliver multiple channels of CD-quality music to customers in their homes—primarily through subscribers' cable TV wiring. As the market is now configured, these companies need merely go to a local record store, buy a single copy of a compact disc, and transmit it for a fee to tens of thousands—potentially millions—of subscribers. Just two companies already provide such service to more than 200,000 people.

The artists who made the music, and the companies that underwrote its production and promotion, don't see dime of the revenue realized by the digital programmer. And, without a right of public performance in digital sound recordings, they won't. That's just not fair.

Before concluding, I'd like to emphasize three points concerning this legislation.

First, as the text and our remarks make clear, Senator HATCH and I have no intention in this bill of changing copyright law with respect to the kind of transmission of sound recordings that we have all grown up with. So-called analog transmissions by broadcasters—even of CD's—categorically will not be affected by this bill.

Second, this legislation is not cast in stone. It is our express intention in introducing it to encourage all of the industries and individuals who will help shape our digital entertainment future to come forward, sit down together and—using this legislation as a base—remedy the imbalance in current law that the bill narrowly seeks to correct. Just as compromise was achieved by the industry in 1990 when the challenge of how to adapt to digital audio tape and recording devices was before us, so we expect compromise to be promptly attempted and achieved here. Senator HATCH and I will work closely with Senator DECONCINI to schedule hearings on the bill and to assure that, as ultimately considered by the Senate, it represents a fair and meaningful step forward for all concerned.

Third, and finally, it is not our intention that new copyright revenues for artists and recording companies reduce current royalties paid to parties—like music publishers and songwriters—who already possess performance rights in sound recordings of all kinds.

In an effort to assure that no governmental or judicial agency will assume otherwise, the Performance Rights in Sound Recordings Act of 1993—while otherwise identical to the H.R. 2576—contains a new section 3 intended to protect the existing rights. It does this in two ways: First, by exempting analog broadcasting—currently the primary source of public performance royalties for songwriters and music publishers; and second, by explicitly stating that royalties paid to sound recording copyright owners should not be taken into account in setting music performance royalty rates.

I am aware, however, that performing rights societies also are concerned that, if this legislation is adopted, the exclusive right granted to artists and recording companies could dilute or otherwise interfere with similar rights long held by songwriters and music publishers. While the bill introduced today does not address this issue, I look forward to determining in the course of hearings to be held on this legislation whether additional statutory protection for current rights holders is required. Such hearings, of course, also will provide an opportunity for all other relevant issues to be aired.

We are standing at the cusp of an exciting digital era. Technological advance, however, must not come at the expense of American creators of intellectual property. This country's artists, musicians and businesses that bring them to us are truly among our greatest cultural assets. This bill recognizes the important contributions that they make and provides protection for their creative works, both at home and abroad.

I am, once again, very pleased to be working with Senator HATCH—and look forward to working with the music community and other interested parties—to prospectively redress a long-standing imbalance in current copyright law. Both equity and economics demand that we do so in this Congress.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 1422. A bill to confer jurisdiction on the U.S. Claims Court with respect to land claims of Pueblo of Isleta Indian Tribe; to the Committee on the Judiciary.

ISLETA PUEBLO LAND CLAIM

Mr. BINGAMAN. Mr. President, I rise with my good friend and colleague, Senator DOMENICI, to introduce a modest measure of great importance to our constituents, the people of the Pueblo of Isleta in New Mexico. A similar bill has already been introduced in the House by our colleagues from New Mexico, Representatives SKEEN and SCHIFF.

This legislation will give the Pueblo of Isleta the long overdue opportunity to have its aboriginal land claims heard in the U.S. Claims Court. I was pleased to sponsor, along with Senator DOMENICI, a measure similar to this bill in the 102d Congress. Representatives SKEEN and SCHIFF introduced a companion measure, which passed the House last year. Unfortunately, the Senate adjourned last October before our colleagues had the opportunity to discuss the merits of this proposal.

I believe this modest measure deserves the Senate's support, and I plan to do my best to ensure passage of this legislation this year. Forty-two years ago, the Pueblo of Isleta received erroneous advice from the Bureau of Indian Affairs about the Pueblo's rights under the Indian Claims Commission Act of 1946 concerning claims to aboriginal land. Tribal leaders were told that without written documentation they would not have a valid claim against the United States. These assertions were made at a time when the tribe was dependent upon the Bureau of Indian Affairs for advice and assistance regarding land claims. As a result, the Pueblo of Isleta filed a very limited claim under the Indian Claims Commission Act in 1951, seeking recompense only for the taking of lands involved in Spanish land grants, which tribal leaders believed were well documented.

Pueblo spokesmen have told me their forefathers were informed that they could make a claim based on aboriginal use and occupancy of tribal lands. As a result, no aboriginal land claim was ever made. In fact, aboriginal use and occupancy was the basis for many Indian tribal claims under the 1946 act.

The measure we are introducing today promises nothing to the people of the Pueblo of Isleta but an opportunity to submit their claim based on aboriginal use and occupancy to the U.S. Claims Court. The legislation does not address the merits of the claim. If, however, the Pueblo of Isleta proves to the U.S. Claims Court that it does indeed have a valid claim of aboriginal land use and occupancy, then appropriate monetary compensation would be determined by the court.

Mr. President, the people of the Pueblo of Isleta are entitled to their day in court. This bill assures them of that right. I am pleased to introduce this legislation today with Senator DOMENICI, and I urge its swift consideration and passage.

I ask unanimous consent that the bill be read into the RECORD at the conclusion of our remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1422

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JURISDICTION.

Notwithstanding sections 2401 and 2501 of title 28, United States Code, and section 12 of the Act of August 13, 1946 (60 Stat. 1052), or any other law which would interpose or support a defense of untimeliness, jurisdiction is hereby conferred upon the United States Claims Court to hear, determine, and render judgment on any claim by Pueblo of Isleta Indian Tribe of New Mexico against the United States with respect to any lands or interests therein the State of New Mexico or any adjoining State held by aboriginal title or otherwise which were acquired from the tribe without payment of adequate compensation by the United States. As a matter of adequate compensation, the United States Claims Court may award interest at a rate of 5 percent per year to accrue from the date on which such lands or interests therein were acquired from the tribe by the United States. Such jurisdiction is conferred only with respect to claims accruing on or before August 13, 1946, and all such claims must be filed within three years after the date of enactment of this Act. Such jurisdiction is conferred notwithstanding any failure of the tribe to exhaust any available administrative remedy.

SEC. 2. CERTAIN DEFENSES NOT APPLICABLE.

Any award made to any Indian tribe other than the Pueblo of Isleta Indian Tribe of New Mexico before, on, or after the date of the enactment of this Act, under any judgment of the Indian Claims Commission or any other authority, with respect to any lands that are the subject of a claim submitted by the tribe under section 1 shall not be considered a defense, estoppel, or set-off to such claim, and shall not otherwise affect the entitlement to, or amount of, any relief with respect to such claim.

Mr. DOMENICI. Mr. President, the Isleta Pueblo in New Mexico, like the Zuni Pueblo before them, was apparently misinformed about their rights to file a claim for damages for the loss of their aboriginal lands. In May 1978, the President signed Public Law 95-280. This law enabled the Zuni Pueblo to be heard before the U.S. Court of Claims.

By introducing this bill for the Isleta Pueblo, I do not believe we are drawing any conclusions about the final outcome of any U.S. Court of Claims action. We are simply acknowledging the facts as they have been presented to us. In summary, the Isleta leaders have told me that their case was not heard by the relevant court because of poor advice given to the tribe by the Bureau of Indian Affairs. This parallels the Zuni case.

If these facts prove to be true, then the Isleta case deserves to be heard on its own merits. Today, we are asking our colleagues to consider the circumstances surrounding the Isleta Pueblo's right to file a claim in the U.S. Claims Court pursuant to the Indian Claims Commission Act. Obviously, the time for filing such a claim has run, therefore the provisions of this bill allow the Pueblo to have access to the U.S. Claims Court if we in the Congress find that there is sufficient evidence to reopen the court for a new hearing on the merits.

Like the Zuni case, we will have to review the 1951 records for evidence that the Isleta Pueblo leaders were truly deprived of their rights under the relevant statutes. I look forward to the hearing process so that the Isleta Pueblo will be able to make its case before the Congress for again having access to the U.S. Court of Claims.

By Mr. CHAFEE (for himself and Mr. BRADLEY):

S. 1423. A bill to amend the Social Security Act to improve access to Medicaid benefits and to reduce State administrative burdens under the Medicaid Program; to the Committee on Finance.

MEDICAID ELIGIBILITY SIMPLIFICATION AND IMPROVEMENT ACT

Mr. CHAFEE. Mr. President, today, my colleague, Mr. BRADLEY, and I introduce legislation which improves the Medicaid Program and removes bureaucratic obstacles that reduce efficiency and are often barriers to care for Medicaid patients. These changes will insure that patients who are eligible for services receive better and more cost-effective care. We originally introduced this proposal in 1992.

Current Medicaid law and regulations make it difficult for Medicaid-eligible individuals to enroll in the program, and make it almost impossible for States to administer the program. The changes that we introduce today, though not high profile issues, will help simplify the procedures for existing eligibility groups and ease States administrative burden without compromising the underlying intent of the Medicaid Program.

Specifically, the legislation permits States to extend Medicaid coverage of prenatal car services to undocumented alien pregnant women. Under current law, States are required to cover delivery and other emergency services, but are prohibited from providing any prenatal care. States would be permitted to offer cost-effective prenatal care so that these infants, many of whom are fully eligible for Medicaid coverage once they are delivered, have a better chance of being born healthy. This change will ultimately reduce costs to both States and the Federal Government by reducing the number of children born prematurely or with serious illness.

The bill simplifies the Medicaid application process for legal aliens, permitting one adult within a household to attest to the citizenship status of all household members rather than having each family member go to the eligibility office. This provision would make the Medicaid Program consistent with the Food Stamp Program and permit case workers to use a less burdensome process to get this information.

This legislation also protects the Medicaid coverage of SSI eligible children and adults in those months when Medicaid coverage is halted because of an extra paycheck. Although the overall annual income of the recipient will not have changed, often patients lose Medicaid eligibility for the month in which they receive an extra paycheck because their employer pays on a weekly or biweekly basis. This bureaucratic, paper generating procedure only adds to the administrative nightmare of the Medicaid Program. More importantly, however, is the adverse effect on patient care of the on-again, off-again Medicaid coverage.

In addition, the proposal allows States to offer Medicaid coverage to older children living in families with incomes up to 185 percent of the Federal poverty level, as well as extending reproductive health services for 18 months postpartum to women in families with incomes of up to 185 percent of poverty.

Mr. President, although these and other more technical provisions are not issues which will receive national attention, it is critical that we make these adjustments in the Medicaid Program in order to improve the delivery of services and to provide relief for the States which struggle to administer this program. I urge my colleagues to join with us in supporting this legislation.

I ask unanimous consent that the text of the bill and a summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1423

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCE TO SOCIAL SECURITY ACT.

(a) SHORT TITLE.—This Act may be cited as the "Medicaid Eligibility Simplification Act."

(b) REFERENCE TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

SEC. 2. COVERAGE OF PREGNANCY RELATED SERVICES FOR ALIEN WOMEN DURING PREGNANCY.

(a) IN GENERAL.—Section 1903(v) (42 U.S.C. 1396b(v)) is amended—

(1) in paragraph (1) by striking "paragraph (2)" and inserting "paragraphs (2) and (3)";

(2) in paragraph (2) by striking "only";

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following new paragraph:

"(3) Payment shall be made under this section for care and services that are furnished, at the option of the State, to an alien woman described in paragraph (1) during pregnancy if—

"(A) such care and services would be available to a woman described in section 1902(l)(1)(A), and

"(B) such alien woman otherwise meets the eligibility requirements for medical assistance under the State plan approved under this title (other than the requirement of the receipt of aid or assistance under title IV, supplemental security income benefits under title XVI, or a State supplementary payment).".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to payments under title XIX of the Social Security Act for calendar quarters beginning on or after October 1, 1993.

SEC. 3. SIMPLIFICATION OF APPLICATION PROCESS FOR ALIENS.

(a) IN GENERAL.—Section 1902 (42 U.S.C. 1396a) is amended by adding at the end the following new subsection:

"(z) Notwithstanding any other provision of law, in order to meet the requirements of subsection (a)(46) and section 1137 a State may provide that the signature of an adult representative of each household that is applying for medical assistance under this title is sufficient to comply with any provisions of Federal law requiring household members to sign the application or statements in connection with the application process for such medical assistance, but only if such representative certifies in writing, under penalty of perjury, that the information contained in the application for medical assistance is true and that all members of the household applying for such medical assistance are either citizens or nationals of the United States or are eligible to receive such assistance under this title.".

(b) CONFORMING AMENDMENT.—Section 1902(a)(46) (42 U.S.C. 1936a(a)(46)) is amended by inserting "except as provided in subsection (z)," after "(46)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to applications for medical assistance under title XIX of the Social Security Act beginning on or after October 1, 1993.

SEC. 4. ELIGIBILITY DETERMINATIONS FOR CERTAIN MONTHS IN THE CASE OF INDIVIDUALS WITH WEEKLY OR BIWEEKLY INCOME.

(a) IN GENERAL.—Section 1611(c) (42 U.S.C. 1382(c)) is amended—

(1) in paragraph (1), by inserting "(subject to paragraph (8))" after "An individual's eligibility for a benefit under this title for a month"; and

(2) by adding at the end the following new paragraph:

"(8)(A) If an individual is paid or otherwise receives income in any month on a regular weekly or biweekly basis (or is deemed under section 1614(f) to have income so paid or received), the determination under paragraph (1) of an individual's eligibility for benefits under this title for such month shall be made by treating such amounts as having been paid or received on a monthly basis at the same annual rate if such treatment would result in the individual becoming eligible for such benefits.

"(B) For purposes of subparagraph (A)—

"(i) the annual rate of income being paid to or received by an individual on a weekly basis in any month is 52 times the amount of the weekly income during such month (or of the average weekly income, if there is a change in the actual weekly rate during such month), and the annual rate of income being paid to or received by an individual on a biweekly basis in any month is 26 times the amount of the biweekly income during such month (or of the average biweekly income, if there is a change in the actual biweekly rate during such month); and

"(ii) the amount of such income to be considered as being paid to or received by an individual on a regular monthly basis at the 'same annual rate' (in such month) is 1/12 of the annual rate determined under clause (i) with respect to the weekly or biweekly income involved.".

(b) EFFECTIVE DATE.—The amendments made by this section shall become effective with respect to determinations of eligibility beginning on or after October 1, 1993.

SEC. 5. OPTIONAL REPORTING REQUIREMENTS UNDER MEDICAID TRANSITIONAL MEDICAL ASSISTANCE.

(a) IN GENERAL.—Section 1925(b)(2)(B) (42 U.S.C. 1396r-6(b)(2)(B)) is amended—

(1) in clause (i), by striking "Each State shall" and inserting "A State may"; and

(2) in clause (ii), by striking "Each State shall" and inserting "A State may".

(b) CONFORMING AMENDMENTS.—Section 1925 (42 U.S.C. 1396r-6) is amended—

(1) in subsection (a)(2)(A), by inserting ", if any," after "subsection (b)(2)(B)(i)";

(2) in subsection (b)(1), by inserting ", if any," after "paragraph (2)(B)(i)";

(3) in subsection (b)(2)(A)(i), by inserting "if any," after "subparagraph (B)(i)," and "subparagraph (B)(ii),";

(4) in subsection (b)(2)(A)(ii), by inserting ", if any," after "subparagraph (B)(ii)";

(5) in subsection (b)(3)(A)(iii), by inserting "the State does not require the reporting of such information, or" after "unless"; and

(6) the last sentence of subsection (b)(3)(A), is amended to read as follows: "If a State requires a family to report information under paragraph (2)(B)(ii), the State shall make determinations under clause (iii)(III) for a family each time such a report is received.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to eligibility determinations for calendar quarters beginning on or after October 1, 1993.

SEC. 6. PRESUMPTIVE ELIGIBILITY FOR PREGNANT WOMEN.

(a) QUALIFIED PROVIDER.—Section 1920 (42 U.S.C. 1396r-1) is amended in subsection (b)(2) by inserting "any individual who is employed by the State and who is determined by the State agency to be capable of making determinations of the type described in paragraph (1)(A) or" after "the term 'qualified provider' means".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to payments under title XIX of the Social Security Act for calendar quarters beginning on or after October 1, 1993.

SEC. 7. MODIFICATION TO INCOME REQUIREMENTS FOR PREGNANT WOMEN AND COVERAGE FOR REPRODUCTIVE HEALTH SERVICES.

(a) COVERAGE FOR REPRODUCTIVE HEALTH SERVICES.—Section 1902(e)(6) (42 U.S.C. 1396a(e)(6)) is amended—

(1) by striking "(6) In the case" and inserting "(6)(A) In the case";

(2) by inserting "and, with respect to reproductive health services (as defined in subparagraph (B)), such woman shall be deemed to continue to be an individual described in subsection (a)(10)(A)(i)(IV) and subsection (l)(1)(A) without regard to such change of income through the last day of the month in which the 18-month period (beginning with

the month following the month in which occurs the last day of her pregnancy) ends" after "her pregnancy) ends"; and

(3) by adding at the end the following new subparagraph:

"(B) For purposes of this paragraph, the term "reproductive health services" means—

"(i) services related to contraception (including contraceptive supplies), voluntary sterilization, screening for sexually transmitted diseases and cancer of the reproductive system, preconceptional risk assessment and care, maternity care (including prenatal, delivery, and postnatal care), and

"(ii) services providing information and education necessary to the effectiveness of the services described in clause (i).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to payments under title XIX of the Social Security Act for calendar quarters beginning on or after October 1, 1993.

SEC. 8. MEDICARE PREMIUMS AND COST-SHARING FOR MEDICALLY NEEDY INDIVIDUALS.

(a) IN GENERAL.—Section 1905(p)(1)(B) (42 U.S.C. 1396d(p)(1)(B)) is amended by inserting "or, at the option of the State, who is eligible under section 1902(a)(10)(C)" after "paragraph (2)".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to payments under title XIX of the Social Security Act for calendar quarters beginning on or after October 1, 1993.

SEC. 9. CLARIFICATION OF INCOME METHODOLOGY USED IN DETERMINING ELIGIBILITY OF CERTAIN MEDICALLY NEEDY INDIVIDUALS FOR MEDICAID BENEFITS.

(a) IN GENERAL.—Section 1903(f) (42 U.S.C. 1396b(f)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) With respect to the methodology to be used in determining income and resource eligibility for individuals under section 1902(a)(10)(C)(i)(III), the applicable income limitation described in paragraph (1)(B) shall be compared to the adjusted income of such individuals after the State income methodology has been applied, including methodology allowed under section 1902(r)(2).".

(b) CONFORMING AMENDMENT.—Section 1903(f)(1)(A) (42 U.S.C. 1396b(f)(1)(A)) is amended by striking "(4)" and inserting "(5)".

SUMMARY OF MEDICAID ELIGIBILITY SIMPLIFICATION AND IMPROVEMENT ACT

1. Coverage of Undocumented Pregnant Women. Medicaid currently permits coverage of emergency medical services for undocumented aliens. For alien, undocumented pregnant women, this translates to labor and delivery services only. Medicaid is precluded from providing prenatal/pregnancy related services for these women. State agencies would like the option to provide these women coverage for pregnancy related services in the same amount, duration and scope as is currently available to other medical assistance-only pregnant women.

2. Optional Coverage of Older Children. States continue to want the option to cover older children up to 185% of poverty. This broad option would allow states to rationalize eligibility at the state level to improve access and reduce administrative burdens that arise from all current mandated threshold levels. States would have the flexibility to decide poverty level eligibility based on fiscal constraints balanced against administrative burden reductions. It would also allow states to implement the OBRA 90 mandate more quickly than the current law phase-in if they so choose.

3. Annualized Income for SSI Recipients. Persons who are categorically eligible for Medicaid as disabled by virtue of eligibility for Supplementary Security Income (SSI) payment face particular problems in continuity of Medicaid eligibility. The parental income of SSI children and spousal income for SSI adults is deemed to the SSI recipient and computed on a monthly basis. If the income is received on a weekly or biweekly basis, the deemed income could exceed the monthly maximum in months with more than two or four pay periods. This results in temporary suspension from SSI and therefore, Medicaid. Under current rules, Medicaid is required to terminate coverage until SSI eligibility is reestablished. This on-again, off-again eligibility adversely affects the clients. It is also an administrative burden on state agencies to take action to close these cases, then re-establish the case several weeks later. This has become a problem since the Social Security Administration has obtained the ability to project income and notify states in advance of pending terminations. Medicaid should be permitted to continue coverage of SSI recipients, where income in one month exceeds SSI monthly thresholds due to irregular pay periods, pending a true change in client financial circumstances.

4. Improvements to Medicaid Transitional Medical Assistance (TMA). States are required to provide up to 12 months of Medicaid TMA to families leaving AFDC due to increased income or hours of work, as enacted in the Family Support Act of 1988. This requirement became effective April 1990, and replaced earlier nine and six month transitional coverage for families leaving AFDC. State agencies are reporting that the number of families on transitional assistance are fewer than for similar previous periods. State agencies believe the problem lies in the client reporting requirements which are substantially greater than the requirements for previous transitional coverage and are without parallel in the transitional child care assistance provisions contained in the same Family Support Act.

The client reporting requirements under TMA rules require client information on the 21st day of the fourth month, the seventh month, and the ninth month. Families must report their gross income and child care costs associated with employment of the head of household. Failure to report by the 21st day of the fourth month means termination of coverage at the end of the sixth. Failure to report by the 21st day of the seventh or ninth months means termination at the end of the respective month.

States believe that failure to report is a major reason for the substantial attrition in the program. No other group of Medicaid clients have similar eligibility conditions placed on them. TMA under prior law was not so onerous on clients.

In addition to unnecessary client attrition, these provisions place considerable and unnecessary administrative burdens on state agencies. Multiple client notices are required prior to each client reporting deadline. Finally, because of high client attrition, the agency is required to do more eligibility determinations for individual family members to determine if any are otherwise eligible under other program categories prior to termination from the TMA program. State reporting and other administrative requirements are substantial especially since TMA attrition is high.

State administrative burdens would be greatly relieved and program goals better met if states were allowed the option to forego all the reporting and phasing of TMA coverage. In lieu of current law, states should have the option to offer a simple 12 month transitional coverage.

Few if any sites require premium payments in the second six month period of TMA because the administrative costs exceed the amount to be collected. Those states that do require premium payments (now or in the future) would require client reporting.

5. Poverty Guidelines. As the process of severing Medicaid eligibility from eligibility for AFDC and SSI continues, states and clients are experiencing greater difficulties with issuance of the poverty guidelines each year. There are several component problems that involve timing. The guidelines are published in February or March of each year, and it takes states some time to implement new poverty levels because of systems changes and distribution of new guidelines to local offices. Social Security, SSI and Title II recipients receive their Cost of Living Adjustments (COLAs) in January of each year. To address the problem of potential Medicaid ineligibility resulting from increased payments during the period when old poverty thresholds are in effect, Congress enacted various hold harmless provisions for Qualified Medicare Beneficiaries (QMBs) and Title II recipients. While the intent was good, the implementation has proven to be administratively difficult and costly for states. The hold harmless provision also does not help QMBs who may try to come into the Medicaid system at the start of the year, whose incomes may be in excess of old poverty guidelines. It is possible that clients who were denied eligibility due to excess income will have to re-apply later in the Spring which is burdensome both to clients and eligibility workers.

Even though the guideline no longer require retroactive effective dates, they are still considered to be effective immediately. Immediate effective dates are not workable in the states.

Poverty guidelines should be required to be issued on the same time schedule as COLAs are announced (November of each year). COLA calculations are made using third quarter CPI/W (wages) information while poverty guidelines are calculated using CPI/U annual summative data from the fourth quarter. The difference in the annual percentage increase between the two measures is minimal year to year. HHS could continue to use CPI/U data but use CPI/U data from April through September annually. There is nothing in statute that requires the use of summative CPI/U data. Statute, Sec. 652(a) and 673 of OBRA 1981 (P.L. 97-35), requires using CPI data (and does not specify CPI/U data) annually or at another interval as the Secretary decides. Statute does require that updated poverty guidelines be issued within 30 days of when the necessary data becomes available. This change would allow states to input new COLAs and review cases prior to January 1st of each year, so that all systems can be up and running at the start of each new year.

6. Eligibility Workers as Presumptive Providers. Sec. 1920(c) specifies the provider who is qualified to make a presumptive eligibility determination for a pregnant woman. The statute limits a qualified presumptive

provider to maternal and child health clinics, federally qualified health centers, Indian health centers and other specified health service providers. Some states have not adopted the presumptive eligibility option because of the limited pool of potential presumptive provider types. States should have the option of specifying state eligibility workers as qualified presumptive providers. This change would allow states to cover pregnant women quickly without being at risk for eligibility errors during the presumptive period until final determination is made and ensure coverage of prenatal care during the period of time the client application is pending approval. This option could also work well in conjunction with outstationed eligibility workers. This amendment could facilitate client eligibility and provide states with added flexibility to tailor programs to local needs.

7. Simplified Application for Aliens. The Immigration Reform and Control Act (IRCA, P.L. 99-603) requires that each adult member of a household applying for federal assistance benefits declare in writing that they are a citizen or national of the U.S. or if not a citizen or national, that they have immigration status satisfactory to receive public assistance benefits. This change was affected through Sec. 1137 of the Social Security Act. The 1990 Leland Act, amended food stamp program law to permit one individual in the household to attest to the status of all household members. This change was requested and enacted in the food stamp program to facilitate eligibility and reduce the state administrative burden. The Medicaid statute should be amended in a similar manner to avoid confusion among both eligibility workers handling both programs and among applicants seeking assistance in both programs. Sec. 1930(v) should be amended to state that only one adult household representative be required to attest to the citizenship/immigration status of all household members. Without such a change, Medicaid programs are liable for Eligibility Quality Control errors if all signatures are missing on joint program applications.

8. Modifications to Alien Verification System. Current law (Sec. 1137(d) of the Social Security Act) requires that any individual who is not a U.S. citizen or national must produce proper INS documentation in the form of alien registration documentation or other documentation that contains the individual's alien admission number or alien file numbers(s). Once produced, the state must use that information to verify the individual's alien status with the INS through the automated verification system or via mail. If an individual has no official documentation, they can produce other documents deemed reasonable by the state agency (rent receipts, other documents depending on alien status and nationality). The state must then photocopy and submit all this information to the INS for verification. Verification with INS must be done for each household member applying for benefits, regardless of whether proper/official documentation was produced by the applicant.

If a client has "proper" INS documentation, there should be no further requirement to reverify this information. This requirement has proven to be administratively burdensome on states and acts as a barrier to Medicaid enrollment. Official documentation should be considered official documentation. To our knowledge, eligibility workers are not required to reverify driver's license numbers and request reverification of birth certificates for citizens or nationals upon application. If the INS issues documents to an individual, other federal programs should respect those documents.

There are many other problems with the relationship between federal assistance program alien verification requirements and INS requirements that merit further exploration in the future. In the interim however, state agencies should have the option not to submit valid INS documentation for reverification.

9. Optional Use of SSA Offices for Social Security Related Eligibility Determinations. Many state agencies continue to believe that the QMB and QWDI programs within Medicaid would be more effective if SSA field offices could be designated to take QWDI and QMB applications and make determinations. These groups, by virtue of their Medicare status are eligible for Medicaid. Medicaid eligibility standards for these groups are uniform across the country. These clients are far more likely to visit the SSA field office than the SSA welfare office. Sec. 1905(p) and (s) should be amended to permit initial processing of QMB and QWDI applications at SSA field offices. Other relevant sections would also have to be amended.

10. FFP for Payment of Medicare Premiums and Cost-Sharing for Medically Needy Clients. The Medicare Catastrophic Coverage Act (MCCA) originally amended Sec. 1905(p) to require Medicaid coverage of Medicare premiums, coinsurance and deductibles for all elderly with incomes below 100 percent of federal poverty who were not otherwise eligible for Medicaid.

Prior to enactment of the 1988 Catastrophic provisions, many states had been paying for Part B Medicare Coverage for elderly and disabled Medicaid beneficiaries. Prior to enactment of MCCA, there was no FPP available for those expenditures. States requested that the law be amended to permit federal reimbursement for Medicaid coverage of Medicare premiums and cost-sharing for clients who were dually eligible because it did not seem equitable to entitle higher income people (those with income too high to be eligible for Medicaid but income levels still below 100 percent of poverty) to Medicare coverage while not permitting, through Medicaid, access to his coverage for lower income elderly and disabled.

Congress responded to this request in the Fall of 1988, in the Technical and Miscellaneous Revenue Act of 1988 (Sec. 8434(a)) by deleting language in Sec. 1905(p) that had specified a QMB as someone not otherwise eligible for Medicaid benefits, thereby making almost all Medicare-eligible Medicaid clients Qualified Medicare Beneficiaries.

Problems remain however for those states that chose to buy-into Medicare for their medically needy aged, blind, disabled populations. HCFA interprets statute such that the medically needy cannot be considered QMBs because their unadjusted, prespenddown income can be in excess of the 100% of poverty standard. Therefore, Medicaid payments of Medicare premium and cost sharing are not eligible for federal match. The only way a state can claim FFP for these Medicare payments is to claim such costs only for those clients whose prespenddown, unadjusted income is below 100% of poverty. To make this distinction would be an administrative boondoggle.

To the best of our knowledge, not all states with medically needy programs purchase Part B or Part A coverage for their clients because of the complexity of spenddown, the sometimes erratic eligibility and whether the client receives automatic Part A coverage. Because not all states purchase Medicare coverage for their clients, and because client payment of coverage may be crucial to meeting spenddown requirements to gain Medicaid coverage, states should have the option to claim, as medical assistance, the costs of Medicare coverage for Medicaid medically needy clients.

11. Less Restrictive Income Methodologies. This issue arose originally in 1981, when HCFA decided that states could no longer employ methods of counting and disregarding income that were less restrictive than either the AFDC or SSI programs for purposes of determining Medicaid medically needy eligibility. In 1984, Congress enacted a moratorium on further HCFA action to deny the use of less restrictive methodology. The moratorium expired in February of 1989. Prior to expiration of the moratorium, Congress enacted Section 1902(r)(2) as part of the Medicare Catastrophic Act in the summer of 1988. Section 1902(r)(2) codifies the ability of states to utilize less restrictive methods of counting income and resources.

At the expiration of the moratorium, states submitted Medicaid state plan amendments for approval of less restrictive medically needy income methodologies that had been in use during the moratorium. HCFA has disapproved submitted plans. HCFA's disapproval of state plans is based on an unusual interpretation of statute. HCFA contends two points: if a state adds back in all disregarded income and the unadjusted income then exceeds 133⅓% of the AFDC standard, the client is not eligible; and a state simply cannot employ any less restrictive methodology if the state's medically needy standard is at the maximum allowed by law—133⅓% of the AFDC payment standard. Through its interpretation of statute, HCFA has effectively nullified statutory authority to employ less restrictive methods of counting income. HCFA policy was promulgated by a March 1989 Medicaid Manual Transmittal and again through September 26, 1989 proposed rules.

This interpretation is problematic. First, states typically disregard in-kind or otherwise unavailable income (room and board, a bag of groceries) that has no consistent value. Roughly fifteen states with medically needy programs believe that cash grant programs and Medicaid medically needy programs serve sufficiently different goals to warrant different income counting methodologies. Secondly, HCFA consistently confuses income methodologies (the process of counting income) and income standards (133⅓% of the AFDC standard). Income should be counted, using a methodology, to arrive at an adjusted income which is then compared against a standard. HCFA insists that it is essentially unadjusted income that must be compared against the standard, and that the standard—if it is at the maximum 133⅓%—nullifies the use of any alternative methodology.

If HCFA is successful, clients in fifteen states will most likely either be made ineligible for Medicaid or have to further impoverish themselves in order to be eligible. This issue can be resolved by codifying the use of alternative methodologies, consistent with 1902(r)(2). This proposal should be budget neutral since it would preserve current practice.

12. Highest vs. Most Frequent Payment. Another issue pertinent to Medicaid medically needy eligibility again arises from the September 26, 1989 proposed rules put forward by HCFA. HCFA is proposing to change longstanding policy by now requiring that

the medically needy income standard be based on 133⅓% of the AFDC payment amount most frequently made to a family of the same size. Statute permits, and states have practiced, a medically needy income standard based on 133⅓% of the highest payment amount for a family of the same size. Several states use differing AFDC payment amounts based on cost of living differences across a state. Although subtle, the distinction is important. In some states, the most frequent payment amount may not be the highest payment amount. In states where the number of rural AFDC recipients exceeds the number of urban recipients, and where the highest payment amount occurs in the urban area, medically needy eligibility would then be based statewide on the rural payment amount which is "most frequent" but not the highest. Since HCFA would require use of a single payment standard, states will be required to lower their medically needy income standards in real terms. Clients in several states will be adversely affected. Again, it is a case where HCFA is reinterpreting a statute which has remained unchanged. A state should have the ability to base their medically needy income standard on 133⅓% of the highest AFDC payment made to a family of similar size. This is consistent with sections 1902(a)(17) and 1903(f)(1)(B)(i) of the Act. We anticipate this clarification would be cost neutral since it would preserve current practice.

13. 209(b) Institutional Spend-Down. In the proposed rules published September 26, 1989, HCFA indicated the intent is to re-interpret statute and practice that has been in place since 1972. Three 209(b) states currently allow individuals to spend-down to within state income limits to be come Medicaid eligible. HCFA is now interpreting this practice as contrary to Congressional intent and would insist that these states abandon their 209(b) status and instead develop medically needy programs. As a results, thousands of current eligible would be made ineligible. States would be required to develop medically needy programs, at a cost of tens of millions of dollars, while still not making everyone who was eligible under the old rules eligible under the new rules. HCFA maintains that 209(b) states are not permitted to have a spend-down program for the aged, blind and disabled because it is not permitted in statute. In fact, 1902(f)—the basis for 209(b) status—specifically requires 209(b) states to allow spend-down to the state's eligibility threshold.

14. Pregnant women up to 133% of poverty. Current Medicaid regulation requires that pregnant women up to 133% of poverty be enrolled in the Medicaid program. These women remain eligible for Medicaid benefits for approximately 60 days post-partum. After 60 days, women who no longer meet the state's financial criteria for participation in the Medicaid program lose eligibility for health benefits under Medicaid.

As a result of program restrictions, post-partum women are no longer Medicaid eligible for family planning visits to health care providers after 60 days. Many women who are ready for counseling and services do not have coverage to do so with any health care provider. Medicaid coverage should be expanded to women up to 185% of poverty and for 18 months post-partum for reproductive health service only.

Mr. BRADLEY. Mr. President, I rise as an original cosponsor of legislation by Senate CHAFEE that will help eliminate some of the bureaucratic barriers that prevent persons living in poverty from being able to receive basic health care services under Medicaid. Many of these barriers prevent pregnant women, who are living in extreme poverty, from receiving prenatal care and well baby care—services we know will help reducer health care costs and that ensure a healthy start for our young children.

I would like to cite one example of the type of problem that persons who are eligible for Medicaid may face in simply trying to cope with the administrative hassles of gaining and maintaining their eligibility. We know that in many professions, workers are paid at irregular intervals, rather than exactly the same paycheck every single month. Yet because of the way Medicaid counts income, persons who receive too much money during a brief period, but which does not exceed any annual limits, may be thrown off of Medicaid. A month or two later, they must again suffer through the lengthy, demoralizing, and sometimes demeaning process to regain their eligibility, because their paycheck may vary seasonally.

This process simply prevents them from receiving basic health care services, during which time they may be forced to receive care in an emergency room as the only available alternative. This results not only in greater hassles for the patient, and greater costs for our society, but also more of both for the State agency who must process several eligibility determinations for the same individual. This bill would correct this absurdity by calculating income in a manner that is consistent with the limits under Medicaid, but does not create rigid and inappropriate barriers that make no sense.

Each of the several provisions in this bill addresses an effort to try to make sure that persons eligible for Medicaid, in particular those essential services to pregnant women, are able to get the services they need. It sounds so simple, but in reality, it is not. We know how Medicaid rates are so low that many doctors refuse to accept those patients. We know how many persons living in poverty may not seek access to primary care services that encourage and maintain good health. We also know that our Federal programs designed to address many of these problems are so fragmented that even those who can benefit from them can't make it through the bureaucratic minefield to do so.

This bill begins a much needed process to identify those barriers and to make those changes in Medicaid that can simplify the excessive bureaucracy and get services to those persons in need. I thank the Senator from Rhode Island for his leadership on this issue and his introduction of this important piece of legislation.

By Mr. DORGAN:

S. 1424. A bill to amend chapter 4 of title 23, United States Code, to establish a national program concerning motor vehicle pursuits by law enforcement officers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE NATIONAL POLICE PURSUIT POLICY ACT OF 1993

Mr. DORGAN. Mr. President, one morning last January a chase broke out in the city of Arlington, VA. A teenager in a stolen vehicle, allegedly drunk, was fleeing from the police in a high speed chase. As the stolen car and the police cruiser raced through Falls Church, VA, the fleeing teen ran a red light and crashed into a car containing a family on its way to Sunday morning church. This high speed chase, one of many that happen every year, ended in tragedy: one elementary principal and his two daughters, ages 12 and 8, were killed and the drunk driver of the fleeing car was hospitalized.

Public outrage erupted after this incident, and rightly so. A spokesman for the Arlington police quoted angry callers, saying: "A stolen car is not worth a life." Mr. President, it seems to me that we need to ask ourselves: "Is a stolen car or a traffic violation worth the cost of an innocent life?" Unfortunately, this question is not being adequately answered by hundreds of police officers who on a regular basis pursue stolen cars and lawbreakers at reckless speeds through city streets.

I rise today, Mr. President, to introduce the National Police Pursuit Policy Act of 1993. It is my hope that this legislation, if enacted, would help prevent tragic losses like the episode that occurred last January in Arlington. The human losses resulting from high speed police pursuits in the last several years have continued to mount. Although we are finally seeing some initiative being taken by various States and local communities, there is still no coordinated effort in this country to attack this problem.

Every year several hundreds of Americans are killed or injured as a result of high speed chases that are started when motorists, whether out of fright, panic, or guilt, flee at high speeds instead of stopping when a police vehicle turns on its lights and siren. Some police become determined to apprehend the fleeing motorist at all costs. The result is that the safety of the general public—the dangers that will be created by a high speed chase in city traffic through stop signs and traffic lights—becomes secondary to catching someone whose initial offense may have been no greater than driving a car with a broken tail light. Tragically, as in the high speed chase last January in Virginia, many people are dying unnecessarily from these ill-advised pursuits.

What needs to happen is for every single law enforcement jurisdiction in the United States to adopt a reasoned, well-balanced pursuit policy. Police officers should be trained to comply with their departments' pursuit policies and regularly retrained if needed to guarantee that all citizens, both civilians and police, receive the benefit of uniform awareness of this problem. A drive across country should not be pot luck regarding one's chances of being maimed or killed by a police pursuit. We must strive for universal attention to this public safety problem.

In addition, we need to focus on the people who are initiating these chases—the people who are fleeing from police. The punishment for fleeing the police should be certain and severe. People should be aware that if they flee they will pay a big price for doing so.

The legislation that I am introducing today would require the enactment of State laws making it unlawful for the driver of a motor vehicle to take evasive action if pursued by police and would establish a standard minimum penalty of 3 months imprisonment and the seizure of the driver's vehicle. In addition, my bill would require each public agency in every State to establish a hot pursuit policy and provide that all law enforcement officers receive adequate training in accordance with that policy.

I believe that these requirements, if passed, will demonstrate strong Federal leadership in responding to this problem. I am happy to be able to note that one important aspect of this issue, a severe underreporting of the accidents and deaths caused by police pursuits, has been addressed under provisions enacted in the Intermodal Surface Transportation Efficiency Act of 1991. Under that statute, the Secretary of Transportation is required to begin to collect accident statistics from each State, including statistics on deaths and injuries caused by police pursuits.

Mr. President, the problem of hot pursuits is not an easy issue to solve. I understand that it will always be difficult for police officers to judge when a chase is getting out of hand and the public safety will be best served by holding back. However, it can't help but improve the situation if we do everything we can to ensure that police officers are trained on how best to make these difficult judgments and if we send a message to motorists that if you flee, you will do time in jail and lose your car.

I ask unanimous consent that the full text of this bill be printed in the RECORD and I urge my colleagues to support this important measure.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1424

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as the "National Police Pursuit Policy Act of 1992".

SEC. 2. FINDINGS.

Congress finds that—

(1) accidents occurring as a result of high speed motor vehicle pursuits by law enforcement officers are becoming increasingly common across the United States;

(2) the extent of this problem, which is evident despite significant underreporting, makes it essential for all law enforcement agencies to develop and implement both policies and training procedures for dealing with these pursuits;

(3) a high speed motor vehicle pursuit by a law enforcement officer should be treated like the firing of a police firearm because it involves the use in the community of a deadly force with the potential for causing harm or death to pedestrians and motorists;

(4) to demonstrate leadership in response to this national problem, all Federal law enforcement agencies must develop policies and procedures governing motor vehicle pursuits, and provide assistance to State and local law enforcement agencies in instituting such policies and training; and

(5) such policies should reasonably balance the need for prompt apprehension of dangerous criminal with the threat to the safety of the general public posed by high speed pursuits.

SEC. 3. MOTOR VEHICLE PURSUIT REQUIREMENTS FOR STATE HIGHWAY SAFETY PROGRAMS.

Section 402(b)(1) of title 23, United States Code, is amended by adding at the end the following new subparagraph:

"(F) on and after July 31, 1995, have in effect throughout the State—

"(i) a law (I) that makes it unlawful for the driver of a motor vehicle to increase speed or take any other evasive action if a law enforcement officer signals the driver to stop the motor vehicle, and (II) that provides, for that any driver who commits such an unlawful act, a minimum penalty of imprisonment for 3 months and seizure of the driver's vehicle; and

"(ii) a requirement that each public agency in the State which employs law enforcement officers who in the course of employment may conduct a motor vehicle pursuit (I) shall have in effect a policy, which meets the requirements established by the Secretary, concerning the manner and circumstances in which such a pursuit should be conducted, (II) shall train all law enforcement officers of the agency in accordance with such policy, and (III) shall transmit to the State in such fiscal year a report containing information on each motor vehicle pursuit conducted by a law enforcement officer of the agency.".

SEC. 4. REPORTING REQUIREMENT.

Not later than 180 days after the date of enactment of this Act, the Attorney General, the Secretary of Agriculture, the Secretary of the Interior, the Secretary of the Treasury, the Chief of the Capitol Police, and the Administrator of General Services shall each transmit to Congress a report containing—

(1) the policy of the respective department or agency on motor vehicle pursuits by law enforcement officers of the department or agency; and

(2) a description of procedures being used to train law enforcement officers of the department or agency in implementation of such policy.

The policy of a department or agency contained in a report required by this section shall meet the requirements of section 402(b)(1)(F) of title 23, United States Code, as added by section 3 of this Act.

By Mr. CONRAD (for himself, Mr. DASCHLE, and Mr. DORGAN):

S. 1425. A bill to establish a National Appeals Division of the Department of Agriculture to hear appeals of adverse decisions made by certain agencies of the Department, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE USDA NATIONAL APPEALS DIVISION ACT OF 1993

Mr. CONRAD. Mr. President, I am introducing a bill, cosponsored by Senators DASCHLE and DORGAN, to establish a fair, objective, and streamlined appeals process for six U.S. Department of Agriculture [USDA] agencies. The bill is entitled the USDA National Appeals Division [NAD] Act of 1993.

This bill will consolidate appeals systems of the Agricultural Stabilization and Conservation Service [ASCS], the Community Credit Corporation [CCC], the Farmers Home Administration [FmHA], the Federal Corp Insurance Corporation [FCIC], the Rural Development Administration [RDA], previously part of [FmHA], and the Soil Conservation Service [SCS]. Congressman TIM JOHNSON is introducing companion legislation in the House today.

I have worked on this issue for 4 years. I have held three hearings in my subcommittee on Agricultural Credit, in which we heard very compelling testimony about the urgent need for this legislation. This bill is supported by the American Agriculture Movement, American Association of Crop Insurers, Center for Rural Affairs, Council for Rural Housing and Development, National Association of Home Builders, National Association of Corn Growers, National Association of Wheat Growers, National Family Farm Coalition, National Farmers Organization, National Farmers Union, and National Rural Housing Coalition. The bill has evolved through extensive discussions with these groups, USDA participants and their representatives, staff of the existing USDA appeals systems and the affected USDA agencies, the Administrative Conference of the United States, and others. It represents a compromise in which I have attempted to balance their diverse concerns and meet our shared goal of retaining an informal and efficient appeals process.

I want to thank all the participants in the painstaking development of this legislation. Their help has been invaluable. In particular, I want to commend the courage and commitment of the FmHA National Appeals Staff [FmHA-NAS] employees who worked with my staff and me. In some cases, they risked their jobs to bring the severe problems of that appeals system to my attention. Despite very strong pressure from FmHA program staff and appeals staff, they have remained independent and committed to providing fair and objective hearings for appellants.

I introduced a version of this bill, S. 3119, in 1992. Secretary of Agriculture

Mike Espy, while serving as a Member of the House of Representatives, sponsored the companion bill in 1992, H.R. 5742. The Secretary and his staff contributed significantly to the development of this bill. I hope that Secretary Espy will include this bill as part of the USDA reorganization plan.

Many Members of Congress are familiar with the serious problems their constituents have with the appeals systems of these agencies, particularly FmHA, RDA, and ASCS. This legislation would resolve those problems. It would establish a fair and objective appeals process in which the public could have confidence. It would improve the quality of ASCS, CCC, FmHA, FCIC, RDA, and SCS decisions. It would streamline the appeals process for USDA participants and consolidate the administrative costs of four appeals systems into one.

NAD would be very similar in structure and purpose to the current FmHA-NAS, and have many of the same authorities as the ASCS National Appeals Division [ASCS-NAD]. Here is how it would work. USDA participants appealing ASCS, SCS, and CCC adverse decisions would first have the opportunity to have informal hearings before the relevant county or State committees, or other ASCS or SCS employees, when applicable. This bill would make no change in the current county or State committee appeals process. Participants appealing FmHA and RDA adverse decisions could have an informal meeting with the FmHA or RDA decisionmaker after requesting a NAD appeal hearing, but prior to that hearing.

If participants are not satisfied with the decisions under the informal hearing or meeting process, they could proceed to the NAD appeals process. Participants appealing FCIC adverse decisions would go directly to the NAD appeals process. The NAD appeals process would consist of a hearing before an NAD hearing officer in the State, which could be conducted over the telephone, and an optional review of the hearing officer's determination by the NAD Director if requested by the appellant. Appellants who are appealing multiple agencies' adverse decisions could appeal them all at once, at one hearing.

If the head of the agency that issued the original adverse decision, asserted the NAD determination on that adverse decision violated statute or regulations, he or she could also request a review of that determination by the NAD Director.

The NAD's final determination would be administratively final, conclusive, and binding on the relevant agency, and would have to be implemented within 30 days.

While NAD would be very similar to the current FmHA-NAS and ASCS-NAD, it would have some essential differences. It would be independent of program officials and employees who make and implement policy within the agencies. Thus, it would eliminate the inherent conflict of interest that currently exists when an agency head both runs a program and issues final determinations on appeals of adverse decisions of the agency. This conflict of interest is deepened by the fact that the head of each of these agencies currently controls the regulation process for their respective appeals systems, determines which adverse decisions are appealable, and evaluates the job performance of the Directors of the ASCS and FmHA appeals system. In addition, as I learned in my hearings on this issue, the ASCS and FmHA appeals system Directors cannot testify independently before Congress, but must have their testimony cleared by the agency heads.

Mr. President, there is no independence for these existing appeals systems. Under my bill, there would be clear independence. NAD staff would be free to make determinations based on the statute and regulations without pressure from agency officials and employees. The determinations would be administratively final.

Providing an appeals system with this independence and authority to issue administratively final decisions is not a new concept. There are numerous other Federal appeals systems that have such independence and authority. Examples of such systems include the Administrative Review Staff of the USDA Food and Nutrition Service, the State Food Stamp Appeals Board, the Financial Assistance Appeals Board of the Department of Energy, the Social Security Appeals Council, and the Benefits Review Board of the Department of Labor.

This bill would improve the appeals process in other ways. It would provide one-stop shopping for appellants who are appealing multiple agencies' adverse decisions, because they may appeal them all at one hearing.

It would make the NAD determinations administratively final, and require their implementation, so that an agency could not delay implementation or overturn an appeal determination months, or more than a year, after it is made.

This bill would stop the revolving door where an appellant wins an appeal, but then is denied by an agency again for the same reasons, and must appeal again.

It would clearly spell out accountability, by requiring that job performance criteria for agency employees include responsibility for causing unnecessary appeals or failing to implement decisions, and requiring sanctions against employees who perform poorly.

ASCS, SCS, and FmHA have over 7,700 county offices, as well as numerous State and district offices. FCIC and RDA have a total of 17 regional offices. Officials, employees, and committee members in these offices and the national offices issue hundreds of thousands of decisions annually. SCS decisions will become increasingly important as farmers try to comply with conservation laws, and as the penalties for violations become increasingly harsh. Ensuring that quality decisions are issued is a continuous challenge.

Because NAD's staff would review agencies' program decisions daily, NAD would be an ideal resource for identifying problems with the implementation of the statute and regulations by the agencies. This bill would allow NAD to issue reports on such problems to improve program quality in all these agencies. This kind of objective review of field decisions will improve the quality of the agencies decisions and is crucial to ensuring that participants are treated fairly, equitably, and consistently around the country.

Current statutes prohibit courts from reviewing ASCS findings of facts and determinations. If ASCS finds that the earth is flat, the courts cannot overturn that finding. These archaic statutes were enacted prior to the Administrative Procedures Act [APA], which generally makes all executive agency decisions reviewable by courts. This bill would update the ASCS to the APA era, by making its findings of fact and determinations reviewable by courts.

This bill would also allow USDA State-certified mediation programs to mediate disputes involving wetland determinations, farm program compliance, farm creditors, rural water loans, grazing on national forest lands, and pesticides. These mediation programs are very successful, and their expanded use will result in cost-effective resolution of a variety of agricultural disputes.

Mr. President, some will say that this legislation is not needed. They will say that the current appeals systems are working fine. They will say if appellants feel they have not received fair and objective reviews of adverse decisions, they already have a remedy—they can sue the government.

Mr. President, I do not believe that is a responsible answer to a very serious problem. That is not the way Government should operate. Many of the farm program participants, particularly FmHA and RDA borrowers, do not have the money to sue the Government. In fact, FmHA controls the annual crop income of many FmHA borrowers, and can deny the release of funds for attorney's fees. Such borrowers, and many other farm program participants, have no recourse in reality if the Government fails to implement the law. Government is here to serve the people fairly, and to implement the law and regulations correctly. It is not to run unchecked simply because the public it serves cannot afford the necessary court costs to correct wrongful Government actions.

Mr. President, the Government, and the public, will both benefit from the establishment of a fair, rational, and objective appeals process. We urge our colleagues to support this badly-needed legislation.

President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1425

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "USDA National Appeals Division Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. National Appeals Division.
Sec. 4. Notice and opportunity for hearing.
Sec. 5. Informal hearings and meetings; appealable decisions.
Sec. 6. Access to materials.
Sec. 7. Hearings.
Sec. 8. Administrative appeal review.
Sec. 9. Judicial review.
Sec. 10. Implementation of final determinations of Division.
Sec. 11. Evaluation of employees.
Sec. 12. Prohibition on adverse action while appeal pending.
Sec. 13. Registry of advocates.
Sec. 14. Relationship to other laws.
Sec. 15. Transfer of functions.
Sec. 16. Authorization of appropriations.
Sec. 17. State mediation programs.
Sec. 18. Conforming amendments.
Sec. 19. Effective date.

SEC. 2. DEFINITIONS.

As used in this Act (unless the context clearly requires otherwise):

(1) ADVERSE DECISION.—

(A) IN GENERAL.—The term "adverse decision" means an administrative decision made by a decisionmaker that is adverse to an appellant, including a denial of equitable relief, except that the term shall not include a decision made by the Board of Contract Appeals with respect to a contract appeal.

(B) FAILURE TO ISSUE DECISION.—The failure of an agency to issue a decision on the request or right of an appellant to participate in, or receive payments, loans, or other benefits in accordance with, any of the programs administered by an agency—

(i) shall be considered an adverse decision if the decision is not issued within a period prescribed by statute or regulation; or

(ii) may be considered an adverse decision if—

(I) a period is not prescribed by statute or regulation; or

(II) the decision is not issued within a reasonable period of time.

(2) AGENCY.—The term "agency" means—

(A) the Agricultural Stabilization and Conservation Service;

(B) the Commodity Credit Corporation;

(C) the Farmers Home Administration;

(D) the Federal Crop Insurance Corporation;

(E) the Rural Development Administration;

(F) the Soil Conservation Service;

(G) a State or county committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)); or

(H) a successor to an agency referred to in subparagraphs (A) through (G).

(3) APPELLANT.—The term "appellant" means any person or entity—

(A) whose request or right to participate in, or receive payments, loans, or other benefits in accordance with, any of the programs administered by an agency is affected by an adverse decision made by a decisionmaker; and

(B) who appeals the adverse decision in accordance with this Act.

(4) CASE RECORD.—The term "case record" means all the materials maintained by the Secretary that concern the appellant, including materials so maintained that are used to make the adverse decision.

(5) DECISION-MAKER.—The term "decision-maker" means—

(A) an officer or employee of an agency; or

(B) in the case of a State or county committee referred to in paragraph (2)(G), the State or county committee,

who makes an adverse decision that is appealed by an appellant.

(6) DEPARTMENT.—The term "Department" means the United States Department of Agriculture.

(7) DIRECTOR.—The term "Director" means the Director of the Division.

(8) DIVISION.—The term "Division" means the National Appeals Division established by this Act.

(9) EMPLOYEE.—The term "employee" means an individual employed by an agency, including an individual who enters into a contract with an agency to perform services for the agency.

(10) EX PARTE COMMUNICATION.—The term "ex parte communication" means an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given, except that the term shall not include a request for a status report on any matter or proceeding.

(11) FINAL DETERMINATION.—The term "final determination" means a determination of an appeal by the Division that is administratively final, conclusive, and binding.

(12) FINAL DETERMINATION NOTICE.—The term "final determination notice" means a written determination on an appeal sent to an appellant under paragraph (8) of section 7(b) or subsection (d) or (e)(4) of section 8.

(13) FUNCTION.—The term "function" means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(14) HEARING OFFICER.—The term "hearing officer" means an individual employed by the Division who hears and determines appeals.

(15) HEARING RECORD.—The term "hearing record" means the transcript of a hearing, any audio tape or similar recording of a hearing, any information from the case record that a hearing officer considers relevant or that is raised by the appellant or agency, and all documents and other evidence presented to a hearing officer.

(16) IMPLEMENT.—The term "implement" means to effectuate fully and promptly a final determination of the Division not later than 30 calendar days after the effective date of the final determination specified in section 7(h)(2).

(17) PARTICIPANT.—The term "participant" means any person whose application for or right to participate in, or receive payments, loans, or other benefits in accordance with, any of the programs administered by an agency is affected by an adverse decision made by a decisionmaker.

(18) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(19) STATE DIRECTOR.—The term "State director" means the individual who is primarily responsible for carrying out the program of an agency within a State.

SEC. 3. NATIONAL APPEALS DIVISION.

(a) ESTABLISHMENT.—The Secretary shall establish and maintain a National Appeals Division, within the Office of the Secretary, to carry out this Act.

(b) DIRECTOR.—

(1) IN GENERAL.—

(A) APPOINTMENT.—The Division shall be headed by a Director, appointed by the Secretary from among individuals (including individuals who are attorneys and individuals who are not attorneys) with substantial experience in practicing administrative law. The position of the Director shall be a Senior Executive Service position (as defined in section 3132(a)(2) of title 5, United States Code) that shall be filled by a career appointee (as defined in section 3132(a)(4) of such title) or noncareer appointee (as defined in section 3132(a)(7) of such title).

(B) REMOVAL.—The Secretary may only remove the Director for maladministration, malfeasance, neglect of duty, or otherwise in accordance with statutes and regulations governing Federal employee personnel.

(2) POWERS.—

(A) IN GENERAL.—To carry out this Act, the Secretary shall promulgate procedural regulations and policies governing the conduct of the business of the Division consistent with this Act and chapters 5 and 6 of title 5, United States Code, including—

(i) the conduct of appeals;

(ii) the standard of review;

(iii) guidelines for the type of evidence that is necessary to justify an adverse decision by an agency;

(iv) the conduct of reviews of appeals;

(v) the appeals process; and

(vi) other actions affecting the procedural rights of appellants.

(B) REGULATIONS.—In promulgating regulations under subparagraph (A), the Secretary shall ensure and enhance the independence, integrity, and efficiency of the Division, the Director, hearing officers, and other employees of the Division.

(C) DELEGATION.—The Secretary may delegate the authority of the Secretary to promulgate the regulations to the Director.

(D) APPEALABLE DECISIONS.—If a decisionmaker determines that an adverse decision is not appealable and the participant appeals the determination to the Director, the Director shall determine whether the decision is appealable.

(3) DIRECTION, CONTROL, AND SUPPORT.—The Director shall be free from the direction and control of any person other than the Secretary, and shall not receive administrative support (except on a reimbursable basis) from any person other than the Office of the Secretary.

(4) LEVEL V OF EXECUTIVE SCHEDULE.—Section 5316 of title 5, United States Code, is amended by adding at the end the following:

"Director, National Appeals Division, Department of Agriculture.".

(c) LEGAL COUNSEL.—

(1) IN GENERAL.—The Director shall employ legal counsel to advise the Director and hearing officers of the Division with respect to such legal questions as the Director considers appropriate for the Division. A legal

counsel shall not serve as a counsel to any other division or agency of the Department.

(2) CONSTRUCTION.—Paragraph (1) is not intended to affect the role of the Office of General Counsel in representing the Department in civil or criminal actions or as a liaison between the Department and the Department of Justice.

(d) DIRECTOR, HEARING OFFICERS, AND OTHER EMPLOYEES.—

(1) IN GENERAL.—The Director shall appoint such hearing officers and other employees as are necessary for the administration of the Division.

(2) POWERS OF THE DIRECTOR AND HEARING OFFICERS.—To carry out this Act, the Director and hearing officers—

(A) shall have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available that relate to programs and operations with respect to which an appeal has been taken;

(B) may request such information or assistance as may be necessary for carrying out the duties and responsibilities established under this Act from any Federal, State, or local governmental agency or unit of the agency;

(C) may, or shall at the request of an appellant with good cause shown, require the attendance of witnesses, the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary to the proper resolution of appeals;

(D) may permit testimony to be taken by deposition, if it is inconvenient for a witness to attend a hearing;

(E) may, if appropriate, require the attendance of witnesses and production of documentary evidence by subpoena, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court;

(F) may administer oaths and affirmations, whenever necessary in the process of hearing appeals; and

(G) in the case of the Director, may enter into contracts and other arrangements for reporting and other services and make such payments as may be necessary to carry out this Act.

(3) EXCLUSIVE EMPLOYMENT.—An employee of the Division shall have no duties other than those that are necessary to carry out this Act.

(4) DIRECTION AND CONTROL.—

(A) HEARING OFFICERS.—Hearing officers—

(i) shall be generally supervised by the Director; and

(ii) shall not receive administrative support (except on a reimbursable basis) from offices other than the Division.

(B) OTHER EMPLOYEES.—All other employees of the Division—

(i) shall report to the Director; and

(ii) shall not be under the direction or control of, or receive administrative support (except on a reimbursable basis) from, offices other than the Division.

(5) EX PARTE COMMUNICATIONS.—

(A) IN GENERAL.—While a proceeding is in adjudicative status within the Division, except to the extent required for the disposition of ex parte matters as authorized by law—

(i) no person not employed by the Division, and no employee or agent of the Division who performs investigative or prosecuting functions in adjudicative proceedings shall make or knowingly cause to be made to any member of the Division or to any other employee who is or who reasonably may be expected to be involved in the decisional process in the proceeding, an ex parte communication relevant to the merits of the proceeding or a factually related proceeding; and

(ii) no member of the Division or any other employee who is or who reasonably may be expected to be involved in the decisional process in the proceeding shall make or knowingly cause to be made to any person not employed by the Division, or to any employee or agent of the Division who performs investigative or prosecuting functions in adjudicative proceedings, an ex parte communication relevant to the merits of the proceeding or a factually related proceeding.

(B) PROCEDURES.—

(i) IN GENERAL.—The Director or any other employee who is or who may reasonably be expected to be involved in the decisional process who receives or who makes or knowingly causes to be made, a communication prohibited by subparagraph (A) shall promptly provide to the Director—

(I) all such written communications;

(II) memoranda stating the substance of and circumstances of all such oral communications; and

(III) all written responses, and memoranda stating the substance of all oral responses, to the materials described in subclauses (I) and (II).

(ii) HEARING RECORD.—The Director shall make relevant portions of any such materials part of the hearing record, except that the materials shall not be considered by the Division as part of the hearing record for purposes of decision unless introduced into evidence in the proceeding.

(iii) PARTIES.—The Director shall also send copies of the materials to or otherwise notify all parties to the proceeding.

(C) DIVISION EMPLOYEES.—The prohibitions of subparagraph (A) shall not apply to a communication between—

(i) any member of the Division or any other employee who is or who reasonably may be expected to be involved in the decisional process; and

(ii) any employee who has been directed by the Division or requested by the Division to assist in the decision of the adjudicative proceeding, other than an employee who performs an investigative or prosecuting function in the proceeding or a factually related proceeding.

(e) RESOURCES AND PERSONNEL.—The Secretary shall ensure that—

(1) the Division has resources and personnel that are adequate to hear and determine all initial appeals in the State of residence of an appellant on a timely basis and to otherwise carry out this Act; and

(2) hearing officers, and employees who assist the Director in reviewing appeals and determinations, receive training and retraining adequate for the duties on initial employment and at regular intervals after initial employment.

(f) DELEGATION AND REVIEW.—The Secretary may not delegate to any other person (other than the Director) the authority of the Secretary with respect to the Division.

(g) REPORTS AND STUDIES.—

(1) IN GENERAL.—The Director shall issue such reports, and conduct and provide such studies, to the Secretary and the head of an agency as the Director determines are necessary to identify and resolve problems of the agency with respect to implementation of—

(A) statutes, policies, procedures, and regulations of the agency, based on final determinations of the Division; and

(B) final determinations of the Division.

(2) SUBMISSION OF REPORTS TO CONGRESS.—Not later than 30 days after receipt of the reports, the Secretary shall transmit the reports unaltered to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, together with any report by the Secretary or the relevant agency head containing any comments the Secretary or relevant agency head considers appropriate.

(3) AVAILABILITY TO PUBLIC.—The reports and studies referred to in paragraph (1) shall be made available to the public.

(h) INDEX OF DETERMINATIONS.—

(1) IN GENERAL.—The Director shall develop a subject-matter index of all significant final determinations of the Division that are considered by the Director to—

(A) be precedential; or

(B) otherwise establish a principle that—

(i) governs recurring cases with similar facts;

(ii) develops Division policy and exceptions to the policy in areas in which the law is unsettled;

(iii) deals with important emerging trends; or

(iv) provides examples of the appropriate resolution of major types of cases not otherwise indexed.

(2) AVAILABILITY TO PUBLIC.—The Director shall publicize the index and make the index and the final determinations so indexed available to the public.

(3) PUBLIC INFORMATION.—A final determination of the Division shall be subject to the requirements of section 552 of title 5, United States Code.

SEC. 4. NOTICE AND OPPORTUNITY FOR HEARING.

(a) IN GENERAL.—Not later than 10 working days after an adverse decision affecting a participant, the Secretary shall provide the participant with written notice of—

(1) the decision, including all of the reasons, facts, and conclusions underlying the adverse decision;

(2) the right of the participant to have an informal hearing or meeting with the decisionmaker on the adverse decision;

(3) the availability of any State mediation program under section 501 of the Agricultural Credit Act of 1987 (7 U.S.C. 5101) to assist the participant in resolving a dispute with the agency that issued the adverse decision;

(4) the availability of any formal administrative appeals within an agency and any requirement to exhaust the administrative appeals;

(5) the right of the participant to have a hearing by the Division on the adverse decision not later than 45 calendar days after receipt of the request of the participant for a hearing, except that the Director may establish an earlier deadline for a hearing on an appeal relating to a time sensitive decision, such as a decision relating to a release of normal income security or an operating loan;

(6) if the decisionmaker asserts that the adverse decision is nonappealable, an opportunity to request a determination by the Director concerning whether an adverse decision is appealable; and

(7) a description of the procedure to—

(A) exhaust all formal administrative appeals within the agency;

(B) appeal the adverse decision to the Division (including any deadlines for filing an appeal); and

(C) if the decisionmaker asserts that the adverse decision is not appealable, request a determination by the Director of whether the decision is appealable.

(b) RECORDS.—The Secretary shall maintain all of the materials on which an adverse decision is based with respect to a participant at least until the expiration of the period during which the participant may seek administrative or judicial review of the decision.

(c) JOINDER.—

(1) IN GENERAL.—A borrower or applicant who applies for a loan on which a guarantee is requested, or who has received a guaranteed loan, under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) and who is directly and adversely affected by a decision of the Secretary, may appeal the decision under this Act without the lender joining in the appeal.

(2) RENTAL HOUSING.—A tenant in rental housing of an agency who is individually, directly and adversely affected by a decision of the Secretary, may appeal the decision under this Act without the landlord joining in the appeal.

(3) THIRD PARTIES.—

(A) IN GENERAL.—If appropriate to protect the rights of a participant (other than the appellant) that may be directly, substantially, and adversely affected by a decision of the Division, a hearing officer may invite the participant to participate in a hearing if the final determination resulting from the hearing would, as a practical matter, foreclose the participant from protecting the rights of the participant that may be adversely affected by the final determination.

(B) PROCEDURAL RIGHTS FOR PARTICIPANTS.—If the participant elects to participate in the hearing, the participant shall have the same procedural rights as the appellant with regard to the hearing and other procedures described in this Act.

(C) NO APPEAL RIGHTS FOR NONPARTICIPANTS.—If tne participant is invited to participate in a hearing by the hearing officer and the participant elects not to participate in the hearing, the participant may not institute an appeal with respect to the implementation of any final determination resulting from the hearing.

(D) BASIS FOR INVITING PARTICIPANTS.—The decision to invite a participant under subparagraph (A) shall be made at the discretion of the hearing officer taking into account—

(i) any request to participate made by the participant;

(ii) any request by the appellant to include or exclude the participant;

(iii) any request by the decisionmaker to include or exclude the participant;

(iv) the opportunity the participant would have to appeal the decision in a separate proceeding and whether the appeal would be adequate to protect the rights of the participant; and

(v) such other factors as may be specified in regulations issued by the Director.

(d) BASIS FOR DECISIONS.—A decisionmaker—

(1) shall base an adverse decision on the information that is available to the decisionmaker at the time the initial adverse decision is made; and

(2) may not base any subsequent adverse decision on information that was previously available to the decisionmaker if that information could have been used to support the initial adverse decision.

SEC. 5. INFORMAL HEARINGS AND MEETINGS; APPEALABLE DECISIONS.

(a) INFORMAL HEARINGS.—If an officer or employee of the Agricultural Stabilization and Conservation Service, Commodity Credit Corporation, or Soil Conservation Service makes an adverse decision, the appropriate State or county committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)), or (if applicable) an officer or employee of the Agricultural Stabilization and Conservation Service or the Soil Conservation Service, may, at the request of the participant, hold an informal hearing on the decision.

(b) INFORMAL MEETINGS.—If the Farmers Home Administration or the Rural Development Administration makes an adverse decision, the decisionmaker may, at the request of the appellant, hold an informal meeting with the appellant after the appellant has requested a hearing, and before any hearing on the decision of the decisionmaker by the Division. At a reasonable time prior to the informal meeting, the decisionmaker shall provide to the appellant, and any representative of the appellant, access to materials in accordance with section 6(a).

(c) APPEALABLE DECISIONS.—In a case described in paragraph (5) or (6) of section 4(a), the determination of the Director as to whether an adverse decision is appealable shall be administratively final, conclusive, and binding.

SEC. 6. ACCESS TO MATERIALS.

(a) IN GENERAL.—An appellant shall have the right to have—

(1) access to all of the materials in the case record, including a reasonable opportunity to inspect and reproduce the record at an office of the agency located in the area of the appellant;

(2) representation by an attorney or a person who is not an attorney during the inspection and reproduction of records under paragraph (1) and at any informal meeting or hearing or Division hearing; and

(3) witnesses present at the hearing.

(b) CHARGES.—The Secretary may charge an appellant for any reasonable costs incurred in the reproduction of records under subsection (a)(1).

SEC. 7. HEARINGS.

(a) CONDUCT OF HEARING.—At a minimum, at a hearing conducted under this Act, the appellant shall be given a full opportunity to present argument, oral and written evidence, facts, and information relevant to the matter at issue.

(b) HEARINGS.—

(1) TIMING.—An appellant shall have the right to have a hearing by the Division on an adverse decision not later than 45 calendar days after receipt of the request of the participant for a hearing, except that the Director may establish an earlier deadline for a hearing on an appeal relating to a time sensitive decision, such as a decision relating to a release of normal income security or an operating loan.

(2) DE NOVO HEARING.—A hearing before a hearing officer shall be de novo. An appellant shall have a full opportunity to present information relevant to the appeal.

(3) HEARING OFFICERS.—A hearing officer within the Division in a State shall hear and determine a formal appeal of an adverse decision, that is subject to this Act and is made by a county supervisor, county committee, State committee, district director, State director, or other officer or employee of an agency, in a fair and impartial manner and free of undue influence. The determination shall be based on information from the hearing record and the applicable statutes and regulations described in subsection (g).

(4) LOCATION OF HEARINGS.—A hearing shall be held in the State of residence of the appellant or at a location that is otherwise convenient to the appellant and the Division.

(5) TELEPHONE.—At the request of an appellant, a hearing may be conducted over the telephone.

(6) WAIVER OF HEARING.—An appellant may waive the right to a hearing on an adverse decision. If an appellant waives the right to a hearing, the hearing officer shall issue a determination based on a review of the case record of the appellant and on information submitted by the appellant or the agency to the hearing officer.

(7) BURDEN OF PROOF.—An agency shall bear the burden of justifying an adverse decision of the agency at a hearing, including the burden of proving the justifying evidence and the basis for the decision in statutes and regulations.

(8) DETERMINATION NOTICE.—The hearing officer shall issue a determination notice on the appeal of the adverse decision not later than 30 calendar days after a hearing or after receipt of the request of the appellant to waive a hearing, except that the Director may establish an earlier deadline for a determination notice relating to a time sensitive decision, such as a decision relating to a release of normal income security or an operating loan.

(9) REVIEW BY DIRECTOR.—

(A) REFERRAL.—A determination of a hearing officer shall, on request and election of the appellant, be referred to the Director for review.

(B) ACTIONS.—Not later than 30 calendar days after the referral to the Director, the Director shall—

(i) review the hearing record and the determination;

(ii) uphold the determination, issue a new determination, require that a new hearing be held on one or more of the issues considered at the original hearing, or take any combination of the actions described in this clause; and

(iii) issue a determination notice.

(c) PRODUCTION OF RECORD.—

(1) VERBATIM RECORDING.—Each hearing before a hearing officer in the Division shall be recorded verbatim by voice recorder, stenographer, or other method.

(2) PERSONAL RECORD.—An appellant or agency representative may record a hearing with a voice recorder or stenographer for personal use. A record made under this paragraph shall be excluded from consideration during any review of the determination of the hearing officer.

(3) AVAILABILITY TO APPELLANT.—A transcript of the hearing, together with a copy of any audio recording of the hearing under paragraph (1) and copies of all documents and evidence submitted, shall be made available to the appellant, on request, if the decision of the hearing officer is appealed.

(d) USE OF RECORD.—If the decision of a hearing officer is appealed, the hearing officer shall certify the hearing record and otherwise provide the certified hearing record to the Director. The hearing record, and any additional information from any further appeal proceedings, shall be retained by the Division at least until the expiration of the period during which the appellant may seek judicial review of the adverse decision or final determination notice.

(e) NEW INFORMATION.—

(1) HEARING.—A hearing officer shall consider information presented at the hearing without regard to whether the evidence was known to the decisionmaker at the time the adverse decision was made. The hearing officer shall leave the record open for a reasonable period of time and allow the submission of information after the hearing to the extent necessary to prevent the appellant or

the decisionmaker from being prejudiced by new facts, information, arguments, or evidence presented or raised by the decisionmaker or appellant.

(2) Review.—The Director may, under extraordinary circumstances, consider new information in reviewing a determination under this section or section 8. An appellant and the decisionmaker shall receive and have the opportunity to comment on the new information. If a determination of a hearing officer is reviewed by the Director, and new information is considered, the hearing officer shall have the opportunity to comment on the new information.

(f) Findings of Fact.—The Director shall not reverse the determination of a hearing officer or the Director under this section or section 8 as to a finding of fact that is based on oral testimony or inspection of evidence unless—

(1) the finding of fact is clearly erroneous; or

(2) the Director is considering new information under subsection (e)(2) with respect to the finding of fact.

(g) Consideration of Statutes and Regulations.—In considering the merits of an appeal, a hearing officer and the Director shall base a determination on and consider applicable statutes, and regulations published in the Code of Federal Regulations, in effect and available to the public on the date the decision appealed from was made. The Director shall have the same authority as the Secretary to grant equitable relief.

(h) Finality.—

(1) In general.—Except as provided in subsection (b) of section 7 and in section 8, the determination of a hearing officer or the Director shall be administratively final, conclusive, and binding on the relevant agency.

(2) Effective date of final determinations.—A final determination made by the Division under this Act shall be effective as of—

(A) in the case of the Agricultural Stabilization Service, the Commodity Credit Corporation, the Federal Crop Insurance Corporation or the Soil Conservation Service, the date of filing an application or the date of the transaction or event in question, whichever is applicable; and

(B) in the case of the Farmers Home Administration and the Rural Development Administration the date of the original adverse decision.

SEC. 8. ADMINISTRATIVE APPEAL REVIEW.

(a) Review of Decision of Hearing Officer or Director.—In extraordinary circumstances, if an agency head believes that the decision of a hearing officer or the Director is contrary to a statute or regulation of the agency, the agency head may request (in writing) that the Director review the decision of the hearing officer or the Director.

(b) Requests for Review.—

(1) Timing.—A request for review under subsection (a) shall be made within 10 working days after receipt by the decisionmaker of the decision of the hearing officer or Director. If the relevant agency head fails to make a request for review in accordance with this section, the decision of the hearing officer or the Director shall be administratively final and shall be promptly implemented.

(2) Contents.—A request for review shall include a full description of—

(A) the extraordinary circumstances justifying the request for review; and

(B) the reasons that the relevant agency head claims the decision is contrary to applicable statutes or regulations of the relevant agency and the citations for the statutes or regulations.

(3) Copy to appellant and hearing officer.—A copy of the request shall be provided to the appellant and the hearing officer at the same time the request is provided to the Director. The hearing officer shall immediately forward the case record to the Director on receipt of a copy of the request.

(c) Timing of Determinations by Director.—On receiving a request for review and the case record, the Director shall determine within 5 working days after receipt whether the request has merit.

(d) Requests Without Merit.—If the Director determines that the request does not have merit, the Director shall notify the relevant agency head, the appellant, and the hearing officer, in writing, that the determination of the hearing officer or Director is a final determination.

(e) Requests With Merit.—

(1) In general.—If the Director determines that a request by the relevant agency head has merit, within 10 working days after the receipt of the request for review and receipt of the case record (subject to paragraph (4)), the Director shall—

(A)(i) conduct a review of the decision (based on the hearing record), the assertions raised by the relevant agency head in the letter of the relevant agency head requesting an administrative appeal review, any additional argument submitted by the appellant or the hearing officer pursuant to paragraph (2), and (in extraordinary circumstances) any new information submitted by the relevant agency head or the appellant; and

(ii) issue a final decision on the appeal; or

(B) if the Director determines the hearing record is inadequate, remand the decision for further proceedings to complete the hearing record or, at the option of the Director, to hold a new hearing.

(2) Opportunity for comment.—In a review conducted under paragraph (1)(A), an appellant and the hearing officer (if the decision being reviewed was made by a hearing officer) shall have the opportunity to—

(A) provide written rebuttal to a claim of the relevant agency head, and in extraordinary circumstances provide new information with regard to the review of the Director; and

(B) comment in writing with regard to the review.

(3) New hearing.—If the Director remands a decision to a hearing officer and directs the hearing officer to conduct a new hearing on the decision under paragraph (1)(B), the hearing officer shall make a new determination with respect to the decision based on the case record and the hearing record (as modified on remand).

(4) Notice of final determination.—The Director shall notify the hearing officer, any relevant agency head, and the appellant, in writing, of the final determination or other disposition of the request for review.

(5) Extension of deadline.—The period of time for a review may be extended by the Director to the extent that an appellant or hearing officer has requested and received additional time during which to submit arguments, rebuttal, or new information.

(6) Finality.—Subject to section 9, the determination of the Director shall be administratively final and shall be promptly implemented. The relevant agency may not request a second review as to the determination of the hearing officer or the Director on the same issues.

(f) Recommendations.—The Director or a hearing officer may include recommendations in a final determination notice.

SEC. 9. JUDICIAL REVIEW.

A final determination of the Division under the process provided for in this Act shall be reviewable and enforceable by a United States district court of competent jurisdiction in accordance with chapter 7 of title 5, United States Code.

SEC. 10. IMPLEMENTATION OF FINAL DETERMINATIONS OF DIVISION.

(a) In General.—Except as provided in sections 7(c) and 8, on the return of a case to a State pursuant to the final determination of a hearing officer or the Director, the State committee, county committee, or employee of the relevant agency shall implement the final determination.

(b) Actions by Relevant Agency Head.—The relevant agency head shall correct implementation problems, and shall make available to the public a report on the status of implementation of final determinations of the relevant agency head that reversed or modified an adverse decision of the agency.

(c) Implementation.—

(1) State director.—A State director shall be—

(A) responsible for reviewing all appeal requests of adverse decisions of the State director or subordinates, prior to hearings, to determine whether the adverse decisions should be modified or withdrawn by the decisionmaker, rather than proceed with the appeals;

(B) required to implement final determinations of a hearing officer or the Director that affect appellants in the State; and

(C) responsible for monitoring and ensuring the implementation of final determinations that reverse and modify adverse decisions.

(2) Agency heads.—Relevant agency heads shall be responsible for—

(A) the performance of State directors under paragraph (1); and

(B) the implementation of all final determinations of the Division that reverse or modify adverse decisions of the agency.

(d) Protection of Appellants' Rights.—

(1) In general.—No officer or employee of the Federal Government shall make or engage in threats or intimidation, or solicit action, to prevent any potential appellant from exercising the rights of the appellant under this Act or make, solicit, or engage in retaliation or retribution for the exercise of a right of an appellant under this Act.

(2) Corrective action.—If an officer or employee of the Federal Government violates paragraph (1), the Secretary shall take corrective action (including the imposition of sanctions, when necessary).

(e) Implementation Problems.—

(1) In general.—The Secretary shall assign employees within the Office of the Secretary whom appellants may contact concerning problems with the implementation of final determinations of the Division. The employees shall investigate and, to the extent practicable, resolve the implementation problems.

(2) Identity of employees.—The Secretary shall notify the Director of the name, business address, and telephone numbers of employees assigned under paragraph (1). The Director shall include this information in the final determination notice of the Director to an appellant.

(3) Letter to appellant.—Not later than 30 calendar days following the issuance of a final determination, the appropriate assigned employee shall mail a letter to the appellant soliciting confirmation from the appellant that the final determination has

been implemented or, if the appellant believes that the decision has not been implemented, a description of the failure to implement the decision.

(4) DECISION NOT IMPLEMENTED.—If the appellant indicates that the decision has not been implemented, the assigned employee shall immediately undertake to ensure that the final determination is implemented in accordance with this Act.

(5) DESCRIPTION OF IMPLEMENTING STEPS.—On determining that the final determination has been implemented, the relevant agency head shall provide the appellant and the assigned employee with a description of the steps taken by the relevant agency to implement the final determination.

SEC. 11. EVALUATION OF EMPLOYEES.

(a) IN GENERAL.—The Secretary shall promulgate regulations that include in an annual review the evaluation of the performance of employees and officials of each agency in accordance with subsection (b).

(b) PERFORMANCE.—As part of the review and evaluation, a decisionmaker, a State director, or the relevant agency head shall be considered to have performed poorly if the decisionmaker, State director, or relevant agency head—

(1) takes action that leads to numerous appeals that result in—

(A) adverse decisions that are reversed or modified; or

(B) administrative appeal reviews that are determined to not have merit by the Division;

(2) fails to properly implement decisions;

(3) fails to satisfactorily perform the reviewing and monitoring responsibilities required under section 10(c); or

(4) threatens or intimidates, or engages in retaliation or retribution against, an appellant in violation of section 10(d).

(c) SANCTIONS.—If a decisionmaker, State director, or relevant agency head has performed poorly (as described in subsection (b) or paragraph (2) or (4) of subsection (d)), the Secretary shall issue sanctions against the decisionmaker, State director, or relevant agency head, respectively, which may include a formal reprimand or dismissal.

(d) EVALUATIONS.—

(1) IN GENERAL.—The Director shall establish policies that, with regard to the hearing and determinations of appeals, provide for the evaluation of hearing officers, the Director, and other employees involved in the review of appeals and determinations or supervision of employees of the Division, or both, by parties outside the Department, which may include peers. The policies shall be made available to the public.

(2) PROCESS.—The evaluation process shall ensure and enhance the independence, integrity, and efficiency of the employees and the Director.

(3) CONSULTATION.—The policies shall be developed in consultation with the Administrative Conference of the United States, appropriate organizations of administrative law judges, the Director of the Office of Personnel Management, the Judicial College located at the University of Nevada at Reno, and hearing officers.

(e) BASIS FOR REVERSALS.—In conducting the evaluation of the number of appeals decided against the decisionmaker, the Secretary should consider mitigating circumstances, such as whether the reversal was based solely on—

(1) new information not previously available to the decisionmaker;

(2) erroneous advice from a superior to the decisionmaker;

(3) published agency interpretations or procedures that were determined to be invalid by the Division; or

(4) the failure of a superior to provide clear instructions to the decisionmaker.

SEC. 12. PROHIBITION ON ADVERSE ACTION WHILE APPEAL PENDING.

(a) IN GENERAL.—The Secretary may not take an adverse action against an appellant relating to an appeal while any proceeding authorized or required under this Act is pending. In particular, the Secretary may not take any action that would prevent the implementation of a final determination in favor of the appellant.

(b) WITHHOLDING.—This section shall not preclude the Secretary from withholding a payment if the eligibility for, or amount of, the payment is an issue on appeal, except that ongoing assistance to existing borrowers and grantees shall not be discontinued pending the outcome of an appeal.

SEC. 13. REGISTRY OF ADVOCATES.

(a) IN GENERAL.—The Director shall establish a registry consisting of individuals (including individuals who are attorneys and individuals who are not attorneys) who are available to represent appellants during the appeals process and who apply to the Director to be included in the registry.

(b) USE OF REGISTRY.—The Director shall provide information contained in the registry to an appellant upon request. The Director may not recommend individuals included in the registry.

SEC. 14. RELATIONSHIP TO OTHER LAWS.

(a) OTHER RIGHTS.—This Act is not intended to supersede or deprive a recipient of assistance from the relevant agency of any rights that the recipient may have under any other law, including section 510(g) of the Housing Act of 1949 (42 U.S.C. 1480(g)).

(b) EQUITABLE RELIEF.—This Act is not intended to affect the authority of an agency head to grant equitable relief.

SEC. 15. TRANSFER OF FUNCTIONS.

(a) IN GENERAL.—There are transferred to the Division established by this Act all functions exercised before the effective date of this Act (including all related functions of any officer or employee) of or relating to—

(1) the National Appeals Division established by section 426(c) of the Agricultural Act of 1949 (7 U.S.C. 1433e(c)) (in effect before the amendment made by section 18(a)(3));

(2) the National Appeals Division established by subsections (d) through (g) of section 333B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983b) (in effect before the amendment made by section 18(b)(1));

(3) appeals of decisions made by the Federal Crop Insurance Corporation; and

(4) appeals of decisions made by the Soil Conservation Service.

(b) CONSTRUCTION.—

(1) IN GENERAL.—If other provisions of this Act or law conflict with this section, the other provisions of this Act or law shall apply.

(2) TRANSFER OF FUNCTIONS ONLY.—This section applies only to and during the transfer of functions in accordance with subsection (a).

(c) DETERMINATIONS OF CERTAIN FUNCTIONS.—If necessary, the Secretary shall make any determination of the functions that are transferred under this section.

(d) PERSONNEL PROVISIONS.—

(1) APPOINTMENTS.—

(A) IN GENERAL.—Except as provided in section 3, the Secretary may appoint and fix the compensation of such officers and employees (including investigators and attorneys) as may be necessary to carry out the respective functions transferred under this section.

(B) CIVIL SERVICE.—Except as otherwise provided by law, the officers and employees shall be appointed in accordance with the civil service laws and the compensation of the officers and employees fixed in accordance with title 5, United States Code.

(2) EXPERTS AND CONSULTANTS.—

(A) IN GENERAL.—To carry out this section, the Secretary may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, and compensate the experts and consultants for each day (including travel time) at rates not in excess of the rate of pay for level IV of the Executive Schedule under section 5315 of such title.

(B) TRAVEL EXPENSES.—To carry out this section, the Secretary may pay experts and consultants who are serving away from their homes or regular places of business travel expenses and per diem in lieu of subsistence at rates authorized by sections 5702 and 5703 of such title for persons in Government service employed intermittently.

(e) DELEGATION AND ASSIGNMENT.—

(1) IN GENERAL.—Except if otherwise expressly prohibited by law or otherwise provided by this Act, the Secretary may delegate any of the functions transferred by this section and any function transferred or granted after the effective date of this Act to such officers and employees of the Department as the Secretary may designate, and may authorize successive redelegations of the functions as may be necessary or appropriate.

(2) CONTINUING RESPONSIBILITY.—No delegation of functions by the Secretary under this section or under any other provision of this section is intended to relieve the Secretary of responsibility for the administration of the functions.

(f) RULES.—The Secretary is authorized to prescribe, in accordance with chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Secretary determines necessary or appropriate to administer and manage the functions of the Department.

(g) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, employee positions, assets, liabilities, contracts, property, records, unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with functions transferred by this section, subject to section 1531 of title 31, United States Code, shall be transferred in accordance with this section.

(2) USE OF FUNDS.—Unexpended funds transferred pursuant to this section shall be used only for the purposes for which the funds were originally authorized and appropriated.

(h) INCIDENTAL TRANSFERS.—

(1) IN GENERAL.—The Secretary, at such time as the Secretary shall provide, is authorized to make such determinations as may be necessary with regard to the functions transferred by this section, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with the functions, as may be necessary to carry out this section.

(2) TERMINATION OF AFFAIRS.—The Secretary shall provide for the termination of

the affairs of all entities terminated by this section and for such further measures and dispositions as may be necessary to effectuate the purposes of this section.

(i) SAVINGS PROVISIONS.—

(1) CONTINUING EFFECT OF LEGAL DOCUMENTS.—An order, determination, rule, regulation, permit, agreement, grant, contract, certificate, license, registration, privilege, or other administrative action—

(A) that has been issued, made, granted, or allowed to become effective by the President, any Federal agency or official of a Federal agency, or by a court of competent jurisdiction, in the performance of functions that are transferred under this section; and

(B) that is in effect at the time this section takes effect, or was final before the effective date of this section and is to become effective on or after the effective date of this section,

shall continue in effect according to the terms of the action until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary or other authorized official, a court of competent jurisdiction, or by operation of law.

(2) PROCEEDINGS NOT AFFECTED.—Nothing in this subsection is intended to prohibit the discontinuance or modification of a proceeding under the same terms and conditions and to the same extent that the proceeding could have been discontinued or modified if this section had not been enacted.

(3) SUITS NOT AFFECTED.—This section is not intended to affect a suit commenced before the effective date of this section. In the suit, a proceeding shall be had, an appeal taken, and a judgment rendered in the same manner and with the same effect as if this section had not been enacted.

(4) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against a transferred office, or by or against any individual in the official capacity of the individual as an officer of a transferred office, shall abate by reason of the enactment of this section.

(j) SEPARABILITY.—If a provision of this section or the application of this section to any person or circumstance is held invalid, neither the remainder of this section nor the application of the provision to other persons or circumstances shall be affected.

(k) TRANSITION.—The Secretary is authorized to utilize—

(1) the services of the officers, employees, and other personnel of a transferred office with respect to functions transferred by this section; and

(2) funds appropriated to the functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this section.

(l) REFERENCES.—Each reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to—

(1) the head of a transferred office with regard to functions transferred under this section shall be deemed to refer to the head of the office to which the functions are transferred; and

(2) a transferred office with regard to functions transferred under this section shall be deemed to refer to the office to which the functions are transferred.

(m) ADDITIONAL CONFORMING AMENDMENTS.—Not later than 180 days after the effective date of this section, if the Secretary determines (after consultation with the appropriate committees of Congress and the Director of the Office of Management and Budget) that additional technical and conforming amendments to Federal statutes are necessary to carry out the changes made by this section, the Secretary shall prepare and submit to Congress recommended legislation containing the amendments.

SEC. 16. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act for fiscal year 1993, and each subsequent fiscal year.

SEC. 17. STATE MEDIATION PROGRAMS.

(a) QUALIFYING STATES.—Section 501 of the Agricultural Credit Act of 1987 (7 U.S.C. 5101) is amended—

(1) by striking "agricultural loan" each place it appears; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking "and their creditors," and inserting "their creditors, and (with respect to other than agricultural loan matters) the Department of Agriculture,"; and

(ii) by striking "an agricultural" and inserting "the agricultural"; and

(B) in paragraph (5), by inserting before "receive" the following: ", and all persons directly affected by actions of the Department of Agriculture involving wetlands determinations, farm program compliance, disputes between farmers and their creditors, rural water loan programs, grazing on national forest lands, and pesticides,".

(b) PARTICIPATION OF FEDERAL AGENCIES.—Section 503 of such Act (7 U.S.C. 5103) is amended—

(1) by striking "agricultural loan" each place the term appears; and

(2) in subsection (a)(1)—

(A) in the matter preceding subparagraph (A), by striking "that makes, guarantees, or insures agricultural loans";

(B) in each of subparagraphs (A) and (B), by inserting ", in any matter involving agricultural loans" before the semicolon; and

(C) in subparagraph (B), by striking ", on the date of the enactment of this Act,".

(c) REPORT.—Subtitle A of title V of such Act (7 U.S.C. 5101 et seq.) is amended by adding at the end the following new section:

"SEC. 507. REPORT ON EXPANDED STATE MEDIATION PROGRAMS.

"Not later than 2 years after the date of the enactment of this section, the Secretary of Agriculture shall report to the Congress on the matters described in section 505 with respect to all State mediation programs receiving matching grants under this subtitle.".

(d) CONFORMING AMENDMENTS.—

(1) WAIVER OF FARM CREDIT MEDIATION RIGHTS BY BORROWERS.—Section 4.14E of the Farm Credit Act of 1971 (12 U.S.C. 2202e) is amended by striking "agricultural loan".

(2) WAIVER OF FMHA MEDIATION RIGHTS BY BORROWERS.—Section 358 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006) is amended by striking "agricultural loan".

SEC. 18. CONFORMING AMENDMENTS.

(a) ASCS.—

(1) FINALITY OF FARMERS PAYMENTS AND LOANS.—Section 385 of the Agricultural Act of 1938 (7 U.S.C. 1385) is amended—

(A) by striking the first sentence; and

(B) by striking "such payment" the first place it appears and inserting "payment under the Soil Conservation Act (16 U.S.C. 590a et seq.), payment under the wheat, feed grain, upland cotton, extra long staple cotton, and rice programs authorized by the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) and this Act, loan, or price support operation, or the amount thereof,".

(2) DETERMINATIONS BY SECRETARY.—Section 412 of the Agricultural Act of 1949 (7 U.S.C. 1429) is repealed.

(3) APPEALS.—Section 426 of the Agricultural Act of 1949 (7 U.S.C. 1433e) is amended to read as follows:

"SEC. 426. APPEALS.

"(a) DEFINITIONS.—As used in this section:

"(1) ASCS.—The term 'ASCS' means the Agricultural Stabilization and Conservation Service, or any successor agency in the United States Department of Agriculture.

"(2) COUNTY COMMITTEE.—The term 'county committee' means a county committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)).

"(3) NATIONAL APPEALS DIVISION.—The term 'National Appeals Division' means the National Appeals Division established in accordance with section 3 of the USDA National Appeals Division Act of 1993.

"(4) STATE COMMITTEE.—The term 'State committee' means a State committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)).

"(b) RIGHT TO APPEAL.—Any participant in any of the programs under this Act or any other Act administered by ASCS shall have the right to appeal to the National Appeals Division any adverse determination made by any State committee or county committee, by employees or agents of the committees, by other personnel of the ASCS, or by agents of the Commodity Credit Corporation, under this Act or under any other Act administered by the ASCS.

"(c) APPEAL PROCEDURE.—

"(1) IN GENERAL.—The appeal shall be made in accordance with the USDA National Appeals Division Act of 1993 (including section 5 of such Act) and this section.

"(2) CONDITIONS OF APPEAL.—Any participant who believes that a proper determination has not been made with respect to the implementation of any program administered by the ASCS concerning the participant may appeal the determination as follows:

"(A) If the determination was rendered by a county committee, the participant may appeal the determination to the applicable State committee.

"(B) If the determination was rendered by a State committee, the participant may appeal the determination to the National Appeals Division.

"(C) If the determination was rendered by any other employee or agent of the ASCS or the Commodity Credit Corporation, the participant may appeal the determination to the National Appeals Division.

"(D) ASCS may reverse or modify a decision made by a State committee or county committee at any time prior to commencement of the appeal of an appellant to the National Appeals Division, except that nothing in this subparagraph is intended to affect a procedure of a State committee or county committee.

"(d) COURT REVIEW.—A final decision of the Department of Agriculture under the process provided for in this section shall be reviewable by a United States district court of competent jurisdiction.

"(e) PARTICIPANT.—For the purposes of this section, the term 'participant' means any person whose right to participate in, or receive payments or other benefits in accordance with, any of the programs under this Act or any other Act administered by the

ASCS is adversely affected by a determination of any State committee or county committee, by employees or agents of the committees, by other personnel of the ASCS, or by agents of the Commodity Credit Corporation under this Act or under any other Act administered by the ASCS.

"(f) DECISIONS OF STATE AND COUNTY COMMITTEES.—

"(1) FINALITY.—All decisions of a State or county committee, or employee of the committee, made in good faith in the absence of misrepresentation, false statement, fraud, or willful misconduct shall be final, unless such decisions are (not later than 90 days after the date of issuance of the decision) appealed under this section or modified under subsection (c)(2)(D).

"(2) RECOVERY OF AMOUNTS.—No action shall be taken to recover amounts found to have been disbursed thereon in error unless the participant had reason to believe that the decision was erroneous.

"(g) REGULATIONS.—The Secretary shall issue such regulations as are determined necessary to implement this section, including regulations governing the conduct of appeals made before State committees and county committees.".

(b) FMHA.—

(1) NATIONAL APPEALS DIVISION.—Section 333B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983b) is amended by striking subsections (d) through (g).

(2) LEASE OR PURCHASE AGREEMENTS.—Section 335(e)(9) of such Act (7 U.S.C. 1985(e)(9)) is amended by inserting after "appealable under" the following: "the USDA National Appeals Division Act of 1993 (including section 5 of such Act) and".

(3) HOMESTEAD PROPERTY.—The second sentence of section 352(c)(3) of such Act (7 U.S.C. 2000(c)(3)) is amended by inserting after "described in" the following: "the USDA National Appeals Division Act of 1993 (including section 5 of such Act) or".

(4) DEBT RESTRUCTURING AND LOAN SERVICING.—Section 353 of such Act (7 U.S.C. 2001) is amended—

(A) in subsection (h), by inserting after "filed under" the following: "the USDA National Appeals Division Act of 1993 and"; and

(B) in the first sentence of subsection (j), by inserting after "under" the following: "the USDA National Appeals Division Act of 1993 and".

(c) FCIC.—

(1) CLAIMS FOR LOSSES.—The last sentence of section 508(f) of the Federal Crop Insurance Act (7 U.S.C. 1508(f)) is amended by inserting before the period at the end the following: "or within 1 year after the claimant receives a final determination notice from an administrative appeal made in accordance with the USDA National Appeals Division Act of 1993, whichever is later".

(2) APPEALS.—Section 508 of such Act is amended by adding at the end the following new subsection:

"(n) APPEALS.—Any participant (as defined in section 2(16) of the USDA National Appeal Division Act of 1993) under this Act shall have the right to appeal to the National Appeals Division established in accordance with section 3 of the USDA National Appeals Division Act of 1993 any adverse determination made by the Corporation. The appeal shall be made in accordance with such Act.".

SEC. 19. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), this Act and the amendments made by this Act shall become effective on the earlier of—

(1) the date that is 180 days after the date of enactment of this Act; or

(2) the date the Director issues final regulations pursuant to subsection (b).

(b) REGULATIONS.—The Director shall—

(1) not later than 90 days after the date of enactment of this Act, promulgate proposed regulations to implement this Act and the amendments made by this Act, in a manner consistent with provisions of section 553 of title 5, United States Code, permitting public comment;

(2) issue final regulations to implement this Act and the amendments made by this Act, not later than October 1, 1993, or 180 days after the date of enactment of this Act, whichever is later; and

(3) issue final regulations—

(A) providing for the transfer of all pending appeals within the jurisdiction of agencies referred to in section 2(2) to the Division on the effective date prescribed in subsection (a);

(B) providing for the transfer of case records with respect to the appeals; and

(C) otherwise providing for the orderly transfer of all pending appeals and reviews from the agencies to the Division.

(c) IMPLEMENTATION; PROTECTION OF APPELLANTS' RIGHTS.—Subsections (c) and (d) of section 10 shall become effective on the date of enactment of this Act.

By Mr. CONRAD (for himself, Mr. INOUYE, and Mr. BINGAMAN):

S. 1426. A bill to amend title XVIII of the Social Security Act and the Budget and Emergency Deficit Control Act of 1985 with respect to essential access community hospitals, the rural transition grant program, durable medical equipment, adjustments to discretionary spending limits, standards for Medicare supplemental insurance policies, expansion and revision of Medicare select policies, psychology services in hospitals, payment for anesthesia services furnished directly or concurrently in providers, improve reimbursement for clinical social worker services, and for other purposes; to the Committee on Finance.

ESSENTIAL MEDICARE AMENDMENTS OF 1993

Mr. CONRAD. Mr. President, today I am introducing legislation that includes several priority items that I believe Congress should consider this year. Most of the items in my bill were not included in the conference agreement on the budget reconciliation bill because of Byrd rule considerations. However, my proposal also includes some provisions that were not included in either the House or Senate reconciliation bill, but which I believe merit consideration.

My bill includes provisions that are extremely important to rural hospitals, vital to the protection of Medicare beneficiaries from fraud and abuse, and necessary to improve the treatment of certain health care providers under the Medicare Program. The bill would reauthorize and expand the Essential Access Community Hospitals—EACH-Peach Program; reauthorize the rural transition grant program; protect Medicare beneficiaries from overcharges; improve consumer access to needed health care insurance policies; expand the current Medicare select program to all 50 States; improve the treatment of certified nurse anesthetists under Medicare; create a separate fee schedule for payments to clinical social workers; and provide for the adjustment of discretionary spending limits as they relate to Medicare payment practices.

One provision I would like to highlight is the expansion of the Essential Access Community Hospitals Program, often referred to as "EACH-Peach." This provision is vitally important to small rural hospitals in my State and in many other parts of rural America. EACH-Peach is structured to promote cooperation between a rural primary care hospital, which provides emergency and other outpatient services, and an essential access community hospital, which is a full service hospital facility that provides inpatient care. The program helps keep remotely located health facilities open, rather than allow hospital closures to deny rural residents access to health care services.

During the last 6 years, North Dakota has lost four rural hospitals—Rollette, Beach, New Rockford, and Hankinson. At the end of July, we lost another important hospital in Mohall, ND. Unless some sort of facility can be maintained in Mohall, residents of that community will be about 50 miles away from the nearest medical facility. EACH-Peach could enable facilities like the one in Mohall to stay open and provide nearby residents with needed access to emergency and outpatient care. I fear that without enactment of this provision, more and more medical facilities that are critically needed by remote rural communities may be lost.

My bill also reauthorizes the Rural Transition Grant Program, which has been highly beneficial for North Dakota hospitals, as well as facilities throughout rural America. Like EACH-Peach, the Rural Transition Grant Program has been enormously helpful to many rural health facilities that are trying to restructure and remain viable.

Another provision of my proposal allows discretionary spending caps under the budget to be adjusted where funding increases are provided for Medicare payment safeguards and claims payment services. This proposal would enable Congress to increase payment safeguards, which more than pay for themselves, without worrying about cutting into other programs.

Next, my proposal includes two provisions that expand consumer access to needed health care insurance policies. First, it expands the so-called Medicare select policy to all 50 States. The Medicare select provision, which has been advocated by Senator CHAFEE and Representatives NANCY JOHNSON and EARL

POMEROY in the House of Representatives, expands the managed care options available to Medicare beneficiaries so they will be more in line with the choices available to individuals with private sector insurance.

Legislation passed in 1990 created 10 standard Medicare supplementary benefit packages that could be offered nationwide. However, the legislation limited the ability of managed care networks to offer the packages to Medicare beneficiaries in 15 States, including North Dakota. This proposal would expand the option that was made available to North Dakota and the 14 other States to every State in the Union, and help contain the unnecessary cost growth now occurring under Medicare.

The second provision corrects a flaw in the same 1990 Medigap insurance reform law that has been sought by the National Association of Insurance Commissioners, the American Association of Retired Persons, and many others concerned about the availability of insurance to older Americans. While the 1990 law took important steps to eliminate questionable sales practices involving Medigap insurance, it has had the unintentional effect of preventing many retirees from purchasing Medigap supplemental insurance. This provision would correct that unintended consequence.

My bill also includes three provisions that are needed to improve the treatment of certain care providers under Medicare.

First, it provides for new criteria to be developed for determining payment requirements for anesthesiologists who medically direct certified nurse anesthetists. This provision will help eliminate unnecessary duplication in anesthesia services while maintaining the accountability for payment that currently exists in the system.

Second, my bill directs the Secretary of Health and Human Services to establish a separate fee schedule for social worker services, so that clinical social workers will not have their fees based on those of other nonphysician providers. As Senator INOUYE has pointed out, the current methodology is the only example under Medicare where one nonphysician's reimbursement rate is tied to that of another nonphysician provider. This provision will simply ensure that social workers are paid on their own merit.

Third, my bill ensures that the Medicare Program does not conflict with State laws that allow psychologists to supervise the care of their patients in the inpatient setting. Currently, while certain state laws allow psychologists to supervise such care, Medicare only reimburses where inpatients are supervised by a physician. This flaw should be corrected.

Finally, my bill includes a number of provisions of the Medicare Beneficiary Protection Act, which I cosponsored with Senator PRYOR back in March. A few important provisions of that legislation, which are estimated to save hundreds of millions of dollars, were included in the reconciliation bill. However, the Byrd rule required that the no-cost provisions that I am including in my bill be dropped. Those provisions are critically important to protect Medicare beneficiaries from being overcharged for the services they receive.

I hope that Congress, when it reconvenes in September, will act swiftly to enact these essential changes in the Medicare Program.

By Mr. KERRY:

S. 1427. A bill to provide the necessary authority to manage the activities in Antarctica of United States scientific research expeditions and United States tourists, and to regulate the taking of Antarctic marine living resources, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE ANTARCTIC SCIENTIFIC RESEARCH, TOURISM, AND MARINE RESOURCES ACT OF 1993

Mr. KERRY. Mr. President, today I am introducing the Antarctic Scientific Research, Tourism, and Marine Resources Act of 1993.

The purpose of the legislation is to enable the United States to implement the protocol on environmental protection to the Antarctic Treaty. This treaty was negotiated by the parties of the Antarctic Treaty system and signed in October, 1991. The Senate gave its consent to the protocol on October 7, 1992. However, the protocol is not self-executing; implementing legislation must be enacted to give its provisions the effect of law in the United States.

The protocol recognizes the need to enhance the protection of the Antarctic environment, and dependent and associated ecosystems. In addition, the protocol reaffirms the designation of Antarctica as a special conservation area to protect its unique environmental qualities. These environmental qualities are equally important to advance of Antarctic scientific research. Consequently, the protocol acknowledges the unique opportunities Antarctica offers for scientific monitoring of and research on processes of global as well as regional importance. The protocol also acknowledges the impact of the growing number of tourists who travel to the Antarctic to witness its wild beauty and rugged terrain, but who also are responsible for environmental damage.

The bill's provisions reflect an attempt to balance two goals: first, to protect the Antarctic environment and resources; and second, to minimize interference with scientific research. Key elements of the legislation would: maintain the role of the National Science Foundation [NSF] as lead agency in the Antarctic; institute a ban on Antarctic mining and incineration; require secondary sewage treatment by 1995; issue NSF permits for Antarctic activities—with the concurrence of other agencies; incorporate article three planning, monitoring, and assessment principles; require Federal agencies and tourism operations to prepare environmental assessments; protect Antarctic living resources; authorize citizen suits; and prevent marine pollution. The bill exceeds environmental safeguards of the protocol by banning incineration; raising sewage discharge standards; and requiring permits for tourism and U.S. base operations.

As one of the founders of the Antarctic Treaty system, the United States has an obligation to enact strong implementing legislation, and where appropriate to go beyond the minimum standards established by the protocol. The Antarctic Scientific Research, Tourism, and Marine Resources Act of 1993 serves these purposes. I ask unanimous consent that the summary of the bill I am introducing today be printed in the RECORD immediately following my statement.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

THE ANTARCTIC SCIENTIFIC RESEARCH, TOURISM, AND MARINE RESOURCES ACT

The purpose of the bill is to enable the United States to implement the Protocol on Environmental Protection to the Antarctic Treaty, which was signed in October 1991, and approved by the Senate on October 7, 1992.

The bill calls for comprehensive environmental consideration in the conduct of scientific research, tourism, and other activities in the Antarctic. As under current law, the Director of the National Scientific Foundation (NSF), would continue to operate as the lead agency in managing Antarctic scientific activities. The Secretary of Commerce would be charged with enforcing the indefinite ban on Antarctic mineral resource activities, and regulating tourism and other nongovernmental activities. The Administrator of the Environmental Protection Agency (EPA) would be charged with overall responsibility for implementing the provisions of Annex III of the Protocol dealing with waste disposal and waste management. The Secretary of State would designate up three arbitrators to serve on the Antarctic Tribunal to be established under the Protocol. The President would appoint a U.S. representative to the newly created international Committee for Environmental Protection, and would resolve disputes among agencies regarding environmental concerns.

The bill prohibits certain activities which are potentially harmful to the Antarctic environment. These activities include mining, incineration, and both governmental and nongovernmental activities that are inconsistent with the Protocol. Also, by 1995, discharge of sewage into the ocean must meet secondary treatment standards. The bill provides for civil and criminal penalties for violations of these provisions, and allows for citizen suits.

The bill requires consideration of Article Three principles in the planning, permitting, and conduct of activities. The bill requires each federal agency planning an Antarctic activity to conduct a review, in consultation with the Director, for conformance with the Protocol. Environmental assessments or impact statements would be required for activities with at least a minor or transitory impact. The Secretary of Commerce, in consultation with the Director, would be tasked with developing procedures for assessing the impacts of tourism and other nongovernmental activities.

Permits are required for tourist operations or other nongovernmental expeditions by vessel or aircraft, the operation of a U.S. facility in Antarctica, and activities for which there is a specific permitting requirement under the Protocol. Under the permitting system proposed in the bill, NSF would forward permit applications to the appropriate federal agency which normally exercises permitting authority for the matter. The concurrence of the Secretary of Commerce is required for permits dealing with tourist activities; the building, or decommissioning of United States facilities; introduction or taking of an Antarctic marine living resource; or an activity that the Director determines will have more than a minor or transitory impact. Activities which are authorized under a permit issued by the NSF are considered to be in compliance with Article Three.

Finally, the bill amends the Antarctic Marine Living Resources Convention Act and the Act to Prevent Pollution from Ships to implement provisions of the Protocol for the protection of living resources and the marine environment.

By Mr. SIMON (for himself, Mrs. MURRAY, Mr. RIEGLE, Ms. MOSELEY-BRAUN, and Mrs. BOXER):

S. 1428. A bill to amend the Public Health Service Act to provide for programs regarding women and the human immunodeficiency virus, and for other purposes; to the Committee on Labor and Human Resources.

S. 1429. A bill to amend the Public Health Service Act to establish programs of research with respect to women and cases of information with the human immunodeficiency virus, and for other purposes; to the Committee on Labor and Human Resources.

WOMEN AND AIDS LEGISLATION

• Mr. SIMON. Mr. President, women have been virtually ignored in the search for answers and cures for HIV. Ironically, this is true even though the evidence indicating women are anatomically more vulnerable to the disease than men is growing. Today I am introducing legislation to address the critical problem of women with HIV—women who are all too often misdiagnosed, diagnosed too late, or not diagnosed at all.

A report released by the U.N. development programme recently found that women in their teens and early twenties are the fastest growing group of sexually active people being infected with the AIDS virus. The report also found that in most of the Third World AIDS is overwhelmingly a heterosexually transmitted disease. In some areas there are even more women infected than men. I am afraid this is what we have to look forward to in this country as well if we do not act now.

The Centers for Disease Control [CDC] has predicted that by the end of the year, AIDS will be one of the five leading causes of death in women of reproductive age in this Nation. American women are coming down with AIDS four times as fast as American men, according to the CDC. In many areas around the United States the incidence of HIV in women is nearly equal to that of men. By 1996, it is expected that AIDS will be the leading cause of death in African-American women of reproductive age.

These statistics are devastating. Yet despite them, most AIDS research, treatment, and prevention programs focus predominantly on men. This is significant not only in light of the evidence regarding women's increased vulnerability to AIDS, but also because AIDS appears to manifest itself differently in women than in men, often appearing first in a woman's reproductive tract. In addition, women at high risk of contracting the HIV virus often do not acknowledge the risks. In a recent CDC study, about 80 percent of women who went to public clinics for the treatment of intravenous drug use or sexually transmitted diseases did not believe that they were at risk for HIV infection. This startling report demonstrates the critical need for preventive services for high-risk women.

In response to this serious problem, I am introducing two bills to remedy the neglect of the growing AIDS epidemic among women. One bill will provide for research on HIV infection in women; the other will improve outreach and access to preventive health services for women with HIV/AIDS in this country. Congresswoman CONNIE MORELLA has already introduced similar legislation on the House side and I am pleased to be able to join her in this effort.

A major focus of the research bill is the creation of barrier and chemical methods of protection from sexually transmitted diseases that might increase a woman's risk of contracting AIDS and from AIDS itself. Some scientists believe we could be less than 10 years away from an AIDS virucide. In addition, there is funding to expand existing studies on HIV in women and for support services allowing women to enroll in clinical trials that will include sex-specific examinations.

There is also funding for those who provide health care services to women, to help educate them about HIV, and test them for the disease. Many public clinics and community health centers already have unfunded prevention programs. This bill will allow more providers to reach more women, both those who use their facilities and those in the community who are not currently using their services.

AIDS is not a disease that affects only a select population of the United States. This disease has shown no prejudice. Our tragic neglect of women in this country with HIV and AIDS is coming back to haunt us. Nearly 80,000 women are currently affected and this number will continue to increase unless this Congress takes action. I thank my colleagues Senators MURRAY, RIEGLE, MOSELEY-BRAUN, and BOXER for their early cosponsorship of these bills, and I urge other Senators to join us.

Mr. President, I ask unanimous consent that the text of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1428

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Women and HIV Outreach and Prevention Act".

SEC. 2. PREVENTIVE HEALTH PROGRAMS REGARDING WOMEN AND HUMAN IMMUNODEFICIENCY VIRUS.

Title XXV of the Public Health Service Act (42 U.S.C. 300ee et seq.) is amended by adding at the end the following part:

"PART C—PROGRAMS FOR WOMEN

"SEC. 2531. PREVENTIVE HEALTH SERVICES.

"(a) IN GENERAL.—The Secretary may make grants for the following purposes:

"(1) Providing to women preventive health services that are related to acquired immune deficiency syndrome, including—

"(A) counseling on the prevention of infection with, and the transmission of, the etiologic agent for such syndrome; and

"(B) screening women for infection with such agent.

"(2) Providing appropriate referrals regarding the provision of other services to women who are receiving services pursuant to paragraph (1), including, as appropriate, referrals for treatment for such infection, referrals for treatment for substance abuse, mental health services, referrals regarding pregnancy, childbirth, and pediatric care, and referrals for housing services.

"(3) Providing follow-up services regarding such referrals, to the extent practicable.

"(4) Improving referral arrangements for purposes of paragraph (2).

"(5) In the case of a woman receiving services pursuant to any of paragraphs (1) through (3), providing to the partner of the woman the services described in such paragraphs, as appropriate.

"(6) With respect to the services specified in paragraphs (1) through (5)—

"(A) providing outreach services to inform women of the availability of such services; and

"(B) providing training regarding the effective provision of such services.

"(b) MINIMUM QUALIFICATIONS OF GRANTEES.—The Secretary may make a grant under subsection (a) only if the applicant for the grant is a grantee under section 329, section 330, or section 1001, or is another public or nonprofit private entity that provides health or voluntary family planning services to a significant number of low-income women in a culturally sensitive and language appropriate manner.

"(c) CONFIDENTIALITY.—The Secretary may make a grant under subsection (a) only if the applicant for the grant agrees to maintain the confidentiality of information on individuals regarding screenings pursuant to subsection (a), subject to complying with applicable law.

"(d) Application for Grant.—The Secretary may make a grant under subsection (a) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out such subsection.

"(e) Evaluations and Reports.—

"(1) Evaluations.—The Secretary shall, directly or through contracts with public or private entities, provide for evaluations of projects carried out pursuant to subsection (a).

"(2) Reports.—Not later than 1 year after the date on which amounts are first appropriated under subsection (f), and annually thereafter, the Secretary shall submit to the Congress a report summarizing evaluations carried out under paragraph (1) during the preceding fiscal year.

"(f) Authorizations of Appropriations.—

"(1) Title x clinics.—For the purpose of making grants under subsection (a) to entities that are grantees under section 1001, and for the purpose of otherwise carrying out this section with respect to such grants, there are authorized to be appropriated $30,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

"(2) Community and migrant health centers; other providers.—For the purpose of making grants under subsection (a) to entities that are grantees under section 329 or 330, and to other entities described in subsection (b) that are not grantees under section 1001, and for the purpose of otherwise carrying out this section with respect to such grants, there are authorized to be appropriated $20,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

"SEC. 2532. PUBLIC EDUCATION.

"(a) In General.—The Secretary may make grants for the purpose of developing and carrying out programs to educate women on the prevention of infection with, and the transmission of, the etiologic agent for acquired immune deficiency syndrome.

"(b) Minimum Qualifications of Grantees.—The Secretary may make a grant under subsection (a) only if the applicant involved is a public or nonprofit private entity that is experienced in carrying out health-related activities for women, with a priority given to such entities that have successfully targeted women of color.

"(c) Application for Grant.—The Secretary may make a grant under subsection (a) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out such subsection.

"(d) Evaluations and Reports.—

"(1) Evaluations.—The Secretary shall, directly or through contracts with public or private entities, provide for evaluations of projects carried out pursuant to subsection (a).

"(2) Reports.—Not later than 1 year after the date on which amounts are first appropriated under subsection (e), and annually thereafter, the Secretary shall submit to the Congress a report summarizing evaluations carried out under paragraph (1) during the preceding fiscal year.

"(e) Authorizations of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated $30,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 3. TREATMENT OF WOMEN FOR SUBSTANCE ABUSE.

Subpart 1 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb et seq.), as amended by section 108 of Public Law 102–321 (106 Stat. 336), is amended by inserting after section 509 the following section:

"TREATMENT OF WOMEN FOR SUBSTANCE ABUSE

"Sec. 509A. (a) In General.—The Director of the Center for Substance Abuse Treatment may make awards of grants, cooperative agreements, and contracts for the purpose of carrying out programs—

"(1) to provide treatment for substance abuse to women, including women with dependent children;

"(2) to provide to such women counseling on the prevention of infection with, and the transmission of, the etiologic agent for acquired immune deficiency syndrome; and

"(3) to provide such counseling to women who are the partners of individuals who engage in such abuse.

"(b) Authorization of Appropriations.—For the purpose of carrying out subsection (a), there are authorized to be appropriated $20,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 4. EARLY INTERVENTION SERVICES FOR WOMEN.

Section 2655 of the Public Health Service Act (42 U.S.C. 300ff–55) is amended—

(1) by striking "For the purpose of" and inserting "(a) In General.—For the purpose of"; and

(2) by adding at the end the following subsection:

"(b) Programs for Women.—For the purpose of making grants under section 2651 to provide to women early intervention services described in such section, and for the purpose of providing technical assistance under section 2654(b) with respect to such grants, there are authorized to be appropriated $20,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

S. 1429

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Women and AIDS Research Initiative Amendments of 1993".

SEC. 2. ESTABLISHMENT OF GENERAL PROGRAM OF RESEARCH REGARDING WOMEN AND ACQUIRED IMMUNE DEFICIENCY SYNDROME.

Part B of title XXII of the Public Health Service Act (42 U.S.C. 800cc–11 et seq.) is amended by adding at the end the following section.

"SEC. 2321. RESEARCH REGARDING WOMEN.

"(a) In General.—With respect to cases of infection with the human immunodeficiency virus, the Secretary shall establish a program for the purpose of conducting biomedical and behavioral research on such cases in women, including research on the prevention of such cases. The Secretary may conduct such research directly, and may make grants to public and nonprofit private entities for the conduct of the research.

"(b) Certain Forms of Research.—In carrying out subsection (a), the Secretary shall provide for research on—

"(1) the manner in which the human immunodeficiency virus is transmitted to women, including the relationship between cases of infection with such virus and other cases of sexually transmitted diseases, and clinical trials which examine the question of how the level of HIV infection can be prevented by finding and treating sexually transmitted diseases in women;

"(2) measures for the prevention of exposure to and the transmission of such virus, including research on—

"(A) the prevention of any sexually transmitted disease that may facilitate the transmission of the virus;

"(B) rapid, inexpensive, easy-to-use sexually transmitted disease diagnostic tests for women;

"(C) inexpensive single dose therapy for treatable sexually transmitted diseases;

"(D) the development of methods of prevention for use by women; and

"(E) the development and dissemination of prevention programs and materials whose purpose is to reduce the incidence of substance abuse among women;

"(3) the development and progression of symptoms resulting from infection with such virus, including research regarding gynecological infections as well as breast changes, hormonal changes, and menses and menopause changes, whose occurrence becomes probable as a result of the deterioration of the immune system;

"(4) the treatment of cases of such infection, including clinical research; and

"(5) behavioral research on the prevention of such cases and research on model educational programs for such prevention.

"(c) Clinical Trials.—

"(1) Gynecological evaluations.—In clinical trials under this title in which women participate as subjects, the Secretary shall ensure that—

"(A) each female subject who is infected with the human immunodeficiency virus—

"(i) undergoes a gynecological examination as part of the evaluation of the medical status of the woman prior to participation in the trial; and

"(ii) receives appropriate follow-up services regarding such examination; and

"(B) the results of the gynecological examinations are analyzed to determine the relationship between gynecological conditions and the infection with such virus.

"(2) Standard treatments for gynecological conditions.—The Secretary shall conduct or support clinical trials under subsection (a) to determine whether standard methods of treating gynecological conditions are effective in the case of such conditions that arise as a result of infection with the human immunodeficiency virus.

"(3) Effectiveness of certain treatment protocols.—With respect to cases of infection with the human immunodeficiency virus, the Secretary shall conduct or support clinical trials under subsection (a) to determine whether treatment protocols approved for men with such cases are effective for women with such cases.

"(4) Support services.—

"(A) In conducting or supporting clinical trials under this title in which women participate as subjects, the Secretary shall provide the women with such transportation, child care, and other support services (including medical and mental health services, treatment for drug abuse, and social services), including services addressing domestic violence as may be necessary to enable the women to participate as such subjects.

"(B) Services under subparagraph (A) shall include services designed to respond to the particular needs of women with respect to participation in clinical trials under this title, including, as appropriate, training of the individuals who conduct the trials.

"(d) PREVENTION PROGRAMS.—

"(1) SEXUAL TRANSMISSION.—

"(A) With respect to preventing the sexual transmission of the human immunodeficiency virus, the Secretary shall conduct or support research under subsection (a) on barrier methods for the prevention of sexually transmitted diseases, including HIV disease, that women can use without their sexual partner's cooperation or knowledge.

"(B) In carrying out subparagraph (A), the Secretary shall give priority to identified research needs and opportunities identified at the National Institutes of Health sponsored meeting on Development of Topical Microbicides that was held in May of 1993, including research on—

"(i) the early stages in infectious processes;

"(ii) the identification, formulation and preclinical evaluation of new preparations;

"(iii) clinical testing for safety and efficacy; and

"(iv) studies concerning the acceptability and compliance of safe, effective microbicides.

"(2) EPIDEMIOLOGICAL RESEARCH.—The Secretary shall conduct or support epidemiological research under subsection (a) to determine the factors of risk regarding infection with the human immunodeficiency virus that are particular to women, including research regarding—

"(A) the use of various contraceptive methods;

"(B) the use of tampons;

"(C) the relationship between such infection and other sexually transmitted diseases;

"(D) the relationship between such infection and various forms of substance abuse (including use of the form of cocaine commonly known as crack); and

"(E) the relationship between such infection and sexual activity.

"(e) INTERAGENCY STUDY.—With respect to the study being carried out by the Secretary (as of June 1993) through various agencies of the Public Health Service for the purpose of monitoring the progression in women of infection with the human immunodeficiency virus, and determining whether such progression is different in women than in men, which study is known as the Women's Interagency HIV Study, the following applies:

"(1) The Secretary shall ensure that not less than 5,000 women with such infection are included in the study.

"(2) The Secretary shall provide for an increase in the number of sites at which the study is to be conducted.

"(3) The Secretary shall ensure that the study period is for a minimum of 8 years.

"(4) With respect to the human cells commonly known as CD4 cells, the Secretary shall ensure that the study adequately addresses the relationship between the number of such cells and other markers in women with such infection and the development of serious illnesses in such women. For purposes of the preceding sentence, the study shall address gynecological conditions, and other conditions particular to women, that are not currently included in the list of conditions arising from such infection that, for surveillance purposes, is maintained by the Director of the Centers for Disease Control and Prevention.

"(f) DEFINITION.—For purposes of this section, the term 'human immunodeficiency virus' means the etiologic agent for acquired immune deficiency syndrome.

"(g) AUTHORIZATIONS OF APPROPRIATIONS.—

"(1) CLINICAL TRIALS.—

"(A) For the purpose of carrying out subsection (c)(1), there are authorized to be appropriated $20,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1996.

"(B) For the purpose of carrying out subsection (c)(2), there are authorized to be appropriated $10,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1996.

"(C) For the purpose of carrying out subsection (c)(3), there are authorized to be appropriated $10,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1996.

"(D) For the purpose of carrying out subsection (c)(4), there are authorized to be appropriated $15,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

"(2) PREVENTION PROGRAMS.—

"(A) For the purpose of carrying out subsection (d)(1), there are authorized to be appropriated $30,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1996.

"(B) For the purpose of carrying out subsection (d)(2), there are authorized to be appropriated $10,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1996.

"(3) INTERAGENCY STUDY.—For the purpose of carrying out subsection (e), there are authorized to be appropriated $15,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1996.".

Mr. RIEGLE. Mr. President, I am speaking today in support of the Women and HIV Outreach And Prevention Act and the women and AIDS research initiative amendments, both of which I am cosponsoring with Senator SIMON.

In Michigan, women number about 12 percent of the AIDS caseload. Although they number only about 15 percent of the caseload nationwide, they are the fastest growing group in the epidemic. In 1992, new AIDS cases in men increased by 2.5 percent while the increase in women was 9.8 percent.

AIDS and HIV are especially serious in women because the likelihood that the virus will be transmitted to their children. Almost 80 percent of women with AIDS are of reproductive age, and HIV-infected women transmit the virus during pregnancy to between 25 and 35 percent of their children.

Since AIDS has traditionally been seen as a male-dominated disease, however, women have been excluded from most research on HIV and AIDS, and less is known about the disease's progression in women. For example, the early stages of HIV infection produce different symptoms in women than they do in men. Women, therefore, are often diagnosed later and miss opportunities for early treatment.

The fact that the disease is increasing among women underscores the need for HIV education aimed specifically at women and biomedical research that pays more attention to the specifics of how the disease affects women.

The HIV Outreach and Prevention Act authorizes grants to provide women with preventive and followup health services related to HIV and AIDS, and it authorizes outreach services to inform women about prevention and transmission of the virus.

The women and AIDS research initiative creates programs to conduct biomedical and behavioral research on the prevention and transmission of HIV in women and on the development and treatment aspects of the disease that are unique to women.

The time has come for us to recognize that women are increasingly affected by this disease and that programs designed specifically for women must be supported. I urge my colleagues to support both of these pieces of legislation.

By Mr. GRAHAM:

S. 1430. A bill to designate the Federal building in Miami, FL, as the "David W. Dyer Federal Justice Building"; to the Committee on Environment and Public Works.

DAVID W. DYER FEDERAL JUSTICE BUILDING

• Mr. GRAHAM. Mr. President, today I am introducing legislation to name the new Federal Justice Building in Miami, FL, for U.S. Circuit Judge David W. Dyer.

At age 83, Judge Dyer is one of the most distinguished jurists in the State of Florida. His public service career spans more than 50 years, beginning in World War II when he rose to the rank of major in the U.S. Army.

In 1961, President John F. Kennedy appointed him to the U.S. District Court for the Southern District of Florida, which at that time included Tampa and Jacksonville as well as Miami. In 1962, when the district's boundaries were pared down, he became the first chief judge of the reconfigured southern district.

Judge Dyer served as chief judge until 1966, when President Lyndon B. Johnson appointed him to the U.S. Court of Appeals for the Fifth Circuit. Thus, he became the first judge on the court of appeals who was from Miami.

In 1977, Judge Dyer assumed his present position of senior judge, first as a member of the Fifth Circuit and now the Eleventh Circuit Court of Appeals. To this day, he continues to maintain a moderate appellate caseload and sit occasionally as a district court judge.

Judge Dyer had the opportunity to serve on the fifth circuit through the tumultuous period of the 1960's, when the Federal judiciary was called upon to implement the constitutional ideal of equal justice under the law in housing, education, and public accommodations in the South. It is a proud time in our legal history, brought about through the extraordinary courage and sacrifice of the judges of the fifth circuit, among them David W. Dyer.

Judge Dyer has served his community and State in many other ways. He is a past president of the Dade County Bar Association, which is the largest in Florida. He is a former member of the board of governors and executive committee of the Florida Bar, as well as the board of governors of the Maritime Law Association.

He has been honored as a member of Wig and Robe of the University of Miami School of Law and has received an honorary doctorate of law degree from the Stetson University College of Law.

Beyond his many tangible achievements in his most distinguished career, Judge Dyer has served as a model and inspiration for two generations of lawyers. He has shown through example what integrity of character, probity of judgment, and courage of conviction can achieve in implementing our highest ideals.

The legislation I am introducing today would name the new Federal Justice Building in Miami the "David W. Dyer Federal Justice Building." Passage of this bill would be but a token of the appreciation that America and its system of laws owe to Judge Dyer. I ask that the bill be printed in the RECORD following my remarks and am hopeful that the Senate will grant its swift approval.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1430

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building at 99 Northeast Fourth Street in Miami, Florida, is designated as the "David W. Dyer Federal Justice Building".

SEC. 2. LEGAL REFERENCES.

Any reference in any law, regulation, document, record, map, or other paper of the United States to the Federal building referred to in section 1 is deemed to be a reference to the "David W. Dyer Federal Justice Building".•

By Mr. DECONCINI:

S. 1431. A bill to establish a Commission on Crime and Violence; to the Committee on the Judiciary.

NATIONAL COMMISSION ON CRIME AND VIOLENCE IN AMERICA

• Mr. DECONCINI. Mr. President, I introduce legislation which will create a National Commission on Crime and Violence in America. This Commission will review the effectiveness of traditional and contemporary criminal justice approaches in preventing and controlling crime and violence. It will examine all aspects of our criminal justice system and develop a comprehensive crime control and antiviolence plan that will serve as a blueprint for the 1990's.

On June 1–2, 1993, I chaired 2 days of comprehensive hearings in Arizona under the auspices of the Judiciary Subcommittee on Juvenile Justice to gather information on the growing problem of youth violence. In those hearings, I heard from over 45 witnesses, including community and neighborhood activists, law enforcement, judges, government officials, teachers, and current and former gang members.

I have also organized and participated in community roundtables in Tucson and Phoenix to discuss this disturbing issue. I intend to continue to conduct these community roundtables to hear from those who not only read about the violence epidemic in the paper, but live it every day. Because these roundtables bring together representatives from all sectors of the community, the diversity of opinions and outlooks provide an excellent forum for effective problem identifications and solutions.

There are many reasons for establishing a National Commission on Crime and Violence in America. For example, in this country there is one murder every 21 minutes, one forcible rape every 5 minutes, one robbery every 46 seconds, one aggravated assault every 29 seconds, one motor vehicle theft every 19 seconds, and one burglary every 10 seconds.

Our current criminal justice system needs to be reformed before we lose control of our streets and neighborhoods. Our citizens should not be forced to tolerate a level of violence which is 5 times higher than Canada's and 10 times that of England. If the status quo is unchanged, 100,000 Americans will be murdered in the next 4 years.

Unfortunately, young adults in this country are most seriously affected by the surge in violent crime. Polls have demonstrated that the largest fear of American parents is that students will have guns at school. As many as 7 parents in 10 no longer consider their children safe at home, on neighborhood streets or in school. One parent in six knows a child who has been shot and one parent in five knows a child who carries a gun. My own State of Arizona had recently seen a staggering increase in violent youth crimes. In 1991, 2,093 teenagers under 18 were arrested for violent crimes, up 89 percent in Arizona from 1989.

Our Nation's youth grow up in a much more dangerous environment than any previous generation. In 1940, the main problems in public schools were talking out of turn, chewing gum, making noise, running in halls, cutting in line, and littering. In 1990, students face quite a different dilemma—robbery, assault, suicide, pregnancy, and drug and alcohol abuse are the rule of the day.

The Commission will convene hearings throughout the country to hear testimony from a cross-section of our citizens. The hearing will reach beyond the traditional criminal justice community to ensure the development of a comprehensive crime control plan.

After conducting a comprehensive study of the economic and social factors which contribute to crime and violence, the Commission will propose specific recommendations for legislative and administrative actions to eliminate these problems. These recommendations will include improvement in the coordination of Federal, State, local, and international crime control efforts. They will also address prison overcrowding to ensure that the most serious offenders are kept off of our streets.

The Commission will be composed of 22 members. The President will appoint six, the Speaker of the House of Representatives will appoint eight, and the President pro tempore of the Senate will appoint eight. The members of the Commission will be specially qualified to serve because of their education, training, expertise and/or experience.

The Commission will examine the impact of changes in Federal immigration laws and the increased growth in crime and violence on our borders. In addition, it will review the problem of youth gangs and present recommendations to reduce their involvement in violent crimes. Furthermore, the use of assault weapons and highpower firearms in violent crimes will also be examined.

The establishment of the National Commission on Crime and Violence in America will have a number of positive effects. First, it will identify the prevalent flaws in our criminal justice system. Second, it will provide a quality forum to address changes for the future. Third, it will specifically address the emergency of new problems, such as youth involvement in violence. Finally, it will develop a comprehensive crime control and antiviolence plan that will provide effective guidance for the criminal justice system in the 1990's.

Mr. President, I urge my colleagues to support this legislation. I ask unanimous consent that the full text of my bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1431

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF COMMISSION ON CRIME AND VIOLENCE.

(a) ESTABLISHMENT.—There is established a commission to be known as the "National Commission on Crime and Violence in America" (referred to as the "Commission").

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 22 members, of whom—

(A) 6 shall be appointed by the President;

(B) 8 shall be appointed by the Speaker of the House of Representatives, of whom 2 shall be appointed on the recommendation of the minority leader; and

(C) 8 shall be appointed by the President pro tempore of the Senate, of whom 6 shall be appointed on the recommendation of the majority leader and 2 shall be appointed on the recommendation of the minority leader.

(2) GOALS IN MAKING APPOINTMENTS.—In appointing members of the Commission, the President, Speaker, President pro tempore, and the majority and minority leaders shall seek to ensure that—

(A) the membership of the Commission reflects the racial, ethnic, and gender diversity of the United States; and

(B) members are specially qualified to serve on the Commission by reason of their education, training, expertise, or experience in—

(i) sociology;

(ii) psychology;

(iii) law;

(iv) law enforcement;

(v) social work; and

(vi) ethnography and urban poverty, including health care, housing, education, and employment.

(3) DEADLINE.—Members of the Commission shall be appointed within 60 days after the date of enactment of this Act.

(4) TERM.—Members shall serve on the Commission through the date of its termination under section 7.

(5) MEETINGS.—The Commission—

(A) shall have its headquarters in the District of Columbia; and

(B) shall meet at least once each month for a business session.

(6) QUORUM.—Twelve members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(7) CHAIRPERSON AND VICE CHAIRPERSON.—Not later than 15 days after the members of the Commission are appointed, the members shall designate a Chairperson and Vice Chairperson of the Commission.

(8) VACANCIES.—A vacancy in the Commission shall be filled not later than 30 days after the Commission is informed of the vacancy in the manner in which the original appointment was made.

(9) COMPENSATION.—

(A) NO PAY, ALLOWANCE, OR BENEFIT.—Members of the Commission shall receive no pay, allowances, or benefits by reason of their service on the Commission.

(B) TRAVEL EXPENSES.—A member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

SEC. 2. DUTIES.

The Commission shall—

(1) review the effectiveness of traditional criminal justice approaches in preventing and controlling crime and violence;

(2) examine the impact that changes to Federal and State law have had in controlling crime and violence;

(3) examine the impact of changes in Federal immigration laws and policies and increased development and growth along United States international borders on crime and violence in the United States, particularly among our Nation's youth;

(4) examine the problem of youth gangs and provide recommendations on how to reduce youth involvement in violent crime;

(5) examine the extent to which assault weapons and high power firearms have contributed to violence and murder in the United States;

(6) convene hearings in various parts of the country to receive testimony from a cross section of criminal justice professionals, business leaders, elected officials, medical doctors, and other citizens that wish to participate;

(7) review all segments of the criminal justice system, including the law enforcement, prosecution, defense, judicial, corrections components, in developing the crime control and antiviolence plan;

(8) develop a comprehensive and effective crime control and antiviolence plan that will serve as a blueprint for action in the 1990's;

(9) bring attention to successful models and programs in crime prevention, crime control, and antiviolence;

(10) reach out beyond the traditional criminal justice community for ideas when developing the comprehensive crime control and antiviolence plan;

(11) recommend improvements in the coordination of Federal, State, local, and international border crime control efforts;

(12) make a comprehensive study of the economic and social factors leading to or contributing to crime and violence and specific proposals for legislative and administrative actions to reduce crime and violence and the elements that contribute to crime and violence; and

(13) recommend means of allocating finite correctional facility space and resources to the most serious and violent offenders, with the goal of achieving the most cost-effective crime control and protection of the community and public safety, after—

(A) examining the issue of disproportionate incarceration rates among black males and any other minority group disproportionately represented in Federal and State correctional populations; and

(B) considering increased use of alternatives to incarceration that offer a reasonable prospect of equal or better crime control at equal or less cost than incarceration.

SEC. 4. STAFF AND SUPPORT SERVICES.

(a) DIRECTOR.—

(1) APPOINTMENT.—After consultation with the members of the Commission, the Chairperson shall appoint a director of the Commission (referred to as the "Director").

(2) COMPENSATION.—The Director shall be paid the rate of basic pay for level V of the Executive Schedule.

(b) STAFF.—With the approval of the Commission, the Director may appoint such personnel as the Director considers to be appropriate.

(c) CIVIL SERVICE LAWS.—The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(d) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(e) STAFF OF FEDERAL AGENCIES.—Upon the request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, personnel of that agency to the Commission to assist in carrying out its duties.

(f) PHYSICAL FACILITIES.—The Administrator of the General Services Administration shall provide suitable office space for the operation of the Commission. The facilities shall serve as the headquarters of the Commission and shall include all necessary equipment and incidentals required for proper functioning.

SEC. 5. POWERS.

(a) HEARINGS.—The Commission may conduct public hearings or forums at its discretion, at any time and place it is able to secure facilities and witnesses, for the purpose of carrying out its duties.

(b) DELEGATION OF AUTHORITY.—Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take by this section.

(c) INFORMATION.—The Commission may secure from any Federal agency or entity in the executive or legislative branch such materials, resources, statistical data, and other information as is necessary to enable it to carry out this Act. Upon request of the Chairperson or Vice Chairperson of the Commission, the head of a Federal agency or entity shall furnish the information to the Commission to the extent permitted by law.

(d) GIFTS, BEQUESTS, AND DEVISES.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Commission.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

SEC. 6. REPORTS.

(a) MONTHLY REPORTS.—The Commission shall submit monthly activity reports to the President and the Congress.

(b) INTERIM REPORT.—Not later than 1 year before the date of its termination, the Commission shall submit an interim report to the President and the Congress containing—

(1) a detailed statement of the findings and conclusions of the Commission;

(2) recommendations for legislative and administrative action based on the Commission's activities to date;

(3) an estimation of the costs of implementing the recommendations made by the Commission; and

(3) a strategy for disseminating the report to Federal, State, and local authorities.

(c) FINAL REPORT.—Not later than the date of its termination, the Commission shall submit to the Congress and the President a final report with a detailed statement of final findings, conclusions, recommendations, and estimation of costs and an assessment of the extent to which recommendations included in the interim report under subsection (b) have been implemented.

(d) PRINTING AND PUBLIC DISTRIBUTION.—Upon receipt of each report of the Commission under this section, the President shall—

(1) order the report to be printed; and

(2) make the report available to the public.

SEC. 7. TERMINATION.

The Commission shall terminate on the date that is 2 years after the date on which members of the Commission have met and designated a Chairperson and Vice Chairperson.●

By Mr. HOLLINGS (for himself, Mr. BREAUX, Mr. KERRY, Mr. ROBB, and Ms. MIKULSKI):

S. 1432. A bill to amend the Merchant Marine Act, 1936, to establish a National Commission to Ensure a Strong and Competitive U.S. Maritime Industry; to the Committee on Commerce, Science, and Transportation.

MARITIME COMPETITIVENESS ACT OF 1993

Mr. HOLLINGS. Mr. President, I rise today out of concern for the current state of our U.S.-flag maritime industry and what may lie ahead for its future. I have just received disturbing reports that the administration may be considering options which would literally destroy the U.S. shipping industry. This comes at a time when the industry is at its lowest point. In fact, the largest American shipping companies, American President Lines and Sea-Land, have just applied to the Department of Transportation to reflag a substantial portion of their fleets in foreign countries.

Apparently, these options or recommendations are under discussion as part of the National Performance Review. This review is an effort to streamline Government and make it more efficient—both goals which I, of course, do support. I do not support, however, the streamlining of American industries out of existence.

The options that are reported to be under consideration cut to the heart of the U.S. maritime industry. They include:

Closing the U.S. Merchant Marine Academy;

Not extending operating differential subsidy;

Disallowing title XI loan guarantees for ship construction;

Opening the U.S.-flag fleet to foreign built and repaired ships, foreign investors, and foreign crews;

Eliminating the Jones Act and the Passenger Vessel Act of 1986;

Eliminating cargo preference;

Eliminating antitrust immunity for shipping conferences;

Eliminating tariff-filing requirements; and

Separating the national defense issues from the industrial issue of maritime reform.

If these programs were to be eliminated, there would be nothing left of the U.S. maritime industry.

Although all of the recommendations that have been proposed are terribly disturbing to me, none is more troubling than the one that decouples the defense issues from the maritime issues. I simply do not understand how anyone can say that our merchant shipping fleet is not essential for our national defense. Every uniformed military person to whom I have talked who has any responsibility for the transportation of military cargo has told me privately that it is essential that we have the U.S.-flag merchant marine. However, when the Defense Department testifies on Capitol Hill, its statements contain no such assertions.

The policy wonks at the Defense Department must be the ones responsible for a policy that states that we do not need U.S.-flag ships or a U.S. shipbuilding industry. They would rather own and operate their own gray hulled ships which they will hold in reserve and call into service only when they are needed. In fact, the Navy announced last week that it was awarding a $1 billion contract to convert five foreign-built ships. This policy makes no sense to me.

Some would say that the United States can rely on ships owned by friendly nations. However, who is to say that friends today will not be foes tomorrow? Some people do not seem concerned about relying on the foreign crews that operate these ships. Do they honestly think these foreign nationals will voluntarily subject themselves to the dangers of war simply because the United States asks them to? I do not think so. They refused to go into the Persian Gulf, and they will refuse to go elsewhere.

Even if we could rely on our friends to supply us with ships and crews in time of war, how are we supposed to operate our own military reserve ships? The U.S.-flag commercial ships will be gone, and the U.S. citizens crews will be gone with them. There will be no pool of experienced mariners from which we can draw to operate these ships.

The U.S. maritime industry not only is essential for our national defense, but it also is vital to our economic security. Without a U.S.-flag commercial fleet, our manufacturers, importers, and exporters would be at the mercy of the trade practices of foreign nations, such as Japan.

In response to the precipitous decline of the United States maritime industry and the apparent inability of the U.S. Government to address that decline, I am introducing legislation today that quickly will establish a commission to take a close look at the issues confronting the industry and make recommendations to ensure its survival. Commissioners would be appointed based on their expertise in areas related to the U.S. maritime industry. In particular, the commission will address the factors that prevent U.S.-flag carriers from being globally competitive in ship operating and shipbuilding. These include U.S. laws and regulations pertaining to taxes, environmental protection, worker safety, and vessel construction, and operation. Additionally, the commission will review the adequacy of our merchant marine for national security purposes. Within 60 days after it is consulted, the commission will issue a report to the President and Congress which will include its recommendations for the revitalization of the industry.

This legislation is necessary to ensure that the issue of maritime reform is given fair consideration. The U.S. maritime industry is critical to our national interest. In fact, Gen. Colin Powell, Chairman of the Joint Chiefs of Staff, said it best in the commencement address that he gave to the U.S. Merchant Marine Academy on June 15, 1992:

> We are a maritime nation. Our strategy demands that we have access to foreign markets, to energy, to mineral resources and to the oceans. We must be able to project power across the seas. This means that not only do we need a strong navy, but a strong maritime industry as well.

Mr. President, I ask unanimous consent that the text of the bill I am introducing, along with my statement, be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1432

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as the "Maritime Competitiveness Act of 1993".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Since early in our Nation's history, it has been the policy of the United States to maintain a strong United States maritime industry that—

(A) includes an operating fleet of modern United States-flag vessels that is sufficient to carry the domestic waterborne commerce of the United States and a substantial portion of the waterborne export and import foreign commerce of the United States, and to provide shipping service essential for maintaining the flow of such domestic and foreign waterborne commerce at all times;

(B) includes a fleet of vessels under United States registry that is adequate to serve as a naval auxiliary in time of war or national emergency;

(C) has a labor force composed of highly trained and efficient United State citizens; and

(D) includes a United States shipbuilding industry with the most modern and efficient facilities.

(2) The United States maritime industry has declined to the point that this long-standing national policy is imperiled.

(3) There is a growing sentiment in favor of reforming the maritime laws and governmental practices in order to revitalize the industry.

(4) Without such reform, it is foreseeable that the remaining United States-flag carriers will shift their operations to foreign-flag vessels and the Nation's shipbuilding industry and other sectors of the maritime industry will continue to decline.

(5) A focused review of the United States maritime industry and impediments to its success should be undertaken in order to lay a solid foundation for reform.

SEC. 3. AMENDMENT TO MERCHANT MARINE ACT, 1936.

The Merchant Marine Act, 1936 (46 App. U.S.C. 1101 et seq.), is amended by adding at the end the following new title:

"TITLE XIV—NATIONAL COMMISSION ON MARITIME INDUSTRY COMPETITIVENESS

"SEC. 1401. ESTABLISHMENT.

"There is established a commission to be known as the 'National Commission to Ensure a Strong and Competitive United States

Maritime Industry' (hereinafter referred to as the 'Commission').

"SEC. 1402. FUNCTIONS.

"(a) INVESTIGATION AND STUDY.—The Commission shall make a complete investigation and study of the condition of the United States maritime industry, and impediments to a strong and competitive United States maritime industry.

"(b) POLICY RECOMMENDATIONS.—Based on the results of the investigation and study to be conducted under subsection (a), the Commission shall recommend to the President and Congress those policies which should be adopted to—

"(1) achieve the national goal of a strong and competitive United States maritime industry which will help to provide for the national defense and economic security;

"(2) revitalize the fleet of United States-flag vessels and maintain that fleet at a level sufficient to contribute to the national defense and the economic security of the Nation;

"(3) foster a viable United States shipbuilding industry to provide an industrial base for meeting present and future military and civilian shipbuilding needs; and

"(4) reduce the loss of seafaring and shipbuilding jobs for United States citizens so as to ensure the existence of a reliable maritime labor force.

"SEC. 1403. SPECIFIC MATTERS TO BE ADDRESSED.

"The Commission shall specifically investigate and study under section 1402(a) the following:

"(1) CURRENT CONDITION OF UNITED STATES MARITIME INDUSTRY.—The current condition of the United States maritime industry, including how the condition of the industry is likely to change over the next 10 years.

"(2) NATIONAL DEFENSE.—The adequacy of the United States maritime industry to ensure the national defense.

"(3) MARITIME LABOR.—Whether there is an adequate number of skilled mariners and shipyard workers, the level of training of United States mariners at training facilities in the United States, and the effect of wage rates on the global competitiveness of the United States maritime industry.

"(4) IMPEDIMENTS TO A STRONG AND COMPETITIVE MARITIME INDUSTRY.—Whether the Federal Government should take any legislative or administrative actions to improve the condition of the United States maritime industry, including whether any changes are needed in the legal and administrative policies which govern—

"(A) support for United States-flag vessel operations;

"(B) the taxes and user fees imposed on United States maritime enterprises;

"(C) the regulatory requirements imposed on United States-flag vessels and their operators, including environmental, vessel construction, and safety standards; and

"(D) incentives to encourage investment in United States-flag vessel operations and United States shipbuilding.

"(5) INTERNATIONAL MARITIME POLICY.—Whether the policies and strategies followed by the United States in international maritime policy are promoting the ability of the United States maritime industry to achieve long-term competitive success in international markets, including—

"(A) the Government's general negotiating policy;

"(B) the desirability of multilateral rather than bilateral negotiations;

"(C) the rights granted foreign investors to invest in United States-flag shipping and United States shipbuilding; and

"(D) the effect of subsidies and other financial assistance by foreign governments to their vessel operators and shipbuilders.

"SEC. 1404. MEMBERSHIP; ADMINISTRATIVE MATTERS.

"(a) APPOINTMENT.—The Commission shall be composed of 15 voting members and 11 nonvoting members as follows:

"(1) 5 voting members and 1 nonvoting member appointed by the President.

"(2) 3 voting members and 3 nonvoting members appointed by the majority leader of the Senate.

"(3) 2 voting members and 2 nonvoting members appointed by the minority leader of the Senate.

"(4) 3 voting members and 3 nonvoting members appointed by the Speaker of the House of Representatives.

"(5) 2 voting members and 2 nonvoting members appointed by the minority leader of the House of Representatives.

"(b) QUALIFICATIONS.—Voting members appointed pursuant to subsection (a) shall be appointed from among individuals who are experts in commercial shipping, international trade, and related disciplines and who can represent United States-flag vessel operators (including domestic passenger vessel operators), seafaring and shipbuilding labor, shipbuilders, shippers, and the financial community with expertise in maritime matters.

"(c) TERMS OF OFFICE.—Members shall be appointed for the life of the Commission.

"(d) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

"(e) TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

"(f) CHAIRMAN.—The President, in consultation with the majority leader of the Senate and the Speaker of the House of Representatives, shall designate the Chairman of the Commission from among its voting members.

"(g) COMMISSION PANELS.—The Chairman shall establish such panels consisting of voting members of the Commission as the Chairman determines appropriate to carry out the functions of the Commission.

"(h) STAFF.—The Commission may appoint and fix the pay of such personnel as it considers appropriate.

"(i) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this title.

"(j) ADMINISTRATIVE SUPPORT SERVICES.—Upon request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its duties under this title.

"(k) STAFF AND OTHER SUPPORT.—Upon the request of the Commission or a panel of the Commission, the Secretary of Transportation shall provide the Commission or panel with staff and other support to assist the Commission or panel in carrying out its responsibilities.

"(l) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information (other than information required by any statute of the United States to be kept confidential by such department or agency) necessary for the Commission to carry out its duties under this title. Upon request of the Commission, the head of that department or agency shall furnish such nonconfidential information to the Commission.

"SEC. 1405. REPORT.

"Not later than 60 days after the date on which the initial appointments of members to the Commission are completed, the Commission shall transmit to the President and Congress a report on the activities of the Commission, including recommendations made by the Commission under section 1402(b).

"SEC. 1406. TERMINATION.

"The Commission shall terminate on the 30th day after the date of transmittal of the report under section 1405. All records and papers of the Commission shall thereupon be delivered by the Administrator of General Services for deposit in the National Archives.".

By Mr. BRADLEY (for himself and Mr. LAUTENBERG):

S. 1433. A bill to suspend temporarily the duty on 5-(N,N-dibenzylglycl)-salicylamide, 2-[N-benzyl-N-tert-butylamino]-4′-hydroxy-3′-hydromethyl-acetophenone hydrochloride, flutamide, and loratadine; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

• Mr. BRADLEY. Mr. President, I rise to reintroduce legislation to temporarily suspend the duties on a compilation of imported chemicals on behalf of the Schering-Plough Corp. of Madison, NJ. Similar legislation has been introduced on the House side as H.R. 1590 by Representatives ARCHER and SUNDQUIST.

This legislation would suspend the import duties on four chemicals. These chemicals are used to produce finished pharmaceutical products used in the treatment of patients who suffer from hypertension, bronchospasms, allergies, or prostatic cancer.

According to the International Trade Commission, there are no domestic producers of these chemicals. The legislation enables Schering-Plough Corp. to import the chemicals at reasonable prices, making its products more competitive in the international market and more affordable for domestic consumers.

Mr. President, I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1433

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUSPENSIONS OF DUTY ON 5-(N,N-DIBENZYLGLYCYL)-SALICYLAMIDE, 2-[N-BENZYL-N-TERT-BUTYLAMINO]-4′-HYDROXY-3′-HYDROMETHYL-ACETOPHENONE HYDROCHLORIDE, FLUTAMIDE, AND LORATADINE.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new headings:

"9902.31.12	5-(N,N-dibenzyl-glycyl)-salicylamide (LBH-B/C, CAS No. 30566–92–8) (provided for in subheading 2922.30.3000)	Free	No Change	No change	On or before 12/31/96
"9902.31.13	2-(N-benzyl-N-tert-butylamino)-4'-hydroxy-3'hydromethylaceto- phenone hydrochloride (Glycyl Hydrochloride, CAS No. 24085–08–3) (provided for in subheading 2922.30.3000).	Free	No change	No change	On or before 12/31/96
"9902.31.14	Flutamide (CAS No. 13311–84–7) (provided for in subheading 2924.29.3950)	Free	No change	No change	On or before 12/31/96
"9902.31.15	Loratadine (CAS No. 79794–75–5) (provided for in subheading 2933.90.2600)	Free	No change	No change	On or before 12/31/93".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.•

By Mr. BRADLEY (for himself and Mr. LAUTENBERG):

S. 1434. A bill to suspend temporarily the duty on certain chemicals; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

• Mr. BRADLEY. Mr. President, I rise to introduce legislation to temporarily suspend the duties on a compilation of imported chemicals on behalf of Biocraft Laboratories, Inc., of Fair Lawn, NJ. Joining me is my colleague Senator DANFORTH. Similar legislation was introduced during the last Congress by Senator DANFORTH, and has been introduced on the House side this year as H.R. 1745 by Congresswoman ROUKEMA and Congressman VOLKMER.

Biocraft Laboratories, Inc., manufacturers and markets generic drugs. Most of the chemicals in this bill are intermediate materials used to manufacture the generic drugs; the others are bulk drug substances. According to the International Trade Commission, Biocraft cannot obtain these essential chemicals from the domestic market.

The costs associated with importing these intermediate products make up a large percentage of the production cost of Biocraft's generic drugs. This suspension would allow Biocraft to offer these generic drugs to the public at lower prices. Since generic drugs are often used to cut costs in military and veterans' hospitals, and for Medicare and Medicaid recipients, the lower prices will also help to reduced Government-assisted health care costs.

Mr. President, I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1434

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY DUTY SUSPENSIONS.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new headings:

"9902.31.12	(R) -α-Amino-1, cyclohexadiene-1-acetic acid (CAS No. 26774–88–9) (provided for in subheading 2922.49.50	Free	No change	No change	On or before 12/31/96."
"9902.31.13	(R)-α-Amino-4- hydroxybenzene-acetic acid (CAS No. 22818–40–2) (provided for in subheading 2922.50.30)	Free	No change	No change	On or before 12/31/96."
"9902.31.14	(R)-α-Aminobenzeneacetic acid (CAS No. 875–74–1) (provided for in subheading 2922.49.35)	Free	No change	No change	On or before 12/31/96."
"9902.31.15	N,N'- Bis(trimethyl-silyl)urea (CAS No. 18297–63–7) (provided for in subheading 2931.00.50)	Free	No change	No change	On or before 12/31/96."
"9902.31.18	Penicillin V potassium (CAS No. 132–98–9) (provided for in subheading 2941.10.50)	Free	No change	No change	On or before 12/31/96."
"9902.31.19	Penicillin G potassium (CAS No. 113–98–4) (provided for in subheading 2941.10.20)	Free	No change	No change	On or before 12/31/96."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.•

By Mr. BRADLEY (for himself and Mr. LAUTENBERG):

S. 1435. A bill to suspend temporarily the duty on certain chemicals; to the Committee on Finance.

S. 1436. A bill to extend the suspension of duties on certain chemicals; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

• Mr. BRADLEY. Mr. President, I rise to reintroduce two pieces of legislation to temporarily suspend the duties on a compilation of imported chemicals on behalf of Lonza, Inc., a company based in Fair Lawn, NJ. Similar bills have been introduced on the House side as H.R. 1070 and H.R. 1071 by Representative TORRICELLI.

Lonza, Inc., manufactures and markets a diverse line of inorganic, organic, and specialty chemicals tailored to the performance requirements of specific segments of the chemical industry. The chemicals in this bill range in usage from a nutrient supplement for baby food, to an antibacterial wound cleanser, to a combatant of alcoholism.

According to the International Trade Commission, there are no domestic producers of these chemicals. The legislation enables Lonza, Inc., to import the chemicals at reasonable prices, making its products more competitive in the international market and more affordable for consumers here at home.

Mr. President, I ask unanimous consent that the text of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1435

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY DUTY SUSPENSIONS.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new headings:

"9902.31.12	Malonic acid (provided for in subheading 2917.19.50)	Free	No change	No change	On or before 12/31/96
"9902.31.13	4,4,4-Trifluoro-3-axobutanoic acid, Ethyl estar and 4,4,4- Trifluoro-3-oxobutanoic acid, methyl ester (provided for in subheading 2918.30.50)	Free	No change	No change	On or before 12/31/96
"9902.31.14	2-Chloro-N,N-dimethylethyl-amine hydro-chloride, 2-(diethylamino) ethyl chloride hydrochloride, and dimethyl-aminoisopropyl chloride hydrochloride (provided for in subheading 2921.19.50)	Free	No change	No change	On or before 12/31/96
"9902.31.15	4,4-Methylenebis-(2,6-diethylanilline) (provided for in subheading 2921.51.50)	Free	No change	No change	On or before 12/31/96
"9902.31.16	2-Amino-5-Chlorobenzo-phenone (provided for in subheading 2922.30.35)	Free	No change	No change	On or before 12/31/96
"9902.31.17	3-Aminocrotonic acid, methyl estar (provided for in subheading 2922.49.50)	Free	No change	No change	On or before 12/31/96
"9902.31.18	Tetramethyl-guanidine (provided for in subheading 2925.20.50)	Free	No change	No change	On or before 12/31/96
"9902.31.19	1,3-Phenylenebis (1-methylethyl-idenebis) Cyanic acid 1,4-phenylene ester (provided for in subheading 2929.90.10)	Free	No change	No change	On or before 12/31/96
"9902.31.20	Calcium Lactobionate (provided for in subheading 2932.90.50)	Free	No change	No change	On or before 12/31/96
"9902.31.21	2-Methyl-5-Ethyl-pyridine (provided for in subheading 2933.39.20)	Free	No change	No change	On or before 12/31/96
"9902.31.22	Piperidinoethyl Chloride Hydrochloride (provided for in subheading 2933.39.47)	Free	No change	No change	On or before 12/31/96
"9902.31.23	2-Amino-4-Chloro-6-Methoxy-pyrimidine and 2-Amino-4,6-Dimethoxy-pyrimidine (provided for in subheading 2933.59.90)	Free	No change	No change	On or before 12/31/96
"9902.31.24	Morpholinoethyl Chloride Hydrochloride (provided for in subheading 2934.90.50)	Free	No change	No change	On or before 12/31/96
"9902.31.25	Physostigmine Salicylate (Eserine Salicylate) (provided for in subheading 2939.90.10)	Free	No change	No change	On or before 12/31/96
"9902.31.26	Lobeline Sulphate (provided for in subheading 2939.90.50	Free	No change	No change	On or before 12/31/96
"9902.31.27	D-Arabinose (provided for in subheading 2940.00.00)	Free	No change	No change	On or before 12/31/96".

SEC. 2. EFFECTIVE DATE.

The amendment made by section 1 applied with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

S. 1436

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUSPENSION OF DUTIES ON CERTAIN CHEMICALS.

Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by striking "12/31/92" and inserting "12/31/96" in each of the following headings:

(1) Heading 9902.29.49 (relating to Benzethonium chloride).

(2) Heading 9902.29.59 (relating to 2,2—Bis(4-cyanatophenyl)propane).

(3) Heading 9902.29.62 (relating to Paraldehyde, USP grade).

(4) Heading 9902.29.63 (relating to Aminomethylphenylpyrazole (Phenylmethylaminopyrazole).

(5) Heading 9902.29.67 (relating to 3-Methyl-1-(p-tolyl)-2-pyrazolin-5-one (p-Tolylmethylpyrazolone)).

(6) Heading 9902.29.69 (relating to 3-Methyl-5-pyrazolone).

(7) Heading 9902.29.71 (relating to Barbituric acid).

(8) Heading 9902.30.13 (relating to 4,4'-Methylenebis-(2,6-dimethyl-phenylcyanate)).

(9) Heading 9902.30.29 (relating to 4,4'-Methylenebis-(3-chloro-2,6-diethylaniline)).

(10) Heading 9902.30.30 (relating to 4,4'-Methylenebis-(2,6-diisoprophylaniline)).

(11) Heading 9902.30.57 (relating to L-Carnitine).

(12) Heading 9902.30.59 (relating to Acetoacet-para-toluidide).

(13) Heading 9902.30.63 (relating to Acetoacetsulfanilic acid, potassium salt).

(14) Heading 9902.30.72 (relating to 1,1-Ethylidenebis-(phenyl-4-cyanate)).

(15) Heading 9902.30.73 (relating to 2,2'-Bis(4-cyanatophenyl)-1,1,1,3,3,3-hexafluoropropane (CAS No. 32728-27-1)).

(16) Heading 9902.30.74 (relating to 4,4'-Thiodiphenyl cyanate).

(17) Heading 9902.30.86 (relating to 6-Methyluracil).

(18) Heading 9902.30.92 (relating to Ethyl 2-(2-aminothiazol-4-yl)-2-hydroxyiminoacetate).

(19) Heading 9902.30.93 (relating to Ethyl 2-(2-aminothiazol-4-yl)-2-methoxyiminoacetate).

(20) Heading 9902.36.06 (relating to Metaldehyde).

(21) Heading 9902.39.11 (relating to Hydrocarbon novolac cyanate ester).

SEC. 2 EFFECTIVE DATE.

(a) IN GENERAL.—the amendments made by section 1 shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(b) RETROACTIVE PROVISION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon a request filed with the appropriate customs officer on or before the 90th day after the date of the enactment of this Act, any entry, or withdrawal from warehouse for consumption, of an article to which an amendment made by section 1 applies—

(1) that was made after December 31, 1992, and before the 15th day after the date of the enactment of this Act; and

(2) and with respect to which there would have been a lower duty if an amendment made by section 1 applied to such entry or withdrawal,

shall be liquidated or reliquidated as though such entry or withdrawal had occurred on such 15th day.•

By Mr. DOLE (for himself, Mr. LAUTENBERG, and Mr. HATFIELD):

S. 1437. A bill to amend section 1562 of title 38, United States Code, to increase the rate of pension for persons on the Medal of Honor roll; to the Committee on Veterans' Affairs.

MEDAL OF HONOR PENSION

Mr. DOLE. Mr. President, today, I rise to introduce a bill that will increase the special pension for those living members of the Army, Navy, Air Force, and Coast Guard Congressional Medal of Honor roll.

Serving in the U.S. military has held a place of greatest honor throughout history. Since the birth of our Nation, brave individuals have answered the high call to service. While all men and women who have served in the U.S. Armed Forces are worthy of praise, there exists a select group of soldiers who have earned a special reward.

I am speaking of those men who have been awarded our Nation's highest military honor, the Congressional Medal of Honor. Our distinguished colleague from Nebraska, Senator BOB KERREY, was awarded the Medal of Honor for his action in Vietnam. Senator KERREY's fellow recipients include men from all walks of life; from farmers to corporate presidents and laborers to lawyers. These men have all shown courage and servitude to our Nation above and beyond the call of duty.

Each and every one of them has served their country with dignity and honor. They fought to preserve the spirit of American democracy, and to ensure freedom for all American citizens. These men set themselves apart from the others by acting heroically in crisis situations. Yet they will tell you they were just doing their duty. They will give credit to those that were with them and will tell you to remember those left behind.

There is no record of the lives they saved through their action and bravery, but it is clear to anyone who reads the names on the honor roll that the cost of their sacrifice was often their own life, for the vast majority of the Medals of Honor are awarded posthumously.

Today, there are only 204 survivors whose names appear on the Medal of Honor roll. It is an unfortunate fact that some of these men are actually living below the poverty line. In my view, this is wrong, and I believe that it's time we correct it.

Title 38 of the United States Code allocates a nontransferable pension of $200 a month to surviving members of the Medal of Honor roll. However, this pension has not been adjusted in over 10 years and that $200 is equivalent to less than $50 in today's economy. Current legislation must keep up with our changing economy.

The legislation that I introduce today will raise the monthly pension from $200 to $500. These 204 veterans have not asked for a thing. It is the nature of those that have the courage to be listed on the Medal of Honor roll that they would ask nothing of the Nation for which they gave so much.

I believe it is our responsibility to remember and reward these 204 Americans who gave to their Nation outstanding service. I ask my colleagues to join with me to take this opportunity for our Nation to show its appreciation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1437

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE IN RATE OF SPECIAL PENSION FOR PERSONS ON THE MEDAL OF HONOR ROLL.

(a) IN GENERAL.—Section 1562 of title 38, United States Code, is amended by striking out "$200" and inserting in lieu thereof "$500".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to months beginning after the date of the enactment of this Act.

SEC. 2. PERMANENT EXTENSION OF PROCEDURES APPLICABLE TO LIQUIDATION SALES UPON DEFAULT OF HOME LOANS GUARANTEED BY THE DEPARTMENT OF VETERANS AFFAIRS.

(a) INCLUSION OF RESALE LOSSES IN NET-VALUE CALCULATION.—Paragraph (1)(C) of section 3732(c) of title 38, United States Code, is amended by inserting "(including losses sustained on the resale of the property)" after "resale".

(b) PERMANENT EXTENSION OF AUTHORITY.—Paragraph (11) of such section is repealed.

By Mr. STEVENS:

S. 1438. A bill to encourage States to enact and enforce laws ensuring that motor vehicles yield the right-of-way to pedestrians, and for other purposes; to the Committee on Commerce, Science, and Transportation.

PEDESTRIAN RIGHT-OF-WAY LEGISLATION

Mr. STEVENS. Mr. President, Hippocrates once said that "walking is man's best medicine." Fortunately, Hippocrates never had to walk alongside the modern automobile.

For a growing number of Americans, what was once a leisurely stroll has now become a death-defying feat. Drivers of motor vehicles systematically ignore the danger they pose to innocent pedestrians. And the cost to society is enormous.

Every 6 minutes a pedestrian is killed or injured by a motor vehicle. Roughly 7,000 pedestrians are killed each year, and over 100,000 are injured. These numbers are shocking, but not surprising. Who among us has not stepped into a marked crosswalk, only to narrowly avoid being hit by a car?

The number of fatalities, on its face, is terrible. But on closer inspection, the situation is even more tragic.

The Federal Highway Administration has told us that the three groups most at risk of being involved in a pedestrian accident are young children, people with disabilities, and the elderly.

Among youth, those most in danger are poor and minority children. The Centers for Disease Control found that poor children are 2 to 3 times more likely to be involved in a pedestrian accident than other children. That same study noted that minority children are 1.5 times more at risk than white children.

The statistics on people with disabilities are equally troubling. Wheelchair users, people who use walking aids, and those with severe visual impairment all run a higher than average risk of death or injury from pedestrian accidents.

And finally, the greatest risk of being involved in a pedestrian accident falls on Americans aged 70 and over. Sadly, they are also the most likely to die of their injuries.

While the human cost is high, pedestrian fatalities pose an even greater burden to society. A National Highway Traffic Safety Administration study shows that crashes involving pedestrians cost our economy over $1 million each hour. On a yearly basis, pedestrian accidents cause $10 billion in injuries, vehicle damage, insurance costs and lost productivity.

These facts are simply unacceptable. Studies show time and again that when a pedestrian accident is the driver's fault, it is most often due to the motorist's failure to yield the right-of-way.

Too many drivers take for granted the privilege of being issued a driver's license. Otherwise law-abiding citizens think nothing of violating our traffic laws. For many, speed limits, stop lights and stop signs are no more than an optional nuisance.

And, with few exceptions, States refuse to devote the necessary resources to ensure the safety of pedestrians.

In an effort to put an end to this tragedy, I am introducing today the Safe Transit of Pedestrians Act of 1993, or as I call it, the STOP Act. The STOP Act simply requires States to enact and enforce laws ensuring that cars will stop for pedestrians.

Many States have pedestrian right-of-way laws—but few enforce them. In those that do, drastic improvements in driver behavior have been noted. I spent a portion of my life in California. As soon as a pedestrian steps foot in the roadway in California, traffic comes to an immediate halt. That type of driver behavior should be the rule nationwide.

The STOP Act has already received a great deal of support. Endorsements have come from the American Public Health Association, the Pedestrian Federation of America, the Bicycle Federation of America, and others.

Mr. President, in the time that it has taken me to introduce this bill, another pedestrian has been killed or injured somewhere in America.

The time has come for us to demand that America's drivers stop for pedestrians. For our children, for our friends, and for our families, this needless cycle of death and injury must finally come to an end.

I ask unanimous consent that the text of the bill be printed at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1438

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Safe Transit of Pedestrians Act of 1993".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) approximately 7,000 pedestrians are killed, and 100,000 pedestrians are injured, annually in the United States by motor vehicles;

(2) accidents involving pedestrians cost the economy of the United States more than $10,000,000,000 per year because of injuries, vehicle damage, insurance costs, and lost productivity;

(3) poor children, minority children, the elderly, and people with disabilities are subject to the greatest degree of risk of being involved in a pedestrian accident; and

(4) even in States where motor vehicles must yield the right-of-way to pedestrians, pedestrian deaths and injuries continue because pedestrian right-of-way laws are not effectively enforced.

(b) PURPOSES.—The purposes of this Act are—

(1) to stop the large number of pedestrian deaths and injuries caused by motor vehicles;

(2) to save billions of dollars attributable to damage caused by pedestrian accidents each year; and

(3) to ensure that motor vehicle operators exercise due care when driving near pedestrians.

SEC. 3. SPEED LIMITS.

Section 154 of title 23, United States Code, is amended—

(1) in subsection (a), by striking "The Secretary" and inserting the following: "Subject to subsection (j), the Secretary"; and

(2) by adding at the end the following new subsection:

"(j) ADJUSTMENT OF SPEED LIMITS.—Notwithstanding any other provision of law, after September 30, 1995, if a State does not have in effect, and is not enforcing to the maximum extent practicable, a State law that ensures that the driver of a motor vehicle yields the right-of-way to, and stops for, a pedestrian who is legally in the roadway and is exercising due care—

"(1) paragraph (1) of subsection (a) shall be applied with respect to the State by substituting '50' for 'fifty-five'; and

"(2) paragraphs (2) and (3) of subsection (a) shall be applied with respect to the State by substituting '50' for '65'.".

SEC. 4. REGULATIONS.

Not later than 1 year after the date of enactment of this Act the Secretary of Transportation shall, after providing public notice and opportunity for comment, issue regulations to carry out this Act and the amendments made by this Act.

By Mr. LIEBERMAN:

S. 1439. A bill to provide for the application of certain employment protection laws to the Congress, and for other purposes; to the Committee on Governmental Affairs.

CONGRESSIONAL ACCOUNTABILITY ACT

• Mr. LIEBERMAN. Mr. President, I rise to introduce the Congressional Accountability Act. This bill, if enacted, would apply to Congress and its support offices all of the laws regarding civil rights, labor practices, disability, family medical leave, health, safety, and freedom of information that currently apply to the executive branch and its private sector.

This bill sends an important signal that the Congress is serious about change, and serious about restoring this great institution's credibility with the American people.

It builds upon the important advances made in title III of the 1991 Civil Rights Act, which created the Senate Office of Fair Employment Practices. It would create an independent, nonpartisan Board of Directors, in keeping with the separation of powers, which would oversee the application of the aforementioned laws to Congress.

Mr. President, a similar version of this bill has been introduced in the House of Representatives by my friend and fellow Representative from Connecticut, Representative SHAYS. Representative SHAYS has gathered over 217 cosponsors for his bill, and it has been well-received by Members of the House on both sides of the isle.

This legislation is not designed to stir partisan animosities. The time has come for Congress to understand the full effects of the laws it passes, and I hope that by doing this we will pass better laws. I look forward to the report of the Senate task force on congressional coverage that will be issued soon, and I hope that the task force, the leadership, and the Joint Committee on the Organization of Congress can work with me and Representative SHAYS to speed these reforms along.

Mr. President, I send this bill to the desk and ask for its immediate consideration.•

By Mr. BURNS:

S. 1440. A bill to amend the Endangered Species Act of 1973 with commonsense amendments to strengthen the act, enhance wildlife conservation and management, augment funding, and protect fishing, hunting, and trapping.

ENDANGERED SPECIES REAUTHORIZATION LEGISLATION

Mr. BURNS. Mr. President, I rise today to introduce the following amendments to reauthorize the Endangered Species Act. These amendments provide a commonsense approach to administration of the act and will eliminate the abuse and misinterpretation of the intent of the act. We still have a long way to go in bringing common sense, technical reality, and economics into administration of this act.

One of the most important concepts of this proposed legislation is to designate critical habitat and then manage it. We cannot have preservation or conservation without management. Without management, we will see habitats degraded by wildlife populations putting greater demands on their own habitat and food supply.

Reauthorization of the Endangered Species Act has gotten the attention of a lot of folks across the country because administration of this act is effecting everyone, in the hip pocket, emotionally, and in the technical decisionmaking process. One of the most important issues that must be addressed is the way this act, and other laws that deal with clean water, wetlands, and wildlife habitat are administered.

Most people know that habitat for fish, wildlife, vegetation and people often conflict with each other. At the same time, land, fish and wildlife management and use of, or competition for, diverse habitats occur throughout the world. These amendments focus on real habitat needs, by addressing the significance of critical, or a better term—limiting habitat for each species.

I mention this because in my home State of Montana, we have one of the best examples of ecosystem management in the world. I want to emphasize this point, that ecosystem management as it has been practiced for the past 60-odd years, is one of the most blatant mismanagement mistakes in this country.

This has all been done for the sake of preserving natural conditions for the wrong reasons instead of managing the land for the good of the wildlife. I am speaking of course about the northern range of Yellowstone National Park. These lands were not traditional home ranges for the number of elk and bison that now have to reside there. The norm is poor range conditions for the sake of natural conditions.

By enacting this legislation that provides for the flexibility of management prescriptions, the very existence of most species will be preserved.

Another important part of this legislation is the issue of a taking as it relates to habitat and protection of a species. Lets face it, most critters are mobile and adaptable to variations in their ecological niche. Common sense, technology, adaptability, and management are key to species survival in the competitive world of nature.

Foreign laws and management practices also need recognition. Lets not forget that the economic value of a species will dictate how well it is protected from poaching and the black market. I want to mention this in the same context as recovery because it is very important to set recovery goals and timeframes in a reasonable manner.

The last item that I want to mention is the way in which we designate endangered species. The biggest problems facing recovery of endangered species are the inconsistency in administration between the agencies, emotional and political listing instead of depending solely on science, and the perpetual economic impact of the entire issue.

This legislation brings a commonsense approach to listing and delisting criteria. The legislation provides for peer review of technical information before any agency could go forth with a listing based on their discretion and without the best scientific and commercial information to support their findings. Further, it will be advantageous to set reasonable timeframes for the process.

As we go forth in the next few months debating the endangered species, let us not lose track of the facts, particularly the fact that man, as the steward of the land, must also be part of the formula.

By Mr. BIDEN:

S. 1441. A bill to reform habeas corpus; to the Committee on the Judiciary.

HABEAS CORPUS REFORM ACT OF 1993

Mr. BIDEN. Madam President, it was my intention this evening to rise on the floor to keep a commitment that I made to introduce a crime bill of 1994. It is 480-some pages long. I have it here in my hand.

Madam President, 99 percent of this legislation, this omnibus crime bill, has been worked out in detail in agreement with the House. But I spoke with the President of the United States tonight who would like me to withhold introducing it to-night, even though we have worked tirelessly with the Attorney General's office, the White House, and the leadership in the House of Representatives, as well as here, and it is a reasonable request.

He would like me to have 100 percent agreement with the House and, hopefully, when we return on September 7, introduce a bill that is the same in the House and the Senate that the White House will endorse so it will be a jointly introduced bill.

I am hopeful we can do that. So since there is no action we could take tonight were I to introduce this bill, I will withhold and hope that sometime this week there is a prospect that the President of the United States will have a joint meeting and a press conference to announce at least the outlines of this legislation in some considerable detail.

But, Madam President, I am going to introduce, because it has full support of the White House and the Attorney General and many others, the one piece of this crime bill that caused it from not passing over the last 4 years, where there is now agreement.

I rise tonight to introduce the Habeas Corpus Reform Act of 1993. The introduction of this bill results from an extraordinary process. In 1991, the Senate passed a bill that included substantial aid to State and local law enforcement: The death penalty, habeas corpus reform, the Brady bill and other significant anticrime measures. The crime bill that came out of the conference, as the Presiding Officer knows, that is the meeting between the House and the Senate to iron out their differences, the conference enjoyed the support of virtually every major law enforcement group in the Nation, including the Fraternal Order of Police, the National Association of Police Organizations, the International Association of Chiefs of Police, the National Sheriffs Association, the International Brotherhood of Police Officers, among others.

Nonetheless, the Republicans, at the urging of President Bush, refused to let this U.S. Senate vote on this bill. The House passed this conference report once in 1989 and they filibustered this legislation and twice in 1992 the Republicans filibustered this major anticrime legislation.

In short, the Republicans kept the Senate from voting on the conference report. That is their right. I am not being critical of that. The sole reason, though, cited for not allowing essentially this bill I have in my hand and was prepared to introduce tonight in detail, the sole reason for that not passing as long ago as 2 years, the sole rationale for the filibuster that was suggested was their objection of the State prosecutors, State attorneys general and the DA's, the district attorneys of the Nation.

I know the Presiding Officer, a prosecutor in the U.S. attorney's office, understands and knows those folks very well. They came along, these two very well-respected organizations—Democrats and Republicans members of both organizations—they came along and they said we cannot support this omnibus crime bill because of the habeas corpus provisions that BIDEN and others have in the bill.

So, Madam President, that was the rationale offered by my Republican colleagues as to why they could not support the bill. No one said it was because of the Brady bill. No one said it was because of guns. No one said it was because of anything else other than the failure to have the support of the attorneys general of the United States and the district attorneys of the various locales throughout America.

And so, Madam President, although I thought those objections to the habeas corpus were wrong, but I believed it was so important to get the American people a crime bill that I offered to take out the habeas corpus provisions over the last 2 years. I said:

> OK, we agree to everything else but habeas corpus. Why don't we just take habeas reform out and work on that separately and adopt the conference report without habeas corpus?

Well, my Republican friends said to that, "No, we are still going to filibuster. We do not want to vote on that even though the part we do not like, habeas corpus, you take out of the bill."

In my view, the failure to adopt the conference report of the so-called crime bill meant that the Congress did nothing to respond to the violence that consumes our streets, our homes, our schools, and our place of work, and I think that was tragic.

So this year with a new President, the first thing I did with candidate Clinton, and then with President-elect Clinton, and then with President Clinton was follow up on his request, his unrelenting request, that I reintroduce a crime bill and that we move forward on crime.

So at the outset of this Congress, Madam President, to address the only objection raised by those who filibustered the conference report for the last 2 years, I did something that I hope people think is reasonable. I invited those prosecutors, I invited the National Association of Attorneys General, National District Attorney's Association, and I invited the leadership and some who were not leaders in those organizations to sit down with me and help me write a habeas corpus provision that met their concerns about reducing the unnecessary delay in the habeas corpus petition process without compromising the concern that the petition review process be fair.

For many weeks—and without exaggeration—I can say I personally and the leadership of both of those organizations—not their staffs—the principals, sat in my office for hour upon hour.

Our staffs sat for a minimum 200 or more—easily 200 hours—I am not exaggerating—working out just this one provision on habeas corpus, every jot and title, every period, every "i," every comma, every single piece. It took 5 months of good faith negotiation, and literally tens, if not hundreds, of hours of detailed negotiations. And finally, Madam President for many weeks, as I said—and I might point out, not only in my office but the Department of Justice, the Attorney General himself and the top personnel, Phil Heymann, the Deputy Attorney General, sat in as well with the district attorneys and we met every day on habeas corpus reform.

The bill I introduced tonight reflects the results of that work.

The new habeas corpus reform act limits State inmates to a single Federal habeas corpus appeal subject to a first time every 6-month time limit. Every indigent capital defendant will be provided at all stages from trial through the end of the State proceedings with counsel meeting tough specific standards of knowledge and experience in capital offenses.

I wish to thank personally the following people, who all took a political risk in sitting down to try to do something for this country. A man who I have an inordinate amount of respect for, a man who is of the opposite party, Pennsylvania Attorney General Ernie Preate. Ernie Preate is running for Governor of Pennsylvania, I think, and Ernie Preate nonetheless sat down with Democrats and Republicans because he is a leader on this issue, and hammered out a compromise along with Delaware Attorney General Charlie Oberly and New Jersey Attorney General Robert Del Tufo, the principals involved from the Attorneys General side in hammering out this laborious negotiation.

And then District Attorney Robert Macy of Oklahoma, one tough customer, Madam President, a man who was not at all shy about his views on habeas corpus, and I doubt whether anyone in the world would dare look at him and say he is not a law and order man. This is a man who even wears a black suit and a string tie. I means he worries me just looking at him, talk about being tough. But he is smart, he is tough, and he has decided that the district attorneys, representing them as their President, want to play a part in making sure there was tough habeas corpus reform legislation but that was nonetheless fair in giving wide berth to the great writ, to make sure innocent people got their opportunity to prove their innocence. And he is the chairman of the board now of the District Attorneys Association.

I also want to thank William O'Malley, of Brockton, MA, now the president of the National District Attorneys Association, and Lynn Abraham, the district attorney for the city of Philadelphia, the fourth, I think, largest district attorney's office in the United States, maybe fifth. I think Houston may be the fourth now. I am not sure of that. But she is one tough lady, who has been a prosecutor her whole life and is known for being tough. They all drove relatively hard bargains, Madam President, as you might guess. Think of your former incarnation as a prosecutor. Imagine being able to get——

Mr. FORD. Ninety three.

Mr. BIDEN. No, more district attorneys, I think. There are hundreds of district attorneys nationwide, and there are 50 attorneys general in the United States of America, some appointed, some elected by their various States. Imagine getting all those people to agree. You think we have trouble getting 100 Senators together to agree on a complicated piece of legislation. There are on the order of 600 to 700 prosecutors who objected the last 2 years to this legislation.

Well, Madam President, I am proud to say the support of the Nation's prosecutors was forthcoming. Each of the people I named was instrumental in reaching the habeas corpus reform provisions of the bill that I introduce today. The support of the Nation's prosecutors I hope now finally is convincing proof of the merits of this proposal. The cops always supported it, from the beginning. Literally, more than 500,000 cops in the Nation, they supported it from the beginning. Now, the other prosecutor organizations in all of the United States of America have come along and support it.

Madam President, I ask unanimous consent to include in the RECORD the entire text of a letter dated August 5, 1993, from the National District Attorneys Association President O'Malley to me.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL DISTRICT
ATTORNEYS ASSOCIATION,
Alexandria, VA, August 5, 1993.

Hon. JOSEPH R. BIDEN, Jr.,
Chairman, Senate Judiciary Committee, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR BIDEN: Six weeks ago when you and Attorney General Janet Reno asked the National District Attorneys Assocation to work with you in redrafting a federal habeas corpus reform package, we were hopeful but frankly not optimistic. As you know, for years, there was a widely held consensus that reform was needed to curtail abuse of habeas procedure by reducing unnecessary delay and avoiding endlessly repetitive litigation. There was, however, broad disagreement on how to accomplish these goals.

After meeting with you personally and after extensive work by staff, I am pleased that we can announce together today that the NDAA, you as Chairman of the Senate Judiciary Committee, and the Office of the Attorney General of the United States, have agreed upon a reform package that we all believe meets the goals outlined above.

We believe the proposal improves the administration of justice and is worthy of support. In the NDAA's view, the proposal's potential for reducing delay and repetitious litigation in both capital and non-capital cases is so significant that it outweighs the objections many have to mandatory counsel standards in death penalty cases. In short, we believe the proposal is fair to defendants while at the same time promoting finality of convictions so that victims and their families will not continue to be victimized.

I join with District Attorney Robert Macy of Oklahoma City, Oklahoma, Chairman of our Board, in looking forward to working with you in gaining passage of this breakthrough reform measure.

Sincerely,

WILLIAM C. O'MALLEY,
President.

Madam President, I hope that my Republican colleagues will now join me and support a bill that will made a real impact on the Nation's ability to fight the violence and crime that victimizes millions of innocent Americans every year.

As I indicated, and I will conclude with this, it was my intent to introduce this entire anticrime package tonight. But at the President's request, I will wait to do this so that we can spend the August recess working out with our House colleagues the remaining details of the bill which literally makes up no more than 2 percent of this entire legislation. For that reason, I will wait to unveil the remaining provisions of this bill after the Congress returns in September.

I hope we can end the gridlock and deal with the crime issue. I am convinced my Republican colleagues want to do that. I am convinced my Republican colleagues feel as strongly about dealing with crime problem as I do. And so I hope we will not waste our time fighting each other when we should be spending it on behalf of the American public beginning the process of passing a bill that will truly help them win in the war against crime.

As I said, now for the first time the two leading associations, the district attorneys and the attorneys general—now it means all law enforcement organizations in America of any consequences are signed on to this compromise legislation.

I hope my Republican colleagues will read it over the recess and maybe decide to join us.

I might point out nothing beyond this compromise in this whole bill is written in stone. I am anxious to meet with my Republican colleagues before I introduce it if they are interested in working out a bipartisan anticrime bill.

I thank the Chair for the time and the indulgence this late at night. Especially after such an important vote, this all seems anticlimactic

The PRESIDING OFFICER. The minority leader, the Senator from Kansas.

Mr. DOLE. Let me say, first, to the distinguished Senator from Delaware, as he knows, we have introduced a comprehensive crime bill, and it is always our hope that we can come together and work to resolve the differences. So we will be looking forward to reading the Senator's bill on habeas corpus and hopefully he will have a chance to look at ours over the recess.

Mr. BIDEN. I will.

Mr. DOLE. It is not just the Senate Democrats and the House Democrats who will pass a crime bill, we hope. We hope it is going to be a broad bipartisan bill, and we will be looking forward to working with our colleagues.

Mr. BIDEN. If the Senator will yield for just a second, I look forward to that. I hope we can do on a bipartisan basis what the attorneys general and the DA's did on a bipartisan basis and agree on an approach. I am confident we can.

I thank the Chair.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1441

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Habeas Corpus Reform Act of 1993".

SEC. 2. FILING DEADLINES.

(a) IN GENERAL.—Section 2242 of title 28, United States Code, is amended—

(1) by amending the heading to read as follows:

"§ 2242. Filing of habeas corpus petition; time requirements; tolling rules";

(2) by inserting "(a)(1)" before the first paragraph, "(2)" before the second paragraph, "(3)" before the third paragraph, and "(4)" before the fourth paragraph;

(3) by amending the third paragraph, as designated by paragraph (3), to read as follows:

"(3) Leave to amend or supplement the petition shall be freely given, as provided in the rules of procedure applicable to civil actions."; and

(4) by adding at the end the following new subsections:

"(b) An application for habeas corpus relief under section 2254 shall be filed in the appropriate district court not later than 180 days after—

"(1) the last day for filing a petition for writ of certiorari in the United States Supreme Court on direct appeal or unitary review of the conviction and sentence, if such a petition has not been filed within the time limits established by law;

"(2) the date of the denial of a writ of certiorari, if a petition for a writ of certiorari to the highest court of the State on direct appeal or unitary review of the conviction and sentence is filed, within the time limits established by law, in the United States Supreme Court; or

"(3) the date of the issuance of the mandate of the United States Supreme Court, if on a petition for a writ of certiorari the Supreme Court grants the writ and disposes of the case in a manner that leaves the sentence undisturbed.

"(c)(1) Notwithstanding the filing deadline imposed by subsection (b), if a petitioner under a sentence of death has filed a petition for post-conviction review in State court within 270 days of the appointment of counsel as required by section 2258, the petitioner shall have 180 days to file a petition under this chapter upon completion of the State court review.

"(2) The time requirements established by subsection (b) shall not apply unless the State has provided notice to a petitioner under sentence of death of the time requirements established by this section. Such notice shall be provided upon the final disposition of the initial petition for State post-conviction review.

"(3) In a case in which a sentence of death has been imposed, the time requirements established by subsection (b) shall be tolled—

"(A) during any period in which the State has failed to appoint counsel for State post-conviction review as required in section 2258;

"(B) during any period in which the petitioner is incompetent; and

"(C) during an additional period, not to exceed 60 days, if the petitioner makes a showing of good cause.

"(d)(1) Notwithstanding the filing deadline imposed by subsection (b), if a petitioner under a sentence other than death has filed—

"(A) a petition for post-conviction review in State court; or

"(B) a request for counsel for post-conviction review,

before the expiration of the period described in subsection (b), the petitioner shall have 180 days to file a petition under this chapter upon completion of the State court review.

"(2) The time requirements established by subsection (b) shall not apply in a case in which a sentence other than death has been imposed unless—

"(A) the State has provided notice to the petitioner of the time requirements established by this section and of the availability of counsel as described in subparagraph (B); such notice shall be provided orally at the time of sentencing and in writing at the time the petitioner's conviction becomes final, except that in a case in which the petitioner's conviction becomes final within 30 days of sentencing, the State may provide both the oral and the written notice at sentencing; in all cases, the written notice to petitioner shall include easily understood instructions for filing a request for counsel for State post-conviction review; and

"(B)(i) the State provides counsel to the petitioner upon the filing of a request for counsel for State post-conviction review; or

"(ii) the State provides counsel to the petitioner, if a request for counsel for State post-conviction review is not filed, upon the filing of a petition for post-conviction review.

"(3) The time requirements established by subsection (b) shall be tolled in a case in which a sentence other than death has been imposed—

"(A) during any period in which the petitioner is incompetent; and

"(B) during an additional period, not to exceed 60 days, if the petitioner makes a showing of good cause.

"(e) An application that is not filed within the time requirements established by subsection (b) shall be governed by section 2244(b).".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 153 of title 28, United States Code is amended by amending the item relating to section 2242 to read as follows:

"2242. Filing of habeas corpus petition; time requirements; tolling rules.".

SEC. 3. STAYS OF EXECUTION IN CAPITAL CASES.

Section 2251 of title 28, United States Code, is amended—

(1) by inserting "(a)(1)" before the first paragraph and "(2)" before the second paragraph; and

(2) by adding at the end the following new subsections:

"(b) In the case of a person under sentence of death, a warrant or order setting an execution shall be stayed upon application to any court that would have jurisdiction over a habeas corpus petition under this chapter. The stay shall be contingent upon the exercise of reasonable diligence by the applicant in pursuing relief with respect to the sentence and shall expire if—

"(1) the applicant fails to file for relief under this chapter within the time requirements established by section 2242;

"(2) upon completion of district court and court of appeals review under section 2254, the application is denied and—

"(A) the time for filing a petition for a writ of certiorari expires before a petition is filed;

"(B) a timely petition for a writ of certiorari is filed and the Supreme Court denies the petition; or

"(C) a timely petition for certiorari is filed and, upon consideration of the case, the Supreme Court disposes of it in a manner that leaves the capital sentence undisturbed; or

"(3) before a court of competent jurisdiction, in the presence of counsel, and after being advised of the consequences of the decision, the applicant competently and knowingly waives the right to pursue habeas corpus relief under this chapter.

"(c) If any 1 of the conditions in subsection (b) has occurred, no Federal court thereafter shall have the authority to enter a stay of execution unless the applicant has filed a habeas corpus petition that satisfies, on its face, section 2244(b) or 2256. A stay granted pursuant to this subsection shall expire if, after the grant of the stay, 1 of the conditions specified in subsection (b) (2) or (3) occurs.".

SEC. 4. LIMITS ON NEW RULES; STANDARD OF REVIEW.

(a) LIMITS ON NEW RULES.—

(1) IN GENERAL.—Chapter 153 of Title 28, United States Code, as amended by section

306(a), is amended by adding at the end the following new section:

"§ 2257. Law applicable

"(a) Except as provided in subsection (b), in a case subject to this chapter, the court shall not announce or apply a new rule to grant habeas corpus relief.

"(b) A court considering a claim under this chapter shall apply a new rule when—

"(1) the new rule places a class of individual conduct beyond the power of the criminal lawmaking authority to proscribe or prohibits the imposition of a certain type of punishment for a class of persons because of their status or offense; or

"(2) the new rule constitutes a watershed rule of criminal procedure implicating the fundamental fairness and accuracy of the criminal proceeding.

"(c) As used in this section, a 'new rule' is a rule that changes the constitutional or statutory standards that prevailed at the time the petitioner's conviction and sentence became final on direct appeal.".

(2) TECHNICAL AMENDMENT.—The chapter analysis for chapter 153 of title 28, United States Code, as amended by section 306(b), is amended by adding at the end the following new item:

"2257. Law applicable.".

(b) STANDARD OF REVIEW.—Section 2254(a) of title 28, United States Code, is amended by adding at the end the following: "Except as to Fourth Amendment claims controlled by Stone v. Powell, 428 U.S. 465 (1976), the Federal courts, in reviewing an application under this section, shall review de novo the rulings of a State court on matters of Federal law, including the application of Federal law to facts, regardless of whether the opportunity for a full and fair hearing on such Federal questions has been provided in the State court. In the case of a violation that can be harmless, the State shall bear the burden of proving harmlessness.".

SEC. 5. LIMITS ON SUCCESSIVE PETITIONS.

Section 2244(b) of title 28, United States Code, is amended to read as follows:

"(b)(1) A claim presented in a habeas corpus petition that was not timely presented in a prior petition shall be dismissed unless—

"(A) the petitioner shows that—

"(i) the failure to raise the claim previously was the result of interference by State officials with the presentation of the claim, in violation of the Constitution or laws of the United States;

"(ii) the claim relies on a new rule that is applicable under section 2257 and was previously unavailable; or

"(iii) the factual predicate for the claim could not have been discovered previously through the exercise of reasonable diligence; and

"(B) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to—

"(i) undermine the court's confidence in the factfinder's determination of the applicant's guilt of the offense or offenses for which the sentence was imposed; or

"(ii) demonstrate that no reasonable sentencing authority would have found an aggravating circumstance or other condition of eligibility for a capital or noncapital sentence, or otherwise would have imposed a sentence of death.

"(2) Notwithstanding other matters pending before the court, claims for relief under this subsection from a case in which a sentence of death was imposed shall receive a prompt review in a manner consistent with the interests of justice.".

SEC. 6. NEW EVIDENCE.

(a) IN GENERAL.—Chapter 153 of title 28, United States Code, as amended by section 304(a)(1), is amended by adding at the end the following new section:

"§ 2256. Capital cases; new evidence

"For purposes of this chapter, a claim arising from a violation of the Constitution, laws, or treaties of the United States shall include a claim by a person under sentence of death that is based on factual allegations that, if proven and viewed in light of the evidence as a whole, would be sufficient to demonstrate that no reasonable factfinder would have found the petitioner guilty of the offense or that no reasonable sentencing authority would have found an aggravating circumstance or other condition of eligibility for the sentence. Such a claim shall be dismissed if the facts supporting the claim were actually known to the petitioner during a prior stage of the litigation in which the claim was not raised. Notwithstanding any other provision of this chapter, the claim shall not be subject to section 2244(b) or the time requirements established by section 2242. In all other respects, the claim shall be subject to the rules applicable to claims under this chapter.".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 153 of title 28, United States Code, as amended by section 304(a)(2), is amended by adding at the end the following new item:

"2258. Capital cases; new evidence.".

SEC. 7. CERTIFICATES OF PROBABLE CAUSE.

The third paragraph of section 2253, title 28, United States Code, is amended by adding at the end the following: "However, an applicant under sentence of death shall have a right of appeal without a certificate of probable cause, except after denial of a habeas corpus petition filed under section 2244(b).".

SEC. 8. PROVISION OF COUNSEL.

(a) IN GENERAL.—Chapter 153 of title 28, United States Code, as amended by section 304(a)(1), is amended by adding at the end the following new section:

"§ 2258. Counsel in capital cases; State court

"(a) COUNSEL.—(1) A State in which a sentence of death may be imposed under State law shall provide legal services to—

"(A) indigents charged with offenses for which capital punishment is sought;

"(B) indigents who have been sentenced to death and who seek appellate, post-conviction, or unitary review in State court; and

"(C) indigents who have been sentenced to death and who seek certiorari review of State court judgments in the United States Supreme Court.

"(2) This section shall not apply or form a basis for relief to nonindigents.

"(b) COUNSEL CERTIFICATION AUTHORITY.—A State in which a sentence of death may be imposed under State law shall, within 180 days after the date of enactment of this subsection, establish a State counsel certification authority, which shall be comprised of members of the bar with substantial experience in, or commitment to, the representation of criminal defendants in capital cases, and shall be comprised of a balanced representation from each segment of the State's criminal defense bar, such as a statewide defender organization, a capital case resource center, local public defender's offices and private attorneys involved in criminal trial, appellate, post-conviction, or unitary review practice. If a State fails to establish a counsel certification authority within 180 days after the date of enactment of this subsection, a private cause of action may be brought in Federal district court to enforce this subsection by any aggrieved party, including a defendant eligible for appointed representation under this subsection or a member of an organization eligible for representation on the counsel certification authority. If the court finds that the State has failed to establish a counsel certification authority as required by this subsection, the court shall grant appropriate injunctive and declaratory relief, except that the court shall not grant relief that disturbs any criminal conviction or sentence, obstructs the prosecution of State criminal proceedings, or alters proceedings arising under this chapter.

"(c) DUTIES OF AUTHORITY; CERTIFICATION OF COUNSEL.—The counsel certification authority shall—

"(1) establish and publish standards governing qualifications of counsel, which shall include—

"(A) knowledge and understanding of pertinent legal authorities regarding issues in capital cases;

"(B) skills in the conduct of negotiations and litigation in capital cases, the investigation of capital cases and the psychiatric history and current condition of capital clients, and the preparation and writing of legal papers in capital cases;

"(C) the minimum qualifications required by subsection (d); and

"(D) any additional qualifications relevant to the representation of capital defendants;

"(2) establish application and certification procedures for attorneys who possess the qualifications established pursuant to paragraph (1);

"(3) establish application and certification procedures for attorneys who do not possess all the qualifications established pursuant to paragraph (1) but who possess, in addition to the minimum qualifications required by subsection (d), additional resources (such as an affiliation with a publicly funded defender organization) and experience that enable them to provide quality legal representation comparable to that of an attorney possessing the qualifications established pursuant to paragraph (1);

"(4) establish application and certification procedures, to be used on a case by case basis, for attorneys who do not necessarily possess the minimum qualifications required by subsection (d), but who possess other extraordinary experience and resources that enable them to provide quality legal representation comparable to that of an attorney possessing the qualifications established pursuant to paragraph (1);

"(5) publish a current roster of attorneys certified pursuant to paragraphs (2) and (3) to be appointed in capital cases;

"(6) establish and publish standards governing the performance of counsel in capital cases, including standards that proscribe abusive practices and mandate sound practices in order to further the fair and orderly administration of justice;

"(7) monitor the performance of attorneys certified pursuant to this subsection; and

"(8) delete from the roster the name of any attorney who fails to meet the qualification or performance standards established pursuant to this subsection.

"(d) MINIMUM COUNSEL STANDARDS.—All counsel certified pursuant to paragraph (2) or (3) of subsection (c) or appointed pursuant to subsection (f) shall possess, in addition to any qualifications required by State or local law, the following minimum qualifications:

"(1) familiarity with the performance standards established by the counsel certification authority;

"(2) familiarity with the appropriate court system, including the procedural rules regarding timeliness of filings and procedural default; and

"(3) in the case of counsel appointed for the trial or sentencing stages, at least 2 of the qualifications listed in subparagraph (A) and 1 of the qualifications listed in subparagraph (B), or 1 of the alternative qualifications listed in subparagraph (C):

"(A) QUALIFYING TRIAL EXPERIENCE (MUST HAVE 2).—Prior experience within the last 10 years as—

"(i) lead or sole counsel in 12 jury trials, of which no fewer than 5 were criminal jury trials;

"(ii) lead or sole counsel in 3 criminal jury trials in which the charge was murder or aggravated murder;

"(iii) co-counsel in 5 criminal jury trials in which the charge was murder or aggravated murder;

"(iv) lead or sole counsel in no fewer than 5 criminal jury trials involving crimes of violence against persons, punishable by imprisonment of over 1 year,

which were tried to a verdict or to a deadlocked jury.

"(B) QUALIFYING CAPITAL TRIAL EXPERIENCE (MUST HAVE 1).—

"(i) lead or sole counsel within the last 5 years in the trial of at least 1 capital case that was tried through sentencing;

"(ii) co-counsel in the trial of no fewer than 2 capital cases (1 of which occurred within the last 5 years) that were tried through sentencing;

"(iii) successful completion within the preceding 2 years of a training program in capital trial litigation that has been certified by the counsel certification authority or, if the authority has not certified a program, successful completion of an at least 12-hour training program in capital trial litigation for which continuing legal education (CLE) credit is available, and which the CLE authority in the State has certified as comporting with the objectives and requirements of this section.

"(C) ALTERNATIVE QUALIFYING EXPERIENCE FOR TRIAL.—Notwithstanding subparagraphs (A) and (B), an attorney shall be eligible for certification pursuant to paragraph (2) or (3) of subsection (c) or appointment pursuant to subsection (f) if the attorney—

"(i) has conducted 5 evidentiary hearings and has been employed for more than 1 year by a capital resource center, a unit or its equivalent that specializes in capital cases within a public defender office, or a public interest law office specializing in capital litigation; or

"(ii) has conducted 5 evidentiary hearings and has been certified by the State capital litigation resource center as competent to be assigned to a capital trial;

"(4) in the case of counsel appointed for appellate or unitary review, at least 1 of the qualifications listed in subparagraph (A) and 1 of the qualifications listed in subparagraph (B), or 1 of the alternative qualifications listed in subparagraph (C):

"(A) QUALIFYING APPELLATE EXPERIENCE (MUST HAVE 1).—Prior experience within the past 5 years as—

"(i) lead or sole counsel in no fewer than 10 appeals, of which no fewer than 5 were criminal appeals;

"(ii) lead or sole counsel in at least 6 criminal felony appeals;

"(iii) lead or sole counsel in 3 criminal or felony appeals, at least 1 of which was an appeal of a murder or aggravated murder conviction,

which were fully briefed.

"(B) QUALIFYING CAPITAL APPELLATE EXPERIENCE (MUST HAVE 1).—

"(i) lead or sole counsel within the last 5 years in the appeal or unitary review of at least 1 capital case;

"(ii) co-counsel in the appeal or unitary review of no fewer than 2 capital cases, 1 of which occurred within the last 5 years;

"(iii) successful completion within the preceding 2 years of a training program in the litigation of capital appeals that has been certified by the counsel certification authority or, if the authority has not certified a program, successful completion of an at least 12-hour training program in capital litigation with a focus on appeals for which continuing legal education (CLE) credit is available, and which the CLE authority in the State has certified as comporting with the objectives and the requirements of this section.

"(C) ALTERNATIVE QUALIFYING EXPERIENCE FOR APPEALS.—Notwithstanding subparagraphs (A) and (B), an attorney shall be eligible for certification pursuant to paragraph (2) or (3) of subsection (c) or for appointment pursuant to subsection (f) if the attorney—

"(i) has been employed for more than 1 year by a capital resource center, a unit or its equivalent that specializes in capital cases within a public defender office, or a public interest law office specializing in capital litigation; or

"(ii) has been certified by the State capital litigation resource center as competent to be assigned to a capital appeal; and

"(5) in the case of counsel appointed for post-conviction proceedings, at least 2 of the qualifications listed in subparagraph (A) and at least 1 of the qualifications listed in subparagraph (B), or 1 of the alternative qualifications listed in subparagraph (C):

"(A) QUALIFYING POST-CONVICTION EXPERIENCE (MUST HAVE 2).—Prior experience within the past 10 years as—

"(i) lead or sole counsel in no fewer than 3 post-conviction proceedings;

"(ii) co-counsel in no fewer than 5 post-conviction proceedings;

"(iii) 1 of the trial qualifications listed in paragraph (3)(A);

"(iv) 1 of the appellate qualifications listed in paragraph (4)(A).

"(B) QUALIFYING CAPITAL POST-CONVICTION EXPERIENCE (MUST HAVE 1).—

"(i) lead or sole counsel within the last 5 years in the trial (through sentencing), appeal, or post-conviction review of at least 1 capital case;

"(ii) co-counsel in the trial (through sentencing), appeal, or post-conviction review of no fewer than 2 capital cases, 1 of which occurred within the last 5 years;

"(iii) successful completion during the preceding 2 years of a training program in the litigation of capital post-conviction proceedings that has been certified by the counsel certification authority or, if the authority has not certified a program, successful completion of an at least 12-hour training program in capital litigation with a focus on post-conviction proceedings for which continuing legal education (CLE) credit is available, and which the CLE authority in the State has certified as comporting with the objectives and requirements of this section.

"(C) ALTERNATIVE QUALIFYING EXPERIENCE FOR POST-CONVICTION PROCEEDINGS.—Notwithstanding subparagraphs (A) and (B), an attorney shall be eligible for certification pursuant to paragraph (2) or (3) of subsection (c) or appointment pursuant to subsection (f) if the attorney—

"(i) has conducted 3 evidentiary hearings and has been employed for more than 1 year by a capital litigation resource center, by a unit or its equivalent that specializes in capital cases within a public defender office, or by a public interest law office specializing in capital litigation; or

"(ii) has conducted 3 evidentiary hearings and has been certified by the State capital litigation resource center as competent to be assigned to a capital post-conviction proceeding.

"(e) APPOINTMENT OF CERTIFIED COUNSEL.—(1) The State court shall appoint at least 2 attorneys to represent an indigent at trial, and at least 1 attorney to represent an indigent at the appellate, unitary or post-conviction review stage, including—

"(A) a lead counsel who is named on the roster published pursuant to subsection (c)(5);

"(B) a defender organization or resource center, which shall designate appropriate attorneys affiliated with the organization, including a lead counsel who is named on the roster; or

"(C) a lead counsel certified pursuant to subsection (c)(4).

"(2) The State court may appoint additional attorneys upon a showing of need.

"(f) APPOINTMENT OF NONCERTIFIED COUNSEL.—(1) If there is no roster of attorneys published pursuant to subsection (c)(5), or if no attorney on the roster can accept the appointment and if no attorney certified pursuant to subsection (c)(4) has been appointed, the State court shall appoint at least 2 attorneys to represent an indigent at trial, and at least 1 attorney to represent an indigent at the appellate, unitary or post-conviction review stage, including—

"(A) a lead counsel who possesses the minimum qualifications required by subsection (d); or

"(B) a defender organization or resource center, which shall designate appropriate attorneys affiliated with the organization, including a lead counsel who possesses the qualifications required by subsection (d).

"(2) No attorney shall be appointed pursuant to this subsection unless the State court has first conducted an evidentiary hearing on the record in which the court determines, after the attorney gives sworn testimony and presents documentary proof that the attorney possesses each of the qualifications required by subsection (d), that the attorney possesses the requisite qualifications. In making its determination, the court, shall, to each qualification required by subsection (d), shall make a specific finding on the record that the attorney possesses the qualification.

"(g) No attorney may be denied certification pursuant to paragraph (2) or (3) of subsection (c) or appointment pursuant to subsection (f) solely because of prior employment as a prosecutor.

"(h) Prior to appointing counsel pursuant to this section, the State court shall inquire as to whether counsel maintains a workload which, by reason of its excessive size, will interfere with the rendering of quality representation or create a substantial risk of a breach of professional obligations.

"(i) If a person entitled to an appointment of counsel declines to accept an appointment, the State court shall conduct, or cause to be conducted, a hearing, at which the person and counsel proposed to be appointed shall be present, to determine the person's competence to decline the appointment, and whether the person has competently and knowingly declined it.

"(j) If a State court fails to appoint counsel in a proceeding specified in subsection (a), or if a State court in a proceeding described in subsection (a)—

"(1) fails to appoint the number of counsel required in subsection (e);

"(2) appoints counsel whose name is not on the roster published pursuant to subsection (c)(5);

"(3) appoints counsel who has failed to present a certification issued pursuant to subsection (c)(4); or

"(4) when subsection (f) applies, fails to hold the hearing, receive the requisite testimony and proof, or make the determination required by subsection (f),

a Federal court, in a proceeding under this chapter, shall neither presume findings of fact made at such proceeding to be correct nor decline to consider a claim on the ground that it was not raised in such proceeding at the time or in the manner prescribed by State law. In no circumstances other than those described in this subsection shall a determination of noncompliance with this section provide a basis for relief to a petitioner proceeding under this chapter.

"(k) No attorney appointed to represent a prisoner in State post-conviction proceedings shall have previously represented the prisoner at trial or on direct appeal in the case for which the appointment is made, unless the prisoner and attorney expressly request continued representation.

"(l) Notwithstanding the rates and maximum limits generally applicable to criminal cases and any other provision of law to the contrary, the highest State court with jurisdiction over criminal cases shall, after notice and comment, establish a schedule of hourly rates for the compensation of attorneys appointed pursuant to this section that are reasonable in light of the qualifications of attorneys appointed and the local practices for legal representation in cases reflecting the complexity and responsibility of capital cases. For each attorney appointed pursuant to this section, the State court shall separately order compensation at the rates set by the highest State court for the hours the attorneys reasonably expended on the case and for reasonable expenses paid for investigative, expert, and other reasonably necessary services. Any aggrieved party may bring a private cause of action in Federal district court to enforce the provisions of this subsection for the establishment of a schedule of reasonable hourly rates for the compensation of attorneys. In such an action, the Federal court shall not independently determine the appropriate rates, but shall decide whether the hourly rates as scheduled by the State court are within the range of reasonableness consistent with the criteria stated in this subsection. If the hourly rates as scheduled are not within the range of reasonableness, or if no schedule of rates has been established, the court shall grant appropriate injunctive or declaratory relief, except that the court shall not grant relief that disturbs any criminal conviction or sentence, obstructs the prosecution of State criminal proceedings, or alters proceedings arising under this chapter.

"(m) The ineffectiveness or incompetence of counsel appointed pursuant to this section during State or Federal post-conviction proceedings shall not be a ground for relief in a proceeding arising under section 2254. This limitation shall not preclude the appointment of different counsel at any phase of State or Federal post-conviction proceedings.

"(n) Nothing in this section changes the constitutional standard governing claims of ineffective assistance of counsel pursuant to the sixth amendment to the Constitution of the United States. A determination of noncompliance with this section (as opposed to the facts which support such a determination) shall not provide a basis for a claim of constitutionally ineffective assistance of counsel.

"(o) The requirements of this section shall apply to any appointment of counsel made after the effective date of this Act in any trial, direct appeal, or unitary review of a capital indigent. Counsel shall be appointed as provided in this section in any post-conviction proceeding commenced after the effective date of this Act. In no case shall counsel appointed for a proceeding commenced before the effective date of this Act be subject to the requirements of this section, nor shall any person whose counsel was appointed for any trial, appeal, post-conviction or unitary review before the effective date of this Act be entitled to any relief, including application of subsection (j), based on a claim that counsel was not appointed in conformity with subsection (e) or (f).".

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 153 of title 28, United States Code, as amended by section 304(a)(2), is amended by adding at the end the following new item:

"2258. Counsel in capital cases; State court.".

SEC. 9. CAPITAL LITIGATION FUNDING.

(a) GRANTS UNDER THE EDWARD BYRNE GRANT PROGRAM.—

(1) IN GENERAL.—Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following new section:

"HABEAS CORPUS LITIGATION

"SEC. 511A. Notwithstanding any other provision of this title, the Director shall provide grants to the States, from the funding allocated pursuant to section 511, for the purpose of supporting litigation pertaining to Federal habeas corpus petitions in capital cases. The total funding available for such grants within any fiscal year shall be equal to the funding provided to capital resource centers, pursuant to Federal appropriation, in the same fiscal year.".

(2) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. preceding 3701) is amended by inserting after the item relating to section 511 the following new item:

"Sec. 511A. Habeas corpus litigation.".

(b) GRANTS FOR STATE CAPITAL LITIGATION.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 103(a) is amended—

(1) by redesignating part R as part S;

(2) by redesignating section 1801 as section 1901; and

(3) by inserting after part Q the following new part:

"PART R—GRANTS FOR STATE CAPITAL LITIGATION

"SEC. 1801. GRANT AUTHORIZATION.

"The Director of the Bureau of Justice Assistance shall make grants to States from amounts appropriated to carry out this part for the use by States and by local entities in the States to comply with section 2258 of title 28, United States Code.

"SEC. 1802. STATE APPLICATIONS.

"(a) IN GENERAL.—(1) To request a grant under this part, the Chief Executive of a State shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(2) An application under paragraph (1) shall include assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

"(b) STATE OFFICE.—The office designated under section 507—

"(1) shall prepare an application under this section; and

"(2) shall administer grant funds received under this part, including review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

"SEC. 1803. REVIEW OF STATE APPLICATIONS.

"(a) IN GENERAL.—The Director shall make a grant under section 1801 to carry out the activities described in the application submitted by an applicant under section 1802 upon determining that—

"(1) the application is consistent with the requirements of this part; and

"(2) before the approval of the application, the Bureau has made an affirmative finding in writing that the proposed activities have been reviewed in accordance with this part.

"(b) APPROVAL.—Each application submitted under section 1802 shall be considered to be approved, in whole or in part, by the Director not later than 45 days after first received unless the Director informs the applicant of specific reasons for disapproval.

"(c) DISAPPROVAL NOTICE AND RECONSIDERATION.—The Director shall not disapprove any application without first affording the applicant reasonable notice and opportunity for reconsideration.

"SEC. 1804. DISTRIBUTION OF FUNDS.

"For fiscal years 1994, 1995, and 1996, the Federal share of a grant made under this part may not exceed 75 percent of the total costs of the activities described in the application submitted under section 1702 for the fiscal year for which the project receives assistance under this part. Thereafter, the Federal share of a grant made under this part may not exceed 50 percent.

"SEC. 1805. EVALUATION.

"(a) IN GENERAL.—(1) A State that receives a grant under this part shall submit to the Director an evaluation not later than March 1 of each year in accordance with guidelines issued by the Director.

"(2) The Director may waive the requirement specified in subsection (a) if the Director determines that such evaluation is not warranted in the case of any particular State.

"(b) DISTRIBUTION.—A State or local entity may use not more than 5 percent of the funds it receives under this part to develop an evaluation program under this section.".

(c) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 103(b), is amended by striking the matter relating to part R and inserting the following:

"PART R—GRANTS FOR STATE CAPITAL LITIGATION

"Sec. 1801. Grant authorization.
"Sec. 1802. State applications.
"Sec. 1803. Review of State applications.
"Sec. 1804. Distribution of funds.
"Sec. 1805. Evaluation.

"PART S—TRANSITION; EFFECTIVE DATE; REPEALER".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus

Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)), as amended by section 103(c), is amended by adding at the end the following new paragraph:

"(12) There are authorized to be appropriated such sums as are necessary to carry out activities under part R.".

SEC. 10. CERTIFICATION OF COMPLIANCE.

(a) IN GENERAL.—Subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 501 et seq.) is amended by adding at the end the following new section:

"CERTIFICATION OF COMPLIANCE

"SEC. 509A. In any application for a grant under this subpart, a State in which a sentence of death may be imposed shall certify whether it will comply with the provisions of section 2258 of title 28, United States Code. If the State chooses not to certify that it will comply with the provisions of that section, the amount of funds that the State is eligible to receive under that subpart shall be reduced by 75 percent. If the State certifies that it will comply with the provisions of section 2258 of title 28, United States Code, the amount of funds that the State is eligible to receive under that subpart shall not be reduced by virtue of any failure or alleged failure to carry out any of the requirements of that section. The sole enforcement mechanisms for the requirements set forth in that section shall be those provided in that section, to which the State shall be deemed to have consented by certifying that it will comply with the provisions of that section.".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. preceding 3701) is amended by inserting after the item relating to section 509 the following new item:

"Sec. 509A. Certification of compliance.".

SEC. 11. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date that is 180 days after the date of enactment of this Act.

(b) SECTION 2258(b) OF TITLE 28, UNITED STATES CODE.—Section 2258(b) of title 28, United States Code, as added by section 208(a), shall take effect on the date of enactment of this Act.

By Mr. SHELBY:

S.J. Res. 123. Joint resolution to designate the week beginning November 6, 1994, as "National Elevator and Escalator Safety Awareness Week"; to the Committee on the Judiciary.

NATIONAL ESCALATOR SAFETY AWARENESS WEEK

• Mr. SHELBY. Mr. President, I am pleased today to introduce a resolution designating the week of November 6, 1994, as "National Escalator Safety Awareness Week." The purpose of this legislation is to draw the American public's attention to the potential for injury on elevators and escalators and how to prevent these injuries.

There are approximately 700,000 elevators, escalators, and moving walkways in use in this country with a ridership of over 75 billion passengers. The vertical transportation industry has consistently devoted its energies to providing safe equipment. Nevertheless, it is estimated by the Consumer Product Safety Commission that nearly 15,000 injuries occur each year. Usually, the victims are young children or the elderly.

Congressional designation of the week of November 6, 1994, as "National Elevator and Escalator Safety Awareness Week" will aid the efforts of such organizations as the Elevator and Escalator Safety Foundation to educate our citizens about proper and safe use of vertical transportation. This legislation calls for no funding. Rather it provides an important focus on an important problem which is preventable through education. I invite my colleagues to support this effort by cosponsoring this resolution.•

By Mr. BURNS:

S.J. Res. 127. Joint resolution proposing an amendment to the Constitution prohibiting the imposition of retroactive taxes on the American people; to the Committee on the Judiciary.

CONSTITUTIONAL AMENDMENT PROHIBITING RETROACTIVE TAX INCREASES

Mr. BURNS. Mr. President, well, the tax bill has passed. And, as we all know, the package contains a lot of tax increases on the American people.

That's bad enough. But what's worse is that many of the income tax increases have been in effect since last January—before the current administration even took office.

So, here we are, 8 months into the tax year. And Congress has just passed a bill to hike taxes that is retroactive.

This is going to come as an unwelcome surprise to a lot of folks when tax time rolls around. I am especially concerned about the small businessowners who will find out that they owe the Government more than they thought they did.

Waiving penalties for underwithholding is not enough—tax increases should not be retroactive. These new taxes—as much as I object to them—should only go into effect once the bill has been signed into law.

That is why I am introducing this joint resolution that will make retroactive tax increases unconstitutional.

I hope my colleagues will agree with me that this constitutional amendment is a necessary safeguard against arbitrary tax increases.

ADDITIONAL COSPONSORS

S. 257

At the request of Mr. BUMPERS, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 257, a bill to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes.

S. 265

At the request of Mr. MACK, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 265, a bill to increase the amount of credit available to fuel local, regional, and national economic growth by reducing the regulatory burden imposed upon financial institutions, and for other purposes.

S. 340

At the request of Mr. HEFLIN, the names of the Senator from Utah [Mr. HATCH], the Senator from Michigan [Mr. LEVIN], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of S. 340, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the application of the act with respect to alternate uses of new animal drugs and new drugs intended for human use, and for other purposes.

S. 348

At the request of Mr. RIEGLE, the names of the Senator from Idaho [Mr. CRAIG] and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of S. 348, a bill to amend the Internal Revenue Code of 1986 to permanently extend qualified mortgage bonds.

S. 455

At the request of Mr. HATFIELD, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 455, a bill to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes.

S. 469

At the request of Mr. WARNER, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 469, a bill to require the Secretary of the Treasury to mint coins in commemoration of the Vietnam Women's Memorial.

S. 483

At the request of Mr. SHELBY, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 483, a bill to provide for the minting of coins in commemoration of Americans who have been prisoners of war, and for other purposes.

S. 549

At the request of Mr. DOMENICI, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 549, a bill to provide for the minting and circulation of one-dollar coins.

S. 565

At the request of Mr. WARNER, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 565, a bill to amend the Internal Revenue Code of 1986 to improve disclosure requirements for tax-exempt organizations.

S. 669

At the request of Mrs. KASSEBAUM, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 669, a bill to permit labor-management cooperative efforts that improve America's economic competitiveness to continue to thrive, and for other purposes.

S. 784

At the request of Mr. HATCH, the names of the Senator from Maryland [Ms. MIKULSKI] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 784, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes.

S. 916

At the request of Mr. CRAIG, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 916, a bill to amend the Davis-Bacon Act and the Copeland Act to provide new job opportunities, effect significant cost savings by increasing efficiency and economy in Federal procurement, promote small and minority business participation in Federal contracting, increase competition for Federal construction contracts, reduce unnecessary paperwork and reporting requirements, clarify the definition of prevailing wage, and for other purposes.

S. 1037

At the request of Mrs. MURRAY, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 1037, a bill to amend the Civil Rights Act of 1991 with respect to the application of such Act.

S. 1090

At the request of Mr. BROWN, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 1090, a bill to rescind unauthorized appropriations for fiscal year 1993.

S. 1111

At the request of Mr. KERREY, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from Nebraska [Mr. EXON], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 1111, a bill to authorize the minting of coins to commemorate the Vietnam Veterans' Memorial in Washington, DC.

S. 1118

At the request of Mr. HATFIELD, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Missouri [Mr. DANFORTH], and the Senator from Indiana [Mr. COATS] were added as cosponsors of S. 1118, a bill to establish an additional national education goal relating to parental participation in both the formal and informal education of their children, and for other purposes.

S. 1125

At the request of Mr. DODD, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1125, a bill to help local school systems achieve goal 6 of the national education goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by ensuring that all schools are safe and free of violence.

S. 1145

At the request of Mr. JEFFORDS, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 1145, a bill to prohibit the use of outer space for advertising purposes.

S. 1184

At the request of Mr. BROWN, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 1184, a bill to limit the amount of indirect costs that may be incurred in conducting federally sponsored university research and development to 50 percent of the modified total direct costs related to such research and development.

S. 1190

At the request of Mr. BINGAMAN, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 1190, a bill to require the Secretary of Health and Human Services to establish an America Cares Program to provide for the establishment of demonstration projects for the provision of vouchers and cash contributions for goods and services for homeless individuals, to provide technical assistance and public information, and for other purposes.

S. 1209

At the request of Mr. KEMPTHORNE, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1209, a bill to provide for a delay in the applicability of certain regulations to certain municipal solid waste landfills under the Solid Waste Disposal Act, and for other purposes.

S. 1256

At the request of Mr. DOLE, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 1256, a bill to amend the Foreign Assistance Act of 1961 to examine the status of the human rights of people with disabilities worldwide.

S. 1268

At the request of Mr. WOFFORD, the names of the Senator from California [Mrs. BOXER], the Senator from Colorado [Mr. CAMPBELL], the Senator from South Dakota [Mr. DASCHLE], the Senator from Arizona [Mr. DECONCINI], the Senator from California [Mrs. FEINSTEIN], the Senator from Iowa [Mr. HARKIN], the Senator from Massachusetts [Mr. KERRY], the Senator from Ohio [Mr. METZENBAUM], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Illinois [Mr. SIMON], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of S. 1268, a bill to amend the Employee Retirement Income Security Act of 1974 with respect to rules governing litigation contesting termination or reduction of retiree health benefits.

S. 1276

At the request of Mr. LEAHY, the names of the Senator from West Virginia [Mr. BYRD] and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of S. 1276, a bill to extend for three years the moratorium on the sale, transfer or export of anti-personnel landmines abroad, and for other purposes.

S. 1322

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 1322, a bill to extend the suspension of duty on certain collapsible umbrellas.

S. 1326

At the request of Mr. CAMPBELL, the names of the Senator from North Dakota [Mr. DORGAN] and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 1326, a bill to establish a forage fee formula on lands under the jurisdiction of the Department of Agriculture and the Department of the Interior.

S. 1345

At the request of Mr. BINGAMAN, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 1345, a bill to provide land-grant status for tribally controlled community colleges, tribally controlled postsecondary vocational institutions, the Institute of American Indian and Alaska Native Culture and Arts Development, Southwest Indian Polytechnic Institute, and Haskell Indian Junior College, and for other purposes.

SENATE JOINT RESOLUTION 75

At the request of Mr. ROTH, the names of the Senator from Minnesota [Mr. WELLSTONE], the Senator from Indiana [Mr. COATS], the Senator from Idaho [Mr. CRAIG], the Senator from South Carolina [Mr. THURMOND], the Senator from Missouri [Mr. DANFORTH], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Joint Resolution 75, a joint resolution designating January 2, 1994, through January 8, 1994, as "National Law Enforcement Training Week."

SENATE JOINT RESOLUTION 107

At the request of Mr. BINGAMAN, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Hawaii [Mr. INOUYE], the Senator from Missouri [Mr. BOND], the Senator from Louisiana [Mr. JOHNSTON], the Senator from New York [Mr. D'AMATO], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Alabama [Mr. SHELBY], the Senator from Virginia [Mr. WARNER], the Senator from Maryland [Ms. MIKULSKI], the Senator from New York [Mr. MOYNIHAN], the Senator from California [Mrs. FEINSTEIN], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Ohio [Mr. METZENBAUM], the Senator from Nevada [Mr. REID], the Senator from Connecticut [Mr. DODD], and the Senator from Delaware [Mr. ROTH] were added as cosponsors of Senate Joint Resolution 107, a joint resolution to designate the first Monday in October of each year as "Child Health Day."

SENATE JOINT RESOLUTION 120

At the request of Mr. COVERDELL, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Indiana [Mr. COATS], the Senator from Colorado [Mr. BROWN], the Senator from Montana [Mr. BURNS], the Senator from Virginia [Mr. WARNER], and the Senator from Delaware [Mr. ROTH] were added as cosponsors of Senate Joint Resolution 120, a joint resolution proposing an amendment to the Constitution prohibiting the imposition of retroactive taxes on the American people.

SENATE CONCURRENT RESOLUTION 30

At the request of Mr. BROWN, the names of the Senator from Florida [Mr. MACK], the Senator from California [Mrs. BOXER], the Senator from Maine [Mr. COHEN], the Senator from Washington [Mrs. MURRAY], the Senator from Massachusetts [Mr. KERRY], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from North Carolina [Mr. HELMS], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of Senate Concurrent Resolution 30, a concurrent resolution congratulating the Anti-Defamation League on the celebration of its 80th anniversary.

SENATE RESOLUTION 107

At the request of Mr. WELLSTONE, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of Senate Resolution 107, a resolution to express the sense of the Senate that comprehensive and equitable mental health and substance abuse benefits should be included in any comprehensive health care bill passed by Congress.

SENATE CONCURRENT RESOLUTION 34—RELATIVE TO ACCOUNTING STANDARDS

Mr. BRADLEY submitted the following concurrent resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. CON. RES. 34

Whereas the Financial Accounting Standards Board is reconsidering the proper accounting treatment for stock compensation plans, including broad-based employee stock option plans and employee stock purchase plans;

Whereas the Board has suggested that stock options granted under stock compensation plans should be reported by companies on their income statements as expenses, similar to cash compensation or health benefits;

Where improved financial reporting and disclosure of employee compensation if of paramount importance;

Whereas all 6 of the largest accounting firms have urged that the current stock option accounting standards be left in place;

Whereas the potential distortion that may result from implementing the Board's proposal may detract from recent attempts to provide better and clearer information to the public;

Whereas new business in new-growth sectors, such as hightechnology industries, often lack financial resources and must rely on stock options to attract qualified employees;

Whereas the Board's proposal will reduce incentives to grant stock options, thereby limiting an important element in the feasible compensation mix of these companies and posing a threat to entrepreneurship in general;

Whereas employee ownership in American companies has greatly expanded through the use of stock compensation plans, and a majority of the emerging growth companies distrubute stock options to most or all of their employees;

Whereas a rule recently promulgated by the Securities and Exchange Commission increases the disclosure obligations of public companies, thereby improving financial reporting and disclosure of employee compensation, especially for high-level executives;

Whereas stock compensation plans have the potential to stimulate American productivity and enhance American competitiveness;

Whereas discouraging the use of stock options will reduce the ability of new businesses to obtain proper financing and reduce America's ability to compete in the world economy; and

Whereas one function of Congress is to discern how Federal policies affect the general public and to ensure that the general economic health of the country is not unduly harmed by these policies: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the accounting standards proposed by the Financial Accounting Standards Board will have grave economic consequences, particularly for businesses in new-growth sectors, which rely heavily on entrepreneurship; and

(2) the Board should not change the current accounting rules under Accounting Principles Board Decision 25 by requiring that businesses deduct from profits the value of stock options.

Mr. BRADLEY. Mr. President, I rise today to address a very technical but very important issue regarding the accounting treatment of stock options granted to employees. The bottom-line concern in this debate is whether, in the blind pursuit of technical accounting purity, we will kill the goose that lays the golden egg by unduly burdening our entrepreneurial high-technology sector.

The Financial Accounting Standards Board [FASB], an independent, nongovernmental panel that sets standards for the accounting industry, recently proposed a requirement that companies deduct from their reported earnings the value of stock options granted to employees. They are in the process of receiving public comment on that proposal. The resolution I am submitting today simply asks the Financial Accounting Standards Board to reconsider that proposal in light of the threat it poses to entrepreneurial activity in the United States.

The stated rationale for FASB's action is to improve disclosure of employee compensation—especially for high-level executives. While this is a laudable goal, the effect of this proposal will be to stifle entrepreneurship by significantly raising the cost of granting stock options to low- and mid-level employees without materially improving compensation disclosure for high-level employees.

The truth is that we may be trying to fix something that simply isn't broken. The Securities Exchange Commission has already stiffened proxy information requirements regarding the compensation awarded to top corporate executives. And this proxy information already includes information about noncash compensation and the estimated value of stock option grants to top employees. Further, under our current accounting rules, shareholders already have access to information about the effect of stock options on corporate profits. Under APB 25, companies must reflect the impact of stock options under the line item "Earnings per Share." This information portrays the potentially dilutive effect that stock options can have on existing shareholders.

Finally, if the concern is that shareholders do not have access to cost information regarding these options, the answer is not to require an immediate hit on corporate earnings. This type of information can easily be provided by adding footnote disclosures that precisely describe what costs are involved. This approach has been supported by an unprecedented coalition of the Business Roundtable, the Council of Institutional Investors, and the Big Six accounting firms. When the Fortune 500, their shareholders, and their accountants can all agree on something, it is time for Congress to take notice.

This is truly a case where the cure is worse than the illness. Stock options have played an invaluable role in the creation of our thriving high-technology industry. Startup firms often lack the financial resources to attract, retain, and motivate employees. For this reason, they often offer employees stock in the venture, sharing some of the upside benefit in return for the employee's foregoing higher immediate compensation. This has been the history of many of our most successful companies, including Microsoft and Apple Computer. If FASB's proposal is adopted, the cost of using these options will go up dramatically. Independent analyses suggest that high-technology companies will report earnings of from 30 to 50 percent less than they do today. This will increase their stock price volatility and, consequently, their cost of capital. FASB's proposal would place companies in the position of choosing between a drastic reduction in reported earnings or simply not using employee stock options.

And contrary to critics' claims, the primary group that will be harmed will not be the top executives. They will still get their compensation packages. This proposal will aim directly at employee stock option plans offered to all employees. FASB's proposal will eliminate one of the most promising tools American corporations have to motivate their workers, for little gain and at a permanent cost to our economy.

I urge my colleagues to join me in this resolution. I also ask that a letter of support from the American Electronics Association, the National Venture Capital Association, and the Industrial Biotechnology Association be included in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AUGUST 6, 1993.

Hon. BILL BRADLEY,
U.S. Senate, Washington, DC.

DEAR SENATOR BRADLEY: The American Electronics Association, the Biotechnology Industry Organization, and the National Venture Capital Association commend and strongly endorse your resolution urging the Financial Accounting Standards Board (FASB) not to move forward with its stock valuation proposal.

Your resolution expresses the Sense of the Senate that FASB should not move forward with its proposal to force companies to value outstanding stock options and employee stock purchase plans on their financial statements.

Stock options are the primary vehicle by which our companies attract, retain, and motivate employees. Very often, high technology companies issue options to all employees. They encourage management and employees to work together to achieve excellence, and are the lifeblood of our companies.

By virtue of an accounting change, the FASB proposal would devastate the profitability of high technology companies and their ability to issue options. In a May, 1993 report, the Wyatt Group Company, an international human resources company, said the proposal would reduce the profitability of high tech companies by close to 50 percent. Reporting greatly lower profits will limit our ability to raise investment capital and to offer options to our employees.

The FASB proposal is opposed by industry, the Administration, shareholder groups, the "Big 6" accounting firms, and the investment community. Your resolution makes it clear that the United States shares their concerns.

We appreciate your outstanding leadership on this issue and stand ready to assist you in your efforts in any way that we can.

J. Richard Iverson, President and CEO, American Electronics; Dan Kingsley, President, National Venture Capital Association; Carl Feldbaum, President, Biotechnology Industry Organization.

SENATE CONCURRENT RESOLUTION 35—RELATIVE TO REGULATIONS OF THE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Mr. WOFFORD submitted the following concurrent resolution; which was referred to the Committee on Labor and Human Resources:

S. CON. RES. 35

To express the sense of Congress with respect to certain regulations of the Occupational Safety and Health Administration.

Whereas it is in the public interest to reduce the frequency of workplace accidents and the human and economic costs associated with such injuries;

Whereas workplace accidents involving powered industrial trucks are often the result of operation by poorly trained, untrained, or unauthorized operators;

Whereas Federal regulations promulgated by the Occupational Safety and Health Administration and codified at 29 C.F.R. 1910.178 require that operators of powered industrial trucks be trained and authorized;

Whereas existing regulations lack any guidelines to measure whether operators of powered industrial trucks are in fact trained and authorized;

Whereas operator training programs have been demonstrated to reduce the frequency and severity of workplace accidents involving powered industrial trucks; and

Whereas a petition to amend existing regulations to specify the proper components of a training program for operation of powered industrial trucks has been pending before the Occupational Safety and Health Administration since March 1988: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Occupational Safety and health Administration is requested to publish, within one year of the date of enactment of this Resolution, proposed regulations amending the regulation published as section 1910.178 of title 29, Code of Federal Regulations, to specify the components of an adequate operator training program and to provide that only trained employees be authorized to operate powered industrial trucks.

SENATE CONCURRENT RESOLUTION 36—RELATIVE TO THE NORTH AMERICAN FREE-TRADE AGREEMENT

Mr. RIEGLE (for himself, Mr. ROCKEFELLER, Mr. SIMON, and Ms. MOSELEY-BRAUN) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 36

Expressing the sense of Congress that United States truck safety standards are of paramount importance to the implementation of the North American Free-Trade Agreement.

Whereas the North American Free-Trade Agreement in requiring the United States, Mexico, and Canada to "harmonize" their trucking safety standards should ensure the continuing application of vital United States safety standards;

Whereas the North American Free-Trade Agreement will permit Mexican trucking companies and Mexican drivers to operate in Texas, New Mexico, Arizona, and California after 3 years and throughout the United States after 6 years;

Whereas the United States truck driver fatigue rules limit drivers to 10 hours per day behind the wheel, Canada allows 13 hours without rest, and Mexico has no limitations on truck driver time;

Whereas front brakes are required on United States trucks but are not required on Mexican trucks, and the lack of front brakes reduces stopping ability and increases a truck's susceptibility to jackknifing;

Whereas the United States maximum gross vehicle weight limit is 80,000 pounds without a special permit, compared to 137,000 pounds in Canada and 171,000 pounds in Mexico;

Whereas Mexico does not have a truck driver records system and the Canadian system does not link with the United States system, thereby making it impossible for enforcement officials in the United States to identify suspended or revoked drivers, or drivers with disqualifying offenses such as drunk, drugged, or reckless driving; and

Whereas only the United States requires industry-wide random testing for drugs and alcohol: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the intent of the Congress that the Secretary of Transportation, in carrying out harmonization negotiations under the auspices of the Land Transportation Standards Subcommittee established under article 913 of the North American Free-Trade Agreement, shall uphold all United States truck safety standards, including truck sizes and weights, and safety standards such as truck driver hours of service, front brake and other safety equipment requirements, and the truck driver record system.

Mr. RIEGLE. Mr. President, I rise today because I am profoundly disturbed that if the North American Free-Trade Agreement is passed, the lives of millions of American car drivers and their passengers will be put at risk by heavier, dangerous trucks coming from Mexico.

The NAFTA, if it passes, will allow Mexican drivers to pick up a load at a Mexican factory and drive directly to their destinations anywhere in the United States or Canada. Right now, Mexican trucks must offload their cargo at the United States border, where it is onloaded to an American truck and driven to its destination in the States.

However, there are fundamental differences in the way Mexico regulates trucks and truck drivers and the way the United States regulates them.

First, Mexico doesn't require its trucks to have front brakes. Without them, trucks cannot stop as fast and are more susceptible to jackknifing.

Second, Mexico allows trucks to weigh up to 171,000 pounds, more than double our limit of 80,000 pounds. The heavier weight of Mexican trucks also reduces their ability to stop quickly and maneuver.

Third, Mexican drivers can legally drive as long as they want—a policy some have called "drive 'til you drop." By contrast, U.S. drivers can only drive up to 10 hours a day, greatly reducing the possibility of fatigue.

Fourth, Mexico's driver records system is woefully inadequate. Unlike the United States, no comprehensive, computer system exists for tracking the histories of drivers. As a result, Mexican drivers who have had their licenses suspended or revoked for drunk, drugged, or reckless driving or for any other reason, will likely go undetected as they drive into the United States, posing a threat to other vehicles.

Finally, Mexican truck drivers can be as young as 18 while United States truck drivers must be 21 or over.

While negotiators from Mexico, Canada, and the United States have said that they will make the trucking standards of the three countries uniform, I am extremely worried that the United States will be pressured to lower its standards down to Mexico's rather than the reverse.

During the United States-Canada Free-Trade Agreement, truck standards were harmonized in principle before that agreement was implemented. By contrast, only after NAFTA is implemented will the three countries' trucking standards be harmonized. What leverage do we have then to make sure our safety standards aren't compromised? None whatsoever.

Clearly, endangering the safety of everyone who uses our road and highway system is unacceptable. Even for those of my colleagues who support the NAFTA—which I strongly oppose—risking the lives of millions of Americans cannot be worth whatever supposed benefits the NAFTA brings.

For this reason, I am today introducing this resolution, which expresses the sense of Congress that U.S. truck safety standards are of paramount importance and that the NAFTA should uphold all of them. Senators ROCKEFELLER, MOSELEY-BRAUN, and SIMON are original cosponsors of this resolution.

SENATE CONCURRENT RESOLUTION 37—RELATIVE TO SPACE LAUNCH VEHICLE TECHNOLOGIES

Mr. BINGAMAN (for himself, Mr. McCAIN, and Mr. GLENN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 37

SECTION 1. SENSE OF CONGRESS RELATING TO THE PROLIFERATION OF SPACE LAUNCH VEHICLE TECHNOLOGIES.

(a) FINDINGS.—The Congress finds the following:

(1) The United States has joined with other nations in the Missile Technology Control Regime (MTCR) which restricts the transfer of missiles or equipment or technology that could contribute to the design, development or production of missiles capable of delivering weapons of mass destruction.

(2) Missile technology is indistinguishable from and interchangeable with space launch vehicle technology.

(3) Transfers of missile technology or space launch vehicle technology cannot be safeguarded in a manner that would provide timely warning of diversion for military purposes.

(4) It has been United States policy since agreeing to the guidelines of the Missile Technology Control Regime to treat the sale or transfer of space launch vehicle technology as restrictively as the sale or transfer of missile technology.

(5) Previous Congressional action on missile proliferation, notably title XVII of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1738), has explicitly supported this policy through such actions as the statutory definition of the term "missile" to mean "a category I system as defined in the MTCR Annex, and any other unmanned delivery system of similar capability, as well as the specially designed production facilities for these systems".

(6) There is strong evidence that emerging national space launch programs in the Third World are not economically viable.

(7) The United States has successfully dissuaded countries from pursuing space launch vehicle programs in part by offering to cooperate with them in other areas of space science and technology.

(8) The United States has successfully dissuaded other MTCR adherents, and countries who have agreed to abide by MTCR guidelines, from providing assistance to emerging national space launch programs in the Third World.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Congress supports the strict interpretation by the United States of the Missile Technology Control Regime concerning—

(A) the inability to distinguish space launch vehicle technology from missile technology under the regime; and

(B) the inability to safeguard space launch vehicle technology in a manner that would provide timely warning of its diversion to military purposes; and

(2) the United States and the governments of other nations adhering to the Missile Technology Control Regime should be recognized for—

(A) the success of such governments in restricting the export of space launch vehicle technology and of missile technology; and

(B) the significant contribution made by the imposition of such restrictions to reducing the proliferation of missile technology capable of being used to deliver weapons of mass destruction.

(c) DEFINITIONS.—In this section:

(1) The term "Missile Technology Control Regime" or "MTCR" means the policy statement, between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on the MTCR Annex, and any amendments thereto.

(2) The term "MTCR Annex" means the Guidelines and Equipment and Technology Annex of the Missile Technology Control Regime, and any amendments thereto.

Mr. BINGAMAN. Mr. President, over the past two months the efforts of the Clinton administration to control the spread of missile technology have clearly made significant progress. These efforts, of course, build on those of the Bush administration, which also enjoyed important successes last year.

I have in mind the announcement made by the Government of South Africa on June 30, 1993, that it was abandoning its Space Launch Vehicle [SLV] Program, which the United States had sanctioned in the fall of 1991 for having imported foreign missile technology that exceeded the guidelines of the missile technology control regime [MTCR]. I also have in mind the announcement on July 17, 1993, by the State Department that Russia had agreed to freeze its sale of SLV technology to India and would henceforth adhere to the guidelines of the MTCR in all of its missile technology export activities.

These two announcements follow similar actions last year by the Governments of Argentina and Taiwan. Last year Argentina terminated its Condor II Program, which had been intended for use both as a missile and as a space launch vehicle, and Taiwan announced that it would forego development of a space launch vehicle as well.

This encouraging trend is not an accident. In each case, the United States and other MTCR members made the case that development of space launch vehicles would raise serious security concerns, would entail the violation of MTCR guidelines covering the transfer of missile technology, and would be very unprofitable financially.

These points were recently driven home in a study released by the RAND Corp., entitled "Emerging National Space Launch Programs: Economics and Safeguards." Authored by Brian Chow, this study concluded that emerging national space launch vehicle programs in the Third World are not economically viable and that "it is not possible to safeguard such space launch vehicle programs against technical transfers to ballistic missile development." The study also concludes that "if the United States and other nations wish to slow the proliferation of ballistics missiles, they should not assist these emerging launch programs" and that "the United States and other major launch-providing nations should make a commitment to launch any country's payloads at a reasonable price and in a timely manner."

Obviously this study's conclusions are consistent with the policy which our country has been pursuing for some time through three different administrations. The study's conclusions are consistent with the statutes governing U.S. policy toward missile proliferation, notably title XVII of the fiscal year 1991 Defense Authorization Act, on which I worked with then-Senator GORE, Senator McCAIN, Senator GLENN, Senator PELL, Senator HELMS, Senator SARBANES, and then-Senator Garn.

Those provisions embody the notion that space launch vehicle technology is indistinguishable from missile technology and cannot be safeguarded in a manner that would provide timely warning of diversion to military uses. Indeed, the definition of "missile" in both the Arms Export Control Act and the Export Administration Act reads as follows: "the term 'missile' means a category I system as defined in the MTCR Annex, and any other unmanned delivery system of similar capability, as well as the specially designed production facilities for these systems." The reference to "any other unmanned delivery system of similar capability" was, among other things, a reference to space launch vehicle technology.

My colleagues and I had sought to make this point very clear because a 1989 State Department report to Congress had suggested the possibility of aiding emerging space launch programs in the Third World, and we wanted to make our opposition to such an approach crystal clear. In my statement describing our amendment on August 3, 1990, I told the Senate:

> However, we should not, and I wish to emphasize this, we should not be providing space launch vehicles or related technology as an incentive not to proliferate, as suggested in a State Department report submitted to Congress last year. It is simply too difficult to prevent such technology from being used for missile purposes. Timely warning of diversion to military uses would be lost.

The sense-of-the-Congress resolution Senator MCCAIN, Senator GLENN, and I are introducing today is intended both to congratulate the administration for its recent successes in controlling missile proliferation and to restate Congress' support for treating transfers of space launch vehicle technology as restrictively as transfers of other missile technology.

My sense is that the Clinton administration, in no small measure due to the efforts of the Vice President, has been doing an excellent job of making missile nonproliferation a real priority in its national security policy. As Senator MCCAIN and I wrote to the Vice President on June 25:

> We know that maintaining nonproliferation as a priority in our national security policy is often difficult. In the past actions by both the executive branch and the Congress have too frequently contradicted their rhetoric on nonproliferation. We are sure from our past collaboration that you are playing the key role in this administration in insuring that actions and rhetoric coincide.

I would ask unanimous consent that the full text of this letter be included at the end of my remarks.

Mr. President, our insistence on a strict interpretation of the missile technology control regime both in law and policy over the last few years is now clearly paying dividends that deserve to be recognized. Our resolution does that. Our resolution is also intended to signal to those in the career State Department bureaucracy, who first proposed in 1989 that our policy on transfers of space launch vehicle technology be relaxed and who apparently continue to do so, that we intend to stay the course and we hope they will desist from their efforts to undermine the Clinton administration's nonproliferation policy. Particularly in light of the string of recent successes I cited earlier, it would make no sense to change course now.

Let me conclude by reading the closing paragraph of the RAND report I cited earlier:

> Space launch suppliers need not maintain the view that proliferation of space launch capabilities is irreversible. The miserable economics and the difficulties in obtaining technical assistance might kill many of them. That all the major launch suppliers are either members or abiders of MTCR provides an unprecedented opportunity to form a unified position and refrain from providing space launch and ballistic missile assistance to others. The United States and other MTCR members should not give up prematurely. They should discourage emerging national space launch development instead of hoping that it can be safeguarded. Otherwise, the MTCR members might end up promoting missile proliferation instead of slowing it.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 25, 1993.

The VICE PRESIDENT,
The White House, Washington, DC.

DEAR MR. VICE PRESIDENT: Congratulations on the firm position the administration is taking with regard to the Russian sale of missile technology, including production equipment, to India. As your two prime collaborators in the drafting of the Missile Technology Control Act of 1991, we are following this case very closely as a measure of the seriousness with which the Clinton administration plans to deal with the threat posed by proliferation of missile technology.

It strikes us that you are utilizing precisely the right combination of incentives and sanctions in the effort to convince the Russians to fulfill their commitments to abide by the Missile Technology Control Regime's controls on exports of missile technology. It is also heartening to see your administration reject the counsel that space launch vehicles are not missiles or could be safeguarded in some fashion. As you well know, at the heart of the Missile Technology Control Act is the notion that what counts is capability, and that space launch vehicles and missiles are indistinguishable, except for easily interchangeable payloads. It is the same notion that is at the heart of the Nuclear Non-Proliferation Act of 1978 with respect to reprocessing and enrichment technology.

We know that maintaining non-proliferation as a priority in our national security policy is often difficult. In the past actions by both the executive branch and the Congress have too frequently contradicted their rhetoric on non-proliferation. We are sure from our past collaboration that you are playing the key role in this administration in insuring that actions and rhetoric coincide.

Best regards.

Sincerely,

JOHN MCCAIN
JEFF BINGAMAN.

Mr. MCCAIN. Mr. President, the sense-of-the-Congress resolution that Senator BINGAMAN, Senator GLENN, and I are introducing today is intended as a message to every official in the U.S. Government that deals with the issue of proliferation.

It is a constant temptation to give priority to the diplomatic issue of the moment, to compromise and avoid controversy, and to put trade before national security. Proliferation, however, is not an area where we can give way to that temptation. Proliferation is simply too dangerous. It risks replacing the structured nuclear confrontation of the cold war with unstructured chaos. It threatens our national interest, that of our allies, and that of humanity.

President Bush and President Clinton have both publicly supported this policy. At the same time, it is not always clear that Presidential policy is being supported with the necessary energy and force at the working level within the bureaucracy and the key departments charged with enforcing this policy and the law.

This is why I wrote Secretary Christopher in early June about our possible failure to firmly enforce our policy and law regarding the missile technology control regime in the case of China. It is why I recently joined Senator BINGAMAN in calling upon the inspector general of the State Department to investigate the quality of enforcement in that Department.

More is involved, however, than the missile technology control regime. While our bill reinforces the need to firmly enforce the missile technology control regime, its spirit is equally applicable to controls affecting chemical, biological, and nuclear weapons. These controls must be enforced even when the case is difficult, and even when they conflict with other priorities.

If they are not so applied, the future is all to predictable. More missiles will fall on defenseless cities, more chemical weapons will be used on helpless civilians, biological weapons will leave the laboratory and join in the killing, and we will again see hellfire from nuclear weapons.

International arms control regimes are vital. They are symbols of international consensus and international law. They are important steps toward a new world order, and they provide the framework for rolling back proliferation as well as preventing it.

International arms control regimes, however, will never be adequate or effective unless nations individually enforce the letter and spirit of that regime, and all of today's arms control regimes lack adequate inspection and enforcement provisions. This makes U.S. leadership, and our example, absolutely critical. If we falter, the world falters, and slides toward a new form of Armageddon.

This is why Senator BINGAMAN, Senator GLENN, and I urge our colleagues to join us in supporting this bill, and in a continuing effort to ensure there is no ambiguity anywhere in the executive branch regarding our firm bipartisan support for enforcement of the missile technology control regime.

No aspect of politics, trade, or diplomatic convenience can ever be an excuse for threatening the future of our children, the Nation, and world.

Mr. President, I respectfully request that the text of my letter to Secretary Christopher and of the letter that Senator BINGAMAN and I sent to the inspector general of the State Department be included in full in the RECORD.

There being no objection, the letters where ordered to be printed in the RECORD, as follows:

U.S. SENATE,
August 2, 1993.

Mr. SHERMAN M. FUNK,
Inspector General,
U.S. Department of State,
Washington, DC.

DEAR MR. FUNK: We are writing to ask you to conduct an investigation of the State Department's implementation of the missile technology control provisions contained in Sections 1701, 1702, and 1703 of the National Defense Authorization Act of Fiscal Year 1991.

As key authors of these provisions, we are concerned that the State Department has failed to properly comply with both the letter and intent of the law. In our capacity as legislators, we must know how well the law is being administered, if only to gauge the potential necessity of new legislation. In the last three years, Congress has held numerous hearings concerning the implementation of the missile technology control provisions of the Fiscal Year 1991 law. The Executive branch, and the State Department in particular, has been consistently vague in answering inquiries and discussing the details of its actions in specific cases. For this reason we request your help.

The law states the President must notify Congress of sanctionable activities by foreign entities, or decide to waive sanctions, in each case. The law describes in great detail a series of steps that must be taken by the Secretaries of State, Commerce, and Defense to ensure that all decisions are fully coordinated.

A number of incidents over the last three years suggest that none of these provisions are being fully complied with. We would like four separate issues explored.

I. EXPORT LICENSE REFERRALS

Noncompliance has been clearest with regard to export license referrals. In 1990, Congress became aware the State Department had unilaterally approved an import license for the hardening of several large Brazilian rocket motor casings (a MTCR covered activity). The hardening was needed to complete Brazil's VLS project, an intermediate range rocket listed on our government's missile projects of concern list.

Although State claimed that their issuance of this license was a mistake, there is reason to doubt this assertion. At the time, State was reportedly trying to change U.S. policy on space launch vehicle (SLV) technology exports from a policy which treated such exports as restrictively as missile technology, to a permissive scheme that would allow this technology to be exported if the recipients agreed to certain monitoring procedures and gave certain assurances.

Other agencies, which disagreed with making such a change, feared that allowing these rocket casings to be hardened would serve State as a precedent.[1] Additionally, State promised to suspend the license when it received specific instructions to do so from the Missile Technology Advisory Group (MTAG), in May. Yet, the Department took no action from May through early July, despite urgent requests to do so by senior Defense Department officials, until it was clear that all of the rocket casings sent to the U.S. had been hardened, presenting the U.S. with a fait accompli.

This is but one incident. We believe it is critical that you determine; how many other export license cases State has either approved or denied since November 1990 without the knowledge or participation of the Defense or Commerce Departments and in violation of section 71 of the Arms Export Control Act, and, what cases were they? What SLV related transfers has State approved since November 1990 to nations or organizations, who are not members of the MTCR or with which we did not have space cooperative agreements, prior to April 1987?

II. INTERAGENCY COORDINATION/DETERMINATION OF SANCTIONABILITY

In a case highlighted in the trade press earlier this year, the State Department unilaterally approved a number of missile technology licenses (including approvals involving the Russian space firm, Krunichev) over the objections of the Commerce and Defense Departments. According to press reports, Krunichev was involved in sanctionable missile technology transfers to India. The State Department denied that this was clear at the time. Last month, State threatened to sanction Krunichev for just such activity.

This case raises a number of further questions we would like examined. Since November 1990, how many examples are there of the State Department approving MTCR related export licenses over other agencies' objections, or without full interagency coordination? Did the State Department change its judgment concerning the sanctionability of Krunichev on the basis of information that was unavailable beforehand? Who is responsible for determinations of sanctionable activity, and how are these determinations made? What are the procedures for appealing or reversing particular determinations?

III. EXECUTIVE BRANCH WILLINGNESS TO IMPOSE SANCTIONS

There have been numerous press reports of Russia and the People's Republic of China making MTCR related transfers to nations in South West Asia and the Middle East. These cases raise concerns that the State Department and Executive branch may have chosen not to impose, or to waive, sanctions in cases where sanctions were arguably justified.

We are particularly concerned about the nature of any compromises the Department agreed to in the case of Russian sales to India or other non-MTCR signatures; and the Department's treatment of China's complex relations with North Korea, Pakistan, Iran, and Syria.

It is also now clear that many German, Austrian, and British firms sold missile technology to Iraq. No firm in any of these nations has ever been identified under the law for sanctionable activities elsewhere. Accordingly, we would like you to determine whether there have been any suspect transfers from these nations which the State Department or other Executive branch agencies recommended for sanctions at the MTAG or Missile Technology Export Committee (MTEC), which are both chaired by State, or relevant nonproliferation interagency meetings (other than Great Wall industries and Glavkosmos).

If recommendations were made regarding the suspect transfers which occurred, what precisely did they entail, when were they made, and what happened to both the recommendations and the transferd? Was the letter and spirit of the law enforced in each case? Has there ever been interagency criteria used to establish when action or inaction is appropriate in such cases and, if so, what was the criteria?

IV. COORDINATION WITH THE COMMERCE DEPARTMENT

Finally, important questions need to be raised with regard to dual-use MTCR related cases, under the jurisdiction of the Department of Commerce. Under the law, the State Department is required to compile a list of countries of concern. Such a list would establish which MTCR related exports requiring a U.S. export license would have to be referred to the Department of Defense for coordination. The goal of this provision is to assure that the departments of State, Defense, and Commerce were aware of all cases which each believed required their coordination. Nevertheless, despite repeated Congressional requests for copies of this list, no such list has been produced. Has State coordinated a list of countries of concern, and who are they?

We understand it is standard practice at the Commerce Department not to refer any MTCR related cases for interagency review if the export is intended for a MTCR nation. Apparently, other agencies have protested this practice for years, fearing that without such interagency referral Commerce would automatically approve exports that could result in illicit retransfers (e.g., from such nations as Germany to countries of concern). If this is Commerce Department practice, State Department tolerance of such a practice, in its role as chair of MTAG and MTEC, is most troubling since the MTCR itself requires review of export cases on a case-by-case basis. Such review is supposed to be U.S. policy.

This raises several questions. Has U.S. policy been consistent concerning the review of MTCR exports to MTCR nations? Does the State Department, in its role as chair of MTAG and MTEC, oppose the Commerce Department's current practice? Does Commerce refer such dual use MTCR cases to the MTAG and MTEC for decision? How many of these cases has Commerce approved and how many has Commerce denied without referral to the interagency process?

CONCLUSION

We believe receiving a case by case review of the answers to these questions is critical for the Congress to carry out its constitutional responsibilities, and essential to assure that officials in the new administration responsible for implementing the law get off to a statutorily sound start. Given the sensitive nature of the answers to some of the more specific questions asked, it may be necessary to produce both a classified and unclassified report. We look forward to working with you. If you have any questions please feel free to contact Tony Cordesman (Senator McCain, 224-2235) or Ed McGaffigan (Senator Bingaman, 224-5521), of our staffs.

JOHN MCCAIN,
U.S. Senator.
JEFF BINGAMAN,
U.S. Senator.

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[1] It should be noted the law makes no distinction between SLV and missile technology and is premised on the notion that neither missile nor SLV technology could be safeguarded in a manner that would provide timely warning of diversion to military purposes and that illicit transfers of either should be sanctioned in a similar fashion.

U.S. SENATE,
June 10, 1993.
Hon. WARREN M. CHRISTOPHER,
Secretary of State,
U.S. Department of State, Washington, DC.

DEAR SECRETARY CHRISTOPHER: The announcement by Winston Lord that the People's Republic of China (PRC or China) was continuing missile sales to Pakistan on June 9, 1993, raises issues about China's role in proliferation that go far beyond the case in point. I am deeply concerned that we may face a broad pattern of Chinese activity in selling the technology for weapons of mass destruction that continues in spite of China's accession to agreements like the Missile Technology Control Regime (MTCR) and Nuclear Non-Proliferation Treaty (NPT).

I am also concerned that in our efforts to maintain friendly relations with China, and to avoid disturbing the flow of trade, we may be placing too much reliance on informal diplomacy, failing to properly inform the Congress and the public of China's action, and failing to properly enforce legislation that I cosponsored with Vice President Gore to enforce the MTCR and block sales to Iran and Iraq.

To be specific, I am concerned that the PRC may be systematically violating the MTCR in sales and technology transfers that affect Iran, Pakistan, and Syria, and where some form of de facto cooperation or technology transfer is taking place between China and North Korea. I am also concerned that in contravention of various agreements and assurances, China may be selling technology to these countries that can be used for the production of nuclear, chemical, and biological weapons.

I realize that Senator Pell and Senator Helms have written you regarding some specific instances where China may have violated its agreements, but I am concerned with both the broader pattern of Chinese actions and the need for formal and unclassified assurances as to our knowledge of Chinese actions, our policy towards, and our enforcement of all relevant U.S. law and sanctions. I am also concerned that Mr. Lord made his statement regarding Chinese transfers to Pakistan so soon after the renewal of our MFN agreement with China.

I would be grateful, therefore, if you could provide me with an unclassified summary of our knowledge of Chinese actions involving the transfer of missile, chemical weapons, biological weapons, and nuclear technology; our specific policy in response to any such transfer, and whether any Chinese actions violate or potentially violate the MTCR, laws relating to transfers to Iran, or other U.S. law.

In providing that summary, I would like to make sure that the following issues are addressed in detail:

All aspects of Chinese transfers to Pakistan, including (a) whether the M-11 missile is being transferred in spite of the fact its range and payload exceed the MTCR limit, (b) transfer of the M-9 missile or related technology, (c) transfer of missile production and guidance system technology, including cruise missile technology, dual use technology, and surface-to-air and anti-ship missile technology that are capable of being used as surface to surface missiles, (d) cooperation in any aspect of nuclear weapons related technology including so-called dual use items, (e) cooperation in any aspect of chemical weapons technology, including dual use technology, and (f) cooperation in any aspect of biological weapons technology, including dual use technology.

All aspects of Chinese transfers to Syria, including (a) transfers of technology to Iran, Pakistan, and North Korea that may be reaching Syria, (b) transfer of the M-9 missile or related technology, including any technology transfers by the Won Yuan Industry Corporation or its subsidiaries and the China Precision Machinery and Export Corporation, (c) transfer of missile production and guidance system technology, including cruise missile technology, dual use technology, and surface-to-air and anti-ship missile technology that are capable of being used as surface to surface missiles, (d) cooperation in any aspect of nuclear weapons related technology including so-called dual use items, (e) cooperation in any aspect of chemical weapons technology, including dual use technology, and (f) cooperation in any aspect of biological weapons technology, including dual use and DNA technology.

All aspects of Chinese transfers to Iran, including (a) transfers of technology to Syria, Pakistan, and North Korea that may be reaching Iran, (b) transfer of the R-17, M-11 or M-9 missile or related technology, (c) transfer of missile production and guidance system technology, including cruise missile technology, dual use technology, and surface-to-air and anti-ship missile technology that are capable of being used as surface to surface missiles, and warhead technology of the kind sold by the Great Wall Industry Corporation, (d) cooperation in any aspect of nuclear weapons related technology including so-called dual use items, the sale of power reactors, and transfer of calutron technology (e) cooperation in any aspect of chemical weapons technology, including dual use technology and potential feed stocks, and (f) cooperation in any aspect of biological weapons technology, including dual use technology and DNA technology.

All aspects of Chinese transfers to North Korea, including (a) transfers of technology to North Korea that may be reaching Syria, Pakistan, and Iran, (b) past or current transfers of technology that may have contributed to the development of North Korea's variants of the SCUD and new 1,000 kilometer range (Na Dong) missiles, (c) transfer of missile production and guidance system technology, including cruise missile technology, dual use technology, and surface-to-air and anti-ship missile technology that are capable of being used as surface to surface missiles, (d) cooperation in any aspect of nuclear weapons related technology including so-called dual use items, the sale of power reactors, and transfer of calutron, cascade, and chemical separation technology (e) cooperation in any aspect of chemical weapons technology, including dual use technology and potential feed stocks, and (f) cooperation in any aspect of biological weapons technology, including dual use technology and DNA technology.

Any similar transfers of technology to Libya or Iraq.

I realize that full answers to these questions may require a classified annex to any reply. I believe that it is critical, however, that each of these issues be addressed in unclassified form to the maximum extent possible. I also believe that such unclassified answers are needed because the Department of State and ACDA have consistently failed to comply with law and spirit of legislation requiring unclassified reporting on this subject—an issue that is now under investigation by the Inspector General of the Department of State.

If possible, I would like to have your response by June 18, 1993.

Sincerely,

JOHN MCCAIN,
United States Senator.

SENATE CONCURRENT RESOLUTION 38—RELATING TO THE REPRINTING OF THE BOOK "THE UNITED STATES CAPITOL: A BRIEF ARCHITECTURAL HISTORY"

Mr. FORD (for Mr. MITCHELL and Mr. DOLE) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 38

Resolved by the Senate (the House of Representatives concurring), That there shall be printed as a Senate document, the book entitled "The United States Capitol: A Brief Architectural History", prepared by the Office of the Architect of the Capitol.

SEC. 2. Such document shall include illustrations, and shall be in such style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

SEC. 3. In addition to the usual number of copies, there shall be printed—

(1) 56,500 copies for the use of the Commission on the Bicentennial of the United States Capitol; or

(2) such number of copies as does not exceed a total production and printing cost of $69,206.

SENATE CONCURRENT RESOLUTION 39—RELATING TO THE REPRINTING OF THE BOOK "HISTORY OF THE UNITED STATES CAPITOL"

Mr. FORD (for Mr. MITCHELL and Mr. DOLE) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 39

Resolved by the Senate (the House of Representatives concurring), That there shall be printed as a Senate document, the book entitled "Glenn Brown's History of the United States Capitol," as prepared under the auspices of the Architect of the Capitol, with support from the United States Capitol Preservation Commission and the United States Capitol Historical Society.

SEC. 2. Such document shall include illustrations, and shall be in such style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

SEC. 3. In addition to the usual number of copies, there shall be printed—

(1) 6,500 copies for the use of the Senate and the House of Representatives, to be allocated as determined jointly by the Secretary of the Senate and the Clerk of the House of Representatives; or

(2) such number of copies as does not exceed a total production and printing cost of $112,265.

SENATE CONCURRENT RESOLUTION 40—RELATING TO THE REPRINTING OF THE BOOK "CONSTANTINO BRUMIDI: ARTIST OF THE CAPITOL"

Mr. FORD (for Mr. MITCHELL and Mr. DOLE) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 40

Resolved by the Senate (the House of Representatives concurring), That there shall be printed as a Senate document, the book entitled "Constantino Brumidi: Artist of the Capitol," as prepared by the Office of the Architect of the Capitol.

SEC. 2. Such document shall include illustrations, and shall be in such style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

SEC. 3. In addition to the usual number of copies, there shall be printed—

(1) 15,000 copies for the use of the Senate and the House of Representatives, to be allocated as determined jointly by the Secretary of the Senate and the Clerk of the House of Representatives; or

(2) such number of copies as does not exceed a total production and printing cost of $55,489.

SENATE CONCURRENT RESOLUTION 41—RELATING TO THE REPRINTING OF THE BOOK "THE CORNERSTONES OF THE CAPITOL"

Mr. FORD (for Mr. MITCHELL and Mr. DOLE) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 41

Resolved by the Senate (the House of Representatives concurring), That there shall be printed as a Senate document, the book entitled "The Cornerstones of the United States Capitol", prepared by the Office of the Architect of the Capitol.

SEC. 2. Such document shall include illustrations and shall be in such style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

SEC. 3. In addition to the usual number of copies, there shall be printed—

(1) 50,000 copies for the use of the Commission on the Bicentennial of the United States Capitol; or

(2) such number of copies as does not exceed a total production and printing cost of $59,697.

SENATE RESOLUTION 140—AUTHORIZING THE TESTIMONY OF SENATE EMPLOYEES

Mr. FORD (for Mr. MITCHELL for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 140

Whereas, in the case of United States v. Dean, Cr. No. 92-0181, Independent Counsel Arlin M. Adams has requested the trial testimony of Kenneth A. McLean, a former Senate employee on the staff of the Committee on Banking, Housing, and Urban Affairs;

Whereas, by the privileges of the Senate of the United States and rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §288b(a) and 288c(a)(2) (1988), the Senate may direct its counsel to represent committees, Members, officers and employees of the Senate with respect to subpoenas or orders issued to them in their official capacity: Now, therefore, be it

Resolved, That Kenneth A. McLean, and any other present or former Senate employee whose testimony may be required, is authorized to testify in the trial of United States v. Deborah Dean, Cr. No. 92-0181 (D.D.C.), except as to matters for which a privilege should be asserted.

SEC. 2. That the Senate Legal Counsel is directed to represent Kenneth A. McLean, and any other present or former Senate employee, in connection with the testimony authorized under section 1.

SENATE RESOLUTION 141—RELATING TO U.S. SENATE VERSUS DURENBERGER

Mr. FORD (for Mr. MITCHELL, for himself and Mr. DOLE) submitted the following resultion; which was considered and agreed to:

S. RES. 141

Whereas, in the case of United States v. Durenberger, et al., Cr. No. 3-93-65, pending in the United States District Court for the District of Minnesota, Senator Dave Durenberger is charged with conspiring to submit false claims to the Senate and his codefendants are charged with making false statements to the Select Committee on Ethics in affidavits that Senator Durenberger submitted to the Committee;

Whereas, this case places in issue Senator Durenberger's privilege under the Speech or Debate Clause, Article I, Section 6, Clause 1 of the Constitution, to be free from questioning in any other place about his communications to the Ethics Committee;

Whereas, pursuant to sections 703(c), 706(a), 709(1), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(c), 288e(a), 288h(l), and 2881(a) (1988), the Senate may direct its Counsel to appear as amicus curiae in the name of the Senate in any legal action which places in issue the powers and responsibilities of Congress under the Consititution, including the privilege of Members to be free from questioning in any other place about any speech or debate: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to appear as amicus curiae in the name of the Senate in United States v. Durenberger, et al., to defend the constitutional privilege of Senators under the Speech or Debate Clause to be free from questioning in any other place about their communications to the Select Committee on Ethics.

AMENDMENTS SUBMITTED

NATIONAL SKILL STANDARDS ACT OF 1993 GOAL 2000 EDUCATE AMERICA ACT

BINGAMAN AMENDMENT NO. 773

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill (S. 1150) to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes, as follows:

On page 4, line 25, insert ", American Indian and other" after "disadvantaged students,".

On page 6, line 1, insert ", American Indian and other" after "disadvantaged students,".

On page 6, between lines 16 and 17, insert the following:

(5) the term "Indian tribe" means any Indian tribe, band, nation, Alaska Native village, or other organized group or community which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

On page 6, line 17, strike "(5)" and insert "(6)".

On page 6, line 22, strike "(6)" and insert "(7)".

On page 7, line 3, strike "(7)" and insert "(8)".

On page 7, line 9, strike "(8)" and insert "(9)".

On page 7, line 14, strike "(9)" and insert "(10)".

On page 7, line 17, strike "(10)" and insert "(11)".

On page 7, line 22, strike "(11)" and insert "(12)".

On page 8, line 1, strike "(12)" and insert "(13)".

On page 8, line 4, strike "(13)" and insert "(14)".

On page 16, line 8, strike "18" and insert "19".

On page 16, strike line 10, and insert the following:

(1) three members, one of whom shall be an elected leader of an Indian tribe;

On page 22, strike lines 2 and 3, and insert the following:

be presented in a form, and include data, that—

(A) is understandable to parents and the general public; and

(B) does not exceed a level of functional literacy, except that the provisions of this subparagraph shall not apply if the Secretary certifies to the Congress that the Nation has achieved the National Education Goal described in section 102(5).

On page 28, line 12, insert ", Indian tribal," after "State".

On page 28, line 24, insert ", Indian tribal," after "State".

On page 50, line 3, insert ", Indian tribal," after "State".

On page 50, line 10, insert ", Indian tribal," after "State".

On page 50, line 16, insert ", Indian tribal," after "State".

On page 51, line 13, insert ", Indian tribal," before "and local".

On page 51, line 14, insert ", Indian tribal," before "and local".

On page 59, line 24, insert ", Indian tribes," after "demonstrated effectiveness,".

On page 60, line 23, insert ", Indian tribes," after "business leaders,".

On page 90, line 13, insert ", and Indian tribes," after "rural communities".

On page 93, strike lines 8 through 15, and insert the following:

(b) SECRETARY OF THE INTERIOR.—

(1) IN GENERAL.—The funds reserved for the Secretary of the Interior under section 304(a)(1)(B) shall be made available to the Secretary of the Interior pursuant to an agreement between the Secretary and the Secretary of the Interior containing such terms and assurances, consistent with the provisions of this title, as the Secretary determines shall best achieve the provisions of this title. The agreement shall, at a minimum, contain assurances that—

(A) a panel, as set forth in paragraph (3), shall be established;

(B) a reform and improvement plan designed to increase student learning and assist students in meeting the National Education Goals, meeting the requirements pertaining to State improvement plans described in section 306, and providing for the fundamental restructuring and improvement of elementary and secondary education in schools funded by the Bureau of Indian Affairs (hereafter in this subsection referred to as the "Bureau"), shall be developed by such panel; and

(C) the provisions of, and activities required under, such State improvement plans, including the requirements for timetables for opportunity-to-learn standards, shall be carried out in the same timeframes and under the same conditions stipulated for the States in sections 305 and 306, except that for such purposes, the term "local educational agency" shall be interpreted to mean "school funded by the Bureau".

(2) DUTIES.—The same conditions afforded the States in section 213 of this Act shall apply to the Bureau regarding the voluntary submission of standards to the National Education Standards and Improvement Council for review and certification.

(3) PLAN SPECIFICS.—The reform and improvement plan shall include, in addition to the requirements described in paragraph (1), specific provisions for—

(A) opportunity-to-learn standards pertaining to residential programs and transportation costs associated with programs located on or near reservations or serving students in off-reservation residential boarding schools;

(B) review and incorporation of the National Education Goals and the voluntary national content standards and the voluntary national opportunity-to-learn standards developed under part B of title II of this Act, except that such review shall include the issues of culture and language differences; and

(C) provision for coordination of the efforts of the Bureau with the efforts for school improvement of the States and local educational agencies in which the schools funded by the Bureau are located.

(4) PANEL.—To carry out the provisions of this section, and to develop the plan for systemwide reform and improvement required under the agreement described in paragraph (1), the Secretary of the Interior shall establish a panel coordinated by the Assistant Secretary of the Interior for Indian Affairs. Such panel shall consist of—

(A) the Director of the Office of Indian Education Programs of the Bureau and 2 heads of divisions of such Bureau as the Assistant Secretary shall designate;

(B) a designee of the Secretary of Education; and

(C) a representative nominated by each of the following:

(i) The organization representing the majority of teachers and professional personnel in Bureau operated schools.

(ii) The organization representing the majority of nonteaching personnel in Bureau operated schools, if such organization is not the same organization described in clause (i).

(iii) School administrators of Bureau-operated schools.

(iv) Education line officers located in Bureau area or agency offices serving Bureau-funded schools.

(v) The organization representing the majority of Bureau-funded contract or grant schools not serving students on the Navajo Reservation.

(vi) The organization representing the majority of Bureau-funded contract or grant schools serving students on the Navajo Reservation.

(vii) The organization representing the school boards required by statute for Bureau-operated schools not serving students on the Navajo Reservation.

(viii) The organization representing the school boards required by statute for Bureau-operated schools serving students on the Navajo Reservation.

(5) SPECIAL RULE.—A majority of the members of such panel, including members designated under paragraph (6), shall be from the categories or groups described in paragraph (4)(C).

(6) ADDITIONAL MEMBERS.—In addition, the members of the panel described in paragraph (4) shall designate for full membership on the panel 4 additional members of the panel—

(A) 1 of whom shall be a representative of a national organization which represents primarily national Indian education concerns; and

(B) 3 of whom shall be chairpersons (or their designees) of tribes with Bureau-funded schools on their reservations (other than those specifically represented by organizations or groups described in paragraph (4)), except that preference for not less than 2 of such members shall be given to tribes with—

(i) a significant number of Bureau-funded schools on their reservations; or

(ii) a significant percentage of children enrolled in Bureau-funded schools.

Mr. BINGAMAN. Mr. President, I rise to submit an amendment to S. 1150, the Goals 2000: Educate America Act.

The Goals 2000 Act, S. 1150, sets forth a comprehensive blueprint for helping the Nation meet the problems and challenges of our education system, from preschool through higher education. As many of my colleagues know, the Senate Labor and Human Resources Committee favorably reported this measure to the full Senate early this summer, and it is now pending on the Senate calendar. We will discuss its provisions on the Senate floor this fall.

The amendment I am filing today will help ensure that American Indian students, their parents, Indian tribal leaders, and Indian educators are included in this landmark effort to reform, improve, and strengthen our Nation's education and work force training systems.

Mr. President, I am pleased that this important education initiative contains so many provisions I have advocated and worked to enact over the past 3 years. This legislation will codify the National Education Goals, set several years ago by the President and the Nation's Governors, and it authorizes the National Education Goals Panel, of which I am proud to be a member. For a number of years, I have advocated the need to establish realistic, measurable National Education Goals, and I have introduced legislation on this subject in previous Congresses. I am pleased to be a cosponsor of the Goals 2000: Educate America Act.

I am concerned, however, that S. 1150 does not go far enough to ensure the inclusion and participation of a very important segment of our Nation's population: American Indian children, their parents, and their tribal leaders. As a Senator from New Mexico, a State rich in diverse cultures and unique heritage, I believe it is essential that we do all we can do ensure that all segments of our society—from the inner cities of New York to the pueblos of New Mexico—are included in the national effort to attain the ambitious goals set forth in this legislation.

The amendment I am submitting offers American Indians a voice in the process to reach national consensus on education reform, including the development of content and performance standards and assessment measures. To more effectively meet the needs and challenges of schools funded or operated by the Federal Bureau of Indian Affairs; the amendment establishes a special panel on Indian education under the Secretary of the Interior. This panel will assist the Secretary in developing a comprehensive education reform and improvement plan. The panel will be comprised of teachers and organizational representatives from Bureau of Indian Affairs' schools and, most important, elected Indian tribal leaders, who are exercising their right to self-determination and assuming more responsibility for the education of Indian children through Public Law 93-638 contracts. It is essential, I believe, that Indian tribes have a key role in the development of the plan required under S. 1150, because of their critical and growing role in their children's education systems.

Mr. President, restructuring our education system will not be a simple task. We face many challenges, but we do have several advantages. President Clinton has made a strong commitment to education reform, and we have a nation of diverse and dedicated people willing to work together to make our education system the strongest in the world.

CATAWBA INDIAN TRIBE OF SOUTH CAROLINA LAND CLAIMS SETTLEMENT ACT OF 1993

MOYNIHAN AMENDMENT NO. 774

Mr. FORD (for Mr. MOYNIHAN) proposed an amendment to the bill (S. 1156) to provide for the settlement of land claims of the Catawba Tribe of Indians in the State of South Carolina and the restoration of the Federal trust relationship with the tribe, and for other purposes, as follows:

After section 15 of the committee amendment insert the following new section:

SEC. 15A. TAX TREATMENT OF INCOME AND TRANSACTIONS.

Notwithstanding any provision of the State Act, Settlement Agreement or this Act (including any amendment made under section 15(f)) any income or transaction otherwise taxable shall remain taxable under the general principles of the Internal Revenue Code of 1986.

UTAH SCHOOLS AND LANDS IMPROVEMENT ACT OF 1993

HATCH (AND BENNETT) AMENDMENT NO. 775

Mrs. KASSEBAUM (for Mr. HATCH, for himself and Mr. BENNETT) proposed an amendment to the bill (S. 184) to provide for the exchange of certain lands within the State of Utah, and for other purposes, as follows:

In paragraph (3) of section 7(b), strike "$25,000,000" and insert "$50,000,000".

In section 9, at the end of subsection (c), add the following new paragraph:

(3) Transfer of any mineral interests to the State of Utah shall be subject to such conditions as the Secretary shall prescribe to ensure due diligence on the part of the State of Utah to achieve the timely development of such resources.

INDIAN TRIBAL JUSTICE ACT

MCCAIN AMENDMENT NO. 776

Mrs. KASSEBAUM (for Mr. MCCAIN) proposed an amendment to the bill (H.R. 1268) to assist the development of tribal judicial systems, and for other purposes, as follows:

Strike out all after the enacting clause and insert the following:

TITLE I—GENERAL PROVISIONS

SEC. 101. SHORT TITLE.

This Act may be cited as the "Indian Tribal Justice Systems Act".

SEC. 102. FINDINGS.

Congress finds and declares that—

(1) there is a government-to-government relationship between the United States and each Indian tribe;

(2) the United States has a trust responsibility to each tribal government that includes the protection of the sovereignty of each tribal government;

(3) Congress, through statutes, treaties, and the exercise of administrative authorities, has recognized the self-determination, self-reliance, and inherent sovereignty of Indian tribes;

(4) Indian tribes possess the inherent authority to establish their own form of government, including tribal justice systems;

(5) tribal justice systems are an essential part of tribal governments and serve as important forums for ensuring public health and safety and the political integrity of tribal governments;

(6) Congress and the Federal courts have repeatedly recognized tribal justice systems as the appropriate forums for the adjudication of disputes affecting personal and property rights;

(7) traditional tribal justice practices are essential to the maintenance of the culture and identity of Indian tribes and to the goals of this Act;

(8) tribal justice systems are inadequately funded and the lack of adequate funding impairs their operation; and

(9) tribal government involvement in and commitment to improving tribal justice systems is essential to the accomplishment of the goals of this Act.

SEC. 103. DEFINITIONS.

For purposes of this Act:

(1) The term "Bureau" means the Bureau of Indian Affairs of the Department of the Interior.

(2) The term "Courts of Indian Offenses" means the courts established pursuant to part 11 of title 25, Code of Federal Regulations.

(3) The term "Indian tribe" means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native entity, which administers justice under the authority of the United States or the inherent authority of the native entity and which is recognized as eligible for the special programs and services provided by the United States to Indian tribes because of their status as Indians.

(4) The term "judicial personnel" means any judge, magistrate, court counselor, court clerk, court administrator, bailiff, probation officer, officer of the court, dispute resolution facilitator, or other official, employee, or volunteer within the tribal justice system.

(5) The term "Office" means the Office of Tribal Justice Support within the Bureau of Indian Affairs.

(6) The term "Secretary" means the Secretary of the Interior.

(7) The term "tribal organization" means any organization defined in section 4(l) of the Indian Self-Determination and Education Assistance Act.

(8) The term "tribal justice system" means the entire justice system of an Indian tribe, including but not limited to traditional methods and forums for dispute resolution, lower courts, appellate courts (including intertribal appellate courts), alternative dispute resolution systems, and circuit rider systems, established by inherent tribal authority without regard to whether they constitute a court of record.

TITLE II—TRIBAL JUSTICE SYSTEMS

SEC. 201. OFFICE OF TRIBAL JUSTICE SUPPORT.

(a) ESTABLISHMENT.—There is hereby established within the Bureau the Office of Tribal Justice Support. The purpose of the Office shall be to further the development, operation, and enhancement of tribal justice systems and Courts of Indian Offenses.

(b) TRANSFER OF EXISTING FUNCTIONS AND PERSONNEL.—All functions performed before the date of the enactment of this Act by the Branch of Judicial Services of the Bureau and all personnel assigned to such Branch as of the date of the enactment of this Act are hereby transferred to the Office of Tribal Justice Support. Any reference in any law, regulation, executive order, reorganization plan, or delegation of authority to the Branch of Judicial Services is deemed to be a reference to the Office of Tribal Justice Support.

(c) FUNCTIONS.—Except as otherwise provided in title III, in addition to the functions transferred to the Office pursuant to subsection (b), the Office shall perform the following functions:

(1) Provide funds to Indian tribes and tribal organizations for the development, enhancement, and continuing operation of tribal justice systems.

(2) Provide technical assistance and training, including programs of continuing education and training for personnel of Courts of Indian Offenses.

(3) Study and conduct research concerning the operation of tribal justice systems.

(4) Promote cooperation and coordination between tribal justice systems, the Federal judiciary, and State judiciary systems.

(5) Oversee the continuing operations of the Courts of Indian Offenses.

(d) NO IMPOSITION OF STANDARDS.—Nothing in this Act shall be deemed or construed to authorize the Office to impose justice standards on Indian tribes.

(e) ASSISTANCE TO TRIBES.—(1) The Office shall provide training and technical assistance to any Indian tribe or tribal organization upon request. Technical assistance and training which may be provided by the Office shall include, but is not limited to, assistance for the development of—

(A) tribal codes and rules of procedure;

(B) tribal court administrative procedures and court records management systems;

(C) methods of reducing case delays;

(D) methods of alternative dispute resolution;

(E) tribal standards for judicial administration and conduct; and

(F) long-range plans for the enhancement of tribal justice systems.

(2) Technical assistance and training provided pursuant to paragraph (1) may be provided through direct services, by contract with independent entities, or through grants to Indian tribes and tribal organizations.

(f) INFORMATION CLEARINGHOUSE ON TRIBAL JUSTICE SYSTEMS.—The Office shall establish and maintain an information clearinghouse (which shall include an electronic data base) on tribal justice systems, including, but not limited to, information on staffing, funding, model tribal codes, tribal justice activities, and tribal judicial decisions. The Office shall take such action as may be necessary to ensure the confidentiality records, and other matters involving privacy rights.

SEC. 202. SURVEY OF TRIBAL JUDICIAL SYSTEMS.

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary, in consultation with Indian tribes, shall enter into a contract with a non-Federal entity to conduct a survey of conditions of tribal justice systems and Courts of Indian Offenses to determine the resources and funding, including base support funding, needed to provide for expeditious and effective administration of justice. The Secretary, in like manner, shall annually update the information and findings contained in the survey required under this section. Any survey conducted pursuant to this section shall be completed and its findings reported by the Secretary and the Congress not later than 12 months after the date on which the contract for the conduct of the survey is executed.

(b) LOCAL CONDITIONS.—In the course of any annual survey, the non-Federal entity shall document local conditions of each Indian tribe, including, but not limited to—

(1) the geographic area and population to be served;

(2) the levels of functioning and capacity of the tribal justice system;

(3) the volume and complexity of the case loads;

(4) the facilities, including detention facilities, and program resources available;

(5) funding levels and personnel staffing requirements for the tribal justice system; and

(6) the training and technical assistance needs of the tribal justice system.

(c) CONSULTATION WITH INDIAN TRIBES.—The non-Federal entity shall actively consult with Indian tribes and tribal organizations in the development and conduct of the survey, including updates thereof, of conditions of tribal justice systems. Indian tribes and tribal organizations shall have the opportunity to review and make recommendations regarding the findings of the survey, including updates thereof, prior to final publication of the survey, or any update thereof. After Indian tribes and tribal organizations have reviewed and commented on the results of the survey, or any update thereof, the non-Federal entity shall report its findings, together with the comments and recommendations of the Indian tribes and tribal organizations, to the Secretary, the Committee on Indian Affairs of the Senate, and the Subcommittee on Native American Affairs of the Committee on Natural Resources of the House of Representatives.

SEC. 203. BASE SUPPORT FUNDING FOR TRIBAL JUSTICE SYSTEMS.

(a) IN GENERAL.—Pursuant to the Indian Self-Determination and Education Assistance Act, the Secretary is authorized to enter into contracts, grants, or agreements with Indian tribes and tribal organizations, for the development, enhancement, and continuing operation of tribal justice systems and traditional tribal judicial practices by Indian tribal governments.

(b) PURPOSES FOR WHICH FINANCIAL ASSISTANCE MAY BE USED.—Financial assistance provided through contracts, grants, or agreements entered into pursuant to this section may be used for—

(1) planning for the development, enhancement, and operation of tribal justice systems;

(2) the employment of judicial personnel;

(3) training programs and continuing education for tribal judicial personnel;

(4) the acquisition, development, and maintenance of a law library or computer assisted legal research capacities;

(5) the development, revision, and publication of tribal codes, rules of practice, rules of procedure, and standards of judicial performance and conduct;

(6) the development and operation of records management systems;

(7) the construction or renovation of facilities for tribal justice systems;

(8) membership and related expenses for participation in national and regional organizations of tribal justice systems and other professional organizations; and

(9) the development and operation of other innovative and culturally relevant programs and projects, including programs and projects for—

(A) alternative dispute resolution;

(B) tribal victims assistance or victims services;

(C) tribal probation services or diversion programs;

(D) juvenile justice services and multidisciplinary investigations of child abuse; and

(E) traditional tribal judicial practices, traditional tribal justice systems and traditional methods of dispute resolution.

(c) FORMULA.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary, with the full participation of Indian tribes, shall establish and promulgate by regulation, a formula which establishes base support funding for tribal justice systems in carrying out this section.

(2) The Secretary shall assess caseload and staffing needs for tribal justice systems and take into account unique geographic and demographic conditions. In the assessment of these needs, the Secretary shall work cooperatively with Indian tribes and tribal organizations and shall refer to any data developed as a result of the surveys conducted pursuant to section 202 and to comparable relevant assessment standards developed by the Judicial Conference of the United States, the National Center for State Courts, and the American Bar Association.

(3) Factors to be considered in the development of the base support funding formula shall include, but are not limited to—

(A) the caseload and staffing needs identified under paragraph (2) of this section;

(B) the geographic area and population to be served;

(C) the volume and complexity of the caseloads;

(D) the projected number of cases per month;

(E) the projected number of persons receiving probation services or participating in diversion programs; and

(F) any special circumstances warranting additional financial assistance.

(4) In developing the formula for base support funding for tribal judicial systems under this section, the Secretary shall ensure equitable distribution of funds.

TITLE III—TRIBAL JUDICIAL CONFERENCES

SEC. 301. ESTABLISHMENT; FUNDING.

(a) ESTABLISHMENT.—In any case in which two or more governing bodies of Indian tribes establish a regional or national judicial conference, such conference shall be considered a tribal organization and eligible to contract for funds under this title, if each member tribe served by the conference has adopted a tribal resolution which authorizes the tribal judicial conference to receive and administer funds under this title. At the written request of any tribal judicial conference, a contract entered into pursuant to this title shall authorize the conference to receive funds and perform any or all of the duties of the Bureau and the Office under sections 201 and 202 of this Act on behalf of the members of such conference.

(b) CONTRACT AUTHORITY.—Pursuant to the Indian Self-Determination and Education Assistance Act, the Secretary is authorized, subject to appropriations, to enter into contracts, grants, or agreements with a tribal judicial conference for the development, enhancement, and continuing operation of tribal justice systems of Indian tribes which are members of such conference.

(c) FUNDING.—The Secretary is authorized to provide funding to tribal judicial conferences pursuant to contracts entered into under the authority of the Indian Self-Determination and Education Assistance Act for administrative expenses incurred by such conferences.

TITLE IV—STUDY OF TRIBAL/FEDERAL COURT REVIEW

SEC. 401. STUDY.

(a) TRIBAL/FEDERAL COURT REVIEW.—A comprehensive study shall be conducted in accordance with subsection (b), of the treatment by tribal justice systems of matters arising under the Indian Civil Rights Act (25 U.S.C. 1301 et seq.) and of other Federal laws for which tribal justice systems have jurisdictional authority and regulations promulgated by Federal agencies pursuant to the Indian Civil Rights Act and other Acts of Congress. The study shall include an analysis of those Indian Civil Rights Act cases that were the subject of Federal court review from 1968 to 1978 and the burden, if any, on tribal governments, tribal justice systems, and Federal courts of such review. The study shall address the circumstances under which Federal court review of actions arising under the Indian Civil Rights Act may be appropriate or warranted.

(b) TRIBAL/FEDERAL COURT REVIEW STUDY PANEL.—The study required in subsection (a) shall be conducted by the Tribal/Federal Court Review Study Panel in consultation with tribal governments.

SEC. 402. TRIBAL/FEDERAL COURT REVIEW STUDY PANEL.

(a) COMPOSITION.—The Tribal/Federal Court Review Study Panel shall consist of—

(1) four representatives of tribal governments, including tribal court judges, two of whom shall be appointed by the Speaker of the House of Representatives and two of whom shall be appointed by the President pro tempore of the Senate; and

(2) four members of the United States Courts of Appeal, of whom one shall be appointed by the chief judge of the eighth circuit, one by the chief judge of the ninth circuit, one by the chief judge of the tenth circuit, and one by the chief judge of the Federal circuit.

(b) PERSONNEL.—The Tribal/Federal Court Review Study Panel may employ, on a temporary basis, such personnel as are required to carry out the provisions of this title.

(c) FINDINGS.—The Tribal/Federal Court Review Study Panel, not later than the expiration of the 12-month period following the date on which moneys are first made available to carry out this title, shall submit its findings and recommendations to—

(1) Congress;

(2) the Secretary;

(3) the Director of the Administrative Office of the United States Courts; and

(4) each Indian tribe.

(d) TERMINATION.—Thirty days after the Panel has submitted its findings and recommendations under subsection (c), the Panel shall cease to exist.

TITLE V—AUTHORIZATIONS

SEC. 501. TRIBAL JUSTICE SYSTEMS.

(a) OFFICE.—There are authorized to be appropriated to carry out the provisions of sections 201, 202, and 301(a) of this Act, $7,000,000 for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000. None of the funds provided pursuant to the authorizations under this subsection may be used for the administrative expenses of the Office.

(b) BASE SUPPORT FUNDING FOR TRIBAL JUSTICE SYSTEMS AND JUDICIAL CONFERENCES.—There are authorized to be appropriated to carry out the provisions of section 203 of this Act, $50,000,000 for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.

(c) ADMINISTRATIVE EXPENSES FOR OFFICE.—There are authorized to be appropriated, for the administrative expenses of the Office, $500,000 for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.

(d) ADMINISTRATIVE EXPENSES FOR TRIBAL JUDICIAL CONFERENCES.—There are authorized to be appropriated, for the administrative expenses of tribal judicial conferences, $500,000 for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.

(e) SURVEY.—For carrying out the survey under section 202, there is authorized to be appropriated, in addition to the amount authorized under subsection (a) of this section, $400,000 for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.

(f) AUTHORIZATION.—For carrying out the study under section 401, there is authorized to be appropriated such sums as may be necessary.

(g) NO OFFSET.—No Federal agency shall offset funds made available pursuant to this Act for tribal justice systems against funds otherwise available for use in connection with tribal justice systems.

(h) ALLOCATION OF FUNDS.—In allocating funds appropriated pursuant to the authorization contained in subsection (a) of this section among the Bureau, Office, tribal governments, and tribal judicial conferences, the Secretary shall take such action as may be necessary to ensure that such allocation is carried out in a manner that is fair and equitable, and is proportionate to base support funding under section 203 received by the Bureau, Office, tribal governments, and tribal government members comprising a judicial conference.

(i) INDIAN PRIORITY SYSTEM.—Funds appropriated pursuant to the authorizations provided by this section and available for a tribal justice system shall not be subject to the Indian priority system. Nothing in this Act shall preclude a tribal government from supplementing any funds received under this Act with funds received from any other source including the Bureau or any other Federal agency.

TITLE VI—DISCLAIMERS

SEC. 601. TRIBAL AUTHORITY.

Nothing in this Act shall be construed to—

(1) encroach upon or diminish in any way the inherent sovereign authority of each tribal government to determine the role of the tribal court within the tribal government or to enact and enforce tribal laws;

(2) diminish in any way the authority of tribal governments to appoint personnel;

(3) impair the rights of each tribal government to determine the nature of its own legal system or the apportionment of authority within the tribal government;

(4) alter in any way traditional dispute resolution forums;

(5) imply that any tribal court is an instrumentality of the United States; or

(6) diminish the trust responsibility of the United States to Indian tribal governments and tribal justice systems of such governments.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on U.S. policy regarding oil and gas development on the Outer Continental Shelf.

The hearing will take place on Tuesday, September 14, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building, First and C Streets, NE., Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. Attention: Heather Hart.

For further information, please contact Lisa Vehmas of the committee staff at 202/224-7555.

THE NEED TO REINVIGORATE NATO

• Mr. LIEBERMAN. Mr. President, the Bosnian crisis has underlined the need for a redefinition of NATO's mission and organization structure. Throughout the cold war, NATO limited its mission to defending the territory of its member states. Yet the collapse of the Soviet bloc has left that mission largely irrelevant. As Senator LUGAR has cogently put it: "NATO will either develop the strategy and structure to 'go out of area' or it will 'go out of business.' "

Going out of area means increasing defense cooperation with the new democracies of Eastern Europe, notably Poland, Hungary, and the Czech Republic. Western training, the exchange of military personnel and intelligence, and the sale and leasing of military equipment should receive a greater emphasis. The modernization of Eastern European Armed Forces with Western military equipment would help facilitate their coordination with NATO in any future crisis. Eventual membership in NATO for these countries should be considered a genuine possibility.

Going out of area also means being willing to use force in Europe outside of the territory of NATO's members. NATO should take forceful military action from the air to deter continued Serb attacks in Bosnia.

Nor should NATO's commitments be restricted to Europe. While the proliferation of weapons of mass destruction in the Third World will represent the most serious security threat in future years, NATO has no mandate, and, therefore, no contingency plans to deal with this challenge. This failing was underlined by NATO's unwillingness to act as a united organization in the gulf war; if it had, America would not have had to shoulder such a heavy burden. NATO should, therefore, begin to reorient its military equipment, training, and doctrine for possible engagements outside of Europe. This should include more joint training exercises in the desert areas of the United States, as opposed to Europe's northern climate.

In addition to being more willing to use military force outside of its members' territories, NATO should transfer more authority to its European members. Specifically, a revitalized NATO needs a Germany that is willing to join in future military operations. Germany is well enough integrated in the democratic world to be trusted as a military ally. If there is ever another campaign of the magnitude of Desert Storm, Germany should be a combatant, and not just a financial contributor.

France should also be encouraged to take on a greater role in the alliance's decisionmaking processes. Such a transfer of responsibility could induce the French to play a greater role in the alliance's military activities, thereby lightening the burden for the United States. Greater French participation in NATO could also reduce Paris's attempts to set up a European defense structure outside NATO.

The need for a reinvigorated NATO does not mean that NATO's original mission—protecting Western Europe from a military threat from the East and providing an international focus for German foreign policy—has entirely disappeared. Russia, whose population is nearly as large as that of NATO's military core nations—Germany, France, and Britain—remains vulnerable to autocratic domestic forces. A unified Germany needs to be firmly connected to the West.

Nonetheless, in the new era, NATO's European members should make a larger contribution to their own security interests; the role of the United States should be less dominant and more supportive. At the same time, NATO must be willing to act to defend its vital interests outside of Europe, and particularly in the Middle East. If NATO can successfully adapt to the post-cold-war era, it will be as effective in the next century as it has been in the present one.•

COMMENDING ERIC G. GUSTAFSON AS OUTGOING PRESIDENT OF THE INDEPENDENT INSURANCE AGENTS OF AMERICA

• Mr. GREGG. Mr. President, I rise today to commend a fellow New Hampshirite, Rick Gustafson, of Portsmouth, who will step down this September as president of the Independent Insurance Agents of America.

Rick exemplifies the qualities of leadership and service that are hallmarks of citizens of New Hampshire. Far away from the Washington Beltway, people like Rick strive to build their businesses, serve their customers, and help their community. Rick's service to the city of Portsmouth and the State of New Hampshire is long and impressive. He is past president of the

Portsmouth Jaycees, past president and founder of the Seacoast United Way, and has served as chairman of a local hospital. The list goes on.

Rick has a distinguished professional career as chairman of the Blake Insurance Agency while also compiling a long record of service to his industry. Although he steps down as president after a year of presiding over the Nation's largest insurance trade association, his affiliation with the Independent Insurance Agents of America began years ago. He has served as the president of the Portsmouth Insurance Association, as president of the New Hampshire State association, and on the national board of directors before ascending to the association's top post.

During his tenure as president, Rick has been extraordinarily involved in the legislative process when issues arose that affected independent insurance agents and small business. This summer he testified before the House Judiciary Committee about the regulation of the insurance industry. Rick also testified before the White House Task Force on Health Care this past year. Privately, Rick has met with President Bush on disaster relief, and more recently with Mrs. Clinton to discuss national health care reform. I imagine they both would agree that Rick is straightforward, honest, and informative when he comes to Washington to represent his colleagues in the private sector.

I commend Rick Gustafson for his years of service to both his industry and his community. I know he will continue to serve both on visits to Washington and through his efforts at home.•

THE LEGACY OF ALAN CRANSTON

• Mr. LEVIN. Mr. President, the preacher Henry Ward Beecher once wrote, "The difference between perseverance and obstinacy is, that one often comes from a strong will, and the other from a strong won't."

In the case of our former colleague from California, Alan Cranston, a strong will, along with boundless energy and optimism, marks him in our memories here in the Senate and in our continued friendships with him, as a man of perseverance.

Some years ago, the book "Politics in America," described Alan as "a certified liberal with a rare skill at building bridges to Senate moderates and conservatives," and the description goes on to say that "he put together numerous winning coalitions."

This simple statement of accomplishment, an enviable and elusive feat in this body at any time, is the ultimate testament to the tireless efforts of Alan Cranston. We all know that Alan Cranston defined the job of whip and could help in the delicate task of assembling and counting votes better than perhaps any Senator in our memory.

But whether on the trail of legislative votes in the corridors of the Senate or out across the country in Presidential campaigns, Alan Cranston's hard work has made a difference. His fundamental belief in human rights and justice made him a leader in anti-apartheid efforts and arms control abroad and a champion of veterans, child care, education, and legal services here at home.

Even today he serves the cause of peace. In March of this year four former Presidents of the United States joined in a letter organized by Alan Cranston supporting President Clinton's commitment to "help sustain and develop democracy and free market reforms in Russia, the Ukraine and the other succession states."

Mr. President, Alan Cranston's footprints on this well-worn floor will not be soon forgotten. I commend to my colleagues an article by a long-time Cranston aide, Gerry Warburg for the San Francisco Examiner that discusses the Cranston legacy and I ask that it be printed in the RECORD.

The article follows:

THE LEGACY OF ALAN CRANSTON

One of the gross inequities of life in public service is that after many years of contributions to the commonwealth, a hero can be transformed into a bum overnight.

Thus does a man like George Bush, who has served his country valiantly in war, in the House of Representatives, as ambassador to the People's Republic of China, at the United Nations, and for eight years as vice President, and finally, four years in the White House, become yesterday's news.

This, too, can be said of Sen. Alan Cranston, who will retire from public service this month with little notice after more than three decades of working for Californians.

Life, as we all know, is unfair. However, it seems particularly unjust that the most successful Democratic politician in the history of California—winner of four terms to the Senate and elected six times by Senate colleagues as a member of the Democratic leadership in Congress—will quietly pass from the Washington scene.

Californians would do well to consider Cranston's legacy. As a politician, Alan is of a rare breed, a man whose singular purpose in pursuing power was the advancement of issues, not the other way around.

Awkward, even shy before the voters, he became involved in public life in the middle of this century to advance those causes he most care about: nuclear arms control, protection of the environment and civil rights.

Through his years in the Senate, preceded by work as a grassroots organizer and as the elected California state controller, Cranston did just that.

He helped enact more national parks legislation than any other lawmaker in the history of California.

He was in the forefront of the nuclear arms debate, ever seeking opportunities to advance mutual disarmament through the education of his colleagues and the adoption of legislation, such as the nuclear freeze, where feasible and necessary.

He was also a champion in promoting human rights, not just for California's ethnically diverse immigrants but for the women whose right to reproductive choice was one that Cranston protected vigilantly through numerous Supreme Court nominations and federal funding battles.

Alan Cranston played the key role in stopping the Bork nomination, in gaining Senate adoption of the landmark Nuclear Non-proliferation Act to curb exports of weapons-usable material, in supporting environmental legislation from the Redwood Parks and Point Reyes National Seashore bills to the Alaska lands bill and the desert protection bill pending before Congress.

We all know that Cranston's final term was scarred by his involvement with savings and loan promoter Charles Koating, which grew from Cranston's efforts as a Democratic Party leader to raise money—not for himself but for inner-city voter registration.

However, it would be a perversion of history to suggest that Cranston had a unique or central role in the savings and loan debacle. The collapse was brought about by a deregulation imitative championed as early as 1980 by then-presidential candidate Ronald Reagan, advanced through two Reagan presidential terms and supported enthusiastically by Democrats and Republicans alike in Congress.

Alan was the first to admit he was "stupid" in how he handled a specific Keating request to intervene with regulators. However, Alan's misplay of that incident should not obscure his many positive contributions.

Cranston's legacy will live on for years in Washington. His work will be carried forward by the many staffers whom he trained and encouraged to become involved in a life of public service.

Among them: Jon Steinberg, appointed under a Republican administration to a prominent judicial position; Harris Wofford, cochairman of Cranston's presidential campaign who leapt to the forefront of Democratic politics with his stunning victory in the Pennsylvania Senate race; Kam Kuwats, a former Cranston intern who just engineered Dianne Feinstein's Senate election triumph as her campaign manager.

Cranston influenced the lives of hundreds of idealistic men and women who sought a more affirmative role for our government.

As one of these individuals myself, I believe we all, Democrats and Republicans, should honor his service.•

DOMESTIC VIOLENCE

• Mr. ROCKEFELLER. Mr. President, today I would like to speak on behalf of the citizens of Wayne County, WV who have recently endured a tragic and horrifying incident of domestic violence—one which has left this West Virginia community in a state of disbelief and in need of assistance and answers.

On July 7, a Wayne County sheriff's deputy served a husband a petition ordering him to stay away from his wife and children. By the end of that day, the husband had killed his wife, his 9-year-old daughter, and 8-year-old son. His 14-year-old daughter survived by pretending to be dead, after being shot and wounded in both legs. The man then shot and killed himself.

The tragedy came in the middle of a week of violence in Wayne county. Seven people were shot and five were killed in their homes, a place traditionally considered a shelter of safety and comfort. These shocking events clearly indicate the disastrous toll domestic violence is taking on our State and our Nation

Last year alone, 1,300 West Virginia women fled from their homes and sought protection in one of the State's 13 domestic violence shelters, and 11,000 more women turned to these shelters for legal aid and medical care. This year, already 16 people have died throughout West Virginia as a result of domestic violence incidents. These recent events have sent both a shock wave through our State and a vital message to the rest of the Nation: We must remain firm in our commitment to passing the Violence Against Women Act.

The acts of violence throughout West Virginia are an intense reminder that domestic violence affects women of all ages in all areas of this country. In the last 5 years, domestic violence has become the number one health risk to women in the United States—more common than that of auto accidents, muggings, and cancer combined. Until legislation is passed to offer better protection and services to victims of domestic violence, the situation and resulting statistics will only get worse.

The tremendous and ongoing efforts of the West Virginia Coalition Against Domestic Violence, as well as those of similar programs in other States, have provided an outreach for thousands of desperate victims. Shelters throughout the Nation have offered a place of comfort and escape to women, an assurance of physical and psychological assistance when it seems they have no other place to turn. It is the tireless and selfless efforts of these organizations which will be the anchor on which to base our goals for improvement.

The Violence Against Women Act more than triples funds for battered women's shelters and provides $100 million for domestic violence programs. It provides funding for a national domestic violence hotline so individuals will have some place to turn in a life threatening situation. Hopefully, with new resources and new awareness we can curb domestic violence and ensure that women and children have access to shelter.

The exploits of domestic violence are not only felt by the immediate victims; innocent children trapped in violent homes grow up enveloped by fear, witnessing anger and physical and mental abuse as part of their daily lives. Thousands of children need attention and guidance to turn away from the cycle of abuse which they so frequently fall into themselves.

It is these children who grow up in violent homes who have a 74-percent greater chance of committing similar abuse themselves. That is why, when a West Virginia teacher asked her freshman health class at Huntington East High School, "Has anyone you have ever dated hit you before?" one out of four students raised their hands. We must begin programs to break this destructive cycle if we are to see domestic violence statistics improve.

In the time it has taken for you to read this statement, at least 10 women have been beaten by husbands or boyfriends. At least one women has been raped and two children have been abused. We cannot allow this violence to continue.

The Violence Against Women Act will provide new penalties for abusers. It will authorize funding for increased lighting and surveillance in public places, and emergency phones in public parks. Just as importantly, it will provide $65 million for rape education beginning at the junior high school level. So we can finally begin to break this disastrous cycle of abuse.

I would like to commend Senator BIDEN for his determination to see this bill become reality. I am proud to have been an original cosponsor of the bill, and will continue to encourage my colleagues to support the Violence Against Women Act as well. I thank my colleagues who have signed on to the Violence Against Women Act and hope that others will take the events of the Wayne County community as a sign that it is time to take action to provide protection to victims of this unnecessary and disturbing violence.•

WEEK OF UNITY TO BE HELD IN CHICAGO, IL

• Ms. MOSELEY-BRAUN. Mr. President, August 22–29 of this year has been proclaimed a Week of Unity in my hometown of Chicago, Ill. The citizens of Chicago have chosen this week to focus special attention on the importance of working to unite people of all races, religions, and ethnic backgrounds.

Chicago has long been recognized as one of the world's greatest cities—and rightly so. One of the things that makes Chicago so great is the wide variety of cultures that are represented within the boundaries of the city. Take, for example, my own neighborhood, Chicago's Hyde Park. In Hyde Park, men and women of all races, creeds, ethnicities, and income levels live and work together. From low-income housing projects to the internationally renowned University of Chicago, this vital community is an example to the city, and to the Nation, that diversity is a characteristic to be cherished, not feared.

It is fitting that this celebration of Chicago's diversity comes on the 30th anniversary of the 1963 March on Washington. The March on Washington was a historic expression of support for the civil and political rights of all Americans. On the anniversary of that march, the people of Chicago are once again demonstrating that the forces which unite us as Americans are greater than the forces that would divide us based on our differences.

This celebration in Chicago is not an isolated occasion. It is part of the City of Chicago Commission on Human Relations' Bias Free City campaign, now in its second year. The campaign is a partnership between local government, the corporate sector, religious leaders, the artistic community, and local philanthropists. That partnership is dedicated to creating an environment of respect and harmony among the diverse people of our city. The city of Chicago is to be commended for this campaign, and for its efforts to assure every resident that he or she is a welcomed and valued member of the community.

Mr. President, Chicago's Week of Unity reflects the best of America. Today, I ask my esteemed colleagues in the Senate to join with me in commending the citizens of my hometown for their commitment to a strong city and a strong America.•

NATIONAL SCLERODERMA AWARENESS MONTH

• Mrs. FEINSTEIN. Mr. President, I rise today to invite my colleagues to support Senate Joint Resolution 103, a joint resolution to designate the month of August as "National Scleroderma Awareness Month."

The word "scleroderma" means "hard skin" and is used because a prominent first symptom of this disease could be a thickening and hardening of the skin. Scleroderma affects women four times more frequently than men. It can strike a healthy individual at any age, including at childhood. Hundreds of thousands of Americans are affected by this crippling and potentially fatal illness.

Scleroderma is a chronic autoimmune vascular disease affecting the connective tissues which provide the structural framework of the skin and vital organs. It causes the rampant overproduction of collagen and working cells are replaced with scar tissues, causing tissues to become inelastic and immobile.

Beyond the fact that this is a disease primarily affecting women, I became more familiar with scleroderma because of the trailblazing research conducted in the San Francisco Bay area. Scientists of many disciplines and from many sources are involved in a collaborative effort to try and bring sense to this disease.

However, because we are still uncertain of the cause or cure of scleroderma, people across the country have every reason to be concerned about the disease. For this reason, I hope that my colleagues will join me in designating August as "National Scleroderma Awareness Month." Activities and events organized around a nationally recognized month will heighten public knowledge of scleroderma and facilitate support for much needed medical research.

I ask that a current list of cosponsors and a copy of the joint resolution be printed in the RECORD.

The material follows:

SENATE COSPONSORS—NATIONAL SCLERODERMA AWARENESS MONTH (AS OF 8/6/93)

Democrats:
Senator Akaka.
Senator Bingaman.
Senator Boxer.
Senator Bradley.
Senator Conrad.
Senator DeConcini.
Senator Dodd.
Senator Exon.
Senator Ford.
Senator Glenn.
Senator Heflin.
Senator Hollings.
Senator Inouye.
Senator Lautenberg.
Senator Levin.
Senator Lieberman.
Senator Metzenbaum.
Senator Moseley-Braun.
Senator Moynihan.
Senator Nunn.
Senator Pell.
Senator Sasser.
Senator Simon.
Senator Wofford.
Republicans:
Senator Chafee.
Senator Coats.
Senator Cochran.
Senator Cohen.
Senator Craig.
Senator D'Amato.
Senator Danforth.
Senator Durenberger.
Senator Grassley.
Senator Mack.
Senator McCain.
Senator Roth.
Senator Stevens.
Senator Warner.

S.J. RES. 103

Whereas scleroderma is a disease caused by the excess production of collagen, the main fibrous component of connective tissue, causing hardening of the skin or internal organs, or both, such as the esophagus, lungs, kidney, and heart;

Whereas approximately 300,000 people in the United States suffer from scleroderma, with women of childbearing age outnumbering men 4 to 1;

Whereas scleroderma, a painful, crippling, and disfiguring disease, is most often progressive and can result in premature death;

Whereas the symptoms of scleroderma are variable which can complicate and confuse diagnosis;

Whereas the cause and cure of scleroderma are unknown; and

Whereas scleroderma is an orphan disease that requires intensive research to improve treatment as well as find the cause and cure: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the months of August 1993 and August 1994 are designated as "National Scleroderma Awareness Month". The President is authorized and requested to issue a proclamation calling on the people of the United States to observe each such month with appropriate activities that will enhance awareness of the disease and the need for a cure.●

SHORE UP!, INC.

● Mr. SARBANES. Madam President, on Friday, September 17, 1993, in Salisbury, MD, families and friends will gather to recognize and honor three SHORE UP!, Inc., employees—Leo McNeil, Joanne Shearing, and Virginia Ragin Wharton—for their 20 years of service to the people of Maryland's Eastern Shore.

Located in Salisbury, MD, SHORE UP!, Inc., began as the Worcester County Community Action Committee and was formed to implement antipoverty projects and community action under the Economic Opportunity Act signed into Federal law on August 20, 1964.

Today, SHORE UP!, Inc. operates in the three lower Eastern Shore counties of Somerset, Wicomico, and Worcester and in the midshore counties of Kent, Queen Anne's, and Talbot. The growth and success of SHORE UP!, Inc., have had a positive impact on the lives of countless individuals and families.

The dedicated members of SHORE UP!, Inc., through their individual and collective efforts, have made Maryland a better place to live.

Leo McNeil joined SHORE UP!, Inc., in October 1972 as a project coordinator. In 1979, he served as director of administrative services and EEO officer, and in 1984 was promoted to administrator in the office of personal management. Mr. McNeil was educated in the public schools of North Carolina. He received his bachelor of science degree in 1968 from Elizabeth City State College in North Carolina.

Over the years, Mr. McNeil has served his community as: president of the Coastal Counties Community Housing Resources Board; president of the board of directors for Go Getters, Inc.; president of Wicomico County PTA's; president of New Directions for Social and Political Change; and a member of the Wicomico County Board of License Commissioners, Liquor Board. Mr. McNeil is married to Rachel Eddy McNeil and they have two children, Kim and Kelly.

Joanne L. Shearin came to SHORE UP!, Inc., in 1972 as executive secretary to the executive director, a position she held until 1982, when she became the personnel assistant until 1985. Project direction for the Displaced Homemakers Program until 1989, she assumed the duties of career development director for two State-funded programs. In April 1993, Mrs. Shearin moved into the Housing and Community Development Program as the divisional secretary.

Mrs. Shearin received her education in Brentwood, NY, and graduated from Brentwood High School. She attends Wor-Wic Community College and should receive her business management degree in 1994. Mrs. Shearin is president of the Wicomico Community Services Agencies Association, a past board member and cofounder of the Widowed Persons Service of Wicomico County. In 1993, she was chosen Outstanding Woman of the Year by the Wicomico County Commission for Women. Joanne is married to C. Earl Shearin; she has one daughter, Janine Elizabeth Vaughn, two sons, Timothy and James Alton Shearin, and five grandchildren.

Virginia Ragin Wharton came to SHORE UP!, Inc., Project Head Start as a volunteer from March 1972 until September 1972. Mrs. Wharton joined SHORE UP! as a full time teacher in September 1972 and taught at various SHORE UP! Head Start centers throughout Wicomico County.

In 1980, Mrs. Wharton served as coordinator-teacher, and in 1984 was promoted as coordinator at the Salisbury Center. In 1988, she became an education specialist, the position she now holds serving Worcester, Wicomico, Somerset, Talbot, Kent, and Queen Anne's Counties.

Mrs. Wharton graduated from Lincoln High School, Sumter, SC. She attended Morris College in Sumter, and in 1971 received her bachelor of science degree, majoring in elementary education. In 1973, Mrs. Wharton entered Salisbury State University in pursuit of her master's degree. Mrs. Wharton went to school evenings and summer and in 1975 received her master of education degree in elementary education with emphasis in early childhood.

Mrs. Wharton is married to Larry Wharton, and they have one daughter, Ashley Jane Wharton.

On the same evening, special recognition will be bestowed on the following employees: Ms. Edna G. Jackson, 27 years with SHORE UP! and Head Start; Ms. Shirley F. Ballard; Ms. Eva A. Johnson; and Ms. Elsie G. Waters, 26 years with SHORE UP! and Head Start; Ms. Yvonne F. Henry, 25 years with SHORE UP! and Head Start; Ms. Pearl J. Hackett; and Ms. Pearl L. Warner, 25 years with Head Start.

Through dedicated efforts of SHORE UP!, Inc., employees will continue to serve local communities to help others to help themselves.●

THANKING SUPREME COURT NOMINATION TASK FORCE MEMBERS

● Mr. KOHL. Mr. President. I rise today to express my gratitude to the 15 attorneys comprising my Supreme Court task force for their assistance in helping me prepare for Judge Ruth Bader Ginsburg's nomination to the Court. These attorneys are among the foremost legal experts in my home State and, in my opinion, the entire United States. The indepth analysis that I received from the task force was invaluable in reviewing Judge Ginsburg's extensive writings and speeches. Their efforts allowed me to thoroughly understand her judicial philosophy and temperament, and contributed greatly to my casting a well-informed vote.

As in the past, this nonpartisan group was chaired by the deans of my State's two law schools and included private practitioners, government attorneys, and law school professors. Each task force member volunteered hours of their time for the good of Wisconsin and the good of the country. Their contribution to the confirmation process deserves our deepest appreciation.

Not surprisingly, the task force is now beginning to receive some long-deserved public recognition. A recent Janesville Gazette editorial praised the group for their efforts and for taking their responsibility seriously. I ask that a copy of the editorial appear at the conclusion of my remarks.

Mr. President, the members of my Supreme Court nomination task force are as follows:

Dean Dan Bernstine, cochair, University of Wisconsin Law School.

Dean Frank DeGuire, cochair, Marquette University Law School.

Prof. Gordon Baldwin, University of Wisconsin Law School.

Greg Conway, Esq., Liebmann, Conway, Olejniczak, Jerry, S.C., Green Bay, WI.

Ray Dall'Osto, Esq., Gimbel, Reilly, Guerin & Brown, Milwaukee, WI.

Prof. Ed Fallone, Marquette University Law School.

Prof. Marc Gallanter, University of Wisconsin Law School.

Patricia Gorence, deputy attorney general, Department of Justice, State of WI.

Prof. Linda Greene, University of Wisconsin Law School.

Prof. James Jones, University of Wisconsin Law School.

Jeffery Kassel, Esq., LaFollette & Sinykin, Madison, WI.

Prof. Peter Rofes, Marquette University Law School.

Prof. Frank Tuerkheimer, University of Wisconsin Law School.

Prof. Phoebe Williams, Marquette University Law School.

Brady Williamson, esq., LaFollette & Sinykin, Madison, WI.

Mr. President, one more person also deserves special thanks. She is Isabelle Ferrera, a first-year law student at the University of Wisconsin and our Bob LaFollette Legal Fellow this summer. She drafted questions, organized materials and, all in all, made a substantial contribution to the process.

The article follows:

[From the Janesville Gazette, July 30, 1993]

KOHL DID HIS HOMEWORK ON SUPREME COURT PICK

We'd bet Sen. Herb Kohl was one of the best-prepared members of the Senate Judiciary Committee as it voted 18–0 Thursday in favor of Supreme Court nominee Ruth Bader Ginsburg.

That's because Kohl, D-Wis., did his homework with help from his Supreme Court Task Force.

Ginsburg is the third Supreme Court nomination Kohl has considered. The others were David Souter and Clarence Thomas, whose highly charged confirmation hearing kept a nation glued to its television sets.

In each case, Kohl asked more than a dozen legal experts in the state to study and analyze the nominee's writings and case decisions. Panel members included professors at the state's two law schools and other respected Wisconsin lawyers. The senator met with the panel twice before the Judiciary Committee started its hearings.

Kohl and the panel members deserve praise for taking their responsibility seriously.•

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, REGARDING EDUCATIONAL TRAVEL

• Mr. BRYAN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee received notification under rule 35 for Pate Felts, a member of the staff of Senator PRYOR, to participate in a program in Korea, sponsored by the A-san Foundation, from August 21 to 28, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Felts in this program.

The select committee received notification under rule 35 for Sam Spina, a member of the staff of Senator GORTON, to participate in a program in China, sponsored by the Chinese People's Institute of Foreign Affairs, from August 7 to 21, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Spina in this program.

The select committee received notification under rule 35 for James K. Sakai, a member of the staff of Senator AKAKA, to participate in a program in Indonesia, sponsored by the Republic of Indonesia, from August 20 to September 5, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Sakai in this program.

The select committee received notification under rule 35 for Jay C. Ghazal, a member of the staff of Senator PELL, to participate in a program in Germany, sponsored by Haus Rissen, from August 17 to 25, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Ghazal in this program.

The select committee received notification under rule 35 for Senator JEFFORDS and his spouse, Elizabeth Daley, to participate in a program in China, sponsored by the Chinese National Association of Industry and Commerce, from August 17 to 21, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Senator JEFFORDS and his spouse in this program.

The select committee received notification under rule 35 for Richard Kaufman, a member of the staff of the Joint Economic Committee to participate in a program in Nova Scotia, sponsored by the Russian Research Center of Nova Scotia, from July 25 to 27, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Kaufman in this program.

The select committee received notification under rule 35 for Senator PRESSLER to participate in a program in Greece, sponsored by the 1993 Bilderberg Meeting Steering Committee members of the host country—Greece—and the United States Senate, from April 22 to 25, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Senator PRESSLER in this program.

The select committee received notification under rule 35 for Mr. Mahr, a member of the staff of Senator CONRAD, to participate in a program in Chile, sponsored by the Chilean-American Chamber of Commerce, from August 9 to 13, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Mahr in this program.

The select committee received notification under rule 35 for Peter D. Caldwell and Susan Q. Murray, members of the staff of Senator JEFFORDS, to participate in a program in Taiwan, sponsored by the Chinese National Association of Industry and Commerce, from August 17 to 23, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Caldwell or Ms. Murray in this program.

The select committee received notification under rule 35 for Erin Day, a member of the staff of Senator MATHEWS, to participate in a program in Hong Kong and China's Guangdong Province, sponsored by the Hong Kong General Chamber of Commerce, from August 30 to September 6, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Day in this program.•

A QUIET VICTORY AMID THE CROWD

• Mr. SIMON. Mr. President, just before the August recess, Chicago Tribune columnist Bob Greene had a column that brought good news.

There are so many items of bad news and discouragement that this warm story about a person with a disability achieving something made me feel good, and I believe appeals to the best in all of us.

The article follows:

[From the Chicago Tribune, Aug. 4, 1993]

A QUIET VICTORY AMID THE CROWD

(By Bob Greene)

The guy in the next seat on the airplane could have been a character in a movie about big business and ambition. He had picked up the inflight telephone even before he fastened his seat belt, and by the time we taxied away from the gate he had already made three calls.

He didn't waste a word. His secretary had provided him with a printout of calls to make, and as we took off from Newark Airport, heading west, he worked his way down the list, by time zones. East Coast first, to catch people in their offices before they went home for the day. He kept punching in the numbers, announcing his name and company, going into his pitch.

He was aggressive and he was combative and he was non-stop, and here, five miles in their air, it didn't even matter. I leaned back and locked out his voice, because something I had seen back in the airport had already made the day a good one.

It had been at the ticket counter in the main lobby at Newark. This had been a broiling, muggy, oppressive day in the New York, and everyone heading out of town seemed to be in a foul mood.

All of us were lined up in one of those queues that snake their way back and forth between metal stanchions, separated by thick colored ropes. When you get to the front, dragging your luggage, you look up and down the length of the counter, waiting for an agent to be free.

These airport transactions are done mechanically and by rote most of the time; both the travelers and the ticket agents have been through all of this on too many occasions before, and there is seldom the impulse for a human connection to be made. Everyone has somewhere they're supposed to be, and the goal is to keep moving.

Today, though, I sensed that something out of the ordinary was going on. It took me a few seconds to figure it out.

I had advanced to third in line. Up ahead, at one of the ticket-counter stations just to my right, a woman who appeared to be in her twenties was speaking with an agent. The woman gave every appearance of being what used to be referred to as retarded, and now is more often described, with more compassion, as developmentally disabled. I am not certain if a non-physician can make a sure observation of Down's syndrome from a distance of 10 or 15 feet, but that appeared to be the case.

She was working on exchanging a ticket. I knew because I could hear her parents talking about it.

They were right next to me, her parents were, waiting on the other side of the ropes. They appeared nervous and hopeful and maybe a little bit frightened; if you have ever sat in a high school football stadium next to the parents of one of the players, you know what their frame of mind was as they watched their daughter.

This was hard. This was a big movement. This means something.

I listened to them talk to each other. She, and they, had decided that this was the day she was going to try this. She was going to do it on her own. She would succeed or fail on her own, without their help.

And she was working at it. That much, looking over at the counter, I could see. I could see this, too:

I could see that the ticket agent was not rushing her. I could see that, on this hectic airport day, the agent somehow understood just how monumental this bit of business was. The ticket agent worked with her, and the woman did her best to carry out her transaction the way she wanted to—the way she had practiced it—and this mattered. This was part of one person's, and one family's, history.

The other travelers did not complain at the wait. Some knew what was transpiring and some didn't, but no one said anything unpleasant in an effort to hasten the progress of the line, no one gestured at the ticket agent. The grown daughter worked to make sure that she transferred her ticket correctly, and this meant something.

Her parents * * * I wish you could have seen the look in their eyes. I don't know their story; how can you ever know the story of a family like this one? But I know this: When the transaction was complete, when their daughter came back to them bearing the ticket, I thought they were going to cry with pride. With pride, and with happiness for the smile on their daughter's face.

You never know when you'll find a moment. Now, next to me five miles in the air, the fellow on the telephone barked a strategic insult at some business associate somewhere down on the ground. I didn't care. Let the guy snarl. I was still seeing the look on that woman's face. She did it. Yes she did.●

PHARMACEUTICAL INDUSTRY'S RESPONSE TO HEALTH CARE REFORM: "IF YOU CAN'T BEAT 'EM, BUY 'EM."

● Mr. PRYOR. Mr. President, in a little over a month from now, when we return from our August recess, the President and the Congress will take on the daunting but necessary task of reforming our Nation's health care system. In anticipation of the significant changes ahead, providers are beginning to look down the road and respond to the changes that they anticipate. This is, quite frankly, a natural reaction. The laws of nature have shown us over and over that it is no less than a game of survival of the fittest.

The drug industry is also looking into the crystal ball, and trying to make the adjustments they believe are necessary to survive and grow. One change they will definitely have to make is to put the breaks on exorbitant prescription drug price hikes. The days of excessive price increases on prescription drugs are a thing of the past.

As one major drug company CEO recently remarked on a TV newscast, "the Go-Go days of the 1980's are over." While recent data indicate that the prices of many individual drug products are still increasing faster than inflation, it appears that the drug industry is coming to terms with the fact that future revenue growth will depend on increases in volume, not increases in price. Obviously, that is a step in the right direction.

Health care reform, however, is also bringing about other changes in the drug industry which may not produce positive results for Americans and the new health care system. While I am not yet ready to sound the alarm bells, I am concerned about a strategy that appears to be emerging among drug manufacturers that could seriously erode the ability of market forces to contain drug prices in the future. This strategy appears to be very simple: "If you can't beat health care reform, then buy a company, form a subsidiary, or cut off the sources of supply of generic drugs". In other words, if you can't beat reform, eliminate as much competition as possible.

Just last week, we heard about the Merck-Medco merger. Merck, the world's largest drug company and Medco, the largest mail order prescription firm and a third party prescription processor, have merged to form an integrated pharmaceutical care operation. Speculation about the motives behind the merger and its impact on drug prices are the talk of Wall Street and the board rooms of pharmaceutical manufacturers. Frankly, the jury is out on what impact this merger will have on the drug industry, both in terms of price competition, and future mergers.

However, it is clear that this is a very different type of strategy for a drug maker to pursue. While horizontal integration among drug companies has been common in recent years, the vertical integration that we are seeing here is quite another story. As Merck and Medco said in statements about the merger, for the first time an entity has been formed that will transmit a medicine from the manufacturer directly to the patient.

Some conjecture that this move was made to assure Merck a more secure and expanded market for its products. The Medco acquisition will certainly give them that. One can only assume that many Medco prescriptions will be filled with Merck products, or will be switched to Merck products if another manufacturer's product is prescribed. Switching or "interchanging" drug products from one to another will be nothing different from Medco. That is because Medco had been using the principle of "therapeutic interchange" for several years now. This occurs when physicians are encouraged to switch a patient to a lower priced, chemically different drug from the one originally prescribed, but which produces a similar medical outcome in an individual.

This practice has been widely and effectively used in hospitals, HMO's, and other third party plans to lower drug costs. This practice can also help drug manufacturers obtain large, secure markets for their products. In return for market share, manufacturers have been negotiating significant discounts with Medco, saving money both for

Medco and its patients. For example, it is possible that anytime there is a prescription for Tagamet, Zantac, or Axid—popular anti-ulcer drugs—it could be filled with Pepcid, Merck's product, regardless of whether these other drugs are lower in price than Pepcid.

As a result, the practical impact of this merger may actually limit the effectiveness of therapeutic interchange to help contain drug prices. Without effective therapeutic interchange and the use of drug formularies, the health care system and the marketplace simply cannot lower pharmaceutical prices. Even with such tools, the system will still have to develop a reasonable mechanism to assure that new drugs—especially blockbusters—are priced reasonably.

However, this Merck-Medco merger and the potential for more like it, raise serious questions about whether this could blunt the very competition that the industry is contending will effectively contain drug prices. Let me mention just a few questions that this merger has raised for me and others with whom I have spoken.

Will Medco be able to continue independent therapeutic interchange now that it has merged with Merck? Will this merger blunt the evolution of this practice throughout the health care system? Will the merger limit the number of other drug companies that will want to sell their products to Medco—and thus limit provider's drug choices—given that Merck could then have data on other drug companies' pricing policies at its very finger tips? Does that mean that only Merck drugs—both brand and generic—will be dispensed by Medco?

And what happens to price competition when Merck-Medco sales grows to 10 or 15 percent of the market, which is not inconceivable within the next few years? Will Medco's third party plan be allowed to use a formulary, and if so, which manufacturers' drugs will be on the formulary? Whether this merger was borne out of an attempt to benefit from therapeutic interchange or to retard its use and growth, legitimate concerns about the impact on prices and competition in the pharmaceutical marketplace can be raised.

But, let's look at another emerging pattern of events that paints a rather disturbing picture of how the drug industry may be trying to increase their own sales in the exploding generic drug market by blocking out potential competitors. Right now, about 60 percent of all generic drugs in the United States are sold by brand name drug manufacturers. Therefore, these major companies not only have control over their own brand name drug prices at this very time, they appear to be positioning themselves to have control over generic drug prices as well. The importance of generic drugs to health care reform efforts cannot be over emphasized. Some of the most popular drugs that are still on patent today—including Feldene, Procardia, Ceclor, Lopid, Anaprox, Naprosyn, Tagamet, Micronase, Capoten, and Zantac—will come off patent between now and 1995.

Recognizing this lucrative fact, brand name companies may be making moves to assure themselves control not only over the brand name market, but the generic market as well. How are they doing this? By buying up generic firms, starting up their own generic subsidiaries, erecting barriers to entry, and trying to make it more difficult for independent generic manufacturers to sell products in this country. Let me give examples of each.

Within the last few months, Marion-Merrell Dow acquired the largest generic firm in the United States, Rugby-Darby. This means that a brand name company will now have control over the pricing policies of the biggest generic firm in the country. Other brand name manufacturers are starting their own generic firms, and selling generic versions of their patented drugs before the patents expire.

For example, Merck also established its own generic subsidiary last year—West Point Pharma—and have begun marketing a generic version of a popular antiarthritic drug Dolobid before the patent expires. Currently, Merck is selling the brand version of the drug for about $41, while the same exact generic version, made by Merck, is selling for about $25, a difference of $16 or 40 percent. This is the same drug, sold by the same company, at a significant reduction in price.

While I certainly applaud the fact that the price of the generic version is lower, the question of whether Merck could also have sold the brand name product all along at $25, and still have made a handsome profit is certainly one important issue. The other important issue is that any manufacturer which brings its own version of a generic to market before the patent expires assures itself not only an exclusive brand name market, but an exclusive generic market as well, at least for a period of time. This pre-emptive strike on a drug's generic market could discourage other independent generic manufacturers from entering the market, and thus could provide significant market power for the brand name manufacturer's generic version. The outcome could be a reduction in price competition, which is an undesirable result for the health care system.

That leads to another concern, which is the ability of generic manufacturers in the United States to be able to obtain the raw materials to make generic drugs which can compete with the brand name companies' generic drugs.

Brand name companies have been aggressively pressing our own Federal Government to make it difficult for United States-based generic manufacturers to import and test the active ingredients in generic drugs, and have them ready for distribution upon expiration of the brand name product. Most generic drug makers in this country obtain the raw materials to make their drugs from European sources. To limit the ability of independent generic companies in the United States to bring generics to market, the drug industry is encouraging the United States Trade Representative's Office to negotiate for pharmaceutical patent pipeline protection in other countries—especially Italy, Hungary, and Spain—which are the traditional sources of supply for United States generic drug makers. How will this impact the U.S. generic industry?

If drugs in those countries had pipeline patent protection, with no provisions in those laws to allow for the exportation into this country of generic materials for the purpose of testing and production, it would significantly slow the process by which U.S.-based generic manufacturers would be able to develop, test, and market generic products in this country.

The practical impact of this will essentially be a neutering of the intent of the 1984 Waxman-Hatch Act, which was designed to assure that generic drugs were available and on the market as soon as the brand name patent expired.

If generic makers cannot obtain these raw materials and test their drugs, Americans may have to wait several years after patent expiration for independent generic drug makers to be able to bring generic versions of popular brand name drugs to market. Alternatively, however, brand name companies will have no trouble making their own generic versions of their drugs, and getting a strong foothold in the generic market from day one. In addition to securing early market share, these brand name manufacturer generic versions will be immune from price competition because other independent generic makers will not be able to obtain the raw materials to produce them. The pipeline protection strategy, Mr. President, appears to shut off the pipeline of potential competition.

The picture that I am trying to paint here is that, in a very short period of time, the primary source of both brand name and generic drugs may be the brand name companies, and that's when price competition—or the lack of it—becomes a very serious concern.

Mr. President, the bottom line is that, at this point, the drug industry appears to be responding to the changes in the system by finding ways to limit competition and control more of the pricing in the market than they already do. This must cause us concern. We need more price competition in the drug market with additional players, rather than less price competition with fewer players.

If formularies, therapeutic interchange, and generic substitution are not allowed to work effectively in the free market, then I do not see how the free market can work to contain drug costs. What these recent actions by drug manufacturers may ultimately do, however, is force Congress to rethink other stronger alternatives to contain drug costs if the free market is not given the chance to operate. I hope that I am wrong about the motives of the drug industry, but at this point, I believe that my concerns are more than justified.•

FROM WASTELAND TO LAND OF THE WASTED

• Mr. SIMON. Mr. President, recently, Newton Minow, the former Chairman of the FCC, and Craig L. LaMay, associate director of the Public Service Television project at the American Academy of Arts and Sciences, had an article about television violence that appeared in the Los Angeles Times.

What they have to say makes eminent good sense, and I urge my colleagues in the House and Senate, who are concerned about this issue, to read it.

The article follows:

[From the Los Angeles Times, July 9, 1993]

FROM WASTELAND TO LAND OF THE WASTED

(By Newton N. Minow and Craig L. LaMay)

Under the threat of congressional action, ABC, CBS, NBC and Fox television networks have agreed to begin labeling the violent programming they purvey in the nation's living room.

This initiative comes at a time when the American people are more concerned than ever before about television's troublesome effect on our youngest citizens. They have been joined by the American Psychological Assn. and the American Academy of Pediatrics, both of which have labeled the glut of TV violence a national health issue, as important and neglected as cigarette smoking was 30 years ago.

To be sure, television is about ideas, and even bad ideas are protected by the First Amendment. But television is also about the private use of a valuable public property, the broadcast spectrum. Like anyone else who uses public property, broadcasters are not free to do with it whatever they please. Their 1st Amendment rights are not absolute, but depend on the access to the broadcast spectrum granted to them by the public.

Despite their agreement on violence ratings and despite congressional concern—the recent inquires in the Senate and the House are only the latest of many, extending over 40 years—broadcasters are likely to go on treating the public airwaves as their personal property. To many of them, any concession amounts to self-imposed censorship. "If we censor television," asks a recent Broadcasting magazine editorial, "who will decide how much violence on TV is too much, and what kind, and in what situations?"

The violence ratings, whatever their shortcomings, provide a good answer to this rhetorcial question: If we, the people, want to, we can provide for better television and give our children healthier viewing experiences. And we can do it because, as the broadcasters like to say, "It's our air." All that's required is for us to change the way we think about this important medium, free enterprise and free speech.

We have been living for too long according to the seductive social theory that the individual pursuit of self-interest will automatically promote the general welfare. At the same time, many economists have ridiculed the idea of public interest, citing Adam Smith's famous dictum that he "never knew much good done by those who claim to trade in the public welfare."

Applying the same notion to speech, one recent FCC chairman declared television a business no more significant than any other and characterized a television set as a mere "toaster with pictures."

Not surprisingly, the result has been a television system for children that has by turns trivialized and ignored the idea of social and personal responsibility. Dick Wolf, the producer of "Miami Vice" and the new NBC show "South Beach," said last fall, "I have an 8-year-old and a 5-year-old. They've never seen any of the shows I've ever produced. They shouldn't be watching them." Should yours?

Anyone who has actually read Adam Smith knows that our "marketplace of Ideas" is at best a caricature of his economic marketplace: Unbridled self-interest, Smith wrote in "The Wealth of Nations," corrodes the moral context the market requires in order to function. Without moral responsibility, and if necessary government intervention, the market soon falls apart.

The market for free speech—a metaphor popular with free-speech absolutists—is sustained the same way. Indeed, our dedication to free speech and our abhorrence of censorship are based on the premise that ours is a society committed to individual moral responsibility.

Within respect to television violence, then, our dilemma is simple. If television is a business like any other, Congress should legislate an end to the industry's abuse of our children. If instead television is protected from government intervention as a vital part of our national communications, we must demand greater moral responsibility from those who use the public airwaves, or risk letting the whole system of free expression fall apart.

Make no mistake—it is those broadcasters and Hollywood producers who speak ominously of censorship who through their moral negligence are the greatest of the dangers to our 1st Amendment freedoms.

And to our children.•

TRIBUTE TO BILL STRANNIGAN

• Mr. SIMPSON. Mr. President, I do not usually utilize the pages of the CONGRESSIONAL RECORD to commemorate citizens of my State because I never want to trivialize the process. But I have one person who surely merits the accolades.

At its national convention last month the National High School athletic Coaches Association conferred their very highest honor upon a man named Bill Strannigan of Riverton, WY. Earlier in the summer Bill had been named the winner of the Regional Seven Award—comprising high schools throughout the States of Wyoming, Montana, Idaho, Washington, Oregon, and Alaska. Then Bill won it all nationally. If you know him as I do you would know why.

I first met Bill when I was playing high school basketball in Cody, WY, and he was with Reliance High School Pirates—a tiny town with a big heart that no longer even fields a high school athletic team. Bill and I then later attended the University of Wyoming together. He began his teaching-coaching career at St. Stephens Mission near Riverton where my own dear grandmother began teaching in the 1880's. For 35 years until his retirement in May 1992. Bill compiled an outstanding record of coaching accomplishments. While at St. Stephens, his basketball teams established several state records which only in recent years have been surpassed.

When Bill left coaching he added the task of activities director to his many duties and he served in that capacity in District 25 for 17 years.

Bill held several offices in Wyoming Coaches Association and was also instrumental in establishing the Wyoming Coaches Hall of Fame at the University of Wyoming. In addition, he has long supported a program in Wyoming very dear to my heart. It is the Milward L. Simpson Athletic Awards. It is a scholarship presented annually in my father's memory and awarded to the outstanding boy and girl school athlete in Wyoming.

In citing Strannigan as the national winner this year, the NHSACA considered nominees from New York, Virginia, Florida, Minnesota, and New Mexico and based their final and highest award on Bill's service to Riverton High School, the Wyoming Coaches Association, and the State and National Athletic Directors Association as well as the consideration of the many honors achieved by him and Riverton's athletic programs during his career.

In addition to all of that he is just a delightful guy—and a wonderful friend—bright, thoughtful, energetic, loyal, determined—a friend to all, I am very, very proud of him.

This is one outstanding Wyomingite. I congratulate Bill on achieving his stellar recognition after 35 years of dedicated service to his schools, to his community, to his State, and to his country. He is such an appropriate and well deserved choice for this top national honor.

Congratulations, Bill.•

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS, FOR TRAVEL FROM APR. 1 TO JUNE 30, 1993

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Scott B. Gudes:									
Portugal	Escudo	76,072	514.00					76,072	514.00
Spain	Peseta	165,025	1,435.00					165,025	1,435.00
United States	Dollar				4,802.45				4,802.45
Senator Dale Bumpers:									
Italy	Dollar		178.00						178.00
Russia	Dollar		596.00						596.00
Senator Jim Sasser:									
United States	Dollar				3,945.45				3,945.45
Total			2,723.00		8,747.90				11,470.90

ROBERT C. BYRD,
Chairman, Committee on Appropriations, Aug. 2, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES, FOR TRAVEL FROM APR. 1 TO JUNE 30, 1993

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John W. Warner:									
France	Franc	1,495.92	276.00					1,495.92	276.00
Belgium	Franc	10,880	328.00					10,880	328.00
Grayson F. Winterling:									
France	Franc	1,495.92	276.00					1,495.92	276.00
Belgium	Franc	10,880	328.00					10,880	328.00
Charles S. Abell:									
France	Franc	1,495.92	276.00					1,495.92	276.00
Belgium	Franc	9,834	298.00					9,834	298.00
Durwood W. Ringo, Jr.:									
Canada	Dollar		150.00						150.00
Senator Sam Nunn:									
Italy	Dollar		200.00						200.00
Russia	Dollar		744.00						744.00
Richard E. Combs, Jr.:									
Italy	Dollar		200.00		30.00				230.00
Russia	Dollar		518.00				150.00		668.00
Lucia M. Chavez:									
Italy	Dollar		228.00						228.00
Richard D. DeBobes:									
Italy	Lire	553,905	373.00					553,905	373.00
John W. Douglass:									
Italy	Lire	506,320	344.05					506,320	344.05
Senator Carl Levin:									
Croatia	Dollar		220.00						220.00
Albania	Dollar		181.00						181.00
Italy	Dollar		218.00						218.00
United States	Dollar				3,020.00				3,020.00
David A. Lewis:									
Croatia	Dollar		220.00						220.00
Albania	Dollar		181.00						181.00
Italy	Dollar		218.00						218.00
United States	Dollar				3,020.00				3,020.00
John W. Douglass:									
Croatia	Dollar		105.00						105.00
Albania	Dollar		30.00						30.00
John W. Douglass:									
Italy	Dollar		97.00						97.00
Senator John McCain:									
Cambodia	Dollar		720.00						720.00
Vietnam	Dollar		206.00						206.00
Hong Kong	Dollar		340.50						340.50
Marshall A. Salter:									
Cambodia	Dollar		720.00						720.00
Vietnam	Dollar		206.00						206.00
Hong Kong	Dollar		340.50						340.50
Senator Sam Nunn:									
France	Franc	2,727.84	495.97					2,727.84	495.97
Arnold L. Punaro:									
France	Franc	8,321.50	1,513.00					8,321.50	1,513.00
Lucia M. Chavez:									
Russia	Dollar		550.00						550.00
Total			11,101.02		6,070.00		150.00		17,321.02

SAM NUNN,
Chairman, Committee on Armed Services, July 15, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS, FOR TRAVEL FROM APR. 1 TO JUNE 30, 1993

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Howard Menell:									
England	Pound	397.74	612.00					397.74	612.00
United States	Dollar				752.45				752.45
Patrick Mulloy:									
England	Pound	596.61	918.00					596.61	918.00
United States	Dollar				883.45				883.45
Gregg Rickman:									
England	Pound	994.93	1,530.00					994.93	1,530.00
United States	Dollar				749.45				749.45
Ray Natter:									
England	Pound	596.61	918.00					596.61	918.00
United States	Dollar				749.45				749.45
Total			3,978.00		3,134.80				7,112.80

DONALD RIEGLE,
Chairman, Committee on Banking, Housing
and Urban Affairs, June 30, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE BUDGET, FOR TRAVEL FROM APR. 1 TO JUNE 30, 1993

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Pete V. Domenici:									
Mexico	Peso	154.50	50.00						50.00
United States	Dollar				925.15				925.15
Total			50.00		925.15				975.15

JIM SASSER,
Chairman, Committee on the Budget, July 12, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION, FOR TRAVEL FROM APR. 1 TO JUNE 30, 1993

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Ernest F. Hollings:									
Portugal	Escudo	94,424	638.00					94,424.00	638.00
Spain	Peseta	169,050	1,470.00					169,050.00	1,470.00
United States	Dollar					4,802.45			4,802.45
Total			2,108.00		4,802.45				6,910.45

ERNEST F. HOLLINGS,
Chairman, Committee on Commerce, Science
and Transportation, Aug. 2, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Kevin M. Dempsey:									
Chile	Peso	239,581.20	636.00					239,581.20	636.00
United States	Dollar				1,636.00				1,636.00
Donald M. Itzkoff:									
United States	Dollar		15.00		829.79		16.25		861.04
Sweden	Kroner	1,994.97	294.46	745.25	110.00	84.21	12.43	2,824.43	416.89
Germany	Mark	333.52	216.57	139.35	90.49	39.86	25.88	512.73	332.94
France	Franc	1,851.10	346.00			133.75	25.00	1,984.85	371.00
Sheryl W. Washington:									
United States	Dollar		15.00		850.79		12.00		877.79
Sweden	Kroner	1,994.97	294.46	745.25	110.00	84.21	12.43	2,824.43	416.89
Germany	Mark	360	233.77	129.36	84.00			489.36	317.77
France	Franc	1,851.10	346.00			64.20	12.00	1,915.30	358.00
Donald W. McClellan:									
United States	Dollar				765.80				765.80
Switzerland	Franc	2,411.01	1,708.12	375.33	265.91	108.70	77.01	2,895.04	2,051.04
Total			4,105.38		4,742.78		193.00		9,041.16

ERNEST F. HOLLINGS,
Chairman, Committee on Commerce, Science,
and Transportation, June 24, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES, FOR TRAVEL FROM APR. 1 TO JUNE 30, 1993

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
G. Robert Wallace:									
Singapore	Dollar		238.00						238.00
Malaysia	Ringgit	2,442.12	940.00					2,442.12	940.00
United States	Dollar				4,186.45				4,186.45
Lisa Vehmas:									
United States	Dollar		562.96		1,630.36		17.82		2,211.14
Marshall Islands	Dollar		238.49						238.49
Total			1,979.45		5,816.81		17.82		7,814.08

J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, July 14, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS, FOR TRAVEL FROM APR. 1 TO JUNE 30, 1993

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Roy W. Kienitz:									
Denmark	Krone	3,168	438.00					3,168.00	438.00
Germany	Mark		693.00						693.00
France	Franc	3,244.16	592.00					3,244.16	592.00
United States	Dollar				2,587.55				2,587.55
Senator Harry Reid:									
Armenia	Dollar		336.00						336.00
Azerbaijan	Dollar		114.00						114.00
Uzbekistan	Dollar		184.00						184.00
Italy	Dollar		210.00						210.00
Poland	Dollar		166.00						166.00
Total			2,733.00		2,587.55				5,320.55

MAX BAUCUS,
Chairman, Committee on Environment and Public Works, June 30, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR TRAVEL FROM APRIL 1 TO JUNE 30, 1993

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Joseph R. Biden, Jr:									
Croatia	Dollar		510.00						510.00
Germany	Dollar		130.00						130.00
United States	Dollar				3,142.45				3,142.45
Senator Hank Brown:									
Italy	Dollar		188.00						188.00
Armenia	Dollar		262.00						262.00
Azerbaijan	Dollar		114.00						114.00
Uzbekistan	Dollar		114.00						114.00
Poland	Dollar		390.00						390.00
Senator Paul Coverdell:									
United States	Dollar				1,111.45				1,111.45
Senator John F. Kerry:									
Vietnam	Dollar		384.00						384.00
Hong Kong	Dollar		466.00						466.00
United States	Dollar				7,062.45				7,062.45
Thailand	Dollar		240.00						240.00
Vietnam	Dollar		133.00		10.00				143.00
Hong Kong	Dollar	1,792	232.00					1,792	232.00
Senator Richard G. Lugar:									
Italy	Dollar		230.00						230.00
Russia	Dollar		418.00						418.00
Senator Claiborne Pell:									
Italy	Lira	609,440	416.00					609,440	416.00
Russia	Dollar		715.00						715.00
Senator Larry Pressler:									
United States	Dollar				6,787.55				6,787.55
George W. Ashworth:									
Italy	Dollar		235.00						235.00
Russia	Dollar		573.00						573.00
Kristin Brady:									
United States	Dollar				477.45				477.45
Scott Bunton:									
Thailand	Baht	3,509.17	155.96					3,509.17	155.96
Vietnam	Dollar		61.22				12.24		73.46
Hong Kong	Dollar	1,290.50	167.03					1,290.50	167.03
Larry Carpman:									
Thailand	Baht	3,103.11	137.92			1,059	47.07	4,162.11	184.99
Vietnam	Dollar		59.00		10.00		433.00		502.00
Hong Kong	Dollar	1,150	148.85					1,150	148.85
Geryld B. Christianson:									
United Kingdom	Pound	994.35	1,530.00					994.35	1,530.00
United States	Dollar				3,965.45				3,965.45
United Kingdom	Pound	297.11	450.00	64.00	96.00			361.11	546.00
United States	Dollar				3,965.45				3,965.45
Adwoa Dunn-Mouton:									
Gabon	Dollar		1,974.00						1,974.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR TRAVEL FROM APRIL 1 TO JUNE 30, 1993—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United States	Dollar				4,101.95				4,101.95
Peter Galbraith:									
Singapore	Dollar		148.00						148.00
Cambodia	Dollar		956.00						956.00
Malaysia	Dollar		138.00						138.00
India	Dollar		570.00						570.00
Israel	Dollar		867.00						867.00
Cyprus	Pound	60.51	127.00					60.51	127.00
Turkey	Lira	4,090,561	426.00					4,090,561	426.00
United States	Dollar				5,840.65				5,840.65
Edwin Hall:									
Austria	Shilling	41,175.75	3,542.00					41,175.75	3,542.00
United States	Dollar				3,258.35				3,258.35
Edward E. Kaufman:									
Croatia	Dollar		552.00						552.00
Germany	Dollar		130.00						130.00
United States	Dollar				3,142.45				3,142.45
Richard Kessler:									
Singapore	Dollar		444.00						444.00
Cambodia	Dollar		1,356.00						1,356.00
Malaysia	Dollar		138.00						138.00
United States	Dollar				4,758.45				4,758.45
Croatia	Dollar		2,400.00						2,400.00
United States	Dollar				3,742.05				3,742.05
Elizabeth Lambird:									
Hong Kong	Dollar		516.00						516.00
China	Dollar		2,193.00						2,193.00
United States	Dollar				3,445.45				3,445.45
Michelle Maynard:									
Croatia	Dollar		1,600.00						1,600.00
Macedonia	Dollar								
Bosnia	Dollar								
United States	Dollar				3,717.05				3,717.05
Germany	Deutsche Mark	1,298	799.00					1,298	799.00
Earl McClure:									
Nicaragua	Dollar		20.00						20.00
United States	Dollar				1,073.45				1,073.45
Kenneth A. Myers:									
Italy	Dollar		230.00						230.00
Russia	Dollar		618.00						618.00
George Pickart:									
Cyprus	Pound	60.51	127.00					60.51	127.00
Israel	Dollar		393.00						393.00
Turkey	Lira	4,090,561	426.00					4,090,561	426.00
United States	Dollar				4,566.15				4,566.15
John Ritch:									
Croatia	Dollar		575.00						575.00
Germany	Dollar		155.00						155.00
United States	Dollar				3,142.45				3,142.45
United States	Dollar				1,667.25				1,667.25
Randy Scheunemann:									
Nicaragua	Dollar		900.00						900.00
United States	Dollar				908.45				908.45
Nancy Stetson:									
Vietnam	Dollar		384.00						384.00
Hong Kong	Dollar		369.00						369.00
United States	Dollar				7,062.45				7,062.45
Vietnam	Dollar		1,235.00						1,235.00
Hong Kong	Dollar	1,197.53	155.00					1,197.53	155.00
United States	Dollar				3,419.00				3,419.00
William C. Triplett III:									
Hong Kong	Dollar		516.00						516.00
China	Dollar		2,193.00						2,193.00
United States	Dollar				3,445.45				3,445.45
Senator Paul Simon:									
Italy	Lira	384,000	210.00					384,000	210.00
Armenia	Dollar		262.00						262.00
Azerbaijan	Dollar		114.00						114.00
Uzbekistan	Dollar		184.00						184.00
Poland	Dollar		390.00						390.00
Jeremy Karpatkin:									
Italy	Lira	384,000	210.00					384,000	210.00
Armenia	Dollar		262.00						262.00
Azerbaijan	Dollar		114.00						114.00
Uzbekistan	Dollar		184.00						184.00
Poland	Dollar		390.00						390.00
James P. Rubin:									
Croatia	Dollar		750.00						750.00
Germany	Dollar		750.00						750.00
United States	Dollar			3,169.45					3,169.45
Total			39,451.98		87,088.75		492.31		127,033.04

CLAIBONE PELL,
Committee on Foreign Relations, Aug. 2, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY, FOR TRAVEL FROM APR. 1 TO JUNE 30, 1993

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jerry Tinker:									
United States	Dollar				3,965.45				3,965.45

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY, FOR TRAVEL FROM APR. 1 TO JUNE 30, 1993—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Switzerland	Franc	635.75	438.00					635.75	438.00
Poland	Dollar		1,498.00						1,498.00
Richard W. Day:									
Italy	Lire		1,500.00						1,500.00
United States	Dollar				3,344.15				3,344.15
Total			3,436.00		7,309.60				10,745.60

JOSEPH R. BIDEN, Jr.,
Chairman, Committee on the Judiciary, Aug. 2, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE, FOR TRAVEL FROM APR. 1 TO JUNE 30, 1993

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Patricia Hanback			1,430.00		4,769.45				6,199.45
Don Mitchell			2,055.93		4,773.15				6,829.08
Sarah Holmes			948.24		4,769.45				5,717.69
Christopher Straub			819.00		4,215.15				5,034.15
Judith Ansley			836.23		4,215.15				5,051.38
Mary Sturtevant			2,000.00		4,669.85				6,669.85
Jennifer Sims			1,195.00		3,303.25				4,498.25
William Griffies			1,450.00		3,303.25				4,753.25
Timothy Carlsgaard			865.00		1,782.00				2,647.00
Senator John Warner			611.00						611.00
David Addington			611.00						611.00
Norman Bradley			151.00		280.00				431.00
Timothy Carlsgaard			285.00		602.45				887.45
Alfred Cumming			249.00		602.45				851.45
Don Mitchell			429.74						429.74
Senator John Glenn			390.59						390.59
Total			14,326.73		37,285.60				51,612.33

DENNIS DeCONCINI,
Chairman, Select Committee on Intelligence, July 15, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Addendum to 4th Quarter of 1992:									
Codel Boren					1,936.08		11,485.68		13,421.76
Total					1,936.08		11,485.68		13,421.76

Delegation expenses include direct payments and reimbursements to the Department of State and to the Department of Defense under authority of sec. 502(b) of the Mutual Security Act of 1954 as amended by sec. 22 of Public Law 95–384 and S. Res. 179, agreed to May 25, 1977.

DENNIS DECONCINI,
Chairman, Select Committee on Intelligence, July 15, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384–22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE, FOR TRAVEL FROM APR. 1 TO JUNE 30, 1993

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
David Evans:									
United States	Dollar				3,305.05				3,305.05
Russia	Dollar		1,585.00						1,585.00
Germany	Dollar		285.00				65.58		350.58
United States	Dollar				3,511.05				3,511.05
Malta	Dollar		753.00				95.10		848.10
Germany	Dollar		197.00						197.00
John Finerty:									
United States	Dollar				3,500.05				3,500.05
Estonia	Dollar		5,500.00						5,500.00
Heather Hurlburt:									
United States	Dollar				2,813.75				2,813.75
Austria	Schilling	48,502.12	4,311.30			1,426.38	126.79	49,928.50	4,438.09
Czech Republic	Dollar		690.00						690.00
Russia	Dollar		1,080.00						1,080.00
United States	Dollar				2,102.65				2,102.65
Austria	Schilling	47,187.72	3,972.03					47,187.72	3,972.03
Czech Republic	Dollar		920.00						920.00
Ronald McNamara:									
United States	Dollar				3,511.05				3,511.05

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384–22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE, FOR TRAVEL FROM APR. 1 TO JUNE 30, 1993—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Malta	Dollar		753.00						753.00
Germany	Dollar		197.00						197.00
Michael Ochs:									
United States	Dollar				3,306.25				3,306.25
Finland	Dollar		136.00						136.00
Latvia	Dollar		1,230.00						1,230.00
United States	Dollar				3,337.45				3,337.45
Russia	Dollar		1,600.00						1,600.00
Victoria Showalter:									
United States	Dollar				2,880.95				2,880.95
Poland	Dollar		984.00				54.49		1,038.49
Germany	Dollar		714.00				38.06		752.06
France	Dollar		528.18				34.19		562.37
Samuel Wise:									
United States	Dollar				861.25				861.25
Czech Republic	Dollar		570.00						570.00
Austria	Schilling	11,483.13	967.00					11,483.13	967.00
Total	Dollar		26,972.51		29,129.50		414.21		56,516.22

DENNIS DeCONCINI,
Chairman, Commission on Security and
Cooperation in Europe, July 21, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE, FOR TRAVEL FROM APR. 12 TO 19, 1993

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Dennis DeConcini:									
Egypt	Dollar		132.00						132.00
Kenya	Dollar		120.00						120.00
Cyprus	Dollar		254.00						254.00
Romania	Dollar		283.00						283.00
Macedonia	Dollar		89.00						89.00
Austria	Dollar		215.00						215.00
Jane Fisher:									
United States	Dollar				1,695.25				1,695.25
Egypt	Dollar		132.00						132.00
Kenya	Dollar		120.00						120.00
Cyprus	Dollar		254.00						254.00
Romania	Dollar		283.00						283.00
Macedonia	Dollar		89.00						89.00
Austria	Dollar		860.00						860.00
Robert Hand:									
United States	Dollar				1,010.05				1,010.05
Romania	Dollar		283.00						283.00
Macedonia	Dollar		89.00						89.00
Austria	Dollar		215.00						215.00
R. Spencer Oliver:									
United States	Dollar				1,634.00				1,634.00
Cyprus	Dollar		254.00						254.00
Romania	Dollar		283.00						283.00
Macedonia	Dollar		89.00						89.00
Austria	Dollar		215.00						215.00
Victoria Showalter:									
United States	Dollar				2,063.74				2,063.75
Romania	Dollar		849.00						849.00
Austria	Dollar		130.00						130.00
Poland	Dollar		820.00				91.64		911.64
Samuel Wise:									
United States	Dollar				1,847.35				1,847.35
Cyprus	Dollar		254.00				33.60		287.60
Romania	Dollar		283.00						283.00
Macedonia	Dollar		89.00						89.00
Austria	Dollar		215.00						215.00
Poland	Dollar		492.00				53.27		545.27
Czech Republic	Dollar		840.00						840.00
Delegation Expenses:									
Cyprus	Dollar						1,867.08		1,867.08
Romania	Dollar						1,061.09		1,061.09
Austria	Dollar						1,472.55		1,472.55
Total			8,231.00		8,250.40		4,579.23		21,060.63

DENNIS DeCONCINI,
Chairman, Commission on Security and
Cooperation in Europe, July 21, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), U.S. SENATE WORLD CLIMATE CONVENTION OBSERVER GROUP, FOR TRAVEL JUNE 4–14, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Albert Gore, Jr.:									
Brazil	Cruzeiro	7,494,860	2,510.00					7,494,860	2,510.00
United States	Dollar				683.00				683.00
Senator John H. Chafee:									
Brazil	Cruzeiro	2,874,864	969.60					2,874,864	969.60
Senator Claiborne Pell:									
Brazil	Cruzeiro	1,139,390.2	619.72					1,139,390.2	619.72
Senator Max Baucus:									
Brazil	Cruzeiro	2,976,860	1,004.00					2,976,860	1,004.00
Senator Larry Pressler:									
Brazil	Cruzeiro	2,976,860	1,004.00					2,976,860	1,004.00
Senator Steve Symms:									
Brazil	Cruzeiro	2,976,860	1,004.00					2,976,860	1,004.00
Senator Frank R. Lautenberg									
Brazil	Cruzeiro	2,334,434	787.33					2,334,434	787.33
Senator John Kerry:									
Brazil	Cruzeiro	2,976,860	1,004.00					2,976,860	1,004.00
United States	Dollar				1,655.00				1,665.00
Senator Timothy E. Wirth:									
Brazil	Cruzeiro	7,439,960	2,503.63					7,439,960	2,503.63
United States	Dollar				1,515.00				1,515.00
Senator Bob Graham:									
Brazil	Cruzeiro	2,119.975	715.00					2,119,975	715.00
Senator Paul Wellstone:									
Brazil	Cruzeiro	2,121,860	877.63					2,121,860	877.63
United States	Dollar				1,747.00				1,747.00
Susan Fagan:									
Brazil	Cruzeiro	2,951,860	995.57					2,915,860	995.57
Roy Kienitz:									
Brazil	Cruzeiro	2,109,004.5	711.30					2,109,004.5	711.30
Katie McGinty:									
Brazil	Cruzeiro	7,494,860	2,510.00					7,494,860	2,510.00
United States	Dollar				683.00				683.00
Jan Paulk:									
Brazil	Cruzeiro	2,942,510	992.41					2,942,510	992.41
Steven Polansky:									
Brazil	Cruzeiro	2,167,800.5	731.13					2,167,800.5	731.13
Marla Romash:									
Brazil	Cruzeiro	2,853,560	962.90					2,853,560	962.90
Steven J. Shimberg:									
Brazil	Cruzeiro	2,483,128.2	837.48					2,483,128.2	837.48
Delegation Expenses:									
Brazil							10,676.62		10,676.62
Total			20,739.70		6,293.00		10,676.62		37,709.32

Delegation expenses include direct payments and reimbursements to the Department of State and to the Department of Defense under authority of sec. 502(b) of the Mutual Security Act of 1954, as amended by sec. 22 of P.L. 95–384, and S. Res. 179, agreed to May 25, 1977.

Senator ALBERT GORE, JR.,
Chairman of Delegation,
Senator GEORGE J. MITCHELL,
Majority Leader,
Senator ROBERT J. DOLE,
Republican Leader, July 29, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY LEADER FOR TRAVEL FROM APR. 1 TO JUNE 30, 1993

Name Country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Deborah DeYoung:									
Thailand	Dollar	1,645.64	213.00					1,645.64	213.00
Vietnam	Dollar	1,483.39	192.00					1,483.39	192.00
Hong Kong	Dollar	2,263.72	293.00					2,263.72	293.00
Total			698.00						698.00

GEORGE J. MITCHELL,
Majority Leader, July 15, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE REPUBLICAN LEADER FOR TRAVEL FROM APR. 1 TO JUNE 30, 1993

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Arlen Specter:									
Senegal	CFA	44,499	163.00					44,499	163.00
Cameroon	CFA	30,303	111.00					30,303	111.00
Kenya	Dollar		340.00						340.00
Uganda	Dollar		244.00						244.00
Central African Republic	CFA	131,949	486.00					131,949	486.00
Cameroon	CFA	7,532	28.00					7,532	28.00
Nigeria	Dollar		150.00						150.00
Barry Caldwell:									
Kenya	Dollar		340.00						340.00
Uganda	Dollar		244.00						244.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE REPUBLICAN LEADER FOR TRAVEL FROM APR. 1 TO JUNE 30, 1993—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Central African Republic	CFA	158,979	585.56					158,979	585.56
United States	Dollar				791.00				791.00
Nigeria	Dollar		8.00						8.00
Cameroon	CFA	40,497	150.55					40,497	150.55
Total			2,850.11		791.00				3,641.11

ROBERT J. DOLE,
Republican Leader, July 14, 1993.

FACES OF THE HEALTH CARE CRISIS RETIREE HEALTH CARE

• Mr. RIEGLE. Mr. President, I rise today in my continuing effort to put a face on the health care crisis in my home state of Michigan. I want to tell the story of John Demerjian and his family from Sterling Heights, MI. John's retiree health benefits are being cut by his former employer, a situation which is occurring in Michigan and across the country with increasing frequency.

In 1989, John took advantage of early retirement at the age of 63. He retired with the written assurance that he and his family's health care benefits would continue to be provided; his share of the cost would be $15 per month for himself, his wife and one dependent. These benefits were written into his contract.

Last year, John received a letter from his former employer, informing him that the company contribution to his health benefits was being scaled back starting in 1993. John has seen his health insurance costs jump from $15 per month to $60 per month. In 1994, the cost to the family for their health care coverage will be $270 per month and in 1995, it will increase to $580 per month. In 1996, John's former employer will cease to contribute to the cost of the family's health insurance.

John is very worried about how his family will obtain health insurance when he can no longer afford the high cost of this policy. John himself is now on Medicare and only holds a supplemental policy with his former employer. His wife, Patricia, and his son, John, however, depend on his insurance.

John especially fears for his son who has a pre-existing condition which will cause many insurers to deny him coverage. John had cancer of the right ankle several years ago. Even though he has not had a reoccurrence of the cancer, it is still considered a preexisting condition.

John has worked hard all his life and thought he was going to be able to meet his family's health care needs after he retired. Every American deserves the peace of mind that adequate health insurance coverage can provide.

I will continue to do everything I can to work with my colleagues and President Clinton and First Lady Hillary Rodham Clinton to reform our health care system and provide access to affordable health care for all Americans.•

ACHIEVEMENTS OF JOHN GOFMAN

• Mr. METZENBAUM. Mr. President, to be able to look back at the end of the day and know that you have made life better for someone else is truly the best measure of personal achievement. I rise today to note the achievements of a man I have known for over 50 years.

He is someone who has been able to say, after virtually every day in his career, that he has made a difference in the lives of his fellow men and women.

John Gofman is a medical doctor, and professor emeritus of molecular and cell biology at the University of California at Berkeley. Of greater importance for our country, John is also a whistleblower, humanitarian, and indefatigable fighter for what he believes is right. John is one of the foremost authorities on the effects of radiation on the human body.

Last year he received the Right Livelihood Award for his work on the effects of ionizing radiation. The award has been presented since 1980 to leading individuals whose work confronts the toughest issues of our time. It was established and is administered by an independent foundation in Stockholm, Sweden. The actual awards ceremony is conducted in the Swedish parliament chamber, on the day before announcement of Nobel Prize winners. Indeed, the Right Livelihood Award is viewed by many as a runner up Nobel Prize.

I first met Jack when we were growing up in Cleveland, OH. He was both president of our high school class, and class valedictorian.

Neither he nor I, nor anyone else, had any idea what nuclear energy was back then.

We have certainly come a long way in the intervening half century. The benefits and risks of the atom are all too clear. And Jack Gofman has been tracking these benefits and risks every step of the way.

Dr. Gofman has been on both sides of the nuclear debate. He was part of the Lawrence Livermore team which developed the Atomic Bomb. He has been on the inside as a researcher and safety expert. Subsequently, he became one of the leading critics of the way in which governments deal with nuclear safety.

John is not an advocate for any particular ideology or interest. He is an advocate for good science.

When the U.S. Atomic Energy Commission failed to produce necessary data on radiation's effect on the human body, John and a colleague produced their own report.

Their conclusion that U.S. nuclear plants were unsafe resulted in official ostracism. But Jack Gofman has never been out to win popularity contests.

When authorities sought to ignore or bury quality research, Jack wouldn't let them get away with it. He has been called brilliant by supporters and a crank by those whose lives he has made uncomfortable.

Mr. President, I have a better adjective for Dr. John Gofman: I call him a patriot in the truest sense of the word.

Mr. President, there are many so-called antinuke advocates whose credibility is often undermined by hysterical rhetoric.

Jack is no hysteric. Jack is nothing if not a level-headed analyst.

If he ever indulges in a rhetorical flourish, it is always backed up by the facts. Moreover, I should note that Jack is not indiscriminately antinuclear. For example, he has not opposed the existence per se of nuclear weapons.

He has recognized the value of nuclear deterrence in a world where nuclear proliferation jeopardizes stability.

Mr. President, Jack Gofman's most recent effort is a study on the long-term effects of the Chernobyl accident, which will be included in his upcoming book.

Jack's most current publication appeared in the Bulletin of the Atomic Scientists. I ask unanimous consent that a copy of the article, entitled "Beware the Data Diddlers" from the May 1993 issue be printed at the conclusion of my remarks.

In this article, Jack points out a dangerous trend among nuclear regulatory agencies: the willingness to apply huge fudge factors to the data they compile. Jack's point is that regulators can and do manipulate this data to reach false conclusions about harmful dosages of radiation.

Mr. President, our inventory of nuclear reactors is growing older. The pile of nuclear waste they produce grows larger and larger, with no permanent storage site available. And an increasing amount of nuclear material will be moved around the country as we dismantle nuclear warheads pursuant to the START Treaty.

It seems to this Senator that our nuclear regulators had better start shooting straight with the American people and with the Congress.

Our commercial and military nuclear programs are approaching a crossroads, and I for one want accurate information upon which to base decisions about the future.

If Dr. Gofman's allegations are even partially true—and I believe them to be 100 percent reliable—then we are confronting an unseen and unknown health threat of vast proportions.

The shame of it all is that the people we pay to monitor this threat act too much the part of bureaucrats and not nearly enough the part of scientists.

I wish we had more John Gofmans keeping a watch on, or working within, the U.S. Government.

Mr. President, I want to congratulate my friend Jack Gofman on his lifetime of achievement, and I want to bring his recent article to the attention of all my colleagues.

I am sure that Dr. Gofman would like nothing more than to see his life's work be made irrelevant by a new and tougher safety standard. Regrettably, Jack's work becomes more important to us each and every day.

[From the Bulletin of the Atomic Scientist, May 1993]

BEWARE THE DATA DIDDLERS

(By John W. Gofman)

Permit me to put the question starkly. Although there is ample evidence that nuclear pollution presents health risks, how can we properly assess the degree of risk when the governments that have unleashed the poisons also sponsor virtually all the health research concerning nuclear radiation?

That conflict-of-interest problem has a commonsense solution. We—and "we" refers mainly to individuals and nongovernmental organizations—must insist that independent "watchdog authorities" be established to monitor the work of those who may have a vested interest in underestimating the health risks that may be attributed to nuclear radiation.

These watchdog authorities will not be responsible for conducting the actual health-risk studies. Rather, they will be charged with insuring that the raw data used in health-risk studies are obtained and maintained as objectively as possible.

It's a common-sense idea. But like many simple ideas, it will be a tough sell.

Valid conclusions about the health consequences of various pollutants rest upon databases that can be trusted. If a database is false—either from careless work or from intentional bias—it will cause innocent analysts of the data to fill medical journals and textbooks with misinformation. As surely as a skewed foundation compromises the building erected upon it, a false database turns all users into purveyors of possibly deadly information, no matter how honest they may be. The accuracy of a database is the key to every conclusion that emerges from it. The health consequences of false databases can vary from trivial to tragic.

Although the principles discussed on these pages focus on radiation research, they apply with equal vigor to databases on dioxins, pesticides, mercury, and other major non-nuclear pollutants.

Because it seems just a matter of common sense to have independent watchdog authorities, many people simply assume that they already exist. But they do not. Not for radiation research, and not for any other pollutant. The current situation regarding databases is unacceptable. Indeed, future generations might characterize it as criminally negligent.

THE PROPOSAL

The Chernobyl database is already under construction by the International Program on the Health Effects of the Chernobyl Accident (IPHECA), which will operate through the World Health Organization. The main sponsors of the IPHECA study—with $200 million suggested for its initial stages—are the governments of the United States, Britain, Russia, France, Germany, and Japan. These governments also sponsor nuclear programs—either nuclear power, nuclear weapons, or both.

The conflict of interest is self-evident, and it is not limited to IPHECA'S Chernobyl study. Nearly all radiation research is sponsored by governments that fiercely defend and promote nuclear energy. I believe that they recognize their goals are not aided if the public comes to believe that radiation is harmful—even at low doses, and even if slowly delivered.

The current situation in radiation research is a bit like relying on the tobacco industry to conduct all the research on the health effects of smoking. Fortunately, we don't do that. Since the 1950s, thousands of independent studies regarding the impact of smoking on health have been organized. In effect, the scientists who have conducted these tobacco studies have acted as watchdogs vis-a-vis the tobacco industry, which takes a generally benign stance toward the products if produces.

Similarly, scientists with the mandate and the financial wherewithal to act independently must "watchdog" the building of radiation databases. I propose that we start with Chernobyl:

IPHECA should fund a team of independent scientists who will work inside the Chernobyl study. They would have the authority to make sure that the essential rules of research are observed. They also would have the right to publish their own views as an integral part of every IPHECA document.

Their assignment would not be to dictate a uniform analysis of the data. Rather, it would be to insure that the database itself can be trusted and that dissenting views about its handling and its meaning are not punished or silenced.

The watchdog scientists would in no way be answerable to governmental authorities. Rather, they would represent the public's right to a "second opinion" on matters of radiation and human health. An independent watchdog supervisory group could be appointed by environmental and other citizen groups to select and oversee the actual watchdog efforts.

Watchdog authorities must be permanent. Although the work that goes into the preparation of databases is most intense in the early phases, input is necessarily added for many decades, as the health of participants is followed up. Watchdog authorities must operate for the entire duration of a given study, because massive violations of the rules can occur even late in a study. (See "Violating the Rules of Research.")

UN-KNOWLEDGE

During a lifetime in biomedical research, I've concluded that it is hard to prove anything about anything. There are sampling errors, confounding variables, and necessary equipment that has not yet been invented. The path to understanding is only darkly lit, and the stones strewn along the way are numerous.

Acquiring truth about health and biology is difficult at best. In contrast acquiring falsehoods about health and biology seems to be inordinately easy. Consider the legions of peer-reviewed professional journals that have carried "evidence" favoring various pharmaceutical, dietary, surgical, or physical therapies for almost every problem—and the number of disappointments when the initial glowing reports are undermined by later reports suggesting no health benefits at all.

I call such information "biomedical un-knowledge"—shorthand for all the findings that are the opposite of what is true about health and disease.

When I was younger, I assumed that no one wanted "un-knowledge." I no longer make that assumption. Consider the "wish-list" that nuclear energy-promoting governments seem to have for the radiation research they sponsor. It goes something like this:

Best of all would be a finding that a little extra radiation improves human health, a sort of invisible Vitamin E. This speculation has a name: hormesis. Indeed, some of its most avid proponents are already writing about the need to treat society in general for "radiation-deficiency disease." The second international conference or radiation hormesis—with some 250 speakers and participants—was held in Kayoto, Japan, last July.

The next best finding would be to determine that there was a threshold dose below which no harm occurs. The "safe dose—no risk" claim has become exceedingly common after the Chernobyl accident. For example, the U.S. Energy Department, in its 1987 report on the probable health consequences of Chernobyl, assigned a "zero risk" to some 500 million people exposed to low doses of fallout—if all doses below a half rad are harmless.

In a condensed version of the Energy Department's report (Science, December 16, 1988), the assertion that Chernobyl might induce zero extra cancers for persons exposed to low doses was repeated ten times in six pages. That's a fair definition of overkill. There was no mention of the powerful evidence and logic that argue against the threshold speculation. If hormesis and thresholds are not successfully sold to the general public, the next best finding would be to claim—as is often done—that a dose of radiation is far less harmful if it is received slowly over time than if the same dose is received all at once.

As a scientist, I have always taken these wishes and speculations seriously. I have spent years testing them with the existing evidence and with logic. I, too, would prefer for radiation to be harmless. Who would not?

Unfortunately, evidence and logic do not support the wish list. On the contrary, evidence and logic suggest that low-dose ionizing radiation may well be the most important single cause of cancer, birth defects, and genetic disorders.

FOLLOW THE RULES

My work on the risks of low-dose radiation has been controversial. Some scientists say they agree with me. Many say they do not. But whether I'm right or wrong about the low-dose question is irrelevant in evaluating the watchdog proposal. The watchdog idea serves the interests of objective, scientific inquiry. It does not promote the interest of any particular point of view regarding the possible outcomes of specific studies.

It is fortunate that we do not often have disasters of the magnitude of Chernobyl. But the tragedy of Chernobyl will be compounded many-fold if we squander the opportunity to learn everything possible about the health risks associated with it, as well as its ecological consequences.

Creating a trustworthy database from an event such as the Chernobyl accident is a profound obligation of the world's scientific community. If research on the radiation consequences of Chernobyl is poorly designed or biased, or both, the false conclusions will nevertheless enter the professional literature and the textbooks.

Research that exaggerates the health hazard of radiation will be a disservice to humanity. But if researchers underestimate the true health hazards, the misinformation will be literally deadly, because it will result in great increases in "permissible doses" and unnecessary and preventable human exposures to radiation in the environment, in occupations, and in medical treatment.

To help prevent the production of false databases and false "findings," either through bias or scientific error, medical science has developed the already noted rules of research. These rules are acknowledged implicitly or explicitly throughout the epidemiological literature.

The key to creditable and credible research in the health effects of radiation is full obedience to these rules. Strict adherence to the rules simply eliminates issues regarding conflict of interest and scientific misconduct. No one needs to raise such issues—if impeccable adherence to the basic rules can be demonstrated. But whenever such adherence cannot be demonstrated, society would be ill-advised to accept the purported scientific "findings."

These assertions are not intended to impugn the motives or the work of most scientists who prepare or analyze radiation databases, although some misconduct exists in every field. But as already noted, if the rules of research are violated in building databases, no analyses of the data can escape the poison. The first obligation of every objective scientist is to question the believability of raw data before he or she uses them.

EVERYONE WINS

Perhaps IPHECA itself should have thought about introducing the watchdog concept, as a means of obtaining credibility for its studies. However, IPHECA has not done so.

Although I don't expect IPHECA's scientists to endorse the watchdog concept publicly, I suspect that most of them will privately welcome it. Most scientists, after all, would prefer to be honest and to do impeccable work.

Under a watchdog authority, everyone wins. The scientists win by being liberated from humiliating pressures to please their employers. The victims of nuclear accidents win by having objective, reality-based evaluations of the harm or lack of harm they have been exposed to. And of greatest importance, humanity gains by being freed of the specter of 100 years of biomedical un-knowledge about the health effects of radiation.

The watchdog proposal establishes a system that rewards and honors truth-telling, instead of punishing it by loss of employment. Further, the watchdog remedy requires no technological breakthroughs to make it feasible.

The only requirement: A firm insistence that it is necessary, an idea whose time has truly come. We cannot expect governments to be the source of such insistence. The demand must come from all segments of society, not just scientists. The sooner that people create a ground swell of support for such a concept, the earlier it will become a reality.

I urgently invite all individuals, groups, and organizations to let me know if they will permit themselves to be included on a list of endorsers of the watchdog concept.

Last December, the concept received emphatic support from the international jury of the Right Livelihood Award Foundation in Stockholm. Subsequently, I have received very favorable reactions to the proposal from a variety of scientific, environmental, and political figures in Ukraine, Belarus, and Russia.

The dollar costs of watchdog authorities over the decades will not be trivial, per database. But the work of the watchdogs is at least as important to ordinary taxpayers as is the work of the governmentally sponsored teams underwritten by their taxes. I suggest that funding for independent watchdog authorities should come from the same budget that supports governmentally funded investigators. For the sake of discussion, I suggest five percent of the budget.

For the Chernobyl database, if the initial budget for IPHECA is $200 million, five percent would be $10 million. If five percent of IPHECA's budget (whatever its ultimate size) is transferred to an independent watchdog authority, I suspect that taxpayers—or at least those who were aware of—would rejoice.

Why are the nuclear-committed governments so ready to conduct health studies concerning Chernobyl? And Chelyabinsk? and why do they continue to govern the studies of Hiroshima and Nagasaki?

They claim, of course, that they conduct such studies for the sake of truth, and for the benefit of all humanity. But at the grassroots, ordinary people may judge the sincerity of such claims by how positively governments respond to the watchdog proposal. Making the proposal is relatively easy, of course. The hard part will be building a critical mass of international support to make it a reality.

The sponsors of current research on radiation and other types of pollution may fight vigorously behind the scenes to kill the watchdog idea. And after the watchdog proposal is accepted—soon, I hope—people must still remain vigilant. They must insure that independent experts are not—or do not become—sheep who wear a watchdog costume. In the end, we are all watchdogs. We owe future generations at least that much.

THE RULES OF RESEARCH

There are nine fundamental rules of research that any organization studying the effects of radiation on human health should be required to follow. They may seem unexceptionable, yet they have often been ignored:

Groups must be comparable. An essential condition for discovering the effects of radiation is reasonable certainty that exposed and non-exposed groups are so similar that the sole reason the groups might be expected to experience different rates of disease and disorder is their exposure to radiation.

The groups must have experienced an actual difference in dose. If the rate of disease in two groups is being compared, it is essential to establish with reasonable certainty that the groups actually received appreciably different accumulated doses. If, in fact, the groups received nearly the same total amounts of radiation, a study is predestined to find no provable difference in disease rates between the two groups.

The difference in dose must be sufficiently large. The dose-differences between compared group must be large enough to allow for statistically conclusive findings despite the random variations in numbers and in population samples. Analysts can cope with the random fluctuations of small numbers both by assuring sufficiently large dose-differences between compared groups, and by assuring large numbers of people in each group.

The dose must be carefully reconstructed. Obviously, analysts will reach false conclusions if supposedly non-exposed individuals in a database actually received appreciable doses, and if people exposed to supposedly high doses received lower doses that the database indicates. When it comes to Chernobyl, weather patterns caused a very considerable variation in the spread of contamination, which makes this scientific pitfall a real possibility unless careful and objective dose-reconstruction is substituted for assumption. Fortunately, there are several dosimetry techniques that can reduce uncertainty about dose, even decades after the event.

Dose analysts must be rendered demonstrably objective. Analysts who estimate the dose subjects have received should have no idea of the medical status of the individual or the group to which the individual belongs. Health-status data and dose-related data must never appear in the same file. Analysts must do their work "blind" to protect the database from accidental or intentional bias concerning the relationship between radiation dose and health.

Diagnostic analysts' objectivity must be confirmed. To be credible, studies must be designed to guard against bias at every point. If any study of the effects of Chernobyl is to be valid, this principle must extend to all analysts, physicians, and technicians who diagnose the health status of study participants. They must not know whether an individual's radiation dose was high or low and they must be denied information (such as place of residence) that would allow them to form an opinion about a likely dose. It is crucial that teams of "special experts" not be allowed to alter diagnoses at a later date—"unblinded."

No retroactive changes in input data must be permitted after any results are known. In a continuing study, one must not be allowed to alter, delete, or add retroactively to the original input when response results become available. Deciding to revise original data creates an opportunity to falsify the cause-effect relationships (if any) between dose and response. Any study is suspect if retroactive changes are made in diagnosis or dose, if cases are shuffled from group to group, or if any data or cases are suddenly dropped or new cases are added "as needed" from some reserve.

Data should not be excessively subdivided. Even the largest databases can be rendered inconclusive and misleading if analysts subdivide the data into too many categories or subsets. If analysts hope that a study will find no provable effects even if such effects exist, the outcome can be arranged by creating a "small-numbers problem," which will prevent all or nearly all of the study's results from meeting any test of statistical significance. Moreover, excessive subdivision increases the frequency of finding random effects, which may pass the test of statistical significance, but which are nevertheless false. Selective preservation of such false findings can be used to support an intentional bias. Any excessive subdivision of data should be viewed with suspicion.

No pre-judgments are permitted. Both pre-judgments and hypotheses are ideas held at the outset of an inquiry. Pre-judgments are assumptions, often unstated, that can cause investigators to ignore or discard particular evidence. In contrast, hypotheses are tentative explanations, openly stated, that invite challenges from other investigators.

VIOLATING THE RULES OF RESEARCH

The atomic bomb survivors database is updated and managed by the Radiation Effects Research Foundation (RERF) in Hiroshima. RERF is sponsored by the U.S. Energy Department and the Japanese Ministry of Health. In 1986, RERF virtually replaced the existing database, which had been used for about 21 years. New doses were assigned to survivors, many of the study's participants were suspended, and the remaining participants were shuffled into new groupings (cohorts). The reason given for these retroactive alterations was a set of revised dose estimates for both neutrons and gamma rays, from the 1987 publication, U.S.-Japan Joint Reassessment of Atomic Bomb Radiation Dosimetry in Hiroshima and Nagasaki: Final Report.

This revision is a violation of a basic research rule—that no retroactive changes in input data are permitted after any results are known. Parallel analysis with both old and new dose estimates, without an assault on the cohort structure of an ongoing study, is an acceptable practice to take account of new dose estimates, but RERF did not use it. Instead, its maneuvers with the A-bomb study database create a potential to revise the results to fit a preferred outcome. In contrast, credible epidemiological research makes elaborate efforts to avoid this possibility.

I complained about the rule violation of Dr. Itsuzo Shigematsu, the RERF chairman. In a letter to me, he replied in part: "Concern about bias does not appear to be justified. We shall, however, be sure to consider the necessity, and if so, the feasibility of dual analyses of our data [altered and non-altered input]."

RERF is already revising its revised database, which is called "the basis for any future amendments to the A-bomb survivor dosimetry that may be desirable." Perpetual, retroactive alteration seems to be RERF policy.

Meanwhile, RERF provided me with the old "unshuffled" data (the original database) as well as its new "shuffled" data through 1985 for an independent examination. (This examination is described in the fourth chapter of Radiation and Chernobyl, This Generation and Beyond, forthcoming.) For radiation-induced cancer, rates were calculated using both old and new dose-estimates with the unshuffled cohorts. Both analyses show that low-dose radiation is more harmful per dose-unit than high doses of radiation. By contrast, other analysts using only the new dose estimates with a shuffled cohort, have published a curve suggesting that low dose radiation is less carcinogenic per dose-unit than high-dose radiation.

Similar results were found when the database was shuffled and instances of radiation-induced mental retardation were examined. Serious mental impairment occurs when an eight to 26-week-old fetus receives an appreciable dose of radiation. The unaltered database suggests that there is no "safe" dose or threshold. But RERF analysts have frequently suggested that the atomic bomb survivor study indicates a possible threshold. Almost all the difference in interpretation can be explained by RERF's choice of the retroactively altered database; key cases of mental retardation have been moved from one dose category to another.

The retroactively altered database produces data on cancer and mental retardation rates that are more favorable to nuclear polluters than the unaltered database. Database "shufflers" should be required to demonstrate that no bias was introduced by their research rule violations, particularly because their sponsors are not neutral observers. In a matter of such importance to human health, these rule violations should not be tolerated at all.

Different rules of research have already been broken in the study of Chernobyl health effects. By 1989, three years after the Chernobyl accident, a number of complaints about health problems in Belarus and Ukraine had reached the press. At the request of the Soviet government, the International Atomic Energy Agency (IAEA) organized a study, led by Dr. Shigematsu. In May 1991, Shigematsu announced that the IAEA's international experts had found no relationship between illnesses in Belarus and Ukraine and the release of radiation from Chernobyl.

The IAEA study received a great deal of attention in the public press, but it was sharply criticized in scientific journals—as it should have been. It was flawed in a number of ways. The study broke more than one of the rules.

IAEA teams sampled seven "contaminated" and six "uncontaminated" or "control group" villages. The researchers then selected a radiation-exposed population that had received doses that may have been less than one rem higher than the doses of those in the control group—if there were any higher at all. Under such conditions, the search for meaningful results was doomed from the beginning, and the IAEA's conclusion was predictable from the start. The IAEA did not compare effects in "control" villages with villages where far higher doses were received (in many of the villages that were not included in the study, doses exceeded 20 rem).

If only small differences in dose are examined, careful dose reconstruction is critical. But the IAEA researchers did not do this adequately. For several days, the Chernobyl 4 reactor burned graphite, and short-lived and intensely radioactive nuclides were released, which made later estimates of exposure based only on levels of cesium 137 unreliable. Using cesium 137 levels rather than careful measurements of actual biological does contributed to inherently questionable conclusions.•

EXISTING APPLICANTS FOR LOTTERIES

• Mr. INOUYE. Mr. President, section 6002(e)(2) of title VI creates a special rule which provides that the Commission may not issue a license or permit by lottery after the date of enactment unless one or more applications for such license were accepted for filing by the Commission before July 26, 1993. I would like to clarify the use of this term. The Commission often opens a window, or brief time period, for the filing of applications for a license. Although many applications may be filed during this period, it often takes the Commission some amount of time to review the applications to determine whether they will be accepted for filing. For instance, even if the Commission opened a window in April during which many applications were filed, the Commission may not have finished reviewing all the applications before July 26 to determine whether they were acceptable for filing.

This provision of the bill allows the Commission to use a lottery to assign a license even if only one application for that license has been accepted for filing prior to July 25, 1993. This does not mean that licenses that are filed prior to the July 26 date and that are accepted for filing after such date are ineligible for the lottery. All applications filed prior to July 26 that are subsequently accepted for filing at any date thereafter continue to remain eligible for the lottery as long as the Commission determines that at least one application was ruled to be acceptable for filing prior to July 26.

In limiting the Commission's use of the lottery mechanism to license the applications which were accepted for filing before July 26, 1993, the conferees were aware that the Commission would be required to suspend licensing activities for some services while it alters its rules to conform to this requirement. The conferees concluded that the Commission would be able to make the needed rules changes promptly, and hence any disruption to services in the pipeline would be minor. The Commission should be mindful that delay in the resumption of licensing will harm these services, and hence it should move promptly to initiate—and consummate—the needed rulemaking proceedings.

I call the Commission's particular attention to the Interactive Video Data Service [IVDS] where delays in concluding the rulemaking and commencing the application and licensing process have already been lengthy. The public is not being well served by such delay, which is preventing the introduction of an important new service. The changes necessitated by this legislation should not be an invitation to reopen any questions resolved in the current rules. The Commission should merely modify the selection mechanism to substitute an auction mechanism for the lottery selection method. I expect the Commission to give particularly expeditious attention to concluding the needed rule modifications for IVDS, so the introduction of service will not be further delayed and the initial licensees and the providers of the technology and the service will not be disadvantaged.•

TWO SERBIAS: ONE NATIONALIST, ONE DEMOCRATIC

• Mr. SIMON. Mr. President, I am concerned that the continued war in Bosnia not distract attention from widespread abuses of human rights in Serbia. The two are closely related.

The Serbian nationalists' continued assaults against Sarajevo, including last week's seizure of Mt. Bjelasnica and the city's main TV transmitter in violation of a U.N. cease-fire agreement and the U.N.'s "no-fly" zone, represent Serbia's persistent pattern of human rights abuses. Seeking to achieve a Greater Serbia through war in Bosnia and ethnic cleansing, Serbian nationalists and their allies in Belgrade have systematically killed, tortured, and otherwise tried to silence people, including ethnic Serbs.

The struggle of Vuk and Danica Draskovic, the leader of the Serbian Renewal Movement and his wife, is just one of many sad stories to emerge from the former Yugoslavia. The Draskovics were savagely beaten by Belgrade police after a June 1 anti-government demonstration. Vuk Draskovic, who came close to death in his 9-day prison hunger strike, courageously stood up to a totalitarian police state. He inspired millions of Serbs, including many Serbian-Americans, who disagree with the Milosevic regime.

The plight of Draskovic and his wife evoked expressions of diplomatic support by world leaders; Mrs. Danielle Mitterrand flew to Belgrade to appeal to Milosevic on the Draskovics' behalf. Having been treated in a French military hospital, the Draskovics are now recuperating from their injuries in Montenegro.

Vuk Draskovic stands for democracy, something Serbia and its neighbors desperately need. The Belgrade authorities have accused him of undermining Serbia's international standing with his public comments against the war.

Now, as President Clinton urges our European allies and partners to support air strikes against Bosnian Serb forces besieging Sarajevo, Serbian leaders in Belgrade and in Bosnia should understand that they—not their courageous democratic critics—are the ones who have undermined and even disgraced Serbia's cause.

Vuk Draskovic and his wife are now safe and at liberty, but he may still face trumped-up charges on grounds of having allegedly assaulted a policeman in the June 1 demonstration. The Serbian Government should know that further criminal proceedings against Vuk Draskovic would do nothing to enhance its dismal standing in the international community. I urge my colleagues to join with me in speaking out on his behalf.•

REDEEMING THE ENVIRONMENTALISTS

• Mr. HATFIELD. Mr. President, as one who considers himself both an environmentalist and a Christian, I have been troubled by the failure of many in the environmental movement to understand the place of Christians in the cause of environmentalism. Many environmentalists have adopted an Earth-inspired spirituality, misconstruing the Christian mission to care for the planet and assuming that true environmentalists have no place in the Christian church. Nothing could be further from the truth.

The Christian tradition is rooted in the human understanding of our responsibility to serve as stewards of this planet. We are told in Genesis that the Lord put human beings in the Garden of Eden "to work it and take care of it." (2:15) Christians are, by our very nature, environmentalists.

In a recent issue of Christianity Today, Prof. Ronald J. Sider addresses the issue of Christian stewardship over our planet and the role Christians play in tending to global concerns. Dr. Sider points out that the Hebrew word "abad," translated "work," means, in fact, "to serve," suggesting our position merely as caretakers in a garden we do not own. God granted us dominion over his other creations, a position we have, unfortunately, twisted into domination.

Our poisoning of the Earth's water, earth, and air reflects our misguided notion of human invincibility. But Christianity provides us with answers. We must accept our responsibility as stewards of the planet while recognizing our humble place in Creation relative to the Creator.

The very principles embodied in Christianity—humility in the face of God and service to the planet in the name of God—must guide our efforts. Wise use of the Earth's resources—using limited amounts of resources we cannot replace and helping to replenish those we can—is the balanced and responsible approach to caring for our environment. Guided by these principles, Christians can contribute much to the work of environmentalism.

I would ask that Professor Sider's essay entitled "Redeeming the Environmentalists" appear in the RECORD following my remarks.

[From Christianity Today, June 21, 1993]

REDEEMING THE ENVIRONMENTALISTS

(By Ronald J. Sider)

In March 1990, in Seoul, South Korea, I attended an international conference on Justice, Peace, and the Integrity of Creation sponsored by the World Council of Churches. I heard many persuasive claims about the way Christians had distorted humanity's mandate to have dominion over the Earth—the consequence of these distortions being a ravaged creation. I became concerned, however, when I noticed that no one had mentioned the fact that human beings have an exalted status within creation, in that they alone are created in the image of God.

So I proposed a one-sentence addition to the document we were debating. From the floor, I asked that we add a sentence affirming that, as we confess these misunderstandings, we nonetheless "accept the biblical teaching that people alone have been created in the image of God."

The drafting committee promptly accepted the addition but dropped the word "alone." I pointed out that this undercut the basic point. Are trees and toads also created in God's image? When the drafting committee remained adamant, I called for a vote. And the motion lost! At that moment, a majority of attendees at this important convocation were unwilling to say what historical, biblical theology has always affirmed: that human beings alone are created in the image of God.

As my experience illustrates, in today's environmental movement there is a lot of theological confusion. Actress Shirley MacLaine says we must declare that we are all gods. Disciplined but unchastened Catholic theologian Matthew Fox says we should turn from a theology centered on sin and redemption and develop a creation spirituality, with nature as our primary revelation and sin a distant memory. Australian scientist Peter Singer says any claim that persons have a status different from monkeys and moles is "speciesism." Several decades ago historian Lynn White argued that it is precisely the Christian view of persons and nature that created the whole ecological mess. Meanwhile, many evangelicals come close to celebrating the demise of the Earth, enthusiastically citing the decay as proof that the return of Christ is very near.

These and other factors will tempt evangelicals to ignore and denounce environmental concerns. But that would be a tragic mistake—for at least three reasons. First, because the danger is massive and urgent. Second, because there are evangelistic opportunities that arise out of environmental concerns. And third, because if we do not offer biblical foundations for environmental action, we will have only ourselves to blame if environmental activists turn to other, finally inadequate, world-views and religions. With wisdom and a renewed appreciation of the wholeness of God's plan for redemption, we can lead the way forward in the healing of our Earth.

WHY BE INVOLVED

An urgent problem. That we are in trouble is increasingly clear. Gaping holes in the ozone layer, polluted rivers, expanding deserts, denuded mountainsides, air-poisoned cities, and spiraling carbon emissions producing global warming—all sound the warning. In the last 40 years, we have lost one-fifth of our topsoil and one-third of our rain forests. Leading scientists are so frightened that even prominent secularists like Carl Sagan have issued an urgent plea to the religious community to help find solutions to impending ecological disaster.

Evangelistic opportunities. The very urgency of the problem has created tremendous evangelistic opportunities. As one reads the environmental literature, the deep yearning for religious meaning becomes clear. Many environmentalists have rejected the materialistic "scientism" that drives our technoculture. They are right in thinking that secular naturalism, which has been so influential in the last 200 years, cannot solve environmental problems. The tragedy is that when these folks yearn for religious solutions, they assume that historic Christianity has nothing to offer. So they turn to goddess worship, nature spirituality, Eastern monism, and New Age nonsense.

What an opportunity—if we have the courage, intellectual vigor, and faith. Instead of rejecting environmentalism lest our theology become contaminated, we must stride boldly into the mainstream of the green movement, showing how biblical faith offers a better foundation for environmental engagement. We need to imitate Paul's bold strategy in the face of the Athenians' religious confusion and spiritual groupings. Paul praised their religious yearning and told them about the God for whom they did not have a name (Acts 17). If we do the same, naming God in the midst of the massive contemporary longing for religious foundations, we may be surprised at the evangelistic results.

Christian leadership. Third, evangelicals must become environmentalists to make sure that a biblical rather than a monist world-view shapes what will undoubtedly be one of the most central global problems of our lifetime. Make no mistake: Modern folk will find some spiritual foundations to guide and shape their environmental concerns. If it is not biblical faith, then it will be something far less adequate.

There is a spiritual battle going on. Satan would dearly love to persuade modern folk that the best way to solve our environmental crisis is to jettison historic Christianity. The truth, of course, is exactly the reverse. The best foundation for saving the creation is by worshiping and obeying the Creator revealed in Jesus Christ.

CALLED TO GARDEN

The only way to make sure that the biblical world-view plays a central role in shaping key environmental decisions is for large numbers of biblical Christians to join enthusiastically in the environmental movement. As we pray, teach, and act, five biblical principles will be especially important.

First, whereas a one-sided view of either God's transcendence or immanence compounds our problems, a biblical combination of both points the way through our dilemmas. If we focus only on God's immanence (his presence in the world), we land in pantheism where everything is divine and good as it is. If we talk only about God's transcendence (his radical separateness from creation), we may end up seeing nature as a mere tool to be used at human whim.

The biblical God is both immanent and transcendent. He is not a cosmic watchmaker who wound up the global clock and then let it run on its own. God continues to work in the creation. In Job we read that God gives orders to the morning (38:12), that the eagle soars at God's command (39:27), and that God provides food for the ravens when their young cry out in hunger (38:41). The Creator, however, is also radically distinct from the creation. Creation is finite, limited, dependent; the Creator is infinite, unlimited, self-sufficient.

Second, we should gratefully learn all we can from the book of nature without in any way abandoning biblical revelation. When Matthew Fox tells us that we can get most or all the revelation we need from creation, we will firmly reply that the biblical revelation of redemption from sin through Jesus Christ is as true and essential as ever in our environmental age.

Third, human beings are both interdependent with the rest of creation and unique within it, because we alone have been created in the divine image and given stewardship over the Earth. Christians have at times forgotten our interdependence with the rest of creation. Our daily existence depends on water, sun, and air. Everything is interrelated in the global ecosystem. The emissions from our cars contribute to the destruction of trees—trees that convert the carbon dioxide we exhale into the oxygen we need to survive. Christians today must recover an appreciation of our dependence on the trees and flowers, the streams and forests. Unless we do, we shall surely perish.

But the Bible insists on two other things about humanity: Human beings alone are created in the image of God, and we alone have been given a special "dominion" or stewardship. It is a biblical truth, not speciesism, to say that only human beings—and not trees and animals—are created in the image of God (Gen. 1:27). This truth is the foundation of our God-given mandate to have dominion over the nonhuman creation (Gen. 1:28; Psalm 8).

Tragically—and arrogantly—we have distorted dominion into domination. Lynn White was correct in placing some blame for environmental decay on Christianity. But it is a misunderstanding of the Bible, not God's Word itself, that is at fault here.

Genesis 2:15 says the Lord put us in the garden "to work it and take care of it" (NIV). The word abad, translated "work," means "to serve." The related noun actually means "slave" or "servant." The word shamar, translated "take care of," suggests watchful care and preservation of the Earth. We are to serve and watch lovingly over God's good garden, not rape it.

The Old Testament offers explicit commands designed to prevent exploitation of the Earth. Every seventh year, for instance, the Israelites' land was to lie fallow because "the land is to have a year of rest" (Lev. 25:4). Failure to provide this sabbatical for the land was one reason for the Babylonian captivity (Lev. 26:34, 42–43). "I will remember the land," Yahweh declared.

If we have no different status from that of mammals and plants, we cannot eat them for food or use them to build civilizations. We do not need to apologize to brother carrot when we have lunch. We are free to use the resources of the Earth for our own purposes. Created in the divine image, we alone have been placed in charge of the Earth. At the same time, our dominion must be the gentle care of a loving gardener, not the callous exploitation of a self-centered lord. So we should not wipe out species or waste the nonhuman creation. Only a careful, stewardly use of plants and animals by human beings is legitimate.

CLOTHING THE LILIES

Fourth, a God-centered, rather than a human-centered, world-view respects the independent worth of the nonhuman creation. Christians have too easily and too often fallen into the trap of supposing that the nonhuman creation has worth only as it serves human purposes. This, however, is not a biblical perspective.

Genesis 1 makes clear that all creation is good—good, according to the story, even before our first ancestors arrived on the scene. Colossians 1:16 reveals that all things are created for Christ. And according to Job 39:1–2, God watches over the doe in the mountains, counting the months of her pregnancy and watching over her when she gives birth! The first purpose of the nonhuman creation, then, is to glorify God, not to serve us.

"The heavens are telling the glory of God; and the firmament proclaims his handiwork. Day to day pours forth speech, and night to night declares knowledge. There is no speech, nor are there words; their voice is not heard; yet their voice goes out through all the earth, and their words to the end of the world" (Ps. 19:1–4).

It is important to note that God has a covenant, not only with persons but also with the nonhuman creation. After the flood, God made a covenant with the animals as well as with Noah: "Behold, I establish my covenant with you and your descendants after you, and with every living creature that is with you, the birds, the cattle, and every beast of the earth with you, as many as came out of the ark" (Gen. 9:9–10).

Jesus recognized God's covenant with the whole of creation when he noted how God feeds the birds and clothes the lilies (Matt. 6:26–30). The nonhuman creation has its own worth and dignity apart from its service to humanity.

Insisting on the independent dignity of the nonhuman creation does not mean that we ignore the biblical teaching that is has been given to us human beings for our stewardship and use (Gen. 1:28–30; Ps. 8:6–8). Always, however, our use of the nonhuman creation must be a thoughtful stewardship that honors the creation's dignity and worth in the eyes of the Creator.

THE EARTH'S HOPE

Finally, God's cosmic plan of redemption includes the nonhuman creation. This fact provides a crucial foundation for building a Christian theology for an environmental age. The biblical hope that the whole created order, including the material world of bodies and rivers and trees, will be part of the heavenly kingdom confirms that the created order is good and important.

The Bible's affirmation of the material world can be seen most clearly in Christ himself: Not only did the Creator enter his creation by becoming flesh and blood to redeem us from our sin, but the god-man was resurrected bodily from the tomb. The goodness of the created order is also revealed in how the Bible describes the coming kingdom: the marriage supper of the Lamb, where we will feast on bread, wine, and all the glorious fruit of the earth.

Unlike Hindu monists who think the created order is an illusion to escape, biblical people know that the creation is in itself so good that God is going to purge it of the evil introduced by the Fall and restore it to wholeness. Romans 8:19–23 tells us that at Christ's return, when we experience the resurrection of the body, then the groaning creation' will be transformed: "The creation itself will be liberated from its bondage to decay and brought into the glorious freedom of the children of God" (NIV).

In Colossians 1:15–20 we read that God intends to reconcile all things, "whether things on earth or things in heaven," through Jesus Christ. That does not mean that everyone will be saved; rather, it means that Christ's salvation will finally extend to all of creation. The Fall's corruption of every part of creation will be corrected.

The prophets often spoke of the impact of human sin on nature (Gen. 3:17–18; Isa. 24:4–

6; Hosea 4:3). But they also foresaw that in the messianic time nature would share in salvation: "In that day I will make a covenant for them with the beasts of the field and the birds of the air" (Hos. 2:16–23, NIV; see also Isa. 55:12–13). In the coming kingdom, I hope to go sailing on an unpolluted Delaware river.

The Christian hope for Christ's return must be joined with our doctrine of creation. Knowing that we are summoned by the Creator to be wise gardeners caring for God's good Earth, knowing the hope that someday the Earth will be restored, Christians should be vigorous participants in the environmental movement. Our motives are many. We must preempt world-views that would undermine both Christian faith and a lasting environmental solution. We will discover, perhaps to our surprise, that environmental engagement grounded in biblical truth will attract many spiritually lost contemporaries to our Lord. Also, we may be able to save our grandchildren (should the world still exist 40 years from now) from ecological disaster. Most important, we will honor the Creator of this gorgeous and astonishingly intricate cosmos.●

WOMEN'S EQUALITY DAY

● Mr. RIEGLE. Mr. President, I rise today to draw attention to an important day that is being observed later this month. On August 26, our Nation will celebrate Women's Equality Day, the 73d anniversary of the 19th amendment to the Constitution which gave women the right to vote. This annual celebration is important not only in drawing attention to the current status of women's equality in America, but also as a time to reflect on the past struggles and achievements.

The organized American movement for women's equality has been going on or more than 100 years—and as early as the 1830's, feminists such as Sarah Grimke eloquently wrote of the simple fairness and benefits of equal treatment of the sexes.

> Equality of the sexes will bring benefits to men, as well as women. Men * * * would find that woman, as their equal, was unspeakably more valuable than woman as their inferior, both as a moral and an intellectual being.

And even though the movement gained momentum at the end of the last century, it took until 1914 for the amendment to reach the United States Senate and an additional 6 years for ratification. Although we commemorate the day of ratification as Women's Equality Day, every celebration must be tempered with the knowledge that not all women received the vote in 1920. Barriers like the poll tax, literacy tests, and simple refusal to let certain voters participate, kept many black women from the polls until passage of the 1965 Voting Rights Act. I have the great honor of serving here in the Senate with CAROL MOSELEY-BRAUN, the first African-American woman Senator in our Nation's history, and I strongly believe that remembering these distinctions in our past equal rights successes is an integral part of understanding where our movement is today, and how much farther we have to go.

Equality for women in this country will only come about when there is economic equality, equality in health care and research, and equality of constitutional rights of privacy. Yesterday, the Family and Medical Leave Act when into effect—a vitally important piece of legislation which was unpassable just last year. It is now the law of the land. The National Community Service Act, which we've just passed this week, has special provisions directed at encouraging women to participate equally in the program. My own Apprenticeship Improvement Act contains a plan for encouraging women and other minorities, who have traditionally been ignored, to take part in these useful training programs. And in the House, over 20 bills have been introduced this year as the Economic Equity Act. For the first time in 12 years, we have a real opportunity to reform the orientation of our laws and our Federal programs to include women as equal partners, and I am proud to contribute my efforts to that process.

On the health care front, we clearly have a long way to go; only 13.5 percent of the National Institutes of Health's current budget is devoted specifically to women's health; only 40 percent of working women have health insurance through their employer or union, compared to 59 percent of men. We have made significant progress in research funding in the past 2 years—the 1993 appropriations to both the Centers for Disease Control and NIH contain record levels of women's cancer research funding, and a new DES research and education program which I have championed for years. But this year's record funding should be seen as a first step, and not as the end goal.

In the area of civil and constitutional rights, I fully support S. 25, the Freedom of Choice Act, and the S. 636, the Free Access to Clinics Act. While abortion is a difficult emotional issue and there are no easy answers, I firmly believe that the choice should not be imposed by the government—the choice belongs to the individual woman. All American women should have the right to choose, regardless of which State they live in and that is why Congress must enact S. 25. Codification of the Roe versus Wade decision is critical to the privacy rights of all Americans, not just women—when one American's constitutional rights are continually constricted and reduced, all Americans suffer equally. The Freedom of Choice Act and the equal rights amendment together would finally establish constitutional recognition of women's equality.

S. 17, the Equal Remedies Act, is another bill which must be passed in this Congress. In order for us to pass the Civil Rights Act of 1991, we had to make substantial compromises with the Republican President—unfortunately, the financial remedies open to minorities suffering discrimination were not extended to include women. Now we have the opportunity to rectify this injustice by passing the Equal Remedies Act, of which I'm proud to be an original cosponsor; this bill will eliminate caps on damages available to women who have experienced intentional discrimination in the workplace.

The issues I've referred to are just the beginning of what we need to do to eliminate the disparate treatment of men and women in our country. There are so many other issues we need to address: reassessing foreign assistance to countries where women's rights and human rights are routinely violated; aggressively addressing the violent crimes which target women; and actively encouraging our young women and girls to pursue fields of study in mathematics and sciences, where they have been traditionally underrepresented.

Just 73 years ago, opponents of the 19th amendment said that women's brains simply weren't designed for politics and that they could not comprehend the complexities of economics—today we have five Democratic female Senators, whose input and support I deeply value and appreciate. I am proud to say that more than half these women now sit on the Senate Banking, Housing, and Urban Affairs Committee, which I chair.

Mr. President, everyone in this country has something that they can contribute to this society, through their own God-given skills and abilities, if they are only given the opportunity to participate fully. I believe observing Women's Equality Day is one important way to keep our eyes focused on this important goal. I intend to continue to work to bring about equality for women, and everyone in this country.●

ERIC G. GUSTAFSON

● Mr. SMITH. Mr. President, I rise to recognize Rick Gustafson of Portsmouth, NH, who will end his term as president of the Independent Insurance Agents of America in September.

Rick Gustafson is a leader in his community, State, and industry. His commitment and service in New Hampshire is distinguished and appreciated. He is past president of the Portsmouth Jaycees, past president and founder of the Seacoast United Way, and has served as chairman of a local hospital. He is also involved in many other civic and community organizations.

Rick is chairman of the Blake Insurance Agency, a successful business in Portsmouth. While his tenure as president of the Nation's largest insurance trade association ends next month, his service to the Independent Insurance Agents of America is impressive. He has served as president of the Portsmouth Insurance Association, president of the New Hampshire State association, and served on the national board of directors before serving as president.

During his presidency, Rick has been very involved in advocating policies and proposals to assist independent insurance agencies and other small businesses. This summer, he appeared before the House Judiciary Committee and prior to that he testified before the White House Task Force on Health Care. He has also discussed natural disaster relief and other issues with President Bush.

Rick Gustafson deserves the gratitude of his colleagues and friends for his years of service to New Hampshire and his industry. I am confident that he will continue to leave his mark as he continues his impressive career and service in Portsmouth.•

COLONEL QADHAFI'S PEACE OFFENSIVE

• Mr. MOYNIHAN. Mr. President, recently some have spoken of a Libyan peace offensive. Qadhafi has made vague statements about recognizing Israel. Denounced Islamic militants. Permitted a group of pilgrims to visit Israel—whatever their intent.

Some have suggested that we explore the possibility that Qadhafi has truly changed. They have even implied that we might relax the current policy of pressuring Libya to turn over the two Libyan officers indicted for the Pan Am 103 bombing.

I could not disagree more. How can one imagine that Qadhafi will play a constructive role in the Israeli-Palestinian conflict—a conflict whose settlement involves international law and U.N. resolutions—if Libya refuses to comply with the demands of the United Nations? Moreover, if Qadhafi's public relations offensive tells us anything, it is that U.N. sanctions are having an effect. Now is the time to strengthen them, not to be fooled by a phoney peace initiative. We must insist on nothing less than justice for those responsible for the Pan Am bombing.

Is there a way to test the sincerity of the new Qadhafi Yes. Insist that he fully and promptly comply with all U.N. resolutions on Pan Am 103. Then—and only then—might we begin to believe that Libya is serious about being a member of the international community.

• Mr. KENNEDY. Mr. President, I agree with my colleague from New York. Colonel Qadhafi wants us to compromise with terrorists, and we should reject that idea categorically.

Like clockwork, Libya's public relations campaign is renewed every 120 days, just before the United Nations reviews its current sanctions against Libya.

Just before each review, feelers from Libya go out, suggesting that Colonel Qadhafi is changing his ways, and that stronger sanctions are unwarranted. Before each U.N. review, Qadhafi sends emissaries to the United Nations and the United States and other nations, to try to convince the world community that Libya wants to cooperate.

These efforts are always accompanied by talk of paying off the families of the victims of the terrorist bombing of Pan Am flight 103, the 189 Americans and 81 others who were murdered in one of the most savage terrorist atrocities of our time. The families want justice. They are not willing to take Libya's blood money.

Qadhafi even succeeded, albeit briefly, in retaining former State Department legal adviser, Abraham D. Sofaer, as counsel. But public outrage was so intense that Mr. Sofaer was forced to drop Libya as a client.

The message from the international community should be clear and unequivocal. Justice must be done. The terrorists must be punished. The victims of Pan Am flight 103 and their families deserve no less.

Libya must turn over the suspects for trial in the United States or Britain in accord with the U.N. resolutions. Senator MOYNIHAN and I and 53 other Senators have urged President Clinton to strengthen the current sanctions by imposing an international oil embargo against Libya, unless these suspects are made available. That should be our policy, and we should stick to it until justice is finally done.•

PESTICIDES AND FOOD SAFETY

• Mr. LEAHY. Mr. President, since I came to the Senate and became a member of the Senate Agriculture Committee, we have on many occasions addressed the reform of our pesticide laws. For all involved this has often been a frustrating process.

Fortunately, after 12 years of denial, we finally have an administration that recognizes reforms are necessary. It is undertaking an extensive review of our pesticide laws. The immediate reason for this review is a court decision that struck down EPA's interpretation of the Delaney clause. But more broadly, the overhaul of our food safety and pesticide laws is long overdue.

Let me summarize what I believe must be done.

First, our pesticide laws should be based on a food safety standard that protects all Americans, including children.

Second, our pesticide laws must ensure that if pesticides are approved, and used, our food will meet that standard. Pesticides that do not meet a rigorous safety standard must be removed from the market promptly.

Finally, we must have an agricultural research and farming program that helps farmers meet that standard. We must focus our efforts on finding alternative pest control strategies.

These principles seem so obvious that I would imagine most Americans assume the system already works this way. Unfortunately, it does not.

The reason for this is historical. First, our food safety laws were largely designed to address gross food contamination—not pesticide residues.

Second, our pesticide laws were not originally intended to be food safety laws at all. They were written to make sure that pesticides on the market actually worked for farmers.

Third, our basic agricultural research and farm programs were conceived before pesticides were widely used, and well before food safety and pesticides on food became a national issue.

Of course, there have been attempts to connect and relate these laws over the years. But in the end, they do not work in an integrated way to meet clearly enunciated national objectives. They are like using the wrong tool to repair an engine. Either the tool or the engine ends up broken.

FOOD SAFETY

Our pesticide laws should be based on a single food safety standard that protects all Americans, including children.

Recent events have made the problems with our food safety laws even more urgent. Last year, the Ninth Circuit Court of Appeals ruled that the Delaney clause means what it says: no residues of cancer-causing chemicals are permitted on processed foods.

The public will not have confidence in a system of pesticide regulation that says absolutely no pesticide residues are allowed on some foods, but on other foods even the Government's safety standards can be exceeded on economic grounds.

And while we have one of the world's safest food supplies, the margin of safety can be far too small for our most vulnerable population: our children.

On June 29, 1993, I held a hearing to review the results of the National Academy of Sciences report on pesticides in the diets of infants and children. The report concluded that current policies do not adequately protect America's children from exposure to pesticides in food and water. We cannot accept a system that may put thousands of children at risk.

We need a single pesticide residue standard that is applied to all foods. There are some who want a health-based system that can be bent if it hurts one industry or another. That will not work for the public or the food industry as a whole. We need to choose a consistent, protective standard and make everyone play by the rules.

And when we set that standard, we must be sure to follow the recommendations of the National Academy of Sciences for protecting America's children. It must account for nondietary exposure to pesticides, consider all health hazards, including noncancer effects, and incorporate appropriate safety factors to account for the unique vulnerability and sensitivity of America's children.

When we protect our most vulnerable population, everyone wins.

Senator KENNEDY has introduced legislation that would establish a uniform, easily defined standard for acceptable pesticide residues on food. I will work with Senator KENNEDY and the administration to see that we craft a food safety standard that will protect all Americans and that will give farmers access to the pest control strategies they need.

FIFRA REFORM AND CIRCLE OF POISON

Reform of our food safety laws alone will not be enough. I have said many times that the problem with our pesticide laws is that they leave the public in the dark, and the farmer on the hook. The public is in the dark because safety studies on many pesticides currently in use have not been completed.

More than 20,000 pesticides currently on the market remain unreviewed. And even when EPA decides a pesticide is unsafe, it can take years to remove it from the market.

The present system also does not work for farmers. It leaves them on the hook. As new health data comes to light they do not know from year to year whether they will be able to use a pesticide or not.

This year we must reform our pesticide laws based on scientifically sound standards. We must make sure that if pesticides are approved, and use, our food will meet safety standards.

We must:

Complete the review of older pesticides mandated in 1988 to ensure that all chemicals on the market meet up-to-date health and safety standards,

Expedite registration and provide market incentives for safer pesticides, and

Resolve the minor use debate without reversing the trend toward safer pesticides.

We must also reform our pesticide laws to ensure that pesticides that do not meet a rigorous safety standard are removed from the market promptly by:

Streamling procedures for suspending and canceling hazardous pesticides, and

Updating and strengthening EPA's enforcement capability.

American farmers use over 800 million pounds of chemical pesticides in 1991 alone. We encounter pesticides every day—on our lawns, in our soil, in our drinking water, and on our dinner plates.

We should embrace the administration's goal of reducing pesticide use. Phasing out those pesticides that pose the greatest risks to human health and the environment is a good idea.

Finally we must break the circle of poison. It make no sense to reform our food safety and pesticide laws if pesticides banned in the United States end up in our food supply on imported food. I fought for this provision in the 1990 farm bill. It is a position that Vice President GORE supported as a Senator, and I look forward to working with him and the administration to include it in our food safety reform package. The circle of poison must be broken.

ALTERNATIVES TO CHEMICAL PESTICIDES

If farmers are going to be able to meet a new health-based safety standard, we must provide effective, economic alternatives. The key to our reform efforts has to be the development and dissemination of alternative pest control methods.

We need to aggressively pursue new technologies that will allow farmers to produce the quantity and variety of food consumers demand without, endangering them or the environment.

Our international competitors are making environmentally friendly technologies a high priority. We must harness the power of our vast agricultural research and extension system—unquestionably the envy of the world—to put these same tools in the hands of American farmers.

Rather than jump from crisis to crisis, as we seem to do now, we need to take an approach to pesticide regulation that seeks to avoid crises before they happen.

As I told the President several weeks ago, we need to establish a focused, coordinated program that will identify those pesticides that pose the greatest risks to consumers and the environment, and concentrate research and development efforts on finding safer alternatives.

Where no alternatives can be identified, we must establish targeted research programs to find them. And where promising new alternatives are in development, we must accelerate testing, and make sure that farmers have access to the latest technology.

A central component of this strategy will be to coordinate our research agenda with our regulatory policies. As regulatory agencies get new data suggesting that a particular chemical may pose an unreasonable risk to consumers or the environment, we need a system to quickly relay that information to USDA, so that the research and extension system can respond in a timely manner.

Unfortunately, this kind of coordination has been lacking under previous administrations. Let me give you two examples of the kind of problem we face.

The first was a result of last year's Delaney clause court decision. In response to that decision, EPA withdrew emergency use permits for some pesticides suspected of causing cancer. Included on the list of denied permits was one for use of a particular herbicide to control hemp sesbania in rice fields. The same day that EPA, USDA, and FDA staff came to brief the Agriculture Committee on this decision, the Associated Press reported a new nonchemical method to control this same weed.

Ironically, the work described was presented at a USDA conference in Beltsville, and was done by USDA scientists at the Jamie Whitten Research Center in Mississippi. Had USDA research been better coordinated with EPA regulatory policy, the farmers who still face this crisis might have a safe, effective alternative available.

The second example is the recent banning of a popular fungicide, methyl bromide. By law, production of this chemical will be phased out entirely by the year 2000, because it is an ozone depleter. USDA has not developed a coordinated plan to find alternatives. In fact, they propose to spend about 20 percent of their funds for methyl bromide research to study its emissions, despite the fact that it will be off the market in 7 years. These funds should be devoted to alternatives.

Finally, I am pleased that the administration echoed the ideas I have outlined when it announced its commitment to reducing the use of pesticides and to promote sustainable agriculture.

The only way to make real reforms in our pesticide policies is to fundamentally alter the way we look at pesticides and pest management systems. If we want to reduce the effects of agricultural chemicals on our health and the environment, we must look toward pollution prevention, reduction of pesticide use, and sustainable agriculture.

For years I have fought for sustainable agriculture research and technology transfer, and I will continue on that course.

I look forward to working with President Clinton as we put together a package that will benefit America's consumers and farmers.•

HELSINKI HUMAN RIGHTS DAY

• Mr. RIEGLE. Mr. President, on the 18th anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe [CSCE], the promotion of human rights remains a critical goal. As a cosponsor of Senate Joint Resolution 111, designating August 1, 1993, as "Helsinki Human Rights Day," I rise to commemorate this momentous occasion.

The Helsinki Final Act, commonly referred to as the Helsinki accords, was signed on August 1, 1975, by the leaders of West and East European states, along with Canada, and the United States. The 35 signatories agreed to encourage cooperation and foster respect for fundamental freedoms, "including the rights of persons belonging to national minorities, democracy, the rule of law, economic liberty, social justice, and environmental responsibility." The act addresses the importance of individual human rights, including freedom of thought, conscience, religion, and belief, in addition to minority rights. The freedom to exercise one's cultural, religious, and linguistic freedoms is especially pertinent today as callous disregard for these rights has led to armed conflict and bloodshed, threatening the security and stability of Europe.

Since the dissolution of the Soviet Union, CSCE membership has expanded to include 53 participants, of which many are newly independent states. The CSCE process provides the United States, Canada, and 51 Eurasian states with a forum for the discussion of human rights issues and specific violations. As a result, cooperation has increased and further agreements have been reached. Most recently, the CSCE has reaffirmed its commitment to democracy and human rights through the Copenhagen Document of June 1990, the Charter of Paris for a New Europe of November 1990, and the Moscow Document of October 1991.

During the cold war, the Helsinki process successfully brought to light human rights injustices and helped to bridge Europe's artificial divide. I strongly believe that the Helsinki agreement has not outlived its usefulness now that the cold war is over. Indeed, the challenges to human rights in Europe today are as real and frighteningly brutal as ever. Ethnic strife in the Nagorno-Karabakh region, the treatment of Kurdish minorities, and particularly the war in Bosnia and Herzegovina are testament to this fact.

The value we attach to the importance of human rights will set the tone and determine the response of many countries who look to the United States for leadership. Stressing the importance of human rights serves our own self-interest because a democratic Europe, devoid of human suffering, which encourages and is accepting of cultural, ethnic, and religious differences, will certainly be a safer and more prosperous Europe.

Therefore, we must not let up in our vigorous pursuit for justice through the promotion and protection of human rights. I again reaffirm my commitment to the defense of human rights and fundamental freedoms as we mark this "Helsinki Human Rights Day."•

U.N. ROLE IN SOMALIA

• Mr. LIEBERMAN. Mr. President, I want to express my strong support for the United Nations effort to bring peace and stability to Somalia. The United Nations is breaking new ground by engaging as a peacemaker, rather than a peacekeeper, in Somalia. The success of its peacemaking mission there is vitally important if the U.N. is to be capable of halting aggression and restoring order to other war-ravaged countries around the globe.

Unfortunately, we are increasingly hearing calls for the U.N. to stop fighting against the violence instigated by the warload Mohamed Farah Aideed and to begin negotiating with Aideed to gain his cooperation. I believe this would be a mistake. It would not only reward Aideed's obstructionism and his killing of U.N. soldiers, but it would also send the wrong message—a message that says "if you are willing to oppose the U.N. through violence, the UN will eventually come around to deal with you on your terms." I can't think of anything more devastating to the world community's ability to promote peace.

Certainly General Aideed would like nothing better than to make the United Nations negotiate with him, thus demonstrating that he is a force to be reckoned with. Negotiations would offer Aideed some breathing room so that he can regroup and resupply his forces without fear of U.N. intervention. And negotiations, by their nature, would enable him to obtain concessions from the United Nations. This combination would leave Aideed in a stronger position than he is in now; it would also contribute to his ability to reassert control over his former territories and perhaps, ultimately, dominate all of Somalia and its people.

The United Nations remain firm in its refusal to acquiesce to Aideed's intimidation tactics. As the preeminent world power, the United States has an obligation to support the U.N. in this regard. The United Nations can neither make nor keep peace without the assistance of the United States. The United States played a leading role in helping to rescue Somalia last December, and we must continue to do so now. We cannot afford to allow the successful relief effort and the nascent rebuilding of the country to be turned back because we were reluctant to take a stand against an outlaw like General Aideed.

If we fail to meet Aideed's challenge, we risk allowing Somalia to revert back to the conditions that existed before international intervention: widespread famine and bloody civil war. A serious blow will be dealt to the principle of humanitarian intervention. And the credibility of U.N. efforts, both to make and to keep peace, will be immeasurably damaged. We must not allow this to happen.•

S. 1298—NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

• Mr. BIDEN. Mr. President, I would like to get the attention of the chairman of the Armed Services Committee regarding section 126 of the National Defense Authorization Act for fiscal year 1994, which addresses the Titan IV Solid Rocket Motor Upgrade Program. I would like to discuss this provision now because the bill is not likely to be brought up before the August recess and I believe clarification of the Armed Services Committee's position on this matter is necessary.

As I understand it, this provision would provide the Secretary of Defense with the authority to resolve an ongoing dispute among the contractors and the Air Force.

Do I correctly describe this provision?

Mr. NUNN. Yes, the Senator from Delaware has accurately described section 126.

Mr. BIDEN. As the chairman is aware, last year's Defense appropriations act directed the Department of Defense to make changes in a contract for the Titan IV space launch system to correct problems identified by the inspector general of the Department of Defense.

As I understand it, the Armed Services Committee does not object to the substance of the appropriations act direction, but rather to the form which it took. Is that right?

Mr. NUNN. Yes. The committee feels strongly that Congress normally should not intervene in such matters and should not take away the discretion of the Secretary of Defense to act in the best interest of the taxpayer and our national security. At the same time, the committee recognizes that the DOD inspector general has recommended that corrective action be taken in this particular case. The committee accepts the conclusion of the inspector general, and understands why the appropriations committees took the action they did. The committee has reviewed this matter, and believes that the Secretary of Defense should have the authority to resolve it without a congressional mandate.

Mr. BIDEN. I agree with the concerns expressed by the chairman. As a general proposition, Congress should not intervene in such matters. But, as the chairman has noted, this is a unique case: the action taken was based on the recommendations of the Department of Defense inspector general.

Relying on the provision in the appropriations act, the respective parties have been involved in negotiations regarding this matter for the past several months. It was my understanding, based on our conversations to date, that the chairman believes—and the committee report so states—that these negotiations should not be delayed.

Does the chairman agree that these negotiations should continue without delay?

Mr. NUNN. The committee's position is that the Secretary of Defense should proceed expeditiously with negotiations if he decides it is in the best interest of the taxpayers and our national security. We do not believe, however, that the Secretary should be compelled to take action if he believes it is not in the best interest of the taxpayers and our national security. If the Secretary has not acted by the time our bill becomes law, he will have the discretionary authority to act, but will not be compelled to do so.

Mr. BIDEN. Am I correct that the Defense Department could legally settle this matter prior to passage of the Defense Authorization Act?

Mr. NUNN. The Secretary of Defense could settle this matter immediately under the authority of last year's appropriations act. If the Secretary decides to utilize the authorities contained in our bill, he also could complete negotiations and submit a settlement for inclusion in the Authorization Act. If the Secretary of Defense decides on the merits that a settlement is warranted, I would expect it to be approved by the conference committee.

Mr. BIDEN. I thank the chairman. I want to express my appreciation to him for his assistance with this matter.•

THE CONFERENCE REPORT ACCOMPANYING H.R. 2010, THE NATIONAL AND COMMUNITY SERVICE TRUST ACT OF 1993

• Mr. JEFFORDS. Mr. President, I rise in support of the conference report to H.R. 2010, the National and Community Service Trust Act of 1993. The report before us today represents a bipartisan effort to reach compromise on legislation of significant importance.

Many may think it ironic or even disingenuous to pass a spending bill while we are debating a budget reconciliation package. Perhaps even more confusing—why I would vote against the budget package and still support a national and community service bill costing $1.5 billion over 3 years.

Those concerns are legitimate but—in my mind not related.

Certainly, now is the time to make true budget cuts—to reduce spending and begin to balance what has become an extraordinary deficit. But, at the same time we must begin to reevaluate where we are spending our money. Reducing spending does not mean stop spending. We must reduce our spending within the budget parameters and reprioritize where we are putting our money.

In the 1980's defense spending was clearly a national priority. Over that time, defense spending skyrocketed. Unfortunately, the outlook was not as bright for education programs.

Since 1970, Federal investment in education and social programs as a percent of the gross domestic product plunged downward. The Federal share of elementary and secondary spending has been cut drastically—from 9.1 percent to 5.6 percent over the last 12 years. Among advanced industrialized countries, the U.S. ranks 11th in public school spending. Today, only 2 percent of the total Federal budget is invested in the education of our Nation's students.

Clearly, education funding has not been a priority over the last decade. I argue that it must be.

Not only will passage of this bill show our commitment to the children of this Nation, it will also meet essential unmet needs of this country. Investing $1.5 billion over 3 years now, will provide us with immeasurable benefits in the future.

We must begin to open our thinking regarding national and community service. This is not a program in which the Federal Government gives money away. It is a program where participants are rewarded with stipends and education benefits in return for a commitment to work hard and serve the country.

I envision this program becoming a national peacetime army geared up to fight illiteracy, homelessness, poverty, crime, and violence. I expect individuals in this program to mentor students after school, to care for an elderly sick individual at home, to run activities for latch key children and to clean up our city streets and environment. The education benefit and stipend is not a giveaway. It is a pledge of dedication to do a job that meets an unmet need in this country. It is only in this way that we will begin to address the dire needs of this country in a reasonable and affordable way.•

ORDERS FOR SEPTEMBER 7, 1993

Mr. MITCHELL. Madam President, I now ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9 a.m. on Tuesday, September 7; that when the Senate reconvenes on Tuesday, September 7, the Journal of proceedings be deemed to have been approved to date, the call of the calendar be waived, and no motions or resolutions come over under the rule; that the morning hour be deemed to have expired, and following the time for the two leaders there then be a period of time for the transaction of morning business not to extend beyond 10:30 a.m. with Senators permitted to speak therein for not to exceed 5 minutes each, with the time from 9:30 a.m. until 10:30 a.m. under the control of Senator BYRD; that at 10:30 a.m. the Senate proceed as under a previous order into executive session to resume consideration of the Elders nomination; that on Tuesday, September 7, the Senate stand in recess from 12:30 p.m. until 2:15 p.m.in order to accommodate the respective party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MITCHELL. Madam President, for the information of Senators, I wish to state my intentions regarding legislation when the Senate reconvenes in September after the Labor Day recess. Under a previous order, the Senate will resume consideration of the Elders nomination of Tuesday, September 7 at 10:30 a.m. that order provides for a specific and limited time for debate for that nomination, and it is my intention that the vote on the nomination will occur on Tuesday, September 7, upon the completion of that debate. If all time is used, the vote would not occur until in the evening, but it is my hope that some time will be yielded back and that the vote can occur perhaps in the late afternoon or early evening to accommodate Senators.

In any event, Senators should know that there will be no votes occurring prior to 12:30 p.m. on Tuesday, September 7, and the first vote is likely to occur some hours later depending upon how much of the time allocated for debate on the Elders nomination is actually used.

Following the Elders nomination, it is my hope—and I believe this to be a realistic hope based on my discussions with the distinguished Republican leader and the managers of the national service bill—that the conference report on the national service bill will by then be the subject of a time agreement, which will permit a limited time for debate on that subject on Tuesday, September 7, following the Elders vote, with a vote on that national service bill to occur either on Tuesday, September 7, if it is not late in the evening, or, if it is, to have the vote occur the first thing on the morning of Wednesday, September 8.

Following that vote, which I expect to occur no later than in the morning of September 8, it is my intention to proceed to the Department of Defense authorization bill, which we had hoped to act on this week but were not able to for a variety of reasons. It is my intention that we would begin consideration of that bill on the morning of Wednesday, September 8, and that we would complete action on that bill that week, that is, we will stay in session that week considering that bill on Wednesday, Thursday, and Friday. I hope we can complete it on that Friday. It is then my intention to proceed, following disposition of the DOD authorization bill, to the Interior appropriations bill.

If things go as I hope—and I must insert parenthetically that they rarely do—I would hope and expect that we could get to the Interior appropriations bill on Monday, September 13. I will not attempt now to make any decision with respect to how we proceed on that day. That bill will be managed by Senator BYRD and Senator HATFIELD as well, and I will wait until we get back on the 7th to discuss with them how best to proceed with the bill then.

But the order I anticipate for approximately the first week upon our return, I will repeat, will be the Elders nomination, the national service conference report, the DOD authorization bill, and the Interior appropriations bill. We may make an effort to insert other matters that can be scheduled in a way that does not consume too much time and can be the subject of agreement if that is possible. But I wanted to give Senators as much notice as possible on the schedule for the first several days. By the time we finish the Interior appropriations bill, I expect that the Appropriations Committee will have reported out several of the appropriations bills upon which action still has not occurred, and I expect that we will spend much of the rest of September dealing with those appropriations bills and the appropriations bills conference reports as they become available.

Mr. SIMPSON. Madam President, may I say in just a few moments here that, indeed, on our side of the aisle, along with 6 Democrats, we congratulate you on your victory. And it was a special opportunity for the President to move forward, and we understand those joyous times. We savor those ourselves. It was a tough one and not purely partisan. I think it is important we address that as we leave here, at this was not 44 evil Republicans, totally evil and venal, but 6 Democrats, too, that joined the cause. And now may we get together and all sit down and do something about the entitlements programs which are called in the vernacular of Medicare, Medicaid, Social Security, and retirement. Until we deal honestly with those things, we will never get this done, ever, and we know it. Every one of us knows it. Everyone in this Chamber knows it.

And then I commend the majority leader. He has, just as I came in, reflected his research on the constitutionality issue.

I knew Judge Mitchell when he came here, and I said to him 1 day, "Judge, I would have hated to have practiced law before you on the bench." And he said, "You would have, I am sure you would have. You would have been in deep trouble."

No, he did not say that, but he felt like it.

He is fair; he is firm; he is partisan; and he has never closed us off procedurally, ever. No tricks, no fun and games.

While Hester were her "A", he will wear a "P", and that means patience. He has been very patient with us.

But we will not be back until September. I appreciate knowing the schedule, and that will be a very detailed thing. You have always tried to be quite fair with us about the scheduling, the hours, the last vote, and we appreciate that very much. I tell you we do.

ADJOURNMENT UNTIL TUESDAY, SEPTEMBER 7, 1993 AT 9 A.M.

Mr. MITCHELL. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned until 9 a.m. on Tuesday, September 7, as provided for under provisions of House Concurrent Resolution 136.

There being no objection, the Senate, at 12:27 a.m., adjourned until Tuesday, September 7, 1993, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate August 6, 1993:

THE JUDICIARY

PIERRE N. LEVAL, OF NEW YORK, TO BE U.S. CIRCUIT JUDGE FOR THE SECOND CIRCUIT, VICE GEORGE C. PRATT, RETIRED.

M. BLANE MICHAEL, OF WEST VIRGINIA, TO BE U.S. CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE JAMES M. SPROUSE, RETIRED.

MARTHA CRAIG DAUGHTREY, OF TENNESSEE, TO BE U.S. CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

WILLIAM ROY WILSON, JR., OF ARKANSAS, TO BE U.S. CIRCUIT JUDGE FOR THE EASTERN DISTRICT OF ARKANSAS VICE G. THOMAS EISELE, RETIRED.

JENNIFER B. COFFMAN, OF KENTUCKY, TO BE U.S. CIRCUIT JUDGE FOR THE EASTERN AND WESTERN DISTRICTS OF KENTUCKY VICE EUGENE E. SILER, JR., ELEVATED.

DEBORAH K. CHASANOW, OF MARYLAND, TO BE U.S. CIRCUIT JUDGE FOR THE DISTRICT OF MARYLAND VICE ALEXANDER HARVEY, II, RETIRED.

PETER J. MESSITTE, OF MARYLAND, TO BE U.S. CIRCUIT JUDGE FOR THE DISTRICT OF MARYLAND VICE JOSEPH HOWARD, RETIRED.

ALEXANDER WILLIAMS, JR., OF MARYLAND, TO BE U.S. CIRCUIT JUDGE FOR THE DISTRICT OF MARYLAND VICE NORMAN P. RAMSEY, RETIRED.

THOMAS M. SHANAHAN, OF NEBRASKA, TO BE U.S. CIRCUIT JUDGE FOR THE DISTRICT OF NEBRASKA VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

MARTHA A. VAZQUEZ, OF NEW MEXICO, TO BE U.S. CIRCUIT JUDGE FOR THE DISTRICT OF NEW MEXICO VICE SANTIAGO E. CAMPOS, RETIRED.

DAVID G. TRAGER, OF NEW YORK, TO BE U.S. CIRCUIT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

LAWRENCE L. PIERSOL, OF SOUTH DAKOTA, TO BE U.S. CIRCUIT JUDGE FOR THE DISTRICT OF SOUTH DAKOTA VICE DONALD J. PORTER, RETIRED.

LEONIE M. BRINKEMA, OF VIRGINIA, TO BE U.S. CIRCUIT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA VICE ALBERT V. BRYAN, JR., RETIRED.

DEPARTMENT OF STATE

RICHARD A. BOUCHER, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CYPRUS.

PETER F. ROMERO, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ECUADOR.

LESLIE M. ALEXANDER, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MAURITIUS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL AND ISLAMIC REPUBLIC OF THE COMOROS.

JOHN D. NEGROPONTE, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE PHILIPPINES.

DAVID P. RAWSON, OF MICHIGAN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF RWANDA.

RICHARD N. GARDNER, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SPAIN.

DEPARTMENT OF JUSTICE

PAULA JEAN CASEY, OF ARKANSAS, TO BE U.S. ATTORNEY FOR THE EASTERN DISTRICT OF ARKANSAS FOR THE TERM OF 4 YEARS VICE CHARLES A. BANKS, RESIGNED.

PAUL KINLOCH HOLMES, III, OF ARKANSAS, TO BE U.S. ATTORNEY FOR THE WESTERN DISTRICT OF ARKANSAS FOR THE TERM OF 4 YEARS VICE J. MICHAEL FITZHUGH.

LYNNE ANN BATTAGLIA, OF MARYLAND, TO BE U.S. ATTORNEY FOR THE DISTRICT OF MARYLAND FOR THE TERM OF 4 YEARS VICE RICHARD D. BENNETT, RESIGNED.

JOSEPH PRESTON STROM, JR., OF SOUTH CAROLINA, TO BE U.S. ATTORNEY FOR THE DISTRICT OF SOUTH CAROLINA FOR THE TERM OF 4 YEARS VICE JOHN S. SIMMONS, RESIGNED.

PAUL EDWARD COGGINS, OF TEXAS, TO BE U.S. ATTORNEY FOR THE NORTHERN DISTRICT OF TEXAS FOR THE TERM OF 4 YEARS VICE MARVIN COLLINS, RESIGNED.

SCOTT M. MATHESON, JR., OF UTAH, TO BE U.S. ATTORNEY FOR THE DISTRICT OF UTAH FOR THE TERM OF 4 YEARS VICE DAVID J. JORDAN, RESIGNED.

ROBERT P. CROUCH, JR., OF VIRGINIA, TO BE U.S. ATTORNEY FOR THE WESTERN DISTRICT OF VIRGINIA FOR THE TERM OF 4 YEARS VICE E. MONTGOMERY TUCKER, RESIGNED.

CORPORATION FOR PUBLIC BROADCASTING

DIANE BLAIR, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 1998, VICE SHARON PERCY ROCKEFELLER, TERM EXPIRED.

NATIONAL RAILROAD PASSENGER CORPORATION

DANIEL COLLINS, OF OHIO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL RAILROAD PASSENGER CORPORATION FOR A TERM OF 4 YEARS VICE CHARLES LUNA, TERM EXPIRED.

NATIONAL LABOR RELATIONS BOARD

WILLIAM B. GOULD IV, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE REMAINDER OF THE TERM EXPIRING AUGUST 27, 1993, VICE CLIFFORD R. OVIATT, JR., RESIGNED.

WILLIAM B. GOULD IV, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF 5 YEARS EXPIRING AUGUST 27, 1998. (REAPPOINTMENT)

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

JANE ALEXANDER, OF NEW YORK, TO BE CHAIRPERSON OF THE NATIONAL ENDOWMENT FOR THE ARTS FOR A TERM OF 4 YEARS, VICE JOHN E. FROHNMAYER, RESIGNED.

DEPARTMENT OF LABOR

KATHARINE G. ABRAHAM, OF IOWA, TO BE COMMISSIONER OF LABOR STATISTICS, U.S. DEPARTMENT OF LABOR, FOR A TERM OF 4 YEARS VICE JANET L. NORWOOD, TERM EXPIRED.

LEGAL SERVICES CORPORATION

HULETT HALL ASKEW, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 1995, VICE WILLIAM LEE KIRK, JR.

LAVEEDA MORGAN BATTLE, OF ALABAMA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 1995, VICE J. BLAKELEY HALL.

JOHN G. BROOKS, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 1995, VICE GUY V. MOLINARI.

NANCY HARDIN ROGERS, OF OHIO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 1995, VICE JO BETTS LOVE.

DOUGLAS S. EAKELEY, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 1996, VICE BASILE J. UDDO.

F. WILLIAM MCCALPIN, OF MISSOURI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 1996, VICE PENNY L. PULLEN.

MARIA LUISA MERCADO, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 1996, VICE THOMAS D. RATH.

THOMAS F. SMEGAL, JR., OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 1996, VICE NORMAN D. SHUMWAY.

JOHN T. BRODERICK, JR., OF NEW HAMPSHIRE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 1996, VICE HOWARD H. DANA, JR.

U.S. POSTAL SERVICE

EINAR V. DYHRKOPP, OF ILLINOIS, TO BE A GOVERNOR OF THE U.S. POSTAL SERVICE FOR THE TERM EXPIRING DECEMBER 8, 2001.

FEDERAL LABOR RELATIONS AUTHORITY

JOSEPH SWERDZEWSKI, OF COLORADO, TO BE GENERAL COUNSEL OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF 5 YEARS, VICE ALAN ROBERT SWENDIMAN, RESIGNED.

DEPARTMENT OF COMMERCE

JOHN DESPRES, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE QUINCY MELLON KROSBY.

DEPARTMENT OF DEFENSE

MORTON H. HALPERIN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE DAVID J. GRIBBIN, III, RESIGNED.

FREDERICK F.Y. PANG, OF HAWAII, TO BE AN ASSISTANT SECRETARY OF THE NAVY, VICE BARBARA SPYRIDON POPE, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be Lieutenant general

MAJ. GEN. MALCOLM R. O'NEILL [redacted] U.S. ARMY.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER)

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. WILLIAM D. BRYAN, JR. [redacted] 5/3/93
MAJ. PEDRO CARDENAS [redacted] 4/17/93
MAJ. JAMES P. CARRIGAN [redacted] 5/1/93
MAJ. THEODORE R. FURLAND, [redacted] 5/7/93
MAJ. ROBERT S. LANSIEDEL [redacted] 5/6/93
MAJ. BURFORD M. LEE [redacted] 4/30/93
MAJ. CHERYL A. PRISLAND [redacted] 5/4/93
MAJ. DAVID A. THOMAS, [redacted] 5/1/93

CHAPLAIN CORPS

To be lieuteant colonel

MAJ. GREGORY C. WIELUNSKI, [redacted] 4/28/93

MEDICAL CORPS

To be lieutenant colonel

MAJ. STEPHEN R. KEENER [redacted] 5/1/93

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE. THE OFFICER IDENTIFIED WITH AN ASTERISK IS ALSO BEING NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE.

JUDGE ADVOCATE GENERAL

To be lieutenant colonel

MICHAEL D. GRAHAM [redacted]

MEDICAL CORPS

To be lieutenant colonel

*THOMAS L. IRVIN [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

RICHARD A. SAJAC [redacted]
DOMINIC A. SOLIMANDO [redacted]

CONFIRMATIONS

Executive nominations confirmed by the Senate August 6, 1993:

DEPARTMENT OF TRANSPORTATION

DAVID RUSSELL HINSON, OF ILLINOIS, TO BE ADMINISTRATOR OF THE FEDERAL AVIATION ADMINISTRATION.

DEPARTMENT OF STATE

JOHN T. SPROTT, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF SWAZILAND.

ROLAND KARL KUCHEL, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZAMBIA.

WALTER C. CARRINGTON, OF MARYLAND, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF NIGERIA.

AURELIA ERSKINE BRAZEAL, OF GEORGIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KENYA.

JOHN S. DAVISON, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NIGER.

JAMES ROBERT JONES, OF OKLAHOMA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MEXICO.

DONALD J. MCCONNELL, OF OHIO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BURKINA FASO.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

J. JOSEPH GRANDMAISON, OF NEW HAMPSHIRE, TO BE DIRECTOR OF THE TRADE AND DEVELOPMENT AGENCY.

THE JUDICIARY

RUSSELL F. CANAN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF 15 YEARS.

OFFICE OF PERSONNEL MANAGEMENT

LORRAINE ALLYCE GREEN, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUSAN GAFFNEY, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

DEPARTMENT OF DEFENSE

VICTOR H. REIS*, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF ENERGY (DEFENSE PROGRAMS).

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

LOUIS J. FREEH, OF NEW YORK, TO BE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION FOR THE TERM OF 10 YEARS.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS TO TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. JOHN E. JAQUISH [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. STEPHEN B. CROKER [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. JOHN E. JACKSON, JR [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. WALTER KROSS [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. THAD A. WOLFE [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE POSITION AND GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8037:

To be major general

To be judge advocate general of the U.S. Air Force

BRIG. GEN. NOLAN SKLUTE [redacted] U.S. AIR FORCE.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624:

To be permanent major general

BRIG. GEN. WILLIAM H. CAMPBELL [redacted]
BRIG. GEN. HENRY A. KIEVENAAR, JR [redacted]
BRIG. GEN. ALFONSO E. LENDARDT [redacted]
BRIG. GEN. GEORGE A. FISHER, JR [redacted]
BRIG. GEN. JOHN W. HENDRIX [redacted]
BRIG. GEN. JOHN M. KEANE [redacted]
BRIG. GEN. JAMES W. MONRO [redacted]
BRIG. GEN. JOHN J. CUSICK [redacted]
BRIG. GEN. TOMMY R. FRANKS [redacted]
BRIG. GEN. ERIC K. SHINSEK [redacted]
BRIG. GEN. ROBERT F. FOLEY [redacted]
BRIG. GEN. ALBERT J. GENETTI, J [redacted]
BRIG. GEN. WILLIAM J. BOLT [redacted]
BRIG. GEN. JOHN N. ABRAMS [redacted]
BRIG. GEN. CARL F. ERNST [redacted]
BRIG. GEN. JAMES J. CRAVENS, JR [redacted]
BRIG. GEN. DAVID R.E. HAL [redacted]
BRIG. GEN. JOHN A. DUBIA [redacted]
BRIG. GEN. JOE N. BALLARD [redacted]
BRIG. GEN. JOSEPH E. DEFRANCISC [redacted]
BRIG. GEN. LEONARD D. HOLDER, JR [redacted]
BRIG. GEN. GEORGE A. CROCKER [redacted]
BRIG. GEN. THOMAS A. SCHWARTZ [redacted]
BRIG. GEN. DOUGLAS D. BUCHHOLZ [redacted]
BRIG. GEN. PATRICK M. HUGHES [redacted]
BRIG. GEN. LARRY R. JORDAN [redacted]
BRIG. GEN. WILLIAM F. KERNA [redacted]
BRIG. GEN. DAVID A. WHALEY [redacted]

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. THOMAS G. RHAME [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. JOHN P. OTJEN [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. KENNETH R. WYKLE [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. WILLIAM W. HARTZOG [redacted] U.S. ARMY.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DEPUTY JUDGE ADVOCATE GENERAL OF THE NAVY AND APPOINTMENT TO THE GRADE OF REAR ADMIRAL UNDER TITLE 10, UNITED STATES CODE, SECTION 5149(A):

DEPUTY JUDGE ADVOCATE GENERAL OF THE NAVY

To be rear admiral

CAPT. HAROLD E. GRANT, JUDGE ADVOCATE GENERAL'S CORPS U.S. NAVY [redacted]

THE FOLLOWING-NAMED CAPTAINS IN THE LINE OF THE U.S. NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL (LOWER HALF), PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICER

To be rear admiral (lower half)

CAPT. JAMES FREDERICK AMERAULT, [redacted] U.S. NAVY.
CAPT. CHARLES JOSEPH BEERS, JR. [redacted] U.S. NAVY.
CAPT. LYLE GENE BIEN [redacted] U.S. NAVY.
CAPT. WILLIAM DILLARD CENTER [redacted] U.S. NAVY.
CAPT. WALTER FRANCIS DORAN [redacted] U.S. NAVY.
CAPT. JAMES OREN ELLIS, JR [redacted] U.S. NAVY.
CAPT. WILLIAM JOSEPH FALLON [redacted] U.S. NAVY.
CAPT. ROBERT ELLIS FRICK [redacted] U.S. NAVY.
CAPT. ALBERT HENRY KONETZNI, JR. [redacted] U.S. NAVY.
CAPT. KATHARINE LENORA LAUGHTON, [redacted] U.S. NAVY.
CAPT. DANA BRUCE MCKINNEY [redacted] U.S. NAVY.
CAPT. JOSEPH SCOTT MOBLEY [redacted] U.S. NAVY.
CAPT. DANIEL JOSEPH MURPHY, JR. [redacted] U.S. NAVY.
CAPT. RODNEY PETER REMPT [redacted] U.S. NAVY.
CAPT. HARRY TAYLOR RITTENOUR, [redacted] U.S. NAVY.
CAPT. NORBERT ROBERT RYAN, JR. [redacted] U.S. NAVY.
CAPT. CHARLES RAYMOND SAFFELL, JR. [redacted] U.S. NAVY.

CAPT. ANTHONY JOHN WATSON [redacted] U.S. NAVY.
CAPT. RICHARD DAVID WEST [redacted] U.S. NAVY.
CAPT. ROBERT CHARLES WILLIAMSON, [redacted] U.S. NAVY.

ENGINEERING DUTY OFFICER

To be rear admiral (lower half)

CAPT. GEORGE PETER NANOS, JR. [redacted] U.S. NAVY.
CAPT. JAMES LOUIS TAYLOR [redacted] U.S. NAVY.

AEROSPACE ENGINEERING DUTY OFFICER

To be rear admiral (lower half)

CAPT. CRAIG EUGENE STEIDLE [redacted] U.S. NAVY.

SPECIAL DUTY OFFICER (INTELLIGENCE)

To be rear admiral (lower half)

CAPT. THOMAS RAY WILSON, [redacted] U.S. NAVY.

THE FOLLOWING-NAMED REAR ADMIRAL (LOWER HALF) IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICER

To be rear admiral

REAR ADM. (1H) JOSEPH WILSON PRUEHER, [redacted], U.S. NAVY.

THE FOLLOWING NAMED REAR ADMIRAL (LOWER HALF) OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL IN THE STAFF CORPS, AS INDICATED, PURSUANT TO THE PROVISION OF TITLE 10, UNITED STATES CODE, SECTION 5912:

CIVIL ENGINEER CORPS OFFICER

To be rear admiral

REAR ADM. (1H) WILLIAM ANTON HEINE, III, [redacted] U.S. NAVAL RESERVE.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING JOHN D. ANDERSON, AND ENDING MICHAEL E. SOLIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 29, 1993.

AIR FORCE NOMINATIONS BEGINNING WANDA P.C. ADKINS, AND ENDING THOMAS L. ZIEMANN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 29, 1993.

AIR FORCE NOMINATIONS BEGINNING MAJ. JOHN C. CHASE, [redacted] AND ENDING MAJ. ROBERT C. PAOLILLO, [redacted] WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 15, 1993.

AIR FORCE NOMINATIONS BEGINNING MARK A. MCLAUGHLIN, AND ENDING JOSEPH C. FRY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 16, 1993.

AIR FORCE NOMINATIONS BEGINNING MAJ. BERNARD R. BARKER, [redacted] AND ENDING MAJ. ROBERT L. FERGUSON, [redacted] WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 16, 1993.

IN THE ARMY

ARMY NOMINATIONS BEGINNING ANGEL L. ACEVEDO, AND ENDING 4816X, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 16, 1993.

ARMY NOMINATIONS BEGINNING RUFUS Y. BANDY, AND ENDING JEREL M.* ZOLTICK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 29, 1993.

ARMY NOMINATIONS BEGINNING JOHN W. BRINSFIELD, AND ENDING ERVIN L. SHIREY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 13, 1993.

ARMY NOMINATIONS BEGINNING REBECCA L.* AADLAND, AND ENDING MARIE L.* WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 13, 1993.

ARMY NOMINATIONS BEGINNING DAVID H. BLAIR, AND ENDING PATRICIA A. TURNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 16, 1993.

ARMY NOMINATIONS BEGINNING *ROBERT M. WILSON, AND ENDING RICHARD N. JOHNSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 20, 1993.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING MICHAEL J. AGUILAR, AND ENDING ROBERT R. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 19, 1993.

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANT COMMANDER IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 628, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICER

To be commander

PAUL I MURDOCK

THE FOLLOWING-NAMED LIEUTENANT IN THE STAFF CORPS OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 628, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

MEDICAL CORPS

To be lieutenant commander

CHRISTOPHER M. CULP

NAVY NOMINATIONS BEGINNING DAVID V. BARNES, AND ENDING CAMERON C. MCKEE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 7, 1993.

NAVY NOMINATIONS BEGINNING STEPHEN PAUL AMBROSE, AND ENDING KAREN ANN FUNARO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 7, 1993.

NAVY NOMINATIONS BEGINNING ROBERT DEAN ALLEN, AND ENDING SUSAN ALICE FORTNEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 7, 1993.

THE FOLLOWING-NAMED COMMANDER IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF CAPTAIN, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICER

To be captain

JOHN FORREST SCHORK

NAVY NOMINATIONS BEGINNING TODD A. BRAYNARD, AND ENDING CHARLES L. KIMBERLY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 22, 1993.

EXTENSIONS OF REMARKS

WORLD FOOD DAY TELECONFERENCE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. GILMAN. Mr. Speaker, October 16, 1992, marked another World Food Day and another Inter-American World Food Day Teleconference, the ninth in a series that began in 1984. This teleconference was recognized by the relevant United Nations organizations as an important preparatory activity for the International Conference on Nutrition [ICN] which was held a few weeks later in Rome under the auspices of the Food and Agriculture Organization and the World Health Organization. The United States played an important role in that conference, and so did a strong coalition of American nongovernmental organizations, and we are generally pleased with the result. Under the ICN plan of action each nation is committed to develop a specific national nutrition plan and to submit that plan to the FAO by December 1994. Today I am happy to announce that preparations for a U.S. nutrition plan of action are moving ahead and that a meeting to discuss it is being held August 4 sponsored by the Departments of Agriculture and Health and Human Services and by the Agency for International Development.

Pat Young and the U.S. Committee for World Food Day are deserving of our gratitude for their work in bringing this important issue to public attention and in helping prepare for the international conference. I also want to thank the U.S. Information Agency and the Agency for International Development for their support and technical assistance in the organization of the World Food Day Teleconference. I especially want to praise USIA WorldNet for a job well done in carrying the program throughout Latin America and the Caribbean.

Mr. Speaker, I invite my colleagues to read the executive summary of the World Food Day Teleconference, which I request be inserted at this point in the RECORD:

1992 WORLD FOOD DAY TELECONFERENCE EXECUTIVE SUMMARY

The Ninth Annual World Food Day Teleconference was broadcast from the studios of George Washington University Television in Washington, DC on October 16, 1992. It linked a distinguished panel of experts on food, nutrition and economic development issues to 1,000 receive sites in the United States and throughout the Western Hemisphere. The theme for this teleconference was "Nutrition: Linking Food, Health and Development."

After years of growth since the World Food Day teleconference series began in 1984 (actually doubling the number of sites from 500 to 1000 in 1992) the program is believed to be the largest, single development education broadcast ever organized in the U.S. The Spanish-language broadcast, involving simultaneous interpretation from English, began in 1990 with a pilot project in Mexico through the cooperation of the Instituto Tecnologico de Monterrey, which relayed the broadcast in Spanish to its 26 national campuses over Mexico's Morelos II satellite. Outreach to the rest of Latin America and the Caribbean was initiated in 1992 with the support of the UN Food and Agriculture Organization and the U.S. Information Agency WorldNet System.

World Food Day, held for the first time in 1981 and marking the anniversary of the founding of FAO in 1945, has captured the imagination of people throughout the world. In the U.S. the day is observed in virtually every community in the country, with especially strong support in schools and worship centers. The U.S. National Committee for World Food Day has grown in membership to more than 450 private voluntary organizations and works directly at the grassroots through 20,000 community organizers.

Serving on the teleconference expert panel in 1992 where Richard Jolly, deputy director for programs at UNICEF, Dr. Fernando Monckeberg, director of the Chilean Institute of Nutrition and Food Technology, Dr. A. Wynante Patterson, director of the Caribbean Food and Nutrition Institute located in Jamaica, and Dr. Per Pinstrup Andersen, director-general of the International Food Policy Research Institute in Washington, DC. TV and film star Eddie Albert hosted the program for the ninth straight year, and the moderator was CNN Washington correspondent Deborah Potter. FAO Director-General Edouard Saouma also appeared on the program through a special videotape message from the organization's Rome headquarters.

THE TELECONFERENCE CONCEPT

In the U.S. the World Food Day Teleconference has become a model for development education on global issues, in part because of the enormous growth in interactive site participation and the additional millions of viewers accessed through collaborating networks and in part because of the year-around use of the programs' study materials and the teleconference videotape itself in college-level courses in a great variety of disciplines. The "internationalization" of the program since 1990 has further increased its impact and was broadly welcomed by participating colleges and universities in the U.S. The main components of the teleconference package are: (1) a Study/Action Packet of print materials prepared by the non-governmental U.S. National Committee for World Food Day and distributed to all participating schools and other study centers (and distributed in Spanish translation to the participating sites in Latin America; (2) the three-hour satellite telecast on World Food Day composed of three hour-long segments for expert panel presentations, site consideration of the issues and a site-panel question and answer interchange; (3) publication of the Teleconference Report including written responses by panelists to questions that were not taken up on the air for reasons of time; and (4) analysis by selected site organizers after each year's program to make recommendations for the year to follow. All of the main teleconference components are designed as college-level curricular aids.

THE STUDY/ACTION PACKET

The Study/Action Packet is designed as an integral part of the teleconference package, but also serves as a separate study resource for groups planning World Food Day observances but not participating in the telecast. More than 1,500 copies of the packet were distributed on request in the months prior to the broadcast to colleges, other institutions, community study groups, schools and individuals. All or part of the packet materials were reproduced by many of the participating sites.

Again in 1992 the Study/Action Packet was translated into Spanish and reprinted by the FAO Regional Office for Latin America and the Caribbean and distributed throughout the region throughout the network of FAO country representatives. Copies of the English version were also distributed to U.S. embassies by USIA WorldNet.

The 1992 packet was developed by the U.S. National Committee for World Food Day with the cooperation of several institutions and organizations which provided special contributions from their own research and analysis. The theme for the 1992 teleconference, showing the integral links between how nutrition can be seen as the link between problems of food, health and economic development, was chosen to complement the preparations for the International Conference on Nutrition, which was held in Rome in December 1992. The conference was sponsored jointly by FAO and the World Health Organization. The study/action packet, although not intended as a comprehensive analysis of all the issues, served as an overview of the issues facing the world conference. It dealt especially with nutrition problems and solutions offered by countries in the Western Hemisphere. Separate viewpoint papers on specific nutrition issues were contributed by David Korten of the People Centered Development Forum, Alan Berg, senior nutrition consultant of the World Bank, E.J.R. Hayward, former deputy executive director of UNICEF, and Dr. Nevin S. Scrimshaw, director of the Food, Nutrition and Human Development Program at the United Nations University. Days before, Scrimshaw had been awarded the World Food Prize. For the third year, the packet also included a special "manual of modules" for integration of the teleconference and study packet into college curriculum and continuing education. Eleven specific course outlines were included which were contributed by university professors as well as a special commentary on trends in nutrition education in American medical schools by Dr. Eleanor Young of the University of Texas Health Science Center.

This was the ninth study/action packet prepared in conjunction with the teleconference series and the fourth to be undertaken directly by the U.S. National Committee for World Food Day. Previous packets were prepared by the Center for Advanced International Studies at Michigan State University and by the Office of International Agriculture at the University of Illinois. Funding for the 1992 packet was partially provided by the Agency for International Development. General funding for the teleconference program was provided by the U.S. National

Committee for World Food Day, FAO, Covenant Presbyterian Church of Scranton PA and the Xerox Foundation.

TELECONFERENCE OUTREACH

The WFD Teleconference has grown each year since it was begun in 1984, reaching 1,000 interactive sites in the U.S., Canada, Latin America and the Caribbean in 1992. Although the highlight of the 1992 growth was through the satellite links to all countries of the Americas, the event also was marked by important developments in the U.S., where the great majority of participating sites are located. The near doubling of teleconference sites between 1991 and 1992 is traced by the program organizers to the nutrition issue, embracing medical as well as food concerns.

Teleconference impact continued to grow in at least three other ways. For the seventh year the program was used by professional organizations for continuing education credits. These credits (or professional development units) were offered again in 1992 by the American Dietetic Association, the American Home Economics Association and, through the Catholic University of America, to clergy and social service professionals. Beginning in 1989 there has been a steady rise in teleconference participation by high school students, initiated by both individual schools and school systems. The audience of home television sets accessed by cooperating networks is believed to be in the millions, reached through the Catholic Telecommunications Network of America, AgSat, Vision Interfaith Satellite Network, PBS Adult Learning Satellite Service and individual PBS and cable stations.

LOCAL SITE PROGRAMS

Over the nine year experience of the teleconference, organizers believe the single most important development has been the growth of programs initiated at the participating sites, both through curriculum integration and extra-curricular activities, in which the actual telecast is only one element. A main thrust of the teleconference over the past three years has been to increase course and class use of the teleconference study components, and 1992 reports from the sites reveal the range of this evolution. They show, first of all, the broadening interest in global food/hunger issues beyond the obvious disciplines of nutrition, international agriculture and economics into courses such as anthropology, biology, chemistry, food science, languages, literature, religion, women's studies and many more. Courses in journalism, electronic media and public affairs often use the site activities for "hands on" work/service projects.

Extra-curricular activities are part of the World Food Day program at most of the teleconference sites. Site reports show activities such as fasts in residence and dining halls to raise funds for world hunger relief, concerts and film festivals, panel discussions and seminars with prominent invited guests, college-community joint study/action to support local food programs, visits to poverty areas to offer work support such as carpentry and painting, special food programs to show Third World diets and hunger, and a great range of devices to encourage anti-poverty fund-raising. In many cases these activities continue over a day, a week or even a month.

TELECONFERENCE BROADCAST SUMMARY

As in previous years, the teleconference broadcast was opened by film star Eddie Albert who was followed by the taped message from FAO Director-General Saouma. Dr. Saouma spoke of this hopes for the International Conference on Nutrition to open just weeks later and said that he considered the teleconference an important preparatory activity to the ICN. The moderator, Deborah Potter, then noted that good nutrition did not automatically follow from economic progress and that overconsumption and consumption of harmful foods existed side by side with underconsumption in all world societies. She also pointed to the special nutritional problems of new mothers and children. She then posed the first question to Dr. Jolly, asking him, as an example, to compare the problems of Canada and Somalia. Dr. Jolly said that it was in fact useful to compare the similarity of problems between children in poor countries and in the slum areas of rich countries. He said the International Conference on Nutrition should concentrate on three elements of nutrition that should be taken together—food, health and family care.

Dr. Pinstrup-Andersen then noted that nutrition was very broad and amorphous concept and that obesity was a nutritional problem linked mostly to rich countries while severe undernutrition was more a problem of the Third World. He also said that it was necessary to differentiate between the malnutrition of acute food emergencies such as famine and the chronic malnutrition of the kind that leaves more than 200 million preschool children seriously underweight for their age.

Dr. Patterson stressed the need for more awareness of undernutrition and malnutrition among vulnerable groups of any society, such as the aged, women and children, and especially women who are pregnant or lactating. The fourth panelist, Dr. Monckeberg, in response to a question about the nutrition problems of Latin America, said that even though Latin American countries were considered the "middle class" on the world development scale a majority of children in the region live in poverty and suffer from some degree of malnutrition, sometimes very serious.

The moderator then asked the panel which of the many nutritional problems could be addressed first, even as it was understood that progress was needed everywhere. Dr. Jolly said that his first choice would be on correcting micronutrient deficiencies. He cited Vitamin A deficiency, which can cause blindness, iodine deficiency, which leads to severe mental retardation, and iron deficiency, resulting in anemia. He said he believed Vitamin A deficiency could be eliminated throughout the world by the year 2000 given sufficient political will. Other panelists agreed that this should be possible, but Dr. Monckeberg noted that a major reduction in malnutrition would not be possible without a parallel reduction in poverty, which would be much more difficult.

Dr. Patterson suggested that there were short, medium and long term goals, and that while poverty could not be eliminated in the short or even medium term, there were things that could be done immediately, such as public health and nutrition education to incorporate micronutrients in the daily diet. Dr. Pinstrup-Andersen added that there were human behavioral problems to be considered that would decide whether technical solutions were feasible. He stressed the need to promote primary health care in rural and urban areas of developing countries.

Ms. Potter then asked the panel how important it is to have early health care intervention. Dr. Patterson replied that breast milk is the most economical and nutritionally sound food for infants and very young children. She cited problems causing the decline in breastfeeding, including infant formula advertising and the rise in female employment. Dr. Jolly said that male-dominated societies must learn the importance of special support for breastfeeding, and he emphasized the need to extend breastfeeding for at least one year.

Dr. Monckeberg was asked to address the breastfeeding problem from the viewpoint of a trained physician. He agreed that breastfeeding was fundamental to good nutrition, but added again that the core problem was poverty and consequent lack of money to buy food. In North America, he noted, food purchases normally take about 12% of family budgets, while in Latin America the figure rises to 50 or 60%.

Dr. Pinstrup-Andersen then suggested that there were two broad approaches to improving nutrition. First, he said, it was necessary to get people and communities to identify their problems and seek local solutions; second, there was the need for government policies that were conscious of nutritional variables. As an example, he noted that such policies could expand food production or reduce production and marketing costs, thereby lowering the cost of food to the poor. Lowering food costs, he said, was equivalent to raising incomes. Dr. Patterson, while agreeing that food costs were a decisive factor in family nutrition, added that food habits could worsen even with greater income and that there was a basic need for education and information dissemination to teach good nutritional practices. She also added that even though national and global policies were important it was also essential to promote household education.

Dr. Jolly added that an exciting aspect of the ICN was to compare actual experiences in bridging the gap between national policy and household practice. He cited the example of Tanzania where there is a nationwide community-level program of weighing children each month and then discussing causes if a child is not gaining weight as expected. Dr. Monckeberg said the problem in Latin America was one of loss of community through a huge migration to the cities. During the past three decades, he said, regional population has doubled, but urban population had risen five times. Two-thirds of all Latin Americans now live in cities, he said, and two thirds of these city dwellers have new and serious nutritional deficiencies.

The moderator then asked the panel for specific success stories. Dr. Jolly cited two African countries, Botswana and Tanzania, which were making real progress in reducing malnutrition, and then asked Dr. Monckeberg to describe the situation in Chile, another example of a successful program. Dr. Monckeberg noted that undernutrition had almost disappeared in his country as a result of 30 years' work in nutrition intervention strategy. He said this strategy included priorities on primary health care, nutrition intervention through the public health care system of local clinics, family planning, universal public education, and finally programs of housing and sanitation.

Dr. Jolly noted that three countries in Latin America—with marked differences in political ideology—Cuba, Chile and Costa Rica—all had made great strides in nutrition programs. Dr. Monckeberg agreed but said that although the political ideologies were different the interventionist policies were the same—based on education, sanitation and use of the health care systems to reach the people.

The moderator then asked the panel to discuss education and behavioral problems. Dr. Monckeberg noted that with an increase in incomes people can make choices in their diet, thus changing food habits. This often leads to an increase in animal protein, fat and sugar consumption. Dr. Patterson noted that these richer diets were the cause of higher levels of obesity, heart disease, high blood pressure, strokes and even cancer. Dr. Jolly added that education could and should change habits of baby feeding. It has now been found that babies do better if fed many times a day, he said, and frequency of feeding needs to be considered in the same way as quality and amount of food consumed.

In a final question to the panel, the moderator asked what their hopes would be for the outcome of the International Conference on Nutrition. Dr. Jolly began by saying that the most important thing would be for each country to accept and really work toward nutritional goals and targets such as were outlined at the World Summit for Children. Dr. Patterson said she hoped the governments would give to agriculture a nutritional as well as economic incentive, producing foods with better nutrition. Dr. Pinstrup-Andersen said that the conference provided a major opportunity to heighten world attention to nutritional needs, but he warned that it was too easy for people to make a grand statement at a world conference and then go home to business as usual. Dr. Monckeberg added that nutritional policies in poor countries must give a higher priority to food production. There needs to be much more food, he said, and we need to grow it in the countries where the people need it.

THIRD HOUR QUESTIONS AND ANSWERS

As in previous years, the third hour of the teleconference program was devoted to questions directed to the panel members from participating sites. All questions received were answered, either on the air or by the panel in writing afterwards. More than 60 questions were received, including several from Latin America and the Caribbean.

Subjects in which there tended to be the broadest interest among the participating sites included: how to organize food production and marketing to provide income for farmers and also food for the people; the role of population growth and family planning in controlling hunger and malnutrition; how to promote breastfeeding and overcome cultural and workplace factors and business practices tending to discourage it; and the effectiveness and value of international food aid programs. In some contrast to previous teleconferences, the four panelists tended to agree on problems and even on solutions, and all called on governments to give nutrition programs a higher priority and to incorporate them into over-all economic development strategies.

HELP PLUG THE HOLES IN U.N. EMBARGOES

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. STARK. Mr. Speaker, I am pleased that my colleagues, the gentleman from Massachusetts [Mr. FRANK], the gentleman from New York [Mr. MCNULTY], the gentlewoman from Ohio [Ms. KAPTUR], the gentleman from American Samoa [Mr. FALEOMAVAEGA], the gentleman from Indiana [Mr. JACOBS], the gentleman from New Jersey [Mr. HUGHES], the gentleman from Massachusetts [Mr. OLVER], the gentleman from Vermont [Mr. SANDERS], and the gentleman from New York [Mr. ENGEL] are joining me today in introducing the United Nations Security Council Sanctions Enforcement Act.

This legislation would impose sanctions on countries and companies that violate U.N. sanctions, unless the President certifies that the sanctions would have a serious adverse effect on vital U.S. interests. These sanctions include prohibiting imports and exports of goods; stopping foreign, financial, and military assistance; and denying commercial credit to countries.

Besides providing a forum for the international community to discuss world crises, the United Nations works to end conflict through such means as embargoes. But what is the good of imposing embargoes if nations or corporations flout them by selling to sanctioned countries?

How many more loans will be made to South Africa? How many more guns will be sent to Somalia? Ignoring the problem will only ensure that more violations will occur.

In March, a shipment of eight Malaysian-made steel reactor vessels which could have been used to make nerve gas or mustard gas, was seized in Singapore on its way to Libya.

During the gulf war, as another example, hundreds of German companies sold vital technology to Iraq. Now, during the current crisis in Bosnia and Herzegovina, the former Yugoslavian Republic of Macedonia is creating an enormous leak in the U.N. trade and oil embargoes against Serbia and Montenegro. By selling millions of dollars in oil and other vital goods to Serbia, Macedonia is helping to prolong the violence.

These flagrant violations of sanctions serve to diminish the effectiveness of the United Nations and increase the possibility that U.S. troops will be sent to troubled areas when sanctions appear not to work. We must support the efforts on the United Nations to end bloodshed through nonviolent means such as embargoes.

We are introducing the United Nations Security Council Sanctions Enforcement Act as a means of strengthening the enforcement power of the United Nations through U.S. economic backing. By imposing sanctions on countries and companies that violate U.N. sanctions, we can show our support for U.N. efforts that target countries which disrupt world peace. We urge you to support this initiative.

THE NATURAL DISASTER PROTECTION ACT

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. MINETA. Mr. Speaker, the Loma Prieta earthquake, the devastating hurricanes of Andrew, Iniki, and Hugo, and the current floods in the Midwest, demonstrate the vulnerability of our modern society to natural disasters. The human suffering and psychological after-effects on the survivors is difficult to measure.

The recent disasters have also added significant financial costs to the Federal Government's disaster relief programs and to private insurers due to losses that are many times higher than disasters of only a few years ago.

As people try to pick up their lives after a disaster, many are finding it impossible once they rebuild their homes to continue to carry homeowners insurance because such insurance is no longer available. Since Hurricane Iniki, most insurers have abandoned Hawaii. Sometimes lenders are able to find insurance for their borrowers but at costs that are 400 percent or more than previous rates. The high cost of specific peril insurance has left many Californians underinsured. Only 20 percent of Californians carry earthquake coverage; in the Midwest, which also is vulnerable to earthquakes, only 5 percent carry the insurance.

In the Virgin Islands where regular homeowners insurance has not been available since Hurricane Hugo, islanders who try to buy homes find it is impossible to get insurance and hence impossible to get a mortgage. Today hardly any homes are being sold in the Virgin Islands because of this problem. Homeowners live fearfully without insurance.

The major reason for the lack of affordable insurance, is that the reinsurance industry has determined that the risk of a catastrophic disaster makes such investments too risky. They have determined that insuring the monumental losses possible, despite their small likelihood, is not worth bankrupting their companies.

The 1993 Natural Disaster Protection Act which I am introducing today is designed to address the problem of the consequences of future catastrophic disasters. The bill creates a fund, paid for by a small charge on present homeowners policies, to create a Federal reinsurance fund. Such a fund would backstop insurance if the private insurance industry is overwhelmed by a disaster whose financial consequences are higher than Hurricane Andrew. An important part of the bill is the encouragement given local and State governments to strengthen present mitigation efforts.

In the present Flood Insurance Program many homeowners are required to have flood coverage but do not carry the necessary insurance. There is a requirement in the bill for a study to find a solution to the problem.

The proposal consists of three elements: First, incentives to State and local governments to enhance their disaster planning and mitigation efforts; second, federally sponsored primary insurance for earthquake and volcanic eruption; and third; a reinsurance program for losses from hurricanes, earthquakes, volcanic eruptions and tsunamis.

PLANNING AND MITIGATION

The bill would provide financial assistance to State and local governments to improve efforts to plan for disaster avoidance and response, as well as fund mitigation activities. To qualify, States would have to adopt one of several model building and safety codes and comply with the Flood Insurance Program. States must develop mitigation plans for disaster prone areas. It is expected that a large part of the funds will be used to improve inspections and compliance with building codes.

PRIMARY INSURANCE

The bill requires FEMA to develop a primary insurance program to insure losses arising from earthquake and volcanic eruption, and a resulting tsunami, for residential properties located in earthquake and volcanic-eruption prone States.

The bill establishes a primary insurance program fund consisting of the premiums collected from the policyholders. The fund serves as the source of payment for claims, and the fund has authority to borrow from the Treasury if assets are inadequate to pay claims.

REINSURANCE PROGRAM

The bill establishes a Federal Excess Reinsurance Program for losses connected with hurricane, earthquake, volcanic eruption or tsunami. This program is funded by participating insurance companies paying actuarially based rates, established by FEMA, into a reinsurance fund established in the Treasury.

The reinsurance fund is available to pay losses in two instances: First, losses from hurricane, earthquake, volcanic eruption, and tsunami events occurring during any 12-month period that exceed 15 percent of property and casualty insurance industry surplus, and second, losses to an individual insurer from such an event which results in losses to that company in excess of 20 percent of surplus. The industry-wide threshold of 15 percent of surplus is currently estimated at about $28 billion, and has never been reached.

FLOOD INSURANCE

The bill includes requirements for FEMA to evaluate the feasibility and benefits of including flooding as a covered peril under the primary insurance program established in the bill. The bill also requires insurance agents and brokers participating in the flood insurance program to notify FEMA of any policyholder who refuses to purchase flood insurance, if the individual is required to purchase such insurance. Once FEMA is notified, it is to take necessary and appropriate steps to assure the purchase of flood insurance by the individual.

Clearly a major step to mitigate the losses from catastrophic and other disasters in the updating and enforcing of appropriate building codes. Insurers have estimated that 30 to 40 percent of the losses from Hurricane Andrew could have been avoided if existing building codes had been properly enforced. We must make sure in any legislation that proper incentives are in place for citizens to keep the loss due to disasters to a minimum.

As the chairman of the Committee on Public Works and Transportation that has legislative authority over the Stafford Disaster Relief and Emergency Assistance Act, I know that in times of disasters Americans willingly sacrifice for their neighbors. And our citizens expect the Government to do what it can to ameliorate the suffering. In case of the "big one," or other disasters, the Government will be expected to do all it is capable of doing to put peoples' lives back together. This bill could help to lower the financial cost to the Government by encouraging mitigation efforts and backstopping the insurance industry so that the private insurers will bear a greater part of the loss.

This is unlikely to be the only bill on this subject introduced during this Congress. This is a problem that is growing and one that the Congress must address. No legislation will, of course, be able to prevent acts of nature from inflicting damage to our Nation. But I believe that we can help to limit the damage and speed recovery. That is the intent of this legislation.

H.R. 2873

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act shall be cited as the "Natural Disaster Protection Act of 1993".

SEC. 2. FINDINGS AND PURPOSES.

Section 101 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121) is amended as follows:

(a) In subsection (a) by—

(1) striking "and" in paragraph (1);

(2) inserting "and" following the semicolon in paragraph (2);

(3) inserting the following new paragraph before "special measures":

"(3) because catastrophic natural disasters, such as major hurricanes, earthquakes, and volcanic eruptions, pose particular problems in terms of substantial long-term consequences, ill-equipped preparedness efforts, lack of hazard mitigation measures (such as enforced building codes), and inadequate insurance and reinsurance coverage;";

(4) inserting "promoting hazard mitigation compliance and in" after "affected States in"; and

(5) inserting "insurance and reinsurance coverage," after "rendering of aid, assistance,".

(b) In subsection (b) by—

(1) inserting before the semi-colon in paragraph (1) "by including State hazard mitigation compliance, Federal primary insurance, and Federal excess reinsurance programs";

(2) inserting after "preparedness" in paragraph (2) ", hazard mitigation compliance,";

(3) striking the second "and" in paragraph (3) and inserting in lieu thereof ", hazard mitigation, emergency first response";

(4) striking "insurance coverage" in paragraph (4) and inserting in lieu thereof "multi-hazard primary insurance coverage with premiums based on risk";

(5) inserting before the semicolon in paragraph (4) "and creating a Federal excess reinsurance program in partnership with the private-sector to speed rebuilding following a catastrophic natural disaster";

(6) inserting before the semicolon in paragraph (5) "and the adoption and enforcement of multi-hazard building codes, and improved first responder capabilities"; and

(7) inserting after "disasters" in paragraph (6) "and a self-sustaining funding mechanism to help States pay for hazard mitigation.".

SEC. 3. DEFINITIONS.

Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended as follows:

(a) In paragraph (7) add "the Federal National Mortgage Association, and the Federal Home Loan Mortgage Corporation," following "United States Postal Service,".

(b) Add at the end the following new paragraphs:

"(10) The term 'critical facilities' means schools and structures essential to emergency services necessary for post natural disaster recovery (including hospitals, fire and police facilities, temporary shelters, and emergency operating and preparedness centers).

"(11) The term 'Director' means the Director of the Federal Emergency Management Agency.

"(12) The term 'disaster-prone State' means any State determined by the Director pursuant to section 701 to be a hurricane-prone, windstorm-prone, earthquake-prone, volcanic eruption-prone, or flood-prone State.

"(13) The term 'earthquake' means any shaking or trembling of the crust of the earth caused by underground seismic forces or by breaking and shifting of rock beneath the surface.

"(14) The term 'earthquake-prone State' means a State determined by the Director pursuant to section 701 to have an exposure to the earthquake peril.

"(15) The term 'Federal assistance' means any form of financial aid, including grants, loans, loan-guarantees, subsidies, insurance, and payments, provided by a Federal agency.

"(16) The term 'first responder' means those fire fighting, police, and emergency medical personnel with the statutory authority to engage in and provide immediate emergency response services.

"(17) The term 'flood' or 'flooding' mean a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation of runoff of surface waters from any source.

"(18) The term 'flood-prone State' means a State determined by the Director pursuant to section 701 to have an exposure to the flood peril.

"(19) The term 'hurricane' means a non-frontal, warm core, low pressure atmospheric system having a definite organized circulation, including any associated windstorm events occurring within 72 hours before and after the hurricane, with sustained wind speeds of 74 miles per hour or greater and officially declared to be a hurricane by the National Hurricane Center.

"(20) The term 'hurricane-prone State' means a State determined by the Director pursuant to section 701 to have an exposure to the hurricane peril.

"(21) The term 'hurricane zone' means an area within a State identified by the Director as being subject to major risk from the hurricane peril.

"(22) The term 'insurance industry' means all private insurers and private reinsurers.

"(23) The term 'lifelines' means critical public infrastructure, including highways, bridges, water transportation and treatment facilities, electric transmission systems, pipelines, and telecommunications networks.

"(24) The term 'local community' means a political subdivision of a State which has zoning and building code jurisdiction over a particular area which is exposed to the hurricane, windstorm, earthquake, volcanic-eruption, or flood peril.

"(25) The term 'multi-hazard coverage' means policies, riders, or endorsements of insurance issued on Federal paper pursuant to subtitle A of title VIII that provide indemnity, in whole or in part, for the loss, destruction, or damage of residential property.

"(26) The term 'ordinance or law coverage' means insurance coverage for the increased cost of construction to repair or rebuild structures and the cost of demolition due to the enforcement of any ordinance or law, such as building codes.

"(27) The term 'private insurer' and 'private reinsurer' mean any insurer or reinsurer that is (A) licensed or admitted to write property and casualty insurance or reinsurance within a State, or (B) is a branch of an insurer or reinsurer organized or incorporated in a country other than the United States that is entered through and licensed by a State to conduct insurance or reinsurance business. In the case of an insurance exchange or group of unincorporated underwriters, the term means an underwriting syndicate, notwithstanding the licensed or admitted status of the insurance exchange or group of unincorporated underwriters.

"(28) The term 'residential property' means (A) 1-to 4-family residential structure (including mobile or manufactured homes) and the personal property therein, and (B) personal property of occupants of residential structures (including condominiums, cooperatives, and apartment structures).

"(29) The term 'seismic zone' means an area within a State identified by the Director as being subject to major risk from the earthquake peril.

"(30) The term 'State residual insurance pooling program' means any State-authorized joint underwriting or joint reinsurance association, risk pool, residual market mechanism, or other type of State-sanctioned entity providing property insurance coverage against hurricanes, earthquakes, volcanic eruptions, or tsunamis.

"(31) The term 'substantially modified building construction' means additions or improvements to an existing structure which constitute at least a 50 percent increase in the overall value of the structure.

"(32) The term 'supplemental losses' means claim and loss adjustment expense payments for the multi-hazard coverage issued pursuant to subtitle A of title VIII that exceed the accumulated amounts in the Primary Insurance Program Fund.

"(33) The term 'tsunami' means an ocean wave generated by underwater disturbances in the earth's crust, primarily earthquakes and submarine volcanic eruptions.

"(34) The term 'volcanic eruption' means the expulsion, as a result of natural causes, of molten rock, rock fragments, gases, ashes, mud, lava flows, and other natural substances through an opening in the crust of the Earth.

"(35) The term 'volcanic eruption-prone State' means a State determined by the Director pursuant to section 701 to have an exposure to the volcanic eruption peril.

"(36) The term 'volcanic zone' means an area within a State identified by the Director as being subject to major risk from the volcanic eruption peril.

"(37) The term 'windstorm' means an atmospheric disturbance marked by high velocity movements of air, such as a tornado, but does not include a hurricane.

"(38) The term 'windstorm-prone State' means a State determined by the Director pursuant to section 701 to have an exposure to the windstorm peril.".

SEC. 4. DISASTER ASSISTANCE AMENDMENTS.

Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) is amended as follows:

(a) In section 404 (42 U.S.C. 5170c), add "(a) HAZARD MITIGATION GRANTS.—" following the section heading and add following new subsections at the end:

"(b) HAZARD MITIGATION INITIATIVES.—Consistent with this title and other existing Federal law, the Director shall develop programs to carry out the following multi-hazard mitigation and emergency management initiatives—

"(1) the development of model building codes and other hazard mitigation measures for catastrophic natural disasters, such as hurricanes, windstorms, earthquakes, volcanic-eruptions, or floods, which are based on both preventing personal injuries and mitigating property damage;

"(2) adequate training and licensing of architects, engineers, building inspectors, building code enforcement personnel, planners, and similar professionals to ensure proper compliance with hazard mitigation standards;

"(3) expanded research to strengthen building codes and promote development of cost-effective building technologies and related hazard mitigation measures;

"(4) the transfer of hazard mitigation technology to States, local communities, and other persons, such as private building contractors, responsible for the implementation and enforcement of hazard mitigation measures;

"(5) aid for Federal, State, and local emergency response operations following natural disasters which could include the acquisition of additional facilities, equipment, and personnel as well as resources for training and public assistance; and

"(6) education to enhance public awareness of the risk of and hazards from natural disasters and ways to mitigate the personal, physical, and economic losses.

"(c) FEDERAL REGULATIONS.—Within 18 months of the date of enactment of the Natural Disaster Protection Act of 1993, the Director, in coordination with other Federal agencies, shall issue final multi-hazard mitigation regulations necessary to carry out the hazard mitigation activities described in subsection (b). Such regulations shall be issued pursuant to the provisions of subchapter II of chapter 5 of title 5, United States Code.".

(b) In section 405 (42 U.S.C. 5171), add the following new subsection at the end:

"(d) FEDERALLY-CONNECTED BUILDINGS.—All new buildings owned or leased by any Federal agency or receiving Federal assistance shall meet the newest edition of the relevant building code requirements, including relevant building and housing codes and performance building standards. Within 18 months of the date of enactment of the Natural Disaster Protection Act of 1993, the Director, in coordination with other Federal agencies, shall issue final regulations necessary to carry out this subsection, pursuant to the provisions of subchapter II of chapter 5 of title 5, United States Code.".

(c) In section 406 (42 U.S.C. 5172), add the following new subsection at the end:

"(g) MITIGATION NON-COMPLIANCE PENALTY.—No public assistance disaster funds under this section shall be provided to any local community which has failed, within 5 years from the date of enactment of the Natural Disaster Protection Act of 1993, to comply with the multi-hazard building and safety codes described in section 702(a) and the flood performance standards described in section 702(b).".

(d) In section 407 (42 U.S.C. 5173), add the following new subsection at the end:

"(e) MITIGATION NON-COMPLIANCE PENALTY.—No public assistance disaster funds under this section shall be provided to any local community which has failed, within 5 years from the date of enactment of the Natural Disaster Protection Act of 1993, to comply with the multi-hazard building and safety codes described in section 702(a) and the flood performance standards described in section 702(b).".

SEC. 5. MULTI-HAZARD MITIGATION PROGRAM.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) is amended by adding at the end the following new title:

"TITLE VII—MULTI-HAZARD MITIGATION PROGRAM

"SEC. 701. IDENTIFICATION AND DESIGNATION OF DISASTER-PRONE STATES.

"(a) INITIAL IDENTIFICATION.—The Director, consistent with existing Federal law, shall identify States which are prone to damages from the following natural disaster perils—

"(1) hurricanes;

"(2) windstorms;

"(3) earthquakes;

"(4) volcanic eruptions; and

"(5) flooding.

"(b) DESIGNATION BY PERIL.—The Director shall designate all States identified pursuant to subsection (a) as disaster-prone States, and separately designate States as hurricane-prone, windstorm-prone, earthquake-prone, volcanic eruption-prone, or flood-prone, as appropriate, within 1 year of the date of the enactment of the Natural Disaster Protection Act of 1993. The Director shall cause a listing of such States to be published in the Federal Register and in widely circulated local newspapers in the applicable States before the expiration of such 1-year period.

"(c) FINAL NOTIFICATION.—The designation for each State under subsection (b) shall become final for the purposes of this Act 6 months after such designations are published in the Federal Register. The Director shall notify the chief executive officer of each such State designated, in writing, before the expiration of such 6-month period.

"(d) ONGOING DESIGNATION AND NOTIFICATION.—Based upon any additional hurricane, windstorm, seismic, volcanic, or flood information that from time-to-time becomes available, the Director may designate States (not designated under subsection (b)) having an exposure to hurricane, windstorm, earthquake, volcanic eruption, or flood perils. Any such States shall be designated pursuant to the terms of subsection (b) and notified pursuant to terms of subsection (c).

"(e) APPEAL.—Any State aggrieved by a final determination as a disaster-prone State, pursuant to subsections (c) or (d), may, after exhausting administrative remedies, appeal such determination to any United States district court for a district located within the State, not more than 60 days after receipt of notice of such determination. The scope of review by the court shall be provided under chapter 7 of title 5, United States Code. During the pendency of any such litigation, all determinations of the Director shall be effective and final for the purposes of this title unless stayed by the court for good cause shown.

"SEC. 702. BUILDING AND SAFETY STANDARDS.

"(a) MULTI-HAZARD BUILDING AND SAFETY CODES.—At a minimum, each State designated as a hurricane-prone State, a windstorm-prone State, or an earthquake-prone State shall either—

"(1) for all new and substantially modified building construction in that State, adopt the relevant natural disaster hazard mitigation portions of the newest edition of the National Building Code, the Standard Building Code, or the Uniform Building Code and other relevant building and housing codes and standards, including the national consensus safety codes of the National Fire Protection Association (specifically the National Electrical Code, the National Fuel Gas Code, the Flammable and Combustible Liquids Code, and the Standard for the Storage and Handling of Liquefied Petroleum Gases); or

"(2) certify that the State's local communities have adopted and are enforcing building codes which meet or exceed the minimum natural disaster hazard mitigation portions of any of the 3 model building codes and other building and housing codes and standards described in paragraph (1) for all new and substantially modified building construction in that State.

"(b) Flood Performance Standards.—At a minimum, each State designated as a flood-prone state shall either—

"(1) adopt the relevant flood minimum performance standards, flood-proofing, and other flood protection measures authorized pursuant to the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4001 et seq.), which minimize flood damage for new and substantially modified building construction located in flood-prone local communities; or

"(2) certify that all the State's flood-prone local communities have adopted and are enforcing the minimum performance standards described in paragraph (1) for new and substantially modified building construction.

"SEC. 703. STATE MITIGATION PLANS.

"(a) General Authority.—Each State designated as a disaster-prone State shall either—

"(1) develop a mitigation plan which establishes the State's plan with accompanying schedules for improving the State's ability to reduce the hazards of future natural disasters, such as hurricanes, windstorms, earthquakes, volcanic eruptions, or floods; or

"(2) designates an existing mitigation plan which includes the processes described in subsection (b).

"(b) Content of State Mitigation Plans.—Each State mitigation plan shall include, at a minimum, a process for—

"(1) verifying compliance with the multihazard building and safety codes described in section 702(a) and the flood performance standards described in section 702(b) to ensure these building standards are being enforced;

"(2) identifying, consistent with the National Flood Insurance Act, as amended (42 U.S.C. 4001 et seq.), the areas within the State which have some risk from the hazards of natural disasters, including hurricanes, windstorms, earthquakes, volcanic eruptions, and floods, and further categorizing at-risk areas based on the degree of risk;

"(3) establishing priorities by risk and location of which types of structures, including State buildings, lifelines, and critical facilities, may be in need of hazard mitigation;

"(4) identifying which hazard mitigation measures, such as building codes, non-structural mitigation, and retrofitting, for each of the natural disaster perils that are most cost-effective and most likely to prevent personal injury and reduce property losses;

"(5) improving the emergency response to natural disasters, which shall include capabilities for fire fighting, search and rescue, and the provision of shelters, communications, and medical relief;

"(6) expediting the rebuilding of lifelines and the recovery by individuals and the State's business and commercial sector;

"(7) encouraging the development of local community-based hazard mitigation plans;

"(8) achieving compliance with and enforcement of the Federal multi-hazard mitigation standards or requirements set forth in regulations promulgated by the Director pursuant to this Act; and

"(9) developing standards and guidelines for the safe staffing, operations, and regular training of first responders for disaster emergency mitigation.

"(c) Submission of State Mitigation Plans to FEMA.—Within 2 years of being designated disaster-prone pursuant to section 701, each disaster-prone State shall submit its completed mitigation plan to the Director.

"SEC. 704. COMPLIANCE BY STATES.

"(a) Definition of Compliance State.—A disaster-prone State shall be considered a compliance State for purposes of this title, if within 5 years of the date of enactment of the Natural Disaster Protection Act of 1993, the State is certified under subsection (b)(3) as a compliance State and, where appropriate, if its compliance status has been renewed pursuant to the terms of subsection (b)(4).

"(b) Determination of Compliance.—

"(1) State submission of certification.—Within 3 years of being designated disaster-prone pursuant to section 701, each disaster-prone State shall submit a certification to the Director stating whether the State has—

"(A) substantially complied with, and is substantially enforcing, the multi-hazard building codes provisions of section 702(a) and the flood performance standards of section 702(b); and

"(B) started implementing its mitigation plan, including the specific processes described in section 703(b).

"(2) Review by director.—The Director shall review each certification submitted under paragraph (1) to determine whether it is an accurate manifestation of the submitting State's substantial compliance with, and enforcement of, the hazard mitigation measures described in sections 702 and 703.

"(3) Compliance determination.—If the Director determines that the State certification is substantially accurate and the State has substantially adopted and is substantially enforcing and carrying out the applicable hazard mitigation measures described in sections 702 and 703, the director shall promptly certify the State as a compliance State for purposes of subsection (a). If the Director determines that the State certification is substantially inaccurate, the Director shall promptly return the certification submission to the State with suggested changes for obtaining certification as a compliance State.

"(4) Compliance renewal.—The Director shall review the compliance with, and enforcement of, the applicable hazard mitigation measures by each compliance State meeting the requirements of subsection (a) not less than once every 2 years and shall renew compliance certificates under the terms of paragraph (3) as appropriate.

"(5) Regulations.—The Director shall issue final regulations not later than 18 months after the date of the enactment of the Natural Disaster Protection Act of 1993 describing the criteria to be used in determining whether a State is a compliance State.

"(c) Penalties for Non-Compliance.—The following penalties shall become effective 5 years from the date of enactment of the Natural Disaster Protection Act of 1993:

"(1) No mitigation funds.—Funds from the Self-Sustaining Mitigation Fund under section 705 shall not be made available to any State which has not been certified as a compliance State.

"(2) Higher premiums and deductibles.—Premium rates and deductibles assessed under the Primary Insurance Program of subtitle A of title VIII shall be increased, as determined by the Director under the plan of operation of section 821 and consistent with actuarially sound requirements of section 804, for all policyholders residing in a State which has not been certified as a compliance State.

"(3) No assistance for federal buildings.—No Federal assistance shall be provided to any new Federal building or new Federally leased, assisted, or regulated building covered under Executive Order 11988 ("Floodplain Management", May 24, 1977) and Executive Order 12699 ("Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction", January, 5, 1990) which is located in a State which has not been certified as a compliance State.

"SEC. 705. SELF-SUSTAINING MITIGATION FUND.

"(a) Establishment.—

"(1) A percentage of the annual multi-hazard coverage premiums collected under the Primary Insurance Program under subtitle A of title VIII and the excess reinsurance premiums collected under the Reinsurance Program under subtitle B of title VIII shall be deposited, on a quarterly basis, in a separate fund to be known as the Self-Sustaining Mitigation Fund.

"(2) The Director shall set the percentage described in paragraph (1) which shall be at least 5 percent, but shall not exceed 10 percent, unless the Director determines that the amounts in the Primary Insurance Program Fund established under section 805 and the Reinsurance Fund established under section 815 are sufficient to provide for any probable expected losses from future hurricanes, earthquakes, and volcanic eruptions.

"(3) Interest on amounts in the Self-Sustaining Mitigation Fund shall be credited to the Fund.

"(b) Use.—Amounts in the Self-Sustaining Mitigation Fund shall be available, to the extent provided in appropriations Acts, to the Director to use as follows:

"(1) State support.—The Director shall provide amounts in the Fund as financial assistance to each disaster-prone State, unless 5 years from the date of enactment of the Natural Disaster Protection Act of 1993 has passed and that State has not been certified as a compliance State under section 704.

"(A) Each State's share of such financial assistance shall be based solely on a pro rata formula of the Primary Insurance Program premiums collected pursuant to subtitle A of title VIII from the policyholders residing in that State.

"(B) Such financial assistance shall be used by disaster-prone States to support hazard mitigation activities described in sections 702 and 703 and any activities required by the Federal regulations issued pursuant to section 404. Priority shall be given to those hazard mitigation activities necessary to bring the State into compliance with the building standards of section 702, including the adequate enforcement of such standards.

"(C) Disaster-prone States shall transfer a percentage, as established in Federal regulations, of such financial assistance to local communities to support activities necessary to ensure State compliance with the hazard mitigation requirements of this title.

"(D) The Director shall from time-to-time conduct audits to ensure that disaster-prone States and local communities are using such financial assistance to support the hazard mitigation activities described in subparagraphs (B) and (C).

"(2) Federal support.—A portion of the amounts in the Self-Sustaining Mitigation Fund, as determined by the Director, may be used to support Federal hazard mitigation and emergency management activities described in section 404.

"(c) Federal Regulation.—Within 12 months of the date of enactment of the Natural Disaster Protection Act of 1993, the Director shall issue final Federal regulations, pursuant to the provisions of subchapter II of chapter 5 of title 5, United States Code, necessary to carry out this section.

"SEC. 706. NATURAL DISASTER MITIGATION AND PLANNING ADVISORY COMMITTEE.

"(a) Establishment.—There is established an independent advisory committee within the executive branch to be known as the Natural Disaster Mitigation and Planning Advisory Committee (in this section referred to as the 'Committee'). To the extent not contradicted by the provisions of this section, the Committee shall be subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. Appendix 2). The establishment of the Committee shall not result in the creation of any new permanent staff or new office facilities.

"(b) MEMBERSHIP.—The Committee shall be composed of 20 members appointed by the Director. The members shall be chosen from among citizens of the United States and shall include—

"(1) 1 individual who is a metropolitan fire chief;

"(2) 1 individual who is a State fire marshal;

"(3) 1 individual who is a volunteer fire fighter;

"(4) 1 individual who is an organized labor representative of the fire services;

"(5) 1 individual who is a search and rescue expert;

"(6) 1 individual who is a State director of emergency medical services;

"(7) 1 individual who represents the interests of the model building code bodies;

"(8) 1 individual who is a State emergency manager;

"(9) 1 individual who is a local emergency manager;

"(10) 1 individual who is a flood plain manager;

"(11) 1 individual who represents the interests of law enforcement;

"(12) 1 individual who is an architect;

"(13) 1 individual who is a builder;

"(14) 1 individual who is a structural engineer;

"(15) 1 individual who represents a building trades labor union;

"(16) 1 individual who is a recognized seismic hazard mitigation expert;

"(17) 1 individual who is a recognized wind hazard mitigation expert;

"(18) 1 individual who represents the interests of consumers;

"(19) 1 individual who represents the private insurers; and

"(20) 1 individual who represents the insurance agents.

"(c) VACANCIES.—A vacancy on the Committee shall be filled in the manner in which the original appointment was made.

"(d) CHAIRPERSON.—The Director shall designate a chairperson of the Committee from among members selected for appointment to the Committee.

"(e) SELECTION.—Not later than 180 days after the date of the enactment of the Natural Disaster Protection Act of 1993 and after consulting with the State and local emergency management community, the Director shall appoint the members of the Committee.

"(f) FUNCTIONS OF THE COMMITTEE.—The Committee shall advise the Director on hazard mitigation and disaster planning, including the development and implementation of the multi-hazard mitigation programs created pursuant to this title. The Committee shall review and comment on all draft Federal regulations issued by the Director pursuant to this title.

"(g) RESPONSIBILITIES OF THE DIRECTOR.—The Director shall fully cooperate with the Committee and provide the Committee with access to personnel and information as the Committee considers necessary to carry out its functions. The Director shall request comments from the Committee on any questions regarding operation of multi-hazard mitigation programs established under this title.".

SEC. 6. FEDERAL INSURANCE PROGRAMS.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) is amended by adding after title VII as set forth above, the following new title:

"TITLE VIII—FEDERAL INSURANCE PROGRAMS

"SUBTITLE A—PRIMARY INSURANCE PROGRAM

"SEC. 801. BASIC AUTHORITY AND PROGRAM OPERATION.

"(a) ESTABLISHMENT.—To carry out the purposes of this subtitle, the Director shall establish and carry out a national multi-hazard insurance program (in this title referred to as the 'Primary Insurance Program') to provide insurance against loss resulting from physical damage to or loss of real property or personal property related thereto, in any State or States, arising from any earthquake and volcanic eruption (including any fire proximately caused by such volcanic eruption).

"(b) IMPLEMENTATION.—In carrying out the Primary Insurance Program, the Director shall arrange for participation, on other than a risk-sharing basis, by private insurers, insurance agents and brokers, insurance adjustment organizations, and other persons. The Director may take any actions reasonably necessary and appropriate to carry out this subtitle, including the making of contracts, the employment and compensation of persons, the acquisition of real and personal property, and the reasonable auditing of private insurers participating in the Primary Insurance Program limited to matters directly related to their participation in such program.

"(c) INSURANCE PRACTICES.—Any actions of the Director under this subtitle shall be consistent with standard insurance practices and generally accepted accounting, actuarial, and underwriting principles.

"(d) FLOOD INSURANCE STUDY.—The Director shall evaluate the feasibility and benefits of including flood as a covered peril under the national multi-hazard insurance program. Such evaluation shall include an examination of whether to integrate existing flood insurance policies issued under the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4001 et seq.), into the multi-hazard coverage policy issued under this subtitle. The Director shall submit a report, including any recommendations, to the Congress within 1 year of the date of enactment of the Natural Disaster Protection Act of 1993.

"(e) IMPROVED PARTICIPATION IN FEDERAL FLOOD INSURANCE PROGRAM.—

"(1) NOTIFICATION REQUIREMENT.—Agents and brokers or private insurers participating in the federal flood insurance program pursuant to the National Flood Insurance Act, as amended (42 U.S.C. 4001 et seq.), shall promptly notify the Director of any policyholder who refuses to purchase federal flood insurance if such policyholder is required pursuant to such Act to purchase such coverage as a condition of receiving any Federal assistance for acquisition or construction of the insured property and the agent, broker, or private insurer knows of such requirement.

"(2) FEMA OBLIGATION.—

"(A) GENERAL AUTHORITY.—Within 180 days of receiving a notification of any non-compliant policyholder as described in paragraph (1), the Director shall take necessary and appropriate steps consistent with the National Flood Insurance Act, as amended (42 U.S.C. 4001 et seq.), to assure said policyholder purchases the required federal flood insurance coverage.

"(B) REPORT TO CONGRESS.—Within 180 days of enactment of the Natural Disaster Protection Act of 1993, the Director shall submit a report to Congress of any additional sanctions, or other measures, deemed necessary and appropriate to assure policyholders purchase the required federal insurance coverage under subparagraph (A).

"(3) REGULATIONS.—Pursuant to the provisions of subchapter II of chapter 5 of title 5, United States Code, the Director shall issue any regulations necessary to carry out this subsection.".

"SEC. 802. SCOPE OF PROGRAM.

"(a) ELIGIBLE PROPERTIES.—In carrying out the Primary Insurance Program, the Director shall make multi-hazard coverage available only for residential properties that are located in earthquake and volcanic eruption-prone States as determined by section 701.

"(b) ADDITIONAL TYPES OF PROPERTIES.—If the Director makes an affirmative finding, in consultation with the Federal Insurance and Reinsurance Advisory Committee established pursuant to section 822, that the private insurance industry cannot adequately provide coverage to other types of properties, the Director may recommend to Congress that multi-hazard coverage under this subtitle be made available to cover other types of properties.

"SEC. 803. TERMS AND LIMITATIONS OF INSURANCE COVERAGE.

"(a) TERMS.—Pursuant to the plan of operation established under section 821 and after consultation with the Federal Insurance and Reinsurance Advisory Committee established under section 822, the Director shall establish, by regulation, the general terms and conditions of insurability for properties eligible for multi-hazard coverage under section 802. Such regulations shall meet the requirements of this section and may include—

"(1) the type and locational classification of such eligible properties;

"(2) specific insurability definitions for eligible properties;

"(3) the specific types of damage that may be covered by such insurance;

"(4) appropriate premium rates consistent with the actuarial requirement of section 804;

"(5) appropriate loss-deductibles including variable deductibles based on the existence of loss-reduction measures that affect the risk of loss;

"(6) appropriate limits on coverage for each classification of eligible properties;

"(7) appropriate minimum coverage amounts for each classification of eligible properties, which may not be less than the outstanding principal balance of the mortgage loan securing the property or the maximum coverage limit for the property under paragraph (6), whichever is less; and

"(8) any other terms and limitations relating to such residential property insurance coverage that may be necessary to carry out the purposes of this subtitle.

"(b) HAZARDS COVERED.—The multi-hazard coverage under this subtitle shall cover any damage to covered eligible property, including debris removal, additional living expenses incurred as a result of direct damage to the premises, and ordinance and law coverage up to the policy limits set by subsection (a)(5) with additional ordinance and law coverage available pursuant to the plan of operation under section 821, proximately caused by—

"(1) an earthquake, except for any fire proximately caused by an earthquake;

"(2) a volcanic eruption, including any fire proximately caused by a volcanic eruption; and

"(3) a tsunami associated with an earthquake or volcanic eruption.

"(c) PROGRAM PARTICIPATION.—Upon the issuance of regulations establishing the plan of operation under section 821, any private insurer may participate in the Primary Insurance Program regardless of whether such private insurer provides any insurance to residential property policyholders.

"(b) OBLIGATIONS OF PARTICIPATING INSURERS.—Any private insurer electing to participate in the Primary Insurance Program shall provide to all its residential property policyholders for residential property determined to be eligible under subsection (a) and located in earthquake and volcanic eruption-prone States either—

"(1) the multi-hazard coverage under this subtitle, or

"(2) coverage on its own behalf that is equivalent to the multi-hazard coverage provided under this subtitle at rates established for the coverage under this subtitle.

"(e) OBLIGATIONS OF NON-PARTICIPATING INSURERS.—Any private insurer electing not to participate in the Primary Insurance Program shall notify, pursuant to regulations adopted by the Director, all of its residential policyholders in earthquake and volcanic eruption-prone States of its non-participation in such program, and of the absence of insurance and reinsurance protection for multi-hazard coverage under this title.

"SEC. 804. ACTUARIALLY SOUND RATES.

"(a) ESTABLISHMENT OF RATES.—The Director shall from time-to-time establish and prescribe by regulation on a State, risk zone, or other appropriate basis, actuarially sound rates for types or classes of property eligible for multi-hazard coverage and the terms and conditions under which such rates apply.

"(b) CONSULTATION.—In carrying out this section, the Director shall consult with the Federal Insurance and Reinsurance Advisory Committee established under section 822 and may enter into contracts, agreements, or other arrangements to utilize the services of the United States Geological Survey, the National Oceanic and Atmospheric Administration, and other relevant Federal, State, and local governmental agencies, and other persons.

"(c) CONSIDERATIONS.—The Director shall establish actuarially sound rates under this section based on—

"(1) considerations of the risks involved, including an examination of any of the following factors which are deemed relevant—

"(A) the severity and frequency of earthquakes by seismic zone and States in which the insured property is located, including known differences in risks from active faults and known susceptibility to landslide, site amplification, and liquefaction;

"(B) the risk of damage associated with a volcanic eruption by volcanic zone and States in which the insured property is located, including proximity to known lava flows;

"(C) the risk of damage associated with a tsunami caused by an earthquake or volcanic eruption;

"(D) the value of the insured property;

"(E) the age of the structures located on the insured property;

"(F) the construction type of the structures located on the insured property, including woodframe, masonry, and masonry veneer;

"(G) the architectural type of the structures located on the insured property, including soft first floor, box construction, and split level;

"(H) hazard mitigation measures followed in the construction or subsequent retrofitting of residential property structures; and

"(I) any other relevant criteria; and

"(2) application of accepted actuarial and rate-making principles that reflect the risks involved, anticipated insurance-related administrative operating costs and loss and loss-adjustment expense payments, contributions from the Self-Sustaining Mitigation Fund established under section 705, and provision for adequate reserves.

"(d) MINIMIZATION OF CROSS-SUBSIDIZATION.—To the maximum extent practicable, the rates established under this section shall be actuarially sound and shall result in a minimum of cross-subsidization by reasonably reflecting the risk of damaging earthquakes, volcanic eruptions, and tsunamis, as appropriate, in total and for each subclassification of policyholders.

"(e) ACTUARIALLY SOUND REQUIREMENT.—In setting and adjusting rates under this section, the Director shall provide that, over an extended period of time, expected expenditures from the Primary Insurance Program Fund under section 805(c) do not exceed expected receipts of the Primary Insurance Program Fund under section 805(b).

"(f) LIMITATIONS.—

"(1) To the maximum extent practicable, any rate classification system developed by the Director to establish actuarially sound rates under this section shall be—

"(A) cost-effective and shall not impose costs for the initial establishment or the subsequent administration of the rating plan that are disproportionate to the size of the insurance premiums collected; and

"(B) simple and easy to understand, identify, and use by insurance agents and policyholders.

"(2) The premiums collected under the Primary Insurance Program shall not be used to establish highly specific geographic rating zones and mico-zonation maps for the earthquake, volcanic eruption, and tsunami perils.

"SEC. 805. PRIMARY INSURANCE PROGRAM FUND.

"(a) ESTABLISHMENT.—There is established in the Treasury of the United States the Primary Insurance Program Fund (in this section referred to as the "Insurance Fund") for the purpose of carrying out the Primary Insurance Program under this subtitle.

"(b) CREDITS OF FUND.—The Insurance Fund shall be created with—

"(1) insurance premiums received by the Director under the Primary Insurance Program (less any amounts credited to the Self-Sustaining Mitigation Fund under section 705) and interest earned on premiums, as provided in subsection (e);

"(2) any amounts borrowed under section 806;

"(3) any amounts appropriated to the Insurance Fund; and

"(4) any interest earned on amounts invested under subsection (d).

"(c) USES OF FUND.—Amounts in the Insurance Fund shall be available for—

"(1) payments for losses and loss adjustment expenses under subsection (f);

"(2) payments for insurance company expense allowances paid (including agents' commissions, State premium taxes, and companies' administration expenses);

"(3) any and all administrative and operating expenses in carrying out the Primary Insurance Program; and

"(4) principal and interest payments on amounts borrowed under section 806 for supplemental losses, if any.

"(d) INVESTMENT OF AMOUNTS.—The Director may request the Secretary of the Treasury to invest any amount in the Primary Insurance Program Fund in obligations issued or guaranteed by the United States, as the Director considers appropriate.

"(e) INSURANCE PAYMENTS TO FUND.—Private insurers issuing multi-hazard coverage shall remit the premiums collected, less the insurers' expense allowances (as provided for in the plan of operation under section 821), to the Director on a quarterly basis 30 days after the end of the quarter, according to the procedures prescribed in the plan of operation. Such private insurers shall maintain a separate, interest-bearing account for the premiums to be submitted to the Director. The interest collected on this account shall be forwarded to the Insurance Fund with the premiums on a quarterly basis.

"(f) REIMBURSEMENT OF INSURERS.—

"(1) REQUIREMENT AND PROCEDURE.—The Director shall reimburse private insurers providing multi-hazard coverage pursuant to this subtitle from amounts made available from the Insurance Fund. Reimbursement for all claim payments up to and including the policy limits of coverage and for all loss adjustment expenses paid as a result of an earthquake, volcanic eruption, or tsunami, as appropriate, shall be made as follows:

"(A) The Director shall reimburse insurers within 30 days of the date any claim payments and loss adjustment expense payments are made pursuant to the Federal Government's obligations.

"(B) If the gross reimbursements exceed amounts available in the Insurance Fund, amounts borrowed from the Treasury of the United States under section 806 shall cover the supplemental losses.

"(2) REGULATIONS.—The Director may issue regulations establishing the general method or methods by which proved and approved claims for losses may be adjusted and paid for damages covered by the multi-hazard coverage issued under this subtitle. The claim practices of the Insurance Fund shall be subject to and conform with any applicable State insurance unfair trade practices statutes. Judicial review of a decision of the Director regarding reimbursement of a private insurer shall be available pursuant to section 821(e).

"(g) OBLIGATIONS.—All multi-hazard coverage provided through the Primary Insurance Program under this subtitle shall constitute obligations of the United States. The full faith and credit of the United States is pledged for the full payment and performance of such obligations. The private insurers participating in the program shall bear no risk and shall assume no liability for the multi-hazard coverage provided through the program.

"(h) STATUS OF FUND.—Any premiums collected for deposit in the Insurance Fund shall be exempt from all taxation now or hereafter imposed by the United States, by any territory, dependency or possession thereof, or by the State, county, municipality, or local taxing authority, except that the insurance policies issued by or in conjunction with the Federal Government pursuant to this title shall be subject, where applicable, to State insurance premium taxes.

"SEC. 806. BORROWING FROM TREASURY.

"(a) AUTHORITY.—To the extent that the accumulated assets, including any return on investments, in the Primary Insurance Program Fund established under section 805 are insufficient to pay claims and expenses, the Director shall issue, from time-to-time, to the Secretary of the Treasury, notes and other obligations to cover the insufficiency; except that the amounts of such obligations outstanding at any one time shall not exceed such sums as the Congress may provide acting upon the recommendation of the Director.

"(b) INTEREST RATE.—Obligations under subsection (a) shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities.

"(c) DEPOSITS.—Any amounts borrowed by the Director under this section shall be deposited in the Primary Insurance Program Fund established under section 805.

"(d) REPAYMENT.—Any amounts borrowed under this section shall be recouped, including interest on the borrowed funds, in future premiums for multi-hazard coverage pursuant to the plan of operation established under section 821. The Secretary of the Treasury shall grant extensions in repayment schedules that the Director advises the Secretary are necessary.

"SEC. 807. INSURANCE MITIGATION INCENTIVES.

"In carrying out the Primary Insurance Program under this subtitle and pursuant to the plan of operation established under section 821, the Director shall provide for the following insurance mitigation incentives which shall conform with the actuarially sound rate requirements of section 804:

"(1) Charging lower premiums or deductible amounts for any residential property located in an earthquake-prone State which meets the seismic building standards under section 702(a).

"(2) Charging lower premium rates or deductible amounts for any residential property located in an earthquake-prone State that passes a seismic safety inspection and meets the requirements of the seismic mitigation standards established in title VII.

"(3) Charging lower premium rates or deductible amounts for new residential property not constructed in volcanic zones in a volcanic eruption-prone State.

"SUBTITLE B—REINSURANCE PROGRAM

"SEC. 811. BASIC AUTHORITY AND PROGRAM OPERATION.

"(a) ELIGIBILITY.—

"(1) PROVISION OF COVERAGE.—Upon the issuance of regulations establishing the plan of operation under section 821, the Director shall make available to eligible entities excess reinsurance coverage for any direct and indirect losses under the covered lines set forth in section 813 that arise from a hurricane, earthquake, volcanic eruption, or tsunami.

"(2) ELIGIBLE ENTITIES.—The following entities are eligible to purchase the excess reinsurance coverage:

"(A) Any private insurer participating in the Primary Insurance Program under subtitle A.

"(B) Any private reinsurer which reinsures any private insurer participating in the Primary Insurance Program under subtitle A.

"(C) Any workers' compensation fund operated by a State.

"(D) Any State residual insurance pooling program.

"(b) TERMS.—The reinsurance contracts issued by the Federal Government pursuant to this subtitle shall contain terms and conditions similar to those generally used in private catastrophic reinsurance contracts.

"(c) JUDICIAL REVIEW.—Judicial review of a decision of the Director regarding payment of claims shall be made available pursuant to section 821(e).

"(d) SINGLE ENTITIES.—Any private insurer and reinsurer companies or United States affiliates under the same ownership or management or part of the same holding company system, as determined under the plan of operation established under section 821, shall be considered a single entity for purposes of this subtitle.

"SEC. 812. LEVELS OF RETAINED LOSSES.

"(a) INDUSTRY-WIDE ELIGIBILITY.—Excess reinsurance under this subtitle shall be available to all private insurers and private reinsurers eligible for reinsurance pursuant to section 811(a)(2) as follows:

"(1) INDUSTRY RETAINED LOSSES.—The Reinsurance Fund established under section 815 shall provide excess reinsurance when, as determined by the Director pursuant to the plan of operation under section 821, the insurance industry is likely to incur gross losses in the lines covered in section 813(a) arising from hurricane, earthquake, volcanic eruption, and tsunami events occurring during any 12 month period that exceed 15 percent of the consolidated industry surplus as regards policyholders; provided that, only such separate events which will likely result in industry gross losses of at least $1,500,000,000, adjusted annually in accordance with the percentage change in the Consumer Price Index, shall be aggregated to reach the 15 percent level.

"(2) INDIVIDUAL COMPANY RETAINED LOSSES.—After the insurance industry has sustained gross losses described in paragraph (1), the Reinsurance Fund established under section 815 shall pay to an individual private insurer or private reinsurer 95 percent of qualifying losses in excess of 15 percent of the consolidated surplus as regards policyholders of the private insurer or private reinsurer.

"(b) INDIVIDUAL INSURER RETAINED LOSSES.—If subsection (a) is not applicable, private insurer or private reinsurer shall be eligible for excess reinsurance coverage and reimbursement from the Reinsurance Fund established under section 815 if the insurer or reinsurer has incurred gross losses from a single—

"(A) earthquake, volcanic eruption, or tsunami event that is included in the lines covered in section 813(a) and that exceeds 20 percent of the consolidated surplus as regards policyholders of the private insurer or private reinsurer; or

"(B) hurricane event that is included in the lines covered in section 813(a) and that exceeds 20 percent of the consolidated surplus as regards policyholders of the private insurer or private reinsurer, except that the workers' compensation and earthquake lines of coverage under section 813(a) shall be excluded.

"(2) REINSURANCE FUND PAYMENTS.—After the private insurer or private reinsurer has sustained gross losses described in paragraph (1), the Reinsurance Fund established under section 815 shall pay 95 percent of qualifying losses, as defined in subsection (d), in excess of 20 percent of the consolidated surplus as regards policyholders of the private insurer or the private reinsurer.

"(3) LIMITATION OF REINSURANCE FUND PAYMENTS.—The payments by the Reinsurance Fund under this subsection shall be limited to 200 percent of the consolidated surplus as regards policyholders of the private insurer or private reinsurer.

"(c) STATE INSURANCE PROGRAMS.—Excess reinsurance under this subtitle shall be available to each State workers' compensation program and State residual insurance pooling program eligible for reinsurance pursuant to section 811(a)(2) as follows:

"(1) INDUSTRY LOSSES.—The Reinsurance Fund established under section 815 shall provide excess reinsurance when, as determined by the Director pursuant to the plan of operation under section 821, the insurance industry is likely to incur gross losses in the State served by the eligible State insurance program arising from hurricane, earthquake, volcanic eruption, and tsunami events occurring during any 12 month period that exceed 10 times the sum of the direct earned premiums for the lines of coverage described in sections 813(a)(2), (3), (4), and (5) or $10,000,000,000, adjusted annually in accordance with the percentage change in the Consumer Price Index, whichever amount is less.

"(2) MINIMUM LOSSES.—Such lessor amount described in paragraph (1) must equal at least $500,000,000, adjusted annually in accordance with the percentage change in the Consumer Price Index.

"(3) RETAINED LOSSES.— After the insurance industry has sustained gross losses described in paragraph (1), the Reinsurance Fund established under section 815 shall pay to an individual State workers' compensation program or State residual insurance pooling program 95 percent of qualifying losses in excess of the lessor amount described in paragraph (1).

"(d) QUALIFYING LOSSES.—For the purposes of this subtitle, "qualifying losses" includes—

"(1) the losses and loss adjustment expenses incurred by a private insurer, private reinsurer, State workers' compensation fund, or State residual insurance pooling program, and

"(2) any assessments, surcharges, or other liabilities imposed by any State residual insurance pooling program or guaranty fund,

attributable to hurricanes, earthquakes, volcanic eruptions, and tsunamis occurring during any 12 month period encompassing the events described in subsections (a)(1) and (c)(1) or the event described in subsection (b)(1) reduced by—

"(1) any collectible reinsurance recoverable, and

"(2) an appropriate percentage of any uncollectible reinsurance arising from the event as set in the plan of operation to be issued by regulation under section 821.

"(e) OBLIGATIONS.—All reinsurance contracts issued under this subtitle shall constitute obligations, in accordance with the terms of such reinsurance, of the United States. The full faith and credit of the United States is pledged for the full payment and performance of such obligations.

"(f) DEFINITIONS.—For purposes of this subtitle:

"(1) The term 'consolidated industry surplus as regards policyholders' means the consolidated surplus as regards policyholders of the property and casualty insurance industry (excluding life insurance) for the calendar year immediately preceding the hurricane, earthquake, volcanic eruption, or tsunami events described in subsection (a)(1) as determined by the National Association of Insurance Commissioners or other credible source and published annually in the Federal Register by the Director.

"(2) The term 'consolidated surplus as regards policyholders' means the surplus as regards policyholders of the private insurer, private reinsurer, or group of private insurers and/or reinsurers (excluding life insurance) based on financial data submitted to the National Association of Insurance Commissioners or other credible source and published annually in the Federal Register by the Director for the calendar year immediately preceding the hurricane, earthquake, volcanic eruption, or tsunami event or events described in subsections (a)(1) and (b)(1).

"(3) The term 'direct earned premiums' means the direct earned premium for certain lines of property and casualty insurance coverage as published in the National Association of Insurance Commissioners Fire and Casualty Annual Statement filed with the applicable State department of insurance for the most recent calendar year available preceding the hurricane, earthquake, volcanic eruption, or tsunami events described in subsection (c)(1).

"(4) The term 'gross losses' means all losses and loss adjustment expenses, prior to deducting any private reinsurance recoverables.

"(5) The term 'subject net written premium' means direct and reinsurance premiums received by private insurers and private reinsurers, less premiums paid for ceded reinsurance, for all lines of coverage listed in section 313(a), except the workers' compensation and earthquake lines of coverage shall be excluded for the purposes of setting actuarially sound rates for hurricanes.

"(6) The term 'uncollectible reinsurance' means reinsurance proceeds due and payable in accordance with the terms of the reinsurance contract which are not paid within 12 months of the due date.

"SEC. 813. LINES OF INSURANCE.

"(a) COVERED LINES.—The Director shall provide reinsurance coverage to private insurers, State workers' compensation funds and State residual insurance pooling programs for all of the following lines of insurance appearing in the National Association of Insurance Commissioners Fire and Casualty Annual Statement:

"(1) Fire.

"(2) Allied Lines.

"(3) Farmowners Multiple Peril.

"(4) Homeowners Multiple Peril.

"(5) Commercial Multiple Peril.

"(6) Ocean Marine.

"(7) Inland Marine.

"(8) Earthquake.

"(9) Workers' Compensation.

"(10) Other Liability.

"(11) Products Liability.

"(12) Aircraft (All Perils).

"(13) Glass.

"(14) Burglary and Theft.

"(15) Boiler and Machinery.

"(16) Reinsurance.

Reinsurance coverage must be purchased for all covered lines of insurance and in all affected hurricane, seismic, or volcanic rating zones in hurricane-prone, earthquake-prone, or volcanic eruption-prone States with the rates for such coverage set by the Director, pursuant to section 814.

"(b) OTHER LINES.—The Reinsurance Fund established under section 815 shall provide reinsurance coverage to private reinsurers for all of the lines of insurance referred to in subsection (a) as well as other lines of insurance appearing in the National Association of Insurance Commissioners Fire and Casualty Annual Statement, as determined by the Director in the plan of operation pursuant to section 821 and in consultation with the Federal Insurance and Reinsurance Advisory Committee established under section 822.

"SEC. 814. ACTUARIALLY SOUND RATES.

"(a) ESTABLISHMENT.—Using generally accepted actuarial principles, the Director shall establish the rates for the excess reinsurance coverage and adjust the rates when necessary. To the maximum extent practicable, such rates shall be actuarially sound and shall result in a minimum of cross-subsidization, consistent with the infrequency of catastrophic hurricanes, earthquakes, volcanic eruptions, and tsunamis. In setting and adjusting the rates, the Director shall provide that, over an extended period of time, expected expenditures from the Reinsurance Fund under section 815(c) do not exceed expected receipts of the Reinsurance Fund under section 815(b).

"(b) CONSULTATION.—In carrying out this section, the Director shall consult with the Federal Insurance and Reinsurance Advisory Committee established in section 822 and may enter into contracts, agreements, or other arrangements to utilize the services of the United States Geological Survey, the National Oceanic and Atmospheric Administration, and other relevant Federal, State, and local governmental agencies, and other persons.

"(c) CONSIDERATIONS.—In setting or adjusting such actuarially sound rates, the Director shall provide for a minimum degree of cross-subsidization among classes of reinsureds by reasonably reflecting the differences in risk of and vulnerability to loss from hurricanes, earthquakes, and volcanic eruptions that would be subject to payment from the Reinsurance Fund established under section 815, by giving due consideration to the following:

"(1) The premium rate volume of the reinsured by line of insurance under section 813(a) by hurricane, seismic, or volcanic zone or State in which the risks insured or reinsured by the reinsurer are located.

"(2) The proportion of the total expected amount of payments for qualifying losses and loss adjustment expenses by line of insurance under section 813(a) by hurricane, seismic, or volcanic zone or State expected for each reinsured.

"(3) The nature, scope, and adequacy of the private reinsurance or retrocessional reinsurance purchased by the private insurer, private reinsurer, State workers' compensation fund, or State residual insurance pooling program in light of its management expertise and the number, size, concentration, and location of its risk exposures by lines of insurance under section 813(a).

"(4) The payback of losses sustained by the Reinsurance Fund established under section 815 due to payments made to a private insurer, private reinsurer, State workers' compensation fund, or State residual insurance pooling program.

"(5) The ration between subject net written premium and consolidated surplus as regards policyholders for each private insurer and reinsurer during the most recent calendar year.

"(6) The nature of the risk for each private insurer and reinsurer insured under coverages reported in the National Association of Insurance Commissioners Fire and Casualty Annual Statement filed with the applicable State department of insurance for the most recent calendar year and covering the lines of businesses listed in section 813(a).

"(d) LIMITATION.—Any rate classification system used by the Director under this section shall be cost-effective and shall not impose costs for the initial establishment or the subsequent administration of the rating plan that are disproportionate to the size of the insurance premiums collected.

"(e) QUARTERLY PAYMENT.—Premiums paid to the Reinsurance Fund for reinsurance coverage under this subtitle shall be paid on a quarterly basis and shall be accumulated in the Reinsurance Fund, to be managed pursuant to section 815.

"SEC. 815. REINSURANCE FUND.

"(a) ESTABLISHMENT.—There is established in the Treasury of the United States the Reinsurance Fund for the purposes of carrying out the Reinsurance Program under this subtitle.

"(b) CREDITS OF FUND.—The Reinsurance Fund shall be credited with—

"(1) any reinsurance premiums received by the Director under the Reinsurance Program;

"(2) any amounts borrowed under section 816; and

"(3) any amounts earned under subsection (d).

"(c) USE OF FUND.—The Reinsurance Fund shall be available to the Director for—

"(1) payments for qualifying losses under the Reinsurance Program under this subtitle;

"(2) any and all administrative and operating expenses in carrying out the Reinsurance Program; and

"(3) principal and interest payments on amounts borrowed from the Treasury under section 816, if any.

"(d) INVESTMENT.—The Director shall request the Secretary of the Treasury to invest any amounts in the Reinsurance Fund in obligations issued or guaranteed by the United States, as the Director considers appropriate.

"(e) STATUS OF FUNDS.—Any reinsurance premiums collected for deposit in the Reinsurance Fund shall be exempt from all taxation now or hereafter imposed by the United States, by any territory, dependency or possession thereof, or by any State, county, municipality, or local taxing authority.

"SEC. 816. BORROWING FROM TREASURY.

"(a) AUTHORITY.—To the extent that the accumulated assets, including any return on investments, in the Reinsurance Fund are insufficient to pay claims and expenses, the Director shall issue, from time-to-time, to the Secretary of the Treasury, notes and other obligations to cover the insufficiency; except that the amounts of such obligations outstanding at any one time shall not exceed such sums as the Congress may provide acting upon the recommendation of the Director.

"(b) INTEREST RATE.—Obligations under subsection (a) shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities.

"(c) DEPOSITS.—Any amounts borrowed by the Director under this section shall be deposited in the Reinsurance Fund.

"(d) REPAYMENT.—Any amounts borrowed pursuant to this section shall be recouped, including interest on the borrowed funds, in future rates for excess reinsurance coverage pursuant to the plan of operation established under section 821. The Secretary of the Treasury shall grant extensions in repayment schedules that the Director advises the Secretary are necessary.

"SUBTITLE C—PROGRAM ADMINISTRATION

"SEC. 821. PLAN OF OPERATION.

"(a) DEVELOPMENT.—The Director shall develop a plan of operation to ensure the fair, reasonable, and equitable administration of the Primary Insurance Program Fund established under section 805, the Reinsurance Fund established under section 815, and other activities under this title.

"(b) CONTENTS.—The plan of operation shall set forth the specific policy and programmatic details for operating the Primary Insurance Program created under subtitle A and the Reinsurance Program created under subtitle B, including all guidelines, criteria, definitions, clarifications, and procedures necessary to carry out this title.

"(c) ESTABLISHMENT.—

"(1) SUBMISSION OF DRAFT TO ADVISORY COMMITTEE.—Not later than the expiration of the 12-month period beginning on the date of the enactment of the Natural Disaster Protection Act of 1993, the Director shall submit a draft of the plan of operation to the Federal Insurance and Reinsurance Advisory Committee established under section 822. Before issuing any regulations under paragraph (2), the Director shall consider any recommendations made by such Advisory Committee regarding the draft plan of operation.

"(2) REGULATIONS.—Not later than the expiration of the 18-month period beginning on the date of the enactment of the Natural Disaster Protection Act of 1993, the Director shall issue final regulations establishing the plan of operation under this section, subject to the provisions of subchapter II of chapter 5 of title 5, United States Code. In issuing regulations under this paragraph, the Director shall cause to be published in the Federal Register a description of any differences between the recommendations of the Federal Insurance and Reinsurance Advisory Committee established under section 822 and the regulations (including the guidelines under the plan) developed by the Director. The description shall contain, for each such difference, an explanation of why the recommendations of the Federal Insurance and Reinsurance Advisory Committee were not included in the proposed regulations.

"(3) SUBSEQUENT CHANGES.—Any future changes to the plan of operation shall be made in accordance with the process described in paragraphs (1) and (2).

"(d) ADDITIONAL REGULATIONS.—In addition to the regulations establishing the plan of operation, the Director may issue any regulations necessary to carry out this title, pursuant to the provisions of subchapter II of chapter 5 of title 5, United States Code.

"(e) SUITS.—Any lawsuits by or against the Director (or employees of the Federal Emergency Management Agency) in connection with activities under this title shall be brought in the district court of the United States with jurisdiction over the action, except that any action by an insurer or reinsurer against the Director (or employees of the Federal Emergency Management Agency) shall be brought in the United States District Court for the District of Columbia.

"SEC. 822. FEDERAL INSURANCE AND REINSURANCE ADVISORY COMMITTEE.

"(a) ESTABLISHMENT.—There is established an independent advisory committee within the executive branch to be known as the Federal Insurance and Reinsurance Advisory Committee (in this section referred to as the "Committee"). To the extent not contradicted by the provisions of this section, the Committee shall be subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. Appendix 2). The establishment of the Committee shall not result in the creation of any new permanent staff or new office facilities.

"(b) MEMBERSHIP.—The Committee shall be composed of 7 members appointed by the Director. The members shall be chosen from among citizens of the United States and shall include—

"(1) 1 individual who represents the interests of consumers;

"(2) 1 individual who is a State emergency planner;

"(3) 1 individual who is a State insurance commissioner;

"(4) 1 individual who represents the interests of the private insurers;

"(5) 1 individual who represents the interests of the private reinsurers;

"(6) 1 individual who represents the interests of the insurance agents; and

"(7) 1 individual who is a professional actuary.

"(c) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

"(d) CHAIRPERSON.—The Director shall designate a chairperson of the Committee from among members selected for appointment to the Committee.

"(e) SELECTION.—Not later than 180 days after the date of the enactment of the Natural Disaster Protection Act of 1993 and after consulting with the insurance industry and the State and local emergency management community, the Director shall appoint the members of the Committee.

"(f) FUNCTIONS OF THE COMMITTEE.—The Committee shall review the draft plan of operation established under section 821. Within 120 days after receiving the draft plan of operation, the Committee shall submit to the Director written comments and recommendations for any changes to the plan. After regulations establishing the plan of operation have been issued, the committee shall submit a written report not less than once every 180 days to the Director and the Congress evaluating the operation of the Federal insurance programs established under this title and making recommendations for any actions relating to such programs. The Committee shall provide counsel to the Director regarding actuarial and insurance related services pursuant to sections 804(b) and 814(b). The Committee shall respond as soon as practicable to all requests of the Director made pursuant to subsection (g) or section 821(c).

"(g) RESPONSIBILITIES OF THE DIRECTOR.—The Director shall fully cooperate with the Committee and provide the Committee with access to personnel and information as the Committee considers necessary to carry out its functions. The Director shall request comments from the Committee on any questions regarding operation of the Federal insurance programs established under this title.".

TRIBUTE TO PAUL REVERE ELEMENTARY SCHOOL OF CHICAGO

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. RUSH. Mr. Speaker, I rise today to honor the achievements of the Paul Revere Elementary School of Chicago, a participant in the Sony Electronics, Inc., and Urban Gateways, my first Sony design project.

This is the second year of this successful program. Sony is providing a great opportunity to the children of Paul Revere Elementary School to look beyond their immediate environment and discover their creative potential while developing skills that would enable them to be effective future problem solvers.

The first Sony design project features professional artists and designers from the Illinois Institute of Technology and Urban Gateways Center for Arts in Education, who will guide specially chosen youngsters through a creative process, demonstrating how their own originality can help them shape their world.

Mr. Speaker, I appreciate Sony's commitment to innovation and to the children who hold the key to tomorrow's technological future. I am privileged and honored to have this program at Paul Revere Elementary School and proud to enter these words of congratulations into the RECORD.

INTRODUCTION OF LEGISLATION TO AMEND THE RAILWAY LABOR ACT TO PROVIDE FOR "LAST-BEST-OFFER" ARBITRATION

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. OXLEY. Mr. Speaker, based on our experience with nationwide rail strike and shutdowns over the last several years, a number of my colleagues on the Energy and Commerce Committee and I are today introducing a bill to amend the Railway Labor Act to address the rail stoppage problem on a permanent basis.

Since 1986, there have been five separate episodes of open labor-management conflict in the railroad industry, each resulting in legislative intervention by the Congress. The two more recent stoppages—April 1991 and June 1992—involved national shutdowns. National rail stoppages exact a tremendous economic toll—estimated at up to a billion dollars a day if the strike lasts only a week.

The strike-ending legislation of the 1986–91 period generally fell into one of two categories: First, creating additional tribunals, beyond the Presidential Emergency Boards [PEB's] provided for under the Railway Labor Act, to reexamine major contract issues or resolve interstitial ones; and second, compulsory enactment of PEB recommendations as mandatory settlement terms if no voluntary agreement was reached by a defined deadline.

The 1992 strike legislation (Public Law 102–306) departed from these patterns by employing the last-best-offer arbitration process utilized in professional baseball contract disputes. The legislation required the selection of a neutral arbitrator for each dispute by mutual agreement of a labor and a management nominee. An expedited process was established for presentation of the positions of the parties and for further negotiations under the arbitrator's supervision. Failing an agreement, each party to a dispute was required to submit its last best offer in contract form to the arbitrator by a specified deadline. If no agreement occurred during the final round of bargaining, the arbitrator was to select one or the other last best offer as the contract—without change.

This process gives each party a strong incentive to make a reasonable offer that both sides can live with; for the arbitrator's award and the final contract will be one offer or the other, not a hybrid of the two. The events of 1992 showed that this process works; its credible incentives promote voluntary agreements as preferable to the last-best-offer endgame, yet also provide a practical process for compulsory resolution of the dispute if necessary.

Making the last-best-offer process a permanent part of the Railway Labor Act for the railroad industry is the essential purpose of this bill. Experience shows that Congress is at a distant disadvantage when it tries to address railroad labor disputes that have resulted in strikes or shutdowns by enacting last-minute, ad hoc legislation. Not only is the Congress unfamiliar with and unsuited to resolve the substantive issues, but the very necessity of recreating a process for compulsory resolution of each individual dispute undercuts the needed mutual incentives to drive both sides toward a reasonable voluntary settlement.

Under this bill, all existing Railway Labor Act processes up to and including the appointment of Presidential emergency boards to recommend possible settlement terms would remain undisturbed. Beyond the existing provisions, however, this bill would add a new last-best-offer arbitration process that would begin only upon expiration of the statutory 30-day cooling-off period that follows the issuance of any Presidential emergency board report covering a railroad labor dispute. As a result, this sensible, balanced process would be in place and the ground rules set before any particular dispute reaches the crisis point. Congress would not have to become enmeshed in the details of scheduling and process building each time such a dispute arose. In short, this is a sensible, well-targeted method of resolving labor disputes that threaten the national economy, and doing so with a permanent, above-board change in the law that all parties will recognize and understand well beforehand. I hope that the Energy and Commerce Committee and the House will consider and approve this type of legislation soon, before any new rail labor crisis lands in the lap of the Congress and necessitates another episode involving the last minute, the ad hoc construction of a process for settling the dispute before it grievously damages the economy.

TRIBUTE TO NANCY COOPER WOOD

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Ms. ROS-LEHTINEN. Mr. Speaker, I wish to extend my condolences to Mr. William M. Wood of Coral Gables, FL, for the loss of his dear wife, Nancy Cooper Wood. It is a tragedy and a great loss for our community to lose such a spirited woman at the young age of 48.

Nancy Wood was an enthusiastic participant in the political process. She began her public service career working for Dwight D. Eisenhower at the young age of 11. In the 1970's, Nancy Wood worked as a legislative assistant for former Congressman John Paul Hammerschmidt. She cochaired Senator CONNIE MACK's Dade County campaign in 1988. She was named to the Coral Gables Planning and Zoning Board earlier this year.

She was an active civic leader who served as vice chairman of the Republican Party in Greenville County, and was a delegate to the Republican National Convention in 1988 and 1992. She was an energetic woman who promoted conservative family values.

Nancy Wood enjoyed growing cacti and tropical plants and was an avid fan of the Florida Marlins. She was an active participant in the Cub Scouts and Boy Scouts. She was Cubmaster of the Cub Scout Troop at St. Phillip's Episcopal Church and was on the committee of Boy Scout Troop No. 7 in Coral Gables.

She will be greatly missed by her husband; her daughter, Margaret Wood; her two sons, Walter Wood and William Wood; her mother, Hazel Cooper; and her sister, Frances Cooper. I was lucky enough to experience personally her vigor and dedication to the community. She had a beautiful family and her husband was an active partner in their commitment to serving the community.

Nancy Wood set the standard for any woman who has aspirations to become involved in public life and to help her community. South Florida and this great country are unfortunate to lose the love and energy of this caring woman. She will be deeply missed.

MAKING A DIFFERENCE

HON. MIKE KREIDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. KREIDLER. Mr. Speaker, I want to take a moment and pay tribute to a young man whose efforts embody a simple yet powerful belief: one person can make a difference.

Lloyd Lytle, a constituent from Kent, WA, became outraged when he discovered that Space Marketing, Inc., of Roswell, GA—aided and abetted by NASA and engineers at the Government-funded Lawrence Livermore National Laboratory—is making plans to launch gigantic billboards into space.

Mr. Speaker, imagine looking up into the heavens and finding the advertisement "eat at Joe's" alongside the Moon and the stars. Lloyd Lytle could not believe the proposal, and, moreover, he could not sit back and watch.

Lloyd took action into his own hands. He wrote his school newspaper and protested. He organized a petition and gathered over 1,000 signatures. Lloyd devoted many hours from his studies because he knew space billboards are just plain wrong.

And you know what? He's absolutely right. I applaud Mr. Lytle's efforts. He made the decision to organize and inform his community. Lloyd even remembered to write his Congressman.

Thanks to Lloyd Lytle's efforts I recently cosponsored H.R. 2599, a bill prohibiting the Department of Transportation from licensing advertisements in space. This bill stops space billboards before they can begin.

I have enclosed a copy of Mr. Lytle's editorial from the University of Washington's newspaper, The Daily. He makes an excellent case against advertising in space.

See, Lloyd, you really did make a difference.

Ads in the Night Sky: An Indecent Proposal

(By Lloyd E. Lytle)

What's going on? The April 15, 1993, article in the Seattle Post-Intelligence on Space Marketing Inc.'s plan to launch an orbital billboard made my stomach turn. In collaboration with the Lawrence Livermore National Laboratory and the University of Colorado, the company wants to send up mile-long billboards with advertisements that could appear as large as the full moon. The thought of golden arches passing in front of the sky at night is completely heinous. The number of reasons are astronomical, but here are three important ones.

The first is astronomical interference. Optical astronomy observations of distant galaxies would be blotted out by the enormous glow of the ad. According to the P-I article (which originally appeared in the San Francisco Examiner), the Livermore engineer Preston Carter says astronomers' concerns are ludicrous. "We're talking about (it covering) a very small part of the sky for a very brief moment." This comment is ludicrous. City lights already interfere with optical observations so much that telescopes must be built on isolated, distant peaks. Sure, one sign may cover only a small part of the sky. However, if one goes up, there will certainly be more. An endless barrage of signs would cover large chunks of the sky. The signs are intended to orbit for a month or so. This interval, coupled with an endless barrage of signs, would amount to more than "a very brief moment," Mr. Carter.

Another issue is its effect on humanity. How long have the stars above inspired the human race? Isaac Newton looked to the stars with his home-made telescope and discovered the framework of the universe. Beethoven sat upon the lake under the moon, later to write the "Moonlight Sonata." What will future Beethovens write—the "Big Mac Sonata?" Imagine Van Gogh's "Starry Night" with a Budweiser logo in the middle. How many young minds look to the stars and wonder what it all means? How high do the stars lift our minds to dream? Shall we sacrifice this eternal inspiration for a measly profit? How much does it cost to blot out humanity's dreams and inspirations?

The last reason is orbiting ads would invade our solace. Television ads get obnoxious enough. However, if the TV or radio ads get too bad, you can turn them off. There are biplane messages in the sky, gut these are during the day and not a mile long. A plethora of signs in the night, appearing as large as a full moon, would have profound psychological impacts. It is an all-out invasion of psychological privacy. A human being needs escape from the stress of the world. Every night, many of us look to the stars and feel a weight lifted off our shoulders. One can find solace, alone in the night sky. Anyone who has ever been out on a clear, starry night, silently gazing into the universe, knows this is one of the most awe-inspiring, peaceful feelings one could ever have in this life. Shall we trade this solace for an endless barrage of beer and fast-food ads? It would destroy our psychological escape. We would be trapped. One could not even go to the wilderness without looking up to see glowing ads obliterating the peaceful, starlit night.

What will the children of tomorrow think of the night sky, if this proposal is adopted? Will they think of gigantic beer and fast-food ads, rather than Halley's comet, the planets and the mysteries of the universe? I ask the people of this country, at what price do we sell our dreams, our inspirations, our final solace?

REDUCE THE BURDEN OF GOVERNMENT PAPERWORK ON SMALL BUSINESSES

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. LAFALCE. Mr. Speaker, today I rise in strong support of legislation of which I am an original cosponsor that would reauthorize the Paperwork Reduction Act. This act, which was signed into law by President Carter in 1980, is designed to minimize the Federal paperwork burden imposed on small businesses, individuals, and State and local governments.

The act also speaks to the much larger issue of Government accountability for its actions. Government agencies have a natural tendency to impose unnecessary costs on the public, because the agencies themselves usually do not incur the costs. This is true whether we are talking about information collection by Federal agencies—as in this case—or Federal rulemaking, or simple agency procedures. The agency does not fill out the forms; the agency is not the party that must comply with its regulations.

Over the years, Congress has made a number of attempts to require agencies both to recognize the costs of their actions and to minimize those costs. That is the broad purpose of legislation as diverse as the Paperwork Reduction Act; the National Environment Policy Act, which deals with the environmental impact of agency actions; and the Regulatory Flexibility Act, which specifically requires agencies to minimize the regulatory burden on small businesses.

This is also a high priority for the administration. It is a central purpose of Vice President GORE's National Performance Review, which is designed to improve the responsiveness of Government to the needs of the people it serves. And it is also a rationale behind President Clinton's directive in January to OMB Director Leon Panetta, stressing the need for regulatory agencies to provide administration appointees with an opportunity to review all new regulations.

It is hard to overstate the importance of this issue to the American economy. According to estimates compiled by OMB, in fiscal year 1991 the American people spent more than 6.5 billion hours filling out forms, answering survey questions, and compiling records for the Federal Government. On the basis of a 40-hour work week, that is the equivalent of 3 million Americans being employed full time solely to meet the government's paperwork demands.

As chairman of the Small Business Committee, I hear time and time again about the unfair burden that Federal paperwork and Federal regulation impose on the small business community. I regard this as perhaps the most serious aspect of the paperwork problem. In recent years, the small business sector has created the preponderant majority of new jobs in the economy, and several recent studies have identified small business as the most effective source of innovation in the economy. Truly, the small business sector has been the engine of job growth and innovation in an otherwise sluggish economy, and we must do everything we can to protect and nurture this sector. Reducing the burden of Federal paperwork on small businesses must be a key part of that effort.

The legislation that we introduce today will reauthorize the Paperwork Reduction Act and strengthen it in several critical ways. First, the legislation would preserve and enhance the role of the Office of Information and Regulatory Affairs [OIRA] at OMB as the enforcer of paperwork reduction requirements on the agencies.

Second, this legislation would reemphasize the responsibility of each agency to carefully review each proposed paperwork requirement to determine if it meets the art's fundamental standards of need and practical utility.

Third, the bill would increase the opportunity for public evaluation and comment on paperwork requirements proposed by any agency. Fourth, the bill would clarify that the act's public protections apply to all Government-sponsored paperwork, eliminating any confusion over so-called third-party disclosures.

This legislation enjoys strong bipartisan support in both the House and the Senate, including Representative SISISKY and Representative CLINGER, and Senators NUNN, BUMPERS, and DANFORTH. I am pleased to join with these distinguished legislators in advancing this important cause.

KOREAN WAR ANNIVERSARY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. SOLOMON. Mr. Speaker, July 27, 1993, was a special day. It marked the 40th anniversary of the Korean war armistice. On the same day in 1953, 3 years of Communist slaughter came to an end.

Mr. Speaker, I had the honor of serving in the U.S. Marine Corps during this terrible war, and nothing I have done in my life makes me more proud. And since being in Congress, I have been proud to champion the cause of those veterans who fought in this war. The Korean war was an exceptionally cruel one, viciously fought in the harshest of conditions. I am sure that all Members of this body agree with me that our brave soldiers from this war, living and dead, deserve a moment of silence.

We should also take a moment, Mr. Speaker, to ponder some of the lessons of that war. For starters, we now know from Russian archives, that Stalin was involved in the planning of the war with Kim Il-Sung and gave prior approval. We now know that Soviet pilots actually flew against our men. We now know that some of our prisoners were interrogated and possibly tortured by Soviet KGB and GRU agents. Many of us had posited this all along, but we were often ridiculed for being conspiracy theorists or cold war hawks.

Today, those who doubt that there are forces in the world who wish us harm, and are conspiring to do so, should let these lessons of recent history be a cold awakening to them.

Also, Mr. Speaker, we should recall that we were successful in Korea because we acted quickly, forcefully and, basically, unilaterally. While this was—on paper—a U.N. operation, the initiative and direction came from Washington, not New York. This was also true of our successful campaign against Iraq. Let us remember this as Mr. Boutros-Ghali and his accomplices continue their campaign to suck American security policy down the slippery slope of U.N.-led multilateralism, which has been such a breathtaking failure.

Many of these points and more were eloquently outlined on July 27 by a great American, Maj. Gen. John Singlaub. General Singlaub, it will be remembered, was Commander of United States Forces in Korea when President Carter began his public flirtations with the idea that perhaps it was time for the United States to withdraw from Korea. General Singlaub, risking his job, tried to point out the incredible naivete of this idea. He did indeed lose his post as a result, but General Singlaub's objections were instrumental in heading off a near-certain disaster.

Mr. Speaker, I would like to insert the great American General Singlaub's speech into the RECORD and I thank the Speaker for the time.

ADDRESS PRESENTED BY MAJ. GENERAL JOHN K. SINGLAUB TO THE MEMORIAL BANQUET TO COMMEMORATE THE 40TH ANNIVERSARY OF THE KOREAN WAR ARMISTICE

Today marks a significant event in the history of this nation, but more importantly in the history of the Republic of Korea. It is important, as I will attempt to show, to the entire world.

Forty years ago today a formal Armistice was signed at Panmunjom; the major fighting stopped, the troops withdrew two kilometers each, but the conflict continued and is still in effect today. No peace treaty was ever signed.

Two years earlier, on 10 July 1951, a truce was declared, and the Communists started their deceptive policy of "negotiating while fighting". This is Communist policy. This is why many of our casualties occur during cease-fires.

The success of a major U.N. counteroffensive earlier that year had convinced them that they should start this so-called negotiating effort. This has proven to be a typical Communist response to tactical defeats.

During these negotiations, the single most important issue which held up the completion of the Armistice Agreement was the principle of voluntary repatriation. No prisoner would be forced to return to his country of origin against his will. The U.S. Army after WWII was ordered by Washington to forcibly turn over to the Soviets tens of thousands of refugees from U.S.S.R. Most were killed or sent off to the gulags. This was known as "Operation Keelhaul".

The final release of the POWs took place on 23 Jan 1954, following 90 days of Red enticement and intimidation. On that day, 14,000 Chinese and 8,000 Koreans chose freedom over a return to their homes in the PRC of North Korea. The U.N. held 101,000 North Koreans and 20,000 Chinese POW's. Of these 33,000 North Korean and 14,000 Chinese refused to return to their homelands. The Korean prisoners were released as civilians in South Korea. The Chinese prisoners were taken to Taiwan where they integrated easily into the population. This date, 23 January, is celebrated in Taiwan and Korea as World Freedom Day.

The Communists were surprised that the U.S. responded to the invasion with ground troops along with air and naval forces.

The courageous act by President Harry Truman taught the Communists, be they Soviet, Chinese or Korean, that the United States would not accept the overt invasion of a U.S. ally.

The Soviets understood from that response that they could not expand their empire by overt aggression, whether directly with the Soviet Armed Forces or indirectly through the use of surrogates.

The Korean War has been called the Forgotten War. While that label may pertain to the general public and its understanding or remembrance of the war, there are many aspects of the war which will never forgotten by the participants on both sides.

The Koreans in the south who suffered the most from the brutal North Korean assault have not forgotten that it was the Americans who responded immediately to the unprovoked attack, supporting an out-numbered, out-gunned South Korea with ground, sea and air forces.

North Korea's Kim Il-Sung has not forgotten that it was this American intervention, supported by other U.N. forces, that thwarted the plan that he had developed with this mentor, Joseph Stalin, for the rapid annexation of South Korea into the Communist Empire. The continuous forty-year presence of significant numbers of U.S. combat forces on the Korean Peninsula has served as an effective antidote to any amnesia on the part of Kim Il-Sung on this subject.

China's Mao Tze-tung never forgot the terrible devastation inflicted upon his military forces by Americans field artillery and close support aircraft when the North Vietnamese urged him to intervene on their behalf during the Vietnam conflict.

The military commanders of the Peoples Republic of China were awed by the speed and accuracy with which U.N. artillery and air could be massed on them and the ability of the American logisticians to keep the guns and aircraft supplied with incredible quantities of ammunition and ordnance. The Chinese elected to provide their socialist brethren in Vietnam with advice and support from the sanctuary of China itself.

And perhaps most important, the collective and individual leaders who replaced Joseph Stalin in the Former Soviet Union have not forgotten the lessons of the Korean War. Even before the death of Stalin, who was personally involved with the planning and conduct of the Korean War, the Soviet Armed Forces discovered a shocking fact which they have never before revealed but have not forgotten. When the best Russian pilots were flying their MIG-15s against the U.S. Air Force F-86 pilots, they lost approximately 9 Russians to every F-86 shot down. Our pilots believed that they were fighting Russian-trained Koreans when in fact they were flying against the Soviet 64th Interceptor Aviation Corps consisting of three Aviation Divisions and two Anti-Aircraft Artillery Divisions. The Anti-Aircraft Artillery Divisions remained in North Korea throughout the conflict but the Aviation Divisions were forced to operate from the sanctuary of Chinese territory north of the Yalu River.

Those of you who fought the air war over Korea have additional reasons to be proud. You were not fighting against a newly created third-world air force, you were fighting the first team, the very finest, combat-tested heroes of the second world war. You inflicted such unacceptably high casualties on the Soviet Air Force that Moscow sent a commission headed by two senior general officers to investigate. The Commander of the 64th Interceptor Aviation Corps, General Lobov, was relieved of his command due to the superior airmanship of the 5th Air Force pilots.

There can be no question that the positive effect of that lesson of the Korean War on the long term deterrent value of NATO, with its large commitment of conventional U.S. Army and Air Force units. In fact, if it had not been for the Korean War in which the United States demonstrated its national will to exercise military power, and the awesome effectiveness of that power across land, sea and air, the combined Chinese and Soviet Empires would likely have continued their expansion of neighboring countries through military aggression.

As more of the secret files of the Former Soviet Union are revealed, we find ourselves reaching new conclusions about the successes and failures of our national policies during and immediately following the Korean War. We have mentioned some of them. The aggressors were shocked at the speed with which President Truman decided to intervene, the effectiveness of our mobilization and movement of military forces to the Korean Peninsula, and the powerful way in which the United Nations was galvanized into action against them.

The Soviet Union changed its national strategy to achieve its consistent goal of world domination. The strategy went from hot to cold war; from overt aggressor to covert, unconventional conflict; from defense against our strategic bombers to the development of a force of Intercontinental Ballistic Missiles capable of delivering a devastating first strike against the major cities of the United States; and finally, they changed their propaganda and psychological efforts to discredit the power of the U.S. Military to a theme of destroying the will of the national leaders to use U.S. military power.

Approximately 12 years ago the United States started two significant changes in national security policy. In the first case, President Ronald Reagan announced that the United States was going to shift away from the policy of Mutual Assured Destruction, which was really a policy of revenge rather than defense. The President announced that we were going to establish a space-based ballistic missile defense system to defend this country rather than rely on the threat of retaliation as the only means of deterrence. He authorized the Strategic Defense Initiative Office to develop and test the weapon systems recommended by the High Frontier Project, headed by General Daniel O. Graham.

The activation of the Strategic Defense Initiative Office produced an incredible reaction from the Soviet Union, whose military commanders expressed the great fear that this technological end-run would emasculate their formidable strategic rocket force. The pressure on Gorbachev was increasing from inside his own government. Gorbachev remonstrated and threatened at the Reykjavik Summit Meeting, but President Reagan stood firm.

The second major change in our national security policy, which really pulled the linch pin from the Soviet apple cart, was the decision by President Reagan to provide assistance to those victims inside the Soviet Empire who were willing to fight for their freedom, in addition to those threatened peoples on the outside who wished to remain free. For over forty years our policy had been to contain the Soviet Union and to provide internal defense security assistance to those threatened by the Soviets.

The Reagan Doctrine acknowledged that the Captive Nations were our greatest allies and deserved our encouragement and support in their aspirations for freedom. The provision of subtle but effective assistance to the Polish, Afghan, Nicaraguan, Angolan and other freedom fighters around the world gave hope and encouragement to all enslaved peoples everywhere and rekindled the fires of nationalism, religion, free enterprise and individual rights. The internal pressures generated by these expanding aspirations inside the Soviet Bloc very quickly fractured, then completely fragmented, the Soviet Monolith. As the world watched on TV, its most powerful leader fell in disgrace and such core symbols of Communism as the Berlin Wall and the statues of Lenin crashed to the ground amid clouds of dust and shouts of joy.

Today as we commemorate the 40th Anniversary of the official end of the war in Korea, we as veterans of that conflict can stand tall with pride, knowing that our efforts placed the first hairline cracks in the foundations of Communism. As close as we were at the time, we could not see them, but they were there, and they were growing.

Only now have we been able to speak with the Soviet and Chinese commanders, staff officers, advisors and participants on the North Korean side of the conflict. The more we learn, the more we realize that the victory that seemed to escape us in one nation in 1953 was in fact lying hidden in the now fatally damaged foundations upon which the communist empires sought to build. It was only years later, when the communist policies and programs were set in concrete, that the devastating effects of these cracks were so dramatically felt. The victorious battles waged by American and U.N. troops were not, in fact, forgotten.

It is difficult to discuss this delayed victory over Communism with my friends in South Korea, in view of the fact that Kim Il-Sung remains in power across the DMZ, and is frantically engaged in the development of nuclear weapons and the acquisition of missiles to deliver them. He is no less irrational than he was in 1950 when he assumed that the United States had little interest in the Korean Peninsula and would be unlikely to react to his ill-conceived adventure to the south. He remains a dedicated communist to this day.

As a result of President Clinton's recent trip to the Republic of Korea, there can be no confusion about U.S. policies towards Korea. The President made three points:

1. If North Korea uses, or attempts to use, a nuclear weapon against anyone, North Korea will be rubblized.

2. If the Republic of Korea is threatened by an attack from the north, the U.S. will respond regardless of whether or not is is currently engaged in a conflict elsewhere.

3. The ROK will be included as a key player along with the United States in maintaining stability in the entire Western Pacific area.

With his economy in shambles, and his Russian and Chinese allies now on good terms with a robust and prosperous South Korea, the options open to Kim Il-Sung are rapidly diminishing. The military option has now lost its attractiveness. If he is smart, his son, Kim Jong-Il will seek a "German Solution" and call for a form of unification that will save his people from starvation or worse.

The realities of the German Experience, however, suggests to the South Koreans that they would prefer that the communists be given a few years of economic recovery under some form of capitalism before they become fully responsible for the totally bankrupt North Korean society.

> While a unified Korea is not yet a reality, it will most surely come in our lifetimes. When this happens, we veterans of the Korean War will have a great cause of celebration and personal pride. As my dear friend and mentor, General Richard G. Stilwell, once told a group of Korean War veterans: "Stand tall in pride. You won big!".
>
> I repeat to you today: "Stand tall in pride. You won REAL big!"

JOINT VENTURES IN FORMER SOVIET UNION GOOD FOR AMERICA

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. EWING. Mr. Speaker, I was recently asked by a constituent of mine to tell the House of what seems to be an exciting new initiative by the U.S. Agency for International Development [AID]—a public-private sector partnership between AID and American agribusiness. Designed by the private sector office of AID's task force for the New Independent States [NIS] of the former Soviet Union, this public-private sector partnership is called the Food Systems Restructuring Program.

Commenting on the Food Systems Restructuring Program, J. Brian Atwood, Administrator of AID, observed that, "USAID participation and investment in this project will be rewarded by strengthening a new trade relationship and developing a new market for U.S. goods and technology. It will also demonstrate how basic market principles can help the NIS in their long-term goal of economic stability * * * This project demonstrates how development funds can be leveraged, and how new jobs will be created in the United States while providing more direct assistance overseas." He concluded by stating that, "We are very excited about this program, and this is just one of the many steps USAID is taking to create sustainable development in the newly Independent States."

The Food Systems Restructuring Program uses a novel, and what seems to be a very effective, commonsense approach to foreign assistance policy—engaging the extraordinary resources, energy, skill, and technology of small, medium, and large American agribusinesses in cooperation with AID to help the peoples of the NIS develop fully functioning private, market-based food systems. With the development of free-market food systems in the NIS will come greater democracy, peace, and stability, both in the NIS and throughout the world.

I am happy to report that an Illinois agribusiness will be participating in the Food Systems Restructuring Program. Mr. Roger Denhart, farmer-entrepreneur and vice president of Freedom Farm International, lives in St. Joseph, IL in my district. Freedom Farm International will receive a 4-year subgrant from the Citizens Network for Foreign Affairs, one of the Food Systems Restructuring Program implementors, to help its four Ukrainian joint venture partner-farms restructure the food system in Kherson Oblast, located in southeast Ukraine on the Black Sea. Roger tells me that the soil in Kherson is almost as good as Illinois', but of course I don't believe him. In its project, Freedom Farm International will also work closely with John Deere of Moline, IL and the University of Illinois-Urbana/Champaign's International Soybean Program [INTSOY].

In a recent speech before agribusiness experts and professors at Purdue University, Roger Denhart said:

> This matching grant is encouraging news for further economically feasible business investments in a land where bombs had been produced not long ago. Now Freedom Farm plans to process beans! Our government has taken a drastic turnabout with this economic assistance plan. I believe that American corporations will live up to our reputation of * * * leading the world in a new frontier, once again.

In an article in the Kherson Daily, Victor Polanov, director of Krestovka Farm, one of Freedom Farm International's joint venture partners, observed of The Citizens Network Food Systems Restructuring Program that:

> This help from American companies and the U.S. government is key to our reversing the declining agricultural sector of which I have been part of all of my 45 years. I look forward to our increasing relationships with American companies.

Under the subgrant's terms, Freedom Farm International and its Ukrainian partners will match every dollar of AID funds with nearly five of their own. In these days of infinite demand for finite resources, the Citizens Network Food Systems Restructuring Program is a hopeful sign for the American economy. Not only does it highly leverage American taxpayers' foreign assistance dollars—at a required ratio of at least 2.5:1—it also creates more jobs for Americans. Much of the project's inputs and equipment will be manufactured in the United States by American workers. The long-term impact is significant a well: Increased trade and investment between the United States and the NIS will promote increased economic growth and create greater economic opportunity for Americans and Ukrainians alike.

The Food Systems Restructuring Program's goal—restructuring the stagnant food systems of the NIS—is a massive undertaking and no easy task. However, the public-private sector partnership model inherent in this program seems to hold the potential for enormous benefits for both the United States and the countries of the former Soviet Union, as well as for other countries in which it may be tried. I look forward to following the progress of the Food Systems Restructuring Program, and urge my colleagues to as well.

NAFTA: A HUMAN RIGHTS DEBACLE

HON. COLLIN C. PETERSON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. PETERSON of Minnesota. Mr. Speaker, many proponents of the North American Free-Trade Agreement [NAFTA] have ignored the plight of Mexican workers when debating this fundamentally flawed document.

The following research by Wyatt L. Hogan and Mary Rose Kubal of the Council on Hemispheric Affairs [COHA] looks at the struggle of the Mexican worker against a system in which workers' interests have been subverted by the authoritarian government and its strongmen in corrupt unions.

Those who claim this situation will change if NAFTA is implemented ignore the very nature of the problem. The fact remains—the very success of President Salinas' reform program—mandates a policy of labor tranquility, in which workers are forced to accept subsistence wages, inadequate benefits, and substandard working conditions.

Mr. Speaker, I request that this research report, from the COHA-produced "Washington Report on the Hemisphere"—volume 13, number 17— be entered into the RECORD.

FREE TRADE AND MEXICAN LABOR: WINNERS AND LOSERS

> For more than fifty years, workers have struggled in vain against Mexico's "unholy Trinity," a corrupt alliance of wealthy employers, the Institutional Revolutionary Party (PRI) and PRI-dominated labor unions. Despite the fanfare, President Carlos Salinas' neoliberal reforms have principally benefitted multinational corporations and the business elite, at the expense of the Mexican worker. In collaboration with the gerontocratic leadership of the Mexican Workers Confederation (CTM) and its seemingly immortal leader, the 93-year-old Fidel Velazquez, Salinas and his technocrats have imposed regressive wage ceilings, freely violated basic civil rights, squashed independent unions, and used brutal force to end unauthorized strikes. Because his strategy was necessary to ensure the "labor tranquility" the president has promised foreign investors, a successful NAFTA holds limited prospects for workers who together represent Mexico's "comparative advantage."
>
> EL PACTO
>
> In the 1930s, the PRI established the CTM as its trade union arm in the industrial sector, cementing what was to become an inextricable bond between government and organized labor. Today, the PRI continues to dictate union policy, but patronage has given way to coercion as the privatization efforts have not resulted in improved conditions, leading instead to job losses, lower salaries, and fewer worker protections. "El pacto," the complex business-labor agreement which is the backbone of Salinas' economic stabilization program, has been predicated on a fall in average real wages of almost 50% since 1982. Consequently, while Mexican inflation has dropped from 159% in 1987 to 9% today, the real income of workers has fallen to poverty levels. The key element in the president's labor strategy is the success of his IMF-mandated neoliberal program, which has consistently taken precedence over workers' rights and political freedom. Despite Salinas' heralded crackdown on corruption in the PRI and CTM, the government continues to tolerate crooked union leaders as long as they can be counted on to suppress wildcat strikes and discourage the formation of democratic and independent workers' organizations. The PRI, which, thanks to privatization, no longer depends so heavily upon organized labor, often uses corrupt labor chiefs to control rather than empower Mexican workers.
>
> For this reason, the CTM remains vital to the PRI's future, and Salinas has been careful not to push his reforms too far.

Velazquez' firm control over the union and his close connections to the PRI have kept Cuauhtemoc Cardenas' opposition Party of the Democratic Revolution (PRD) from developing a strong labor base. The CTM still buses workers to pro-government demonstrations as well as to polling tables on election day, at numerous job sites, the CTM and the PRI actively fight to defeat workers' appeals for a living wage and decent job conditions which conflict with management's operating goals.

A PATTERN OF REPRESSION

Given the primacy of a ratified NAFTA, it should come as no surprise that the Mexican government has used intimidation tactics in order to pressure union leadership to support its policies. When political coercion does not work, companies, with the aid of the government and tainted union leaders, resort to massive firings. In addition, violent incidents have increased under Salinas' privitization program. On May 12, 1992, an armed group of the CTM attacked 1,500 workers of Altos Hornos de Mexico, S.A., who were holding an assembly to replace the leader of their union. One hundred strikers were subsequently wounded, 15 of them seriously. On August 5, Ministry of Agriculture and Aquatic Resources employees were harshly set upon by 60 armed men, and two of their leaders were kidnapped, during a demonstration for increased wages and benefits. These violent occurrences are only symptomatic of a larger pattern of worker abuse which has accompanied Salinas' neoliberal agenda.

The most revealing confrontation involving government authorities occurred last summer at Volkswagen de Mexico in Puebla. In anticipation of NAFTA's inauguration, the government-controlled union leadership had agreed to a massive restructuring plan, including reduced wages and benefits, but a number of dissidents, fearing increased layoffs, went on strike to protest the plan. After several bitter weeks, the government declared the strike illegal on procedural grounds and allowed Volkswagen to nullify the union contract. The company immediately fired 14,000 workers, rehiring all but the 300 most defiant under a new contract. Volkswagen's success in imposing its wage-reduction scheme and new work rules, attributable to the direct intervention of the government and the official union leadership, provides a clear example of the "benefits" free trade will bring Mexican labor.

THE POTENTIAL EFFECTS OF FREE TRADE

The initial results of Salinas' privatization efforts indicate that the implementation of NAFTA without the growth of an independent labor movement will most likely aggravate, not improve, the condition of the Mexican worker. Private ownership, especially by multinational corporations, means that decisions about worker benefits will be based on profitability and efficiency rather than community spirit and human need. President Salinas has sent a clear message to union organizers: aggressive representation of workers that damages prospects for foreign investment will not be tolerated. Strikes by factory workers have been declared "political," and thus illegal, and the government has not hesitated to use open force to quash such demonstrations.

Salinas' claims that NAFTA-mandated labor standards resulting from the present negotiations on a supplemental accord would violate Mexico's sovereignty. Given the unparalleled degree of control the PRI exercises over the country's labor movement, it is certainly not "popular" sovereignty that seems to concern the Mexican chief executive. The lack of democratic institutions all but guarantees that Mexican workers will find themselves on the losing side of the NAFTA equation.

HONORING MS. LORETTA PROCTOR

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. FILNER. Mr. Speaker, I rise today to inform my colleagues that Ms. Loretta Proctor has been recognized as retired labor leader of the year by the San Diego labor community. Ms. Proctor is president emeritus of Hotel and Restaurant Employees Local Union, Local 30. She has been involved in the hospitality industry's labor movement for 47 years.

Ms. Proctor's career with the Hotel and Restaurant Employees' Union was not only enduring—it was distinguished. She served the union in many leadership roles, always building upon her experience to conquer new challenges. In Ms. Proctor's many years of union activity, she has served as a member of the executive board, a job dispatcher and recording secretary, at the same time, a business representative, a secretary-treasurer, and, finally, as president of the local.

Ms. Proctor also led the labor community in other efforts. She worked many hours on the apprenticeship program to prepare future generations of Hotel Union members for careers. She also assisted the San Diego Convention and Visitors Bureau and the Food and Drug Council—two organizations which affect the jobs of the union members she represented.

I salute Ms. Proctor for her dedicated career in the labor and hospitality communities. All of us are in her debt for the many ways she has worked to improve our lives.

WELFARE REFORM: FOR EFFICIENCY AND SELF-SUFFICIENCY

HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. NEAL of North Carolina. Mr. Speaker, I believe strongly that we must take immediate action to reform our welfare system. I have introduced legislation to make the system work toward one goal—self-sufficiency for welfare recipients. Under my bill, welfare programs would provide short-term assistance to people in need, but would put major emphasis on developing individual plans to get them off welfare as quickly as possible. The system I propose would be streamlined and would allow some flexibility in benefit packages to meet the needs of individual recipients.

Our current welfare system is badly broken. It is often difficult for people who need help to get the benefits they need, but once they are on welfare, they often stay on for many years. The system encourages dependency, rather than self-sufficiency. All too often, families stay on welfare for generation after generation. The cycle of dependency unnecessarily costs Federal, State and local governments billions of dollars and often destroys the dignity of those who are trapped in poverty.

Mr. Speaker, our welfare system is incredibly inefficient. A person who needs help must typically deal with a maze of government agencies and conflicting eligibility requirements. He or she must fill out separate applications for food stamps, AFDC, Medicaid, housing assistance, home heating assistance and other services, often at several different locations. At each step along the way, there are more forms to be completed and interviews to be conducted. The duplication of effort is enormous—both for the applicant and for the social services agencies involved. The current system is incredibly wasteful, costly and burdensome both to taxpayers and to the people seeking help.

Our system is crying out for reform. We need to promote efficiency by streamlining administration. We need a system that operates in a coordinated manner, and the goal should be self-sufficiency. Welfare should be seen as temporary assistance to help people over difficult times, not a permanent condition.

Mr. Speaker, my legislation would establish a cabinet-level task force comprising the Secretaries of HHS, HUD, Treasury, Labor, Education and Agriculture. The task force would have a twofold mission: One, coordinating the welfare programs of all Federal agencies so that a person needing help would apply to one location, on one form, and two, restructuring the system so that everyone involved works for the common goal of helping people become self-sufficient.

Because the needs of individuals differ, we should have a system that allows flexibility. Benefit packages should be designed to meet the unique needs of individuals and families. Under my bill, those seeking assistance would work with a caseworker or a team of caseworkers representing all the agencies to devise a plan of action for achieving self-sufficiency.

A family or individual that has fallen on hard times, for example, might need food stamps, Medicaid and some job training assistance, but might not need AFDC if one or both of the parents has part-time employment. Mr. Speaker, this family should not have to enroll in AFDC to be eligible for other help—as they would in some States—nor should they have to split up to receive assistance. Allowing them to stay together and receive benefits tailored to meet their needs would save the government money, and keep the family from being caught in the welfare trap. On the other hand, a single mother may need help with day care, food stamps and rent payments so that she can retain her job and avoid having to apply for AFDC and Medicaid. Benefits should be tailored to needs, and the goal should be to help the individual or family achieve self-sufficiency.

The idea, Mr. Speaker, is for this Cabinet-level task force to come up with a clear plan for making our welfare system simpler and less costly. The plan should provide a way for the various government agencies to work in a coordinated fashion with people who need help to get through rough times, so that these people achieve self-sufficiency in the shortest time possible. We will increase efficiency and reduce costs by coordinating the efforts of all involved. We will save massive amounts of money and avoid unnecessary human degradation and dependency by working toward self-sufficiency.

Mr. Speaker, we can no longer afford to pour billions of dollars into a welfare system that promotes dependence and perpetuates poverty. My legislation will enable us to coordinate services, eliminate duplication and promote self-sufficiency for welfare recipients. We can and we must take action now. I hope that this proposal can receive a thorough hearing and be enacted during this Congress.

CREATION OF A BICYCLE AND PEDESTRIAN PROGRAM MANAGER

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. SABO. Mr. Speaker, for the past few years, I have worked to make sure the U.S. Department of Transportation and State transportation departments promote bicycling and walking. The Intermodal Surface Transportation Efficiency Act [ISTEA] specifically says that these transportation modes are essential to a viable intermodal transportation system, and it provides flexible funding to support bicycling and walking. The 1990 transportation appropriations legislation included language asking the Secretary of Transportation to create the position of bicycle and pedestrian program manager in the Office of the Secretary. The 1991 legislation contained similar language and appropriated $50,000 specifically for this purpose. Congress never indicated that the position was to be a temporary one. Nevertheless, the position has been vacant since December 1992. It is the clear intent of Congress that this position be filled and that not less than $50,000 be allocated for the position.

It is important that USDOT have at least a full-time bicycle and pedestrian program manager in the Office of the Secretary to coordinate related activities within the Department. In 1991 Congress appropriated $1 million to conduct the National Walking and Bicycling Study to determine the use and safety of bicycling and walking and to develop a nationwide plan to promote these transportation modes. The USDOT bicycle and pedestrian program manager will be needed to implement the study's recommendations and to develop and promote a national bicycle and pedestrian plan. Congress eagerly awaits the release of this study and the implementation of its recommendations by the Department, overseen by a new USDOT bicycle and pedestrian program manager.

I believe that filling the vacant USDOT position will provide the necessary coordination and policy guidance to help bring about a bicycle and pedestrian friendly intermodal transportation system throughout the United States. I urge the Secretary to do so immediately.

INTRODUCTION OF THE BREAST AND CERVICAL CANCER PREVENTION ACT OF 1993

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. NADLER. Mr. Speaker, I rise today to introduce the Breast and Cervical Cancer Prevention Act of 1993. This bill authorizes $200 million for the Breast and Cervical Cancer Early Detection Program, administered by the Centers for Disease Control and Prevention. At this funding level the Breast and Cervical Cancer Early Detection Program would be able to provide thousands of women in every State with comprehensive screening services and public education programs on breast and cervical cancer. Unfortunately, at the current funding level of $72.3 million, only 30 States can participate in the program, and only 12 are fully funded.

According to the Centers for Disease Control and Prevention, in 1993, breast and cervical cancers will affect 195,500 women and will result in 50,400 deaths. In the 1990's alone, over 500,000 American women will lose their lives to breast and cervical cancer, despite available technology offering easy and early diagnosis.

Having lost a close family member to breast cancer, I am all too aware of the extraordinarily high incidences of these diseases and the devastation they bring. Many of these deaths, and much of the suffering however, could be averted with simple screening and early detection services.

Mr. Speaker, it is a tragedy that thousands of women die in this country each year, not because we lack expertise, but because we still lack the will to ensure that every women has the opportunity to receive proper screening and education. With early detection, there is a cure. It is time we made the commitment to ensure that every woman in America receives these life saving services. This bill is an important step in that direction, and I urge my colleagues to support this legislation.

INTRODUCTION OF THE RISK COMMUNICATION ACT

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. MOORHEAD. Mr. Speaker, today, Mr. BROWN of California, Mr. BLILEY, Mr. OXLEY, Mr. HAYES, Mrs. LLOYD, Mr. WALKER, and Mr. ZIMMER join me as original cosponsors in introducing the Risk Communication Act of 1993. This bill sets out principles of objectivity and disclosure in order to provide fair, scientifically sound, and informative assessments of risks to health and the environment by the Environmental Protection Agency.

A series of articles published last winter by the New York Times summed up a substantial problem:

> In the last 15 years, environmental policy has too often evolved largely in reaction to popular panics, not in response to sound scientific analysis of which environmental hazards present the greatest risks. As a result * * * billions of dollars are wasted each year in battling problems that are no longer considered especially dangerous, leaving little money for others that cause far more harm.

By the year 2000, the cost of environmental compliance for the Nation is likely to be over $185 billion annually. The city of Columbus, Ohio, has recently estimated that compliance with Federal environmental mandates will cost the city $1 billion over the next decade. These mandates drain money needed for education, crime prevention, and local health programs and often restrict the opportunities for businesses to compete and grow. Municipalities and businesses are willing to ensure that their activities are environmentally responsible but cannot afford to expend great sums on excessively hypothetical and exaggerated risks. These groups are increasingly skeptical of environmental mandates and the quality of and the scientific basic for EPA risk assessments.

An EPA-appointed panel of experts shares these concerns. In a recent report called Safeguarding the Future: Credible Science, Credible Decisions, this panel cast serious doubt on the quality of science used by the Agency to justify its programs stating that even many Agency personnel perceived that EPA science was adjusted to fit policy. Several scientific groups have made suggestions which are incorporated into today's legislation to address these problems.

The Risk Communication Act sets forth principles for understanding and open debate of the scientific findings. This means disclosure of the choices made during the risk assessment process and discussion of conflicting evidence. This also means providing at least one estimate which is the scientifically objective and not based on preconceived notions of the proper regulatory policy. In addition, the bill requires appropriate comparisons to risks that the public is familiar with, in order to provide a perspective that cannot be gained with complicated numbers alone.

The bill will enhance scientific credibility; make it easier for other scientific and policy groups to peer review studies; better inform the American public and Federal officials and, subsequently, lead to better management decisions.

Organizations representing local governments including the National Association of Counties and the National Association of Towns and Townships, as well as groups representing businesses across America including the National Federation of Independent Businesses, the U.S. Chamber of Commerce, and the National Association of Manufacturers join us in supporting this legislation.

INTRODUCTION OF THE LAW ENFORCEMENT FAMILY SUPPORT ACT

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mrs. SCHROEDER. Mr. Speaker, I am pleased today to introduce an important bill that will enhance our ability to ensure public safety, prevent crime, and support the health and well-being of families.

The Law Enforcement Family Support Act addresses the serious stress placed on officers and their families by police work. Each day, our Nation's Federal, State, and local law enforcement officers risk their lives to protect our families. Without relief, this dangerous work can result in a range of problems within police families, including marital tension, officer burnout, emotional numbness, alcoholism, and suicide.

In a 1991 hearing on police stress and family well-being, the Select Committee on Children, Youth, and Families heard testimony that the pressures can lead to serious family problems, including high rates of family violence, and that few police departments offer assistance to help police families cope with stress. According to one witness, 40 percent of officers surveyed reported that, in the previous 6-month period, they had behaved violently toward their spouse or children. Police officers and psychologists agreed that existing stress reduction and family support programs are effective but scarce.

With the support of several House colleagues, I introduced the Law Enforcement Family Support Act following the hearing and was pleased that it was included in the crime bill passed by the House and Senate in 1991. The crime bill, however, did not become law.

The Law Enforcement Family Support Act will provide grants to State and local police departments to fund family support services for law enforcement personnel. Services may include family counseling, 24-hour child care, marital and adolescent support groups, stress reduction and education, counseling for officers exposed to the AIDS virus, post-shooting debriefing for officers and their spouses, and counseling for families of officers killed in the line of duty.

The bill will establish an Office of Family Support within the Department of Justice which will oversee the implementation of family-friendly policies for law enforcement personnel within the Department, oversee the grants process, provide training to law enforcement agencies, and serve as a clearinghouse for information regarding police family stress. State or local law enforcement agencies receiving grants made available by this legislation may contract with public or private agencies or unions to implement services under such grants.

Mr. Speaker, we usually hear about police when a crime is committed on the street. Yet, in order to ensure a healthy and effective police force, the everyday needs of police officers and their families warrant attention. It would be a crime not to enact this important legislation and provide critical services to the officers and families that protect our society's front lines.

CONGRATULATIONS TO FRESHMAN COLLEAGUES

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. FOGLIETTA. Mr. Speaker, yesterday, was a day for courage and responsibility. All of us had to ask ourselves: Are we going to leave the deficit to our children and our grandchildren? Or, are we going to do what we are elected to do—make tough decisions. I rise today because I wanted to congratulate the four freshman Democrats of my State, RON KLINK, TIM HOLDEN, PAUL MCHALE, and MARJORIE MARGOLIES-MEZVINSKY. Unlike many of their colleagues in their class, they wrestled with hard choices and decided to support their President and legislation which will begin to deal with the deficit. I congratulate them.

PAPERWORK REDUCTION ACT OF 1993

HON. NORMAN SISISKY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. SISISKY. Mr. Speaker, I rise today to introduce the Paperwork Reduction Act of 1993. This bill is identical to S. 560, which was introduced by the Honorable SAM NUNN on March 10, 1993.

This legislation reaffirms the fundamental purpose of the Paperwork Reduction Act of 1980—to curb the natural tendency of Federal agencies to issue more and more regulations without regard to their cost. It provides a 5-year authorization for the Office of Information and Regulatory Management [OIRA] within the Office of Management and Budget [OMB], which is given the lead role in overseeing the implementation of the Paperwork Reduction Act. And it makes a series of specific improvements, based on a decade of experience with the act.

I believe there is a growing recognition among Democrats and Republicans alike of the tremendous burden that Government paperwork imposes on the public, especially on small businesses. Unfortunately, this agreement has too often been obscured by political struggles involving the regulatory policies of the Reagan and Bush administrations and the Council on Competitiveness.

However, an increasing number of Democrats and Republicans are now committed to assisting the growth of small businesses and making the Federal Government function more efficiently. I believe that we now have a unique opportunity to tackle the problem of excessive Government paperwork in a reasonable, balanced, and bipartisan manner.

I am very proud of the broad bipartisan support this legislation enjoys both in the House and in the other body. The cosponsors of this legislation are a diverse group consisting of 38 Democrats and 52 Republicans. Congressman JOHN LAFALCE, chairman of the Committee on Small Business, will be the principal Democratic cosponsor of this bill. Representative WILLIAM CLINGER, ranking minority member on the Committee on Government Operations, will be the lead Republican cosponsor. I am also pleased to have the strong support of Congresswoman JAN MEYERS, the ranking minority member on the Small Business Committee.

Members of the Small Business Committee, on which I serve, and other friends of the small business community are very much aware of the frustration of complying with very complex and burdensome paperwork requirements handed down by the Federal Government. In survey after survey, Government paperwork and Government regulations are listed among the top concerns of American small businesses. In fact, Erskine Bowles, the new Administrator of the Small Business Administration, recently testified before the committee of his awareness of, and concern over, this problem.

It should be no surprise, then, that the principal organizations representing the small business community are enthusiastic supporters of this bill. The list of supporters includes National Small Business United, the National Federation of Independent Businesses, the Small Business Legislative Council, the Professional Services Council, the National Roofing Contractors Association, the National Restaurant Association, the American Subcontractors Association, the U.S. Chamber of Commerce, and many State and local chambers of commerce, among others.

Mr. Speaker, I believe that this effort to build on the accomplishments of the Paperwork Reduction Act presents the new administration with a golden opportunity. Stemming the flow of paperwork requirements is consistent with the administration's goal of making the Federal Government work more efficiently for the benefit of the American people. It should also be a central part of the administration's effort to reach out to small business. I very strongly urge the administration to embrace this worthy legislation as part of its effort to revitalize the economy and break through the ideological divisions that have hobbled us in the past.

I was encouraged by the President's response to a letter from Senator BUMPERS, in which the President praised the Paperwork Reduction Act and the OIRA as "powerful tools in the effort to improve management of the Federal Government." The President also noted that the controversies over the "Bush Administration Council on Competitiveness obscured the public benefits that can arise from properly structured regulatory review procedures."

This legislation does properly structure regulatory review procedures within the agencies to minimize the paperwork burdens imposed on the public. It requires a 5-percent Governmentwide goal for paperwork reduction, with individual agency goals that aggregate to the Governmentwide goal. It requires a thorough review of each proposed information collection request, a 60-day comment period, and agency certification of compliance with public participation requirements and the act's standards before a requirement is submitted to OIRA for review. It also reduces the time a requirement spends under review at OIRA by 30 days.

This bill would help to revitalize OIRA and allow it to meet its increased responsibilities for controlling paperwork requirements. It would require OIRA to establish standards to more accurately estimate paperwork burdens, and to work with the Office of Federal Procurement Policy [OFPP] to reduce paperwork burdens in Government contracting. It would also allow OIRA to conduct demonstration projects to test innovative approaches to paperwork reduction, similar to OFPP's existing authority.

The Paperwork Reduction Act of 1993 also contains important provisions to increase public participation in the paperwork reduction process. It requires that assessments of the anticipated paperwork requirements of a bill be made available to the public before enactment; it allows individuals to request a written determination that any paperwork requirement complies with the act; and it requires agencies to display estimates of the paperwork burden of every information collection and to invite public comment on their accuracy.

Finally, an important provision of this bill is to clarify that the act applies to all government-sponsored paperwork, including so-called "third-party" burdens imposed by one private party on another private party due to a Federal regulation. In the 1989 case of Dole versus United Steelworkers of America the Supreme Court held that third-party burdens were not subject to review under the Paperwork Reduction Act.

This result was certainly not intended by the drafters of the act. In fact, Lawton Chiles, the Senate sponsor of the legislation that became the Paperwork Reduction Act of 1980, told the Court in an amicus brief that the act was always intended to apply to third-party burdens. Unfortunately, the Court held that the language of the act did not support this conclusion.

I am afraid that this decision opens the door for noncompliance with the act. It is possible that agencies could exempt future paperwork burdens from review under the act by simply changing the way the requirement is imposed. In fact, it is estimated that one-third of all paperwork burdens could be restructured this way. The Paperwork Reduction Act of 1993 conrrects this troubling problem.

Mr. Speaker, I urge my colleagues to join this bipartisan coalition in cosponsoring the Paperwork Reduction Act of 1993. I also urge the Clinton administration to offer its endorsement and support. This bill will strengthen one of the best tools available to the President for assisting small businesses and promoting economic growth. It would send a reassuring message to the small business community that the administration's new legislative initiatives, whether they be health care reform, defense conversion, or environmental protection, will be implemented with the intent and spirit of minimizing paperwork burdens on the public.

ORIGINAL COSPONSORS

Norman Sisisky, William Clinger, John LaFalce, Bob Michel, Romano Mazzoli, Joe McDade, Bob Wise, Jan Meyers, Ike Skelton, Spencer Bachus, Bill Baker, Jim Moran, Herb Bateman, Jim Cooper, Deborah Pryce, Peter Blute, Leslie Byrne, and Anna Eshoo.

John Boehner, Tim Valentine, Henry Bonilla, Jim Oberstar, Jim Bunning, Marcy Kaptur, Dan Burton, Carolyn Maloney, L.F. Payne, Mike Castle, Charles Stenholm, Larry Combest, Martin Lancaster, Tom DeLay, David McCurdy, John Doolittle, Owen Pickett, and Bill Emerson.

Blanche Lambert, Harris Fawell, Pete Geren, Bob Goodlatte, Bill Orton, William Goodling, Andrew Jacobs, Steve Gunderson, Sonny Montgomery, Jim Greenwood, James Bilbray, David Hobson, Buddy Darden, Bob Inglis, Jay Kim, Bill Sarpalius, Jack Kingston, and Jane Harman.

Jim Kolbe, Alcee Hastings, Ron Machtley, Bill Hefner, Al McCandless, Tim Holden, William Hughes, John McHugh, Tim Johnson, Tom Petri, Bud Cramer, Mike Parker, John Porter, Glenn Poshard, Rob Portman, Roy Rowland, Tom Ridge, and Karen Shepherd.

Pat Roberts, Eric Fingerhut, Marge Roukema, Toby Roth, Steven Schiff, Jim Sensenbrenner, Chris Shays, Joe Skeen, Don Sundquist, James Talent, Craig Thomas, Peter Torkildsen, Fred Upton, James Walsh, Curt Weldon, William Zeliff, Dick Zimmer, and Sam Johnson.

BRIDGING HEALTH CARE REFORM: EXTENDING HEALTH CARE COVERAGE UNDER COBRA

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. STARK. Mr. Speaker, today I am pleased that my colleague, the gentlewoman from California [Ms. PELOSI], is joining me in introducing the COBRA Health Coverage Extension Act of 1993. This legislation would extend for 3 years the length of time health care coverage is available under the COBRA law.

The purpose of this legislation is simple. If today a constituent is on their last day of protections under COBRA, tomorrow they will lose those protections—and lose their health insurance coverage. If they then try to purchase a policy at an individual rate, they will likely be faced with a premium increase of 200 to 500 percent. It makes no sense to allow the minimal level of health security held by some Americans to lapse as we work over the next days, weeks, and months to extend health insurance coverage to all Americans. This legislation would hold in place the security currently provided thousands of widows and widowers, dependents, part-time workers, and unemployed Americans.

COBRA was designed to expand access to group health insurance coverage for those individuals who would otherwise lose coverage as a result of a change in their employment or family status. Title X of the Consolidated Omnibus Budget Reconciliation Act of 1985 requires employers with 20 or more employees to offer his or her employees and their families continued coverage under the employer's group health insurance plan in cases such as death or termination from the job. The employee is responsible for paying the full amount of the premium and covering the administrative costs to the employer.

The original intention behind COBRA was not to provide coverage for all uninsured Americans. Rather, COBRA was to be an intermediary stage for individuals until they could receive other forms of health insurance. For example, employees disabled on the job are covered for 29 months under COBRA—the time necessary to qualify for Medicare coverage.

After decades of piece-meal reform of our Nation's health care system, a major overhaul of the system is now about to start. The goal of expanding COBRA coverage for 3 years, as this legislation would, is to ensure that individuals currently able to purchase health insurance under COBRA will not lose this option of reasonably affordable health insurance while they wait for full implementation of health care reform.

We are introducing the COBRA Health Coverage Extension Act of 1993 to enable thousands of individuals and families currently with health insurance coverage to simply maintain it. Reform of the health insurance market is coming in the months ahead, but this is no solace to those on the verge of losing their coverage today or tomorrow. We can provide the needed assistance to these individuals and families by extending current Federal policy until the time the health insurance market is reformed. We urge your support in doing so.

RISK COMMUNICATION ACT OF 1993

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. OXLEY. Mr. Speaker, today I bring to your attention the introduction of a bill, by myself and several colleagues, which is the first step toward our goal of changing the Government's risk assessment procedures. The Risk Communication Act of 1993 would require the Environmental Protection Agency to follow principles of objectivity and disclosure in order to provide fair, scientifically sound, and informative assessments of health and environmental risks.

With looming budget deficits and reductions in spending, we must learn to use our limited resources more wisely. Municipalities and businesses are willing to ensure that their activities are environmentally responsible with respect to actual risks, but cannot afford to expend great sums of money on excessively hypothetical and exaggerated risks. By setting out general principles for the full, informative, and consistent communication of the underlying scientific data which forms the basis of risk assessments, we can enhance scientific credibility, better inform the American public, and save our country billions of dollars currently spent on negligible risks.

Current risk assessment practices within the Environmental Protection Agency have several tendencies. First, the agency errs on the side of safety. Second, it often ignores relevant data because it may not fit into simple models or would require change in agency analyses. This can result in understatement or overstatement of risks. Provided with inadequate information on the most likely nature and magnitude of the risks, policy makers often fail to address serious risks, while requiring that too much be spent on hypothetical and very low levels of risks.

In my home State of Ohio, the city of Columbus estimated that compliance with Federal environmental mandates will cost $1 billion over the next decade. If we are requiring expenditures of that magnitude, we must make sure that we are addressing the most critical environmental threats. The Risk Communications Act of 1993 is the first step toward our goal of better management of hundreds of billions of dollars spent on protection of human health and the environment. Mr. Speaker, I encourage my colleagues to support this important bill which has the support of local government, business leaders, and the scientific community.

PREVENTIVE SERVICES FOR VICTIMS OF VIOLENCE ACT

HON. MIKE KREIDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. KREIDLER. Mr. Speaker, each year millions of our children suffer from childhood physical and sexual abuse and millions of women suffer from physical violence and sexual assault. Yet many of them never receive appropriate treatment and counseling to help them heal from these tragic experiences.

Such abuse can have serious consequences for the long-term physical and mental health of victims. For example, childhood abuse is associated with future health problems, including chronic pain, gastrointestinal distress, eating disorders, gynecological problems, fatigue, headache, sleep disturbances, and depression. Women who have been abused as children also engage in more high-risk behavior, such as smoking and earlier sexual activity.

Adult victims of domestic violence and sexual assault can also suffer severe health effects. Domestic violence is the leading cause of injury to women, accounting for nearly a third of their emergency room admissions. Victims of domestic violence and sexual assault also tend to need medical care much more often than nonabused women.

In addition to these health effects, victims of violence often face profound emotional trauma, experiencing anxiety, depression, posttraumatic stress syndrome, and other disabling illnesses. Physical and sexual abuse is also associated with substance abuse and increased rates of suicide. Forty-five percent of women with alcohol addiction were victims of domestic violence prior to their addiction. Victims of rape are twice as likely to experience a major depression, 3.6 times more likely to have had major substance abuse problems, and 8.7 times more likely to have attempted suicide. Over 1 million women in the United States now suffer from rape-related PTSD, more than combat veterans.

And yet, many victims of violence continue to suffer alone, in silence. One study reports that fewer than 2 percent of sexually abused women ever talk to a physician about their abuse. Half of the women had never told anyone about their experience. Another study revealed that fewer than 5 percent of patients in emergency rooms were correctly identified by medical personnel as being victims of domestic violence. We know that only about 10 percent of victims of sexual assault report their attacks to law enforcement; nearly half of all date rape victims never discuss the attack with anyone.

These people clearly are not getting the help they need. Like any injuries, when emotional wounds are left untreated, they can develop into much more serious problems. We need to start identifying victims of violence much earlier and intervening with them before the consequences deepen into severe mental illness or prolonged substance abuse.

Today, I am introducing legislation to help prevent mental illness and substance abuse among children and adults who have experienced physical or sexual abuse. The Preventive Services for Victims of Violence Act authorizes $10 million in grants for demonstration projects to identify and intervene with victims early, before they develop more serious physical and emotional problems. Half the funds are for projects to help abused children, and the other half are for projects to help adults who have been abused, either as children or as adults. The program would be administered through the Center for Mental Health Services in the Department of Health and Human Services, working in conjunction with the Office for Substance Abuse Prevention.

We must confront our Nation's crisis of violence on many fronts. One way to do that is to stop the cycle of violence by helping children who have been abused, so that they do not grow up to repeat the violence. In my district, the domestic violence community, the rape crisis centers, and the community mental health centers are all doing a heroic job of responding to women and children who have been abused. But they are overloaded with people who need their help.

I urge my colleagues to support this legislation to improve our response to those who have been victims of physical and sexual abuse.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Preventive Services for Victims of Violence Act".

SEC. 2. SERVICES TO PREVENT MENTAL ILLNESSES AND SUBSTANCE ABUSE AMONG VICTIMS OF VIOLENCE.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb–31 et seq.) is amended by adding at the end the following new section:

"SEC. 520C. DEMONSTRATION PROJECTS FOR PREVENTION OF MENTAL ILLNESSES AND SUBSTANCE ABUSE AMONG VICTIMS OF VIOLENCE.

"(a) PROJECTS REGARDING ABUSED CHILDREN.—The Secretary, acting through the Director of the Center for Mental Health Services, may make grants to public and nonprofit private entities for demonstration projects for the prevention of mental illnesses and substance abuse among children who have been victims of physical or sexual abuse.

"(b) PROJECTS REGARDING ADULT VICTIMS OF SEXUAL ASSAULT OR FAMILY VIOLENCE.—The Secretary, acting through the Director of the Center for Mental Health Services, may make grants to public and nonprofit private entities for demonstration projects for the prevention of mental illnesses and substance abuse among adults who have been victims of sexual assault or family violence, including childhood physical or sexual abuse.

"(c) CONSULTATION WITH DIRECTOR OF PREVENTION CENTER.—Before grants are made under subsection (a) or (b), the Director of the Center for Mental Health Services shall consult with the Director of the Office for Substance Abuse Prevention.

"(d) SPECIAL REQUIREMENTS.—The Secretary may not make a grant under subsection (a) or (b) unless the applicant involved—

"(1) certifies to the Secretary that the applicant consulted with public and nonprofit private entities that provide services for the victims of violence in the geographic area in which the project involved is to be carried out, in developing the proposal for the project; and

"(2) agrees to evaluate the effectiveness of the project, and submit the evaluation to the Secretary.

"(e) AUTHORIZATION OF APPROPRIATIONS.—

"(1) PROJECTS FOR PREVENTION OF MENTAL ILLNESSES AND SUBSTANCE ABUSE AMONG ABUSED CHILDREN.—For purposes of carrying out subsection (a), there are authorized to be appropriated $5,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1997.

"(2) PROJECTS FOR PREVENTION OF MENTAL ILLNESSES AND SUBSTANCE ABUSE AMONG ADULT VICTIMS OF SEXUAL ASSAULT OR FAMILY VIOLENCE.—For purposes of carrying out subsection (b), there are authorized to be appropriated $5,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1997.".

TRIBUTE TO FATHER CHARLES G. HAYES

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. RUSH. Mr. Speaker, I rise today to honor Father Charles G. Hayes, founder and overseer of the Cosmopolitan Church of Prayer-Holiness in Chicago on the occasion of the observation of their annual gladiola festival.

Father Hayes first organized the Cosmopolitan Church of Prayer on April 28, 1959, with seven members in a basement home on the southside of Chicago. Under Father Hayes' inspiring leadership, Cosmopolitan Church quickly grew to 300 members and shortly thereafter, recognizing the need to expand his ministry, Father Hayes began his now renown radio broadcast ministry. Father Hayes and the Voices of Cosmopolitan are nationally acclaimed gospel recording artists, having received a gold record album and several major top-10 recordings.

Cosmopolitan Church of Prayer stands today as a beacon light not only in Chicago, but across the country as well. Their radio ministries have served to promote religious broadcasting around the world. Their efforts at community outreach, offering GED courses and providing a food assistance program are commendable.

Father Hayes was ordained a minister August 1957. He received a doctorate degree from the Religious Science Institute in 1973 and a honorary doctorate of humane letters from St. Martin's College and Seminary in

1974. Additionally, he has served with distinction as national president of the National Association of Sacred Science Churches, Inc., the Bible Churches of Christ, the First Spiritual Churches of Christ, and the Cosmopolitan Churches of Prayer.

Mr. Speaker, Father Charles G. Hayes has dedicated his life to God and to serving humankind. Through his positive ministry, thousands have been blessed, healed, and delivered. I am proud to enter these words of recognition into the Record.

INTRODUCTION OF PAPERWORK REDUCTION ACT OF 1993

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. CLINGER. Mr. Speaker, today I rise with my friend Congressman Norman Sisisky and over 80 House colleagues to introduce the Paperwork Reduction Act of 1993. This is the House companion to S. 560, originally introduced in the Senate by the Honorable Sam Nunn and cosponsored by 27 Senators representing a broad ideological spectrum.

With the introduction of this legislation, we are making an unequivocal statement in support of the belief that unwarranted Federal Government burdens on the public should be restrained. This bill gives continued legislative support to the longstanding effort, begun with the passage of the original Paperwork Reduction Act of 1980, to curb the natural tendencies of Government agencies to issue more and more regulations without regard to their costs.

As my Pennsylvania constituents remind me time and again, and as anyone who has done business with the Government will tell you, the paperwork requirements of the Federal procurement system are significant and time-consuming. Lessening these requirements will make our economy more productive by allowing people to get on with their business.

The Paperwork Reduction Act of 1980 has saved millions of hours of time which would have been lost shuffling papers and filling out forms. If we ever expect to streamline large, paper intensive bureaucracies such as those found in the health care and defense sectors, then we must build upon the successes of the 1980 act. Increasing efficiency is a top priority.

Under this bill agencies would be required to meet specific paperwork reduction goals and place a higher priority on reducing paperwork. The Office of Information and Regulatory Affairs has a big responsibility, which is reinforced through this legislation, to try to control Government's bottomless appetite for facts and figures. The bill improves the chances that they will succeed in that goal.

The bill's major provisions would:

First, to reaffirm the fundamental purpose of the Paperwork Reduction Act of 1980 to minimize the Federal paperwork burdens imposed on individuals, small businesses, State and local governments, educational and nonprofit organizations, and Federal contractors.

Second, to provide a 5-year authorization for appropriations for the Office of Information and Regulatory Affairs [OIRA] within the White House Office of Management and Budget.

Third, to clarify that the act's public protections apply to all Government-sponsored paperwork, eliminating any confusion over so-called third party disclosures caused by the U.S. Supreme Court's 1989 decision in Dole versus United Steelworkers of America.

Fourth, to require set goals for reduction of the paperwork burden on the public; a Governmentwide goal of at least a 5-percent reduction, and individual agency goals that would aggregate to the Governmentwide goal.

Fifth, to provide reasonable disclosure requirements which would strengthen OIRA's authority over agency rulemaking power while providing the public greater access to OIRA activities.

I am including with this statement: First, a letter sent to each Member of the House of Representatives in support of this bill from my friends at the National Federation of Independent Business, second, a similar letter from the U.S. Chamber of Commerce, third, a list of the organizations and businesses supporting our introduction of the Paperwork Reducation Act of 1993, and fourth, a copy of a letter sent to President Clinton from Senators Sam Nunn and Dale Bumpers, the Senate sponsors of this legislation, seeking the administration's support for this bill.

I encourage my colleagues to join Representative Sisisky, our over 80 cosponsors, and myself in lending a hand of relief to individuals and small business owners hampered by the burdens of Federal paperwork.

National Federation of
Independent Businesses,
Washington, DC, July 23, 1993.

On behalf of the more than 600,000 members of the National Federation of Independent Business (NFIB), I am writing to urge you to be an original cosponsor of a bipartisan bill that is vital to the health of small business, the Paperwork Reduction Act of 1993.

In an extensive 1992 NFIB Foundation survey, "Problems and Priorities," the burden of federal regulation and paperwork was the fastest rising concern of small business owners. It is no wonder; Americans spend no less than 6.5 billion hours a year filling out paperwork required by the federal government. This growing burden is disproportionately carried by small business, the sector of our economy responsible for virtually all job creation in your district and around the country.

It is in this context that I ask you to sign on as an original cosponsor of the Paperwork Reduction Act, sponsored by Congressman Norm Sisisky and Congressman Bill Clinger. This legislation, which will be introduced prior to the August recess, will reauthorize the Office of Information and Regulatory Affairs (OIRA) for five years and strengthen its ability to achieve its mission: to reduce the burden of unnecessary and cumbersome paperwork on small business, state and local governments, and others.

This legislation would vastly improve the President's ability and obligation, through OIRA, to be a check against each federal agency's impulse to require the completion of more and more paperwork. For example, the bill would require the establishment of a governmentwide goal to reduce by at least 5 percent the federal paperwork burden. This would be accomplished by giving ORIA the tools and the authority to be a tough traffic cop against excessive paperwork requirements. I am sure you will agree that the American people are looking to Congress for just this kind of government reform and streamlining.

In short, if you want small businesses in your district to be able to spend less time filling out forms and more time creating jobs, please cosponsor the Sisisky-Clinger paperwork reduction bill. To do so please contact Kelly Ross with Congressman Sisisky at 225-6365, or Kevin Sabo with Congressman Clinger's staff at 225-5074.

Sincerely,

John J. Motley III,
Vice President,
Federal Governmental Relations.

Chamber of Commerce of
the United States of America,
Washington, DC, July 21, 1993.

Washington, DC, July 21, 1993.

Members of the House of Representatives: On behalf of the U.S. Chamber of Commerce Federation of 215,000 business, 3,000 state and local chamber of commerce, 1,200 trade and professional associations, and 69 American Chambers of Commerce abroad. I urge you to become an original cosponsor of the Paperwork Reduction Act legislation that will soon be introduced by Representatives Sisisky (D-VA) and Clinger (R-PA). The Sisisky-Clinger bill will address the concerns of the business community and its desire to strengthen the Paperwork Reduction Act of 1980, as expressed in the Chamber Federation's 1993-1994 National Business Agenda.

In 1991, the federal government imposed nearly five-and-a-billion hours of paperwork on the American public. This is the equivalent of having the entire adult populations of Dallas and Houston do nothing but fill out federal forms all year. The Internal Revenue Service alone imposes more than four billion hours of paperwork on taxpayers. More than a billion of those hours are hoisted upon small business owners and operators who make up the backbone of our economy. Increasingly, regulatory and paperwork costs—the "hidden taxes" of federal programs—pose a significant barrier to preserving and creating jobs.

The problem of excessive paperwork is not just one of small business, or business in general. Any senior citizen on Medicare, and any family employing domestic help or requiring food stamps, shares our concern with paperwork burdens. There are numerous other groups adversely affected by excessive paperwork, including state and local governments and the education community.

The Sisisky-Clinger bill will provide a strong Office of Information and Regulatory Affairs (OIRA) within the Office of Management and Budget to conduct centralized reviews of proposed and existing paperwork burdens. It will also provide for increased opportunities for the public to comment on proposed paperwork burdens and for realistic assessments of estimates reporting and recordkeeping. Additionally, the legislation will address the Dole versus Steelworkers Supreme Court decision which had the effect of limiting OIRA's ability to oversee a substantial amount of the federally imposed paperwork burden. Each of these provisions are essential to addressing the suffocating and growing burden of federal paperwork.

Again, I urge you to become an original cosponsor of the Sisisky-Clinger Paperwork Reduction Act of 1993. Please do not hesitate to call on us if we can provide you with any additional information.

Sincerely,

William T. Archey,
Senior Vice President,
Policy and Congressional Affairs.

PAPERWORK REDUCTION ACT COALITION

Aerospace Industries Association of America.
Air Transport Association of America.
Alliance of American Insurers
American Consulting Engineers Council.
American Institute of Merchant Shipping.
American Iron and Steel Institute.
American Petroleum Institute.
American Subcontractors Association.
American Telephone & Telegraph.
Associated Builders & Contractors.
Associated Credit Bureaus.
Associated General Contractors of America.
Associated Records and Managers Association.
Association of Manufacturing Technology.
Automotive Parts and Accessories Association.
Biscuit and Cracker Manufacturers' Association.
Bristol Myers.
Chemical Manufacturers Association.
Chemical Specialties Manufacturers Association.
Citizens Against Government Waste.
Citizens For A Sound Economy.
Computer and Business Equipment Manufacturers Association.
Contract Services Association of America.
Copper & Brass Fabricators Council.
Dairy and Food Industries Supply Association.
Direct Selling Association.
Eastman Kodak Company.
Electronic Industries Association.
Financial Executives Institute.
Food Marketing Institute.
Gadsby & Hannah.
Gas Appliance Manufacturers Association.
General Electric.
Glaxo, Inc.
Greater Washington Board of Trade.
Hardwood Plywood and Veneer Association.
Independent Bankers Association of America.
International Business Machines.
International Communication Industries Association.
International Mass Retail Association.
Kitchen Cabinet Manufacturers Association.
Mail Advertising Service Association International.
McDermott, Will & Emery.
Motorola Government Electronics Group.
National Association of Homebuilders of the United States.
National Association of Manufacturers.
National Association of Plumbing-Heating-Cooling Contractors.
National Association of the Remodeling Industry.
National Association of Wholesales-Distributors.
National Federation of Independent Business.
National Food Brokers Association.
National Food Processors Association.
National Foundation for Consumer Credit.
National Glass Association.
National Restaurant Association.
national Roofing Contractors Association.
National Security Industrial Association.
National Small Business United.
National Society of Public Accountants.
National Tooling and Machining Association.
Northrop Corporation.
Packaging Machinery Manufacturers Institute.
Painting and Decorating Contractors of America.
Printing Industries of America.
Professional Services Council.
Shipbuilders Council of America.
Small Business Legislative Council.
Society for Marketing Professional Services.
Sun Company, Inc.
Sunstrand Corporation.
Texaco.
United Technologies.
Wholesale Florists and Florist Suppliers of America.

U.S. SENATE,
Washington, DC, June 10, 1993.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We applaud your initiative, announced on March 10th, to expand credit opportunities for small businesses by eliminating paperwork and regulatory burdens. Swift implementation of your initiative by the various bank regulatory agencies shows what can be done administratively to eliminate paperwork drags on the economy, while maintaining the interests of the public at large.

On the same day that you announced your initiative, we introduced the "Paperwork Reduction Act of 1993", S. 560, with 26 original cosponsors almost equally divided between Democrats and Republicans. We would like to take you up on your offer to review our bill.

S. 560 would reinvigorate the Paperwork Reduction Act of 1980, which we believe has been a most effective tool given to the Presidency with bipartisan Congressional support by President Carter. We have sought to build upon and strengthen the firm foundation of the 1980 Act, restore its full reach and vitality, enhance its public protections, and expand the opportunities for public participation. Our bill would reemphasize the fundamental responsibility of each agency to minimize the burdens it imposes upon the public in carrying out its responsibilities. It would provide stability for the Office of Information and Regulatory Affairs (OIRA) as the focal point within the Executive Office of the President, as intended by the 1980 Act.

You have already forcefully demonstrated both your willingness and innovation to make full use of all the resources of the Presidency to make government work better for the American people. We believe that S. 560 would give you a more versatile Paperwork Reduction Act to harness the great potential provided by modern information technology to more effectively furnish services to the people, while imposing the least burdens that siphon off economic resources from productive pursuits.

With your support, we believe that the Senate can promptly pass this legislation on a bipartisan basis, further demonstrating to the public that Congress and the President can work in concert for the good of the American people.

Sincerely,

SAM NUNN,
DALE BUMPERS.

HONORING MR. TOM PRIDEMORE

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. FILNER. Mr. Speaker, I rise today to inform my colleagues that Mr. Tom Pridemore has been chosen by the San Diego labor community as Labor Leader of the Year.

Mr. Pridemore is the business manager of the International Brotherhood of Electrical Workers, Local 569. He is also one of the fundamental forces behind the electricians' apprenticeship program, which helps train young people for successful careers as electricians. Mr. Pridemore himself completed the 4-year apprenticeship program before he became an active member of the electricians' union.

In addition to assisting the electricians' apprenticeship program, Mr. Pridemore has served as a member of the joint apprenticeship training committee and as a trustee for the committee. Last year, he served as a member of the State of California's Joint Apprenticeship Committee.

Yet Mr. Pridemore's efforts not only ensure the preparation of a highly skilled and productive work force for the future, he also works to protect the interest of retired and active union workers. Mr. Pridemore serves as a trustee to both the health and welfare trust and the pension trust. As well, he has dedicated himself to improving working conditions, providing job security, and creating new opportunities for the employees he represents.

Mr. Pridemore is truly a labor leader. I know that every Member of the House of Representatives sends congratulations.

HON. RALPH W. YARBOROUGH AND NATIONAL PARKS

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. WILSON. Mr. Speaker, While serving in the U.S. Senate, 1957–71, the Honorable Ralph W. Yarborough's record of achievement was exceptionally productive in diverse legislation involving education, labor, agriculture, health care, veterans affairs, civil service, and numerous other programs. One of his most consuming interests was preservation of Texas' unique heritage, and because of diligent and effective efforts, some outstanding areas of scenic beauty, scientific, historical, and cultural significance have been saved.

Growing up in Chandler, in Henderson County, TX, his boyhood was spent between the Neches River and Kickapoo Creek where he roamed the wild, free, open, and uncrowded woods, marveled at the flights of ducks, the wading egrets and herons, the wild turkeys; fished for catfish and perch; surprised turtles, snakes, and alligators in their ponds and sloughs. Later, as he watched much of the Big Thicket vanish, he characterized the struggle as "pulpwood against the people."

When the Big Thicket Association was formed in 1964, Senator Yarborough worked with association president Dempsie Henley and local naturalist Lance Rosier, also known as Mr. Big Thicket, in a concentrated, spirited effort to educate the public and to organize Federal activity for a Big Thicket National Park. Yarborough later served as president of the Big Thicket Association for 1976 to 1978, and was recognized with the Big Thicket Conservation Award in 1985.

Yarborough introduced his first bill, S. 3929, October 20, 1966, followed in the 90th Congress by S. 4, January 11, 1967, which called for a park of not less than 100,000 acres. Through his contacts, public figures like Justice William O. Douglas were encouraged to visit the area and to write about Big Thicket.

In 1966 and 1968, the Senator brought in National Park Service teams to study Big Thicket. When the National Park Service report recommended a Big Thicket National Monument of 35,000 acres, Yarborough rejected the proposal, stating emphatically that "You build a monument to something dead. We wanted a living park." By this time he had recruited a large and enthusiastic following, who agreed with him that the proposal was inadequate in size and objectives.

Yarborough first introduced articles about Big Thicket in the CONGRESSIONAL RECORD in June 1962, and by 1970, the CONGRESSIONAL RECORD contained approximately 75 articles about Big Thicket from Audubon, Sierra Club Bulletin, Defenders of Wildlife, Outdoor America, Living Wilderness, Texas Parks and Wildlife, Ford Times, Texas Clubwoman, and a host of similar publications. There were editorials and feature stories from every daily newspaper in Texas, as well as Wall Street Journal, New York Times, and Washington Post.

The Senator also put into the CONGRESSIONAL RECORD resolutions supporting at least 100,000 acres 47 times, often submitting several resolutions at once. Among organizations were the Wilderness Society, Izaak Walton League, Defenders of Wildlife, Texas Federation of Women's Clubs, Southwestern Association of Naturalists, Delphian clubs, literary clubs, garden clubs, wildlife and conservation groups, and many small local civic organizations.

Although the CONGRESSIONAL RECORD may have a limited reading audience, the enormity of the effort becomes evident when one considers that each resolution represents a speech, a contact, or correspondence with the groups, and follow-up exhortations. His own statements and speeches appeared at least 23 times. By June 12, 1970, public education had progressed markedly and legislative efforts began to pay off with Senate committee hearings in Beaumont on Yarborough's bill. Numerous organizations and many public officials turned out to support a national park for Big Thicket.

Although Senator Yarborough lost his bid for reelection, his colleagues paid him a personal tribute when the Senate passed his Big Thicket bill on December 17, 1970, too late for action in the House.

Yarborough left the Senate, but his zeal to save Big Thicket never wavered. Taking time from his law practice and paying his own expenses, he continued speaking to groups and prodding them to greater efforts. He warned of the destruction being waged on Big Thicket forests, distributing copies of articles, and the names and addresses of officials to write and call. There was also a barrage of news releases reporting on those corporate timber behemoths with out-of-State headquarters who were cutting down Big Thicket.

Senator Yarborough fought hard to save all of Texas' special places; Padre Island National Seashore, Guadalupe Mountains National Park, and other parks and monuments. He believed in and worked for parks everywhere in Texas and the Nation. Big Thicket National Preserve was undoubtedly his most cherished cause, partly because of his personal knowledge and experience with the Thicket. But, he also had great vision and recognized the need for multiple purposes in most of his legislative efforts. In his testimony of June 12, 1970, Yarborough said:

> Mr. Chairman, the creation of the Big Thicket National Park is not primarily to benefit the plants, mammals, birds, reptiles, flowers, and other wild things living there: the park is for people, for people's lives to be enriched by the wild things they thrill to see, hear, smell, and sometimes taste and touch. The issue over this park is pulpwood versus the people.

Senator Ralph Yarborough has earned the appreciation of his fellow Americans for efforts to establish national parks and for passage of many other laws that have improved the lives of Americans and the world. It is fitting that the Big Thicket National Preserve Visitor Center be named the Ralph W. Yarborough Visitor Center.

And I am introducing legislation for this purpose today.

SNUFF KILLS KIDS

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. DURBIN. Mr. Speaker, today a 9-year-old child started dipping snuff.

The Surgeon General's Office has found that 9 is the average age at which children first use smokeless tobacco. An epidemic of oral cancer, gum disease, and death is in the making. Since 1986, snuff use has increased 24 percent while the number of smokers has declined significantly.

Mr. Speaker, we can ignore these facts or we can act. We can let the tobacco companies kill our kids or we can fight back.

I would like to bring to the attention of my colleagues the following excerpts from an article that appeared in Common Cause magazine, which details the insidious nature of the smokeless tobacco industry.

THE KING OF SNUFF

(By Jeffrey Denny)

For a brief time eight years ago, two distinct American subcultures clashed in an Oklahoma courtroom: millionaire tobacco company executives, and the people who make them rich.

There was Betty Ann Marsee, a registered nurse and recent widow raising her children in a trailer park in Talihina, Okla., a remote timber town of 1,300 where fun is a sweaty afternoon at the rodeo, and fathers and sons spit tobacco juice together.

Then there was Louis Francis Bantle, the soft-spoken, $2 million-a-year chair of U.S. Tobacco of Greenwich, Conn., maker of Copenhagen moist oral snuff. You won't find many tobacco stains on the sidewalks of Greenwich, an archtypical suburban township of blueblood wealth where Bantle lives.

The worlds inhabited by Marsee and Bantle collided when she sued U.S. Tobacco for $147 million in 1985, alleging that her son Sean's Copenhagen habit caused the mouth cancer that killed him, and that the company knew its product could cause cancer.

The jury heard that Sean had begun dipping snuff at age 12, when he got a free can of Copenhagen at the rodeo. A handsome, popular, high-school track star, Sean used four or more cans a week and rarely left home without a "dip" tucked between his right cheek and tongue. He thought it was healthier than cigarettes and even chided his sister for smoking.

Not long after he turned 18, however, a small white lesion—leukoplakia, an early sign of a tumor—appeared on Sean's tongue. Weeks after high-school graduation Sean had a third of his tongue cut out. Surgeons gradually carved away portions of Sean's jaw and neck before they gave up and sent him home to die. He was 19.

Since Marsee's death, however, snuff dipping has only increased, especially among teenagers. U.S. Tobacco—renamed UST, Inc. in 1987—virtually has cornered the snuff market and racked up sensational profits, reaching No. 1 among the Forture 500 in return on assets and, this year, the $1 billion milestone in sales.

"U.S. Tobacco is probably the best example of a company that is putting corporate profits above the health of our children," says Matthew Myers, counsel to the Coalition on Smoking OR Health, a Washington-based group that includes the American Cancer Society. "Smokeless tobacco was a dying habit until U.S. Tobacco proved that through slick marketing and advertising it could create a whole new generation of addicts."

In this country, some 2.5 million out of 10 million smokeless tobacco users are under 21, according to a 1991 government survey. Close to one-fifth of all high-school males have used it and on average began at age 9.

Teen snuff dipping helps explain why snuff use has increased 24 percent since 1986 even while cigarette smoking in America has sharply declined. [D]ippers quadruple their chances for mouth cancer and are 50 times more likely than nonusers to develop throat cancer. Last year there were more than 30,000 new cases of oral cancer, 75 percent of which are linked to smoking or smokeless tobacco.

First-time users may suffer a little nausea and burning. Copenhagen, UST's strongest brand, delivers a huge dose of nicotine; unlike smoking or chewing, dipping [snuff] lets the drug seep continuously into highly absorptive tissue. "It makes me sicker than a dog," Bantle, who chain-smoked Kool cigarettes, told a reporter in 1975. After the initial nicotine jolt settles into a low-level buzz and then subsides, you finger out the soggy mass and take a fresh dip.

As recently as the 1960s, U.S. Tobacco's chief product had little future. To reintroduce snuff, Bantle unleashed a massive media campaign. Blitzing news magazines and television, UST spent $2.5 million as an official sponsor of the 1980 Winter Olympics, underwrote a sports medicine program at the 1984 Winter Olympics and paid $1 million for ads sprinkled throughout ABC's telecast of the '84 games. All this at a time when ads for cigarettes—but not snuff—were banned from TV.

UST developed what it called the "graduation process," or snuff with varying levels of nicotine, beginning with mint flavored Happy Days, then Skoal and Skoal Long Cut, and then Copenhagen, the strongest. An ad slogan vowed, "Sooner or later it's Copenhagen." In 1983, with great fanfair, UST introduced Skoal Bandits—tobacco sewn into tiny porous cloth pouches—which made snuff even easier to use. "They wanted a starter product aimed at ages 15 and up," says Marsee's lawyer, George Braly, citing company documents obtained during the trial.

"[These were] procedures for getting young people hooked," says Jack Henningfield, chief of the clinical pharmacology research branch at the National Institute on Drug Addiction, who was shown internal UST documents in preparation for testifying as an expert witness for Marsee at the '86 trial. "I use the word 'hooked' because that appeared in their documents," he recalls, "that if you get them hooked while they're young you've got them hooked for life."

The tobacco industry as a whole continues to be one of the most aggressive and well-financed special interests in Washington. That helps to explain why Congress still subsidizes tobacco growers and exempts tobacco from regulation by the Consumer Product Safety Commission, Food and Drug Administration and the Toxic Substances Control Act. (For example, the FDA recommends limits on nitrosamine—a chemical strongly associated with cancer—at 10 parts per billion in bacon and half that in beer. The nitrosamine content of moist oral snuff is 1,000 parts per billion and higher, with Copenhagen among the highest, according to Dietrich Hoffmann, associate director of the American Health Foundation.)

What has UST accomplished in Washington?

Over the past six years, not one piece of legislation opposed by the Smokeless Tobacco Council—there were 24 of interest listed on the council's lobby disclosure reports—has been enacted; most died in committee. "Thank you" deadpans a former industry lobbyist.

The council has been particularly adept at holding down excise taxes on smokeless tobacco, a key to UST's awesome profit margins—58 percent of the price of a can of snuff is pure profit, according to an analysis by Gregory Connolly, director of the Massachusetts Office for Nonsmoking and Health.

Today the federal excise tax on smokeless tobacco is just under 3 cents per can, one-eighth the levy on a cigarette pack.

But the key to UST's success—and a main reason it sponsors so many [sporting] events—is the company's aggressive use of "sampling" to encourage people to try its products. For years cigarette makers have hired people to hand out new brands on street corners, but the people in UST's sampling booths have been trained through role-playing sessions to be far more interactive. "You actually would get marked down on your annual review * * * [if] you didn't actually get the person to put the product in his mouth," an industry source recalls from personal experience in the early '80s.

Some $14 million worth of free snuff was handed out in 1991, according to the FTC. The Smokeless Tobacco Council vigorously defends this practice as a "legitimate promotional technique" used by many product manufacturers to get people to switch brands. But UST has no significant competitors in the moist oral snuff market—nine out of every 10 tins sold are UST products.

TRIBUTE TO OWENDALE TOWNSHIP ON THE OCCASION OF ITS 125TH ANNIVERSARY

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. BARCIA of Michigan. Mr. Speaker, I rise today to pay tribute to the village of Owendale during its 125th Brookfield Township anniversary festival. In the year of its beginning, 1868, the village of Owendale did not exist. Most of the area was known as the Columbia Swamp. Owendale is a small village in Huron County the Columbia Swamp. Owendale is a small village in Huron County in the midst of a rich agricultural region. The Chippewa Indians were the original settlers of the area, much of which was swamp land.

Andrew Hosea Burton entered his homestead claim on November 25, 1865, in Brookfield Township. He assumed an active role in the organization of the township and was permitted to name it Brookfield in memory of his native place in New York.

In 1882, Mr. John G. Owen of Saginaw purchased about 1,000 acres of timber land in the Columbia Swamp. Upon completion of the Pontiac, Oxford and Northern Railroad in 1883, Mr. Owen erected a saw mill. This mill was said to be one of the finest and largest sawmills in Michigan. In 1887, John G. Owen had the lands of the present site of Owendale surveyed by Quincy A. Thomas, a civil engineer and surveyor. The parks, alleys, and streets were dedicated, by Owen, to the public for their perpetual use.

By November 1901, Owendale became the terminus of the stub end of the Michigan Central Railway. Charles Montague of Caro was instrumental in getting this railroad to Owendale to haul sugar beets to the factory established in Caro. At that time there were not many inhabitants in the village, although the businessmen were trying to give the place a boom. The success of these businessmen led to the incorporation of Owendale as a village in 1905.

About 1914 a cooperative shipping association was formed, with W.F. Kretzschmer as manager and William C. Pobanz as secretary and treasurer. Kretzschmer would line up cattle from the farmers to ship by train to Detroit, receiving a certain commission on the cattle sold. About 1918, the Shebeon Creek was dredged out to drain the lands through the former Columbia Swamp. A dipper dredge, with a portable gasoline engine, was used. This land, when satisfactorily drained, became part of the richest farm land in the State.

In 1921, Harold Ricker built a theater, situated in the block which had previously burned. His sister, Erma Ricker, played the organ to a accompany the silent movies. Several other changes were made to the village in the 1920's. Electric light equipment for the streets was purchased, with street lights to be turned out at 10:00 pm Tuesday, Thursday, Friday, and Sunday nights. Art Ricker erected a gas station on the corner of Main and Fourth in 1924. This was incorporated as Art and Duff Oil Co. when Lawrence Dufty later bought part of the business. They later added a trucking firm, trucking cattle to Detroit.

The vast amount of mechanization by the 1930's brought even more changes to the area. With the use of tractors, farmers were now able to raise, and likewise sell, more corps. The Michigan Bean Co. became the second largest receiver of navy beans in the Nation. Sugar beets were now hauled to the sugar plants by truck, or tractor and wagon. The Depression of the 1930's caused many problems in the rural area, with many farmers losing their farms. By the late 1930's as the economy began to emerge from the Depression, farmers began buying more tractors.

During the 1940's, combines were beginning to be seen on some farms. These first combines were pulled by tractors. Some had gasoline motors, which supplied the power to operate, while power take-off supplied the power to run others. During World War II, there were not many changes in the methods of farming, but farm prices were at an all time high, and the community prospered.

In the fall of 1946, Automotive Industries established a factor in the building which had formerly been occupied by G.V. Black General Store. Much remodeling has taken place throughout the years, and some new buildings have been erected. The manufacturing armrests was the principle function from the time the factory began, until they were outmoded by rotational molding in 1958. In the mid 1960's they began manufacturing sun visors, starting out making them for one company and at the present time for four companies. The factor averages about 100 employees, with about 50 percent being residents of the immediate vicinity and the rest commuting from the outlying towns.

Today, with the large drainage ditches and tile, Owendale boasts as being Michigan's leading agricultural township, with all 36 square miles under cultivation with the exception of a few small patches of woodland. I would like to pay tribute to this small town, its people and the farmers that made it a part of rural America.

THE DIRECT STUDENT LOAN PROGRAM

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. CLAY. Mr. Speaker, as a House conferee on the education provisions contained in the Budget Reconciliation Act of 1993, I supported the proposition that direct loans to students would provide access for all students, be cost-effective, and would be the most efficient way to proceed for institutions of higher education and especially for historically black colleges and universities.

Under a direct loan system, students would be able to obtain loans directly from their institutions of higher education. The funds would come directly from the Federal Government which can borrow at a lower cost than banks. The House version of direct loans contained in the reconciliation bill created a new direct loan program to be phased in over a 4-year period to completely replace the existing guaranteed student loan program. The Senate version kept the current loan system in place, reducing financial markets profits, while also putting into place a direct lending program.

The Conference committee's compromise keeps both systems in place requiring at least 60 percent direct lending by 1998–99.

I was supportive of the House version for 100 percent direct lending based on three fundamental principles:

First, the principle of equity and excellence. I continue to believe that direct lending is a cleaner, less complex, less cumbersome, more equitable and just way to proceed in insuring equality of educational opportunity for students especially those from poor socio-economic circumstances.

Second, the principle of cost-effectiveness. I believe that direct lending for students would be more cost-effective from an economic or financial perspective. It is clear that if there are no middle men involved in the student loan process, a financial gain will accrue. The existence of a middle bureaucracy as reflected in banks, guaranty agencies, and other lending institutions will simply add to the cost of loans for students. As a result, the elimination of the middle tier will provide a larger pool of monies available to students.

Third, the principle of access. I believe that cutting into the profits of banks which participate in the current program will result in the collapse of many guarantee agencies. Consequently, many small- and medium-sized banks will pull out the program. As a result, access to loans for many students will be eliminated. I believe the time has come to end the guagmire in regard to making financial assistance available to students who need help in order to attend college. The current practices as reflected in loans and the middle bureaucracy simply makes it more difficult especially for young people enrolled in historically black college and universities to be assured of financial equity and equality of opportunity.

I am not encouraged by the current proposal which has been embraced in terms of two systems as reflected in the current proposal—at least 60 percent direct lending by 1998–99 while maintaining the current system. However, I am reluctantly supporting the proposal in a spirit of compromise, unity, and solidarity.

My overriding principal is that none of our young people who are deserving should be denied an opportunity for higher education for want of financial assistance.

Education should not be for the privileged but should be a right that all able and deserving students should enjoy. In the sense of basic fairness; particularly following the Morrill Acts of 1862 and 1890 which established land grant colleges, higher education is a precious right for our Nation's greatest human and intellectual resource: our young people.

PRESCRIPTION FOR U.S. COMPETITIVENESS: A NATIONAL COMPETITIVENESS COMMISSION

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. LAFALCE. Mr. Speaker, in 1988, the Omnibus Trade and Competitiveness Act established a competitiveness policy council to advise the President and Congress on policy steps that ought to be taken to enable U.S. business to compete globally and grow domestically. Since its inception in 1991, the Council has sent to the President and Congress two excellent reports, "Building a Competitive America" and "A Competitiveness Strategy for America." It is now time to renew the authorization for the Council to allow it to continue its efforts to help us build a more competitive America.

The problem of U.S. competitiveness is not a new one. Our economic foundations have been eroding for some time, but for too long the warning signals went unheeded. A decade ago, in 1983, as chairman of the Banking Subcommittee on Economic Stabilization, I held an extensive series of hearings on the need for this country to develop a competitiveness strategy. Witnesses for these hearings included then-Governor Bill Clinton, Laura D'Andrea Tyson, Robert Reich, and Lester Thurow. The result was a report entitled "Forging an Industrial Competitiveness Strategy" that included among its recommendations the establishment of a council on industrial competitiveness. In 1984, I authored legislation, the Industrial Competitiveness Act, which included the establishment of such a council. The legacy of these early efforts is today's Competitiveness Policy Council As author of the legislation creating the Council, I am pleased with its achievements and the solid recommendations it and its subcouncils have formulated.

Because our country's economic difficulties were years in the making, the economic challenges we face as a Nation are not ones with short-term solutions. We confront a series of problems. Our national debt was building long before we crossed the line to become a net-debtor nation in 1985 and remains an enormous drag on our economy. For years in the early 1980's, the overvalued dollar sent U.S. manufacturers—and jobs—offshore. When the dollar subsequently sank, we became vulnerable to foreign-buyouts of our companies.

We remain behind our major competitors in terms of Government expenditures relative to GDP on civilian R&D. Our educational system is failing to produce workers capable of meeting the challenges of the 21st century. And the government-business-labor cooperation that is essential to an effective competitiveness strategy—and is more typical in our competitor countries—is still not a complete reality in the United States.

I review these problems to underscore the enormity of the task of economic rebuilding. Add to these economic difficulties the sudden end of the cold war and the economic consequences of restructuring our defense economy, and you have a situation that requires the best thinkers, the best practitioners, and the best policymakers this country can offer.

That is what the Competitiveness Policy Council offers. Members of the Council represent labor, business, government, and the public interest and are appointed by the President, House of Representatives, and Senate. Last year eight Subcouncils—Manufacturing, of which I was a member, Critical Technologies, Education, Training, Capital Formation, Public Infrastructure, Trade Policy, Corporate Governance—labored over the issues we confront and developed detailed recommendations intended to improve U.S. performance in these ares. The Council will soon release an interim report on the status of these recommendations, but I can report now that many of the Council's proposals have been acted on by the Clinton administration.

The Council is beginning to examine new issue areas—creating high-performance workplaces, capital allocation, tort reform, social problems, and health care—and will be recommending policy changes that will further contribute to the rebirth of U.S. competitiveness.

Mr. Speaker, today I am introducing legislation that will reauthorize the Competitiveness Policy Council for 4 years. It also changes its name to the National Competitiveness Commission in order to avoid confusion with other competitiveness councils. In addition, the bill makes various technical changes on staffing provisions and reporting requirements. This legislation has the full support of the Clinton administration. I am confident that extending the life of the Competitiveness Policy Council will serve the President, the Congress, and the American people well.

The text of the bill follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REAUTHORIZATION.

Section 5209 of the Competitiveness Policy Council Act (15 U.S.C. 4808) is amended—

(1) by striking "1991 and 1992" and inserting "1993, 1994, 1995, and 1996"; and

(2) by striking "$500,000" and inserting "$2,500,000".

SEC. 2. RENAMING OF COUNCIL.

The Competitiveness Policy Council Act (15 U.S.C. 4801 et seq.) is amended as follows:

(1) In the subtitle heading—

(A) insert "National" before "Competitiveness"; and

(B) strike "Policy Council" and insert "Commission".

(2) In section 5201—

(A) insert "National" before "Competitiveness"; and

(B) strike "Policy Council" and insert "Commission".

(3) In section 5202()b)(2)—

(A) insert "National" before "Competitiveness"; and

(B) strike "Policy council" and insert "commission".

(4) In section 5203—

(A) in the section caption, strike "COUNCIL" and insert "COMMISSION";

(B) insert "National" before "Competitiveness";

(C) strike "Policy"; and

(D) strike "Council" each place it appears and insert "Commission".

(5) In section 5204—

(A) in the section caption, strike "COUNCIL" and insert "COMMISSION"; and

(B) Strike "Council" and insert "Commission".

(6) In sections 5205 through 5208, strike "Council" each place such term appears and insert "Commission".

(7) In section 5207, in the section caption, strike "COUNCIL" and insert "COMMISSION".

(8) In section 5210—

(A) in paragraph (1)—

(i) insert "National" before "Competitiveness";

(ii) strike "Policy"; and

(iii) strike "Council" each place it appears and insert "Commission"; and

(B) in paragraph (2)—

(i) insert "National" before "Competitiveness"; and

(ii) strike "Policy Council" and insert "Commission".

SEC. 3. DUTIES OF THE COMMISSION.

Section 5204 of the National Competitiveness Commission Act (15 U.S.C. 4803) is amended by striking paragraphs (11) and (12) and inserting the following:

"(11) prepare, publish, and distribute reports that—

"(A) contain the analysis and recommendations of the Commission; and

"(B) comment on the overall competitiveness of the United States economy, including the report described in section 5208; and

"(12) submit an annual report to the President and to the Congress on the activities of the Commission.".

SEC. 4. EXECUTIVE DIRECTOR AND STAFF OF COMMISSION.

Section 5206 of the National Competitiveness Commission Act (15 U.S.C. 4805) is amended—

(1) in subsection (a)(1), by striking "GS-18 of the General Schedule" and inserting 5376 of title 5, United States Code";

(2) in subsection (b)—

(A) by striking paragraph (1);

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting before paragraph (3), as redesignated, the following:

"(1) FULL-TIME STAFF.—The Executive Director may appoint such officers and employees as may be necessary to carry out the functions of the Commission in accordance with the Federal civil service and classification laws, and fix compensation in accordance with the provisions of title 5, United States Code.

"(2) TEMPORARY STAFF—The Executive Director may appoint such employees as may be necessary to carry out the functions of the Commission for a period of not more than 1 year, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, at rates not to exceed the maximum rate payable under section 5376 of title 5, United States Code."; and

(3) in subsection (c), by striking "GS-16 of the General Schedule" and inserting "the maximum rate payable under section 5376 of title 5, United States Code.".

SEC. 5. POWERS OF THE COMMISSION.

Section 5207 of the National Competitiveness Commission Act (15 U.S.C. 4806) is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following:

"(g) CONTRACTING AUTHORITY.—Within the limitation of appropriations to the Commission, the Commission may enter into contracts with State agencies, private firms, institutions, and individuals for the purpose of carrying out its duties under this subtitle.".

SEC. 6. REPORTING REQUIREMENTS.

Section 5208 of the National Competitiveness Commission Act (15 U.S.C. 4807) is amended—

(1) by striking the caption and inserting the following:

"SEC. 5208. ANNUAL PUBLICATION OF ANALYSIS AND RECOMMENDATIONS.";

(2) in subsection (a)—

(A) by striking the subsection heading and inserting "(a) PUBLICATION OF ANALYSIS AND RECOMMENDATIONS.—"; and

(B) by striking "on" and inserting "not later than"; and

(3) by adding at the end the following:

"(d) OTHER REPORTS.—The Commission may submit to the President and the Congress such other reports containing analyses and recommendations as the Commission deems necessary.".

SEC. 7. REFERENCES IN FEDERAL LAW.

(a) COMPETITIVENESS POLICY COUNCIL.—Any reference in Federal law to the Competitiveness Policy Council shall be construed to be a reference to the National Competitiveness Commission.

(b) COMPETITIVENESS POLICY COUNCIL ACT.—Any reference in Federal law to the Competitiveness Policy Council Act shall be construed to be a reference to the National Competitiveness Commission Act.

INTRODUCTION OF THE SAFE CABIN AIR QUALITY ACT OF 1993

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. NADLER. Mr. Speaker, I rise today to introduce the Safe Cabin Air Quality Act of 1993 with my colleague, the distinguished gentleman from Oregon, Mr. DEFAZIO. Now that the flying public no longer needs to be concerned about suffering the effects of secondhand smoke on short domestic flights, the airlines are creating a new problem for their passengers by restricting the amount of fresh air in the cabins of many new aircraft. Flight attendants and passengers have recently begun complaining of symptoms such as dizziness, dry eyes and throats, and even of contagious viruses, such as influenza after plane flights. These symptoms indicate that, at the very least, air quality in airplane cabins is often poor and, possibly, dangerous.

This bill will establish ambient air quality standards for aircraft cabins. At a time when we are working to cut air travel costs to protect the industry, we must not do so at the expense of the health and safety of passengers and flight attendants. As aviation technology progresses, airline engineers and executives must be reminded that it is still people who will be sitting, working, and breathing on the aircraft. New aircraft designs must ensure that the cabin maintains an acceptable proportion of fresh air and is free of contagious viruses and bacteria, dangerously high levels of ozone, and uncomfortably low levels of humidity. This bill would protect the health rights of the traveling public and airline crews.

TWENTY YEARS OF THE PATERSON PUERTO RICAN DAY PARADE

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. KLEIN. Mr. Speaker, I rise today to acknowledge 1993 as the 20th anniversary of Paterson's Puerto Rican Day Parade, Inc. This acknowledgement is in conjunction with the tribute I presented before Congress on May 5, 1993, declaring 1993 as "Puerto Rican Heritage Year."

The purpose of this organization is to show pride by uniting the Puerto Rican community of Paterson. It reflects the great political and economic progress that the community has contributed in the city and throughout our country, while preserving their cultural and folkloric heritage. This is celebrated annually at the Puerto Rican Day Parade of Paterson during the last week of August.

The city of Paterson's first Puerto Rican Day Parade was held on August 27, 1973, and was dedicated to Latino women and the great Puerto Rican athlete and humanitarian, Roberto Clemente. The parade has grown from 2 floats and 15 entities in 1973 to 20 floats and 60 entities in 1992. This fantastic growth is a result of and a tribute to the expanding Puerto Rican community, which now composes 50 percent of the total Latino population.

On August 29, the citizens of Paterson should join in commemorating Paterson's Puerto Rican Day Parade 20th year anniversary celebration. We honor them for their achievements and the integral part they have played in Paterson's rich history by encouraging other ethnic groups to share their heritage.

Now, therefore, I do hereby proclaim August 29, 1993, in the city of Paterson, Puerto Rican Day Parade 20th year anniversary as part of Puerto Rican Heritage Year in the United States of America.

UNITED STATES-MEXICO RELATIONS

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. COLEMAN. Mr. Speaker, August 29, 1963, was the day when the Chamizal Treaty was signed by the United States and Mexico. It was on this great day 30 years ago that some suggest marks the beginning of modern United States/Mexico relations.

Chamizal draws its name from a variety of cane or reed which grows in abundance near the river between Ciudad Juarez, Chihuahua and El Paso, TX. Anyone familiar with rivers knows that they often change course without warning or notice. Such was the case in 1894 when the Rio Grande strayed off its path, and as a result, Mexican farm land ended up in the United States. The Mexican Government filed a claim for return of that land, called El Chamizal.

After years of litigation, an arbitration court recognized Mexico's claim to the land in 1911. However, it was not until July 17, 1963, that the United States approved the return of the Chamizal. This Chamizal treaty was formally signed by Presidents John F. Kennedy and Adolfo Lopez Mateos on August 29, 1963.

I do not have to remind my colleagues of the sometimes difficult relations our country has had with Mexico. Prior to this agreement, relations were even more tense. But this accord signaled to both nations that there could be room for negotiation and cooperation in the future. It is no overstatement to say that our Mexican neighbors were overjoyed when the Chamizal Treaty was approved. The settlement over a small parcel of land reflected a new era of cooperation and friendship.

And now, as the North American Free-Trade Agreement, immigration reform, and other issues are being considered in this Congress, we see the value of this agreement because it provides us with a blueprint from which to forge stronger accords.

In my years in Congress, I have been steadfast in my conviction that the political, economic, and social health of Mexico is of paramount importance to the entire United States. Even further, hemispheric stability and growth is closely tied to a prosperous Mexico. Thanks to the Chamizal Treaty and other agreements that followed it, a more prosperous Mexico has indeed emerged.

Mr. Speaker, I would like to close with the words of the great Mexican President and patriot Benito Juarez: "El respeto al derecho ajeno es la paz"—respect for the rights of others is peace.

Benito Juarez was talking about being considerate in dealings with a neighbor. He was speaking from the mindset of a country that was increasingly being encroached upon in foreign affairs. And, he was talking about an autonomy necessary for nations to prosper and grow. He would no doubt be proud of the endeavors we are considering here and on the Mexican side to better the lives of Mexicans and Americans.

So, my colleagues, let us go on, in the spirit of the Chamizal Treaty, to forge a stronger partnership with our neighbors. Let us move to a new dawn of mutual respect and admiration that will be greatly beneficial to the people on both sides of the Rio Grande/Rio Bravo.

INTELLIGENCE AUTHORIZATION FOR FISCAL YEAR 1994

HON. GARY A. FRANKS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. FRANKS of Connecticut. Mr. Speaker, I rise today to support H.R. 2330, the Intelligence Authorization Act of 1994. While I am concerned that the committee authorized significantly less than the amount requested by the President, I am even more concerned that several Members wish to make even further cuts to this bill.

It's been said before, but I'll say it again: Though the cold war is over the world is still a dangerous place. I need only point to the recent crises in Yugoslavia, Somalia, and the Persian Gulf. The collapse of the Soviet Union has provided a great challenge to our intelligence community. A mission which was once easily defined and clear is now divided and uncertain. U.S. intelligence must focus on many more targets and geographic areas than ever before. We must provide the agencies that carry out this task with the proper resources.

With the drastic downsizing of our Armed Forces and defense capabilities, we will need to rely more and more on valuable intelligence. I believe further cuts to the intelligence budget would seriously jeopardize U.S. national security. The fiscal year 1993 authorization placed a great strain on our intelligence community. Accordingly, I urge my colleagues to reject any further cuts to this legislation and support final passage of the bill.

ELIMINATE DELAYS AND SUFFERING IN THE DISABILITY PROCESS

HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. NEAL of North Carolina. Mr. Speaker, today I am introducing legislation to bring much needed reform to the Social Security Disability Program. The current process for obtaining Social Security Disability benefits is an administrative nightmare. People who desperately need and deserve assistance are kept waiting months and even years for eligibility determinations and help.

In my congressional district, Mr. Speaker, a disabled individual can expect to wait 18 months to receive a final ruling on eligibility for benefits, 18 months during which he or she often has no other source of income. I am told that in some areas of the country the waiting period is even longer.

It is cruel to require people who need help to wait a year and a half or more to find out if they are going to receive benefits. In many cases people who start the process with physical ailments end up with psychological problems as well by the time the process is completed. Mr. Speaker, the Social Security Disability system has become another source of pain and frustration for those it was designed to help.

My bill would require, first of all, that no applicant for disability benefits be turned down without first having a face-to-face interview with a disability examiner. All too often, under our current system, the applicant has no personal contact with an employee of the Social Security Administration until the application has been rejected twice. In many cases, the nature and extent of an applicant's disability is not evident on paper or in a phone interview. We could save a good deal of time and unnecessary heartache if the Social Security Administration had complete information about an applicant's condition, through a person-to-person interview given early in the process, before a decision was made.

Mr. Speaker, my bill would also set some reasonable time limits for processing disability applications and appeals. Under the current system, there is a 5-month waiting period from the time a person becomes disabled until he or she is eligible to receive benefits. My bill would require the Social Security Administration to process an individual's application and appeals, if necessary, within the 5-month waiting period.

An initial determination would be made within 30 days. If the application is denied, reconsideration of the decision would be completed in 60 more days. Finally, if necessary, a determination by an administrative law judge would be made before the end of the 5-month waiting period. If, at the end of 5 months, the process is not complete, the Social Security Administration would be required to pay the disability benefits until a final decision is rendered.

Mr. Speaker, it is crucial that we bring some rationality to the Social Security Disability Program. It is unfair to keep people who need assistance waiting for months to find out whether they are eligible for help. Working people pay for the Social Security Disability Program through their Social Security taxes. Disability payments are earned benefits; they are not welfare. These benefits should be available when people are truly disabled and need help. I hope that my colleagues will support this legislation and that it can receive favorable consideration in the 103d Congress.

CRIME GOES UNDETERRED

HON. PETE GEREN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. PETE GEREN of Texas. Mr. Speaker, crime is becoming more attractive every day because the deterrent has become less and less. Criminals know that if they are caught and convicted, they will not be given the maximum sentence due to a shortage of prison space. And in most cases, they will not even serve the full term imposed because many States have to abide by burdensome Federal court restrictions on prison space. My State of Texas is a case in point, where criminals serve a median of only 47 days for every year of their sentence.

These criminals are not being released early for good behavior. They are being released to make room for others. The need for increased prison space has never been greater, but as we all know, construction of new prisons is extremely expensive and is often politically charged. So, at the very least we should use our existing prison space to the maximum capacity. But instead of filling prisons to 100 percent of their capacity, many States are mandated by Federal courts to operate under capacity and turn criminals out into our streets rather than risk inmate overcrowding.

According to the Criminal Justice Institute, 31 States have one or more of their prisons operating under a population cap or limit imposed by the Federal courts. However, the Federal prison system, which is not bound by any court orders establishing prison population limits, is operating at 165 percent of capacity. According to the U.S. Department of Justice, if State prison systems were allowed to operate at the same capacity as their Federal counterparts, an additional 268,000 beds would become available at a savings of $13 billion.

Mr. Speaker, today I am introducing legislation to remove the Federal courts jurisdiction from hearing any case dealing with inmate capacity at State penal or correctional institutions. The legislation would limit original jurisdiction and the appeal of these cases to the State courts, with ultimate appeal to the U.S.

Supreme Court. Our legislation will put the business of running prisons back where it belongs—in the hands of State prison officials.

States are well equipped to determine the proper capacity rates of their respective prison systems while still guaranteeing the constitutional rights of inmates housed within the system. This legislation does not give prison officials the authority to act with indifference to the rights of inmates, and does not effect a person's right to appeal to the U.S. Supreme Court to ensure that the constitutional rights of prison inmates are protected. However, it tells the Federal courts, in no uncertain terms, that they will no longer be able to unfairly tie the hands of State prison officials.

My legislation has received the endorsement of groups whose names alone bear testimony to the situation in our Nation. Groups like Parents of Murdered Children, Justice for Murder Victims, Justice for Homicide Victims, Inc., and Citizens for Law and Order. These groups represent the opinions of the citizens of this country. They want something done that will allow them to breathe a little easier when their children go out to play or when they go for a walk after dark. Let's show them that we are serious about our war on crime and keep prisoners where they belong—in prison.

My legislation is certainly not a cure-all Mr. Speaker, but it is a step in the right direction and I urge my colleagues to support me in this endeavor.

AGRICULTURAL APPROPRIATIONS BILL STRONGLY SUPPORTED

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. WALSH. Mr. Speaker, I rise today in strong support of H.R. 2493, the agricultural appropriations conference report. This bill provides $70.7 billion for agricultural programs. In our conference report we had to reconcile many contradictory positions and I commend Chairman DURBIN, Mr. BUMPERS in the Senate, my fellow conference members and their excellent staffs for their leadership and hard work in crafting this bipartisan bill.

I was glad that the conference report agreed to delete the unauthorized FDA user fee language passed in the Senate and instead accepted House language that provides $867 million for the Food and Drug Administration. This $200 million funding increase is needed to enable the FDA to meet its increased responsibilities and will hopefully expedite the approval process for new drugs and medical devices.

This bill will provide additional money for food stamps, for WIC, for child nutrition programs, and for popular feeding programs such as Meals on Wheels which benefit low-income senior citizens.

The conference report also provides almost $67 million for the Wetlands Reserve Program, an increase from the $44 million appropriated by the House. This will enable 11 new States to participate in the program as up to 75,000 acres can be set aside for wetlands protection.

There are numerous other beneficial programs which I could cite in support of this conference report. However, as we are all eager to leave for the August recess let me conclude by again commending the work of my distinguished subcommittee chairman, Mr. DURBIN and I urge Members to support this important legislation.

OUR LAW IS CLEAR AND UNEQUIVOCAL—JOHN DEMJANJUK MUST NOT BE ALLOWED TO RETURN TO THE UNITED STATES

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. SWETT. Mr. Speaker, in the past few days, the world has witnessed just how dispassionate and objective the courts of Israel are. In a case infused with emotion which has held the attention, not only of Israel, but the rest of the world as well, the Israeli Supreme Court held that John Demjanjuk, a former naturalized American citizen who was denaturalized and extradited to Israel, was not Ivan the Terrible, the notorious Ukrainian Nazi guard at the Treblinka extermination camp. The Israeli high court held that the evidence did not establish that Demjanjuk was the Treblinka guard, and ordered that he be released.

Based on the decision of the Israeli Supreme Court, it appears quite certain that Demjanjuk is not the notorious Ivan the Terrible. During the trial in Israel, however, it was established beyond any doubt that John Demjanjuk was a Nazi extermination camp guard who was trained by the SS at Trawniki and served in a highly responsible position at the Nazi death camp at Sobibor. He may not have been Ivan the Terrible of Treblinka, but he certainly was an awful Ivan of Sobibor.

On the basis of this, Demjanjuk must not be allowed to re-enter the United States. Our laws are clear and unequivocal on this point, Mr. Speaker. John Demjanjuk lied to American authorities when he applied for admission to the United States after World War II. He did not report his activities as a Nazi death camp guard at Sobibor, and if he had reported them, he would have been denied admission to the United States. His failure to disclose that information is grounds for denationalization, and on those grounds—according to our laws—he must be excluded from admission to the United States.

Mr. Speaker, in contrast to the serious, deliberate and dispassionate action of the Israeli court, an American judge has unilaterally involved himself in the legal proceedings involving the denaturalization and extradition of Demjanjuk from the United States. In a series of actions that are highly unusual and verge on being absolutely illegal, Gilbert Merritt, chief judge of the U.S. Sixth Circuit Court of Appeals in Cincinnati, intervened in the case on his own, without a request from attorneys representing Demjanjuk—who certainly does not lack for legal talent acting in his behalf, since he has half a dozen lawyers representing him and a substantial legal defense fund. Judge Merritt has scheduled a court review of the case and ordered that Demjanjuk be returned to the United States for that review, despite the absolutely unambiguous law which denies him the right to return. Judge Merritt's actions are those of a partisan with a point of view, not the impartial action of a justice sworn to uphold the sanctity of American law.

Mr. Speaker, Judge Merritt's actions are an affront to the people of the United States, to the Congress of the United States which enacted these laws, and to his own sworn oath to uphold the Constitution and the laws of the United States. His action in this case is outrageous. There is no place in the United States for John Demjanjuk and those like him who have violated international law and the laws of the United States through his complicity in the brutal execution and murder of innocent children, women and men as part of the Nazi extermination effort.

Mr. Speaker, I urge Attorney General Janet Reno and other appropriate officials of the Department of Justice to take the correct action in this case and appeal the biased and lawless action of Judge Merritt. John Demjanjuk must not be permitted to return to the United States.

Mr. Speaker, professor Alan M. Dershowitz of the Harvard Law School has written an excellent article which appeared in yesterday's issue of the Wall Street Journal which discussed the legal issues of the Demjanjuk case and the unprecedented lawlessness of Judge Merritt. I ask that this article be placed in the RECORD. I urge my colleagues in the Congress to read it carefully, but I issue a warning that the article will likely outrage them as it has outraged me.

[From the Wall Street Journal, Aug. 5, 1993]

ON DEMJANJUK, UNPRECEDENTED LAWLESSNESS

(By Alan M. Dershowitz)

In December 1991, Chief Judge Gilbert Merritt of the U.S. Court of Appeals for the Sixth Circuit in Cincinnati read a newspaper story about John Demjanjuk. Thus began one of the most bizarre episodes in American judicial history—culminating on Tuesday with Judge Merritt's highly questionable order to bring Mr. Demjanjuk back to the U.S. from Israel, to which he was extradited in 1986.

Mr. Demjanjuk, a Cleveland auto worker, was sentenced to death by an Israeli court in 1988 for Nazi war crimes on the basis of eyewitness testimony that he was Ivan the Terrible of Treblinka, who assisted in the murder of thousands of Jews. The newspaper story disclosed that new evidence had been submitted to the Israeli Supreme Court, which was then considering his appeal, suggesting that another man—named Ivan Marchenko—had been identified as Ivan the Terrible of Treblinka in affidavits obtained by Stalinist interrogators from other Treblinka guards shortly after the end of World War II. None of these guards was still alive, but their affidavits, which had been secreted in Soviet archives, were released several years after Mr. Demjanjuk's conviction. (Based on this newly disclosed hearsay evidence, an Israeli appeals court overturned his conviction late last month.)

Judge Merritt, who had presided over the appellate tribunal that affirmed Mr. Demjanjuk's extradition, was troubled by an allegation, reportedly made by one of Mr.

Demjanjuk's lawyers, that the Justice Department was aware of these affidavits ever before Mr. Demjanjuk's extradition.

Mr. Demjanjuk is not a particularly sympathetic defendant. There is powerful evidence that he volunteered to become an extermination camp guard, trained by the SS at Trawniki and assigned to the death camp at Sobibor. He admittedly lied about where he was and what he did during the war years in order to obtain U.S. citizenship. If he was not Ivan the Terrible of Treblinka, he was surely another pretty terrible Ivan, who participated in the slaughter of Jewish men, women and children.

But instead of waiting for Mr. Demjanjuk's lawyers to file a motion before an appropriate court, Judge Merritt in 1992 decided to take the law into his own hands. First, he had the Clerk of Court write a letter to the Justice Department expressing Judge Merritt's interest in an investigation of the matter which, according to press reports, the Justice Department was conducting.

Judge Merritt than read an article in Vanity Fair magazine and on that basis filed his "own motion" to reopen the case, convened a panel of the court, over which he presided, and granted his own motion, without the help of the adversary process. He then "restored" the Demjanjuk extradition to the Appellate Court's docket, ordered briefs to be filed and appointed a public defender to represent Mr. Demjanjuk, even though Mr. Demjanjuk had half a dozen lawyers representing him and a substantial defense fund.

As unprecedented and overreaching as these actions were, they were nothing compared to what Judge Merritt then did. Since the original extradition case had been heard by a Federal District Court Judge named Frank Battisti, the usual course would be for an appellate court to remand the case to that judge for further proceedings. Instead, Judge Merritt—without any plausible authority in the law—took the case away from Judge Battisti and assigned another district court judge to conduct a full investigation of possible Justice Department fraud. That judge found no such fraud and recommended closing the case and leaving Mr. Demjanjuk's exclusion intact, because he had lied on his visa application.

Not satisfied with that conclusion, the Merritt panel has now scheduled its own thorough review of the case. It is in connection with this review that the panel ordered Mr. Demjanjuk to be returned to the U.S., despite an unambiguous law denying him the right to return because he deliberately lied on his visa application.

The Merritt panel gave several reasons for its high-handed decision, issued after 10 minutes of deliberation. It ruled that courts always have the power to require a "party to the litigation to appear before them." That is flat-out wrong, at least insofar as litigants who are out of the country are concerned.

For example, when Kurt Waldheim was seeking to have his name removed from the "Watch list" of Nazi collaborators, he could lawfully have been required to litigate that issue from outside the country, with the help of American lawyers, since no litigant has the right to be present at an immigration hearing. If the Merritt panel's views were to become the law, then every Haitian or Chinese "boat person" could simply have an American lawyer file a lawsuit here and then seek admission in aid of that lawsuit.

The court was also dead wrong in concluding that Israel cannot properly try Mr. Demjanjuk for any crimes other than being Ivan the Terrible of Treblinka. Israel could, of course, try him for perjury committed during the trial in which he denied he was at Sobibor and Trawniki. Since Mr. Demjkanjuk's perjury is a new crime committed after the extradition, Israel is free to try him for that crime without regard to the original terms of the extradition. Moreover, even on the Sobibor charges, Israel could seek a waiver from the State Department of the rather technical rules of "specialty." Such a waiver might well be granted, since the crimes committed by SS trained guards at Sobibor were similar to those committed at Treblinka.

Nor is there any basis for the panel's "judicial notice that a serious threat exists to the life of John Demjanjuk in Israel." Mr. Demjanjuk has been well treated and well protected by the Israeli prison authorities. Moreover, Israel had intended to send him to Ukraine, not allow him to live among its population once it freed him. Mr. Demjanjuk received a fair trial and appeal in Israel—fairer than he would have gotten in many of our own states, where newly discovered hearsay evidence of the kind considered by the Israeli court to cast doubt on his guilt could not have even been considered.

Judge Merritt's self-generated actions are the kind of judicial hyperactivism and overreaching about which so many Americans are concerned. Courts are supposed to be institutions of limited power over actual cases and controversies appropriately brought before them by the parties. John demjanjuk has received all the due process to which he is entitled under U.S. law. If Judge Merritt—who was on President Clinton's short list for the Supreme Court—is "not too happy with the government," as he said during Tuesday's argument, then he has the same right as every other citizen to petition for a redress of grievances. But in his role as a federal judge, he must remain within the law and not decide to reopen cases on the basis of unhappiness generated by newspaper and magazine articles.

NATIONAL INSTITUTE FOR THE ENVIRONMENT STATEMENT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. BROWN of California. Mr. Speaker, the environmental challenges confronting the United States and the world are some of the most critical issues we face today. Current and emerging environmental problems are different in scale and kind from those which led to the passage of the National Environmental Protection Act and the creation of the U.S. Environmental Protection Agency in 1970. Environmental problems once described in terms of local pollution events have given way to effects felt on a regional or even global scale. Global environmental problems such as climate change, stratospheric ozone depletion, and the loss of biodiversity challenge the sustainability of human and natural systems. An environmental R&D structure developed to address the problems of the past may not be effective in identifying and addressing present and future problems.

A number of recent studies, including the Carnegie Commission report, "Environmental R&D: Strengthening The Federal Infrastructure," and the National Research Council Report, "Research to Protect, Restore, and Manage the Environment," have reached consensus on the problems in the organization of the existing Federal environmental research and development enterprise. These studies find there is no focal point for environmental research in the United States and that the research structures created to deal with past environmental problems are not optimally suited to address current and future challenges. They are also unanimous in the broad recommendation that the goal of any effort to strengthen the Nation's environmental R&D capability should be to improve the leadership, focus, coordination and funding for U.S environmental research, thereby creating a national research base more commensurate with the dimensions of global and national environmental problems and decisions.

The Federal environmental research portfolio includes hundreds of programs at over 20 agencies, ranging in scope from biodiversity to health effects of pollutant exposure. In spite of the large and growing list of national and international environmental concerns and economically important measures being taken or contemplated to address them, these programs are highly decentralized and there are few broad based policy strategies guiding these disparate research activities.

The Federal environmental research and development enterprise was created largely in the 1970's and has developed piecemeal over a number of decades, resulting in a collection of diffuse, substantially uncoordinated environmental research and development programs. This organization is inadequate to provide the scientific basis for sound decisionmaking on the critical environmental challenges confronting the Nation.

The research establishment is poorly structured to deal with complex, interdisciplinary research on large spatial and temporal scales. There is inadequate coordination of the efforts of the more than 20 agencies involved in environmental programs. Bridges between policy, management, and science are weak. Long-term monitoring and assessment of environmental trends and of the consequences of regulatory activity are seriously inadequate. Without the data generated by a coordinated environmental research and development efforts, regulations will not anticipate, they will only, belated, react.

Today, I am introducing a bill to respond to this problem. The "National Institute for the Environment Act" proposes the establishment of an independent entity with responsibility solely for conducting credible, high-quality, competitively awarded multidisciplinary environmental research. The intent is not to replace the existing environment research programs at Federal agencies, which are often necessary to support the missions of those agencies, but rather to supplement those activities by conducting the basic and applied environmental research which is not now being carried out. I want to stress that this new Institute would have no regulatory responsibilities, but would be charged solely with developing and improving the scientific knowledge base on which regulatory decisions will be based.

The bill draws on the work done by the Committee for the National Institutes of the Environment, a nonprofit group of scientists, environmentalists, and business leaders who understand the need for better environmental research. I readily acknowledge that there are other appropriate responses to the need to reorganize the Federal environmental R&D effort. My intent in introducing the National Institute for the Environment Act is to begin the debate about appropriate institutional responses to this now generally acknowledged problem rather than an endorsement of any specific proposal. Mr. Valentine, chairman of the Technology, Environment, and Aviation Subcommittee of the House Science, Space, and Technology Committee has indicated his intent to hold hearings on the organization of the Federal environmental research and development enterprise this fall. I encourage all my colleagues to support our efforts to bring more credible science to environmental problem-solving.

NEW DEVELOPMENTS IN SUDAN CRISIS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. WOLF. Mr. Speaker, before Members depart for their districts to focus on domestic issues, I want to call the House's attention to the plight of the people of Sudan and to alert Members that the Sudanese Government may be preparing a major military offensive against Sudanese rebels in southern Sudan. If that offensive takes place, the world's worst humanitarian nightmare will be worsened dramatically.

Recently, Baroness Caroline Cox, the Deputy Speaker of the British House of Lords, traveled to Sudan to observe the horrible conditions under which the people are living. Baroness Cox, who has traveled repeatedly to Sudan, is a tireless champion of people throughout the world who have no other defenders.

On this recent trip Baroness Cox traveled extensively in Sudan, from Khartoum to the Nuba Mountains and to the ravaged city of Juba in southern Sudan. She met with representatives of many of the people affected by the conflict, political, religious, and opposition leaders as well as refugees and international relief workers. During her discussions Baroness Cox received very disturbing information that the Government of Sudan may be preparing to launch a major offensive against the people of southern Sudan when the dry season returns.

Four million people right now face severe risk of starvation caused by the decade-old civil war and by Khartoum's denial of humanitarian aid to the region. If a dry season offensive is unleashed by the Government, thousands will be killed or wounded, tens of thousands of people will be made refugees fleeing to Kenya, Uganda, and Ethiopia and Africa's—and possibly the world's—most severe humanitarian crisis will deepen.

Baroness Cox and John Eibner, a humanitarian affairs specialist, returned from Sudan with a number of important recommendations to the international community on ways to end the suffering and death in Sudan, including dramatically improving human rights conditions for all people, ensuring the safe delivery of food and medicine to starving people, and bringing all parties together to make a good-faith effort to end the civil war. I would like to briefly summarize their findings.

Baroness Cox found that, despite the Government's claims to the contrary, respect for human rights has not improved. Gross violations include killing of civilians in war zones, imprisonment and maltreatment of opponents of the regime, and repression of religious and ethnic groups and reports of ghost houses where civilians are detained and tortured. Human rights abuses are not limited to the Government only, however. The SPLA rebel factions in the south are responsible for widespread abuses as well and some of the worst abuses recently have been caused by SPLA factional fighting.

The safe and timely delivery of humanitarian aid to southern Sudan continues to be a severe problem. Sudanese Government leaders told Baroness Cox that progress in the delivery of aid has been made, including regular United Nations flights from Kenya to Juba, Sudan, but a number of Non-Governmental Organizations [NGO's] rightly complain of "lack of access, especially to transitional zones and lack of adequate monitoring and implementation of projects." Specific recommendations include providing the representative of the World Food Program in Juba a permanent visa to ensure the continuity of WFP efforts.

This week the House Foreign Affairs Committee's Subcommittee on Africa marked up legislation calling on both the Government of Sudan and the rebel factions in the south to end the civil war and to allow the flow of humanitarian aid to the millions of starving people. I commend Chairman HARRY JOHNSTON, who recently traveled to Sudan, and Representative DAN BURTON who have cointroduced this important bill for focusing on this tragic issue and I encourage all Members to cosponsor this resolution.

To understand the tragedy of southern Sudan, one need only hear the words of Manute Bol, a professional basketball player and a Dinka from southern Sudan who has been on Capitol Hill trying to focus congressional attention on the plight of the starving people of Sudan. Manute does not spend his off-season in the same way many other professional athletes do. He chooses, instead, to make the very difficult trek into southern Sudan to visit the refugee camps and to provide comfort to his weary and neglected people.

Manute is one of the few fortunate ones to escape the living Hell of southern Sudan. He recently returned from Sudan and Kenya with horrific stories about the thousands of children—9- and 10-year-olds—who have walked for months across Sudan in search of food. After walking hundreds of miles between refugee camps, the weakest of these children are often left behind to be attacked and eaten by packs of wild animals. The other boys no longer have the strength even to bury them.

Finally, Mr. Speaker, I believe the United States has taken positive steps regarding Sudan, but that much more must be done. The appointment of Ambassador Francis Cook as United States Special Envoy for humanitarian issues sent an important message to the Government of Sudan and to the SPLA rebels that the United States has elevated its attention on this issue. I've met with Ambassador Cook and I believe she has made progress in raising awareness to the crisis both within the Clinton administration and internationally. Unfortunately, Ambassador Cook will be leaving her post shortly.

To ensure that the work of Ambassador Cook is not interrupted, President Clinton must quickly appoint a new special envoy to Sudan. This new envoy should have an expanded portfolio which includes not only humanitarian crisis without addressing the root cause of this crisis—the decade-old civil war between the Khartoum Government and the SPLA rebels—and attempting to end this bloody conflict. I've recently written the President, Secretary of State Christopher and others asking that a new envoy be appointed promptly.

The message from Congress must be clear: The Government of Sudan must not launch an offensive against the people in southern Sudan, both the SPLA and the Government must not disrupt the flow of humanitarian aid to starving people, and a sincere dialog between the SPLA and the Government must begin. Ending the civil war and famine is in the interest of all parties, in the north and in the south, in Sudan. It will allow all people—especially the millions of children who have been robbed of the opportunity to learn and grow—to rebuild their lives and prosper in peace.

AMERICA'S PHARMACEUTICAL INDUSTRY: CONGRESS' NEED FOR RELIABLE RESEARCH

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. FRANKS of New Jersey. Mr. Speaker, I have recently become seriously concerned about the quality of congressionally sponsored research available to this body regarding our Nation's health care system.

I am particularly concerned about the debate over the prescription drug industry. It has become quite popular to blame much of the health care crisis on this industry. However, the average citizen probably would be surprised to learn that less than 8 cents out of each dollar of the Nation's health care spending goes toward prescription drugs. Based on the public attention this industry is currently getting, one would think that the cost of drugs would be 10 times that amount.

There are many highly technical issues involved in Federal policy toward the drug industry. Some of the most complex of these are the proper measurement of price and profitability trends and the design and evaluation of incentives for research and development. We, in the Congress, depend on our research support organizations to help us understand these issues and our options in dealing with them. That is why I was so disappointed in some of the work the Office of Technology Assessment [OTA] recently produced. The OTA delivered a highly critical analysis of our domestic prescription drug industry. But their numbers simply do not support the severe criticism that they directed at the industry.

One OTA report, entitled "Pharmaceutical R&D, Costs, Risks and Rewards," concludes that drug prices are about 4.3 percent higher than they need to be to justify R&D investment. However, this report is replete with highly questionably assumptions, including overly conservative plant and equipment costs, incorrect tax rates, and overestimated market share after expiration of patents.

Furthermore, the OTA study is simply outdated. The study is primarily based on drugs approved by the FDA in the early 1980's, using market conditions and industry practices from that time. This results in inaccurate conclusions regarding the marketplace and the pharmaceutical industry of today. For example, the report fails to take into account that the Waxman-Hatch Act of 1984 has been fully implemented, providing increased competition from generic drugs. Additionally, industry price increases in the past 12 months were the lowest they have been in 15 years, and Pharmaceutical Manufacturing Association [PMA] member companies have kept their pledge to hold down price increases within the Consumer Price Index.

Another recent OTA report, "Drug Labeling in Developing Countries," delivers an indictment of the prescription drug industry's procedures for labeling drugs the industry sells in certain developing countries. This study is also fatally flawed for a number of reasons.

For example, the OTA failed to take into account that developing countries have their own regulatory systems and set their labels according to their own health standards, independent of any U.S. labeling criteria. I believe that it would be presumptuous for the United States to attempt to supersede the regulatory autonomy of other nations.

Additionally, my colleagues may be aware that many drugs sold by prescription in the United States are sold over-the-counter in other countries, making different types of product information appropriate. The OTA reported that about 15 percent of the labels they studied were not in compliance with the standards set by the OTA's medical experts. Yet according to the pharmaceutical industry, using the labeling standards of other developed countries such as Japan and the European nations, the number of drugs in the survey with labeling problems was not the 50 identified by the OTA, but 8. Furthermore, the PMA has found that the makers of these eight prescriptions have either changed their labels or withdrawn their products from world markets. OTA seems to consider this action an indication of wrongdoing by the industry, but that is simply not the case.

Mr. Speaker, some in Congress may use these reports to indict our Nation's drug industry, which I consider the finest in the world. However, many aspects of the OTA's report don't support the facts. I urge my colleagues to ignore these biased reports and instead focus on finding real solutions to our health care crisis. Using this proud American industry as a scapegoat or a villain is not a solution to our health care problems.

PRESERVING A LIVEABLE WEST SIDE

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. NADLER. Mr. Speaker, today, I am introducing legislation which will eliminate the authorization for $15.6 million to tear down the newly reconstructed Miller Highway and rebuild it nearby. The legislation I am introducing will instead authorize this money to make improvements to the subway station at Broadway and West 72d Street.

There is no good reason to tear down a brand new roadway and rebuild it. In fact, the only reason this project is even being considered is to accommodate a massive private development project on the West Side. This project would be completely out of scale with the surrounding community, would overburden existing mass transit, schools, and other services and would cast a shadow over neighboring streets.

Worse still, the project would be built on the site of the Penn South railyards, which could and should be converted into an intermodal rail terminal. Were this sound transportation project built on this site, it would eliminate thousands of truck movements on our city streets each year. Rather than adding congestion to our streets and pollution to our air, the railyard project would alleviate these problems.

By using the funds to improve the 72d Street station, we could relieve overcrowding at one of the most congested subway stations in the entire system. At rush hour, this station is often so crowded that commuters are nearly pushed off the platform onto the tracks.

Do we really need to waste scarce transportation dollars moving a new highway to accommodate the wishes of a developer intent on adding congestion to Manhattan? Instead, we should be improving our mass transit system, building a safer, more efficient, and healthier future for all our citizens. I urge swift passage of this legislation.

CONGRESS SALUTES GREENPORT DEVELOPER JOSEPH ANTHONY "TONY" FABIANO

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. SOLOMON. Mr. Speaker, some people say there are no more heroes anymore.

Well, Mr. Speaker, I say they are wrong. Heroes come in all shapes and sizes, and there are many ways to be a hero, as far as I'm concerned. One of my definitions of hero is someone who gives freely of his time and talents and leaves his community better than it was when he found it. I'd like to talk about one of those heroes today.

Joseph Anthony "Tony" Fabiano will be honored at a September 10 testimonial dinner for what the steering committee calls his extraordinary efforts in developing residential, commercial and retail projects in the town of Greenport.

Make no mistake about it, Mr. Speaker, Tony Fabiano has left his mark.

He was born in 1922 in the city of Hudson, where he graduated from high school in 1941. In 1943 he graduated from Delhi State College, where his classmates judged him to have contributed the most to the institution during his years there.

He then enlisted in the Army and became a specialist in topographic drafting. Eventually, he was attached to the London headquarters of Gen. Dwight D. Eisenhower.

Fabiano landed in France a week after D–Day and prepared maps as the Allies made their way across Europe. At the end of the war he found himself in Frankfurt, Germany.

He was discharged in 1946 with the rank of sergeant, and began building houses with his father. Five years later, his father turned the business over to him.

Throughout the 1950's, 1960's and 1970's he built numerous houses, including 77 lots on the Folkers estate, and 88 houses on land behind Lorenz Park. His first commercial project was the former Healy Farm, which he developed into a shopping center which became Fairview Plaza. He also bought land to develop as a gravel bank, developed the Corner Plaza project, and other projects which have shaped the Greenport area.

More recently, he assembled the parcels on which Wal-Mart and Price Chopper are building their stores.

He and his wife, the former Beatrice Bye, also found time to raise two children, Anthony, and Mary Ann Deters. They also have two grandchildren, Laura and Holly.

Mr. Speaker, every community should have someone like Tony Fabiano, a doer, a man of action who dreams big dreams and has the guts and brains and drive to turn those dreams into reality.

In short, Tony Fabiano is the kind of man who has made America the greatest country on Earth.

I would ask you, Mr. Speaker, and all members to rise with me in saluting a real unsung hero, Joseph Anthony "Tony" Fabiano.

OCCUPATIONAL SAFETY AND HEALTH REFORM ACT OF 1993

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. GOODLING. Mr. Speaker, today I am joining Representative FAWELL and other members of the Education and Labor Committee in introducing the Occupational Safety and Health Reform Act of 1993. Now, I know when Members of Congress speak about reform, what much of the public hears is a code word for a new set of mandates coming down the road or for just more of the same old stuff, only worse. Well, I understand that fear but this bill is, in fact, different from past so-called reform efforts.

This legislation will force the Occupational Safety and Health Administration to reorient its compliance philosophy from one of confrontation—a philosophy which measures success by the number and amount of penalties levied and not by results—to one which will help employers comply with the law and one which will provide incentives to employers to undertake meaningful steps to improve workplace protection. Let me hasten to add that this bill will not create loopholes in the law behind which abusive employers will be able to hide. I am quite aware that some employers do not take proper steps to protect their employees and that, unfortunately, there will always be some bad actors. To the contrary, these reforms will result in a better use of OSHA's limited resources in reaching those bad actors while extending a helping hand to conscientious employers—the vast majority—who are willing to comply with the law but simply need some guidance in knowing how.

While Mr. FAWELL will go into more detail about the legislation, let me here provide some examples as to how this proposal will accomplish these goals. The act requires OSHA to develop a model injury program for small employers, which, if followed by an employer, will qualify that employer for an exemption from certain inspections or a reduction in penalties; it provides that OSHA must devote 25 percent of its resources to assistance for small employers, especially those in the most hazardous industries; and it exempts employers from general schedule inspections if they have an on-site consultation program or an exemplary safety record with a safety and health program meeting certain specified criteria, including employee participation. Workplaces with distinguished records are to be given special recognition. But what about the unsafe workplaces? Well, OSHA is instructed to develop a special emphasis program targeted at the most hazardous industries; employees who have legitimate complaints against their employers are protected from retaliation by expanded rights—while encouraged to use alternative dispute resolution mechanisms—and employers which egregiously disregard safety and health protections in a manner which leads to the death of an employee are subject to increased criminal penalties. OSHA is also given authority, codifying existing policy, to act quickly against imminent dangers.

I would be remiss if I did not note that the bill also addresses other areas. Everyone recognizes that there are problems with the way OSHA currently sets standards; this bill revises existing standard setting criteria and directs the agency to set rulemaking priorities based on an evaluation of relative hazards. The civil penalty structure has been revamped to eliminate arbitrary classifications and to target penalties at the worse injuries. Provisions addressing variance procedures, drug testing, national uniformity in hazard communication warnings, and requiring an analysis of the costs and benefits of OSHA regulations have also been included.

I also want to note that the bill extends OSHA coverage to the House of Representatives and State and local governments. The appropriateness of the former is obvious and is consistent with my long held position on congressional coverage issues. The latter does raise concerns, however, as the extension may require significant expenditures. For this reason, the bill provides that State and local governments will not be covered for 3 years following passage of the bill and requires a cost study to be completed within 1 year of passage. Hence, there will be an opportunity to revisit the issue of State and local coverage if need be.

Finally, let me emphasize that much of the groundwork for this bill was laid by Representative Paul Henry last year through his development of a similar proposal. Before his recent untimely death, Paul was the true expert on safety and health issues on the Education and Labor Committee. His expertise and guidance will be solely missed.

Mr. Speaker, the issue of safety and health reform is a controversial one and this bill is far from perfect. But it will engender debate over very legitimate issues and I look forward to receiving constructive criticisms, making appropriate modifications, and including the suggestions of others as we approach Committee consideration. We all share the goal of promoting safety and health in the workplace; we need only reach agreement on the best way to get there.

INTRODUCTION OF LEGISLATION REGARDING LAW OFFICERS KILLED IN THE LINE OF DUTY

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Ms. MOLINARI. Mr. Speaker, today 11 colleagues join me to introduce legislation that would require the death penalty when a law enforcement officer is killed during the line of duty.

My legislation amends the Omnibus Crime Control and Safe Streets Act to reduce funding if States do not enact legislation that requires the death penalty in certain cases. It reads:

> In order not to reduce the funds available under this subpart by 25 percent (for redistribution to other participating States), a State shall, on the first day of each fiscal year succeeding the first fiscal year beginning after September 30, 1994, have in effect throughout the State in such fiscal year a law which requires a sentence of death to be imposed when a law enforcement officer is killed in the line of duty.

Earlier this year a constituent of mine was shot and killed in the line of duty. He was working undercover on a buy and bust and was shot and murdered. During almost 8 years of service, he earned countless police department commendations. Detective Luis Lopez made the people of New York feel safer, by going undercover working with drug dealers so he could clean up our streets and provide all of us and our children with the opportunity of a cleaner and safer future.

It is time to get tough on the criminals and get tougher on States that are not hard on criminals. When our law enforcement officers are killed while working to protect innocent and law-abiding citizens, I believe it is our duty to see justice prevail and make the punishment fit the crime.

Luis Lopez's death reminds all of us just how much police officers are willing to risk in order to protect our communities.

THE HOUSE'S PASSAGE OF THE 1993 BUDGET RECONCILIATION ACT

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. KLECZKA. Mr. Speaker, the passage of the budget bill last night puts us on the verge of restoring America's confidence that we can and will take bold, decisive action to improve our economic future.

The American people demanded that we bring down the budget deficit, and the plan we passed last night delivers: It cuts the deficit $496 billion over the next 5 years. This is not an empty promise—the President has issued an Executive order that will ensure that savings will be locked into paying off our debt.

We heard the calls for more spending cuts, and we responded with an agreement that improves the ratio of cuts to tax increases to better than 1:1. The plan we forward today to the Senate calls for $255 billion in cuts, compared to $241 billion in new taxes.

On top of that, the House has voted in the last few months to cut billions more from the budget as part of its appropriations process. Gone are the $11 billion superconducting super collider, the wasteful European Development Bank Program, and $940 million in foreign aid. More cuts are sure to come.

Equally important, we delivered on our commitment to sharing the tax burden equitably. If the Senate passes this bill, working Wisconsin families making less than $180,000 a year will not pay a dime more in income taxes. In fact, middle class families will be asked to make a very small contribution—we calculate that the average Wisconsin driver will have to pay only 55 cents more a week because of the gasoline tax increase.

Similarly, the most vulnerable Americans, senior citizens, will not be overburdened—Social Security recipients will not pay additional taxes on their benefits unless they have an income of more than $34,000 for individuals and $44,000 for couples. And the $56 billion reduction in Medicare spending will come out of reduced reimbursement to health care providers.

Lastly, with this package we addressed the concerns of small businesses, the engine driving job growth today. The bill provides a 50-percent cut in the capital gains tax to investors who hold onto stock in a small business for 5 years, giving investors an incentive to contribute to the creation of new businesses. For existing companies, this budget plan expands the expensing provision for purchases of equipment by 75 percent, from $10,000 a year now up to $17,500. For the self-employed, the plan allows for a deduction of 25 percent for health care premiums. And to encourage more research and development, the plan contains a significant tax credit for research and development.

The alternative to this plan is more of the status quo: more inaction, more distractions, and no deficit reduction. The choice is clear: action versus more neglect, serious deficit reduction versus more bickering, economic growth versus more stagnation. I support this agreement because I believe we must rise above partisan differences and continued gridlock to do what's best for America, and this bill is a giant step in that direction.

SAM STRATMAN—CONGRATULATIONS AND A FOND FAREWELL

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. HYDE. Mr. Speaker, at the end of this month, my office will lose one of its most valuable employees, when Sam Stratman assumes an executive position at the U.S. Capitol Historical Society.

Sam has served as my press secretary since May 26, 1987, and he has been a joy to my entire staff as well as without peer in his professional duties. His warm enthusiasm, his rare sense of humor, his genuine creativity have brightened our office and added a zest for living that has been an inspiration to us all.

This is not an obituary—its a beginning, a grand beginning to this upward march of a great talent, a warm and thoughtful human being with that rare spiritual dimension that elevates him to the ranks of the extraordinary.

On behalf of my entire office staff, both in Washington and in the district, we wish Sam Stratman continued success and health and we hope he fondly remembers us as we certainly will remember him.

HAPPY 100TH MBSA

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. BARCIA of Michigan. Mr. Speaker, I want to call attention today to the anniversary of an outstanding business organization in my State of Michigan, the Michigan Bean Shippers Association. Its dealer and associate members, including U.S. and international canners and packagers, will continue their celebrations at their annual summer meeting this weekend.

The association was founded on December 7, 1892, by 12 Michigan bean dealers. It has grown to its 51 dealer members and 192 associate members operating in 29 States and 17 foreign countries. The international marketing performed by these fine firms add a source of strength to our international balance of trade as we see a substantial portion of the dry bean varieties produced in Michigan move to overseas market, the United Kingdom in particular.

The Michigan Bean Shippers Association has throughout its history, and continues, to this day, to provide valuable information to people in the dry bean trade. The many market reports, the excellent "Dry Bean Digest", and its many special reports are all excellent. It provides very valuable information to elected officials regarding the economic impact of the bean industry. Its close work through international food programs operated by the U.S. Department of Agriculture is most important to all of us.

And, Mr. Speaker, everyone of us here knows of the quality navy beans produced in Michigan because of the fact that the recipe for our famous Capitol navy bean soup—dating back to the early days of the association when it was called the Michigan Bean Jobbers Association—calls for Michigan navy beans. The discriminating consumer knows if the beans are Michigan navy beans with the very first taste.

I urge all of my colleagues to join me in wishing the heartiest congratulations to the members of the Michigan Bean Shippers Association of its 100th anniversary.

TRIBUTE TO MARY CHAMBERS

HON. STEVEN SCHIFF

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. SCHIFF. Mr. Speaker, I stand today to recognize and to thank an outstanding individual from the First Congressional District of New Mexico—Ms. Mary Chambers.

Ms. Chambers has recently been named public safety division director for the county of Bernalillo, NM. Along with other duties, Ms. Chambers will oversee several departments such as the fire department, environmental health, and animal control. What makes this appointment so special is that Mary Chambers has been a volunteer firefighter for 21 years and has served on a blue ribbon committee charged with improving the service and management of the fire department. Much to Mary's surprise, and the community's delight, she will now be in charge of the same department to which she has devoted so much of her own time.

Mary Chambers has given much of her life to the good of the community as a volunteer to many worthwhile causes. She serves on numerous national service boards and helped author the fire officers examination which is used by fire personnel across the country for evaluation and educational purposes. Mary teaches fire officer training at the Albuquerque Technical and Vocational Institute while continuing to be both mother and wife to her two daughters, Elizabeth and Suzy, and to her husband William.

Mary Chambers is the epitome of a volunteer. Thanks to people like her, voluntarism is alive and well in New Mexico. Thanks again Mary, and best of luck to you in all your endeavors.

EDUARDO ROMERO WORKS TO IMPROVE LIFE IN CHILE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Ms. ROS-LEHTINEN. Mr. Speaker, a constituent of my congressional district, Ray Velazquez, has brought to my attention the work of Eduardo Romero.

Mr. Romero is a Chilean citizen, who has dedicated himself to improving life in his country, Chile. Eduardo Romero educated himself and by 1973 had become the leader of the transportation union movement in Chile. In 1973, he called a general labor strike against then President Salvador Allende.

Today, Mr. Romero has turned his attention to another evil that lurks over our world, drug addiction. He is the director of the Department of International Relations of the Rotary International Committee of Antidrug Programs, which has developed a program against drug addiction that has attracted the attention of Rotary Clubs from around the world.

Mr. Speaker, although I have not met Eduardo Romero, it is clear that democratic Chile has gained much from his actions.

HONORING SAMUEL W. BOUGH, ALL AMERICAN DEPARTMENT COMMANDER, VETERANS OF FOREIGN WARS

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. DE LUGO. Mr. Speaker, I rise in honor of Samuel W. Bough of St. Croix, VI, who has been named an "All American Department Commander of the Veterans of Foreign Wars of the United States."

Our veterans are very special and important citizens. Men and women from all corners of our country, they agreed to put their lives in harm's way to protect our Nation and its citizens from threats from abroad.

Veterans of foreign wars are particularly special veterans who have served their Nation around the globe in countries far from home and family.

After their terms in the military are done, many veterans continue serving their country and the communities where they live, often through distinguished organizations such as the Veterans of Foreign Wars.

Samuel W. Bough recently was named an all American department commander of the VFW, one of the most prestigious honors given by this more than 2 million member organization. He was 1 of only 29 commanders selected nationwide for all American status.

Sam served in the United States Army in Germany from 1958 to 1960. He has been a VFW member since 1986 when he joined at VFW Post 10674 in St. Croix. Today, he is the department commander for the Virgin Islands and Puerto Rico.

As an indication of his service and hard work, the VFW department he directs was the first to exceed a 100-percent increase in the 1992–93 membership drive, gaining 125 new members and reaching the membership quota assigned by the VFW national commander.

Moreover, the all American commander award recognizes not only membership growth, but Sam's active promotion of other VFW programs and his leadership of the members of the department he heads.

Mr. Speaker, I congratulate my good friend Sam Bough on this great honor, and commend him for his service to the veterans of the United States, the Veterans of Foreign Wars, and the people of his community who have benefited so greatly from his many contributions.

THE PRESIDENT NEEDS A LINE-ITEM VETO

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today to urge my colleagues' support for a constitutional amendment granting the President a line-item veto. Already, 43 States have recognized the need for this measure. The Governors of these 43 States, unlike the President, have the power to cut wasteful and unnecessary spending items out of bills passed by their legislatures; they have the power to keep taxpayer dollars from being spent needlessly and recklessly; and they have the power to instill accountability and fiscal responsibility in their lawmakers.

Here in Washington, however, we do not allow the President to consider appropriations bills item-by-item, for fear of his striking precious pork-barrel projects. When the Midwest flood relief bill contains a clause appropriating funds for a totally unrelated program in California, we cannot ignore the need for a line-item veto. This extraneous clause stalled Congress' efforts to provide necessary relief for victims of a horrible natural disaster. Such situations are irresponsible, both morally and fiscally. The line-item veto would remedy these situations.

I have heard criticisms that giving the President the line-item veto would upset the balance of power as it relates to budget issues between the legislative and executive branches. But, how can we object to giving the President the right to eliminate unnecessary, unaffordable pork-barrel spending items from large appropriations bills? How can we object to limiting Congress's power to waste money? Perhaps if our national debt were not approaching $5 trillion, we would not need a line-item veto. Unfortunately, that is not the case.

I realize the line-item veto will not solve our Nation's fiscal problems, but I know that it would be an important first step toward securing a sound economic future for America. We must recognize the realities of our current fiscal situation, and its prospects of America's future. Mr. Speaker, the responsibility of this Congress is clear; we must take immediate action to enact the line-item veto, because we can no longer afford business as usual.

GOOD PEOPLE AND GOOD SENSE AT THE HANEY FARM

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. ROEMER. Mr. Speaker, I rise briefly today to pay tribute to some Hoosiers who I think represent the heart of the good things in our country.

Mort and Judy Haney are farmers. They live in Kosciusko County, IN, part of which is in my district. These are hard-working people who live by their good common sense. They also represent the very best of Hoosier hospitality, and their value to the community is seemingly endless.

Mort has served as the statewide director of the Indiana Statewide Rural Electric Co-op organization, and he has long been known for his leadership and problem-solving abilities.

The family has been raising holstein cattle on their farm for 36 years, and they belong to the Associated Milk Producers and the Holstein Association.

The Haneys enjoy outdoors and recreational facilities when they are not busy with their farm, but I imagine such leisure time is a rare luxury. The quality of their work and the goods they produce is nothing short of outstanding.

They are members of the Beaver Dam United Methodist Church, and are known throughout the community for their industry and warm and caring nature.

Mr. Speaker, this statement does not recognize any specific event: it does not commemorate a birthday or anniversary. But in these difficult economic times, I think it is most appropriate that we recognize that all over America there are people who still live the American dream, who still live, not for themselves, but for their family and community, and whose very existence ensure the strength and survival of the values and qualities that make America great.

The Haneys are such people. Mort and Judy and their children should be very proud to represent the faith, leadership, and enterprise that are the hallmarks of American life.

WE MUST FIGHT THE SCOURGE OF ANTI-SEMITISM

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. SWETT. Mr. Speaker, the 20th century doubtless has been the deadliest century in mankind's history. As we reach the end of this turbulent 100 years, despite some positive indications of progress, there are increasing indications that we have not learned the message of our times. Throughout the world we are seeing a disturbing upsurge in petty tribalism, the growth of ethnic violence, and a decline in tolerance.

We are seeing the disenfranchised, the marginalized, the brooding under-achiever seething with resentment at a seemingly indifferent society. We are seeing a knee-jerk reaction from many of these elements of blaming the neighbor who is different, the outsider, for the current economic, social, and political woes. This hateful phenomenon takes many forms, but one of its most vicious forms is anti-Semitism and racism.

In Germany, unification has proved to be a mixed blessing. The country is struggling to cope with the huge economic and political costs of integrating East and West. The social and economic difficulties of this integration have unleashed a vicious wave of right-wing extremism and anti-Semitism that has horrified most thoughtful Germans as well as the international community.

Not only in Germany but in the remainder of Western Europe, growing numbers of migrants and refugees from North Africa and Eastern Europe are swelling inner cities. While some Europeans welcome the diversity and richness that these new residents bring, others are threatened by the rapidity of change and see the new migrants as a threat to their jobs and way of life. The unfortunate result again has been the rise of anti-Semitism and the growth of an intolerant, anti-immigrant backlash.

In the republics of the former Soviet Union and in the newly emerging democracies of Central and Eastern Europe, the morally bankrupt Communist ideological, political, economic, and social system has collapsed. Citizens of these countries are now attempting an unprecedented adjustment to the harsh realities of free market economics, but they are still awaiting the promised benefits. These difficulties are enhanced when the people of these countries contrast current uncertainties and problems with the certainties of communism. The new freedom of expression and political democracy have provided opportunities for those who are searching for scapegoats for the problems these societies are facing, and the result has been the deeply troubling rise of anti-Semitism in the territories of the former Soviet Union and Central and Eastern Europe.

The disturbing television documentary "Freedom to Hate"—which the Congressional Human Rights Caucus recently arranged to be shown to Members of Congress—provides evidence of this rise of anti-Semitism in the former Soviet Union. The film includes excerpts of an interview with Aleksandr Eduardovich Kulakov. In a review of this excellent film, the Montreal Gazette, March 23, 1993, said of this Russian anti-Semite: "The most malevolent Hell's Angel bouncing a pool cue off a hippie's head was Mr. Rogers compared with Kulakov." In the interview, Mr. Kulakov blamed the international Jewish conspiracy and the Jewish way of thinking for communism, democracy, liberalism, and humanism, and he holds Jews responsible for AIDS, pornography, bestiality, homosexuality, and incest. He says that Jews masterminded the Russian Revolution, as well as the French Revolution and the American Civil War.

Mr. Speaker, it is not surprising in light of such incredible expressions that the incidence of right-wing, anti-foreigner, and anti-Semitic violence has shown an alarming rise throughout the world. The German Government's Office for the Protection of the Constitution reports that the number of acts of right-wing violence increased from 246 in 1990 to 2,285 in 1992—an increase of some 800 percent. While this is extremely disturbing—particularly given Germany's Nazi past—Germany is hardly unique. According to the Financial Times of London, December 2, 1992, the British Government reported 7,780 racially motivated attacks in 1991 and 6,559 in 1990. The record of France, Italy, Spain, Sweden, and Austria is equally blemished.

A report prepared by the Anti-Defamation League on "Anti-Semitism in Europe" during the first quarter of 1993 concludes that the number of supporters of the extreme right has risen, there has been a strengthening of ties between extremist organizations, and, Holocaust denial" is an ideological thread that connects disparate organizations and individuals from the extreme right and the extreme left. I am seriously concerned, Mr. Speaker, with the reports that Holocaust denial is an ideological link between radical Muslim fundamentalist groups and right-wing anti-Semitic groups in Europe.

We in the United States are not immune to this virulent virus of anti-Semitism. The growth of right-wing neo-Nazi groups in our own country is a serious and growing problem. Furthermore, there are disturbing signs that anti-Semitic and neo-Nazi groups in Germany and elsewhere in Europe are developing links with similar groups here. We have seen incidents of racial and anti-Semitic violence, such as the alarming disturbances in Crown Heights in Brooklyn.

Mr. Speaker, it is essential that we in the Congress take strong and decisive action to fight this insidious venom that is poisoning relations among peoples in many places. We must condemn and fight anti-Semitism and racist violence wherever they occur. At home here in America we must adopt and insist upon the effective enforcement of tough hate crime laws. Abroad, it is essential that we continue to call world attention to the kinds of problems we are seeing in Germany, the former Soviet Union, and elsewhere.

As Protestant theologian Martin Niemoller said following World War II:

> When Hitler attacked the Jews * * * I was not a Jew, therefore, I was not concerned. And when Hitler attacked the Catholics, I was not a Catholic, and therefore, I was not concerned. And when Hitler attacked the unions and the industrialists, I was not a member of the unions and I was not concerned. Then, Hitler attacked me and the Protestant Church—and there was nobody left to be concerned.

Mr. Speaker, this is a time for all of us to be concerned. This is a time for all of us to act together to fight against racism and anti-Semitism both here at home and abroad.

ALLOW TAIWAN INTO THE UNITED NATIONS

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. PENNY. Mr. Speaker, I would like to include in the CONGRESSIONAL RECORD an op-ed published in the Richmond Times-Dispatch on July 24, 1993, which does an excellent job of outlining the reasons that the Republic of China, Taiwan, should be allowed back into the United Nations. Taiwan was a member of the United Nations—and a permanent member of the Security Council—from 1945 to 1971 when it was replaced by the People's Republic of China. That decision was correct at the time, but it's now time for the United Nations to allow both countries to have a voice in this important international organization.

[From the Richmond Times-Dispatch, July 24, 1993]

TAIWAN COULD HELP THE UN BUT FOR CHINA'S BEHAVIOR

(By Lorna Hahn)

With its operations growing ever more extensive and expensive, and its members growing ever more reluctant to pay for them, the United Nations faces a financial crisis. It is therefore time for the UN to face some new facts of international life and turn to Taiwan, a country able and willing to contribute to the UN if only the UN would let it.

As President Clinton observed last December at the Little Rock Economic Summit, Taiwan (which he visited four times as governor) has more foreign exchange reserves than any other country on Earth—over $80 billion at the time. Today, it is over $90 billion. This wealth, along with Taiwanese technical and medical expertise, could obviously be useful to the UN in Bosnia, Cambodia, Mozambique, and other disaster areas—as it is in the numerous Third World and Eastern European nations to which Taiwan extends bilateral assistance.

Taiwan's resources have not been tapped by the UN, however, because the People's Republic of China opposes any official dealings with the Republic of China (Taiwan), which it replaced in the UN in 1971 as the representative of all of China (including Taiwan). Beijing further claims that admitting Taiwan to the UN would threaten its position that there is only one China that will one day reunify.

China's behavior might make sense if (1) Taiwan were still ruled by the same regime that the Communists long ago defeated and the UN long ago expelled; (2) Taiwan's authorities were still enemies of the PRC; (3) Beijing itself had not given de facto recognition to the reality of one China with two governments; (4) Taiwan contested China's position on unity; (5) diplomatic ostracism of Taiwan were strengthening this position; and (6) no formula could be found by which the UN—or at least some of its agencies—could accommodate both Beijing and Taipei. None of the above, however, is the case today.

Although the Republic of China is the juridical continuation of the Kuomintang regime that the Communists replaced in 1949, it has long ceased to be the repressive government of a group of exiles bent on reconquering the mainland. Thanks to sweeping reforms initiated by President Chiang Kai-shek's son and successor Chiang Ching-Kuo, and accelerated by current President Lee Teng-hui, Taiwan today has a representative and democratic government. Although the Kuomintang still rules, it does so because it received a majority of votes last December in what were universally hailed as free and fair legislative elections.

Starting in 1987, when Taipei first allowed visits to family members on the mainland, people-to-people exchanges for academic, cultural, and other activities have grown exponentially. Trade and communications links have flourished, and over $7 billion Taiwanese investment dollars have fueled south China's economic boom. President Lee has formally renounced the use of force for settling disputes with the mainland, recognized that the Communists do indeed control it, and established both a cabinet-level Mainland Affairs Commission and a National Unification Council to oversee relations.

This rapprochement would have been impossible if Taiwan did not openly share Beijing's "prerequisite" concept for one China destined to be reunified—and if Beijing had not tacitly admitted that this single China has another government (albeit one whose name it will not utter). In other words, the two sides are closer together in fact than Beijing has thus far admitted in theory.

Taiwan's Democratic Progressive Party, which advocates independence, has been rapidly gaining in popularity largely because, increasing numbers of Taiwanese, angered at the humiliating isolation imposed on them by Beijing, accept the DPP's premise that the only way Taiwan can achieve international respectability is by going its own way completely. ("One China, One Taiwan.") The obvious way for China to counter this argument would be by letting the Republic of China (Taiwan) return to the international community as the legitimate government of the part of China that it actually controls. Beijing could do so by simply expanding on its current modes of co-existence.

All this suggests that with some prodding—possibly from Washington—Beijing, might be persuaded to enable Taiwan to enter those UN organs where it could do the most good, under a compromise name such as "Chinese Republic of Taiwan." If China agreed, then it would be furthering the cause of reunification, favorably impressing the many U.S. Congressmen who wish to have Taiwan contributing to the UN, and winning the gratitude of needy people throughout the world.

HONORING LOU CASH

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. FILNER. Mr. Speaker, I rise today to inform my colleagues that Lou Cash has been selected as the Johns Fellowship Award winner by the San Diego labor community.

Mr. Cash is manager of the nuclear maintenance station for the Southern California-Edison San Onofre plant. As such, he oversees a work force of between 1,000 and 1,050 people, including 500 members of the San Diego Building Trades Council.

Mr. Cash has extensive experience as a nuclear engineer—including 20 years serving our country as an engineering officer for the U.S. Navy. He has been licensed as a senior reactor operator for the past 10 years, which allowed him to manage the planning and operations associated with all outages occurring at San Onofre power units. Currently, Mr. Cash is responsible for the preventative and corrective maintenance of three nuclear-generating units.

A devoted family man and dedicated manager, Mr. Cash embodies the spirit of caring and generosity associated with the Johns Fellowship Award. I ask my colleagues to join me in recognizing Mr. Cash's achievements.

PRESIDENT CLINTON'S TAX PLAN OPPOSED

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. WALSH. Mr. Speaker, I want to share with my colleagues the tremendous expression of opposition by my constituents to President Clinton's tax plan, which so narrowly passed last night. I join them in declaring that we know there will be no spending cuts, we know this tax package will touch each and every one of us, and in spite of this purely political victory, we will redouble our efforts to get Government to cut spending and pay attention to the American people's desire for a balanced budget Government.

Far from being a tax the rich budget, this plan unfairly puts a burden on the middle class, elderly, and others who have been led to believe the new administration was going to cut spending and bring Government under control.

This budget is reminiscent of the 1990 budget, which President Bush agreed to and which inevitably cost him the Presidency. I voted against that agreement for the same reason I oppose President Clinton's and the majority Democrat's budget this year—too many promises of spending cuts and too much reliance on taxes.

The punitive taxes included in this budget will do nothing to stimulate the economy. Deficit reduction will come from reducing spending and tightening our belts much like private citizens must do. Government must stop living beyond its means and then raising taxes to justify the additional spending.

As I write this, the Senate considers the plan. I can only hope the Members of the other body who support this largest tax increase in American history know in advance that they must explain to their constituents how taking more of their hard-earned money will help stop runaway budget deficits as spending continues to increase.

I will continue to work with my colleagues to hold spending in line. Passage of this budget makes the task more difficult, but it will not be abandoned.

HONORING CALIFORNIA OCCUPATIONAL SCHOOL OF MONTEBELLO, CA

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. TORRES. Mr. Speaker, today I rise to give special recognition to a group of individuals from my congressional district, the members of the California Occupational School.

The California Occupational School, a nonprofit human services program organization, has served thousands of families and community groups throughout the Greater Los Angeles County area. Established in 1978 by Mr. A. Gus Hernandez, due to the growing need to assist low-income students, the California Occupational School relegated itself to provide food assistance, training, career opportunities, and scholarships to youths, adults, and community groups.

Initially, in an effort to fulfill its mission and commitment California Occupational School centered its efforts on teaching adolescent court referrals occupational trades, such as welding, carpentry, and masonry.

In 1978, due to the success of the occupational trade program, California Occupational School initiated and established its Hispanic scholarship program which allows continuation students to fulfill their educational and professional aspirations. Currently, the scholarship program has a partnership with Vail High School and has expanded to include mentorship opportunities, volunteer opportunities, parent workshops, and career related seminars.

Additionally, California Occupational School has administered and managed Comida Para La Gente, a daily meal program to low-income and unemployed single mothers; and developed a food and gift outreach program during Christmas, Thanksgiving, and Easter. Since 1992, California Occupational School also has established the first Hispanic food depository which has serviced over 20,000 families and needy individuals.

For 15 years, the California Occupational School has responded to the needs of the diverse communities it serves. Currently, with the changing needs of the community, their mission and program provides job training programs, scholarships to both senior and junior high school students, food assistance and gifts to both students and families in need.

Mr. Speaker, it is an honor that I rise to recognize California Occupational School for 15 years of unselfish commitment to the betterment of the young people, families, and communities of the Los Angeles County and I ask my colleagues to join me in saluting their invaluable efforts.

AN EXEMPLARY PUBLIC SERVANT

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to one of those largely anonymous public servants whom we usually take for granted, but whose dedication, competence, and hard work help to make the United States the wonderful country that it is.

Over the past 7 months, it has been my good fortune, as chairman of the Subcommittee on Asia and the Pacific, to work with John R. Malott, Deputy Assistant Secretary of State and interim Director of the Bureau of South Asian Affairs.

Mr. Malott is about to hand his responsibilities over to a successor and take up other duties in the State Department. Before he moves on, however, I wish to use this opportunity to salute him, and to thank him for his exemplary service, his wise counsel, and his responsiveness in dealing with the Congress.

Mr. Speaker, so often we hear how Washington, or the bureaucracy, or the government is responsible for the ills facing America and Americans today.

I don't know about that—but I do know that if Washington, if everyone in the bureaucracy, if the entire government displayed the dedication, the ability, and the commitment to public service that I have seen in John Malott these past months, then our citizens would have a far more benign view of what we do around here.

On behalf of myself, the Asia Subcommittee, the Congress, and most of all, the country: thank you, John Malott. Your services are valued by an appreciative Congress and a grateful nation.

DISASTER FLOOD ASSISTANCE CONFERENCE REPORT

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Ms. WATERS. Mr. Speaker, I rise in strong support of this conference report appropriating desperately needed flood relief to the savaged communities of the Midwest.

I am especially pleased that this conference report will be passed today because I will be leaving shortly to attend a family reunion in St. Louis, MO, my hometown. What better news can I bring than this generous flood assistance bill for the brave men and women who are working to save their communities.

I am also pleased to report that the Youth Fair Chance provisions, which were contained in the House version of this legislation, have been adequately resolved. There has been so much misrepresentation, misunderstanding, and outright misinformation about Youth Fair Chance, I feel compelled to describe the final outcome of our work.

As Members of this institution know, the flood relief bill left this House with language perfecting the Youth Fair Chance Program which had been appropriated in an earlier supplemental appropriations bill, having passed both the House and the Senate. This language was very important in making sure that the Youth Fair Chance Program included stipends, case management and other life support services for job training participants.

Once the flood bill left the House, after surviving a specific effort to delete the program—the same type of effort to delete Youth Fair Chance failed in the previous supplemental appropriations bill—we went to work trying to insure that the House-Senate conference committee would retain the Youth Fair Chance provisions. After all, the Department of Labor had already begun its efforts to implement the $50 million program. The timing of incorporating the technical changes was crucial.

During this process, the Department of Labor contacted our office. They indicated they had the legal authority to implement Youth Fair Chance, in keeping with the spirit of the Waters amendment, without legislation. In the course of the next few days, we were able to reach agreement on specific programmatic approaches which would incorporate the key elements of a successful job training program for youth and young adults in high-poverty areas. I am grateful to the Labor Department for working with me on this most important program.

I am also grateful to all those Members of the House who understood the importance of this measure and who supported our efforts to bring real opportunity to low-income communities. While this provision became controversial, mostly because several Members chose to misrepresent the program for their own political purposes, I deeply appreciate that this House on several separate occasion voted to support our Youth Fair Chance Program.

In conclusion, I know many thousands of people will be given a chance to turn their lives around because we have succeeded in this endeavor. This House should be proud of all it has done to secure some measure of hope to the people who will enroll in this program. Many of their lives will be changed forever.

SERVICE-CONNECTED DISABILITIES CAUSED BY AGENT ORANGE

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. SLATTERY. Mr. Speaker, I am today introducing legislation that will codify a decision made by the Secretary of Veterans Affairs on July 27 to grant a presumption of service connection for two disabilities suffered by certain Vietnam veterans. These two are Hodgkin's disease and porpheria cutanea tarda [PCT].

The Secretary's decision was based on the recent report of the National Academy of Sciences which concluded that there is scientific evidence of an association between exposure to agent orange and five conditions. Three of these, chloracne, non-Hodgkin's lymphomas, and soft-tissue sarcomas, are already presumed by law to be service-connected if suffered by a Vietnam veteran. My bill would add Hodgkin's disease and PCT to this statutory list. I have crafted my legislation to take effect on the same day as the Secretary issues the final regulation to implement his decision.

Secretary Brown's immediate and decisive action should be praised by all Vietnam veterans. It is only fitting that this decision be made a permanent part of the law and I am proud to introduce legislation that will ratify the Secretary's action.

Of course, there is much more work to be done in this area to insure that all issues relating to Vietnam veterans' exposure to herbicides are thoroughly and carefully examined by the best scientific and medical minds of this country can provide. I pledge to continue to support the provision of any and all benefits that are based on valid scientific and medical findings.

TRIBUTE TO MR. RICK BREITENFELD

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay tribute to Mr. Rick Breitenfeld for his 10 years of service as president of public broadcasting station WHYY in Philadelphia. Mr. Breitenfeld's career with WHYY has been one of achievement in the field of public broadcasting. In the process, he has enriched the cultural and intellectual life of millions of Delaware Valley residents.

Throughout his years in the field of communications, Mr. Breitenfeld has focused on the use of television for educational purposes. He is a charter member and chairman of the National University Consortium for Telecommunications in Teaching. He is past chairman of the Eastern Educational Television Network. He is also national chairman of the Educational Television Station Division of the National Association of Educational Broadcasters and president of the Philadelphia Chapter of the National Academy of Television Arts and Sciences.

Mr. Breitenfeld's efforts both professionally and in the community have earned him many citations. In 1987, he was the Boys and Girls Club of Philadelphia "Man of the Year." In 1980, he received the Lord Baltimore Medal for contributions to public life, after receiving the Andrew White Medal for community service in 1979. He has been recognized by his colleagues with his entry into Who's Who in entertainment.

I wish to join today with Mr. Breitenfeld's friends, family, and colleagues in recognizing him for his years of service at WHYY and in the field of communications in general. His work in educational broadcasting and community service have benefited millions, and we thank him for that.

STATEMENT ON THE INTRODUCTION OF THE SCHOOL LUNCH PROTECTION ACT OF 1993

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. KILDEE. Mr. Speaker, today I am introducing legislation designed to make corporations that supply food to our national child nutrition programs think twice before they engage in fraudulent behavior that cheats local schools, and ultimately our children.

During the last several years the Antitrust Division of the Department of Justice has filed 96 criminal cases against persons accused of bid-rigging conspiracies and similar activities related to the purchase of milk for child nutrition programs and the military. To date, these cases have resulted in the conviction of 52 corporations and 64 individuals, resulting in total fines and civil damages of approximately $100 million.

On July 21, the Subcommittee on Elementary, Secondary and Vocational Education, which I chair, conducted a hearing on child nutrition programs. One of the witnesses represented the General Accounting Office [GAO] which issued a report on this issue in October of 1992. One of the GAO's recommendations was that debarring dairies convicted of bid-rigging could serve as a strong deterrent against future bid-rigging.

The bill that I am introducing today is a companion to the one Senators LEACH and HARKIN introduced in the Senate. The bill would require the Secretary of Agriculture to initiate debarment proceedings against any persons convicted of bid-rigging in the child nutrition programs for 1 year, except when to do so would not be in the public interest. The bill also requires that the Department of Agriculture provide technical assistance and training to entities involved in the acquisition of commodities for the child nutrition programs in order to prevent future bid-rigging.

A SPECIAL SALUTE TO BISHOP JESSE DELANO ELLIS II: CELEBRATING HIS INSTALLATION SERVICE

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. STOKES. Mr. Speaker, in just a few weeks, beginning August 15, 1993, members of the United Pentecostal Churches of Christ will gather in Cleveland, OH, for the convening of their Fourth Annual Holy Convocation Services. Delegates from more than one hundred churches and congregations will gather at the Pentecostal Church of Christ located in the University Circle area of Cleveland for this special event.

One of the highlights of the convocation will be the Service of Installation of Bishop Jesse Delano Ellis II, who serves as senior pastor of the Pentecostal Church of Christ. The enthronement of Bishop Ellis will be held on Saturday morning, August 21, 1993, and will be followed by a special banquet that evening at Landerhaven.

Mr. Speaker, I take great pride in welcoming representatives of the United Pentecostal Churches of Christ to my congressional district. Our city is equally proud of the high honor which is being bestowed upon Bishop Jesse Delano Ellis. I want to take this opportunity to share with my colleagues and the Nation some information regarding this outstanding individual and servant of God.

Bishop Ellis was reared in South Philadelphia. He began his ministerial training at a young age, attending Howard University, Nazarene Institute, and Birmingham Institute in Birmingham, England. For 24 years, Bishop Ellis served in various capacities including Episcopal consultant to the Church of God in Christ.

In 1989, Bishop Jesse Ellis accepted the call to Cleveland. I am proud to note that since his arrival, Bishop Ellis has dedicated his energy toward bringing about positive change in the community. Under his leadership, the Pentecostal Church of Christ has been a beacon of light and strong source of support. The church has reached out with programs and services to benefit the children, senior citizens, and others in need.

During Bishop Ellis' tenure, the church has also been outspoken on issues which impact our neighborhoods, including educational funding, housing, drugs, and crime. In addition to his pastoral assignment, Bishop Jesse Ellis serves as the chaplin to the city of Cleveland Police Department effectively carrying his ministry to the streets. Bishop Ellis is married to the former Sabrina Joyce Clinkscale. He is the proud father of five children and the grandfather of three.

Mr. Speaker, as the Pentecostal Church of Christ prepares for the installation service of Bishop Jesse Ellis, I join his congregation, family, and may supporters in saluting him on this auspicious occasion. He is a good friend who, over the years, has remained steadfast in his mission for Christ. I am proud to note his installation service and I wish him continued success on this important mission.

INTRODUCTION OF TWIN FALLS COUNTY LAND FILL ACT OF 1993

HON. MICHAEL D. CRAPO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. CRAPO. Mr. President, I am here to introduce the Twin Falls County Land Fill Act of 1993. This bill is required in order for Twin Falls County, ID to have a sanitary landfill that meets Environmental Protection Agency Resource Conservation and Reclamation Act mandates under subtitle D, municipal solid waste landfill regulations.

Twin Falls County, located in south central Idaho, has completed an extensive search for possible county locations for the new landfill. The county has performed a detailed study of four possible sites. As a result of this analysis, a site referred to as Hub Butte was identified as the best choice. This selection was made based on criteria that included a wide range of considerations, such as effects on the natural and human environment.

Twin Falls County encompasses 1,957 square miles and has a population of approximately 54,000 people. Of the total land base in Twin Falls County, approximately 52 percent is owned by the Federal Government. The high percentage of federally owned land led to the siting of the proposed facility on a tract of Federal land. Of the four sites proposed, all were located on Federal land.

This site was identified 14 months ago. In that time all monitoring wells have been completed, as well as the draft environmental impact statement [DEIS]. There are no citizen objections to the site and it is necessary for the continued operation of the county rubbish collection.

The new site is located within 2 miles of a present Twin Falls County landfill. The Hub Butte site is 350 feet from a clay lined perched water table. Any palatable drinking water is located another 1,000 feet below that, thus the potential for contaminating any drinking water is minute. Twin Falls County has negotiated a workable agreement with the livestock owners in the area, and has passed a $4 million revenue bond to support the opening of the Hub Butte site. The site has universal support.

The time period for Twin Falls County to meet the EPA requirements is approaching quickly, and the usual time allowed by the Federal Government, to pass title to the site, extends beyond the date that the EPA has placed on meeting the subtitle D requirements. Even with the recent EPA extension of the subtitle D requirements the county will be faced with noncompliance of the rather narrow extension criteria proposed by the EPA.

If they cannot get the new landfill site approved they will have to face the original task of remediating the five present landfills by putting in monitoring wells.

These wells will be operational for the next 30 years and will cost $30,000 to $100,000 a year to maintain over that time period.

For these reasons it is necessary to introduce and pass this legislation, which will allow the county of Twin Falls to own the land needed for the landfill, after it has paid the Federal Government the fair market value of the land.

THE HAWAIIAN SAILBOAT "PAI NUI" TO BE EXEMPTED FROM PROVISIONS OF JONES ACT

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. ABERCROMBIE. Mr. Speaker, I rise in support of legislation that I introduced to except *Pai Nui*, a 55-foot sailboat, from the provisions of the Jones Act, which prohibits foreign-built vessels from carrying passengers between ports of the United States.

Built in France in 1971, *Pai Nui* was named for a hero of Tahitian mythology. *Pai Nui* was towed from Western Samoa into the port at Honolulu in 1980. A succession of storms encountered enroute had caused serious structural damage to her hull and equipment. On June 9, 1982, Craig Wright, a U.S. citizen and resident of Hawaii, purchased the vessel from the U.S. Marshals Service for $38,000. Mr. Wright has since rebuilt and refitted the vessel in the United States and can proudly claim she now has a current market value of more than $160,000.

Mr. Wrights intent is to use *Pai Nui* to carry passengers from Honolulu to Kauai. As there is no vessel currently active on this route, *Pai Nui* will be able to provide another view of Hawaii; one now only seen by a selected few.

One of the most impressive sights on this Earth is the Hawaiian Islands viewed from the sea. It is easy for ocean passengers to imagine themselves as ancient Polynesians first arriving from far away lands. The coral reefs protecting Hawaii's fragile shores, with some of the steepest sea cliffs in the world as a backdrop, are awe inspiring. It is an especially breathtaking experience to sail under the stars and watch the early morning sun come up on Kauai's spectacular mountains.

I want to emphasize that while this vessel was originally built overseas, its "destruction" enroute to Honolulu allowed for its reconstruction in the United States by American labor for an American owner with the object of doing business in U.S. waters exclusively. For all intents and purposes, its foreign origin is technical in nature; its resurrection is by American labor using American components in keeping with the spirit of the law.

TRIBUTE TO EWING "MR. K" KAUFFMAN

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. WHEAT. Mr. Speaker, I am saddened today as I rise to ask my colleagues to join me in tribute to Mr. Ewing Kauffman. With his recent passing, the Nation's heartland has lost one of its most generous investors in the future of its youth.

He was a man of many talents. Kauffman owned a fantastically successful pharmaceutical business, founded the Kansas City Royals baseball team, and earned a role as one of the Nation's premier philanthropists.

Born and bred on a rural Missouri farm, Ewing Kauffman—or Mr. K as he preferred to be called—had the strength of character of which legends are made. During the 1950's Mr. K started his company, Marion Labs, in his garage. By 1989 that corporation was part of the merger that formed the giant multinational corporation Merion Merrill Dow.

However, Ewing Kauffman had become a household name in Kansas City long before then. After the exodus of the Athletics major league baseball franchise, Kansas City was left without a ball club. Mr. K came to the rescue. At the urging of Muriel, his wife, he purchased the rights to an expansion franchise for $10 million. The new K.C. Royals quickly became the model for building a successful baseball team and integrating it with the fabric of the community. Finishing an unprecedented and impressive fourth place during only its first two seasons, the Royals brought a division championship home in an amazing 8 short years. Kauffman's personal and professional talents catalyzed that success.

Mr. K had an unusual approach to owning a ballclub. In a baseball world full of tradition and superstition, Kauffman pursued innovation and invention. During the early days of the franchise, he founded the Baseball Academy. This training camp brought together young men of exceptional physical ability and forged them into baseball players. The idea was received skeptically from traditionalists in the game. However, as Mr. K was fond of pointing out, the academy also produced a second baseman named Frank White, who earned eight Gold Gloves during his long and sterling tenure with the Royals.

Kauffman's dedication and ability brought many great memories to Royals fans everywhere. We will recall Mr. K when we remember Steve Busby, Cookie Rojas, Al Cowens, Willie Wilson, John Wathan, Larry Gura, and all of the men who filled our summers with thrills. We will recall Mr. K when we remember George Brett slapping a single for hit number 3,000. We will recall Mr. K when we remember our first World Series against Philadelphia.

We will recall the passage of Mr. K when we remember the passing of the Royals' great manager, Dick Howser. And we can thank Mr. K as we remember the 1985 World Series victory led by the MVP performance from Cy Young winning pitcher Bret Saberhagan.

Indeed, just weeks before his death the people of Kansas City did express their deep-rooted gratitude to Mr. K: the former Royals Stadium now bears the name Kauffman Stadium, a fitting tribute to the man most responsible for bringing the joys of baseball to Kansas City.

We can also thank Mr. K when we realize that out of one of the dark hours of the franchise, he created something good, decent, and lasting. In 1984, when four Royals had been charged with cocaine possession, Ewing and Muriel Kauffman were deeply concerned about the message this incident sent to troubled youth. In response, Mr. and Mrs. Kauffman sought to turn this unfortunate event into a positive and productive opportunity. From the ashes of this tragedy rose his idea for Project STAR, a program aimed at ending drug use among the young. Today, this multimillion dollar program continues its commitment to reducing drug abuse in the Kansas City area. More than 150,000 students are exposed to Project STAR programs every year.

In creating this organization, Kauffman revealed a different side of himself to Kansas Citians. We had already come to know him as a success in business and sport. Now we had the privilege to see this sense of commitment to the future our community's children, and understand the importance he placed on honorable service to our fellow citizens.

The genesis of Kauffman's commitment to others can be found in his childhood. When he was young, his family did not have the resources to buy him even a bicycle, "and now that I'm rich enough to afford a hundred bikes, I'm too old to ride one," he said later. He was a man that understood the heartache of poverty—and the value of education. Toward that end, he created the Ewing Marion Kauffman Foundation in 1986. Today, the charitable foundation, one of the largest in the United States, directly funds several programs aimed primarily at children and teenagers.

One of the best of those programs is Project Choice. It began in the spring of 1988. In April, Mr. K walked down the halls of his alma mater, Westport High School, and stood before its students. On that day Kauffman made a commitment to the rejuvenation of a neglected school and its pupils. He stood before a crowd of eighth grade children and made them a promise: if they would maintain good grades, stay away from drugs, and graduate from high school, he would pay for their college education. Since that spring, Mr. K has expanded that offer, and over 1,000 students in the Kansas City area now have a college education available to them in the future.

But the foundation's efforts have not stopped there. Project Essential teaches children the value of earning self-esteem. It is based on a curriculum developed to teach kids the principles of place value in themselves, their abilities, and their contribution to the world in which they function.

Project Early makes concrete contributions to the youngest members of the Kansas City community. Begun with a pilot project on the West Side, through this program the Kauffman Foundation assists existing social service organizations in improving and enhancing their efforts. The foundation does not act alone with Project Early but attempts to catalyze existing institutions, merging business efficiency with caring concern.

Finally, Mr. K's latest legacy in service to his community is the Center for Entrepreneurial Leadership. This two-pronged effort attempts to teach both children and adults about the basics of starting a business and creating jobs. This program stems, like each of the foundation's other projects, from his commitment to children. Mr. K felt that Project Choice was not enough if in the end kids could not gain employment after graduating from high school. Even in fostering the growth of small business and entrepreneurship, Kauffman focused on the community's children.

He contributed to the greater good. It was not his money or fame which truly brought Ewing Kauffman joy—nor was it that for which he should be remembered. Rather, it was his belief in helping others which made him an honorable man, a man worthy of tribute, the personification of generosity.

Today Mr. Speaker, that is why I rise. To add my voice to the symphony of tribute, to remember and thank a man whose life has passed but whose memory we will never forget: Ewing Marion Kauffman.

OCCUPATIONAL SAFETY AND HEALTH REFORM ACT OF 1993

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. FAWELL. Mr. Speaker, today I am introducing, along with the ranking Republican on the Education and Labor Committee, Mr. GOODLING, and nine of our colleagues, the Occupational Safety and Health Reform Act of 1993.

In the 23 years since the Federal Occupational Safety and Health Act [OSHA] was passed by Congress, the law has been amended only once, and that was simply in order to raise revenue—by raising penalties—as part of the infamous budget agreement of 1990. In the last Congress, two OSHA reform bills were introduced—one by Chairman FORD of the Education and Labor Committee and one by former Representative Gaydos—each of which would have added greatly to the regulatory burden that is already choking business, especially small- and medium-sized businesses, in this country. Unfortunately, this year the two bills introduced in the last Congress have been merged, with additional regulatory burdens and penalties added, in H.R. 1280.

Few people are satisfied with OSHA's performance over these past 23 years. But it is important also to say, as Secretary of Labor Reich pointed out during recent testimony before the Education and Labor Committee, "We have made progress in providing safer and healthier jobs since the enactment of the OSHAct. In fact, the occupational fatality rate is one-half of what it was in 1970. There are other indications of progress as well, even though changes in recordkeeping requirements and injury and illness definitions have made those indicators matters of argument.

Nonetheless, I agree with those who say that the toll of workplace deaths, injuries, and illnesses is still unacceptably high. Additionally, there are other problems with the current OSHA Program that should be addressed as well. Enforcement of OSHA standards is uneven, partly because OSHA's current approach of being almost entirely dedicated to policing the workplace cannot work with the limited resources given to the agency. Thus, companies with good safety records are regularly inspected while plants like that of Imperial Foods in Hamlet, NC, are never visited. OSHA's regulations, when they are completed at all, are lengthy, complicated, and—when combined with enforcement that is more concerned with numbers of citations and amount of penalties than with injury rates—nitpicky. A recent survey of its small company members by the National Association of Manufacturers cited OSHA regulations, along with product liability reform, at the top of the list in terms of Government actions that were impeding economic growth and job creation.

To some of my Democratic colleagues, those who have sponsored or supported H.R. 1280, the answer to these problems is simply more, much more, of the same—more mandates and regulations from Washington. Employers in this country would be socked with a new bill of over $50 billion per year. Somehow OSHA, already stretched with enforcing current regulations and standards, would become the arbiter and enforcer of labor relations as well. For those who are inspected and found to have violated an OSHA standard, H.R. 1280 threatens harsh new penalties, both civil and criminal. All of this in order to address, as Secretary Reich has said, "those few employers who intentionally neglect or ignore their duties—and these are very few."

My colleagues and I believe that there are better ways to reform the OSHAct. We believe that Congress needs to look at a new role for OSHA, combining enforcement and incentives, and using the resources of the Federal Government not simply as the policeman of the workplace but also to encourage and reward employer and employee efforts to improve and maintain high standards for the safety and health of workers.

Safe and healthful working conditions and practices are in the interest of both employees and employers. Most employees and most employers recognize that fact. Some do not, and our bill addresses those employers by providing OSHA with the necessary enforcement tools to ensure that employee safety and health is not ignored. But for the vast majority of employers, existing Government resources can be better utilized by providing expertise, consultation services, and training, and by encouraging employers and employees to make safety and health a priority in their workplace.

Along with this statement I am inserting in the RECORD a section-by-section summary of our bill, along with a list of six issues which we believe should be addressed in OSHA reform legislation and a brief description of how our legislation addresses those six issues.

Before those, however, I want to make two important points about our legislation, particularly for those Members who have not been as deeply involved in these issues as most of the members of the Education and Labor Committee have been. One is that proponents of H.R. 1280 often cite the tragic fire of September 1991 in a chicken-processing plant in Hamlet, NC, as evidence of the need for that legislation. We all condemn the indifference and irresponsibility of that employer, who padlocked and barred fire escape doors, apparently in an attempt to combat small thefts of chicken parts by employees. The employer violated both State and Federal laws, including OSHA standards. The problem in Hamlet was not an absence of laws and regulations but that Government inspectors, including meat inspectors from USDA who visited the plant regularly, never checked fire doors to see that their own lives, as well as those of the workers, were endangered. The bill we are introducing does address what happened in Hamlet. It requires the Department of Labor to maintain an ongoing program with other Federal Government agencies as well as with States and local governments to ensure that personnel from public agencies, when they are in places of employment for whatever reason, simply check the fire escapes. Had that been done in Hamlet, most if not all of the workers would have survived.

Before his untimely illness and death, Representative Paul Henry was our committee's resident expert on OSHA and OSHA reform. Way back in 1988, Paul appointed a task force of experts to help him and our side of the Education and Labor Committee gain a better understanding of the often arcane history of OSHA and what types of reforms might be proposed. It was his work in the last Congress which formed the foundation of the proposal which we are introducing today.

None of us would maintain that the bill is perfect or that it includes every idea or provision that should be included when we get to the point of writing final OSHA reform legislation; however, the bill does offer the direction which we believe real OSHA reform must take, and I look forward to the support and suggestions of my colleagues as we continue to work to promote safety and health in the workplace.

SECTION-BY-SECTION SUMMARY OF THE OCCUPATIONAL SAFETY AND HEALTH REFORM ACT OF 1993

SECTION 1. Short Title.

SEC. 2. Public Employees.

Extends OSHAct coverage to state and local governments after three years, and requires OSHA to conduct a study of the cost impact prior to enforcement against public agencies.

Exempts public agencies which rely primarily upon volunteers to provide services.

Provides coverage to federal government employees.

Creates separate provisions for enforcing OSHAct against Congress and its instrumentalities. Provisions call for inspections by DOL, citations and penalties to be assessed by a Special Counsel, with review by the Office of Fair Employment Practices, and appeal to the U.S. Court of Appeals.

SEC. 3. Standard Setting.

Establishes a single set of legal criteria for OSHA to consider in promulgating safety or health standards, those being: significant risk; feasibility; costs and benefits; cost-effectiveness; and job loss.

Gives OSHA greater discretion in establishing the level of health regulation.

Encourages the use of negotiated rulemaking in standard setting.

Requires standards promulgation to take into consideration particular costs imposed on small business, and by paperwork and recordkeeping requirements.

Requires a procedure for priority-setting of health standards by OSHA, based upon toxicity and exposure data which OSHA receives from EPA, HHS, and other sources.

SEC. 4. Application of the Act.

Requires an annual report to Congress on need for clarification of OSHA's jurisdiction where other government agencies also may or do regulate working conditions.

Provides that employee participation programs which deal in whole or in part with safety and health are not prohibited by section 8(a)(2) of the National Labor Relations Act.

Provides a "privilege" for voluntary safety and health audits and reviews.

SEC. 5. Variances.

Prohibits OSHA from citing an employer under a standard if it has had pending for more than 90 a request from that employer for a variance on the standard involved.

SEC. 6. Inspections.

Creates a legal requirement that OSHA inspections be conducted by personnel who are trained and knowledgeable in the industry or type of hazard.

Requires OSHA to work with other federal, state, and local government agencies to ensure that personnel from these agencies check for fire protections and other easily recognizable dangerous conditions when visiting worksites.

Writes into law the Appropriations "riders" on small business and small farms.

Allows OSHA greater discretion in determining which employee complaints must receive formal response.

SEC. 7. Voluntary Compliance.

Provides a partial exemption from OSHA inspections for employers who either (1) retain an on-site consultation or inspection by a person certified or funded by OSHA for such consultations or by an insurance carrier, or (2) have an exemplary safety record and a safety and health program that meets conditions set forth in the bill. The exemption applies to "general schedule" inspections, not to inspections triggered by accidents or employee complaints.

SEC. 8. Employer Defenses.

Establishes a defense for the employer against an OSHA citation when "employee misconduct" has caused the violation.

Creates a defense for employers who have utilized alternative methods which are equally or more protective of employee's safety and health.

SEC. 9. Occupational Safety and Health Review Commission (OSHRC).

Extends the time that an employer may contest a citation from 15 to 30 days.

Gives deference to interpretations of law by the Commission (overturns the CF&I case).

SEC. 10. Discrimination (Whistleblowers).

Extends time for filing complaints to 60 days.

Provides that if DOL does not decide to prosecute the case within 90 days, the complainant may take the case directly to the Review Commission for hearing and decision. Provides for appeal from Commission decision to U.S. Court of Appeals.

Encourages use of mediation in such disputes.

SEC. 11. Enforcement.

Authorizes OSHA to post "imminent danger notice" and to inform employees of their rights to refuse work in such conditions. Limits such notices to 72 hours unless OSHA obtains court order to continue it.

Establishes procedures for "special emphasis" programs targeted at particularly hazardous industries.

Requires OSHA to inspect workplaces upon report of death or hospitalization of 3 or more workers.

Delays enforcement against State and local governments for 3 years, and requires OSHA to assist States in instituting State enforcement mechanisms.

SEC. 12. Penalties.

Creates a single penalty structure which eliminates arbitrary classifications of violations.

Targets higher penalties at employers where violations have caused death or serious injuries.

Provides that penalties against State and local governments may be applied to the costs of abatement.

Provides for reductions in penalties for employers with good safety records and safety and health programs, and for employers who retain consultation services.

Increases criminal penalty for egregious violations which cause death to an employee for misdemeanor to a felony.

Codifies OSHA policy regarding sharing of information with victims and family members of victims.

Allows OSHA to require employers with a history of injuries or fatalities to adopt a safety and health plan with regular certification of compliance.

Allows OSHA to issue warnings rather than citations if the employer agrees to abate the hazard or violation.

SEC. 13. State Programs.

Requires states to conform labeling, content and hazard information to federal requirements.

Provides that in reviewing State programs, OSHA will compare state enforcement resources to those in federal jurisdictions, rather than to arbitrary "benchmarks."

Allows OSHA to grant waivers to States to adopt other approaches to safety and health.

SEC. 14. NIOSH.

Transfers NIOSH and the functions and authorities given to NIOSH in the OSHAct to the Department of Labor.

SEC. 15. Prevention of Alcohol and Substance Abuse.

Requires OSHA to establish uniform federal standards to drug testing and alcohol testing.

SEC. 16. Small Business Assistance and Training.

Requires OSHA to issue a model program which meets the requirements for exemption from inspection or penalty reduction.

Requires OSHA to expand education and training and technical assistance programs, and requires that at least 25% of OSHA's budget go for such programs.

Codifies OSHA's "on-site consultation" program targeted at small business.

SEC. 17. Exemplary Programs.

Requires the Secretary of Labor to establish an award program to recognize exemplary programs in occupational safety and health (similar to Baldridge award for quality management).

SEC. 18. Economic Impact Analysis.

Requires an analysis of the costs and benefits of existing OSHA standards.

SIX MAJOR INITIATIVES INCLUDED IN THE OCCUPATIONAL SAFETY AND HEALTH REFORM ACT OF 1993

1. EXPANSION OF CONSULTATION, TRAINING AND EDUCATION PROGRAMS

While not undercutting OSHA's enforcement authority, the bill would balance OSHA enforcement with greater emphasis on and resources for consultation services. The bill would provide that in two ways:

(1) It provides additional public funding by requiring that at least one-fourth of OSHA's budget be used for consultation and training programs. Currently, less than one-tenth of the OSHA budget goes for such programs. The additional resources are possible by making NIOSH part of the Department of Labor and by coordinating and combining the training and outreach programs and funds from both agencies.

(2) It encourages the use and growth of private-sector consultation programs by allowing employers who utilize such programs to be exempt from "general schedule" OSHA inspections and from first-instance, non-serious penalties.

2. INCENTIVES FOR EMPLOYER AND EMPLOYEE EFFECTS TO MAINTAIN SAFE WORKPLACES

OSHA's resources will not, in the foreseeable future, be sufficient for workplace safety and health to rely primarily on OSHA enforcement. Nor should OSHA be the "policeman of the workplace." Maintaining safety and health is in the interest of employers and employees; the OSHAct should encourage and reward efforts and initiatives taken by employers and employees to reduce workplace hazards and provide safe working conditions.

The bill includes several incentives:

(1) As described above, employers who retain or utilize an on-site consultation program, whether federally funded or certified, or as part of a loss control program by an insurance carrier, may be exempt from "general schedule" OSHA inspections and from certain penalties.

(2) Employers with good safety records and safety and health programs may be exempted from certain OSHA inspections and receive a reduction in any penalties they receive as a result of other inspections.

(3) The bill establishes an award program, like the Baldridge Award for quality management, for model safety and health management.

At the same time, the bill also includes disincentives, tying OSHA penalties for the first time to excessive injuries and fatalities.

3. FLEXIBILITY AND CONSIDERATION OF COSTS IN STANDARD-SETTING

A third problem for OSHA has been the length of time and difficulty the agency has had in promulgating safety and health standards. While there are a number of reasons why standard-setting takes so long, one reason is the complexity and scientific uncertainty surrounding the hazards which OSHA attempts to regulate. A second reason has been OSHA's difficulty in establishing, and sticking to, priorities for standard-setting.

Currently, when OSHA attempts to regulate a health risk, it must establish what levels of exposure pose "significant risk of material impairment" to workers, and then regulate to the lowest level of such risk that is "feasible" for industries affected by the standard. The inflexibility of OSHA's mandate result, frequently, in one side arguing that the agency is required to issue a more stringent standard and in the other side arguing that the agency's determination of "significant risk" at the regulated level is based on bad or inadequate scientific data.

The bill offers OSHA greater discretion when regulating so that the level and stringency of regulation can be tied to the certainty of risk. For example, if for substance A there is a clear scientific basis for regulating exposures at 4 ppm, but a less clear basis for setting the standard at 3 ppm, and the lower standard would result in years of controversy and litigation, are not the employees better off to have the protection at 4 ppm now? The bill would allow OSHA to make those regulatory judgments so long as consideration was given to both the benefits and costs of the regulation.

4. COVERAGE OF PUBLIC AND CONGRESSIONAL EMPLOYEES

Current federal law does not cover state and local governments, although approved state OSHA programs do. Like H.R. 1280, the bill extends OSHAct coverage to state and local governments; unlike H.R. 1280, the bill has a number of provisions to assist state and local governments in meeting the additional costs imposed: (1) enforcement against state and local governments is delayed for 3 years, during which time OSHA must complete a study of the cost impact of this extension of coverage; (2) "volunteer" fire departments and similar public service providers are exempt; and (3) any penalties assessed against a state or local government may be credited against the costs of abating the hazard cited for the violation.

Also unlike H.R. 1280, the bill places federal government workplaces under the same rules and enforcement as private employers. Additionally, it extends, as close as possible, the same protections and rights for Congressional employees and the same obligations and penalties against Congressional employers as apply to the private sector.

5. ADDRESSES DEFICIENCIES IN THE PROTECTION OF INDIVIDUAL WHISTLEBLOWERS

In the past, the Education and Labor Committee has heard testimony from individuals who claim that they were fired or otherwise discriminated against because they complained about safety and health conditions, either to the employer or to OSHA, and whose cases languished for years in the Department of Labor. Under current law, once the complaint is filed with DOL, the complainant has no control over its processing. Regardless of whether the claims were meritorious, the fact that the complainant could not get resolution or a hearing on the claim meant that the assurance of legal protection for employees who complain of safety and health concerns was diminished.

The bill provides that whistleblower cases will be adjudicated by the Review Commission, after opportunity for a hearing. The complainant may bring the case to the Review Commission if DOL does not do so within 90 days from the date the case is filed. The bill also encourages the use of mediation in these cases.

6. ELIMINATES OSHA'S ARBITRARY PENALTY CLASSIFICATIONS; BASES THE AMOUNT OF THE PENALTY ON THE SERIOUSNESS OF THE INJURY CAUSED BY A VIOLATION, RATHER THAN ON THE "SERIOUSNESS" OF THE VIOLATION

OSHA currently classifies violations of standards or the general duty clause as "other than serious," "serious," "willful," or "repeat." Over time and place, the definitions of those various classifications change so that a violation that is "other than serious" one year may be "serious" the next year. Or what is "serious" in one region of the country may be "willful" in the next region. "Willful" violations, especially, carry "extra-OSHA" implications (intentional tort claims, etc.) which OSHA has used to force employers into settlements.

The bill eliminates the various classifications and creates a single penalty structure for establishing the penalty for a given violation. It also provides special review and the potential for higher penalty assessments where (1) an employee has died as a result of a violation, (2) the employer has an excessive history of serious injuries of employees, and (3) the employer has demonstrated a pattern of violations which would cause death or serious injury. At the same time, the bill gives penalty relief for employers who have good safety records, safety and health programs, or who utilize a consultation or loss control program.

TRIBUTE TO JAMES M. SELLERS, JR.

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. SKELTON. Mr. Speaker, I was saddened to learn of the recent death of my good friend James M. Sellers, Jr. of Lexington, MO. Together we attended Wentworth Military Academy and I came to know him as an outstanding individual. I always admired his professionalism and devotion to duty.

He was the superintendent of Wentworth Military Academy from 1973 to 1990. He made invaluable contributions to the community, Wentworth and the National R.O.T.C. program.

Mr. Sellers was a valiant soldier and patriot. He served his country in the Navy from 1946 to 1948 and again in the Army from 1952 to the 1960's.

Mr. Sellers was known not only for his military contributions, but he was also a scholar who held degrees from Yale University and the Harvard University School of Business. Among his career achievements, he served as treasurer of Fautless Starch Company in Kansas City and also as the budget director of the Vendo Corporation. He also cofounded and directed Schwartz Electro-Optics Incorporated and International Laser Systems in Orlando, FL.

I extend my most heartfelt condolences to his family. He was a good friend through the years and leaves fond memories with his friends, his widow Betsy and four outstanding sons.

ANGOLA POUNDS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. BURTON of Indiana. Mr. Speaker, the African Nation of Angola seems, tragically to have fallen off of everybody's radar screen since its relapse into civil war late last year. A negotiated solution is still the only hope for peace. The atrocities being committed daily in Angola further complicate an already horrific situation.

The Government of Angola, which the Clinton administration recently recognized, is currently engaged in a merciless bombing campaign against the city of Huambo. The other day, their planes destroyed the International Committee for the Red Cross headquarters in that city. This barbaric act must be roundly condemned, and the Angolan Government must be told in no uncertain terms that such behavior will not advance the peace process, and must not be tolerated.

I commend to my colleagues' attention, an article from the Washington Times about this inhuman attack.

[From The Washington Times, Aug. 6, 1993]

ANGOLA POUNDS REBELS IN HUAMBO STRONGHOLD

LISBON.—Angolan government fighter planes launched a major bombing raid on a rebel stronghold yesterday, a day after an attack that destroyed Red Cross headquarters and killed dozens of civilians.

Dead and wounded were laying in the streets after bombs devastated several shanty towns and apartment buildings in Huambo, the country's second-largest city, said Christophe Harnisch, director in Angola of the International Committee of the Red Cross.

Government MIG-21 fighter jets have made more than 30 air raids on Huambo since Tuesday, government military spokesman Brigadeiro Jota said. He said it was the most intense attack against the city of 400,000 people since it was captured by rebels five months ago.

The UNITA rebels swore to hit the government where it would hurt the most in retaliation for the Huambo air raid.

LEGISLATION TO REAFFIRM SECOND AMENDMENT INTRODUCED

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. CRANE. Mr. Speaker, continuing a tradition begun in the 98th Congress, I have reintroduced legislation to reaffirm the duty of this body to protect the second amendment to the United States Constitution.

Our Founding Fathers considered the right to keep and bear arms for the purpose of self-defense to be a natural one, recognized by civilized men, regardless of its codification into law. James Madison considered the right fundamental enough to be included in the Bill of Rights and protected by constitutional law. Madison argued that the right to bear arms was an advantage "which Americans possess over the people of almost every other nation." He further argued that this advantage was necessary to create a barrier against the usurpation of individual rights by the Government.

Indeed, the lessons of history have shown that the existence of an armed populous, while consistent with democratic peoples, is wholly inconsistent with tyrannies. Madison noted in the Federalist Papers that "governments are afraid to trust the people with arms." Adolf Hitler restricted gun ownership to permit holders—providing they had no criminal record—members of the S.S. and storm troopers. Jews, considered enemies of the Third Reich, were forbidden to own firearms.

Modern day proponents of gun control laws claim that restricting legal access to firearms is necessary to curb the problems of crime in America. Empirical evidence has shown that method to be ineffectual in preventing crime. The District of Columbia, which has one of the most restrictive gun control laws in the country, also has the highest per capita murder rate. In effect, the right of the individual to protect himself has been usurped by the state. As a result, criminals have turned Washington into the Nation's murder capital.

Unfortunately, the increase of violent crime has swept the entire Nation. Law enforcement agencies, already overworked, cannot keep pace with the criminal's activities. In the absence of adequate police protection, the ability to protect one's life, liberty, and property should not be infringed by Congress in any way.

In a recent article in the Conservative Chronicle, William F. Buckley, Jr., demonstrates that the current state of crime should point to the need to ensure that individuals maintain the right to properly defend themselves. I commend this article to the attention of my colleagues and ask them to support the constitutional right to keep and bear arms by cosponsoring House Concurrent Resolution 3.

[From the Conservative Chronicle, July 9, 1993]

GUN CONTROL DIVIDES CONSERVATIVES AND LIBERALS

(By William F. Buckley, Jr.)

Many years ago, in his important book, "Suicide of the West," the late philosopher-strategist James Burnham did a novel thing. His objective was to attempt diagrammatically to distinguish between the liberal and the conservative. On what points did they tend to disagree? And on what point, or points, did they disagree most markedly?

What is progressively clear is that government probably doesn't have the power to cope with the problem. Or if that isn't quite correct, government isn't going to cope with the problem.

He identified the "liberal syndrome," and later investigators fastened on a single issue that more than any others divides the two camps, namely gun control.

Over the years I have kept an ear cocked to the question, and I'd warrant that it is still so. Although more conservatives now than then believe in some limits to instant accessibility of weapons, on the main point they are still adamant: that an American citizen be permitted to buy a gun when he wants one.

The day's news speaks of Houston, Texas. Another tragic event, a mere cipher in the statistical archives (two more homicides). But something about the Houston story has seized the imagination of the whole town, and the reason for it is that nobody quite knows what to do about the society that brought forth Peter Anthony Cantu, 18; Derrick Sean O'Brien, 18; Efrain Perez, 17; Raul Omar Villareal, 17; Jose Ernesto Medellin, 18; and an unidentified boy, 14. The fourteen-year-old, if found guilty, could be sentenced to 40 years in prison. The other five could be executed.

What the "boys" were accused of doing was to stop two teenage girls who were returning home after a swimming party at the Springhill Apartments with friends. The girls were seized, raped, beaten and killed.

Now homicide isn't exactly like a total eclipse at Houston. This last was the 250th and 251st in a year only half spent, which suggests 500 deaths by New Year's Eve. Why is this extrapolation so confident?

The answer to this reaches down to the marrow of Houston's depression. It is that nobody knows what to do about crime. Accordingly, people who live in Houston need to decide how they will comport themselves. What, as individuals, will they do? Is it a matter of identifying the individual potential malefactor? But how is this accomplished?

Consider the gentlemen above. Reporter Sam Howe Verhovek writes for the New York Times, "Even after the girls had stopped writhing from their torment, several of the youths repeatedly stomped on them to make sure that they were dead, the authorities said. The girls' naked bodies were then dragged into the woods," where they were discovered four days later after a frantic citywide search.

How does the resident of Houston (or of Washington, Detroit, Chicago, Los Angeles, Phoenix) guard against coming upon such as the gentlemen listed above?

What is progressively clear is that government probably doesn't have the power to cope with the problem. Or if that isn't quite correct, government isn't going to cope with the problem.

Radical measures come to mind, but they are dismissed as totally incompatible with Western social commitments. We could send a commission to Singapore to find out how it handles its crime problem there, but to institute such procedures as are used in Singapore would indeed finally require us to impeach Earl Warren.

What citizens do in fact impose on themselves is a very sharp limitation of freedoms we are supposed to enjoy—e.g., safe passage, day or night, across parks or down shaded streets. But the ultimate sanction is the protective weapon.

As essayist writing in the Public Interest a dozen years ago made the point that critics of handguns fail to take into account the measure of relief that they bring in particular to older people who live in urban areas in which crime is rampant. The point was brought home by Verhovek. He writes:

"At the site of the killings—down an embankment and near a graffiti-covered railroad trestle—passers-by have left notes and flowers in memory of Miss Ertman and Miss Pena. But others, including 69-year-old Arthur Malveaux, out for a walk in the wooded area the other day, seem to have concluded that the enduring lesson of the crime is that their world is a chaotic place in which people ultimately have to fend for themselves.

"Mr. Malveaux lives at Springhill Apartments, where the two girls had been enjoying their pool party until minutes before they were killed. 'I've got three locks on my door and two loaded pistols by my bedside, he said. 'So anybody who comes in my door, God rest his soul.'"

In four generations, frontier habits return. Not to isolated outposts in the country, but to urban centers.

UNITED STATES TRADE REPRESENTATIVE SHOULD ACCEPT FOR REVIEW THE PENDING GSP PETITION ON WORKER RIGHTS VIOLATIONS IN MEXICO—PART 4

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. BROWN of California. Mr. Speaker, following is the fourth and concluding installment of the pending GSP petition on worker rights violations in Mexico.

In its entirety, this petition raises profound questions about existing legal, administrative, judicial, and political barriers to the free exercise of freedom of association and other basic worker rights in Mexico. It also includes very troubling reports of a widespread pattern of violence against organized workers. The systematic repression of labor lawyers and independent union activists, and nonenforcement of Mexican labor standards pertaining to child labor, minimum wages, and safety and health conditions.

In keeping with existing U.S. trade law, there can be no reasonable justification for USTR refusing to accept this petition, carefully investigate each of its allegations, and schedule one or more public hearings on it.

2. Health and Safety conditions:

The grotesque and inhuman living and working conditions for workers in the Maquiladora plants along the U.S.-Mexico border have been frequently cited,[13] most recently by Representatives Marcy Kaptur (D–OH), and Richard Gephardt (D–MO) on visits to Maquiladoras in Matamoros and Tijuana.

However, such conditions are not limited to the border area. La Botz cites a study conducted by Cristina Laurell and Mariano Noriega on the state-owned Lázaro Cárdenas/Las Truchas Steel Mill, which indicates that "the Miners and Metal Workers Union contract which was the collective bargaining agreement in effect at the mill was not in and of itself adequate to protect the health and safety of the workers. First, it was mostly concerned with compensations for accidents after they had occurred, 'putting little emphasis on the mechanisms for preventing such hazards.' Second, the contract was only concerned with industrial accidents, 'but left much to be desired with regard to occupational illnesses.'

Third, the contract was so poor in specifying working conditions that 'there was hardly even a concept of traditional hygiene, much less of the integral relationship between work and workers' health.' The contract established no expectations about materials, equipment, or production. "The contract as a whole contained few clauses which permitted the workers to develop a strategy in defense of their health." (page 24)

In Mask of Democracy, La Botz reproduces as well the testimony presented to the U.S. Congress in Spring 1991 by Elizabeth Macías, of Ciudad Júarez, on her experiences with a subsidiary of Ford Motor Company:

Monday, October 29, 1990, was the last day I had a good talk with my son, Julio Cesar * * * two days later, on Wednesday, October 31, a revolving belt dragged him to a factory grinder * * * cutting off his very short existence, when he was just 16 years of age.

My son was hired as a production operator at the rate of US $.45 an hour for the auto glass plant (Autovidrio), which Ford Motor Company has set up in Ciudad Júarez. Even though Cesar was not a sweeper, his immediate supervisor sent him to clean, by himself, an isolated underground tunnel where, by means of a mechanical belt, the waste from the factory is transported. My son didn't return alive from there. Nobody knows how it was that he died, my small Julio Cesar, since it was only possible to learn that his comrades found him 15 minutes after he had been trapped in the grinder, with his right arm, thorax and head destroyed.

The murderous machine had no mechanism for being stopped in case of emergency. The murderous machine had no barrier of protection to prevent workers from getting near it should they fall accidentally. In fact, the auto glass factory of Ford does not train its workers for cases of emergency in that basement. They sent my son into the basement without providing him with any safety equipment; he had no glasses, no helmet, not even a uniform to protect him from a minor accident * * * He'd been working at the factory just five days and it was his first job ever. The factory hadn't given him any training in how to operate and stop the production belt. My son was hired to carry out a job different from the one they sent him to do that day.

I have seen Ford Company announces its safety measures for its cars, such as belts, cushioned panels, special designs, etc, but I've never seen them announce the standards that they've designed to protect the workers in their plants in Mexico * * * " (p. 24–25).

On the conditions of work at maquiladoras, La Botz mentions the University of Lowell's Work Environment Program study, conducted on the Matamoros and Reynosa area, involving 267 workers, and 25 community leaders, which points out:

What appears to be the future of working conditions in one of the most active areas of the maquiladora system in the Mexico-U.S. Border is in many ways a journey to the past. The working conditions identified in this study are reminiscent of the nineteeth century sweatshops of the U.S. industrial town. they are well illuminated worksites and they serve lunch in the maquiladora operations, but still the worst abuses of the methods of production of Taylorism are evident. . . The workers' survey found clear evidence that maquiladora workers are suffering from musculoskeletal disorders related to working conditions, including rapid pace of work, poor workplace design and other ergonomic hazards. Acute health effects compatible with chemical exposures were also identified, indicating the potential for the future development of chronic diseases in the workforce.[14]

Petitioners recognize that the problems of child labor, inadequate minimum wages and unhealthy or unsafe working conditions are not in themselves sufficient to generate GSP sanctions. They are the products both of generalized poverty and the lack of official measures for their correction. They are mentioned here as the by-products of a general system of repression of labor rights that, thanks to the combination of government repression, corporatist union corruption and inadequate laws, leaves workers with few means to protect themselves.

CONCLUSION

Petitioners have demonstrated that weakness in Mexico's labor justice system, both in the law and its enforcement, has robbed Mexican workers of important aspects of their internationally-recognized labor rights. A corporatist union system, which at an earlier period in Mexico's history provided considerable political and social power to the trade union movement, has proven to be a Faustian bargain for Mexico's workers in a period in which the government party no longer needs the labor movement and can therefore utilize the proximity to power of a corrupted labor leadership as a means to control rather than empower workers.

This system needs a review. It will benefit no one if that review is denied because of a political decision not to challenge Mexico at a time when negotiations for a free trade agreement are under way. Problems denied do not go away; they fester and reemerge as more serious problems. This will be particularly true if the degree of economic integration anticipated by NAFTA is allowed to proceed on a false basis of belief that the Mexican workers benefit from what the Bush Administration considered to be "strong labor protections in its Constitution and laws" or that "the Mexican government has a strong political commitment to promoting the rights and interests of workers."[15]

The time for this review is now; the best instrument for that review is the GSP Worker Rights provisions.

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[13] Jerome Levinson: Unrequited Toil, pp 4, 5, 6, 15 and 16)

[14] Rafael Moure-Eraso, "Back to the Future: Sweatshop Conditions on the Mexico-U.S. Border: Community and Occupational Health Impact of Maquiladora Activity in the Mexico/United States Border" (University of Lowell Work Environment Program, April 11, 1991) pp. 1–11, cited by La Botz at 166.

[15] White House Press Statement, October 7, 1992.

CELEBRATING UKRAINIAN INDEPENDENCE

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. NADLER. Mr. Speaker, on August 24, the United Ukrainian American Organizations of New York will celebrate the second anniversary of the reestablishment of Ukraine's independence. As the representative in whose district is located New York's Ukrainian community, I am proud to join with my neighbors in marking this important occasion.

Despite decades of foreign domination, the Ukrainian people have steadfastly maintained their national identity and worked toward the day when an independent Ukraine could be reestablished. With its reserve of raw materials, rich soil, strong industrial base and, most importantly, its people. Ukraine is poised to overcome the longstanding effects of Soviet domination and become a significant force in the future of Europe.

In my own congressional district, Ukrainian-American citizens have had an outstanding impact on the life of our community. From Taras Shevchenko Place in Manhattan, to the streets of Brooklyn, Ukrainian Americans have made an outstanding contribution to the cultural, economic and social life of New York.

Mr. Speaker, with the fall of the Soviet Union, the world we live in has been changed forever. Nations long suppressed are reemerging to take their rightful places among the family of nations. After more than 70 years, Ukraine is again a free and independent nation. I am proud to represent this vital community of Ukrainian Americans, and I am pleased to join my neighbors in celebrating the historic liberation of their native land.

NATIONAL WORKFORCE PREPARATION AND DEVELOPMENT REFORM ACT INTRODUCED

HON. WILLIAM F. GOODLING
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Friday, August 6, 1993

Mr. GOODLING. Mr. Speaker, today I am joining with Mr. GUNDERSON and others, in introducing legislation, the "National Workforce Preparation and Development Reform Act," that addresses America's need for a highly skilled, flexible, and diverse work force. By establishing a framework at the Federal, State, and local levels that allows for coordinated strategic planning and administration of work force preparation and development programs, this legislation will result in making our existing employment and training programs more effective and more responsive to the individuals, the communities, and the businesses they serve.

Currently, there are many Federal programs that provide education and training services to specific targeted groups. The U.S. General Accounting Office [GAO] recently cited over 150 Federal programs, at $24 billion per year, that provide some form of employment, education, or training programs to out-of-school youth and adults in this country. While many of these programs listed in the GAO report are not truly training or work force preparation programs, the report still emphasizes the need to better coordinate and improve the primary Federal education and training programs that result in work force preparation.

The Congress has created this confusing array of programs over the years by enacting a new law each time a new need arose. These programs have been created by separate congressional committees, and are now administered by different Federal agencies, scattered across still yet different State and local agencies. While the goals of these programs are often similar, they reach States and local areas in a frustrating maze of delivery systems, funding streams, eligibility requirements, accountability and reporting requirements, and performance requirements. The tragedy of all of this, is that confusion at the local level is not limited to program administrators, but individuals desperately in need of these services are confronted with a system that is perplexing and in many cases, inaccessible.

The inadequacies of our work force preparation system are exacerbated by the fact that emerging technologies, global competition, restructuring of the workplace, the loss of many low-skilled jobs, and more frequent job and career shifts, have made the importance of a well-trained American work force more significant today than ever before. We can no longer wait to develop a national strategy for work force preparation to meet the needs of business, and to help youth and adults get information about jobs, and related education and training programs more easily.

The goals of this legislation are: To better coordinate work force development programs at the Federal, State, and local levels; to expand and improve service delivery under our work force preparation programs; to reduce Federal intervention by waiving prescriptive rules and laws; to increase the involvement of business in the planning of the programs; and to encourage the development of community job resource centers, or one-stop-shopping points of entry into the work force preparation, to make these programs more recognizable and more accessible to individuals in need of such services.

In this proposal, we encourage States and communities to take more control in determining how Federal program dollars should be used to most effectively meet their work force development needs, while simplifying the administrative demands of the programs. Recognizing that each State and community is different and unique, and that there is no one single strategy that can be legislated from the Federal level to meet those unique needs, we set up the process for States and communities, with all the right people involved, to solve their own problems.

Already, we have seen innovative approaches to work force development in a number of States and localities. What Governors and community leaders have asked for is simple—a less cumbersome administrative structure, fewer diverse reporting requirements, the ability to use common definitions and terms, and common performance standards across work force preparation programs, less redtape, less segmented bureaucracy, and less paperwork. Such flexibility would allow State and local program administrators to focus on a holistic strategy for serving needy individuals and to determine how individual programs can most positively contribute to that overall strategy.

At the Federal level, a Federal Workforce Preparation and Development Council will be established, consisting of key cabinet-level officials, to develop a coordinated Federal strategy on work force preparation and development, review and approve state plans and requests for waivers, and make implementation grants. A National Advisory Board on Workforce Preparation and Development—including representation from the private, public, and government sectors—will be established to provide advice, guidance and recommendations on work force programs to the President and to the Federal Council. Under this legislation, we ask these Federal bodies to make recommendations for the elimination of fragmentation and duplication among Federal work force preparation and development programs, and for the consolidation of administration of these programs at the Federal level.

To permit greater flexibility at the State level, States will be authorized, not mandated, to develop a comprehensive work force preparation and development plan for a wide range of education, training, and work force development programs. States electing to participate, then would be allowed to request waivers from laws and regulations under those programs that stand in the way of coordination and innovative approaches to service delivery. However, to be eligible for such waivers and grants, a State must first establish a State Human Resource Investment Council to oversee the development of the statewide strategy for coordination and work force training. States must also ensure the designation of unified service areas in local communities, and the establishment of local work force preparation and development boards in each such unified service area, to oversee local program coordination and to create Community Job Resource Centers.

States that choose to participate in this reform effort must, at a minimum, cover programs authorized under the following five Federal statutes: The Carl D. Perkins Vocational and Applied Technology Education Act, the Job Training Partnership Act, the Wagner Peyser Act (Employment Service), Part F of Title IV of the Social Security Act (the Job Opportunities Basic Skills Program), and the Adult Education Act.

At the local level, local work force preparation and development boards, in partnership with units of local government, will have the responsibility for developing a local strategic plan for deploying resources for work force education and training and for creating community job service centers in the local community. Local work force development boards under our bill, will consist of a majority business membership, and representatives from education and training, employees, economic development, local government, community groups, and program administrators from the affected programs.

A major goal of this proposal is to encourage states and localities to develop or establish networks of Community Job Resource Centers, often described as "one-stop-shopping points of entry" into the local work force preparation system. Currently, most communities do not have a single place for individuals to go to find information about available jobs, about what skills or competencies are needed to do a job or advance in a career, or how to find the training needed for such jobs. In most communities, it is impossible to find out how well work force preparation and development programs are performing or how responsive they are to the needs of the local employers or target populations. Community job resource centers would provide these services as well as certain fundamental services to individuals in the community who are eligible for federal programs. At a minimum, the job resource center must provide assessment and counseling services, information and referral to the appropriate education or training program in that community to all eligible and target populations. The job resource center should be conceptualized as a service, delivered in multiple sites and linked with a computerized information management system. Communities should have flexibility in designing their systems, but there should be a guarantee that assessment, counseling and referral will be provided for all eligible populations. For those individuals and employers not otherwise eligible for covered programs, and who are able to pay for these services, a reasonable fee for services provided may be charged by the local board, with the approval of the State.

To help States and communities develop and implement a coordinated strategy for such a system, the Federal Council on Workforce Preparation and Development will provide States with implementation grants and technical assistance. Implementation grants can be used for strategic planning, for leadership and professional development, cross-training of personnel from the affected State agencies, team-building, development of new coordination strategies, development of computerized management information systems or labor market information systems, and development and improvement of the system of community job resource centers. States would be required to pass through at least 70 percent of the implementation grants to local work force development boards to support local activities.

Mr. Speaker, this proposal will encourage States and local communities to develop and improve coordinated work force preparation and development programs that are responsive to American business and the needs of their citizens. There is no question that U.S. competitiveness is directly dependent on the skills levels of our work force. This legislation goes a long way toward moving our Nation into the 21st century in the area of work force development. I encourage my colleagues to join us in cosponsorship of this important legislation.

NATIONAL WORKFORCE PREPARATION AND DEVELOPMENT REFORM ACT INTRODUCED

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. GUNDERSON. Mr. Speaker, the need for a coordinated, integrated, and high quality work force investment system in this country has never been more profound. America's work force, its abilities and capabilities, will be one—if not the most important determining factor in our economic future. Unfortunately, because our education and training programs in the United States have been developed independently of each other over many years, there is no national strategy for a coherent, well-coordinated work force preparation and development system. Instead we have a fragmented, often duplicative response to education and training in this Nation. To address this vital need, I have joined with Mr. GOODLING and others in the development and introduction of the "National Workforce Preparation and Development Reform Act."

This legislation has been developed based on lessons learned from innovative States and localities who are trying to pull these fragmented programs together to form a comprehensive work force development system, but are finding barriers to such coordination due to numerous Federal rules, regulations, and statutory impediments. The goals of this proposal are to: First, better coordinate employment, training, and education programs—work force preparation programs—at the Federal, State, and local levels; second, reduce Federal intervention that impedes such coordination, by waiving prescriptive rules, regulations, and provisions of law that serve as barriers to coordination; third, increase the involvement of business in the planning of these programs, as well as encourage strategic planning at all levels in these programs to meet State and local economic needs; fourth, develop a system of comprehensive community job resource centers as single points of entry into work force preparation programs; fifth, make these programs more accountable to the public; and sixth, expand and improve service delivery under these programs.

Under this bill, existing programs will not be dramatically changed from the Federal level. No Federal programs have been eliminated. Rather, increased flexibility and waiver authority will be provided to allow States and local communities to develop the most effective programs to meet their unique needs.

At the Federal level, a Federal Workforce Development Council will be established, consisting of the Secretaries of Education, Labor, Health and Human Services, Commerce, the director of the Office of Management and Budget, and any other Cabinet-level officials as determined appropriate by the President, with the goal of developing a coordinated federal strategy on work force development. The Council's responsibilities will include the review of single state plans, approval of requests for waivers, and the provision of implementation grants and technical assistance to States and local areas electing to participate in this reform effort.

A National Workforce Development Advisory Board would also be established, composed of representatives from business and industry, representatives of workers—both union and nonunion—experts in the fields of education and training, and Governors, State legislators, and Members of Congress—to provide advice and recommendations to the President and the Federal Council on development of a comprehensive work force development system. Both the National Board, and the Council are charged with the responsibility of making recommendations for the elimination of fragmentation and duplication among work force development programs, and consolidation of the Federal administration of all such programs.

At the State level, States electing to participate in this system will be required to establish a Human Resource Investment Council [HRIC] to develop a coordinated strategy for work force development and to develop a single unified state plan for the affected Federal programs. At a minimum the unified State plan must cover programs authorized under the Job Training Partnership Act, the Carl Perkins Vocational and Applied Technology Education Act, the Wagner-Peyser Act (Employment Service), Part F of Title VI of the Social Security Act (the JOBS program), and the Adult Education Act. In addition, States may include other Federal and State work force development programs, as they determine appropriate.

To break down the barriers plaguing coordination between work force preparation and development programs, States will be authorized to request waivers from Federal laws and regulations that stand in the way of such coordination. States will be permitted to develop a single system of performance standards to be used across all programs. Waivers will also be allowed for the utilization of common definitions and terms, common reporting and data collection, and common cost categories and cost limitations among programs. However, waivers may not include provisions of law or regulations pertaining to: the purposes and goals of work force development programs; the allocation of funds under such programs; any provision of law relating to public health or safety, civil rights, protections granted under section 503 and 504 of the Rehabilitation Act of 1973, occupational safety and health, environmental protection, displacement protections, or fraud and abuse; and eligibility, except that States are provided added flexibility in developing common definitions among work force development programs, for eligible populations.

In order for States to participate in the reform effort, to receive waivers, and to be eligible to receive implementation grants and technical assistance under this Act, the Governor must designate unified service areas—similar to, but not necessarily consistent with, service delivery areas established under the Job Training Partnership Act—in which local work force development boards will be established.

At the local level, as mentioned above, each community will establish a local work force development board. Local board members will be selected by chief elected officials in the local community, based on criteria established by the State council and conforming to membership criteria in this legislation, from among nominations submitted by appropriate local agencies and organizations. Local boards will include a majority representation from business and industry, representatives of workers, representatives of education, social service, and community organizations. Local heads of agencies responsible for work force development programs and for economic development, must also be included on the local board. While these boards are similar to Private Industry Councils [PICs], established under the Job Training Partnership Act, and existing work force policy councils may be designated as the local board, provided they meet membership requirements, State criteria, and the Governor's approval, PICs are not automatically presumed to become the local work force development board.

In partnership with the unit or units of local government in the unified service area, local work force development boards will be charged with developing a community-wide strategy for work force development programs, tied to local development and labor market needs. The local board is also responsible for coordinating the activities of work force development programs, and for the operation of community-job-resource centers in the unified service area.

Community job resource centers—or one stop-shopping points of entry into the local work force development system—must be accessible to populations eligible under Federal work force preparation programs. Services provided at these centers include individualized assessment, worker profiling, counseling, job information, and referral to appropriate education, training, or employment programs in the community. These front-end services may also be offered to noneligible populations and to employers, and the local board may charge a reasonable fee-for-service to employers, and to noneligible individuals able to pay for such services, with such a fee-for-service schedule approved by the State. Any appropriate entity or consortia of entities in a unified serve area may apply to be designated as a community job resource center, including entities under the Job Training Partnership Act, the Employment Service, local welfare offices, community and technical colleges, vocational education institutions, local education agencies, or community-based organizations.

While it is not known at this point whether this proposal will result in any significant savings at the State or local level, it is assumed that development of a more comprehensive and coordinated work force investment system will result in expanded and improved services to eligible individuals, as well as to the general population. Mr. Speaker, there is no question that highly skilled workers are essential in today's competitive international economy. In order for the United States to succeed in the future, we must develop a system of high quality lifelong learning for all individuals. I feel that this legislation moves us in that direction. I urge my colleagues to join us in this effort.

TRIBUTE TO ST. JAMES PARISH FAMILY IN NORTH JACKSON, OH

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. TRAFICANT. Mr. Speaker, I rise in honor of the St. James Parish family in North Jackson, OH. St. James, Mr. Speaker, has been at the heart of ecumenical activity in my 17th District in Ohio for the past 50 years.

On October 4, 1993, the 296 families enrolled at St. James will celebrate its golden anniversary with a sense of pride and accomplishment. The parish purchased its building in November 1941 for the sum of $3,400. Two years later, St. James was raised from the status of mission to that of a parish church by the New Diocese of Youngstown. Father Michael M. Tondra was appointed as the first resident pastor. The parish owes its existence, in part, to individuals such as Mr. and Mrs. Dale Kimmel and Father Andrew Prokop, whose important contributions of time and effort helped to bring the need for Catholic worship, education and sacraments in Youngstown to the forefront of the Catholic leadership's agenda.

In its 50 years of service to the community, St. James has been under the direction of nine upstanding, compassionate pastors, including: Father Tondra (1943–46), Father Edward C. Labbe (1946–51), Father John Higgins (1951–54), Father Casimir Grabowski (1954–58), Father Henry J. Cibulka (1958–74), Father Ronald M. Klingler (1974–76), Father John P. Dailey (1976–77) and Father Henry J. Lileas (1978–83). Father Lileas oversaw the groundbreaking of a new building in 1982 on a plot of land donated by Edward J. DeBartolo. The Father administered the first Mass in the completed building on December 18, 1983.

The St. James Parish family is currently under the direction of Father Anthony F. Fasline and continues to serve as a place of worship and guidance for the citizens of my district. Mr. Speaker, I extend a heartfelt congratulations to St. James on its 50th anniversary. I am lucky to have the compassion of its parish in my district.

TRIBUTE TO MR. LLOYD BASIL

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. GILLMOR. Mr. Speaker, I rise today to honor Mr. Lloyd Basil, a true public servant. Mr. Basil will be retiring as Van Wert County Treasurer on August 31, after having served in that post for 27 years. I have had the pleasure of knowing Mr. Basil for most of those years.

It is no secret the fiscal constraints that all levels of government, especially local, are under. Mr. Basil has not only managed to keep Van Wert County financially sound during these tough times, but his successful investment of taxpayer dollars has allowed the county to undertake major improvement projects such as the installation of elevators and the renovation of offices in the Van Wert Courthouse.

Congress should look to the treasurer's office of Van Wert County as an example of how to run an efficient government operation. Amazingly, Mr. Basil has the same number of permanent employees working in his office today as he did when he began 27 years ago.

Mr. Basil has never accepted the status quo in his office. He was nationally recognized by the Wall Street Journal as one of the pioneers of the practice of paying taxes by bank credit card. He was also responsible for bringing the treasurer's office into the computer age and ensuring the safety of taxpayer dollars through the installation of an office security system.

But Mr. Basil's contribution to his community does not end with his duties as treasurer. He has served on the board of directors of the YMCA and is presently on the board of directors of Associated Charities.

It gives me great pleasure to congratulate a friend and colleague on his retirement. I ask my fellow Members of Congress to join me in saluting Mr. Lloyd Basil and wishing him well in the years to come.

AURORA CENTENNIAL CELEBRATION

HON. MICHAEL J. KOPETSKI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. KOPETSKI. Mr. Speaker, Aurora, a town within my district in Oregon, will be celebrating its centennial August 7 and 8. All kinds of activities are planned for this 2-day recognition of Aurora's 100-year history. There will be a parade, street sales, a special living history exhibit, pioneer craft demonstrations, stage coach rides, and live entertainment. Volunteers will lead guided walking tours of the downtown historical district.

All proceeds from the admissions charged for entertainment this weekend will go to Aurora's own Oregon Trail wagon. This is the only wagon from Oregon to join five other wagons—from Wyoming and Nebraska—in a 6-month long trek from Independence, MO, along the Oregon Trail. The Aurora wagon is scheduled to arrive in Aurora on October 14. Five Aurora citizens are traveling in this wagon; often sleeping underneath it at night, as the early pioneers must have done. There will be a raffle this weekend for a ride on this wagon when it arrives in Aurora in October.

Further events for this weekends' centennial celebration include a quilt show at the Old Aurora Colony Museum, a pioneer craft demonstration and a production of women's stories from the Oregon Trail.

The festivities begin Saturday morning with a flag-raising ceremony, which will be conducted by the First Oregon Infantry. An official encampment over the weekend will include firing demonstrations and drills.

Mr. Speaker, I am glad the town of Aurora is doing so much to celebrate its rich and long history. This small Oregon town has much to be proud of, and the members of the community have much to celebrate and learn in this weekend's activities.

INTRODUCTION OF THE MT. PLEASANT NATIONAL SCENIC AREA ACT

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. GOODLATTE. Mr. Speaker, on behalf of the citizens of Amherst County, VA, I am pleased to announce the introduction of the Mt. Pleasant National Scenic Area Act.

Over the last few months, the Amherst County Board of Supervisors, local sportsmen, business leaders, hikers, and families have expressed their desire to permanently protect an area surrounding Mount Pleasant in Amherst County, VA. This area includes valuable resources such as the Buffalo River's watershed, native wild trout streams, a portion of the historic Appalachian Trail and many other notable features.

The legislation I am introducing today draws together recommendations from the Forest Service with the specific concerns voiced to me by the local board of supervisors and concerned citizens from the area. This bill designates approximately 7,580 acres in this region as a national scenic area. It will protect Mt. Pleasant from environmental damage, allow fish and other wildlife to flourish, and preserve old forest stands within the area.

In the development of this plan, I considered a broad array of options and listened to my constituents' opinions about how best to manage this area and its vital natural resources. Most importantly, as the local board to supervisors pointed out, the solution needed to provide a full range permanent protection of the areas resources.

Many people called for wilderness designation. However, after extensive consultation and consideration, I came to the belief that to effectively protect all of the special attributes of Mt. Pleasant, a more tailored approach was necessary. Wilderness designation would leave this area vulnerable to severe damage from wildfire, pests like the gypsy moth and southern pine beetle, floods, and pollution.

Furthermore, many senior citizens and handicapped people would lose their ability to enjoy Mount Pleasant because no motor vehicles would be allowed on the small, unobtrusive forest management roads currently in the area.

This legislation will provide a permanent framework for sound management with the flexibility needed to manage the area locally. It will also ensure that this beautiful region of Virginia will be available for everyone to enjoy for years to come.

I am grateful to all of the concerned citizens across the Sixth District who contacted me to provide their opinions. I will work hard to see that the Mt. Pleasant National Scenic Area becomes a reality for the families of central Virginia to enjoy for years to come. I encourage this body to swiftly enact this legislation.

INTRODUCTION OF THE CREDIT UNION COMMUNITY DEVELOPMENT ENHANCEMENT ACT OF 1993

HON. BILL ORTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. ORTON. Mr. Speaker, today I am introducing the Credit Union Community Development Enhancement Act of 1993.

The purpose of this legislation is to increase funding and flexibility for a program that has proven to be effective in providing financial assistance to low-income communities. Under the Community Development Credit Union Revolving Loan Fund, low-interest loans and technical assistance are provided to credit unions, which must meet strict requirements and predominately serve low-income areas. My legislation would increase the current authorization of the fund from $6 million to $25 million. It would also allow the revolving fund to retain the interest from fund investments.

There is much excitement over the administration's proposal dealing with community development banks and financial institutions. This proposal would provide for hundreds of millions of dollars of funds to be used by local organizations whose focus is on revitalizing depressed areas and providing credit to low-income individuals.

It is my intent to offer my legislation as an amendment when we mark up the community development bill in the Banking Committee. The effect would be to allocate some $19 million of the total $383 million being authorized to the Community Development Revolving Loan Fund. This would be a mere 5 percent of total funding.

This approach is clearly justified, given the strong track record of credit union community development lending under this program. The loan fund was originally authorized in 1979 with an appropriation of $6 million. However, due to the opposition of OMB, no loans were made until 1990. In the 3 years since then, over $7 million has been loaned out in over 50 separate advances. In this time, participants have repaid over $1.5 million in loans and approximately $250,000 in interest. All of the interest and principal payments have been repaid as scheduled, and there are no delinquent loans.

Given this track record, combined with credit unions' strong record of local community involvement, it just makes sense to target additional funds to this revolving fund. The demand is there. The last time that NCUA took applications for advances from the Fund, it received requests for over three times the amount that it had available. Furthermore, the low level of funding makes it difficult to advance funds in meaningful amounts. Too often, we seek to create new programs without taking sufficient advantage of programs that are already working. Therefore, an increase in authorization for the revolving fund is clearly justified.

I urge my colleagues to join me in cosponsoring this legislation.

THE STORY OF ONE MANUFACTURER'S STRUGGLE TO SURVIVE IN CALIFORNIA

HON. WILLIAM P. BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. BAKER of California. Mr. Speaker, the mass exodus of businesses from California and the United States is costing jobs and hurting our economy. Fortunately, there are examples of successful enterprises that have survived government over regulation.

I would like to insert into the RECORD an article by Enita Nordeck, founder and CEO of Unity Forest Products, that appeared in the spring 1993 issue of California Manufacturer.

The article exemplifies how government kills jobs in California. Until government can create a friendly atmosphere for the private sector, jobs and businesses will continue to leave California and the United States.

The article follows:

I CAN'T GIVE UP, THIS IS MY STATE—THE STORY OF ONE MANUFACTURER'S STRUGGLE TO SURVIVE IN CALIFORNIA

(By Enita Nordeck)

Unity Forest Products was conceived as an idea in December of 1987. Three men, who had a great deal of faith in my ability, started the business January 1, 1988, in a rented one-room office with the total sum of four employees. In order to start this company it was necessary for me to sell my home and everything else I had to generate capital. I gambled all my past efforts, my future, and the future of my family on an idea and a sincere belief that in this country, and particularly in this state, with a dedicated effort and ability we could reach our goals. Our goals were to build a business on team effort, team rewards, make a profit and be an asset to the community.

On September 16, 1988, exactly nine months later, Unity Forest Products was 25 employees strong, with a million dollar manufacturing facility and office. We were producing our own product. But to do this we had to overcome many obstacles. There were four major ones: One was financing. Banks and lending institutions do not lend money to start-ups. Second, I was a woman in a non-traditional role. Next, we had to face the federal, state, county and city regulations. We also had to find equipment, location, land, personnel, customers, establish a marketplace and find vendors who would give us a line of credit.

How did we overcome these obstacles? I put together a very complex package that involved Yuba City, and through a revolving fund of federal community redevelopment grants, our team received $100,000, the state Department of Commerce loaned us $105,000 and Wells Fargo came in with a $465,000 term loan and a $300,000 line of credit.

In order to put this package together for the bank's approval, I was required to obtain funding to train my employees. Through the state Employment Training Panel, I received a $100,000 grant. In addition, I needed one more ingredient through the state—an enterprise zone. With the tax credits the enterprise zone would generate, I was able to convince the bank that this was an acceptable deal.

However, none of these funds were available until the facility was built and functional. I needed a developer willing to risk his judgment call on my ability and integrity. As far as being a woman in a nontraditional role, I handled that the only way I could. I just ignored it. [And] I found that developer.

When it came to federal, state, county and city regulations, I spent hundreds of hours meeting requirements at all levels. I was also very fortunate to have found a bureaucrat who had been in business for himself for many years and was now Yuba City's director of economic development. When I first approached him with my idea, his statement to me was, and I will never forget this, "I don't know how it could be done, but I know it can be done."

It was with his attitude—and I don't know if he's a Democrat or Republican—his attitude and his untiring effort to unravel the red tape of those federal, state, county and city regulations that made it possible for Unity Forest Products to be built. By the way, that gentleman's name is John Whitman.

Then we got to the appointment of the land, the personnel, the customer, the vendors, and this all turned out to be the easiest part of an almost impossible task. Once I got through the bureaucratic maze, we were able to do what we do best, and that's run a business.

Where is Unity Forest Products today? After starting in 1988 with the four employees and the one-room rented office, we have grown to a full manufacturing facility on 10 acres, 38 employees strong, and produce $16 million in gross revenues annually with a payroll of $1.3 million. And we've never had an unprofitable month.

In order to do this we had to add employees. I would like to say that 80 percent of our employees came from what the state calls "terminally unemployed." That I would like to define. It means the people who are no longer eligible to receive unemployment, are on welfare, and their families are on welfare. Our turnover rate last year was zero percent. Twenty percent of our employees are first-time home buyers. To accomplish this, however, it was necessary for me to start in-house training programs at the plant.

At the in-house training programs we teach not just work skills, but life skills, too, such as how to balance a check book, how to read, how to write, how to add, how to subtract, etc. Then I realized that many of the terminally unemployed are in that situation because they were convinced they were losers. I knew we had a responsibility to do something to change it, and the first step was to create an awareness of their own potential.

We went after it and it worked. In working with our employees it became apparent that not only did they need a sense of dignity, but their families did as well. As a result, I started a tutoring program at the local elementary school which was available five days a week, year-round, to any student in the community. We also supply a credentialed local teacher with five aides for an hour each day.

The program has been extremely successful, and according to a principal, over the last four years the school's academic level has increased by 20 percent overall. But remember, the dollars I send go directly to the teacher. We created scholarships for students with learning disabilities. We work with community colleges in developing curriculum that relates to the real world business needs.

What are Unity Forest Product's goals tomorrow? The goals are not hard to define. Control growth, profit commitment to our employees and our community. Are the future goals feasible? Yes. But not possibly in California. To the bones, if I had to do it over again, I would have located in another state. I find that statement very difficult to make as there are six generations of my family who have lived, raised their families, and earned a living in this state.

Why not California?

State programs on the surface that look good in reality are not worth the volume of paper they are written on, let alone the dollars spent on them, state regulations that stifle business and place an unbearable financial burden on business. I'd like to take an example of the enterprise zone. The tax incentives are unusable. Currently, the program is worthless. I have $166,000 of unusable tax credits. The Employment Training Panel program—another worthless program.

The $100,000 grant I received from the state? I gave it back. The only good thing I can say about those two programs is that they were so deceptive it fooled my bank.

The state workers' compensation program—the whole system is a joke. The new state regulations that are constantly being created—such as the storm water runoff—are devastating to a small business, and serve in most cases, no real purpose other than to justify some state job.

Our timber harvest plans are out of control. I don't have any graphs, but I do have some visual aids.

This is a California timber harvest plan (holds up one-inch thick document). This is an Idaho timber harvest plan (holds up two-page document). This is an Oregon timber harvest plan (holds up single sheet).

Why do we have this?

Because special-interest groups and single-purpose agencies have made it politically advantageous to pursue unsound legislation and regulations. Have I tried to correct these inequities? Have I contacted my assemblyman, my senators, the Franchise Tax Board, the director of the enterprise zone, the Governor, the Department of Commerce, the Secretary of Natural Resources, the Director of the California Department of Forestry?

Absolutely.

Have I had any success?

Absolutely not!

(Speaker of the Assembly Willie Brown interjects: "You notice she didn't mention the Speaker?")

During the five-year period I've been in business, the cost of doing business in California has increased to the point that I doubt business can continue. By putting my net worth at risk in 1988, when I was in for $220,000 that represented my home, I have generated payroll of $1.2 million in 1992 and $1.3 million in 1991. On average, I have generated in payroll taxes, property taxes, business taxes and income taxes to the federal, state, and county governments over $500,000 annually.

Not to mention I removed over 20 families from the welfare rolls. I wonder if the state would have used these funds as effectively.

As a small business person I wear many hats. I'm the CEO, the CFO, the controller, the accountant, the in-house tax expert, not to mention the general manager and invoice clerk when need be. I know the first year of start-up my business required seven-day workweeks, around the clock.

What I didn't expect was five years later still working seven days a week. Not because manufacturing, personnel, or any item related to running a business and earning a profit created a need; but rather because it is necessary for me to spend more than 50 percent of my time handling state regulations that would destroy my company if not researched and implemented with extreme caution.

Can the erosion of California's economic stability be changed? Yes. But first we must stop the internal bickering and power struggles. Second, we commit to a goal.

The name Unity Forest is not an accident. I knew in order for my company to have a fighting chance of being successful it would require a commitment from my people working together as a unit toward a goal, agreeing to disagree and then move forward. Ego, pride, and power would destroy it.

We could not afford a star player. We had to have all-stars—each and every one. Third, the government must stop spending what it does not have. Both the legislative and executive branches must have the political courage to make decisions on what it right for the state and not necessarily right for political careers. Powerful special-interest groups with huge budgets must be set aside in the decision-making process. Our educational system is a disaster. Why we have 117 administrators to every 100 teachers—it's no wonder! Why do we have this ratio? Because the state decided it could do a better job providing education in the local districts.

Actually, big brother has decided it knows best on a wide range of topics, including the environment. I have attended the bio-regional executive council meetings many times, foolishly believing they wanted input from not only a business person but someone who really cares about the health of California's environment and economy. What I found was a group of bureaucrats with a predetermined agenda going through the emotions of obtaining input. Workers' comp reform—I have listened for three years to the subject of reform on a system that is horrible. The first year I was fooled into believing something was going to be done. The second year I still had hopes that our state government would have the intelligence to move on the problem. And this is the year I laughed at the thought of it ever being discussed. Maybe it wasn't laughter. Maybe it was tears.

What is the role of business in all of this? Are we blameless?

No. Business has a responsibility to address our educational problems, not just throw stones. Business needs to roll up its sleeves and get involved.

Business has a responsibility to educate the public with real facts covering a wide range of subjects from environment to health issues. Business has a responsibility to set aside greed and power and work hand-in-hand with government to develop sensible regulations and, if need be, insist the old regulations and legislation be swept away.

Business has a responsibility to educate our government officials of all the grand problems on these same subjects. Business people are in the front line, and most of all, business has a responsibility to provide jobs and incomes to our employees that allow them to live with dignity.

I was hesitant to accept the invitation to attend the Summit. My first reaction was "another meeting, more words, more reports—only to serve some political purpose. A waste of time—a time I can ill afford to be away from my job." But then I thought, "I can't give up—this is my state."

I'm responsible for what happens to my state and I must keep trying—and I will. But for businesses like Unity Forest Products there isn't much time left. If the results of this Summit are more reports, more findings, more committees, then I can assure that businesses big or small will continue to leave California until the state government's paychecks won't clear.

INTRODUCTION OF THE COMMUNITY ARTS PARTNERSHIP ACT

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. ENGEL. Mr. Speaker, today I will introduce along with other of my colleagues, the Community Arts Partnership Act of 1993. This legislation would establish a comprehensive, demonstration grants program to be targeted to high-risk children and administered by the U.S. Department of Education.

Recent budget constraints have placed tremendous burdens on local and State agencies. As a result, school arts programs are one of the first areas targeted for budget cuts by local educational agencies. This is extremely unfortunate since research conducted by the National Endowment for the Arts has shown that the arts promote progress in other academic subjects. In addition, research has shown that children who receive instruction in the arts remain in school longer and are more successful than children who do not receive such instruction.

The grants awarded under the Community Arts Partnership Act would be made to qualifying entities to improve the educational performance and future potential of at-risk children and youth by providing comprehensive and coordinated educational and cultural services. A few of the activities which would be eligible for funding include the integration of community cultural resources with regular classroom curriculum, providing effective cultural linkages from preschool to elementary school, and for programs that use the arts to reform current school practices.

I invite my colleagues to cosponsor this innovative piece of legislation. The partnership between education and the arts is a proven success. Now, we must provide the means necessary to continue and build on this partnership. The education of our Nation's children depends on it.

RETIREMENT OF JACK BOBO

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mrs. KENNELLY. Mr. Speaker, when we speak of statesmen, very often we mean those who have spent their lives in the public sector. But statesmanship exists in the private sector as well, as the achievements of the man to whom I pay tribute today so well demonstrate.

Mr. Jack E. Bobo is retiring. For 15 years, he has led this country's professional life insurgence agents. As executive vice president of the National Association of Life Underwriters, he has been a fierce and effective advocate for those who own and sell life insurance. But he has also recognized that those of us who serve in Congress must represent the whole spectrum of citizen interests, including our societal interest in fiscal responsibility. I join with many of my colleagues in saying that Jack's leadership and wisdom will be missed. And we are also joined by over 142,000 life underwriters, who worked with jack during his years of leadership, at NALU and during his decades as a professional agent and a volunteer leader of NALU. We wish Jack and his family the happiest, healthiest, and most prosperous of retirements. We recognize his achievements. And we thank him for wisdom, his insight, and his leadership and for a job well done.

THE INTRODUCTION OF A BILL TO ASSIST LIVESTOCK PRODUCERS EXPERIENCING NATURAL DISASTERS

HON. DAN GLICKMAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. GLICKMAN. Mr. Speaker, I am introducing a bill today to change a tax provision which assists livestock producers in time of drought. My bill would slightly change this provision to offer this assistance during other natural disasters, including excess moisture.

The Internal Revenue Service allows producers to postpone for 1 year reporting the gain from a sale or exchange of livestock, including poultry, if the sale was due to a drought. Producers forced to sell livestock, due to other natural disasters declared by the Federal Government, have no such provision available to them. My bill would allow this provision to extend to producers suffering other natural disasters, such as excess moisture.

In touring the flooded regions of Kansas, I was shocked at the extent of losses which farmers have experienced. When we think of lost crops sometimes we forget to think of the lost pastures and alfalfa hay that keep cattle alive. Without these sources of nutrition, it is almost impossible to maintain a cattle operation. In addition, with dying or destroyed crops, selling cattle may be the only way some farmers can make ends meet.

State Agricultural Stabilization and Conservation Service officials reported that 223,050 acres of alfalfa has been destroyed or damaged by wet weather and floods. Wet weather has also prevented the planting of grain sorghum forage crops such as sudan grass or silage. Also, much of the available reserve feed from previous years has spoiled or has been swept away by flood waters.

The desperate forage situation will probably result in cattle liquidation. According to Department of Agriculture statistics, the Kansas disaster counties have 680,000 breeding cattle dependent on forage crops. Even if a fraction of these are liquidated, it still results in a substantial number and the economic impact will just compound the impact the flood has had in this region.

Changing this tax provision to allow producers, who suffer a natural disaster, 1 year to postpone reporting their gain from selling or exchanging livestock will financially help them immensely. It will also be an equitable change because drought, as we have found out, is not the only devastating, life altering, disaster.

ADVISORY COMMISSION ON MERGING BIF AND SAIF

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. DREIER. Mr. Speaker, it is unfortunate that my colleagues in the House of Representatives could not come to an agreement this week that would allow for the passage of legislation to complete the savings and loan cleanup. One of the problems making this process difficult is that fact that H.R. 1340, as approved by the House Banking Committee, does not provide a long-term resolution to the savings and loan crisis.

Today, Mr. Speaker, there is little of a material nature that distinguishes a bank charter from a thrift charter, except that they have different insurance funds, answer to different regulatory agencies, and have different powers at the holding company level. The Bank Insurance Fund [BIF] and Savings Association Insurance Fund [SAIF] were created separately in 1989 for political, not economic reasons. The separation will continue to create competitive problems for the two industries whenever cyclical economic forces affect the industries disproportionately.

For example, in 1989, when the now-defunct Federal Savings and Loan Insurance Corporation [FSLIC] collapsed, the banking industry was considered healthy and the bank fund was solvent. By 1991, the BIF was teetering toward insolvency and legislation was needed to recapitalize that fund. Today, thanks to a favorable interest rate climate, the BIF is recovering rapidly, but the solvency of the SAIF remains in question. In the future, the pendulum may again swing in the other direction.

Therefore, Mr. Speaker, the economically rational and efficient long-term solution may be to merge the regulatory structures and the insurance funds. The consequence of having two funds is that one industry can have a competitive advantage even though the funds are both operated by the FDIC. This is not a logical deposit insurance system. Thus, in an effort to determine the implications on the bank and thrift industries of a merger of the funds, I have introduced H.R. 2911. It authorizes the President to establish an Advisory Commission to study the merger of the BIF and SAIF funds.

Addressing this issue is also important in resolving the debate over RTC funding. As we know, in November 1991, Congress provided $25 billion for the Resolution Trust Corporation [RTC] to close down thrift institutions that had become insolvent as a result of bad economic and regulatory decisions in the 1980's. However, that appropriation was good only through April 1, 1992. As a result, only $6.7 billion was spent. Estimates to complete the cleanup range anywhere from $12 to $33 billion.

On May 6, the House Banking Committee approved H.R. 1340, which would release the remaining $18.3 billion for the RTC. In addition, the legislation places conditions on the authorization of $16 billion to recapitalize SAIF. These conditions, according to a study by Ferguson & Co., make it unlikely that additional Treasury contributions to SAIF will be forthcoming.

The conditions placed on SAIF, combined with the fact that H.R. 1340 does not alter the October 1, 1993 date in which the RTC may no longer take over insolvent thrift institutions, virtually guarantee that Congress will have to revisit this issue in the coming years. Our colleagues are being told that this will be the last time they will have to vote for more S&L money when, in fact, Congress will likely have to deal with another costly crisis in the thrift industry in just a few short years.

What will precipitate such a crisis, Mr. Speaker, is the likelihood that a large premium disparity will occur between BIF and SAIF. The disparity would occur for three reasons:

First, thrift deposit insurance premiums will rise if industry losses exceed the currently meager resources in SAIF. This would happen under H.R. 1340 because the RTC would not be able to resolve new failures and the burden would be placed on SAIF with little realistic prospect for additional funding. At the end of 1993, SAIF will have slightly more than $1.1 billion in reserves. One major failure will wipe out any reserves for years to come.

Second, thrift deposit insurance premiums will also rise if Congress fails to appropriate money made available under the $16 billion SAIF authorization. Part of the reason is that 40 percent—$772 million—of SAIF premiums annually are required by law to be diverted to pay for interest on Finance Corporation [FICO] bonds issued in 1987 to recapitalize FSLIC prior to enactment of the Financial Institutions Reform, Recovery, and Enforcement Act [FIRREA] of 1989.

Third, bank premiums will likely fall because BIF is expected to reach the mandated ratio of 1.25 percent of insured deposits by 1996.

The rise and disparity in premiums, which could exceed 20 basis points, will increase costs and reduce the value of a thrift charter. Additional institutions will fail, particularly in

California where return on assets is about one-quarter of that for non-California thrifts, and where the economy is in bad shape. California thrifts account for one-third of the industry, and they continue to show declining earnings.

A logical way to avoid a continuation of the savings and loan crisis would be to merge the bank and thrift industries along with their funds. The National Commission on Financial Institution Reform, Recovery and Enforcement made such a recommendation in July. The Commission report recommends that we eliminate thrifts as separately chartered and regulated entities by converting them into commercial banks.

The Advisory Commission outlined in H.R. 2911 would study the implications of such a merger on the banking and thrift industries. Issues to be considered include:

An analysis of whether a deposit insurance premium disparity between banks and thrifts is likely and the competitive impact thereof;

The practical justification for maintaining two separate Federal deposit funds;

The impact on the soundness of the Federal deposit insurance system by the continuation of a separate insurance funds for banks and savings associations;

Whether a merger of the Bank Insurance Fund & Savings Association Insurance Fund can be accomplished in a manner which is equitable and the legal and structural impediments which need to be addressed in such a merger;

The timing of a merger of the two funds, should such occur;

Whether the designated ratio of reserves of 1.25 percent of insured deposits, which must now be held by each deposit insurance fund, is appropriate in light of current and future needs and considerations;

The impact of any remaining regulatory differences between banks and thrifts on the soundness of a merged fund; and

The impact of a fund merger on a consolidation of the bank and thrift regulatory agencies.

Mr. Speaker, it is imperative that we finish the savings and loan cleanup as quickly as possible with the least cost to the taxpayer, while allowing viable thrift institutions to compete on a level playing field. It is incumbent upon us to look at every option that can accomplish that objective. Establishing an Advisory Commission to study the merger of the BIF and SAIF will assist Congress and the President in this effort, and I urge my colleagues to join me in cosponsoring this legislation.

TRIBUTE TO HONDA POWER EQUIPMENT MANUFACTURING, INC.

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. COBLE. Mr. Speaker, I rise today to commemorate the anniversary of a company located in the Sixth District of North Carolina. The company has been in our district for only 10 years, but it has been a decade marked with achievements and success.

I am referring to the 10th anniversary of Honda Power Equipment Manufacturing, Inc., [HPE] of Swepsonville, NC. During its time in North Carolina, Honda has invested $30 million in facilities and equipment. The company employs more than 220 people.

HPE produces lawnmowers and lawnmower engines for the U.S. market and for export to more than 20 countries. The 142,000 square-foot facility has the capacity to produce 175,000 lawnmowers and 200,000 engines annually. Operations performed at the facility include casting, machining, bending, stamping, welding, painting, assembly, material service, and quality assurance. HPE currently has 110 American suppliers who produce parts and materials for the North Carolina plant. Early next year, HPE will produce its 1-millionth lawnmower.

August 6 also marks the opening of a new research and development facility on a site adjacent to the HPE plant. This facility will focus on prototype development, design, and working with local suppliers to produce quality power equipment products for the North American and export markets.

Again, all of us in the Sixth District of North Carolina wish to congratulate HPE and its employees for the valuable contribution they have made to our local and State economies during the past 10 years. We look forward to HPE's continued presence in our community for many years to come.

LEGISLATION FOR DRUG TESTING UPON ARREST

HON. PETER HOAGLAND

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. HOAGLAND. Mr. Speaker, we are experiencing a serious crime wave in my hometown of Omaha, NE. As Los Angeles gangs have moved eastwards, they have brought with them drive-by shootings, execution-style killings, and an increase in the number of teenagers carrying guns. Omaha is a fine community, and we're certainly not having the difficulties that other impacted urban areas are, but when our medium-sized midwestern city is suffering from such a spread of senseless violence, the time for strong Federal anticrime legislation has certainly arrived.

The bill I am proposing today would be an important step toward solving the crime problem in our hometowns. The bill proposes a program of pretrial drug testing. The results from these tests would be used only for bail and release consideration. Such a program, in effect in many jurisdictions, would help identify early those arrestees who pose a potential threat to the community because of their drug abuse.

Pretrial testing would accomplish two things. First, it would identify drug users upon arrest so that the judicial officer presiding at the initial appearance has an objective measure of defendant drug use as a part of his consideration when setting conditions of pretrial release. Second, this bill would establish a system of periodic urine testing in order to reduce the risk of failure to appear and the risk of rearrest before trial—both of which are higher upon those who use drugs.

The theory behind urine monitoring as a condition of continued release is threefold. First, testing serves as a deterrent to further drug use, and thus discourages those crimes typically associated with drug users. Second, testing positive in a routine test during release would give the court system an early indication of possible misconduct by the defendant and affords the court the opportunity to revoke release or impose more restrictive conditions to prevent further crime or flight. Lastly, testing allows the court system to identify and refer to treatment defendants with substance abuse problems, again as deterrent to further crimes.

I firmly believe that identifying soon after arrest those individuals who have drug problems is extremely important in determining appropriate sentencing and bail provisions: to make sure defendants show up for court dates, to monitor and control their drug use, and to keep them from committing offenses during the pretrial phase.

With the information available from drug testing, judges would be better equipped to identify those drug abusing offenders who pose the greatest threat to the safety of our communities, and how best to regulate their behavior. Under our current system, an offender can go through the entire criminal justice system without ever having been tested for drugs. I feel it is unfortunate to continue with such a system when we can work to prevent future crimes and protect our communities. Please support this bill, as we try to make our hometowns safer.

BETSY WRIGHT—WESTERN MASSACHUSETTS PROTECTOR OF AFFORDABLE HOUSING

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. NEAL of Massachusetts. Mr. Speaker, protecting the rights of the disadvantaged is an often tedious and unacknowledged task. Today, I pay tribute to Betsy Wright, a resident of my district who has devoted her career to protecting those who cannot protect themselves.

The Anti-Displacement Project, where Betsy Wright has served as executive director since November 1988 is an organization that serves the needs of low- and moderate-income families who are at risk of losing their housing. Betsy has relentlessly fought against rent increases that threaten to push many people out of their homes and onto the cold streets.

Betsy began her distinguished career in 1977 when she founded and coordinated the Keystone Alliance, an anti-nuclear power campaign in Philadelphia, PA. In 1982 Betsy returned to school where at Boston College she graduated with a BA in Sociology as summa cum laude. While continuing her education at Boston College, Betsy continued her involvement with the community during the summers of 1985 and 1986. In 1985 she organized neighborhood youth programs in Boston and the following year was an organizer of Tent City for affordable housing in Jamaica Plains, MA.

After graduating with a master's degree in 1986 Betsy continued her humanitarian ways by working for Woman for Economic Justice as a program coordinator until 1988. It was then that the city of Springfield was lucky enough to have this champion of affordable housing join the Anti-Displacement Project. Since that time, Betsy has worked tirelessly to protect the homes of those who cannot afford increases in their rent. Betsy's most successful project has been the buy-out of the Allen Park Apartments by the Allen Park Tenants Association. It is the first tenant-based nonprofit buy-out in Western Massachusetts.

Mr. Speaker, I salute Betsy Wright for her dedication to the affordable housing cause. I wish her all the luck in her next position and on behalf of my constituents, wish to thank her for all her efforts.

INTRODUCTION OF LEGISLATION TO DESIGNATE THE ROUTE FROM SELMA TO MONTGOMERY AS A NATIONAL HISTORIC TRAIL

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. LEWIS of Georgia. Mr. Speaker, today on the 28th anniversary of the signing of the Voting Rights Act, I am introducing legislation to designate the road from Selma to Montgomery, AL as a national historic trail. The road from Selma to Montgomery was the symbolic last leg in the journey to the Voting Rights Act of 1965, which removed the final hurdle to the legal right for all Americans to vote.

On Sunday, March 7, 1965, in an effort to dramatize the need for voting rights legislation, approximately 525 people attempted to march 54 miles from Selma to Montgomery. When we reached the apex of the Edmund Pettus Bridge in Selma, we were attacked by police dogs and state troopers. Scenes from what became known as Bloody Sunday sent shock waves around the world, raised the Nation's consciousness, and convinced political leaders that the time had come for voting rights legislation.

Two days later, on March 9, 1965, the marchers gathered in Selma again. But we had to turn back to avoid a second bloody encounter.

President Lyndon B. Johnson went before a joint session of Congress on March 15, 1965, to urge Congress to pass a voting rights law. He said:

> I speak tonight for the dignity of man and the destiny of democracy * * * At times history and fate meet at a single time in a single place to shape a turning point in man's unending search for freedom. So it was at Lexington and Concord. So it was a century ago at Appomattox. So it was last week in Selma, AL.

Finally, under the protection of National Guardsmen, FBI agents, and U.S. Marshals, we were able to complete a 3-day journey from Brown Chapel in Selma to the State Capitol in Montgomery. As a direct result of this effort, the Voting Rights Act was signed into law on August 6, 1965.

The designation of the route of the march from Selma to Montgomery as a national historic trail will serve as a reminder of the right and responsbility to vote. It will also give long-overdue recognition to the men and women who sacrified so much for, and dedicated their lives to, voting rights for all Americans.

TRIBUTE TO RETIRING JUDGE CARL CHRISTENSEN

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. BILBRAY. Mr. Speaker, it is a great pleasure to rise today in tribute to an outstanding jurist and a great Nevadan, Carl Christensen, district court judge in my home of Clark County, NV.

Judge Christensen had an outstanding career of public service. Like me, he is a graduate of Las Vegas High School. He attended Brigham Young University in Utah and received bachelor of arts degrees in French and international business. He served the country with the U.S. Air Force security service in the 1950's.

Following a successful legal practice, Carl Christensen was appointed state district court judge for Clark County, NV. He served as chief district court judge from 1974–80. His legal awards include: presidency of the Nevada District Judges' Association, fellow, International Academy of Trial Court Judges, Nevada Bar Association Award of Special Recognition, and the National Bar Association's Outstanding Jurist Award.

A community leader, Judge Christensen served as president of the Las Vegas Kiwanis Club and as director of the Boy Scouts of America, Boulder Dam Area Council.

On July 1, Carl Christensen retired from the bench after 22 years of faithful service to the people of the State of Nevada. I ask my colleagues in the House to join me in paying tribute to a fine jurist, and my friend, Carl Christensen.1

COMMERCIAL MOTOR CARRIER SAFETY ACT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. LIPINSKI. Mr. Speaker, commercial trucks frequently endanger public safety and property by carrying uncovered loads of gravel and other loose materials. To alleviate this hazard, today I am introducing the Commercial Motor Carrier Safety Act to establish national standards for the transport of commercial loads and provide incentives for States to adopt covered load laws.

Anyone who has driven next to an uncovered truck can testify to the perils of flying rocks and debris. Projectiles traveling at 60 miles per hour crack and shatter windshields, dent and scratch cars, and present a dangerous distraction to other drivers. In the least cases, uncovered loads leave a trail of debris for other cars and trucks to kick up from their tires into nearby vehicles. In the worst cases, these projectiles cause harrowing accidents and cost lives.

Though State highway agencies do not track the number of accidents caused specifically by flying debris, the experiences of highway safety experts and many, many drivers testify to the dangers of uncovered loads. I know of an unlucky Chicago family that has suffered two-broken windshields, one of which was shattered by a rock measuring 6 to 8 inches in diameter. The driver was lucky to escape serious injury.

We do, however, have concrete evidence on the dramatic number of glass windshield breakages. According to statistics gathered from hundreds of insurance companies nationwide, the annual cost of replacing damaged windshields for their policyholders is hundreds of millions of dollars. Allstate Insurance in Illinois estimates that fully 80 percent of the windshields it replaces are damaged by flying debris on roadways.

Most victims of these accidents must meet a deductible, and therefore pay $50, $100, $200 or more of the $200 to $400 replacement cost of a windshield. This figure does not include the time and inconvenience of filing an insurance claim and getting a windshield replaced.

In a very real way, we are all victims of these accidents. Insurance companies pass these costs back to consumers in the form of higher premiums for all drivers. We all pay.

Fortunately there is a simple solution to this problem—covered load laws. Seventeen States already have them and three others have requirements in certain cases. The Commercial Motor Vehicle Safety Act draws from the experience of these States and establishes a uniform national standard. The bill also directs the Secretary of Transportation to transfer 1.5 percent of a State's annual highway construction funds to the State's highway safety programs if a covered load law is not enacted by fiscal year 1996.

The possible transfer of highway funds may not be good news for State legislatures, but drivers will appreciate the impact of covered load laws. The experience of Texas is a valuable example. Its law became effective on January 1, 1984, and had an immediate beneficial effect. According to a study by the American Automobile Association, the 3 years following enactment saw miles traveled on Texas roads increase 15 percent and glass breakage claims increase only 1 percent. During those 3 years, the covered load laws saved Texas drivers from thousands of glass breakages and millions of dollars in damages.

The drivers in my home State of Illinois will be interested to know how the Texas experience would apply to them. In 1992, Illinois drivers suffered approximately 210,000 glass breakages totaling about $40 million in damages. By the third year, we could expect a covered load law in Illinois to prevent nearly 25,000 breakages and save more than $5 million. That saves quite a few $100 deductibles.

We could also expect lower premiums for comprehensive automobile coverage.

The potential savings in Illinois is obviously substantial. Multiply those numbers by 33 States still lacking covered load laws and the nationwide totals are enormous. In terms of both dollar costs and safety, we simply cannot afford not to require covered loads.

Mr. Speaker, the evidence is overwhelming: Covered load laws work. They protect vehicles from damage. They protect the safety of drivers. They lower insurance costs. I urge my colleagues to support this legislation.

DEFENSE AUTHORIZATION

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. HEFLEY. Mr. Speaker, I would like to extend and clarify my remarks during general debate on the fiscal year 1994 Defense authorization bill. As I said during this debate, Bill Clinton wants to draw down the military to 1.4 million active duty soldiers.

However, the drastic defense cuts that Bill Clinton is proposing would not be possible while keeping 1.4 million active duty. We would have to draw down to at least 1.2 million, if not 1 million, to meet the Clinton cuts. If these cuts are enacted, by 1997, we will have put 1.2 million active duty personnel out of work. This does not even take into account reductions in DOD civilian personnel and reserve forces.

As we all remember from the campaign, Bill Clinton called for $60 billion in defense cuts over 5 years. Since becoming President, that $60 billion has become $127 billion. This is on top of the $50 billion Bush cuts. This would reduce the level of spending below the "hollow Army of the 1970's" figure. In fact, the U.S. Army today, today Mr. Speaker, is the smallest it has been since before World War II. Just think where another $127 billion in cuts will take us.

As I said in my comments on the floor, LES ASPIN told me that these budget numbers were pulled out of this air. They are not based on a threat assessment—which all previous defense spending was based on.

If the administration would have bothered to do a threat assessment, they would have found a world which is more turbulent, not less. Clinton's own CIA Director, James Woolsey, said it best, "We may have slain the dragon, but there are many snakes left out there." This world is still a dangerous place.

Russia and Ukraine still have massive nuclear arsenals. Many of these weapons are still aimed at the United States. Just 2 months ago was the latest hard-line Communist challenge to Russian President Boris Yeltsin. Russia and Ukraine are currently in dispute over a naval port. The Russian Parliament has laid claim to this Ukrainian port.

North Korea is actively pursuing a nuclear capability. They have defied world opposition to such a development and continue to make threatening gestures to South Korea while thousands of United States troops patrol in the DMZ.

Saddam Hussein's Iraq still eyes a military buildup. Their state sponsored terrorism has extended its tentacles to the West. Saddam has never relinquished his claim on Kuwait.

Iran and its radical government are an emerging military threat to the Middle East, Europe, and the United States. Their sponsorship of the Hezbollah organization and its ties to countries around the world threaten all of us, even here at home. Iran has begun a massive military buildup, all the while intent on destruction of moderate governments of Egypt and democracies such as Israel.

If you listened to some Members of this House, they would have you believe that communism is dead. The largest country in the world, China, remains a Communist nation. They had no problem crushing their own people under tanks in Tienanmen Square. They have ruthlessly occupied Tibet, raping and pillaging her people, why would we not assume they are a threat?

The former Yugoslavia is awash in blood. The 1,000-year religious hatred may boil for 1,000 more years. Bill Clinton has tried several times to find support abroad for United States and NATO military involvement. So far, we have resisted the temptation.

United States troops are beginning to bog down in Somalia. Sent in to help with the starvation, United States troops opened food lanes and delivered the people of Somalia from starvation. Now, we continue to chase a warlord with no sight of withdrawal.

Additionally, the U.S. military is being called upon to fight the drug war and provide humanitarian relief here at home. Hurricanes Andrew and Hugo were soon followed by U.S. troops. We continue to use the military in South America to fight the war on drugs.

These threats are real. They are also not part of the Clinton policy. Despite turmoil around the world, the Clinton plan is to suck money out of DOD and use it to increase social spending. Mr. Clinton has us well on our way to a hollow force incapable of decisive victory on the battlefield.

IMPROVING HOUSING OPTIONS FOR PEOPLE WITH DISABILITIES ON SSI

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. STARK. Mr. Speaker, when Congress passed Public Law 101–336, the Americans With Disabilities Act [ADA] in 1990, our intention was to continue the momentum of the civil rights commitment in all ways. Now we must go further to increase the independence of people with disabilities through assessing all our laws and benefits so that the pledge we made when we passed the ADA is strengthened and extended to all areas of life for every person with a disability. There is a fundamental belief in our country that individuals should have the opportunity to improve their lot as much as they can. The American dream is built around the idea that people have a place they can call home. This should be something we encourage for individuals with disabilities, including those persons who must rely on supplemental security income [SSI].

I am proposing legislation to extend a basic concept found within the plan for achieving self support [PASS] that has been in effect since January 1974. Because of the PASS, persons can have part of their income from earnings or other sources not counted in determining their eligibility for SSI benefits. Also, what they save can exceed the SSI $2,000 resources limit if there is a plan to be funded by the special PASS savings account.

Using the PASS, people with disabilities on SSI can save money needed for a work goal, including education, vocational training, starting a business, or purchasing work related equipment. People have been able to fund activities that help them achieve their employment goals, such as learning how to use a computer, getting their GED, or adapting a van to one's physical limitations in order to drive to work.

In addition to saving money under the PASS that attains career objectives, my bill also would allow persons with disabilities to save money to achieve a housing goal. By a set-aside of income or resources under a PASS focusing on a housing goal, SSI recipients could have income disregarded and have resources in a PASS account to be used to gain greater independence in housing and not lose their eligibility for SSI. Also, individuals would not lose their Medicaid, an essential benefit for SSI recipients.

A PASS that concentrates on a housing goal will not be linked to any specific housing programs so as to promote integrated housing. An eligible individual will formulate a specific housing goal whose main requirement would be that it increase the person's ability to develop independence and, therefore, become more fully integrated into the mainstream of society.

Some of the housing goals that a PASS will make possible include moving furniture and personal possessions into more accessible housing, converting space in a family member's home into an independent living unit, acquiring the initial security deposit and other costs related to a person moving into his/her own apartment or house, or acquiring the down payment on an individual's own home or condominium, or achieving any of these goals with another person.

An example of what a PASS that fosters greater independence in housing would allow a person with a disability to do is as follows: A young woman with cerebral palsy has the goal of becoming more independent by moving into space in her family's home, which has a bathroom but no kitchen at the present time. In submitting her plan, the young woman lists the steps to achieving her goal as follows: construct a kitchen, construct an entrance ramp, make the necessary environmental adaptations and controls such as widening doorways and lowering light switches, install an intercom system maintain communication with the family living in the other part of the house, put in separate utility hookups for the unit and acquire the necessary furniture.

Our current system holds back individuals with disabilities on SSI because if they accumulate any assets for purposes such as home modifications or improvements, utility deposits or moving expenses their SSI check is reduced and they are keep back, in poverty, unable to move out or upward, and attempt the American dream.

However, SSI law does not count the value of a person's home toward the $2,000 resources limit. This allows persons who have a home not to have to give it up if they become eligible for SSI. But, persons who do not own a home or who do not live independently are prevented from acquiring a home or moving into their own space.

We can fix this easily and quickly. We must do this without punishing people by taking away or reducing their SSI benefit check. This is what reinventing government is all about—we provide a benefit and we can add an incentive to encourage individuals with disabilities to live independently in the community, to create their own household. This is good for the economy, goof for the housing market and more importantly, good for persons with disabilities.

SECRETARY CHRISTOPHER ON RUSSIAN ARMS SALES TO IRAN

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. HAMILTON. Mr. Speaker, on July 30, 1993, I received a letter from Secretary Christopher concerning United States efforts to persuade Russia to refrain from all military sales to Iran.

This topic is of considerable interest to Members of Congress, and I would like to bring the Secretary's letter to the attention of my colleagues.

The text of the letter follows:

THE SECRETARY OF STATE,
Washington, DC, July 30, 1993.

HON. LEE HAMILTON,
Chairman, Committee on Foreign Affairs, House of Representatives.

DEAR MR. CHAIRMAN: On February 3, 1993, on behalf of the President, I reported to you and the Chairmen of the other appropriate committees pursuant to Section 599B(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, Fiscal Year 1993. The Act states that "the President shall report to appropriate congressional committees that the United States has entered into serious and substantive discussions with Russia to reduce exports of sophisticated conventional weapons to Iran and to prevent sales to Iran of any destabilizing numbers and types of such weapons." I would now like to report our further efforts to persuade Russia against any arms sales to Iran.

President Clinton shares the concern of Congress over Russian arms sales to Iran, and he has made clear that this is a top priority on the U.S. agenda with Russia. During his meetings with President Yeltsin in Vancouver and Tokyo, the President set forth American concerns and urged that Russia refrain from sales of arms and dangerous technology to Iran. I have discussed this problem on many occasions with Foreign Minister Kozyrev, arguing that Iran's support for terrorism, abuse of human rights, and efforts to obtain weapons of mass destruction necessitate restraint on sales of arms and technology.

In Washington, Moscow, and elsewhere, American officials continue U.S. efforts to persuade Russia not only to reduce exports of sophisticated conventional weapons to Iran and to refrain from sales to Iran of any destabilizing numbers or types of such weapons or weapons-related technologies, as the Act requires, but to refrain from all military sales to Iran. The dialogue with Russia on arms sales to Iran is active and will remain so, in both bilateral and multilateral fora, as long as our concerns persist.

It is not possible to measure with precision the results of our efforts to date. Certainly, we have not yet succeeded in convincing Russia to cut off all arms supplies to Iran. Nevertheless, there are signs that our views are affecting Russian decisions.

Russia's arms sales relationship with Iran has continued albeit at a lower level than previously. A second diesel-powered Kilo-class submarine is scheduled to arrive in Iran in late July; this probably constitutes the most significant arms delivery from Russia this year. To our knowledge, however, Russia has transferred no advanced conventional weapons (as defined by the Iran-Iraq Arms Non-Proliferation Act of 1992) to Iran since the enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, Fiscal Year 1993. This may reflect Russian concerns about the nature of the Iranian regime and the importance of stability in the region.

Neither the number nor the nature of the items Russia has transferred to Iran appears to have destabilized the region so far. Nevertheless, our opposition to arms transfers to Iran from any source remains firm as the cumulative effect of Iran's military build-up has the potential to threaten regional stability.

I assure you that persuading Russia to reduce exports of sophisticated conventional weapons to Iran and to prevent sales to Iran of any destabilizing numbers and types of such weapons is and will remain a high foreign policy priority of the United States. I strongly believe that the approach we are now taking offers the best hope of achieving our objectives.

Sincerely,

WARREN CHRISTOPHER.

LEGISLATION INTRODUCED TO ESTABLISH THE NATIONAL INSTITUTE FOR THE ENVIRONMENT

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. SAXTON. Mr. Speaker, I rise to announce to my colleagues that Congressman BROWN and I are introducing legislation today which would establish the National Institute for the Environment—an organization to provide extramural, competitive, and peer-reviewed research on environmental issues which are increasingly impacting the lives of our citizens, the economy and the ecology.

Mr. Speaker, ignorance is not bliss. The lack of credible information regarding the health of the environment, its degradation and restoration, costs billions of dollars annually.

The present Federal structure does not produce—the present Federal structure does not produce regular assessments of what we know about the environment, what we don't know, or what the implications are as a result of that lack in knowledge.

What we don't know can hurt us and does—all the time.

Some of my constituents hear about environmental problems and demand immediate legislative action from Congress. Other constituents want to be sure that a problem exists before Congress gets involved. In the resulting controversy, which is often played out in the mass media, science takes a back seat to politics, and widely recognized environmental problems—the wetlands delineation debate, our ozone layer, and global climate change—become priorities due to public policy decisions, not scientific ones.

Because we are expending a great deal of time, effort and cold hard cash on these problems, it is wise to gather the scientific evidence in an unbiased, nonpartisan manner. Truly, the science must be accurate. And that is why I urge my colleagues to cosponsor this legislation, so we can once and for all make decisions on environmental policy based on science.

Hard scientific fact must replace speculation and scare tactics in the environmental arena. The NIE can help make this happen.

LEGISLATION TO ESTABLISH A NATIONAL INSTITUTE FOR THE ENVIRONMENT (NIE)

Legislation will soon be introduced by George Brown and Jim Saxton for the creation of a National Institute for the Environment (NIE) as an agency with a mission to improve the scientific basis for making decisions on environmental issues.

The bill would set the duties of the Institute to:

Increase scientific understanding of environmental issues by supporting credible, problem-focused research on environmental resources, environmental systems and environmental sustainability;

Assist decisionmaking by providing ongoing comprehensive assessments of current environmental knowledge and its implications;

To serve as the nation's foremost provider and facilitator of current and easy-to-use scientific information about the environment;

Strengthen capacity to address environmental issues by sponsoring high education and training;

To foster the interchange of scientific information about the environment among scientists, decisionmakers, and the public in the United States and foreign countries; and

To identify and seek to address emerging environmental issues, including all scientific, technological, and societal aspects.

The NIE would have a governing board that will include scientists and users of scientific information about the environment, including representatives of States, academic institutions, businesses, environmental groups and other citizens groups.

There would be an Interagency Advisory Committee whose function would be to ensure complementary and positive interactions with other agencies that conduct or use substantial amounts of environmental research.

The NIE would carry out its duties by providing contracts, cooperative agreements, and grants to scientists, engineers, and other researchers regardless of whether they are from government or private sector institutions. It would not have its own laboratories, nor would it have duties for regulation or management of the environment.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Institute for the Environment Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) An appropriate scientific understanding of the diverse physical, biological, engineering, social, and economic issues that underlie the environmental problems facing the United States is essential to finding environmentally and economically sound solutions to such problems.

(2) While more than a dozen Federal agencies support environmental research and gather environmental information, there is not a lead Federal agency for environmental research and information.

(3) The current approach of the Federal Government to developing a scientific understanding of environmental problems, and of applying that understanding to the problems, lacks coherence and often fails to provide information vital to finding sound solutions to such problems.

(4) The United States needs to improve the scientific basis for decision-making by Federal, State, and local governments, and private-sector entities, or environmental issues.

(5) Many environmental issues that will seriously affect the United States in the future are not adequately studied in existing Federal environmental research programs.

(6) Existing Federal environmental research programs often do not provide adequate information to enable Federal, State, and local governments, and private-sector entities, to engage in well-informed decision-making on environmental and related issues.

(7) Existing Federal environmental research programs do not adequately address, link and integrate research in different disciplinary, interdisciplinary, and multidisciplinary environmental sciences.

(8) Ongoing study and communication of the existing knowledge about environmental issues, including the assessment of the significance of such knowledge, are needed to strengthen the weak link between scientific knowledge and decision-making on environmental issues.

(9) Easy and effective access, including access by the scientific community, to the many rapidly growing sources of environmental information would improve the effectiveness of research on, and communication about, environmental issues.

(10) To address the complex environmental problems facing the United States, there is a growing need for more education and training of individuals in disciplinary, interdisciplinary, and multidisciplinary sciences related to the environment.

(b) PURPOSE.—It is the purpose of this Act to create an independent establishment to improve the scientific basis for making decisions on environmental issues through support for competitive, peer-reviewed, extramural research, ongoing knowledge assessments, data and information activities, and education and training on environmental issues.

SEC. 3. ESTABLISHMENT OF NATIONAL INSTITUTE FOR THE ENVIRONMENT.

There is established as an independent establishment an institute to be known as the "National Institute for the Environment" (in this Act referred to as the "Institute"). The mission of the Institute shall be to improve the scientific basis for decision-making on environmental issues.

SEC. 4. DUTIES.

The Institute shall have the following duties:

(1) To increase scientific understanding of environmental issues (including environmental resources, systems, and sustainability, and the human dimensions associated with environmental issues) by initiating and supporting credible, extramural, problem-focused, peer-reviewed basic and applied scientific environmental research and other disciplinary, multi-disciplinary, and interdisciplinary environmental programs. The support of research and programs under this paragraph may include the provision of financial assistance pursuant to section 8, including grants, contracts, and cooperative agreements.

(2) To assist decision-making on environmental issues by providing on-going, comprehensive assessments of existing knowledge of environmental issues. The performance of assessments under this paragraph shall include the following:

(A) Summarizing the state of such knowledge.

(B) Assessing the implications of such knowledge.

(C) Identifying additional research that will provide information needed for decision-making by Federal, State, and local governments, and private-sector entities, on environmental issues.

(D) Analyzing constraints which may affect the conduct of research described in subparagraph (C), including the existence of limited technological, human, and economic resources.

(E) Communicating the results of assessments under this paragraph to relevant Federal, State, and local government decision-makers and the public.

(3) To serve as the foremost provider and facilitator in the United States of access to current and easy-to-use scientific and technical information about the environment. The provision and facilitation of access of information under this paragraph shall include the following:

(A) Providing and facilitating access to credible environmental information (including scientific and technological results of environmental research) for relevant Federal, State, and local government decision-makers, policy analysts, researchers, resource managers, educators, information professionals (including computer and telecommunications specialists), and the general public.

(B) Establishing an electronic network that—

(i) uses existing telecommunications infrastructures to provide single-point access to environmental information; and

(ii) includes existing collections of environmental information, such as libraries, specialized information centers, data and statistical centers, and government and private sector repositories of regional, event-driven, or ecosystem information.

(C) Identifying and encouraging the effective application of state-of-the-art information technologies to promote the availability and use of, and access to, environmental knowledge.

(D) Providing long-term stewardship of the environmental information resources of the United States, including efforts to ensure the continued usefulness of such resources, through the promotion and development of policies and standards for providing access to environmental information, and through the support of relevant research and development.

(4) To sponsor higher education and training in environmental fields in order to contribute to a greater public understanding of the environment and to ensure that the United States has a core of scientifically educated and trained personnel who possess skills to meet the environmental needs of the United States. The sponsorship of education and training under this paragraph shall include the following:

(A) Awarding scholarships, traineeships, and graduate fellowships at appropriate nonprofit institutions of the United States for study and research in natural and social sciences and engineering related to the environment.

(B) Supporting curriculum and program development in fields related to the environment.

(C) Promoting the involvement of women, minorities, and other under-represented groups.

(5) To encourage and support the development and use of methods and technologies that increase scientific and general understanding of the environment and minimize adverse environmental impact.

(6) To evaluate the status and needs of the various environmental sciences and fields.

(7) To foster interchange of scientific information about the environment between, scientists, Federal, State, and local government decision-makers, and the public.

(8) To identify and seek to address emerging environmental issues and all aspects of scientific, technological, and societal aspects of environmental problems.

(9) To establish research priorities for the Institute for environmental issues of global, national, and regional significance.

SEC. 5. GOVERNING BOARD.

(a) ESTABLISHMENT.—There shall be a Governing Board for the Institute (in this Act referred to as the "Board") which shall establish policies and priorities of the Institute.

(b) MEMBERSHIP.—

(1) APPOINTMENT.—The Board shall be composed of 18 members who shall be appointed by the President by and with the advice and consent of the Senate.

(2) REPRESENTATION ON THE BOARD.—

(A) IN GENERAL.—The members of the Board shall include individuals—

(i) who, as scientists and users of scientific information, are representative of diverse groups and entities, including States, academic institutions, businesses, environmental groups, citizens groups, and other appropriate organizations;

(ii) who have a distinguished record of service in their fields; and

(iii) who, among the scientific members of the Board, represent the diversity of scientific fields that study the environment.

(B) SELECTION OF CERTAIN GROUPS.—In making appointments under this subsection, the President shall seek to provide for representation on the Board of women, minority groups, and individuals recommended by the National Academy of Sciences, the National Academy of Engineering, and other groups.

(c) TERMS.—

(1) INITIAL TERMS.—Members initially appointed to the Board shall serve for the following terms:

(A) Six members shall serve for an initial term of two years.

(B) Six members shall serve for an initial term of four years.

(C) Six members shall serve for an initial term of six years.

(2) SUBSEQUENT TERMS.—Upon completion of a term referred to in paragraph (1), each member of the Committee subsequently appointed or reappointed shall serve for a term of six years, with a maximum of two consecutive terms for any member appointed under this section.

(d) ADMINISTRATION.—

(1) TRAVEL EXPENSES.—Each member of the Board who is not an officer or employee of the United States may receive travel expenses, including per diem in lieu of subsistence, in the same manner as travel expenses are allowed under section 5703 of title 5, United States Code, for persons serving intermittently in the Government service.

(2) PROHIBITION OF COMPENSATION OF FEDERAL EMPLOYEES.—Members of the Board who are full-time officers or employees of the United States or Members of Congress may not receive additional pay, allowances, or benefits by reason of their service on the Board.

(e) CHAIRPERSON.—The Chairperson of the Board shall be designated by the President at the time of the appointment. The term of office of the Chairperson shall be six years.

(f) MEETINGS.—The Board shall meet as needed at the call of the Chairperson or a majority of its members, but not less than four times a year.

(g) REPORTS.—The Board shall periodically submit to the President reports on such specific environmental policy matters as the Board, the President, or the Congress determines to be necessary. After receipt of any such report, the President shall transmit the report to the Congress in a timely fashion, together with any comments that the President considers to be appropriate.

(h) ADVISORY COMMITTEES.—The Board may establish such advisory committees as the Board considers necessary for purposes of this Act.

SEC. 6. STAFF.

(a) DIRECTOR.—

(1) APPOINTMENT.—The Director of the Institute shall be appointed by the President by and with the advice and consent of the Senate.

(2) AUTHORITY.—The Director shall exercise all of the authority granted to the Institute by this Act, including any powers and functions delegated to the Director by the Board. All actions taken by the Director pursuant to the provisions of this Act or pursuant to the delegation from the Board shall be final and binding upon the Institute. The Director shall formulate programs consistent with the policies of the Institute and in consultation with the Board and any appropriate advisory committee established pursuant to this Act.

(3) PAY; TERM OR OFFICE.—The Director shall receive basic pay at the rate provided for level II of the Executive Schedule under section 5313 of title 5, United States Code, and shall serve for a term of six years.

(4) FCCSET MEMBERSHIP.— Section 401(b) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6651(b)) is amended by inserting ",the Director of the National Institute for the Environment," after "the Director of the Office of Science and Technology Policy".

(b) ASSISTANT DIRECTORS.—The President may, upon the recommendation of the Director, appoint such assistant Directors as the president considers necessary to carry out this Act.

SEC. 7. INTERAGENCY ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is hereby established an Interagency Advisory Committee to ensure that the environmental efforts of the institute and other Federal agencies are complementary.

(b) DUTIES.—It shall be the duty of the Interagency Advisory Committee established under subsection (a) to provide recommendations and advice to the Board to help to ensure that—

(1) the research priorities and agenda of the Institute support, rather than compete with, the research agendas of existing Federal agencies;

(2) the knowledge assessment activities of the Institute incorporate knowledge obtained and possessed by other Federal agencies, and are useful to such agencies;

(3) information within the databases of other Federal agencies is available for incorporation into the information network of the Institute; and

(4) the educational programs of the Institute serve the needs of the United States.

(c) COMPOSITION.—The Interagency Advisory Committee established under subsection (a) shall include directors of research (or individuals who hold a comparable position) from Federal agencies that conduct or use substantial amounts of environmental research, including the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, the National Science Foundation, the Department of Energy, the Department of the Interior, and the Department of Agriculture. The Director of the Office of Science and Technology Policy, or such individual's designee, and the Director of the Office of Environmental Quality, or such individual's designee, shall serve as ex officio members of the Interagency Advisory Committee.

(d) DURATION.—Section 14(a)(2)(B) of the Federal Advisory Committee Act (5 U.S.C. App.; relating to the termination of advisory committees) shall not apply to the Interagency Advisory Committee established under subsection (a).

SEC. 8. FUNDING.

(a) AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE.—The Institute may enter into contracts and cooperative agreements and provide financial assistance, including grants, to carry out the duties of the Institution under this Act.

(b) PERSONS ELIGIBLE TO RECEIVE FUNDING.—Scientists, engineers, and other researchers are eligible to receive funding from the Institute under subsection (a), except that—

(1) scientists from Federal agencies shall not be given a preference for funding based on their employment with the Federal Government; and

(2) the receipt of funding from the Institute shall be subject to any criteria and other requirements prescribed by the Institute.

(c) RECEIPT OF FUNDS FROM OTHER PERSONS.—The Institute may, subject to the approval of the Board, receive funds from other Federal agencies and private-sector persons to carry out particular projects and activities under this Act. Funds received under this subsection shall be deposited in the Treasury and shall be made available to the Institute to the extent provided in appropriations Acts.

OCTOBER 1993 TO BE DESIGNATED CRIME PREVENTION MONTH

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. BARRETT of Wisconsin. Mr. Speaker, today, I am pleased to introduce a joint resolution designating October 1993 as Crime Prevention Month across the United States. This piece of legislation supports and commemorates individuals and groups who are among the 27,000,000 people involved in fighting crime in their neighborhoods across the United States.

Crime Prevention Month issues a challenge to each and every one of us to take the necessary steps to make the job of a potential criminal more difficult. Through individual awareness and collective effort, we will succeed in turning back the tide of violence that has plagued this Nation far too long.

In my hometown of Milwaukee and across the country, effective programs such as Neighborhood Block Watches, Drug Abuse Resistance Education [DARE] Programs, and personal safety presentations are helping individuals and communities in the early detection and prevention of criminal activities. The citizens and businesses taking part in these programs deserve appreciation and recognition as they continue their attack on crime and make the neighborhoods safer for our children and for future generations of Americans.

I encourage my colleagues on both sides of the aisle to support this bill and to join with me and McGruff the crime dog to take a bite out of crime this October.

BALANCE OUR BUDGET

HON. WAYNE ALLARD

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. ALLARD. Mr. Speaker, today I am introducing legislation that will help Congress get a hold on its spending. Congress has been unsuccessful in all previous statutory attempts to reduce the deficit and balance the budget. For that reason, I am introducing a joint resolution to amend the U.S. Constitution to require the President to propose a budget that reduces the deficit by not less than 10 percent per year in order to balance the budget within 10 years.

Following the 11th year of ratification of this amendment, the President will be required to propose a balanced budget. At such time, this measure will mandate that Congress begin paying down the gross Federal debt in payments that are equal to the amount required to amortize such debt over the next 20 years. This will repay the entire debt by the end of the 30th year after ratification. To help enforce fiscal accountability, I have also included a Presidential line-item veto.

This legislation is founded on the same logic used when buying a house. When you purchase a home you go deeply into debt, but then you take out a mortgage and finance it over a fixed number of years and amortize the amount with a scheduled series of payments to reduce the debt. It takes discipline to make your monthly payment, but you understand that if you do not make the payment you could lose your home. Our Government should operate under that same principle.

We must stop borrowing from future generations to pay for the consumption habits of this generation. Our current rate of spending also must eventually be tied to a debt repayment schedule that has the teeth necessary to balance our budget.

This is tough medicine, but we must begin to make serious strides toward reducing the debt of this Nation.

HISTORICAL BUDGET ACTS

You can't fault Congress for trying to pass statutory legislation to balance the budget, but to date all efforts have failed. Here is a listing of each of Congresses' attempt to get-a-hold of the budget.

The Budget and Accountability Act of 1921.—Required the President to make appropriate recommendations to Congress in the budget whenever the estimates of revenue spending in the budget show a deficit or a surplus. The Act directed the President to recommend "new taxes, loans and other appropriate action" to meet a projected deficit. In 1982 the reference to new taxes and loans was removed.

The Revenue Act of 1964.—This act stated, "to further the objective of obtaining balanced budgets in the near future, Congress by this action recognizes the importance of taking all reasonable means to restrain Government spending and urges the President to declare his accord with this objective."

The Revenue Act of 1978.—This act stated, "and the Federal budget should be balanced in fiscal years 1982 and 1983."

The Humphrey-Hawkins Act of 1978.—This act stated, "fiscal policies that should establish the share of expanding Gross National Product accounted for by Federal outlays at the lowest level consistent with national needs and priorities, a balanced budget, * * *"

The Byrd Amendment of 1978.—This amendment stated, "beginning with fiscal year 1981, the total budget outlays of the Federal Government shall not exceed its receipts."

The Temporary Increase in the Public Debt Limit of 1979.—This act required the House and Senate Budget Committees to report balanced budgets by April 15 of 1979, 1980, and 1981. It also required the President to submit alternative proposals for a balanced budget if his budget submission for fiscal year 1981 or 1982 recommended a deficit for either fiscal year.

The Gramm-Rudman-Hollings Act of 1985.—This Act set forth annual deficit targets leading to a balanced federal budget by fiscal year 1991 and established an automatic process for across-the-board spending cuts (sequestration) aimed at keeping the deficit within statutory targets. During the period that the GRH Act has been in effect, sequestration has been triggered five times—once each for fiscal years 1986, 1988, and 1990, and twice for fiscal year 1991. The sequestration reductions made for fiscal year 1986 were voided by court action and later reaffirmed, the reductions for fiscal year 1988 were later rescinded, the reductions for 1991 were applied in one instance to domestic discretionary programs and in another to international discretionary programs (the latter reductions were later rescinded). Sequestration was forestalled for fiscal year 1989 because the estimated deficit was less than the $10 billion margin-of-error amount.

The Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987.—This act modified GRH and extended the goal of a balanced budget to fiscal year 1993.

The Budget Enforcement Act of 1990.—This act revised the deficit targets in the GRH Act, making the targets adjustable rather than fixed, and extended the sequestration process for two more years—through fiscal year 1995 (although the budget is not required, and is not expected, to be in balance by that time). Additionally, two new procedures enforceable by sequestration were established: (1) adjustable limitations on different categories of discretionary spending funded in the annual appropriations process and (2) a "pay-as-you-go" process to require that increases in direct spending or decreases in revenues due to legislative action are offset so that there is no net increase in the deficit. The 1990 amendments changed the focus of the GRH Act from achieving budgetary balance to controlling the growth of discretionary spending and maintaining deficit neutrality regarding legislative changes in mandatory spending and revenues.

TENTH ANNIVERSARY OF OFFICIAL ENGLISH MOVEMENT

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. EMERSON. Mr. Speaker, recently, I am sure you and most of my colleagues saw in the media that Dade County, FL, had repealed its English language ordinance. For 13 years, this ordinance provided that, with a few exceptions involving health and safety issues, all county documents were to be printed and business was to be conducted in our common language, English. A new majority recently elected to the Dade County Board of Commissioners decided that their first order of business after the election would be to repeal the ordinance, which they did on May 18.

But similar events relating to the repeal or lack of common language statutes have occurred beyond the level of local government. For example, on July 2, the Federal Immigration and Naturalization Service in Tucson, AZ, arranged and conducted a citizenship swearing-in ceremony primarily in Spanish. And since the law does not prohibit such activity, ceremonies conferring U.S. citizenship which are held predominately in a language other than English could become routine.

Mr. Speaker, 82 of my colleagues and I are cosponsoring H.R. 123, the Language of Government Act. This legislation would make English the official language of the U.S. Government and would prevent the recurrence of incidents such as the one in Arizona. Furthermore, it would establish a climate which would encourage the use of English as the official language as a common bond between all American citizens in every area of society, not just those involving our Government.

If we continue without national legislation designating English as the official language, however, official U.S. Government activities and ceremonies will continue to be held in other languages. Unfortunately, the major obstacle at national, State, and local levels has been only one of perception.

Various attempts have been made on local and State levels to declare or reinstate English as the official language, but the threat of false accusations of racism and xenophobia often discourages legislators from voting in support of common language legislation. Opponents of such legislation frequently fail to acknowledge that a declaration of English as the official language is neither elitist nor exclusionary, but rather an attempt to uphold the very foundations of our democratic system. Designating an official and common language will serve as a common bond between individuals of different backgrounds seeking to enter American society and will serve as an absolutely vital first step in opening the door to the opportunities offered by our great Nation.

I am pleased to inform my colleagues that the necessity of an official common language has been recognized long before today. In 1983, only 10 years ago, our late former colleague, U.S. Senator S.I. Hayakawa of California, a multilingual immigrant himself, officially launched the common language of government movement when he founded U.S. English. A national, nonpartisan, nonprofit, citizens' action group dedicated to preserving the unifying role of a common language in America, U.S. English is one of the fastest growing interest groups in the Nation, with a current membership of more than 500,000 nationwide.

In the 10 years of U.S. English's existence, the number of States adopting official language statutes or constitutional provisions has grown from 4 to 19, with a number of others adopting other forms of specific language-based laws.

The Language of Government Act has gained support in both Houses, and it is my goal to have more than 150 cosponsors before the close of this Congress. This year we adopted another dimension to the issue when we introduced H.R. 124 to provide incentive for employers to provide English-language training for employees lacking verbal skills.

This issue is getting more attention each day, and support for our various initiatives at both State and Federal levels is growing rapidly. Membership in U.S. English is at an all time high.

Senator Hayakawa was a prolific writer, and I offer you one of my favorite quotes of his:

> America is an open society—more open than any other in the world. People of every race, of every color, of every culture are welcomed here to create a new life for themselves and their families. And what do these people who enter into the American mainstream have in common? English, our shared, common language.

It is a worthy subject for all of us to ponder as we note this, the 10th anniversary year of the founding of the official language movement—and, specifically, of U.S. English.

We can continue the evolution toward multi-language government that those in Dade County and Tucson would give us, or we can work together to begin defining a language policy that will protect and promote English as our official common language. I invite all of you to join me in this latter course.

DIETARY SUPPLEMENT CONSUMER PROTECTION ACT OF 1993

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mrs. COLLINS of Illinois. Mr. Speaker, I am pleased to introduce today the Dietary Supplement Consumer Protection Act of 1993. This bill will ensure that dietary supplements are safe, well manufactured and appropriately labeled. It will also call for further research on the benefits of these products and establishes an advisory panel to assist the U.S. Food and Drug Administration with their regulation.

Scientific research indicates that dietary supplements including vitamins, minerals, amino acids, herbs, and other nutritional substances can help delay the onset of chronic disease and promote good health. Not surprisingly, more and more consumers are using these products to protect their health. However, as the market for supplements grows, it becomes all the more important to ensure that they are regulated adequately.

While most dietary supplements on the market today are safe, serious questions have been raised about certain products. For example, the amino acid L-tryptophan, used by some Americans as a sleep aid, is associated with a disease known as eosinophilia myalgia syndrome [EMS]. This disease has killed 38 persons and caused more than 1,500 serious adverse reactions.

While this supplement is no longer sold, the FDA, consumer groups such as Consumer Union, the Institute of Food Technologists, university researchers and others have all stated recently that other supplement ingredients such as chaparral, comfrey, and germander can cause adverse reactions ranging from liver disease to kidney failure.

The FDA is presently grappling with how to ensure the safety of supplements. A controversy has erupted over the FDA's efforts in this area because under current law, the agency is forced to regulate supplements as either food additives or drugs in order to compel manufacturers to prove that a supplement product is safe before it is marketed. This bill would clear up the confusion and provide the FDA with express authority to keep unsafe dietary supplements off the market.

Additional concerns have been raised about the quality of certain dietary supplements. A Duke University study funded by the National Association for Rare Disorders recently examined the quality of L-carnitine supplements. A majority of the brands surveyed contained less than 60 percent of the carnitine stated on the label. Such problems could prove fatal to Americans who suffer from carnitine deficiency. This legislation would remedy this problem by requiring the FDA to establish quality control procedures and standards that will ensure that supplements are properly manufactured.

Consumers must not only be able to depend on what is in the bottle, but also on what is printed on the label. This bill ensures that consumers will be able to rely on information provided on dietary supplement labels by requirements of the Nutrition Labeling and Education Act of 1990 [NLEA]. Last year, dietary supplement manufacturers were temporarily exempted from the NLEA, which establishes a regulatory framework to ensure that health claims are based on reliable scientific evidence. This exemption appears unwarranted. According to a recent report issued by the FDA, "thousands of unsubstantiated claims are being made about hundreds of dietary supplements."

This situation is unfortunate because some dietary supplements provide real health benefits. It is difficult, however, for most consumers to distinguish between truly beneficial products and others that make dishonest claims. For example, folic acid supplements claim to help reduce the risk of birth defects while herbal supplements claim to help boost the immune system and protect the body against HIV infection. Each of these claims may seem equally improbable, or equally believable, depending on one's attitude toward supplement use. How many people actually know that the first claim is based on significant scientific agreement while the second claim is considered by consumer agencies to be deceptive. Unless supplement manufacturers are brought under the rubric of the NLEA, as Congress originally intended, consumers will not be able to tell fact from fiction.

The FDA, however, also has certain responsibilities under the NLEA to promptly approve new health claims as the scientific evidence evolves. In the past, the FDA has been slow to act. This bill helps ensure that the agency lives up to its responsibilities by establishing an advisory panel to guide the FDA with supplement regulation, including the approval of new health claims.

This bill also addresses my continuing concerns about the health of older Americans. It requires label statements regarding possible adverse effects of any supplement on particularly vulnerable segments of the population, such as the elderly. This information is important considering that older persons may be especially vulnerable to the effects of high doses of certain supplement.

I am pleased to announce today that this bill has the support of leading consumer protection and public health organizations including the American Cancer Society, the American College of Physicians, the American College of Preventative Medicine, the American Institute for Cancer Research, the American Nurses Association, the Association of Schools of Public Health, the Center for Science in the Public Interest, Citizens for Public Action on Cholesterol, the Consumer Federation of America, the National Council on Aging, Public Voice for Food and Health Policy, and the Society for Nutrition Education.

I believe that this bill—the only dietary supplement bill pending in this Congress that is supported by a broad spectrum of consumer and public health groups not associated with the dietary supplement industry—truly represents the needs of all Americans.

I urge my colleagues to join with me and give their support to this legislation.

LEGISLATION TO ESTABLISH A UNIFORMED SERVICES TREATMENT FACILITY AT SILAS B. HAYS HOSPITAL INTRODUCED

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. FARR. Mr. Speaker, I am introducing legislation to provide an important option to active duty personnel, military retirees, and their dependents who will soon face uncertainty in their health care security.

As a result of the closure of the Fort Ord military installation in my district, the Department of the Army will shut down Silas B. Hays Hospital in June 1993. This would continue the Department of Defense [DOD] trend of simplistic determinations which require the closure of military health care facilities based only on the narrow criteria of local active duty populations. I believe that we have an obligation to also consider those who have sacrificed in service to their country, were promised access to life-long medical care, and depend on the treatment available at military health facilities during their retirement.

The legislation I am proposing today would provide for the designation and conversion of the Silas B. Hays Hospital at Ford Ord, CA, as a satellite facility of a Uniformed Services Treatment Facility [USTF].

Unfortunately, Mr. Speaker, active duty personnel and their families, military retirees, and veterans cannot bank on the expedient implementation of national health care reform to ease their health care worries. For these individuals, where their health needs will come from in the coming months remains a frightening uncertainty.

Once the Army shuts down Hays Hospital, there will be 30,000 active duty personnel, military retirees, and veterans that will remain in the base closure area. To date, Army plans have mainly focused on time-lines for closure of Hays Hospital and the Primus Clinics in the area. There has been little in the way of community outreach and presentation of options by the Department of Defense. The DOD plans only a limited outpatient capability for active duty personnel with the remaining beneficiaries left to rely on CHAMPUS. If not for the efforts of the Fort Ord task force and health care working group, those who have come to depend on Hays Hospital would likely be in the dark about their health care options.

Mr. Speaker, one of the greatest concerns for military retirees is where they will obtain prescription drug coverage once they reach the age of 65. As we all know, Medicare does not include prescription drug coverage. For those who are over 65, without access to a military health care facility, many will be unable to afford pharmacy services. Therefore, I am pleased with the actions of my colleagues in the House Armed Services Committee who had the foresight of including within the fiscal year 1993 Defense authorization provisions for individuals residing in areas adversely impacted by a base closure. This legislation provided that in these areas, military retirees will be eligible for pharmacy services without regard to Medicare eligibility.

I believe that we can and must provide additional options for individuals who have no alternative but to remain permanently settled near military hospitals during their retired years. This bill would provide that alternative.

Mr. Speaker, we must consider the cost of turning over dependents of active duty personnel and military retirees to private sector medical providers, with Federal Government reimbursement. Indeed, the purpose of the base closure process was to reduce the costs of defense, and therefore, costs to the Government. However, as military treatment facilities are closed, the Government's cost of providing medical care may increase. According to a 1990 General Accounting Office report, CHAMPUS is about twice as expensive as care provided by military treatment facilities. We are all aware of the explosive costs of the Medicare Program.

I want to make it clear that I am supportive of the CHAMPUS Program, including the CHAMPUS reform initiative in place in California. But I believe that until we are certain of the cost-effectiveness of moving beneficiaries to these systems which utilize private care providers, it makes good policy sense to examine the cost of the USTF managed care option compared with the cost of closing military health facilities.

In summary, this legislation is about fairness. I believe that we have an obligation to provide a maximum in cost-effective alternatives for those negatively impacted by base closures. I urge my colleagues to support this legislation.

For the convenience of my colleagues, a summary of the bill follows:

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVERSION OF SILAS B. HAYS COMMUNITY HOSPITAL AT FORT ORD, CALIFORNIA TO SATELLITE FACILITY OF A UNIFORMED SERVICES TREATMENT FACILITY.

(a) NEGOTIATIONS FOR OPERATIONS OF HOSPITAL.—The Secretary of Defense shall enter into negotiations with a uniformed services treatment facility described in section 911(a) of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c(a)), for the purpose of arranging for the facility to assume operation of the Silas B. Hays Army Community Hospital at Ford Ord, California, in a manner consistent with the managed-care delivery and reimbursement model required under section 718(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1587).

(b) TREATMENT AS USTF SATELLITE FACILITY.—Upon completion of the negotiations under subsection (a), the Secretary of Defense shall—

(1) consider the hospital to be a satellite facility of the uniformed services treatment facility, as described in section 721(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1405 Stat. 1405); and

(2) designate the hospital as a facility of the uniformed services for the purposes of chapter 55 of title 10, United States Code.

(c) COMPLETION OF NEGOTIATIONS.—The Secretary shall complete the negotiations under subsection (a) and make the designation under subsection (b)(2) not later than September 30, 1994.

HONORING 50TH WEDDING ANNIVERSARY OF ZENA AND IS TEMKIN

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Ms. DELAURO. Speaker, today I would like to ask the House to join with me in celebrating and honoring the 50th wedding anniversary of two dear friends of the State of Connecticut, Zena and Is Temkin.

Since their wedding on August 18, 1943, Zena and Is have been an unstoppable force of activity and an example of strength and commitment. Zena, a Connecticut State representative from 1958 to 1962, has always been an inspiration and role model for me. A political adviser to Gov. Ella Grasso, Senator Abraham Ribicoff, and Senator Christopher Dodd, Zena has had her finger on the political pulse of Connecticut for as long as I can remember. While Is has also donated much of his time, energy and spirit over the years to the political well-being of Connecticut, he is perhaps better known to his patients as the devoted dentist upon whom they can depend for compassionate and quality care.

Together, Zena and Is offer a role model to each of us of what generosity, kindness, and community service can accomplish. The parents of Bruce, Alan, and Nan, they have taught their children, as well as their neighbors, by example how important it is to make this world a better place for others.

After a half century of marriage, Zena and Is are still making this world a better place. Is still has his dental practice, and Zena's energy is still infiltrating every nook and cranny of Connecticut. The commemoration of 50 years of their marriage, and the legacy of spirit that has followed, is cause for celebration. Mr. Speaker, I ask you once again to join with me in honoring the 50th wedding anniversary of Zena and Is Temkin. Thank you.

INTRODUCTION OF A CONSTITUTIONAL AMENDMENT TO END UNFUNDED FEDERAL MANDATES

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. FRANKS of New Jersey. Mr. Speaker, today I rise to introduce an amendment to the U.S. Constitution, supported by Members from both political parties, that would force Congress to pay for any new Federal programs it mandates on the States.

As my colleagues are aware, many State and local government budgets are straining under the onerous burden of unfunded Federal mandates. It is estimated that unfunded mandates cost the States as much as $500 billion a year. State and local spending to implement Federal mandates has increased from 30 percent of their budgets in 1962 to a whopping 50 percent in 1992. Additionally, many States are being forced to raise taxes or cut services in order to comply with the new Federal mandates routinely passed by Congress.

This legislation, which has been endorsed by the National Taxpayers Union and the National League of Cities, would relieve the States of any obligation to comply with a new Federal mandate unless that mandate was fully funded by Congress. This amendment is necessary because Congress' increasing appetite for unfunded Federal mandates shows no signs of abating. Furthermore, many States fear that Congress will solve the Federal budget problem by simply transferring more and more unfunded mandates to the States.

Unlike statutory law, which Congress often chooses to waive, this constitutional amendment would force Congress to face up to its own fiscal responsibilities.

Mr. Speaker, it is time to stop Congress from passing legislation where Congress gets the political credit and the States, counties, and municipalities are forced to pay the bill. I invite my colleagues to help end the burdensome practice of Congress passing new unfunded Federal mandates by cosponsoring this legislation.

IN MEMORY OF CLINTON A. WEST

HON. JAN MEYERS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mrs. MEYERS of Kansas. Mr. Speaker, I rise today in my capacity as the ranking minority member of the House Small Business Committee to honor the memory of the late Clinton A. West and his lifetime of work as a successful entrepreneur, small business advocate, political activist, husband and father.

As a successful small business owner Clint had over 15 years of administrative and executive experience in the automated data processing industry. In 1984 he founded WESTCO Automated Systems & Sales, Inc. As president and chief executive officer of WESTCO, Clint was responsible for overall project management, marketing, finance, government relations and strategic planning. Under his leadership WESTCO was an active and successful participant in the U.S. Small Business Administration's section 8(a) program and provided invaluable services to both the public and private sectors.

Prior to establishing WESTCO, Clint served this body as a legislative assistant to our former colleague, the Honorable John Anderson where he followed small business issues, and as a legislative aide to the Honorable RON DE LUGO.

Clint was a long time supporter and advocate on behalf of small and minority business. Concerned that the achievements of minority small businesses were not receiving proper recognition during National Small Business Week, Clint, along with other minority small business owners, founded the Minority Awards Breakfast Committee. The Minority Awards Breakfast, which celebrated its seventh year in 1993, represents a uniting of the minority business community, the corporate sector and the Federal Government to recognize a mutual goal—that of minority small business development. That the Minority Awards Breakfast is an integral part of our celebration of National

Small Business Week is but one example of Clint's efforts on behalf of small business.

A graduate of Howard University and the College of Law, American University, Clint was active in many business and professional organizations: The National Business League of Montgomery County; the Howard University School of Business, Small Business Development Center Advisory Committee; and First American Bank of Maryland's Community Reinvestment Advisory Committee, to name just a few.

Clint was active in the Republican Party locally and nationally. He was a Republican Eagle and an elected delegate from the State of Maryland to the 1992 Republican National Convention.

We will all deeply miss Clint. His personal and professional contributions to his community made a difference. I know my colleagues will join me in extending our sympathy to his family and friends during this difficult time. But we can also honor his memory by recognizing his outstanding achievements and efforts on behalf of small businesses in America.

TRIBUTE TO THE CRUMBAUGH FAMILY

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. CAMP. Mr. Speaker, it is with great pleasure that I rise today to recognize the Crumbaugh family of St. Louis, MI. The Crumbaughs were honored as the 1993 Gratiot County Farm Family of the Year, at the rural urban day festivities on July 29.

The Crumbaugh family has just had the honor of celebrating the farm's 50th crop. Along with his parents, Robert and Marcella Crumbaugh, Rex Crumbaugh and his wife Kathleen also share the farm with their daughter Rachel, her husband James Vallance and their son Clay and his wife, Christina. Through hard work and strong family support, the family has expanded the farm to 2,000 acres of cash crops such as sugar beets, corn, soybeans, and dry edible beans.

Rex Crumbaugh has been an outstanding leader in Michigan agriculture and the community. He has served as president of the Gratiot County fair board, the B&W Co-op, Inc., board of directors for 12 years, acting as chairman of the board for 2 years, and the board of directors of Chemical Bank & Trust Co. for many years. Rex is renowned throughout Michigan for his leadership and expertise in agriculture and has many friends and supporters throughout the State.

Rex graduated from St. Louis High School in 1962 and went on to study at the ag tech program at Michigan State University [MSU]. His wife Kathleen also attended MSU, and currently attends Central Michigan University where she studies public administration. Their daughter Rachel is a high school special education teacher at Swan Valley Schools. Rex and Kathleen's son, Clay also graduated from the ag tech program at MSU, and is currently a member of the cattlemen board and the Farm Bureau Young Farmers. Clay and his wife Christina have a 3-month-old boy, Cyle Max.

Like many farm families, the Crumbaugh family has not been without hardship. While thousands of Michigan farm families suffered through the disastrous flood in 1986, Rex traveled to Washington, DC, to help obtain financial relief for area farmers. Through it all, hard work and patience prevailed, and the Crumbaughs survived this and other natural disasters. With their perseverance, hard work, and leadership through time of distress, the Crumbaughs are a Michigan family of which the agriculture community of Michigan is very proud.

The Crumbaughs are the deserving recipients of this prestigious award. They have been a model of tenacity and values to their family and community. Many U.S. Secretaries of Agriculture including Edward Madigan, Clayton Yeutter, Richard Ling, and John Block have visited the Crumbaugh farm. I, too, have had the pleasure of being a guest of the Crumbaughs.

Mr. Speaker, the Crumbaughs have touched many lives in Michigan through their labor, hard work, and contributions to Gratiot County. They are a model family and truly deserving of this prestigious award. On the very special occasion of their being named Farm Family of the Year, I would like to bid them and their family congratulations, and wish them success in future endeavors.

EDWARDS' STATEMENT ON VOTE AGAINST BUDGET BILL AND GAS TAX

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. EDWARDS of Texas. Mr. Speaker, after carefully reviewing the President's budget proposal, I decided that I could not support it. Before we ask Americans to pay higher taxes, Congress must first prove it is willing to make major cuts in spending.

This was a difficult decision for me, because I strongly believe reducing the Federal deficit is crucial to our Nation's future. I believe President Clinton deserves credit for making deficit reduction a major goal of his administration. I want to work with him in that effort, and I am willing to make tough choices to balance our budget.

There are a number of positive provisions in the President's plan, including tax incentives for small businesses and specific spending cuts. The earned income tax credit encourages people toward work and away from welfare. That is a positive step toward much-needed welfare reform. The Btu tax, which I actively opposed, was deleted from the bill.

However, the plan falls short in several areas. Spending cuts need to be deeper and up front. Too many of the cuts are unspecified and put off for 3 to 4 years, whereas new programs and new taxes begin immediately or even retroactively.

Putting the Deficit Reduction Trust Fund and entitlement caps into law rather than in Executive orders would add credibility to the plan. The gas tax is regressive and is unfair to families, farmers, and businesses in States such as Texas. In short, this bill should raise taxes less and cut spending more.

I think it is important for all Americans to know that balancing the $300 billion a year Federal deficit will require tough choices. We can no longer say cut someone else. We must be willing to share the cuts and the sacrifice.

In listening to thousands of central Texans who have written to me and called my office, I am convinced that people know the deficit must be reduced, but they want a program that is fair and credible.

IN MEMORY OF WILLIAM STEFFEL, JR.

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. ROTH. Mr. Speaker, I rise today to honor the legacy of William Steffel, Jr. It is my distinct privilege to insert into the CONGRESSIONAL RECORD a tribute to the memory of an outstanding citizen of Oconto, WI, as printed in the 1993 Oconto County Fair Supplement.

William Steffel, Jr.'s involvement with fairs began in his childhood. He exhibited at the first of the presently constituted Oconto County fairs 52 years ago. A point of particular pride with him was his long running maple syrup exhibit at the Oconto County Fair. He started as a 4-H'r when he was 14 years old, he continued exhibiting his syrup at the fair until 1992.

Bill's name was synonymous with the Oconto County Fair for most of the life of the fair. He served as a director for 33 years including two years as vice president and 31 years as president. His commitment to the fair industry extended beyond the local fair. He was elected by his peers to the position of district director of the WI Assoc of Fairs and from that position served two years as president of that association. Bill's involvement made him recognized and well-known throughout the state among fair people. Throughout his career he was a tireless advocate for and promoter of fairs for the traditional values they preserved and the educational value to youth.

Bill Steffel could not be called one-dimensional. In life he practiced community service with almost a vengeance. He was a twenty year county 4-H leader and served his fellow farmers as a director on the Oconto County FS Cooperative and the Oconto Farm Bureau Board. He served his neighbors as a member of the Town of Spruce Town Board, the Council of Our Redeemer Lutheran Church and secretary and sexton of Pine Hill Cemetery. He served the citizens of Oconto County as one of the most active promoters and members of the Oconto Rural Urban Committee, who recognize other citizens for their civic involvement.

Bill, with his wife Janice raised a family of three children. Bill J., Peter and Barb. The Steffel brothers, Bill and Don, operated a successful dairy and beef farm along with a saw mill and maple syrup business. Bill also served as an assistant zoning administrator for his area.

A recounting of the active life of William Steffel, Jr. acknowledges the active leadership role he played in family, business and community. It also makes clear the void left by his untimely passing. He leaves a strong legacy for those of us who follow and whose lives have been touched by him. Bill, you will be missed and remembered by many. Thank you for your many contributions and for the example of a lifetime of selfless giving that will be a model for all of us.

INTRODUCTION OF ABANDONED INFANTS LEGISLATION

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. FAWELL. Mr. Speaker, today I, along with a number of my colleagues, am introducing the At-Birth Abandoned Bay Act of 1993 and the At-Birth Abandoned Infants Assistance Amendments of 1993. The bills guarantee all babies abandoned at birth, or shortly thereafter, the right to immediate placement and bonding with preadoptive parents. The preadoptive parents are then given the right to immediately initiate proceedings for an expeditious adoption of the abandoned baby.

In my district, I was witness to a particularly sad story. An at-birth abandoned baby girl was turned over to foster parents who were told they would be able to adopt the baby—her natural mother was a drug addict who had abandoned the baby in the hospital. Due to a system that placed the baby girl's rights below all others, the foster parents were able to adopt the baby for 5 years, and during that time they raised her as their own. In year 5, the natural mother, along with her live-in boyfriend, reappeared. Stating that she had kicked her drug habit, the mother attempted to reclaim the child. Incredibly, the little girl was taken from the only home and parents she knew. Unfortunately, scenarios similar to this take place all too often across the country.

I believe that something must be done about the terrible plight faced by babies abandoned at birth. Our present system, in effect, leaves our most vulnerable babies—those who are abandoned at birth and often drug-addicted and/or HIV-infected—without access to immediate bonding with loving parent or any chance for a permanent home, both of which they so desperately need.

Worst of all, they have no one to represent them for a chance to find loving parents and a permanent home.

The two bills are identical except that one amends the Social Security Act and the other amends the Abandoned Infants Assistance Act of 1988. They simply require State welfare authorities to immediately place these at-birth abandoned babies with suitable preadoptive parents who, in turn, will be allowed to immediately file for an expeditious adoption of the abandoned baby in the State court of proper jurisdiction.

The State court will be responsible for the final decision of adoption, taking into account the legal rights of all parties involved, including the infant abandoned at birth, the natural parents, and the preadoptive parents. These bills give babies abandoned at birth at least a fighting chance for immediate parental bonding and a permanent home.

Mr. Speaker, we must take action here and now in Congress. I want to urge all of my colleagues to join in me cosponsoring this measure.

DEMOCRATIZATION OF AFRICA: U.S. DESERVES SUPPORT

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Ms. VELÁZQUEZ. Mr. Speaker, as we adjourn for the August recess, I want to draw my colleagues' attention to the problem of democratization in Africa.

While we can applaud the relatively smooth transition to nationhood by Eritrea, the national elections in Burundi, and the referendum process in Malawi, there are other examples in Africa where the democratization process has not fared as well. There are only two former Spanish-speaking colonies in Africa: Equatorial Guinea and the Western Sahara. While Equatorial Guinea became an independent nation some time ago, the Western Sahara moved from colonial domination by Spain to annexation by Morocco. A U.N.-sponsored referendum, to give the people of the Western Sahara an opportunity to express their desire to become an independent nation or to remain a part of Morocco, was supposed to occurred over 2 years ago. A date for the referendum has still not been scheduled. The sticking point seems to be who will be allowed to vote in the referendum: Only residents or their dissidents living in the Western Sahara territory at the time of the Spanish survey in 1935 or Moroccan nationals with ethnic origins in the Western Sahara. While the dispute is ongoing, refugees from the Western Sahara remain in camps in southern Algeria.

In the case of Algeria, while they have been hospitable to Western Saharan refugees, they have denied their own people an opportunity to elect their parliament in democratic elections. On December 24, 1991, Algeria successfully completed the first round of democratically held national elections. Then, on January 11, 1992, the Algerian military seized power, cancelled the second round of elections due to take place on January 16 and installed the five-man Higher State Council [Haute Comite d'Etat] as the national governing body. The military actions of January 11 totally undermined that national democratic election process. In addition, the state of emergency was renewed earlier this year and has been imposed indefinitely.

Finally, the most recent disappointment in moving forward with democratic elections was the annulment of the Presidential elections in Nigeria. After repeated promises to end military rule and return to a civilian government, the head of the military junta, General Babingida, abruptly annulled the recent Nigerian Presidential elections when it appeared that Chief Bashorun M.K.O. Abiola was the winner.

If we are to encourage the adherence to democratic principles for governments in Africa, then we must be willing to raise our voices when those principles are violated. In the case of both Algeria and Nigeria, the government in power, at the time of the elections, did not like the election results so they simply cancelled or annulled the elections before the winners could take office. We have a responsibility to encourage the military regimes in those countries, as soon as possible, to return to democratically held elections and to negotiate honestly with political parties who are committed to democracy. In the case of Western Sahara, we must encourage all parties, including the United Nations, to schedule a referendum so that the people of the Western Sahara can make a choice about whether they wish to be an independent nation.

CONFERENCE PROVISIONS ON BOVINE SOMATATROPIN

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. GEPHARDT. Mr. Speaker, the Senate amendment to the House-passed reconciliation bill included a 1-year moratorium on the commercialization of bovine somatatropin [BST]. The House position, which I support, imposed no limits on the introduction of new technologies.

To create new jobs, we must aggressively commercialize the fruits of U.S. research. Where we have failed to do this, the United States has forfeited jobs and economic opportunities to other countries.

America's lead in agriculture and industries like pharmaceuticals is rooted in our development and commercialization of new technologies. We have succeeded in international markets when we have developed new and better products.

Biotechnology is important in part because it gives our farmers the ability to produce more food with fewer inputs. Because of this promise, the number of U.S. agricultural biotechnology companies has increased 38 percent since 1991, growing from 89 to 123. U.S. biotechnology employment, currently 79,000, is expected to increase to 200,000 by 2000.

If companies invest millions of dollars in developing new products, and the Food and Drug Administration says that those products are safe, our companies should be able to sell them. To do otherwise is to discourage investment in critical new industries at the cost of our long-term competitiveness. We need policies that give our family farmers a good income. Limiting the development of new, safe technologies ultimately will not accomplish this end.

In the final reconciliation agreement, the House agreed reluctantly to a short pause on the marketing of BST—and only on the condition that it be narrowed in scope and limited to 90 days. The agreement governs only the sale of BST, so that companies are able to engage in the full range of marketing and product promotion, including the unrestricted use of free samples. The conferees dropped any reference to requiring additional study.

The reconciliation agreement should not be construed as a desire by the Congress to interfere with regulatory policies based on scientific review of health and safety issues. I appreciate the hard work of the conferees and particularly the chairmen of the House Agriculture and Energy and Commerce Committees.

FOREIGN POLICY ADRIFT

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 6, 1993

Mr. LAZIO. Mr. Speaker, as the United States once again contemplates military strikes against Serbian forces in Bosnia and Hercegovina, I worry about the drift of our foreign policy under the Clinton administration.

Just 2 months ago, Peter Tarnoff, the Under Secretary of State for Political Affairs, commented publicly that the United States had not the resources—nor the American public the will—to remain a leader in the international community. This disturbing comment, although disavowed by the Clinton White House, has fueled concerns raised both here and abroad about the President's ability to conduct foreign policy.

President Clinton's lack of decisiveness in the foreign policy arena is probably best illustrated by his continually shifting position on Bosnia. Campaigner Clinton pledged to do more to stop Serbian aggression. Until now, however, President Clinton has held only half-hearted support for the "lift-and-strike" proposal for lifting the arms embargo against the Moslems and holding Bosnian Serb forces at bay. While the President obviously wanted to do something to address the horrible bloodshed and ethnic cleansing in the former Yugoslavia—which has resulted in approximately 200,000 people killed or unaccounted for—he did not demonstrate the ability to define the United States' role—if any—in this regional conflict, or to mobilize our European allies in a common plan of action.

The President's interim gambit—sending 300 U.S. marines to Macedonia as a symbolic show of force—is, in my opinion, a dangerous half measure that unnecessarily risks the lives of our troops. I question whether the deployment of these marines will deter the spread of violence in the Balkans or merely attract it. How unfortunate for the United States to back into a large-scale military conflict in the Balkans. We should not repeat our mistake of 1983 when we lost 241 U.S. servicemen during the bombing of the marine barracks in Lebanon. The lives of our servicemen and servicewomen are too precious to waste in a conflict in which we have no defined role.

While the threat of air strikes at this time may serve a useful purpose in facilitating the peace process and providing for humanitarian aid, the President must be willing to exercise that option if push comes to shove. In my opinion, the ideal time to act has long passed. Serbian and Croatian forces have occupied nearly 90 percent of the state of Bosnia and Hercegovina. United States or NATO military action will not erase the hatred and mistrust now necessarily guarantee the maintenance of a Bosnian Moslem "rump" state. The President's policy of vacillation is flawed, but the men and women of our Armed Forces will have my unqualified support if the President, at this late stage, decides to commit them to this conflict.

SENATE—*Tuesday, September 7, 1993*

The Senate met at 9 a.m. and was called to order by the Honorable WENDELL H. FORD, a Senator from the State of Kentucky.

The PRESIDING OFFICER. Today's prayer will be offered by the Reverend Richard C. Halverson, Jr., D.D., of Falls Church, VA.

PRAYER

The guest Chaplain, the Reverend Richard C. Halverson, Jr., D.D., offered the following prayer:

Let us pray:

* * * *God is love.*—I John 4:8.

Eternal God, our gracious Father in Heaven, cover the U.S. Senate with Your grace and mercy and peace.

May the Senators be infused with love—the love of God in perfection—unconditional, impartial, and infinite love.

Not that conflict may be avoided, but that in the midst of controversy, love may prevail and overcome differences of opinion.

Lord, let us love one another, for love is of God.

In the name of Him who is incarnate Love. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 7, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WENDELL H. FORD, a Senator from the State of Kentucky, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. FORD, thereupon, assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes.

The Chair, in his capacity as a Senator from the State of Kentucky, suggests the absence of a quorum, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from West Virginia.

LINE-ITEM VETO—XII

Mr. BYRD. Mr. President, this is the 12th in my series of speeches on the line-item veto, with particular emphasis on the Roman Constitution and its influence upon our own Constitution. In my last speech on this subject, which was delivered just before the August recess, I spoke of the formulation of the First Triumvirate in 60 B.C.—an unofficial, power-sharing arrangement among Julius Caesar, Marcus Licinius Crassus, and Gneus Pompeius Magnus, or Pompey the great.

I also spoke of the death of Crassus, one of the triumvirs, in 53 B.C., of the crossing of the Rubicon by Caesar in 49, and his defeat of the other triumvir, Pompey, at the battle of Pharsalus, in 48 B.C. I spoke of the battle of Thapsus, the death of Cato, and the rise to the pinnacle of power by Caesar in 46 B.C., when he was made dictator for 10 years.

Mr. President, from July 28, 46 B.C., to March 15, 44 B.C., Julius Caesar ruled the Roman world. His autocratic position rested upon the support of his veterans, the associates who owed their advancement to him, the forces he kept under arms, and the special powers that he derived from the various offices conferred upon him, foremost among which was the dictatorship. Caesar had held the dictatorship for a brief time in 49, and again in 47. In 46 B.C., he was made dictator for 10 years. In 44, he was made dictator for life.

Simultaneously, Caesar was consul. He enjoyed the personal inviolability of the tribunes, and in 46 B.C., he was given the powers of censorship—notice I said he was "given" the powers of the censorship—and other powers not dependent on any office.

For example, he had the sole power over the purse—get that; one man—Caesar—had the sole power over the purse. Advanced ratification was given to all of his future acts and arrangements. Honors to match his extraordinary powers were heaped upon him, partly by his own desire and partly by the servility and fulsome flattery of the Senate. He was given the title Father of His Country, his statue was placed among those of the Kings of Rome, and the month Quintilis, in which he was born, was renamed Julius, or July, in his honor.

Cicero was the first who proposed that the Senate should give special powers and honors to Caesar, and those who followed contended with each other as to which could pay the most extraordinary compliments to Caesar.

Caesar considered the Republic to be a sham, and it was clear that he had no intention of reviving the Republic, its customs and traditions, or its constitutional elements to their former glory.

In the conduct of the government, Caesar allowed no freedom to the Senate or to the assembly. And although he ostentatiously pretended to take offense at the suggestion that he be given the title of "king," it was generally believed that he passionately desired it.

Bitter animosity was aroused among many of the old ruling oligarchy, who chafed under the restraints imposed upon them by his autocratic powers, and they resented the degradation of the Senate to the position of a mere advisory council. These feelings were shared by many who had hitherto been active in Caesar's cause, and also by the Republicans, many of whom had become reconciled to him.

Among these disgruntled elements, a conspiracy was formed against the life of the dictator. The originator of the plot was Gaius Cassius Longinus, an ex-Pompeiian who had been named praetor by Caesar, and who was joined by Marcus Junius Brutus, another ex-Pompeiian, both of whom had fought against Caesar at the battle of Pharsalus and both of whom had been pardoned by him.

Marcus Junius Brutus was reputed to be a descendant of Lucius Junius Brutus, who had led in the expulsion of Tarquin the Proud in 510 B.C., and who had been chosen as the first consul of the newly founded Republic in 509 B.C. Marcus Brutus was also the nephew and son-in-law of Cato the Younger, and was highly regarded by Caesar. It was generally believed that Caesar was the father of Brutus, inasmuch as Caesar had had amorous relations with Servilia, the mother of Brutus, which, according to Plutarch, were in "full bloom," at about the time Brutus was born.

When Gaius Cassius solicited his friends to join in the conspiracy, they consented on the condition that Brutus would take the lead. They wanted a man of high reputation to preside over the assassination so that the world would see the deed as having had an honorable purpose.

Cassius was married to the sister of Brutus—Junia—and was a man of violent passions. He possessed a deep aversion to tyrants. As it had been reported that the friends of Caesar designed to move that he be declared king on the calends of March, the first day of the month, Cassius asked Brutus what his intentions would be in that event. Brutus, who would one day remind Cicero that "our ancestors scorned to bear even a gentle master," answered Cassius, according to Plutarch, saying, "It would be my duty, not only to speak against it, but to sacrifice my life for the liberties of Rome." From that point on, the two proceeded to talk with their trusted friends.

Among those who concurred in the plot was another Brutus, Decimus Junius Brutus, surnamed Albinus. It was decided that the assassination would take place at a meeting of the Senate on the ides of March, the 15th day of the month.

Caesar had some suspicions concerning Cassius, says Plutarch, and even said one day to some friends that he did not fear "fat and sleek" men but, rather, feared "pale and lean" ones. Shakespeare has him saying to Antonius:

> Let me have men about me that are fat;
> Sleek-headed men and such as sleep o'nights;
> Yond' Cassius has a lean and hungry look;
> He thinks too much. Such men are dangerous.

A certain soothsayer had forewarned Caesar that a great danger threatened him on the ides of March, and Caesar's friends pressed him to have a bodyguard, but Caesar did not allow it, saying that it was "better to die once than to live always in fear of death." Shakespeare deftly shapes the words of Caesar as he brushes aside Calpurnia's fears for his safety: "Cowards die many times before their deaths. The valiant never taste of death but once."

On the evening before the ides of March, Caesar supped at the house of Marcus Aemilius Lepidus, his Master of the Horse, and as he sat at the table, there arose a question, "What kind of death is best;" Caesar, answering before all others, cried out, "A sudden one."

That night, Calpurnia dreamed that she was weeping over him as she held him, murdered, in her arms. The next morning, she conjured Caesar not to go out that day, but Decimus Brutus, in whom Caesar placed great confidence, had come to escort him to the Senate and prevailed upon him to go.

On the way to the Senate, Artemidorus the Cnidian, who had gotten wind of the conspiracy, approached Caesar with a paper, and pressing up as close as possible to him, said, "Read this to yourself, and quickly, for it contains matters of great consequence and concern to you."

Caesar took the paper but he was denied the opportunity of reading it, by one thing or another from those around him.

As Caesar entered the Senate house, all of the Senators rose to do him honor. As he took his seat, all of the conspirators came up to his chair and pretended to intercede, along with Tullus Cimber for the recall of his brother from exile. As they continued their importunities, Caesar answered them with a blunt negative and then grew angry. Cimber then, with both hands, pulled Caesar's purple robe off his neck, which was the signal for the attack.

Publius Servilius Casca gave him the first blow—a stroke upon the neck with his dagger. All of the conspirators now drew their daggers, so that, whatever way Caesar turned, he saw nothing but steel gleaming in his face and met nothing but wounds from Cassius, Bucolianus, Brutus, and others. Caesar struggled against the assassins, but, it is related by the historian, Suetonius, that Caesar gave up the struggle against his murderers when he saw Brutus among them, exclaiming in Greek, "kai su, teknon?"—"even you, my child?" The Latin version "et tu, Brute?"—"even you, Brutus?"—was made famous by Shakespeare.

Caesar then wrapped his robe around his face, composed himself for death, and yielded to his fate. He expired upon the pedestal of Pompey's statue and dyed it with his blood, so that Pompey seemed to preside over the work of vengeance, to tread his enemy under his feet, and to enjoy his agonies. Caesar died of no less than three and twenty wounds. In all, some 60 Senators had shared in the conspiracy.

Mr. President, the assassination of Julius Caesar was one of the most momentous happenings in the history of the world, and it ended the life of one of the most remarkable men who has ever lived.

Plutarch's words here are particularly penetrating: "Julius Caesar died at the age of 56. His object was sovereign power and authority, which he pursued through innumerable dangers, and by prodigious efforts, he gained it at last. But he reaped no other fruit from it than an empty and invidious title."

Plutarch goes on to say,

> It is true that the Divine Power, which conducted him through life, attended him after his death as his avenger; pursued and hunted out the assassins over sea and land; and rested not till there was not a man left, either of those who had dipped their hands in his blood, or of those who gave their sanction to the deed.

Mr. President, we are familiar—through Shakespeare and others—with Mark Anthony's funeral oration and also with the reading of Caesar's will, which named as his adopted son and successor his grandnephew, Gaius Octavius Caepias, who then took the name Gaius Julius Caesar Octavianus, or Octavian as he is generally known.

In 43 B.C.—the following year—Lepidus, who was now governor of Nearer Spain and of Gallia Narbonensis, or Narbonese Gaul, arranged a conference with Anthony and Octavian which took place on a small islet in a river—Appian calls it the Lavinius River, and another historian calls it the Renus River, but those names have long since changed—that flowed near Mutina, now modern Modena, where they agreed on a joint policy. They declared themselves an executive committee, the Second Triumvirate, with absolute powers for 5 years, for the reconstruction of the Roman state, and divided the provinces among themselves.

The triumvirs—in order to pay their soldiers, build up their coffers, avenge Caesar, and destroy their opponents—sent shock waves throughout Roman society by a proscription that was as cold-blooded and loathsome as that of Sulla, about which I spoke on a previous occasion.

Among their victims were 300 Senators and 2,000 knights. The excuse alleged was the avenging of the murder of Caesar. But the real reasons were the confiscation of wealth and property, in order to raise money for their forthcoming campaign against Brutus and Cassius, and also the destruction of their political enemies.

Throughout town and country, there was terrible panic. The heads of all the victims were displayed on the rostrum in the forum, where it was necessary to bring them to the triumvirs in order to collect the rewards. In the effort to escape, some of the proscribed descended into wells, others into filthy sewers; some sought refuge in chimneys; some died defending themselves against their murderers; and some hanged or starved or drowned themselves. Of those who made their escape, some perished in shipwrecks, ill-luck pursuing them to the last.

Their most famous victim was Cicero. Appian says that Cicero was killed near Capua, but Valerius Maximus says that the scene of that tragedy was Cajeta. Cicero was being carried in a litter by his servants when the assassins came up. Plutarch tells us that Cicero saw Herennius, a centurian, approaching, and ordered his servants to let him down. And placing his hand to his chin, as was his custom to do, he gazed steadfastly upon his murderers.

Herennius dispatched Cicero as he stretched his neck out of the litter to catch the blow; thus, Cicero fell in his 64th year of age. Herennius then cut off Cicero's head, and, in accordance with the command that had previously been given by Antony, also cut off the hand that had written the Philippics, Cicero's orations against Antony.

When these parts of Cicero's body were brought to Rome, Antony was conducting an assembly for the election of magistrates. Overjoyed by the sight of the head and hand of his hated enemy, Antony rewarded Herennius with a bonus amounting to ten times the normal price of 25,000 attic drachmas paid per head.

Cassius Dio Cocceianus, a historian, tells us that Fulvia, wife of Antony, took Cicero's head into her hands, and, after spitefully abusing it and spitting upon it, placed it upon her knees, opened the mouth, and, pulling out the tongue, pierced it with the pins she had used in her hair, all the time uttering many brutal jests.

Antony then ordered that the head and the hand be fastened up over the rostra in the Forum, where Cicero had delivered his Philippics—a sad spectacle to the Roman people, who thought that they did not so much see the face of Cicero as a picture of Antony's soul.

After crushing all resistance in Italy, the triumvirates determined to make war on Brutus and Cassius who, with 19 legions, had taken up a strong position at Philippi, in Northeast Macedonia, and whose fleets dominated the seas. Leaving Lepidus to watch over Rome and Italy, and eluding the republican naval patrols, Antony and Octavian landed in Greece with 28 legions and advanced to Philippi.

Plutarch relates that, when Brutus and Cassius were departing from Asia and on their way to Philippi, Brutus had seen an extraordinary apparition. He was sitting alone in his tent, reading and tending to business, by a dim light and at a late hour. The whole army lay in sleep and in silence, while Brutus, wrapped in meditation, thought he perceived something enter his tent. Turning toward the door, he saw a horrible, monstrous specter standing silently by his side.

"What art thou?" asked Brutus boldly. "Art thou god or man? And what is thy business with me?"

The specter answered him, "I am thy evil genius, Brutus. Thou wilt see me at Philippi," to which Brutus calmly replied, "I will meet thee there."

In the first battle at Philippi, Brutus faced the forces of Octavian, while Cassius was opposite Antony's wing. Brutus was victorious over Octavian, but the left wing, under Cassius, was overcome by Antony. In this circumstance, Brutus failed to relieve Cassius because Brutus knew not that Cassius needed relief. He did not have a little cellular telephone in that day, else Brutus would have known, and the outcome of the battle might have been different.

When Brutus had destroyed the camp of Octavian and could see no sign of Cassius, he sent a large detachment of cavalry to relieve Cassius, who had been forced to retire with a small number to a hill overlooking the plain.

Cassius was nearsighted. He could not see clearly at a distance, but his companions saw a large detachment of horsemen approaching, which Cassius concluded to be the enemy in pursuit of him. He, therefore, sent his faithful friend Titinius to reconnoiter them.

As the cavalry of Brutus saw Cassius's friend approach, some of them leaped from their horses and embraced him, while others came up around him, amidst clashing of arms and expressions of gladness. Cassius mistook what he saw to be the seizure of his loyal friend, Titinius, by the enemy, and he regretted having sent Titinius into the enemy's hands. He then withdrew to an empty tent, accompanied by his freedman, Pindarus, where Cassius killed himself with the same dagger that he had plunged into the veins of Caesar. Cassius died on his birthday.

At the second battle of Philippi, Brutus was defeated. After the battle, he retired to the top of a large rock where he presented his naked sword to his breast, and, with the help of his trusted friend, Strato, fell upon his sword and died.

The Republicans had lost the last great land battle.

Philippi was a decisive victory. It laid the entire Roman world at the victor's feet. To Antony, the real victor, belonged the glory and the major portion of the spoils. As for Lepidus, Antony and Octavian shunted him off to Africa, where he slid into impotence and obscurity.

(Ms. MOSELEY-BRAUN assumed the chair.)

Mr. BYRD. Madam President, the pressures of time prevent me from dwelling on the momentous years that transpired between the battles of Philippi and the battle of Actium. Antony had spent several of those years in the east, where he had failed in a campaign against the Parthians, finally limping back to Syria after having lost 20,000 men. He would have lost more men had it not been for his superb generalship and the discipline of his legions.

Antony, meanwhile, had been completely captivated by the personal charm of Cleopatra VII, whom Julius Caesar had established on the Egyptian throne, as Queen. Antony had come to Tarsus—we remember Paul of Tarsus. Antony had come to Tarsus, in Cilicia, where Cleopatra, whom he had previously summoned to explain why she had aided and financed the conspirators, was soon to arrive. Cleopatra arrived in a splendid barge with silvery oars and purple sails. She was all decked out in gorgeous clothes, redolent with exquisite perfumes. Without questioning her past policies, Antony quickly succumbed to the spell of her irresistible charm.

Madam President, the love life of Antony was only a pretext for the struggle between Antony and Octavian. It is true that Antony had treated his wife Octavia, the sister of Octavian, in a shabby manner. She had been a good and loyal wife, and Antony's rejection and divorce of her were abominable to many Romans, and for Octavian, they constituted a personal insult and an act of war.

The breach between the two rivals constantly widened, and the propaganda machine of Octavian worked overtime, day and night, against Antony and Cleopatra.

It was not easy for as crafty a politician as Octavian to go to war against a man as popular as Antony, with both consuls on his side and half of the Senate. To prove Antony a menace to Rome was a difficult thing to do. But Cleopatra was another matter. Cleopatra was more vulnerable, and against her, Octavian's propaganda machine would more effectively work. Was not that detestable oriental queen plotting to make herself Empress over the Roman world? Had she not been heard to say that she would one day hand down justice from the Capitol? In all of Cleopatra's alleged machinations, Antony was made to appear as her doting dupe.

Capitalizing on the popular revulsion against Antony, Octavian now moved to mobilize public opinion. He contrived to secure, from the municipalities in Italy and the provinces, an oath of personal allegiance, after which he declared Antony stripped of his Imperium and of his consulate.

Late in the fall of 32 B.C., Octavian declared war. Antony, meanwhile, had sailed for Greece where he took up a strong position at Actium. Militarily, Antony should have won the battle of Actium. He was the superior general, and his land forces were at least the equal of Octavian's. He also had a large naval fleet. But Antony's weaknesses outweighed his strengths. Not one of his admirals was the equal of Marcus Vipsanius Agrippa, Octavian's great naval commander. Moreover, Antony's ships were too heavy and too slow. But, worst of all was the low morale of his forces. His officers detested Cleopatra, and, in private, they cursed Antony for not sending her back to Egypt.

The battle of Actium was fought on September 2, 31 B.C., and is considered to be one of the most famous and decisive battles of the world. Yet, it evidently was a miserable affair and scarcely worthy of the name of battle. It was fought at sea, and only a small number of ships actually were engaged. The land armies never fought at all.

The battle of Actium was decisive and famous only because it marked the end of the republic and foreordained the beginning of the empire.

At the height of the already hopeless battle, Antony caught sight of Cleopatra's ship withdrawing from the contest and heading out to sea. The reason for her precipitous departure is not known, but the distraught Antony instantly followed his queen—who was the first cause, and now the accomplisher, of his ruin. His men, left leaderless, soon succumbed to bewilderment and surrender.

The following year, 30 B.C., Antony committed suicide in Egypt. Shortly thereafter, Cleopatra took her own life. Cleopatra died at age 39. Antony was 47—some say older—when he died.

Shortly before Cleopatra expired, she had had brought to her, concealed in a basket of figs, some poisonous asps. Shakespeare has Cleopatra saying to her faithful lady attendant Iras: "Give me my robe; put on my crown: I have immortal longings in me," after which she presses one of the poisonous asps to her breast, it bites her, and she dies.

Late in the summer of 29 B.C., Octavian returned to Rome in triumph. After a century of civil wars and revolution, Rome was exhausted. Farms had been neglected, much of the countryside had been left desolate, small towns had been deserted, the cities had been beseiged and sacked, robbers and gangs had left the streets unsafe, morals had eroded, adulteries and divorces had multiplied, and a shallow sophistication prided itself upon its arrogant cynicism—much of what we see in our own country today.

The Senate by now was little more than a name. It gratefully yielded its powers to one who would plan, accept responsibility, and lead. And out of the collapse of the republic, it was necessary to form a new government that would forge a new order. Step by step, Octavian persuaded—or perhaps I ought to say he graciously permitted—the Senate and the assembly to cede him powers which, in their totality, made him king in everything but name.

Octavian revised the membership of the Senate and expelled some 200 of the more disreputable Senators. In 18 B.C., the process of deflation was continued when he reduced the number of Senators to 600.

On the 13th of January, 27 B.C., Octavian appeared before the purged Senate proclaimed the restoration of the Republic, dramatically offered to give up all of his powers to the Senate and the people, and expressed the desire, at 35 years of age, to retire to private life.

Overwhelmed by the noble gesture, the Senate countered his offer of abdication with its own abdication, restored to him nearly all of his powers, and implored him to continue his guidance of the Roman State.

Three days later, on the 16th of January, 27 B.C., the Roman Senate conferred upon Octavian the title of "Augustus," by which he was henceforth known. It was a term that conveyed no new powers, but was an epithet applicable to the gods and to all things holy, and was well adapted to his exalted position. This term of exalted connotation and religious association made Augustus larger than life and worthy of veneration as a sacred being.

A second title was conferred, that of Imperator, "which, after 27 B.C., Augustus used as a permanent praenomen. The praenomen Imperator, after that time, was the prerogative of every Roman Commander in Chief. From, the term Imperator derived the term Emperor," commonly used today to designate Augustus and his successors.

Augustus was the President of the Senate—the Princeps Senatus—first among Senators. But he was also designated Princeps Civium Romanorum, first among Roman citizens.

From the word "Princeps" arose the term "principate"—to designate the office held by the Princeps, a term which also applies to the system of government which Augustus established for the empire.

In 27 B.C., Augustus established a committee to assist him in preparing the agenda for the meetings of the Senate. The committee consisted of both consuls, a representative of each of the other magistracies, and 15 Senators chosen by lot and rotating every 6 months. Reinforced by members of the imperial family and the equestrian order in 13 A.D., the committee began to assume many of the formal functions belonging to the Senate.

Also in 27 B.C., Augustus created the Praetorian Guard, a permanent corps of nine cohorts, or battalions, each 1,000 strong, of picked soldiers to serve as the Emperor's guards and to accompany the Emperor and his family wherever they went, and also to perform the miscellaneous functions of imperial aides-de-camp.

Three of the cohorts were billeted about the city. The remainder were quartered in nearby towns. For several years, Augustus kept them under his direct control. But in the year 2 B.C., the command was entrusted to two praefecti praetorio, or praetorian prefects.

Lucius Aelius Sejanus was made joint prefect with his father upon the accession of Tiberius in 14 A.D., and was made sole prefect in 16 or 17 A.D. By A.D. 23, Sejanus had succeeded in concentrating all of the guard in one barracks near the Porta Viminalis, from which event dates the political importance of the Praetorian Guard and its commanders.

Caligula increased the number of cohorts to 12, and under Vitellius they grew to 16. Vespasian reverted to 9; Domitian raised the number to 10, where it remained significantly unchanged until the Praetorian Guard was disbanded by Constantine the Great in A.D. 312.

Now, I have mentioned the guard here because, in the future centuries of empire following Augustus, the guard would prove to be a fertile hotbed for sedition and conspiracy, and would, from time to time, make and break Emperors. As a matter of fact, Sejanus, who had been the first sole prefect, was executed by Tiberius for leading a conspiracy.

In 23 B.C., Augustus reached a new settlement, or understanding, with the Senate. His powers were vastly increased at home and abroad. He was granted the tribunition power, and was also granted the imperium over the city, over the whole empire, and over the Army. Thus, all of the powers of state were now vested in one man, the Emperor, whose word was law.

The Senate ceded—note the word "ceded," the Senate was not forced to do it—the Senate ceded to Augustus special authority to conclude treaties with foreign powers without submitting them to the Senate or the people for ratification. All incoming magistrates swore an oath to observe all of the Emperor's acts and ordinances, past and future. As the master of the legions he was also their paymaster. He controlled the purse strings of the Roman state, and his was the determining voice in all questions of taxation. Augustus also acquired the appellate jurisdiction, and the habit of "appealing unto Caesar" gradually established the Imperial Court of Appeal as a regular part of the constitution.

Thus, Madam President, in 23 B.C., were forged the two constitutional bases of the principate: The tribunition power and the proconsular Imperium.

The constitution of the empire dates from the year 23 B.C.; 23 B.C. marks the birth of the Roman Empire, and Augustus apparently recognized its significance, for he dated all future public documents from that year, 23 B.C.

Madam President, the Emperor enjoyed absolute power and authority as a gift of the Senate and the people, technically speaking, but in reality, the wide range and magnitude of his powers and functions were essentially monarchical. Rome, which had been founded by a legendary king, beginning in 753 B.C., and had been ruled by historical kings until 510 B.C., was now, 730 years later, in 23 B.C., governed by an emperor. The Roman Senate which, for almost 5 centuries, controlled the power of the purse and had been the supreme organ under the republic, had voluntarily given up these powers, had become dependent, had become fearful, had lost its nerve and had ceded power, without being forced to do so, to an Emperor. And for the next 499 years, ending in the year 476 A.D., Rome would be governed by Emperor.

Rome had gone the full circle, from king, to republic, to Emperor. But, Madam President, "What's in a name?" That which we call a king, by any other word would be the same.

Madam President, I thank the Chair and yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

THE CHRISTA McAULIFFE FELLOWSHIP PROGRAM—"I TOUCH THE FUTURE, I TEACH"

Mr. KENNEDY. Madam President, it is a privilege to take this opportunity to pay tribute to the 66 participants who have completed this year's Christa McAuliffe Fellowship Program.

As a teacher, Christa Corrigan McAuliffe excelled. For years, she taught and inspired her students as few teachers can. She was chosen to be what all great teachers deserve to become—a symbol and model for our whole society. She became an inspiration to all Americans when she was selected to be the first teacher in space. She became an instant heroine, and her life ended much too soon.

To honor her spirit and dedication, the Christa McAuliffe Fellowship Program recognizes outstanding teachers in the States and territories each year. This program was established in 1986 by the Department of Education in conjunction with the Christa Corrigan McAuliffe Center for Education and Teaching Excellence at Framingham State College in her hometown, Framingham, MA. In recognition of the dedication that was the trademark of Christa's McAuliffe's life, these fellows have completed a semester project or year-long project to enhance their own teaching skills and broaden the horizons of education. Their lives personify the hope evident in Christa McAuliffe's statement which remains as the motto of the Christa Corrigan McAuliffe Center: "I touch the future, I teach."

I congratulate the 66 men and women in this year's program for their hard work and commitment. They embody a dedication to their students and their profession, which holds great promise for American education. They are an asset to our Nation, and a fitting tribute to the memory of Christa McAuliffe.

I commend them for the honor they have received and for their admirable contributions to American education, and I ask that a list of the fellows be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

CHRISTA McAULIFFE FELLOWS

Judith Barnes, Alabama.
Patricia Jacobson, Alaska.
Cindy M. Peterson, Arizona.
Hugh W. Hill, Jr., Arkansas.
Cynthia Lynn Chun, California.
Walter C. Coleman, California.
Charles Robert Downing, California.
Candice Elaine Musso, Colorado.
Stephen M. Rocketto, Connecticut.
Charlotte B. Hughes, Delaware.
Barbara F. Emerson, District of Columbia.
Chris Carey, Florida.
Katie M. McGrath, Florida.
R. Wesley McCoy, Georgia.
Richard Anthony Young, Hawaii.
Marilee Case Donivan, Idaho.
Lee Robert Marek, Illinois.
Michelle Lavae Cline, Indiana.
Judy M. Christiansen, Iowa.
Becky K. Goodwin, Kansas.
Robert Leonard Barnett, Kentucky.
Donald Ray Thornton, Louisiana.
Molly Schen, Maine.
Mary Jo Messenger, Maryland.
Elaine C. Capobianco, Massachusetts.
Bruce Robert Dean, Massachusetts.
Mary E. Brown, Michigan.
Kris A. Skrutvold, Minnesota.
Vicki Fortson Shirley, Mississippi.
Sheila Denise Perry, Missouri.
Dorothea M. Susag, Montana.
Paul M. Ekberg, Nebraska.
Susan Jane Justad, Nevada.
Donna G. Butler, New Hampshire.
Vivian E. Kean, New Jersey.
Barbara Shimshak, New Jersey.
Jeremiah S.P. Cronin, New Mexico.
Benita Behar Miller, New York.
Fred V. Gillam, New York.
Cary Lane Cockrell, North Carolina.
Janet D. Ward, North Carolina.
Donald L. Hoff, North Dakota.
Emily S. Hoar, Ohio.
Gary D. Sacket, Oklahoma.
Roy W. Chambers, Oregon.
Patricia Oravetz, Pennsylvania.
Daryle Crew Roboch, Pennsylvania.
Jane L. Lancaster, Rhode Island.
Timothy C. Kentopp, South Carolina.
June S. Chase, Tennessee.
Ethan H. Calk, Texas.
Gayle K. Gaston, Texas.
Carolene M. Leibl, Texas.
Sheri Lyn Sohm, Utah.
Thomas William Keck, Vermont.
Amanda Louise May, Virginia.
Becky Austell Freeman, Washington.
Ella Darlene Bell, West Virginia.
John L. Mudore, Wisconsin.
Paul J. Uhren, Wisconsin.
Connie Nerby, Wyoming.
Fa'auisa M. Sotoa, American Samoa.
Joseph A. Gumataotao, Guam.
Patricia K. Fua, Mariana Island.
Lucila De Leon, Puerto Rico.
Kyle J. King-Reynold, Virgin Islands.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Madam President, as of the close of business on Friday, September 3, the Federal debt stood at $4,390,740,764,704.03, meaning that on a per capita basis, every man, woman, and child in America owes $17,093.97 as his or her share of that debt.

AGRICULTURE AND THE NAFTA

Mr. BAUCUS. Mr. President, I rise to address the implications of the proposed North American Free-Trade Agreement, or NAFTA, for American agriculture.

While the Congress was in recess, our trade negotiators completed work on the NAFTA side agreements on environmental and labor issues. The NAFTA with its side agreements is now poised to be sent to Congress for approval.

So far much of the controversy over NAFTA approval has focused on the House of Representatives. Senate approval is taken by some as a foregone conclusion. Over the recess the suggestion was even made that the Senate should act first—presumably to generate momentum for a tougher House vote.

Before the administration embarks on that course of action, I suggest they take a very careful look at the likely vote in the Senate. To my knowledge, no truly reliable survey of Senators has yet been taken. Those that I have seen contain errors or at least very questionable assumptions on the likely outcome of a vote.

This lack of focus on the Senate extends beyond making loose assumptions about the outcome of a likely vote. The administration, the news media, and those lobbying the issue have as of yet failed to focus on some critical issues of interest to Senators.

As is apparently true in the House, issues of labor costs, the environment, and job displacement in the manufacturing sector will unquestionably be of importance to the Senate. But an issue that has gotten very little attention in the House—agriculture—will be of almost equal importance.

My own informal survey indicates that as many as 15 Senators have indicated that certain agricultural issues will have a critical impact upon their vote on the NAFTA. The agricultural problems most frequently cited involve wheat and sugar and they are the subject of my remarks today.

CANADIAN WHEAT

It will be refreshing to those who have been following the NAFTA debate for sometime to find that the dispute on wheat involves not Mexico, but Canada. Canada and the United States are both major agricultural producers and exporters.

They both maintain farm support programs—though the two programs are quite different. The western Canadian provinces in particular compete directly with northern tier agricultural States, like Washington, Idaho, Montana, Wyoming, and the Dakotas.

In my mind, the ultimate blame for the wheat trade problems that we are now experiencing lies directly at the doorstep of the Bush administration and the Reagan administration before it. Most of the problems we face today trace back to the decision to largely ignore agricultural trade problems in the 1988 United States-Canada Free-Trade Agreement or CFTA.

The CFTA did not cause many of the problems—they have existed for years. But it did fail to address them. And as is often the case inattention has made them worse. In the last several years, Canada has been using some of the loopholes in the CFTA to rob American farmers of markets both here in the United States and in Mexico. There are three separate problems in need of attention.

TRANSPORTATION SUBSIDIES

First, Canadian transportation or Crow's Nest subsidies have become a serious problem. These subsidies have existed since agriculture became a major industry in the western provinces. They amount to the Canadian Government paying the cost of shipping Canadian farmer's crops from field to market. In present market conditions, they sometimes amount to a $20 per ton subsidy on wheat.

Under the CFTA, our trade negotiators inexplicably agreed to a scheme which banned using these subsidies on shipments into Western States, but allowed them on shipments to Eastern States. Not surprisingly, Canadian shipments of wheat have tripled—from 23 to 75 million bushels in the last 5 years. With almost all the shipments coming into Eastern States.

To the great credit of President Clinton and his Agricultural Secretary Mr. Espy, the Clinton administration appointed a working group to deal with this problem of Canadian wheat trading practices.

It is my understanding that the as yet unreleased report of this working group concludes that these subsidized Canadian shipments of wheat are distorting the United States wheat market and costing the American taxpayers some $600 million over 4 years in additional farm program costs. There is also concern that some of this Canadian wheat is finding its way into United States farm export programs and is being reexported at taxpayer expense.

But the damage does not end there. The Canadian Government has also used these transportation subsidies in the last 2 years to gain control of almost three-quarters of the Mexican market, a market in which the United States has obvious geographic advantages over Canada.

THE CANADIAN WHEAT BOARD

In addition to transportation subsidies, Canadian wheat exports are also subsidized through a Government operated monopoly known as the Canadian Wheat Board.

Exact information on the prices charged by the wheat board are not released. But it is known that the wheat board charges a high domestic price as in Canada for wheat—sometimes twice the Canadian export price—and uses the profit, that is the profit it gets from higher prices to its domestic consumers to subsidize lower priced export sales.

All exact sales prices are carefully guarded secrets, but those familiar with wheat markets, including experts at the Department of Agriculture, believe that Canada consistently undercuts market prices to undersell the United States.

A CLOSED CANADIAN MARKET

Since Canadian exports to the United States seem to have climbed under the CFTA, the casual observer might expect a similar increase in United States exports of wheat to Canada. But that is not the case. United States exports of wheat to Canada remain virtually nil.

This is not surprising since they were kept out by the wheat board to keep the Canadian domestic price high. American wheat was first blocked by a flat ban and now by a system of restrictive import licenses and export certificates.

SOLVING THE PROBLEM

Mistakes were made in negotiating the CFTA with regard to wheat and they were not corrected in the NAFTA. But the inequities that burden American farmers can still be remedied in the context of the NAFTA.

The Clinton administration deserves praise for authorizing the use of the U.S. Export Enhancement Program or EEP on sales of United States wheat to Mexico to counter Canadian subsidies. We are doing that now. It is helping. If Canada continues subsidies, we may have no alternative but to fight fire with fire. But there are better ways to address this problem.

The obvious way to address this problem would be for all parties to agree not to use any subsidies on sales within North America. This would certainly be consistent with the spirit of free trade. But when this issue was raised by United States negotiators recently, they were told flatly "no" by their Canadian counterparts.

Privately, Canadian negotiators intimated that the Canadian Government had decided it was better politics to simply oppose the United States than it was to negotiate.

DOLE LETTER

In light of this Canadian refusal, Senator DOLE and I sent a letter to President Salinas 2 months ago suggesting that he employ Mexican unfair trade laws to impose a duty on subsidized Canadian wheat entering Mexico. If such a duty were imposed, the United States could suspend operation of the Export Enhancement Program in Mexico.

We have received as of yet no formal response. But informally American and Mexican wheat growers have been urging their governments to begin action on this front—perhaps by defining practices that they would both consider unfair and countervailable subsidies. I ask unanimous consent that a copy of the letter sent by Senator DOLE and myself be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC, July 13, 1993.

President CARLOS SALINAS DE GORTARI,
Palacio Nacional, Patio de Honor, Mexico, D.F.

DEAR PRESIDENT SALINAS DE GORTARI: We write today regarding an issue of mutual concern. U.S. wheatgrowers remain dissatisfied with the outcome of the 1988 U.S-Canada Free Trade Agreement (CFTA). Specifically, the continuation of de facto Canadian export subsidies on wheat shipped to the United States and Mexico is not acceptable. Canadian dominance of the Mexican wheat market for the past three years is a direct result of these subsidies.

The CFTA failed to address the use of the Canadian export subsidies on grain bound for Mexico. Section 304(a) of the U.S. implementing legislation for the CFTA directs the President to negotiate an end to these subsidies. However, in the face of Canadian intransigence on this issue, the negotiations have failed. Meanwhile, U.S. wheat producers have faced ever-increasing unfair Canadian competition in the U.S. and Mexican markets.

To address this situation, we urge you to immediately initiate a countervailing duty investigation with regard to Canadian wheat imports into Mexico. This action would indicate a strong desire to guarantee that the North American Free Trade Agreement will provide continent-wide trade, free of export subsidies. We understand that such an action would be strongly supported by Mexican wheat farmers. Failure to address this problem jeopardizes the support for the NAFTA among wheat producers and their congressional representatives.

Resolution of this dispute is of critical importance to both our countries. Failure to launch an investigation leaves no alternative but to use the Export Enhancement Program (EEP) to fight fire with fire. In fact, EEP has already been approved for use in Mexico and could be employed quickly. The resulting price war between the U.S. and Canada would trap Mexican producers in the crossfire, placing them in a position where they could not compete with the resulting lower prices.

Ultimately, we hope that a satisfactory prohibition on the use of export subsidies between the parties to NAFTA can be negotiated. Only when such an agreement is concluded can the vision of free trade between our countries be realized.

Thank you for your timely consideration of this matter. We look forward to your reply.

Sincerely,
MAX BAUCUS,
BOB DOLE.

Mr. BAUCUS. Mr. President, in addition, a provision of United States farm law known as section 22 could help address the Canadian wheat problem. Section 22 is an old provision of U.S. farm law dating back to the Great Depression. It directs the Federal Government to restrict imports of farm commodities if those imports interfere with the operation of the farm program.

As I mentioned, a USDA task force on this problem has concluded that imports of Canadian wheat are interfering with the operation of the United States farm program to the tune of $600 million per year. That same task force reportedly concludes that Canadian wheat imports should be restricted with section 22.

Undoubtedly, some United States editorial writers and Canada's close friends at the State Department will scream that the United States cannot use section 22 against Canada. I would remind those likely defenders of Canada of three points.

First, as I mentioned, Canada engages in numerous unfair trade practices regarding wheat, including restricting imports of United States wheat into Canada through a variety of means.

Second, at my urging, the United States specifically retained the right to use section 22 against Canada in both the CFTA and the NAFTA if market changes required it. The current $600 million annual cost of Canadian imports would clearly qualify.

Finally, the familiar refrain that the United States cannot take action because Canadian elections are right around the corner can already be heard. I find this argument ridiculous. When did the United States Government decide to become active members of Canada's Conservative Party as opposed to supporting other parties or any other party in the country of Canada? I am certainly not prepared to endorse a $600 million contribution by American taxpayers to their reelection campaign.

END USE CERTIFICATES

One partial solution to this problem that has passed the U.S. Senate twice and the U.S. House on three occasions is end use certificates. These are certificates that would accompany any shipments of wheat into the United States. They would ensure that this imported wheat would not find its way into U.S. export programs to be reexported at taxpayer expense.

End use certificates are a simple good-government provision that should have been invoked long ago. They are employed by Canada and their use here is urged by numerous farm organizations and most recently seven by the Minneapolis Grain Exchange. These certificates are long overdue and must be included in the implementing legislation for the NAFTA.

NEGOTIATONS

Finally, the only sensible solution to this problem is for both Canada and the United States to forswear use of subsidies and other unfair trade practices on wheat against each other. Perhaps some meaningful action as I have proposed above would convince Canada that the cost of inaction had grown high enough to justify good-faith negotiations.

Later this week, I will send a letter to the administration detailing some of the above measures to redress wheat trade problems. I urge like-minded colleagues to join me in this call on the administration for action.

SUGAR

Many Senators, including myself, have concerns involving potential imports of sugar from Mexico under the NAFTA.

This should be surprising since neither Mexico nor the United States is a net exporter of sugar. Some sugar is traded between the United States and Mexico, but the trade goes both ways and the volumes involved are small.

But thanks to a negotiating error by the Bush administration a potential hole in the agreement could invite Mexico to switch its domestic soda industry from sugar to corn sweetener and export this artificially created sugar surplus to the United States. Clearly, this shell game would be counter to the spirit of true free trade and must either be addressed with an understanding between the United States and Mexico or through NAFTA implementing legislation. The administration has spoken reassuring words on this problem, but it is now time to back those words with action.

CONCLUSION

As I said at the outset, my own vote counts show that the agricultural issues that I have today raised are critical to the votes of some 15 Senators on the NAFTA.

To the best of my knowledge, more votes in the Senate hinge on resolution of these issues than on any other set of sectoral issues. And if all 15 of these votes were to be lost, the NAFTA would have little chance of winning Senate support.

I hope that this stark reality is finally enough to focus the attention on these issues that they deserve both within the administration and in Mexico. If the President is to win congressional approval of the NAFTA, it will only be through careful attention to issues like agriculture.

WILLIAM P. NAGLE, SR., FOUNDER OF THE HONOR COURT IN NORTHAMPTON, MA

Mr. KENNEDY. Madam President, it is a privilege to take this opportunity to pay tribute to William P. Nagle, Sr., for his commitment and dedication to the people of Northampton, MA. For many years, Mr. Nagle, who died on March 24, 1993, was the director and driving force behind the Honor Court, a rehabilitation program for alcoholics and drug abusers in the city of Northampton. His leadership enabled the Honor Court to perform counseling, education, and employment assistance to its members while providing a large number of needed public services to the community.

Mr. Nagle was a probation officer for the Hampshire District Court in 1975 when, inspired by his own successful battle against alcoholism, he designed a rehabilitation program for recovering alcoholics involved in the court system. Initially, 100 people were assigned to the program by the judges. Today, over 700 people are enrolled in the Honor Court program and are involved in a variety of worthwhile projects in the city of Northampton.

The Honor Court offers its services 24 hours a day, 7 days a week. These services include counseling, transportation to detoxification centers and hospitals, and daily meals for the needy. The program emphasizes the importance of dignity and self-respect among recovering alcoholics. It is founded on the concept that by helping others, individuals can learn to help themselves, and it has been unusually successful in achieving its goals. The program is well-known in the Northampton area for its public services, which include providing holiday dinners for the sick, the elderly, and the needy, refurbishing courtrooms, sweeping streets in downtown Northampton, and maintaining the Honor Court Hotel, which was built by participants in the program and which houses about 20 residents.

Mr. Nagle deserves great credit for his tireless efforts and dedication to this program. Large numbers of individuals have benefited from the variety of services offered by the Honor Court, and the entire community has benefited from the public service initiatives performed by its members. His devotion to the Honor Court and his remarkable efforts on its behalf were outstanding, and his own unusually impressive service to the people of Northampton will be long remembered. I know that Mr. Nagle was proud of his son, William P. Nagle, Jr., who is carrying on the family tradition of service to the community as the elected representative of the people of Northampton in the State legislature.

I ask unanimous consent that an article on William P. Nagle, Sr., and his achievements may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Daily Hampshire Gazette, Mar. 24, 1993]

HONOR COURT FOUNDER DIES: BILL NAGLE, SR., CALLED FIGHTER

(By Rachel Simpson and Judith Kelliher)

NORTHAMPTON.—William P. "Bill" Nagle Sr., 67, a self-described former "falling-down drunk . . . Insane with alcoholism" who became one of the most colorful and controversial men in the city's recent history, died early today.

Mr. Nagle for the past 22 years had directed the Northampton Honor Court, a program he built that helped thousands of recovering alcoholics and drug addicts. While the Honor Court was his love, he was employed officially as an assistant probation officer at the Northampton District Court.

Mr. Nagle was pronounced dead at The Cooley Dickinson Hospital after being taken there by ambulance from his apartment at 76–A Maple St., Florence.

The Pease Funeral Home is in charge of arrangements, which are incomplete.

Mr. Nagle often told stories about how he had risen from the gutter to a position where he counted judges, doctors and other prominent people among his friends. But it was the men of the Honor Court to whom he was most fiercely loyal.

Northampton District Court Judge W. Michael Ryan said today that Mr. Nagle will long be remembered "for his good works and his mighty battles."

Judge Ryan said his memories go back many years to when Mr. Nagle chaired the Northampton Democratic City Committee in the early 1950s.

"He was primarily a fighter. He went from fighting political battles to fighting his own demons," Judge Ryan said. "And when he successfully licked his own problems with alcohol he went to battle for other people."

Judge Ryan said Mr. Nagle had a vision for the Honor Court and an idea of service to the community "and he pushed it."

"He was a mighty warrior and he'd take on everyone if he thought he was right. And he usually thought he was right," the judge said.

Mr. Nagle, who admitted he had a short temper, did not shy away from controversy and he ruffled more than a few feathers.

Although the Honor Court was widely praised for the services it provided—including cleaning downtown streets, maintaining city parks and delivering meals to elderly people—Mr. Nagle's personality also caused him to get into scrapes with city officials from time to time. When officials said or did something he did not like, he sometimes would respond by having the Honor Court temporarily stop its cleaning.

Mr. Nagle was sometimes criticized for his hard-line approach to treating alcoholism. But he also had a loyal following among most Honor Court members who took pride in the holiday meals they served for the public—at no charge—year after year. Last Thanksgiving, 1,900 dinners were served.

Mr. Nagle's work drew attention far and wide. He was named "citizen of the year" by the Greater Northampton Chamber of Commerce in 1988, a few months after he received a letter of recognition from President Ronald Reagan.

In 1991, Mr. Nagle was honored by President George Bush as the 392nd "point of light" for his volunteer work.

Hampshire Family and Probate Court Judge Sean Dunphy today fondly recalled first meeting Mr. Nagle when he would visit the Dunphy house to work with the judge's father, Edwin Dunphy, on city Democratic politics.

"I came to know him myself and we use his Honor Court program for probate and family court all the time," Dunphy said. "I think he'll be remembered as someone who gave so much to others."

William Burke, chief probation officer for Northampton District Court, said Mr. Nagle will be missed by co-workers in the probation office, but more so by the men in the Honor Court program.

"He always looked for the person who was down and out. His heart was as big as a mountain," Mr. Burke said. "I don't think anybody in the country could run the Honor Court program the way he did. He took men and put them back in society and they're great citizens now."

Mayor Mary L. Ford said when she learned of Mr. Nagle's death today she was "immediately aware of what a gaping hole there is now in the community."

The mayor praised Mr. Nagle's "strong leadership and dedication to helping people with addiction problems."

"His way of helping his men, as he called them, was so effective where others failed," she said. "He was loving and cantankerous. We all feel that no one can replace him."

F. Richard Wall, a longtime banker and businessman on Main Street, recalled Nagle as a man who loved Northampton.

"He was a rare man. He had the good of his city at heart at all times," he said.

Mr. Wall said Nagle's legacy will be the Honor Court. "That will be a lasting memorial to Bill, I'm sure."

Mr. Nagle started the Honor Court in 1971, after not having had a drink for five years. He was selling insurance, and at that time W. Michael Ryan was a probation officer who needed help for several teenagers who had been arrested for alcohol-related offenses. Ryan thought Mr. Nagle might be able to help.

That was the beginning of the Honor Court and of Mr. Nagle's work at the courthouse, first as a volunteer and later as an assistant probation officer.

The first Honor Court residence was set up in the Hotel Northampton in 1979. It later was located at 24 Main St. and in a home on Wilson Avenue before moving to its current location at 16 Meadow St., Florence, in 1990.

At one time, Mr. Nagle turned a personal pastime, jogging, into a public service as well, managing to raise several thousand dollars by staging runs for local charities.

In 1982 and 1983, he ran 23 miles to raise money for the hungry and the homeless—running from City Hall down Route 5 toward Easthampton, over Mount Tom to Holyoke and back to Northampton.

Born in Northampton Sept. 30, 1925, he was the son of the late Patrick and Abbie (Keene) Nagle.

Mr. Nagle attended local schools, and for many years worked as an insurance salesman. He had also worked as a labor organizer in the 1950s.

In 1947 at the age of 21 he was elected to the city's former Common Council, where he served three terms.

In 1988 Mr. Nagle was the marshal of the Northampton contingent for the St. Patrick's Day Parade in Holyoke.

Among his children are state Rep. William P. Nagle Jr. of Northampton.

JOHN CHANCELLOR'S COMMENTARY

Mr. MOYNIHAN. Madam President, the Senate returns today for the fall session. This evening millions of Americans, ourselves included, will turn to their television sets to see what the world looks like just now and what seems in prospect. However, for the first time in near to a quarter century, John Chancellor will not be speaking to us from "NBC Nightly News." Joining us, I might better say, for none ever has had his gentle congeniality as he invited us to share his thoughts on the great events of an often terrifying age.

The Senate will perhaps understand that I would as soon not dwell too long on this end of an era. We shall not see his like again; history will not allow that. But it does surely offer the possibility of absorbing the message of his final four broadcasts, and to look forward to many books to come.

Madam President, I ask that these commentaries be printed in the Record and that an embossed copy be presented to John Chancellor.

The commentaries follow:

John Chancellor's Commentary, "NBC Nightly News," Tuesday, June 29, 1993

When I first came to Europe for NBC News in the 1950s, there were things we believed very strongly: that the U.S.A. was the unquestioned leader of the non-Communist world; that the Soviet Bloc, which then included China, was very dangerous; that the countries in Western Europe would come together some day as a powerful force; and that Japan would emerge as a stable and important economic power. These beliefs were held for more than a generation. Today, every one of them has been changed. Many people believed Communism would collapse, but no one thought there would be a crisis in the capitalist world, in the world's richest countries, yet that happened. A few years ago, the United States had so little money to fight the war against Iraq that it had to ask other countries to help pay its expenses. Western Europe today is in what some have called a "managed Depression." The political leadership in big major European countries is in deep trouble. Japan's political system has simply exploded, and is being reassembled in the middle of a painful recession. Bill Clinton will be meeting with the leaders of these countries next month, and even with his troubles he'll be in better shape than the others.

The certainties we lived with are certainties no more. The end of the Cold War means much more than just the end of Communism. Washington is redefining the meaning of world leadership. Europe is rethinking the idea of the welfare state. Tokyo is rebuilding an entire party political system. The question of course is, "What happens now?" The answer of course is, "No one knows."

John Chancellor's Commentary, "NBC Nightly News," Wednesday, June 30, 1993

An alliance is only as good as its parts, but in the case of NATO, it is only as good as the part the United States plays. NATO might not have made it without the Americans. With the Americans, with strong American leadership, NATO kept Europe secure from war for more than 40 years.

So it is sad to report that NATO isn't protecting Europe from war anymore. The people of Bosnia are Europeans, the conflict in Bosnia threatens Europe with a wider war, and a wider war could split NATO right down the middle. There is every reason for NATO involvement, but the alliance has been divided and ineffective since the trouble began in Bosnia 14 months ago.

To a large degree, the United States is responsible for NATO's failure. Listen to what the Supreme Commander of NATO says—a four-star American general named John Shalikashvili. He says NATO's problem is that the United States didn't lead from the beginning. General Shalikashvili says the Bush administration decided two years ago that it would play no active role in resolving the crisis. And the Clinton administration has not been a leader in NATO policy toward Bosnia. The result of this American inaction, according to the Supreme Commander of NATO, is "collective failure".

For President Clinton, being cautious has been popular. Some say Bosnia might be like Viet Nam. Don't get involved.

But it makes you wonder what the United States may do when other nasty crises threaten the peace and security of other allies. Will America's friends get strong American leadership? Maybe not. NATO certainly didn't get it.

John Chancellor's Commentary, "NBC Nightly News," Thursday, July 1, 1993

Since I joined NBC News in 1950, the population of the United States has grown by about 100 million people, believe it or not. And yet, it seems to me that Americans don't spend as much time with each other as they used to. Families used to go downtown to the movies; today, people rent videos and watch them at home, often alone. Shopping malls and big discount chains drive main street shops out of business. So long, mom and pop stores. There are fewer big factories employing thousands of workers. Union membership has declined. More people drive alone in cars than ride on public transportation.

Technology has had a lot to do with it. Television keeps people at home, and has created a huge coast-to-coast take-out food business. More people are working at home. Offices are going out of style. The Wall Street Journal reports that some salesmen are losing their offices; they can send in reports by fax, be reached by pagers, and talk to their bosses through portable computers. No gossiping around the water cooler; no more coffee breaks.

There has been a big increase in communication through online computer networks, electronic mail and bulletin boards, but these people sit at their computer keyboards and never set eyes on each other.

So, there are 100 million more of us than there were 40 years ago, and yet we seem to see less of each other than we did then. I think that's the biggest change I've seen over the years, and it's the change that worries me the most.

JOHN CHANCELLOR'S COMMENTARY, "NBC NIGHTLY NEWS," FRIDAY, JULY 9, 1993

One last word from me.

Years ago, Ben Grauer, who was a distinguished broadcaster for NBC, told me how to behave on the air. He said, "Always remember, you are a guest in their home." It was a privilege to have been in your home all these years. Thanks for your letters, not all of which I was able to answer. Some of those letters, you realize, were not complimentary. That goes with the territory: commentary sometimes works best when it makes people angry.

I owe a great debt to a multitude of colleagues at NBC News, who encouraged me, instructed me and put up with me. I've seen some of them become accomplished broadcasters, and Tom Brokaw is certainly a fine example. It's been a lot of fun. There's a little secret about journalism; we would do it for free, if that were possible, but they actually pay us to do it.

Finally, I want to thank those of you in the audience for your patience, courtesy and hospitality over these many years. It was an honor to have been a guest in your home.

That's commentary. Over to you, now, Tom.

Good luck and good night.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is concluded.

EXECUTIVE SESSION

NOMINATION OF M. JOYCELYN ELDERS, OF ARKANSAS, TO BE SURGEON GENERAL OF THE PUBLIC HEALTH SERVICE

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and proceed to the consideration of the nomination of M. Joycelyn Elders, to be Surgeon General. The clerk will report the nomination.

The legislative clerk read the nomination of M. Joycelyn Elders, of Arkansas, to be Medical Director in the Regular Corps of the Public Health Service and to be Surgeon General of the Public Health Service.

Mr. KENNEDY. Madam President, I understand there is a time limitation; am I correct?

The PRESIDING OFFICER. The Senator is correct. There are 8 hours equally divided.

Mr. KENNEDY. I yield myself such time as I may use.

Madam President, I urge the Senate to confirm the nomination of Dr. Joycelyn Elders, to be the Surgeon General of the United States. The Surgeon General is the family doctor to the Nation. Few positions in the Government are more challenging and offer greater opportunity to improve the lives of so many Americans. Disease knows no boundaries of age, race, gender, or class.

Every American child deserves a healthy start in life, but too many children are denied one. Whether the issue is infant mortality or childhood vaccinations, the Nation is failing to fulfill its responsibilities. Drugs, crime, and violence are destroying the lives and shattering the dreams of vast numbers of children. The epidemic of teenage pregnancy is a social and economic tragedy for the country and a personal tragedy for millions of young Americans.

Countless senior citizens are also denied the healthy and secure golden years that should be the reward for a lifetime of hard work. Senior citizens are forced into nursing homes because the care that would enable them to remain in their own homes is unavailable or inaccessible. For Americans of any age, lack of any adequate national strategy for preventive care can often lead to disability and premature death. We need comprehensive health insurance coverage and more effective ways to convince Americans to lead healthier lives and to avoid the self-inflicted wounds of smoking and drug abuse, poor diet, and lack of exercise.

In all areas of health care, it is the poor and minorities who suffer the most. Improving women's health is also a pressing need. A third of all American women do not receive the basic preventive care they need. Breast cancer strikes one in eight women, yet medical research has shortchanged women for decades. Epidemics continue to present serious health care challenges. AIDS threatens many American families and the only cure is prevention. An old killer, tuberculosis, has emerged from decades of neglect as a renewed threat to public health, and natural disasters, like last year's hurricane and this year's flood, pose major risks to public health in addition to the physical devastation that they cause.

By her record, her character, and her intellect, Dr. Joycelyn Elders is superbly qualified to take on these challenges and to be an outstanding Surgeon General.

Many Members of this body are aware by now of Dr. Elders' courageous life story, her rise from poverty to a career of healing and serving others. But it is a story well worth restating because it shows so clearly the exceptional character of a woman whose nomination we are considering.

Dr. Elders was born to a teenage mother and a sharecropper father in the tiny town of Schaal, AR, 40 miles from Texarkana. She grew up on the family farm in a three-room cabin with her seven brothers and sisters. The cabin had no electricity and no indoor plumbing. As a child, Dr. Elders worked in the fields to help support her family from June through Thanksgiving. School had to give way to work on the farm. Still, she was able to skip two grades, and she graduated as the valedictorian of her segregated high school when she was only 15 years old.

Dr. Elders' mother never had the benefit of prenatal care. In fact, her children were delivered in her home without medical assistance. One of Dr. Elders' earliest memories is of her young brother crying with the pain of a ruptured appendix being taken 10 miles on the back of a mule to the nearest doctor.

Until she went to college, Dr. Elders herself never saw a doctor.

Dr. Elders won a full-tuition scholarship to Philander Smith College in Little Rock. Money was so scarce that her brothers and sisters worked in the fields to help pay her busfare and buy her clothing. She graduated from college magna cum laude in 3 years. She joined the Army in 1953 so that she could earn the right to GI bill assistance to finance her medical education. She and her fellow African-American students at the Arkansas Medical School were forced to eat in a segregated section of the student cafeteria.

Dr. Elders went on to an internship in pediatrics at the University of Minnesota. Because of her ability, she was invited back to the University of Arkansas Medical School to the prestigious position of chief resident in pediatrics. After her internship, she was invited to stay on at the university as a professor of pediatrics. She became a recognized academic expert in her chosen field of pediatric endocrinology, with 150 published papers. In 1987, Governor Clinton named her to lead the Arkansas Department of Public Health.

As a pediatric endocrinologist and professor at the University of Arkansas

Medical School, she was a respected clinician and medical researcher with more than 150 published scientific papers to her credit. In her 6 years as leader of the Arkansas Department of Health, she earned a national reputation as a public health leader with a brilliant record of accomplishment.

In her years with the department of health, she almost doubled the proportion of Arkansas children receiving timely vaccinations. She launched an assault on infant mortality. She increased by tenfold the number of poor children receiving comprehensive health screening. She dramatically expanded cancer detection and treatment services for women. She increased home care opportunities for senior citizens. She led a crusade against the blight of teenage pregnancy. Most of all, she waged a tireless battle to bring better health care to all the children of Arkansas.

In spite of these widely acclaimed accomplishments, Dr. Elders' opponents have left no stone unturned in their unseemly attempt to undermine her record and character. The allegations against her have proved groundless in every case. Her opponents have distorted her record and twisted her statements into an unrecognizable caricature of the nominee. We are voting today on the real Dr. Elders, not the straw woman her opponents have attempted to portray.

This smokescreen of charges by her opponents has not fooled the people of Arkansas, and it will not fool the American people or the Members of the Senate. She is a superbly qualified physician who understands the real health problems of real people, especially children and the poor. She is a diamond in the rough—her opponents see the rough, but they always miss the diamond.

Because of her outstanding contributions to the health of the people of her State, Dr. Elders has been honored by the American Medical Association, the National Governors Association, the National Education Association, and many other organizations. She has received honorary degrees from seven universities—from Yale to the University of Minnesota to Lemoyne Christian College in Memphis, TN, to the Morehouse College of Medicine. She has been chosen by her peers—chief health officers throughout the country—to be the president of the Association of State and Territorial Health Officers. She has been endorsed by over 300 mainstream health, welfare, religious, and children's organizations—from the AMA to the YWCA, from the Methodist Church to the Junior League to the PTA.

Every allegation raised against Dr. Elders has been exhaustively examined and utterly refuted. Yet, as each allegation was disproved, her critics regrouped and came up with new attacks, but the result has always been the same—the charge has frizzled.

In the last day of debate before the August recess, a new and particularly hurtful charge was made. Based on a single out-of-context and distorted quotation, Dr. Elders' opponents accused her of being anti-Catholic.

Dr. Elders is a woman of deep religious faith whose commitment to the church is well known. The scholarship that opened the doors of a college education to her came from the United Methodist Church. She has been an active and devoted member of the Hunter Methodist Church and has served on a number of church boards. Her brother is a minister. Indeed, she has been named lay person of the year by Methodist Church, and, among her many honors, one that gives her immense satisfaction is the invitation she received to address the global meeting of the United Methodist Church.

For someone who has herself suffered from prejudice and who is herself such a deeply religious person, the notion that she engages in religious bigotry is preposterous. Dr. Elders has the utmost respect for the Catholic Church and its members. She has emphasized her admiration for the many contributions that church-based programs and church-inspired citizens have made to education, health care, and social justice in America. She has specifically written to the National Conference of Catholic Bishops and apologized for any offense caused by her statements.

Dr. Elders is not anti-Catholic. She is not a radical. She is not outside the mainstream. She is not a divisive person. She is a healer and coalition builder who has worked with a wide variety of people of diverse viewpoints to bring better health care to the people of Arkansas and the Nation. Most of all, she is a preacher and a teacher of immense commitment and knowledge—exactly what we need in a Surgeon General, America's First Physician.

The heart of the opposition to Dr. Elders centers around two issues—her strong pro-choice position on the issue of abortion, and her equally strong commitment to addressing the crisis of teenage pregnancy in a realistic way.

Americans of good will clearly differ on the issue of abortion. But Dr. Elders' pro-choice views are the same as those of the President who appointed her—the President who was elected by the American people, and who deserves to have the pro-choice nominee of his choice confirmed.

With regard to teenage pregnancy, an effective Surgeon General committed to this issue can make impressive and long overdue progress. As we saw in our hearing and our debate on the Senate floor prior to the recess, it is not Dr. Elders who is outside the mainstream on this issue—it is her critics. Dr. Elders supports a policy of encouraging abstinence. But she also recognizes the reality that not all teenagers will be abstinent. Dr. Elders' policy on this issue is precisely the policy of the top public health officials of the Reagan and Bush administrations, and it is a policy that has the broad support of the American people. Dr. Elders' opponents are entitled to their views, but they are not entitled to block Dr. Elders' nomination by distorting what she stands for.

We know the kind of difference that an effective Surgeon General can make to improve the health and lives of our fellow citizens. In the 1960's, Surgeon General Luther Terry roused the Nation to the dangers of smoking. In the 1980's, Surgeon General C. Everett Koop educated the Nation about the AIDS epidemic. In the 1990's, Dr. Joycelyn Elders has the potential to be a truly effective Surgeon General on all of the major public health challenges facing our country.

In the course of her distinguished career in public health, Dr. Elders has come to be widely respected, widely admired, and widely loved by the vast majority of those who know her, who have worked with her, or who know about her accomplishments and her deep commitment to better health care for all citizens. And when Dr. Elders says "all citizens," she means "all."

Her no-nonsense plain-speaking style has been especially frustrating to her ideological opponents. But it has made her admirers appreciate her all the more. Now, the Nation as a whole is about to feel the healing touch of this extraordinary woman. In the years to come it may well be said of Joycelyn Elders, as it was of Franklin Roosevelt, that she is loved for the enemies she has made.

I admire one other quality in Dr. Elders—her courage in facing up to her critics, and then facing them down. She has come through this unfair gauntlet of excessive criticism with flying colors. She has endured it, and she has prevailed over it. And her triumph here augurs well for her success in the years ahead as the Nation's Surgeon General. I urge the Senate to confirm her.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NICKLES. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Madam President, I yield myself such time as I may use.

REPEAL OF THE RETROACTIVE PROVISIONS OF THE TAX BILL

Mr. NICKLES. Madam President, I will just announce that shortly myself and several of my colleagues will be introducing legislation to repeal the retroactive provisions of the tax bill that we passed just last month prior to adjournment. I mention that because I happen to have traveled around my State some during the month of August. I heard a lot of disgust from our constituents who were upset about the fact that we passed the tax increases retroactive back to January 1. Many of these constituents are individuals who will not have a tax increase, yet they still felt it was improper and not right, certainly not fair, to pass retroactive tax increases.

So I told them that I would be working to repeal the retroactive provisions and make the tax increases effective no earlier than the date of enactment of the tax bill. I expect that before the day is out, myself and several other people will be introducing that legislation.

THE NOMINATION OF DR. JOYCELYN ELDERS, OF ARKANSAS, TO BE SURGEON GENERAL OF THE PUBLIC HEALTH SERVICE

The Senate continued with the consideration of the nomination.

Mr. NICKLES. Madam President, during my trip through my State, I heard from a lot of my constituents concerning the nomination of Dr. Joycelyn Elders. I compliment my friend and colleague from Massachusetts, Senator KENNEDY, for a very eloquent statement. After listening to his statement, I am tempted to vote for confirmation, but I expect that I will not. The reason is not easy because Senator KENNEDY mentioned several things that were very complimentary to Dr. Elders, and I agree. She did come from a family of poverty. She did work hard and was able to educate herself. I compliment her on that.

Coming from an area that is very close to mine, Arkansas being the neighboring State of Oklahoma, to see somebody who comes from a large family, a poor family, and who is able to achieve a very esteemed stature as director of the Arkansas Health Department as well as becoming a doctor and so on I think is very laudable. I compliment her on her achievements.

But, Madam President, my reason for opposing Dr. Elders really is not through a desire, because I do not like opposing nominations. I do not do it very often. I have done it very seldom in my 13 years in the Senate. But I have decided to oppose Dr. Elders because of several statements that she has made that I think would disqualify her for this position. This is a very important position.

Senator KENNEDY said, well, it is the No. 1 doctor, the family doctor for the country. I agree with that. The Surgeon General has a great deal of prestige. It is a bully pulpit, as many people have mentioned, for health care. If used properly, I think it could be a real asset to our country. We have been very fortunate in the country to have several outstanding Surgeons General who have advanced health causes and issues over the years.

My concern is that Dr. Elders has a very radical agenda. I say that not through any wish to malign her or to denigrate her position, but I am just reading statements that she has made—not 5 years ago, not 10 years ago. Some of these statements were made this year. Some were made last month that I believe should disqualify her for this position.

Senator KENNEDY alluded to the Catholic statements that I have mentioned before. I said I believe that those are bigoted statements. I will refer to that in a minute. But I think there are several statements, whether one is a Catholic or happens to be a Christian, if a person happens to be on the pro-life side of the issue, I think she has made very strong, intolerant statements that, to say the least, are troubling.

So I find that my recommendation, my vote, is going to be against confirmation of Joycelyn Elders for Surgeon General. Again, I do not take that lightly. I know my colleagues do not take it lightly when we will vote sometime later today or tomorrow.

Madam President, I think we should look at her words. On June 19 of this year, she appeared on the CNBC television program entitled "Talk Live." The caller asked her what she wanted to do or intended to do as Surgeon General about crack-addicted prostitutes that give birth to crack-addicted babies. Here is her response:

> I would hope that we would provide them Norplant so they could still use sex if they must, to buy their drugs.

Madam President, is that the sort of statement that we would like to have from a Surgeon General? It so happens prostitution is illegal in most areas. It certainly is not healthy. Drug use is illegal in almost all States. Certainly use of crack is illegal, I believe, in every State. It is addictive. It can be deadly. Yet, her response was, I hope we would give them Norplant so, if they must continue to do so, they can still use sex if they must, so they can pay for their drugs.

That is a very irresponsible statement. That was made on a national television program. That was made in June. That is just a couple of months ago. Is that the type of statement that we want to have from somebody who has the authority, that has the prestige, that has the office of Surgeon General? I think not. Maybe I am wrong. Hopefully, that is a slip of the tongue. Frankly, during the confirmation hearing, she kind of expounded on it, but really did not take it back.

I find this to be the case on almost all the statements that she has made when given the chance or opportunity before Senator KENNEDY's committee. She would give a further explanation and maybe try to rationalize it, but, frankly, did not apologize, did not take it back, did not say, "Hey, I made a mistake." We all make mistakes. Frankly, I will not judge somebody just for the fact they made one or two statements that were a little harsh, a little irrational, maybe not fully developed, because I think most of us in this life have done that. But she continues to make a lot of statements that I find are intolerant, that are radical, that are clearly out of the mainstream, and that are quite offensive to millions of Americans; in some cases, hundreds of millions of Americans.

I just think of the many issues that are confronting us—and the Surgeon General will be dealing with issues that will affect every single family in America—one of the most controversial is abortion. I know I heard Dr. Elders before the committee say, "I am not about abortion; I am not. I don't like abortion. I want to prevent unwanted pregnancies. So abortion will not be an issue." And so abortion will not be an issue. But she testified before Congress in a written statement and said: "Abortion has had an important and positive public health effect."

That was not taken out of context. That was not a mistake. That was in a written statement and an oral statement she made before Congress on May 23, 1990.

I have been involved in the abortion debates before with proponents of the so-called pro-choice side, the pro-abortion rights side, and the pro-life side, but I have never heard anybody say it had a positive health effect, except for Dr. Elders. She said that before Congress. And she further explained that:

> Abortion has reduced the number of children afflicted with severe defects. The number of Down's syndrome infants in Washington State in 1976 was 64 percent lower than it would have been without legal abortion.

Think of what that statement says. That statement basically says that if you have a fetus, an unborn child that is handicapped, we better abort it. This is going to reduce the number of children born with defects. Wow. That is a very serious statement. Again, that is a statement that was made before Congress. That is not a statement that was made to a pro-choice rally. That was a statement made before the U.S. Senate, the Labor and Human Resources Committee. "Abortion has had a positive public health impact." And she cites the fact that it has reduced the number of Down's syndrome infants. Wow. That is kind of startling for somebody who maybe has a child with Down's syndrome. I wonder what they would think about that statement. What about some other handicap, mental or physical?

(Mr. MATHEWS assumed the chair.)

Mr. NICKLES. Mr. President, Dr. Elders went on before that committee, and I will read to you a portion of a letter that came from the National Down's Syndrome Congress that she sent to Members of Congress. It said:

> This raises some important questions in our minds as to her qualifications for the position of Surgeon General. It would appear from her testimony and written statements that her concern is more toward the cost of an individual's life as opposed to the value of the human life. It would not be a good choice to have the Surgeon General of the United States of America espousing such ideals.

That letter was written by the executive director of the National Down's Syndrome Congress sent to Members of Congress.

I happen to agree. I know many people in this Congress have been working with people with handicaps. I find it troubling that we would now have a Surgeon General—the No. 1 health officer in the country—that has made statements proclaiming the virtues and blessings of abortion because it might reduce the number of children born with Down's syndrome or maybe some other defect or problem. Mr. President, that is troubling.

During the confirmation hearing of Dr. Elders, she noted that she has two relatives with Down's syndrome, and she loves them, and she added that the decision to abort a child with Down's syndrome is a perfectly legitimate one. I might mention that she did not retreat from her earlier statement, which was not about individual choice but about the positive public health effect of abortion. One of the positive public health effects, she believes, is that we have fewer people with Down's syndrome.

I really find that statement unconscionable. She seemed to measure the success of a policy of abortion on demand, on the basis of the number of people with disabilities abortion has eliminated. I regret that the Senate appears to be prepared to confirm as Surgeon General someone who has taken such a radical and extreme position.

Dr. Elders did not stop there in singing the praises of abortion. She told the Labor Committee:

"Abortion was the single most important factor in the significant decrease in neonatal mortality between 1964 and 1977."

Think about the statement that abortion was the most important factor in a significant decrease in neonatal mortality between 1964 and 1977. The number of abortions went way up, and so the number of infants that were born and soon died went down. So if we destroy children in the mother's womb, fewer will die after they are born. That is logical. Is that to be complimented? Think of that statement. Wow. We have had more abortions, therefore we have fewer problems with the children who are born.

Dr. Elders is nominated for the position of Surgeon General. We will probably confirm her for the position of Surgeon General, the No. 1 health officer in the country. Yet, she makes statements like that. Again, that is not a statement off the cuff. That was from her testimony before Congress in May of 1990, proclaiming the virtues and positive public health impacts and effects of abortion.

That is a startling statement. Again, I cannot think of other people who are even leaders in the so-called abortion rights area that have taken such an extreme position in talking about the positive public health impacts of abortion.

In other words, it is almost as if there is no life whatsoever in the woman, and if we destroy those that might have any problems before they are born, then we can save the time, expense and inconvenience of having a problem child or a problem person.

I wonder what that tells other people. Maybe we should extend that policy and say, "What about having a period of a month or two to find out what the baby is like; and if the baby has a real problem, then we will kill the baby, and we can save a lot of money then, too." And why do it just the first month, if you can do it up through the first 9 months of pregnancy? Wait a minute, we can do this for years. What about later on? We could have a Federal policy to determine if somebody has Alzheimer's and their value of life is maybe not worthwhile, so we will terminate that life, too.

How far would this philosophy go? I do not know. But it is scary. These statements talking about the positive public health effects of abortion were made by Dr. Elders in testimony before Congress just a couple years ago.

So not only does she have a radical or extreme position when it comes to abortion, but also she has a vehement dislike—a very strong dislike is too kind of a word, and I do not want to use the word hatred, but she has a very strong bias against people who happen to be on the so-called prolife side of the debate.

On January 19, 1992, before the Arkansas Democrat Gazette, she stated:

> We would like for the right to life and antichoice groups to get over their love affair with the fetus and start supporting children.

Think of that statement.

> We would like for the right-to-life and antichoice groups of people who are opposed to abortion to get over their love affair with the fetus and start supporting children.

I happen to know a lot of people who are involved in so-called right-to-life groups, the people who are opposed to abortion, and they are very supportive of children. So I am kind of offended by that statement.

And then "get over their love affair with the fetus." It almost shows a disdain or a very negative attitude toward the fetus.

The fetus happens to be an unborn child. I might mention we do not provide protection for unborn children. We do have laws on the books providing protection for unborn member of any number of endangered species. We have laws on the books that if you destroy an unborn animal, and I am thinking of the prairie mole cricket or spotted owl or whatever, there are fines and penalties up to $50,000 and a year or more of imprisonment for destroying the life of many species, plant or animal, that might be categorized as endangered. But we do not do this for unborn human beings. And as a matter of fact, quite the opposite. Dr. Elders and others, including President Clinton and Mrs. Clinton, support having Federal funding to subsidize the destruction of unborn human beings.

But Dr. Elders goes further—not just talking about, well, we should have Federal funding of abortion, which she supports—but she goes further and basically shows real intolerance of people who happen to oppose her when she makes a statement that says the prolife people should get over the love affair with a fetus. The fetus just happens to be an unborn child. And using that kind of language I think shows a great deal of intolerance toward people who happen to have a different viewpoint than Dr. Elders does on an issue such as abortion.

Mr. President, I might mention that Dr. Elders has stood by this quote. She tried to expand upon it. But frankly she has explained that she thinks of a love affair as a short-term commitment where when a child is born it is a lifetime commitment.

Frankly, again, I know many, many people who are engaged in the pro-life effort who are committed to life, unborn and born. And again that is a very offensive statement that she made. But she did not stop just ridiculing people who disagree with her. She went further and has referred to people who would oppose abortion as "non-Christians with slavemaster mentalities."

Think of that statement. This body is well divided and obviously so on the issue of abortion. The American people are divided on that issue. But to refer to people who oppose abortion or categorize them as non-Christians is offensive. And then to say non-Christians with slavemaster mentalities is doubly offensive. She has not retracted that statement. She did not say, "Hey." Think of that. How can you say that people who oppose abortion are non-Christians?

It just so happens most of the people I know who are involved in trying to protect the lives of unborn children are Christian but some also are Jews and some probably atheists who do not think we should destroy unborn children. But she in a broad sweeping statement says they are non-Christians with slavemaster mentalities, implying that not only are they not Christians, they do not love their fellow man, but they also want people to raise kids in a slave-like environment. I just find that really offensive, really intolerant, and certainly not the kind of statement that one would expect from the Surgeon General.

The Washington Post on January 11 of this year attributed to her a comment characterizing pro-life Americans as "very religious non-Christians," again making a statement that happens to be before a pretty large newspaper. Characterizing pro-life people as "very religious non-Christians" is just a shocking statement. It is a bigoted statement toward anybody that happens to be pro-life or happens to be religious and happens to be pro-life.

How in the world can you paint a picture of people who happen to support protecting the lives of unborn children as "very religious non-Christians" is beyond me.

Again that is a statement not made 5 years ago. That is a statement made in January of this year. That was a statement I think made after it was known that President Clinton would probably in all likelihood nominate her as Surgeon General.

Mr. President, Senator KENNEDY alluded to the statement that I referred to about a month ago, when Dr. Elders was speaking at a pro-abortion rights rally in Little Rock in January 1992. Dr. Elders said,

> For the first 400 years black people had freedom aborted and the church said nothing. The way of native Americans was aborted. The church was silent. During the Holocaust, the church was silent. And look who is fighting the pro-choice movement is a celibate male-dominated church.

Also, I believe I heard Senator KENNEDY say she apologized for these remarks, or maybe I did not but I read something that there was an apology.

Mr. President, there was no apology. At least in my opinion there was not an apology. I can tell you looking at some of the comments that were made by some of the groups that were offended. Here is a headline of an article that says "Catholics and Baptists Find Elders' Apology Lacking." The Catholic League for Religious and Civil Rights joined an agency of Southern Baptists convention and two other religious pro-family groups denouncing as inadequate Dr. Joycelyn Elders' apologies to Catholics for any offense her remarks might have caused them.

Mr. President, this is a quote she made on the steps of the Capitol of Little Rock and has been one that has received a great deal of attention, one for which there have been meetings with priests and bishops and others trying to get Dr. Elders to apologize. I have copies of all the correspondence concerning this issue, and I will just say I will read you Dr. Elders' response because Father James West brought this up and said, "Wait a minute. You made this statement. We would like an apology. You really made a very bigoted anti-Catholic remark." This happens to be in Southern Baptist Arkansas, like Oklahoma where there is a great deal of bigotry against the Catholic Church. And he requested an apology and did not get it.

He contacted Governor Clinton, requested an apology, and did not receive it. They had a meeting. And he still did not get an apology.

After several letters and exchanges, Dr. Elders writes on February 26 to Bishop McDonald, and in reading this statement:

> As discussed, in my statement which was quoted in the media, I did not have any preconceived malice or intent to blaspheme the Roman Catholic church. I have the utmost respect for the Roman Catholic Church and its followers. If offense was taken at my use of the term "male-dominated" rather than "male-governed," please accept my sincere apology.

In other words, she did not retract one word, did not apologize for that statement, that paragraph, that really blasphemed the Catholic Church. They said the only things I really apologized for are I should have said "male-governed" instead of "male-dominated."

Again keep in mind this is after correspondence with the priest. It is after discussions with the priest and bishop, and after intervention by Governor Clinton. And the only apology she made is for saying it was "male-dominated" and she should have said "male-governed." That is what she apologized for.

That is no apology. That is no retraction. That is no statement.

And her recent apology said if any offense was taken I apologize for offending you, again not retracting the statement. This statement has offended millions of Americans, millions.

I entered into the RECORD last month several letters—I will just read one. Here is a letter from John Cardinal O'Connor, Archbishop of New York. He quotes the quote that I just mentioned and then he has another paragraph that says:

> Catholics throughout American history have suffered from the effects of religious bigotry. It is a blot on our country's human rights record. Such blatant and broad sweeping attacks as have been attributed to Dr. Elders would be troubling on the lips of any citizen. To hear them from one appointed to a national pulpit is even more profoundly disturbing. This is particularly true considering that the stature of the Office of Surgeon General is great—particularly in recent years in the midst of a deepening national crisis over the effect of sexual irresponsibility.
>
> Dr. Elders has also expressed contempt for the millions of Americans who participate in the human rights struggle for the unborn, and for the disabled. She purportedly scorns pro-life Americans as having a "love affair with the fetus," and is quoted as saying that they "love little babies, as long as they're in someone else's uterus, rather than caring about children after they're born."
>
> One traditionally associates the profession of medicine with special concern for the small and defenseless human being. Yet nowhere do I hear Dr. Elders acknowledge the slightest good will, the slightest compassion toward the child in the womb. Her alleged statements regarding unborn Down's syndrome children are most disquieting in this regard. She is also quoted as saying that "abortion has reduced the syndrome infants in Washington State in 1976 was 64 percent lower than it would have been without legal abortion." Apparently Dr. Elders regards the destruction of such children through abortion as part of the success story of modern medicine. As one who has spent many years of his life working with and for the retarded, I am deeply troubled by such an attitude.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter from John Cardinal O'Connor, Archbishop of New York.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AUGUST 5, 1993.

DEAR SENATOR D'AMATO: I write to you as one deeply disturbed by remarks attributed to the nominee for Surgeon General, Dr. Joycelyn Elders, revealing substantial animosity toward the Catholic Church and Catholics generally. Dr. Elders is quoted as stating: "The first 400 years black people had their freedom aborted and the Church said nothing. The way of life for the Native American was aborted; the Church was silent. We attempted to eradicate a whole race of people through the Holocaust, and the Church was silent. * * * Look at who's fighting the pro-choice movement; a celibate, male-dominated Church."

Catholics throughout American history have suffered from the effects of religious bigotry. It is a blot on our country's human rights record. Such blatant and broad sweeping attacks as have been attributed to Dr. Elders would be troubling on the lips of any citizen. To hear them from one appointed to a national pulpit is even more profoundly disturbing. This is particularly true considering that the stature of the Office of Surgeon General is great—particularly in recent years in the midst of a deepening national crisis over the effects of sexual irresponsibility.

Dr. Elders has also expressed contempt for the millions of Americans who participate in the human rights struggle for the unborn, and for the disabled. She purportedly scorns pro-life Americans as having a "love affair with the fetus," and is quoted as saying that they "love little babies, as long as they're in someone else's uterus, rather than caring about children after they're born."

On traditionally associates the profession of medicine with special concern for the small and defenseless human being. Yet nowhere do I hear Dr. Elders acknowledge the slightest good will, the slightest compassion toward the child in the womb. Her alleged statements regarding unborn Down's Syndrome children are most disquieting in this regard. She is also quoted as saying that "abortion has reduced the Syndrome infants in Washington State in 1976 was 64% lower than it would have been without legal abortion." Apparently Dr. Elders regards the destruction of such children through abortion as part of the success story of modern medicine. As one who has spent many years of his life working with and for the retarded, I am deeply troubled by such an attitude.

Dr. Elders seems also to have clearly expressed an intent not only to continue, but to intensify the utterly failed policy of offering contraception freely to teenagers. Twenty years of this practice has failed to improve our children's health and well-being. In fact, they are associated with substantial declines in the quality of their lives, with increases in teenage sexual activity, teen abortions, sexually transmitted diseases, and out-of-wedlock pregnancies. Yet nowhere do I see Dr. Elders required to assume the burden of proof as to why 20 years of failed social policy should be followed by 4 more.

Thank you for your vote on August 3 on the Nickles Amendment to the Treasury/Postal Appropriations Bill. It was a tragedy that the substance of Senator Nickles' proposal did not receive the full deliberation it deserved, but I thank you for your part in seeking to obtain Senate consideration. In future votes on the Hyde Amendment and National Health Care, I hope that you will reflect on the conscience problems inherent in requiring any taxpayer, any employer, any employee, to contribute any amount, no matter how small, to an act they acknowledge to be nothing less than the deliberate destruction of innocent human life.

I do hope you will consider the points I have raised. Considering the crisis of values our nation is now facing, I do not believe that concerns about religious intolerance and moral responsibility are trivial. I look forward to your reply.

Faithfully in Christ,

JOHN CARDINAL O'CONNOR,
Archbishop of New York.

Mr. NICKLES. Mr. President, also on September 1, Father James West, who originally approached this issue of anti-Catholic sentiments by Dr. Elders, and who, as a result of her statement, had written a letter to the Washington Post. He is from Bigelow, AR, from the St. Boniface Catholic Church.

In this letter, he says:

> I would like to present some information which, from the standpoint of the Catholic Church and of all persons of religious conviction, is crucial to the debate on the nomination of Dr. Joycelyn Elders for Surgeon General of the United States.
>
> I write this letter as the priest who directly confronted Dr. Joycelyn Elders in Arkansas for her blatantly anti-Catholic remarks made in our State Capitol Building on January 18, 1992. This face-to-face meeting between Dr. Elders and myself occurred on February 28, 1992 as the result of my personal campaign to obtain an apology from Dr. Elders on behalf of the Catholics of the state of Arkansas. Then-Governor Bill Clinton, perhaps recognizing some potential political damage to himself from this affair, had instructed Dr. Elders to arrange this meeting with me.
>
> As the result of a trip I made to Washington, D.C. in July to bring this to national attention, it is now commonly known that Dr. Elders has accused the Roman Catholic Church of "silence" during various occasions of past injustice, including the Nazi Holocaust. Dr. Elders has also referred to the Catholic Church as "a celebrate, male-dominated church," as she identified those she holds to be her enemies.
>
> Dr. Elders would now have all believe that she sincerely apologized to the Roman Catholic Church as a result of my meeting with her. One would think, then, that all things are now in order between Dr. Elders and the Catholic Church. However, this is far from the truth.
>
> A couple of points must be made here. First, Dr. Elders' "apology" was no apology at all. She has stated only that she is sorry "if offense was taken" to her statement. She has never apologized for having made the statement. Secondly, at my meeting with Dr. Elders, I only challenged her on her designation of us as "a celibate, male-dominated church," an obviously insulting denigration of what we hold to be the very sacred structure of our Church. Surprisingly enough, Dr. Elders at first refused to acknowledge that she had referred to the Catholic Church at all. When she could no longer defend that position, she then refused to acknowledge that she had meant to offend Catholics by her statement! I brought her to an admission on both counts. Even then, though, I was only able to obtain an "apology" for any "offense taken" to her use of the term "male-dominated" rather than "male-governed." Never has Dr. Elders offered the slightest apology for having held the Catholic Church up as the target of her wrath. * * *

I will skip a couple of paragraphs and just read one or two more.

> It is now nearly 20 months following Dr. Elders' clear statement of anti-Catholic bigotry. If Dr. Elders is now prepared to issue a blanket apology for having made her offensive remarks—not just for any "offense taken" to her remarks—the value and sincerity of that apology must be called into question. Dr. Elders has steadfastly refused to the present day to issue such an apology. * * *

That is signed by Father James West, Pastor of St. Boniface Church.

I will just mention this, as well. I have a letter from the Catholic League for Religious and Civil Rights in opposition, and also stating that they are dissatisfied with the so-called apology. I will just read this last paragraph.

> For Dr. Elders to now issue an apology is as expedient as it is unpersuasive. To be sure, anyone can make a remark in the heat of discussion that is later regretted, but when a series of untoward comments are made about a group of persons—such as the remarks that Dr. Elders has made about Catholics and the Catholic Church—it cannot be dismissed as merely a mistake.
>
> It is for these reasons that we have come together today to voice our concerns over the record of Dr. Joycelyn Elders and to ask for the most careful deliberations when the Senate reconvenes.

That is signed by William Donohue, President of the Catholic League for Religious and Civil Rights. It is a two-page statement in opposition to Dr. Elders.

Also signing onto this statement is Patrick Riley, Washington director of the Catholic League. Also signing this is James Smith, director of government relations, Southern Baptist Convention.

And I have a letter from James Smith with the Christian Life Commission of the Southern Baptist Convention in opposition to Dr. Elders. I will just read the last two paragraphs.

> In fact, one news account (The Washington Times, February 1, 1993, Page A1) reports that Dr. Elders was forced to apologize to some members of the Arkansas General Assembly for characterizing them as "very religious non-Christians." According to Carol Roddy, Dr. Elders' spokeswoman, Elders "sent carefully crafted apologies."
>
> Now she has "apologized" to Catholics.
>
> Dr. Elders has not been a responsible public official in Arkansas and cannot be trusted to be so in Washington. I believe she is incapable of serving all Americans, including millions of evangelicals, Catholics, and other religious Americans whose views differ from her own—especially those Americans who are pro-life.

Mr. President, I ask unanimous consent that the letter from Father West, the news release from the Catholic League, as well the letter from the Christian Life Commission be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ST. BONIFACE CHURCH,
Bigelow, AR, September 1, 1993.

Letters to the Editor,
The Washington Post, Washington, DC.

TO THE EDITOR: This letter is sent in regard to the article by Al Kamen of September 1, 1993, "Elders and Bishops Exchange Words." I would like to present some information which, from the standpoint of the Catholic Church and of all persons of religious conviction, is crucial to the debate on the nomination of Dr. Joycelyn Elders for Surgeon General of the United States.

I write this letter as the priest who directly confronted Dr. Joycelyn Elders in Arkansas for her blatantly anti-Catholic remarks made in our State Capitol Building on January 18, 1992. This face-to-face meeting between Dr. Elders and myself occurred on February 28, 1992 as the result of my personal campaign to obtain an apology from Dr. Elders on behalf of the Catholics of the state of Arkansas. Then-Governor Bill Clinton, perhaps recognizing some potential political damage to himself from this affair, had instructed Dr. Elders to arrange this meeting with me.

As the result of a trip I made to Washington, DC in July to bring this to national attention, it is now commonly known that Dr. Elders has accused the Roman Catholic Church of "silence" during various occasions of past injustice, including the Nazi Holocaust. Dr. Elders has also referred to the Catholic Church as "a celibate, male-dominated church," as she identified those she holds to be her enemies.

Dr. Elders would now have all believe that she sincerely apologized to the Roman Catholic Church as a result of my meeting with her. One would think, then, that all things are now in order between Dr. Elders and the Catholic Church. However, this is far from the truth.

A couple of points must be made here. First, Dr. Elders' "apology" was no apology at all. She has stated only that she is sorry "if offense was taken" to her statement. She has never apologized for having made the statement. Secondly, at my meeting with Dr. Elders, I only challenged her on her designation of us as "a celibate, male-dominated church," an obviously insulting denigration of what we hold to be the very sacred structure of our Church. Surprisingly enough, Dr. Elders at first refused to acknowledge that she had referred to the Catholic Church at all. When she could no longer defend that position, she then refused to acknowledge that she had meant to offend Catholics by her statement. I brought her to an admission on both counts. Even then, though, I was only able to obtain an "apology" for any "offense taken" to her use of the term "male-dominated" rather than "male-governed." Never has Dr. Elders offered the slightest apology for having held the Catholic Church up as the target of her wrath.

I stress again, though, that I only confronted Dr. Elders on her reference to us as "a celibate, male-dominated church." At the time of our meeting, I was unaware of the full text of her anti-Catholic remarks. Only the night before leaving for Washington, a year and a half later, was I able to view a video tape of her entire speech. I included the full text of her anti-Catholic remarks in my opposition to her nomination. However, the "apology" made by Dr. Elders in no way was intended to repair any damage she had caused by her accusations of "silence" against the Catholic Church in the past. That, simply, was not a part of our discussion for the reason I have already given.

For Dr. Elders now to make any claim to have "apologized" to the Catholic Church for her offensive remarks is, therefore, untrue on two counts: 1) Her "apology" was no real apology at all, and 2) Her "apology" in no way addressed her bigoted accusations of "silence" on the part of the Catholic Church. Until now, she simply has never been challenged on the full text of her statement. Any claim of hers to the contrary is nothing more than a deliberate distortion of the truth.

It is now nearly 20 months following Dr. Elders' clear statement of anti-Catholic bigotry. If Dr. Elders is now prepared to issue a blanket apology for having made her offensive remarks—not just for any "offense taken" to her remarks—the value and sincerity of that apology must be called into question. Dr. Elders has steadfastly refused to the present day to issue such an apology.

Civilized society places great value on any apology given by conviction. However, no apology of convenience or political expedience could ever hold as much weight or bring a restoration of respect to the one who apologizes.

Sincerely in Christ,

FR. JAMES P. WEST,
Pastor.

CATHOLIC LEAGUE FOR
RELIGIOUS AND CIVIL RIGHTS,
New York, NY, September 2, 1993.

JOINT STATEMENT ON THE NOMINATION OF DR. ELDERS

National Press Club, Washington, DC.

The nomination of Dr. Joycelyn Elders to be Surgeon General is not something that any of us can take lightly. While some of us are primarily disturbed by the substance of her positions, and others are primarily disturbed by the tone of her remarks, all of us agree that Dr. Elders has a record that is profoundly troubling. We feel confident that if the American people knew as much about Dr. Elders as we do that they would surely share our convictions.

Dr. Elders believes that the best way to combat teenage pregnancies is to freely distribute condoms to public school students. But the evidence is not supportive of this approach. Under her tenure as director of the Arkansas Health Department, the teen pregnancy rate rose by 12 percent in the 11 Arkansas counties that had school-based clinics. What is most striking about this figure, however, is that it was a complete turnaround: in the period prior to Dr. Elders' tenure, the teen pregnancy rates had actually declined. Indeed, one of the reasons why the condom-giving approach failed in Arkansas was that a large portion of the condoms were defective. Dr. Elders knew this to be true yet inexplicably continued the distribution program.

Now consider, for a moment, what would happen if a candidate for a position in the Department of Defense knew that the missile system that he had trumpeted had already proven to be a failure, and that, worse still, many of the missiles had in fact been shown to be defective. Is there any wonder what would happen to his nomination?

Just as troublesome is the cavalier attitude that Dr. Elders exhibits towards condoms: "I tell every girl that when she goes out on a date, put a condom in her purse," Now that may pass as responsible in some quarters, but most parents, we believe, would agree with us that it is the wrong message to send to adolescents, many of whom are struggling to practice a degree of restraint.

Even more objectionable, however, is the following comment, made by Dr. Elders on April 2, 1993: "We have had driver's ed for our kids. We've taught them what to do in the front seat of the car, but not what to do in the back seat of the car." It would be instructive to know who should be teaching what technique to these youngsters. The much reputed "condom plant" that Dr. Elders proudly displays in her office suggests that whatever method is taught, no lesson will be complete without a "how-to" session on the proper application of condoms.

STATEMENT OF JAMES A. SMITH, DIRECTOR OF GOVERNMENT RELATIONS, SOUTHERN BAPTIST CONVENTION, CHRISTIAN LIFE COMMISSION

I am pleased to join my Catholic and evangelical friends today in calling on the United States Senate to reject the nomination of Dr. Joycelyn Elders as surgeon general of the United States.

Much has been made recently over Dr. Elders' comments which have so unmercifully attacked Catholics. While Dr. Elders has offered what seems to be to be a half-hearted apology to Baltimore Archbishop William H. Keeler, no such apology has been offered to evangelicals and other Christians who also have been the target of her vicious attacks. Southern Baptists and other evangelicals in Arkansas have shared with me the disdain they have felt from Dr. Elders because of their opposition to her public policy agenda.

I am deeply disturbed that Dr. Elders has demonstrated a pattern of attributing the worst possible motives to individuals and organizations who have consistently opposed her public policies on the basis of their faith. While it may be too harsh to assign religious bigotry as a motive, Dr. Elders has clearly exhibited a pattern of behavior in which she vilifies those whose public policy positions are different from her own.

In fact, one news account (The Washington Times, February 1, 1993, Page A1) reports that Dr. Elders was forced to apologize to some members of the Arkansas General Assembly for characterizing them as "very religious non-Christians." According to Carol Roddy, Dr. Elders' spokeswoman, Elders "sent carefully crafted apologies."

Now she has "apologized" to Catholics.

Dr. Elders has not been a responsible public official in Arkansas and cannot be trusted to be so in Washington. I believe she is incapable of serving all Americans, including millions of evangelicals, Catholics and other religious Americans whose views differ from her own—especially those Americans who are pro-life.

(The Christian Life Commission is the public policy agency of the Southern Baptist Convention, which is the country's largest Protestant denomination with 15.4 million members in more than 38,400 congregations.)

On a more serious note, we are alarmed by the way Dr. Elders approaches the delicate subject of abortion. When Dr. Elders boasts that "abortion was the single most important factor in the significant decrease in neonatal mortality between 1964 and 1977," and when she exclaims that "abortion has reduced the number of children afflicted with severe defects," she makes a case that the proponents of infanticide would be glad to endorse. In this context it must be said that our society has come a long way from the days when people like Jesse Jackson warned that abortion was a form of genocide against black people to the present endorsement of abortion as a form of population control. It is sad that it even needs to be said, but killing innocent human beings is no way to resolve health problems.

As if all this weren't enough to give us pause, the tone of Dr. Elders' remarks, especially as they apply to persons who for religious reasons disagree with her, is sufficient to warrant grave concern. It is highly offensive to label those who oppose abortion as "non-Christians with slave-master mentalities." It is factually wrong and morally wrong to say that pro-life persons "love little babies so long as they are in someone else's uterus." And it is downright insulting to maintain that those who oppose abortion have "a love affair with the fetus." No, Dr. Elders, those of us who are pro-life are concerned about life issues from the time of conception to the time of death. You have every right to disagree with that position, but not to belittle us while doing so.

And to top if off, Dr. Elders has made a series of remarks that have upset millions of Catholics. To blame the Catholic Church, for instance, for remaining "silent" and doing "nothing" about everything from slavery to the Holocaust is a characterization that is not only patently false, it is malicious in effect, if not in intent. For Dr. Elders to now issue an apology is as expedient as it is unpersuasive. To be sure, anyone can make a remark in the heat of discussion that is later regretted, but when a series of untoward comments are made about a group of persons—such as the remarks that Dr. Elders has made about Catholics and the Catholic Church—it cannot be dismissed as merely a mistake.

It is for these reasons that we have come together today to voice our concerns over the record of Dr. Joycelyn Elders and to ask for the most careful deliberations when the Senate reconvenes.

Statement prepared by: William A. Donohue, Ph.D., President, Catholic League for Religious and Civil Rights.

Statement delivered by: Patrick Riley, Ph.D., Washington Director, Catholic League.

Co-Signing Organizations: James A Smith, Director of Government Relations, Southern Baptist Convention, Christian Life Commission, Catholic War Veterans, American Family Association, Eagle Forum.

Mr. NICKLES. Mr. President, these are not radical, right-wing religious zealots that are opposing this nomination. These are very large religious organizations. The Southern Baptist Convention happens to be the largest denomination in my State. My guess is that it is probably the largest in Arkansas. I think that, nationwide, Catholics number something like 60 million.

And Dr. Elders' comments and statements have been registered. They have not been retracted. She has not apologized for making the statements. She did not say they were in error.

They are bigoted statements. They are intolerant statements. They are not the kind of statements that we would expect from the Surgeon General of the United States. They are divisive statements. They are not healing statements.

Mr. President, I have a letter from two members of the U.S. Civil Rights Commission addressed to the President of the United States, August 4, 1993.

We respectfully ask you to withdraw the nomination of Dr. Joycelyn Elders to be Surgeon General and Assistant Secretary of Health and Human Services for health policy. Dr. Elders has made a series of public statements demonstrating religious bigotry against Catholics and other Christians. As members of the U.S. Commission on Civil Rights, we believe that these statements disqualify her from serving in a national position of public trust.

Mr. President, it is a two page letter, signed by Carl A. Anderson, Commissioner, and also Robert P. George, Commissioner. I ask unanimous consent to have it printed in the RECORD, as well.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AUGUST 4, 1993.

The PRESIDENT OF THE UNITED STATES,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We respectfully ask you to withdraw the nomination of Dr. Joycelyn Elders to be Surgeon General and Assistant Secretary of Health and Human Services for health policy. Dr. Elders has made a series of public statements demonstrating religious bigotry against Catholics and other Christians. As members of the U.S. Commission on Civil Rights, we believe that these statements disqualify her from serving in a national position of public trust.

As one example or her hostile remarks, in an address last year at the State Capitol in Little Rock she was recorded as saying: "* * * the first 400 years black people had their freedom aborted, and the Church said nothing. The way of life for the Native American was aborted; the church was silent. We attempted to eradicate a whole race of people through the Holocaust, and the Church was silent * * * Look who's fighting the pro-choice movement: a celibate, male-dominated Church * * * ."

Dr. Elders speaks contemptuously of Christians who disagree with her. Some she accuses of having "a Bible-belt mentality," while others are "very religious non-Christians" with "slave-master mentalities." She neither denies making these irresponsible remarks nor, despite vague promises, has she ever publicly apologized for doing so.

The Washington Post editors have written that the Catholic League for Religious and Civil Rights was correct when it said that Dr. Elders remarks "smacked of ignorance or malice and that it was a rank distortion of history to say that the Catholic Church was "silent" or did "nothing" about past instances of societal injustice." The Post added that her "approach to public discourse is troubling." The truth is, it is more than troubling. It is disqualifying.

The United States Commission on Civil Rights has repeatedly denounced religious bigotry. The Commission has pointed out that the divisive political and spiritual effects of such bias threaten the very foundations of our democracy. For instance, in an October 23, 1991 letter to President Bush and the Members of Congress, the Commission wrote: "Confronted with religious bigotry, the need for strong moral leadership is clear. * * * [T]he Commission calls on elected officials to take all action within their power to eliminate religious discrimination and bigotry."

Speaking as individual members, we believe that the nomination of someone guilty of making religiously insensitive and intolerant remarks sets back the cause of mutual respect and good will among Americans of all religious beliefs.

Recently, Senator Carol Moseley-Braun gave a powerful and moving speech in the U.S. Senate in which she convinced a large majority of Senators not to renew the design patent of the United Daughters of the Confederacy. As Senator Moseley-Braun said with great righteousness: "It is an outrage. It is an insult. It is absolutely unacceptable to me and to millions of Americans, black or white, that we would put the imprimatur of the United States Senate on a symbol of this kind of idea." She said, Mr. President, that your election signalled "a change that said we have to get past * * * the many issues that divide us as Americans, and come together as Americans so we can make this country be what it can be in the 21st century."

We believe the millions of American Catholics and other Christian faithful feel the same indignation concerning the holding of federal office by a person with a history of anti-religious prejudice.

We are certain that there are a large number of medical practitioners, women and men of all ethnic and racial backgrounds who are both well qualified for this position and untainted by intolerance. Mr. President, your administration should not be tarnished with the appearance of condoning hate speech and bigotry. We therefore respectfully ask you to withdraw Dr. Elders name.

Very Sincerely yours,

CARL A. ANDERSON,
Commissioner.
ROBERT P. GEORGE,
Commissioner.

Mr. NICKLES. Mr. President, I have cited several of Dr. Elders' quotes. Let me assure you, I have not even touched on many. Let me assure you these are not quotes that are taken out of context; these are not quotes that are being misused. These are quotes by Dr. Elders that have been made repeatedly. I saw a video of one of these statements. I will just say that I lack the eloquence and the passion and delivery of Dr. Elders. She made these statements that, if you saw them on videotape, were made very persuasively, maybe, from her side; but they were also very inflammatory and very offensive to any who would characterize themselves or classify themselves as Christians or as Catholics or as persons who happened to be opposed to abortion.

Although my opposition to Dr. Elders probably originated because of some of the statements she has made, it also goes further than that because I have also had a chance, now, to examine her record and I am going to discuss that.

I see a couple of colleagues who wish to speak. I do not want to monopolize the floor. I can bring these issues up later.

But looking at several things that were done while Dr. Elders was director of the Arkansas Department of Public Health, I think some actions that were taken should also disqualify her as Surgeon General. And I will bring these up in a moment. But I do see a couple of my colleagues, one of whom has been waiting patiently for about 30 minutes.

So, Mr. President, I will continue later, and at this time I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. Mr. President, I rise this morning, now for the fifth time, to urge my colleagues to support the nomination of Dr. Joycelyn Elders for the position of Surgeon General.

Before the recess, many of my colleagues and I spoke on the floor in support of this nomination.

The PRESIDING OFFICER. If the Senator will withhold—

Mr. KENNEDY. I yield such time as the Senator may require.

Ms. MOSELEY-BRAUN. My thanks to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. Mr. President, this is the fourth time, perhaps the fifth time I am speaking on behalf of Joycelyn Elders. It is interesting. As I was sitting here, listening to some of the debate earlier—in fact, I had my speech from before the recess sitting right here, as I had occasion to go over what it was I said then and how I would change it to speak in favor of her nomination today—it occurred to me that really nothing has changed since before the recess with regard to this nomination.

You will recall, perhaps, that there was debate at that time and that the reason for the delay of this nomination—for asking that it be held over—was to allow the period of the recess to give rise to a generation of new controversy about this nomination. I am very pleased to report that no such new controversy has arisen; that in fact we are in pretty much the same position we were before the recess and that nothing really has changed. Dr. Elders remains the qualified, competent, capable nominee that she was before we went into recess and now, with the passage of almost a month, we are confronted once again with voting on her nomination. I hope this time it will be speedy and we can confirm this nominee and let her get beyond the misery of what this confirmation process must have been on a personal level.

Dr. Elders has undergone the appropriate review and examination required of any nominee. She was examined closely at her committee hearing on July 23, and responded to a wide variety of inquiries, ranging from her views on adolescent health to the specifics of her care for her mother-in-law.

In addition, she has responded to over 230 written questions in detail. The information that was discussed at the hearing, and each and every one of those 230-plus—I daresay—questions are now available for review by any Member of this body, as are the FBI reports on Dr. Elders.

So all of that information, the wealth of information that has been generated about this nominee, again continues to underscore and confirm the fact that we have here a qualified, competent, capable nominee to be Surgeon General of the United States.

The attempts to derail Dr. Elders' nomination have, for that reason, and for that reason alone, Mr. President, failed. Those who have sought to disparage Dr. Elders' accomplishments have been unsuccessful. And while, on the one hand, our scrutiny of Presidential nominees is always intrusive and sometimes painful, the pain in this case has been aggravated by what can only be described as character assassination.

Dr. Elders, however, has risen above the character assassination. She has not had to respond to it in kind. In fact, it has fallen of its own weight. I am delighted by the calm and dispassionate consideration and discussion of her nomination today, in contrast to some of those previous four times that I spoke in her behalf, when the testimony and debate was much more passionate and the assaults were much more malicious.

So I welcome the calm, dispassionate atmosphere in which the nomination is being taken up under this time agreement, and as we proceed to consideration of her nomination and actually vote on her nomination.

But I was reminded, in listening to some of the debate and discussion about Dr. Elders' nomination, of a comment that Senator BYRD made while I was presiding, about an hour ago now, as he discussed the history of Rome. I do not know how many people who are in the Chamber now had an opportunity to hear Senator BYRD. I certainly always enjoy listening to him. He is a consummate storyteller and, of course, the history of Rome is something that I think we can all study and learn from.

But one of the things that he said in the course of his discussion was that the decline or the end of the Republic was characterized by what he called a sophisticated cynicism—I hope I have the words right—a sophisticated cynicism among the senate and the people who were in power at the time, and how that began to undermine the actual fiber of the nation at the time.

I must say, I was struck by the correlation with the Elders nomination and the sophisticated cynicism that Senator BYRD talked about; the notion that somehow or another we have no room in our Government, we have no place in these circles of power, for people who speak the truth, who tell it like it is, who say what is on their minds and who speak plainly.

I submit to you that Dr. Elders has always spoken the truth; has told it as she saw it; spoken her mind; spoken truthfully and honestly to the issues and concerns of the American people with regard to their public health. She has talked about her concern for children, sometimes in controversial contexts. But she has talked about her concern for children with a consistent truth that rings so loud that it is inescapable to any person who has reviewed her work and followed her discussion of the issues over time.

One of the previous commentators spoke about her comment about giving Norplant to drug-addicted prostitutes. What better statement of concern for children than to suggest that drug-addicted prostitutes should not become pregnant and therefore should be given a contraceptive before the fact? It is that kind of concern that is consistent, even though it comes out sometimes in controversial ways.

Dr. Elders is a nominee who has always championed concerns of children—children's health—and advocated preventive health care and early, aggressive intervention. That has been a hallmark of her career. It is in that that she has been consistent across the board.

To talk a little about her background, she has, during her tenure as director of health for the State of Arkansas, almost doubled the number of pregnant women and children receiving food assistance. I daresay the statistics from her tenure as the director of public health in Arkansas indicated that the rate of abortions declined during her tenure.

She was a director who was instrumental in luring a significant number of physicians to rural community health centers so those areas would not be underserved. As director, she improved and expanded prenatal care, early childhood screening, and HIV and cancer prevention programs for the State of Arkansas. Prior to serving as State Health Director, she established a successful clinical practice and research career in pediatric endocrinology at the University of Arkansas.

It seems to me, Mr. President, Dr. Elders has passed the test. She has passed the credentials test. There is no one here who would argue that this woman is not well qualified for the position to which the President has nominated her. She has passed the competence test. Her record in Arkansas, her record in public life, her record as an administrator, as a public health advocate is clear and compelling. In fact, if anything, she has received accolades across the board for her performance in office.

She has passed the character test, those 230-plus questions that she answered. The FBI investigation went into every dot and tittle of her background, every issue, every question that could possibly be answered. I daresay, Mr. President, that there are not 200 Americans in this entire country who would want to subject themselves to the kind of scrutiny that Dr. Elders has not only been subjected to, but that she has come through with flying colors.

So I guess the question today is whether or not we are going to have a brandnew test, whether or not we are going to raise the barrier, raise the bar to another level altogether and come up with a new test, the quotation test, if you will; that we are now going to judge nominees not only based on their credentials and their competence and their character, but we are now going to base them on whether or not their quotations fit with our view of what people should and should not say.

I daresay Senator BYRD hit the nail on the head when he talked about a sophisticated cynicism that says you can only talk about issues in a way that sounds good, that does not ruffle feathers, that does not displease people, does not put people off because, if you do, you stand in grave danger of having someone stand on the floor of the Senate and question your commitment because of the way that you make your statements.

I want to talk about this issue, Mr. President, in the context of what the Surgeon General's job is and what that job is about and what the concerns and what the issues are that Dr. Elders will be called upon to face because, quite frankly, as we talk about a quotations test, as we begin to take this down to whether or not someone said good morning properly or whether or not one person was offended by the way she told the truth about an issue or not, to talk about what it is that we are talking about and what is at stake here because I think that somehow or another in our focusing in on how many angels or devils, if you will, there are on the top of that particular pinhead, we may have missed the picture of what it is that is involved with the office of Surgeon General and what it is that Dr. Elders is called to service to address.

Today, every 35 seconds in America an infant is born into poverty. Every 2 minutes an infant is born with a low birth weight. Every 14 minutes an infant dies in the first year of life, and this is in the most advanced Nation in the world. Every 21 seconds, a 15- to 19-

year-old woman becomes sexually active for the first time. Every 32 seconds, a 15- to 19-year-old woman becomes pregnant. Every 64 seconds, an infant is born to a teenage mother, and that in this, the most advanced country in the world. Every 14 hours, a child younger than 5 years old is murdered. Every 5 hours, a 15- to 19-year-old child is murdered.

So we have statistics that point to a status of health care that is really at this point in our history worse than it was 20 years ago. I would like to, in that regard—I am quoting actually from some things that Dr. Elders herself has referred to in her writing, the Code Blue Report of the National Commission on the Role of the School.

In 1965, there were roughly four cases of gonorrhea and syphilis for every 1,000 American adolescents. In 1985, there were 12. CDC, the Centers for Disease Control and Prevention, estimates that 2.5 million adolescents each year contract a sexually transmitted disease, and that does not include fully the statistics associated with the onslaught of HIV and AIDS.

In 1965, 16.7 out of every 1,000 unmarried teenage girls age 15 to 19 gave birth during that year. In 1985, 31.6 out of every 1,000 did. So we have seen in that 20-year period a dramatic increase in teen pregnancies.

In 1950, the rate of youths age 14 to 17 who were arrested during that year was 4 for every 1,000. In 1985, the rate was 118 per 1,000.

In the 1950's, less than 5 percent of youth experimented with an illicit drug before entering the 10th grade. In 1987, over 30 percent of youth had done so.

In 1965, 9.8 percent of all children under 18 years old lived in a single-parent home. In 1985, 21 percent lived in a single-parent home.

In 1960, 39 percent of mothers with school-age children were working outside of the home. In 1987, fully 70 percent—70 percent—of mothers of school-age children were working outside the home.

These are the kinds of statistics, these are the kind of issues that the Surgeon General is called upon to address, and we stand here talking about a quotation made on a TV show, a late night response? It boggles the mind, Mr. President, that we somehow may have lost sight of what it is that we are here to do, why this nomination is so important, and the significance to millions of Americans of this nomination being confirmed and confirmed soon because time really is being wasted.

I had occasion, Mr. President, to go home during the recess as well, and I went around my State with a series of townhall meetings to meet with constituents, to meet with people throughout Illinois to talk about their views. Our State has been stricken and afflicted with great flood damage. In fact, the flood has been called the greatest in this century. So I had occasion to go around and visit flood-damaged areas and talk with people who are trying now to recuperate from the flood, and I talked to people throughout Illinois, in both the cities and the suburbs and the rural areas.

I, too, had occasion to talk with people about what their concerns were. I daresay that the concerns that were expressed to me during that visit home related more or supported more the urgency of confirming this nomination than anything else.

The people, particularly those who were in flood-ravaged areas, talked about public health concerns, talked about cleanup, talked about whether or not there would be adequate programs to help families get back together, families, in many instances, where the wage earners had lost their jobs because the employment did not exist anymore, the kind of stress they were under, what would be available to help in the communities.

Then as I went to the suburban areas, people were concerned about whether or not the AIDS virus was really taking over an entire generation. I had occasion—it was really devastating to me, Mr. President—to meet a 25-year-old woman, college student, bright, energetic, a sweet girl, who had discovered that she was afflicted with AIDS, HIV, and was facing death.

I daresay these kinds of concerns transcend whether or not somebody said something right to a TV commentator. Every day some 135,000 American students bring guns to school, and every day 30 children are wounded and 10 children die from guns. As I went through the cities, I saw people concerned about whether or not their youngsters could even get to school because of the threat of guns and whether or not the violence in the community was such that their children had no safe route to get from home to school and back again without taking their lives in their hands.

This is the kind of epidemic, this is the kind of situation that we face in America today, and these are the kinds of challenges that the Surgeon General of the United States is called upon to address.

The homicide rate has doubled among 10- to 14-year-olds during the past 20 years, and it is now the leading cause of death among black 15- to 19-year-old men.

Over the past 20 years, the suicide rate has tripled among 10- to 14-year-olds and doubled among 15- to 19-year-olds. Abuse and neglect of children has increased 74 percent during the past decade, and every year more than 2 million children and adolescents are reported to be abused and neglected. I will not go on with these statistics, although I would, however, like to have this statement printed in the RECORD: "Children, Poverty and Health."

There being no objection, the statement was ordered to be printed in the RECORD as follows:

CHILDREN, POVERTY, AND HEALTH

Today we live in a "throw away" society. How many of you actively recycle newspapers, glass bottles, aluminum cans, white office paper? I bet none of you were doing so five years ago. The Green Earth movement has done an excellent job educating us about solid waste land-fills that are rapidly filling up with nonbiodegradable, disposable diapers and the threat of the hole in the ozone. If you ask any eighth grader today what they are worried about, they will tell you, "the environment." Manufacturers are picking up on this and re-thinking elaborate packaging of everyday products.

Somehow, we have gotten the impression of our disposable, throw-away society that our most valuable resource is disposable too! I hope when we leave here today, you will join me in my crusade to save our children. It is our only hope for the future. Consider with me the following:

MOMENTS IN AMERICA

Every 35 seconds an infant is born into poverty.

Every 2 minutes an infant is born at low birthweight.

Every 11 minutes an infant is born at very low birthweight.

Every 14 minutes an infant dies in the first year of life.

Every 21 seconds a 15 to 19 year old woman becomes sexually active for the first time.

Every 32 seconds a 15 to 19 year old woman becomes pregnant.

Every 64 seconds an infant is born to a teenage mother.

Every 14 hours a child younger than 5 is murdered.

Every 5 hours a 15 to 19 year old is murdered. (4)

For most of our history, American parents have delighted in seeing their children achieve more than they did themselves. Each generation has been better educated, better housed, more skilled, and more economically secure than the previous one. But for many Americans, those days are over. For perhaps the first time since the Great Depression, American children will no longer routinely surpass their parents' standard of living. (3)

America is the world's wealthiest nation. But today, our poorest Americans are the 12 million children who live in poverty. They are the members of what I call the 5-H Club—the hungry, the homeless, the helpless, the hugless, and the hopeless.

The children, who are our only hope for the future, are hanging by a very slender thread to any hope for their future. Until we address the problems in our society which have resulted in children being poorly housed or homeless, poorly fed, poorly educated and lacking adequate health care, we, as professionals in the field of pediatric care, will be continuing to hand out band-aids when what the patient needs is major surgery.

GENERATIONAL COMPARISONS

You have all heard the comparison of the typical school discipline problems from just a few years ago—running in the hall, chewing gum, not adhering to the dress code—to the concerns of today—guns in the classroom, teenage pregnancy, suicide, drugs.

These generational differences were pointed out in the Code Blue Report of the National Commission on the Role of the School and the Community in Improving Adolescent Health.

In 1965, there were roughly 4 cases of gonorrhea and syphilis for every 1,000 American adolescents. In 1985, there were 12. CDC estimates that 2.5 million adolescents each year contract a sexually transmitted disease.

In 1965, 16.7 out of every 1,000 unmarried teens age 15–19 gave birth during that year. In 1985, 31.6 out of every 1,000 did.

In 1950, the rate of youths age 14–17 who were arrested during that year was 4 per 1,000. In 1985, the rate was 118 per thousand.

In the 1950s, less than 5% of youth experimented with an illicit drug before entering 10th grade. In 1987, over 30% of youth had done so.

In 1965, 9.8% of all children under 18 years lived in single-parent homes. In 1985, 21% did.

In 1960, 39% of mothers with school-aged children were working outside the home. In 1987, 70% did. (5)

Everywhere we look, the statistics paint a dismal picture of how our children are doing.

Every day 135,000 American students bring guns to school, and every day 30 children are wounded and 10 children die from guns. (6)

The homicide rate has doubled among 10 to 14 year olds during the past 20 years and is the leading cause of death among black 15–19 year olds. (7)

Over the past 20 years the suicide rate has tripled among 10 to 14 year olds and doubled among 15 to 19 year olds. (7)

Abuse and neglect increased 74% during the past decade, and adolescents experience more abuse and neglect than younger children do. Every year over 2 million children and adolescents are reported abused or neglected, and hundreds of thousands more go unreported. (7)

Sexual activity is occurring at younger and younger ages, resulting in more than 1 million adolescents getting pregnant every year and an epidemic of sexually transmitted diseases, one of which is AIDS. Gonorrhea rates are actually higher among sexually active 15 to 19 year olds than among 20 to 24 year olds. (5, 7)

In the wealthiest nation on earth, we will "trash" nearly 40,000 children this year who will die before their first birthday. According to a 1989 White House Task Force Report, at least 25% of the deaths could be prevented. One-third of our infants and toddlers will go without adequate childhood immunizations. The incidence of preventable communicable diseases has soared. Children are once again dying. Millions of children are without basic health insurance and access to health care. (2)

POVERTY IN AMERICA

Poverty rates among young families have almost doubled since the mid-1960s, and middle-income families report greater difficulty making ends meet. (3)

Contrary to what you might think, most poor children are white. White children saw their poverty rate increase the most during the past decade. One in seven white children is poor. But, minority children are more likely to be poor. Nearly 50% of all African-American children and over one-third of Hispanic children live in poverty. (1)

Families on average have less income on which to bring up their children. Growth in real wages virtually halted in 1973, and families today spend a higher proportion of their incomes on housing, transportation, health care, higher education, and taxes. (3)

Minority incomes are substantially below white incomes. The only families with children to make gains during the 1980s were those at the top of the income spectrum. Families with average median incomes of $35,000 or less experienced a loss of real income during the 1980s. The poorest families sustained almost a 13% decrease in their median incomes. (1)

Again, contrary to common belief, in most poor families the father is present. However, the chance of being poor increases when there is only one parent. Rising divorce rates and births to single women of all ages have dramatically increased the number and proportion of children being raised in one-parent families. Almost 13 million children live in a single-parent family—almost double the number 20 years ago. We know that a large portion of the 12 million children of the 5-H Club are living in single parent homes. Minority children are more likely than white children to live in one-parent families. More than half of African-American children, nearly one-third of Hispanic, and almost one-fifth of white children live today in single-parent families. (1)

In response to the increased difficulties of supporting a family on one wage, mothers in two-parent families have moved steadily into the work force. In 1970 only 39% of families with children had mothers in the work force, but by 1990 that proportion had risen to 61%. American families today have less time to devote to the supervision, education, and nurturing of their children than they did two decades ago. The Ozzie and Harriet family, which was the norm less than 30 years ago, has now become the exception. (1)

AMERICA'S FUTURE

If anyone thinks this is not their problem, let me remind you our failure to prevent poverty and address the economic needs of families had led to the social ills we know so well—more crime and delinquency, more teenage childbearing, more unhealthy babies, higher drop-out rates, more substance abuse and mental illness, more child abuse and neglect, and lower productivity among the working-age population. These problems are costly, in terms of tax expenditures as well as human terms. To salvage this disposable population requires significant expenditures for treatment of chronic health conditions and disabilities, special education, foster care, and welfare. For those we cannot salvage, we have a human land-fill called "prison" which is getting fuller and fuller. (3)

If I haven't gotten your attention yet, let me explain another reason why we've got to stop fighting poverty with band-aids. Since 1960, the proportion of children in the U.S. population has declined dramatically. In little more than a decade—the labor force will begin to shrink in little more than a decade. (3) Although children made up over one-third of the population in 1970, in 1990 they constituted only about one-fourth. We all have heard about the aging of America. The aging of America reflects the convergence of three trends. First, individual Americans are having fewer children than their parents did. Second, baby boomers, those born between 1946 and 1964, are now heading into middle age and out of the primary child-bearing years. And, third more older Americans are living longer. (1) In the foreseeable future, a declining number of workers will have to support a growing number of retirees, you and me! (3)

In the fact of an aging America, we more than ever need our children to be healthy, skilled, confident, and caring. Today's children are tomorrow's parents, workers, and leaders. The baby born this year will be entering the work force just as the first baby boomers near retirement. While they may not be adequately represented in the politics of today, these children will pay taxes and serve our communities and nation in the early 21st century. (1) I plan on being around then, don't you?

So, how do we go from a society that treats its most valuable resource as non-biodegradable, disposable trash to one in which every child is truly viewed as the most precious gift from God?

SIX PRESCRIPTIONS

As a pediatrician and chief state health officer, let me offer my six prescriptions which, I believe, will secure a future for our children.

Universal, early childhood education to prepare our children to learn and achieve, removing some of the disadvantages that hold them back. At age four, a child knows half as much as he will ever know. Why, then, are we waiting until kindergarten to intervene academically? Given the success of Head Start in improving school performance, there is no excuse for not making such resources available to all children who need them.

Comprehensive health and family life education should be taught to all children, starting in kindergarten and continuing through high school. Of course, instruction should be appropriate to the child's ability to understand and need to know. But we must not be timid about facing our obligations even to the youngest children. After all, the messages they get from television and videos, older siblings, and even parents, don't respect their ages. They need and should be encouraged to take responsibility for as much of their lives as they are capable.

They need to know about human nutrition and physiology and the risks of substance abuse—tobacco use, alcohol consumption, abuse of prescription medications (more than narcotics alone), and experimentation with substances they may be offered by friends or strangers.

If the same way they need to be armed with knowledge about human reproductive biology and development. The risks of early and unprotected sexual activity are effectively learned in such a context. We must do all we can to empower our children with useful facts and resources.

Parents need more support in nurturing, caring for and teaching their children. So many of our social problems are worsened by parents' uninformed attitudes toward health and inappropriate behavior toward their children. Instruction, counsel, and peer discussion ought to be available. For our future parents, today's children, this can start in the comprehensive health and family life education mentioned above. For today's parents, accessible programs must be devised for their busy lies. Many resources can be taped, including churches, civic organizations, work sites, schools and communities.

Male responsibility needs reinforcement. Family planning and sex education have traditionally focused on young females. This strategy appears to absolve young males of sexual responsibility. As with young females, many young males have few opportunities other than procreation to prove themselves. Accordingly, they must also be given opportunities for growth and self-expression in other arenas of life.

Comprehensive school-based clinics are needed to provide medical care, including family planning services, to all teens. They are logical partners of comprehensive health and family life education. If children are taught health promotion and primary prevention and health care, there will be demand for such services. Providing them in schools makes them nearly universally accessible.

Opportunities for higher education should be guaranteed. All children who make good grades, exhibit good citizenship, and have a low family income should be guaranteed assistance at state-supported colleges. Our society needs educated, critical minds, and our children need opportunities to develop fully.

I am pleased to report that many states, including Arkansas, have recently taken steps toward filling these prescriptions.

LEADERSHIP IS VITAL

How can you start filling these prescriptions rather than just passing out band-aids. Broaden your vision, become a leader. Let's consider more fully the word "Leader."

Now, discussing leaders and leadership is a good way to fill an entire afternoon. People will variously argue that there are no leaders, there are few leaders, there are enough leaders, or there are too many leaders of the wrong sort.

Often we see leadership as a personal quality, something that a person has intrinsically as part of his or her personality, a set of qualities that make him or her stand out. We say that someone is a born leader, a natural leader, or that they have innate leadership qualities and abilities.

It is often hard to imagine ourselves as leaders. We view leaders as "super-people", able to keep going seemingly without limits of time or energy. Thus, people who lead ordinary lives with a job (or two or three), kids, aging parents, mortgages, plumbing that leaks and a car that breaks down may be discouraged from ever trying to be a leader.

However, my personal experience has taught me that there is nothing mystical about being a leader. To begin with, it's hard work at best. Secondly, leaders take a lot of flak. Third, being a leader can be an isolating experience.

But, I believe, that to be effective in saving our nation as we know it, we must be leaders. Let's consider more fully the word "*LEADER*".

The "L" in leader is for learn. You have to learn what the needs and problems are. You must identify all available allies—institutions (schools, churches, hospitals), service agencies, key businesses, community leaders and political leaders. You must also learn who may present obstacles—learning includes getting to know the opposition. Then, try to identify someone who can help you "bridge the gap." Often, leadership means finding that key figure who is willing and able to stand up for us at critical times.

The "E" in leader is for educate. There are those who feel the programs I want for children are morally wrong. I believe, it's morally wrong for children to go hungry, it's morally wrong for children to be cold, and it's morally wrong for children to be poor. If we had a perfect society with no hungry children and a wonderful place for everyone to live, they would not need the programs I advocate. I often ask people if they were willing to let a baby die of hunger just because his mother did something wrong? Once educated, the majority of people support our programs.

The "A" in leader is for advocacy. Sometimes we get so busy protecting, working, and planning our own particular programs that we forget we are a part of the whole. It takes many people's efforts to make programs work. It takes the schools, the mothers, the fathers, the churches, everybody in the community. We must attract these diverse groups in order to build a true infrastructure for our programs. Each agency or group must work with the others, playing its own unique role. Over and over again, super programs without adequate infrastructures have simply disappeared with the departure of their founders.

The "D" in leader is for design. We have to design and develop programs that are unique and fit the special needs of individual communities. This is illustrated by an old Chinese Fable.

"Once upon a time a monkey and a fish were caught up in a great flood. The monkey, agile and experienced, had the good fortune to scramble up a tree to safety. As he looked down into the raging waters, he saw a fish struggling against the swift current. Filled with a humanitarian desire to help his less fortunate fellow, he reached down and scooped the fish from the water. To the monkey's surprise, the fish and was not very grateful for this aid."

Many communities have a long history of outsiders coming into their community to "rescue" their members from some inherent danger. Although well meaning, many of these programs are ineffective because they do not involve community members in their planning and implementation. (9)

This leads us to the second "E" in leader, which is for enable. Communities do not want to be told by outsiders what their problems are and how to solve them. In the spirit of community pride and self-determination, they want assistance to enable them to help themselves.

Local leaders have a right to expect the "experts" to offer assessment and assistance, but unless they assume responsibility for making something happen in their hometowns, the efforts will be to no avail. We must enable people to overcome their problems.

Finally, the "R" in leader is for responsibility and risk-taking. It is our responsibility to reach out and that often involves taking risks. We may see risk as inevitably ending in ruin, injury, hurt and loss and, therefore, as something to avoid.

We should, though, think of a mistake as an occasional mis-step in our path toward our goal. Viewed in this light, mistakes can even be positive. Remember, they are an important aspect of self-education; there's almost always a valuable lesson to be learned from failure. A perfect record is not a statement of invincibility, but more likely an indication that we simply are not taking enough risks. (10)

LESSONS FOR THE 1990'S

As leaders each of us shoulder tremendous responsibility. We must draw upon our life experience to do what we know matters. We must remember the lessons of our generation. My friend, and another advocate for children, Marian Wright Edelman, President of Children's Defense Fund, has synthesized her experiences and submitted "Ten Lessions To Help Us Through the 1990s." They bear repeating.

Lesson 1: There is no free lunch. We must not feel entitled to anything we don't sweat and struggle for. Each of us must take the initiative to create opportunity. A people unable or unwilling to share, to juggle difficult, competing demands, or to make hard choices and sacrifices may be incapable of taking courageous action to rebuild our families and communities and to prepare for the future.

Lesson 2: Set goals and work quietly and systematically toward them. We must resist quick-fix, simplistic answers. We must not talk big and act small. We can't get bogged down in our ego needs. You can achieve a lot if you don't mind working hard and giving others the credit.

Lesson 3: Assign yourself. Don't wait around for your boss or your friend to direct you to do what you are capable of figuring out and doing yourself. Don't do as little as you can to get by. If you see a need, don't ask, "Why doesn't somebody do something?" Ask, "Why don't I do something?"

Lesson 4: Never work just for money. Don't confuse wealth or fame with character. Don't confuse legality with morality. Don't tolerate corruption. And demand that those who represent you do the same.

Lesson 5: Don't be afraid of taking risks or being criticized. An anonymous sage said, "If you don't want to be criticized, don't say anything, do anything, or be anything." It doesn't matter how many times you fall down, it's how many times you get up.

Lesson 6: Take parenting and family life seriously. Our leaders mouth family values we do not practice. Seventy nations provide medical care and financial assistance to all pregnant women; we aren't one of them. Seventeen industrialized nations have paid maternity leave programs; we are not one of them.

Lesson 7: Remember and help America remember that the fellowship of human beings is more important than the fellowship of race and class and gender in a democratic society. We must realize that our country's ability to compete and lead in the new century is as inextricably intertwined with our poor and nonwhite children as with white privileged ones.

Lesson 8: Don't confuse style with substance or political charm with decency or sound policy. Words alone will not meet the children's or the nation's needs. Leadership and different priorities will.

Lesson 9: Listen for the sound of the genuine within yourself. There are so many competing demands in our lives that many of us never learn to be quiet enough to hear the sound of the genuine within ourselves or other people.

Lesson 10: Never think life is not worth living or that you cannot make a difference. In other words, never give up. I know how discouraging it can be to struggle year after year with the same issues. But we have to realize that it isn't necessary to "win" immediately in order to make a difference.(4)

Sojourner Truth, an illiterate slave woman who hated slavery and the second class treatment of women, was heckled one day by an old white man. "Old woman, do you think that your talk about slavery does any good? Why, I don't care any more for your talk than I do for the bite of a flea." Perhaps not," Sojourner rejoined, "but the Lord willing, I'll keep you scratching."

Enough committed fleas can make even the biggest dog uncomfortable and transform even the biggest nation. (4)

America can no longer afford to spend more than any other country per capita on personal health care, yet have 34 million citizens in her borders with little or no health coverage. During the past hour, we as a nation spent 33.7 million dollars on our national defense. We spent 23 million dollars on the S&L bail out. Yet, we only spent 1.3 million dollars on our children's health.

Unlike murder or suicide, poverty is a slow death. For the 12 million children in America who are suffering from a slow death, I challenge you to get involved. Time is of the essence.

As I look around the room today, I realize we really are an aging America. But, a society grows great when old men plant trees under whose shade they know they'll never sit.

Ms. MOSELEY-BRAUN. Mr. President, I think it is important that we not lose sight of why we are here, what this nomination is about, what the job description of the Surgeon General is, and why it is so vitally important that we confirm this nomination today, that we do so with dispatch, that we get beyond this argument and recognize that Dr. Elders has passed the credentials test, the competence test, the character test, and that she does deserve confirmation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. PACKWOOD. Mr. President, I have talked to the manager of the bill. I was to speak next. I yield myself 5 minutes off his time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PACKWOOD. Mr. President, I rise today in support of Dr. Joycelyn Elders, the President's nominee for Surgeon General of the United States.

Is she controversial—yes, she is, as is usually the case when a strong and talented individual has the courage to take strong and candid stands.

The basic question is, "Is Dr. Elders qualified to promote the protection and advancement of the Nation's physical and mental health?" The answer I am receiving from public health professionals is a resounding yes.

The answer I am receiving from diverse groups such as the national PTA, the American Medical Association, NARAL, and the National Education Association is a resounding "yes".

Mr. President, at this stage in my speech I would like to submit for the RECORD two letters of support I received; one from Elizabeth Brown, community health supervisor in Washington County, OR, and one from Kate Michelman, the president of the National Abortion Rights Action League.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NARAL,
Washington, DC, July 26, 1993.

Hon. BOB PACKWOOD,
U.S. Senate, Washington, DC.

DEAR SENATOR PACKWOOD: I am writing to urge you to vote in support of the nomination of an outstanding woman who will bring a realistic and tough approach to the health problems of all Americans, Dr. Joycelyn Elders.

When you are considering your position on this nominee, please consider the unimpeachable credentials she brings to the position of Surgeon General and the stellar array of mainstream organizations, including the American Medical Association, which support her. The voices raised against her are those of the extreme right, which refuse to acknowledge the need to deal with, not merely to wish away, the problems of unplanned teen pregnancy and sexually transmitted diseases.

Dr. Elders will be a dynamic, forceful leader for change, who has pledged to work to make every child a wanted child. This is a goal we all should share. I ask that you support Dr. Elders, a nominee who deserves your vote.

Thank you for your consideration of this important issue. If you have any questions or comments, please contact the Legislative/Political department at NARAL, 202-973-3000.

Sincerely,

KATE MICHELMAN,
President.

WASHINGTON COUNTY, OR,
August 2, 1993.

Hon. BOB PACKWOOD,
Russell Building, Washington, DC.

DEAR SENATOR: I am writing to strongly encourage your support of President Clinton's nomination of Dr. M. Joycelyn Elders as U.S. Surgeon General.

As I'm sure you know, Dr. Elders, the Arkansas State Health Commissioner, has had a long and illustrious career in public health. She is a certified pediatric endocrinologist and is presently the President of the Association of State and Territorial Health Officials (ASHTO). In addition, she serves on many councils and commissions in the public and private sectors, including the National Advisory Commission on Rural Health and the National Institute of Medicine's Health Promotion Disease Prevention Committee.

Many national organizations have recognized Dr. Elders for her outstanding work. Her honors include: the American Medical Association's Outstanding Public Health Professional, the National Education Association's Award for Creative Leadership in Women's Rights, and the National Governor's Association Distinguished Service Award.

Dr. Elders is an outspoken advocate for children and the underserved. She is to be praised for her efforts to increase children's immunization rates and reduce teen pregnancy.

I am proud to be counted among those urging prompt confirmation of this courageous public health crusader.

Sincerely,

ELIZABETH A. BROWN,
Community Health Supervisor.

Mr. PACKWOOD. Mr. President, Dr. Elders is the wakeup call we need for the preventative health of our Nation, the wakeup call we would sometimes like to ignore in our daily lives.

We would all like to believe that the hope for our country—our children—are guided by us as parents, by our churches, by our schools, and by our scholars.

In a perfect world, this would be so. But, by her very background, and medical training and public health experience, Dr. Elders knows firsthand that we do not live in that perfect world, that we are losing some of our children, disenfranchised and diseased before they can become solid, productive citizens.

She is the voice that reaches out to them, and the voice that they heard when she was the director of Arkansas' health department.

And, as president of the association of State and Territorial Health Officials, she is the voice that the health experts from every State in the Union, my State and yours, listen to for public health care guidance.

Dr. Elders uses her judgment, based on all her skills as a highly trained doctor of pediatric endocrinology and her life experiences, to urge us all toward a healthier life, because her first priority is preventative medicine.

That is the message that she expouses loud and clear and the wakeup call that we sometimes do not want to hear—preventative medicine.

Her courageous initiative against teen pregnancy in Arkansas includes school-based clinics and a public information campaign.

She is a tireless advocate for availability of family planning and prevention of sexually transmitted diseases.

Her expertise in pediatrics served Arkansas well when she moved aggressively to wage a campaign for healthy babies and the availability of preventative health services, such as immunizations, for young children.

Dr. Elders should be allowed to continue with her courage and vision in tackling tough and controversial health problems for the entire Nation—she is the wakeup call we must hear and the reality we must recognize.

I hope that the Senate would overwhelmingly confirm her. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES. Mr. President, I yield the Senator from Missouri 6 minutes.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

IN SUPPORT OF CONFIRMATION OF DR. JOYCELYN ELDERS

Mr. DANFORTH. Mr. President, I have an overwhelming, almost insurmountable predisposition to confirm presidential nominees, virtually any nominees. Because of this predisposition, I did not think it necessary to visit with Dr. Elders when she offered to come to my office. But she did come, and we did visit, and I am glad we did. For that visit makes it possible, just barely, for me to vote to confirm Dr. Elders.

An office visit of 20 minutes to half an hour is, of course, scant basis for an informed judgment on a nominee. But when one has a strong predisposition to confirm, one grabs at any straw and indulges any presumption. So I will presume and hope that what I saw in Dr. Elders during that visit was an accurate impression of the person.

I found Dr. Elders startlingly unqualified for the position of Surgeon General. To me she seemed at once unthinking and dazzled by her own persona. When I asked what the most important thing was that she wanted to accomplish as Surgeon General, she said "education." She was not speaking of health education or medical education—just education. This is an important subject, to be sure. The problem is that it is not within the portfolio of Surgeon General.

She then changed subjects and announced that she did not want any unwanted babies to come into the world.

I understand that Dr. Elders is aggressively pro-choice, as is the President. I am pro-life, but that difference for me would not decide on a confirmation vote. But Dr. Elders seemed to be announcing a position beyond pro-choice and verging on a search and destroy mission of the unwanted. This in the office of a pro-life Senator.

At the end of the meeting, I inquired about buttons Dr. Elders and her entourage were wearing. The logo was a lightning bolt. She told me she had said to some assemblage that if they would be the thunder, she would be the lightning.

At the end of the meeting, my intention to vote for the nominee was unshaken. Dr. Elders struck me as unimpressive and foolish, but I do not think the republic will fall if our next Surgeon General is unimpressive and foolish.

Nor was I shaken by various claims I later heard about Dr. Elders' liberalism. Philosophy is to be a matter of Presidential prerogative. For 8 months, President Clinton has gone out of his way to identify himself with the left wing of the Democratic party. He deserves an administration with whom he is philosophically comfortable.

I have one concern and only one about Dr. Elders that has led me to consider opposing her confirmation. That concern is her statements that could be construed as religious bigotry. She has attacked the Catholic Church as "celibate" and "male dominated." She has called abortion opponents, "non-Christians with slave master mentalities." She has appeared to combine religious intolerance with behavioral tolerance saying, "We've taught our children in driver's education what to do in the front seat, and now we've got to teach them what to do in the back seat."

I have no doubt that had a white Catholic male made statements comparable to those of Dr. Elders, such a nominee would have no chance of confirmation. The good reason for this is that bigotry and racism have no place in our society, and certainly none in our Government.

But, as we must be quick to condemn intolerance, so we must be slow to attribute intolerance where none is intended.

This is a point I tried to make on the floor just after our votes on whether to extend patent protection for the United Daughters of the Confederacy.

Certainly, it is possible to construe statements by Dr. Elders as religious bigotry. And under such a construction she should be defeated. But I choose to believe, on the basis of my short visit with her, that offense should not be taken, because no bigotry was intended. I choose to believe that the person who made the statements about the Catholic Church and about pro-life, religious people, was the same person I thought I saw in my office, and that she made them without thinking. I choose to believe that Dr. Elders is foolhardy and that she loves the sound of her own voice. Those, to me, are not sufficient obstacles to confirmation.

I will vote to confirm Dr. Elders.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER (Mr. Breaux). The Senator from Ohio is recognized.

Mr. METZENBAUM. On behalf of Senator KENNEDY, I yield myself 10 minutes.

I rise to offer my strong support for Dr. Joycelyn Elders to be Surgeon General of the United States. She comes before the Senate as an eminently qualified candidate, capable of meeting the challenges of Surgeon General of the United States.

She has had a distinguished career in pediatrics as a physician, a researcher, and as a teacher of future doctors.

She has tackled difficult health problems in the State of Arkansas with courage and with commitment. Joycelyn Elders has confronted adversity throughout her life. She has faced abject poverty. She has endured the hardship of segregation. She has risen in a profession dominated by men. And after clearing each hurdle in her life, she has emerged stronger than ever.

Now she faces another hurdle: The far right has attempted to derail her nomination for months, long before President Clinton sent her name to the Senate. They have spread endless rumors and innuendo attacking her and her family. My response is that we have investigated every allegation, and she, in my opinion, should be confirmed as Surgeon General.

We have listened to the distortions of Dr. Elders' record and, frankly, we have come away with a better understanding of who Dr. Joycelyn Elders is. She is a remarkable and a dedicated leader. She is not about abortion; she is about abstinence and preventing unplanned pregnancies. She is not about putting condoms on school lunch trays; she is about comprehensive health education for children. She is about early childhood education to help children get a good start on life. She is a tireless advocate for children who are part of what she calls the "5-H Club"—the hungry, the healthless, the homeless, the hugless and, yes, the hopeless.

Yet, some groups have labeled her a "radical." I suspect this is because she has made her views on sex education, condom distribution, and abortion well known. It is no secret that she has been outspoken and plans to use the office of the Surgeon General as her bully pulpit. However, the number one doctor in the country should not be afraid to step on some toes. The number one doctor in the country should not yield to any interest group, industry, or association, when the health care of the American public is on the line. The number one doctor in the country should not sugar-coat the message when our children's future is at stake.

The Surgeon General needs to be an aggressive advocate for the American public. Former Surgeon General, Dr. C. Everett Koop, fit this mold. He was a tough, uncompromising leader in the medical community. When his own administration failed to tackle the AIDS crisis early on, Dr. Koop stepped forward. That is the type of leadership we need in the office of the Surgeon General and Dr. Joycelyn Elders fits this bill. She is tenacious, she is determined and, frankly, her actions speak louder than her words.

As director of health in Arkansas, she has improved the immunization rates for 2-year-olds; increased childhood screenings, expanded HIV prevention services and cancer prevention services for women; she launched a sickle cell screening program for newborns; and improved access to community based health clinics by improving transportation to those clinics.

So, Mr. President, it is no wonder that an overwhelming number of organizations have publicly voiced their support for Dr. Elders. The AMA has stated that Dr. Elders "brings the requisite experience, knowledge and commitment to provide leadership as Surgeon General."

The National PTA has come out saying, "In the interest of providing quality preventative health care services to younger Americans, the National PTA supports Dr. Joycelyn Elders' nomination for Surgeon General of the United States."

The American Heart Association, the American Lung Association and the American Cancer Society, have all come out in favor of Dr. Elders. Several church and religious groups have voiced their support of Dr. Elders, including the United Methodist Church and Society and the Presbyterian Church USA, and B'nai B'rith. In fact, over 340 organizations have come out in favor of Dr. Elders.

Yet, this nomination has been delayed by one stalling tactic after another. Her confirmation hearing was postponed 1 week. When she finally appeared before the committee, she was delayed 3 more hours. When finally given the chance, she dutifully answered every question posed by Senators and then answered over 200 questions submitted in writing.

Throughout this process, the allegations have been refuted, the questions answered. Dr. Elders is ready to serve her country, and she deserves that chance.

I urge my colleagues to support her confirmation.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. KENNEDY. Mr. President, during the earlier part of the discussion of my friend and colleague from Oklahoma, there were a number of issues that he raised. I will take some of the time of the Senate, and perhaps this afternoon, in responding in greater detail to those measures. But I do think that it is particularly important to respond to the allegations and charges that have been made about Dr. Elders and her views about the Catholic Church or about organized religion. I want to just put as complete a record into the Senate discussion now what I think would benefit the Members in making judgments and decisions about her statements and also her actions.

Dr. Elders' remarks need to be put in context, especially since they have been blown so far out of proportion. Her opponents have confused two separate issues. Dr. Elders' comments on the actions of the church in condoning slavery and the oppression of Native Americans and other social wrongs had absolutely nothing to do with the Catholic Church.

Instead it was a response to a vicious television ad run by right-wing, Protestant church groups attacking the prochoice movement. Let me read from the newspaper report summarizing the ad, and I think on hearing this summary, my colleagues will understand why Dr. Elders felt she needed to respond so strongly.

I ask unanimous consent to include the complete article in the RECORD. This is from the Arkansas Democrat-Gazette newspaper.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Democrat-Gazette, Jan. 15, 1992]

CHURCH'S ANTI-ABORTION AD ENRAGES PRO-CHOICE SIDE

(By Jane Fullerton)

A Little Rock television advertisement comparing abortion to oppressions such as slavery and the Holocaust has angered abortion rights advocates.

"It's another example of the extremist and distorted message that the anti-choice forces try to put upon the public," said Kimberly Collins, who heads the Arkansas Coalition for Choice.

The Fellowship Bible Church is running the 30-second commercial on the three local network affiliates, said the Little Rock church's pastor, Dr. Robert Lewis.

The ad coincides with the anniversary of the U.S. Supreme Court's Roe vs. Wade decision that legalized abortion Jan. 22, 1973. Both sides plan rallies this weekend in Little Rock to mark the occasion.

The ad shows photographs of an Indian, a black man with a rope around his neck and prisoners behind barbed wire in a Nazi concentration camp.

A female voice says: "Not so long ago we were told these people were not fully human."

As the picture changes to that of a 10-week-old fetus, the voice continues: "Now we're being told these people aren't fully human either.

"Hasn't our history taught us anything? Speak up Arkansas for our unborn children. They are people too."

Lewis said church members wrote and produced the commercial to reach people who are undecided about abortion.

"We wanted to speak more directly to the community, without it going through other sources, in a way that would capture people's attention," he said.

Dan Kirkpatrick, president of the Little Rock advertising firm of Kirkpatrick Williams and Associates, said the ad would force people to confront their feelings about abortion. His agency helped the church buy the air time.

"It gets you off the fence," Kirkpatrick said. "That's the whole point."

Collins said the comparisons between human rights abuses and abortion are inaccurate and abhorrent.

"The significant difference is that the fetus is a potential human being and the slave was a human being," she said.

Zenobia Harris, past president of the Arkansas Black Women's Health Project, also criticized the ad.

"It is an outrage that they are willing to compare the prochoice position to the horrors of concentration camps, the lynching of African-Americans or the cruelty to native Americans."

But Lewis said the ad draws a valid parallel between different forms of oppression.

"We think this commercial upholds the intrinsic worth, not only of unborn children, but of all humans," he said.

Anne Dierks, who heads Arkansas Right-to-Life, said she frequently compares abortion to slavery and the Holocaust. Although she had not seen the ad, she agreed with its premise.

"We surely haven't learned anything from history," she said.

Lewis would not say how much the ad cost. He said that was "totally irrelevant." But he said it would run indefinitely on Little Rock stations KARK, Channel 4; KATV, Channel 7; and KTHV, Channel 11.

He said the church has produced several other ads.

Mr. KENNEDY. To paraphrase, a Little Rock television advertisement compared abortion to oppression, such as slavery and the Holocaust and abortion rights advocates. The Fellowship Bible Church is running a 30-second commercial on the three local network affiliates, said Little Rock Church pastor Dr. Robert Lewis.

The ad coincides with the anniversary of the Supreme Court Roe versus Wade decision that legalized abortion on January 27, 1973. Both sides plan rallies this weekend in Little Rock to mark the occasion. The timing was to mark the 20th anniversary of this decision. Groups that supported it had rallies indicating support for the decision; those opposed did likewise.

And then we had the running of this particular television 30-second commercial. The ad shows photographs of an Indian, a black man with a rope around his neck and prisoners behind barbed wire in a Nazi concentration camp. A female voice says: "Not so long ago, we were told these people were not fully human." As the picture changes to that of a 10-week fetus, the voice continues: "Now we are being told these people are not fully human either. Hasn't our history taught us anything? Speak up, Arkansas, for our unborn children. They are people, too."

Lewis said church members wrote and produced the commercial to reach people who are undecided about abortion.

So that is the ad.

Having responded to this ad, Dr. Elders went on to discuss those who opposed the prochoice movement, and she listed—and I quote: "a male-dominated, celibate church" as one of the opponents of the prochoice movement. She also included the male-dominated medical societies which at the time of the Roe versus Wade decision had also opposed any prochoice movement, and she also included male-dominated legislative leaders who opposed any choice. Those were the various groups that had opposed the Roe versus Wade decision that she listed—those three groups: male-dominated legislative leaders, male-dominated medical societies, and male-dominated, celibate church. The Catholic Church opposes the prochoice position and Dr. Elders realized the language she used might have inadvertently given offense to Catholics, and she reached out to correct any misunderstanding.

In late January, early February, responding to some concerns about Elders' remarks expressed by Father Ralph West, a priest in the town of Bigelow, AR, a population of 150, Elders contacts Archbishop McDonald to set up a meeting to discuss her remarks with him and try to clarify her statements. In late February 1992, Dr. Elders met with Father West, Archbishop McDonald, and Father West's brother, who is a Methodist minister, to discuss her statement, and Dr. Elders apologized in person. This is January, February, 1992. We are not talking about a nomination conversion. This is just within proximity of these comments and these statements and this kind of an ad.

Subsequent to her conversation with Archbishop McDonald, Elders sent Archbishop McDonald a letter thanking him for the chance to meet with him and stressing she had "the utmost respect for Roman Catholic Church and its followers" and apologizing again for the use of the term "male dominated." I will include the letter in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ARKANSAS DEPARTMENT OF HEALTH,
Little Rock, AR, February 26, 1992.

Bishop ANDREW MCDONALD,
Little Rock, AR.

DEAR BISHOP MCDONALD: I appreciated the opportunity to discuss important issues of concern facing the citizenry of our State. I want to thank you for taking the time out of your busy schedule to meet with Father Host, my brother and me to address some concerns raised by Father West regarding an address I made at the Pro-Choice rally on January 18, 1992.

> I wanted you to know that the major emphasis of my effort has been to protect and improve the health of all citizens of our state. My initiatives, since I have been Health Director, have included ensuring:
>
> (1) Early childhood education for all children,
>
> (2) Health education in schools from K-12,
>
> (3) Teaching parents parenting skills,
>
> (4) Teaching young males responsibility for their actions,
>
> (5) Providing comprehensive, primary preventive health services for all children that is accessible, affordable, acceptable and age-appropriate, and finally,
>
> (6) Providing opportunity for young people to attend college if they have done well in school and desire to do so with the idea that college is cheaper than prisons.
>
> As discussed, in my statement which was quoted in the media, I did not have any preconceived malice or intent to blaspheme the Roman Catholic Church. I have the utmost respect for the Roman Catholic Church and its followers. If offense was taken at my use of the term "male-dominated" rather than "male-governed," please accept my sincere apology.
>
> Once again, many thanks for the opportunity to discuss this important issue with you.
>
> Sincerely,
>
> H. JOYCELYN ELDERS, M.D.,
> *Director.*

Mr. KENNEDY. She points out a number of the constructive works that the church had been involved in and then mentions in the next to the last paragraph as discussed in my statement which was quoted in the media:

> I did not have any preconceived malice or intent to blaspheme the Roman Catholic Church. I have the utmost respect for the Roman Catholic Church and its followers. The offense was taken at use of "male dominated" rather than "male governed." Please accept my sincere apology.

She sent a copy of that letter to Father West.

I know it has been represented that she did not apologize, did not show any kind of indication or sensitivity to this issue. I think the record is quite clear that she expressed that position to Father West orally and then wrote to Father West's archbishop which is Archbishop McDonald for using the term male dominated.

Then in July 14, 1993—this is now 1993; the February we were talking about was in 1992—in a letter from Archbishop Keeler to President Clinton not released by the archbishop until August 31, Keeler complains to President Clinton that Dr. Elders' characterization of the Catholic Church as celibate, male dominated is contemptuous and also complains that she suggests that prolife advocates are not interested in life beyond the womb.

On Friday, July 23, we have the hearings and there were no questions at that time that were asked by Senators concerning the speech. On Wednesday, July 28, in written questions Senator COATS asked Dr. Elders whether she made comments.

In response to the television advertisement comparing the prochoice movement to the Holocaust and slavery and asking to apologize to remarks made during the address, in response to Senator COATS, Dr. Elders confirmed the statements concerning the TV ad, indicating she apologized to Bishop McDonald of Arkansas both in person and in writing.

Now we have July 30, which is when Elders was approved by the committee and on August 4 the nomination goes to the floor.

Then on August 5, President Clinton responds to Archbishop Keeler's July 14 letter, and that was not released until July 31, and stresses that he had known Dr. Elders personally for many years and that as a religious person she respects the deeply held beliefs of others.

Then Dr. Elders responded to a question from Senator LOTT about religious bigotry and stated:

> Although my speech in January 1992 did not specifically mention the Roman Catholic Church, I understand that some Catholics may have taken offense at my remarks.
>
> That was not specifically mentioning the Roman Catholic Church offense to my remarks. In case of an offense I apologize.
>
> As someone who has experienced prejudice firsthand, I reiterated to Bishop McDonald my abhorrence for bigotry in any form. I do not condone bigotry, and I will not tolerate bias and prejudice in the administration of any programs under my jurisdiction as Surgeon General, should I be confirmed.

August 5, Cardinal O'Connor of New York writes to Senator D'AMATO—and there are other dates that follow. But I mention one in particular, August 5, 1993, in a personal and confidential communication to Archbishop Keeler, president of the National Conference of Catholic Bishops subsequently released by Archbishop Keeler on August 31, Dr. Elders apologized to Keeler and stated:

> I abhor bigotry in all its forms. I grew up in a segregated community and know first hand the baleful effects of prejudice and discrimination * * * I do not consider myself a bigot, and I regret any impression that I may have left to the contrary * * * I never meant to malign or blaspheme the Catholic Church * * * I respect and admire the many contributions that church-based programs and church-inspired people have made to education, health care, and social justice.

Then in letters to Senator BIDEN, Elders restated: "I sincerely apologize for any member of the Catholic Church whom I offended."

So, Mr. President, I think what we have to do is look at the full context of these comments and statements. All of us certainly know of times where we may have selected other words to express views that should be more carefully considered, and I think that Dr. Elders has certainly indicated that on that occasion she wishes she had. But it is very clear I think from reviewing the record the context in which her reaction came and also the extraordinary degree to which she went to try and indicate to those who might have been offended by her very sincere regrets for any comments that could have, would have, and did offend individuals. I think it is appropriate, and I will just end with this kind of comment and review the extraordinary strong beliefs of Dr. Elders in her God and in her religion.

She has been a lifelong Methodist. She received her scholarship, as I mentioned earlier, from the United Methodist Church. She attended a religious-affiliated college, a Methodist institution. She has been a member of the Hunter United Methodist Church, served on numerous boards, and has been an active member of the lay religious community.

She has been a keynote speaker of the global meeting of the United Methodist Church. The Methodist Church has selected her as "Lay Person of the Year" in 1993. She serves on the board of Camp Aldersgate, a Methodist summer camp for children with medical disabilities, and has been an active member of that community.

She is honorary chairman of the Methodist Church's Shalom project, designed to help end inner-city violence. Her brother is a Methodist minister.

In reviewing her total life and her family's life, her devotion to her church and her religion, the nonexistence of any form of bigotry is so clear and so evident and so powerful that I do think it is only fair to understand that tradition and that strong commitment and those very deep beliefs, and the context in which these comments were made, to try to be fair to Dr. Elders.

I cannot help but believe that any fair evaluation of the totality of her life's experience will show one strongly committed to be free of bigotry and prejudice.

And I can see why, under certain circumstances, people could take strong offense. I do not think there is any question that people could. Her efforts to try to respond to that, I think, are very compelling and are a real reflection of her own very deep sense of personal and religious values.

I hope, for those who are concerned about this issue, that we will be able to respond, perhaps, in greater detail to those matters that I mentioned here. But I hope they will certainly give her, on this issue, the benefit of the doubt.

Mr. President, I withhold the remainder of my time.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I will just make a couple of comments to conclude this colloquy on religious bigotry. I will enter a couple of additional statements into the RECORD.

But I want to clarify that, at least in this Senator's opinion, Dr. Elders did not apologize. She apologized for any offense taken, but she did not apologize for the remarks.

I might mention this. I will insert in the RECORD a letter from Father James

P. West. This letter is dated September 3, 1993. It shows the history of what happened back in January and February 1992.

I will just read this, and also show the history of what has happened in July, August, and September of this year.

In January and February 1992:

> Father West confronts Dr. Elders on her remarks in order to obtain an apology from her.
>
> Father West also confronts Governor Bill Clinton on this matter and asks for his assistance.
>
> Dr. Elders offers no response to the appeal for apology.
>
> Governor Clinton intervenes and sent Dr. Elders to Father West to make amends.
>
> With possible insubordination to Governor Clinton, Dr. Elders offers an "apology" for "offense taken" to remarks, not an apology for the actual remarks, or a retraction.

I might mention, too, that I have already inserted in the RECORD a letter from Dr. Elders, on February 26, to Bishop McDonald, that says:

> As discussed, in my statement which was quoted in the media, I did not have any preconceived malice or intent to blaspheme the Roman Catholic Church. I have the utmost respect for the Roman Catholic Church and its followers. If offense was taken at my use of the term "male-dominated" rather than "male-governed," please accept my sincere apology.

She apologized for using the term "male-dominated" when she should have said "male-governed." That was her only apology. She did not apologize for the entire remarks. That is in a letter to the Bishop. That is after meeting with Father West and after meeting with Governor Clinton, trying to resolve this matter.

Now, this year, in July:

> Catholic hierarchy and organizations confront Dr. Elders on her remarks in order to obtain an apology from her.
>
> Catholic hierarchy and organizations also confronted President Bill Clinton on this matter for his assistance.
>
> Dr. Elders offers no response to the appeal for an apology.
>
> President Clinton intervenes and has Dr. Elders make a statement concerning her bigoted remarks.
>
> With possible insubordination to President Clinton, Dr. Elders offers an "apology" for "offense taken" to remarks, not an apology for the actual remarks, or a retraction.

She did not retract the remarks. She did not apologize for the remarks. She apologized if offense was taken. There is a big difference, and I think people need to be aware of that.

Mr. President, I ask unanimous consent to have printed in the RECORD this letter from Father West, and also a different letter from John Cardinal O'Connor to Father West.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ST. BONIFACE CHURCH,
Bigelow, AR, September 3, 1993.

DEAR SENATOR NICKLES: I write this letter in response to the so-called "apology" which has now been given to the Catholic Church by Dr. Joycelyn Elders for offensive, anti-Catholic remarks she has made. The purpose of this letter is to inform you of a disturbing pattern which has now emerged in this regard.

Let us look at the historical record and find the similarities:

January 18, 1992: Dr. Elders makes her remarks in address to the Arkansas Coalition for Choice.

Jan./Feb., 1992:

1. Fr. West confronts Dr. Elders on her remarks to obtain an apology from her.
2. Fr. West also confronts Gov. Bill Clinton on this matter for his assistance.
3. Dr. Elders offers no response to the appeal for apology.
4. Gov. Clinton intervenes and sends Dr. Elders to Fr. West to make amends.
5. With possible insubordination to Gov. Clinton, Dr. Elders offers "apology" for "offense taken" to her remarks, not apology for the actual remarks or retraction.

July/Aug./Sept., 1993:

1. Catholic hierarchy & organizations confront Dr. Elders on her remarks to obtain an apology on her remarks to obtain an apology from her.
2. Catholic hierarchy & organizations also confront Pres. Bill Clinton on this matter for his assistance.
3. Dr. Elders offers no response to the appeal for apology.
4. Pres. Clinton intervenes and has Dr. Elders make a statement concerning her bigoted remarks.
5. With possible insubordination to Pres. Clinton, Dr. Elders offers "apology" for "offense taken" to her remarks, not apology for the actual remarks or retraction.

Senator, is this not an exact repeat of history? It seems as though there is great fanfare among some, now that Dr. Elders has offered her "apology" to the Catholic Church. However, what she is saying now is no different from what she told Bishop McDonald and me a year and a half ago.

It was only due to the fact that Dr. Elders' "apology" was insufficent so long ago that I felt no qualms about travelling to Washington, DC in July to inform the American public about this episode. Please inform the Senators and the American public that this has all been said and done before. Dr. Elders' repeat of last year's old and meaningless "apology" today cannot right a terrible wrong.

Sincerely in Christ,

FR. JAMES P. WEST.

CARDINAL'S OFFICE,
New York, NY, August 17, 1993.

DEAR FATHER WEST: Many thanks for your letter of 13 August, together with enclosures, regarding the nomination of Dr. Elders for the post of Surgeon General.

Your correspondence was on my desk upon my return from the 1993 World Youth Day Celebration with our Holy Father. I am anxious to review it.

Also, I enclose a copy of my recent column, printed in Catholic New York for your review.

Finally, I am grateful for your efforts to oppose Dr. Elders' nomination, as she has clearly exhibited her strong anti-Catholic beliefs. Her comments on the steps of the State Capitol truly make her unfit for high public office.

Know that I will remember you in my Masses and prayers. Please, pray for me as well.

With gratitude, best wishes and

Faithfully in Christ,

JOHN CARDINAL O'CONNOR,
Archbishop of New York.

Mr. NICKLES. Mr. President, I will just read this paragraph:

> Finally, I am grateful for your efforts to oppose Dr. Elders' nomination, as she has clearly exhibited her strong anti-Catholic beliefs. Her comments on the steps of the State Capitol truly make her unfit for high public office.

Finally, in response to Senator KENNEDY's statement that, well, her remarks were really meant to be to the white, male-dominated Arkansas Legislature—and I am not sure who else—this quote—I will just read again this quote that I already inserted in the RECORD dealing with anti-Catholic bigotry.

> * * * and there *the Church was silent* when we talked about * * * [unintelligible] * * * the first 400 years black people had their freedom aborted, and *the Church said nothing.* The way of life for the Native American was aborted; *the Church was silent.* We attempted to eradicate a whole race of people through the Holocaust, and *the Church was silent.* * * * Women had no right to vote for years. We ask why. Why do these things go on? * * * [unintelligible] * * * Any time when the right of choice is taken away from all of us and put into the hands of a few, these are the kinds of things that will happen, over and over again. Look at who's fighting the pro-choice movement: *a celibate, male-dominated Church.* [emphasis added]

The church was mentioned five times in this statement—a celibate, male-dominated church. That had to be referring to the Catholic Church. It did not mention the legislature. It did not mention any other organizations. It mentioned the church. So there was a very bigoted, anti-Catholic statement, which has not been retracted yet, which has not been apologized for yet, despite repeated efforts, including by Governor Clinton and President Clinton, to get a retraction and apology.

She apologized "if offense was taken." There is a big difference.

Mr. President, I believe we are under the order to break, so I suggest the absence of a quorum.

Mr. KENNEDY. Will the Senator withhold the request?

Mr. NICKLES. Yes.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I know there has been some question about whether Dr. Elders apologized or did not apologize, but perhaps we are getting into semantics.

We put in the RECORD the actions she took long before, 10 or 12 months before, she was ever recommended for this position, and the words "apologize" and the references that were included.

Clearly, it is not satisfactory to Dr. West and to some Members here.

But I want to also get back to that, and the references, because I think it is important to understand the context in which any of these comments were made:

Look at who's fighting the pro-choice movement: a celibate, male-dominated church, a male-dominated legislature, and a male-dominated medical profession.

That is the context in which this comment was referenced. From that time, in personal meetings with Father West she expressed her apologies, and in meetings with the bishop and Father West, she wrote an apology and has expressed those views in terms of the record of our committee. I indicated earlier in the discussions the additional steps that were taken.

As I say, I think it is important to look at any of these comments when we are suggesting that Dr. Elders has a bigoted bone in her body and to ask the question whether that particular kind of a comment that is made under those circumstances represents her fundamental integrity and the caliber and quality of her soul or whether her life's experience, which has been dedicated and committed to resisting bigotry in every form, shape, and manner, and a lifetime of commitment to the church of her belief is really the Joycelyn Elders that is before the Senate.

It is difficult for me to try to make a case which will suggest the former. It is clear to me that she is really a reflection of the tolerant and caring person who has been characterized by her life's experience.

I withhold the remainder of my time.

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived—

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2:15

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:32 p.m., recessed until 2:15 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. GRAHAM).

NOMINATION OF M. JOYCELYN ELDERS, OF ARKANSAS, TO BE SURGEON GENERAL OF THE PUBLIC HEALTH SERVICE

The Senate continued with the consideration of the nomination.

The PRESIDING OFFICER. The pending business is the nomination of Joycelyn Elders, to be Surgeon General.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that I be allowed to speak for 17 minutes as in morning business, on legislative business, and that the time not be charged to either side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

REINVENTING GOVERNMENT INITIATIVE

Mr. GRASSLEY. Mr. President, today marks the unveiling of the President's national performance review, also referred to as the Reinventing Government Initiative. I want to congratulate President Clinton for following through on these reforms and for taking the first step towards fundamental changes in the size and behavior of Government. I also commend the fine work of Vice President GORE who spearheaded the effort and whose work exceeded the scope of many cynics.

For my party, I think we Republicans, in my view, should welcome and support the national performance review. But I say this on two conditions: First, that the administration view this as a bare minimum reform effort and also as very much a first step and, consequently, then be willing to do more; second, that the administration, with the help of many of us in Congress, go all out against special interests and those power brokers in Congress who are infatuated with the status quo.

These two conditions, it seems to me, will determine if the administration is serious about reform or whether or not this is merely window dressing. If the administration is serious, then Republicans are obliged to support the national performance review and even seek to expand its scope. What is more, should we fail to do this, it seems to me like we Republicans would risk ceding a critical function of our role as loyal opposition to Ross Perot. In my view, Republicans should be skeptical, but we should be very positive about this national performance review. Let me explain what I mean by that.

There are certainly reasons to be skeptical about this administration in general. First, reinventing Government is the agenda of the reform-minded not of a tax-and-spend Democrat. This administration's record, however, is that of an old Democrat, not of a new Democrat. Therefore, skepticism is justified for the moment. In other words, seeing is believing.

Second, this administration does not have a particular stellar record for keeping its promises. The recent budget battle is a prime example. Will the administration then really see these reforms all the way through?

Third, it does not have a stellar record for doing battle with Congress which, along with special interests, is public enemy No. 1 on this issue of governmental reform.

Will the administration risk offending powerful committee chairmen in its own party by pushing the reform agenda? Already, one such incident did occur in maritime reform, about which I will talk presently.

And fourth, to achieve successful reform, this administration would have to cause major changes within the institutions of their own constituencies—namely, Federal employee unions and domestic programs that this party, the majority party, has long supported.

There are reasons to be skeptical not just about this administration but also about this particular reform effort. Not the least of which reason is that so many previous efforts have field. What makes this administration think it will accomplish what no other has accomplished since the turn of the century?

The last great endeavor—the Grace Commission—was top heavy with outsiders. This one is top heavy with insiders, perhaps some of whom were responsible for the President's much-ridiculed announcement in March that the war on waste could start by calling an 800 number.

I am afraid that this reform group may have gone to the opposite extreme. Does the public really believe that the bureaucracy will reform itself out of many of its own jobs? Will reform be dramatic enough and up to the challenge if the insiders are doing the reforming?

Without the right mix of outside and insiders, reform might be doomed to fail. There are few, if any, corporate turnaround experts on the NPR task force whose insights and inspiration for structural reform would be invaluable and indeed necessary for meaningful reform to take place.

Nonetheless, there is much reason for Republicans to be positive about the NPR. The overall direction is positive, and many of the reforms are overdue. If these reforms are understood as a first step—which they are—then this should be viewed as something to build on. I say that particularly for us Republicans to build on but to help the Democrats accomplish what they say they want to accomplish.

After all, reform of Government is Republican turf. Democrats have been the great defenders of Government. Their solutions have generally been to expand Government programs. But if it took Nixon to go to China, then perhaps it will take a Democrat to reform the Government—with bipartisan help. In this sense, it behooves Republicans to support this opportunity and then build upon it.

For these reasons, Mr. President, it is my view that Republicans should regard the NPR with a healthy skepticism yet with sufficient positivity as to seize the opportunity.

Those whose first reaction would be either negative or skeptical-but-negative should first consider the opportunity at hand, and then work to try to expand on the administration's efforts.

Mr. President, before I critique the specifics of the NPR, let me review some of the standards, principles, and expectations that were discussed over the past 6 months by myself, my colleagues and by the President and the Vice President.

First of all, it is important to understand that the NPR is a reform effort first, not a budget exercise. The resulting budget and deficit reductions are important but secondary. In this effort, the focus must be on the reform. Because, if we're not careful and we view this as a budget-cutting exercise first, these programs may be trimmed now, but the strutural deficiencies that brought them about will grow right back again as soon as we look away. We need to perform corrective surgery so that what we have now won't come back again.

The most relevant place to start when discussing standards for reinventing government is with President Clinton's own words. On March 3 in the White House Rose Garden, the President said the following:

> Our goal is to make the entire Federal Government both less expensive and more efficient. * * * We intend to redesign, to reinvent, to reinvigorate the entire National Government.

The President went on:

> We'll challenge the basic assumptions of every program, asking does it work; does it provide quality service; does it encourage innovation and reward hard work? If the answer is no, or if there's a better way to do it or if there's something that the Federal Government is doing it should simply stop doing, we'll try to make the changes needed.

The key, here, is the President's intent to extend the scope of this effort to the entire Government—not just those parts that are covered in the first NPR. It would include reforming programs, restructuring them, downsizing them, or outright eliminating them. Everything but the Constitution should be on the table.

For Republicans, this should be good news. It is a deal we cannot refuse. There certainly has never been a shortage of good ideas on this side of the aisle for reforming the bureaucracy and making government more cost-effective. For starters, Republicans should do what it can to help inject some of the outside, corporate turnaround expertise that this NPR group lacks.

The specific programs contained in the NPR should be supported by Republicans. That is, of course, provided they comport with Republican principles and standards for achieving real reform, rather than cosmetic reform. And I would like now, Mr. President, to review what these Republican principles might be.

I have compiled what I believe are the basic, fundamental principles for reform of government as viewed on our side of the aisle. As there are 10 of them, I refer to these as "The Ten Commandments for Reinventing Government." I would like to outline these so-called commandments, and then contrast the NPR initiatives to them. This will give Republicans the means to evaluate the Vice President's work.

No. 1, all Government activities shall be on the table for possible reform.

No. 2, taxpayers shall get their money's worth.

No. 3, Government shall spend no more than it takes in.

No. 4, citizens shall participate in Government decisions.

No. 5, Government shall decentralize its decisionmaking.

No. 6, Government shall make greater use of competition.

No. 7, Government shall reform for effectiveness, not just efficiency.

No. 8, incentives shall be realigned to respond to performance goals.

No. 9, reforms shall be real and implementable.

No. 10, Congress shall not stand in the way of reform.

Take, for instance, commandment No. 7: "Government shall reform for effectiveness, not just efficiency." Let us now look at the proposed merger of the DEA into the FBI.

The proposed merger would certainly streamline the drug-fighting bureaucracy, and perhaps save money over the long term. In that sense, the reform brings about efficiency.

However, in the process, merging the DEA into the FBI means that fewer drug cases will be brought. This is because the DEA is geared toward bringing such cases to court. The FBI, meanwhile, is geared not toward bringing criminal cases but rather toward collecting intelligence. Drug cases may suffer the consequences. If so, this would hardly be an effective reform. Efficient, yes. Effective, no.

Let us take a look at another example. Take the fourth commandment: "Citizens shall participate in Government decisions." Let us then look at the proposed restructuring of the Nation's air traffic control system. This reform would create a Government-owned corporation, governed by a board that includes customers. Yes, this reform allows the citizenry to participate in decisionmaking; however, what is so intriguing about the Government owning the corporation? Have we not learned a lesson from Amtrak?

Third, let us take a look at the 10th commandment: "Congress shall not stand in the way of reform." In the case of maritime reform proposals put out by the NPR staff, Congress blatantly violated this commandment. Let me describe what happened.

The NPR staff put together a proposal to deregulate the maritime industry and put an end to wasteful and economically harmful subsidies and policies. This reform could have saved the taxpayers $2.3 billion per year, and boosted the economy by $8 to $13 billion per year, according to some estimates. Yet when the proposal was leaked, the defenders of maritime largesse—in the form of powerful Members of Congress—circled the wagons to protect the special interests, and critical reform was averted. The proposal has been placed on the shelf, pending review by a special maritime commission. I intend to work with the Vice President in the weeks ahead to make sure maritime reform is considered and implemented by this commission.

Let me make a point of clarification, here. Many of us will disagree on which programs should be terminated and which should be defended. But it is another matter entirely when the process is interfered with. The NPR was a nonbiased, neutral process whose focus was reform of government. The process should have been allowed to proceed without political obstruction. The merits should be discussed in an open forum.

In the case of maritime reform, this was not done. Nonetheless, as I stated, I intend to work with the Vice President to support his ongoing effort to review this program as objectively as possible.

Mr. President, these are meant to be constructive criticisms. These are the sorts of questions that I and my Republican colleagues must constantly pose as this debate moves ahead.

Let me make one final point.

One critical element in debating these issues thoroughly and in getting them enacted will be S. 101, a bill that will be before this body soon. This bill incorporates the ideas of the Senator from Delaware, Senator ROTH, that would set up a base closure-like commission to bring these reforms directly to the Senate floor. In my view, this is the single-most important action we can take to succeed in reforming the bureaucracy. Provided, that is, that we put back into the bill the authority to eliminate entire programs it desired. That authority was stripped from the bill as it emerged from the Governmental Affairs Committee.

In closing, Mr. President, I once again, congratulate the President and Vice President GORE for their important work toward reinventing government. I look forward to assisting their efforts, and I urge my Republican colleagues to muster up their competitive energies to help make this reform effort a success.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I yield 5 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 5 minutes.

Mr. SIMON. Mr. President, I thank the Senator from Massachusetts for yielding.

I rise in strong support of the nomination of Dr. Elders. I spoke on it briefly the other day. I would just add a few words.

First, she is controversial; no question about it. The President could have picked some physician no one of us ever heard of, who never said a thing on public policy, and it would have gone through like lightning. But she has spoken out, and she can reach and communicate with people where a great many others cannot.

Is she controversial? Yes.

Is Senator PRYOR of Arkansas controversial? Yes. Is Senator KENNEDY of Massachusetts controversial? Yes. Is Senator SPECTER of Pennsylvania controversial? Yes. Is Senator GRAHAM of Florida controversial? Yes. Is the Senator from Illinois controversial? Yes. You know we are controversial. That is part of public life. We are asking for someone who is a public servant to be a public servant, and we want someone who is willing to speak out.

That is what Dr. Koop did, and I think he did it very effectively for the American Nation. I think Dr. Elders will do the same.

The second issue that is somewhat sensitive is the charge that she has been anti-Catholic because, in a reference in a speech, she made a reference to a male-dominated church. She did not specifically say Roman Catholic, but the context suggests she was talking about the Roman Catholic Church.

I happen to be a Lutheran. My wife is Roman Catholic. Let us face it. Every religious denomination in this country—Protestant, Catholic, Jewish, Muslim, you name it—is male dominated today, with the possible exception of the Christian Scientists. But every other group I know is male dominated. It is part of our culture.

Now, maybe it was not diplomatic to say so, but that is the reality, and she talked about the reality. I do not think we should hold that against her or someone should suggest that she is bigoted because of that.

I think she will stand up and, in part, simply because of the controversy in our debate here, she will be listened to as many people will not be listened to. I think she will be an effective Surgeon General of the United States.

I do not know where we got the title Surgeon General. She is not going to be operating on anyone. She is not going to be performing any surgery. But she is going to be reaching out to young people, like the pages—we have new pages here, and we welcome you—like the pages who are here. And I think the pages and the young people are going to listen to her.

I heard Senator BUMPERS quote her in the Democratic caucus today. She said: "We are teaching young people what to do on the front seat. We are not teaching them what to do in the back seat."

Now, maybe that is not as diplomatic as it ought to be, but she is talking facts, and that is what we need. We need that kind of leadership.

So I am going to vote for Dr. Elders. I believe that she is likely to do a superb job for this country. I hope the Senate does the responsible thing and approves the nomination.

I yield back any time that I may have to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I yield 10 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. I thank the Senator for yielding.

I say to the Senator from Illinois, since he did not list me as being controversial, then I hope that my speech on behalf of Dr. Elders will not be viewed as controversial, but merely a very rational discussion of why she should be confirmed.

Mr. SIMON. Will my colleague yield?

Mrs. BOXER. Absolutely.

Mr. SIMON. I, of course, view the Senator from California as controversial. She is so diminutive, I did not even see her behind that podium back there.

Mrs. BOXER. I thank the Senator for making that correction, because I think his point is very well taken.

I say to my friend from Illinois that when we do speak out clearly on these very tough issues, just by the very nature of the subject we are discussing we are being controversial. And certainly in the area of public health—preventing teen pregnancy, preventing teen suicide, preventing AIDS and other sexually transmitted diseases—we must not be afraid to be tough and controversial. We finally have someone, it seems to me, who is not afraid to stand up and tell it like it is, as painful as it may be.

Many times, Mr. President, the world is not the way we want it to be, or we would hope it would be, or we wish it would be. We must deal with it as it is presented to us, and sometimes these subjects are very difficult.

Mr. President, we have been discussing Dr. Elders now for days and days and hours and hours, both in committee and on the floor. We had, unfortunately, a month's recess, when this woman could have been serving us officially as Surgeon General. I could not help but think, I say to my friend from Massachusetts, Senator KENNEDY, who has worked so hard in her behalf, that we are losing time.

When I went home and I was with real people facing real problems, I wished that we had Joycelyn Elders in place as Surgeon General, as a leader for our public health.

So we have lost precious time. And for what reason? We have lost precious time because there are those—and I give them their due and their right; they have done this because they think it is right. But there are those who wish to repeat over and over again the same things that we have heard—that Dr. Elders has made statements that could have been made in a nicer way.

Well, Mr. President, the problems are not nice, and Joycelyn Elders happens to be a nice woman, a good woman, a fine woman. But, yes, she has expressed herself in such a way that some people were offended.

I say she has nothing to apologize for, other than maybe some of the words she used. She has, in fact, made those apologies. But she does not have to apologize for her life, for her dedication to public service, for her service to her church. She describes herself as a church lady, and that means she has gone beyond just going to services on Sunday, but has actually gone out in the community to work to better the status of those who need help.

We have discussed Dr. Elders' qualifications; and what qualifications she brings. I have heard her described as the most qualified Surgeon General ever.

She graduated magna cum laude from the Philander Smith College in Little Rock. And after serving her country in the Army, she graduated from the University of Arkansas College of Medicine. After completing her residency, she earned her master of science degree and joined the faculty at the College of Medicine, where she rose to the rank of full professor.

In 1987, then-Governor Clinton named Dr. Elders director of the Arkansas Department of Health.

We have discussed her impressive record. I do not need to restate it. Senator KENNEDY has stated it over and over.

When she was in charge of public health in Arkansas, maternal visits for pregnant women increased by more than 26 percent; the Arkansas childhood immunization rate increased to 60 percent from 34 percent; the number of early childhood screenings increased tenfold; and HIV/AIDS education and prevention programs were greatly increased.

So we know the results of her leadership.

Mr. President, we have heard again the long list of public health organizations supporting Dr. Elders. Just to name a few: The American Medical Association, the American Nurses Association, the American College of Physicians, the American Pediatric Society, the National Association of Community Health Centers, the National Association of School Nurses, the Association of State and Territorial Health

Officials. These organizations, Mr. President, are out there with the people who need Dr. Elders.

The best thing we could have done would have been to have voted on her before the recess so she could have started in her work.

We have discussed her qualifications at length and the support that she has at length. But I want to concentrate in the remainder of my remarks on the three main reasons I find to support Dr. Elders. They are as follows: our children, our children, and our children.

We know that Dr. Elders has offended some Members of this body, and they have been very eloquent in their critique of her. They are offended by some of her words.

But, again, I must point out that we need to be at least as offended by the status of our children. And, Mr. President, I say to you if we are as offended by the status of our children as by some of the things she said, we would have voted to confirm Dr. Elders long ago.

I heard Senator MOSELEY-BRAUN put some of these facts into the RECORD. I am going to repeat them. And not only will I repeat them now, but I will be repeating them quite often as one of the two Senators from the largest State in the Union, California, where we face these problems.

Every 35 seconds an infant is born into poverty. Every 2 minutes an infant is born at low birth weight. Every 14 minutes an infant dies in the first year of life. Every 32 seconds a 15- to 19-year-old woman becomes pregnant. Every 64 seconds an infant is born to a teenage mother.

The clock is ticking. We need Dr. Elders to turn this around. Every 14 hours a child younger than 5 is murdered in America. Every 5 hours a 15- to 19-year-old is murdered in America.

So we can talk about the fact that this woman is plainspeaking and she tells it like it is. If she had been running for office she probably would have said it in a different way. We all learn to say things in different ways. But the real question is, what has she done in her life to address these problems? And I think the record is clear.

I would like to say that it is time to concentrate not on what Joycelyn Elders has said on occasion on a late-night television show or in a heated speech, but what she has done; not what she may have said off the cuff because she did not have a speech writer to iron out the wrinkles, but what are the problems facing America today and is she ready, willing, and able to reach out to our Nation's young people?

What a role model; a sharecropper's daughter, the only African-American pediatric endocrinologist in the country. What a success story.

Has she made a mistake in the way she expressed herself? Yes, probably a time or two; probably a time or two. But if that is going to be the standard around here I do not think any of us could meet it, because every once in a while all of us have said something in a way we wished we had been able to rephrase.

So let us not waste any more time. The clock is ticking on these urgent problems. Let us get with it; let us vote; let us not take the full 8 hours. We are hearing the same things over and over and over again. It is getting to be a broken record. I defend every Senator's right to say anything he wants to or she wants to over and over, but to what end at this point? Let us vote. Let us change the status of our children. Let us give our children hope. Let us attack these problems in a direct way for the health of our children and our country.

I yield my time.

Mr. KENNEDY. Mr. President, I thank the Senator from California. How much time would the Senator from Arkansas desire?

Mr. PRYOR. I would like 6 minutes.

Mr. KENNEDY. I yield the Senator 15 minutes.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator from Arkansas has the floor for up to 15 minutes.

Mr. PRYOR. Mr. President, I will not use that much time. I thank my friend from Massachusetts managing this nomination for yielding me the time to speak to this nomination of Dr. Joycelyn Elders, whom I hope will be confirmed in a short few hours as our next Surgeon General of the United States.

Mr. President, if we were only to examine Dr. Elders' credentials and her background, I think she would be considered a highly qualified individual for the post of Surgeon General of the United States. We all know the facts about her growing up in the three-room cabin, no electricity or indoor plumbing, in a rural farm community—southwest Arkansas. Yes, she was one of eight children. She worked in the fields from June to Thanksgiving to give support for her family.

She had those limitations but she never considered those to be limitations. She studied enough during her limited free time to skip two grades and graduate valedictorian of her school at the age of 15; then a scholarship to Philander Smith College in Little Rock. She finished her college program in 3 short years with a rating of magna cum laude and she joined the Army. On completion of her military obligation to the country she enrolled in the University of Arkansas College of Medicine, one of six African-Americans and the only woman in her class.

During her years of training she was subjected to many hardships related to segregation and racism, yet she never lost her vision. She never once lost sight of her goals. In 1964 she was named chief resident at the University of Arkansas specializing in pediatrics. She received her master of science degree in biochemistry from the college of medicine, completed a fellowship in pediatric endocrinology, and joined the faculty at the college of medicine.

Dr. Elders became well known as a leading national researcher in pediatric endocrinology. She became an active member in many scientific and professional organizations. This is precisely why, I believe, so many of those organizations in which she worked, in which she labored, now endorse her candidacy to be our next Surgeon General of the United States.

In 1987 then Governor Clinton appointed Dr. Elders to head the Arkansas Department of Health. I must say that when she arrived on the scene she did not sneak into town. She made a lot of noise. She got our attention. She spoke with boldness. She spoke with frankness that we had not heard for a long time. She used this role to champion the needs of children and to increase the services available to all children from all walks of life.

She has held numerous leadership roles in health organizations and she is widely respected by her peers. These credentials alone, I might say, would highly recommend Dr. Elders for the post of Surgeon General. There is much more.

During Dr. Elders' tenure as head of the Arkansas Department of Health, she produced an unprecedented record of achievements related to public health issues. Following are just a few of those many accomplishments. Many of these points have been raised in this debate concerning the nomination process.

Mr. President, I take great pride in saying that, for example, in our home State of Arkansas the WIC program, Women, Infants and Children feeding program—during her tenure Arkansas was one of the first States to enter into an infant formula rebate program, saving some $30 million in our State since 1988. While the Nation as a whole serves 50 percent of WIC-eligible clients, Arkansas serves 67 percent of its eligible citizens, up from 36 percent since 1989.

Health provider shortage areas: Dr. Elders, again, has won grants for innovative programs to attract health professionals to rural, underserved areas. She has attracted or helped to attract some 17 physicians and 5 other health care providers.

In the State scholarship fund, Dr. Elders was a leader in supporting and fighting for a program in our State under which some $4.5 million has been given to financially needy high school graduates to encourage their further study. In student service centers, once again we find Dr. Elders at the forefront as a pioneer, as a champion of student health services, expanded from

1 in 1988 to 24 in 1992; 21 additional schools have approved establishment of these centers and are awaiting funding. But in all cases, local school boards decide whether to accept these centers and the types of the services that they will or will not provide.

Arkansas health statistics: Yes, there is a tremendous shortage, nationwide, of primary care physicians. In Arkansas, 34 percent of our physicians are primary care practitioners, while in the Nation generally that percentage is about 27.

Fewer children were born to younger women aged 15 to 19 years old in our State between 1990 and 1991, down from 6,999 to 6,873. We are making progress.

Also, between 1987 and 1991, during her tenure as head of the Public Health Service there, the abortion ratio for women in this age group declined from 32.1 to 25.3 percent.

I could go on and on. I will ask in a moment unanimous consent that these further statistics about her service, her tenure, her trusteeship in the Arkansas public health system, be made a part of the RECORD. But I will conclude simply by saying that Dr. Elders is so much more than her background. She is much more than her credentials, much more than her accomplishments. Dr. Joycelyn Elders is one of those very rare people who, rather than turning away from the cold, hard realities of some of our country's most troubling public health challenges, has dedicated her life, has dedicated her being, to battling these troubles and to speaking out and speaking out very boldly and frankly about them.

On a daily basis, when we are bombarded with newspaper and other media reports of the tragic consequences of poverty, poor education, and then loss of hope; we hear widespread reports of child abuse, guns in our schools, violence, premature deaths due to alcohol, drugs, teen pregnancies, births of drug-addicted and AIDS-infected infants, and the loss of family, community, and values to our society, most of us, I think, probably during this period go on overload; most of us stop reading; most of us are happier to turn away, to sweep these troubles under the carpet and pretend they do not exist because we are baffled; we are perplexed and mystified as to how to address these concerns.

But not Dr. Joycelyn Elders. She sees this gradual deterioration of our social fabric, and she is determined to do her part to eliminate those tremendous drains on human potential which threaten our Nation's future. She is also determined to awaken us to the realities of this country's problems and to shake us into awareness before it is too late.

Yes, it is certain that Dr. Elders has many diplomas and many degrees. She has the credentials for this choice and for this opportunity ahead. But there is one diploma, Mr. President, that she does not have. She does not have a diploma from the school of diplomacy. She is not a diplomat. She tells it like it is. She has said things in such a way as to somehow shake us, to take us aback. But what she is really doing, I think, Mr. President, is trying to get our attention. She is trying to bring the attention of this society to these tremendous and troubling problems which we must no longer sweep under the rug and play like they do not exist.

I will say, Mr. President, that she truly is that one person who I think has come along at this particular moment in history who is the right person at the right time for the right job. I strongly recommend this fine individual. We go back a long time in my State. I have read of her; I have known her; I have watched her as she deals with life's experiences and life's problems in so many areas of our State. And now we hope that she has the opportunity, on a national basis, to expand her horizons, to look at this vision that she has for our country to address these problems, to shake us, to question us, and to challenge us to do better.

It is a great honor, Mr. President, today to be able to stand on the floor of the United States Senate and to recommend most strongly and without any reservation whatsoever Dr. Joycelyn Elders to become the next Surgeon General of the United States of America.

Mr. President, what time I have remaining I yield back to the distinguished Senator from Massachusetts.

The PRESIDING OFFICER. Who yields time? The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 2 minutes.

I want to thank my good friend, the Senator from Arkansas, Senator PRYOR, as well as his colleague, Senator BUMPERS, for their eloquence and their statements of support on behalf of this nominee. This is not their first time speaking in favor of the nominee, both here in the United States Senate and also in visiting with Members of the Senate who have wanted additional information about this candidate.

I think all of us who have listened to them can certainly understand the value of this particular individual and this nominee, because both of these friends of Joycelyn Elders know her very well, know her family and, importantly, know the impact that she has had on their home State because of their own leadership positions in their State and because of the wealth of friends that they have and share in common.

Rarely do we have colleagues who can speak with such knowledge, such awareness, such familiarity in regard to a nominee. Many of us speak in favor of nominees who come from our States and, on a number of occasions, some of us have the good fortune to know those nominees and can speak to the Senate about them. But to hear both of these friends and colleagues speak about this nominee in the way that they have and with the familiarity which they have I think ought to be very reassuring to Members of this body who may have been caught up with some of the comments or statements that have been portrayed as being really reflective of the values and positions of Joycelyn Elders.

Their statements and comments, I think, have been a real service. They have been enormously helpful. They certainly have been helpful to me in terms of our committee, and they should be with regard to the Senate.

I again thank Senator PRYOR for an excellent comment and statement. I am glad to yield—how much time does the Senator need?

Mr. SPECTER. Ten minutes.

Mr. KENNEDY. I yield 10 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I note that the Republican leader is coming to the floor, and I am prepared to yield to him if he is interested in that, knowing his schedule. It may be even busier than mine.

I thank the Senator from Massachusetts for yielding me 10 minutes.

Mr. President, I support the nomination of Dr. Elders based upon her background and experience as the director of the Arkansas Department of Health, based upon the record that that department has made, based upon an interview that I had with her in some depth, and upon my genuine sense that the President's nominees ought to be accorded presumptions. Not that a nominee ought to be taken automatically, but this is not a lifetime appointment for the Supreme Court or Federal court but is an appointment for Surgeon General, a very important position.

I will make a comment or two on that subject, reflecting on the very bitter and divisive nomination proceeding on this floor relating to Senator Tower, which I think ought not to be repeated, and noting that there was bipartisan support; that is, support from both Republicans and Democrats in committee, including the ranking member, the senior Republican on the committee, Senator NANCY KASSEBAUM, of Kansas.

I note at the outset, Mr. President, that Dr. Elders has an extraordinary record, really an American success story. She came from a very small town. She was born into a family which did not have the amenities of life: No electricity, no indoor bathrooms. The population of her town in Arkansas was fewer than 100.

I think of the town I grew up in, Russell, KS, a town of 5,000 people. I was about to comment about my colleague, Senator DOLE, who comes from the same small town, and how much more difficult it is in a community the size where Dr. Elders was born and raised. I think about some of the farms around Kansas where I worked as a teenager which had no indoor bathrooms. It is not the greatest place to work in the summer in the harvest field. Certainly, it is more difficult to grow up there.

She certainly has an outstanding record: Valedictorian of her high school class; subsequently graduating magna cum laude in 3 years from college and then used the GI bill to finance her medical education at the University of Arkansas College of Medicine where she was one of six African Americans and the only woman.

Then, in her professional career, she was on the faculty of the Arkansas College of Medicine, full professor, a well-known researcher in her field, and ultimately she became the director of the Arkansas Department of Health.

The statistics which I have seen and heard—I am always just a little bit concerned about statistics—but based on the information provided to me, an extraordinary record was achieved in the childhood immunization rates, with a marked increase from 34 percent in 1989 to 60 percent in 1992 among 2-year-olds. Also, achieved under Dr. Elders' leadership as Arkansas' Health Director was an increase in childhood health screenings, something in the range of 4,000 in 1988 to over 45,000 in 1992.

From all indications she had an extraordinary record as head of the Arkansas Department of Health.

I had a discussion with Dr. Elders and I found her to be dynamic, involved, and intelligent. I talked to her at some length about the problems that I see on the horizon of the American medical field as we struggle in this body with health care reform.

I have served as the ranking Republican on the Appropriations Subcommittee for Health and Human Services and have introduced legislation on health care, a subject which has been neglected too long by this body, a subject we should have taken up last year or the year before.

I discussed with Dr. Elders the issue of low-birthweight babies, a subject that I became concerned about back in 1984 when I found that Pittsburgh had among the highest infant mortality rate for African-American children. At that time, I introduced legislation on the subject. It is a human tragedy, and an enormous financial expense, more than $150,000 in some cases, billions of dollars involved. I found that Dr. Elders had a total grasp of that subject, had worked in the field, and was prepared to do more.

I talked to her about the issues of terminal health care, where we find that in the last few days or few weeks of illness the expenses are enormous, and the fact that we do not have a national power of attorney so that people can make a decision on what they choose for themselves. Here again, I found Dr. Elders to be a person with in-depth knowledge of a subject that I have worked on considerably.

On the subject of managed health care, again, she had a total grasp and an understanding of the subject.

I understand that there are some people who are concerned about some of her statements and some of her ideas. I would suggest that there are sufficient checks and balances on the Surgeon General of the United States so that no one is going to be able to come into that position and carte blanche do what she or he may please. There are laws and checks and balances that will see to it that Congress will have a role, others in the executive branch will have a role, the local school boards and other State health departments will have a role. It is not as dire a situation in my judgment as some have portrayed.

I think back to the confirmation proceedings on Dr. C. Everett Koop to be Surgeon General of the United States. I recollect that at that time, given his pro-life position, there were many on the opposite side of the political spectrum who opposed him, were wary of him, and were very concerned. Now you find the same thing in a sense with Dr. Elders who is pro-choice. Many on the other side of the political spectrum are concerned.

I had the privilege to introduce Dr. Everett Koop to the Subcommittee on Health and Human Services along with my colleague, Senator Heinz. And I think Dr. Koop became an extraordinary and outstanding Surgeon General and left a mark of the highest competence. And in so doing I think Dr. Koop allayed all of the fears that had been expressed about him when he undertook the job.

Only time will tell precisely what Dr. Elders will do if confirmed, and as I speak, and as we are on the Senate floor prepared to vote, it appears her confirmation is a virtual certainty, so that these words are not obviously going to be determinative. But I did want to say a few words about her and about the process, and about the field generally.

When the President of the United States makes an appointment in the nonjudicial context, it seems to me that there ought to be significant deference to that individual nominee unless there is some really strong reason for opposing the nomination. Historically the Senate has rejected relatively few.

I think back to 1989, to the confirmation proceedings involving Senator John Tower and I submit that the U.S. Senate was not at its best at that time. While we do express our own views, and I respect those who have spoken in opposition to Dr. Elders, it seems to me that all factors considered, her background, her education, her professional experience, my own sense of her in the interview, the hearings which were held, the bipartisan support, Republican as well as Democratic, including the ranking member of the committee, that she warrants confirmation today.

I thank the Chair. I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Mr. President, has leader time been reserved?

The PRESIDING OFFICER. The Senator is correct.

The Republican leader is recognized.

TRIBUTE TO MARK HATFIELD

Mr. DOLE. Mr. President, I rise today to pay tribute to one of our colleagues who made a little history during the August recess.

August 27 was the 9,726th day that MARK HATFIELD has served in the U.S. Senate.

And it was also the day when MARK HATFIELD became the longest serving U.S. Senator in Oregon history, breaking the record of the great Senator Charles McNary.

Senator HATFIELD's record of service to Oregon is truly remarkable.

Beginning with his election to the Oregon State House of Representatives 43 years ago this November, he has successively served 4 years in the Oregon State House of Representatives, 2 years in the Oregon State Senate, 2 years as Oregon Secretary of State, 8 years as Governor, and 26 years as U.S. Senator.

In all this time, MARK HATFIELD has never lost an election, never lost the trust and confidence of his constituents, and never lost the total respect and admiration of his colleagues in the Senate.

No matter whether you agree with him or not, everyone who has had the privilege of serving with him, knows that MARK HATFIELD is a man of integrity, and that his word is his bond.

Mr. President, Harry Truman once said that "If you want a friend in Washington, buy a dog." I suspect that every Member of this Chamber would join me in amending that statement, and in saying that "If you want a friend in Washington, get to know MARK HATFIELD."

I especially remember the friendship that Senator HATFIELD forged with our former colleague, John Stennis, when they served as the chairman and ranking member of the Appropriations Committee. And those of us here in 1973 recall that when Senator Stennis was shot by a burglar, it was Senator HATFIELD who rushed to the hospital and took command of a telephone switchboard that was overwhelmed with calls.

A former political science professor, Senator HATFIELD is nationally known as a scholar of American Presidents—especially Herbert Hoover and Abraham Lincoln.

As some may know, Senator HATFIELD's conference room in his Washington office contains a very impressive display of Lincoln portraits and memorabilia.

It was Horace Greeley who once said that Lincoln made himself a leader "by dint of firm resolve, patient effort, and dogged perseverance."

The same can be said about MARK HATFIELD, and I know all Members of this body join me in saluting our friend and colleague on his record-breaking service to Oregon.

MIDDLE EAST: PROSPECTS FOR PEACE?

Mr. DOLE. Mr. President, the Government of Israel and Palestinian leaders are only days away from finalizing a historic peace agreement. This settlement will not only usher in a new era of peace between Palestinians and Israelis, but could serve as the gateway to a broader peace in the Middle East.

Two years ago, when the Bush administration launched the effort to bring Israeli, Palestinian, Jordanian, Syrian, and Lebanese representatives together, the idea of peace in the Middle East sounded far-fetched and idealistic.

When the Clinton administration took office, it decided to continue the U.S. role as facilitator in negotiations among the parties in the Middle East. And, as we have learned in recent days, the Government of Norway also played a key facilitating role.

In retrospect, one can see that the Bush administration's initiative sparked a chain reaction which eventually made the unthinkable—peace between Israelis and Palestinians—thinkable.

But, it was not only thinking the unthinkable that has made the idea of a Mideast peace an achievable reality. It took courage—the courage of Israeli leaders and Palestinian leaders to break out of old patterns of behavior and to create the foundation for a genuine peace, starting with self-rule for the Palestinian people and mutual recognition.

It took insight, on the part of Israeli and Palestinian leaders, to recognize the benefits that peace can bring to their respective people. It also took real leadership to act decisively in order that the cycle of violence can be broken.

What will it take to establish the conditions for a broader peace in the Middle East? First, it will take genuine support for the Israeli-Palestinian pact from neighbor states and the other Arab States. The majority of Arab League states appear to support the deal. I am pleased that King Hussein backs the agreement and has committed Jordan to play an active role in working out critical issues, in particular the fate of hundreds of thousands of Palestinian refugees.

I am also encouraged by news reports that the gulf states have endorsed the agreement and hope that they will lend their financial support for the proposed emergency fund to help establish self-rule. While Lebanon's Prime Minister has criticized some aspects of the pact, he has clearly stated that his government will not obstruct the agreement. However, I am concerned about the news reports regarding President Assad's position on the Israeli-Palestinian accord. Syria's support for this agreement, as well as for continued negotiations toward a broader peace accord, is critical.

In the coming weeks and months it is essential that all of the parties in the Middle East commit to stay the course and that the United States continues its role in hosting and facilitating the negotiations.

Yes, there are those who oppose peace. The strongest opposition to this peace plan and a broader peace agreement will come from radicals and extremists on all sides. And, let us not forget terrorists—peace could put them out of business.

However, Mr. President, I believe that the majority of Israelis and Palestinians support the move toward peace. It will not be easy, especially at first, but only peace can bring true prosperity to Israelis, Palestinians, and the other nations in the Middle East.

EVENTS OF THE PAST FEW WEEKS

Mr. DOLE. Mr. President, contrary to what some may think, the world continues to spin while Congress is not in session, and I want to take a few minutes this morning to comment on some events of the past few weeks, and to look ahead to the upcoming congressional agenda.

Before I do, however, I also want to welcome my colleagues and President Clinton back to Washington. Yesterday's Washington Post quoted White House officials as saying that the President has returned from his vacation committed to moving his administration away from the left, and back toward the mainstream.

I join with my colleagues on the Republican side of the aisle in hoping this report is true, and in inviting the President to join those of us who have been fighting for mainstream America.

We look forward to working with President Clinton on a number of issues of great importance to America and the world. But we also want to make it clear that we are not ready to discard the beliefs that have united us over the past months: Our belief in the American people, and in their ability to take risks, work hard, create jobs, and to achieve their dreams.

This belief—and not some partisan political urge to obstruct—was the glue that held Republicans together during this summer's budget debate.

Simply put, Mr. President, we believed then—and continue to believe now—that Government can not tax, spend, or mandate America into prosperity. In our view, growth, prosperity, and a vibrant economy can only be achieved by promoting and rewarding risk-taking, initiative, and hard work.

HEALTH CARE

The details of President Clinton's long-awaited health care reform plan have been leaking out these past weeks, and a full-scale announcement is scheduled for September 22.

I understand he could not do it Monday night because of football, and on Tuesday night there was "Roseanne," so they chose Wednesday night. I am not certain who gets bumped on Wednesday night.

I know I speak for all my Republican colleagues in saying that we are ready and willing to work with the President on a health care reform plan.

Our goal is to achieve a plan that will help strengthen our economy and make America more competitive. That means a plan that reduces costs and increases access. It does not mean a plan that reduces innovation and choice, and which increases taxes and mandates on small business.

I met with quite a few small businessmen and women during the recess, Mr. President, and no doubt about it—they're nervous.

Small businesses have been the engine that spurred America's growth in the 1980's—firms with fewer than 500 employees accounted for 10 million of the decade's 18.4 million new jobs.

That record of success and growth is now endangered. Endangered because President Clinton's budget bill has raised their taxes. And many are reacting the only way they can. By cutting costs. By not buying that piece of equipment. By not hiring that new worker, or opening that new office.

And now they're reading reports that the President's health care plan will involve a big increase in their payroll tax. And that will mean further cutbacks, fewer purchases, and fewer new jobs.

It has taken the President, Mrs. Clinton, and other administration officials 8 months to put their plan together. And I suspect that it might take Congress that long to analyze the plan, talk to the American people, and suggest improvements.

I believe that health care reform offers a unique opportunity for Government to prove to the American people that it can work. Let us not blow that opportunity by rushing through legislation that will put Americans out of work, or by dismissing those who might oppose the Clinton plan as nothing more than a special interest.

NAFTA

During the recess, Mr. President, I joined a number of my colleagues in meeting with President Salinas in Mexico City. I took the occasion to affirm with President Salinas my strong support of NAFTA, and my belief that it will create jobs and raise the standard of living in the United States, Mexico, and Canada.

That is a message I will be repeating in the coming weeks, and it is a message that President Clinton must repeat if he is to achieve passage of NAFTA.

Let me be blunt in saying that those of us who support NAFTA have a hard fight ahead of us. Many members of the President's party—including some of the House leadership—have pledged to do all they can to kill this most important trade agreement. They have also spent a great deal of time spreading a great deal of misinformation about NAFTA.

I said earlier, Mr. President, that the underlying belief of the Republican Party is a belief in the American people, and in their ability. That is not a belief shared by many who are opposing NAFTA.

These handwringers believe that America simply cannot compete on a level playing field. And by saying that NAFTA will result in businesses leaving America for Mexico, they are saying that they do not believe in the skills and productiveness of American workers, and they do not trust American business men and women to look at the national interest, as well as the bottom line.

Keep in mind that every time Mexico spends a dollar for imports, 70 cents of that dollar is spent in the United States of America. There are 700,000 jobs right now in America—jobs in America—creating consumer items that are exported to Mexico.

We need to get information out and educate the American people. Those on the opposite side have had weeks and weeks and months and months to paint a negative picture of NAFTA, and I am prepared, as my colleagues are, to work with the President.

REINVENTING GOVERNMENT

Given the controversy that will surround health care and NAFTA, no one would begrudge the Clinton administration advancing an idea guaranteed to win universal proposal. And no doubt about it, they might have found just such an idea in Vice President GORE's series of proposals aimed at reinventing government, because almost every American will tell you that government is too big and wastes too much money.

While I have not yet studied the Vice-President's plan in detail, I am concerned that instead of putting our bloated bureaucracy on a strict no-fat diet, it just suggests that it could do without a few snacks. And if the President and Vice President are interested in reducing the size and scope of government, then Republicans have some ideas for them.

Ideas like taking a hard look at what government should and shouldn't do—and eliminating some programs. I remember that every time President Reagan questioned the need for Amtrak or any number of other government programs, my friends on the other side of the aisle would respond with horror.

I also hope that any savings realized by the Vice President's proposals won't simply be used to fund new programs and bureaucracies which this administration has consistently advanced.

ADDITIONAL SPENDING CUTS

I am afraid, however, that funding new programs might be exactly what this administration has in mind.

We all remember that in order to convince enough wavering Democrats to vote for his budget, President Clinton had to promise that he would submit a package of spending cuts to be voted on this fall.

According to OMB Director Panetta, those additional cuts are being delayed until after Congress completes action on all of the regular appropriations bills—some time in mid-to-late October.

I hope that those who urged the President to cut spending this year recognize that this delay means that these cuts may no longer be dedicated to deficit reduction. Instead, as I said, they will probably become offsets for President Clinton's proposed spending increases.

I would just suggest that Republicans are not interested in proposing additional cuts so that Democrats can spend the money somewhere else. If President Clinton wants Republican support for this effort, he should allow us to use any budget savings to go to deficit reduction, or to offset the unfair retroactive tax increases on small business and the elderly which were contained in the budget bill.

FOREIGN AFFAIRS—BOSNIA/SOMALIA

Let me conclude, Mr. President, by sharing some deep concerns I have over the administration's policy toward two international hot spots—Somalia and Bosnia.

Last week, I sent President Clinton a letter outlining my belief that the weight of U.S. leadership is being brought to bear in an area where we do not have a national interest, and not being brought to bear in an area where we do have an interest.

While I strongly supported the humanitarian mission in Somalia, I do not see the need for America to continue a lead role in the missions of pursuing Somali warlords and of nation building. I believe it's time for America to disengage and turn over the reins to the United Nations and to Africa countries who have a clear stake in the stability of the area.

In contrast to Somalia, what is at stake in Bosnia is more than just Bosnia—it is the future of the international order. And one has to wonder how we can support nation building in Somalia, while, at the same time, we sit quietly by and watch the wholesale destruction of Bosnia and her people.

I am very disturbed with the Clinton administration's statements that the United States will accept any Bosnia settlement which is agreed to by all parties. This approach guarantees that the party with the greatest strength and the most territory will dictate the terms of the settlement. As the Bosnian Foreign Minister, Haris Silajdzic, said a few days ago, this is the rule of force, not the rule of law.

Let me add, Mr. President, that my hopes and prayers—and I know the hopes and prayers of all those in this Chamber—are with those who are seeking to achieve peace in the Middle East. No area has seen more tragedy, terrorism, and bloodshed in recent times, and no area is more needy of a true and lasting peace.

Mr. President, there is much on which President Clinton and I will agree in the coming months. And, there is probably much on which we will disagree. That is the nature of our democracy, which allows for competing ideas and competing philosophies.

Over the past year, I have been privileged to meet with delegations from many countries who are finally free after decades of rule by one philosophy. They come here not seeking money—rather, they come seeking inspiration and encouragement. They tell me that "We want to be like you. We want to be like America."

My job—and the job of all Americans—in the coming months is to ensure that America does not turn away from the principles that have brought, and can continue to bring growth, prosperity, and freedom to America and to all those who seek the American dream.

NOMINATION OF M. JOYCELYN ELDERS, OF ARKANSAS, TO BE SURGEON GENERAL OF THE PUBLIC HEALTH SERVICE

The Senate continued with the consideration of the nomination.

Mr. LOTT. Mr. President, I yield myself 20 minutes on the time controlled by Senator NICKLES in opposition to the nomination.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 20 minutes.

Mr. LOTT. Mr. President, like most Senators, I spent a good bit of time during the month of August traveling the length and breadth of my State. Many of the issues that my constituents spoke to me about were the same ones that the distinguished Republican leader just talked about.

The biggest issue while I was home clearly was the impact of the recently passed tax package. People are still concerned about what the impact would be, how would it affect them and the economy, and the economy in our State. Were there some good features in the package? More than anything else, I found that a lot of small businessmen and women are very worried about the impact on their businesses and what they can do to deal with it in terms of being subchapter S corporations. Should they switch to regular C corporations? They are worried about the retroactivity provisions, and they also worry about the possibility of additional mandated benefits being required from the employers? What would that do, and what further impact would that have? More than anything else, I found that my constituents were worried about the economy and the impact of the tax reconciliation package the Senate passed the night we went out of session.

A lot of them also asked about health care reform and what it is going to be like. Will it provide more or less health care? How much will it cost and who pays? There are a lot of concerns. Generally, they do not have a preconceived notion of what must or must not be done. They want to make sure it is fair and that they can afford it, and that some of the things that need to be done are done.

I think the jury is out on what we will need to do in terms of health care reform, at least in my State of Mississippi. People ask a lot about NAFTA. I think that the majority probably indicated they thought it was something we should do, but they had legitimate questions, questions that I am going to ask about the side agreements that have been reached now on that treaty affecting labor and environmental questions.

I will be seeking those answers and I will try to communicate that to my constituency.

In certain parts of the State people are very alarmed about the continuing increase in crime, drug-related crime, senseless crime where people are killed in drive-by shootings, even in Jackson, MS. It is not just in Washington, DC, or big cities of this country, it is all over America. And people want to know whether there is something more we can do to deal with crime and criminals in America.

That is a very legitimate question. And I hope that this body will soon get together—hopefully in a bipartisan way—on a reform of criminal laws and some changes that will help our people be able to deal with this very serious problem and help our local law enforcement people to be able to do their job.

Other than those four areas, the thing that surprised me the most was the number of questions I got about appointments to the new administration, specifically about the nomination of Dr. Joycelyn Elders to be the Surgeon General.

All over the State, from one end to the other, people asked about that nomination and expressed their concern and their opposition to this nominee to be Surgeon General.

I want to emphasize, nothing that they said and nothing I say here today is intended in any way to diminish or take away from the outstanding record that has been achieved by this nominee. She certainly should be commended for the very humble beginning that she had in Arkansas. Many of us are familiar with that type of rise. In my State of Mississippi, a neighboring State, there are people who started out with poverty and nothing to show in terms of financial well-being but have gone on to get an education and do a good job in their profession. And certainly she has done that and should be commended for it.

But the question here is, should she be Surgeon General of the United States? And when I hear Senators stand and endorse her nomination, I have to listen to that. Senator PRYOR from Arkansas is certainly a respected Senator, and you pay careful attention when he makes his comments supporting her nomination.

But I think that this nomination will be a mistake. I think President Clinton will live to regret this nominee unless she makes substantial changes from her conduct of the past.

Here, today, I do not wish to repeat things that were said back in late July and August. They are a matter of record. And I do not want to go over things that perhaps have been said today. So I will not get into the details of my concern about the defective condoms that were distributed in Arkansas, the way they were distributed. I am not going to get into the debate back and forth about exactly what happened with the very anti-Catholic remarks Dr. Elders has made. Perhaps she has sufficiently explained that or apologized. But there are very strong feelings that she has shown at least insensitivity by her remarks.

I think that she responded as best she could and I think to the satisfaction of most Senators to the allegations regarding her taxes and bank problems. Perhaps they were problems, but I think she has answered to those and they are a matter of record and Senators can review them and make a decision based on that. I think probably she regrets the comments she has made about abortion lowering the number of Down's syndrome babies born. But I think they are very serious and have to be weighed. I will not get into those.

I once again want to ask my colleagues to review her record and listen to her comments. Her own words are what condemn her, not allegations. It is what she has said in a number of areas that really cause me serious concern about her intent and her positions and her feelings and her combativeness in responding to people who disagree with her.

I want to read just a few passages—first I ask unanimous consent that a Washington Post article of February 16, 1993, entitled "Dr. Elder's Prescription for Battle; Outspoken and Upfront, Here's Clinton's Pick for Surgeon General," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD as follows:

[From the Washington Post, Feb. 16, 1993]

DR. ELDERS' PRESCRIPTION FOR BATTLE; OUTSPOKEN AND UPFRONT, HERE'S CLINTON'S PICK FOR SURGEON GENERAL

(By Paul Hendrickson)

You might say she's got a sense of humor. On her desk at the Arkansas Health Department is an "Ozark Rubber Plant." Its stalks are sprouting curled condoms. They look so odd, these little yellow circles of latex sitting in a fake clay pot on the desk of the surgeon general-designate of the United States. There's a note attached: Blooms mostly at night. Blooms vary in length, depending on owner. Blooms may wilt in chilly atmosphere.

You might say she's folks. Not for her the opera or a highfalutin Little Rock dinner party. Joycelyn Elders will take varsity basketball games at Hall High every time. That's where her husband, Oliver Elders, is head coach. He's the winningest active high school coach in the state, and nobody in the state calls him Oliver Edlers. They call him Coach. And enough people call her "Coach's wife," no matter that she's been director of the 2,600-person state health department for the past five years and is due in several months—pending her confirmation—to move north to the capital of craftiness, where she'll serve as a goad to the country's health conscience, a kind of burr under the saddle of our medical-cum-moral complacencies.

Which is basically what surgeons general do.

(On game nights, Coach's wife is the one in the stands at Hall High screaming at the referees when a close call goes the other way. "She's got a mouth on her, I'll tell you that" is the way Little Rockians invariably seem to describe Hall's number one fan. When TV reporters are hunting for the doctor, as they have been lately, they know where to take their cameras.)

You might say she's plain-spoken. She once described some of her antiabortion opponents on the Christian right as "very religious non-Christians." That got their hackles up, which seems to have been the idea. Here's something else she's said about various Arkansas antiabortion forces and Christian family groups who've tried to oppose her health agendas, especially those agendas having to do with the problem of pregnant teenagers: "Yeah, they love little babies, as long as they're in somebody else's uterus."

That's fairly mild, as hip-shooting Elderisms go. The doctor once called a conservative Christian foe "mean, ugly and evil." The fellow had tried to take her to court several times as a way of blocking her budget proposals before the state legislature.

Her battles with the legislature itself are legendary in Arkansas.

Not the least of her hot-potato proposals during her five-year tenure has been the dispensing of contraceptives from school-based clinics. According to Elders, no more than five high schools in the state currently have clinics that give out contraceptives to students, the chief reason being that the local school boards, which tend to be conservative, get to decide.

But the doctor keeps pushing.

"The best way to stop an abortion is to stop an unplanned pregnancy," she says.

"I've gotten to where I've turned rattlesnake, I zap 'em," she says of those who'd make her out as some vile polluter of the young. "People will stand up and tell me, 'But black people like to have their children young.' I tell them that's a lie. Black parents don't want their teenage children to have babies any more than white parents or any other parents do. I remember a white lady was going on at a meeting once. It was a couple years ago: 'I'm so good,' she said. 'I've given maternity clothes and a hamburger to these poor black teenage mothers.' I couldn't take it. I stood up and said, 'Madame, you can't out-black me, I've been black 57 years.' I said, 'Madame, I've never known a woman yet who needed an abortion who wasn't already pregnant. That's the problem you won't address.'"

She recounts this all bright-eyed and gravelly voiced, as though spoiling for a fight this minute. You ask if she thinks she'll enjoy her upcoming job. "There's no question I will enjoy, truly enjoy, being surgeon general with Bill Clinton. The surgeon general really does have a bully pulpit, you know, and I'll use it." Will she tone it down? "I never learned to tone it down."

Last month Bill Clinton's nominee informed the American Medical News (an official publication of the American Medical Association) that teenage mothers and their babies make up America's newest slave class. That got people's attention. She was quoted as saying, "If Medicaid does not pay for abortions, does not pay for family planning, but pays for prenatal care and delivery, that's saying: "I'll pay for you to have another good, healthy slave, but I won't pay for you to use your brain and make choices for yourself. * * * If you are poor and ignorant, you are a slave."

Like any Southern preacher, Joycelyn Elders talks in italics. And knows the secret of drumming the word that'll carry the song.

"I'm about what I'm about," she says. "I'm going to go up there being nobody but me."

A little shake of her head, delighted. It makes her perm bounce. Can't wait.

WHERE SHE COMES FROM

She's 59 years old. She's been a pediatric endocrinologist, studying diabetes and thyroid problems and growth disorders in children, for close to three decades. She takes her coffee black. She'll eat pizza and barbecue and collard greens and a lot of other things that aren't wonderful for your heart or waistline. She's published more than 150 research articles in scholarly journals. She's the mother of two grown sons. She tends to talk with her hands. She tends to recycle her best lines. She likes to dress in shades of red, especially when she's taking on the state legislature. There's a monster rock on one finger. She got married on Valentine's Day 1960.

Visitors to her home (it's out south of town, a huge, splendiferous ranch-style place made of native stone and timbers) are apt to get a tour of the master bathroom. Don't laugh, it's an amazing bathroom—three or four people could get a bath in it at once. It's right off her and Coach's bedroom. "We can both come in here and have a fight, solve all our problems," she says, holding open the door and standing aside. "I just love this bathroom, and so does Oliver. We've had some of our best talks in here. Fights too."

Out back is the barbecue pit. Previous occupant put it in. "You could put a whole cow in it," she says, still wide-eyed.

But what is she about?

She's an advocate of Norplant for welfare mothers who want it. She thinks "appropriate, age-based" sex education should begin as early as kindergarten. She wants even the poorest citizens in this country to have easy access to preventive health care and comprehensive health education. She supports a physician's right to prescribe marijuana for a patient. She urges an increasing use of nurse midwives and nurse practitioners, and not only in rural areas. But more than anything else, the incoming surgeon general—who of course must get past a Senate committee that includes Strom Thurmond and Orrin Hatch—wants to use her time in Washington to fight teenage pregnancy. In Arkansas the teen pregnancy rate is the second-highest in the nation, and the mere mention of this gives her pain.

"I'm not about abortions," she says. "I'm about preventing pregnancy. Which would in turn prevent abortions."

She'll say: "I don't love [another person] enough to make an abortion decision. * * * I feel that's a decision for a woman and her significant other and her God."

She'll say: "All I want is every child born in America to be a planned, wanted child."

Pressed under glass on the conference table in Joyce Elders's Little Rock office is a piece of paper with this on it: "Remember always to be grateful for the millions of people everywhere whose despicable habits make health education necessary."

She was the only woman in her 1960 graduating class at the University of Arkansas College of Medicine. She went away to frigid Minnesota for an internship and came home and eventually made chief resident. A black woman, in a Southern medical school, with nine white male residents under her.

Mr. LOTT. So the entire article is in the RECORD. I want to read a few paragraphs or sentences that sort of symbolize what causes me concern. It starts off by saying:

> You might say she's got a sense of humor. On her desk at the Arkansas Health Department is an "Ozark Rubber Plant." Its stalks are sprouting curled condoms. They look so odd, these little yellow circles of latex sitting in a fake clay pot on the desk of the Surgeon General-designate of the United States. There's a note attached: Blooms mostly at night. Blooms vary in length, depending on owner. Blooms may wilt in chilly atmosphere.

Maybe that is humorous, but I really do not think it is too funny for a person that you are going to confirm to the highest medical position in the country. I think this is at least very inappropriate.

Further down it says:

> You might say she's plainspoken.

You can say that again.

> She once described some of her antiabortion opponents on the Christian right as "very religious non-Christians." That got their hackles up, which seems to have been the idea. Here's something else she's said about various Arkansas antiabortion forces and Christian family groups who've tried to oppose her health agenda, especially that agenda having to do with the problem of pregnant teenagers: "Yeah, they love little babies, as long as they're in somebody else's uterus."

Then further on over in the article, it says:

> You ask if she thinks she'll enjoy her upcoming job. "There's no question I will enjoy, truly enjoy, being Surgeon General with Bill Clinton. The Surgeon General really does have a bully pulpit, you know, and I'll use it." Will she tone it down? "I never learned to tone it down."

I was talking to one of her supporters today and they were saying, well, she will grow with the job and she has learned from these confirmation hearings. Maybe she needs to tone down her approach, they said. And clearly she does. And if she is confirmed I certainly hope she will. But in her own words she said she never had learned to tone it down.

One of the things in this article that was referred to earlier in the summer, in July, that I have to refer to again because of my great concern about what she was advocating here. It says:

> She is advocate of Norplant for welfare mothers who want it. She thinks "appropriate, age-based" sex education should begin as early as kindergarten.

Two problems with that. First, advocating Norplant—the quote actually had to do with prostitutes. Norplant is a birth control device that is inserted in the arm. What about the exposure to AIDS and other disease? You give these people a false sense of protection, of safety, and yet they are exposed not only to pregnancy in these relationships, they are exposed to all kinds of terrible diseases. We should not be advocating the false hope of Norplant as the solution to some of the problems we have in this country.

And sex education as early as kindergarten: I really have to question that. Also, if you take a look at some of the material that she advocated to be taught in kindergarten, I think you would be very shocked.

So, these are the types of things—these are just some quotes from a Washington Post article, obviously a paper that supports her nomination.

Just a couple of other quotes or issues where she has indicated what her position would be.

Appearing on the "MacNeil/Lehrer News Hour," Dr. Elders asserted 60 percent of American children are "unplanned and unwanted." Sixty percent? I do not believe that. And what does she propose we do about it—condoms and abortions. I do not think this should be the principal position of the Surgeon General of the United States.

Here is what she has to say about the teenage pregnancy rate in her own State of Arkansas: "Poverty and ignorance and the Bible Belt mentality" are the reasons why Arkansas ranks as the second highest State in the Nation in teenage pregnancy. I believe some Arkansas folks do not think too much of that particular comment.

I could go on. We all know the situation with this nominee. It appears to me she will be confirmed. If she is, I wish her well. She may turn out to be a great Surgeon General and I hope she will be. But I have to vote my own conscience and my constituency's.

I have given the President of the United States the benefit of the doubt on 98 percent of his nominees. I have supported most of his nominees. I have even spoken for some of them, but there are a few where the balance is just too heavy the other way. And Dr. Elders is a classic example of whom we should not have in this very important position.

Let me begin to close with this quote, and this is a quote from Bill Jones who is past president of the Arkansas Medical Society, again in the Washington Post December 17, 1992. He says:

> She, Dr. Joycelyn Elders, is a rabble rouser. She polarizes people pretty quickly.

Is this who we want in the position of Surgeon General? We need a healer in the position of Surgeon General, not someone who cannot control what they have to say and actually wind up polarizing the American people.

This nominee deserves a lot of recognition for what she has accomplished in life, but I think that her comments show divisiveness and insensitivity and intolerance and nonhealing. That is not the person we need in the position of Surgeon General. Therefore, I oppose this nomination and I urge my colleagues to review the record, look at her quotes, look at her record as a matter of fact even in Arkansas, and then make a decision of how to vote.

Mr. President, I yield the floor at this time.

The PRESIDING OFFICER. Who yields time?

The Senator from Kansas [Mrs. KASSEBAUM].

Mrs. KASSEBAUM. Mr. President, I yield myself 5 minutes or as much time as I may need.

Mr. President, as Surgeon General of the United States, Dr. Elders will be the Nation's most recognized public health advocate.

Dr. Elders is a distinguished pediatrician and medical scholar with strong credentials for this position. Prior to serving as the Arkansas director of health, Dr. Elders served as an Army doctor and as a member of the faculty of the University of Arkansas Medical School.

There is no question that Dr. Elders is academically and professionally qualified to serve as the Surgeon General of the United States. Nevertheless, this is an extremely controversial nomination.

Several specific allegations regarding Dr. Elders' finances were thoroughly addressed in her confirmation hearing before the Senate Committee on Labor and Human Resources. I will speak to some of those allegations in a moment.

However, it seems to me that the real crux of the controversy is the set of issues Dr. Elders has chosen to emphasize during her career and the manner in which she has presented those issues. Having spent the August recess in Kansas, I can say that these are the concerns which were raised repeatedly about Dr. Elders.

Speaking for myself, I have been troubled from the beginning by the way in which Dr. Elders presents her views on issues such as abortion, condoms, and teenage pregnancy. The words she has chosen are not ones I would use. Moreover, I do not believe that any of us are particularly comfortable discussing these issues in committee or on the floor of the Senate.

Although the choice of words is often not as important as the underlying policy, the job of Surgeon General is one where delivery and choice of words are critical to the position's success.

Whatever doubts there may be about Dr. Elders as the messenger, there can be no doubt about the importance of her message. Teenage pregnancy is a serious and growing problem, and we face a grim future indeed if it is not addressed.

Dealing with this issue has proved to be a baffling and frustrating task. It is tragic that far too many parents have shirked their responsibility to guide and discipline their children. There simply is no satisfactory substitute for strong parenting in terms of instilling the values and the hope which inspires responsible behavior by young people.

The sad reality is that many young people do not or cannot rely on the support and guidance of their parents. Dr. Elders is faced with that reality.

She has attempted to deal with that reality by sending loud, clear, and—yes—flamboyant messages. However uncomfortable I or other Members of this body may be with her words, I believe she should be heard. She deserves the chance to try to reach young people who no one else seems to be able to reach.

In the final analysis, my decision to support Dr. Elders' nomination was based on the hope that she will be able to strike a chord with young people whom I could never dream of reaching.

In all the furor over the messenger, there are some important aspects of Dr. Elders' message that I believe should be emphasized.

First of all, Dr. Elders does support school-based health clinics—a position which is unpopular with many. What may have gotten lost, however, is the fact that Dr. Elders also believes that this is an issue to be decided at the local level—not the State and not the Federal Government. It is Dr. Elders' belief that it is the responsibility of local school boards to decide whether a school-based clinic should be established and what services that clinic should provide. That is the approach she took in Arkansas.

In addition, Dr. Elders supports the distribution of condoms at school-based clinics. At the same time, she recognizes that parents are ultimately responsible for their children. Her policy is that parents should decide if the clinic can provide their child with condoms or any other services.

With respect to abortion, Dr. Elders supports a woman's right to chose her reproductive options. As Dr. Elders noted in her testimony before the Labor Committee, she is "not about abortion," but she is about avoiding unwanted pregnancies.

I appreciated Dr. Elders' frank statements that the only sure way to avoid an unwanted pregnancy or a sexually transmitted disease is to abstain from sexual activity. She stresses that parents have an obligation to ensure that their children fully understand the risks of engaging in such activity.

In response to one of my questions, Dr. Elders noted:

> I believe that abstinence * * * is what I have taught my children. Every parent I know, I feel, supports and teaches abstinence. Every preacher I know supports and teaches abstinence. But we know that sometimes they are not abstinent. * * * If you can't be abstinent, I want you to be responsible.

Before closing, I would like briefly to review some of the other issues raised with respect to Dr. Elders—as these matters were the subject of intense scrutiny by the committee and they have been raised again during floor debate of the nomination.

A great deal of attention has been given to the failure of Dr. Elders' husband to pay social security taxes for the woman who took care of her mother-in-law. A power-of-attorney was given to her husband to act on behalf of his mother.

Dr. Elders' husband should have opened a joint bank account with his mother, and he should have paid Social Security taxes on the woman who took care of his mother. He did not. Rather, he deposited his mother's Social Security check into a joint account he had with Dr. Elders. This joint account made Dr. Elders technically liable for her husband's failure to pay taxes on behalf of his mother. In short, Dr. Elders was liable primarily because her husband deposited his mother's checks into the wrong account.

Much has also been said about Dr. Elders' role as a director of a community bank cited for mismanagement by Federal bank regulators. Dr. Elders was reprimanded along with the other bank board directors for failing to supervise properly the bank's management. Senator KENNEDY and I had the FBI review the bank situation in detail. Dr. Elders did not engage in self-dealing or improper personal profit at the bank.

Some have suggested that there has been an inordinate delay with respect to Senate consideration of this nomination. To the contrary, I believe the

Senate has moved expeditiously—particularly considering the number of matters requiring investigation by the committee. It has been hinted that a 1-week postponement of the original hearing date was some type of blatant delaying tactic. That is not the case. The hearing was postponed by mutual agreement between Senator KENNEDY and me because additional time was needed to obtain documents pertinent to the nomination.

Moreover, Dr. Elders was formally nominated on July 1—shortly before the Senate adjourned for the Fourth of July recess. We will vote on her nomination today. Compared with the 11 months which intervened between Dr. Koop's nomination and his confirmation by the Senate, I do not believe the Elders nomination has taken an unreasonable period of time.

Dr. Elders is a hard worker who understands firsthand many of the public health challenges confronting our Nation. I will join those voting in favor of her nomination. I will do so in the hope that she can convey a message which will be heard by young people making critical decisions about their futures. I will also do so in the hope that this message will be framed in a way which builds consensus and that it will not be lost in controversy over the messenger.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield myself 2 minutes.

I want to express appreciation to the Senator from Kansas for her comments on this nomination. I know that she has given this a great deal of consideration. As always, she has been enormously conscientious in attending the hearings and in the preparation for the hearings and asking penetrating questions. She has been enormously constructive and helpful to the committee in helping it reach its own judgments and decisions.

I know, listening to her today and at the time of her statement in support of Dr. Elders at the time of the committee's vote, that she has expressed today and had these concerns about Dr. Elders and has stated so eloquently this afternoon the strong belief that Dr. Elders, as a Surgeon General, will be able to speak and talk to many Americans about issues involving health and health-related issues that perhaps would not be as responsive to the admonitions or comments or lectures or statements or speeches of other Americans.

And I think that is very, very true. I think the extraordinary work that she has done in Arkansas in reaching out to communities which in a very real sense felt left out and left behind has been enormously impressive; and I think is one of the very compelling reasons, among others, of the acceptance of her and recommending her as the Surgeon General.

So I thank the Senator from Kansas for her comments and statements. And also, as always, for the way that she has worked with all of us on the committee in moving this process forward. This has been a nomination where individuals have had strong views and strong opinions, both those in favor and those who had reservations about it. But she, as always, has been enormously cooperative with the majority, and with me personally. We are very grateful to her for all the good work she has done on this nomination and others. I thank her for her comments.

I see the Senator from Arkansas on the floor, Senator BUMPERS, who has spoken to this nominee both here on the floor and also to a number of our colleagues during the course of the consideration of the nomination. As I mentioned earlier, the Senator has the advantage of observing, in very close proximity, the work of Joycelyn Elders, working with her associates, her allies, her friends, and has a very keen awareness of what her leadership in this very, very important health position can really mean for the American people. We are grateful to him for his comments, as well as Senator PRYOR's. As I mentioned earlier, rarely do we have an individual nominee who is known as well by two of our colleagues as Joycelyn Elders is known. So to hear their strong endorsement of her, particularly to those who may have some concerns or some reservations, ought to be enormously reassuring and would, I hope, end up in any of those giving Dr. Elders the benefit of the doubt.

I think we, as a country, will be well served by her leadership, and I am hopeful we will have a strong bipartisan vote this afternoon.

How much time remains to each side, Mr. President?

The PRESIDING OFFICER (Mr. WOFFORD). The majority has 2 hours and 5 minutes, the minority has 2 hours and 47 minutes.

Mr. KENNEDY. I yield such time as the Senator uses.

Mr. BUMPERS. Mr. President, let me first thank the distinguished manager for the magnificent way in which he has gone forward with this nomination. His tenacity and determination, getting this nomination to a vote on the Senate floor, has been truly remarkable. I admire all people, even those who disagree with me, when they show that kind of tenacity and concern about somebody like Joycelyn Elders—and others, for that matter.

I also want to say to my distinguished colleague from Kansas, I listened intently to her remarks and I thought she spoke very eloquently and very knowledgeably about this woman and what is involved here. I want to extend my personal thanks to her.

I do not have any real reason to come here and speak again. I spoke on the floor once before. I spoke in the caucus today. But as a very good friend of Joycelyn Elders, I felt I would be remiss if I did not come and share with the U.S. Senators some of my own personal beliefs, based on personal observations, of this truly remarkable woman.

I speak, as I say, both as a personal friend and somebody who is deeply concerned about who the Surgeon General of the United States is going to be, though admittedly it is not a lawmaking position, it is not even a policymaking position. And, from that standpoint, I want to say that I do not number bigots among my personal friends. Those whom I consider to be bigots, or who discriminate, are acquaintances. They are not friends.

But I have known Joycelyn Elders on a very personal basis for a long time. I want to reassure every Member of the U.S. Senate with a personal guarantee: She does not have one bigoted bone in her body. Everybody in Arkansas from the now-President of the United States down to the lowest employee of the Arkansas Public Health Department will tell you that she has been one of the most aggressive and finest public-spirited public servants ever to serve in any capacity in our State.

In addition to that, she has a unique quality called smarts. She is a very intelligent woman. She is a compassionate woman.

I have to say this, and I do not intend for this to be all that pejorative. But the truth of the matter is, if she were a strong pro-life proponent, the opponents of her nomination would be here nominating her for sainthood, because her qualifications are just that.

Everybody in the Senate knows that Betty Bumpers and DALE BUMPERS have been as active, or more active, perhaps, in childhood immunization programs than any other single thing. When I was Governor, it was education, health care, the park system. But Betty always made immunization the number one on my priority list.

And, in 1973, she finally got everything put together in the State to immunize every child in that State; immunized 300,000 children one Saturday—300,000 children in one day. Not an adverse reaction. That was sheer luck.

But Betty told me, she said, you know, this is all fine for the cameras and for the evening news. It probably helped your political career. But the truth of the matter is this is nothing in the world but a dramatization of the problem and until we develop a system of tracking every child who is born in America until they have been fully immunized against all preventable childhood diseases, this program is going nowhere.

So 2 years ago Rosalynn Carter, the wife of our former President, called Betty one day. President Carter and I had been Governors together; Betty and Rosalynn had developed a fine relationship together. Rosalynn called and said, "Betty, I heard you talk about this tracking system you want to put into place across the Nation to make sure all children are kept up with until they are fully immunized." She said, "I would like to get involved in that."

To shorten the story, Betty and Rosalynn raised some money. They have been crisscrossing the country now for 2 years. One of the first places they went, naturally, was to Little Rock, AR, to visit Dr. Elders who was head of the department of health there. And what do you think? Dr. Elders was already putting a tracking system in place with a grant from HHS—way ahead of Betty and Rosalynn—way ahead of everybody else. And the minute Bill Clinton as Governor of Arkansas began to talk about the shameless teenage pregnancy rate in the State of Arkansas, he found out Dr. Elders was already ahead of him; already putting programs in place to reduce—and hopefully someday eliminate—the teenage pregnancy rate in our State.

Despite what you hear to the contrary, the results have not been perfect in Arkansas. But when you consider what the results would have been if nothing happened, it is very impressive.

Mr. President, I told this little story once before when I spoke on the floor, and it is worth repeating. The best way in the world to get my children to walk out of the room is to talk about how poor we were when we were growing up during the Depression. They do not want to hear it. They do not know anything about poverty. The other thing that will drive them out of the room is to tell them about my experiences in the Marine Corps.

But it is true: I was a Depression child. My father made $75 a month working in a hardware store, but we were pretty well off because everybody else in town was getting $21 a month from the WPA, plus whatever cheese and dried beans they could get at the courthouse on Saturday. My father sent my sister to a little Presbyterian school at Clarksville, AR, when he was making $75 a month. But the reason I tell you the story is because there was a little all black Methodist school in Arkansas called Philander Smith. Obviously, it was all black because back in those days blacks did not go to white schools of any kind, and the Methodist Church felt a strong obligation to educate African-Americans. And so that school was founded. I do not know the history of it. It is an old institution in our State.

Once a year, on Sunday morning, my father would give my brother, sister, and me a nickel each when we went to church. At the end of the service, the pastor would say: We will now take our offering for Philander Smith College. And we marched down the aisle to kneel at the altar, leave our nickel on the altar, and go home absolutely certain we had educated some poor, helpless black child.

It seems so naive now, yet all the Methodist churches in Arkansas were doing the same thing. And they picked out an exceptional child whom the teachers in a little old community said had remarkable promise. Philander Smith College plucked Dr. Joycelyn Elders out of this little community when she was 15 years old and enrolled her on this scholarship program. Three years later, at the age of 18, she graduated magna cum laude.

The rest has been cataloged on this floor over and over again. The Senator from Massachusetts has made this case as eloquently and as precisely as it can be made. All I can do is elaborate a little bit on it from a personal standpoint.

So she went to medical school. She was so bright: Scholarships, student grants, student loans; and today, the only black pediatric endocrinologist in America.

I told a story in the caucus today that bears repeating: During the recess, one of the things I did was talk to a group of 24 youngsters—4 white, 20 black—who had been picked by school teachers across Arkansas as having exceptional mental prowess but not a dog's chance because of their home environment. This is the third year I have spoken to them. They are 12 to 14 years of age. A little girl, whom I later found out was 12 years old, a very pretty little girl, said, "Senator BUMPERS, what would you say to somebody like me who lives in a bad neighborhood and would like very much to get out of it?"

And I gave her an answer. I said, "Well, if you really want out, just keep wanting it badly enough, and you'll get out." Admittedly, a pretty lousy answer. I have thought about it several times since then, and I wish I had said something more comforting to her.

But here was Dr. Elders. Somebody said that to her. She made up her mind she was going to get out of it, and she did, through hard work and grit and determination, and she became one of the top physicians in America.

She says things bluntly. I wish at times like this she were not quite so blunt. But, I promise you that all these Senators who have been off on this August recess making speeches at various places, hear in townhall meetings: "Why don't you politicians tell it like it is? Why can't you say what you mean and mean what you say?" Or, as Senator Herman Talmadge used to say, "You have to throw the corn where the hogs can get to it." You have to say it so the least among us can understand what you are saying.

I just finished David McCollough's great book called, "Truman." It took me 6 months to wade through that, but it was the best 6 months I ever spent. So after Joycelyn Elders referred to the Catholic Church as male dominated, she apologized repeatedly. She mentioned a male-dominated American Medical Association, and it would be hard to quarrel with that, would it not, when about 80 or 90 percent of the doctors in this country are male? Of course, it is male dominated.

And she says things like "We have to give up this romance with the fetus." Well, that is a very indiscreet way of saying we have to worry about the children who are born: How we are going to feed them, how we are going to educate them, how we are going to provide them health care, and how we are going to provide jobs for them when they get up to a certain age. Admittedly, a very blunt, and, to some, offensive, way to say something that is true. She did not mean to hurt the feelings of the pro-life people in this country on that issue. As I say, it was a blunt way to say it, but everybody knew exactly what she meant.

She said, "We are teaching our children what to do in the front seat of the car," talking about driver's education, "but we are not teaching them how to conduct themselves in the back seat." Some people said, "Isn't that a terrible thing for her to say?" Well, is that not the truth? Is that not the reason that the teenage pregnancy rate, unwed mother rate in this country is absolutely out the roof?

Maybe Dr. Elders should be given another hearing and say, "I thought about these things, and here is the way I wish I had said it." Maybe everybody would buy into it if she just put it in nice, diplomatic language.

Nobody is arguing with the truthfulness of what she has said. They are arguing with her indiscretion and lack of diplomacy in saying things that need to be said. Harry Truman, one of the five greatest Presidents of this country, did not know the meaning of diplomacy. But make no mistake about it, when he said it, everybody knew what he was talking about. He called Joe McCarthy what he was. He called a lot of other people what they were.

I remember that great story about him letting out an oath and somebody chastising him. Afterwards, his wife Bess said, "Leave him alone. You don't know how long it took me to teach him to say 'manure.'"

Well, I listened to the Senator from Missouri this morning. I am very pleased that he concluded he would vote for Dr. Elders, but he called her "very unimpressive." Obviously, his entire career has been quite different from mine. I have visited with a lot of Presidents, kings, queens, and other dignitaries, and I have made decisions about who is impressive and who is not impressive in this world. Dr. Elders may have been a little bit awed being in a Senator's office—we forget how that can happen. That reminds me of another nice thing about Betty Bumpers—she gives humility lessons at our house every night. She said, "You have forgotten what it is like to be a country lawyer in Charleston, AR, where nobody cared what you thought. People walk into your office, they have adrenalin pouring out of their hands because they are getting ready to tell something to a U.S. Senator, and it is very impressive to them."

Well, I did not fall off a turnip truck yesterday. I do not understand how anybody could describe a woman with such a remarkable career as unimpressive. Maybe she did not say something brilliant during the 20 minutes he spent with her. I find her to be one of the most impressive people I have ever known.

Mr. President, I do not remember whether I spoke on the nomination of the Surgeon General a few years ago—if I did, I spoke from this desk because this is where I have been virtually my entire career in the Senate. But I do remember that when President Reagan nominated Everett Koop to be Surgeon General, I read all the information I could find on him. I had been essentially a pro-choice Senator. I saw that Everett Koop had characterized amniocentesis as a search-and-destroy mission. I thought that was pretty heavy stuff. I did not like it. I think amniocentesis is one of the greatest things that has ever been developed in medical history. And because I took such strong umbrage and offense at that statement, I voted no. It was not a year until I regretted it because Everett Koop had said something that I am quite sure was not intended to offend this Senator or any other Senator. And I voted against him. Now we all know and history shows that I made a bad vote. He is one of the best Surgeon Generals the country ever had.

Somebody asked Joycelyn Elders: What are you going to do about these gangs that are taking over the streets of America? I did not hear her say this, but she is reputed to have said, "Nothing; they are lost. It is the next generation I am concerned about."

Nobody wants to believe that you ever give up on anybody. I take some exception to that, if that is in fact a true quote. I do not think you should ever give up on anybody. People of the Christian faith are never supposed to give up on anybody, anyway. But I know exactly what she is talking about. She is saying the money could be so much more productively spent on those we still have a chance to save.

So, Mr. President, I want to thank a lot of people on the other side of the aisle who are going to vote for Joycelyn Elders. I certainly want to thank all the Members on this side of the aisle who are going to vote for her, and I give my personal promise that not one of them will ever regret it.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BOND. Mr. President, on behalf of the manager on this side, I would like to yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I rise today to discuss the nomination of Dr. Joycelyn Elders, because I believe she is wrong for the country. Her supporters have presented what they see as her refreshing outspokenness; I see instead a clear and disturbing tendency toward bad judgment, hyperbole, and contempt for those who disagree with her.

We have already heard on this floor that she has stated or implied that this country's ills, including the scourges of slavery, Native American genocide, and the Holocaust, stem from passivity and indifference on the part of the Catholic church. She has charged Christian, predominantly Protestant, conservatives with having "slave master mentalities." She has suffered the censure of the legislature in her home State. As recently as today, we have seen an article in the paper by four current and past members of the U.S. Commission on Civil Rights, which states that her intolerant and irresponsible declarations disqualify her from serving in a national position of public trust.

Even were I not to disagree with some of Dr. Elders' public utterances, thinking them ill-judged, ill-timed, and poorly conceived, I believe that the way she has gone about implementing her policies has been flawed. I do not say that just because of ideological disagreement with Dr. Elders, but because her approach to health care simply has not worked, even in Arkansas. And I do not believe there is any reason to expect that it would work any more effectively for the Nation. Under Dr. Elders' leadership, Arkansas went from having the fourth highest teen birth rate in the country to the second highest. After declining from 1980 to 1985, the rate rose during Dr. Elders' tenure from 6.8 percent in 1987 to 7.8 percent in 1991.

Most significantly, the teen birth rate has risen in 10 of the 11 Arkansas counties where Dr. Elders succeeded in establishing school-based clinics, the centerpiece of her health programs. Overall, the teenage pregnancy rate in those 11 counties has risen by 12 percent.

According to the National Center for Population Options, a group that promotes school-based clinics, the Arkansas clinics had no measurable impact either on teen pregnancy rates or on incidences of sexually transmitted diseases. Under Dr. Elders' leadership, between 1989 and 1992, there was a 130-percent increase in syphilis cases among Arkansas teenagers and a 150-percent jump in teens infected with HIV.

I am not here to ask for more complete explanations of Dr. Elders' finances, nor will I discuss or raise the allegations of professional impropriety. I think the facts speak for themselves. Even aside from those troubling issues, Dr. Elders' professional record itself presents compelling reasons to oppose her confirmation.

The American Public Health Association in its report card found Arkansas to be the only State in the Nation whose performance was ranked in the bottom quartile—that is, as the "least health promoting"—in every category examined, including lifestyle behaviors that avert needless illness and injuries, and preventive community services. This is not the sort of performance that should be rewarded with a promotion. It is not good enough to blame the rise in teen pregnancy in Arkansas on poverty and ignorance and the Bible Belt mentality.

We should be aware that President Clinton plans to give Dr. Elders unprecedented power in her role as Surgeon General. Apparently, she will have direct control over health areas, including family planning, in which her predecessors were only advocates. By confirming Dr. Elders, the Senate would go beyond implicitly pardoning her hurtful and insensitive remarks. It would offer Dr. Elders a substantive opportunity to implement her ineffective family planning ideas. I believe we cannot entrust the public welfare on vital matters like teen pregnancy and AIDS prevention to someone with Dr. Elders' dubious record. America can—and must—do better.

I, therefore, will vote against her confirmation.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. COATS. Mr. President, how much time is remaining on each side on this issue?

The PRESIDING OFFICER. The time controlled by Senator KASSEBAUM is 2 hours 43 minutes.

Mr. COATS. Mr. President, I would like to ask for 15 minutes of time from that time just stated.

Mr. President, we had a lengthy discussion on the issue before us, the nomination of Dr. Elders, just before the August recess. We are now rapidly moving to the time in which we will take a vote on this nominee. A number of things have been laid out for the RECORD—statements that Dr. Elders has made that have proven offensive to a number of us, her record as a public health officer for the State of Arkansas, and some of her testimony before the Labor and Human Resources Committee. I will try not to repeat a lot of what has already been said. But I thought it interesting today in reading a piece written for the Washington Times by Robert George. I would like to quote some from that, and I will soon have it printed in the RECORD.

Robert George is a member of the U.S. Commission on Civil Rights. He is joined in writing this article by three former members of the U.S. Commission on Civil Rights, William Allen, Esther Buckley, and Robert Destro.

I think some of the statements made in this article are instructive to our debate. So I would like to cite from this article. Mr. George says:

> Speaking as current and former Civil Rights Commissioners, our consciences will not allow us to remain silent on Dr. Elders' appointment. We believe that the nomination of someone guilty of deliberately making intolerant remarks against religion and displaying such indifference to the lives of Down's Syndrome children, especially to the Nation's highest position on national health care, is a severe setback to the cause of mutual respect for equal rights and for good will among Americans of all religious beliefs.

On October 23, 1991, the U.S. Commission on Civil Rights forwarded a letter to then President Bush and to Members of Congress in which they stated the following:

> Confronted with religious bigotry, the need for strong moral leadership is clear * * * The Commission calls on elected officials to take all action within their power to eliminate religious discrimination and bigotry.

In fact, the charter of the U.S. Commission on Civil Rights requires it to make recommendations against religious discrimination, and commissioners have repeatedly denounced religious bigotry.

The Commission has pointed out that the divisive political and spiritual effects of such bias threaten the very foundations of democracy.

It is on this framework and on this basis that Robert George wrote this article today entitled Civil Rights Rationale Against Elders. It is on the basis of the charter of the U.S. Commission on Civil Rights and what commissioners believe is their moral obligation and their ethical obligation as commissioners to speak out and cite instances of what they consider evidence of religious bigotry and intolerance that then formed the basis for this article. They then go on to cite a number of instances in which Dr. Elders made statements that were deemed by these individuals to represent, at the very minimum, an intemperance in terms of her description of a number of individuals.

As we have heard,

> Dr. Elders has repeatedly made public attacks on the religious beliefs of Catholics and other Christians. She has also demonstrated insensitivity to the rights of children with disabilities. Her intolerant and irresponsible statements disqualify her from serving in a national position of public trust.

During one of President Clinton's campaign addresses at the State Capitol in Arkansas, Dr. Elders was recorded as saying:

> The first 400 years black people had their freedom aborted, and the church said nothing. The way of life for Native Americans was aborted; the church was silent. We attempted to eradicate a whole race of people through the Holocaust, and the church was silent * * * Look who's fighting the prochoice movement: a celibate, male-dominated church.
>
> Dr. Elders has spoken contemptuously of Christians who disagree with her. Some she accuses of having a Bible belt mentality, while others are "very religious non-Christians" with "slave-master mentalities." She has never denied making these bigoted remarks, nor has she withdrawn any of her charges.

The Senator from Arkansas said she repeatedly apologized for her remarks. What Dr. Elders did say was, "I am sorry if I offended some people because I did not mean to offend anybody." But she did not retract any of her remarks.

The Senator from Arkansas said Dr. Elders is refreshing because she tells it like it is and tells the truth, or what she perceives to be the truth. But in doing so, that truth, as Dr. Elders understands it, is not truth as the recipient understands it, and it is certainly offensive. And instead of retracting anything she has said, Dr. Elders simply wrote a letter indicating that she is sorry if it offended somebody. Under that standard, any American could stand up and say whatever they wanted to say and tell it like it is. If it is offensive, or if it is deemed intemperate, or deemed religious bigotry, under Dr. Elders' standard, the remedy is to simply say I am sorry if that offended you, but we have to tell it like it is, and if it hurts for you to hear it, well, that is just the way it goes.

The Catholic League for Religious and Civil Rights has said Dr. Elders' remarks are either ignorant or malicious, and that it is a rank distortion of history to say that the Catholic Church was silent or did nothing about past instances of societal injustice.

Cardinal O'Connor, in a letter entered into the RECORD writes:

> Such blatant and broad sweeping attacks as have been attributed to Dr. Elders would be troubling on the lips of any citizen. To hear them from one appointed to a national public office is even more profoundly disturbing.

James A. Smith of the Southern Baptist Convention's Christian Life Commission states:

> I am deeply disturbed that Dr. Elders has demonstrated a pattern of attributing the worst possible motives to individuals and organizations who have consistently opposed her public policies on the basis of their faith.

Richard John Neuhaus, a recognized authority of issues of religion and government writes that the President should withdraw Dr. Elders' nomination because she,

> has demonstrated a penchant for intolerance and ideological zealotry [that] can only exacerbate the social divisiveness attends our efforts to address difficult and controversial policies.

It is for that reason, Mr. President, that I rise today, because I so firmly believe that the position of Surgeon General ought to be one of consensus building. We have difficult public health issues that we face in this country today, and we need a spokesperson who occupies the position of Surgeon General to help form a consensus as to how we, as a nation, ought to address those issues; someone who ought to be a coalition builder, someone who ought to inspire trust and confidence in the Nation's doctorate. Yet, we have a nominee before us who is someone that does just the opposite, that polarizes and divides, and causes respected individuals in America to make statements relative to her intolerance, insensitivity, and even charges of bigotry.

That is hardly the way in which I believe we ought to proceed in dealing with these important public health matters.

Mr. President, I want to bring another item before the Senate. I touched on this before the recess. But to me it displays a judgment which I think is not only disturbing but potentially very dangerous.

A few weeks ago, it was learned that as far back as 1990, the Arkansas Department of Health under the direction of Dr. Elders had distributed defective condoms in Arkansas school-based clinics and public health clinics. The condoms were purchased from a company named Ansell, Inc., which sold them under the brand name of Lifestyle. According to the Associated Press, over 1 million Lifestyle condoms were purchased by the Arkansas Health Department from Ansell, Inc.

On December 13, 1990, an official of the health department wrote to Ansell stating that a high school clinic had complained about breakage, but the Arkansas Health Department at that point continued purchasing condoms from the vendor and nothing additional happened until June 30, 1992, when in response to letters of complaint received by the health department on four other occasions, including a complaint by the Baxter County health unit on June 24, 1992, that three HIV antibody test clients had experienced condom breakage in every use from condoms that they received through the Arkansas Department of Public Health.

Finally, a month later, on July 24, 1992, Dr. Elders made the Food and Drug Administration aware of these complaints and drew some samples of the lots of condoms within the possession of the Arkansas Health Department.

Now we are talking about a significant period of time from the first report, and we are now into July 24, 1992, when the first report came through on December 13, 1990. Who knows how many tens or hundreds of thousands of condoms were distributed to teenagers and to others through the school clinics, or through other individuals, to Arkansas residents through the Public Health Service?

FDA then conducted an investigation, and in its investigation discovered a defective rate for these condoms 10 times higher than the limits set by the Food and Drug Administration. The Arkansas public was never informed of this problem.

On August 12, 1992, the FDA recommended an open-end seizure of all condoms bearing the Ansell label in possession of the Arkansas Department of Public Health, finding that the condoms should be seized under section 501(c) of the law in that their quality fell below that which they purport to possess.

The order for seizure was approved on August 27. No further action was taken until September 8, when the company voluntarily withdrew the condoms remaining in the possession of the clinics and the Public Health Department.

What we have here, Mr. President, is a situation where for nearly a 2-year period of time, condoms were distributed to young people in school. Those condoms were found to be defective. They were sent to the FDA and tested by the FDA and the FDA concluded they were 10 times above the minimum rate allowed by the Food and Drug Administration.

So following the orders of the FDA, now a year-and-a-half later, the Arkansas Department of Public Health, under the direction of Dr. Elders, with the compliance of the Ansell, Inc., the maker of the condoms, recalled those then left in possession of the clinics and replaced them with a new batch.

The question that arises is what about all those products that were distributed during that year-and-a-half period of time. What about those condoms in the possession of young people who were essentially told use these; it provides for safe sex, even knowing that the condoms in their possession were 10 times the defective rate allowed by Federal standards?

It seems to me that the minimal standard at that point, the minimal obligation at that point, the ethical obligation at that point, was to notify the public that if you are in possession of a Lifestyle condom distributed through your school or distributed through any of the Arkansas public health clinics do not use them, do not use them because they are defective, do not use them because, at the very minimum, you could become pregnant. Far worse, you could contract a sexually transmitted disease or even AIDS or HIV virus, which as we know, is in almost every instance terminal. We are not talking about a minor health matter. We are talking potentially about life and death decisions.

Faced with this decision, Dr. Elders made the determination that she would not notify the public, that she would not put out a public health announcement, a public service announcement, that she would not notify the school clinics to notify those who potentially had picked up the condoms, that she would not allow a poster to be placed in the school saying if you have obtained one of these defective condoms or if you received one of these condoms do not use them; bring them in; we will replace them free; we will give you a new condom or batch of condoms furnished by the company because those that might be in your possession are defective.

Dr. Elders said, "Well, the reason I did not notify the public was that I am concerned about the public's confidence in condoms and for the greater public good."

Now, how in the world can that decision be for the greater public good? How in the world can any individual, knowing that a product that is defective and could cause death is in the possession of individuals, primarily young people, for the purpose of preventing unwanted pregnancy but can cause not only unwanted pregnancy but can cause a lifetime of serious transmittal of sexually transmitted diseases or even death through HIV virus, how can an individual say it is for the greater public good that I not notify them because I am afraid it will undermine the confidence in condoms?

I gave Dr. Elders an opportunity during our committee hearings to explain her decision, to at least say, well, if I could do it again I probably would have done it differently, or to say that is the advice that I had, that perhaps I did not give it enough reflection. So I asked her a series of questions during the committee hearings and I quote from that transcript.

> Senator COATS. Do you still believe it was the right decision?
>
> Dr. ELDERS. Yes, I do.
>
> Senator COATS. Even knowing that potentially some young people using these could get AIDS and it could be a life and death decision?
>
> Dr. ELDERS. We felt that really creating a major scare over a whole State would markedly reduce the—make everybody afraid of the condoms and not use the condoms of the health department. So that was the decision we made.

I was surprised if not shocked that she reaffirmed her position and her perceived correctness of this decision and stated that even in hindsight she still believes it was the right decision.

I then said:

> Well, Dr. Elders as a mother you testified about your family and raising your children. As a mother would not you want to know if your children through distribution in school were in possession of condoms that were deemed by the Federal Government to be 10 times the defective rate of that allowed and potentially life threatening to your children? Would not you want to know? Would not you want to listen to a public service announcement, or get a recall notice in the mail, or have a piece of paper sent by the school saying if your children pick up the Lifestyle condoms from the public school health clinics during this period of time do not use them, retrieve them, bring them back; we will give you new ones? Would not you want to advise your children of the potential danger facing you?

And she said:

> Senator, what I would tell my children is different than what I would say as a public health officer.

Now, Mr. President, we are talking about a nominee who is going to be the spokesperson for public health issues for the entire United States. She is going to be speaking to the children of this country. She is going to be speaking to my children, children of every Member in this body, and children of 250 million Americans. But apparently Dr. Elders is going to use a different standard to speak to the children of America than she would use to speak to her own children. I find that profoundly disturbing. I find that profoundly disingenuous. That is either something that Dr. Elders was not able to comprehend or something that was in I think just simply blatantly poor judgment that could affect the health of many, many of our young people.

I trust that Dr. Elders if confirmed will rethink this process, will rethink the decision that she made, and in answer to a future question: Would you do the same thing all over again? She would say: Now that I better understand the risks, now that I better understand we are talking about life and death to our children, I certainly would make a different decision.

I find it ironic Mr. President, that virtually every week we seem to hear some announcement on the radio about recall of all kinds of different products. I doubt if there is anyone here who owns an automobile that has not had at least on more than one occasion gotten a notice in the mail from the automobile company saying we have got a defective such-and-such, and if you will take it into the dealer we will replace it for free.

We all remember the announcements. In fact, if you listen to the radio for a week, you are bound to hear that such-and-such a product sold in such-and-such a State is being recalled: "If you purchased it from the Giant or Safeway or People's Drug, or whatever, do not use it. Bring it in and we will replace it for free. If you are in possession of this, do not use it," whether it is bad tuna or a defective automobile part, or whatever. This is fairly routine.

It seems to me it is just a minimal standard that is applied across the board on all kinds of defective products.

In fact, in just the last week—I just did a little research on what is going on here. I have three pages full of recalls of products that have been ordered in just the past week.

One is a shoe cleaner. This shoe cleaner is being recalled, according to the Associated Press, because the reformulated version caused some irritation if used in confined places. In other words, if you were in a close place where you were putting shoe polish on your shoes, it might cause some irritation—not death, not sexually transmitted disease, not the AIDS virus, but an irritation—and so it is being recalled.

Some butter is being recalled. Sixteen-ounce bowls of butter spread is being recalled because it may taste odd and might be susceptible to mold growth, and potentially the spread might cause flu-like symptoms.

So we have a product here that might cause flu-like symptoms, and it is being recalled. Public notice has been issued. But we have another product over here, issued by Dr. Elders in the Public Health Department of Arkansas, that is not being recalled, even though that product can cause death.

I do not understand the judgment that says if some shoe polish causes irritation, and some butter might have a bad odor or a bad taste and cause flu-like symptoms, that we should notify the public; but if we have a product over here that might cause unwanted pregnancy, as certified by FDA, at 10 times the rate over the minimum standard—it might cause unwanted pregnancy or someone to contract a sexually transmitted disease, or worse, someone to contract the HIV virus and die a few years later—no, we do not want to recall that because it might undermine public confidence in the use of condoms.

We recall butter. No one says we cannot recall the butter because people will say, "Well, my goodness people might stop using shoe polish or not buy the shoe polish, because people might stop polishing their shoes." It is the same line of reasoning, and I do not understand it.

Just a little bit ago, we recalled some mineral water because it had 2 times the 5 parts per billion level allowable under Food and Drug Administration standards. It was recalled to restore consumer confidence. So we have a defective product, minimally defective, and because the product maker understood that to let it go and not say anything might undermine public confidence, it was recalled to restore public confidence. Just the opposite of Dr. Elders' reasoning. She did not want to recall because she was afraid it would undermine public confidence.

So whether it is Tylenol or butter or shoe polish or car parts, or any of dozens of other products, notices are issued in the interest of public health and the interest of public safety. It is routine. It is done every day.

But if it is a condom that can give your child AIDS, if it is a condom that the FDA said is going to break because it is 10 times worse than the minimum standard, no, we do not recall that. If it is something that could kill your own children, we do not want to do that because it undermines public confidence.

Do you know, if Dr. Elders had said, "You know, Senator, I think if I could do it over again, I do not know. I was busy. I did not think about it. Maybe I made the wrong decision," or whatever. But instead, she says, "No, I would not do a thing differently."

"Knowing what you know, Dr. Elders—10 times as defective, could cause death—would you do it?" No. No, would not change her mind; would not do it any differently.

"What about for your own kids?"

"Oh, I use a different standard for my own kids. I am a public health officer, then I have to deal with the big picture. My kids? Oh, sure, I would like to know if it is my kids." But not your kids, not America's kids.

Now, I appreciate Dr. Elders' upbringing. I appreciate all that she has gone through. I appreciate the hard luck she has had. I appreciate the achievements that she has made.

But we are not talking about a hard-luck story. We are not talking about someone who has overcome. We are talking about someone who is going to be the spokesperson for public health issues in America. It is someone that needs to exercise discretion and judgment. It is not someone who needs to polarize and say offensive statements and cause people to have no confidence in the decisions of this individual.

We need someone who can inspire confidence, someone who can inspire trust. This is the Nation's doctor that we are talking about.

So I hope that Members will make careful determinations as to what we are voting for and the type of person we need and the experience and the judgment and the qualifications that the nominee brings to this position. I hope that in looking at the record, the record that has been documented very, very carefully, I hope they conclude that as fine a person as Dr. Elders is—I am making no judgment whatsoever about her family, about her personal life, about her personal qualities, about her remarkable achievements in lifting herself out of poverty—I hope we can separate from the debate an individual's achievements and focus on the merits, the substance of the issue at hand, the qualifications necessary to serve as Surgeon General of the United States of America.

I want somebody who will care as much about my children as she does about her own. I want someone who, when faced with a difficult problem, will exercise judgment in the best health and safety interests of the people of this country.

Mr. President, I probably said more than I should. There is a lot here to lay out in the RECORD. I have skipped a great deal, but I spoke at length on this before the recess and it is part of the RECORD.

I ask unanimous consent that the article appearing in today's Washington Times entitled "Civil Rights Rationale Against Elders" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Sept. 7, 1993]

CIVIL RIGHTS RATIONALE AGAINST ELDERS

(By Robert George)

As individual present and former members of the U.S. Commission on Civil Rights, we believe the Senate should not confirm Dr. Joycelyn Elders as surgeon general and assistant secretary of health and human services for health policy.

Dr. Elders has repeatedly made public attacks on the religious beliefs of Catholics and other Christians. She has also demonstrated callous insensitivity to the rights of children with disabilities. Her intolerant and irresponsible statements disqualify her from serving in a national position of public trust.

Here is one example of her hostile remarks. In a Clinton campaign address last year at the State Capitol in Little Rock, Ark., she was recorded saying:

"The first 400 years black people had their freedom aborted, and the church said nothing. The way of life for the Native American was aborted; the church was silent. We attempted to eradicate a whole race of people through the Holocaust, and the church was silent. . . . Look who's fighting the pro-choice movement: a celibate, male-dominated church."

Dr. Elders has spoken contemptuously of Christians who disagree with her. Some she accuses of having a "Bible-belt mentality" while others are "very religious non-Christians" with "slave-master mentalities." She has never denied making these bigoted remarks nor has she withdrawn any of her charges. On the contrary, her recent letter to the Catholic bishops (sent just before the Senate confirmation vote, 19 months after she made her remarks) merely apologizes for causing "offense." She writes as if she does not understand why believers should be offended by her anti-Christian smears, thus compounding prejudice with ignorance.

The Catholic League for Religious and Civil Rights has said Dr. Elders' remarks are either ignorant or malicious, and that it is "a rank distortion of history to say that the Catholic Church was 'silent' or did 'nothing' about past instances of societal injustice." Even the Washington Post agreed in an editorial that carefully avoided endorsing her nomination.

Some religious leaders have already raised their voices in protest. New York's Cardinal O'Connor, in a letter entered in the Congressional Record, wrote: "Such blatant and broad sweeping attacks as have been attributed to Dr. Elders would be troubling on the lips of any citizen. To hear them from one appointed to a national pulpit is even more profoundly disturbing." James A. Smith of the Southern Baptist Convention's Christian Life Commission reports that "Southern Baptists and other evangelicals in Arkansas have shared with me the disdain they have felt from Dr. Elders because of their opposition to her public policy agenda," adding, "I am deeply disturbed that Dr. Elders has demonstrated a pattern of attributing the worst possible motives to individuals and organizations who have consistently opposed her public policies on the basis of their faith." And Richard John Neuhaus, a recognized authority on issues of religion and government, writes that the president should withdraw

Dr. Elders' nomination because she "has a demonstrated penchant for intolerance and ideological zealotry [that] can only exacerbate the social divisiveness that attends our efforts to address difficult and controversial policies."

The charter of the U.S. Commission on Civil Rights requires it to make recommendations against religious discrimination, and commissioners have repeatedly denounced religious bigotry. The commission has pointed out that the divisive political and spiritual effects of such bias threaten the very foundations of our democracy. For instance, in an Oct. 23, 1991, letter to President Bush and the members of Congress, the commission wrote:

"Confronted with religious bigotry, the need for strong moral leadership is clear.... [T]he Commission calls on elected officials to take all action within their power to eliminate religious discrimination and bigotry."

While Dr. Elders' support for unrestricted abortion may or may not reflect the Clinton administration's views, her defense of this position disregards the lives and rights of children with disabilities. In testimony to a congressional committee in 1990, she said "abortion has had an important and positive public health effect." Citing as an example "the number of Down's Syndrome infants in Washington state in 1976 [which] was 64 percent lower than it would have been without legal abortion." Abortion," she said on another occasion," has reduced the number of children afflicted with severe defects."

Dr. Elders' ultimate solution to the problem of children with disabilities contradicts the Civil Rights Commission's 1989 report, "Medical Discrimination Against Children with Disabilities," which correctly described the denial of fundamental rights to children because of Down's Syndrome or other severe disabilities as unfair and discriminatory:

"A nation committed to the equal protection of the laws should; address the very real problems people with disabilities and their families face through fostering supportive services and social acceptance, and through defending the statutory rights of persons with disabilities. . . . To accept a projected negative quality of life for a child with a disability based on the difficulties society will cause the child, rather than tackling the difficulties themselves, is unacceptable. The Commission rejects the view that an acceptable answer to discrimination and prejudice is to assure the "right to die," to those against whom the discrimination and prejudice exists."

Speaking as current and former Civil Rights Commissioners, our consciences will not allow us to remain silent on Dr. Elders' appointment. We believe that the nomination of someone guilty of deliberately making intolerant remarks against religion and displaying such indifference to the levels of Down's Syndrome children, especially to the nation's highest position on national health care, is a severe setback to the cause of mutual respect for equal rights and for good will among Americans of all religious beliefs. People of all faiths as well as people who are disabled have an important stake in the outcome of this controversy.

We are confident that a large number of medical practitioners, women and men of all ethnic and racial backgrounds are both well qualified for this position and untainted by hate speech. A president and Senate concerned to overcome intolerance should find a tactful nominee whose record of sensitivity toward the civil rights of physically challenged children, of religious practice, and of free speech can set a better example rather than become a continuing source of national divisiveness and political embarrassment.

Mr. COATS. I yield back by time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, how much time would the Senator from Rhode Island need?

Mr. CHAFEE. Four minutes.

Mr. Kennedy. I yield 5 minutes to the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, on March 5, here in the Senate, I spoke in favor of Dr. Joycelyn Elders' speedy confirmation as Surgeon General of the United States.

Today, I come back to the Senate to speak again for that same purpose. Following careful review of Dr. Elders' accomplished career as a physician, as a teacher, and as a director of the department of public health in Arkansas, I am persuaded that she has the experience and the determination and the forthrightness to handle this difficult and increasingly important job.

I view the position of Surgeon General to be sort of chief advocate for the public health of the Nation and all of us—many, at least—look back on Dr. Everett Koop as being the model who so effectively championed the role of chief advocate for public health.

Given the burgeoning public health problems our country faces today: Teenage pregnancy, the scourge of AIDS and other sexually transmitted diseases, the problems with substance abuse, the unique problems of the elderly—our Surgeon General must have more than the requisite medical and professional credentials.

Yes, we want that individual to be a doctor. Yes, we want him or her to have some experience. But it seems to me that the individual must be a tireless advocate and a coalition builder, capable of speaking with candor and with credibility to the American people. And, in addition, that individual has to somehow have the forcefulness to rise above the political fray here in Washington to do what is necessary to protect public health. I believe Dr. Elders possesses all of these needed qualities.

While serving as director of public health in Arkansas, Dr. Elders successfully advanced a comprehensive agenda of public health protection. What were some of the things she did? It was really a remarkable achievement, I believe. She had an aggressive childhood immunization program that boosted the immunization rates among 2-year-olds from 34 to 60 percent; nearly doubled the number of youngsters who were properly immunized in Arkansas. She had an intensive campaign to increase early childhood health screening, certainly something we want for our Nation. She did it in Arkansas, covering more than 45,000 youngsters by 1992.

She expanded the cancer detection services program for women, including mammograms and Pap smears for cervical cancer screening.

She had effective community health projects to promote smoking cessation, for example, and to promote healthy eating habits, and exercise to combat heart and lung disease.

Finally, she established a pioneering school-based clinic program where children, with parental consent, could receive screenings and other locally determined medical services.

In addition to all these she launched a highly effective campaign against teen pregnancy in Arkansas. And she did this with a local television station which won the George Peabody and Edward R. Murrow awards. These are the two top awards for public service stations. This effort has helped keep the Arkansas teen pregnancy rate down below the national average.

Dr. Elders has my respect for the job she has done in her home State, and I am confident she is going to bring the same kind of commitment to the job of Surgeon General of the United States.

Here on the floor of the Senate and in the committee we have examined every aspect of her career in what I might say is excruciating detail. All the issues have been raised and have been examined during this exhaustive confirmation process. And that is good. But now it seems to me it is time for us to vote, and I urge my colleagues to vote "yes," and to give Dr. Elders the opportunity to assume this important position as soon as possible.

I thank the manager of the nomination.

The PRESIDING OFFICER (Ms. MIKULSKI). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 3 minutes.

I want to have printed in the RECORD a letter from Mary Frances Berry, who is the Chairman of the Civil Rights Commission.

DEAR SENATOR KENNEDY: It has come to my attention that one of my colleagues on the Civil Rights Commission and three former Commissioners have urged the Senate not to confirm Dr. Joycelyn Elders as Surgeon General and Assistant Health and Human Services Secretary because they believe she holds negative views towards some aspects of civil rights. I feel compelled in the interest of fairness to inform you that the Civil Rights Commission does not traditionally take a position on Presidential nominations. More importantly, the Commission has not at any time discussed or even considered the subject of Dr. Elders. Therefore, I assume that my colleague and the three former Commissioners are expressing their individual opinions.

Since my colleague and the former Commissioners have expressed their personal views concerning Dr. Elders, I feel obligated to share my opinion with you. I have not seen or heard anything in the public discussion of Dr. Elders that would lead me to believe that she would be anything other than a superb Surgeon General. I look forward to knowing of her confirmation.

I think that addresses the particular issue that was raised earlier.

Finally, Madam President, I will include again at this point in the RECORD this letter from the executive committee of the Association of State and Territorial Health officials. We had the opportunity to debate before the recess the whole issue of condoms. But I just want to have printed in the RECORD this statement.

This is the executive board of public health officials for the entire country. I will include the full document but let me read some excerpts.

> As State Health Officials and members of the governing committee for the Association of State and Territorial Health Officials, we believe that the Arkansas Department of Health met the criteria for sound public health practice in its response to complaints concerning breakage of condoms manufactured by Ansell.

I will just mention at this point, Madam President, those condoms were distributed in 27 States. Only one State took action to recall them, and that was Arkansas, under Dr. Elders.

> Dr. Joycelyn Elders made the right public health decision to immediately notify the FDA, seize and replace all lots of the defective condoms in stock, and not publicly announce the discovery of a small number of defective condoms already distributed. Such a public announcement has the potential for critical negative repercussions including unfounded skepticism about the effectiveness of condoms, and thus decrease in rates of condom use.
>
> Arkansas immediately and consistently took the proper course of action.

This letter is signed by two Republicans, six Democrats, and one independent.

I ask unanimous consent to have the letter printed in its entirety at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ASSOCIATION OF STATE AND TERRITORIAL HEALTH OFFICIALS,
Washington, DC, August 2, 1993.

Senator GEORGE MITCHELL,
176 Senate Russell Building, U.S. Senate.

DEAR SENATOR MITCHELL: As State Health Officials and members of the governing committee for the Association of State and Territorial Health Officials, we believe that the Arkansas Department of Health (ADH) met the criteria for sound public health practice in its response to complaints concerning breakage of condoms manufactured by Ansell. Dr. Joycelyn Elders made the right public health decision to immediately notify the FDA, seize and replace all lots of the defective condoms in stock, and not publicly announce the discovery of a small number of defective condoms already distributed. Such a public announcement has the potential for critical negative repercussions including unfounded skepticism about the effectiveness of condoms, and thus decrease in rates of condom use.

Arkansas immediately and consistently took the proper course of action. Between February and June of 1992, ADH received a total of four complaints concerning breakage of condoms manufactured by Ansell. Based on these complaints, ADH discontinued the distribution of Ansell condoms on July 16, 1992 and ordered the recall of these condoms six days later. ADH simultaneously contacted five other states in the region and determined that there were no reported complaints concerning Ansell condoms.

The ADH then notified the federal Food & Drug Administration (FDA) of the defective condoms on July 24, 1992. Four of the six lots tested exceeded the FDA breakage standard of 4 per thousand. The FDA notified Ansell and began seizure proceedings in August 1992. On September 3, 1992 Ansell decided to voluntarily withdraw the defective condoms from the market. Sixty-eight customers were contacted in 28 states when Ansell undertook its recall. The ADH was the only customer in the United States that noticed the problem and complained to the FDA.

Public health decisions are exceedingly difficult because they must be based on the good of the community. Although it would have been a tragedy for one condom to break, it would have been a far greater tragedy to undermine public confidence in condoms, which would lead to reduced rates of usage and pose an even greater risk to the public health.

Sincerely,

Molly J. Coye, MD, MPH, President, Association of State and Territorial Health Officials. Director, California Department of Health Services; Charles Mahan, MD, President-Elect, Association of State and Territorial Health Officials. Florida State Health Officer; David Smith, MD, Commissioner, Texas Department of Health; John Lewin, MD, Director, Hawaii Department of Health; John R. Lumpkin, MD, Director, Illinois Department of Public Health; Susan Addiss, MPH, Director, Connecticut Department of Health; Michael Skeels, PhD, MPH, Director, Oregon Health Division; Mark B. Horton, MD, MSPH, Director, Oregon Department of Human Resources; Lloyd F. Novick, MD, MPH, Commissioner, New York State Health Department; George K. Degnon, CAE, Executive Vice-President.

Mr. KENNEDY. This letter was signed by virtually every member of the executive committee, the only member that did not sign was in Iowa dealing with health emergencies created by the floods. It may be disputed by some, but the principle, as the letter points out, is the concern that any announcement would have the repercussion that there would be significant reduction in the use of any condoms, and that would be a greater public health threat in terms of unwanted pregnancies, HIV, and sexually transmitted diseases.

That is the unanimous opinion of these principal leaders of the public health community.

I yield myself 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I can understand others having a different opinion concerning an announcement about defective condoms. But I think if most of us try to compare this to shoe polish or Perrier water—I mean, it is a far reach. You can take a look at what happened to the consumption of grapes when just a few years ago, 4 or 5 years ago, we found out that there may be contamination of grapes from Chile. It virtually dried up all utilization of grapes all over this country, even though only a small percentage were possibly tainted.

You could see what happened with the alar crisis on apples, in the late 1980's. Only about 20 percent of the apples were treated with the pesticide alar, but with the public announcement of that threat virtually all the purchase of apples dried up in this country.

It is those kinds of public policy issues that take extraordinary thought, a great deal of understanding, and study about human behavior. But to ridicule that kind of public policy decision, when it is virtually unanimously endorsed by other public health officials, I think is really a disservice in terms of the nominee.

We have debated this issue at length. As time is running on this debate, I am impressed by the fact that we are basically re-reviewing, re-repeating the debates prior to the break. We of course would hope that we could move as rapidly as possible to a judgment. But we respect our colleagues' rights to make any comments or to ask any questions.

I withhold the remainder of my time.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Does somebody control the time on our side?

The PRESIDING OFFICER. Senator KASSEBAUM controls the time on the Senator's side.

Mr. DOMENICI. I did not hear the Chair.

The PRESIDING OFFICER. Senator KASSEBAUM controls the time.

Mr. DOMENICI. Has she yielded time to the Senator from New Mexico?

The PRESIDING OFFICER. The Senator may make a unanimous-consent request.

Mr. DOMENICI. I yield myself 10 minutes under the time of Senator KASSEBAUM.

The PRESIDING OFFICER. The Senator from New Mexico may proceed.

Mr. DOMENICI. Madam President, first of all, I think the record of this Senator is, in terms of nominees of Presidents of the United States—and I have been here almost 21 years—I adopt the principle and premise that Presidents are entitled to their nominees unless there is something very, very significant, in the opinion of this Senator, that denies that nominee the right to my vote or the privilege of having my vote.

In this case, I am going to vote against this nominee. I want to express my views very simply. I think I could go on for a long time, having read about some of her ideals, some of her views, and some of the things she has said. But I choose today to focus on just two issues.

First, in the time since President Clinton announced his selection of Dr. Elders as his nominee for Surgeon General, there has been a great deal of controversy among the general public, as well as among my colleagues in the Senate, about what is good health policy and the position of the Surgeon General. Unfortunately, the debate has not arisen out of a new-found interest in the position of Surgeon General. Instead, a number of policy statements of Dr. Elders in her previous capacity as director for Arkansas' Department of Health has fueled this discussion.

The result has been an analysis that we have witnessed over the past few weeks. She may, indeed, have accomplished a great deal. I have not studied that in enough depth to conclude, but many have, and I will not debate that issue. But the nomination of Dr. Elders is not just an issue of her medical qualifications, but of the whole person. It is clear that she has an impressive record in the health professional sense. In fact, there are very few arguments I have heard against her nomination that are based on her professional credentials. If this nomination were based solely on these credentials, then I am sure that she would be confirmed without hesitation. I believe, however, that since this is a bully-pulpit position and she states she intends to use it that we should examine all components of the nominee's qualifications; that judgment that her previous statements and positions indicate she has or does not have; that is, we should look at the whole person as we can judge it based upon what we know.

According to the Department of Health and Human Services, the Surgeon General serves as the public liaison for prevention and health information. In this capacity, the Surgeon General must be someone who is respected and recognized as a physician who will provide the Nation with the best scientific medical information on an issue, regardless of personal beliefs and opinions.

My concern regarding the nomination comes from the judgment exercised in a number of public statements that she has made while being employed as a public servant. I understand that in order to draw public attention to an issue, it is often necessary to make a dramatic statement. Unfortunately, a number of her statements were more than dramatic. They could be considered verbal attacks on groups or individuals who do not share her philosophy or position. I do not think that is what we need in a Surgeon General.

My colleagues have shared many of these statements with the Senate previously, and I must depart from my statement to give great credit to Senator DON NICKLES, of Oklahoma, who just 7 or 8 weeks ago started to inform us on many of the issues which are now clear regarding the Surgeon General nominee. I do compliment the Senator for the work he has done.

So I am not going to take the Senate's time to go into all of those. Some were explained this morning by the Senator from Oklahoma, and other Senators on our side have explained them during the day. So I am going to move on just to those that distress me the most.

I have particular concern with Dr. Elders' remarks pertaining to the Catholic Church at a rally sponsored in Arkansas. It was the Arkansas Coalition for Choice, and it was January of 1992, not years ago, or months ago. She stated, and I quote:

> * * * the first 400 years, black people had their freedom aborted, and the church said nothing.

I am not going to comment until I finish the statements. There are four or five in a row. The first one:

> * * * the first 400 years, black people had their freedom aborted, and the church said nothing. The way of life of the Native American was aborted; the church was silent. We attempted to eradicate a whole race of people through the Holocaust, and the church was silent. Women had no right to vote for years—

Imagine this one. Excuse me; I should not put this one in because I am still reading the quote.

> Women had no right to vote for years. We ask why. Any time when the right of choice is taken away from all of us and into the hands of a few, these are the kinds of things that will happen, over and over again. Look who is fighting the prochoice movement: A celibate, male-dominated church * * *

Frankly, it is very infrequent that this Senator comes to the floor and speaks about his own faith. But as a Catholic, I find it troublesome that a public servant would make remarks that could be perceived to directly attack the Catholic Church, or any other religion. I have read her apologies to Bishop Keeler of the National Conference of Bishops, and I believe it is belated and long overdue. Whether it is sufficient or not, the RECORD already indicates what has been said. I do not think it is sufficient to merely say "I did not intend what you think," or "I am sorry for what I said," when you make statements like the one I just read.

However, it is the insensitivity and lack of judgment that initially led to these remarks for which I have great concern. In addition to being factually incorrect and historically inaccurate, these remarks show a lack of respect for the history of the Catholic Church and a contempt for its workings, and I seriously believe that is the only interpretation one can make of these remarks.

Dr. Elders has also made other statements that are inappropriate and show a great deal of insensitivity and poor judgment, but also have the potential to do great harm to the credibility of the position of Surgeon General. As the Washington Post stated in its editorial regarding Dr. Elders' nomination, and I quote:

> This Federal post can be used to spur a national response to critical health problems.

Continuing on:

> It is not, however, a stage from which a Surgeon General is free to put off or trash segments of the American public with whom he or she disagrees.

I am afraid that Dr. Elders' comments indicate a strong tendency for this behavior. As public servants, we have the responsibility and obligation to know and understand that groups in our Nation have a right to advocate a variety of viewpoints surrounding contentious issues, and we must take that right seriously.

I also appreciate that Dr. Elders now understands remarks she has made have been perceived as insensitive. But as the Nation's leading public health official, she must have the judgment and foresight to recognize this prior to making the remarks.

We cannot judge the future unless we look at the past. I have stated a bit of the past for the last 6 or 7 minutes. I believe it indicates a certain kind of future on her part that is very apt to be insensitive to the feelings and beliefs of others.

I am concerned about the issue relating to the distribution of condoms. I have heard my friend from Indiana, Senator COATS, describe this in detail. I do not believe that I will go into it in detail. I do not believe I will go into detail on that other than to say that I believe there is a great deal of poor judgment involved in that decision.

This situation, in conjunction with Dr. Elders' many statements, shows a startling lack of sensitivity to citizens that Dr. Elders has sworn to serve. To me, this again becomes a matter of judgment. I have had many comparisons made. I have heard them between Dr. Elders and another Surgeon General, Dr. Koop, who is also known for his outspoken manner.

There was concern in the Senate that Dr. Koop's views would inhibit his effectiveness. As it turned out many of the fears of those opposed were unfounded. According to many, it would then tend to follow that Dr. Elders' nomination should be viewed with less skepticism. But many people here in the Senate and across the Nation disagree with Dr. Elders on ideological grounds. But that has not been the focus of this debate. Instead, our discussion has been, at least mine, confined almost exclusively to her judgment. While there appear to be many similarities in the debate regarding Dr. Koop and this nominee, I contend that my colleagues are mistaken. Dr. Koop was outspoken and, like Dr. Elders, had a different viewpoint than many in the Senate, but his judgment was not in question.

It is important to note that while I disagree with Dr. Elders ideologically, that will not be the primary reason for my voting against her confirmation. If she does not receive confirmation, I hope that President Clinton will nominate someone with less biases and better judgment but with the same medical qualifications. I believe that kind of person exists in these United States, and I believe we should seek that kind of person out. And then we would have qualifications in the medical sense—without poor judgment, and without bias.

The position of Surgeon General is designed to help educate the Nation and bring constructive and widespread attention to our critical national health issues. To that end, good and wise judgment is a critical qualification for any nominee.

I will vote against Dr. Elders because I do not feel nor am I confident that this qualification is adequately fulfilled.

Madam President, I choose today to stand on just two simple propositions. There seems to me to be a serious question of judgment, and clearly, clearly there seems to be some significant inaccuracy, lack of historical factualness, and perhaps even some contempt for the Catholic Church, which I believe has been a powerful force for good over time, not, as would be indicated here, responsible and blamed for almost every major social shortcoming in the last 400 or 500 years.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES. Madam President, I yield 5 minutes to the Senator from Idaho.

Mr. CRAIG. Madam President, let me first of all associate myself with the remarks of the Senator from New Mexico. He chose today an issue that I wish to expand upon, and that is the question of the judgment of this individual who is before us because we are about to vote on what I believe to be a decision of far-reaching effect on many of the health-related issues that will face the people of this country over the course of the next 4 years.

One thing that I would like my colleagues to keep in mind as they make this most important decision is: Does the United States need a Surgeon General that, while being vocal, is divisive and alienates groups in this country? Does the United States need someone in this most important position that will find common ground to unite folks instead?

Madam President, I would argue that the latter is, of course, the environment in the situation and the kind of person that we ought to be involved in searching out with this President to serve as the U.S. Surgeon General. I do not believe that Dr. Joycelyn Elders is that person. An individual can have many fine qualities and clearly excellent experiences and yet not be qualified to serve as a public official.

Many colleagues have joined with me on the floor today to bring forth those very facts and have used example after example to clarify and expand on that very issue.

Many qualities that are fine in the eyes of most American citizens, certainly a vast array of experiences that few of us have had, and yet does this combination of quality and experience bring forth the kind of person that must be a leader in this country, that will be a responsible person on health issues and someone who has to have that ability to bring diverse groups together to work together to resolve these most important of issues?

While the nominee, Dr. Joycelyn Elders, has some of these qualities and many of these experiences, her alienation of a number of groups involved in health care issues clearly will prevent her—Madam President, let me repeat that. Her qualities will prevent her from being able to be an effective Surgeon General because many groups will walk away simply saying this individual does not have the tolerance and the capability to make wise decisions that might affect our particular group.

Let me make it clear. I do not agree with Dr. Elders on many of her positions. But I respect her position and the conviction with which she relates these positions. However, I feel that one can have strength and conviction without relying on the slandering of his or her opponents.

Dr. C. Everett Koop is a perfect example of someone who is an outspoken individual. But never once do I believe the record could record that he resorted to slander or to distortion to make his point. He dramatized it. He brought public attention to focus on issues that he thought were most important to the public health of this country. But he did not choose to call names, nor did he choose to rewrite history so that it would serve him and the point of view that he was trying to project.

Just a few moments ago, the Senator from New Mexico quoted a statement so made in 1992 by Dr. Joycelyn Elders that not only attempted to rewrite history as we know it, but clearly chose to put one group in this country against others in this country. And that should not be tolerated by this Senate of a public official that they have the right to put in office.

I am not denying that the average citizen has the right to say it. But I am suggesting that it would be terribly unwise of this Senate to confirm an individual who would choose to yield that as her position.

So what we are talking about is the platform, a very important platform, and the spokesperson of that platform. I do not find that it is acceptable for her to single out the Catholic Church and imply that that religion is some sort of enemy in the area of health care, and that is exactly what she has implied. I find that not only inappropriate, I suggest that this Senate find it intolerable.

It is with those thoughts in mind and a variety of other comments that I will ask unanimous consent that I may have printed in the RECORD two letters.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AUGUST 15, 1993.

Hon. LARRY E. CRAIG,
U.S. Senate, Washington, DC.

DEAR SENATOR CRAIG: I urge a no vote on President Clinton's nominee for Surgeon General, Joycelyn Elders. She does not reflect the mainstream view of Americans; she is also abrasive, almost sounds bigoted, in some of her public pronouncements.

We do not need more division, polarization and discord. We need a reasonable, sincere consensus builder. Someone who will reflect good moral values and strive to find solutions within mainstream thinking.

Sincerely.

JULY 27, 1993.

Hon. LARRY E. CRAIG,
U.S. Senate, Washington, DC.

DEAR SENATOR CRAIG: I would like to encourage you to make every effort possible to defeat the nomination of Dr. Elders for Surgeon General.

Dr. Elders' attitude and statements are totally bigoted, and are significantly inflammatory. We do not need an outspoken bigot, who is anti-Catholic, and wants abortion on demand at any time during the pregnancy. She is unhealthy for this Nation, and she is more unhealthy for the unborn children in our society.

I think that it is time to deal with the unwanted children in our society in a more constructive manner, and Dr. Elders has proven that she is not capable of leading this country in that direction.

Thank you for this consideration.

Most sincerely.

Mr. CRAIG. I have had an outpouring of phone calls and letters from citizens in my State whose opinions are alarmed by the very statements I have made as an accurate reflection of Dr. Elders' attitudes about different individuals in this community we call the United States. If she wants to destroy this community that must work together on these clear and vital public health issues, then she cannot use the platform of U.S. Surgeon General the way she chose to use the platforms that she has been allowed to elevate to by her experience and her talent.

I do not know what the Senate is going to do in the coming hour, but I suggest, if they choose to confirm this nomination, that Dr. Elders recognize that she has a much broader responsibility to this country than she has ever assumed before, and that she must lay aside many of her attitudes and the bigotry they have demonstrated.

I yield the remainder of my time.

Mr. NICKLES. Mr. President, I yield the Senator from New York 5 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. Madam President, first of all, let me say that just before we broke for recess in August, Cardinal O'Connor wrote me a letter. I am going to read just part of it, because I think it is important. It called to my attention for the first time what I considered to be shocking and inappropriate and yet to be explained remarks of the nominee for Surgeon General. It was reported that these remarks were made during an address on January 18, 1992 at the Arkansas State Capitol in Little Rock.

Dr. Elders is quoted as saying:

> The first 400 years black people had their freedom aborted, and the church said nothing. The way of life for Native Americans was aborted; the church was silent. We attempted to eradicate a whole race of people through the Holocaust, and the church was silent.

Madam President, these statements made by Dr. Elders are shocking. I believe they are anti-Catholic. Discrimination and bigotry in any form is wrong, and I am an Italian-American Catholic, and I know something about discrimination. It is ugly, it is intolerable, it is wrong, and it cannot be justified. Although Dr. Elders has issued a kind of apology—if you read her statement, it is "if I offended anyone." The very things she says —"a whole race of people" exterminated, and the church was silent. Is she saying that the millions and millions of Catholics are to be held responsible? Are we laying blame? What kind of divisiveness is this?

We know Dr. Elders made these statements and that she may regret having said them. What we do not know, and should know, is why she would make such statements. Why? This is going to be the chief spokesperson for the medical policies of this country. My doubts about this nominee are so strong and the questions that linger are so serious that I could not in good faith vote to confirm Dr. Elders.

Let me say that in the past weeks, literally tens of thousands of people have written, have called, have expressed their concerns about the qualifications of a person—Dr. Elders—who would resort to this inexplicable language in assailing a church, in assailing its people in a manner that is totally unjustified and uncalled for.

So I hope that we will vote against this nominee and that the President will come forth with someone who could more adequately represent this high and prestigious office.

Mr. WOFFORD. Madam President, I yield 10 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. I thank the Senator from Pennsylvania.

Madam President, I may not need a full 10 minutes, but I did want to come to the floor and speak strongly on behalf of Dr. Joycelyn Elders.

Madam President, in regard to this discussion that has been taking place on the floor of the Senate, I really do fear that some of it has been taken out of context. Madam President, I also fear that some of it has become a caricature of Dr. Elders, who, after all, a long time ago, long before this process, apologized for whatever remarks she felt were not well understood or that she might have regretted.

Madam President, I guess after having been in the Senate for 2½ years, one of the things that I am starting to worry about the most is the way in which there are attacks on individuals—and this is not the first attack on Dr. Elders, by any means. This is going to lead to a situation in our country where I think a lot of really good people are never going to go into public service. Maybe the right people will stay out, and maybe the wrong people will go in.

I have not had a chance to talk with Dr. Elders since the latest of these remarks that have been made on the floor of the Senate. But earlier, during the time when there were other kinds of attacks, I met with her. I will tell you something. I could really see the pain, and I could really see the hurt. I think sometimes those of us in public office, whether we are Democrats or Republicans, forget that all of us are fully human. I think maybe—maybe not tonight. My colleagues can speak for themselves, and what they say, I assume they say in good faith. But as I look at the overall pattern of what happened with this nomination and what she has had to go through—and I do not mean just tonight but before we went into recess—I really wonder whether or not we are not coming dangerously close to crossing the line. I think we have crossed the line, where people are going to have every single remark they made—some of those remarks they regret—part of those remarks taken out of context and under extreme attack over and over and over again.

I just simply think that it would be a real tragedy for our country, and for the Senate, if we did not tonight vote to confirm this outstanding woman.

Madam President, my wife, Sheila, and I had a chance to meet with Dr. Elders. The first time we met we were talking about some of our work dealing with a set of issues that I know you have been concerned about, dealing with domestic violence, violence against women and children. And Dr. Elders did not hesitate to engage in that conversation, to show her concern, and to lay out ideas.

I mean she will be the kind of person in a leadership position in our country who, I think, will invest her full heart and soul and intellect into making this a better country for all of us whether we are African-American, black, white, or of another color.

Madam President, I remember during our committee the question was asked by a colleague, what kind of Senator, what kind of Senator—not what kind of Surgeon General—will Dr. Elders be? And I was thinking to myself what kind of a Surgeon General will she be? A woman from the humblest origins, overcoming grinding poverty, outstanding pediatrician. She will be a role model for so many young people in this country. It will be so important to have her as a Surgeon General, and I hope we do not miss that opportunity for our Nation.

What kind of Surgeon General will she be? I think she will be a Surgeon General that will not be afraid to challenge all of us, and who will speak to the concerns and circumstances of the lives of so many children in the United States of America that do not have, hardly any of us in public office, ever speaking to and with them, understanding them, and really helping them.

Some of my colleagues have suggested that she will be divisive. I think whatever you think about a particular remark that was made, whether you think it was a good or bad thing that that remark was made—and again Dr. Elders over and over again has apologized for that long before this process. I am not here to defend every remark made. I think we are talking about a woman, a real healing force for our Nation.

I guess my heart goes out to her when I hear the suggestion, or the implication, that she has some bigotry towards people of any religious faith. That must be very painful for her, because I do not think if you look at her overall record and look at her overall life and look at what she has done, you can really say that.

So, what kind of Surgeon General will she be? I think she will be the kind of Surgeon General that will unite us as a people and bring us together, black, and white, and Southeast Asian, and native American, and Hispanic.

Finally, Madam President, we are now at such a critical point in, if you will, the national conversation that we are having about health care. When I was at the Minnesota State Fair that issue came up over and over and over again. What kind of Surgeon General will she be? A Surgeon General that emphasizes primary care, family doctors, nurse practitioners, delivering care out in the communities. That has been her record in Arkansas, that will be her record as Surgeon General. She will serve our country ably, she will serve with distinction. She has that kind of record that we can all look at if we want to be fair, and I hope that tonight we will not make a mistake, but instead, we, as the U.S. Senate, will confirm her and that she will become Surgeon General because I know she can make enormous contributions to our Nation.

I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES. Madam President, I yield to the Senator from North Carolina how much time the Senator likes.

Mr. HELMS. I ask the Chair to notify me when I have used 10 minutes.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from North Carolina for 10 minutes.

Mr. HELMS. I thank the Chair.

Madam President, I have no intent to sermonize anybody about what the Constitution means when it specifies that the Senate shall give its advice and consent to nominations.

I do not want to moralize too much, but I think that we miss the boat if we do not give some thought to what I believe to be a truth about this country, and that truth is that unless the United States of America and the American people can get a handle on the moral precepts on which this Nation was founded, then we are headed down the slippery slope.

Now I have no personal animus for Dr. Joycelyn Elders, if that is the way you pronounce her name, never met the lady but I will say this: After 3 or 4 weeks in North Carolina and various other parts of the country, I have heard so many objections to President Clinton's nominee for U.S. Surgeon General that one hardly knows where to begin in describing them.

One thing that she has not been accused of is uttering one syllable on behalf of chastity or personal responsibility or restraint. She has wisecracked her way through her career and there may be some who think that is the way to do it but I must confess that I am not one of them.

Dr. Elders supports sex education for kindergarten children. She favors Federal funding of abortions. She favors free Norplant implants for prostitutes so that they can continue to sell their bodies in order to get money for drugs. She has preached condom usage to teenagers and she is silent in seven languages about abstinence.

We have the duty, each of us as a Senator, of passing judgment on every nominee that the President sends up here. I enjoyed what DALE BUMPERS said earlier this afternoon. DALE is a very eloquent Senator. But in this case I am obliged to say that he missed the point.

Perhaps most disturbing about Dr. Elders is that she favors destroying unborn babies as a method of preventing birth defects and infant mortality. But that is not all. As State health director in Arkansas, and I know that I am repeating what has been said before on this floor, but she time and time again ignored the law and in my judgment abused the power of her office. She mocked those who oppose the deliberate destruction of the most innocent, most helpless humanity imaginable, the unborn children, by sneering that the prolifers should "get over their love affair with the fetus," and she even called them "non-Christians with slavemaster mentalities."

Well, in response it is fair to say that Dr. Elders should get over her love affair with the condom. She recently attacked the Catholic Church. I am a Baptist and the Catholic Church can take care of itself and has, but she railed, "Look who is fighting the pro-life movement. A celibate, male-dominated church. * * *" Not only did she display intolerance when she deliberately insulted the Catholic Church—she was way off base with her facts. Two of the most prominent pro-life groups in America—National Right to Life and the National Life League—are headed by women.

I think we should consider for a moment Joycelyn Elders' wrongheaded declaration that "Abortion has had an important, and positive, public health effect."

That is her opinion. It certainly has not had a good health effect for the children who have been destroyed.

According to her, abortion has reduced the number of children afflicted with severe defects. I do not know how she got her statistics. Maybe she does not know where her statistics came from.

She further said "The number of Down's syndrome infants in Washington State in 1976 was 64 percent lower than it would have been without legal abortion."

How she knows that, I do not know, but I do know that she realized that nobody can check up on her.

What she lacks is the mentality, I think, to understand that most, if not all, parents of handicapped children find these children to be blessings. I happen to know a little something about that personally.

Dr. Elders believes imperfect children are better off not being allowed to be born. By that statement, if implemented before she was born, maybe Dr. Elders would not be here today because Senator BUMPERS and others have constantly, repeatedly alluded to what a poverty-stricken family she came from during the depression.

So did I. So did I. But I do not go around waving the flag about it. As Admiral Nance, my good friend from Monroe, NC, said, "We did not even know we were poor."

She testified in 1990 before the Senate Labor Committee on the Freedom of Choice Act, and during her testimony she said "Abortion was the single most important factor in the significant decrease in neonatal mortality between 1964 and 1977." Again, where did she get the figures?

Nobody can challenge them. It is a given that this bizarre lady, as Surgeon General, will try to force taxpayers to pay for abortions.

Mark my words. That is exactly what she is going to try to do, and I think the President will go along with it.

She said:

> If Medicaid does not pay for abortions, does not pay for family planning, but pays for prenatal care and delivery, that's saying: I'll pay for you to have another good, healthy slave, * * *

What an inflammatory statement. And one of the defects in it is, it is not true. It is astounding that she did not know that Medicaid does pay for family planning. In fact, family planning has been a required Medicaid service for 20 years, and she did not know it. In 1992, Medicaid paid more than $250 million for family planning and contraceptive services. Overall Federal spending for family planning in 1992 was an astronomical $620 million.

Now if Senators or anybody else thinks her abortion views are kind of radical, they should take a look at her views on contraceptives. Consider her declaration during a summit on the National Commission on Children.

I do not know why I am chuckling. When I hear somebody with her presumed stature say things like this, I think: Where are we headed? This is what she said:

> We have drivers' ed for our kids. We've taught them what to do in the front seat of the car, but not what to do in the back seat.

Boy, that is really statesmanlike. That is the kind of talk for which the Senate ought to fall all over itself in confirming a nominee who said things like that.

In an interview with "60 Minutes," Joycelyn Elders urged every young girl to put a condom in her purse before she goes out on a date. And as director of the Arkansas Department of Health, that is precisely what she did. And I say again that Dr. Elders should get over her love affair with the condom.

Dr. Elders established school-based clinics in at least 26 public schools, which sounds innocent enough. But the fact is that these clinics provide comprehensive and graphic sex education to children from kindergarten through the 12th grade. Their main focus is to distribute condoms and encourage their use.

Thanks to Joycelyn Elders, Arkansas public schools—not parents—now teach children what sexual behavior is acceptable. Rather than teach abstinence, self discipline, and responsibility, these clinics dispense condoms, birth control pills, and refer students for abortions without informing parents. And these clinics have been a colossal flop.

Joycelyn Elders' goal in pushing pro-condom programs in schools was to reduce teenage pregnancy, but the fact is that during her tenure as Arkansas Health Director, the rate of teenage pregnancies was 7.79 percent—a 10-year high.

In addition, the incidence of sexually transmitted diseases in teens dramatically increased. In 1989 syphilis in teenagers was up by 130 percent and HIV infection in teens escalated 160 percent.

These Arkansas statistics were perfectly predictable. A Louis Harris poll shows that teens who have had a sex education course that includes contraception instruction have a 50 percent higher sexual activity rate than those who have had sex education courses stressing abstinence.

Why have Elders' clinics failed to reduce teenage pregnancy? Could it be because the national condom failure rate among teenagers is almost 1 in 5? The fact is, records show that condoms are so ineffective in preventing pregnancy that the FDA has never licensed them to be advertised as contraceptives. So the bottom line is: Falsely teaching teenagers that condoms are safe and that it's OK to use them encourages young people to experiment with sex—thereby increasing teenage pregnancy and exposing them to AIDS and other sexual diseases.

While we're on the subject, Mr. President, consider the fact that as Director of Arkansas' Health Department, Joycelyn Elders knowingly distributed defective condoms. In 1990, the U.S. Food and Drug Administration (FDA) found that condoms that her department bought for distribution at health clinics and schools had a failure rate more than 10 times higher than the FDA limit.

Did Joycelyn Elders re-call the defective condoms? You bet your life she didn't. Did she notify school children and the public not to use these leaky condoms? She knowingly and deliberately did not. So much for the welfare of school children. So much for this nominee's judgment and integrity.

Moreover, this matter would never have come to light if the news media had not exposed it. Dr. Elders' excuse: She claimed it was so difficult to get young men to use condoms in the first place that she "didn't want to make anybody afraid of condoms."

Mr. President, is this kind of judgment—letting children play Russian roulette with defective condoms—is this the kind of judgment we have a right to expect from the Nation's Surgeon General—the Nation's No. 1 doctor?

Dr. Elders' lack of judgment does not end there. On a recent CNBC program, "Talk Live," she was asked what she would do about crack-addicted prostitutes who give birth to crack babies. Her response:

> I would hope that we would provide them Norplant, so they could still use sex if they must to buy their drugs.

What ever happened to treating the prostitute's addiction? Her response totally ignores an important reality: Norplant prevents pregnancies; it does nothing to prevent the transmittal of AIDS. In fact, a recent AIDS study at the National Academy of Science found that the use of crack cocaine by women in New York City contributed greatly to the spread of AIDS.

Mr. President, Joycelyn Elders' radical ideas on abortion and teenage pregnancy are not her only shortcomings. She has also repeatedly ignored State and Federal laws and has shown poor judgment in her personal finances.

The Arkansas Constitution requires that the State do everything possible to protect the life of every unborn child from conception until birth. And the State Political Practice Act prohibits State employees from soliciting signatures on State grounds.

Despite these explicit State laws, Joycelyn Elders delivered a strident pro-abortion speech at a January 1992 rally at the Arkansas State Capitol Building. When challenged with violating the State constitution, Joycelyn Elders retorted that she has "no qualms about using her official position to promote abortions rights."

But Mr. President, in response to questions during her Senate confirmation hearing, Joycelyn Elders said she was not acting as Arkansas Health Director when she delivered the speech at the rally. I'd like to see a Senator try to get by with that phony excuse.

In direct defiance of the Political Practice Act, Elders appeared at this rally to solicit signatures to support the reproductive choice amendment. When asked about violating this law, she initially claimed she was there as a private citizen. She later changed her tune, saying she was "just doing her job as the health director." She had to change her tune so that she could use State funds to hire an attorney when she was sued for violating State law. Which of her statements was not a falsehood?

Did she appear at the rally as the director of the Arkansas Health Department in blatant violation of two State laws, or

Did she appear as a private citizen in which case she was not entitled to a State paid attorney?

There's another instance of Joycelyn Elders' indifference to the law. The Arkansas Democrat Gazette reported in July 1990 that Joycelyn Elders received a State salary of $103,297 which exceeded the $72,907 maximum State salary permitted by Arkansas law. For several years, it seems the Arkansas Health Department had transferred money to the University of Arkansas Medical School to supplement Elders' salary. The medical school then paid her a higher amount as a professor of pediatrics, even though her position as State health director is a full-time and a 52 weeks-a-year job.

The Arkansas Attorney General noted that, although her salary arrangement might not be illegal, it may have violated the spirit of the State statutes setting maximum salaries. The attorney general characterized the pay arrangement as "questionable." Referring to Elders' contractual arrangement, the spokesman for the attorney general admitted, "We think there are reasons to believe that that contract would be void if it were presented to a court."

If this were not enough, Mr. President, in recent months Joycelyn Elders was paid by three different sources: First, the Arkansas Health Department; second the U.S. Department of Health and Human Services; and third the University of Arkansas Medical School. Arkansas taxpayers should know about this triple dipping, and Americans should know about it too.

And what about Joycelyn Elders' mismanagement and banking violations? In March 1992, the National Bank of Arkansas sued Joycelyn Elders and other members of the bank's board of directors for negligent mismanagement involving bad lending and investment practices. As a board member, Joycelyn Elders gave herself an unsecured $230,000 line of credit, along with others.

And then, Mr. President, there is the likelihood that Joycelyn Elders may have a Zoe Baird problem. She and her husband failed to pay Social Security taxes for a nurse who cared for Mr. Elders' mother—who has Alzheimer's disease. Although the Elders got around to paying the $15,000 in back taxes this summer, there still are questions as to why they were not paid when due.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HELMS. Madam President, I shall conclude in just one moment. I ask unanimous consent that I may have an additional minute.

The PRESIDING OFFICER. Without objection, the Senator will be allowed to proceed for 1 more minute.

Mr. HELMS. Madam President, what do I think about the nomination of Dr. Elders? What do I think of all the things she said?

At a minimum, I think there are serious questions about Joycelyn Elders' judgment.

Furthermore, she is pushing and shoving and demanding a public health philosophy that is anathema to many Americans, and a philosophy that failed miserably in Arkansas.

This Nation needs a Surgeon General who will uphold the law, not scoff at it. Americans deserve a Surgeon General who will espouse public health ideas that make sense, not encourage mothers to abort their babies just because they have a birth defect or because it would be inconvenient to have them.

So to me, as one Senator who is designated to cast a vote on this nomination under the Constitution, Joycelyn Elders, by her deeds and her words, does not deserve to be confirmed by the Senate to serve as Surgeon General of the United States.

Yes, I know she will be confirmed. But as a Senator, I cannot vote for her.

I thank the Chair and I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER (Mr. FEINGOLD). The Chair recognizes the Senator from Oklahoma.

Mr. NICKLES. I thank my friend and colleague from North Carolina for his statement.

Just for the notification of Senators, except for Senator EXON, I do not know of anyone else who wishes to speak on our side. I have some comments that will probably take about 15 or 20 minutes, and then I believe on this side we will be ready to vote.

Mr. KENNEDY. Will the Senator yield?

Mr. NICKLES. I am happy to yield.

Mr. KENNEDY. I think we have one or two very brief comments, so I think our side will probably take less than half an hour. If it is agreeable with the Senator, I will communicate that to the majority leader and he can talk to the minority leader and perhaps set a time that is convenient to the leadership.

But I think we are looking at approximately 7 o'clock, unless there are other Members who want to speak at greater length.

I thank the Senator.

Mr. NICKLES. I thank the Senator.

I might inquire of the Chair, how much time is remaining on both sides?

The PRESIDING OFFICER. The Senator from Oklahoma has 1 hour and 37 minutes, and the Senator from Massachusetts has 1 hour and 28 minutes.

Mr. NICKLES. I thank the Chair.

I think that shows the debate has been fairly equal on time, as it should be.

Again just for the notification of our colleagues, it may well be that we will be voting sometime in the neighborhood of 6:45 or 7 o'clock, if that is agreeable with the majority and minority leaders.

Mr. President, most of my comments this morning dealt with statements Dr. Elders has made. As I mentioned at that time, my problem with her nomination initially began because I felt many of the statements she had made were radical and extreme.

I have heard my colleague, the Senator from Minnesota, say they were taken out of context. I would just like to say that I have gone to great lengths to try to make sure that any of the statements I have used or any of the quotations I have used have certainly not been taken out of context. They are direct quotations.

I might also mention that in almost all the statements to which I referred, Dr. Elders, in almost ever case, did not apologize for or retract the statements that were made.

Again, I find many of those statements quite offensive.

I also mentioned this morning I would spend the earlier part discussing her comments and statements. The second part of my speech would deal with her record in Arkansas, her record as director of the Arkansas Department of Health.

There are a lot of concerns I have. I will just go over these rather quickly. They are not concerns that are totally new, but I think they are concerns that need to be addressed as part of the record, to make sure the whole record is before the American people.

One of the problems I have in looking at her record as director of the Arkansas Department of Health dealt with her compensation. The Arkansas law, by statute, sets compensation levels for various agency heads or department leaders. The compensation level for the health department, which Dr. Elders is currently the head of—or was director of for several years—was $84,273 for 1992 and 1993. Dr. Elders' compensation was $130,000 for the last 2 years.

I do not begrudge her that compensation amount, but I do find it to be in violation of the Arkansas statute. The Arkansas statute really is very clear. This is in section 19–4–1601:

> No employee authorized by the General Assembly shall receive from appropriated or cash funds either from State, Federal, or other sources compensation in an amount greater than shall be established by the General Assembly as the maximum annual salary for the employee unless specific provisions are made therefor by law.

It is very clear. Certainly her salary amount was not in compliance with State law.

Again, it is not the issue of compensation. It is not the fact that I think that she was overpaid at $130,000. It is the fact that State law is very clear.

I might remind my colleagues, Gov. Bill Clinton was Governor at the time. The legislature was strongly controlled by Democrats in both houses. So they could have amended the law.

This was an issue. This was not a nonissue that just came up during confirmation. In looking back, there was a State attorney general's opinion on July 11, 1990. The attorney general at that time was Steve Clark, who had written a 10-page opinion. I will just read the conclusion portion. It says:

> It is, in my opinion, clear, however, that a professional services contract negotiated for the purposes of avoiding applicable salary restrictions or other laws will be struck down by the courts. The invalidity of such contracts will be particularly apparent where, as here, the contractor agency—here the University of Arkansas Medical Service—arguably serves as a conduit to funnel extra compensation to a State employee who would otherwise be prohibited from receiving it.

Clearly, this is in opposition to Dr. Elders' pay arrangement. This entire, 11-page opinion was written in response to a question dealing with compensation for Dr. Elders.

Also, more recently, in an opinion dated May 13, 1993, Winston Bryan, who is the current State attorney general, responded to an inquiry from a State representative. Again, I will just read one part of a paragraph on a three-page opinion.

> Dr. Elders, of course, is director of an agency in this State and as such is prohibited from receiving additional compensation under Arkansas code 19–4–1701.

So, again, it is very apparent from two attorneys general's opinions that her salary, her compensation agreement, was in violation of the State law. Evidently some State legislators were concerned about it because they asked for an attorney general's opinion, but it was not really corrected or amended during her term as director.

Again, I find that in violation of the law. I do not know why Governor Clinton and Dr. Elders and the legislature did not fix it. They have fixed it for future directors, but they never did during Dr. Elders' tenure. Again, it appears very clear that she was violating State law. Maybe nobody cares about that, but it seems to be kind of important. I would like to think that our Federal and State employees would be in compliance with the law.

Not in violation of Federal or State law that I could find was the fact that this year she has been receiving, or was receiving, compensation as a Federal consultant to the tune of $550 a day plus $135 a day expenses. She received much of that while receiving compensation as a State employee. I might mention her State contract was extended to the tune of $14,000 a month.

It was terminated when the Governor of the State, again a Democrat, found out that she was receiving Federal compensation as a consultant in addition to receiving her compensation as a State employee to the tune of $14,000 a month. Some people would call that double dipping. If you figured the fact that she is compensated not only by the Arkansas Department of Health but also by the University of Arkansas and by the Federal Government, many people would call that triple dipping.

Again, I do not believe or know that is illegal, but again it sheds some light that I found somewhat troubling.

Something more troubling, of a more pertinent nature that affects many people in this body and some other nominees, deals with the nonpayment of Social Security taxes. Dr. Elders and her husband have employed an employee, Audrey Ruffin, for several years to help take care of Dr. Elders' mother-in-law. They never paid taxes, never paid Social Security taxes, never paid Federal withholding taxes on this employee.

During the confirmation hearings, Dr. Elders had mentioned that Ms. Ruffin was paid as an independent contractor. As a matter of fact, she referred to that in one of her statements, in response to a question from Senator COATS. She said, "Senator, it is my understanding regarding this, you know, like private duty nurses really are independent consultants or independent——"

Senator COATS says: "Contractors."

Dr. Elders: "* * * contractors, and they handle their own. You pay them a fixed amount and * * *."

She is implying they pay their own payroll taxes. I did not think a lot about this issue until I found out that in 1989, the IRS had contacted the State of Arkansas because the State health department was not paying Social Security taxes on several employees. The State finally had to pay back taxes to the tune of $200,000 to $300,000.

Dr. Elders was director of the department of health at that time. This letter that I have now, which was written on April 17, 1989, by Clay Parton, director of the division of in-home services for the Arkansas Department of Health, says: "In reviewing the documentation that you [the IRS] sent us, we understand that we should be treating these workers as employees." We are talking about physical therapists, registered nurses, personal care aides—of which Audrey Ruffin was one.

So this was a big issue that, frankly, while the State of Arkansas found out they were treating a lot of people as independent contractors, they were really employees. They should be paying Social Security taxes. The State agreed. The State paid the back taxes—under her department, under the department of health.

So the director of the department of health had to know in 1989 that you cannot call personal aides, or personal care aides, or physical therapists and so on as private contractors. Yet that is the way Audrey Ruffin was compensated. Let us just be very blunt. For Audrey Ruffin, no Social Security taxes, no withholding taxes were paid for several years. This denied her Social Security benefits, and it cheated the Social Security System out of money that it was owed. I cannot help but think that Dr. Elders knew that Social Security taxes should have been paid, since she was director of the department of health when this issue came up in 1989.

So, again, I am troubled by that. Maybe other people are not. But it happens to be against the law not to pay Social Security taxes. It happens to be against the law if you do not pay those taxes. It is not optional. It is not a maybe thing. We are not talking about a babysitter. We are not talking about somebody who works 1 day a month or somebody who comes in occasionally. We are not talking about an illegal, undocumented person. We are talking about a U.S. citizen who worked for Dr. and Mr. Elders for care of his mother, who has Alzheimer's, I understand.

This employment arrangement lasted for years. I have heard Dr. Elders say, well, it was the responsibility of her husband. Frankly, I do not think, if you looked at legal responsibility, that would be the case, because the employee was paid out of a joint account and, frankly, both Dr. Elders and Mr. Elders had a lot of things to do—setting employee times, benefits, so forth. It was an employee-employer relationship with contingent liabilities to pay Social Security taxes which were not paid and, frankly, were not paid until you had a little confirmation concern, and then the taxes were paid. Then people say, "We hope that issue is behind us."

The fact is the law was broken. There is a law that says you have to pay Social Security taxes. If you do not pay the taxes, you can be fined thousands of dollars; you can be imprisoned. I make mention of that, and I couple the two. I look at the State law that says that State officials cannot have compensation in excess of a certain amount, and she was; and I look at the Federal law that says you are supposed to pay Social Security taxes, and they did not. So that concerns me.

Then there is another concern, I guess, that I have and that deals with the Bank of Arkansas. The Comptroller of the Currency reprimanded board members, including Dr. Elders, for violating national banking laws and safety and soundness laws. She violated the banking laws. I could go through the whole transaction. There were bank loans made, millions of dollars to an individual, and then they loaned money to another institution, which then loaned that individual some money. The Comptroller of the Currency said, "Don't do that." They warned the board members not to do it, and they continued to do it. Then the Comptroller came down and reprimanded the board members for doing so.

I do not want to make a bigger deal out of it than it is, but they violated the national banking laws. Again, that is another instance of a law being broken, certainly a case of ineptness, as far as oversight, on behalf of nine board members. I might mention that Dr. Elders was one of nine board members who were implicated in this.

They were also sued. There was a civil suit against all nine board members to the tune of $1.5 million. It was settled shortly before the confirmation hearings began. The terms of the settlement are private. We do not know what they are. But evidently several people felt like they had a legitimate suit against the board members for violating the banking laws and sued for $1.5 million, and they reached some settlement, of which we do not know the results.

I just make mention of that because I look at several of these things that have happened during her tenure in financial management, personal management, and the management of the department of health, and it concerns me. Again, I want to look at her record now, and not just some mistakes.

What about the record in Arkansas? What about Arkansas, as far as improving health care in Arkansas? Dr. Elders, I believe, made a statement that her No. 1 priority was to reduce the teenage pregnancy rate in Arkansas. By any standards, she has not been successful because currently the teenager pregnancy rate is at a 10-year high. They went from fourth worst in the Nation, when she began her term, to the second worst in the Nation. So the teenage pregnancy rate has gone up. They have had an increase of 15 to 17 percent every year since 1987. I might mention, in the early eighties, prior to the tenure of Dr. Elders, the teenage pregnancy rate had actually decreased by 10 percent. I also might mention that sexually transmitted diseases have gone up. Syphilis has gone up in Arkansas by 130 percent and HIV in Arkansas has gone up by 160 percent between 1989 and 1992. That concerns me. I do not give her full fault or credit for those statistics, but they happen to be statistics that are real and, again, I hope that we would not see duplicated throughout the country.

I just look at a couple of other things that have been stated and, again, I mention this—I will just read one quote and insert this in the RECORD. It is from Investor's Business Daily, August 2, 1993. It talks about scrutiny of Joycelyn Elders. I might just read a couple paragraphs:

> How many parents outside of New York's East Village and San Francisco's Castro Street section really think, as Elders does, that sex should be part of the kindergarten curriculum?
>
> Elders spent much of her time as Arkansas' health director fighting all those backward, reactionary parents who think that they—not the State—should control when and how their children are taught about sex.
>
> "The Surgeon General really does have a bully pulpit, you know, and I'll use it," Elders has promised.
>
> If her record is any guide, she will almost certainly use it to push for national sex education curriculum—consisting largely of handing out condoms to school-age kids and teaching grammar school children to explore whether or not they are heterosexual or homosexual.
>
> You don't have to be a follower of Pat Robertson or a devout Catholic to be alarmed by the sexual indoctrination of children. And, if the idea is to reduce teenage pregnancy and sexually transmitted disease, a look at Elders' record is less encouraging.
>
> In Arkansas, the teenage pregnancy rate fell by almost 21 percent from 1979 to 1987, the year Elders took office, but has risen more than 7 percent since then. Since 1989, the infection rate for syphilis in Arkansas is up 177 percent, after slowing in the mid-1980's. Elders' condoms apparently didn't help.
>
> Moreover, when many of the 1 million condoms Arkansas distributed in 1990-91 were found to be defective, Elders chose to keep it quiet.

Mr. President, I ask unanimous consent to print the entire two-page article by Investor's Business Daily in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Investor's Business Daily, Aug. 2, 1993]

BILL CLINTON'S BRAVE NEW WORLD

Candidate Bill Clinton said he wanted to reinvent government. Not a bad idea, but it appears he really meant using government to reinvent society—or, "to remold society by redefining what it means to be a human being in the 20th Century," as Hillary Rodman Clinton put it in a speech last April.

One look at the New Age thinkers and recycled 1960s radicals the Clintons are calling on to help "remold society" is discouraging, to say the least. And Lani Guinier, President Clinton's ill-fated nominee for the Justice Department's Civil Rights Division, is only the tip of the iceberg.

Guinier, you'll recall, supported "proportional representation," which would include giving minorities greater legislative power than their numbers warrant. When those extreme views came to light, even President Clinton abandoned her, claiming he had never read her writings and calling her principles "anti-democratic."

Less scrutiny has been brought to bear on Joycelyn Elders, Clinton's pick for surgeon general.

How many parents outside of New York's East Village and San Francisco's Castro Street section really think, as Elders does, that sex should be part of the kindergarten curriculum?

Elders spent much of her time as Arkansas' health director fighting all those backward, reactionary parents who think they—not the state—should control when and how their children are taught about sex.

"The surgeon general really does have a bully pulpit, you know, and I'll use it," Elders has promised.

If her record is any guide, she will almost certainly use it to push for a national sex education curriculum—consisting largely of handing out condoms to school-age kids and teaching grammar school children to explore whether they are heterosexual or homosexual.

You don't have to be a follower of Pat Robertson or a devout Catholic to be alarmed by the sexual indoctrination of children. And, if the idea is to reduce teenage pregnancy and sexually transmitted disease, a look at Elders' record is even less encouraging.

In Arkansas, the teenage pregnancy rate fell by almost 21% from 1979 to 1987, the year Elders took office, but has risen more than 7% since then. Since 1989 the infection rate for syphilis in Arkansas is up 177%, after slowing in the mid-1980s. Elders' condoms, apparently, didn't help.

Moreover, when many of the one million condoms Arkansas distributed in 1990–91 were found to be defective, Elders chose to keep it quiet.

Then there is Michael Lerner, the editor of the left-wing magazine Tikkun, dubbed the first lady's "guru" by Washingtonians. He advocates that jobless benefits "must be raised" to either the income an employee made in the six months before becoming jobless, or the median income in society over the same period, whichever, is less.

In addition: "Companies would be fined, up to confiscatory levels, for those moves that negatively effect on the health of the community, unless they can show that they have done everything economically feasible to convert the facility to worker-controlled enterprises producing goods that might sustain future employment for those they previously employed."

But that mumbo jumbo is tame compared to Lerner's revolutionary socialism of 20 years ago.

In his 1973 book, "The New Socialist Revolution," he argued, "socialism . . . can be realized in this country only through revolutionary struggle." As leader of the "Seattle Liberation Front" in the early 1970s, Hillary's "guru" was indicted for a violent assault on a federal courthouse. How's that for reinventing government?

On top of this are the administration's more familiar faces.

Labor Secretary Robert Reich, for example, tells us that entrepreneurs are a vestige of America's past and that the stock market is only a short-term yardstick of the economy.

And, according to Health and Human Services Secretary Donna Shalala, "it's a myth that complex bureaucracies that are heavily regulated can't improve the services that they're responsible for." Translation: Look for more un-reinvented government.

Even Ruth Bader Ginsburg, the "moderate" soon-to-be Supreme Court justice, thinks the Boy Scouts and Girl Scouts, Boys and Girls Clubs and single sex prisons should all "eliminate sex segregation." She also feels that prostitution should be legal because it is a "consensual act between adults" protected by the right to privacy. Oh yes, and the Constitution also requires women to be drafted into the armed forces and to fight alongside men.

Every president appoints a doozy or two, but this White House is overflowing with officials—and we've by no means named all of them—with questionable backgrounds and leftish views that are out of touch with the typical American family. And they are poised to carry out a new agenda of social engineering few voters realized they were getting last November.

Mr. NICKLES. Mr. President, I am not going to belabor this, and I am not going to put too much in the RECORD. But here is another article, from the Arkansas Democrat Gazette, that says, and this is the headline:

DATA PUTS TEEN PREGNANCIES UP IN AREAS WITH SCHOOL CLINICS

In Pulaski County, the State began dispensing contraceptives in 1989 at Central High School, and in 1991 at Mills High School, both in Little Rock.

The teen pregnancy rate increased 8.8 percent in Pulaski County, from 1988–91, the latest year of data available.

That was a greater increase than statewide, which was 6.5 percent from 1988–91.

I ask unanimous consent that this article be printed in the RECORD, as well.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Arkansas Democrat Gazette, July 29, 1993]

DATA PUTS TEEN PREGNANCIES UP IN AREAS WITH SCHOOL CLINICS

(By Bobbi Ridlehoover)

Teen-age pregnancy rates have gone up in the two counties where the Arkansas Department of Health has been dispensing contraceptives for at least four years in school clinics.

The fertility rates and pregnancy rates of Arkansas teens have been under scrutiny because Dr. Joycelyn Elders, former department director and U.S. surgeon general designate, declared the battle against teenage pregnancy as one of her main programs.

The average increase for the three counties dispensing contraceptives is 9.9 percent, slightly lower than the statewide increase of 10.5 percent.

Arkansas has school-based clinics in 11 counties, but only four schools distribute contraceptives: Central High School and Mills High School (Pulaski County); Lincoln High School (Washington County); and Turrell High School (Crittenden County).

The pregnancy rate for 10- to 19-year-olds in Washington County, where the department has dispensed contraceptives since 1987, increased 3.4 percent from 1986 to 1991, which was less than half the state increase.

The National Center for Health Statistics cannot provide a national comparison for ages 10–19 for 1986–91. In the 15–19 age group, the teen pregnancy rate increased 5 percent from 1986 to 1988, said Stephanie Ventura, a NCHS statistician.

It is expected the rate of increase will be about 11 percent from 1986 to 1990, but all the data needed to determine that have not yet been compiled, Ventura said.

In Pulaski County, the state began dispensing contraceptives in 1989 at Central High School and in 1991 at Mills High School, both in Little Rock.

The teen pregnancy rate increased 8.8 percent in Pulaski County from 1988–91, the latest year of data available.

That was a greater increase than statewide, which was 6.5 percent from 1988–91.

The high school in Crittenden County did not begin dispensing contraceptives until 1991, so no comparison could be made.

Douglas R. Murray, director of the National Center for Health Statistics, said the department's statistics can be used to make Elders' program to fight teen pregnancy look like a success or like a failure, depending upon what years and ages are included.

During the last two years of the program, the teen pregnancy rate for the state dropped 1.5 percent, Murray said.

But for those three counties that dispense contraceptives, the drop was a more dramatic 4.6 percent, Murray said.

"You can say just about anything you want to," he said. "It depends on what you use as your starting and finishing points."

Elders made the point in 1990 that, although state statistics showed births to teen mothers ages 15–19 were 21.4 percent of the total births in 1960 and 18.3 percent of total births in 1987, the teen-age fertility rate was, in fact, increasing. The reason was the number of teens had decreased since 1960.

John Thomas, research director for the Family Council, a Christian organization that researches issues involving traditional values, said he is not surprised the pregnancy rates have gone up in those counties where contraceptives have been dispensed.

Julie Wright of Little Rock, regional director of a five-state area for the American Life League, the largest organization of abortion opponents in United States, said increases in pregnancy rates in those counties show Elders' programs "have not been successful."

Murray said county statistics do not reflect the success or failure of Elders' program, because they include girls ages 10-19, many of whom are not exposed to information from the school clinics.

Martha Hiett, assistant director of the Bureau of Public Health Programs, said success of the department's program cannot be adequately judged by county statistics, because the program reaches only a fraction of teen-age girls in each county.

The department has school clinics that dispense contraceptives in two of the six high schools in Pulaski County, in one of the five high schools in Crittenden County and in one of the 10 high schools in Washington County.

Detractors and supporters of Elders often quote teen-age fertility rates in Arkansas, calling them "teen-age pregnancy rates."

Fertility rates are rates of live births. The teen fertility rate is obtained by dividing the number of live births in a year by the population of women ages 15-19 and multiplying by 1,000.

Pregnancy rates are similarly obtained, except they include live births, induced abortions, fetal deaths and miscarriages.

Murray said he always put quotation marks around the phrase "pregnancy rate," because the data are not firm. Miscarriages are poorly reported at best, he said, and induced-abortion data are of erratic quality.

Statistics show fertility rates dropped in Arkansas from 1980 until 1987, when they began to climb dramatically.

From 1987-90, the teen-age fertility rate increased 16.98 percent in Arkansas, but increased slowly than the national rate. During that time, the national rate increased 18.38 percent.

Murray said one reason fertility rates are so high in Arkansas is the abortion rate in Arkansas is about half the national rate.

Mr. NICKLES. Mr. President, in looking at some of the other positions that Dr. Elders has taken as director of the Arkansas Department of Public Health, we see an agenda that will also apply to her as Surgeon General. Talking about sex education in Arkansas, I have a letter from Dr. Glen Griffin, who is a member of the advisory board of the Medical Institute for Sexual Health. He visited one of these school-based clinics in Arkansas.

I will just read a couple of paragraphs that he mentioned:

> I picked up a little comic book and pamphlet in the large, cheerful waiting room of the "Wellness Clinic" in Little Rock Central High School.
>
> In the Andrea and Lisa comic, a "fairy godsister" rescues the girls by convincing them to use condoms when they have sex with their boyfriends.
>
> Contrary to what we have heard, I did not find any pamphlets suggesting it might be better to wait for sex until marriage. Instead, a pamphlet sells the idea of playing around with sex by saying, "You'll never forget the feeling of safer sex."
>
> Is this the message you want to have your boys and girls to be getting in junior high and high school?

I just say I do not.

Mr. President, I ask unanimous consent that this entire 2½ pages relating to Dr. Griffin's visit to an Arkansas school clinic under the supervision and basically at the initiation of Dr. Elders, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Medical Institute for Sexual Health, Aug. 3, 1993]

DON'T BUY A FLAWED "SAFER SEX" PROGRAM LIKE I SAW IN JUNIOR HIGH AND HIGH SCHOOL CLINICS IN ARKANSAS

(By Glen C. Griffin, M.D.)

If you are going to buy a car, you want to be sure it will work and get you where you want to go. I think the American people expect the same about choosing the nation's top doctor, the Surgeon General.

Since I knew that very few doctors, or parents, could visit the new Surgeon General, or the school clinics she advocates—I did, and wrote an editorial in the April 1993 issue of Postgraduate Medicine about what I found.

I picked up a little comic book and pamphlet in the large cheerful waiting room of the "Wellness Clinic" in the Little Rock Central High School.

In the Andrea and Lisa comic, a "fairy godsister" rescues the girls by convincing them to use condoms when they have sex with their boy friends.

Contrary to what we have heard, I did not find any pamphlets suggesting it might be better to wait for sex until marriage. Instead, a pamphlet sells the idea of playing around with sex by saying: "You'll never forget the feeling of safer sex."

"You'll never forget the feeling of safer sex?"

Is this the message you want your boys and girls to be getting in junior high and high school? And do you want your young daughters having pelvic exams at school?

And think about the flawed logic of giving children condoms and contraceptives as advocated by the Surgeon General nominee:

1. In the Forest Heights Junior High in Little Rock, I was told the girls are given their choice of contraceptives. Many people think that school clinics hand out condoms to prevent teen pregnancies. But the people running these programs know that condoms don't work very well to prevent pregnancy in kids. And at least 20% of girls who rely on condoms get pregnant within a year or so. Because of this the pill and 5 year implants are encouraged. In the Planned Parenthood magazine, Family Planning Perspectives an article states that in one public clinic 96% of the girls chose the pill.

2. Obviously, the pill or an implant are NO PROTECTION against AIDS or other sexually transmitted diseases.

3. So condoms are encouraged and passed out—10,000 last year in the Little Rock Central High School. But in a national survey only 3% of girls on the pill use condoms. And since condom failure rates are so high anyway among teens even when they are always used the program is a failure.

Remember, the condom failure rate is one-in-five in preventing pregnancy when a girl can get pregnant only a few days a month. Think of the failure rate in preventing AIDS, a 100% killer, and other sexually transmitted diseases, when boys and girls are vulnerable to them every day of every month—even if condoms are used.

THIS PLAN IS NOT MEDICALLY LOGICAL

Giving contraceptives to kids enables them to engage in a dangerous self-defeating behavior some call "safer sex" which isn't safe at all.

You don't buy a used car that has a major problem.

And you don't have to buy this teen condom/pill program that has a major problem.

There is a better way.

Quietly and successfully there are hundreds of schools across America that help kids develop confidence and self-worth so they don't need drugs, other counterfeit highs, or sex to make them feel important and needed.

Dr. Elders has emphatically said the way to solve the teen drug problem is to teach kids to say "no." But in her confirmation hearings she said that if she knew how to teach about abstinence, she would. Well, there are people, thousands of teachers, doctors, and millions of parents in this country who do know how.

The young people of this country are smart and deserve our confidence. Yes, some of them are going to make some mistakes. But they are much less likely to make big mistakes about sex if all of us give them time tested principles to live by. And one of these important principles is that the only really safe sex is between two faithful marriage partners who are free of sexually transmitted diseases.

And this no-risk sex is worth waiting for.

What do other doctors think? It is disappointing that some of the medical organizations we belong to advocate pills and condoms for kids. But the Medical Institute for Sexual Health and Postgraduate Medicine have received stacks of letters and countless phone calls from doctors and parents who agree that the answer to teen pregnancy and AIDS is not condoms and pills.

Don't buy a medically flawed "safer sex" program like I saw in the school clinics in Arkansas.

Mr. NICKLES. Mr. President, Dr. Elders has made a lot of controversial statements concerning condoms. Some people have said, well, she has a love affair with condoms. And some people have addressed her as "the condom queen." I have not said that. But I have read so many statements that she has made concerning condoms and her obsession with condoms that it really concerns me. I think everyone is familiar with the quotation where she said: "I tell every girl that when she goes out on a date, put a condom in her purse."

I do not know that many of my colleagues are aware of her position on condom advertisements. She was asked a question. "Do you support advertising condoms on television?"

Her answer:

> I do support advertising condoms on television. We need to make condoms an every-day item of personal hygiene for people who choose to be sexually active outside of monogamous relationships. Otherwise we are never going to successfully fight the spread of AIDS. We are not doing a very good job of promoting condoms. If confirmed I will work to increase the acceptability of condoms among all populations within our country by using every tool available including the media. I feel very strong about this."

I do not doubt that she feels very strong about it. Maybe that is partly what concerns me.

I do not know if any of my colleagues have read statements that were made, or read a letter that HHS is now sending out. Maybe this letter is going to change—I am sure it probably will—by the Public Health Service dealing with condoms and answering parents who are concerned about condoms. This is from the Department of Health and

Human Services. It is signed by William Archer, who has been the Deputy Assistant Secretary for Population Affairs. I do not know if he still has that position or not. I kind of doubt it with this administration.

But let me just read four or five of the paragraphs, because again, Dr. Elders, as I just mentioned, wants to advertise condoms; she wants them available in school-based clinics and available for everybody.

This is from the Department of Health and Human Services. It is a letter that is given if someone requests information on condoms, how safe they are; this is the letter that they would have received from the Department of Health and Human Services.

Condom education has been touted as the great cure all for AIDS and pregnancy among teens. It is not. Sexually transmitted diseases [STD's] are epidemic among adolescents.

One out of three sexually active teenagers will acquire an STD before graduating from high school. And in most cases, a condom would have done little to stop it. Condoms have an 18 percent failure rate for pregnancy for teenagers, which means that one in five teenagers depending on them ends up pregnant. Low-income adolescents—who, for reasons not fully understood—have a 27- to 50-percent chance of getting pregnant while using a condom.

Studies suggest that condoms offer even less protection against STD's. A girl can get pregnant only a few days each month—she can catch or pass on an STD any day of the month.

A study which looked at a group of monogamous couples in which one partner was HIV positive found a 17-percent transmission rate of the virus at 18 months, despite consistent use of a condom.

Mr. President, I have several other statements by different groups. I will just mention a couple. I will insert them in the RECORD.

The Medical Institute for Sexual Health:

Since contraceptives started being given to kids, teen pregnancies have soared—and so have sexually transmitted diseases. Think about the flawed logic of the policy advocated by the Surgeon General nominee:

1. 20% of girls using condoms get pregnant each year. So in schools and contraceptive clinics, teens are given their choice of contraceptives. A big majority of teens in these clinics choose the pill—but some choose a five year implant.

2. The pill or implant provides no protection against AIDS or other sexually transmitted diseases.

3. So condoms are encouraged and passed out. But only 4% of girls on the pill use condoms. Because of the one-in-five failure rate in preventing pregnancy, when a girl can get pregnant a few days a month, think of the failure rate in preventing AIDS and other sexually transmitted diseases when boys and girls are vulnerable to them every day of every month. Even if condoms are always used, the program has failed.

THIS PLAN IS NOT MEDICALLY LOGICAL

Giving contraceptives to kids enables them to engage in a dangerous self-defeating behavior called "safer sex" which isn't safe at all.

Mr. President, I ask unanimous consent that this statement by the Medical Institute for Sexual Health be printed in the RECORD, as well as a statement by the World Medical Health Foundation which basically blasts Dr. Elders' position. I will read two paragraphs of it.

The issue for most parents throughout America is not the question of the need for sex education and AIDS prevention; it is rather what kind of educational approach will truly save lives and reduce suffering.

I agree with that 100 percent.

It is here that we must take more than a superficial look at the problem.

For the sake of our young people, we must not allow this issue to be politicized. We have to put our political and theoretical considerations aside and look objectively at our options, define what is and is not working and plan our medical and educational policies accordingly.

The so-called "comprehensive sex educational approach" being advocated by Dr. Elders has already been used for more than twenty years. The federal government has spent more than two billion dollars through its Title X Program teaching and studying contraceptive-based sex education. Not one of these programs in all of these years has shown a significant and consistent decrease in sexual activity, pregnancy rates or rates of sexually transmitted disease.

Such so-called "education" is very destructive for our youth, raises their curiosity, encourages sexual experimentation, and puts them at increasing risk for HIV and other sexually transmitted diseases. While some may call this comprehensive sex education, others of us consider it child abuse.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Medical Institute for Sexual Health, Aug. 2, 1992]

PHYSICIANS PREDICT AN INCREASE OF AIDS (AND OTHER SEXUAL DISEASES) IN TEENS WITH SURGEON GENERAL NOMINEE'S PLAN

Since contraceptives started being given to kids, teen pregnancies have soared—and so have sexually transmitted diseases. Think about the flawed logic of the policy advocated by the Surgeon General nominee:

1. 20% of girls using condoms get pregnant each year. So in schools and contraceptive clinics, teens are given their choice of contraceptives. A big majority of teens in these clinics choose the pill—but some choose a five-year implant.

2. The pill or implant provides no protection against AIDS or other sexually transmitted diseases.

3. So condoms are encouraged and passed out. But only 4% of girls on the pill use condoms. Because of the one-in-five failure rate in preventing pregnancy, when a girl can get pregnant a few days a month, think of the failure rate in preventing AIDS and other sexually transmitted diseases when boys and girls are vulnerable to them every day of every month. Even if condoms are always used, the program has failed.

THIS PLAN IS NOT MEDICALLY LOGICAL

Giving contraceptives to kids enables them to engage in a dangerous self-defeating behavior called "safer sex" which isn't safe at all.

The Medical Institute for Sexual Health joins The Association of American Physicians and Surgeons in a news conference on the grassy area of the Senate side of the Capitol to explain the flawed logic and dangers of giving condoms and contraceptives to kids—and to give a much better answer. Speaking for The Medical Institute for Sexual Health are William R. Archer III MD., and Glen C. Griffin MD., the editor-in-chief of Postgraduate Medicine, Jane Orient MD., executive director of The Association of American Physicians and Surgeons and Mildred Jefferson, MD., assistant professor of Surgery at Boston University will also express their concerns.

[From the World Medical Health Foundation, Aug. 3, 1993]

STATEMENT BY DR. WILLIAM L. BERGMAN, PRESIDENT, WORLD MEDICAL HEALTH FOUNDATION, INC.

As a physician specializing in preventive medicine since 1980 and as president of a nonprofit educational organization committed to an optimum health message for our young people, I have to express my serious concerns regarding the viewpoints being advocated by important policy-makers connected with President Clinton's administration including the current nominee for Surgeon General.

As Arkansas's health director, Dr. Joycelyn Elders has been outspoken in her crusade for school-based clinics and condom distribution.

The issue for most parents throughout America is not the question of the need for sex education and AIDS prevention; it is rather what kind of educational approach will truly save lives and reduce suffering. It is here that we must take more than a superficial look at the problem.

For the sake of our young people, we must not allow this issue to be politicized. We have to put our political and theoretical considerations aside and look objectively at our options, define what is and is not working and plan our medical and educational policies accordingly.

The so-called "comprehensive sex educational approach" being advocated by Dr. Elders has already been used for more than twenty years. The federal government has spent more than two billion dollars through its Title X Program teaching and studying contraceptive-based sex education. Not one of these programs in all of these years has shown a significant and consistent decrease in sexual activity, pregnancy rates or rates of sexually transmitted disease.

Even with such a track record of failure, and in spite of the hopeful record of a number of abstinence-based sex ed programs that have been used effectively in various parts of the country, including a number of inner cities, proponents of condom distribution continue to try to force this on every American community claiming it is medically necessary. Siecus is promoting a curriculum called "Guidelines for Comprehensive Sexuality Education—K–12" which contains material that very few parents are aware of. Most people don't realize that such a curriculum merely gives lip service to abstinence, but implies the kids will be having sex anyway so the emphasis is on equipping them for so-called "safer sex." For example, children ages five through eight are taught masturbation: "Both girls and boys have body parts that feel good when touched." High-school students are told that pornography is a positive sexual aid: "Some people use erotic photographs, movies, or literature to enhance their sexual fantasies when alone or with a partner."

Such so-called "education" is very destructive for our youth, raises their curiosity, encourages sexual experimentation, and puts them at increasing risk for HIV and other sexually transmitted diseases. While some may call this comprehensive sex education, others of us consider it child abuse.

Fortunately, not all teenagers are sexually active; a 1992 survey of the Centers for Disease Control reported that nearly half of all students have never had premarital intercourse. What does a condom distribution program say to these kids. And for those who are sexually active, since when did we give up on discouraging unhealthy or destructive behaviors; we didn't do it for alcohol, drugs or tobacco. Why then not encourage the healthiest options with regard to sexual behavior and explain rates of condom failure before we focus most of our efforts on how to use a piece of latex to reduce the risk of a fatal disease.

In conclusion, we would like to make a personal appeal to Mrs. Hillary Clinton. Certainly as a devoted mother, you share with millions of Americans the hope every parent has for the health and well-being of your child. Looking objectively at the track record of both the contraceptive model and abstinence model of sex education, what would truly be in Chelsea's best interest? As parents and as physicians, don't we always acknowledge that risk elimination is better than risk reduction, especially when infertility or death are concerned? And, in spite of the challenges, don't we always want to give our kids the best message. And isn't it true that whatever you would want for Chelsea would be the best for every other parents' son and daughter as well?

Finally, we would like to call upon our colleagues in the medical profession to investigate these sex ed curriculums more deeply before taking a position. Would you want the Siecus comprehensive sex-ed program taught to your kids? As a profession, endowed with the sacred trust of caring for the health of our people, are we ready to abdicate our responsibility to speak out on behalf of the best health message for our young people just because doing so is currently unpopular or not politically correct?

A society that refuses to protect it's own children is headed for disaster. Let us wake up before it's too late.

Mr. NICKLES. Mr. President, I made the statement in the past that Dr. Elders has a radical philosophy. She wants to distribute condoms. These statements by reputable organizations say they are not safe. They do not prevent diseases. They do not stop AIDS.

Yet Dr. Elders has been more than an advocate for distribution of condoms.

Senator COATS raised the issue of the fact that in her tenure as director of the Arkansas Department of Health she distributed and did not recall a lot of condoms that were defective. I happen to share Senator COATS' assessment that, that is grossly irresponsible.

Condom manufacturer Ansell was distributing a lot of defective condoms. Those defective condoms were reported in school-based clinics. Some of the reports came from people who were HIV positive and said that they break every time.

Some lots were breaking 10 times what is acceptable. Yet the State did not recall. One of the reasons they did not recall was because it would have been made public, and Dr. Elders and others did not want to have a public issue saying: "These condoms are defective. They have holes in them. They break."

The Arkansas Department of Health did not make a notice, a general public notice. But they also did not even notify the various clinics which had been distributing them, or notify the individuals that had been picking them up. In some cases these are teenagers, picking them up every week or so. One high school distributed over 10,000 in 1 year. I think by just a couple of hundred users. So you had pretty consistent users. The Arkansas Department of Health did not even notify them that those condoms were defective, they might break. They were breaking. They were breaking at 10 times the minimally acceptable Federal standard.

Some of those users were HIV positive. Some people may die as a result of the fact that the health department would not even notify individuals. Dr. Elders and others took that responsibility. They said, "We don't want to do it. We don't want to let those individuals know."

So they took that decision. Unfortunately, I think some people got pregnant, some people contracted sexually transmitted diseases, and, unfortunately, my guess is probably some people died or will die as a result of that decision—a decision I might mention that Dr. Elders has not recanted.

Dr. Elders has other positions that I think are also troublesome.

She stated in the past, an article dated December 20, in the Salisbury Post, that she favors some marijuana use.

"If physicians feel marijuana would be beneficial for use by the patient it should be available," said Dr. Joycelyn Elders, Director of the Arkansas Health Department.

I will just mention that right now FDA says that is not a good idea, that it is not legal. Also, I happen to believe, and I believe it came out in the testimony, that the Clinton administration is opposed to it. But people should know that happens to be a position that Dr. Elders has taken, at least in the past.

The article in which she was quoted is dated December 20, 1992.

Mr. President, I have alluded to several things. I am going to conclude. Dr. Elders has made a lot of statements that I find very intolerant and very offensive to anyone who happens to disagree with her position, whether it be on distribution of contraceptives, with which I do disagree, or whether it happens to be on abortion, with which I disagree. Her characterization of people who oppose abortion as non-Christians with slave master mentalities I find very offensive, and intolerant, and bigoted. She has made a statement against the Catholic Church, for which she has not apologized to the church—she has not retracted that statement.

She did say, "Well, I should have said male governed instead of male dominated. I apologize." But she did not apologize to the 60 million Catholics for the statement. I saw a videotape which was very inflammatory, and we have addressed that. I find several of her statements to be disqualifying and several of her actions as director of the Arkansas Department of Health to be disqualifying as well. She has a record and should be judged on that record.

My principal reason in opposing her nomination is because I have four children. I have three girls. I do not want her giving advice to my girls. I do not want her telling my girls not to go out on a date unless they have a condom. I have a 17-year-old daughter. I have a 21-year-old daughter. I do not think that is the kind of advice I want them to have. I also have a 13-year-old daughter.

I am concerned about what may be coming down the pipeline for sex education. I am concerned, if there is an aggressive agenda that deals with sexual orientation and so on, you are going to find, if the public schools adopt that philosophy, a mass exodus from public schools. I have had kids in both public and private schools. Public schools tell us you cannot read the Bible, cannot have prayer in the school. But, oh, yes, we are going to give condoms away, and we will teach you about sexual awareness beginning in kindergarten. I think you are going to have real problems in public school.

I hope—and my guess is and I do not doubt Dr. Elders is going to be confirmed tonight—she will take some of the comments that I and several of my colleagues who found many of her past statements and past actions to be offensive, and keep that in mind when she considers her future statements. Hopefully, this process will have made her a better Surgeon General.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I yield the Senator from Nebraska 7 minutes.

Mr. EXON. Mr. President, to visit with Dr. Elders, the nominee for surgeon General to be our top doctor in the United States of America, one must respect her talents, her intellect, her determination, her refreshing forthrightfulness and her proven administrative skills. She is no shrinking violet when it comes to speaking her mind and for this I do not fault her.

She may well be just what the doctor ordered for our Nation's medical needs.

But it has always been my perhaps old fashioned, out-dated philosophy that our Nation's medical profession does only a part of its obligation to its patients and therefore its obligation to the Nation's well-being if in the end patients are body wise but deficient in moral health and spiritual well-being.

My concern was well emphasized in the closing paragraph of a supporting editorial for Dr. Elders by the USA Today of this date, which well sums up the conventional wisdom of those who will vote "yes" and I quote therefrom:

> With 335,000 teens a year becoming unwed mothers and 2.5 million cases of sexually transmitted diseases among adolescents reported each year, the Nation needs a straight talker.

For those inclined to vote "yes," I have no criticism. They and Dr. Elders may be correct. Maybe we should take a straight talk approach. This would endorse and prescribe condoms in the schools of America to cure or medically prevent VD, AIDS, and teenage pregnancies.

It sure sounds simple and it sure is new. As I understand it, it's just a matter of education and who wants to bother teaching abstinence? It seems to follow that the latter has not worked as the statistics show. But why has that ancient system failed and how wise is it to jump to something new and in so doing all but eliminate any chance of returning ever to the once generally accepted and successful formula?

Would it not be wise to pause to examine what happened and why the traditional system failed before we plunge into a new medically derived replacement?

I suggest, although it might be painful to some, that our current free spirit phenomenon with expert guidance from some members of the legal system may have played a prominent role.

Strange things have been happening in the name of freedom of speech, especially to our children and grandchildren. Often quoted and often held as correct by the courts has been a reinvention of the constitutional rights of free speech. One would almost think that our revolutionary Founding Fathers had written in blood in the Constitution protection for the profits of pornographers and perverts of children in sexually explicit material in movies, television, so-called music, books and magazines. Now it is suggested that because of all of this extreme freedom of speech success for our children we must now call upon our schools to rescue our kids from what our society has taught them on how to enjoy it all by supplying them condoms.

With all due respect to Dr. Elders, whom I consider to be a very dedicated person, dedicated to her agenda and sincere in her objectives as she sees them, I must say to her and the honorable profession that she proposes to lead, I cannot buy, in good conscience, telling our schoolchildren that it is bad for them to eat candy, but condoms are good for you.

Mr. President, I wish to announce that I will vote finally "no" on this nomination.

I thank the Chair, and I thank my colleague from Oklahoma for yielding me time.

Mr. BRADLEY. Mr. President, I rise today to speak on behalf of Dr. Joycelyn Elders for the position of Surgeon General of the United States.

She has consistently worked to improve the health and well-being of the people of Arkansas, and has been a leader in such areas as ensuring early childhood education for all children, teaching parents parenting skills, teaching young males responsibility for their actions, and providing comprehensive preventive health services for all children in the State.

However, Mr. President, I must state frankly that while I am impressed by Dr. Elders' public health credentials, I have serious concerns about some of Dr. Elders' public statements, particularly as they are reported to relate to the Catholic Church.

Mr. President, I am certainly aware that as a public figure, remarks are sometimes taken out of context and misrepresented. That may have been the case with some of Dr. Elders' comments. But as reported, her remarks are disturbing. Bashing any religious faith or even appearing to be insensitive is absolutely unacceptable to me, and it is especially so for someone nominated to an important position.

I was so concerned that I called Dr. Elders. She said to me the same thing she stated in her letter to Senator BIDEN.

> I have the utmost respect for the Catholic religion and its followers. As someone who has experienced bigotry first hand * * * I do not condone bigotry, and I will not tolerate bias and prejudice in the administration of any programs under my jurisdiction as Surgeon General, should I be confirmed.

During my call to her she reemphasized that she had no intent to denigrate anyone's religious faith and she abhorred bigotry in any form. I also know that Dr. Elders has apologized for the comment that offended members of the Catholic Church.

Dr. Elders' remarks may not have been intended to do harm, but at the very least, they show insensitivity to a religious group with a very proud history of providing health care to the poor and underserved in this country. It is my fervent hope that in the future, Mr. President, Dr. Elders will fight intolerance, in all its forms, and will always put herself in positions that can only be construed as supporting religious tolerance.

Mr. DOLE. Mr. President, it is hard not to admire the compelling life story of Dr. Joycelyn Elders.

The daughter of sharecroppers, Dr. Elders was able to rise out of poverty, and put herself through college and become a medical doctor. She rose to the top of her profession when she was named the head of the Arkansas State Health Department.

Dr. Elders is living proof that, in America, hard work and determination can indeed pay off, despite the obstacles one may find along the way. And I admire Dr. Elders for the many successes she has achieved.

But, Mr. President, what I do not admire is the apparent willingness of Dr. Elders to withhold the truth when the truth conflicts with her own personal social agenda.

During her tenure as head of the Arkansas Health Department, Dr. Elders purchased more than 1 million condoms which were distributed to public health and school clinics throughout Arkansas. When Dr. Elders learned that the condoms had a failure rate 10 times the rate permitted by the Food and Drug Administration, she kept quiet, failing to inform her patients, the young people of Arkansas, that the condoms were defective and that their use was no guarantee against unwanted pregnancies and sexually transmitted diseases, including AIDS.

Dr. Elders apparently believed that her condom-distribution program would be sabotaged if the people of Arkansas only knew the truth.

Mr. President, during this debate, there have been other charges made against Dr. Elders—that she is anti-Catholic and that she is rigidly intolerant towards those who happen to disagree with her on any number of issues.

These charges are serious, and in fact they may be true. But the bottom line for me is Dr. Elders' willingness to withhold critical public health information from the very citizens she was sworn to serve.

Can you imagine the firestorm of protest that would erupt if a pharmaceutical company knowingly failed to inform consumers that its condoms were defective?

Can you imagine your own personal doctor knowingly failing to inform you that the use of a certain drug or medical device could be harmful to your health, even fatal?

Can you imagine the U.S. Surgeon General covering up the truth when the truth happened to conflict with the Surgeon General's own personal views on public health?

Mr. President, Dr. Elders has many admirable qualities. As a Midwesterner, I admire her plainspokenness, which was on display during her confirmation hearing before the Labor Committee.

But the fact that Dr. Elders would withhold information about the defective condoms and play Russian roulette with the health of the young people of Arkansas is enough, in my view, to disqualify her for the office of U.S. Surgeon General. As a result, I will vote against her confirmation.

Mr. BYRD. Mr. President, as America's chief public health official, the Nation looks to the Surgeon General for guidance. The position of Surgeon General is particularly important at this point in our country's history, given the extremely difficult problems facing our country, such as a high teen pregnancy rate, AIDS, and an inadequate focus on preventive care within our Nation's health-care system. These are real problems that must be addressed.

I met with Dr. Elders before the August recess, and we discussed her views on a number of serious public health problems and the programs she advocates and has implemented in the State of Arkansas to combat these problems. I personally admire Dr. Elders, whose dedication and enthusiasm as a public health official is immediately evident. However, Dr. Elders has made controversial statements that have caused me, and many of my constituents concern. There are those in this body who believe that just such a controversial figure may be good for the Nation's health care system—that a good shaking-up is what the system needs at this time. I do not agree. At this point in our Nation's history, as we confront the challenge of reforming our health-care system and dealing with the difficult public-health issues facing our young people and our Nation as a whole, I believe that our country sorely needs a consensus builder to deal with these difficult issues. I believe that we need someone who can bridge the many gaps in this very diverse and complicated society. We need someone to bring us together to work toward solving the significant public health issues facing our Nation. I believe that Dr. Elders is a sincere and well-intentioned public health official, but I do not believe, at this point, that she is the right person for Surgeon General of the United States.

Mr. BINGAMAN. Mr. President, I rise to express my strong support for the confirmation of Dr. Joycelyn Elders to be Surgeon General of the Public Health Service. It is time that we let Dr. Elders get on with the important job she has been preparing for most of her life: Chief public health advocate for our country.

Mr. President, we need to focus on the real world we live in, not the world we wish we lived in. The reality is that our Nation has deplorably high rates of teen pregnancy, infant mortality, and poverty. Too many of our children are abused, troubled, hungry, and hopeless. Childhood violence and death due to suicide and firearms are increasing at near-exponential rates. Incidence of AIDS and other sexually transmitted diseases are increasing in every population in our country. I could go on, but I think I have made my point.

The real world is tough. The problems we face are tremendous. It will take a tough person, a person who is not afraid to face reality, to find solutions to these enormous and no longer undeniable problems. My impression is that Dr. Elders is such a person. Her background as a pediatrician, public health official, professor, researcher, and advocate for poor women and children, combined with her proven ability to lead and advocate courageous, though controversial, positions, are evidence of her strength and commitment.

Dr. Elders has proven her ability to educate, build coalitions, and reach consensus on controversial issues. As head of the Arkansas Health Department, she involved local school boards, clinics, community leaders, businesses, and parents in the determination of health services when she helped establish school-based clinics in the State. She recognizes the importance of local control and understands the need to ensure that families and community leaders are involved. After all, they are in the best position to know and understand the needs and health problems of their neighborhoods.

Dr. Elders is committed to comprehensive health education and preventive services. She is dedicated to refocusing resources and debate on prevention and primary care. Again, I urge my colleagues to support the confirmation of Dr. Elders to be Surgeon General.

Ms. MIKULSKI. Mr. President, I rise today on an occasion of great pride for our country, to signal my enthusiastic support for Joycelyn Elders for the position of U.S. Surgeon General.

We should all be proud to be Americans today, because nomination is what the American dream is all about. An American of limited means but unlimited heart, who by virtue of her own sweat equity has reached the pinnacle of an unparalleled career as a public servant.

This is a woman of great talent: A skilled physician, a respected scholar, a full professor in a college of medicine, and a respected manager of a State health department.

And what does she choose to do with all that talent? With all that experience? With those rare and remarkable skills?

What this self-made woman decides on is a life of service to her country:

First she served her country in the military.

Then she dedicated her life to service in behalf of the health of this Nation's children.

How lucky we are.

If they made a movie about Joycelyn Elders nobody would believe it. You have all heard the story: A three-room cabin, no electricity or indoor plumbing, working the fields from June to December with her seven brothers and sisters. She first saw the need for medical care for the underserved right in her own family—as her brother, suffering from appendicitis, was taken 7 miles on the back of a mule to the nearest doctor.

And then—15-year-old high school valedictorian, magna cum laude college graduate in only 3 years, first African-American woman in her medical school, deciding that the focus of her practice would be the care of children, and the rest.

Talk about a role model. Now that I think about it, they ought to make that movie—but not until after the climax to this story has been written—that Joycelyn Elders has reached the goal of serving this Nation as its Surgeon General.

Dr. Elders had to overcome much adversity to reach this nomination, and, as in the movies, this climax is being drawn out by more adversity. But I think the good guys are going to win this one too. And that is because this adversity, these unfounded allegations, cannot compare with the barriers she has already overcome.

In fact, I can think of no one who is more qualified for this position. Dr. Elders has proven herself as a distinguished public health official and a tireless champion of health concerns for women and children.

In Arkansas she dramatically transformed what was a traditional reactive health agency into an aggressive, proactive, preventive health oriented health department. That is an urgently needed prescription for all of America today.

And look at all she accomplished in Arkansas:

Early childhood screenings up from 4,000 in 1988, to over 45,000 in 1992.

Immunizations for 2-year olds up from 34 percent in 1989 to 60 percent in 1992.

Initiation of a new screening program for sickle cell anemia in newborns that now reaches 40,000 infants each year.

Expanded HIV testing and counseling to every Arkansas county, now serving over 100,000 people in an effort to combat that deadly disease.

This is a leader. A woman who goes beyond rhetoric and gets results. This country needs Joycelyn Elders.

We need her proven capacity for excellence.

We need her forthright approach to the daunting health concerns we face.

We need her leadership in the crucial area of preventive care.

We need her success in directly delivering health services to the Americans who need it most.

We need her experience as a veteran of the military, and a veteran of the wars against poverty, teenage pregnancy, and disease of all stripes.

For all of these reasons and more, I urge my colleagues to confirm the nomination of this most remarkable American, Dr. M. Joycelyn Elders as Surgeon General of the United States.

Mr. GORTON. Mr. President:

> The person ultimately appointed must be the object of his preference, though perhaps not in the first degree. It is also not very probable that his nomination would be overruled. The Senate could not be tempted by the preference they might feel to another to reject the one proposed; because they could not be tempted by the preference they might feel to another to reject the one proposed; because they could not assure themselves that the person they might wish would be brought forward by a second or by any subsequent nomination.

Mr. President, this explanation of the role of the Senate in the confirmation process was eloquently described by Alexander Hamilton in Federalist Paper No. 76. The words of our Founding Fathers are just as relevant today as they were 200 years ago when they empowered the President in article II, section 2 of the United States Constitution to nominate,

> * * * with the Advice and Consent of the Senate, * * * Ambassadors, and other Ministers and Consuls, Judges of the Supreme Court, and all other officers of the United States * * *.

Both the Constitution and the Federalist Papers which were written to advocate and explain the provisions of the Constitution clearly express a deference to the President's choice of his administration. The Founders designed the Government to let the President choose whomever he wished to help him run the executive branch. The Senate check is intended to be used only in extraordinary circumstances and, as Hamilton wrote, "to be an efficacious source of stability in the administration."

Although some may call it old fashioned or conservative, I respect this deference to the President that our Framers clearly intended. I have done so even when President Clinton has sent nominations to the Senate with whose philosophies I do not agree. I have, on the other hand, on a few rare occasions voted to reject some of the President's nominees.

After serious consideration, I voted against nominees who have proven to be hopelessly intolerant of conflicting views and who have used their offices to intimidate and harass their opponents. For these reasons I have voted against Roberta Achtenberg and Tom Payzant who had shown a clear hostility to the Boy Scouts of America, and Sheldon Hackney, who as President of the University of Pennsylvania, showed a clear indifference to the first amendment while he supported an agenda of political correctness.

The nomination of Dr. Jocelyn Elders raises the difficult issue of deferring to the President as the Founders intended or rejecting her. I have heard the opponents of Dr. Elders and they have legitimate and serious concerns. She is not the nominee I would have chosen myself. I agree that some of her comments in the past have been careless and offensive to those who take their religious beliefs seriously, including this Senator. The policies which she has pursued in Arkansas are not necessarily the policies I would support. However, having met with Dr. Elders and reviewing her record, I am not convinced she falls into that category of the President's nominees against whom I have voted.

Dr. Elders has stated to me and in her Senate testimony her belief that abstinence is the only absolute guarantee to prevent sexually transmitted diseases and unwanted pregnancies. That important message is one she must continue to advocate as Surgeon General. Through the Senate confirmation process she has learned the value of listening carefully to those with whom she disagrees. She agreed with me that strong families are the single best answer to many of the problems in our society.

For my final decision, I refer again to the helpful words of Alexander Hamilton in Federalist No. 76. If Dr. Elders is not confirmed as Surgeon General, Bill Clinton will simply offer another nominee with identical beliefs, because those are the beliefs of the President. Disagreement with the President's beliefs is not itself sufficient reason to reject his nominee. I shall defer to the President and vote to confirm Dr. Elders.

Mr. HATFIELD. Mr. President, today the Senate will vote on the nomination of Dr. Joycelyn Elders for Surgeon General of the United States. It is my pleasure to rise in support of Dr. Elders.

As my colleagues know, I have felt strongly about Dr. Elders since the moment I met her. That is why I accepted Dr. Elders' invitation to introduce her at her confirmation hearing when her Senators—Senator PRYOR and Senator BUMPERS—had to fly to Arkansas unexpectedly. I also spoke in support of her nomination before the Senate recessed in August.

Mr. President, I will not take the Senate's time by going into a lengthy debate about Dr. Elders' qualifications. We have all had time to familiarize ourselves with her background and beliefs, and to listen to the debate that has taken place with regard to her more controversial positions. And believe me, it is important for the Senate to examine and consider these positions. Certainly, a little controversy is healthy. For controversy often makes us address issues that are difficult to discuss. We have certainly seen the success of former Surgeons General who have tackled controversial issues head-on.

As I have said a number of times, Dr. Elders and I do not share the same position on all issues, especially the issue of abortion. However, on the issue of legalized abortion, we have agreed to disagree and move forward to do something to end the need for abortion—by improving the safety and reliability of contraceptives and focusing on educating our youth about life and sexuality. Thus, acknowledging we can work together to make abortion a moot issue.

Once again, I would like to reiterate my strong support for Dr. Elders. She has proven herself as a distinguished pediatrician, researcher, and professor. She is respected by her colleagues. And she is an enthusiastic advocate who will work to address important health needs in the areas of child health, prevention, and access.

Mr. President, Dr. Elders is qualified to serve as Surgeon General of the United States. Therefore, I urge my colleagues to support her nomination.

Mr. GRASSLEY. Mr. President, I rise today in opposition to Dr. Elders' nomination to be the Surgeon General of the United States. A month ago, I spoke at length on this nomination, but I have decided to take the floor for a second time because I feel so strongly that this nominee is not well suited for the position of Surgeon General.

Earlier in the summer, I began to review Dr. Elders' extensive record, which includes policy positions and numerous public statements. After this review, I found that I do not agree with many of her views. Nor do most Iowans. To many of us, her public statements are offensive and inflammatory. Over the last month, I have received more than 1,000 letters from my constituents regarding her nomination. They run 10 to 1 against her.

This opposition does not surprise me. Her views and policies she implemented during her tenure as the head of the Arkansas Department of Public Health are simply not supported by my constituents. My constituents recognize the problems we face today. Teenage pregnancy rates are on the rise. The incidence of sexually transmitted diseases is increasing at an alarming rate and the rate of HIV is growing rapidly among the adolescent population. I recognize these problems and the challenges we face. However, I disagree with Dr. Elders on how best to combat them.

Some of Dr. Elders' supporters would say that I am behind the times. They would say that my views and the views of my many constituents do not recognize the problems of today. They would say that Dr. Elders' policies address the issues of today, and that her candor is necessary. Her supporters often point to Dr. Koop's candid manner. Dr. Koop was candid, but he was also gracious. I do not agree with Dr. Elders that it is time to teach teens what to do in the back seat of a car.

The American public does not have to be shocked into acknowledging the public health issues of today. Unfortunately, this administration appears to believe that the public is ignorant of today's difficult issues. The administration also takes the stance that those who do not agree with their liberal agenda are stuck in the 1950's and behind the times. They have used a form of shock therapy to deliver their message. Perhaps they are the ones that are out of step.

Dr. Elders' candor and colorful quotes are well known by this body and the public at large, so I will not repeat more of them. However, I was shocked when I read them for the first time. I wrongly assumed that they were said tongue in cheek. I believe her manner of speaking is not appropriate for our Nation's top doctor.

I do not question Dr. Elders' medical qualifications. Her work in the area of diabetes has received national attention. She overcame many barriers to reach her level of success and I admire her strength and perseverance. I do, however, question her ability to exercise sound judgment and build coalitions of support around a particular initiative.

As a result of her candor, she has offended many groups and organizations. Her response to recent criticism regarding her comments about the leadership of the Catholic Church illustrates her callousness. She did not apologize for the offensive remark. She simply stated that she should have used another word when referencing the Catholic leadership. This is a pattern. Dr. Elders has not made just one or two inappropriate comments. The list is lengthy. I find this kind of behavior and judgment completely inappropriate for a high-ranking Government official.

The challenges we face in the decade to come are huge—AIDS, the resurgence of TB, substance abuse, and violence. These are only a few. These challenges must be faced, but I do not believe Dr. Elders is the best person to lead us in the battle against these issues. It is not easy for me to oppose a nominee. This is not a decision I make casually. The Surgeon General should be a healer and the source of wisdom. I do not believe that Dr. Elders possesses these qualities, therefore, I will not support her nomination when the Senate votes later this afternoon on her confirmation.

Mr. DURENBERGER. Mr. President, before the August recess I outlined in some detail the qualifications of Dr. M. Joycelyn Elders for the position of U.S. Surgeon General. She is an intelligent and well-qualified advocate for the public health policies we need to put in place if we are going to make Americans healthier in the 21st century.

That is why I intend to vote to confirm her nomination.

But we cannot ignore, Mr. President, the serious issues raised by some of the remarks she has made—remarks which have left her open to the charges of insensitivity and religious bigotry.

As a Roman Catholic, I find cause for concern in some of the statements she has made. But I believe that the President deserves a considerable degree of deference regarding the nominations he is entitled to make.

I do not find evidence in the record of the Elders nomination that would indicate that she is unqualified for the post. Barring such evidence, I will vote for her, or any other nominee the President proposes to the Senate.

But I cast my vote in the affirmative, let me express my hope that Dr. Elders will—by her performance in office—silence the echo of the controversy she has engendered.

Much will be forgiven one who performs an outstanding service.

We need only look to the example of Dr. Elders' predecessor, Dr. C. Everett Koop. In his case, an initial firestorm of controversy was followed by a proven record of excellence in office.

There is cause for concern in the Elders record. But also contained in that record is evidence that the nominee has terrific potential to use her talent for consensus—and be an extremely positive force in this administration.

To conclude, Mr. President, my vote for Joycelyn Elders is a vote for my hope of what she can be. To those who want to vote their fear instead of their hope, I ask them to look again at Doc Koop—and vote "aye," in the hope that a person of such proven talent, with the President's confidence, can and will do a great job as Surgeon General.

Mr. RIEGLE. Mr. President, I rise today in support of Dr. Joycelyn Elders, the President's nominee for Surgeon General of the United States.

Dr. Elders' record demonstrates that she has strong credentials for helping to bring about an improvement in health in this country. While we in Congress have been debating reform of the health care system for years, Dr. Elders has been making great strides toward improving public health in Arkansas.

During her tenure as the director of the Arkansas Department of Health, Dr. Elders succeeded in improving the utilization of numerous preventive health programs. The percentages of 2-year-olds who are immunized in Arkansas has almost doubled under Dr. Elders' leadership. The percentage of eligible women and children who receive nutritional services through the Women, Infants, and Children Program has also nearly doubled, and the number of children who receive early screening and treatment services through the EPSDT Program has increased tenfold. Finally, during Dr. Elders' tenure in Arkansas, the teenage birth rate grew at a slower rate than it did nationally, and teenage abortions decreased. It is my hope that she can help bring about these and other improvements in Michigan and across the Nation.

In addition to her distinguished record as a public health professional, Dr. Elders has an outstanding reputation as a physician and as a researcher. She has earned support for her nomination from over 100 national health care organizations, including the American Medical Association. She also has the support of many Michigan organizations such as the Michigan Nurses Association, the Detroit Department of Health, and the Michigan NAACP.

Mr. President, Dr. Elders has overcome much adversity in her own life and has shown great courage in responding to public health issues in Arkansas. I believe that she will be a great asset to the U.S. Public Health Service and to this Nation. I urge my colleagues to support her nomination.

Mr. THURMOND. Mr. President, I rise today concerning the nomination of Dr. Joycelyn Elders to be the Surgeon General of the United States. After carefully examining her record and considering the views of my constituents, I cannot support Dr. Elders' nomination.

Mr. President, the Surgeon General is the Nation's most prominent doctor. This person directs more than 6,000 members of the Public Health Service Corps. Until now, the role of the Surgeon General has had limited authority to create policy. However, the Department of Health and Human Services is reorganizing. The office of Surgeon General will oversee a number of new programs, including disease prevention, women's health, and health promotion. As Surgeon General, Dr. Elders would have unprecedented policy-making authority.

The people of this Nation look to the Surgeon General for information and guidance. Therefore, we must question Dr. Elders' handling of the distribution of defective condoms. Tests by the Food and Drug Administration found that condoms distributed by the Arkansas Health Department had a defective rate approximately 10 times the acceptable limit. However, Dr. Elders made the decision not to inform the public of the risk of unwanted pregnancy or the transmission of a number of sexually transmitted diseases, including AIDS, presented by these defective condoms.

Mr. President, I believe the Surgeon General should be outspoken on the issues concerning public health. However, a number of the statements made by Dr. Elders over a period of years have been offensive and inflammatory. She has shown a great deal of insensitivity concerning families with Down's syndrome, various religion organizations, and members of the pro-life movement. I believe that an effective Surgeon General must create, build, and foster coalitions which may include differing views. However, the type of alienation caused by many of her statements make such coalitions difficult.

Mr. President, much of our debate has concerned Dr. Elders' efforts to reduce teenage pregnancy rates. The fact is that during her tenure as Arkansas' public health director the rate of teen pregnancy increased dramatically, and Arkansas' rate of teen pregnancy became the second highest in the Nation.

Mr. President, I feel kindly toward Dr. Elders and would like to compliment her on the many honors and accomplishments she has achieved during her career. She deserves a great deal of credit. However, in view of positions she has taken on matters of national interest, I cannot support her for the position of Surgeon General of the Public Health Service.

Mr. SIMPSON. Mr. President, I rise today in support of the nomination of Dr. Joycelyn Elders for Surgeon General. I sincerely believe that she can make a real difference in addressing some of the very toughest health care problems which presently face our Nation. She has an extraordinary record and has had a distinguished career as a pediatric endocrinologist and public health official.

We need a Surgeon General who is not afraid to face controversy by bringing tough and emotional issues like teen pregnancy, contraception, abstinence, abortion, sexual molestation, sexually transmitted diseases, and infant mortality to the forefront of public awareness. I believe she can make an important and positive difference in the public health arena and that is why I am supporting her nomination today.

Dr. Elders is an innovator and a pioneer in the field of public health. She has compiled a distinguished record of achievements as a health professional in Arkansas, and I believe that she will be able to replicate these achievements on a national level. Under her administration she instituted policies which ensured that more pregnant women received early and regular prenatal care. These policies had a positive impact on the infant mortality rate in Arkansas. Under her administration the childhood immunization rate in Arkansas was dramatically improved when after-hours clinics were instituted and by initiating a policy that every child visiting a health clinic received immunizations when necessary. The childhood immunization rate of 2-year olds nearly doubled from 1988 to 1992, from 34 to 60 percent.

In addition, the percentage of clients eligible for the Women, Infants and Children Nutrition Program rose from 39 percent in 1988 to 67 percent in 1992. Health assessments for Medicaid-eligible children also rose from 4,186 in 1988 to 45,252 in 1992. As you can tell from these statistics, Dr. Elders is a strong advocate for preventive care. She not only talks about prevention, but she has actually instituted initial policies that affected the quality of health of all Arkansas citizens.

As Surgeon General, Dr. Elders has stated that her clear goals would be to foster prevention, health education, universal access to primary care, support for the family, and continued support for the public health commissioned corps. She believes that the most compelling issues before us today relate to the issues surrounding AIDS, unplanned pregnancies, and health care access.

Of primary importance to me is Dr. Elders' ability to reach an audience of uncaring and irresponsible young people that I fear might be lost without her unique skills. She has demonstrated her talents in getting right down into the trenches and communicating with kids in the inner cities, as well as in poor rural areas—and in their language and manner. They might hear her more clearly, and listen to her more intently, and talk with her in a more constructive manner than could any other possible candidate for this important position. I believe she can talk the talk and walk the walk. She can communicate with these kids because she knows who they are and where they come from. She grew up in poor, rural Arkansas and knows about their poverty, their problems, and their potential. She lifted herself out of poverty and she has spent a lifetime working to help others who are vulnerable to illness or disease simply because they were impoverished or did not have access to preventive medicine. Because of this, I believe that she has the determination to be a great role model in the health care area.

I know that she has said several things that some, including myself and many of my colleagues on this side of the aisle, have found to be wholly offensive. I talked with her for nearly an hour in August. She has been honestly chastened by these events in this cauldron of controversy. She understands that she can accomplish so much more by discarding elements of her rhetoric which some find incendiary. I think she is very sincere about this.

For example, Dr. Elders has further explained her position on abortion by stating that she has "never been about abortion—I am about preventing unplanned pregnancies. And, I think we know that if we could prevent the pregnancy, then abortion becomes a nonissue." She is also a strong believer in abstinence. She told me of these views.

None of us who consider ourselves pro-choice are supportive of abortions; however, we do advocate giving women the choice. If confirmed, I anticipate that Dr. Elders would usher in a new era of family planning programs at HHS. I believe that my fine friend, President George Bush misread the importance and significance of the abortion issue to the public, especially to young women. Because of his opposition to fetal tissue research, his support of the gag rule, and the focus on these two issues during his administration, the public disproportionately focused attention on President Bush's views on abortion. It was unfair. However, the result was that young women between the ages of 18 and 35 left our fine President in droves.

I believe that Dr. Elders will do her best to reduce and prevent unplanned teenage pregnancies. This is a priority for her and we need her tireless energy and advocacy in this area. As she told me when we met in August, teenage pregnancy "breaks my heart."

I am familiar with outspoken people. I come from a whole gene pool of similarly situated folks. Dr. Elders and I talked about some of those common character traits. She has heard of painful criticisms and I believe that she sincerely understands that she must turn down the volume a bit in order to avoid such problems in the future, and in order to do the most effective job.

I think her heart is in this job and also the right place, and I, for one, am willing to give her the benefit of what she tells me she has learned through this process. She fully understands now that she can accomplish greater things by discarding elements of her rhetoric which some might find divisive and offensive.

For these reasons, I am supporting Dr. Elders for the position of Surgeon General. We need a strong advocate for the health of the American public as Surgeon General. She has certainly shown us that she can overcome difficult challenges and controversies. We need here as an outspoken and powerful voice for preventive care, health education, and family planning in this country, if we are going to see the cases of teenage pregnancy and sexually transmitted diseases, including AIDS, begin to decrease. These are grave problems presently facing our country and we need to address them with a vengeance. I believe Dr. Elders can provide the country with the leadership to face these challenges, which so assuredly threaten to undermine the health and well-being of the American people.

• Mr. MURKOWSKI. Mr. President, today I rise to announce my opposition to the nomination of Dr. Joycelyn Elders to be Medical Director in the Regular Corps of the Public Service, and to be Surgeon General of the Public Health Service.

I understand that Dr. Elders' style is polarizing and divisive; I am concerned that Dr. Elders has received great attention for her ability to create controversy, rather than consensus. Many of her comments lack the compassion for the other side of issues that I feel is so necessary for her to be an effective leader as Surgeon General.

I am less concerned with the actual content of her controversial comments than I am with her seeming inability to respect the views of others and to build a consensus. My concern is that she may continue to stir controversy, rather than compromise and that the substantive concerns of today will be neglected.

As public health director of the State of Arkansas, Dr. Elders displayed bad judgment when she decided not to disclose information to the public on possible defects in condoms that had already been distributed to schools and clinics. The FDA found a defective rate more than the limit set by the agency. Besides displaying bad judgment, her record as a public official is unimpressive.

Because of these concerns I cannot, in good conscience, vote for Dr. Elders. However, if Dr. Elders is confirmed as Surgeon General, as I assume she will be, I hope that she will prove me wrong by promoting public understanding in the face of controversy and bringing people together to work toward solving the public health problems that face our Nation today. Because Dr. Elders has not convinced me that she is up to this important task, I cannot support her nomination.●

Mr. DORGAN. Mr. President, today I will vote on the nomination of Dr. Joycelyn Elders to be the Surgeon General of the United States. Few nominees have caused so much controversy or forced so many Members of Congress to rethink their own views about the public health problems facing this Nation.

In making my decision to support her nomination, I studied Dr. Elders record thoroughly. I met with her personally and, as I'm sure she'd tell you, I asked her some pretty tough questions about her finances and her efforts to stem the problems of teenage pregnancy and the spreading of sexually transmitted diseases. And I have to tell you that, in many cases, I do not agree with things Dr. Elders has said or the way she said them. Although I am certain that her heart is in the right place, I think some of her statements show a lack of sensitivity to legitimate concerns of many Americans.

However, one thing about Dr. Elders stands out—she has the guts to say the things that need to be said. In talking about teenage pregnancy, she has emphasized the importance of the family, indiviudal responsibility, and abstinence, as the best form of birth control. She has also been realistic—all the rhetoric in the world about family values will not fix the crisis this country faces unless we begin an open, frank dialog about the causes of these problems.

I think Dr. Elders' opponents would be surprised at what else I found in studying her record. Contrary to what we read in the newspapers and see on television, Dr. Elders principal interest is not to change the way we value families and intimacy in this country. Instead, Dr. Elders is a respected member of the medical community who believes in prevention and in advancing public health issues before they become public health crises.

During the time that Dr. Elders was State health officer in Arkansas, the percentage of 2-year-olds immunized against deadly childhood diseases increased from 34 to 60 percent. Although she acknowledges, with disappointment, that the number of teenage pregnancies in Arkansas increased during the time she served as State health officer, the increase was significantly lower than the national average and a true testament to Dr. Elders' dedication to solving this critical problem.

Despite my reservations, I know that Dr. Elders is a dedicated physician and administrator who understands that the public health problems in this country can't be solved just by better medicine or more money in the health care system. The only chance for a solution lies in acknowledging and understanding the problems and finding a way to prevent them before they start. Dr. Elders has not been afraid to do this, and I support her nomination.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I have consulted with a number of our colleagues on our side. We have had a very, I think, valuable explanation of the wide range of different support for Joycelyn Elders. We have had a good discussion, and I am quite prepared now to indicate that just in 3 or 4 minutes we will be willing, if it is agreeable to the Senator from Oklahoma, to yield back the remainder of the time and move toward a vote, and that is my current intention.

So, I yield myself 4 minutes, Mr. President.

Mr. President, as we are coming to the time for the Senate to vote on this nominee, I want to say that we have seen the repetition of allegations and charges and distortions and misrepresentations targeted toward this nominee, which we have heard repeatedly during the course of our hearings in the time prior to the August recess and again here today. I think our membership knows and, hopefully, the American people know that no matter how many times you continue to repeat, repeat, repeat, and repeat various selective phrases and selected materials, this does not make them any more true. This does not make them any more accurate.

And what we have seen over and over again, as anyone who reviews this record, both in the course of the hearings, and the earlier debates, will find that the allegations that have been made both here and in the earlier debates have been responded to. All one has to do is look to the record and understand it, and therefore, we could certainly go back into the responses to these allegations this evening. I will resist that temptation because I am satisfied that the record that has been made over the period of the earlier debates responds fully to these issues.

Joycelyn Elders responded brilliantly during the course of our committee's deliberations. Most of these allegations and charges and representations we have heard today were made during the course of those hearings, and she responded brilliantly, I believe, to all of the allegations and charges, and we had strong bipartisan support in reporting her out.

There should not be any real kind of question, Mr. President, to the charge that Dr. Elders is out of the mainstream in terms of public health policy—look at the wide range of mainstream health and education organizations which have endorsed her: The American Medical Association, not known as a radical health organizations, is in strong support. The Hospital Association, the American Academy of Pediatrics, the American Academy of Family Physicians, the American College of Physicians, the National Medical Association, the American Nurses Association, the PTA, not known as a wide-eyed liberal organization, are all in strong support of this nominee, as is organization after organization. And why? They know the record Mr. President. They know the record. They know the job that Dr. Elders has done. They are not just paying attention to what she said in the committee. They know the record, the life record, the life experience, the life of dedication of this nominee. And they understand the public health problems we face as a nation.

And I hope, Mr. President, that after we vote—and we will have a strong bipartisan vote—we can, as I know will be the case with Joycelyn Elders, try to reach out together and try to work on so many of the public health problems which have been identified during the course of this debate. There are many, and they have not received the kind of national attention they deserve. We will be debating different health policy issues over the next few days, weeks, and months as the country focuses on health care policy and reforming our health care system. If there has been some advantage to this debate it has been in reminding all of us of the importance of public health and public health policy. As Joycelyn Elders has stated repeatedly, earlier intervention is much of the answer. It is the answer in terms of good health, in terms of well-baby care and WIC programs and immunizations and the wide range of outreach programs to the youngest and the most vulnerable in our society.

I am delighted and proud to be a strong supporter of Dr. Elders. I think those, as we mentioned earlier, who know her best have made the strongest case for her, and I certainly hope that my colleagues will respond positively and, if they can, I certainly hope that they will vote for Dr. Elders. If they feel that they have to vote a different way, I hope they will reach out after the conclusion of this vote and try to find ways in which all of us can try to work with this remarkable individual. I think Dr. Elders can be one of the most important and successful Surgeon Generals in the history of this country.

Second, I want to thank the staff of Members on both sides of the aisle who have made this a bipartisan effort, working with the administration, particularly HHS, to confirm Dr. Elders. I would especially like to recognize the staff of the Labor and Human Resources Committee, including the staff of ranking minority member NANCY LANDON KASSEBAUM, and several members of my staff: David Nexon, Mark Childress, Ron Weich, Theresa Bourgeois, Paul Kim, and Brian Carey.

I will reserve the remainder of my time with the expectation of yielding all the time back after the Senator from Oklahoma, if that is his wish.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I finished my comments.

Mr. President, I tell all our colleagues I believe we are ready to vote, and I think we have had a healthy debate, I believe, in exposing some of the comments and positions of Dr. Elders, and I hope it will improve her tenure as Surgeon General.

I yield back the remainder of the time.

The PRESIDING OFFICER. Is all time yielded back?

Mr. KENNEDY. I yield back the remainder of the time.

The PRESIDING OFFICER. All time is yielded back.

Mr. KENNEDY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of M. Joycelyn Elders, of Arkansas, to be the Surgeon General of the Public Health Service? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Alaska [Mr. MURKOWSKI] is necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. MURKOWSKI] would vote "nay."

The PRESIDING OFFICER (Mr. AKAKA). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 65, nays 34, as follows:

[Rollcall Vote No. 248 Ex.]

YEAS—65

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Brown
Bryan
Bumpers
Campbell
Chafee
Cohen
Conrad
Danforth
Daschle
DeConcini
Dodd
Dorgan
Durenberger
Feingold
Feinstein
Glenn
Gorton
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Wellstone
Wofford

NAYS—34

Bennett
Bond
Breaux
Burns
Byrd
Coats
Cochran
Coverdell
Craig
D'Amato
Dole
Domenici
Exon
Faircloth
Ford
Gramm
Grassley
Gregg
Hatch
Helms
Hutchison
Kempthorne
Lott
Mack
McCain
McConnell
Nickles
Pressler
Roth
Smith
Stevens
Thurmond
Wallop
Warner

NOT VOTING—1

Murkowski

So, the nomination was confirmed.

[Disturbance in the visitors' galleries.]

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I ask the Chair to restate the rule of the Senate with respect to demonstrations in the Senate Chamber.

The PRESIDING OFFICER. Demonstrations in the gallery are prohibited.

Mr. MITCHELL. Mr. President, it is my intention to proceed to the Department of Defense—

Mr. FORD. Mr. President, the Senate is not in order. The majority leader is attempting to give us the schedule basically for the rest of the week.

The PRESIDING OFFICER. The Senate will be in order.

The majority leader is recognized.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, it is my intention to proceed to request that the Senate proceed to the Department of Defense authorization bill, to begin consideration of that legislation this evening, and then to continue discussions we have had with respect to the national service conference report under which we would enter an agreement, interrupting the DOD bill during the day tomorrow for a period of time for debate and vote on the conference report.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

Mr. MITCHELL. I believe that proceeding to the DOD bill has been cleared, and accordingly, I now ask unanimous consent that the Senate proceed to consideration of Calendar Order No. 164, S. 1298, the DOD authorization bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1298) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

S. 1298, THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

Mr. NUNN. Mr. President, I am pleased to bring before the Senate S. 1298, the National Defense Authorization Act for Fiscal Year 1994. This bill provides the authorization in law for almost all of the major functions under the jurisdiction of the Committee on Armed Services, including programs and activities of the Department of Defense; the Department of Energy nuclear weapons programs; and civil defense.

This authorization bill continues the process of reshaping the U.S. defense establishment for a post-cold-war world. The bill responds to the need to restructure defense programs in light of declining force levels and lower budgets by increasing funds for readiness and training programs; redirecting DOD tactical aviation programs; and reducing funding for DOD space and intelligence programs.

The bill preserves critical defense industrial base capabilities, and strengthens the peacekeeping and peace enforcement capabilities of U.S. military forces.

Finally, the bill expands some key areas of the defense conversion and transition programs contained in last year's Defense Authorization Act to help individuals, communities, and businesses adjust to the effects of the defense drawdown. The Base Closure Communities Act of 1993 included in the bill, for example, will help the Defense Department and other Federal agencies carry out President Clinton's five point program to revitalize communities with closing bases.

At the outset of this debate, I want to thank the ranking minority member of the committee, Senator THURMOND, for all of his help and cooperation on this bill and in every other aspect of our committee's work. Senator THURMOND has tremendous knowledge and experience on national security issues, and it has always been a pleasure to work with him. I have worked with him for many years during his membership on the Armed Forces Committee, and now it is a particular pleasure to work with him as the ranking Republican.

BUDGET IMPACT OF THE COMMITTEE BILL

Mr. President, I will just comment briefly on the defense budget and put it into context. Of course, we will be debating the details of it for the next several days.

President Clinton's fiscal year 1994 budget request for National Defense represents a 5-percent real reduction from the fiscal year 1993 level, and a reduction of $12 billion below the fiscal year 1994 level proposed by the Bush administration. In just the area of procurement, after adjusting for inflation the fiscal year 1994 budget request of $45.5 billion is 50 percent below the procurement budget of fiscal year 1990, just 4 years ago. People ask, "Are we cutting defense?" Absolutely we are cutting defense in very major ways, and I think everyone should understand that.

For the 5-year period from fiscal year 1993 to 1997, the defense budget was being reduced by $386 billion by the Bush administration. President Clinton's budget proposals would add an additional reduction of $123 billion over these 5 years, more than twice the $60 billion in cuts he called for during the campaign.

In real terms, adjusting for inflation, the fiscal year 1994 budget request for the Defense Department represents a 24-percent real decline below the fiscal year 1985. Under current plans, the defense budget will continue to decline in real terms each year through fiscal year 1997. In that year, defense spending will be 33 percent in real terms below the fiscal year 1990 level and 41 percent below the fiscal year 1985 level.

The bill before the Senate today authorizes a total of $261.6 billion in budget authority for the national defense function for fiscal year 1994. This level is approximately $1.8 billion below the President's request and the budget authority level for defense in the budget resolution. This budget authority reduction will reduce defense outlays in the future. This reduction was necessary in order to keep defense outlays—that is actual expenditures, the actual dollars spent during a year—at the level requested by the President while adding funds for a military pay raise as well as achieving the outlay savings from the base closure process assumed in the President's budget request.

Budget authority represents authority to spend funds, but that money may be spent over a period of time, while budget outlays is the amount actually spent in a particular fiscal year. But when people hear the term "authority," that means authority to spend, but in the case, for instance, of airplanes or ships, it takes several years to spend that money. In the case of outlays, that is actual dollars spent in a given year.

The committee bill is $600 million below the outlay level requested by the President and contained in the budget resolution using the scorekeeping procedures of the Office of Management and Budget in the executive branch. However, if you look at the Congressional Budget Office scoring, the committee bill exceeds the defense outlay level in the budget resolution under the scorekeeping procedures of the Congressional Budget Office. It is my view that those procedures need adjusting, but I want everyone to understand we are under the OMB numbers, but we are above the Congressional Budget Office numbers, and we will be talking about that a considerable amount during the course of this debate.

Mr. President, I will demonstrate later in the consideration of this bill the very serious steps that would be necessary to reduce the fiscal year 1994 defense budget to meet the outlay target of the budget resolution using CBO scorekeeping procedures as opposed to OMB scorekeeping. Neither DOD, nor OMB, nor the Armed Services Committee agree with the CBO approach. I do not believe the Senate would support the reduction CBO would require. It is imperative that we get the Department of Defense, OMB, and CBO together to reach some resolution of their technical scoring differences. If they do not get together, then the implications when the appropriations bill comes up will be very serious.

The committee intends to continue to work to avoid making the drastic reductions in defense spending in one year that would be brought about solely because of scorekeeping disagreements which will have profound consequences but which are technical in nature.

I want to take a few moments now to summarize the major features of this bill for my colleagues and for others who may be following this debate.

Mr. President, over the last 6 months, at the direction of the Senate, the Armed Services Committee has conducted a thorough and a rather comprehensive review of the Defense Department's policy on gay men and lesbians serving in the Armed Forces. I will not go into detail on any of this tonight. I think we will be having debate later in the consideration of this bill on this subject. But the results of our committee work are contained in this bill.

The committee has held a total of nine hearings as part of our review of this issue. We heard from experts in law, military history, and military sociology; from Members of the Senate; and from current and former military personnel here in Washington and in the field. Following President Clinton's announcement of his policy on July 19, we heard from Secretary Aspin and the Joint Chiefs of Staff, and from the DOD general counsel and members of the military working group that worked on this issue for Secretary Aspin.

The results of our committee's work, Mr. President, are contained in this bill. By a strong bipartisan vote of 17 to 5, the committee adopted legislation that is consistent with the President Clinton's July 19, 1993 policy as articulated by Secretary Aspin, the Joint Chiefs of Staff, and the general counsel of the Defense Department in hearings before the committee. This 17-to-5 vote represents a majority of Democrats and a majority of Republicans on the committee. This legislation would codify the longstanding Defense Department policy of discharging service members for any conduct or statements that demonstrate a propensity to engage in homosexual conduct. Under this legislation, the Defense Department would be able to continue the policy of not asking questions about homosexuality during enlistment, and the Secretary of Defense could issue investigative guidance to ensure that DOD investigative resources are used wisely.

I add to this explanation, Mr. President, the point that all sexual offenses are to be explained to recruits when they first come in, not simply the question of homosexuality but sexual harassment or the other requirements in terms of expectations of the men and women who come into the military under the Uniform Code of Military Justice and under the regulations. So there will be complete explanations given not only at the recruiting stage but at a later stage as appropriate and as set forth in our report.

Our hearings have shown that this is an issue on which people have strongly held views. For many people, it is an issue touching on deeply held religious and ethical beliefs. For many others, it is a matter of individual rights, involving the fair and equitable treatment of individuals with a particular orientation who want to serve their country in uniform. Our committee's focus throughout this debate has been on the implications of any change in the current policy on the effectiveness of the Armed Forces to carry out their mission to defend the Nation. That has been our focus.

I think the resolution of this issue in the administration's policy, which is codified in the legislation contained in this bill, recognizes the unique nature of military service and ensures that our military leaders will be able to maintain the high standards of morale, good order and discipline, and unit cohesion that are the essence of our military capability.

SUBCOMMITTEE ON NUCLEAR DETERRENCE, ARMS CONTROL AND DEFENSE INTELLIGENCE

In the area of strategic deterrence and arms control, the committee fully funded most major weapons programs in accordance with the President's request; subjected a number of near-term ballistic missile defense programs to reviews for compliance with the Anti-Ballistic Missile Treaty; and adjusted the space and intelligence budgets in line with declining defense resources.

The bill consolidates funding of $1.2 billion requested in the budget for surveillance and warning programs, including Brilliant Eyes, Follow-on Early Warning System [FEWS], Defense Support Program [DSP] satellite programs, Cobra Ball and certain classified surveillance and warning assets, into a single account under the direct control of the Secretary of Defense. We then reduced funding in that account by $350 million below the requested amount, and directed the Secretary to evaluate a number of lower-cost alternative surveillance and warning architectures and select one that will be affordable.

The committee reduced funding for the Ballistic Missile Defense Office [BMDO] from the budget request of $3.75 billion to $3.2 billion by transferring $253 million for Brilliant Eyes from BMDO to the consolidated surveillance and warning account, and by further reducing BMDO funding by $300 million.

We directed the Defense Department to begin promptly reviewing a number of ballistic missile defense systems for compliance with the ABM Treaty, including:

Patriot Multi-Mode Missile; Extended Range Interceptor missile [ERINT]; Ground-Based Radar for theater missile defenses [GBR-T]; Theater High-Altitude Area Defense interceptor missile [THAAD]; Brilliant Eyes space-based sensor system; Upgrades to the Navy's AEGIS/SPY radar system; and Upgrades to the Navy's Standard Missile-2 [SM-2] interceptor.

We also directed the Secretary of Defense to evaluate the acquisition streamlining of the deployment of missile defenses in order to reduce the cost and schedule, without increasing programmatic risk and concurrency.

On major strategic weapons programs, the committee reduced the budget request of $256 million for modernization for B-1B bombers by $50 million in RDT&E and $36 million in procurement; approved the budget request of $983.3 million for 24 Trident II submarine-launched ballistic missiles; increased Trident II advance procurement funds by $24.7 million to preserve the option to restore the production rate to an economical 48 per year starting in 1995; and fully funded the budget request of $1.4 billion for the B-2 bomber while fencing the procurement funding pending receipt of a variety of certifications by the Secretary of Defense.

For Department of Energy programs under the committee's jurisdiction, the committee approved a reduction of $214 million from the budget request of $11.5 billion. This level includes $5.3 billion for environmental restoration and waste management activities.

I want to commend Senator EXON and Senator LOTT for their leadership on these issues in the committee as chairman and ranking minority member of the Subcommittee on Nuclear Deterrence, Arms Control and Defense Intelligence.

SUBCOMMITTEE ON COALITION DEFENSE AND REINFORCING FORCES

The Subcommittee on Coalition Defense and Reinforcing Forces oversees a large portion of our conventional military capability, particularly in the area of tactical aviation programs. For several years it has been apparent that the Defense Department has more tactical aviation programs in the budget than we can realistically afford given current budget levels and projected force levels. This year, committee recommended a series of initiatives in the area of tactical with a goal of establishing an overall affordable program and improving joint service cooperation.

The committee bill terminates the Navy's AFX Program and the Air Force's Multirole Fighter Program. In place of these two programs, we directed the establishment of two joint service programs. The Navy will pursue a derivative of the Air Force's F-22 as a high performance joint program and the Air Force will join with the Navy to make the F-18E/F a lower performance joint strike/fighter program.

To meet the near term requirement for a Navy air-to ground attack capability, the Committee initiated a robust program to upgrade Navy F-14s by giving the F-14 bombing capabilities with the funds saved by cancelling the AFX and accelerating the retirement of Navy A-6 aircraft.

Finally, the Committee recommended that the F-16 Program be terminated since the Air Force has a surplus of F-16 aircraft and foreign military sales will be sufficient to keep that line in production for a number of years in the future.

Mr. President, the reductions in the F-16 and the terminations of the AFX and the Multirole fighter add up to savings of $1.23 billion in fiscal year 1994, and tens of billions in the long run by avoiding the development costs to two new fighter aircraft.

So, $1.23 billion is not a huge amount considering the overall scope of the defense budget in one year, but we are talking about saving many, many billions of dollars over a longer period of time.

Peacekeeping and peace enforcement operations are becoming an increasingly important mission for our military forces, and the committee took several actions in this bill to improve our military's capability in this area.

The committee bill authorizes $195.0 million above the budget request for procurement of a second JSTARS surveillance aircraft. This system, like the Air Force AWACS, is ideally suited to providing sophisticated intelligence and command and control over peacekeeping as well as military operations.

Mine warfare is a particularly problem in areas where U.S. forces are engaged in peacekeeping operations, and the committee added $10 million to the budget request of $20 million for countermine warfare research. In addition, the committee approved an increase of $20 million to the Budget request to purchase U.S. communications equipment that could be loaned to other countries during joint peacekeeping operations. This will improve communications interoperability at the tactical level during peacekeeping operations.

The committee also added funds selectively to preserve critical capabilities in the defense industrial base which might otherwise disappear. The bill includes $160 million above the budget request for AH-64 helicopters to bridge the gap until the AH-64 remanufacture program can be started. The committee also approved $40.0 million to keep the TOW missile in production until the Army can survey the TOW missiles stored in Saudi Arabia during Operation Desert Shield/Desert Storm to determine whether the recent performance problems experienced with the TOW missile are caused by those conditions.

The committee continued its efforts to promote the use of defense modeling and simulation in the areas of training, doctrine development and acquisition. The bill includes $34 million for the Army to test a revolutionary concept of training an entire brigade on modern, inexpensive simulators. Because sophisticated training devices for disaster preparedness are lacking, the committee initiated a program to adapt Army training models for use in training local civilian authorities to cope with natural disasters. Another initiative in this area is the authorization of $15 million to initiate a joint Navy-Advanced Research Projects Agency project to develop an integrated mission planning system where various operational units located in different locations can undertake coordinated planning and preparation of their assigned missions.

The committee also authorized a total of $635 million for equipment for the National Guard and Reserve Components. The Committee provided the funds in generic categories and directed the National Guard and Reserve components to purchase items of equipment which will assist these units in carrying out their domestic missions.

I want to congratulate Senator LEVIN and Senator WARNER for their leadership of the Subcommittee on Coalition Defense and Reinforcing Forces this year.

SUBCOMMITTEE ON REGIONAL DEFENSE AND CONTINGENCY FORCES

In the area of regional defense and contingency forces, the committee sought ways to maintain technological superiority and match investment to force structure.

The committee took an important step to improve the efficiency of our investment in strategic lift by creating a new national defense strategic lift fund to compete strategic airlift and strategic sealift alternatives against each other. The committee authorized $2.7 billion for the fund by shifting all funds requested for C–17 procurement and sealift procurement into a single account to competitively select the most cost-effective strategy to meet our strategic lift requirements. This will allow DOD to look at all of the options to improve our strategic lift capability and select the one that is most cost effective.

We have to get much more for our money in this area. We are going to have to improve our sealift and airlift, and the question is what is the most effective in terms of cost and capability.

If DOD decides after this competitive analysis to proceed with the C–17 program, the committee required DOD to report on the ongoing review of the C–17 program before releasing any fiscal year 1994 funds. In addition, since strategic lift requirements have not been considered in the current bottom-up review, the committee required a bottom-up review of airlift requirements before releasing any fiscal year 1995 funds for the C–17. This review would evaluate total airlift requirements, and the trade-offs between C–17, other military airlift, commercial freighter aircraft, and sealift.

For shipbuilding programs, the committee approved the budget request for three DDG–51 destroyers; two oceanographic ships; and one mine warfare command and control ship conversion. The bill also implements the outcome of a roles and missions review of tactical intelligence aircraft. Last year, the committee required a competition between Navy EP–3 and Air Force RC–135 tactical intelligence aircraft. The Department decided that for the long-term, it will consolidate this mission in one new system. DOD recommended and the committee endorsed completion of the service life extension and communications upgrades of the EP–3 fleet, and limited upgrades of the RC–135 fleet.

I want to congratulate Senator KENNEDY and Senator COHEN, the chairman and ranking minority member of the Subcommittee on Regional Defense and Contingency Forces, for their usual excellent work on these programs this year.

SUBCOMMITTEE ON DEFENSE TECHNOLOGY, ACQUISITION AND INDUSTRIAL BASE

In the area of defense technology, acquisition and industrial base, the committee took a number of actions to maintain the momentum of the Defense Reinvestment and Conversion Program enacted last year while emphasizing manufacturing science and technology; maintaining the technology base; and setting the stage for acquisition reform.

The committee added $281 million to the budget request of $324 million for the industry and technology portion of the Defense Reinvestment and Conversion Program. This increase will maintain funding for this important program at the fiscal year 1993 level to convert defense industries to dual-use production. The committee also added $153.3 million to the budget request to establish a Manufacturing Science and Technology Program that will develop manufacturing processes for new technologies.

For the Strategic Environmental Research and Development Program, the committee approved $200 million an increase of $100 million to the budget request. The committee also added $15 million for historically black colleges and universities to increase the capacity of these schools to educate scientists and engineers.

Later this year, the committee hopes to complete work on a comprehensive bill to streamline and reform the defense acquisition system. This is a high priority for the Defense Department, particularly Deputy Secretary Perry, as well as for our committee, and we hope to have a bill ready for the full Senate in this area later this year.

I want to congratulate Senator BINGAMAN and Senator SMITH, the chairman and ranking minority member of the Subcommittee on Defense Technology, Acquisition and Industrial Base for their leadership on these issues in the Committee this year.

SUBCOMMITTEE ON MILITARY READINESS AND DEFENSE INFRASTRUCTURE

In the areas of military readiness and defense infrastructure, the committee added funds above the budget request for high priority readiness programs; authorized funds above the budget request to accelerate environmental cleanup and restoration at closing bases; and adopted a series of legislative provisions to speed the economic recovery of communities affected by base closures.

These are matters of great importance to our colleagues, and to the communities surrounding these military bases. I will not go into detail tonight but during the course of this debate we will be discussing those items in this bill in much more depth.

O&M funding is the area of the budget that has the most direct and immediate impact on military readiness. The committee made a determined effort to preserve the level of O&M funding requested in the budget, and the bill authorizes a modest increase of $27 million above the budget request of $89.4 billion for O&M.

The committee realigned funds lower priority programs to address shortfalls in high priority readiness areas. These realignments include an increase of $300 million to the budget request of $6 billion for depot maintenance programs to reduce the backlog of equipment overdue for repair and to prevent future degradation in equipment readiness. The committee also recommends an increase of $100 million to the budget request of $3.9 billion for repair and maintenance of real property to slow the dramatic growth in the backlog of real property maintenance on DOD installation.

The committee authorized an increase of $150.4 million to the budget request of $100 million for civilian personnel transition benefits authorized by Congress last year. This increase will allow the military services to make maximum use of these incentives to reduce involuntary reductions during fiscal year 1994.

The committee agreed to a series of provisions known as the Base Closure Communities Act of 1993. These provisions will help the Defense Department and other Federal agencies carry out the five-point program to revitalize base closure communities that President Clinton announced on July 2. These provisions will: Establish a base property disposal and reuse team at each closing base to provide improved access to transition and redevelopment help to local communities; Allow the Secretary of Defense to transfer or lease portions of properties on closing bases at no or reduced cost to local redevelopment authorities for economic reuse;

Expedite the DOD and Federal agency property screening process at closing bases so that impacted communities can begin a timely plan for economic redevelopment;

Permit DOD to lease to redevelopment agencies portions of closing facilities at less than fair market value to expedite reuse while the property is being cleaned up for final transfer or sale;

Direct DOD to work with State and Federal regulators to speed the environmental cleanup process at closing bases and focus on those parcels that are of greatest value for reuse; and

Provide increased planning grants to local communities to prepare and implement reuse plans. In addition, the Committee authorized an increase of $5 million to the budget request for the Office of Economic Adjustment [OEA] to allow OEA to meet the increased requirements for community adjustment assistance from the latest round of base realignments and closures.

Mr. President, I want to thank the new chairman and ranking minority member of the Subcommittee on Military Readiness and Defense infrastructure, Senator GLENN and Senator McCAIN, for their outstanding work in their new subcommittee assignments this year.

SUBCOMMITTEE ON FORCE REQUIREMENTS AND PERSONNEL

Mr. President, the area of personnel and compensation is the area of greatest priority for those of us on the committee because no matter what weapons we have, no matter what technology we have, our military and our national security can only be as good as the men and women who serve. Their morale and their well-being and their overall quality is the top priority of our committee, and I think should be the top priority of everyone concerned about national security.

In this area the committee maintained a prudent glide path to reduce military personnel strength but at the same time continued to provide a quality of life to military personnel and their families. After careful consideration the committee decided to authorize a pay raise of 2.2 percent for military members effective January 1, 1994, so they will not fall behind the rate of inflation.

The committee recommends an active duty military strength of 1,622,200 for fiscal year 1994, 106,100 below the fiscal year 1993 level and 1,600 above the requested level. For the Reserve components, the bill authorizes a strength of 1,050,960 for fiscal year 1994, 28,940 below the fiscal year 1993 level and 23,460 above the requested level.

The committee concurred with Secretary Aspin's recent proposal to broaden opportunities for women in the military services. The bill includes a provision that would repeal the combat exclusion law prohibiting the permanent assignment of women to vessels engaged in combat missions, and authorize the Secretaries of the military departments to prescribe the kinds of duties to which women members of the Armed Forces will be assigned. However, the provision also requires the Secretary of Defense to provide Congress with any proposed regulations regarding the assignment of women in the Armed Forces before approving and implementing them.

Finally, the committee recommends a provision that would authorize the President to delegate to the Secretary of Defense the authority to temporarily call up units and members of the Reserve components within a 25,000 personnel limit. This flexibility in calling up members of the Reserve components is consistent with the committee's long-standing recommendation to make greater use of National Guard and Reserve units in meeting our military commitments. This provision would require written notification to the Congress within 24 hours of the exercise of this authority setting forth the circumstances requiring the call-up and the anticipated use of the individuals or units activated under this authority.

I want to thank the new chairman and ranking minority member of the Subcommittee on Force Requirements and Personnel, Senator SHELBY and Senator COATS, for their excellent work on this subcommittee this year.

CONCLUSION

Mr. President, it is very important that we complete action on this bill as soon as possible. The Appropriations Committees are anxious to get to work on the Defense appropriations bill, and we want to reach a conference agreement with the House as soon as possible to guide the appropriations process in the coming weeks.

Before closing, I want to convey our committee's best wishes to someone who is well known to all Members of the Senate, particularly those of us who work in the defense arena. Jim English, the staff director of the Appropriations Committee, suffered a heart attack several months ago. We understand Jim is expected to return to work in the near future to help in the final push to complete the appropriations bill on time. So we want to get our authorization bill ready for the appropriators, and our special wishes and good wishes go to Jim in terms of a speedy recovery.

Too many times we take our staff for granted here. But we have excellent staff members, and Jim English, who is not on our staff but who works with us on a daily and weekly basis, is certainly one of those outstanding members.

Before closing this evening, I want to thank all the members of the Armed Services Committee for their hard work in bringing the bill to the floor. There were some areas of disagreement on specific provisions of the bill but the vote to report the bill to the Senate was unanimous of all members in terms of Democrats and Republicans.

Mr. President, this National Defense Authorization Act for fiscal year 1994 represents the culmination of a great deal of hard work by members and the staff of our committee.

Greg Scott and Charlie Armstrong of the Senate legislative counsel's office also made an indispensable contribution in preparing this bill. This is a good bill which continues the process of reshaping our defense establishment for the post-cold war world, and I urge my colleagues to support it.

We will be hearing from Senator THURMOND tonight, and again I want to convey my thanks to Senator THURMOND and his capable staff for their excellent work. And I want to thank each one of our subcommittee chairmen and ranking Republican members who have the bulk of the work in this bill for their diligent work over the period of the last several months. We will be hearing from them in the next couple of days. Each one of the subcommittee chairman and ranking members will be making presentations relating to their particular sections of the bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. NUNN. Mr. President, before yielding the floor to Senator THURMOND, I ask unanimous consent that when the Senate resumes consideration of this bill tomorrow morning that Senator BINGAMAN be recognized to offer an amendment regarding metal casting and that any amendments to that amendment or language proposed to be stricken be relevant to that subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, I thank the Chair.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina [Mr. THURMOND] is recognized.

IN SUPPORT OF S. 1298, THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

Mr. THURMOND. Mr. President, I rise with my distinguished colleague from Georgia and chairman of the Senate Armed Services Committee, Senator NUNN, to speak in favor of the national defense authorization bill for fiscal year 1994. The bill we bring to the floor today reflects our best judgment of the Nation's defense requirements, and is based on many long hours of testimony, analysis, debate, consideration of opposing views and where necessary, compromise.

I would like to thank the chairman for his outstanding leadership, and for the open, fair, and bipartisan manner in which he has conducted the committee's business. I would also like to thank the members of the committee and staff for the effort that went into this bill. As ranking member of the committee, it has been a privilege to work with Senator NUNN to bring this bill to the Senate. I believe it is a good bill, not least because all the members of the committee, Republican and Democrat, voted to report it favorably to the Senate. That does not mean that every member, including me, is happy with every part of it. But that is the nature of compromise. On occasion, members put aside partisan or parochial concerns for the greater good of national security, which this bill is designed to protect.

The chairman has already discussed the major elements in the bill, and I will not take the Senate's time to cover the same ground in detail. But I would like to highlight a few decisions which the committee made in attempting to reshape our military into a smaller but highly capable force to meet the challenges of the future.

Despite the decline in defense spending, the bill maintains substantial U.S. military power, and provides increased funding to expand our ability to project that power wherever our vital interests are threatened. The objective implicit in our bill is this: No aggressor should believe that he can take comfort in the downsizing of the U.S. military. Only time will tell if we have provided sufficient resources to deter future aggression.

In passing this year's defense bill, the committee faced unique and difficult challenges. We had to content with a rapidly changing but still dangerous world—and without a clear picture of Pentagon priorities, since the bottom up review had not been released at that time. Potential threats, though real, are uncertain. There is tremendous pressure to cut military spending and reduce force levels, but the lower limits of those cuts have not been established. Consequently, we based our judgment on timeless first principles—on the fundamentals of American security which have not changed despite the dramatic revolution in world affairs.

Although the committee had to deal with many changes in the world security equation, there was still one constant—people. We focused on people not just because of the high esteem we have for our men and women in uniform, but also because we recognized that high quality people are the foundation of our military strength. I have fought in one war and observed many others, and have learned one important lesson: Superior weapons, equipment, and ample supplies are essential for victory, but the human qualities are decisive. Budgets and programs do not defend us, but men and women of dedication, skill, and courage. Warfare is not just a clash of machines; it is a moral contest, a clash of mind, will, and spirit. In carrying out our constitutional mandate to raise and equip the Nation's military forces, Congress must never forget this abiding truth. We must always support policies that nourish the mind, will, and spirit of the forces, as well as provide for their material needs.

This is why maintaining the ban against open homosexuals in the military is so critical. Our chief concern was with preserving the essential moral fabric of our Armed Forces, and I commend our distinguished chairman for the steadfast manner in which he handled this controversy. Our hearings were comprehensive and objective, and proponents of each side had an opportunity to be heard. But the committee never lost its focus, which was to assure that military effectiveness took precedence over all other considerations. I believe that codifying the ban on those who commit homosexual acts or demonstrate the propensity to do so is necessary and proper. I am proud that we produced a fair and legally defensible policy; but above all, a policy which will protect the intangible human factors of mutual trust and cohesion essential to effective military units.

I am also proud that, despite the administration's decision not to request a pay raise for our service men and women, the committee was able to find funds for a much deserved pay increase of 2.2 percent. Military pay still lags behind civilian salaries, but this pay raise will help service members support their families, and assist recruiters in persuading young men and women of the benefits of military service.

Of course, the best people cannot remain combat ready unless there are ample funds for operations and maintenance. The committee funded the O&M budget request for the daily operations of our forces. In past years this account has been habitually underfunded or used to pay other bills.

America is first and foremost a great maritime nation and so our bill addressed the basic strategic and operational concepts which will shape the Navy as it enters the 21st century. By supporting the Navy's shipbuilding program, tackling the urgent need for modern sealift, and addressing the long-simmering problem of Naval aviation, the bill assures the Navy's ability to meet future challenges. It continues to support effective Naval and Marine Corps expeditionary forces shaped for joint operations and provides funding to move the Army's heavy combat forces more rapidly to the battle area. It emphasizes a reliable joint power projection capability and forward presence for stability and rapid response so that we can influence events, and not merely react to them.

To address the vital strategic lift issue, this bill requires a long-term, integrated lift plan for the Nation, and establishes the national defense strategic lift fund to support essential power projection needs. The fund will provide a logical means for the Secretary of Defense to develop a strong sealift effort while giving the C-17 a chance to prove itself in the airlift structure.

The committee also addressed the role of long-range, heavy bombers in projecting power. I heartily endorse the full funding of the B-2 program, and hope we can also find the funds to expand the capabilities of the B-1B as a conventional bomber. The B-1B is an outstanding platform in which we already have a sizable investment. Common sense dictates that we should spend a little more to get the maximum possible use from these 96 aircraft as we are forced to replace the aging B-52 fleet.

To maintain America's dominance of the skies under which our troops must fight, the committee confronted the fiscal limitations of developing four new tactical aircraft. I believe we acted wisely and responsibly in terminating the Navy's AFX and Air Force multi-role fighter, and in directing both services to pursue two joint strike/fighter programs. Two joint aircraft based on the F-22 and the F-18 E/F will give us the capabilities of four, but as far less cost. Of course, the success of these programs will depend on the willingness of the Air Force and Navy to work together.

The committee paid particular attention to the defense industrial base. Companies that have been the backbone of our defense industry are facing an uncertain future as we reduce military spending. Last year Congress established a number of programs to help these companies make the transition from defense to commercial business through technology reinvestment. The committee supported this program again in fiscal year 1994 and authorized over $600 million for the technology reinvestment parts of the defense conversion program while continuing to emphasize that technical merit should determine which programs are funded under this initiative.

In providing for the companies that build our weapons and equipment, and for the Armed Services that defend the Nation, we did not forget those communities which are suffering as a result of the defense drawdown. The bill contains a legislative package to benefit communities like Charleston which are losing much of their economic base to the base closure process.

As I observed earlier, I did not agree with everything in the bill. I mention two such items now, not because I want to refight the battles settled in committee markup, but to put my colleagues on notice that I will oppose attempts by the full Senate to do any further damage to certain programs.

First, I am disappointed with the bill's provision on ballistic missile defense. The committee's action to cut $300 million from the administrator's Ballistic Missile Defense Office request may make missile defense of the U.S. homeland impossible—especially if authorized funding is further reduced on the Senate floor, or in conference with the House. Furthermore, since we all agree that theater missile defenses should be the top priority, I must take issue with fencing funds for theater defense programs pending an ABM Treaty review. This will certainly add extra costs and delays. Worse, linking our theater missile defense efforts so closely to the ABM Treaty could result in building less capable systems than current technology will permit. Unless we make the most of our technology, our theater defenses will not be effective against the highly capable missile threats emerging in the world's most troubled regions.

Second, I am disappointed that the naval spent fuel issue was not resolved. Federal court action has blocked the Navy from shipping spent nuclear fuel to storage facilities in Idaho. This means the Navy will have to stop defueling and decommissioning nuclear ships sometime next year. The cost could be immense, and spent fuel will pile on the docks in areas totally inappropriate for radioactive fuel storage. I hope that the parties who are in disagreement on this issue can work out an arrangement that takes into consideration the concerns of all and allows the Navy to continue the operations necessary to our national security without interruption.

The great political philosopher Edmund Burke once said that governing is the art of making choices, but that the choices often lie between the disagreeable and the intolerable. In our representative democracy the people delegate the role of making the hard choices to us, their elected officials. Standing in trust for them, we study, debate, reflect, and wrestle with the many competing courses of action. But finally the moment comes when we must earn our pay and justify our offices—for better or worse, we must choose.

Nowhere is that responsibility more crucial than in the area of national defense. We might choose badly in other areas of public stewardship, yet the National could survive most such bad choices. But the Nation cannot survive continued failure to choose wisely in meeting threats to our security.

As the Senate takes up the defense bill, some Members will no doubt argue that the collapse of the Soviet Union and Warsaw Pact, or our remarkable victory in the gulf war, justify even smaller military forces and deeper cuts in the defense budget. I would remind those colleagues that we still live in a time of great uncertainty. We cannot predict what challenges and dangers we will face in the future. We need only look at the violence and instability around the world to conclude that our interests, our forces, our allies, and our access to vital resources and markets could be attacked at any time and in any place.

We must understand that strong military capabilities and high levels of combat readiness, combined with the will to act decisively, are our only national insurance policy. Even this bill, as good as I believe it is, shaves the margin of safety very close. We simply cannot afford to degrade the capabilities and readiness of our forces any further.

As in the gulf war, the time may come again when the United States will have to act as a great power in order to remain a secure power. If that fateful day comes—as I believe it surely will—we must have the means to act. If our vital interests or even our survival are threatened, the American people will not be satisfied with the excuse that the Armed Forces were simply too expensive; or that we had to spend the money on domestic programs or even deficit reduction. If such a day ever comes and we are unprepared, those who sent us here will rightfully hold us accountable. For if history has shown us anything, it is that ultimately the best economy is safety.

Mr. President, I yield the floor.

Mr. NUNN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia.

MORNING BUSINESS

Mr. NUNN. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Barram, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawals which were referred to the appropriate committees.

(The nominations and withdrawals received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 5, 1993, the Secretary of the Senate, on August 9, 1993, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills and joint resolutions:

H.R. 490. An act to provide for the conveyance of certain lands and improvements in Washington, District of Columbia, to the Columbia Hospital for Women to provide a site for the construction of a facility to house the National Womens Health Resource Center.

H.R. 2034. An act to authorize major medical facility construction projects for the Department of Veterans Affairs for fiscal year 1994, and for other purposes.

H.R. 2264. An act to provide for reconciliation pursuant to sections 7 of the concurrent resolution on the budget for the fiscal year 1994.

H.R. 2348. An act making appropriations for the legislative branch for the fiscal year ending September 30, 1994, and for other purposes.

H.R. 2667. An act making emergency supplemental appropriations for relief from the major, widespread flooding in the Midwest for the fiscal year ending September 30, 1993, and for other purposes.

H.R. 2900. An act to clarify and revise the small business exemption from the nutrition labeling requirements of the Federal Food, Drug, and Cosmetic Act, and for other purposes.

H.J. Res. 110. Joint resolution to authorize the Administrator of the Federal Aviation Administration to conduct appropriate programs and activities to acknowledge the status of the county of Fond de Lac, WI, as the "World Capital of Aerobatics," and for other purposes.

H.J. Res. 157. Joint resolution to designate September 13, 1993, as "Commodore John Barry Day."

Under the authority of the order of the Senate of January 5, 1993, the enrolled bills and joint resolutions were signed on August 10, 1993, during the adjournment of the Senate by the President pro tempore [Mr. BYRD].

REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Under the authority of the order of the Senate of August 2, 1993, the following reports of committees were submitted on August 24, 1993:

By Mr. INOUYE, from the Committee on Indian Affairs, with amendments:

S. 1121: A bill to establish the National Indian Research Institute (Rept. No. 103–129).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 1179: A bill to amend the Federal Trade Commission Act to provide authorization of appropriations, and for other purposes (Rept. No. 103–130).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment:

S. 1192: A bill to authorize the Secretary of Transportation to release restrictions on the use of certain property conveyed to the city of Soldotna, Alaska, for airport purposes (Rept. No. 103–131).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1313: A bill to authorize a certificate of documentation for the vessel *Mystique* (Rept. No. 103–132).

S. 1330: A bill to authorize a certificate of documentation for the vessel *Serena* (Rept. No. 103–133).

S. 1331: A bill to authorize a certificate of documentation for the vessel *Whit Con Tiki* (Rept. No. 103–134).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1383. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report relative to the Colorado River Basin Salinity Control Program; to the Committee on Agriculture, Nutrition and Forestry.

EC-1384. A communication from the General Counsel of the Department of Defense, transmitting, pursuant to law, a draft of proposed legislation to amend title 10, United States Code, to revise the authorized strength limitations of Marine Corps commissioned officers on active duty in the grades of major and lieutenant colonel; to the Committee on Armed Services.

EC-1385. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the assignment of special operations forces; to the Committee on Armed Services.

EC-1386. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the Joint Military Net Assessment through fiscal year 1994; to the Committee on Armed Services.

EC-1387. A communication from the Comptroller General of the United States, transmitting, pursuant to law, an audit report relative to contributions made to the Department of Defense accepted as of September 30, 1992; to the Committee on Armed Services.

EC-1388. A communication from the Acting Assistant Secretary of the Army (Financial Management), Department of the Army, transmitting, pursuant to law, a report relative to the value of certain commodities provided by the Berlin Magistrate for the quarter January 1, 1993 through March 31, 1993; to the Committee on Armed Services.

EC-1389. A communication from the Director of Defense Research and Engineering, Department of Defense, transmitting, pursuant to law, a report relative to the fiscal year 1993 investment strategy for the Strategic Environmental Research and Development Program; to the Committee on Armed Services.

EC-1390. A communication from the Acting Administrator, Federal Aviation Administration, transmitting, pursuant to law, a report relative to the 1993 military base closures; to the Committee on Armed Services.

EC-1391. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report relative to a claim regarding a certain Navy contract; to the Committee on Armed Services.

EC-1392. A communication from the Director of the Standards of Conduct Office, Department of Defense, transmitting, pursuant to law, a report relative to Department of Defense and defense related employment; to the Committee on Armed Services.

EC-1393. A communication from the Acting Assistant Secretary of Defense, transmitting, pursuant to law, a report relative to the expansion of the CHAMPUS Reform Initiative to Washington and Oregon; to the Committee on Armed Services.

EC-1394. A communication from the Under Secretary of Defense, transmitting, pursuant to law, a report relative to the Selected Acquisition Reports for the quarter ending June 30, 1993; to the Committee on Armed Services.

EC-1395. A communication from the Acting General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, a draft of proposed legislation to authorize appropriations for civil defense programs for fiscal year 1994; to the Committee on Armed Services.

EC-1396. A communication from the Acting Secretary of the Army, transmitting, pursuant to law, a report relative to the breaching of a unit cost threshold; to the Committee on Armed Services.

EC-1397. A communication from the Principal Deputy Comptroller, Department of Defense, transmitting, pursuant to law, a report relative to assistance to Belarus; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following report of a committee wassubmitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 1318. A bill to amend the Public Health Service Act to extend the program of grants regarding the prevention and control of tuberculosis and sexually transmitted diseases, to revise and extend certain injury control programs, and to revise the program of grants relating to preventive health measures with respect to breast and cervical cancer, and for other purposes (Rept. No. 103-135).

EXECUTIVE REPORTS OF COMMITTEES

The following executive report of a committee was submitted:

By Mr. NUNN, from the Committee on Armed Services:

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, Section 601(a):

To be lieutenant general

Maj. Gen. Daniel W. Christman, 302-36-9745, United States Army.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. WARNER:

S. 1442. A bill entitled the "James River Basin Flood Control Act"; to the Committee on Environment and Public Works.

By Mr. PRESSLER:

S.J. Res. 128. A joint resolution to designate September 17, 1993, as "Diplomatic Courier Day"; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. LAUTENBERG, Mr. D'AMATO, Mr. SPECTER, Mr. JEFFORDS, Mr. MOYNIHAN, Mr. RIEGLE, and Mr. DOLE):

S.J. Res. 129. A Joint Resolution to authorize the placement of a memorial cairn in Arlington National Cemetery, Arlington, Virginia, to honor the 270 victims of the terrorist bombing of Pan Am Flight 103; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COVERDELL:

S. Res. 142. A resolution to express the sense of the Senate to recognize and commend the American Business Women's Association; to the Committee on Labor and Human Resources.

S. Res. 143. A resolution to commemorate the 175th year of operation of the University Hospital in Augusta, Georgia; to the Committee on Labor and Human Resources.

By Mr. RIEGLE (for himself, Mr. DECONCINI, Mr. D'AMATO, Mr. BIDEN, and Mr. SARBANES):

S. Con. Res. 42. A concurrent resolution expressing the sense of Congress that the 60th anniversary of the Ukraine famine of 1932-1933 should serve as a reminder of the brutality of Stalin's repressive policies toward the Ukrainian people; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRESSLER:

S.J. Res. 128. A joint resolution to designate September 17, 1993, as "Diplomatic Courier Day"; to the Committee on the Judiciary.

DIPLOMATIC COURIER DAY

Mr. PRESSLER. Mr. President, today I am introducing legislation to pay tribute to a branch of our Department of State that is celebrating its diamond anniversary. This year, the Department of State Diplomatic Courier Service celebrates its 75th anniversary. Under the watchful eyes of U.S. diplomatic couriers, the U.S. Government has maintained a secure flow of information essential to conducting a successful foreign policy.

The classified messages and other sensitive material and equipment taken across international borders always have been essential to policymakers. As custodians of the diplomatic pouch, their efforts have proven invaluable to the security of the United States and our embassies in foreign countries.

Since 1918, diplomatic couriers have been loyal, prompt, and diligent in delivering official U.S. Government messages worldwide. From World War I to the end of the cold war, diplomatic couriers carried out their missions without fail, even under perilous conditions. During that time, five couriers have given their lives in service to their country.

For 75 years, the U.S. Diplomatic Couriers have played an integral part in maintaining our national security, preserving confidential communications to government leaders separated by vast distances, and helping in the monumental achievements of U.S. foreign policy. It is fitting that we honor more than two generations of dedicated official Government messengers on the occasion of their 75th anniversary. I urge my colleagues to support this resolution.

By Mr. KENNEDY (for himself, Mr. LAUTENBERG, Mr. D'AMATO, Mr. SPECTER, Mr. JEFFORDS, Mr. MOYNIHAN, Mr. RIEGLE, and Mr. DOLE):

S.J. Res. 129. A joint resolution to authorize the placement of a memorial cairn in Arlington National Cemetery, Arlington, VA, to honor the 270 victims of the terrorist bombing of Pan Am Flight 103; to the Committee on Veterans' Affairs.

MEMORIAL TO THE VICTIMS OF PAN AM FLIGHT 103

Mr. KENNEDY. Mr. President, on behalf of Senators Lautenberg, D'Amato, Specter, Jeffords, Moynihan, Riegle, Dole, and myself, I send to the desk a Senate joint resolution to authorize the placement of a memorial cairn in Arlington National Cemetery to honor the victims of Pan Am flight 103.

One hundred eighty-nine Americans were killed when terrorists bombed Pan Am flight 103 over Lockerbie, Scotland on December 21, 1988. We believe that Arlington National Cemetery is a fitting and appropriate site for this cairn honoring those who made the ultimate sacrifice for their country.

Fifteen of those on the flight were on active duty in the armed services of the United States, and at least 10 were veterans. Some were accompanied by their families as they returned home to the United States for a holiday they would never celebrate.

The people of Scotland have generously donated the stones for the cairn, and the families of the victims will raise any funds necessary to cover the expenses involved in construction and placement of the cairn. Therefore, this cairn will not require any Federal funds.

The cairn will be approximately 11 feet high and 8 feet in diameter at the base. The families of the victims have identified a small and vacant plot of land in Arlington National Cemetery which is unsuitable for gravesites. Therefore, this cairn will not deprive the Cemetery of any land needed for the burial of others in the future.

This cairn will serve as a symbol of loss. Thousands of people in this country lost a loved one on Pan Am flight 103.

This cairn will serve as a symbol of hope. Many of the families of the victims have taken their personal grief and turned it into a force for positive change. They work tirelessly to improve airline security, to bring those responsible for the bombing to justice, and to remind us constantly of what can happen, and what must not happen again.

This cairn will serve as a symbol of resolve. We need to bring to justice all those responsible for the bombing of Pan Am Flight 103. In November 1991, two agents of the Libyan Government were indicted for the bombing. Despite United Nations sanctions, the Libyan Government refuses to turn those individuals over for trial. Recently, 55 of my colleagues joined me in calling for an international oil embargo against Libya until those indicted are brought to justice.

Finally, this cairn will serve as a symbol of commitment. We must maintain continuing vigilance against terrorism. The bombing of the World Trade Center earlier this year and the recent plot to bomb several other buildings in New York remind us again that terrorism can easily reach our shores, and we must do all we can to prevent it.

I ask unanimous consent, that the text of the resolution may be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 129

Whereas Pan Am Flight 103 was destroyed by a bomb during the flight over Lockerbie, Scotland, on December 21, 1988;

Whereas 270 persons from 21 countries were killed in this terrorist bombing;

Whereas 189 of those killed were citizens of the United States including the following citizens from 21 States, the District of Columbia, and United States citizens living abroad:

Arkansas: Frederick Sanford Phillips;

California: Jerry Don Avritt, Surinder Mohan Bhatia, Stacie Denise Franklin, Matthew Kevin Gannon, Paul Isaac Garrett, Barry Joseph Valentino, Jonathan White;

Colorado: Steven Lee Butler;

Connecticut: Scott Marsh Cory, Patricia Mary Coyle, Shannon Davis, Turhan Ergin, Thomas Britton Schultz, Amy Elizabeth Shapiro;

District of Columbia: Nicholas Andreas Vrenios;

Florida: John Binning Cummock;

Illinois: Janina Jozefa Waido;

Kansas: Lloyd David Ludlow;

Maryland: Michael Stuart Bernstein, Jay Joseph Kingham, Karen Elizabeth Noonan, Anne Lindsey Otenasek, Anita Lynn Reeves, Louise Ann Rogers, George Watterson Williams, Miriam Luby Wolfe;

Massachusetts: Julian MacBain Benello, Nicole Elise Boulanger, Nicholas Bright, Gary Leonard Colasanti, Joseph Patrick Curry, Mary Lincoln Johnson, Julianne Frances Kelly, Wendy Anne Lincoln, Daniel Emmett O'Connor, Sarah Susannah Buchanan Philipps, James Andrew Campbell Pitt, Cynthia Joan Smith, Thomas Edwin Walker;

Michigan: Lawrence Ray Bennett, Diane Boatman-Fuller, James Ralph Fuller, Kenneth James Gibson, Pamela Elaine Herbert, Khalid Nazir Jaafar, Gregory Kosmowski, Louis Anthony Marengo, Anmol Rattan, Garima Rattan, Suruchi Rattan, Mary Edna Smith, Arva Anthony Thomas, Jonathan Ryan Thomas, Lawanda Thomas;

Minnesota: Philip Vernon Bergstrom;

New Hampshire: Stephen John Boland, James Bruce MacQuarrie;

New Jersey: Thomas Joseph Ammerman, Michael Warren Buser, Warren Max Buser, Frank Ciulla, Eric Michael Coker, Jason Michael Coker, William Allan Daniels, Gretchen Joyce Dater, Michael Joseph Doyle, John Patrick Flynn, Kenneth Raymond Garczynski, William David Giebler, Roger Elwood Hurst, Robert Van Houten Jeck, Timothy Baron Johnson, Patricia Ann Klein, Robert Milton Leckburg, Alexander Lowenstein, Richard Paul Monetti, Martha Owens, Sarah Rebecca Owens, Laura Abigail Owens, Robert Plack Owens, William Pugh, Diane Marie Rencevicz, Saul Mark Rosen, Irving Stanley Sigal, Elia Stratis, Alexia Kathryn Tsairis, Raymond Ronald Wagner, Dedera Lynn Woods, Chelsea Marie Woods, Joe Nathan Woods, Joe Nathan Woods, Jr.;

New York: John Michael Gerard Ahern, Rachel Maria Asrelsky, Harry Michael Bainbridge, Kenneth John Bissett, Paula Marie Bouckley, Colleen Renee Brunner, Gregory Capasso, Richard Anthony Cawley, Theodora Eugenia Cohen, Joyce Christine Dimauro, Edgar Howard Eggleston III, Arthur Fondiler, Robert Gerard Fortune, Amy Beth Gallagher, Andre Nikolai Guevorgian, Lorraine Buser Halsch, Lynne Carol Hartunian, Katherine Augusta Hollister, Melina Kristina Hudson, Karen Lee Hunt, Kathleen Mary Jermyn, Christopher Andrew Jones, William Chase Leyrer, William Edward Mack, Elizabeth Lillian Marek, Daniel Emmet McCarthy, Suzanne Marie Miazga, Joseph Kenneth Miller, Jewell Courtney Mitchell, Eva Ingeborg Morson, John Mulroy, Mary Denice O'Neill, Robert Italo Pagnucco, Christos Michael Papadopoulos, David Platt, Walter Leonard Porter, Pamela Lynn Posen, Mark Alan Rein, Andrea Victoria Rosenthal, Daniel Peter Rosenthal, Joan Sheanshang, Martin Bernard Carruthers Simpson, James Alvin Smith, James Ralph Stow, Mark Lawrence Tobin, David William Trimmer-Smith, Asaad Eidi Vejdany, Kesha Weedon, Jerome Lee Weston, Bonnie Leigh Williams, Brittany Leigh Williams, Eric Jon Williams, Stephanie Leigh Williams, Mark James Zwynenburg;

North Dakota: Steven Russell Berrell;

Ohio: John David Akerstrom, Shanti Dixit, Douglas Eugene Malicote, Wendy Gay Malicote, Peter Raymond Peirce, Michael Pescatore, Peter Vulcu;

Pennsylvania: Martin Lewis Apfelbaum, Timothy Michael Cardwell, David Scott Dornstein, Anne Madelene Gorgacz, Linda Susan Gordon-Gorgacz, Loretta Anne Gorgacz, David J. Gould, Rodney Peter Hilbert, Beth Ann Johnson, Robert Eugene McCollum, Elyse Jeanne Saraceni, Scott Christopher Saunders;

Rhode Island: Bernard Joseph McLaughlin, Robert Thomas Schlageter;

Texas: Willis Larry Coursey, Michael Gary Stinnett, Charlotte Ann Stinnett, Stacey Leanne Stinnett;

Virginia: Ronald Albert Lariviere, Charles Dennis McKee;

West Virginia: Valerie Canady;

United States Citizens Living Abroad: Sarah Margaret Aicher, Judith Bernstein Atkinson, William Garretson Atkinson III, Noelle Lydie Berti, Charles Thomas Fisher IV, Lilibeth Tobila Macalolooy, Diane Marie Maslowski, Jane Susan Melber, Jane Ann Morgan, Sean Kevin Mulroy, Jocelyn Reina, Myra Josephine Royal, Irja Syhnove Skabo, Milutin Velimirovich;

Whereas 15 active duty members and at least 10 veterans of the United States Armed Forces and members of their families were among those who lost their lives in this tragedy;

Whereas the terrorist bombing of Flight 103 was unquestionably an attack on the United States;

Whereas a memorial cairn honoring the victims of the bombing of Flight 103 has been donated to the people of the United States by the people of Scotland;

Whereas a small, vacant plot of land, unsuitable for gravesites, has been located in Arlington National Cemetery, Arlington, Virginia; and

Whereas Arlington National Cemetery, Arlington, Virginia, is a fitting and appropriate place for a memorial in honor of those who perished in the Flight 103 bombing: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to place in Arlington National Cemetery, Arlington, Virginia, a memorial cairn, donated by the people of Scotland, honoring the 270 victims of the terrorist bombing of Pan Am Flight 103 who died on December 21, 1988, over Lockerbie, Scotland.

Mr. LAUTENBERG. Mr. President, I am pleased to join with my colleague Senator KENNEDY in introducing a joint resolution to authorize the placement of a memorial cairn in Arlington National Cemetery to honor the victims of the terrorist bombing of Pan Am Flight 103.

It has been more than 4 years since 270 innocent men, women, and children were murdered in cold blood when terrorists blew up Pan Am Flight 103 over Lockerbie, Scotland, while en route from London to New York. All 259 passengers and crew, along with 11 people on the ground, were killed.

Since that bombing, terrorism has struck its evil hand into the heart of New York City, killing and injuring while bringing the World Trade Center to a grinding halt. And only months later, Federal authorities thwarted a detailed plot to bomb the Holland and Lincoln Tunnels in New York City and assassinate Boutros Boutros-Ghali and a member of the U.S. Senate, ALFONSE D'AMATO. These latest incidents of terrorism remind us that we must work relentlessly to put an end to these needless tragedies. Winning the fight against terrorism is vital, for America and for the rest of civilized world.

The families of the victims of Pan Am 103 were encouraged when then-Governor Clinton pledged during his presidential campaign to help bring about a full and just resolution to the Pan Am 103 case. While there are many steps that must be taken to reach that goal, today we are focused on one important step to bring some comfort to the families of the Pan Am 103 victims and create a lasting reminder to the pain that terrorism brings. I am delighted that President Clinton has agreed to support this joint resolution to place the memorial cairn in Arlington National Cemetery.

The memorial cairn was a gift from the people of Scotland and will be erected at no cost to our Government. The cairn will be placed on a small plot of land in Arlington Cemetery which has been identified as unsuitable for gravesites.

The families of the victims of Pan Am Flight 103 have shown remarkable perseverance and resourcefulness in their quest to make certain that the Federal Government responds positively to the deaths of their loved ones. Even in the face of tremendous pain on that day in 1988 in the middle of the holiday season, and every day after that, the families have fought for the greater good. It is my hope, and the hope of the families, that this memorial helps the bombing of December 21, 1988, to be remembered as the highwater mark of terrorism.

As an appointed member of the Commission on Aviation Security and Terrorism, as chairman of the Transportation Appropriations Subcommittee, as a member of the U.S. Senate and on a personal level, I have worked hand-in-hand with the families. We were successful in passing the Aviation Security Improvement Act, which was a significant step forward in our efforts to protect travelers from terrorism. We have also worked hard to try to secure the effective prosecution of those implicated in this horrible crime.

Few matters I have worked on in my years here in Washington has touched my heart as has working with these families, many of whom have dedicated their lives to ensuring that the horrors of terrorism are transformed to a good purpose. In my time in Washington, and as a businessman in New Jersey, I have not known a group of people more committed to and successful in reaching goals. I am honored to work with these families and I pledge my continued support to their mission.

Mr. President, it has been more than 4 years since the bombing of Pan Am Flight 103. In that time, we've made progress in our fight to prevent a recurrence of a tragedy such as Pan Am 103 so that more families need not suffer. We cannot afford to let up on those efforts. This memorial will stand as a constant reminder of our need for vigilance against terrorism. I urge my colleagues to join me, Senator KENNEDY, Senator D'AMATO, and Senator SPECTER by passing this resolution and honoring the victims of Pan Am Flight 103 with this most fitting memorial.

ADDITIONAL COSPONSORS

S. 9

At the request of Mr. MCCAIN, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 9, a bill to grant the power to the President to reduce budget authority.

S. 466

At the request of Mr. DASCHLE, the names of the Senator from Rhode Island [Mr. CHAFEE] the Senator from New Mexico [Mr. BINGAMAN], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 466, a bill to amend title XIX of the Social Security Act to provide for medicaid coverage of all certified nurse practitioners and clinical nurse specialists services.

S. 497

At the request of Mr. SIMON, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 497, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize funds received by States and units of local government to be expended to improve the quality and availability of DNA records, to authorize the establishment of a DNA identification index, and for other purposes.

S. 575

At the request of Mr. KENNEDY, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 575, a bill to amend the Occupational Safety and Health Act of 1970 to improve the provisions of such Act with respect to the health and safety of employees, and for other purposes.

S. 618

At the request of Mr. RIEGLE, the names of the Senator from Oregon [Mr. PACKWOOD] and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 618, a bill to amend the Immigration and Nationality Act to permit the admission to the United States of nonimmigrant students and visitors who are the spouses and children of United States permanent resident aliens, and for other purposes.

S. 674

At the request of Mr. THURMOND, the names of the Senator from Utah [Mr. BENNETT] and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of S. 674, a bill to require health warnings to be included in alcoholic beverage advertisements, and for other purposes.

S. 1037

At the request of Mrs. MURRAY, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 1037, a bill to amend the Civil Rights Act of 1991 with respect to the application of such Act.

S. 1071

At the request of Mr. COCHRAN, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 1071, a bill to provide that certain civil defense employees and employees of the Federal Emergency Management Agency may be eligible for certain public safety officers death benefits, and for other purposes.

S. 1111

At the request of Mr. KERREY, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from Nevada [Mr. REID], the Senator from Wyoming [Mr. WALLOP], the Senator from Washington [Mr. GORTON], the Senator from West Virginia [Mr. BYRD], the Senator from Tennessee [Mr. SASSER], the Senator from New Hampshire [Mr. SMITH], the Senator from Georgia [Mr. NUNN], the Senator from Maryland [Mr. SARBANES], the Senator from Wyoming [Mr. SIMPSON], the Senator from Iowa [Mr. HARKIN], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Wisconsin [Mr. FEINGOLD], and the Senator from Texas [Mr. GRAMM] were added as cosponsors of S. 1111, a bill to authorize the minting of coins to commemorate the Vietnam Veterans' Memorial in Washington, DC.

S. 1118

At the request of Mr. HATFIELD, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 1118, a bill to establish an additional National Education Goal relating to parental participation in both the formal and informal education of their children, and for other purposes.

S. 1124

At the request of Mr. D'AMATO, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1124, a bill to enhance credit availability by streamlining Federal regulations applicable to financial institutions, and for other purposes.

S. 1154

At the request of Mr. DECONCINI, the names of the Senator from Massachusetts [Mr. KENNEDY], and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of S. 1154, a bill to amend the Foreign Assistance Act of 1961 to provide for the establishment of a Microenterprise Development Fund, and for other purposes.

S. 1256

At the request of Mr. DOLE, the names of the Senator from South Carolina [Mr. THURMOND] and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of S. 1256, a bill to amend the Foreign Assistance Act of 1961 to examine the status of the human rights of people with disabilities worldwide.

S. 1276

At the request of Mr. LEAHY, the names of the Senator from Wyoming [Mr. SIMPSON], the Senator from Montana [Mr. BURNS], and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 1276, a bill to extend for three years the moratorium on the sale, transfer or export of anti-personnel landmines abroad, and for other purposes.

S. 1326

At the request of Mr. WALLOP, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of S. 1326, a bill to establish a forage fee formula on lands under the jurisdiction of the Department of Agriculture and the Department of the Interior.

S. 1437

At the request of Mr. DOLE, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 1437, a bill to amend section 1562 of title 38, United States Code, to increase the rate of pension for persons on the Medal of Honor roll.

SENATE JOINT RESOLUTION 41

At the request of Mr. SIMON, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of Senate Joint Resolution 41, a joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget.

SENATE JOINT RESOLUTION 75

At the request of Mr. ROTH, the names of the Senator from New York [Mr. D'AMATO], the Senator from Texas [Mr. GRAMM], the Senator from New York [Mr. MOYNIHAN], the Senator from Nevada [Mr. REID], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of Senate Joint Resolution 75, a joint resolution designating January 2, 1994, through January 8, 1994, as "National Law Enforcement Training Week."

SENATE JOINT RESOLUTION 90

At the request of Mr. ROBB, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of Senate Joint Resolution 90, a joint resolution to recognize the achievements of radio amateurs, and to establish support for such amateurs as national policy.

SENATE JOINT RESOLUTION 119

At the request of Mr. KENNEDY, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Indiana [Mr. COATS], the Senator from Georgia [Mr. COVERDELL], the Senator from North Dakota [Mr. DORGAN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Michigan [Mr. RIEGLE], the Senator from South Dakota [Mr. PRESSLER], the Senator from Delaware [Mr. ROTH], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Joint Resolution 119, a joint resolution to designate the month of March 1994 as "Irish-American Heritage Month."

SENATE JOINT RESOLUTION 127

At the request of Mr. BURNS, the names of the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Mississippi [Mr. LOTT], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Joint Resolution 127, a joint resolution proposing an amendment to the Constitution prohibiting the imposition of retroactive taxes on the American people.

SENATE CONCURRENT RESOLUTION 16

At the request of Mr. SHELBY, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of Senate Concurrent Resolution 16, a concurrent resolution expressing the sense of Congress that equitable mental health care benefits must be included in any health care reform legislation passed by Congress.

SENATE CONCURRENT RESOLUTION 30

At the request of Mr. MOYNIHAN, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of Senate Concurrent Resolution 30, a concurrent resolution congratulating the Anti-Defamation League on the celebration of its 80th anniversary.

SENATE CONCURRENT RESOLUTION 42—RELATING TO THE ANNIVERSARY OF THE UKRAINIAN FAMINE

Mr. RIEGLE (for himself, Mr. DECONCINI, Mr. D'AMATO, Mr. BIDEN, and Mr. SARBANES) submitted the following concurrent resolution which was referred to the Committee on Foreign Relations:

S. CON. RES. 42

Whereas this year marks the 60th anniversary of the Ukraine famine of 1932–1933;

Whereas during 1932–1933, an estimated 7 million to 10 million people starved to death in Ukraine because of forced collectivization and grain seizures from the rural population by the Government of the Soviet Union;

Whereas Public Law 99–180 established the Commission on the Ukraine Famine to conduct a study to expand the world's knowledge of the famine and to provide the American public with a better understanding of the former Soviet system by revealing the Soviet role in the Ukraine famine;

Whereas the Commission's report to Congress confirms that Soviet dictator "Joseph Stalin and those around him committed genocide against Ukrainians in 1932–1933" to repress the Ukrainian peasantry and to suppress Ukrainian self-assertion;

Whereas, on February 7, 1990, the Central Committee of the Communist Party of Ukraine acknowledged that the Ukraine famine was artificially created by the policies of Stalin and his closest associates;

Whereas internationally accepted principles of human rights prohibit the use of food as a political weapon;

Whereas the official observances of the Days of Sorrow and Remembrance of the Victims of the Imposed Famine are commemorated this year on September 10 through 12 in Kiev, Ukraine; and

Whereas members of the Commission on the Ukraine Famine are presenting a copy of their findings and conclusions to the Government of Ukraine during the official observances in Ukraine: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SENSE OF CONGRESS.

It is the sense of the Congress that—

(1) the victims of the Soviet-engineered Ukraine famine of 1932–1933 be solemnly remembered on its 60th anniversary;

(2) this anniversary underscores the hardship and inhumanity of life under the repressive regime of the Soviet Union during the Ukraine Famine of 1932–1933;

(3) the Congress condemns the systematic disregard for human life, human rights, and human liberty that characterized the policies of the Government of the Soviet Union during the Ukraine famine of 1932–1933;

(4) the presentation of a copy of the findings and conclusions of the Commission on the Ukraine Famine to the Government of Ukraine on September 10–12 by members of the Commission will assist in the dissemination of information about the Ukraine famine of 1932–1933, and thereby help to prevent similar future tragedies; and

(5) the manmade Ukraine famine is a graphic illustration of the unacceptable alternative to democracy and a free market economy, and therefore the United States should seek to help Ukraine and other newly independent states of the former Soviet Union as they transform their societies.

SEC. 2. TRANSMITTAL OF RESOLUTION.

The Secretary of the Senate shall transmit a copy of this resolution to the President and the Secretary of State and request that the Secretary of State transmit a copy of the resolution to the Government of Ukraine.

Mr. RIEGLE. Mr. President, I rise to introduce a resolution to commemorate the Ukraine famine of 1932–33. Sixty years ago, the Soviet Union engineered one of the most horrific acts of genocide ever perpetrated. This brutal act committed against Ukraine must be recalled so we never forget its millions of victims. In introducing this resolution, I am joined by Senators DECONCINI, D'AMATO, BIDEN, and SARBANES.

As we mark the 60th anniversary of the Ukraine famine, it is important to recognize that the Soviet Government made no mistake. There was no blunder. Let it be absolutely clear: The Ukraine famine was perpetrated deliberately by Soviet totalitarian dictator Joseph Stalin. Within only a few short years, Moscow's policies of forced collectivization and grain seizures caused the deaths of more than 7 million people in Ukraine.

Following the famine, Stalin and his henchmen engaged in a widespread propaganda effort to deceive the world into believing that their horrible act never occurred. As a consequence, only during the last decade have scholars, with the assistance of eyewitness testimony and newly available transcripts, fully unearthed the real story concealed behind Communist-fabricated distortions.

Robert Conquest, in his moving volume on the Ukraine famine, "Harvest of Sorrow," states, "the task of the historian is a notoriously difficult one of trying to represent clearly and truly in a few hundred pages events which cover years of time and nations of men and women." The ambitious task of piecing together the details of the famine has required intensive research by a team dedicated to informing the world of the atrocities carried out under Stalin. For this reason, Congress established in 1984 the Commission on the Ukraine Famine to expand our knowledge of this event and inform the world of the slaughter of millions of Ukrainians during 1932–33.

For us to comprehend how 60 years can pass without revealing this massive terror to the world, it is necessary to understand the activities in which Stalin engaged to suppress the truth. For example, when Roman Terekhov, a former provincial secretary of the Ukraine, appealed for famine aid in 1932, Stalin not only threatened to fire him, but suggested that he "work in the Union of Writers where you would write fairy tales for idiots to read."

The Commission's report issued in 1988 thoroughly debunks the Stalinist falsehoods. It confirms that "Joseph Stalin and those around him committed genocide against Ukrainians" in an effort to repress the Ukrainian peasantry and suppress any Ukrainian expression of a cultural or political identity. "The Famine," the commission elaborated, "was not, as is often alleged, related to drought." In addition, the Commission found evidence of "attempts * * * made to prevent the starving from traveling to areas where food was available," exacerbating the calamity.

From September 10–12, 1993, members of the Commission that studied the Ukraine famine will travel to Kiev to present a copy of their findings to the Ukrainian Government. The attached resolution recognizes this important symbolic occurrence, while offering Congress an opportunity to express its support for Ukraine and other newly Independent States as they proceed along the difficult road to democracy and a market-based economy.

Mr. President, the world must never be allowed to forget the victims of the famine in Ukraine. Passage of this resolution would signify the sense of Congress that we must remember those who suffered at the hands of Stalin's repressive policies of collectivism while helping to prevent future acts of genocide from occurring. I urge my colleagues to support this resolution.

SENATE RESOLUTION 142—RELATING TO THE AMERICAN BUSINESS WOMEN'S ASSOCIATION

Mr. COVERDELL submitted the following resolution which was referred to the Committee on Labor and Human Resources:

S. RES. 142

Whereas the American Business Women's Association (hereafter referred to in this Resolution as the "Association") has been making tomorrow better for active and concerned women since 1949;

Whereas at that time, as today, the primary objective of the Association is to aid in the professional, educational, cultural, and social advancement of business women;

Whereas the national organization, founded in Kansas City, Missouri, is an influential organization with a membership exceeding 100,000 from all types of businesses and professions in more than 1,900 chapters in the United States and Puerto Rico;

Whereas the Atlanta Area Council, representing 37 chapters from across the metropolitan Atlanta area, has been a viable business organization;

Whereas the Association offers assistance to women aspiring to successful careers by investing in their education;

Whereas since the Association's inception, chapters have sponsored scholarships for women seeking to furthur their education;

Whereas the amount awarded annually by chapters has grown to more than $2,000,000; and

Whereas for thousands of working women, the Association is a better way to advance in their education and in their business and personal lives: Now, therefore, be it

Resolved, That it is the sense of the Senate to recognize and commend the Association as it continues to communicate to individuals the importance of education and self-improvement of business women.

SENATE RESOLUTION 143—COMMEMORATING UNIVERSITY HOSPITAL IN AUGUSTA, GA

Mr. COVERDELL submitted the following resolution which was referred to the Committee on Labor and Human Resources:

S. RES. 143

Whereas in 1818, Augusta, Georgia, was a bustling trade town and opened the 10-bed "City Hospital" on the 100 block of Greene Street;

Whereas today the hospital is called "University Hospital" and is a 700-bed regional medical center with a staff of 3,000 health professionals;

Whereas Dr. Milton Antony began teaching apprentices at City Hospital in 1826 and founded the Medical Academy of Georgia (later renamed The Medical College of Georgia), Georgia's first medical school, in 1829 with 7 students;

Whereas in the mid-1800s, City Hospital treated thousands of patients during outbreaks of yellow fever and smallpox;

Whereas in 1854, Dr. Henry Campbell and Dr. Robert Campbell opened the Jackson Street Hospital and Surgical Infirmary to address the health needs of the black community in Augusta, which operated until the opening of Freedman's Hospital after the Civil War;

Whereas from 1862 to 1865, Augusta served as a major medical center for the Confederate Army;

Whereas by 1890, a population of over 33,000 was straining the capacity of City Hospital and Freedman's Hospital, and in 1893, City Hospital was expanded to make room for 100 beds for charity patients, 30 private beds, and an operating room and amphitheater where students could observe surgery;

Whereas in 1895, the 75-bed Lamar Hospital for blacks opened, with the assistance of Dr. William Doughty, the Augusta City Council, and the Gazeway B. Lamar estate;

Whereas the Augusta Training School for Nurses opened at City Hospital in 1894, which later combined with a training school for black nurses to form the integrated University Hospital School of Nursing in 1965;

Whereas in 1911, the Medical College of Georgia became a medical department of the University of Georgia, and the college's new teaching hospital was renamed University Hospital, and a new 275-bed hospital was dedicated on June 1, 1915;

Whereas the Eugene Talmadge Memorial Hospital opened on the campus of the Medical College of Georgia in 1956;

Whereas in 1962, the public approved a $5,000,000 bond issue for a new University Hospital, and Federal matching funds were obtained after compliance with civil rights desegregation statutes, and a 10-story "ultra-modern" glass and metal structure was dedicated on April 16, 1971, in a nearby urban renewal tract known as "Frog Holler", with then Georgia Governor Jimmy Carter as guest speaker;

Whereas in 1975, the hospital authority acquired the services of a professional consulting firm to establish a 10-year strategic plan for the hospital, resulting in the construction of a professional office building in 1978 and an ambulatory care center in 1980;

Whereas sophisticated monitoring technology made open heart surgery a routine occurrence at the hospital by the late 1970s;

Whereas from 1980 to 1990, University Hospital implemented specialty centers such as the Jernigan Cancer Center, the Behavioral Health Center, the Women's Health Center, and the Georgia Heart Institute, and cosponsored 3 ventures with St. Joseph Center for Life, the Resource Center on Aging, Walton Rehabilitation Hospital, and the Brandon Wilde Life Care Community;

Whereas the vision for the future of University Hospital includes exciting new additions, a new women's hospital, and other expanded services to meet the growing health care needs of our region; and

Whereas University Hospital continues to be dedicated to providing quality health care to all people at the lowest possible cost into the 21st century: Now, therefore, be it

Resolved, That the United States Senate recognizes the 175th year of operation of the University Hospital in Augusta, Georgia, and its commitment to meeting the health needs of the region with quality medical services.

NOTICES OF HEARINGS

SUBCOMMITTEE ON AGRICULTURAL RESEARCH, CONSERVATION, FORESTRY, AND GENERAL LEGISLATION

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry Subcommittee on Agricultural Research, Conservation, Forestry, and General Legislation will hold a hearing on the use of water to control grain dust. The hearing will be held on Thursday, September 9, 1993, at 2:30 p.m. in SR–332.

For further information, please contact Richard Hess at 224–2321.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks, and Forests.

The hearing will take place on Tuesday, September 14, 1993, beginning at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony from the Civil War Sites Advisory Commission on its report to the Congress on the Nation's Civil War battlefields.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit a written statement is welcome to do so by sending two copies to the Committee on Energy and Natural Resources, 304 Dirksen Senate Office Building, Washington, DC 20510.

For further information regarding the hearing, please contact David Brooks of the subcommittee staff at (202) 224–8115.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks, and Forests.

The hearing will take place on Tuesday, September 21, 1993, beginning at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills currently pending before the subcommittee:

S. 986, to provide for an interpretive center at the Civil War Battlefield of Corinth, MS, and for other purposes;

S. 1033, to establish the Shenandoah Valley National Battlefields and Commission in the Commonwealth of Virginia, and for other purposes;

S. 1341, to establish the Wheeling National Heritage Area in the State of West Virginia, and for other purposes; and

H.R. 1305, to make boundary adjustments and other miscellaneous changes to authorities and programs of the National Park Service.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit a written statement is welcome to do so by sending two copies to the Committee on Energy and Natural Resources, 304 Dirksen Senate Office Building, Washington, DC 20510.

For further information regarding the hearing, please contact David Brooks of the subcommittee staff at (202) 224–8115.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. NUNN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 7, 1993, at 2:30 p.m. to hold a hearing on fiscal year 1994 foreign assistance authorization: Russia aid.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. NUNN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, September 7, 1993 at 10 A.M., in executive session, to receive a briefing on the Department of Defense bottom-up review.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, REGARDING EDUCATIONAL TRAVEL

• Mr. BRYAN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee received notification under rule 35 for Cliff Palmer, a member of the staff of Senator JOHNSTON, to participate in a program in Taiwan, sponsored by Soochow University, from August 17–23, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Palmer in this program.

The select committee received notification under rule 35 for Sharon Waxman, a member of the staff of Senator LAUTENBERG, to participate in a program in Indonesia, sponsored by the Republic of Indonesia, from August 20 to September 5, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Waxman in this program.

The select committee received notification under rule 35 for Karen O'Callaghan, a member of the staff of Senator HELMS, to participate in a program in Korea, sponsored by the Korean Ministry of Foreign Affairs, from August 29 to September 4, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. O'Callaghan in this program.

The select committee received notification under rule 35 for Carter Pilcher, a member of the staff of Senator BROWN, to participate in a program in Taiwan, sponsored by Soochow University, from August 17–23, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Pilcher in this program.

The select committee received notification under rule 35 for Katherine Brunett, a member of the staff of Senator SIMPSON, to participate in a program in Hong Kong and the People's Republic of China, sponsored by The Hong Kong General Chamber of Commerce, from August 30 to September 6, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Brunett in this program.

The select committee received notification under rule 35 for Senator SHELBY and Tom Young and Victoria Lee, members of the staff of Senator SHELBY, to participate in a program in China, sponsored by the Chinese People's Institute of Foreign Affairs, from August 11–25, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Senator SHELBY, Mr. Young and Ms. Lee in this program.

The select committee received notification under rule 35 for Mr. Harroz, a member of the staff of Senator BOREN, to participate in a program in Chile, sponsored by the Chilean-American Chamber of Commerce, from August 9–13, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Harroz in this program.

The select committee received notification under rule 35 for Amy Dunathan, a member of the staff of Senator CHAFEE, to participate in a program in Hong Kong and the People's Republic of China, sponsored by the Hong Kong General Chamber of Commerce from August 30 to September 6, 1993.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Dunathan in this program.•

COMMENDING JAMES A. RHINEBARGER AS CHAIRMAN OF THE NATIONAL TROOPERS COALITION

• Mr. COATS. Mr. President, I rise today to congratulate the new chairman of the National Troopers Coalition, Indiana State Police Detective Sgt. James A. Rhinebarger. In June, the National Troopers Coalition, which represents 45,000 State Police and highway patrol troopers across the country, met in Kansas City, MO, to elect their new chairman.

Through his life's work as an Indiana State trooper, Detective Sergeant Rhinebarger exemplifies the tireless effort of law enforcement officials. These unsung heroes enable each of us to walk safely through our neighborhoods, sleep in our homes, and travel the interstate highways without threat of danger. As chairman of the National Troopers Coalition, Detective Sergeant Rhinebarger will provide leadership to these State Police and highway patrol troopers around the country.

The aim of the National Troopers Coalition is to assist States in law enforcement issues. This task is accomplished through educating members on national concerns which directly impact law enforcement. In addition, the National Troopers Coalition works in Washington, DC, to represent the voice of State Police and highway patrol troopers.

Detective Sergeant Rhinebarger is a 21-year veteran of the Indiana State Police. At present, he is assigned to the district 51 Pendleton installation.

In 1980 Detective Sergeant Rhinebarger was chosen by Hoosier law enforcement officers to serve as president of the Indiana State Police Alliance. This organization represents the officers and employees of Indiana's law enforcement agencies.

As president of the Indiana State Police Alliance Detective Sergeant Rhinebarger was instrumental in forming the Indiana State Police Alliance, Conservation, Excise Coalition.

He served as president of the Indiana State Police Alliance through 1988. In 1989, he joined the national executive board of the National Trooper Coalition. He served as a board member until he was chosen as the chairman of that organization this year.

A native Hoosier, Detective Sergeant Rhinebarger was born in Kokomo, IN. He now resides in Arcadia, IN, with his wife of 31 years, Glenda. He has two grown children, Mark and Susan. In his spare time he enjoys riding his two horses.

Mr. President, I ask my colleagues to join me in recognizing this public servant who has given of himself not only to the people of Indiana but to the entire country.•

HONORING THE VILLAGE OF PATCHOGUE

• Mr. D'AMATO. Mr. President, I rise today to speak in celebration of the village of Patchogue on the occasion of their 100th anniversary of incorporation. On September 11 the village of Patchogue will enact a centennial festival which will begin with a parade through the business section of the village and culminate with a ceremony whereby honored guests will present proclamations to the village.

Patchogue was settled in 1750 by three families headed by Jonas Wickes, Humphrey Avery, and Lefford Leffords. Beginning as early as 1750, Patchogue achieved some of its greatest economic momentum through the many mills that were operated on the many local waterways. Through the years, dams were constructed on the several local streams, collectively establishing Patchogue as a leading industrial center. Some of Patchogue's early settlers operated grist mills, sawmills and other mills that produced such materials as paper, wool, carpet, twine and lace.

The Long Island Railroad figured prominently in Patchogue's growth when it arrived in 1869. The coming of the railroad enhanced Patchogue's prestige immensely.

In the 1870's Justus Roe invented steel tape measures when the 100-link chain he was using for surveying became tangled in underbrush. He got the idea from hoop skirts, which were popular at the time. Thus began Justus Roe & Sons, which is still in business today. At the same time, Patchogue's oyster industry made great strides and as an experiment a few of the luscious bivalves were sent to England, where a good market for oysters was found.

In 1887 Patchogue introduced the first electric street lights; the power for these street lights was derived from a dam in Patchogue Lake. In 1887, fewer than 300 communities coast-to-coast boasted electrically illuminated thoroughfares.

The idea of making Patchogue an incorporated village was first proposed in 1890, but the plan met defeat in referendum by a fairly close vote of 235–211. In 1893, the proposition was again put to a vote, this time being approved 268–202.

In the 1890's, Patchogue economy received a substantial boost with the opening of what was to eventually become the Patchogue-Plymouth Lace Mill. During World War II the mill began manufacturing such items as camouflage netting, millions of yards of herringbone twill used in GI fatigues, and produced waterproof covers and parachute material.

Over the years, the village boundaries were extended twice—on the west in 1927, and on the north in 1933, bringing the municipality to 2.2 square miles in size. The village government is conducted by a village board, consisting of a mayor and six trustees.

I am proud to represent Patchogue and villages like it. It is people like the good people of Patchogue who make up the very fiber of our American dream. I ask my colleagues to recognize the value of Patchogue and celebrate the ability of this incorporated village to bloom and prosper over a century of change. I salute the residents of Patchogue, and congratulate each of you on your 100th anniversary. Congratulations and best wishes for continued prosperity.•

CONGRATULATIONS TO AOPA

• Mr. WARNER. Mr. President, I would like to take this opportunity to commend a valued constituent organization, the American Orthotic and Prosthetic Association [AOPA], for receiving an honorable mention from the National Rehabilitation Week awards committee.

AOPA was nominated for the award by Creighton J. Hale, president and CEO of little league baseball, for its efforts to raise funds for little league's challenger division. Each year AOPA holds a charity golf tournament to benefit the division, which provides the opportunity for mentally and physically challenged children to play baseball.

The national awards program was established to honor individuals and organizations for their work on behalf of people with disabilities. AOPA is a national membership organization which represents more than 800 allied health care provider firms who provide services to individuals with physical disabilities throughout the United States. Orthotic and prosthetic practitioners employed by AOPA member firms design and fit orthoses (braces) and prostheses (artificial limbs) which enable physically challenged individuals to overcome significant orthopedic conditions and serious injuries and return to active productive lives.

AOPA will be recognized for its outstanding achievements in the world of disability at an awards dinner September 23 in Scranton, PA. National Rehabilitation Week is September 19–25, 1993.

AOPA will hold its fifth annual charity golf tournament to benefit challenger little league baseball February

3-6, 1994, at the Orange Tree Golf and Conference Resort in Scottsdale, AZ. This is just one of the many activities AOPA is working on to improve the lives of the physically challenged of all ages.•

FOOD SAFETY AND INSPECTION AGENCY—S. 1349

• Mr. GORTON. Mr. President, the bill which Senator DURENBERGER has introduced, and which I am an original cosponsor, will do much to correct many of the problems which plague our current food safety system. The people in my State of Washington have a vested interest in the success of this legislation because several months ago, an E. coli epidemic brought personal tragedy to families across Washington State—killing three children and sickening hundreds. This tragedy brought to light the inadequacies which plague our current food safety system, and the lack of sound research which is needed to answer the most basic of questions about this deadly bacteria.

It took a tragedy to deliver a wake up call to the entire Nation on the inadequacies which plague our Nation's food safety system and this bill will do much to answer that call. S. 1349 would establish a single Food Safety and Inspection Agency. Specifically, the bill will consolidate the food safety and inspection functions of the Department of Agriculture, the Food and Drug Administration, the Commerce Department, and the Environmental Protection Agency into one Food Safety and Inspection Agency. This consolidation will do much to end the seemingly endless overlap of Federal agency jurisdiction and also reform our food safety system—a system which has not been overhauled since its inception in 1906.

Earlier this year when the USDA held a public hearing on food safety reform in Seattle, WA, and at that time I discussed this legislation with the families of E. coli victims and asked the families to take a closer look at the bill and give me their recommendation as to whether or not I should endorse the measure. These are the families, Mr. President, whose lives have been impacted first hand by the problems plaguing our current food safety system. These are the families who have courageously come forward to share their personal tragedy with others. The families have expressed their support for the measure and that is, in large part, why I am an original cosponsor of this legislation.

Mr. President, I hope that Members of Congress will follow the courageous example set by the families of E. coli victims in my State and take the appropriate steps to enact this bill into law. This bill makes sense. It eliminates another layer of bureaucracy from a government which appears to be growing out of control—an outcome of which can only be good.

I understand that included within Vice President GORE's National Performance Review Board recommendations on reinventing Government includes a provision which would consolidate the food safety inspection and regulatory jurisdictions of USDA and Commerce with the FDA. Although this consolidation differs from that which S. 1349 advocates, it is still a step in the right direction.

Senator DURENBERGER and I hope to work closely with affected agencies, the Vice President, and other Senators to pass this important legislation.

Mr. President, passage of this legislation would truly be reinventing Government, and more importantly help to restore the faith of many Americans in a food safety system which is in dire need of repair.•

THE RETIREMENT OF WENDY STEPHENS OF THE SMITHSONIAN INSTITUTION

• Mr. WARNER. Mr. President, the successes of our national institutions have always relied on the contributions of individuals who have the imagination to innovate, and the ability to carry through to serve the public. I pause today to join millions of visitors who annually flock to the Smithsonian Institution's National Air and Space Museum, to pay tribute to one who has enriched the lives of so many citizens of all ages.

Wendy Stephens, daughter of Sy and Geraldine Ackerman, was born in Queens, NY, on June 21, 1954. She first joined the staff of the Smithsonian Institution and the National Air and Space Museum in 1974, working on the floor of the museum's gift shops while still in college at American University. After graduation, in 1975, she rejoined the museum, and when a vacancy in the gift shop manager's position developed, she was asked to take over. The quality of her budget preparations and projections came to the attention of the museum's deputy, who asked her to become responsible for the entire museum budget.

Ten years after first joining the museum, Wendy was appointed the museum's administrative officer, and after a long search that saw applications from well over a hundred candidates, she became the museum's associate director in 1989, a position in which she served as the museum's chief operating officer. Recently, after nearly 18 years with the Institution, she was named deputy to the museum's director.

Last year, before the opening of the museum's Star Trek gallery, unusually large numbers of visitor inquiries suggested that enthusiastic crowds would pose a problem by overfilling the gallery. Just days before the scheduled opening, Wendy devised a system of free passes, to be handed out first thing each morning and timed to let only 50 visitors into the gallery each quarter-hour. Then she searched widely for volunteers to administer this system, and attracted 300 enthusiastic aides who tirelessly took turns for over 11 months, making sure that visitors had a great time despite the huge demand. Nearly 900,000 members of the public got to see the show in that fashion, the most popular offering the Smithsonian ever provided. When it was all over, Wendy found a way to arrange a thank-you party for all volunteers, complete with Star Trek stars, who were pleased to fly in from Hollywood for the occasion. It was a smashing success.

I was sorry to learn that Wendy recently left the Smithsonian Institution and the Washington, DC, area. She, her husband Chris and young son Garrett, have relocated to Florida. We all wish her and her family well, as they take up a new life in another part of the country. The museum and the millions of visitors who never knew her, will miss her; but I am certain that others at our great Smithsonian Institution will carry on, in her spirit and in her footsteps.•

ORDERS FOR WEDNESDAY, SEPTEMBER 8, 1993

Mr. NUNN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Wednesday, September 8; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 9:30 a.m., with Senators permitted to speak therein for up to 5 minutes each, with the time from 9 to 9:30 a.m., under the control of the majority leader or his designee; that at 9:30 a.m., the Senate resume consideration of S. 1298, the Department of Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I have a unanimous-consent request which I am advised has been cleared on both sides.

Accordingly, pursuant to my earlier statement, I now ask unanimous consent that at 1 p.m. on Wednesday, September 8, the Senate proceed to the consideration of the conference report accompanying H.R. 2010, the National and Community Service Trust Act; that there be 3 hours for debate on the conference report, with the time to be equally divided and controlled between Senators KENNEDY and KASSEBAUM or their designees; that when all time is used or yielded back, the Senate, without intervening action or debate, vote on adoption of the conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I thank my colleagues for their courtesy.

I restate what I earlier said for the information of Senators. We will be on the DOD bill this evening and tomorrow morning until 1 o'clock, at which time we will interrupt to take up the national service bill. On or before 4 p.m. tomorrow, depending upon whether all of the 3 hours is used, we will vote on the national service conference report, and then we will return to consideration of the DOD bill. There may well be votes in the morning on the DOD authorization bill prior to the time we get to the national service bill.

Further, since it is my intention that the Senate remain in session this week until we complete action on the DOD bill, Senators should expect a lengthy session tomorrow and Thursday so that we can be in a position to complete action on this bill by Friday.

I thank the distinguished chairman for his cooperation.

I yield the floor.

Mr. NUNN. I thank the majority leader.

I might add one point. The majority leader said that we would perhaps be voting tomorrow morning. I think it is almost certain we will have a vote tomorrow morning. I would guess somewhere no earlier than 10:30, but probably no later than 11:30, somewhere in that timeframe.

PROGRAM

Mr. MITCHELL. Mr. President, I would like, if I might, to inform the Members of the Senate of the schedule for the remainder of this week so that Senators may make their plans accordingly.

We have just begun consideration of the DOD authorization bill. It is my intention that we proceed on this matter and complete action on it this week. That will mean lengthy sessions tomorrow and on Thursday, and most likely during the day on Friday. Senators should be aware of that in preparing their schedules for the remainder of this week.

We have been engaged in discussions throughout the day on proceeding to and completing action on the national service conference report. We want to accommodate our colleagues on the Republican side in that respect, and my expectation is we will shortly have an agreement that will permit us to take it up during the day tomorrow under a time limitation, and then vote on that tomorrow, interrupting the DOD authorization bill.

We will stay in until we complete action on the DOD authorization bill this week. I hope that can be a reasonable hour on Friday. It is then my intention that the Senate will proceed on Monday to the Interior appropriations bill. That is the subject of a prior agreement that is printed at page 2 in today's calendar. As Senators will note, there are a large number of amendments listed to that, and I have asked the staffs to begin work on those, working with Senators who have amendments, so we can complete action on that bill next week prior to the break in observance of the Rosh Hashanah holiday.

In view of the fact that we have just begun on the DOD authorization bill, there will be opening statements to make, with managers working to organize amendments for tomorrow. There will be no further rollcall votes this evening.

Mr. President, I thank my colleagues for their cooperation. I know the managers are present. I inquire of the distinguished chairman whether he is ready to proceed with the bill at this time.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9 A.M. TOMORROW

Mr. NUNN. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 8 p.m., recessed until Wednesday, September 8, 1993, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate September 7, 1993:

PEACE CORPS

CAROL BELLAMY, OF NEW YORK, TO BE DIRECTOR OF THE PEACE CORPS, VICE ELAINE L. CHAO, RESIGNED.

DEPARTMENT OF STATE

ALAN JOHN BLINKEN, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BELGIUM.

PARKER W. BORG, OF MINNESOTA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ICELAND.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

MARGARET V. W. CARPENTER, OF CALIFORNIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE REGINALD J. BROWN, RESIGNED.

DEPARTMENT OF STATE

EDWARD P. DJEREJIAN, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ISRAEL.

TOBI TRISTER GATI, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF STATE, VICE DOUGLAS P. MULHOLLAND, RESIGNED.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

GORDON D. GIFFIN, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 1993, VICE EVAN GRIFFITH GALBRAITH, TERM EXPIRED.

GORDON D. GIFFIN, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 1996. (REAPPOINTMENT)

DEPARTMENT OF STATE

SWANEE GRACE HUNT, OF COLORADO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF AUSTRIA.

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

CAROL J. LANCASTER, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE MARK L. EDELMAN, RESIGNED.

DEPARTMENT OF STATE

THOMAS A. LOFTUS, OF WISCONSIN, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO NORWAY.

THOMAS MICHAEL TOLLIVER NILES, OF KENTUCKY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO GREECE.

EDWARD JOSEPH PERKINS, OF OREGON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO AUSTRALIA.

WILLIAM LACY SWING, OF NORTH CAROLINA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HAITI.

RICHARD W. TEARE, OF OHIO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO PAPUA NEW GUINEA AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SOLOMON ISLANDS AND AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF VANUATU.

ASIAN DEVELOPMENT BANK

LINDA TSAO YANG, OF CALIFORNIA, TO BE U.S. DIRECTOR OF THE ASIAN DEVELOPMENT BANK, WITH THE RANK OF AMBASSADOR, VICE VICTOR H. FRANK, JR., RESIGNED.

U.S. INFORMATION AGENCY

MARIAN C. BENNETT, OF THE DISTRICT OF COLUMBIA, TO BE INSPECTOR GENERAL, UNITED STATES INFORMATION AGENCY, VICE GEORGE F. MURPHY, JR., RESIGNED.

DEPARTMENT OF COMMERCE

DAVID J. BARRAM, OF CALIFORNIA, TO BE DEPUTY SECRETARY OF COMMERCE, VICE ROCKWELL ANTHONY SCHNABEL, RESIGNED.

DEPARTMENT OF TRANSPORTATION

STEVEN O. PALMER, OF MICHIGAN, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION, VICE MICHAEL JAMES TOOHEY.

DEPARTMENT OF VETERANS AFFAIRS

EUGENE A. BRICKHOUSE, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (HUMAN RESOURCES AND ADMINISTRATION), VICE RONALD E. RAY, RESIGNED.

THE JUDICIARY

HERBERT L. CHABOT, OF MARYLAND, TO BE A JUDGE OF THE U.S. TAX COURT FOR A TERM EXPIRING 15 YEARS AFTER HE TAKES OFFICE. (REAPPOINTMENT)

DEPARTMENT OF LABOR

JOSEPH A. DEAR, OF WASHINGTON, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE GERALD F. SCANNELL, RESIGNED.

MARTIN JOHN MANLEY, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE ROBERT MICHAEL GUTTMAN, RESIGNED.

LEGAL SERVICES CORPORATION

EDNA FAIRBANKS-WILLIAMS, OF VERMONT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR THE TERM EXPIRING JULY 13, 1995, VICE JEANINE E. WOLBECK.

ERNESTINE P. WATLINGTON, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR THE TERM EXPIRING JULY 13, 1996, VICE GEORGE W. WITTGRAF.

NATIONAL SCIENCE FOUNDATION

NEAL F. LANE, OF OKLAHOMA, TO BE DIRECTOR OF THE NATIONAL SCIENCE FOUNDATION FOR A TERM OF SIX YEARS, VICE WALTER E. MASSEY, RESIGNED.

DEPARTMENT OF EDUCATION

DONALD RICHARD WURTZ, OF CALIFORNIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF EDUCATION, VICE WILLIAM DEAN HANSEN, RESIGNED.

DEPARTMENT OF ENERGY

DANIEL A. DREYFUS, OF VIRGINIA, TO BE DIRECTOR OF THE OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT, DEPARTMENT OF ENERGY, VICE JOHN WESLEY BARTLETT, RESIGNED.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WILLIAM J. GILMARTIN, OF PENNSYLVANIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE RUSSELL K. PAUL, RESIGNED.

DEPARTMENT OF JUSTICE

EDUARDO GONZALEZ, OF FLORIDA, TO BE DIRECTOR OF THE U.S. MARSHALS SERVICE, VICE HENRY EDWARD HUDSON, RESIGNED.

JO ANN HARRIS, OF NEW YORK, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE ROBERT S. MUELLER, III, RESIGNED.

DAVID M. BARASCH, OF PENNSYLVANIA, TO BE U.S. ATTORNEY FOR THE MIDDLE DISTRICT OF PENNSYLVANIA FOR THE TERM OF 4 YEARS VICE DAVID DART QUEEN, RESIGNED.

VERONICA FREEMAN COLEMAN, OF TENNESSEE, TO BE U.S. ATTORNEY FOR THE WESTERN DISTRICT OF TENNESSEE FOR THE TERM OF 4 YEARS VICE EDWARD G. BRYANT, RESIGNED.

EDWARD L. DOWD, JR., OF MISSOURI, TO BE U.S. ATTORNEY FOR THE EASTERN DISTRICT OF MISSOURI FOR THE TERM OF 4 YEARS VICE STEPHEN B. HIGGINS.

HELEN FRANCES FAHEY, OF VIRGINIA, TO BE U.S. ATTORNEY FOR THE EASTERN DISTRICT OF VIRGINIA FOR THE TERM OF 4 YEARS VICE RICHARD CULLEN, RESIGNED.

CLAUDE HARRIS, JR., OF ALABAMA, TO BE U.S. ATTORNEY FOR THE NORTHERN DISTRICT OF ALABAMA FOR THE TERM OF 4 YEARS VICE JACK W. SELDEN.

KATHRYN E. LANDRETH, OF NEVADA, TO BE U.S. ATTORNEY FOR THE DISTRICT OF NEVADA FOR THE TERM OF 4 YEARS VICE WILLIAM A. MADDOX, RESIGNED.

JAY PATRICK MCCLOSKEY, OF MAINE, TO BE U.S. ATTORNEY FOR THE DISTRICT OF MAINE FOR THE TERM OF 4 YEARS VICE RICHARD S. COHEN, RESIGNED.

BETTY HANSEN RICHARDSON, OF IDAHO, TO BE U.S. ATTORNEY FOR THE DISTRICT OF IDAHO FOR THE TERM OF 4 YEARS VICE MAURICE O. ELLSWORTH.

EDMUND A. SARGUS, JR., OF OHIO, TO BE U.S. ATTORNEY FOR THE SOUTHERN DISTRICT OF OHIO FOR THE TERM OF 4 YEARS VICE D. MICHAEL CRITES, RESIGNED.

HENRY LAWRENCE SOLANO, OF COLORADO, TO BE U.S. ATTORNEY FOR THE DISTRICT OF COLORADO FOR THE TERM OF 4 YEARS VICE MICHAEL J. NORTON, RESIGNED.

ASSASSINATION RECORDS REVIEW BOARD

KERMIT L. HALL, OF OKLAHOMA, TO BE A MEMBER OF THE ASSASSINATION RECORDS REVIEW BOARD. (NEW POSITION)

JOHN R. TUNHEIM, OF MINNESOTA, TO BE A MEMBER OF THE ASSASSINATION RECORDS REVIEW BOARD. (NEW POSITION)

DEPARTMENT OF DEFENSE

R. NOEL LONGUEMARE, JR., OF MARYLAND, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR ACQUISITION, VICE DONALD C. FRASER, RESIGNED.

DEPARTMENT OF JUSTICE

DORIS MEISSNER, OF MARYLAND, TO BE COMMISSIONER OF IMMIGRATION AND NATURALIZATION, VICE GENE MCNARY, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING REGULAR OFFICERS OF THE U.S. COAST GUARD FOR PROMOTION TO THE GRADE OF CAPTAIN:

MALCOLM D. STEVENS
JAMES L. ROHN
WILLIAM M. BANNISTER
ROBERT F. DUNCAN
KEVIN J. SCHEID
JEFFREY A. HILL
MERRITT H. AURICH, IV
DENNIS A. SANDE
JOSEPH A. WALKER, JR.
DONALD S. GILBERT
RICHARD E. BENNIS
STEPHEN R. CAMPBELL
WILLIAM J. MORANI, JR.
WAYNE K. GIBSON
CLIFFORD I. PEARSON
WILLIAM R. ASHFORTH
MICHAEL L. BEATTY
LARRY L. MIZELL
WAYNE R. HAMILTON
RICHARD K. SOFTYE
JAMES A. RAUCH
WILLIAM D. KLINE
PHILIP P. WIECZYNSKI
STEVEN E. FROEHLICH
MICHAEL D. HATHAWAY
DEAN L. HARDER
MICHAEL W. RAGSDALE
JOHN M. GRAY, III
THOMAS C. PAAR
HAROLD E. BLANEY, JR.
PAUL J. HOWARD
TERRY L. RICE
ROBERT B. HURWITT
SCOTT P. COOPER
MARK R. MAYNE
ROGER G. EVANS
CHRISTIAN T. BOHNER
THOMAS A. TROSVIG
DAVID B. PETERMAN
DAVID W. KUNKEL
WILLIAM M. HAYES
JOHNNY F. BURELL
DALE E. GOODREAU
WILLIAM W. SPITLER
BRUCE J. GOOD
DENNIS G. BOHLAYER
DANIEL J. FARRELL
JEFFREY J. HATHAWAY

THE FOLLOWING REGULAR OFFICER OF THE PERMANENT COMMISSIONED TEACHING STAFF, COAST GUARD ACADEMY, U.S. COAST GUARD FOR PROMOTION TO THE GRADE OF CAPTAIN:

JOSEPH B. EGAN

THE FOLLOWING REGULAR OFFICERS OF THE PERMANENT COMMISSIONED TEACHING STAFF, COAST GUARD ACADEMY, U.S. COAST GUARD FOR PROMOTION TO THE GRADE OF CAPTAIN:

BRUCE R. MUSTAIN
RICHARD B. GAINS

THE FOLLOWING REGULAR AND RESERVE OFFICERS OF THE U.S. COAST GUARD TO BE PERMANENT COMMISSIONED OFFICERS IN THE GRADES INDICATED:

To be lieutenant commander

DAVID A. KIRETA

To be lieutenant

PATRICIA R. SPIVEY
ROBERT E. STYRON
GERARDO MORGAN
MICHAEL Z. ERNESTO
RODERICK D. DAVIS
JASON L. TENGAN
RICHARD D. PERKEL
STEVEN A. MATTHEWS
CARMELO S. BAZZANO
MICHAEL G. CALLAHAN
RICHARD A. WILLIAMS
MONT E. MCMILLEN, III
EDWARD M. HAYES
BRUCE C. FISHER
JEFFREY D. KOTSON
WARD G. PARKER
JESSE R. BURSON
PATRICK M. GORMAN

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. CHARLES E. FRANKLIN [redacted] U.S. AIR FORCE.

IN THE ARMY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. COLIN L. POWELL [redacted] U.S. ARMY.

THE FOLLOWING-NAMED OFFICER, UNDER THE PROVISION OF TITLE 10, UNITED STATES CODE, SECTION 152, FOR APPOINTMENT AS CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND REAPPOINTMENT TO THE GRADE OF GENERAL WHILE SERVING IN THAT POSITION:

To be general

To be chairman of the joint chiefs of staff

GEN. JOHN M. SHALIKASHVIL [redacted] U.S. ARMY.

THE FOLLOWING-NAMED MEDICAL CORPS OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624(C):

To be permanent brigadier general

COL. ROBERT G. CLAYPOOL [redacted]
COL. JOHN S. PARKER [redacted]

THE FOLLOWING-NAMED JUDGE ADVOCATE GENERAL'S CORPS OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624(C):

To be permanent brigadier general

COL. WALTER B. HUFFMAN [redacted]
COL. JOHN S. COOKE [redacted]

THE FOLLOWING NAMED UNITED STATES ARMY NATIONAL GUARD OFFICER FOR PROMOTION TO THE GRADE OF BRIGADIER GENERAL IN THE RESERVE OF THE ARMY OF THE UNITED STATES UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A) AND 3385:

To be brigadier general

COL. WILLIAM C. BILO [redacted] ARMY NATIONAL GUARD.

IN THE NAVY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. MICHAEL C. COLLEY, U.S. NAVY [redacted]

THE FOLLOWING-NAMED REAR ADMIRAL (LOWER HALF) IN THE COMPETITIVE CATEGORY OF SPECIAL DUTY OFFICER (INTELLIGENCE) OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

Special duty officer (intelligence)

To be rear admiral

RADM(LH) MICHAEL WILLIAM CRAMER, U.S. NAVY, [redacted] [redacted]

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

To be colonel

DWYER FRANCIS J [redacted]
WEIMER THERON E [redacted]

To be lieutenant colonel

COKER MICHAEL F [redacted]
KEARNS JOHN A [redacted]
PHELPS PAUL K [redacted]
RAMSEY FREDERICK K [redacted]
STOUDER KYLE [redacted]
SUBER WILLIAM V [redacted]
THOMPSON ROBERT H [redacted]
WALKER MORRIS E [redacted]

To be major

BRUNSKOLE STEVEN E [redacted]
PEREZ DENNIS R [redacted]
REIMANN JACK L [redacted]
SANFORD RICKY W [redacted]
WIGGS THOMAS K. [redacted]

BIOMEDICAL SCIENCES CORPS

To be colonel

HOWELL JAMES F [redacted]

To be major

HILOVSKY JEFFREY P [redacted]

NURSE CORPS

To be lieutenant colonel

BIERMAN GAIL D. [redacted]
LEWIS ELLEN N [redacted]

To be major

CRAW SUSAN J. [redacted]

THE FOLLOWING INDIVIDUALS FOR RESERVE OF THE AIR FORCE APPOINTMENT, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 593, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED.

MEDICAL CORPS

To be colonel

MARSH, BYRON P. [redacted]

To be lieutenant colonel

HARPER, PAUL J [redacted]
KLEIN, MICHAEL R., JR [redacted]
MATTISON, RICHARD C. [redacted]
RIVERO, WEIMAR [redacted]
SAUNDER, ROBERT L [redacted]
STEINWAY, DAVID M. [redacted]
SULLIVAN, JOAN [redacted]
WILSON, MICHAEL R [redacted]

DENTAL CORPS

To be lieutenant colonel

CHILES, DONALD G [redacted]

THE FOLLOWING REGULAR OFFICERS FOR RESERVE OF THE AIR FORCE APPOINTMENT, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 593, TITLE 10, UNITED STATES CODE.

LINE

To be lieutenant colonel

FLYNT, GARY H. [redacted]
KAHOE, JOSEPH J [redacted]
KEATING, PATRICK K [redacted]
LIBAIRE, JEFFERY L., [redacted]
MACKAY, JOHN D. [redacted]
NUNNALLEE, JAMES B [redacted]
OXFORD, VAYL S. [redacted]
WESTFALL, RONALD L [redacted]

THE FOLLOWING PERSON FOR RESERVE OF THE AIR FORCE APPOINTMENT, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 593, TITLE 10, UNITED STATES CODE.

RETIRED RESERVE

To be lieutenant colonel

HENDERSON, JAMES [redacted]

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED

IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE. THE OFFICER IDENTIFIED WITH AN ASTERISK IS ALSO BEING NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE.

ARMY

To be lieutenant colonel

RONALD D. LEWIS, 8518

ARMY

To be major

ANITA L. BAKER [redacted]
LYNN N. BOWLER [redacted]
JAMES M. GUTIERREZ [redacted]
DAVID B. JASON [redacted]
MARK S. KUEHL [redacted]
*MICHAEL A. NORKUS [redacted]

IN THE NAVY

THE FOLLWOING-NAMED COMMANDERS IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF CAPTAIN, PURSUANT TO TITLE 10 UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICERS

To be captain

BOOSE, MARION SANFORD, JR.,
CHANIK, EVAN MARTIN, JR.
MAIN, GLENN ALLAN
MCCORT, DANIEL RALPH
MILLER, DAVID ROSS
NELSON, JEFFREY ROBERT
PHILLIPS, JAMES WILLIAM
STAPLEFORD, JAMES RANDALL
ZIMMERMAN, KENNETH RONALD

THE FOLLOWING-NAMED COMMANDER IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF CAPTAIN, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICER

To be captain

WILLIAMS, THOMAS RICHARD, JR.

THE FOLLOWING NAMED COMMANDERS OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF CAPTAIN IN THE LINE, IN THE COMPETITIVE CATEGORY AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

UNRESTRICTED LINE OFFICERS

To be captain

AXTELL, STEPHEN P.
BENEFIELD, ROBERT BRAND
BOYD, JAMES ALEXANDER
BROWN, JEFFREY CHARLES
CAMPBELL, ROSS GOODWIN
EVERSON, JOHN EVERETT
FORREST, BENJAMIN FRANKLIN
GRAHAM, DAVID JOSEPH
GUNDERSON, ROBERT KENT
JAMES, JOHN WELLS, IV
SANWICK, PAUL BAINBRIDGE, JR.
WRIGHT, THOMAS EDWIN JR.

UNRESTRICTED LINE OFFICER (TAR)

(TRAINING AND ADMINISTRATION OF RESERVE)

To be captain

ASKEY, CHARLES BENJAMIN

SPECIAL DUTY OFFICER (MERCHANT MARINE)

To be captain

STAPLETON, THOMAS MACPHERSON

THE FOLLOWING-NAMED LIEUTENANT COMMANDERS IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICERS

To be commander

ALBERT, STEVEN PATRICK
BENNETT, BRIAN EUGENE
BOENSEL, MARK STEPHEN
BUSS, DAVID H.
DICKMAN, JEFFREY KENT
DUGENE, JOHN T.
GRANDFIELD, PHILIP W.
GRATAS, ARTHUR NICHOLAS
HNARAKIS, ALEXANDER BRUCE
KLAPKA, EDWARD J., JR.
LEAVER, JASON A.
MATHEWS, JEROME JAY
PASZTALANIEC, MATTHEW SCOTT
PAYNE, RICHARD HAROLD
PONTES, LEE NMN
SKELTON, CLIFFORD ARTHUR
SOWELL, ROBERT S.
STEWART, RICHARD GLENN
THOMPSON, GEORGE WESLEY, JR.
WARFIELD, WILLARD RICHARD
WEBER, PHILIP DURANT

THE FOLLOWING-NAMED LIEUTENANT COMMANDERS OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF COMMANDER IN THE LINE, IN THE COMPETITIVE CATEGORY AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

UNRESTRICTED LINE OFFICERS

To be commander

BAUER, THOMAS E.
BEATTIE, GEORGE TAYLOR, JR.
CHITTENDEN, DONALD EDWARD
GULLEY, ROBERT BRACY
HASSLER, CHRISTOPHER CONRAD
KING, JEFFREY PAUL
LILLY, SALE TRICE
MORISSETTE, GARRY GENE
RUDOLPH, ROBERT HAWARD
SWILLEY, WAYMAN OWEN, JR.
UCHIDA, RICHARD TAD

UNRESTRICTED LINE OFFICER (TAR)

(TRAINING AND ADMINISTRATION OF RESERVE)

To be commander

OWEN, DONALD K.

SPECIAL DUTY OFFICER (INTELLIGENCE)

To be commander

BRYNESTAD, SUSAN MARIE

SPECIAL DUTY OFFICER (MERCHANT MARINE)

To be commander

SIDELINGER, GARY ALLEN

THE FOLLOWING-NAMED LIEUTENANT COMMANDERS IN THE STAFF CORPS OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

MEDICAL CORPS OFFICERS

To be commander

BAILEY, DEAN ALAN
BALSARA, ZUBIN NARI
MEHALEK, KAREN E.

SUPPLY CORPS OFFICERS

To be commander

ROARK, DOUGLAS SCOTT
THORNTON, CONNIE LOU

MEDICAL SERVICE CORPS OFFICER

To be commander

MONROY, RODNEY LYNN

NURSE CORPS OFFICER

To be commander

COULAPIDES, DEBORA ANN

THE FOLLOWING-NAMED LIEUTENANT COMMANDERS IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICERS

To be commander

LYNCH, JOSEPH MICHAEL JR.
WILCOX, WILLIAM GEORGE,

THE FOLLOWING-NAMED LIEUTENANT COMMANDERS OF THE RESERVE OF THE U.S. NAVY FOR PROMOTION TO THE PERMANENT GRADE OF COMMANDER IN THE STAFF CORPS, IN THE COMPETITIVE CATEGORY AS INDICATED, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 5912:

MEDICAL CORPS OFFICERS

To be commander

CLARK, DAVID A.
SPEIDEL, FRANCIS XAVIER

NURSE CORPS OFFICERS

To be commander

BUTLER, EILEEN MARGARET
KUTNER, JEANETTE
LENAHAN, LINDA M.

SUPPLY CORPS OFFICER

To be commander

KANE, RICHARD P.

CHAPLAIN CORPS OFFICER

To be commander

FRANCIS, DONALD SPENCER

THE FOLLOWING-NAMED LIEUTENANTS IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICER

To be lieutenant commander

CROSBY, MICHAEL ANDREW
DIAMOND, STEVEN MICHALE
FLANAGAN, JOHN FRANCIS
GARCIA, MARK ANTHONY JOHN
GOLDFINGER, JEFFREY SCOTT
GRAHAM, JOHN KEITH
JOHNSON, MARC JAY
KNIGHT, RUSSELL PAUL
NAGLE, ANDREW OWENS
PAWLOWSKI, FREDRICK DONALD J.
POSTERA, RICHARD JAMES
RUCKER, TERRY LYNN
THOMAS, JEFFREY NEILSON
WOLFE, ROBERT JOHN
YATES, PHILIP ARTHUR

LIMITED DUTY OFFICER (LINE)

To be lieutenant commander

MICHANOWICZ, ANTHONY MICHAEL

THE FOLLOWING-NAMED LIEUTENANTS IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICERS

To be lieutenant commander

ANDERSON, CHARLES SCOTT
CRAIN, PAUL DANIEL
NEWMAN, ROBERT DEAN
NICHOLS, JEFFREY DONALD

THE FOLLOWING-NAMED LIEUTENANT IN THE STAFF CORPS OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

MEDICAL CORPS OFFICER

To be lieutenant commander

PERRY, LORING ISAAC

THE FOLLOWING-NAMED LIEUTENANTS IN THE STAFF CORPS OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

MEDICAL CORPS OFFICERS

To be lieutenant commander

BIBLE, MONTE L.
DELTERZO, MICHAEL, A.
DZIEDZIC, STANLEY F.
FARRELL, TIMOTHY, P.
FOX, DANIEL R.
FREMMING, BRET G.
GIEDRAITIS, ROBERT B.
GROESBECK, PHILIP D.
HARRISON, KENNETH
HIPSKIND, JOHN E.
KABLE, MICHEAL S.
KARP, MICHAEL W.
LUCERO, JOSEPH W.
MARCHIANDO, THOMAS E.
MCKENNA, GEORGE J.
NARD, JEFFREY H.
PAPALEKAS, PANO L.
PENROSE, JAMES R.
PETERSON, BOBBY D.
PILE, JAMES C.
SCHRUNK, KEVIN FRANCIS
SCHWARTZ, FRANCIS X., JR.
VOLCHECK, GERALD WAYNE
WALLER, BENJAMIN R.
WALTER, LAWRENCE E.

DENTAL CORPS OFFICERS

To be lieutenant commander

CLARK, JAY A.
GROSS, GARY THOMAS
OLSEN, BARNEY T.
TRENTLEY, WILLIAM MICHAEL

MEDICAL SERVICE CORPS OFFICERS

To be lieutenant commander

FRYAUFF, DAVID JEFFREY
HOELSCHER, JOHN HENRY
HUFFMAN, ELIZABETH ANN

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

DENTAL

To be major

ERROL J. *. ALLISON [redacted]
STEVEN P. *. BLAHA [redacted]
WILLIAM T. *. BURNS [redacted]
MIKE W. *. CHOE, [redacted]
JOSE J. *. CONDE [redacted]
FURMAN K. *. COPE [redacted]
PAUL L. *. COREN [redacted]
ALEXANDER K. *. DEITCH [redacted]
JOSE D. *. DOMINGUEZ [redacted]
DAVID K. *. FIASCHETT [redacted]
ROBERT G. *. GLASS [redacted]
MARK L. *. GONSEWSKI [redacted]
JULIO *. GONZALES, III [redacted]
STEVEN M. *. GRODDY [redacted]
WALTER A. *. HENRY [redacted]
ROBERT L. *. HOLMES [redacted]
JOHN S. *. KITZMILLER [redacted]
JOSEPH S. *. KROBOCK [redacted]
KIM K. *. LEAVENWORTH [redacted]
SCOTT *. MATZENBACHER [redacted]
MILES S. *. MCCARTHY [redacted]
EUGENE W. *. MCCOLLUM [redacted]
SHANNON S. *. MCGEE [redacted]
STEVEN G. *. MONTOYA [redacted]
KEITH *. NAPOLITANO [redacted]
KIMBERLY G. *. PACKER [redacted]
JOHN K. *. PAUL, II [redacted]

CORAL M. *. POUPEREZ [redacted]
KENDALL L. *. RAY [redacted]
STEVEN P. *. RUBCZAK [redacted]
PATRICK A. *. SCIOSCIA [redacted]
ANA *. SERRANOTIRADO [redacted]
COLLEEN C. *. SHULL [redacted]
BORIS J. *. SIDOW [redacted]
JOHN A. *. STEVENS [redacted]
ANGEL A. *. VEGA [redacted]
DAVID A. VINCENT [redacted]
PAUL J. WARDEN [redacted]
TODD Z. *. WENTZ [redacted]
EDMUND L. *. YEPEZ [redacted]

MEDICAL CORPS

To be major

FRANCIS J. *. ABDOU [redacted]
CHRISTOPHER *. ACKER [redacted]
MARY C. *. AGUIAR [redacted]
RODNEY H. *. ALLEN [redacted]
STEVEN B. *. ALLEN [redacted]
DAVID K. *. ALLRED [redacted]
GLADYS *. ALVARADO [redacted]
STEVEN L. *. AMBROSICH [redacted]
MILTON W. *. ANDERSON [redacted]
PHILEMON *. ANDERSON [redacted]
BRIAN T. *. ANTHONY [redacted]
EDWARD D. ARRINGTON [redacted]
MARY T. *. BAKER [redacted]
THOMAS P. *. BAKER [redacted]
ROBERT J. *. BALOTIN [redacted]
LIN *. BASSETTSHAFTOE [redacted]
ITALO *. BASTIANELLI [redacted]
TERRY D. *. BAUCH [redacted]
KATHERINE L. *. BEVILL [redacted]
MONELLE G. *. BISSON [redacted]
JUDITH C. *. BLAISE [redacted]
JODIE L. *. BOLT [redacted]
STEPHEN L. *. BOLT [redacted]
CRAIG M. *. BONE [redacted]
OTTO F. *. BONETA [redacted]
MARIAN E. *. BONNER [redacted]
THOMAS D. BRESLEY [redacted]
GEORGE *. BROUGHTON, I [redacted]
MAURICE D. *. BROWN [redacted]
MICHAEL E. *. BROWN [redacted]
PENNY C. *. BROWN [redacted]
JANUS D. *. BUTCHER [redacted]
JOHN P. *. BYERS [redacted]
SCOT C. *. CALLAHAN [redacted]
WILLIAM C. *. CALTON [redacted]
TERRI L. *. CALVERT [redacted]
JOHN *. CAMPBELL [redacted]
ANTHONY J. CANFIELD [redacted]
ANNE W. *. CANNARD [redacted]
CHARLES C. *. CARDONE [redacted]
BONNIE J. *. CATTERSON [redacted]
BRIAN E. *. CAVALLARO [redacted]
EDMUND *. CAVAZOS, III [redacted]
BRUCE *. CHAMBERLAIN [redacted]
DEBORAH *. CHAN [redacted]
CARLA D. *. CHAPMAN [redacted]
DARREN C. *. CHAPMAN [redacted]
BRUCE *. CHEN [redacted]
WAYNE N. *. CHIU [redacted]
GREGORY E. *. CHOW [redacted]
JEFFREY *. CHRISTIAN [redacted]
PAUL T. *. CIRANGLE [redacted]
LAWRENCE E. *. CLAPP [redacted]
DANIEL C. *. CLARK [redacted]
GARY W. CLARK [redacted]
JOSEPH Y. *. CLARK [redacted]
HEIDI L. CLOSE [redacted]
MARK L. *. COCKERILL [redacted]
JOSEPH L. *. COLLINS [redacted]
TIMOTHY A. *. COLLINS [redacted]
JAN M. COMBS [redacted]
EVERETT B. *. COOPER [redacted]
NORVELL V. *. COOTS [redacted]
STEVEN W. *. CORSO [redacted]
BRIAN E. *. COTHERN [redacted]
KEVIN W. *. COX [redacted]
STEVEN M. *. CRENSHAW [redacted]
KEVIN *. CRUTCHFIELD [redacted]
TALLEY *. CULCLASURE [redacted]
JAMES A. DAHL [redacted]
JOSEPH N. *. DANIEL [redacted]
HUU N. *. DAO [redacted]
CHRISTOPHER *. DILLON [redacted]
LOUIS A. *. DINATTI [redacted]
DOMENICK E. *. DIRICO [redacted]
WAYNE H. *. DUKE [redacted]
SHERRIL E. *. DURBIN [redacted]
DWIGH *. DYKSTERHOUSE [redacted]
JAMES P. *. EARLS [redacted]
CYNTHIA L. *. EATON [redacted]
SANDRA J. *. EDWARDS [redacted]
JOHN R. *. EKSTRAND [redacted]
PATRICK L. *. ELLIOT [redacted]
JAMES *. ELLIS [redacted]
SUSAN F. *. EMANUEL [redacted]
JERRY A. *. EVANS [redacted]
MITCHELL J. *. FAKTOR [redacted]
LILIA A. FANNIN [redacted]
GERALD L. FARBER [redacted]
LOIS A. *. FIALA [redacted]
ROBERTA F. FICKE [redacted]
MELTON H. *. FISH [redacted]
NEIL A. *. FISHER [redacted]
RANDALL G. *. FISHER [redacted]
STEPHEN F. *. FLAHERTY [redacted]
DAVID T. *. FLOYD [redacted]
ERIN P. *. FOLEY [redacted]
ROBERT A. *. FORBES [redacted]
WAYNE T. *. FRANK [redacted]
DERRICK B. *. GALAPON [redacted]
JOHN J. *. GARCIA [redacted]
BARTON K. *. GEORGE [redacted]
BENJAMIN N. *. GILBERT [redacted]
MARY M. GIUSEPPETTI [redacted]
BRUCE E. *. GOECKERITZ [redacted]
DAVID P. *. GOLDMAN [redacted]
DOMINGO P. *. GONZALEZ [redacted]
JEFFREY *. GORDON [redacted]
ALLISON L. *. GORSKI [redacted]
PAUL E. *. GOTT [redacted]
PHILIP E. *. GREILICH [redacted]
WAYNE E. *. HACHEY [redacted]
NELSON A. *. HAGER [redacted]
NYUN C. *. HAN [redacted]
DAVID D. *. HARRELL [redacted]
LISA S. *. HARRING [redacted]
VIRGINIA K. *. HASSETT [redacted]
JANE E. *. HAYDEN [redacted]
JACKIE A. *. HAYES [redacted]
MARK D. *. HEIBEL [redacted]
BETHANY S. *. HELVIG [redacted]
MYRA A. *. HENDERSON [redacted]
MATTHEW W. *. HENIGES [redacted]
DOUGLAS A. *. HENNING [redacted]
GREGORY E. *. HERMAN [redacted]
DAVID *. HIGGINBOTHAM [redacted]
WILLIAM K. *. HIROTA [redacted]
DAVID M. *. HIRSCH [redacted]
STEVEN E. *. HOLT [redacted]
TIMOTHY G. *. HOOPES [redacted]
DUANE R. *. HOSPENTHAL [redacted]
MARK A. *. HOUGHLAND [redacted]
DAVID S. *. HOWARD [redacted]
DONALD W. *. HUFFMAN [redacted]
WILLIAM T. *. HUMPHREY [redacted]
JEFFREY L. *. JACKSON [redacted]
KAREN B. *. JOHANSEN [redacted]
LUTHER B. JOHANSEN [redacted]
CYNTHIA A. *. KAHN [redacted]
DEVESH *. KANJARPANE [redacted]
MICHAEL A. *. KARP [redacted]
LISA W. *. KEEP [redacted]
COLIN T. KELLEY [redacted]
KENNETH R. *. KEMP [redacted]
KEVIN L. *. KENWORTHY [redacted]
THOMAS E. *. KILKENNY [redacted]
ANDREW W. *. KING [redacted]
DANIEL J. *. KINGSBURY [redacted]
THOMAS E. KINGSLEY [redacted]
WENTZELLE *. KITCHENS [redacted]
MARK D. *. KLINE [redacted]
DAVID J. *. KNAPP [redacted]
ALBERT B. *. KNOUSE [redacted]
JOSEPH R. KOLB [redacted]
MARK G. *. KORTEPETER [redacted]
CHRISTOP *. KOZLOWSKI [redacted]
DAVID A. *. KRISTO [redacted]
KEVIN M. *. KUMKE [redacted]
THEODORE J. *. KUTCHER [redacted]
MARK S. *. LAFAVE [redacted]
REED R. *. LAMBERT [redacted]
BRIAN F. *. LANE [redacted]
JOHN J. *. LASSEGARD [redacted]
LOUIS D. *. LATORRE [redacted]
JEFFREY A. LAWSON [redacted]
ELLEN F. *. LAZARUS [redacted]
DANIEL D. *. LE [redacted]
HEE C. LEE [redacted]
BRUCE A. *. LEFF [redacted]
BRIAN C. LEIN [redacted]
MICHAEL E. *. LENCZYK [redacted]
KATHLEEN U. *. LEO [redacted]
LEONARD J. *. LEONE [redacted]
LAWRENCE S. *. LEPLER [redacted]
EDWARD F. *. LEUSCHNER [redacted]
EDWARD K. *. LEVENTHAL [redacted]
THOMAS E. *. LEVOYER [redacted]
ANGELA D. *. LEVY [redacted]
CHRISTINE M. *. LEYBA [redacted]
JILL A. *. LINDSTROM [redacted]
MARGARET B. *. LISECKI [redacted]
MELISSA H. *. LOUGHNEY [redacted]
LEWIS L. *. LOW, [redacted]
SHARON L. *. LUDWIG [redacted]
GEORGE H. *. LUM [redacted]
CARL E. *. LUTHER [redacted]
JEFFREY MACINTIRE [redacted]
SARAH R. *. MACK [redacted]
JOHN F. *. MACKEY [redacted]
ANDREW J. *. MACLELLAN [redacted]
KENDA R. *. MADANY [redacted]
TIMOTHY *. MALINOWSKI [redacted]
GREGG A. *. MALMQUIST [redacted]
FRANCIS J. *. MALONE [redacted]
DAVID G. *. MALPASS [redacted]
BARRY E. *. MARCHETTO [redacted]
GREGOR *. MARINKOVICH [redacted]
PHYLLIS *. MASONWELLS [redacted]
JOHN R. *. MAYER [redacted]
RAYMOND C. *. MAYS [redacted]
BRADLEY T. *. MCCALL [redacted]
SHERMAN A. MCCALL [redacted]
MATTHEW J. *. MCCARTY [redacted]
DONALD R. MCCLELLAN [redacted]
SUSAN E. *. MCCORMICK [redacted]
SCOTT E. *. MCDONALD [redacted]
JOHN A. *. MCHENRY [redacted]
DANIEL *. MCLAUGHLIN [redacted]
THOMAS *. MCLOUGHLIN [redacted]
WILLIS A. MCVAY [redacted]
QUERUBIN P. *. MENDOZA [redacted]
THOMAS H. *. METZ [redacted]
COLIN K. *. MILLER [redacted]
JERRY J. MILLER [redacted]
ANTHONY J. *. MOORMAN [redacted]
RICHARD T. *. MORMAN [redacted]
RONALD L. *. MORTON [redacted]
MICHAEL L. *. MULLEN [redacted]
MERIDYTH K. *. MUNNS [redacted]
TIMOTHY R. *. MURRAY [redacted]
SCOTT D. *. MURTHA [redacted]
CAROLINE T. *. MUSCARI [redacted]
RICKEY C. *. MYHAND [redacted]
CLIFFORD M. *. MYLES [redacted]
GEORGE M. *. NARBY [redacted]
AUDREY A. *. NARDUCCI [redacted]
SRIDHAR *. NATARAJAN [redacted]
KAREN M. *. NELSON [redacted]
PAULA J. *. NINER [redacted]
MARK R. *. NORWID [redacted]
SHERI Y. *. NOTTESTAD [redacted]
HOWARD G. OAKS, [redacted]
JEFFREY *. OETTINGER [redacted]
ROBERT J. OGLESBY [redacted]
COLIN K. *. OHRT [redacted]
BENJAMIN T. *. OLDHAM [redacted]
CAROL L. *. OLNICK [redacted]
TIMOTHY J. *. ONEIL [redacted]
KELLY M. *. ONEILL [redacted]
ALONZO *. ORTEGA, [redacted]
JOSEPH PAFUMY [redacted]
THOMAS E. *. PAGE [redacted]
FREDERIC *. PALMQUIST [redacted]
MARY F. *. PARKER [redacted]
DANIEL G. *. PATERSON [redacted]
GEORGE D. *. PATRIN [redacted]
GEORGE E. *. PEOPLES [redacted]
ISABE *. PEREZRALSTON [redacted]
CHARLES J. *. PERROTTA [redacted]
GREGORY PETERMANN [redacted]
JOHN Y. *. PHELPS [redacted]
DAVID *. PHUNG, [redacted]
THOMAS R. *. PLACE [redacted]
FREDRIC R. *. PLOTKIN [redacted]
ALBERT V. *. PORAMBO [redacted]
STUART B. *. PORTER [redacted]
STEVEN J. *. POSNICK [redacted]
ROBERT S. *. POWELL [redacted]
LAURA L. *. PRATT [redacted]
KELLY D. PRIDGEN [redacted]
TEDD R. *. PUCKETT [redacted]
MALEKA *. QAYUMI [redacted]
STEPHEN D. RABORN [redacted]
MICHAEL G. *. RAPPA [redacted]
DANIEL R. *. REICHERT [redacted]
JAY G. *. REID [redacted]
JAY A. *. RIDDLE [redacted]
MARIANNE C. *. RIES [redacted]
PATRICK *. ROBERTSON [redacted]
MICHAEL D. *. ROBINSON [redacted]
RANDAL D. ROBINSON [redacted]
JEFFREY E. *. RODZAK [redacted]
ROZALYNDE R. *. ROGERS [redacted]
JOHN H. *. ROMANOW [redacted]
BRADLEY J. *. ROTH [redacted]
MICHAEL J. *. ROY [redacted]
STEVEN A. *. RUDD, [redacted]
PAUL A. *. RUGGIERI [redacted]
PETER *. RUGGIERO, JR [redacted]
TODD M. *. RUMANS [redacted]
KEVIN J. *. SANDBERG [redacted]
JAMES C. *. SARTORE [redacted]
JOHN R. *. SASHKO [redacted]
DARRELL K. *. SCALES [redacted]
EILEEN *. SCANLAN [redacted]
JAY J. *. SCHANTZEN [redacted]
DAVID E. *. SCHENK [redacted]
JOHN R. *. SCHULTZ [redacted]
JACK D. *. SCOTT [redacted]
ROBERT F. *. SEARLES [redacted]
CRAIG K. *. SETO [redacted]
NEAL I. *. SHPARAGO [redacted]
CRAIG A. *. SIMON [redacted]
CHRISTOPHER *. SINHA [redacted]
JOHN G. *. SIROIS [redacted]
BRICE T. SMITH [redacted]
CURTIS M. *. SORENSEN [redacted]
JENNIFER M. *. SOYKE [redacted]
GREGORY L. *. SPEARS [redacted]
DAVID B. *. SPROAT [redacted]
NICHOLAS *. STAMATOS [redacted]
SARAH S. *. STEINBAUM [redacted]
MARK R. *. STORM [redacted]
PETER D. *. SWANN [redacted]
DAVID R. *. SYDOW [redacted]
LESLIE W. *. TAM [redacted]
FRANCIS V. *. TAPIA [redacted]
DAVID O. *. TAYLOR, [redacted]
TIMOTHY O. *. TAYLOR, [redacted]
HEIDI P. TERRIO [redacted]
JAMES D. TERRIO [redacted]
JOHN R. *. THOMPSON [redacted]
SONJA M. *. THOMPSON [redacted]
MONTGOMERY *. THORNE [redacted]
BRIAN K. *. THWAITES [redacted]
JONATHAN B. *. THYNG [redacted]
GLEN E. *. TOMKINS [redacted]
JUAN *. TORRESCORDERO [redacted]
DAVID P. *. TRACY [redacted]

ROBERT F. *. TYREE [redacted]
BRIAN K. UNWIN [redacted]
RODERICK S. *. VOGEL [redacted]
DANIEL E. *. WALKER [redacted]
EUGENIA S. *. WALSH [redacted]
ROBERT A. *. WASCHER [redacted]
PAUL G. *. WEAVER [redacted]
STEVEN E. *. WEBER [redacted]
GREGORY P. *. WELCH [redacted]
MARK D. *. WESTFALL [redacted]
WILLIAM W. *. WHARTON [redacted]
DAVID C. *. WHITE [redacted]
CHARLES B. *. WHITLOW [redacted]
GLENN R. *. WILLETT [redacted]
ROBERT W. *. WILTSHIRE [redacted]
JOHN M. *. WING [redacted]
GLENN W. *. WORTMANN [redacted]
CARL S. *. WROBLESKI [redacted]
JULIE A. *. WUEST [redacted]
JOHN S. *. XENOS [redacted]
ROBERT M. *. YACYNYCH [redacted]
LAWRENCE B. *. YELLIN [redacted]
NICHOLAS J. YOKAN [redacted]
WILLIAM J. YOST [redacted]
CLIFTON E. *. YU [redacted]
VIKRAM P. *. ZADOO [redacted]
JOHN J. *. ZAP [redacted]
GEORGE W. *. ZIMMERMAN [redacted]

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

DENTAL CORPS

To be lieutenant colonel

JAMES R. *. ALLINDER [redacted]
THOMAS F. *. ARMSTRONG [redacted]
RANDALL N. *. BALL [redacted]
ZOLTAN T. BERKY [redacted]
ROBERT W. *. BLOCK [redacted]
BRUCE B. *. BREHM [redacted]
MICHAEL D. *. BROWN [redacted]
GEORGE BUMGARDNER [redacted]
EDWARD J. CATHRIGHT [redacted]
DAVID Y. CHANG [redacted]
MICHAEL V. *. CLARK [redacted]
TIMOTHY J. COEN [redacted]
ANNE M. *. COMPTON [redacted]
GARY P. *. CONNELL [redacted]
MARSHALL R. *. COX [redacted]
STEVEN E. *. CROSS [redacted]
RANDY N. *. DAVIS [redacted]
ROGER T. *. ELLIS [redacted]
WILLIAM C. ELTON [redacted]
BRIAN FITZPATRICK, [redacted]
DONALD W. FOSTER [redacted]
BETTY G. *. GALVAN [redacted]
DAVID A. GALVAN [redacted]
TIMOTHY J. *. GERETY [redacted]
ROGER D. GLENN [redacted]
THERESA S. *. GONZALES [redacted]
GLENN A. *. GREENE [redacted]
PATRICE E. *. GREENE [redacted]
TAM S. *. HAGER [redacted]
WILLIAM H. *. HALL [redacted]
PRISCILLA HAMILTON [redacted]
ALAN HAROIAN [redacted]
KURT J. *. HASSELL [redacted]
JOHN W. HELLSTEIN [redacted]
GREGORY A. *. JACKLEY [redacted]
KENNETH C. KEATE [redacted]
KRAIG K. KENNY [redacted]
DAVID E. KOSIOREK [redacted]
ALAN N. *. KUHRE [redacted]
THOMAS B. LEFLER [redacted]
CLYDE W. *. LONG [redacted]
ROBERT W. *. LUTKA [redacted]
JEFFERY O. LUZADER [redacted]
ROBERT S. MATTHEWS [redacted]
WILLIAM K. *. MAYHEW [redacted]
MICHAEL F. MCCARTHY [redacted]
MARCUS F. MCDONALD [redacted]
MARK N. MCDONALD [redacted]
EDWARD J. MISTAK [redacted]
RAYMOND R. *. NYKAZA [redacted]
FRANK E. ORR [redacted]
MICHAEL G. *. PAGE [redacted]
FRANCISCO RUIZ [redacted]
BRION C. SMITH [redacted]
RONALD S. STANKO [redacted]
ROSS W. STRYKER [redacted]
LOUIS J. TALOUMIS [redacted]
DWIGHT E. *. THOMPSON [redacted]
STEVAN H. *. THOMPSON [redacted]
GEORGE E. TOLSON, [redacted]
ANN S. VONGONTEN [redacted]
ROBERT M. *. WEAVER [redacted]
ROBERT J. WILHELM [redacted]
CRAIG C. *. WILLARD [redacted]
CRAIG J. WILLIAMS [redacted]
ROGER WORTHINGTON [redacted]

MEDICAL CORPS

To be lieutenant colonel

MARIO H. ALVARADO [redacted]
GREGG T. *. ANDERS [redacted]
WILLIAM C. *. ANDOLSEK [redacted]
GUILLERMO W. *. ARNAUD [redacted]
BRIAN K. *. BARNARD [redacted]
DAVID M. BARTOSZEK [redacted]
JAMES M. *. BAUNCHALK [redacted]
JOANNA C. *. BEACHY [redacted]
ERIC W. *. BERG [redacted]
KENNETH *. BODDIE [redacted]
EMMAN *. BONNECARRERE [redacted]
JON C. *. BOWERSOX [redacted]
JOHN D. *. BROOKE [redacted]
LARRY D. *. BROWN [redacted]
THOMAS J. *. BURKE [redacted]
PETER F. *. BURNS [redacted]
DAVID G. BURRIS [redacted]
BRADLEY G. *. BUTE [redacted]
JENNIFER L. *. CALAGAN [redacted]
JUDITH *. CHANTELOIS [redacted]
ARUNDHA *. CHATTERJEE [redacted]
THEODORE J. *. CIESLAK [redacted]
WILLIAM W. COLLIER [redacted]
JAY F. *. COOK [redacted]
JONATHAN F. *. COOK [redacted]
JOHN S. *. CROWLEY [redacted]
DON J. DANIELS [redacted]
DANIEL R. *. DAVIDSON [redacted]
BERNARD L. *. DEKONING [redacted]
GARY L. *. DIER [redacted]
BENJAMIN W. DOOGE [redacted]
DANNY M. *. DOUGLAS [redacted]
MAX B. *. DUNCAN [redacted]
ERWOOD G. *. EDWARDS [redacted]
DIRK M. *. ELSTON [redacted]
JEFFREY A. ELTING [redacted]
RAYMOND *. ENZENAUER [redacted]
JOSEPH J. *. ERNST [redacted]
VINCENT *. EUSTERMAN [redacted]
JOHN R. *. FAZIO [redacted]
STEVEN F. *. FINDE [redacted]
KENNETH I. *. FINK [redacted]
DANIEL *. FITZPATRICK [redacted]
CHARLES W. *. FORD [redacted]
MARK S. *. FOSTER [redacted]
DANIEL W. *. GARLAND [redacted]
JAMES A. GEILING [redacted]
ROYAL K. *. GEROW [redacted]
MARTIN B. GIANDONI [redacted]
JOHN L. *. GILILLAND [redacted]
THOMAS S. GORMLEY [redacted]
ROBERT M. *. GUM [redacted]
JEFFR GUNZENHAUSER [redacted]
MICHAEL P. *. HAGAN [redacted]
SHARON L. HAMMOND [redacted]
KURT L. *. HANSBERRY [redacted]
ELIZABETH A. HANSEN [redacted]
GEORGE *. HARRINGTON [redacted]
MARK D. *. HAYS [redacted]
ERIC R. HELANDER [redacted]
EDWARD S. *. HEMPHILL [redacted]
BLAINE R. *. HERIC [redacted]
NORMAN A. *. HETZLER [redacted]
GEORGE F. *. HODGES [redacted]
KENT C. *. HOLTZMULLER [redacted]
WAYNE T. *. HONEYCUTT [redacted]
THOMAS M. HOWARD [redacted]
JEFFREY M. HRUTKAY [redacted]
WALTER J. *. HUBICKEY [redacted]
THOMAS L. *. IRVIN [redacted]
EUGENE J. IWANYK [redacted]
FRANK H. *. JAHNS [redacted]
ISMAIL *. JATOI [redacted]
BRIAN P. *. JOHNSON [redacted]
FREDERIC *. JOHNSTONE [redacted]
JAMES G. JOLISSAINT [redacted]
RONALD G. *. JONES [redacted]
DAVID A. *. JORDAN [redacted]
LEE W. *. JORDAN [redacted]
CHRISTOPH KAUFMANN [redacted]
DANIEL N. *. KAYANAN [redacted]
MARK S. *. KESTNER [redacted]
DAVID KISHBAUGH [redacted]
JONATHAN P. *. KUSHNER [redacted]
YVONNE L. *. LAMY [redacted]
JAMES J. LEECH [redacted]
ANGELINA J. LEPAGE [redacted]
PAUL A. LEPAGE [redacted]
SCOT M. *. LEWEY [redacted]
DAWN E. *. LIGHT [redacted]
RONALD A. LISS [redacted]
KATHERINE *. LOVELL [redacted]
ROBERT C. LYONS [redacted]
JAY D. *. MABREY [redacted]
GEORGE M. *. MAHER [redacted]
JOHN T. MCBRIDE [redacted]
EMMA L. *. MCCORMACK [redacted]
PETER L. *. MCEVOY [redacted]
EDWARD B. *. MCWHIRT [redacted]
DALIA *. MERCEDBRUN [redacted]
CHARLES S. MILLIKEN [redacted]
WILLIAM F. *. MISER [redacted]
REGINALD H. MOORE [redacted]
JAMES A. *. MORGAN [redacted]
MICHAEL R. *. MORRIS [redacted]
JUDD W. *. MOUL [redacted]
JOSEPH R. *. MURPHY [redacted]
STEPHEN P. *. MURRAY [redacted]
THEODORE S. NAM [redacted]
KATHL *. NORTHWILHELM [redacted]
JAMES M. OLSEN [redacted]
STEPHEN B. *. OLSEN [redacted]
DAVID T. ORMAN [redacted]
CAROLE A. ORTENZO [redacted]
DANIEL R. *. OUELLETT [redacted]
ELMER J. *. PACHECO [redacted]
VERNON C. PARMLEY [redacted]
MICHAE *. PASQUARELLA [redacted]
ALAN D. PEARSON [redacted]
RONALD *. POROPATICH [redacted]
MADHUKAR K. *. PUNJA [redacted]
DEOGRACIA QUINONES [redacted]
WILLIAM W. REED [redacted]
THOMAS J. REID [redacted]
DONN R. RICHARDS [redacted]
FRANKLIN E. *. ROIG [redacted]
CLYDE R. *. ROY [redacted]
JOHN J. *. RYAN [redacted]
VIVENCIO L. *. SALCEDO [redacted]
CURT P. *. SAMLASKA [redacted]
VIJAY K. *. SANGAR [redacted]
DON W. *. SHAFFER [redacted]
TIMOTHY R. *. SHAVER [redacted]
LEONORA O. SHAW [redacted]
KENNETH E. *. SHERMAN [redacted]
KENNETH J. *. SIMCIC [redacted]
DONALD R. SKILLMAN [redacted]
DICK D. *. SLATER [redacted]
CRAIG E. *. SMITH [redacted]
BONNIE L. *. SMOAK [redacted]
CHARLES R. *. SOULIERE [redacted]
JEFFREY C. *. STILES [redacted]
JONATHAN G. *. STOCK [redacted]
WAYNE C. *. STUART [redacted]
JOEL M. *. SUMFEST [redacted]
ALLEN B. THACH [redacted]
ROBERT S. *. THOMAS [redacted]
DUANE D. TIPPETS [redacted]
DRAGO *. TOLOSA [redacted]
CHRISTOPHE *. TROMARA [redacted]
CHARLES L. *. TRUWIT [redacted]
JOHN M. UHORCHAK [redacted]
WILL *. VORDERBRUEGGE [redacted]
SIMON G. *. WALL [redacted]
HARRY L. WARREN [redacted]
GLENN M. WASSERMAN [redacted]
RAYMOND W. *. WATTERS [redacted]
ROBERT R. *. WITTLER [redacted]
CARL C. *. YODER [redacted]
GLEN Y. YOSHIDA [redacted]
MARIANNE M. YOUNG [redacted]

IN THE NAVY

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS, WHO ARE NAVAL ACADEMY GRADUATES, TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

NAVAL RESERVE OFFICERS, USN

To be ensign; permanent

ROBERT BRADLEY AARNES
PHILLIP MICHAEL ADRIANO
LEOPOLDO SARDALLA ALBEA, JR
BRENT ADDISON ALFONZO
JASON YANAR ALLEE
JASON CHRISTOPHER ALLEYNE
ANDREW ALAN ALOISIO
HERNAN ORLANDO ALTAMAR ESTRADA
HEIDI MARIE ALTHOFF
CHRISTOPHER CHAD ALVAREZ
MICHAEL TIMOTHY AMOS
KEVIN WARREN ANDERSEN
JAMES ARTHUR ANDERSON
JENNIFER LYNN ANDERSON
JUSTIN PATRICK ANDREWS
ERIC JOSE ANDUZE
DARREN RAYMOND ANZELONE
EDGAR FABILA ARNALDO
TODD ROBERT ARNESON
MATTHEW DAVID ARNOLD
JAIMESON JOSEPH ARNONE
MATTHEW LINDH ARNY
RICHARD CHARLES ARTHUR
GARRETT CHRISTOPHER ARTZ
BENJAMIN JESSE ASH
DAVID HERRINGTON ASHBY
ARLEN EDWARD ASPENSON
ROBERTO JOSE ATHA, JR
KEVIN LOUIS AUSTIN
ERIC JOSEF BACH
KATHERINE LOUISE BADGLEY
EUGENE RAYMOND BAILEY
LAURA ANN BAJOR
ANTHONY POWER BAKER
DOUGLAS CONAN BAKER
JOHN ANTHONY BALTES
JONATHAN BAUTISTA BARON
JEFFREY ISAAC BARR
ROBERT VINCENT BARTHEL
JOSEPH WILLIAM BARTISH, IV
WILLIAM ANDREW BARTLE
DANIEL VERNON BAXTER
JOHN ALLEN BAYLESS
CHRISTOPHER STUART BEAUFAIT
CHRISTOPHER THOMAS BECK
DAVID GEORGE BEITER
STEPHEN JOSH BELL
BRIAN CHARLES BENDER
JASON HORST BENNETT
AARON DEWAYNE BENWAY
JEFFREY ALAN BERNHARD
ROBERT MOGABGAB BERRYMAN
STEPHEN ANTHONY BISHOP
JAMES BRETT BLANTON
JAMEY JOHN BLOCK
JOY MARGUERITE BLOOM
DAMIAN SENNEN BLOSSEY
MATTHEW ROY BLUNT
SCOTT ALLEN BOEDEKER
JAMES BRITTON BOHN
JOHN DANIEL BOONE
MICHAEL JAMES BOONE
JAMES PATRICK MARSH BORGHARDT
JEFFREY SCOTT BOROS
DAVID WILLIAM BORUSHKO
JAMES RICHARD BOSS
TIMOTHY ERIC BOURDON
COLIN ANDREW BOWSER
KEVIN PAGE BOYKIN
JOSEPH PHILIP BOZZELLI
BRADY ADAMS BRADY
HEATHER DAVIS BRAND
MICHAEL TIMOTHY BRASWELL, JR
JONATHAN WILLIAM BRAUN
ROBERT JAMES BRAUN
ERIC JASON BRENDEN
MICHELE MARIE BRETT
DAVID ALLEN BRETZ
DAMIAN HOLLAND BRIDGES
WALTER ELMER BRIDGMAN, III
STEPHANIE MICHELLE BRILL
ROBERT DONALD BRODIE

CHRISTOPHER TERENCE BROWN
JAMES EDWARD BROWN
KARY NIKOLAI BROWNLEE
BRET RYAN BRUCHOK
ERIC THOMAS BRUNS
JERRY MICHAEL BRYL
BRYAN JOSEPH BULJAT
KRISTIN MICHELLE BURBAGE
MICHAEL LOUIS BURD
COLVERT PEGOLLO BURGOS
THEODORE MICHAEL BURK
BRIAN JOHN BURKE
RICHARD ALAN BUTLER
TODD ANDREW BUTLER
JAMES HARRISON BYRD, JR
KEVIN PATRICK BYRNE
MARCELLO DOMINIC CACERES
SCOTT NELSON CALLAHAM
GREGORY CAMERON
KYLE RICHARD CAMPBELL
RANSEN JULES CAOLA, JR
KEVIN NOEL CARADONA
MARC GEORGE CARLSON
ARON SHEA CARMAN
ALBERTA CAMACHO CARPENTER
JEFFREY LEONARD CARPENTER
MARK GLENN CARTER
ROBERT ALFRED CASPER, JR
CHRISTOPHER JOHN CASSIDY
ANGELO NICHOLAS CATALANO
DAVID MATTHEW CATTLER
CHRISTOPHER JAMES CAVANAUGH
JACOB ANDREW CHACKO
JONATHAN LYONS CHADWICK
DANIEL KIWHAN CHANG
GREGORY FREDERICK CHAPMAN
COLEY CLINTON CHAPPELL
FELIPE ROBERTO CHARON GUZMAN
DENISE LEIGH CHATFIELD
ROBERT LAWRENCE CHESSER
CHRISTOPHER JOSEPH CHILBERT
MICHAEL CASEY CHOATE
RYAN GUST CHRISTOPHERSON
CHRISTOPHER JAMES CIZEK
JOSEPH MICHAEL CLARK, JR
MICHAEL JAMES CLOYD
RELMOND BENNETT COBB
BRYAN MICHAEL COCHRAN
JAMES DOUGLAS COLLIER
JEFFREY SCOTT CONKLIN
NORA CATHLEEN CONNELLY
SALVADOR CONTRERAS, III
CHARLES LEANDER CONVERSE
ERIC LAURENCE CONZEN
GEORGE HUBERT COOPER
PETER ANTHONY CORRAO, JR
BERNARD ANTHONY CORREIA, III
JOSEPH LLOYD COX, IV
MARK ALBERT CRAWFORD
TIMOTHY MARTIN CRAWFORD
FREDERICK EARL CRECELIUS
DENNIS QUIGLEY CRONYN
DEVAN JOHN NAPOLEON CROSS
ANNA CIELITO CRUZ
KRISTEN WILLIAMS CULLER
CORY LYNN CULVER
JAMES COLIN CUMMINGS
WILLIAM GENE CUSHMAN
SARAH ANN DACHOS
CHRISTOPHER MATTHEW DAGUE
RUTH ANNETTE DALTON
WILLIAM ROCKWELL DALY
ERIC ROBIN DANIELS
ANDREW DANIEL DANKO
BRAD BEHRING DAVIDSON
HEATHER LYNN DAVIES
JEFFREY SCOTT DAVIS
RICHARD STUART DAVIS
SCOTT ALBERT DAVITT
DANIEL MICHAEL DEGNER
KENNETH DONALD DEHAN
STEPHEN JOHN DELANTY
JAMES ALDRICH DELARODERIE
ALEXANDER JOHN DELCASTILLO
LARRY GENE DENTON, JR
ROBERT DENTON, III
RALPH FREDERICK DEWALT, II
BRENDON THOMAS DIBELLA
BRIEN WAYNE DICKSON
TED ERIC DINKLOCKER
PHILLIP STEPHAN DOBBS
STEPHEN FRANCIS DOLING
TRAVIS BARRY DONE
BRAD PATRICK DONNELLY
ELLIOTT TODD DORHAM
HUGH JOSEPH DORRIAN, II
JEFFREY JAMES DRAEGER
DEBRA ANN DRAHEIM
MARC EDWARD DROBNY
JAY EDWARD DRYER
TERRENCE LLOYD DUDLEY
TODD CHRISTOPHER DUDLEY
PETER RAYMOND DUFOUR
MATTHEW CHARLES DUNAWAY
DAVID FIELD DUNCAN
MICHAEL GEORGE EARL
DANIEL GEOFFREY ECKERT
ROBERT VINCENT EGAN
JEFFREY WILLIAM EGGERS
JAMES JOSEPH ELIAS
CARLTON THOMAS ELLIOTT
THOMAS SCOTCHMER ELLISON II
HAROLD ALAN ELLSWORTH
PHILIP LEE ENGLE, JR
JOSHUA GARY ENGLISH
GEOFFREY ALAN ENNS
ERIK JAMES ESLICH
DANILO ALFORQUE ESPIRITU, JR
KELLY ANN EUBANKS
MARIA DENISE FALZONE
JUAN ANDRES FANJUL
ERIC CLAYTON FARRAR
MICHAEL GERARD FARREN
MICHAEL DAVID FAVETTI
JOHN ANDREW FAXIO
ROBERT KEEGAN FEDERAL, III
MATTHEW ROBERT FEENEY
MICHAEL EDWIN FENTON
JOHN HARLAN FERGUSON
KENNETH LEE FERGUSON
MARK JOSEPH FERNANDEZ
BRYAN JAMES FETTER
LESLEY JOHN FIERST
NACIM ROBERT FIGGE
MATTHEW DAVID FINNEY
NICHOLAS JAMES FIORE
BENJAMIN THOMAS FITCHETT
MICHAEL WILLIAM FIVAS
MICHAEL SEAN FLATLEY
JORGE RICARDO FLORES
KEVIN ANDREW FLYNN
JEFFREY JOSEPH FOGARTY
ERIC NEIL FONTAINE
JOSEPH CARL FORAKER, III
MICHAEL AARON FOX
SUSANNE MARIE FRANKLIN
RICK JOHN FRATUS
KURT ENGELBERT FRICKER
JAMES EDWARD FRITSCH, JR
WARDELL CONRAD FULLER
BRETT THOMAS FULLERTON
GEORGE GREGORY FUTCH
TODD ALAN GAGNON
MICHAEL PATRICK GALLAGHER
TIMOTHY JAMES GALLAGHER
GREGORY FRANCIS GALLMANN
DAVID PAUL GALLUS
FERNANDO GARCIA
JOANNA LEE GARCIA
KARL GARCIA
LINDA MARIE GARNER
CASEY CHARLES GARWOOD
MARC ANTHONY GENUALDI
MELISSA JOAN GERACE
ANDREW SHAWN GIBBONS
ANTHONY FRANCIS GILLESS
LYNN ANDREW GISH
J. SEARGEANT GLENN
ANTHONY SCOTT GLOVER
DAVID BURTON GLOVER
DAL HO GO
FREDERIC CARL GOLDHAMMER
ISSAC NMN GONZALEZ
SCOTT BRIAN GOOCH
ROBERT FRANKLIN GOODSON, II
JOHN JOSEPH GORDON
KYLE PACE GORDY
WAYNE GERALD GRASDOCK
MARIA LOUISE GRAUERHOLZ
MICHAEL JAMES GRAVITT
CHAD ROBERTS GRAY
AARON TIMBERLAKE GREENE
DANIEL EUGENE GREENE
MARCUS CHRISTOPHER GREENSPAN
JOHN DAVID GREMILLION
BRADLEY MAURICE GRESHAM
KENNETH JOSEPH GRIESER
NOEL MICHAEL GRIFFITH, JR
CHRISTOPHER KIM CHON GRILLONE
JOHN REYNOLDS GROH, III
EDWIN JOHN GROHE, JR
ADAM BRETT GROSSMAN
TIMOTHY SHAWN GUDUKAS
RICHARD CORRY GUERIN
WAYNE DOUGLAS GUNTHER
JOHN DIETRICH HAASE
STEPHEN CHARLES HABERMAS
LARS RAYMOND HAGENDORF ORLOFF
STEPHANIE ANNE HAHN
DENNIS RAY HALL, JR
DANIEL JOSEPH HALLER
JASON GRAY HAMMOND
WILLIAM JESSE HANGER
TIMOTHY JOHN HANLEY
PHILLIP EDWARD HANSEN
HEATH LAMAR HANSHAW
CHRISTOPHER JOHN HANSON
KEVIN KARL HANSON
CHRISTOPHER GAVIN HARDING
BRIAN JAMES HARRIS
GLENN RUSSELL HARSHMAN
MONTY LANE HASENBANK
ANTHONY JOHN HATOK, JR
ERIC JAMES HAWN
JOHN WILLIAM HAWVER
ERNEST EDWARD HAYNES, III
ALBON ONEAL HEAD, III
JOHN ANDREW HELLMANN
JAMES ALAN HENDERSON
RAY MARVIN HENDRIX, JR
ALAN MICHAEL HERN
PATRICK LEE HERRERA
GERALD TODD HEYNE
TURHAN ISMAEL HIDALGO
JEFFREY BRIAN HILL
ALLEN LEE HOBBS
KELLY JEANNE HOEFT
TODD ALDEN HOFSTEDT
JOHN JOSEPH HOGAN, JR
STEPHEN BRUCE HOLLAND
MARK FREDRICK HOLZRICHTER
BRANDON ALAN HONEYCUTT
WADE HAMILTON HOOPER
JOHN WAYNE HOPKINS, JR
JULIE ANN HOUSE
ROBERT THOMAS HOWARD
MONROE MARTIN HOWELL, II
CORY RICHARD HOWES
MICHAEL MING HUA HSU
GREGORY WRIGHT HUBBARD
DOUGLAS CHARLES HUNTINGTON
BRYAN ERIC HURD
JOHN FREEMAN HUSSEY, III
MATTHEW PALMER HYDE
MARK AARON IMBLUM
DARRELL BRIAN INGRAM
JOSEPH PATRICK IRETON, JR
DAVID KERINGER ISMAY
MICHAEL KAZUO ITAKURA
JASON HILLARY JACK
STEPHEN JOSHUA JACKSON
JASON ERIC JAKUBOWSKI
OMAR ELIAS JANA
WILLIAM WORTHINGTON JEFFRIES
BYRON WADE JENKINS
GENTRY WADE JENSEN
JON LIAN JENSEN
WILLIAM HENRY JEWETT, III
CHARLES ADLER JOHNSON, JR
DAVID ROBERT JOHNSON
NOEL PATRICK JOHNSON
TIMOTHY ALVIN JOHNSON
VINCENT RICHARD JOHNSON
WILLIAM SPENCER JOHNSON, V.
CORINNE RILEY JONES
DAVID STEWART JONES
JOHN FRANCIS JONES
MICHAEL PROCTOR JOYNER
JEFFREY ALLEN JURGEMEYER
BRIAN RICHARD JURUTKA
THOMAS CHARLES KAIT, JR
WILLIAM RICHARD KANE
RONALD JAMES KARUN, JR
PATRICK MICHAEL KEANE
DANIEL JOHN KECK
MICHAEL PATRICK KEITH
GREGORY BRIAN KELLER
SEAN GLEN KELLIHER
RICHARD MCCULLOUGH KELLY
KENNETH MATTHEW KEMBALL COOK
WILLIAM ANDREW KENDRICK
JOHN DAVID KENNARD
W. PAUL KENNEY, III
KARI ANN KENNY
LUCAS WAYNE KERLEY
CALEB ALAN KERR
KENDRA LEE KEWAK
DAVID MICHAEL KIICK
JOHN PATRICK KILLACKY
ROY SUNG JOON KIM
ANDREW JAMES KIMSEY
RICHARD WILLIAM KINCAID
TYPHANIE ANNE KINDER
JEFFERY THOMAS KING
STEVEN MORRIS KING
BRADLEY LEE KINKEAD
KELLY SUZANNE KINSELLA
DEAN RICHARD KINSMAN
KEITH RUSSELL KINTZLEY
CHRISTOPHER JON KIPP
ANDREW ALEXANDER KISS
KEVIN JOHN KLEIN
DAVID WILLIAM KLIEMANN
JAMES ANDREW KNOLL
WILLIAM KARL KNOX
GEORGE MARTIN KOLLAR
STEVEN THOMAS KONKOLY
TAKU KOPP
SETH KOVENSKY
MICHAEL DAVID KOZUB
SCOTT HUDSON KRAFT
JEFFREY KEITH KRAUSE, JR
KIRSTEN MICHELE KRAWCZYK
JEFFREY EISEN KRISTICK
KAREN SUE KROEGER
MICHAEL SALVATORE KROT
KENNETH ALFRED KRUEGER
ROBERT KENNETH KUBERSKI, JR
RYAN JAMES KUCHLER
MICHAEL ALAN KUHN
MATTHEW ALYN LABONTE
ANDREW DENIS LAMORIE
JOHN WATSON LAND
JAMES ELLSWORTH LANDIS
BRIAN CHRISTOPHER LANTIER
SCOTT EDWARD LANTZY
CHAD MICHEAL LARGES
DAVID ARNOLD LARSEN
ANDREA SHEFFIELD LARSON
CRAIG ROBERT LARSON
DEVIN TODD LASALLE
MATTHEW RICHARD LEAR
SCOTT HAROLD LEDIG
RICHARD SHANNON LEE
STEVEN SOOUP LEE
PATRICK ROBERT LEHMAN
JAMES ALAN LENART
JOHN ROBERT LESKOVICH
ANDREA LAURIE LEWIS
CHRIS WALTER LEWIS
ANDREA LOUISE LINDENBERG
ERIC CARTER LINDFORS
HOWARD BRIAN LINK, JR
SHAWN GARRETT LINTON
MATTHEW KNEELAND LOBNER
KIRK JAMES LOFTUS
ROBERT MAX LOHMAN, JR
JULIA MARGARET LOPEZ
TIFFANY LYNN LORD
DANIEL WILLIAM LOUGHMAN
JAMES PAUL LOWELL
JOHN LEE LOWERY
LANCE JOEL LUKSIK
FRANK JOSEPH LUONGO
BRADLEY FRAZER MAAS
JONATHAN DAVID MACDONALD
GERALD JOHN MACENAS, II
JON TILESTON MACHARG
VICTOR RUBEN MACIAS
JOSEPH THOMAS MADRID
STEVEN ROBERT MAIER
CHRISTOPHER NOEL MANG
MARK MATTHEW MANNO
RAYMOND MARCIANO, II
STACY ANN MARCOTT
CHRISTOPHER DAVID MARSH
JAMES JOHN MARSH, V.
RUSSELL EUGENE MARSH
MEI LING AMOY MARSHALL
CHRISTY ANNE MARTIN
MICHAEL ANTHONY MARTINEZ
JAMES WOODROW MASON
RICHARD NEIL MASSIE
STEVEN JOHN MATHEWS
JAY ALAN MATZKO
TANYA GOODEN MAYER
ARTHUR GITAU MBUTHIA
SHAUN COLLEEN MCANDREW
ERIN ANDREA MCAVOY
JAMES ARTHUR MCCALL, III
SCOTT DAVID MCCLELLAN
KEVIN JOSEPH MCCLOSKEY
WAYNE WILLIAM MCCOOL
MICHAEL AARON MCCORD
ROBERT ALLEN MCCORMICK, JR
MELANIE CLAIRE MCGEE
WILLIAM MCGILL, JR
PATRICK JOSEPH MCGOVERN, II
ERIC JAMES MCGOWAN
JAMES ARTHUR MCGRADY
JOHN MAURICE MCKEON, JR
CHERYL DEANN MCKINNEY
BRADLEY KENNETH MCMILLIN
ROBERT LORIMER MCWILLIAM
NICHOLAS JOSEPH MELFI, III
CHARLES SUMNER MERRILL, IV
ROBERT ELWOOD METZ
WAYNE WILLIAM MIHAILOV
JOHN ROBERT MILES
DAVID ARTHUR MILLER
JOHN FRANCOIS MILLER
RAYMOND TROY MILLER
JOHN PAUL MILLMAN
JAMES MURAL MILLS, III
THOMAS JOSEPH MILLS
PETER ALAN MILNES
KENNETH MILVID, JR
MICHAEL VINCENT MINEO
GEORGE ARTHUR MINICK
EFREN C. MOJICA, JR
LUIS EMILIO MOLINA
ROBERTO LEONARDO MOLINA
GREGG JOSEPH MONTALTO
MARIO MANUEL MONTALVO
ANEL ANGEL MONTES
DAVID JAMES MONTGOMERY, II
RICHARD STIVERS MONTGOMERY
MICHAEL DAVID MOODY
JAMES EDWARD MOONIER, III
KENT WAYNE MOORE
SHIMON MOR
CHARLES DAVID MORGAN, JR
WILLIAM MAURICE MORIARTY, JR
RICHARD GRIFFEN MORRISON
MATTHEW ALEXANDER MORSE
JOEL EVAN MOSS
KWAME NKOSI MOULTRIE
CURTIS ALLEN MUELLER
THOMAS HAYWARD MULDROW, JR
JEFFREY DAN MULKEY
KURT WILLIAM MULLER
MICHAEL DENNIS MULLOY
JEFFREY LAWRENCE MUNOZ
JAY ALBERT MURPHY
WILLIAM THOMAS MURRAY
VAL DONALD NAFTALI
GEORGE TERUHISA NAGATSUKA
WILLIAM ONEAL NASH, JR
ANTHONY JOHN NAVE
BERNADETTE MARY NEGLIA
DOUGLAS CODET NELSON
MARK BALDWIN NELSON
GREGORY DAVID NEWKIRK
EUGENE THAISON NGUYEN
DEREK JUDE NISCO
ADAM HOWARD NOBLE
FRANCIS PETER NOTZ
CHRISTOPHER EDWARD NOVAK
KATHARINE JOANNA NOVAK
THOMAS DAVID NOVITSKE
DANIEL LEE NYENHUIS
JOSEPH ROBERT OBRIEN
MICHAEL GARRICK OBRYAN, JR
MAUREEN ERIN ODELL
JEFFREY ROBERT OETTLE
JOHN WILLIAM OLIVER, JR
PETER MICHAEL OLSEN
KRISTI RENEE OLSON
KERRYN LYNN ONEILL
ALAN EDWARD ORR, JR
ERIK WILLIAM OSTROM
PAUL CHRISTOPHER OSTROWSKI
ROGER JAMES OUIMET
SCOTT JOSEPH OVERBECK
RICHARD THOMAS OVERKAMP, JR
BERNARD KENNEDY OWENS
ALFRED JOHN OWINGS, II
CARTER WILLIAM PAGE
JUNG YUL PAK
ANDREW FREDRICK PALM
JAMES BLAINE PARKERSON
TIMOTHY PAUL PARKS
STEPHEN ARON PARRA
PHILLIP ROMMEL PASCHEL
ERIK RUSSELL PATTON
JASON ROBERT PAWLEY
MATTHEW JOHN PAWLIKOWSKI
DONALD EUGENE PEACOCK, II
LEE DAVID PEARCE
GREGORY PAUL PEDERSON
LORI LYN PERKINS
JOHN EDWARD PERRONE
BRIAN ROLAND PERRY
JON CROSBY PERRYMAN
JAMES HAROLD PERSHING
CHRISTIAN JURGEN PETERSON
WILLIAM ANDREW PETERSON
ROBERT ALLEN PETRICK
JOHN BRIAN PETROFF
JAMES BOHLING PFEIFFER
BO MINH QUANG KH PHAM
DOUGLAS MICHAEL PHELAN
KRISTIN MARIE PHELPS
DOUGLAS CHARLES PHILLIPS
WENDY KAY PHILLIPS
SEAN TIMOTHY PHINNEY
COLIN CRAIG PHIPPS
DANIELLE ANDREA PICCO
MICHAEL DAVID PIERCE
JASON LANDON PIKE
BRIAN LEE PILGER
TIMOTHY STEEL PIONE
FREDERICK WILLIAM PIQUETTE
RONALD JASON PIRET
DAVID ALAN PLISKE
THOMAS EDWARD PLOTT, II
ADAM MICHAEL PLUMPTON
PATRICK RONALD POLESHINSKI
JAMES THOMAS POLICKOSKI
JOHN VERNON POOLE
STEVEN NIKOLAI POTOCHNIAK
REZA POURAGHABAGHER
MICHAEL EDWARD PRALL
TONY ALEXANDER PRETE
JOSHUA DAVID PRICE
THOMAS JAMES PRIEUR
KARL FREDERICK PRIGGE
MATTHEW THOMAS PROVENCHER
JOHN THOMAS QUARLES
RICK MARSHALL RADONICH
GERALD JAYSON RAINES
JAMES ROY RAMIREZ
KARIN Y. RAO
PAUL MICHAEL RASMUS
WERNER JOHANN RAUCHENSTEIN, JR
JAMES FRANKLIN RAUSCHER
ELIZABETH BELDEN RAVNDAL
MICHAEL JON REAGAN
TOBY ERIC REAM
CHAD BYRON REED
JEFFREY RAYMOND REGISTER
JOHN KENNETH REILLEY
MARK CHRISTOPHER REYES
JOHN MARK RHODES
ALBERT EVERETT RICE
JASON ALEXANDER RICH

JEREMY CHRISTOPHER RICH
JUSTIN BLAIR RICHARDS
BRIAN EDWARD RIES
GREGORY SCOTT RIVERA
STEVEN CARMINE ROBERTO, JR
BRUCE FRAZIER ROBINSON, II
JOHN PHILIPSE ROBINSON, III
MICHAEL PAUL ROBLES
BRAD WILLIAM ROCKWELL
BRADLEY MICHEAL RODI
ERICH PAUL ROETZ
STEVEN EDWARD ROODZANT
ROBERT JOSEPH ROSALES
REY RAIL ROSS
GEOFFREY STERLING ROYAL
MICHAEL JON RUBEL, JR
JOHN CHARLES RUDELLA
JOHN PAUL HARRIS RUE
ANDREW MICHAEL RUIZ
SAMUEL CONRAD RUMPH, III
JOHN JOSEPH RUSNAK
JONATHAN CARL RUSSELL
GLEN EDWARD SABIN
JOHN PATRICK SAHLIN
GREGORY ALAN SAKRYD
MICHAEL SCOTT SALING
COLLEEN CHRIS SALONGA
DAVID MICHAEL SANFIELD
JOSEPH MICHAEL SANTOMAURO, JR
CATHERINE MENDOZA SANTOS
DOUGLAS WILLIAM SASSE, III
AKANE SAUNDERS
SAMANTHA JULIA SAXTON
ANNE LORRAINE SAY
KIMBERLEY ELLEN SCANGO
TIMOTHY ANDREW SCHARCK
DAVID JOSEPH SCHLESINGER
ANDREW DAVID SCHMIDT
KEVIN JAMES SCHMIDT
THOMAS DAVID SCHMIDT
MICHAEL ERIC SCHNEIDER
CYNTHIA ANN SCHOWE
JOHN PAUL SCHULTZ
KARL ULRICH SCHULTZ
SUSAN SCHWARTZ
JEFFREY MICHAEL SCOTT
RICHARD IRVIN SCRITCHFIELD, JR
MICHAEL SHEEHAN SEEBERGER
DANIEL FRANKLIN SEIDENSTICKER
DOUGLAS LEO SELF
GREGORY EUGENE SELFRIDGE
STEVEN MICHAEL SEOANE
SCOTT ROBERT SEYFARTH
DAVID KIMBER SHAFFER
JOHN FORREST SHARPE
JONATHAN JAMES SHIELDS
DANIEL MINSOK SHIN
KENNETH WAYNE SHROPSHIRE, JR
MAXWELL JENKINS SHUMAN
ERIC WILLIAM SIEBERT
KEITH RICHARD SILINSKY
JUAN ALEJANDRO SILVA
TYREL TROY SIMPSON
MARY BETH SINES
THOMAS WADE SINGLETON
CHARLES WILLIAM SITES
BRIAN LYNN SITTLOW
VINCENT PATRICK SIVILLO
SATISH SKARIAH
JOHN JAMES SKELLY
QUINN DAVID SKINNER
JAMES CARROLL SLAIGHT
RICHARD JAY SLAKES
KEVIN MICHAEL SMART
SCOTT DAVID SMART
DAVID MICHAEL SMITH
JACK GERARD SMITH
JOSEPH PATRICK SMITH
NATASHA LEIGH SMITH
OTIS BENTON SMITH, III
QUWAN ANTHONY SMITH
WALTER VINCENT SMITH
TIMOTHY BERNARD SNEERINGER
CHESLEY DAVID SNIDER
CHAD CHRISTOPHER SNYDER
CRAIG MATTHEW SNYDER
ROBERT MICHAEL SOHOVICH
TROY ALLEN SOLBERG
DAVID MICHAEL SOUZA
MICHAEL TIPTON SPENCER
TIMOTHY CURTISS SPICER
BROCK ANDREW SPRADLING
STEPHEN OWEN SPRAGUE
JAMES ROBERT SPRUNGLE, III
KAREN LYNNE SRAY
BRUCE RICHARD STANLEY, JR
JOSEPH MICHAEL STAUD
DAVID JOSEPH STAVISH
CHRISTOPHER JAMES STERBIS
JOHN DAVENPORT STEVENS
JONATHAN LYLE STILL
CHRISTOPHER TOBIAS STILLEY
JULIE ANN STOPHA
THOMAS DANIEL STOREY
KEVIN JAY STROUD
JOHN MITCHELL STUBBLEFIELD
MICHAEL DAVID STULL
WILLIAM ERIC SUBER
MICHAEL THUOC SULLIVAN
RICHARD JAMES SULLIVAN
MICHAEL PHILLIP SUMMERS
CHRISTOPHER ANTHONY SUMNER
SHAWN PATRICK SWEENEY
BRETT CAMERON SWEET
DOUGLAS LEE SWISHER
KEVIN CHRISTOPHER TALBOT
BRIAN SALAMAT TALICURAN
SHANE PATRICK TALLANT
JOHN TORIBIO TAN
PATRICK JOHN TANGNEY
MARK WARNER TANKERSLEY
ANDREA ELIZABETH TAPLIN
SCOTT THOMAS TAYLOR
AARON THOMAS TELLIER
CRAIG RONALD TESSIN
MATTHEW ALLEN TESTERMAN
MATTHEW KIM THAYER
ROBERT SCOTT THOMAS
ROBERT SAMUEL THOMPSON
JONATHAN MACGREGOR THORP
JOHN ANTHONY TIERNEY
SHANNON JAMES TILLMAN
LUAN KIM TO
JEFFREY SCOTT TODD
JOHN DAVID TOLG
JAMES HUGH TOOLE
JOEL CLAY TRANTHAM
ERNEST JOSEPH TRICHE, IV
SCOTT STEPHEN TROYER
JEFFREY JAMES TRUITT
GEORGE NICHOLAS TSANGARIS
CHRISTIAN MATTHEW TULODIESKI
KYLE TRAVIS TURCO
CHRISTOPHER ANDREW TURKOVICH
MEGHAN ISINGARD TUTTLE
KENNETH ARDONA UBIAL
ANDREW FRANK ULAK
STACIA AGNES ULISSEY
TIMOTHY MARK ULMER
LOURDES PATRICIA VALLAZZA
CHRISTOPHER LAWRENCE VALLHONRAT
EDWARD MORRIS VAN BUREN, IV
JACK RONALD VAN NATTA
COURTNEY LEE VAN SCHOONEVELD
TODD DOUGLAS VANDEGRIFT
MARK ALEXANDER VANNOY
FRANK MICHAEL VERDUCCI, JR
JOHN REVI RAMOS VIDENA
CYNTHIA DOMINGO VIERNES
OLIVER RANDOLPH VIETOR
LILLIAN LYNN VILLEMEZ
FREDRICK SALVATORE VINCENZO
MEGAN JEAN WAGGONER
WILLIAM ROBERT WAGGONER
MATTHEW LYNN WAGLE
DENNIS JAMES WAGNER
CHAD GORDON WAHLIN
JAMES ROY WAIS, JR
GARY ALAN WALKER
ARTHER WILLIAM WALLACE, JR
TANYA LYNN WALLACE
BRYAN EDWARD WALTHALL
CHARLES FREDERICK WALZ, IV
KJELL ANDREW WANDER
JASON DAVID WARTELL
TODD ANDREW WASHBURN
JASON THOMAS WATHEN
MATTHEW IAN WEBER
ROBERT WILLIAM WEDERTZ
TODD SINCLAIR WEEKS
GLENN ALAN WEIDNER, II
ROBERT AARON WEIS
MATTHEW HUNTER WELSH
CURTIS LEONUS WESLEY, JR
THOMAS WAYNE WESLEY
DEREK SCOTT WESSMAN
SCOTT RICHARD WHALEN
BEAUREGARD MOSELEY WHITE
BENJAMIN WOODRIFFE WHITE
DAVID GLENN WHITEHEAD
RICHARD STEFAN WHITELEY
JEFFREY JENNINGS WHITEWAY
JOSEPH ARTHUR WIENDL, IV
CLIFFORD TODD WIESE
ANDREW GREGORY WILLIAMS
CLAY GARRETT WILLIAMS
ERNIE S. WILLIAMS
JEROMY BOONE WILLIAMS
EDWARD JOSEPH WILLS
CHEYENNE DANIEL WILSON
ERIC STEVEN WINTER
JONATHAN REDDING WISE
MICHAEL TRENT WOLFERSBERGER
EUGENE MATTHEW WOODRUFF
GEOFFREY AUSTIN WRIGHT
WALTER CLARK WRYE, IV
THOMAS PETER WYPYSKI
JEFFREY BOYD YATES
LUIS ENRIQUE YEPEZ, JR
CHRISTOPHER PAUL YORK
LAURENCE MARTIN YOUNG
PATRICK EARL YOUNG
JOSEPH JOOHO YUN
KURT JACOB ZAHNEN
TIFFANY MARIE ZALLNICK
MATTHEW DAVID ZERPHY
MICHAEL FREDERICK ZINK

IN THE MARINE CORPS

THE FOLLOWING NAMED U.S. MARINE CORPS RESERVE OFFICERS, WHO ARE NAVAL ACADEMY GRADUATES, TO BE APPOINTED PERMANENT SECOND LIEUTENANTS IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, U.S. CODE, SECTION 531:

UNITED STATES MARINE CORPS CONFIRMATION LIST

To be second lieutenant

ARNOUX ABRAHAM
LODGERIO B. ALQUEZA
EDWARD W. BALET
JOHN B. BARRANCO, JR
ARA E. BARTON
SHAWN A. BASIL
DANIEL T. BAULIG
CLAY A. BERARDI
PAUL G. BERNSTEIN
CHARLES T. BERRY
BRIAN R. BLAYLOCK
ANTHONY C. BOLDEN
MATTHEW H. BOWER
BENJAMIN J. BROWN
HENRY D. BROWN
JULIE L. BROWN
TERRANCE M. BROWN
WILLIAM I. BROWN
STEFAN T. BRUNNSCHWEILER
JUSTIN BUTTERS
CARLOS A. CALERO
JOHN R. CAMPBELL
ROBERT S. CARNEVALE
CLIFTON B. CARPENTER
CHRISTOPHER G. CATLIN
MICHAEL A. CESTA
GEORGE C. CHATLOS
WINFIELD E. CHECKLEY
MICHAEL M. CHO
CHRISTOPHER L. CLARK
GARY A. CLEMENT
LAWRENCE C. COLEMAN
DOUGLAS L. CONSTANT
SCOTT E. CONWAY
SCOTT A. COOPER
SHOGO J. COTTRELL
LONNIE L. CRAWFORD
AARON L. CRESPIN
JUSTIN C. CREVIER
JAMES D. DEEN
STEVEN J. DELAZARO
WILLIAM L. DEPUE
THOMAS M. DOBBINS
PETER M. DOUGHTY
JEFFREY J. DURDIN
BRIAN M. DWYER
ERIK B. ELDRIDGE
JAMES B. ELLIS
JAMES E. ERWIN
CHRISTOPHER R. ESCAMILLA
JOHN R. EWING
KELLY A. FAGAN
ROBERT J. FAILS
ROBERT W. FALKENBACH
KEVIN M. FARRINGTON
ANDREW T. FITZPATRICK
GRACE S. GEE
PHILLIP M. GORDON
THOMAS D. GORE
CHRISTOPHER T. GRAVES
JEREMY L. GRAY
MICHAEL E. GREENE
MICHAEL E. GROTH
TERRY D. HAGEN
JON L. HALVERSON
TERRANCE E. HAND
CASEY E. HANNIGAN
KEVIN C. HARRIS
ERIC L. HERNANDEZ
WINSTON A. HERON
JON S. HETLAND
KARL E. HILL
STEVEN J. HIMELSPACH
PATRICK R. HITTLE
AARON B. HOLLAND
ADAM Y. HOLTON
DANIEL J. HOUTING
MIKEL R. HUBER
WINSTON G. JIMENEZ
CALEB L. JONES
NORBERT J. KARCZEWSKI
THOMAS M. KARN
MATTHEW G. KELLY
WILLIAM S. KOHMUENCH
MATTHEW J. KOLICH
GEORGE L. KOROL
BRENT L. LARSON
WALTER S. LEE
MARGERY A. LEGGETT
ANDREW T. LEHMANN
BRANDON K. LEWIS
TYSON C. LEWIS
RAUL LIANEZ
JASON G. LINLEY
JASON R. MADDOCKS
SHAWN E. MANSFIELD
JON G. MARTIN
ANTHONY J. MARUCCI
JOSEPH E. MAYBACH
TODD L. MCCAULEY
WILLIAM E. MCCULLEY
PATRICK S. MCDONIEL
MARK N. MCGINNIS
MARIA S. MCMILLEN
CHESTER MCMILLON
EDWARD D. MCNULTY
CHARLES F. MEGOWN
DAVID M. MIKKOLA
RO T. MILANETTE
AARON J. MILES
PAUL W. MILLER
CHARLES D. MINIFIE
JACOB N. MITCHELL
MICHAEL S. MOLLOHAN
JOSEPH L. MORENO
ROBERT L. MOSKAL
JAMES D. MURPHY
JOHN C. NEIDIGH
CHANDLER S. NELMS
BRYAN P. OLEARY
JOHN C. OSBORNE
THOMAS R. OWENBY
VAUGHN M. PANGELINAN
BRYAN E. PATTERSON
ERIC A. PECK
JULIE A. PELTON
MARK W. PETERS
RICHARD E. PETERSEN
ROBERT S. PETERSON
DARRELL W. PLATZ
JOHN R. POLIDORO
JAMES A. PRITCHARD
THOMAS L. PRITCHETT
BRIAN C. PROCTOR
MICHAEL A. PURCELL
JAMES T. QUANN
SEAN P. QUIGLEY
SARAH R. QUIMBY
TODD P. RAMPEY
WILLIAM P. RAYFIELD
NORMAN L. REITTER
MATTHEW B. REUTER
BENJAMIN P. RICHMOND
ERIC J. ROPELLA
DOUGLAS J. SABER
SASAN K. SABET
KURT J. SCHERER
PETER K. SCHIEFELBEIN
RICHARD A. SCHILKE
PAUL M. SCHIMPF
JAMES A. SCHNELLE
ROBERT W. SCHRODER
JOSEPH R. SCHUYLER
SAMUEL S. SCIALABBA
MARK W. SEDWICK
MATTHEW K. SEIPT
CHARLES P. SMITH
COLIN D. SMITH
SAMUEL H. SMITH
DAVID R. SMULLEN
MICHAEL J. SOBKOWSKI
JEFFREY T. STEVENSON
FARRELL J. SULLIVAN
DAVID E. TANDY
JONATHAN P. TAYLOR
MICHAEL C. TAYLOR
KEVIN G. TEHAN
MONTE D. TEN KLEY
PERRY F. TOWNSEND
JOHN TURNER
TROY J. TURNER
DAVID A. VAVASSEUR
LUIS E. VILLALOBOS
JASON E. WALDRON
JOHN R. WALLACE
MATTHEW S. WALTERS
AUSTIN WANG
WALTER T. WEATHERS
THOMAS A. WELBORN
MARK WELCH
MICHAEL P. WENTZ
JACOB J. WIEBE
DAVID H. WILLIAMS
GREGORY J. WILSON
DEVIN A. WINKLOSKY
CRAIG C. WIRTH
JAY D. WYLIE
JOHN W. YARGER
CHARLES W. YOUNG
JAY K. ZOLLMANN

CONFIRMATION

Executive nomination confirmed by the Senate September 7, 1993:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

M. JOYCELYN ELDERS, OF ARKANSAS, TO BE MEDICAL DIRECTOR IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS, AND TO BE SURGEON GENERAL OF THE PUBLIC HEALTH SERVICE, FOR A TERM OF FOUR YEARS.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

WITHDRAWALS

Executive messages transmitted by the President to the Senate on September 7, 1993, withdrawing from further Senate consideration the following nominations:

IN THE NAVY

THE NOMINATIONS OF THE UNITED STATES NAVY MIDSHIPMEN NAMED HEREIN FOR APPOINTMENT IN THE GRADES OF ENSIGN WHICH WERE SENT TO THE SENATE ON 24 MAY 1993.

NAVAL ACADEMY MIDSHIPMEN

To be ensign; permanent

AARNES, ROBERT BRADLEY
ADRIANO, PHILLIP MICHAEL
ALBEA, LEOPOLDO SARDALLA JR
ALFONZO, BRENT ADDISON
ALLEE, JASON YANAR
ALLEYNE, JASON CHRISTOPHER
ALOISIO, ANDREW ALAN
ALTAMAR, ESTRADA HERNAN ORLANDO
ALTHOFF, HEIDI MARIE
ALVAREZ, CHRISTOPHER CHAD
AMOS, MICHAEL TIMOTHY
ANDERSEN, KEVIN WARREN
ANDERSON, JAMES ARTHUR
ANDERSON, JENNIFER LYNN
ANDREWS, JUSTIN PATRICK
ANDUZE, ERIC JOSE
ANZELONE, DARREN RAYMOND
ARNALDO, EDGAR FABILA
ARNESON, TODD ROBERT
ARNOLD, MATTHEW DAVID
ARNONE, JAIMESON JOSEPH
ARNY, MATTHEW LINDH
ARTHUR, RICHARD CHARLES
ARTZ, GARRETT CHRISTOPHER
ASH, BENJAMIN JESSE
ASHBY, DAVID HERRINGTON
ASPENSON, ARLEN EDWARD
ATHA, ROBERT JOSE JR
AUSTIN, KEVIN LOUIS
BACH, ERIC JOSEF
BADGLEY, KATHERINE LOUISE
BAILEY, EUGENE RAYMOND
BAJOR, LAURA ANN
BAKER, ANTHONY POWER
BAKER, DOUGLAS CONAN
BALTES, JOHN ANTHONY
BARON, JONATHAN BAUTISTA
BARR, JEFFREY ISAAC
BARTHEL, ROBERT VINCENT
BARTISH, JOSEPH WILLIAM IV
BARTLE, WILLIAM ANDREW
BAXTER, DANIEL VERNON
BAYLESS, JOHN ALLEN
BEAUFAIT, CHRISTOPHER STUART
BECK, CHRISTOPHER THOMAS
BEITER, DAVID GEORGE
BELL, STEPHEN JOSH
BENDER, BRIAN CHARLES
BENNETT, JASON HORST
BENWAY, AARON DEWAYNE
BERNHARD, JEFFREY ALAN
BERNSTEIN, PAUL GREGORY
BERRYMAN, ROBERT MOGABGAB
BISHOP, STEPHEN ANTHONY
BLALOCK, BRIAN ROBERT
BLANTON, JAMES BRETT
BLOCK, JAMEY JOHN
BLOOM, JOY MARGUERITE
BLOSSEY, DAMIAN SENNEN
BLUNT, MATHEW ROY
BOEDEKER, SCOTT ALLEN
BOHN, JAMES BRITTON
BOLDEN, ANTHONY CHE

BOONE, JOHN DANIEL
BOONE, MICHAEL JAMES
BORGHARDT, JAMES PATRICK MARSH
BOROS, JEFFREY SCOTT
BORUSHKO, DAVID WILLIAM
BOSS, JAMES RICHARD
BOURDON, TIMOTHY ERIC
BOWSER, COLIN ANDREW
BOYKIN, KEVIN PAGE
BOZZELLI, JOSEPH PHILIP
BRADY, BRADY ADAMS
BRAND, HEATHER DAVIS
BRASWELL, MICHAEL TIMOTHY, JR
BRAUN, JONATHAN WILLIAM
BRAUN, ROBERT JAMES
BRENDEN, ERIC JASON
BRETT, MICHELE MARIE
BRETZ, DAVID ALLEN
BRIDGES, DAMIAN HOLLAND
BRIDGMAN, WALTER ELMER, III
BRILL, STEPHANIE MICHELLE
BRODIE, ROBERT DONALD
BROWN, CHRISTOPHER TERENCE
BROWN, JAMES EDWARD
BROWNLEE, KARY NIKOLAI
BRUCHOK, BRET RYAN
BRUNS, ERIC THOMAS
BRYL, JERRY MICHAEL
BULJAT, BRYAN JOSEPH
BURBAGE, KRISTIN MICHELLE
BURD, MICHAEL LOUIS
BURGOS, COLVERT PEGOLLO
BURK, THEODORE MICHAEL
BURKE, BRIAN JOHN
BUTLER, RICHARD ALAN
BUTLER, TODD ANDREW
BYRD, JAMES HARRISON, JR
BYRNE, KEVIN PATRICK
CACERES, MARCELLO DOMINIC
CALLAHAM, SCOTT NELSON
CAMERON, GREGORY
CAMPBELL, JOHN ROBERT
CAMPBELL, KYLE RICHARD
CAOLA, RANSEN JULES, JR
CARADONA, KEVIN NOEL
CARLSON, MARC GEORGE
CARMAN, ARON SHEA
CARPENTER, ALBERTA CAMACHO
CARPENTER, JEFFREY LEONARD
CARTER, MARK GLENN
CASPER, ROBERT ALFRED, JR
CASSIDY, CHRISTOPHER JOHN
CATALANO, ANGELO NICHOLAS
CATLIN, CHRISTOPHER GEORGE
CATTLER, DAVID MATTHEW
CAVANAUGH, CHRISTOPHER JAMES
CHACKO, JACOB ANDREW
CHADWICK, JONATHAN LYONS
CHANG, DANIEL KIWHAN
CHAPMAN, GREGORY FREDERICK
CHAPPELL, COLEY CLINTON
CHARON, GUZMAN FELIPE ROBERTO
CHATFIELD, DENISE LEIGH
CHESSER, ROBERT LAWRENCE
CHILBERT CHRISTOPHER JOSEPH
CHOATE, MICHAEL CASEY
CHRISTOPHERSON, RYAN GUST
CIZEK, CHRISTOPHER JAMES
CLARK, JOSEPH MICHAEL, JR
CLOYD, MICHAEL JAMES
COBB, RELMOND BENNETT
COCHRAN, BRYAN MICHAEL
COLLIER, JAMES DOUGLAS
CONKLIN, JEFFREY SCOTT
CONNELLY, NORA CATHLEEN
CONTRERAS, SALVADOR, III
CONVERSE, CHARLES LEANDER
CONZEN, ERIC LAURENCE
COOPER, GEORGE HUBERT
CORRAO, PETER ANTHONY, JR
CORREIA, BERNARD ANTHONY, III
COTTRELL, SHOGO JOHN
COX, JOSEPH LLOYD, IV
CRAWFORD, MARK ALBERT
CRAWFORD, TIMOTHY MARTIN
CRECELIUS, FREDERICK EARL
CRONYN, DENNIS QUIGLEY
CROSS, DEVAN JOHN NAPOLEON
CRUZ, ANNA CIELITO
CULLER, KRISTEN WILLIAMS
CULVER, CORY LYNN
CUMMINGS, JAMES COLIN
CUSHMAN, WILLIAM GENE
DACHOS, SARAH ANN
DAGUE, CHRISTOPHER MATTHEW
DALTON, RUTH ANNETTE
DALY, WILLIAM ROCKWELL
DANIELS, ERIC ROBIN
DANKO, ANDREW DANIEL
DAVIDSON, BRAD BEHRING
DAVIES, HEATHER LYNN
DAVIS, JEFFREY SCOTT
DAVIS, RICHARD STUART
DAVITT, SCOTT ALBERT
DEGNER, DANIEL MICHAEL
DEHAN, KENNETH DONALD
DELANTY, STEPHEN JOHN
DELARODERIE, JAMES ALDRICH
DELCASTILLO, ALEXANDER JOHN
DEMOSS, STEVEN HARLOW
DENTON, LARRY GENE JR
DENTON, ROBERT III
DEWALT, RALPH FREDERICK II
DIBELLA, BRENDON THOMAS
DICKSON, BRIEN WAYNE
DINKLOCKER, TED ERIC
DOBBS, PHILLIP STEPHAN
DOLING, STEPHEN FRANCIS
DONE, TRAVIS BARRY
DONNELLY, BRAD PATRICK
DORHAM, ELLIOTT TODD
DORRIAN, HUGH JOSEPH II
DOUGHTY, PETER MICHAEL
DRAEGER, JEFFREY JAMES
DRAHEIM, DEBRA ANN
DRAYTON, KIMBERLYN MICHELE
DROBNY, MARC EDWARD
DRYER, JAY EDWARD
DUDLEY, TERRENCE LLOYD
DUDLEY, TODD CHRISTOPHER
DUFOUR, PETER RAYMOND
DUNAWAY, MATTHEW CHARLES
DUNCAN, DAVID FIELD
EARL, MICHAEL GEORGE
ECKERT, DANIEL GEOFFREY
EGAN, ROBERT VINCENT
EGGERS, JEFFREY WILLIAM
ELIAS, JAMES JOSEPH
ELLIOTT, CARLTON THOMAS
ELLISON, THOMAS SCOTCHMER II
ELLSWORTH, HAROLD ALAN
ENGLE, PHILIP LEE JR
ENGLISH, JOSHUA GARY
ENNS, GEOFFREY ALAN
ESLICH, ERIK JAMES
ESPIRITU, DANILO ALFORQUEJR
EUBANKS, KELLY ANN
FACTOR, DOUGLAS AARON
FALLON, GREGORY MICHAEL
FALZONE, MARIA DENISE
FANJUL, JUAN ANDRES
FARRAR, ERIC CLAYTON
FARREN, MICHAEL GERARD
FAVETTI, MICHAEL DAVID
FAXIO, JOHN ANDREW
FEDERAL, ROBERT KEEGAN III
FEENEY, MATTHEW ROBERT
FENTON, MICHAEL EDWIN
FERGUSON, JOHN HARLAN
FERGUSON, KENNETH LEE
FERNANDEZ, MARK JOSEPH
FETTER, BRYAN JAMES
FIERST, LESLEY JOHN
FIGGE, NACIM ROBERT
FINNEY, MATTHEW DAVID
FIORE, NICHOLAS JAMES
FITCHETT, BENJAMIN THOMAS
FIVAS, MICHAEL WILLIAM
FLATLEY, MICHAEL SEAN
FLORES, JORGE RICARDO
FLYNN, KEVIN ANDREW
FOGARTY, JEFFREY JOSEPH
FONTAINE, ERIC NEIL
FORAKER, JOSEPH CARL III
FOX, MICHAEL AARON
FRANKLIN, SUSANNE MARIE
FRATUS, RICK JOHN
FRICKER, KURT ENGELBERT
FRITSCH, JAMES EDWARD JR
FULLER, WARDELL CONRAD
FULLERTON, BRETT THOMAS
FUTCH, GEORGE GREGORY
GAGNON, TOOD ALAN
GALLAGHER, MICHAEL PATRICK
GALLAGHER, TIMOTHY JAMES
GALLMANN, GREGORY FRANCIS
GALLUS, DAVID PAUL
GARCIA, FERNANDO
GARCIA, JOANNA LEE
GARCIA, KARL
GARNER, LINDA MARIE
GARWOOD, CASEY CHARLES
GEE, GRACE SUNGYUN
GENUALDI, MARC ANTHONY
GERACE, MELISSA JOAN
GIBBONS, ANDREW SHAWN
GILLESS, ANTHONY FRANCIS
GISH, LYNN ANDREW
GLENN, J SEARGEANT
GLOVER, ANTHONY SCOTT
GLOVER, DAVID BURTON
GO, DAL HO
GOLDHAMMER, FREDERIC CARL
GONZALEZ, ISAAC NMN
GOOCH, SCOTT BRIAN
GOODSON, ROBERT FRANKLIN II
GORDON, JOHN JOSEPH
GORDY, KYLE PACE
GRASDOCK, WAYNE GERALD
GRAUERHOLZ, MARIA LOUISE
GRAVITT, MICHAEL JAMES
GRAY, CHAD ROBERTS
GRAY, JEREMY LEE
GREENE, AARON TIMBERLAKE
GREENE, DANIEL EUGENE
GREENSPAN, MARCUS CHRISTOPHER
GREMILLION, JOHN DAVID
GRESHAM, BRADLEY MAURICE
GRIESER, KENNETH JOSEPH
GRIFFITH, NOEL MICHAEL JR
GRILLONE, CHRISTOPHER KIM CHON
GROH, JOHN REYNOLDS III
GROHE, EDWIN JOHN JR
GROSSMAN, ADAM BRETT
GUDUKAS, TIMOTHY SHAWN
GUERIN, RICHARD CORRY
GUNTHER, WAYNE DOUGLAS
HAASE, JOHN DIETRICH
HABERMAS, STEPHEN CHARLES
HAGENDORF, ORLOFF LARS RAYMOND
HAHN, STEPHANIE ANNE
HALL, DENNIS RAY JR
HALLER, DANIEL JOSEPH
HAMMOND, JASON GRAY
HAND, TERRANCE EUGENE
HANGER, WILLIAM JESSE
HANLEY, TIMOTHY JOHN
HANSEN, PHILLIP EDWARD
HANSHAW, HEATH LAMAR
HANSON, CHRISTOPHER JOHN
HANSON, KEVIN KARL
HARDING, CHRISTOPHER GAVIN
HARRIS, BRIAN JAMES
HARSHMAN, GLENN RUSSELL
HASENBANK, MONTY LANE
HATOK, ANTHONY JOHN JR
HAWN, ERIC JAMES
HAWVER, JOHN WILLIAM
HAYNES, ERNEST EDWARD III
HEAD, ALBON ONEAL III
HELLMANN, JOHN ANDREW
HENDERSON, JAMES ALAN
HENDRIX, RAY MARVIN JR
HERN, ALAN MICHAEL
HERON, WINSTON ANTHONY JR
HERRERA, PATRICK LEE
HEYNE, GERALD TODD
HIDALGO, TURHAN ISMAEL
HILL, JEFFREY BRIAN
HILL, KARL EDWARD
HITTLE, PATRICK RUSSELL
HOBBS, ALLEN LEE
HOEFT, KELLY JEANNE
HOFSTEDT, TODD ALDEN
HOGAN, JOHN JOSEPH JR
HOLLAND, STEPHEN BRUCE
HOLZRICHTER, MARK FREDRICK
HONEYCUTT, BRANDON ALAN
HOOPER, WADE HAMILTON
HOPKINS, JOHN WAYNE JR
HOUSE, JULIE ANN
HOWARD, ROBERT THOMAS
HOWELL, MONROE MARTIN II
HOWES, CORY RICHARD
HSU, MICHAEL MING HUA
HUBBARD, GREGORY WRIGHT
HUNTINGTON, DOUGLAS CHARLES
HURD, BRYAN ERIC
HUSSEY, JOHN FREEMAN III
HYDE, MATTHEW PALMER
IMBLUM, MARK AARON
INGRAM, DARRELL BRIAN
IRETON, JOSEPH PATRICK JR
ISMAY, DAVID KERINGER
ITAKURA, MICHAEL KAZUO
JACK, JASON HILLARY
JACKSON, STEPHEN JOSHUA
JAKUBOWSKI, JASON ERIC
JANA, OMAR ELIAS
JEFFRIES, WILLIAM WORTHINGTON
JENKINS, BYRON WADE
JENSEN, GENTRY WADE
JENSEN, JON LIAN
JEWETT, WILLIAM HENRY III
JOHNSON, CHARLES ADLER JR
JOHNSON, DAVID ROBERT
JOHNSON, NOEL PATRICK
JOHNSON, TIMOTHY ALVIN
JOHNSON, VINCENT RICHARD
JOHNSON, WILLIAM SPENCERV
JONES, CORINNE RILEY
JONES, DAVID STEWART
JONES, JOHN FRANCIS
JOYNER, MICHAEL PROCTOR
JURGEMEYER, JEFFREY ALLEN
JURUTKA, BRIAN RICHARD
KAIT, THOMAS CHARLES JR
KANE, WILLIAM RICHARD
KARUN, RONALD JAMES JR
KEANE, PATRICK MICHAEL
KECK, DANIEL JOHN
KEITH, MICHAEL PATRICK
KELLER, GREGORY BRIAN
KELLIHER, SEAN GLEN
KELLY, RICHARD MCCULLOUGH
KEMBALL, COOK KENNETH MATTHEW
KENDRICK, WILLIAM ANDREW
KENNARD, JOHN DAVID
KENNEY, W PAUL III
KENNY, KARI ANN
KERLEY, LUCAS WAYNE
KERR, CALEB ALAN
KEWAK, KENDRA LEE
KIICK, DAVID MICHAEL
KILLACKY, JOHN PATRICK
KIM, ROY SUNG JOON
KIMSEY, ANDREW JAMES
KINCAID, RICHARD WILLIAM
KINDER, TYPHANIE ANNE
KING, JEFFERY THOMAS
KING, STEVEN MORRIS
KINKEAD, BRADLEY LEE
KINSELLA, KELLY SUZANNE
KINSMAN, DEAN RICHARD
KINTZLEY, KEITH RUSSELL
KIPP, CHRISTOPHER JON
KISS, ANDREW ALEXANDER
KLEIN, KEVIN JOHN
KLIEMANN, DAVID WILLIAM
KNOLL, JAMES ANDREW
KNOX, WILLIAM KARL
KOLLAR, GEORGE MARTIN
KONKOLY, STEVEN THOMAS
KOPP, TAKU
KOROL, GEORGE LEO JR
KOVENSKY, SETH
KOZUB, MICHAEL DAVID
KRAFT, SCOTT HUDSON
KRAUSE, JEFFREY KEITH JR
KRAWCZYK, KIRSTEN MICHELE
KRISTICK, JEFFREY EISEN
KROEGER, KAREN SUE
KROT, MICHAEL SALVATORE
KRUEGER, KENNETH ALFRED
KUBERSKI, ROBERT KENNETH JR
KUCHLER, RYAN JAMES
KUHN, MICHAEL ALAN
LABONTE, MATTHEW ALYN
LAMORIE, ANDREW DENIS
LAND, JOHN WATSON
LANDIS, JAMES ELLSWORTH
LANTIER, BRIAN CHRISTOPHER
LANTZY, SCOTT EDWARD
LARGES, CHAD MICHEAL
LARSEN, DAVID ARNOLD
LARSON, ANDREA SHEFFIELD
LARSON, CRAIG ROBERT
LASALLE, DEVIN TODD
LEAR, MATTHEW RICHARD
LEDIG, SCOTT HAROLD
LEE, RICHARD SHANNON
LEE, STEVEN SOOUP
LEHMAN, PATRICK ROBERT
LENART, JAMES ALAN
LESKOVICH, JOHN ROBERT
LEWIS, ANDREA LAURIE
LEWIS, CHRIS WALTER
LINDENBERG, ANDREA LOUISE
LINDFORS, ERIC CARTER
LINK, HOWARD BRIAN JR
LINTON, SHAWN GARRETT
LOBNER, MATTHEW KNEELAND
LOFTUS, KIRK JAMES
LOHMAN, ROBERT MAX JR
LOPEZ, JULIA MARGARET
LORD, TIFFANY LYNN
LOUGHMAN, DANIEL WILLIAM
LOWELL, JAMES PAUL
LOWERY, JOHN LEE
LUKSIK, LANCE JOEL
LUONGO, FRANK JOSEPH
MAAS, BRADLEY FRAZER
MACDONALD, JONATHAN DAVID
MACENAS, GERALD JOHN II
MACHARG, JON TILESTON
MACIAS, VICTOR RUBEN
MADDOCKS, JASON ROBERT
MADRID, JOSEPH THOMAS
MAIER, STEVEN ROBERT
MANG, CHRISTOPHER NOEL
MANNO, MARK MATTHEW
MARCIANO, RAYMOND II
MARCOTT, STACY ANN
MARSH, CHRISTOPHER DAVID
MARSH, JAMES JOHN V
MARSH, RUSSELL EUGENE
MARSHALL, MEI LING AMOY
MARTIN, CHRISTY ANNE
MARTINEZ, MICHAEL ANTHONY
MASCUNANA, JEFFERY WARREN
MASON, JAMES WOODROW
MASSIE, RICHARD NEIL
MATHEWS, STEVEN JOHN
MATZKO, JAY ALAN
MAYBACH, JOSEPH EDWARD
MAYER, TANYA GOODEN
MBUTHIA, ARTHUR GITAU
MCANDREW, SHAUN COLLEEN
MCAVOY, ERIN ANDREA
MCCALL, JAMES ARTHUR III
MCCLELLAN, SCOTT DAVID
MCCLOSKEY, KEVIN JOSEPH
MCCOOL, WAYNE WILLIAM
MCCORD, MICHAEL AARON
MCCORMICK, ROBERT ALLEN JR
MCGEE, MELANIE CLAIRE
MCGILL, WILLIAM JR
MCGOVERN, PATRICK JOSEPH II
MCGOWAN, ERIC JAMES
MCGRADY, JAMES ARTHUR
MCKEON, JOHN MAURICE JR
MCKINNEY, CHERYL DEANN
MCMILLIN, BRADLEY KENNETH
MCWILLIAM, ROBERT LORIMER
MELFI, NICHOLAS JOSEPH III
MERRILL, CHARLES SUMNER IV
METZ, ROBERT ELWOOD
MIHAILOV, WAYNE WILLIAM
MILANETTE, RO THOMAS
MILES, AARON JON
MILES, JOHN ROBERT
MILLER, DAVID ARTHUR
MILLER, JOHN FRANCOIS
MILLER, MATTHEW PATRICK
MILLER, RAYMOND TROY
MILLMAN, JOHN PAUL
MILLS, JAMES MURAL III
MILLS, THOMAS JOSEPH
MILNES, PETER ALAN
MILVID, KENNETH JR
MINEO, MICHAEL VINCENT
MINICK, GEORGE ARTHUR
MOJICA, EFREN C JR
MOLINA, LUIS EMILIO
MOLINA, ROBERTO LEONARDO
MONTALTO, GREGG JOSEPH
MONTALVO, MARIO MANUEL
MONTES, ANEL ANGEL
MONTGOMERY, DAVID JAMES II
MONTGOMERY, RICHARD STIVERS
MOODY, MICHAEL DAVID
MOONIER, JAMES EDWARD III
MOORE, KENT WAYNE
MOR, SHIMON
MORGAN, CHARLES DAVID JR
MORIARTY, WILLIAM MAURICE JR
MORRISON, RICHARD GRIFFEN
MORSE, MATTHEW ALEXANDER
MOSS, JOEL EVAN
MOULTRIE, KWAME NKOSI
MUELLER, CURTIS ALLEN
MULDROW, THOMAS HAYWARD JR
MULKEY, JEFFREY DAN
MULLER, KURT WILLIAM
MULLOY, MICHAEL DENNIS
MUNOZ, JEFFREY LAWRENCE
MURPHY, JAY ALBERT
MURRAY, WILLIAM THOMAS
NAFTALI, VAL DONALD
NAGATSUKA, GEORGE TERUHISA
NASH, WILLIAM ONEAL JR
NAVE, ANTHONY JOHN
NEGLIA, BERNADETTE MARY
NELMS, CHANDLER
NELSON, DOUGLAS CODET
NELSON, MARK BALDWIN
NEWKIRK, GREGORY DAVID
NGUYEN, EUGENE THAISON
NISCO, DEREK JUDE
NOBLE, ADAM HOWARD
NOTZ, FRANCIS PETER
NOVAK, CHRISTOPHER EDWARD
NOVAK, KATHARINE JOANNA
NOVITSKE, THOMAS DAVID
NYENHUIS, DANIEL LEE
OBRIEN, JOSEPH ROBERT
OBRYAN, MICHAEL GARRICK JR
ODELL, MAUREEN ERIN
ODMAN, SCOTT ANDREW
OETTLE, JEFFREY ROBERT
OLIVER, JOHN WILLIAM JR
OLSEN, PETER MICHAEL
OLSON, KRISTI RENEE
ONEILL, KERRYN LYNN
ORR, ALAN EDWARD JR
OSTROM, ERIK WILLIAM
OSTROWSKI, PAUL CHRISTOPHER
OUIMET, ROGER JAMES
OVERBECK, SCOTT JOSEPH
OVERKAMP, RICHARD THOMAS JR
OWENS, BERNARD KENNEDY
OWINGS, ALFRED JOHN II
PAGE, CARTER WILLIAM
PAK, JUNG YUL
PALM, ANDREW FREDRICK

PARKERSON, JAMES BLAINE
PARKS, TIMOTHY PAUL
PARRA, STEPHEN ARON
PASCHEL, PHILLIP ROMMEL
PATTON, ERIK RUSSELL
PAWLEY, JASON ROBERT
PAWLIKOWSKI, MATTHEW JOHN
PEACOCK, DONALD EUGENE II
PEARCE, LEE DAVID
PEDERSON, GREGORY PAUL
PERKINS, LORI LYN
PERRONE, JOHN EDWARD
PERRY, BRIAN ROLAND
PERRYMAN, JON CROSBY
PERSHING, JAMES HAROLD
PETERSON, CHRISTIAN JURGEN
PETRICK, ROBERT ALLEN
PETROFF, JOHN BRIAN
PFEIFFER, JAMES BOHLING
PHAM, BO MINH QUANG KH
PHELAN, DOUGLAS MICHAEL
PHELPS, KRISTIN MARIE
PHILLIPS, DOUGLAS CHARLES
PHILLIPS, WENDY KAY
PHINNEY, SEAN TIMOTHY
PHIPPS, COLIN CRAIG
PICCO, DANIELLE ANDREA
PIERCE, MICHAEL ANDREW
PIERCE, MICHAEL DAVID
PIKE, JASON LANDON
PILGER, BRIAN LEE
PIONE, TIMOTHY STEEL
PIQUETTE, FREDERICK WILLIAM
PIRET, RONALD JASON
PLATZ, DARRELL WILLIAM ALFRE
PLISKE, DAVID ALAN
PLOTT, THOMAS EDWARD II
PLUMPTON, ADAM MICHAEL
POLESHINSKI, PATRICK RONALD
POLICKOSKI, JAMES THOMAS
POOLE, JOHN VERNON
POTOCHNIAK, STEVEN NIKOLAI
POURAGHABAGHER, REZA
PRALL, MICHAEL EDWARD
PRETE, TONY ALEXANDER
PRICE, JOSHUA DAVID
PRIEUR, THOMAS JAMES
PRIGGE, KARL FREDERICK
PROCTOR, BRIAN CHARLES
PROVENCHER, MATTHEW THOMAS
PURCELL, MICHAEL ANDREW
QUARLES, JOHN THOMAS
QUIMBY, SARAH RUTH
RADONICH, RICK MARSHALL
RAINES, GERALD JAYSON
RAMIREZ, JAMES ROY
RAO, KARIN Y.
RAUCHENSTEIN, WERNER JOHANN JR.
RAUSCHER, JAMES FRANKLIN
RAVNDAL, ELIZABETH BELDEN
REAGAN, MICHAEL JON
REAM, TOBY ERIC
REED, CHAD BYRON
REGISTER, JEFFREY RAYMOND
REILLEY, JOHN KENNETH
REYES, MARK CHRISTOPHER
REYNOLDS, THOMAS STEVEN
RHODES, JOHN MARK
RICE, ALBERT EVERETT
RICH, JASON ALEXANDER
RICH, JEREMY CHRISTOPHER
RICHARDS, JUTIN BLAIR
RICHMOND, BENJAMIN PAUL
RIES, BRIAN EDWARD
RIVERA, GREGORY SCOTT
ROBERTO, STEVEN CARMINE, JR.
ROBINSON, BRUCE FRAZIER, II
ROBINSON, JOHN PHILIPSE, III
ROBLES, MICHAEL PAUL
ROCKWELL, BRAD WILLIAM
RODI, BRADLEY MICHEAL
ROETZ, ERICH PAUL
ROODZANT, STEVEN EDWARD
ROSALES, ROBERT JOSEPH
ROSS, REY RAIL
ROYAL, GEOFFREY STERLING
RUBEL, MICHAEL JON, JR.
RUDELLA, JOHN CHARLES
RUE, JOHN PAUL HARRIS
RUIZ, ANDREW MICHAEL
RUMPH, SAMUEL CONRAD, III
RUSNAK, JOHN JOSEPH
RUSSELL, JONATHAN CARL
SABIN, GLEN EDWARD
SAHLIN, JOHN PATRICK
SAKRYD, GREGORY ALAN
SALING, MICHAEL SCOTT
SALONGA, COLLEEN CHRIS
SANFIELD, DAVID MICHAEL
SANTOMAURO, JOSEPH MICHAEL, JR.
SANTO, CATHERINE MENDOZA
SASSE, DOUGLAS WILLIAM, III
SAUNDERS, AKANE
SAXTON, SAMANTHA JULIA
SAY, ANNE LORRAINE
SCANGO, KIMBERLEY ELLEN
SCHARCK, TIMOTHY ANDREW
SCHILKE, RICHARD ALAN
SCHLESINGER, DAVID JOSEPH
SCHMIDT, ANDREW DAVID
SCHMIDT, KEVIN JAMES
SCHMIDT, THOMAS DAVID
SCHNEIDER, MICHAEL ERIC
SCHOWE, CYNTHIA ANN
SCHULTZ, JOHN PAUL
SCHULTZ, KARL ULRICH
SCHWARTZ, SUSAN
SCOTT, JEFFREY MICHAEL
SCRITCHFIELD, RICHARD IRVIN JR
SEEBERGER, MICHAEL SHEEHAN
SEIDENSTICKER, DANIEL FRANKLIN
SEIPT, MATTHEW KARL WILLIAMS
SELF, DOUGLAS LEO
SELFRIDGE, GREGORY EUGENE
SEOANE, STEVEN MICHAEL
SEYFARTH, SCOTT ROBERT
SHAFFER, DAVID KIMBER
SHARPE, JOHN FORREST
SHIELDS, JONATHAN JAMES
SHIN, DANIEL MINSOK
SHROPSHIRE, KENNETH WAYNE JR
SHUMAN, MAXWELL JENKINS
SIEBERT, ERIC WILLIAM
SILINSKY, KEITH RICHARD
SILVA, JUAN ALEJANDRO
SIMPSON, TYREL TROY
SINES, MARY BETH
SINGLETON, THOMAS WADE
SITES, CHARLES WILLIAM
SITTLOW, BRIAN LYNN
SIVILLO, VINCENT PATRICK
SKARIAH, SATISH
SKELLY, JOHN JAMES
SKINNER, QUINN DAVID
SLAIGHT, JAMES CARROLL
SLAKES, RICHARD JAY
SMART, KEVIN MICHAEL
SMART, SCOTT DAVID
SMITH, DAVID MICHAEL
SMITH, JACK GERARD
SMITH, JOSEPH PATRICK
SMITH, NATASHA LEIGH
SMITH, OTIS BENTON III
SMITH, QUWAN ANTHONY
SMITH, WALTER VINCENT
SMULLE, DAVID RENE
SNEERINGER, TIMOTHY BERNARD
SNIDER, CHESLEY DAVID
SNYDER, CHAD CHIRSTOPHER
SNYDER, CRAIG MATTHEW
SOHOVICH, ROBERT MICHAEL
SOLBERT, TROY ALLEN
SOUZA, DAVID MICHAEL
SPENCER, MICHAEL TIPTON
SPICER, TIMOTHY CURTISS
SPRADLING, BROCK ANDREW
SPRAGUE, STEPHEN OWEN
SPRUNGLE, JAMES ROBERT III
SRAY, KAREN LYNNE
STANLEY, BRUCE RICHARD JR
STAUD, JOSEPH MICHAEL
STAVISH, DAVID JOSEPH
STERBIS, CHRISTOPHER JAMES
STEVENS, JOHN DAVENPORT
STILL, JONATHAN LYLE
STILLEY, CHRISTOPHER TOBIAS
STOPHA, JULIE ANN
STOREY, THOMAS DANIEL
STROUD, KEVIN JAY
STUBBLEFIELD, JOHN MITCHELL
STULL, MICHAEL DAVID
SUBER, WILLIAM ERIC
SULLIVAN, FARRELL JOSEPH
SULLIVAN, MICHAEL THUOC
SULLIVAN, RICHARD JAMES
SUMMERS, MICHAEL PHILLIP
SUMNER, CHRISTOPHER ANTHONY
SWEENEY, SHAWN PATRICK
SWEET, BRETT CAMERON
SWISHER, DOUGLAS LEE
TALBOT, KEVIN CHRISTOPHER
TALICURAN, BRIAN SALAMAT
TALLANT, SHANE PATRICK
TAN, JOHN TORIBIO
TANGNEY, PATRICK JOHN
TANKERSLEY, MARK WARNER
TAPLIN, ANDREA ELIZABETH
TAYLOR, SCOTT THOMAS
TEHAN, KEVIN GERHARD
TELLIER, AARON THOMAS
TESSIN, CRAIG RONALD
TESTERMAN, MATTHEW ALLEN
THAYER, MATTHEW KIM
THIEL, MICHAEL JOSEPH
THOMAS, ROBERT SCOTT
THOMPSON, ROBERT SAMUEL
THORP, JONATHAN MACGREGOR
TIERNEY, JOHN ANTHONY
TILLMAN, SHANNON JAMES
TO, LUAN KIM
TODD, JEFFREY SCOTT
TOLG, JOHN DAVID
TOOLE, JAMES HUGH
TRANTHAM, JOEL CLAY
TRICHE, ERNEST JOSEPH IV
TROYER, SCOTT STEPHEN
TRUITT, JEFFREY JAMES
TSANGARIS, GEORGE NICHOLAS
TULODIESKI, CHRISTIAN MATTHEW
TURCO, KYLE TRAVIS
TURKOVICH, CHRISTOPHER ANDREW
TUTTLE, MEGHAN ISINGARD
TYMOSCHENKO, VOLODJA AKIRA
UBIAL, KENNETH ARDONA
ULAK, ANDREW FRANK
ULISSEY, STACIA AGNES
ULMER, TIMOTHY MARK
VALLAZZA, LOURDES PATRICIA
VALLHONRAT, CHRISTOPHER LAWRENCE
VAN BUREN, EDWARD MORRIS, IV
VAN NATTA, JACK RONALD
VAN SCHOONEVELD, COURTNEY LEE
VANDEGRIFT, TODD DOUGLAS
VANNOY, MARK ALEXANDER
VERDUCCI, FRANK MICHAEL, JR
VIDENA, JOHN RIVI RAMOS
VIERNES, CYNTHIA DOMINGO
VIETOR, OLIVER RANDOLPH
WILLEMEZ, LILLIAN LYNN
VINCENZO, FREDRICK SALVATORE
WAGGONER, MEGAN JEAN
WAGGONER, WILLIAM ROBERT
WAGLE, MATTHEW LYNN
WAGNER, DENNIS JAMES
WAHLIN, CHAD GORDON
WAIS, JAMES ROY, JR
WALDRON, JASON ERIC
WALKER, GARY ALAN
WALLACE, ARTHER WILLIAM, JR
WALLACE, TANYA LYNN
WALTHALL, BRYAN EDWARD
WALZ, CHARLES FREDERICK, IV
WANDER, KJELL ANDREW
WARTELL, JASON DAVID
WASHBURN, TODD ANDREW
WATHEN, JASON THOMAS
WEBER, MATTHEW IAN
WEDERTZ, ROBERT WILLIAM
WEEKS, TODD SINCLAIR
WEIDNER, GLENN ALAN, II
WEIS, ROBERT AARON
WELCH, MARK CHRISTOPHER, SR
WELSH, MATTHEW HUNTER
WESLEY, CURTIS LEONUS, JR
WESLEY, THOMAS WAYNE
WESSMAN, DEREK SCOTT
WHALEN, SCOTT RICHARD
WHITE, BEAUREGARD MOSELEY
WHITE, BENJAMIN WOODRIFFE
WHITEHEAD, DAVID GLENN
WHITELEY, RICHARD STEFAN
WHITEWAY, JEFFREY JENNINGS
WIENDL, JOSEPH ARTHUR, IV
WIESE, CLIFFORD TODD
WILLIAMS, ANDREW GREGORY
WILLIAMS, CLAY GARRETT
WILLIAMS, ERNIE S.
WILLIAMS, JEROMY BOONE
WILLS, EDWARD JOSEPH
WILSON, CHEYENE DANIEL
WILSON, GREGORY JAMES
WINTER, ERIC STEVEN
WIRTH, CRAIG CAMERON
WISE, JONATHAN REDDING
WOLFERSBERGER, MICHAEL TRENT
WOLFF, DENISE ELLEN
WOODRUFF, EUGENE MATTHEW
WRIGHT, GEOFFREY AUSTIN
WRYE, WALTER CLARK, IV
WYPYSKI, THOMAS PETER
YATES, JEFFREY BOYD
YEPEZ, LUIS ENRIQUE, JR
YORK, CHRISTOPHER PAUL
YOUNG, LAURENCE MARTIN
YOUNG, PATRICK EARL
YUN, JOSEPH JOOHO
ZAHNEN, KURT JACOB
ZALLNICK, TIFFANY MARIE
ZERPHY, MATTHEW DAVID
ZINK, MICHAEL FREDERICK

IN THE MARINE CORPS

THE NOMINATIONS OF THE UNITED STATES NAVAL ACADEMY GRADUATES NAMED HEREIN FOR APPOINTMENT IN THE GRADE OF SECOND LIEUTENANT WHICH WERE SENT TO THE SENATE ON 24 MAY 1993.

NAVAL ACADEMY MIDSHIPMEN

To be second lieutenant; permanent

ABRAHAM, ARNOUX [redacted]
ALQUEZA, LODGERIO B. [redacted]
BALET, EDWARD W. [redacted]
BARRANCO, JOHN B. J [redacted]
BARTON, ARA E. [redacted]
BASIL, SHAWN A. [redacted]
BAULIG, DANIEL T. [redacted]
BERARDI, CLAY A. [redacted]
BERNSTEIN, PAUL G. [redacted]
BERRY, CHARLES T. [redacted]
BLAYLOCK, BRIAN R. [redacted]
BOLDEN, ANTHONY C. [redacted]
BOWER, MATTHEW H. [redacted]
BROWN, BENJAMIN J. [redacted]
BROWN, HENRY D. [redacted]
BROWN, JULIE L. [redacted]
BROWN, TERRANCE M. [redacted]
BROWN, WILLIAM I. [redacted]
BRUNNSCHWEILER, STEFAN T. [redacted]
BUTTERS, JUSTIN [redacted]
CALERO, CARLOS A. [redacted]
CAMPBELL, JOHN R. [redacted]
CARNEVALE, ROBERT S. [redacted]
CARPENTER, CLIFTON B. [redacted]
CATLIN, CHRISTOPHER G. [redacted]
CESTA, MICHAEL A. [redacted]
CHATLOS, GEORGE C. [redacted]
CHECKLEY, WINFIELD E. [redacted]
CHO, MICHAEL M. [redacted]
CLARK, CHRISTOPHER L. [redacted]
CLEMENT, GARY A. [redacted]
COLEMAN, LAWRENCE C. [redacted]
CONSTANT, DOUGLAS L. [redacted]
CONWAY, SCOTT E. [redacted]
COOPER, SCOTT A. [redacted]
COTTRELL, SHOGO J. [redacted]
CRAWFORD, LONNIE L. [redacted]
CRESPIN, AARON L. [redacted]
CREVIER, JUSTIN C. [redacted]
DEEN, JAMES D. [redacted]
DELAZARO, STEVEN J. [redacted]
DEPUE, WILLIAM L. [redacted]
DOBBINS, THOMAS M. [redacted]
DOUGHTY, PETER M. [redacted]
DURDIN, JEFFREY J. [redacted]
DWYER, BRIAN M. [redacted]
ELDRIDGE, ERIK B. [redacted]
ELLIS, JAMES B. [redacted]
ERWIN, JAMES E. [redacted]
ESCAMILLA, CHRISTOPHER R. [redacted]
EWING, JOHN R. [redacted]
FAGAN, KELLY A. [redacted]
FAILS, ROBERT J. [redacted]
FALKENBACH, ROBERT W. [redacted]
FARRINGTON, KEVIN M. [redacted]
FITZPATRICK, ANDREW T. [redacted]
GEE, GRACE S. [redacted]
GORDON, PHILLIP M. [redacted]
GORE, THOMAS D. [redacted]
GRAVES, CHRISTOPHER T. [redacted]
GRAY, JEREMY L. [redacted]
GREENE, MICHAEL E. [redacted]
GROTH, MICHAEL E. [redacted]
HAGEN, TERRY D. [redacted]
HALVERSON, JON L. [redacted]
HAND, TERRANCE E. [redacted]
HANNIGAN, CASEY E. [redacted]
HARRIS, KEVIN C. [redacted]
HERNANDEZ, ERIC L. [redacted]
HERON, WINSTON A. [redacted]
HETLAND, JON S. [redacted]
HILL, KARL E. [redacted]
HIMELSPACH, STEVEN J. [redacted]
HITTLE, PATRICK R. [redacted]
HOLLAND, AARON B. [redacted]
HOLTON, ADAM Y. [redacted]
HOUTING, DANIEL J. [redacted]
HUBER, MIKEL R. [redacted]
JIMENEZ, WINSTON G. [redacted]
JONES, CALEB L. [redacted]
KARCZEWSKI, NORBERT J. [redacted]
KARN, THOMAS M. [redacted]
KELLY, MATTHEW G. [redacted]
KOHMUENCH, WILLIAM S. [redacted]
KOLICH, MATTHEW J. [redacted]
KOROL, GEORGE L. [redacted]
LARSON, BRENT L. [redacted]
LEE, WALTER S. [redacted]
LEGGETT, MARGERY A. [redacted]
LEHMANN, ANDREW T. [redacted]
LEWIS, BRANDON K. [redacted]
LEWIS, TYSON C. [redacted]
LIANEZ, RAUL [redacted]
LINLEY, JASON G. [redacted]
MADDOCKS, JASON R. [redacted]
MANSFIELD, SHAWN E. [redacted]
MARTIN, JON G. [redacted]
MARUCCI, ANTHONY J. [redacted]
MAYBACH, JOSEPH E. [redacted]
MCCAULEY, TODD L. [redacted]
MCCULLEY, WILLIAM E. [redacted]
MCDONIEL, PATRICK S. [redacted]
MCGINNIS, MARK N. [redacted]
MCMILLEN, MARIA S. [redacted]
MCMILLON, CHESTER [redacted]
MCNULTY, EDWARD D. [redacted]
MEGOWN, CHARLES F. [redacted]
MIKKOLA, DAVID M. [redacted]
MILANETTE, RO T. [redacted]
MILES, AARON J. [redacted]
MILLER, PAUL W. [redacted]
MINIFIE, CHARLES D. [redacted]
MITCHELL, JACOB N. [redacted]
MOLLOHAN, MICHAEL S. [redacted]
MORENO, JOSEPH L. [redacted]
MOSKAL, ROBERT L. [redacted]
MURPHY, JAMES D. [redacted]
NEIDIGH, JOHN C. [redacted]
NELMS, CHANDLER S. [redacted]
OLEARY, BRYAN P. [redacted]
OSBORNE, JOHN C. [redacted]
OWENBY, THOMAS R. [redacted]
PANGELINAN, VAUGHAN M. [redacted]
PATTERSON, BRYAN E. [redacted]
PECK, ERIC A. [redacted]
PELTON, JULIE A. [redacted]

PETERS, MARK W. [redacted]
PETERSEN, RICHARD E. [redacted]
PETERSON, ROBERT S. [redacted]
PLATZ, DARRELL W. [redacted]
POLIDORO, JOHN R. [redacted]
PRITCHARD, JAMES A. [redacted]
PRITCHETT, THOMAS L. [redacted]
PROCTOR, BRIAN C. [redacted]
PURCELL, MICHAEL A. [redacted]
QUANN, JAMES T. [redacted]
QUIGLY, SEAN P. [redacted]
QUIMBY, SARAH R. [redacted]
RAMPEY, TODD P. [redacted]
RAYFIELD, WILLIAM P. [redacted]
REITTER, NORMAN L. [redacted]
REUTER, MATTHEW B. [redacted]
RICHMOND, BENJAMIN P. [redacted]
ROPELLA, ERIC J. [redacted]
SABER, DOUGLAS J. [redacted]
SABET, SASAN K. [redacted]
SCHERER, KURT J. [redacted]
SCHIEFELBEIN, PETER K. [redacted]
SCHILKE, RICHARD A. [redacted]
SCHIMPF, PAUL M. [redacted]
SCHNELLE, JAMES A. [redacted]
SCHRODER, ROBERT W. [redacted]
SCHUYLER, JOSEPH R. [redacted]
SCIALABBA, SAMUEL S. [redacted]
SEDWICK, MARK W. [redacted]
SEIPT, MATTHEW K. [redacted]
SMITH, CHARLES P. [redacted]
SMITH, COLIN D. [redacted]
SMITH, SAMUEL H. [redacted]
SMULLEN, DAVID R. [redacted]
SOBKOWSKI, MICHAEL J. [redacted]
STEVENSON, JEFFREY T. [redacted]
SULLIVAN, FARRELL J. [redacted]
TANDY, DAVID E. [redacted]
TAYLOR, JONATHAN P. [redacted]
TAYLOR, MICHAEL C. [redacted]
TEHAN, KEVIN G. [redacted]
TEN KLEY, MONTE D. [redacted]
TOWNSEND, PERRY F. [redacted]
TURNER, JOHN [redacted]
TURNER, TROY J. [redacted]
VAVASSEUR, DAVID A. [redacted]
VILLALOBOS, LUIS E. [redacted]
WAGLE, MATTHEW L. [redacted]
WALDRON, JASON E. [redacted]
WALLACE, JOHN R. [redacted]
WALTERS, MATTHEW S. [redacted]
WANG, AUSTIN, [redacted]
WEATHERS, WALTER T. [redacted]
WELBORN, THOMAS A. [redacted]
WELCH, MARK [redacted]
WENTZ, MICHAEL P. [redacted]
WIEBE, JACOB J. [redacted]
WILLIAMS, DAVID H. [redacted]
WILSON, GREGORY J. [redacted]
WINKLOSKY, DEVIN A. [redacted]
WIRTH, CRAIG C. [redacted]
WYLIE, JAY D. [redacted]
YARGER, JOHN W. [redacted]
YOUNG, CHARLES W. [redacted]
ZOLLMANN, JAY K. [redacted]

HOUSE OF REPRESENTATIVES—*Wednesday, September 8, 1993*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 7, 1993.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on Wednesday, September 8, 1993.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, O God, for our own needs and the needs of our Nation, and we give thanks for opportunities that we have in our own day and time to serve people with equity. We admit our tendency to look inward and satisfy our own requirements, yet we admit that we should be interested in the concerns of people everywhere. Lift our vision, O gracious God, to see the demands of justice; open our ears to hear the words of faith and hope and love; extend our hands for work and service to others, and strengthen our voices to speak for righteousness and understanding in all we do. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair asks the gentleman from Kansas [Mr. GLICKMAN] to lead the House in the Pledge of Allegiance.

Mr. GLICKMAN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1268. An act to assist the development of tribal judicial systems, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 1268) "An act to assist the development of tribal judicial systems, and for other purposes," requests a conference with the House on the disagreeing votes for the two Houses thereon, and appoints Mr. INOUYE, Mr. DECONCINI, Mr. DASCHLE, Mr. CONRAD, Mr. REID, Mr. SIMON, Mr. AKAKA, Mr. WELLSTONE, Mr. DORGAN, Mr. CAMPBELL, Mr. MCCAIN, Mr. MURKOWSKI, Mr. COCHRAN, Mr. GORTON, Mr. DOMENICI, Mrs. KASSEBAUM, Mr. NICKLES, and Mr. HATFIELD, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills, joint resolutions, and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 424. An act to amend the Securities Exchange Act of 1934 with respect to limited partnership rollups;

S. 1156. An act to provide for the settlement of land claims of the Catawba Tribe of Indians in the State of South Carolina and the restoration of the Federal trust relationship with the Tribe, and for other purposes;

S.J. Res. 124. Joint resolution designating September 6, 1993, as "Try American Day";

S.J. Res. 125. Joint resolution designating September 1993 as "Childhood Cancer Month";

S.J. Res. 126. Joint resolution designating September 10, 1993, as "National POW/MIA Recognition Day" and authorizing the display of the National League of Families POW/MIA flag;

S. Con. Res. 30. Concurrent resolution congratulating the Anti-Defamation League on the celebration of its 80th anniversary;

S. Con. Res. 38. Concurrent resolution to authorize the reprinting of the book entitled "The United States Capitol: A Brief Architectural History";

S. Con. Res. 39. Concurrent resolution to authorize the printing of a new annotated edition of Glenn Brown's "History of the United States Capitol", originally published in two volumes in 1900 and 1903, prepared under the auspices of the Architect of the Capitol;

S. Con. Res. 40. Concurrent resolution to authorize the printing of the book entitled "Constantino Burmidi: Artist of the Capitol", prepared by the Office of the Architect of the Capitol; and

S. Con. Res. 41. Concurrent resolution to authorize the printing of the book entitled "The Cornerstones of the United States Capitol."

The message also announced that the Senate agrees to the amendment of the House with an amendment to a bill of the Senate of the following title:

S. 184. An act to provide for the exchange of certain lands within the State of Utah, and for other purposes.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
September 8, 1993.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Monday, August 9, 1993 at 11:40 a.m.: that the Senate passed without amendment H.R. 490, H.R. 2900, H.J. Res. 110, H.J. Res. 157; agreed to Conference Report on H.R. 2348, and Conference Report on H.R. 2264; agreed to House amendments to H.R. 2034; agreed to House amendments and receded from Senate amendments to H.R. 2667.

With great respect, I am,

Sincerely yours,

DONNALD K. ANDERSON,
Clerk, House of Representatives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bills and joint resolutions on Monday, August 9, 1993:

H.R. 490, to provide for the conveyance of certain lands and improvements in Washington, District of Columbia, to the Columbia Hospital for Women to provide a site for the construction of a facility to house the National Women's Health Resource Center;

H.R. 2034, to authorize major medical facility construction projects for the Department of Veterans Affairs for fiscal year 1994, and for other purposes;

H.R. 2264, to provide for reconciliation pursuant to section 7 of the concurrent resolution on the budget for the fiscal year 1994;

H.R. 2348, making appropriations for the legislative branch for the fiscal year ending September 30, 1994, and for other purposes;

H.R. 2667, making emergency supplemental appropriations for relief from the major, widespread flooding in the Midwest for the fiscal year ending September 30, 1993, and for other purposes;

H.R. 2900, to clarify and revise the small business exemption from the nutrition labeling requirements of the Federal Food, Drug, and Cosmetic Act, and for other purposes;

H.J. Res. 110, to authorize the administrator of the Federal Aviation Administration to conduct appropriate programs and

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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activities to acknowledge the status of the county of Fond du Lac, Wisconsin, as the "world capital of aerobatics," and for other purposes; and

H.J. Res. 157, to designate September 13, 1993, as "Commodore John Barry Day."

RESIGNATION AS MEMBER OF GLASS CEILING COMMISSION

The SPEAKER pro tempore laid before the House the following resignation as a member of the Glass Ceiling Commission:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 10, 1993.

Hon. ROBERT REICH,
Secretary of Labor,
Washington, DC.

DEAR SECRETARY REICH: I write to you, regretfully, to submit my resignation as a member of the Glass Ceiling Commission. As the author of the House language creating the Commission, this was not an easy decision for me to make. It has been an incredible honor to serve on this most prestigious Commission.

Due to several constraints on my time, and my commitment to use any available moment to meet with constituents in my district offices, I feel that I am unable to devote the necessary time to the Commission. The charge of the Commission is extremely important and I believe that we need individuals who have the ability to devote the appropriate time.

Please know that you may call upon me at anytime to provide assistance to you or to Joyce Miller. I look forward to working with you in the future on this matter, and on other issues of mutual concern.

Sincerely,
SUSAN MOLINARI,
Member of Congress.

APPOINTMENT AS MEMBER OF GLASS CEILING COMMISSION

The SPEAKER pro tempore laid before the House the following appointment of a member of the Glass Ceiling Commission:

OFFICE OF THE REPUBLICAN LEADER,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, August 6, 1993.

Hon. THOMAS S. FOLEY,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 203(b)(1)(G) of Public Law 102-166, we hereby appoint the following Member of the House of Representatives to serve as a member of the Glass Ceiling Commission:

The Honorable Marge Roukema of New Jersey.

Sincerely,
RICHARD A. GEPHARDT,
Majority Leader.
BOB MICHEL,
Minority Leader.

COMMUNICATION FROM THE DIRECTOR OF NON-LEGISLATIVE AND FINANCIAL SERVICES

The SPEAKER pro tempore laid before the House the following communication from the Director of Non-Legislative and Financial Services:

NON-LEGISLATIVE AND FINANCIAL SERVICES, U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, August 16, 1993.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the United States District Court, District of Columbia.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,
LEONARD P. WISHART III,
Director.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON HOUSE ADMINISTRATION

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on House Administration:

COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, August 17, 1993.

Hon. THOMAS S. FOLEY,
Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L of the Rules of the House that a staff person of the Committee on House Administration has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena is not inconsistent with the privileges and precedents of the House.

Sincerely,
CHARLIE ROSE,
Chairman.

COMMUNICATION FROM THE SERGEANT AT ARMS

The SPEAKER pro tempore laid before the House the following communication from the Sergeant at Arms:

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, August 31, 1993.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that a member of my staff has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,
WERNER W. BRANDT,
Sergeant at Arms.

COMMUNICATION FROM THE ACTING GENERAL COUNSEL

The SPEAKER pro tempore laid before the House the following communication from the Acting General Counsel:

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, September 8, 1993.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: In accordance with House Rule 50, I respectfully notify you of the receipt by the office of Representative Newt Gingrich of a witness subpoena from the Magistrate Court of Henry County, Georgia. The office of Representative Dan Rostenkowski, and your own office, have also received witness subpoenas from the Magistrate Court of Henry County, Georgia, in the same matter.

After consultation with me as Acting General Counsel, Representative Gingrich, Representative Rostenkowski and yourself have determined that compliance is not consistent with the privileges and precedents of the House.

Sincerely,
CHARLES TIEFER,
Acting General Counsel.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Public Works and Transportation; which was read and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON PUBLIC WORKS
AND TRANSPORTATION,
Washington, DC, August 5, 1993.

Hon. THOMAS S. FOLEY,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the provisions of the Public Buildings Act of 1959, I am transmitting herewith the resolutions (originals plus one copy) approved today by the Committee on Public Works and Transportation.

Sincerely yours,
NORMAN Y. MINETA,
Chairman.

There was no objection.

GOVERNMENT REORGANIZATION PLAN NEEDS BIPARTISAN SUPPORT

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, if the Arabs and Israelis can achieve peace in the Middle East, then the Democrats and Republicans surely can come together on health care, the North American Free-Trade Agreement, a crime bill, and campaign finance reform. The issue that can defeat all of us is not health care, or NAFTA, or the budget vote, but gridlock. If the public perceives us as being incapable of governing, we will not need term limits since many of us will be history anyway.

Yesterday, President Clinton and Vice President GORE unveiled their plan—a plan that will fundamentally change the way our Government works—it will produce a savings of $108 billion over 5 years, it will cut the Federal work force by 250,000, and it will bring proven ways of doing things from the business world into Government.

Mr. Speaker, this plan gives us a chance to make needed changes—to make Government serve the people and serve them well. I urge all Members from both sides of the aisle to work together to make this plan a reality.

VEIL OF SECRECY LIFTED

(Mr. McKEON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INHOFE. Mr. Speaker, will the gentleman yield?

Mr. McKEON. I yield to the gentleman from Oklahoma.

Mr. INHOFE. Mr. Speaker, I would like to make an announcement of a very significant thing: History has just been made. One minute ago we received our 218th signature on discharge petition No. 2, which discharges from consideration of the Committee on Rules of House Resolution 134. The veil of secrecy is now removed.

Mr. McKEON. Mr. Speaker, reclaiming my time, at this very moment, history is being made. A 63-year-old rule that allows Members to say one thing at home and another thing here in Congress is about to be destroyed.

Just think of it—the leadership of Congress provides cover for Members so that they can advance the wishes of the liberal leadership in Congress over the wishes of their constituents. And they've been doing it for 63 years.

Last March, Congressman JIM INHOFE from Oklahoma introduced House Resolution 134 that makes public the names of Members who sign a discharge petition. Currently, those names are held in secret so that the people at home will never find out. By not finding out, the Member is allowed to promote popular causes in his district and oppose those very causes secretly in Congress and the voters will never know.

Ironically, H.R. 134 was assigned to the Rules Committee where the leadership has historically buried popular legislation and it takes 218 signatures on a discharge petition to get it out. Those reform-minded Democrats and Republicans are lined up right now, even as I speak, to be among those 218—those 218 reformers who want to return the House of Representatives to the people.

At this very moment, Mr. Speaker, history is being made. The good old boys are on their way out and the people are on their way in. When the 218th signature goes on discharge petition No. 2, the veil of secrecy will be destroyed—forever.

IN SUPPORT OF CVN-76, THE NEXT NUCLEAR AIRCRAFT CARRIER AND ITS IMPORTANCE TO OUR NATION

(Mr. SCOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCOTT. Mr. Speaker, I wish to address an issue raised by Secretary of Defense Aspin and General Powell last week. In unveiling the "bottom up review" of our future military needs, they indicated that our national defense requires at least 12 aircraft carriers.

Mr. Speaker, I submit these carriers should be the most modern and most capable the Congress can provide. To this end, we must fully fund the next *Nimitz* class carrier, CVN-76 as soon as possible.

The post-cold-war world is highlighted by a wide range of countries that are unstable and whose actions will be unpredictable. The Secretary of Defense correctly stated that, in this environment, our national security strategy must give renewed attention to power projection, mobility and forward presence. This can best be accomplished by large-decked nuclear aircraft carriers.

There is a strong case for funding CVN-76 on military, diplomatic and industrial base grounds. I therefore urge my colleagues to consider these national security issues and support building CVN-76.

FRAUD AGAINST THE AMERICAN PEOPLE

(Mr. CALVERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CALVERT. Mr. Speaker, 63 years ago the American people were victimized by fraud.

Some might think the term fraud is too harsh—but is it?

According to Webster's Dictionary, "fraud" is an act of deceiving or misrepresenting * * * also, one who is not what he pretends to be."

How accurately that describes what had been going on in this House for 63 years.

It was in 1930 that John Nance Garner installed the discharge petition—an ingenious device that allows a Member of Congress to defraud his constituents by acting under the protection of a veil of secrecy.

That veil allowed a Member to support back home those causes that he or she opposes in these chambers.

That is right. The discharge petition allowed a member to satisfy the lobbyists and party leaders at the same time he makes the people back home think he is supporting them.

Mr. Speaker. There is no two ways about it. This is fraud. But, thanks to my colleague from Oklahoma, JIM INHOFE, this fraud has come to an end.

The good old boys are on their way out. The people are on their way in.

When the 218th signature goes on discharge petition No. 2, the veil of secrecy will be destroyed, forever.

WASTE IN GOVERNMENT IS ADMINISTRATION'S TARGET

(Ms. DeLAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DeLAURO. Mr. Speaker, yesterday, the President and Vice President, released a plan to aggressively attack waste in Government. It is a tough plan. It is a fair plan. And it is a plan that will let the American people know that this body is serious about reform.

We must change the way that Government does business. We must streamline operations. We must provide a better product for the taxpayers. That means cutting costs, cutting waste and cutting redtape.

When I travel through my district and talk to constituents, they are frustrated. They have heard the ridiculous stories about the $1,000 toilet seats and bureaucrats who get paid to study the thickness of catsup, while they pay higher taxes for fewer services and see their standard of living decline. They are fed up.

Yesterday, the President took a bold first step to making Government more responsive, more efficient, more effective. In the coming weeks and months we will have an unequaled opportunity to build on that action and begin to address other critical issues of reform—with health care reform and congressional reform on the agenda.

In the process we can begin to restore Americans faith in government. The American people clearly want reform. They asked for it in the last election, they are still asking for it. It's time for us to answer by saying "yes" to reinventing government, "yes" to health care reform and "yes" to congressional reform.

THE DISCHARGE PETITION

(Mr. BUYER asked and was given permission to address the House for 1 minute.)

Mr. BUYER. Mr. Speaker, last August 4, I joined my colleague, the gentleman from Oklahoma, JIM INHOFE, along with 12 Republican freshmen in a 1 hour special order wherein he threatened to release the names of Members of Congress who refused to sign the discharge petition that would put an end to the 63-year-old rule that allows Members of Congress to defraud the public in secret. He said he would release the names to the Wall Street Journal and that they had agreed to publish them, and he could be expelled from the Congress for so doing that.

When a Member signs a discharge petition at the desk right over there behind me, that they did this morning, they have to read a warning that says:

> The publication or release of the names of Members who have signed this or any other discharge petition is strictly prohibited.

And it goes on to say that one cannot even release the number of signatures.

Article, I, section 5 of the Constitution says:

> Each House may punish its Members for disorderly behavior and, with the concurrence of two-thirds, expel a Member.

The gentleman from Oklahoma [Mr. INHOFE] did release the names and he did release the numbers. I guess theoretically he could be expelled, but we know that will not happen. However, it is probably the reason the secrecy rule has endured for 63 years.

It is truly the week that the good old boys are out and the people are in. We must allow the Congress to work the will of the American people.

CONGRATULATIONS TO THE ADMINISTRATION

(Mr. SKAGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKAGGS. Mr. Speaker, all of us in this body should congratulate the administration for the report that was issued yesterday, the report of the National Performance Review. It is full of sound ideas for making this Government work better and cost less. And it pushes us to honor the hard work of the American taxpayers by giving them better value for their money and by hearing their demands that government work more efficiently.

One idea that I heard, while doing door-to-door work in my district last spring, came from a Federal employee. She was again experiencing in her agency the use it or lose it phenomenon at the end of the fiscal year, when agencies are penalized if they do not spend out their budget.

I wrote to the Vice President, urging that we address that issue, that we find a way to reward government frugality at year's end rather than to penalize it. And sure enough, in the report that was issued yesterday, on page 20, that recommendation is essentially taken to heart. It is gratifying to have this kind of closure on an important matter.

It is now the responsibility of the Congress to act and to act promptly on these recommendations.

THE SECRET DRAWER

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTCHINSON. Mr. Speaker, 63 years ago a rule was put in place in this House that allows a Member of Congress to tell his constituents at home that he is supporting popular programs like the balanced budget amendment and line item veto and term limits and, at the same time, oppose those programs in Congress. The rule has the effect of putting discharge petitions into a secret drawer right over here. It is secret from the public.

The rule offers cover for Members who play the game with the insiders.

When the gentleman from Oklahoma, Congressman INHOFE, introduced House Resolution 134 to reform this secret process, he immediately incurred the wrath of the House leadership. How dare he take away our secrecy. Who does he think he is, they must have asked behind closed doors somewhere.

Well, Mr. Speaker, we are going to end all of that secrecy. My congratulations to the gentleman from Oklahoma, JIM INHOFE, for his leadership. The good old boys are on their way out and the people are on their way in. The 218th signature has been put on the petition, and the secret veil is being destroyed forever.

MORE THOUGHTS ON REINVENTING GOVERNMENT

(Ms. HARMAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HARMAN. Mr. Speaker, RIGO stands for reinventing government. I wish it were the last acronym invented by the Federal Government, but it may well be remembered as the best.

Yesterday, President Bill Clinton and Vice President AL GORE delivered on a major promise to change the way the Federal Government functions. By bringing competition, independent decisionmaking and more flexibility to the Federal bureaucracy, we will create more effective and less expensive government.

By developing systems that encourage government workers to seek out savings, paring silly processes and cutting through regulation and redtape, we will bring services to the people.

And we will take responsible and prudent steps to cut spending, most of which can be implemented now by Executive order.

I am enthusiastic about RIGO, some portions of which will require legislation, and stand here today ready to cosponsor and advocate these creative and critically necessary proposals.

□ 1220

A CHANGE IN GOVERNMENT

(Mr. DICKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKEY. Mr. Speaker, today is a great day in two respects. One is that the petition of the gentleman from Oklahoma [Mr. INHOFE] has been signed by an adequate number of congressional leaders for us to get rid of the secrecy that is in Government. The same thing exists with the initiative of the President and the Vice President to streamline Government. I think America should say thank you, businesses should say thank you, that we are not doing business as usual from now on, and that we will start doing things in an open fashion for the benefit of the people and in conjunction and in partnership with the people.

I want to thank, again, the gentleman from Oklahoma [Mr. INHOFE] for his efforts, his gallant efforts, to represent the people.

REFORMING GOVERNMENT

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, yesterday, President Clinton and Vice President GORE presented the report of the National Performance Review entitled, "From Red Tape to Results—Creating a Government That Works Better and Costs Less."

The report presents an agency-by-agency list of specific recommendations to reduce the number of regulations, eliminate the duplication of effort, and improve services to the American people.

From AID—where the report calls for a commonsense approach to U.S. foreign assistance—to the VA, where it will improve the services to our veterans, the proposal will save the taxpayer money.

"From Red Tape to Results" also makes major recommendations affecting Government systems to reward leadership and better management. For example, it calls for clear, strong leadership to integrate information technology into the business of Government.

"From Red Tape to Results" clearly demonstrates the Clinton administration's determination to cut spending, cut redtape, and cut the bureaucracy. This action will reduce the deficit, reform Government, and make change.

Mr. Speaker, the Vice President is to be commended for this intelligent report.

WELCOMING PRESIDENT CLINTON TO CLEVELAND, OH

(Mr. HOKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOKE. Mr. Speaker, I was going to speak this morning on the discharge petition and the historic event that we hoped would take place. In fact, what I had planned to do was to speak very strongly and wonder how it was that a number of Members had removed their names from the discharge petition, and what might have been placed over their heads in order to do that. I was going to embarrass them, perhaps; perhaps I was going to excoriate their behavior and talk about it in the context of the evils of the discharge petition in its old secret form.

The fact is that this morning 218 Members have signed it. We have prevailed. I do not have to be critical. We do not have to dive into the deep pit of nasty name-calling.

Instead, what I would like to do is point out that tomorrow our President, President William Clinton, is going to be in my hometown of Cleveland, OH. We would like to welcome him there. He is going to be talking about making Government more efficient and more effective.

I, for one, am glad that we have an opportunity in a nonpartisan way to get together, in fact, over one issue; that is, making Government smaller, more effective, less wasteful, and more responsive. I welcome him to Cleveland.

CONSIDERATION URGED FOR CLINTON'S PERFORMANCE REVIEW RECOMMENDATIONS

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, how many Federal employees does it take to screw in a light bulb? It is a dumb joke with an expensive punchline costing American taxpayers millions of dollars. According to a Department of Energy memo, it takes 43 people over 1,087 hours.

Let me read from page 69 of the National Performance Review:

> The memo calls for a planner to meet with six others at a work-control meeting; talk with other workers who have done the job before; meet again; get signatures from five people at that work-control meeting; get the project plans approved by separate officials overseeing safety, logistics, waste management and plant scheduling; wait for a monthly criticality-beacon test; direct electricians to replace the bulb; and then test and verify the repair.

Mr. Speaker, just changing a light bulb is an example of the torture chamber of regulations for Federal employees who only want to do their job and do it as best they can. We owe it to all of them and all Americans to give the President's performance review serious consideration.

THE VEIL OF SECRECY DESTROYED FOREVER

(Mr. EVERETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EVERETT. Mr. Speaker, this is a great day. For sixty-three years the agenda of the House of Representatives has been set by a handful of senior members called leadership. Another way of putting this is that the people of this country have not been able to get the things they believe on the floor of the House for a vote unless they are approved by the leadership. This is reform on which all other reforms are predicated. Now maybe we can have true budget reform, a true, real line item veto, a school prayer amendment, and other reforms. As long as that veil of secrecy had hidden those names, no other reforms were possible.

Mr. Speaker, the good old boys are on their way out, and the people are on their way in. The 218th signature is on discharge petition No. 2. The veil of secrecy has been destroyed, hopefully forever.

THE WINDS OF CHANGE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the Vice President said America needs to reinvent Government. To find out why, the GAO called the RTC, the ITC, and the PMS. They did not know.

The GAO then called the DOD, the DOT, and the DDT. They did not know. The GAO then called the CIA, the DIA, the EPA, and the IUD. They did not know. Then they asked OMB to find out, the OMB created a whole new program called the Government Analysis Service, known as GAS.

Maybe GAS will get to the bottom of all of this. Certainly there is enough gas in Washington, DC, to reinvent this Government.

THE VEIL OF SECRECY LIFTED

(Mr. GOODLATTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, there have been many associations and citizen groups who have joined the discharge petition reform effort over the past 4 weeks. We have been hearing them on talk radio and reading about them in editorials across America.

Important among the associations supporting the effort of the gentleman from Oklahoma [Mr. INHOFE] to destroy the veil of secrecy that subverts the will of the people is a group called United We Stand, America. Along with millions of other Americans, Ross Perot recognizes that discharge petition reform is one of the most significant reforms in the history of Congress.

There are now over 200 reformers in Congress fighting for this much-needed legislation who have signed on the dotted line. I am pleased to be one of them and to urge other Members to join this effort. Mr. Speaker, the good old boys are on their way out, and the people are on their way in. Now that the 218th signature is on discharge petition No. 2, the veil of secrecy will be destroyed forever.

ANNOUNCEMENT OF RETIREMENT

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, last Friday in Louisville I announced my decision not to run for reelection to the House of Representatives, so I will be retiring from Congress at the end of 1994. This has been an absolutely wonderful adventure for me and for Helen, my bride of 34 years. It has been a magnificent journey in public policy, in human relationships, and we will miss this very much.

I want to thank all my friends here in the House. I want to particularly thank the wonderful people in the Third District of Kentucky who have expressed their support for me, their love and affection for me many times over the years, not just in election years but all through the years. I will always have in my heart a wonderful feeling about my home State of Kentucky, my hometown of Louisville, and for the people, the wonderful people who reside there.

Mr. Speaker, I do not know what the future holds. I believe, having done public policy for virtually half of my life, I will do in the future something akin to it, some type of a pursuit which has in it attempting to make the world better, attempting to make my community better, attempting to leave behind some footprints by reason of my work that would improve the lot of my fellow men and women.

Let me just say, Mr. Speaker, how very proud I am to have been a Member of the House of Representatives and to have served with all my colleagues on behalf of the American people. I leave this place, this very special place, with a wonderful feeling in my heart, with a feeling of love and affection for all my friends, and with the belief that the future is going to be better than we have had in the past, and that we will, together, be able to shape a better world and a better America for the time to come.

Mr. Speaker, I ask that my statement of last Friday be placed in the RECORD at this point.

STATEMENT OF CONGRESSMAN RON MAZZOLI

After 25 years of elected public service to the people of my hometown, my Commonwealth, and my nation, I have decided—in close consultation with Helen and my family—not to seek reelection to the House of Representatives in 1994.

I will, of course, in the remaining months of my term of office devote the fullness of my time, energy and talents to the Third District of Kentucky and its good people, my constituents. I intend to maintain my current 100% voting attendance record through my term, and I will be studying as hard, working as hard and representing my constituents as diligently and devotedly in the remainder of my term as when I started my Congressional service in 1971.

These past 25 years have been a marvelous experience, a wonderful adventure. I have loved public service immensely, and I have found it over the years—and find it today—to be personally as well as professionally satisfying, fulfilling and exciting.

There is no privilege higher than the opportunity to serve in public office. And, when that allows a person, as in my case, to serve his own family, his lifelong friends, his schoolmates, and his neighbors, the honor and the privilege is even greater and more precious.

But, as has often been said, all good things must come to an end.

And, Helen and I believe it is now time to leave this good and gratifying phase of our life and—asking God's blessings on us—to move together into a new phase of life.

We do not know exactly what the future holds for us. But, public service, after all these years, is deeply ingrained in us both. So, we fully expect our future pursuits to involve some form of public service.

There is never a perfect time to leave a life of public service. There is always unfinished business. Causes to be championed. Grievances to be redressed. People to be helped.

However, it is always better to leave the field of action while one can still play the game, and I can. And, more importantly, when one still loves the game, and I do.

I owe a lot to a lot of people. They are the ones who made this whole improbable and wonderful adventure a reality. I cannot name all of them today, but I will cite a few.

My family, especially Helen, my bride, companion and best friend for these 34 years, our children and their spouses, my mother, my brother and sister, their spouses, my sister-in-law and my uncle and aunt. They have been my support and safe harbor over the years.

My staff here in Louisville and in Washington. Their constancy, patience and professionalism have enabled me to discharge my duties, as a steward of the public's trust, with effectiveness and honor.

My legion of hard-working campaign volunteers deserves note. They routinely accomplished the impossible in election years and, thereby, enabled me to continue my life of service.

I thank, too, my colleagues in elected office for their cooperation and support over the years. Serving with them has been for me a high honor and a personal privilege, and I look forward to working together with them during the remainder of my term on many pending projects affecting the Third District.

So, Helen and I close this door and open another. Complete this chapter and begin another. It's time for us to see what is lying on the other side of the next hill.

☐ 1230

OPENING THE DISCHARGE PETITION PROCESS

(Mr. CRAPO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRAPO. Mr. Speaker, on August 4, I was privileged to be on the floor with the gentleman from Oklahoma [Mr. INHOFE] as he opened the floor battle to open and free up the discharge petition process. Today I am proud to stand on the floor with Representative INHOFE and all of the others who have fought this battle as we have succeeded in getting the 218th signature.

The people won this one. Throughout the August work period I have been in district meetings throughout my district with people who continually asked me what can we do to make a difference, and I think that today makes the case. People across the country stood up in the last 30 days and said enough is enough and open the process, and the process opened. Their voice was heard.

Now that the discharge petition is open, maybe we can get a vote on the balanced budget amendment, and a true line-item veto, and the other needed reforms that the people across the country so unitedly asked for.

Today is a good day. Let us hope it marks the beginning of true reform in this Congress.

GOVERNMENT REFORM AND PEACE IN THE MIDDLE EAST

(Mr. TUCKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TUCKER. Mr. Speaker, we are at a time when hope is low. People are looking for this Congress and this administration to come up with new ideas, and that is exactly why Vice President GORE has come up with his plan on reinventing government.

There are even still people who believe that if this is done it will be a miracle. Mr. Speaker, I hope that plan is accomplished.

But speaking of miracles, Mr. Speaker, there is another interesting issue that is on the horizon internationally, which if accomplished will be nothing short of miraculous, and that is peace in the Middle East. Within the next few hours we will be hearing from those persons intimately involved in the Middle East peace process, and we are just hoping that miracle finally comes to fruition. For so many years peace in the Middle East has been nothing but a foregone speculation, but hopefully within the next few hours we will see the ceremony conducted even here in Washington, DC that will codify an agreement between the Israeli an Palestinian states.

Let us send those prayers up, Mr. Speaker, and hopefully we will see a miracle come to pass.

LIFTING THE VEIL OF SECRECY

(Ms. DUNN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN. Mr. Speaker, I am told that the chairman of the powerful Rules Committee, Congressman MOAKLEY, met this morning with my freshmen classmates on the other side of the aisle, obviously, I was not invited, but we all know what probably happened.

Chairman MOAKLEY probably promised hearings on the Inhofe discharge resolution, beginning September 14 and asked Democratic freshmen to delay signing up until after those hearings are held.

Guess what, Mr. Speaker? An arcane rule of the House makes it clear that if leadership could have delayed their own reformers until the 16th of September * * * the Inhofe resolution would not have seen the light of day until October 11th—after the Congress was scheduled to adjourn.

Mr. Speaker, this delay tactic has not worked. Now the floor debate on lifting the veil of secrecy can begin.

The constituents of my district know about this issue and talked a lot about it during my town hall meetings. The news media all over America is watching us today, and they have seen us succeed today in defeating the delay tactics. The 218th signature, as the gentleman from Oklahoma [Mr. INHOFE] told us, is on that petition No. 2.

Now, Mr. Speaker, the debate on lifting the veil of secrecy on the floor of the Congress will begin.

PLEA FOR REPUBLICAN ASSISTANCE IN EFFORT TO REINVENT GOVERNMENT

(Mr. BILBRAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILBRAY. Mr. Speaker, the Vice President brought forward his proposal for reinventing Government. A few weeks ago as we argued over the reconciliation bill and people were skeptical as to whether this would be just another tax-and-spend proposal, many of us on the floor who supported the President stated it was only part of a package, a package that was first reconciliation, then reinventing Government, then more tax cuts, and eventually the health containment provisions of the health care revitalization.

This is only one part of the provision, and I ask my Republican colleagues to be a player in this new proposal. Do not sit back, as you did on the reconciliation bill and not be players, because I think it is important that we come together and work together to get this deficit under control and get Government working effectively, and get this economy moving.

If we do not have your support, we cannot do it effectively. So we ask as Democrats to have the support of our

Republican colleagues to get this Government going again, to cut the costs of Government, and to see this America revitalized and moving into the 21st century as the great power that it should be.

STOP RESETTLING IRAQI ENEMY POWS IN THE UNITED STATES

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, all across the United States, many Americans are angry. They cannot believe that our Government is spending tens of millions of dollars to resettle former enemy Iraqi prisoners of war in the United States.

Estimates from the State Department indicate that anywhere from 4,000 to 13,000 former enemy prisoners of war [EPOW] from Iraq have been declared refugees and are eligible for resettlement in the United States at taxpayer expense—at a cost of approximately $7,000 per refugee. This includes AFDC, Medicaid, employment assistance services, Refugee Cash Assistance, Refugee Medical Assistance, and other programs.

At a time when taxes are rising, millions are unemployed and benefits to programs for veterans and other deserving Americans are being cut, this policy reflects a truly bizarre set of priorities.

Along with my colleague, Mr. MANZULLO of Illinois, who is to be commended for identifying the problem first, and 27 original cosponsors, I am introducing a resolution today expressing the sense of the Congress that resettlement of former enemy prisoners of war who took up arms against American forces should be discontinued immediately.

This resolution will not affect any refuge retroactively and only affects former enemy prisoners of war from Iraq, not legitimate refugees. I encourage you to cosponsor this resolution to provide badly needed reform to our refugee and immigration policies.

CONGRESSIONAL ASSISTANCE NEEDED TO IMPLEMENT GORE PLAN

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, Vice President GORE's national performance review will test the Congress as much as the administration. The President believes government has a role to play in a democratic society, and he has accepted the burden of making it play that role well.

Those who spend time on this floor voting against government's role have an even larger burden. If they cannot stop programs, help ensure that those that pass do not waste money on inefficiencies.

The Vice President, after all, is reinventing government by borrowing heavily from what Republicans have praised the private sector for doing successfully for 15 years. This effort will work so long as the administration does not miss two vital points.

No. 1, the missing ingredient in prior reports, worker involvement, is the sine qua non of reform in today's workplace. No. 2, we must avoid the IBM model now spreading across the workplace that raises productivity by dumping workers.

So far, this administration seems to understand these axioms.

LEVIN INTRODUCES RESOLUTION RECOGNIZING 60TH ANNIVERSARY OF UKRAINE FAMINE

(Mr. LEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, I am introducing today a resolution that recognizes the 60th anniversary of the Ukrainian famine.

Sixty years ago, millions of Ukrainians were starved to death because of a Soviet-engineered famine.

Later this week that anniversary will be commemorated in newly independent Ukraine. There will be a report from the Commission on the Ukrainian famine which was established in Congress in 1984, and two distinguished Michigan Ukrainian Americans, Bohdan Fedorak, and Borys Potapenko, will be there with others to present this report.

□ 1240

The resolution that I am introducing expresses the sense of the Congress that the Commission's findings and conclusions should be presented to the Ukrainian Government so that we all remember what happened 60 years ago.

I invite my colleagues in this House to join me in presenting this important resolution.

WHY LIE ABOUT NAFTA?

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, in their new book on NAFTA, Pat Choate and Ross Perot have tried to scare people with distortion and deception. For example, they claim that earlier this year Congress secretly extended President Clinton's "fast track" authority for NAFTA by sneaking it into the budget bill.

Mr. Speaker, let us disregard the fact that every time they mention fast track they deceive people about the process. In their book they concocted a NAFTA-fast track battle that is pure fiction.

Let us try facts—the House passed a separate fast-track extension bill, H.R. 1876, on June 22 by a broad bipartisan vote of 295 to 126. The Senate passed it on June 30. On July 2, the President signed it into law. There was no subterfuge, there was a clear vote on a separate bill. The remarkable thing is that this fast track extension had nothing to do with NAFTA. It applied only to the Uruguay round of GATT negotiations. NAFTA is covered by the 1991 extension, so no new legislation was needed.

While his political friend may not follow legislation very closely, Pat Choate is a lifetime Washington insider. Why then lie about NAFTA or the GATT fast-track bill?

RON MAZZOLI: AN IDEAL MEMBER OF CONGRESS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, several days ago Congressman RON MAZZOLI of Kentucky announced he would not seek reelection next year. This stands as a real loss to the House of Representatives.

Members of Congress periodically receive surveys asking them which Democrat or Republican in Congress they admire most. Whenever I receive such a questionnaire, I write in RON MAZZOLI's name as the Democrat I most respect. For 6 years I have served with RON MAZZOLI in Congress and also with him as a member of the Immigration Subcommittee, which he now chairs.

What I have observed firsthand is that RON MAZZOLI has earned a deserved reputation for integrity, fairness, and hard work. His independence of thought, his high personal standards, and his collegial treatment of others exemplifies, to me, an ideal Member of Congress.

It has been more than a privilege—it has been an honor—to serve with RON MAZZOLI.

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would thank the gentleman very much.

CONGRESS IS BACK: IT'S TIME TO CUT SPENDING

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, the President wants to reinvent government. That is a step in the right direction. But let us not let all of this talk about floor wax and paper clips muddle the message we really need to be sending to the taxpayers.

When this Congress last met, it enacted the largest tax increase in the history of the world. Under that legislation, the taxes come today. The spending cuts come tomorrow. Maybe.

The message we really need to be sending is this: We are going to cut spending. Not 3 or 4 or 5 years down the road. We are going to cut spending now.

Mr. Speaker, I am glad that President Clinton wants to trim the fat from the Federal Government. But the fact of the matter is that the newly enacted Clinton budget will increase the Federal deficit by $1 trillion over the next 5 years if something is not done now.

Let us get back to work. Let us cut spending now.

REINVENTING GOVERNMENT WILL SAVE $108 BILLION

(Mrs. LOWEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LOWEY. Mr. Speaker, yesterday the President and Vice President outlined their plan for reinventing government. The changes they have proposed, taken together, can save the American taxpayers $108 billion over the next 5 fiscal years.

This House should join forces with the administration to move forward this initiative without delay. While there are controversial ideas in this package for sure, we should commit to move this package as a single reinventing government act. Yes, changes will be made. This Congress has a responsibility to those we represent to carefully and thoroughly evaluate the initiatives which come before us. But we cannot afford to let these initiatives be buried in committees and subcommittees throughout the Congress.

The American people want us to seize the moment and make the kinds of fundamental changes that are long overdue. These recommendations present an important opportunity to make government work for the American people and to make a major contribution to deficit reduction.

STOP RETROACTIVE TAXES

(Mr. RAMSTAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAMSTAD. Mr. Speaker, we have all heard the axiom, "At least we are safe as long as the legislature isn't in session."

But, it turns out the American people are never safe. With passage of the last tax bill, Congress rolled back the clock to a time it was not even in session, to raise taxes retroactively. For the first time in American history taxes were raised retroactive to a previous administration.

Mr. Speaker, today I am introducing a package of three bills to repeal the retroactive tax increases and ban this practice in the future.

The first bill would simply repeal the retroactive State gift and income taxes in the last tax bill. The second would amend the House rules to establish a point of order against any future efforts to raise taxes retroactively. The third bill would permanently ban the practice by amending the Constitution.

Mr. Speaker, we need to pass all three measures if we are to undo the damage and prevent Congress from raising taxes retroactively ever again.

I urge my colleagues to join me today as original cosponsors of these three bills to repeal retroactive taxes.

THE HEALTH CARE TAX EQUITY ACT OF 1993

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, the U.S. Congress is faced with the difficult task of expanding health care reform without damaging economic growth. We should not require expensive mandates on small business owners. Any health care reform should provide for competition, tort reform, reduced bureaucracy, and tax law revisions that will ensure equitable treatment for all workers.

Today, I am introducing health care reform legislation to tax more equally those persons who have coverage provided by their employer and those who do not.

Currently, people who receive health care benefits from the Government or their employer pay no taxes on those benefits. Meanwhile, persons without benefits from the Government or an employer—such as the self-employed and the working poor—must pay taxes on the money they spend for health insurance or health care. That is not right.

This tax change legislation, with over a dozen cosponsors, allows people without employer-provided health benefits to deduct 100 percent of the first $1,800—or $2,400 for a joint return—spent on health insurance or health care. People who receive health care benefits worth less than $1,800—or $2,400—could deduct a smaller amount.

Mr. Speaker, millions of Americans lack adequate health care. Yet we tax the health care benefits of many of the Americans who can least afford it. This legislation finally treats the self-employed and the working poor like everyone else. Support health care tax equity.

□ 1250

RESTORE MEALS TAX DEDUCTION

(Mr. ZIMMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZIMMER. Mr. Speaker, today I will be introducing legislation to restore the 80-percent Federal tax deduction for business meals.

An economic study has concluded that the reduction from 80 percent to 50 percent included in President Clinton's recently enacted tax package will cause a loss of 165,000 jobs nationwide and cost restaurants $3.8 billion annually in lost sales.

This is another tax on the Nation's middle class which cannot afford another hit. Fully 70 percent of business meals are purchased by people earning less than $50,000 a year. Thirty-nine percent are purchased by people earning less than $35,000.

These people are not conducting business over a three-martini luncheon or a gourmet dinner at La Cote Basque or Leon D'Or. The average business lunch costs less than $10 and the average business dinner costs less than $20. They take place at modest restaurants and delicatessens, like those that dot the highways of my own suburban New Jersey district.

Once again, Congress has taken aim at the rich and has ended up nailing the middle class.

NAFTA MEANS NEW JOBS FOR AMERICANS

(Mr. KOLBE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLBE. Mr. Speaker, I think it is time to issue an advisory to the American public, specifically to U.S. workers. The words of Ross Perot, Ralph Nader, Jesse Jackson, Gerry Brown, and Pat Buchanan can be hazardous to your health. Do not inhale without risking your economic future and get some good filters for the misinformation coming from the opposition to the NAFTA.

The truth is simple: Mexico is a huge United States export market and NAFTA levels the playing field for United States exports and United States workers. If you listen closely, you will hear not the sucking sound of United States jobs moving down to Mexico, but a great sucking sound of United States exports going to Mexico.

Mexicans spend more per person on United States goods than Europeans or the Japanese. In 1992, citizens in Mexico spent $450 per person on goods from this country, compared with $385 per person in Japan and $296 per person in Europe.

Seventy cents of every dollar Mexico spends on foreign products is spent on United States made goods. United States exports to Mexico have doubled in 5 years to $40.6 billion, creating more than 700,000 United States jobs. NAFTA will create 200,000 more.

Americans should not be fooled by the fear mongering arguments of opponents. Look beyond the simplistic arguments and get under the hood. Once there, you will find an agreement that makes new jobs for Americans.

MAKING LAWS IN SECRET

(Mr. ROYCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROYCE. Mr. Speaker, for far too long important legislation has been bottled up in the committees of this House. The balanced budget amendment has been bottled up, the line item veto and other reforms which enjoy substantial popular support cannot even get a hearing because they are opposed by the leadership.

Fortunately, the rules of this House provide an important way for breaking such strangleholds, and that way is the discharge petition. Unfortunately, the discharge procedure has been cloaked in secrecy, with the petition sealed in a locked box and House Members forbidden to disclose the names of the signers.

This "star chamber" arrangement, reminiscent of medieval times, has no place in a democracy, and today we will change that.

Mr. Speaker, it is time to let the sunshine in, to open the locked box and to let every Member clearly demonstrate his or her support or opposition to a bill. We do not hold secret votes in this body anymore, and that is good.

So I urge my colleagues to sweep away this last vestige of secrecy, this last vestige of hyprocrisy, by signing discharge petition No. 2 and bring House Resolution 134 to the floor for a vote. End the secrecy rule. Turn on the lights, and bring our deliberations into the 20th century.

IN OPPOSITION TO RESETTLEMENT OF FORMER IRAQI POW'S IN THE UNITED STATES

(Mr. MANZULLO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MANZULLO. Mr. Speaker, how can we even think of resettling former Iraqi POW's in this country when we have so many problems here at home? How can we provide all sorts of welfare benefits to ex-soldiers who took up arms against our troops when many of our own veterans are homeless?

I encourage my colleagues to join the gentleman from Florida [Mr. STEARNS] and me as coauthors, plus over 25 original bipartisan cosponsors of a common sense resolution to terminate the current policy of resettling ex-Iraqi soldiers who took up arms against our own troops.

For the past few weeks, I have tried in vain to get a straight answer from the State Department. I even sent a letter to the President with 75 Member signatures. But all I get is double-talk. One memo states that we will resettle 13,000 ex-Iraqi soldiers. Another states it's only 4,000. I don't care if it's one. Those who took up arms against our troops in Desert Storm should not receive better benefits than our veterans. With a $280 billion deficit, I can think of no lower budgetary priority than spending up to $7,000 to resettle each and every former Iraqi soldier in the United States.

Please cosponsor this pro-U.S. veteran bipartisan resolution to stop this misguided policy in its tracks. I also urge the Judiciary Committee to hold hearings on this issue.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would tell our friends in the gallery that you are welcome to be here, but it is not permissible under the House rules to show pleasure or displeasure to anything said on the House floor.

WHY AMERICANS CARE ABOUT RULES

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, why should Americans—worried about their jobs, health care and balancing their families' budgets—care about something as arcane as a discharge petition and the rules of this House? Why should people who want a balanced Federal budget pay attention? Why should those who want to cut wasteful government spending take notice? Why should seniors who want to work without heavy tax penalty or who are "notch babies" tune into this?

Americans care because it is the very status quo rules of this House that allows business as usual leadership to bottle up remedies to these and other issues.

Apologists for Congress are now saying that Members need secrecy to "protect" them from the people. Well, that just does not pass the laugh test.

It looks more like the old guard leadership needs secrecy to protect its own power. Instead of opposing this, the leadership should be congratulating the gentleman from Oklahoma [Mr. INHOFE] and the 217 other Members for letting the sunlight in. It has done wonders in Florida, the sunshine State, and I know it will here, too.

IN SUPPORT OF DISCHARGE PETITION NO. 2

(Mrs. FOWLER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. FOWLER. Mr. Speaker, I rise to thank the 218 of my colleagues who signed on, as of today, in support of discharge petition No. 2. As co-chair of the freshman class' task force on reform, I believe this issue is of core importance.

The freshman class of 1993 is the largest freshman class in over four decades, and the reason for the large turnover is clear—the American people want change, and they want it now. The old way of doing business was not working, and we have a mandate from the voters to try and fix it. Making all discharge petitions public is a crucial step toward our goal of reform, and all 48 freshman Republicans are solidly behind the effort to do so.

The discharge petition is symbolic of the old back-room style of politics, when secrecy was the name of the game. Making the petition public is just the first step in opening the windows of that back room to let in some light and fresh air.

I commend my friend Representative INHOFE for his strong leadership on this issue, and I commend my colleagues who chose openness and honesty over secrecy and silence.

A COMMISSION FOR CUTTING FEDERAL BUREAUCRACY

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, President Clinton has recommended eliminating 252,000 positions in the Federal bureaucracy.

Well, Mr. President, Republicans, in poker parlance, want to call your hand and raise you.

Let us lock in your 252,000 position cut with a commission similar to the Federal Base Closing Commission that has been so successful in cutting defense bases around the country. The Commission should analyze the Federal bureaucracy, identify 252,000 positions for cutting, it should then submit by a time certain that list by President Clinton to Congress and give President Clinton and the Congress a single up or down vote.

We have never been short on recommendations for cutting the Federal bureaucracy, Mr. President. We have always been short on political will. So Republicans are calling your hand, Mr. President. Let us use the Base Closing Commission to cut the Federal bureaucracy, and if you are serious, Mr. President, you will initiate this action in a very short period of time. We are waiting for your response.

□ 1300

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair advises Members of the House that comments should be directed to the Chair and not to persons outside the Chamber.

REINVENTING GOVERNMENT

(Mr. CASTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CASTLE. Mr. Speaker, the reinventing government report issued yesterday by Vice President GORE is a necessary first step to reorganizing how the Federal Government does business.

While I look forward to thoroughly reviewing the specific proposals in the national performance review, I support efforts to streamline wasteful, redundant operations and make the Federal Government more efficient and customer friendly.

During my first 9 months in office, I have witnessed Government bureaucracy first hand. Particularly frustrating is having to waste money and time jumping through Government hoops for everything from renting office space and purchasing simple office supplies to getting a chair repaired and a light bulb changed.

But again, the report is just a start. The next step must be to implement much-needed reforms to overhaul the Federal Government's financial management, personnel, purchasing, budgeting, and information systems.

There have been numerous other government reorganization plans issued in previous administrations that have done no more than collect dust on some bureaucrat's shelf. I sincerely hope this report does not befall a similar fate.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 2401, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 246 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 246

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 2401) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1994, and for other purposes. After further general debate, which shall be confined to the bill and the amendments made in order by this resolution and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution or specified by a subsequent order of the House. Except as specified in section 2 of this resolution, the amendments printed in the report shall be considered in the order printed. Unless otherwise specified in the report, each amendment may be offered only by the named proponent or a designee, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against amendments printed in the report are waived.

SEC. 2. The chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by this resolution. The chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business: *Provided*, That the time for voting by electronic device on the first in any series of questions shall be not less than fifteen minutes. The chairman of the Committee of the Whole may recognize for consideration of amendments printed within a numbered part of the report of the Committee on Rules (other than part 1) out of the order in which they are printed, but not sooner than one hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

SEC. 3. (a) After designation of the committee amendment in the nature of a substitute, an additional period of general debate shall be confined to funding levels for ballistic missile defense and shall not exceed forty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. It shall then be in order to consider the amendments printed in part 1 of the report of the Committee on Rules. If more than one of the amendments printed in part 1 of the report is adopted, only the last to be adopted shall be considered as finally adopted and reported to the House.

(b) After disposition of or postponement of further proceedings on the amendments printed in part 1 of the report, an additional period of general debate shall be confined to the Trident II (D-5) missile and shall not exceed thirty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. It shall then be in order to consider the amendments printed in part 2 of the report.

(c) After disposition of or postponement of further proceedings on the amendments printed in part 2 of the report, an additional period of general debate shall be confined to burdensharing and shall not exceed twenty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. It shall then be in order to consider the amendments printed in part 3 of the report.

(d) After disposition of or postponement of further proceedings on the amendments printed in part 3 of the report, an additional period of general debate shall be confined to economic conversion and shall not exceed thirty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. It shall then be in order to consider the amendments printed in part 4 of the report.

SEC. 4. After disposition of the amendments printed in part 4 of the report of the Committee on Rules and any other amendment on which further proceedings were earlier postponed, the Committee shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

The SPEAKER pro tempore. The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, as Members are aware, prior to the beginning of the August recess, the House considered and adopted a rule providing for the initial consideration of H.R. 2401, the National Defense Authorization Act for fiscal year 1994. The resolution provided for 2 hours of general debate as a prelude to the consideration of amendments to this most important bill.

Also prior to the August recess, the Committee on Rules reported House Resolution 246, the resolution now under consideration, which provides for the consideration of certain amendments to the bill reported by the Committee on Armed Services. This rule structures the debate for several major issues by grouping amendments and limiting debate time on the general issue of national defense. The Committee on Rules has recommended this procedure as a means to allow the House to fully debate and decide these major issues in a manner that will subsequently allow other matters related to our national defense to be considered adequately. This procedure is similar to the manner in which the House has considered defense authorization legislation for the last decade and the Committee on Rules believes this procedure squarely frames the issues and allows the House to express its will.

In addition to the 2 hours of general debate provided under the first defense authorization rule, House Resolution

246 provides for 1 additional hour of general debate on H.R. 2401. As was the case with the first 2 hours, the time is to be equally divided and controlled by the chairman and minority member of the Committee on Armed Services. The rule provides that it shall then be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute recommended by the Committee on Armed Services which is now printed in the bill and that the committee amendment in the nature of a substitute shall be considered as read. The rule also waives all points of order against the committee amendment in the nature of a substitute.

The rule provides that only those amendments printed in the report accompanying this rule, or those specified by a subsequent order of the House, shall be in order to the committee amendment in the nature of a substitute.

The report accompanying House Resolution 246 contains four parts; each part contains amendments addressing one of four major defense-related issues. Part 1 includes amendments relating to funding levels for ballistic missile defense and provides for 40 minutes of general debate on the subject prior to the consideration of the amendments. Each amendment is accorded 10 minutes of debate and shall be considered under the king-of-the-hill procedure. Part 2 relates to the Trident II missile; the rule provides for 30 minutes of general debate on this missile and 10 minutes of debate on each of the amendments made in order by the rule. Part 3 includes amendments relating to burdensharing. There will be 20 minutes of general debate on amendments relating to the subject of burdensharing and 10 minutes of debate on each of the four amendments made in order by House Resolution 246. Finally, Part 4 includes amendments on economic conversion and allows 30 minutes of general debate on the subject and 10 minutes of debate on each of the three amendments made in order by the rule.

Unless otherwise specified in the report, each of those amendments may be offered only by the named proponent or a designee. The rule further provides that the amendments shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule also waives all points of order against the amendments printed in the report.

Section 2 of House Resolution 246 provides the chairman of the Committee of the Whole with the authority to postpone consideration of a request for a recorded vote on any of the amendments made in order in the rule and to reduce to 5 minutes the time for voting on amendments after the first 15-minute vote in a series of ordered votes. The rule provides that the amendments shall be considered in the order printed, except that the chairman of the Committee of the Whole is given authority, under a specific circumstance, to bring up the amendments, except those relating to ballistic missile defense, out of the order that they are printed in the report. This authority is only granted if the chairman of the Armed Services Committee or a designee makes a request from the floor at least 1 hour prior to the consideration of those amendments out of order.

Finally, the rule provides that after the disposition of the amendments in part four of the report, those relating to economic conversion, and any other amendment on which further proceedings were earlier postponed pursuant to the authority granted in this rule, the Committee shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

Mr. Speaker, the Committee on Rules anticipates that it will meet later today or tomorrow to consider another rule providing for the consideration of further amendments to H.R. 2401. It is the intention of the committee to draft this rule in consultation with the Committee on Armed Services and in a fashion similar to the one before us today. Regardless of a Member's individual views on the amendments made in order in this rule, I recommend approval of this means to consider those amendments. The Committee on Rules has framed the debate on these four major issues and has allowed, in the case of the subjects of ballistic and Trident missiles, all amendments submitted to the committee to be considered by the House. The committee believes this is a fair rule and a fair way to consider these amendments and I urge adoption of the resolution.

□ 1310

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Texas [Mr. FROST] has just indicated, we have before us today a second rule to provide for the further consideration of the Defense Authorization Act for fiscal year 1994. Later this week the Committee on Rules may be meeting to grant yet a third rule for the further consideration of amendments to this bill.

Mr. Speaker, if a third rule is granted this week, we can expect to finish consideration of this important bill early next week, since there will be no votes on the floor after Tuesday due to the Jewish religious observances.

Mr. Speaker, I am opposed to this rule that is before us here today. I will seek a vote on this rule, and I will ask all Members to oppose it. I am opposed to this rule because it violates the balance and sense of fair play that has governed the consideration of defense authorization bills over the last number of years that I have been handling this rule.

Indeed, Republican members of the Committee on Rules were led to believe that the rule for the defense bill this year would be similar to those of past years. Certainly it must be said that the chairman of the Committee on Armed Services, the gentleman from California [Mr. DELLUMS], whom I have the greatest respect for, and the ranking member, the gentleman from South Carolina [Mr. SPENCE], who is probably one of the most respected Members of this entire House, came before us and requested a fair rule that would have provided for a proper balance of amendments. That is the way it should be.

But the Committee on Rules, for reasons which have yet to be explained to me, the ranking Republican, defied the request of the Committee on Armed Services and opted to produce a rule in which the amendment process is stacked in favor of proposals offered by certain Democrat members.

Mr. Speaker, this rule before us now does not allow for fair deliberation. It is blatantly partisan. It is a blatant partisan concoction. Indeed, if this rule had been conjured up in the office of a partisan Member, such as my good friend, the gentlewoman from Colorado [Mrs. SCHROEDER], sitting over there, I do not see how it could have turned out any differently.

In three of the four issue areas covered by this rule: ballistic missile defense, procurement of the Trident II (D–5) missile, and burden sharing, the amendment process is weighted down with Democrat amendments.

Mr. Speaker, this rule is jerry-rigged, although it is not JERRY SOLOMON doing the rigging. This rule has been rigged by the Democrat leadership so as to affect the outcome of deliberations here on the floor even before they happen.

Mr. Speaker, there is a meeting taking place, a press conference, right now, over in 2168 Rayburn. Ross Perot and Members are talking about the secrecy of the discharge petition.

Mr. Speaker, it is all of this partisan secrecy why this House is presently held in the lowest esteem it has ever been in the 200-year history of Congress.

Mr. Speaker, national defense is not a partisan issue. Other than the Committee on Ethics, the Committee on Armed Services is the only standing committee of this House to have a nonpartisan professional staff. The chairman and ranking member of the Committee on Armed Services are well-known and well-respected, as I said before, for their sense of decency and their sense of fair play. But this rule does a gross injustice to the tradition under which defense bills have usually been considered by this House.

Mr. Speaker, there are 83 more Democrats than Republicans in the House. That is an overwhelming majority. If the Democrat leadership, with that huge majority, cannot work its will on the floor of the House without jerry-rigging the rules, then there is something radically wrong with the Democrat leadership.

Mr. Speaker, this is the most important bill to come before this body this year or any other year. It deals with the present and future security of our Nation. It deserves fair and open debate. But to rig this rule in order to produce bogus results on a bill of this importance is not only detrimental to the security of the Nation, it is a slap in the face to all the rank-and-file Members of this House who bear the responsibility of providing adequate funding for the defense of the country.

Mr. Speaker, I urge Members to vote "no" on this rigged rule which prohibits this House from having a fair and meaningful debate on the important issues contained in this most important legislation, the Defense authorization bill. Please vote "no".

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, for the purpose of debate only, I yield 3 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I am not entirely happy with this rule because I think it unduly constricts the amount of debate. I will say with regard to burden sharing that the amendment that I am coauthoring with a Member from the other side of the aisle, the gentleman from Connecticut [Mr. SHAYS], we have done this for the second year in the rule, and the gentlewoman from Colorado [Mrs. SCHROEDER] has joined us, but I am glad we will have this debate on burden sharing. I wish it would be a more radical debate in terms of time.

Mr. Speaker, there is a fundamental issue facing us, and I am sorry to say that this administration seems to me as resistant as its predecessor to letting America get the benefit of some of what has happened in the world.

The question is simply this: Will we continue to allow the wealthy, strong, stable, and largely unthreatened nations of Western Europe continue to get a free ride on the American taxpayer?

Mr. Speaker, I believe I know the most popular book in all of Europe. It is Tom Sawyer. Because our European friends and allies figured out a long time ago not only how to get America to paint their fence, but how to get us to pay for the privilege of doing so.

Americans sent large numbers of troops when it was necessary, wise, and brave, to protect Europe from an invasion led by the Soviet Union joined by its allies in the Warsaw Pact.

Mr. Speaker, there are dangers in the world. There are problems in the world. But that one has disappeared. There is no way that you are going to see a reassembling of the Soviet Union and the nations of Eastern Europe with a massive ground presence threatening Western Europe. That was the purpose do our stationing troops there.

The European nations, our allies in the European Community, collectively have a larger population that the United States. They have the wealth. But they continue to want the privilege of spending a small fraction of what we spend as a per capita amount on the military, because they know we will do it.

The gentlewoman from Colorado [Mrs. SCHROEDER], who has been a pioneer here, the gentleman from Connecticut [Mr. SHAYS], and myself, will offer an amendment that will say to our European allies that if they believe there is a need for a continuing large presence of American troops, they should pay for it. If not, we are prepared to cooperate with them, but we are no longer prepared to perpetuate the notion that the United States taxpayer has to support that ongoing presence in Europe.

Mr. Speaker, we ask that part of the money saved go to conversion, and part go to deficit reduction. We have a national demand that we reduce spending. Reducing spending is often painful, though necessary, because it means reducing services that redound to the benefit of the people that pay for them.

□ 1320

Putting large troop presences on a permanent basis in Western Europe and spending billions and billions a year to subsidize the economies of West Germany and Belgium and Denmark and France and the other nations of Western Europe makes no sense. Do the Western European nations want us to stay there? Sure. They are not crazy. But if we acknowledge and acquiesce, we are.

I hope that when the amendment process begins, Members will vote that savings.

Mr. SOLOMON. Mr. Speaker, the previous speaker has just said that there is no threat in Europe today. I just returned from Europe, I was in countries like Bulgaria and Albania and Russia and Greece and Macedonia. Let me tell Members, that is one unstable part of the world today. America had better be standing ready for something that could break loose any day over there.

Mr. Speaker, I yield such time as he may consume to the very distinguished Republican ranking member of the Committee on Armed Services, the gentleman from South Carolina [Mr. SPENCE].

Mr. SPENCE. Mr. Speaker, I thank the gentleman for yielding time to me, I rise in opposition to House Resolution 246. I had hoped to be in a position to support this rule, but the recommendations reported by the Rules Committee make my support impossible.

First, instead of making one Republican and one Democrat amendment in order on the issue of ballistic missile defense [BMD], as I believe makes sense, this rule makes a second Democrat BMD amendment by Mrs. SCHROEDER in order. Not only does this represent piling on, in my view, but the position advocated by Mrs. SCHROEDER was explicitly addressed by the Armed Services Committee and was rejected with bipartisan support. Moreover, the Schroeder amendment printed in this rule has been modified since the August 2 Rules Committee filing deadline without any discussion, negotiation, or bipartisan consent.

My second set of concerns has to do with the Rules Committee's decision to make the Abercrombie amendment on the D–5 missile in order. While I support the idea of the House debating the D–5, having the Abercrombie amendment follow the Dellums-Perry-Woolsey amendment simply gives opponents of this program an unnecessary second bite at the apple. As with the Schroeder BMD amendment, the Armed Services Committee rejected the position advocated by Mr. ABERCROMBIE on a strong bipartisan basis.

My third set of concerns has to do with the so-called burdensharing amendments. First, making the Schroeder overseas base closures amendment in order as a burdensharing amendment is inappropriate. It ought to compete for floor time with the many other base closing related amendments that were filed and are to be considered in a later rule and should not be arbitrarily recategorized and inserted into this second rule.

Second, as was the case with the Schroeder BMD amendment, the Frank-Shays-Schroeder burdensharing amendment has also been modified since the amendment filing deadline without any discussion with the minority. Deadlines and rules ought to apply to all Members on both sides of the aisle.

Finally, my last set of concerns involve the conversion amendments. Despite the recommendations of the Armed Services Committee, Mr. WELDON's amendment was not made in order along with the other conversion amendments as it should have been. The rationale given by the Rules Committee was that last-second concerns expressed in a letter from the Merchant Marine Committee made the Weldon amendment too hot to handle in this second rule. My first counter is that the Merchant Marine letter used by the Rules Committee to justify elimination of the Weldon amendment from this second rule was dated a full 3 days prior to the day this rule was reported—3 days notice does not strike me as a last second development.

My second counter is that if the Merchant Marine Committee's objections to the Weldon amendment were enough to have it eliminated from this rule, why were the other burdensharing amendments made in order over the objections of the Foreign Affairs Committee as expressed in a August 4, 1993, letter from Chairman HAMILTON to the Rules Committee?

This kind of inconsistent treatment of amendments compels me to oppose this rule. Despite this unfortunate development, I nevertheless look forward to working with Chairman DELLUMS and the Rules Committee on the third, and hopefully final, rule governing debate on H.R. 2401.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I just want to say to the gentleman that he has pointed out the reason why we oppose the rule. I have great respect for the chairman of the committee, the gentleman from California [Mr. DELLUMS] and for the ranking member, Mr. SPENCE. In years past those 2 gentlemen and their staffs and other members have sat down with the Committee on Rules on a bipartisan basis. And we have negotiated what is not an open rule. We did that in order to try to be able to handle this very, very intricate bill in a timely and responsible manner.

But by throwing that approach out the window, this kind of cooperation, and now just saying that the Democrats can have whatever amendments they want and shut Republicans out, the Democrat leadership flies in the face of our cooperation with some kind of a restrictive rule.

If we are going to have an open rule and let every Member have his or her amendments, then that is fine. Let us do it that way. But let us not bring a rule to this floor which deliberately affects the outcome of debate before a vote is even taken.

Mr. Speaker, I appreciate the gentleman's remarks.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I just want to say, the gentleman referred to the amendments as if they were all partisan. I appreciate his conceding to us sole ownership of burdensharing, but I am afraid I have to turn down the honor.

Burdensharing is widely supported in a bipartisan way. In fact, the amendment I offer this year, as last year, is coequally offered by a Member on the other side, the gentleman from Connecticut [Mr. SHAYS].

So with regard to burdensharing, I have always tried to treat that as a very bipartisan issue. We did last year. It shows in the votes, and we do again this year.

Mr. Speaker, I thank the gentleman for yielding to me.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Speaker, I thank the gentleman for yielding time to me.

Later today we will be considering a series of amendments addressing burdensharing. While we all share the goals of reducing U.S. presence overseas to reflect the changing threats, I must caution against reducing our presence overseas too fast.

Some argue that the need for the NATO Alliance has declined substantially now that the threat from the East has deteriorated. We should not subscribe to this theory. NATO remains every bit as important as it was in deterring Soviet aggression 15 years ago. It has served the security of interests of the United States and its allies exceptionally well and given the unpredictability of future conflicts, the need for a strong NATO will continue.

NATO is undergoing a metamorphosis. It is adjusting its mission to the post-cold-war era while also considering the admission of several new members including Poland, the Czech Republic, and Hungary. These changes should be nurtured and supported by continued U.S. participation. Make no mistake about it: Should U.S. participation in the NATO alliance be perceived as waning, the effectiveness of that alliance in addressing future threats would be seriously crippled. A favored presence allows us to pursue our interests on a collective basis and not unilaterally.

Some of the amendments being offered to the bill before us cast a shadow on the future direction of NATO and on continued U.S. involvement. We should indeed be reducing our presence overseas, both in Europe and elsewhere and we are. We are moving rapidly toward a ceiling of 100,000 U.S. personnel in Europe as prescribed in last year's authorization bill. Pursuant to another provision of that same law, we are reducing our total overseas military presence by 40 percent. Spending to support U.S. Forces in all locations overseas will have decreased by 36 percent by 1994. Since January 1990, we have had a 50 percent reduction in overseas facilities and that number is growing. We are moving very quickly in the right direction. But we must caution our colleagues before they vote on politically appealing amendments that seek further reductions in U.S. presence overseas.

Congressman SISISKY and I will be offering an amendment to H.R. 2401 which will reduce the spending at overseas installations by $580 million. Coupled with the reductions already contained in the legislation, the total cuts is about $3.3 billion. At the same time, our amendment continues to insist that the administration and DOD negotiate burdensharing arrangements that further reduce the costs we pay to support U.S. military bases overseas. But most important our amendment recognizes and respects the need for a continued U.S. military role in Europe and Asia. Any future conflict that we find ourselves in will require the assistance and participation of our allies. Preserving the necessary level of overseas military presence and alliances like NATO will ensure that support.

Vote yes on the Lloyd-Sisisky amendment and reject all others.

□ 1330

Mr. SOLOMON. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey [Mr. SAXTON], a distinguished member of the Committee on Armed Services.

Mr. SAXTON. Mr. Speaker, I thank the gentleman for yielding time to me.

Let me just say that I also rise in opposition to the rule, and certainly want to associate myself with the remarks of the gentleman from New York [Mr. SOLOMON] and the gentleman from South Carolina [Mr. SPENCE], the ranking member of the Committee on Armed Services and the Committee on Rules.

Those of us on this side of the aisle are very realistic about our position as members of the minority. We know full well that it is our obligation and our responsibility to make our views known in as forceful a way as we possibly can. We are also realistic to know that inasmuch as the Committee on Rules is dominated by the majority party, by a membership of nine Democrats to four Republicans, that it is very often that we do not find ourselves in a position of a rule that we think a lot of. That is certainly the case with this rule. I would just like to explain from one Member's point of view, my point of view, why that is.

In so doing, I would just like to use one example of one thing this rule does which has been mentioned by both the gentleman from New York [Mr. SOLOMON] and the gentleman from South Carolina [Mr. SPENCE], but in terms of a specific and in terms of a substantive issue that is very, very important to the national security of our country and to the national security of our allies all around the world, including the Middle East, including Israel.

This is the issue of what used to be called SDI, which today is called ballistic missile defense [BMD]. This, for the current SDI, is funded at about $3.7 billion. This rule provides for a number of opportunities to do other things with funding, depending on what their position happens to be. The President, for example, says we need about $3.4 billion this year. He has sent his budget over here, his request, in that amount. The committee disagreed with that. The committee said we needed about $3 billion. That is the way this bill has come to the floor.

Here on the floor there will be a number of opportunities for people to vote for different levels of funding. For example, right off the bat the chairman of the committee, the gentleman from California [Mr. DELLUMS] will offer an amendment to cut that $3 billion in half. If the Members think this $3 billion is too much money and that this is not an important issue for our country and for our allies, they have an opportunity, and rightfully so, to vote for half as much.

If, on the other hand, the Members agree with the President, they have an opportunity to vote for the amendment of the gentleman from Colorado [Mr. HEFLEY]. The amendment of the gentleman from Colorado adds about $440 million, so those of us, and I will vote for the so-called Hefley amendment, who believe that that is the proper level of funding have an opportunity to vote for it. There are three options already: The way the committee bill has come out at $3 billion; the Dellums amendment, the chairman's amendment, which will be $1.5 billion; and the amendment of the gentleman from Colorado [Mr. HEFLEY], a Republican amendment, which returns it to the level of the President's request, $3.4 billion.

The rule does not stop there, however. The rule does something that from there to me seems very unfair. We have had a high option, a middle option, and a low option, and along comes one more amendment, the amendment by the gentlewoman from Colorado [Mrs. SCHROEDER], at $2.8 billion. Thus, the Democrats have had two bites of the apple already, one at $3 billion and one at $2.8 billion. The Republicans have had one bite.

Obviously, we are going to overload this in favor of the majority party, and have one more attempt to cut it even further at $2.8 billion; inherently unfair, not to the Republican Party, not on a political basis, but inherently unfair to those people, those Americans, who have a concern over the ballistic missile defense system as proposed by the President, who belongs to the party of the other side.

I ask in fairness for people, for all of us, to join together. Let us send this rule back to the committee. Let us get out a rule that would be fair to both parties and to the American people.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman from Texas for yielding time to me.

Mr. Speaker, I just want to take the floor to say that I do not have one-tenth of the power that is being attributed to me. As I count this rule, it looks like we have five Republican amendments and eight Democratic amendments. I want to really talk a bit about the one that I have heard lambasted from several Members over there. That deals with the ballistic missile defense area.

Mr. Speaker, as everybody knows, we had a new administration take over this year. At the beginning of this year they basically sent over the prior administration's numbers as we were waiting for Secretary Aspin to do his bottom-up review. As he was doing his, we on the committee asked our staff to do our bottom-up review. Now we have even double wisdom, because Les Aspin's bottom-up review has since come out, since we acted on this bill.

That is basically what my number is. My number on the ballistic missile defense was what our subcommittee reported to the full committee. It almost passed. It was voted down by 16 to 15. If the Members take the Aspin bottom-up review on the BMD and ramp it back to 1994, we would have actually $100 million less than is my amendment, so I came out really $100 million over. We were trying to guess and we were trying to stay in synchronicity with what they were doing. I think it is the one that comes out most on point.

That is why it was really being offered. It was originally a subcommittee proposal, and it seems to track most with where the bottom-up review is. I understand that it is late and all of that is happening, but part of that is because there are new people on board and everybody is trying to rethink this changed situation.

I also think when we talk about the burden-sharing, we all know that our allies are much richer because of the Marshall plan and all the things that we did. We maintained troops there when our national interest would have been threatened if we were overrun and they were overrun by the Soviet Union. Now what we are seeing is that there is still lots of flexibility. We can still stay there if they want to pay more monies, but our allies in Asia are doing a much better job of paying their fair share than our allies in Europe.

When we push our allies in Europe as to why they want us there, they want us there to babysit themselves. If they have not worked out their agreements after hundreds of years, I am really sorry, but I am not sure how much the American taxpayer wants us to sit there and be the referee in all their nice little ethnic complaints that they have. If they want us to do that, then they ought to pay for it. People ought to pick up those costs, because they certainly are able to now. That is what we are really talking about as we look at this terrific budget deficit and how we can be smarter and what we are doing.

We now have a whole new added aspect of the bottom-up review being done. I think we have a very tight bill and we know that we are under terrific time constraints. I think this is a very good rule, and I encourage people to vote for it.

Mr. SOLOMON. Mr. Speaker, I yield 5 minutes to the gentleman from Arizona [Mr. KYL], one of the most distinguished members of the Committee on Armed Services on our side of the aisle.

□ 1340

Mr. KYL. Mr. Speaker, I would like to respond to the comments of the gentlewoman from Colorado, who has it all wrong. As a matter of fact, the bottom-up review just performed by this administration supports the funding level of the Hefley amendment of about $3.5 billion, not the committee level or that suggested by the gentlewoman from Colorado.

Let me quote from the letter dated September 7 from the Office of the Under Secretary of Defense, John Deutch, to the chairman of the committee, RON DELLUMS:

> When you take the fiscal year 1994 defense authorization bill to the House floor, I realize you will be under strong pressure to reduce funding for the Nation's Ballistic Missile Defense (BMD) program. I urge you to support the funding level approved by the Senate Armed Services Committee and to fight attempts to further cut this important program's budget.

Quoting further:

> As you are aware, the Department of Defense has completed the bottom-up review and refocused the BMD program. The revised funding profile through the Future Year Defense Plan is $18 billion—averaging about $3.6 billion a year. the Senate Armed Services Committee approved $3.2 billion, plus $250 million for the Brilliant Eyes program, which totals about $3.5 billion for the missile defense effort. The Department supports the Senate position and encourages the House of Representatives to adopt the same funding level.

Mr. Speaker, that is the funding level that will be offered by the gentleman from Colorado [Mr. HEFLEY].

If I could just continue to quote further from Mr. Deutch's letter:

> Now that the Department has made the difficult choices with regard to missile defenses, I am certain you will appreciate the importance of continuing the program on the right course. I urge you and your colleagues to adopt the Senate Armed Services Committee's position.

Reading further:

> Budget cuts below the Senate Armed Services Committee level and program fences this year will endanger our ability to deliver our new plan.

The reason that we should oppose this rule, Mr. Speaker, is because, unlike past years, this year's rule skews the result. The reason this rule skews the result is that unlike past rules which have permitted accommodation and negotiation between the two sides, and usually developed a position which recognizes the preeminence of the committee mark or the committee position, under this rule the chairman of the committee is permitted an amendment to reduce the level of funding to $1.5 billion. The gentleman from Colorado [Mr. HEFLEY] is then allowed to propose his amendment to add $467 million, or to essentially get to the position that Mr. Deutch, the administration's spokesman, is supporting. But then, under the unique procedure of the king of the Hill, the gentlewoman from Colorado is permitted to offer an amendment to reduce the amount of ballistic missile defense funding to $2.8 billion.

What is the significance of this, Mr. Speaker? That was the gentlewoman's subcommittee mark which was overridden by the full Armed Services Committee when it went to just about $3 billion. So what we have here is the usual procedure which permitted a bracketing in effect, a lower amendment which in the past has been offered by Mr. FRANK or Mr. DELLUMS usually, a higher amendment which I have offered in the past and Mr. HEFLEY is offering this time, with the full committee position being in the middle. Not so this year. Under this rule the gentlewoman from Colorado has the last word, and if her amendment passes, it does not matter what was passed before. We would be reducing the funding level to $2.8 billion, or in other words, about $700 million below what the administration is recommending after its bottoms-up review, according to the letter from Mr. Deutch.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. KYL. I am happy to yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, first of all I thought that the Rules Committee should have had queen of the Hill, because I thought it was a little slanted by saying king of the Hill. I thought maybe that was shutting me out.

Mr. KYL. The gentlewoman and I certainly agree on that nomenclature.

Mrs. SCHROEDER. Second, I did want to say to the gentleman I think the bottom-up review, we both have to be perfectly honest, that bottom-up review does not talk about 1994 numbers. It talks about 1995 and beyond.

Mr. KYL. If I can reclaim my time, what Mr. Deutch, the administration spokesman is saying in this letter to the chairman of the committee is, that based upon the bottom-up review we should adopt the Senate number, which is the Hefley amendment, which is $3.5 billion. What Mr. Deutch said is now that the Department has made this difficult choice, and as you are aware, now that we have now completed the bottom-up review, that the Department supports the Senate position and encourages the House of Representatives to adopt the same funding level.

To be honest, what we have here is a consistency between what the administration first proposed and what it continues to propose as a result of the confirmation coming from the bottoms-up review.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. KYL. I am happy to yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. If the gentleman will look at this, what we know is that Dr. Deutch's boss, Secretary Aspin, has announced that the Ballistic Missile Defense Program would total $16 billion. That is what his numbers are for the period of fiscal year 1995 to 1999. And what we did was take that and ramp it back to 1994, because he did not project that.

Mr. KYL. Reclaiming my time, I understand what the gentlewoman from Colorado did. But that is inconsistent with the administration's position this week, which says stick with the Senate number, stick with $3.5 billion. That is what, based upon the bottoms-up review, we think this program should be funded at.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the gentleman from Virginia [Mr. SISISKY].

Mr. SISISKY. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, I would like to read to my colleagues a letter just received from the Clinton administration regarding the burden-sharing amendments which we are about to consider. The letter is signed by Secretary of Defense Les Aspin and Secretary of State Warren Christopher.

The letter states:

SEPTEMBER 7, 1993.

Hon. NORMAN SISISKY,
Chairman, Subcommittee on Oversight and Investigations, House Armed Services Committee, Washington, DC.

DEAR MR. CHAIRMAN: When the Defense Authorization bills reach the floor, amendments will be considered requiring increased allied burdensharing, which would jeopardize our country's ability to sustain its strategic interests abroad.

These proposed amendments would generally reduce force structures, require higher percentages of allied contributions, or reduce anticipated Operations and Maintenance budgets.

It is our assessment, after substantial, very directed and detailed discussions with the Europeans that our burdensharing negotiations with major European allies will not conceivably yield the contributions called for by these proposals. As a result, if enacted into law, these amendments would force the withdrawal of U.S. troops from Europe, and with them would go our leadership position in European affairs, and our ability to promote and protect our vital national interests there.

The President has re-affirmed the United States commitments to NATO, Japan and Korea to maintain our forward military presence. The President made these commitments largely because they represent our own vital strategic interests. The post Cold War period has brought new dangers and instability that threaten our fundamental interests.

Our allied security arrangements with the U.S. forward-deployed presence are the underpinning of our larger vital interests in the world. They contribute immeasurably to world peace; the expansion of democracy and human rights; access to open markets and economic growth opportunities; long-term stability; and democratic consolidation across the region, especially in Eastern Europe, Russia and the newly-independent states of the former Soviet Union.

We share the Congress' concern about equitable burdensharing, and this remains a primary Administration policy. However, the proposed amendments run contrary to U.S. interests and would portend disastrous consequences, certainly a diminution of American prestige and leadership, U.S. European presence, and regional and world influence. What the United States has achieved in Europe over the past half century would be in jeopardy.

We will continue to negotiate vigorously arrangements with our allies that seek to be more beneficial to the United States. The Administration pledges to do its utmost to achieve the lowest possible stationing costs through determined negotiations with our allies, in return for a reasonable level of funding for an adequate forward-deployed force that is ready and capable of carrying out U.S. and collective missions.

But more importantly, the Clinton Administration intends to undertake with our NATO allies a wide-ranging review of our mutual commitments to trans-Atlantic and European regional security through an enlarged concept of security responsibility sharing. The objective is to take us beyond the old, sterile approaches of the Cold War, and seek new understandings with our allies in the areas of defense planning; resource management; cost sharing and policy management, including sharing new roles and missions involving the emerging democracies of central and eastern Europe, peacekeeping, conflict prevention, and humanitarian relief, among others.

NATO remains the key to stability in Europe. U.S. leadership is vital to the Alliance's future, and we can continue to lead only as long as we maintain the readiness of our forward-deployed forces. We will keep you and the other members of Congress fully apprised on our progress in achieving the goals and objectives of our new strategy. We need Congress as a partner in this endeavor.

WARREN CHRISTOPHER,
Secretary of State.
LES ASPIN,
Secretary of Defense.

□ 1350

Mr. Speaker, we need Congress as a partner in this endeavor. I believe that Congress should provide the administration with the partnership requested by the Secretaries of Defense and State by supporting the Armed Services Committee positions on these burden-sharing amendments. Vote "yes" on the Lloyd/Sisisky amendment; vote "no" on the other ones.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the outstanding ranking member on the Committee on Foreign Affairs, the gentleman from New York [Mr. GILMAN], whom we respect greatly.

Mr. GILMAN. I thank the gentleman for yielding. Mr. Speaker, I am concerned about this rule and I am urging the Rules Committee in its further deliberations to consider the issue of further deployment of United States troops in Somalia which is fraught with implications for the future deployment and use of United States military forces in any multilateral setting. Without question, the distressing reports of hostilities in Somalia are bearing out the concerns I expressed earlier this year that the United States was heading blindly into a quagmire by becoming an occupying force in Somalia.

Since our operations in Somalia began, United States casualties to date have been 11 killed and 51 wounded, and without any final solution in sight.

That is why I hope the Rules Committee, in its further deliberations on this national defense authorization will make in order my amendment to the Defense authorization bill to cut off funding for United States military operations in Somalia.

My Somalia cutoff proposal would take effect on December 31 unless the President certifies that continued United States military presence there is vital to our national security—or necessary to evacuate relief workers, U.N. personnel, or other peacekeeping forces from imminent danger.

Mr. Speaker, U.S. military forces have fulfilled their humanitarian goal and they are now being placed in a no-win situation. I believe the time has come for Congress to take a strong stand to resolve this intolerable situation. It is hoped that the Rules Committee will permit the House to begin this process by making my amendment in order and I invite support by my colleagues.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from New York.

Mr. SOLOMON. I thank the gentleman for yielding.

Mr. Speaker, let me just say to the gentleman from New York that I share his view completely on this issue.

As the gentleman knows, the Committee on Rules will probably be meeting later this afternoon or tomorrow, and certainly this House is entitled to vote on the issue raised by the amendment of the gentleman from New York. We will do everything we can to make it in order.

Mr. GILMAN. I thank the gentleman for his encouraging report.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Texas [Mr. BRYANT].

Mr. BRYANT. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise to observe that the voices that we have just heard raised against the effort to try to ask our allies to begin to pay the cost of their own defense are an echo of the past. I think they are not cognizant of the enormous difficulty that we in America are facing with regard to paying our bills.

Mrs. LLOYD, Mr. SISISKY, and through Mr. SISISKY, the Secretary of State have once again for the 11th time in my 11 years in this Congress come forward and told us that somehow the American people, almost 50 years after World War II, are obligated to continue paying the costs of defending Europe and Japan.

We still spend over $150 billion a year, some say as much as $182 billion a year, maintaining a defense posture aimed at being able to defend them; not to defend the territorial integrity of the United States but to defend Europe and Japan.

During the cold war, perhaps the argument could be made that we need to continue doing that. But certainly today at the very least we can ask them to pay the full cost of their own defense.

These are not war-torn, war-tattered economies; they are tough, shrewd, international competitors. They have strong economies which give them the capability to pay for their own defense and to pick up a larger share of the cost of defending the free world.

While we have been subsidizing the defense of Europe and Japan, they have been educating their children in a far more comprehensive way than we have. They have been providing health care to their people in a way that we have not yet been able to do. They have been able to maintain a crime rate 10 percent of the crime rate in the United States.

Yet, 50 years since World War II, voices still stand on the floor of this House and say to us that the American people ought to continue borrowing—and that is what we are doing—borrowing billions of dollars every year to pay for the defense of countries that are wealthier than we are, of countries that are paying their bills better than we are; countries that are educating their citizens, protecting their citizens from crime and providing health care for their citizens better than we are.

I think it is time for us to tell the Europeans and the Japanese that if you want our troops in your country, we are willing to continue working with you but it is time for you to begin to pay the costs of your own defense.

I urge the Members to vote for the burdensharing amendments which have been offered. I have offered one in particular which would provide that the President must enter into negotiations to reach an agreement for these other countries to pay 100 percent of our costs related to the presence of our personnel assigned to their countries.

It would be phased in over a 3-year period beginning October 1, 1993, and ending September 30, 1996.

If agreements are not made in this respect, then the President will order the withdrawal of all our troops. That would be phased in between now and the year 2000.

Members of the House, surely it is not unreasonable for us to provide that by the year 2000 this enormous and expensive burden ought to come to an end and we ought to begin to take our resources and plow them back into the future of our country.

Mr. FROST. Mr. Speaker, for the purposes of debate only, I yield 2 minutes to the gentleman from Louisiana [Mr. HAYES].

Mr. HAYES. Mr. Speaker, ordinarily I do not speak on rules, for two very good reasons. First of all, it causes apprehension on the part of the gentleman from Texas [Mr. FROST] who handles them. Second, they are usually boring.

But today we had an exception, as I listened across the aisle. They talked about the gentlewoman from Colorado, saying that this rule could not be more onerous and more unfair had she drafted it herself.

Well, as an admirer and fan of the gentlewoman from Colorado and someone who is aware of her abilities and talents, I assure you, given the opportunity, she can write a much more blatantly unfair and dramatically onerous rule.

Mr. SOLOMON. Mr. Speaker, let me yield 3 minutes to the very distinguished member of the Committee on Armed Services and an outstanding Member, the gentleman from California [Mr. HUNTER].

Mr. HUNTER. I thank the gentleman for yielding this time to me, and I thank my colleague for the glorious introduction.

Mr. Speaker, this is a bad rule because it weighs this debate toward the politics of weakness. It disregards the fact that we won the cold war because this body was allowed to make choices for strength. We were allowed to boost the SDI spending that we did to back the Soviet Union off their missile buildup plan; we were allowed to move forward with the M–1 tank; we were allowed to move forward with the B–1 bomber.

This body was allowed to make choices to try to achieve peace through strength. Those choices are being denied especially with respect to the strategic defense initiative portion of this particular bill.

Now the director of the CIA just the other day pointed out all the nations that are acquiring missile capability, the ability to deliver missiles into either our forces around the world or ultimately against the American people themselves.

Libya, Egypt, Iraq, South Africa, Saudi Arabia, Syria, Pakistan, Iran, India, North Korea, and China. And we asked the question when that was pointed out by our intelligence people, we said, "Are they building missiles?" The answer is, "Yes." We said, "Do some of them have the intent to deliver them into our population centers?" "Yes." We asked the question, "Can we presently stop them? Do we have an SDI that will presently stop them?" And the answer is, "No."

□ 1400

So now the Democrat leadership moves us to the totally illogical position that because we are so vulnerable and the world is so dangerous, we are going to cut the strategic defense initiative. We are not going to achieve the ability to defend ourselves against incoming missiles.

This is the policy of weakness. It is the politics of weakness that happily was rejected by the Reagan and Bush administrations. This administration should stand up right now and tell us very strongly to reject what the Rules Committee has put in place.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. HUNTER. I am happy to yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, the gentleman does have the ability to vote for the Hefley amendment, if the gentleman feels that way.

Mr. HUNTER. Well, I think that the Hefley amendment should be the centerpiece and should be the center of this debate, but the Rules Committee now has placed the debate by allowing the amendment of the gentlewoman from Colorado and has placed the debate in such a position that the momentum clearly is in favor of substantially cutting the strategic defense initiative below what the committee wanted.

Mrs. SCHROEDER. How much more would the gentleman add above the Hefley amendment?

Mr. HUNTER. If the gentlewoman wants to ask this gentleman, personally I think we should be at this point desperately pursuing the strategic defense initiative, the ability to defend ourselves against incoming ballistic missiles. I think this should be a project with all of the energy and the verve that we used in the Manhattan Project. I personally would have a project that would be several billion dollars above this level.

The SPEAKER pro tempore (Mr. MAZZOLI). The time of the gentleman from California [Mr. HUNTER] has expired.

Mr. SOLOMON. Mr. Speaker, I yield 1 additional minute to the gentleman from California.

Mr. SAXTON. Mr. Speaker, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from New Jersey.

Mr. SAXTON. Mr. Speaker, the gentleman mentioned the Hefley amendment just a minute ago. I believe the level of funding provided by the Hefley amendment is just about identical to the level of funding proposed by President Clinton. Is that not correct?

Mr. HUNTER. Actually, the level of funding by the gentleman from Colorado [Mr. HEFLEY] has been very close to what President Clinton is proposing right now. I think that is manifest in the reports that the gentleman from Arizona [Mr. KYL] read into the RECORD; however, the Clinton administration actually proposed a higher level initially.

Mr. SAXTON. Mr. Speaker, if the gentleman will yield further, so there are amendments to be offered today from the other side of the aisle contrary to what we Republicans are finding ourselves in concert with President Clinton that would reduce the level of funding for the SDI far below that this administration has requested.

Mr. HUNTER. The gentleman is absolutely right. This debate has been couched or developed by the Rules Committee so that the center of this debate on SDI, which should be the Hefley amendment, has now been moved, the momentum has now been moved in favor of the Schroeder amendment, which will have all the momentum as the debate unfolds.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman for yielding this additional time.

I just wanted to point out one more time that the gentleman from Colorado [Mr. HEFLEY] is a good friend of mine, but he rarely carries the position of the Clinton administration on the floor. He is not on the floor, and he might be surprised to find out that he is carrying that water according to his colleagues over there.

I think we all know what the history of this was. We have said it over and over again, that when this new administration took hold, they sent over the then Bush proposals because they obviously had not had time to redo the whole budget, but it was subject to the bottoms up review.

I think what the gentleman from Arizona and myself were saying is that he is viewing it differently but in all honesty, the bottoms up review deals with 1995 to 1998.

What we are saying is that if you look at what the administration is talking about spending in funding and then you ramp it back, you ought to give them flexibility, but you ought to make sure that we do not continue doing research and development on a whole range of things that they clearly are not going to go forward with and that have a lot of risk.

I think the gentleman knows we have also had all this testimony about how they enhanced some of the tests. They phonied up some of the tests in the past. They have done all sorts of things in this whole area, and we are trying to clean it up.

Mr. HUNTER. Mr. Speaker, will the gentlewoman yield?

Mrs. SCHROEDER. I am happy to yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I thank the gentlewoman for yielding to me.

I think that the threat of missiles which our Intelligence Agency tells us is coming, that we cannot defend against, is so great that we should move forward with a lot of energy, even if it means pursuing a broad array of technologies. Let us not penny pinch this program.

Mrs. SCHROEDER. Mr. Speaker, let me reclaim my time and say that I think $3 billion is a lot of money. That is what we are talking about. We are talking about $2.8 billion. That is an awful lot of money where I come from, maybe not in California, but you could buy a lot with that.

I think the administration is planning to spend it very smartly, and hopefully we will get to where we are trying to go.

Mr. HUNTER. That is not going to be much solace to our troops if they receive incoming ballistic missiles or theater missiles.

Mrs. SCHROEDER. The first thing on the administration's plan is theater missile defense. It is No. 1 and it is No. 1 in the bill.

Mr. HUNTER. In 1997.

Mrs. SCHROEDER. In 1994.

Mr. SOLOMON. Mr. Speaker, there used to be a Speaker of this House named Tip O'Neill. He was one of the finest Irish gentleman that I ever knew. He was also one of the most partisan Speakers that ever served in that chair, but he was the fairest Speaker ever to serve in that chair.

You know, the word "cute" used to be reserved for those of us who like to describe our children or our grandchildren. Now it seems that "cute" means the kind of jerry-rigged rules that are brought to the floor.

This is a cute rule, Mr. Speaker, but do you know what? It is going to backfire on the majority because of the way it is written, the way these amendments are going to be offered. The outcome is already predetermined. We know what that result is going to be; but what you do not know is that we Republicans are not going to vote for the final result.

Now, what does that mean? It means that by being cute, by bringing out this cute rule, the liberals are going to have to produce the votes to pass this national defense bill.

How do you like that? I do not think liberals are going to like it at all. That is why they ought to vote down this rule. We ought to go back upstairs and do what we have done for the last 6 years, and that is produce a fair rule. You can have your bite of the apple, we can have our bite of the apple, the House works its will and we all cooperate.

There is gridlock on your side of the aisle.

Vote no on this rule.

Mr. FROST. Mr. Speaker, in closing, I think everyone knows that this bill each year, defense authorization is one of the most complicated pieces of legislation that we deal with.

The Rules Committee has striven to present a fair rule that permits both Republican and Democratic amendments to be made in order point by point.

I would only point out to my friend, the gentleman from New York, that on the subject of ballistic missile defense and Trident D–5 missiles, that no other Republican amendments were submitted to the committee, other than the ones that were made in order.

I know they have some objection to the order in which they were made in order, but the Rules Committee made those Republican amendments in order that were submitted.

On the subject of economic conversion, two of the three amendments that are made in order are Republican amendments, so that we feel this bill is a fair one. It attempts to deal with a very complicated subject in an orderly way, and I urge adoption of the rule.

Mr. SOLOMON. Mr. Speaker, I yield back the balance of my time.

Mr. FROST. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 246, nays 172, not voting 15, as follows:

[Roll No. 411]

YEAS—246

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Mazzoli
McCloskey
McCurdy
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velázquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Woolsey
Wyden
Wynn

NAYS—172

Allard
Andrews (NJ)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bliley
Blute
Boehlert
Boehner
Bonilla
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Ravenel
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Walker
Walsh
Weldon
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—15

Bilirakis
Brown (CA)
Bunning
Conyers
Gibbons
Matsui
McDermott
Mink
Neal (NC)
Ridge
Roukema
Vucanovich
Wise
Yates
Young (AK)

□ 1430

The Clerk announced the following pairs:

On this vote:

Mr. Yates for, with Mr. Ridge against.

Mr. Matsui for, with Mr. Bilirakis against.

Mr. Wise for, with Mrs. Roukema against.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MODIFICATIONS TO CERTAIN AMENDMENTS TO H.R. 2401, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that during further consideration of the bill, H.R. 2401, pursuant to House Resolution 246, the amendment numbered 3 in part 3 of House Report 103–223, to be offered by the gentlewoman from Tennessee [Mrs. LLOYD] and the gentleman from Virginia [Mr. SISISKY], and the amendment numbered 1 in part 4 of House Report 103–223, to be offered by the gentleman from South Carolina [Mr. SPENCE] be modified in the forms that I have placed at the desk.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from California?

Mr. SPENCE. Mr. Speaker, reserving the right to object, I will not object, but I take this time to allow the gentleman to explain his request.

Mr. DELLUMS. Mr. Speaker, will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Speaker, the purpose of the unanimous-consent request propounded by myself was simply to point out that inadvertently an amendment offered by the gentlewoman from Tennessee [Mrs. LLOYD] and the gentleman from Virginia [Mr. SISISKY] and an amendment offered by my distinguished colleague, the ranking member of the committee, a mistake was inadvertently made and parts of both of those amendments were left out.

The Chair then placed in the record the exact verbiage of the amendments, and this unanimous-consent request is simply to restore the correct nature of the two amendments offered by my distinguished colleagues.

Mr. SPENCE. Mr. Speaker, we have no objection on this side of the aisle.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the modifications.

The Clerk read as follows:

MODIFICATION TO THE AMENDMENT OFFERED BY MRS. LLOYD OF TENNESSEE

(Amdt. No. 3 in Part 3 of H. Rpt. 103–223)

The amendment as modified is as follows:

At the end of title X (page 346, after line 23), insert the following new sections:

SEC. 1043. SHARING DEFENSE BURDENS AND RESPONSIBILITIES.

(a) FINDINGS.—Congress makes the following findings:

(1) Since fiscal year 1985, the budget of the Department of Defense has declined by 34 percent in real terms.

(2) During the past few years, the United States military presence overseas has declined significantly in the following ways:

(A) Since fiscal year 1986, the number of United States military personnel permanently stationed overseas has declined by almost 200,000 personnel.

(B) From fiscal year 1989 to fiscal year 1994, spending by the United States to support the stationing of United States military forces overseas will have declined by 36 percent.

(C) Since January 1990, the Department of Defense has announced the closure, reduction, or transfer to standby status of 840 United States military facilities overseas, which is approximately a 50 percent reduction in the number of such facilities.

(3) The United States military presence overseas will continue to decline as a result of actions by the executive branch and the following initiatives of the Congress:

(A) Section 1302 of the National Defense Authorization Act for Fiscal Year 1993, which required a 40 percent reduction by September 30, 1996, in the number of United States military personnel permanently stationed ashore in overseas locations.

(B) Section 1303 of the National Defense Authorization Act for Fiscal Year 1993, which specified that no more than 100,000 United States military personnel may be permanently stationed ashore in NATO member countries after September 30, 1996.

(C) Section 1301 of the National Defense Authorization Act for Fiscal Year 1993, which reduced the spending proposed by the Department of Defense for overseas basing activities during fiscal year 1993 by $500,000,000.

(D) Sections 913 and 915 of the National Defense Authorization Act for Fiscal Years 1990 and 1991, which directed the President to develop a plan to gradually reduce the United States military force structure in East Asia.

(4) The East Asia Strategy Initiative, which was developed in response to sections 913 and 915 of the National Defense Authorization Act for Fiscal Years 1990 and 1991, has resulted in the withdrawal of 12,000 United States military personnel from Japan and the Republic of Korea since fiscal year 1990.

(5) In response to actions by the executive branch and the Congress, allied countries in which United States military personnel are stationed and alliances in which the United States participates have agreed in the following ways to reduce the costs incurred by the United States in basing military forces overseas:

(A) Under the 1991 Special Measures Agreement between Japan and the United States, Japan will pay by 1995 almost all yen-denominated costs of stationing United States military personnel in Japan.

(B) The Republic of Korea has agreed to pay by 1995, one-third of the won-based costs incurred by the United States in stationing United States military personnel in the Republic of Korea.

(C) The North Atlantic Treaty Organization (NATO) has agreed that the NATO Infrastructure Program will adapt to support post-Cold War strategy and could pay the annual operation and maintenance costs of facilities in Europe and the United States that would support the reinforcement of Europe by United States military forces and the participation of United States military forces in peacekeeping and conflict prevention operations.

(D) Such allied countries and alliances have agreed to more fully share the responsibilities and burdens of providing for mutual security and stability through steps such as the following:

(i) The Republic of Korea has assumed the leadership role regarding ground combat forces for the defense of the Republic of Korea.

(ii) NATO has adopted the new mission of conducting peacekeeping operations and is, for example, providing land, sea, and air forces for United Nations efforts in the former Yugoslavia.

(iii) The countries of western Europe are contributing substantially to the development of democracy, stability, and open market societies in eastern Europe and the former Soviet Union.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the forward presence of United States military personnel stationed overseas continues to be important to United States security interests;

(2) that forward presence facilitates efforts to pursue United States security interests on a collective basis rather than pursuing them on a far more costly unilateral basis or receding into isolationism;

(3) the bilateral and multilateral arrangements and alliances in which that forward presence plays a part must be further adapted to the security environment of the post-Cold War period;

(4) the cost-sharing percentages for the NATO Infrastructure Program should be reviewed with the aim of reflecting current economic, political, and military realities and thus reducing the United States cost-sharing percentage; and

(5) the amounts obligated to conduct United States overseas basing activities should decline significantly in fiscal year 1994 and in future fiscal years as—

(A) the number of United States military personnel stationed overseas continues to decline; and

(B) the countries in which United States military personnel are stationed and the alliances in which the United States participates assume an increased share of United States overseas basing costs.

(c) REDUCING UNITED STATES OVERSEAS BASING COSTS.—(1) In order to achieve additional savings in overseas basing costs, the President should—

(A) continue with the reductions in United States military presence overseas as required by sections 1302 and 1303 of the National Defense Authorization Act for Fiscal Year 1993; and

(B) intensify his efforts to negotiate a more favorable host-nation agreement with each foreign country to which this paragraph applies under paragraph (3)(A).

(2) For purposes of paragraph (1)(B), a more favorable host-nation agreement is an agreement under which such foreign country—

(A) assumes an increased share of the costs of United States military installations in that country, including the costs of—

(i) labor, utilities, and services;

(ii) military construction projects and real property maintenance;

(iii) leasing requirements associated with the United States military presence; and

(iv) actions necessary to meet local environmental standards;

(B) relieves the Armed Forces of the United States of all tax liability that, with respect to forces located in such country, is incurred by the Armed Forces under the laws of that country and the laws of the community where those forces are located; and

(C) ensures that goods and services furnished in that country to the Armed Forces of the United States are provided at minimum cost and without imposition of user fees.

(3)(A) Except as provided in subparagraph (B), paragraph (1)(B) applies with respect to—

(i) each country of the North Atlantic Treaty Organization (other than the United States); and

(ii) each other foreign country with which the United States has a bilateral or multilateral defense agreement that provides for the assignment of combat units of the Armed Forces of the United States to permanent duty in that country or the placement of combat equipment of the United States in that country.

(B) Paragraph (1) does not apply with respect to—

(i) a foreign country that receives assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2673) (relating to the foreign military financing program) or under the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.); or

(ii) a foreign country that has agreed to assume, not later than September 30, 1996, at least 75 percent of the nonpersonnel costs of United States military installations in the country.

(d) OBLIGATIONAL LIMITATION.—(1) The total amount appropriated to the Department of Defense for Military Personnel, for Operation and Maintenance, and for military construction (including NATO Infrastructure) that is obligated to conduct overseas basing activities during fiscal year 1994 may not exceed $16,915,400,000 (such amount being the amount appropriated for such purposes for fiscal year 1993 reduced by $3,300,000,000).

(2) For purposes of this subsection, the term "overseas basing activities" means the activities of the Department of Defense for which funds are provided through appropriations for Military Personnel, for Operation and Maintenance (including appropriations for family housing operations), and for military construction (including family housing construction and NATO Infrastructure) for the payment of costs for Department of Defense overseas military units and the costs for all dependents who accompany Department of Defense personnel outside the United States.

(e) ALLOCATIONS OF SAVINGS.—Any amounts appropriated to the Department of Defense for fiscal year 1994 for the purposes covered by subsection (d)(1) that are not available to be used for those purposes by reason of the limitation in that subsection shall be allocated by the Secretary of Defense for operation and maintenance and for military construction activities of the Department of Defense at military installations and facilities located inside the United States.

SEC. 1044. BURDENSHARING CONTRIBUTIONS FROM DESIGNATED COUNTRIES AND REGIONAL ORGANIZATIONS.

(a) IN GENERAL.—Section 1045 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1465) is amended—

(1) in subsection (a)—

(A) by striking out "During fiscal years 1992 and 1993, the Secretary" and inserting in lieu thereof "The Secretary"; and

(B) by striking out "Japan, Kuwait, and the Republic of Korea" and inserting in lieu thereof "any country or regional organization designated for purposes of this section by the Secretary of Defense"; and

(2) in subsection (f)—

(A) by striking out "each quarter of fiscal years 1992 and 1993" and inserting in lieu thereof "each fiscal-year quarter";

(B) by striking out "congressional defense committees" and inserting in lieu thereof "Congress"; and

(C) by striking out "Japan, Kuwait, and the Republic of Korea" and inserting in lieu thereof "each country and regional organization from which contributions have been accepted by the Secretary under subsection (a)".

(b) CLERICAL AMENDMENT.—The heading of such section is amended to read as follows:

"SEC. 1045. BURDENSHARING CONTRIBUTIONS FROM DESIGNATED COUNTRIES AND REGIONAL ORGANIZATIONS.".

SEC. 1045. MODIFICATION OF CERTAIN REPORT REQUIREMENTS.

(a) BIENNIAL NATO REPORT.—Section 1002(d) of the Department of Defense Authorization Act, 1985 (Public Law 98–525; 22 U.S.C. 1928 note), is amended—

(1) by striking out "(1) Not later than April 1, 1990, and biennially each year thereafter" and inserting in lieu thereof "Not later than April 1 of each even-numbered year";

(2) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2); and

(3) by striking out paragraph (2) (following the paragraph (2) designated by paragraph (2) of this subsection).

(b) REPORT ON ALLIED CONTRIBUTIONS.—Section 1046(e) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1467; 22 U.S.C. 1928 note) is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(4) specifying the incremental costs to the United States associated with the permanent stationing ashore of United States forces in foreign nations.".

(c) SENSE OF CONGRESS.—(1) The Congress finds that the Secretary of Defense did not submit to Congress in a timely manner the report on allied contributions to the common defense required under section 1003 of the National Defense Authorization Act, 1985 (Public Law 98–525; 98 Stat. 2577), to be submitted not later than April 1, 1993.

(2) It is the sense of Congress that the timely submission of such report to Congress each year is essential to the deliberation by Congress concerning the annual defense program.

AMENDMENT TO H.R. 2401, AS MODIFIED OFFERED BY MR. SPENCE OF SOUTH CAROLINA (OR HIS DESIGNEE)

After section 1303 of the bill, insert the following new section:

SEC. 1304. ALTERATIONS IN FUNDING FOR DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE PROGRAMS.

(a) COMMUNITY ADJUSTMENT AND DIVERSIFICATION.—The amount provided in section 1321(a) (relating to community adjustment and diversification assistance) is hereby increased by $40,000,000.

(b) OFF-SETTING REDUCTIONS.—The amount specified in the matter preceding the paragraphs in section 1311 for activities of the Department of Defense under chapter 148 of title 10, United States Code, and section 2197 of such title is hereby reduced by $40,000,000, of which—

(1) 50 percent of such reduction is hereby achieved by reducing the funding for the manufacturing extension program, as provided in paragraph (5) of section 1311, by $20,000,000; and

(2) 50 percent of such reduction is hereby achieved by reducing the funding for the defense dual-use extension program, as provided in paragraph (6) of such section, by $20,000,000.

Mr. DELLUMS (during the reading). Mr. Speaker, I ask unanimous consent that the amendments, as modified, be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

The SPEAKER pro tempore. Pursuant to House Resolution 246 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2401.

□ 1436

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2401) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1994, and for other purposes, with Mr. DURBIN (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to House Resolution 246, the gentleman from California [Mr. DELLUMS] will be recognized for 30 minutes and the gentleman from South Carolina [Mr. SPENCE] will be recognized for 30 minutes for further general debate.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume. I rise to bring before my colleagues the bill, H.R. 2401, the National Defense Authorization Act for fiscal year 1994. Members will recall that before the recess we began general debate on this bill under a previous rule. Today, after an additional hour of general debate, we will proceed to consider amendments made in order by the rule, beginning with those concerning missile defense and then proceeding to those concerning the Trident missile program.

Since we last debated the defense bill, the Clinton administration has released the initial results of its much heralded bottom-up review of defense needs and programs. These initial results do not include budgetary information or detailed force structure or programmatic recommendations, and so they do not yet form a proper basis for legislative action. The Committee on Armed Services will hold full hearings into the substantive judgments behind the force structure, programs, and budgets that emerge from the bottom-up review, and the results will affect the Committee's bill next year.

Since our military forces are already on a steady path of reduction, our action on force structure this year would be much the same whether the ultimate force were that outlined in the bottom-up review, the larger base force presented in previous years by the Bush administration, or the smaller options outlined by Les Aspin as chairman of the House Armed Services Committee last year.

Regarding military research and development and acquisition, the committee had postponed decisions until the next fiscal year, where that could be done with little cost. Thus many of the controversial procurement issues addressed in the bottom-up-review, such as the proposed procurement of an unneeded third Seawolf attack submarine for reasons of defense industrial policy, can and should be left for thorough consideration next year. In other areas, such as tactical aircraft, the committee took action in advance of the bottom-up review. I am pleased to report to my colleagues that on these programs the bottom-up review has largely validated the judgments already made by the committee.

I would like to remind my colleagues that the bill we consider today contains many elements of sound defense policy:

It puts people first—and protects the quality of our military personnel—by funding a full 2.2 percent military pay raise;

It reallocates operations and maintenance spending to improve force readiness and cut defense waste and overhead;

It rationalizes and improves the affordability of tactical aircraft and other major procurement programs still relevant to the post-cold war world;

It maintains procurement options and preserves important elements of defense industrial base by low-rate procurement and upgrades of key weapons systems;

It continues to modernize the Guard and Reserve forces that are an increasingly important element of our overall military capability; and

It establishes a National Commission on Military Roles and Missions, to spur a more significant rationalization of the defense effort.

This bill does not come as far as this Member would like in adjusting the military budget to the needs of the post-cold war era—including our needs at home that require a smaller defense budget and greater social spending. However, the committee bill does make significant progress that could be accelerated in the future:

It cuts ballistic missile defense to $3.0 billion, less than one-half the level planned by the Bush administration, and kills Brilliant Pebbles and other space-based systems inconsistent with the ABM Treaty,

It postpones commitment to additional attack submarines until current ones are paid for, fences Trident D-5 funds pending an administration report on options for saving money and reducing warhead levels, and maintains the previous funding cap on the B-2 program.

It bans development of mininuke weapons, and creates a stockpile stewardship program to move the Defense Establishment further toward technical readiness for and political support of a complete nuclear test ban;

It cushions the blow of the defense drawdown, strengthens the civilian economy, and improves the defense industrial base by increased funding for defense conversion, reinvestment, and transition assistance, to a total of $3 billion including dual-use technology investments, a national shipbuilding initiative, and significantly expanded community assistance funding; and

It devotes a record $11.2 billion to environmental cleanup and improvement, and does so in a way that will stimulate the development of new technologies and new markets for American firms; and

It reorients civil defense programs toward disaster relief and away from an exclusive focus on nuclear war.

I have circulated to my colleagues my own historical perspective on President Clinton's defense budget proposals. While it may seem surprising, the current and planned drawdown is less severe and more gradual than those following the wars in Korea and Vietnam. Those who are concerned about the ability of the Pentagon to maintain ready forces should note that President Clinton's budgets continue the high ratios of defense spending to active duty personnel that produced the high-quality force of the 1980's. Given the relatively small size of the military threats to our security that can be discerned around the world, it is reasonable to ask for a detailed justification of why we will need in 1998 to spend as much in real dollars as we did during the mid 1970's, and why we will need an active-duty force fully two-thirds as large as that which we maintained in those cold war years.

In developing next year's budget, the committee will scrutinize the Pentagon's bottom-up review and conduct its own independent investigation of how much and what sorts of military forces are needed to keep the United States secure and strong, economically and socially as well as militarily.

In sum, this year's bill takes needed steps into the future without prejudicing issues that require further study. I believe it can be supported by a majority of my colleagues.

□ 1440

With those opening remarks, Mr. Chairman, I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as Chairman DELLUMS has just stated, we are again taking up the defense authorization bill for 1994. Since the last time we met on this bill early last month a momentous event has occurred. We have had the unveiling of the administration's bottom-up review. Accordingly, I would like to make a few remarks in that context.

Our task here today is to consider the needs of our defense in a post-cold-war environment. The logical way to approach this problem would be to first look at the potential threats we have facing us, both in the short term and in the long term. We would then get appropriate advice from people who know best how to defend against such threats. We would then raise and maintain competent people and equipment to deter and defend against these threats.

Based on such a threat assessment, we would decide on a sufficient budget. In contact to this kind of logical process, the President, and the Committee on the Budget, and ultimately the Congress without the benefit of any threat assessment, have picked a defense spending figure out of the air for our defense budget. After deciding on the funding levels, the administration then launched its bottom-up review, which is just now being released. This is just the opposite of how we should have proceeded. We should have the threat assessment first, and then decide what source structure and defense budgets are necessary to counter the threat.

Surprisingly, this bottom-up review and the Cheney-Powell base force strategy objectives are very similar, but available force structure and budget resources are significantly different. Both plans retain the basic objective of being able to fight two regional conflicts nearly simultaneously. The problem is that the bottom-up review recommends a defense plan and a military force structure that cannot be supported under the budget cuts supported by the President and this Democratically controlled Congress.

The missing link in the bottom-up review is that the funds necessary to pay for its recommendations are missing. Therefore, my problem, and I think the problem for all of us, is how to reconcile the differences between the Aspin strategy, the Aspin force structure, and the Clinton budget.

Mr. Chairman, I reserve the balance of my time.

Mr. DELLUMS. Mr. Chairman, I yield 5 minutes to my distinguished colleague and chairman of the Subcommittee on Military Installations and Facilities of the Committee on Armed Services, the gentleman from Oklahoma [Mr. MCCURDY].

□ 1450

Mr. MCCURDY. Mr. Chairman, I rise in strong support of this defense authorization bill. I do so first of all by wanting to recognize the very able work of our distinguished chairman, the gentleman from California [Mr. DELLUMS]. This is his first time to the floor as the chairman of the full committee on this bill. And our committee, as Members know, is a diverse committee, and we had a very full and open debate. And I want to commend the gentleman from California for his fair and objective handling of this bill.

He is also a delight to work with. I would extend the same to our colleague from South Carolina [Mr. SPENCE] and the other members of the committee, because this was a very important bill, very important piece of legislation. It is a time of great change, and there is much that we have to consider this year and in the next 2 years as we see a dramatic shift in emphasis in the way we provide for our national security as we see a doctrinal change in our foreign policy, as we start to address some of the threats that are emerging after the collapse of the former Soviet

Union and communism as an ideological competitor to free market economies and democracy.

We also took into consideration some of the potential changes that we knew would be coming forward out of the bottom-up review. I am pleased to indicate that although we do not have all of the specifics of the analysis of the bottom-up review, it is clear that we anticipated a number of the areas that were supported by Secretary Aspin and the Chairman of the Joint Chiefs' proposal of last week. It is clear that the Armed Services Committee and the Congress has maintained a higher priority over the years on mobility and on lift, whether it is sealift or airlift, and this bill continues that. I believe that we are going to see very real progress in both areas.

We believe that some of the technical and engineering problems, for instance, on the C-17 are resolved and will be able to move forward. And there is an upcoming Defense Acquisition Board meeting on that that I think will confirm that the requirements are solid, that the ability to perform that mission will be supported as well.

We are also placing a degree of emphasis on high-performance capability of our technology and our forces, emphasizing a technological advantage that the United States maintains and wants to continue into the future.

We also are in the process of downsizing of the military, and we see the drawdown and reductions on our overall forces. Yet, we believe that with the bottom-up review that the senior military and the Secretary of Defense is concerned as we are that we maintain the quality of the personnel, because no matter whether the forces are forward deployed or CONUS-based, or whether they are active or guard, whether they have the best technology available or not, if they are not highly trained, and we do not provide the readiness training for them, they cannot perform their mission. We have the finest young men and women in uniform today we have ever had, and it is a priority that we keep them.

We also are looking at some very important choices in the research and development areas. Tactical aviation is one of those. I believe the committee has made some sound choices there, and we look forward to resolving some of those on the aviation assets.

We also will have a debate on ballistic missile defense, and I think the committee took into consideration the real options out there, and came up with a good provision. I commend the gentleman from South Carolina [Mr. SPRATT] and others for their leadership on that issue as well.

Last, Mr. Chairman, I want to mention just in our jurisdiction of military construction that we were able to work with the military in establishing priorities such as family housing and personnel, but also to try to lay the groundwork for a proper conversion effort, and also to accelerate the base closures so that communities would be able to take over those facilities once they were designated for closure by more rapid environmental cleanup, and for the provision to protect those communities and the jobs as best we can.

I also want to commend the ranking Republican on our subcommittee, the gentleman from California [Mr. HUNTER] for his cooperation and support throughout that process.

Mr. Chairman, it is a good bill and we will have a long debate, and I welcome that debate and encourage support for the bill.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. HYDE], the chairman of our Policy Committee.

Mr. HYDE. Mr. Chairman, I want to thank my friend, the gentleman from South Carolina [Mr. SPENCE] for yielding me this time, and my good friend, the gentleman from California [Mr. DELLUMS], the chairman of this important committee.

The SDI, known pejoratively as star wars, has been vilified by some very important citizens over the years. We have been told it would bring us closer to a nuclear war, it would trigger an arms race.

We were told it was a bizarre technology in space that is going to ruin us economically and militarily.

But last week, the chairman of the Supreme Soviet Foreign Relations Committee in the 1980's, Mr. Vladimir Lukin, was quoted in the Richmond newspaper on the question of whether star wars won the cold war or was a stupidly expensive joke, and his answer was fascinating. He said, "You accelerated our catastrophe by about 5 years." So, at least insofar as the chairman of the Foreign Relations Committee of the Supreme Soviet during the 1980's is concerned, SDI, or star wars was a very good investment. For some $26 billion over the years, we saved well over $100 billion with the demise of the Soviet Union and the termination of the cold war.

In addition to present members of the nuclear club, Iran, Iraq, Pakistan, and North Korea are pursuing a nuclear capability. More than 12 countries have operational ballistic missiles, and other weapons of mass destruction are proliferating. More than 24 countries have chemical weapons that are deliverable. Libya, Iran, and Iraq also have chemical weapons. North Korea has enough plutonium, we are told, for at least one nuclear weapon, and they have what is called a No-Dong missile with a range of 1,000 kilometers that puts Japan, Guam, and United States forces stationed there within reach, not to mention the United Nations forces in the Mediterranean within reach of the Libyan No-Dong.

Now we are not debating today, I daresay, the existence of nuclear proliferation. It exists. We are not debating this threat of ballistic missiles. That is a fact.

It is a question of when these ballistic missiles with nuclear or chemical warheads will have the range sufficient to hit our country. It is a question of when they will threaten U.S. personnel and the U.S. homeland. Will this occur in 5 years, 10 years, or 2 years? I do not have the answer, and I do not think anybody has the answer. But I do contend that America needs the insurance of a ballistic missile defense for the population of this country.

We could deploy within 5 years an ABM Treaty-compliant national missile defense system, or we could vote for the damaging cuts that are going to be offered and gut our chances for a real counter-proliferation policy. I suggest to my friends and colleagues the SDI has only begun its usefulness to this country and to the cause of peace. With the nuclear club expanding by the end of this decade into some 24 countries capable of delivering a nuclear weapon, or a chemical weapon, or a biological weapon, we cannot abandon our immense lead in this technology.

The cold war is over, indeed. But the world is not less dangerous. It is differently dangerous. So I hope that my friends in this body will understand the role that the SDI played in ending the cold war, and that we persist in developing this important technology.

Mr. DELLUMS. Mr. Chairman, I yield 3 minutes to my distinguished colleague, the gentleman from Mississippi [Mr. MONTGOMERY], chairman of the Committee on Veterans' Affairs, and vice chairman of the Committee on Armed Services.

□ 1500

Mr. MONTGOMERY. I thank the chairman of the full Committee on Armed Services for yielding this time to me.

I might say that I commend the chairman of our committee, the gentleman from California [Mr. DELLUMS] and also the ranking minority member for their support in getting this legislation to the floor.

I would like to also repeat that the chairman of the full committee was very fair in the markup of this legislation. Every member on the committee had the time to say what they wanted to in offering these amendments. As I recall, we started at 9 o'clock in the morning and went until 12:30 that night. I have been on the committee for 20 years. That is the longest and hardest markup that I have been involved in.

But it is a good bill, Mr. Chairman.

I see some areas that I am not particularly happy with, but overall I think we have done a good job for this country in continuing to have a strong military.

I asked for this time because in the committee I tried to work in the area of National Guard and Reserve, and this legislation is fair to the National Guard and Reserve.

Our strength levels for the Reserve are coming down under this bill, but it is not a drastic cut. In other words, I truly believe that we will not have to close many armories around the country in the small communities, because the strength levels we have for the National Guard and Reserve are fair and will not cause wholesale closings of armories and taking the revenue away from these different communities.

We have been able to add some spending for the National Guard and Reserve as far as equipment is concerned. There are some add-ons.

They will help to see that the Reserves get first-class, good equipment and good training. So I rise in support of the legislation and thank the gentleman for this opportunity.

Mr. SPENCE. Mr. Chairman, I yield 3½ minutes to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. I thank the gentleman for yielding.

Mr. Chairman, I take part in the opening of this debate, which will ensue for the next several days, with a certain amount of concern.

In expressing that concern, I would just point out that I was one of the Republican Members who voted to report this bill from committee. I did so because I thought the efforts of the chairman and the ranking member and all those who worked so hard and diligently in a spirit of bipartisanship and compromise have reported a bill that deserved the support of Members of both sides of the aisle.

I came to that conclusion remembering a statement that was made by someone that we all know and respect, back in the fall of 1990, when Secretary Cheney came before the Committee on Armed Services and said words that I can remember as well as if they were spoken yesterday. He said,

> I am here on a historic moment. I am here as we prepare to go to war with the fourth biggest military organization in the world and on the eve of that I am here to tell you why we need less defense.

And we have been working together to date to provide for a defense structure that Secretary Cheney pointed to in saying that this time, meaning this time after a period of hostilities, that, "We are going to do it right. We are going to do it different than we did all other times in the past. This time we are going to do it right."

To date I think we have come pretty close to meeting that objective in doing it, as the Secretary pointed out, right.

I think, as this bill stands today, while I would certainly do some things differently—and I will make those items very clear as we proceed through the debate over the next several days, I think this bill comes close to it as it stands today. But as I said before I had some concerns, and those concerns are brought about by some amendments which are going to be proposed during the next several days, which do cause a certain amount of concern—they cause concern among others as well.

For example, there are some amendments that will affect the ballistic missile defense funding that was proposed by President Clinton and modified somewhat by the House.

We have a letter which has been forwarded to the Congress by Undersecretary of Defense John Deutch, expressing the opinion of the administration that perhaps these amendments cut too deeply—not perhaps, he says they do cut too deeply.

We also have an amendment which will be proposed which causes concern on the Trident II, D-5 missiles, to Secretary Aspin and Gen. Colin Powell, and a letter from President Clinton expressing their concern on an amendment to be offered relative to the downsizing and eliminating the D-5 missile programs.

Now, we are going to have a debate on some amendments that have to do with burden sharing, which Secretary Christopher as well as Secretary Aspin have written to us expressing their concerns.

So I prevail on them on both sides of the aisle to use due diligence during the course of this debate and keep in mind the national security needs of our country and perhaps some of these amendments which are to be offered could be withdrawn or at least you will listen carefully as we express our desire to have them defeated.

Mr. DELLUMS. Mr. Chairman, I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield 3½ minutes to the gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise today to express my concern over proposals, some contained in this bill, others to be offered as amendments, that would make drastic cuts in our military.

Nearly every proposal to reduce our military strength is backed with the argument that the cold war is over and the Soviet Union has collapsed. Proponents of these drastic cuts in defense speak of a peace dividend. They argue that a diminished threat abroad means focusing our attention—and our resources—inward.

Mr. Chairman, I would argue that the threat is more different than diminished. The world has always been, and will always be, a dangerous place, with or without a Soviet Union. It was not a cold war with the Soviet Union that sent my father to battle in the Pacific. It was a very real war with a dictator in Germany and an expansionist emperor in Japan.

Even earlier this century, the assassination of an archduke in a place called Sarajevo, Bosnia-Herzegovina led this country into the war to end all wars. Ironically, we stand here eight decades later contemplating military action in that same small country.

We know now that World War I was not the war to end all wars, and we should realize that the end of the cold war is not the end of our need for a strong national defense.

It is naive to suggest that we have spent the last decade and a half developing the most advanced, sophisticated, and effective military in the world simply to defend ourselves against a single nation. Even as we were preparing for potential battle with our rival superpower, we were also defending United States interest against threats from radical clerics in the Middle East, from drug-running dictators in Central America and from terrorist-exporting nations in northern Africa.

As America becomes more and more involved in the global economy, regional conflicts become increasingly more threatening to our national interests. The United States is the world's leading exporter with 70 percent of our economic growth coming from exports.

Those who would want the United States to withdraw to its shores in order to focus on domestic problems ignore the basic fact that our domestic success is now undeniably linked to our presence around the world. Those who would slash our military defense budget ignore the fact that the Soviet Union never was the sole threat to our national security.

The current situation in the former Soviet Union can, and should, impact the contents of the bill our committee has sent to the floor. However, the Soviet Union was not the threat to our Nation, it was a type of threat. Today, we are faced with many other types of threats and this bill should reflect those changes. In many instances it does.

I would urge my colleagues to reject any amendments that seek to make major cuts in our military based solely on the demise of the Soviet Union. America's interests stretch far beyond the former Soviet Union, America's interests are global and we must maintain a military that is able to protect those interests.

☐ 1510

Mr. SPENCE. Mr. Chairman, I yield 4 minutes to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, I thank the gentleman from South Carolina [Mr. SPENCE] for yielding me this time.

Mr. Chairman, I am concerned about this bill because of the road I think it sets us on over the next 5 years toward a dismantling of our defense structure in this country.

I look at the bottom-up review and what I see are the first steps being taken toward this very dismantling of defense. For those of you who believe that the bottom-up review was anything more than a way to justify massive defense cuts, let us look at a little history about the ability of the Commander in Chief to dodge everything, even the truth.

Candidate Bill Clinton pledged an additional $60 billion in defense cuts on top of the Bush cuts. He dodged the voters by stating that defense cuts would be deep, but not drastic. The election is over. The magic wand has been waved, and hocus-pocus, $60 billion in defense cuts become $127 billion.

I call this dodging the truth. I also call it drastic cuts. This $127 billion in cuts was included in the tax increase bill that Congress passed before the recess. We all know, and the American people know, that that package was a dodge of dealing with the deficit.

Then just 1 week ago Secretary of Defense Aspin announced the results of his bottom-up review of defense spending. Lo and behold, they found out that they could afford to cut $127 billion out of defense.

How do these numbers match? Was it magic or was it the artful dodger at work again?

How much we spend on defense should be determined by an assessment of the threats that are out there, not some number pulled out of the air.

As we deliberated in the committee, and the gentleman from South Carolina [Mr. SPENCE] and the gentleman from California [Mr. DELLUMS] will remember, as we deliberated in committee and Secretary Aspin was before us, the question was asked, Do these numbers come out of a threat assessment, or do they come out of the air?

He hesitated a good while and he said, "Well, they mostly come out of the air, particularly in the out years."

In other words, it appears the White House called down and said, "Mr. Aspin, we need so many billion dollars. Get it out of defense."

That is not the way defense planning should be conducted.

The latest dodge I think was in February this year, Mr. Clinton said:

> The men and women who serve under the American flag will be the best trained, the best equipped, the best prepared fighting force in the world, so long as I am President.

I think Mr. Clinton again is dodging the truth. I think under this budget and the budget this sets up for the next few years, it cannot be done.

Our military leaders are telling us it cannot be done. With $127 billion in additional cuts, it cannot be done unless you are a magician of some kind.

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to my distinguished colleague, the gentleman from Florida [Mr. HUTTO], the chairman of the Subcommittee on Readiness of the Committee on Armed Services.

Mr. HUTTO. Mr. Chairman, I thank the gentleman from California for yielding me this time.

I want to commend Chairman DELLUMS, as well as our ranking member on the committee, the gentleman from South Carolina [Mr. SPENCE], for the fine work they have done on this bill.

This bill reflects the reality of the times. There are some of us who have been concerned that this drawdown is too deep and too quick.

I was pleased recently to hear that Secretary Aspin has indicated to the President that over the next 5 years we will need about $20 billion more.

There are still threats in the world. We are all pleased that there have been some very significant changes and the threats have eased somewhat as far as the big war is concerned; but the world is a volatile place and we need to make sure that we have a strong defense.

On the Readiness Subcommittee, the one thing we have been concerned about, and thankfully during the declining defense budgets and the drawdown, we have made sure that we are not going to have a hollow force. If we are going to have a smaller force, it is going to be a good force.

So what we have done in our section of the bill is to make sure that we fund properly at an optimum level, the same level of flying hours, steaming hours, tank mileage, so that we in the process of the drawdown will make sure that our forces, all of our services, have the necessary resources they need to do a good job so that when necessary they can response to whatever the situation may be from any part of the world.

So I look forward to working with the chairman and the ranking member and all our committee members as we pass this bill and get on to the Senate and come up with a good bill that will provide for the defense of our Nation.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from San Diego, CA [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding me this time.

I want to commend the gentleman from South Carolina [Mr. SPENCE] as our ranking Republican for handling the matters and issues on our side in this markup of this important bill in a very fair and effective manner. He has been a real joy to work with.

Along with my colleagues, I want also to say that the gentleman who chairs this committee, the gentleman from California [Mr. DELLUMS], while I have disagreed with him on many, many substantive issues with respect to defense and intend to pursue that course in a minute, he has provided one very precious commodity in this House that is all too rare, and that is a full and fair debate on a critical issue of national security, and I thank the gentleman for that.

Mr. Chairman, I characterize this Defense bill in a couple ways. One way is that it is a wasting of very precious breathing space that was given to us by the victory in the cold war. We are told by our Intelligence leaders and most of them now have been chosen by our President, Mr. Clinton, we are told that we have adversaries, unstable adversaries who are developing nuclear systems and developing the means of delivering those systems to our military forces and to American population centers.

We say, are they building these things? And they tell us in the briefings, yes, they are building these things.

We say, does it appear that their intent is to use them on us and on our people? And our Intelligence people say yes, you can reasonably believe that they intend to use them on you.

Can we stop these missiles, these intercontinental and theater ballistic missiles presently? The answer is no.

You would think that the logic that would fall from asking those questions and getting those answers is that we must embark as quickly as possible with as much resources as possible to muster and to build systems to stop ballistic missiles and to stop theater missiles, and we have not done that. We have pursued this game of bracketing a certain dollar amount and then setting the rule up so that the House will have a certain momentum moving in favor of coming in with a modest spending on the strategic defense initiative, on the ability to stop ballistic missiles, and it absolutely makes no sense.

Five or six years down the line, our successors may say, When you had breathing space, when you had some room, why didn't you move? Why didn't you build defenses against the ballistic missiles that North Korea was building in the early 1990's? And we will have no answers.

Second, I look at this bill as a down payment on a long road toward an indefensible national strategic and conventional posture. It is a $12-billion downpayment on an indefensible $127 billion cut and it is now clear that that cut will not allow us to fight two wars simultaneously, will not allow us to fight a Desert Storm, defend the Korean Peninsula, and perhaps defend a Panama Canal-type contingency, so we are doing exactly what we promised we would not do. We are setting the groundwork right now for a hollow force.

If the 1980's was a time of peace through strength, the 1990's may be a time of losing peace through weakness.

Mr. SPENCE. Mr. Chairman, I yield 4½ minutes to the other gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, it is a long, long time from September 1993 to November 1994, but the days will grow shorter as the months pass. Next summer when we are debating the fiscal year defense budget for 1995, I think we will see that the 1992 Presidential campaign, as the gentleman from Colorado [Mr. HEFLEY] pointed out a few moments ago, was truly a sham. We are gutting the defenses of this country in a world that is still very, very dangerous.

□ 1520

Over the break, Mr. Chairman, I had the opportunity to travel with four solid Democrats from the Armed Services Committee. There are strong, prodefense Democrats. We visited several countries in the Middle East, and we also went as far as the Khyber Pass in Pakistan. Everywhere we went, Mr. Chairman, we were specifically studying Special Forces. Those forces in each country look to the United States and its Special Forces for operational guidance and for the cutting edge of training skills. We learned how they will handle terrorism, and everywhere we went, particularly in Israel, we were given this message:

> Nobody is going to win a war on terrorism; nobody is going to win a war against dictatorships. It is an ongoing battle for as far as the human mind can stretch into the future.

I remember once quoting Plato from this lectern. I quoted him where he said only the dead have seen the end of war. A leader from the other side, a great orator, got up and said that was a cynical remark. I said, "Well, take up your cynicism with Plato and the Greek philosophers; leave me alone," because the truth is that Plato was correct.

Over the break, Mr. Chairman, I was also given a book by a Special Forces brigadier general, the commander of special operations in the Middle East, called, "We Were Soldiers Then and Young." It was about the first major battle in the Vietnam war, November 14 through 18 of 1965, next to the River Drang in the Ia Drang Valley. It was horrendous to read the names of young American officers and soldiers slaughtered; 305 fighting men died in that Ia Drang Valley operation, 234 of them from just one 7th Cavalry regiment. This is more men than were lost in any regiment, North or South, in the Battle of Gettysburg. I looked at those names, and, when I came home to the 30th anniversary of Martin Luther King's march on Washington, walking back to my car I was drawn again like a magnet to the Vietnam Wall. This time I took those little pieces of paper which the Park Service hands out and a big piece of lead, and I traced the name of John Lance Geoghegan, known to his friends as Jack, his parents as Lance, 2d lieutenant, New York. He died in the first day of that fight in the Ia Drang Valley. I traced the name of Henry Toro Herrick from Laguna Beach, traced the name of Jimmy D. Nakayama who was napalmed by friendly fire from an F–100, the plane I flew in the Air Force. I traced the names of some other heroes who were lost for a week and made their way back to friendly lines, an incredible story of escape and evasion, and I thought, is that battle of the Ia Drang Valley that opened the door to the killing fields of Vietnam a story in the distant myths of history, or will we again call on other young machine gunners and lieutenants to go into battle and defend freedom against tyrants and totalitarian regimes? And I thought, yes, we will see the Geoghegans, and the Scotts, and the Plumleys, the two sergeant majors of the two battalions, and we will see other young lieutenants, like Geoghegan, and Herrick, and other leaders like the battalion commander, Lt. Col. Hal Moore go into the jaws of death and fight for freedom. If we leave our heroes the same hollow forces and the undermanned units that we saw in Vietnam, what a disgrace to this committee and this House. We will write another tragic chapter in the history of our country.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, I would like to refer, first of all, in this period of debate to the bottom-up review, so-called, that Secretary Aspin has performed, as it might relate to the force levels and spending levels that we are about to vote on in the next couple of days and, in particular, the ballistic missile defense system and its funding levels.

A lot of people, when they originally heard about this bottom-up review, Mr. Chairman, were skeptical, concluding that it probably was a way to justify a budget number already arrived at. As a matter of fact, Secretary Aspin himself lent some credibility to this theory when he talked about coming up with a number on the back of an envelope which was the number that we had to mark to this year.

Well, I am afraid, Mr. Chairman, that there is now some justification of the position of those critics who suggested that this bottom-up review was little more than an effort to meet a specific budget number, rather than a thorough analysis of strategic requirements, which drove the process which then resulted in a number.

Why do I speak this way?

What we find is that in analyzing the document that the Vice President submitted yesterday to the President for reinventing government and finding new ways to make savings in all of government, in the preface there is this description by the Vice President of part of the review. The Vice President said, and I am quoting now from the preface to the reinventing government document:

> We examined every cabinet department and ten agencies at two departments, Defense and Health and Human Services. Our work paralleled other large-scale reviews already under way.

Then here is the critical sentence:

> Defense had launched a bottom-up review to meet the President's 1994–1997 spending reduction target.

Now, Mr. Chairman, let me repeat that. It bears repeating.

> Defense had launched a bottom-up review to meet the President's 1994–1997 spending reduction target.

Unfortunately, Mr. Chairman, that confirms what a lot of us thought was the intent and the purpose of this bottom-up review, and that is most unfortunate because we really do need a new strategic assessment given the new conditions in the world today which ought to enable us to intelligently determine at what level we should have defense spending and what the specific components of that should be.

The reason that this is of such concern to me is that I think there were some predetermined cuts in this budget that are a big mistake, and we are going to be voting on those very soon, later on today. Largely they occur in the area of the ballistic missile defense portion of the budget, and I objected to the rule because the amendments that were authorized I thought, and the way that they were authorized, did not set this issue up in the way that it has been done in the past.

I will just make this point in summary, and then I hope to have a minute to talk about it during the general debate on the ballistic missile defense system. The problem with the funding of the system in the budget is that all of the follow-on technologies and system for protection of the United States have effectively been eliminated. What has been done in this budget is to concentrate strictly on the theater ballistic missile defense system. I do not think that any of us would deny that that is a good place to start and that that ought to be our first focus. But it is a grave mistake, Mr. Chairman, for us to virtually eliminate the spending for the follow-on systems, the follow-on research and the protection of the United States; and I hope that in a minute, when we begin to debate the ballistic missile system, we will have an opportunity to discuss this further because it is something, I think, in the end we will regret, and, as I go back to my first point, it is something that unfortunately, I think, was done to fit a budget number, a preordained number, rather than something that was done with the strategic necessities, the protection of the United States and its citizens, in mind.

Mr. SPENCE. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are now in the last minutes of the general debate on this bill, and I would like to make a few observations.

First of all, Mr. Chairman, during the course of the general debate my distinguished colleague on the other side of the aisle, the gentleman from Illinois, made a few comments with respect to ballistic missile defense. I would like to make a few observations. First, he quoted former chair of the Supreme Soviet pointing out that by virtue of our expenditures in what then was referred to as SDI accelerated their demise. My response would be: Yes, we won the cold war, and we need to get on with it and get beyond it.

□ 1530

Second, he pointed out the need for a treaty compliant system. I would suggest to my colleagues the only way you could have a treaty compliant national ballistic missile defense system would be if it were, A, ground based, and, B, only at one site.

Question: What do you gain with the national ballistic missile defense at one site? I would suggest if you are going to have a system that goes beyond one site, then you have to violate the ABM Treaty. So there is no such thing as a treaty compliant national ballistic missile defense system, if indeed you are going to go out there and develop a level of protection that, given those notions about the threat, make sense.

Third, we need to look at what is indeed the threat. We as Members of this body who represent the American people have to ask the question, What is the nature of the nuclear threat? Are we more likely to receive an ICBM from some Third World country or are we more likely to have a weapon backpacked into this country? If the answer is the latter, then a national ballistic missile defense system, treaty compliant or not, is bizarre in the extreme.

I would like to now turn to a comment made by my distinguished colleague and member of the committee, the gentleman from Colorado, who quoted the Secretary of Defense regarding the outyear numbers.

The gentleman from Colorado is absolutely correct in his articulation of the comments made by the Secretary of Defense, Mr. Aspin, regarding the outyear numbers. But what I think the gentleman also to point out is what the Secretary of Defense said after he made those remarks. He said, A, we did not have time to develop a thorough analysis that would rationalize or justify our outyear numbers. I believe this is virtually a verbatim quote, but let me at least paraphrase it: I will be back next year with a military budget in fiscal year 1994 for the next 5 years based on a bottom-up review that would then put the stamp of the Clinton administration on the outyear figures.

Mr. Chairman, I think it is important to add that quote in.

Finally, let me just make a few general observations.

Mr. Chairman, for the next 3 or 4 days we are going to debate an important piece of legislation, H.R. 2401, the national defense authorization bill for fiscal year 1994. In so doing I would like to say to my colleagues that the world has changed. The cold war is over, the Berlin Wall is down, the Warsaw Pact no longer exists, and the Soviet Union has dissipated.

Just a few short months ago many of us would not have contemplated these realities. But, indeed, the world has changed. Based on those changes, we now must reach to new thoughts, new ideas. I would suggest to new paradigms.

This is an incredible moment. This is a moment pregnant with great potential, to begin to rethink America's national security needs in a rapidly changing world.

Mr. Chairman, the question that lie before us, not only in the next 4 days, but in the next several months and the next few years, are as follows: what should be our new definition of national security in a post-cold-war world? What is indeed the nature of the threat out there, not politically defined, but objectively arrived at? What should be an appropriate rate of drawdown that would be responsible and that indeed would make sense? What level of troop force is necessary in this rapidly changing world based on a new threat assessment? What weapons indeed do we need as we march toward the 21st century? How do we maintain an appropriate industrial base in a post-cold-war world? How do we really engage in economic conversion as we convert from a $300 billion military budget based on cold war assumptions to a reduced military budget in a post-cold-war world?

It is easy to give a speech about converting from building B-2 bombers to building efficient mass transit systems, or converting from building other nuclear weapons to enhancing the quality of human life. It is another thing to do it in reality.

These are hard questions, hard thoughts, hard ideas, that require our best thinking, that require the best of us as we move forward in this debate.

How do we effectively engage in toxic waste cleanup and environmental restoration? How do we responsibly close military bases and help those communities adversely affected, help those civilians who lose their jobs, and help those military personnel whose careers now must be rapidly changed? What is the new definition of force in a post-cold-war world? What is the new definition of the use of force in a post-cold-war world?

Mr. Chairman, these are questions that we must address. I would hope that all of us in the course of the next several days will rise to our highest and rise to our best. This country is in desperate trouble. There are millions of people unemployed; there are children undereducated; there are senior citizens leading miserable lives; there are people desperately in need of health care; there are urban communities in disarray. There are a myriad of problems that have to be solved, and we have to figure out how to balance the priorities.

The world no longer needs America spending $300 billion a year. The world no longer needs us building more nuclear weapons that have only one purpose, to destroy human life, as we communicate to our children that it is more important to build heinous weapons systems than it is to enhance the quality of their life.

So I hope in the course of these next several days as we debate H.R. 2401 that we do it with dignity, we do it with honor, and we do it with great reason and great dispatch, because the world awaits what we do and our people in this country await what we do.

Mr. Chairman, with those remarks, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. DURBIN). All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the reported bill is considered as an original bill for the purpose of amendment and is considered as read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2401

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 1994".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. Defense Inspector General.

Sec. 106. Defense Health Program.
Sec. 107. Reserve components.
Sec. 108. Chemical demilitarization program.
Sec. 109. National Shipbuilding Initiative.
Sec. 110. Denial of multiyear procurement authorization.

Subtitle B—Army Programs

Sec. 111. Procurement of helicopters.
Sec. 112. TOW missile program.

Subtitle C—Navy Programs

Sec. 121. DDG–51 destroyer and fast sealift programs.
Sec. 122. Attack submarine programs.
Sec. 123. Long-term lease authority for certain vessels.

Subtitle D—Air Force Programs (Nonstrategic)

Sec. 131. Intertheater airlift program.
Sec. 132. RC–135 aircraft program.

Subtitle E—Strategic Programs

Sec. 151. B–2 bomber aircraft program.
Sec. 152. B–1 bomber aircraft program.
Sec. 153. Trident II (D–5) missile procurement.
Sec. 154. Prohibition on retrofitting Trident I submarines to carry Trident II (D–5) missiles.

Subtitle F—Other Matters

Sec. 171. Chemical munitions disposal facilities, Tooele Army Depot, Utah.
Sec. 172. Authority to convey Los Alamos dry dock.
Sec. 173. Sales authority of certain working-capital funded industrial facilities of the Army.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorizations

Sec. 201. Authorization of appropriations.
Sec. 202. Manufacturing technology development.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Demonstration program for ballistic missile post-launch destruct mechanism.
Sec. 212. Funding for certain tactical intelligence programs.
Sec. 213. Federally Funded Research and Development Centers.
Sec. 214. High Performance Computer Modernization Program.
Sec. 215. High Performance Computing and Communication Initiative.
Sec. 216. Superconducting Magnetic Energy Storage (SMES) program.
Sec. 217. Single stage rocket technology.
Sec. 218. Advanced anti-radiation guided missile.
Sec. 219. DP–2 Vectored Thrust Technology Demonstration Project.
Sec. 220. Advanced Self Protection Jammer (ASPJ) Program.
Sec. 221. Electronic combat systems testing.
Sec. 222. Limitation on Department of Defense missile launches for test purposes.
Sec. 223. B–1 bomber aircraft program.

Subtitle C—Missile Defense Programs

Sec. 231. Funding for fiscal year 1994.
Sec. 232. Report on allocation of funds.
Sec. 233. Transfer authorities for Ballistic Missile Defense.
Sec. 234. Revisions to Missile Defense Act of 1991.
Sec. 235. Patriot Advanced Capability–3 theater missile defense system.
Sec. 236. Development and testing of anti-ballistic missile systems or components to be carried out in accordance with traditional interpretation of Anti-Ballistic Missile Treaty.
Sec. 237. Theater missile defense road map.
Sec. 238. Additional BMD programs.
Sec. 239. Report on national missile defense cost.
Sec. 240. Theater missile defense interceptor testing.
Sec. 241. Arrow Tactical Anti-Missile program.
Sec. 242. Extension of prohibition on testing Mid-Infrared Advanced Chemical Laser against an object in space.
Sec. 243. Technical amendments to reflect redesignation of Strategic Defense Initiative Organization.

Subtitle D—Women's Health Research

Sec. 251. Defense Women's Health Research Center.
Sec. 252. Continuation of army breast cancer research program.
Sec. 253. Inclusion of women and minorities in clinical research projects.
Sec. 254. Report on research relating to female members of the uniformed services and female covered beneficiaries.

Subtitle E—Other Matters

Sec. 261. Repeal of requirement for study by Office of Technology Assessment.
Sec. 262. Comprehensive independent study of national cryptography policy.
Sec. 263. Review of assignment of defense research and development categories.
Sec. 264. One-year delay in transfer of management responsibility for Navy mine countermeasures program.
Sec. 265. Strategic Environmental Research and Development Program.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Armed Forces Retirement Home.
Sec. 304. Transfer from National Defense Stockpile Fund.

Subtitle B—Limitations

Sec. 311. Notification requirement prior to transfer of certain funds.
Sec. 312. Extension of limitation on the use of certain funds for Pentagon Reservation.
Sec. 313. Prohibition on operation of the Naval Air Station, Bermuda.
Sec. 314. Limitation on the use of appropriated funds for Department of Defense golf courses.
Sec. 315. Codification of prohibition on the use of certain cost comparison studies.
Sec. 316. Location of certain prepositioning facilities.
Sec. 317. Use of funds for Navy depot backlog.
Sec. 318. Limitation on use of funds for Trident submarine force.
Sec. 319. Limitation on obligation of funds in connection with upgrades or repairs at the Army Reserve Facility in Marcus Hook, Pennsylvania.
Sec. 320. Prohibition on contracts with the Bahrain Ship Repairing and Engineering Company for ship repair.
Sec. 321. Limitation on chartering of vessels on which reflagging or conversion work has been performed in a foreign shipyard.
Sec. 322. One-year prohibition on reduction of force structure for reserve component special operations forces.
Sec. 323. Prohibition on joint use of Selfridge Air National Guard Base, Michigan, with civil aviation.

Subtitle C—Defense-Wide Funds

Sec. 331. Prohibition on use of Defense Business Operations Fund.
Sec. 332. Classification of certain competitive and noncompetitive activities of the Department of Defense; Noncompetitive Rates Board.
Sec. 333. Competitive and Regulated Business Operations Funds.
Sec. 334. Extension of limitation on obligation against Defense Business Operations Fund.

Subtitle D—Depot-Level Activities

Sec. 341. Department of Defense depot task force.
Sec. 342. Retention of depot-level maintenance workload management by the military departments.
Sec. 343. Prohibition on performance of depot-level support primarily by non-Government personnel.
Sec. 344. Prohibition on performance of certain depot-level work by foreign contractors.
Sec. 345. Modification of limitation on the performance of depot-level maintenance of materiel.
Sec. 346. Clarification of limitation on the performance of depot-level maintenance of materiel for new weapon systems.

Subtitle E—Commissaries and Military Exchanges

Sec. 351. Expansion and clarification of commissary and exchange benefits.
Sec. 352. Prohibition on operation of commissary stores by active duty members of the Armed Forces.
Sec. 353. Modernization of automated data processing capability of the Defense Commissary Agency.
Sec. 354. Operation of Stars and Stripes bookstores by the military exchanges.
Sec. 355. Availability of funds for Nexcom relocation expenses.

Subtitle F—Other Matters

Sec. 361. Emergency and extraordinary expense authority for the Inspector General of the Department of Defense.
Sec. 362. Authority for civilian army employees to act on reports of survey.
Sec. 363. Extension of guidelines for reductions in civilian positions.
Sec. 364. Authority to extend mailing privileges.
Sec. 365. Extension and modification of pilot program to use National Guard personnel in medically underserved communities.
Sec. 366. Amendments to the Armed Forces Retirement Home Act of 1991.
Sec. 367. Required payment date under Prompt Payment Act for procurement of baked goods.
Sec. 368. Provision of facilities and services of the Department of Defense to certain educational entities.
Sec. 369. Modification of restriction on repair of certain vessels the homeport of which is planned for reassignment.
Sec. 370. Escorts and flags for civilian employees who die while serving in an armed conflict with the Armed Forces.
Sec. 371. Maintenance of Pacific battle monuments.
Sec. 372. Exclusive use of aircraft carrier for full-time training.
Sec. 373. Report on certain educational arrangements for children residing on military installations in the United States.
Sec. 374. One-year extension of certain programs.

Subtitle G—Environmental Provisions

Sec. 381. Modification of annual report on environmental restoration and compliance by the Department of Defense. -

Sec. 382. Indemnification of transferees of closing defense property.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

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Sec. 401. End strengths for active forces.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.

Sec. 412. End strengths for reserves on active duty in support of the reserves.

Sec. 413. Increase in number of members in certain grades authorized to be on active duty in support of the reserves.

Sec. 414. Force structure allowance for Army National Guard.

Sec. 415. Personnel level for Navy Craft of Opportunity (COOP) Program.

Subtitle C—Military Training Student Loads

Sec. 421. Authorization of training student loads.

Sec. 422. Student loads at war colleges and at command and general staff colleges.

Subtitle D—Authorization of Appropriations

Sec. 431. Authorization of appropriations for military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Active Components

Sec. 501. Years of service for eligibility for separation pay for regular officers involuntarily discharged.

Sec. 502. Extension of eligibility for voluntary separation incentive and special separation benefits programs.

Sec. 503. Eligibility for involuntary separation benefits.

Sec. 504. Two-year extension of authority for temporary promotion of certain Navy lieutenants.

Sec. 505. Officers ineligible for consideration by early retirement boards.

Sec. 506. Remedy for ineffective counseling of officers discharged following selection by early discharge boards.

Subtitle B—Reserve Components

Sec. 511. Expansion of Selected Reserve call-up period from 90 days to 180 days.

Sec. 512. Number of full-time reserve personnel who may be assigned to ROTC duty.

Sec. 513. Repeal of mandated reduction in Army Reserve component full-time manning end strength.

Sec. 514. Two-year extension of certain Reserve Officer Management Programs.

Sec. 515. Cadre divisions.

Sec. 516. Test program for Reserve Combat Maneuver Unit integration.

Sec. 517. Revisions to pilot program for active component support of the reserves.

Sec. 518. Revision of certain deadlines under Army Guard combat reform initiative.

Sec. 519. Annual report on implementation of Army National Guard reform initiative.

Sec. 520. FFRDC study of State and Federal missions of the National Guard.

Sec. 521. Educational assistance for graduate programs for members of the Selected Reserve.

Sec. 522. Transition benefits for Coast Guard Reserve.

Subtitle C—Warrant Officers

Sec. 531. Authorization for involuntary separation of certain regular warrant officers.

Sec. 532. Determination of service for warrant officer retirement sanctuary.

Subtitle D—Women in the Service

Sec. 541. Repeal of the statutory restriction on the assignment of women in the Navy and Marine Corps.

Sec. 542. Gender-neutral occupational performance standards.

Sec. 543. Notice to Congress of changes to ground combat exclusion policy.

Subtitle E—Victims' Rights and Family Advocacy

Sec. 551. Mandatory arrests by military law enforcement officials when called to scenes of domestic violence.

Sec. 552. Improved procedures for notification of victims and witnesses of status of prisoners in military correctional facilities.

Sec. 553. Study of stalking by persons subject to UCMJ.

Sec. 554. Transitional compensation for dependents of members of the armed forces discharged for dependent abuse.

Subtitle F—Matters Relating to Military Justice

Sec. 561. Improved right of appeal in court-martial cases.

Sec. 562. Clarification of punitive UCMJ article regarding drunken driving.

Subtitle G—Other Matters

Sec. 571. Criteria for closing senior ROTC units.

Sec. 572. Change in timing of required drug and alcohol testing and evaluation of applicants for appointment as cadet or midshipman and for ROTC graduates.

Sec. 573. Reimbursement requirements for advanced education assistance.

Sec. 574. Recognition of powers of attorney notarized by defense notary public.

Sec. 575. Policy concerning homosexuality in the Armed Forces.

Sec. 576. Foreign language proficiency test program.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

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Sec. 602. Variable housing allowance for certain members who are required to pay child support and who are assigned to sea duty.

Sec. 603. Pay for students at service academy preparatory schools.

Sec. 604. Advance payments in connection with the evacuation of members and dependents of members from designated places.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Permanent authority for certain bonuses and special pay for nurse officer candidates, registered nurses and nurse anesthetists.

Sec. 612. Extension and modification of certain Selected Reserve bonuses.

Sec. 613. Extensions of authorities relating to payment of other bonuses and special pays.

Subtitle C—Travel and Transportation Allowances

Sec. 621. Authorization of payment or collection due to fluctuations of foreign currency incurred by certain military members.

Subtitle D—Other Matters

Sec. 631. Definition of dependent for purposes of allowances to include certain unmarried persons in the legal custody of a member or former member.

Sec. 632. Clarification of eligibility for tuition assistance.

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Sec. 701. Primary and preventive health-care services for women.

Sec. 702. Definition of dependent for purposes of medical and dental coverage to include certain unmarried persons in the legal custody of a member or former member.

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Sec. 712. Codification of CHAMPUS peer review organization program procedures.

Sec. 713. Federal preemption regarding contracts for medical and dental care.

Sec. 714. Delay of termination effective date for Uniformed Services Treatment Facilities.

Sec. 715. Managed-care delivery and reimbursement model for the Uniformed Services Treatment Facilities.

Sec. 716. Clarification of conditions on expansion of CHAMPUS reform initiative to other locations.

Sec. 717. Increased flexibility for personal service contracts in military medical treatment facilities.

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Sec. 719. Alternative resource allocation method for medical facilities of the uniformed services.

Sec. 720. Use of health maintenance organization model as option for military health care.

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Sec. 731. Award of constructive service credit for advanced health professional degrees.

Sec. 732. Clarification of authority for graduate student program of the Uniformed Services University of the Health Sciences.

Sec. 733. Authority for the Armed Forces Institute of Pathology to obtain additional distinguished pathologists and scientists.

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Sec. 821. Reports on contract bundling.
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Sec. 823. Clarification of requirement for domestic manufacture of propellers for ships funded under the Fast Sealift Program.
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Sec. 903. Redesignation of positions of Under Secretary and Deputy Under Secretary of Defense for Acquisition.
Sec. 904. Further conforming amendments to chapter 4 of title 10, United States Code.
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Sec. 1037. Sense of Congress concerning meeting of interallied confederation of reserve officers.
Sec. 1038. Semiannual report on efforts to seek compensation from Government of Peru for death and wounding of certain United States servicemen.
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Sec. 1312. Repeal and amendment of certain provisions relating to defense technology and industrial base, reinvestment, and conversion.
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Sec. 1331. Continuation of teacher and teacher's aide placement programs.
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Sec. 2306. Combat arms training and maintenance facility relocation from Wheeler Air Force Base, Hawaii, to United States Army Schofield Barracks Open Range, Hawaii.
Sec. 2307. Authority to transfer funds as part of the improvement of Dysart Channel, Luke Air Force Base, Arizona.
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Sec. 2830. Transfer of waste water treatment facility at Fort Pickett, Virginia, to Blackstone, Virginia.
Sec. 2831. Transfer of water distribution system and reservoir at Stewart Army Subpost to New Windsor, New York.
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DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS
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Sec. 3303. Modification of notice and wait requirements for deviations from annual materials plan.
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TITLE XXXIV—CIVIL DEFENSE
Sec. 3401. Authorization of appropriations.
Sec. 3402. Modernization of the civil defense system.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term "congressional defense committees" means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Army as follows:

(1) For aircraft, $1,506,537,000.

(2) For missiles, $1,084,315,000.

(3) For weapons and tracked combat vehicles, $876,997,000.

(4) For ammunition, $665,466,000.

(5) For other procurement, $2,946,362,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) Navy.—Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Navy as follows:

(1) For aircraft, $5,759,827,000.

(2) For weapons, including missiles and torpedoes, $2,764,824,000.

(3) For shipbuilding and conversion, $4,160,188,000.

(4) For other procurement, $2,861,480,000.

(b) Marine Corps.—Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Marine Corps in the amount of $471,021,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Air Force as follows:

(1) For aircraft, $7,223,502,000.

(2) For missiles, $3,620,871,000.

(3) For other procurement, $7,621,793,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 1994 for defense-wide procurement in the amount of $2,177,082,000.

SEC. 105. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Defense Inspector General in the amount of $800,000.

SEC. 106. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement for the Defense Health Program in the amount of $272,762,000.

SEC. 107. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal year 1994 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

(1) For the Army National Guard, $289,675,000.

(2) For the Air National Guard, $170,000,000.

(3) For the Army Reserve, $81,300,000.

(4) For the Naval Reserve, $156,800,000.

(5) For the Air Force Reserve, $230,000,000.

(6) For the Marine Corps Reserve, $65,500,000.

SEC. 108. CHEMICAL DEMILITARIZATION PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 1994 for the destruction of lethal chemical weapons in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapons stockpile in the amount of $114,500,000.

SEC. 109. NATIONAL SHIPBUILDING INITIATIVE.

Funds are hereby authorized to be appropriated for fiscal year 1994 for the National Shipbuilding Initiative under subtitle F of title XIII of this Act in the amount of $200,000,000.

SEC. 110. DENIAL OF MULTIYEAR PROCUREMENT AUTHORIZATION.

The Secretary of the Navy may not enter into a multiyear procurement contract under section 2306(h) of title 10, United States Code, for the F/A–18C/D aircraft program.

Subtitle B—Army Programs

SEC. 111. PROCUREMENT OF HELICOPTERS.

(a) AH–64 Aircraft.—The prohibition in section 132(a)(2) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1382) does not apply to the obligation of funds in amounts not to exceed $150,000,000 for the procurement of not more than 10 AH–64 aircraft from funds appropriated for fiscal year 1994 pursuant to section 101.

(b) OH–58D AHIP Aircraft.—The prohibition in section 133(a)(2) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1383) does not apply to the obligation of funds in amounts not to exceed $225,000,000 for the procurement of not more than 36 OH–58D AHIP Scout aircraft from funds appropriated for fiscal year 1994 pursuant to section 101.

SEC. 112. TOW MISSILE PROGRAM.

(a) In General.—(1) The Secretary of Defense shall terminate the TOW missile program in accordance with this section.

(2) Except as provided in subsection (b), funds appropriated or otherwise made available to the Department of Defense pursuant to this or any other Act may not be obligated for the procurement of TOW missiles.

(b) Exceptions.—(1) The prohibition in subsection (a)(2) does not apply to—

(A) the modification of, or the acquisition of spare or repair parts for, TOW missiles described in paragraph (2);

(B) completion of new production missiles described in paragraph (2)(B); and

(C) the obligation of not more than $75,282,000 from funds made available pursuant to section 101(2) for the procurement of not more than 2,000 missiles and for payment of costs necessary to terminate the TOW program.

(2) The missiles referred to in paragraph (1)(A) are—

(A) TOW missiles acquired by the Department of Defense on or before the date of the enactment of this Act;

(B) TOW new production missiles for which funds, other than funds for the procurement of long lead items and other advance procurement, were obligated before the date of the enactment of this Act and which are delivered to the Department of Defense on or after that date; and

(C) 2,000 new production missiles for which funds are available in accordance with subsection (b)(1)(C).

Subtitle C—Navy Programs

SEC. 121. DDG–51 DESTROYER AND FAST SEALIFT PROGRAMS.

None of the funds appropriated pursuant to section 102 for shipbuilding and conversion for the Navy for fiscal year 1994 may be obligated for the DDG–51 guided missile destroyer program until—

(1) contracts for conversion of seven cargo vessels specified under the National Sealift Program have been awarded; and

(2) the Secretary of the Navy has transmitted to the congressional defense committees notice that those contracts have been awarded.

SEC. 122. ATTACK SUBMARINE PROGRAMS.

(a) Seawolf Submarine Program Costs.—(1) None of the funds described in subsection (b) may be obligated until the Secretary of Defense submits to the congressional defense committees a report concerning the latest and best estimated cost of producing the SSN–21 and SSN–22 Seawolf attack submarines, determined as of the date of the enactment of this Act. The report shall state the full cost for production of each vessel and shall identify the amount and source of funds available to the Navy for each such vessel from funds appropriated for fiscal years before fiscal year 1994.

(2) If the report under paragraph (1) discloses a shortfall of available funds for either or both of the SSN–21 and SSN–22 vessels that is not funded by another source identified by the Secretary of Defense, the Secretary of Defense shall, subject to the provisions of appropriations Acts, use the funds described in subsection (b)(1) to the extent necessary to complete production of those two vessels.

(b) Funds Subject to Limitation.—Funds subject to the limitation under subsection (a) are the following:

(1) Any unobligated funds remaining from the amount of $540,200,000 originally appropriated for fiscal year 1992 for the SSN–21 program and made available under Public Law 102–298 for the purposes of preserving the industrial base for submarine construction (as specified at page 27 of the report of the committee of conference to accompany the conference report on H.R. 4990 of the 102d Congress (House Report 102–530)).

(2) Funds appropriated pursuant to section 201 for research, development, test, and evaluation for the Navy for fiscal year 1994 that are available for the new SSN (attack submarine) program for the research and development stages designated as 6.3 and 6.4.

(c) New Attack Submarine Program.—In addition to the limitation under subsection (a)(1), the funds described in subsection (b)(2) may not be obligated until the Secretary of Defense submits to the congressional defense committees a certification that the Cost and Operational Effectiveness Analysis (COEA) process for the new SSN (attack submarine) program has been completed. The Secretary shall include with such certification a copy of the analysis.

(d) REPORT ON PROPOSED USE OF FISCAL YEAR 1992 FUNDS.—(1) In addition to the limitation under subsection (a)(1), funds described in subsection (b)(1) that remain available after any use of such funds under subsection (a)(2) may not be obligated until the Secretary of Defense submits to the congressional defense committees a report describing the Secretary's plan for the use of those funds and 30 days of continuous session of Congress have expired following the date on which that report is transmitted to Congress.

(2) For purposes of paragraph (1), the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of such 30-day period.

(e) RETROACTIVE AUTHORIZATION.—The amount referred to in subsection (b)(1) shall be treated for all purposes as having been authorized by law for fiscal year 1992 in accordance with section 114(a) of title 10, United States Code.

SEC. 123. LONG-TERM LEASE AUTHORITY FOR CERTAIN VESSELS.

(a) AUTHORITY.—The Secretary of the Navy may enter into a long-term lease or charter for a vessel described in subsection (b) without regard to the provisions of section 2401 of title 10, United States Code, or section 9081 of the Department of Defense Appropriations Act, 1990 (10 U.S.C. 2401 note).

(b) COVERED VESSELS.—Subsection (a) applies to any double-hull tanker or oceanographic vessel constructed in a United States shipyard after the date of the enactment of this Act using assistance provided under the National Shipbuilding Initiative.

(c) CONDITIONS ON OBLIGATION OF FUNDS.—A contract entered into for a lease or charter pursuant to subsection (a) shall include the following provisions:

(1) A statement that the obligation of the United States to make payments under the contract in any fiscal year is subject to appropriations being provided specifically for that fiscal year and specifically for that lease or project.

(2) A commitment to obligate the necessary amount for each fiscal year covered by the contract when and to the extent that funds are appropriated for that lease or charter for that fiscal year.

(3) A statement that such a commitment given under the authority of this section does not constitute an obligation of the United States.

(d) DEFINITION.—For purposes of subsection (a), the term "long-term lease or charter" has the meaning given that term in section 2401(d)(1)(A) of title 10, United States Code (without regard to subparagraph (B) of that section).

Subtitle D—Air Force Programs (Nonstrategic)

SEC. 131. INTERTHEATER AIRLIFT PROGRAM.

(a) LIMITATION.—None of the funds appropriated pursuant to section 103 for procurement of airlift aircraft for the Air Force for fiscal year 1994 may be obligated until 45 days after the date on which the Secretary of Defense submits to the congressional defense committees the report referred to in subsection (b).

(b) REPORT REQUIREMENT.—A report under subsection (a) is a report in which the Secretary of Defense provides—

(1) the Secretary's recommendation for the aircraft or mix of aircraft to be procured for the intertheater airlift mission; and

(2) the results of the activities under subsections (c), (d), and (e).

(c) ESTABLISHMENT OF INTERTHEATER AIRLIFT REQUIREMENTS.—The Secretary of Defense, after the date of the enactment of this Act, shall establish the qualitative and quantitative intertheater airlift requirements of the Department of Defense.

(d) COST AND OPERATIONAL EFFECTIVENESS ANALYSIS.—The Secretary of Defense, after the date of the enactment of this Act, shall conduct a Cost and Operational Effectiveness Analysis to determine the most cost effective intertheater airlift alternative to satisfy the requirements established pursuant to subsection (c). In carrying out such analysis, the Secretary—

(1) shall consider all reasonable aircraft and mixes of aircraft for the intertheater airlift mission, including procurement of additional C–17 aircraft, procurement of additional C–5 aircraft, procurement of additional C–141 aircraft, carrying out a Service-Life Extension Program (SLEP) for existing C–141 aircraft, and procurement of commercial wide-body aircraft; and

(2) for the C–17 program, shall include appropriate restructure (or "work out") costs and the expected cost of claims against the Government.

(e) DAB REVIEW.—After the activities described in subsections (c) and (d) have been completed, the Secretary shall conduct a Defense Acquisition Board review based on the results under those subsections.

SEC. 132. RC–135 AIRCRAFT PROGRAM.

(a) FISCAL YEAR 1994 FUNDS.—Of the funds authorized to be appropriated in section 103 for procurement of aircraft for the Air Force for fiscal year 1994, $93,200,000 shall be available for reengining and modifying two existing C–135 aircraft to the latest RC–135 Rivet Joint configuration plus improvements necessary to support unique Navy requirements.

(b) FISCAL YEAR 1993 FUNDS.—(1) The amount of $56,962,000 made available under section 141 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2338) for modernizing either Navy EP–3 aircraft or Air Force RC–135 aircraft shall be made available for improvements to existing RC–135 aircraft as though that aircraft had been selected by the Secretary of Defense under section 141(b)(2) of such Act.

(2) The amount of $65,700,000 made available under section 131(3) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2334) to reengine three existing RC–135 aircraft, if the RC–135 was selected by the Secretary of Defense under section 141(b)(2) of such Act, shall be made available for RC–135 reengining as though that aircraft had been so selected.

Subtitle E—Strategic Programs

SEC. 151. B–2 BOMBER AIRCRAFT PROGRAM.

(a) AMOUNT FOR PROGRAM.—Of the amount appropriated pursuant to section 103 for the Air Force for fiscal year 1994 for procurement of aircraft, not more than $911,300,000 may be obligated for procurement for the B–2 bomber aircraft program.

(b) B–2 BUYOUT AND TERMINATION.—The funds referred to in subsection (a) may be obligated only for the purpose of procurement associated with closing out the B–2 bomber aircraft program, including amounts for procurement of spares and parts for that aircraft.

(c) REAFFIRMATION OF LIMITATION ON NUMBER OF B–2 AIRCRAFT.—As provided in section 151(c) of Public Law 102–484 (106 Stat. 2339), the Secretary of the Air Force may not procure more than 20 deployable B–2 aircraft (plus one test aircraft which may not be made operational).

(d) LIMITATION ON OBLIGATION OF FY94 FUNDS.—None of the funds appropriated pursuant to section 103 for the Air Force for fiscal year 1994 may be obligated for the B–2 bomber aircraft program until each of the conditions specified in paragraphs (1), (2), and (3) of section 151(d) of Public Law 102–484 (106 Stat. 2339), including the condition requiring the enactment of an Act which permits the obligation of certain funds for the procurement of B–2 bomber aircraft, has been satisfied.

(e) DENIAL OF INTERIM NEAR-PRECISE MUNITIONS PROGRAM.—(1) The Secretary of the Air Force may not use any funds appropriated for fiscal year 1994 or any prior fiscal year for the development, integration, or acquisition of an interim near-precise munitions capability for the B–2 aircraft.

(2) For the purposes of paragraph (1):

(A) The term "near-precise munitions capability" means the capability that the Secretary of the Air Force has proposed for the B–2 aircraft to be produced by the Global Positioning System-aided targeting system and Global Positioning System-aided munitions.

(B) The term "interim", with respect to a munitions capability for the B–2 aircraft, means a capability proposed for the period before the availability of the Joint Direct Attack Munition for that aircraft.

SEC. 152. B–1 BOMBER AIRCRAFT PROGRAM.

(a) INTERIM NEAR-PRECISE MUNITIONS PROGRAM.—The Secretary of the Air Force shall initiate a program for the production of Global Positioning System-aided munitions (GAM) for 10 B–1 bomber aircraft. It shall be the goal of the program to achieve an interim near-precise munitions capability on 10 B–1 aircraft by 1996.

(b) AMOUNT FOR PROGRAM.—Of the amount authorized to be appropriated pursuant to section 103 for the Air Force for fiscal year 1994 for procurement of aircraft, $263,355,000 shall be available for procurement for B–1B aircraft, of which $100,808,000 shall be available for modification of inservice aircraft. Of the amount available for modification of inservice aircraft, $50,000,000 shall be available for the purchase of GAM kits to achieve the munitions capability described in subsection (a).

SEC. 153. TRIDENT II (D–5) MISSILE PROCUREMENT.

(a) FINAL PRODUCTION.—Of amounts appropriated pursuant to section 102 for procurement of weapons (including missiles and torpedoes) for the Navy for fiscal year 1994—

(1) not more than $983,300,000 may be obligated for procurement of Trident II (D–5) missiles; and

(2) not more than $145,251,000 may be obligated for advance procurement for production of D–5 missiles for a fiscal year after fiscal year 1994.

(b) OPTIONS FOR ACHIEVING SLBM WARHEAD LIMITATIONS.—Not later than April 1, 1994, the Secretary of Defense shall submit to Congress a report on options available for achieving the limitations on submarine-launched ballistic missile (SLBM) warheads imposed by the START II treaty at significantly reduced costs from the costs planned during fiscal year 1994. The report shall include an examination of the implications for those options of further reductions in the number of such warheads under further strategic arms reduction treaties.

(c) LIMITATION ON FY94 PRODUCTION AND ADVANCE PROCUREMENT.—None of the funds appropriated for the Navy referred to in subsection (a) may be obligated for production or advance procurement of Trident II (D–5) missiles until the later of (1) the date on which the President's budget for fiscal year 1995 is submitted to Congress pursuant to section 1105 of title 31, United States Code, or (2) the date on which the report required by subsection (b) is received by Congress.

SEC. 154. PROHIBITION ON RETROFITTING TRIDENT I SUBMARINES TO CARRY TRIDENT II (D-5) MISSILES.

The Secretary of the Navy may not modify any Trident I submarine to enable that submarine to be deployed with Trident II (D-5) missiles.

Subtitle F—Other Matters

SEC. 171. CHEMICAL MUNITIONS DISPOSAL FACILITIES, TOOELE ARMY DEPOT, UTAH.

(a) LIMITATION PENDING CERTIFICATION.—After January 1, 1994, none of the funds appropriated to the Department of Defense for fiscal year 1993 or 1994 may be obligated for the systemization of chemical munitions disposal facilities at Tooele Army Depot, Utah, until the Secretary of Defense submits to Congress a certification described in subsection (b).

(b) CERTIFICATION REQUIREMENT.—A certification referred to in subsection (a) is a certification submitted by the Secretary of Defense to Congress that—

(1) the recommendations for the realignment of Tooele Army Depot contained in the recommendations of the Defense Base Closure and Realignment Commission approved by the President on July 6, 1993, will not jeopardize the health, safety, or welfare of the community surrounding Tooele Army Depot; and

(2) adequate base support, management, oversight, and security personnel to ensure the public safety in the operation of chemical munitions disposal facilities constructed and operated at Tooele Army Depot will remain at that depot after the completion of the realignment of that depot in accordance with those recommendations.

(c) SUPPORTING REPORT.—The Secretary of Defense shall include with a certification under this section a report specifying by job title and category all base support, management, oversight, and security personnel to be retained at Tooele Army Depot after the realignment of that depot is completed in accordance with the recommendations of the Defense Base Closure and Realignment Commission referred to in subsection (b)(1).

(d) EXCEPTION.—Subsection (a) shall not apply if the recommendations of the Defense Base Closure and Realignment Commission approved by the President on July 6, 1993, are disapproved by law enacted in accordance with section 2904(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

SEC. 172. AUTHORITY TO CONVEY LOS ALAMOS DRY DOCK.

(a) AUTHORITY.—The Secretary of the Navy may convey to the Brownsville Navigation District of Brownsville, Texas, all right, title, and interest of the United States in and to the dry dock designated as Los Alamos (AFDB7).

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the Brownsville Navigation District shall permit the Secretary of the Navy—

(1) to use real property which is (A) located on and near a ship channel, (B) under the ownership or control of the Brownsville Navigation District, and (C) not used by the Brownsville Navigation District, except that such use shall be only for training purposes and shall be permitted for a five-year period beginning on the date of the transfer;

(2) to use such property under paragraph (1) without reimbursement from the Secretary of the Navy; and

(3) to use the dock for dockage services, without reimbursement from the Secretary of the Navy, except that such use shall be for not more than 45 days each year during the period referred to in paragraph (1) and shall be subject to all applicable Federal and State laws, including laws on maintenance and dredging.

(c) EXTENSION OF USE.—At the end of the five-year period referred to in subsection (b)(1), the Secretary of the Navy and the chief executive officer of the Brownsville Navigation District may enter into an agreement to extend the period during which the Secretary may use real property and dockage under subsection (b).

(d) CONDITION.—As a condition of the conveyance authorized by subsection (a), the Secretary shall enter into an agreement with the Brownsville Navigation District under which the Brownsville Navigation District agrees to hold the United States harmless for any claim arising with respect to the drydock after the conveyance of the drydock other than as a result of use of the dock by the Navy pursuant to subsection (b) or an agreement under subsection (c).

SEC. 173. SALES AUTHORITY OF CERTAIN WORKING-CAPITAL FUNDED INDUSTRIAL FACILITIES OF THE ARMY.

(a) IN GENERAL.—(1) Chapter 433 of title 10, United States Code, is amended by adding at the end the following new section:

"§4543. Army industrial facilities: sales of manufactured articles or services outside Department of Defense

"(a) AUTHORITY TO SELL OUTSIDE DOD.—Regulations under section 2208(h) of this title shall authorize a working-capital funded Army industrial facility (including a Department of the Army arsenal) that manufactures large caliber cannons, gun mounts, recoil mechanisms, ammunition, munitions, or components thereof to sell manufactured nondefense-related commercial articles or services to a person outside the Department of Defense if—

"(1) in the case of an article, the article is sold to a United States manufacturer, assembler, developer, or other concern—

"(A) for use in developing new products;

"(B) for incorporation into items to be sold to, or to be used in a contract with, an agency of the United States;

"(C) for incorporation into items to be sold to, or to be used in a contract with, or to be used for purposes of soliciting a contract with, a friendly foreign government; or

"(D) for use in commercial products;

"(2) in the case of an article, the purchaser is determined by the Department of Defense to be qualified to carry out the proposed work involving the article to be purchased;

"(3) the sale is to be made on a basis that does not interfere with performance of work by the facility for the Department of Defense or for a contractor of the Department of Defense; and

"(4) in the case of services, the services are related to an article authorized to be sold under this section and are to be performed in the United States for the purchaser.

"(b) ADDITIONAL REQUIREMENTS.—The regulations shall also—

"(1) require that the authority to sell articles or services under the regulations be exercised at the level of the commander of the major subordinate command of the Army with responsibility over the facility concerned;

"(2) authorize a purchaser of articles or services to use advance incremental funding to pay for the articles or services; and

"(3) in the case of a sale of commercial articles or commercial services in accordance with subsection (a) by a facility that manufactures large caliber cannons, gun mounts, or recoil mechanisms, or components thereof, authorize such facility—

"(A) to charge the buyer, at a minimum, the variable costs that are associated with the commercial articles or commercial services sold;

"(B) to enter into a firm, fixed-price contract or, if agreed by the buyer, a cost reimbursement contract for the sale; and

"(C) to develop and maintain (from sources other than appropriated funds) working capital to be available for paying design costs, planning costs, procurement costs, and other costs associated with the commercial articles or commercial services sold.

"(c) RELATIONSHIP TO ARMS EXPORT CONTROL ACT.—Nothing in this section shall be construed to affect the application of the export controls provided for in section 38 of the Arms Export Control Act (22 U.S.C. 2778) to items which incorporate or are produced through the use of an article sold under this section.

"(d) DEFINITIONS.—In this section:

"(1) The term 'commercial article' means an article that is usable for a nondefense purpose.

"(2) The term 'commercial service' means a service that is usable for a nondefense purpose.

"(3) The term 'advance incremental funding', with respect to a sale of articles or services, means a series of partial payments for the articles or services that includes—

"(A) one or more partial payments before the commencement of work or the incurring of costs in connection with the production of the articles or the performance of the services, as the case may be; and

"(B) subsequent progress payments that result in full payment being completed as the required work is being completed.

"(4) The term 'variable costs', with respect to sales of articles or services, means the costs that are expected to fluctuate directly with the volume of sales and—

"(A) in the case of articles, the volume of production necessary to satisfy the sales orders; or

"(B) in the case of services, the extent of the services sold.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"4543. Army industrial facilities: sales of manufactured articles or services outside Department of Defense.".

(b) CONFORMING AMENDMENT.—Subsection (i) of section 2208 of such title is amended to read as follows:

"(i) For provisions relating to sales outside the Department of Defense of manufactured articles and services by a working-capital funded Army industrial facility (including a Department of the Army arsenal) that manufactures large caliber cannons, gun mounts, recoil mechanisms, ammunition, munitions, or components thereof, see section 4543 of this title.".

(c) DEADLINE FOR REGULATIONS.—Regulations under subsection (b) of section 4543 of title 10, United States Code, as added by subsection (a), shall be prescribed not later than 30 days after the date of the enactment of this Act.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorizations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1994 for the use of the Department of Defense for research, development, test, and evaluation, as follows:

(1) For the Army, $5,417,141,000.

(2) For the Navy, $8,736,970,000.

(3) For the Air Force, $13,446,635,000.

(4) For Defense-wide activities, $10,284,652,000, of which—

(A) $232,592,000 is authorized for the activities of the Director, Test and Evaluation; and

(B) $12,650,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. MANUFACTURING TECHNOLOGY DEVELOPMENT.

(a) FISCAL YEAR 1994.—Of the amounts authorized to be appropriated by section 201, $315,000,000 shall be available for, and may be obligated only for, manufacturing technology development as follows:

(1) For the Army: $50,000,000.

(2) For the Navy, $120,000,000.

(3) For the Air Force, $110,000,000.

(4) For the Defense Logistics Agency, $35,000,000, of which $15,000,000 is available only for the establishment of a pilot program for the metalcasting industry.

(b) Industrial Modernization Improvement Program.—The Secretary shall reestablish the Industrial Modernization Improvement Program (IMIP) of the Department of Defense carried out through the Manufacturing Technology programs and shall provide sufficient funding for that program for fiscal year 1994 from funds referred to in subsection (a).

(c) Worker Skills.—Manufacturing technology development programs conducted by or for the Department of Defense, including those programs for which funds are made available pursuant to subsection (a), shall include a focus on production technologies designed to build on and expand existing worker skills and experience in manufacturing production.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. DEMONSTRATION PROGRAM FOR BALLISTIC MISSILE POST-LAUNCH DESTRUCT MECHANISM.

(a) Demonstration Program.—The Secretary of Defense shall conduct a demonstration program to develop and test a ballistic missile post-launch destruct mechanism. The program shall be carried out through the Advanced Research Projects Agency.

(b) Funding.—The amount expended for the demonstration program may not exceed $15,000,000. Subject to the provisions of appropriations Acts, the Secretary may provide $5,000,000 for the program from unexpended balances remaining available for obligation from funds appropriated to the Department of Defense for fiscal year 1993.

SEC. 212. FUNDING FOR CERTAIN TACTICAL INTELLIGENCE PROGRAMS.

(a) Authorization.—Of the funds appropriated pursuant to section 201 for Defense-wide activities, $288,518,000 shall be available for airborne reconnaissance programs.

(b) Limitation.—None of the funds referred to in subsection (a) or funds appropriated for fiscal year 1994 for the Navy for research, development, test, and evaluation may be obligated for Navy EP-3 aircraft modifications.

SEC. 213. FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS.

(a) Limitation.—During each of fiscal year 1994 and fiscal year 1995, the Secretary of Defense may not obligate funds for expenditure at a federally funded research and development center described in subsection (b) in excess of 90 percent of the amount obligated by the Secretary for expenditure at that center during fiscal year 1993.

(b) Covered Entities.—Subsection (a) applies with respect to any federally funded research and development center (other than a center that performs applied scientific research under laboratory conditions) that during fiscal years 1991 through 1993 had average annual expenditures of funds derived from the Department of Defense in excess of $25,000,000.

SEC. 214. HIGH PERFORMANCE COMPUTER MODERNIZATION PROGRAM.

Funds made available for fiscal year 1994 for the Department of Defense High Performance Computer (HPC) Modernization Program for Department of Defense research centers and laboratories may be used only for—

(1) the execution of upgrade options under an existing contract for installed supercomputer facilities that have not kept technically current; or

(2) the conduct of competitive procurement for supercomputers that are architecturally stable and production compatible and that can be successfully demonstrated using statistically valid samples of the current workloads of the research centers and laboratories that will be using the supercomputers without substantive reprogramming or program conversion.

SEC. 215. HIGH PERFORMANCE COMPUTING AND COMMUNICATION INITIATIVE.

(a) Independent Study.—The Secretary of Defense shall request the National Research Council (NRC) of the National Academy of Sciences to conduct a comprehensive study of the inter-agency High Performance Computing and Communications Initiative (HPCCI), with emphasis on the elements of the program supported by the Department of Defense and the relationship of those elements to other elements of the program.

(b) Matters To Be Included.—The study shall address (at a minimum) the following aspects of the High Performance Computing and Communications Initiative:

(1) The basic underlying rationale for the initiative.

(2) The appropriateness of the goals and directions of the initiative.

(3) The balance between various elements of the initiative.

(4) The likelihood that the various goals of the initiative will be achieved.

(5) The management and coordination of the initiative.

(c) Cooperation With Study.—The Secretary of Defense shall direct all relevant defense agencies to cooperate fully with the National Research Council in all aspects of this study, and shall request similar cooperation from the heads of all other appropriate Federal agencies.

(d) Funding.—The sum of $800,000 shall be made available from the Department's High Performance Computing and Communications Program to provide funds for the National Research Council to conduct the study under subsection (a).

(e) Report.—A report on the results of the study under subsection (a) shall be submitted to the Secretary of Defense not later than July 1, 1995. The Secretary shall promptly submit the report of the study to the Committees on Armed Services of the Senate and House of Representatives. The report shall be submitted to the committees in unclassified form with classified annexes as necessary.

SEC. 216. SUPERCONDUCTING MAGNETIC ENERGY STORAGE (SMES) PROGRAM.

(a) Program Office.—The Secretary of Defense shall establish within the Department of the Navy a program office to facilitate research and design studies leading to possible construction of Superconducting Magnetic Energy Storage (SMES) test models.

(b) Science Advisory Group.—(1) The Secretary of Defense shall establish an advisory committee in the Department of Defense for Superconducting Magnetic Energy Storage activities. The advisory committee shall be established as a science advisory group and shall be independent of the Department of the Navy.

(2) The membership of the advisory committee shall include representatives from the President's Office of Science and Technology Policy, the Department of Defense, the Department of Energy, the Environmental Protection Agency, the Army Corps of Engineers, and private industry.

(3) The advisory committee shall conduct a review every two years of the progress of the Department of Defense program for Superconducting Magnetic Energy Storage development. The advisory committee shall submit a report on each such review to the Secretary as directed by the Secretary. Such report shall include the advisory committee's recommendations for outyear program options and funding. The Secretary shall transmit each such report to Congress.

(4) The advisory committee shall continue in existence until terminated by law.

(c) Funding.—Immediately upon enactment of this Act, the Secretary of Defense shall transfer from the Defense Nuclear Agency to the Department of the Navy any funds appropriated for fiscal years before fiscal year 1994 that were designated for the Superconducting Magnetic Energy Storage Project that remain available for obligation. Those funds shall be obligated for (1) continued experimental work (as defined in section 218(b)(4) of the National Defense Authorization Act of 1993 (Public Law 102–484; 106 Stat. 2353)), (2) operation of the advisory group, and (3) study of alternative SMES designs.

(d) Deadline.—The office referred to in subsection (a) shall be created and staffed not later than 30 days after the date of the enactment of this Act.

SEC. 217. SINGLE STAGE ROCKET TECHNOLOGY.

(a) Program Funding.—The Secretary of Defense shall establish a Single Stage Rocket Technology program and shall provide funds for that program within funds available for the Advanced Research Projects Agency. That program shall be managed within the Office of the Under Secretary of Defense for Acquisition.

(b) Funding.—Of the amount appropriated pursuant to section 201 for Defense-wide activities, $79,880,000 shall be available for, and may be obligated only for, Single Stage Rocket Technology.

SEC. 218. ADVANCED ANTI-RADIATION GUIDED MISSILE.

Of the funds appropriated for research, development, test, and evaluation for the Department of the Navy for fiscal year 1993 that remain available for obligation for Air Systems Advanced Technology Development programs, $10,077,000 shall be obligated and expended only for testing, design, and fabrication of a dual-mode seeker for the Advanced Anti-Radiation Guided Missile using technology that is derived from work done with funding provided through the Small Business Innovative Research (SBIR) program.

SEC. 219. DP-2 VECTORED THRUST TECHNOLOGY DEMONSTRATION PROJECT.

Of the funds appropriated for research, development, test, and evaluation for the Defense Agencies for fiscal year 1993 that remain available for obligation for Tactical Technology programs within the Advanced Research Projects Agency, $15,000,000 shall be obligated and expended only for testing of the DP-2 Vectored Thrust Technology Demonstration project for Special Operations Forces (SOF) applications.

SEC. 220. ADVANCED SELF PROTECTION JAMMER (ASPJ) PROGRAM.

Notwithstanding section 122 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2334), the Secretary of Defense may carry out material procurement, logistics support, and integration of existing Advanced Self Protection Jammer systems from Department of Defense inventory into the F–14D aircraft for testing and evaluation using funds appropriated to the Department of Defense for fiscal year 1993 and prior years.

SEC. 221. ELECTRONIC COMBAT SYSTEMS TESTING.

(a) Detailed Test and Evaluation Before Initial Low-Rate Production.—The Secretary of Defense shall ensure that any electronic combat system and any command, control, and communications countermeasure system is authorized to proceed into the low-rate initial production stage only upon the completion of an appropriate, rigorous, and structured test and evaluation regime. Such a regime shall include testing and evaluation at each of the following types of facilities: computer simulation and modeling facilities, measurement facilities, system integration laboratories, simulated threat

hardware-in-the-loop test facilities, installed system test facilities, and open air ranges.

(b) Timely Test and Evaluation Required.—The Secretary shall ensure that test and evaluation of a system as required by subsection (a) is conducted sufficiently early in the development phase to allow (1) a correction-of-deficiency plan to be developed and in place for deficiencies identified by the testing before the system proceeds into low-rate initial production; and (2) the deficiencies identified by test and evaluation be corrected before the system leaves low-rate initial production.

(c) Annual Report on Compliance.—The Secretary of Defense shall include in the annual Department of Defense Electronic Warfare Plan report a description of compliance with this section during the preceding year. Such a report shall include a description of the test and evaluation process applied to each system, the results of that process, and the adequacy of test and evaluation resources to carry out that process.

(d) Funds Used for Testing.—The costs of the testing necessary to carry out this section with respect to any system shall be paid from funds available for that system.

(e) Applicability.—The provisions of subsections (a) and (b) shall apply to any electronic combat system program and any command, control, and communications countermeasure system program that is initiated after the date of the enactment of this Act.

SEC. 222. LIMITATION ON DEPARTMENT OF DEFENSE MISSILE LAUNCHES FOR TEST PURPOSES.

(a) Limitation.—The Secretary of Defense may not conduct a launch of a missile as part of a test program in any case in which an anticipated result of the launch would be the release of debris in an area over land of the United States outside a designated Department of Defense test range.

(b) Definition of Debris.—For purposes of subsection (a), the term "debris" does not include particulate matter that is regulated for considerations of air quality.

SEC. 223. B–1 BOMBER AIRCRAFT PROGRAM.

(a) Interim Near Precise Munitions and Targeting Program.—The Secretary of the Air Force shall initiate a program for the development and production of a Global Positioning System-aided relative targeting (GATS) system and Global Positioning System-aided munitions (GAM) for 10 B–1 bomber aircraft. It shall be the goal of the program to achieve an interim near precise weapons capability on 10 B–1 aircraft by 1996.

(b) Defensive Avionics Upgrade Program.—The Secretary of the Air Force shall continue efforts associated with upgrades to the defensive avionics system of the B–1B aircraft, including studies, analyses, and tests required for a risk reduction program for a minimum of three, and up to four, defensive avionics participants.

(c) Amount For Program.—Of the amount authorized to be appropriated pursuant to section 201 for the Air Force for fiscal year 1994, $180,543,000 shall be available for the B–1B aircraft program, of which—

(1) $57,000,000 shall be made available for development and integration of a GPS-aided relative targeting system and development of GPS-aided munitions as provided in subsection (a); and

(2) $37,200,000 shall be made available for upgrades to the B–1 defensive avionics system as provided in subsection (b).

Subtitle C—Missile Defense Programs

SEC. 231. FUNDING FOR FISCAL YEAR 1994.

Of the amounts appropriated pursuant to section 201 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1994, not more than a total of $2,617,448,000 may be obligated for ballistic missile defense. None of such amount is available for the Brilliant Pebbles program.

SEC. 232. REPORT ON ALLOCATION OF FUNDS.

When the President's budget for fiscal year 1995 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report—

(1) setting forth the allocation by the Secretary of funds appropriated for ballistic missile defense for fiscal year 1994, and the proposed allocation of funds for ballistic missile defense for fiscal year 1995, shown for Theater Missile Defense, Limited Defense System, Other Follow-On Systems, Research and Support, and the Small Business Innovation Research and Small Business Technology Transfer programs of the Small Business Administration, for each program, project, and activity; and

(2) describing an updated master plan for the Theater Missile Defense Initiative that includes (A) a detailed consideration of plans for theater and tactical missile defense doctrine, training, tactics, and force structure, and (B) a detailed acquisition strategy which includes a consideration of acquisition and life-cycle costs through the year 2006 for the programs, projects, and activities associated with the Theater Missile Defense Initiative.

SEC. 233. TRANSFER AUTHORITIES FOR BALLISTIC MISSILE DEFENSE.

(a) In General.—After the submission of the report required under section 232, the Secretary of Defense may transfer funds among the ballistic missile defense program elements named in section 232 of this Act.

(b) Limitation.—The total amount that may be transferred to or from any program element named in section 232—

(1) may not exceed 10 percent of the amount provided in the report for the program element from which the transfer is made; and

(2) may not result in an increase of more than 10 percent of the amount provided in the report for the program element to which the transfer is made.

(c) Restriction.—Transfer authority under subsection (a) may not be used for a decrease in funds identified in section 231(a) for the Theater Missile Defense Initiative.

(d) Merger and Availability.—Amounts transferred pursuant to subsection (a) shall be merged with and be available for the same purposes as the amounts to which transferred.

SEC. 234. REVISIONS TO MISSILE DEFENSE ACT OF 1991.

The Missile Defense Act of 1991 (part C of title II of Public Law 102–190; 10 U.S.C. 2431 note) is amended as follows:

(1) Section 232(a) is amended—

(A) in paragraph (1), by striking out "while deploying" and inserting in lieu thereof "while developing the option to deploy"; and

(B) in paragraph (3), by inserting ", as appropriate," before "to friends and allies of the United States".

(2) Section 232(b) is amended—

(A) in paragraphs (1) and (2), by striking out "the Soviet Union" and inserting in lieu thereof "Russia"; and

(B) in paragraph (2), by striking out "Treaty, to include the down-loading of multiple warhead ballistic missiles" and inserting in lieu thereof "Treaties, to include the down-loading of multiple warhead ballistic missiles, as appropriate".

(3) Section 233(b) is amended—

(A) in paragraph (1), by inserting "in compliance with the ABM Treaty" after "for deployment";

(B) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) Initial ABM Deployment.—The Secretary shall develop, at an appropriate pace, a cost-effective, operationally effective, and ABM Treaty-compliant anti-ballistic missile system for potential deployment at a single site. The Secretary shall ensure that components of such system are themselves in compliance with the ABM Treaty."; and

(C) by striking out paragraph (3).

(4) Subsection (c) of section 233 is amended to read as follows:

"(c) Presidential Actions.—Congress urges the President to pursue immediate discussions with Russia on the feasibility and mutual interest of amendments to the ABM Treaty to permit clarification of the distinctions for the purposes of the ABM Treaty between theater missile defenses and anti-ballistic missile defenses, including interceptors and radars.".

(5) Section 234 is amended to read as follows:

"SEC. 234. MANAGEMENT RESPONSIBILITY FOR RESEARCH AND DEVELOPMENT OF FAR-TERM FOLLOW-ON TECHNOLOGIES.

"(a) Management Responsibility.—The Secretary of Defense shall provide that management and budget responsibility for research and development of any far-term follow-on technology relating to ballistic missile defense shall be provided through the Advanced Research Projects Agency or the appropriate military department.

"(b) Waiver Authority.—The Secretary may waive the provisions of subsection (a) in the case of a particular far-term follow-on technology that on December 5, 1991, was under the Strategic Defense Initiative Organization and provide that management and budget responsibility for research and development of that technology shall be provided through the Ballistic Missile Defense Organization if the Secretary determines, and certifies to the congressional defense committees, that providing management and budget responsibility for research and development of that technology as provided in subsection (a) would not be in the national security interests of the United States.

"(c) Definition.—For purposes of this section, the term 'far-term follow-on technology' means a technology that is not likely to be incorporated into a weapon system before 2008.".

(6) Section 235 is amended—

(A) by striking out "Strategic Defense Initiative" in subsections (a) and (b) and inserting in lieu thereof "Ballistic Missile Defense program"; and

(B) by striking out the section heading and inserting in lieu thereof the following:

"SEC. 235. PROGRAM ELEMENTS FOR BALLISTIC MISSILE DEFENSE PROGRAM.".

(7) Section 236(c) is amended by striking out "Strategic Defense Initiative Organization" and inserting in lieu thereof "Ballistic Missile Defense Organization".

(8) Section 238 is amended—

(A) by striking out "As deployment" and inserting in lieu thereof "As time for a decision concerning exercising the option for deployment"; and

(B) by striking out "to the deployment date".

SEC. 235. PATRIOT ADVANCED CAPABILITY-3 THEATER MISSILE DEFENSE SYSTEM.

(a) Competition for Missile Selection.—The Secretary of Defense shall continue the strategy being carried out by the Ballistic Missile Defense Organization as of July 1, 1993, for selection of the best technology (in terms of cost, schedule, risk, and performance) to meet the missile requirements for the Patriot Advanced Capability-3 (PAC-3) theater missile defense system. That strategy, consisting of flight testing, ground testing, simulations, and other analyses of the two competing missiles (the Patriot Multimode Missile and the Extended Range Interceptor (ERINT) missile), shall be continued

until the Secretary determines that the Ballistic Missile Defense Organization has adequate information upon which to base a decision as to which missile will be selected to proceed into the Engineering and Manufacturing Development stage.

(b) FUNDS FOR DEMONSTRATION AND VALIDATION.—Of the funds authorized to be appropriated by section 201 for the Ballistic Missile Defense Organization—

(1) not less than $44,100,000 shall be available for demonstration and validation purposes for the Patriot Multimode Missile program;

(2) not less than $55,900,000 shall be available for demonstration and validation purposes for the Extended Range Interceptor program; and

(3) not less than $52,700,000 shall be available for demonstration and validation and for the Engineering and Manufacturing Development stage for the system selected and for appropriate risk mitigation activities.

(c) IMPLICATIONS OF DELAY.—If there is a delay (based upon the schedule in effect in mid-1993) in the selection described in subsection (a) of the missile for the Patriot Advanced Capability-3 system, the Secretary of Defense shall ensure that demonstration and validation of both competing systems can continue as needed to support an informed decision for such selection.

SEC. 236. DEVELOPMENT AND TESTING OF ANTI-BALLISTIC MISSILE SYSTEMS OR COMPONENTS TO BE CARRIED OUT IN ACCORDANCE WITH TRADITIONAL INTERPRETATION OF ANTI-BALLISTIC MISSILE TREATY.

(a) LIMITATION.—Funds appropriated to the Department of Defense for fiscal year 1994, or otherwise made available to the Department of Defense from any funds appropriated for fiscal year 1994 or for any fiscal year before 1994, may not be obligated or expended—

(1) for any development or testing of anti-ballistic missile systems or components except for development and testing consistent with the interpretation of the 1972 ABM Treaty set forth in the enclosure to the July 13, 1993, ACDA letter; or

(2) for the acquisition of any material or equipment (including any long lead materials, components, piece parts, test equipment, or any modified space launch vehicle) required or to be used for the development or testing of anti-ballistic missile systems or components, except for material or equipment required for development or testing consistent with the interpretation of the 1972 ABM Treaty set forth in the enclosure to the July 13, 1993, ACDA letter.

(b) EXCEPTION.—The limitation under subsection (a) shall not apply to funds transferred to or for the use of the Ballistic Missile Defense Organization for fiscal year 1994 if the transfer is made in accordance with section 1001 of this Act.

(c) DEFINITION.—In this section, the term "July 13, 1993, ACDA letter" means the letter dated July 13, 1993, from the Acting Director of the Arms Control and Disarmament Agency to the chairman of the Committee on Foreign Relations of the Senate relating to the correct interpretation of the 1972 ABM Treaty and accompanied by an enclosure setting forth such interpretation.

SEC. 237. THEATER MISSILE DEFENSE ROAD MAP.

(a) INTEGRATION AND COMPATIBILITY.—In carrying out the Theater Missile Defense Initiative, the Secretary of Defense shall—

(1) seek to maximize the use of existing systems and technologies; and

(2) seek to promote joint use by the military departments of existing and future ballistic missile defense equipment (rather than each military department developing its own systems that would largely overlap in their capabilities).

The Secretaries of the military departments shall seek the maximum integration and compatibility of their ballistic missile defense systems as well as of the respective roles and missions of those systems.

(b) TMD ANALYSIS.—The Secretary of Defense shall submit to Congress a report containing a thorough and complete analysis of the future of theater missile defense programs. The analysis shall include the following:

(1) A description of the mission and scope of Theater Missile Defense.

(2) A description of the role of each of the Armed Forces in Theater Missile Defense.

(3) A description of how those roles interact and complement each other.

(4) An evaluation of the cost and relative effectiveness of each interceptor and sensor under development as part of a Theater Missile Defense system by the Ballistic Missile Defense Organization.

(5) An analysis and comparison of the projected life-cycle costs of each Theater Missile Defense system intended for production (shown separately for research, development, test, and evaluation, for procurement, for operation and maintenance, and for personnel costs for each element).

(6) Specification of the baseline production rate for each year of the program through completion of procurement.

(7) Estimation of the unit cost and capabilities of each element.

(c) DESCRIPTION OF TESTING PROGRAM.—The Secretary of Defense shall include in the report under subsection (b) a description of the current and projected testing program for theater missile defense systems and major components. The report shall include an evaluation of the adequacy of the testing program to simulate conditions similar to those the systems and components would actually be expected to encounter if and when deployed (such as the ability to track and engage multiple targets with multiple interceptors, to discriminate targets from decoys and other incoming objects, and to be employed in a shoot-look-shoot firing mode).

(d) RELATIONSHIP TO ARMS CONTROL TREATIES.—The Secretary shall include in the report under subsection (b) a statement of how production and deployment of any projected Theater Missile Program will conform to existing Anti-Ballistic Missile Treaty and Intermediate Nuclear Forces Treaty Regimes. The report shall describe any potential noncompliance with either Regime, when such noncompliance is expected to occur, and whether provisions need to be renegotiated within that Regime to address future contingencies.

(e) SUBMISSION OF REPORT.—The report required by subsection (b) shall be submitted as part of the next annual report of the Secretary submitted to Congress under section 224 of Public Law 101–189 (10 U.S.C. 2431 note).

SEC. 238. ADDITIONAL BMD PROGRAMS.

(a) NAVAL THEATER MISSILE DEFENSE.—Of the amount provided under section 201 for Theater Missile Defense, $102,000,000 shall be available to support the aggressive exploration of the Navy Upper Tier concept for Naval Theater Missile Defense, including cost-effective systems and upgrades to existing systems that can be fielded more quickly than new systems.

(b) ACCELERATED ADVANCED TECHNOLOGY DEMONSTRATION PROGRAM.—The Secretary of Defense, acting through the Director of the Theater Missile Defense Initiative, shall initiate during fiscal year 1994 an accelerated Advanced Technology Demonstration program to demonstrate the technical feasibility of using the Navy's Standard Missile combined with a kickstage rocket motor and Lightweight Exoatmospheric Projectile (LEAP) as a near-term option for cost-effective wide-area Theater Missile Defense.

SEC. 239. REPORT ON NATIONAL MISSILE DEFENSE COST.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to Congress a report setting forth a full and thorough estimation of the cost of deploying a National Defense System at Grand Forks, North Dakota. The Secretary shall include in the report—

(1) the projected life-cycle costs of each system intended for production as part of such National Defense System, including a ground-based radar system, the system known as "Brilliant Eyes", and a ground-based interceptor system; and

(2) with respect to each such system, a separate statement of those costs for (A) research, development, test, and evaluation, (B) procurement, (C) deployment and launch activities, (D) operation and maintenance, and (E) personnel.

(b) SUBMISSION.—The report required under subsection (a) shall be submitted as part of the next annual report of the Secretary submitted to Congress under section 224 of Public Law 101–189 (10 U.S.C. 2431 note).

SEC. 240. THEATER MISSILE DEFENSE INTERCEPTOR TESTING.

The Secretary of Defense may not approve a theater missile defense interceptor program proceeding into the Low-Rate Initial Production (Milestone III) acquisition stage until the Secretary certifies to the congressional defense committees in writing that the Secretary has conducted more than two realistic live-fire tests, consistent with section 2366 of title 10, United States Code, involving multiple interceptors and multiple targets in the presence of realistic countermeasures the results of which demonstrate the achievement by the interceptors of the single-shot probability-of-kill specified in the system baseline description established pursuant to section 2435(a)(1)(A) of title 10, United States Code, before the program entered full-scale engineering development.

SEC. 241. ARROW TACTICAL ANTI-MISSILE PROGRAM.

(a) ENDORSEMENT OF COOPERATIVE RESEARCH AND DEVELOPMENT.—Congress reiterates its endorsement (previously stated in section 225(a)(5) of Public Law 101–510 (104 Stat. 1515) and section 241(a) of Public Law 102–190 (105 Stat. 1326)) of a continuing program of cooperative research and development, jointly funded by the United States and Israel, on the Arrow Tactical Anti-Missile program.

(b) PROGRAM GOAL.—The goal of the cooperative program is to demonstrate the feasibility and practicality of the Arrow system and to permit the government of Israel to make a decision on its own initiative regarding deployment of that system without financial participation by the United States beyond the research and development stage.

(c) ARROW CONTINUING EXPERIMENTS.—The Secretary of Defense, from amounts appropriated to the Department of Defense pursuant to section 201 for Defense-wide activities and available for the Ballistic Missile Defense Organization, shall fully fund the United States contribution to the fiscal year 1994 Arrow Continuing Experiments program at the level of $56,400,000.

(d) ARROW DEPLOYABILITY INITIATIVE.—(1) Subject to paragraph (2), the Secretary of Defense may obligate from funds appropriated pursuant to section 201 up to $25,000,000 for the purpose of research and development of technologies associated with deploying the Arrow missile in the future (including technologies associated with battle management, lethality, system integration, and test bed systems).

(2) Funds may not be obligated for the purpose stated in paragraph (1) unless the President certifies to Congress that—

(A) the United States and the government of Israel have entered into an agreement governing

the conduct and funding of research and development projects for the purpose stated in paragraph (1);

(B) each project in which the United States will join under that agreement (i) will have a benefit for the United States, and (ii) has not been barred by other congressional direction;

(C) the Arrow missile has successfully completed a flight test in which it intercepted a target missile under realistic test conditions; and

(D) the government of Israel is continuing, in accordance with its previous public commitments, to adhere to export controls pursuant to the Guidelines and Annex of the Missile Technology Control Regime.

(e) SENSE OF CONGRESS ON EXPEDITING TEST PROGRAM.—It is the sense of Congress that, in order to expedite the test program for the Arrow missile, the United States should seek to initiate with the government of Israel discussions on the agreement referred to in subsection (d)(2)(A) without waiting for the condition specified in subsection (d)(2)(C) to be met first.

SEC. 242. EXTENSION OF PROHIBITION ON TESTING MID-INFRARED ADVANCED CHEMICAL LASER AGAINST AN OBJECT IN SPACE.

The Secretary of Defense may not carry out a test of the Mid-Infrared Advanced Chemical Laser (MIRACL) transmitter and associated optics against an object in space during 1994 unless such testing is specifically authorized by law.

SEC. 243. TECHNICAL AMENDMENTS TO REFLECT REDESIGNATION OF STRATEGIC DEFENSE INITIATIVE ORGANIZATION.

Section 224 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (10 U.S.C. 2431 note) is amended—

(1) by striking out "Strategic Defense Initiative" each place it appears (other than in subsection (b)(5)) and inserting in lieu thereof "Ballistic Missile Defense program";

(2) by striking out "Strategic Defense Initiative" in subsection (b)(5) and inserting in lieu thereof "Ballistic Missile Defense";

(2) by striking out "SDI" each place it appears and inserting in lieu thereof "BMD"; and

(3) by striking out the section heading and inserting in lieu thereof the following:

"SEC. 224. ANNUAL REPORT ON BALLISTIC MISSILE DEFENSE PROGRAM.".

Subtitle D—Women's Health Research

SEC. 251. DEFENSE WOMEN'S HEALTH RESEARCH CENTER.

(a) ESTABLISHMENT OF CENTER.—(1) Chapter 139 of title 10, United States Code, is amended by inserting after section 2358 the following new section:

"§2359. Defense Women's Health Research Center

"(a) ESTABLISHMENT OF THE CENTER.—The Secretary of Defense shall establish a Defense Women's Health Research Center (hereinafter in this section referred to as the 'Center') in the Department of the Army. The Center shall be under the authority of the Army Health Services Command.

"(b) PURPOSES.—(1) The Center shall be the coordinating agent for multidisciplinary and multiinstitutional research within the Department of Defense on women's health issues related to service in the armed forces. The Center shall be dedicated to development and application of new knowledge, procedures, techniques, training, and equipment for the improvement of the health of women in the armed forces.

"(2) In carrying out or sponsoring research studies, the Center shall provide that the cohort of women in the armed forces shall be considered as control groups.

"(3) The Center shall support the goals and objectives recognized by the Department of Defense under the plan of the Department of Health and Human Services designated as 'Healthy People 2000'.

"(4) The Center shall support initiation and expansion of research into matters relating to women's health in the military, including the following matters as they relate to women in the military:

"(A) Combat stress and trauma.

"(B) Exposure to toxins and other environmental hazards associated with military hardware.

"(C) Psychology related stresses in warfare situations.

"(D) Breast cancer.

"(E) Reproductive health, including pregnancy.

"(F) Gynecological cancers.

"(G) Infertility and sexually transmitted diseases.

"(H) HIV and AIDS.

"(I) Mental health, including post-traumatic stress disorder and depression.

"(J) Menopause, osteoporosis, Alzheimer's disease, and other conditions and diseases related to aging.

"(K) Substance abuse.

"(L) Sexual violence and related trauma.

"(M) Human factor studies related to women in combat.

"(c) REQUIREMENTS RELATING TO ESTABLISHMENT OF CENTER.—The Center may be established only at a facility of the Army in existence on July 1, 1993, having the following characteristics:

"(1) A physical plant immediately available to serve as headquarters for the medical activities to be carried out by the Center.

"(2) Ongoing fellowship and residency programs colocated with ongoing collaborative health-related and interdisciplinary research of (A) a facility of the Department of Veterans Affairs, (B) an accredited university with specialties in medical research and clinical diagnostics, and (C) a hospital owned and operated by a municipality.

"(3) A technologically modern laboratory capability at the site and at the affiliated sites referred to in paragraph (2), with the capability to include state-of-the-art clinical diagnostic instrumentation, data processing, telecommunication, and data storage systems.

"(4) Compatibility with and capability to effectively expand its existing mission in accordance with the mission of the Center under this section.

"(5) Maximum multi-State geographic jurisdiction to permit regional health-related issues to be researched and integrated into national military databases.

"(6) An existing relationship for the provision of services to Native Americans through the Indian Health Service.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2358 the following new item:

"2359. Defense Women's Health Research Center.".

(b) IMPLEMENTATION PLAN.—The Secretary of Defense, acting through the Secretary of the Army and in coordination with the other military departments, shall prepare a plan for the implementation of section 2359 of title 10, United States Code, as added by subsection (a). The plan shall be submitted to the Committees on Armed Services of the Senate and House of Representatives before May 1, 1994.

(c) ACTIVITIES FOR FISCAL YEAR 1994.—During fiscal year 1994, the Center established under section 2359 of title 10, United States Code, as added by subsection (a), shall address the following:

(1) Program planning, infrastructure development, baseline information gathering, technology infusion, and connectivity.

(2) Management and technical staffing.

(3) Data base development of health issues related to service on active duty as compared to service in the National Guard or Reserves.

(4) Research protocols, cohort development, health surveillance and epidemiologic studies.

(d) FUNDING.—Of the funds authorized to be appropriated in section 201, $40,000,000 shall be available only for the establishment of the Center and to complete the planning, staffing, and infrastructure development leading to full operation of the Center by 1995.

SEC. 252. CONTINUATION OF ARMY BREAST CANCER RESEARCH PROGRAM.

During fiscal year 1994, the Secretary of the Army shall continue the breast cancer research program established in the second and third provisos in the paragraph in title IV of the Department of Defense Appropriations Act, 1993 (Public Law 102-396; 106 Stat. 1890) under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY".

SEC. 253. INCLUSION OF WOMEN AND MINORITIES IN CLINICAL RESEARCH PROJECTS.

(a) GENERAL RULE.—In conducting or supporting clinical research, the Secretary of Defense shall ensure that—

(1) women who are members of the Armed Forces are included as subjects in each project of such research; and

(2) members of minority groups who are members of the Armed Forces are included as subjects of such research.

(b) WAIVER AUTHORITY.—The requirement in subsection (a) regarding women and members of minority groups who are members of the Armed Forces may be waived by the Secretary of Defense with respect to a project of clinical research if the Secretary determines that the inclusion, as subjects in the project, of women and members of minority groups, respectively—

(1) is inappropriate with respect to the health of the subjects;

(2) is inappropriate with respect to the purpose of the research; or

(3) is inappropriate under such other circumstances as the Secretary of Defense may designate.

(c) REQUIREMENT FOR ANALYSIS OF RESEARCH.—In the case of a project of clinical research in which women or members of minority groups will under subsection (a) be included as subjects of the research, the Secretary of Defense shall ensure that the project is designed and carried out so as to provide for a valid analysis of whether the variables being tested in the research affect women or members of minority groups, as the case may be, differently than other persons who are subjects of the research.

SEC. 254. REPORT ON RESEARCH RELATING TO FEMALE MEMBERS OF THE UNIFORMED SERVICES AND FEMALE COVERED BENEFICIARIES.

Not later than July 1 of each of 1995, 1996, and 1997, the Secretary of Defense shall submit to Congress a report containing—

(1) a description (as of May 31 of the year in which the report is submitted) of the status of any health research that is being carried out by or under the jurisdiction of the Secretary relating to female members of the uniformed services and female covered beneficiaries under chapter 55 of title 10, United States Code; and

(2) recommendations of the Secretary as to future health research (including a proposal for any legislation relating to such research) relating to such female members and covered beneficiaries.

Subtitle E—Other Matters

SEC. 261. REPEAL OF REQUIREMENT FOR STUDY BY OFFICE OF TECHNOLOGY ASSESSMENT.

Section 802(c) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1414; 10 U.S.C. 2372 note) is repealed.

SEC. 262. COMPREHENSIVE INDEPENDENT STUDY OF NATIONAL CRYPTOGRAPHY POLICY.

(a) STUDY BY NATIONAL RESEARCH COUNCIL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall request the National Research Council of the National Academy of Sciences to conduct a comprehensive study of cryptographic technologies and national cryptography policy. The study shall assess the effect of cryptographic technologies on national security interests of the United States Government, on commercial interests of United States industry, and on privacy interests of United States citizens.

(b) INTERAGENCY COOPERATION WITH STUDY.—The Secretary of Defense shall direct the National Security Agency, the Advanced Research Projects Agency, and other appropriate agencies of the Department of Defense to cooperate fully with the National Research Council in its activities in carrying out the study under this section. The Secretary shall request all other appropriate Federal departments and agencies to provide similar cooperation to the National Research Council.

(c) FUNDING.—Of the amount authorized to be appropriated in section 201 for Defense-wide activities, $800,000 shall be available for the study under this section.

(d) REPORT.—The National Research Council shall complete the study and submit to the Secretary of Defense a report on the study within approximately two years after full processing of security clearances under subsection (e). The report on the study shall set forth the Council's findings and conclusions and the recommendations of the Council for improvements in cryptography policy and procedures. The Secretary shall submit the report to the Committees on Armed Services of the Senate and House of Representatives in unclassified form, with classified annexes as necessary, not later than 120 days after the day on which the report is submitted to the Secretary.

(e) EXPEDITED PROCESSING OF SECURITY CLEARANCES FOR STUDY.—For the purpose of facilitating the commencement of the study under this section, the Secretary of Defense shall expedite to the fullest degree possible the processing of security clearances that are necessary for the National Research Council to conduct the study.

SEC. 263. REVIEW OF ASSIGNMENT OF DEFENSE RESEARCH AND DEVELOPMENT CATEGORIES.

(a) REVIEW REQUIRED.—The Secretary of Defense shall carry out a review of the general content of the research and development categories of the Department of Defense designated as 6.3, 6.4, 6.5, and 6.6, including a review of the criteria for assigning programs to those categories. The review shall examine the assignment of current programs to those categories for the purpose of ensuring that those programs are correctly categorized and assigned program element numbers in accordance with existing Department of Defense policy.

(b) RESPONSIBLE OFFICIAL.—The Secretary of Defense shall designate an official within the Office of the Secretary of Defense to be responsible for monitoring and periodically reviewing program elements for proper categorization to the categories specified in subsection (a).

(c) REPORT.—The Secretary shall include with the budget materials for fiscal year 1995 submitted to Congress by the Secretary in support of the President's budget for that year a report on the implementation of this section. The report (1) shall include a certification (or an explanation of why the Secretary cannot certify) that current research and development programs are correctly categorized as described in subsection (a), and (2) shall specify the official designated under subsection (b).

SEC. 264. ONE-YEAR DELAY IN TRANSFER OF MANAGEMENT RESPONSIBILITY FOR NAVY MINE COUNTERMEASURES PROGRAM.

Section 216 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1317) is amended by striking out "during fiscal years 1994 through 1997" in subsection (a) and inserting in lieu therof "during fiscal years 1995 through 1997".

SEC. 265. STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM.

(a) COMPOSITION OF COUNCIL.—Section 2902(b) of title 10, United States Code, is amended—

(1) by striking out "thirteen members" and inserting in lieu thereof "fourteen members";

(2) in paragraph (1), by striking out "Assistant Secretary of Defense responsible for matters relating to production and logistics" and inserting in lieu thereof "Deputy Under Secretary of Defense for Environmental Security";

(3) by redesignating paragraphs (9) and (10) as paragraphs (10) and (11), respectively; and

(4) by inserting after paragraph (8) the following new paragraph (9):

"(9) The Administrator of the National Oceanic and Atmospheric Administration.".

(b) JOINT PROJECTS.—Section 2902(e)(6) of such title is amended by striking out "and the Administrator of the Environmental Protection Agency," and inserting "the Administrator of the Environmental Protection Agency, and the Administrator of the National Oceanic and Atmospheric Administration,".

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 1994 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance in amounts as follows:

(1) For the Army, $16,462,610,000.

(2) For the Navy, $20,102,493,000.

(3) For the Marine Corps, $1,990,139,000.

(4) For the Air Force, $19,788,648,000.

(5) For Defense-wide activities, $9,069,428,000.

(6) For Medical Programs, Defense, $9,106,685,000.

(7) For the Army Reserve, $1,095,590,000.

(8) For the Naval Reserve, $775,800,000.

(9) For the Marine Corps Reserve, $75,050,000.

(10) For the Air Force Reserve, $1,354,578,000.

(11) For the Army National Guard, $2,223,255,000.

(12) For the Air National Guard, $2,665,233,000.

(13) For the National Board for the Promotion of Rifle Practice, $2,483,000.

(14) For the Defense Inspector General, $169,001,000.

(15) For Drug Interdiction and Counter-drug Activities, Defense-wide, $1,109,439,000.

(16) For the Court of Military Appeals, $5,610,000.

(17) For Environmental Restoration, Defense, $2,309,400,000.

(18) For Chemical Agents and Munitions Destruction, Defense-wide, $308,161,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 1994 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Business Operations Fund, $1,091,095,000.

(2) For the National Defense Sealift Fund, $290,800,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 1994 from the Armed Forces Retirement Home Trust Fund the sum of $61,890,000 for operation of the Armed Forces Retirement Home.

SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCKPILE FUND.

(a) AUTHORITY TO TRANSFER FUNDS.—From amounts in the National Defense Stockpile Transaction Fund that the Secretary of Defense determines are not needed to meet current and estimated future obligations under the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a et seq.), as described in the annual materials plan submitted on May 28, 1993, for the five-year period beginning October 1, 1993, the Secretary of Defense may, to the extent provided in appropriations Acts, transfer not more than $500,000,000 from the Fund to appropriations for operation and maintenance for fiscal year 1994 to be used only for the purpose of reducing the backlog of maintenance and repair (BMAR).

(b) AVAILABILITY.—Amounts transferred pursuant to subsection (a) shall be available for obligation until expended and shall be in addition to any other funds available for the purpose described in such subsection.

(c) TREATMENT OF TRANSFER.—Amounts transferred pursuant to this section shall not increase the amount authorized to be appropriated in section 301 for the account to which the amount is transferred.

Subtitle B—Limitations

SEC. 311. NOTIFICATION REQUIREMENT PRIOR TO TRANSFER OF CERTAIN FUNDS.

The Secretary of Defense may not transfer funds appropriated to operation and maintenance accounts of the Department of Defense for air operations, ship operations, land forces, and combat operations, unless, before the transfer, the Secretary notifies the Congress of the transfer and the reasons for the transfer.

SEC. 312. EXTENSION OF LIMITATION ON THE USE OF CERTAIN FUNDS FOR PENTAGON RESERVATION.

Section 311(a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2364) is amended by striking out "fiscal year 1993" in paragraphs (1) and (3) and inserting in lieu thereof "fiscal years 1993 and 1994".

SEC. 313. PROHIBITION ON OPERATION OF THE NAVAL AIR STATION, BERMUDA.

(a) PROHIBITION.—No funds available to the Department of Defense for operation and maintenance may be used to operate the Naval Air Station, Bermuda.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect 90 days after the date of the enactment of this Act.

SEC. 314. LIMITATION ON THE USE OF APPROPRIATED FUNDS FOR DEPARTMENT OF DEFENSE GOLF COURSES.

(a) IN GENERAL.—(1) Subchapter I of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

"§2246. Department of Defense golf courses: limitation on use of appropriated funds

"(a) LIMITATION.—Except as provided in subsection (b), funds appropriated to the Department of Defense may not be used to equip, operate, or maintain a golf course at a facility or installation of the Department of Defense.

"(b) EXCEPTIONS.—(1) Subsection (a) does not apply to a golf course at a facility or installation outside the United States or at a facility or installation inside the United States at a location designated by the Secretary of Defense as a remote and isolated location.

"(2) The Secretary of Defense shall prescribe regulations governing the use of appropriated funds under this subsection.".

(2) The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2246. Department of Defense golf courses: limitation on use of appropriated funds.".

SEC. 315. CODIFICATION OF PROHIBITION ON THE USE OF CERTAIN COST COMPARISON STUDIES.

(a) IN GENERAL.—Section 2467 of title 10, United States Code, is amended—

(1) by redesignating subsections (a) and (b) as subsections (c) and (d), respectively;

(2) by inserting before subsection (c), as redesignated by paragraph (1), the following new subsections:

"(a) PROHIBITION.—Except as provided in subsection (b), the Secretary of Defense may not enter into a contract for the performance of a commercial activity in any case in which the contract results from a cost comparison study conducted by the Department of Defense under Office of Management and Budget Circular A-76 (or any successor administrative regulation or policy).

"(b) EXCEPTIONS FOR CERTAIN CONTRACTS.—Subsection (a) does not apply to—

"(1) a contract to be carried out at a location outside the United States at which members of the armed forces would have to be used for the performance of an activity described in subsection (a) at the expense of unit readiness; or

"(2) a contract (or the renewal of a contract) for the performance of an activity under contract on September 30, 1992."; and

(3) in subsection (d)(1), as redesignated by paragraph (1), by striking out "Each officer" and inserting in lieu thereof "In any case in which a comparison referred to in subsection (c) is conducted, the officer".

(b) CONFORMING AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§2467. Prohibition on the use of certain cost comparison studies".

(2) The item relating to such section in the table of sections at the beginning of chapter 146 of such title is amended to read as follows:

"2467. Prohibition on the use of certain cost comparison studies.".

(c) REPEAL.—Section 312 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2365) is repealed.

(d) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on September 30, 1993.

SEC. 316. LOCATION OF CERTAIN PREPOSITIONING FACILITIES.

(a) SITE FOR ARMY PREPOSITIONING MAINTENANCE FACILITY.—The Secretary of the Army shall establish the Army Prepositioning Maintenance Facility at Charleston, South Carolina.

(b) LIMITATION.—During the two-year period beginning on the date of the enactment of this Act, the Secretary of Defense shall ensure that separate but complementary prepositioning facilities are maintained in Charleston, South Carolina, and Blount Island, Florida, for the Army and Marine Corps, respectively.

(c) REPORT BEFORE SUBSEQUENT RELOCATION.—After the end of such two-year period, any decision by the Secretary of the Navy to relocate the Marine Prepositioning Forces (MPF) from Blount Island, Jacksonville, Florida, may be made only after the Secretary of Defense has submitted to the Committees on Armed Services of the Senate and House of Representatives a detailed cost and operational analysis explaining the basis of the decision for such relocation.

SEC. 317. USE OF FUNDS FOR NAVY DEPOT BACKLOG.

Of the funds authorized to be appropriated under section 301(2) for operation and maintenance for the Navy, $200,000,000 (representing the amount by which the amount of such funds exceeds the amount specified in the budget of the President for operation and maintenance for the Navy for fiscal year 1994) may be used only to decrease the backlog of depot-level maintenance and repair.

SEC. 318. LIMITATION ON USE OF FUNDS FOR TRIDENT SUBMARINE FORCE.

Amounts authorized to be appropriated under section 301(2) that are made available for operation and support of the trident submarine force may not exceed an amount that equals the difference between—

(1) the amount in the budget submitted by the President for fiscal year 1994 (pursuant to section 1105 of title 31, United States Code) for operation and support of the trident submarine force; and

(2) $100,000,000.

SEC. 319. LIMITATION ON OBLIGATION OF FUNDS IN CONNECTION WITH UPGRADES OR REPAIRS AT THE ARMY RESERVE FACILITY IN MARCUS HOOK, PENNSYLVANIA.

(a) LIMITATION ON OBLIGATION OF FUNDS.—Except as provided in subsection (b), none of the funds appropriated for fiscal year 1994 pursuant to an authorization of appropriations contained in this Act may be obligated or expended to plan or carry out any upgrade, repair, or other construction at the Army Reserve Facility in Marcus Hook, Pennsylvania (in this section referred to as the "Marcus Hook facility"), until after the end of the 30 day-period beginning on the date the Secretary of the Army submits to the congressional defense committees the report required by subsection (c).

(b) EXCEPTION.—Subsection (a) shall not prohibit obligations or expenditures of funds in connection with construction at the Marcus Hook facility if the Secretary certifies to the congressional defense committees in advance that the construction is limited to emergency repairs necessary to continue operations of water craft support at the Marcus Hook facility.

(c) REPORT REQUIRED.—The Secretary shall prepare a report evaluating the suitability of alternative sites within a 100 mile radius of the Marcus Hook facility to replace the facility. The report shall contain, at a minimum, a detailed accounting of—

(1) required pier and building space and available building and pier space at each alternative site;

(2) the costs required to operate comparable spaces at each alternative site;

(3) other users at each alternative site and their space requirements; and

(4) the assets and liabilities at each alternative site.

SEC. 320. PROHIBITION ON CONTRACTS WITH THE BAHRAIN SHIP REPAIRING AND ENGINEERING COMPANY FOR SHIP REPAIR.

(a) PROHIBITION.—Notwithstanding section 7299a of title 10, United States Code, the Secretary of Defense may not enter into a contract with the Bahrain Ship Repairing and Engineering Company for the overhaul, repair, or maintenance of naval vessels until the Secretary certifies to the Committees on Armed Services of the Senate and House of Representatives that at least one of the following conditions exists:

(1) The work was unplanned and is of an emergency nature.

(2) There is a compelling national security reason for the work to be done by the Bahrain Ship Repairing and Engineering Company.

(3) The Bahrain Ship Repairing and Engineering Company initiates legal proceedings, or other proceedings, to compensate the members of the Navy killed as a result of the explosion in the engine room of the U.S.S. Iwo Jima that occurred after the repair of the U.S.S. Iwo Jima by that company.

(b) APPLICABILITY.—Subsection (a) applies with respect to contracts for the overhaul, repair, or maintenance of a naval vessel entered into after the date of enactment of this Act.

SECTION 321. LIMITATION ON CHARTERING OF VESSELS ON WHICH REFLAGGING OR CONVERSION WORK HAS BEEN PERFORMED IN A FOREIGN SHIPYARD.

Section 2631 of title 10, United States Code, is amended—

(1) by inserting "(a)" before "Only vessels"; and

(2) by adding at the end the following new subsection:

"(b)(1) The Secretary of Defense may enter into a time-charter contract for the use of a vessel for the transportation of supplies, in the case of a vessel on which reflagging or repair work was performed during the two-year period preceding the date of the award of the proposed charter, only if such work was performed at a shipyard in the United States (including any territory of the United States).

"(2) In paragraph (1), the term 'reflagging or repair work' means work performed on a vessel—

"(A) to enable the vessel to meet applicable standards to become a vessel of the United States; or

"(B) to convert the vessel to a more useful military configuration.".

SEC. 322. ONE-YEAR PROHIBITION ON REDUCTION OF FORCE STRUCTURE FOR RESERVE COMPONENT SPECIAL OPERATIONS FORCES.

(a) PROHIBITION.—During fiscal year 1994, the Secretary of Defense may not reduce the force structure of the special operations forces of the reserve components below the force structure of those forces as of September 30, 1993.

(b) DEFINITION.—In this section, the term "force structure" means the number and types of units and organizations, and the number of authorized personnel spaces allocated to those units and organizations, in a military force.

SEC. 323. PROHIBITION ON JOINT USE OF SELFRIDGE AIR NATIONAL GUARD BASE, MICHIGAN, WITH CIVIL AVIATION.

The Secretary of the Air Force may not enter into any agreement that would provide for or permit civil aircraft to regularly use Selfridge Air National Guard Base in Harrison Township, Michigan.

Subtitle C—Defense-Wide Funds

SEC. 331. PROHIBITION ON USE OF DEFENSE BUSINESS OPERATIONS FUND.

The Secretary of Defense shall not, after April 15, 1994, manage the performance of any function, activity, fund, or account of the Department of Defense through the Defense Business Operations Fund established by section 316 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1338)). After April 15, 1994, any management through a defense-wide fund of functions, activities, funds, and accounts that were managed through the Defense Business Operations Fund may be only as provided in section 333.

SEC. 332. CLASSIFICATION OF CERTAIN COMPETITIVE AND NONCOMPETITIVE ACTIVITIES OF THE DEPARTMENT OF DEFENSE; NONCOMPETITIVE RATES BOARD.

(a) CLASSIFICATION ACCORDING TO COMPETITIVENESS.—Not later than April 15, 1994, the

Secretary of Defense shall classify each function, fund, activity, and account that is managed by the Secretary under a single, defense-wide fund (including the Defense Business Operations Fund established in section 316 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (P.L. 102–190; 105 Stat. 1338)) according to whether or not the function, fund, activity, or account is suitable for provision and purchase by the Department of Defense in a competitive market. The Secretary of Defense shall revise a classification under this subsection whenever the Secretary considers it to be appropriate.

(b) PRICING AND PERFORMANCE OF COMPETITIVE ACTIVITIES.—The Secretary of Defense shall take any action necessary to provide for competitive pricing and active competition among suppliers for the operation of each function, fund, activity, or account classified as suitable for competition under subsection (a).

(c) RATES FOR NONCOMPETITIVE ACTIVITIES.—The Secretary of Defense shall establish rates and prices, and standards for the rates and prices, for each function, fund, activity, or account classified as not suitable for competition under subsection (a).

(d) NONCOMPETITIVE RATES BOARD.—(1) The Secretary of Defense shall appoint a Noncompetitive Rates Board (in this section referred to as the "Board") to regularly review the rates, prices, and standards established under subsection (c).

(2) The Board shall be composed of 3 individuals, at least one of whom shall have experience in the private-sector performance of functions, funds, activities, and accounts classified as not suitable for competition under subsection (a).

(3)(A) Each member of the Board shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of the duties of the Board.

(B) Each member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(4) The Secretary of Defense shall provide the Board with the information and the administrative, professional, and technical support required by the Board to carry out its duties under this section.

(5) The Board shall annually submit to the congressional defense committees, at the same time as the report required to be submitted under section 333(i), the results of reviews conducted under paragraph (1) and the recommendations of the Board for any legislative and administrative action the Board considers to be appropriate.

SEC. 333. COMPETITIVE AND REGULATED BUSINESS OPERATIONS FUNDS.

(a) AUTHORITY TO BORROW FROM GENERAL FUND.—To the extent provided in appropriations Acts, the Secretary of Defense may borrow from the General Fund of the Treasury such sums as may be necessary to purchase the assets of the Defense Business Operations Fund (in this section referred to as the "DBOF") and to provide for the management of functions, funds, activities, and accounts referred to in subsection (b).

(b) PURCHASE OF DBOF ASSETS.—With amounts borrowed under subsection (a), the Secretary of Defense shall purchase from the DBOF at fair market value—

(1) all assets of each function, fund, activity, or account managed through the DBOF and classified under section 332 as suitable to competition; and

(2) all assets of each function, fund, activity, or account managed through the DBOF and classified under section 332 as not suitable to competition.

(c) PAYMENT OF DBOF PURCHASE AMOUNTS TO THE GENERAL FUND.—Amounts received by the DBOF from the sale of DBOF assets under subsection (b) shall be deposited in the General Fund of the Treasury.

(d) ESTABLISHMENT OF CBOF AND RBOF.—(1) There are established in the Treasury of the United States the following revolving funds:

(A) The "Competitive Business Operations Fund" (in this section referred to as the "CBOF").

(B) The "Regulated Business Operations Fund" (in this section referred to as the "RBOF").

(2) The Secretary of Defense may manage the performance of any function, fund, activity, or account referred to in subsection (b)(1) through the CBOF. The assets of each such fund, function, activity, or account purchased from the DBOF under such subsection shall be transferred to and accounted for in the CBOF.

(3) The Secretary of Defense may manage the performance of any function, fund, activity, or account referred to in subsection (b)(2) through the RBOF. The assets of each such function, fund, activity, or account purchased from the DBOF under such subsection shall be transferred to and accounted for in the RBOF.

(e) REPAYMENT TO THE GENERAL FUND.—The Secretary of Defense shall repay, out of the CBOF, the amount of any sums borrowed under subsection (a) and used to purchase assets for the CBOF. The Secretary of Defense shall repay, out of the RBOF, the amount of any sums borrowed under subsection (a) and used to purchase assets for the RBOF. Interest on the amount borrowed shall be paid quarterly and shall equal the average quarterly rate of interest for funds borrowed by the Treasury. The amount of the repayment and interest shall be deposited in the General Fund of the Treasury.

(f) TREATMENT OF NET GAINS AND LOSSES.—(1) The amount of any net gain from the operation of a function, fund, activity, or account managed through the CBOF or the RBOF shall be deposited in the General Fund of the Treasury.

(2) There are authorized to be appropriated to the CBOF or the RBOF, as the case may be, such sums as may be necessary to make up a net loss from the performance of a function, fund, activity, or account managed through the CBOF or the RBOF, as the case may be.

(g) SEPARATE ACCOUNTING, REPORTING, AND AUDITING.—For purposes of reporting and auditing, the Secretary of Defense shall maintain the separate identity and separate records (including separate records on net gains and losses) for each function, fund, activity, or account managed through the CBOF and the RBOF.

(h) INCLUSION OF OTHER FUNCTIONS IN CBOF AND RBOF.—The Secretary shall notify the Congress of any proposal by the Secretary to manage through the CBOF or the RBOF any function, fund, activity, or account that is in addition to the functions, fund, activities, and accounts referred to in subsection (b).

(i) REPORT.—The Secretary of Defense shall submit to the congressional defense committees, at the same time the Secretary submits the report required under section 113 of title 10, United States Code, a report on the management of functions, funds, activities, and accounts under the CBOF and the RBOF. The report shall include—

(1) an identification of each function, fund, activity, and account that is classified as suitable for competition under section 332 and managed through the CBOF;

(2) an identification of each function, fund, activity, and account that is classified as not suitable for competition under section 332 and managed through the RBOF; and

(3) detailed information on the financial performance and condition of each function, fund, activity, and account identified under paragraphs (1) and (2), including information on net gains and losses.

(j) EFFECTIVE DATE.—This section shall take effect on October 1, 1994.

SEC. 334. EXTENSION OF LIMITATION ON OBLIGATION AGAINST DEFENSE BUSINESS OPERATIONS FUND.

Section 343(a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2377) is amended by striking out "fiscal year 1993" both places it appears and inserting in lieu thereof "a fiscal year".

Subtitle D—Depot-Level Activities

SEC. 341. DEPARTMENT OF DEFENSE DEPOT TASK FORCE.

(a) ESTABLISHMENT.—The Secretary of Defense shall appoint a task force to assess the overall performance and management of depot-level activities of the Department of Defense. The assessment shall include—

(1) an identification of the functions and activities that are suitable for performance by depot-level activities of the Department of Defense;

(2) an identification of the functions and activities that are suitable for performance by non-Government personnel;

(3) an evaluation of the manner and level of performance of such work; and

(4) an evaluation of how rates, prices, and the core workload requirements are determined for work performed by the depot-level activities.

(b) MEMBERSHIP.—The task force shall be composed of individuals who are representatives of the Department of Defense and the private sector and who have expertise in the management and performance of depot-level activities.

(c) PAY AND TRAVEL EXPENSES.—(1) Each member of the task force shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of the duties of the task force.

(2) Each member of the task force shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(d) ADMINISTRATIVE SUPPORT.—The Secretary of Defense shall provide the task force with the administrative, professional, and technical support required by the task force to carry out its duties under this section.

(e) REPORT.—Not later than April 1, 1994, the task force shall submit to the congressional defense committees the results of the assessment conducted under subsection (a) and the recommendations of the task for any legislative and administrative action the task force considers to be appropriate.

(f) TERMINATION.—The task force shall terminate not later than 60 days after submitting its report pursuant to subsection (e).

SEC. 342. RETENTION OF DEPOT-LEVEL MAINTENANCE WORKLOAD MANAGEMENT BY THE MILITARY DEPARTMENTS.

(a) MANAGEMENT OF DEPOT-LEVEL MAINTENANCE WORKLOAD BY THE MILITARY DEPARTMENTS.—Chapter 146 of title 10, United States Code, is amended by adding at the end the following new section:

"§2470. Depot-level maintenance workload: management by the military departments

"The Secretary of Defense may not consolidate the management of the depot-level maintenance workload of the Department of Defense under a single defense-wide entity. The management of any such workload for a military department shall continue to be carried out by the Secretary of the military department.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2470. Depot-level maintenance workload: management by the military departments.".

SEC. 343. PROHIBITION ON PERFORMANCE OF DEPOT-LEVEL SUPPORT PRIMARILY BY NON-GOVERNMENT PERSONNEL.

(a) PROHIBITION.—The Secretary of Defense may not require or permit the long-term, depot-level support of a weapon system referred to in subsection (b) to be provided primarily by non-Government personnel.

(b) COVERED WEAPON SYSTEMS.—A weapon system referred to in subsection (a) is a weapon system—

(1) which has not entered production by the date of the enactment of this Act; or

(2) which has entered production by the date of the enactment of this Act but is planned for depot-level support primarily by Government or non-Government personnel.

SEC. 344. PROHIBITION ON PERFORMANCE OF CERTAIN DEPOT-LEVEL WORK BY FOREIGN CONTRACTORS.

(a) IN GENERAL.—(1) Chapter 146 of title 10, United States Code, as amended by section 342, is amended by adding at the end the following new section:

"§2471. Prohibition on performance of certain depot-level work by foreign contractors

"(a) PROHIBITION.—The Secretary of Defense may not contract for the performance by a person or organization described in subsection (b) of any depot-level maintenance work that, in the determination of the Secretary, could be performed in the United States on a cost-effective basis and without significant adverse effect on the readiness of the armed forces.

"(b) COVERED PERSONS AND ORGANIZATIONS.—A person or organization referred to in subsection (a) is a person or organization—

"(1) which does not perform substantially all of its activities as part of the 'national technology and industrial base', as such term is defined in paragraph (1) of section 2491; and

"(2) which is not a citizen or permanent resident of a country referred to in such paragraph, or, if applicable, the majority of which is owned or controlled by citizens or permanent residents of any such country.".

(2) The table of sections at the beginning of such chapter, as amended by section 342, is amended by adding at the end the following new item:

"2471. Prohibition on performance of certain depot-level work by foreign contractors.".

(b) EFFECTIVE DATE.—Section 2471 of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts entered into after the expiration of the 90-day period beginning on the date of the enactment of this Act.

SEC. 345. MODIFICATION OF LIMITATION ON THE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE OF MATERIEL.

(a) MODIFICATION OF LIMITATION.—Subsection (a)(1) of section 2466 of title 10, United States Code, is amended by striking out "for the military department or the Defense Agency" and inserting in lieu thereof "with respect to each type of materiel or equipment, including ships, aircraft, ordinance, supply, and land forces, for the military department and the Defense Agency".

(b) REPORT.—Subsection (e) of such section is amended to read as follows:

"(e) REPORT.—Not later than January 15, 1995, the Secretary of each military department and, with respect to the Defense Agencies, the Secretary of Defense shall jointly submit to the Congress a report describing the progress during the preceding fiscal year to achieve and maintain the percentage of depot-level maintenance required to be performed by employees of the Department of Defense pursuant to subsection (a).".

SEC. 346. CLARIFICATION OF LIMITATION ON THE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE OF MATERIEL FOR NEW WEAPON SYSTEMS.

(a) CLARIFICATION OF LIMITATION.—Subsection (a) of section 2466 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) The Secretary concerned shall, within 5 years after the initial delivery of a weapon system to the Department of Defense, provide for the performance by employees of the Department of Defense of not less than 60 percent of the depot-level maintenance of the weapon system.".

(b) CONFORMING AMENDMENT.—Paragraph (1) of such subsection, as amended by section 345(a), is further amended by striking out "paragraph (2)" and inserting in lieu thereof "paragraphs (2) and (3)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to a weapon system delivered after the date of the enactment of this Act.

Subtitle E—Commissaries and Military Exchanges

SEC. 351. EXPANSION AND CLARIFICATION OF COMMISSARY AND EXCHANGE BENEFITS.

(a) EXPANSION OF FORMER SPOUSES' ELIGIBILITY.—Section 1062 of title 10, United States Code, is amended to read as follows:

"§1062. Certain former spouses

"(a) ELIGIBILITY.—The Secretary of Defense shall prescribe such regulations as may be necessary to provide that a former spouse described in subsection (b) is entitled to commissary and exchange privileges to the same extent and on the same basis as the surviving spouse of a retired member of the uniformed services.

"(b) COVERED FORMER SPOUSES.—Subsection (a) applies to any person who—

"(1) is an unremarried former spouse of a member or former member who performed at least 20 years of service which is creditable in determining the member or former member's eligibility for retired or retainer pay; and

"(2) on the date of the final decree of divorce, dissolution, or annulment had been married to the member or former member for a period of at least 20 years, at least 12 of which were during the period the member or former member performed service creditable in determining the member or former member's eligibility for retired or retainer pay.".

(b) EXPANSION OF RESERVE MEMBERS' ELIGIBILITY.—(1) Section 1063 of such title is amended—

(A) in subsection (a)(1)—

(i) by inserting "for such calendar year on the same basis as members on active duty" before the period in the first sentence; and

(ii) by striking out the second sentence;

(B) by striking out subsection (b); and

(C) by redesignating subsection (c) as subsection (b).

(2) The heading of such section is amended to read as follows:

"§1063. Members of the Ready Reserve".

(c) EXPANSION OF ELIGIBILITY FOR PERSONS QUALIFIED FOR CERTAIN RETIRED PAY BUT UNDER AGE 60.—(1) Section 1064 of such title is amended by striking out "for 12 days each calendar year" and inserting in lieu thereof "on the same basis as a person who is eligible for such retired pay".

(2) The heading of such section is amended to read as follows:

"§1064. Persons qualified for retired pay under chapter 67 but under age 60".

(d) EXTENSION OF BENEFITS TO CERTAIN FORMER ENLISTED MEMBERS.—(1) The Secretary of Defense shall prescribe regulations to allow a person described in paragraph (2), and the survivors of such person, to use commissary and exchange stores of the Department of Defense on the same basis as officers retired for disability under chapter 61 of title 10, United States Code, and the survivors of such officers, respectively.

(2) Paragraph (1) applies to any person who was discharged with a disability from the Armed Forces on or before October 1, 1949, and—

(A) who at the time of such discharge was an enlisted member who had completed less than 20 years of active service; and

(B) who, if such person had been an officer at the time of such discharge, would have been eligible for disability retirement under the Career Compensation Act of 1949.

(e) CLARIFICATION OF USE OF CERTAIN FACILITIES BY CERTAIN PERSONS.—Section 1065(a) of such title is amended—

(1) in the first sentence, by striking out "Armed Forces" and inserting in lieu thereof "armed forces"; and

(2) by striking out the second sentence and inserting in lieu thereof the following: "For a member of the Selected Reserve, and the dependents of such member, such use shall be permitted on the same basis as a member on active duty. For a member who would be eligible for retired pay under chapter 67 but for the fact that the member is under 60 years of age, and the dependents of such member, such use shall be on the same basis as a member eligible for such retired pay.".

(f) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 54 of such title is amended by striking out the items relating to sections 1063 and 1064 and inserting in lieu thereof the following items:

"1063. Members of the Ready Reserve.
"1064. Persons qualified for retired pay under chapter 67 but under age 60.".

SEC. 352. PROHIBITION ON OPERATION OF COMMISSARY STORES BY ACTIVE DUTY MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Chapter 49 of title 10, United States Code, is amended by inserting after section 976 the following new section:

"§977. Operation of commissary stores: assignment of active duty members generally prohibited

"(a) GENERAL RULE.—A member of the armed forces on active duty may not be assigned to the operation of a commissary store.

"(b) EXCEPTION FOR DCA DIRECTOR.—The Secretary of Defense may assign an officer on the active-duty list to serve as the Director of the Defense Commissary Agency.

"(c) EXCEPTION FOR CERTAIN ADDITIONAL MEMBERS.—Beginning on October 1, 1996, not more than 18 additional members of the armed forces on active duty may be assigned to the Defense Commissary Agency. Assignment of such member to regional headquarters of that Agency shall be limited to enlisted advisors for those regions responsible for overseas commissaries and to veterinary specialists.

"(d) EXCEPTION FOR CERTAIN NAVY PERSONNEL.—(1) The Secretary of the Navy may assign to the Defense Commissary Agency a member of the Navy whose assignment afloat is part of the operation of a ship's food service or a ship's store. Any such assignment shall be on a non-reimbursable basis.

"(2) The number of such members assigned to the Defense Commissary Agency during any period before October 1, 1996, may not exceed the number of such members so assigned on October 1, 1993. After September 30, 1996, the number of *such members so assigned may not exceed the lesser of (A) the number of members so assigned on October 1, 1993, and (B) 400.".*

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 976 the following new item:

"977. Operation of commissary stores: assignment of active duty members generally prohibited.".

SEC. 353. MODERNIZATION OF AUTOMATED DATA PROCESSING CAPABILITY OF THE DEFENSE COMMISSARY AGENCY.

In order to perform inside the Defense Commissary Agency (in this section referred to as the "Agency") all automated data processing functions of the Agency as soon as possible, the Secretary of Defense shall take any action necessary to expedite the modernization of the automated data processing capability of the Agency. Such action may include the modification of existing contracts with contractors supplying automated data processing services to the Agency.

SEC. 354. OPERATION OF STARS AND STRIPES BOOKSTORES BY THE MILITARY EXCHANGES.

The Secretary of Defense shall prescribe regulations providing for the operation, not later than April 15, 1994, of Stars and Stripes bookstores outside of the United States by the military exchanges.

SEC. 355. AVAILABILITY OF FUNDS FOR NEXCOM RELOCATION EXPENSES.

Of funds authorized to be appropriated under section 301(2), $10,000,000 shall be available to provide for the payment of expenses incurred by the Navy Exchange Service Command to relocate functions and activities from the Naval Station, Staten Island, to the Naval Base, Norfolk.

Subtitle F—Other Matters

SEC. 361. EMERGENCY AND EXTRAORDINARY EXPENSE AUTHORITY FOR THE INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.

Section 127 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence, by inserting ", the Inspector General of the Department of Defense," after "the Secretary of Defense";

(B) in the second sentence, by inserting "or the Inspector General of the Department of Defense" after "the Secretary concerned"; and

(C) in the third sentence, by inserting "or the Inspector General of the Department of Defense" after "The Secretary concerned";

(2) in subsection (b), by inserting ", by the Inspector General of the Department of Defense to a person in the Office of the Inspector General," after "the Department of Defense"; and

(3) in subsection (c)—

(A) by inserting "(1)" after "(c)"; and

(B) by adding after paragraph (1), as so designated by subparagraph (A), the following new paragraph:

"(2) The amount of funds expended by the Inspector General of the Department of Defense under subsections (a) and (b) during a fiscal year may not exceed $400,000.".

SEC. 362. AUTHORITY FOR CIVILIAN ARMY EMPLOYEES TO ACT ON REPORTS OF SURVEY.

Section 4835 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting "or any civilian employee of the Department of the Army" after "any officer of the Army"; and

(2) in subsection (b), by striking out "an officer of the Army designated by him." and inserting in lieu thereof "the Secretary's designee. The Secretary may designate officers of the Army or civilian employees of the Department of the Army to approve such action.".

SEC. 363. EXTENSION OF GUIDELINES FOR REDUCTIONS IN CIVILIAN POSITIONS.

(a) Extension of Guidelines.—Section 1597 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out "during fiscal year 1993" and inserting in lieu thereof "during a fiscal year"; and

(2) in subsection (b), by striking out "for fiscal year 1993".

(b) Update of Master Plan.—Section 1597(c) of such title is amended—

(1) in paragraph (1), by striking out "for fiscal year 1994" and inserting in lieu thereof "for a fiscal year"; and

(2) by adding at the end the following new paragraph:

"(4) The Secretary of Defense shall include in the materials referred in paragraph (1), a report on the implementation of the master plan for the fiscal year immediately preceding the fiscal year for which such materials were submitted.".

SEC. 364. AUTHORITY TO EXTEND MAILING PRIVILEGES.

Paragraph (1) of section 3401(a) of title 39, United States Code, is amended—

(1) in the matter before subparagraph (A)—

(A) by inserting "an individual who is" before "a member"; and

(B) by inserting "or a civilian, otherwise authorized to use postal services at Armed Forces installations, who holds a position or performs one or more functions in support of military operations, as designated by the military theater commander," after "section 101 of title 10,"; and

(2) in subparagraphs (A) and (B) by striking "the member" and inserting "such individual".

SEC. 365. EXTENSION AND MODIFICATION OF PILOT PROGRAM TO USE NATIONAL GUARD PERSONNEL IN MEDICALLY UNDERSERVED COMMUNITIES.

(a) Pilot Program.—Subsection (a) of section 376 of the National Defense Authorization Act for Fiscal Year 1993 (P.L. 102–484; 106 Stat. 2385) is amended—

(1) by striking out "Under regulations prescribed by the Secretary of Defense, the" and inserting in lieu thereof "The";

(2) by inserting ", approved by the Secretary of Defense," after "enter into an agreement"; and

(3) by striking out "fiscal years 1993 and 1994" and inserting in lieu thereof "fiscal years 1993, 1994, and 1995".

(b) Funding Assistance.—Subsection (b) of such section is amended to read as follows:

"(b) Funding Assistance.—Amounts made available from Department of Defense accounts for operation and maintenance and for pay and allowances to carry out the pilot program shall be apportioned by the Chief of the National Guard Bureau among those States with which the Chief has entered into approved agreements. In addition to such amounts, the Chief of the National Guard Bureau may authorize any such State, in order to carry out the pilot program during a fiscal year, to use funds received as part of the operation and maintenance and pay and allowances allotments for the National Guard of the State for that fiscal year. The amount of such funds that may be used to carry out the pilot program during that fiscal year may not exceed 25 percent of the amount used for medical training of the National Guard of the State during the fiscal year immediately before that fiscal year.".

(c) Supplies and Equipment.—Such section is further amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) Supplies and Equipment.—(1) Funds made available from Department of Defense operation and maintenance accounts to carry out the pilot program may be used for the purchase of supplies and equipment necessary for the provision of health care under the pilot program.

"(2) In addition to supplies and equipment provided through the use of funds under paragraph (1), supplies and equipment described in such paragraph that are furnished by a State, a Federal agency, or any other person may be used to carry out the pilot program.".

(d) Service of Participants.—Subsection (f) of such section, as redesignated by subsection (c)(1), is amended to read as follows:

"(f) Service of Participants.—Service in the pilot program by a member of the National Guard is training in the member's Federal status as a member of the National Guard of a State under section 270 of title 10, United States Code, and section 502 of title 32, United States Code.".

(e) Report.—Subsection (g) of such section, as redesignated by subsection (c)(1), is amended by striking out "January 1, 1994" and inserting in lieu thereof "January 1, 1995".

(f) Definitions.—Such section is further amended by adding at the end the following new subsection:

"(h) Definitions.—For purposes of this section:

"(1) The term 'health care' includes medical and dental care services.

"(2) The term 'Governor' means, with respect to the District of Columbia, the commanding general of the District of Columbia National Guard.

"(3) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.".

SEC. 366. AMENDMENTS TO THE ARMED FORCES RETIREMENT HOME ACT OF 1991.

(a) Relationship to Department of Defense.—Section 1511 of the Armed Forces Retirement Home Act of 1991 (title XV of P.L. 101–510; 104 Stat. 1723) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

"(e) Department of Defense Support.—The Secretary of Defense may make available to the Retirement Home, on a nonreimbursable basis, administrative support and office services, legal and policy planning assistance, access to investigative facilities of the Inspector General of the Department of Defense and of the military departments, and any other support necessary to enable the Retirement Home to carry out its functions under this Act.".

(b) Authority of Retirement Home Chairman.—Subsection (d)(1) of section 1515 of such Act (104 Stat. 1727) is amended to read as follows:

"(d) Chairmen.—(1)(A) The Secretary of Defense shall select one of the members of the Retirement Home Board to serve as chairman. The term of office of the chairman shall be five years with eligibility for selection to serve a second five-year term at the discretion of the Secretary. The chairman shall act as the chief executive officer of the Retirement Home, and shall not be responsible to the Secretary of Defense or to the Secretaries of the military departments for overall direction and management of the Retirement Home and each facility maintained as a separate facility of the Retirement Home.

"(B) The chairman may appoint, in addition to such ad hoc committees as the chairman determines to be appropriate, a standing executive committee to act for, and in the name of, the Retirement Home Board at such times and on such matters as the chairman considers necessary to expedite the efficient and timely management of each facility maintained as a separate facility of the Retirement Home.

"(C) The chairman may appoint an administrative staff to assist the chairman in the performance of such individual's duties as the

chairman of the Retirement Board and chief executive officer of the Retirement Home. The chairman shall determine the rate of pay for such staff, except that a staff member who is a member of the Armed Forces on active duty or who is a full-time officer or employee of the United States shall receive no additional pay by reason of service on the administrative staff.''.

(c) HOSPITAL CARE FOR HOME RESIDENTS.—The second sentence of section 1513(b) of such Act (104 Stat. 1725) is amended to read as follows: ''Secondary and tertiary hospital care for residents that is not available at a facility maintained as a separate establishment of the Retirement Home shall, to the extent available, be obtained by agreement with the Secretary of Veterans Affairs or the Secretary of Defense in a facility administered by such Secretary. The Retirement Home shall not be responsible for the costs incurred for such care by a resident of the Retirement Home who uses a private medical facility for such care.''.

(d) DISPOSITION OF ESTATES OF DECEASED RESIDENTS.—Section 1520(a) of such Act (104 Stat. 1731) is amended to read as follows:

''(a) EFFECTS OF DECEASED PERSONS.—The Director of a facility maintained as a separate establishment of the Retirement Home shall safeguard and dispose of the estate and personal effects of deceased residents, including effects delivered to the Retirement Home under subsections 4712(f) and 9712(f) of title 10, United States Code, and shall ensure the following:

''(1) A will or other instrument of a testamentary nature involving property rights executed by a resident shall be promptly delivered, upon the death of the resident, to the proper court of record. All property left by the deceased resident shall be held for disposition as directed by the court.

''(2) In the event a resident dies intestate and the heirs or legal representative of the deceased cannot be immediately ascertained, the Director shall retain all property left by the decedent for a three-year period beginning on the date of the death. If entitlement to such property is established to the satisfaction of the Director at any time during the three-year period, the Director shall distribute the decedent's property, in equal pro-rata shares when multiple beneficiaries have been identified, to the highest following categories of identified survivors (listed in the order of precedence indicated):

''(A) The surviving spouse or legal representative.

''(B) The children of the deceased.

''(C) The parents of the deceased.

''(D) The siblings of the deceased.

''(E) The next-of-kin of the deceased.''.

(e) SALE OF EFFECTS.—Subsection (b) of such section is amended to read as follows:

''(b) SALE OF EFFECTS.—(1) In the event the disposition of the estate of a resident of the Retirement Home cannot be accomplished under subsection (a)(2), the entirety of the deceased resident's domiciliary estate and the entirety of any ancillary estate that are unclaimed at the end of the three-year period beginning on the date of the death of the resident shall escheat to the Retirement Home. Upon the sale of any such unclaimed estate property, the proceeds of the sale shall be deposited in the Retirement Home Trust Fund. In the event a personal representative or other fiduciary is appointed to administer a deceased resident's unclaimed estate before the end of such three-year period, the balance of the entire net proceeds of the estate, less estate expenses, shall be directly deposited to any local court fund, subject to a claim by the Comptroller General of the United States. This paragraph shall apply to the estate of a resident of the Soldiers' and Airmen's Home or of the Naval Home who dies after November 29, 1989.

''(2) The Director of a facility maintained as a separate establishment of the Retirement Home may designate an attorney to serve as attorney-general for the facility in any probate proceeding in which the Retirement Home may have a legal interest as nominated fiduciary, testamentary legatee, escheat legatee, or in any other capacity. The attorney-general may, in the domiciliary jurisdiction of the deceased resident and in any ancillary jurisdictions, petition for appointment as fiduciary under any resulting court appointment. In a probate proceeding in which the heirs of an intestate deceased resident cannot be located, the attorney-agent shall be appointed as the fiduciary of the estate of the decedent.

''(3) The designation of a facility of the Retirement Home as personal representative of the estate of a resident of the Retirement Home or as a legatee under the will or codicil of the resident shall not disqualify an employee or staff member of that facility from serving as an eligible witness to a will or codicil of the resident.

''(4) After the expiration of the three-year period beginning on the date of the death of a resident of the facility, the Director of the facility shall dispose of all property of the deceased resident that is not otherwise disposed of as provided for in this subsection, including personal effects such as decorations, medals, and citations to which a right has not been established under subsection (a). Disposal may be made within the discretion of the Director by—

''(A) retaining such property or effects for the facility;

''(B) offering such items to the Secretary of Veterans Affairs, a State, another military home, a museum, or any other institution having an interest; or

''(C) destroying any items the Director concerned considers to be valueless.''.

SEC. 367. REQUIRED PAYMENT DATE UNDER PROMPT PAYMENT ACT FOR PROCUREMENT OF BAKED GOODS.

In the case of the acquisition of baked goods by the Department of Defense, the required payment date for purposes of section 3902 of title 31, United States Code (relating to interest penalties for failure to pay contractors by the required payment date), shall be the same as applies under the regulations prescribed under section 3903(a)(4) of such title in the case of the acquisition of edible oils or fats by the Department of Defense.

SEC. 368. PROVISION OF FACILITIES AND SERVICES OF THE DEPARTMENT OF DEFENSE TO CERTAIN EDUCATIONAL ENTITIES.

(a) PROVISION OF FACILITIES AND SERVICES.—Chapter 152 of title 10, United States Code, is amended by adding at the end the following new section:

"§2553. Facilities and services: certain educational entities

''(a) USE OF FACILITIES.—The Secretary may permit an entity referred to in subsection (c) to use, on a reimbursable or nonreimbursable basis, any facility of the Department of Defense that the Secretary determines will assist that entity in achieving its educational goals.

''(b) USE OF SERVICES.—The Secretary may make available to an entity referred to in subsection (c), on a reimbursable or nonreimbursable basis, the services of any member of the armed forces or employee of the Department of Defense who the Secretary determines will assist that entity in achieving its education goals.

''(c) COVERED ENTITIES.—The entities referred to in subsections (a) and (b) are the following:

''(1) The United States Space Camp.

''(2) The United States Space Academy.

''(3) The Aviation Challenge.

''(4) The National Flight Academy.

''(d) OPERATION OF THE NATIONAL FLIGHT ACADEMY.—After the completion of the facilities of the National Flight Academy, the Secretary of the Navy may accept the donation of such facilities from the Naval Aviation Museum Foundation (or a successor entity of the Foundation). If the donation occurs, the Secretary of the Navy may, by regulations prescribed under subsection (f), permit the Naval Aviation Museum Foundation (or any successor entity) to operate and maintain such facilities.

''(e) NONINTERFERENCE WITH ARMED FORCES OPERATIONS.—The provision of facilities and services under subsections (a) and (b) may not interfere with the normal operations and missions of the armed forces.

''(f) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section, including regulations establishing reasonable rates for a reimbursement under subsection (a).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of such chapter is amended by adding at the end the following new item:

''2553. Facilities and services: certain educational entities.''.

SEC. 369. MODIFICATION OF RESTRICTION ON REPAIR OF CERTAIN VESSELS THE HOMEPORT OF WHICH IS PLANNED FOR REASSIGNMENT.

Section 7310(b) of title 10, United States Code, as inserted by section 814(b), is amended to read as follows:

''(b) VESSEL CHANGING HOMEPORTS.—(1) In the case of a naval vessel the homeport of which is not in the United States (or a territory of the United States), the Secretary of the Navy may not during the 15-month period preceding the planned reassignment of the vessel to a homeport in the United States (or a territory of the United States) begin any work for the overhaul, repair, or maintenance of the vessel that is scheduled to be for a period of more than six months.

''(2) In the case of a naval vessel the homeport of which is in the United States (or a territory of the United States), the Secretary of the Navy shall during the 15-month period preceding the planned reassignment of the vessel to a homeport not in the United States (or a territory of the United States) perform in the United States (or a territory of the United States) any work for the overhaul, repair, or maintenance of the vessel that is scheduled to be for a period of more than six months.''.

SEC. 370. ESCORTS AND FLAGS FOR CIVILIAN EMPLOYEES WHO DIE WHILE SERVING IN AN ARMED CONFLICT WITH THE ARMED FORCES.

(a) IN GENERAL.—Chapter 75 of title 10, United States Code, is amended by inserting after section 1482 the following new section:

"§1482a. Expenses incident to death: civilian employees serving in a contingency operation

''(a) PAYMENT OF EXPENSES.—The Secretary concerned may pay the following expenses incident to the death of a civilian employee who dies while serving with an armed force in a contingency operation:

''(1) Round-trip transportation and prescribed allowances for one person to escort the remains of the employee to the place authorized under section 5742(b)(1) of title 5.

''(2) Presentation of a flag of the United States to the next of kin of the employee.

''(3) Presentation of a flag of equal size to the flag presented under paragraph (2) to the parents or parent of the employee, if the person to be presented a flag under paragraph (2) is other than the parent of the employee.

''(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations to implement this section. The Secretary of Transportation shall prescribe regulations to implement this section with regard to civilian employees of the Department

of Transportation. Such regulations shall be uniform to the extent possible.

"(c) DEFINITIONS.—In this section:

"(1) The term 'parent' has the meaning given such term in section 1482(a)(11) of this title.

"(2) The term 'Secretary concerned' includes the Secretary of Defense with respect to employees of the Department of Defense who are not employees of a military department.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 75 of such title is amended by inserting after the item relating to section 1482 the following new item:

"1482a. Expenses incident to death: civilian employees serving in a contingency operation.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the payment of incidental expenses for civilian employees who die while serving in a contingency operation that occurs after the date of the enactment of this Act.

SEC. 371. MAINTENANCE OF PACIFIC BATTLE MONUMENTS.

(a) AUTHORITY.—The Commandant of the Marine Corps may provide necessary minor maintenance and repairs to the Pacific battle monuments until such time as the Secretary of the American Battle Monuments Commission and the Commandant of the Marine Corps agree that the repair and maintenance will be performed by the American Battle Monuments Commission.

(b) FUNDING.—Of the amounts made available to the Marine Corps for operation and maintenance in a fiscal year, not more than $15,000 shall be available to repair and maintain Pacific battle monuments, except that of the amounts available to the Marine Corps for operation and maintenance in fiscal year 1994, $150,000 shall be available to repair and relocate a monument located on Iwo Jima commemorating the heroic efforts of American military personnel during World War II.

SEC. 372. EXCLUSIVE USE OF AIRCRAFT CARRIER FOR FULL-TIME TRAINING.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that the aviation training requirements of the Navy can be adequately achieved in a safe and cost-effective manner only if an aircraft carrier is used exclusively and on a full-time basis to meet such requirements.

(b) USE OF CARRIER.—The Secretary of the Navy shall use the U.S.S. Forestall (or another aircraft carrier designated by the Secretary) exclusively and on a full-time basis to meet the aviation training requirements of the Navy.

SEC. 373. REPORT ON CERTAIN EDUCATIONAL ARRANGEMENTS FOR CHILDREN RESIDING ON MILITARY INSTALLATIONS IN THE UNITED STATES.

(a) REPORT.—(1) Not later than March 31, 1994, the Secretary of Defense shall submit to the congressional committees referred to in paragraph (2) a report on any educational arrangement referred to in subsection (b) that is made by the Secretary of Defense for children residing on military installations in the United States. The report shall contain the assessment and recommendations of the Secretary of Defense regarding the justification of the continuing need for school facilities under any such educational arrangement.

(2) The congressional committees referred to in paragraph (1) are the Committees on Armed Services of the Senate and House of Representatives, the Committee on Labor and Human Resources of the Senate, and the Committee on Education and Labor of the House of Representatives.

(b) COVERED ARRANGEMENTS.—An educational arrangement referred to in subsection (a) is an arrangement of the kind that may be made under section 6 of the Act of September 30, 1950 (20 U.S.C. 241).

SEC. 374. ONE-YEAR EXTENSION OF CERTAIN PROGRAMS.

(a) DEMONSTRATION PROJECT FOR USE OF PROCEEDS FROM THE SALE OF CERTAIN PROPERTY.—(1) Section 343(d)(1) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1344) is amended by striking out "terminate at the end of the two-year period beginning on the date of the enactment of this Act" and inserting in lieu thereof "terminate on December 5, 1994".

(2) Section 343(e) of such Act is amended by striking out "60 days after the end of the two-year period described in subsection (d)" and inserting in lieu thereof "February 3, 1995".

(b) AUTHORITY FOR AVIATION DEPOTS AND NAVAL SHIPYARDS TO ENGAGE IN DEFENSE-RELATED PRODUCTION AND SERVICES.—Section 1425(e) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1684) is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1994".

(c) AUTHORITY OF BASE COMMANDERS OVER CONTRACTING FOR COMMERCIAL ACTIVITIES.—Section 2468(f) of title 10, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1994".

Subtitle G—Environmental Provisions

SEC. 381. MODIFICATION OF ANNUAL REPORT ON ENVIRONMENTAL RESTORATION AND COMPLIANCE BY THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Section 2706 of title 10, United States Code, is amended to read as follows:

"§2706. Annual report to Congress

"(a) REPORT.—Each year, at the same time the President submits to the Congress the budget for a fiscal year (pursuant to section 1105 of title 31), the Secretary of Defense shall submit to the Congress a report that describes the progress made by the Secretary of Defense in implementing environmental restoration and compliance activities at military installations.

"(b) CONTENTS OF REPORT.—Each such report shall include the following:

"(1) With respect to environmental restoration activities for each military installation, the following:

"(A) A statement of the number of individual facilities at which a hazardous substance has been identified.

"(B) The status of response actions contemplated or undertaken at each such facility.

"(C) The specific cost estimates and budgetary proposals involving response actions contemplated or undertaken at each such facility.

"(D) The amount of funds obligated for each response action, and the progress made on implementing the response action, during the previous fiscal year, with explanations for any cost variance from such previous year's estimates of more than 15 percent or $10,000,000 (whichever is greater), or any schedule slippage of more than 180 days.

"(E) The amount allocated for, and the progress the Department expects to make in implementing, each response action during the current fiscal year.

"(F) The amount requested for each response action for the fiscal year for which the President's budget is submitted, and the progress the Secretary expects to make during that fiscal year in implementing the response action. If such information is not available at the time of the submission of the report, the Secretary shall, to the maximum extent possible, provide the information in a supplemental report not later than 30 days after submission of the report.

"(G) The costs incurred to date for each response action.

"(H) The estimated cost to complete the environmental restoration activities, including, where relevant, the estimated cost in five-year increments.

"(I) The estimated final date for completion of the environmental restoration activities, including, where relevant, the estimated progress, in five-year increments, toward completion.

"(2) With respect to compliance activities, the following:

"(A) A statement of the funding levels and full-time personnel required for the Department of Defense to comply with applicable environmental laws during the fiscal year for which the budget is submitted. The statement shall set forth separately the funding levels and personnel required for the Department of Defense as a whole and for each military installation.

"(B) A statement of the funding levels and full-time personnel requested for such purposes in the budget as submitted by the President, together with an explanation of any differences between the funding level and personnel requirements and the funding level and personnel requests in the budget. The statement shall set forth separately the funding levels and full-time personnel requested for the Department of Defense as a whole and for each military installation.

"(C) A projection of the funding levels and full-time personnel that will be required over the next five fiscal years for the Department of Defense to comply with applicable environmental laws, set forth separately for the Department of Defense as a whole and for each military installation.

"(D) An analysis of the effect that compliance with such environmental laws may have on the operations and mission capabilities of the Department of Defense as a whole and of each military installation.

"(E) A statement of the funding levels requested in the budget for carrying out research, development, testing, and evaluation for environmental purposes or environmental activities of the Department of Defense. The statement shall set forth separately the funding levels requested for the Department of Defense as a whole and for each military department and Defense Agency.

"(F) A description of the number and duties of current full-time personnel, both civilian and military, who carry out environmental activities (including research) for the Department of Defense, including a description of the organizational structure of such personnel from the Secretary of Defense down to the military installation level.

"(G) A statement of the funding levels and personnel required for the Department of Defense to comply with applicable environmental requirements for military installations located outside the United States during the fiscal year for which the budget is submitted.

"(c) DEFINITIONS.—In this section:

"(1) The term 'military installation'—

"(A) includes—

"(i) each facility or site owned by, leased to, or otherwise possessed by the United States and under the jurisdiction of the Secretary;

"(ii) each facility or site which was under the jurisdiction of the Secretary and owned by, leased to, or otherwise possessed by the United States at the time of actions leading to contamination by hazardous substances; and

"(iii) each facility or site at which the Secretary is conducting environmental restoration activities funded through the Defense Environmental Restoration Account established under section 2703, the Department of Defense Base Closure Account 1990 established under section 2906 of the Defense Base Closure and Realignment Act of 1990 (title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), the Department of Defense Base Closure Account established under section 207 of the Defense Authorization Amendments and Base Closure and Realignment Act

(10 U.S.C. note), a successor account to any such accounts, or any other account established in connection with the closing or realigning of a military installation;

"(B) means a base, camp, post, station, yard, center, or other activity under the jurisdiction of the Department of Defense, including any leased facility, which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, or Guam; and

"(C) does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

"(2) The term 'response' has the same meaning given such term in section 101(25) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(25)).".

(b) Clerical Amendment.—The item relating to section 2706 in the table of sections at the beginning of chapter 160 of such title is amended to read as follows:

"2706. Annual report to Congress.".

SEC. 382. INDEMNIFICATION OF TRANSFEREES OF CLOSING DEFENSE PROPERTY.

Section 330 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2371) is amended—

(1) in subsection (a)(1)—

(A) by striking out "hazardous substance or pollutant or contaminant" and inserting in lieu thereof "hazardous substance, pollutant or contaminant, or petroleum or its derivatives"; and

(B) by inserting "(including the activities of any contractor or subcontractor of the Department of Defense other than a response action contractor)" after "Department of Defense activities";

(2) in subsection (a)(2), by striking out "described in this paragraph" and inserting in lieu thereof "referred to in paragraph (1)";

(3) in subsection (a)(3)—

(A) by striking out "the persons and entities described in paragraph (2)" and inserting in lieu thereof "a person or entity described in paragraph (2)"; and

(B) by inserting "to that person or entity" before the period;

(4) in subsection (b)—

(A) in paragraph (2), by inserting "person or" before "entity"; and

(B) in paragraph (4), by inserting "person or" before "entity";

(5) in subsection (c), by inserting "or entity" after "person" each place it appears;

(6) in subsection (d)—

(A) by striking out "plaintiff" and inserting in lieu thereof "person or entity seeking indemnification under this section"; and

(B) by striking out "hazardous substance or pollutant or contaminant" and inserting in lieu thereof "hazardous substance, a pollutant or contaminant, or petroleum or its derivatives"; and

(7) in subsection (f)—

(A) in paragraph (1)—

(i) by inserting "'remedial action', 'response'," after "'release',"; and

(ii) by inserting "(24), (25)," after "(22)," each place it appears; and

(B) by adding after paragraph (3) the following new paragraph:

"(4) The term 'response action contractor' has the meaning given such term in section 119(e)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9619(e)(2)), except that such term includes a person who enters into, and is carrying out, a contract to provide at a facility (including a facility not listed on the National Priorities List) a response action with respect to any release or threatened release from the facility of a hazardous substance or pollutant or contaminant, or a similar action with respect to petroleum or its derivatives.".

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 1994, as follows:

(1) The Army, 540,000.

(2) The Navy, 480,800.

(3) The Marine Corps, 174,100.

(4) The Air Force, 425,700.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) In General.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1994, as follows:

(1) The Army National Guard of the United States, 410,000.

(2) The Army Reserve, 260,000.

(3) The Naval Reserve, 113,400.

(4) The Marine Corps Reserve, 36,900.

(5) The Air National Guard of the United States, 117,700.

(6) The Air Force Reserve, 81,500.

(7) The Coast Guard Reserve, 10,000.

(b) Waiver Authority.—The Secretary of Defense may increase the end strength authorized by subsection (a) by not more than 2 percent.

(c) Adjustments.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be reduced proportionately by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year, and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 402(b), the reserve components of the Armed Forces are authorized, as of September 30, 1994, the following number of Reserves to be serving on full-time active duty or, in the case of members of the National Guard, full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 24,180.

(2) The Army Reserve, 12,542.

(3) The Naval Reserve, 19,369.

(4) The Marine Corps Reserve, 2,119.

(5) The Air National Guard of the United States, 9,389.

(6) The Air Force Reserve, 648.

SEC. 413. INCREASE IN NUMBER OF MEMBERS IN CERTAIN GRADES AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) Senior Enlisted Members.—Effective on October 1, 1993, the table in section 517(b) of title 10, United States Code, is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E–9	569	202	328	14
E–8	2,585	429	840	74".

(b) Officers.—Effective on October 1, 1993, the table in section 524(a) of such title is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander	3,219	1,071	575	110
Lieutenant Colonel or Commander	1,524	520	636	75
Colonel or Navy Captain	372	188	274	25".

SEC. 414. FORCE STRUCTURE ALLOWANCE FOR ARMY NATIONAL GUARD.

(a) Minimum Force Structure Level.—The force structure allowance for the Army National Guard of the United States for fiscal year 1994 shall be not less than 420,000.

(b) Force Structure Allowance Defined.—For purposes of this section, the force structure allowance for a reserve component is the allowance prescribed for that reserve component by the Secretary of the military department concerned pursuant to section 413 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2400).

SEC. 415. PERSONNEL LEVEL FOR NAVY CRAFT OF OPPORTUNITY (COOP) PROGRAM.

(a) Fiscal Year 1994.—The Secretary of the Navy shall ensure that none of the end strength reduction projected for the Naval Reserve in this Act shall be derived from personnel authorizations assigned to the Craft of Opportunity mission.

(b) Permanent Staffing Level.—The number of personnel authorizations assigned to the Craft of Opportunity mission shall be maintained during fiscal year 1994 and thereafter at not less than the level in effect on September 30, 1991.

Subtitle C—Military Training Student Loads

SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS.

(a) In General.—For fiscal year 1994, the components of the active and reserve Armed Forces are authorized average military training student loads as follows:

(1) The Army, 75,220.

(2) The Navy, 45,269.

(3) The Marine Corps, 22,753.

(4) The Air Force, 33,439.

(b) Adjustments.—The average military training student loads authorized in subsection (a) shall be adjusted consistent with the end strengths authorized in subtitles A and B. The Secretary of Defense shall prescribe the manner in which such adjustments shall be apportioned.

SEC. 422. STUDENT LOADS AT WAR COLLEGES AND AT COMMAND AND GENERAL STAFF COLLEGES.

(a) Required Student Levels.—The Secretary of Defense shall ensure that the number of students at each of the war colleges and at each of the command and general staff colleges is maintained during fiscal year 1994 at the same level as was in effect on October 1, 1992, for each such college.

(b) Covered Schools.—For purposes of subsection (a)—

(1) the war colleges are the National War College, the Industrial College of the Armed Forces, the Army War College, the College of Naval Warfare, and the Air War College; and

(2) the command and general staff colleges are the Armed Forces Staff College, the Army Command and General Staff Course, the College of Naval Command and Staff, the Air Command and Staff College, and the Marine Corps Command and Staff College.

Subtitle D—Authorization of Appropriations

SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 1994 a total of $70,671,147,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 1994.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Active Components

SEC. 501. YEARS OF SERVICE FOR ELIGIBILITY FOR SEPARATION PAY FOR REGULAR OFFICERS INVOLUNTARILY DISCHARGED.

(a) Period of Service Required for Eligibility.—Section 1174(a)(1) of title 10, United States Code, is amended by striking out "five" and inserting in lieu thereof "six".

(b) Effective Date.—(1) Except as provided in paragraph (2), the amendment made by subsection (a) shall apply with respect to any regular officer who is discharged after the date of the enactment of this Act.

(2) The amendment made by subsection (a) shall not apply with respect to an officer who on the date of the enactment of this Act has five or more, but less than six, years of active service in the Armed Forces.

SEC. 502. EXTENSION OF ELIGIBILITY FOR VOLUNTARY SEPARATION INCENTIVE AND SPECIAL SEPARATION BENEFITS PROGRAMS.

Sections 1174a(c)(2) and 1175(d)(1) of title 10, United States Code, are amended by striking out "December 5, 1991" and inserting in lieu thereof "the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994".

SEC. 503. ELIGIBILITY FOR INVOLUNTARY SEPARATION BENEFITS.

Section 1141 of title 10, United States Code, is amended by striking out "September 30, 1990" and inserting in lieu thereof "September 30, 1991".

SEC. 504. TWO-YEAR EXTENSION OF AUTHORITY FOR TEMPORARY PROMOTION OF CERTAIN NAVY LIEUTENANTS.

(a) Extension.—Section 5721(f) of title 10, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(b) Effective Date.—The amendment made by subsection (a) shall take effect as of September 30, 1993.

SEC. 505. OFFICERS INELIGIBLE FOR CONSIDERATION BY EARLY RETIREMENT BOARDS.

Section 638(e)(2)(B) of title 10, United States Code, is amended—

(1) by inserting "(i)" after "grade and competitive category";

(2) by inserting "(ii)" after "of this title, or"; and

(3) by striking out the comma after "any provision of law".

SEC. 506. REMEDY FOR INEFFECTIVE COUNSELING OF OFFICERS DISCHARGED FOLLOWING SELECTION BY EARLY DISCHARGE BOARDS.

(a) Procedure for Review.—(1) The Secretary of each military department shall establish a procedure for the review of the individual circumstances of an officer described in paragraph (2) who is discharged, or who the Secretary concerned approves for discharge, following the report of a selection board convened by the Secretary to select officers for separation.

(2) This section applies in the case of any officer (including a warrant officer) who, having been offered the opportunity to be discharged or otherwise separated from active duty through the programs provided under section 1174a and 1175 of title 10, United States Code, elected not to accept such discharge or separation.

(b) Application.—A review under this section shall be conducted in any case submitted to the Secretary concerned by application from the officer or former officer under regulations prescribed by the Secretary.

(c) Purpose of Review.—(1) The review under this section shall be designed to evaluate the effectiveness of the counseling of the officer before the convening of the board to ensure that the officer was properly informed that selection for discharge or other separation from active duty was a potential result of being within the group of officers to be considered by the board and that the officer was not improperly informed that such selection in that officer's personal case was unlikely.

(2) The Secretary shall consider each case on its merits, but shall make a finding of ineffective counseling if an individual was instructed by an official source before the convening of the board that the officer's risk of discharge was reduced by the quality of the officer's record or by an expected limitation on the number of discharges from the officer's occupational skill category, branch, corps, or other administrative grouping of officers.

(3) For purposes of this subsection, the term "official source" means any office or individual within a military department that could reasonably be expected to provide information on an individual personnel record or personnel policy.

(d) Remedy.—Upon a finding of ineffective counseling under subsection (c), the Secretary shall provide the officer the opportunity to participate, at the officer's option, in any one of the following programs:

(1) The Special Separation Benefits Programs under section 1174a of title 10, United States Code.

(2) The Voluntary Separation Incentive program under section 1175 of such title.

(3) The Temporary Early Retirement Authority as authorized by section 4403 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484, October 23, 1992).

The officer must meet all eligibility criteria for the program selected.

(e) Effective Date.—This section shall apply with respect to officers separated after September 30, 1990.

Subtitle B—Reserve Components

SEC. 511. EXPANSION OF SELECTED RESERVE CALL-UP PERIOD FROM 90 DAYS TO 180 DAYS.

Section 673b of title 10, United States Code, is amended—

(1) by striking out "90 days" in subsection (a) and inserting in lieu thereof "180 days"; and

(2) by striking out "90 additional days" in subsection (i) and inserting in lieu thereof "180 additional days".

SEC. 512. NUMBER OF FULL-TIME RESERVE PERSONNEL WHO MAY BE ASSIGNED TO ROTC DUTY.

Section 690 of title 10, United States Code, is amended by striking out "may not exceed 200" and inserting in lieu thereof "may not exceed 275".

SEC. 513. REPEAL OF MANDATED REDUCTION IN ARMY RESERVE COMPONENT FULL-TIME MANNING END STRENGTH.

Section 412 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 261 note) is amended by striking out subsections (b) and (c).

SEC. 514. TWO-YEAR EXTENSION OF CERTAIN RESERVE OFFICER MANAGEMENT PROGRAMS.

(a) Grade Determination Authority for Certain Reserve Medical Officers.—Sections 3359(b) and 8359(b) of title 10, United States Code, are each amended by striking "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(b) Promotion Authority for Certain Reserve Officers Serving on Active Duty.—Sections 3380(d) and 8380(d) of such title are each amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(c) Years of Service for Mandatory Transfer to the Retired Reserve.—Section 1016(d) of the Department of Defense Authorization Act, 1984 (10 U.S.C. 3360 note) is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(d) Effective Date.—(1) The amendments made by this section shall take effect as of September 30, 1993.

(2) If the date of the enactment of this Act is after September 30, 1993, the Secretary of the Army or the Secretary of the Air Force, as appropriate, shall provide, in the case of a Reserve officer appointed to a higher grade on or after the date of the enactment of this Act under an appointment described in paragraph (3), that the date of rank of such officer under that appointment shall be the date of rank that would have applied to the appointment had the authority referred to in that paragraph not lapsed.

(3) An appointment referred to in paragraph (2) is an appointment under section 3380 or 8380 of title 10, United States Code, that (as determined by the Secretary concerned) would have been made during the period beginning on October 1, 1993, and ending on the date of the enactment of this Act had the authority to make appointments under that section not lapsed during such period.

SEC. 515. CADRE DIVISIONS.

(a) Requirement To Establish.—The Secretary of the Army shall, not later than September 30, 1995, establish one or more active cadre divisions of the Army as reserve component training divisions. Each such active cadre division shall be part of the active Army force structure and shall have a commander who is on the active-duty list of the Army.

(b) Implementation Plan.—The Secretary of the Army shall during fiscal year 1994 submit to the Committees on Armed Services of the Senate and House of Representatives a plan to meet the requirement in subsection (a). The plan shall include a proposal for any statutory changes that the Secretary considers to be necessary for the implementation of the plan.

SEC. 516. TEST PROGRAM FOR RESERVE COMBAT MANEUVER UNIT INTEGRATION.

(a) Plan for Test Program.—The Secretary of the Army shall prepare a plan for carrying out a test program to determine the feasibility and advisability of applying the roundout and roundup models for integration of active and reserve component Army units at the battalion and company levels.

(b) Purpose of Test Program.—The purpose of the test program shall be to evaluate whether the roundout and roundup concepts if applied at the battalion and company levels would—

(1) decrease post-mobilization training time;

(2) increase the capabilities of reserve component leaders;

(3) improve the integration of the active and reserve components; and

(4) provide a more efficient means for future expansion of the Army in a period of emergency or increasing international threats to the vital interests of the United States.

(c) Report on Plan.—The Secretary of the Army shall submit to Congress not later than

March 31, 1994, a report that includes the plan for the test program required under subsection (a).

(d) DEFINITIONS.—For purposes of this section, the terms "roundout" and "roundup" refer to two approaches for integrating Army reserve component (Army National Guard and Army Reserve) combat units into active Army corps, divisions, brigades, and battalions after mobilization. The roundout approach is the method of bringing an incomplete active unit up to full strength by assigning one or more reserve component units to it. The roundup approach is the use of reserve component units to augment or expand active units that are already at full strength.

SEC. 517. REVISIONS TO PILOT PROGRAM FOR ACTIVE COMPONENT SUPPORT OF THE RESERVES.

(a) ACTIVE COMPONENT ADVISERS.—(1) Subsection (c) of section 414 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 261 note) is amended to read as follows:

"(c) PERSONNEL TO BE ASSIGNED.—The Secretary shall assign not less than 2,000 active component personnel to serve as advisers under the program. After September 30, 1994, the number under the preceding sentence shall be increased to not less than 5,000.".

(2) Subsection (d) of such section is amended by striking out the period at the end of the second sentence and inserting in lieu thereof ", together with a proposal for any statutory changes that the Secretary considers necessary to implement the program on a permanent basis.".

(b) ANNUAL REPORT ON IMPLEMENTATION.—(1) The Secretary of the Army shall include in the annual report of the Secretary to Congress known as the Army Posture Statement a presentation relating to the implementation of the Pilot Program for Active Component Support of the Reserves under section 414 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 261 note), as amended by subsection (a).

(2) Each such presentation shall include, with respect to the period covered by the report, the following information:

(A) The promotion rate for officers considered for promotion from within the promotion zone who are serving as active component advisers to units of the Selected Reserve of the Ready Reserve (in accordance with that program) compared with the promotion rate for other officers considered for promotion from within the promotion zone in the same pay grade and the same competitive category, shown for all officers of the Army.

(B) The promotion rate for officers considered for promotion from below the promotion zone who are serving as active component advisers to units of the Selected Reserve of the Ready Reserve (in accordance with that program) compared in the same manner as specified in subparagraph (A).

SEC. 518. REVISION OF CERTAIN DEADLINES UNDER ARMY GUARD COMBAT REFORM INITIATIVE.

(a) DELAY IN MINIMUM PERCENTAGE OF PRIOR ACTIVE-DUTY PERSONNEL.—(1) Subsection (b) of section 1111 of the Army National Guard Combat Readiness Reform Act of 1992 (title XI of Public Law 102–484; 10 U.S.C. 3077 note; 106 Stat. 2537) is amended by striking out "fiscal years 1993 through 1997" and inserting in lieu thereof "fiscal years 1994 through 1997".

(2) Subsection (d) of such section is amended by striking out "March 15, 1993" and "April 1, 1993" and inserting in lieu thereof "December 15, 1993" and "January 15, 1994", respectively.

(b) REPORT ON DENTAL READINESS OF MEMBERS OF EARLY DEPLOYING UNITS.—Section 1118(b) of such Act (106 Stat. 2539) is amended by striking out "February 15, 1993" and inserting in lieu thereof "October 1, 1993".

SEC. 519. ANNUAL REPORT ON IMPLEMENTATION OF ARMY NATIONAL GUARD REFORM INITIATIVE.

(a) IN GENERAL.—Chapter 307 of title 10, United States Code, is amended by adding at the end the following new section:

"§3083. Army National Guard Reform Initiative: annual report

"(a) IN GENERAL.—The Secretary of the Army shall include in the annual report of the Secretary to Congress known as the Army Posture Statement a detailed presentation concerning the Army National Guard, including particularly information relating to the implementation of the Army National Guard Combat Readiness Reform Act of 1992 (title XI of Public Law 102–484; 106 Stat. 2536 et seq.) (hereinafter in this section referred to as 'ANGCRRA').

"(b) MATTERS TO BE INCLUDED IN REPORT.—Each presentation under subsection (a) shall include, with respect to the period covered by the report, the following information concerning the Army National Guard:

"(1) The number and percentage of officers with at least two years of active-duty before becoming a member of the Army National Guard.

"(2) The number and percentage of enlisted personnel with at least two years of active-duty before becoming a member of the Army National Guard.

"(3) The number of officers who are graduates of one of the service academies and were released from active duty before the completion of their active-duty service obligation and of those officers—

"(A) the number who are serving the remaining period of their active-duty service obligation as a member of the Selected Reserve pursuant to section 1112(a)(1) of ANGCRRA; and

"(B) the number for whom waivers were granted by the Secretary under section 1112(a)(2) of ANGCRRA and the reason for each waiver.

"(4) The number of officers who were commissioned as distinguished Reserve Officers' Training Corps graduates and were released from active duty before the completion of their active-duty service obligation and of those officers—

"(A) the number who are serving the remaining period of their active-duty service obligation as a member of the Selected Reserve pursuant to section 1112(a)(1) of ANGCRRA; and

"(B) the number for whom waivers were granted by the Secretary under section 1112(a)(2) of ANGCRRA and the reason for each waiver.

"(5) The number of officers who are graduates of the Reserve Officers' Training Corps program and who are performing their minimum period of obligated service in accordance with section 1112(b) of ANGCRRA by a combination of (A) two years of active duty, and (B) such additional period of service as is necessary to complete the remainder of such obligation served in the National Guard and, of those officers, the number for whom permission to perform their minimum period of obligated service in accordance with that section was granted during the preceding fiscal year.

"(6) The number of officers for whom recommendations were made during the preceding fiscal year for a unit vacancy promotion to a grade above first lieutenant and, of those recommendations, the number and percentage that were concurred in by an active-duty officer under section 1113(a) of ANGCRRA, shown separately for each of the three categories of officers set forth in section 1113(b) of ANGCRRA.

"(7) The number of waivers during the preceding fiscal year under section 1114 of ANGCRRA of any standard prescribed by the Secretary establishing a military education requirement for noncommissioned officers and the reason for each such waiver.

"(8) The number and distribution by grade, shown for each State, of personnel in the initial entry training and nondeployability personnel accounting category established under 1115 of ANGCRRA for members of the Army National Guard who have not completed the minimum training required for deployment or who are otherwise not available for deployment.

"(9) The number of members of the Army National Guard, shown for each State, that were discharged during the previous fiscal year pursuant to 1115(c)(1) of ANGCRRA for not completing the minimum training required for deployment within 24 months after entering the National Guard.

"(10) The number of waivers granted by the Secretary during the previous fiscal year under section 1115(c)(2) of ANGCRRA, shown for each State, of the requirement in section 1115(c)(1) of ANGCRRA described in paragraph (9), and the reason for each waiver.

"(11) The number of members, shown for each State, who were screened during the preceding fiscal year to determine whether they meet minimum physical profile standards required for deployment and, of those members—

"(A) the number and percentage who did not meet minimum physical profile standards required for deployment; and

"(B) the number and percentage who were transferred pursuant to section 1116 of ANGCRRA to the personnel accounting category described in paragraph (8).

"(12) The number of members, and the percentage of the total membership, of the Army National Guard, shown for each State, who underwent a medical screening during the previous fiscal year as provided in section 1117 of ANGCRRA.

"(13) The number of members, and the percentage of the total membership, of the Army National Guard, shown for each State, who underwent a dental screening during the previous fiscal year as provided in section 1117 of ANGCRRA.

"(14) The number of members, and the percentage of the total membership, of the Army National Guard, shown for each State, over the age of 40 who underwent a full physical examination during the previous fiscal year for purposes of section 1117 of ANGCRRA.

"(15) The number of units of the Army National Guard that are scheduled for early deployment in the event of a mobilization and, of those units, the number that are dentally ready for deployment in accordance with section 1118 of ANGCRRA.

"(16) The estimated post-mobilization training time for each Army National Guard combat unit, and a description, displayed in broad categories and by State, of what training would need to be accomplished for Army National Guard combat units in a post-mobilization period, for purposes of section 1119 of ANGCRRA.

"(17) A description of the measures taken during the preceding fiscal year to comply with the requirement in section 1120 of ANGCRRA to expand the use of simulations, simulators, and advanced training devices and technologies for members and units of the Army National Guard.

"(18) Summary tables of unit readiness, shown for each State, and drawn from the unit readiness rating system as required by section 1121 of ANGCRRA, including the personnel readiness rating information and the equipment readiness assessment information required by that section, together with—

"(A) explanations of the information shown in the table; and

"(B) based on the information shown in the tables, the Secretary's overall assessment of the

deployability of units of the Army National Guard, including a discussion of personnel deficiencies and equipment shortfalls in accordance with such section 1121.

“(19) Summary tables, shown for each State, of the results of inspections of units of the Army National Guard by inspectors general or other commissioned officers of the Regular Army under the provisions of section 105 of title 32, together with explanations of the information shown in the tables, and including display of—

“(A) the number of such inspections;

“(B) identification of the entity conducting each inspection;

“(C) the number of units inspected; and

“(D) the overall results of such inspections, including the inspector's determination for each inspected unit of whether the unit met deployability standards and, for those units not meeting deployability standards, the reasons for such failure and the status of corrective actions.

“(20) A listing for each Army National Guard combat unit of the active-duty combat unit associated with it in accordance with section 1131(a) of ANGCRRA identification of each Army National Guard unit, to be shown by State and to be accompanied, for each such National Guard unit, by—

“(A) the assessment of the commander of that associated active-duty unit of the manpower, equipment, and training resource requirements of that National Guard unit in accordance with section 1131(b)(3) of ANGCRRA; and

“(B) the results of the validation by the commander of that associated active-duty unit of the compatibility of that National Guard unit with active duty forces in accordance with section 1131(b)(4) of ANGCRRA.

“(21) A specification of the active-duty personnel assigned to units of the Selected Reserve pursuant to section 414(c)(4) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (10 U.S.C. 261 note), shown (A) by State, (B) by rank of officers, warrant officers, and enlisted members assigned, and (C) by unit or other organizational entity of assignment.

“(c) IMPLEMENTATION.—The requirement to include in an presentation required by subsection (a) information under any paragraph of subsection (b) shall take effect the year following the year in which the provision of ANGCRRA to which that paragraph pertains has taken effect. Before then, in the case of any such paragraph, the Secretary shall include any information that may be available concerning the topic covered by that paragraph.

“(d) DEFINITION.—In this section, the term 'State' includes the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“3083. Army National Guard Reform Initiative: annual report.”.

SEC. 520. FFRDC STUDY OF STATE AND FEDERAL MISSIONS OF THE NATIONAL GUARD.

(a) STUDY REQUIRED.—The Secretary of Defense shall provide for a study of the State and Federal missions of the National Guard to be carried out by a federally funded research and development center. The study shall consider both the separate and integrated requirements (including requirements pertaining to personnel, weapons, equipment, and facilities) that derive from those missions.

(b) MATTERS TO BE INCLUDED.—The Secretary shall require that the matters to be considered under the study include the following:

(1) Whether the currently projected size for the National Guard after the completion of the reductions in the national defense structure planned through fiscal year 1998 will be adequate for the National Guard to fulfill both its State and Federal missions.

(2) Whether the system of assigning Federal missions to State Guard units could be altered to optimize the Federal as well as the State capabilities of the National Guard.

(3) Whether alternative arrangements, such as cooperative development of National Guard capabilities among the States grouped as regions, are advisable and feasible.

(4) Whether alternative Federal-State cost-sharing arrangements should be implemented for National Guard units whose principal function is to support State missions.

(5) Such other matters related to the missions of the National Guard and the corresponding requirements related to those missions as the Secretary may specify or the center carrying out the study may determine necessary.

(c) FFRDC REPORTS.—(1) The Secretary shall require the center carrying out the study to submit an interim report not later than May 1, 1994, and a final report not later than November 15, 1994. Each report shall include the findings, conclusions, and recommendations of the center concerning each of the matters referred to in subsection (b).

(2) The Secretary shall submit each such report to the Committees on Armed Services of the Senate and House of Representatives not later than 15 days after the date on which it is received by the Secretary.

(d) EVALUATION AND REPORT OF FINAL FFRDC REPORT.—(1) After the center carrying out the study submits its final report, the Secretary of Defense, together with the Secretary of the Army and the Secretary of the Air Force, shall conduct an evaluation of the assumptions, analysis, findings, and recommendations of that study.

(2) Not later than February 1, 1995, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the evaluation under paragraph (1). The report shall be accompanied by any recommendations for legislative action that the Secretary considers necessary as a result of the study and evaluation required by this section.

(e) COOPERATION.—The Secretary shall ensure that the center carrying out the study under this section has full access to such information as the center requires for the purposes of the study and that the center otherwise receives full cooperation from all officials and entities of the Department of Defense, including the National Guard, in carrying out the study.

SEC. 521. EDUCATIONAL ASSISTANCE FOR GRADUATE PROGRAMS FOR MEMBERS OF THE SELECTED RESERVE.

Section 2131 of title 10, United States Code, is amended—

(1) in subsection (c)(1), by striking out “other than” and all that follows through “level.” and inserting in lieu thereof a period; and

(2) by adding at the end the following new subsection:

“(i) A program of education in a course of instruction beyond the baccalaureate degree level shall be provided under this chapter, subject to the availability of appropriations.”.

SEC. 522. TRANSITION BENEFITS FOR COAST GUARD RESERVE.

(a) APPLICABILITY OF CERTAIN BENEFITS.—The Secretary of Transportation shall prescribe such regulations as necessary so as to apply to the members of the Coast Guard Reserve the provisions of subtitle B of title XLIV of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 106 Stat. 2712), including the amendments made by those provisions. For purposes of the application of any of such provisions to the Coast Guard Reserve, any reference in those provisions to the Secretary of Defense or Secretary of a military department shall be treated as referring to the Secretary of Transportation.

(b) REGULATIONS.—Regulations prescribed for the purposes of this section shall to the extent practicable be identical to the regulations prescribed by the Secretary of Defense under those provisions.

(c) TEMPORARY SPECIAL RETIREMENT AUTHORITY.—Section 1331a of title 10, United States Code, is amended—

(1) in subsection (a), by striking out “Secretary of a military department” and inserting in lieu thereof “Secretary concerned”; and

(2) in subsection (c), by striking out “of the military department”; and

(3) in subsection (e), by striking out the period at the end and inserting in lieu thereof “and by the Secretary of Transportation with respect to the Coast Guard.”.

Subtitle C—Warrant Officers

SEC. 531. AUTHORIZATION FOR INVOLUNTARY SEPARATION OF CERTAIN REGULAR WARRANT OFFICERS.

(a) IN GENERAL.—Chapter 33A of title 10, United States Code, is amended by inserting after section 580 the following new section:

“§580a. Enhanced authority for selective early discharges

“(a) The Secretary of Defense may authorize the Secretary of a military department, during the two-year period beginning on October 1, 1993, to take the action set forth in subsection (b) with respect to regular warrant officers of an armed force under the jurisdiction of that Secretary.

“(b) The Secretary of a military department may, with respect to regular warrant officers of an armed force, when authorized to do so under subsection (a), convene selection boards under section 573(c) of this title to consider for discharge regular warrant officers on the warrant officer active-duty list—

“(1) who have served at least one year of active duty in the grade currently held;

“(2) whose names are not on a list of warrant officers recommended for promotion; and

“(3) who are not eligible to be retired under any provision of law and are not within two years of becoming so eligible.

“(c)(1) In the case of an action under subsection (b), the Secretary of the military department concerned may submit to a selection board convened pursuant to that subsection—

“(A) the names of all regular warrant officers described in that subsection in a particular grade and competitive category; or

“(B) the names of all regular warrant officers described in that subsection in a particular grade and competitive category who also are in particular year groups or specialties, or both, within that competitive category.

“(2) The Secretary concerned shall specify the total number of warrant officers to be recommended for discharge by a selection board convened pursuant to subsection (b). That number may not be more than 30 percent of the number of officers considered—

“(A) in each grade in each competitive category; or

“(B) in each grade, year group, or specialty (or combination thereof) in each competitive category.

“(3) The total number of regular warrant officers described in subsection (b) from any of the armed forces (or from any of the armed forces in a particular grade) who may be recommended during a fiscal year for discharge by a selection board convened pursuant to the authority of that subsection may not exceed 70 percent of the decrease, as compared to the preceding fiscal year, in the number of warrant officers of that armed force (or the number of warrant officers of that armed force in that grade) authorized to be serving on active duty as of the end of that fiscal year.

“(4) A warrant officer who is recommended for discharge by a selection board convened pursuant to the authority of subsection (b) and

whose discharge is approved by the Secretary concerned shall be discharged on a date specified by the Secretary concerned.

"(5) Selection of warrant officers for discharge under this subsection shall be based on the needs of the service.

"(d) The discharge of any warrant officer pursuant to this section shall be considered involuntary for purposes of any other provision of law.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 33A is amended by inserting after the item relating to section 580 the following new item:

"580a. Enhanced authority for selective early discharges.".

SEC. 532. DETERMINATION OF SERVICE FOR WARRANT OFFICER RETIREMENT SANCTUARY.

(a) EQUITY WITH OTHER MEMBERS.—Section 580(a)(4) of title 10, United States Code, is amended—

(1) by inserting "(except as provided in subparagraph (C))" in subparagraph (A) after "shall be separated"; and

(2) by adding at the end the following new subparagraph:

"(C) If on the date on which a warrant officer is to be separated under subparagraph (A) the warrant officer has at least 18 years of creditable active service, the warrant officer shall be retained on active duty until retired under paragraph (3) in the same manner as if the warrant officer had had at least 18 years of service on the applicable date under subparagraph (A) or (B) of that paragraph.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to warrant officers who have not been separated pursuant to section 580(a)(4) of title 10, United States Code, before the date of enactment of this Act.

Subtitle D—Women in the Service

SEC. 541. REPEAL OF THE STATUTORY RESTRICTION ON THE ASSIGNMENT OF WOMEN IN THE NAVY AND MARINE CORPS.

(a) IN GENERAL.—Section 6015 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 555 of this title is amended by striking out the item relating to section 6015.

SEC. 542. GENDER-NEUTRAL OCCUPATIONAL PERFORMANCE STANDARDS.

(a) GENERAL REQUIREMENT.—In the case of any military occupational career field that is open to both male and female members of the Armed Forces, the Secretary of Defense—

(1) shall ensure that qualification of members of the Armed Forces for, and continuance of members of the Armed Forces in, that occupational career field is evaluated on the basis of common, relevant performance standards, without differential standards or evaluation on the basis of gender;

(2) may not use any gender quota, goal, or ceiling except as specifically authorized by law; and

(3) may not change an occupational performance standard for the purpose of increasing or decreasing the number of women in that occupational career field.

(b) REQUIREMENT FOR USE OF SPECIFIC PHYSICAL REQUIREMENTS.—For any military occupational field that is open to both male and female members of the Armed Forces for which (as determined by the Secretary of Defense) muscular strength and endurance and cardiovascular capacity are relevant to the performance of duties in that field, the Secretary shall prescribe specific physical requirements for members of the Armed Forces in that field and shall apply those physical requirements on a gender-neutral basis.

(c) NOTICE TO CONGRESS OF CHANGES.—At least 60 days before implementing any changes to occupational standards for a military occupational field which are expected to result in an increase, or in a decrease, of at least 10 percent in the number of female members of the Armed Forces who enter, or are assigned to, that occupational field, the Secretary of Defense shall submit to Congress a report providing notice of the change and the justification and rationale for the change.

SEC. 543. NOTICE TO CONGRESS OF CHANGES TO GROUND COMBAT EXCLUSION POLICY.

(a) REQUIREMENT.—(1) If the Secretary of Defense proposes to make any change described in paragraph (2) to the ground combat exclusion policy, the Secretary shall, not less than 90 days before any such change is implemented, submit to Congress a report providing notice of the proposed change.

(2) A change referred to in paragraph (1) is a change that either (A) closes to female members of the Armed Forces any category of unit or position that at that time is open to service by such members, or (B) opens to service by such members any category of unit or position that at that time is closed to service by such members.

(b) REPORT CONTENTS.—The Secretary shall include in any report under subsection (a)—

(1) a detailed description of, and justification for, the proposed change to the ground combat exclusion policy; and

(2) a detailed analysis of legal implication of the proposed change with respect to the constitutionality of the application of the Military Selective Service Act to males only.

(c) GROUND COMBAT EXCLUSION POLICY.—For purposes of this section, the term "ground combat exclusion policy" means the military personnel policies of the Department of Defense and the military departments, as in effect on January 1, 1993, by which female members of the Armed Forces are restricted from assignment to units and positions whose mission requires routine engagement in direct combat on the ground.

Subtitle E—Victims' Rights and Family Advocacy

SEC. 551. MANDATORY ARRESTS BY MILITARY LAW ENFORCEMENT OFFICIALS WHEN CALLED TO SCENES OF DOMESTIC VIOLENCE.

(a) IN GENERAL.—Section 807 of title 10, United States Code (article 7 of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

"(d)(1) In a case of domestic violence in which a military law enforcement official at the scene determines that physical injury has been inflicted or a deadly weapon or dangerous instrument has been used, the military law enforcement official, upon reasonable belief that an offense has been committed by a person at the scene, shall apprehend that person, if the person is subject to this chapter, or detain that person and remove that person from the scene, if that person is not subject to this chapter.

"(2) The Secretary of Defense shall prescribe by regulation the definition of 'domestic violence' for purposes of this subsection.

"(3) In this subsection, the term 'military law enforcement official' means a person authorized under regulations governing the armed forces to apprehend persons subject to this chapter or to trial thereunder.".

(b) DEADLINE FOR PRESCRIBING PROCEDURES.—The Secretary of Defense shall prescribe procedures to carry out section 807(d) of title 10, United States Code, as added by subsection (a), not later than six months after the date of the enactment of this Act.

SEC. 552. IMPROVED PROCEDURES FOR NOTIFICATION OF VICTIMS AND WITNESSES OF STATUS OF PRISONERS IN MILITARY CORRECTIONAL FACILITIES.

(a) IN GENERAL.—(1) Chapter 48 of title 10, United States Code, is amended by adding at the end the following new section:

"§957. Status of prisoners: procedures for notifying victims and witnesses

"The Secretary of Defense shall prescribe procedures and implement a centralized system for notice of the status of offenders confined in military correctional facilities to be provided to victims and witnesses. Such procedures shall, to the maximum extent practicable, be consistent with procedures of the Federal Bureau of Prisons for victim and witness notification.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"957. Status of prisoners: procedures for notifying victims and witnesses.".

(b) DEADLINE FOR PRESCRIBING PROCEDURES.—The Secretary of Defense shall prescribe the procedures required by section 957 of title 10, United States Code, as added by subsection (a), not later than six months after the date of the enactment of this Act and shall implement the centralized system required by that section not later than six months after those procedures are prescribed.

SEC. 553. STUDY OF STALKING BY PERSONS SUBJECT TO UCMJ.

(a) REPORT REQUIRED.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the problem of stalking by persons subject to the Uniform Code of Military Justice (chapter 47 of title 10, United States Code). In the report, the Secretary shall describe the scope of the problem of stalking within the Armed Forces and shall address whether existing procedures and punitive articles under the Uniform Code of Military Justice adequately protect members of the Armed Forces, and dependents of members of the Armed Forces, who are threatened with stalking. The Secretary shall include in the report such recommendations for changes to law and regulations as the Secretary determines to be necessary.

(b) STALKING.—For purposes of the report under subsection (a), stalking shall be considered to include actions of a person in repeatedly following or harassing another person with the intent of placing that person in reasonable fear of sexual battery, bodily injury, or death in such a way that a reasonable person would be caused to suffer substantial emotional distress and which cause that person to suffer emotional distress.

SEC. 554. TRANSITIONAL COMPENSATION FOR DEPENDENTS OF MEMBERS OF THE ARMED FORCES DISCHARGED FOR DEPENDENT ABUSE.

(a) IN GENERAL.—(1) Chapter 53 of title 10, United States Code, is amended by adding at the end the following new section:

"§1058. Abused dependents: payment of transitional compensation

"(a) AUTHORITY TO PAY COMPENSATION.—If a member of the armed forces is separated from the armed forces as described in subsection (b), the Secretary of the military department concerned may pay monthly transitional compensation in accordance with this section to dependents or former dependents of the member as specified in subsection (d).

"(b) SEPARATIONS COVERED.—(1) This section applies in the case of a member of the armed forces on active duty for a period of more than 30 days—

"(A) who is convicted of a dependent-abuse offense (as defined in subsection (c)) and whose conviction results in the member being—

"(i) administratively discharged with a general discharge or under other than honorable conditions; or

"(ii) discharged or dismissed from the armed forces by sentence of a court-martial; or

"(B) against whom court-martial charges were preferred for a dependent-abuse offense and who is discharged in lieu of trial by court-martial in that case upon approval of the member's request or application for discharge or, in the case of an officer, for resignation.

"(2) For purposes of this section, a member of the armed forces who is incarcerated by sentence of a court-martial with total forfeiture of pay and allowances shall be treated as a former member dismissed or discharged by sentence of a court-martial.

"(c) Dependent-Abuse Offenses.—(1) For purposes of this section, a dependent-abuse offense is conduct by an individual while a member of the armed forces on active duty for a period of more than 30 days—

"(A) that involves abuse of the spouse or a dependent child of the member; and

"(B) that is a criminal offense specified in regulations prescribed by the Secretary of Defense under paragraph (2).

"(2) The Secretary of Defense shall prescribe by regulation the criminal offenses, or categories of offenses, under the Uniform Code of Military Justice (chapter 47 of this title), Federal criminal law, the criminal laws of the States and other jurisdictions of the United States, and the laws of other nations that are to be considered to be dependent-abuse offenses for the purposes of this section.

"(d) Recipients of Payments.—In any case of a separation from active duty as described in subsection (b) in which the Secretary of the military department concerned determines that transitional compensation should be paid under this section, the Secretary shall pay such compensation to dependents or former dependents of the former member as follows:

"(1) If the former member was married at the time of the commission of the dependent-abuse offense resulting in the separation, such compensation shall (except as otherwise provided in this subsection) be paid to the spouse or former spouse to whom the member was married at that time.

"(2) If there is a spouse or former spouse who (but for subsection (g)) would be eligible for compensation under this section and if there is a dependent child of the former member who does not reside in the same household as that spouse or former spouse, such compensation shall be paid to each such dependent child of the former member who does not reside in that household.

"(3) If there is no spouse or former spouse who is (or but for subsection (g) would be) eligible under paragraph (1), such compensation shall be paid to the dependent children of the former member.

"(4) For purposes of paragraphs (2) and (3), an individual's status as a 'dependent child' shall be determined as of the date on which the member is convicted of the dependent-abuse offense or, in a case described in subsection (b)(1)(B), as of the date on which the member is discharged.

"(e) Commencement and Duration of Payment.—(1) Payment of transitional compensation under this section shall commence as of the date of the discontinuance of the member's pay and allowances pursuant to the separation or sentencing of the member.

"(2) Payment of such compensation shall terminate at the end of the dependents' transitional period. The dependents' transitional period is the period (A) beginning on the date on which the member is convicted of the dependent-abuse offense or, in a case described in subsection (b)(1)(B), on the date on which the member is discharged, and (B) ending at the end of the transitional period determined by the Secretary concerned. Such transitional period may not exceed 36 months, except that if the length of the member's service on active duty was less than 36 months, the transitional period may not exceed the length of such service.

"(f) Amount of Payment.—(1) Payment to a spouse or former spouse under this section for any month shall be at the rate in effect for that month for the payment of dependency and indemnity compensation under section 1311(a)(1) of title 38.

"(2) If a spouse or former spouse to whom compensation is paid under this section has custody of a dependent child or children of the member, the amount of such compensation paid for any month shall be increased for each such dependent child by the amount in effect for that month under section 1311(b) of title 38.

"(3) If compensation is paid under this section to a child or children pursuant to subsection (d)(2) or (d)(3), such compensation shall be paid in equal shares, with the amount of such compensation for any month determined in accordance with the rates in effect for that month under section 1313 of title 38.

"(g) Forfeiture Provisions.—(1) If a former spouse receiving compensation under this section remarries, the Secretary shall terminate payment of such compensation, effective as of the date of such marriage. The Secretary may not renew payment of compensation under this section to such former spouse in the event of the termination of such subsequent marriage.

"(2) If after the separation of the former member as described in subsection (b) the former member resides in the same household as the spouse or former spouse, or dependent child, to whom compensation is otherwise payable under this section, the Secretary shall terminate payment of such compensation, effective as of the time the former member begins residing in such household. Compensation paid for a period after the former member's separation, but before the former member resides in the household, shall not be recouped. If the former member subsequently ceases to reside in such household before the end of the period of eligibility for such payments, the Secretary may not resume such payments.

"(3) In a case in which the victim of the dependent-abuse offense resulting in the separation of the former member was a dependent child, the Secretary concerned may not pay compensation under this section to a spouse or former spouse who would otherwise be eligible to receive such compensation if the Secretary determines (under regulations prescribed under subsection (i)) that the spouse or former spouse was an active participant in the conduct constituting the dependent-abuse offense.

"(h) Coordination of Benefits.—The Secretary concerned may not make payments to a spouse or former spouse under both this section and section 1408(h)(1) of this title. In the case of a spouse or former spouse for whom a court order provides for payments by the Secretary pursuant to section 1408(h)(1) of this title and to whom the Secretary offers payments under this section, the spouse or former spouse shall elect which to receive.

"(i) Regulations.—The Secretary of each military department shall prescribe regulations to carry out this section with respect to members of the armed forces under the jurisdiction of that Secretary. Such regulations shall be as uniform as practicable and shall be subject to the approval of the Secretary of Defense.

"(j) Dependent Child Defined.—In this section, the term 'dependent child', with respect to a member or former member of the armed forces separated as described in subsection (b), means an unmarried child, including an adopted child or a stepchild, who was residing with the member at the time of the dependent-abuse offense resulting in the separation of the former member and—

"(1) who is under 18 years of age;

"(2) who is 18 years of age or older and is incapable of self-support because of a mental or physical incapacity that existed before the age of 18 and who is (or was at the time of the former member's separation) dependent on the former member for over one-half of the child's support; or

"(3) who is 18 years of age or older but less than 23 years of age, is enrolled in a full-time course of study in an institution of higher learning approved by the Secretary of Defense and who is (or was at the time of the former member's separation) dependent on the former member for over one-half of the child's support.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1056 the following new item:

"1058. Abused dependents: payment of transitional compensation.".

(b) Effective Date.—(1) Section 1058 of title 10, United States Code, as added by subsection (a), shall apply with respect to former members of the Armed Forces discharged or dismissed as described in subsection (b) of such section after the date that is three years before the date of the enactment of this Act.

(2) Notwithstanding paragraph (1), no payment may be made under such section 1058 with respect to any period before April 1, 1994.

Subtitle F—Matters Relating to Military Justice

SEC. 561. IMPROVED RIGHT OF APPEAL IN COURT-MARTIAL CASES.

(a) Right of Accused To Petition for Review by Courts of Military Review.—Section 869 of title 10, United States Code (article 69 of the Uniform Code of Military Justice), is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

"(e)(1) A Court of Military Review, upon petition of the accused and for good cause shown, may review, under section 866 of this title (article 66)—

"(A) any court-martial case which is subject to action by the Judge Advocate General under this section (i) in which the Judge Advocate General determines not to modify or set aside the findings or sentence, in whole or in part, in accordance with the application of the accused, and (ii) which is not sent to the Court of Military Review by order of the Judge Advocate General; and

"(B) any action taken by the Judge Advocate General under this section in that case.

"(2) A petition by the accused under paragraph (1) must be filed with the Court of Military Review within 60 days of the date on which the accused is notified of the decision of the Judge Advocate General.".

(b) Effective Date.—The amendments made by subsection (a) shall apply with respect to any case reviewed by a Judge Advocate General under section 869 of title 10, United States Code, in which an application is filed under subsection (b) of that section after the date of the enactment of this Act.

SEC. 562. CLARIFICATION OF PUNITIVE UCMJ ARTICLE REGARDING DRUNKEN DRIVING.

(a) Clarification.—Paragraph (2) of section 911 of title 10, United States Code (article 111 of the Uniform Code of Military Justice), is amended by inserting "or more" after "0.10 grams" both places such term appears.

(b) Effective Date.—The amendments made by subsection (a) shall take effect as if included in the amendment to section 911 of title 10, United States Code, made by section 1066(a)(1) of Public Law 102–484 on October 23, 1992.

Subtitle G—Other Matters

SEC. 571. CRITERIA FOR CLOSING SENIOR ROTC UNITS.

(a) CLOSURE CRITERIA.—Section 2102 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) The Secretary of a military department may not close a unit of the program that is located at a land grant institution.

"(2) The Secretary of a military department may not close a unit of the program if there is no other unit of the program under the jurisdiction of the Secretary at an institution located in the State in which the unit being considered for closure is located.

"(3) The Secretary of a military department may not close a unit of the program that is not subject to paragraph (1) or (2) unless the Secretary certifies to Congress, in advance of the closure, that the decision to close the unit is based on—

"(A) considerations of the cost per officer commissioned through that unit compared to the average such cost per officer commissioned for all units of the program under the jurisdiction of the Secretary; and

"(B) considerations of the number (and percentage) of members of the program enrolled in that unit who are expected to enter critical or hard to fill officer specialties compared to the average number (and percentage) of such members for all units of the program under the jurisdiction of the Secretary.".

(b) REVIEW OF RECENT CLOSURES.—The Secretary of each military department shall review each closure of a senior Reserve Officers' Training Corps unit under that Secretary's jurisdiction that was decided upon after January 1, 1991, and before the date of the enactment of this Act. The Secretary concerned shall certify to Congress in each case whether or not the closure decision was made in accordance with the criteria specified in section 2102(e) of title 10, United States Code, as added by subsection (a). In any case in which the Secretary is unable to certify that such closure decision was made in accordance with such criteria, the Secretary shall reestablish that unit as soon as practicable and not later than the beginning of the first academic year beginning after the date of the enactment of this Act.

SEC. 572. CHANGE IN TIMING OF REQUIRED DRUG AND ALCOHOL TESTING AND EVALUATION OF APPLICANTS FOR APPOINTMENT AS CADET OR MIDSHIPMAN AND FOR ROTC GRADUATES.

Section 978(a)(3) of title 10, United States Code, is amended—

(1) in the first sentence, by striking out "during the physical examination given the applicant before such appointment" and inserting in lieu thereof "within 72 hours of such appointment"; and

(2) in the second sentence, by striking out "during the precommissioning physical examination given such person" and inserting in lieu thereof "before such an appointment is executed".

SEC. 573. REIMBURSEMENT REQUIREMENTS FOR ADVANCED EDUCATION ASSISTANCE.

(a) IN GENERAL.—Section 2005 of title 10, United States Code, is amended by adding at the end the following new subsections:

"(g)(1) In any case in which the Secretary concerned determines that a person who entered into an agreement under this section failed to complete the period of active duty specified in the agreement (or failed to fulfill any other term or condition prescribed in the agreement) and, by reason of the provision of the agreement required under subsection (a)(3), may owe a debt to the United States and in which that person disputes that such a debt is owed, the Secretary shall designate an official (who may be a member of the armed forces or a civilian employee under the jurisdiction of the Secretary) to investigate the facts of the case and hear evidence presented by the person who may owe the debt and other parties, as appropriate, in order to determine the validity of the debt. That official shall report the official's findings and recommendations to the Secretary concerned. The report shall include the official's assessment as to whether the individual behavior that resulted in the separation of the person who may owe the debt qualifies as misconduct under subsection (a)(3), if the justification for the debt to the Government includes an allegation of misconduct.

"(2) The Secretary of each military department shall ensure that a member of the armed forces who may be subject to a reimbursement requirement under this section is advised of such requirement before (1) submitting a request for voluntary separation, or (2) making a decision on a course of action regarding personal involvement in administrative, nonjudicial, and judicial action resulting from alleged misconduct.

"(h) The Secretary of a military department may waive any requirement for reimbursement under this section at the Secretary's discretion.".

(b) EFFECTIVE DATES.—(1) Subsection (g) of section 2005 of title 10, United States Code, as added by subsection (a), shall apply with respect to persons separated from the Armed Forces after the end of the six-month period beginning on the date of the enactment of this Act.

(2) Subsection (h) of such section, as added by subsection (a), shall apply with respect to persons separated from the Armed Forces after September 30, 1993.

SEC. 574. RECOGNITION OF POWERS OF ATTORNEY NOTARIZED BY DEFENSE NOTARY PUBLIC.

Section 1044a of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) A power of attorney signed by a person authorized to receive legal assistance under section 1044 of this title and notarized by a person authorized to do so under this section shall be recognized as lawful and given full effect by any person to whom it is presented, notwithstanding any provision of law regulating the granting of a power of attorney in any State, territory, or other jurisdiction of the United States.".

SEC. 575. POLICY CONCERNING HOMOSEXUALITY IN THE ARMED FORCES.

(a) CODIFICATION.—(1) Chapter 37 of title 10, United States Code, is amended by adding at the end the following new section:

"§654. Policy concerning homosexuality in the armed forces

"(a) FINDINGS.—Congress makes the following findings:

"(1) Section 8 of article I of the Constitution of the United States commits exclusively to the Congress the powers to raise and support armies, provide and maintain a Navy, and make rules for the government and regulation of the land and naval forces.

"(2) There is no constitutional right to serve in the armed forces.

"(3) Pursuant to the powers conferred by section 8 of article I of the Constitution of the United States, it lies within the discretion of the Congress to establish qualifications for and conditions of service in the armed forces.

"(4) The primary purpose of the armed forces is to prepare for and to prevail in combat should the need arise.

"(5) The conduct of military operations requires members of the armed forces to make extraordinary sacrifices, including the ultimate sacrifice, in order to provide for the common defense.

"(6) Success in combat requires military units that are characterized by high morale, good order and discipline, and unit cohesion.

"(7) One of the most critical elements in combat capability is unit cohesion, that is, the bonds of trust among individual service members that make the combat effectiveness of a military unit greater than the sum of the combat effectiveness of the individual unit members.

"(8) Military life is fundamentally different from civilian life in that—

"(A) the extraordinary responsibilities of the armed forces, the unique conditions of military service, and the critical role of unit cohesion, require that the military community, while subject to civilian control, exist as a specialized society; and

"(B) the military society is characterized by its own laws, rules, customs, and traditions, including numerous restrictions on personal behavior, that would not be acceptable in civilian society.

"(9) The standards of conduct for members of the armed forces regulate a member's life for 24 hours each day beginning at the moment the member enters military status and not ending until that person is discharged or otherwise separated from the armed forces.

"(10) Those standards of conduct, including the Uniform Code of Military Justice, apply to a member of the armed forces at all times that the member has a military status, whether the member is on base or off base, and whether the member is on duty or off duty.

"(11) The pervasive application of the standards of conduct is necessary because members of the armed forces must be ready at all times for worldwide deployment to a combat environment.

"(12) The worldwide deployment of United States military forces, the international responsibilities of the United States, and the potential for involvement of the armed forces in actual combat routinely make it necessary for members of the armed forces involuntarily to accept living conditions and working conditions that are often spartan, primitive, and characterized by forced intimacy with little or no privacy.

"(13) The prohibition against homosexual conduct is a longstanding element of military law that continues to be necessary in the unique circumstances of military service.

"(14) The armed forces must maintain personnel policies that exclude persons whose presence in the armed forces would create an unacceptable risk to the armed forces' high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

"(15) The presence in the armed forces of persons who demonstrate a propensity or intent to engage in homosexual acts would create an unacceptable risk to the high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

"(b) POLICY.—A member of the armed forces shall be separated from the armed forces under regulations prescribed by the Secretary of Defense if one or more of the following findings is made and approved in accordance with procedures set forth in such regulations:

"(1) That the member has engaged in, attempted to engage in, or solicited another to engage in a homosexual act or acts unless there are further findings, made and approved in accordance with procedures set forth in such regulations, that the member has demonstrated that—

"(A) such conduct is a departure from the member's usual and customary behavior;

"(B) such conduct, under all the circumstances, is unlikely to recur;

"(C) such conduct was not accomplished by use of force, coercion, or intimidation;

"(D) under the particular circumstances of the case, the member's continued presence in the armed forces is consistent with the interests of the armed forces in proper discipline, good order, and morale; and

"(E) the member does not have a propensity or intent to engage in homosexual acts.

"(2) That the member has stated that he or she is a homosexual or bisexual, or words to that effect, unless there is a further finding, made and approved in accordance with procedures set forth in the regulations, that the member has demonstrated that he or she is not a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts.

"(3) That the member has married or attempted to marry a person known to be of the same biological sex.

"(c) ENTRY STANDARDS AND DOCUMENTS.—(1) The Secretary of Defense shall ensure that the standards for enlistment and appointment of members of the armed forces reflect the policies set forth in subsection (b).

"(2) The documents used to effectuate the enlistment or appointment of a person as a member of the armed forces shall set forth the provisions of subsection (b).

"(d) REQUIRED BRIEFINGS.—The briefings that members of the armed forces receive upon entry into the armed forces and periodically thereafter under section 937 of this title (article 137 of the Uniform Code of Military Justice) shall include a detailed explanation of the applicable laws and regulations governing sexual conduct by members of the armed forces, including the policies prescribed under subsection (b).

"(e) RULE OF CONSTRUCTION.—Nothing in subsection (b) shall be construed to require that a member of the armed forces be processed for separation from the armed forces when a determination is made in accordance with regulations prescribed by the Secretary of Defense that—

"(1) the member engaged in conduct or made statements for the purpose of avoiding or terminating military service; and

"(2) separation of the member would not be in the best interest of the armed forces.

"(f) DEFINITIONS.—In this section:

"(1) The term 'homosexual' means a person, regardless of sex, who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts, and includes the terms 'gay' and 'lesbian'.

"(2) The term 'bisexual' means a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual and heterosexual acts.

"(3) The term 'homosexual act' means—

"(A) any bodily contact, actively undertaken or passively permitted, between members of the same sex for the purpose of satisfying sexual desires; and

"(B) any bodily contact which a reasonable person would understand to demonstrate a propensity or intent to engage in an act described in subparagraph (A).".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"654. Policy concerning homosexuality in the armed forces.".

(b) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall revise Department of Defense regulations, and issue such new regulations as may be necessary, to implement section 654 of title 10, United States Code, as added by subsection (a).

(c) SAVINGS PROVISION.—Nothing in this section or section 654 of title 10, United States Code, as added by subsection (a) may be construed to invalidate any inquiry, investigation, administrative action or proceeding, court-martial, or judicial proceeding conducted before the effective date of regulations issued by the Secretary of Defense to implement such section 654.

(d) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the suspension of questioning concerning homosexuality as part of the processing of individuals for accession into the Armed Forces under the interim policy of January 29, 1993, should be continued, but the Secretary of Defense may reinstate that questioning with such questions or such revised questions as he considers appropriate if the Secretary determines that it is necessary to do so in order to effectuate the policy set forth in section 654 of title 10, United States Code, as added by subsection (a); and

(2) the Secretary of Defense should consider issuing guidance governing the circumstances under which members of the Armed Forces questioned about homosexuality for administrative purposes should be afforded warnings similar to the warnings under section 831(b) of title 10, United States Code (article 31(b) of the Uniform Code of Military Justice).

SEC. 576. FOREIGN LANGUAGE PROFICIENCY TEST PROGRAM.

(a) TEST PROGRAM.—The Secretary of Defense shall develop and carry out a test program for improving foreign language proficiency in the Department of Defense through improved management and other measures. The test program shall be designed to evaluate the findings and recommendations of—

(1) the June 1993 inspection report of the Inspector General of the Department of Defense on the Defense Foreign Language Program (report numbered 93-INS-10);

(2) the report of the Sixth Quadrennial Review of Military Compensation (August 1988); and

(3) any other recent study of the foreign language proficiency program of the Department of Defense.

(b) EVALUATION OF PRIOR RECOMMENDATIONS.—The test program shall include an evaluation of the following possible changes to current practice identified in the reports referred to in subsection (a):

(1) Management of linguist billets and personnel for the active and reserve components from a Total Force perspective.

(2) Improvement of linguist training programs, both resident and nonresident, to provide greater flexibility, to accommodate missions other than signals intelligence, and to improve the provision of resources for nonresident programs.

(3) Centralized responsibility within the Office of the Secretary of Defense to provide coordinated oversight of all foreign language issues and programs, including a centralized process for determination, validation, and documentation of foreign language requirements for different services and missions.

(4) Revised policies of each of the military departments to foster maintenance of highly perishable linguistic skills through improved management of the careers of language-trained personnel, including more effective use of language skills, improved career opportunities within the linguistics field, and specific linkage of language proficiency to promotions.

(5) In the case language-trained members of the reserve components—

(A) the use of additional training assemblies (ATAs) as a means of sustaining linguistic proficiency and enhancing retention; and

(B) the use of larger enlistment and reenlistment bonuses, Special Duty Assignment Pay, and educational incentives.

(6) Such other management changes as the Secretary may consider necessary.

(c) EVALUATION OF ADJUSTMENT IN FOREIGN LANGUAGE PROFICIENCY PAY.—(1) The Secretary shall include in the test program an evaluation of adjustments in foreign language proficiency pay for active and reserve component personnel.

(2) Before any adjustment in foreign language proficiency pay is included in the test program as authorized by paragraph (1), the Secretary shall submit to the committees named in subsection (d)(2) the following information related to proficiency pay adjustments:

(A) The response of the Secretary to the findings of the Inspector General in the report on the Defense Foreign Language Program referred to in subsection (a)(1), specifically including the following matters raised in that report:

(i) Inadequate centralized oversight of planning, policy, roles, responsibilities, and funding for foreign language programs.

(ii) Inadequate management and validation of the requirements process for foreign language programs.

(iii) Inadequate uniform career management of language-trained personnel, including failure to take sufficient advantage of language skills and to recoup investment of training dollars.

(iv) Inadequate training programs, both resident and nonresident.

(B) The current manning of linguistic billets (shown by service, by active or reserve component, and by career field).

(C) The rates of retention in the service for language-trained personnel (shown by service, by active or reserve component, and by career field).

(D) The rates of retention by career field for language-trained personnel (shown by service, by active or reserve component, and by career field).

(E) The rates of language proficiency for personnel serving in linguistic billets (shown by service, by active or reserve component, and by career field).

(F) Trends in performance ratings for personnel serving in linguistic billets (shown by service, by active or reserve component, and by career field).

(G) Promotion rates for personnel serving in linguistic billets (shown by service, by active or reserve component, and by career field).

(H) The estimated cost of foreign language proficiency pay as proposed to be paid at the adjusted rates for the test program under paragraph (1)—

(i) for each year of the test program; and

(ii) for five years, if those rates are subsequently applied to the entire Department of Defense.

(3) The rates for adjusted foreign language proficiency pay as proposed to be paid for the test program under paragraph (1) may not take effect for the test program unless the senior official responsible for personnel matters in the Office of the Secretary of Defense determines that—

(A) the foreign language proficiency pay levels established for the test program are consistent with proficiency pay levels for other functions throughout the Department of Defense; and

(B) the terms and conditions for receiving foreign language proficiency pay conform to current policies and practices within the Department of Defense.

(d) REPORT ON PLAN FOR TEST PROGRAM.—(1) The Secretary of Defense shall submit to the committees named in paragraph (2) a report containing a plan for the test program required in subsection (a), an explanation of the plan, and a discussion of the matters stated in subsection (c)(2). The report shall be submitted not later than April 1, 1994.

(2) The committees referred to in paragraph (1) are—

(A) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(e) PERIOD OF TEST PROGRAM.—(1) The test program required by subsection (a) shall begin on October 1, 1994. However, if the report required by subsection (d) is not submitted by the date specified in that subsection for the submission of the report, the test program shall begin at the end of a period of 180 days (as computed under paragraph (2)) beginning on the date on which such report is submitted.

(2) For purposes of paragraph (1), days on which either House is not in session because of an adjournment of more than 3 days to a day certain or because of an adjournment sine die shall be excluded in the computation of such 180-day period.

(3) The test program shall terminate two years after it begins.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1994.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1994 shall not be made.

(b) INCREASE IN BASIC PAY, BAS, AND BAQ.—Effective on January 1, 1994, the rates of basic pay, basic allowance for subsistence, and basic allowance for quarters of members of the uniformed services are increased by 2.2 percent.

(c) UNIFORMED SERVICES DEFINED.—For purposes of this section, the term "uniformed services" does not include the National Oceanic and Atmospheric Administration.

SEC. 602. VARIABLE HOUSING ALLOWANCE FOR CERTAIN MEMBERS WHO ARE REQUIRED TO PAY CHILD SUPPORT AND WHO ARE ASSIGNED TO SEA DUTY.

Section 403a(b)(2) of title 37, United States Code, is amended—

(1) in subparagraph (A), by striking out "or"; and

(2) in subparagraph (B), by inserting "or" after the semicolon; and

(3) by adding at the end the following new subparagraph:

"(C) the member is assigned to sea duty and elects not to occupy assigned unaccompanied quarters, unless the member is in a pay grade above E-6;".

SEC. 603. PAY FOR STUDENTS AT SERVICE ACADEMY PREPARATORY SCHOOLS.

(a) RATES OF PAY.—Section 203 of title 37, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) A student at the United States Military Academy Preparatory School, the United States Naval Academy Preparatory School, or the United States Air Force Academy Preparatory School who was selected to attend the preparatory school from civilian life is entitled to monthly student pay at the same rate as provided for cadets and midshipmen under subsection (c)(1).

"(2) A student at a preparatory school referred to in paragraph (1) who, at the time of the student's selection to attend the preparatory school, was an enlisted member of the uniformed services on active duty for a period of more than 30 days shall continue to receive monthly basic pay at the rate prescribed for the student's pay grade as an enlisted member.

"(3) The monthly student pay of a student described in paragraph (1) shall be treated for purposes of the accrual charge for the Department of Defense Military Retirement Fund established under section 1461 of title 10 in the same manner as monthly cadet pay or midshipman pay under subsection (c)(1).".

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall apply with respect to students entering the United States Military Academy Preparatory School, the United States Naval Academy Preparatory School, or the United States Air Force Academy Preparatory School on or after the date of the enactment of this Act.

SEC. 604. ADVANCE PAYMENTS IN CONNECTION WITH THE EVACUATION OF MEMBERS AND DEPENDENTS OF MEMBERS FROM DESIGNATED PLACES.

(a) TIME OF DESIGNATION.—Section 1006(c) of title 37, United States Code, is amended—

(1) by inserting "(1)" after "(c)"; and

(2) by adding at the end the following new paragraph:

"(2) The actual designation of a place under this subsection as a place for which an advance of pay will be made under this subsection in connection with the ordered evacuation of members or dependents of members may be made by the President before, during, or after the evacuation.".

(b) APPLICATION OF AMENDMENT.—Section 1006(c) of title 37, United States Code, as amended by subsection (a), shall apply with respect to evacuations occurring on or after the date of the enactment of this Act. Subject to the availability of appropriations for the purpose of providing an advance of pay under such section, such section shall also apply with respect to evacuations occurring during the period beginning on June 1, 1991, and ending on the date of the enactment of this Act.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. PERMANENT AUTHORITY FOR CERTAIN BONUSES AND SPECIAL PAY FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES AND NURSE ANESTHETISTS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10 United States Code, is amended by striking out ", during the period beginning on November 29, 1989, and ending on September 30, 1993,".

(b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a) of title 37, United States Code, is amended by striking out ", during the period beginning on November 29, 1989, and ending on September 30, 1993,".

(c) SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a) of title 37, United States Code, is amended by striking out ", during the period beginning on November 29, 1989, and ending on September 30, 1993,".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as of October 1, 1993.

SEC. 612. EXTENSION AND MODIFICATION OF CERTAIN SELECTED RESERVE BONUSES.

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(b) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c of title 37, United States Code, is amended—

(1) in subsection (b)—

(A) by striking out "$2,000" in the material preceding paragraph (1) and inserting in lieu thereof "$5,000"; and

(B) in paragraph (1), by striking out "one-half of the bonus shall be paid" and inserting in lieu thereof "an amount not to exceed one-half of the bonus may be paid";

(2) in subsection (e), by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995"; and

(3) by adding at the end the following new subsection:

"(f) The total amount of expenditures under this section may not exceed $37,024,000 during fiscal year 1994.".

(c) SELECTED RESERVE AFFILIATION BONUS.—Section 308e of title 37, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (2), by striking out "fifth anniversary" and inserting in lieu thereof "sixth anniversary"; and

(B) by adding at the end the following new paragraph:

"(3) In lieu of the procedures set out in paragraph (2), the Secretary concerned may pay the bonus in monthly installments in such amounts as may be determined by the Secretary. Monthly payments under this paragraph shall begin after the first month of satisfactory service of the person and are payable only for those months in which the person serves satisfactorily. Satisfactory service shall be determined under regulations prescribed by the Secretary of Defense."; and

(2) in subsection (e), by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(d) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(i) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

SEC. 613. EXTENSIONS OF AUTHORITIES RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1994".

(b) SPECIAL PAY FOR ENLISTED MEMBERS OF THE SELECTED RESERVE ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(c) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 2172(d) of title 10, United States Code, is amended by striking out "October 1, 1993", and inserting in lieu thereof "October 1, 1995".

(d) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(e) ENLISTMENT BONUS FOR CRITICAL SKILLS.—Section 308a(c) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(f) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of title 37, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

(g) SPECIAL PAY FOR CRITICALLY SHORT WARTIME HEALTH SPECIALISTS IN THE SELECTED RESERVES.—Section 613(d) of the National Defense Authorization Act, Fiscal Year 1989 (37 U.S.C. 302 note), is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1995".

Subtitle C—Travel and Transportation Allowances

SEC. 621. AUTHORIZATION OF PAYMENT OR COLLECTION DUE TO FLUCTUATIONS OF FOREIGN CURRENCY INCURRED BY CERTAIN MILITARY MEMBERS.

(a) PAYMENT OR COLLECTION AUTHORIZED.—Subsection (d) of section 405 of title 37, United States Code, is amended to read as follows:

"(d)(1) In the case of a member of the uniformed services authorized to receive a per diem allowance under subsection (a), the Secretary concerned may make a lump-sum payment for nonrecurring expenses incurred by the member in occupying a private household outside of the United States if the expenses are authorized or approved under regulations prescribed by the Secretary concerned. Such nonrecurring expenses may include losses experienced by a member upon the return of refundable housing related deposits or as a result of other transactions necessary to secure housing where losses are incurred solely as the result of fluctuation in the relative values of United States and foreign currencies.

"(2) Any currency fluctuation gains made by the member upon the return of a refundable housing-related deposit shall be recouped by the Secretary concerned.

"(3) Expenses for which payments are made under this subsection may not be considered for purposes of determining the per diem allowance of the member under subsection (a).".

(b) APPLICATION OF AMENDMENT.—Section 405(d) of title 37, United States Code, as amended by subsection (a), shall apply with respect to nonrecurring expenses and currency fluctuation gains described in such section that are incurred by members of the uniformed services on or after the later of—

(1) October 1, 1993; and

(2) the date of the enactment of this Act.

Subtitle D—Other Matters

SEC. 631. DEFINITION OF DEPENDENT FOR PURPOSES OF ALLOWANCES TO INCLUDE CERTAIN UNMARRIED PERSONS IN THE LEGAL CUSTODY OF A MEMBER OR FORMER MEMBER.

(a) EXPANSION OF DEFINITION.—Section 401(a) of title 37, United States Code, is amended by adding at the end the following new paragraph:

"(4) An unmarried person who—

"(A) is placed in the legal custody of the member as a result of an order of a court of competent jurisdiction in the United States (or a Territory or possession of the United States) for a period of at least 12 consecutive months;

"(B)(i) has not attained the age of 21;

"(ii) has not attained the age of 23 years and is enrolled in a full time course of study at an institution of higher learning approved by the Secretary concerned; or

"(iii) is incapable of self support because of a mental or physical incapacity that occurred while the person was considered a dependent of the member or former member under this paragraph pursuant to clause (i) or (ii);

"(C) is dependent on the member for over one-half of the person's support, as prescribed in regulations of the Secretary concerned;

"(D) resides with the member unless separated by the necessity of military service or to receive institutional care as a result of disability, incapacitation, or such other circumstances as the Secretary concerned may by regulation prescribe; and

"(E) is not a dependent of a member under any other paragraph.".

(b) APPLICATION OF AMENDMENT.—Section 401(a)(4) of title 37, United States Code, as added by subsection (a), shall apply with respect to determinations of dependency made on or after July 1, 1994.

SEC. 632. CLARIFICATION OF ELIGIBILITY FOR TUITION ASSISTANCE.

Section 2007(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) The restrictions in paragraph (3) shall not apply in the case of officers and warrant officers on active duty or full-time National Guard duty who are eligible to receive assistance under subsection (a).".

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Services

SEC. 701. PRIMARY AND PREVENTIVE HEALTH-CARE SERVICES FOR WOMEN.

(a) FEMALE MEMBERS AND RETIREES OF THE UNIFORMED SERVICES.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1074c the following new section:

"§1074d. Primary and preventive health-care services for women

"Female members and former members of the uniformed services who are entitled to medical care under section 1074 or 1074a of this title shall be furnished with primary and preventive health-care services for women as part of such medical care.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074c the following new item:

"1074d. Primary and preventive health-care services for women.".

(b) FEMALE DEPENDENTS.—Section 1077(a) of such title is amended by adding at the end the following new paragraph:

"(13) Primary and preventive health-care services for women.".

(c) DEFINITION.—Section 1072 of such title is amended by adding at the end the following new paragraph:

"(6) The term 'primary and preventive health-care services for women' means health-care services provided to women, including counseling, relating to the following:

"(A) Papanicolaou tests (pap smear).

"(B) Breast examinations and mammography.

"(C) Comprehensive gynecological and obstetric care.

"(D) Infertility and sexually transmitted diseases, including prevention.

"(E) Menopause.

"(F) Physical or psychological conditions arising out of acts of sexual violence.".

SEC. 702. DEFINITION OF DEPENDENT FOR PURPOSES OF MEDICAL AND DENTAL COVERAGE TO INCLUDE CERTAIN UNMARRIED PERSONS IN THE LEGAL CUSTODY OF A MEMBER OR FORMER MEMBER.

(a) EXPANSION OF DEFINITION.—Section 1072(2) of title 10, United States Code, is amended—

(1) in subparagraph (G), by striking out "; and" and inserting in lieu thereof a semicolon;

(2) in subparagraph (H), by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new subparagraph:

"(I) an unmarried person who—

"(i) is placed in the legal custody of the member or former member as a result of an order of a court of competent jurisdiction in the United States (or a Territory or possession of the United States) for a period of at least 12 consecutive months;

"(ii)(I) has not attained the age of 21;

"(II) has not attained the age of 23 and is enrolled in a full time course of study at an institution of higher learning approved by the administering Secretary; or

"(III) is incapable of self support because of a mental or physical incapacity that occurred while the person was considered a dependent of the member or former member under this subparagraph pursuant to subclause (I) or (II);

"(iii) is dependent on the member or former member for over one-half of the person's support, as prescribed in regulations of the administering Secretary;

"(iv) resides with the member or former member unless separated by the necessity of military service or to receive institutional care as a result of disability, incapacitation, or such other circumstances as the administering Secretary may by regulation prescribe; and

"(v) is not a dependent of a member or a former member under any other subparagraph.".

(b) APPLICATION OF AMENDMENT.—Section 1072(2)(I) of title 10, United States Code, as added by subsection (a), shall apply with respect to determinations of dependency made on or after July 1, 1994.

Subtitle B—Health Care Management

SEC. 711. EXTENSION AND REVISION OF SPECIALIZED TREATMENT SERVICES PROGRAM.

(a) EXTENSION OF WAIVER AUTHORITY REGARDING 40-MILE RADIUS RESTRICTION.—Section 1079(a)(7)(B) of title 10, United States Code, is amended by striking out "October 1, 1993" and inserting in lieu thereof, "October 1, 1995".

(b) INCLUSION OF FACILITIES PURSUANT TO CONTRACT OR AGREEMENT.—Section 1105 of such title is amended—

(1) by inserting "(a) DETERMINATION.—" before "In determining";

(2) by striking out "within the area served by that facility"; and

(3) by adding at the end the following new subsections:

"(b) REGULATIONS.—The Secretary of Defense, after consulting with the other administering Secretaries, shall prescribe regulations to implement this section. Such regulations shall include standards for the designation of service areas comparable in size to service areas designated for facilities of the uniformed services pursuant to sections 1079(a)(7), 1080, and 1086(e) of this title.

"(c) REIMBURSEMENT OF TRANSPORTATION AND SUBSISTENCE EXPENSES.—(1) Subject to paragraph (2), the regulations required by subsection (b) also may provide for the full or partial reimbursement of reasonable expenses for—

"(A) the long-distance transportation for a covered beneficiary to or from a health care facility at which specialized health care services are provided pursuant to this chapter; and

"(B) the long-distance transportation, temporary lodging, and meals (not to exceed the applicable per diem rate) for a non-medical attendant (including a member of the uniformed services on active duty) who accompanies the covered beneficiary.

"(2) Reimbursement of expenses may be made under paragraph (1) only if the Secretary of Defense determines that such reimbursement will permit the health care services to be provided at less total cost to the Department of Defense than if the services were otherwise provided pursuant to this chapter. In lieu of reimbursement for such expenses, the Secretary may authorize the provision of transportation, meals, and lodging by the Department of Defense when reasonably available.".

SEC. 712. CODIFICATION OF CHAMPUS PEER REVIEW ORGANIZATION PROGRAM PROCEDURES.

Section 1079 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(o)(1) Health care services provided pursuant to this section or section 1086 of this title may not include services determined under the CHAMPUS Peer Review Organization program to be not medically or psychologically necessary.

"(2) The Secretary of Defense, after consulting with the other administering Secretaries, may—

"(A) adopt by regulation any quality and utilization review requirements and procedures in effect for the Peer Review Organization program under title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.) that the Secretary determines to be necessary to carry out this subsection; and

"(B) adapt such requirements and procedures to the circumstances of the CHAMPUS Peer Review Organization program as the Secretary determines to be appropriate.".

SEC. 713. FEDERAL PREEMPTION REGARDING CONTRACTS FOR MEDICAL AND DENTAL CARE.

(a) PREEMPTION.—Section 1103 of title 10, United States Code, is amended to read as follows:

"§1103. Contracts for medical and dental care: State and local preemption

"(a) OCCURRENCE OF PREEMPTION.—A law or regulation of a State or local government relating to health insurance, prepaid health plans, or other health care delivery and financing methods shall not apply to any contract entered into pursuant to this chapter by the Secretary of Defense or the administering Secretaries to the extent that the Secretary of Defense or the administering Secretaries determine that—

"(1) the State or local law or regulation is inconsistent with a specific provision of the contract or a regulation promulgated by the Secretary of Defense or the administering Secretaries pursuant to this chapter; or

"(2) preemption of the State or local law or regulation is necessary to implement or operate the contract or to achieve some other important Federal interest.

"(b) EFFECT OF PREEMPTION.—In the case of the preemption under subsection (a) of a State or local law or regulation regarding financial solvency, the Secretary of Defense or the administering Secretaries shall require an independent audit of the prime contractor of each contract entered into pursuant to this chapter covered by the preemption. The audit shall be performed by the Defense Contract Audit Agency.

"(c) STATE DEFINED.—In this section, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and each territory and possession of the United States.".

(b) APPLICATION OF AMENDMENT.—Section 1103 of title 10, United States Code, as amended by subsection (a), shall apply with respect to any contract entered into under chapter 55 of such title before, on, or after the date of the enactment of this Act.

SEC. 714. DELAY OF TERMINATION EFFECTIVE DATE FOR UNIFORMED SERVICES TREATMENT FACILITIES.

Subsection (e) of section 1252 of the Department of Defense Authorization Act, 1984 (42 U.S.C. 248d) is amended by striking out "1993" and inserting in lieu thereof "1995".

SEC. 715. MANAGED-CARE DELIVERY AND REIMBURSEMENT MODEL FOR THE UNIFORMED SERVICES TREATMENT FACILITIES.

(a) TIME FOR OPERATION OF MANAGED-CARE DELIVERY AND REIMBURSEMENT MODEL.—Subsection (c) of section 718 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1587) is amended by striking out the first sentence and inserting in lieu thereof the following:

"(1) TIME FOR OPERATION.—Not later than October 1, 1993, the Secretary of Defense shall begin operation of a managed-care delivery and reimbursement model that will continue to utilize the Uniformed Services Treatment Facilities in the military health services system.".

(b) COPAYMENTS AND DEFINITION.—Such subsection is further amended by adding at the end the following new paragraphs:

"(2) COPAYMENTS.—A Uniformed Services Treatment Facility for which there exists a Uniformed Services Treatment Facilities Managed-Care Plan may impose nominal charges for inpatient and outpatient care provided to all categories of beneficiaries enrolled in the plan. The schedule and application of such charges shall be in accordance with the terms and conditions specified in the plan.

"(3) DEFINITION.—For purposes of this subsection, the term 'Uniformed Services Treatment Facility' means a facility described in section 911(a) of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c(a)).".

SEC. 716. CLARIFICATION OF CONDITIONS ON EXPANSION OF CHAMPUS REFORM INITIATIVE TO OTHER LOCATIONS.

(a) IN GENERAL.—Subsection (a) of section 712 of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1073 note) is amended—

(1) by inserting "(1)" after "CONDITION.—";

(2) in the second sentence, by inserting after "cost-effectiveness of the initiative" the following: "(while assuring that the combined cost of care in military treatment facilities and under the Civilian Health and Medical Program of the Uniformed Services will not be increased as a result of the expansion)"; and

(3) by adding at the end the following new paragraph:

"(2) To the extent any revision of the CHAMPUS reform initiative is necessary in order to make the certification required by this subsection, the Secretary shall assure that enrolled covered beneficiaries may obtain health care services with reduced out-of-pocket costs, as compared to standard CHAMPUS.".

(b) DEFINITION.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

"(3) The terms 'Civilian Health and Medical Program of the Uniformed Services' and 'CHAMPUS' have the meaning given the term 'Civilian Health and Medical Program of the Uniformed Services' in section 1072(4) of title 10, United States Code."

SEC. 717. INCREASED FLEXIBILITY FOR PERSONAL SERVICE CONTRACTS IN MILITARY MEDICAL TREATMENT FACILITIES.

(a) PERSONAL SERVICES CONTRACTS AUTHORIZED.—(1) Section 1091 of title 10, United States Code, is amended to read as follows:

"§1091. Personal services contracts

"(a) AUTHORITY.—The Secretary of Defense may enter into personal services contracts to carry out health care responsibilities in medical treatment facilities of the Department of Defense, as determined to be necessary by the Secretary. The authority provided in this subsection is in addition to any other contract authorities of the Secretary, including authorities relating to the management of such facilities and the administration of this chapter.

"(b) LIMITATION ON AMOUNT OF COMPENSATION.—In no case may the total amount of compensation paid to an individual in any year under a personal services contract entered into under subsection (a) exceed the amount of annual compensation (excluding expenses) specified in section 102 of title 3.

"(c) PROCEDURES.—(1) The Secretary shall establish by regulation procedures for entering into personal services contracts with individuals under subsection (a). At a minimum, such procedures shall assure—

"(A) the provision of adequate notice of contract opportunities to individuals residing in the area of the medical treatment facility involved; and

"(B) consideration of interested individuals solely on the basis of the qualifications established for the contract and the proposed contract price.

"(2) Upon the establishment of such procedures under paragraph (1), the Secretary may exempt contracts covered by this section from the competitive contracting requirements specified in section 2304 of this title or any other similar requirements of law.

"(d) EXCEPTIONS.—The procedures and exemptions provided under subsection (c) shall not apply to personal services contracts entered into under subsection (a) with entities other than individuals or to any contract that is not an authorized personal services contract under such subsection.".

(2) The item relating to section 1091 in the table of sections at the beginning of chapter 55 of title 10, United States Code, is amended to read as follows:

"1091. Personal services contracts.".

(b) REPORT REQUIRED.—Not later than 30 days after the end of the 180-day period beginning on the date on which the Secretary of Defense first uses the authority provided under section 1091 of title 10, United States Code (as amended by subsection (a)(1)), the Secretary shall submit to Congress a report specifying—

(1) the salaries, by medical specialty, offered by the Secretary to individuals agreeing to enter into a personal services contract under such section during that period;

(2) the extent to which those salaries exceed the salaries previously offered by the Secretary for individuals in such medical specialties;

(3) the total number and medical specialties of individuals serving in military medical treatment facilities during that period pursuant to such a contract; and

(4) the number of such individuals (and their medical specialties) who are receiving compensation under such a contract in an amount in excess of the maximum amount authorized under such section, as such section was in effect on the day before the date of the enactment of this Act.

SEC. 718. EXPANSION OF THE PROGRAM FOR THE COLLECTION OF HEALTH CARE COSTS FROM THIRD-PARTY PAYERS.

(a) COLLECTION CHANGES.—Section 1095 of title 10, United States Code, is amended—

(1) in subsection (g)—

(A) by inserting after "collected under this section from a third party payer" the following: "or under any other provision of law from any other payer"; and

(B) by inserting before the period the following: "and shall not be taken into consideration in establishing the operating budget of the facility"; and

(2) in subsection (h)(2), by inserting after "includes" the following: "a preferred provider organization and".

(b) REPORT ON COLLECTIONS.—Not later than February 15 of each year, the Secretary of Defense shall submit to Congress a report specifying for each medical treatment facility of the uniformed services—

(1) the amount collected during the preceding fiscal year under section 1095 of title 10, United States Code, from third-party payers for the costs of health care provided at the facility; and

(2) the amount requested for operation and maintenance of the facility for the preceding fiscal year, the fiscal year in which the report is submitted, and the next fiscal year.

SEC. 719. ALTERNATIVE RESOURCE ALLOCATION METHOD FOR MEDICAL FACILITIES OF THE UNIFORMED SERVICES.

(a) INCLUSION OF CAPITATION METHOD.—Section 1101 of title 10, United States Code is amended—

(1) in subsection (a)—

(A) by striking "DRGS" in the subsection heading and inserting in lieu thereof "CAPITATION OR DRG METHOD";

(B) by inserting "capitation or" before "diagnosis-related groups";

(2) in subsection (b), by striking "Diagnosis-related groups" and inserting in lieu thereof "Capitation or diagnosis-related groups"; and

(3) in subsection (c)—

(A) by striking "shall" both places it appears and inserting in lieu thereof "may"; and

(B) by adding at the end the following new paragraph:

"(4) An appropriate method for calculating or estimating the annual per capita costs of providing comprehensive health care services to members of the uniformed services on active duty and covered beneficiaries.".

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§1101. Resource allocation methods: capitation or diagnosis-related groups".

(2) The item relating to such section in the table of sections at the beginning of chapter 55 of such title is amended to read as follows:

"1101. Resource allocation methods: capitation or diagnosis-related groups.".

SEC. 720. USE OF HEALTH MAINTENANCE ORGANIZATION MODEL AS OPTION FOR MILITARY HEALTH CARE.

(a) USE OF MODEL.—Not later than December 15, 1993, the Secretary of Defense shall prescribe and implement a health benefit option (and accompanying cost-sharing requirements) for covered beneficiaries eligible for health care under chapter 55 of title 10, United States Code, that is modelled on health maintenance organization plans offered in the private sector and other similar Government health insurance programs. The Secretary shall include, to the maximum extent practicable, the health benefit option required under this subsection as one of the options available to covered beneficiaries in all future managed health care initiatives undertaken by the Secretary.

(b) ELEMENTS OF OPTION.—The Secretary shall offer covered beneficiaries who enroll in the health benefit option required under subsection (a) reduced out-of-pocket costs and a benefit structure that is as uniform as possible throughout the United States. The Secretary shall allow enrollees to seek health care outside the option, except that the Secretary may prescribe higher out-of-pocket costs than authorized under section 1079 or 1086 of title 10, United States Code, for enrollees who do so.

(c) GOVERNMENT COSTS.—The health benefit option required under subsection (a) shall be administered so that the costs incurred by the Secretary to provide the option are no greater than the costs that would otherwise be incurred to provide health care to the covered beneficiaries who enroll in the option.

SEC. 721. AUTHORIZATION FOR AUTOMATED MEDICAL RECORD CAPABILITY TO BE INCLUDED IN MEDICAL INFORMATION SYSTEM.

(a) AUTOMATED MEDICAL RECORD CAPABILITY.—In carrying out the acquisition of the Department of Defense medical information system referred to in section 704 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 704), the Secretary of Defense may permit an automated medical record capability to be included in the system. The Secretary may make such modifications to existing contracts, and include such specifications in future contracts, as the Secretary considers necessary to include such a capability in the system.

(b) PLAN.—The Secretary of Defense shall develop a plan to test the use of automated medical records at one or more military medical treatment facilities. Not later than January 15, 1994, the Secretary shall submit the plan to the Committees on Armed Services of the Senate and House of Representatives.

(c) DEFINITIONS.—In this section:

(1) The term "medical information system" means a computer-based information system that—

(A) receives data normally recorded concerning patients;

(B) creates and maintains from such data a computerized medical record for each patient; and

(C) provides access to data for patient care, hospital administration, research, and medical care resource planning.

(2) The term "automated medical record" means a computer-based information system that—

(A) is available at the time and place of interaction between a patient and a health care provider;

(B) receives, stores, and provides access to relevant patient and other medical information in a single, logical patient record that is appropriately organized for clinical decisionmaking; and

(C) maintains patient confidentiality in conformance with all applicable laws and regulations.

Subtitle C—Other Matters

SEC. 731. AWARD OF CONSTRUCTIVE SERVICE CREDIT FOR ADVANCED HEALTH PROFESSIONAL DEGREES.

(a) CREDIT ON ORIGINAL APPOINTMENT.—Section 533(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) by inserting "professional" in the first sentence after "One year for each year of advanced";

(B) by striking out "Except as provided in clause (E), in" at the beginning of the second sentence and inserting in lieu thereof "In"; and

(C) by striking out "postsecondary education in excess of four that are" in the second sentence and inserting in lieu thereof "advanced education";

(2) by striking out subparagraph (E); and

(3) by redesignating subparagraph (F) as subparagraph "(E)".

(b) CREDIT AS RESERVE OF THE ARMY.—Section 3353(b)(1) of such title is amended—

(1) in subparagraph (A)—

(A) by inserting "professional" in the first sentence after "One year for each year of advanced";

(B) by striking out "Except as provided in clause (E), in " at the beginning of the second sentence and inserting in lieu thereof "In"; and

(C) by striking out "postsecondary education in excess of four that are" in the second sentence and inserting in lieu thereof "advanced education";

(2) by striking out subparagraph (E); and

(3) by redesignating subparagraph (F) as subparagraph "(E)".

(c) CREDIT IN THE NAVAL RESERVE AND MARINE CORPS RESERVE.—Section 5600(b)(1) of such title is amended—

(1) in subparagraph (A)—

(A) by inserting "professional" in the first sentence after "One year for each year of advanced";

(B) by striking out "Except as provided in clause (E), in" at the beginning of the second sentence and inserting in lieu thereof "In"; and

(C) by striking out "postsecondary education in excess of four that are" in the second sentence and inserting in lieu thereof "advanced education";

(2) by striking out subparagraph (E); and

(3) by redesignating subparagraph (F) as subparagraph "(E)".

(d) CREDIT AS RESERVE OF THE AIR FORCE.—Section 8353(b)(1) of such title is amended—

(1) in subparagraph (A)—

(A) by inserting "professional" in the first sentence after "One year for each year of advanced";

(B) by striking out "Except as provided in clause (E), in" at the beginning of the second sentence and inserting in lieu thereof "In"; and

(C) by striking out "postsecondary education in excess of four that are" in the second sentence and inserting in lieu thereof "advanced education";

(2) by striking out subparagraph (E); and

(3) by redesignating subparagraph (F) as subparagraph "(E)".

(e) APPLICATION OF AMENDMENTS.—The amendments made by this section shall apply with respect to determining the constructive service credit of persons receiving an original appointment as commissioned officers in regular components of the Armed Forces, an original appointment as reserve commissioned officers, or an assignment or designation to certain officer categories described in such sections whether such appointment, assignment, or designation occurred before the date of the enactment of this Act or occurs on or after such date.

SEC. 732. CLARIFICATION OF AUTHORITY FOR GRADUATE STUDENT PROGRAM OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

(a) DISTINCTION BETWEEN MEDICAL AND GRADUATE STUDENTS.—Section 2114 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out "Students" in the first sentence and inserting in lieu thereof "Medical students";

(2) in subsection (b), by striking out "Students" in the first and fourth sentences and inserting in lieu thereof in each instance "Medical students";

(3) in subsection (d), by striking out "member" in the first sentence and inserting in lieu thereof "commissioned member"; and

(4) by adding at the end the following new subsection:

"(g) The Secretary of Defense shall establish selection procedures, service obligations (if any), and such other requirements as the Secretary determines to be appropriate for students in any postdoctoral, postgraduate, or technological institute established pursuant to section 2113(h) of this title.".

(b) APPLICATION OF AMENDMENTS.—The amendments made by subsection (a) shall apply with respect to students attending the Uniformed Services University of the Health Sciences on or after the date of the enactment of this Act.

SEC. 733. AUTHORITY FOR THE ARMED FORCES INSTITUTE OF PATHOLOGY TO OBTAIN ADDITIONAL DISTINGUISHED PATHOLOGISTS AND SCIENTISTS.

Section 176(c) of title 10, United States Code, is amended by adding at the end the following new sentence: "The Secretary of Defense, on a case-by-case basis, may waive the limitation on the number of distinguished pathologists or scientists with whom agreements may be entered into under this subsection if the Secretary determines that such waiver is in the best interest of the Department of Defense.".

SEC. 734. REPORT ON THE PROVISION OF HEALTH-CARE SERVICES TO WOMEN.

(a) REPORT REQUIRED.—The Secretary of Defense shall prepare a report evaluating the provision of health-care services through military medical treatment facilities and the Civilian Health and Medical Program of the Uniformed Services to female members of the uniformed services and female covered beneficiaries eligible for health care under chapter 55 of title 10, United States Code.

(b) CONTENTS.—The report required by subsection (a) shall contain the following:

(1) A description of the medical personnel of the Department of Defense who provided health-care services during fiscal year 1993 to female members and covered beneficiaries, including—

(A) the number of such personnel (including both the number of individual employees and the number of full-time employee equivalents);

(B) the professional qualifications or specialty training of such personnel; and

(C) the medical facilities to which such personnel were assigned.

(2) A description of any actions, including the use of special pays and incentives, taken by the Secretary during fiscal year 1993—

(A) to ensure the retention of the medical personnel described in paragraph (1);

(B) to recruit additional personnel to provide health-care services to female members and female covered beneficiaries; and

(C) to replace departing personnel who provided such services.

(3) A description of any existing or proposed programs to encourage specialization of health care professionals in fields related to primary and preventive health-care services for women.

(4) An assessment of any difficulties experienced by military medical treatment facilities or the Civilian Health and Medical Program of the Uniformed Services in furnishing primary and preventive health-care services for women and a description of those actions taken by the Secretary to resolve such difficulties.

(5) An assessment of the extent to which gender-related factors impede or complicate diagnoses (such as inappropriate psychiatric referrals and admissions) made by medical personnel described in paragraph (1).

(6) A description of the actions taken by the Secretary to foster and encourage the expansion of research relating to health care issues of concern to female members of the uniformed services and female covered beneficiaries.

(c) POPULATION STUDY OF THE NEED OF FEMALE MEMBERS AND FEMALE COVERED BENEFICIARIES FOR HEALTH-CARE SERVICES.—(1) As part of the report required by subsection (a), the Secretary shall conduct a study to determine the needs of female members of the uniformed services and female covered beneficiaries for health-care services, including primary and preventive health-care services for women.

(2) The study shall examine the health needs of current members and covered beneficiaries and future members and covered beneficiaries based upon the anticipated size and composition of the Armed Forces in the year 2000 and should be based on the demographics of society as a whole.

(d) SUBMISSION AND REVISION.—The Secretary of Defense shall submit the report required by subsection (a) to Congress not later than April 1, 1994. The Secretary shall revise and resubmit the report to Congress not later than April 1, 1999.

(e) DEFINITIONS.—For purposes of this section:

(1) The term "primary and preventive health care services for women" has the meaning given such term in paragraph (6) of section 1072 of title 10, United States Code, as added by section 701(c)).

(2) The term "covered beneficiary" has the meaning given such term in paragraph (5) of such section.

SEC. 735. SENSE OF CONGRESS REGARDING THE INCLUSION OF CHIROPRACTIC CARE AS A TYPE OF HEALTH CARE AUTHORIZED UNDER CHAMPUS.

(a) FINDINGS.—Congress finds the following:

(1) Chiropractors are currently prohibited from receiving reimbursement under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS).

(2) Chiropractors offer cost-effective care that is desired by covered beneficiaries under CHAMPUS.

(3) On March 1, 1992, the Department of Defense concluded a two-year demonstration project to test the participation of chiropractors under CHAMPUS.

(4) The demonstration project included over 1,100 chiropractors in the States of Colorado and Washington and generated over 50,000 claims from 5,700 covered beneficiaries.

(5) A final report from the Department of Defense on the demonstration project was expected in December 1992, but analysis of data derived from the project was delayed due to the late filing of claims.

(b) SENSE OF CONGRESS.—In light of the findings in subsection (a), it is the sense of Congress that the Secretary of Defense should—

(1) designate the analysis referred to in subsection (a)(5) of the demonstration project to test the participation of chiropractors under CHAMPUS as a priority matter to be completed as expeditiously as possible, and not later than October 1, 1993;

(2) submit that analysis, together with such conclusions as the Secretary considers to be appropriate, to the congressional defense committees at the earliest possible date, and not later than October 1, 1993;

(3) provide Congress (including the General Accounting Office or other designated representative of Congress) access to all data resulting from the demonstration project; and

(4) proceed immediately with any preliminary staff work (such as development of procedures and regulations) that may be required to comply with the findings and recommendations resulting from the analysis of the demonstration project.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Assistance Programs

SEC. 801. DEFENSE PROCUREMENT TECHNICAL ASSISTANCE PROGRAM.

(a) AVAILABILITY OF AUTHORIZED APPROPRIATIONS.—Of the amounts authorized to be appropriated in section 301(5) for Defense-wide activities for fiscal year 1994, $12,000,000 shall be available for such fiscal year for carrying out the provisions of chapter 142 of title 10, United States Code.

(b) SPECIFIC PROGRAMS.—Of the amounts referred to in subsection (a), $600,000 shall be available for fiscal year 1994 for the purpose of carrying out programs sponsored by eligible entities referred to in subparagraph (D) of section 2411(1) of title 10, United States Code, that provide procurement technical assistance in distressed areas referred to in subparagraph (B) of section 2411(2) of such title. If there is an insufficient number of satisfactory proposals for cooperative agreements in such distressed areas to allow for effective use of the funds made available in accordance with this subsection in such areas, the funds shall be allocated among the Defense Contract Administration Services regions in accordance with section 2415 of such title.

SEC. 802. HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.

(a) FUNDING.—Of the amounts authorized to be appropriated for fiscal year 1994 pursuant to title II of this Act, $15,000,000 shall be available for such fiscal year for infrastructure assistance to historically Black colleges and universities and minority institutions under section 2323(c)(3) of title 10, United States Code.

(b) INFORMATION ON PROGRESS IN PROVIDING INFRASTRUCTURE ASSISTANCE REQUIRED IN ANNUAL REPORT.—Effective October 1, 1993, section 2323(i)(3) of title 10, United States Code, is amended by adding at the end the following:

"(D) A detailed description of the infrastructure assistance provided under subsection (c) during the preceding fiscal year and of the plans for providing such assistance during the fiscal year in which the report is submitted.".

Subtitle B—Provisions to Streamline Defense Acquisition Laws

SEC. 811. REPEAL AND AMENDMENT OF OBSOLETE, REDUNDANT, OR OTHERWISE UNNECESSARY LAWS APPLICABLE TO DEPARTMENT OF DEFENSE GENERALLY.

(a) REPEALS.—The following provisions of law are repealed:

(1) Chapter 135 of title 10, United States Code (relating to encouragement of aviation).

(2) Section 2317 of title 10, United States Code (relating to encouragement of competition and cost savings).

(3) Section 2362 of title 10, United States Code (relating to testing requirements for wheeled or tracked vehicles).

(4) Section 2389 of title 10, United States Code (relating to purchases from the Commodity Credit Corporation and price adjustments for contracts for procurement of milk).

(5) Sections 2436 and 2437 of title 10, United States Code (relating to defense enterprise programs).

(6) Section 821 of Public Law 101–189 (103 Stat. 1503) (relating to certificate of independent price determination in certain Department of Defense contract solicitations).

(b) DELETION OF EXPIRING REPORT REQUIREMENT.—Effective February 1, 1994, section 2361 of title 10, United States Code, is amended by striking out subsection (c).

SEC. 812. EXTENSION TO DEPARTMENT OF DEFENSE GENERALLY OF CERTAIN ACQUISITION LAWS APPLICABLE TO THE ARMY AND AIR FORCE.

(a) INDUSTRIAL MOBILIZATION.—(1) Subchapter V of chapter 148 of title 10, United States Code, is amended by adding at the end the following new sections:

"§2538. Industrial mobilization: orders; priorities; possession of manufacturing plants; violations

"(a) ORDERS.—In time of war or when war is imminent, the President, through the head of any department, may order from any person or organized manufacturing industry necessary products or materials of the type usually produced or capable of being produced by that person or industry.

"(b) PRIORITIES.—A person or industry with whom an order is placed under subsection (a), or the responsible head thereof, shall comply with that order and give it precedence over all orders not placed under that subsection.

"(c) POSSESSION OF MANUFACTURING PLANTS.—In time of war or when war is imminent, the President, through the head of any department, may take immediate possession of any plant that is equipped to manufacture, or that in the opinion of the Secretary of Defense is capable of being readily transformed into a plant for manufacturing, arms or ammunition, parts thereof, or necessary supplies for the armed forces if the person or industry owning or operating the plant, or the responsible head thereof, refuses—

"(1) to give precedence to the order as prescribed in subsection (b);

"(2) to manufacture the kind, quantity, or quality of arms or ammunition, parts thereof, or necessary supplies, as ordered by the Secretary; or

"(3) to furnish them at a reasonable price as determined by the Secretary.

"(d) MANUFACTURE OF PRODUCTS IN SEIZED PLANTS.—The President, through the Secretary of Defense, may manufacture products that are needed in time of war or when war is imminent, in any plant that is seized under subsection (c).

"(e) COMPENSATION AND RENTAL.—Each person or industry from whom products or materials are ordered under subsection (a) is entitled to fair and just compensation. Each person or industry whose plant is seized under subsection (c) is entitled to a fair and just rental.

"(f) VIOLATIONS.—Whoever fails to comply with this section shall be imprisoned for not more than three years and fined under title 18.

"§2539. Industrial mobilization: plants; lists

"(a) LIST OF PLANTS EQUIPPED TO MANUFACTURE ARMS OR AMMUNITION.—The Secretary of Defense shall maintain a list of all privately

owned plants in the United States, and the territories, commonwealths, and possessions, that are equipped to manufacture for the armed forces arms or ammunition, or parts thereof, and shall obtain complete information of the kinds of those products manufactured or capable of being manufactured by each of those plants, and of the equipment and capacity of each of those plants.

"(b) LIST OF PLANTS CAPABLE OF BEING TRANSFORMED INTO AMMUNITION FACTORIES.—The Secretary of Defense shall maintain a list of privately owned plants in the United States, and the territories, commonwealths, and possessions, that are capable of being readily transformed into factories for the manufacture of ammunition for the armed forces and that have a capacity sufficient to warrant conversion into ammunition plants in time of war or when war is imminent, and shall obtain complete information as to the equipment of each of those plants.

"(c) CONVERSION PLANS.—The Secretary of Defense shall prepare comprehensive plans for converting each plant listed pursuant to subsection (b) into a factory for the manufacture of ammunition or parts thereof.

"§2540. Industrial mobilization: Board on Mobilization of Industries Essential for Military Preparedness

"The President may appoint a nonpartisan Board on Mobilization of Industries Essential for Military Preparedness, and may provide necessary clerical assistance, to organize and coordinate operations under sections 2538 and 2539 of this title.".

(2) Sections 4501, 4502, 9501, and 9502 of title 10, United States Code, are repealed.

(b) AVAILABILITY OF SAMPLES, DRAWINGS, INFORMATION, EQUIPMENT, MATERIALS, AND CERTAIN SERVICES.—(1) Chapter 148 of title 10, United States Code, is further amended by adding at the end the following:

"§2541. Availability of samples, drawings, information, equipment, materials, and certain services.

"(a) AUTHORITY.—The Secretary of Defense and the secretaries of the military departments, under regulations to be prescribed by the Secretary of Defense and when determined to be in the interest of national defense, may—

"(1) sell, lend, or give samples, drawings, and manufacturing or other information (subject to the rights of third parties) to any United States person or entity;

"(2) sell or lend government equipment or materials to any United States person or entity—

"(A) for use in independent research and development programs, if the equipment or material will be used exclusively for such research and development; or

"(B) for use in demonstrations to a friendly foreign government; and

"(3) make available to any United States person or entity, for appropriate fees, the services of any government laboratory, center, range, or other testing facility for the testing of materials, equipment, models, computer software, and other items.

"(b) FEES.—Fees for services made available under subsection (a)(3) shall be established by regulations prescribed pursuant to subsection (a). Such fees may not exceed the amount necessary to recoup the direct costs involved, such as utilities, contractor support, and salaries of personnel incurred by the United States to provide such testing.

"(c) CONFIDENTIALITY.—The results of tests performed pursuant to subsection (a)(3) are confidential and may not be divulged outside the government without the consent of the persons for whom the tests are performed.

"(d) USE OF FEES.— Fees received for services made available under subsection (a)(3) may be credited to the appropriations or funds of the selling activity.".

(2) Section 2314 of title 10, United States Code, is amended by inserting "or sale" after "procurement".

(3) Sections 4506, 4507, 4508, 9506, and 9507 of title 10, United States Code, are repealed.

(c) PROCUREMENT FOR EXPERIMENTAL PURPOSES.—(1) Chapter 139 of title 10, United States Code, is amended by adding at the end the following new section:

"§2373. Procurement for experimental purposes

"(a) AUTHORITY.—The Secretary of a military department may buy ordnance, signal, and chemical activity supplies, including parts and accessories, and designs thereof, that the Secretary concerned considers necessary for experimental or test purposes in the development of the best supplies that are needed for the national defense.

"(b) PROCEDURES.—Purchases under this section may be made inside or outside the United States, with or without competitive bidding, and by contract or otherwise. Chapter 137 of this title applies when such purchases are made in quantity.".

(2) Sections 4504 and 9504 of title 10, United States Code, are repealed.

(d) ACCEPTANCE OF GRATUITOUS SERVICES OF CERTAIN RESERVE OFFICERS.—(1) Chapter 11 of title 10, United States Code, is amended by inserting after section 278 the following new section:

"§279. Authority to accept certain gratuitous services of officers

"Notwithstanding section 1342 of title 31, the Secretary of a military department may accept the gratuitous services of an officer of a reserve component under the Secretary's jurisdiction (other than an officer of the Army National Guard of the United States or the Air National Guard of the United States)—

"(1) in the furtherance of the enrollment, organization, and training of that officer's reserve component or the Reserve Officers' Training Corps; or

"(2) in consultation upon matters relating to the armed forces.".

(2) Sections 4541 and 9541 of title 10, United States Code, are repealed.

SEC. 813. REPEAL AND AMENDMENT OF CERTAIN ACQUISITION LAWS APPLICABLE TO THE ARMY AND AIR FORCE.

(a) REPEALS.—The following provisions of subtitles B and D of title 10, United States Code, are repealed:

(1) Sections 4503 and 9503 (relating to research and development programs).

(2) Sections 4505 and 9505 (relating to procurement of production equipment).

(3) Sections 4531 and 9531 (relating to procurement authorization).

(4) Section 4533 (relating to Army rations).

(5) Sections 4534 and 9534 (relating to subsistence supplies, contract stipulations, and place of delivery on inspection).

(6) Sections 4535 and 9535 (relating to purchase of exceptional subsistence supplies without advertising).

(7) Sections 4537 and 9537 (relating to assistance of U.S. mapping agencies with military surveys and maps).

(8) Sections 4538 and 9538 (relating to exchange and reclamation of unserviceable ammunition).

(b) AMENDMENTS.—(1) Section 2358(a) of title 10, United States Code, is amended—

(A) in the first sentence, by striking out "Subject to approval by the President, the Secretary of Defense" and inserting in lieu thereof "The Secretary of Defense and the Secretaries of the military departments";

(B) in the first sentence, by inserting after "other military" the following: "or department"; and

(C) in the second sentence, by striking out "Subject to approval by the President, the Secretary" and inserting in lieu thereof "The Secretary concerned".

(2) Section 2358(b) of such title is amended—

(A) by inserting after "Secretary of Defense" the following: "or the Secretary of the military department concerned"; and

(B) by inserting after "relationship to a military" the following: "or department".

SEC. 814. CONSOLIDATION, REPEAL, AND AMENDMENT OF CERTAIN ACQUISITION LAWS APPLICABLE TO THE NAVY.

(a) REPEALS.—The following provisions of subtitle C of title 10, United States Code, are repealed:

(1) Section 7201 (relating to guided missiles, research and development, procurement, and construction).

(2) Section 7210 (relating to purchase of patents, patent applications, and licenses).

(3) Section 7213 (relating to relief of contractors and their employees from losses by enemy action).

(4) Section 7230 (relating to sale of degaussing equipment).

(5) Section 7296 (relating to availability of appropriations for other purposes).

(6) Section 7298 (relating to conversion of combatants and auxiliaries).

(7) Section 7301 (relating to estimates required for bids on construction).

(8) Section 7310 (relating to constructing combatant vessels).

(9) Chapter 635 (relating to naval aircraft).

(10) Section 7366 (relating to limitation on appropriations for naval salvage facilities).

(b) REVISION AND STREAMLINING OF CERTAIN PROVISIONS RELATING TO NAVAL VESSELS.—Chapter 633 of such title is amended by striking out sections 7304, 7305, 7306, 7307, 7308, and 7309 and inserting in lieu thereof the following:

"§7304. Examination of vessels; striking of vessels from Naval Vessel Register

"(a) BOARDS OF OFFICERS TO EXAMINE NAVAL VESSELS.—The Secretary of the Navy shall designate boards of naval officers to examine naval vessels, including unfinished vessels, for the purpose of making a recommendation to the Secretary as to which vessels, if any, should be stricken from the Naval Vessel Register. Each vessel shall be examined at least once every three years if practicable.

"(b) ACTIONS BY BOARD.—A board designated under subsection (a) shall submit to the Secretary in writing its recommendations as to which vessels, if any, among those it examined should be stricken from the Naval Vessel Register.

"(c) ACTION BY SECRETARY.—If the Secretary concurs with a recommendation by a board that a vessel should be stricken from the Naval Vessel Register, the Secretary shall strike the name of that vessel from the Naval Vessel Register.

"§7305. Vessels stricken from Naval Vessel Register: sale

"(a) APPRAISAL OF VESSELS STRICKEN FROM NAVAL VESSEL REGISTER.—The Secretary of the Navy shall appraise each vessel stricken from the Naval Vessel Register under section 7304 of this title.

"(b) AUTHORITY TO SELL VESSEL.—If the Secretary considers that the sale of the vessel is in the national interest, the Secretary may sell the vessel. Any such sale shall be in accordance with regulations prescribed by the Secretary for the purposes of this section.

"(c) PROCEDURES FOR SALE.—(1) A vessel stricken from the Naval Vessel Register and not subject to disposal under any other law may be *sold under this section. In such a case, the Secretary may sell the vessel to the highest acceptable bidder, regardless of the appraised value of the vessel, after the vessel is publicly advertised for sale for a period of not less than 30 days.*

"(2) If the Secretary determines that the bid prices for a vessel received after advertising under paragraph (1) are not acceptable and that readvertising will serve no useful purpose, the Secretary may sell the vessel by negotiation to the highest acceptable bidder if—

"(A) each responsible bidder has been notified of intent to negotiate and has been given a reasonable opportunity to negotiate; and

"(B) the negotiated price is—

"(i) higher than the highest rejected price of any responsible bidder; or

"(ii) reasonable and in the national interest.

"(d) APPLICABILITY.—This section does not apply to a vessel the disposal of which is authorized by the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), if it is to be disposed of under that Act.

"§7306. Vessels stricken from Naval Vessel Register; captured vessels: transfer by gift or otherwise

"(a) AUTHORITY TO MAKE TRANSFER.—Subject to subsections (c) and (d) of section 602 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 474), the Secretary of the Navy may transfer, by gift or otherwise, any vessel stricken from the Naval Vessel Register, or any captured vessel, to—

"(1) any State, Commonwealth, or possession of the United States or any municipal corporation or political subdivision thereof;

"(2) the District of Columbia; or

"(3) any not-for-profit or nonprofit entity.

"(b) VESSEL TO BE MAINTAINED IN CONDITION SATISFACTORY TO SECRETARY.—An agreement for the transfer of a vessel under subsection (a) shall include a requirement that the transferee will maintain the vessel in a condition satisfactory to the Secretary.

"(c) TRANSFERS TO BE AT NO COST TO UNITED STATES.—Any transfer of a vessel under this section shall be made at no cost to the United States.

"(d) NOTICE TO CONGRESS.—(1) No transfer under this section takes effect unless—

"(A) notice of the proposal to make the transfer is sent to Congress; and

"(B) 60 calendar days of continuous session of Congress have expired after the notice is sent to Congress.

"(2) For purposes of paragraph (1)(B), the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of such 60-day period.

"§7306a. Vessels stricken from Naval Vessel Register: use for experimental purposes

"(a) AUTHORITY.—The Secretary of the Navy may use for experimental purposes any vessel stricken from the Naval Vessel Register.

"(b) STRIPPING VESSEL.—(1) Before using a vessel for an experimental purpose pursuant to subsection (a), the Secretary shall carry out such stripping of the vessel as is practicable.

"(2) Amounts received as proceeds from the stripping of a vessel pursuant to this subsection shall be credited to appropriations available for the procurement of scrapping services needed for such stripping. Amounts received which are in excess of amounts needed for procuring such services shall be deposited into the general fund of the Treasury.

"§7307. Disposals to foreign nations

"(a) LARGER OR NEWER VESSELS.—A naval vessel that is in excess of 3,000 tons or that is less than 20 years of age may not be disposed of to another nation (whether by sale, lease, grant, loan, barter, transfer, or otherwise) unless the disposition of that vessel is approved by law enacted after August 5, 1974. A lease or loan of such a vessel under such a law may be made only in accordance with the provisions of chapter 6 of the Arms Export Control Act (22 U.S.C. 2796 et seq.) or chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.).

"(b) OTHER VESSELS.—(1) A naval vessel not subject to subsection (a) may be disposed of to another nation (whether by sale, lease, grant, loan, barter, transfer, or otherwise) in accordance with applicable provisions of law, but only after—

"(A) the Secretary of the Navy notifies the Committees on Armed Services of the Senate and House of Representatives in writing of the proposed disposition; and

"(B) 30 days of continuous session of Congress have expired following the date on which such notice was transmitted to those committees.

"(2) For purposes of paragraph (1)(B), the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of such 30-day period.

"§7308. Chief of Naval Operations: certification required for disposal of combatant vessels

"Notwithstanding any other provision of law, no combatant vessel of the Navy may be sold, transferred, or otherwise disposed of, unless the Chief of Naval Operations certifies that it is not essential to the defense of the United States.

"§7309. Construction of vessels in foreign shipyards: prohibition

"(a) PROHIBITION.—Except as provided in subsection (b), no vessel to be constructed for any of the armed forces, and no major component of the hull or superstructure of any such vessel, may be constructed in a foreign shipyard.

"(b) PRESIDENTIAL WAIVER FOR NATIONAL SECURITY INTEREST.—(1) The President may authorize exceptions to the prohibition in subsection (a) when the President determines that it is in the national security interest of the United States to do so.

"(2) The President shall transmit notice to Congress of any such determination, and no contract may be made pursuant to the exception authorized until the end of the 30-day period beginning on the date on which the notice of the determination is received by Congress.

"(c) EXCEPTION FOR INFLATABLE BOATS.—An inflatable boat or a rigid inflatable boat, as defined by the Secretary of the Navy, is not a vessel for the purpose of the restriction in subsection (a).

"§7310. Overhaul, repair, etc. of vessels in foreign shipyards: restrictions

"(a) VESSELS WITH HOMEPORT IN UNITED STATES.—A naval vessel (or any other vessel under the jurisdiction of the Secretary of the Navy) the homeport of which is in the United States may not be overhauled, repaired, or maintained in a shipyard outside the United States, other than in the case of voyage repairs.

"(b) VESSEL CHANGING HOMEPORTS.—In the case of a naval vessel the homeport of which is not in the United States (or a territory of the United States), the Secretary of the Navy may not during the 15-month period preceding the planned reassignment of the vessel to a homeport in the United States (or a territory of the United States) begin any work for the overhaul, repair, or maintenance of the vessel that is scheduled to be for a period of more than six months.".

SEC. 815. ADDITIONAL AUTHORITY TO CONTRACT FOR FUEL STORAGE AND MANAGEMENT.

(a) ADDITIONAL AUTHORITY.—Section 2388 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out "The" and inserting "The Secretary of Defense or the"; and

(B) by striking out "the storage, handling, and distribution of liquid fuels" and inserting in lieu thereof the following: "storage facilities for, or the storage, handling, or distribution of, liquid fuels or natural gas. Any such contract may be entered into";

(2) by striking out subsection (b); and

(3) by redesignating subsection (c) as subsection (b).

(b) SECTION HEADING AMENDMENT.—The heading of section 2388 of such title is amended to read as follows:

"§2388. Liquid fuels and natural gas: contracts for storage, handling, or distribution".

SEC. 816. ADDITIONAL AUTHORITY RELATING TO THE ACQUISITION OF PETROLEUM.

Section 2404 of title 10, United States Code, is amended—

(1) in subsection (c)—

(A) by inserting "or petroleum-related services" after "petroleum" the first place it appears; and

(B) by striking out "petroleum derivatives" and inserting in lieu thereof "petroleum-related services";

(2) in subsection (d)—

(A) by striking out "and products" and inserting in lieu thereof "products"; and

(B) by striking out the period at the end and inserting in lieu thereof ", and natural gas."; and

(3) by adding at the end the following new subsection:

"(e) The Secretary of Defense may sell petroleum that is in inventory if the Secretary determines that the sale would be in the public interest. Amounts received from such a sale shall be credited to appropriations available for the acquisition of petroleum. Amounts so credited shall be available for obligation for the same period as the appropriations to which the amounts are credited.".

SEC. 817. SIMPLIFIED ACQUISITION THRESHOLD.

(a) SIMPLIFIED ACQUISITION THRESHOLD.—Paragraph (7) of section 2302 of title 10, United States Code, is amended to read as follows:

"(7) The term 'simplified acquisition threshold' means $100,000, adjusted on October 1 of each year divisible by 5 to the amount equal to $100,000 in constant fiscal year 1990 dollars (rounded to the nearest $1,000).".

(b) CONFORMING AMENDMENTS.—(1) Title 10, United States Code, is amended by striking out "small purchase threshold" each place it appears other than sections 2410i(b)(1), 2304(g)(2), and 2304(g)(3) and inserting in lieu thereof "simplified acquisition threshold".

(2) Section 2304(g)(1) is amended by adding at the end the following: "Any such simplified procedures shall maintain the notice requirements under section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) and subsections (e), (f), and (g) of section 8 of the Small Business Act (15 U.S.C. 637) for any purchase or contract for an amount in excess of the small purchase threshold, as that term is used in those Acts.".

(3) Section 2384(b) of title 10, United States Code, is amended—

(A) in paragraph (1), by inserting "or in paragraph (3)" after "in paragraph (2)"; and

(B) by adding at the end the following new paragraph:

"(3) Paragraph (1) does not apply to a contract in an amount equal to or less than the simplified acquisition threshold (as defined in section 2302(7) of this title).".

(4) Section 2397c(a)(1) of title 10, United States Code, is amended by striking out "in excess of $100,000" and inserting in lieu thereof "in an amount in excess of the simplified acquisition threshold (as defined in section 2302(7) of this title)".

(5) Section 2408(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) In this subsection, the term 'defense contract' means a contract in an amount in excess of the simplified acquisition threshold (as defined in section 2302(7) of this title).".

SEC. 818. PROCUREMENT OF COMMERCIAL AND NONDEVELOPMENTAL ITEMS.

(a) POLICY.—Section 2301(a) of title 10, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (6);

(2) by striking out the period at the end of paragraph (7) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new paragraphs:

"(8) to the maximum extent practicable, and consistent with the objectives set forth in section 2501(c) of this title, the Department of Defense shall acquire commercial items to meet its needs and shall require prime contractors and subcontractors, at all levels, which furnish other than commercial items, to incorporate to the maximum extent practicable commercial items as components of items being supplied to the Department; and

"(9) when commercial items and components are not available, practicable, or cost effective, the Department shall acquire, and shall require prime contractors and subcontractors to incorporate, other nondevelopmental items and components to the maximum extent practicable.".

(b) COMMERCIAL ITEM DEFINED.—Section 2302 of title 10, United States Code, as amended by section 817, is further amended by adding at the end the following new paragraph:

"(8) The term 'commercial item' means any item regularly used in the course of normal business operations for other than Government purposes that—

"(A) has been sold, leased, or licensed to the general public;

"(B) has been offered for sale, lease, or license to the general public;

"(C) is not yet available in the commercial marketplace, but will be available in time to satisfy the delivery requirements under a Government solicitation; or

"(D) is an item that, but for minor modifications made to meet Government requirements, would satisfy the criteria set forth in subparagraph (A), (B), or (C).".

(c) COST OR PRICING DATA.—Section 2306a(b) of title 10, United States Code, is amended—

(1) by redesignating subparagraphs (A), (B), and (C) of paragraph (1) as clauses (i), (ii), and (iii), respectively;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(3) by inserting "(1)" before "This section need not"; and

(4) by adding at the end the following:

"(2) This section does not apply to a contract or subcontract for commercial items unless the head of the agency determines that cost or pricing data are necessary for the evaluation by the agency of the reasonableness of the price of the contract or subcontract. In any case in which the head of the agency requires such data to be submitted under this section, the head of the agency shall document in writing the reasons for such requirement.".

(d) PROCUREMENT PLANNING.—(1) Subsection (a) of section 2325 of title 10, United States Code, is amended by inserting "commercial or" before "nondevelopmental items" each place it appears in paragraphs (2), (3), and (4).

(2) The heading of section 2325 of such title is amended to read as follows:

"§2325. Preference for commercial and nondevelopmental items".

(3) The table of sections at the beginning of chapter 137 of such title is amended by striking out the item relating to section 2325 and inserting in lieu thereof the following:

"2325. Preference for commercial and nondevelopmental items.".

(e) PROCUREMENT OF COMMERCIAL ITEMS.—(1) Chapter 137 of title 10, United States Code, is amended by inserting after section 2325 the following new section:

"§2325a. Procurement of commercial items

"(a) REGULATIONS; UNIFORM TERMS AND CONDITIONS.—(1) The Secretary of Defense shall prescribe regulations implementing this section and paragraphs (8) and (9) of section 2301(a) of this title. The regulations shall contain a set or sets of uniform terms and conditions to be included in contracts for the acquisition of commercial end items. Such uniform terms and conditions shall be modeled to the maximum extent practicable on commercial terms and conditions and shall include only those contract clauses, including clauses requiring terms and conditions to be flowed down to subcontractors, that are—

"(A) required to implement provisions of law applicable to commercial item acquisitions;

"(B) essential for the protection of the Federal Government's interest in an acquisition; or

"(C) determined by the Secretary to be consistent with standard commercial practice.

"(2) The regulations prescribed under paragraph (1) shall provide that prime contractors and subcontractors furnishing other than commercial items as end items or components may not require suppliers furnishing commercial items as components to comply with any clause, term, or condition except those—

"(A) required to implement provisions of law applicable to subcontractors furnishing commercial items;

"(B) essential for the protection of the prime contractor or higher tier subcontractor in a particular acquisition; or

"(C) determined to be consistent with standard commercial practice.

"(b) DEFINITIONS.—In this section:

"(1) The term 'component' means any item supplied to the Government as part of an end item or of another component.

"(2) The term 'nondevelopmental item' has the meaning given that term in section 2325 of this title.

"(c) EXEMPTIONS FROM PRESENT LAW.—Procurements of commercial items shall not be subject to the following provisions of this title:

"(1) Section 2324.
"(2) Section 2384.
"(3) Section 2393.
"(4) Section 2397.
"(5) Section 2397a.
"(6) Section 2397b.
"(7) Section 2397c.
"(8) Section 2402.
"(9) Section 2406.
"(10) Section 2408.

"(d) SET-ASIDES PRESERVED.—Nothing in this section shall prevent the Secretary of Defense from restricting the award of prime contracts for commercial items to any source as may from time to time be prescribed or permitted by law.

"(e) RESTRICTION TO FIRM, FIXED PRICE CONTRACTS.—Except where commercial items are to be provided as a portion of a contract that also provides for the delivery of other than commercial items, only firm, fixed price contracts or fixed price contracts with economic price adjustment provisions shall be used to acquire commercial end items under this section.".

(2) The table of sections at the beginning of chapter 137 of such title is amended by inserting after the item relating to section 2325 the following new item:

"2325a. Procurement of commercial items.".

SEC. 819. TECHNICAL AND CLERICAL AMENDMENTS.

(a) AMENDMENTS TO TABLES OF SECTIONS.—The table of sections at the beginning of each chapter of title 10, United States Code, listed in the following paragraphs is amended by striking out the items relating to the sections listed in such paragraphs:

(1) Chapter 137: section 2317.
(2) Chapter 139: section 2362.
(3) Chapter 141: sections 2384a and 2389.
(4) Chapter 144: sections 2436 and 2437.
(5) Chapter 433: sections 4531, 4534, 4535, 4537, 4538, and 4541.
(6) Chapter 631: sections 7201, 7210, 7213, and 7230.
(7) Chapter 633: sections 7296, 7298, and 7301.
(8) Chapter 637: section 7366.
(9) Chapter 933: sections 9531, 9534, 9535, 9537, 9538, and 9541.

(b) AMENDMENTS TO TABLES OF CHAPTERS.—

(1) The table of chapters at the beginning of subtitle A, and part IV of subtitle A, of title 10, United States Code, are amended by striking out the item relating to chapter 135.

(2) The table of chapters at the beginning of subtitle B, and part IV of subtitle B, of such title are amended by striking out the item relating to chapter 431.

(3) The table of chapters at the beginning of subtitle C, and part IV of subtitle C, of such title are amended by striking out the item relating to chapter 635.

(c) ADDITIONAL AMENDMENTS.—

(1) The table of sections at the beginning of subchapter I of chapter 11 of title 10, United States Code, is amended by inserting after the item relating to section 278 the following new item:

"279. Authority to accept certain gratuitous services of officers".

(2) The table of sections at the beginning of chapter 139 of such title is amended by adding at the end the following new item:

"2373. Procurement for experimental purposes".

(3) The table of sections at the beginning of chapter 141 of such title is amended by striking out the item relating to section 2388 and inserting in lieu thereof the following:

"2388. Liquid fuels and natural gas: contracts for storage, handling, or distribution.".

(4) The table of sections at the beginning of subchapter V of chapter 148 of such title is amended by adding at the end the following new items:

"2538. Industrial mobilization: orders; priorities; possession of manufacturing plants; violations
"2539. Industrial mobilization: plants; lists
"2540. Industrial mobilization: Board on Mobilization of Industries Essential for Military Preparedness
"2541. Availability of samples, drawings, information, equipment, materials, and certain services.".

(5) Chapter 431 of such title is amended by striking out the chapter heading and the table of sections.

(6) The table of sections at the beginning of chapter 633 of such title is amended by striking out the items relating to sections 7304, 7305, 7306, 7307, 7308, 7309, and 7310 and inserting in lieu thereof the following:

"7304. Examination of vessels; striking of vessels from Naval Vessel Register.
"7305. Vessels stricken from Naval Vessel Register: sale.
"7306. Vessels stricken from Naval Vessel Register; captured vessels: transfer by gift or otherwise.

"7306a. Vessels stricken from Naval Vessel Register: use for experimental purposes.
"7307. Disposals to foreign nations.
"7308. Chief of Naval Operations: certification required for disposal of combatant vessels.
"7309. Construction of vessels in foreign shipyards: prohibition.
"7310. Overhaul, repair, etc. of vessels in foreign shipyards: restrictions.".

(7)(A) Chapter 931 of such title is amended—

(i) by striking out the table of sections for subchapter I;

(ii) by striking out the headings for subchapters I and II;

(iii) by striking out the table of subchapters; and

(iv) by amending the chapter heading to read as follows:

"CHAPTER 931—CIVIL RESERVE AIR FLEET".

(B) The table of chapters at the beginning of subtitle D, and part IV of subtitle D, of such title are amended by striking out the items relating to chapter 931 and inserting in lieu thereof the following:

"931. Civil Reserve Air Fleet .... 9511".

(d) Cross-Reference Amendments.—(1) Section 505(a)(2)(B)(i) of the National Security Act of 1947 (50 U.S.C. 415(a)(2)(B)(i)) is amended by striking out "section 7307(b)(1)" and inserting in lieu thereof "section 7307(a)".

(2) Section 2366(d) of title 10, United States Code, is amended by striking out "to the defense committees of Congress (as defined in section 2362(e)(3) of this title)." and inserting in lieu thereof "to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives.".

Subtitle C—Other Matters

SEC. 821. REPORTS ON CONTRACT BUNDLING.

(a) Reports.—Not later than April 1, 1994, the Secretary of Defense and the Comptroller General shall each submit to the Committees on Armed Services and on Small Business of the Senate and House of Representatives a report on the effects of contract bundling on the participation by small business concerns and small disadvantaged business concerns in procurement by the Department of Defense. The report shall contain the findings and conclusions of the Secretary or the Comptroller General, as the case may be, regarding such effects, based on the data collected under subsection (b). The report also shall contain such recommendations for administrative or legislative action as the Secretary or Comptroller General considers appropriate to maintain and increase participation by small business concerns and small disadvantaged business concerns in procurement by the Department of Defense.

(b) Data Collection.—For purposes of carrying out the report requirement of subsection (a), the Secretary of Defense shall collect data on the effect of contract bundling on the participation by small business concerns and small disadvantaged business concerns in procurement by the Department of Defense. At a minimum, the Secretary shall collect data on the following:

(1) The number and types of bundled contracts awarded during fiscal years 1992 and 1993 and expected to be awarded during fiscal year 1994, together with the reasons for the bundling of such contracts.

(2) The cost effectiveness of bundling such contracts compared to awarding the contracts in separate, smaller contracts.

(3) The number of smaller contracts that would have been awarded if such contracts were not bundled, and the types of contractors (such as small business concerns and small disadvantaged business concerns) that could have been expected to perform the smaller contracts.

(4) The extent to which small businesses and small disadvantaged businesses participate as subcontractors on bundled contracts.

(c) Transmission of Data to Comptroller General.—Not later than February 1, 1994, the Secretary of Defense shall transmit to the Comptroller General a copy of the data collected under subsection (b) for use by the Comptroller General in carrying out the report requirement of subsection (a).

(d) Definition.—For purposes of this section, the term "contract bundling" means the consolidation of two or more requirements, descriptions, specifications, line items, or statements of work that individually were or could be performed by a small business concern, resulting in a contract opportunity for supplies, services, or construction that may be unsuitable for award to a small business concern due to—

(1) the diversity and size of the elements of performance specified;

(2) the aggregate dollar value of the anticipated award;

(3) the geographical dispersion of the contract performance sites; or

(4) any combination of paragraphs (1), (2), and (3).

SEC. 822. PROHIBITION ON COMPETITION BETWEEN DEPOT MAINTENANCE ACTIVITIES AND SMALL BUSINESSES FOR CERTAIN MAINTENANCE CONTRACTS.

(a) In General.—(1) Chapter 146 of title 10, United States Code, as amended by sections 342 and 344, is further amended by adding at the end the following new section:

"§2472. Contracts to perform depot-level maintenance: prohibition on competition between depot-level activities and small businesses and certain other entities

"(a) Exclusion.—In any case in which the Secretary of Defense plans to use competitive procedures to select an entity to perform a depot-level maintenance workload, if the procurement is to be conducted as described in subsection (b), then the Secretary shall exclude from competing in the procurement depot-level activities of the Department of Defense.

"(b) Procurement Description.—The requirement to exclude depot-level activities under subsection (a) applies in the case of a procurement to be conducted by excluding from competition entities in the private sector other than—

"(1) small business concerns in furtherance of section 8 or 15 of the Small Business Act (15 U.S.C. 637 or 644); or

"(2) entities described in subsection (a)(1) of section 2323 of this title in furtherance of the goal specified in that subsection.".

(2) The table of sections at the beginning of such chapter is further amended by adding at the end the following new item:

"2472. Contracts to perform depot-level maintenance: prohibition on competition between depot-level activities and small businesses and certain other entities.".

(b) Effective Date.—Section 2472 of title 10, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act.

SEC. 823. CLARIFICATION OF REQUIREMENT FOR DOMESTIC MANUFACTURE OF PROPELLERS FOR SHIPS FUNDED UNDER THE FAST SEALIFT PROGRAM.

Section 1424(b) of Public Law 101–510 (10 U.S.C. 7291 note) is amended—

(1) in paragraph (6), by striking out "paragraph (5)" and inserting in lieu thereof "paragraph (6)";

(2) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively; and

(3) by adding after paragraph (4) the following new paragraph (5):

"(5) The propellers for vessels constructed under the program shall incorporate only castings poured and finished in the United States and forgings manufactured in the United States. The Secretary of Defense may waive the requirement of this paragraph if adhering to the requirement would result in the existence of only one United States source for such castings and forgings.".

SEC. 824. PILOT PROGRAM TO IMPROVE PRICING POLICIES FOR USE OF MAJOR RANGE AND TEST FACILITY INSTALLATIONS OF THE AIR FORCE.

(a) Pilot Program To Establish Competitive Prices.—(1) Chapter 949 of title 10, United States Code, is amended by inserting after section 9781 the following new section:

"§9782. Use of test and evaluation installations by commercial entities

"(a) Contract Authority.—The Secretary of the Air Force, in consultation with the Secretary of Defense, may enter into contracts with commercial entities that desire to conduct commercial test and evaluation activities at a Major Range and Test Facility Installation under the jurisdiction of the Secretary.

"(b) Termination or Limitation of Contract Under Certain Circumstances.—A contract entered into under subsection (a) shall contain a provision that the installation commander may terminate, prohibit, or suspend immediately any commercial test or evaluation activity to be conducted at the Major Range and Test Facility Installation under the contract if the installation commander certifies in writing that the test or evaluation activity is or would be detrimental—

"(1) to the public health and safety;

"(2) to property (either public or private); or

"(3) to any national security interest or foreign policy interest of the United States.

"(c) Contract Price.—The installation commander shall require a commercial entity using a Major Range and Test Facility Installation under a contract entered into under subsection (a) to reimburse the installation for all direct costs associated with the test and evaluation activities conducted by the commercial entity under the contract. In addition, the contract may require the commercial entity to reimburse the installation for such indirect costs related to the use of the installation as the installation commander considers to be appropriate and competitive.

"(d) Retention of Funds Collected From Commercial Users.—Amounts collected under subsection (c) from a commercial entity conducting test and evaluation activities at a Major Range and Test Facility Installation shall be credited to the appropriation accounts under which the costs associated with the test and evaluation activities of the commercial entity were incurred.

"(e) Regulations and Limitations.—The Secretary of the Air Force, in consultation with the Secretary of Defense, shall prescribe regulations to carry out this section. The authority of installation commanders under subsections (b) and (c) shall be subject to the authority, direction, and control of the Secretary of the Air Force.

"(f) Definitions.—In this section:

"(1) The term 'Major Range and Test Facility Installation' means a test and evaluation installation under the jurisdiction of the Secretary of the Air Force and designated as such by the Secretary.

"(2) The term 'direct costs' includes the cost of—

"(A) labor, material, facilities, utilities, equipment, supplies, and any other resources damaged or consumed during the test or evaluation

activities or maintained for a particular commercial entity; and

"(B) construction specifically performed for the commercial entity to conduct test and evaluation activities.

"(3) The term 'installation commander' means the commander of a Major Range and Test Facility Installation.

"(g) TERMINATION OF AUTHORITY.—The authority provided to the Secretary of the Air Force by subsection (a) shall terminate on September 30, 1998.

"(h) REPORT.—Not later than January 1, 1999, the Secretary of the Air Force shall submit a report to the Secretary of Defense and Congress describing the number and purposes of contracts entered into under subsection (a) and evaluating the success of this section in opening Major Range and Test Facility Installations to commercial test and evaluation activities.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 9781 the following new item:

"9782. Use of test and evaluation installations by commercial entities.".

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Office of the Secretary of Defense

SEC. 901. ENHANCED POSITION FOR COMPTROLLER OF DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended—

(1) by redesignating sections 135, 136, 138, 139, 140, and 141 as sections 137, 138, 139, 140, 141, and 142, respectively; and

(2) by transferring section 137 (relating to the Comptroller) so as to appear after section 134a, redesignating that section as section 135, and amending that section by adding at the end the following new subsection:

"(d) The Comptroller takes precedence in the Department of Defense after the Under Secretary of Defense for Policy.".

(b) EXECUTIVE SCHEDULE III PAY LEVEL.—Section 5314 of title 5, United States Code, is amended by inserting after the item relating to the Under Secretary of Defense for Policy the following:

"Comptroller of the Department of Defense.".

(c) CONFORMING AMENDMENT.—Subsection (d) of section 138 of title 10, United States Code, as redesignated by subsection (a), is amended by inserting "and Comptroller" after "Under Secretaries of Defense".

SEC. 902. NEW POSITION OF UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS.

(a) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended by inserting after section 135, as transferred and redesignated by section 901(a), the following new section:

"§136. Under Secretary of Defense for Personnel and Readiness

"(a) There is an Under Secretary of Defense for Personnel and Readiness, appointed from civilian life by the President, by and with the consent of the Senate.

"(b) Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Personnel and Readiness shall perform such duties and exercise such powers as the Secretary of Defense may prescribe in the areas of military readiness, total force management, military and civilian personnel requirements, military and civilian personnel training, military and civilian family matters, personnel requirements for weapons support, National Guard and reserve components, and health affairs.

"(c) The Under Secretary of Defense for Personnel and Readiness takes precedence in the Department of Defense after the Comptroller.".

(b) EXECUTIVE SCHEDULE III PAY LEVEL.—Section 5314 of title 5, United States Code, is amended by inserting after the item relating to the Comptroller of the Department of Defense, as added by section 901(b), the following:

"Under Secretary of Defense for Personnel and Readiness.".

(c) OFFSETTING REDUCTION IN NUMBER OF ASSISTANT SECRETARY OF DEFENSE POSITIONS.—(1) Subsection (a) of section 138 of title 10, United States Code, as redesignated by section 901(a), is amended by striking out "eleven" and inserting in lieu thereof "ten".

(2) Section 5315 of title 5, United States Code, is amended by striking out "Assistant Secretaries of Defense (11)" and inserting in lieu thereof "Assistant Secretaries of Defense (10)".

SEC. 903. REDESIGNATION OF POSITIONS OF UNDER SECRETARY AND DEPUTY UNDER SECRETARY OF DEFENSE FOR ACQUISITION.

(a) REDESIGNATIONS.—The office of Under Secretary of Defense for Acquisition in the Department of Defense is hereby redesignated as Under Secretary of Defense for Acquisition and Technology. The office of Deputy Under Secretary of Defense for Acquisition in the Department of Defense is hereby redesignated as Deputy Under Secretary of Defense for Acquisition and Technology.

(b) USD CHARTER AMENDMENTS.—(1) Section 133 of title 10, United States Code, is amended by striking out "Under Secretary of Defense for Acquisition" in subsections (a), (b), and (e)(1) and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology".

(2) The heading for such section is amended to read as follows:

"§133. Under Secretary of Defense for Acquisition and Technology".

(c) DUSD CHARTER AMENDMENTS.—(1) Section 133a of such title is amended by striking out "Deputy Under Secretary of Defense for Acquisition" in subsections (a) and (b) and inserting in lieu thereof "Deputy Under Secretary of Defense for Acquisition and Technology".

(2) The heading for such section is amended to read as follows:

"§133a. Deputy Under Secretary of Defense for Acquisition and Technology".

(d) CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.—(1) The following sections of title 10, United States Code, are amended by striking out "Under Secretary of Defense for Acquisition" each place such term appears (including section headings) and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology": sections 134(c), 137(b) (as redesignated by section 901(a)), 139 (as redesignated by section 901(a)), 171(a)(3), 179(a), 1702, 1703, 1707(a), 1722, 1735(c), 1737(c), 1741(b), 1746(a), 1761(b), 1762(a), 1763, 2304(f), 2308(b), 2325(b), 2329, 2350a, 2369, 2399(b), 2435(b), 2438(c), 2523(a), and 2534(b).

(2) The item relating to section 1702 in the table of sections at the beginning of subchapter I of chapter 87 of such title is amended to read as follows:

"1702. Under Secretary of Defense for Acquisition and Technology: authorities and responsibilities.".

(3) Section 171(a)(8) of such title is amended by striking out "Deputy Under Secretary of Defense for Acquisition" and inserting in lieu thereof "Deputy Under Secretary of Defense for Acquisition and Technology".

(e) CONFORMING AMENDMENTS TO TITLE 5, UNITED STATES CODE.—(1) Section 5313 of title 5, United States Code, is amended by striking out "Under Secretary of Defense for Acquisition" and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology".

(2) Section 5314 of such title is amended by striking out "Deputy Under Secretary of Defense for Acquisition" and inserting in lieu thereof "Deputy Under Secretary of Defense for Acquisition and Technology".

(f) REFERENCES IN OTHER LAWS.—Any reference to the Under Secretary of Defense for Acquisition or the Deputy Under Secretary of Defense for Acquisition in any provision of law other than title 10, United States Code, or in any rule, regulation, or other paper of the United States shall be treated as referring to the Under Secretary of Defense for Acquisition and Technology or the Deputy Under Secretary of Defense for Acquisition and Technology, respectively.

SEC. 904. FURTHER CONFORMING AMENDMENTS TO CHAPTER 4 OF TITLE 10, UNITED STATES CODE.

(a) COMPOSITION OF OSD.—Subsection (b) of section 131 of title 10, United States Code, is amended to read as follows:

"(b) The Office of the Secretary of Defense is composed of the following:

"(1) The Deputy Secretary of Defense.

"(2) The Under Secretary of Defense for Acquisition and Technology.

"(3) The Under Secretary of Defense for Policy.

"(4) The Comptroller.

"(5) The Under Secretary of Defense for Personnel and Readiness.

"(6) The Director of Defense Research and Engineering.

"(7) The Assistant Secretaries of Defense.

"(8) The Director of Operational Test and Evaluation.

"(9) The General Counsel of the Department of Defense.

"(10) The Inspector General of the Department of Defense.

"(11) Such other offices and officials as may be established by law or the Secretary of Defense may establish or designate in the Office.".

(b) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 4 of such title is amended to read as follows:

"Sec.
"131. Office of the Secretary of Defense.
"132. Deputy Secretary of Defense.
"133. Under Secretary of Defense for Acquisition and Technology.
"133a. Deputy Under Secretary of Defense for Acquisition and Technology.
"134. Under Secretary of Defense for Policy.
"134a. Deputy Under Secretary of Defense for Policy.
"135. Comptroller.
"136. Under Secretary of Defense for Personnel and Readiness.
"137. Director of Defense Research and Engineering.
"138. Assistant Secretaries of Defense.
"139. Director of Operational Test and Evaluation.
"140. General Counsel.
"141. Inspector General.
"142. Assistant to the Secretary of Defense for Atomic Energy.".

SEC. 905. DIRECTOR OF OPERATIONAL TEST AND EVALUATION.

Subsection (c) of section 139 of title 10, United States Code, as redesignated by section 901(a)(1), is amended—

(1) by striking out the first sentence;

(2) by striking out "Director of Defense Research and Engineering" and inserting in lieu thereof "Under Secretary of Defense for Acquisition and Technology"; and

(3) by striking out "research and development" and inserting in lieu thereof "acquisition".

Subtitle B—Reserve Commands

SEC. 921. ARMY RESERVE COMMAND.

(a) ESTABLISHMENT AS A PERMANENT SEPARATE ARMY COMMAND.—(1) Chapter 307 of title

10, United States Code, as amended by section 519(a), is further amended by inserting after section 3081 the following new section:

"§3082. Army Reserve command

"(a) ESTABLISHMENT OF COMMAND.—There is in the Army an Army Reserve command, which shall be a separate command of the Army. The Secretary of the Army shall maintain that command with the advice and assistance of the Chief of Staff of the Army.

"(b) COMMANDER.—The Chief of Army Reserve is the commander of the Army Reserve command. The commander of the Army Reserve command reports directly to the Chief of Staff of the Army.

"(c) ASSIGNMENT OF FORCES.—The Secretary of the Army shall assign to the Army Reserve command all forces of the Army Reserve.

"(d) ESTABLISHMENT OF RESPONSIBILITY.—(1) The Chief of Staff of the Army shall establish standards, evaluate units, validate units, and provide training assistance for the Army Reserve in the areas of unit training, readiness, and mobilization.

"(2) The Chief of Staff shall establish training doctrine, with associated tasks, conditions, and standards, for individual and unit training and shall establish standards, control of certification, and validation for all courses, instructors, and students for the Army Reserve.

"(3) The commander of the Army Reserve command shall be responsible for meeting the standards, and for successfully complying with the evaluation, certification, and validation requirements, established by the Chief of Staff of the Army pursuant to paragraphs (1) and (2).".

(2) The table of sections at the beginning of such chapter, as amended by section 519(b), is further amended by inserting after the item relating to section 3081 the following new item:

"3082. Army Reserve command.".

(b) CONFORMING REPEAL.—Section 903 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1620) (10 U.S.C. 3074 note) is repealed.

(c) TRANSITION PROVISION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army, in consultation with the Chief of Staff of the Army, shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the plans of the Secretary of the Army for implementation of section 3082 of title 10, United States Code, as added by subsection (a). Such implementation shall begin not later than 90 days after the date of the enactment of this Act and shall be completed not later than one year after such date.

SEC. 922. NAVAL RESERVE COMMAND.

(a) ESTABLISHMENT AS PERMANENT SEPARATE NAVAL COMMAND.—Chapter 519 of title 10, United States Code, is amended by adding at the end the following new section:

"§5253. Naval Reserve command

"(a) ESTABLISHMENT OF COMMAND.—There is in the Navy a Naval Reserve command, which shall be a separate command of the Navy. The Secretary of the Navy shall maintain that command with the advice and assistance of the Chief of Naval Operations.

"(b) COMMANDER.—The Chief of Naval Reserve is the commander of the Naval Reserve command. The commander of the Naval Reserve command reports directly to the Chief of Naval Operations.

"(c) ASSIGNMENT OF FORCES.—The Secretary of the Navy shall assign to the Naval Reserve command all forces of the Naval Reserve other than those Naval Reserve forces specifically assigned by the Secretary to the active component of the Navy.

"(d) ESTABLISHMENT OF RESPONSIBILITY.—(1) The Chief of Naval Operations shall establish standards, evaluate units, validate units, and provide training assistance for the Naval Reserve in the areas of unit training, readiness, and mobilization.

"(2) The Chief of Naval Operations shall establish training doctrine, with associated tasks, conditions, and standards, for individual and unit training and shall establish standards, control of certification, and validation for all courses, instructors, and students for the Naval Reserve.

"(3) The commander of the Naval Reserve command shall be responsible for meeting the standards, and for successfully complying with the evaluation, certification, and validation requirements, established by the Chief of Naval Operations pursuant to paragraphs (1) and (2).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"5253. Naval Reserve command.".

SEC. 923. MARINE CORPS RESERVE COMMAND.

(a) ESTABLISHMENT AS PERMANENT SEPARATE MARINE CORPS COMMAND.—Chapter 519 of title 10, United States Code (as amended by section 922(a)), is further amended by adding at the end the following new section:

"§5254. Marine Corps Reserve command

"(a) ESTABLISHMENT OF COMMAND.—There is in the Marine Corps a Marine Corps Reserve command, which shall be a separate command of the Marine Corps. The Secretary of the Navy shall maintain that command with the advice and assistance of the Commandant of the Marine Corps.

"(b) COMMANDER.—The commander of the Marine Corps Reserve command reports directly to the Commandant of the Marine Corps.

"(c) ASSIGNMENT OF FORCES.—The Secretary of the Navy shall assign to the Marine Corps Reserve command all forces of the Marine Corps Reserve.

"(d) ESTABLISHMENT OF RESPONSIBILITY.—(1) The Commandant shall establish standards, evaluate units, validate units, and provide training assistance for the Marine Corps Reserve in the areas of unit training, readiness, and mobilization.

"(2) The Commandant shall establish training doctrine, with associated tasks, conditions, and standards, for individual and unit training and shall establish standards, control of certification, and validation for all courses, instructors, and students for the Marine Corps Reserve.

"(3) The commander of the Marine Corps Reserve command shall be responsible for meeting the standards, and for successfully complying with the evaluation, certification, and validation requirements, established by the Commandant to paragraphs (1) and (2).".

(2) The table of sections at the beginning of such chapter (as amended by section 925(b)) is amended by adding at the end the following new item:

"5254. United States Marine Corps Reserve command.".

SEC. 924. AIR FORCE RESERVE COMMAND.

(a) ESTABLISHMENT AS PERMANENT SEPARATE AIR FORCE COMMAND.—(1) Chapter 807 of title 10, United States Code, is amended by adding at the end the following new section:

"§8082. Air Force Reserve command

"(a) ESTABLISHMENT OF COMMAND.—There is in the Air Force an Air Force Reserve command, which shall be a separate command of the Air Force. The Secretary of the Air Force shall maintain that command with the advice and assistance of the Chief of Staff of the Air Force.

"(b) COMMANDER.—The Chief of Air Force Reserve is the commander of the Air Force Reserve command. The commander of the Air Force Reserve command reports directly to the Chief of Staff of the Air Force.

"(c) ASSIGNMENT OF FORCES.—The Secretary of the Air Force shall assign to the Air Force Reserve command all forces of the Air Force Reserve.

"(d) ESTABLISHMENT OF RESPONSIBILITY.—(1) The Chief of Staff of the Air Force shall establish standards, evaluate units, validate units, and provide training assistance for the Air Force Reserve in the areas of unit training, readiness, and mobilization.

"(2) The Chief of Staff shall establish training doctrine, with associated tasks, conditions, and standards, for individual and unit training and shall establish standards, control of certification, and validation for all courses, instructors, and students for the Air Force Reserve.

"(3) The commander of the Air Force Reserve command shall be responsible for meeting the standards, and for successfully complying with the evaluation, certification, and validation requirements, established by the Chief of Staff of the Air Force pursuant to paragraphs (1) and (2).".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"8082. Air Force Reserve command.".

Subtitle C—Professional Military Education

SEC. 931. AUTHORITY FOR AWARD BY NATIONAL DEFENSE UNIVERSITY OF CERTAIN MASTER OF SCIENCE DEGREES.

(a) IN GENERAL.—Chapter 108 of title 10, United States Code, is amended by adding at the end the following new section:

"§2163. National Defense University: masters of science in national security strategy and in national resource strategy

"(a) NATIONAL WAR COLLEGE DEGREE.—The President of the National Defense University, upon the recommendation of the faculty and commandant of the National War College, may confer the degree of master of science of national security strategy upon graduates of the National War College who fulfill the requirements for the degree.

"(b) ICAF DEGREE.—The President of the National Defense University, upon the recommendation of the faculty and commandant of the Industrial College of the Armed Forces, may confer the degree of master of science of national resource strategy upon graduates of the Industrial College of the Armed Forces who fulfill the requirements for the degree.

"(c) REGULATIONS.—The authority provided by subsections (a) and (b) shall be exercised under regulations prescribed by the Secretary of Defense.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2163. National Defense University: masters of science in national security strategy and in national resource strategy.".

SEC. 932. REDESIGNATION OF ARMED FORCES STAFF COLLEGE.

The Armed Forces Staff College at Norfolk, Virginia, shall after the date of the enactment of this Act be known and designated as the "Joint Armed Forces Staff College".

SEC. 933. LOCATION FOR NEW JOINT WARFIGHTING CENTER.

The Secretary of Defense shall provide for the Joint Warfighting Center (established by the Secretary on July 1, 1993, to assist the Chairman of the Joint Chiefs of Staff and other senior military officers in the preparation for joint warfare) to be located at the Joint Armed Forces Staff College in Norfolk, Virginia.

SEC. 934. AUTHORITY TO EMPLOY CIVILIAN FACULTY MEMBERS AT GEORGE C. MARSHALL EUROPEAN CENTER FOR SECURITY STUDIES.

(a) IN GENERAL.—(1) Section 1595 of title 10, United States Code, is amended to read as follows:

"§1595. Civilian faculty members at certain Department of Defense schools: employment and compensation

"(a) AUTHORITY OF SECRETARY.—The Secretary of Defense may employ as many civilians as professors, instructors, and lecturers at the institutions specified in subsection (c) as the Secretary considers necessary.

"(b) COMPENSATION OF FACULTY MEMBERS.—The compensation of persons employed under this section shall be as prescribed by the Secretary.

"(c) COVERED INSTITUTIONS.—This section applies with respect to the following institutions of the Department of Defense:

"(1) The National Defense University.

"(2) The Foreign Language Center of the Defense Language Institute.

"(3) The George C. Marshall European Center for Security Studies.

"(d) APPLICATION TO FACULTY MEMBERS AT NDU.—In the case of the National Defense University, this section applies with respect to persons selected by the Secretary for employment as professors, instructors, and lecturers at the National Defense University after February 27, 1990.

"(e) COMPOSITION OF NATIONAL DEFENSE UNIVERSITY.—For purposes of this section, the National Defense University includes the National War College, the Armed Forces Staff College, the Institute for National Strategic Study, and the Industrial College of the Armed Forces.".

(2) The item relating to such section in the table of sections at the beginning of chapter 81 of such title is amended to read as follows:

"1595. Civilian faculty members at certain Department of Defense schools: employment and compensation.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on October 1, 1993.

Subtitle D—Other Matters

SEC. 941. ASSIGNMENT OF RESERVE FORCES.

(a) UNIFIED COMMANDS.—Section 162(a) of title 10, United States Code, is amended by inserting "(other than forces of the reserve components)" after "all forces under their jurisdiction".

(b) SPECIAL OPERATIONS COMMAND.—Section 167(b) of such title is amended by striking out "and reserve".

SEC. 942. MORATORIUM ON MERGER OF SPACE COMMAND AND STRATEGIC COMMAND.

(a) MORATORIUM.—During the period beginning on the date of the enactment of this Act and ending on December 1, 1994—

(1) the United States Space Command may not be merged with the United States Strategic Command; and

(2) no element or component of the United States Space Command (as constituted on the date of the enactment of this Act) may be transferred to the United States Strategic Command.

(b) GAO REPORT.—Not later than March 1, 1994, the Comptroller General of the United States shall submit to Congress a report on the costs and benefits of merging the United States Space Command with the United States Strategic Command. The matters to be addressed by the Comptroller General in the report shall include (1) cost savings and other efficiencies which could be achieved through such a merger, as well as any disadvantages of such a merger, (2) the record of any problems associated with the performance of the functions of the Space Command and of the Strategic Command when those functions have been vested in the same organization in the past, and (3) the degree to which any such proposed merger decreases the organizational visibility and priority of space-related issues within the Department of Defense.

SEC. 943. SECURITY CLEARANCES FOR CIVILIAN EMPLOYEES.

(a) IN GENERAL.—(1) Chapter 81 of title 10, United States Code, is amended by inserting after section 1581 the following new section:

"§1582. Security clearances: procedural safeguards for denial or revocation

"Under regulations to be prescribed by the Secretary of Defense, civilian employees of the Department of Defense shall be entitled to the same procedural safeguards with respect to the denial or revocation of security clearances as are afforded to employees of defense contractors under Executive Order 10865 (50 U.S.C. 401 note), entitled 'Safeguarding Classified Information Within Industry', as in effect on July 1, 1993.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1581 the following new item:

"1582. Security clearances: procedural safeguards for denial or revocation.".

(b) EFFECTIVE DATE.—Section 1582 of title 10, United States Code, as added by subsection (a), shall apply with respect to the denial or revocation of a security clearance after the date of the enactment of this Act.

(c) DEADLINE.—The regulations required by section 1582 of title 10, United States Code, as added by subsection (a), shall be prescribed not later than 180 days after the date of the enactment of this Act.

SEC. 944. PROGRAM FOR VIDEOTAPING OF INVESTIGATIVE INTERVIEWS.

(a) IN GENERAL.—The Secretary of Defense shall carry out a program for the videotaping of subject and witness interviews by military criminal investigative organizations, as determined appropriate by the Secretary.

(b) STARTUP COSTS.—The Secretary shall direct that, of amounts available to the Department of Defense for fiscal year 1994 for operations and maintenance, $2,500,000 shall be allocated for the purchase of video equipment for use in the program under subsection (a) and for necessary modifications to interrogation facilities to accommodate that equipment.

(b) MILITARY CRIMINAL INVESTIGATIVE ORGANIZATIONS.—For purposes of subsection (a), the military criminal investigative organizations are the following:

(1) The Defense Criminal Investigative Service.

(2) The Criminal Investigative Division of the Department of the Army.

(3) The Naval Criminal Investigative Service of the Department of the Navy.

(4) The Office of Special Investigations of the Department of the Air Force.

SEC. 945. FLEXIBILITY IN ADMINISTERING REQUIREMENT FOR ANNUAL FOUR PERCENT REDUCTION IN NUMBER OF PERSONNEL ASSIGNED TO HEADQUARTERS AND HEADQUARTERS SUPPORT ACTIVITIES.

Section 906(a) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1622) is amended by adding at the end the following: "If the number by which the number of such personnel is reduced during any of fiscal years 1991, 1992, 1993, or 1994 is greater than the number required under the preceding sentence, the excess number from that fiscal year may be applied by the Secretary toward the required reduction during a subsequent fiscal year (so that the total reduction under this section need not exceed the number equal to five times the required reduction number specified under the preceding sentence).".

SEC. 946. ENHANCED FLEXIBILITY RELATING TO REQUIREMENTS FOR SERVICE IN A JOINT DUTY ASSIGNMENT.

(a) EXTENSION OF AUTHORITY FOR JOINT DUTY EQUIVALENCY WAIVER.—Section 619(e)(2) of title 10, United States Code, is amended—

(1) by striking out "paragraph (1)—" and inserting in lieu thereof "paragraph (1) in the following circumstances:";

(2) by capitalizing the first letter of the first word in each of subparagraphs (A) through (D);

(3) by striking out the semicolon at the end of subparagraphs (A), (B), and (C) and inserting in lieu thereof a period;

(4) by striking out "; and" at the end of subparagraph (D) and inserting in lieu thereof a period; and

(5) by striking out subparagraph (E) and inserting in lieu thereof the following:

"(E) Until January 1, 1998, in the case of an officer who served in an assignment (other than a joint duty assignment) that began before October 1, 1986, and that involved significant experience in joint matters (as determined by the Secretary) if the officer served in that assignment for a period of sufficient duration (which may not be less than 12 months) for the officer's service to have been considered a full tour of duty under the policies and regulations in effect on September 30, 1986.".

(b) REQUIREMENT FOR JOINT DUTY ASSIGNMENT FOR GENERAL AND FLAG OFFICERS RECEIVING JOINT DUTY EQUIVALENCY WAIVER.—Section 619 of such title is further amended by adding at the end the following new subsection:

"(f)(1) An officer who receives a waiver under paragraph (2)(E) of subsection (e) by reason of service described in that paragraph that began before October 1, 1986, may not (except as provided in paragraph (2)) be appointed to the grade of major general or rear admiral until the officer completes a full tour of duty in a joint duty assignment.

"(2) The Secretary of Defense may on a case-by-case basis delay the requirement under paragraph (1) for completion of a full tour of duty in a joint duty assignment in the case of an officer selected for promotion to the grade of major general or rear admiral so that such a tour of duty is completed while the officer is serving in that grade. Any such delay may be granted only in a case in which the Secretary determines, and certifies to Congress, that it is necessary that the requirement for service by general and flag officers in a joint duty assignment be deferred in the case of that particular officer because of a lack of available billets for officers in the grade of brigadier general or rear admiral (lower half) that are joint duty assignment positions.

"(3) The delegation limitations in paragraph (3)(C) of subsection (e) shall apply to the authority provided in paragraph (2).".

(c) REPORT ON PLANS FOR COMPLIANCE WITH SECTION 619(e).—(1) Not later than January 1, 1994, the Secretary of Defense shall certify to Congress that the Army, Navy, Air Force, and Marine Corps have each developed and implemented a plan for their officer personnel assignment and promotion policies so as to ensure compliance with the requirements of section 619(e) of title 10, United States Code, as amended by subsection (a). Each such plan should particularly ensure that by January 1, 1998, the service covered by the plan shall have enough officers who have completed a full tour of duty in a joint duty assignment so as to permit the orderly promotion of officers to brigadier general or, in the case of the Navy, rear admiral (lower half).

(2) The Secretary of Defense shall include as part of the information submitted to Congress pursuant to section 667 of title 10, United States

Code, for each of the next five years after the date of the enactment of this Act the following:

(A) The degree of progress made toward meeting the requirements of section 619(e) of title 10, United States Code.

(B) The compliance achieved with each of the plans developed pursuant to paragraph (1).

(d) REVISION OF SERVING-IN WAIVER.—Section 619(e)(2) of title 10, United States Code, as amended by subsection (a), is further amended by adding at the end the following:

"(F) In the case of an officer selected by a promotion board for appointment to the grade of brigadier general or rear admiral (lower half) while serving in a joint duty assignment, of which no less than six months have been completed on the date on which the officer is selected by that selection board, and who subsequently completes no less than two years in that joint duty assignment.".

(e) DESERT STORM JOINT DUTY CREDIT.—(1) Section 933(a)(1) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2476; 10 U.S.C. 644 note) is amended by striking out "chapter 38 of" and inserting in lieu thereof "any provision of".

(2) Any joint duty service credit given to an officer under section 933(a)(1) of the National Defense Authorization Act for Fiscal Year 1993 before the date of the enactment of this Act may be applied to any provision of title 10, United States Code.

(f) CORRECTION OF SPELLING MISTAKE.—Section 1305(b)(1)(B) of Public Law 100–180 (10 U.S.C. 619 note) is amended by striking out "nuclear populsion" and inserting in lieu thereof "nuclear propulsion".

SEC. 947. FLEXIBILITY FOR REQUIRED POST-EDUCATION JOINT DUTY ASSIGNMENT.

(a) IN GENERAL.—Subsection (d) of section 663 of title 10, United States Code, is amended to read as follows:

"(d) POST-EDUCATION JOINT DUTY ASSIGNMENTS.—(1) The Secretary of Defense shall ensure that each officer with the joint specialty who graduates from a joint professional military education school shall be assigned to a joint duty assignment for that officer's next duty assignment after such graduation (unless the officer receives a waiver of that requirement by the Secretary in an individual case).

"(2)(A) The Secretary of Defense shall ensure that a high proportion (which shall be greater than 50 percent) of the officers graduating from a joint professional military education school who do not have the joint specialty shall receive assignments to a joint duty assignment as their next duty assignment after such graduation or, to the extent authorized in subparagraph (B), as their second duty assignment after such graduation.

"(B) The Secretary may, if the Secretary determines that it is necessary to do so for the efficient management of officer personnel, establish procedures to allow up to one-half of the officers subject to the duty assignment requirement in subparagraph (A) to be assigned to a joint duty assignment as their second (rather than first) assignment after such graduation from a joint professional military education school.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to officers graduating from joint professional military education schools after the date of the enactment of this Act.

SEC. 948. REPORT ON OPTIONS FOR ORGANIZATIONAL STRUCTURE FOR IMAGERY COLLECTION FUNCTIONS.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the committees specified in subsection (e) a report containing an assessment of options for the organization of intelligence elements of the Government for the management of central imagery functions. The report shall be prepared in consultation with the Director of Central Intelligence.

(b) OPTIONS TO BE CONSIDERED.—Options considered for the purposes of the assessment under subsection (a) shall include the following:

(1) Carrying out the management of central imagery functions through the Central Imagery Office of the Department of Defense as constituted on the date of the enactment of this Act.

(2) Consolidation within the Defense Intelligence Agency of the central imagery functions carried out as of the date of the enactment of this Act through the Central Imagery Office of the Department of Defense (as constituted on the date of the enactment of this Act).

(3) Any other option identified by the Secretary of Defense and the Director of Central Intelligence.

(c) BASIS FOR EVALUATION OF OPTIONS.—Each option identified under subsection (b) shall be evaluated on the basis of—

(1) organizational efficiency;

(2) cost savings that could be realized through consolidation and through sharing of overhead resources; and

(3) any other criteria determined by the Secretary of Defense and the Director of Central Intelligence.

(d) RESTRICTION PENDING SUBMISSION OF REPORT.—Unless otherwise directed by law, neither the Secretary of Defense nor the Director of Central Intelligence may take any action to carry out the elimination, consolidation, or restructuring of the Central Imagery Office of the Department of Defense (as constituted on the date of the enactment of this Act) before the report under subsection (a) is submitted.

(e) COMMITTEES TO WHICH REPORT IS TO BE SUBMITTED.—The report required by subsection (a) shall be submitted to the Committees on Armed Services of the Senate and House of Representatives and to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(f) DEFINITION.—For purposes of this section, the term "imagery collection functions" means the intelligence functions of tasking imagery collection, production of imagery analysis, and dissemination of imagery analysis.

SEC. 949. REPORT ON DEPARTMENT OF DEFENSE BOTTOM UP REVIEW.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit, in classified and unclassified forms, to the Committees on Armed Services of the Senate and House of Representatives a report on the comprehensive review of Department of Defense activities ordered by the Secretary of Defense and identified as the "Bottom Up Review" (hereinafter in this section referred to as the "Review"). The report shall include the following information:

(1) A statement of the goals and objectives of the Review.

(2) The principal findings and recommendations of the Review.

(3) A presentation of the process, structure, and scope of the Review, including all programs and policies examined by the Review.

(4) The various force structure, strategy, budgetary and programmatic options considered as part of the Review.

(5) A description of any threat assessment or defense planning scenario used in conducting the Review.

(6) The criteria used in the development, review, and selection of the alternative strategy, force structure, programmatic, budgetary, and other options considered in the Review.

(7) Presentation of changes as a result of the Review in each of the following:

(A) The National Security Strategy of the United States, as described in the January 1993, report entitled "National Security Strategy of the United States", issued by former President Bush.

(B) The National Military Strategy of the United States, including changes in the four key elements of the new National Military Strategy announced by former President Bush on August 2, 1990, and described in the January 1993 report entitled, "Annual Report to the President and the Congress" from former Secretary of Defense Dick Cheney, namely, strategic deterrence and defense, forward presence, crisis response, and reconstitution.

(C) Alliance structures or overseas force presence and commitments and any changes in the level of support by the United States Armed Forces for peacekeeping and peacemaking missions, humanitarian activities, domestic civil functions, drug interdiction, support to international organizations such as the United Nations, and other areas such as conversion and reinvestment.

(D) The military force structure, as described in the January 1993 report entitled "Annual Report to the President and the Congress" from former Secretary of Defense Dick Cheney.

(E) The roles and functions of the military departments and the roles and functions of the unified commands as set out in the Unified Command Plan.

(F) Cost, schedule, and inventory objectives for major defense acquisition programs (as defined in section 2430 of title 10, United States Code) altered as a result of the Review.

(G) The defense industrial base of the United States, including the effect on key defense industrial sectors such as the nuclear propulsion industrial base, the armored vehicle industrial base, tactical aviation, and shipyards for both conventional-powered and nuclear-powered vessels.

(b) DEADLINE.—The report required by subsection (a) shall be submitted not later than the earlier of (1) the date on which the President's budget for fiscal year 1995 budget is submitted to Congress pursuant to section 1105 of title 31, United States Code, and (2) the end of the 90-day period beginning on the date of the enactment of this Act.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1994 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $2,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

SEC. 1002. CLARIFICATION OF SCOPE OF AUTHORIZATIONS.

No funds are authorized to be appropriated under this Act for the Federal Bureau of Investigation.

SEC. 1003. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the Committee on Armed Services to accompany the bill H.R. 2401 of the One Hundred Third Congress and transmitted to the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF ACT.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

SEC. 1004. DEFENSE COOPERATION ACCOUNT.

(a) REVISION IN AUDIT REQUIREMENT.—Subsection (i) of section 2608 of title 10, United States Code, is amended to read as follows:

"(i) PERIODIC AUDITS BY GAO.—The Comptroller General of the United States shall make periodic audits of money and property accepted under this section, at such intervals as the Comptroller General determines to be warranted. The Comptroller General shall submit to Congress a report on the results of each such audit.".

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§2608. Acceptance of contributions for defense programs, projects, and activities; Defense Cooperation Account".

(2) The item relating to such section in the table of sections at the beginning of chapter 155 of such title is amended to read as follows:

"2608. Acceptance of contributions for defense programs, projects, and activities; Defense Cooperation Account.".

SEC. 1005. GLOBAL COOPERATIVES INITIATIVE.

There is hereby authorized to be appropriated for Operation and Maintenance for the Secretary of Defense for fiscal year 1994 the sum of $111,000,000 for Global Cooperative Initiatives.

SEC. 1006. LIMITATION ON TRANSFERRING DEFENSE FUNDS TO OTHER DEPARTMENTS AND AGENCIES.

Section 1604 of Public Law 101-189 (103 Stat. 1598) is amended by striking out "a report" and all that follows and inserting in lieu thereof "a certification that making those funds available to such other department or agency is in the national security interest of the United States.".

SEC. 1007. SENSE OF CONGRESS CONCERNING DEFENSE BUDGET PROCESS.

It is the sense of Congress that any future five-year defense plan—

(1) should be based on an objective assessment of United States national security requirements and be resourced at a level capable of protecting and promoting our Nation's interests; and

(2) should be based on financial integrity and accountability to ensure a fully funded defense program necessary to maintain a ready and capable force.

Subtitle B—Counter-Drug Activities

SEC. 1021. DEPARTMENT OF DEFENSE SUPPORT FOR COUNTER-DRUG ACTIVITIES OF OTHER AGENCIES.

(a) EXTENSION OF SUPPORT AUTHORIZATION.—Section 1004(a) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note) is amended by striking out "fiscal years 1991, 1992, 1993, and 1994," and inserting in lieu thereof "fiscal years 1991 through 1995,".

(b) FUNDING OF SUPPORT ACTIVITIES.—Of the amount authorized to be appropriated for fiscal year 1994 under section 301(14) for operation and maintenance with respect to drug interdiction and counter-drug activities, $40,000,000 shall be available to the Secretary of Defense for the purposes of carrying out section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note).

SEC. 1022. REPORT ON DEFENSE COUNTER-DRUG PROGRAM.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to Congress a report evaluating the consistency of—

(1) all drug interdiction and counter-drug activities undertaken or supported by the Department of Defense using funds appropriated pursuant to the authorization of appropriations in section 301(14); with

(2) the goals, objectives, and resource balance contained in the National Drug Control Strategy required to be submitted to Congress in 1994 under section 1005 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1504).

(b) RECOMMENDATIONS.—The report required under subsection (a) shall include such recommendations as the Secretary considers to be necessary to more closely conform defense drug interdiction and counter-drug activities to the National Drug Control Strategy. The recommendations may include a request for the reprogramming of funds appropriated or otherwise made available to the Department of Defense for drug interdiction and counter-drug activities if the Secretary determines that such a request is necessary.

(c) LIMITATION ON OBLIGATION OF FUNDS PENDING REPORT.—(1) Except as provided in paragraph (2), no more than 75 percent of the funds appropriated for fiscal year 1994 pursuant to the authorization of appropriations in section 301(14) for drug interdiction and counter-drug activities undertaken or supported by the Department of Defense may be obligated or expended before the date on which the Secretary of Defense submits to Congress the report required under subsection (a).

(2) Paragraph (1) shall not prohibit obligations or expenditures of funds for personnel expenses, including pay and allowances of members of the Armed Forces, incurred in connection with defense drug interdiction and counter-drug activities.

Subtitle C—Other Matters

SEC. 1031. PROCEDURES FOR HANDLING WAR BOOTY.

(a) IN GENERAL.—(1) Chapter 153 of title 10, United States Code, is amended by adding at the end the following new section:

"§2579. War booty: procedures for handling and retaining battlefield objects

"(a) POLICY.—The United States recognizes that battlefield souvenirs have traditionally provided military personnel with a valued memento of service in a national cause. At the same time, it is the policy and tradition of the United States that the desire for souvenirs in a combat theater not blemish the conduct of combat operations or result in the mistreatment of enemy personnel, the dishonoring of the dead, distraction from the conduct of operations, or other unbecoming activities.

"(b) PURPOSE.—The purpose of this section is to provide a procedure for the handling of battlefield objects that is consistent with the policies expressed in subsection (a).

"(c) GENERAL RULE.—When forces of the United States are operating in a theater of operations, enemy material captured or found abandoned shall be turned over to appropriate United States or allied military personnel. A member of the armed forces (or other person under the authority of the armed forces in a theater of operations) may not (except in accordance with this section) take from a theater of operations as a souvenir an object formerly in the possession of the enemy.

"(d) PROCEDURES FOR OBTAINING BATTLEFIELD SOUVENIRS.—(1) A member of the armed forces who wishes to retain as a souvenir an object covered by subsection (c) that was retrieved personally by that member may so request at the time the object is turned over pursuant to subsection (c).

"(2) The Secretary concerned shall designate an officer to review requests under paragraph (1). If the officer determines that the object may be appropriately retained as a war souvenir, the object shall be turned over to the member who requested the right to retain it.

"(3) The Secretary concerned may charge a processing fee to each member making a request under paragraph (1). The amount of any such fee may not exceed the amount necessary to recoup the costs of handling and reviewing the objects for which requests are made under paragraph (1).

"(e) FURNISHING OF CAPTURED ITEMS.—(1) The Secretary concerned shall make available to members of the armed forces who served in a theater of operations items of enemy material other than weapons and explosives that are no longer required for military use, intelligence exploitation, or other purpose determined by the Secretary. A processing fee as described in subsection (d)(3) may be charged.

"(2) The Secretary concerned shall make available for sale to members of the armed forces who served in a theater of operations items of captured weaponry as follows:

"(A) The only weapons that may be sold are those in categories to be agreed upon jointly by the Secretary of Defense and the Secretary of the Treasury.

"(B) Not more than one weapon may be sold to any member.

"(C) Before a weapon is turned over to a member following such a sale, the weapon shall be rendered unserviceable.

"(D) The Secretary concerned shall assess a charge in connection with each such sale (in addition to any processing fee) in an amount sufficient to cover the full cost of rendering the weapon unserviceable.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2579. War booty: procedures for handling and retaining battlefield objects.".

(b) EFFECTIVE DATE.—Section 2579 title 10, United States Code, as added by subsection (a), shall apply with respect to objects taken in a theater of operations after the date of the enactment of this Act.

SEC. 1032. AWARD OF PURPLE HEART TO MEMBERS KILLED OR WOUNDED IN ACTION BY FRIENDLY FIRE.

(a) IN GENERAL.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

"§1129. Purple Heart: members killed or wounded in action by friendly fire

"(a) For purposes of the award of the Purple Heart, the Secretary concerned shall treat a member of the armed forces described in subsection (b) in the same manner as a member who is killed or wounded in action as the result of an act of an enemy of the United States.

"(b) A member described in this subsection is a member who is killed or wounded in action by weapon fire while directly engaged in armed conflict, other than as the result of an act of an enemy of the United States, unless (in the case of a wound) the wound is the result of willful misconduct of the member.

"(c) This section applies to members of the armed forces who are killed or wounded on or after December 7, 1941. In the case of a member killed or wounded as described in subsection (b) on or after December 7, 1941, and before the date of the enactment of this section, the Secretary concerned shall award the Purple Heart under subsection (a) in each case which is known to the Secretary before the date of the enactment of this section or for which an application is made to the Secretary in such manner as the Secretary requires.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1129. Purple Heart: members killed or wounded in action by friendly fire.".

SEC. 1033. AWARD OF GOLD STAR LAPEL BUTTONS TO SURVIVORS OF SERVICE MEMBERS KILLED BY TERRORIST ACTS.

(a) ELIGIBILITY.—Subsection (a) of section 1126 of title 10, United States Code, is amended—

(1) by striking out "of the United States" in the matter preceding paragraph (1);

(2) by striking out "or" at the end of paragraph (1);

(3) in paragraph (2)—

(A) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively; and

(B) by striking out the period at the end and inserting in lieu thereof "; or"; and

(4) by adding at the end the following new paragraph:

"(3) who lost or lose their lives after March 28, 1973, as a result of—

"(A) an international terrorist attack against the United States or a foreign nation friendly to the United States, recognized as such an attack by the Secretary of Defense; or

"(B) military operations while serving outside the United States (including the commonwealths, territories, and possessions of the United States) as part of a peacekeeping force.".

(b) DEFINITIONS.—Subsection (d) of such section is amended by adding at the end the following new paragraphs:

"(7) The term 'military operations' includes those operations involving members of the armed forces assisting in United States Government sponsored training of military personnel of a foreign nation.

"(8) The term 'peacekeeping force' includes those personnel assigned to a force engaged in a peacekeeping operation authorized by the United Nations Security Council.".

SEC. 1034. EXTENSION OF AUTHORITY FOR CERTAIN FOREIGN GOVERNMENTS TO RECEIVE EXCESS DEFENSE ARTICLES.

Section 516(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(a)(3)) is amended by inserting "or fiscal year 1992" after "fiscal year 1991".

SEC. 1035. CODIFICATION OF PROVISION RELATING TO OVERSEAS WORKLOAD PROGRAM.

(a) CODIFICATION.—(1) Chapter 138 of title 10, United States Code, is amended by inserting after section 2348 the following new section:

"§2349. Overseas Workload Program

"(a) IN GENERAL.—A firm of any member nation of the North Atlantic Treaty Organization or of any major non-Nato ally shall be eligible to bid on any contract for the maintenance, repair, or overhaul of equipment of the Department of Defense located outside the United States to be awarded under competitive procedures as part of the program of the Department of Defense known as the Overseas Workload Program.

"(b) SITE OF PERFORMANCE.—A contract awarded to a firm described in subsection (a) may be performed in the theater in which the equipment is normally located or in the country in which the firm is located.

"(c) EXCEPTIONS.—The Secretary of a military department may restrict the geographic region in which a contract referred to in subsection (a) may be performed if the Secretary determines that performance of the contract outside that specific region—

"(1) could adversely affect the military preparedness of the armed forces; or

"(2) would violate the terms of an international agreement to which the United States is a party.

"(d) DEFINITION.—For purposes of this section, the term 'major non-NATO ally' has the meaning given such term in section 2350a(i)(3) of this title.".

(2) The table of sections at the beginning of subchapter I of such chapter is amended by inserting after the item relating to section 2348 the following new item:

"2349. Overseas Workload Program.".

(b) CONFORMING AMENDMENTS.—(1) Section 1465 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1700) is repealed.

(2) Section 9130 of the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 102 Stat. 1935), is amended—

(A) in subsection (b), by striking out ", or thereafter,"; and

(B) in subsection (d), by striking out "or thereafter" each place it appears.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1993.

SEC. 1036. MODIFICATION OF AUTHORITY TO CONDUCT NATIONAL GUARD CIVILIAN YOUTH OPPORTUNITIES PROGRAM.

(a) LOCATION OF PROGRAM.—Subsection (c) of section 1091 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 32 U.S.C. 501 note) is amended to read as follows:

"(c) CONDUCT OF THE PROGRAM.—The Secretary of Defense may provide for the conduct of the pilot program in such States as the Secretary considers to be appropriate, except that the Secretary may not enter into agreements under subsection (d) with more than 10 States to provide for a program curriculum in excess of 6 weeks for any participant.".

(b) DEFINITION OF STATE.—Subsection (l) of such section is amended by striking out paragraph (2) and inserting in lieu thereof the following new paragraph:

"(2) The term 'State' includes the Commonwealth of Puerto Rico, the territories (as defined in section 101(1) of title 32, United States Code), and the District of Columbia.".

(c) PROGRAM AGREEMENTS.—Subsection (d)(3) of such section is amended by striking out "reimburse" and inserting in lieu thereof "provide funds to".

SEC. 1037. SENSE OF CONGRESS CONCERNING MEETING OF INTERALLIED CONFEDERATION OF RESERVE OFFICERS.

(a) FINDINGS.—The Congress finds that—

(1) the Interallied Confederation of Reserve Officers (CIOR), an association of reserve officers from thirteen of the nations comprising the North Atlantic Treaty Organization, will hold its XLIV Congress at Washington, District of Columbia, during the period August 1 through 6, 1993; and

(2) the United States, through the Department of Defense, will conduct military competitions in conjunction with and as a constituent part of that Congress of that organization.

(b) EXTENSION OF WELCOME.—The Congress—

(1) extends to the Interallied Confederation of Reserve Officers (CIOR) a cordial welcome to the United States on the occasion of the XLVI Congress of that organization to be held in Washington, District of Columbia, during the period August 1 through 6, 1993;

(2) commends the joint effort of the Department of Defense and the Reserve Officers Association of the United States in hosting the XLVI Congress of that organization; and

(3) urges all departments and agencies of the Federal Government to cooperate with and assist the XLVI Congress of that organization in carrying out its activities and programs during that period.

SEC. 1038. SEMIANNUAL REPORT ON EFFORTS TO SEEK COMPENSATION FROM GOVERNMENT OF PERU FOR DEATH AND WOUNDING OF CERTAIN UNITED STATES SERVICEMEN.

(a) FINDINGS.—The Congress finds that—

(1) the United States Government has not made adequate efforts to seek the payment of compensation by the Government of Peru for the death and injuries to United States military personnel resulting from the attack by aircraft of the military forces of Peru on April 24, 1992, against a United States Air Force C–130 aircraft operating off the coast of Peru; and

(2) in failing to make such efforts adequately, the United States Government has failed in its obligation to support the servicemen and their families involved in the incident and generally to support members of the Armed Forces carrying out missions on behalf of the United States.

(b) SEMIANNUAL REPORT.—Not later than December 1 and June 1 of each year, the Secretary of Defense shall submit to the Committees on Armed Services and Foreign Affairs of the House of Representatives and the Committees on Armed Services and Foreign Relations of the Senate a report on the efforts made by the Government of the United States during the preceding six-month period to seek the payment of fair and equitable compensation by the Government of Peru (1) to the survivors of Master Sergeant Joseph Beard, Jr., United States Air Force, who was killed in the attack described in subsection (a), and (2) to the other crew members who were wounded in the attack and survived.

(c) TERMINATION OF REPORT REQUIREMENT.—The requirement in subsection (b) shall terminate upon certification by the Secretary of Defense to Congress that the Government of Peru has paid fair and equitable compensation as described in subsection (b).

SEC. 1039. BASING FOR C–130 AIRCRAFT.

The Secretary of the Air Force shall determine the unit assignment and basing location for any C–130 aircraft procured for the Air Force Reserve from funds appropriated for National Guard and Reserve Equipment procurement for fiscal year 1992 or 1993 in such manner as the Secretary determines to be in the best interest of the Air Force.

SEC. 1040. MEMORIAL TO U.S.S. INDIANAPOLIS.

The memorial to the U.S.S. Indianapolis (CA–35) to be located on the east bank of the Indianapolis water canal in downtown Indianapolis, Indiana, is hereby designated as the national memorial to the U.S.S. Indianapolis and her final crew.

SEC. 1041. CONGRESSIONAL NOTIFICATION WHEN UNITED STATES FORCES ARE PLACED UNDER OPERATIONAL CONTROL OF A FOREIGN NATION.

(a) NOTICE REQUIREMENT.—(1) Whenever the President places elements of the Armed Forces under the operational control of a foreign national acting on behalf of the United Nations,

the Secretary of Defense shall submit to Congress a report described in subsection (b).

(2) Except as provided in paragraph (3), a report under paragraph (1) shall be submitted not less than 30 days before the date on which such operational control becomes effective.

(3) A report under paragraph (1) may be submitted less than 30 days before the date on which such operational control becomes effective (or after such date) if the President certifies to Congress that the requirement for the commitment of forces for such purpose is of such an emergency nature that delaying such commitment in order to provide such 30 days prior notice is not possible. Any such certification shall be submitted promptly upon the commitment of such forces.

(b) Contents of Report.—A report under subsection (a) shall set forth the following:

(1) The mission of the United States forces involved.

(2) The expected size and composition of the United States forces involved.

(3) The incremental cost to the United States associated with the proposed operation.

(4) The precise command and control relationship between the United States forces involved and the international organization.

(5) The precise command and control relationship between the United States forces involved and the commander of the United States unified command for the region in which the operation is proposed.

(6) The extent to which the United States forces involved will rely on non-United States forces for security and self-defense and an assessment on the ability of those non-United States forces to provide adequate security to the United States forces involved.

(7) The conditions under which the United States forces involved can and would be withdrawn.

(8) The timetable for complete withdrawal of the United States forces involved.

(c) Classification of Report.—A report required by this section shall be submitted in both classified and unclassified form, if necessary.

(d) Exception for Small Forces.—This section does not apply in the case of elements of the Armed Forces involving fewer than 100 members of the Armed Forces.

(e) Interpretation.—Nothing in this section may be construed as authority for the President to use United States Armed Forces in any operation.

SEC. 1042. IDENTIFICATION OF SERVICE IN VIETNAM IN THE COMPUTERIZED INDEX OF THE NATIONAL PERSONNEL RECORDS CENTER.

The Secretary of Defense shall include in the computerized index of the National Personnel Records Center in St. Louis, Missouri, an indicator to allow for searches or selection of military records of military personnel based upon service in the Southeast Asia theater of operations during the Vietnam conflict (as defined in section 1035(g)(2) of title 10, United States Code).

TITLE XI—CHEMICAL AND BIOLOGICAL WEAPONS DEFENSE

SEC. 1101. DESIGNATION OF ARMY AS EXECUTIVE AGENT FOR CHEMICAL AND BIOLOGICAL WARFARE DEFENSE PROGRAMS.

(a) Designation.—The Secretary of Defense shall designate the Army as executive agent for the Department of Defense for the chemical and biological warfare defense programs of the Department of Defense, including (1) research, development, test, and evaluation, and (2) procurement.

(b) Oversight.—It is the sense of Congress that the Defense Acquisition Board should exercise oversight over the chemical and biological warfare defense program.

SEC. 1102. REQUIREMENT FOR SINGLE OVERSIGHT OFFICE FOR CHEMICAL-BIOLOGICAL DEFENSE PROGRAMS WITHIN THE OFFICE OF THE SECRETARY OF DEFENSE.

The Secretary of Defense shall assign responsibility for overall defense policy coordination and integration of the chemical and biological defense program and the chemical and biological medical defense program to a single office within the Office of the Secretary of Defense.

SEC. 1103. CONSOLIDATION OF CHEMICAL AND BIOLOGICAL DEFENSE TRAINING ACTIVITIES.

The Secretary of Defense shall consolidate all chemical and biological warfare defense training activities of the Department of Defense at the United States Army Chemical School.

SEC. 1104. ANNUAL REPORT ON CHEMICAL AND BIOLOGICAL WARFARE DEFENSE.

(a) Report Required.—The Secretary of Defense shall include in the annual report of the Secretary under section 113 of title 10, United States Code, a report on chemical and biological warfare defense. The report shall assess (1) the overall readiness of the Armed Forces to fight in a chemical-biological warfare environment and shall describe steps taken and planned to be taken to improve such readiness, and (2) requirements for the chemical and biological warfare defense program, including requirements for training, detection, and protective equipment, for medical prophylaxis, and for treatment of casualties resulting from use of chemical or biological weapons.

(b) Matters To Be Included.—The report shall include information on the following:

(1) The quantities, characteristics, and capabilities of fielded chemical and biological defense equipment to meet wartime and peacetime requirements for support of the Armed Forces, including individual protective items.

(2) The status of research and development programs, and acquisition programs, for required improvements in chemical and biological defense equipment and medical treatment, including an assessment of the ability of the Department of Defense and the industrial base to meet those requirements.

(3) Measures taken to ensure the integration of requirements for chemical and biological defense equipment and material among the Armed Forces.

(4) The status of nuclear, biological, and chemical (NBC) warfare defense training and readiness among the Armed Forces and measures being taken to include realistic nuclear, biological, and chemical warfare simulations in war games, battle simulations, and training exercises.

(5) Measures taken to improve overall management and coordination of the chemical and biological defense program.

(6) Problems encountered in the chemical and biological warfare defense program during the past year and recommended solutions to those problems for which additional resources or actions by the Congress are required.

SEC. 1105. PREPARATIONS FOR IMPLEMENTATION OF THE CHEMICAL WEAPONS CONVENTION.

(a) Sense of Congress.—It is the sense of Congress that the President should—

(1) seek early ratification of the 1993 Chemical Weapons Convention and establish a coordinated and authoritative interagency program to develop measures for implementation of the convention, including improvements in appropriate export controls, the training of international inspectors and other members of Chemical Weapons Convention inspection and verification teams, and plans for assistance to states requesting assistance under article X of the convention; and

(2) develop a policy that addresses the manner in which the United States provides support under the 1993 Chemical Weapons Convention to protect signatories of that convention against chemical warfare.

(b) Support for Preparatory Commission.—It is the sense of Congress that the United States should provide full funding and support for the United States portion of the expenses of the Chemical Weapons Convention Preparatory Commission created under the 1993 Chemical Weapons Convention.

(c) Report.—Not later than February 1, 1994, the Secretary of Defense shall submit to Congress a report on preparations for implementation of the 1993 Chemical Weapons Convention. The report shall include (1) a description of the chemical warfare defense preparations that have been and are being undertaken by the Department of Defense to address needs which may arise under article X of the Chemical Weapons Convention, and (2) a summary of other preparations undertaken by the Department of Defense to prepare for and to assist in the implementation of the convention, including activities such as training for inspectors, preparation of defense installations for inspections under the convention, provision of chemical weapons detection equipment, and assistance in the safe transportation, storage, and destruction of chemical weapons in other signatory nations to the convention.

SEC. 1106. SENSE OF CONGRESS CONCERNING RESPONSE TO TERRORIST THREATS.

It is the sense of Congress that the President should strengthen emergency planning by the Federal Emergency Management Agency, in coordination with other appropriate Federal and State agencies, for development of early detection and warning capability of and response to (1) potential terrorist use of chemical or biological agents or weapons, and (2) natural disasters involving industrial chemicals or the widespread outbreak of naturally occurring disease.

SEC. 1107. SENSE OF CONGRESS CONCERNING OTHER CHEMICAL AND BIOLOGICAL DEFENSE MATTERS.

It is the sense of Congress that—

(1) the President should establish appropriate strategies (A) to integrate chemical-related intelligence and biological-related intelligence, (B) to integrate chemical-related arms control agreements and biological-related arms control agreements, and (C) to integrate chemical-related research and development and biological-related research and development programs;

(2) the President should strengthen United States capabilities for intelligence collection and analysis concerning the chemical warfare threat, the biological warfare threat, and the biological terrorist threat; and

(3) the President should seek to strengthen the 1972 Biological Weapons Convention by seeking international adoption of a regime designed to raise the economic and political costs to any nation that pursues a biological warfare program.

SEC. 1108. INTERNATIONAL COOPERATION PROGRAM.

(a) Program.—The Secretary of Defense shall establish a program to promote greater international cooperation for research and development and training for chemical and biological weapons defense.

(b) Funding.—Of the amounts authorized to be appropriated by section 201, $10,000,000 shall be available for the establishment of the program under subsection (a).

SEC. 1109. AGREEMENTS TO PROVIDE SUPPORT TO VACCINATION PROGRAMS OF DEPARTMENT OF HEALTH AND HUMAN SERVICES.

The Secretary of the Army may enter into agreements with the Secretary of Health and Human Services to provide support for vaccination programs of the Secretary of Health and Human Services in the United States through use of the excess peacetime biological weapons defense capability of the Department of Defense.

TITLE XII—COOPERATIVE THREAT REDUCTION WITH STATES OF FORMER SOVIET UNION

SEC. 1201. SHORT TITLE.

This title may be cited as the "Cooperative Threat Reduction Act of 1993".

SEC. 1202. FINDINGS ON COOPERATIVE THREAT REDUCTION.

The Congress finds that it is in the national security interest of the United States for the United States to do the following:

(1) Facilitate, on a priority basis, the transportation, storage, safeguarding, and elimination of nuclear and other weapons of the independent states of the former Soviet Union, including (A) the safe and secure storage of fissile materials derived from the elimination of nuclear weapons, (B) the dismantlement of (i) intercontinental ballistic missiles and launchers for such missiles, (ii) submarine-launched ballistic missiles and launchers for such missiles, and (iii) heavy bombers, and (C) the elimination of chemical, biological and other weapons capabilities.

(2) Facilitate, on a priority basis, the prevention of proliferation of weapons of mass destruction and their components and destabilizing conventional weapons of the independent states of the former Soviet Union, and the establishment of verifiable safeguards against the proliferation of such weapons.

(3) Facilitate, on a priority basis, the prevention of diversion of weapons-related scientific expertise of the independent states of the former Soviet Union to terrorist groups or third countries.

(4) Support (A) the demilitarization of the defense-related industry and equipment of the independent states of the former Soviet Union, and (B) the conversion of such industry and equipment to civilian purposes and uses.

(5) Expand military-to-military and defense contacts between the United States and the independent states of the former Soviet Union.

SEC. 1203. AUTHORITY FOR PROGRAMS TO FACILITATE COOPERATIVE THREAT REDUCTION.

(a) IN GENERAL.—Notwithstanding any other provision of law, the President may conduct programs described in subsection (b) to assist the independent states of the former Soviet Union in the demilitarization of the former Soviet Union. Any such program may be carried out only to the extent that the President determines that the program will directly contribute to the national security interests of the United States.

(b) AUTHORIZED PROGRAMS.—The programs referred to in subsection (a) are the following:

(1) Programs to facilitate the elimination, and the safe and secure transportation and storage, of nuclear, chemical, and other weapons and their delivery vehicles.

(2) Programs to facilitate the safe and secure storage of fissile materials derived from the elimination of nuclear weapons.

(3) Programs to prevent the proliferation of weapons, weapons components, and weapons-related technology and expertise.

(4) Programs to expand military-to-military and defense contacts.

(5) Programs to facilitate the demilitarization of defense industries and the conversion of military technologies and capabilities into civilian activities.

(6) Other programs as described in section 212(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228) and section 1412(b) of the Former Soviet Union Demilitarization Act of 1992 (title XIV of Public Law 102–484).

(c) UNITED STATES PARTICIPATION.—The programs described in subsection (b) should, to the extent feasible, draw upon United States technology and expertise, especially from the United States private sector.

(d) RESTRICTIONS.—Assistance authorized by subsection (a) may not be provided for any year to any country which is an independent state of the former Soviet Union unless the President certifies to Congress for that year that the proposed recipient country is committed to each of the following:

(1) Making substantial investment of its resources for dismantling or destroying such weapons of mass destruction, if such country has an obligation under a treaty or other agreement to destroy or dismantle any such weapons.

(2) Foregoing any military modernization program that exceeds legitimate defense requirements and foregoing the replacement of destroyed weapons of mass destruction.

(3) Foregoing any use in new nuclear weapons of fissionable or other components of destroyed nuclear weapons.

(4) Facilitating United States verification of any weapons destruction carried out under this section, section 1412(b) of the Former Soviet Union Demilitarization Act of 1992 (title XIV of Public Law 102–484), or section 212(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228).

(5) Complying with all relevant arms control agreements.

(6) Observing internationally recognized human rights, including the protection of minorities.

SEC. 1204. FUNDING FOR FISCAL YEAR 1994.

(a) AUTHORIZATION OF NEW APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal year 1994 for the purposes authorized in section 1203 the sum of $400,000,000.

(b) AUTHORIZATION OF EXTENSION OF AVAILABILITY OF PRIOR YEAR FUNDS.—To the extent provided in appropriations Acts, the authority to transfer funds of the Department of Defense provided in section 9110(a) of the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 106 Stat. 1928), and in section 108 of Public Law 102–229; 105 Stat. 1708) shall continue to be in effect during fiscal year 1994.

SEC. 1205. PRIOR NOTICE TO CONGRESS OF OBLIGATION OF FUNDS.

(a) NOTICE OF PROPOSED OBLIGATION.—Not less than 15 days before obligation of any funds under section 1203, the President shall transmit to the appropriate congressional committees (as defined in section 1208) a report on the proposed obligation. Each such report shall specify—

(1) the activities and forms of assistance for which the President plans to obligate such funds,

(2) the amount of the proposed obligation, and

(3) the projected involvement of the United States Government departments and agencies and the United States private sector.

(b) INDUSTRIAL DEMILITARIZATION.—Any report under subsection (a) that covers proposed industrial demilitarization projects shall contain additional information to assist the Congress in determining the merits of the proposed projects. Such information shall include descriptions of—

(1) the facilities to be demilitarized;

(2) the types of activities conducted at those facilities and of the types of nonmilitary activities planned for those facilities;

(3) the forms of assistance to be provided by the United States Government and by the United States private sector;

(4) the extent to which military production capability will consequently be eliminated at those facilities; and

(5) the mechanisms to be established for monitoring progress on those projects.

SEC. 1206. AUTHORIZATION FOR ADDITIONAL FISCAL YEAR 1993 ASSISTANCE TO THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal year 1993 for the account "Operation and Maintenance, Defense Agencies", the additional sum of $979,000,000, to be available for the purposes of providing assistance to the independent states of the former Soviet Union.

(b) AUTHORIZATION OF TRANSFER OF FUNDS.—The Secretary of Defense may, to the extent provided in appropriations Acts, transfer from the account "Operation and Maintenance, Defense Agencies" for fiscal year 1993 a sum not to exceed the amount appropriated pursuant to the authorization in subsection (a) to—

(1) other accounts of the Department of Defense for the purpose of providing assistance to the independent states of the former Soviet Union; or

(2) appropriations available to the Department of State and other agencies of the United States Government for the purpose of providing assistance to the independent states of the former Soviet Union for programs that the President determines will increase the national security of the United States.

(c) ADMINISTRATIVE PROVISIONS.—(1) Amounts transferred under subsection (b) shall be available subject to the same terms and conditions as the appropriations to which transferred.

(2) The authority to make transfers pursuant to this section is in addition to any other transfer authority of the Department of Defense.

(d) COORDINATION OF PROGRAMS.—The President shall coordinate the programs described in subsection (b) with those authorized in the other provisions of this title and in the provisions of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Public Law 102–511) so as to optimize the contribution such programs make to the national interests of the United States.

SEC. 1207. SEMIANNUAL REPORT.

Not later than April 30, 1994, and not later than October 30, 1994, the President shall transmit to the appropriate congressional committees a report on the activities carried out under section 1203. Each such report shall set forth, for the preceding six-month period and cumulatively, the following:

(1) The amounts obligated and expended for such activities and the purposes for which they were obligated and expended.

(2) A description of the participation of all United States Government departments and agencies in such activities.

(3) A description of the activities carried out and the forms of assistance provided, and a description of the extent to which the United States private sector has participated in the activities for which amounts were obligated and expended under section 1203.

(4) Such other information as the President considers appropriate to fully inform the Congress concerning the operation of the programs and activities carried out under section 1203, including, with respect to proposed industrial demilitarization projects, additional information on the progress toward demilitarization of facilities and the conversion of the demilitarized facilities to civilian activities.

SEC. 1208. DEFINITION.

As used in this title, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

TITLE XIII—DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE

SEC. 1301. SHORT TITLE.

This title may be cited as the "Defense Conversion, Reinvestment, and Transition Assistance Amendments of 1993".

SEC. 1302. FUNDING OF DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE PROGRAMS FOR FISCAL YEAR 1994.

(a) Funding.—Of the amounts authorized to be appropriated pursuant to this Act for the Department of Defense for fiscal year 1994, the sum of $2,735,000,000 shall be available from the sources and in the amounts specified in subsection (b) for defense conversion, reinvestment, and transition assistance programs. Amounts made available pursuant to this subsection shall remain available until expended.

(b) Sources of Funds.—The amounts and sources referred to in subsection (a) are as follows:

(1) $200,000,000 of the amounts authorized to be appropriated pursuant to section 109 to carry out subtitle E.

(2) $2,200,000,000 of the amounts authorized to be appropriated pursuant to title II.

(3) $335,000,000 of the amounts authorized to be appropriated pursuant to title III.

(c) Definition.—For purposes of this section, the term "defense conversion, reinvestment, and transition assistance programs" includes the following activities of the Department of Defense:

(1) The activities authorized by the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 106 Stat. 2658) and the amendments made by that Act.

(2) The activities authorized by this title and the amendments made by this title.

SEC. 1303. ANNUAL REPORT ON DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE PROGRAMS.

(a) Report Required.—The Secretary of Defense shall prepare an annual report that assesses the effectiveness of all defense conversion, reinvestment, and transition assistance programs (as defined in section 1302) during the preceding fiscal year.

(b) Contents of Report.—Each report required under subsection (a) shall include a consideration of the following:

(1) For each of the conversion programs, the status of obligation of appropriated funds.

(2) For each defense technology reinvestment project (or other technology project conducted as part of a defense conversion, reinvestment, and transition assistance program)—

(A) the extent to which the project meets the objectives set forth in subsections (a) and (b) of section 2501 of title 10, United States Code;

(B) the technology benefits of the project to the defense technology and industrial base;

(C) any increased affordability of defense programs linked to the project;

(D) any evidence of commercialization of technology due to the project;

(E) any employment created as a result of the project;

(F) the number and name of defense firms participating in the project;

(G) the number of defense firms that have been able to expand or retain their business base as a result of the project;

(H) in the case of a project requiring matching funds, whether or not the matching requirements were met in cash;

(I) the extent to which the project has met agreed-upon milestones, and financial and technical requirements; and

(J) the extent to which it was determined whether or not the project duplicates or parallels technology programs in other agencies;

(3) For each personnel assistance program—

(A) the extent to which the program meets objectives set forth in section 2501(b) of title 10, United States Code;

(B) the number of individuals eligible for program participation;

(C) the number of individuals directly participating in the program (actual and projected);

(D) in the case of a training and jobs program, the number of individuals who have secured permanent employment as a result of program participation, and

(E) the extent to which it was determined whether or not the program duplicates programs conducted by other agencies.

(4) For each community assistance program—

(A) the extent to which the program meets objectives laid out in section 2501(b) of title 10, United States Code; and

(B) the number of short- and long-term jobs created in a community receiving adjustment and diversification assistance under section 2391(b) of title 10, United States Code.

(c) Submission of Report.—The report required by this section for a particular year shall be submitted to Congress at the same time that the Secretary of Defense submits the report required under section 113(c) of title 10, United States Code, for that year.

Subtitle A—Defense Technology Reinvestment Projects

SEC. 1311. FUNDING OF DEFENSE TECHNOLOGY REINVESTMENT PROJECTS FOR FISCAL YEAR 1994.

Of the amount made available pursuant to section 1302(a), $575,000,000 shall be available for activities of the Department of Defense under chapter 148 of title 10, United States Code, and section 2197 of such title, of which—

(1) $105,000,000 shall be available for defense dual-use critical technology partnerships under section 2511 of such title;

(2) $35,000,000 shall be available for commercial-military integration partnerships under section 2512 of such title;

(3) $85,000,000 shall be available for defense regional technology alliances under section 2513 of such title;

(4) $30,000,000 shall be available for defense advanced manufacturing technology partnerships under section 2522 of such title;

(5) $50,000,000 shall be available for support of manufacturing extension programs under section 2523 of such title;

(6) $50,000,000 shall be available for the defense dual-use extension program under section 2524 of such title, of which—

(A) not less than 30 percent of such amount shall be available for assistance pursuant to subsection (c)(3) of such section; and

(B) not less than 30 percent of such amount shall be available for loan guarantees pursuant to subsection (b)(3) of such section; and

(7) $20,000,000 shall be available to conduct the program established pursuant to section 2197 of such title to support the activities of manufacturing experts at institutions of higher education.

SEC. 1312. REPEAL AND AMENDMENT OF CERTAIN PROVISIONS RELATING TO DEFENSE TECHNOLOGY AND INDUSTRIAL BASE, REINVESTMENT, AND CONVERSION.

(a) Repeals.—The following sections of title 10, United States Code, are repealed: sections 2502, 2503, 2504, 2506, 2515, and 2518.

(b) Amendment.—Section 2505 of such title is amended—

(1) in subsection (a), by striking out "National Defense Technology and Industrial Base Council" and inserting in lieu thereof "Secretary of Defense"; and

(2) in subsection (c), by striking out "Council" and inserting in lieu thereof "Secretary".

(c) Conforming Repeals.—The following sections of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) are repealed: sections 4218, 4219, and 4220.

(d) Clerical Amendments.—(1) The table of sections at the beginning of subchapter II of chapter 148 of such title is amended by striking out the items relating to sections 2502, 2503, 2504, and 2506.

(2) The table of sections at the beginning of subchapter III of chapter 148 of such title is amended by striking out the items relating to sections 2515 and 2518.

SEC. 1313. EXPANSION OF OBJECTIVES OF DEFENSE TECHNOLOGY REINVESTMENT PROJECTS.

(a) Restatement of Existing Provision in Terms of Objectives.—Section 2501(b) of title 10, United States Code, is amended by striking out "defense resources that" and all that follows through the period and inserting in lieu thereof "defense resources capable of meeting the following objectives:

"(1) Promoting economic growth in high-wage, high-technology industries and preserving the industrial and technical skill base.

"(2) Promoting economic growth through further reduction of the Federal budget deficit that, by reducing the public sector demand for capital, increases the amount of capital available for private investment and job creation in the civilian sector.

"(3) Bolstering the national technology base, including supporting and exploiting critical technologies with both military and civilian application.

"(4) Supporting retraining of separated military, defense civilian, and defense industrial personnel for jobs in activities important to national economic growth and security.

"(5) Assisting those activities being undertaken at the State and local levels to support defense economic reinvestment, conversion, adjustment, and diversification activities.

"(6) Assisting small businesses adversely affected by reductions in defense expenditures.".

(b) Consideration of Defense Reinvestment, Diversification, and Conversion Objectives.—Chapter 148 of title 10, United States Code, is amended—

(1) in sections 2505(a), 2505(b), 2511(a), 2511(f)(1), 2512(a), 2512(e)(1), 2513(a), 2516(b), 2522(a), and 2523(b)(1), by striking out "national security objectives set forth in section 2501(a)" each place it appears and inserting in lieu thereof "objectives set forth in subsections (a) and (b) of section 2501";

(2) in section 2505(b)(1), by striking out "section 2501(a)" and inserting in lieu thereof "section 2501"; and

(3) in section 2514(a), by striking out "section 2501(a)" and inserting in lieu thereof "subsections (a) and (b) of section 2501".

SEC. 1314. DEFENSE TECHNOLOGY REINVESTMENT PROJECTS FOR FISCAL YEAR 1994.

(a) Projects for Fiscal Year 1994.—Using funds made available pursuant to section 1302(a), the Secretary of Defense shall carry out during fiscal year 1994 defense technology reinvestment projects in cooperation with partnerships and other cooperative arrangements established pursuant to chapter 148 of title 10, United States Code, in the technology focus areas described in subsection (b) or involving technologies that otherwise meet the objectives set forth in section 2501 of this title. Nothing in this section shall be construed to preclude continued support for defense technology reinvestment projects in technology focus areas identified during the solicitation conducted during fiscal year 1993.

(b) Description of Technology Focus Areas.—The technology focus areas referred to in subsection (a) are the following:

(1) Ocean thermal energy conversion.

(2) Advanced antenna technology.

(3) Noncooled, pyroelectric thermal imaging systems.

(4) Advanced wind power systems.

(5) Parallel processing technologies.

(6) Photovoltaic energy storage systems.

(7) Direct satellite radio broadcasting.

(8) Solar furnace environmental remediation technologies.

(9) Robotic excavation and tunnelling technologies.

(10) Marine biotechnology.

(11) Automated manufacturing technology for composites.

(12) Earthquake-resistant bridge composites.

(13) Advanced automatic train control systems technologies.

(14) Statewide defense conversion economic development networks for transition services, retraining, and business diversification.

(15) Other technology areas that would further the objectives set forth in section 2501 of title 10, United States Code.

(c) CONSULTATION.—In carrying out defense technology reinvestment projects during fiscal year 1994, the Secretary of Defense shall consult with the heads of other Federal agencies conducting similar projects in the technology focus areas described in subsection (b).

(d) MADE-IN-AMERICA REQUIREMENT.—The Secretary of Defense shall ensure that each partnership or other cooperative arrangement established pursuant to chapter 148 of title 10, United States Code, to carry out a defense technology reinvestment project during fiscal year 1994 includes an agreement that any manufacturing resulting from the project shall occur in the United States and benefit workers in the United States.

(e) ACCEPTABLE STANDARDS OF QUALITY.—If the Secretary of Defense determines that the proposals received as a result of a solicitation for defense technology reinvestment projects in a technology focus area described in subsection (b) do not meet an acceptable standard of quality established by the Secretary, nothing in this section shall be construed to require the Secretary to carry out projects in that technology focus area. The Secretary shall make a determination under this subsection after consultation with the Defense Technology Conversion Council. The Secretary shall promptly notify Congress of each determination not to carry out projects in a particular technology focus area.

(f) USE OF COMPETITIVE SELECTION PROCEDURES.—Funds authorized to be made available for defense technology reinvestment projects selected as a result of the authority provided by subsection (a) shall be made available to those projects only if a competitive selection process was used to select the projects.

SEC. 1315. EXPANSION OF PURPOSES OF DEFENSE ADVANCED MANUFACTURING TECHNOLOGY PARTNERSHIPS.

Section 2522 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out "research and development" and inserting in lieu thereof "research, development, or deployment"; and

(B) by adding at the end the following new sentence: "The cooperative arrangements authorized by this section may include a cooperative arrangement with an industry-led, large-scale research and development consortium to establish and administer long-term partnerships under this section."; and

(2) in subsection (d)—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following new paragraph:

"(3) The extent to which the partnerships provide for the large-scale deployment of advanced manufacturing technologies.".

SEC. 1316. DEFENSE DUAL-USE ASSISTANCE EXTENSION PROGRAM.

(a) EXPANSION OF BUSINESSES ELIGIBLE FOR LOAN GUARANTEES.—Subsection (b)(3) of section 2524 of title 10, United States Code, is amended—

(1) by striking out "small businesses" and inserting in lieu thereof "small- and medium-sized business concerns"; and

(2) by inserting "subsection (e) and" before "other applicable law".

(b) SPECIAL RULES FOR LOAN GUARANTEES.—Subsection (e) of such section is amended to read as follows:

"(e) TERMS AND CONDITIONS FOR LOAN GUARANTEES.—(1) The Secretary shall carry out subsection (b)(3) through the Under Secretary of Defense for Acquisition and Technology, who may consult with and seek technical assistance from other Federal agencies in order to effectively issue loan guarantees under such subsection. Such loan guarantees shall be issued for the purpose of assisting small- and medium-sized business concerns that are economically dependent on defense expenditures to secure financing for projects—

"(A) to achieve the final development and commercialization of defense-oriented technologies for nonmilitary use by the business concern; and

"(B) to diversify the operations of the business concern toward greater emphasis on production or services for nonmilitary use.

"(2) A business concern shall be considered to be a small- or medium-sized business concern for purposes of this subsection and subsection (b)(3) if the business concern has not more than 2,500 full-time employees or their equivalent. A business concern shall be considered to be economically dependent on defense expenditures for purposes of this subsection and subsection (b)(3) if the business concern—

"(A) has a substantial prior history of conducting much of its sales and business with Department of Defense over the life, or a substantial portion of the life, of the business concern; and

"(B) can reasonably demonstrate that it, in at least two of the last seven years immediately preceding the application for a loan guarantee—

"(i) obtained at least 50 percent of its gross income from contracts or subcontracts to provide material or services to the Department of Defense; or

"(ii) incurred a significant reduction in its gross income as a result the termination or completion of contracts or subcontracts to provide material or services to the Department of Defense.

"(3) The maximum amount of loan principal that the Secretary may guarantee under subsection (b)(3) with respect to any loan may not exceed $10,000,000. The maximum percentage of the loan principal that the Secretary may guarantee with respect to any loan shall be established by the Secretary, except that the percentage established may not exceed 85 percent of the principal.

"(4) Loan guarantees shall be issued under subsection (b)(3) on a competitive basis after consideration of the following criteria:

"(A) Whether credit is not otherwise commercially available under reasonable terms and conditions.

"(B) The applicability of the program to be funded by the loan to the technology areas outlined in the Technology Reinvestment Project proposed by the President on March 10, 1993.

"(C) The ability of the program to preserve or enhance critical technology and national technology and industrial base skills.

"(D) The market potential of any product or technology to be developed using the loan.

"(E) The importance of the program to future United States economic competitiveness and the economic strength of United States.

"(F) The economic viability and perceived ability of the business concern to repay the loan.

"(G) The technical soundness of the proposal.

"(H) The selection criteria specified in subsection (f).

"(5) The Secretary shall give a preference in issuing loan guarantees under subsection (b)(3) to an application by a business concern to carry out a program to commercialize a product or technology that is already developed or proven at the time the application is submitted over programs to carry out solely research and development activities.

"(6) The provisions of law relating to default on loans guaranteed by the Administrator of the Small Business Administration under the Small Business Act (15 U.S.C. 631 et seq.) shall apply if the United States is obligated to make reimbursing payments to a commercial creditor under a loan guarantee issued to a business concern under subsection (b)(3). In addition, the President shall prohibit the business concern involved in the default, and any successor of the business concern, from bidding on or receiving for a 3-year period any contract or subcontract to provide material or services to the Federal Government.".

(c) CONFORMING AMENDMENT.—Subsection (f) of such section is amended by inserting after "SELECTION CRITERIA.—" the following new sentence: "Competitive procedures shall be used in the selection of programs to receive assistance under this section.".

SEC. 1317. CONSISTENCY IN FINANCIAL COMMITMENT REQUIREMENTS OF NON-FEDERAL GOVERNMENT PARTICIPANTS IN TECHNOLOGY REINVESTMENT PROJECTS.

(a) DEFENSE DUAL-USE CRITICAL TECHNOLOGY PARTNERSHIPS.—Section 2511(c) of title 10, United States Code, is amended to read as follows:

"(c) FINANCIAL COMMITMENT OF NON-FEDERAL GOVERNMENT PARTICIPANTS.—(1) Except as provided in paragraph (2), the Secretary of Defense shall ensure that the amount of funds provided by the Secretary to a partnership does not exceed 50 percent of the total cost of partnership activities.

"(2) The Secretary may increase the Federal share of the costs of partnership activities to not more than 70 percent of such costs in the case of a partnership in which the entity proposing the partnership and a majority of the non-Government participants are small business concerns.

"(3) The Secretary shall prescribe regulations to provide for consideration of in-kind contributions by non-Federal Government participants in a partnership for the purpose of calculating the share of the partnership costs that has been or is being undertaken by such participants. A participant that is a small business concern may use funds received under the Small Business Innovation Research Program or the Small Business Technology Transfer Program to help pay the costs of partnership activities, and any such funds so used shall be included in calculating the non-Federal Government share of such costs.".

(b) COMMERCIAL-MILITARY INTEGRATION PARTNERSHIPS.—Section 2512(c) of such title is amended to read as follows:

"(c) FINANCIAL COMMITMENT OF NON-FEDERAL GOVERNMENT PARTICIPANTS.—(1) Except as provided in paragraph (2), the Secretary shall ensure that the amount of funds provided by the Secretary to a partnership does not exceed 50 percent of the total cost of partnership activities.

"(2) The Secretary may increase the Federal share of the costs of partnership activities to not more than 70 percent of such costs in the case of

a partnership in which the entity proposing the partnership and a majority of the non-Government participants are small business concerns.

"(3) The Secretary shall prescribe regulations to provide for consideration of in-kind contributions by non-Federal Government participants in a partnership for the purpose of calculating the share of the partnership costs that has been or is being undertaken by such participants. A participant that is a small business concern may use funds received under the Small Business Innovation Research Program or the Small Business Technology Transfer Program to help pay the costs of partnership activities, and any such funds so used shall be included in calculating the non-Federal Government share of such costs.".

(c) REGIONAL TECHNOLOGY ALLIANCES ASSISTANCE PROGRAM.—Section 2513 of such title is amended—

(1) by adding at the end of subsection (d) the following new paragraph:

"(4) The Secretary may increase the amount of assistance provided under paragraph (1) up to an amount not exceeding 70 percent of the cost of the activities of a regional technology alliance in the case of a regional technology alliance in which the entity proposing the alliance and a majority of the non-Government participants are small business concerns."; and

(2) in subsection (e)—

(A) by inserting after "50 percent" the following: "(or 30 percent if additional assistance is provided under subsection (d)(4))"; and

(B) by adding at the end the following new paragraph:

"(3) The Secretary shall prescribe regulations to provide for consideration of in-kind contributions by non-Federal Government participants in a regional technology alliance for the purpose of calculating the share of the costs that has been or is being undertaken by such participants. A participant that is a small business concern may use funds received under the Small Business Innovation Research Program or the Small Business Technology Transfer Program to help pay the costs of a regional technology alliance, and any such funds so used shall be included in calculating the non-Federal Government share of such costs.".

(d) MANUFACTURING EXTENSION PROGRAMS.—Section 2523(b)(3) of such title is amended—

(1) by striking out subparagraph (A) and inserting in lieu thereof the following new subparagraph:

"(A) The amount of financial assistance furnished to a manufacturing extension program under this subsection may not exceed 50 percent of the total cost of the program, except that the Secretary may increase the Federal share to not more than 70 percent of such costs in the case of a program in which the entity proposing the program and a majority of the non-Government participants are small business concerns. Financial assistance shall be provided to a recipient program for a period of five years unless such financial assistance is earlier terminated for good cause. Recipients of such financial assistance shall be required to report to the Secretary annually beginning one year after the date that such financial assistance is initiated. Such report shall include a description of the progress of the recipient program in meeting the objectives set out in paragraph (1)."; and

(2) by adding at the end the following new subparagraph:

"(D) The Secretary shall prescribe regulations to provide for consideration of in-kind contributions by non-Federal Government participants in a manufacturing extension program for the purpose of calculating the share of the costs that has been or is being undertaken by such participants. A participant that is a small business concern may use funds received under the Small Business Innovation Research Program or the Small Business Technology Transfer Program to help pay the costs of the program, and any such funds so used shall be included in calculating the non-Federal Government share of such costs.".

(e) DEFENSE DUAL-USE ASSISTANCE EXTENSION PROGRAM.—Section 2524(d) of such title is amended to read as follows:

"(d) FINANCIAL COMMITMENT OF NON-FEDERAL GOVERNMENT PARTICIPANTS.—(1) Except as provided in paragraph (2), the Secretary shall ensure that the amount of funds provided by the Secretary to a program under this section does not exceed 50 percent of the total cost of the program.

"(2) The Secretary may increase the Federal share of the costs of a program under this section to not more than 70 percent of such costs in the case of a program in which the entity proposing the program and a majority of the non-Government participants are small business concerns.

"(3) The Secretary shall prescribe regulations to provide for consideration of in-kind contributions by non-Federal Government participants in a program under this section for the purpose of calculating the share of the costs that has been or is being undertaken by such participants. A participant that is a small business concern may use funds received under the Small Business Innovation Research Program or the Small Business Technology Transfer Program to help pay the costs of the program, and any such funds so used shall be included in calculating the non-Federal Government share of such costs.".

(f) DEFINITIONS.—Section 2491 of such title is amended by adding at the end the following new paragraphs:

"(13) The term 'Small Business Innovation Research Program' means the program established under the following provisions of section 9 of the Small Business Act (15 U.S.C. 638):

"(A) Paragraphs (4) through (7) of subsection (b).

"(B) Subsections (e) through (k).

"(14) The term 'Small Business Technology Transfer Program' means the program established under the following provisions of such section:

"(A) Paragraphs (4) through (7) of subsection (b).

"(B) Subsections (e) and (n) through (p).".

Subtitle B—Community Adjustment and Assistance Programs

SEC. 1321. ADJUSTMENT AND DIVERSIFICATION ASSISTANCE FOR STATES AND LOCAL GOVERNMENTS FROM THE OFFICE OF ECONOMIC ADJUSTMENT.

(a) FUNDING FOR FISCAL YEAR 1994.—Of the amount made available pursuant to section 1302(a), $69,000,000 shall be available as community adjustment and economic diversification assistance under section 2391(b) of title 10, United States Code.

(b) PREPARATION ASSISTANCE.—The Secretary of Defense may use up to five percent of the amount specified in subsection (a) for the purpose of providing preparation assistance to those States intending to establish the types of programs for which assistance is authorized under section 2391(b) of title 10, United States Code.

SEC. 1322. ASSISTANCE FOR COMMUNITIES ADVERSELY AFFECTED BY CATASTROPHIC OR MULTIPLE BASE CLOSURES OR REALIGNMENTS.

(a) ASSISTANCE.—Section 2391 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f) EMPHASIS ON COMMUNITIES WITH CATASTROPHIC OR MULTIPLE BASE CLOSURES OR REALIGNMENTS.—(1) Not less than 50 percent of the funds made available for a fiscal year to carry out subsection (b) shall be used by the Secretary of Defense under paragraphs (1) and (4) of such subsection to make grants, conclude cooperative agreements, and supplement funds available under other Federal programs in order to assist State and local governments in planning and carrying out community adjustments and economic diversification in any community determined by the Secretary—

"(A) to be likely to experience a loss of not less than five percent of the total number of civilian jobs in the community as a result of the realignment or closure of a military installation under the base closure laws; or

"(B) to be adversely affected by the realignment or closure of more than one military installation under the base closure laws.

"(2) To the extent practicable, the amount of assistance provided under subsection (b) in a fiscal year to assist a community described in paragraph (1) that is selected to receive such assistance in that fiscal year should be not less than—

"(A) $1,000,000 to plan community adjustments and economic diversification; and

"(B) $5,000,000 to carry out a community adjustments and economic diversification program.".

(b) TIME FOR CONSIDERATION OF APPLICATIONS.—Subsection (b) of such section is amended by adding at the end the following new paragraphs:

"(6) To the extent practicable, the Secretary of Defense shall inform a State or local government applying for assistance under this subsection of the approval or rejection by the Secretary of the application for such assistance before the end of—

"(A) the 7-day period beginning on the date on which the Secretary receives the application, in the case of an application for a planning grant; and

"(B) the 30-day period beginning on such date, in the case of an application for assistance to carry out a community adjustments and economic diversification program.

"(7) In attempting to complete consideration of applications within the time periods specified in paragraph (6), the Secretary shall give priority to those applications requesting assistance for a community described in subsection (f)(1). If an application is rejected by the Secretary, the Secretary shall promptly inform the State or local government of the reasons for the rejection of the application.".

(c) DEFINITION.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

"(3) The term 'base closure laws' means—

"(A) the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note);

"(B) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note);

"(C) section 2687 of this title; and

"(D) any other similar law enacted after October 1, 1993.".

SEC. 1323. CONTINUATION OF PILOT PROJECT TO IMPROVE ECONOMIC ADJUSTMENT PLANNING.

(a) CONTINUATION OF PROGRAM.—Subsection (a) of section 4302 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 10 U.S.C. 1091 note) is amended by striking out "fiscal year 1993" and inserting in lieu thereof "fiscal years 1993 and 1994".

(b) FUNDING FOR FISCAL YEAR 1994.—Of the amount made available pursuant to section 1302(a), $1,000,000 shall be made available to continue the pilot project required under section 4302 of the Defense Conversion, Reinvestment,

and Transition Assistance Act of 1992 (division D of Public Law 102–484; 10 U.S.C. 1091 note) with respect to those projects involving relieving the adverse effects upon a community from a combination of the closure or realignment of a military installation and changes in the mission of a national laboratory.

SEC. 1324. CONSIDERATION OF LOCAL AND REGIONAL ECONOMIC NEEDS AS PART OF THE DISPOSITION OF REAL PROPERTY AND FACILITIES UNDER BASE CLOSURE LAWS.

(a) CONSIDERATION OF ECONOMIC NEEDS.—In order to maximize local and regional benefit from the reuse of military installations that are closed or realigned, or selected for closure or realignment, pursuant to the operation of a base closure law, the Secretary of Defense shall incorporate locally and regionally delineated economic development needs and priorities into the disposition process by which the Secretary disposes of real property and facilities as part of the closure or realignment of a military installation under a base closure law. In determining such needs and priorities, the Secretary shall use the community base reuse plan developed for the military installation involved.

(b) COOPERATION.—The Secretary shall cooperate with the State in which a military installation referred to in subsection (a) is located, with the entity established to develop a community base reuse plan for the installation, and with local governments and other interested persons in communities located near the installation to implement the entire disposition process of real property and facilities at the installation.

(c) ECONOMIC DEVELOPMENT CRITERIA.—In evaluating the highest and best reuse options for real property and facilities at a military installation referred to in subsection (a), the Secretary shall employ the following economic development criteria:

(1) The creation of jobs, including manufacturing and other primary labor market jobs.

(2) A significant economic multiplier effect on the local and regional economies.

(3) A significant direct economic impact on the local and regional economies through future contracting for goods and services, and construction activities.

(4) New tax revenue generated to the State and locality.

(5) The creation, rehabilitation, operation, and maintenance of local infrastructure.

(6) The incorporation of local and regional economic development needs and priorities into the reuse plan.

(7) The economic viability of the proposed development.

(8) The timely economic impact of the proposed development.

(9) Need for public financial assistance to acquire or develop the property.

(d) PRIORITIES.—The criteria specified in subsection (d) shall be prioritized at the local and regional level for each military installation referred to in subsection (a) to establish a site specific weighting system for individual objectives. These criteria shall be considered to be costs or benefits depending upon the degree to which priorities are met. The highest and best use for real property and facilities at the installation shall be considered to be the reuse option that produces the greatest benefit according to these criteria.

(e) DEFINITIONS.—For purposes of this section:

(1) The term "base closure law" means each of the following:

(A) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(B) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

(C) Section 2687 of title 10, United States Code.

(D) Any other similar law enacted after the date of the enactment of this Act.

(2) the term "disposition process" includes scheduling, planning, economic, environmental, and infrastructure assessments, market research, marketing programs, permit procedures, and transfers of real and personal property carried out as part of the disposition of real property and facilities at a military installation closed or realigned under a base closure law.

SEC. 1325. SHIPYARD CONVERSION AND REUSE STUDIES.

(a) STUDIES REQUIRED.—The Secretary of Defense shall make community adjustment and diversification assistance available under section 2391(b) of title 10, United States Code, for the purpose of conducting studies regarding the feasibility of converting and reutilizing the following military shipyards as facilities primarily oriented toward commercial use:

(1) Charleston Naval Shipyard, South Carolina.

(2) Mare Island Naval Shipyard, California.

(b) FUNDING.—Of the amount made available pursuant to section 1302(a), $500,000 shall be available to carry out each of the studies required by subsection (a).

Subtitle C—Personnel Adjustment, Education, and Training Programs

SEC. 1331. CONTINUATION OF TEACHER AND TEACHER'S AIDE PLACEMENT PROGRAMS.

(a) PLACEMENT PROGRAMS REQUIRED.—(1) Section 1151 of title 10, United States Code, is amended—

(A) in subsection (a), by striking out "may" in the matter preceding paragraph (1) and inserting in lieu thereof "shall" and;

(B) in subsections (b), (c)(1), (e)(1), and (f), by striking out "program authorized" each place it appears and inserting in lieu thereof "program required".

(2) Section 1598 of such title is amended—

(A) in subsection (a), by striking out "may" in the matter preceding paragraph (1) and inserting in lieu thereof "shall"; and

(B) in subsections (b)(1) and (f), by striking out "program authorized" both places it appears and inserting in lieu thereof "program required".

(3) Section 2410j of such title is amended—

(A) in subsection (a), by striking out "may" in the matter preceding paragraph (1) and inserting in lieu thereof "shall offer to"; and

(B) in subsection (b)(1), by striking out "agreement authorized" and inserting in lieu thereof "agreement entered into".

(b) COVERAGE OF CERTAIN MEMBERS INADVERTENTLY EXCLUDED.—Section 1151(e)(1) of such title, as amended by subsection (a)(1)(B), is further amended by inserting before the period at the end of the first sentence the following: "or within one year after the date of the discharge or release".

(c) EXTENSION OF PERIOD OF REQUIRED SERVICE.—(1) Section 1151 of such title, as amended by subsection (a)(1), is further amended—

(A) in subsection (f)(2), by striking out "two school years" both places it appears and inserting in lieu thereof "five school years";

(B) in subsection (h)(3)(A), by striking out "two consecutive school years" and inserting in lieu thereof "five consecutive school years";

(C) in subsection (h)(5), by striking out "two years" both places it appears and inserting in lieu thereof "five years"; and

(D) in subsection (i)(1), by striking out "two years" both places it appears and inserting in lieu thereof "five years".

(2) Section 1598(d)(2) of such title is amended by striking out "two school years" both places it appears and inserting in lieu thereof "five school years".

(3) Section 2410j(f)(2) of such title is amended by striking out "two school years" both places it appears and inserting in lieu thereof "five school years".

(d) GRANT PAYMENTS.—Section 1151(h)(3)(B) of such title is amended by striking out "equal to the lesser of—" and all that follows through "$50,000." and inserting in lieu thereof the following: "based upon the basic salary paid by the local educational agency to the participant as a teacher or teacher's aide. The rate of payment by the Secretary shall be as follows:

"(i) For the first school year of employment, 50 percent of the basic salary, except that the payment may not exceed $25,000.

"(ii) For the second school year of employment, 40 percent of the basic salary, except that the payment may not exceed $10,000.

"(iii) For the third school year of employment, 30 percent of the basic salary, except that the payment may not exceed $7,500.

"(iv) For the fourth school year of employment, 20 percent of the basic salary, except that the payment may not exceed $5,000.

"(v) For the fifth year of employment, 10 percent of the basic salary, except that the payment may not exceed $2,500.".

(e) INCREASED FLEXIBILITY IN PROVIDING STIPENDS AND PLACEMENT GRANTS.—Section 1151(h)(1) of such is amended by striking out "shall" and inserting in lieu thereof "may".

(f) APPLICATION OF CERTAIN AMENDMENTS.—The amendments made by subsections (c) and (d) shall not apply with respect to—

(1) persons selected by the Secretary of Defense before the date of the enactment of this Act to participate in the teacher and teacher's aide placement programs required by sections 1151, 1598, and 2410j of title 10, United States Code, or

(2) agreements entered into by the Secretary before such date with local educational agencies under such sections.

SEC. 1332. PROGRAMS TO PLACE SEPARATED MEMBERS OF THE ARMED FORCES IN EMPLOYMENT POSITIONS WITH LAW ENFORCEMENT AGENCIES AND HEALTH CARE PROVIDERS.

(a) PLACEMENT PROGRAM WITH LAW ENFORCEMENT AGENCIES.—Chapter 58 of title 10, United States Code, is amended by adding at the end the following new section:

"§1152. Assistance to separated members to obtain employment with law enforcement agencies

"(a) PLACEMENT PROGRAM.—The Secretary of Defense shall establish a program to assist eligible members of the armed forces to obtain employment by State and local law enforcement agencies upon their discharge or release from active duty.

"(b) ELIGIBLE MEMBERS.—(1) Except as provided in paragraph (2), a member of the armed forces may apply to participate in the program established under subsection (a) if the member—

"(A) is selected for involuntary separation, is approved for separation under section 1174a or 1175 of this title, or is given early retirement under section 4403 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 10 U.S.C. 1293 note) during the four-year period beginning on October 1, 1993;

"(B) has a military occupational specialty, training, or experience related to law enforcement, such as service as a member of the military police; and

"(C) satisfies such other criteria for selection as the Secretary of Defense may prescribe.

"(2) A member who is discharged or released from service under other than honorable conditions shall not be eligible to participate in the program.

"(c) SELECTION OF PARTICIPANTS.—(1) The Secretary of Defense shall select members to participate in the program established under subsection (a) on the basis of applications submitted to the Secretary before the date of the discharge or release of the members from active duty. An application shall be in such form and contain such information as the Secretary may require.

"(2) The Secretary may not select a member to participate in the program unless the Secretary has sufficient appropriations for the placement program available at the time of the selection to satisfy the obligations to be incurred by the United States under subsection (d) with respect to that member.

"(d) GRANTS TO FACILITATE EMPLOYMENT.—(1) The Secretary of Defense may enter into agreements with State and local law enforcement agencies to assist eligible members selected under subsection (c) to obtain suitable employment with these agencies. Under the agreement, the law enforcement agency shall agree to employ a participant in the program on a full-time basis for at least a five-year period.

"(2) Under an agreement referred to in paragraph (1), the Secretary shall agree to pay to the law enforcement agency involved an amount based upon the basic salary paid by the law enforcement agency to the participant as a law enforcement officer. The rate of payment by the Secretary shall be as follows:

"(A) For the first year of employment, 50 percent of the basic salary, except that the payment may not exceed $25,000.

"(B) For the second year of employment, 40 percent of the basic salary, except that the payment may not exceed $10,000.

"(C) For the third year of employment, 30 percent of the basic salary, except that the payment may not exceed $7,500.

"(D) For the fourth year of employment, 20 percent of the basic salary, except that the payment may not exceed $5,000.

"(E) For the fifth year of employment, 10 percent of the basic salary, except that the payment may not exceed $2,500.

"(3) Payments required under paragraph (2) may be made by the Secretary in such installments as the Secretary may determine.

"(4) If a participant who is placed under this program leaves the employment of the law enforcement agency before the end of the five years of required employment service, the agency shall reimburse the Secretary in an amount that bears the same ratio to the total amount already paid under the agreement as the unserved portion bears to the five years of required service.

"(5) The Secretary may not make a grant under this subsection to a law enforcement agency if the Secretary determines that the law enforcement agency terminated the employment of another employee in order to fill the vacancy so created with a participant in this program.".

(b) PLACEMENT PROGRAM WITH HEALTH CARE PROVIDERS.—Chapter 58 of title 10, United States Code, is amended by adding after section 1152, as added by subsection (a), the following new section:

"§1153. Assistance to separated members to obtain employment with health care providers

"(a) PLACEMENT PROGRAM.—The Secretary of Defense shall establish a program to assist eligible members of the armed forces to obtain employment by health care providers upon their discharge or release from active duty.

"(b) ELIGIBLE MEMBERS.—(1) Except as provided in paragraph (2), a member shall be eligible for selection by the Secretary of Defense to participate in the program established under subsection (a) if the member—

"(A) is selected for involuntary separation, is approved for separation under section 1174a or 1175 of this title, or is given early retirement under section 4403 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 10 U.S.C. 1293 note) during the four-year period beginning on October 1, 1993;

"(B) has received an associate degree, baccalaureate, or advanced degree from an accredited institution of higher education or a junior or community college;

"(C) has a military occupational specialty, training, or experience related to health care or is likely to be able to obtain such training in a short period of time, as determined by the Secretary; and

"(D) satisfies such other criteria for selection as the Secretary may prescribe.

"(2) A member who is discharged or released from service under other than honorable conditions shall not be eligible to participate in the program.

"(c) SELECTION OF PARTICIPANTS.—(1) The Secretary of Defense shall select members to participate in the program established under subsection (a) on the basis of applications submitted to the Secretary before the date of the discharge or release of the members from active duty. An application shall be in such form and contain such information as the Secretary may require.

"(2) The Secretary may not select a member to participate in the program unless the Secretary has sufficient appropriations for the placement program available at the time of the selection to satisfy the obligations to be incurred by the United States under subsection (d) with respect to that member.

"(d) GRANTS TO FACILITATE EMPLOYMENT.—(1) The Secretary of Defense may enter into an agreement with a health care provider to assist eligible members selected under subsection (c) to obtain suitable employment with the health care provider. Under the agreement, the provider shall agree to employ a participant in the program on a full-time basis for at least a five-year period.

"(2) Under an agreement referred to in paragraph (1), the Secretary shall agree to pay to the health care provider involved an amount based upon the basic salary paid by the health care provider to the participant. The rate of payment by the Secretary shall be as follows:

"(A) For the first year of employment, 50 percent of the basic salary, except that the payment may not exceed $25,000.

"(B) For the second year of employment, 40 percent of the basic salary, except that the payment may not exceed $10,000.

"(C) For the third year of employment, 30 percent of the basic salary, except that the payment may not exceed $7,500.

"(D) For the fourth year of employment, 20 percent of the basic salary, except that the payment may not exceed $5,000.

"(E) For the fifth year of employment, 10 percent of the basic salary, except that the payment may not exceed $2,500.

"(3) Payments required under paragraph (2) may be made by the Secretary in such installments as the Secretary may determine.

"(4) If a participant who is placed under this program leaves the employment of the health care provider before the end of the five years of required employment service, the provider shall reimburse the Secretary in an amount that bears the same ratio to the total amount already paid under the agreement as the unserved portion bears to the five years of required service.

"(5) The Secretary may not make a grant under this subsection to a health care provider if the Secretary determines that the provider terminated the employment of another employee in order to fill the vacancy so created with a participant in this program.".

(c) PRESEPARATION COUNSELING.—Section 1142(b)(4) of title 10, United States Code, is amended by striking out "program established under section 1151 of this title to assist members to obtain employment as elementary or secondary school teachers or teachers' aides." and inserting in lieu thereof "programs established under sections 1151, 1152, and 1153 of this title.".

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

"1152. Assistance to separated members to obtain employment with law enforcement agencies.

"1153. Assistance to separated members to obtain employment with health care providers.".

SEC. 1333. GRANTS TO INSTITUTIONS OF HIGHER EDUCATION TO PROVIDE EDUCATION AND TRAINING IN ENVIRONMENTAL RESTORATION TO DISLOCATED DEFENSE WORKERS AND YOUNG ADULTS.

(a) GRANT PROGRAM REQUIRED.—(1) The Secretary of Defense shall establish a program to provide demonstration grants to institutions of higher education to assist such institutions in providing education and training in environmental restoration and hazardous waste management to eligible dislocated defense workers and young adults described in subsection (d). The Secretary shall award the grants pursuant to a merit-based selection process.

(2) A grant provided under this subsection may cover a period of not more than three fiscal years, except that the payments under the grant for the second and third fiscal year shall be subject to the approval of the Secretary and to the availability of appropriations to carry out this section in that fiscal year.

(b) APPLICATION.—To be eligible for a grant under subsection (a), an institution of higher education shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require. The application shall include the following:

(1) An assurance by the institution of higher education that it will use the grant to supplement and not supplant non-Federal funds that would otherwise be available for the education and training activities funded by the grant.

(2) A proposal by the institution of higher education to provide expertise, training, and education in hazardous materials and waste management and other environmental fields applicable to defense manufacturing sites and Department of Defense and Department of Energy defense facilities.

(c) USE OF GRANT FUNDS.—(1) An institution of higher education receiving a grant under subsection (a) shall use the grant to establish a consortium consisting of the institution and one or more of each of the entities described in paragraph (2) for the purpose of establishing and conducting a program to provide education and training in environmental restoration and waste management to eligible individuals described in subsection (d). To the extent practicable, the Secretary shall authorize the consortium to use a military installation closed or selected to be closed under a base closure law in providing onsite basic skills training to participants in the program.

(2) The entities referred to in paragraph (1) are the following:

(A) Representatives of appropriate State and local agencies.

(B) Private industry councils (as described in section 102 of the Job Training Partnership Act (29 U.S.C. 1512)).

(C) Community-based organizations (as defined in section 4(5) of such Act (29 U.S.C. 103(5)).

(D) Businesses.

(E) Organized labor.

(F) Other appropriate educational institutions.

(d) ELIGIBLE INDIVIDUALS.—A program established or conducted using funds provided under subsection (a) may provide education and training in environmental restoration and waste management to—

(1) individuals who have been terminated or laid off from employment (or have received notice of termination or lay off) as a consequence of reductions in expenditures by the United States for defense, the cancellation, termination, or completion of a defense contract, or the closure or realignment of a military installation under a base closure law, as determined in accordance with regulations prescribed by the Secretary; or

(2) individuals who have attained the age of 16 but not the age of 25.

(e) ELEMENTS OF EDUCATION AND TRAINING PROGRAM.—In establishing or conducting an education and training program using funds provided under subsection (a), the institution of higher education shall meet the following requirements:

(1) The institution of higher education shall establish and provide a work-based learning system consisting of education and training in environmental restoration—

(A) which may include basic educational courses, on-site basic skills training, and mentor assistance to individuals described in subsection (d) who are participating in the program; and

(B) which may lead to the awarding of a certificate or degree at the institution of higher education.

(2) The institution of higher education shall undertake outreach and recruitment efforts to encourage participation by eligible individuals in the education and training program.

(3) The institution of higher education shall select participants for the education and training program from among eligible individuals described in paragraph (1) or (2) of subsection (d).

(4) To the extent practicable, in the selection of young adults described in subsection (d)(2) to participate in the education and training program, the institution of higher education shall give priority to those young adults who—

(A) have not attended and are otherwise unlikely to be able to attend an institution of higher education; or

(B) have, or are members of families who have, received a total family income that, in relation to family size, is not in excess of the higher of—

(i) the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2)); or

(ii) 70 percent of the lower living standard income level.

(5) To the extent practicable, the institution of higher education shall select instructors for the education and training program from institutions of higher education, appropriate community programs, and industry and labor.

(6) To the extent practicable, the institution of higher education shall consult with appropriate Federal, State, and local agencies carrying out environmental restoration programs for the purpose of achieving coordination between such programs and the education and training program conducted by the consortium.

(f) SELECTION OF GRANT RECIPIENTS.—To the extent practicable, the Secretary shall provide grants to institutions of higher education under subsection (a) in a manner which will equitably distribute such grants among the various regions of the United States.

(g) LIMITATION ON AMOUNT OF GRANT TO A SINGLE RECIPIENT.—The amount of a grant under subsection (a) that may be made to a single institution of higher education in a fiscal year may not exceed 1/3 of the amount made available to provide grants under such subsection for that fiscal year.

(h) REPORTING REQUIREMENTS.—(1) The Secretary may provide a grant to an institution of higher education under subsection (a) only if the institution agrees to submit to the Secretary, in each fiscal year in which the Secretary makes payments under the grant to the institution, a report containing—

(A) a description and evaluation of the education and training program established by the consortium formed by the institution under subsection (c); and

(B) such other information as the Secretary may reasonably require.

(2) Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to the President and Congress an interim report containing—

(A) a compilation of the information contained in the reports received by the Secretary from each institution of higher education under paragraph (1); and

(B) an evaluation of the effectiveness of the demonstration grant program authorized by this section.

(3) Not later than January 1, 1997, the Secretary shall submit to the President and Congress a final report containing—

(A) a compilation of the information described in the interim report; and

(B) a final evaluation of the effectiveness of the demonstration grant program authorized by this section, including a recommendation as to the feasibility of continuing the program.

(i) DEFINITIONS.—For purposes of this section:

(1) BASE CLOSURE LAW.—The term "base closure law" means the following:

(A) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 104 Stat. 1808; 10 U.S.C. 2687 note).

(B) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 102 Stat. 2627; 10 U.S.C. 2687 note).

(C) Section 2687 of title 10, United States Code.

(D) Any other similar law enacted after the date of the enactment of this Act.

(2) ENVIRONMENTAL RESTORATION.—The term "environmental restoration" means actions taken consistent with a permanent remedy to prevent or minimize the release of hazardous substances into the environment so that such substances do not migrate to cause substantial danger to present or future public health or welfare or the environment.

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(4) SECRETARY.—The term "Secretary" means the Secretary of Defense.

(j) CONFORMING REPEAL.—Section 4452 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 10 U.S.C. 2701 note) is repealed.

SEC. 1334. REVISION TO IMPROVEMENTS TO EMPLOYMENT AND TRAINING ASSISTANCE FOR DISLOCATED WORKERS.

The matter inserted by the amendment made by section 4467(f)(1) of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 106 Stat. 2751) is amended to read as follows:

"(s)(1) Notwithstanding title II of the Federal Property and Administrative Services Act of 1949 and any other provision of law, the Secretary and the Secretary of Education shall receive priority by the Secretary of Defense for the direct transfer, on a nonreimbursable basis, of the property described in paragraph (2) for use in carrying out programs under this Act or under any other Act.

"(2) The property described in this paragraph is both real and personal property under the control of the Department of Defense that is not used by such Department, including property that the Secretary of Defense determines is in excess of current and projected requirements of such Department.".

SEC. 1335. DEMONSTRATION PROGRAM FOR THE TRAINING OF RECENTLY DISCHARGED VETERANS FOR EMPLOYMENT IN CONSTRUCTION AND IN HAZARDOUS WASTE REMEDIATION.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a demonstration program to promote the training and employment of veterans in the construction and hazardous waste remediation industries. Using funds made available to carry out this section the Secretary shall make grants under the demonstration program to organizations that meet the eligibility criteria specified in subsection (b).

(b) GRANT ELIGIBILITY CRITERIA.—An organization is eligible to receive a grant from the Secretary under subsection (a) if it—

(1) demonstrates, to the satisfaction of the Secretary, an ability to recruit and counsel veterans for participation in the demonstration program under this section;

(2) has entered into an agreement with a joint labor-management training fund established pursuant to section 8(f) of the National Labor Relations Act (29 U.S.C. 158(f)) to implement and operate a training and employment program for veterans;

(3) agrees under the agreement referred to in paragraph (2) to use grant funds to carry out a program that will provide eligible veterans with training for employment in the construction and hazardous waste remediation industries;

(4) provides such training for eligible veterans during a period that does not exceed 18 months;

(5) demonstrates actual experience in providing training for veterans under an agreement referred to in paragraph (2);

(6) agrees to make, along with all subgrantees, a substantial in-kind contribution (as determined by the Secretary of Defense) from non-Federal sources to the demonstration program under this section; and

(7) gives its assurances, to the satisfaction of the Secretary, that full time, permanent jobs will be available for individuals successfully completing the training program, with a special emphasis on jobs with employers in construction and hazardous waste remediation on Department of Defense facilities.

(c) ELIGIBLE VETERANS.—An individual is an eligible veteran for the purposes of subsection (b)(3) if the individual—

(1)(A) served in the active military, naval, or air service for a period of at least two years;

(B) was discharged or released from active duty because of a service-connected disability; or

(C) is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under the laws administered by the Secretary of Veterans Affairs for a disability rated at 30 percent or more; and

(2) was discharged or released on or after August 2, 1990, under conditions other than dishonorable.

(d) PREFERENCE.—In carrying out the demonstration program under this section, the Secretary shall ensure that a preference is given to eligible veterans whose primary or secondary occupational specialty in the Armed Forces is (as determined under regulations prescribed by the Secretary and in effect before the date of such separation) not readily transferable to the civilian work force.

(e) HAZARDOUS WASTE OPERATIONS TRAINING GOAL.—It is the sense of Congress that at least 20 percent of the total number of veterans completing training under the demonstration program under this section should complete the training required—

(1) for certification under section 126 of the Superfund Amendments and Reauthorization Act of 1986 (29 U.S.C. 655 note), and

(2) under any other Federal law which requires certification for employees engaged in hazardous waste operations.

(f) USE OF FUNDS.—Funds made available to carry out this section may only be used for tuition and stipends to cover the living and travel expenses of participants, except that the Secretary may provide that not more than a total of 4 percent of all the funds made available under this section may be used for administrative expenses of grantees and subgrantees.

(g) LIMITATION ON TUITION CHARGED.—The amount of tuition charged with respect to veterans participating in the demonstration program under this section may not exceed the amount of tuition charged to nonveterans participating in programs substantially similar to such demonstration program.

(h) CAP ON EXPENDITURES PER PARTICIPANT.—Of the funds made available to carry out this section—

(1) not more than $1,000 may be expended with respect to each veteran participating in the construction phase of the demonstration program, and

(2) not more than an additional $1,000 may be expended with respect to each veteran participating in the hazardous waste remediation phase of the demonstration program, except that the Secretary may authorize an additional $300 for the training of a veteran participating in such phase if the Secretary determines that such additional amount is necessary because of the type of training needed for the particular kind of hazardous waste remediation involved.

(i) REPORTS.—(1) Not later than November 1, 1994, the Secretary shall submit an interim report to the Congress describing the manner in which the demonstration program is being carried out under this section, including a detailed description of the number of grants made, the number of veterans involved, the kinds of training received, and any job placements that have occurred or that are anticipated.

(2) Not later than December 31, 1995, the Secretary shall submit a final report to the Congress containing a description of the results of the demonstration program with a detailed description of the number of grants made, the number of veterans involved, the number of veterans who completed the program, the number of veterans who were placed in jobs, the number of veterans who failed to complete the program along with the reasons for such failure, and any recommendations the Secretary deems appropriate.

(j) TERMINATION.—Not later than October 1, 1994, the Secretary shall obligate, in accordance with the provisions of this section, the funds made available to carry out the demonstration program under this section.

SEC. 1336. SERVICE MEMBERS OCCUPATIONAL CONVERSION AND TRAINING.

(a) AUTHORIZATION FOR FISCAL YEAR 1994.—(1) Section 4495(a)(1) of the Service Members Occupational Conversion and Training Act of 1992 (subtitle G of title XLIV of Public Law 102–484; 106 Stat. 2768) is amended by inserting after the first sentence the following: "Of the amounts made available pursuant to section 1302(a) of the National Defense Authorization Act for Fiscal Year 1994, $25,000,000 shall be made available for the purpose of making payments to employers under this subtitle.".

(2) Section 4496 of such Act (106 Stat. 2769) is amended—

(A) in paragraph (1), by striking "September 30, 1995" and inserting "September 30, 1996"; and

(B) in paragraph (2), by striking "March 31, 1996" and inserting "March 31, 1997".

(b) PROVISION OF TRAINING THROUGH EDUCATIONAL INSTITUTIONS.—Section 4489 of such Act (106 Stat. 2764) is amended by inserting "or any other institution offering a program of job training, as approved by the Secretary of Veterans Affairs," after "United States Code,".

Subtitle D—Other Matters

SEC. 1341. ENCOURAGEMENT OF INDUSTRIAL DIVERSIFICATION PLANNING FOR CERTAIN DEFENSE CONTRACTORS.

(a) DIVERSIFICATION PLANNING.—As part of each major defense contract entered into by the Secretary of Defense, the Secretary shall encourage that the contractor prepare an industrial diversification plan for the defense-related operations of the contractor.

(b) REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall prescribe regulations to carry out this section. With respect to major defense contracts, the regulations required by this subsection shall supersede any regulations prescribed by the Secretary pursuant to section 4239 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 10 U.S.C. 2501 note).

(c) MAJOR DEFENSE CONTRACTOR DEFINED.—For purposes of this section, the term "major defense contract" means any contract for goods or services for the Department of Defense in an amount equal to or greater than $5,000,000.

(d) APPLICATION OF PLANNING REQUIREMENTS.—Subsection (a) shall apply with respect to major defense contract entered into by the Secretary on or after the date of the enactment of this Act.

(e) STUDIES REGARDING DEFENSE CONVERSION MARKET CREATION.—(1) To assist the defense diversification planning undertaken pursuant to subsection (a), the Secretary shall sponsor not more than five studies to identify economic sectors and strategies that will best facilitate the process of defense conversion, diversification, and reinvestment. The studies shall be conducted by nongovernmental entities selected pursuant to a contract with the Secretary. An entity selected to conduct a study under this subsection shall consult with representatives of both management and employees of defense contractors participating in industrial diversification planning pursuant to subsection (a).

(2) Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report describing the results of the studies conducted pursuant to this subsection.

SEC. 1342. ENCOURAGEMENT FOR THE PURCHASE OR LEASE OF VEHICLES PRODUCING ZERO OR VERY LOW EXHAUST EMISSIONS.

From funds authorized to be appropriated in subtitle A of title I and section 301 for the purchase or lease of non-tactical administrative vehicles (such as automobiles, utility trucks, buses, and vans), the Secretary of Defense is encouraged to expend not less than 10 percent of such funds for the purchase or lease of vehicles producing zero or very low exhaust emissions.

SEC. 1343. REVISION TO REQUIREMENTS FOR NOTICE TO CONTRACTORS UPON PROPOSED OR ACTUAL TERMINATION OF DEFENSE PROGRAMS.

Section 4471 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (106 Stat. 2753; 10 U.S.C. 2501 note) is amended to read as follows:

"SEC. 4471. NOTICE TO CONTRACTORS AND EMPLOYEES UPON PROPOSED AND ACTUAL TERMINATION OR SUBSTANTIAL REDUCTION IN MAJOR DEFENSE PROGRAMS.

"(a) NOTICE REQUIREMENT AFTER SUBMISSION OF PRESIDENT'S BUDGET TO CONGRESS.—Each year, in conjunction with the preparation of the President's budget for the next fiscal year, the Secretary of Defense and the Secretary of Energy shall each assess which major defense programs (if any) under their respective jurisdictions are proposed to be terminated or substantially reduced under the budget of the President for the next fiscal year. As soon as reasonably practicable after the date on which that budget is submitted to Congress pursuant to section 1105 of title 31, United States Code, and not more than 180 days after such date, each such Secretary, in accordance with regulations prescribed by that Secretary, shall provide notice of the proposed termination of, or substantial reduction in, each such program—

"(1) directly to each prime contractor under that program; and

"(2) by general notice through publication in the Federal Register.

"(b) NOTICE REQUIREMENT AFTER ENACTMENT OF APPROPRIATIONS ACT.—

"(1) DEPARTMENT OF DEFENSE.—As soon as reasonably practicable after the enactment of an Act appropriating funds for the military functions of the Department of Defense, and not more than 180 days after such date, the Secretary of Defense, in accordance with regulations prescribed by the Secretary—

"(A) shall determine which major defense programs (if any) of the Department of Defense that were not previously identified under subsection (a) are likely to be terminated or substantially reduced as a result of the funding levels provided in that Act; and

"(B) shall provide notice of the anticipated termination of, or substantial reduction in, that program—

"(i) directly to each prime contractor under that program;

"(ii) directly to the Secretary of Labor; and

"(iii) by general notice through publication in the Federal Register.

"(2) DEPARTMENT OF ENERGY.—As soon as reasonably practicable after the enactment of an Act appropriating funds for national defense programs of the Department of Energy, and not more than 180 days after such date, the Secretary of Energy, in accordance with regulations prescribed by the Secretary—

"(A) shall determine which major defense programs (if any) of the Department of Energy that were not previously identified under subsection (a) are likely to be terminated or substantially reduced as a result of the funding levels provided in that Act; and

"(B) shall provide notice of the anticipated termination of, or substantial reduction in, that program—

"(i) directly to each prime contractor under that program;

"(ii) directly to the Secretary of Labor; and

"(iii) by general notice through publication in the Federal Register.

"(c) NOTICE TO SUBCONTRACTORS.—As soon as reasonably practicable after the date on which the prime contractor for a major defense program receives notice under subsection (a) or (b) of the termination of, or substantial reduction in, that program, and not more than 45 days after such date, the prime contractor shall—

"(1) provide notice of that termination or substantial reduction to each person that is a first-tier subcontractor under a contract in an amount not less than $500,000 for the program; and

"(2) require that each such subcontractor (A) provide such notice to each of its subcontractors

in an amount in excess of $100,000 under the contract, and (B) impose a similar notice and pass through requirement to subcontractors in an amount in excess of $100,000 at all tiers.

"(d) SIX-MONTH CONTRACTOR NOTICE TO EMPLOYEES AND LOCAL GOVERNMENT BEFORE LAYOFFS.—A prime contractor receiving notice under subsection (a) or (b) or a subcontractor receiving notice under subsection (c) relating to a major defense program may not terminate the employment of an individual as a result of the actual termination or substantial reduction of that program until six months after the date on which the contractor or subcontractor provides notice in writing of such contractor or subcontractor's intent to terminate the employment of such individual—

"(1) to that employee and, if there is a labor representative of that employee, to that labor representative;

"(2) to the State dislocated worker unit or office described in section 311(b)(2) of the Job Training Partnership Act (29 U.S.C. 1661(b)(2)) for the State within which that individual resides; and

"(3) to the chief elected official of the unit of general local government within which that individual resides.

"(e) CONSTRUCTIVE NOTICE.—The notice of termination of, or substantial reduction in, a major defense program provided under subsection (d)(1) to an employee of a contractor or subcontractor shall have the same effect as a notice of termination to such employee for the purposes of determining whether such employee is eligible for training, adjustment assistance, and employment services under section 325 or 325A of the Job Training Partnership Act, except where the employer has specified that the termination of, or reduction in, the program is not likely to result in plant closure or mass layoff. Any employee considered to have received such notice under the preceding sentence shall only be eligible to receive services under section 314(b) of such Act and under paragraphs (1) through (14), (16), and (18) of section 314(c) of such Act.

"(f) WITHDRAWAL OF NOTIFICATION UPON SUFFICIENT FUNDING FOR PROGRAM TO CONTINUE.—

"(1) NOTICE TO PRIME CONTRACTOR.—In any case in which—

"(A) the Secretary of Defense or Secretary of Energy has provided a notification under subsection (a) with respect to a major defense program based upon the budget of the President for any fiscal year; and

"(B) that Secretary determines, upon enactment of an Act appropriating funds for the military functions of the Department of Defense or for national defense programs of the Department of Energy for that fiscal year, as the case may be, that due to a sufficient level of funding for the program having been provided in that Act there will not be a termination of, or substantial reduction in, that program,

that Secretary shall provide notice of withdrawal of the notification provided under subsection (a) to each prime contractor that received that notice under subsection (a). Any such notice of withdrawal shall be provided as soon as reasonably practicable after the date of the enactment of the appropriations Act concerned. In any such case, the Secretary shall at the same time provide general notice of such withdrawal by publication in the Federal Register.

"(2) NOTICE TO SUBCONTRACTORS.—As soon as reasonably practicable after the date on which the prime contractor for a major defense program receives notice under paragraph (1) of the withdrawal of a notification previously provided to the contractor under subsection (a), and not more than 45 days after that date, the prime contractor shall provide notice of such withdrawal to each person that is a first-tier subcontractor under a contract in an amount not less than $500,000 for the program and shall require that each such subcontractor provide such notice to each subcontractor in an amount not less than $100,000 at any tier in a contract.

"(3) NOTICE TO EMPLOYEES.—As soon as reasonably practicable after the date on which a prime contractor receives notice of withdrawal under paragraph (1) or a subcontractor receives such notice under paragraph (2), and not more than two weeks after that date, the contractor or subcontractor shall provide notice of such withdrawal—

"(A) to each representative of employees whose work is directly related to the defense contract under the program and who are employed by the contractor or subcontractor or, if there is no such representative at that time, each such employee;

"(B) to the State dislocated worker unit or office described in section 311(b)(2) of the Job Training Partnership Act (29 U.S.C. 1661(b)(2)) and the chief elected official of the unit of general local government within which the adverse effect may occur; and

"(C) to each grantee under section 325(a) or 325A(a) of the Job Training Partnership Act providing training, adjustment assistance, and employment services to an employee described in this paragraph.

"(4) LOSS OF ELIGIBILITY.—An employee who receives notice of withdrawal under paragraph (2) shall not be eligible for training, adjustment assistance, and employment services under section 325 or 325A of the Job Training Partnership Act beginning on the date on which the employee receives the notice.

"(g) TERMINATION AND OTHER REMEDIES FOR FAILURE TO GIVE REQUIRED NOTICE.—A contractor that willfully fails to provide notice as required by any provision of this section may be subject to termination for default of the instant contract, suspension, or debarment, or other remedies as determined by the Secretary of Defense or Secretary of Energy, as appropriate.

"(h) DEFINITIONS.—For purposes of this section:

"(1) MAJOR DEFENSE PROGRAM.—The term 'major defense program' means—

"(A) in the case of the Department of Defense, a program that is carried out to produce or acquire a major system (as defined in section 2302(5) of title 10, United States Code); and

"(B) in the case of the Department of Energy, a program that meets the dollar threshold criteria for treatment of a Department of Defense program as a major system.

"(2) SUBSTANTIAL REDUCTION.—The term 'substantial reduction', with respect to a major defense program, means a reduction of 25 percent or more in the total dollar value of contracts under the program.".

Subtitle E—National Shipbuilding Initiative

SEC. 1351. SHORT TITLE.

This subtitle may be cited as the "National Shipbuilding and Shipyard Conversion Act of 1993".

SEC. 1352. NATIONAL SHIPBUILDING INITIATIVE.

(a) ESTABLISHMENT OF PROGRAM.—There shall be a National Shipbuilding Initiative program, to be carried out to support the industrial base for national security objectives by assisting in the reestablishment of the United States shipbuilding industry as a self-sufficient, internationally competitive industry.

(b) ADMINISTERING DEPARTMENTS.—The program shall be carried out—

(1) by the Secretary of Defense, with respect to programs under the jurisdiction of the Secretary of Defense; and

(2) by the Secretary of Transportation, with respect to programs under the jurisdiction of the Secretary of Transportation.

(c) PROGRAM ELEMENTS.—The National Shipbuilding Initiative shall consist of the following program elements:

(1) FINANCIAL INCENTIVES PROGRAM.—A financial incentives program to provide loan guarantees to initiate commercial ship construction for domestic and export sales, encourage shipyard modernization, and support increased productivity, as provided in title XI of the Merchant Marine Act, 1936 (as amended by this subtitle).

(2) TECHNOLOGY DEVELOPMENT PROGRAM.—A technology development program, to be carried out within the Department of Defense by the Advanced Research Projects Agency, to improve the technology base for advanced shipbuilding technologies and related dual-use technologies through activities including a development program for innovative commercial ship design and production processes and technologies.

(3) NAVY'S AFFORDABILITY THROUGH COMMONALITY PROGRAM.—Enhanced support by the Secretary of Defense for the shipbuilding program of the Department of the Navy known as the Affordability Through Commonality (ATC) program, to include enhanced support (A) for the development of common modules for military and commercial ships, and (B) to foster civil-military integration into the next generation of Naval surface combatants.

(4) NAVY'S MANUFACTURING TECHNOLOGY AND TECHNOLOGY BASE PROGRAMS.—Enhanced support by the Secretary of Defense for, and strengthened funding for, that portion of the Manufacturing Technology program of the Navy, and that portion of the Technology Base program of the Navy, that are in the areas of shipbuilding technologies and ship repair technologies.

SEC. 1353. DEPARTMENT OF DEFENSE PROGRAM MANAGEMENT THROUGH ADVANCED RESEARCH PROJECTS AGENCY.

The Secretary of Defense shall designate the Advanced Research Projects Agency of the Department of Defense as the lead agency of the Department of Defense for activities of the Department of Defense which are part of the National Shipbuilding Initiative program. Those activities shall be carried out as part of defense conversion activities of the Department of Defense.

SEC. 1354. ADVANCED RESEARCH PROJECTS AGENCY FUNCTIONS.

The Secretary of Defense, acting through the Director of the Advanced Research Projects Agency, shall carry out the following functions with respect to the National Shipbuilding Initiative program:

(1) Consultation with the Maritime Administration, the Office of Economic Adjustment, the National Economic Council, the National Shipbuilding Research Project, the Coast Guard, the National Oceanic and Atmospheric Administration, appropriate naval commands and activities, and other appropriate Federal agencies on—

(A) development and transfer to the private sector of dual-use shipbuilding technologies, ship repair technologies, and shipbuilding management technologies;

(B) assessments of potential markets for maritime products; and

(C) recommendation of industrial entities, partnerships, joint ventures, or consortia for short- and long-term manufacturing technology investment strategies.

(2) Funding and program management activities to develop innovative design and production processes and the technologies required to implement those processes.

(3) Facilitation of industry and Government technology development and technology transfer activities (including education and training, market assessments, simulations, hardware models and prototypes, and national and regional industrial base studies).

(4) Integration of promising technology advances made in the Technology Reinvestment Program of the Advanced Research Projects Agency into the National Shipbuilding Initiative to effect full defense conversion potential.

SEC. 1355. ELIGIBLE SHIPYARDS.

To be eligible to receive any assistance or otherwise to participate in any program carried out under the National Shipbuilding Initiative, a shipyard must be a private shipyard located in the United States.

SEC. 1356. LOAN GUARANTEES FOR EXPORT VESSELS.

Title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.) is amended as follows:

(1) ELIGIBLE EXPORT VESSEL DEFINED.—Section 1101 is amended by adding at the end the following new subsection:

"(o) The term 'eligible export vessel' means a vessel constructed, reconstructed, or reconditioned in the United States for use in world-wide trade which will, upon delivery or redelivery, be placed under or continued to be documented under the laws of a country other than the United States.".

(2) LIMITATIONS ON GUARANTEE OBLIGATIONS.—Section 1103 is amended—

(A) by amending the first sentence of subsection (f) to read as follows: "The aggregate unpaid principal amount of the obligations guaranteed under this section and outstanding at any one time shall not exceed $12,000,000,000, of which (1) $850,000,000 shall be limited to obligations pertaining to guarantees of obligations for fishing vessels and fishery facilities made under this title, and (2) $3,000,000,000 shall be limited to obligations pertaining to guarantees of obligations for eligible export vessels."; and

(B) by adding at the end the following new subsection:

"(g)(1) The Secretary may not issue a commitment to guarantee obligations for an eligible export vessel unless, after considering—

"(A) the status of pending applications for commitments to guarantee obligations for vessels documented under the laws of the United States and operating or to be operated in the domestic or foreign commerce of the United States,

"(B) the economic soundness of the applications referred to in subparagraph (A), and

"(C) the amount of guarantee authority available,

the Secretary determines, in the sole discretion of the Secretary, that the issuance of a commitment to guarantee obligations for an eligible export vessel will not result in the denial of an economically sound application to issue a commitment to guarantee obligations for vessels documented under the laws of the United States operating in the domestic or foreign commerce of the United States.

"(2) The Secretary may not issue commitments to guarantee obligations for eligible export vessels under this section after the later of—

"(A) the 5th anniversary of the date on which the Secretary publishes final regulations setting forth the application procedures for the issuance of commitments to guarantee obligations for eligible export vessels,

"(B) the last day of any 5-year period in which funding and guarantee authority for obligations for eligible export vessels have been continuously available, or

"(C) the last date on which those commitments may be issued under any treaty, convention, or other international agreement entered into after the date of the enactment of the Shipbuilding Conversion Act of 1993 that prohibits guarantee of those obligations.".

(3) AUTHORITY TO GUARANTEE OBLIGATIONS FOR ELIGIBLE EXPORT VESSELS.—Section 1104A is amended—

(A) by amending so much of subsection (a)(1) as precedes the proviso to read as follows:

"(1) financing, including reimbursement of an obligor for expenditures previously made for, construction, reconstruction, or reconditioning of a vessel (including an eligible export vessel), which is designed principally for research, or for commercial use (A) in the coastwise or intercoastal trade; (B) on the Great Lakes, or on bays, sounds, rivers, harbors, or inland lakes of the United States; (C) in foreign trade as defined in section 905 of this Act for purposes of title V of this Act; or (D) as an ocean thermal energy conversion facility or plantship; (E) with respect to floating drydocks in the construction, reconstruction, reconditioning, or repair of vessels; or (F) with respect to an eligible export vessel, in world-wide trade;";

(B) by amending subsection (b)(2)—

(i) by striking "subject to the provisions of paragraph (1) of subsection (c) of this section," and inserting "subject to the provisions of subsection (c)(1) and subsection (i),", and

(ii) by inserting before the semicolon at the end the following: ": Provided, further That in the case of an eligible export vessel, such obligations may be in an aggregate principal amount which does not exceed 87½ of the actual cost or depreciated actual cost of the eligible export vessel";

(C) by amending subsection (b)(6) by inserting after "United States Coast Guard" the following: "or, in the case of an eligible export vessel, of the appropriate national flag authorities under a treaty, convention, or other international agreement to which the United States is a party";

(D) in subsection (d), by adding at the end the following new paragraph:

"(3) No commitment to guarantee, or guarantee of an obligation may be made by the Secretary under this title for the construction, reconstruction or reconditioning of an eligible export vessel unless—

"(A) the Secretary finds that the construction, reconstruction, or reconditioning of such eligible export vessel will aid in the transition of United States shipyards to commercial activities or will preserve shipbuilding assets that would be essential in time of war or national emergency, and

"(B) the owner of the eligible export vessel agrees with the Secretary that the vessel shall not be transferred to any country designated by the Secretary as a country whose interests are hostile to the interests of the United States."; and

(E) by adding at the end the following new subsection:

"(i) The Secretary may not, with respect to—

"(1) the general 75 percent or less limitation in subsection (b)(2);

"(2) the 87½ percent or less limitation in the 1st, 2nd, 4th, or 5th proviso to subsection (b)(2) or section 1111(b); or

"(3) the 80 percent or less limitation in the 3rd proviso to such subsection;

establish by rule, regulation, or procedure any percentage within any such limitation that is, or is intended to be, applied uniformly to all guarantees or commitments to guarantee made under this section that are subject to the limitation.".

(4) LIMITATION ON AUTHORITY TO ESTABLISH UNIFORM PERCENTAGE LIMITATION.—Section 1104B is amended by adding at the end of subsection (b) the following flush sentence:

"The Secretary may not by rule, regulation, or procedure establish any percentage within the 87½ percent or less limitation in paragraph (2) that is, or is intended to be, applied uniformly to all guarantees or commitments to guarantee made under this section.".

(5) CONFORMING AMENDMENT.—Section 1103(a) is amended in the first sentence by striking ", upon application by a citizen of the United States,".

SEC. 1357. LOAN GUARANTEES FOR SHIPYARD MODERNIZATION AND IMPROVEMENT.

(a) IN GENERAL.—Title XI of the Merchant Marine Act, 1936, is further amended by adding at the end the following new section:

"SEC. 1111. (a) The Secretary, under section 1103(a) and subject to the terms the Secretary shall prescribe, may guarantee or make a commitment to guarantee the payment of the principal of, and the interest on, an obligation for advanced shipbuilding technology and modern shipbuilding technology of a general shipyard facility located in the United States.

"(b) Guarantees or commitments to guarantee under this section are subject to the extent applicable to all the laws requirements, regulations, and procedures that apply to guarantees or commitments to guarantee made under this title, except that guarantees or commitments to guarantee made under this section may be in the aggregate principal amount that does not exceed 87½ percent of the actual cost of the advanced shipbuilding technology or modern shipbuilding technology.

"(c) The Secretary may accept the transfer of funds from any other department, agency, or instrumentality of the United States Government and may use those funds to cover the cost (as defined in section 502 of the Federal Credit Reform Act of 1990) of making guarantees or commitments to guarantee loans entered into under this section.

"(d) For purposes of this section:

"(1) The term 'advanced shipbuilding technology' includes—

"(A) numerically controlled machine tools, robots, automated process control equipment, computerized flexible manufacturing systems, associated computer software, and other technology for improving shipbuilding and related industrial production which advance the state-of-the-art; and

"(B) novel techniques and processes designed to improve shipbuilding quality, productivity, and practice, and to promote sustainable development, including engineering design, quality assurance, concurrent engineering, continuous process production technology, energy efficiency, waste minimization, design for recyclability or parts reuse, inventory management, upgraded worker skills, and communications with customers and suppliers.

"(2) The term 'modern shipbuilding technology' means the best available proven technology, techniques, and processes appropriate to enhancing the productivity of shipyards.

"(3) The term 'general shipyard facility' means—

"(A) for operations on land—

"(i) any structure or appurtenance thereto designed for the construction, repair, rehabilitation, refurbishment or rebuilding of any vessel (as defined in title 1, United States Code) and including graving docks, building ways, ship lifts, wharves, and pier cranes;

"(ii) the land necessary for any structure or appurtenance described in clause (i); and

"(iii) equipment that is for the use in connection with any structure or appurtenance and that is necessary for the performance of any function referred to in subparagraph (A);

"(B) for operations other than on land, any vessel, floating drydock or barge built in the United States and used for, equipped to be used for, or of a type that is normally used for activities referred to in subparagraph (A)(i) of this paragraph.".

(b) CONFORMING AMENDMENT.—Section 1101(n) of that Act (46 App. U.S.C. 1271(n)) is amended by striking "vessels." and inserting "vessels and general shipyard facilities (as defined in section 1111(d)(3)).".

SEC. 1358. FUNDING FOR CERTAIN LOAN GUARANTEE COMMITMENTS FOR FISCAL YEAR 1994.

(a) FUNDING.—Amounts appropriated to the Secretary of Defense pursuant to the authorization of appropriations in section 109 shall be available only for transfer to the Secretary of Transportation. Of such amounts—

(1) $175,000,000 shall be available only for costs (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of new loan guarantee commitments under section 1104A(a)(1) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1274(a)(1)), as amended by section 1356, for vessels of at least 10,000 gross tons that are commercially marketable on the international market (including eligible export vessels); and

(2) $25,000,000 shall be available only for costs (as defined in section 502 of the Federal Credit Reform Act of 1990) of new loan guarantee commitments under section 1111 of the Merchant Marine Act, 1936, as added by section 1357.

(b) TRANSFER TO SECRETARY OF TRANSPORTATION.—Subject to the provisions of appropriations Acts, amounts made available under subsection (a) shall be transferred to the Secretary of Transportation for use as described in that subsection. Any such transfer shall be made not later than 90 days after the date of the enactment of an Act appropriating the funds to be transferred.

SEC. 1359. AUTHORIZATIONS OF APPROPRIATIONS.

(a) AUTHORIZATIONS FOR DEPARTMENT OF TRANSPORTATION.—There is authorized to be appropriated to the Secretary of Transportation for fiscal year 1994 the sum of $10,000,000 to pay administrative costs related to new loan guarantee commitments described in subsection (a) of section 1358, of which—

(1) $8,000,000 shall be for administrative costs related to new loan guarantee commitments described in paragraph (1) of that subsection; and

(2) $2,000,000 shall be for administrative costs related to new loan guarantee commitments described in paragraph (2) of that subsection.

(b) AVAILABILITY OF AMOUNTS.—Amounts appropriated under the authority of this section shall remain available until expended.

TITLE XIV—NATIONAL COMMISSION ON ROLES AND MISSIONS OF THE ARMED FORCES

SEC. 1401. SHORT TITLE.

This title may be cited as the "National Commission on Roles and Missions of the Armed Forces Act".

SEC. 1402. FINDINGS.

Congress makes the following findings:

(1) The current allocation of roles and missions among the Armed Forces evolved from the practice during World War II to meet the Cold War threat and may no longer be appropriate for the post-Cold War era.

(2) Many analysts believe that a realignment of those roles and mission is essential for the efficiency and effectiveness of the Armed Forces, particularly in light of lower budgetary resources that will be available to the Department of Defense in the future.

(3) The existing process of a triennial review of roles and missions by the Chairman of the Joint Chiefs of Staff pursuant to provisions of law enacted by the Goldwater-Nichols Department of Defense Reauthorization Act of 1986 has not produced the comprehensive review envisioned by Congress.

(4) It is difficult for any organization, and may be particularly difficult for the Department of Defense, to reform itself without the benefit and authority provided by external perspectives and analysis.

SEC. 1403. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is hereby established in the executive branch of the Government a commission to be known as the National Commission on Roles and Missions of the Armed Forces (hereinafter in this title referred to as the "Commission").

(b) COMPOSITION AND QUALIFICATIONS.—

(1) The Commission shall be composed of seven members. Members of the Commission shall be appointed by the President.

(2) The Commission shall be appointed from among private United States citizens with appropriate and diverse military, organizational, and management experiences and historical perspectives.

(3) The President shall designate one of the members as chairman of the Commission.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL ORGANIZATIONAL REQUIREMENTS.—

(1) The President shall make all appointments to the Commission within 45 days after the date of the enactment of this Act.

(2) The Commission shall convene its first meeting within 30 days after the first date on which all members of the Commission have been appointed. At that meeting, the Commission shall develop an agenda and a schedule for carrying out its duties.

SEC. 1404. DUTIES OF COMMISSION.

(a) IN GENERAL.—Over the period of fiscal years 1994 through 1998, the Commission shall—

(1) review the efficacy and appropriateness for the post-Cold War era of the current allocations among the Armed Forces of roles, missions, and functions;

(2) evaluate and report on alternative assignments of those roles, missions and functions; and

(3) make recommendations for changes in the current definition and distribution of those roles, functions, and missions.

(b) REVIEW OF POTENTIAL MILITARY OPERATIONS.—The Commission shall review the types of military operations that may be required in the post-Cold War era, taking into account the requirements for success in various types of operations. As part of such review, the Commission shall take into consideration the official strategic planning of the Department of Defense. The types of operations to be considered by the Commission as part of such review shall include the following:

(1) Defense of the United States.

(2) Warfare against other national military forces.

(3) Limited military action for political effect.

(4) Action against nuclear, chemical, and biological weapons capabilities in hostile hands.

(5) Support of law enforcement.

(6) Other types of operations as specified by the chairman of the Commission.

(c) DEFINITION OF BROAD MISSION AREAS AND KEY SUPPORT REQUIREMENTS.—As a result of the review under subsection (b), the Commission shall define broad mission areas and key support requirements for the United States military establishment as a whole.

(d) DEVELOPMENT OF CONCEPTUAL FRAMEWORK FOR ORGANIZATIONAL ALLOCATIONS.—The Commission shall determine a conceptual framework for the review of the organizational allocation among the Armed Forces of military roles, missions, and functions. In developing that framework, the Commission shall consider—

(1) static efficiency (such as duplicative overhead and economies of scale);

(2) dynamic effectiveness (including the benefits of competition and the effect on innovation);

(3) interoperability, responsiveness, and other aspects of military effectiveness in the field;

(4) gaps in mission coverage and so-called orphan missions that are inadequately served by existing organizational entities;

(5) division of responsibility on the battlefield;

(6) exploitation of new technology and operational concepts;

(7) civilian control of the military;

(8) the degree of disruption that a change in roles and missions would entail; and

(9) the experience of other nations.

The Commission shall evaluate the costs and benefits of unifying the Armed Forces into a single military service as a baseline for assessing the maximum benefits that may be achieved from less sweeping reforms.

(e) RECOMMENDATIONS CONCERNING MILITARY ROLES AND MISSIONS.—Using the conceptual framework developed under subsection (d) to evaluate possible changes to the existing allocation among the Armed Forces of military roles, missions, and functions, the Commission shall recommend (1) the functions for which each military department should organize, train, and equip forces, (2) the missions of combatant commands, and (3) the roles that Congress should assign to the various military elements of the Department of Defense.

(f) RECOMMENDATIONS CONCERNING CIVILIAN ELEMENTS OF DEPARTMENT OF DEFENSE.—The Commission may address the roles, missions, and functions of civilian portions of the Department of Defense and other national security agencies to the extent that changes in these areas are collateral to changes considered in military roles, functions, and mission.

(g) RECOMMENDATIONS CONCERNING PROCESS FOR FUTURE CHANGES.—The Commission shall also recommend a process for maintaining roles, missions, and functions in congruence with the strategic environment as it changes in the future.

SEC. 1405. REPORTS.

(a) IMPLEMENTATION PLAN.—Not later than three months after the date on which the Commission is established, the Commission shall transmit to the Committees on Armed Services of the Senate and House of Representatives a report setting forth a multiyear plan for the work of the Commission, including the subjects to be addressed in the program of the Commission for each year of its existence. The plan shall be developed following discussions with the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the chairmen of those committees.

(b) ANNUAL REPORT.—The Commission shall, not later than March 1 of each year from 1995 through 1999, submit to the committees named in subsection (a) a report setting forth the activities of the Commission during the preceding year and any recommendations for legislation that the Commission considers advisable. The Commission shall submit a preliminary version of each such annual report to the Secretary of Defense and Chairman of the Joint Chiefs of Staff not later than December 25 of the preceding year, and the Secretary and Chairman shall submit comments thereon to the Commission not later than the following February 1.

(c) ASSESSMENT OF IMPLEMENTATION.—In each report under subsection (b) after the first, the Commission shall include its assessment of the performance of the Department of Defense to that date in carrying out any recommendations made by the Commission in any previous reports under this section.

(d) COORDINATION WITH TRIENNIAL JCS ROLES AND MISSIONS REPORT.—Any report of the Chairman of the Joint Chiefs of Staff under section 153(b) of title 10, United States Code, that is submitted to the Secretary of Defense during the period of the existence of the Commission shall also be submitted to the Commission. In its next report under subsection (b) after receiving any such report of the Chairman of the Joint Chiefs of Staff, the Commission shall provide its assessment of the Chairman's report.

SEC. 1406. POWERS.

(a) Hearings.—The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this title, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(b) Information.—The Commission may secure directly from the Department of Defense and any other Federal department or agency any information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this subpart. Upon request of the chairman of the Commission, the head of such department or agency shall furnish such information expeditiously to the Commission.

SEC. 1407. COMMISSION PROCEDURES.

(a) Meetings.—The Commission shall meet at the call of the chairman.

(b) Quorum.—

(1) Four members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(2) The Commission shall act by resolution agreed to by a majority of the members of the Commission.

(c) Panels.—The Commission may establish panels composed of less than the full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of each such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(d) Authority of Individuals To Act for Commission.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this title.

SEC. 1408. PERSONNEL MATTERS.

(a) Pay of Members.—Each member of the Commission shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without pay in addition to that received for their services as officers or employees of the United States.

(b) Travel Expenses.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) Staff.—(1) The chairman of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties. The appointment of a staff director shall be subject to the approval of the Commission.

(2) The chairman of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS–15 of the General Schedule.

(d) Detail of Government Employees.—Upon request of the chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its duties.

(e) Procurement of Temporary and Intermittent Services.—The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

SEC. 1409. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

(a) Postal and Printing Services.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(b) Miscellaneous Administrative and Support Services.—The Secretary of Defense shall furnish the Commission, on a reimbursable basis, any administrative and support services requested by the Commission.

(c) Gifts.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) Travel.—To the maximum extent practicable, the members and employees of the Commission shall travel on military aircraft, military ships, military vehicles, or other military conveyances when travel is necessary in the performance of a responsibility of the Commission, except that no such aircraft, ship, vehicle, or other conveyance may be scheduled primarily for the transportation of any such member or employee when the cost of commercial transportation is less expensive.

SEC. 1410. PAYMENT OF COMMISSION EXPENSES.

The compensation, travel expenses, and per diem allowances of members and employees of the Commission shall be paid out of funds available to the Department of Defense for the payment of compensation, travel allowances, and per diem allowances, respectively, of civilian employees of the Department of Defense. The other expenses of the Commission shall be paid out of funds available to the Department of Defense for the payment of similar expenses incurred by that Department.

SEC. 1411. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which it submits its final report under section 1405.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 1994".

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) Inside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Alabama	Fort Rucker	$42,650,000
Arizona	Fort Huachuca	$8,850,000
California	Fort Irwin	$5,900,000
Colorado	Fort Carson	$4,050,000
	Fitzsimons Medical Center	$10,000,000
Georgia	Fort Benning	$37,650,000
	Fort Stewart	$18,800,000
Hawaii	Schofield Barracks	$18,600,000
Kentucky	Fort Campbell	$40,300,000
	Fort Knox	$41,350,000
Maryland	Aberdeen Proving Ground	$21,700,000
	Fort Detrick	$2,000,000
Missouri	Fort Leonard Wood	$1,000,000
Nevada	Hawthorne Army Ammunition Plant	$7,000,000
New Jersey	Fort Monmouth	$7,500,000
	Picatinny Arsenal	$11,050,000
New Mexico	White Sands Missile Range	$3,300,000
New York	Fort Drum	$4,500,000
	United States Military Academy, West Point	$13,800,000
North Carolina	Fort Bragg	$118,690,000
Oklahoma	Fort Sill	$27,200,000
Pennsylvania	Tobyhanna Army Depot	$750,000
South Carolina	Fort Jackson	$2,700,000
Texas	Fort Bliss	$29,600,000
	Fort Hood	$56,500,000
	Fort Sam Houston	$5,651,000
Utah	Dugway Proving Ground	$16,500,000
	Tooele Army Depot	$1,500,000
Virginia	Fort Belvoir	$860,000

Army: Inside the United States—Continued

State	Installation or location	Amount
	Fort Lee	$32,600,000
	Fort Myer	$6,800,000
Washington	Fort Lewis	$14,200,000
CONUS Various	Classified Locations	$1,852,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Johnston Island	Johnston Island	$1,700,000
Kwajalein Atoll	Kwajalein	$21,200,000
OCONUS Classified	Classified Locations	$3,600,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation	Purpose	Amount
California	Fort Irwin	220 units	$25,000,000
Hawaii	Schofield Barracks	348 units	$52,000,000
Maryland	Fort Meade	275 units	$26,000,000
Nevada	Hawthorne Army Ammunition Plant	Demolition	$500,000
New York	U.S. Military Academy, West Point	100 units	$15,000,000
North Carolina	Fort Bragg	224 units	$18,000,000
Wisconsin	Fort McCoy	16 units	$2,950,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $11,805,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may improve existing military family housing in an amount not to exceed $69,630,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,402,338,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $615,403,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $26,500,000.

(3) For the construction of the Ammunition Demilitarization Facility, Anniston Army Depot, Alabama, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat. 1758), section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1508), and section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2586), $110,900,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $12,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $115,161,000.

(6) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $220,885,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,150,089,000 of which not more than $268,139,000 may be obligated or expended for the leasing of military family housing worldwide.

(7) For the Homeowners Assistance Program as authorized by section 2832 of title 10, United States Code, $151,400,000, to remain available until expended.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
California	Alameda Naval Air Station	$4,700,000
	Barstow Marine Corps Logistics Base	$8,690,000
	Camp Pendleton Marine Corps Air Station	$3,850,000
	Camp Pendleton Marine Corps Base	$11,130,000
	El Toro Marine Corps Air Station	$1,950,000
	Fallbrook Naval Weapons Station Annex	$4,630,000
	Lemoore Naval Air Station	$1,930,000
	Oakland Naval Supply Center	$10,000,000
	San Diego Naval Hospital	$2,700,000
	San Diego Fleet Industrial Supply Center	$2,270,000
	San Diego Marine Corps Recruit Depot	$1,130,000
	San Diego Naval Training Center	$700,000
	Twentynine Palms, Marine Corps Air-Ground Combat Center	$7,900,000
Connecticut	New London Naval Submarine Base	$40,940,000
District of Columbia	Washington COMNAVDIST	$3,110,000
	Washington NRL	$2,380,000

Navy: Inside the United States—Continued

State	Installation or location	Amount
Florida	Cecil Field, Naval Air Station	$1,500,000
	Jacksonville Naval Air Station	$14,420,000
	Mayport Naval Station	$3,260,000
	Pensacola Naval Air Station	$6,420,000
Georgia	Albany Marine Corps Logistics Base	$940,000
	Kings Bay Naval Submarine Base	$10,920,000
	Kings Bay Tri-Training Facility	$3,870,000
Hawaii	Barbers Point Naval Air Station	$4,050,000
	Honolulu NCTAMS EPAC	$9,120,000
	Pearl Harbor NISMF	$2,620,000
	Pearl Harbor Naval Submarine Base	$54,140,000
	Pearl Harbor Public Works Center	$27,540,000
Indiana	Crane Naval Surface Warfare Center	$9,600,000
Maine	Kittery Portsmouth Naval Shipyard	$4,780,000
Maryland	Bethesda National Naval Medical Center	$3,090,000
	Indian Head Naval Surface Warfare Center	$3,400,000
	Patuxent River Naval Air Warfare Center	$9,300,000
New Jersey	Earle Naval Weapons Station	$2,580,000
Nevada	Fallon Naval Air Station	$1,600,000
North Carolina	Camp Lejeune Marine Corps Base	$41,290,000
	Camp Lejeune Naval Hospital	$2,370,000
	Cherry Point Marine Corps Air Station	$7,500,000
Pennsylvania	Philadelphia ASO	$1,900,000
	Philadelphia NISMF	$8,660,000
	Philadelphia Naval Shipyard	$13,500,000
Rhode Island	Newport Naval Education and Training Center	$18,300,000
South Carolina	Beaufort Marine Corps Air Station	$10,900,000
	Charleston Naval Weapons Station	$580,000
Tennessee	Memphis Naval Air Station	$2,050,000
Texas	Corpus Christi Naval Air Station	$1,670,000
Virginia	Chesapeake MCSFBN NW	$5,380,000
	Craney Island FISC Annex	$11,740,000
	Norfolk Armed Forces College	$8,800,000
	Norfolk COMOPTEVFOR	$8,100,000
	Norfolk NADEP	$17,800,000
	Norfolk Naval Air Station	$12,270,000
	Norfolk Naval Station	$3,000,000
	Norfolk Public Works Center	$5,330,000
	Oceana Naval Air Station	$7,100,000
	Portsmouth Norfolk Naval Shipyard	$13,420,000
	Quantico MCCOMBDEV CMD	$7,450,000
	Wallops Island NSURFWPN CND	$10,170,000
Washington	Bangor Naval Submarine Base	$3,100,000
	Everett Naval Station	$34,000,000
	Keyport NUWC Division	$8,980,000
Various Locations	Wastewater Collection and Treatment Facilities	$3,260,000
	Land Acquisition	$540,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Guam	Naval Hospital	$2,460,000
	MSCO	$2,170,000
	Anderson Air Force Base NAF	$7,310,000
	Naval Magazine	$3,750,000
	Naval Ocean Communication Center	$690,000
	Naval Station	$14,520,000
	Fleet/Industrial Supply Center	$22,440,000
	Public Works Center	$20,680,000
Italy	Naples NSA	$11,740,000
	Sigonella Naval Air Station	$13,760,000
Spain	Rota Naval Station	$2,670,000
Various Locations	Host Nation Infrastructure Support	$2,960,000
	Land Acquisition	$800,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation	Purpose	Amount
California	San Diego Navy Public Works Center	318 units	$36,571,000
District of Columbia	Washington Navy Public Works Center	188 units	$21,556,000
Florida	Pensacola Navy Public Works Center	Housing Self Help/Warehouse	$300,000
Georgia	Kings Bay NSB	Housing Office/Self Help/Warehouse	$790,000
Maine	Brunswick NAS	Mobile Home Spaces	$490,000
Virginia	Norfolk PWC/NAB Little Creek	392 units	$50,674,000
	Oceana NAS	Community Center	$860,000
Washington	Bangor NAVSUBASE	290 units	$27,438,000
United Kingdom	London NAVACTS	81 units	$15,470,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $22,924,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in the amount of $190,696,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,978,167,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $550,320,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $105,950,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $5,500,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $78,573,000.

(5) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $367,769,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $860,055,000, of which not more than $113,308,000 may be obligated or expended for the leasing of military family housing units worldwide.

(6) For the construction of the large anachoic chamber facility at the Patuxent River Naval Warfare Center, Aircraft Division, Maryland, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1993 (Public Law 102–484, 106 Stat. 2590), $10,000,000.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Gunter Air Force Base Annex	$4,680,000
	Maxwell Air Force Base	$16,170,000
Alaska	Eielson Air Force Base	$7,800,000
	Elmendorf Air Force Base	$30,805,000
Arizona	Davis Monthan Air Force Base	$7,350,000
	Luke Air Force Base	$12,750,000
	Navajo Army Depot	$7,250,000
Arkansas	Little Rock Air Force Base	$4,500,000
California	Beale Air Force Base	$3,150,000
	Edwards Air Force Base	$11,300,000
	McClellan Air Force Base	$10,200,000
	Travis Air Force Base	$19,140,000
	Vandenberg Air Force Base	$20,728,000
Colorado	Buckley Air National Guard Base	$21,500,000
	Cheyenne Mountain Air Force Base	$4,450,000
	Peterson Air Force Base	$21,030,000
	United States Air Force Academy	$11,680,000
Delaware	Dover Air Force Base	$7,760,000
District of Columbia	Bolling Air Force Base	$2,000,000
Florida	Cape Canaveral Air Force Station	$19,200,000
	Eglin Air Force Base	$12,050,000
	Eglin Auxiliary Field No. 9	$7,829,000
	Patrick Air Force Base	$3,850,000
	Tyndall Air Force Base	$2,600,000
Georgia	Moody Air Force Base	$13,700,000
	Robins Air Force Base	$40,370,000
Hawaii	Hickam Air Force Base	$10,250,000
	Kaena Point	$7,350,000
Illinois	Scott Air Force Base	$7,450,000
Kansas	McConnell Air Force Base	$1,900,000
Louisiana	Barksdale Air Force Base	$2,560,000
Maryland	Andrews Air Force Base	$17,990,000
Mississippi	Columbus Air Force Base	$2,900,000
	Keesler Air Force Base	$8,710,000
Missouri	Whiteman Air Force Base	$36,388,000
Montana	Malmstrom Air Force Base	$7,700,000
Nebraska	Offutt Air Force Base	$11,000,000
Nevada	Nellis Air Force Base	$10,100,000
New Jersey	McGuire Air Force Base	$4,000,000
New Mexico	Cannon Air Force Base	$11,915,000
	Holloman Air Force Base	$9,200,000
	Kirtland Air Force Base	$11,944,000
New York	Plattsburg Air Force Base	$5,100,000
North Carolina	Pope Air Force Base	$8,600,000
	Seymour Johnson Air Force Base	$5,380,000
North Dakota	Grand Forks Air Force Base	$5,850,000
	Minot Air Force Base	$2,000,000
Ohio	Wright-Patterson Air Force Base	$27,650,000
Oklahoma	Altus Air Force Base	$7,710,000
	Tinker Air Force Base	$20,749,000
	Vance Air Force Base	$11,000,000
South Carolina	Charleston Air Force Base	$1,100,000
	Shaw Air Force Base	$5,870,000
South Dakota	Ellsworth Air Force Base	$6,830,000
Tennessee	Arnold Air Force Base	$1,500,000

Air Force: Inside the United States—Continued

State	Installation or location	Amount
	Memphis Naval Air Station	$6,200,000
Texas	Brooks Air Force Base	$8,400,000
	Dyess Air Force Base	$15,590,000
	Goodfellow Air Force Base	$3,700,000
	Kelly Air Force Base	$27,481,000
	Lackland Air Force Base	$30,093,000
	Laughlin Air Force Base	$8,650,000
	Randolph Air Force Base	$5,300,000
	Reese Air Force Base	$900,000
	Sheppard Air Force Base	$18,030,000
Utah	Hill Air Force Base	$27,980,000
Virginia	Langley Air Force Base	$12,450,000
Washington	Fairchild Air Force Base	$3,500,000
	McChord Air Force Base	$10,900,000
Wyoming	F.E. Warren Air Force Base	$12,640,000
Various Locations	Classified	$8,140,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and may carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or location	Amount
Antigua Island	Antigua Air Station	$1,000,000
Ascension Island	Ascension Auxiliary Air Field	$3,400,000
Germany	Ramstein Air Base	$3,100,000
Greenland	Thule Air Base	$5,492,000
Guam	Andersen Air Force Base	$4,100,000
Indian Ocean	Diego Garcia Air Base	$2,260,000
Oman	Thumrait Air Base	$1,800,000
Turkey	Incirlik Air Base	$2,400,000
United Kingdom	RAF Mildenhall	$4,800,000
Classified	Classified Location	$5,500,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(7)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State or Country	Installation	Purpose	Amount
Alabama	Maxwell Air Force Base	55 units	$4,080,000
Arkansas	Little Rock Air Force Base	Housing Office/Maintenance Facility	$980,000
California	Vandenberg Air Force Base	166 units	$21,907,000
Florida	Patrick Air Force Base	155 units	$15,388,000
	Tyndall Air Force Base	Infrastructure	$5,732,000
Georgia	Robins Air Force Base	117 units	$7,424,000
Louisiana	Barksdale Air Force Base	118 units	$8,578,000
Massachusetts	Hanscom Air Force Base	48 units	$5,135,000
Montana	Malmstrom Air Force Base	Housing Office	$581,000
Texas	Dyess Air Force Base	Housing Maintenance Facility	$281,000
	Lackland Air Force Base	111 units	$8,770,000
Virginia	Langley Air Force Base	Housing Office	$452,000
Washington	Fairchild Air Force Base	1 unit	$184,000
Wyoming	F.E. Warren Air Force Base	104 units	$10,572,000
Italy	Comiso Air Base	460 units	$20,200,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(7)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $11,901,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(7)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $61,181,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,031,428,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $794,492,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $33,852,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $11,844,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $63,882,000.

(5) For advances to the Secretary of Transportation for construction of Defense Access Roads under section 210 of title 23, United States Code, $7,150,000.

(6) For the balance of the amount authorized under section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2594) for the construction of the climatic test chamber at Eglin Air Force Base, Florida, $57,000,000.

(7) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $183,346,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $869,862,000 of which not more than $118,266,000 may be obligated or expended for leasing of military family housing units worldwide.

(8) For phase II of the relocation and construction of up to 1,068 family housing units at

Scott Air Force Base, Illinois, authorized by section 2302(a) of the Military Construction Authorization Act for Fiscal Year 1993 (Public Law 102-484, 106 Stat. 2590), $10,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2305. RELOCATION OF AIR FORCE ACTIVITIES FROM SIERRA ARMY DEPOT, CALIFORNIA, TO BEALE AIR FORCE BASE, CALIFORNIA.

(a) STUDENT DORMITORY.—Section 2301(a) of the National Defense Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1769) is amended in the matter under the heading "CALIFORNIA"—

(1) by striking out "Sierra Army Depot, $3,650,000."; and

(2) by striking out "Beale Air Force Base, $6,300,000." and inserting in lieu thereof the following: "Beale Air Force Base, $9,950,000.".

(b) MUNITION MAINTENANCE FACILITY.—Section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1521) is amended in the matter under the heading "CALIFORNIA"—

(1) by striking out "Sierra Army Depot, $2,700,000."; and

(2) by striking out "Beale Air Force Base, $2,250,000." and inserting in lieu thereof the following: "Beale Air Force Base, $4,950,000.".

SEC. 2306. COMBAT ARMS TRAINING AND MAINTENANCE FACILITY RELOCATION FROM WHEELER AIR FORCE BASE, HAWAII, TO UNITED STATES ARMY SCHOFIELD BARRACKS OPEN RANGE, HAWAII.

Section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1770) is amended in the matter under the heading "HAWAII"—

(1) by striking out "Wheeler Air Force Base, $3,500,000." and inserting in lieu thereof the following: "Wheeler Air Force Base, $2,100,000."; and

(2) by inserting after the item relating to Hickam Air Force Base the following new item: "United States Army Schofield Barracks Open Range, $1,400,000.".

SEC. 2307. AUTHORITY TO TRANSFER FUNDS AS PART OF THE IMPROVEMENT OF DYSART CHANNEL, LUKE AIR FORCE BASE, ARIZONA.

(a) TRANSFER AUTHORITY.—Subject to subsections (b) and (c), the Secretary of Air Force may transfer to Maricopa County, Arizona (in this section referred to as the "County"), funds appropriated for fiscal years beginning after September 30, 1993, for a project, authorized in section 2301(a) of this Act, to widen and make other improvements to the Dysart Channel that are needed to prevent flooding of Luke Air Force Base, Arizona.

(b) USE OF FUNDS.—All funds transferred pursuant to subsection (a) shall be used by the County only for the purpose of conducting the project described in such subsection.

(c) CONDITIONS ON TRANSFER.—Funds may not be transferred pursuant to subsection (a) until after the date on which the Secretary and the County enter into an agreement that addresses cost sharing for the widening and other improvements to be made to the Dysart Channel and such other matters associated with the project as the Secretary considers to be appropriate.

(d) LIMITATION ON AIR FORCE COST SHARE.—The Air Force share of the costs of the project described in subsection (a) may not exceed the lesser of—

(1) 50 percent of the total project cost; or

(2) $6,000,000.

(e) ACQUISITION OF REAL PROPERTY.—Any acquisition of real property for the project described in subsection (a) by the County on behalf of the Air Force shall require the approval of the Secretary of the Air Force. Upon completion of the project, all right, title, and interest in real property contiguous to the existing right-of-way so acquired shall be transferred to the United States.

SEC. 2308. AUTHORITY TO TRANSFER FUNDS FOR SCHOOL CONSTRUCTION FOR LACKLAND AIR FORCE BASE, TEXAS.

(a) TRANSFER AUTHORITY.—Subject to subsection (b), the Secretary of the Air Force may transfer to the Lackland Independent School District, Texas, not more than $8,000,000 of the funds appropriated by the Military Construction Appropriations Act, 1993 (Public Law 102-380; 106 Stat. 1366), pursuant to the authorization of appropriations in section 2304(a)(1) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2596) for military construction relating to Lackland Air Force Base, Texas, as authorized in section 2301(a) of such Act.

(b) USE OF FUNDS.—All funds transferred pursuant to subsection (a) shall be used by the Lackland Independent School District to pay for the design and construction of a new high school, the renovation of an elementary school, and the design and construction of a new kindergarten and special education facility.

SEC. 2309. AUTHORITY TO TRANSFER FUNDS AS PART OF THE REPLACEMENT FAMILY HOUSING PROJECT AT SCOTT AIR FORCE BASE, ILLINOIS.

(a) TRANSFER AUTHORITY.—Subject to subsection (b), the Secretary of the Air Force may transfer to the County of St. Clair, Illinois (in this section referred to as the "County"), funds appropriated for the construction of 1,068 units of military family housing at Scott Air Force Base, Illinois, as authorized in section 2302(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2595).

(b) USE OF FUNDS.—All funds transferred pursuant to subsection (a) shall be used by the County to pay for the construction of a replacement family housing complex for Scott Air Force Base at a location acceptable to the Secretary of the Air Force.

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Defense Logistics Agency	Defense Reutilization and Marketing Office, Fairbanks, Alaska	$6,500,000
	Defense Reutilization and Marketing Office, March Air Force Base, California	$630,000
	Defense Fuel Support Point, Pearl Harbor, Hawaii	$2,250,000
	Defense Construction Supply Center, Columbia, Ohio	$3,100,000
	Defense Electronic Supply Center, Dayton, Ohio	$6,000,000
	Defense Reutilization and Marketing Office, Hill Air Force Base, Utah	$1,700,000
	Defense General Supply Center, Richmond, Virginia	$17,000,000
	Fort Belvoir, Virginia	$5,200,000
	Marine Corps Air Station, Yuma, Arizona	$6,000,000
Defense Medical Facility Office	Cannon Air Force Base, New Mexico	$13,600,000
	Edwards Air Force Base, California	$1,700,000
	Ellsworth Air Force Base, South Dakota	$1,400,000
	Fairchild Air Force Base, Washington	$8,250,000
	Fort Detrick, Maryland	$4,300,000
	Fort Eustis, Virginia	$3,650,000
	Fort Sam Houston, Texas	$4,800,000
	Grand Forks Air Force Base, North Dakota	$860,000
	Naval Education Training Center, Rhode Island	$4,000,000
	Offutt Air Force Base, Nebraska	$1,100,000
National Security Agency	Fort Meade, Maryland	$53,630,000
Office Secretary of Defense	Various Locations, Special Activities, Air Force	$16,355,000
Section 6 Schools	Camp Lejeune, North Carolina	$1,793,000
	Fort Bragg, North Carolina	$8,838,000
	Fort Campbell, Kentucky	$13,182,000
	Fort Knox, Kentucky	$7,707,000
	Fort McClellan, Alabama	$2,798,000
	Quantico Marine Corps Base, Virginia	$422,000
	Robins Air Force Base, Georgia	$3,160,000
Special Operations Force	Eglin Auxiliary Field No. 9, Florida	$19,582,000
	Fort Campbell, Kentucky	$4,300,000
	Fort Bragg, North Carolina	$38,450,000
	Little Creek Naval Amphibious Base, Virginia	$7,500,000

Defense Agencies: Inside the United States—Continued

Agency	Installation or location	Amount
	Olmstead Field, Pennsylvania	$1,300,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Defense Logistics Agency	Diego Garcia	$9,558,000
	Roosevelt Roads, Puerto Rico	$5,800,000

SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(12), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $4,198,684,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $271,057,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $15,358,000.

(3) For military construction projects at Fort Sam Houston, Texas, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99–661; 100 Stat. 4035), $75,000,000.

(4) For military construction projects at Portsmouth Naval Hospital, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 103 Stat. 1640), $20,000,000.

(5) For military construction projects at Walter Reed Institute of Research, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2599), $48,140,000.

(6) For military construction projects at Elmendorf Air Force Base, Alaska, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2599), $37,000,000.

(7) For military construction projects at Fort Bragg, North Carolina, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2599), $35,000,000.

(8) For military construction projects at Millington Naval Air Station, Tennessee, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2599), $5,000,000.

(9) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $21,658,000.

(10) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $12,200,000.

(11) For architectural and engineering services and for construction design under section 2807 of title 10, United States Code, $42,405,000.

(12) For energy conservation projects authorized by section 2402, $60,000,000.

(13) For base closure and realignment activities as authorized by title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note), $127,870,000.

(14) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note):

(A) For military installations selected for closure or realignment in 1991, $2,200,500,000.

(B) For military installations selected for closure or realignment in 1993, $1,306,000,000.

(15) For military family housing functions (including functions described in section 2833 of title 10, United States Code), $27,496,000, of which not more than $22,882,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a) and subsection (b).

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure Program as authorized by section 2501, in the amount of $240,000,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1993, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $229,023,000; and

(B) for the Army Reserve, $88,433,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $20,591,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $218,114,000; and

(B) for the Air Force Reserve, $84,004,000.

SEC. 2602. TERMINATION OF AUTHORITY TO CARRY OUT LAND ACQUISITION FOR ARMY NATIONAL GUARD TRAINING AREA IN MUSKINGUM COUNTY, OHIO.

(a) REDUCTION IN FISCAL YEAR 1991 AUTHORIZATION.—Section 2601(1)(A) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1781), as amended by section 2602(a)(1) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1535), is further amended by striking out "$314,887,000" and inserting in lieu thereof "$309,217,000".

(b) PURPOSE OF REDUCTION.—The amount of the reduction in the amount authorized to be appropriated for the Army National Guard of the United States under section 2601(1)(A) of the National Defense Authorization Act for Fiscal Year 1991 corresponds to the amount authorized to be appropriated by such section for land acquisition to establish an Army National Guard Training Area in Muskingum County, Ohio, and the authority of the Secretary of Defense or the Secretary of the Army to carry out such land acquisition is hereby terminated.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 1996; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 1997.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the

North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 1996; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 1997 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Infrastructure program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1991 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701(b) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510, 104 Stat. 1758), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101, 2301, or 2401 of that Act and extended by section 2702(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1535), shall remain in effect until October 1, 1994, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1995, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 1991 Project Authorizations

State	Installation or location	Project	Amount
Maryland	Aberdeen Proving Ground	Toxicology Research Facility	$33,000,000
Missouri	Fort Leonard Wood	Child Development Center	$3,050,000
Virginia	Fort Myer	Child Development Center	$2,150,000

Air Force: Extension of 1991 Project Authorizations

State	Installation or location	Project	Amount
Alaska	Clear Air Force Station	Alter Dormitory (Phase II)	$5,000,000
California	Sierra Army Depot	Dormitory	$3,650,000
Colorado	Buckley Air National Guard Base	Child Development Center	$4,550,000
	United States Air Force Academy	Consolidated Education & Training Facility	$15,000,000
Hawaii	Hickam Air Force Base	Dormitory	$6,100,000
	Wheeler Air Force Base	Combat Arms Training & Maintenance Facility	$1,400,000
Oklahoma	Tinker Air Force Base	AWACS Aircraft Fire Protection	$2,750,000
Texas	Dyess Air Force Base	Corrosion Control Facility	$4,100,000
Utah	Hill Air Force Base	Depot Warehouse	$16,000,000

Defense Agencies: Extension of 1991 Project Authorizations

State	Installation or location	Project	Amount
Maryland	DLA, Defense Reutilization and Marketing Office, Fort Meade	Covered Storage	$9,500,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1990 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701(b) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189, 103 Stat. 1645), authorizations for the projects set forth in the table in subsection (b), as provided in section 2301 of that Act (103 Stat. 1631) and extended by section 2702(b) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1535) and section 2702 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2604), shall remain in effect until October 1, 1994, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1995, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 1990 Project Authorizations

State	Installation	Project	Amount
Colorado	Lowry Air Force Base	Computer operations facility	$15,500,000
		Logistics support facility	$3,500,000

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

(1) October 1, 1993; and

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. INCREASE IN THE MAXIMUM AMOUNT AUTHORIZED TO BE OBLIGATED FOR EMERGENCY CONSTRUCTION IN A FISCAL YEAR.

Section 2803(c)(1) of title 10, United States Code, is amended by striking out "$30,000,000" and inserting in lieu thereof "$50,000,000".

SEC. 2802. MILITARY FAMILY HOUSING LEASING PROGRAMS.

(a) LEASES IN UNITED STATES, PUERTO RICO, OR GUAM.—Subsection (b) of section 2828 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) The maximum rental amount under paragraphs (2) and (3) shall be adjusted annually at the beginning of each fiscal year by an amount which corresponds to the change in the Consumer Price Index for all Urban Consumers, published by the Bureau of Labor Statistics of the Department of Labor, for the previous one-year period ending on September 30.".

(b) LEASES IN FOREIGN COUNTRIES.—Subsection (e) of such section is amended—

(1) in the first sentence of paragraph (1), by striking out "as adjusted for foreign currency fluctuation from October 1, 1987." and inserting in lieu thereof ", except that 300 units may be leased for not more than $25,000 per unit per year."; and

(2) by adding at the end the following new paragraph:

"(3) The dollar limitations contained in paragraph (1) shall be adjusted—

"(A) for foreign currency fluctuation from October 1, 1987; and

"(B) annually at the beginning of each fiscal year by an amount which corresponds to the change in the Consumer Price Index for all Urban Consumers, published by the Bureau of Labor Statistics for the Department of Labor, for the previous one-year period ending on September 30.".

SEC. 2803. SALE OF ELECTRICITY FROM ALTERNATE ENERGY AND COGENERATION PRODUCTION FACILITIES.

Section 2483 of title 10, United States Code, is amended—

(1) in subsection (b), by inserting before the period the following: "and may be used, subject to the availability of appropriations for this purpose, to carry out energy-related military construction projects as authorized in sections 2805(a)(1) and 2865(a)(3) of this title"; and

(2) by adding at the end the following new subsection:

"(c) When a decision is made to carry out an energy-related military construction project under section 2805(a)(1) or 2865(a)(3) of this title using proceeds from sales under subsection (a), the Secretary concerned shall notify Congress in writing of that decision, of the justification for the project, and of the estimated cost of the project. The project may then be carried out only after the end of the 21-day period beginning on the date the notification is received by Congress.".

SEC. 2804. ENERGY SAVINGS AT MILITARY INSTALLATIONS.

(a) Energy Efficient Maintenance.—Subsection (a) of section 2865 of title 10, United States Code, is amended—

(1) in paragraph (3), by inserting ", including energy efficient maintenance," after "conservation measures"; and

(2) by adding at the end the following new paragraph:

"(4) For purposes of paragraph (3), the term 'energy efficient maintenance' includes—

"(A) the repair by replacement of equipment or systems with the best available technology to meet the same end needs, such as lighting, heating, cooling, or industrial process; and

"(B) improvements in the operation and maintenance process that result in energy cost savings, such as training or improved controls.".

(b) Use of Amounts From Sales of Electricity.—Subsection (b)(2) of such section is amended by inserting "and pursuant to section 2483(b) of this title" after "under paragraph (1)".

SEC. 2805. AUTHORIZATION TO ACQUIRE EXISTING FACILITIES IN LIEU OF CARRYING OUT CONSTRUCTION AUTHORIZED BY LAW.

(a) Establishment of Authority.—Subchapter I of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

"SEC. 2813. ACQUISITION OF EXISTING FACILITIES IN LIEU OF CONSTRUCTION.

"(a) Acquisition Authority.—Subject to subsections (b) and (c), if the Secretary concerned determines that an existing facility at or near a military installation would satisfy the requirements of a military construction project authorized by law, the Secretary may acquire that facility, including real property, using the funds appropriated for the authorized construction project in lieu of carrying out the authorized construction project.

"(b) Required Determination.—The authority provided by this section may only be exercised if the Secretary concerned makes a determination that the acquisition of an existing facility in lieu of new construction is in the best interests of the Government.

"(c) Notice and Wait Requirements.—A contract may not be entered into under this section until the end of the 21-day period beginning on the date the Secretary concerned notifies Congress in writing of the transaction proposed in the contract, the justification for the transaction, and the estimated cost of the transaction.".

(b) Application of Section.—Section 2813 of title 10, United States Code, as added by subsection (a), shall apply with respect to—

(1) projects authorized on or after the date of the enactment of this Act; and

(2) projects authorized before that date for which construction contracts have not been awarded.

(c) Clerical Amendment.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2813. Acquisition of existing facilities in lieu of construction.".

SEC. 2806. CLARIFICATION OF PARTICIPATION IN DEPARTMENT OF STATE HOUSING POOLS.

Section 2834(b) of title 10, United States Code, is amended to read as follows:

"(b) The maximum lease amount specified in section 2828(e)(1) of this title for the rental of family housing in foreign countries shall not apply to housing made available to the Department of Defense under this section. To the extent that the lease amount for units of housing made available under this subsection exceeds such maximum lease amount, such units shall not be counted in applying the limitation contained in such section on the number of units of family housing for which the Secretary concerned may waive such maximum lease amount.".

SEC. 2807. NAVY HOUSING INVESTMENT AGREEMENTS AND HOUSING INVESTMENT BOARD.

(a) In General.—Chapter 649 of title 10, United States Code, is amended by inserting after section 7573 the following new sections:

"§7574. Investment agreements with private developers of housing

"(a) Investment Agreements.—The Secretary of the Navy may enter into investment agreements with private developers to encourage the construction of housing and accessory structures within commuting distance of a military installation under the jurisdiction of the Secretary at which there is a shortage of suitable housing to meet the requirements of members of the naval service with or without dependents.

"(b) Collateral Incentive Agreements.—The Secretary may also enter into collateral incentive agreements with private developers who enter into an investment agreement under subsection (a) to ensure that, where appropriate—

"(1) members of the naval service will have priority for a fair share of any housing within the scope of the investment contract; or

"(2) rental rates or sale prices, as appropriate, for some or all of the units will be affordable for such members.

"(c) Transfer of Navy Lands Prohibited.—Nothing in this section shall be construed to permit the Secretary, as part of an agreement entered into under this section, to transfer the right, title, or interest of the United States in any real property under the jurisdiction of the Secretary.

"(d) Expiration of Authority.—The authority of the Secretary to enter into an agreement under this section shall expire on September 30, 1998.

"§7575. Navy Housing Investment Board

"(a) Establishment.—The Secretary of the Navy may establish a board to be known as the 'Navy Housing Investment Board'.

"(b) Members.—(1) The Navy Housing Investment Board shall be composed of seven members appointed for a two-year term by the Secretary. The Secretary may appoint to the Board, without regard to the civil service laws, two persons from the private sector who have knowledge and experience in the financing and the construction of housing.

"(2) The Secretary shall designate one of the members as chairperson of the Board.

"(3) Members of the Board, other than those members regularly employed by the Federal Government, may be paid while attending meetings of the Board or otherwise serving at the request of the Secretary, compensation at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Board. Members shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

"(c) Duties.—The Navy Housing Investment Board shall—

"(1) advise the Secretary regarding which proposed investment agreements under section 7574 of this title, if any, are financially and otherwise sound investments for meeting the objectives of such section; and

"(2) assist the Secretary in such other ways as the Secretary determines to be necessary and appropriate.

"(d) Selection of Investment Opportunities.—Any investment agreement under section 7574 of this title may be made through the use of publicly advertised, competitively bid or competitively negotiated, contracting procedures, as provided in chapter 137 of this title, or such other contracting procedures as the Secretary considers to be appropriate.

"(e) Account.—(1) There is hereby established on the books of the Treasury an account to be known as the 'Navy Housing Investment Account', which shall be administered by the Navy Housing Investment Board.

"(2) There shall be deposited into the Account—

"(A) such funds as may be authorized for and appropriated to the Account; and

"(B) any proceeds received from the repayment of investments or profits on investments under section 7574 of this title.

"(3) The Account shall be available without fiscal year limitation for contracts, investments, and expenses necessary for the implementation of this section and section 7574 of this title.

"(f) Report.—Not later than 60 days after the end of each fiscal year in which the Secretary and Navy Housing Investment Board carry out activities under section 7574 of this title, the Secretary shall transmit a report to Congress specifying the amount and nature of the deposits into, and the expenditures from, the Account during such fiscal year and of the amount and nature of all other expenditures made pursuant to such section during such fiscal year.

"(g) Termination of Board.—The Navy Housing Investment Board shall terminate on November 30, 1998.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7573 the following new items:

"7574. Investment agreements with private developers of housing.

"7575. Navy Housing Investment Board.".

Subtitle B—Defense Base Closure and Realignment

SEC. 2811. BASE CLOSURE ACCOUNT MANAGEMENT FLEXIBILITY.

(a) Base Closures Under 1988 Act.—Section 207(a) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100–526; 10 U.S.C. 2687 note) is amended by adding at the end the following new paragraph:

"(7) Proceeds received after September 30, 1995, from the transfer or disposal of any property at a military installation closed or realigned under this title shall be deposited directly into the Department of Defense Base Closure Account 1990, as established by section 2906(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).".

(b) Base Closures Under 1990 Act.—Section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) in subsection (a)(2)—

(A) by striking out "and" at the end of subparagraph (B);

(B) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof "; and"; and

(C) by adding at the end the following new subparagraph:

"(D) proceeds received after September 30, 1995, from the transfer or disposal of any property at a military installation closed or realigned under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note)."; and

(2) in subsection (b), by striking out paragraph (1) and inserting in lieu thereof the following new paragraph:

"(1) The Secretary may use the funds in the Account only for the purposes described in section 2905 or, after September 30, 1995, for environmental restoration and property management and disposal at installations closed or realigned under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).".

(c) Technical Correction.—Paragraphs (2) and (3) of section 2906(c) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) are amended by striking out "after the termination of the Commission" and inserting in lieu thereof "after the termination of the authority of the Secretary to carry out a closure or realignment under this part".

SEC. 2812. AUTHORITY TO CONTRACT FOR CERTAIN FUNCTIONS AT INSTALLATIONS BEING CLOSED OR REALIGNED.

(a) Base Closures Under 1988 Act.—(1) Section 204(b) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note) is amended by adding at the end the following new paragraph:

"(5) The Secretary of Defense may contract with local governments for community services, including police and fire protection, at those military installations to be closed under this title if the Secretary determines that it is in the best interest of the Department to have these services provided by local governmental entities.".

(2) Section 205 of such Act is amended—

(A) by striking out "and" at the end of paragraph (1);

(B) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(C) by adding at the end the following new paragraph:

"(3) chapter 146 of title 10, United States Code.".

(b) Base Closures Under 1990 Act.—(1) Subsection (b)(2) of section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended—

(A) by redesignating subparagraph (E) as subparagraph (F); and

(B) by inserting after subparagraph (D) the following new subparagraph:

"(E) The Secretary of Defense may contract with local governments for community services, including police and fire protection, at those military installations to be closed under this part if the Secretary determines that it is in the best interest of the Department to have these services provided by local governmental entities.".

(2) Subsection (d) of such section is amended—

(A) by striking out "and" at the end of paragraph (1);

(B) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(C) by adding at the end the following new paragraph:

"(3) chapter 146 of title 10, United States Code.".

SEC. 2813. INCREASED FUNDING SOURCES FOR ENVIRONMENTAL RESTORATION AT MILITARY INSTALLATIONS TO BE CLOSED.

(a) Base Closures Under 1988 Act.—(1) Section 207 of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note) is amended by striking out subsection (b).

(b) Base Closures Under 1990 Act.—(1) Section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by striking out subsection (e).

(2) Section 2905(a)(1)(C) of such Act is amended by inserting after "the Account" the following: "and, in addition, may use for such purposes other funds appropriated to the Department of Defense and available for environmental restoration and mitigation".

SEC. 2814. TESTIMONY BEFORE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

(a) Oaths Required.—Section 2903(d)(1) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following new sentence: "All testimony before the Commission at a public hearing conducted under this paragraph shall be presented under oath.".

(b) Application of Amendment.—The amendment made by this section shall apply with respect to all public hearings conducted by the Defense Base Closure and Realignment Commission after the date of the enactment of this Act.

SEC. 2815. EXPANSION OF CONVEYANCE AUTHORITY REGARDING FINANCIAL FACILITIES ON CLOSED MILITARY INSTALLATIONS TO INCLUDE ALL DEPOSITORY INSTITUTIONS.

(a) Inclusion of Other Depository Institutions in Addition to Credit Unions.—Section 2825 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (10 U.S.C. 2687 note) is amended—

(1) by striking "credit union" each place it appears and inserting in lieu thereof "depository institution";

(2) in subsection (c), by striking "business"; and

(3) by adding at the end the following new subsection:

"(e) Depository Institution Defined.—For purposes of this section, the term 'depository institution' has the meaning given that term in section 19(b)(1)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)).".

(b) Clerical Amendment.—The heading of such section is amended to read as follows:

"SEC. 2825. DISPOSITION OF FACILITIES OF DEPOSITORY INSTITUTIONS ON MILITARY INSTALLATIONS TO BE CLOSED.".

SEC. 2816. AUTHORITY TO TRANSFER PROPERTY AT MILITARY INSTALLATIONS TO BE CLOSED TO PERSONS PAYING THE COST OF ENVIRONMENTAL RESTORATION ACTIVITIES ON THE PROPERTY.

(a) Base Closures Under 1988 Act.—Section 204 of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note) is amended by adding at the end the following new subsection:

"(d) Transfer Authority in Connection With Payment of Environmental Remediation Costs.—

"(1) Subject to paragraph (2) and the requirements specified in section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)), the Secretary may enter into an agreement to transfer real property or facilities located at a military installation closed or to be closed under this title with any person who agrees to pay all costs in connection with all environmental restoration, waste management, and environmental compliance activities that—

"(A) are required for the property or facilities under Federal and State laws, administrative decisions, agreements, and concurrences; and

"(B) are known to be necessary on the date of the agreement, or reasonably could have been known or foreseen to be necessary as a result of Department of Defense activities at the military installation.

"(2) Relation of Costs to Fair Market Value.—A transfer of real property or facilities may be made under paragraph (1) only if the Secretary certifies to Congress that—

"(A) the costs of all environmental restoration, waste management, and environmental compliance activities to be paid by the recipient of the property or facilities are equal to or greater than the fair market value of the property or facilities to be transferred, as determined by the Secretary; or

"(B) if such costs are lower than the fair market value of the property or facilities, the recipient of the property or facilities agrees to pay the difference between the fair market value and such costs.

"(3) Disclosure.—As part of an agreement under paragraph (1), the Secretary shall disclose to the person to whom the property or facilities will be transferred any information of the Secretary regarding the environmental restoration, waste management, and environmental compliance activities described in paragraph (1) that relate to the property or facilities. The Secretary shall provide this information as soon as possible before entering into the agreement.

"(4) Application of CERCLA.—Nothing in this subsection shall be construed to modify or remove the environmental restoration, waste management, and environmental compliance requirements imposed by section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).".

(b) Base Closures Under 1990 Act.—Section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following new subsection:

"(e) Transfer Authority in Connection With Payment of Environmental Remediation Costs.—

"(1) Subject to paragraph (2) and the requirements specified in section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)), the Secretary may enter into an agreement to transfer real property or facilities located at a military installation closed or to be closed under this title with any person who agrees to pay all costs in connection with all environmental restoration, waste management, and environmental compliance activities that—

"(A) are required for the property or facilities under Federal and State laws, administrative decisions, agreements, and concurrences; and

"(B) are known to be necessary on the date of the agreement, or reasonably could have been known or foreseen to be necessary as a result of Department of Defense activities at the military installation.

"(2) Relation of Costs to Fair Market Value.—A transfer of real property or facilities may be made under paragraph (1) only if the Secretary certifies to Congress that—

"(A) the costs of all environmental restoration, waste management, and environmental compliance activities to be paid by the recipient of the property or facilities are equal to or greater than the fair market value of the property or facilities to be transferred, as determined by the Secretary; or

"(B) if such costs are lower than the fair market value of the property or facilities, the recipient of the property or facilities agrees to pay the difference between the fair market value and such costs.

"(3) Disclosure.—As part of an agreement under paragraph (1), the Secretary shall disclose to the person to whom the property or facilities will be transferred any information of the Secretary regarding the environmental restoration, waste management, and environmental

compliance activities described in paragraph (1) that relate to the property or facilities. The Secretary shall provide this information as soon as possible before entering into the agreement.

"(4) APPLICATION OF CERCLA.—Nothing in this subsection shall be construed to modify or remove the environmental restoration, waste management, and environmental compliance requirements imposed by section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).".

SEC. 2817. AUTHORITY TO LEASE PROPERTY PENDING FINAL DISPOSITION.

(a) LEASE AUTHORITY.—Subsection (f) of section 2667 of title 10, United States Code, is amended to read as follows:

"(f)(1) Pending the final disposition of real property (and associated personal property) located at a military installation to be closed or realigned under a base closure law, the Secretary of the military department concerned may lease the property to public or private entities under this subsection if the Secretary determines that such a lease would facilitate State or local economic adjustment efforts.

"(2) Notwithstanding subsection (b)(4), in the case of a lease under this subsection to a State or local government, the Secretary concerned may accept consideration in an amount that is less than the fair market value of the lease interest if the Secretary concerned determines that there is a public benefit accruing as a result of the lease.

"(3) The limitation contained in subsection (a)(3) shall not apply in selecting real or personal property to be leased under this subsection.".

(b) DEFINITION.—Such section is further amended by adding at the end the following new subsection:

"(g) In this section, the term 'base closure law' means each of the following:

"(1) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

"(2) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

"(3) Section 2687 of this title.".

SEC. 2818. ELECTRIC POWER ALLOCATION AND ECONOMIC DEVELOPMENT AT CERTAIN MILITARY INSTALLATIONS TO BE CLOSED IN THE STATE OF CALIFORNIA.

For a 10-year period beginning on the date of the enactment of this Act, the electric power allocations provided as of that date by the Western Area Power Administration from the Central Valley project to military installations in the State of California selected for closure pursuant to the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) shall be reserved for sale through long-term contracts to preference entities that agree to use such power to promote economic development at a military installation that is closed or selected for closure pursuant to that Act.

Subtitle C—Land Transactions

SEC. 2821. MODIFICATION OF LAND CONVEYANCE, NEW LONDON, CONNECTICUT.

(a) CONVEYANCE WITHOUT CONSIDERATION.—Subsection (a) of section 2841 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 102 Stat.1557) is amended by inserting after "convey" the following: ", without consideration,".

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (b), by striking out paragraph (4);

(2) by striking out subsection (c); and

(3) redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 2822. LAND CONVEYANCE, BROWARD COUNTY, FLORIDA.

(a) LAND CONVEYANCE.—Subject to subsection (b), the Secretary of the Navy may convey to Broward County, Florida (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 18.45 acres and comprising a portion of Fort Lauderdale-Hollywood International Airport, Florida.

(b) CONSIDERATION.—As consideration for the conveyance by the Secretary of the parcel of real property under subsection (a), the County shall elect either—

(1) to construct (or pay the costs of constructing) at a location selected by the Secretary within the County a suitable replacement facility for the improvements conveyed as part of such conveyance; or

(2) to pay to the United States an amount equal to the fair market value of the parcel conveyed under subsection (a), including improvements thereon.

(c) REPLACEMENT FACILITY.—If the County elects to pay the fair market value of the real property under subsection (b)(2), the Secretary shall use the amount paid by the County, subject to the availability of appropriations for this purpose, to construct a suitable facility to replace the improvements conveyed under subsection (a).

(d) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the parcel of real property to be conveyed under subsection (a). Such determination shall be final.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcel of real property to be conveyed under subsection (a) shall be determined by surveys that are satisfactory to the Secretary. The cost of the surveys shall be borne by the County.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the conveyance under subsection (a) that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2823. LAND CONVEYANCE, NAVAL AIR STATION OCEANA, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the City of Virginia Beach, Virginia (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property included on the real property inventory of Naval Air Station Oceana in Virginia Beach, Virginia, and consisting of approximately 3.5 acres. As part of the conveyance of such parcel, the Secretary shall grant the City an easement on such additional acreage as may be necessary to provide adequate ingress and egress to the parcel.

(b) CONSIDERATION.—As consideration for the conveyance and easement under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the property to be conveyed and the fair market value of the easement to be granted. The Secretary shall determine fair market value, and such determination shall be final.

(c) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the condition that the City may use the property conveyed only for the following purposes:

(1) The maintenance, repair, storage, and berthing of erosion control and beach replenishment equipment and materiel, including a dredge.

(2) The berthing of police boats.

(3) The provision of operational and administrative personnel space related to the purposes specified in paragraphs (1) and (2).

(d) REVERSION.—All right, title and interest in and to the property conveyed under subsection (a) (including any improvements thereon) and the easement granted under such subsection shall revert to the United States, and the United States shall have the right of immediate reentry on the property, if the Secretary determines—

(1) at any time, that the property conveyed under subsection (a) is not being used for the purposes specified in subsection (c); or

(2) at the end of the 10-year period beginning on the date of the conveyance, that no significant improvements associated with such purposes have been constructed on the property.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) and the easement to be granted under such subsection shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance and easement under subsection (a) as the Secretary determines are appropriate to protect the interests of the United States.

SEC. 2824. RELEASE OF REVERSIONARY INTEREST, OLD SPANISH TRAIL ARMORY, HARRIS COUNTY, TEXAS.

(a) AUTHORITY TO RELEASE.—The Secretary of the Army may release the reversionary interest of the United States in and to approximately 6.89 acres of real property, including improvements thereon, containing the Old Spanish Trail Armory in Harris County, Texas. The United States acquired the reversionary interest by virtue of a quitclaim deed dated June 18, 1936.

(b) CONDITION.—The Secretary may effectuate the release authorized in subsection (a) only after obtaining satisfactory assurances that the State of Texas shall obtain, in exchange for the real property referred to in subsection (a), a parcel of real property that—

(1) is at least equal in value to the real property referred to in subsection (a), and

(2) beginning on the date on which the State first obtains the new parcel of real property, is subject to the same restrictions and covenants with respect to the United States as are applicable on the date of the enactment of this Act to the real property referred to in subsection (a).

(c) LEGAL DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal descriptions of the real property referred to in subsection (a) shall be determined by a survey satisfactory to the Secretary.

SEC. 2825. LEASE AND JOINT USE OF CERTAIN REAL PROPERTY, MARINE CORPS BASE, CAMP PENDLETON, CALIFORNIA.

(a) LEASE AUTHORIZED.—The Secretary of the Navy may lease to Tri-Cities Municipal Water District, a special governmental district of the State of California (in the section referred to as the "district"), such interests in real property located on, under, and within the northern portion of the Marine Corps Base, Camp Pendleton, California, as the Secretary determines to be necessary for the district to develop, operate, and maintain water extraction and distribution facilities for the mutual benefit of the district and the base. The lease may be for a period of up to 50 years, or such additional period as the Secretary determines to be in the interests of the United States.

(b) CONSIDERATION.—As consideration for the lease of real property under subsection (a), the district shall—

(1) construct, operate, and maintain such improvements as are necessary to fully develop the potential of the lower San Mateo Water Basin for sustained yield and storage of imported water for the joint benefit of the district and the base;

(2) assume operating and maintenance responsibilities for the existing water extraction, storage, distribution, and related infrastructure within the northern portion of the base; and

(3) pay to the United States, in the form of cash or additional required services, an amount equal to the amount, if any, by which the fair market value of the real property interests leased under subsection (a) exceeds the fair market value of the services provided under paragraphs (1) and (2).

(c) Determination of Fair Market Value.—The Secretary shall establish a system of accounts to establish the relative costs and benefits accruing to the district and the United States under the lease under subsection (a) and to ensure that the United States receives at least fair market value, as determined by an independent appraisal acceptable to the Secretary.

(d) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the lease under subsection (a) as the Secretary determines are appropriate to protect the interests of the United States.

SEC. 2826. LAND CONVEYANCE, CRANEY ISLAND FUEL DEPOT, NAVAL SUPPLY CENTER, VIRGINIA.

(a) Conveyance Authorized.—The Secretary of the Navy may convey to the City of Portsmouth, Virginia, (in this section referred to as the "City") all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 135.7 acres, including improvements thereon, comprising a portion of the Craney Island Fuel Depot, Naval Supply Center, Norfolk, Virginia.

(b) Conditions of Conveyance.—(1) Inasmuch as the City has used the real property referred to in subsection (a) as a landfill while the property has been in the ownership of the United States, the conveyance authorized by subsection (a) shall be subject to the condition that the City of Portsmouth accept the property as is, notwithstanding the requirements specified in section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9260(h)).

(2) Except as provided in paragraph (4), with respect to the real property to be conveyed under subsection (a), the United States shall not be subject to liability as a prior owner or operator under section 107(a)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(a)(2)), section 7003 of the Solid Waste Disposal Act (42 U.S.C. 6973), or any similar State or local environmental liability law or regulation with respect to any release of hazardous substances or petroleum products from the landfill situated on such property or arising out of the City's use of the property to operate a landfill.

(3) Except as provided in paragraph (4), the indemnification provisions contained in the third proviso in the undesignated paragraph under the heading "Environmental Restoration, Defense" in title II of the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 106 Stat. 1883) shall not apply with respect to the presence, release, or threatened release of hazardous substances, pollutants, or contaminants resulting from the use of the real property to be conveyed under subsection (a) by the City as a landfill.

(4) Nothing in paragraph (2) or (3) alters any liability of the United States with respect to—

(A) releases of hazardous substances or petroleum products from properties other than the real property to be conveyed under subsection (a); or

(B) sites 3 and 12 located within the real property to be conveyed under subsection (a).

(c) Consideration.—As consideration for the conveyance under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the real property to be conveyed. The Secretary shall determine the fair market value of the property. Such determination shall be final.

(d) Deposit of Proceeds.—The Secretary shall deposit amounts received as consideration for the conveyance under subsection (a) in the special account established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(e) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(f) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers to be necessary to protect the interests of the United States and are agreed to by the City.

SEC. 2827. LAND CONVEYANCE, PORTSMOUTH, VIRGINIA.

(a) Conveyance Authorized.—The Secretary of the Navy may convey to Peck Iron and Metal Company, Inc. (in this section referred to as "Peck"), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 1.45 acres, including improvements thereon, located in Portsmouth, Virginia, that, on the date of the enactment of this Act, is leased to Peck pursuant to Department of the Navy lease N62470–91–RP–00261, effective August 1, 1991.

(b) Consideration.—As consideration for the conveyance under subsection (a), Peck shall pay to the United States an amount equal to the fair market value of the property to be conveyed, as determined by the Secretary.

(c) Use of Proceeds.—The Secretary shall deposit the amount received from Peck under subsection (b) in the special account established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(d) Conditions.—Inasmuch as Peck has been the only occupant of the property referred to in subsection (a) while the property has been in the ownership of the United States, the conveyance authorized by subsection (a) shall be subject to the conditions that—

(1) Peck accept the property as is, notwithstanding section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)); and

(2) Peck indemnify the United States against all liability in connection with any hazardous materials, substances, or conditions which may be found on the property.

(e) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by Peck.

(f) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2828. TRANSFER OF NATURAL GAS DISTRIBUTION SYSTEM AT FORT BELVOIR, VIRGINIA, TO THE WASHINGTON GAS COMPANY.

(a) Conveyance.—Subject to subsection (b), the Secretary of the Army may convey to the Washington Gas Company, Virginia, all right, title, and interest of the United States in the following real property natural gas system:

(1) All Government-owned utility fixtures, structures, and improvements used to provide natural gas service to Fort Belvoir, Virginia, without the underlying fee (land).

(2) Transfer includes a natural gas distribution system consisting of approximately 15.6 miles of natural gas distribution lines and other improvements thereon and appurtenances thereto at Fort Belvoir, Virginia.

(3) A utility easement and right of way appurtenant which may be necessary or appropriate to provide for ingress and egress to and from the natural gas system and to satisfy any buffer zone requirements imposed by any Federal or State agency.

(b) Consideration.—In consideration for the conveyance authorized in subsection (a), the Washington Gas Company, shall—

(1) accept the natural gas system to be conveyed under this section in its existing condition;

(2) provide natural gas service to Fort Belvoir, Virginia, at a beneficial rate to the Government;

(3) comply with all applicable environmental laws and regulations including any permit or license requirements;

(4) not expand the existing on-post natural gas distribution system unless approved by the Installation Commander or his or her designee;

(5) take over the responsibility for ownership, maintenance, repair, safety inspections, and leak test surveys for the entire Fort Belvoir natural gas distribution system; and

(6) upgrade natural gas system at no cost to the Government based on anticipated fuel oil conversions to natural gas.

(c) Terms.—Conveyance specified in subsection (a) shall be subject to negotiation by and approval of the Secretary of the Army as determined by him to be in the best interests of the United States.

(d) Reversion.—If the Secretary of the Army determines at any time that the Washington Gas Company is not complying with the conditions specified in this section, all right, title, and interest in and to the natural gas system conveyed pursuant to subsection (a), including improvements to the natural gas system, shall revert to the United States and the United States shall have the right to access and operation of the natural gas system.

(e) Determination of Fair Market Value.—The aggregate value of this transfer (value defined as benefits to the Army), shall be certified by the Secretary to be of equal or greater value than the fair market value of the facility.

(f) Description of Property.—The exact legal description of the equipment and facilities to be conveyed pursuant to this section shall be determined by surveys satisfactory to the Secretary. The cost of such surveys shall be borne by the Washington Gas Company.

(g) Environmental Compliance.—The Washington Gas Company, Virginia, shall be responsible for owning, operating and installing natural gas distribution lines. The Secretary of the Army will be responsible for clean-up of any contaminated property prior to transfer pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

SEC. 2829. TRANSFER OF WATER DISTRIBUTION SYSTEM AT FORT LEE, VIRGINIA, TO THE AMERICAN WATER COMPANY.

(a) Conveyance.—Subject to subsection (b), the Secretary of the Army may convey to the American Water Company, Virginia, all right, title, and interest of the United States in the following real property water system:

(1) All Government-owned utility fixtures, structures, and improvements used to provide water service and water distribution service to Fort Lee, Virginia, without the underlying fee (land).

(2) Water system includes approximately 7 miles of transmission mains, 85 miles of distribution and service lines, 416 fire hydrants, 3 elevated storage tanks, 2 pumping stations and other improvements thereon and appurtenances thereto at Fort Lee, Virginia.

(3) A utility easement and right-of-way appurtenant which may be necessary or appropriate to provide for ingress and egress to and from the water system and to satisfy any buffer zone requirements imposed by any Federal or State agency.

(b) CONSIDERATION.—In consideration for the conveyance authorized in subsection (a), the American Water Company shall—

(1) accept the water system to be conveyed under this section in its existing condition;

(2) provide water service to Fort Lee, Virginia, at a beneficial rate to the Government;

(3) comply with all applicable environmental laws and regulations including any permit or license requirements; and

(4) not expand the existing onpost water distribution system unless approved by the Installation Commander or his or her designee.

(c) TERMS.—Conveyance specified in subsection (a) shall be subject to negotiation by and approval of the Secretary of the Army as determined by him to be in the best interests of the United States.

(d) REVERSION.—If the Secretary of the Army determines at any time that the American Water Company is not complying with the conditions specified in this section, all right, title, and interest in and to the water system conveyed pursuant to subsection (a), including improvements to the water system, shall revert to the United States and the United States shall have the right of access and operation of the water system.

(e) DETERMINATION OF FAIR MARKET VALUE.—The aggregate value of this transfer (value defined as benefits to the Army), shall be certified by the Secretary to be of equal or greater value than the fair market value of the facility.

(f) DESCRIPTION OF PROPERTY.—The exact legal description of the equipment and facilities to be conveyed pursuant to this section shall be determined by surveys satisfactory to the Secretary. The cost of such surveys will be borne by the American Water Company.

(g) ENVIRONMENTAL COMPLIANCE.—The American Water Company will be responsible for compliance with all applicable environmental laws and regulations including any permit or license requirements. The American Water Company will be responsible for executing and constructing environmental betterments to the water system as required by applicable law. The United States Army, based on the availability of appropriated funding, will share future environmental compliance costs based on a pro rata share of the water distribution system as determined by the Secretary under subsection (c). The Army will be responsible for cleanup of any contaminated property prior to transfer pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

SEC. 2830. TRANSFER OF WASTE WATER TREATMENT FACILITY AT FORT PICKETT, VIRGINIA, TO BLACKSTONE, VIRGINIA.

(a) CONVEYANCE.—Subject to subsection (b), the Secretary of the Army may convey to the town of Blackstone, Virginia (in this section referred to as the "town"), all right, title, and interest of the United States in the following real property waste water treatment facility:

(1) A parcel of real property consisting of approximately 11.5 acres, including a waste water treatment facility and other improvements thereon and appurtenances thereto at Fort Pickett, Virginia.

(2) All utility easements and right-of-way appurtenant which may be necessary or appropriate to provide for ingress and egress to and from the facility and to satisfy any buffer zone requirements imposed by any Federal or State agency.

(b) CONSIDERATION.—In consideration for the conveyance authorized in subsection (a), the town shall—

(1) design and construct an environmental upgrade to the existing plant to meet environmental standards;

(2) provide waste water treatment service to Fort Pickett, Virginia, at a beneficial rate to the Government;

(3) comply with all applicable environmental laws and regulations, including any permit or license requirements;

(4) reserve 75 percent of the existing Fort Pickett, Virginia, waste water plant capacity for the Army's use at Fort Pickett, Virginia, should a future need arise due to force realignment and mission requirements; and

(5) become responsible for future environmental cleanup of the facility in accordance with the Comprehensive Environmental Response, Compensation and Liability Act resulting from customers other than the United States Army.

(c) TERMS.—Conveyance specified in subsection (a) shall be subject to negotiation by and approval of the Secretary of the Army as determined by him to be in the best interests of the United States.

(d) REVERSION.—If the Secretary of the Army determines at any time that the town is not complying with the conditions specified in this section, all right, title, and interest in and to the waste water treatment system conveyed pursuant to subsection (a), including improvements to the waste water treatment system, shall revert to the United States and the United States shall have the right of access and operation of the waste water treatment system.

(e) DETERMINATION OF FAIR MARKET VALUE.—The aggregate value of this transfer (value defined as benefits to the Army), shall be certified by the Secretary to be of equal or greater value than the fair market value of the facility.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed pursuant to this section shall be determined by surveys satisfactory to the Secretary. The cost of such surveys shall be borne by the town.

(g) ENVIRONMENTAL COMPLIANCE.—The town shall be responsible for compliance with all applicable environmental laws and regulations including any permit or license requirements. The town shall also be responsible for executing and constructing environmental betterments to the plan as required by applicable law. The United States Army based on the availability of appropriated funding and the town will share future environmental compliance costs based on a pro rata share of reserved plant capacity as determined by the Secretary under subsection (c). The Army will be responsible for cleanup of any contaminated property prior to transfer pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

SEC. 2831. TRANSFER OF WATER DISTRIBUTION SYSTEM AND RESERVOIR AT STEWART ARMY SUBPOST TO NEW WINDSOR, NEW YORK.

(a) CONVEYANCE.—Subject to subsection (b), the Secretary of the Army may convey to the town of New Windsor, New York (in this section referred to as the "town"), all right, title, and interest of the United States in the following real property water system:

(1) All Government-owned utility fixtures, structures, water reservoir, distribution plant, and improvements currently used to provide water service and water distribution service to Stewart Army Subpost, New York, and the surrounding area, to include the underlying fee (land) of the reservoir and the water treatment plant.

(2) Transfer also includes all water transmission mains, water distribution and service lines, fire hydrants, water pumping stations, and other improvements thereon and appurtenances thereto at Stewart Army Subpost, New York.

(3) A utility easement and right-of-way appurtenant which may be necessary or appropriate to provide for ingress and egress to and from the water system and to satisfy any buffer zone requirements imposed by any Federal or State agency.

(b) CONSIDERATION.—In consideration for the conveyance authorized in subsection (a), the town shall—

(1) accept the water system to be conveyed under this section in its existing conditions;

(2) provide water service to Stewart Army Subpost, New York, at a beneficial rate to the Government;

(3) comply with all applicable environmental laws and regulations including any permit or license requirements; and

(4) not expand the existing on-post water service system unless approved by the Installation Commander or his or her designee.

(c) TERMS.—Conveyance specified in subsection (a) shall be subject to negotiation by and approval of the Secretary of the Army as determined by him to be in the best interests of the United States.

(d) REVERSION.—If the Secretary of the Army determines at any time that the town is not complying with the conditions specified in this section, all right, title, and interest in and to the water system conveyed pursuant to subsection (a), including improvements to the water system, shall revert to the United States and the United States shall have the right of access and operation of the water system.

(e) DETERMINATION OF FAIR MARKET VALUE.—The aggregate value of this transfer (value defined as benefits to the Army), shall be certified by the Secretary to be of equal or greater value than the fair market value of the facility.

(f) DESCRIPTION OF PROPERTY.—The exact legal description of the equipment and facilities to be conveyed pursuant to this section shall be determined by surveys satisfactory to the Secretary. The cost of such surveys will be borne by the town.

(g) ENVIRONMENTAL COMPLIANCE.—The town will be responsible for compliance with all applicable environmental laws and regulations including any permit or license requirements. The town will be responsible for executing and constructing environmental betterments to the water system as required by applicable law. The United States Army, based on the availability of appropriated funding, will share future environmental compliance costs based on a pro rata share of the water distribution system as determined by the Secretary under subsection (c). The Army will be responsible for cleanup of any contaminated property prior to transfer pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

SEC. 2832. EXPANSION OF LAND TRANSACTION AUTHORITY INVOLVING HUNTERS POINT NAVAL SHIPYARD, SAN FRANCISCO, CALIFORNIA.

Section 2824(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat. 1790) is amended by adding at the end the following new paragraph:

"(3) In lieu of entering into a lease under paragraph (1), the Secretary may convey the

property described in such paragraph to the City (or a local reuse organization approved by the City) for such consideration and under such terms as the Secretary considers to be appropriate.".

SEC. 2833. MODIFICATION OF LEASE AUTHORITY, NAVAL SUPPLY CENTER, OAKLAND, CALIFORNIA.

(a) Expansion of Number of Acres for Lease.—Paragraph (1) of subsection (b) of section 2834 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2614) is amended by striking out "195 acres of real property" and inserting in lieu thereof "300 acres of real property".

(b) Demolition.—Paragraph (6) of such subsection is amended to read as follows:

"(6) Subject to the availability of appropriations for this purpose, the Secretary shall expend not more than $10,000,000 to demolish facilities and remediate environmental hazards within the area to be leased under this subsection. In addition, the Secretary may authorize the City or the Port (as the case may be) to demolish any additional facilities on the leased property and, consistent with the restrictions required by paragraph (2)(B), construct new facilities on the property for the use of the City or the Port.".

SEC. 2834. LAND CONVEYANCE, IOWA ARMY AMMUNITION PLANT, IOWA.

(a) Conveyance Authorized.—The Secretary of the Army may convey to the City of Middletown, Iowa (in this section referred to as the "City"), all right, title, and interest of the United States in and to a tract of real property (including improvements thereon) consisting of approximately 127 acres at the Iowa Army Ammunition Plant, Iowa. The conveyance shall be made at the request of the City.

(b) Consideration.—As consideration for the conveyance under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the property to be conveyed. The Secretary shall determine fair market value, and such determination shall be final.

(c) Legal Description and Survey.—The exact acreage and legal description of the property authorized to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary.

(d) Other Terms and Conditions.—The Secretary may require such other terms and conditions with respect to the conveyance as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2835. TRANSFER OF ELECTRIC POWER DISTRIBUTION SYSTEM AT NAVAL AIR STATION, ALAMEDA, CALIFORNIA, TO THE CITY OF ALAMEDA BUREAU OF ELECTRICITY.

(a) Conveyance.—The Secretary of the Navy may convey to the Bureau of Electricity of the City of Alameda, California (in this section referred to as the "Bureau"), all right, title, and interest of the United States in and to the electric power distribution system located at the Naval Air Station, Alameda, California, including such utility easements and right of ways as may be necessary or appropriate to provide for ingress and egress to and from the system.

(b) Consideration.—(1) As consideration for the conveyance authorized in subsection (a), the Bureau shall—

(A) accept the system to be conveyed under this section in its existing condition;

(B) provide electric power to the Naval Air Station at a beneficial rate to the Government;

(C) comply with all applicable environmental laws and regulations, including any permit or license requirements;

(D) not expand the existing system without the approval of the Secretary; and

(E) take over the responsibility for ownership, operation, maintenance, repair, and safety inspections for the system.

(c) Terms.—Conveyance specified in subsection (a) shall be subject to negotiation by and approval of the Secretary.

(d) Reversion.—If the Secretary determines at any time that the Bureau is not complying with the conditions specified in this section, all right, title, and interest in and to the system conveyed pursuant to subsection (a), including improvements to the system, shall revert to the United States and the United States shall have the right to access and operation of the system.

(e) Determination of Fair Market Value.—The aggregate value of this conveyance (value defined as benefits to the Navy), shall be certified by the Secretary to be of equal or greater value than the fair market value of the system.

(f) Description of Property.—The exact legal description of the equipment and facilities to be conveyed under this section shall be determined by surveys satisfactory to the Secretary. The cost of such surveys shall be borne by the Bureau.

(g) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers to be necessary to protect the interests of the United States.

Subtitle D—Other Matters

SEC. 2841. FLOOD CONTROL PROJECT.

(a) Coyote and Berryessa Creeks, Santa Clara County, California.—The Secretary of the Army is directed to construct a flood control project for Coyote and Berryessa Creeks in Santa Clara County, California, using amounts appropriated for civil works activities of the Corps of Engineers for fiscal year 1994.

(b) Maximum Cost Requirement.—Section 902 of the Water Resources Development Act of 1986 (100 Stat. 4183) shall not apply with respect to the project described in subsection (a).

SEC. 2842. USE OF ARMY CORPS OF ENGINEERS TO MANAGE MILITARY CONSTRUCTION PROJECTS IN HAWAII.

All military construction and military family housing carried out in the State of Hawaii for the Armed Forces and Defense Agencies using funds appropriated pursuant to an authorization of appropriations contained in this division shall be designed and conducted through the use of the Army Corps of Engineers.

SEC. 2843. SPECIAL RULE FOR MILITARY CONSTRUCTION ON CERTAIN LANDS IN THE STATE OF HAWAII.

(a) Consultation and Concurrence.—In the case of any military construction project in the State of Hawaii to be carried out at a military installation located on public lands that were ceded to the United States by the Republic of Hawaii under the joint resolution of annexation approved July 7, 1898 (30 Stat. 750), or that have been acquired in exchange for such lands, the Secretary concerned may not enter into any obligation or make any expenditure in connection with the project until the Secretary concerned has—

(1) consulted with the Governor of the State of Hawaii regarding the purpose and extent of the project; and

(2) obtained the written concurrence of the Governor to proceed with the project.

(b) Definitions.—For purposes of this section:

(1) The term "Secretary concerned" means—

(A) the Secretary of Defense, in the case of military construction functions (including military family housing functions) of the Department of Defense, other than the military departments; and

(B) the Secretary of a military department, in the case of military construction functions (including military family housing functions) of that department.

(2) The term "military installation" means any base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense.

(3) The term "military construction" has the meaning given that term in section 2801(a) of title 10, United States Code.

(c) Application.—This section shall apply with respect to military construction projects described in subsection (a) for which appropriated funds are first obligated after the date of the enactment of this Act.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. WEAPONS ACTIVITIES.

(a) Operating Expenses.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses incurred in carrying out weapons activities necessary for national security programs in the amount of $3,662,954,000, to be allocated as follows:

(1) For research and development, $1,119,325,000.

(2) For testing, $222,383,000.

(3) For stockpile support, $1,802,280,000.

(4) For program direction, $280,466,000.

(5) For complex reconfiguration, $138,500,000.

(6) For stockpile stewardship, $100,000,000.

(b) Plant Projects.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) in carrying out weapons activities necessary for national security programs as follows:

Project GPD-101, general plant projects, various locations, $11,500,000.

Project GPD-121, general plant projects, various locations, $7,700,000.

Project 94-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase V, various locations, $11,110,000.

Project 94-D-124, hydrogen fluoride supply system, Oak Ridge Y-12 Plant, Oak Ridge, Tennessee, $5,000,000.

Project 94-D-125, upgrade life safety, Kansas City Plant, Kansas City, Missouri, $1,000,000.

Project 94-D-127, emergency notification system, Pantex Plant, Amarillo, Texas, $1,000,000.

Project 94-D-128, environmental safety and health analytical laboratory, Pantex Plant, Amarillo, Texas, $800,000.

Project 93-D-102, Nevada support facility, North Las Vegas, Nevada, $4,000,000.

Project 93-D-122, life safety upgrades, Y-12 Plant, Oak Ridge, Tennessee, $5,000,000.

Project 93-D-123, complex-21, various locations, $25,000,000.

Project 92-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase IV, various locations, $27,479,000.

Project 92-D-126, replace emergency notification systems, various locations, $10,500,000.

Project 90-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase III, various locations, $30,805,000.

Project 88-D-106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations, $39,624,000.

Project 88-D-122, facilities capability assurance program, various locations, $27,100,000.

Project 88-D-123, security enhancements, Pantex Plant, Amarillo, Texas, $20,000,000.

(c) CAPITAL EQUIPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for capital equipment not related to construction in carrying out weapons activities necessary for national security programs in the amount of $123,034,000, to be allocated as follows:

(1) For research and development, $82,879,000.

(2) For testing, $24,400,000.

(3) For stockpile support, $12,136,000.

(4) For program direction, $3,619,000.

(d) ADJUSTMENTS FOR SAVINGS.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts specified in subsections (a) through (c) reduced by $420,641,000 for use of prior year balances.

SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses incurred in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $4,832,213,000, to be allocated as follows:

(1) For corrective activities, $2,170,000.

(2) For environmental restoration, $1,536,027,000.

(3) For waste management, $2,275,441,000.

(4) For technology development, $371,150,000.

(5) For transportation management, $19,730,000.

(6) For program direction, $82,427,000.

(7) For facility transition, $545,268,000.

(b) PLANT PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) in carrying out environmental restoration and waste management activities necessary for national security programs as follows:

Project GPD–171, general plant projects, various locations, $49,015,000.

Project 94–D–122, underground storage tanks, Rocky Flats, Colorado, $700,000.

Project 94–D–400, high explosive wastewater treatment system, Los Alamos National Laboratory, Los Alamos, New Mexico, $1,000,000.

Project 94–D–401, emergency response facility, Idaho National Engineering Laboratory, Idaho, $1,190,000.

Project 94–D–402, liquid waste treatment system, Nevada Test Site, Nevada, $491,000.

Project 94–D–404, Melton Valley storage tank capacity increase, Oak Ridge National Laboratory, Oak Ridge, Tennessee, $9,400,000.

Project 94–D–405, central neutralization facility pipeline extension project, K–25, Oak Ridge, Tennessee, $1,714,000.

Project 94–D–406, low-level waste disposal facilities, K–25, Oak Ridge, Tennessee, $6,000,000.

Project 94–D–407, initial tank retrieval systems, Richland, Washington, $7,000,000.

Project 94–D–408, office facilities—200 East, Richland, Washington, $1,200,000.

Project 94–D–411, solid waste operation complex, Richland, Washington, $7,100,000.

Project 94–D–412, 300 area process sewer piping upgrade, Richland, Washington, $1,100,000.

Project 94–D–414, site 300 explosive waste storage facility, Lawrence Livermore National Laboratory, Livermore, California, $370,000.

Project 94–D–415, medical facilities, Idaho National Engineering Laboratory, Idaho, $1,110,000.

Project 94–D–416, solvent storage tanks installation, Savannah River, South Carolina, $1,500,000.

Project 94–D–417, intermediate level and low activity waste vaults, Savannah River Site, Aiken, South Carolina, $1,000,000.

Project 94–D–451, infrastructure replacement, Rocky Flats Plant, Golden, Colorado, $6,600,000.

Project 93–D–172, electrical upgrade, Idaho National Engineering Laboratory, Idaho, $9,600,000.

Project 93–D–174, plant drain waste water treatment upgrades, Y–12 Plant, Oak Ridge, Tennessee, $3,500,000.

Project 93–D–175, industrial waste compaction facility, Y–12 Plant, Oak Ridge, Tennessee, $1,800,000.

Project 93–D–176, Oak Ridge reservation storage facility, K–25 Plant, Oak Ridge, Tennessee, $6,039,000.

Project 93–D–177, disposal of K–1515 sanitary water treatment plant waste, K–25 Plant, Oak Ridge, Tennessee, $7,100,000.

Project 93–D–178, building 374 liquid waste treatment facility, Rocky Flats, Golden, Colorado, $1,000,000.

Project 93–D–181, radioactive liquid waste line replacement, Richland, Washington, $6,700,000.

Project 93–D–182, replacement of cross-site transfer system, Richland, Washington, $6,500,000.

Project 93–D–183, multi-tank waste storage facility, Richland, Washington, $52,615,000.

Project 93–D–184, 325 facility compliance/renovation, Richland, Washington, $3,500,000.

Project 93–D–185, landlord program safety compliance, Phase II, Richland, Washington, $1,351,000.

Project 93–D–187, high-level waste removal from filled waste tanks, Savannah River, Aiken, South Carolina, $13,230,000.

Project 93–D–188, new sanitary landfill, Savannah River, Aiken, South Carolina, $1,020,000.

Project 92–D–125, master safeguards and security agreement/materials surveillance task force security upgrades, Rocky Flats Plant, Golden, Colorado, $3,900,000.

Project 92–D–172, hazardous waste treatment and processing facility, Pantex Plant, Amarillo, Texas, $300,000.

Project 92–D–173, nitrogen oxide abatement facility, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $10,000,000.

Project 92–D–177, tank 101–AZ waste retrieval system Richland, Washington, $7,000,000.

Project 92–D–181, INEL fire and life safety improvements, Idaho National Engineering Laboratory, Idaho, $5,000,000.

Project 92–D–182, INEL sewer system upgrade, Idaho National Engineering Laboratory, Idaho, $1,450,000.

Project 92–D–183, INEL transportation complex, Idaho National Engineering Laboratory, Idaho, $7,198,000.

Project 92–D–184, Hanford infrastructure underground storage tanks, Richland, Washington, $300,000.

Project 92–D–186, steam system rehabilitation, Phase II, Richland, Washington, $4,300,000.

Project 92–D–187, 300 area electrical distribution, conversion, and safety improvements, Phase II, Richland, Washington, $10,276,000.

Project 92–D–188, waste management ES&H, and compliance activities, various locations, $8,568,000.

Project 92–D–403, tank upgrade project, Lawrence Livermore National Laboratory California, $3,888,000.

Project 91–D–171, waste receiving and processing facility, module 1, Richland, Washington, $17,700,000.

Project 91–D–175, 300 area electrical distribution, conversion, and safety improvements, Phase I, Richland, Washington, $1,500,000.

Project 90–D–172, aging waste transfer line, Richland, Washington, $5,600,000.

Project 90–D–175, landlord program safety compliance–I, Richland, Washington, $1,800,000.

Project 90–D–177, RWMC transuranic (TRU) waste characterization and storage facility, Idaho National Engineering Laboratory, Idaho, $21,700,000.

Project 89–D–172, Hanford environmental compliance, Richland, Washington, $11,700,000.

Project 89–D–173, tank farm ventilation upgrade, Richland, Washington, $1,800,000.

Project 89–D–174, replacement high-level waste evaporator, Savannah River, South Carolina, $23,974,000.

Project 89–D–175, hazardous waste/mixed waste disposal facility, Savannah River, South Carolina, $7,000,000.

Project 88–D–173, Hanford waste vitrification plant, Richland, Washington, $85,000,000.

Project 87–D–181, diversion box and pump pit containment buildings, Savannah River, South Carolina, $2,137,000.

Project 86–D–103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, California, $10,260,000.

Project 83–D–148, nonradioactive hazardous waste management, Savannah River, South Carolina, $9,769,000.

Project 81–T–105, defense waste processing facility, Savannah River, South Carolina, $43,873,000.

(c) CAPITAL EQUIPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for capital equipment not related to construction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $203,826,000, to be allocated as follows:

(1) For corrective activities, $600,000.

(2) For waste management, $138,781,000.

(3) For technology development, $29,850,000.

(4) For transportation management, $400,000.

(5) For program direction, $9,469,000.

(6) For facility transition and management, $24,726,000.

(d) ADJUSTMENTS.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts specified in subsections (a) through (c) reduced by $299,100,000 for use of prior year balances and for a general reduction.

SEC. 3103. NUCLEAR MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS.

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses incurred in carrying out nuclear materials support and other defense programs necessary for national security programs in the amount of $2,226,039,000, to be allocated as follows:

(1) For nuclear materials support, $901,166,000.

(2) For verification and control technology, $349,741,000.

(3) For nuclear safeguards and security, $86,246,000.

(4) For security investigations, $53,335,000.

(5) For security evaluations, $14,961,000.

(6) For nuclear safety, $24,859,000.

(7) For worker training and adjustment, $100,000,000.

(8) For naval reactors, including enrichment materials, $695,731,000.

(b) PLANT PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) in carrying out nuclear materials production and other defense programs necessary for national security programs as follows:

(1) For materials support:

Project GPD–146, general plant projects, various locations, $31,760,000.

Project 93-D-147, domestic water system upgrade, Phases I and II, Savannah River, South Carolina, $7,720,000.

Project 93-D-148, replace high-level drain lines, Savannah River, South Carolina, $1,800,000.

Project 93-D-152, environmental modification for production facilities, Savannah River, South Carolina, $20,000,000.

Project 92-D-140, F&H canyon exhaust upgrades, Savannah River, South Carolina, $15,000,000.

Project 92-D-142, nuclear material processing training center, Savannah River, South Carolina, $8,900,000.

Project 92-D-143, health protection instrument calibration facility, Savannah River, South Carolina, $9,600,000.

Project 92-D-150, operations support facilities, Savannah River, South Carolina, $26,900,000.

Project 92-D-153, engineering support facility, Savannah River, South Carolina, $9,500,000.

Project 90-D-149, plantwide fire protection, Phases I and II, Savannah River, South Carolina, $25,950,000.

Project 86-D-149, productivity retention program, Phases I, II, III, IV, V, and VI, various locations, $3,700,000.

(2) For verification and control technology:

Project 90-D-186, center for national security and arms control, Sandia National Laboratories, Albuquerque, New Mexico, $8,515,000.

(3) For naval reactors development:

Project GPN-101, general plant projects, various locations, $7,500,000.

Project 93-D-200, engineering services facilities, Knolls Atomic Power Laboratory, Niskayuna, New York, $7,000,000.

Project 92-D-200, laboratories facilities upgrades, various locations, $2,800,000.

Project 90-N-102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $7,800,000.

(c) CAPITAL EQUIPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for capital equipment not related to construction in carrying out nuclear materials production and other defense programs necessary for national security programs as follows:

(1) For materials support, $75,209,000.

(2) For verification and control technology, $15,573,000.

(3) For nuclear safeguards and security, $4,101,000.

(4) For nuclear safety, $50,000.

(5) For naval reactors, $46,900,000.

(d) ADJUSTMENTS.—The total amount that may be appropriated pursuant to this section is the sum of the amounts specified in subsections (a) through (c)—

(1) reduced by—

(A) $100,000,000, for recovery of overpayment to the Savannah River Pension Fund;

(B) $251,065,000, for use of prior year balances for materials support and other defense programs;

(C) $100,067,000, for use of prior year balances for the new production reactor; and

(D) $110,000,000, for a general reduction; and

(2) increased by $58,000,000 for education programs.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses incurred in carrying out the nuclear waste fund program in the amount of $120,000,000.

SEC. 3105. FUNDING USES AND LIMITATIONS.

(a) DEFENSE INERTIAL CONFINEMENT FUSION PROGRAM.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses and plant and capital equipment, $188,413,000 shall be available for the defense inertial confinement fusion program.

(b) PAYMENT OF PENALTY.—The Secretary of Energy may pay to the Hazardous Substance Superfund, from funds appropriated to the Department of Energy for environmental restoration and waste management activities pursuant to section 3102, a stipulated civil penalty in the amount of $100,000 assessed in accordance with Article XIX of the Hanford Consent Agreement and Compliance Order.

(c) CERTAIN WATER MANAGEMENT PROGRAMS.—From funds authorized to be appropriated pursuant to section 3102 to the Department of Energy for environmental restoration and waste management activities, the Secretary of Energy may reimburse the cities of Westminster, Broomfield, Thornton, and Northglen, in the State of Colorado, $11,300,000 for the cost of implementing water management programs.

(d) TECHNOLOGY TRANSFER ACTIVITIES.—(1)(A) The Secretary of Energy may use for technology transfer activities described in subparagraph (B) funds appropriated or otherwise made available to the Department of Energy for fiscal year 1994 for stockpile support under section 3101 and for nuclear materials support and other defense programs under section 3103.

(B) The technology transfer activities that may be funded under this paragraph are those that are determined by the Secretary of Energy to facilitate the maintenance and enhancement of critical skills required for research on, and development of, any dual-use critical technology.

(2) The Secretary of Energy shall conduct the technology transfer activities funded under paragraph (1) in accordance with applicable laws and regulations relating to grants, contracts, and cooperative agreements of the Department of Energy, including the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), the National Competitiveness Technology Transfer Act of 1989 (Public Law 101-189; 103 Stat. 1674), and section 3136 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1577).

(3) For purposes of this subsection, the term "dual-use critical technology" has the meaning given that term by section 3136(b) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1577).

(4) Section 12(d) of the Stevenson-Wydler Act of 1980 (15 U.S.C. 3710a(d)) is amended—

(A) in paragraph (2)(B)—

(i) by inserting "(including a weapon production facility of the Department of Energy)" after "facilities under a common contract"; and

(ii) by inserting "and production" after "research and development";

(B) in paragraph (2), by striking out "propulsion program; and" and inserting in lieu thereof "propulsion program;";

(C) in paragraph (3), by striking out the period and inserting in lieu thereof "; and"; and

(D) by adding at the end the following new paragraph:

"(4) the term 'weapon production facility of the Department of Energy' means a facility under the control or jurisdiction of the Secretary of Energy that is operated for national security purposes and is engaged in the production of a nuclear weapon or its components.".

(e) PROHIBITION ON RESEARCH AND DEVELOPMENT OF LOW-YIELD NUCLEAR WEAPONS.—(1) The Congress finds the following:

(A) Section 507 of the Energy and Water Development Appropriations Act, 1993 (Public Law 102-377; 106 Stat. 1345) places severe restrictions on the underground testing of a nuclear weapon by the United States.

(B) The use of low-yield nuclear weapons threatens to blur the distinction between nuclear and non-nuclear conflict.

(2) It shall be the policy of the United States not to conduct research and development of new low-yield nuclear weapons, including the precision low-yield warhead.

(3) No funds appropriated pursuant to this Act or any other Act in any fiscal year may be used to conduct or provide for the research and development of any low-yield nuclear weapon which, as of the date of the enactment of this Act, has not entered production.

(4) In this subsection, the term "low-yield nuclear weapon" means a nuclear weapon that has a yield less than the lowest yield nuclear weapon type in the nuclear weapons stockpile in existence on the date of the enactment of this Act.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) NOTICE TO CONGRESS.—

(1) Except as otherwise provided in this title—

(A) no amount appropriated pursuant to this title may be used for any program in excess of the lesser of—

(i) 105 percent of the amount authorized for that program by this title; or

(ii) $10,000,000 more than the amount authorized for that program by this title; and

(B) no amount appropriated pursuant to this title may be used for any program which has not been presented to, or requested of, the Congress.

(2) An action described in paragraph (1) may not be taken until—

(A) the Secretary of Energy has submitted to the congressional defense committees a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain.

(b) LIMITATION ON AMOUNT OBLIGATED.—In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects provisions authorized by this title if the total estimated cost of the construction project does not exceed $1,200,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $1,200,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—

(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by sections 3101, 3102, 3103, and 3104 of this title, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such actions necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

Funds appropriated pursuant to this title may be transferred to other agencies of the Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

SEC. 3125. AUTHORITY FOR CONSTRUCTION DESIGN.

(a) IN GENERAL.—

(1) Within the amounts authorized by this title for plant engineering and design, the Secretary of Energy may carry out advance planning and construction design (including architectural and engineering services) in connection with a proposed construction project for a national security program if the total estimated cost for such planning and design does not exceed $2,000,000.

(2) In the case of any such project in which the total estimated cost for advance planning and design exceeds $300,000, the Secretary shall notify the congressional defense committees in writing of the details of such project at least 30 days before any funds are obligated for design services for such project.

(b) SPECIFIC AUTHORITY REQUIRED.—In any case in which the total estimated cost for advance planning and construction design in connection with any such construction project exceeds $2,000,000, funds for such planning and design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, 3103, 3104, to perform planning, design, and construction activities for any Department of Energy defense activity construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, meet the needs of national defense, or protect property.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b) does not apply to emergency planning, design, and construction activities conducted under this section.

(d) REPORT.—The Secretary of Energy shall promptly report to the congressional defense committees any exercise of authority under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriation Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

When so specified in an appropriation Act, amounts appropriated for operating expenses or for plant and capital equipment may remain available until expended.

Subtitle C—Other Provisions

SEC. 3131. IMPROVED CONGRESSIONAL OVERSIGHT OF DEPARTMENT OF ENERGY SPECIAL ACCESS PROGRAMS.

(a) IN GENERAL.—Chapter 9 of the Atomic Energy Act of 1954 (42 U.S.C. 2121 et seq.) is amended by adding at the end the following new section:

"SEC. 93. CONGRESSIONAL OVERSIGHT OF SPECIAL ACCESS PROGRAMS.

"(a) ANNUAL REPORT ON SPECIAL ACCESS PROGRAMS.—

"(1) IN GENERAL.—Not later than February 1 of each year, the Secretary of Energy shall submit to the congressional defense committees a report on special access programs of the Department of Energy carried out under the atomic energy defense activities of the Department.

"(2) MATTERS TO BE INCLUDED.—Each such report shall set forth—

"(A) the total amount requested for such programs in the President's budget for the next fiscal year submitted under section 1105 of title 31, United States Code; and

"(B) for each such program in that budget the following:

"(i) A brief description of the program.

"(ii) A brief discussion of the major milestones established for the program.

"(iii) The actual cost of the program for each fiscal year during which the program has been conducted before the fiscal year during which that budget is submitted.

"(iv) The estimated total cost of the program and the estimated cost of the program for (I) the current fiscal year, (II) the fiscal year for which the budget is submitted, and (III) each of the four succeeding fiscal years during which the program is expected to be conducted.

"(b) ANNUAL REPORT ON NEW SPECIAL ACCESS PROGRAMS.—

"(1) IN GENERAL.—Not later than February 1 of each year, the Secretary of Energy shall submit to the congressional defense committees a report that, with respect to each new special access program, provides—

"(A) notice of the designation of the program as a special access program; and

"(B) justification for such designation.

"(2) MATTERS TO BE INCLUDED.—A report under paragraph (1) with respect to a program shall include—

"(A) the current estimate of the total program cost for the program; and

"(B) an identification of existing programs or technologies that are similar to the technology, or that have a mission similar to the mission, of the program that is the subject of the notice.

"(3) NEW SPECIAL ACCESS PROGRAM DEFINED.—In this subsection, the term 'new special access program' means a special access program that has not previously been covered in a notice and justification under this subsection.

"(c) REPORTS ON CHANGES IN CLASSIFICATION OF SPECIAL ACCESS PROGRAMS.—

"(1) NOTICE TO CONGRESSIONAL COMMITTEES.—Whenever a change in the classification of a special access program of the Department of Energy is planned to be made or whenever classified information concerning a special access program of the Department of Energy is to be declassified and made public, the Secretary of Energy shall submit to the congressional defense committees a report containing a description of the proposed change, the reasons for the proposed change, and notice of any public announcement planned to be made with respect to the proposed change.

"(2) TIME FOR NOTICE.—Except as provided in paragraph (3), any report referred to in paragraph (1) shall be submitted not less than 14 days before the date on which the proposed change or public announcement is to occur.

"(3) TIME WAIVER FOR EXCEPTIONAL CIRCUMSTANCES.—If the Secretary determines that because of exceptional circumstances the requirement of paragraph (2) cannot be met with respect to a proposed change or public announcement concerning a special access program of the Department of Energy, the Secretary may submit the report required by paragraph (1) regarding the proposed change or public announcement at any time before the proposed change or public announcement is made and shall include in the report an explanation of the exceptional circumstances.

"(d) NOTICE OF CHANGE IN SAP DESIGNATION CRITERIA.—Whenever there is a modification or termination of the policy and criteria used for designating a program of the Department of Energy as a special access program, the Secretary of Energy shall promptly notify the congressional defense committees of such modification or termination. Any such notification shall contain the reasons for the modification or termination and, in the case of a modification, the provisions of the policy as modified.

"(e) WAIVER AUTHORITY.—

"(1) IN GENERAL.—The Secretary of Energy may waive any requirement under subsection (a), (b), or (c) that certain information be included in a report under that subsection if the Secretary determines that inclusion of that information in the report would adversely affect the national security. Any such waiver shall be made on a case-by-case basis.

"(2) LIMITED NOTICE REQUIRED.—If the Secretary exercises the authority provided under paragraph (1), the Secretary shall provide the information described in that subsection with respect to the special access program concerned, and the justification for the waiver, jointly to the chairman and ranking minority member of each of the congressional defense committees.

"(f) REPORT AND WAIT FOR INITIATING NEW PROGRAMS.—A special access program may not be initiated until—

"(1) the congressional defense committees are notified of the program; and

"(2) a period of 30 days elapses after such notification is received.

"(g) CONGRESSIONAL DEFENSE COMMITTEES DEFINED.—In this section, the term 'congressional defense committees' means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.".

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Act of 1954 is amended by inserting after the item relating to section 92 the following new item:

"Sec. 93. Congressional oversight of special access programs.".

SEC. 3132. BASELINE ENVIRONMENTAL MANAGEMENT REPORTS.

(a) ENVIRONMENTAL RESTORATION REPORT.—At the same time the President submits to the Congress the budget for each fiscal year, the Secretary of Energy shall submit to the Congress a report on the activities and projects necessary to complete the environmental restoration of all Department of Energy defense nuclear facilities not later than the year 2019.

(b) WASTE MANAGEMENT REPORT.—Not later than 30 days after the date on which the President submits to the Congress the budget for each fiscal year, the Secretary of Energy shall submit to the Congress a report on all activities and

projects for waste management, decontamination and decommissioning, and technology research and development that are necessary for Department of Energy defense nuclear facilities through the year 2019.

(c) CONTENTS OF REPORTS.—A report required under subsection (a) or (b) shall be based on compliance with all applicable provisions of law and shall—

(1) provide the estimated total cost of, and the complete schedule for, the activities and projects covered by the report; and

(2) with respect to each such activity and project, contain—

(A) a description of the activity or project;

(B) a description of the problem addressed by the activity or project;

(C) the proposed remediation of the problem, if the remediation is known or decided;

(D) the estimated cost to complete the activity or project, including, where appropriate, the cost for every five-year increment; and

(E) the estimated date for completion of the project or activity, including, where appropriate, progress milestones for every five-year increment.

(d) ANNUAL STATUS AND VARIANCE REPORT.—(1) The Secretary of Energy shall annually submit to the Congress, at the same time the President submits to the Congress the budget for a fiscal year (pursuant to section 1105 of title 31, United States Code), a status and variance report on environmental restoration and waste management activities and projects at Department of Energy defense nuclear facilities. The status and variance report shall contain the following:

(A) Information on each such activity and project for which funds were appropriated for the fiscal year immediately prior to the fiscal year during which the status report is submitted, including the following:

(i) Information on whether or not the activity or project has been completed, and information on the estimated date of completion for activities or projects that have not been completed.

(ii) The total amount of funds expended for the activity or project, including the amount of funds expended from amounts made available as the result of supplemental appropriations or a transfer of funds, and an estimate of the total amount of funds required to complete the activity or project.

(iii) Information on whether the President requested in the budget an amount of funds for the activity or project for the fiscal year during which the status report is submitted, and whether such funds were appropriated or transferred.

(iv) An explanation of the reasons for any projected cost variance of more than 10 percent or $10,000,000, or any schedule delay of more than six months, for the activity or project.

(B) A disaggregation of the funds appropriated for Department of Energy defense environmental restoration and waste management, for the fiscal year during which the status report is submitted, into the activities and projects (including discrete parts of multi-year activities and projects) that the Secretary of Energy expects to accomplish during that fiscal year.

(C) A disaggregation of the Department of Energy defense environmental restoration and waste management budget request for the fiscal year for which the budget is submitted into the activities and projects (including discrete parts of multi-year activities and projects) that the Secretary of Energy expects to accomplish during that fiscal year.

(2) The first annual report required under paragraph (1) shall be submitted at the same time the President submits to the Congress the budget for fiscal year 1995. A subsequent annual report under this subsection shall be submitted for each fiscal year following fiscal year 1995 during which the Secretary of Energy conducts environmental restoration activities and projects.

(e) COMPLIANCE TRACKING.—In preparing a report under this section, the Secretary of Energy shall provide with respect to each activity and project identified in the report information which is sufficient to track the Department of Energy's compliance with relevant Federal and State regulatory milestones.

SEC. 3133. EXPANSION OF AUTHORITY TO LOAN PERSONNEL AND FACILITIES.

(a) AUTHORITY TO LOAN PERSONNEL.—Subsection (a)(1)(A) of section 1434 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 2074) is amended—

(1) in clause (i), by striking out "and" after the semicolon;

(2) in clause (ii), by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding after clause (ii) the following new clause:

"(iii) at the Savannah River Site, South Carolina, to loan personnel in accordance with this section to the community development organization known as the Savannah River Regional Diversification Initiative.".

(b) PURPOSE.—Subsection (a)(1)(B) of such section is amended by striking out "the Hanford Reservation and the Idaho National Engineering Laboratory" and inserting in lieu thereof "the Hanford Reservation, the Idaho National Engineering Laboratory, and the Savannah River Site".

(c) AUTHORITY TO LOAN FACILITIES.—Subsection (b) of such section is amended by striking out "or the Idaho National Engineering Laboratory, Idaho," and inserting in lieu thereof "the Idaho National Engineering Laboratory, Idaho, and the Savannah River Site, South Carolina,".

(d) DURATION OF PROGRAM.—Subsection (c) of such program is amended by striking out "terminate on" and all that follows through the period and inserting in lieu thereof the following: "terminate on—

"(1) September 30, 1993, with respect to the Hanford Reservation;

"(2) September 30, 1994, with respect to the Idaho National Engineering Laboratory; and

"(3) September 30, 1995, with respect to the Savannah River Site.".

SEC. 3134. MODIFICATION OF PAYMENT PROVISION.

Section 1532(a) of the Department of Defense Authorization Act, 1986 (42 U.S.C. 2391 note), is amended by striking out "1996" and inserting in lieu thereof "1995".

SEC. 3135. STOCKPILE STEWARDSHIP PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Energy shall establish a stewardship program to ensure the preservation of the core intellectual and technical competencies of the United States in nuclear weapons, including weapons design, system integration, manufacturing, security, use control, reliability assessment, and certification.

(b) PROGRAM ELEMENTS.—The program shall include the following:

(1) An increased level of effort for advanced computational capabilities to enhance the simulation and modeling capabilities of the United States.

(2) An increased level of effort for above-ground experimental programs, such as hydrotesting, high-energy lasers, inertial confinement fusion, plasma physics and materials research.

(3) Support for new facilities construction projects that contribute to the experimental capabilities of the United States, such as an advanced hydrodynamics facility, the National Ignition Facility, and other facilities for above-ground experiments to assess weapon effects.

(c) AUTHORIZATION OF APPROPRIATIONS.—Of funds authorized to be appropriated to the Secretary of Energy for fiscal year 1994 for weapons activities, $100,000,000 shall be available for the stewardship program established in subsection (a).

SEC. 3136. COUNTER-PROLIFERATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Energy, with the concurrence of the Secretary of Defense and the Secretary of State, shall establish a program to counter the increasing threat of nuclear weapons proliferation.

(b) PROGRAM ELEMENTS.—The program established pursuant to subsection (a) shall include the following:

(1) Ongoing counter-proliferation efforts within the national security programs of the Department of Energy.

(2) The establishment of a database and tracking system to account for production, storage, and usage of weapons-grade plutonium, uranium, and tritium in the newly independent states of the former Soviet Union and in other states, as appropriate.

(3) Increased research and development with respect to the detection and disablement of terrorist weapons.

(4) Increased support for—

(A) weapons dismantlement and storage; and

(B) information and intelligence gathering on world-wide nuclear arsenals, nuclear weapons development programs, and related nuclear programs.

(c) AUTHORIZATION OF APPROPRIATIONS.—Of funds authorized to be appropriated to the Secretary of Energy for fiscal year 1994 for operating expenses for verification and control technology, $5,000,000 shall be available for the establishment of the database and tracking system referred to in subsection (b)(2).

SEC. 3137. LIMITATIONS ON THE RECEIPT AND STORAGE OF SPENT NUCLEAR FUEL FROM FOREIGN RESEARCH REACTORS.

(a) PURPOSE.—It is the purpose of this section to regulate the receipt and storage of spent nuclear fuel at the Department of Energy defense nuclear facility located at the Savannah River Site, South Carolina.

(b) RECEIPT IN EMERGENCY SITUATIONS.—(1) When the Secretary of Energy determines that emergency circumstances make it necessary to receive spent nuclear fuel referred to in paragraph (2), the Secretary shall submit a notification of that determination to the Committees on Armed Services of the Senate and House of Representatives. The Secretary may not receive the spent nuclear fuel at the Savannah River Site until 30 days (as computed in paragraph (3)) have expired following the date on which the notification is received by such committees.

(2) The spent nuclear fuel referred to in paragraph (1) is nuclear fuel that—

(A) is originally exported to a foreign country from the United States in the form of highly enriched uranium; and

(B) is used in a research reactor by the Government of a foreign country or by a foreign-owned or foreign-controlled entity.

(3) For purposes of paragraph (1), days on which either House is not in session because of an adjournment of more than 3 days to a day certain or because of an adjournment sine die shall be excluded in the computation of such 30-day period.

(c) LIMITATION ON STORAGE.—The Secretary of Energy may not receive and store at the Department of Energy defense nuclear facility located at Savannah River Site, South Carolina any spent nuclear fuel referred to in subsection (b)(2) in excess of the amount that is the capacity of such fuel that may be received and stored at such facility, until the completion of an environmental impact statement (and the signing by

the Secretary of a record of decision following such completion) under section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(c)) with respect to the receipt and storage of spent nuclear fuel from foreign research reactors.

SEC. 3138. CONTRACT GOAL FOR SMALL DISADVANTAGED BUSINESSES AND CERTAIN INSTITUTIONS OF HIGHER EDUCATION.

(a) GOAL.—Except as provided in subsection (c), a goal of 5 percent of the amount described in subsection (b) shall be the objective of the Department of Energy in carrying out national security programs of the Department in each of fiscal years 1994 through 2000 for the total combined amount obligated for contracts and subcontracts entered into with—

(1) small business concerns, including mass media and advertising firms, owned and controlled by socially and economically disadvantaged individuals (as such term is used in section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and regulations issued under that section), the majority of the earnings of which directly accrue to such individuals;

(2) historically Black colleges and universities; and

(3) minority institutions (as defined in paragraphs (3), (4), and (5) of section 312(b) of the Higher Education Act of 1965 (20 U.S.C. 1058)), including any nonprofit research institution that was an integral part of a historically Black college or university before November 14, 1986.

(b) AMOUNT.—The requirements of subsection (a) for any fiscal year apply to the combined total of the funds obligated for contracts entered into by the Department of Energy pursuant to competitive procedures for such fiscal year for purposes of carrying out military applications of nuclear energy and other national security programs of the Department.

(c) APPLICABILITY.—Subsection (a) does not apply—

(1) to the extent to which the Secretary of Energy determines that compelling national security considerations require otherwise; and

(2) if the Secretary notifies Congress of such a determination and the reasons for the determination.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD AUTHORIZATION

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 1994, $15,060,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. DEFINITIONS.

For purposes of this title:

(1) The term "National Defense Stockpile" means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

(2) The term "National Defense Stockpile Transaction Fund" means the fund established under section 9(a) of such Act (50 U.S.C. 98h(a)).

(3) The term "annual materials plan" means the report containing an annual materials plan for the operation of the National Defense Stockpile required to be submitted to Congress each year under section 11(b) of such Act (50 U.S.C. 98h-2(b)).

SEC. 3302. DISPOSAL OF OBSOLETE AND EXCESS MATERIALS CONTAINED IN THE NATIONAL DEFENSE STOCKPILE.

The President may dispose of obsolete and excess materials in the National Defense Stockpile, except that the amount of funds received from the sale of such materials may not exceed $500,000,000 in any fiscal year. All funds received from the sale of materials under this section shall be deposited in the National Defense Stockpile Transaction Fund.

SEC. 3303. MODIFICATION OF NOTICE AND WAIT REQUIREMENTS FOR DEVIATIONS FROM ANNUAL MATERIALS PLAN.

Section 5(a)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98d(a)(2)) is amended by striking out "and a period of 30 days" and all that follows through "more than three days to a day certain." and inserting in lieu thereof "and a period of 45 days has passed from the date of the receipt of such statement by such committees.".

SEC. 3304. CONTINUATION OF LIMITATIONS ON THE DISPOSAL OF CHROMITE AND MANGANESE ORES AND CHROMIUM AND MANGANESE FERRO.

(a) LIMITATION REGARDING CHROMITE AND MANGANESE ORES.—During fiscal year 1994, the disposal of chromite and manganese ores of metallurgical grade from the National Defense Stockpile pursuant to any provision of law may be made only for processing within the United States and the territories and possessions of the United States.

(b) LIMITATION REGARDING CHROMIUM AND MANGANESE FERRO.—The disposal of chromium ferro and manganese ferro from the National Defense Stockpile pursuant to any provision of law may not commence before October 1, 1994.

SEC. 3305. CONVERSION OF CHROMIUM ORE TO HIGH PURITY ELECTROLYTIC CHROMIUM METAL.

(a) REQUIRED UPGRADING.—During each of fiscal years 1994 through 1996, the President shall—

(1) obtain bids from domestic producers of high purity electrolytic chromium metal; and

(2) award contracts for the conversion of chromium ores held in the National Defense Stockpile into high purity electrolytic chromium metal.

(b) QUANTITIES TO BE UPGRADED.—(1) Contracts awarded under subsection (a) shall provide for the addition of not less than 800 short tons of high purity electrolytic chromium metal to the National Defense Stockpile during each of the fiscal years covered by subsection (a).

(2) If, during any fiscal year referred to in subsection (a), the minimum quantity of high purity electrolytic chromium metal to be added to the National Defense Stockpile, as required by paragraph (1), is not met, the quantity of such material to be added to the stockpile in the next fiscal year shall be increased by the quantity of the deficiency.

TITLE XXXIV—CIVIL DEFENSE

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated $146,391,000 for fiscal year 1994 for the purpose of carrying out the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251 et seq.).

SEC. 3402. MODERNIZATION OF THE CIVIL DEFENSE SYSTEM.

(a) DECLARATION OF POLICY.—Section 2 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251) is amended to read as follows:

"SEC. 2. DECLARATION OF POLICY.

"The purpose of this Act is to provide a system of civil defense for the protection of life and property in the United States from hazards and to vest responsibility for civil defense jointly in the Federal Government and the several States and their political subdivisions. The Congress recognizes that the organizational structure established jointly by the Federal Government and the several States and their political subdivisions for civil defense purposes can be effectively utilized to provide relief and assistance to people in areas of the United States struck by a hazard. The Federal Government shall provide necessary direction, coordination, and guidance and shall provide necessary assistance as authorized in this Act.".

(b) DEFINITION OF HAZARD.—Section 3 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2252) is amended—

(1) by redesignating subsections (a) through (h) as subsections (b) through (i), respectively;

(2) by inserting before subsection (b), as so redesignated, the following new subsection (a):

"(a) The term 'hazard' means an emergency or disaster resulting from—

"(1) a natural disaster; or

"(2) an accidental or man-caused event, including a civil disturbance and an attack-related disaster.";

(3) in subsection (b), as so redesignated—

(A) by striking out "attack" the first place it appears and inserting in lieu thereof "attack-related disaster"; and

(B) by striking out "atomic" and inserting in lieu thereof "nuclear";

(4) in subsection (c), as so redesignated, by striking out "and, for the purposes of this Act" and all that follows through "natural disaster;" and inserting in lieu thereof a period; and

(5) by striking out subsection (d), as so redesignated, and inserting in lieu thereof the following new subsection:

"(d) The term 'civil defense' means all those activities and measures designed or undertaken to minimize the effects of a hazard upon the civilian population, to deal with the immediate emergency conditions which would be created by the hazard, and to effectuate emergency repairs to, or the emergency restoration of, vital utilities and facilities destroyed or damaged by the hazard. Such term shall include the following:

"(1) Measures to be undertaken in preparation for anticipated hazards (including the establishment of appropriate organizations, operational plans, and supporting agreements, the recruitment and training of personnel, the conduct of research, the procurement and stockpiling of necessary materials and supplies, the provision of suitable warning systems, the construction or preparation of shelters, shelter areas, and control centers, and, when appropriate, the non-military evacuation of civil population).

"(2) Measures to be undertaken during a hazard (including the enforcement of passive defense regulations prescribed by duly established military or civil authorities, the evacuation of personnel to shelter areas, the control of traffic and panic, and the control and use of lighting and civil communications).

"(3) Measures to be undertaken following a hazard (including activities for fire fighting, rescue, emergency medical, health and sanitation services, monitoring for specific dangers of special weapons, unexploded bomb reconnaissance, essential debris clearance, emergency welfare measures, and immediately essential emergency repair or restoration of damaged vital facilities).".

(c) CONFORMING AMENDMENTS TO REFLECT DEFINITION OF HAZARD.—(1) Section 201 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2281) is amended—

(A) in subsection (c), by striking out "an attack or natural disaster" and inserting in lieu thereof "a hazard";

(B) in subsection (d), by striking out "attacks and natural disasters" and inserting in lieu thereof "hazards"; and

(C) in subsection (g)—

(i) by striking out "an attack or natural disaster" the first place it appears and inserting in lieu thereof "a hazard"; and

(ii) by striking out "undergoing an attack or natural disaster" and inserting in lieu thereof "experiencing a hazard".

(2) Section 205(d)(1) of such Act (50 U.S.C. App. 2286(d)(1)) is amended by striking out

"natural disasters" and inserting in lieu thereof "hazards".

(d) STATE USE OF FUNDS FOR PREPARATION AND RESPONSE.—(1) Section 207 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2289) is amended to read as follows:

"SEC. 207. USE OF FUNDS TO PREPARE FOR AND RESPOND TO HAZARDS.

"Funds made available to the States under this Act may be used by the States for the purposes of preparing for, and providing emergency assistance in response to hazards. Regulations prescribed to carry out this section shall authorize the use of civil defense personnel, materials, and facilities supported in whole or in part through contributions under this Act for civil defense activities and measures related to hazards.".

(2) The item relating to section 207 in the table of contents in the first section of such Act is amended to read as follows:

"Sec. 207. Use of funds to prepare for and respond to hazards.".

(e) REPEAL OF OBSOLETE PROVISIONS.—(1) Title V of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2301-2303) is repealed.

(2) The table of contents in the first section of such Act is amended by striking out the items related to title V.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—(1) The table of contents in the first section of the Federal Civil Defense Act of 1950 is amended—

(A) by inserting after the item relating to section 204 the following new item:

"Sec. 205. Contributions for personnel and administrative expenses."; and

(B) by inserting after the item relating to section 412 the following new item:

"Sec. 413. Applicability of Reorganization Plan Numbered 1.".

(2) Section 3 of such Act (50 U.S.C. App. 2252), as amended by subsection (b) of this section, is further amended—

(A) in each of subsections (b), (e), (f), and (g), as redesignated by subsection (b)(1) of this section, by striking out the semicolon at the end and inserting in lieu thereof a period; and

(B) in subsection (h), as so redesignated, by striking out "; and" and inserting in lieu thereof a period.

(3) Section 205 of such Act (50 U.S.C. App. 2286) is amended by striking out "SEC. 205." and inserting in lieu thereof the following:

"SEC. 205. CONTRIBUTIONS FOR PERSONNEL AND ADMINISTRATIVE EXPENSES.".

(g) AMENDMENT FOR STYLISTIC CONSISTENCY.—The Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251 et seq.) is further amended so that the section designation and section heading of each section of such Act shall be in the same form and typeface as the section designation and heading of section 2 of such Act, as amended by subsection (a) of this section.

The CHAIRMAN pro tempore. No amendments to the committee amendment in the nature of a substitute are in order except those amendments printed in House Report 103-223 or specified by a subsequent order of the House.

Except as specified in section 2 of House Resolution 246, the amendments shall be considered in the order printed in the report. Unless otherwise specified in the report, each amendment may be offered only by the named proponent or a designee, shall be considered as read, shall not be subject to amendment and shall not be subject to a demand for a division of the question. Debate time on each amendment shall be equally divided and controlled by the proponent and an opponent of the amendment.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by House Resolution 246.

The Chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

The Chairman of the Committee of the Whole may recognize for consideration of amendments printed within a numbered part of the report—other than part 1—out of the order in which they are printed, but not sooner than 1 hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

After designation of the committee amendment in the nature of a substitute, an additional period of general debate shall be confined to funding levels for ballistic missile defense and shall not exceed 40 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

It shall then be in order to consider the amendments printed in part 1 of the report. If more than one of the amendments printed in part 1 of the report is adopted, only the last to be adopted shall be considered as finally adopted and reported to the House.

After disposition of or postponement of further proceedings on the amendments printed in part 1 of the report, an additional period of general debate shall be confined to the Trident II (D-5) missile and shall not exceed 30 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

It shall then be in order to consider the amendments printed in part 2 of the report.

After disposition of or postponement of further proceedings on the amendments printed in part 2 of the report, an additional period of general debate shall be confined to burdensharing and shall not exceed 20 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

It shall then be in order to consider the amendments printed in part 3 of the report.

After disposition of or postponement of further proceedings on the amendments printed in part 3 of the report, an additional period of general debate shall be confined to economic conversion and shall not exceed 30 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

It shall then be in order to consider the amendments printed in part 4 of the report.

After disposition of the amendments printed in part 4 of the report and any other amendment on which further proceedings were earlier postponed, the committee shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

Pursuant to House Resolution 246, it is now in order to debate the subject matter of funding levels for ballistic missile defense.

The gentleman from California [Mr. DELLUMS] will be recognized for 20 minutes and the gentleman from South Carolina [Mr. SPENCE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

□ 1540

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are now in general debate on the ballistic missile defense program. Mr. Chairman, I have come to the floor several times over the past decade to offer an amendment which would, in effect, kill star wars.

In several of those years, the amendment enjoyed the support of the majority of the Democrats of the House. In almost all of those years, the country was still laboring under the burden of the cold war mentality with all of the fears and budgets that attended that mentality.

Today we no longer have the threat of an intercontinental ballistic missile attack from the Soviet Union to offer as a rationale for the strategic defense initiative or what we euphemistically referred to over those years as star wars. In fact, we are told that star wars is dead, and we now have a combined national missile defense program and theater ballistic missile defense program under the rubric of ballistic missile defense.

Mr. Chairman, I will offer an amendment at the appropriate point that will not reduce spending on theater missile defense but will reduce funding for the national missile defense portion of the program. It may not be called star wars or SDI now, but it is essentially the same program. It makes even less sense now than it did $30 billion ago. Surprisingly, my amendment, Mr. Chairman, will be roughly in line with the funding of the Pentagon's bottom-up review regarding the technology-based requirements for national missile defense.

Of the five options reviewed, costing $25 billion, $23 billion, $20 billion, $18 billion, and $15 billion respectively, between fiscal years 1995 and 1993, DOD selected the second cheapest. This option embodies a major emphasis on theater missile defense, TMD, and a major deemphasis on national missile defense, NMD. It reduces NMD to an average of $600 million per year, with brilliant eyes accounting for $200 million of that. Taking away the $200 million for brilliant eyes, a system which would, in this gentleman's opinion, violate the ABM Treaty, we have a funding level of $400 million for national missile defense, which is exactly what the Dellums-DeFazio amendment provides.

This, as the Pentagon understands, is fully adequate to keep the technology base in national missile defense technologies alive and healthy. The Dellums-DeFazio amendment would fund theater ballistic missile defense at $932 million and would provide $168 million for other research and support. Follow-on technologies, mostly SDI space-based sciences, would not be funded.

As CIA Director James Woolsey has said, "We don't expect any nations beyond Russian and China to develop and produce ICBM's in this decade." For further information on the CIA analysis of the threat, I recommend that my colleagues refer to the classified document "Prospects for worldwide development of ballistic missile threats to the continental United States (U), key findings." I believe that this clears up much of the hyperbole surrounding the characterization of this threat.

Mr. Chairman, it is time for the House to adopt a position on star wars that even the Pentagon has come to understand makes sense. The threat does not require it. We cannot afford it.

Let us vote for a ballistic missile defense program that addresses the real world, not a carton version of it. I will be asking for support at the appropriate point of my colleagues for the Dellums-DeFazio amendment, when we offer it at the appropriate time in this debate.

Mr. Chairman, with those remarks, I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to share with my colleagues some thoughts on the future of the U.S. ballistic missile defense [BMD] program, as well as my views on the three amendments to H.R. 2401 concerning missile defense funding that were made in order by the second rule.

First, I was disappointed with the outcome of the Department of Defense [DOD] "Bottom Up Review" as it related to the U.S. BMD Program. As many of my colleagues are aware, Secretary Aspin chose to dramatically cut the budget for missile defenses from the levels contained in the Bush-Cheney fiscal years 1995–99 budget. Specifically, Secretary Aspin approved a budget profile for missile defense of $18 billion over the 5-year period, down from $39 billion in the Cheney plan.

There are a number of concerns I have with Secretary Aspin's decision. First, in the area of national missile defense, in deciding to focus only on basic research and development, as opposed to either system technology development or actual deployment, Secretary Aspin will delay the date by which an effective defense for the continental United States could be deployed. I need not remind my colleagues that the United States has no capability today to interdict ballistic missiles once they are launched. In my opinion, Secretary Aspin's decision is short-sighted in light of the continuing efforts of various Third World nations to acquire the means of delivering conventional munitions or even weapons of mass destruction over intercontinental distances.

Week after week, Mr. Chairman, the Armed Services Committee receives intelligence reports on the proliferation of nuclear, chemical, and biological weapons and the missiles that can be used to launch them. The evidence continues to mount that irresponsible Third World nations, such as Iran, Syria, Iraq, and Libya, are making deals with the likes of North Korea and the People's Republic of China for assembled missiles and, in some instances, missile production hardware, as well as for dangerous technologies necessary to develop weapons of mass destruction. Sadly, the proliferation trend clearly is in the direction of systems with increasing range and accuracy. Likewise in the area of warhead development and production, the race continues. It is simply a matter of time before unstable, antidemocratic regimes in the Third World will possess the means of destroying Washington or New York or Los Angeles, just as they today possess the means of targeting Tel Aviv, Rome, and Ankara.

Furthermore, we should not forget that the United States remains threatened by nuclear missiles. During the cold war, the paramount nuclear threat to the United States was from a massive nuclear first-strike from the Soviet Union. Today, the threat to the United States of a deliberate attack from Russia has all but disappeared for the foreseeable future. Still, there is the real possibility of an accidental or unauthorized launch from the nuclear forces in the four nuclear Republics of the former Soviet Union. As noted by senior CIA analyst Lawrence Gershwin in a May 18, 1993, speech to the American Defense Preparedness Association:

> The Soviet Union's strong central government had an excellent nuclear command and control system that provided us with a high level of assurance that an accidental or unauthorized launch was highly unlikely. Today, while we believe that such an event is highly unlikely, we must note that this command control system was not designed in anticipation of the potential fragmentation of political and military authority, especially in Russia. The dramatic political changes could betray weaknesses in Moscow's command and control system that neither we nor the Russians could have anticipated. The reliability of the personnel involved with nuclear weapons will be crucial to maintaining the security of the nuclear arsenal.

It is important also to note that the People's Republic of China [PRC] today possesses a capability to deliver a major nuclear attack against American cities. In his May 18 speech, Dr. Gershwin publicly confirmed that China does in fact target the United States with a percentage of its intercontinental-strike forces and that Beijing is planning to modernize these forces, including the development of a second mobile ICBM that can reach the United States.

It is quite possible that other, unexpected missile threats to the continental United States could emerge within the next 10–15 years as well. As was noted in a February 1993 report entitled, "The Emerging Ballistic Missile Threat to the United States," several plausible, if unpredictable, paths exist wherein Third World nations could acquire the means to target the American homeland with long-range missiles. Perhaps the most likely of these is the development or acquisition of space launch vehicle [SLV] technology or complete systems by proliferant countries, and their subsequent conversion to long-range missile capabilities. Furthermore, it is widely accepted that any space launch vehicle capable of placing a satellite into low-earth orbit can be converted, with relative ease and with little or no warning, to an ICBM capable of delivering nuclear, chemical, or biological warheads to the continental United States. The resulting ICBM capabilities, while few in number, could constitute a serious threat to the United States.

Thus, in light of current and prospective threats to the American homeland posed by long-range ballistic missiles, Secretary Aspin's decision to focus the national missile defense program exclusively on basic research is, I believe, unwise.

Second, in the area of theater missile defense, although Secretary Aspin's plan would provide the vast bulk of total BMD funding for this purpose, it should be noted that not even this aspect of the U.S. BMD program emerged unscathed from the budgetary knife. Finally the "Bottom Up Review" failed to resolve fundamental Anti-Ballistic Missile [ABM] Treaty issues that stand in the way of developing and deploying even fully effective theater missile defense systems.

My colleagues may recall that earlier this year, Secretary Aspin announced that theater missile defense [TMD] was the highest priority within the new administration's refocused BMD program. At the same time, however, he unveiled a dramatically reduced budget request for SDI: the funding request for the overall U.S. BMD program in fiscal year 1994 was cut by approximately 40 percent below the level sought by President Bush in his January submission. The administration's budget request for TMD programs in fiscal year 1994 was cut from $2.2 billion down to $1.8 billion.

We should be realistic about the funding necessary to field improved TMD systems. Carrying all of the U.S. TMD programs through development and into deployment will cost several billion dollars per year. Congress needs to approve the administration's funding request for TMD if U.S. forces and our friends and allies are to benefit from improved protection against emerging theater-class missile systems.

Finally, we also need to consider and debate the relevance of the 1972 Anti-Ballistic Missile [ABM] Treaty to today's international security environment—marked by the proliferation of weapons of mass destruction and missiles of increasing range and accuracy—and not that which existed over 20 years ago. Unfortunately, Secretary Aspin's "Bottom Up Review" made no recommendations in this regard and left for another day the fundamental issue of whether and how the Treaty restricts TMD systems.

Because the Clinton administration endorsed the so-called "narrow interpretation" of the ABM Treaty earlier this summer, some analysts now argue that all ABM Treaty issues have been resolved. Nothing could be further from the truth. The broad versus narrow interpretation debates of yesteryear basically revolved around what development and testing of space-based interceptors was permitted under the ABM Treaty. But the United States is no longer aggressively pursuing development and testing of brilliant pebbles.

Instead, the key ABM Treaty compliance issues of today center on the capability of TMD systems such as THAAD and space-based surveillance systems such as brilliant eyes. The so-called narrow interpretation sheds no light whatsoever on these critical issues.

I have no doubt that some arms control advocates will argue for an overly restrictive view of what capabilities U.S. TMD systems can and cannot possess. I would strongly oppose any such efforts to scale back TMD performance based on such a misguided reading of the ABM Treaty. In fact, the ABM Treaty does not mention TMD systems; it was not intended to limit TMD systems; and in no way should the treaty be permitted to constrain our efforts to develop improved TMD systems.

Regardless of the tack the President ultimately chooses to take with respect to ABM Treaty compliance issues, it is clear that the administration will have to consult with the Congress on this issue if it hopes to sustain support for its approach. I look forward to working with Secretary Aspin and others in the administration to develop an approach that ensures U.S. TMD systems are capable of countering existing and projected missile threats.

Turning briefly to the BMD funding amendments that are before us today, Mr. Chairman, let me summarize by saying that I believe it is vital to the defense of this Nation that we not reduce further the amount authorized for the U.S. BMD program in fiscal year 1994. In fact, the Armed Services Committee voted to cut three-quarters of a billion dollars from the administration's already reduced request for BMD. My preference would be to see the funding level for SDI increased—at least to the level approved by the Senate Armed Services Committee. My colleagues will have just such an opportunity to add appropriate funding back to the BMD program when they vote on the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

At the same time, I strongly urge my colleagues to vote "No" on the Dellums and Schroeder amendments, which seek to further reduce U.S. BMD funding in fiscal year 1994. These amendments, if enacted, would further erode our ability to deploy improved TMD systems, as well as delay the date by which the American people could be protected from emerging long-range missile threats.

For these reasons, I strongly oppose the Dellums and Schroeder amendments, and support the Hefley amendment and urge my colleagues to do the same.

Mr. Chairman, I ask unanimous consent that the balance of my time be controlled by the gentleman from Colorado [Mr. HEFLEY].

The CHAIRMAN pro tempore (Mr. DURBIN). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Colorado [Mr. HEFLEY] will control the time on behalf of the minority.

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, many Members at this stage, when we are being told over and over that the cold war is over, there is no threat out there anymore, may ask themselves, why should we support a defense against ballistic missiles? I think the answer lies somewhere out there in the future.

If we had had a better defense against ballistic missiles, American service people would not have died in the barracks in Riyadh. If we had started on a more significant investment in ballistic missile defense earlier, perhaps Israel would not have sat in terror night after night waiting for Scuds to rain down.

Make no mistake, we should have learned our lesson from Desert Storm. We have no effective defense against ballistic missile attack.

Many Members will try to tell us that the threat has gone. There are no bad guys anymore.

There are approximately 30 countries with ballistic missile capabilities right now.

Mr. Chairman, I will put into the RECORD a report entitled "Threats to U.S. Interests from Ballistic Missile Delivered Weapons of Mass Destruction during the Next 10 to 20 Years" by Lawrence K. Gershwin, who is the national intelligence officer for strategic programs for the Central Intelligence Agency. I think that is a very enlightening piece of work by someone who is an expert in the field and really defines what the threat really is out there today.

Some of these nations that have ballistic missile capability are our allies, but many are unfriendly. China, Iraq, Syria, Iran, Libya, North Korea, not friends of the United States, all with or getting ballistic missile capability.

Of the 30 nations which have this capability, 8 of them are in the Middle East, a very hot spot, a very important spot to the U.S. interests.

There are hot spots around the world, though, where our troops could be deployed which are in the range of ballistic missiles from hostile countries. In fact, today there are some 75 hot spots around the world. Twenty-five or so of them are actually shooting wars; 25 more are places where we are on the verge of some kind of a shooting war breaking out, and then there is about 25 more that they anticipate could break out in a shooting war at some time, all a danger to U.S. interests.

The Secretary of Defense Aspin has said:

> Saddam Hussein and the Scud missiles showed us that we need a ballistic missile defense for our forces in the field. That threat is here and now. In the future, we may face hostile or irrational states that have both nuclear warheads and ballistic missile technology that could reach the United States.

When we are speaking of Mr. Aspin, let me point out to the chairman that he was quoting the administration and the Pentagon and Mr. Aspin, but Mr. Aspin is asking for $3.6 billion more than even my amendment will provide. That is the number that the administration is supporting.

The CIA Director, again, an administration official, James Woolsey said:

> After the turn of the century, some countries that are hostile to the United States might be able to acquire ballistic missiles that could threaten the continental United States. We can't give you a precise date, whether it's 8 years or 10 years or 15 years from now, by which that might occur. A shortcut approach that's prohibited by the Missile Technology Control Regime and by

the Nonproliferation Treaty would be for such Third World countries to buy ICBM's or major components covertly together with suitable nuclear warheads for missile materials. Anything such as that would, of course, speed up ICBM acquisition by such nations.

□ 1550

There are two officials of the Clinton administration, not the Reagan administration or the Bush administration but the Clinton administration, talking about the threat and the need for some kind of a ballistic missile defense system.

There are currently two nations which have the ability and possibly the will to launch a strike at the United States. The Soviet Union, even though we had all these arms agreements on ICBM's and nuclear warheads, still have roughly 28 million warheads and have the ability to deliver them. While the present Russia as we know it probably is not inclined to do this, we do not know who owns all these missiles and who might decide that this would be a good idea, or who might accidentally, with all the unrest over there, launch a missile.

China also has the capability to attack U.S. territory, and who knows when that will might exist.

I used to get a chuckle out of seeing a bumper sticker that the old nuclear freeze crowd used to paste on their cars. It said, "One nuclear weapon can ruin your whole day." That may be the only thing they have ever said that I agree with.

It is not interesting, now that the Soviet threat is reduced, these nay-sayers maintain we do not need defense against ballistic missiles. I guess that is one nuclear weapon that could ruin your whole day a few years ago, but does not ruin your day today if it lands on New York City or if it lands on Washington, DC.

We just had the bombing of the Trade Center in New York City. We understand that there are enemies out there that would attack our major population centers if they had the ability.

Rest assured in the future an enemy will strike at either U.S. troops or U.S. mainland. It has happened in the past and it will happen again. Be assured that for many of us here, our conscience will be clear if such as this happened, because many of us have fought to protect the American people at home and their sons and daughters abroad from ballistic missile attack.

Make sure as we go through this debate and this vote that your conscience is also clear. Vote for the security of the American people and America's fighting men and women. Vote against the Dellums and Schroeder amendments. Vote for the Hefley amendment, the amendment that is supported by the administration.

Mr. Chairman, for the RECORD I include a statement presented by Lawrence Gershwin of the CIA.

THREATS TO U.S. INTERESTS FROM BALLISTIC MISSILE-DELIVERED WEAPONS OF MASS DESTRUCTION DURING THE NEXT TEN TO TWENTY YEARS

(By Lawrence K. Gershwin)

I welcome this opportunity to discuss the threat that ballistic missile-delivered weapons of mass destruction will pose to the United States and our interests. For decades, the international community has worked from the premise that the more countries that possess these weapons, the greater the likelihood that they will be used.

In my discussion today, I would like to discuss some of the dangers posed to the United States homeland by ballistic missiles. Next, I will talk about the threats posed by tactical ballistic missiles to our allies and our forces overseas. Finally, I will give you some of my thoughts on prospects for international cooperation in ballistic missile defense. My remarks have been drawn in part from statements by the Director of Central Intelligence, James Woolsey, and former DCI Gates.

THE THREAT TO THE CONTINENTAL UNITED STATES

RUSSIA

Based on current trends and a cooperative US-Russian relationship, the threat to the United States of a deliberate attack from Russia has all but disappeared for the foreseeable future. Although the number of warheads aimed at the United States remains large, the capabilities of Russian strategic forces are being significantly reduced due to arms agreements, economic pressures, and political changes.

The START 2 treaty, if ratified, will require the Russians to dramatically alter the composition of their strategic forces. The Russian force will shift from a heavy reliance on land-based MIRVed ICBMs to a force relying primarily on submarines, bombers, and single-RV ICBMs. By 2003, for example, Russia will be required to dismantle the entire force of 10 RV SS-18s, and reduce its forces from 10,000 strategic warheads, deployed in four states of the former Soviet Union, to 3,000 to 3,500 warheads, deployed in Russia. Nevertheless, Russia will almost certainly exercise its option to field a sizable force of single-RV ballistic missiles.

Russia remains committed to maintaining some of the strategic capabilities of the former Soviet Union, even though these capabilities will be at considerably lower levels than in the past.

Even with these reductions, we believe that the Russians will continue developmental work on a few new or follow-on systems. We expect that Russia will flight test and deploy three new ballistic missiles—a road-mobile ICBM, a silo-based ICBM, and an SLBM—during this decade. In addition, we expect the Russians to deploy a new ballistic missile submarine after the turn of the century.

The turmoil in Russia and the other former Soviet States has led to some concern about the possibility of accidental or unauthorized launches of nuclear forces. The Soviet Union's strong central government had an excellent nuclear command and control system that provided us with a high level of assurance that an accidental or unauthorized launch was highly unlikely. Today, while we believe that such an event remains highly unlikely, we must note that this command and control system was not designed in anticipation of the potential fragmentation of political and military authority, especially in Russia. The dramatic political changes could betray weaknesses in Moscow's command and control system that neither we nor the Russians could have anticipated. The reliability of the personnel involved with nuclear weapons will be crucial to maintaining the security of the nuclear arsenal.

CHINA

China also has the capability to attack U.S. territory, defense forces, and interests. The Chinese have deployed a small force of nuclear-tipped ICBMs, some of which are aimed at the United States, as well as a small force of intermediate-range ballistic missiles, that could be targeted against our allies and our forces in Asia. China plans to update this force with new missiles. Press reports indicate additional Chinese strategic missile development efforts are taking place. Improvements include the development of a new missile that will be deployed as a mobile ICBM and on a new ballistic missile submarine, and development of a second mobile ICBM that can reach the United States.

OTHER NATIONS

We do not expect any nations beyond Russia and China to develop and produce ICBMs capable of striking the United States during this decade. We have no evidence to suggest that any country currently plans to bring together the requisite materials, technologies, facilities, or expertise.

Several nations with space launch capabilities could modify those launchers to acquire a long-range ballistic missile capability, but we do not expect any nation now having space launch vehicles to do so. Presently, India, Israel, and Japan have developed space launch vehicles that, if converted to surface-to-surface missiles, are capable of reaching targets in the United States. Brazil has a space launch vehicle under development that is expected to be test launched within the next five years.

After the turn of the century, however, some nations that are hostile to the United States may be able to indigenously develop ballistic missiles that could threaten the United States. We really cannot give you a precise date—it could be eight, ten, or fifteen years from now—when these ICBMs could be deployed. Over the next ten years, we are likely to see several Third World nations establish the infrastructure and develop the technical knowledge required to undertake ICBM and space launch vehicle development.

We also remain concerned that hostile nations will try to purchase from other states ballistic missiles capable of striking the United States. Libya, for example, has in the past publicly stated a desire for weapons of mass destruction that could be delivered by ballistic missile to the United States. A shortcut approach—prohibited by the Missile Technology Control Regime and Nuclear Nonproliferation Treaty—would be to buy ICBMs or major components covertly, together with suitable nuclear warheads or fissile materials. The acquisition of key production technologies and technical expertise would speed up ICBM development.

THE THREAT FROM TACTICAL BALLISTIC MISSILES

The threat from theater ballistic missiles is real and growing. For decades, the international community has worked from the premise that the more countries that possess these weapons, the greater the likelihood that they will be used.

The proliferation of ballistic missile-delivered weapons of mass destruction is an issue directly confronting the strategic interests of the United States, its traditional allies, and its friends, such as Russia. Several countries are likely to have or are seeking ballistic missiles that have a sufficient range to threaten U.S. allies and forces in the Middle East, Asia, and parts of Europe.

Moreover, as events in Desert Storm so vividly demonstrated, the use of ballistic missiles is a reality, not just a theoretical possibility. As demonstrated in Desert Storm and the Iran-Iraq war, ballistic missiles are becoming the weapon or choice for nations otherwise unable to strike their enemies at long ranges.

The danger from theater ballistic missiles is threatening enough with conventional weapons. With weapons of mass destruction, however, these weapons become particularly insidious.

We see a dangerous trend in the proliferation in nearly two dozen countries of weapons of mass destruction—nuclear, chemical, and biological weapons. The potential capabilities of some of these countries are comparable to, and in some cases, more lethal than the Soviet threat in 1960. With leaders like Qadhafi and Saddam Hussein, and in many cases weak, unstable, or illegitimate governments, our classic notions of deterrence hold much less promise of assuring the security of the United States and its allies.

Possession of these ballistic missiles armed with weapons of mass destruction will threaten U.S. security interests:

Our ability to hold coalitions together, as was done successfully in Desert Storm, will be more difficult. If Europe, for example, is held at risk by hostile powers in the Mideast, the difficulty of putting a coalition together would be quite substantial.

The stability of regions and political agreements could be undercut. For example, our concerns about North Korea's nuclear and ballistic missile efforts extend beyond the peninsula itself. If North Korea acquires nuclear weapons we worry about the consequences for stability in northeast Asia.

Now, let me cite a few examples, starting with North Korea, whose recent actions are of grave concern.

North Korea's weapons program represent our most urgent national security threat in east Asia. It possesses Scud missiles that are capable of striking South Korea and our forces there. North Korea is also developing a longer-range ballistic missile capable of threatening Japan.

These ballistic missile developments are especially alarming given the real possibility that it has already manufactured enough fissile material for at least one nuclear weapon, and North Korea's recent announcement that it would withdraw from the Nuclear Non-proliferation Treaty. Moreover, it is likely that North Korea will continue to produce additional plutonium that it could use in nuclear weapons.

The Middle East represents an area of special concern, because half of the countries have nuclear, chemical, or biological weapons programs, at least in development.

Iran still poses a potential threat to its smaller neighbors and to the free flow of oil through the gulf. It continues to support terrorism as an instrument of state policy. And Iran has embarked on an ambitious effort to develop its military and defense industries, including programs for weapons of mass destruction. Iran is shopping Western markets for nuclear and missile technology, and it may turn to the states of the former Soviet Union for such technology and expertise. Because it hasn't been able to get what it wants from the West, Iran increasingly has looked to Asian sources for military and technical aid—to North Korea for long-range Scuds and to China for missiles and nuclear-related technologies.

Iran continues to pursue the acquisition of nuclear weapons despite being a signatory to the Nuclear Non-proliferation Treaty. The intelligence community believes that Iran probably will take at least eight to ten years to build its own nuclear weapons. Technology provided by other countries is crucial towards producing a nuclear weapon. Without this help, Iran's program would suffer a devastating blow, setting it back by many years.

Iran is also out shopping for nuclear weapons and weapons-grade nuclear materials. If the Iranians succeed, they could have weapons much sooner.

Although Saddam Husayn's ability in the next several years to threaten the stability of the Gulf region and the world's oil supply has been crippled, Iraq continues to pose a major challenge. Substantial number of Scud missiles and production equipment remain, despite Desert Storm and U.N. inspections. The time and cost to Iraq of reviving its missile program will depend on the continuation of the inspection regime and Saddam's ability to obtain critical equipment from abroad.

Despite the fact that Desert Storm and subsequent U.N. inspections significantly damaged Iraq's special weapons program, Baghdad continues to view the development of a nuclear capability as a key to establishing dominance and influencing regional issues. Iraq would also pursue nuclear weapons to deter western involvement in the region.

Saddam still has significant residual programs in all four areas of weapons of mass destruction—missiles; nuclear, biological, and chemical, and he will continue to pursue these programs regardless of the expense and regardless of the state of U.N. inspections and sanctions.

Because of its inability to purchase longer range missiles from Russia, Syria has turned to North Korea for an extended range missile. Syria apparently is also seeking assistance from China and Western firms to acquire an improved capability with chemical or biological warheads.

Libya has not abandoned its long-term goal of extending its military reach across the Eastern Mediterranean. Its chemical weapons program has produced and stockpiled as many as 100 tons of chemical agents, and Libya is shopping throughout the world for an alternative source of longer range missiles. And we should not forget that Libya, like Iraq, has fired ballistic missiles in anger against U.S. forces.

BALLISTIC MISSILE SALES

In addition to missiles already deployed throughout the world, we are particularly concerned about ongoing sales of short- and medium-range ballistic missiles. Also troubling are the sales of technology and production equipment that will give nations the ability to build missiles for years to come.

North Korea has sold extended range Scud missiles to—among others—Iran and Syria. North Korea is also actively marketing the No Dong missile, which has a longer range than these Scuds.

In the past China has sold ballistic missiles to other nations, including the long-range CSS-2 to Saudi Arabia. Since then, China agreed to observe the guidelines of the Missile Technology Control Regime—which limit the sale of missile systems and technologies for medium-range and longer-range ballistic missiles. I'm sure that you are aware of various press reports indicating that China delivered M-11 missile-related equipment to Pakistan late last year. In this case and others, we are closely monitoring China's behavior for signs that Beijing is not living up to its commitments.

Economic pressures are causing some Russian and Ukrainian officials to pursue efforts that may not be consistent with the Missile Technology Control Regime. Russia, for example, has already sold rocket engine technology to India. In a recent arms show in Moscow, the Russians advertised a derivative of the old SS-23 ballistic missile for sale as a civilian rocket, raising additional MTCR concerns.

Unless the sale of such missiles from all suppliers is stopped completely, it is likely that these delivery systems, over time, will be mated with weapons of mass destruction.

POTENTIAL TRANSFERS OF NUCLEAR WEAPONS AND NUCLEAR MATERIALS

We are also concerned about the potential for illicit sales of nuclear weapons to rogue nations. If North Korea acquires nuclear weapons, the possibility that it would sell some to other countries, such as Iran, cannot be ignored.

The political struggle in Moscow and developments in the military forces might lead to unauthorized sales of nuclear weapons, weapons material, or weapons technologies:

Military personnel involved with nuclear weapons are not immune from the problems endemic in Russian society. Although they traditionally received priority treatment, they now suffer along with the rest of the military from a loss of prestige, rapid decline in living standards, and uncertain careers and futures.

We have seen reports that former-Soviet nuclear weapons have already been offered on the black market or have been acquired by Iran. We have investigated these reports and do not find them to be credible, but we are highly attentive to such a possibility, given Russia's situation. Current safeguards alone will not be sufficient to guarantee the security of the thousands of warheads and tons of fissile material extracted from dismantled warheads from falling into the wrong hands.

PROSPECTS FOR BALLISTIC MISSILE DEFENSE COOPERATION

Finally, let me address the prospects for international cooperation in ballistic missile defenses. Because of the end of the cold war, the United States has new opportunities, particularly in strategic defense. Russian President Yeltsin's statements indicate a much greater interest in cooperating with the United States on missile defense matters than was true before the breakup of the Soviet Union. Discussions of a global protection system are likely to be difficult—Russia, like the United States, has both opponents and proponents for ballistic missile defense—but the United States and Russia share new common ground:

Many Russians believe that the development of new anti-tactical ballistic missile systems is one of the answers for the proliferation threat—a menace that most threatens Russia at the moment because of geography.

Russia will also be looking for Western assistance on early warning problems. The disintegration of the Soviet Union, as well as previous problems with early warning systems development, have resulted in Russia facing serious difficulties in detecting ballistic missile attacks.

Moscow, however, will not quickly abandon the ABM Treaty. Many Russians believe the treaty is the basis of strategic stability, particularly in an era of deep strategic arms reductions. Many Russians are also likely to continue to be seriously concerned about space-based defenses and sensors. Suspicion of U.S. motives is still evident. Nonetheless, prospects for mutual agreements in strategic defenses are better now than during the cold war.

CONCLUSIONS

Despite the end of the cold war and the subsequent relaxation of East-West tensions, the United States continues to face serious challenges in the coming decade and beyond. Many countries have developed weapons of mass destruction, and others are acquiring the capability to develop these weapons. There is the real possibility that some nations will be motivated to use them in regional confrontations, threatening U.S. interests abroad.

We do not expect a direct threat to United States territory during this decade. We must be watchful, however, that after the turn of the century some nation hostile to the United States will acquire ballistic missiles able to deliver weapons of mass destruction that threaten the United States itself.

Mr. DELLUMS. Mr. Chairman, I yield myself one minute.

Mr. Chairman, let me just briefly say to my distinguished colleague that if he looks at the bottom-up review for fiscal years 1995 to 1999, the administration is suggesting a $21 billion cut in ballistic missile defense, which is a 54 percent reduction. I am saying that if we are going to go to a 54 percent reduction over the next 5 years, 1995 to 1999, then we need to begin that reduction now in fiscal year 1994.

I might just also point out to my colleague that again, the ballistic missile defense program is national missile defense plus theater missile defense, so when we are talking about this program, then let us talk about what both parts are.

We do not touch theater ballistic missile defense. What we are challenging is the emphasis on national ballistic missile defense that in our humble opinion does not address the threat and at this point makes very little sense. We could make a significant reduction in that.

Mr. Chairman, I yield 5 minutes to my distinguished colleague, the gentleman from Oregon [Mr. DEFAZIO], the co-author of the Dellums-DeFazio amendment that will be offered.

Mr. DEFAZIO. Mr. Chairman, I would agree with the gentleman that the world is often an ugly and dangerous place, and we need to make certain that the United States of America is safe against all potential threats, and that our troops, when deployed overseas in just causes, have the weaponry that they need to safely conduct their missions. That is about the end of the agreement on this amendment.

We need a realistic working, and I underscore working, and affordable defense against theater missiles. This Dellums-DeFazio amendment will fully fund theater missile defenses, a program which has been increased by 1,000 percent in the last 4 years, and will fund it at that dramatically increased level. It funds basic research and strategic missile defenses, but what it does not do is, it no longer will throw billions of dollars a year into a program which was designed to fool the Soviet Union, which no longer exists, and to encourage them to spend themselves into democracy, well, getting towards democracy, or into default in order to keep up with a program that was not working.

We had revelations in August of the faked tests that took place in this country in 1984. We faked a successful star wars program so we could encourage the Soviet Union to spend more money and to further their decline. We have spent $33 billion now on the star wars program, all of it borrowed money, of course.

The star warriors, they have very little to show, not one single deployable weapon to protect the United States of America from ICBM's. As I say, the crucial tests, which were much-vaunted in 1984, were faked. That was not a successful test. We did not intercept that missile without putting a homing device on the missile. If our enemies will allow us to put homing devices on their missiles, then we are not going to have much of a problem developing a defense, but I do not think they will allow that. Let us do research on future defenses, but we do not have one now and we should not be spending the money.

This amendment is a moderate attempt to construct a real world missile defense against the threats we know we face today. Let us just compare the amendment to the Pentagon's own bottom-up review, a very comprehensive review.

No. 1, emphasize theater missile defense, development and deployment. The Dellums-DeFazio amendment fully funds theater missile defense, development and deployment.

No. 2, focus national missile defense on technology development. The Dellums-DeFazio amendment has a significant amount of money devoted to research to keep us ahead of the rest of the world, to keep us ahead of threats in case there is a breakthrough on strategic missile defense.

No. 3, comply with the AMB treaty. Obviously, since our deployment is focused toward theater missiles, we will have no problem with the ABM Treaty.

Finally, the bottom line, and I think the bottom line for this House of Representatives, is meeting the objectives of the Pentagon and slimming down some of their wasteful programs. They want in their review to reduce the DMB budget by $21 billion over a 5-year period. There is no way to do that under the amendments we are going to hear from the other side, or even what has come out of the Committee on Armed Services, that those would in fact have us spending $8 billion a year in the very near future, and would go far beyond the objectives that have been set here.

It is clear that something has to change. We need, as I said, to refocus this House of Representatives, refocus the Government on things that work and work well, and that we truly and really need to meet the real world threats against the United States of America and our forces. Our constituents, I do not think, differ that much.

Mr. Chairman, I was home in my district and did a number of town meetings. I heard in town meeting after town meeting after town meeting after town meeting, "Congressman, we want you to cut spending first."

This is the first vote of the U.S. House of Representatives on cutting a program that was revealed to us during the August break has not delivered a single working defense, the first vote. Those here who are home and saying, "I am a great budget cutter, I support the balanced budget amendment, I want to cut the waste," this is your opportunity. Vote for the Dellums-DeFazio amendment.

Mr. DELLUMS. Mr. Chairman, I yield three minutes to the gentlewoman from Oregon [Ms. FURSE], a member of the committee.

Ms. FURSE. Mr. Chairman, I rise today to support the Dellums-DeFazio amendment, which would limit spending on ballistic missile defense to $1.5 billion.

For too many years, Mr. Chairman, Congress and the American people have been treated to an unending barrage of scare stories about the need for a highly complex, overly expensive system of ballistic missiles.

□ 1600

I believe that the defense of the United States is too serious to be based on fairy tales and must in fact be based on fact and good science.

First we were told that this plan would protect us from a massive Soviet missile attack. But over 130 top scientists publicly said that they would not work on this program because they did not believe it would work. And then Mr. Carlucci, Mr. Reagan's last Secretary of Defense, finally told us what we already knew, that star wars rhetoric was just political rhetoric.

President Bush's plan would have cost us perhaps $8 to $10 billion a year, and it was flawed. However, even though the cold war is over, the spending goes on.

When Mr. Aspin changed the name to the Ballistic Missile Defense Organization, nothing else really changed. It is sort of like the Federal Witness Protection Program. The names are changed to protect it from being eliminated, but the American people deserve better than tricks. And throughout the history of this flawed project there have been outrageous tricks.

The American people, Congress, and the world have now known through these recent revelations that the homing overlay test was rigged to bluff us into believing that Star Wars would work.

By their testimony earlier this year, the programs in the Pentagon's $3.8 billion request will balloon to an average of over $6 billion for the years 1995 to 1999. We do not need to spend that much if we look at the real threat. We cannot afford to spend that much in today's budget in a world where true national security means we invest in our communities, help businesses grow, create jobs and invest in children. We can safely meet our security needs by funding at the level of the Dellums-DeFazio amendment. The $1.5 billion is plenty to spend on a ballistic missile defense in 1994, and I urge all Members to support this fine amendment.

Mr. HEFLEY. Mr. Chairman, I yield 4 minutes to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, I rise to suggest that we should defeat the Dellums and Schroeder amendments and support the Hefley amendment when they are offered in just a few minutes.

The Hefley amendment would add about $400 million back into the SDI program, which is the funding level supported by the Senate and requested by the administration.

Mr. Chairman, this is really a sad time both for me personally and for the Ballistic Missile Defense Program. It is sad because I am afraid too many Members of this Congress have really chosen to ignore the lessons of history, and will, if they support the Dellums and Schroeder amendments, destroy the only program that would be able to defend the American people from a threat in the future. In fact, even at the committee funding level we cannot develop this system to defend the United States, nor in fact could it be achieved under the Clinton administration request. In its bottom-up review the administration has a funding profile for ballistic missile defense of only about $18 billion over the next 5 years, which would provide only enough for theater defenses and not to protect the United States. As a matter of fact, only token amounts are included for a national missile defense system and for follow-on technologies.

The Clinton plan completely ignores 10 years of ballistic missile defense research, as well as analysis from our Nation's best intelligence experts.

It also contravenes current law, the Missile Defense Act, by scrapping the option for a national missile defense system. I refer our colleagues to section 233(2) which states:

> The Secretary shall develop for deployment a cost-effective, operationally effective, and ABM Treaty compliant antiballistic missile system at a single site as the initial step toward deployment of an antiballistic missile system. . . designed to protect the United States against limited ballistic missile threats . . .

Also, the MDA calls for robust funding of follow-on technologies, which the Clinton plan clearly does not accomplish.

In reviewing this plan, I cannot help put wonder: why do we have intelligence organizations if we do not heed their advice? My colleague, the gentleman from Colorado [Mr. HEFLEY], has already quoted testimony that has been provided by the Director of the CIA, James Woolsey, and there is additional testimony that suggests that before the end of this decade or shortly thereafter the Continental United States could face a threat from a ballistic missile. Yet we ignore that, and defend only for the theater missile threat, not the threat of intercontinental ballistic missiles.

Are the borders of the United States somehow going to be immune from an attack, or are our potential adversaries going to graciously ensure that their missiles stop at our border? That seems obviously inconsistent with the desires of many of our adversaries, and I do not think would be a responsible course of action for us to rely upon. Particularly given the lead time to develop a system to protect the United States, it seems to me to be irresponsible to ignore the warnings of the CIA and others.

The simple fact is that any nation that has a space-launch capability also has the inherent capability to build long-range ballistic missiles. At the present rate of growth, every 4 years a new country develops space-launch capability.

I quote briefly from CIA analyst Lawrence Gershwin, who testified:

> After the turn of the century, however, some nations that are hostile to the United States may be able to indigenously develop ballistic missile that could threaten the United States. We really cannot give you a precise date—it could be eight, ten, or fifteen years from now—when these ICBM could be deployed. Over the next ten years, we are likely to see several Third World nations establish the infrastructure and develop the technical knowledge required to undertake ICBM and space-launch vehicle development.

That is the kind of threat that we have to prepare to defend against. And it seems to me, Mr. Chairman, that a national missile defense capability is the only way to prepare for this.

If Mr. Gershwin's scenario were to occur, and God forbid Americans are killed by ballistic missiles that impact on the United States, I think people are going to ask who made the decision to leave us undefended, and how did it happen.

Our future and our children's future is our hands. Mr. Chairman, I suggest that we dare not leave the American people defenseless in the face of a virtually certain threat. And that means that we have to fund the Ballistic Missile Defense Program at a minimum at the level requested by the Clinton administration and the Senate, which is the amount that the Hefley amendment would call for.

Mr. HEFLEY. Mr. Chairman, I yield 3½ minutes to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, the bill before us authorizes $3.030 billion for ballistic missile defense or BMD. We have two amendments before us to cut that amount and one to increase it. I rise to support the bill as it is and urge that we vote against all three amendments and leave this funding amount in place.

First, let me put $3 billion in context. President Bush's program, had he been privileged to send it up, would have called for $6 billion for ballistic missile defense in fiscal 1994. Secretary Aspin took that, cut that substantially to $3.8 billion. Our committee then took another swipe at the program and we took $730 million off the BMD account, so BMD or ballistic missile defense has been cut, cut substantially, and in my opinion cut to the bone.

Now before we can go any further, let me clarify what BMD or ballistic missile defense includes. It includes the whole Ballistic Missile Defense Programs it is not just the leftover remains of the old SDI Program under a new name or moniker. It includes most of what is left of SDI, but there is very little left, to tell the truth.

The real focus of BMD is on theater missile tactical missile defense and not on strategic defense, so the $3 billion that we are providing in the bill covers theater missile defense and strategic missile defense and a host of technological development programs.

It includes an upgrade to the Patriot known as PAC-3, and it includes funds to develop an alternative to that upgrade called the ERINT, which will be competed against the PAC-3.

The largest item in the budget request that came to us from President Clinton is $484 million for development of THAAD, the theater high altitude area defense system. One of the lessons learned clearly in the Persian Gulf war is that it does not do any good to take out, it does not do a lot of good to take out an incoming missile directly over our own troops or our own cities. You need to take it out as far down range and as far up as possible. That is the objective of the THAAD. It is an important purpose, and as indeed the chairman of the committee just said, he himself supports this particular program objective.

Of the $3.8 billion requested by the administration, only $1.4 billion was allocated in the budget request for what remains of SDI. Contrast that to $3.1 billion provided for SDI as recently as 2 or 3 years ago.

To get SDI from $3.1 billion down to $1.4 billion it had to be stripped down and cut substantially. Just a few years ago it included Brilliant Pebbles. No more. We have ruled that out. A few years ago it had two ground-based interceptors, one EXO atmospheric and the other endoatmospheric. Now we have one ground-based interceptor. A few years ago we also had the futuristic laser system and the nuclear particle beam systems. These are gone, stripped out of the system, and what we have is a bare bones, stripped down SDI Program.

Now I think it goes without much argument, because it is one of the lessons learned of the Persian Gulf, why we should fund and go forward with a new theater ballistic missile defense system. Let me just take one closing minute to explain why I think we should fund SDI.

□ 1610

It seems to be counterintuitive, strategic defense, that is; why do it now in light of the fact that the cold war is over?

Well, in a sense, an ironic sense, it makes more sense now than it did 3 to 5 years ago. Three to 5 years ago the world was divided into two arsenals, each with 10,000 to 13,000 strategic warheads.

Today, with fewer warheads, strategic defense is more feasible. The risk, though it is much diminished, is still there. The risk of a rogue attack by a rogue commander in one of the former states of the Soviet Union. There is a risk of an accidental launch. It is diminished; it is significant, it still cannot be ruled out.

Finally, who can foretell what the state of the world will be 10 years from now when the system would be ready for operational deployment? What would be the state of missile technology in India and Pakistan or Brazil, Argentina or indeed China or the former Soviet Union?

We do not know. That is why this is a wise investment to make.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. I thank the gentleman for yielding this time to me.

Mr. Chairman, I hope that people are tuned in, if they are not here on the floor, paying close attention in their offices. The reason is that we need to discuss the actual elements of what are involved in what is the most important committee authorization, I believe, on this floor. We have spent months arguing about whether or not we are going to attack deficits. We have people coming up to the President of the United States in the streets of this country saying, "You can't tax and spend." Well, I am here to tell you and anybody who is on this committee—and I agree with the gentleman on the other side who said that our committee is a diverse committee—our committee is 40-plus members, which roughly approximates the ideological underpinnings as well as all of the views in the Congress as a whole, in the House as a whole. And I can tell you that here in the defense expenditures is where the real pork barrel is. This is where the real deficit reduction can come to bear. This is where, if you want to spend on the people in the Armed Forces, if you want to make certain that the men and women we have serving in the military are well taken care of, this is the place to do it. I am not here to make an argument about education versus military supply, domestic spending versus our military spending; I am talking about within the defense budget here is our opportunity to make the kind of cuts that make sense within the military expenditures and this is the place to do it.

Please regard that Mr.DELLUMS and Mr. DEFAZIO are making this proposal for $1.5 billion precisely because they intend to abide strictly by the 1972 ABM Treaty. That has been left out of this argument, for all intents and purposes.

When we talk about rogue attacks and all the rest of it, that means we have to concentrate on seeing to it that there is no proliferation. This amendment makes fiscal sense, military sense; this amendment is entirely in keeping with what we need to do to deal with the deficit reduction within the defense budget that makes sense on all policy levels.

This is not an ideological argument, this is an argument about what makes sense on a bipartisan basis for all of us within the defense authorization bill.

Mr. HEFLEY. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. I thank the gentleman for yielding.

Mr. Chairman, I rise to contradict my good friend, the gentleman from Pearl Harbor, who of all people here should know the devastating effects of a lack of preparedness. JOHN SPRATT, Mr. Chairman, took us to the mat, I say to the gentleman from California [Mr. DELLUMS]. The defense budget is already cut to the bone. There is no flesh left on this program. It is a carcass.

Now here in today's paper is faux bubba one and faux bubba deux on the lawn of the White House. Here is their picture and here in my hand is the very document that they are passing out on the lawn of the White House.

Listen to this line from the National Performance Review report: "Defense had launched a bottom-up review to meet the President's 1994 to 1997 spending reduction target." That is the smoking gun. We are trying to reach a budget target before we even consider national security.

The first question should be: What is our strategic need for defense? This budget is a tragedy and a travesty. Right now we cannot defend against one single nuclear device coming at this country. Not one. There is no reaction time like we had with hurricane Emily; no time for battening the hatches and stockpiling food. If one single missile hits this country, people will be marching on this place like Victor Frankenstein's castle to burn it down because we let other Americans die.

BALLISTIC MISSILE DEFENSE

Mr. Speaker, let's put this debate on ballistic missile defense in perspective: Acquiring the capability to launch ballistic missiles is no longer complex. Any space-launch capability, currently available to nearly any nation in the world, gives a nation the ability to launch long range attacks.

A warhead does not need to be a highly accurate nuclear weapon to be devastating. Cheap chemical or biological agents, even nuclear waste, could be launched against a wide area target such as our East Coast and have devastating effects and no hurricane Emily advance warning with days to prepare.

The United States does not, I repeat for the umteenth time, does not have an existing defense against missile attack. This means that the United States, our allies, and forward deployed United States combat forces have no defense, no defense, against even the simplest ballistic missile threat.

Any effort to further slash an already reduced ballistic missile defense budget is like canceling car insurance because you've never been in an accident and are sure you never will be. We cannot afford the potential and horrific consequences of such lack of vision.

A few years ago the world, while dangerous, had an evil stability about it. Throughout the sometimes very bloody, sometimes very hot cold war, the Soviet Union challenged our every interest and those of our allies. But though evil they were in the main rational actors on the World stage. Heavies, the black hats, but following a fairly predictable script.

Today, in the post-Soviet driven, post-Soviet evil empire world, regional powers are gaining in notoriety. Many of these developing regimes are hostile to our interests and are led by irrational despots.

In most cases, their only claim to influence is through military power. Throughout the world, regional powers are arming themselves with forces that exceed any sane security need.

There is growing a still quite evil acquisition of ballistic missiles and weapons of mass destruction. Such weapons are not required to defend one's self. In many cases, they represent a nation's only means to project power well beyond its borders.

A ballistic missile is a weapon that threatens regional stability and, in some cases, threatens nations far beyond the region.

President Clinton's Director of Central Intelligence, James Woolsey, has testified that:

> The threat from theater ballistic missiles is current, real and growing. For decades now, the international community has worked from the premise that the more countries that possess these weapons, the greater the likelihood they will be used. * * * More than 25 countries, many of them hostile to the United States and our friends and allies, may now have or be developing nuclear, biological, and chemical weapons, and the means to deliver them.

The implication of missile proliferation on our Nation's security interests and strategy are significant. Again, to quote the Director of Central Intelligence:

> Possession of these [weapons] by potential adversaries is certainly going to complicate our regional security concerns, and it will also complicate our ability to hold coalitions together, as was done successfully during the Gulf War.

The proliferation of ballistic missiles and weapons of mass destruction is an issue directly confronting the strategic interests of the United States, its traditional allies, and its friends—including Russia.

Several countries are likely to have or are seeking ballistic missiles that have a sufficient range to threaten U.S. allies and forces in the Middle East, Asia, and parts of Europe.

Recent history shows us that the use of ballistic missiles is no longer just a theoretical possibility—but rather an insidious reality. As demonstrated in Desert Storm and the Iran-Iraq War, ballistic missiles are fast becoming the weapon of choice for nations otherwise unable to strike their adversaries at long ranges.

I would like to quote a section from a recent analytic article, "Challenges Posed by Space-Launch and Missile Proliferation," by Mr. Thomas Mahaken and Dr. Janne Nolan, both highly regarded experts in this field.

> The use of ballistic missile has become a hallmark of conflict in the Third World. The systems employed to date, such as the modified Scud missiles launched by Iraq against Israel and Saudi Arabia during the Gulf War, are still highly inaccurate and carry relatively small high-explosive warheads. But they proved to have a significant impact on civilian morale (during the "War of the Cities" in the Iran-Iraq War) and on military operations (during the Gulf War). Moreover, a new generation of missiles with greater range, higher accuracy, and capacity to carry more destructive payloads is appearing on the world market. These systems will pose a much greater potential threat to regional stability than did Saddam Hussein's missiles.

What I see today is a dangerous trend in proliferation. As one CIA analyst recently explained,

> The potential capabilities of some of these countries are comparable to, and in some cases, more lethal than the Soviet threat in 1960. With leaders like Qaddhafi and Saddam Hussein, and in many cases weak, unstable, or illegitimate governments, our classic notions of deterrence hold much less promise of assuring the security of the United States and its allies.

The possession of ballistic missiles armed with weapons of mass destruction will threaten U.S. security interests.

Consider how difficult it would have been for us to hold the coalition together during Desert Shield and Desert Storm, if for example, Europe was held at risk by a hostile power's missile arsenal.

Syria currently has Scud missiles and has turned to North Korea for an extended range missile. It is also seeking assistance from China and Western firms to acquire an improved capability with chemical or biological weapons.

Libya has not abandoned its long-term goal of extending its military reach across the eastern Mediterranean. Its chemical weapons program has produced and stockpiled as many as 100 tons of chemical agents, and Libya is shopping throughout the world for an alternative source of longer range missiles. We should not forget that Libya, like Iraq, has fired ballistic missiles in anger against U.S. forces.

Many countries have developed weapons of mass destruction and the means to deliver them. Others are developing these weapons. There is a real possibility that some nations will be motivated to use them in regional confrontations, threatening U.S. interests, and perhaps forces, abroad.

We must develop the means to defense against such weapons. The Clinton Administration's BMD program is a prudent approach to dealing with this growing threat.

I urge my colleagues to support the administration in this vital area.

We can do so by defeating the Dellums-DeFazio and Schroeder amendments.

Mr. DELLUMS. Mr. Chairman, as I understand it, this side has 4 minutes remaining and has the right to close debate, and it is the intention of this side to yield that time to the distinguished gentlewoman from Colorado [Mrs. SCHROEDER].

Mr. HEFLEY. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. My colleagues, I think it is a tragedy that we are having this debate with the best we have on the high side being $467 million addition to SDI. The reason we are building against theater ballistic missiles is because we had one launched at us, a number of them launched at us in Desert Storm. And the same liberals who before said that there should not be war in the heavens said, "Thank heavens we are able to shoot down those model T's with the only system we had; that is, the Patriot."

Today, we can meet tanks, we can meet ships, we can meet aircraft; the only threat we cannot meet is a missile attack. The missiles that Mr. SPRATT alluded to, ERINT and THAAD, will not be operational until 1997—or 1996. So we have no defense today. We should be using this little bit of time, this little breathing space we have, this precious breathing space we have, to move forward very rapidly on this program.

If you care about the most important aspect of national security over the next 10 years, support this amendment by Mr. HEFLEY.

Mr. HEFLEY. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. BARTLETT].

Mr. BARTLETT of Maryland. Mr. Chairman, the cold war may be over, the threat of missile attack to this country is not over. The second, third, and fourth largest nuclear and missile powers in the world are now Russia, Ukraine, Kazakhstan. Third World countries, many of them, are moving rapidly to acquire missile technology and nuclear technology.

The probability that the United States will come under missile attack is now probably greater than at most times during the cold war. It just makes absolutely no sense to downsize this very important part of our military. It would make more sense to be building up in this area rather than building down.

I implore my colleagues to do the right thing for this country, defeat those amendments which would cut this very important program, and support that amendment which would increase it and bring it just to the level that was requested by this administration.

Mr. HEFLEY. Mr. Chairman, let me just say in summing up this side of the debate in the few seconds we have left here that we should focus on three amendments: The Dellums amendments would indeed destroy SDI, I believe, our missile defense, the effective development of a program that we could count on in our lifetimes actually being ready to deploy and saving American lives; the Schroeder amendment would almost destroy any hope we would have of a missile defense system. The Hefley amendment is not that spiffy, either, in terms of really trying to get there and get the job done, but it is a whole lot better than the other two.

It is the position of the administration, it is the position of the Senate, it is the position that most people who have looked at the budget, given the constraints we have, the spending constraints and so forth, and said, "Well, if we are going to have missile defense, this is where we ought to be." I think your decision should be, if you want missile defense, you do not vote for the Dellums amendment; if you want an effective missile defense, you will vote for the Hefley amendment. We will get to that more as we get into the individual amendments.

Mr. Chairman, I yield back the balance of my time.

☐ 1620

Mr. DELLUMS. Mr. Chairman, to close out the general debate on this portion of the bill, it is my pleasure to yield 4 minutes to the distinguished gentlewoman from Colorado [Mrs. SCHROEDER], the chairman of the Subcommittee on Research and Technology of the Committee on Armed Services.

Mrs. SCHROEDER. Mr. Chairman, I thank the distinguished gentleman from California for yielding this time to me.

Mr. Chairman, I want to try and put this in some framework that we can all agree on, because there has been an awful lot of charges made around here that I think we need to clear up.

First of all, there is no one touching theater ballistic defense. The theater ballistic defense missiles that we are talking about are left alone in all these amendments, and we fully fund what they want. That is the essential part. That is the part that there is the most threat on. Those are short-range missiles coming in on troops. We agree fully. There is no debate on the different amendments on that issue. They are all the same number.

So let us make that perfectly clear and let us go over it and over it again.

The issue is how much more do you add for the strategic defense which goes out to fight these intercontinental ballistic missiles. That is the issue.

Now, let us listen to some of the things that have been said on the other side. People were saying that the CIA Director had said in public and some other people that maybe by the end of the decade there might be some countries that would have created enough infrastructure that they might be able to begin to develop intercontinental ballistic missiles. Might, might, might, and we are talking about 8 years minimum and so forth.

Now, what I would like to do is invite anyone over here who would like to see it, if you look at the CIA Directorate of Intelligence that came out in June of 1993, the prior statement is terribly optimistic compared to this classified document over here; but even the open one that we can talk about that puts, I suppose, the more optimistic spin than the classified one says, we are still looking at maybe the end of the decade and only developing the infrastructure and only proceeding on that; but, but before we go out and buy a nightlight and panic, there is a whole new thing happening in this area. Aviation Week points this out, and that is that everyone has discovered cruise missiles are a whole lot cheaper to build than intercontinental ballistic missiles. Cruise missiles can be built for probably less than $100,000 a piece. What country is going to go out and start investing in this whole infrastructure for intercontinental ballistic missiles when you can do cruise missiles? And what we can use for cruise missiles is more like the theater ballistic defense that comes out, and that we fully funded in all the amendments.

The question is, How much more do we spend in these other areas?

Now, let us also remember some of the history about this. Look, I have been around a long time, my gray hair shows it, but this whole SDI, now BDM, has been around for a long time. It has been kind of a cash cow used to fund everything. While we were out on break, one of the Air Force generals came forward and admitted that they have enhanced some of the tests to make it look good to keep all this research going.

We have always had way more research going than we could ever really sustain if we moved into production, and a lot of that research really was not coming up with what we hoped it would, as we now know from some of the very sad things that came out over the break.

So what we did on the committee is, if you look at the beginning of the year, we had a brand new President and a brand new Secretary of Defense and they worked with the old numbers because they did not know what else to do, and said, "Time out while we do a bottom-up review."

We did not know what to do, because we had to mark up in the interim. We took the nonpartisan staff from Research and Development and said, go through this thing top to bottom and find anything that is redundant, protect theater defense and come out with where you think we probably will go and the kind of things that we probably will fund long term on the way up, the tests that are looking good, the things that are moving along, the things that do not look like they are duplicating other things. That is what they did. Our nonpartisan staff came up with the $2.8 billion. That lost by only 1 vote in committee.

I think that is probably the best one because now as we look at the new bottom-up review by the administration and ramp it back to this year, we are still $100 million over where they would be.

This makes sense. I certainly hope people will stay with this, and I hope we really do not mix up our terms here and everybody understands what it is we are really addressing, and that there is no conflict about treating our troops correctly.

And please, please come over and read this classified document so you will not worry so much that the whole world is going to come down on our heads and be concerned about cruise missiles.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 1 printed in part 1 of the House Report 103–223.

AMENDMENT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DELLUMS: At the end of subtitle A of title II (page 42, after line 23) insert the following new section:

SEC. 203. AIR FORCE SPACE BASED SURVEILLANCE PROGRAM.

The amount provided in section 201 for the Air Force is hereby reduced by $252,952,000. None of the amount provided in such section shall be available for the program known as Brilliant Eyes.

Strike out section 231 and 232 (page 53, line 10, through page 54, line 15) and insert in lieu thereof the following:

SEC. 231. THEATER MISSILE DEFENSE INITIATIVE.

(a) FUNDING FOR FISCAL YEAR 1994.—Of the amounts appropriated pursuant to section 201 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1994, not more than $811,300,000 may be obligated for activities of the Theater Missile Defense Initiative.

(b) REPORT.—When the President's budget for fiscal year 1995 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report—

(1) setting forth the allocation by the Secretary of funds appropriated for the Theater Missile Defense Initiative for fiscal year 1994, and the proposed allocation of funds for the Theater Missile Defense Initiative for fiscal year 1995, shown for each program, project, and activity; and

(2) describing an updated master plan for the Theater Missile Defense Initiative that includes (A) a detailed consideration of plans for theater and tactical missile defense doctrine, training, tactics, and force structure, and (B) a detailed acquisition strategy which includes a consideration of acquisition and life-cycle costs through the year 2006 for the programs, projects, and activities associated with the Theater Missile Defense Initiative.

SEC. 232. BALLISTIC MISSILE DEFENSE ORGANIZATION FUNDING.

(a) TOTAL AMOUNT.—Of the amounts appropriated pursuant to section 201 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1994, not more than $568,000,000 may be obligated for the Ballistic Missile Defense Organization, of which—

(1) not more than $400,000,000 shall be available for National Missile Defense programs, projects, and activities; and

(2) not more than $168,000,000 shall be available for programs, projects, and activities within the Research and Support Activities program element (including the Small Business Innovation Research program and the Small Business Technology Transfer program).

(b) LIMITATIONS.—None of the amounts described in subsection (a) shall be available—

(1) for programs, projects, and activities within the Space-Based Interceptors program element; or

(2) for programs, projects, and activities within the Follow-On Systems program element, including the program known as Brilliant Pebbles.

The CHAIRMAN. Pursuant to the rule, the gentleman from California [Mr. DELLUMS] will be recognized for 5 minutes, and a member in opposition will be recognized for 5 minutes.

Mr. HEFLEY. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from Colorado [Mr. HEFLEY] will be recognized for 5 minutes.

The Chair now recognizes the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise to offer an amendment on behalf of myself and the gentleman from Oregon [Mr. DEFAZIO] to limit spending on ballistic missile defense to $1.5 billion. I believe that this amendment is the one that finally looks at the ballistic missile threat problem rationally, without the hype and scaremongering. This amendment makes sense.

It gives top priority to theater missile defense. The gentleman from Colorado pointing out the threat and the economics of cruise missiles is a very powerful point. This gentleman over the years has said to his colleagues, once we develop cruise missile technology, we may have changed the world for all time to its detriment, and now we may be reaping the wild wind of the technology that we developed that now makes cruise missiles cheap and potentially can put them in the hands of a lot of other people.

This simple reality escaped the Pentagon and White House for 10 years. The amendment prunes the administration's theater missile request to a sensible and healthy level of $932 million. Everyone knows that the administration's request would fund too many overlapping, so we had to make some decisions.

Frankly, I salute the ranking minority member of the Armed Services Committee, the gentleman from South Carolina [Mr. SPENCE], for his statement, "The question is, can we afford to carry all of these programs to fruition? My judgment is, we cannot."

At $932 million for theater missile defense, this amendment provides enough funding to fully fund the Patriot Missile request, the Navy lower tier missile defense request, the Arrow theater missile defense request, the PAC–3 demonstration/validation request, fund the theater high altitude area defense interceptor [THAAD] and THAAD radar at a higher level than this year.

This is a vigorous Theater Missile Defense Program.

This amendment at long last puts national missile defense in the proper setting. It funds a technology base for national missile defense, but does not take us down the costly and unnecessary road of deploying such a defense. It provides an active base from which we can devote greater efforts in the unlikely event a serious and irrational ICBM threat against the United States from a hostile force does develop. Such a funding level is comparable to the investment that the United States made in the mid-to-late 1970's, in the aftermath of the ABM Treaty, when the hostile ICBM threat to the United States was far greater than it is today.

With those remarks, Mr. Chairman, I urge support for the amendment offered by myself and the gentleman from Oregon [Mr. DEFAZIO].

Mr. HEFLEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Chairman, I rise to oppose the amendment of the distinguished chairman of the Armed Services Committee. While I greatly respect, and appreciate, the fairness by which the gentleman from California has conducted all Armed Service Committee matters, I fundamentally disagree with his amendment to drastically cut funding for ballistic missile defense.

Never before in the history of the world has the balance of power shifted so quickly and so peacefully as it has in the past 4 years. The cold war threat of a single, enormously powerful opponent is over, at least for now. We all rejoice at the demise of the Soviet Union, and hope that democracy takes hold in Russia and the other republics.

But our hopes do not mean that we no longer need to maintain our defense. With the demise of the Soviet Union, much of the tension of a bipolar world has been eliminated. But while much tension is eliminated, there is now far more instability, as dictators no longer look to any superpower before deciding what mischief they might engage in. In reality, many of the nonnuclear weapons of destruction that used to make up the Soviet arsenal are now being sold around the world, often to anyone with the money to buy.

As for the nuclear weapons in Russia, we all hope that democracy takes hold in Russia, and that further bilateral reductions in nuclear weapons are made. But just as quickly as the most recent Russian revolution occurred, another could occur, with a military dictator claiming power. Shouldn't we wait a little bit longer before dropping our strategic defenses and deciding that Russia has successfully ended centuries of totalitarian governments?

These are reasons that the defense needs of the United States are still very real. They are not the same as they were 4 years ago, and they may continue to change when viewed in their entirety. While preparing for a very different type of threat, we must also develop a flexibility to our defense that will meet those changing needs.

One of the key challenges that we must meet is the threat of theater missiles. If we learned nothing else from the gulf war, at a minimum we should have learned that a few missiles, even nonnuclear, in the hands of a madman can terrorize a city, a nation, and even an entire people.

Secretary of Defense Les Aspin this week outlined the new look for ballistic missile defense, which will concentrate on developing theater missile defense programs like the Patriot PAC III upgrade, and other systems. These are defensive programs, designed to protect our troops overseas, as well as innocent people around the world.

It was not the Soviet Union, but Iraq that forced our allies in the Mideast to don gas masks and take shelter during the gulf war. We must be able to defend against this danger, and theater missile defense is the best protection we can invest in. Perhaps 5 or 10 years from now, we may not need to spend as much on ballistic missile defense as we do now. But in this area, a miscalculation could prove to be fatal. I ask my colleagues to join me in opposing the amendment offered by the gentleman from California, and supporting a sound level of funding for ballistic missile defense.

□ 1630

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. KLECZKA].

Mr. KLECZKA. Mr. Chairman, I rise today in strong support of the Dellums amendment. Since the mid-1980s, our Government has spent $30 billion on ballistic missile defense. Much of this amount has been spent on research for a hocus-pocus space-based defense system based on a theory. That theory was that we would be the target of a massive intercontinental Soviet nuclear attack. With the fall of the Soviet Union, that theory is more unrealistic than ever, and it is time to make substantial reductions in this extravagant and misguided program.

To make matters worse, we've all been misled. Recent revelations have alleged that the original 1984 ballistic missile defense test was rigged. Army officials have acknowledged that the target was heated, making it 10 times easier to hit; an explosive charge was attached to the warhead to enhance the detonation; and the target ICBM carried a beacon that guided the interceptor rocket toward a set-up collision. These aspects of the test clearly made it easier for the interceptor to find its target.

At the time, the successful test was hailed as a triumph for the Reagan administration's SDI Program. As a result, we were misled into spending $30 billion on a questionable program. My friends, let me tell you what we could have gotten for that $30 billion if we hadn't spent it on this theoretical sham. We could have paid half of the cost of covering all uninsured and low-wage American workers in small firms. We could have funded Head Start 10 times over. We could have taken one-tenth out of our annual deficit. Or we could have appropriated three times the funding for the National Institutes of Health.

The Dellums amendment makes substantial reductions in the ballistic missile defense program, but remains consistent with the priorities the Clinton administration has outlined for the program. The amendment eliminates funding for space-based follow-on technology, and reduces funding for missile defense designed to meet an unlikely intercontinental attack. Lastly, it emphasizes the theater defense portion of our Ballistic Missile Defense Program, where most of the threat of missile attack remains.

This amendment is also consistent with efforts to increase burdensharing. There is a growing realization on both sides of the aisle that we cannot afford to continue to fund expensive installations designed to protect our allies, while they spend their tax dollars on reality, not theory. By requiring the Defense Department to report on allied contributions to theater missile defense, we open the door to future spending reductions.

Mr. Chairman, I know that some opponents of this amendment are concerned about national security. I share this concern, but believe that today, national security is increasingly an economic, as well as a military, issue. We must redirect our economy away from defense-related production, and toward the high-technology civilian-sector industries that produce products to sell overseas, and products to enhance our productivity at home.

This brings me to my final point, which is about jobs. Our economy has become dangerously dependent on military production. We must all confront the difficult choice between the need to maintain jobs now, and the need to get the military back in the business of national security, so that we may create more jobs in other industries later.

Opponents of the amendment, especially those on the other side of the aisle, may remember that the first warnings of our increasing economic dependence on the military came over 30 years ago, from a member of their own party, President Eisenhower. We have known about this problem for a long time.

For the sake of fairness, I would point out that the cold war took many twists and turns in the past 30 years. Now that it is over, however, we have no more excuses not to heed the former President's warning. Let's make the tough choices necessary to redirect our economy. Let us stop the insanity in directing our scarce resources into a theoretical sham. I urge my colleagues to vote for the Dellums amendment.

Mr. HEFLEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, it is a great honor to serve on the House Committee on Armed Services, under its chairman, the gentleman from California [Mr. DELLUMS], and so it is only after great thought and with the strongest personal conviction that I rise in opposition to him. I do so here because the BMD Program and funding level in the committee bill are important and necessary.

I joined my colleague, the gentleman from North Carolina [Mr. SPRATT], in urging an increase in BMD funding above the committee mark, a proposal which was adopted in markup. Even with these increases, we delete futuristic, space based programs, including a number in California's South Bay, the center of the aerospace industry and the center of my congressional district. Halving this figure now will reduce missile defense to a handful of isolated research programs and will keep us from getting any focussed result after a $30 plus billion investment. Nor should we delete the additions made in the full committee, a position the gentlewoman from Colorado [Mrs. SCHROEDER] urges. I support the technology reinvestment program, but H.R. 2401 already doubles its funding above the requested level.

Mr. Chairman, I spent part of the recess in Israel and saw first hand how critical missile defense technology is to the future of that region. Missile defense R&D has produced some important technology breakthroughs in areas like miniaturization, and it is important not to throw those gains out.

Just as the House rejected cuts to the intelligence budget below what the Permanent Select Committee on Intelligence recommended, it should not cut BMD funding below what the committee recommended. I urge opposition to all proposed amendments and adoption of the committee bill.

Mr. HEFLEY. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, several speakers have made reference to the CIA report authored by Lawrence K. Gershwin, and I would like to be specific about this report and quote from it. The first paragraph of the report states this:

THE THREAT TO THE CONTINENTAL UNITED STATES

RUSSIA

Based on current trends and a cooperative US-Russian relationship, the threat to the United States of a deliberate attack from Russia has all but disappeared for the foreseeable future. Although the number of warheads aimed at the United States remains large, the capabilities of Russian strategic forces are being significantly reduced due to arms agreements, economic pressures, and political changes.

The START 2 treaty, if ratified, will require the Russians to dramatically alter the composition of their strategic forces. The Russian force will shift from a heavy reliance on land-based MIRVed ICBMs to a force relying primarily on submarines, bombers, and single-RV ICBMs. By 2003, for example, Russia will be required to dismantle the entire force of 10 RV SS-18s, and reduce its forces from 10,000 strategic warheads, deployed in four states of the former Soviet Union, to 3,000 to 3,500 warheads, deployed in Russia. Nevertheless, Russia will almost certainly exercise its option to field a sizable force of single-RV ballistic missiles.

Russia remains committed to maintaining some of the strategic capabilities of the former Soviet Union, even though these capabilities will be at considerably lower levels than in the past.

Even with these reductions, we believe that the Russians will continue developmental work on a few new or follow-on systems. We expect that Russia will flight test and deploy three new ballistic missiles—a road-mobile ICBM, a silo-based ICBM, and an SLBM—during this decade. In addition, we expect the Russians to deploy a new ballistic missile submarine after the turn of the century.

The turmoil in Russia and the other former Soviet States has led to some concern about the possibility of accidental or unauthorized launches of nuclear forces. The Soviet Union's strong central government had an excellent nuclear command and control system that provided us with a high level of assurance that an accidental or unauthorized launch was highly unlikely. Today, while we believe that such an event remains highly unlikely, we must note that this command and control system was not designed in anticipation of the potential fragmentation of political and military authority, especially in Russia. The dramatic political changes could betray weaknesses in Moscow's command and control system that neither we nor the Russians could have anticipated. The reliability of the personnel involved with nuclear weapons will be crucial to maintaining the security of the nuclear arsenal.

CHINA

China also has the capability to attack U.S. territory, defense forces, and interests. The Chinese have deployed a small force of nuclear-tipped ICBMs, some of which are aimed at the United States, as well as a small force of intermediate-range ballistic missiles, that could be targeted against our allies and our forces in Asia. China plans to update this force with new missiles. Press reports indicate additional Chinese strategic missile development efforts are taking place. Improvements include the development of a new missile that will be deployed as a mobile ICBM and on a new ballistic missile submarine, and development of a second mobile ICBM that can reach the United States.

OTHER NATIONS

We do not expect any nations beyond Russia and China to develop and produce ICBMs capable of striking the United States during this decade. We have no evidence to suggest that any country currently plans to bring together the requisite materials, technologies, facilities, or expertise.

Several nations with space launch capabilities could modify those launchers to acquire a long-range ballistic missile capability, but we do not expect any nation now having space launch vehicles to do so. Presently, India, Israel, and Japan have developed space launch vehicles that, if converted to surface-to-surface missiles, are capable of reaching targets in the United States. Brazil has a space launch vehicle under development that is expected to be test launched within the next five years.

After the turn of the century, however, some nations that are hostile to the United States may be able to indigenously develop ballistic missiles that could threaten the United States. We really cannot give you a precise date—it could be eight, ten, or fifteen years from now—when these ICBMs could be deployed. Over the next ten years, we are likely to see several Third World nations establish the infrastructure and develop the technical knowledge required to undertake ICBM and space launch vehicle development.

We also remain concerned that hostile nations will try to purchase from other states ballistic missiles capable of striking the United States. Libya, for example, has in the past publicly stated a desire for weapons of mass destruction that could be delivered by ballistic missile to the United States. A shortcut approach—prohibited by the Missile Technology Control Regime and Nuclear Nonproliferation Treaty—would be to buy ICBMs or major components covertly, together with suitable nuclear warheads or fissile materials. The acquisition of key production technologies and technical expertise would speed up ICBM development.

THE THREAT FROM TACTICAL BALLISTIC MISSILES

The threat from theater ballistic missiles is real and growing. For decades, the international community has worked from the premise that the more countries that possess these weapons, the greater the likelihood that they will be used.

The proliferation of ballistic missile-delivered weapons of mass destruction is an issue directly confronting the strategic interests of the United States, its traditional allies, and its friends, such as Russia. Several countries are likely to have or are seeking ballistic missiles that have a sufficient range to threaten U.S. allies and forces in the Middle East, Asia, and parts of Europe.

Moreover, as events in Desert Storm so vividly demonstrated, the use of ballistic missiles is a reality, not just a theoretical possibility. As demonstrated in Desert Storm and the Iran-Iraq war, ballistic missiles are becoming the weapon or choice for nations otherwise unable to strike their enemies at long ranges.

The danger from theater ballistic missiles is threatening enough with conventional weapons. With weapons of mass destruction, however, these weapons become particularly insidious.

We see a dangerous trend in the proliferation in nearly two dozen countries of weapons of mass destruction—nuclear, chemical, and biological weapons. The potential capabilities of some of these countries are comparable to, and in some cases, more lethal than the Soviet threat in 1960. With leaders like Qadhafi and Saddam Hussein, and in many cases weak, unstable, or illegitimate governments, our classic notions of deterrence hold much less promise of assuring the security of the United States and its allies.

Possession of these ballistic missiles armed with weapons of mass destruction will threaten U.S. security interests:

Our ability to hold coalitions together, as was done successfully in Desert Storm, will be more difficult. If Europe, for example, is held at risk by hostile powers in the Mideast, the difficulty of putting a coalition together would be quite substantial.

The stability of regions and political agreements could be undercut. For example, our concerns about North Korea's nuclear and ballistic missile efforts extend beyond the peninsula itself. If North Korea acquires nuclear weapons we worry about the consequences for stability in northeast Asia.

Now, let me cite a few examples, starting with North Korea, whose recent actions are of grave concern.

North Korea's weapons program represent our most urgent national security threat in east Asia. It possesses Scud missiles that are capable of striking South Korea and our forces there. North Korea is also developing a longer-range ballistic missile capable of threatening Japan.

These ballistic missile developments are especially alarming given the real possibility that it has already manufactured enough fissile material for at least one nuclear weapon, and North Korea's recent announcement that it would withdraw from the Nuclear Non-proliferation Treaty. Moreover, it is likely that North Korea will continue to produce additional plutonium that it could use in nuclear weapons.

The Middle East represents an area of special concern, because half of the countries have nuclear, chemical, or biological weapons programs, at least in development.

Iran still poses a potential threat to its smaller neighbors and to the free flow of oil through the gulf. It continues to support terrorism as an instrument of state policy. And Iran has embarked on an ambitious effort to develop its military and defense industries, including programs for weapons of mass destruction. Iran is shopping Western markets for nuclear and missile technology, and it may turn to the states of the former Soviet Union for such technology and expertise. Because it hasn't been able to get what it wants from the West, Iran increasingly has looked to Asian sources for military and technical aid—to North Korea for long-range Scuds and to China for missiles and nuclear-related technologies.

Iran continues to pursue the acquisition of nuclear weapons despite being a signatory to the Nuclear Non-proliferation Treaty. The intelligence community believes that Iran probably will take at least eight to ten years to build its own nuclear weapons. Technology provided by other countries is crucial towards producing a nuclear weapons. Without this help, Iran's program would suffer a devastating blow, setting it back by many years.

Iran is also out shopping for nuclear weapons and weapons-grade nuclear materials. If the Iranians succeed, they could have weapons much sooner.

Although Saddam Husayn's ability in the next several years to threaten the stability of the Gulf region and the world's oil supply has been crippled, Iraq continues to pose a major challenge. Substantial numbers of Scud missiles and production equipment remain, despite Desert Storm and U.N. inspections. The time and cost to Iraq of reviving its missile program will depend on the continuation of the inspection regime and Saddam's ability to obtain critical equipment from abroad.

Despite the fact that Desert Storm and subsequent U.N. inspections significantly damaged Iraq's special weapons program, Baghdad continues to view the development of a nuclear capability as a key to establishing dominance and influencing regional issues. Iraq would also pursue nuclear weapons to deter western involvement in the region.

Saddam still has significant residual programs in all four areas of weapons of mass destruction—missiles; nuclear, biological, and chemical, and he will continue to pursue these programs regardless of the expense and regardless of the state of U.N. inspections and sanctions.

Because of its inability to purchase longer range missiles from Russia, Syria has turned to North Korea for an extended range missile. Syria apparently is also seeking assistance from China and Western firms to acquire an improved capability with chemical or biological warheads.

Libya has not abandoned its long-term goal of extending its military reach across the Eastern Mediterranean. Its chemical weapons program has produced and stockpiled as many as 100 tons of chemical agents, and Libya is shopping throughout the world for an alternative source of longer range missiles. And we should not forget that Libya, like Iraq, has fired ballistic missiles in anger against U.S. forces.

BALLISTIC MISSILE SALES

In addition to missiles already deployed throughout the world, we are particularly concerned about ongoing sales of short- and medium-range ballistic missiles. Also troubling are the sales of technology and production equipment that will give nations the ability to build missiles for years to come.

North Korea has sold extended range Scud missiles to—among others—Iran and Syria. North Korea is also actively marketing the No Dong missile, which has a longer range than these Scuds.

In the past China has sold ballistic missiles to other nations, including the long-range CSS–2 to Saudi Arabia. Since then, China agreed to observe the guidelines of the Missile Technology Control Regime—which limit the sale of missile systems and technologies for medium-range and longer-range ballistic missiles. I'm sure that you are aware of various press reports indicating that China delivered M–11 missile-related equipment to Pakistan late last year. In this case and others, we are closely monitoring China's behavior for signs that Beijing is not living up to its commitments.

Economic pressures are causing some Russian and Ukrainian officials to pursue efforts that may not be consistent with the Missile Technology Control Regime. Russia, for example, has already sold rocket engine technology to India. In a recent arms show in Moscow, the Russians advertised a derivative of the old SS–23 ballistic missile for sale as a civilian rocket, raising additional MTCR concerns.

Unless the sale of such missiles from all suppliers is stopped completely, it is likely that these delivery systems, over time, will be mated with weapons of mass destruction.

POTENTIAL TRANSFERS OF NUCLEAR WEAPONS AND NUCLEAR MATERIALS

We are also concerned about the potential for illicit sales of nuclear weapons to rogue nations. If North Korea acquires nuclear weapons, the possibility that it would sell some to other countries, such as Iran, cannot be ignored.

The political struggle in Moscow and developments in the military forces might lead to unauthorized sales of nuclear weapons, weapons material, or weapons technologies:

Military personnel involved with nuclear weapons are not immune from the problems endemic in Russian society. Although they traditionally received priority treatment, they now suffer along with the rest of the military from a loss of prestige, rapid decline in living standards, and uncertain careers and futures.

We have seen reports that former-Soviet nuclear weapons have already been offered on the black market or have been acquired by Iran. We have investigated these reports and do not find them to be credible, but we are highly attentive to such a possibility, given Russia's situation. Current safeguards alone will not be sufficient to guarantee the security of the thousands of warheads and tons of missile material extracted from dismantled warheads from falling into the wrong hands.

PROSPECTS FOR BALLISTIC MISSILE DEFENSE COOPERATION

Finally, let me address the prospects for international cooperation in ballistic missile defenses. Because of the end of the cold war, the United States has new opportunities, particularly in strategic defense. Russian President Yeltsin's statements indicate a much greater interest in cooperating with the United States on missile defense matters than was true before the breakup of the Soviet Union. Discussions of a global protection system are likely to be difficult—Russia, like the United States, has both opponents and proponents for ballistic missile defense—but the United States and Russia share new common ground:

Many Russians believe that the development of new anti-tactical ballistic missile systems is one of the answers for the proliferation threat—a menace that most threatens Russia at the moment because of geography.

Russia will also be looking for Western assistance on early warning problems. The disintegration of the Soviet Union, as well as previous problems with early warning systems development, have resulted in Russia facing serious difficulties in detecting ballistic missile attacks.

Moscow, however, will not quickly abandon the ABM Treaty. Many Russians believe the treaty is the basis of strategic stability, particularly in an era of deep strategic arms reductions. Many Russians are also likely to continue to be seriously concerned about space-based defenses and sensors. Suspicion of U.S. motives is still evident. Nonetheless, prospects for mutual agreements in strategic defenses are better now than during the cold war.

CONCLUSIONS

Despite the end of the cold war and the subsequent relaxation of East-West tensions, the United States continues to face serious challenges in the coming decade and beyond. Many countries have developed weapons of mass destruction, and others are acquiring the capability to develop these weapons. There is the real possibility that some nations will be motivated to use them in regional confrontations, threatening U.S. interests abroad.

We do not expect a direct threat to United States territory during this decade. We must be watchful, however, that after the turn of the century some nation hostile to the United States will acquire ballistic missiles able to deliver weapons of mass destruction that threaten the United States itself.

Mr. HEFLEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I say to the gentleman from California, Mr. DELLUMS, you and I have been on the opposite extremes of this particular debate forever, and both of us feel very passionate about our position on this. We could almost replay our speeches from last year this year. I feel very strongly that we need a robust missile defense research, and maybe deployment or the ability to deploy if we need this. I think you feel very strongly the other way.

So, Mr. Chairman, I guess I would encourage my colleagues today to not support the Dellums amendment. It really will destroy, I believe, any pretense of a missile defense development in this country. We have heard the reasons why we need this kind of a development. So, I would encourage my colleagues to not support the Dellums amendment and go to the Hefley amendment which I will ask them to support.

Mr. DELLUMS. Mr. Chairman, for the purposes of closing the debate on this side of the aisle on the amendment before the body, I yield the balance of my time to the gentleman from Oregon [Mr. DEFAZIO], the coauthor of the amendment.

Mr. DEFAZIO. Mr. Chairman, let us first be clear. The report which was read to the House was obviously not the classified document which sits over here on the dais, as that was, in fact, an unclassified report. If the gentleman were to read the classified report, he would find that the views of the agency are much less pessimistic than that which was offered in public, and in fact they find the threats to be significally less than those in the public report. Of course I am constrained in being more specific, but it is there for the gentleman, or any other Member of the House, to read.

The bottom line here is: Is this a cut that would make sense for the future of the development of a strategic missile defense in terms of research? Is it something that will full fund any and all needs for theater missile defense? Most of the debate on that side of the aisle has been devoted to theater missile defense. We want theater missile defense. We have seen a dramatic increase in the funding for theater missile defense. And, in fact, the Dellums-DeFazio amendment fully funds the continued development and potential development of theater missile defense. It does, however, cut back the strategic missile defense program to $400 million, that which the Pentagon says is adequate to fully fund an ongoing, robust research and development program.

Four hundred million dollars is peanuts? One point five billion dollars is too much of a cut? Three point three billion dollars to the gentleman on that side of the aisle is cutting it to the bone? Does anyone believe that a program that spent $33 billion and faked one successful attempt at interception is being cut to the bone? At $3.3 billion more, 10 percent of what they have spent in the last 10 years, with nothing to show for it? Remember the Patriot missile? Never got a penny from the strategic missile program. It was developed entirely outside of that program.

The CHAIRMAN pro tempore (Mr. DURBIN). The time of the gentleman from Oregon [Mr. DEFAZIO] has expired.

The question is on the amendment offered by the gentleman from California [Mr. DELLUMS].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 160, noes 272, not voting 6, as follows:

[Roll No. 412]

AYES—160

Abercrombie
Ackerman
Andrews (ME)
Barca
Barcia
Barrett (WI)
Becerra
Beilenson
Berman
Blackwell
Bonior
Brown (CA)
Brown (OH)
Bryant
Byrne
Cantwell
Carr
Clay
Clayton
Collins (IL)
Collins (MI)
Condit
Coyne
de Lugo (VI)
DeFazio
Dellums
Dingell
Dooley
Duncan
Durbin
Edwards (CA)
Engel
English (AZ)
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gephardt
Gibbons
Green
Gutierrez
Hall (OH)
Hamburg
Hastings
Hilliard
Hinchey
Holden
Inslee
Jacobs
Jefferson
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kildee
Kleczka
Klein
Klink
Klug
Kopetski
Kreidler
LaFalce
Lambert
Leach
Lehman
Levin
Lewis (GA)
Long
Lowey
Maloney
Margolies-Mezvinsky
Markey
Martinez
Matsui
McCloskey
McKinney
Meehan
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Murphy
Nadler
Neal (MA)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Penny
Peterson (MN)
Poshard
Rahall
Rangel
Reed
Reynolds
Rose
Rostenkowski
Roth
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Serrano
Shays
Shepherd
Skaggs
Slaughter
Stark
Stokes
Strickland
Studds
Stupak
Swift
Synar
Thompson
Thurman
Torres
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Velazquez
Vento
Washington
Waters
Watt
Waxman
Wheat
Williams
Woolsey
Wyden
Wynn

NOES—272

Allard
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barlow
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Boucher
Brewster
Brooks
Browder
Brown (FL)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chapman
Clement

Clinger
Clyburn
Coble
Coleman
Collins (GA)
Combest
Cooper
Coppersmith
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeLauro
DeLay
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doolittle
Dornan
Dreier
Dunn
Edwards (TX)
Emerson
English (OK)
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Hefner
Herger
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Kasich
Kennelly
Kim
King
Kingston
Knollenberg
Kolbe
Kyl
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Machtley
Mann
Manton
Manzullo
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McMillan
McNulty
Meek
Meyers
Mica
Michel
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Natcher
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Roukema
Rowland
Royce
Santorum
Saxton
Schaefer
Schiff
Scott
Sensenbrenner
Sharp
Shaw
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Torkildsen
Torricelli
Upton
Valentine
Visclosky
Volkmer
Walker
Walsh
Weldon
Whitten
Wilson
Wise
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—6

Conyers
McDermott
Neal (NC)
Vucanovich
Yates
Young (AK)

☐ 1703

The Clerk announced the following pair:

On this vote:

Mr. Yates for, with Mrs. Vucanovich against.

Mr. EVERETT and Mr. DERRICK changed their vote from "aye" to "no."

Messrs. HOLDEN, RANGEL, and BARCIA of Michigan changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in part 1 of House Report 103–223.

AMENDMENT OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HEFLEY: Strike out subtitle C of title II (page 53, line 8, through page 70, line 19) and insert in lieu thereof the following:

Subtitle C—Missile Defense Programs

SEC. 231. FUNDING FOR FISCAL YEAR 1994.

Of the amounts appropriated pursuant to section 201 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1994, not more than a total of $3,084,543,000 may be obligated for ballistic missile defense.

SEC. 232. REPORT ON ALLOCATION OF FUNDS.

When the President's budget for fiscal year 1995 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report—

(1) setting forth the allocation by the Secretary of funds appropriated for ballistic missile defense for fiscal year 1994, and the proposed allocation of funds for ballistic missile defense for fiscal year 1995, shown for Theater Missile Defense, Limited Defense System, Other Follow-On Systems, Research and Support, and the Small Business Innovation Research and Small Business Technology Transfer programs of the Small Business Administration, for each program, project, and activity; and

(2) describing an updated master plan for the Theater Missile Defense Initiative that includes (A) a detailed consideration of plans for theater and tactical missile defense doctrine, training, tactics, and force structure, and (B) a detailed acquisition strategy which includes a consideration of acquisition and life-cycle costs through the year 2006 for the programs, projects, and activities associated with the Theater Missile Defense Initiative.

SEC. 233. TRANSFER AUTHORITIES FOR BALLISTIC MISSILE DEFENSE.

(a) IN GENERAL.—After the submission of the report required under section 232, the Secretary of Defense may transfer funds among the ballistic missile defense program elements named in section 232 of this Act.

(b) LIMITATION.—The total amount that may be transferred to or from any program element named in section 232—

(1) may not exceed 10 percent of the amount provided in the report for the program element from which the transfer is made; and

(2) may not result in an increase of more than 10 percent of the amount provided in the report for the program element to which the transfer is made.

(c) RESTRICTION.—Transfer authority under subsection (a) may not be used for a decrease in funds identified in section 231(a) for the Theater Missile Defense Initiative.

(d) MERGER AND AVAILABILITY.—Amounts transferred pursuant to subsection (a) shall be merged with and be available for the same purposes as the amounts to which transferred.

SEC. 234. REVISIONS TO MISSILE DEFENSE ACT OF 1991.

The Missile Defense Act of 1991 (part C of title II of Public Law 102–190; 10 U.S.C. 2431 note) is amended as follows:

(1) Section 232(b) is amended—

(A) in paragraphs (1) and (2), by striking out "the Soviet Union" and inserting in lieu thereof "Russia"; and

(B) in paragraph (2), by striking out "Treaty, to include the down-loading of multiple warhead ballistic missiles" and inserting in lieu thereof "Treaties, to include the down-loading of multiple warhead ballistic missiles, as appropriate".

(2) Section 235 is amended—

(A) by striking out "Strategic Defense Initiative" in subsections (a) and (b) and inserting in lieu thereof "Ballistic Missile Defense program"; and

(B) by striking out the section heading and inserting in lieu thereof the following:

"SEC. 235. PROGRAM ELEMENTS FOR BALLISTIC MISSILE DEFENSE PROGRAM.".

(3) Section 236(c) is amended by striking out "Strategic Defense Initiative Organization" and inserting in lieu thereof "Ballistic Missile Defense Organization".

SEC. 235. PATRIOT ADVANCED CAPABILITY-3 THEATER MISSILE DEFENSE SYSTEM.

(a) COMPETITION FOR MISSILE SELECTION.—The Secretary of Defense shall continue the strategy being carried out by the Ballistic Missile Defense Organization as of July 1, 1993, for selection of the best technology (in terms of cost, schedule, risk, and performance) to meet the missile requirements for the Patriot Advanced Capability-3 (PAC–3) theater missile defense system. That strategy, consisting of flight testing, ground testing, simulations, and other analyses of the two competing missiles (the Patriot Multimode Missile and the Extended Range Interceptor (ERINT) missile), shall be continued until the Secretary determines that the Ballistic Missile Defense Organization has adequate information upon which to base a decision as to which missile will be selected to proceed into the Engineering and Manufacturing Development stage.

(b) FUNDS FOR DEMONSTRATION AND VALIDATION.—Of the funds authorized to be appropriated by section 201 for the Ballistic Missile Defense Organization—

(1) not less than $44,100,000 shall be available for demonstration and validation purposes for the Patriot Multimode Missile program;

(2) not less than $55,900,000 shall be available for demonstration and validation purposes for the Extended Range Interceptor program; and

(3) not less than $52,700,000 shall be available for demonstration and validation and for the Engineering and Manufacturing Development stage for the system selected and for appropriate risk mitigation activities.

(c) IMPLICATIONS OF DELAY.—If there is a delay (based upon the schedule in effect in mid-1993) in the selection described in subsection (a) of the missile for the Patriot Advanced Capability-3 system, the Secretary of Defense shall ensure that demonstration and validation of both competing systems can continue as needed to support an informed decision for such selection.

SEC. 236. ADDITIONAL BMD PROGRAMS.

(a) NAVAL THEATER MISSILE DEFENSE.—Of the amount provided under section 201 for Theater Missile Defense, $102,000,000 shall be available to support the aggressive exploration of the Navy Upper Tier concept for Naval Theater Missile Defense, including cost-effective systems and upgrades to existing systems that can be fielded more quickly than new systems.

(b) Accelerated Advanced Technology Demonstration Program.—The Secretary of Defense, acting through the Director of the Theater Missile Defense Initiative, shall initiate during fiscal year 1994 an accelerated Advanced Technology Demonstration program to demonstrate the technical feasibility of using the Navy's Standard Missile combined with a kickstage rocket motor and Lightweight Exoatmospheric Projectile (LEAP) as a near-term option for cost-effective wide-area Theater Missile Defense.

SEC. 237. ARROW TACTICAL ANTI-MISSILE PROGRAM.

(a) Endorsement of Cooperative Research and Development.—Congress reiterates its endorsement (previously stated in section 225(a)(5) of Public Law 101-510 (104 Stat. 1515) and section 241(a) of Public Law 102-190 (105 Stat. 1326)) of a continuing program of cooperative research and development, jointly funded by the United States and Israel, on the Arrow Tactical Anti-Missile program.

(b) Program Goal.—The goal of the cooperative program is to demonstrate the feasibility and practicality of the Arrow system and to permit the government of Israel to make a decision on its own initiative regarding deployment of that system without financial participation by the United States beyond the research and development stage.

(c) Arrow Continuing Experiments.—The Secretary of Defense, from amounts appropriated to the Department of Defense pursuant to section 201 for Defense-wide activities and available for the Ballistic Missile Defense Organization, shall fully fund the United States contribution to the fiscal year 1994 Arrow Continuing Experiments program at the level of $56,400,000.

(d) Arrow Deployability Initiative.—(1) Subject to paragraph (2), the Secretary of Defense may obligate from funds appropriated pursuant to section 201 up to $25,000,000 for the purpose of research and development of technologies associated with deploying the Arrow missile in the future (including technologies associated with battle management, lethality, system integration, and test bed systems).

(2) Funds may not be obligated for the purpose stated in paragraph (1) unless the President certifies to Congress that—

(A) the United States and the government of Israel have entered into an agreement governing the conduct and funding of research and development projects for the purpose stated in paragraph (1);

(B) each project in which the United States will join under that agreement (i) will have a benefit for the United States, and (ii) has not been barred by other congressional direction;

(C) the Arrow missile has successfully completed a flight test in which it intercepted a target missile under realistic test conditions; and

(D) the government of Israel is continuing, in accordance with its previous public commitments, to adhere to export controls pursuant to the Guidelines and Annex of the Missile Technology Control Regime.

(e) Sense of Congress on Expediting Test Program.—It is the sense of Congress that, in order to expedite the test program for the Arrow missile, the United States should seek to initiate with the government of Israel discussions on the agreement referred to in subsection (d)(2)(A) without waiting for the condition specified in subsection (d)(2)(C) to be met first.

SEC. 238. EXTENSION OF PROHIBITION ON TESTING MID-INFRARED ADVANCED CHEMICAL LASER AGAINST AN OBJECT IN SPACE.

The Secretary of Defense may not carry out a test of the Mid-Infrared Advanced Chemical Laser (MIRACL) transmitter and associated optics against an object in space during 1994 unless such testing is specifically authorized by law.

SEC. 239. TECHNICAL AMENDMENTS TO REFLECT REDESIGNATION OF STRATEGIC DEFENSE INITIATIVE ORGANIZATION.

Section 224 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (10 U.S.C. 2431 note) is amended—

(1) by striking out "Strategic Defense Initiative" each place it appears (other than in subsection (b)(5)) and inserting in lieu thereof "Ballistic Missile Defense program";

(2) by striking out "Strategic Defense Initiative" in subsection (b)(5) and inserting in lieu thereof "Ballistic Missile Defense";

(3) by striking out "SDI" each place it appears and inserting in lieu thereof "BMD"; and

(4) by striking out the section heading and inserting in lieu thereof the following:

"SEC. 224. ANNUAL REPORT ON BALLISTIC MISSILE DEFENSE PROGRAM.".

The CHAIRMAN. Pursuant to the rule, the gentleman from Colorado [Mr. Hefley] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

Does the gentleman from California [Mr. Dellums] oppose the amendment?

Mr. DELLUMS. I do, Mr. Chairman.

Mr. HEFLEY. Mr. Chairman, I am seeking to increase the funding for the preliminary defense program over the committee mark in the amount of $467 million, the amount of money for the ballistic missile defense program. It would get it up closer to the administration request, although it would not get it clear to the administration request, but it would get it closer to what they are requesting, and it would be at the level that the Senate has marked up.

Mr. Chairman, I yield such time as he may consume to the gentleman from Utah [Mr. Hansen].

Mr. HANSEN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Colorado [Mr. Hefley].

Mr. Chairman, the proposed amendment to cut more out of ballistic missile defense strikes at the very heart and soul of the threats that our Nation is now facing.

The end of the cold war has seen the Soviet bear disappear, only to be replaced by a thousand poisonous snakes scattered throughout the jungle. All over the world, we are seeing the proliferation of missile technology in hostile or potentially hostile nations.

Surely our memories are not so short as to forget the haunting images and sounds of SCUD missile attacks courtesy of Sadam Hussein whistling into Tel Aviv. While the SCUD was a primitive, low-tech weapon, variants of the SCUD are widely available on the world arms market. They can still cause death and destruction as some of our servicemen and women learned when a SCUD landed on their barracks in Saudi Arabia. China has been known to have sold more sophisticated missile technology to other nations. Efforts at keeping missile proliferation in check do not seem to be working as intended.

It would be irresponsible of us to not recognize the threat and try to come up with the best solutions possible. In recent years, ballistic missile defense was termed star wars under the Strategic Defense Initiative [SDI] Program. SDI became a lightning rod for debate, criticism and contention. I fear that some of our colleagues have slipped into their traditional mode and habit of cutting or opposing a robust missile defense effort without regard for the changes that have occurred in the program and its overwhelming need.

Secretary Aspin has reorganized the former SDI program into a ballistic missile defense office, emphasizing land-based technologies and theatre missile defense. These are real-world threats and a practical and wise approach at coming up with a way to defend against them. We must do all we can to support a robust ballistic missile defense—including brilliant eyes, or space-based sensors, which will be essential in helping land-based systems detect and respond more quickly to future missile attacks, wherever they will occur.

Please oppose this amendment.

Mr. HEFLEY. Mr. Chairman, I understand it is my privilege to close debate, so I will stop at this point and reserve the balance of my time.

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in opposition to the amendment from the gentleman from Colorado. His amendment would stoke up the old star wars program, try to free it from ABM treaty restraints, and revive the discredited Brilliant Pebbles program. It is fiscally unsound and would lead us into billions in unneeded government spending, exactly what we do not need in our current fiscal climate.

This amendment would add $467 million to the ballistic missile defense [BMD] budget but does not identify any offset. It is pure deficit spending, exactly what amendments on this bill should not do. It not only adds to this year's deficit, but it will also erode our deficit situations for years to come in two ways.

First, it will fund programs that to complete will require billions more in spending than we would do under the bill. It is estimated that funding BMD at $3.45 billion in fiscal year 1994, as this amendment would do, would lead to BMD expenditures of $5.5–6 billion per year between 1995 and 1999. Such BMD levels are not fiscally affordable. Either we will be forced to spend more than is prudent in the future, or we will have to drop some of the programs that this increase will fund, wasting the extra funding. Neither are what the American people want.

Second, we will have to borrow every penny of this extra spending. For just the extra $467 million, its interest costs (using the bellwether 30 year bond rate) over the next 30 years will be over $2.6

billion. This amendment asks the taxpayers of America to shell out an extra $2.6 billion over the next 30 years so we can borrow $467 million in 1994 to revive star wars. And we will still owe the original $467 million. If you want to know how our national debt got so huge, it is partly through the workings of compound interest, which magnifies the effect of every dollar we borrow.

Spending extra money we do not have on star wars and not identifying where it comes from is public policy at its worst. And this extra money would either be wasted, because down the road we couldn't afford to continue the extra programs it would fund, or it would trigger massive new star wars spending, approaching $6 billion per year. And we will have to borrow those extra billions, too, and pay interest on it.

So for fiscal reasons, as well as solid public policy reasons, this amendment should not be adopted. I urge you to vote against it.

□ 1710

Mr. Chairman, I yield back the balance of my time.

Mr. HEFLEY. Mr. Chairman, I yield myself my remaining 4 minutes.

Mr. Chairman, my amendment would provide authorization of $3,207,989,000 for strategic and theater missile defenses for fiscal year 1994. I should note that Brilliant Eyes funding of $252.2 million is not included in this total; consistent with the bill as reported by the House Armed Services Committee, funding for Brilliant Eyes, along with the Defense Support Program [DSP] and the Follow-on Early Warning System [FEWS], has been moved to a consolidated Space-Based Surveillance line.

The funding level associated with my amendment represents a $467 million increase in the amount authorized by the House Armed Services Committee for strategic and theater missile defenses in fiscal year 1994. This funding level also represents the same amount authorized by the Senate Armed Services Committee for missile defenses in fiscal year 1994.

Mr. Chairman, my amendment also would strike those provisions in the Committee-reported bill that modify the Missile Defense Act of 1991. That legislation, you may recall, established for the first time a legislative-executive consensus on the scope and direction of the U.S. ballistic missile defense program.

For example, the Armed Services Committee-reported bill states that it is a U.S. goal merely to preserve the option to deploy an effective ballistic missile defense system for the United States, to deploy—a subtle but important difference in approach.

A second change to the Missile Defense Act contained in the Committee-reported bill is the direction to the President to initiate discussions with Russia solely on the question of how the 1972 Anti-Ballistic Missile Treaty applies to theater missile defense systems such as Patriot. The Missile Defense Act directed the President to not only negotiate changes to the ABM Treaty to permit the deployment of fully-capable theater missile defenses, but also to permit a multi-site ABM deployment and allow the deployment of stabilizing space-based sensor systems such as Brilliant Eyes that warn of missile attacks.

My amendment also would strike those provisions in the Committee-reported bill that impose duplicative or unnecessary reporting requirements on the Department of Defense. For example, the Armed Services Committee-reported bill requires a so-called TMD Roadmap report when the Congress already receives from the DOD a comprehensive report on planned U.S. TMD activities and programs.

In sum, Mr. Chairman, my amendment offers a clear break from the approach recommended by the Armed Services Committee. It increases funds for the U.S. Ballistic Missile Defense Program, and strikes legislative provisions that undercut the Missile Defense Act. This amount of funding for strategic and theater missile defenses is required in light of the growing threat to U.S. military forces deployed overseas, U.S. friends and allies, and the continental United States posed by missiles of increasing range, accuracy and lethality.

I strongly urge my colleagues to support this amendment, and to reject the Dellums and Schroeder amendments.

The CHAIRMAN pro tempore (Mr. DURBIN). All time has expired.

The question is on the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 118, noes 312, not voting 8, as follows:

[Roll No. 413]

AYES—118

Archer
Armey
Baker (CA)
Baker (LA)
Barrett (NE)
Bartlett
Bateman
Bentley
Bereuter
Bevill
Bliley
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Canady
Clinger
Collins (GA)
Combest
Cox
Cramer
Crane
Cunningham
de la Garza
DeLay
Diaz-Balart
Doolittle
Dornan
Dreier
Emerson
Everett
Ewing
Fields (TX)
Fowler
Franks (CT)
Gallegly
Gekas
Gillmor
Gilman
Gingrich
Goodlatte
Goss
Grams
Hancock
Hansen
Hastert
Hefley
Herger
Hoagland
Hobson
Hoke
Horn
Houghton
Huffington
Hunter
Hyde
Inglis
Inhofe
Johnson, Sam
Kasich
Kim
King
Knollenberg
Kyl
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McKeon
Mica
Michel
Miller (FL)
Molinari
Moorhead
Myers
Packard
Paxon
Pombo
Portman
Pryce (OH)
Quillen
Ravenel
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Saxton
Schiff
Shuster
Skeen
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Walker
Weldon
Wilson
Wolf
Zeliff
Zimmer

NOES—312

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Bachus (AL)
Baesler
Ballenger
Barca
Barcia
Barlow
Barrett (WI)
Barton
Becerra
Beilenson
Berman
Bilbray
Bilirakis
Bishop
Blackwell
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Camp
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coble
Coleman
Collins (IL)
Collins (MI)
Condit
Cooper
Coppersmith
Costello
Coyne
Crapo
Danner
Darden
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dickey
Dicks
Dingell
Dixon
Dooley
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Faleomavaega (AS)
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (NJ)
Frost
Furse
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Glickman
Gonzalez
Goodling
Gordon
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hochbrueckner
Hoekstra
Holden
Hoyer
Hughes
Hutchinson
Hutto
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy
Kennelly
Kildee
Kingston
Kleczka
Klein
Klink
Klug
Kolbe
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Mazzoli
McCloskey
McCurdy
McHale
McInnis
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker

Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pomeroy
Porter
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Romero-Barcelo (PR)
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Schaefer
Schenk
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Snowe
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Wynn
Young (FL)

NOT VOTING—8

Conyers
Kaptur
Matsui
McDermott
Neal (NC)
Vucanovich
Yates
Young (AK)

□ 1739

The Clerk announced the following pair:

On this vote:

Mrs. Vucanovich for, with Mr. Yates against.

Messrs. SABO, GREENWOOD, BLUTE, SHAW, and FAZIO changed their vote from "aye" to "no."

Mr. BOEHNER and Mr. HORN changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1740

The CHAIRMAN pro tempore (Mr. DURBIN). It is now in order to consider amendment No. 3 printed in House Report 103–223.

AMENDMENT OFFERED BY MRS. SCHROEDER

Mrs. SCHROEDER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. SCHROEDER: Strike out sections 231 and 232 (page 53, line 10, through page 54, line 15) and insert in lieu thereof the following:

SEC. 231. THEATER MISSILE DEFENSE INITIATIVE.

(a) FUNDING FOR FISCAL YEAR 1994.—Of the amounts appropriated pursuant to section 201 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1994, not more than $1,228,400,000 may be obligated for activities of the Theater Missile Defense Initiative.

(b) REPORT.—When the President's budget for fiscal year 1995 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report—

(1) setting forth the allocation by the Secretary of funds appropriated for the Theater Missile Defense Initiative for fiscal year 1994, and the proposed allocation of funds for the Theater Missile Defense Initiative for fiscal year 1995, shown for each program, project, and activity; and

(2) describing an updated master plan for the Theater Missile Defense Initiative that includes (A) a detailed consideration of plans for theater and tactical missile defense doctrine, training, tactics, and force structure, and (B) a detailed acquisition strategy which includes a consideration of acquisition and life-cycle costs through the year 2006 for the programs, projects, and activities associated with the Theater Missile Defense Initiative.

SEC. 232. BALLISTIC MISSILE DEFENSE ORGANIZATION FUNDING.

(a) TOTAL AMOUNT.—Of the amounts appropriated pursuant to section 201 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1994, not more than $1,160,000,000 may be obligated for the Ballistic Missile Defense Organization.

(b) SPECIFIC AMOUNTS FOR THE PROGRAM ELEMENTS.—Of the amount described in subsection (a)—

(1) not more than $761,800,000 shall be available for programs, projects, and activities within the Limited Defense System program element;

(2) no funds shall be available for programs, projects, and activities within the Space-Based Interceptors program element;

(3) not more than $97,200,000 shall be available for programs, projects, and activities within the Other Follow-On Systems program element, none of which shall be available for Brilliant Pebbles; and

(4) not more than $301,000,000 shall be available for programs, projects, and activities within the Research and Support Activities program element (including the Small Business Innovation Research program and the Small Business Technology Transfer program).

At the end of section 1302 (page 364, after line 12), insert the following new subsection:

(d) ADDITIONAL FUNDS.—The amounts provided in subsection (a) and in subsection (b)(2) are each hereby increased by $229,048,000, to be available (in addition to amounts provided pursuant to section 1311) for activities of the Department of Defense under chapter 148 of title 10, United States Code, and section 2197 of such title.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentlewoman from Colorado [Mrs. SCHROEDER] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I reserve the right to close the debate on my amendment if that is all right.

The CHAIRMAN pro tempore. The gentlewoman from Colorado is entitled to close the debate.

The Chair recognizes the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, I rise in opposition to this amendment which I would refer to as what in my opinion is a dangerous amendment, perhaps more dangerous than the amendment offered by the gentleman from California [Mr. DELLUMS] because I suppose it has a real chance of passing.

Mr. Chairman, Secretary Aspin has pointed out that defense, missile defense, is a problem that we need to deal with here and now because it is a clear and present danger. It is, in fact, a clear and present danger in the Middle East. It is a clear and present danger today in the Far East, and it is a clear and present danger from the former Soviet republics where there is so much instability and unrest.

Now I know that those of my colleagues on the other side of the aisle who may be inclined to support this amendment may have a tough time understanding or accepting arguments that we have made throughout the day or throughout the afternoon today relative to these issues. But let me just suggest that there are many and very important places on their side of the aisle who feel much as we do. Let me quote, for example, from the office of the Under Secretary of Defense, John Deutsch. Mr. Chairman, Under Secretary Deutsch writes to the chairman and says:

> When you take the fiscal year 1994 defense authorization bill to the House floor, I urge you to support the funding level approved by the Senate Armed Services Committee.

That level, of course, is $3.4 billion, and I also can quote from something Secretary of Defense Aspin said when unveiling the bottom-up review. Basically what he asserted is:

> What we have here is a near-term problem of theater ballistic missile threats to the United States, our allies, our friends and American forces stationed around the world. That's here and now. That starts from Iraq. That we saw in Desert Storm. That is a near-term threat right here and now.

Mr. Chairman, I fully agree with Secretary Aspin, and I hope you do, too. The theater missile threat is here and now. This amendment puts a damper on our ability to say that we will develop a defense for this threat at any time in the near future.

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just say, to put this in perspective, if we want to get back to where the committee felt we ought to be, that is not the Schroeder amendment. That approach was rejected in markup. I say to my colleagues, if you want to sustain the position of the committee, you vote no on this amendment.

Mr. Chairman, I yield the balance of my time to the gentleman from South Carolina [Mr. SPRATT].

The CHAIRMAN pro tempore. The gentleman from South Carolina is recognized for 2½ minutes.

Mr. SPRATT. Mr. Chairman, I thank the gentleman from Colorado [Mr.

HEFLEY] for yielding this time to me because what this allows me to do is speak on behalf of an amendment that I offered in committee. In committee, Mr. Chairman, I offered an amendment which would restore $255 million to the $1 billion that had been cut off the administration's request for ballistic missile defense. To review the bidding quickly and briefly, the Bush administration would have sought this year $6.3 billion for all of the basket of programs called ballistic missile defense. The Aspin-Clinton budget cut that to 3.8 billion. Our committee cut it to 2 billion. But when it came from subcommittee, Mr. Chairman, it was at about 2.8 billion, and the gentlewoman from Colorado [Mrs. SCHROEDER] would take it back to 2.8 billion. We, however, saw fit in committee to raise it by $250 million for two purposes.

Primarily what we wanted to do, Mr. Chairman, was to restore money so we could fully fund THAAD and so that we could fully fund GBI, the ground-based interceptor, at the level the administration had requested. Now I think there has been consensus throughout this debate from general debate to every amendment that has been offered that we want to fund and go forward with the theater based ballistic defense system. These are important because if there is any lesson learned from the Persian Gulf, it is that we want to intercept and destroy incoming missiles over enemy territory.

Mr. Chairman, I am addressing the cut in the THAAD program that this particular amendment might affect, and I say if any lesson is learned from the Persian Gulf, it is that we want to intercept incoming missiles, but preferably we want to intercept them as far in enemy territory as possible, not over Riyadh and not over territories like our own troops, and not over Tel Aviv, but over enemy territory higher up and farther out, and that is the purpose of THAAD, to give us a capability that clearly we need and clearly was shown to be critical lacking in the Patriot in the Persian Gulf theater, and I think there has been consensus out here on the floor. So, when the bill came before us in committee, Mr. Chairman, I offered an amendment which would restore THAAD or at least give us enough money in the bill to fully accommodate the requests for the theater high altitude intercept system known as THAAD.

□ 1750

That is $125 million, not a lot of money in the total context of this bill.

Mr. Chairman, in addition, we asked for another $125 to $130 million so that we could fully fund the request of about $230 million for the ground based interceptor.

Now, what is the ground based interceptor, the so-called GBI? The GBI, in truth, is all that is left, all that remains of the strategic defense.

Now, there is the ballistic missile defense system communication system, sensors, radars, test beds, all the ancillary equipment that is funded here, with a lot of other technology development programs. But the central key component is the GBI.

Mr. Chairman, this amendment would simply restore funding for the GBI and for the THAAD. I think there has been agreement out here on the floor that the THAAD deserves to be fully funded. That is all the bill would allow, and this amendment would prohibit that.

Mrs. SCHROEDER. Mr. Chairman, I rise in support of my amendment to reduce funding of the Ballistic Missile Defense Program to $2.8 billion, the same amount as reported by the Subcommittee on Research and Technology.

U.S. plans for ballistic missile defense have been in an almost constant state of flux since the strategic defense initiative was announced in 1983. As reported by the GAO, through 1993 the United States will have spent $30.4 billion on the program. The efficient pursuit of research and development in the program has been thwarted by frequently changing program objectives and the executive branch making plans and starting projects on the basis of unrealistic and overly optimistic funding requests and schedules through fiscal year 1993. It's time to end that lack of realism in the Ballistic Missile Defense Program.

Under the Clinton administration, priorities for the Ballistic Missile Defense Program have been changed. Initially, the change in priorities were reflected by freezing the administration's budget request at the fiscal year 1993 appropriation level—$3.8 billion—pending the results of the bottom up review. While this funding level does represent a major change from the optimistic requests of the past, I would note that the budget request was developed early this year, shortly after the administration took office, and well before the results of the bottom up review were announced. In short, it was an interim, but timely, step toward realism in the Ballistic Missile Defense Program.

The House Armed Services Research and Technology Subcommittee, which I chair, recommended funding ballistic missile defense at $2.8 billion during fiscal year 1994. This plan was also developed from the bottom up in anticipation of the results of the administration's bottom up review.

The plan followed the principles for the BMD Program which are reflected in the full committee report:

Priority to theater missile defense over national missile defense.

Priority to those systems that can be deployed sooner rather than later.

Priority to those systems which are critical to meeting agreed objectives over those that augment or modestly improve on existing or planned systems.

The country can no longer afford large numbers of systems with overlapping capabilities. Tough choices must be made.

Programs should not be funded in fiscal year 1994 that cannot be funded adequately in future years.

Higher priority to systems that are in compliance with the Anti-Ballistic Missile Treaty, over those that pose serious problems with treaty provisions.

The subcommittee plan that is reflected in this amendment provides a Ballistic Missile Defense Program which meets administration priorities:

It funds the administration's critical "core" theater missile defense programs.

By reducing funding in fiscal year 1994 below the budget request, it forces selection of the most cost-effective and critical early deployable systems, eliminating overlapping capabilities.

It supports a prudent level of research and development required to develop technology for a national missile defense.

It eliminates funding for non-ABM Treaty-complaint systems.

It avoids investment in fiscal year 1994 in marginal programs that will not be affordable in future budgets.

It frees $229 million for the technology reinvestment project. The TRP, the keystone to our conversion program, has attracted nearly 3,000 applicants, from all parts of the country, requesting over $8 billion in Government matched funds.

During full committee markup, the Research and Technology Subcommittee recommendation was amended to raise the total authorized for the Ballistic Missile Defense Program to $3.084 million, and to combine the separate program elements into a single program element to provide maximum flexibility to the administration in adapting the program to the results of the bottom up review.

The bottom up review has now been completed and did not speak to the fiscal year 1994 budget request. As will be seen, however, a funding level of $3.1 billion for fiscal year 1994 cannot be justified in light of the reduction proposed in the program for the period fiscal year 1995 through fiscal year 1999.

Last week, as a part of his briefing on the bottom up review, Secretary Aspin announced a Ballistic Missile Defense Program which would total $18 billion over the fiscal year 1995 through fiscal year 1999 period. Of that total $3 billion would be for development of technology for national missile defense—including the Brilliant Eyes Program—$3 billion for support and research in other technologies, and $12 billion for theater missile defense.

These totals represent level funding of approximately $3.6 billion per year for the Ballistic Missile Defense Program during the period: $600 million per year for national missile defense, $600 million for support and other technology, and $2.4 billion for theater missile defense, including procurement.

A more realistic approach to research and development, however, is to assume level funding at a sustained level of effort for technology development and a realistic, modest funding ramp of perhaps 15 percent in the Theater Missile Defense Program. This would lead to a TMD Program increasing from approximately $1.8 billion in fiscal year 1995 to approximately $3.0 billion in fiscal year 1999 and stay with the totals projected by Secretary Aspin.

Extending the ramp back to fiscal year 1994 would lead to a fiscal year 1994 funding requirement of $1.5 million for TMD, and a total of $2.7 million overall for the Ballistic Missile Defense Program. In fact, the Research and Technology Subcommittee recommended an overall funding level of approximately $2.8 million for the Ballistic Missile Defense Program in fiscal year 1994.

Quite frankly, funding in excess of this level would be wasted as the program is forced to ramp down from the fiscal year 1993 funding level to the level projected for fiscal year 1995 and beyond. Failure to do this would result in a program which would inevitably grow beyond the total funding for the period that Secretary Aspin projected.

In the bottom up review, the Clinton administration has taken significant steps to put the Ballistic Missile Defense Program on a sound, rational, and prudent basis with the focus where it needs to be—on development and fielding a theater missile defense, on making the hard choices, and on avoiding investment in marginal technologies which will not be affordable in the long term and will not contribute to the defense of U.S. soldiers, sailors, airmen, and marines in the short term.

I believe the Research and Technology Subcommittee anticipated the results of the bottom up review and hit the nail squarely on the head when we recommended a funding level of $2.8 million for the Ballistic Missile Defense Program in the fiscal year 1994 budget. The results of the bottom up review announced last week bear this out.

Mr. Chairman, I urge you and our colleagues to vote for this amendment and affirm the results of the bottom up review on ballistic missile defense in the fiscal year 1994 defense budget request.

The CHAIRMAN pro tempore (Mr. DURBIN). The question is on the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 202, noes 227, not voting 9, as follows:

[Roll No. 414]

AYES—202

Abercrombie
Ackerman
Andrews (ME)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bilbray
Blackwell
Bonior
Borski
Boucher
Brown (CA)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Clay
Clayton
Coble
Collins (IL)
Collins (MI)
Condit
Coyne
Danner
de Lugo (VI)
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
Eshoo
Evans
Faleomavaega (AS)
Farr
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Glickman
Gordon
Grandy
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Hastings
Hefner
Hilliard
Hinchey
Hochbrueckner
Holden
Hughes
Inslee
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Klug
Kopetski
Kreidler
LaFalce
Lambert
Lantos
Lazio
Leach
Lehman
Levin
Lewis (GA)
Lipinski
Lowey
Maloney
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
McCloskey
McKinney
McNulty
Meehan
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Moran
Morella
Murphy
Nadler
Natcher
Neal (MA)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Penny
Peterson (MN)
Pickle
Pomeroy
Price (NC)
Rahall
Rangel
Reed
Reynolds
Ridge
Roemer
Romero-Barcelo (PR)
Rose
Rostenkowski
Roth
Roukema
Rush
Sabo
Sanders
Sangmeister
Santorum
Sawyer
Schenk
Schroeder
Schumer
Serrano
Sharp
Shays
Shepherd
Skaggs
Skelton
Slattery
Slaughter
Snowe
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Thompson
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Velázquez
Vento
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Wynn

NOES—227

Allard
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Brewster
Brooks
Browder
Brown (FL)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chapman
Clement
Clinger
Clyburn
Coleman
Collins (GA)
Combest
Cooper
Coppersmith
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Darden
de la Garza
Deal
DeLay
Derrick
Diaz-Balart
Dickey
Dicks
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
English (OK)
Everett
Ewing
Fawell
Fazio
Fields (TX)
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gallo
Gekas
Geren
Gillmor
Gilman
Gingrich
Gonzalez
Goodlatte
Goodling
Goss
Grams
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Herger
Hoagland
Hobson
Hoekstra
Hoke
Horn
Houghton
Hoyer
Huffington
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson (GA)
Johnson, Sam
Kasich
Kim
King
Kingston
Knollenberg
Kolbe
Kyl
Lancaster
LaRocco
Laughlin
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Long
Machtley
Mann
Manzullo
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McMillan
Meek
Meyers
Mica
Michel
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Regula
Richardson
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rowland
Roybal-Allard
Royce
Sarpalius
Saxton
Schaefer
Schiff
Scott
Sensenbrenner
Shaw
Shuster
Sisisky
Skeen
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Sundquist
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Torkildsen
Valentine
Visclosky
Walker
Walsh
Weldon
Wilson
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—9

Conyers
Kaptur
Lloyd
McDermott
Myers
Neal (NC)
Vucanovich
Yates
Young (AK)

□ 1817

The Clerk announced the following pair:

On this vote:

Ms. Kaptur for, with Mrs. Vucanovich against.

Mr. COLEMAN and Mr. CHAPMAN changed their vote from "aye" to "no."

Mr. GEJDENSON and Mr. HUGHES changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. EVERETT. Mr. Chairman, I rise in strong opposition to both the Dellums and Schroeder amendments that would reduce funding to the already pared-down Ballistic Missile Defense Program. The cold war may be over, but roughly 30,000 nuclear warheads are sitting in the Republics of the former Soviet Union. As a matter of fact, a recent threat assessment by CIA analyst Larry Gershwin indicates that Russia will continue to develop new or follow-on ballistic missile systems, including a road mobile ICBM, a silo-based ICBM and a submarine-launched ballistic missile. Let's not forget that China also has the capability to strike the United States with ballistic missiles, and plans further developments that will include a new mobile ICBM and ballistic missile submarine.

The BMD Program has already suffered significant reductions from the administration, followed by even further cuts in this bill as reported out by the Committee on Armed Services. Any further decrements to the funding of this strategic defense program will cripple this Nation's ability to deploy a missile defense system. This is the wrong signal to send to the international community.

I urge all of my colleagues to support the Hefley amendment, but at a minimum, to support the committee position for a reasonable and prudent path to a deployable missile defense system.

Ms. SCHENK. Mr. Chairman, I rise today to express my support for H.R. 2401. The bill which we have before us today is very different from those Congress has considered in the past. This Defense authorization legislation not only provides for our national defense, it begins to tackle the difficult transition from a cold war economy. I commend Chairman DELLUMS and the members of the committee from both sides of the aisle for their hard work.

As you know, my State of California is facing an economic crisis in large part due to reductions in defense spending. Some estimate that 40 percent of the civilian and military jobs lost due to defense retrenchment will be in California. It is essential that this Congress addresses this critical transition, and I believe that H.R. 2401 takes important steps to do that.

This legislation authorizes $2.7 billion funding for defense conversion, reinvestment, and transition assistance including $575 million for the technology reinvestment project. The TRP, which was first authorized in last year's bill, has already proved to be a significant stimulus for ideas and projects designed to take defense technologies and convert them to civilian purposes. From California alone, the Defense Technology Conversion Council has received over 500 proposals.

Although it is clear that this year's $471 million appropriation level and next year's $575 million cannot fund all the worthy proposals, we must recognize the remarkable creativity that the TRP has inspired. The $575 million is $300 million more than the administration's original request. I regret that we will not fund the TRP at a higher level, and I hope that the evident success of the TRP will result in significant future funding.

In addition to increased funding, H.R. 2401 makes some important changes in the TRP program. The bill allows for flexibility by authorizing $200 million in discretionary funding for TRP projects.

H.R. 2401 also recommends certain areas of technological focus. Included in these areas are two of particular interest to me and to San Diego.

The first, marine biotechnology, is important to the California economy and will help the development and deployment of technologies which will help form a new industrial base for the United States. Biotechnology will open new avenues for monitoring the environment and treating disease, provide innovative techniques to restore and protect aquatic ecosystems, increase the food supply through aquaculture, enhance seafood safety and quality, and develop new types and sources of industrial materials and processes.

Second, H.R. 2401 identifies earthquake-resistant bridge composite technology. This technology adapts lightweight composite materials developed for defense applications for use as construction materials which can withstand much greater seismic stresses than materials in current use. The prospects for this composite technology are certainly of great interest in California, but its application is not restricted to earthquake-prone areas. Some experts suggest that bridges constructed of composite materials could theoretically include 20-mile spans. One composite materials project of national scope is centered at the University of California, San Diego. If successful, research on the UCSD bridge project could create a new multibillion dollar industry based on designer materials with properties and performance tailored to specific applications.

H.R. 2401 also includes an important new program to sustain and reinvigorate our domestic, commercial shipbuilding industry. American shipbuilders took up a previous administration's projection of a 600-ship Navy and have concentrated their efforts on military construction for the past 12 years. As a consequence, the industry is not now competitive in world commercial markets, and it is not structured to become competitive because it has been isolated from the international market.

This legislation adopts an initiative which couples technological development and the availability of capital under title XI of the Merchant Marine Act in order to create incentives for the industry to build commercial ships and offset the declining shipbuilding orders on the Navy. The bill authorizes $200 million to be transferred from the Department of Defense to the Maritime Administration for loan guarantees and shipyard modernization loans. The bill also directs the Secretary of Defense to establish a Maritime Science and Technology office within the Advanced Research Projects Agency to conduct shipbuilding manufacturing and related technology investigations to support the industry.

Mr. Chairman, there are many other important provisions in this legislation that address the problems faced by cities, like San Diego, which are impacted by military and defense industry retrenchment. I don't have time to enumerate them all. Let me say that overall this is a good bill. It is an important bill, and it moves us in a responsible way toward the transition to an economy less dependent on defense expenditures. I urge my colleagues' support for H.R. 2401.

Mr. DELLUMS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

According, the Committee rose; and the Speaker pro tempore. (Mr. BACCHUS of Florida) having assumed the chair, Mr. DURBIN, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 2401) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1994, and for other purposes, had come to no resolution thereon.

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF H.J. RES. 117 AND H.R. 634

Mr. DOOLEY. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of House Joint Resolution 117 and H.R. 634.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

CUTTING THE SIZE OF GOVERNMENT

(Mr. HORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HORN. Mr. Speaker, President Clinton and Vice President GORE have somehow stumbled onto a novel, brilliant idea—cutting down the size of government. If you are asking yourselves why Republicans did not think of this first, you have been living in a cave for the last several decades.

Republicans have pleaded, cajoled, begged, and demanded that the Democratic majority in this Congress reduce the size of government. Those pleas fell on deaf ears.

I hope the President is more successful with his friends here on Capitol Hill than the rest of us have been. But I remain a bit skeptical. After all, the Rules Committee where the Democratic Party has a 9-to-4 voting majority, turned down twice the freeze proposal backed by a number of us in this Chamber. If adopted, the freeze on expenditures would have cut the size of government. It would have also given the President the authority he needs to do the job. He does not have that now.

Mr. Speaker, if the Democrats are serious about cutting the size of government, they will spend the next 3 months cutting Federal spending. Let us hope the President keeps this promise.

I include for the RECORD the relevant sections and the cosponsors of H.R. 1099.

H.R. 1099 was introduced by Mr. Horn and include as cosponsors Gingrich, Armey, Hyde, McCollum, DeLay, Burton, Blute, Crapo, Doolittle, Fowler, Grams, Greenwood, Herger, Houghton, Hutchinson, Inhofe, Knollenberg, Lewis (CA), Machtley, Schaefer, Smith (MI), Talent, Torkildsen, and Zeliff.

Programs exempted from the freeze in versions presented to the Committee on Rules by Messrs. Burton and Horn were: Social Security, Medicare, civil and military retirements, Head Start, and interest on the national debt.

Proposed level of cuts were 2.5% from FY93 appropriations and 5.0% from the FY94 and FY95 appropriations. Last version presented included a cap of plus 2.0%. That amendment was also rejected.

Proposed flexibility for the President as stated in H.R. 1099:

Section 2. Across-the-board sequestration of federal spending—

(b) Applicability.—

(3) Flexibility with respect to certain accounts.—The President may, with respect to any account, exempt that account from sequestration or provide for a lower uniform percentage reduction than would otherwise apply. But to the extent the President exercises authority under the preceding sentence, the applicable uniform percentage reduction necessary to carry out subsection (a) [the provisions for sequestration] shall be increased for all other non-exempt accounts. In no case shall the uniform percentage reduction for a fiscal year exceed by more than 10 percentage points the lower uniform percentage reduction for that fiscal year provided by the President for any account * * *.

LEGALIZED GAMBLING IN D.C. IS A REAL LOSER

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. WOLF. Mr. Speaker, when Members were away from Washington, DC, over the summer district work period, the Washington Post and Washington Times reported that D.C. Mayor Sharon Pratt Kelly will soon make a decision whether to bring casino gambling to Washington. In fact, this decision may come sooner than anyone could have realized because the Mayor has apparently put the proposal on the fast track. Assistant City Administrator George Brown has asked lottery officials to study this initiative, he and other city officials have visited New Orleans to learn about Louisiana's recent decision to allow casino gambling in the French Quarter, and they plan on continuing their information-gathering in Reno later this month. Mayor Kelly has also assembled a panel of local business people to advise her on the merits of this proposal. I am opposed to bringing casino gambling to the District, and will offer a motion of disapproval if this plan gets the green light from the District government.

Let me say from the outset that it is with sincere reluctance that I rise in opposition to Mayor Kelly's proposal to bring casino gambling to Washington. I support the current home rule for the District and respect the Mayor's prerogative as the popularly elected top executive of D.C. to make decisions and recommendations regarding the fiscal operations of the city. Furthermore, I respect the Mayor's desire to bring some semblance of fiscal sanity and security to the District. I also appreciate her desire to create job opportunities and broaden D.C.'s tax base to help the less fortunate of the city. Regardless of her good intentions, however, I must respectfully disagree that bringing casino gambling to D.C. will help ameliorate the District's financial troubles and, therefore, must publicly take issue with this proposal.

My opposition to casino gambling in the District arises from my concern that it will detrimentally affect the entire Washington Metropolitan Area. I have worked on many initiatives over the years that have benefited the region. I have worked to appropriate the necessary funding for Metro. I have joined with area leaders on initiatives to improve Beltway safety. I was part of the effort of many interested citizens in creating a locally controlled airports authority. These initiatives have improved the quality of life for those who live in the District, suburban Maryland, and northern Virginia. Because I represent a part of the Washington community, I must oppose any initiative that I believe will be destructive to the entire region, and not just Washington. If this proposal were being made in Virginia, I would oppose it also.

Mr. Speaker, Mayor Kelly and other supporters of casino gambling argue that gaming will bring new jobs to D.C. residents, increase the tax base, and generally revitalize a staggering economy. City officials believe gambling can be used as a tool of economic development and as a means of financing a proposed $500 million convention center. The scenario goes something like this: Build casinos and they will come—come dump millions of dollars into the D.C. economy, provide thousands of jobs to otherwise unemployed Washingtonians, fill the D.C. coffers, and revitalize the dilapidated neighborhoods of this proud city. Recall the old maxim: If something sounds too good to be true, it probably is. I am concerned that this proposal is indeed too good to be true. Columnist William Raspberry recently wrote,

> [M]y real concern, though, is that Mayor Kelly and the residents of the District will succumb to the idea of windfall as panacea and, like too many lottery winners, wind up deeper in debt and utterly dependent on the annual lottery check.

Casino gambling won't be the cure-all many hope it will be, but rather could wind up being a bitter pill with serious side effects.

The hopes of D.C. officials are similar to those shared by Chicago Mayor Daley, Louisiana Governor Edwards, and other State and local officials who believe that gambling will be a painless remedy for their urban troubles. Their judgment is clouded by the same lure of easy money which plagues the addicted gambler. Instead of bringing more jobs, increased tax revenues, and economic development, casino gambling may threaten the very tourist industry officials predict would be enhanced, and attract organized crime.

One need only examine the experience of Atlantic City, NJ, to realize that the promise of easy money, jobs, and urban renewal is wishful thinking. In 1976, casino gambling was sold to voters of Atlantic City as an urban renewal device. Seventeen years later, the promises of urban renewal are still that—promises.

A number of studies have attempted to identify the socioeconomic pluses and minuses of casino gambling in Atlantic City. The preponderance of these studies have concluded that casino gambling has contributed greater social and economic costs than benefits to the city. Paul Teske and Bela Sur, researchers from SUNY-Stoney Brook and the University of Nebraska at Lincoln, have concluded that the quality of life of Atlantic City residents has not materially improved.

> The economic benefits have not spread beyond the casinos; the anticipated "multiplier effect" has not moved much beyond the core industry. Many local residents are still poor and unemployed, half the population still receives public assistance, and city services continue to be substandard. Social problems, including increased crime and prostitution, are worse than ever. Since most people holding the better casino jobs live in Atlantic City suburbs, they contribute little directly to the city.

One must ask why would Washington, D.C.'s experience with gambling be any different from that of Atlantic City? The facts are in and the conclusions drawn are clear—there are more detrimental effects than positive ones.

The hidden social costs of casino gambling which plague Atlantic City may very well occur in Washington, DC. Criminals, particularly those associated with organized crime, are well known to be involved in gambling as part of their racketeering efforts. Organized crime is associated with gambling because of the huge amounts of cash involved which makes it an easy target of money launderers. Drug money, extortion money, and prostitution money can all be laundered through such operations. Also, organized crime has infiltrated the labor unions at many casinos. In fact, in the early 1980's, the Justice Department frustrated organized crime's involvement with the Hotel and Restaurant International Union Local 54 in Atlantic City by forcing it to accept Federal supervision. Washington has enough of a crime problem without luring organized crime into the city to infiltrate gambling establishments.

Not only does D.C. have more crime than it can deal with already, but it also has limited resources with which to deal with the crime problem. Because of the crime problem associated with casino gambling, regulatory agencies in New Jersey spend $59 million annually to monitor Atlantic City's casinos. This is a hidden cost that New Jersey never counted on. In 1992, the Wall Street Journal reported that since 1976, Atlantic City's police budget has tripled to $24 million while the local population has decreased 20 percent. It is well known that Washington's serious crime epidemic is already straining city police resources. How can the city possibly consider bringing casinos into a situation where criminals run rampant and the crime problems that already exist cannot be controlled?

Another hidden cost of casino gambling is the proliferation of compulsive or pathological gamblers. Addictive gambling is socially and economically disruptive. Instead of spending money on food, clothing, or an education for his or her family, the pathological gambler will forgo his or her responsibilities and risk it all in the casinos. Families, already strained by other mounting economic burdens, don't need the destructive pressures that a compulsive gambler brings to bear at home. As Diane M.B. Savage, former blackjack dealer and now Washington lawyer, writes in a column in the Washington Post:

> Players just came with whatever money they thought they could "afford" to lose and wound up losing much more than that. It was a vicious cycle—losing made players bet more so they could have a chance to win, and winning made them bet more too. The only real winner was the casino. [A] casino exists to take money in as quickly as possible, to always make room for another sucker at the table.

We should not be encouraging such destructive behavior, but rather should encourage the breadwinner to take his or her paycheck home Friday evening to spend on the family's needs—not to lose it to the heartless roulette wheel or craps table.

Particularly troubling is the use of casinos by those under 18. The Atlantic City Gamble reported that between May and July 1981, Atlantic City casinos turned 41,000 minors away from their doors, and 10,000 minors were escorted off the casino floors. Who knows how many remained on the floor through their use of fraudulent identification? Parents and officials know how difficult it is to keep teenagers from illegally purchasing alcohol. Now parents will have to worry about their sons and daughters leaving their homes in Reston, McLean, Arlington, Silver Spring, or Bethesda to waste their money in the casinos of D.C.

The Atlantic City Gamble also reported that in a study of Atlantic City high school students, 72 percent admitted to gambling in casinos, a quarter admitting to gambling often. Doesn't D.C. have enough problems with truants, drop-outs, low test scores, and violence in the schools without creating a group of young, compulsive gamblers? Gambling is just another of the many mounting pressures that will be brought to bear on the gullible, inexperienced teenager. If the gambling teen gets in over his head, you can be sure the loan shark will enforce the rules of delinquent payment.

Additionally, casino gambling in Atlantic City is no longer as profitable as it once was, which leads to extreme competition to keep casinos in the black. This necessarily leads one to the inevitable conclusion that the city government will not reap the financial benefits that it generously predicts. In 1988, 7 of the 12 Atlantic City casinos lost money and some faced bankruptcy. As the casino industry's financial position becomes more precarious, industry, employee, and government stakeholders have been forced to give more power over development decisions to the casinos. Needed regulation has been dramatically relaxed, which seriously calls into question the original purpose of allowing gambling into Atlantic City. Indeed, the job of casino owners and operators, like other businesses, is first and foremost to turn a profit for their investors. It is unrealistic to believe that the best interest of the city and its residents will be the determining factor in running a profitable casino. If the Washington casinos begin to falter, what regulations will be relaxed? Perhaps, instead of closing down at 2 a.m., casinos would be allowed to stay open until 5 a.m. to squeeze the last penny out of their patrons. Last call will never exist. What about bet limits? Many casinos used to have them, but, in the quest for the almighty dollar, they disappeared with the hope of the fast money.

Also, the cultural make-up of the typical gambler has changed. No longer are casinos frequented by the James Bond type of blacktie, sophisticated high-roller. The modern casino, like state lotteries, prey on the lower middle-income players who spend hours working out with the metallic one-armed bandits which weren't designed for high-rollers. Atlantic City has over 18,000 slot machines ready to eat one's money and dash one's dreams of a huge, effortless payoff. What this new gambling culture tends to encourage is hermit-like behavior. Gamblers today, who generally play the slots or electronic gambling games, are usually day-trippers who don't spend money outside of the casino in other restaurants or shops. Instead they spend the day feeding coins into the machines and then leaving in the evening. This type of behavior does not benefit noncasino business, and could actually hurt the local economy.

Lastly, allowing casino gambling in our Nation's capital is totally inappropriate. Visitors to Washington should leave remembering Washington's great monuments, buildings, the Kennedy Center, the Smithsonian, not rows of clanging slot machines gobbling up the hard earned money of our citizens. When high school students make class trips from De Moines, Peoria, or Wichita to visit the city, they will have the opportunity to visit gambling parlors as well as the seat of government. This is not the image the "Capital City" should project. The city is already trying to shake its image as the murder capital of the country; I don't believe it should also be known as the gambling capital.

In conclusion Mr. Speaker, because I am concerned about the social and economic well being of the entire Washington area, I call on the District government to abandon this misguided attempt to bring casino gambling to the nation's capital. I ask unanimous consent to insert into the RECORD at this time a recent article by columnist William Raspberry who supports this position as well as the text of two articles from the Washington Post Close to Home section.

[From the Washington Post, Aug. 25, 1993]

CASINOS? SURE, BUT NOT IN WASHINGTON

(By William Raspberry)

You can practically see the bright lights in Mayor Sharon Pratt Kelly's eyes, hear the clickety-clickety of the roulette wheel echoing in her ears, feel the fiscal hope coursing through her veins.

The mayor has found salvation, and she spells it c-a-s-i-n-o.

A short time ago, it was just another money-raising scheme to run up the flagpole. But then some unlikely people saluted. Virginia's Thomas J. Bliley Jr., the ranking Republican on the House District Committee, said he wouldn't interfere with the city's efforts to bring casinos here. Public response, D.C. officials say, has been running better than 2-to-1 pro-casino. Even some of the local clergy have been cautiously supportive. And now Kelly's tentative idea is taking on the air of mission.

I say it's time for re-mission. Casinos are not the answer to the city's financial problems.

I know it must seem so. Just think of all the tourists and conventioneers who will leave their money at our casinos. Think of all the jobs for dealers and security people and technicians. And think of all those lovely taxes: real estate taxes, business taxes, entertainment taxes, liquor taxes, income taxes. You can practically see the city's budget deficit disappearing before your very eyes.

What I see before my eyes are the incursions of crime—organized and disorganized. I won't say it's automatic that where legalized gambling goes the Mafia soon follows, but experience does suggest the likelihood. And what seems a certainty is an increase in the number of muggings, armed robberies and maybe even murders of strangers on the street. It's tough enough on visitors who only come here to bring the kids and visit the monuments. Picture the tipsy casino patron, an improbable winner at the blackjack tables, trying to find his way back to his hotel.

Oh, you say, but surely the city would provide protection for casino customers. To which I reply: Why can't it provide protection for those of use who live here now?

Ah, you say, but don't you see that's the whole point? The millions generated by casinos would make it possible to hire the extra police officers, install brighter lights, maybe even run city-owned jitneys from casino to hotel and back again. That's the wonderful thing about money.

No, I say, that's the mind-numbing thing about the lure of money. It's no trouble at all to imagine a windfall solving all our problems. Ed McMahon calls our name, and we burn the mortgage, pay off the credit cards and guarantee the children's education. The debts that have been causing us so much stress vanish like a puff of smoke. Our worries about our future financial security evaporate. All clean and legal, with the taxes paid.

In addition to making easier the things we were doing already, the windfall also tempts us into some things we'd only dreamt about: exotic vacations, a bigger home, new cars, more generous gifts (the church choir does need new robes, you know). And soon you start to understand why so many lottery winners wind up in deeper financial trouble than ever before.

It's not the money, it's the attitude regarding the money. The Kelly administration, it seems to me, has the deadly dreamer's attitude toward money. It wants the money as a substitute for responsible management—no tax hikes, no downsizing of government, no serious effort to live within its budget. The mayor keeps looking for a jackpot in the guise of a commuter tax, a professional tax, new taxes on goods and services. Some genius in her administration even proposed installing tollbooths at the entrances to the city. How's that for three cherries?

No, I don't have a big moral problem with casino gambling. I've done it myself, from Atlantic City to Monte Carlo. Nor will I say that legalized gambling automatically ruins a town; it might even improve some of them. (What would Las Vegas or Reno be without gambling?) But I will say that casino gambling inevitably changes the character of a town. I'm not sure I want to live in a Washington—even a Washington with a balanced budget—where the price of fiscal solvency is a transformation into Atlantic City on the Potomac.

My real concern though, is that Mayor Kelly and the residents of the District will succumb to the idea of windfall as panacea and, like too many lottery winners, wind up deeper in debt and utterly dependent on the annual lottery check.

A casino is an unreal place where a silly vacationer can spend a few relatively harmless hours. But it's no place to live.

Come on, Mayor Kelly. It's time to come home to reality.

TESTIMONY OF A BLACKJACK DEALER

(By Diane M.B. Savage)

I practice law in the D.C. courts. But before going to law school, I was a blackjack dealer in Las Vegas. During that time, I learned a lot about who gambles and why, and about the effects gambling has on people and their families. And I think casino gambling would be a disaster for the District.

First, it won't be the rich who frequent the blackjack tables. My experience in Las Vegas showed me that the opposite is true. My repeat players were people earning little, trying to make extra money. Inevitably, the casino wiped them out.

I was always amazed that people who came to my table knew so little about the game. These same people would not spend $20 on a shirt without checking something about it—color, size, material—but at the blackjack table, no questions were asked.

Players just came with whatever money they thought they could "afford" to lose and wound up losing much more than that. It was a vicious cycle—losing made players bet more so they could have a chance to win, and winning made them bet more too. The only real winner was the casino.

Let's not raise money for our troubled city off the backs of the people who live here. Casino gambling will bring troubles that an inexperienced observer cannot imagine.

I saw the same people come to my table every week as soon as they had cashed their paychecks. Most went home losers, and many of them drunk to boot, after trying to forget their bad luck with booze. I had wives and children come to me after my shift, begging me to send their husbands and fathers home when they appeared at my blackjack table.

From the outside looking in, casino gambling looks like harmless glitz and glitter. From the inside looking out, it makes anyone with a conscience think twice before supporting it.

One thing should be obvious to all—a casino exists to take money in as quickly as possible, to always make room for another sucker at the table. Casinos are not at all concerned with the citizens of the District, but shouldn't we be?

THE MAYOR'S SUCKER SOLUTION—ODDS ARE CASINOS WON'T GET THE DISTRICT OUT OF THE RED

(By Dorothy A. Brizill)

On Aug. 20 most D.C. residents, lawmakers and businesspeople learned about Mayor Kelly's proposal to bring casino gambling to Washington. The administration says casinos will spur economic development, finance a $500 million convention center, create jobs for local residents and serve as a magnet for hotels, restaurants and tourists. In short, the mayor is presenting casinos as a painless quick fix for the District's financial problems.

Making the District a safer, more attractive place in which to live and do business and stanching the suburban flight of businesses and middle-class citizens are the only real long-term solutions to the District's severe financial problems. But the Kelly administration instead looks for a miracle cure for its fiscal ailments—a commuter tax, which could never pass congressional review; professional and advertising taxes, which alienated Washington's only healthy industries; and a pie-in-the-sky plan to make Washington "Hollywood on the Potomac," a center of film and record production.

Kelly has abolished the Office of Business and Economic Development and the D.C. Office of International Business and created an economic development cluster instead. The few individuals and offices in this cluster apparently are focusing on Jack Kent Cooke Stadium, a new convention center and making the District into a "Las Vegas on the Potomac."

What's wrong with casino gambling for the District? Everything, even putting aside the moral issue.

As more states approve various forms of gambling, the limited market is spread thinner. Exciting "sin cities" like Las Vegas may make a profit, but cities that try for "dignified," "tasteful" gambling will have a limited and local appeal.

For example, Davenport, Iowa, lost more than $600,000 before its riverboat casinos pulled anchor. Cripple Creek, Black Hawk and Central City, all in Colorado, have made money with casinos—but at the cost of increased crime, huge tax increases for other businesses, the loss of other businesses and a general deterioration in the quality of life.

Atlantic City has lost 20 percent of the population in the past 15 years, and its neighborhoods have deteriorated badly since casinos opened in 1978. Since gambling drives out other businesses, Atlantic City is now a one-industry town: 90 percent of its revenues come from gambling. As one Atlantic City resident summed it up, "All we get is the fumes from the buses as they drive by."

And let's not forget the influence of the mob on organized gambling. Ward 2 council member Jack Evans said recently that the role of the mob in casino gambling "may be just the cost of doing business." With that attitude, Washington, with its existing crime problems, will pay a high cost.

William Eadington, director of the Institute for the Study of Gambling and Commercial Gaming at the University of Nevada at Reno, says, "As casinos continue to spread, some locales will turn up losers because there will simply be too many places to place your bet . . . most—though not all—cities, states and Indian tribes should resist the lure of the green felt and find other answers to their economic woes.

"The belief that every town or reservation can capture a lion's share of the tourist pot is as unrealistic as it is for players around a poker table."

□ 1820

SAVINGS IN AMERICA

The SPEAKER pro tempore (Mr. BACCHUS of Florida). Under a previous order of the House, the gentleman from Idaho [Mr. LAROCCO] is recognized for 5 minutes.

Mr. LAROCCO. Mr. Speaker, in the First District of Idaho, I represent many diverse interests from sugarbeet and potatogrowers to loggers and millworkers; from silver miners to whitewater guides; from computer chip makers to corporate boardrooms. But as disparate as these interests in my State may seem, they all are in the same boat on one issue: the rate of savings in America which is the lowest in the industrialized world.

Saving is the seedcorn of our capital society. You plant it. It grows. It reproduces itself. Investing turns savings and ordinary money into factories, bridges, roads, runways, and schools, and into machines that make machines and productive assets that create real wealth.

Here's the formula: Savings equals investment equals improved productivity, which—in turn—equals increased standards of living and quality of life. The magic of capitalism is this process of turning savings into investments that generate both incomes and more savings that can be turned into investments and planted anew.

In her book, "Reviving the American Dream," Alice Rivlin, the noted economist and now Deputy Director of the Office of Management and Budget, writes that:

> Between 1940 and 1973, population rose by 60%. But total output of the economy soared

> by 255%. This surge in the nation's per capita production of goods and services made it possible for almost everyone to live better and the nation to improve both its public and private capital at the same time. But since then total government spending rose faster than GNP. The increase however was for payments to individuals, especially older people under Social Security and other entitlement programs—not for public investment.

If we pull the plug on this process of investment and reinvestment, spend our savings on rent and groceries—worse than that, if we borrow for daily expenses, current operations, expendables—consumption—it's just like a farmer gobbling up the seedcorn. It's killing the laying hens for poultry, slaughtering the breeding cows for beef. That's what we have been doing as a country for 20 years.

Princeton University's Douglas Bernheim in "The Vanishing Nest Egg," writes:

> When a society fails to save, its members must ultimately pay the price * * *. Low rates of saving depress investment, thereby depriving the economy of new plant and equipment that are necessary for continued growth and prosperity.

The personal savings rate of American households today is 5.5 percent of net disposable income. But factoring in the Government's borrowing rate reduces the net national savings rate to 2.7 percent. Low savings in the 1980's cost the U.S. economy about 15 percent of its capital stock and about 5 percent of its potential output. If you think the roads and bridges, tunnels and waterworks are in bad shape now—at our present rate of saving, the rate of decline and fall of capital stock and output will double by the end of the century, taking disposable income down commensurately.

Discovering the root causes of the shrinking U.S. savings rate may hold the key to setting the American economy back on sound footing. And address those causes we must, though we are woefully in the dark as to why Americans do or do not save and why savings incentives by Government have not worked.

We really don't know. Saving may be a cultural phenomenon or an animal instinct—the squirrel burying nuts in the back yard.

Or societies may save simply because they have no choice. One generation has to take care of the next, on its own, without government waiting in the wings to help.

Or, perhaps individuals may not feel the need to save when everything is coming up roses—the stock market, real estate values, personal income. Also, successful economies produce desirable consumer goods, thus diverting savings.

Or, individuals may save because times are so good, so golden—like the 1950's and 1960's in this country—spending just cannot keep up with earnings. Incomes exceed expenses without a conscientious effort to save. The saving just happens.

Tax incentives have had a limited effect on overall savings rates. Savings may not be driven by taxes. The money that was going to be saved anyway simply crosses from one side of the street to the other. But the total rate of saving does not change.

Saving may be a function of cutting disposable income off at the pass, the availability of payroll saving plans and dividend reinvestment programs that force us to keep hands off our paychecks before it can touch our hands and get spent.

The role for public policy initiatives in improving personal savings is unclear. The savings rate may be solely the function of demographics: baby boomers growing up, getting married, having children. Then one day, the children grow up, leave the nest, expenses wind down. And a bulge of onetime baby boomers now moves through the cycle from consumer to saver. Savings more may be one result of the low overhead of an empty nest and scaled down lifestyle not a manifestation of new-found thrift and virtue.

As a former stockbroker and a student of the savings rate issue, the question for me remains, How can we get Americans to save enough for our growth and prosperity?

Mr. Speaker, this is an issue which I am planning to address in the coming months and on which I will have more to say.

OMAHA JOBS ARE BEING STOLEN FROM SPOKANE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, the giant sucking sound you hear isn't jobs being sucked to Mexico; it is farm credit bank jobs being sucked from Omaha, NE to Spokane, WA. Farm credit officials in both Omaha and Washington State have plotted to merge their respective banks and headquarter the new bank in Spokane. Currently, the Omaha and Spokane banks employ approximately 100 employees each, and it is estimated that the new bank in Spokane will have a work force of about 110 employees.

Mr. Speaker, these top-level farm credit jobs are being hijacked, and the worst part about this hijacking is that it is an inside job. It is mighty hard to stop this theft of jobs and regional decisionmaking authority when the Democrats control the White House and both Houses of Congress—and House Speaker FOLEY is from Spokane. This Member doesn't represent Omaha, but this Member hopes that the Omaha community won't roll over and play dead on this issue. It is too important to our region, to our Midwest and Great Plains farm communities, and to our job market. Unfortunately, if Omaha won't fight it, there isn't much a Congressman from Nebraska's First District, outside Omaha, can do about the job theft.

Mr. Speaker, this deal does not even pass the smell test. It is such a blatant case of job theft and dealmaking by the Presidents of the two merging banks to feather their own nests, that I can't believe the people involved have the nerve to try it. Surprising isn't it that current president and CEO of the Spokane bank, Mr. Doyle L. Cook, is being vigorously promoted for chairmanship of the Farm Credit Administration in Washington, DC. Recently, this position was vacated with the resignation of Mr. Harold Steele and offered to another candidate who has now declined and given Mr. Cook the unusual opportunity to move from Washington State to Washington, DC. Yes, and you might have guessed that the Farm Credit Administration is the chief regulator of the farm credit system and is comprised of a three-member board—to include Mr. Cook if he is appointed by President Clinton—which will ultimately be asked to approve or disapprove of the merger. FCA's general counsel does say that only two of the three board members will be available to approve the Omaha-Spokane merger and that may not include Mr. Cook. Finally, to make sure everyone involved in the deal is happy, preliminary plans for the merger would plant Jim Kirk, president of the Omaha bank, firmly back in Washington State, where he was educated and has ties, as president and CEO of the merged bank.

Mr. Speaker, this proposed merger is one more example of an outsider seizing control of a Nebraska-based institution or corporation and then pirating the jobs back to his home, or desired, location. It has happened too often in recent years, and it will happen again unless this region's political and business leaders unite and raise hell about it.

Mr. Speaker, it figures that Jim Kirk wants to take these jobs and his position back to Washington State, but were, pray tell, are the farm credit board members who supposedly represent the communities and farmers in four State regions? Unfortunately, farmer stockholders do not have a say in whether the merger can go forward. Therefore, will the association boards act only as rubber stamp outfits for an all-powerful Jim Kirk or other top-level appointees? And, are the people back home asking their representative board members tough questions about their cooperation and complicity in this act of piracy?

Now Mr. Speaker, to be sure, we are going to hear phony justifications of all kinds for this job theft—comments about complementarity and diversity. Nebraskans and Iowans know we have little in common with the timber interest and fruit growers of the Pacific Northwest. This merger makes no business sense; it would create a bank district stretching more than halfway across the United States. No, clearly this merger and its supposed rationale are the dreamed-up excuses of farm credit bank officials to justify their original intent to move the jobs and power from Omaha to Spokane.

Mr. Speaker, board members who will be responsible for approving or disapproving this merger, should go to the farm communities around Pawnee City, Ponca, and Broken Bow, NE; Dubuque, IA; or Sioux Falls, SD; to explain why they will get better decisions and support out of Spokane, WA, than from the heartland location of Omaha. As this Member said before, farm leaders in our region will know this is a power play when they actually learn what is happening.

□ 1830

UPDATE ON THE REPUBLICAN CRIME BILL

The SPEAKER pro tempore (Mr. BACCHUS of Florida). Under a previous order of the House, the gentleman from Florida, Mr. MCCOLLUM, is recognized for 5 minutes.

Mr. MCCOLLUM. Mr. Speaker, every evening Americans tune into television news programs and hear stories of violent crime committed by repeat offenders who should not have been out on the street in the first place.

Each year nearly 5 million people in the United States are victims of violent crime. The amount of violent crime has increased 531 percent since 1960, yet violent criminals are serving shorter sentences. Studies show the expected punishment for committing a serious crime has tumbled by two-thirds since the 1950's. Violent offenders serve an average of just 37 percent of the time sentenced. With our prisons overcrowded and violent criminals serving only fractions of their sentences, is it any wonder we have such an alarming amount of violent crime?

To address this crisis in our criminal laws, House and Senate Republicans introduced a comprehensive crime bill in early August.

This legislation proposes a complete overhaul of our Federal criminal justice system and is designed to develop a partnership with States to restore certainty and swiftness of punishment and to lock up violent criminals and throw away the keys.

Our criminal justice system cannot work effectively without the element of deterrence. We must take violent criminals off the streets. We must lock them up and keep them locked up. We must put deterrence back into our criminal justice system.

The Republican crime bill strengthens our system with the establishment of an unprecedented Federal-State partnership. Through this partnership, regional prisons would house really bad State-convicted violent criminals and drug traffickers.

The bill provides $3 billion over 3 years and requires a 50 to 50 cost sharing arrangement. In order to be eligible for participation, States must meet several requirements: They must enact truth-in-sentencing laws to ensure that those convicted of a violent crime or of major drug trafficking serve at least 85 percent of the time sentenced; they must institute 10 year minimum mandatory sentences for twice convicted felons who commit a violent crime with a gun or are involved in a sexual assault; they must provide pretrial detention; and they must challenge court-ordered consent decrees capping prison populations.

In order to help States meet their share of the costs and to build more prisons of their own, the bill adds correctional facilities to the list of tax-exempt projects for which private activity bonds may be used. The legislation also provides $2 billion over 5 years in grants to cities and counties with high crime rates to increase the police presence in these communities. Unlike other grant programs, this bill allows local authorities to allocate these funds in the manner best suited for the individual community's local law enforcement needs.

In addition, the Republican crime bill would: Provide for the immediate deportation of criminal aliens as soon as their sentences are served or, in some cases, even sooner; nearly double the number of border patrol officers and immigration service criminal investigators; restore the death penalty for heinous Federal crimes; reform habeas corpus laws to stop the endless appeals of death row inmates; change the rules of evidence to make it easier to admit evidence to get more convictions; initiate a point of purchase instant check system to screen out convicted felons who attempt to purchase guns from gun dealers; put new sexual offender laws on the books to make it easier to get rape and other sexual offense convictions; provide new resources to local police; put new laws on the books to protect children and make schools safer; and make acts of terrorism specific Federal crimes.

So as not to add to the deficit, the spending in this legislation is fully paid for by cutting Federal administrative overhead expenses across the board by 5 percent and by capping the administrative overhead expenses for university research grants at 90 percent of their current levels.

Republicans are eager to work with President Clinton on these matters and hope the legislation he is drafting tracks our bill.

However, it is disturbing that President Clinton has embraced Senator BIDEN's bill "The Habeas Corpus Reform Act of 1993." Senator BIDEN's bill contains provisions that are far worse than current law. We desperately need to reform the process of habeas corpus to stop the endless appeals of death row inmates; however, Senator BIDEN's bill will create added layers of litigation and introduce further delay into the process. The Republican proposal, on the other hand, will delete loopholes that have allowed capital cases to drag on for decades.

In addition, Republicans strongly disagree with members of the Clinton administration who appear to want to eliminate mandatory minimum sentences. We should be encouraging States to enact mandatory minimum laws and abolish parole to restore certainty to our criminal justice system. Only if we restore swiftness and certainty of punishment and remove the violent criminals from society and keep them locked up can we deter violent crime and make our streets safe again.

Republicans and Democrats working together can do this.

NBC: NUCLEAR, BIOLOGICAL, OR CHEMICAL WARFARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN. Mr. Speaker, is the gentleman from California, Mr. DUNCAN HUNTER, in the Chamber, Mr. Speaker? Front and center, DUNCAN, lieutenant, 173d Airborne Brigade.

Mr. Speaker, is Mr. BURTON of Indiana in the Chamber? Would the gentleman come over to the other microphone?

I do not want to gloat now because of these two votes, but I just want to discuss the nuclear threat building around the world, do a little intro here, and then ask for some counsel from my distinguished colleagues from southern—southern California and Indiana.

Mr. Speaker, many countries have developed weapons of mass destruction and the means to develop them and to deliver them. Others are developing these weapons as we speak. There is a real possibility that some nation in the future is going to be motivated to use NBC, nuclear, biological, or chemical warfare, against the United States or some of our allies. They would use them maybe in regional confrontations, threatening our U.S. interests abroad, and we must do something about it. And the reason I take the well today is we just did do something.

□ 1840

There is hope, coming back from a long district work period break, and I was feeling very good about where this Congress was going, but we just defeated the Dellums-DeFazio amendment to gut strategic defense and ballistic missile defense even further. We defeated it 271 to 160, and we defeated the Schroeder amendment 227 to 202.

Now, that is pretty good, these last two votes. We are still in the House below the Senate numbers and below the Clinton administration request for research and development and eventually deployment of a ballistic missile theater defense.

We owe our men and women in uniform nothing less and I wonder when we are going to get around to deploying something to defend our homeland, as it says in the preamble, "Provide for the common defense."

Mr. Speaker, I am glad to yield to the distinguished gentleman from Indiana [Mr. BURTON].

I am not so sure about the gentleman's glasses. I feel like I am in a Mexican nightclub or something.

Mr. BURTON of Indiana. Well, I will take those off. I would not want to offend my colleague.

Let me just say, there is an old saying, "An ounce of prevention is worth a pound of cure."

The gentleman is absolutely right. Mu'ammar Qadhafi, the ayatollah, the Indian Government, a lot of countries have nuclear weaponry and they are developing or are in the process of developing delivery systems, probably short range at first, then intermediate and then intercontinental. For us to give up on a system that would say that New York City and millions of people who live there, or Chicago or Los Angeles, I think would be a terrible step in the wrong direction, especially since we have spent so much money already heading in the right direction as far as perfecting a ballistic missile defense system.

Mr. DORNAN. A footnote: New York City sure as heck does not know how to make picante sauce, but Rush Limbaugh lives and works there. That alone is a reason to protect it against an errant nuclear missile.

Mr. BURTON of Indiana. I did not know that. That is interesting. We are going to protect Rush Limbaugh.

Mr. DORNAN. The gentleman thought he was still broadcasting out of Indianapolis, I know.

Mr. BURTON of Indiana. Well, all levity aside, I really believe that the gentleman is absolutely correct. I think it was very wise of our body here today not to make those kind of cuts that they were talking about in the area of strategic defense, because you never know, one day in the future one of these crazies in the world might have a delivery system with a nuclear weapon or biological weapon, and we certainly do not want a large segment of our population wiped out because we did not have foresight to perfect a defense system.

Mr. DORNAN. Mr. Speaker, I yield to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, I thank the gentleman for taking out this special order on this very important issue, and I thank my friend, the gentleman from Indiana.

Mr. DORNAN. Not to gloat, but to further elucidate the issue.

Mr. HUNTER. I just want to say that we have a short breathing space, or respite, if you will, because we won the cold war. We have a number of countries that the gentleman from Indiana [Mr. BURTON] has alluded to. Those include Libya, Egypt, Iraq, South Africa, Saudi Arabia, Syria, Pakistan, Iran, North Korea, India, and China, building delivery systems. Not all those countries are our enemies, but some of them are. Some of them are absolute adversaries that I think we can count on to attack the United States if they get to the point where they feel they have enough of a delivery system and in some cases a nuclear device to cause us great harm.

Now, we think of this defense and strategic planning that we carried out in the United States for years and years as being something that is done at a very high level by men of great foresight and women of great foresight, but actually if you look at the gulf war when that Scud was fired at American troops and we fired the Patriot missile, which really was just an air defense system built not to shoot down missiles, but it was developed to shoot down aircraft. When we fired that first Patriot up there and it intercepted that missile in midair, it did what Ronald Reagan had said about 10 years earlier could be done, you could hit a bullet with a bullet, hit a missile with another missile.

Those people, including liberals who earlier, like Walter Mondale, had said, "I am not going to have war in the heavens. I am not going to have star wars," and all the names that were attached, derogatory names and descriptions that were attached to the strategic initiative, those people said, "Thank Heaven," and liberals and conservatives said, "Thank Heaven," because we fired this missile, what you might call the model-T of ballistic missiles, the Scud that goes very slow and has a very short range, under 500 kilometers, and we hit it. We hit it with the only system that we had that had the capability of bringing it down. Now, where that leaves us is with the understanding that we have the capability of knocking down Scud's.

NBC: NUCLEAR, BIOLOGICAL, AND CHEMICAL WARFARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HUNTER] is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, I yield to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Speaker, I just wanted to point out something that reinforces what the gentleman was saying, and I thank the gentleman from California for yielding to me; but one of the CIA analysts recently, not only upstairs, but openly to the public, pointed out the following, that the potential capabilities of some of these countries, the ones that the gentleman from California [Mr. HUNTER] and the gentleman from Indiana [Mr. BURTON] were mentioning, are comparable to and in some cases more lethal than the Soviet Union in 1960–61. That is right before the Cuban missile crisis, the closest we have ever come to a third world war.

It says with leaders like Qadhafi and Sadam Hussein, the gentleman mentioned the Ayatollah, he is long gone, I can hear the crackling flames, but the gentleman meant Rafsanjani and the ilk that have kept his evil image alive, and in many cases these governments are weak, unstable, or illegitimate.

Our classic notions of deterrence hold much less promise of assuring the security of the United States and its allies.

To my two colleagues, may I tell a short story, a little anecdote. In 1960, I sold my car, the fifth baby was on the way, I sold this car that I had bought with my flight pay in the Air Force to a psychologist at the Atascadero mental hospital for the sexually screwed up, and I wanted to make sure this guy was really a doctor, because he had a very bad toupee. His name was Edward James. I use the name because he did me out of half the money on my car. I was selling it to make way for a fifth child. I never got the money, but I delivered the car to Atascadero. On the way I went by the Vandenberg Air Force Base, June, 1960. We had just erected, and these were above the ground, silos were not constructed yet, the first three Atlas intercontinental ballistic missiles. The gentleman has been to Vandenberg. He knows a lot of beautiful rolling hills around there. I parked my car, the last time I ever drove it, on a hill. I looked at these three missiles down on one of these hills. The sun was going down on the beautiful Pacific Coast.

I thought, we are entering, for my four children and one on the way, one of the most terrifying periods in all of recorded history. The Soviet Union had surprised us by developing a hydrogen bomb. They were surprising us with everything. They had so many security leaks. This country was crawling with spies, according to both Democrat and Republican Presidents during all that period of time.

I thought, how long will it take us to get out of this?

People are acting like we are out of it. People in this Chamber who never raised a finger to win the cold war are now saying, "We won the cold war," like all of them who tried to disarm us unilaterally year in and year out were part of it, and yet here we are with these feelings that we have rolled history back to 1959, that there are no ICBM's targeting anybody.

Here is an analyst during a Democratic administration in the Central Intelligence Agency saying that some of these illegitimate governments are more lethal than the Soviet Union in the early sixties at the height of the evil empire.

Mr. HUNTER. Mr. Speaker, if the gentleman will yield, according to our new CIA Director, Mr. Woolsey, a number of those countries are much more inclined to use nuclear weapons and the delivery capability that we speak of in new missiles than the Soviet Union was.

Mr. DORNAN. Exactly. There was a bizarre stability to the evil empire. As evil as they were, they had script on the world's case. They sort of followed a script where some of these people just out of sheer pathetic religious zealotry would lob one missile and say, "What are you going to do now, eliminate my country off the face of the Earth and kill all these peasants that I abused just because we got rid of New York City?"

No, we are in a bizarre situation now and now is not the time to hollow out our forces and start cutting back on the research and development that gives promise to some day providing for the common defense, right out of the preamble to our beautiful Constitution, and defending the American homeland.

□ 1850

REDEFINING/REINVENTING GOVERNMENT

The SPEAKER pro tempore (Mr. BACCHUS of Florida). Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I do not want to take much time because I know you have a previous engagement, and we do not want to hold you up, but I would like to yield to the gentleman from California [Mr. DORNAN] to conclude his remarks.

Mr. DORNAN. Mr. Speaker, I am just going to conclude with one thing I brought up during the debate today, the general debate on the defense budget, strategic matters that we touched on today. Here is a page from all the books on redefining/reinventing government that were on the White House lawn yesterday with our Chief of State and Igor at his side, his strong right arm, and it says right in there, and listen to this. I said today that I believe this is the smoking gun on the bottom-up review, that it was not geared toward strategic needs and a proper analysis of our national security situation, but was really a budgetary consideration. Listen to this line, and for all intents and purposes this is the President speaking, or it is certainly the Vice President:

> We examined every Cabinet department and ten agencies. At two departments, Defense and Health and Human Services, our work paralleled other large-scale reviews already under way.

Now brace yourselves, Mr. and Mrs. America and all the ships at sea.

> Defense had launched a bottom-up review to meet the President's 1994–1997 spending reduction target.

Explanation: The President says:

> Here is my target. Cut this out of the military. Not the 50 billion that I talked about last year, and, although I feel you defense workers' pain, I want 127–128 billion cut out. Now give me a bottom-up review and a strategic analysis to fit my budgetary demand.

Mr. Speaker, that is not the way to analyze providing for the common defense.

I thank the gentleman from Indiana [Mr. BURTON] for this extra bit of time.

Mr. BURTON of Indiana. Mr. Speaker, if the gentleman from California [Mr. DORNAN] wants to stick around for just a bit, there is one other subject that is very important.

Vice President GORE, along with President Clinton, announced, and I think it was yesterday, that they are going to try to streamline and cut the size of government, cut the bureaucracy, to the tune of 252,000 people over a 5-year period, and I think people across this country applaud that objective. For the past 10 or 11 years, President after President, administration after administration, Congress after Congress, have talked about cutting the size of government and streamlining it, and, although I disagree with the President on many issues and the Vice President on many issues, this objective I agree with, and I think most of my colleagues, both Democrats and Republicans, agree with it.

However, I am very concerned that there needs to be a hard and fast plan to deal with this, and the gentleman from Iowa [Mr. NUSSLE], and the gentleman from Pennsylvania [Mr. GREENWOOD], members of the Republican research task force—I think they are the chairman of that on government downsizing working with the chairman of that committee, the gentleman from California [Mr. HUNTER], have come up with a plan to help President Clinton and Vice President GORE implement their objectives of cutting the size of government by 252,000. And today I cosigned a letter along with them that he would, in effect, set up a Federal employee reduction and realignment commission not unlike the Base Closure Commission which we so desperately needed to close down some of the unnecessary military installations in this country. And so we have sent to the President this letter today, I believe, and we urged him to review this and to work with the Congress to set up this Commission to actually do the job of cutting out a quarter of a million unnecessary people in the government through a number of different ways, one of which would be retirement, and other ways. And so we support that.

Now the one thing that concerns me, Mr. Speaker, is during the talks and the description of the plan that they were talking about they were talking about raising some fees and some other maybe taxes to deal with some of these problems, and I would just like to say, if the President were here, that we just had the budget reconciliation bill with the largest tax increase in history. Most of the spending cuts in that bill are in the third, fourth and fifth year and probably will not be realized.

So, we are going to have the tax increases, and many of the spending cuts, I do not think, will ever happen, and so I do not think the American people want any fee increases, and they do not want any more taxes, and that is one thing that I cannot support. However I, and I think the gentleman from California [Mr. HUNTER], and the gentleman from California [Mr. DORNAN], and many of our colleagues would be more than willing to support downsizing government, setting up a commission to work with the administration to downsize government and to get this economy moving in the right direction through, in part, cutting the size of this government bureaucracy. We all want to do that.

I have talked to people over the weekend back in my district in Indiana, and they all said, "Boy, don't you think it's a great idea that the President has come up with to try to cut the size of government," and I agree with that, and I think we ought to help him, and I think this Commission is the giant step in that direction. But we do not need any more taxes and any more fees. We need to get on with really cutting the size of government.

I yield to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. We do not need so-called sin taxes either when someone is out playing a softball game during this great summer, August, and there are people trying to recover from all the pain from the flood, and they are worried about Emily running up the coast here, and they go to a baseball game and pop open a cold beer. They do not really think to themselves, "I'm just sinning here, and I should be taxed more." At a ball game, the only sin you see is somebody charging Nolan Ryan and Nolan Ryan punishing him a little bit for trying to come out there to the pitcher's mound.

But any kind of taxes; the country is simply overtaxed.

To quote Ronald Reagan, and the gentleman from California [Mr. HUNTER] came to office on his coattails, and the gentleman has admitted that to me as many times as I am willing to listen to it. But he said, "We're not suffering from too much government—too little government. We are suffering from too much government." I have said it so many times that I am getting it in reverse.

But I agree with the gentleman, and what I say to people when they ask me about this redefining government thing is:

Good. I call them, and I up the ante. Whatever they want to cut, I want to cut more, and, if they have taken a lot of Republican pages out of our notebook, so be it. We have all said we are going to help the President as he sent a letter over here today not to shut down the last nuclear production missile line, the D-5 missile. He sent over a pretty good letter here today. So did Aspin. I expected a great letter and got one from Gen. Colin Powell.

But we have helped the administration today so that he is on watch while we remain a superpower, but he better look at the rest of the Defense budget, and, when he is talking about cutting the size of Government, it better be something other than Defense in 1994, or 1995 and 1996, or he is not going to be around in 1997 when those cuts in spending are supposed to come up. The outyears they call them now.

Mr. Speaker, we are going to run through a series of one-term Presidents if we do not redefine this Government because the American people have had a snoot full, and I can see it again when all of these people that have joined Ross Perot's organization that he says he is only the caboose on, United We Stand America. They were cheering loudly over in the Rayburn Building in the Gold Room this morning when JIM INHOFE broke one of the secrecy rules around here that we cannot expose to the public a public document that sits at the end of this long teller's desk here, that discharge petition process.

So I say to my colleagues, You better believe that DUNCAN HUNTER's research committee task force on reforming Government has been swallowed by the President and AL GORE. Now let us see if they can digest it.

Mr. BURTON of Indiana. Mr. Speaker, I appreciate the remarks of the gentleman from California [Mr. DORNAN], and I would just like to reiterate the one statement made earlier, and that is that we want to work with him. We do not want any more taxes or fees. And we want to set up a Commission like the Base Closure Commission to downsize the Government, the size of Government, and that would assist him in his goal and the Vice President's goals of cutting that 252,000 people out of the work force.

Mr. Speaker, I yield to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding. I thank the kind gentleman from California from north of me in Orange County, the champion of national security, my friend, BOB DORNAN, for his kind words and I thank the gentleman from Indiana [Mr. BURTON] for talking about this important issue today, and you know I think it is clear, and this came out in all the media when this announcement was made by the President and by Vice President GORE. It is clear that recommendations for downsizing the Federal bureaucracy have been made many times in the past. We are not short of recommendations in Washington, DC. What we are short of is the political will to implement those recommendations.

So, we, as Republicans, are saying, "You want to cut 250,000 bureaucrats out of the system, and you're going to go on a road show and talk to people about this. It's very popular in the polls, and you are going to get a lot of good press. The only thing we request as Republicans is this, that you do it——

Mr. DORNAN. Exactly.

Mr. HUNTER. And the way to do it is by having a Commission with eight commissioners appointed by the President. We chartered this Commission like we did the Base Closure Commission because we all know, as the Washington Post said this morning I think very appropriately, much of the success of this downsizing depends on who? Congress. And we all know that chairmen and senior members of committees that have agencies under their wing will come out and fight for the turf of their agencies to keep from being downsized. It is going to be very analogous to base closing when Members know that bases have to be closed, but they do not want bases in their districts to be closed.

So, Mr. Speaker, we put together a Commission. The President puts it together with the consent and the advice and consultation of Congress, and this Commission goes out and makes an on-the-merits analysis, lets the chips fall where they may. It comes back in with recommendations for the exact number that the President asked for in reductions. That is 250,000 Federal positions in the bureaucracy.

□ 1900

They come up with those recommendations, and Congress either goes up or down, no amendments, no logrolling, no changes, and the President goes up or down. We can do this in 3 or 4 months. This can be done. So we are throwing the ball back to the President. Let us do it.

Mr. BURTON of Indiana. Let me just say one more thing. I think once the Commission is set up, if the President would go along with it, and once we get the job done, that the Commission should stay in existence and try, on an annual basis, to review the bureaucracy in Washington and around the country, and try to cut, as much as possible, on an ongoing basis the size of Government. Sure 252,000 sounds like a lot, but we have millions and millions and millions of people in Government. A lot of that is duplication of effort. If we get through the 252,000 in cuts, I see no reason why a Commission could not go and make a recommendation to Congress on a yearly basis on how to streamline and make Government more efficient.

Mr. DORNAN. If the gentleman will yield further, that is an excellent idea. We may get to discuss this on the House floor tomorrow, because the gentlewoman from Colorado [Mrs. SCHROEDER] has an amendment to expand the Base Closing Commission to include overseas bases. There is an opening to talk about the Commission in general with our good friend, the Chairman of the Base Closing Commission, Jim Courter, and say folks, this took a lot of pain out of the House and Senate in having to close down bases in people's districts, where they were major employers, and good men and women, both civilian and uniformed, serving at those bases, it was painful. We found a good way to do it.

Thank God for the gentleman from Texas [Mr. ARMEY], a top economist from the State of Texas in the House now, that came up with this idea.

This idea, and I blush when I say to the gentleman from California [Mr. HUNTER], is brilliant. I am going to work on it. As long as the gentleman from Indiana [Mr. BURTON] buys off on it, so do I. Let us see if when we retire to our rocking chairs on a porch somewhere if we cannot see this Commission doing what a lot of folks do not have the guts to do around here, and that is not just slow the rate of growth, but shut some things down that cannot be justified in their existence any longer.

Mr. HUNTER. Mr. Speaker, if the gentleman will yield further, this is the baby of the gentleman from Iowa [Mr. NUSSLE] and the gentleman from Texas [Mr. GENE GREEN], this task force. This is going to be an important issue. I think they are the ones that should receive any credit.

Mr. DORNAN. They would never have come up with the idea if the gentleman from California [Mr. HUNTER] did not set them up in a task force. The gentleman stimulated them.

Mr. HUNTER. I appreciate the compliments of the gentleman from California [Mr. DORNAN]. Let me suggest another thing too, and that is that there are 400,000 what I call headquarters employees in Washington, DC. That means every agency that we have got, whether it is Immigration or EPA, and I am talking about civilian agencies, not our intelligence agencies, not DOD, there are 400,000 headquarters employees in Washington, DC.

It is kind of interesting. If you talk to a postal worker in your district or to a border patrolman or somebody else in the Federal work force, and you talk to them about what they think about headquarters, it is like talking to a GI in the field. You say, "Do you think that the officers in headquarters could be downsized a little bit?" Let me tell you, they have got some opinions on it. Contrary to what a lot of people might think, the Federal work force is not against us.

I think that when this comes about, if this is done on the merits by a commission that looks at the real need for efficiency in the Federal Government, you are going to see a lot of the headquarters employees, a lot of the employees of agencies located in Washington, DC., taking a number of the cuts, in the higher level of bureaucracy, and you are going to see less of the policeman on the beat, the cop on the beat, the border patrolman, the guy delivering the mail in your district, taking these cuts.

Mr. BURTON of Indiana. Mr. Speaker, I want to thank my colleagues very much for their participation. I hope maybe the administration is paying attention tonight and will look with favor upon the recommendations we have put forth and are sending to them via the mail.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YATES (at the request of Mr. GEPHARDT) for today, on account of illness.

Mr. NEAL of North Carolina (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. RAMSTAD) to revise and extend their remarks and include extraneous material:)

Mr. WOLF, for 5 minutes, today and 60 minutes, each day on September 9 and 10.

Mr. BEREUTER, for 5 minutes, today.

Mr. MCCOLLUM, for 5 minutes, today.

Mr. FRANKS of New Jersey, for 5 minutes, on September 9.

Mr. KIM, for 5 minutes, on September 9.

Mr. KOLBE, for 60 minutes, each day on September 8, 9, 13, 14, 15, 16, 21, 22, 23, 27, 28, 29, 30, October 4, 5, 6, 7, 11, 12, 13, 14, 19, 20, 25, 26, 27, and 28.

Mr. DORNAN, for 5 minutes, today.

(The following Members (at the request of Mrs. MALONEY) to revise and extend their remarks and include extraneous matter:)

Mr. LAROCCO, for 5 minutes, today and on September 9.

Mr. PALLONE, for 5 minutes, today and on September 9 and 10.

Mr. HAYES, for 60 minutes, on September 9.

Mr. RANGEL, for 60 minutes, on September 15.

Mr. CONDIT, for 60 minutes, on October 27.

Mr. MFUME, for 60 minutes, on September 14.

(The following Member, at his own request, to revise and extend his remarks and include extraneous material:)

Mr. HUNTER, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. DORNAN, for 5 minutes each day, on September 14, 15, and 16.

Mr. FALEOMAVAEGA, for 60 minutes, on September 9.

Mr. MCDERMOTT, for 60 minutes, each day, on September 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, and 30, and October 1.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. RAMSTAD) and to include extraneous matter:)

Mr. SOLOMON in five instances.

Mr. COMBEST.

Mr. GILCHREST.

Mr. DORNAN.

Mr. COBLE.

Mr. LEWIS of Florida.

Mr. ARMEY.

Mr. WOLF.

Mr. GALLEGLY.

Mr. GILMAN.

Mr. BURTON of Indiana.

(The following Members (at the request of Mrs. MALONEY) and to include extraneous matter:)

Mr. LIPINSKI in two instances.

Mr. APPLEGATE.

Mrs. SCHROEDER.

Mr. KANJORSKI in two instances.

Mr. FOGLIETTA.

Mr. FAZIO in two instances.

Mr. MAZZOLI.

Mr. HAMILTON in seven instances.

Mr. BERMAN in two instances.

Mr. MANN.

Mr. BONIOR.

Mr. STOKES.

Ms. WOOLSEY.

Mr. MANTON.

Mr. CARDIN.

Mr. FORD of Michigan.

Mr. TORRES.

Mr. JOHNSON of Georgia.

Mr. DURBIN.

Mr. POMEROY.

Mr. PARKER.

(The following Members (at the request of Mr. BURTON of Indiana) and to include extraneous matter:)

Mr. ROHRABACHER.

Mr. WILLIAMS in two instances.

Mr. DIXON.

Mr. CONYERS.

SENATE BILL, JOINT RESOLUTIONS, AND CONCURRENT RESOLUTIONS REFERRED

A bill, joint resolutions, and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 424. An act to amend the Securities Exchange Act of 1934 with respect to limited partnership rollups; to the Committee on Energy and Commerce.

S.J. Res. 124. Joint resolution designating September 6, 1993, as "Try American Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 125. Joint resolution designating September 1993, as "Childhood Cancer Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 126. Joint resolution designating September 10, 1993, as "National POW/MIA Recognition Day" and authorizing the display of the National League of Families POW/MIA flag; to the Committees on Post Office and Civil Service and Veteran's Affairs.

S. Con. Res. 38. Concurrent resolution to authorize the reprinting of the book entitled "The United States Capitol: A Brief Architectural History"; to the Committee on House Administration.

S. Con. Res. 39. Concurrent resolution to authorize the printing of a new annotated edition of Glenn Brown's "History of the United States Capitol," originally published in two volumes in 1900 and 1903, prepared under the auspices of the Architect of the Capitol; to the Committee on House Administration.

S. Con. Res. 40. Concurrent resolution to authorize the printing of the book entitled "Constantino Burmidi: Artist of the Capitol," prepared by the Office of the Architect of the Capitol; to the Committee on House Administration.

S. Con. Res. 41. Concurrent resolution to authorize the printing of the book entitled "The Cornerstones of the United States Capitol"; to the Committee on House Administration.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 490. An act to provide for the conveyance of certain lands and improvements in Washington, District of Columbia, to the Columbia Hospital for Women to provide a site for the construction of a facility to house the National Women's Health Resource Center;

H.R. 2034. An act to authorize major medical facility construction projects for the Department of Veterans Affairs for fiscal year 1994, and for other purposes;

H.R. 2264. An act to provide for reconciliation pursuant to section 7 of the concurrent resolution on the budget for the fiscal year 1994;

H.R. 2348. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1994, and for other purposes;

H.R. 2667. An act making emergency supplemental appropriations for relief from the major, widespread flooding in the Midwest for the fiscal year ending September 30, 1993, and for other purposes;

H.R. 2900. An act to clarify and revise the small business exemption from the nutrition labeling requirements of the Federal Food, Drug, and Cosmetic Act, and for other purposes;

H.J. Res. 110. Joint resolution to authorize the Administrator of the Federal Aviation Administration to conduct appropriate programs and activities to acknowledge the status of the county of Fond du Lac, Wisconsin, as the "World Capital of Aerobatics," and for other purposes; and

H.J. Res. 157. Joint resolution to designate September 13, 1993, as "Commodore John Barry Day."

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills and joint resolutions of the House of the following title:

On August 5, 1993:

H.R. 416: An act to extend the period during which chapter 12 of title 11 of the United States Code remains in effect, and for other purposes, and

H.R. 798: An act to amend title 38, United States Code, to codify the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans as such rates took effect on December 1, 1992.

On August 6, 1993:

H.R. 631: An act to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes.

On August 10, 1993:

H.J. Res. 110: Joint resolution to authorize the Administrator of the Federal Aviation Administration to conduct appropriate programs and activities to acknowledge the status of the county of Fond du Lac, Wisconsin, as the "World Capital of Aerobatics", and for other purposes;

H.J. Res. 157: Joint resolution to designate September 13, 1993, as "Commodore John Barry Day";

H.R. 490: An act to provide for the conveyance of certain lands and improvements in Washington, DC, to the Columbia Hospital for Women to provide a site for the construction of a facility to house the National Women's Health Resource Center:

H.R. 2034: An act to authorize major medical facility construction projects for the Department of Veterans Affairs for fiscal year 1994, and for other purposes;

H.R. 2264: An act to provide for reconciliation pursuant to section 7 of the concurrent resolution on the budget for the fiscal year 1994;

H.R. 2348: An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1994, and for other purposes;

H.R. 2667: An act making emergency supplemental appropriations for the relief from the major, widespread flooding in the Midwest for the fiscal year ending September 30, 1993, and for other purposes; and

H.R. 2900: An act to clarify and revise the small business exemption from the nutrition labeling requirements of the Federal Food, Drug, and Cosmetic Act, and for other purposes.

ADJOURNMENT

Mr. BURTON of Indiana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 7 minutes p.m.) the House adjourned until tomorrow, Thursday, September 9, 1993, at 10 a.m.

MOTION TO DISCHARGE A COMMITTEE

SEPTEMBER 8, 1993.

To the CLERK OF THE HOUSE OF REPRESENTATIVES:

Pursuant to clause 4, rule XXVII, I, JAMES M. INHOFE, move to discharge the Committee on Rules from the consideration of the resolution (H. Res. 134) amending the Rules of the House of Representatives to cause the publication of Members signing a discharge motion, which was referred to said committee March 18, 1993, in support of which motion the undersigned Members of the House of Representatives affix their signatures, to wit:

1. James M. Inhofe.
2. John J. Duncan, Jr.
3. Howard P. "Buck" McKeon.
4. Peter Hoekstra.
5. Dan Miller.
6. Richard W. Pombo.
7. Y. Tim Hutchinson.
8. Bob Inglis.
9. Elton Gallegly.
10. Bob Franks.
11. Jack Quinn.
12. David A. Levy.
13. John M. McHugh.
14. Rod Grams.
15. Jack Kingston.
16. Peter T. King.
17. Bill Paxon.
18. Rick Lazio.
19. Scott McInnis.
20. James M. Talent.
21. Donald A. Manzullo.
22. Peter G. Torkildsen.
23. Michael A. "Mac" Collins.
24. Joe Knollenberg.
25. Stephen E. Buyer.
26. Thomas W. Ewing.
27. Michael Huffington.
28. Peter Blute.
29. Michael D. Crapo.
30. Bob Goodlatte.
31. Bill Baker.
32. Deborah Pryce.
33. Terry Everett.
34. Roscoe G. Bartlett.
35. Wally Herger.
36. Stephen Horn.
37. Sam Johnson.
38. John L. Mica.
39. Rob Portman
40. Porter J. Goss.
41. James C. Greenwood.
42. John Linder.
43. Jim Ramstad.
44. Jim Bunning.
45. Larry Combest.
46. Howard Coble.
47. David Dreier.
48. Eric Fingerhut.
49. John T. Doolittle.
50. Charles H. Taylor.
51. Wayne Allard.
52. Randy "Duke" Cunningham.
53. Harold Rogers.
54. Frank R. Wolf.
55. Jim McCrery.
56. Michael N. Castle.
57. Dan Burton.
58. C.W. Bill Young.
59. Dean A. Gallo.
60. Ernest J. Istook, Jr.
61. Tom DeLay.
62. Don Young.
63. Nick Smith.
64. David L. Hobson.
65. Jay Dickey.
66. Bob Stump.
67. John A. Boehner.
68. Cliff Stearns.
69. Bill McCollum.
70. Dave Camp.
71. Mel Hancock.
72. Sonny Callahan.
73. Nancy L. Johnson.
74. Philip M. Crane.
75. Bill Barrett.
76. Alfred A. McCandless.
77. Joel Hefley.
78. J. Dennis Hastert.
79. Richard H. Baker.
80. Helen Delich Bentley.
81. Wayne T. Gilchrest.
82. Cass Ballenger.
83. Ileana Ros-Lehtinen.
84. Olympia J. Snowe.
85. F. James Sensenbrenner, Jr.
86. James V. Hansen.
87. Jan Meyers.
88. Jim Lightfoot.
89. Craig Thomas.
90. Robert H. Michel.
91. Robert S. Walker.
92. Gerald B.H. Solomon.
93. Ronald K. Machtley.
94. William F. Clinger, Jr.
95. Lincoln Diaz-Balart.
96. Edward R. Royce.
97. Jennifer Dunn.
98. Charles T. Canady.
99. Spencer T. Bachus III.
100. Ron Packard.
101. Arthur Ravenel, Jr.
102. Jay Kim.
103. Tillie K. Fowler.
104. Christopher Cox.
105. Fred Upton.
106. Rick Santorum.
107. Ken Calvert.
108. Jon Kyl.
109. William M. Thomas.
110. Dan Schaefer.
111. Richard K. Armey.
112. Martin R. Hoke.
113. Bill Emerson.
114. Henry J. Hyde.

115. Joe Skeen.
116. Henry Bonilla.
117. Sherwood L. Boehlert.
118. Lamar S. Smith.
119. Robert K. Dornan.
120. Dana Rohrabacher.
121. Paul E. Gillmor.
122. Pat Roberts.
123. William H. Zeliff, Jr.
124. Michael Bilirakis.
125. John Edward Porter.
126. Newt Gingrich.
127. Thomas E. Petri.
128. Bob Livingston.
129. Toby Roth.
130. Joseph M. McDade.
131. Jim Saxton.
132. Christopher Shays.
133. E. Clay Shaw, Jr.
134. Susan Molinari.
135. Amo Houghton.
136. John R. Kasich.
137. Dick Zimmer.
138. Don Sundquist.
139. Thomas J. Bliley, Jr.
140. Herbert H. Bateman.
141. Fred Grandy.
142. Carlos J. Moorhead.
143. Duncan Hunter.
144. Marge Roukema.
145. Jim Nussle.
146. Jack Fields.
147. Barbara F. Vucanovich.
148. Joe Barton.
149. Harris W. Fawell.
150. Steve Gunderson.
151. James H. (Jimmy) Quillen.
152. William F. Goodling.
153. Steven Schiff.
154. Bill Archer.
155. Scott L. Klug.
156. Curt Weldon.
157. Christopher H. Smith.
158. Gary A. Franks.
159. Floyd Spence.
160. J. Alex McMillan.
161. Doug Bereuter.
162. Hamilton Fish, Jr.
163. Robert F. (Bob) Smith.
164. James A. Leach.
165. Tom Lewis.
166. George W. Gekas.
167. Thomas J. Ridge.
168. Greg Laughlin.
169. Gary A. Condit.
170. Douglas Applegate.
171. James A. Traficant.
172. James T. Walsh.
173. Tim Valentine.
174. Bud Shuster.
175. Mike Parker.
176. Ralph M. Hall.
177. Jill L. Long.
178. Dick Swett.
179. Bart Stupak.
180. Jim Kolbe.
181. Robert E. (Bud) Cramer, Jr.
182. Owen B. Pickett.
183. Pat Danner.
184. J. Roy Rowland.
185. Pete Geren.
186. Charles W. Stenholm.
187. W.J. (Billy) Tauzin.
188. L.F. Payne.
189. Douglas (Pete) Peterson.
190. Glenn Poshard.
191. Gene Taylor.
192. Frank Pallone, Jr.
193. Timothy J. Penny.
194. Peter A. DeFazio.
195. James H. Bilbray.
196. Paul McHale.
197. Jim Slattery.
198. Nathan Deal.
199. Ralph Regula.
200. Michael G. Oxley.
201. Constance A. Morella.
202. Jerry Lewis.
203. George E. Sangmeister.
204. Andrew Jacobs.
205. James A. Barcia.
206. William O. Lipinski.
207. Jerry F. Costello.
208. Karen Shepherd.
209. Jay Inslee.
210. Maria Cantwell.
211. Karan English.
212. Jane Harman.
213. Jim Bacchus.
214. Martin T. Meehan.
215. Thomas H. Andrews.
216. James A. Hayes.
217. Robert E. Andrews.
218. Marjorie Margolies-Mezvinsky.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1729. A letter from the Assistant Secretary, Marketing and Inspection Services, U.S. Department of Agriculture, Assistant Attorney General, transmitting a report to the Congress on the extent and effects of domestic and international terrorism on animal enterprises; to the Committee on Agriculture.

1730. A communication from the President of the United States, transmitting an amendment to the fiscal year 1994 request for appropriations for the Department of Justice, pursuant to 31 U.S.C. 1107 (H. Doc. No. 103–128); to the Committee on Appropriations and ordered to be printed.

1731. A letter from the Comptroller General of the United States, transmitting a monthly listing of new investigations, audits, and evaluations; to the Committee on Appropriations.

1732. A communication from the President of the United States, transmitting notification making available appropriations of $402.4 million for the Departments of Agriculture, Education, Labor, and Transportation, and for the Legal Services Corporation (H. Doc. No. 103–130); to the Committee on Appropriations and ordered to be printed.

1733. A letter from the Director, Standards of Conduct Office, Department of Defense, transmitting a report of individuals who filed DD Form 1787, Report of DOD and Defense Related Employment, for fiscal year 1992, pursuant to 10 U.S.C. 2397; to the Committee on Armed Services.

1734. A letter from the Secretary of Defense, transmitting the 1993 Joint Military Net Assessment, pursuant to 10 U.S.C. 113(i); to the Committee on Armed Services.

1735. A letter from the Under Secretary of Defense, transmitting Selected Acquisition Reports [SARS] for the quarter ending June 30, 1993, pursuant to 10 U.S.C. 2432; to the Committee on Armed Services.

1736. A letter from the Acting General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, and the National Defense Authorization Act for Fiscal Years 1992 and 1993 to extend test program of leases of real property for activities related to special forces operations; to the Committee on Armed Services.

1737. A letter from the Acting Assistant Secretary for Defense Programs, Department of Energy, transmitting revised notice of intent to prepare a Programmatic Environmental Impact Statement for Reconfiguration of the Nuclear Weapons Complex; to the Committee on Armed Services.

1738. A letter from the Acting General Counsel, Federal Emergency Management Agency, transmitting a draft of proposed legislation to authorize appropriations for civil defense programs for fiscal year 1994, pursuant to 31 U.S.C. 1110; to the Committee on Armed Services.

1739. A letter from the Secretary of Defense, transmitting a report entitled "The Bottom-Up Review: Forces for a New Era"; to the Committee on Armed Services.

1740. A letter from the Director, Export-Import Bank of the United States, transmitting a report involving United States exports to the Republic of Malaysia, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

1741. A letter from the Director, Export-Import Bank of the United States, transmitting a report involving United States exports to the Republic of Colombia, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

1742. A letter from the Director, Export-Import Bank of the United States, transmitting a report involving United States exports to Algeria, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

1743. A letter from the Director, Export-Import Bank of the United States, transmitting a report involving United States exports to Luxembourg, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

1744. A letter from the Director, Export-Import Bank of the United States, transmitting a report involving United States exports to the State of Israel, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

1745. A letter from the Director, Export-Import Bank of the United States, transmitting a report involving United States exports to the State of Bahrain, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

1746. A letter from the Director, Export-Import Bank of the United States, transmitting a report involving United States exports to Romania, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

1747. A letter from the Acting Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's report on comparability of pay and benefits, pursuant to Public Law 101–73, section 1206 (103 Stat. 523); to the Committee on Banking, Finance and Urban Affairs.

1748. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–75, "Insurance Regulatory Trust Fund Act of 1993," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

1749. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–76, "Managing

General Agents Act of 1993", pursuant to the D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

1750. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–77, "Required Annual Financial Statements and Participation in the NAIC Insurance Regulatory Information System Act of 1993," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

1751. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–78, "Standards to Identify Insurance Companies Deemed to be in Hazardous Financial Condition Act of 1993," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

1752. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–79, "Holding Company System Act of 1993," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

1753. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–80, "Tenant Assistance Program Payment Limitation Amendment Act of 1993," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

1754. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–91, "Risk Retention Act of 1993," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

1755. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–92, "Reinsurance Intermediary Act of 1993," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

1756. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–94, "Law on Examinations Act of 1993," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

1757. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–95, "Life Insurance Actuarial Opinion of Reserves Act of 1993," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

1758. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–96, "Property and Liability Insurance Guaranty Association Act of 1993," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

1759. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–97, "Business Transacted with Producer Controlled Insurer Act of 1993," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

1760. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–107, "Technical Amendments Act of 1993," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

1761. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10–93, "Annual Audited Financial Reports Act of 1993," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

1762. A letter from the Secretary of Education, transmitting Final Regulations—Cooperative Education Program: General; Administration Projects; Demonstration Projects; Research Projects; and Training Projects, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1763. A letter from the Secretary of Education, transmitting Final Regulations—Patricia Roberts Harris Fellowship Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1764. A letter from the Secretary of Education, transmitting Final Regulations—Robert C. Byrd Honors Scholarship Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1765. A letter from the Secretary of Education, transmitting Final Regulations—Paul Douglas Teacher Scholarship Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1766. A letter from the Secretary of Education, transmitting Final Regulations—Urban Community Service Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1767. A letter from the Secretary of Education, transmitting a copy of Final Regulations—Library Education and Human Resource Development Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1768. A letter from the Secretary of Education, transmitting a copy of Final Regulations—College Facilities Loan Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1769. A letter from the Secretary of Education, transmitting a copy of Notice of Final Priority—Training, Technical Assistance, and Transition Assistance for the Centers for Independent Living Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

1770. A letter from the Principal Deputy Inspector General, Department of Health and Human Services, transmitting a copy of the Superfund Financial Activities at the National Institute of Environmental Health Sciences for fiscal year 1993, pursuant to 31 U.S.C. 7501 note; to the Committee on Energy and Commerce.

1771. A letter from the Administrator, Environmental Protection Agency, transmitting the Toxic Substances Control Act report for fiscal years 1990 and 1991, pursuant to 15 U.S.C. 2608(d); to the Committee on Energy and Commerce.

1772. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Korea for defense articles and services (Transmital No. 93–33), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1773. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the agreement between the United States Government and the Government of Israel relating to a War Reserve Program in Israel for defense articles and services (Transmital No. 93–31), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1774. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Departments of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to the Coordination Council of North American Affairs for defense articles and services (Transmittal No. 93–32), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1775. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Departments of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Turkey for defense articles and services (Transmittal No. 93–27), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1776. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed lease of defense articles to Canada (Transmittal No. 13–93), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

1777. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed lease of defense articles to Australia (Transmittal No. 14–93), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

1778. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Departments of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Thailand for defense articles and services (Transmittal No. 93–34), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1779. A letter from the Director, Defense Security Assistance Agency, transmitting the listing of all outstanding Letters of Offer to sell any major defense equipment for $1 million or more; the listing of all Letters of Offer that were accepted, as of June 30, 1993, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

1780. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed lease of defense articles to Denmark (Transmittal No. 12–93), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

1781. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the President's intent to exercise the authority of section 610(a) of the act to transfer funds made available for section 23 of the AECA to the Economic Support Fund providing assistance to the Government of Mexico for the repatriation of illegal Chinese migrants, pursuant to 22 U.S.C. 2318(b)(2); to the Committee on Foreign Affairs.

1782. A communication from the President of the United States, transmitting the bimonthly report on progress toward a negotiated solution of the Cyprus problem, including any relevant reports from the Secretary General of the United Nations, pursuant to 22 U.S.C. 2373(c); to the Committee on Foreign Affairs.

1783. A communication from the President of the United States, transmitting a report regarding activities taken and money spent pursuant to the emergency declaration (H. Doc. No. 103–127); to the Committee on Foreign Affairs and ordered to be printed.

1784. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by nominees to be Ambassadors designate, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1785. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the report of political contributions by John D. Negroponte, of New York, to be Ambassador to the Republic of the Philippines, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1786. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the report of political contributions by Peter F. Romero, of Florida, to be Ambassador to the Republic of Ecuador and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1787. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the report of political contributions by William Green Miller, of Virginia, to be Ambassador to the Ukraine, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1788. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original reports of political contributions by David P. Rawson, of Michigan, to be Ambassador designate to the Republic of Rawanda, and members of his families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1789. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1790. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1791. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the Khmer Rouge violations of the U.N. peace agreement and the U.S. response to those violations; to the Committee on Foreign Affairs.

1792. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to restore equal treatment of foreign military sales and direct commercial sales in nonrecurring cost recoupment; to the Committee on Foreign Affairs.

1793. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1998 resulting from passage of S. 1295, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

1794. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1998 resulting from passage of H.R. 2264, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

1795. A letter from the General Services Administration, transmitting the Administration's Annual Report for Fiscal Year 1992; to the Committee on Government Operations.

1796. A letter from the Clerk, U.S. House of Representatives, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period April 1, 1993 through June 30, 1993, pursuant to 2 U.S.C. 104a (H. Doc. No. 103-131); to the Committee on House Administration and ordered to be printed.

1797. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting a report on proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

1798. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting a report on proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

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1800. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting a report on proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

1801. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting a report on proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

1802. A letter from the Chairman, Advisory Council on Historic Preservation, transmitting a copy of the 1992 activities report to the President and Congress, pursuant to 16 U.S.C. 470(b); to the Committee on Natural Resources.

1803. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to provide for increases in authorization ceilings for development in certain units of the National Park System, for operation of the Volunteers in the Parks Program, and for other purposes; to the Committee on Natural Resources.

1804. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report entitled "Federal Personnel Offices: Time for Change?"; to the Committee on Post Office and Civil Service.

1805. A letter from the National Advisory Council on the Public Service, transmitting the Council's report entitled "Ensuring the Highest Quality National Public Service," pursuant to Public Law 101-363, section 8 (104 Stat. 427); to the Committee on Post Office and Civil Service.

1806. A letter from the Director, Office of Personnel Management, transmitting a plan to establish a separate pay and classification system for law enforcement officers, pursuant to Public Law 101-509, section 412 (104 Stat. 1469); to the Committee on Post Office and Civil Service.

1807. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a draft of proposed legislation to modify the project for flood control at Halstead, KS, to authorize the Secretary of the Army to construct the project at a total cost of $11,100,000; to the Committee on Public Works and Transportation.

1808. A letter from the Secretary of Transportation, transmitting notification of the actions the Secretary has taken with regard to Murtala Muhammed International Airport [LOS], Lagos, Nigeria, pursuant to section 1115(e)(3) of the Federal Aviation Act; to the Committee on Public Works and Transportation.

1809. A communication from the President of the United States, transmitting his intent to designate Peru as a beneficiary of the trade-liberalizing measures provided for in the Andean Trade Preference Act, pursuant to 19 U.S.C. 3202 (H. Doc. No. 103-129); to the Committee on Ways and Means and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and references to the proper calendar, as follows:

[Pursuant to the order of the House on August 6, 1993, the following report was filed on August 31, 1993]

Mr. BROWN of California: Committee on Science, Space, and Technology. H.R. 2820. A bill to authorize appropriations for the Federal Aviation Administration for fiscal years 1994 1995, and 1996 for research, engineering, and development to increase the efficiency and safety of air transport; with an amendment (Rept. 103-225). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Ms. NORTON (for herself and Mrs. MORELLA):

H.R. 3019. A bill to amend title 5, United States Code, to provide for a temporary extension and the orderly termination of the performance management and recognition system, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FILNER:

H.R. 3020. A bill to amend the Water Quality Act of 1987 relating to the treatment works being constructed by the International Boundary and Water Commission in San Diego, CA; to the Committee on Public Works and Transportation.

By Mr. GALLEGLY:

H.R. 3021. A bill to prohibit the admission to the United States as refugees of individuals who have served in the armed forces of Iraq during the Persian Gulf conflict; to the Committee on the Judiciary.

By Mr. HALL of Texas:

H.R. 3022. A bill to amend title 10, United States Code, to restore the eligibility of former members of the uniformed services who are entitled to retired or retainer pay or equivalent pay, or a dependent of such members, and who are eligible for hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) for prescription pharmaceuticals through the military medical system; to the Committee on Armed Services.

By Mr. MORAN:

H.R. 3023. A bill to amend title 10, United States Code, to eliminate the disparity between civilian and military retiree cost-of-living adjustments caused by the Omnibus Budget Reconciliation Act of 1993; to the Committee on Armed Services.

By Mr. RAMSTAD (for himself, Mr. MICHEL, Mr. GINGRICH, Mr. ARMEY, Mr. HYDE, Mr. MCCOLLUM, Mr. DELAY, Mr. HUNTER, Mr. PAXON, Mr. CRAPO, Mr. COBLE, Mr. SHAYS, Mr. EMERSON, Mr. KIM, Mr. PORTMAN, Mr. GILCHREST, Mr. CANADY, Mr. BARTON of Texas, Mr. HERGER, Mr. SPENCE, Mr. EWING, Mr. POMBO, Mr. DOOLITTLE, Mr. ROHRABACHER, Mr. SMITH of Michigan, Mr. ZIMMER, Mr. GOSS, Ms. FOWLER, Mr. BAKER of California, Mr. SMITH of Texas, Mr. WOLF, Mr. MCMILLAN, Mr. NUSSLE, Mr. SAXTON, Mr. MANZULLO, Mr. KNOLLENBERG, Mr. ROYCE, Mr. TAYLOR of North Carolina, Mr. GALLO, Mr. DREIER, Mr. COX, Mr. CAMP, Mr. MYERS of Indiana, Mr. QUINN, Mr. SUNDQUIST, Mr. STUMP, Mr. INHOFE, Mr. BUYER, Mr. LINDER, Mr. UPTON, Mr. MOORHEAD, Mr. GOODLATTE, Mr. KING, Mr. WALKER, Mr. SAM JOHNSON of Texas, Mr. FIELDS of Texas, Mr. ROTH, Mr. HOEKSTRA, Mr. BLUTE, Mr. CUNNINGHAM, Mr. BURTON of Indiana, Mr. GEKAS, Mr. BARRETT of Nebraska, Mr. BUNNING, Mr. ROGERS, Mr. CRANE, Mr. HANSEN, Mr. THOMAS of Wyoming, Mr. CONDIT, Mr. KLUG, Mr. ROBERTS, Mr. TORKILDSEN, Mr. SENSENBRENNER, Mr. DICKEY, Mr. WELDON, Mr. MICA, Mr. SCHAEFER, Mr. PORTER, Mr. STEARNS, Mr. TALENT, Mr. WALSH, Mr. SKEEN, Mr. BOEHNER, Mr. GILMAN, Mr. GRAMS, Mr. MACHTLEY, Mr. HANCOCK, Mr. SOLOMON, Ms. DUNN, Mr. OXLEY, Mr. HASTERT, Mr. MCKEON, Mr. HORN, Mr. FRANKS of Connecticut, Ms. SNOWE, Mr. ZELIFF, Mr. DORNAN, and Mr. HOBSON):

H.R. 3024. A bill to eliminate the retroactive tax increases contained in the Revenue Reconciliation Act of 1993; to the Committee on Ways and Means.

By Mrs. SCHROEDER (for herself, Mr. DURBIN, Mr. SYNAR, and Ms. NORTON):

H.R. 3025. A bill to prohibit the distribution of free samples of smokeless tobacco products and for other purposes; to the Committee on Energy and Commerce.

By Mrs. SCHROEDER (for herself, Mr. DURBIN, Mr. ANDREWS of Texas, Mr. SYNAR, and Ms. NORTON):

H.R. 3026. A bill to amend the Internal Revenue Code of 1986 to increase the excise taxes on smokeless tobacco to an amount equivalent to the tax on cigarettes and to use the resulting revenues to fund a trust fund for programs to reduce the use of smokeless tobacco; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. SMITH of Michigan (for himself, Mr. ARMEY, Mr. BACHUS of Alabama, Mr. BARCIA of Michigan, Mr. BARLOW, Mr. BARTLETT of Maryland, Mr. DELAY, Mr. FISH, Mr. HOEKSTRA, Mr. HUNTER, Mr. KNOLLENBERG, Mr. MICA, Mr. SPENCE, Mr. TALENT, Mr. MYERS of Indiana, Mr. GILMAN, Mr. HYDE, and Mr. PAXON):

H.R. 3027. A bill to amend the Internal Revenue Code of 1986 to provide an expanded medical expenses deduction; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey (for himself, Mr. INGLIS of South Carolina, Mr. CLAYTON, Mr. RANGEL, Mr. GALLEGLY, Mr. WELDON, Mr. MCHALE, and Mr. HYDE):

H.R. 3028. A bill to direct the Secretary of Health and Human Services to establish a program to provide pregnant women with certificates to cover expenses incurred in receiving services at maternity and housing services facilities and to direct the Secretary of Housing and Urban Development to provide assistance to nonprofit entities for the rehabilitation of existing structures for use as facilities to provide housing and services to pregnant women; jointly, to the Committees on Energy and Commerce and Banking, Finance and Urban Affairs.

By Mr. SMITH of New Jersey (for himself, Mr. LIGHTFOOT, Mr. MAZZOLI, Mr. UPTON, Mr. PORTER, Mr. INGLIS of South Carolina, Mr. BONIOR, Mr. JOHNSON of South Dakota, Mr. PARKER, Mr. LAFALCE, Mr. EMERSON, Mr. HALL of Ohio, Mr. SCHIFF, Mr. RANGEL, Mr. WALSH, Mr. GALLEGLY, Mr. SOLOMON, Mr. WELDON, Mr. PAXON, Mr. HUTTO, Mr. RIDGE, Mr. OBERSTAR, Mr. VISCLOSKY, Mrs. VUCANOVICH, Mr. ZIMMER, Mr. WOLF, Mr. HYDE, and Mr. KYL):

H.R. 3029. A bill to establish grant programs and provide other forms of Federal assistance to pregnant women, children in need of adoptive families, and individuals and families adopting children; jointly, to the Committees on Energy and Commerce, Banking, Finance and Urban Affairs, Education and Labor, Post Office and Civil Service, Armed Services, Merchant Marine and Fisheries, and Ways and Means.

By Mr. ZIMMER (for himself, Mr. LIGHTFOOT, and Mr. PORTMAN):

H.R. 3030. A bill to repeal the increase in the tax on transportation fuels made by the Revenue Reconciliation Act of 1993: to the Committee on Ways and Means.

By Mr. ZIMMER (for himself, Mr. LIGHTFOOT, and Mr. PORTMAN):

H.R. 3031. A bill to repeal the reduction in the deductible portion of business meals and entertainment made by the Revenue Reconciliation Act of 1993: to the Committee on Ways and Means.

By Mr. RAMSTAD (for himself, Mr. GINGRICH, Mr. ARMEY, Mr. HYDE, Mr. MCCOLLUM, Mr. DELAY, Mr. HUNTER, Mr. PAXON, Mr. ARCHER, Mr. CRAPO, Mr. COBLE, Mr. EMERSON, Mr. KIM, Mr. GILCHREST, Mr. CANADY, Mr. HERGER, Mr. SPENCE, Mr. EWING, Mr. POMBO, Mr. DOOLITTLE, Mr. ROHRABACHER, Mr. SMITH of Michigan, Mr. ZIMMER, Mr. GOSS, Ms. FOWLER, Mr. BAKER of California, Mr. SMITH of Texas, Mr. WOLF, Mr. MCMILLAN, Mr. NUSSLE, Mr. SAXTON, Mr. MANZULLO, Mr. KNOLLENBERG, Mr. ROYCE, Mr. GRAMS, Mr. TAYLOR of North Carolina, Mr. GALLO, Mr. DREIER, Mr. COX, Mr. CAMP, Mr. MYERS of Indiana, Mr. QUINN, Mr. SUNDQUIST, Mr. STUMP, Mr. INHOFE, Mr. BUYER, Mr. LINDER, Mr. UPTON, Mr. MOORHEAD, Mr. GOODLATTE, Mr. KING, Mr. SAM JOHNSON of Texas, Mr. FIELDS of Texas, Mr. ROTH, Mr. HOEKSTRA, Mr. BLUTE, Mr. CUNNINGHAM, Mr. BURTON of Indiana, Mr. GEKAS, Mr. BARRETT of Nebraska, Mr. BUNNING, Mr. ROGERS, Mr. CRANE, Mr. HANSEN, Mr. THOMAS of Wyoming, Mr. KLUG, Mr. ROBERTS, Mr. TORKILDSEN, Mr. SENSENBRENNER, Mr. DICKEY, Mr. WELDON, Mr. MICA, Mr. SCHAEFER, Mr. PORTER, Mr. STEARNS, Mr. TALENT, Mr. SKEEN, Mr. BOEHNER, Mr. GILMAN, Mr. WALSH, Mr. HANCOCK, Mr. SOLOMON, Ms. DUNN, Mr. OXLEY, Mr. HASTERT, Mr. MCKEON, Mr. HORN, Mr. FRANKS of Connecticut, Ms. SNOWE, Mr. ZELIFF, Mr. DORNAN, and Mr. HOBSON):

H.J. Res. 256. Joint Resolution proposing an amendment to the Constitution of the United States prohibiting Federal laws and rules that impose liability for conduct occurring before the date of enactment or issuance; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself, Mr. WOLF, Mr. HYDE, and Mr. EMERSON):

H.J. Res. 257. Joint resolution to designate the period commencing on November 21, 1993, and ending on November 27, 1993, and the period commencing on November 20, 1994, and ending on November 26, 1994, each as "National Adoption Week"; to the Committee on Post Office and Civil Service.

By Mr. LEVIN (for himself, Mr. GILMAN, Mr. BONIOR, Mr. LEWIS of Georgia, Mr. SOLOMON, Mr. OBERSTAR, Mr. WOLF, Mr. KNOLLENBERG, Mrs. KENNELLY, Mrs. MEEK, Mr. MCNULTY, Mr. PALLONE, Mr. KING, Mr. KLEIN, Ms. KAPTUR, and Mr. PAYNE of New Jersey):

H. Con. Res. 140. Concurrent resolution expressing the sense of the Congress that the 60th anniversary of the Ukraine famine of 1932–33 should serve as a reminder of the brutality of Stalin's repressive policies toward the Ukrainian people; to the Committee on Foreign Affairs.

By Mr. STEARNS (for himself, Mr. MANZULLO, Mr. GALLEGLY, Mr. KLECZKA, Mr. HALL of Texas, Mr. FROST, Mr. BILIRAKIS, Mr. CANADY, Mr. FIELDS of Texas, Mr. ANDREWS of Texas, Mr. SAM JOHNSON of Texas, Mrs. THURMAN, Mr. LANCASTER, Mr. EWING, Mr. WOLF, Mr. RAHALL, Mr. BEVILL, Mr. GENE GREEN of Texas, Mr. WELDON, Mr. HOLDEN, Mr. GALLO, Mr. INHOFE, Mr. CRANE, Mr. DELAY, Mr. COSTELLO, Mr. STUMP, Mr. DOOLITTLE, and Mr. BILBRAY):

H. Con. Res. 141. Concurrent resolution regarding the resettlement of enemy prisoners of war; to the Committee on the Judiciary.

By Mr. RAMSTAD (for himself, Mr. GINGRICH, Mr. ARMEY, Mr. HYDE, Mr. MCCOLLUM, Mr. DELAY, Mr. HUNTER, Mr. PAXON, Mr. ARCHER, Mr. CRAPO, Mr. COBLE, Mr. EMERSON, Mr. KIM, Mr. GILCHREST, Mr. CANADY, Mr. BARTON of Texas, Mr. HERGER, Mr. SPENCE, Mr. EWING, Mr. POMBO, Mr. DOOLITTLE, Mr. ROHRABACHER, Mr. SMITH of Michigan, Mr. ZIMMER, Mr. GOSS, Mrs. FOWLER, Mr. BAKER of California, Mr. SMITH of Texas, Mr. WOLF, Mr. MCMILLAN, Mr. NUSSLE, Mr. SAXTON, Mr. MANZULLO, Mr. KNOLLENBERG, Mr. ROYCE, Mr. TAYLOR of North Carolina, Mr. GALLO, Mr. DREIER, Mr. COX, Mr. CAMP, Mr. MYERS of Indiana, Mr. QUINN, Mr. SUNDQUIST, Mr. STUMP, Mr. INHOFE, Mr. BUYER, Mr. LINDER, Mr. UPTON, Mr. MOORHEAD, Mr. GOODLATTE, Mr. KING, Mr. WALKER, Mr. SAM JOHNSON of Texas, Mr. FIELDS of Texas, Mr. ROTH, Mr. HOEKSTRA, Mr. BLUTE, Mr. CUNNINGHAM, Mr. BURTON of Indiana, Mr. GEKAS, Mr. BARRETT of Nebraska, Mr. BUNNING, Mr. ROGERS, Mr. CRANE, Mr. HANSEN, Mr. THOMAS of Wyoming, Mr. CONDIT, Mr. KLUG, Mr. ROBERTS, Mr. TORKILDSEN, Mr. SENSENBRENNER, Mr. DICKEY, Mr. WELDON, Mr. MICA, Mr. SCHAEFER, Mr. PORTER, Mr. CRAMER, Mr. STEARNS, Mr. TALENT, Mr. SKEEN, Mr. BOEHNER, Mr. GILMAN, Mr. PENNY, Mr. WALSH, Mr. PORTMAN, Mr. GRAMS, Mr. MACHTLEY, Mr. HANCOCK, Mr. SOLOMON, Ms. DUNN, Mr. OXLEY, Mr. BEREUTER, Mr. HASTERT, Mr. MCKEON, Mr. HORN, Mr. FRANKS of Connecticut, Ms. SNOWE, Mr. ZELIFF, Mr. DORNAN, and Mr. HOBSON):

H. Res. 247. Resolution amending the Rules of the House of Representatives to establish a point of order against considering any provision of any measure that contains a retroactive tax increase; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HASTINGS:

H.R. 3032. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade of the United States for the vessel *Gallant Lady* (official number 986167) and the vessel *Gallant Lady* (official number 936769); and for other purposes; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 28: Mr. YATES and Mr. BLACKWELL.

H.R. 88: Mr. ARMEY.

H.R. 106: Mr. GREENWOOD.

H.R. 123: Mr. DICKEY, Mrs. BENTLEY, and Mr. GOODLATTE.

H.R. 124: Mr. PASTOR.

H.R. 173: Mr. ARMEY.

H.R. 322: Mr. LEWIS of Georgia, Mr. HILLIARD, and Mr. POSHARD.

H.R. 323: Mr. PORTER and Mr. LEWIS of Florida.

H.R. 349: Mr. BARCA of Wisconsin, Mr. SANDERS, and Mr. RUSH.

H.R. 369: Mr. FAWELL, Mr. HANCOCK, and Mr. KASICH.

H.R. 396: Mr. BAKER of California.

H.R. 411: Mr. DREIER and Mr. WILLIAMS.

H.R. 412: Mr. GINGRICH.

H.R. 455: Mr. YOUNG of Alaska and Mr. ANDREWS of Maine.

H.R. 456: Mr. ENGEL.

H.R. 465: Mr. ARMEY.

H.R. 476: Mr. MACHTLEY.

H.R. 495: Mr. CONYERS.

H.R. 509: Mr. DUNCAN, Mr. CUNNINGHAM, Mr. DORNAN, Mr. PORTMAN, and Mr. QUILLEN.

H.R. 769: Mr. BORSKI and Mr. UNDERWOOD.

H.R. 777: Mr. SENSENBRENNER.

H.R. 790: Mr. HINCHEY, Mrs. MINK, and Mr. OBERSTAR.

H.R. 794: Mr. BALLENGER and Mr. DICKEY.

H.R. 796: Mr. MINETA and Mr. KLEIN.

H.R. 799: Mr. FINGERHUT, Mr. DORNAN, and Mr. BAKER of California.

H.R. 830: Mr. BILBRAY, Mr. CASTLE, Mr. HAYES, Mr. HASTINGS, Mr. CANADY, Mr. HALL of Texas, Mr. COPPERSMITH, Mr. WYDEN, Mr. WOLF, Mr. GALLO, Mr. SARPALIUS, Mr. WALKER, Mr. KASICH, Mr. ROYCE, Mr. LINDER, and Mr. COSTELLO.

H.R. 859: Mrs. CLAYTON, Mr. ENGEL, Mr. GENE GREEN of Texas, Mr. KILDEE, Mr. MACHTLEY, Mr. MCCLOSKEY, Mr. MFUME, Mr. OWENS, Mr. SANDERS, Mr. TOWNS, Mr. SMITH of New Jersey, Mr. ANDREWS of New Jersey, Mr. DELLUMS, and Mr. BORSKI.

H.R. 876: Mr. DE LA GARZA, Mr. SCOTT, Mr. FROST, Mr. HOLDEN, Mr. ZELIFF, Mr. KOPETSKI, Mr. SERRANO, and Mr. MURTHA.

H.R. 898: Mr. JOHNSON of South Dakota, Mr. BISHOP, Mr. DIXON, Mr. LEWIS of Florida, Ms. FOWLER, Mr. JACOBS, Mr. GUNDERSON, Mr. HANSEN, Mr. BILIRAKIS, Mr. SMITH of Texas, and Mr. HAMBURG.

H.R. 911: Mr. SERRANO, Mr. ROBERTS, and Mr. UNDERWOOD.

H.R. 921: Ms. PELOSI, Ms. CANTWELL, and Mr. BILBRAY.

H.R. 924: Mr. GILCHREST, Mr. MURPHY, Mr. KLUG, and Mr. GALLEGLY.

H.R. 972: Mr. SANDERS, Ms. NORTON, Mr. RAHALL, Mr. BORSKI, and Mr. UNDERWOOD.

H.R. 1015: Mr. SHAYS.

H.R. 1025: Mr. UNDERWOOD.

H.R. 1133: Mr. TRAFICANT, Mrs. ROUKEMA, Mr. BISHOP, Mr. KLUG, Mr. MCINNIS, Mr. MATSUI, and Mr. PRICE of North Carolina.

H.R. 1151: Mr. DARDEN, Mr. RAHALL, Mr. JOHNSON of Georgia, Mr. BAESLER, and Mr. SARPALIUS.

H.R. 1155: Mr. UNDERWOOD.

H.R. 1181: Mr. SCOTT, Ms. FURSE, and Mrs. UNSOELD.

H.R. 1191: Mr. ROYCE and Mr. BAKER of California.

H.R. 1202: Mr. BLACKWELL, Mrs. MEEK, Mr. HASTINGS, Mr. RANGEL, Mr. WATT, and Mr. DELLUMS.

H.R. 1205: Mr. CRANE.

H.R. 1209: Mr. JACOBS.

H.R. 1234: Mr. FRANK of Massachusetts and Mrs. VUCANOVICH.

H.R. 1258: Mr. SENSENBRENNER.

H.R. 1272: Mr. RAMSTAD.

H.R. 1277: Mr. LINDER and Mr. HOKE.

H.R. 1295: Mr. MCINNIS, Mr. HOEKSTRA, Mr. DELAY, Mr. MCCOLLUM, Mr. HASTERT, and Mr. GRANDY.

H.R. 1380: Mr. RUSH.

H.R. 1383: Mr. BAKER of Louisiana, Mr. FINGERHUT, Mr. GILCHREST, and Mrs. MORELLA.

H.R. 1393: Mr. BEREUTER.

H.R. 1406: Mr. WILLIAMS, Mr. TORKILDSEN, Mr. MOLLOHAN, Mr. COLLINS of Georgia, and Mr. TORRICELLI.

H.R. 1437: Mr. RUSH.

H.R. 1459: Mr. BAKER of California.

H.R. 1464: Ms. BROWN of Florida, Mrs. KENNELLY, Miss COLLINS of Michigan, Mr. MFUME, and Mr. RUSH.

H.R. 1470: Mr. PICKLE.

H.R. 1489: Mr. SCOTT.

H.R. 1493: Mr. ARMEY.

H.R. 1529: Mr. HAYES.

H.R. 1532: Mr. HORN, Mr. QUINN, Mr. SCHIFF, Mr. TORKILDSEN, Mr. LEVY, Mr. MCCRERY, and Mr. SUNDQUIST.

H.R. 1552: Mr. SANDERS and Ms. ROS-LEHTINEN.

H.R. 1555: Mr. WILLIAMS, Mr. SABO, Mr. NEAL of Massachusetts, and Mr. MINGE.

H.R. 1560: Mr. MINGE.

H.R. 1604: Mrs. MALONEY.

H.R. 1620: Mr. KIM and Mr. ROHRABACHER.

H.R. 1671: Mr. FROST.

H.R. 1687: Mr. ENGLISH of Oklahoma, Mr. KOPETSKI, and Mr. MINGE.

H.R. 1697: Mr. DELAY, Mr. EVERETT, Mr. MAZZOLI, Mr. BEREUTER, Mr. SHAYS, and Mr. CALVERT.

H.R. 1709: Mr. REYNOLDS, Mr. APPLEGATE, Mr. LINDER, Mrs. KENNELLY, Mr. STEARNS, Mr. MURPHY, Ms. FURSE, Mr. KNOLLENBERG, Mr. MICA, Mr. SARPALIUS, Mrs. FOWLER, Mr. ROTH, Mr. THOMAS of Wyoming, Mr. BONILLA, Ms. WOOLSEY, Mr. GREENWOOD, Mr. COYNE, Mr. DEAL, Mr. KING, Ms. SHEPHERD, Mr. BARLOW, and Ms. ESHOO.

H.R. 1720: Mr. HUGHES.

H.R. 1738: Mr. BROWN of California and Ms. ROS-LEHTINEN.

H.R. 1788: Mr. FINGERHUT.

H.R. 1796: Mr. SYNAR, Mr. GONZALEZ, Mr. ENGEL, Mr. DE LA GARZA, Mr. ISTOOK, Mr. MACHTLEY, and Mr. SLATTERY.

H.R. 1827: Ms. BYRNE.

H.R. 1863: Mr. ISTOOK, Mr. MACHTLEY, Mr. DELAY, Mr. INHOFE, Mr. ROGERS, and Mr. SENSENBRENNER.

H.R. 1897: Mr. YATES, Mr. GILLMOR, Mr. UNDERWOOD, Mr. BAESLER, and Mr. ROSE.

H.R. 1900: Mr. STUDDS, Mr. RUSH, Ms. ESHOO, Mr. MINGE, Mr. COSTELLO, Mr. COLEMAN, and Mr. HAMILTON.

H.R. 1996: Ms. BYRNE.

H.R. 2032: Mr. RAMSTAD.

H.R. 2130: Mr. RUSH.

H.R. 2135: Mr. SYNAR.

H.R. 2137: Ms. MCKINNEY and Mr. ANDREWS of Maine.

H.R. 2140: Mrs. THURMAN, Mr. OLVER, Mr. RUSH, and Mr. ANDREWS of Maine.

H.R. 2175: Mr. RUSH.

H.R. 2220: Mr. DELAY.

H.R. 2326: Mrs. FOWLER, Mr. STRICKLAND, Mr. MINGE, Mr. PRICE of North Carolina, Mr. FISH, Mr. PACKARD, Mr. KNOLLENBERG, Mr. PETERSON of Minnesota, Mr. CRAPO, Mr. HEFNER, Mr. KILDEE, Mr. YOUNG of Alaska, and Mr. QUILLEN.

H.R. 2331: Mr. BONIOR and Mr. ANDREWS of Maine.

H.R. 2346: Mr. GORDON.

H.R. 2375: Mr. OLVER, Mr. NEAL of Massachusetts, Mr. ANDREWS of Maine, Mr. BISHOP, Mr. FALEOMAVAEGA, Mr. KING, and Mr. COLEMAN.

H.R. 2394: Mr. RUSH, Mr. TUCKER, and Mr. FISH.

H.R. 2395: Mr. RUSH, Mr. TUCKER, and Mr. FISH.

H.R. 2414: Mr. BURTON of Indiana, Mr. ANDREWS of Maine, Mr. BISHOP, and Mr. FISH.

H.R. 2452: Mr. BARCA of Wisconsin.

H.R. 2461: Mr. JACOBS.

H.R. 2481: Mrs. THURMAN, Mr. OLVER, Mr. SANDERS, Mr. BURTON of Indiana, Mr. ANDREWS of Maine, Mr. FISH, and Mr. CANADY.

H.R. 2488: Mrs. CLAYTON and Mr. MINGE.

H.R. 2500: Mr. YATES.

H.R. 2501: Ms. CANTWELL, Mr. EDWARDS of California, Mr. HASTINGS, Mr. LEWIS of Georgia, and Mr. PRICE of North Carolina.

H.R. 2553: Mr. BISHOP.

H.R. 2565: Mr. GILLMOR and Mr. LIPINSKI.

H.R. 2566: Mr. GILLMOR and Mr. LIPINSKI.

H.R. 2571: Mr. SCOTT, Mr. JOHNSON of South Dakota, Mr. MARTINEZ, and Mr. FISH.

H.R. 2575: Mr. CALVERT.

H.R. 2576: Mr. DIXON.

H.R. 2586: Mr. HUGHES and Mr. LAFALCE.

H.R. 2597: Mr. SCOTT.

H.R. 2599: Mr. VALENTINE and Mr. SHAYS.

H.R. 2602: Mr. ENGEL and Mr. STEARNS.

H.R. 2606: Mr. DARDEN.

H.R. 2615: Mr. ARMEY.

H.R. 2641: Mr. KOPETSKI, Mr. MCCLOSKEY, Mr. FORD of Michigan, Mr. MAZZOLI, Mr. BARLOW, Mr. DARDEN, Mr. EVANS, Mr. MURPHY, Mr. DEFAZIO, Mr. NEAL of Massachusetts, and Mr. RAMSTAD.

H.R. 2705: Ms. ROS-LEHTINEN.

H.R. 2706: Mr. FISH.

H.R. 2721: Mr. BAESLER and Mr. SCOTT.

H.R. 2741: Mr. ACKERMAN, Mr. TOWNS, and Mr. PAYNE of New Jersey.

H.R. 2787: Mr. FRANK of Massachusetts.

H.R. 2814: Mr. SPRATT.

H.R. 2834: Mr. MINGE and Mr. MAZZOLI.

H.R. 2835: Mr. MINGE and Mr. MAZZOLI.

H.R. 2841: Mr. FRANK of Massachusetts and Mr. COSTELLO.

H.R. 2858: Ms. ROS-LEHTINEN.

H.R. 2859: Mr. GOODLATTE, Mr. KNOLLENBERG, Mr. ROTH, Mr. BARTLETT of Maryland, Mr. DORNAN, and Mr. PICKETT.

H.R. 2872: Mr. FIELDS of Texas, Mr. MACHTLEY, Mr. WALSH, Mr. DICKEY, Mr. TALENT, Mr. ROTH, and Mr. ARCHER.

H.R. 2884: Mr. HOYER and Mr. FALEOMAVAEGA.

H.R. 2888: Mr. LANCASTER and Mr. BEILENSON.

H.R. 2896: Mr. FRANK of Massachusetts and Mr. TALENT.

H.R. 2898: Mr. BEILENSON and Mr. YATES.

H.R. 2921: Mrs. CLAYTON, Mr. GORDON, Mr. LEWIS of Georgia, Mr. STARK, and Mr. THORNTON.

H.R. 2951: Mr. SARPALIUS and Mr. FAZIO.

H.J. Res. 38: Mr. JOHNSON of Georgia.

H.J. Res. 86: Mr. PORTER, Mr. PETERSON of Minnesota, Mr. PACKARD, Mr. KLUG, Mr. REGULA, Mr. MOLLOHAN, Mr. MACHTLEY, Mr. KINGSTON, Mr. HOLDEN, Mr. CONYERS, Mr. CASTLE, Mr. ANDREWS of New Jersey, Mr. WYNN, Mr. CLYBURN, Mr. BISHOP, Mr. HOYER, Mr. BAKER of California, Mr. ROBERTS, Mr. GINGRICH, Mr. BACCHUS of Florida, Mr. SUNDQUIST, Ms. PRYCE of Ohio, Mr. COOPER, and Mr. DEUTSCH.

H.J. Res. 106: Mr. ANDREWS of Maine, Mr. BLILEY, and Ms. SLAUGHTER.

H.J. Res. 122: Mr. KLUG and Mr. DELAY.

H.J. Res. 129: Mr. ROYCE and Mr. BAKER of California.

H.J. Res. 137: Mr. HALL of Ohio and Mr. SAWYER.

H.J. Res. 155: Mr. STUMP, Mr. HINCHEY, Ms. ESHOO, Mr. MAZZOLI, Mr. LEWIS of California, Mr. DURBIN, Mr. BARTLETT of Maryland, Mr. COYNE, Mr. DOOLITTLE, Mr. GORDON, Mr. MCDERMOTT, Mr. LEACH, Mr. SANGMEISTER, Mr. GILMAN, Mr. BLILEY, Mr. HOYER, Ms. PELOSI, Mr. ANDREWS of New Jersey, Mr. UPTON, Mr. LANCASTER, Mr. POSHARD, Mr. BEREUTER, Mr. KLINK, Mr. BARCIA of Michigan, Mr. JOHNSON of South Dakota, Mr. BILBRAY, Mr. BARRETT of Wisconsin, Mr. HASTERT, Mr. SLATTERY, Mr. CRANE, Mr. PORTMAN, Mr. FAWELL, Mr. HOEKSTRA, Mr. HALL of Ohio, Mr. HOLDEN, Mr. HOBSON, Mr. HILLIARD, Mr. NUSSLE, Mr. KENNEDY, Mr. CRAMER, Mr. HORN, Mr. MATSUI, Mr. WELDON, Mr. ANDREWS of Maine, Mr. RIDGE, and Mr. MARKEY.

H.J. Res. 165: Mr. SOLOMON, Mr. ROMERO-BARCELO, Mr. EVANS, Mr. BOEHLERT, Mr. MCHUGH, Mr. ANDREWS of Maine, Mr. TORRICELLI, Mr. DINGELL, Mr. VALENTINE, Mr. BISHOP, Mr. HAYES, Ms. SCHENK, Ms. LOWEY, Mr. LAZIO, and Mr. OXLEY.

H.J. Res. 173: Mr. BACHUS of Alabama.

H.J. Res. 185: Mr. BLILEY, Mr. CLYBURN, Mr. DELAY, Mr. GILLMOR, Mr. KINGSTON, and Mr. KOPETSKI.

H.J. Res. 199: Mr. OBERSTAR, Mr. MACHTLEY, Mr. SARPALIUS, Ms. MALONEY, Mr. POSHARD, Mr. SAXTON, Mr. FIELDS of Texas, Mr. MCDERMOTT, Mr. KLEIN, Mr. MORAN, Mr. KNOLLENBERG, Mr. FARR, Mr. LEVIN, Mr. SCHAEFER, Mr. COBLE, Mr. ACKERMAN, Mr. GALLO, and Mr. FISH.

H.J. Res. 205: Mr. EMERSON, Mr. HOEKSTRA, Mr. SWETT, Ms. THURMAN, Mr. ANDREWS of Maine, Mr. OLVER, Mr. PAYNE of Virginia, Mr. LIVINGSTON, Mr. PICKLE, Mr. MONTGOMERY, Mr. SANDERS, Mr. TAUZIN, Mr. LAFALCE, Mr. RUSH, Mr. BREWSTER, Mr. VALENTINE, Mr. BOEHLERT, Mr. BEVILL, Mr. UPTON, Mr. SMITH of New Jersey, Mr. SAXTON, Mr. BLILEY, Mr. SHAYS, Mr. PALLONE, Mr. BARRETT of Nebraska, Mr. WHITTEN, Ms. FURSE, Ms. LOWEY, Mr. VISCLOSKY, Mr. FAZIO, Mr. GALLO, Ms. SLAUGHTER, Mr. MOORHEAD, Mr. STUDDS, Mrs. MINK, Mr. LEWIS of California, Mr. DELLUMS, Mr. KREIDLER, Mr. HUTTO, Mr. TRAFICANT, Mr. RAMSTAD, and Mr. SCHAEFER.

H.J. Res. 206: Mr. SISISKY, Mr. MINETA, Mr. MOLLOHAN, Mrs. KENNELLY, Mr. CARR, Mr. DOOLITTLE, Mr. FORD of Michigan, Mr. GALLO, Mr. GEKAS, Mr. HASTINGS, Mr. HOYER, Mr. JEFFERSON, Mr. MEEHAN, Mr. PAYNE of Virginia, Mr. REED, Mrs. ROUKEMA, Mr. SHAW, Mrs. UNSOELD, Mr. WYDEN, Mr. LANTOS, Mr. CLYBURN, Mr. MCDADE, Mr. GUTIERREZ, Mrs. VUCANOVICH, Mr. FRANKS of New Jersey, Ms. THURMAN, Mr. MOORHEAD, Mr. CARDIN, Mr. COOPER, Mr. EWING, Mr. RAHALL, Mr. LANCASTER, Mr. BALLENGER, Mr. SHAYS, Mr. MONTGOMERY, Mr. FALEOMAVAEGA, Mr. HANSEN, Ms. FURSE, Mr. LAFALCE, Mr. ENGEL, Mr. GOODLING, Mr. PORTER, Ms. BROWN of Florida, Mr. KNOLLENBERG, Mr. DE LA GARZA, Mr. MYERS of Indiana, Mr. PETERSON of Florida, Mr. WELDON, Mr. BARCIA of Michigan, Mr. PICKETT, Mr. POMEROY, Mr. TAUZIN, Mr. TORKILDSEN, Mr. GILMAN, Mr. INHOFE, and Mr. TRAFICANT.

H.J. Res. 219: Mr. SAXTON, Mr. QUILLEN, Mr. MCDADE, Mr. PORTER, Mr. HOCHBRUECKNER, Mr. DELLUMS, Mr. SHAW, Mr. DARDEN, Mr. LEWIS of Georgia, Mr. TAYLOR of North Carolina, Mr. BARRETT of Nebraska, Mr. ROHRABACHER, Mr. SAM JOHNSON, Mr. MANZULLO, Mr. FISH, Mr. BEREUTER, Mr. DORNAN, Mr. LEWIS of California, Mr. MCHUGH, Mr. LEWIS of Florida, Mr. DUNCAN, Mr. TOWNS, Mr. HUGHES, Mr. SCHUMER, Mrs. COLLINS of Illinois, Mr. NADLER, Mr. MFUME, Mr. BURTON of Indiana, Mr. WYNN, Mr. MENENDEZ, Mr. WYDEN, Mr. DELAY, Mr. LIVINGSTON, Mr. CALVERT, Mr. KING, Mr. LEVY, Ms. FOWLER, Mr. KIM, Mr. MAZZOLI, Mr. MCKEON, Mr. FORD of Michigan, Mr. SWETT, Mr. PAXON, Mr. GILCHREST, Mr. DICKEY, Mr. COLEMAN, Mr. ACKERMAN, Mr. RANGEL, Mr. DE LUGO, Mr. HASTINGS, Mr. PAYNE of Virginia, Mr. FORD of Tennessee, Mr. MYERS of Indiana, Mr. MCCLOSKEY, Mrs. MINK, Mr. TORRES, Mr. HALL of Ohio, Mr. TORRICELLI, Mr. PASTOR, Mr. KENNEDY, Mr. MARKEY, Mr. FRANK of Massachusetts, Ms. LOWEY, Mr. HINCHEY, Ms. SLAUGHTER, Mr. PICFLE, Mr. HOYER, Mr. SHAYS, Mr. ORTIZ, Mr. HAYES, Mr. HANSEN, Mr. GINGRICH, Mr. GEKAS, Mr. ROSE, Mr. BORSKI, Mr. HOAGLAND, Mr. RIDGE, Mr. BATEMAN, Mr. HERGER, Mr. KOLBE, Mr. WILSON, Mr. ENGEL, Mrs. CLAYTON, Mr. BROWN of California, Mr. RAHALL, Mr. SAWYER, Mr. RICHARDSON, Mr. BARCIA of Michigan, Mr. CALLAHAN, Mr. MCCRERY, Mr. BAKER of Lousiana, Mr. HUTTO, Mr. RAMSTAD, Mr. DREIER, Mr. GALLO, Mr. DEUTSCH, Mr. TRAFICANT, Mr. WHITTEN, Mr. MURPHY, Mr. VALENTINE, Mr. CLINGER, Mr. BISHOP, Ms. MALONEY, Mr. HOLDEN, Mr. JOHNSTON of Florida, Mr. KLECZKA, Mr. EMERSON, Mr. PRICE of North Carolina, Mr. CRANE, Mr. LANTOS, Mr. GEJDENSON, Mr. NEAL of North Carolina, Mr. PALLONE, Mr. PETERSON of Florida, Mr. SABO, Mr. BAESLER, Mr. SCHIFF, Mrs. VUCANOVICH, Mr. BAKER of California, Mrs. BENTLEY, Mr. HORN, and Mr. MONTGOMERY.

H.J. Res. 242: Mr. KREIDLER, Mr. WALSH, Mr. GORDON, Mrs. MORELLA, Mr. MCDERMOTT, Mr. LIPINSKI, Mr. CALLAHAN, Mr. CONYERS, Mr. JOHNSON of South Dakota, Mr. MURPHY, Mr. ACKERMAN, Mr. BLUTE, Mr. KASICH, Mr. MEEHAN, Mr. DURBIN, Mr. PETERSON of Florida, Mr. SERRANO, Mr. CLYBURN, Mr. MCCLOSKEY, Mr. BLILEY, Ms. MOLINARI, Mr. TOWNS, Mr. MENENDEZ, and Mr. SARPALIUS.

H.J. Res. 245: Mr. BAKER of Louisiana, Mr. BACHUS of Alabama, and Mr. CANADY.

H. Con. Res. 6: Mr. DICKEY.

H. Con. Res. 13: Mr. KLUG, Mr. DICKEY, and Mr. GALLEGLY.

H. Con. Res. 51: Ms. FOWLER, Mr. GALLEGLY, and Mr. KIM.

H. Con. Res. 107: Mr. CLAY, Mrs. CLAYTON, Mr. GILMAN, Mr. JACOBS, Mrs. JOHNSON of Connecticut, Mr. KOPETSKI, Mr. KREIDLER, Mr. LAFALCE, Mr. LANTOS, Mr. NADLER, Mr. NEAL of Massachusetts, Mr. PETERSON of Minnesota, Mrs. ROUKEMA, Mr. ROTH, Mr. HALL of Texas, Mr. FISH, Mr. SCHUMER, and Mr. LEHMAN.

H. Con. Res. 126: Mr. RANGEL, Mr. LIPINSKI, Mrs. MEEK, Mr. GILCHREST, Mr. SCOTT, Mr. MENENDEZ, Ms. THURMAN, and Mr. TRAFICANT.

H. Res. 134: Mr. SCHAEFER, Ms. HARMAN, Mr. MANN, Mr. EVERETT, Ms. DUNN, Mr. ANDREWS of Texas, Mrs. LLOYD, Mr. BARTON of Texas, Mr. BLUTE, Ms. ENGLISH of Arizona, Mr. THOMAS of Wyoming, Mr. CASTLE, Mr. SENSENBRENNER, Mr. STUMP, Mr. BEREUTER, Mr. ANDREWS of Maine, Mr. COMBEST, Mr. STEARNS, Mr. GOODLATTE, Mr. MCHUGH, Mr. WALSH, Mr. COOPER, Mr. POMBO, and Mr. BUYER.

H. Res. 225: Mr. BACHUS of Alabama, Mr. BALLENGER, Mr. BARTLETT of Maryland, Mr. BEREUTER, Mr. COBLE, Mr. COPPERSMITH, Mr. DICKEY, Mr. FINGERHUT, Mr. GLICKMAN, Mr. GRAMS, Mr. HOBSON, Mr. JACOBS, Mr. KINGSTON, Mr. MANN, Mr. MICA, Mr. POSHARD, and Mr. SHAYS.

H. Res. 234: Ms. DUNN, Ms. NORTON, Mrs. MALONEY, Mr. SERRANO, Mr. DARDEN, Mr. PICKLE, Mr. CASTLE, Mr. PARKER, Mr. BOUCHER, Mr. MCNULTY, and Mr. RAHALL.

H. Res. 239: Mr. PETRI, Mr. GOODLING, Mr. INHOFE, Mr. ROTH, Mr. GILMAN, Mr. DOOLITTLE, Mr. BALLENGER, and Mr. COMBEST.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 634: Mr. DOOLEY.

H.J. Res. 117: Mr. DOOLEY.

SENATE—*Wednesday, September 8, 1993*

(Legislative day of Tuesday, September 7, 1993)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable BEN NIGHTHORSE CAMPBELL, a Senator from the State of Colorado.

The PRESIDING OFFICER. Today's prayer will be offered by the Reverend Richard C. Halverson, Jr., Falls Church, VA.

PRAYER

The guest chaplain, the Reverend Richard C. Halverson, Jr., offered the following prayer:

Let us pray:

Father in Heaven, when King Solomon began his reign, he prayed—above all—for wisdom to oversee the kingdom. And he recorded in Your book these inspiring words: *There was a little city, and a few men within it; and there came a great king against it, and besieged it, and built great bulwarks against it: Now there was found in it a poor wise man, and he by his wisdom delivered the city; yet no man remembered that same poor man. Then said I, Wisdom is better than strength: nevertheless the poor man's wisdom is despised, and his words are not heard. The words of wise men are heard in quiet more than the cry of him that ruleth among fools.*—Ecclesiastes 9:14–17.

Lord, as Members of the Senate and their staffs seek to manage this great Nation, we beseech You, once again, for wisdom. We pray for the poor wise man or woman in our midst who may be forgotten or despised. And we ask for ears to hear the quiet words of the wise over the boisterous counsel of the foolish.

We humbly make this request to an omniscient God who, for our deliverance, has already sent us that poor wise man, through the lineage of Solomon, in the person of a gentle Jewish carpenter. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 8, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BEN NIGHTHORSE CAMPBELL, a Senator from the State of Colorado, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CAMPBELL thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 9:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The time until 9:30 a.m. shall be under the control of the majority leader or his designee.

Mr. WOFFORD addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. WOFFORD. Mr. President, in the weeks and months ahead, our main order of business in the Congress and the country is to enact comprehensive health care reform that will control costs and guarantee health security to every American throughout their lives, regardless of where they live or work. It will be the most important legislative effort of our generation.

But as we consider the reams of statistics and pages of complex analysis, let us remember the much more down-to-earth realities that are driving us forward toward action: The skyrocketing costs, the growing insecurity, the confusing paperwork that our current health care system is imposing on American families and companies.

I spent a good part of the August recess traveling from one end of Pennsylvania to the other, talking to families and business owners, doctors and nurses about what is wrong with our current health care system; and about the many local and community-based efforts in our State to deliver universal, cost-efficient care which can serve as models for national reform.

During my trip, I went to a backyard barbecue at the home of Jim and Jan McCall in Erie, where I met with northwestern Pennsylvania families who are suffering from the frightening cost and insecurity of our current health care system. One of them was Pat Cooper of Corry, PA. Her husband, Ted, worked for 43 years at CorryHiebert, an office equipment manufacturer. He retired in 1988, secure with a pension and package of health benefits. At least so he thought.

In April of this year, after years of increasing premiums, CorryHiebert announced that it was completely dropping health care coverage for former employees.

Just to show you how absurd our system is, the company continues to cover Pat Cooper, even though she was never an employee herself because she is not as old as Ted. But the Coopers' share of the cost is already more than it was when the company covered both of them. CorryHiebert used to deduct $141 from Ted's pension check to cover both of them. Now it deducts $195 just for Pat's health care benefits.

CorryHiebert's decision to cut off retiree benefits has forced the Coopers to find another insurer for Ted and pay twice what they had been paying for their insurance. All that now remains of Ted's pension check at the end of the month is $16.44. After 43 years of dedication to his company—$16.44 a month.

Mr. Cooper suffers from Parkinson's disease. The Coopers' combined prescription drug bill is about $900 per month. Under Ted's old plan with his former employer, 80 percent of his prescription drug costs were paid for. Since CorryHiebert cut off Ted's retiree health benefits, the Coopers now must pay half of Ted's prescription drug costs over and above their monthly insurance premiums.

The Coopers had hoped to qualify for Pennsylvania's excellent PACE Program, which helps older citizens buy prescription drugs at a discounted rate. But like so many Americans, they are caught in the middle class squeeze—too poor to live comfortably after paying the bills, but not poor enough to qualify for State aid.

Unless we take action, the Coopers' situation is likely to get worse before it gets better. The weak economy has forced CorryHiebert to lay off one-third of its work force. As they continue to cut costs, what remains of the Coopers' health care coverage is likely to be the next thing to be cut.

The Coopers are not alone. Across the country, workers who have given decades of their lives to their companies are being left out in the cold by cutbacks in retiree health benefits—benefits they fought for, worked for, and were promised by their employers. Retirees at the UNISYS Corp. in Blue Bell, PA and Allegheny International in Pittsburgh face a similar crisis.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

These are people who showed up to work every day, paid their taxes, paid their dues and often took lower wages in order to receive some peace and security in retirement. But, in the last few months, more and more companies have either reduced retiree health benefits or dropped coverage altogether—because costs are out of control.

This problem does not just hurt retirees. It affects all of us. When companies cut off retiree health benefits, what they are really doing is shifting those costs right onto the taxpayers, because many of those older citizens will have to turn to Medicaid or eventually to Medicare.

It is good news, reported in yesterday's Washington Post, that the President's health care proposal will provide for middle and low-income early retirees * * * exactly the people who are often encouraged to retire before they qualify for Medicare and are the most vulnerable to cutbacks. But between now and the time reform delivers that universal coverage, retirees like Ted Cooper are in danger of being left out in the cold.

That is why I have introduced the Retiree Health Benefits Protection Act, which would make it easier for retirees to defend their health benefits in court, and it would require companies to continue to provide benefits, while the lawyers argue.

That is only a stopgap. The central battle for health care security is now upon us. And I sense a real spirit of bipartisanship, a shared commitment among Democrats and Republicans, Congress and the White House, to work together on a plan that will turn the right to affordable health care into a reality for all Americans.

The Coopers celebrated their 46th wedding anniversary over Labor Day weekend. I hope that spirit will help us move forward—and not stop until we have the job done—so that Pat and Ted Cooper celebrate their 47th anniversary, secure in the knowledge that they will not be cut off from the health care they need and deserve.

It will not be an easy job, I know. But to any of those who will give us all the reasons why we cannot change, why we cannot take action on comprehensive reform, the Coopers are two more faces of the health care crisis who answer that we cannot afford not to.

Mr. SMITH addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire [Mr. SMITH] is recognized.

A NEW POW DOCUMENT FROM MOSCOW

Mr. SMITH. Mr. President, I rise today to speak very briefly about a matter of great national importance. I know this is the majority leader's time. I thank him for giving me just a couple of minutes to speak on what should truly be a nonpartisan matter. I am referring to the issue of those American POW's and MIA's who never came home from Southeast Asia some 20 years ago when Operation Homecoming ended on April 1, 1973.

This past weekend in Moscow, the United States concluded its sixth formal meeting with the Russian Government as part of our joint efforts begun 18 months ago to investigate the fate of POW's from past wars. As a Senate Member appointed to this Joint Commission by President Bush last year, I am obligated to report to this Chamber what transpired in Moscow late last week.

Gen. Dmitri Volkogonov, a distinguished Russian historian and close adviser to President Boris Yeltsin and head of the Russian side of the Joint Commission on POW's has turned over to the United States side another dramatic and deeply troubling document concerning American POW's from the Vietnam war which I will briefly describe in just a moment.

But first, to put this newly unearthed document in perspective, let me remind my colleagues that in April of this year, the Russians officially turned over to the United States side another document on American POW's from the Vietnam war. This was a Russian translation of a 1972 North Vietnamese politburo presentation which, in part, referenced the total number of American POW's being held at the time—a number far greater than those who returned a few months later at the end of the war. In fact, it was several hundred more.

The information in the document turned over to us in April was acquired by the Soviet GRU from the North Vietnamese and was officially sent by the GRU to the Central Committee of the Communist Party of the Soviet Union—that is President Brezhnev, Mr. Gromyko, and the top Soviet politburo members at the time. Moreover, the character of this document has been authenticated as genuine by the Russian Government, mainly General Volkogonov, who met with me in my office this past June and personally assured me that the presentation to the North Vietnamese did, in fact, take place in 1972, even though the Vietnamese denied it when this earlier document was discovered this past spring.

I do not want to go into all the details of this earlier document, because that is well known, except to say that I have done a complete analysis of this document which I have sent directly to President Clinton and to Ambassador Toon who heads the United States side to the Joint Commission. I ask unanimous consent to have this analysis appear in the RECORD following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SMITH. Mr. President, the new archival document just acquired last week is a Russian translation of yet another North Vietnamese politburo presentation, this one from late December 1970—almost 3 years before the end of the war and the return of POW's at homecoming. In the presentation, a North Vietnamese personality is informing his politburo, in secret session, that they are holding 735 captured American fliers in North Vietnam, and that the list of 368 American POW's which they had just provided to the staff of the Senator from Massachusetts, Senator KENNEDY, in Paris in December 1970, was for diplomatic purposes only and did not represent the true number of American POW's held at the time.

Let me just quickly read the exact language from that document.

> Now, I want to stop on one more issue—about the captured American fliers. The total number of captured American fliers in the DRV consists of 735 people. As I have already stated, we published the names of 368 fliers. That's our diplomatic step. If the Americans will agree to withdraw their forces from South Vietnam, we will, for a beginning, return these 368 people to them; and when the Americans finish withdrawing their forces, we will give the rest back to them.

Now, Mr. President, in 1973, only 591 American POW's captured in Southeast Asia by North Vietnamese forces were returned by Hanoi. Yet, based on this new information, and when you add in the pilots captured between 1970 and 1973, several hundred more American POW's should have been returned by the North Vietnamese, and were not, for whatever reason.

I believe I know the reason, and I would invite my colleagues to closely examine the hearing record of the committee I co-chaired last year, the Select Committee on POW/MIA Affairs, to find out why, and I am specifically referring to our hearings on the Paris peace accords.

I will not take any more of the Senate's time this morning to discuss this topic now, except to say that President Clinton, by law, must decide in the next few days whether to renew his authority to maintain our trade embargo against Hanoi, or let it expire on September 14. I have communicated my views to the President in writing on this matter urging him to maintain our leverage on Vietnam, so we can finally, after all these years, negotiate with Hanoi an honorable solution to this issue—and by honorable, I mean a solution that will allow Americans and the POW/MIA families to learn the truth.

Given these new revelations, Mr. President, to do anything less, would in my opinion, constitute abandonment of our remaining POW's and MIA's.

Since this newly found document has just been officially released by the

Pentagon to the National League of POW/MIA Families and to the press, I ask unanimous consent that the official English translation of the document appear in the RECORD following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

Mr. SMITH. I congratulate the Pentagon and the State Department for not doing what it did last time around—which was to classify and withhold the earlier document from the American people while at the same time giving it to the Vietnamese. However, I think the Defense Department press talking points on this new document are pitiful. I will let that speak for itself for those who choose to read it.

Thank you, Mr. President, and my thanks to President Yeltsin and General Volkogonov for their efforts to get this information to us. And let me also thank my colleagues who served with me on the Select Committee on POW/MIA Affairs. As those Members know, the efforts of our committee were instrumental last year in forming the Joint Commission on POW's with Russia—specifically our first trip to Moscow in February 1992, and the subsequent staff visits.

I hope the rest of my colleagues will closely review this matter.

I yield the floor.

EXHIBIT 1

REPORT TO AMBASSADOR MALCOLM TOON, CHAIRMAN OF THE UNITED STATES SIDE OF THE JOINT UNITED STATES/RUSSIAN COMMISSION ON POW/MIA'S FROM UNITED STATES SENATOR BOB SMITH, COMMISSIONER, JULY 21, 1993

(An interim analysis of the 1972 translation of a North Vietnamese report concerning United States POW's discovered in 1993 in the archives of the former Soviet Union and subsequently provided to the United States side of the Joint United States/Russian Commission on POW/MIA's)

I. EXECUTIVE SUMMARY

A. Dr. Stephen Morris, the man who first discovered the North Vietnamese report on POWs in Russian language form, deserves special thanks from the United States of America. General Dmitri Volkogonov, head of the Russian side to the U.S./Russian Joint Commission on POW/MIAs, likewise deserves our gratitude for continuing to open the archives of the former Soviet Union in an effort to resolve outstanding humanitarian issues such as the fate of our POWs and MIAs.

B. The report found by Dr. Morris contains numerous statements which can be corroborated by U.S. knowledge. Because of this, I am convinced the presentation took place in 1972. In the absence of convincing evidence to the contrary from Vietnam, I can only assume that from 1964 to 1973, the leadership of North Vietnam withheld the total number and identity of American POWs in Vietnam, Laos, and Cambodia over whom it had direct control.

C. The position of the Socialist Republic of Vietnam that the report in Russian language form is a "pure fabrication" which they "completely reject" is unacceptable to me, and I believe, the majority of the American people. This matter is still wide open.

D. The U.S. Government does not know the fate of many of its missing personnel in Vietnam and Laos, and the U.S. Government should stop believing that it knows the fate of just about everybody. It's time people study the facts, even if it means revisiting "old" issues.

II. DESCRIPTION OF THE REPORT AND ITS CONTENTS

The text of the report which has been provided to the United States is in Russian language form. However, the cover page to the report in Russian language is dated "Moscow—1972" and clearly states that the report is a "translation from Vietnamese into Russian." The Russian language cover indicates that the translation was done by the General Staff of the Armed Forces of the USSR, Main Intelligence Directorate (GRU).

The GRU cover page to the report describes the enclosed report as a "Report of the Deputy Chief of the General Staff of the VNA (Vietnamese People's Army) General-Lieutenant Tran Van Quang at the Politburo Meeting of the TSK PTV 15 September 1972." (TsK PTV is Russian for 'Tsentralnij Komitet Partii Trudyashchikhsya V'etnama' or in english, 'Central Committee of the Workers Party of Vietnam.')

Summary of the Report's Contents

General Quang begins the report by indicating that "today" he will describe measures which have been worked out for implementing the resolutions of the 23rd Plenum of the Central Committee which he supports and that he will give an evaluation of victories which have been gained by North Vietnam during the war from "the period from 30 March 72 to the present."

He indicates that the military situation is developing favorably, and he discloses that several meetings have occurred between the United States and Vietnam "aimed at developing measures on resolving the Vietnam issue. . . ." General Quang indicates that proposals offered by the U.S. side had been rejected.

He then discloses that secret meetings in Paris have taken place between the U.S. and North Vietnam, and that these meetings have once again shown the "deranged nature of the proposals put forward by the American side."

Quang goes on to indicate that North Vietnam had maintained its position during these secret meetings, "the essence of which includes the following: if the U.S. truly wants to resolve the Vietnam issue, then above all else, it must refuse to support the Nguyen Van Thieu regime, and only afterwards will we engage in a discussion about a cease-fire. This demand is the main tenet in our conflict against the American imperialists. If Nixon continues adhering to his policy of 'Vietnamization' of the war and desires to leave the present Saigon Government of Thieu in power, then the peace nogotiations between us and the U.S. will not yield any results."

General Quang then reflects that "during our general offensive", progress had clearly been made, but there had also been shortcomings and mistakes. Quang mentions that he had previously discussed the lessons learned from these mistakes with the Politburo, and that he would now report on "a number of positions regarding the scope of our future offensive."

He then goes into considerable detail on how North Vietnam was succeeding in their plan to win over selected South Vietnamese personalities and "representatives of the Saigon authorities," and that several meetings had taken place. General Quang discusses the details of separate meetings with five South Vietnamese personalities, and how these persons had become critical of Thieu and American policies and actions in Vietnam. Quang sums up by indicating they were also making progress in winning over people from the provinces and towns in the South, and as a result, "we see that we have chosen the correct course. This is also clearly indicated in the resolutions of the 23rd Plenum of the Central Committee."

Quang indicates that the "Ba Be" plan had been developed and was being implemented in the South. He states that the goals of the plan were the elimination of people who "oppose our course", to include those in leadership positions at the province-district level and above, as well as disruptive activities against the Saigon governing apparatus, and the acquisition of materials which "testify to crimes by Americans and their puppets with regard to the Vietnamese people . . ." Quang states they must also attract neutral forces to their side, and describes an incident in which they had succeeded in the "demoralization of the puppet army" through propaganda.

Quang next describes results which "we in the propaganda organization recently achieved among the High Command staff, right up to Saigon Army generals," and he describes meetings they had with two South Vietnamese army generals.

Quang points out that dividing enemy ranks and lowering their will to resist was the goal of the "Ba Be" plan and that this was essential to "help us to attain successes at the Paris negotiations on Vietnam." Quang stresses that forces needed to be inserted as soon as possible so that implementation of this goal would proceed "in the month of October in accordance with indicated deadlines."

Quang concludes with a final pitch for the need to fully implement the "Ba Be" plan by pointing out that "in the Paris negotiations on Vietnam we have met with a series of difficulties in recent days." As a result of "exchanging opinions in private meetings with Kissinger", Quang emphasizes that Nixon was continuing to be stubborn in "continuing the aggressive war and maintaining the status quo." He states that because of this stubbornness, "peaceful solution of the Vietnam issue is not possible . . . that is why we are resolved to carry out the Ba Be plan." Quang stresses that this would be their "first military thrust on the front aimed at resolving the complicated political issue at the present stage."

Finally, in reference to the Ba Be plan, Quang reports that there had been a conference "yesterday" with the cadres responsible for carrying out the plan and that everything had been worked out. He concludes this section of the report stating, "In summing up what is stated above, it can be said that we are going in the right direction in carrying out our plans. . ."

The next part of the report concerns the number of American POWs captured and being held in North Vietnam. Quang states he is reporting "today" on this subject as the Politburo had asked him to. Quang begins this section by stating that their work with American POWs had been contemplated by the Politburo in previous decisions "such as decision No. 21 DST dated 3-3-71, and decision No. 21 E dated 4-4-72." He indicates that both of these earlier decisions concerned exploitation of American POWs. He refers to comrades "among us" who differ from the position of the Politburo, and urges them to understand that the issue is very complex.

He then begins to tell them that they have captured a very large number of American POWs since "5 August 1964" and that the total number has not been made public. He states, "At today's Politburo session, I will report to you, Comrades, the exact number" of American POWs.

General Quang reports that the total number of American POWs captured to date "comprises 1205 people." He then breaks this number down by country and categories of American servicemen. (Note: For a detailed analysis of the figures presented by Quang, please see Section "VI" of this interim analysis.)

Following this numerical breakdown, Quang reports that these American POWs are presently in 11 prisons in North Vietnam. He states that after the Son Tay raid in 1970, they had expanded the number of prisons to 11 from 4 large prisons which they used to have, and that each prison now had approximately 100 prisoners.

Quang next indicates that they are holding 16 "colonels" together from whom they are attempting to extract material and information, and that 104 "lieutenant colonels" were being held in another location where they were also attempting to extract information from them. Finally, he states that they have 235 "majors" concentrated in two other locations, and that the rest of the POWs were in other prisons.

General Quang then describes a group of 368 American POWs who were showing "progressive" attitudes, and that these POWs would be released first if the progressive peoples of the world were successful in forcing Nixon to move toward a resolution of the political issue.

Quang informs his comrades that "we are carrying out work with this category of POWs to explain to them the aggressive nature of the war being conducted by the Nixon administration and the nature of the Nguyen Van Thieu regime, and also to make them understand the unjust character of this war which is inflicting great damage on the American people. One can assert that this group of POWs is progressive in their political views."

Quang then reports that there are an additional 372 American POWs who hold "neutral" views and 465 American POWs who hold "reactionary" views. He points out that the senior officers held "reactionary" views, i.e.: "they do not condemn Nixon, they do not protest his policies, and they distort our course of action." Quang rationalizes that this is because they are from rich families.

General Quang emphasizes the need to continue their work to make the American POWs understand that U.S. aggressiveness in the war and Nixon's stubbornness only delays their return to their homeland.

Quang notes that they would soon be freeing several POWs to "put pressure on the Nixon administration, observe his reaction and the reaction of the American public, as well as to demonstrate our good intentions in this matter."

He goes on to point out the three principles on which "we may resolve" the issue of the American POWs. The U.S. must comply with a cease-fire and the removal of Thieu, and that while the U.S. was doing this, they would free "several more aviators from the number who are progressively inclined." Next, "Nixon must compensate North Vietnam for the great damage inflicted on it by this destructive war." Quang states that Nixon continues to resist resolving the Vietnamese question, thereby delaying the resolution of the American POW issue.

Quang then repeats that while he has explained this issue to the Politburo, there are still comrades who don't understand the American POW situation correctly. He stresses that the POW issue had to be resolved in the context of setting the military and political aspect of the Vietnamese problem. He emphasizes that they "would lose much" if they took the path of concession toward America and release the POWs.

According to Quang, holding 1205 American POWs had "created certain difficulties for us," but he goes on to point out that this was a great loss to the American military, particularly the Air Force, and that they were succeeding in collecting important data from the POWs. Quang states he is convinced this is the correct position.

He then indicates that 1205 American POWs was a large number, and that "we have officially published a list of only 368" American POWs. He rationalizes that the U.S. government can only speculate on the true number of POWs based on their losses, and that, therefore, "we are keeping the number (of Americans POWs) secret."

Quang again points out that there were comrades questioning the policy being implemented concerning American POWs. He stresses that "this is not political bargaining but rather a key condition and serious argument for successful resolution of the Vietnam problem. That is why the matter of the American POWs has great significance. Quang then condemns the "mistaken views of individuals among us on this matter."

Quang concludes the section of the report on the American POWs by stating, "We firmly hold to our position—when the American government resolves the political and military issues on all three fronts of Indochina, we will set free all American POWs. We consider this a very correct course."

The next part of the report is General Quang's concluding comments on the entire presentation he has given to the Politburo. He mentions the areas he has reported on, stating:

"Today on assignment of the Supreme Command, the State Defense Council and the Military Committee of the Politburo, I reported to you on these matters so that the Politburo could study these problems, could express its opinion on them, and set forth forms and methods for their resolution." He mentions that soon they will be developing new military plans for 1973, but for now they were "occupied with matters of mobilization and training of reinforcements for all three Indochinese fronts. We should mobilize 250,000 men, 200,000 of which would be sent to South Vietnam and 50,000 to Laos and Cambodia." He states that at the next politburo session, he would report on the present situation in Laos and Cambodia.

His final statement is an impassioned defense of their present course of action, emphasizing that the course of the party is correct, and that they are fulfilling the ideals of Marxism-Leninism, the desires of Ho Chi Minh, and freedom for the Fatherlands.

The last sentence of the report reads:

"To the current session of the Politburo I wish successful work. I have completed the presentation of the report."

III. ACQUISITION OF THE REPORT BY THE UNITED STATES

On March 10, 1992, the New York Times reported that the Woodrow Wilson International Center for Scholars in Washington, D.C. was working to set up a conference with officials of the Center for Storage of Contemporary Documentation, formerly the Archives of the Central Committee of the Communist Party of the Soviet Union, located on Il'lynka St. in Moscow. The planning of the conference was led by William Taubman, a political science professor at Amherst College. The conference was described by Professor Taubman as "the first step in opening up the archives." The effort was to be funded largely by a $1 million grant over three years from the MacArthur Foundation and was to be known as the "Cold War History Project."

The major projects which were to be the focus of the research were: 1.) the Berlin Crisis of 1958–61; 2.) the Cuban Missile Crisis of 1962; 3.) the Soviet interventions in Hungary in 1956 and in Czechoslovakia in 1968; and 4.) the Korean War.

Ironically, during this same period, Senator Kerry and myself had traveled to Moscow as co-chairmen of the Senate Select Committee on POW/MIA Affairs in an effort to lay the groundwork for the Joint Commission on POW/MIAs which had been proposed by the Russians in January.

By the end of the year, the Joint Committee was making dramatic progress in archival research and oral interviews. However, in retrospect, the unique arrangement between the Russian Government and the Wilson Center, which permitted access to classified records to selected scholars, held a greater, more immediate promise for the discovery of records on the Vietnam War.

In September, 1992, the Wilson Center submitted to the Russians a list of the American researchers who would be participating in the review of classified Russian archived materials in Moscow at the Center for the Storage of Contemporary Documentation.

One of the scholars who later worked side by side with researchers at the Wilson Center project was Dr. Stephen J. Morris, a 44-year old researcher at the Center for International Affairs and the Russian Research Center at Harvard University in Cambridge, Massachusetts. In April, 1992, Dr. Morris had traveled to Moscow to find out about the possibility of archival access. He was told that access was only being allowed for the period pre-1953, and so he began to research the Soviet-Vietnamese relationship in the early years, to include Ho Chi Minh's younger years in Moscow (1930's).

In October, 1992, while doing research in the pre-1953 archives, he heard about the Wilson Center project at the other archive and went over to speak with some of the researchers there. In Dr. Morris' own words, "I discovered what the arrangement was and that they had nobody working on the history of the Vietnam War, so I immediately determined that I had to become part of this project because it was vital to the work I was doing."

By December, 1992, Dr. Morris was back in Moscow working side by side with other scholars on the Wilson Center team with the permission of the Russian Archives Administration. He focused his energy on gaining access to selected classified records of the Central Committee of the Communist Party of the Soviet Union concerning Vietnam.

Under the arrangement between the Wilson Center and the Center for the Storage of Contemporary Documentation, he requested access on December 14th to a set of "Top Secret" records entitled, "Section of the Central Committee of the Communist Party of the Soviet Union for Communications with Communist and Workers Parties of Socialist Countries." The documents, comprising some 2,000 pages in ten folders, were provided to Dr. Morris the next day by Yuri

Constantinovich Maalov, the Deputy Director of the archives, and the number three man at this particular archive. In January, 1993, in the course of reviewing the documents in detail, he came across a 1972 report by General Tran Van Quang which contained detailed information on American POWs in North Vietnam.

Realizing the significance of his discovery, he arranged for a copy of the report to be given to him and returned to the United States. He contacted a colleague of his who worked as a Congressional staffer in the House of Representatives. Through this contact, he was able to arrange a meeting with Sandy Berger, Deputy National Security Advisor to President Bill Clinton on February 11, 1993. At the same time, he contacted a colleague at Harvard, Dr. Richard Pipes, a Baird Professor of History. Dr. Pipes contacted Secretary of Defense Les Aspin. Following Dr. Morris' meeting with Sandy Berger, Secretary Aspin wrote a letter to Dr. Pipes on February 16, 1993 indicating that he was aware of the discovery of the document and the information would be pursued. Dr. Morris had also met with former National Security Advisor, Dr. Zbigniew Brzezinski, during this period to allow him to review the document and provide his analysis to him.

In late February, 1993, Task Force Russia, the Pentagon's support element for the U.S. side of the Joint U.S./Russian Commission on POW/MIAs, learned of the discovery of the document by Dr. Morris. Colonel Stu Herrington, Deputy Director of Task Force Russia, contacted Dr. Morris in an attempt to learn more about the document. During this period, Mr. Edward W. Ross, the Acting Deputy Assistant Secretary of Defense for POW/MIA Affairs, also contacted Dr. Morris concerning the document.

On March 18, 1993, the Director of Task Force Russia, General Bernard Loeffke, and Norman Cass, an assistant to DASD Ross, traveled to Moscow and were made aware by Lt. Colonel Osipov of the Russian side to the Joint Commission of the existence of the document. General Loeffke, Mr. Cass, and two members of Task Force Russia stationed in Moscow, were able to briefly review excerpted pages from the document but were not provided with an actual copy of the report. They were allowed to xerox the cover page of the record group containing the report. The hope was expressed by the U.S. side that the document could be provided to the U.S. during a scheduled meeting of the Joint Commission in Moscow on April 8, 1993.

On March 22, 1993, the U.S. side to the Joint Commission was briefed on the discovery of the document during a scheduled meeting in preparation for the April 8, 1993 meeting in Moscow. On March 30, 1993, a detailed cable on the contents of the document which had been briefly reviewed by Task Force Russia was sent to Washington from the U.S. Embassy in Moscow.

On March 31, 1993, I wrote the President's National Security Advisor, Anthony Lake, urging him to have President Clinton raise with President Yeltsin the issue of access to GRU records on the Vietnam War, and particularly documents pertaining to the numbers of POWs held by Vietnam. The weekend of April 3rd and 4th, Presidents Yeltsin and Clinton held their summit in Vancouver. The head of the Russian side to the Joint Commission, General Volkogonov, has subsequently indicated that the subject of POWs was raised at this summit, although I do not know if specific requests were made pertaining to access to the Vietnam-related documents in question.

On April 8, 1993, the U.S. side to the Joint Commission was provided with an excerpt dealing with the subject of American POWs from the 1972 report initially discovered by Dr. Morris. The excerpts from the report were passed to the U.S. side by General Volkognonov during a formal commission meeting in the Kremlin in Moscow. In passing the report, General Volkogonov stated:

"It's a delicate issue, but we can't be quiet about it any longer, since it's a humanitarian issue. The official list reported 368 Americans. But there were 1205, in fact. This document has very detailed information, the number of places—11 camps—and so forth. We will continue our search, but you see, the Central Committee of the USSR knew the exact number of POWs in Indochina. This information was known, although, in the past, the Central Committee denied any knowledge. But we are talking about men's fates—a humanitarian issue. There is no political spin—we want to help the families."

On the weekend of April 9–11th, Dr. Morris returned to Moscow to attempt to gain access to additional archival documents. He allowed a reporter from the New York Times in Moscow, Celestine Bohlen, to review the report and write a story on it which was published in the New York Times on Monday, April 12, 1993. Two days earlier on April 10th, the Russian newspaper Izvestia reported that the document had been discussed at the Joint Commission meeting on April 8th.

In addition to the New York Times, the Washington Times also disclosed the existence of the document on April 12th after an interview with Dr. Morris from Moscow on April 11th.

On the morning of April 12th, the Vietnamese Mission at the United Nations in New York was provided with a copy of the report by the Department of State and Department of Defense.

On April 20, 1993, a team of 8 Task Force Russia, Defense Intelligence Agency, and senior policy Defense Department personnel met with Dr. Morris. During this meeting, Dr. Morris provided a copy of a complete Russian language version of General Quang's September, 1972 report which was subsequently translated into English by Task Force Russia at the Pentagon.

On June 21, 1993, a full copy of the same report by General Quang in Russian language form was formally provided to the United States by Russian General Volkogonov.

IV. AUTHENTICITY OF THE REPORT IN RUSSIAN LANGUAGE FORM

There is no doubt whatever that the 1972 report to the North Vietnamese Politburo in Russian language form is authentic—that is, it was clearly acquired by the GRU from the Vietnamese in 1972, translated into Russian, and forwarded to the Central Committee of the Communist Party of the Soviet Union, where it was found more than 20 years later by Dr. Morris. There is overwhelming evidence which conclusively proves this point, some of which is outlined below.

Moreover, the manner in which the document was discovered by Dr. Stephen Morris in the Center for Storage of Contemporary Documentation (formerly the archives of the Central Committee) in Moscow indicates authenticity. According to Dr. Morris:

"I had requested in mid-December a series of about 10 files relating to the events of 1972, a pivotal year in the history of the Vietnam War. One of those files was a file of the Soviet military. The description on the front tells you nothing about what is inside. It read something like Reports of the General Staff of the Armed Forces of the Soviet Union about Political and Military Conditions in North and South Vietnam. When I opened the file I saw lots of documents which all were very interesting although not all of them gave me a very exciting account of what was inside. A lot of them were very general descriptions. But reading through that file, a file which may have contained a dozen different documents—one of 10 files I'd ordered on the same day—I found a lot of interesting, new information."

"One was a report by a Lieutenant General Tran Van Quang, who was the deputy chief of staff for the North Vietnamese army, reporting to his politburo. There were two documents by this general. The first was dated June 26 and the second, September 15. I read the file chronologically and when I got to his first report I was excited because he had new information about the military situation at that time which nobody knew, including a staggering account of the losses they had sustained up to that time, which went far beyond what American analysts of the Vietnam War had estimated . . . it is important to understand this entire file in order to evaluate the particular document. This was a file of the Soviet military and much of it was Soviet military intelligence. They had a very close relationship with the Vietnamese military."

"I was excited by documents, for example, signed by the chairman of the Joint Chiefs in Russia at that time, which talked of politburo meetings about the future overall strategy in the war and the conflict between difference members of the leadership in Vietnam and who took what side in the debate. He gave precise locations of the meetings and so on."

"This was information of an extremely intimate kind, and when it's signed off by the chairman of the Soviet army, then I concluded that there must be a very reliable source in the Vietnamese leadership who is providing information to the Soviet military. Before I had found this document I had come to this conclusion. The first document, by Lieutenant General Quang—and it was one of three documents in the file which were Vietnamese documents—was a report of speeches made during 1972."

"I could see that the Soviets were acquiring secret reports from the Vietnamese leadership even before I came to this particular document. And when I came to the document, the second report by General Quang, dated September 15, I was fascinated because it has a fairly bland description, it talked about things I did not know about—secret events. For example, the clandestine meetings between representatives of the North Vietnamese military and security apparatus with the South Vietnamese politicians for the purpose of feeling them out as to their possible future participation in a coalition government, which was Communist strategy up until that moment. . . ."

". . . Adam Ulam (of Harvard) also says it looks to him like an authentic document. They are specialists on the Soviet Union and they know what Soviet documents should look like. Mark Kramer, who is also an affiliate at Harvard, was with me in the archives when I discovered it. I showed him part of the document and asked his assistance in deciphering the handwritten Russian (see Appendix). So he knew that I had it even while I was in the archive. Kramer had been reading a lot more documents than I had and had been their a lot longer and knew the procedure whereby, I, like everyone else in the project, acquired documents, so it was inconceivable that this was not authentic."

By February, 1993, Dr. Morris had allowed colleagues of his to review the document (as described in Section III of this Interim Analysis). On February 8, 1993, Dr. Richard Pipes, a Professor of History at Harvard wrote a letter stating, "The document, and the accompanying letter to the Central Committee of the Communist Party of the Soviet Union by P. Ivashutin, are, in my opinion, authentic and trustworthy."

Following the official turn-over of the document to the U.S. on April 8th and the subsequent disclosure of the report in the press, several comments were made which further vouch for the document's authenticity.

On April 13, 1993, former U.S. National Security Advisors Dr. Zbigniew Brzezinski and Dr. Henry Kissinger made these comments on the MacNeil/Lehrer Newshour concerning the document's authenticity:

MACNEIL. Dr. Brzezinski, you've stated publicly, and you're quoted in the New York Times as believing the document is genuine. What convinces you?

BRZEZINSKI. Its style, its content, the cover note to the Soviet Politburo. One would have to assume a really very complex Byzantine conspiracy to reach the conclusion that this is not an authentic Soviet document based on a Vietnamese document.

MACNEIL. Dr. Kissinger, what do you think on the question of authenticity, first of all, of the document?

KISSINGER. . . . I agree with Zbig (Dr. Brzezinski) that those parts that I know something about have an authentic ring . . . if that document is authentic, and it is hard to imagine who would have forged it, for what purpose, then I think an enormous crime has been committed, and I do not see how we can proceed in normalizing relations until this is fully cleared up . . . I don't see how we can normalize relations or ease conditions in international agencies until we have cleared up this issue.

(Note: Comments by Kissinger and Brzezinski on the accuracy of the contents of the report, as opposed to the authenticity of the document, are covered in Section VI, Part A, of this Interim Analysis.)

On April 14, 1993, Russian General Dmitri Volkogonov, who formally passed the document to the U.S., was asked about its authenticity and responded as follows:

"We have no doubt this is a real document, a genuine one. This document has been signed by the Chairman of the Joint Chiefs of Staff of Vietnam and it had been officially transferred to the Soviet intelligence . . . These documents were absolutely Top Secret and thus it cannot attest to the fact that they are false documents . . . This is an old document. For almost a quarter of a century, over 20 years, it has been in existence. We have found it in a part of the archives of the Central Committee of the party where they never had any fabricated documents. They didn't have such a habit. I personally don't doubt at all the authenticity and the genuine character of this document."

On April 15, 1993, according to General Vessey, the President's Emissary to Hanoi on the POW/MIA issue, "I talked to General Volkogonov . . ., and he and Ambassador Malcolm Toon assured me that they believed it was an authentic document of the vintage of 1972 . . ."

On April 16, 1993, former KGB official General Oleg Kalugin told the New York Daily News in Moscow that "there is no reason why the (present Russian) government would make it up."

On April 20, 1993, a team of 8 Task Force Russia, Defense Intelligence Agency, and senior policy Defense Department personnel met with Dr. Morris. During this meeting, Dr. Morris provided a copy of a complete Russian language version of General Quang's September, 1972 report which was subsequently translated into English by Task Force Russia at the Pentagon. The conclusion reached by the Office of Deputy Assistant Secretary of Defense for POW/MIA Affairs concerning "authenticity" is described in a memorandum dated the same day as the meeting and reads:

"CONCLUSIONS: By all accounts this document, now more than ever, appears to be authentic . . . All indications are that the Russian archives of the GRU should have a copy of the original Vietnamese version. In order to resolve the issue, we still need to obtain the Vietnamese version."

On April 21, 1993, General Volkogonov again remarked on the authenticity of the document, stating to the New York Times in Moscow, "My opinion is that the document is completely authentic." Again, in a May 12, 1993 letter to me, General Volkogonov stated, "I am convinced that the document which we passed to the American side on April 8, 1993 is genuine. True, I cannot guarantee that its content is a true reflection of past reality. Only the Vietnamese can know this."

On April 22, 1993, the Russian archive spokesman for the Contemporary Documentation Center was reported by Associated Press as saying that "archive officials believe the document is authentic."

On May 26, 1993, General Volkogonov reiterated his belief that the document was genuine in a meeting with Task Force Russia and the political counselor from the U.S. Embassy in Moscow.

In a meeting with me on June 22, 1993, General Volkogonov again reiterated his position that this was an authentic document, and only the Vietnamese know if everything General Quang reported to his Politburo was accurate. General Volkogonov stressed during this meeting that there was no reason for the GRU to believe that the document was not accurate, stating why would they lie in a Top Secret message to their own Politburo.

In a letter to me dated June 22, 1993, former National Security Advisor and Secretary of State Dr. Henry A. Kissinger stated, "From everything I have heard, including from Russian sources, the document which was found in the Russian archives is authentic—that is, it is a document apparently acquired by the GRU from the Vietnamese."

Finally, the fact that there was some deep-rooted opposition on the Russian side to the Joint Commission on turning the document over to the U.S. side adds credibility to the fact that this was considered to be an authentic document by GRU.

V. THE NEED FOR ADDITIONAL INFORMATION FROM RUSSIA

To date, the U.S. side has not been provided with copies of any additional documented information which pertains to the 1972 North Vietnamese report in Russian language form. However, General Volkogonov assures us that he is working hard to find additional documentation or information, and that it is "real detective work." I have no doubt, however, that there are literally thousands of pages in the GRU and Politburo archives dealing with the Vietnam War. It is well-known that there are volumes of information dealing with Soviet relations with their allied countries, and we would be foolish to assume that the Soviets did not have both open and clandestine sources placed in Hanoi during the war to collect information, in addition to the Soviet military presence. General Volkogonov has openly acknowledged the reality that there were "highly placed Soviet advisors" in Vietnam who could have obtained the Quang report, and we have only scratched the surface with the discovery of this document.

The following is a synopsis of information which I believe Russia has the capacity to provide to the U.S. pertaining to this report and the POW issue in Vietnam at the end of the war.

1. First, in December, 1992, Dr. Morris reviewed an additional report by North Vietnamese General Quang dated June 26, 1972, but was not able to obtain an actual copy of this report. However, he was able to take extensive notes on the contents of this second Quang report which he subsequently provided to the U.S. Government. The report was presented at a North Vietnamese politburo session on June 26, 1972, and General Quang is listed as "Deputy Chief of Staff" of the Vietnamese National Army, the same position described in the September, 1972 report. It is imperative for the U.S. to obtain a complete copy of this report is order to fully evaluate current Vietnamese statements that General Quang never addressed the politburo and did not hold the title of Deputy Chief of Staff in 1972. The U.S. formally requested this document on June 4, 1993 and I asked General Volkogonov for a copy on June 22, 1993.

This second report is contained in the same file as the September 15, 1972 report. The file is labeled, "File No. 5, Inventory No. 62, Case No. 4–78"

2. Next, the cover note to the Soviet Politburo enclosing the Russian translation of the report was signed by P. Ivashutin, head of the Soviet GRU, now deceased. Undoubtedly, there were several individuals within the GRU apparatus who were involved in the preparation of this report for Ivashutin's signature. Moreover, the fact that it had been decided by the GRU to send the report to the Central Committee indicates the importance of the preparation of this product and the need for it to have been accurate.

We can reasonably assume that analysts, translators, their supervisors, and others were part of the "quality control" process in passing the report to the Politburo. Moreover, the possibility exists that the GRU footnotes were added to the document in Moscow, as they attempted to determine additional background information on some of the South Vietnamese personalities mentioned in the report, such as Dinh Dzu. (Note: There are two Dinh Dzu's described in the report, although the GRU mistakenly refers to them both as the same person. The U.S., therefore, needs to request access to GRU officials in Moscow who reasonably would have been involved with the preparation of this report in 1972, such as retired Southeast Asia desk officers and analysts.

The actual note by the GRU head to the Soviet Politburo begins with, "I am reporting: Translation of the report of. . . ." The tone of the cover memo and its identification markings suggests that this was but one of many GRU intelligence reports on the situation in North Vietnam and the status of the war there. Therefore, we can assume that there are other reports and speeches from North Vietnamese party and military members. More importantly, this was clearly not the first time the GRU has obtained information from the North Vietnamese politburo. If it was, this would almost certainly have been mentioned in the cover memo.

There is a note on Ivashutin's cover sheet to the Quang report which he sent to his superiors at the Politburo. The handwritten note back to him is signed by Konstantin Katushev and is written on his cover memo. In other words, as in many offices, a memo is sent into the boss, and the memo comes back out with the boss' response, often handwritten on the memo that had been sent to him. Konstantin Katushev was a Secretary of the Central Committee of the Communist Party. His response to Ivashutin, presumably after reviewing the entire Quang report is "please prepare a short report for the Politburo of the TsK KPSS (Central Committee of the Communist Party of the Soviet Union) about the Prisoners of War." If this is what transpired, then the GRU would have prepared a separate report in response to the Politburo's request focusing on their analysis of the American POW information in the Quang report. The U.S. side needs to request a copy of this report from the GRU through General Volkogonov. If the report cannot be located, the U.S. should obtain a convincing explanation as to why not.

3. Ivashutin's cover memo to the Politburo lists the Quang report as an enclosure labeled as "1 brochure (entry No. 14253, Top Secret, Copy No. 6.) This is a good starting point for pursuing additional information about this report and other reports on Vietnam sent to the Soviet Politburo by the GRU. This may also shed light on the manner in which similar reports were collected in Vietnam. These reports may be traceable by examining GRU logs with lower and higher reference numbers close to No. 14253.

4. The Soviets undoubtedly obtained information from interrogations of American POWs in Vietnam, either directly or through the Vietnamese. U.S. evidence indicates that in some cases, the Soviets submitted detailed technical questions for the Vietnamese to ask American POWs. In other cases, there is evidence that the Soviets directly participated in these interrogations. The GRU must be asked to provide these records to the United States, as they can shed light on the American POW/MIA situation in Vietnam during the war.

5. General Volkogonov has mentioned the possibility that the speech from General Quang may have been translated from a recorded tape of the speech. The GRU should be asked whether any of their collection activities in Vietnam during this period involved recording devices. If the U.S. intelligence community believes this is a real possibility, then the matter should be further pursued by the U.S. side to the Joint Commission with Russia.

6. General Volkogonov indicated in a meeting on June 22, 1993, that the Russian side to the Joint Commission raised the document with a Russian interpreter who might have worked with it in Hanoi. The interpreter, according to General Volkogonov, stated he translated thousands of documents over ten years and had no way of remembering the documents he translated. He would translate documents and then go on to the next one, according to General Volkogonov. The U.S. should aggressively push for access to pertinent POW/MIA information in these "thousands" of other reports translated in Hanoi, to include direct access to the former Soviet translators in Hanoi referenced by General Volkogonov.

7. According to a November 16, 1972 document from the Russian archives, former Soviet Army Chief of Staff N. Ogarkov spoke of ". . . the expanded meeting of the Politburo of the Central Committee of the (North) Vietnamese Workers Party, which took place at the beginning of October this year in the province of Hoa Binh. . ." The U.S. has independent information indicating Politburo sessions were held at the "alternate" meeting place at Doc Cun in Hoa Binh Province. The U.S. should request independent confirmation from the Russian side of the dates on which North Vietnamese politburo sessions were reported to have taken place in 1972.

8. In response to a request by the Senate Select Committee on POW/MIA Affairs in November, 1991, former North Vietnamese Colonel Bui Tin informed the committee in writing of people in the Soviet Union who might know about the POW issue. He specifically referenced a "Mr. Andre (Andrew), translator, Russian-Vietnamese in charge of relations with Vietnam, working in the Defense Ministry (before 1967, he was in the State Department in Moscow.")

The U.S. should seek to further identify and interview the "Mr. Andre" referenced by Bui Tin in an effort to shed additional light on the Quang report and other POW/MIA related matters.

(Note: Ironically, Tin also referenced General Tran Van Quang as someone who "should" know about Russian involvement with American POWs during the war—and this was over one year before the Russian language report by General Quang had been found in the archives in Moscow.)

Conclusion: I believe the 1972 North Vietnamese report by General Quang in Russian language form is perhaps the most direct piece of evidence obtained by the U.S. to date which shows the extent of GRU collection activities during the Vietnam War. The numbering system and the manner in which the report was provided to the Politburo clearly indicate that GRU files contain additional information. There is no question that the information exists. The question is how do we convince the GRU, KGB, and others to be more cooperative in rapidly providing all relevant information to the United States.

VI. GENERAL INTERIM ANALYSIS OF THE CONTENTS OF THE REPORT

Before an examination of specific statements in the report, I would like to note my concurrence with the position of Task Force Russia, mainly that the internal structure, tonal unity, and philosophical development of the Russian language text are such that it appears to be a translation of an authentic North Vietnamese presentation made by General Quang.

In addition, an examination of speeches, reports, and articles by General Quang from 1966 to 1988 show that there are compelling similarities to the speaking style and phraseology exemplified in the September, 1972 presentation (ie: references to protecting the fatherland against the American imperialists, etc. . .)

(Note: Copies of the following speeches and articles by General Quang are contained at the end of this Interim Analysis following the english-language version of the 9/15/72 report)

January, 1966—"The Big Role of Militiamen and Self-Defense Corpsmen in the War Against U.S. Imperialists."

July 7, 1966—"Three Great Experiences of Militia and Self Defense Forces."

January, 1978—"The New Stage of the Revolution and the New Stage of Development of Local Military Work."

January, 1988—"On the Direction of the 1968 Spring Offensive and Uprising in Tri Thien-Hue (Twenty years ago)."

The reader of this report is encouraged to examine the contents of the above-mentioned speeches and articles and compare them with both the September 15, 1972 presentation by General Quang and the excerpts from the June 26, 1972 presentation by General Quang now being reviewed by the U.S. Government.)

In evaluating this report and its collection by the Soviets, it is also critical to study the facts pertaining to the close relationship between the Soviets and North Vietnamese during the war. It strains credulity to believe that President Nixon and President Brezhnev, Dr. Kissinger and Mr. Gromyko would have spent the time they did in 1972 discussing proposals pertaining to the war in Vietnam if they did not believe the Soviets had a close relationship with North Vietnam. Indeed, the record will show that Dr. Kissinger had extensive discussions with the Soviets in Moscow concerning the Vietnam War on May 24, 26, 30, and September 13, 1972, just two days before the reported date of the Quang presentation. Declassified White House/NSC transcripts show that the U.S. was literally presenting proposals to the Soviets which were then discussed in detail and passed on to the North Vietnamese.

In Hanoi, there also continued to be a close relationship with the Soviets, as evidenced by numerous cables and reports uncovered in Russian archives from the former Soviet Embassy in Hanoi, all of which are available from my office. In fact, these documents show that only the Soviets and the Chinese were briefed in Hanoi on the substance of the final Kissinger-Le Duc Tho talks in January, 1973 just days before the Paris agreement was signed. The record shows, that *because* of the sensitivity involved, only the Soviets and Chinese were briefed, and not other socialist allies.

This close relationship continues to the present day as evidenced by the May 25, 1993 trip to Hanoi by Russian Deputy Prime Minister Yuriy Yarov and his meeting with the General Secretary of the Communist Party of Vietnam Do Muoi. According to the official Vietnam News Agency, during the meeting, Secretary Do Muoi "reaffirmed that the Vietnamese people have unswervingly been thankful to the formerly Soviet and now Russian people for their invaluable assistance extended to them in their past and present efforts."

Finally, it should be noted that General Quang himself recognized the closeness of the relationship by visiting the Soviet-Vietnamese Culture House in past years to commemorate Soviet Communist holidays and anniversaries. These visits by General Quang were publicized in Communist publications available to the U.S. Government. Perhaps, the most fascinating aspect of all is the fact that former North Vietnamese Colonel Bui Tin, a prominent North Vietnamese spokesman at the end of the war, indicated to our Select Committee in writing in 1991 before this document ever surfaced that General Quang was someone to talk to concerning Soviet involvement with American POWs during the war.

The following interim analysis of statements by General Tran Van Quang in the 1972 report to the North Vietnamese politburo is in the order in which they appear in the presentation, from beginning to end. (Note: A summary of the report appears in Section II of this Interim Analysis, and the entire English translation of the report from Russian appears in Section X).

A. Statements which are corroborated by U.S. wartime and postwar knowledge.

1. *North Vietnam's Policy Toward the South.*—General Quang's description of the North Vietnamese government policy toward the South, particularly North Vietnam's infiltration efforts and contacts with South

Vietnamese leaders, is corroborated by U.S. intelligence information. If it has not already been done, this intelligence should be immediately assembled and publicly disclosed by the U.S. intelligence community. In addition, former National Security Adviser Dr. Henry Kissinger stated to me in a letter dated June 22, 1993: "Having read the document carefully I can only say that the description of the North Vietnamese government policy toward the South . . . conforms with what we knew to be their position at the time."

2. *The Secret Meetings in Paris During this Period.*—General Quang refers in his September 15, 1972 presentation to the secret meetings in Paris between North Vietnam and the United States which had taken place, and that North Vietnam had been rejecting the U.S. proposals. He also states that they have met with a series of difficulties in the Paris meetings "in recent days" and he refers to the exchanging of opinions in private meetings between North Vietnam and Kissinger where they understood "Nixon as before is being stubborn on settling the situation."

While the existence of earlier secret Kissinger-Le Duc Tho talks in Paris had been publicly disclosed by President Nixon on January 25, 1972, it is noteworthy that several meetings had, indeed, taken place "in recent days."

According to declassified White House/National Security Council records provided to the Senate Select Committee on POW/MIA Affairs, private meetings in Paris took place during this period on the following dates:

July 19, 1972, August 1, 1972, August 15, 1972, September 15, 1972, September 26, 1972, September 27, 1972.

Thus, three, potentially four, meetings had been completed at the time of the presentation by General Quang on September 15, 1972.

Dr. Kissinger's analysis of General Quang's references to the status of the negotiations shows that Quang was accurate. Dr. Kissinger, the principle U.S. negotiator during these private meetings, stated the following during MacNeil/Lehrer on April 13, 1993:

"When they (General Quang) described what their negotiating tactics were, those were the tactics they were using in negotiating with us . . . they say in this document that their proposals were first a cease-fire and the overthrow of President Thieu, after which they would use the prisoners to negotiate whatever other concerns they had. Now, as of the date of that document, those were their proposals. A month later they changed it but I could see if you make a report to the Politburo in the middle of September and you want to summarize what the negotiating position is, this was exactly the negotiating position they had as of the date of that document. To be precise, on October 8th, about three weeks after this document, they changed their position, but up to that time, they had insisted on exactly the conditions that are in that document, and they certainly wouldn't have told anybody that they were proposing to change it. That (negotiating position) could only have been known to a very few people. And they didn't change it for another three to four weeks."

Additionally, on June 22, 1993, Dr. Kissinger stated to me in writing, "Having read the document carefully I can only say that the description of . . . the North's position on negotiations with the United States conforms with what we knew to be their position at the time."

Quang's comments are highly accurate in referencing the North Vietnamese negotiating in important ways which can be corroborated by U.S. documents. For instance, General Quang notes "We intend to resolve the American POW issue in the following manner: 1. The U.S. Government must demonstrate compliance, ie: a cease-fire and the removal of Nguyen Van Thieu, and then both sides can begin discussing the matter of returning POWs to the Nixon government. 2. While the American side is resolving the above-mentioned problems, we can free several more aviators from the number who are progressively inclined. . . . 3. Nixon must compensate North Vietnam for the great damage inflicted on it by this destructive war. Here then are the principles on the basis of which we may resolve the American POW issue . . . when the American government resolves the political and military issues on all three fronts of Indochina, we will set free all American POWs."

In the August 15th Paris meeting, the North Vietnamese had rejected the January 25th US/GVN proposal on the grounds that it would leave Thieu in power. We know this because a declassified White House transcript of an August 17th meeting between Kissinger and Thieu reads:—Kissinger to Thieu:—"At our last meeting, he (Le Duc Tho) said they had not accepted the January 25th proposal because you would still be in power—this is not unreasonable from their point of view . . ." Thieu: "About the prisoners of war, you have nothing?" Kissinger: "I think they are keeping the prisoners as blackmail . . ."

On August 18th, according to a transcript of another meeting between Kissinger and Thieu, Dr. Kissinger stated to Thieu: "They (the North Vietnamese) think they can use the prisoners of war to overthrow you."

Additionally, a declassified White House transcript of a Paris meeting on September 26, 1972 (11 days after the date on the Quang report) notes the following comment by Le Duc Tho: "Regarding the question of prisoners of war, as I told you last time, that the American prisoners in Cambodia, there are none. In Laos, there are very few. But if you satisfactorily solve the political question and the question of reparations then we can find an understanding."

The next day, Dr. Kissinger sent a Top Secret memo to General Haig at the White House stating, "We met with DRV delegates for a total of 11 hours on September 26 and 27. There was no significant progress . . . we held firm on our basic program including political questions . . . in other areas, it emerged clearly both from DRV document and discussions that we remain far apart on a number of major issues . . ."

Thus, it can be seen that the U.S. was privately being told by the North Vietnamese in Paris precisely the same things General Quang discussed with the Politburo during the same time period. The U.S. was holding firm, or being "stubborn" as Quang referenced, and the U.S. was hearing first hand in private from Le Duc Tho exactly what Quang had stated their position to be. It is important to note that neither the content of Quang's report or the content of the Paris meetings in August/September had been publicly disclosed at the time, yet they matched in many important respects. This adds considerable merit to the case that a presentation was, in fact, prepared or presented by General Quang on these matters in September 1972, despite recent Vietnamese denials.

3. The "BA BE" Plan—The description of the BA BE plan is described in the report by General Quang in considerable detail. It is obviously a plan which General Quang felt was essential to achieving North Vietnam's objectives in the war, and from the report, he appears to have had personal involvement in designing the plan. The plan itself called for the elimination of political figures in the South at the province-district level and above, the organization of other disruptive events in the South, and the acquisition of materials to prove the "crimes" of Americans. The plan was to be carried out through the insertion into the South of specially trained cadre from the North.

Unclassified records of U.S. interviews with Vietnamese personnel show that General Tran Van Quang had been Chief of the North Vietnamese Enemy Proselyting Department (EPD), part of the General Political Directorate, in the mid-1950's, and he had headed a conference of the EPD in 1963. During this earlier period, he had supervised efforts to integrate stay-behinds of the French Foreign Legion into the "Viet-Dung" assassination teams. Strategy sessions and conferences were held at the Enemy Proselyting camp at "BA BE" lake in Bac Thai (formerly Bac Kan) Province, North Vietnam. It is probable, though not yet confirmed, that the training conference referenced by Quang in the report as having taken place on September 14, 1972 was at "BA BE" lake, and this is why the plan was called the "BA BE" plan. There is certainly a precedent and evidence that similar assassination planning and training took place at "BA BE" lake as late as 1963. Moreover, General Quang is believed by some to have been involved in directing specific massacres carried out during the Vietnam War. Finally, information from other U.S. sources indicates that the plan described above came to the attention of the United States during 1970 or 1971, and the Phoenix Program/Provincial Reconnaissance Units were deployed to counter it.

4. The Reference to the Impending Release of Some POWs—General Quang makes reference in his presentation to the fact that several POWs would shortly be released "to put pressure on the Nixon Administration, observe his reaction and the reaction of the American public, as well as to demonstrate our good intentions in this matter."

On July 25, 1972, actress and anti-war activist Jane Fonda had returned from a trip to Hanoi where she had met with seven POWs. Immediately following Fonda's trip, former Attorney General and anti-war activist Ramsey Clark visited North Vietnam for two weeks. Upon his return, Clark stated to the press on August 14, 1972, "I urged them (the North Vietnamese) to release some prisoners, and I say frankly, I think they will—a few, I don't know when. But what they tell you—and you know I have a little difficulty arguing with it—is "we can't release pilots when pilots are bombing our children."

On September 2, 1972 (the 27 anniversary of the DRV), the Chief Political Directorate of North Vietnam's People's Army announced that three U.S. POWs would be freed "as a sign of gratitude to that part of the progressive American public which has been calling for the immediate end to U.S. aggression in Vietnam." The announcement further stated the POWs would be turned over to a peace group that would come to Hanoi from the United States.

On September 17, 1972, there was a ceremony in Hanoi connected with the release of the pilots. In attendance were anti-war activists Cora Weiss and David Dellinger from the United States.

On September 25, 1972, the pilots were released to Cora Weiss and the next day the three pilots departed Hanoi with Weiss, Dellinger, and two other anti-war demonstrators (Coffin and Falk). The POWs and the anti-war group members departed Hanoi aboard a Soviet Aeroflot plane which flew them to China and across the Soviet Union to Moscow where they changed planes for New York, arriving in the United States on September 28th. This was the first release of U.S. POWs by North Vietnam in over three years (since 1969).

Thus, it is certainly clear that General Quang's reference to the impending release to several POWs, and the reasons they were doing this, tracks with known events, and lends credibility to the fact that General Quang made this presentation on September 15, 1972.

5. "For now, we have officially published a list of only 368 POWs"—General Quang's statement that North Vietnam had, to date, only published a list of the names of 368 POWs is entirely accurate and tracks with known events.

On December 22, 1970, the North Vietnamese delegate to the Paris Peace talks, Mai Van Bo, released to representatives of U.S. Senators Kennedy and Fulbright a list of the names of 368 POWs, 20 of whom were listed as having died, and nine of whom had previously been released. (Source: Declassified MFR of a 12/22/70 meeting of the NSC Ad Hoc Group on Vietnam, and a Declassified 12/23/70 Memorandum to President Nixon from Dr. Henry Kissinger referencing the list of "368 names of U.S. POWs" turned over in Paris the day before.)

(Note: a detailed analysis of the total 1205 number of American POWs referenced by General Quang follows in Section VII of this Interim Analysis.)

6. The assignment of General Quang to address the Politburo—In the concluding paragraphs of General Quang's report, he states, "Today on assignment of the Supreme Command, the State Defense Council and the Military Committee of the Politburo, I reported to you on these matters so that Politburo could study these problems, could express its opinion on them, and set forth forms and methods for their resolution."

It is well known by U.S. intelligence that the Central Military Affairs Party Committee ran the war under the Politburo's supervision. It is also well known by U.S. intelligence that General Quang was, in fact, a member of the Central Military Affairs Party Committee or "Military Committee of the Politburo" as referenced in the 1972 report. He was also known to have been a close confidant of General Giap who headed the committee. Therefore, it makes sense for him to state he is addressing the Politburo on assignment of the Military Committee of the Politburo, of which he was a member. I do not know his relation to the "Supreme Command" or the "State Defense Council."

7. The Report's labeling of General Quang as Deputy Chief of Staff—According to the records of the U.S. Joint Public Affairs Office (JUSPAO) at the U.S. Embassy in Saigon in 1972, General Tran Van Quang was being carried as a Deputy Chief of Staff and a member of the Central Military Affairs Party Committee as of 1972. Thus, there appears to be no inconsistency with the title ascribed to General Quang in the Russian language version of the report based on U.S. records.

It is also important to note Russian General Volkogonov's recent statements in June 1993, that "the important point is that General Quang made the reports in question, not the job position which he held at the specific time. This is a technicality."

The Russian side has recently relayed information to the U.S. side which has been represented as the "latest information from GRU." According to the Russians, Quang was actually a Lieutenant General in command of the Fourth Military District (Voyenniy Okrug), but was frequently sent to South Vietnam to evaluate activities and returned to deliver reports to the Politburo. The Russians have said that while the cover page to the document (by GRU) may be technically in error, he, nonetheless, did make the reports of June 26, 1972 and September 15, 1972. (Source: July 2, 1993 Memorandum from U.S. side to the Joint Commission stationed in Moscow based on a July 2, 1993 meeting with the Russian side in Moscow.)

(Note: For more information on this, please refer to Section VIII of this Interim Analysis—"Biographical Information on General Tran Van Quang.")

B. Errors in the Soviet GRU Translation of the Report.—The GRU report on the translation of General Quang's report to the North Vietnamese politburo contains, on its surface, very minor errors. For instance, at the beginning of the report, a GRU footnote improperly identifies a former South Vietnamese political figure as a South Vietnamese general who also had a similar name. However, the South Vietnamese General is properly referred to later in the report. In another area, resolutions of the 23rd Plenum of the Central Committee referenced by General Quang in 1972 would not coincide with a report by General Quang in 1988 which references the 21st Plenum as having taken place in October, 1973.

In short, these errors and the spelling of certain names of POWs, or perhaps even their rank, can be readily dismissed, in my opinion, as typical errors in the collection and translation of the report from Vietnamese to Russian, especially if thousands of reports were being translated during the war. GRU errors would not change the fact that this report on the subjects discussed appears likely to have indeed been presented by Tran Van Quang to the Politburo in 1972. They also do not change the fact that the number 1,205 in 1,205 in Russian, Vietnamese, and English, and thus these numbers should not be cast aside as translation problems, or possibly pertaining to South Vietnamese and Thai soldiers as well. It is clear upon reading General Quang's entire report, as well as all his other speeches over the years, that he has consistently and clearly distinguished when he is discussing American POWs and not the "puppets" from the South. Moreover, we should not lose sight of the startling Vietnamese position maintained to date that this report, or any report remotely resembling it, was never given to their Politburo in 1972. It is truly hard to believe that the Soviets would report to their Politburo on a Vietnamese Politburo sessions that never took place.

Finally, the minor errors in the GRU translation of the report certainly do not change the basic theme of the report—ie: the withholding of the true number of American POWs by North Vietnam for negotiating advantage.

VII. DETAILED INTERIM ANALYSIS OF THE NUMBERS, DESCRIPTIONS, AND LOCATIONS OF AMERICAN POWS REFERENCED IN THE REPORT

I would like to begin this section by stressing that I completely concur with the following analytical assessment prepared by Task Force Russia in May, 1993—"The U.S. should conduct a zero-based review of all information about U.S. POWs and consider alternative models to explain the fates of unaccounted for servicemen ranging from the possible existence of a parallel system of prison camps to a reassessment of Vietnamese behavior and motivation. The burden of disproving the document's assertions does not rest with either the U.S. or Russian governments but with the Government of Vietnam."

Therefore, I have concentrated my review in this section on what the United States knew and did not know as of the date of General Quang's presentation in September, 1972—ie: a "zero-based review."

A. Numbers

The following statements by General Quang concerning the capture and detention of 1,205 American personnel between 1964 and 1972 are examined below in the order they appear (to the extent possible).

1. "At first, the number of American POWs was not large and world public opinion paid little attention to them."

There is no doubt that this statement is accurate. A review of a listing of POW/MIAs by year of loss demonstrates this fact. More importantly, efforts by private U.S. citizens and U.S. Government officials (most notably Secretary of Defense Mel Laird, H. Ross Perot, Sybil Stockdale and other family members) to bring public attention to the plight of POWs did not actively begin until late 1969. For many years, the families had been told not to talk publicly about their loved ones held in Hanoi. Even some U.S. officials had been urged to do likewise.

For example, during a September 21, 1992 hearing of the Senate Select Committee on POW/MIA Affairs, former Secretary of Defense (during this period) Mel Laird stated:

"It was the attitude of our Government at that time that we should not discuss the POW/MIA question, and it was felt that it would somehow hamper the negotiations, the secret negotiations which were going on at the time in Paris. It was my attitude that should be changed . . . I was urged by many people not to go public on this particular issue. I remember Ambassador Harriman coming to see me urging me not to go public, but I felt as Secretary of Defense, it was my responsibility. These were my people."

2. "The number of American POWs in North Vietnam grew day by day after 5 August 1964 when the U.S. imperialists started massive air bombing and off-shore bombardment by the 7th fleet of the territory of North Vietnam, and after having expanded their aggression onto the territories of Laos and Vietnam."

While most Americans do not agree with General Quang's references to American "imperialism" and "aggression," the statement, taken as a whole, has a basis in fact and is well-documented by the United States Government. Most significant is the date selected by General Quang as the beginning of the war against North Vietnam—August 5, 1964. On this date, 1st. Lt. Everett Alvarez, U.S. Navy, became the first American serviceman to be shot down over North Vietnam. His capture was kept secret by North Vietnam, and a Vietnam News Agency bulletin shown to him after his capture stated that, according to the U.S. Government, no one had seen his parachute open and the U.S. Navy assumed him to be lost at sea. Lt. Alvarez was held by North Vietnam for the next nine years and was released during Operation Homecoming in 1973.

3. ". . . the 1,205 American POWs presently in prisons of North Vietnam include 624 aviators captured in North Vietnam; 143 aviators captured in South Vietnam; 47 diversionists and other American servicemen captured in North Vietnam; 391 American servicemen of other categories, which include 283

captured in South Vietnam, 65 in Cambodia, and 43 in Laos . . . The 1,205 American POWs kept in the prisons of North Vietnam represents a large number. For now, we have officially published a list of only 368 POWs. The rest are not acknowledged. The U.S. Government is aware of this, but they do not know the exact number of POWs, or they perhaps only assume an approximate number based on their losses. Therefore, in accordance with the instructions from the Politburo, we are keeping the number secret."

(a) What do U.S. statistics from 1972/73 show? General Quang's presentation of these figures was made in September, 1972. U.S. statistics from April 1, 1972 (five months earlier) give the following information: 412 missing U.S. personnel in NVN and 388 captured U.S. personnel in NVN for a total of 800 POW/MIAs in North Vietnam; 456 missing U.S. personnel in SVN and 96 captured U.S. personnel in SVN for a total of 552 POW/MIAs in South Vietnam (including those lost in Cambodia); 278 missing U.S. personnel from Laos and 5 captured U.S. personnel from Laos for a total of 283 POW/MIAs in Laos. These figures total 1,635 POW/MIAs, and exclude several hundred U.S. personnel listed as killed in action/body not recovered as of April 1, 1972.

From April 1, 1972 to September 14, 1972 (the day before Quang's report), the U.S. lost an additional 56 POW/MIAs in South Vietnam/Cambodia, 7 MIAs in Laos, and 97 POW/MIAs in North Vietnam, for a total of 160 additional POW/MIAs. 1,635+160=1,795 POW/MIAs as of the day before General Quang's report. In addition, there were several hundred more servicemen listed as KIA/BNR. Although the majority of these are confirmed dead, we have subsequently learned that a few were accurately captured.

Taken in the aggregate, General Quang's total figure of 1,205 U.S. POWs is, therefore, plausible based on an analysis of U.S. statistics alone. It is also plausible when the figures are further broken down.

For example, General Quang refers to a combined total of 671 Americans captured in North Vietnam. As of September 14, 1972, the U.S. listed 897 Americans as captured and missing in North Vietnam. At Operation Homecoming (12 February–1 April 1973), 405 POWs captured and held in North Vietnam as of September 15, 1972 returned home alive. Using General Quang's September figure of 671 POWs captured in North Vietnam, this means a remaining 266 POWs, referred to as captured and held in North Vietnam as of September 15, 1972, were not returned at Homecoming five months later.

Moreover, immediately following Operation Homecoming, the U.S. Government listed approximately 430 unaccounted for POW/MIAs lost in North Vietnam prior to September 15, 1972. For General Quang's remaining 266 figure to be accurate, it would mean that slightly more than half of the 430 unaccounted for POW/MIAs lost in North Vietnam before September 15, 1972 survived their incident, were captured, and were held in isolation from the 457 POWs captured in the North by the end of the war who were allowed to return during Homecoming. When a reasonable percentage of this KIA/BNR's from the north is factored in based on subsequent U.S. evidence, as well as the number from the 430 for whom there was evidence of survival or capture (to include recent evidence obtained by the U.S. in Vietnam), we can arrive at a slightly less than 50% survival rate for those men lost in North Vietnam before Quang's report for whom the U.S. had no contemporaneous evidence of capture or death.

Is it plausible that approximately 50% of the 430 missing men could have been captured and held in North Vietnam without the knowledge of the U.S. Government or the POWs who were eventually returned? Again, I believe the answer is yes. Certainly, there were scores of cases during the war where the U.S. did not know for long periods of time whether a particular MIA had, in fact, been captured.

If true, and allowing for a margin of error based on U.S. remains returned by Vietnam since 1973, it would mean Hanoi kept back approximately 25% of the U.S. airmen captured in North Vietnam during the war. When we consider some of the details of the outstanding last known alive discrepancy cases from the North used by General Vessey, in addition to the large number of post-war U.S. intelligence reports beginning in 1973 of pilots allegedly being held after the war, it becomes even more plausible that such an act by Vietnam could have taken place.

On the day of the signing of the Paris accords (January 27, 1973), the U.S. listed over 1,950 personnel as missing or captured in Southeast Asia. North Vietnam returned 591 living U.S. POWs during Homecoming. This left some 1,300 personnel as unaccounted for POWs and MIAs. If General Quang's September 15, 1972 "1,205" number of U.S. POWs is correct, then North Vietnam knew on the day of the signing of the Paris accords that nearly half of all the unaccounted for POW/MIAs not on their January 27, 1973 list of those to be returned were being secretly kept back by them for whatever reason.

In very simplistic terms, we can say that General Quang is reported to have secretly disclosed to his Politburo that a little over 1,200 American POWs were held in September, 1972. About 600 POWs came home 5 months later. That leaves over 600 POWs remaining (how much "over" 600 depends on who was actually captured between September and December, 1972 and not returned). We can then take this "over 600" or "at least" 600 figure and compare it with the 1,284 unaccounted for American POWs and MIAs listed as of May, 1973. In short, it's about half, meaning there existed a roughly 50% survival rate for those cases where the U.S. government had no idea if the man was alive or dead. (Indeed, on May 24, 1973, the Pentagon's POW/MIA chief had told his superiors that the 1,284 POW/MIA list meant that they didn't know if any of these individuals were alive or dead.) Again, I find this scenario to be plausible.

B. What were U.S. expectations and reactions on POW figures?

In evaluating the numbers in General Quang's report, and the plausibility of a few or several hundred POWs having been held back, it is necessary to examine U.S. expectations on the numbers of possible POWs to be returned at the end of the war.

On December 22, 1970, Hanoi's representatives handed over an "official" list of the names of 368 POWs to representatives of Senators Kennedy and Fulbright (including 9 previously released POWs and 20 who were listed as having died in captivity.) Quang's report also accurately acknowledges that the 368 figure was the only officially published list. On Christmas Day, North Vietnamese Premier Pham Van Dong told Canadian newsman Michael Maclear that the list was a "complete and full account" of all the Americans who were prisoners of the North Vietnamese, adding "I swear to you that these men are well-treated."

However, as of December, 1970, the official figures from the DoD's Comptroller's Officer showed 462 POWs, 962 MIAs (hostile missing), and 117 (non-hostile missing) for a total of 1,541 POW/MIAs.

Additionally, the U.S. had gathered information both before and after 1970 indicating that this was not true. Almost a year and a half earlier, on August 5, 1969, USAF Captain Wesley Rumble had been released from over a year in captivity in North Vietnam. On August 7, 1969, during a debriefing at Andrews AFB, he provided a memorized list of 370 U.S. POWs supposedly held captive. When it had become apparent he might be released, fellow POWs had passed the names to him in an effort to get word to the U.S. on which of its missing personnel had been captured.

One year after the Dec. 1970 list was published by North Vietnam, Secretary of Defense Mel Laird held a press conference (in January, 1972) to show that North Vietnam was lying on the total number of prisoners. During his press conference, he used several illustrative cases of men known to have been captured by North Vietnamese forces who were not on the list.

In testimony before the Senate Select Committee on POW/MIA Affairs on June 24, 1992, Secretary Laird stated: "We weren't being critical of the Kennedy list . . . we were glad to get that information, but it was not complete information and we knew of the existence of other POWs when those lists were delivered to us (through Senator Kennedy)."

Additionally, in a statement prepared for release on May, 1971, yet never published at U.S. request, a recently-defected North Vietnamese Army doctor, Dan Tan, had provided the following information in response to Hanoi's "complete" list in December, 1970 and its policy toward POWs:

"Human beings—American POWs held in North Vietnam are being treated as commodities. According to the policies of the Central Committee, the Lao Dong Party (NVN Communist Party) intents to use these American POW's hostages in bargaining to achieve its political objectives. Illustrative of this is the statement made by Hanoi's representatives in Paris that North Vietnam now holds only 367 American POWs in captivity. Ladies and Gentleman, this is untrue. I know that already by mid-1967, when I departed North Vietnam, over 800 American POWs were then in captivity in North Vietnam . . . when will these American POWs be released? It is possible that some will never be released as they are too valuable to North Vietnam as sources of information and for the technical skills they possess . . . I am deeply concerned over the fate of all the American POWs in NVN, but most particularly over 500 or more who were not named by NVN in Paris. These unnamed American POWs will continue to be exploited by NVN and will serve as the tool for NVN in blackmailing the USA . . . My knowledge about American POWs is derived not only from numerous official briefings given by senior cadres of the propaganda and training commission of the Central Committee, but also from discussions with various officials and individuals who were directly and indirectly involved in the exploitation of American POWs."

In a memorandum to Dr. Kissinger on May 10, 1971, the Central Intelligence Agency described that Dr. Tan had "demonstrated himself knowledgeable of North Vietnamese policies with respect to the handling of US prisoners of war," and was reported to have personal acquaintance with "many ranking NVN personalities, particularly Vice Minister of Public Security Pham Kiet and Vice Minister of National Defense, Nguyen Don."

The Defense Intelligence Agency is reported to have listed 1,516 POW/MIAs and an additional 807 KIA/BNRs as of September 30, 1969 when Dr. Tan rallied to the South. Official Defense Department statistics had also shown 847 POW/MIAs at the end of 1967 when Dr. Tan had obtained his 800 figure.

Finally, concerning Dr. Tan's reporting, it is interesting to note his comments in his first CIA debriefing over one year before Hanoi's "official" release of the 368 list. According to CIA, Dr. Tan had relayed the following in November, 1969:

"Names of American POWs, and the number of captivity, are considered to be a state secret and will not be released for political reasons . . . the DRV is deliberately withholding the names of all POWs . . . Any names of POWs which may have been publicized have been made only because this serves specific ulterior motives of the DRV. Tan concludes in these cases that the DRV has gained the cooperation of those individuals whose names it has publicized or who are permitted to write letters."

Indeed, six months before Hanoi's official 368 list was published, the U.S. knew that more than 368 POWs were held, and that Dr. Tan's statements had a ring of authenticity. On July 10, 1970, Acting Secretary of the Army Thaddeus Beal wrote the Secretary of Defense stating:

"In December, 1969, DRV officials began stating that all American PW were permitted to correspond with their families, and the DRV post office referred to 320 such correspondents. The flow of letters began to increase. Using (U.S. anti-war activist) Cora Weiss' Committee of Liaison as an intermediary the enemy has allowed some 336 American PW to write six-line letters home. Of these, 202 were writing home for the first time and some were men who had been missing for nearly five years. At present, Cora Weiss maintains that about 334 Americans are detained by Hanoi. But the facts are that 780 Americans are listed as missing in North Vietnam, and 769 in South Vietnam and Laos. We know with some certainty that of this number, 376 are PW in North Vietnam and 78 are PW elsewhere in Indochina. We expect that among those listed as missing, substantial numbers will eventually turn up as captives . . . To accept Hanoi's indirect admission of responsibility for less than 350 US PW as conduct constituting reasonable, humane, or internationally responsible conduct is to betray those other forgotten Americans." Five months later, Hanoi's "indirect admission" became a "direct admission" when they officially published 368 names, the approximate Cora Weiss number, as a "full and complete" accounting.

The following statement before an August 14, 1993 hearing of the Senate Select Committee on POW/MIA Affairs demonstrates how real the possibility was that persons listed by the U.S. as MIAs had actually been captured:

H. Ross Perot: "If when (news correspondent) Murphy Martin had brought Mrs. Singleton (wife of an MIA) into my office (in 1969) I had said prove that your husband went down in Laos. Was there ever a beeper? She would say well, I don't know. I'd say check with the Air Force or I won't talk to you anymore. She came back in a few days and said there was no beeper. I said, well, he was killed on impact, then. Forget it. Instead, we spent 90 days—this was while the war was going on. We put the Vietnamese feet to the fire—in a brutal way about Jerry Singleton. And finally they got so sick of us they admitted they had him. And they had to account for him. And when I finally got to visit with him after he came home (in 1973), I said Jerry, there wasn't a beeper. And he said Perot, the dumbest thing I ever did in my life was not check the batteries before I flew the mission."

Indeed, there are several other examples which can be cited to illustrate the possibility that an additional 600–700 POW/MIAs could have been held in North Vietnam without the knowledge of the U.S. Government. (Note: The possibility that they were held without the knowledge of fellow prisoners is addressed below under "C. Locations.")

The first letter Lt. Alvarez (the first captured POW in North Vietnam) eventually received was from his wife who told him that no one knew he was alive, and she was, therefore, writing in the hopes he was alive. The Navy had assumed him to be lost at sea.

POW Bill Franke was informed by a fellow POW in North Vietnam that he had been reported killed in action on August 24, 1965. There had been a memorial service for him at the Miramar Naval Air Station in San Diego. His life insurance had been paid to his wife, and she had bought a new house and set about making a new life for herself. (Source: "P.O.W." by John Hubbell, 1976)

Marine PFC Ronald L. Ridgeway had been reported killed in an ambush near Khesanh in 1968, and a subsequent memorial service had been held for him at Jefferson Barracks, MO. He showed up on the Communist POW lists on January 27, 1973, the day the peace accords were signed. Only then, five years later, was he known to be alive. (Source: Ibid.)

Sgt. First Class Carroll Flora became missing in action on July 21, 1967 during an Army Special Forces night action. For six years, until he was listed as a POW on the January 27, 1973 Communist list, his wife didn't know if he had been killed or captured. (Source: "The Raid" by Benjamin Schemmer, 1976)

Numerous other examples can be found by reviewing POW/MIA and KIA/BNR lists, and recent information uncovered through archival research and interviews in Vietnam and Laos. The point here is to simply point out that there continue to be several hundred cases where the U.S. Government cannot prove if currently unaccounted for MIAs were captured or killed, and thus, we cannot dismiss these facts in analyzing General Quang's total 1,205 number.

Today, there are over 1,160 unaccounted for U.S. personnel who were listed as missing in action during the war, including over 340 lost in North Vietnam and 328 in Laos. For several hundred of them, we still don't know for sure whether they were captured or killed during their incident, and in many cases, we know Vietnam has knowledge concerning what happened.

In looking at General Quang's total 1,205 figure of American POWs, we should bear in mind the reaction of some U.S. officials in January, 1973 when only 591 came home. In detailed testimony before the Senate Select Committee on POW/MIA Affairs on June 24, 1992, Lt. General Eugene F. Tighe, Jr. (USAF-ret), former Director of Intelligence for the U.S. Pacific Command in 1972/73, stated the following:

"As the Paris Peace negotiations neared their conclusion, the Commander in Chief, U.S. Pacific Command (CINCPAC) received tasking relative to his responsibility as Military Commander of Pacific Forces to forward as accurate a list as possible of the military personnel CINCPAC and component commanders expected to be returned by the enemies on the anticipated successful conclusion of the Paris Peace negotiations."

CINCPAC directed that I assemble a group of senior intelligence officers from my CINCPAC intelligence staff and from the headquarters of the component commanders' staffs to build a master CINCPAC list in response to the request (from the Secretary of Defense and/or Chairman of the Joint Chiefs of Staff.)

"Each of the component commanders, CINC Pacific Air Forces, U.S. Army, Pacific, CINC Pacific Fleet and Fleet Marine Forces, Pacific, quickly named a senior intelligence specialist to work under my direction and additional analysts, personnel specialists and clerical personnel as necessary to complete the task. Their role was to assemble all of the records and intelligence available to each of their headquarters, in the CINCPAC intelligence conference room, and to compile a list, by military service, of the names, rank, and other relative data on each missing individual on which sufficient intelligence and other data was available to reasonably expect that he had survived and would be returned on successful conclusion of the Paris negotiations."

"Toward that end, a complete evidentiary dossier was to be compiled on each individual. Altogether, some thirty people were directly involved in the project. . ."

"For construction of the list, I instructed the analysts to gather any and all pertinent data which could support or deny the possibility of survival of the missing in action. Information and intelligence included operational reports, human reports, eyewitness reports of fellow combat personnel, "jolly green" reports (of attempted rescues) from helicopter crews, communications intercepts, photographs, and other data from the print and other news media and any other data from any other source, which might shed light on the missing. Much of the data had been collected by the individual military departments who were responsible for casualty reporting. . ."

"They (the lists) were to be as accurately anticipatory as humanly possible. Logistic planning and a great deal of human endeavor and emotion were tied in to the determination of naming an individual. . . The very highly classified and sensitive lists were sent to the Commander in Chief—Admiral Gayler—to the Secretary of Defense and to the Chairman of the Joint Chiefs of Staff."

"I don't remember any feedback from the lists or inquiry on it. . . I don't remember any reaction prior to the release of names of POWs by the Hanoi Government. I certainly remember the shock and sadness of the paucity of the lists of names we received versus what we expected. I know my boss, Admiral Gayler, certainly reacted and there were lots of discussion of what might be done, etc. . . I do remember that we discussed all kinds of possibilities including the expectation of separate talks with the extraction of POWs from Laos and Cambodia, etc."

Senator KERRY (Chairman). "What was your expectation about how many should be returning and what did you think when you saw the lists presented by the North Vietnamese, personally?

General TIGHE. "My personal view was shock because I had a great deal of faith in the approximate numbers of those lists that we had compiled and the dossiers and my reaction was that there was something radically wrong with the (North Vietnamese) lists versus our information, that they should have contained many more names. That was my personal judgement and that was a collective judgement of all those that had worked compiling the lists."

Senator KERRY. "Did you communicate that to anybody at the time?"

General TIGHE. "Only to my commander. I had no reason to go beyond that. It had been made very sensitive. . . we kept reassuring ourselves that there was something yet to come. The whole aura . . . dealt with a feeling we were only dealing with part of the numbers. There was more to come that we weren't aware of."

(Note: In earlier Select Committee interviews and a deposition with General Tighe, he stated that the list he compiled was entitled "Anticipated PW Returnees" and that it contained names of 900–1,000 men.)

During the same hearing, an exchange took place with Admiral Tom Moore, former Chairman of the Joint Chiefs of Staff in 1973, on the same issue:

Senator REID. "Admiral Moorer, would you give me your reasons why you believed there were POWs still in Southeast Asia?"

Admiral MOORER. "Well, because the scope of the operations and the number of persons that were involved and the number of aircraft that were shot down and so on, where we didn't find immediate information about what happened to the pilot and so on. I thought also, in view of the fact that the war had been going on for 9 years, you know, I certainly would expect it to be more than 591 . . . I didn't think you could clean it up that fast."

In the same hearing, former Secretary of Defense Mel Laird stated in response to the final lists turned over by North Vietnam in January, 1973:

Secretary LAIRD. "It was my gut feeling that there were more. I think the last figures we had (when he left office in 1972) were that the lists of POWs probably would contain quite a few more names than that. We were disappointed."

Finally, in examining the numbers and policy outlined by General Quang, we should remember the large-volume of post-war live-sighting reports of American POWs reported left behind in captivity. Several hundred of these reports had already surfaced by the mid to late 1970's prior to the raising of this issue as a highest national priority by President Reagan in 1982. During this period, U.S. collection activities on possible POW/MIAs in Southeast Asia were at an all time low, as described in the Final Report of the Senate Select Committee on POW/MIA Affairs (January, 1993). Taken in the aggregate, the reports, the majority of which were unconfirmed at the time, represented a compelling reason to believe that large numbers of American POWs *could* still have been alive in Laos and Vietnam. It was not as if the United States had no information to question whether North Vietnam had returned all POWs following the war. We certainly did have indications, despite the conclusions of the House Select Committee on Missing Persons in 1976 and the Presidential (Woodcock) Commission in 1977.

Some of the information came from seemingly credible sources whose stories cannot be easily dismissed today. The discovery of the Quang document should cause the U.S. Government to take a closer look at these reports which corroborate General Quang's references to several hundred more POWs held by Hanoi.

For instance, in November, 1979, U.S. investigators interviewed former North Vietnamese Lieutenant Le Dinh, who had served as an intelligence analyst in 1971 in the General Headquarters of the North Vietnamese Ministry of Defense. In 1972, he had become a permanent member of the Lao Dong Party (now the Communist Party of Vietnam.) Le Dinh claimed that his position within the North Vietnamese military intelligence hierarchy provided him access to intelligence on many topics, including American prisoners of war. U.S. intelligence debriefers determined that "much of the information furnished regarding the personalities in the General Headquarters is confirmed as accurate . . ." and that he "demonstrated that he had access to information about the North Vietnamese military agency responsible for American prisoners."

Le Dinh stated that following the end of the war, "he heard at staff meetings that about 700 Americans still remained in Vietnam. The information was attributed to remarks by senior officers to the effect that the SRV had retained a "strategic asset" of over 700 American prisoners that could be used to force the U.S. to pay reparations." The conclusion reached privately by the U.S. in 1980 was that "Le Dinh's story is intriguing and not yet fully known." Indeed, there are several hundred reports from refugees which have outlined the same policy outlined by General Quang in 1972. We also know that the North Vietnamese clearly linked "the search for missing Americans" with the U.S. "obligation" to provide economic assistance during the November, 1976 meetings in Paris, and on numerous other occasions.

B. Descriptions

1. "The 624 American aviators (in North Vietnam) include 3 astronauts, ie: three people who have completed the necessary training for space flight, for instance, Jim Katlo, who was captured in the vicinity of Hanoi. This figure also includes 15 US Air Force aces having more than 4,000 flight hours each: Norman Klarvisto, Karmet, Jim Intist Shasht, and others."

The North Vietnamese were obviously very proud that they had captured such prized possessions of the United States.

"Jim Katlo" probably refers to Jim Kasler, an Air Force Major shot down and captured on the western outskirts of Hanoi on August 8, 1966. On the day of his capture, Time Magazine had run an article featuring the career, complete with a photo, of "U.S. Air Force Major James Kasler, 40, of Indianapolis, who is dubbed by his wingmates as "one-man Air Force."

The article, which Kasler had not yet seen but the North Vietnamese had, continued, "A World War II tail-gunner and six-kill ace in Korea, Kasler in five months had limped home four times with his F–105 riddled by flaks or Migs, has seen 30 SAM missiles zoom up in his vicinity, tangled in the longest dogfight with Migs thus far of the war. Six weeks ago, Kasler flew as co-leader of the raid on Hanoi's oil installations . . . says a fellow pilot, "he is hawk." The four-plane flight that Kasler commands (has) destroyed or damaged 219 buildings, 66 barges, 53 railroad cars, 44 trucks, 36 fuel tanks, 28 bridges, and 16 flak sites—a record for any such air unit . . . says he, "the best way to survive is by being aggressive."

It is certainly plausible that General Quang would highlight this case if indeed Jim Katlo (GRU 1972 Russian language translation) was Jim Kasler.

In addition, General Quang's reference to 3 persons who had completed the necessary training "for space flight" is not absurd from the North Vietnamese point of view. On February 11, 1965, Lt. Cmdr. Robert Shumaker, USN, had been shot down and captured over North Vietnam. A Vietnam News Agency release had stated that Commander Shumaker "had been selected to be an astronaut" (Source: P.O.W. by John Hubbel, 1976, Reader's Digest Press.) Therefore, even if Shumaker, in fact, had not been selected to be an astronaut, the North Vietnamese believed otherwise.

I have also learned that two other returned POWs, Navy Lts. Ned Shuman and Bill Lawrence, had indeed gone through astronaut training in the United States prior to their capture in North Vietnam. Thus, it is certainly plausible for General Quang to state that three people who had completed "the necessary training for space flight" were among those captured in North Vietnam.

Air Force aces named by General Quang as having more than 4,000 flight hours each is also plausible. For instance, the Russian translated name "Norman Klarvisto" could have been Norman Carl Gaddis, an Air Force 06, who could easily have had more than 4,000 hours flight time. "Jim Intist Shasht" appears to be heavily garbled and lends credence to the view that the Quang speech may have been collected by the Soviet GRU via recording devices. However, this name could conceivably translate to Jim Hiteshew, an Air Force colonel shot down over North Vietnam in 1967 who returned alive in 1973. Other POWs with famous histories also had 4,000 hours of flight time, such as USAF Colonel Robinson Risner who had been an ace in Korea and was considered one of the Air Force's best. He had been on the cover of Time Magazine prior to his capture, and North Vietnam was already well-aware of his background when he was captured.

2. "A few words about the political views and attitudes of American POWs . . . the following is a summation: 368 POWs holding progressive views (according to the North Vietnamese) who can be released first . . . 372 POWs holding neutral positions and 465 POWs holding reactionary views."

Vietnam's attempts to categorize the perceived political views of their POWs into separate categories is well documented, and in this sense, General Quang's remarks are generally accurate. It is conceivable that General Quang's presentation to the Politburo on this specific area was considered to be the definitive report to date on the results of interrogations of American prisoners of war held in North Vietnam.

In John Hubbell's book, P.O.W., published in 1976, he recounts statements from North Vietnamese interrogators relayed to him through former POWs after the war. They are amazingly similar to General Quang's comments. For example, the following statement was made by one interrogator:

"You must decide whether you are going to take the good path, the path of Ho Chi Minh and the Vietnamese people, the path of cooperation; or whether you are going to take the bad path, the path of resistance and death."

"Those who take the good path will receive good treatment. They will receive better food and lots of exercise and sunshine. They will have recreation. They will be allowed to read and study. When the time comes, they can expect to be released and go home to their families, perhaps even before the war ends."

"But we know that the vast majority will not be able to take the good path because they have been spoiled by the American system. They will understand the good path, but will not be able to take it because they are set in their ways. We understand that, and they will be treated humanely, because even though they do not take the good path, they will not take the bad path, either. They will receive enough food and medical care, and when the time comes they will be released to go home."

"But also there will be a very small group of diehards. These people will take the bad path. They will refuse to admit their mistakes and will refuse to apologize and cooperate with the Vietnamese people. They will oppose us and resist us, and lead others against us. That group will be severely punished. We are done with the diehard criminals. Theirs is the path of uncertainty and death."

Captured Viet Cong documents from as early as 1966 show that the approved Communist policy toward U.S. POWs fit the pattern described by General Quang. A January, 1966 directive from the Enemy Proselyting Staff stated, in part:

". . . in order not to disclose the identify and number of prisoners and prevent their contact with the enemy, the mail of POWs whose names have not been made public or known by the enemy or who are stubborn, will not be forwarded. Instead, their letters will be kept and studied. Letters of progressive and cooperative POWs will be forwarded and received for them, but only on the occasions of holidays. Stubborn POWs will not be prevented from writing, but their letters will not be forwarded and their incoming mail will be detained and only delivered when we deem appropriate."

Hubbell goes on in his book to discuss several cases in detail where the POWs were forced into "taking the good path." A few had done it almost voluntarily to the disgust of the majority of strong-willed POWs. It is, therefore, conceivable by Vietnamese standards, that they believed they were succeeding in ascribing attitudes to the POWs based on the results of interrogations.

North Vietnamese defector Dr. Tan, whom I have earlier referenced, also confirmed to the U.S. Government as early as 1970, the categorization of POWs as outlined by General Quang in 1972. Dr. Tan referred to the following categories used by North Vietnam "to meet its objectives":

"A. Those who are considered special or important POWs by virtue of the importance of the information which they have provided or because of the potential which they offer to NVN at some future date."

"B. Hard-core POWs who, because or in spite of their refusal to cooperate or provide information, are considered to have the same potential as POWs in the paragraph A category."

"C. Non-important or "progressive" POWs whose continued presence in NVN, after thorough debriefing, will bring little or no further advantages to NVN and who, therefore, can be released whenever it best serves the DRV's purposes."

"Only the progressive POWs can be exploited for purposes of collection intelligence information through their contacts in the U.S. or by persuading these contacts to engage in anti-war activities. Prisoners of the other two categories cannot be exploited for this purpose because it could lead to the surfacing of their identities. The identities of POWs in the first category are carefully guarded because identifying them as POWs rather than as missing or killed in action would permit the enemy to employ countermeasures to negate the value of the information which they are providing. Similarly, the identities of hard-core POWs are kept secret because they may not survive the application of interrogation and other techniques to make them cooperate."

According to a 1973 Defense Intelligence Agency appraisal of the treatment of the returned POWs based on their debriefs, the 436 U.S. POWs released by the DRV during Homecoming had experienced a "general absence of torture" and "gradually improved living conditions" from 1970 to 1973, whereas torture had been "prevalent" for the POWs from this group who were held prior to 1969. This group of POWs, therefore, could have included the majority of the POWs whom North Vietnam considered to be progressive by September, 1972, regardless of whether or not they actually were.

We know from an interview conducted by Joint Task Force (Full Accounting) in March, 1993 that evaluation reports were regularly submitted to the political departments concerning which U.S. POWs were considered "progressive" by their interrogators. These reports were meticulously prepared and appear to be part of a well-organized, long-established plan for which there is evidence indicating General Quang played a central role. Thus, General Quang's report fills in a pattern which can be substantiated by U.S. evidence. Obviously, at some point, the Politburo was informed on the results of interrogations, etc, and it is logical to assume that September 15, 1972 was one major reporting session "in accordance with instructions from the Politburo."

Hubbell also tells about statements by North Vietnamese interrogators beginning in 1970 where the POWs began to be referred to as "prisoners" or "prisoners of war" as opposed to the term "war criminals" which had been prevalent in earlier years. Additionally, several returned POWs have recalled specific instances, beginning in 1969, there they were told "you are no longer criminals but prisoners of war." Thus, General Quang's reference to the men as prisoners of war in his report to the politburo appears to have been the correct term used by the North Vietnamese between 1970 and the end of the war. Even in the private Kissinger-Le Duc Tho talks, these terms had been used by the North Vietnamese (according to declassified transcripts.)

Finally, General Quang states that through their interrogations of POWs, they had "collected data about American weapons and also valuable scientific materials about the U.S. Army, for instance, material on how to use different types of weaponry, tactical/technical characteristics of aircraft, Air Force directives, as well as materials about other types of armament of the US Army." No returned POW would dispute the fact that information on these matters was provided by POWs on several occasions, although in many instances, the information given was purposely incorrect or a combination of half-truths.

In the book P.O.W., author Hubbel reveals, in some instances, how POWs were interrogated on such matters:

"Letters from your family in return for answering these questions. The offer was made to Bob Shumaker, and was real enough. The letters, one from his wife, Lorraine, and the other from his mother, were shown to him. How badly he wanted them! It had been more than a year since his shoot-down, and he had received no word from home in a long time. But the questions were not the kind one could play games with. There were thirty-five of them, and they were highly technical, dealing with antimissile warning systems in aircraft, pulse repetition frequencies, band widths, and so on. They implied a knowledge that Bob felt certain far exceeded the technological expertise of the Vietnamese—even he, with advanced degrees in two technical fields, would not have been able to answer more than half of them. Surely, the questionnaire had been prepared by others, who were not likely to be fooled by any foolish answers he might give. The price for the letters being too high, he declined to pay it. He was seated on a stool for twelve days, and ordered to 'think deeply' ".

Other U.S. intelligence indicates that the Russians and Chinese were directly involved (face to face) in interrogations of U.S. POWs, especially in the mid to late 1960's. Yet none of the POWs who returned in 1973 reported direct contact with Russian or Chinese officers (according to DIA). The issue of who these reports, therefore, pertained to has not been resolved, and should be more closely addressed in view of General Quang's report in Russian language in the GRU archives.

As former DIA Director General Eugene Tighe stated before the Senate Select Committee on POW/MIA Affairs on June 24, 1992:

"Something that has bothered me down through the years is if your records show that none of our prisoners of war who returned were ever interrogated by the Chinese or Russians . . . those nations which had the most reason to interrogate our prisoners . . . and my suggestion is that until that is all cleared up and we find out, there may have been another track by which our prisoners were routed . . . that introduces a whole new aspect to the question."

C. Locations

"All of them (1,205 American POWs) are presently in prisons in North Vietnam. Currently, we have 11 prisons where American POWs are held. We used to have 4 large prisons, however after the American attempt to free their POWs from Son Tay, we expanded this number to 11. Each prison holds approximately 100 POWs."

This is perhaps the most difficult part of the presentation to accept at face value without additional information from the Ministries of Defense and Interior in Vietnam, and the former Soviet GRU in Moscow. This does not mean, however, that this portion of the presentation should be rejected based solely on what the U.S. Government believes it knew about the wartime prison system from returnee debriefs and other information.

We now know that as of September 15, 1972, there were six U.S. POW detention facilities holding the POWs who eventually returned at Homecoming (their "nicknames" were Dogpatch, Hanoi Hilton, Mountain Camp, Plantation, Rockpile, and the Zoo.) If General Quang's report is accurate, then there were an additional five camps holding U.S. POWs in September, 1972.

We know from the debriefs of the returnees at Homecoming, that they had been held in 13 different camps in North Vietnam since the war began, yet during this period, the Defense Intelligence Agency only knew of 8 "confirmed" U.S. POW camps "in which there is conclusive evidence that American prisoners are, or were, detained on a permanent basis." During this period, the Defense Intelligence Agency was also closely watching 18 "possible" U.S. POW camps in North Vietnam. In some of these camps, there was compelling information to cause DIA to list them as suspected U.S. POW camps. Yet, no one ever returned from any of these camps, and to date, the U.S. Government has not confirmed that no one was ever held in the camps. Indeed, the record clearly shows we have not even requested to visit many of the suspect camps where the information about possible U.S. POWs was the most compelling.

In my judgment, the possibility clearly exists that some U.S. POWs could have been held in separate camps which were not brought into the consolidation process when it first began and subsequently after the Son Tay Raid in November, 1970. If, in the early stages of the war, the inner and outer Hanoi U.S. POW camp system had been consistently separated from other holding systems, including some well outside the outskirts of Hanoi, then a separate system could have existed. Indeed, it is interesting to note the assessment of some DIA analysts that the POW registry (of 354 visible names of persons lost between 1964 and February, 1972) recently provided to General Vessey in Hanoi in April, 1993 appears to list the individuals in the order they were registered into the Hanoi prison system, not in chronological order according to shootdown.

Finally, according to DIA records, Hanoi did take steps to prevent communications between different groups of prisoners by holding them separately, such as the five U.S. POWs from Laos held separately at Briarpatch in the spring of 1971, and the separation of the 36 POWs captured in North Vietnam who were moved from Hoa Lo to Skidrow in March, 1971 and separated from the POWs already there who had been captured outside of North Vietnam.

Moreover, a study of the confinement chronology of the returned POWs suggests it is plausible that either the Mountain Camp (40 miles NW of Hanoi) or the Rockpile Camp (32 miles South of Hanoi) could have been the location of the 16 officers or colonels which were being held separately in September, 1972 according to General Quang ("Seven USAF colonels captured in North Vietnam and nine colonels of various branches captured in South Vietnam, Laos, and Cambodia"). The Mountain Camp had been activated only eight months earlier when 8 U.S. POWs from Skidrow and 1 U.S. POW from Hoa Lo had been moved there. Rockpile had been activated over a year earlier when 14 U.S. POWs had been moved there who had been captured outside of North Vietnam. At Homecoming, 3 USAF colonels from the North returned while 4 continued to be listed as missing (ie: it is therefore conceivable, although not definitive, that 7 (4+3) USAF "colonels" captured in North Vietnam and 9 (8+1) colonels from outside North Vietnam could have been held separately. I only point this out in an effort to stimulate serious and thorough analysis of these possibilities.)

Could Hanoi have pulled off keeping other POWs back at Homecoming without U.S. knowledge? According to Dr. Kissinger's September 22, 1992 testimony before the Select Committee on POW/MIA Affairs, "the Vietnamese are certainly capable of such a cynical act, and of lying about it."

These possibilities were clearly expressed in other hearings of the Senate Select Committee on POW/MIA Affairs long before the discovery of the Quang report in Russian archives.

It is fitting to close this section for now with the following exchange that took place in one such hearing on August 4, 1992 between the Defense Intelligence Agency POW/MIA chief, Robert Sheetz, and the Chairman of the Select Committee, Senator Kerry:

Senator KERRY. "There were groups of prisoners brought together for the release who only learned of each other being alive by virtue of the process of being brought together, correct?"

Mr. SHEETZ. "There were prisoners that were consolidated toward the end."

Senator KERRY. "And some were held in different locations, perhaps 10 people in one location. Is that not accurate?"

Mr. SHEETZ. "That's accurate."

Senator KERRY. ". . . Is it not possible, however that a whole group of 10 held somewhere were never brought back to the main group and therefore held back in some other circumstances?"

Mr. SHEETZ. "That is possible."

Senator KERRY. "So, the mere fact of debriefings not showing that somebody was not accounted for does not in and of itself dispose at all of the notion that somebody else could have been elsewhere?"

Mr. SHEETZ. "That's true . . ."

VIII. BIOGRAPHICAL INFORMATION ON GENERAL TRAN VAN QUANG (AKA—BAY TIEN, TU BAY, TRAN CONG, TRAN NAM TRUNG)

1917—Date of Birth (Source: Nhan Dan Communist newspaper 11/21/92).

He was born in Nghe An Province in the panhandle of Vietnam, a province which was the birthplace of Ho Chi Minh and the home of the 1930 Nghe An Soviet uprising.

1936—Quang joined Ho Chi Minh's Communist Party of Indochina. (Source: Ibid.) His brother, Tran Van Cung, was an associate of Ho Chi Minh and an early party organizer. His wife, Tran Thi Tu, is also reported to have been a close confidant of General Giap.

1936 to 1945—Quan is believed to have been jailed by French authorities and held in various facilities for his political activities.

1945—Quang was freed from prison by Communist forces during the August 1945 Revolution and joined the People's Army of Vietnam, PAVN—(Source: Ibid).

1946—Quang is believed to have been appointed concurrently to a staff position, Director of Staff for National Defense, and a political position, Political Officer, Vietnam's Relief Forces.

1947-1950—According to French records, he was the Political Officer for Inter-Region IV, the area comprising the lower pan-handle of Vietnam down to the 16th parallel where he engaged in guerrilla activities.

1950-51—Quang was transferred to the position of Deputy Commander and Political Officer of the 304th Main Force Division, an important Communist unit in the Viet Bac Special Region, the area surrounding Dien Bien Phu in the northwest of Hanoi.

Mid-1950's—Chief of the Enemy Proselyting Department, General Political Department, People's Army of Vietnam.

(Note: the Enemy Proselyting Department under PAVN is responsible for the utilization, security, documentation, and exploitation of enemy prisoners and its functions continue to the present day.)

During this period, Quang is reported to have supervised efforts to integrate stay-behinds of the French Foreign Legion into the "Viet Dung" assassination teams during special training sessions of the Enemy Proselyting/Research Department conducted at "Ba Be" lake in Bac Thai (formerly Bac Kan) Province, North Vietnam.

(Note: see reference to "Ba Be Plan" in Russian document on 15 Sept. 72 report by Quang)

A former French POW named "Cuc" worked for General Quang at the Enemy Proselying Department during this period (Source: Ibid)

Pre-1958—Deputy Commander, 304th Division, PAVN

(Source: U.S. Embassy Saigon Biographical File, dated July, 1972)

1958—Deputy Chief, General Staff, PAVN (Sources: Ibid and Reuters 4/19/93)

Starting during this period, Quang moved up to the position of Deputy Chief of Staff, PAVN, (the position reported by the GRU in their 1972 translation of Quang's September, 1972 report)

1959—Deputy Chief, General Staff, PAVN

(Source: Ibid and Nhan Dan 11/21/92)

1960—Deputy Chief, General Staff, PAVN (Source: Ibid)

***—In this year, Quang was appointed as a concurrent member of the Communist Party Central Committee and the Ministry of National Defense Central Military Affairs Party Committee.

1961—Deputy Chief of Staff, General Staff, PAVN

(Source: Reuters quote from Quang 4/19/93)

Major General, PAVN

Member, Central Military Affairs Party Committee

(Source: U.S. Embassy Saigon Bio. File, July, 1972)

1961-1964—Military Member of the Communist Party's Central Committee Bureau for South Vietnam (Source: Reuters 4/19/93)

Military Commissioner of the National Liberation Front's Central Committee (Source: Nhan Dan 11/21/92)

1963—General Tran Van Quang headed an Enemy Proselyting Department, General Political Directorate, PAVN, conference in Bac Thai province in his capacity as Chief of the EPD (Source: 20 Jan. 93 JTF/FA message)

1965-1974—He became Army Commander of Military Region 4, or Inter-Region 4, and in 1967, when the B-4 Front Regional Headquarters opened to coordinate tactical operations throughout the Tri-Thien—Hue area, Quang concurrently became its political officer. (Sources: Nhan Dan Communist publication 11/21/92 and JTF/FA Jan. 93 message, and other sources.)

He is believed to have passed orders to the field by radio during most of this entire period.

1966—In January, General Quang wrote a major publication in the communist publication "Hoc Tap" #1 entitled "Develop the Role of Militia and Self-Defense Forces." (Sources: CIA and U.S. Embassy Saigon Biographical File, July 1972, translated copy available, 13 pages)

1966—In July, General Quang wrote a major publication in the communist publication "Qhan Doi Nhan Dan" (Source: Ibid)

1972—Deputy Chief of Staff, VPA (Source: Retired North Vietnamese Colonel and former 1972/73 Communist spokesman Bui Tin—comments made in April, 1993 prior to public disclosure of Russian document.)

General Quang is also believed to have been the operational commander and principal political officer for the April, 1972 "Easter Offensive".

1972—July—Listed as Member of the Central Military Party Committee and a Deputy Chief of Staff from 1958 onward. (Source: U.S. Embassy Saigon Bio. File, July, 1972)

1972—Listed as Deputy Chief of Staff, VPA and one of 14 members of the Central Military Affairs Party Committee and one of 5 Deputy Chiefs of Staff, VPA.

(Source: U.S. Joint Public Affairs Office (JUSPAO), U.S. Embassy, 1972)

1972—Reported as Deputy Chief of Staff on September 15, 1972 in recently released Russian POW document.

1972—"Quang told him (Gen. Vessey) he did not visit Hanoi in 1972 until months after the date of the report."

(Source: Reuters, 4/19/93, Note: Report date Sept., 1972)

1973—Deputy Chief of Staff, VPA, Member of Central Military Affairs Party Committee. (Source: JUSPAO, U.S. Embassy Saigon, 1973)

1973—"He said he did serve twice as Deputy Chief of Staff, in 1958–1961 and again in 1973 or 1974. He said he received medical treatment in 1973, and he didn't specify whether he took the staff job that year or the next." (Source: Reuters, 4/19/93)

1973—"He said he went to East Germany for medical treatment in 1973, but gave no details." (Source: Ibid.)

1973—It is reported in U.S. records that Quang secretly became a full member of the Central Committee of the Communist Party in 1973 and was promoted to Lieutenant General.

1974—On January 26th, the Hanoi Moi Communist publication is listing General Quang as:

Deputy Chief of Staff of the Armed Forces Vice Minister of National Defense

Member of the Central Military Party Committee

Member of the Vietnam Lao Dong Party (Communist Party) Central Committee

1974–1978—Deputy Chief of Staff of VPA Member of Central Party Committee Vice Minister of National Defense

(Sources: Nhan Dan 11/21/92, Quan Doi Nhan Dan 3/31/76, Quan Doi Nhan Dan 5/4/76, Nhan Dan 12/4/77, Nhan Dan 3/2/78)

1979—Vice Minister of National Defense (Source: Nhan Dan 12/20/79)

1979–1982—Commander of Vietnamese troops in Laos (Source: Nhan Dan 11/21/92)

1980—Deputy Defense Minister, SRV (Source: Indochina Archive, University of California, Professor Douglas Pike)

1981—Vice Minister of National Defense (Source: Nhan Dan 9/30/81)

1982—Vice Minister of National Defense (Source: Quan Doi Nhan Dan 12/24/82)

1983—Vice Minister of National Defense (Source Nhan Dan 11/30/83

1984—"Colonel general Tran Van Quang attended the departure of a Cubin military delegation." (Source: Nhan Dan 12/26/84)

1985—Vice Minister of National Defense—Reported as attending a meeting to commemorate the 68th anniversary of the October Revolution (7 Nov. 1917–7 Nov. 1985) at the Vietnam-Soviet Culture Friendship House (Source: Qhan Doi Nhan Dan 7 Nov. 85)

December, 1989—General Quang is reported to have presided over an Awards Ceremony of the Enemy Proselyting Department.

1991—Deputy Minister of Defense for External Affairs (Source: Joint Task Force memo to Select Committee December, 1991)

In response to a question posed by Senator McCain to JTF/FA senior analyst Garnett Bell at the Select Committee's November, 1991 hearings, General Tran Van Quang's name was provided to Bell's command and to the Select Committee with other names under the following notation:

"The SRV should make available for interview current and former cadre who were involved in the detention, evacuation, and medical treatment of US POWs. Although the Vietnamese have indicated that senior cadre were only peripherally involved, they should nevertheless be considered as potential witnesses due to their knowledge of policy matters, as well as the identities and current whereabouts of their former subordinates who were directly involved with US POWs. Some of these cadres are . . ."

1992—Deputy Minister of Defense as of February 1st during meetings with General Vessey. (Source: Vessey/Cam Joint Statement following meetings with Ministry officials on January 30/Feb. 1, 1992)

Deputy Minister of Defense during March, 1992 meetings Hanoi with U.S. Assistant Secretary of State for East Asian and Pacific Affairs Richard Solomon.

May 26th, 1992 JTF/FA research proposal—General Quang is listed as one of three persons with approval authority for access to witnesses and records.

In November, General Quang, presumably retired, was appointed head of the Vietnam Veterans Association (Source: Qhan Dan 11/21/92)

Note: It is my understanding that the U.S. intelligence community believes that based on General Quang's distinguished command background, and eminent political standing, as outlined in this brief biography, "it is completely plausible" that he could be the person who could offer a political thesis to the politburo which involved further future aggressive moves for takeover of the South and political arguments advocated for the toughest deal to be made with American negotiators.

IX. ANALYSIS OF THE VIETNAMESE REACTION TO THE DISCLOSURE OF THE 1972 REPORT BY GENERAL QUANG CONCERNING U.S. POWS (IN RUSSIAN LANGUAGE FORM/APRIL–JUNE, 1993)

A. Statements by Vietnamese Officials

The following statements, listed in chronological order by date, have been made by Vietnamese officials since delivery of the report to the Vietnamese Mission at the United Nations in New York by the Department of State and Department of Defense on April 12, 1993 (the same date the New York Times and Washington Times broke the stories). (Note: Russian General Volkognov had handed the POW portion of the report to the U.S. side in Moscow on April 8th)

In my opinion, and in views of the information in this Interim Analysis, each of the statements is deeply troubling and vastly inadequate in responding to serious questions raised by the 1972 General Quang Report to the North Vietnamese Politburo, and its subsequent disclosure in former Soviet Union archives 20 years later in Russian language form. Moreover, in view of the fact that another report to the Politburo by General Quang dated June 26, 1972 has been discovered in the Russian archives and authenticated by the Russian Government, we are compelled to continue to pursue this matter, notwithstanding Vietnam's total denials to date.

The statements are as follows:

"I think it is another fabrication of hostile circles in the U.S. who don't want normal relations with Vietnam. This fabrication comes out in order to obstruct the process of normalization of relations between the two countries." (Source: Reuters Wire Service, Hanoi, 4/12/93 quoting an unidentified Vietnamese source who is reported to be an official of the Vietnam Veterans' Association which General Quang heads.)

"I think it's a false document. We did not share our secrets with the Soviets. We never held that many prisoners. In 1973, we released all the prisoners who were alive. You could see it (the disclosure of the Russian document) as a plot to throw a spoke in the wheels of normalization. The situation is quite complicated in Russia now. Such a document could have been deliberately planted. The KGB may have been formidable elsewhere, but they were not formidable on internal Vietnamese matters." According to the AFP reporter who did the interview, "the official acknowledged that such a report could have been sent from the military command (in North Vietnam) to the Politburo."

(Source: Agency French Press, Hanoi, 4/13/93, citing an unidentified Vietnamese official.)

"Hostile circles in the U.S. want to raise issues to obstruct the administration easing U.S. sanctions against Vietnam in international financial institutions. . . . As far as I know, it (the Russian document) is not true. After 1973, we released 591 POWs, that's all there were." According to the Reuters reporter, the unidentified "senior" Vietnamese official had stated that General Quang was a "fixed commander" in the central province of Binh Tri Thien in September, 1972, when the secret report was purported to have been written. (Source: Reuters, Hanoi 4/13/93)

"Vietnam totally denies that ill-intentioned fabrication. The truth is that in 1973, after the Paris agreements were signed, Vietnam returned all American prisoners captured in Vietnam. According to documents published by the US Department of Defense and the US Department of State and authenticated by the US Senate Select Committee on POW/MIA issue in its latest report dated January 13, 1993, at the end of the war 1,172 American servicemen were reported missing and their fate was unaccounted for in Indochina, 798 of which in Vietnam. Through its efforts to cooperate with the US side in the humanitarian spirit, Vietnam has so far returned to the US side more than 500 remains and cooperated with the US Government in investigating 70 live-sighting reports and 135 other cases involving unclear dossiers. The results show no evidence of any American being kept living in freedom in Vietnam. Realities prove that the report carried by the New York Times is completely groundless." (Source: Foreign Ministry Statement, Hanoi, Vietnam, as reported by Reuters and Vietnam News Agency, 4/13/93.) AP's version of the statement stated Vietnam had "categorically rejected this ill-intentioned fabrication".

"Gen. Tran Van Quang had nothing to do with the general staff of the Vietnamese People's Army. There would be no reason for Gen. Tran Van Quang to have prepared this sort of report." (Source: Nguyen Xuan Phong, Acting Director of the Americans Department at the Foreign Ministry in Hanoi, quoted in the New York Times, 4/13/93)

According to NYT reporter Philip Shenon, "Mr. Nguyen Ba Hung, a member of Mr. Phong's staff said General Quang had never been deputy chief of staff of the Army." Mr. Hung stated: "That's why it sounded very funny when we heard his report. Those who have knowledge about the war and about the Army would have a better understanding."

(Source: NYT 4/13/93)

"This is a pure fabrication and we completely reject it." (Source: Tran Van Tu, Deputy Director of Vietnam's official agency in charge of seeking persons missing from the war (VNOSMP as reported to Associated Press, 4/13/93).

"Vietnam rejects it firmly. I'm worried that one result of this type of information is the criminal creation of unnecessary suffering of the families of Americans missing in action." Mr. Phong stated it was "merely a fabrication." (Source: Nguyen Xuan Phong, Acting Director of Americas Department, Foreign Ministry, Hanoi as quoted by the Associated Press, 4/13/93.)

"We think that it is a forgery document. It's totally false." (Source: Vietnam's Ambassador to the United Nations, Le Van Bang, as quoted from CNN 4/13/93) During the same interview, Amnbassador Le Bang stated that General Quang was a regional army commander and was not in a position to know the status of US POWs.

"In 1972, General Quang was political commissar of the fourth military region. In that capacity, he was in no position to make such a report."

(Source: Colonel Phan Khac Hai, editor in chief of the Army newspaper, Quan Doi Nhan Dan, quoted by AFP, 4/14/93)

"Whenever we see expectations rise that the United States might take some appropriate action, there are always rumors and fabrications that come up . . . If they don't have any Vietnamese text, I can tell you for sure this is a fabrication . . . I don't want to speculate about who might be responsible, but the press in the United States itself talks about the 'MIA industry.' "

(Source: Ha Huy Thong, Deputy Director of the Foreign Ministry's America's Department as quoted by AFP 4/14/93)

"Ms. Ho The Lan, head of the press and information department said the news carried in the The New York Times is a sheer fabrication, the same as the three pictures produced earlier of alleged American prisoners of war or the so-called transfer of American POWs by Vietnam to the Soviet Union, which once caused such a fuss in the United States. An American paper on April 13 even suggested that Vietnam might have killed 600 American POWs. This is a shameless fabrication which is an affront to the Vietnamese people who have made and are making great efforts to solve the MIA question in the humanitarian spirit. Any sober minded person can see that all these fabrications are intended to block the progress of Vietnam-U.S. relations."

(Source: Official Vietnam News Agency, Hanoi, 4/15/93)

B. Explanations and Information Offered by Leadership of Vietnam and General Quang to U.S. Officials (General Vessey's April, 1993 trip and May, 1993 CODEL trips)

Background: On Thursday, April 15, 1993, General Vessey, former Presidential Emissary to former President Bush, left for Vietnam at the request of the Clinton Administration on a previously-scheduled trip to assess Vietnamese cooperation on the POW/MIA issue. Because the existence of the Quang Report was only disclosed following announcement of his trip, his mission quickly turned to obtaining an explanation from the Vietnamese.

During General Vessey's meetings in Hanoi on April 18th and 19th, the following comments were made by Vietnamese officials:

At a photo opportunity before General Vessey's first meeting with SRV Deputy Foreign Minister Le Mai:

"I think during your stay here we will try to make some arrangements for you and other American delegates to get information about this issue . . . I think it existed somewhere—in the Russian text or in American text—but not in Vietnamese . . . Past experience testifies that it is a concoction and a fabrication. Not only against Vietnam, but against normalization between Vietnam and the United States."

(Source: SRV Deputy Foreign Minister Le Mai, as reported by AFP, Hanoi, 4/18/93)

Following this first meeting, Minister Le Mai stated:

"It's a sheer fabrication. It's non-existent."

Asked who faked the report, Mai said:

"It depends on your understanding—either Americans or Russians . . . I think it existed somewhere in Russian and American texts, but it does not exist in Vietnam. So it is fabricated completely. It is based on nothing . . ."

Following General Vessey's first meeting with Foreign Minister Nguyen Manh Cam, Le Mai again stated:

"There's no Vietnamese text of the Russian document."

New York Times reporter Philip Shenon filed the following story after the Vessey meeting with Minister Cam:

[Vietnamese officials said today that after news reports last week revealed the existence of the document in the Russian archives, the Vietnamese Defense Ministry searched its archives for evidence to refute it . . . Hanoi said the documents presented to General Vessey today included a Defense Ministry census prepared in the early 1970's that showed 386 Americans had been captured by North Vietnam (as of February, 1972).]

"We wanted to find evidence to prove it was fabricated," said Ho Xuan Dich, Director of Vietnam's Office for Seeking Missing Personnel (VNOSMP).

[Asked during a meeting with reporters why the census was being turned over only now, Mr. Dich gave to answers. First, he said that turning over the census had been unnecessary because all American prisoners had been released to the United States in 1973 and their names had been known to Washington for years. But he corrected himself a few minutes later, saying that the census had not been turned over earlier because "we just found it this week."]

On April 18th, following General Vessey's meetings, the official Hanoi Voice of Vietnam had broadcast the following commentary written by Noi Dan, the official Army paper:

"This sensational report has prompted a number of right-wingers, newspapers, and television corporations in the United States to extensively fan up and embellish the issue . . . Apparently, they hoped that this report would receive strong support from U.S. political circles and that those who spread the news would be awarded big prizes. Unfortunately, the result was to the contrary. U.S. Senator John Kerry, chairman of the Senate Select Committee on the POW/MIA issue, after learning of the report made a statement that this document must be carefully analyzed, that the translation of the document from Vietnamese to Russian might show there was a mistake on the nationality of the prisoners detained."

"A number of U.S. newspapers also carried reports on a news conference held by Le Bang, Vietnamese Ambassador to the United Nations, on the issue. These newspapers totally rejected the ill-intentioned report carried by the New York Times and asserted that Vietnam had returned all U.S. POWs right after the signing of the Paris agreement in 1973, and that during the past 20 years, Vietnam has shown its good will and has closely cooperated with the United States in searching for remains of U.S. soldiers who died during the war . . . Mr. (Bruce) Franklin (author of POW/MIA Mythmaking in America), a specialist in U.S.-U.K. affairs and the Vietnam war said that the document was an awkward fabrication and the facts presented by the document did not confirm with historical reality."

"U.S. newspapers and public opinion have begun to criticize Stephen J. Morris, author of this farce, denouncing him as a partisan who fanatically opposes the normalization of relations between the United States and Vietnam . . . Again, this fake document carries groundless contents as in fake documents revealed in the past. It is possible that the document was produced and spread by the some hostile forces who oppose fine, normal relations between Vietnam and the United States."

(Source: Hanoi Voice of Vietnam 4/18/93)

On the morning after General Vessey's first day of meetings, Voice of Vietnam stated:

"General Vessey said he has obtained important information which clearly proves the inaccuracy of the report last week from Russia that Vietnam was still retaining prisoners. His assessment was in conformity with mass media opinion in the U.S.A. In its issue 15 April, the New York Times remarks: It was common knowledge that the document on the MIA issue provided by Russia was fake."

". . . it is believed, during this visit General Vessey will collect good information to clarify the fabrication in the Russian document."

(Source: Hanoi Voice of Vietnam, 19 April 93)

On April 19th, General Vessey met with the reported author of the 1972 North Vietnamese report to the politburo concerning POWs. Following the meeting, General Tran Van Quang is reported to have "reiterated Hanoi's stand that it was a fake and no Vietnamese original existed." (AFP Story, 4/19/93)

According to Quang:

"The intelligence service that manufactured this report was a very bad intelligence service. It was absolutely wrong," he said, without specifying which one. Asked who was responsible, Quang stated, "You can ask the Russian intelligence service or ask General Vessey."

"I understand that there are a lot of people who are trying to undermine the process of normalization." Quang added that the document had caused "suspicion between the two peoples who desire normalization, not to mention the suffering to the families of the MIAs . . . I think it's a way to hinder advances in relations between Vietnam and the United States and cooperation in solving the MIA issue and that causes misunderstanding between two peoples who wish normal relations soon."

(Source: AFP, AP, Washington Post, April 19, 1993, Hanoi)

"As I told John Vessey, never in my life did I make such a report because it was not my responsibility. It was not my job. I had nothing to do with American prisoners. During the war, I never met any American prisoners . . . it's very simple. I was not in Hanoi at that time. I was not in charge of American prisoners."

"The guy writing that report was not Vietnamese at all," said General Quang.

Source: AP, Hanoi, 4/19/93)

"The style of the report is not Vietnamese. The names and ranks of officials are inaccurate. The number of the prisoners is much higher than that given to us by the U.S.," he said.

(Source: Bangkok Post, 4/20/93)

"I did not write it, I tell you, never in my life have I made such a report, because it was not my area of responsibility."

(Source: New York Times, April 19, 1993, Hanoi)

[He said he went to East Germany for medical treatment in 1973, but gave no details and didn't specify whether he took the staff job that year or the next. Quang told him (Vessey) that he did not visit Hanoi in 1972 until months after the date of the document] (As reported by Reuters, Hanoi, 4/19/93)

[He said he had "nothing to do with the Russian intelligence service, and the Russians had no right to ask me about that."]

(Source: AP, Hanoi, 4/19/93)

[Quang said he dealt with French POWs in the early 1950s as head of a unit of the army's General Political Directorate. But he said he had nothing to do with American prisoners and never reported on them to the Politburo.]

After the meeting with General Quang, General Vessey's delegation went back to Foreign Minister Cam where they held a joint news conference. During the news conference, Foreign Minister Cam made the following comments (not necessarily in the order they were made):

"During the fierce fighting, we did not have the conditions and enough time to capture so many American prisoners."

"I would like to say something about Stephen Morris, the person who publicized this. He has a long history of opposing Vietnam, since the time he was an Australian student."

Foreign Minister Cam said Morris "had certain intentions when he chose the timing" of releasing the Russian document." (Source: New York Times, April 19, 1993, Hanoi)

[Foreign Minister Cam cited what he said were eight major inaccuracies in the Russian document. He said that records of North Vietnam's policy-making Central Committee show no Politburo meeting on the date in question, that prisoners were not classified for release according to their attitudes on the war, and that the total number of American POWs was "much higher than in reality."] (Source: Wash. Post. 4/19/93)

Following General Vessey's departure from Vietnam, the official Hanoi Voice of Vietnam broadcast the following commentary (pertinent excerpts) characterizing a New York Times article in the following manner:

"(During General Vessey's visit), the American newspaper, the New York Times, ran a story written by a historian and researcher on the POW issue in Southeast Asia saying that the Russian document contains inaccurate details. The story rejected the Russian document as groundless. The writer said that the Russian document was clumsy and bore no practical details which did not conform to practical reality."

Following General Vessey's arrival back in Washington, the Vietnamese "found" another list in their archives pertaining to U.S. POWs, which was reported by the media in detail, with no mention of the fact that it was literally the same, exact list turned over to the United States by North Vietnam on January, 27, 1973. The cover page to the list, both then and now, indicated that it was a list of "U.S. Pilots Captured in the Democratic Republic of Vietnam" prepared in January, 1973 by North Vietnam's Ministry of National Defense for delivery to the U.S. side on the day of the signing of the Paris Peace Accords.

In providing the document, Ho Xuan Dich, head of the Vietnam Office for Seeking Missing Persons told Reuters:

"It will prove that the information in the Russian document is wrong. It's virtually the final report of American prisoners captured in the Vietnam Democratic Republic up to the U.S. Christmas bombing raids." (Source: Reuters, 4/21/93)

In reality, the list proved nothing and the public was never told that it was the same, exact list (including the same typing errors and anomalies) given to the U.S. in January, 1973. In fact, Reuters filed two news wire stories on the discovery stating, "Both sides were elated by discovery of a dusty wartime file earmarked for the bonfire that contained a North Vietnamese list of prisoners of war (POWs) that the Americans had long sought."

Reuters quoted the head of the U.S. Pacific Command's Joint Task Force Full Accounting stationed in Hanoi, Gary Flanagan, stating: "This is great. I think it really shows they are cooperating with us." In truth, it was an embarrassment that an American official was reported to have made such a comment concerning the discovery" of the list referred to by Mr. Dich.

The next day, April 22, 1993, Vietnam's official Voice of Vietnam broadcast two official commentaries by the Army newspaper Nhan Dan and the station itself, both entitled "a Clumsy Cooked-Up Story."

The first broadcast stated, in part:

"Concerning the charge of detaining three American astronauts, the U.S. Defense Department and NASA has affirmed that there were no American astronauts captured in Vietnam. The Russian document is also wrong to say that Vietnam divided the American prisoners into three categories—progressive, neutral, and reactionary."

In the second Voice of Vietnam broadcast, it was officially stated that the document has been "allegedly" found in the Russian archives.

"After a careful check of this document, it can be said in sure terms that the contents of the document totally do not conform to reality. . . . During such fierce war years as 1972, General Quang was unable to and had no responsibility for reviewing general issues such as the MIA issue. He has never written any document on this issue."

"Moreover, there was no meeting of the Politburo on 15 September 1972. General Tran Van Quang said that all the reports written by him on his assigned duties during the period between 1961 and 1975 carried his cover name, Bay Tien, and that none of the reports bore his real name, Tran Van Quang. He himself read the Russian document and found that the wording used in the document was not Vietnamese style. Moreover, the American POW issue was then under the responsibility of the VPA Political General Department. . . ."

"It should be noted that the man who found this document, Mr. Morris, is not considered an independent scholar by the American public, but a person who has many political prejudices and who nurtures a great hatred against Vietnam. . . . The truth is as clear as broad daylight. General Vessey himself also asserted . . . that after two days in Hanoi he became more skeptical about the authenticity of the Russian document and believed the valuable information provided by General Quang was in conformity with reality."

"Mr. Bruce Franklin, a professor at Rutgers University, said the document was a clumsy cooked-up story. There were no events in the document that conform with historical reality."

In mid-May and late May, other U.S. officials visited Vietnam, this time from the United States Congress, along with representatives of three veterans organizations. During meetings between the U.S. delegation and General Quang, Quang stated that he had been transferred from Vietnam to East Germany for medical treatment at the same time "Operation Homecoming" was conducted, although this aspect was not discussed further.

According to a report by Vietnam Veterans of America, in a meeting they attended with Foreign Minister Nguyen Manh Cam on May 31, 1993, "Senator Kerry requested a copy of the Politburo calendar for that time period, so a comparison could be made. The Vietnamese misunderstood the request, believing Senator Kerry wanted Politburo minutes. They became very upset and almost canceled the rest of the meeting. The misunderstanding was corrected and order was restored." (Source: VVA report, June 1993)

On June 1, 1993, the delegation met with General Tran Van Quang who again stated that the document was not authentic. "He provided a promotion document that supposedly proves he was not promoted to Lt. General until 1974. . . . General Quang stated that although he helped formulate POW policy during the French occupation, he never had anything to do with POWs during the war with the U.S. (Source: VVA report, June 1993)

X. EPILOGUE. . .

From July 7, 1993 to July 11, 1993, I raised several of the issues in this interim analysis directly with Vietnamese officials, to include General Tran Quang. General Quang denied any involvement with the presentation, although he admitted, in response to a question, having been present in northern Vietnam to brief a politburo session in early 1972. He further denied any involvement with the June 26, 1972 presentation on offensive actions in the South and other non-POW matters even though it has been authenticated by Russian General Volkogonov. During the meeting, General Quang was also hesitant to discuss any of the details in the September, 1972 report (on the 1,205 U.S. POWs) and maintained that since he did not write it, there was nothing to discuss. He even denied knowledge of the list of 368 POWs given to Senator Kennedy in December, 1970 which had been referenced in the September, 1972 report.

At the same meeting, however, Mr. Nguyen Xuan Phong, Acting Director of the Americas Department of the Ministry of Foreign Affairs, agreed to my request that the SRV conduct a separate "line by line" review of the September, 1972 report to determine which portions of the presentation were factual and which were not according to SRV information. For example, the Vietnamese should certainly be able to tell us whether or not the references in the 1972 report to earlier Politburo decisions on American POWs are accurate or not (see page 6 of this analysis). They should also be able to tell us when, if at all, any presentations were given to their politburo on the results of interrogations of American POWs and other related matters.

It is reported that the U.S. delegation to Vietnam, which followed my visit, also had the opportunity to meet with General Quang, although I have not been briefed on the contents of these discussions. I hope the U.S. side continued to push for more complete explanations from the Vietnamese. As I said earlier, Vietnamese statements to date on this matter are wholly inadequate.

It has been twenty years since our ceasefire agreement with Vietnam and the signing of the Paris Peace Accords. Unfortunately, many troubling questions persist concerning our POW/MIAs, and human lives may well be hanging in the balance. The break-up of the Soviet Union and the formation of the Senate's Select Committee in 1991 have led to remarkable opportunities through the U.S./Russian Joint Commission on POW/MIAs. Our ability to obtain answers on our missing and captured men from the Vietnam War is slowly, but dramatically, being enhanced, as evidenced by the surfacing of the Quang report and other reports from the Soviet archives.

Our approach to the Quang report will be a critical moment in our history. It *should* impact our future relations with our former adversaries, and it *will* impact our nation's commitment to its own armed forces. I trust the Joint Commission on POW/MIAs will continue to pursue additional information pertaining to these matters, and I hope that the Vietnamese will make the decision to be forthcoming in explaining the Quang report. For the sake of our POWs and MIAs, we must not let this moment pass us by. If we do, then we will never truly heal the wounds of war, and I cannot see how we can ever begin building a sustainable relationship with Vietnam.

EXHIBIT 2

INFORMAL TRANSLATION OF PAGE 2

General Staff of the Armed Forces of the USSR, Main Intelligence Directorate, report of Khoang Anya, Secretary of the Central Committee of the WPV at the XX Plenum of the CC WPV at the end of December 1970—Beginning of 1971, translation from Vietnamese, handwritten note: indecipherable "p. II, 18"—Moscow, 1971.

TRANSLATION OF PAGE 11 [PRECEDING PAGES ARE MISSING]

* * * significant quantity of the enemy. At the same time, we avoided large losses on our part. That's also a big victory for our strategic policy.

Now another issue. When we published the names of the 368 American fliers who were shot down and taken prisoner on the territory of the DRV, the opportunists started to say that this was a concession to the Americans. That's incorrect. It's not a concession, but rather, a blow to Nixon politically. We have gained much by this. The opportunists are also saying that we are making concessions to the Americans at the Paris negotiations also. That too is incorrect. Our policy at the negotiations is correct.

Thus, as a whole, we are pursuing a correct policy; although, we do make some mistakes. The opportunists group seizes these mistakes in order to prove that our party's entire course is erroneous. It's members say that we are afraid of difficulties and sacrifices. That's incorrect. We are not afraid of sacrifices and difficulties, but another thing too must be taken into consideration: Our people have been engaged in continuous armed struggle for 25 years. During this time a great many people have perished. If we were really afraid of sacrifices and difficulties, as the opportunists claim, then we would not have started armed conflict against the Americans. One must see the connection between victories and losses and objectively evaluate the situation.

Naturally, we have [made] mistakes in military matters in South Vietnam, Laos and Cambodia, in matters of economic organization in the DRV and in matters of raising the well-being of the population. We are especially concerned about the question of improving the living conditions of the people. One must take into consideration that, at present, our possibilities in this area are limited, and therefore, this problem has not yet be solved. Besides all else, the opportunists are preventing us from solving it.

We clearly see the opportunists' mistakes at this Plenum also. After thoroughly analyzing their views, we will give them a fight. We reserve for them the right and the opportunity to admit their mistakes and to correct them. Then they will again be able to serve the party and the people.

TRANSLATION OF PAGE 18 [PRECEDING 7 PAGES ARE MISSING]

* * * to strike a crippling blow to our rear area, he will gain a huge advantage in the military theater of operations.

Our losses from enemy air operations are great, yet the enemy does not have the strength through air operations alone to inflict such damage as to have ruinous consequences for us. However, if the enemy using its diversionary forces (and other forces) launches an invasion of the North, we will suffer heavy losses. Therefore, we must raise our vigilance and repulse all of the aggressors' intrigues; since, in our opinion, the enemy might launch such an invasion using infantry and marines with powerful air and naval support. We believe that the enemy will not try to invade the whole of North Vietnamese territory but only those regions where there are important communications which lead to Laos, Cambodia and South Vietnam. Together with achieving their military goals, the enemy expects that an invasion would put political pressure on us, would demoralize the people and would force them to give up the struggle for the liberation of the South.

Now, I want to stop on one more issue—about the captured American fliers. The total number of captured American fliers in the DRV consists of 735 people. As I have already stated, we published the names of 368 fliers. That's our diplomatic step. If the Americans will agree to withdraw their forces from South Vietnam, we will, for a beginning, return these 368 people to them; and when the Americans finish withdrawing their forces, we will give the rest back to them. The issue of the captured American fliers, by virtue of what has been said above, is of great importance to us.

As a whole, speaking about the situation in South Vietnam, I want to emphasize that it is favorable for us, even though, we are encountering considerable difficulties. We will try to do everything within our power to obtain greater successes in South Vietnam.

In Cambodia, after the reactionary overthrow on 18 March 1970 and after American-Saigon forces were moved into its [Cambodian] territory * * * [remainder of document is missing]

The ACTING PRESIDENT pro tempore. The Senator from Michigan, Senator RIEGLE, is recognized.

Mr. RIEGLE. Mr. President, before my colleague from the Northeast leaves the floor, let me just say I appreciate the efforts he has made on the POW/MIA issue. I realize this is an area of great controversy and difficulty and that it has been a long struggle to try to get to the bottom of what the truth is. I have known the Senator for a long time. I know he is pursuing this in the way he thinks he needs do that. As a Vietnam veteran himself, he certainly, I think, is entitled to the support of fellow Senators as he tries to sort these issues out and get to the truth as he sees it.

I just want to say to the Senator I supported him a long time back when the effort was being made to form this select committee. I appreciate the Senator's efforts. I just want to say so today.

Mr. SMITH. I appreciate the remarks of the Senator from Michigan.

FACES OF THE HEALTH CARE CRISIS

Mr. RIEGLE. Mr. President, I rise today also to speak about the problem of the health care crisis in America. For the last year I have been coming to the floor nearly every week that the Senate has been in session to talk about a Michigan family or an individual, or a business in my State, facing an unmanageable problem with respect to health care requirements and attempting to meet them in our society at this time.

Last July, several of my colleagues began joining me in this effort to also come to the floor to talk about the impact of the health care crisis on real people in their States across the country. So we have now heard a number of stories about individuals and families, and not only from Michigan but from Nebraska, from Pennsylvania, Massachusetts, Nevada—other States. I welcome my colleagues today who have also been presenting their views, Senator DASCHLE and Senator WOFFORD, who will be sharing, as well, compelling stories from South Dakota and from Pennsylvania that also illustrate this problem.

Clearly, skyrocketing health care costs have created a situation where no one is secure under our current health care system. More and more, we are hearing stories about people who thought they had protection against a catastrophic health problem only to find out that the coverage really was not there when they actually needed it.

Today I want to talk about one such family, the Kinbaums, from Grand Rapids, MI. As young professionals, Laura and Paul Kinbaum both had successful careers and a happy family until tragedy changed their lives forever.

In June 1988, Paul contracted viral encephalitis at the young age of 31. This often deadly virus attacks and kills the cells in the frontal and temporal lobes of the brain which control speech and personality traits. There is no recovery from the virus causing this devastating illness because these brain cells cannot be replaced once they are destroyed. It is not possible to kill the virus but only to control it and keep it from attacking additional brain cells.

At the time Paul developed encephalitis he was finishing up his first year in private practice as an acute care intern. So he was actually in the practice of medicine himself. He was just months away from becoming a partner in his own medical practice.

His wife Laura, who was 34-years-old, was working as a freelance medical writer. Their daughter Martha was 5 years old at the time. So that was the situation as this terrible medical problem struck this family.

As a result of his illness, Paul suffers from psychiatric problems related to delusion and memory loss in addition to physical seizures. Because of these symptoms, Paul can no longer live at home with the family.

He now lives in an adult foster care facility where he is supervised and receives medication to try to control his condition. Paul has obviously lost the capacity to practice medicine or even lead a normal family life.

In addition to dealing with the tragedy of Paul's illness, Laura has had to struggle to find health care coverage for Paul and for the family. Prior to his illness, Paul's medical practice had paid the premiums for the family's health care insurance. They lost their benefits, including health insurance, when Paul's medical practice did not renew his contract at the end of 1988, several months after he was taken ill. The family was able to take advantage of COBRA health care benefits which extended coverage for 18 months up through June 1990. And in order to do that, the family had to pay the premiums which were then costing $440 a month, that, by itself, a major burden when one wage earner in the family was no longer able to produce an income, which was the case with Paul.

When the COBRA benefits expired, Laura had the health insurance policy transferred to an individual policy just for Paul at the cost of over $350 a month just to try to cover him. The policy had a 25-percent copayment for inpatient services and covered only limited outpatient services. Laura had to stay with this insurance company for Paul because no other company would be willing then to cover his preexisting illness.

Even with this coverage, Laura was forced to hire an attorney in order to get the insurance company that was covering them to actually pay its share of Paul's medical expenses.

Although Laura's out-of-pocket expenses for Paul were high, she was fortunate in that several of the hospitals and physicians that treated Paul wrote off some of the cost of his health care program. Laura now estimates the cost of that amount of help that they got which was absorbed by the medical system at some $50,000. However, today she is still struggling to pay off one $7,000 debt to just one hospital.

Paul became eligible for Medicare in December 1990 after having been permanently disabled for 2 years. Medicare provides better coverage and requires less cost sharing than Paul's previous plan. However, Laura continues to worry about coverage now for her daughter and for herself.

After the family lost coverage through Paul's employer and the COBRA benefits then ran out, Laura purchased a separate health insurance policy for herself and her daughter. After personally experiencing the burden of Paul's medical expenses, Laura chose a policy that was fairly comprehensive and required minimal cost sharing, but she may not be able to afford such a comprehensive plan for herself and her daughter much longer. The cost of this policy is currently over $600 a month and is expected to go up in the near future. That is just to cover now the mother and the daughter.

So Laura fears a future of increasing health care costs and decreasing benefits and protections. She is self-employed and she is already burdened with the cost of Paul's foster care each month, not to mention the heartache and the difficulty that this family is struggling with. They do not know how long she is going to be able to afford the coverage for herself and her daughter, and she is haunted with how quickly an unexpected illness can strike. Just in the case of her own husband, when things were going fine, bang, this hits and their whole life is turned upside down.

So the Kinbaums should not have to struggle to find affordable insurance for themselves in this country. They deserve the peace of mind that affordable health care coverage can bring.

I want to say again that the President and the First Lady have stepped up to this issue and are putting the finishing touches now on a comprehensive health care reform package that can begin to provide access to affordable health care coverage for all Americans, like the Kinbaum family I have been citing this morning.

Let me just finally say this. This case, while it is unique to this family and contains the facts in this circumstance, can be the story of any of us. It is the story of one American family, but it could be any other American family, and it could be any of us or anybody who we know or someone in our family or on our block or in our town could be hit and will be hit with these same circumstances today, next week, a month from now.

People in our country deserve to have a modern comprehensive health insurance plan in place that protects our people against these kinds of incredibly devastating catastrophic illnesses. If we have a national insurance scheme that ties everybody together with affordable rates and high quality, we can provide the kind of protection that keeps a family like this from actually being swept under financially and in every other way by circumstances that are beyond their control.

So that is what is at issue here: Whether we care enough about each other and about the people of this country to do what we can do now to fix these problems. The time to do it is now. This plan is coming forward in September of this year, and that means just within a matter of a couple of weeks we will have it out so we can see it, we can go to work on it and get it enacted before this session of Congress this year and next year ends; to have it in place so that families like this can get the protection they need and every other family in our country as well. I thank the Chair.

Mr. DASCHLE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota [Mr. DASCHLE] is recognized for 5 minutes.

FACES OF THE HEALTH CARE CRISIS—DEANN THOMAS

Mr. DASCHLE. Mr. President, let me congratulate the distinguished Senator from Michigan for an excellent statement. I had the good fortune to listen to it and hear him speak once more on the faces of health care.

As he has indicated, these are real problems affecting real people. We oftentimes get so wrapped up in statistics and reports and the big picture that we really do not oftentimes have the opportunity to think of the effect that some of these issues have directly on the lives of people who we know and who we represent. So I appreciate his involvement and participation again this morning.

As Congress, the President, and the public engage in a debate about health reform, we must never lose sight of our most important objective: to improve the quality of people's lives.

For this is not simply a debate about arcane principles of health care financing. As I said, this is a debate about people—Americans whose lives have been deeply affected by our health system's failings.

And there are millions each year who become victims of the system. They are real people, not just numbers. They could be any one of us.

They are a family that loses its health coverage and bankrupts itself when a child develops diabetes; a couple who lose their retiree benefits and must sell their possessions when the company for which they worked for 30 years reneges on its contract; small business owners who cannot afford coverage for themselves and must close the company's doors when they become ill.

These are the faces of the health care crisis.

They show up at every meeting I hold in South Dakota and write hundreds of letters each year.

They pay their bills, contribute their taxes, and do everything the right way.

They relay their heart-wrenching stories and cannot believe that there is often little we can do, under the current system, to help them.

They are shocked to learn that the United States, the richest country in the world, allows hard-working, taxpaying citizens to become impoverished when they fall ill.

They learn this lesson the hard way.

DE ANN THOMAS

A particular story comes to my mind when I think about the people for whom the system has failed.

DeAnn Thomas is a 25-year-old woman from Flandreau, SD, who has had diabetes since she was 15. When she was younger she was covered under her family's policy, but as an adult she has been refused coverage by company after company and has been forced to go uninsured for years. She was even refused a policy when she worked for a employer that offered insurance; the insurer told her that they could not cover someone with her condition. Her employer did not compensate her for her exclusion from the policy.

Her determination to support herself and be gainfully employed has been an uphill battle. She has tried to get public assistance to help her with her medical expenses, but has been refused both Medicaid and SSI because she insists that her medical condition should not prevent her from working. Her wheelchair-bound father has tried to help her out, but his own health problems and limited resources have made this difficult.

DeAnn lives in constant fear that one illness or accident could wipe her out financially. She has had several experiences that confirm her fears may be warranted.

For example, DeAnn suffered a compound fracture of her back that makes it impossible for her to stand or sit for any length of time, and prohibits her from holding full-time employment. She worked as a waitress but, because of her low wages, she cannot pay over $5,000 in medical bills for treating her back—an amount that is close to what she made all last year.

Her unpaid bills now make it even more difficult to obtain medical care, which has caused her back condition to deteriorate, further limiting her ability to work.

In another instance, an untreated cold turned to a flu that she could not afford to treat. The illness interacted with her diabetes and landed her in the hospital with a serious infection. She, with the county's help, is still paying those bills as well as the bill for the life-long treatment she needs for her diabetes. DeAnn's future remains uncertain as she cannot treat her back problem and cannot work long enough hours to pull herself out of debt and cover her medical expenses.

This young, spirited woman, describes this vicious cycle she is in as depressing and disabling, one for which she sees no end.

DeAnn Thomas is just one of the millions of reasons why we must remain committed to reform of our health care system. Mr. President, it is not just about the percentage of GNP we spend on health care. It is not just about controlling the deficit. It is about people, people like DeAnn Thomas, people who long for the day when they have security, who long for the day when they, too, can look to their future with some degree of confidence that the problems they are experiencing in health care will not keep them from being employed, will not keep them from being mothers and fathers, will not keep them from being the Americans they know they can be.

As we get caught up in the complicated health care reform debate, let us not forget why we are here. Our goal must be to ensure that every single American, young or old, employed or between jobs, has complete security about his or her health coverage.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. DASCHLE. When dealing with an accident or illness, Americans deserve to spend their energy and resources overcoming their misfortune, not worrying about whether their insurance company will cover their bills. America deserves no less.

I yield the floor.

The ACTING PRESIDENT pro tempore. Will the Senator from South Dakota suggest the absence of a quorum?

Mr. DASCHLE. Mr. President, I do suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as anyone even remotely familiar with the U.S. Constitution knows, no President can spend a dime of Federal tax money that has not first been approved by Congress, both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty of Congress to control Federal spending. Congress has failed miserably for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,390,677,349,818.20 as of the close of business on Tuesday, September 7. Averaged out, every man, woman and child in American owes a share of this massive debt, and that per capita share is $16,551.76.

SENATOR HATFIELD ACHIEVES A NEW DISTINCTION

Mr. BYRD. Mr. President, one of the pleasures attendant on my role as chairman of the Senate Appropriations Committee is the friendship that I have consistently enjoyed with the ranking member of that committee and its former chairman, Senator MARK HATFIELD from Oregon.

Recently, through the revolutions of the clock and the calendar, Senator HATFIELD has ascended to a new honor, and I want to congratulate him on achieving a new distinction—that of becoming the longest serving Senator from the State of Oregon in Senate history.

Senator HATFIELD first won election to the Senate in 1966, and in their wisdom, the citizens of that great and beautiful State have chosen to return him to this august body in every election in which he has run since that time.

Since assuming the chairmanship of the Appropriations Committee, I have been privileged to serve continuously with Senator HATFIELD.

Senator HATFIELD is certainly able to protect his own prerogatives on that committee, and is not to be taken for granted on matters of partisan significance. But I can attest that no Senator in my experience has been more cooperative with me in our role as movers of legislation through the Appropriations Committee, and no Senator in my experience has served with me in this body in a more irenic, cordial, cooperative, or accommodating fashion than has the senior Senator from Oregon.

Therefore, I want to join all of our colleagues of both parties in expressing to Senator MARK HATFIELD my personal congratulations on his achieving a significant new distinction of longevity, as well as expressing again to Senator HATFIELD my sincere appreciation for the spirit of cooperation, courtesy, and dedication that he consistently has brought to our efforts together on the Senate Appropriations Committee and in all of our work together over the years in the Senate.

THE NORTH AMERICAN FREE-TRADE AGREEMENT

Mr. METZENBAUM. Madam President, I rise to address the proposed North American Free-Trade Agreement—commonly referred to as NAFTA—between the United States, Mexico, and Canada. During the August recess, President Clinton concluded negotiations with Mexico and Canada on a series of side agreements covering labor, environment, and import surge issues. Very shortly, the President will be sending implementing legislation to Congress, and we will be asked to vote on the treaty and side agreements as a whole.

Let me be frank about my purpose in rising today, Madam President: I am deeply, deeply troubled by this agreement. NAFTA will have a devastating impact on our workers, our industrial base, and our environment. It is a raw deal for the American people. We should reject the North American Free-Trade Agreement and put it to bed.

Over the next several months, I intend to speak out about NAFTA, the side agreements, and the effect they will have on our country. I hope to bring to light, in much greater detail, the staggering consequences NAFTA will have on American workers and on the environment. But today, I want to alert the American people to the importance of this issue.

Recent polls show that millions of Americans do not know what NAFTA is or how it would affect them. Let me begin by briefly explaining the agreement. As drafted, NAFTA would eliminate virtually all trade restrictions and tariffs between the United States, Mexico, and Canada over the next 15 years. Its proponents claim that eliminating trade barriers with Mexico will benefit American workers by permitting United States manufacturers to gain easier access to Mexico's consumer markets.

But take a closer look at NAFTA, and you will see that these job growth predictions are little more than smoke and mirrors. At present, Mexican manufacturing workers earn must $2.35 an hour, less than one-seventh the $16.17 earned by American manufacturing workers. The difference in health and pension benefits adds even more to this disparity. If we eliminate current trade restrictions, hordes of United States companies will shift production to Mexico over the next few years. Hundreds of thousands of high-paying U.S. manufacturing jobs will be eliminated, in industries such as electronics, apparel, and automobiles, striking at the core of America's industrial base.

Other labor-intensive industries, such as food production firms, truckers, and fruit and vegetable growers will be devastated, if not wiped out entirely. The ramifications will be felt across our entire economy.

NAFTA's proponents acknowledge that we may lose thousands of jobs, but they claim that those losses will be more than offset by new jobs resulting from expanded trade with Mexico. But I do not believe the American people will be fooled by this claim. First, with an average annual income of just $2,500, Mexican workers are in no position to buy our products. Second, even if Mexican demand for our products increases, United States firms will make those products in Mexico, where labor costs are cheaper and the finished goods are closer to the marketplace. So in reality, United States companies will use NAFTA primarily to make more goods in Mexico for sale back here in the United States. Plain and simple, that means far fewer jobs for American workers.

NAFTA's supporters also point to our current trade surplus with Mexico as proof of the benefits of free trade. But look closely at these exports. In 1991, for example, we had a $3.2 billion deficit with Mexico in the trade of consumer goods. We did have a $4 billion trade surplus in capital goods and heavy machinery, but that very equipment is being used to build Mexican factories which will make products to be sold in the United States.

If we adopt NAFTA as drafted, our heavy industries might benefit briefly from Mexico's industrialization. Ultimately, though, any short-term benefits will be dwarfed in the long run as our industrial base is systematically dismantled and moved south of the border. In the coming months, I will have much more to say about NAFTA's disastrous impact on American workers.

Let me next address the side agreements the administration recently negotiated with Mexico, suggesting these are going to solve all the problems.

Last year, the U.S. Office of Technology Assessment prepared a report to Congress on the impact of NAFTA. OTA—an unbiased governmental agency—concluded that unless relations among Government, industry and labor are fundamentally changed here and in Mexico, NAFTA "could drive down wages and living standards in the United States without accelerating development in Mexico." Then-candidate Clinton seemed to agree with this assessment, declaring that he would not support NAFTA without strong side agreements on labor as well as the environment and import surges.

The administration has now negotiated these side agreements. The administration has not yet provided the Senate with the full texts, but from what I have learned about them, I doubt that they will do anything to address NAFTA's many shortcomings.

The labor side agreement, for example, accomplishes even less than existing international law in terms of protecting worker rights. It establishes a process for resolving complaints that one country is not enforcing its own laws. But that process is of little use when a country's laws are inadequate to begin with, as is the case with Mexico's 60-cents-an-hour minimum wage. In addition, the side agreement's dispute resolution process is cumbersome, lengthy, and fraught with procedural obstacles. As a result, it will be all but impossible to obtain adequate remedies in a timely fashion.

Most importantly, this dispute resolution process does not even apply to workers' freedom of association rights, which numerous international human rights organizations have repeatedly cited as a serious problem in Mexico.

I will have more to say in the coming months about these side agreements. But at this stage I cannot see, under any circumstances, how they even begin to resolve the tremendous problems posed by the underlying NAFTA Agreement.

Mr. President, I campaigned very hard last year for then-candidate Bill Clinton. This year, I have had some significant differences with the President over certain issues, but I have supported President Clinton's agenda. President Clinton is a reasonable man, and he has already done a lot for working Americans, from signing the Family and Medical Leave Act to extending unemployment insurance for those who have lost their jobs. I know the President wants to expand our job base, and that he wants to do what is right for the American people.

But on the issue of NAFTA, I have a fundamental difference of opinion with the President. Remember, this NAFTA was first negotiated by the Bush administration to benefit big business and big financial institutions. This is still the same NAFTA. Remember, it was George Bush who negotiated tough NAFTA provisions to protect American investments in Mexico, but did nothing to protect American workers here at home. This is still the same NAFTA. I thought NAFTA was a raw deal for American workers then, and I think so now.

If the Members of this body want to know what the future looks like under NAFTA, I would urge them to visit the Maquiladora region just over the United States border in Mexico. I went there last fall to see the living and working conditions myself and at a later point I will address myself to that subject.

Finally, Mr. President, let me make clear that I am not a projectionist. I believe in free trade with countries that have comparable economics, such as Canada and the nations of Europe. But a free-trade agreement with a nation that pays workers $2 an hour is a losing proposition for America, no matter how it is drafted.

Ultimately, NAFTA is not about free trade, it is about unfair trade. Under its terms, American companies will move to Mexico in droves to exploit Mexican workers, taking America's industrial base with them. I know it, the Fortune 500 know it, and those Americans familiar with NAFTA know it. The Senate should reject the North American Free-Trade Agreement.

BUDGET SCOREKEEPING REPORT

Mr. SASSER. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through August 6, 1993. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 287), show that current level spending is below the budget resolution by $1.6 billion in budget authority and above by $0.6 billion in outlays. Current level is $0.5 billion above the revenue floor in 1993 and above by $1.4 billion over the 5 years, 1993–97. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $393.5 billion, $27.3 billion below the maximum deficit amount for 1993 of $420.8 billion.

Since the last report, dated August 3, 1993, Congress approved and the President signed Public Law 103–81, the Small Business Guaranteed Credit Enhancement Act. These actions decreased the current level of budget authority and outlays by $12 million.

I ask unanimous consent that the CBO report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 7, 1993.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1993 and is current through August 6, 1993. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 287). This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated August 2, 1993, Congress approved and the President signed P.L. 103–81, the Small Business Guaranteed Credit Enhancement Act. These actions changed the current level of budget authority and outlays. In addition, Congress approved and the President signed P.L. 103–75, the Emergency Supplemental for Flood Assistance. Funds made available in this bill are designated emergencies and have no affect on the current level of budget authority, outlays, or revenues.

Sincerely,

JAMES F. BLUM
(For Robert D. Reischauer).

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG., 1ST SESS., AS OF CLOSE OF BUSINESS AUG. 6, 1993

[In billions of dollars]

	Budget resolution (H. Con. Res. 287).	Current level [1]	Current level over/under resolution
On-budget:			
Budget authority	1,250.0	1,248.4	−1.6
Outlays	1,242.3	1,242.9	.6
Revenues:			
1993	848.9	849.4	.5
1993–97	4,818.6	4,820.0	1.4
Maximum Deficit Amount	420.8	393.5	−27.3
Debt Subject to Limit	4,461.2	4,307.2	−154.0
Off-budget:			
Social Security outlays:			
1993	260.0	260.0	
1993–97	1,415.0	1,415.0	
Social Security revenues:			
1993	328.1	328.1	(2)
1993–97	1,865.0	1,865.0	(2)

[1] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropirations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] Less than $50,000,000.

Note. Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONG., 1ST SESS., SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1993 AS OF CLOSE OF BUSINESS AUG. 6, 1993

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues	0	0	849,425
Permanents and other spending legislation	764,283	737,413	0
Appropriation legislation	732,061	743,943	0
Offsetting receipts	(240,524)	(240,524)	0
Total previously enacted	1,255,820	1,240,833	849,425
ENACTED THIS SESSION			
CIA Voluntary Separation Incentive Act (Public Law 103–36)	1	1	0
Unclaimed Deposits Amendments Act (Public Law 103–44)	0	1	0
1993 spring supplemental (Public Law 103–50)	1,003	1,199	0
Transfer of naval vessels to certain foreign countries (Public Law 103–54)	(8)	(8)	0
Small business guaranteed credit enhancement act (Public Law 103–81)	(12)	(12)	0
Total enacted this session	984	1,181	0
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	(8,443)	922	0
Total current level [1]	1,248,361	1,242,935	849,425
Total budget resolution [2]	1 249,990	1,242,290	848,890
Amount remaining:			
Under budget resolution	1,629	0	0
Over budget resolution	0	645	535

[1] In accordance with the Budget Enforcement Act, budget authority and outlay totals do not include the following in emergency funding:

[2] Includes a revision under sec. 9 of the concurrent resolution on the budget.

Note.—Amounts in parentheses are negative. Detail may not add due to rounding.

[In millions of dollars]

	Budget authority	Outlays
Public Law:		
102–229	0	712
102–266	0	33
102–302	0	380
102–368	1,060	5,873
102–381	218	13
103–6	3,322	3,322
103–24	4,000	(4,000)
Offsetting receipts	(4,000)	(4,000)
103–50	0	(30)
103–75	4,190	141
Total 1993 emergency funding	8,790	10,444

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1298, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1298) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Mr. BINGAMAN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

AMENDMENT NO. 777

(Purpose: To strike out section 3317)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. MCCAIN, Mr. MATHEWS, and Mr. NUNN, proposes an amendment numbered 777.

On page 432, strike out line 6 and all that follows through page 434, line 8.

Mr. BINGAMAN. Mr. President, this amendment is being proposed on behalf of myself, Senator MCCAIN, Senator MATHEWS, and Senator NUNN.

The amendment is very straightforward as it was read in its entirety by the clerk. I think it is easily understood. It is supported by the administration. It is supported by the Department of Defense. It is supported also by the National Taxpayers Union. I think when we get into a description of the amendment, it will be easy for my colleagues to see why the Taxpayers Union has an interest in this matter.

The provision of the bill which we are proposing to strike would create, if it is left in the bill, a new entitlement program for the American metal casting industry under which taxpayers would provide an annual grant of at least $20 million from now on in perpetuity outside the normal appropriations process.

These funds would be provided to an entity, the American Metalcasting Consortium which has refused to pursue funding in the traditional way of competing with other industry groups for research and development funds which has refused to commit its own funds to pursue this research and development that they want the taxpayers to underwrite.

Our amendment, as I indicated before, is supported by the administration. The administration has expressed strong opposition to section 3317 which is the section of the defense bill that we are here proposing to strike.

Mr. President, at the outset of this discussion I ask unanimous consent to have printed in the RECORD the letter from the Department of Defense indicating their opposition to this amendment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE UNDER SECRETARY OF DEFENSE,
Washington, DC, July 29, 1993.

Hon. SAM NUNN,
Chairman, Senate Armed Services Committee, Washington, DC.

DEAR MR. CHAIRMAN: The Department of Defense (DoD) has reviewed Section 3317 of the National Defense Authorization Act for FY 94 as reported out by the Senate Armed Services Committee. This Section would provide a perpetual payment from DoD funds of $20 Million per year to the American Metalcasting Consortum for enumerated purposes.

The DoD adamantly opposes Section 3317 for the following reasons:

Earmarking money from National Defense Stockpile (NDS) sales proceeds for any specified group to use in a way that meets no known Defense requirement sets an undesirable precedent for the usage of the stockpile transaction fund.

If the DoD is to retain a viable industrial base during the next decade, DoD must very carefully ensure monies are allocated only to those sectors which are indeed most critical. The effect of Section 317 would be to give one group, a consortium, an unfair advantage over all the other competitors, even if a Defense requirement for support existed. Section 3317, no matter how it is styled and how laudable its intent, is, in fact, a noncompetitive grant and it is consequently unfair and, in this case, unneeded.

This grant adds to the federal deficit without any offsetting savings. In FY 94, for example, the Congressional directive is to transfer $500 million in sales proceeds from sales of NDS materials into DoD operating accounts. If a portion of these funds is diverted into grants, the operating funds will have to come from additional appropriations. This means that the original intent of NDS sales, which was to generate disposal revenues without generating a need for additional tax revenues, will have been defeated.

For all these reasons, DoD strongly opposes this amendment. For your further attention, I have enclosed an information paper providing you with general information on the NDS.

Sincerely,

JOHN M. DEUTCH.

THE NATIONAL DEFENSE STOCKPILE

The National Defense Stockpile (NDS) was created by the Stock Piling Act of 1946. The NDS Act was a direct response to the critical shortages of basic industrial materials encountered during WW II. Shortages of strategic and critical materials such as rubber, chrome, tungsten and manganese seriously hampered the U.S. industrial mobilization effort during WW II.

From then until now, the U.S. has maintained an NDS of strategic and critical materials. The kind, number and value of NDS materials change from year to year as military requirements and manufacturing processes restructure.

The current composition of the NDS includes 91 materials ranging from manganese ore to near gem quality diamonds; current value of the NDS is estimated at approximately $6 billion. The materials are stored in 88 vaults, warehouses and depots throughout the continental United States. In 1992, in response to the end of the Cold War, Congress enacted a broad plan for NDS restructuring for fiscal years 1993–1997 in PL 102–484. In concert with concerns for the federal deficit level as well as the greatly reduced probability of global conflict, the Congress declared large quantities of NDS materials as excess and set goals for disposal of these now-unneeded materials up to $500 million per year for FY 1993–97.

Revenues generated by the sale of excess NDS materials are already directed by the Congress to be used for DoD facilities repair as well as NDS restructuring purposes.

Mr. BINGAMAN. Mr. President, I would also at this point ask unanimous consent to have printed in the RECORD the letter from the National Taxpayers Union indicating their opposition.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL TAXPAYERS UNION,
September 2, 1993.

Hon. JEFF BINGAMAN,
U.S. Senate, Washington, DC.

DEAR SENATOR BINGAMAN: The National Taxpayers Union, America's largest taxpayer organization, is pleased to endorse the floor amendment to the 1994 Defense Authorization bill you are planning to offer with Senator John McCain, which would strike the $20 million annual grant for the American Metalcasting Consortium.

Your amendment to eliminate section 3317 from the Defense Authorization bill will save taxpayers some $200 million over the next decade, and perhaps a great deal more, since the authorizing language creates a virtual entitlement for the Consortium.

As you know, the Department of Defense opposes this annual grant. To quote Under Secretary of Defense John Deutch, "Earmarking money from the National Defense Stockpile sales proceeds for any specified group to use in a way that meets no known Defense requirement sets an undesirable precedent for the stockpile transaction fund." We completely agree.

The American Metalcasting Consortium's noncompetitive grant was characterized as "unfair" and "unneeded" by DOD. It runs counter to the existing Congressional directive regarding the National Defense Stockpile, and it duplicates a research project won on a competitive bid using a $6 million matching fund program with FY '92 funding.

The National Taxpayers Union urges your colleagues to support the Bingaman-McCain amendment to strike the $20 million annual grant for the American Metalcasting Consortium when the Defense Authorization Bill is considered on the Senate floor.

Sincerely,

AL CORS, Jr.,
Director, Government Relations.

Mr. BINGAMAN. Mr. President, I will read a portion of the letter from the National Taxpayers Union for my colleagues to put this in perspective. They have said in their letter to me dated September 2:

> The National Taxpayers Union, America's largest taxpayer organization, is pleased to endorse the floor amendment that you are planning to offer with Senator MCCAIN, which would strike the $20 million annual grant for the American Metalcasting Consortium.
>
> Your amendment to eliminate section 3317 from the Defense Authorization bill will save taxpayers some $200 million over the next decade, and perhaps a great deal more, since the authorizing language creates a virtual entitlement for this Consortium.

The letter goes on to explain in more detail why they support our amendment.

Mr. President, there is no doubt that the American metalcasting industry is in decline and it has been in decline for at least two decades. I would welcome efforts by that industry to deal with their problems. But the problems are not the result of the end of the cold war.

The Department of Defense and its contractors are a small and a declining customer for this industry. Well over 90 percent of the output of this industry is consumed by the civilian sector in areas such as machinery and equipment, cars and trucks, pipes and fittings, railroads, et cetera.

The decline of this industry over the last two decades has resulted from a variety of factors. Let me list the most important of those. It has resulted from very stiff foreign competition that has developed, it has developed from under investment by industry itself, resulted from the need to comply with strict environmental laws which we put in place in this country and also from the competition that has developed from alternative technologies such as advanced materials fabrication which provide greater quality and consistency than the technology being used by the industry in question.

Compared to many other industries affected by the decrease in defense spending, this industry's claim on the defense resources is a very weak claim.

Section 3317 would put this consortium ahead of all other industry groups who are competing for Federal research and development support at this time.

Mr. President, as you and all Members of this body will remember, last year we enacted the technology reinvestment project which was set up to provide research and development funds for firms and independent industries hard hit by the change in the world circumstance and the end of the cold war.

Under that technology reinvestment project, the Department of Defense has received about 3,000 proposals, received them in July of this year, from industry groups that were willing—and we put this requirement into law that those industry groups be committed to share the cost of reinvesting in their own future. The Department of Commerce and its industrial technology programs, the Department of Energy and its technology partnership programs similarly faced overwhelming competition for the scarce resources that we have available for this research and development activity, and we require in all of those cases that industry come forward with a cost sharing.

Section 3317 especially says that industry groups and people who compete for those funds are suckers. They do not compete. The message is very clear from this section we are trying to strike. It is "Do not compete on the merits. Do not commit to invest in your own future. Instead, go to Congress outside the normal competitive process, get yourself a grant, and do so by use of some cooked-up national security rationale. That way you do not have to share the costs. That way you can get the Congress to fund your marketing, your advertising efforts, something that you never could get the Department of Defense, the Department of Commerce, and the Department of Energy to fund in the normal process."

The American Metalcasting Consortium chose not to compete in the funds of any of those agencies, the R&D funds made available to industry. Instead it chose to hire lobbyists to pursue a congressional earmarking strategy to meet what Under Secretary of Defense John Deutch has called "no known defense requirement." The lobbyists cooked up a wonderful—and I mean a very "Alice in Wonderland" kind of wonderful—national security rationale for the new entitlement. Let me just describe the logic of this rationale so that everyone has it clearly in mind. We may see it again.

It goes like this. The Department of Defense is disposing of metals from the national defense stockpile that it does not need anymore. The metalcasting industry uses the metals and therefore the Department of Defense should subsidize the metalcasting industry. That is the rationale. There is no more logic to it than that.

Mr. President, I want to warn my colleagues that the defense stockpile will also in the next few years be disposing of tanning extracts. That is leather tanning, I am referring to, not sun tanning. If these provisions stand in this metalcasting provision that is in the law, I suspect that next year we will be subsidizing the leather industry, the shoe industry, Mr. President, we will also be disposing of medicinal compounds from our stockpile such as quinine and morphine, and I pray the lobbyists for the pharmaceutical industry are not watching us today. I could go on, Mr. President, and point out the absurdity of this rationale as it could be applied to a variety of things in our stockpile. But the simple point is that section 3317 is not a precedent that we want to set here in the Congress.

Mr. President, I should also say that the Advanced Research Projects Agency is providing $6 million which is matched by industry to support the investment casting cooperative arrangement in its efforts to reduce the cost and time to design and produce precision cast parts for aeropropulsion systems. This consortium includes General Electric, Pratt & Whitney, Precision Cast Parts, and Universal Energy Systems, competitively selected by the Advanced Research Projects Agency, where the Department of Defense has a requirement, a legitimate national security requirement. It has acted to meet in a fair and equitable manner that requirement.

Mr. President, I worked hard to support sound efforts to help industry groups to compete in the world marketplace.

I think that record is clear. But that is not what section 3317 is about. Government can and should be a catalyst to help industry develop new technology to meet foreign competition, as it has been in the case of SEMATECH, or in the case of the National Center for Manufacturing Sciences, or the Investment Casting Consortium, which I just mentioned. But it cannot and should not put one industry on the permanent dole, as this provision in the bill proposes to do.

Government can and should support the efforts of State government to help small manufacturers, such as many metalcasting firms, to adapt to the challenges they face and to adopt existing world-class practices. The Commerce Department is doing that exact thing in coordination with other agencies, including the Department of Defense. I have been one of Senator HOLLINGS' strongest supporters in expanding that effort by the Department of Commerce. But Government should not advantage one set of small manufacturers over another.

Mr. President, to conclude and summarize the argument in favor of the amendment I have offered, if my colleagues want to save the taxpayers $200 million over the next 10 years, if they want to prevent the start of a new entitlement program, and if they want to be fair to the thousands of other industry groups and companies that are willing to compete on the merits and are willing to share the cost of investing in their own future, then I urge my colleagues to support our amendment to strike this provision.

I believe this is something we should take. It is an important precedent for us here in the Senate and one that we need to act decisively on.

I yield the floor and reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Is there further discussion on the amendment?

Mr. SHELBY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, the United States is losing its industrial capacity. The Nation is becoming more and more reliant on the service industry and neglecting the foundation of a strong modern industrial nation—its manufacturing base.

Nowhere is this decline more evident than in the domestic metalcasting industry. Since 1970, employment in the metalcasting industry has declined by almost 200,000 people, production has dropped from almost 20 million to 12 million tons in 1990, and the number of companies that provide employment dropped from 5,100 in 1970, to 3,200 in 1990.

Mr. President, the casting industry is essential to the defense of our Nation. Ninety percent of all manufactured products contain castings. In addition, 10 to 12 percent of all castings are produced solely and exclusively for military applications. Tanks, planes, ships, weapons, and a myriad of other military hardware contain thousands upon thousands of cast parts. In view of the declining defense production, if the Nation is to maintain a modern healthy casting industry, we must be prepared to provide the means to conduct research and develop new technology.

The American Metalcasting Consortium, which represents 3,200 foundries, has developed a plan to maintain the viability of this important segment of our manufacturing base. The plan identifies four areas of focus: Research and development; casting applications development; education and training; and, a small business innovation program.

Mr. President, these are realistic and achievable objectives which will ensure a strong metalcasting industry to meet our defense needs. I urge this body to support the American Metalcasting Consortium legislation as contained in the Armed Services Committee bill.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. SHELBY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Alabama [Mr. SHELBY] is recognized.

AMENDMENT NO. 778 TO AMENDMENT NO. 777

(Purpose: To revise section 3317, relating to support for the metalcasting industry of the United States)

Mr. SHELBY. Mr. President, I send a substitute amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for himself and Mr. THURMOND, proposes an amendment numbered 778 to amendment No. 777.

Mr. SHELBY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the matter being the striken insert the following:

SEC. 3317. METALCASTING RESEARCH AND DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.) is amended by adding at the end the following new section:

"METALCASTING RESEARCH AND DEVELOPMENT PROGRAM

"SEC. 17. (a) The National Defense Stockpile Manager shall carry out a metalcasting research and development program.

"(b) Under the program, the Stockpile Manager shall support, through contracts, grants, or cooperative agreements, metalcasting industry research and development activities, including the following activities:

"(1) Development of casting technologies and techniques.

"(2) Improving of technology transfer within the metalcasting industry in the United States.

"(3) Improvement of training for the metalcasting industry work force.

"(c) The Stockpile Manager shall use competitive procedures in awarding contracts, grants, and cooperative agreements under the program.

"(d) The Stockpile Manager shall ensure that each contract, grant, or cooperative agreement under the program includes a cost-sharing arrangement that requires contributions by non-Federal Government sources to the defraying of the cost of activities supported by the contract, grant, or cooperative agreement. The Stockpile Manager may waive the requirement in the preceding sentence in the case of any contract, grant, or cooperative agreement if the Stockpile Manager determines that cost-sharing is not feasible in such case.".

(b) IMPLEMENTATION.—Not later than 90 days after the date of the enactment of this Act, the National Defense Stockpile Manager shall prescribe regulations to carry out the metalcasting research and development program required by section 17 of the Strategic and Critical Materials Stock Piling Act, as added by subsection (a).

(c) FUNDING.—To the extent provided in appropriations Acts, for each of fiscal years 1994, 1995, 1996, 1997, and 1998, funds in the National Defense Stockpile Transaction Fund shall be available for the metalcasting research and development program required by section 17 of the Strategic and Critical Materials Stock Piling Act (as added by subsection (a)) in an amount not to exceed

(1) $10,000,000.

Mr. SHELBY. Mr. President, I offer this amendment in the nature of a substitute to the Bingaman amendment on behalf of myself and the distinguished Senator from South Carolina, Senator THURMOND.

Before I describe the amendment, I want to set the record straight on the current provision in the defense authorization bill. I must point out at the outset that despite the rhetoric of those opposed to section 3317, this provision was supported by a majority of the members of the Armed Services Committee in our markup.

All one has to do is turn to the committee's report accompanying this legislation, and the report states:

> The committee shares the Department of Defense's concern with a dwindling industrial base of casting sources and the effect this reduction has on our capability to defend the Nation in time of war, as well as our economic vitality. Ferrous and nonferrous castings are crucial components of an integrated industrial base and are necessary to provide operation and maintenance of current military systems, as well as being capable of competing effectively in U.S. and world markets.

Mr. President, in an effort to address these concerns, the Armed Services Committee directed the Department of Defense to make a grant of $20 million from the moneys in the transaction fund of the national defense stockpile to the American Metalcasting Consortium to conduct research and casting application development activities. The Defense Logistic Agency was given the responsibility for administering this grant.

What is so important about the metalcasting industry? Ninety percent of all manufactured products contain casting in this country. In addition, 10 to 20 percent of all castings are produced solely and exclusively for military applications—tanks, planes, ships, and weapons. And a myriad of other military systems contain thousands and thousands of other cast parts.

Mr. President, there are 3,200 foundries in the United States today employing 265,000 people in all States. These foundries produce over 100,000 distinct products which are used in 90 percent of all manufactured goods. Ninety-five percent of these companies are small businesses. However, since 1980, one out of every four foundries has shut down. It is estimated that over a 10-year period, this initiative could save 60,000 current jobs and perhaps create another 60,000.

Opponents of this provision have raised legitimate questions. Concerns have been expressed about the provision with a direct grant to a particular organization that this provision is not subject to annual appropriations, that there is no cost-sharing mechanism, and that $20 million a year would be granted in perpetuity to this organization.

I believe that the amendment that the senior Senator from South Carolina and I are now offering as a substitute addresses these concerns. The amendment establishes, Mr. President, a metalcasting research and development program that will be administered by the national defense stockpile manager and operated through grants, contracts, or cooperative agreements on a competitive basis.

The amendment also directs the stockpile manager to ensure, Mr. President, that each contract, grant or cooperative agreement under the program include a cost-sharing arrangement that requires contributions from non-Federal Government sources. The stockpile manager may waive this requirement if he determines that cost sharing is not feasible in certain cases.

Further, the amendment that we have offered here limits the program to 5 years. It also ensures that this program will be subject to annual appropriations.

Finally, we have limited the annual funding of the program to $10 million per year as opposed to the $20 million that is included in the bill.

Mr. President, I would also like now to address the Advanced Research Project Agency, ARPA, $6 million in investment casting grant that was referenced in a "Dear Colleague" letter signed by my colleagues, Senators BINGAMAN and MCCAIN. Less than 10 percent, Mr. President, less than 10 percent of the metalcasting industry involves investment casting. The program that is funded by ARPA deals with blades and vanes. This technology is limited using extremely different processes and materials. Accordingly, only 8 to 10 companies out of a 3,200-company industry would benefit from the $6 million investment that is referred to in this letter.

Therefore, to state that the Department of Defense has already acted on the requirement for the casting industry is incorrect.

Mr. President, we have a chance here to do something concrete about our eroding industrial base. Our amendment takes into consideration the concerns expressed of those who oppose section 3317 and at the same time, Mr. President, provides for a fair, balanced method of assisting an ailing industry, the foundry industry.

I urge my colleagues to support the Shelby-Thurmond substitute.

Mr. THURMOND. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. MURRAY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NUNN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Madam President, most of the areas before the Armed Services Committee in this bill the committee has agreed to on across party lines and really across philosophical lines. This is one area where we do not agree, and the vote in committee was very close. I believe it was a vote that the Senator from Alabama already mentioned.

The majority favored the provision that is now in the bill that is attempted to be stricken. The Senator from New Mexico and the Senator from Alabama are correct on that. The majority, as I recall, was by one vote. This was a very close vote and was debated very vigorously in committee.

I voted with the Senator from New Mexico in the committee. I was in the minority, and I am in the minority now.

I support the amendment by Senator BINGAMAN and Senator MCCAIN to delete section 3317 from the bill. That is the section that earmarks $20 million a year forever—it goes on indefinitely, in perpetuity, for a noncompetitive research grant to the American Metalcasting Consortium.

I understand the sentiment behind the provision in the bill. I understand the concerns for the metalcasting industry, and I share that concern.

But this is not the way to do it. This provision was adopted in committee by a single vote.

Madam President, the provision in the committee bill would require the Secretary of Defense to make a $20 million grant to a single consortium representing a single industry without any competition, without any requirement for peer review and without any cost sharing or contribution by that industry.

The Armed Services Committee has consistently opposed provisions like this in the past, and even though it is in the bill and the bill represents the majority, I believe the Senate itself ought to seriously consider this matter before setting this precedent.

The Defense Department currently has a technology reinvestment program, the so-called TRP, which is reviewing technology development proposals and conversion proposals from really literally hundreds of thousands of companies and industries and consortiums and educational institutions throughout this country. DOD has already received a very large number of proposals from industry for funding through this program.

It is my understanding that there are over 3,000 of those proposals that have come from all over the country from different consortiums in good faith working through the TRP program. They are not assured they are going to get funded. There is no doubt about it. This is competition. They are going to select the ones that are the best proposals and have the best chance of using the limited resources of the taxpayers to make real advances in technology and assist in defense conversion.

The Department of Defense will spend approximately $500 million through the technology reinvestment program this year, and our bill that we are voting on or that we will vote on this week, this authorization bill, contains another $605 million for the program fiscal year 1994.

So we are talking about, in a 2-year period, about $1 billion in this program. The projects that get funded under this program will be reviewed by people knowledgeable in the needs of our industrial base and will include cost sharing by the group receiving the funding and will be awarded on a merit selection basis.

There are hundreds of industries in this country that need help. There are hundreds of them that are in bad shape, and I know the metalcasting industry in this country is in trouble. I have members of this industry in my own State and they have informed me about the critical need for investment in new casting techniques and applications to meet new requirements. So I understand that.

I know that a large majority of the members of this industry are small businesses and they have trouble coming up with substantial funds to invest in research and development in new technology. There is no doubt about that. The Senator from South Carolina and the Senator from Alabama have already stated that, and I think they are absolutely correct.

However, there are other important industries in our economy that are suffering from some of these same problems. We have to ask ourselves: Are we going to do this for every industry that is in trouble? Are we going to turn the stockpile funds of the U.S. Government over to every industry that comes before the Congress and says they have a problem? Can we say to this one industry, the metalcasting industry, that you deserve an earmark grant of $20 million a year forever from DOD for research on new techniques when other industries have to go through a merit-based selection process that requires cost sharing to get funds from DOD to support this kind of research?

I do not think we should say that, Madam President, and that is why I support the amendment of Senator BINGAMAN and Senator MCCAIN.

I hope the American Metalcasting Consortium will go through the normal procedures like every other industry is having to go through, submitting a proposal to the Department of Defense to the technology reinvestment program. If their proposal has merit, if it is a proposal that has merit, then it stands a good chance of being funded in the TRP program. If it does receive DOD funding through the technology reinvestment program it will be because competent people have determined it has merit in comparison to some similar requests from other industries, not because Congress has responded to those who are commanding the most attention and then turning it over as a matter of law through a noncompetitive earmark grant.

Madam President, there is another aspect of the provision in the committee bill that I want to bring to the attention of my colleagues and probably is an unintended aspect of the provision, but the Members should be aware of it.

Under current law all disposal of materials from the national defense stockpile have to be specifically authorized by law. The Armed Services Committee carefully reviews all the proposals by DOD to dispose of materials from the stockpile to make sure the disposals will not have an impact on the markets for those materials.

The provision that is in this bill now that the Senator from New Mexico intends to offer the amendment to change, to strike, makes the grant to the American Metalcasting Consortium and also gives the Department of Defense extraordinary authority to dispose of any material in the stockpile whether authorized by Congress or not, to get enough money in the national defense stockpile transaction fund to make this noncompetitive grant.

This kind of open-ended authority could be used by the stockpile manager and DOD to dispose of materials in the stockpile that the stockpile manager wanted to sell in the past, but which Congress has restricted or prohibited. Materials like silver, ferrochrome, and ferromagnesium are just three materials that come to mind that the stockpile manager has asked for authority to dispose of in the past which Congress has denied.

If we do not adopt this amendment and delete the provision from the bill, we would be giving DOD the authority to sell silver, ferrochrome and ferromagnesium in spite of the past congressional restrictions on the disposal of these commodities from the stockpile.

Madam President, I know the Senator from Alabama had modified his amendment. It is my understanding that, instead of the provision in the bill, he would propose at this point that we go to a more restricted program, a 5-year program, which would be $10 million per year. That would be in lieu of what is in the bill now, which is a $20 million program which is in perpetuity. But the second-degree amendment still mandates this. It does not leave it up to the Department of Defense.

The provision in the bill, as I understand it, does not have any competitive procedures. I believe the second-degree amendment—and the Senator from Alabama could clarify this—does require competitive procedures, but it is my understanding they are all within that industry. So there is no competition to determine whether this is the greatest need or whether it is some other industry that has a greater need, some other group of people out there who may have a more meritorious program. So it is competition in one sense, but in a very narrow sense.

Also, as I understand it, the second-degree amendment would require cost sharing, but it does not say how much. It does not have any defined guidelines for cost sharing.

So, Madam President, I think the second-degree amendment is better than what is in the bill, but I think the best thing is to start all over on this with the amendment of the Senator from New Mexico to strike and let us try to approach this in a logical fashion that is fair, not only to this industry, but is fair to the other industries in this country. They are already competing for a limited amount of money through a normal competitive process.

So I suggest that my colleagues may want to consider very carefully the position of the Senator from New Mexico, and I agree with that position.

Mr. BYRD. Madam President, I support the amendment offered by Senator SHELBY and I think that it greatly improved the language contained in the bill. This amendment corrects certain problems that were created when the Senator's amendment was adopted by the Armed Services Committee. Chief among those problems was the omission of language that would make this program to support the metalcasting industry subject to annual appropriations. I understand that the Senator intended to include such language as part of the amendment he offered in the committee, but that an earlier version without this correction was inadvertently adopted. I thank him for taking this opportunity to correct this oversight.

This amendment also improves the original language by infusing the program with greater competition and by eliminating the authority given to the President to dispose of materials from within the national defense stockpile regardless of existing restrictions. Obviously, increasing the competitive aspects of such a program will enhance the long-term benefits to the Defense Department and increase the Department's ability to conduct proper oversight of the program. Removing the overly broad disposal authority may limit the amount of funding available for this program, but this will prevent the unintended consequence of overriding congressional restrictions set up in other legislation.

Finally, this amendment limits the program to 5 years and to $10 million instead of $20 million a year. I don't believe the Senator intended this program to continue in perpetuity and this amendment corrects that problem. Additionally, $10 million will provide a sufficiently robust program to accomplish the objective of the legislation.

Let me turn for a moment to those objectives. The metalcasting industry employs 265,000 people in all 50 States, primarily in small businesses, and generates $20 billion in output annually. These products are used in almost all manufactured goods, with 10 percent of the production being consumed directly by the Defense Department. This critical industry has seen 25 percent of its foundries shut down since 1980. It is entirely appropriate that the Defense Department lead this program as part of the larger defense conversion and industrial base efforts. I congratulate Senator SHELBY on his leadership and for offering these improvements to the original language.

Mr. McCAIN. Madam President, I rise today to voice my support of Senator BINGAMAN's amendment to the Defense authorization bill, to strike section 3317 of that bill. This section, which Senator BINGAMAN's amendment would eliminate, provides for an annual $20 million grant to a powerful special interest group, the American Metalcasters Consortium.

Let me say at the outset, that I understand and sympathize with the difficulties which the metalcasting industry is facing. It truly is an industry in decline, and in need of help. The metalcasting industry is facing great challenges from additional environmental regulation, stiff foreign competition, and under capitalization. But, section 3317 would have us believe that the answer to this industry's problems is a taxpayer financed bailout. I would ask you to believe otherwise.

Section 3317 provides for $20 million a year, and represents a $200 million plus program. Moreover, this program is an earmark. Earmarking funds for the metalcasters, whose needs are no greater than some other industrial sectors, undercuts the Senate Armed Services Committee's stand against earmarks, and undercuts the cost sharing and competition rules which have been established for the conversion program.

Moreover, this provision would allocate money in an area where the Defense Department, specifically the Advanced Research Projects Agency [ARPA], already has an existing cost shared program. ARPA is already supporting a $6 million investment in a cost shared casting consortium to develop jet engine airfoil and structural components.

So we already are helping this private industry. We are helping in a competitive, shared cost program, which is based on the principles of fairness, and private sector—governmental cooperation. Section 3317 would have us bypass this system, and give the American Metalcasters special treatment. While I sympathize with the difficulties the metalcasting industry is facing, are those difficulties worse than those faced by the textile industry? Or, the shipbuilding industry, or some portions of the electronics industry? What is so unique about the metalcasting industry that it would deserve treatment that these other important industries do not deserve?

There are many hard hit industries where the Department of Defense is a major customer: aviation, shipbuilding, missiles, and electronics are cases in point. They will not get such relief, yet the Department of Defense is only a relatively minor customer of the metal casting industry. DOD and its contractors consume between 3 and 10 percent of the metalcasting industry's output. Additionally, the Under Secretary of Defense for Acquisition has stated in the clearest possible language that they do not want section 3317 to become law.

Let me quote Under Secretary Deutch: "The DOD adamantly opposes section 3317." Adamantly opposes. DOD adamantly opposes this measure because; it meets no defense requirement, it is a noncompetitive grant and is subsequently unfair; and because this grant adds to the Federal deficit without any offsetting savings. Those are not my words, they are the words of the Defense Department official which Congress has designated to provide executive oversight of how DOD's funds are spent.

It is interesting to inquire what this proposed $20 million grant would be spent on. Where do the metalcasters see the biggest needs in their industry. I have here, portions of an internal American Metalcasters Consortium document—titled their "Strategic Program Plan," dated April 12, 1993—which indicates precisely how they intend to spend the taxpayer's money; 20 percent is designated for casting applications development. That is some sort of code word for advertising. I quote from the document;

> AMC will promote the use of castings. This includes advertising, public relations, and education * * * Advertising and promotion must be adequately funded to break through the threshold of insignificant or negative publicity of the past * * *.

Then in an appendix, the document describes the plan to spend $40 million dollars of taxpayer's money for these purposes.

Madam President, this measure does not represent industrial policy. It is not based on fair competition or the priorities we need to preserve our industrial base. This measure does not represent sustainment of an industrial base, or some manner of reinvestment or conversion of defense dollars. Section 3317 represents only one thing—a subsidy. This is special interest spending which subsidizes one industry unfairly with respect to other industries, spending which contributes to only one thing, the national deficit.

Borrowing to spend is bad. But borrowing to spend defense dollars, in a time when our uniformed services are struggling to meet operational requirements with reduced resources is not bad. It is unconscionable.

Madam President, I strongly urge my colleagues to support Senator BINGAMAN's amendment to strike section 3317 of the Defense Authorization Act, and to oppose Senator SHELBY's second-degree amendment. I urge my colleagues to cast a vote to put the Nation's interest above special interest of politics, a vote for the taxpayers who should not shoulder this unnecessary burden. Finally, a vote in favor of this amendment is a vote for our uniformed fighting men and women who would be better served by spending these funding in pursuit on maintaining readiness—so that they can better serve us.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I thank the Senator from Georgia, the committee chairman, for his statement of support for what we are trying to do here.

As he points out very correctly, the amendment, even as modified by the Senator from Alabama, does lock in for one industry without competition—that is, between that industry and anyone else—$50 million over the next 5 years. It does so in an industry and as to product for which the Department of Defense says there is no known defense requirement.

Madam President, to elaborate a little more on what the Senator from Georgia said with regard to the technology reinvestment project, the TRP, as it is referred to in this discussion generally, that program was intended to provide funds for the very kinds of needs that the metalcasting industry is here asking the Congress to earmark money for.

There are around $9 billion of proposals submitted for a $480 million pot of money that the Congress set aside this last year. It is clear that the Department of Defense, working with the other agencies that have been involved in this, is going to be able to fund no more than 5 percent of the proposals that they have received.

So for the 95 percent of the proposals that are not funded, it is very clear that, if we go ahead with what the Senator from Alabama has in mind here, the obvious avenue available for those 95 percent are to come to Congress next year and ask for their earmarking and say, "Well, it does not make sense to compete, because you may not win if you compete." It is much easier to put your money not into commitment to reinvest in your own industry but instead put your money into hiring lobbyists to come in to Congress and get you an earmark so that you do not have to compete with other industries for your funds.

We also, I should point out, have made very substantial progress over the last couple of years in funding the advanced technology program in the Department of Commerce. It is a program that is directed specifically at industries such as this that are primarily focused on the commercial sector and provides research and development funds. The metalcasting industry can compete for funds in that area, as well. So there are opportunities for R&D funding available through existing channels.

Let me point out one other major problem with the substitute amendment that we have had submitted by the Senator from Alabama. That is his statement that the national defense stockpile managers shall carry out a metalcasting research and development program.

Madam President, the national defense stockpile manager has never carried out a research and development program on this or anything else. It would be highly unusual and precedent-setting for us to, all of a sudden, by statute, be directing the manager of the national defense stockpile, whose job it is to keep track of those minerals and other items that are kept in our national defense stockpile, to all of a sudden direct him to conduct a research and development program. I think that is another fatal flaw with the amendment that has been proposed.

The suggestion that we are making this competitive is not an honest assessment of what is being done. All they are saying here is that the funds do not have to go to this particular consortium; they can go to others. But it still would be dedicated to this particular industry's needs. That is what we are objecting to.

The suggestion that there is a cost share is also, I think, somewhat of a misrepresentation, because clearly there is a provision for the manager to waive that requirement of a cost share. The ability to waive a cost-share requirement is not present in the TRP program. It is not present in the ATP program, where everybody else has to go to get their money.

Let me just conclude my comments. I see my cosponsor on the amendment, Senator McCAIN, from Arizona, is here and is waiting to speak. But let me conclude my comments by referring to another statement in this National Taxpayers Union letter, which we provided a copy of to each Member of the Senate. In that letter, the director of government relations for the National Taxpayers Union states, and I quote from his letter:

> As you know, the Department of Defense opposes this annual grant. To quote Under Secretary of Defense John Deutch, "Earmarking money from the National Defense Stockpile sales proceeds for an unspecified group to use in a way that meets no known defense requirement sets an undesirable precedent for the Stockpile Transaction Fund." We completely agree.

Madam President, if, in fact, we go ahead and leave this provision in the law and it becomes law and we wind up allowing the earmarking of proceeds from the sales out of the national defense stockpile, that will be precedent-setting and there will be many other industries in here next year with their proposals to earmark 5 percent, or whatever amount, in the national defense stockpile proceeds to bail out their industry. This would be a very unfortunate precedent for the Senate to set.

I urge that my colleagues not support the substitute amendment, but support Senator McCAIN, myself, Senator NUNN and Senator MATHEWS in our efforts to strike this provision. At the appropriate time, I will propose to move to table the substitute amendment which has been offered.

I yield the floor at this time.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Madam President, I again rise in strong support of the amendment by my colleague and friend, Senator BINGAMAN.

What we are talking about here is something that is not only important in and of itself, but, also, because it determines whether will set the kind of precedent that could cause a dramatic and unfortunate waste and misuse of defense dollars.

I would like to say at the outset that I have great sympathy with my colleagues Senator SHELBY and Senator THURMOND. I understand that the metalcasting industry in the United States is in sharp decline, largely due to tough new environmental laws, foreign competition, and undercapitalization.

I must point out, however, that the Department of Defense is a relatively minor customer of this industry. The Department of Defense and its contractors consume between 3 percent and 10 percent of its output.

The Department of Defense consumes a much larger percentage of the output of many other industries. For example, shipbuilding, 85 percent; guided missiles, 90 percent; tanks, 80 percent; small arms, 58 percent; aircraft parts, 50 percent—et cetera.

As my colleague from New Mexico has pointed out, there already is a process for aiding industries that have a legitimate defense conversion need. All industries and companies can compete for this funding, and the ARPA reinvestment and conversion program is the appropriate place for the metalcasting industry to seek funding for what they argue is much-needed relief.

I believe they deserve serious consideration. I do not think there is any doubt that the industry is in decline. I do not think there is any doubt that the proposed consortium contains many small foundries. In fact, I am told there are several in my State. But the reality is, Madam President, the needs of this particular sector of industry are no worse than others like shipbuilding—which is participating in the competition I talked about earlier—portions of the electronic industry, portions of the aircraft industry, textiles and many others. The stockpile sales were never intended to be used to help a certain sector of industry and it is unclear that the proposed program could use them meaningfully. The problems of this industry are relatively intractable, especially the environmental barriers and foreign competition.

Any use of taxpayer dollars to aid any industry must be both fully justified and fully competitive. This is why ARPA already has a cost-sharing program that is competitive and that makes sense. If we grant an exception for one industry that should be competing, we will be hard put to turn down many others who do not win ARPA awards this fall. Such an act is just the kind of industrial policy that gives the term a bad name.

I know we often do disregard the wishes of the Department of Defense. I think it is important, however, for the record to clearly show the Department of Defense is emphatically opposed to this amendment. They state they oppose this measure because it meets no known defense requirement, because it sets an undesirable precedent for the use of the stockpile transaction funds, and because—no matter how laudable its intent—it is a noncompetitive grant and is consequently unfair.

If the Bingaman amendment were not adopted, section 3317 of the bill would add to the Federal deficit without any offset in savings. If these funds are diverted into grants, the operating funds will have to come from additional appropriations.

Madam President, again I would like to express my sympathy to my dear friends, Senator SHELBY and Senator THURMOND. I appreciate their efforts on behalf of large and small businesses, the metalcasters who are concerned. But the fact is, if we start down the slippery slope of approving tens of millions of dollars for industries that are badly in need, and bypass the competitive process, the process of hearings, the process of input from private and public sector and the process of review by the Department of Defense we will set a very dangerous and costly precedent. The competition for Federal dollars in defense conversion is keen. We must have an orderly and well-regulated process to decide where those defense conversion dollars go.

Perhaps the metalcasting industry deserves our help. Perhaps they deserve some conversion funding. I strongly recommend they go the route which many other industries in this country are going, and that is through the conversion process and conversion trust funds which have been set up for these purposes.

I urge my colleagues to support the Bingaman amendment and I appreciate Senator BINGAMAN's bringing this issue to the attention of this body.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Madam President, I support the amendment offered by my distinguished colleague, Senator SHELBY, to support the metalcasting industry in the United States. The amendment addresses those concerns raised by the Senator from New Mexico, Senator BINGAMAN. The amendment removes the earmark to the consortium and, instead, puts the national defense stockpile manager in charge of a competitive R&D program which supports industry activities. The amendment provides for cost-sharing arrangements by non-Federal sources to defray the cost of the program, if feasible. The amendment removes the $20 million, 5-percent provision and authorizes $10 million per year, subject to annual appropriation.

Madam President, I want to make this distinction: The amendment offered by my distinguished colleague, Senator SHELBY, is altogether different from the bill provision to which Senator BINGAMAN now refers. We have to make that distinction. The Shelby substitute amendment would remove those elements of the bill which Senator BINGAMAN finds objectionable.

There is much discussion about the Bingaman amendment, However, the Shelby substitute amendment addresses those concerns which are raised in the Bingaman amendment. So it is altogether a different situation which I want to call to the attention of the Senate, because I think there is some concern about portions of the bill which the Shelby amendment seeks to revise.

Senator SHELBY has leaned over backward. He has taken out objectionable portions. He is now proposing a competitive program, managed by the defense national stockpile manager, for a limited number of years, subject to annual appropriation. For These reasons there really should not be an objection. It seems to me this Shelby substitute amendment is reasonable and should be adopted.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NUNN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Madam President, I ask unanimous consent that the pending amendment, which I believe is a Shelby amendment, be temporarily laid aside, with the Senator from Arizona [Mr. MCCAIN], having the right to bring up an amendment at this point, with the pending amendment becoming the pending business again once the McCain amendment is dispensed with.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 779

(Purpose: To provide permanent congressional consent for the employment of retired personnel of the Armed Forces of the United States by governments of newly democratic nations)

Mr. MCCAIN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCain], for himself, Mr. GORTON, and Mr. SIMON, proposes an amendment numbered 779.

Mr. MCCAIN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 148, between lines 8 and 9, insert the following:

SEC. 547. EMPLOYMENT OF RETIRED MEMBERS BY FOREIGN GOVERNMENTS.

(a) FINDINGS.—The Congress makes the following findings:

(1) It is in the national security interest of the United States to promote democracy throughout the world.

(2) The armed forces of newly democratic nations often lack the democratic traditions that are a hallmark of the Armed Forces of the United States.

(3) The understanding of military roles and missions in a democracy is essential for the development and preservation of democratic forms of government.

(4) The service of retired members of the Armed Forces of the United States in the armed forces of newly democratic nations could lead to a better understanding of military roles and missions in a democracy.

(b) CONGRESSIONAL CONSENT.—(1) Chapter 53 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1058. Military service of retired personnel with newly democratic nations

"(a) CONGRESSIONAL CONSENT.—(1) Subject to subsection (b), Congress consents to a retired member of the uniformed services referred to in subsection (b)—

"(A) accepting employment by, or holding an office or position in, the armed forces of a newly democratic nation; and

"(B) accepting compensation associated with such employment, office, or position.

"(b) DETERMINATIONS AND APPROVAL REQUIRED.—(1) The Secretary concerned and the Secretary of State shall jointly determine whether a nation is a newly democratic nation for the purposes of this section.

"(2) The consent provided in subsection (a) for a retired member of the uniformed services to accept employment or hold an office or position shall apply to a retired member of the armed forces only if the Secretary concerned and the Secretary of State jointly approve the employment or the holding of such office or position.

"(c) CONTINUED ENTITLEMENT TO RETIRED PAY AND BENEFITS.—The eligibility of a retired member of the uniformed services to receive retired or retainer pay and other benefits arising from the retired member's status as a retired member of the uniformed services, and the eligibility of dependents of such retired member to receive benefits on the basis of such retired member's status as a retired member of the uniformed services, may not be terminated by reason of employment or holding of an office or position consented to in subsection (a).

"(d) RETIRED MEMBER DEFINED.—In this section, the term 'retired member of the uniformed services' means a member or former member of the uniformed services who is entitled to receive retired or retainer pay.".

(2) The table of sections at the beginning of chapter 53 of such title is amended by adding at the end the following:

"1058. Military service of retired personnel with newly democratic governments.".

(c) EFFECTIVE DATE.—Section 1058 of title 10, United States Code, as added by subsection (a), shall take effect as January 1, 1993.

Mr. MCCAIN. Madam President, I rise to offer an amendment which I am very grateful to note has been agreed to by the distinguished chairman and the distinguished ranking member. The amendment allows retired members of the U.S. Armed Forces to serve in the military of newly democratic nations and accept compensation for such employment where the Secretary of Defense and the Secretary of State jointly determine that such a nation is newly democratic for the purposes of this law.

I believe that such legislation serves a vital purpose. At present, retired members of the U.S. military cannot serve in foreign military forces. They lose their pensions if they do so. This reflects longstanding limitations on the ability of American citizens to serve in foreign military forces.

In today's post-cold-war world, however, there are many new democracies where military services have no experience in preserving human rights, where the military has never before been fully subject to the rule of law, where the rights of soldiers and conscripts have previously been disregarded, and where corruption and violence have previously been the norm.

These nations cannot draw on a pool of experienced military officers. They also cannot always rely on adviser and training missions. They need immediate help to reshape their military forces to serve as an instrument that defends democracy rather than authoritarianism.

No one can provide more immediate help in meeting such needs than American officers whose careers have been in the service to democratic values. We have many reasons to praise our men and women in uniform, but their proven service to democratic institutions, the rule of law, and basic human rights is one of the greatest triumphs of our history.

We should take advantage of the fact that we are a nation of immigrants. We should take advantage of the unique skills of our military. We should encourage our retired military to help new democracies reshape their military forces.

Madam President, this brings me to the case of Col. Alexander Einseln. Col. Alexander Einseln is an exceptional man on an exceptional mission. He is an American citizen whose family fled Estonia in the midst of the darkest days of World War II. He served with distinction in the U.S. Army. He served for 35 years, in the Korean and Vietnam wars. He rose to the rank of colonel and retired.

Most men at the age of 60 would rest on their laurels. Colonel Einseln, however, recognized the fact that Estonia had emerged as a new democracy without any democratic military traditions, and he accepted the call to duty as the commander of Estonia's military forces.

The challenge he faces on taking up that command is truly formidable. Estonia is a newly democratic nation with no real armed forces or military tradition. Its soldiers and officers are all the product of the former Soviet Union's military system. They are the product of an authoritarian system that acted as an occupying power. They are the product of a system that brutalized, and sometimes killed, its conscripts. They are the product of a system that promoted for politics as often as it promoted for merit. They are trained in a system where the military often acted outside the law or above the law.

Colonel Einseln must build democratic military forces that are committed to human rights and firmly subject to the rule of law. At the same time, he must reorganize and retrain these forces. He must find ways to reequip them and create a whole new system of command and restructure methods of discipline and military justice. He must build a force capable of self-defense that has inherited some 1,200 military facilities but only a handful of armored vehicles, two airplanes, and not a single tank.

There is no question about the importance of his mission. There is no question that he serves democracy. Current law, however, provides no way that the Secretary of Defense and the Secretary of State can formally allow him to serve and to keep his pension. As a result, he risks his citizenship, the military honors he has earned, and the salary he needs to serve in a country which can barely afford a token salary of $500 a month, a salary he has so far refused to take. He is even subject to a demand for pension benefits he received before the Department of Defense determined there was no administrative way to continue providing him with pension payments.

Madam President, Colonel Einseln is providing precisely the kind of assistance newly emerging democracies need. He is a model for other American military retired officers who can bring a unique combination of American values and ethnic backgrounds to helping nations make the difficult transition to democracy and the rule of law.

This amendment will give such officers the right to provide such service. It will allow them to heed the call of duty to democracy without giving up their ties to the country they love or the pensions they have earned with honor.

It is supported by the Office of the Secretary of Defense and will offer no such privileges to mercenaries or those who simply court position. This amendment applies only to those who serve in newly democratic nations and to individuals in positions where the Secretary of State and the Secretary of Defense jointly approve both the individual involved and the employment or holding of such an office or position. It allows us to support democracies in exceptional cases, but it prevents any retired officer serving in armies like those of Serbia.

Mr. President, I wish to thank Senator GRAHAM, Senator GORTON, and Senator HELMS for cosponsoring this amendment. I wish to thank Senator NUNN and his staff for helping me find the proper legal language.

Madam President, on few occasions in my life I would have the opportunity of meeting and knowing an outstanding and dedicated American who is not only dedicated to this country but the preservation of the principles of democracy and freedom. Colonel Einseln is such a man. I believe that the State Department, which is now in opposition to Colonel Einseln's pension, should be persuaded, and persuaded quickly, that this Nation which spent hundreds of billions of dollars for defense to bring about a day when the countries like Estonia and Latvia and Lithuania and the Ukraine, Armenia, and others could have an opportunity for freedom and democracy—that people like Colonel Einseln can play a vital and, indeed, critical role in seeing that this transition takes place, so that once again we will not have to spend those kinds of moneys and risk the blood of the young citizens of this country.

Madam President, again I thank the chairman of the committee and Senator THURMOND for their assistance. I think this is truly a humanitarian act we are about to undertake with the acceptance of this amendment.

I urge adoption of the amendment.

Mr. THURMOND. Madam President, I rise in support of the amendment offered by my distinguished colleague from Arizona, Senator MCCAIN. This amendment is being offered to help persons who are performing an invaluable service for this country and for newly emerging democratic governments such as Estonia. This legislation will make it possible for talented retired military people to share their knowledge and experience with countries struggling to be free.

The amendment provides for adequate safeguards, and I support its adoption.

I am informed that the Defense Department approves of this amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. NUNN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Madam President, I favor this amendment. I think the Senator from Arizona, Mr. McCAIN, has performed a real service in taking a very unusual situation and helping devise a way to deal with it that does not set a precedent that at some point with which we do not want to live.

In this particular case, Colonel Einseln is serving as chief of the Estonian defense forces, which is a military position. Based on my information, he is reported to be a very good influence on the Estonian military. That military went through some very difficult times as a part of the Soviet Union.

There is a provision in the Constitution, clause 8, section 9, article I of the Constitution, that requires consent of the Congress for a person holding an office—a colonel in the Army U.S. Retired is an office—under the United States to accept any office or compensation from a foreign nation.

Because of that provision the United States Army has cut off the retirement pay of the colonel, even though his service in this particular capacity is certainly, I think, viewed by everyone concerned as very much in the best interest of the United States and very much in the best interest of Estonia, involving their defense forces to be much more cognizant of human rights and much more cognizant of civilian authorities and all of those things we treasure in a democracy.

So I think this is a rare case. I do not think we are going to see it happen very much. But this amendment will allow retired members of the Armed Forces to preserve a good influence on the armed forces of fledgling democracies. It is consistent with other congressional actions that seek to enhance civilian rule and principles in newly emerging democracies. I think it is in the best security interests of the United States, and I would urge its adoption.

The other point that I would make, this amendment does not open a gate, a wide open gate. It makes receipt of retirement pay subject to review by the Department of Defense and the Department of State, and that means it will be used very carefully and done on a very limited basis, on a case-by-case basis. So I do believe this is the right approach to solving a difficult problem without setting the kind of precedent that we might regret in the future. I would urge adoption of the amendment.

Madam President, I could say that I am told the Defense Department favors this amendment, and I am told the State Department does not have any objection.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the McCain amendment.

The amendment (No. 779) was agreed to.

Mr. GRASSLEY. Madam President, I rise to speak about an amendment. I want to say at the outset to the distinguished chairman and ranking member that after I discuss my problem I wish to present to the body, if there is some way of accomplishing the goal other than an amendment, I am happy to consider some alternative. But I think that there is a very real problem here with which we have to deal, probably a problem that the Senator from Georgia in the past years has spoken more eloquently about than anything I can say.

The subject involves the 5-year defense program, and I would like to suggest to the leaders of the Armed Services Committee that probably they may not appreciate somebody from outside the committee raising these issues, but I want to remind leaders of the committee that as far back as 1983 as a member of the Budget Committee—I am still a member of the Budget Committee—I led the way and Chuck Spinny, defense analyst in the Department of Defense, and he is still there, appearing before a joint committee of the Senate Armed Services and Senate Budget Committee in the Senate Russell caucus room. The meeting got considerable attention. At that point, it was not the same problems that I am trying to raise today. In those days it was the games that were being played with the 5-year defense plan.

You may remember from those hearings, Spinny made points about what he called spaghetti charts, about how money numbers were moved around in the 5-year defense program from year to year that made the 5-year defense program pretty much meaningless from a standpoint of a document for us to make broad budget decisions on.

I think the 5-year defense program serves a very useful purpose when it is used right.

Today, the problem is not that numbers are being shifted around. Today the problem is that there are no numbers.

So the amendment that I speak about is to bring the Department of Defense future years' defense program—sometimes called the 5-year defense program—into line with President Clinton's budget. In February, Clinton submitted a budget calling for an estimated reduction of $100 billion in defense through fiscal year 1997 as compared to the higher President Bush 5-year defense program numbers.

Underestimated costs for major weapons systems and overestimated savings for management efficiencies could yet mean much deeper cuts down the road, perhaps another $50 billion. Congress has signed off on President Clinton's defense budget numbers. But the Pentagon has not made the cuts needed to bring the program down to President Clinton's top-line figures.

Madam President, the cold war is over. The Soviet military threat has evaporated. Our defense needs are down. The Pentagon's 5-year defense program must be brought into line with the President's budget as the law requires. The cuts must be made in the outyears, fiscal year 1995 through fiscal year 1998.

Under the law, section 221, title X, the Department of Defense must submit a 5-year defense program to Congress each year that is consistent with the President's budget. There is a very simple reason for this law. It forces the Department of Defense to make very hard decisions necessary to squeeze all of the programs into the President's budget. This means making tradeoffs and it means eliminating unaffordable programs.

Secretary of Defense Aspin has not yet made these tough choices—that is not a disparaging remark. That is just a statement of fact—partly because he is new in there. This is a new administration and it takes a certain amount of time to get the ball rolling. But they have not been made. And the law is not being abided by.

Madam President, the distinguished chairman of the Armed Services Committee, the Senator from Georgia, has spoken on this issue many times. In March and April of 1990, for example, Senator NUNN made his series of important and interesting floor statements on the subject entitled "Defense Budget Blanks."

Madam President, I want to draw on Senator NUNN's ideas to make a case for my amendment today. Senator NUNN identified five blanks in the fiscal year 1991 budget as follows: threat blank, strategy blank, dollar blank, force structure blank, and lastly, program blank.

I want to focus on the third one, the dollar blank, and to quote from those statements to buttress arguments for my amendment, but more importantly to make the point that the law is not being abided by.

In his first speech on March 22, 1990, Senator NUNN said:

> The most important point is that the Defense Department has identified less than half of the savings in the defense programs necessary to bring last year's 5-year defense plan in line with the 5-year defense spending levels in the President's budget submitted this year. Last year's 5-year defense plan must still be reduced by at least $90 to $100 billion in outyears. It could be more.

That is the end of the quote.

Madam President, the 1990 assessment of the Senator from Georgia sounds almost identical to the Pentagon's 1993 program budget mismatch.

Secretary Aspin has yet to identify one reduction in the outyear. Clinton's budget and the Department of Defense 5-year plan are still out of whack by $100 to $150 billion. That is a minimum.

Senator NUNN continued his 1990 assessment:

> The Armed Services Committee and the Congress need to have a clear idea of how these reductions are to be achieved in fiscal year 1992 before we act on the fiscal year 1991 budget. As Comptroller General Bowsher told the committee last week, if we have no view of the outyears of our defense budget, if we cannot see beyond 1 year, we have no way to judge this year. I hope the Defense Department will fill in the blanks. The Pentagon can show us their priorities by submitting a complete 5-year defense plan that meets the spending cuts announced by President Bush and Secretary Cheney.

Senator NUNN placed a letter in the RECORD. The letter was dated March 8, 1990. It was addressed to the chairman and ranking minority members of the Budget Committee. I sit on that Budget Committee. It was signed by the chairman and ranking minority members of the Armed Services Committee and the letter read in part: "The Defense Department must provide Congress with a complete 5-year defense plan that meets the spending limits in the President's fiscal year 1991 budget." That is referring to President Bush's 1991 budget.

The Senator from Georgia reiterated the need for the 5-year defense program in stronger terms in a speech on March 29, 1990. This was what he said: "I hope the Defense Department will quickly fill in the blanks and submit a new 5-year defense program as required by statute."

On April 20 he once again raised the need for a new 5-year defense program:

> I remain hopeful that our committee will receive the Defense Department's 5-year defense plan in the near future. Without that plan it is very difficult to make logical choices about the 1991 budget level, and even more difficult to determine appropriate priorities.

Madam President, the fiscal year 1991 5-year defense program that the Senator from Georgia wanted never arrived. The committee had to mark up the bill without it. The Department of Defense never did fill in the blanks. The law was not being abided by.

Senator NUNN spoke about this shortcoming on October 6, 1990: "One of the most frustrating aspects of our conference"—meaning the conference committee between the House and the Senate—"has been the fact that the Defense Department this year never went through the fiscal discipline of meeting realistic budget targets. The Pentagon never submitted a complete 5-year defense plan to the Congress that conforms to the spending targets of the fiscal year 1991 budget as the law requires."

Madam President, is the Congress' need for a complete 5-year defense plan any less today than it was in 1990? Does Congress need a complete fiscal year 1994 5-year defense plan to make rational decisions on the defense bill now before the Senate?

As I continue, I would ask leadership of the committee maybe to think about answering that later on.

Does Congress need a complete fiscal year 1994, 5-year defense plan to make rational decisions on the defense bill now before the Senate?

The same problem that the Senator from Georgia spoke about in 1990 still persists. We still have $100 to $150 billion program budget mismatches. We still have defense budget blanks. In fact, the Pentagon, under Secretary Aspin, has given new meaning to the term "defense budget blanks." I want to show what the blanks look like today. They are really quite gaping holes. What I have here that I will hold up in just a minute—by the way, the 5-year defense plan is classified. The pages that I am referring to here are not classified.

I have in front of me summary tables I, II, III, and IV, from the current 5-year defense plan for fiscal 1994 through 1999. The document includes a complete set of figures for fiscal year 1992, but 1992, of course, is history. The document contains a complete set of figures for fiscal year 1993, but 1993 ends this month, as we know, so that is obviously no help. The document also has a complete set of figures for fiscal year 1994, the budget request. But that is where our information ends, Madam President. The importance of the fiscal year defense plan lies, of course, in these outyear data, but there are none in this document.

(Mr. KERREY assumed the chair.)

Mr. GRASSLEY. If you look here at the 1995 column, you see 1992, 1993, and 1994 filled in; but 1995, nothing; 1996, nothing; 1997, nothing; 1998, nothing; 1999, nothing.

All we have here is just great empty blank spaces. This, then, is not a 5-year defense plan. It is nothing more than a budget document and, of course, as far as the law is concerned, this is not the way it is supposed to be done. The law says that the Defense Department must provide Congress with a current fiscal year defense plan each and every year. The law is embodied in section 221, title X of the code.

This is what the law says:

> The Secretary of Defense shall submit to Congress each year at or about the time the President's budget is submitted to Congress that year under section 1105(a) of title 31, a future years defense program, including associated annexes reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future years defense program shall cover the fiscal years with respect to what year the budget is submitted and at least the four succeeding fiscal years.

Second, the law requires—and I will not read it—that the numbers in this 5-year defense plan must be consistent with the President's budget.

Mr. President, if it would be possible for me to engage the chairman of the committee in a question that maybe he could answer for me, and I stated it before.

Does the Senator from Georgia, the distinguished chairman of the committee, believe that the fiscal year 1994 5-year defense program submission complies with the law?

Mr. NUNN. I say to my friend from Iowa that I believe it technically complies with the law, but I do not think it substantively complies with the intent of the law. I say that because I believe that the Senator has made a very good point, and I appreciate his mentioning this. I believe the 5-year defense plan becomes in many respects a problem of the Department of Defense. That 5-year defense plan is not in tune with the 5-year budget. If you have a programmatic plan, 5-year plan that far exceeds the budget that they are going to get, it distorts the whole planning process in the Department of Defense, and it greatly complicates and renders inefficient the procurement of weapons, because you simply are not going to be able to buy the weapons in sufficient numbers to get the per unit costs down to the projected levels. That makes a really bad situation. We went through that a great deal in the 1980's.

So my answer to the Senator—and I will not take further time until he yields the floor, but then I will respond more fully. The answer to the question is that technically the Department of Defense did send what they had available of a 5-year defense plan. I do not believe that complies with what we intended. I do believe it technically complies with the law.

The unique situation we find ourselves in now, as opposed to in 1990, is that we have a new administration in power, and that new administration is from a different political party, bringing a whole new team of people in. So really to comply with the 5-year defense plan both technically and in substance, that submission would have required that this administration, having been sworn in on January 20, actually in a 10-day period, come up with a 5-year defense plan. That was virtually impossible. And what has now occurred is that the bottom up review has just been released. We had our first hearing on it yesterday. That will become the basis on which the real 5-year defense plan will be developed, and I am informed that that will be forthcoming early next year.

What we do not want to do is push the Department to send us meaningless figures up here and meaningless programs, because they simply are not ready. What I think we will have to do, I say to my friend from Iowa, is understand that the law has to have some flexibility when we have a change of administration, particularly when the party in office—the Democratic Party—takes over after many years of the Republican Party being in control of the White House.

So I agree with the point the Senator is making. I hope, though, that he will not pursue his amendment at this time. I have been informed by very reliable sources from the Department of Defense, and people who will be going to the Department of Defense in the next month or two, that they take this law seriously, that this bottom-up review that they have just completed is the basis on which they are going to not only develop a 5-year defense plan, but it is the basis on which any budget adjustments are going to be made. I have been further informed that they are going to not only have a 5-year defense plan, but that 5-year defense plan is going to be in compliance and in sync with the 5-year budget plan, and that all of that will be done as soon as they are able to do it, which will be some time early next year.

So I say to the Senator that I hope that, given the unique circumstances of a new administration coming into power, he would understand that this unusual situation will not occur any more than every 4 years, and that the chairman of the Armed Services Committee shares his concern and will insist that we have not only a 5-year defense plan that complies with the law, but that it comply both in technical terms and in substantive terms and that it be forthcoming early next year.

Mr. GRASSLEY. Mr. President, let me present something to the distinguished chairman, considering the fact that he spoke so eloquently on this in 1990, and he is in a very powerful position. But at that particular time, obviously, there was not a President of his party, which I suppose obviously moderates some influence that any powerful Senator might have in the Department of Defense to maybe in a few minutes present to me what steps he would take as chairman of the committee in lieu of debate and presentation of an amendment that would indicate that he himself is going to personally see that it gets done and probably expecting that it could be done with the cooperation of the President of his party, where it might not have been so easy when we had a Republican President in that case.

Mr. NUNN. I say to the Senator from Iowa, I do intend to make sure that the administration in power complies with the law.

The most leverage we have in the Armed Services Committee is through the confirmation process because the people who will be in charge in the Department of Defense and are preparing this 5-year defense plan have to be confirmed by our committee.

I can say to the Senator that without any doubt we are going to have a comptroller in place in the Department of Defense and the Comptroller's office is primarily responsible, subject to the Secretary of Defense, for preparing the 5-year defense plan and making sure that complies with the budget.

We are going to have a very fine comptroller in place probably within a month or two, but that Comptroller has not been confirmed yet. That nomination is pending before the committee and as soon as we get through this defense bill, we will turn to that confirmation, as well as others. I can assure the Senator, the point he has made this morning will be brought home vividly to the next nominee for Comptroller, and unless that nominee is not only aware, but is willing and dedicated to making the 5-year defense plan a reality, then I would say that potential nominee would have a very difficult time being confirmed.

I can say that with great confidence because the nominee for Comptroller sits right here, Mr. Hamre. He has not been confirmed yet. We think he is a great staff member of the committee. He has done a terrific job. We hate to lose him; we hate to lose him so much. If he does not make the kind of pledges for the 5-year defense plan we talked about, he may not be confirmed and we may keep him in this staff position.

So we have here the Comptroller who has been selected by President Clinton, but has not yet been confirmed and, of course, is still a member of our staff.

He has heard this debate and, as a matter of fact, John Hamre was very much at my side when I made my presentations, that the Senator has alluded to, in 1990 about the need to comply between the planning document and the budget document. And the Senator is entirely correct about that. It is enormously important. And if you have a basic 5-year plan that has all these weapons systems crammed in it and you have a 5-year defense budget number that does not go with that plan, then what you have is chaos in the Department of Defense.

We had that during the 1980's on several occasions, and that was the subject of my remarks back in those days. At one point, we had a 5-year defense plan by Secretary Weinberger. That was priced out at $70 billion more than the 5-year budget of the Reagan administration.

So what we had was a defense planning document that was driving all the weapons systems that had no relationship to the budget itself, that the President himself had submitted.

So that is what we hope to avoid. I can assure the Senator that his points have been heard by the right people this morning. Assuming that Mr. Hamre comes before our committee, this will certainly be a matter of serious and earnest importance.

Mr. GRASSLEY. Mr. President, one more question of the Senator from Georgia.

Obviously, as the Senator knows, I take it with great faith and put great faith in what he just stated. I just simply ask an understanding on his part—and I know he said this with the utmost intent that it happen—but if it does not happen, that he will not be surprised 12 months from now if I am back here making the same point and pursuing the amendment that I probably will not pursue today, based upon the firm statements I have had from the distinguished chairman of the committee.

Mr. NUNN. Mr. President, I will say it is not only my understanding, but I might well join the Senator in that respect if we have not gotten the 5-year defense plan even sooner than that, sometime earlier next year. I believe we will get that kind of plan. I believe it is essential.

Mr. GRASSLEY. Mr. President, I thank the Senator from Georgia.

There is one statement that the Senator from Georgia made, and it was his first statement that I may disagree with, but it is of no matter right now, as a practical point. He said that he believes that the Defense Department is in technical compliance with the 5-year defense plan law. I do not personally believe that.

But as a practical matter, for fiscal year 1994—and that was what my question was in regard to—I do not think it matters because we are only 30 days from the start of that fiscal year, anyway. But beyond that, I think it is very important that we understand that we still have 4 more years that are supposed to be submitted now.

It seems to me it is very, very important. And I want to make a point on why I think it is very important in regard to just some procurement.

Before I continue, the Senator from South Carolina stood up. Would he like to have me yield? Did he want me to yield?

Mr. THURMOND. As I understand, the Senator is not going to offer his amendment.

Mr. GRASSLEY. I will not offer my amendment.

Mr. THURMOND. Then I want to make a brief statement.

Mr. GRASSLEY. I yield to the Senator from South Carolina without losing my right to the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I appreciate Senator GRASSLEY's concern and I appreciate his not offering his amendment at this time.

Rather than force the Department to submit a plan which may only have to be changed again after implementing the results of the bottom-up review, as would be the case under the terms of this amendment, I would prefer to receive the remaining portion of the 5-year plan along with a submission of next year's budget request.

Again, I compliment Senator GRASSLEY for his cooperation with the managers of this bill.

Mr. GRASSLEY. Mr. President, for the benefit of anybody that wants the floor, I will be done in about 5 minutes.

Mr. President, as the Senator from Georgia said over and over again, and this is particularly in regard to the statements that I have quoted from his 1990 speeches, we cannot make informed decisions on the budget before us, or any other budget, unless we understand the future consequences of those decisions. That is how the fiscal year 5-year defense program is supposed to help us. That is why Congress needs this updated 5-year defense program.

That was, of course, the reasoning underlying the speeches in 1990 of the Senator from Georgia. An updated future-year defense program tells us that the Secretary of Defense has made the really hard choices that must be made. It tells us what choices were made and where the priorities lie, vital information for any Member of this body, particularly the members of the Budget Committee and the Defense Committees.

The blanks in today's fiscal year 5-year defense program speak for themselves. I think they make a very powerful statement. It means that so far the job that was supposed to have been done has not been done. That is primarily on Secretary Aspin's shoulders. The Odeen panel report has not done it for him. The bottom-up review has not filled in the blanks, either. The bottom-up review has not provided one dollar figure for the outyears.

This bill provides money that is directly linked to the outyears of the fiscal 5-year defense program. That fiscal year 1994 budget requested $1.5 billion in advanced procurement money for fiscal year 1995 and beyond. Most of that money is in this bill that we are discussing today.

Without a fiscal year 5-year defense program, we know nothing about fiscal year 1995 and the years beyond. This is where consistency between the budget and the future-year defense program breaks down, and that is a problem under the law.

Look, for instance, at the first advanced procurement item—$174.7 million for the Army's Blackhawk helicopter. If you turn to the corresponding line 3 on the 5-year defense program, you see nothing about Army aircraft procurement for fiscal year 1995 and beyond; just nothing is there.

If there is no entry in the 5-year defense program for the Blackhawk helicopter for fiscal year 1995, how do we know that the Army is really planning to buy those helicopters in fiscal year 1995 and beyond? We do not know that, Mr. President. We have no assurances that Blackhawks would survive a serious budget scrub and tradeoff exercise that must eventually happen when we fit the defense programs into the budget already adopted by Congress. The same holds true for each of the other advanced procurement items in the budget. There is no outyear data supporting these as well.

I ask unanimous consent that these documents be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF DEFENSE ADVANCE PROCUREMENT FUNDING FISCAL YEAR 1994 PRESIDENT'S BUDGET

Mr. Murphy requests, by appropriation account, the amount of advance procurement funding included in the FY 1994 budget for FY 1995 and beyond.

The following is the advance procurement funding reflected in FY 1994 for planned procurement in FY 1995 and beyond. The estimates may change based on the results of the bottom-up review:

[In millions of dollars]

	Advance Procurement
Appropriation/P-1 Line Item: Procurement	
Aircraft Procurement, Army: UH-60 Blackhawk (MYP)	174.7
Procurement of Weapons and Tracked Combat Vehicles, Army Armored Gun System (AGS)	7.8
Aircraft procurement, Navy:	
AV-8B (V/STOL) Harrier	15.0
F/A-18C/D (Fighter) Hornet (MYP)	262.0
CH/MH 53 (Helicopter) Super Stallion	15.0
SH-60B (ASW Helicopter) Seahawk	27.2
SH-60F (CV ASW Helicopter)	36.6
T-45TS (Trainer) Goshawk	30.8
Weapons Procurement, Navy: Trident II	145.3
Shipbuilding and Conversion, Navy:	
CVN Refueling Overhauls	31.1
Aircraft Procurement, Air Force:	
F-16C/D (MYP)	70.8
C-17 (MYP)	245.5
E-8B	123.7
Missile Procurement, Air Force:	
Tri-Service Attack Missile	49.1
Global Positioning (MYP)	55.9
Medium Launch Vehicle	11.0
Defense Support Program (MYP)	193.4
IONDS (MYP)	10.1

SECTION 221. FUTURE-YEARS DEFENSE PROGRAM: SUBMISSION TO CONGRESS; CONSISTENCY IN BUDGETING

(a) The Secretary of Defense shall submit to Congress each year, at or about the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, a future-years defense program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years defense program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.

(b)(1) The Secretary of Defense shall ensure that amounts described in subparagraph (A) of paragraph (2) for any fiscal year are consistent with amounts described in subparagraph (B) of paragraph (2) for that fiscal year.

(2) Amounts referred to in paragraph (1) are the following:

(A) The amounts specified in program and budget information submitted to Congress by the Secretary in support of expenditure estimates and proposed appropriations in the budget submitted to Congress by the President under section 1105(a) of title 31 for any fiscal year, as shown in the future-years defense program submitted pursuant to subsection (a).

(B) The total amounts of estimated expenditures and proposed appropriations necessary to support the programs, projects, and activities of the Department of Defense included pursuant to paragraph (5) of section 1105(a) of title 31 in the budget submitted to Congress under that section for any fiscal year.

(e) Nothing in this section shall be construed to prohibit the inclusion in the future-years defense program of amounts for management contingencies, subject to the requirements of subsection (b).

(Added Pub. L. 101-189, Div. A, Title XVI, §1602(a)(1), Nov. 29, 1989, 103 Stat. 1596, §114a, and amended Pub. L. 101-510, Div. A, Title XIV, §1402(a)(1)-(3)(A), Nov. 5, 1990, 104 Stat. 1674; renumbered §221 and amended Pub. L. 102-484, Div. A, Title X, §1002(e), Oct. 23, 1992, 106 Stat. 2480.)

Historical and Statutory Notes

1990 Amendment

Heading. Pub. L. 101-510, §1402(a)(3)(A), substituted "Multiyear" for "Five-year".

Subsec. (a). Pub. L. 101-510, §1402(a)(1), (2)(A), (B), substituted "a" for "the current" following "title 31," and "multiyear" for "five-year" and added provision requiring the multiyear defense program to cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.

Subsecs. (b)(2)(A), (c). Pub. L. 101-510, §1402(b)(2)(A), substituted "multiyear" for "five-year".

Submission of Multiyear Defense Program

Section 1402(b) of Pub. L. 101-510, provided that:

"(1) If, as of the end of the 90-day period beginning on the date on which the President's budget for fiscal year 1992 is submitted to Congress, the Secretary of Defense has not submitted to Congress the fiscal year 1992 multiyear defense program, then during the 30-day period beginning on the last day of such 90-day period the Secretary may not obligate more than 10 percent of the fiscal year 1991 advance procurement funds that are available for obligation as of the end of that 90-day period. If, as of the end of such 30-day period, the Secretary of Defense has not submitted to Congress the fiscal year 1992 multiyear defense program, then the Secretary may not make any further obligation of fiscal year 1991 advance procurement funds until such program is submitted. If the Secretary submits the fiscal year 1992 multiyear defense program during the 30-day period described in the first sentence, the limitation on obligation of advance procurement funds prescribed in that sentence shall cease to apply effective as of the date of the submission of such program.

"(2) For purposes of this subsection:

"(A) The term 'fiscal year 1992 multiyear defense program' means the multiyear defense program (including associated annexes) covering fiscal years beginning with fiscal year 1992 required (by section 114A of title 10, United States Code) [this section] to be submitted to Congress in conjunction with the President's budget for fiscal year 1992.

"(B) The term 'fiscal year 1991 advance procurement funds' means funds appropriated for the Department of Defense for fiscal year 1991 that are available for advance procurement."

Mission Oriented Presentation of Department of Defense Mattes in the Budget

Pub. L. 101-510, Div. A, Title XIV, §1404, Nov. 5, 1990, 104 Stat. 1675, which required submission of mission oriented budget with the Department of Defense budget submitted to Congress by the President, was repealed by Pub. L. 102–484, Div. A, Title X, §1002(b), Oct. 23, 1992, 106 Stat. 2480.

Annual Report on Outlays and Budget Authority

Pub. L. 101–189, §5, Nov. 29, 1989, 103 Stat. 1364, amended Pub. L. 102–190, Div. A, Title X, §1002(b), Dec. 5, 1991, 105 Stat. 1455, provided that:

"(a) Sense of Congress Regarding Budget Resolutions and Budget Scorekeeping.—It is the sense of Congress that, in order to prevent a recurrence of a mismatch between budget authority and outlays for budget function 050 (National Defense), the technical assumptions contained in the report under section 221 of title 10, United States Code [section 221 of this title], with respect to any budget should be used in the preparation of that budget, the preparation of the budget resolution, and in all scorekeeping in connection with budget function 050 (National Defense).

"(b) Sense of Congress Regarding Required Reduction and Other Changes in National Defense Outlays in Relation to Budget Authority.—It is the sense of Congress that the outlay level specified for national defense for any fiscal year in the budget resolution for the fiscal year should not require a reduction (or other change) in outlays for national defense for that fiscal year below (or in relation to) the estimated outlays specified for national defense in the budget for such fiscal year (submitted to Congress pursuant to section 1105 of title 31, United States Code [section 1105 of Title 31] by more than the amount by which such estimated outlays would be reduced (or otherwise changed) if the amount of budget authority provided for in each title of the President's request for budget authority for national defense (as contained in such budget) were reduced (or otherwise changed) by the uniform percentage necessary for the requested budget authority for national defense to be equal to the budget authority specified for national defense in that budget resolution unless the budget resolution is accompanied by a report that describes the difference between the budget authority and outlays for National Defense (function 050) in the President's budget and the budget resolution."

Legislative History

For legislative history and purpose of Pub. L. 101–189, see 1989 U.S. Code Cong. and Adm. News, p. 838. See, also, Pub. L. 101–510, 1990 U.S. Code Cong. and Adm. News, p. 2931; Pub. L. 102–484, 1992 U.S. Code Cong. and Adm. News, p. 1636.

COMPTROLLER OF THE DEPARTMENT OF DEFENSE,
Washington, DC, May 4, 1993.

Mr. RICHARD DAVIS,
Director, National Security Analysis Issues, National Security and International Affairs Division, U.S. General Accounting Office, Washington, DC.

DEAR MR. DAVIS: In response to your letter of April 22, 1993 regarding the General Accounting Office's (GAO) current effort under assignment code 701004, the Department will comply with Section 221 of Title 10 U.S. Code with the submission of a Future Years Defense Program (FYDP) to the Congress in late May 1993. This submission will include normal FYDP detail through FY 1994, and topline level only for FY 1995 through FY 1999.

Sincerely,

ALICE C. MARONI,
Principal Deputy Comptroller.

THE FUTURE YEARS DEFENSE PROGRAM—SUMMARY AND PROGRAM ELEMENT DETAIL, FISCAL YEAR 1994 BUDGET

TABLE 1.—FUTURE YEARS DEFENSE PROGRAM FINANCIAL SUMMARY

[TOA in millions of dollars]

	Fiscal year—							
	1992	1993	1994	1995	1996	1997	1998	1999
DOD Program:								
Strategic Forces	15,526	12,980	9,940					
General Purpose Forces	102,645	95,739	86,854					
Command, Control, Comm, Intel, & Space	32,669	32,435	33,364					
Airlift and Sealift	6,929	6,545	8,184					
Guard and Reserve Forces	20,572	20,225	18,209					
Research and Development	28,409	28,384	26,542					
Central Supply and Maintenance	24,248	20,508	17,784					
Training, Medical, Other Gen Pers Act	44,212	43,012	41,571					
Administrative and Assoc Activities	6,415	9,274	8,451					
Support of Other Nations	1,070	775	870					
Special Operations Forces	3,358	2,976	2,982					
Undistributed Contingencies			199					
Topline				253,175	242,707	236,143	241,481	263,978
Total direct program (TOA)	286,054	272,851	254,950	253,175	242,707	236,143	241,481	263,978
Department of the Army	74,761	65,628	60,710					
Department of the Navy	90,424	85,376	77,042					
Department of the Air Force	83,291	79,689	76,851					
Defensewide	37,577	42,158	40,347	253,175	242,707	236,143	241,481	263,978
Total direct program (TOA)	286,054	272,851	254,950	253,175	242,707	236,143	241,481	263,978
DOD budget title:								
Military personnel	81,055	76,361	70,084					
Operation and maintenance	92,145	90,150	89,429					
Procurement	62,229	55,514	45,501					
Research, development, test, evaluation	38,116	38,176	38,620					
Military construction	5,287	5,125	5,901					
Family housing and homeowners asst prog	3,718	3,936	3,765					
Revolving and management funds	3,504	3,587	1,452					
Undistributed contingencies, defense			199					
Topline				253,175	242,707	236,143	241,481	263,978
Total direct program (TOA)	286,054	272,851	254,950	253,175	242,707	236,143	241,481	263,978

TABLE 2.—DOD SUMMARY OF CEILING MANPOWER; (REFLECTING DISTRIBUTION OF REVOLVING FUND (RF) MANPOWER FOR THE DEFENSE BUSINESS OPERATIONS FUND)

[End Year strength in thousands]

	Fiscal year—		
	1992	1993	1994
Active military:			
Army	610.0	572.9	537.0
Navy	536.1	520.7	474.9
Marine Corps	184.5	181.5	173.5
Air Force	440.2	387.5	372.3
Active Military	1,770.8	1,662.5	1,557.8
Army, RF	1.3	2.1	3.0
Navy, RF	5.8	5.7	5.9
Marine Corps, RF	.1	.5	.6
Air Force, RF	30.2	57.4	53.4
Active Military, RF	37.3	65.8	62.8
Total active military	1.8008.1	1,728.3	1,620.6

TABLE 2.—DOD SUMMARY OF CEILING MANPOWER; (REFLECTING DISTRIBUTION OF REVOLVING FUND (RF) MANPOWER FOR THE DEFENSE BUSINESS OPERATIONS FUND)—Continued

[End Year strength in thousands]

	Fiscal year—		
	1992	1993	1994
Civilian:			
Army:			
U.S. Direct Hire	244.7	237.3	223.7
Foreign Direct Hire	12.0	11.7	11.1
Foreign Indirect Hire	38.6	27.1	21.5
Army civilians	295.3	276.0	256.2
U.S. Direct Hire, RF	37.9	32.2	34.0
Foreign Direct Hire, RF	.1		
Foreign Indirect Hire, RF	.4		
Army civilians, RF	38.3	32.2	34.0
Total Army civilians	333.6	308.3	290.3
Navy and Marine Corps:			
U.S. Direct Hire	114.5	110.4	101.7
Foreign Direct Hire	4.9	3.4	3.4
Foreign Indirect Hire	8.1	8.1	8.1
Navy/MC civilians	127.5	122.0	113.2
U.S. Direct Hire, RF	178.8	158.5	153.3
Foreign Direct Hire, RF	.7		
Foreign Indirect Hire, RF	2.0	2.0	2.1
Navy/MC civilians, RF	181.5	160.5	155.4
Total Navy M/C civilians	309.0	282.5	268.6
Air Force:			
U.S. Direct Hire	157.1	145.8	142.1
Foreign Direct Hire	3.0	2.3	2.4
Foreign Indirect Hire	8.2	8.3	7.7
Air Force civilians	168.3	156.5	152.2
U.S. Direct Hire, RF	45.4	49.0	45.5
Foreign Direct Hire, RF	.2	.9	.9
Foreign Indirect Hire, RF	.5	.3	.1
Air Force civilians, RF	46.1	50.1	46.5
Total AF civilians	214.4	206.6	198.7
Defensewide:			
U.S. Direct	68.8	71.1	46.2
Foreign Direct Hire	.6	.5	.4
Foreign Indirect Hire	.5	.6	.5
Defensewide civilians	70.0	72.3	47.1
U.S. Direct Hire, RF	75.5	91.1	110.4
Foreign Direct Hire, RF	1.1	.7	.8
Foreign Indirect Hire, RF	2.4	2.8	2.8
Defensewide civilians, RF	79.0	94.6	114.1
Total Defensewide civilians	149.0	166.8	161.2
Summary Civilian Hire:			
U.S. Direct Hire	585.1	564.6	513.7
Foreign Direct Hire	20.6	18.0	17.2
Foreign Indirect Hire	55.5	44.2	37.8
Civilians	661.2	626.7	568.7
U.S. Direct Hire, RF	337.6	330.7	343.3
Foreign Direct Hire, RF	2.1	1.6	1.7
Foreign Indirect Hire, RF	5.2	5.1	5.0
Civilians, RF	344.9	337.4	350.1
Total civilians	1,006.1	964.2	918.8

TABLE 3.—FUTURE YEARS DEFENSE PROGRAM BY APPROPRIATION AND COMPONENT

[TOA in thousands of dollars]

	Fiscal year—							
	1992	1993	1994	1995	1996	1997	1998	1999
Military Personnel—Army	25,926,408	23,235,657	21,206,600					
Reserve Personnel—Army	2,314,151	2,170,496	2,114,400					
National Guard Personnel—Army	3,388,597	3,239,702	3,290,200					
Operation and Maintenance—Army	22,028,444	17,847,137	16,019,200					
Operation and Maintenance—Army Res	1,017,936	1,031,005	1,107,800					
Operation and Maintenance—ARNG	2,211,721	2,297,044	2,218,900					
Natl Brd for Promotion Rifle Prac	5,000	2,700	2,483					
Aircraft Procurement—Army	1,934,805	1,441,422	1,110,436					
Missile Procurement—Army	1,083,762	1,048,537	1,043,550					
Proc Weapons & Tracked Cmbt Veh—Army	1,063,581	920,709	874,346					
Procurement of Ammunition—Army	1,384,759	1,094,260	734,427					
Other Procurement—Army	3,170,980	3,066,583	3,051,281					
Chem Agents and Munitions Dest.—Army			433,647					
R. D. T and E—Army	6,436,946	6,015,110	5,249,948					
Military Construction—Army	894,899	437,070	776,642					
Military Construction—Army Reserve	110,389	42,150	82,233					
Military Construction—Army Natl Grd	230,517	214,989	50,865					

TABLE 3.—FUTURE YEARS DEFENSE PROGRAM BY APPROPRIATION AND COMPONENT—Continued

[TOA in thousands of dollars]

	Fiscal year—							
	1992	1993	1994	1995	1996	1997	1998	1999
Family Housing—Army	1,558,530	1,523,692	1,343,474					
Total Army	74,761,425	65,628,263	60,710,432					
Military Personnel—Navy	19,965,626	19,351,864	18,356,900					
Reserve Personnel—Navy	1,707,378	1,653,200	1,528,700					
Operation and Maintenance—Navy	23,294,905	20,585,356	20,192,900					
Operation and Maintenance—Navy Res	871,781	865,669	773,800					
Aircraft Procurement—Navy	7,137,801	5,950,712	6,132,604					
Weapons Procurement—Navy	4,246,009	3,716,643	3,040,260					
Shipbuilding and Conversion—Navy	6,713,338	5,853,196	4,294,742					
Other Procurement—Navy	6,102,786	5,508,813	2,967,974					
R. D. T and E—Navy	8,642,894	8,933,536	9,215,604					
Military Construction—Navy	966,889	373,387	655,123					
Military Construction—Navy Reserve	49,000	15,400	20,591					
Family Housing—Navy	987,924	1,039,680	1,208,824					
National Defense Sealift Fund		2,463,532	290,800					
Total Navy	80,686,331	76,310,988	68,678,822					
Military Personnel—Marine Corps	6,101,670	5,980,998	5,678,700					
Reserve Personnel—Marine Corps	345,007	345,526	308,000					
Operation and Maintenance—Mar Corps	2,146,464	1,834,796	1,818,000					
Operation and Maintenance—MC Res	92,833	78,624	75,100					
Procurement—Marine Corps	1,051,961	824,607	483,464					
Total Marine Corps	9,737,935	9,064,551	8,363,264					
Military Personnel—Air Force	19,404,500	18,478,215	15,629,630					
Reserve Personnel—Air Force	721,642	737,819	772,748					
National Guard Personnel—Air Force	1,179,640	1,168,000	1,197,892					
Operation and Maintenance—Air Force	19,309,446	18,115,157	19,808,384					
Operation and Maintenance—AF Res	1,154,726	1,224,068	1,354,578					
Operation and Maintenance—ANG	2,364,820	2,535,519	2,657,233					
Aircraft Procurement—Air Force	10,086,043	10,000,296	7,300,965					
Missile Procurement—Air Force	4,745,237	4,334,073	4,361,050					
Other Procurement—Air Force	8,719,018	7,674,651	7,942,065					
R. D. T and E—Air Force	13,139,124	13,155,598	13,694,984					
Military Construction-Air Force	1,119,796	717,780	906,378					
Military Construction—Air Force Res	9,700	29,900	55,727					
Military Construction—Air Force Natl Grd	217,260	305,759	142,353					
Family Housing—Air Force	1,119,096	1,211,727	1,027,147					
Total Air Force	83,290,948	79,688,562	76,851,134					
Operation and Maintenance—Defwide	16,784,212	9,371,864	9,587,581					
Office of the Inspector General	119,501	126,000	127,601					
Procurement—Defensewide	2,503,717	1,994,118	1,730,164					
R. D. T and E—Defensewide	9,674,405	9,800,638	10,174,549					
Military Construction—Defensewide	708,836	327,116	1,077,718					
Family Housing—Defensewide	25,098	28,400	27,496					
Pentagon Reservation Maintenance Rev	80,100							
Court of Military Appeals—Defense	5,087	5,900	6,055					
Summer Olympics	1,582	2,418						
World University Games	1,399	7,601						
World Cup 1994		9,000						
Defense Reinvestment—Economic Growth		472,000						
Defense Health Program		9,579,444	9,353,300					
Real Property Maintenance	500,000	1,720,029						
Disaster Relief	80,592	70,000						
Former Soviet Union Threat Reduction			400,000					
Environmental Restoration Fund, Def		1,199,982	2,309,400					
National Guard & Res Equipt. Defense	1,909,752	1,567,200						
Dir of Test and Evaluation—Defense	210,225	259,021	272,592					
Dir of Opr Test and Eval—Defense	12,836	12,333	12,650					
Base Realignment & Closure Acct. I	660,542	602,400	92,870					
Base Realignment & Closure Acct. II	60,504	1,900,036	1,800,500					
NATO Infrastructure	258,285	157,965	240,000					
Homeowners Assistance Fund—Defense	27,471	133,000	157,752					
Humanitarian Assistance	154,282	28,000						
Drug Interdiction & Counter-Drug Act		1,140,651	1,168,200					
Global Cooperative Initiatives			448,000					
Chem. Agents and Munitions Dest.—Def	374,370	518,600						
Undistributed Contingencies, Defense			199,000					
Topline				253,174,746	242,706,700	236,142,600	241,480,500	263,977,532
Defense Cooperation Account	1							
Defense Business Operations Fund	3,424,200	1,123,800	1,161,095					
Total defensewide	37,577,357	42,158,416	40,346,523	253,174,746	242,706,700	236,142,600	241,480,500	263,977,533
Total military functions	286,053,996	272,850,780	254,950,175	253,174,746	242,706,700	236,142,600	241,480,500	263,977,532

TABLE 4.—FUTURE YEARS DEFENSE PROGRAM BY APPROPRIATION AND TITLE

[TOA in thousands of dollars]

	Fiscal year—							
	1992	1993	1994	1995	1996	1997	1998	1999
Military Personnel—Army	25,926,408	23,235,657	21,206,600					
Military Personnel—Navy	19,965,626	19,351,864	18,356,900					
Military Personnel—Marine Corps	6,101,670	5,980,998	5,678,700					
Military Personnel—Air Force	19,404,500	18,478,215	15,629,630					
Reserve Personnel—Army	2,314,151	2,170,496	2,114,400					
Reserve Personnel—Navy	1,707,378	1,653,200	1,528,700					
Reserve Personnel—Marine Corps	345,007	345,526	308,000					
Reserve Personnel—Air Force	721,642	737,819	772,748					
National Guard Personnel—Army	3,388,597	3,239,702	3,290,200					
National Guard Personnel—Air Force	1,179,640	1,168,000	1,197,892					

TABLE 4.—FUTURE YEARS DEFENSE PROGRAM BY APPROPRIATION AND TITLE—Continued

[TOA in thousands of dollars]

	Fiscal year—							
	1992	1993	1994	1995	1996	1997	1998	1999
Total military personnel	81,054,619	76,361,477	70,083,770					
Operation and Maintenance—Army	22,028,444	17,847,137	16,019,200					
Operation and Maintenance—Navy	23,294,905	20,585,356	20,192,900					
Operation and Maintenance—Marine Corps	2,146,464	1,834,796	1,818,000					
Operation and Maintenance—Air Force	19,309,446	18,115,157	19,808,384					
Operation and Maintenance—Defwide	16,784,212	9,371,864	9,587,581					
Office of the Inspector General	119,501	126,000	127,601					
Operation and Maintenance—Army Res	1,017,936	1,031,005	1,107,800					
Operation and Maintenance—Navy Res	871,781	865,669	773,800					
Operation and Maintenance—MC Res	92,833	78,624	75,100					
Operation and Maintenance—AF Res	1,154,726	1,224,068	1,354,578					
Operation and Maintenance—ARNG	2,211,721	2,297,044	2,218,900					
Operation and Maintenance—ANG	2,364,820	2,535,519	2,657,233					
Natl Brd for Promotion Rifle Prac	5,000	2,700	2,483					
Court of Military Appeals—Defense	5,087	5,900	6,055					
Environmental Restoration Fund, Def		1,199,982	2,309,400					
Summer Olympics	1,582	2,418						
World University Games	1,399	7,601						
World Cup 1994		9,000						
Humanitarian Assistance	154,282	28,000						
Drug Interdiction & Counter-Drug Act		1,140,651	1,168,200					
Global Cooperative Initiatives			448,000					
Defense Cooperation Account	1							
Defense Reinvestment-Economic Growth		472,000						
Defense Health Program		9,579,444	9,353,300					
Real Property Maintenance	500,000	1,720,029						
Disaster Relief	80,952	70,000						
Former Soviet Union Threat Reduction			400,000					
Total operation and maintenance	92,145,092	90,149,964	89,428,515					
Aircraft Procurement—Army	1,934,805	1,441,422	1,110,436					
Missile Procurement—Army	1,083,762	1,048,537	1,043,550					
Proc Weapons & Tracked Cmbt Veh—Army	1,063,581	920,709	874,346					
Procurement of Ammunition—Army	1,384,759	1,094,260	734,427					
Other Procurement—Army	3,170,980	3,066,583	3,051,281					
Aircraft Procurement—Navy	7,137,801	5,950,712	6,132,604					
Weapons Procurement—Navy	4,246,009	3,716,643	3,040,260					
Shipbuilding and Conversion—Navy	6,713,338	5,853,196	4,294,742					
Other Procurement—Navy	6,102,786	5,508,813	2,967,974					
Procurement—Marine Corps	1,051,961	824,607	483,464					
Aircraft Procurement—Air Force	10,086,943	10,000,296	7,300,965					
Missile Procurement—Air Force	4,745,237	4,334,073	4,361,050					
Other Procurement—Air Force	8,719,018	7,674,651	7,942,065					
Procurement—Defensewide	2,503,717	1,994,118	1,730,164					
National Guard & Res Equipt, Defense	1,909,752	1,567,200						
Chem Agents and Munitions Dest.—Def	374,370	518,600						
Chem Agents and Munititions Dest.—Army			433,647					
Total procurement	62,228,819	55,514,420	45,500,975					
R, D, T and E—Army	6,436,946	6,015,110	5,249,948					
R, D, T and E—Navy	8,642,894	8,933,536	9,215,604					
R, D, T and E—Air Force	13,139,124	13,155,598	13,694,984					
R, D, T and E—Defensewide	9,674,405	9,800,638	10,174,549					
Dir of Test and Evaluation—Defense	210,225	259,021	272,592					
Dir of Opr Test and Eval—Defense	12,836	12,333	12,650					
Total R, D, T and E	38,116,430	38,176,236	38,620,327					
Military Construction—Army	894,899	437,070	776,642					
Military Construction—Navy	966,889	373,387	655,123					
Military Construction—Air Force	1,119,796	717,780	906,378					
Military Construction—Defensewide	708,836	327,116	1,077,718					
Military Construction—Army Reserve	110,389	42,150	82,233					
Military Construction—Navy Reserve	49,000	15,400	20,591					
Military Construction—Air Force Res	9,700	29,900	55,727					
Military Construction—Army Natl Grd	230,517	214,989	50,865					
Military Construction—Air Natl Grd	217,260	305,759	142,353					
Base Realignment & Closure Acct, I	660,542	602,400	92,870					
Base Realignment & Closure Acct, II	60,504	1,900,936	1,800,500					
NATO Infrastructure	258,285	157,965	240,000					
Total military construction	5,286,617	5,124,852	5,901,000					
Family Housing—Army	1,558,530	1,523,692	1,343,474					
Family Housing—Navy	987,924	1,039,680	1,208,824					
Family Housing—Air Force	1,119,096	1,211,727	1,027,147					
Family Housing—Defensewide	25,098	28,400	27,496					
Homeowners Assistance Fund—Defense	27,471	133,000	157,752					
Total family housing & HOAF	3,718,119	3,936,499	3,764,693					
Undistributed Contingencies, Defense			199,000					
Topline				253,174,746	242,706,700	236,142,600	241,480,500	263,977,532
Pentagon Reservation Maintenance Rev	80,100							
Defense Business Operations Fund	3,424,200	1,123,800	1,161,095					
National Defense Sealift Fund		2,463,532	290,800					
Total revolving & mgmt funds	3,504,300	3,587,332	1,451,895					
Grand total	286,053,996	272,850,780	254,950,175	253,174,746	242,706,700	236,142,600	241,480,500	263,977,532
Department of the Army	74,761,425	65,628,263	60,710,432					
Department of the Navy	90,424,266	85,375,539	77,042,086					
Department of the Air Force	83,290,948	79,688,562	76,851,134					
Defensewide	37,577,357	42,158,416	40,346,523	253,174,746	242,706,700	236,142,600	241,480,500	263,977,532

Mr. GRASSLEY. When Secretary Aspin makes the hard choices and brings the outyears into line with the President's budget, some or all of the advanced procurement funding could be eliminated. It will probably have to be eliminated to a considerable extent. If the advanced procurement money is obligated before the program and the budget review is completed, the Department of Defense could be making commitments that would have to be broken. And that, of course, would be a terrible mistake, not only from a defense standpoint but from a budget standpoint. From a budget standpoint it means that big bucks will be wasted.

I see an amendment that is not necessary this year but one that will be necessary next year if what the chairman of the committee has said he wants to happen does not happen. I see it simply as an enforcement mechanism.

My amendment, if I were to offer it, would prohibit the obligation of advanced procurement money in the bill until the Secretary of Defense makes these hard choices, until he complies with the law, and until he submits a 5-year plan that is consistent with the President's budget. Once we have the updated 5-year defense plan for fiscal year 1994 through 1995, we will know, for example, whether the Army will procure the specific numbers of Blackhawk helicopters in fiscal year 1995 and beyond.

This, then, Mr. President, is the bottom line. DOD must submit an updated 5-year defense plan so that we can make rational decisions on the budget. A similar device was incorporated in the fiscal year 1991 Defense Authorization Act, section 1402, to force the Department of Defense to submit an updated 5-year defense plan to fill in the blanks.

Mr. President, I yield the floor.

Mr. WALLOP addressed Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. WALLOP. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 780

(Purpose: To establish a standard for determining the compliance of theater missile defense systems with the ABM Treaty)

Mr. WALLOP. Mr. President, on behalf of Senator WARNER and myself, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. WALLOP], for himself and Mr. WARNER, proposes an amendment numbered 780.

Mr. WALLOP. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 59, between lines 11 and 12, insert the following:

(g) ABM TREATY COMPLIANT CAPABILITY OF THEATER MISSILE DEFENSE SYSTEMS.—(1) A theater missile defense system, system upgrade, or system component described in paragraph (2) shall be considered as not in violation of the ABM Treaty for purposes of any review or determination of whether a theater missile defense system, system upgrade, or system component complies with the ABM Treaty.

(2) Paragraph (1) applies to a theater missile defense system, system upgrade, or system component that—

(A) has capabilities necessary to counter the most capable theater ballistic missile existing at the time of such review or determination;

(B) has not been tested against a modern strategic ballistic missile; and

(C) has not demonstrated a capability to counter such a modern strategic ballistic missile.

(3) Nothing in this subsection shall be construed as providing that a theater missile defense system, system upgrade, or system component other than those described in paragraph (2) is in violation of the ABM Treaty.

Mr. DECONCINI. Will the Senator from Wyoming yield, without losing the floor, for a question on procedure?

Mr. WALLOP. Under those circumstances, yes.

Mr. DECONCINI. I thank the Senator.

I would like to address the managers of the bill, if I could. I have an amendment that I understand the Senator from Georgia is not going to accept but is willing to enter into a time agreement on.

I wonder if I could ask the Senator from Wyoming if he is going to suggest a time agreement and if I might be part of a UC, if there is going to be one, in getting mine to follow.

Mr. NUNN. I would be receptive to a time agreement on both of these amendments. If the authors of the amendment have any time in mind, I would be interested in knowing what that is.

Mr. DECONCINI. Mr. President, I am prepared to enter into 1 hour, equally divided, on my amendment. The chairman is aware of what my amendment is. I would like to ask that it follow the amendment of the Senator from Wyoming if, in fact, he enters into a time agreement, or if he does not enter into a time agreement, if that is a possibility.

Mr. WALLOP. Mr. President, if I might say to the Senator from Georgia, I am not precisely sure. I want to have enough time in order to do it and would be willing to enter into a time agreement of 40 minutes on a side and would hope, obviously, that we could pare that back.

I just do not know. Not having had a long period of time to visit with the chairman, I am not certain of the dimension that he has that may require some responses.

Mr. NUNN. Yes. I would be certainly receptive to a time agreement on either amendment.

Is the Senator from Wyoming saying that he would now be prepared for 40 minutes on each side?

Mr. WALLOP. I would be.

Mr. NUNN. What we have now is an order that would start the debate on the Bingaman amendment at 12 o'clock and that vote would occur at 12:15, if there is a vote. Senator BINGAMAN and Senator SHELBY are working on some compromise, so there is a possibility that that vote would either be delayed or set aside. But that is the current order. That was the plan. We have not entered that as a unanimous consent order.

We have the leadership meeting that is taking place at the White House now. They would be prepared to be back here, I believe, at 12:15.

We also have an order at 1 o'clock to move back to the national service conference report. So we really have an hour and a half now. I suggest that we try to handle the Wallop amendment within that hour and a half.

I say to my friend from Arizona that, because of the uncertainty relating to the Bingaman amendment, it would not be possible now to say that we could turn to his amendment at 12, but it would be my intent, if that amendment is obviated in terms of a compromise, that we would turn to his amendment at 12 and we could complete that debate by 1 o'clock.

Mr. DECONCINI. Not if you are going to do the Wallop amendment first.

Mr. NUNN. Yes, you are right. I missed an hour there. I was calculating incorrectly.

If we do the Wallop amendment in an hour and a half, we would not be able to get the DeConcini amendment until after we completed the national service bill, which would be around 4 o'clock.

Mr. DECONCINI. If the chairman will yield, if he is going to enter into a time agreement with the Senator from Wyoming, would he also consider including that my amendment would come up after the Bingaman amendment and after the Wallop amendment and after the national service bill and restrict it to 1 hour?

Mr. NUNN. Yes. Let us work on that. Let us go ahead and start the debate on this amendment and I will work on a unanimous-consent agreement.

Is the Senator willing to have one-half hour on each side?

Mr. DECONCINI. Yes.

Mr. WALLOP. Would the Senator want to limit the Wallop amendment amount now?

Mr. NUNN. Why do we not begin the debate and I will check it and make sure, and that way we will not waste any time.

The PRESIDING OFFICER. The Senator from Wyoming has the floor.

Mr. WALLOP. Mr. President, the amendment that Senator WARNER and I are offering today would provide an up-to-date, commonsense standard for determining the compliance of theater missile defense [TMD] systems with the ABM Treaty. It does not require renegotiation or reinterpretation of the treaty and it neither requires nor authorizes the United States to undertake actions that would violate the treaty. It simply updates existing compliance standards that have been overtaken by technological, political, and regional security developments since the Senate ratified the ABM Treaty 21 years ago.

This amendment is not about the ABM Treaty per se. We do not intend to debate the value of the treaty or the merits of renegotiating specific provisions. What we are attempting to do is simply say that ambiguities in the treaty should not be allowed to hinder critical programs that are obviously not ABM systems. What we are talking about are defensive systems like Patriot and more modern versions like the Theater High Altitude Area Defense System [THAAD], which we are building to defend our overseas forces and allies from the growing ballistic missile threats that are emerging around the world—threats, I might say, specifically identified by the Secretary of Defense and by the President of the United States as being among those items which are most threatening to the United States and our allies. These are not controversial systems; in fact TMD is the one part of the overall ballistic missile defense effort that enjoys broad political support in Congress and the administration.

Even if you believe that the ABM Treaty is sacrosanct and should not be modified in any way, you should support this amendment if you also believe that the United States needs a TMD system capable of defending our forces and allies against the full range of theater ballistic missile threats. We saw what happened in the Persian Gulf war, when our missile defenses were inadequate. If this amendment is not passed there is a very real chance that our future TMD systems will be as ill-suited to the threat as Patriot was when we deployed it to the gulf.

One might reasonably ask: Why is this amendment needed? After all, Patriot and THAAD are not ABM systems, and the ABM Treaty does not limit TMD systems. Unfortunately, the ABM Treaty is ambiguous when it comes to defining what actually is and is not an ABM system. That is because, in fact, it was drafted 20 years ago when modern technological events had yet to occur. The treaty sought to prevent the United States and the Soviet Union—remember them?—from building an unaccountable ABM system under the guise of an air defense system. But the language is so vague that on its face it is impossible to determine what is and is not permitted.

Article VI of the treaty simply states that it is prohibited to give non-ABM systems capabilities to counter strategic ballistic missiles and to test non-ABM systems in an ABM mode. Yet the treaty does not define the terms "capabilities," "strategic ballistic missiles," or "tested in an ABM mode."

To deal with this ambiguity, the Department of Defense has long maintained criteria for evaluating its acquisition programs for treaty compliance. This was a relatively straightforward procedure when the only defensive systems we were developing or building were either clearly ABM systems or clearly air defense systems. But as the ballistic missile threat has diversified and proliferated, these compliance standards have become outdated. The TMD systems we must build to meet the growing missile threat are far more capable than the air defense systems of the past and in many ways do resemble ABM systems.

The principal reason why it has become so difficult to distinguish between ABM and non-ABM systems is due to the fact that the distinctions between strategic and nonstrategic missiles has dramatically narrowed. This is not entirely a new dilemma. Recall, for example, that we defined the Soviet SS-20 as an intermediate-range ballistic missile, even though it had a range of 5,000 kilometers.

But today, the situation is even more complex. As more and more countries acquire long-range ballistic missiles, the term strategic becomes less and less applicable. Increasingly, regional powers are developing or seeking to acquire ballistic missiles that threaten entire regions and often neighboring regions. The Chinese-built CSS-2, with a range of approximately 2,700 kilometers, has been exported to the Middle East. From there—mark my words—it can reach much of Southern Europe, including several NATO capitals. Certainly for those within its range, the CSS-2 is a strategic weapon.

This situation is radically different than the one envisioned by the authors of the ABM Treaty, who were concerned only with the United States-Soviet strategic balance. Obviously it would be ridiculous to allow a cold war, United States-Soviet Treaty to prevent us from dealing with the new multipolar strategic context we face today.

As I mentioned before, the ABM Treaty prohibits non-ABM systems from being given capabilities to counter strategic ballistic missiles. What confuses the issue is that today there exist theater ballistic missiles that are virtually as capable as some older Russian ballistic missiles that were categorized as strategic in 1972 for purposes of SALT I—in particular, the SS-N-6 with a range of approximately 3,000 kilometers. Although this class of ballistic missiles will be retired from the Russian inventory around the end of the year, the SS-N-6 continues to define the lower end of what we consider strategic.

By any modern standard, the SS-N-6 is not a strategic ballistic missile. But for purposes of arms control it is so defined. This poses a dilemma for our TMD development efforts. If we are to develop and deploy TMD systems with good capabilities to counter the full range of theater ballistic missiles, including the CSS-2, they will possess some inherent capability against the SS-N-6. Since the SS-N-6 will be gone from the Russian inventory within a year, and the next most capable system has over twice the range, this should be less of a problem, therefore, in the future.

This is a time-urgent matter. A number of TMD systems or system upgrades, including THAAD, must be certified as compliant with the AMB Treaty within the very near future if they are to remain on schedule. Recognizing this fact, the Armed Services Committee included a provision in the defense authorization bill (section 223) that fences half of the TMD funding for fiscal year 1994 until the Secretary of Defense reports that these programs comply with the AMB Treaty.

I agree with the intent of this provision: To force the DOD to get on with its compliance reviews and not to spend money on programs it may be unable to proceed with. Unfortunately, for the last several years—and including the 9 months of this year—the DOD has failed to come up with an up-to-date standard for judging TMD compliance. Without such a new standard, section 223 might inadvertently delay key TMD systems like THAAD. Even worse, it might lead the DOD to revise these programs downward, taking capability away from them in an attempt to avoid even the appearance of infringing upon the AMB Treaty. Either outcome would be disastrous.

The amendment we are offering today seeks merely to complement section 223. It in no way undermines this provision; in fact, we believe it clarifies and strengthens it. Given DOD's inability to come up with a new compliance standard for its TMD systems, we believe that the time has come for Congress to step in and establish one. We believe that the standard set forth in our amendment is reasonable and should be acceptable to all Senators who support TMD, even if they are ardent supporters of the ABM Treaty.

Mr. President, let me quickly describe the amendment. The premise and principal objective of the amendment is set forth in paragraph (2)(a): That the United States should be permitted to develop and deploy TMD systems to counter the full range of theater ballistic missiles in existence at the time such TMD systems undergo compliance review.

But the amendment recognizes that this does not satisfy the specific requirements contained in article VI of the ABM Treaty. To stay within the framework of the treaty and the established compliance process at DOD, paragraphs (2)(b) and (2)(c) deal with the treaty's prohibition against testing non-ABM systems in an ABM mode and giving non-ABM systems capabilities to counter strategic ballistic missiles.

To satisfy paragraph (2)(b), a TMD system may not have been tested against a modern strategic ballistic missile. This is a relatively straightforward provision, since the DOD already has working definitions of testing in an ABM mode and what constitutes a modern strategic ballistic missile—which, by the way, includes the SS-N-6.

To satisfy paragraph (2)(c), a TMD system may not have demonstrated a capability to counter such a modern strategic ballistic missile. According to this standard, a TMD system's capability to counter a modern strategic ballistic missile must be physically demonstrated before it can be the basis for determining that such TMD system violates the ABM Treaty. Mathematically simulating such a capability is not sufficient.

This demonstrated standard is the means by which systems like THAAD can be given capabilities to counter the CSS-2 while the Russians maintain the SS-N-6 in their inventory. It also recognizes that any TMD system will have some limited degree of capability to counter strategic ballistic missiles, and that this residual capability also should not be the basis for a non-compliance finding.

Mr. President, however, one defines the term strategic ballistic missile, however, one does that, it is clear—it must be clear to the Congress of the United States, to the Secretary of Defense, to the people of this country—that we and out allies face another class of ballistic missile threats that we now refer to as theater systems.

Senator WARNER and I, in offering our amendment, are simply saying that we must be able to design theater missile defense systems to counter the full range of theater threats. Otherwise, we are destined to repeat the situation we faced in the Persian Gulf war where our missile defense capabilities were clearly inadequate.

We must not allow a treaty that was designed to govern cold war United States-Soviet relations to prevent America from defending its forward forces against missiles possessed by countries like Iraq, like Iran, like North Korea.

There is no excuse, there is absolutely no excuse not to provide American forces the protection they need against the full range of missile threats that they face and we know will face in the future. Remember that the largest number of casualties we suffered in the gulf war was the result of a missile attack on a barracks.

If our amendment is not adopted, a similar tragedy will almost certainly take place on some future battlefield. We will have then nobody but ourselves to blame. But, Mr. President, we will not shoulder that blame. The Congress will find some way to blame it on somebody else. The Department of Defense will find some way to blame it on somebody else. Some lawyers now working will long since be gone and they will be blamed because they will have interpreted the ABM Treaty in ways which constrain the existing capability of the United States to protect the existing forces that we have against threats that we know are in existence or are coming.

We will not shoulder it. We will weep for the dead and we will decry their sacrifice and we will send nice letters to their mothers, but we will not remember that we could have made the difference.

This is a logical and reasonable amendment. It is also a compromise. My preference would have been to exempt all TMD systems entirely from the restrictions of the ABM Treaty or simply to do away with that treaty altogether, but I realize that those are extremely controversial positions. I will refrain from entering into this debate today. We are not here talking about the merits of the ABM Treaty but the requirement to protect American forces, American allies from theater missiles that we know exist.

Every Member of the Senate should agree that it would be irresponsible to unnecessarily underdesign or unnecessarily delay TMD systems simply because language in a treaty is vague when the reality is not vague. There is no doubt about what we face. There may be doubt about how the treaty phrases itself.

Why should we impose unilateral restrictions upon ourselves, especially when the price of doing so is likely to be paid, certainly to be paid with American blood, the blood of allies? We should be able to agree on the standards set forth in our amendment and to get on with what the President has identified as his No. 1 missile defense priority. The President of the United States, President Clinton's No. 1 missile defense priority is theater missiles. Mr. President, this Congress and this Senate should not let him or future soldiers and sailors and airmen down.

I yield to the Senator from Virginia, a cosponsor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I find it a distinct pleasure to associate myself with my good friend, long-time friend and colleague from the State of Wyoming. My only regret is he no longer is on the Armed Services Committee because when he served on that committee he was the most knowledgeable person, or certainly no one was more knowledgeable on our side of the aisle, about the complexity of strategic defenses than the Senator from Wyoming. His remarks this morning I find brilliant and they capture precisely the objectives that the two of us have had these many years working together as it respects the theater missile defenses.

If I might add a personal note. The distinguished chairman of the committee from Georgia, myself, Senator INOUYE, and Senator STEVENS were in Tel Aviv the night the last Scud missile was fired against our brave and valuable ally, Israel. While we were not in any immediate danger, we were visiting with the Minister of Defense at that time and he and others, of course, had to step aside from the meeting and deal with that particular attack. But that little personal experience brought home the fact so eloquently stated by my distinguished friend and colleague.

We are here today simply to ask that the adoption of this amendment be accepted by the Senate for the purpose of providing guidelines to the Department of Defense—and more specifically the President and the Secretary of Defense—as they comply with the bill that is on each and every desk. It simply gives them the guidelines by which they come back and determine the necessity, or the lack of necessity, which I hope and I am confident they will find, of applying certain nebulous provisions of the ABM Treaty.

But my colleague points out the disaster to our troops when that one missile penetrated and caused upward of 50 lives to be lost. We, the Congress of the United States, will be accountable if in a future action such a tragedy were to be repeated and we, the Congress of the United States, are on record as having impeded the ability of the technical brains of this country to have devised the best system possible to prohibit such a tragedy, not only to our troops but the allied troops serving with us and, indeed, to those nations on which territory is our forward deployed position of defense in the cause of freedom, those nations and their civilian populations.

It is our responsibility. We are the Nation with the leading technology in this field.

I would like to pose a question to my distinguished friend from Wyoming at this point.

I find, as I study this question, that this ABM Treaty—which you pointed out is between two parties, the former Soviet Union, now Russia, and the United States—I find that any unbiased, objective mind in Russia today should say that their interests in theater missile defense and the production of the technology to protect them should be identical to ours and that in all probability they would support the efforts that the Senator from Wyoming and myself are now advancing to the Senate. I ask that question.

Mr. WALLOP. Mr. President, I will respond to the Senator from Virginia that, in fact, the Russian Republic is probably significantly more threatened by these events than are any American military personnel or our allies. The instability of the world that is likely to erupt is first and foremost perhaps directed toward them.

Keep in mind, we are not seeking—you and I with our amendment—to violate the terms and testing of the ABM Treaty. We are merely trying to define theater missiles in light of technological achievements unheard of, undreamed of at the time the treaty was signed.

The answer to my colleague's question is clearly yes. They would not likely find objection to this and, in fact, would very likely like to have the same capability themselves.

Mr. WARNER. Mr. President, I thank my colleague. It confirms my own belief that it is in their interest and, indeed, in the interest of the free world that this Nation move ahead in concert with other nations and, indeed, perhaps Russia in the development of the technology that can begin to provide an adequate deterrent and defense against the proliferation of this type of theater missile.

In my own personal judgment, this particular type of missile, coupled with the advancing technology in cruise missiles, coupled with the advancing technology in weapons of mass destruction, be they fissionable material, biological material, or chemical material, those are the categories of threats that are most serious to our Nation and our Nation's ability to defend freedom for our allies abroad.

It is incumbent upon this body to adopt this type of amendment to free up the brains in this country such that we can develop the very best system to prevent that.

So I congratulate my colleague. I will withhold further remarks if there is some other speaker here. I could pursue this for a minute or two.

Mr. President, I see the chairman of our committee, Mr. NUNN, is indicating I should go ahead.

In my judgment, Mr. President, if we were to continue to operate in a manner to thwart the ability of our brains to move forward in this country and devise the best technical defense, then, indeed, this Chamber and the other body would be held accountable someday for our failure to release the chains on the technical brains in this country to go ahead and devise the best system possible.

The problem, Mr. President, is with the ambiguities as pointed out by the distinguished Senator from Wyoming, ambiguities in the ABM Treaty, this treaty signed and drafted 20 years ago. And I might say, ironically, I was there in Moscow in my capacity as Secretary of the Navy in May 1972 when this particular treaty was signed. I had then been in the Department of Defense some 3 years, and I can assure you that no one at that time envisioned the problems associated with theater missiles and theater missile defense. It has all evolved in the years subsequent, and we should not become entangled in these technical interpretations of ambiguous clauses in this treaty and allow that confusion to impede our progress in advancing our ability to defend ourselves and our allies in the face of the proliferation of theater missiles.

The treaty, the ABM Treaty, prohibits giving non-ABM systems the capability to counter strategic ballistic missiles, but the treaty does not define "capability" and the distinction between "strategic" and "theater" systems is unclear. For example, U.S. and allied forces face existing theater missile defenses that have ranges and reentry speeds similar to certain Soviet ballistic missiles that were designated "strategic" ballistic missiles 20 years ago.

These old Soviet missiles had theater, not intercontinental, ranges and had slow, not fast, reentry speeds. They are clearly obsolete and are no longer even part of the current Russian military inventory.

In short, we are allowing ourselves to be condemned to the past unless this amendment is adopted. Old Soviet systems designated "strategic" but with theater ranges and reentry speeds are not surprisingly comparable in capability to some Third World theater systems currently in existence or under development. The result is that unless we establish criteria to define what is a "theater" missile defense and what is a "strategic" missile defense, we will either underdesign, delay or choose not to deploy key theater missile defense programs necessary to protect our troops, our allies or others with whom we may be associated in a future conflict. We even place at risk the theater high altitude aerial defense which this body has strongly supported year in and year out.

Mr. President, the key to this amendment is very simple. It establishes a clear, common sense set of rules for determining a "theater" ballistic missile defense and a "strategic" ballistic missile defense system. It simply says a theater ballistic missile defense system is compliant if it can, one, counter the most capable theater missile in existence today, and, two, has never been tested against or demonstrated to have the capability to counter modern strategic ballistic missiles.

Mr. President, this is not an SDI vote. Let us not confuse it. It is a theater missile defense issue, a program most of the Senate has said they support.

Just recently the Secretary of Defense released his bottom-up review, and specifically he states as one of his goals, and I quote, "Restructure ballistic missile defense program."

This amendment is to aid the Secretary of Defense, the President with the ultimate responsibility, in restructuring the theater missile defense. This amendment does not affect defenses which the Committee of the Armed Services placed on funding for various missile defense programs. However, it does provide guidance to the administration in formulating its response to those instances which relate solely to the theater missile defense programs. It does not change a single word of the ABM Treaty. It merely updates unilateral U.S. definitions decided some 20 years ago.

I conclude by asking each Senator as he or she addresses their position on this amendment to think back to the tragedy of the loss of life, the single largest loss of life as occurred to our forces because of the inability to adequately defend ourselves against the very systems that are now proliferating in the world. We must not fail in our responsibility to the men and women of the Armed Forces whom we order abroad in far-flung places of the world without equipping them with the very finest military equipment, not only to use offensively, if necessary, but equally and often more important to use defensively.

I yield the floor.

Mr. THURMOND. Mr. President, I rise to give my strong support to this excellent amendment. It is well thought out, and highly necessary to clear up a serious ambiguity in the ABM Treaty that could have an adverse effect on our theater missile defense effort. At the same time it is limited in scope and does not attempt to overturn the treaty. It simply clarifies what level of theater missile defense capability is permitted under the treaty.

The ABM Treaty was not intended to limit theater defenses, only defenses against strategic ballistic missiles. But the treaty did not define the term "strategic ballistic missiles." Today we are facing theater missile threats that would have been classified as "strategic" in 1972 when the treaty was signed. Unless we get the clarity this amendment provides, we run the risk of underdesigning our TMD systems to avoid possible treaty violations. That means they will not be capable of countering missile threats already out there, the CSS-2, for example. TMD is now the top priority, and rightly so. But we must deploy the most capable TMD systems that technology will allow. There can be no excuse for the ABM Treaty or any other artificial obstacle to get in the way of building highly capable interceptors and censors that can intercept not just primitive Scud missiles but also the newer generation of ballistic missiles that we see proliferating in the world's traditional trouble spots.

I urge the adoption of this amendment.

(Mrs. BOXER assumed the chair.)

Mr. NUNN. Madam President, I regret I cannot support this amendment as it is currently drafted. The Senator from Wyoming has been a tremendous member of the Armed Services Committee, and I share the sentiments of the Senator from Virginia, who made a real contribution not only in this important area of missile defense but in many areas where he has acquired significant expertise.

I share a common goal, I believe, with the Senator from Virginia and the Senator from Wyoming as well as the Senator from South Carolina in developing and deploying on an urgent basis the most effective theater missile defense program we can have against tactical ballistic missiles. I do think that is a priority for our Nation and for our allies. Also, the administration believes that is a priority. They made that clear in their budget submission.

The committee has included a provision in our bill that requires early compliance with theater defense systems in terms of review of those systems and how they would be affected by the ABM Treaty. In fact, we make it a very serious requirement because we say that they cannot spend more than half the money for these theater systems until they have completed that compliance review. What that really means is in approximately 6 months they are out of money unless they have done a compliance review. So we are very serious about a compliance review in our committee.

The problem with this amendment is that it preempts the compliance review. It basically is a congressional edict defining what we believe the ABM Treaty means but doing it in a definitive, legal way. So Congress would be setting itself in the position of interpreting the ABM Treaty regarding theater defense before the administration, a new administration just coming into power, before they have a chance to basically give their own assessment of the situation.

I know the Senator from Wyoming has been pushing the Bush administration and before that the Reagan administration to come up with definitions in this area. And I know the Senator from Virginia has. So my critique here in a way relates to what they have done. They have been absolutely consistent. They pushed very hard the Republican administrations to come up with definitions and now they are pushing a Democratic administration. So that is consistent. I have no problem with that.

The problem is, though, we had the Reagan administration and the Bush administration that did not do these kinds of compliance reviews in any kind of thorough way, and they did not come to definitive conclusions over a 12-year period. Now we have a Democratic administration that has come in and has made theater missile defense a very high priority, the highest priority in terms of any kind of system, and they have allocated most of the money in SDI, a great deal of it, to this theater system. But they have asked for a decent period of time for compliance review to see if any of this plan, any of the plan for testing of deployment, would run afoul of the ABM Treaty.

It is my own view that this matter has to be discussed with the Russians. I think the Senator from Virginia and the Senator from Wyoming are correct in saying the Russians have a very significant problem against their own country from these types of theater weapons. They have a more severe problem than we do. I think it is going to be in their interest to take another look at the ABM Treaty and, where clarifications are necessary, to join in this.

But when the Senator from Wyoming and the Senator from Virginia say they believe the Russians' own national interest points in this direction, they believe the Russians—I believe the Senator from Virginia said, the reasonable, rational Russians he talked to would agree with this. It seems to me that is an argument for giving the administration enough time to see if there is any kind of violation, No. 1, or any kind of problem or potential problem, No. 2, and then to discuss it with the Russians and deal with it under the ABM Treaty itself so we do not get people in the Russian military, we do not get people in the Russian Government who basically say the Americans are plowing on their own, the ABM Treaty no longer means anything to them, they are defining on the floor of the U.S. Senate definite terms as to what strategic missiles mean and what theater missiles mean, and, therefore, the ABM Treaty is of no use.

It could have a spillover effect in terms of attitudes toward the START II treaty. If the Russian Parliament comes to the conclusion that we in the Senate of the United States simply are going to stand up and basically declare what a treaty means, without waiting for an administration and legal interpretation, then they may do the same thing with the START II treaty. I do not think any of us would welcome that. We all hope the START II treaty and other matters can be ratified in due course and particularly countries like the Ukraine will come on board with both START I and START II.

So I guess, Madam President, what I am saying is that I do not favor this kind of amendment, this kind of method of handling this although I completely agree with the goal because I do believe that it is in our interest, even if we have to have an amendment to the ABM Treaty, to move forward. This is one possible way of moving forward after we have an administration compliance review.

But I urge, on behalf of the White House—I have not talked directly to them. Our staff has talked to some of the people at the National Security Council. But I urge that we go slow in this area, give them at least the 6 or 8 months that we anticipate in this bill to determine what their own position is and then let us determine if this is the most rational way to approach it or whether we would rather have the Russians on board. It seems to me there is a real case to be made for getting the Russians to agree. If they do not agree, we always have the national clause in there about our national security where we have the right to abrogate a treaty if it violates our national security interests. That is part of the treaty itself and was envisioned.

So I urge my colleagues to think carefully on this one, and I urge the Members of the Senate, unless there is some toning down of this amendment, to oppose the amendment at this point.

Yet, again, I want to emphasize that I commend the Senators for their interest in this. We do have a lot of money going into theater defense. We do have to find out soon whether it is going to be any kind of potential problem. Otherwise we may be developing systems where we end up saying we cannot do these because they violate the ABM Treaty. But we have to come to terms with this. We have to determine the compliance, and we have to understand what these terms mean. And if they do indeed interfere with any of the theater defense developments, then I think we have to take the proper course with the amendment.

Mr. WARNER. Madam President, if I may ask a question of my distinguished friend and colleague. I go back to his own actions with regard to this treaty some several years ago. Did he not, in the Nunn-Levin amendment, do precisely what the Senator from Wyoming and I are endeavoring to do today? There was a clear example where the congressional interpretation of the ABM Treaty, namely, the broad versus narrow, was pursued by our distinguished chairman, and, indeed, it was his position. So it seems to me there is a certain parallel.

Mr. NUNN. I say to the Senator from Virginia that in that situation what we had there was an administration who set out to do their own review. They came to their own conclusions after a great deal of deliberation. The Senator from Georgia sat back and watched that take place, gave them plenty of time to come to their own conclusions. They came to their own conclusions, and those conclusions were contrary to what the Senator from Georgia felt that treaty meant.

I am asking for exactly the same course. I am saying that the new administration should have the right to come in and take a look at the theater systems, determine if they are in compliance, or, if they determine they are not, what they plan to do about it, and report to the Congress. Then, at that stage, if the Senator from Virginia and the Senator from Wyoming will say, "We do not agree with this interpretation; we think the Congress ought to go on record," then at that stage I think that is a different situation.

So I think there is a parallel here, and I urge the Senate to follow that parallel; that is, wait until this administration comes up with their own view on this and then decide whether we agree with that view. I am not saying Congress does not have a right to give our own interpretation of the treaty. It may be some kind of system that the Senate, on this subject, would think would be appropriate. But I distinguish between that and simply an edict in law at this stage.

Mr. WALLOP. Will the Senator yield for a question?

Mr. NUNN. Yes.

Mr. WALLOP. Madam President, the Senator from Georgia suggests that we tone it down. We have spent 7 weeks trying to tone it down. This does not interpret anything to do with the ABM Treaty. It is not an equivalent parallel. In fact, what we do is say that we can develop a theater missiles defense system based on the range of the longest one that exists today. We carefully stay away from interpreting the treaty.

It is not like the situation a few years back when in fact the Congress legislated an unleavened amendment as an interpretation of that treaty. Some of us thought it was a fair diversion from the ordinary procedure that the President of the United States is a negotiator or interpreter of treaties. We legislate the specific terms of what we believe that theater to be. This does not do that. In fact, these guidelines are totally general.

Let me just ask the Senator if he is also aware that the standards we currently have were not discussed with the Russians; they were informed of them.

Mr. NUNN. Madam President, I would have to get a further clarification of that latter question. What standards does the Senator refer to?

Mr. WALLOP. The standards we currently use in interpreting missile defenses. We simply informed the Russians that we were going to use them. These are not standards about anything dealing with the provisions against testing, and other things, of the ABM Treaty. This merely defines, in a general way. It does not limit the administration or preempt them. It simply lays down general principles to be used on their final interpretation.

Mr. NUNN. I simply say to the Senator, Madam President, let us give the new administration a chance to look and see whether we have a problem. If they say we do not have a problem, then we do not have one. If they come to the conclusion that we have an ambiguous situation, they may need to get with the Russians and help clarify that.

But in terms of the parallel the Senator from Virginia mentioned between the debate we had on the narrow versus broad interpretation of the ABM Treaty, we never did legislate any interpretation in law. We basically required—

Mr. WALLOP. That was an unleavened amendment based on the United States' compliance with the treaty.

Mr. NUNN. Madam President, we required that the tests they were going to take and the steps they were taking under the SDI program would not violate that narrow interpretation. We never did put an edict in law. But that is quibbling on a technical point.

The point I make—what I am saying is let us give the administration a chance and find out what they think. We have waited 12 years under three different terms of Republican Presidents, and we have never gotten any kind of definitive answer in this area from those administrations.

We now have a new administration who says they are going to give us a definitive answer within 6 or 8 months. We also have a very clear statement from the administration that there is nothing in the 1994 fiscal year program that in any way violates the ABM Treaty under anybody's interpretation.

So we do not really have to do this, this year. We may have to do something like this next year.

Mr. WARNER. Madam President, if I may take up on the point of the distinguished chairman, I am sure he is aware that here in November 1993, 60 days hence, the administration has to review the THAAD design program. And if someone is of the view that that program on its current course is not complying, then it has to be, as a program, totally revised. So the Senator from Wyoming and I are conscious of decisions which are imminent that have to be made, and we are anxious for this body to be on record as providing the guidelines to help make the proper decision.

It is going to cost us a great deal of money if that program has to be revised on the assumption that there is some conflict with the ABM Treaty. Congress, by November or December, is likely to be dispersed, and that will be costs to the American taxpayers. And also, to go back to the very words of the distinguished Senator from Wyoming, we will have been failing to do our duty in this body; namely, freeing up, removing the chains on the technicians to build the best system possible.

So my question is: Are you aware of the fact that that design review is needed some 60 days hence?

Mr. NUNN. I understood that was a technical review of that system, but not a compliance review as to whether it complied with the ABM Treaty. I may be in error, but I felt those were two separate tracks, and what we had on the THAAD program was a technical review.

Mr. WARNER. My understanding, Madam President, is that it is not separate tracks. It may be separate tracks, but they cross in November.

Mr. NUNN. At some point, they will cross. I do not know how they can do it in November, because the administration does not intend to have the compliance review completed that quickly. I believe that will be done sometime next year.

Mr. WARNER. The problem is that if they cannot determine in November that the system as now designed is compliant, they have to redesign the program or stop it. That is the point.

Mr. NUNN. They are not going to address compliance in November, so they are not going to know anything about compliance. They will not know that until they get through their legal review, Madam President.

Mr. WARNER. I urge the chairman to make a call or two on this. I think I have raised a valid point, showing the time urgency of action by the Congress on this point. I have done some independent research.

I suggest that the chairman might take the opportunity to do inquiring about the THAAD program.

Mr. NUNN. I will be glad to follow that suggestion.

Mr. WARNER. Madam President, if I might say, also, the Senator from Wyoming and I will talk to the chairman about possibly some resolution of this, and I know the chairman is thinking about a sense-of-the-Senate.

What is the chairman's personal view now with respect to the objectives of this country in devising theater missile defenses? What guidance would the chairman give the administration on this question of whether or not ABM?

Mr. NUNN. I think the guidance the chairman would give the administration would be pretty clearly set forth in this bill. I do not know how you can be much more forceful than saying you cannot spend more than half of the money until you get the compliance review completed.

Madam President, I agree that it is a very high priority. Believe me, the people in the Department of Defense are going to understand that.

Mr. WARNER. I did not speak clearly enough. I understand that is a procedural issue.

But the chairman himself, Madam President. What would he like to see that review produce in terms of an answer?

Mr. NUNN. I would like to see it produce an honest, legal, objective opinion about what the ABM Treaty interpretation is, Madam President. if it is ambiguous, I think they ought to say it is, in which case there are several alternative courses. If it is clear that none of these systems are going to be in violation, then I think we ought to proceed forward vigorously.

If it is clear that the programs are in violation of the treaty—which I think it is much less likely to come to that result than an ambiguous result—then I think we ought to determine whether it is in our supreme national interest to abrogate the treaty because of the importance of the theater missiles defense, or whether we can persuade the Russians to come up with an amendment that would clarify this for both countries.

I say to my friend that there is a lot more at stake here than simply the ABM Treaty. I know the Senator from Wyoming would just as soon that stay in the dustbin of the industry. But there is a lot at stake here. We have a newly emerged Russian nation.

You have an awful lot of Russian nationals. You have some people in the Russian military that are paranoid about the whole subject of defenses. You have others who are looking at it rationally in Russia, at their borders and their security and what they may need.

When you take all of that into account, I think it is in the interest of this country's national security to at least have consultation with the Russians before we proceed unilaterally in this area. Otherwise, we may end up curing one problem but creating a lot more serious problem.

So there is more at stake here than the ABM Treaty. The question is how do we proceed with the newly-emerging democracy that is the successor to a state that we negotiated the ABM Treaty with.

Mr. WALLOP. Madam President, will the Senator yield for a question on that point?

Mr. NUNN. Yes.

Mr. WALLOP. We have specifically stayed away. I did not want to get into the debate on terms of the ABM Treaty. We specifically stayed away from that. We do not deal with the issues of testing in an ABM mode or other kind of things.

We are simply trying to find in general terms—and I say again we do not preempt the administration—what constitutes a theater missile. We do not say in here that we can test in an ABM mode or any of those kinds of things which are violations of the treaty.

We are simply saying that for the purposes of our programs, the longest existing, namely the Chinese theater ballistic missile, is the standard by which the theater missile defenses are created. We do not suggest that the administration test them in an ABM mode or take other elements of an ABM system and attach them to them. So it is important not to put this into an interpretation of the ABM Treaty.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, it seems to me, and I sympathize with the debate today, it is one of substance which the Senator from Wyoming and I tried to incorporate in this amendment and one of procedure, namely, following the chairman's line of reasoning, that the administration should have some reasonable opportunity to address this problem. The chairman indicated that possibly a sense-of-the-Senate amendment along the lines of one presently before the Senate might be a way to reconcile whatever differences the chairman has with the two proponents of this amendment.

I once again return to the chairman with my question, which I interpreted as indicating the chairman felt just as strongly as do I, the Senator from Wyoming, and, I presume, the majority of the Senate, that this country should proceed to develop the best system that can be devised for our own security interests and that of our allies. And we have to take into consideration the collateral problem with Russia today as we move in that direction.

But do I understand the chairman, in reply to my earlier question, as indicating he is strongly in favor of this country moving ahead and unleashing any restraints on our technicians to provide the best system possible, unless there is some very credible reason as it relates to other relationships with Russia that that not be done?

Mr. NUNN. I think my general answer to that question would be yes, I do agree with that. But I do also believe that we have a lot at stake in terms of upholding the principles under which treaties are negotiated.

We do not enter into treaties lightly. We have them come before the Senate of the United States. They have to be not only presented by the President, but they have to be defended and presented in a way that the Senate of the United States will ratify by the constitutional requirement of two-thirds.

So we treat treaties in this country very importantly. And I think that is appropriate because treaties are the law of the land. That is provided in the Constitution.

So the real question is, do we basically use the procedures and the overall approach in terms of clarifying treaties that we have historically used?

Mr. WARNER. Madam President, I respect that argument, but I want to come back and determine what can be done today.

Do I understand that if this were converted into a sense-of-the-Senate the chairman of the committee would consider supporting the amendment if it were?

Mr. NUNN. If it were a sense-of-the-Senate urging the administration to come up with an early compliance review, and that the administration should then advise the Congress as to what steps they need, what steps need to be taken, to move forward the theater defense in any event, any ambiguity, I would not object.

Mr. WARNER. That responds more to the procedural aspects. I am interested in the chairman's position on the substantive issue of our Nation having the best possible defense that we can achieve, given the technical aspects.

Mr. NUNN. I say to my friend I am interested in us having the best possible defense we can, consistent with our form of Government and our Constitution and our laws.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia still has the floor.

Mr. NUNN. I yield.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I thank the Chair.

Madam President, I have been listening to the debate on the matter before us. This has been discussed in the Armed Services Committee and in the Subcommittee of the Nuclear Deterrence Arms Control that this Senator chairs. I do not have any basic quarrel with the basic thrust of the amendment that has been offered by the Senator from Wyoming and supported by the Senator from Virginia.

I would only say that I sound the caution alarm which I think the chairman has been trying to sound in regard to this debate. If the United States Senate would attempt to go on record by accepting the amendment that has been offered by the Senator from Wyoming, or if we would phase that back down, as I took it might be in the mode of being considered to a sense-of-the-Senate resolution, I would simply say that I think that at this particular time with the complications that face us in the world, accepting this amendment or even a sense-of-the-Senate in this regard, would send some alarm signals around the world not only to our traditional allies but those who have not been our traditional allies.

I think this is a very unsettling time when things are trying to be worked out, when there has to be some understanding, some give and take around the world.

If, for example—and I do not basically, I emphasize, quarrel with the position that is being articulated by my friend from Wyoming and my friend from Virginia—I would simply say that I think that such an amendment is out of place, is ill-timed, and in the long run could do us more harm than good.

I would simply hope that maybe this could be withdrawn. The point has been made and made quite admirably, I think, by the Senator from Wyoming and the Senator from Virginia, and I think that I agree basically with the thrust of the counterarguments by the chairman of the committee.

I would simply say to my friends that I really believe in the discretion of not doing anything in this area right now, allowing the administration the room that they need to work these things out. I do not believe that we are going to be hurt by not taking this action at this particular time.

I would simply say that however well-intentioned the amendment is I would think that those who are proposing the amendment would understand and realize that possibly this is not the best time to be taking this up, regardless of the merits of the proposal as they explained the reason for it.

I am fearful that the reasons that I think the Senator from Wyoming and the Senator from Virginia are very sincere about, and it is something that should be considered, for the Senate to take action at this time before the administration has been able to at least try this out, this idea on our allies, let alone those who are not customarily our allies, would be placing the administration in a very, very difficult position.

And I would simply close by saying that this amendment, and even a sense-of-the-Senate resolution that would water it down to that extent, would send the wrong signal, probably, some alarm bells around the world and make it that much more difficult for the administration to attempt to work out something over the longer term and after having a chance to consult with those that would be directly affected.

I, therefore, would hope and suggest that I think it would be wise after this very interesting discussion for this amendment to be withdrawn, and I hope that it would not be pressed to a vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Madam President, I have a great deal of respect for the Senator from Nebraska, Senator EXON.

Since it is clear he has not read the amendment—talking about sending the wrong signal around the world; I would say the wrong signal sent around the world is that the United States does not have will enough to protect its combat troops from theater missiles—I will read them for the Senate, since the Senate is disinclined to study it. The amendment specifically made it clear that these are not going to violate the ABM Treaty.

Paragraph (1) applies to a theater missile defense system, system upgrade, or system component that—

(A) has the capabilities necessary to counter the most capable theater ballistic missile existing at the time of the review of such review or determination;

(B has not been tested against a modern strategic ballistic missile; and

(C) has not demonstrated a capability to counter such a modern strategic ballistic missile.

The signal we are sending is trying to be something different than this Congress sent in early 1980 when it defanged the Patriot and caused the death of some 50 American military personnel in the gulf. We defanged it.

What we are trying to do is say that this Congress and this Senate surely have the right and the obligation to defend American forces from the most capable theater missile defense system that exists in the world when we are designing it.

We are not talking about designing a ballistic missile defense system. We are, in fact, specifically outlawing those things in this amendment.

So the signal we are going to send around the world, failing to do this, is that we are again weak-willed and uncertain as to our to obligations and our rights to defend our own personnel and our own allies against threats that we have identified—the Secretary of Defense has identified, and the President of the United States has identified—as the most pressing that exists today.

There is nothing in this amendment that is half so constraining on the administration as the amendment that is contained in paragraph 223, which fences half their funds until the compliance review. That is constraint, I say to my friend from Nebraska, not this, which provides only a definitional structure of the area in which the United States ought to get on.

I would say again that the current set of standards that we have were not consulted with the Russians; they were informal. And the current set of things that we are trying to do here is take it out of the ABM Treaty specifically item by item. Paragraph (2)(1)(A), (2)(1)(B), (2)(1)(C) are very, very specific in their terms of defining the ABM Treaty.

Now, I do not understand the kind of red-herring arguments that come up here when some in the administration we understand are quite content with this amendment.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I would like to ask the distinguished chairman of the Subcommittee on Nuclear Deterrence—a committee I served on for many years and at one time I was chairman of that subcommittee—you talk about signals around the world. This reminds me of how you take two horses and hobble them together so they do not run off in the corral.

And we are hobbling ourselves to Russia and blinding ourselves to North Korea, to Iraq, to Iran, and other countries which are bending steel night and day to try and build the systems which some day may be a threat to our Armed Forces.

Yes, a signal will go out around the world that the Congress of the United States is going to sit back and let this ambiguity exist. We may as well go ahead full steam and build these systems, because if, at some point in time, we are attacking them or their interests or their allies or their friends, there will not be in place a sufficient defense.

So let us not put the blinders on and let the hobbling of the past, of 20 years ago, as pointed out by the distinguished Senator from Wyoming, be the reason that at some future point in time we cannot defend ourselves.

Mr. WALLOP. Will the Senator yield for a question?

Mr. WARNER. Am I not correct about hobbling the horses in the corral, the two of them together?

Mr. WALLOP. Absolutely.

The question I would direct to the Senator from Virginia is, is it not true that in the gulf, in the most perfect set of circumstances you could imagine—desert, no hills, no foliage, more or less clear skies—that we did not destroy a single missile battery from the air on the ground; not one?

Mr. WARNER. That is correct.

Mr. WALLOP. The only destruction that took place was with a try-hard but relatively inadequate Patriot missile.

What we are asking for is for the Congress and the people of the world to understand that we are not going to find these missiles on the ground and shoot them from 20 miles away with F-15's. We are either going to defend the men and women of the armed services of United States and our allies from missiles we know that exist, theater missiles that we know exist, or not. It is a very simple question in front of the Senate.

Mr. WARNER. Madam President, the Senator is correct.

And I repose my question to the distinguished Senator from Nebraska, the chairman of the subcommittee: Do we not have a threat from North Korea, from Iraq, from Iran who are working on these systems right now? The question is posed.

Mr. EXON. I am glad to respond.

I would simply say that I have some of the same identical concerns that have been expressed very eloquently, I think, by my friend from Virginia and my friend from Wyoming.

I would simply point out, by and large, that is why we have language in the bill that is before us that the administration has agreed to proceed with and welcomed, and that is for a study and review of this matter pending recommendations from the administration.

Certainly, I do not wish to be placed—and I hope the Senator from Wyoming and the Senator from Virginia are not trying to place those of us who think the timing of their amendment is wrong—in a position of not wanting to defend properly the troops of the United States of America and our allies.

I would simply remind my colleagues that the making of treaties, world negotiations on treaties, are first in the purview of the executive branch of Government. The executive branch of Government in this case, as I understand it, the President of the United States, the Secretary of State, and the Secretary of Defense, have agreed that the language we have in the bill to do a review certainly expresses the recognition on the part of the administration that they share the concerns that have been raised on the floor by this amendment from the Senator from Wyoming.

The administration, as I understand it, is in agreement with the point of view that I have expressed and the point of view expressed by the chairman of the committee that they think we would be going too far too fast on this matter, but they have agreed, as you know full well, to do a study of this, to come back with recommendations to us as to what and what should not be written into the law.

I would simply reiterate once again that I am not questioning the motives nor the intent of the Senator from Wyoming or the Senator from Virginia. I just say I think we should allow the President, who, under our Constitution, has the right to make laws and enter into treaties—we have the right to either accept or reject those—but I am afraid that what is being suggested here by the Senator from Wyoming would be the U.S. Senate getting ahead of the administration on treaty matters, which I think is not wise.

Mr. WARNER. Will the Senator simply address one short question?

Mr. EXON. I will be glad to yield.

Mr. WARNER. Do we not have a threat from theater missiles from Iraq, from Iran, and possibly other sources and, therefore, we should—

Mr. EXON. May I answer the question?

Mr. WARNER. Yes.

Mr. EXON. In my opinion, the answer is, yes.

Mr. WARNER. That answers my question, Madam President.

And, therefore, we should not look at this issue in the narrow context of a Russia alone as hobbled.

Mr. EXON. Oh, now, in fact I would agree wholeheartedly with the Senator from Virginia in that I believe the threats to the United States of America, our allies and our troops, in at least the immediate future as we view it today, the threats to our combat troops are from other than the Soviet Union, Russia, or the Republics of what has come out of the demise of the Soviet Union.

I really think we have a particular threat from some of the countries that my colleague has mentioned, and possibly others, that concern me. I share my colleague's concern. I question whether this is the time to make the move that he is suggesting.

Mr. WARNER. Madam President, I thank the distinguished Senator and yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Madam President, I rise in very strong support of the amendment offered by my friend from Wyoming, Senator WALLOP. I ask at this time unanimous consent that my name be added as a cosponsor to the amendment of the Senator from Wyoming.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH. I also want to compliment my friend from Virginia for his efforts in this area. The American people owe a debt of gratitude to the Senator from Wyoming for his leadership on the issue of missile defense. He has been a long-time leader in the U.S. Senate on the issue, and a leader in America in general. I think when history records the events of this time and we look back on today, this debate is going to take on a whole new meaning. And the Senator from Wyoming will be remembered for his perseverance. Unfortunately, it does not seem to be the majority opinion of this body that the Senator from Wyoming is correct. But I have never been one to stand on the sidelines whether I am in the majority or minority. The question is whether the cause is just and proper. In this case, there is no question about it, and the national security of the United States of America is hanging in the balance.

During each of the past 2 years, the Senate has overwhelmingly endorsed the development and deployment of effective theater missile defenses. Implicit in this action was the assessment that theater missiles pose a clear and present danger to U.S. troops and our friends and allies abroad.

What is also very clear is the fact that the 1972 ABM Treaty which prohibits nationwide defenses against strategic ballistic missiles was not intended to restrict theater missile defenses deployed abroad to protect our forward-deployed forces. The architects of the ABM Treaty had no way of knowing, nor did they attempt to predict, how technology would evolve in the future. The treaty was only intended to apply to the missiles that were covered by the SALT I agreement on strategic offensive arms.

In the 20 years since ratification, new technologies have blurred the line between the 1970's strategic missiles, such as the Soviet SSN-6, and the Chinese CSS-2 theater ballistic missile, which is deployed today in Saudi Arabia. The SSN-6 has a range in excess of 2,400 kilometers and a maximum speed of approximately 4.7 kilometers per second. It is considered a strategic missile, bound by the ABM Treaty. The CSS-2, as sold to Saudi Arabia, is estimated to have a range of 2,700 kilometers and a reentry velocity of 4.7 kilometers per second. It is considered a theater missile. Thus, technology and time have blurred the distinction between what constitutes a strategic missile and what constitutes a theater missile. But we should not let semantics dictate national security. We must be very, very careful here.

To be sure, any effective U.S. theater defense system must be able to counter the full range of current and projected theater missile threats. And Congress has a responsibility to take action to clarify that theater systems such as THAAD, Arrow, and Patriot upgrade are not bound by a treaty never intended to restrict their deployment. This amendment does just that. It ensures that our theater missile defense programs have the capabilities necessary to counter the most capable theater ballistic missile threats that the United States will face.

Now more than ever, Congress and the administration must set politics aside and get on with the business of defending the United States of America. That is what the Constitution says we must do. That is what the American people expect us to do.

In today's threat environment, we simply cannot afford to underdesign our theater missile defense capabilities out of unilateral compliance with a treaty that was never intended to restrict these systems in the first place.

The Wallop amendment represents a very timely and substantive clarification of this issue and the Senator from Wyoming deserves a great deal of credit for his persistence and diligence. I have seen him, year after year, debate after debate, in the Armed Services Committee—which unfortunately he is no longer a member of—making these points saliently and succinctly. Unfortunately, too few of our colleagues have listened to the eloquent words of the Senator from Wyoming.

Let me conclude by saying this. The amendment before us applies only to theater missile defense systems. It ensures that they have the capabilities necessary to counter the most sophisticated theater ballistic missiles in existence and that they have not been tested against a modern strategic ballistic missile, or demonstrated a capability to counter a modern strategic ballistic missile. In short, this amendment ensures that we comply with the letter of the ABM Treaty, while at the same time, develop effective theater defenses. How can anyone be opposed to that?

I say to my colleagues who appear—I hate to use the term but frankly I think it is appropriate—to have a knee-jerk reaction, who oppose this amendment as just another pro-SDI effort, that somehow SDI has become a profanity in the Halls of Congress these days as we slash and cut. But, not only are we slashing and cutting SDI, we are slashing and cutting the defense of America.

This amendment is designed to protect forward-deployed U.S. troops. We have an obligation, a serious obligation, to protect our troops who go into harm's way no matter where they are. This amendment is not about broad versus narrow. It is an effort to ensure that never again will our forward-deployed troops enter battle ill-equipped to defend themselves.

Think about it. Think about the Persian Gulf war. For the first time in modern history, an American commander was directly attacked by ballistic missiles. We owe it to the 28 brave men and women who lost their lives in the Dhahran barracks at the hands of a Scud missile, never, never to allow this tragedy to occur again.

I must say that we are walking a tightrope today. If we defeat the Wallop amendment, we may again expose more young men and women to that same type of attack and expose another commander to a direct hit from ballistic missiles. We must not put the American people and our troops in that position. The only way to prevent it is to support the amendment of the Senator from Wyoming.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Madam President, what is the pending business?

The PRESIDING OFFICER. This is the amendment of the Senator from Wyoming.

Mr. SHELBY. Madam President, I move we temporarily set aside the pending business.

The PRESIDING OFFICER. Is there objection? Hearing none, the amendment is set aside.

Mr. SHELBY. Madam President, I will send a modification of my amendment to the desk.

I withdraw the pending amendment.

The PRESIDING OFFICER. The pending amendment is set aside.

Mr. SHELBY. I send an amendment to the desk.

The PRESIDING OFFICER. The Senator has a right to withdraw his own amendment and his amendment is withdrawn.

The amendment (No. 778) was withdrawn.

Mr. SHELBY. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

Mr. SHELBY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. What is the pending business, Madam President?

The PRESIDING OFFICER. The amendment which the Senator from Alabama sent to the desk at first was out of order.

Therefore, the amendment of the Senator from New Mexico is the pending business.

AMENDMENT NO. 777, AS MODIFIED

Mr. BINGAMAN. Madam President, as I understand it, under the rules, I have permission to modify my own amendment since the yeas and nays have not been ordered on it. I would so modify it now, on behalf of myself and Senator SHELBY, in the form that is pending at the desk.

The PRESIDING OFFICER. The Senator has that right. The amendment is so modified.

The amendment, with its modification, is as follows:

On page 432, strike out line 6 and all that follows through page 434, line 8.

On page 34, line 12, delete the figure "$9,765,951,000" and substitute in lieu thereof "$9,775,951,000".

On page 35, line 15, insert "(a)" at the beginning of the text.

On page 36, after line 23, insert the following:

"(b) Of the amounts authorized to be appropriated under Section 201, $10,000,000 shall be available, in addition to the amounts specified in subsection (a), for the programs, projects, and activities described in subsection (a).".

On page 74, after line 2, insert the following new section:

"Sec. 236. SENSE OF THE SENATE ON METALCASTING INDUSTRY.

"It is the Sense of the Senate that—

"(1) The health and viability of the metalcasting industry of the United States are at serious risk, and

"(2) The Secretary of Defense should seriously consider providing funds, from within the funds made available pursuant to Section 204, for metalcasting industry research and development activities, including the following activities:

(A) "Development of casting technologies and techniques.

(B) "Improvement of technology transfer within the metalcasting industry in the United States.

(C) "Improvement of training for the metalcasting industry workforce.".

Mr. BINGAMAN. Madam President, let me speak very briefly on it, and then defer to the Senator from Alabama.

The state of play at this point is that the amendment that Senator MCCAIN and I and Senator NUNN and Senator MATHEWS earlier offered would be adopted, assuming we could get agreement on this. In addition to that, we have added some language to accommodate the concerns the Senator from Alabama and the Senator from South Carolina expressed and were urging in their amendment.

What we have done is to essentially appropriate an additional $10 million and say that that funding will be added to the technology reinvestment project funding and that the Secretary of Defense is directed to give serious consideration to the problems of the metalcasting industry in deciding how to allocate that funding.

But it is clear from what we have put in the language, the modified amendment, that the metalcasting industry would have to compete for funding just as all other industries do under the technology reinvestment project. That is consistent with a suggestion that Senator THURMOND, from South Carolina, made during our earlier discussions. I think it is an appropriate way to proceed.

I compliment Senator SHELBY and Senator THURMOND for their leadership on this. I think this is a good resolution of a problem that is a very real problem for that industry.

So I will at this point yield the floor and allow the Senator from Alabama to make any statement he would like.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Madam President, I concur in the statements made by the Senator from New Mexico. We have, I believe, worked out some good language. We would have to compete, but it would be, among other things, stating that the DOD needs to really look at the metalcasting industry.

This is one of the statements we have been trying to put forth in the committee and on the floor, and Senator THURMOND and I concur with the Senator from New Mexico and certainly support the amendment at this point.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Madam President, I support the compromise amendment worked out by my distinguished colleagues, Senator SHELBY and Senator BINGAMAN. The amendment would provide an excellent opportunity for the metalcasting industry to engage in much-needed research and development.

This amendment makes available $10 million for the Secretary of Defense's use in advanced research programs, projects, and activities and provides this funding in accordance with the guidelines which are compatible with similar research programs.

Madam President, I urge my colleagues to support this amendment in order to ensure the viability of this important national industry.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Madam President, I support the amendment as is modified. I thank the Senator from New Mexico and the Senator from Alabama for working this out. As I understand the amendment, it stresses very clearly that we are concerned in this area about this industry. We are concerned that it be given whatever degree of attention the Department of Defense is able to give it, consistent with the overall programs that we have set forth.

As I understand it, this industry now would be mentioned in the legislation as a high priority, but there would be no setting aside of money from stockpile. There would be competition, and this would be based on merit and it would be part of the overall defense technology program and, basically, be treated as others are, of course, with the attention that is being focused on it in this debate. So I support the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 777), as modified, was agreed to.

Mr. BINGAMAN. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL AND COMMUNITY SERVICE TRUST ACT OF 1993—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to consideration of the conference report on H.R. 2010, which the clerk will report.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2010) to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

(The conference report is printed in the House proceedings of the RECORD of August 5, 1993.)

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DASCHLE). Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the time of the previous quorum call be divided equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I understand that we are now on the national community service conference report. Am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. And that there is a time limitation of 3 hours evenly divided?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. I yield myself such time as I might use.

Mr. President, I urge the Senate to pass the conference report on President Clinton's national and community service initiative. This measure is a wise investment in the country's future. It achieves three major goals: It creates opportunities for Americans to be active and responsible citizens through service to their country; it provides educational assistance for those who serve; and it helps communities to address increasingly serious challenges that they face.

Above all, this legislation offers Federal leadership and Federal seed money to encourage these opportunities. Too many citizens, preoccupied with their own lives, assume that the challenges facing America are someone else's problem. This measure harnesses the creativity, drive, and talents of our greatest national resource, Americans themselves. Those who participate will gain self-confidence, useful skills, and a lifelong commitment to do something about the problems in their neighborhoods. The concept of service to others can revitalize communities or parts of the country by creating opportunities for citizens to deal more effectively with problems like drug use, poor performance in schools, lack of affordable housing, and rising crime.

Those who participate will receive financial aid for education and job training. The principle is clear and reciprocal: Those who give assistance to their country deserve assistance from their country.

The National Community Service Trust Act will create opportunities for many kinds of service, from our youngest citizens to the oldest. Title I reauthorizes the Serve America Program, which has been funded since 1990 by the Commission on National and Community Service. It provides $45 million in fiscal year 1994 to fund part-time service learning programs for young citizens through their schools and through community organizations like the YMCA, or the United Way.

We have had many examples of those programs in the course of the hearings on the legislation which included children in kindergarten in Springfield, MA, that made centerpieces out of folded napkins, that were used in programs helping to feed the homeless; fourth graders who adopted a senior citizen in a nursing home and called that individual for 5 minutes every day and visited that individual on their birthday or Valentine's Day; sixth graders who traveled to nursing homes and performed the captivating pantomime of the rabbit and the tortoise, to scores of senior citizens in the nursing homes, enriching their lives; children between the 8th and 12th grade that would work under supervision to assist in providing day care for many of the children of working families in the community and tutored these children to help them enhance their academic skills.

It was interesting in Springfield that the children being supervised and helped by the older children, the 8 through 12, preferred those books which were actually written by the older students to commercially available texts.

So we know that these programs can work, that all that is really needed is some help and guidance and technical assistance to school districts to administer those programs.

Over 40 million Americans are in K through 12 and begin their lives with the spirit of voluntarism. This spirit can be nurtured until they go to college, and then through the course of their lives, whatever career they might have. If so, their desire to serve can last into their golden years. And we have a great deal of experience in creating voluntary programs for seniors eager to serve.

The concept of voluntarism is a continual ideal which ought to begin at the earliest age and be imbued in a lifetime's experiences.

In the bill's Serve America Program, service-learning participants are not paid, but participate in community programs that combine service with education. Such service is vitally needed. Studies have shown that students learn more effectively through this interactive method of learning. Serve America's goal is to make such programs available to every student in America from kindergarten through college, and to instill the habit of lifelong service.

Many of us are hopeful that these voluntary programs and these learning programs will actually impact the curriculum in various schools and make the curriculum a good deal more relevant to the life experience of the young people as well. In a number of different schools and in a number of different colleges they have developed that approach and the response and the results have been most impressive.

Title I also offers specific opportunities for senior citizens by reauthorizing the older American volunteer programs currently administered by the ACTION agency. These programs are an extraordinarily effective and low-cost method of enabling senior citizens to become involved in community activities such as assisting other elderly Americans and caring for foster children.

Title I also recognizes that many citizens will be able and willing to make a substantial commitment to expand the number of full-time and part-time opportunities. The bill authorizes $300 million in fiscal year 1994 to support 20,000 participants in the National

Service Trust Program. Those serving will receive a $4,725 post-service educational award. This award can be used for past, current or future higher education, vocational education, and job training.

As part of the full-time national service effort, the bill reauthorizes the VISTA program which has proven its ability to address the needs of low-income communities for over 20 years. VISTA volunteers have demonstrated their commitment and effectiveness in improving literacy, promoting economic development, and providing other needed services in communities nationwide.

Title II establishes the structure to administer these service efforts. There are two existing organizations are now responsible for most domestic service efforts; ACTION and the Commission for National and Community Service.

This bill reorganizes them into a leaner organization called the Corporation for National and Community Service. The Corporation will be nonpartisan and entrepreneurial with a bipartisan board of citizen directors. New Corporation employees will not be under the Civil Service System but will be covered by a more flexible merit-based personnel system. The Corporation will be authorized to solicit and receive private donations to help fund the efforts.

Individuals wishing to participate in the national service program will be able to obtain lists of programs that receive funding and then apply directly for positions in these programs.

The legislation does not restrict funding for student financial aid programs in any way. Nor will it require any person to serve in exchange for Federal benefits. It will not impose a new bureaucracy on States or localities. It is designed to work through existing agencies and programs. It will not require any State, locality, institution, or individual to participate.

The conferees have worked diligently to preserve the most important bipartisan features of the Senate and House versions. We have retained the key compromises in the Senate bill. The House voted overwhelmingly in support of this conference report on August 6 in a strong bipartisan vote of 275 to 152.

This legislation presents a realistic and affordable approach. It will ensure that the program starts at an achievable level and gives it the potential to grow at a reasonable rate. The Senate spending levels for new national service were retained: $300 million in 1994, $500 million in 1995, and $700 million in 1996. We have actually reduced the amount which can be spent on administrative costs below the level in the Senate bill.

Language was included to clarify that the national service program is not an entitlement. The living allowance and post-service educational benefit will be subject to tax.

Studies will be carried out by the Corporation for National and Community Service to test fundamental principles of national service, such as whether educational benefits are needed to attract participants, whether programs should be economically targeted or diverse, and what outcomes we should expect from service programs.

States and the Federal Government must develop priority areas for service.

National service participants are prohibited from engaging in lobbying.

Broader discretion is given to the Corporation and to State educational agencies to set application requirements for the Serve America service-learning program.

Programs must provide descriptions of the service that participants will perform, including the minimum qualifications for such service.

The administrative role of the Corporation is reduced by making the Corporation's representative on State commissions an ex officio nonvoting member.

Child care is limited to those who demonstrate that such care is needed to enable them to participate.

The postservice educational benefit is limited to 90 percent of the GI bill's benefit, to ensure that the legislation does not interfere with military recruiting. In addition, a report to the Department of Defense is required on the impact of the legislation on such recruiting.

Protection is added to ensure that the educational awards do not have the unintended consequences of raising tuition at educational institutions.

The conference report also retains provisions of the Senate Governmental Affairs Committee on the structure of the Corporation. These provisions are as strict as those for any other agency of Government. They will protect against financial mismanagement, ensure effective audits of operations, and require accountability for grants.

Since Congress adjourned on August 6, momentum for this national service legislation has continued to build.

Schools have already begun to participate financially. Hampshire College in Massachusetts has announced that it will match the educational awards for any students who participate in the program and subsequently enroll at Hampshire. As a result, educational assistance for such students will increase from $4,725 per year to $9,450. Other colleges and universities in all parts of the country are planning similar commitments to those who serve and are in the process of asking their trustees to approve the plans. The private sector is likely to become involved as well.

On August 31, President Clinton held a summit for those who participated in the Summer of Service—the 1,500 Americans who served this summer in 40 different projects nationwide. Seventy-nine of these men and women, including six from Massachusetts, spoke with the President about their achievements. From the questions they asked the President, it was evident that the summer not only produced tangible results, but that they had become active citizen-experts on issues such as housing, health care, the environment, and education. They asked important questions and clearly intend to stay involved in their communities.

Overall, our specific goal in this legislation is to help the country do a better job of meeting its challenges through more active citizen participation. Our larger purpose is to restore the sense of community we have lost in recent years, and to revitalize the sense of common purpose that has served America so well from the beginning of our history.

In coming weeks, we will be hearing a great deal about reinventing Government. By passing this legislation, we are taking an important step in this direction, because we will be using Government in an effective way to rekindle the ideals that have always been the hallmark of America at its best. I urge the Senate to approve this conference report.

Finally, Mr. President, the concept of voluntarism has had partisan support from the birth of this Nation. I want to pay tribute to those in the recent times—and I will do that in greater detail at the conclusion of the debate—who have been most involved in keeping the concept of voluntarism alive. I include President Bush, who was very much involved in the debate and discussions on voluntarism and helped develop the Points of Light Foundation. This foundation was included in our previous community and national service program of 1990. National service has been an issue which has really reflected the best instincts and values of both political parties.

I respect those that differ with the approach that we have taken, but we have tried—in the 1990 act as well as in this legislation—to offer to young and old alike a wide variety of opportunities for service to the community. We give the assurance to the membership that we will be reviewing this program and reporting back to our colleagues and to the American people on the programs which are most effective.

So I am grateful to all of those who have supported the legislation and even to those who have supported the concept of voluntarism but have expressed reservations about the particular manner of the national service program.

President Clinton gave this national and community service program his strong commitment during the course of the campaign, and on other occasions he talked eloquently, persuasively, and compellingly of the need to challenge young and old alike to give something back to their country. He has identified this as one of the four major areas of interest in his administration—economic legislation, reinventing Government, health care reform, and national service.

This bill does not incorporate the entirety of the President's service program. Parts of the budget reconciliation program already enacted will permit direct student loans and income contingent loan repayment which will allow young people to serve in community service programs rather than be forced to take high-paying jobs because of high indebtedness.

So this measure is an integral part of challenging our young people, reforming our educational system, and reinvigorating Government. And most importantly, I think, the final judgment on this measure will be whether we as a society become a more compelling and caring society. That ultimately will be the real challenge of this program. I think all of us, those of us who support the program as well as those who do not, want to challenge Americans to give something back to the country in return for all it has given to them.

Mrs. KASSEBAUM. Mr. President, first I want to recognize the tremendous amount of work that has gone into the National and Community Service Act. As has been mentioned before, when we completed the passage of the legislation in the Senate before it went to conference, and as the chairman of the Labor and Human Resources Committee has said, there has been a bipartisan effort. There have been cosponsors of the legislation on the Republican side of the aisle.

Few would argue with the goals of national service: To rekindle the American tradition of giving our time and energy to benefit our communities and pulling together various groups within our communities and country to tackle our problems.

Unfortunately, I still believe, Mr. President, this bill represents lost opportunities. I spoke to that when it was on the floor before. I would like to go over a few points.

When we passed the national service bill in August, many amendments were included which I believe substantially improved the legislation. I say to Senator KENNEDY, who has managed the bill, along with Senator WOFFORD from Pennsylvania, that they have been very accommodating in trying to listen and regard these requests with the good intentions that they have been offered. Most of the amendments were retained during the House and Senate conference.

The conference bill kept the Senate authorization levels at $300 billion for fiscal year 1994, $500 million for next year, and $700 million for fiscal 1996, as well as a 3-year authorization for this program. This provision offers a better opportunity to review the performance of this program and to consider the results of the studies to be conducted by the National Service Corporation—so that it will be possible to reshape the legislation and some of the efforts that we have addressed on both sides of the aisle during the course of this debate before they become too embedded.

I also was pleased that the conference bill retained the Senate provision which lays the groundwork for future consolidation of national service and domestic volunteer programs by requiring the Corporation to study and make recommendations regarding how this goal can be achieved. This mandate to the Corporation offers a promising start, which I believe will ultimately lead us in a new direction with regard to service program delivery.

The conference bill also caps the administrative costs for administering the national service program and lowers the administrative cost limits for ACTION. Capping administrative expenses will make more money available for programs rather than for the bureaucracies that support them.

I am disappointed that several important provisions in the Senate bill were dropped in the conference. The Senate restrictions on lobbying and other activities designed to influence public policies were basically gutted in the conference bill.

The Senator from Massachusetts, Senator KENNEDY, listed these lobbying provisions.

But I just suggest, Mr. President, that the only restriction retained in the bill is the exclusion of organizations failing to comply with the Internal Revenue Service lobbying restrictions from participation in the national service program. I believe that the omission of the stronger Senate provisions will hurt the national service program in the long run and regret that that was changed in conference.

For the majority of the American people, national service suggests images of our young people helping out in Head Start centers, cleaning up city parks, and rehabing low-income housing—not petitioning the city planning commission for a zoning change or organizing support to save the snail darter. National service needs to be about providing direct service to individuals and communities, not the creation of a cadre of political organizers pursuing policy agendas with taxpayer money.

I really believe, Mr. President, this is something we will have to regard with close attention as the implementation of this legislation takes place.

It is also unfortunate that the Senate provision limiting the liability of national service participants, as provided under the Federal Tort Claims Act, was omitted from the conference bill. This provision would have provided individual participants a shield from liability to the same extent as participants in other federally funded service programs. It was a narrowly crafted good Samaritan provision. In the rush to complete the conference on this legislation, I am uncertain as to whether this provision was intentionally dropped or inadvertently overlooked. Given that both the House and the Senate addressed this issue generically, I think it would have been appropriate to retain this provision in some form.

Another important Senate provision that was dropped in conference was a change in the allocation of funds for national service. In the conference bill, the Corporation makes the funding decisions on two-thirds of the funding for national service programs. The Senate bill distributed a larger percentage of the funds to States based on a formula. A larger allocation of formula funds would have provided States with less experience in national service programs the opportunity to develop the infrastructures and capacity to compete on a more level playing field with other States having considerably more experience.

We have lost a tremendous opportunity, Mr. President, to lead the way in reinventing Government. The Senator from Massachusetts mentioned reinventing Government, and there has been a great deal of focus on that, of course, with the administration's initiative. I believe this was a great opportunity to show that we could put together an initiative that would address some of the very concerns that the Vice President addressed in his report to the President on reinventing Government. But we chose to take the old tried and true way. We did not want to change any of the programs that already existed and reconstruct them in a new and more inventive manner. And so we just kept pretty much all the old frameworks in place.

Not only does this legislation fail to consolidate and restructure the myriad of national service programs funded by the Federal Government, but it also further legitimizes the creation of narrowly focused programs such as the Urban Youth Corps, the Public Lands Corps, the Civilian Community Corps, and the VISTA Literacy Program. This is not to say that these programs do not serve a very important purpose. But I question the creation and continued support of numerous programs which could easily fall into the scope of the national service program administered by the Corporation for National and Community Service, without losing the importance of the mission they were serving.

I am keenly disappointed in this, and I know that many who worked on this bill share those concerns. I hope as this process progresses we can take another look at how better to cosolidate and coordinate the myriad different service programs and administrative structures.

In addition, this legislation continues a pattern of Federal control of local programs and congressional control of Federal agencies. Among other things, this bill delineates application requirements, lists members to be appointed to State commissions, identifies areas of need and targets 50 percent of the funds to those areas and specifies the criteria that must be used to evaluate applications for funding.

These and other provisions, Mr. President, demonstrate the lack of trust that characterizes current relationships between Federal and State governments and between Congress and Federal agencies. Reinventing Government includes the concept of providing administrative entities with the flexibility and the trust necessary to achieve the goals of the program.

It is ironic that this legislation is coming before the Senate the day after Vice President GORE unveiled the administration's plan to reorganize the Federal Government. This bill is fraught with duplicative administrative structures, overlapping programs, unnecessary legislative requirements, and cumbersome bureaucratic structures.

My initial problems with this legislation still exist—I think it is too costly, too bureaucratic, too prescriptive, and misdirects scarce educational dollars.

Having said that, I certainly hope that I am wrong and that the program will work as its sponsors intend. I recognize their sincerity and commitment to the cause and commend them for that. I will certainly work with them all that I can to help strengthen the program as it moves forward in its implementation.

I yield the floor, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. How much time do I have?

The PRESIDING OFFICER. The Senator has 67 minutes remaining.

Mr. KENNEDY. I yield 10 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 10 minutes.

Mr. WOFFORD. Mr. President, with great hope and enthusiasm, I support this legislation because it can change our Nation for the better now, soon, and in the future.

I appreciate very much the good words from the Senator from Kansas and the good work by Senator KASSEBAUM in trying to craft a bill that we can go forward with in making important contributions to this bill.

I appreciate her noting the many amendments by Republican colleagues that were adopted here in the Senate, most of which were retained in conference.

On the other points where she is disappointed, I feel sure that we will hear more from her again on those points, and I look forward to working with her to accomplish the good goals that she set forth in her analysis just now.

Two keys to change our Nation are recognizing that civil rights bear with them certain civic responsibilities and returning to the values that made this country great. In an age of cynicism, in a time of grave doubts about the future, we must all move from placing blame to assuming leadership. That is what this bill does. It reinvents. It is part of the process of reinventing Government, not by more Government but by igniting citizen action and citizen responsibility.

By itself Government cannot fix problems nor can it change values. But it can and it should be a partner in efforts to promote an ethic of responsibility for ourselves and our Nation.

National service is our first test case of changing how Government operates in this respect. Creating a decentralized system of national service can be a test of the Federal Government's ability to become a leaner, more efficient, and antibureaucratic force for change.

Mr. President, in the sixties when we sent the Peace Corps forth, we knew that the logic of doing so was that that idea would be brought home. I think most of us in the framing of the Peace Corps, the founding and sending forth of the Peace Corps assumed that the home Peace Corps, the domestic Peace Corps, would be something like the overseas Peace Corps—one Federal agency, one corps that worked in many different ways but was like the Peace Corps, a U.S. domestic Peace Corps.

That is not what this bill does. And I, for one, think that this approach—which builds on what has happened in our communities, which will have a few Federal models, such as the new Civilian Community Corps that with great bipartisan support was adopted last year, but which most of the options for service will be options developed by local communities, by State and local leaders and, above all, by the private sector—I think that kind of national service system, decentralized and percolating up, is better than the way we would have done it in the 1960's.

If done right, this new approach will represent a fundamental change in direction from decades of well-meaning, but so often ineffective, social welfare programs—programs flawed in that they promote dependency, not responsibility; complacency, not initiative; make-work, instead of real work, hard work.

The new system of national and community service will not be top-down from Washington, but will be built up and will reinforce efforts that have come up from the grassroots: urban and rural youth corps, as well as service opportunities generated by high schools and colleges, foundations, churches, civic associations, and especially by young people themselves. It is premised on the notion that real change will come about when the people who are closest to the problem are empowered to change them.

The act on which we are about to vote has many features that Democrats and Republicans support. It does not create a big, new Federal bureaucracy telling young people what to do. It will not be one federally run program like the Peace Corps or Franklin Roosevelt's Civilian Conservation Corps. It is result-oriented and includes rigorous quality control measures. It requires matching contributions, thus ensuring the market will play a role in how fast service grows and that performance will determine sustainability. It streamlines two existing Federal agencies into one and demands that the employees of the new corporation reflect the fact that, while working to create a system of national service, they are themselves rendering service.

It fosters competition—intrastate and interstate.

We have had some competition among our colleagues who are cosponsoring this, between Senator DURENBERGER and Senator WELLSTONE of Minnesota and myself and Senator SPECTER from Pennsylvania. We think Pennsylvania is the furthest out in line, but we welcome the competition from Minnesota and from California and from Kansas.

Local competition with national competition of the national models; school versus school; college competing with college, and how best to do this; nonprofit organization competing with nonprofit organization, to recruit the young people to prove that they are the most cost-effective and important program and valuable program offered. That is the kind of competition we need.

Building on President Bush's efforts and the bipartisan 1990 National and Community Service Act, the plan before us creates an innovative public-private partnership, a public corporation for national and community service that will challenge all Americans to serve according to their means, talents, and stage of life.

During its first year of operation, through a highly competitive process, the corporation will invest seed capital in programs that will directly engage more than 1½ million Americans of all ages—not Federal employees—mostly volunteers, mostly part-time, in meeting community needs. That figure includes the estimated 20,000 young people engaged in direct service on a full-time basis—larger, by the way, than the Peace Corps was at its height.

Over the course of the next 3 fiscal years, we hope to enable 100,000 young people to engage in full-time service. That is a quantum jump in full-time service.

I submit, Mr. President, that full-time service is a dimension of the service idea in America which needs to grow because it is a multiplier, leading to not only immediate organizing of much voluntary part-time service, but leading those who engage in the intense experience of the year or two of full-time service into a lifetime of more voluntary service than they would have rendered otherwise.

In Pennsylvania, the statewide conservation corps—the type of program the President's initiative seeks to encourage all over the Nation—in studies has been found to return $1.81 for every dollar in terms of services rendered. That does not even include the savings realized from keeping its members from dropping out of school, falling into the welfare system, or ending up in prison.

National service is a hand up, not a handout. Keeping within the deficit reduction targets that have been adopted by this Congress, the legislation requires national service to grow only according to demand of the market and the extent to which it passes the kind of strict tests that taxpayers rightly demand of Government effort. It must demonstrate excellence. It must be cost effective.

We have had a good and spirited debate. Reflecting strong bipartisan support, the House of Representatives and the Senate each passed national and community service legislation before the August recess. The House also passed the conference report with a 275-to-152 vote, including 26 Republicans.

In this body, several of my Republican colleagues moved with great courage to end the filibuster. And seven of my Republican colleagues voted in favor of this legislation when it was last before us on August 3. I thank them for their leadership. I thank them for their support and their role that they will have in building this program. So passage of this bill was bipartisan.

We turn now to building a program that is nonpartisan and that gains the respect and support of all. That is what has happened in my own home State of Pennsylvania, where national service-related legislation recently passed the State legislature unanimously. Let me repeat, unanimously—197 to nothing in the Pennsylvania House, and 47 to nothing in the Pennsylvania Senate.

That is my goal for this body; that we will all come to see that this is the road on which we must journey. We have already seen the future of national and community service in Pennsylvania. It works.

I take it as a personal challenge and a challenge to all of us interested in this bill, including those who had doubts about the exact frame of it. I take it as a challenge to all of us, and a very personal one to me, since I have been pursuing this goal for 25 years—to ensure that national service works all across this Nation as well as it has in Pennsylvania, under the leadership of Gov. Robert Casey and PennSERVE, and that support for this initiative will increase dramatically when we return 3 years from now for reauthorization.

In closing, I am happy to join now with other Democrats and Republicans, liberals and conservatives, on the common ground of national service and move from debate to action. This common ground is built on the belief that:

We must see young people and older citizens, and help them see themselves, not as problems but as resources; through new public-private partnerships, we must attack valuelessness, hopelessness, and alienation confronting so many young people in our society; and civil rights must be balanced by civic responsibilities.

The idea that we must ask and enable the dropout and the college-educated, black and white, rich and poor, young and old, to take ownership of—and provide stewardship for—our country is one that transcends party and ideology.

So let us move from combative argument to creative action on the problems facing our families, our neighborhoods, and our Nation.

National and community services is, as President Clinton has suggested, the American way to change America. It is a good bill that properly challenges all of us and our institutions to exercise leadership—not to place blame—and encourages us to return to the values that we share and that have made this country great.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 55 minutes. The Senator from Kansas has 75 minutes.

Mr. KENNEDY. How much time does the Senator wish?

Mr. DURENBERGER. May I have 5 minutes?

Mr. KENNEDY. I yield the Senator 5 minutes.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 5 minutes.

Mr. DURENBERGER. Mr. President, today's Senate passage of this conference committee agreement represents an important landmark in defining a proper Federal Government role in support of national and community service. I intend to support the agreement and urge my colleagues on both sides of the aisle to support it, as well.

As the chairman has already reported, this agreement reflects the Senate position on most of the significant issues that were in dispute:

Lower ceilings on authorized spending on new national service programs;

A 3-year initial authorization period;

Required priority setting at the national and State level;

More flexibility for States in setting up their grantmaking commissions; and

A whole series of studies and demonstrations to address a number of long-range issues about the organization and purpose of national and community service.

Many of those differences were Republican amendments to this bill, and they do remain a part of the conference agreement now before us.

These Republican changes make this a different—and, I would argue, better—bill. These changes also offer an opportunity for all of us to agree on a different—and, I would argue, more accurate—justification for national and community service.

Last year during the campaign, then-candidate Bill Clinton drew loud cheers whenever he promised to use national service to ease the financial burdens of college for millions of American young people and their families.

After his election, the new President used the same justification to launch a program that would cost American taxpayers more than $10 billion over 4 years.

But, under the legislation we are about to approve, Congress was willing to commit less than 15 percent of the President's earlier $10 billion proposal and only a tiny fraction of his even larger campaign pledge.

Many observers of Congress and the Presidency are asking a logical question as we now pass this legislation.

Does the difference between where we started on this issue and where we are now ending up represent some kind of an embarrassing defeat for the President on a major legislative priority?

As far as I am concerned it does not. But, the differences we have made in this proposal do mean at least five important things to all of us.

First, the changes Congress made indicate that every proposal made by the President from now on will require a fiscally responsible justification.

Second, the President and other supporters of this bill must acknowledge that national service will never play a major role in financing higher education.

At a minimum annual cost of $15,000 to $20,000 per participant, we can't depend on this new program to help meet the rising cost of going to college.

Instead, our first priority must be to increase our commitment to currently underfunded Pell grants, and to implement the student loan reforms we also adopted just prior to the August recess.

Third, this is not FDR's Civilian Conservation Corps or the Peace Corps and VISTA programs launched in the 1960's.

Those previous initiatives were national programs, totally funded and run from Washington.

This program is very different. If properly implemented, this shouldn't even be a National Government program.

Its success will depend on thousands of local community initiatives all over America.

Fourth, this new legislation should also help leverage State, local, and private sector support for programs that respond to this diversity and that enjoy strong local community ownership.

If that happens—and it should—the impact of this new initiative will reach far beyond what is possible with the limited Federal appropriations that today's fiscal realities will allow.

Finally, as we complete action on this legislation, much greater recognition must be given to the value of the provisions that encourage service learning.

In States and communities all around the country, young Americans from kindergarten through college are demonstrating the value of community service that's creatively integrated into their school curriculum.

In Minnesota, more than 100,000 young people are now participating in school-based service learning programs.

These programs are improving educational outcomes, benefiting local communities by using the community as a classroom.

And, they are achieving these goals at a fraction of the cost of the stipended service programs that have dominated debate on the legislation now pending in the Senate.

These comments are not meant in any way to diminish the importance of the legislation now before us. I intend to support adoption of this agreement and urge my colleagues to support it, as well.

But, these comments do suggest that national and community service must be justified as something other than a new way to pay for college.

If the President is willing to make that concession—and refocus its rationale—the initiative we're about to pass can be an exciting opportunity to improve young lives and better American communities.

That's an opportunity that Senators on both sides of the aisle should now be eager to help launch.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I will be glad to yield 5 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 5 minutes.

Mr. BOREN. Mr. President, I thank my colleague from Massachusetts, the manager of the bill. I want to compliment those who have worked on this conference report. This is a great step in the right direction.

I cannot think of a more important investment that we could make now in this country than the investment in human resources provided in this legislation. It will allow 100,000 Americans to make a long-term commitment to community service in return for educational benefits, and it will encourage millions of others to contribute, to give back to their country, to give back to their home communities, by supporting national and community service by school-aged youth and other Americans, including older Americans.

So it will really affect all communities in this country and rebuild a spirit that has become frayed, that has decayed. It will allow people from different walks of life, from different backgrounds, from different economic levels, to work together on a common purpose. It will unite them behind this purpose and help them to realize how much they share together as part of one American family.

Not only will it pay tremendous benefits in terms of rebuilding the spirit of community and service in this country, but it also makes economic sense as well. A study of the Washington Service Corps indicates that the community benefited by $2.80 for every $1 spent. Another study of the Michigan Conservation Corps indicates that over $2 was returned in community benefits for every $1 spent.

Service learning has also proven to be a very important tool to improve student outcomes. Nearly 800,000 students across this country have been participating in service programs connected with their educational training. When Philadelphia laid off 1,200 teacher aides because of budgetary pressures, the Philadelphia Literacy Corps organized 150 students to tutor for a minimum of 120 hours per semester. Not only did the school districts save $250,000, but the tutors themselves were four times more likely to apply to college after their experience than before they had not served their community in this way.

Chestnut High School in rural Bedford County, where the post-secondary education rate has gone up from 30 percent to 80 percent in 5 years since community service has become universal, is another example of what happens when people begin to help others and give back to their community.

I am particularly pleased that the conference report will also reauthorize the demonstration program for a Civilian Community Corps, an updated version of the CCC of the Great Depression.

Many of us have worked on the CCC proposal for a long time, including the Senator from Pennsylvania, Senator WOFFORD. It was our feeling that, along with the local service corps, there should be a different model to analyze as we look for the best way to construct an efficient and effective program of national service.

The CCC will be a Federal residential program. It will therefore allow us to bring young people from different parts of the country together, much as we did during the years of the Depression, when young people from all across the country, from different racial and religious backgrounds, different geographical and cultural experiences, came together to help rebuild the National Park System of this country. They joined together on many construction projects and artistic projects. And we know one result: They learned a lot about each other.

One of the tragedies of modern life is that young people from different walks of life and different experiences have very few opportunities to rub shoulders with each other. A child who grows up in a more affluent suburb does not get to know very much about a child from the inner city, for example. Young people from one part of the country know very little about the lifestyles and values of young people in other parts of the country. The CCC will provide an opportunity for people to come together and to understand each other and to work together. The program will strengthen not only the bonds between those young people, but it will also strengthen our country.

Sometimes it has been said that, through the tragedy of war, we share common experiences that have provided long-term benefits to our country.

We all realize, for example, the reduction in racial discrimination in this country that resulted from common service together during the Korean war. We should not have to wait for the tragedy of a war and armed conflict to bring people together to work for a common cause, to come to understand each other, to rebuild a spirit of community, and to rebuild a sense of understanding of what it means to be an American.

This opportunity for building community spirit is presented by this piece of legislation and by the pilot program for the CCC. I hope my colleagues will adopt this conference report by a very, very strong majority. It is only a start. I am convinced it will be a very successful experiment, and it will give us direction for the path that we should follow in the future.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Massachusetts now has 45 minutes. The Senator from Kansas has 75 minutes.

Mr. KENNEDY. I yield myself 3 minutes.

Mr. President, I want to address briefly and perhaps in greater detail, should it be necessary, two of the points that were raised earlier by my good friend and colleague, Senator KASSEBAUM. The first concerns the issue on tort liability.

The House and Senate bills had different provisions regarding the tort liability of national service volunteers. The House bill basically relieved volunteers of liability but required the supervising agencies to engage in various risk-management techniques, including training for volunteers.

The Senate bill provided that the national service volunteers be covered by the Federal Tort Claims Act. The House appointed Judiciary Committee members to conference these provisions and they discussed the matter with the Senate Judiciary Committee.

Both the House and Senate versions of this provision were controversial. The Senate Judiciary Committee was unwilling to accept the broad House provisions because they would leave the victims of negligence uncompensated. The House Judiciary Committee was unwilling to accept the Senate provisions because it would leave the Federal Government liable for negligence by volunteers who are not directly supervised by the Federal Government. That is different, for example, in the ACTION programs.

This issue could simply not be resolved in the conference. So neither the House provision nor the Senate provision was included in the conference report. This is an important issue. I intend to keep track of the experience of the national service program in the area. I will work for an appropriate resolution, with the chairman of the Judiciary Committee, Senator BIDEN, and other interested members on our committee. I have asked the Justice Department to work with us on this complicated legal issue. But this was not an issue which could be resolved in the context of the bill at this time, so the conferees agreed to delete both of those provisions.

On the second matter, the formula for allocation of funds to the States was as follows in the Senate bill as introduced: One-third went to State commissions based on population; one-third minimum went to the State commissions on a competitive basis; and one-third maximum remained for the Corporation to fund projects of national significance. For example, if you had Youth Build or Magic Me Programs that wanted to start up in 10 different States, they could apply for this final third.

We accepted a Domenici amendment on the floor that increased the amount going to the State commissions by formula, but in conference the House was unwilling to accept the amendment. We convinced the House to drop their such-sums authorization and accept $300 million, $500 million, $700 million, the authorization level, in exchange for dropping the Domenici amendment. By doing so, we reverted to the original allocation of funds: That is, one-third, one-third, one-third.

In practice, the difference to the State commissions is not major. Under the conference report, a minimum of 67 percent of the money will be distributed to the State commissions, while under the Domenici amendment, 70 percent will be distributed to the State commissions in the first year. Under either approach, the bulk of the money goes to the State commissions, not the Corporation.

I was pleased to accept the amendment in deference to the Senator from New Mexico, but was unable to keep it in conference and had to drop it in order to enact larger legislation.

Mr. President, there are additional points I would like to make. I have several Members who want to speak. I want to be able to reserve sufficient time to respond to some of those who may speak in opposition. I understand, there is a meeting of the Republican Party later. I will be glad to work out with my colleague how she wants to proceed.

Mrs. KASSEBAUM. I appreciate the Senator from Massachusetts suggesting that. There are, I believe, five or six Senators on our side who would like to speak. I will suggest at this point the absence of a quorum.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROBB. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBB. Madam President, I inquire of the Senator from Massachusetts if I might be granted up to 6 minutes to speak on the conference report.

Mr. KENNEDY. Fine.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I yield 6 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Massachusetts yielded 6 minutes to the Senator from Virginia.

Mr. ROBB. I thank the Chair.

Madam President, I rise in support of the conference report on H.R. 2010, or S. 919, the National and Community Service Act of 1993.

I am pleased to be an original cosponsor of this legislation.

I commend our President for giving this issue the priority that he has, and I certainly commend my colleagues on the Labor and Human Resources Committee for their dedicated efforts in bringing the bill and now this conference report to the Senate floor for debate.

As a former marine and a member of the Marine Corps and Marine Corps Reserve for more than three decades, I have been a strong supporter of national service in its many forms, for at least that long. Every Member of this body in fact endorses national service; if we did not, we would not be here.

The cause of national service has also long been championed by the Democratic Leadership Council, and in 1989 Senator NUNN and I introduced the Democratic Leadership Council's national service proposal which became, in part, the basis for title D of the National and Community Service Act of 1990.

Madam President, to me national service is part of citizenship. It is about the obligations each of us has to our Nation and the rewards that we get back for contributing to the quality of life in our communities. National service instills civic responsibility by giving those who serve a genuine stake in our country. It could also provide valuable helping hands to communities in such important areas as health care, education, public safety, and the environment.

Unlike many countries, we do not mandate national service in America. While I would not mind seeing it as a requirement, I am not really sure that you gain as much from things you have to do as from things you want to do.

Under this plan, young people stand to gain plenty from national service and so does America.

In passing the conference report to H.R. 2010 and S. 919, we will say to participating young people during the first year of enactment, your country will give you $4,725 in educational benefits if you will give us in turn your time and talent and energy for 1 year—if you will go into a community in need and make a small portion of it better.

This is a good deal for our country. We get thousands of hours of community service.

We get an educated individual. And we get a citizen who has begun to pay his or her dues to this Nation, and who has a genuine stake in its future.

Madam President, S. 919 also reauthorizes the Civilian Community Corps, which I also cosponsored as a means of providing assistance primarily to at-risk youth.

The CCC was initially authorized last year through legislation introduced by my colleague from Oklahoma, Senator BOREN.

I believe the CCC can be enormously useful in helping young people develop discipline, team spirit, and a work ethic that can have a constructive and positive impact on their adult lives.

It is my hope, Madam President, that those who participate in the CCC will come away with not only enough money to further their education, but also a greater sense of self-worth, a feeling of commitment toward their communities, and a belief that hard work and discipline can open many doors.

I am pleased, indeed, that S. 919 includes a reauthorization of the Civilian Community Corps.

The CCC Program is particularly relevant today, as Virginia and many other States hard hit by defense downsizing wrestle with personnel cuts and base closings.

The CCC Program relies on retired and separated military personnel for much of its staffing needs, and the community service provided through the program is particularly welcome in areas where defense downsizing has already begun to bring—and will continue to wreak—economic and social difficulty.

The American tradition of service to our neighbors dates to the earliest days of our Nation.

This plan reinvigorates that tradition with the spirit of youth, to the benefit of all.

I urge my colleagues to support this conference report.

I yield any time remaining.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mrs. KASSEBAUM. Madam President, I am happy to yield 3 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Madam President, I rise in support of H.R. 2010, the National and Community Trust Act of 1993 as reported from the committee on conference.

I strongly support this bill because it helps students help themselves and their community. Community service is the backbone of any democratic society, where those who have much have a responsibility to help those who have little.

This Nation has seen a number of very successful domestic and foreign community service programs from the Civilian Conservation Corps of the 1930's to the Peace Corps of the 1960's. I firmly believe that the paths that these great programs have cleared will allow the National Community Service Act to become this Nation's next great service program.

There had been some controversy surrounding the conference report and the inclusion of Senate amendments within the final agreement. It is little wonder. Before adjourning for the August recess an attempt was made to pass the agreement by voice vote. Members had less than 24 hours to review the 144-page report. I, too, had wanted to review the document to be sure it reflected the agreements reached in conference including the amendment that I had offered on the floor and understood had been accepted by the House. The amendment to which I refer is one that establishes clear priorities for funding under the act.

This provision is an essential element in the creation of any new community service bill. Without clear priorities there is no justification for a new service bill nor an assurance that the work of the participants truly addresses the critical needs of this country.

I make this statement with conviction and base it on past experience. Nearly 20 years ago when I was first elected to the House I was assigned to the Committee on Education and Labor and its Subcommittee on Employment Opportunities. One of the first issues that we tackled was the Comprehensive Employment and Training Act or CETA. While CETA's goals were meritorious, its effects were muddled. While no doubt individuals who participated in its public service employment program benefited, the service to the public was hard to discern. As a result, the public and Congress soured on the program, and it was scrapped.

Providing public service as a means of training individuals while at the same time supplying a benefit to the community is a sound philosophy. The problem was that CETA was engaged in too many marginal projects for which there was little to no benefit for the community. There were no clearly defined priorities for funding CETA projects and this caused its demise.

We have learned a great lesson from the past. Under this act we have mandated that individuals work on clearly annunciated goals established through consensus and with community input. Providing visible benefits to communities and this Nation is truly the sole reason to justify the creation of a new program with significant rewards for the participant.

I am pleased, having had the time to review the conference document, that my amendments and this concept is clearly a part of the final agreement. Furthermore, the administration has sent me a letter to reiterate its support for the establishment of priorities under the act.

Madam President, I ask unanimous consent that the full text of the letter be printed in the RECORD. I urge my colleagues to support the conference agreement accompanying H.R. 2010.

I believe we have created a program for which we can be very proud as we progress to the future. It will help us solve so many of the problems that this Nation faces.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, September 3, 1993.

Senator JAMES M. JEFFORDS,
U.S. Senate, Washington, DC.

DEAR SENATOR JEFFORDS: I am pleased to respond to your inquiry regarding the scope of national service priorities established pursuant to Section 122(c)(1) of the National and Community Service Trust Act of 1993 as reported from the committee on conference.

It is my understanding that priorities established pursuant to this section will apply to program funds distributed to the states by formula as well as funds distributed competitively, including both competitive funds distributed directly by the Corporation and funds distributed through the States.

If I can be of any further assistance in clarifying this matter, I would be pleased to respond further.

With all best wishes,

Sincerely,

ELI J. SEGAL,
Assistant to the President and Director, Office of National Service.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. Who yields time to the Senator from Ohio?

Mr. KENNEDY. Two minutes.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. Madam President, I rise to commend leadership, the Senator from Massachusetts, and the Senator from Kansas on this issue. It was not an easy road to travel. At times there were problems that appeared to be difficult to pass a national service corps bill. But the fact is they understood the need for it in this country and have plowed forward and made some compromises where necessary, worked with the House on issues of differences. And I certainly hope that we move forward to pass this expeditiously. I think the country is waiting for its passage. I think that the country will applaud the leadership of the two Senators just mentioned, and I certainly join in that leadership. I am pleased to have been able to work with them in bringing this day.

Madam President, I yield the floor.

Mr. KENNEDY. Madam President, just for the information of our colleagues, as I understand it, there is approximately 58 minutes remaining for Senator KASSEBAUM, and I believe that we are down to 32 minutes; am I correct?

The PRESIDING OFFICER. There are 56 minutes for the Senator from Kansas and 34 minutes for the Senator from Massachusetts.

Mr. KENNEDY. Parliamentary inquiry. That adds up to 70 minutes.

The PRESIDING OFFICER. There are approximately 90 minutes.

Mr. KENNEDY. How much remains for each side?

The PRESIDING OFFICER. There are 56 minutes 30 seconds for the Senator from Kansas; 34 minutes 47 seconds for the Senator from Massachusetts.

Mr. KENNEDY. I yield myself 30 seconds.

Madam President, I have several Senators who have indicated that they are on their way over to speak in support of the program. I know there are a number who also want to speak in opposition to the conference report.

I am reluctant—with the limited time available and the number of Senators who have indicated they wanted to speak, and with the disparity of time, I suggest the absence of a quorum and ask unanimous consent that the time be evenly divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Madam President, I yield 10 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 10 minutes.

Mr. DODD. Madam President, I rise in strong support of the conference report on the national and community service bill, which has been the subject of some lengthy discussion and debate.

This is a bill many of us have worked on over these past several weeks and months.

I note the involvement and contribution of the distinguished Senator from Kansas, Senator KASSEBAUM, and the chairman, who has worked tirelessly on behalf of this legislation, along with our colleague from Pennsylvania, Senator WOFFORD, and Senator MIKULSKI of Maryland, who cared very deeply about the legislation, Senator JEFFORDS, and many others—we would not be here today without their support.

I especially commend the Senator from Minnesota because the word "community" is in the title here. Because of his work, this is not just a national service bill, but national and community service bill. The idea of serving one's community is so critically important and it was a wonderful idea to include it in the title.

Of course, the President not only worked for the legislation, but it was a major theme in his campaign for the Presidency. He talked repeatedly about reviving in our younger generation an interest and involvement in serving their communities and the country.

I stand here today, not only as the proud author of a major piece of this legislation, the Domestic Volunteer Service Act, but also as a former volunteer myself. I served back some 30 years ago in the Peace Corps as a result of the call of another President, President Kennedy, who asked a generation of us whether or not we would be willing to serve our country and others by going to work in communities around the world that were far less privileged than we were. I remember very clearly his speech and the excitement that my generation felt with that message.

I have been asked numerous times what it was specifically that caused me to join the Peace Corps. I cannot recall a specific speech or word. I just thought this was one of the most exciting ideas, to be asked to serve one's country and to try to make it a better and a stronger world.

President Clinton has picked up that same clarion call for this generation, and he deserves the unending thanks of not only the younger generation but of generations across the spectrum for that effort—because of what these volunteers will accomplish.

Beyond my own family, no other experience has as much to do with shaping me as a human being than those 2½ years I spent in the mountains of the Dominican Republic as a Peace Corps volunteer. It was not just the Spanish I learned or the wonderful people and culture I came to know and appreciate, but I gained a deep commitment to public service, to doing what is in my power to help others in my own State and across the country. It came from that experience. I am not sure I would have ever sought a career in public service had it not been for that few months of service as a Peace Corps volunteer.

I think today, Madam President, there is a wonderful opportunity for an expanding community and volunteer program. We are going to find people who never thought of spending a lifetime in a career for their community who will as a result of the experiences they gain in this program.

This legislation is likely to do much more for our country. It will help address the unmet educational, environmental, human, public safety, and other needs in many of our communities. It will provide thousands of Americans with the means to go back to school and receive the training and education so necessary in the economy of the 21st century. But I believe its greatest impact may be on the people who serve—not on the communities in which they serve, or the individuals who benefit from that service, but on those who are the volunteers. That is the greatest benefit in many ways and it is not an insignificant benefit to our country.

Madam President, I was fortunate earlier this year to chair a hearing that featured witnesses from the domestic volunteer service programs: VISTA, the Foster Grandparent Program, the Retired Senior Volunteer Program, and the Senior Companion Program. Our witnesses told incredible stories of service and what it meant to them, to their families, and the communities in which they live.

The testimony of Edith Courville stands out in my mind. Edie is 76 years young. She lives in Worcester, MA, and is a retired garment worker. She volunteers in the Senior Companion Program.

She testified in the following way:

> The program lets me help other people, which makes me feel good. I like to know I am helping ease someone's mind. I like to let people talk about their problems, because they always feel better after they do. The program keeps me active. When I know I am going to visit someone, I get up, get dressed, and get out of the house. I don't know how I would keep busy if it wasn't for my clients. We brighten each other's day.

Madam President, when people tell me those programs do not mean much or have little value, I think of this wonderful woman. Here is a 76-year-old woman who gave a lifetime working in the manufacturing and garment industry of this country, and today she commits her life to other people. Yet, not only the people she serves benefit, but she benefits as a result of that kind of activity. She worked hard and long in her own career, and, yet, in service she has found a new meaning and new lease on life.

Under the auspices of the Corporation for National Community Service, Edie's experience will be multiplied in the lives of thousands and thousands of individuals, and our Nation, I would argue, will be enriched through their efforts. I would hope that many of my colleagues will join me in passing this measure today, so the Corporation can get to this important work.

Let me just lastly point out that this bill is just a beginning. We are just getting the basic program in place, and it will need some correcting, I am confident of that. Anybody who thinks you can put these bills in place, and that it is set, is fooling themselves. What you think is going to happen and what actually happens rarely meet up. They sometimes get close, and I think in this effort they will be close.

I think we must start this process because this generation wants to serve, wants to be part of this work, and needs the educational benefits. And while there will be shortcomings, mistakes, and problems with the program, believe me, Madam President, those will be minor, minor indeed compared to the greater good that will be served as a result of having initiated this national and community service legislation.

So, let me conclude where I began with my compliments to the senior Senator from Massachusetts, the chairman of our committee, who helped fashion this legislation; Senator WOFFORD, of Pennsylvania, as I mentioned earlier; Senator MIKULSKI; Senator DURENBERGER; and there are so many others that are involved in all of this, as well as Senator KASSEBAUM and others who are trying to put together a good and intelligent piece of legislation.

I am proud to be part of it. Today we remember fondly the words of President Kennedy on the steps of the campus of the University of Michigan more than 30 years ago and our various experiences as volunteers in years past. I know I remember very clearly when the legislation passed the Senate of the United States creating the Peace Corps.

I would like to think today there are young people across this country who in future days will look back on this day in September in the year 1993 when another Congress, in another era and another time, offered a new opportunity for a new generation. I think we all will be proud of what we are doing today.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I ask unanimous consent that the time be evenly divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator from Oklahoma [Mr. NICKLES].

Mr. NICKLES. Mr. President, I do not see the Senator from Kansas here so I yield myself 10 minutes on the national community service bill.

The PRESIDING OFFICER. The Senator has the floor.

Mr. NICKLES. Mr. President, just yesterday President Clinton and Vice President GORE held a press conference while standing before thousands of pages of Government regulations, and talked about the need to reinvent Government. The President talked about the need to shrink the size of Government. He talked about their goal to reduce the number of Federal employees by 250,000. He talked about cutting Government expenses by $181 billion. I can tell you, my constituents and constituents all around the country are saying, "At last. We are actually going to cut Government. We are going to reduce the size of Government." I know they were applauding because those are statements that would be well received in many parts of the country.

Mr. President, I find it kind of ironic that at the same time they are talking about shrinking Government we are expanding Government. We are not shrinking Government with passage of the National Community Service Trust Act, we are expanding Government. As a matter of fact, we are going to see Government spending explode as a result of the legislation we are passing today.

I compliment the sponsors of this legislation. This conference report is better legislation than what came out of the Senate Labor Committee. This is a less costly bill. It is much better than the President originally proposed. The President proposed a bill that would have cost $10.8 billion over 5 years. This bill is not quite that expensive, it is a 3-year bill which will cost $1.5 billion. So that is a significant improvement. But I might just tell my colleagues, it is still a very expensive bill and a program which will only explode in cost.

This bill will cost $300 million the first year, $500 million the second year, and $700 million the third year—and it is only authorized for 3 years. I think that is better than having a 5-year authorization. But do not be fooled, I know President Clinton, Senator KENNEDY, and others who are supporting this concept expect to have a permanent authorization. They expect to have a permanent plan.

If you look at the way this program is growing, it starts at $300 million, goes to $500 million the second year, goes to $700 million the third year. If it continues to expand at that rate, by the fourth year it will be $900 million, the fifth year it will be $1.1 billion. That is an additional $2 billion on top of the bill we are passing today. Then the program will cost $3.5 billion.

I believe this bill is not going to be a very good use of taxpayers' dollars. It is kind of hard to evaluate this bill because I have heard many people call it a jobs bill, and I have heard other people call it an education bill. I do not think it is either.

If it is a jobs bill, it really falls short because it has a provision that says participants cannot compete with organized labor. So this is not a new CCC. This is not a new WPA. Participants will not be constructing bridges, building highways, or building county courthouses. This is not a massive public works projects program. This is not going to be putting hundreds of thousands of people to work that might not have a job in other areas. This is not a jobs bill. It is a failure as a jobs bill. It does not qualify as a jobs bill.

I have heard people say it is an education bill. As a matter of fact, I believe President Clinton was on Larry King about a month ago and was saying that millions of Americans were going to have an opportunity to have an education under this program. Frankly, that is not the case.

If you look at this bill, you will find out it is a very expensive bill. I believe we are talking about in the first year maybe 20,000 beneficiaries. And as the program grows, maybe that number would grow and ultimately there might be 60,000 beneficiaries per year. I am not sure of the number, but it is a very small number if you compare it to the size of the Pell Grant Program, or if you compare it to the size of the Guaranteed Student Loan Program.

It is also very expensive, if you just look at the total cost and compare it to Pell grants. Pell grants in 1991-92 on a per person basis cost $1,335. Student loans cost the Government $416, again on a per person per year basis. But the cost of this National Service Program will be anywhere from $16,000 to $22,667 per year per participant.

I would like for people to think about those figures. I said the cost of the National Service Program will be from $16,000 to $22,667 per person per year. A person is eligible for 2 years. If you take the higher range of that cost estimate, you are talking about the cost for one person for 2 years of participation at $45,000. This is not an inexpensive program. You might say, "Well, where did you get those figures?" I got those from the President's budget. His budget said he wanted to spend $3.4 billion per year to benefit 150,000. If you divide those figures out, you get $22,677 per person. Others might say the cost is only $15,000 or $16,000 because we computed what the cost of minimum wage is, we computed the cost of the health care, we have added the cost of day care service, and we have added in 10 percent for administration, so we get the cost of $15,000 or $16,000.

My point is, whether you are talking about $15,000 or $16,000 per year, or if you are talking about $22,000 per year, compare that to other educational programs we have in the Federal Government that benefit many more people. The cost is astronomical. Again, a Pell grant average cost last year was $1,335. The average cost of a student loan, $416. The combination of those two programs benefited over 9 million students in 1991—9 million students benefited under those two educational programs. Under this program, maybe 60,000, 70,000, or 80,000 people might benefit at a cost in the billions.

So if you compare it on a cost-per-person benefit, this program is over 10 times as expensive as Pell grants, it is many more times expensive than the Student Loan Program and, again, it is not a very effective, not a very efficient way of helping people go to college or to go to school.

So I just would like for people to look at this. If they think this is a jobs bill, it is not. If they think it is an education bill, they are mistaken. There may be some people who will benefit through the educational stipends of almost $5,000 per year. But, frankly, the number of people who are going to be benefiting because we are spending billions of dollars on the National Service Corporation as compared to student loans and Pell grants is almost embarrassing.

I would like to compliment my friend from Massachusetts and also the Senator from Kansas for making some improvements in the bill. Originally, when this bill was reported out of the Senate Labor Committee, it had the first year spending defined, and then the last 4 years "such sums as necessary." It said we would spend about $400 million the first year and then said "such sums as necessary" for the last 4 years. At least now we have defined amounts that are authorized for the first 3 years: $300 million, $500 million, and $700 million. I still think that is a lot of money. I still think this is going to be a very expensive program. I believe we still have the President, who is going to push to make the National Service Corporation benefit millions of students.

I will tell you, if you want to benefit millions of students, you will have a program that is going to cost not $1.5 billion or not $2 billion or $3 billion, you will have a program that will cost $20 billion and $30 billion and $60 billion.

The PRESIDING OFFICER. The time allocated to the Senator has expired.

Mr. NICKLES. Mr. President, I yield myself additional time as necessary.

The PRESIDING OFFICER. The Senator has the floor.

Mr. NICKLES. Mr. President, many, many people have come to this floor talking about the deficit, talking about the need to control Federal spending. I am telling you now that the National Service Program will explode in cost. We will look back—some of us may be here at the year 2000, the year 2005—and see how expensive it is then. My guess is we will look back at this program, say we had no idea it would become so expensive; and wish we had not passed it.

I hope it will be remembered that some of us said "We told you so." Some of us said this program will only increase the deficit.

Mr. President, I am not against national service, I am not against community service, I happen to be in favor of it—but I see this program undermining a lot of the volunteers that we have in the country. We are now going to have the Federal Government paying people to do community-type work. We have millions of volunteers in the country doing it right now that are not receiving a dime from Uncle Sam. They do not have to have the Federal Government telling them what to do. They do not have to have the Federal Government to prescribe their goals or workplace procedures.

Maybe they work for the Salvation Army or the Community Chest or United Way. Maybe they are working in churches. Maybe they are working in soup kitchens. Maybe they are paid something; maybe they are not paid anything. Most volunteers are not paid anything.

I really question whether we should have the Federal Government coming in prescribing what bureaucrats in Washington, DC, or, in some cases, in the States decide what is the best thing for these individuals, these volunteers, to do.

Mr. President, I think this program may be well intentioned. I do not question the motives of the supporters of this legislation. But I do say that the results of this legislation will be exactly the opposite of what President Clinton and Vice President GORE were talking about yesterday when they were talking about less Government, a more streamlined Government, a more effective Government, a more efficient Government. The net result of this bill is going to be more Government, and a spending program that will only grow and grow in cost to the American taxpayers.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GORTON. Will the Senator from Oklahoma yield 3 minutes to this Senator?

Mr. NICKLES. I will be happy to yield to the Senator from Washington such time as necessary.

The PRESIDING OFFICER. The Senator from Washington has the floor.

Mr. GORTON. Mr. President, my comments on this bill need not occupy too much time of the Senate. It is no more an appropriate bill for this Congress to be passing today than it was when the Senate first debated it.

In one sense, I think this proposal is snake pit. It was debated in the U.S. Senate in its original form at exactly the time that the U.S. Senate was being asked to impose perhaps the single greatest tax increase on the American people with which those people have ever been saddled. It was being debated at a time in which we were being presented with the pretense that the budget, which was passed by so narrow a margin, was, in fact, going to cut spending in the United States.

We know that that was not true, that the so-called spending reductions are fiction and will take place at some time in the very, very distant future, but this bill calls for real new spending on a real new program. During the course of the next 3 years, it authorizes $1.5 billion. Presumably, by the time the fifth year is over, that figure will be up to something about $4 billion.

And we are now debating a conference report at exactly the same time the President and the Vice President have spoken about reinventing Government, about reducing the Government's payroll by more than a quarter of a million people, by reducing expenditures in the next 5 years by some $108 billion.

Mr. President, the $4 billion roughly that this bill will cost in the next 5 years would be a wonderful downpayment on that $108 billion and, in fact, would be real savings were we to reject this bill.

This Nation simply is not in a position, with all of these new taxes, with a huge budget deficit which is unlikely to decline, to afford another almost open-ended, new spending program. We should now practice some of the discipline about which we spoke during the course of the debate over new taxes and budget reductions. We should reject this bill. We should provide for a real reduction in Federal employment and a real reduction in spending by turning down this bill at the present time, by utilizing such money as we have for education, on more effective programs such as Pell grants, and not by beginning a new so-called volunteer program costing many, many billions of dollars at exactly the same time we are speaking about reinventing Government and finding ways to spend less.

Our rhetoric on spending less is always very good. Our practice is exactly the opposite, and the Senate, I am very much afraid, is about to go down the road to more spending on another program which is not needed and which will provide more harm to our economy than it will ever possibly help.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I will be glad, on behalf of Senator KASSEBAUM, to yield—how much time?

Mr. McCAIN. Three minutes.

Mr. KENNEDY. I ask unanimous consent.

The PRESIDING OFFICER. The Senator from Arizona [Mr. McCAIN] is recognized for 3 minutes.

Mr. McCAIN. I thank the Chair.

I rise in opposition to this conference report. As my colleague from Washington just stated, it is somewhat paradoxical—it would be amazing if it were not for the fact there are so many taxpayers involved—that on the day after with great hullabaloo we celebrate the attempt to reinvent Government and streamline, reduce the size of the Federal bureaucracy, we will now create, at least according to this bill, I believe, a $1.5 billion bureaucracy over the next 3 years. The President's budget as submitted called for over $10 billion in spending.

I cannot help but wonder—my academic curiosity is aroused—as to how many bureaucrats will be required to run this so-called volunteer program. The fact is that no program in the last 30 years that has been created has been kept within the size of the original estimated budget, nor has it kept within the originally envisioned size of the bureaucracy.

I believe what we are doing in this case really flies in the face of what voluntarism is all about. In 1989, which is the last year we have these figures, 38 million people performed voluntary community service. This program will now pay 150,000 of them for their efforts. I wonder how the other 37,850,000 will feel.

I think this program fails to accomplish its stated goal of expanding educational opportunity, when we look at the fact it will benefit 150,000 people by 1997, contrasted with the 6 million students who are currently assisted through Federal guaranteed loan programs. As I mentioned, the conference report provides for expenditures of $1.5 billion over the next 3 years. I wonder where that money is coming from. In this period of fiscal austerity, when we are putting our men and women in uniform on the streets, those who volunteered for military service we are now forcing out of the military because we tell them we cannot afford to keep them, it seems somewhat incomprehensible we are creating a new Federal program.

Moreover, as we all know, it would be nearly impossible to eliminate or reduce the program if it does not work as advertised.

According to figures that I have, this national service program could cost up to $22,000 per participant per year compared with just $4,000 per student per year for existing grant and loan programs. Moreover, although it has been compared to VISTA and the Peace

Corps, it is a white elephant in comparison. The Peace Corps received a total of less than $4 billion in support over 31 years. The 1992 Peace Corps budget is $200 million. VISTA's budget is just $37 million.

Mr. President, what we have done in the name of national service, which is a concept which I support, is created another bureaucracy at a cost of untold billions of dollars which undermines other programs and in some ways undermines what voluntarism is all about in this country.

I have no doubt that we will approve of this legislation, but it will not be with the vote of this Senator.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. COCHRAN. Mr. President, I wonder if the distinguished Senator would, for Senator KASSEBAUM, yield 2 minutes to this Senator.

Mr. KENNEDY. I yield on behalf of Senator KASSEBAUM.

The PRESIDING OFFICER. The Senator from Mississippi [Mr. COCHRAN] is recognized.

Mr. COCHRAN. Mr. President, I thank the distinguished manager of the bill.

I simply rise to indicate my continued opposition to the passage of this legislation. I am disappointed, Mr. President, that some very good amendments which were included in the Senate-passed bill were not included or were modified to the extent that they were rendered ineffective in this conference report.

First of all, we had an opportunity when the bill was before the Senate to adopt a Kassebaum alternative which would have provided an allocation of more of these funds to the States for the allocation within those States under State decisions that would be made as to what kinds of service, what participants could be involved in this national service program.

What this conference report does is not only reject the Senate judgment that more of these funds should be used in the States, but it even federalizes more than the Senate bill did when that bill passed the Senate, this entire program. It moves away from the concept that States are better situated to make decisions about the kinds of services, the kinds of programs they would like to see in the various States.

So we now have the Federal Government with a new program, telling the States how to design the applications for participants, telling the States who must be appointed to serve on the board that administers the program, the corporation board, and in other words creates a brand new, very expensive Federal program with very little flexibility available to the States.

I regret that that was a decision in the conference, and I am going to vote against the conference report. I hope the Senate will take a look at the provisions here and consider very seriously rejecting this conference report.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. How much time remaining on this side?

The PRESIDING OFFICER. The Senator from Kansas has 25 minutes remaining.

Mr. DOLE. Senator KASSEBAUM.

The PRESIDING OFFICER. That is correct.

Mr. DOLE. I would yield myself 5 minutes of that time, if there is no objection.

The PRESIDING OFFICER. The Senate Republican leader has the floor, without objection, for 5 minutes.

Mr. DOLE. Mr. President, I think a lot of us had hoped we might be able to come to some agreement where we would limit the size and scope of this new program. It has been said in the past of America, when a citizen saw a problem which needed solving, he would cross the street and talk to a neighbor about it. The first thing you knew, a committee would be formed. Before long, the problem would be solved. You may not believe this, but not a single bureaucrat would ever have been involved.

There can be no doubt that serving others is a uniquely American tradition. The debate over President Clinton's national service bill is not about whether national service is good but about what should be the size and scope of Federal involvement.

What has happened to the great American spirit that De Tocqueville praised so highly? Have Americans become so apathetic that we have to rely on environment to create bureaucracies to dictate community service? Do Americans no longer hold out a helping hand to a neighbor in need? If we do, do we have to start paying our Good Samaritans with tax dollars?

I would think the answer to all these questions—in fact, I know the answer to all these questions—is no.

Take a look around. See what happened when the American people responded to Hurricane Andrew or the floods in the Midwest this summer. In fact, wherever you look, we are told that 100 million Americans volunteer about 4 hours a week. No doubt about it: Voluntarism is best when it is kept simple. But now we are going to bring the Government in. The Government is going to be a big player.

We have had the debate. This bill will pass and become law. One day after we talked about reinventing Government, reducing the size of Government, reducing employees, we have a whole new program in this Chamber, and no wonder the American people are confused. One day we are going to shrink the size of Government, shrink a lot of programs; the next day we are going to have $1.5 billion, not paid for. We are going to tell the American people, on one day, we are going to do all these things; the next day we are going to create another program that, as far as this Senator is concerned, there has not been much demand for.

I cannot find anything—in fact we can go back to some of the agonizing votes the Vice President talked about when it comes to ashtrays and specifications for ashtrays, or insect repellent. So nothing it does is very simple or very understandable.

I just suggest that not too many people disagree that the Red Cross was held in higher regard after Hurricane Andrew than FEMA. That is probably because the Red Cross understands voluntarism and the Government does not.

Now, it does not mean that the Government cannot encourage service, because I believe it can. It does not mean FEMA cannot do a good job, because I believe they do, but there is a difference when it comes to voluntarism. We tried to make this point during the debate. We thought there had been a number of changes made. And I thank my colleague from Massachusetts and others in the conference for keeping some of these changes that were made by Republicans. And we think we did it for the right reason, trying to make the bill better.

But I think there is a conflict in the signals being sent. On the one hand, President Clinton says national service will be the centerpiece for his administration. On the other hand, he says he wants, as I said, to reinvent government. Well, we think when we talk about reinventing government, we are talking about less government, less new programs, less bureaucracy, less cost, more user friendly and all the other things that comes to mind.

The case in point: The national service legislation's two goals are to help students pay for better education and to increase voluntarism. Guess what. We already have programs to do this. In fact, our current higher education programs are far more cost effective, and the solutions provided for in the conference report promote voluntarism. The Federal Government encourages such actions to the tune of $1 billion a year.

What is missing here, as I said, is the fact that it is not paid for, not $1.5 billion. Frankly, we think there have been some improvements made. I want to thank my colleague from Kansas, Senator KASSEBAUM, for her tireless efforts to improve the program. I again hope that we might have reached an agreement with broad support. We did not quite make that point. I only wish that we could have limited Government intrusion into truly the American concept.

And, finally, notwithstanding the fact that I will not vote for this program, I hope it works. My view is I hope the President is right. He may have information. He may believe or he may understand things that are not fully understood by some of us who will be voting against the program. The bottom line is it is another new Federal Government spending program. It joins family leave, which is another spending program, a mandate on employers; it joins motor-voter, which is another mandate on States, cities, and counties, not funded, but just send it out there, you pay for it, the States and the cities, counties, private sector, we do not have any money. Here is another $1.5 billion.

So my point would be, again, to let us try to get it right. Are we going to reinvent Government or reinvent Government passing more and more programs and charging the cost up to the American taxpayer in the next generation?

I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, how much time does Senator KASSEBAUM have?

The PRESIDING OFFICER. Senator KASSEBAUM has 19 minutes 36 seconds remaining.

Mr. DOMENICI. I had reserved 15 minutes. I might ask, is that acceptable in terms of the Republican Senators? Let me start with 10. I yield myself 10 minutes. We will see if somebody else wants to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CBO MIDSESSION REVIEW

Mr. DOMENICI. Mr. President, I first want to use about 4 minutes of my time to reflect upon the Congressional Budget Office verdict today on their midsession review. I am very pleased to tell the Senate that the Republican figures were right with reference to the reconciliation bill and the deficit reduction. The midsession review by the Congressional Budget Office—and we all remember now that the President of the United States, in the interest of getting facts to us instead of blue smoke and mirrors, said, "Let us use the Congressional Budget Office." That is admirable. I think we should use them all the time.

If we had, we would find that the Republican estimates were right. The deficit reduction was not $496 billion over 5 years. It was not $505 billion as is currently touted. It was $433 billion, almost exactly what the Republicans said it was going to be. We said months ago it was $428 billion. That means the overclaim is about $75 billion in terms of how much deficit reduction. The Republican verdict that it was $428 billion means that we overestimated the reduction by about $75 billion.

Further, in that deficit reduction package, we combined it with other legislation increasing spending next year, and that meant that there were no real cuts in spending in 1994.

Now, we hear all kinds of statements to the contrary. Once again, the verdict by the factfinders, the Congressional Budget Office figures today, confirm no net cuts in spending for the year 1994.

So those who voted thinking it was going to take a big chunk of cuts out of that deficit, it was precisely what we said, zero; net effect, zero. Using the administration's and CBO's own numbers, any spending cuts in 1994 are offset by new spending increases for flood, supplemental, and other things, and clearly we are going to be in the red. We are going to be spending more rather than less in the year 1994.

Finally, the CBO's estimates today confirm that the deficit for the current fiscal year that ends this month will be $262 billion, and you might recall the debate in the waning days of the tax bill. Why are we raising taxes so much when the deficit came down on its own from $318 billion to $266 billion? It came down $42 billion without any action on our part.

We said it was coming down $50 billion. The administration said $10 or $15 billion or $18 billion. I think we can say the Republicans' estimates were right again, and we legitimately asked, why raise taxes when the deficit is coming down by that amount? Could we not have some kind of credit for it or the like?

Last but not least, we tried to make the point to the American people that the deficit was not going to come down, it was going to come down for a while and then go up.

So let me say what is in the Congressional Budget Office review on that score.

We said that the deficit would still increase after the deficit reduction package was adopted, and again the Congressional Budget Office numbers confirm that while the deficit declines in the near term, it begins growing again in 1997 and reaches $200 billion in 1998. I might add, consistent with our numbers, it will reach $360 billion after all these taxes by the year 2003, says the Congressional Budget Office. That is because we did not reduce spending enough.

NATIONAL AND COMMUNITY SERVICE TRUST ACT OF 1993—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. DOMENICI. Mr. President, I cannot express strongly enough my objections to the legislation we now have before us. Just as I voted against the Senate version of the national and community service bill, I will vote against the conference report on this legislation. But I want to make it very clear why I will do so.

There is a vast human resource of volunteers waiting to be tapped, and I have seen firsthand the kind of work these individuals have performed in their communities. I strongly believe that national service can make a difference in the lives of those who participate in the program, and those who reap the benefits, both directly and indirectly, of that service. This makes it very difficult for me to cast the vote I will cast today.

First, I have serious reservations about the costs of this new program. At a time when we are burdening our citizens with one of the largest tax increases in history, I am not convinced that we can afford to implement another new program with the potential to grow at an uncontrolled rate.

While we were successfully able to amend the bill to bring the costs of this program down considerably, the amount of spending authorized in this bill—$1.5 billion over 3 years—is still too high, especially considering that this program will only serve, at most, 100,000 participants. This compares to the more than 4 million students we serve through the Pell Grant Program, at a considerably less cost-per-student than under the national service initiative.

I am also worried that we are not entrusting States and local communities with a large enough share of the money allocated under this legislation.

Under the conference report, funding flows in three different directions: one-third flows directly to the States, one-third to a national corporation for competitive bids from the States, and one-third would go to the national corporation for bids from individual programs and national nonprofit organizations.

Frankly, if this program is to truly benefit the needs of communities, I believe we should place a larger share of the funds with the States, rather than with the Federal Government.

For this reason, I proposed amending the bill so that 40 percent of the funds went to the States during the first year of the program, 45 percent during the second year, and 50 percent by the third year. While my amendment was accepted in the Senate version of the bill, it was removed during the conference in favor of the original funding formula.

In addition, the conference report has increased the authorization levels for this bill beyond what we agreed to in the Senate bill. Under the Senate bill, we authorize the program to be funded at $300 million, $500 million, and $700 million over 3 years. Although this is still, in my opinion, too much money, it was a significant reduction from the bill as it was introduced. However, the conferees have not only added an additional $180 million to these costs to be spent over 3 years, but also specifies that these funds are to be used for administrative purposes.

Mr. President, I find it ironic that 1 day after the President and Vice President announced their plan to reinvent Government that we in the Senate are voting on a conference report that will provide $180 million for administrative purposes. I think if you ask the average person on the street if we need to spend more money on Government—because that is what we really mean when we say administrative purposes—he will tell you, unequivocally, no. And, frankly, he would be right.

But under this bill, not only do we decrease the proportion of funds that flow to the State—from 50 percent, as my amendment provided, down to 33 percent—but we have also increased the proportion of money that goes back into the bureaucracy.

Still, my main concern remains with the costs of this program. Rather than implementing a new program, I believe the Government should place a higher priority on existing initiatives encouraging volunteer work, such as VISTA, the Foster Grandparents Program, and the current Commission for National and Community Service.

We should also place priority on those programs established for the benefit of our children and students, such as the college work study program, the supplemental educational opportunity grant, the Perkins Loan Program, and the Pell Grant Program.

These are programs that currently are not funded at their full potential. In fact, in the case of the Pell grant we have had to reduce the amount of the maximum award due to a shortage of funds.

That is why I introduced and amendment stating that the new National Service Program could not be funded until we ensured that these existing programs were all funded at levels meeting or exceeding their fiscal year 1993 funding levels. My amendment did not in any way reduce funding for the National Service Program; it merely ensured that our priorities are kept in place. While my amendment did not pass, it did receive 44 votes.

I have always supported efforts to encourage the spirit of community service and voluntarism in our communities and will continue to do so. These efforts, however, should be led by communities to meet their unique needs, with minimal intervention by the Federal Government. This bill does not meet those needs.

I will vote against passage of the conference report.

Mr. President, let me try to summarize it. First, I hope the American people understand that we, on this side—most Republicans—took to the floor and said the program is too big, and it is inconsistent with our times. How can we be touting deficit reduction and be looking at a $10.2 billion potential program?

That worked. So those who thought there was some kind of a negativism on this side, that we were bent on gridlock, the point of it is that the program was reduced dramatically. In fact, I believe that the bill now is about $1.5 billion over 3 years. That is still too high, but it is substantially less than when the program came to the floor and appeared in the President's budget. So that is a good plus.

Mr. President, I think the American people would like to hear what we are going to cut so that we can pay for a new program of $1.5 billion. I literally think the time has come that when you put a new program on the books of this country costing $1.5 billion, which is somewhat of a pilot program, clearly, it is not going to have a major effect. It is 100,000 people compared with 4 million that get help under the Pell Grant System. I believe the time has come when you would reach the floor of the Senate with a new program of this size and you would tell the American people that out of the 2,800-plus American programs on the domestic side, we found a few we are going to eliminate to pay for a new program —not one iota of that anywhere in this program.

It is interesting that we are now going to trust—maybe I will change that word and say we are going to expect the Appropriations Committee to throw up in the air the veterans and their money, the housing and its money, and put another new program in that same subcommittee and say: You fix it.

Frankly, I do not think that is the way we ought to be doing business. So I rise to lodge my complaint about what I think is the wrong way to handle reinventing Government, and that is to put a new program of this size on the books.

If that was not enough, let me just say that while our Senators in conference—I join Senator DOLE in words of appreciation because the bill is clearly much better than when it started, and they did not give to the House many of the provisions that might very well have caused that bill to fail here. I still want to mention the paradox and irony that while the President is talking about reinventing Government, cutting administrative costs, when this bill went to conference with the House, what was added—$180 million for administrative costs. That seems to me to be very strange in terms of the time and the enthusiasm with which our President and Vice President are talking about cutting administrative costs and reducing the size of Government.

So in addition to those items, there are a few others. I am concerned that the States are not going to get enough of this money in a flexible manner. We did better in the Senate. And I understand that when the Senators went to conference perhaps their feeling was that not enough Republicans supported it so we can give away all of the amendments. If that was done, I would not say that was the end of the world, but clearly some of the amendments that prevailed on our side, like a Domenici amendment that said let us give 40 percent of this to the States, they were dropped, and the States get less in a direct program, and the rest they either compete for or the Federal Government runs it out of Washington, DC.

For these reasons and a few others, I will vote "no" and conclude that nothing is more important in our country than finding ways to have more and more volunteers and, in particular, to fill the thirst of our young people to do more of this. There are millions of them doing volunteer work. I do not believe a program that could cost as much as $40,000 to $45,000 of tax dollars for a 2-year stint to encourage voluntarism and college when far less money than that is spent on Pell grants and all of the other kinds of student programs and colleges, I do not believe in these times we should pay that much for this kind of increase in voluntarism among our young people.

I yield the floor.

Mr. KENNEDY. How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator has 19 minutes remaining.

Mr. KENNEDY. Mr. President, I yield myself 5 minutes.

Mr. President, over the period of the last half hour, I have listened with great interest to many of those who have expressed opposition to the conference report. They, by and large, have expressed opposition to the passage of the legislation. Many were opposed to even the very modest program that we introduced 3 years ago to enable young and old alike to give something back to their country.

The concept of voluntarism, of participating in the community and giving to the community is as old as the country itself. Obviously, the basic tenet of this legislation is to try to expand that opportunity for young and old alike, and to try to evaluate these programs, monitor them and report back to the American people and the Congress on the changes which are necessary to strengthen these programs.

The fact of the matter is that there is nothing self-sustaining about this legislation. If this legislation is not successful, the American people are not going to volunteer for the programs. So if these programs become the disaster predicted by some of our colleagues, then we will have no volunteers and expend no money. We will have the opportunity to invest in these young and old only if they are going to be challenged by the opportunity to serve their communities. Second, the Congress will not, and should not, fund the program if it is unsuccessful. I do not believe this will happen, but if it does I would favor cutting the program.

Some of my colleagues have asked why we are funding this program and not reducing the budget instead.

It is interesting to note that we are going to debate the Defense authorization bill in 2 hours. That Defense authorization bill, this year, reduces personnel by 144,000 Americans. It costs $82,000 for every American to be in the armed services. Thus we are reducing costs by 144,000 this year times $82,000 per each one of these. The most we are talking about under the Clinton program is 20,000 individuals serving at $15,000 per individual, not $82,000. We can fund these individuals at one-sixth the cost and provide money for education to those serving.

It is so interesting to me that so many around here were glad to spend that $82,000 on those young people to send them to war and are not interested in giving them an opportunity to serve in peacetime to help on the war against ills in their community. Why is spending there OK and here it is not? I think it defies logic and good sense.

With regard to new Government, our colleagues are moaning and groaning about what happened yesterday on the White House lawn about reinventing Government, and claim not to see it today. Reinventing Government is at the heart of service. Authoritative evaluations of service programs show a benefit to the communities served of 1.5–2 times the cost.

This is a new idea—getting something for half of the cost. Without service someone would have to pay for those improvements. For example, someone would have to immunize children in communities that do not have a service immunization program. Someone will need to care for our senior citizens or provide home care. Someone will have to clean up the environment. What has been demonstrated over the past is that service programs can do it at half the price. That is some of what the President is talking about by "reinventing Government."

So, Mr. President, I find it difficult to be persuaded by those who have talked about reducing Government expenditures when I do not think we could have a clearer example than what is going to happen here on the floor of the U.S. Senate later in the afternoon. The cuts in military personnel could easily fund national service.

Mr. President, I just want to know how much time do I have remaining.

The PRESIDING OFFICER. The Senator has now spoken for 5 minutes, and he has 14 minutes remaining.

Mr. KENNEDY. Mr. President, I just yield myself 2 minutes because I see my colleagues on the floor.

Mr. President, our colleagues misstate facts time and time again and repeat them time and time again, which may be persuasive to some people but it does not make them true.

The purpose of this legislation is to have 1,450,000 individuals serving this year, not 20,000. Some of those serving will be in the National Service Trust program which we have been debating. Others are going to be those 750,000 elementary, secondary and college students, serving in unstipended service learning programs. For example, a young high school student who got $100 in the State of Vermont from a program just like the one that we are supporting here. She wanted to have alcohol-free graduations and used that $100 to solicit the various businesses in her community. She got their support and the graduation was alcohol-free. Other high school seniors saw that program and followed her lead. I daresay that that $100 investment has had an impact in most every high school in the State of Vermont. One hundred dollars—is that the new bloated Federal program which these critics want us to resist?

Those are the kinds of service programs that we have seen throughout time. What history has demonstrated in our society is when you give Americans an opportunity to do it they will do it.

God bless those people who helped with the floods. But not every person is able to have done that. Not every person is going to have the financial resources so that they can go out there and volunteer. Voluntarism is not defined by the size of your pocketbook or your wallet.

There are needy children. There are needy grownups in our society who want to give something back, and they should not be denied that opportunity.

This legislation creates that opportunity, and it deserves the support of this body.

I withhold the remainder of my time. I see my friend and colleague from California.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I am glad to yield.

Mrs. BOXER. I need 1 or 2 minutes.

Mr. KENNEDY. I yield the time.

The PRESIDING OFFICER. The Senator from California is recognized for 2 minutes.

Mrs. BOXER. Mr. President, I would like to express to Senator KENNEDY how much I appreciate his leadership on this bill. There are incredible things that are often thrown in the way of progress, thrown in the way of moving forward.

Now people are saying, well, if we are reinventing Government why are we doing this? Why are we having this new idea?

What reinventing Government means is getting rid of the things that do not work and moving forward with new ideas that do work.

So I am very pleased that after all this debate and the hours and hours of filibuster that we went through that the time is coming that we will be able to pass this legislation. And I think all of us, whether Democrats or Republicans, when we see those people at work giving their time, obtaining money for a college education, we will be very pleased. And I think that this kind of program is what we do talk about when we talk about reinventing Government.

It is looking at our young people and appealing to what is best in them.

So I would be very pleased to join the chairman of the committee and my colleague from Pennsylvania, Senator WOFFORD, who worked so hard, in seeing that this bill becomes the law.

I yield back to my colleague from Massachusetts.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I am glad to yield 2 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. WOFFORD. Mr. President, invention often is putting together old things that are good into something new.

Franklin Roosevelt said, "The best thing I ever did was the CCC." The Civilian Conservation Corps program turned the lives around of 1.5 million to 2 million young people before they went into the national service of World War II.

The GI bill was the next great thing we did in this country, in my opinion.

And then there was the Peace Corps, which was the best thing President Kennedy did in many respects.

This idea combines those three proven approaches into something that is new but draws on the best of the American tradition.

De Tocqueville said that "The river of voluntary service flows through the heart of American history." And that river is flowing again with this bill and with these new opportunities for full-time service in the tradition of the CCC, the Peace Corps, and the best of the military. We will have a further explosion and quantum jump of volunteer part-time service in this country.

There is not a contradiction. There is a new invention here which America has been waiting for, and we have a chance to start it on its path today.

I yield the floor.

Mr. BYRD. Mr. President, I must once again oppose this legislation which, in my view, has a noble goal, but a faulty game plan. The conference report on national and community service is an improvement over the Senate-passed version in that such sums, authorized in the second and third years of the program have been replaced with real dollar figures of $500 million and $700 million respectively.

But add those sums to the $300 million authorized for the first year and we are talking about a very hefty piece of change for the American taxpayer. As one who constantly grapples with the dilemma of answering real funding needs against the backdrop of frightening budget deficits, I well understand the motivation behind trying to combine the need for volunteer service in America with the goal of furthering the education and training of the volunteers. It is an innovative and creative blending of two national needs. But, these simply are not the times to test and fund new programs of this scale. We have massive deficits and tremendous requirements to pay for existing programs in these same areas, which presently cannot be fully met.

I believe that the organizational concepts embodied in this conference report are too untried to risk its enactment. Should these programmatic structures prove faulty, we will waste millions of taxpayer dollars and, nearly as bad, we will disappoint millions of our citizens who think they see so much promise in this new approach. Sometimes risks are worth taking. Sometimes they are not. Vision and creativity are fine, but so is the wisdom to walk away from a bad bet, especially if one is betting with other people's money.

Mr. COHEN. Mr. President, few people would disagree that service to one's country is an important, and often necessary, method by which this Nation addresses many of its unsolved problems. We need only look at the efforts taking place as a result of the terrible flooding along the Mississippi River. To cope with this tragedy, neighbors are helping neighbors, and residents living in States not directly affected by the flooding are helping their fellow Americans who they have never met but who have lost their homes and their livelihoods.

This experience is not unique. In fact, the spirit of service is one of the strongest threads woven through the fabric of American society. The history of our Nation is really the history of service efforts, and today's volunteers are carrying on the strong tradition of community assistance that began with the earliest settlers in New England. Before we even had an organized government, we had communities which relied on a strong service system. Whether it was fighting a fire, raising a barn, teaching the young, or caring for the sick, our communities had to pull together and work for the common good to survive and prosper.

Even the formation of our great democratic Government was molded by community servants. The Minutemen, Benjamin Franklin, and Paul Revere—all were volunteers helping in large and small ways to shape a new Nation. In later years, community service continued to help shape our social history. Those people who worked the underground railroad, tended to the wounded on the Civil War battlefields, fought to end child labor in sweat shops, spearheaded the women's suffrage movement, faced menacing crowds and firehoses to fight for civil rights—all these are unsung heroes who shaped the development of our Nation by donating their time, talent, and dedication for the common good.

Now, perhaps more than ever, we need to return to this spirit of community and unselfish sharing. Although, as a nation, we are faced with great opportunities, we also face many problems—poverty, drugs, teenage pregnancy, lack of health care, unemployment, closed businesses, natural disasters, homelessness, and moral deprivation. We are unsure of the future and in need of a new dedication of purpose. Dag Hammarskjold, former Secretary of the United Nations, once said that, "You have not done enough, you have never done enough, so long as it is still possible that you have something to contribute."

Today, there are countless ways Americans are serving their communities—by teaching children and adults to read, teaching job skills, helping small businesses, being role models for fatherless boys and teenage mothers, providing companionship to homebound older persons, holding AIDS babies, spending time with terminally ill children and disabled individuals, driving people to the doctor, assisting battered women, or building houses for the homeless. Study after study shows that even just a few hours a week or a couple of times a month spent in a one-on-one relationship with a small child, a troubled teenager, an overstressed family, or a lonely older person makes an enormous amount of difference to that person and the community and simply cannot be duplicated by any government program.

Thus, the debate in the Senate on national service has not been about the benefits of service. Rather, the debate has been about the answer to two very important questions: What role should the Federal Government have in national service? Given our country's current fiscal restraints, is the bill before us now the best way to return to the spirit of community service?

Clearly, Congress has already decided that the Federal Government has an important role in promoting service, and I have played an active role in this effort. The Federal Government currently supports many service programs, including the Volunteers in Service to America [VISTA] program, Special Volunteer Programs, and the Older Americans Volunteer Programs. Just 3 years ago, this body, with my support, passed the National and Community Service Act, which expanded full-time and part-time service opportunities for all citizens. Last year, I joined Senator NUNN and others in promoting service efforts through a program in the fiscal year 1993 Defense authorization bill to allow military members to transition to critical civilian jobs, such as police and teachers. Unfortunately, the program was not funded in the appropriations process. More recently, I held a forum on voluntarism in my own State of Maine to issue a challenge to our growing senior population to use their experience and talents to serve the public good.

In addition to deciding that the Federal Government should be involved in community service, Congress has determined that the Federal Government has an important role in helping students and parents—of all income levels—afford post-secondary education. Again, this is a position I have long supported. Last year, for example, this body, with my active backing, passed the Higher Education Amendments which increased access to financial aid for students and families, increased the amount of grants and loans available to students, and simplified the application process. More specifically, the legislation created an unsubsidized Stafford loan program so that all students, regardless of income, would be able to obtain a student loan. In addition, the legislation removed borrowing limits on Federal PLUS loans to parents who are funding their child's education.

The national service legislation before us now combines these two important objectives—promoting community service and helping students afford post-secondary education and job training. The conference report represents a somewhat modified version of the bill originally introduced in the Senate several months ago. That bill would have authorized $389 million in new Federal spending for the new national service program and would have provided national participants with $5,000 in educational benefits for a term of service regardless of their income level. For many Senators, including myself, the legislation was unpalatable.

Because of my serious concerns with the administration's proposal and my continued support for the concept of national service, I joined with Senator KASSEBAUM and other colleagues in supporting an alternative national service proposal. I was attracted to the alternative proposal's reduced cost, its lower educational award amount, and its measured approach to implementing this expensive but potentially valuable programs.

While this alternative bill was not adoped, the administration and supporters of Senator KENNEDY's legislation recognized that many Senators supported national service but could not support a program with such a high price tag. Accordingly, a process of negotiation and compromise was initiated and ultimately led to reductions in overall program costs. For this reason, I indicated before the August recess that I would vote to conclude debate on the national service bill.

Despite this, I continue to have two significant concerns with the current national service proposal. First, when we talk about national service, I am afraid that we, as legislators, are talking out of both sides of our mouths. While I agree that the Federal Government could do more to encourage service efforts in this country, I have a serious problem with our commitment, on the one hand, to control the deficit and, on the other hand, to create a new expensive Federal program. I believe that the $1.5 billion total amount for the next 3 years, which is authorized by the conference report, represents a huge cost to this country's taxpaying citizens, a cost that is likely to escalate dramatically in the coming years.

This country has so many important, and more immediate, needs on which to spend its money than on a new Federal service program, even one that builds upon an existing service structure. The flood victims, needy students who will receive less Federal work-study assistance and Perkins loans, workers who have lost their jobs—all these people require our limited Federal dollars and their needs are much more immediate.

My second major concern with the National and Community Service Trust Act is its failure to target limited Federal education assistance to those most in need and its wastefulness in providing funds to many who do not need the aid. The bill would provide $4,725 each year in educational benefits to national service participants—regardless of their ability to help pay for their own education—for up to two terms of service. I believe that this provision of the bill is both unwise and irresponsible. Particularly in these pressing times, our current fiscal situation demands that the Federal Government spend its limited education money wisely.

In an effort to resolve my concerns on this issue, I prepared an amendment that would have ensured available education benefits go to those participants who are most in need. Specifically, my amendment would have set the educational award provided to full-time national service participants at a minimum of $1,500 and a maximum of $4,725 for each term of service and would have set the award provided to part-time national service participants at a minimum of $750 and a maximum of $2,500. The actual award amount an individual received would have varied depending on the participant's expected family contribution as calculated in accordance with the Higher Education Act of 1965. Expected family contribution is currently used for most Federal student aid assistance programs. Unfortunately, the amendment failed to pass.

Because of my serious concerns with the current national service bill, I could not in good conscience support its passage nor can I support the conference report. Clearly, opposing a bill which promotes a concept I support is not easy. If the funding authorization level had been further reduced and the educational benefit awards had been targeted to those individuals who cannot afford to finance their own educations, I could have supported the plan. But, as a country, we must make hard choices about proposals that are well-intentioned and have much support.

I know this proposal will pass the Senate, and that this country will get a new national service program. Despite my doubts about this legislation, I assure my colleagues and my constituents back home that I will continue to support volunteer service efforts throughout this Nation.

Mr. SIMPSON. Mr. President, I rise to express my opposition to the conference report on H.R. 2010, the National and Community Service Trust Act of 1993. The President's national service plan shortchanges the great spirit of American voluntarism by presuming that our concerned citizens need to be financially compensated in order to dedicate themselves to the betterment of society.

The centerpiece of President Clinton's national service bill is a framework that would pay participants an educational stipend in return for voluntary activities. This make-work bill that pays participants to work in their communities will not build civic pride or volunteer activism. It will not instill in the young people of our country the importance of giving something back freely to their communities.

My concerns are not in any way with the spirit of national service but with this legislation in particular. I simply do not believe that this measure will deliver the results that we all seek to promote. It is a budgetbuster that has all the makings of becoming an entitlement program. The legislation authorizes $300 million in fiscal year 1994, $500 million in 1995, and $700 million in 1996 and this is in addition to the $1.5 billion per year for community-service type programs already currently authorized by Congress.

The President initially promised all students that they could work off their educational debts by performing national service. After examining the Federal budget, he quickly realized that there was not enough funding available for such a grandiose plan. The President then retreated and offered a scaled-back plan that would allow around 20,000 students to participate in the first year.

These participants—regardless of their family incomes—would be eligible to receive some impressive benefits. They would receive awards toward education or training for each year of service performed. In addition, participants would receive living allowances no less than the minimum wage, plus thousands of dollars in health care and child care benefits.

The President's bill turns national service into a college grant and job-training program that is more generous by far than the current Pell Grant Program. This bill provides $4,725–$9,450 in education assistance—which equals the benefits received under the GI bill. The average Pell grant in 1991–92 was $1,335 and the average student loan was $416.

The bill establishes an unnecessary bureaucracy—one that ignores the strong foundation of the ACTION Agency and the Commission on National Service. State ACTION committees and State committees on national service will continue to operate—but not necessarily in tandem with the programs established by this legislation.

The bill neglects an important opportunity to streamline national service in this country, and it could compound existing inefficiencies by expanding the Government bureaucracy. I strongly believe that we need to make these programs more efficient and more effective not more bloated with Federal largess.

My fine colleague from Kansas, Senator KASSEBAUM, drafted the Republican alternative that would have streamlined and integrated current volunteer programs and would have allowed a transition period for the incorporation of most existing full-time and part-time federally funded volunteer programs into a single Federal entity. This alternative and was summarily rejected by Senate Democrats.

Senate Republicans believe that service to our Nation should begin at the local level. Local entities have a much better understanding of where the greatest needs are. The President's national service plan takes a Federal command and control approach—federally mandating the application of resources at the local levels.

National service becomes a form of handout under President Clinton's plan. It is an expensive experiment in job training for a very lucky few. We can't afford it. It does not focus sufficiently on true voluntarism, local government autonomy, and the ability of local governments to best respond to the needs of their constituencies.

I urge my fellow colleagues to oppose the conference report on the National and Community Service Trust Act of 1993.

Mr. COATS. Mr. President, today I will cast my vote against H.R. 2010, the National and Community Service Trust Act. I do so regretfully, because of my strong support for the concept of volunteer service.

I recognize and appreciate the enormous effort that has gone into this legislation. The bill before us today is significantly improved from the proposal sent to us by the President and those who have labored on it should be congratulated. But one fundamental flaw remains uncorrected. This is not a bill about volunteer service. Indeed, some have said it looks more like a job training bill than it does community service. And I find this profoundly disturbing.

Each year, millions of Americans devote themselves to self help and community service, and doing so without a hand out from the Federal Government. Whether Big Brothers/Big Sisters, Habitat for Humanity, or the Salvation Army, America's volunteers have been tireless in their selfless efforts to reach out to those in need. And they do so not because of a paycheck, but because it is the right thing to do.

National and community service is an idea we should all be able to embrace. But the passage of this legislation, I believe, changes in a very significant way, the nature of volunteer service in America—and I cannot support it.

Mr. KENNEDY. Mr. President, I just yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, it would be my intention to yield back the remainder of the time both for myself and on behalf of Senator KASSEBAUM at the conclusion.

I want to, Mr. President, first of all express my great appreciation to all of those who have really done so much to advance this cause.

I want to recognize our good friend, Senator HARRIS WOFFORD, who was there a number of years ago with President Kennedy in the development of the Peace Corps. He was instrumental in helping provide us with some wonderful examples in Pennsylvania when we were considering the community service program several years ago. He has been instrumental in the development of this legislation in our committee.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 7¼ minutes.

Mr. KENNEDY. I yield myself 4 minutes.

I also want to acknowledge Senator PELL. Senator PELL, as so many of us know, has been a leader in education, the endowment of the arts and humanities, the seabed treaty. Going back many, many years, he was one of the first to propose a community service program.

Our good friend, Senator DODD, a member of the Peace Corps, had legislation for a number of years and has been a very, very strong supporter of voluntarism and voluntary programs. He chairs the Labor Subcommittee which has helped nourish and sustain ACTION programs.

Senator MIKULSKI has stood shoulder to shoulder with the initial passage of the community service program and was enormously active in our committee and also in the debates earlier when we were considering the legislation. She has been a tireless supporter in bringing to the attention of the American people the wonderful conservation corps in the State of Maryland, and many of their other programs as well.

I acknowledge the leadership of Senator NUNN, Senator BOREN, and Senator ROBB, who were very much involved in helping the Democratic Leadership Conference to focus on voluntarism and service programs when they developed priorities. They have been enormously supportive of this program and other initiatives, and I am grateful to all of them. Senator SIMON has been an outspoken and active proponent for the VISTA Literacy Corps.

I am enormously grateful to our colleague, Senator KASSEBAUM, whom as I mentioned earlier has been enormously constructive. She differs about the way we have approached this issue, but nonetheless, this legislation is better legislation because of her involvement. I appreciate her participation, and her willingness, even though she did have reservations, to stay and continue to propose invaluable recommendations and suggestions throughout the process.

I am enormously grateful to Senator JEFFORDS of Vermont, who has been a very strong supporter of the program. Many of the lessons that we have learned were developed in Vermont. I know Senator JEFFORDS was very active in supporting those programs in his State.

Senator DURENBERGER, as well, brought to our attention excellent programs in Minnesota and was really enormously helpful and valuable to us in his early support for the program.

Senator HATCH had worked with us on the earlier community service program. Although he has concerns about this program, I am sure he will be a supporter in the future.

And we have had a number of our colleagues, Senator COHEN, Senator CHAFEE, Senator SPECTER, Senator STEVENS, and a number of other Republican colleagues, who have been enormously helpful to us.

I thank as well the work of our chairman in the House, Congressman FORD of Michigan; and Congressman GUNDERSON. His testimony indicating why a Republican ought to support the measure made an enormously compelling case. We introduced his statements and comments in the RECORD earlier.

I want to thank Eli Segal for all of his brilliant work, help, and assistance. This has been an enormous challenge for him, to take the President's conceptual idea and to work very closely with Republicans and Democrats in the House and Senate alike and build it into the measure as it stands today. This legislation bears Eli Segal's very important mark.

Finally, I think all of us, as I mentioned earlier, feel that this concept of voluntarism and service by Americans, young and old alike, really was fanned by President Clinton during the course of the campaign. I know how strongly he believes in this program. It is, I know, a top priority for him, both for the country and as well as for him personally. I want to express both admiration and appreciation for the very strong leadership he has provided.

I am thankful to the majority leader for giving us the opportunity to debate this issue and to bring it to a conclusion. I thank the minority leader, as well. I am very hopeful that we will have strong bipartisan support.

The following staff members have been especially helpful in enacting national service legislation. I want to extend my thanks to the wonderful workers for our committee, particularly my staff and Republicans as well. They have been an extraordinary group of men and women who carried this measure along. I am enormously grateful to them.

Nick Littlefield, Senate Labor Committee; Ronald Weich, Senate Labor Committee; Tom Sander, Senate Labor Committee. These three individuals ably staffed the national service bill throughout the process. In the Education office of the Senate Labor Committee which I chaired, Susan Shin, Jason Matt Alexander, Todd Richman, Clark Moore, and earlier Jeff Huang and Nellie Todd, all worked long hours to ensure this program's success. In addition, I thank Marty Rodgers, Senator WOFFORD's staff; Pieter Boelhouwer, Senator BOREN's staff; Sarah Flanagan, Senator DODD's staff; Suzanne Day, Senator DODD's staff; Anita Harewood, Senator MIKULSKI's staff; Pam Devitt, Senator JEFFORDS' staff; Susan Heegaard, and Jon Schroeder, Senator DURENBERGER's staff; Judy Wagner, Senator SIMON's staff; and Jason Rostenberg and David Evans, Senator PELL's staff; Kimberly Barnes O'Connor, and Susan Hattan, Senator KASSEBAUM's office.

Robin Mahler, Senator METZENBAUM's staff; Cheryl Birdsall, Senator METZENBAUM's staff; Betty Ann Soiefer, Senate Governmental Affairs Committee; John Gompers, Senator WOFFORD's staff; Kim Weaver, Senate Governmental Affairs Committee; David Ploden and Lorraine Lewis, also with the Governmental Affairs Committee; John Odgen, Senator BUMPER's office; Cathy O'Brien, Senator NUNN's office; Bev Schroeder, Senator HARKIN's office; Sherry Ettleson, Senator WELLSTONE's office and Liz Aldridge, Senate Legislative Counsel's office.

In addition, the following individuals have also been invaluable. From the White House Office of National Service: Eli Segal, Jack Lew, Shirley Sagawa, Robert Gordon, Jr. From the House of Representatives, Gene Sofer on the

House Education and Labor Committee. Furthermore, the Coalition for National and Community Service, under the supervision of Sara Hartman, and the People for the American Way, assisted by Tracy Sivitz, were very helpful in registering the support of Americans for the national service legislation.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I ask the Chair if it is possible for this Senator to speak in morning business prior to the vote?

The PRESIDING OFFICER. The Chair advises the Senator from California that she may proceed by unanimous consent.

Mrs. BOXER. I ask unanimous consent to proceed in morning business for up to 15 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Reserving the right to object.

If it is agreeable, what I would like to do is yield back our time and their time and ask for the yeas and nays and leave it up to the leadership. I understood we were going to be voting momentarily but did not want to leave this unresolved.

So if the Senator would withhold for just a moment, I yield back the remainder of my time, and I ask unanimous consent that I may yield back the remainder of Senator KASSEBAUM's time.

The PRESIDING OFFICER. Is there objection?

Hearing none, it is so ordered.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays on the legislation.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Without objection, the Senator from California is recognized for up to 15 minutes.

Mrs. BOXER. I thank the Chair.

(Mr. ROBB assumed the chair.)

NORTH AMERICAN FREE-TRADE AGREEMENT [NAFTA]

Mrs. BOXER. Mr. President, for months I have talked to those who will be impacted by the NAFTA: businesses, workers, local governments, border communities, and other interested Californians. I have listened to testimony about the agreement and have read studies and reports that assess the impact of the NAFTA on the economy of the United States and California. I have studied the side agreement as explained by the administration.

I have decided to vote against NAFTA. In my view, this 1993 NAFTA is not good for America and it is not good for California.

The NAFTA side agreements do not provide sufficient protections for workers and our environment.

First, the NAFTA side agreement on the environment should have provided for a specific source of funds and a detailed plan to clean-up environmental pollution on the border between Mexico and the United States. It doesn't. Under the side agreement, there is no guarantee that the untreated sewage from Tijuana will stop pouring into the San Diego beaches, forcing them to close for fear that swimmers will be infected. And, there is no guarantee that pollution from Mexico will stop finding its way into the United States via the New River.

The Wall Street Journal reported today that Mexico is building a coal-powered generating plant just 20 miles south of Texas. This facility will not use the pollution control equipment that is required for plants in the United States. The emissions from this plant and others nearby threaten to degrade the quality of air throughout the Southwest. The Park Service estimates that the plume from this plant could reduce visibility by 30 percent or more at Big Bend National Park—which is 150 miles northwest.

The side agreement should have contained language that guarantees protection of current U.S. and California environmental standards against unfair trade charges. Under the side agreement, California's strong laws protecting our air, our rivers, and our coasts, and Federal laws protecting marine mammals could be vulnerable to challenge. Our Federal and State laws preventing the import of food grown with the use of damaging pesticides could be vulnerable to challenge.

Second, the side agreement on labor should have included a specific plan to assist American workers who lose their jobs when American plants move their operations south. It didn't. There is no specific funding mechanism. There are no guarantees that we will have the resources needed when it comes time to retrain workers.

But it may come as a surprise that NAFTA negotiators were able to write into the text of the NAFTA substantial protections and standards for corporate investment and business property. About 5 of the 22 NAFTA chapters were dedicated to protections for investors. So we protect those wealthy investors but not the not-so-wealthy middle class.

How does NAFTA protect business? NAFTA article 1110 would limit the ability of Mexico to nationalize foreign property. Other business protections are found in article 1106 and article 1109.

Chapter 17 of the NAFTA addresses other corporate concerns, dealing with intellectual property protection.

Business interests have all their protections in the body of the NAFTA. Where are the protections for our workers? Where are the protections for our environment?

I say: If we can establish standards and protections for our business interests, then we should have established standards and protections for our workers and our environment. The side agreements should have done this. And, they did not.

Third, I am concerned that the NAFTA could have a seriously damaging impact on this Nation's economic recovery.

The U.S. economy is sluggish. Growth is low and job creation is uneven. California is especially troubled: unemployment in my State is running at roughly 9 percent and workers continue to fear for their jobs as we cope with defense conversion and corporate downsizing.

The Clinton administration has taken some strong steps that will help our economy—deficit reduction, defense conversion through dual-use technology grants, tax incentives to our high-technology businesses, real estate provisions to boost economic recovery. But, we still face slow growth.

Economists' predictions about the impact of NAFTA on American jobs range from short-term losses in the thousands to losses of hundreds of thousands. With our economy in this weak and troubled state, we simply should not take the NAFTA gamble. I will not gamble with something as critical as California's jobs and its economic recovery.

Make no mistake, with the NAFTA, American companies will move south and jobs will be lost. With the current political climate, no industry would willingly admit a plan to move operations to Mexico. But, columnist Richard Reeves reported last week: An anonymous American clothing producer admits that its workers in Mexico can make shirts and dresses of the same quality as American workers at about one-tenth of the pay. When the $11 million a year in United States tariffs are eliminated under the NAFTA, this producer intends to use the money to move more of its work force to Mexico; and a CEO of a Michigan manufacturer of refrigeration equipment says that manufacturing operations will be moved to Mexico under the NAFTA.

The Wall Street Journal reported a poll that shows 40 percent of senior executives of 455 major United States manufacturing companies agree that it is very likely or somewhat likely that his or her company will shift some production to Mexico if the NAFTA is ratified.

Time and again California communities have seen companies drawn to Mexico by the lure of low-wage workers. Watsonville, CA, knows this story only too well. Watsonville has for decades provided the families of this country with broccoli, cauliflower, and other vegetables. In 1983, Green Giant in California moved its vegetable processing facilities to Mexico—costing Watsonville 800 jobs. In 1989, the company decided to use Mexican-grown broccoli and cauliflower—meaning 380 more lost jobs in Watsonville. Other companies employing people in this community also moved south—throwing roughly 9,000 people out of work.

Families were strained. Unemployment benefits, food stamps, and other social services were burdened. And, local governments struggled as revenues dropped.

Preserving manufacturing jobs is critical to our national economic health and to our Democratic system. Richard Reeves said in his NAFTA column:

> The overwhelming goal of American democracy has to be the preservation of a prosperous and overwhelming American middle class. If we lose the middle class we will lose the democracy. If reasonably educated and hard-working Americans cannot provide for their families, we could end up trading free trade for freedom itself.

I will not support a trade agreement that has the potential to divide our country into two halves: The most wealthy who reap the gains from their investments in Mexico, and those displaced by the trade pact who are forced into jobs paying little more than a minimum wage. This country needs to maintain its middle class.

Supporters of NAFTA say that new export jobs will be created in the United States when American exports to Mexico increase. But, the truth is: many Mexican workers cannot even afford the TV's and refrigerators that they produce. How many cars and computers and communications devices can they afford to buy from us? I don't count on Mexican workers to be able to afford a new wave of high-technology advanced American products given their low wages. The minimum wage in Mexico is $4.21 per day.

The threat that American companies can move operations to Mexico will have the affect of driving United States wages down. As a result, many Americans will see their standard of living drop.

And, in years to come, companies seeking to create new products and processes that require retraining of existing workers may close their doors and move to where workers can be trained for less. It is obviously cheaper to train workers in Mexico for $1 per hour than to retrain American workers for $10 per hour.

We have failed to lay the foundations necessary for the kind of massive economic integration of such disparate economies.

In 1992, the United States GDP was roughly $6 trillion—compared to a $334 billion Mexican economy. Mexico's economy is 5 percent of the United States GDP.

The Mexican Government keeps wages artificially low, even as worker productivity continues to grow. And, workers are unable to fight for higher wages because unions are discouraged and outspoken workers are intimidated, harassed, and often fired.

Mexico's wages are also driven down by Mexico's child laws. Mexico allows 14- and 15-year-old children to work up to 36 hours a week, even during the school year. Instead of hiring adults who expect a living wage, many industries rely on those most vulnerable members of Mexican society—almost one-third of Mexico's work force are children.

Despite dramatic differences in our economies, no steps have been taken to ease the way. In contrast, the European Community admits new members slowly. Countries with lower wages and less developed infrastructure are integrated carefully in order to avoid massive economic dislocation. They are not admitted until they can meet certain standards and levels of economic development. The EC clearly recognizes the need to harmonize workplace standards and minimum wages during the process of integration—11 of the 12 EC members agreed to negotiate a social charter to deal with these issues.

We can assist and promote economic development in Mexico, and all of Latin America, in a manner, that does not threaten American jobs and standard of living.

I oppose NAFTA. But I support trade with Mexico and all of Latin America. I support increasing American exports and creating new export jobs. I support a Latin American initiative that focuses directly on balanced economic development. In my opion, if prior administrations had focused more on economic development in Latin America and less on providing weapons, we might be seeing economies south of our border that are now flourishing. Now let's start sending teams, of economists and experts in democracy instead, and get our neighbors to the south ready for a future NAFTA. Let's support Senator HOLLINGS idea of a common market for the Americas.

The era of mistakes in Latin American foreign policy has ended. We should not begin a new era with another mistake. NAFTA is not good for America and is not good for California.

The side agreements fail the test of simplicity and the timing is off. In booming times our economy might be able to absorb the job loss NAFTA will bring. But, America is in a period of streamlining, deficit reduction and consolidation—both in the private and public sectors. This is good for the foundations of economic growth. We are doing what we must do after years of neglect—the Clinton/Gore reinventing government proposal is part of it. And, I applaud it. But given the uncertain economic times, the timing for NAFTA is off.

Let's defeat NAFTA. Let's continue to get our economic house in order. Let's launch a Latin American initiative to build the foundations of a future trade arrangement. This approach is a sound approach for our working people, for our environment, and for our Nation.

The PRESIDING OFFICER. The time allocated to the Senator from California has expired.

Mrs. BOXER. Mr. President, I have a unanimous consent request that has been cleared on the Republican side.

The PRESIDING OFFICER. The Senator may proceed.

REMOVAL OF INJUNCTION OF SECRECY—INVESTMENT TREATY DOCUMENTS NOS. 103-11, 103-12, 103-13, AND 103-14

Mrs. BOXER. Mr. President, on behalf of the majority leader, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following four treaties transmitted to the Senate today by the President of the United States:

Investment Treaty with the Republic of Armenia, Treaty Document No. 103-11;

Investment Treaty with the Republic of Kazakhstan, Treaty Document No. 103-12;

Investment Treaty with the Republic of Kyrgyzstan, Treaty Document No. 103-13;

Investment Treaty with the Republic of Moldova, Treaty Document No. 103-14.

I further ask that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The messages of the President are as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the United States of America and the Republic of Armenia Concerning the Reciprocal Encouragement and Protection of Investment, signed at Washington on September 23, 1992. Also transmitted for the information of the Senate is the report of the Department of State with respect to this Treaty.

The Treaty will establish an agreed-upon legal basis for the protection and encouragement of investment. This Treaty thus forms an integral part of the framework for expanding trade and investment relations between the United States and the countries of the former Soviet Union. It is designed to encourage economic opportunity—for investment, trade, and growth—in both countries. It will assist Armenia in its transition to a market economy by strengthening the role of the private sector and by encouraging appropriate macroeconomic and structural policies.

The Treaty is fully consistent with U.S. policy toward international and domestic investment. A specific tenet, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive fair, equitable, and nondiscriminatory treatment. Under this Treaty, the Parties also agree to international law standards for expropriation and compensation for expropriation, free transfers of funds associated with investments, freedom of investments from performance requirements, and the investor's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible, and give its advice and consent to ratification of the Treaty at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 7, 1993.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the United States of America and the Republic of Kazakhstan Concerning the Reciprocal Encouragement and Protection of Investment, signed at Washington on May 19, 1992. Also transmitted for the information of the Senate is the report of the Department of State with respect to this Treaty.

The Treaty will establish an agreed-upon legal basis for the protection and encouragement of investment. This Treaty thus forms an integral part of the framework for expanding trade and investment relations between the United States and the countries of the former Soviet Union. It is designed to encourage economic opportunity—including investment, trade, and growth—in both countries. It will assist Kazakhstan in its transition to a market economy by strengthening the role of the private sector and by encouraging appropriate macroeconomic and structural policies.

The Treaty is fully consistent with U.S. policy toward international and domestic investment. A specific tenet, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive fair, equitable, and nondiscriminatory treatment. Under this Treaty, the Parties also agree to international law standards for expropriation and compensation for expropriation, free transfers of funds associated with investments, freedom of investments from performance requirements, and the investor's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible, and give its advice and consent to ratification of the Treaty at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 7, 1993.*

To the Senate of the United States:

With a view of receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the United States of America and the Kyrgyz Republic Concerning the Encouragement and Reciprocal Protection of Investment, signed at Washington on January 19, 1993. Also transmitted for the information of the Senate is the report of the Department of State with respect to this Treaty.

The Treaty will establish an agreed-upon legal basis for the protection and encouragement of investment. This Treaty thus forms an integral part of the framework for expanding trade and investment relations between the United States and the countries of the former Soviet Union. It is designed to encourage economic opportunity—for investment, trade, and growth—in both countries. It will assist Kyrgyzstan in its transition to a market economy by strengthening the role of the private sector and by encouraging appropriate macroeconomic and structural policies.

The Treaty is fully consistent with U.S. policy toward international and domestic investment. A specific tenet, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive fair, equitable, and nondiscriminatory treatment. Under this Treaty, the Parties also agree to international law standards for expropriation and compensation for expropriation, free transfers of funds associated with investments, freedom of investments from performance requirements, and the investor's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible, and give its advice and consent to ratification of the Treaty at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 7, 1993.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the United States of America and the Republic of Moldova Concerning the Encouragement and Reciprocal Protection of Investment, with Protocol and related exchange of letters, signed at Washington on April 21, 1993. Also transmitted for the information of the Senate is the report of the Department of State with respect to this Treaty.

The Treaty will establish an agreed-upon legal basis for the protection and encouragement of investment. This Treaty thus forms an integral part of the framework for expanding trade and investment relations between the United States and the countries of the former Soviet Union. It is designed to encourage economic opportunity—including investment, trade, and growth—in both countries. It will assist Moldova in its transition to a market economy by strengthening the role of the private sector and by encouraging appropriate macroeconomic and structural policies.

The Treaty is fully consistent with U.S. policy toward international and domestic investment. A specific tenet, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive fair, equitable, and nondiscriminatory treatment. Under this Treaty, the Parties also agree to international law standards for expropriation and compensation for expropriation, free transfers of funds associated with investments, freedom of investments from performance requirements, and the investor's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible, and give its advice and consent to ratification of the Treaty, with Protocol and related exchange of letters, at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 7, 1993.*

Mrs. BOXER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL AND COMMUNITY SERVICE TRUST ACT OF 1993—CONFERENCE REPORT

The Senate continued consideration of the conference report.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the conference report on H.R. 2010, the national service bill. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from West Virginia [Mr. ROCKEFELLER] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Texas [Mrs. HUTCHISON] and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. MURKOWSKI] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 57, nays 40, as follows:

[Rollcall Vote No. 249 Leg.]

YEAS—57

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Campbell
Chafee
Conrad
Daschle
DeConcini
Dodd
Dorgan
Durenberger
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hatfield
Heflin
Inouye
Jeffords
Johnston
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Sarbanes
Sasser
Shelby
Simon
Specter
Stevens
Wellstone
Wofford

NAYS—40

Bennett
Bond
Brown
Burns
Byrd
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Exon
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Helms
Hollings
Kassebaum
Kempthorne
Kerrey
Lott
Lugar
Mack
McCain
McConnell
Nickles
Packwood
Pressler
Roth
Simpson
Smith
Thurmond
Wallop
Warner

NOT VOTING—3

Hutchison
Murkowski
Rockefeller

So the conference report was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the Senate will continue with the consideration of S. 1298.

The pending amendment is No. 780 offered by the Senator from Wyoming, Senator WALLOP.

The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, for the information of Senators, we have now returned to consideration of the Department of Defense authorization bill.

Mr. President, I merely want to inform Senators that there are a number of amendments which will be offered to the pending Department of Defense authorization bill. If we are to complete action on this bill this week, which as I stated earlier in the week and indeed prior to the August recess, it is my intention that Senators will have to be prepared for lengthy sessions today and throughout the day tomorrow.

So I encourage those Senators who wish to complete action this week to adjust their schedules so that we can proceed during the remainder of today and tomorrow to get as much of this bill done as possible and to get as many of these controversial amendments which are to be offered disposed of as promptly as possible.

Mr. President, I want to discuss with the manager the matter of the schedule for the next amendment or amendments. I, therefore, suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WELLSTONE). Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I am advised by the managers and Senator WALLOP that they have reached agreement on the Wallop amendment and that the amendment will shortly be disposed of without the necessity for a rollcall vote.

I am further advised by Senator BYRD that he intends, as is his right, to seek recognition thereafter to offer an amendment relating to Somalia.

I have discussed the matter with Senator BYRD, Senator DOLE, Senator NUNN, and others, and, accordingly, I now ask unanimous consent that, when Senator BYRD offers his amendment regarding Somalia, no amendments be in order to that amendment, other than one to be offered by the majority leader or his designee.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, and I will not object. The reason I will not object is that the distinguished majority leader has the first right of recognition. So, while I will offer an amendment, I cannot offer an amendment to my amendment unless there has been some action on my first amendment. And if I ask for the yeas and nays, I lose the right to the floor and the majority leader has the first right of recognition. So it would be futile for me to attempt to deal with that kind of situation, so I will not object. The majority leader will get his right one way or another, so I am not going to object to the request.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Reserving the right to object, and I shall not object. I have had an opportunity to briefly be apprised of the amendment by the distinguished President pro tempore, Senator BYRD. I have publicly expressed many of the concerns he has expressed for the past several months. In fact, I praised Senator BYRD because he has called our attention to something that should be addressed.

I think it is fair to say we did have a meeting this morning at the White House with the President. I believe that somewhere between where Senator BYRD is and the President may be on the issue, there may be another opportunity, and I am prepared to work with the majority leader.

I also feel, as Senator BYRD does, that we need to define some role for Congress in this area, and that it is sort of a mission without any clearcut, clearly defined ending or role for the United States, vis-a-vis the United Nations.

So, I will not object but I am hopeful that our colleagues would give us an opportunity to try to come up with something that might be satisfactory to the majority of our colleagues.

Mr. BYRD. Mr. President, further reserving right to object—I will not object—some may ask why does not Senator BYRD go ahead and offer his amendment to the Wallop amendment? I could do that. But out of respect for the majority leader and others who may wish to have their amendments also before the Senate, that is all I am asking, that I have an opportunity to offer my amendment and speak on it. If other Senators want to amend it that is fine. If the Senate wants to vote it down, that is fine. Let the will of the Senate reign at the end of the day.

So, for that reason I will not offer my amendment to the Wallop amendment nor will I object to the leader's request.

The PRESIDING OFFICER. Is there objection?

Mr. GORTON. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Does the Senator from Washington understand there is a unanimous-consent request that on the subject of Somalia, essentially the only amendments in order will be those of the Senator from West Virginia and a leadership substitute or second-degree amendment? Is that the thrust of the unanimous consent?

Mr. MITCHELL. The unanimous-consent request does not preclude other amendments on Somalia. It precludes second-degree amendments to Senator BYRD's amendment other than one to be offered by the majority leader or his designee. At any subsequent time, once that is disposed of, any Senator can offer any amendment he or she wishes on Somalia or any other subject.

Mr. GORTON. It does seem to this Senator for all practical purposes there is going to be one debate on this subject. This Senator is very reluctant to agree to such a unanimous consent until at least the time that he knows what the two amendments, the first- and second-degree, are going to look like.

Mr. MITCHELL. Mr. President, if I might respond? As Senator BYRD has accurately stated, under the rules the majority leader has the first right of recognition. If we cannot get this unanimous-consent agreement, then we will simply have to go through the procedure which achieves precisely the result which the agreement would otherwise produce. Because if we cannot get the agreement, then as Senator BYRD has correctly stated, once he offers his amendment I will make it a point to be here with the second-degree amendment which I will then offer, which will then be in order.

So I think it will produce a result. All we are doing is saying here is the result that would occur under the rules and let us agree to that result now.

It does not—I do not believe, unless I am mistaken, that it changes the rights or privileges of the Senator from Washington or anybody else in any way. I hope the Senator would agree, but that is up to him, of course.

Mr. GORTON. I would like to inquire of the minority leader, has the Senator from Kansas played a role in the second-degree amendment which is proposed to be offered by the majority leader? Or is this going to be something that we will be cut out of?

Mr. DOLE. No, no. I indicated we have. We are playing a role. We now have language which we believe needs additional work. And we have been in contact with the Senator's staff. It is hopeful there will be some way we can work it out on a bipartisan basis, as I have indicated, somewhere between where Senator BYRD may want to be and where the President may want to be.

So the answer is yes. We are actively doing it as we speak.

Mr. GORTON. And the second-degree amendment will not be adopted—will not be offered, at least until that consultation has been completed?

Mr. DOLE. That is correct.

Mr. GORTON. Under those circumstances this Senator will not have an objection.

The PRESIDING OFFICER. Is there any further objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I thank my colleagues.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. WALLOP. Mr. President, I withdraw amendment 780, that was debated this morning.

The PRESIDING OFFICER. The Senator has the right to withdraw his amendment.

The amendment (No. 780) was withdrawn.

AMENDMENT NO. 781

Mr. WALLOP. Mr. President, I send an amendment on behalf of Senator WARNER and myself on the same subject to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. WALLOP], for himself and Mr. WARNER, proposes an amendment numbered 781.

Mr. WALLOP. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 55 of the bill, strike out lines 13–24 and insert in lieu thereof the following:

"(5) That the United States and its allies face existing and expanding threats from ballistic missiles capable of being utilized as theater weapon systems that are presently possessed by, being developed by, or being acquired by a number of countries such as Iraq, Iran, North Korea, and others.

"(6) That some theater ballistic missiles presently deployed or being developed (such as the Chinese-made CSS-2) have capabilities equal to or greater than missiles which had been determined to be strategic missiles 20 years earlier under the U.S.-U.S.S.R. SALT I Interim Agreement of 1972.

"(7) That the ABM Treaty was not intended to, and does not, apply to or limit research, development, testing, or deployment of missile defense systems, system upgrades, or system components that are designed to counter modern theater ballistic missiles regardless of their capabilities, unless such systems, system upgrades, or system components are tested against or have demonstrated capabilities to counter modern strategic ballistic missiles.

"(8) That it is a national security priority of the United States to develop and deploy highly effective theater missile defense systems capable of countering the existing and expanding threats posed by modern theater ballistic missiles, as soon as technically possible.

"(9) That it is essential that the Secretary of Defense immediately undertake and complete compliance reviews of proposed theater missile defense systems, system upgrades, and system components so as to not delay the development and deployment of such highly effective theater missile defense systems.

"(10) That the Secretary of Defense should immediately report to the Congress on any issue which arises during the course of such compliance reviews which appears to indicate that any provision of the ABM Treaty may limit research, development, testing, or deployment by the United States of highly effective theater missile defense systems capable of countering modern theater ballistic missiles.".

Mr. WALLOP. Mr. President, the majority and minority staff and my staff and others have worked out an amendment which does not perform the same substantive task that the amendment offered this morning would have. Instead, it goes to the findings of the statute.

Senator NUNN, Senator WARNER, Senator THURMOND and others have examined the language. I understand they have examined it with administration officials as well. It is my understanding they find it acceptable.

Mr. NUNN. I thank the Senator from Wyoming. I agree with his assessment. This is, I think, an amendment that is consistent with the goals that the Senators from Wyoming and Virginia articulated, but it does change in the sense that it is expressed in a way that I believe leaves room for the administration to make that kind of assessment that is going to be needed for compliance review in terms of the ABM Treaty and its interpretation, and the effect of the ABM Treaty on the efforts to deploy—develop and deploy and test a theater system. But at the same time this amendment does make it clear the U.S. Senate believes that the ABM Treaty was not ever intended to, or designed to preclude the testing and development of a theater missile system; that it was aimed toward strategic missiles.

The difficulty in this area is distinguishing between the words "strategic" and "theater" and the meaning as modern technology leaps ahead, far beyond the original definitions that could have been envisioned by the ABM Treaty.

So this is what the administration has to address. It is compliance review. After that review is completed—and I anticipate it will be completed because of very strong incentives from this debate as well as provisions in the bill. I think it will be completed within the next 6 to 8 months. When that is done it seems to me then the question will be what do we do about it in case there are ambiguities. But this does make it clear the U.S. Senate intends to move forward vigorously with a theater missile defense system and at the same time do it in a way consistent with the overall considerations and obligations of our treaties.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. WALLOP. I particularly want to thank the able chairman of the committee. One of the problems that diplomats and politicians always have is that when they debate a subject they debate it from the standpoint as though they had reached the zenith of human knowledge and no change was ever likely to occur after that moment. As we have seen, technology has outrun the words of 20 years ago in the ABM Treaty and Senators recognize it. We have recognized it. We have tried not to bind the hands of the administration. I think we have succeeded in sending a message as to how we feel without doing just that. I thank him very much.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. I commend the distinguished chairman and my colleague from Wyoming who has taken leadership in this area for many, many years. I think one of the valuable parts of this very thorough debate we had this morning is to lay down some clear guideposts, as the President and other members of the administration begin to work their way through this policy.

I think there is a clear signal being sent by the Senate today, hopefully joined in by the House, as this amendment will hopefully be accepted in conference, that should the administration deviate from the goals as we have enunciated here in this debate and in the language of this amendment, it is most likely that the Congress, and most particularly the Senate, will address it and perhaps even reverse what the administration may come out with, in the event it is in opposition to this amendment.

I thank the Chair and thank the Members.

The PRESIDING OFFICER. Is there further debate?

Mr. NUNN. Mr. President, I urge the adoption of the amendment.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 781) was agreed to.

Mr. WALLOP. Mr. President, I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The President pro tempore is recognized.

Mr. BYRD. Mr. President, I have an amendment which I shall read. May I say, before I read this amendment, I of course, understand that there may be others here who would have amendments on the same subject, and it might be that the Senate will determine that one of their amendments is preferable to the amendment that I shall offer. I fully understand that I have no monopoly on that wonderful word, "wisdom."

But I do intend for the Senate to be heard on this matter. I intend for the Senate to be heard. I intend for the Senate to vote on something. The Senate may not prefer my amendment and, indeed, I may see another amendment offered by another Senator that I would prefer to my own. But I do not intend for the Senate just to roll over and play dead to this administration or to any other administration.

I feel that the Senate has an obligation to take some action one way or another on this very important subject because it involves money and it involves blood. It could involve more blood than has already been spilled in Somalia. I think both the House and the Senate have a responsibility to debate this matter and to act. I think the administration has a responsibility to get the Congress, if it can do so, to give its consent to the administration's actions in Somalia.

So it will not hurt my feelings if somebody else's amendment is adopted. But I want to start the ball rolling and let us see where it finally ends up.

I think what I have here is a very reasonable amendment. I will read the——

Mr. PRYOR. Mr. President, may we have order?

The PRESIDING OFFICER. Will the Senator yield?

Mr. BYRD. Yes. I thank the Chair.

The PRESIDING OFFICER. There will be order in the Chamber. The Senator may proceed.

Mr. BYRD. I thank the Chair.

The language that would be effective is as follows:

> Effective 30 days after the date of the enactment of this act, funds available to the Department of Defense may not be obligated for support of operations of the Armed Forces in Somalia except to the extent authorized in a law enacted after the date of enactment of this act.
>
> (b) Not later than 30 days after the date of the enactment of this act, the Secretary of State shall conduct a thorough review of the purposes of United Nations policy and actions in Somalia and submit to Congress a detailed assessment of the purposes of such policy and actions.
>
> The President is requested and urged to direct the U.S. Representative to the United Nations and representative in the Security Council to veto any proposed authorization by the United Nations Security Council of continued operations of United Nations forces in Somalia after October 31, 1993, and any proposed authorization by the U.N. Security Council of funding for continued operations of U.N. forces in Somalia after that date, except to the extent authorized in a law enacted after the date of the enactment of this act.

So what I am hoping to do here is create a situation in which I am not yanking the rug out from beneath the administration or the United Nations, but I am saying that if there is not a subsequent law passed authorizing this, then something will happen which is set forth in the amendment. I think that is a reasonable approach that Congress might want to pass a law authorizing in both instances, making such authorization. At least we would debate that and vote on it. Those who want to vote for it could. I may want to vote against it in that event.

But I am only asking that the Senate and the House take some action here and that the administration recognize the fact that the Congress has a role under the Constitution in this matter and the Congress is not going to be ignored.

Mr. President, I will not send the amendment to the desk just yet, but I will when I finish my statement.

Let me before I speak on the amendment exactly read a letter into the RECORD dated July 15 addressed to the President by myself. Now reading:

> As you develop your new policy on peacekeeping operations under the United Nations, there are several issues that have become increasingly important from the perspective of the Senate.

This is almost 2 months ago, dated July 15.

> First, from a funding standpoint, after discussion with your ambassador to the United Nations, Ms. Madeleine Albright, I attempted to secure some $293 million in FY 1993 Appropriations funds for UN Peacekeeping Operations in the context of the recently passed Supplemental Appropriations bill, H.R. 2118. Although the funds were to pay for U.S. past due assessments for UN peacekeeping operations which have been generally supported in the Congress, there was little or no support from my colleagues in either chamber for this effort. Despite the high priority your administration has placed upon paying the United States' share of peacekeeping bills, I feel it is doubtful that a political consensus exists to pay the escalating costs of the large UN operations underway. The soaring costs of the U.S. share of UN peacekeeping—escalating from a total of $140.5 million at the end of 1991 to $464 million last year, to some $753 million appropriated or requested this year—will be increasingly difficult to support.
>
> While our difficult budget situation may be partly to blame for Congressional reticence to support the costs of current UN peacekeeping operations, there is also a question as to the authority under which the UN is operating in committing U.S. forces to peacekeeping operations. Of particular concern would be future commitments of U.S. forces to U.N. peace enforcement operations where the consent of the disputing parties has not been secured. Such deployment begs all of the well known questions regarding Congressional approval for introducing U.S. forces into situations of actual or imminent hostilities.
>
> In each specific situation, I believe it would be wise to secure the consent of the Congress through formal authorizations of approval. In this way, the costs and possible casualties involved in such operations would have been thoroughly considered prior to the commitment of U.S. forces. While the U.N. has provided and will certainly continue to provide many invaluable services for the world community, when deploying peacekeeping forces under Chapter VI of the Charter, both (1) the escalating costs of such operations and (2) the additional risks which would be assumed in deploying peace enforcement forces under Chapter VII argue for the development of a clear consensus between the Administration and the Congress on the circumstances under which U.S. forces would be committed. This consensus-building exercise is all the more important in light of the testimony of a high-ranking official of your Administration yesterday that "we anticipate that in the future, many UN operations will involve elements of peace enforcement. . . . In many cases, as Somalia all too clearly indicates, the world community will not be prepared to wait for the consent of the parties before acting." Prior Congressional approval would seem necessary and prudent before the U.S. participates in or financially supports such operations.
>
> I hope that these thoughts will be of some help as you continue to develop a national policy on this very important matter.
>
> With kind regards, I am
>
> Sincerely,
>
> ROBERT C. BYRD,
> *Chairman.*

So I expressed this viewpoint, as I say, almost 2 months ago to the President.

Mr. President, the amendment that I intend to offer would establish an endgame to both United Nations and United States operations in Somalia within the next 2 months, unless the President and the Congress reassess and freshly authorize a new chapter of activity there.

The United Nations mandate to disarm the warlords and rebuild a civil society in Somalia, approved by the U.N. Security Council, was never addressed, never debated, or never approved by this body, even though it sought to establish a new era for U.N. peacekeeping forces. The United States operation initiated by President Bush last fall had as its objective the humanitarian relief of starving Somalis, the plight of whom had touched the world. This body endorsed that mission in Senate Joint Resolution 45, in February 1993, in which we authorized the use of "all necessary means to establish as soon as possible a secure environment for humanitarian relief operations in Somalia." That was a limited grant of authority for a strictly humanitarian purpose. That was not a grant of authority for nation-building or forced political reconciliation. That humanitarian mission which we voted to support, was successfully completed last spring, and today there is no starvation in Somalia.

Since May, for the first time, U.N. peacekeeping forces have been operating under chapter 7 of the U.N. Charter, that is, in an environment where conflicting parties had not given their agreement and cooperation. In these situations, a peace is forced on unwilling parties, not enforced among willing parties. More importantly for the United States, for the first time, U.S. forces were to operate under foreign commanders, flying the U.N. flag, in a hostile environment—again, without congressional debate or agreement.

The result today has been less than satisfactory, to understate the situation. The U.N. command has proven incapable of stopping the violence stimulated by Somali gang leaders and mobsters. There are serious divisions among the national groups operating under the U.N. flag. Just last weekend, Nigerian forces, seven so-called peacekeepers, were gunned down while Italian forces under the same U.N. command did little or nothing either to help them or to convince local Somalis to stop the violence. The U.N. command has apparently, according to press reports, been incapable of maintaining security even in its own headquarters. The reported infiltration of the U.N. command by sympathizers of warlord Aideed is crippling the ability of the United Nations to mount any action with surprise or thoroughness. The Nigerian casualties are just the latest in a series of random, frequent attacks aimed at peacekeeping forces that have so far cost the lives of some 21 Pakistanis, as well as foreign journalists and four United States servicemen. Many others are being wounded. Clearly, the humanitarian mission in Somalia has now been totally eclipsed by a gang war in which the United States is taking sides under the U.N. umbrella.

Given the United Nation's ineptitude, we now have over 2,000 Americans operating in a so-called Quick Reaction Force under separate U.S. command, including a newly inserted contingent of some 400 Rangers to help keep the peace.

Mr. President, it is becoming increasingly unclear as to what useful purpose is being served by the presence and operations of these forces in Somalia. I remind my colleagues that over 5,000 Americans serve there, 3,000 of them under U.N. command, not American command. I think the time has come for a hard-nosed reassessment of the mission and utility of this operation. Some say that the United Nations needs to stay in Somalia because, as the U.N. commander is reported in today's Washington Post to have stated, "we would be abandoning them back to anarchy, civil war and eventually starvation." No one can prevent such backsliding. If this is the formula, we might as well attempt to recolonize the Third World, establishing quasi-permanent U.N. occupying sovereignties. At some point, we have to call a mission over, done, and completed.

The cost to the United States of this mission is at least $44 million a month—that is about a half-billion dollars a year, and if things get worse, then the costs will escalate acccordingly—with about one-third of that a direct outflow from Pentagon accounts for the 2,000 Americans operating independently under U.S. command.

In May of this last year, the fundamental purpose of the foreign military forces operating in Somalia was transformed. The United States transferred authority to the United Nations, but the United Nations had something other than simply continuing humanitarian relief in mind. In May, the mission became an experiment in political and economic nation-building, in a country whose political and economic institutions had failed.

The Congress never considered, was never asked, and certainly has never approved of United States participation in what is an attempt at forcible political reconciliation by the United Nations in Somalia.

I, for one, find it difficult to believe it is possible to muster a consensus here, or in the country at large, that such an effort is worth any price in American blood. Without the building of such a consensus, the mandate for American action and participation is murky, at best. U.N. Security Council resolutions have never, and should never serve as a substitute for the responsibility of this institution to affirmatively approve placing U.S. forces into hostile situations.

I see in the front of this Chamber the U.S. flag. I do not see in the front of this Chamber the U.N. flag. I have never saluted the U.N. flag. I saluted Old Glory, the American flag.

This Congress has never bought into the kind of operation that we are now involved in in Somalia.

The U.N. sandcastle is crumbling fast in Mogadishu. We have been focusing our efforts on chasing down one of the worst of the gang leaders, Mohammed Farad Aideed, in the hope that if he is removed from the scene, then peace will come to Mogadishu. That is a fond hope, Mr. President, but, I fear, an unrealistic one. Can we really think that removing just one man will transform the political landscape, and at that point we can think of drawing down the operation? Will not others, Aideed's present lieutenants or other clan leaders, step into his place? Where is the end? How long are we to chase around the Somali capital with helicopter raids, seeking an elusive magic-bullet solution to Somalia's political turmoil?

The building of a consensus around the Somalia operation is necessary for two reasons. First, this U.N. force is unique, and may be a precursor of many such operations by the United Nations in the new, post-cold war, international order. If the United States is going to agree to participate under the U.N. flag in such operations as a matter of practice, some kind of procedure should be agreed upon to seek and gain the approval of the Congress when U.S. servicemen and servicewoman are put at risk, if Congress is going to have to pay the bill. The Appropriations Committee in the Senate and the Appropriations Committee in the House, in both bodies, are going to have to pay the bill. Fortunately, we have not yet shifted the power of the purse from legislative branch to the executive branch. I have been fighting against that for a long time. That power still resides here in the Congress. The elected representatives of the American people have the control over the purse strings.

And the costs are mounting already.

Second, if such a consensus cannot be achieved, our experience in Lebanon and elsewhere should tell us that U.S. support and participation cannot be sustained. With signs of trouble or casualties, the American people will reject the operations and force a fast withdrawal. This kind of inconsistent behavior reduces the credibility of the United States around the world. We should enter into such operations with our eyes open, knowing that we are going to have to open our wallet, knowing that there are going to be increasing costs from the standpoint of treasure and knowing also that there will be costs in blood, and only after careful debate and thoughtful consideration of the possible consequences of the action. Then, when trouble comes, we stand a better chance of maintaining our course. This has not been the case in regard to Somalia ever since the purpose of the operation was changed by the United Nations last May.

As I have already indicated, I wrote the President on July 15, 1993, explaining what I perceived to be fast-eroding support for the high peacekeeping bills that the United Nations was presenting to our government, and to express my position on the matter of congressional consent through a formal authorization of approval.

That is what I am asking for here. Let the representatives of the American people, the elected representatives in both Houses, in this equal branch, the legislative branch, take a position either to authorize or not to authorize because, if both Houses do not take the position on this, both Houses are going to have to take the position when it comes to appropriating the moneys. We do not have the House acting one way and the Senate acting another when it comes to appropriations. Both Houses have to act.

Mr. President, the esteemed U.S. Ambassador to the United Nations, Ms. Madeleine Albright, who recently completed a term as president of the Security Council, has been an energetic and articulate spokesman for the United States in New York. She has begun instituting very needed reforms in the Security Council. Just last week, for instance, in the case of a resolution regarding Haiti, she forced through a requirement that such peacekeeping operations be costed out beforehand, in advance of Security Council action. Second, she insisted that a 3-month sunset provision be included in the resolution, so we all know when it should be over.

That is a commonsense approach. That is a responsible approach.

She is reported by the New York Times of September 1, 1993, to be demanding that all new peacekeeping operations "define their objectives with greater precision." I commend the distinguished Ambassador for these reforms. They are a step in the right direction. They set parameters that are understandable and frugal. In contrast, the recently defined United States goals for our operations in Somalia are fuzzy and offer no clear timetable for the withdrawal of our troops.

Mr. President, the current mandate for U.N. peacekeeping operations in Somalia expires at the end of October. I would advise, and this amendment provides for, a reassessment of the operation by the administration. First, this amendment provides that the President reassess the role of the independent contingent of United States forces in Somalia. Specifically, 30 days after enactment, or around the end of October, given the history of our conference committees, funds to support United States operations in Somalia will no longer be available—this can be done—unless the President seeks a new debate and a vote by this Congress to approve such an extension; that is all I am asking. Congress may want to do that. Second, the amendment requires the Secretary of State to conduct a thorough reassessment of the UN operation in Somalia and, within 30 days, provide a report to the Congress on the purposes of that policy and action. The President is requested and urged to direct our U.N. Ambassador to veto, in the Security Council, any reauthorization of the U.N. operation or funding for the Somalia action unless—and Congress may want to do this—the Congress has first approved a request from the President to do so, or at least unless the Congress has authorized such action, whether requested or not.

We are all concerned about the image of the United States and the need to share the burden of keeping the peace around the world when it affects important interests of the United States. What are our interests in Somalia that would require the kind of involvement and participation that we are giving there now? I am all for burden-sharing. The United States has gone it alone all too often, incurring too high a cost to the American people. But, I am not for kicking in billions of dollars and putting our forces into harm's way for poorly conceived U.N. missions. Given the performance of the United Nations in Somalia to date, and, I might add, in Bosnia as well, we have a right, and an obligation, to closely question any and all American commitments to those operations.

The President has not yet publicly and forcefully expressed his views regarding this matter. I would hope that this amendment be viewed as an opportunity to stimulate a thorough debate and an informed decision on where we are going in Somalia, and that a clear consensus can be arrived at between the Congress and the administration on this matter.

Mr. President, as I said at the beginning, I do not take the position that it has to be my way or that it has to be my amendment. I take the position that this Congress, which includes both Houses, has a duty to speak out on this one way or the other, and the administration has a duty to seek the approval and the authorization of the Congress before we invest more of the Nation's treasure and more of the Nation's blood in Somalia, where I think we have accomplished the mission which was originally stated to be our cause.

I think the American people expect us to debate this matter. If we do not and there are further killings of United States men and women in Somalia, then what do we have to say to the American people when they call us to account? Do we just lie down and play dead just because it is an administration of our own party? Why did the Congress not speak up? I am afraid that we will pay more in the blood of American men and women in Somalia. How are we going to answer to the American people if that day comes?

So I am seeking, by this amendment, to get a debate going on and to get Senators and Members of the House thinking and to get the American people also alerted. I do not propose just to go along and say nothing. I think it is our responsibility under the Constitution to debate matters of this kind. And I think the administration has a responsibility to try to work out something with the Congress and to get a consensus. When the bodies start coming back home, people are going to be asking a lot of questions. We will be turning tail and pulling our people out fast, if Lebanon was any guiding light.

Mr. President, we cannot continue to send people all around the world with the kind of financial situation we find ourselves in. We passed a reconciliation bill a few days ago which we were told—and I voted for it—would reduce our budget deficits by about $500 billion over the next few years. Does anyone think that these operations in Somalia are not costing us anything? Does anyone think that we can spend money there without it being added to our budget deficits? We had better stop and think where we are going. Let us get a decision on whether or not the Congress really, really thinks that we are justified in continuing our presence there under the circumstances.

Mr. President, I do not intend to hold the floor longer. I simply hope and expect the Senate to act one way or the other. I am sorry that the administration is going to attempt to water down this approach. I have not seen the administration's amendment or what it plans to offer through a Senator. It is any Senator's right to offer his own amendment or the administration's amendment. But at least the Senate will have an opportunity to make a choice, hopefully. I hope I can get this amendment voted on, even if other amendments are voted on and even if other amendments are preferred to this one. As I say, I may see another amendment I like better than my own, but at least I do not like the way we are going now.

The administration cannot feel that it has a blank check to do anything it wants anywhere in the world, Somalia or elsewhere. I have to work over these appropriations year after year after year, and the Federal resources are getting smaller and smaller and smaller, and the needs are getting larger and larger and larger, and we do not have enough money to deal with the needs of our own people. Why should we be trying to settle problems between warlords in Somalia? Let us bring those troops home and put them to work here in the District of Columbia if they want to create peace and if they want to eliminate guns. There is plenty of work right here in the District of Columbia, our own Nation's Capital.

Bring them home. Let them work here on our own streets in behalf of peace and in behalf of subduing drug warlords and gangs. We do not need to go thousands of miles away to do that. We can do it here at home.

Mr. President, I ask unanimous consent that an op-ed piece which appeared in the New York Times, titled "Perils of Peacekeeping," by myself, be printed in the RECORD.

There being no objection, the op-ed piece was ordered to be printed in the RECORD, as follows:

THE PERILS OF PEACEKEEPING

(By Robert C. Byrd)

WASHINGTON.—The news that the Clinton Administration is considering an expanded role in United Nations peacekeeping operations is cause for concern. The plan would allow American soldiers to serve under foreign commanders on a regular basis. Before adopting any directive embracing this policy, the Administration should allow Congress to debate it thoroughly.

If the plan is carried out, we would face more than the dubious prospect of sending U.S. troops into battle under foreign command. We might also become militarily involved in operations that the American people don't properly understand or support.

Unless there is a national consensus in favor of U.S. involvement, any such military endeavors could be disastrous.

U.N. intervention in Somalia is a case in point. The operation was initially commendable. Its goal was to see that humanitarian aid was delivered to needy Somalis, and U.S. troops performed admirably. But now, with the humanitarian mission successfully completed, the U.N. is trying to rebuild the nation's political structure. This risky experiment could include thousands of U.S. troops.

The deaths of four Americans soldiers in Mogadishu this month and the overt hostility of Somalis toward U.N. troops show that the operation is quickly crumbling. It is not worth American lives lost and injuries sustained.

Congress has never approved, or even considered, U.S. participation in forcing a political reconciliation in Somalia. And there is certainly not a consensus among Americans that such an effort is worth any price in our soldiers' blood. Without a consensus, the likely result of such an operation could be a cut-and-run failure similar to the Beirut disaster of 1982 to 1984.

Lacking Congressional and popular support, U.S. combat forces in Somalia should be removed as soon as possible.

Dedication to U.N. Security Council resolutions and peacekeeping missions should not be used by any Administration to escape the hard job of consensus-building in Washington. Despite a Security Council resolution authorizing member nations to do battle against the marauding Iraqi Army in Kuwait in 1990, the Bush Administration sensibly sought Congressional approval before committing American forces.

The humanitarian mission in Somalia has now been totally eclipsed by a gang war in which the U.S. is taking sides under the U.N. umbrella. In October, the U.N.'s initial six-month mandate there expires. If the mission is extended, additional money will be required.

The U.S. is expected to pay about 30 percent of the U.N.'s peacekeeping bill. The U.N. intervention in Somalia and Bosnia is far more expensive than more traditional peacekeeping and humanitarian relief operations. Congress is already being asked to provide billions of dollars to support the mushrooming ambitions of the U.N. in peacekeeping operations around the world.

On Capitol Hill there is a growing reluctance to write such large checks. Congress has even been reluctant to pay our currently overdue peacekeeping bill. This shows that the Administration will have a tough sell in gaining support for more money. Where will these funds come from? We certainly should not cut spending on domestic needs to pay for foreign adventures.

Yet the White House has requested almost $1 billion for U.N. obligations in fiscal 1994. By setting aside this huge sum, the Administration could avoid having to come to Congress to get approval for every peacekeeping endeavor it wants to get involved in.

Congress' ability to support or deny financing is critical to insuring its voice in policy making. Until a clear consensus is reached regarding the U.S. role in all peacekeeping matters, Congress should not hand off its constitutional responsibility.

Mr. BYRD. Mr. President, I thank the Chair and I thank other Senators for their patience.

AMENDMENT NO. 782

(Purpose: To limit further military operations in Somalia)

Mr. BYRD. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 782.

On page 242, strike out line 19 and insert in lieu thereof the following:

crew of that historic warship.

SEC. 1067. INVOLVEMENT OF ARMED FORCES IN SOMALIA.

(a) LIMITATION.—Effective 30 days after the date of the enactment of this Act, funds available to the Department of Defense may not be obligated for support of operations of the Armed Forces in Somalia except to the extent authorized in a law enacted after the date of the enactment of this Act.

(b) UNITED NATIONS ACTIONS IN SOMALIA.—(1) Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall conduct a thorough review of the purposes of United Nations policy and actions in Somalia and submit to Congress a detailed assessment of the purposes of such policy and actions.

(2) The President is requested and urged to direct the United States Representative to the United Nations and Representative in the Security Council to veto—

(A) any proposed authorization by the United Nations Security Council of continued operations of United Nations forces in Somalia after October 31, 1993, and

(B) any proposed authorization by the United Nations Security Council of funding for continued operations of United Nations forces in Somalia after that date,

except to the extent authorized in a law enacted after the date of the enactment of this Act.

The PRESIDING OFFICER. The Chair recognizes the Senator from Georgia, the committee chairman.

Mr. NUNN. Mr. President, first let me state to the Senator from West Virginia it would have been my preference that this amendment came up on another bill because anyone managing the bill would like to accelerate the procedure, and we do have a lot of amendments. I would have preferred it come up on a foreign relations bill.

But I have to add very quickly that I think the time is long overdue when we had a debate on this subject. I think the Senator is absolutely correct on that point.

When President Bush committed our forces to Somalia last year, the Congress of the United States, as I recall, was not in session. When we got back in session, the Senate passed a resolution of general approval of the humanitarian mission. The House did nothing. Several months later, the House passed a different resolution. That has been at the desk for several weeks if not months.

So what we have is a Congress of the United States that has over the years felt one of its most responsible and important mandates under the Constitution of the United States was to decide questions of war and peace, and not simply be consulted with but also have a voice in it.

So what we have is a commitment in a country, which is a United Nations commitment, led by the United States. We have a lot of countries there now that came in because we took the lead, and yet the mission that President Bush defined as purely humanitarian has now been growing and growing and growing. I am not sure what that mission is now.

If that mission is now defined as stabilizing Somalia, then I have to ask the question, what is the reference point? When was Somalia last stable?

Somalia was not stable when I came to the U.S. Senate. It was not stable in the 1970's when my late departed Republican friend from Oklahoma, Senator Bartlett, flew over to Somalia. I will never forget that because I think he flew 48 hours over and 48 hours back and stayed on the ground for 6 or 8 hours because there were allegations and charges that the Soviets were setting up a military base in Somalia and the Somalia Government was, as I recall, denying that. And I remember him making that exhausting trip over there and back and when he got back he was greeted by headlines in the local paper that he had just been on another junket. I think he had flown 96 hours and was on the ground 8 hours, and it was a back-breaking trip.

I recall a lot of the history of Somalia which goes way back to the Soviets playing games between Somalia and Ethiopia, and there were all sorts of bases in that country. As tragic as it is, it has been unstable for a long, long time.

If we are going to define the mission of the United States forces in Somalia as one of stabilizing that country, then what point in history do we go back to to determine what a stable Somalia would be like? I do not know the answer to that. Does anyone? Does the administration? I do not know. I have not heard it.

We have had hearing after hearing in our committee on Somalia. We have always gotten rather detailed military briefings of Somalia. But the mission until very recently has always been defined, by our Government at least, in a very narrow sense, humanitarian and a secure environment for the humanitarian purposes. I believe that is what the original U.N. resolution was. Defining a secure environment is not easy, but a secure environment for the humanitarian purposes, which was the original mission, it seems to me is a very narrow scope, narrower than a mission that will say we are going to leave that country only when it is stable.

There are still large elements in northern Somalia that do not want to be part of that country.

I think it is time for the United States to decide what we believe the mission should be. We cannot get in a situation where we basically define a narrow mission, we become part of a United Nations force, we commit our forces, and we basically become the mainstay militarily, and then all of a sudden the mission is greatly expanded. We are then dancing to the United Nations' tune as to what the mission would be.

Where I agree with the Senator from West Virginia is that that mission needs defining. We need to be more than consulted. The Congress of the United States needs to have a voice in this. The administration needs to understand very clearly that the Congress of the United States is going to have a voice in this.

The problem with the administrations that I have observed since I have been here is they always are willing to embark on a mission. As long as things are going pretty smoothly, Congress is not that important. But they never realize that when things start going badly, then the American people demand of Congress that we exercise our responsibilities.

I would have to say in this case, I do not think Congress has exercised that responsibility. The Congress of the United States cannot simply say to the administration, "What are you doing?" We also have to ask ourselves why we have not spoken on this subject in the last 6 or 8 months.

Why is it the Congress of the United States permits American forces to be committed, special forces to be sent, without never having passed anything authorizing it by both bodies, by both the House and the Senate?

So I think the fingers have to be pointed in a circular fashion here, not simply downtown.

I do believe, however, that the President has to lead. In this respect, I think he has to clearly define the mission. I think the mission has to be much more narrowly defined than whatever we have recently heard from the administration in terms of definition.

I think we have to know what we expect of our military forces and how we expect them to perform and what other countries are going to do, and we have to have some clear definition.

The problem in Lebanon is very clear. The problem in Lebanon is we never had a mission. There was never a defined mission in Lebanon. At one point, the Reagan administration defined Lebanon as being in our vital interest. "Vital" means a willingness, something is so important that we should be willing to commit our forces, and basically be willing to have our American forces subject to great harm if it is really vital.

We had the tragic bombing of the marines in Lebanon and, after having defined that as in our vital interest, about 2 weeks or 3 weeks later we had pulled out. So what had been defined as vital all of a sudden was no longer important at all.

We are setting ourselves up for this kind of situation in Somalia. Some people have compared Somalia to Vietnam. I do not see that analogy at all. I do not think that we face that kind of military danger. I do not think it is that kind of threat.

But I do believe we are putting our forces in harm's way without clearly knowing what we expect them to do. I think that mission has to be defined.

I would like to have a dialog with the Senator from West Virginia as we move along in this debate and perhaps hear from others. I have always been reluctant to set a definite time limit on a military mission. The reason I have been reluctant to do that is because when we set a time limit in effect what we say is, even if we have not completed that mission we are going to pull out.

That is a very difficult situation to put the military in. The reason that is so difficult is that it sends a signal to a would-be adversary, troublemakers, whether they are leaders of a tribe or whether they are leaders of a government, that in effect come a certain date we are out of there no matter what.

And that is the problem with the War Powers Act. That is why I think it is so shortsighted for the Congress of the United States to stick to a War Powers Act that has never worked and is never going to work. But that is the subject of another debate.

I would like to see us try to pin the administration down and, in effect, pin ourselves down at a later point, after the administration has responded, as to what we really believe the mission is. Once we have done that, then I think that we ought to say to our military forces, "Here's your mission. We are going to be behind you until that mission is accomplished."

Now if that mission is going to be narrowed, then that is the way we ought to proceed. I would not like us to send a signal out of here to our military forces that we are going to give you a date to leave Somalia and never tell you what the mission was that you were supposed to perform.

Nothing could be more frustrating to the military than to be put in a country and then pulled out without ever having been told precisely by their Government whether the mission has been performed or whether the mission is one that is never going to be achieved.

So I think our goal, as I see it, is to utilize this debate to frame some kind of amendment—and I think the Senator has a good start on an amendment, but I would hope we could refine it some—that we can clearly say what the mission is at the end of so many days or so many weeks, after the administration has submitted to us a precise definition, and then say to our military forces, "We are behind you until the mission is accomplished." But we have to first agree on that mission.

Mr. BYRD. Will the Senator yield, without losing his right to the floor?

Mr. NUNN. I am glad to yield.

Mr. BYRD. I agree with the distinguished chairman of the Armed Services Committee. We never want to put ourselves in the situation, in my judgment, where we say you get out in 10 days or 30 days.

This is one of the problems with the War Powers Act. And we have discussed that, the chairman and I have and others, many times.

My amendment does not, however, say that. My amendment does not draw a line in the sand and say you have to be out by then. My amendment draws a line in the sand that says you have to be out by that time unless there has been a law passed authorizing this action, this mission, authorizing a continuation of it.

So what does that do? That makes the President and the Congress face up to the matter if the troops are going to remain there, because it has to have the Congress to authorize and would require the Congress to authorize an extension of that action. So the Congress would have to face up to it and the President would have to face up to it.

So my amendment, I think, would not do what the distinguished Senator from Georgia expresses concern about; namely, drawing a line, saying you have to get out. It does not do that. It does not say you have to be out in 30 days, period. It says you have to be out unless Congress passes a law—the only way a law can be passed, Congress has it pass it—unless there is a law authorizing extension of the time.

So it seems to me that requires action by both the President and the Congress and that, in itself, will bring forth a debate.

I thank the Senator.

Mr. NUNN. I thank the Senator.

Mr. President, I know we are going to have a good bit of debate on this amendment, which I think is appropriate. It had been my original intent to get to the SDI matter tonight. To me, that can wait until tomorrow. We will debate this as long as required tonight.

I hope out of this we can come to some consensus. I think there are a number of people in this body—I do not know whether it is 50 or 25 or 75 percent, I am not sure—but there are a number of people that are concerned about this. There are a number of people who have been asking questions.

I hope out of this debate we can shape some kind of majority consensus. Whether it is exactly the amendment of the Senator from West Virginia or whether it is some other amendment that would accomplish that goal remains to be seen.

But this is one of those moments where I think the U.S. Senate has a responsibility. And I hope our colleagues will not only pay heed to what is being said here on the floor but will participate themselves. I hope that we can deal with this complex situation that started out as a humanitarian mission and, in many respects, succeeded—I think there have been thousands and thousands of lives that have been saved because of our intervention.

No one wants to leave that country in shambles. No one wants to set up a situation where they go right back into the same kind of despair they had before.

But neither do we, I believe, neither do we want to set up a situation where the United States has committed its military to a mission that is very broad and basically has no end point and really no definition.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. McCAIN. Thank you, Mr. President.

I want to thank the Senator from West Virginia for bringing this issue before the Senate and the American people. The Senator from West Virginia and the distinguished chairman of the Armed Services Committee have, in very articulate and compelling fashion, described what is not only a subject of concern to the Members of this body but to all Americans.

This issue is also part of a larger debate, Mr. President, and that larger debate has to do with what the United States' mission in the post-cold war era exactly is.

We find ourselves in a situation where the lives of young Americans are being committed to many countries, in all kinds of circumstances. They are even being placed under the command of leaders that are not Americans.

We need to consider the overall conditions under which American forces should be committed to such missions. At a minimum, it is important that we at least address the issue of Somalia so that the Senate of the United States carries out its constitutional responsibilities, and helps the administration define what our mission in Somalia is and under what circumstances the Congress will continue that involvement or terminate it.

Since May of this year, when operations in Somalia were turned over to the United Nations, Americans have become increasingly concerned that our service men and women in Somalia have become engaged in open-ended conflict. I have spoken about this risk on the floor of the Senate, as have many Members of this body, including the Senator from West Virginia and Senator DOLE.

Since June 5, 1993, United States forces have also become involved in a conflict with Farah Aideed, the leader of one Somali faction. Despite rising American casualties and efforts by the administration to clarify the goals of our troops, their mission is becoming increasingly vague.

Some in the administration have very lofty goals for our forces in Somalia. Our distinguished ambassador to the United Nations, Ambassador Albright, has defined these goals as disarming, retraining, and reemploying combatants, establishing democratic institutions, and stopping those who disrupt the peace. Command and control problems, she has said, should be "left to policymakers in New York and not left to commanders in the field."

With all due respect to our distinguished ambassador, that is dangerous rhetoric. In my view, it is not in keeping with the views of the American people as to the employment, the command and control, and the mission of U.S. men and women who serve in our Armed Forces.

The Secretary of Defense has defined our objectives recently as quelling the violence, disarming the warlords, and establishing effective police forces. He has been far less definite about how U.S. troops will accomplish these objectives.

Mr. President, such sweeping statements raise the worst of my fears. The current situation in Somalia, as was pointed out by the distinguished chairman of the Armed Services Committee, is all too reminiscent of our involvement only 10 years ago in Lebanon. In that conflict, we failed to recognize the limits of American power and the fact that the original mission of our troops had changed.

I believe we are making a similar miscalculation today. As in Lebanon, our forces in Somalia have become engaged in a larger effort to end a civil conflict, the complexity of which sometimes eludes the most astute experts on the region.

Mr. President, I remember all too well that we sent marines into Lebanon for the purpose of peacekeeping. In contrast, we sent American troops into Somalia for humanitarian purposes because there was the risk of over a million people starving to death. The American people overwhelmingly supported such action. It was clearly humanitarian in nature, and it was clearly intended to be of short duration. That mission appealed to what is best in America, the need to save the lives of innocent people.

There was no vital national security interest involved, but our Nation, and its outstanding young men and women, had the ability to keep people from starving to death by the thousands. We did, in fact, succeed in that mission.

Now we read in the papers and see television coverage of aborted raids that end up in U.N. headquarters, and of the dispatch of elite troops who are now in the game of warlord hunting.

What does a warlord hunt have to do with keeping people from starving to death, Mr. President?

At the same time, we are in a bizarre and unusual situation in Bosnia, where the chance of U.S. air strikes being launched is all too possible, but no one has yet defined who is going to be struck.

Mr. President, we need to define the United States' role militarily in the world in this post-cold war era, and there is no better place to start than by addressing the situation in Somalia. I hope very soon that we will similarly address the issue of Bosnia and what the United States is going to do there, I hope we will do so before we find ourselves enmeshed in that area with no way out other than the way we got out of Beirut—with disgrace, dishonor, and tragedy.

So, Mr. President, as we speak, there are Members on both sides of the aisle and the leadership working together to try to find a reasonable compromise along the lines of the amendment proposed by the Senator from West Virginia. It is not clear to me that we should mandate the absolute removal of American troops on a date certain. But I think any amendment, if it is going to be supported by the majority of this body, should call for a time certain in which the Congress of the United States can approve or disapprove of the continued military presence of the United States of America in Somalia.

I cannot predict the future of "nation building." I cannot define a mission ending in "peace and stability." I cannot predict who should be in charge in that unhappy and war-torn land of Somalia. But I do know that American lives have already been lost and American lives are in danger. It will be a great and grave disservice to those young men and women if we leave them in an exposed position for which there is no viable political and military objective. We owe it to them to ensure that Congress reviews this commitment and its future.

In addition, the Congress of the United States must exercise its constitutional responsibility. It is by debating this amendment, resolving it in this body on this bill, that we will be fulfilling our constitutional obligations.

So again, my thanks to the Senator from West Virginia. I look forward to our continued discussion on this issue because it is only through such debate that the United States can determine what it must do in a very unsettled world. We have gone from a very dangerous but very stable world, a predictable world, to one which is safer but much more unpredictable and unstable now.

Consider the world of which Somalia is only a small part. The United States of America is involved in 11 peacekeeping operations. There are 20 to 30 crises going on throughout the world. The United Nations is rapidly shifting from peacekeeping to peace enforcement, and there are 13 U.N. peacekeeping missions now underway.

Once such a mission starts, it usually leads to a long-term commitment. Five out of the 11 current missions were started before 1988; two of them before 1950.

The United States has already paid 30 percent of $3.6 billion in annual peacekeeping costs, equaling $1.08 billion. It has paid costs out of its defense budget that are at least twice that. I think the American taxpayer deserves to know that those dollars are carefully spent and deserves to know how their taxpayers' dollars are spent before we continue an open-ended commitment in Somalia.

I look forward to extended further debate on this issue.

I yield the floor.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. McCAIN. I will be happy to.

Mr. BYRD. I thank the Senator for his valuable and thoughtful and supportive comments. I appreciate his viewpoint and am grateful for the comments he has made.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois [Senator SIMON].

Mr. SIMON. Mr. President, first of all, this debate is healthy. And Senator BYRD, by offering the amendment, is forcing us to do something that, frankly, we should have been doing earlier. While I disagree and would vote against his amendment if that ultimately comes to a vote, I agree with the point he made and the point Senator NUNN made, that we have not acted decisively on this. The Senate passed one resolution; the House another. We have kind of semi-acted in this whole area.

I, probably 2 months ago or 3 months ago, had a discussion with Congressman LEE HAMILTON, saying we really ought to have clear guidelines from the U.S. Congress. I believe that our colleague from Arizona, Senator MCCAIN, is correct when he talks about a world of instability. Ten years ago, we were worried about the nuclear threat. We were worried about the threat of world communism. Today, the threat is instability. I think that is what we have to keep in mind as we decide what to do in the Somalia situation.

I was involved in the early discussions by the administration when the decision was made to go to Somalia. I returned with Senator HOWARD METZENBAUM from a trip to Somalia on a Sunday night. Monday morning I talked to the Secretary General of the United Nations, Boutros-Ghali, by phone. I talked to our Secretary of State, Larry Eagleburger, and to some others.

I have seen a lot of grim things around the world—in Africa and Asia and elsewhere. I have never seen anything like what I saw in Somalia and I hope I never see it again in my life. I would say, to the credit of George Bush, I think his finest hour will be judged by history when he made the decision to send troops and save the people of Somalia. It was not just thousands of people who were saved, 2 million-plus lives were saved. Without the action that was taken at that point, it would have been the largest single loss of life in any nation since the Irish famine of the 1840's. It would have been tragic.

The question now is where do we go? I agree with Senator NUNN that putting a deadline—and while it is not called a deadline in the amendment of Senator BYRD, in fact that is what it is—and to have a deadline in there of October 31, as a signal to anyone in Somalia who wants to make mischief you just be quiet for a while and, as of October 31, everybody is going to pull out—I think that would be a great mistake.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. SIMON. I am always pleased to yield for a comment, although I retain the right to the floor.

Mr. BYRD. Yes, I have no desire to seek the floor.

This amendment does not say that.

Mr. SIMON. But this amendment——

Mr. BYRD. This amendment does not say that. What this amendment says is this: The administration and the Congress have to take some action to authorize our involvement there. And unless that happens, then we pull out.

So no warlord need reap hope from the language in this amendment. I am not attempting to draw a line and say we have to get out, period. But I am saying we better authorize such action. The American people's elected representatives here had better authorize such continued action or we will pull out.

I thank the Senator.

Mr. SIMON. I acknowledge that his point is accurate; that he says "unless." But it could very well be that one House or the other, or both Houses, do not act. And then that suddenly becomes the deadline.

But in the discussions on that Monday after I called the Secretary General of the United Nations, and talked to Secretary Eagleburger—and then a series of meetings took place—Secretary Eagleburger was asked to fly to New York to meet with the Secretary General. And on Thursday a meeting was held at the White House. I was there. General Powell was there. The Secretary of Defense was there. The Secretary of State was there.

I remember very clearly General Powell saying after our initial mission is over, and this was the phrase that was used, there will have to be residual forces in Somalia to make sure there is stability in that country. And that, it seems to me, is our goal.

I just heard Senator MCCAIN outlining Ambassador Albright's statement as to what our goal was in Somalia. That would be great if we could get all those things done, but I think our goal has to be more limited than that; and that is to have some stability in Somalia.

I see on the floor the distinguished former chairman of this subcommittee, Senator KASSEBAUM, who has also been to Somalia. In Somalia, you do have a system of elders in the various areas and you can build on that. Somalia is not as hopeless as it would appear from the headlines or our television sets. Is there instability in Somalia? In one area, the capital city. In the rest of Somalia, you have a relatively stable situation. In fact, in the rest of Somalia, if you ask are you safer there or on the streets of Washington, DC, or Chicago, you would have to say real candidly—and I say this with great regret—you are safer in Somalia than you are in some of our big cities; and that underscores, obviously, that we have to be moving on our problems.

Senator MCCAIN also mentioned Bosnia. I am concerned that if we move on this kind of an amendment, we will send a doubly bad signal. Real candidly, our response to the Bosnian situation by the Bush administration and also by the Clinton administration has been anemic. We have not sent a message to the world: "You can't move in and take over neighboring countries." So if we compound that message that we have given to Bosnia with a message in Somalia that once the U.N. takes over and we have four American deaths, tragic as that is—but we might have four American deaths at Fort Riley, KS, in an automobile accident, where I took my Army basic training, or a great many other places. But to send a message to the world that the only nation that can lead—and there is only one nation that can lead—the only nation that can lead is going to get frightened real easily and is going to move out, I think is the wrong message.

Twenty-three nations responded and are over there now because President Bush appealed to them, to President Bush's credit. And for us to suddenly step back and not do what we should, I think, would be a great mistake.

We have been 50 years plus in Europe and we have been in Somalia less than a year, and all of a sudden we want to hightail it out of Somalia. I think that just is not a rational response. It is not the way for a nation that has to lead the world.

We keep saying we do not want to be the policemen of the world, and I do not want us to be that, either. But if that is our aim, then we have to work with other nations. And if we ask 23 other nations to come into Somalia and they respond, and then we suddenly say, "Sorry, we are getting out," what kind of stable leadership is that?

The costs have been talked about, $44 million a month, and that is a lot of money. But $44 million a month, that is about $500 million a year. That is not the cost—I do not recall the costs of the B-1 bomber or the B-2 bomber. I know we spent $10 billion, $11 billion on an aircraft carrier. The cost is great, but $500 million, that amounts to about one-sixth of 1 percent of our military budget. The chairman of the Appropriations Committee knows that better than anyone else here.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. SIMON. I will yield.

Mr. BYRD. Without losing his right to the floor.

Mr. SIMON. Absolutely.

Mr. BYRD. The distinguished Senator is saying we ought to get involved in all of these places; at least, this is what I am hearing him say.

Mr. SIMON. You are not listening correctly.

Mr. BYRD. Mr. President, may I just finish? ought to send all these messages. We ought to keep on in Somalia. Is not the Senator one of the foremost supporters of a balanced budget amendment? How can we do all of these things and balance the budget? These things cost money.

Now, the Senator is always pushing a balanced budget amendment. That is his right to do it. I know he genuinely believes that that is one of the answers to our budgetary problems. But how can we reconcile the other?

We cannot balance our budget even if we stay out of all these places. It is going to be even more difficult to balance if we continue on these experimental and adventurous undertakings. They cost money. So we cannot be saying let us balance the budget, let us pass a constitutional amendment that will balance the budget; and then stand up and say let us spend it, let us continue in these adventures.

Mr. President, I respect the Senator's viewpoint. But I would like to have him answer that question. How would we balance the budget? We are going to have to pay the bill.

Mr. SIMON. Mr. President, if I may respond to my colleague, for whom I have great respect—and I have said to others, not only are you one of the most distinguished Members of this body, but I think you are one of the most distinguished Members ever to serve in this body—but you are absolutely correct that I believe we have to have a balanced budget amendment.

The Senator from West Virginia is a great student of history. Thomas Jefferson was not in the United States when our Constitution was written in 1787. He was over in Paris negotiating for us. When he came back, he said:

> If I could add one amendment to the Constitution, it would be to prohibit the Federal Government from borrowing money. One generation should not be able to obligate the next generation.

And, as in most things, I think Thomas Jefferson was absolutely correct.

But when we talk about Somalia, we are talking, using the figures from your speech, about $500 million a year. That is a substantial sum of money. But when you talk about the military budget, you are talking about a budget of almost $300 billion a year. We are talking about one-sixth of 1 percent of that budget. And I know the distinguished chairman of the Appropriations Committee well enough to know that he can find somewhere in that $300 billion this kind of money.

Let me just add, if we do not follow through—now, you may differ with the decision that was originally made by President Bush. But when the President of the United States makes a decision after consulting with leaders of Congress and then we do not follow through, I think we invite instability in the rest of the world, and I think those military appropriations are going to go way, way higher than $300 billion.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. SIMON. I will be pleased to yield.

Mr. BYRD. Mr. President, we followed through on the proposition by President Bush. We followed through; we kept that commitment. We ought to get out. We did not buy on to the continuing action.

Now, the Senator says that the chairman of the Appropriations Committee can find the money. We had great difficulty finding the money, and we did not, to deal with the disastrous floods in the Midwest. We do not pay as we go there. We just simply add it to the budget deficits. We did not find the money for that, and we are not going to find the money for this. It is going to be added to the budget deficits.

And then wait until there is another catastrophe such as we experienced in Lebanon and the American people see a cost to them that the chairman of the Appropriations Committee cannot provide, nor the President nor anyone else—the succor and comfort from having lost that kind of treasure. That can happen.

I thank the Senator for yielding.

Mr. SIMON. Mr. President, we are not living in a risk-free world. I wish we were. And if we lived in a risk-free world or if, instead of the United States of America, this were the Senate of, let us say, Costa Rica—I do not mean this disrespectfully to Costa Rica—what Costa Rica does not have is a huge impact beyond Central America. What the United States of America does and how we handle foreign relations has a huge impact on the rest of the world. And we have to remember that.

What kind of a message, if this amendment were to be adopted—and I hope it will not be—what kind of a message does that send to the rest of the world about the solidity of U.S. leadership? I think it sends the wrong message.

It so happens that the people who are involved in Somalia are Moslems by background. In Bosnia, those who are threatened are Moslems, and in much of the Moslem world people are saying, if it was not for the fact that Moslems are at risk, Western Europe and the United States would have done something a long time ago. What kind of a message do we send to the Moslem world if we just walk out? What kind of message do we send to African-Americans if we walk out? If this were Italy, Germany, France, some other place like that, would we be talking about getting out?

The community of nations has to work together, but the United States has to lead. And sometimes that leadership involves pain. We have to recognize that. And we are going to have to do some things sometimes that may not be popular with our own people. That is part of leadership, whether you are a Senator from Illinois or West Virginia or Washington or Vermont or wherever we are.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. SIMON. I am always pleased to yield to my friend from West Virginia.

Mr. BYRD. I thank my friend. He is one of the most patient and congenial, amicable and lovable Senators in this body, and I consider him to be my friend. I have genuine admiration for him.

If this was a civil war going on in Somalia—this is a war. We did not buy into this. And I am saying that the American people ought not to have their tax money and the blood of their children and grandchildren put at risk by our continued involvement there when we have no particular interest there.

The Senator speaks of sending messages. What kind of message are we sending to our own people? We do not have any business there. If we have, let us have the Congress vote to say it is our business there and we are ready to shell out the dough—and we may have to shell it out by the wheelbarrow loads—and we are willing to do it. We have not done that, and I do not think we ought to do it.

I thank the Senator, and I apologize for continuing to interrupt him, and I shall not do so again.

Mr. SIMON. I do not want the Senator from West Virginia to live up to that commitment. If he feels like interrupting again, he should do so.

When you ask the question what is our interest in Somalia, I think there are two interests. First, there are human lives at stake, and we have an interest there. But second there is a security interest, and that security interest is we have to build a world of stability.

Frankly, we have not sent a strong signal in the Bosnia situation, and I am not one who advocates ground troops in Bosnia, but there are other things we could have done in Bosnia. We did not do it. And for us to compound that by sending a timorous signal from Somalia would be a great mistake.

Now, have mistakes been made? Yes. I think there has been an overemphasis on Aideed there, for example.

I also favor legislation—and I have discussed this briefly with Senator BIDEN and Senator BOREN—I favor legislation that would authorize the President of the United States, whenever there is U.N. Security Council action, to send a limited number of U.S. troops to a situation that develops, maybe up to 5,000, which is what we have there in Somalia.

One of the difficulties in Somalia is that it took so long for the United Nations to respond. When the Security Council authorized 3,500 troops to go to Somalia, it took 6 weeks to get 500 Pakistani troops there.

That is clearly one of the problems.

What the Byrd resolution also suggests is that the U.N. representative veto any continued operations there if we do not authorize it here. That would mean in an action initiated by the United States, if the United Nations wanted to continue it, we would veto an action initiated by U.S. leadership. That, frankly, just does not make sense.

The debate is good. I frankly think we need this, and I commend Senator BYRD for precipitating that.

Do we have problems at home? Of course, we have problems at home, all kinds of problems at home. But the answer is also, if we are going to protect our homes, if we are going to see to it that these pages who are here are not going to be sent off to war, we have to build a world of some stability. And that is what the basic question is.

Let us not send a message that whenever we get involved anywhere in the world, if someone makes a little trouble for the United States, we are going to pull out right away. I think that is the wrong message. I think we have to send a message that when we make a commitment to do something, we are going to follow through; that our leadership is solid; it is firm.

We clearly ought to be getting out of Somalia in a limited period of time, but right now the residual force that we have there, among other things, sees to it that other troops from other nations get clean water and other things, just basic things that many of them are not technically competent to provide. For us to just pull out because of the tragedy of the loss of four U.S. troops since the United Nations has been in charge there, tragic loss as that is, I think would send the worst possible message to the rest of the world.

I do not know what is being drafted. I know my staff is working along with other staffs to try to draft a sensible amendment that may be an alternative amendment.

But to pass this amendment would send the worst possible signal to the rest of the world.

I hope it can be defeated.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. FEINGOLD). The Senator from Washington.

Mr. GORTON. Mr. President, this Senator agrees with and supports the amendment that is proposed by the distinguished President pro tempore, the senior Senator from West Virginia.

In December when then-President Bush dispatched American troops to Somalia, he did so in order to end a situation in which literally thousands of Somalians were starving to death. It was sold to the American people as a purely humanitarian gesture with no further implications, and was designed to see to it that innocent men, women, and children who were starving could and would be fed.

President Bush expressed the hope that the entire mission could be conducted and completed by the time his term in office ended some 30 days later or, at the most, in a couple of months.

In one narrow sense, the mission was a success. The great bulk of those who could be saved simply by the provision of food were saved, for the time being, at least. But, of course, far more than 1 month or 2 months have passed by and the mission of our forces in Somalia now is quite different.

This Senator believes that the stated purpose of the Bush mission could never conceivably have been attained on anything other than a temporary basis because it simply was not, standing in isolation, an attainable goal.

As Charles Krauthammer so eloquently stated in an essay written late in July of this year, and I quote him:

> There is no such thing as just feeding the hungry if what is keeping them from eating is not crop failure but vandalism and thuggery. One has first to destroy the vandals and the thugs. In a country wracked by civil war, what starts with feeding ends with killing. There is no immaculate intervention.

So obviously, at the end of that 60 days, with the hungry fed, American and U.N. troops could not leave Somalia without risking the fact that the same conditions which caused the starvation in the first place would recur.

One must emphasize that this was not thuggery and thievery and violence created by some form of outside intervention. It was starvation imposed on Somalians by other Somalians.

I find the argument that Somalia was and is a relatively peaceful and secure society, except perhaps for one or a handful of warlords, to be rather curious. My reading and understanding of the history of that unhappy country is that it has not been secure since it ceased to be an Italian colony, in any respect whatsoever. It has been wracked by killing and ruled by warlords, warlords whose names and personalities change from time to time, but have not constituted some almost ideal society in which wise elders peacefully ruled the small tribes.

But, Mr. President, Somalia is certainly not the only nation in this world in which there is starvation and the killing of innocents solely caused by other citizens of the same nation or society.

It was in December, not at all coincidentally, the particular society of which such activities were taking place which was shown by the television cameras, and the response of the United States and the rest of the world was due very largely to the fact that television cameras were available there to broadcast these injustices to the world, television cameras which were not then or now found at Kyrgyzstan or Azerbaijan in Armenia, or Moldova, or in half a dozen other places in a world in which at least as horrible a situation exists as does in Somalia.

The distinguished senior Senator from Illinois has said we have two interests in Somalia. One that lives are threatened or being lost, and two that we cannot be secure unless it is secure.

Mr. President, that is the situation in numerous places throughout the world, including perhaps the Republic of Colombia in South America where the interests of the United States are clearly greater than they are in Somalia.

Mr. SIMON. Will my colleague yield?

Mr. GORTON. I do not intend at this point to carry on the same kind of conversation the Senator from Illinois did with the Senator from West Virginia. If the Senator from Illinois would like to make his points, then I would be perfectly happy to yield.

So since William Clinton has become President of the United States, the policies, the goals of American troops in Somalia have changed quite significantly. Recently Secretary Aspin explained that the administration now seeks three objectives in Somalia. First, to restore a semblance of calm to the capital of Mogadishu; second to make real progress toward taking heavy weapons out of the hands of the warlords in the country; and third, ensuring that credible police forces are established in major cities.

It is not all a coincidence that while those were not the purposes announced by President Bush for our original intervention, they are for all practical purposes the goals of the Secretary General of the United Nations who has pointed out that what began as an effort to prevent mass starvation has become a campaign to reconstruct Somalia's political, social, and material infrastructure on a lasting basis, to disarm warring factions, to apprehend criminal elements, to establish a national police force, a prison system and a judicial system.

There are clearly some Americans who agree that this is an appropriate purpose for the United States, and it may be that the Senator from Illinois is one of them. Robert Oakley, who was at one time our special envoy to Somalia, says that we are supporting a U.N.-led program of total pacification and nation building, and another U.S. diplomat defines our mission as recreating a country, something which exhilarates many to the point at which, he says, this has never be done before in the history of the world, at least in the modern world.

Mr. President, these are broad and ambitious goals. They are also, incidentally, goals which seem to this Senator to be practically impossible of attainment under the methodology adopted by the United Nations in which the United Nations wants advanced notification and generally speaking the right to OK even relatively modest and minor missions, in which we have a command structure under which the various national components seem quite willing to ignore or disobey or, for that matter, to frustrate the goals of other national components to this process.

The Italian contingent, rather specifically basing its policies on its belief that because Somalia is a former Italian colony it has some particular understanding of and ability to deal with the warlords in that unhappy country, has apparently stood by and watched while various other U.N. troops have been ambushed and killed, and may very well in fact be a source of information to the very warlord we are attempting to apprehend, about the goals, the policies, and even the particular campaigns of our troops and of others who are searching for that warlord.

Well, Mr. President, this Senator, for one, does not believe that searching for warlords in the southern part of the city of Mogadishu is a significant enough interest of the United States of America to warrant the loss of American lives in pursuing that goal. This Senator does have a concern about the cost of the United Nation's attempt to bring some kind of peace to Somalia, but would not be here objecting on the floor so vociferously to our current policies were we involved only with money and not at the risk of the lives of American men and women in our armed services.

It may very well be that it is an appropriate goal of someone through the United Nations totally to remake the society of the Somali republic. It may very well be a good idea that some more advanced country be granted a formal trusteeship over that unhappy land. Perhaps colonialism was not such a bad name in that place. If the United Nations wants to offer to the United States such a trusteeship, together with full authority to do whatever we deem necessary to bring peace there, this Senator would at least consider it, though probably with a great deal of reluctance.

But to have our armed services searching through a crowded city for an individual who is not only difficult to find but almost certainly not the only warlord who can create the kind of disturbances which he has created, is a purpose far beyond any interest the United States has which is of sufficient stature and importance to risk the lives of even the four Americans who have already been killed in that country. I, incidentally, do not believe it worth the lives of the citizens of other countries and other armed services, in much larger numbers, who have already been lost.

Fundamentally, this Senator thinks that the problem stems from the fact that the Clinton administration has delegated to the United Nations the foreign policy of the United States. That the Clinton administration has decided that whatever the United Nations wishes to do, or to accomplish, should be the touchstone of both the foreign policy and the military policy of this country. That is not a delegation which I believe the majority of the American people wish to make.

The United Nations, of course, supported our actions in the gulf, but they were clearly under the command and the leadership of the United States, and they clearly took place after a determination and a debate in this body over the interests which this country had in the gulf and how they ought to be attained.

If we have gained anything out of this particular intervention, it is the sure and certain knowledge that the War Powers Act is dead. But, at the same time, we should not be engaged in an open-ended military adventure in a nation in which we have no real interest whatsoever, risking the lives of our men and women in the armed services, without a specific authorization from this Congress, which results from a debate carried on by the American people and reflected in this Congress. No such debate has taken place—at least as far as this Senator can determine from looking at the alternative resolutions which are likely to be proposed as amendments to that of the Senator from West Virginia. None will really be required, unless we take sharp and decisive action.

This Senator believes that the proposal of the Senator from West Virginia is exactly that kind of action. This Senator finds it very difficult to imagine a set of circumstances under which he wishes to authorize the continued presence of American troops in Somalia. But the Byrd resolution gives the administration the opportunity to make that case, if it can make it successfully to the American people and to this Congress.

But it also says that if that case has not been made, and if that precise authorization has not been given, all of our troops must be home 30 days after this act becomes law, which is a long time in the future, Mr. President. This is the Defense Authorization Act. It is highly unlikely that it will be passed into law this month or perhaps even next month, and there will be 30 days after that for debate to continue.

Mr. President, the United States of America should not commit its troops except in pursuance to a real and defined interest of the United States in its own security or in the security of its close friends and allies. No such case has been made in connection with Somalia. The troops of the United States should therefore be withdrawn from that country, in the absence of such a case having been made.

We should not automatically follow the dictates of the United Nations and the views of the United Nations, which risks nothing on its own, but a great deal on our part.

What is the American goal in Somalia? What interest are we pursuing? Is that interest worth our money or the lives of our men and women? Can those goals be attained in a reasonable period of time? When can we attain them? Will we be given the authority from the United Nations to take such actions as we think are necessary to attain them? Not one, not a single one of these questions has been answered satisfactorily to this point, after the better part of a year of our presence in that country. With a goal which was insufficient really to make any major change in the society of the country in the first place, it was unwise of the Bush administration to have sent troops there in December.

It is far more unwise to keep them there under present circumstances.

Mr. President, this Senator believes very, very firmly that the Byrd amendment should be passed and that notice should be given to the administration that it must make an infinitely better case in favor of this intervention than it has to this point.

Mr. WARNER. Mr. President, if I might just be recognized for a moment to thank our distinguished colleague from the State of Washington for his contribution to the debate, and I am optimistic the outcome will come along the lines of the framework of the discussion of the Senator from Washington.

Mr. GORTON. I thank the Senator.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. JEFFORDS. Mr. President, we are discussing, very appropriately, some fundamental questions as we face the future.

We are all pleased that we have become the world leader. But along with the endowment of that honor comes many responsibilities—some traditional, some nontraditional.

It would be unfortunate if we were to make a decision that would set a precedent for the future based entirely upon our feeling or thoughts about Somalia, and, yet, on the other hand, it is an appropriate situation, though, I think to evaluate and discuss what the demands of the new world leadership are with respect to us.

It means that we must take a look at our traditional way of looking at where the national interest is which should precipitate military action and examine the new situations we are faced with and try to determine what action is appropriate under those circumstances.

When is it appropriate for us to get involved in Somalia? Oh, yes we have had situations where it seemed to be pretty clear, although hazy at the start. Kuwait was one of those. Yet there we had the problem of oil and all the kinds of things that go along with the Middle East and the problems there. And after a long and very articulate, well-done debate, we concluded it was in the national interest.

We had no similar debate with Somalia. We have no similar circumstances which really define the term "national interest" in the way we traditionally look at it. Yet, as well as the demands of the new world order is placing upon us, before we take a look at what we should do in these circumstances, we must also recognize that there are tremendous advantages being the world leader. It opens up to us great dimensions of increased trade, of the ability to be able to participate in markets we never participated in before. As the world leader, the one who is exercising the power and has ability to exercise the power, our ability to participate in those trade zones and take advantage of those will certainly be enhanced greatly. There are many advantages that come to us as a world leader, and we should examine them.

However, we also must examine our utilization of the term "national interest" and ask ourselves if there are not only circumstances which may require different kinds of action but are necessary as the responsibility of the world leader to take action in these situations.

I suggest that there is a new term which we must recognize and a new approach we must take to such actions as in Somalia and that if we look at it from different perspectives some of the old problems that are raised perhaps would not be there. I would suggest that there are at least three options to be considered when we get involved with the situation such as Somalia and how we can deal with them.

First of all, we can support United Nations actions with or without our own forces, economically, by money or whatever;

Second, of course, we can take unilateral action;

And third, of course, we could support the creation within the United Nations under article 43 of a separate U.N. force made up, say, of volunteers from different nations to be responsible for taking actions in such situations as Somalia.

I think our critical problem that we have to deal with in this and that we all think about is the term "I do not want to send my child to Somalia or Africa and be placed in harm's way where my child may be injured."

Traditionally, we have said the national interest justifies that kind of risk for our child. But does it, in Somalia? That is the question that is being asked us.

I personally feel that that can be faced by creating within our own military a volunteer force made up of those who are willing to participate in actions which are not in the traditional national interest but very much in the interest of the world leader or the world peace and security. And as we face the future, that those forces can be made up either by our Nation, under our control and utilization as a military force, or could be forces dedicated to the proposition that they can be sent over to work with the U.N. in these kinds of operations and thus get us out of the problem of saying that our child is going to be placed in a position that is not in the national interest.

I believe that we have to take a look now at these new problems that we are faced with as a world leader. We cannot just ignore them. We must find ways that are reasonable to our population and acceptable to them.

But, on the other hand, as has been pointed out by others, at this time the use of Somalia is demonstration of how we should react, and to cut and run after a situation which started out in a miserable situation with regard to humanity and is now well under control with one small exception in terms of the largest of the problem of Aideed in Mogadishu when almost all of the rest of the country is a satisfactory conclusion of a U.N. action, to cut out would invite extremely difficult problems in the future.

I have spoken several times on the war in Bosnia. I could go on with that for a long time. I am happy that our Foreign Relations Committee took some positive action today for that is another disastrous one if we do not do something now.

But to have two disastrous problems to look forward to the future as examples of the rest of the Nation or the rest of the world to look at as to how we are going to react to these things would be devastating on our position as a world leader.

So I am opposed to the amendment as it now is drafted. I will hopefully be able to support one which I know is going to be drafted. But what we do here today may well determine whether or not our reputation as a world leader, which should give us all the advantages of opening trade, and all of that, by a responsible country dedicated to world stability, will depend on our vote tonight on this issue.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I think all of us would have some difficulty, as has been expressed by Senator BYRD and others, with an open-ended commitment. But I would like to reiterate what Senator JEFFORDS and Senator SIMON have said, among others, that we must not overlook that it has been a successful mission, a country that was in anarchy, with thousands and thousands of people dying from starvation, has been saved. It is a country which now is far, far more stable than most people realize. We are not even sending food to Somalia anymore. They have been able to get their own country, outside part of the city of Mogadishu, back into a secure and stable environment.

It should not be an open-ended commitment. We have reduced the U.S.

troops in Somalia by half over the last 4 months, and we will continue to withdraw those troops. I think it is important for us as a Congress, the United States Senate and the House of Representatives, to require that there be a report and a delineation of what our goals are and when those will be met.

But I certainly would disagree that it has been a failure. I think it does a disservice to the young men and women of our Armed Forces to say this is a mission that has been a disgrace.

It is a mission of which we should be very proud and we do not turn tail and run when it just appears to be uncertain. Uncertainty today is all around the world, and everybody wishes that they could have a clear-cut view of exactly what we should and should not do as far as our responsibilities as leader of the world.

U.S. leadership is important in these difficult places. We have an important role to play in that, and we have not given up our responsibilities in any way in the command and control situation in Somalia. We have been a leader in that and we have exercised that leadership, I would argue in an honorable and successful fashion.

I think there can be an agreement reached and there have been a number of people working on an agreement because I think that, as I said before, there is no one who just wants an open-ended sort of commitment and feeling uncertain about what our end goals will be.

But I am confident, Mr. President, that we can reach that successfully and agree on language that will send a strong message from the U.S. Senate but not undermine efforts that have been undertaken there.

There have been many risks taken, I would agree, but I salute those who have undertaken those risks and who have served in great distinction in Somalia.

I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. WARNER. Mr. President, if the Senator would yield for just a minute, I would again thank our distinguished colleague from Kansas (Mrs. KASSEBAUM), for that very insightful observation.

I certainly agree with the Senator's observation that this mission in Somalia has been carried out with distinction, with honor, and with credibility by the men and women of the United States Armed Forces and of some 20 or so other countries that are likewise committed toward providing a more secure environment within which the humanitarian efforts can take place.

I congratulate the Senator for her contribution.

Mr. LEVIN. Mr. President, this Nation and this world should stand tall for what we have done in Somalia. By the end of 1992, a half million people had died in Somalia of starvation. One thousand people per day were dying, mainly babies and elderly, and 2 million additional people were at risk from the chaos and the anarchy which created the mass starvation that existed in Somalia.

The world responded and America responded.

We have suffered some losses in Somalia; one of those servicemen killed in action was from my home State of Michigan. I share the pain of those families. Other nations have suffered losses, too, in even greater numbers than ours. But ours are enough.

However, we should do nothing here tonight to diminish the sacrifice of our people who are still there and the greater sacrifice of some who have given their lives for a very important humanitarian cause in Somalia. That cause is preventing the additional death, from mass starvation caused by anarchy and chaos, of hundreds of thousands and perhaps additional millions of human beings.

If it was important enough to go into Somalia—and I think all of us agree that it was—then it is important enough to make a reasonable effort to see to it that when we leave Somalia it does not immediately relapse into the same chaos and the same anarchy that created starvation.

What is a reasonable effort to make sure that return to chaos and anarchy does not occur? That is the issue.

Ours cannot be an effort without limits. It cannot be open ended. I think the Senator from West Virginia's points in that regard are well taken.

I happen to share a real concern that our presence not be open ended, that our mission be clear, that our purpose be clear, that the structure of the command of the U.N. forces be clear, that the social and economic effort needed be funded by the United Nations. And we have not succeeded yet in any of that.

The command structure is not yet clear. Just look at what happened the other day when the Italians did not come to the aid of other U.N. peacekeepers who were in danger. That cannot be allowed to continue.

I believe the purpose is too broad and that we should narrow the purpose. I do not believe that our forces should stay there until a country is completely reconstructed. I do not know when that would occur.

But I do believe that the U.N. peace enforcement efforts should continue until there is a reasonable assurance that the same chaos and the same anarchy which brought us there in the first place will not immediately be returned to Somalia upon our departure. Because if that is allowed to happen, then we will not have succeeded in that original humanitarian mission which I believe almost every member of this body supports.

The stakes are high in Somalia. First and foremost, the stakes are high for our men and women in Somalia. And that is why there has to be an improved U.N. command structure and there has to be a clarification and narrowing of the goal.

First and foremost is the well-being, safety, and morale of our men and women in Somalia. But that morale and well-being will be undermined if we, in effect, set a deadline for their departure. What that will do is put them in limbo every single minute that they remain.

If we, the Congress, try from these Halls to set a deadline for their departure, they will be in limbo while they remain. We will be putting our own troops in danger if we effectively set a deadline. We will be undermining their morale. And we cannot do that.

What we can do and should do is press this process—press for a clarification and narrowing of our mission; press for a clear U.N. command structure; and press for the funding of the economic personnel and political and social personnel that the United Nation has not yet been able to send in there.

We talk about funding a police force, but it has not been funded by the world. The police force that we hope will take over has not been funded and, therefore, is not yet in place, nor is it going to be in place unless those funds are forthcoming.

So, first and foremost, the safety and well-being and morale of our troops. But, second, what is at stake here and, if we are precipitous or misstep, what we will put in jeopardy is the future of multinational peace enforcement in this world.

The cold war is over. This is the first chapter VII peace enforcement effort, I believe, of the United Nations.

So the stakes are not only high for our men and women. They are high for the future of the world if this first effort in multinational peace enforcement falters, or if we here in the Congress do anything to undermine it.

Should we get a report from the President within a certain period of time on a narrowing of a goal for our presence in Somalia? I think we should. I think our Commander in Chief should give us a clearer purpose.

I believe America should lead at the United Nations in insisting that the U.N. command structure be clear and workable, so that what happened the other night in Mogadishu never happens again, where some U.N. troops in trouble are not assisted by other U.N. troops on the scene because of a lack of clear command.

I believe that a report from the President is appropriate and that he should inform the people and inform the Congress as to what efforts are being taken at the United Nation to avoid the repetition of that tragedy of the other night.

But we cannot and should not undermine the effort in Somalia to try to bring sufficient stability so that there is not again a reoccurrence of the anarchy and chaos which brought us there in the first place.

That is a narrow goal. It is achievable. I believe, again, that the good Senator from West Virginia and others who are forcing this issue are correct in doing that.

I believe we should press the issue of narrowing and clarification of goal and the U.N. command structure. But we should not prejudge that issue by setting a deadline, and we should not prejudice the outcome. And this amendment, by saying no more funding after a date certain unless the Congress acts, undermines, prejudices, and prejudges the outcome of the Commander in Chief's effort.

So, yes, press for clarification; yes, press for narrowing of the goal; yes, insist that the United Nations get its command structure together; yes, press for the funding needed for that police force to take over in Somalia. Press for a report from the President on all of that. But, no, do not prejudge; do not prejudice the outcome of that process.

This amendment goes too far. It is well intended, well motivated, and I think is useful in getting this Congress to debate the critical issues that are involved in Somalia: multinational peace enforcement, the future thereof, and all that is involved in that for the world, all over the world. That is what is at stake here. But, again, above all, what is at stake here is the morale of our troops and the well-being of our troops in Somalia. And the setting, in effect, of a date certain is inconsistent with preserving their safety, their well-being, and their high morale.

I hope we can work out a compromise amendment. I know the leadership is working very hard on it. I commend them and all those who are involved in this. I have tried to work with the language to see that it is consistent with the goals I have set forth. I also want to commend my friend from West Virginia because, while I think his amendment has gone too far, I think he has performed a very useful service for the Senate and for the country in raising it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to commend our distinguished colleague from Michigan, Mr. LEVIN. I have had the privilege of serving with him now 14 years on the Senate Armed Services Committee, and he has always given a very insightful contribution on that committee on every issue, as he has today. I wish to concur in his concluding remarks.

I think the distinguished Senator from West Virginia [Mr. BYRD] has provoked a timely and important debate. I do not think we should be too harsh in whatever criticism we may have of his amendment. While I do not support the language of his amendment, I certainly support his objective; namely, to get the Congress involved, to have a congressional voice in this critical issue, hopefully a voice in support of the President of the United States. Because thus far I think President Clinton, having inherited this issue, has handled it very well. And he has kept, so far as I know, the Congress informed on the steps that he has taken.

I also would like to pick up on another point made by my distinguished colleague. We certainly do not want to have a precedent of cut-and-run. As we look at the uncertain future of this world, more and more the United States will be called on to participate with other nations in joint action. We certainly saw that in the Persian Gulf war, when we were able to join with other nations and free Kuwait. We are in there now, in Somalia, with some 20 or so other nations. We have United States military personnel actually in the Balkans involved in many ways with respect to Bosnia.

So joint actions are the future. And we want to have a clear record that the United States is a credible, reliable partner in such joint actions. I interpreted the comments of the Senator from Michigan [Mr. LEVIN] to mean just that, as I do the comments of others who have spoken tonight. Because, if we fail to exercise that credible position as a partner, then it does indeed send a signal to those despots, wherever they are in the world tonight, tomorrow, and in the future, that they should go ahead and take a risk and see if they can cause a problem and determine whether or not the Congress would jerk the rug out from under a President.

I think at this point I would like to put into the RECORD some research I have done on this point.

Mr. LEVIN. Will my friend from Virginia yield at this point?

Mr. WARNER. Of course.

Mr. LEVIN. First, let me thank him for his comments and the service he is providing the Senate. He is my ranking member, Republican, on the subcommittee of the Armed Services Committee that Senator NUNN chairs so ably. Working together in a bipartisan fashion, as we have consistently and as that committee does consistently, has, frankly, made a very important contribution to this Nation. I thank him for that. I thank him for his remarks. And I really agree with him that what is at stake here is the reliability of this Nation as a participant in something broader than itself, because we cannot be the policemen of the world. But the world at times needs some policing. We can be part of a police effort. We cannot do it on our own. But if that kind of system is going to emerge, it is going to take a tremendous bipartisan effort to help it along during these birth pangs. My friend from Virginia, as always, is a major part of that bipartisan effort, and I thank him for it.

Mr. WARNER. Mr. President, I thank my colleague. That brings to mind one of my more memorable visits to the White House. I was joined at that time by the distinguished chairman of our committee and several others. We had just come back from an inspection trip with respect to the complicated issues in Bosnia and were discussing it with the President. And the President very wisely, in his deliberations, always was looking beyond Bosnia to the importance to our Nation of the extent we participated or did not participate in certain aspects of the Bosnian problem, to make sure that we were acting in concert with our allies, and particularly those allies that stood by this Nation—Great Britain, France, and others—throughout history, because it is important to our future.

I think that is the approach I would like to see this institution take with respect to Somalia. Indeed, it is a problem, but we must look beyond it and make certain that our position, that of the United States, is one that is respected and is credible so we can contribute to a solution in Somalia and contribute to solutions in the future should problems arise.

Mr. SIMON. Will my colleague yield?

Mr. WARNER. Yes.

Mr. SIMON. I just want to commend him also. Twice he used a word that I think is very important. That is the credibility of our country. I really think that is at stake. Are we going to indicate to the rest of the world that we are going to be solid partners in this kind of a situation? Or, as soon as there is a little bit of trouble, are we going to start cutting and running? I commend my colleague from Virginia.

Mr. WARNER. I thank my colleague from Illinois. He serves on that committee that has more or less had the prime responsibility for this operation. And, again, it is the continuity of one President after another, President Bush followed by President Clinton, that has been a consistent policy. It does not mean it cannot be improved as a consequence of this debate, urging clarification and other, as we call it, certifications to the Congress. But it is a continuity that gives the credibility from one administration to another. And we have achieved that, and I thank my colleagues.

Mr. LEVIN. If my friend will yield further for one additional comment?

Mr. WARNER. Yes.

Mr. LEVIN. His comments reflect the great tradition of bipartisanship relative to the foreign policy of this country. The leadership, as we speak, is working jointly in a bipartisan fashion, trying to work out an alternative that carries out the thrust of the Byrd amendment that there are some clarifications of purpose and some other things we should press, but avoids some of the pitfalls of the Byrd amendment. The leadership is doing that on a bipartisan basis. It is part of a great tradition of this body that foreign policy be handled that way. And my friend from Virginia, again, reflects this. He always has. Invariably, I have seen it over and over again, that bipartisan tradition, I think, in our committee, under Chairman NUNN's leadership. And the ranking Republican has always worked with our chairman in that same bipartisan spirit which is so critical to this country's security.

Mr. WARNER. I thank my colleague for that observation. Indeed, I have been privileged to serve on the Armed Services Committee not only under the leadership of Chairman NUNN, but of Chairman Stennis, Chairman Jackson, Chairman Tower, Chairman Goldwater. These real giants of the Senate ascended to the responsible position of the chairmanship of the Armed Services Committee. I certainly feel it has been a privilege and honor to have served with them.

Mr. President, again, Senator BYRD—how many times have we been on the floor here in these past years about the War Powers Act? His approach has always been to preserve the voice of the Congress. That I interpret as the principal objective of his amendment.

Following up on the observation of the Senator from Michigan about bipartisanship, the leadership of the Senate, both the majority leader and the Republican leader, are now working on a draft. I urge the Senator to take a look at it, as I have just done, to perhaps contribute his thoughts to that draft.

Mr. LEVIN. We have already done that.

Mr. WARNER. Mr. President, as I interpret the draft, it is clearly directed toward a strong bipartisan resolution of this issue that is before us right now. But I will be very brief, and then I will yield to my colleagues. There are others who want to speak.

I want to put some things into the RECORD because I think scholars and others will examine this debate tonight. My contribution would simply be some of the precedents regarding the President of the United States' authority in a situation like this.

One of the most definitive documents was a legal opinion by the Assistant Attorney General of the United States, Office of Legal Counsel, issued on February 12, 1980, at the request of President Carter's Attorney General. It was done in relation to the planning of operations concerning the United States hostages in Iran. It is now, of course, a matter of public record. Therefore, I ask unanimous consent that that opinion of February 12, 1980, which is a very broad and detailed recitation of the constitutional authority, and to the extent that any President has acknowledged that authority being affected by the War Powers Act, it is set forth in here. I think other Members of the Senate will find it, as I have, to be a very valuable resource for their consideration of this issue and future issues of like nature.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

PRESIDENTIAL POWER TO USE THE ARMED FORCES ABROAD WITHOUT STATUTORY AUTHORIZATION

The President's inherent, constitutional authority as Commander-in-Chief, his broad foreign policy powers, and his duty to take care that the laws be faithfully executed generally empower him to deploy the armed forces abroad without a declaration of war by Congress or other congressional authorization. A historical pattern of presidential initiative and congressional acquiescence in emergency situations calling for immediate action, including situations involving rescue and retaliation, confirm this inherent power, and the courts have generally declined to review its use.

The War Powers Resolution generally precludes presidential reliance on statutory authority for military actions clearly involving hostilities, unless a statute expressly authorizes such actions, and regulates the President's use of his constitutional powers in this regard. In particular, it introduces consultation and reporting requirements in connection with any use of the armed forces, and requires the termination of such use within 60 days or whenever Congress so directs.

The term "United States Armed Forces" in the War Powers Resolution does not include military personnel detailed to and under the control of the Central Intelligence Agency. [In an opinion issued on October 26, 1983, published as an appendix to this opinion, this conclusion is reconsidered and reversed.]

The term "hostilities" in the War Powers Resolution does not include sporadic military or paramilitary attacks on our armed forces stationed abroad; furthermore, its applicability requires an active decision to place forces in a hostile situation rather than their simply acting in self-defense.

The requirement of consultation in the War Powers Resolution is not on its face unconstitutional, though it may, if strictly construed, raise constitutional questions.

The provision in the War Powers Resolution permitting Congress to require removal of our armed forces in particular cases by passage of a concurrent resolution not presented to the President is a *prima facie* violation of Article I, §7 of the Constitution.

MEMORANDUM OPINION FOR THE ATTORNEY GENERAL, FEBRUARY 12, 1980

This responds to your request for our review of certain questions regarding the effect of the War Powers Resolution on the President's power to use military force without special congressional authorization and related issues. We have considered the President's existing power to employ the armed forces in any of three distinct kinds of operations: (1) deployment abroad at some risk of engagement—for example, the current presence of the fleet in the Persian Gulf region; (2) a military expedition to rescue the hostages or to retaliate against Iran if the hostages are harmed; (3) an attempt to repel an assault that threatens our vital interests in that region. We believe that the President has constitutional authority to order all of the foregoing operations.

We also conclude that the War Powers Resolution, 50 U.S.C. §§1541–1548, has neither the purpose nor the effect of modifying the President's power in this regard. The Resolution does, however, impose procedural requirements of consultation and reporting on certain presidential actions, which we summarize. The Resolution also provides for the termination of the use of the armed forces in hostilities within 60 days or sooner if directed by a concurrent resolution of Congress. We believe that Congress may terminate presidentially initiated hostilities through the enactment of legislation, but that it cannot do so by means of a legislative veto device such as a concurrent resolution.

I. THE PRESIDENT'S CONSTITUTIONAL AUTHORITY TO EMPLOY THE ARMED FORCES

The centrally relevant constitutional provisions are Article II, §2, which declares that "the President shall be Commander in Chief of the Army and Navy of the United States," and Article I, §8, which grants Congress the power "To declare War." Early in our constitutional history, it perhaps could have been successfully argued that the Framers intended to confine the President to directing the military forces in wars declared by Congress.[1] Even then, however, it was clear that the Framers contemplated that the President might use force to repel sudden invasions or rebellions without first seeking congressional approval.[2]

In addition to the Commander-in-Chief Clause, the President's broad foreign policy powers support deployment of the armed forces abroad.[3] The President also derives authority from his duty to "take Care that the Laws be faithfully executed,"[4] for both treaties and customary international law are part of our law and Presidents have repeatedly asserted authority to enforce our international obligations[5] even when Congress has not enacted implementing legislation.

We believe that the substantive constitutional limits on the exercise of these inherent powers by the President are, at any particular time, a function of historical practice and the political relationship between the President and Congress. Our history is replete with instances of presidential uses of military force abroad in the absence of prior congressional approval. This pattern of presidential initiative and congressional acquiescence may be said to reflect the implicit advantage held by the executive over the legislature under our constitutional scheme in situations calling for immediate action. Thus, constitutional practice over two centuries, supported by the nature of the functions exercised and by the few legal benchmarks that exist, evidences the existence of broad constitutional power.[6]

The power to deploy troops abroad without the initiation of hostilities is the most clearly established exercise of the President's general power as a matter of historical practice. Examples of such actions in the past include the use of the Navy to "open up" Japan, and President Johnson's introduction of the armed forces into the Dominican Republic in 1965 to forestall revolution.

Operations of rescue and retaliation have also been ordered by the President without congressional authorization even when they involved hostilities. Presidents have repeatedly employed troops abroad in defense of American lives and property. A famous early

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Footnotes at end of article.

example is President Jefferson's use of the Navy to suppress the Barbary pirates. Other instances abound, including protection of American citizens in China during the Boxer Rebellion in 1900, and the use of troops in 1916 to pursue Pancho Villa across the Mexican border. Recent examples include the Danang sealift during the collapse of Vietnam's defenses (1975); the evacuation of Phnom Penh (Cambodia, 1975); the evacuation of Saigon (1975); the *Mayaguez* incident (1975); evacuation of civilians during the civil war in Lebanon (1976); and the dispatch of forces to aid American victims in Guyana (1978).

This history reveals that purposes of protecting American lives and property and *retaliating* against those causing injury to them are often intertwined. In *Durand* v. *Hollins*, 8 F. Cas. 111 (No. 4186) (C.C.S.D.N.Y. 1860), the court upheld the legality of the bombardment of a Nicaraguan town which was ordered because the local authorities refused to pay reparations for an attack by a mob on the United States Consul. Policies of deterrence seem to have eroded any clear distinction between cases of rescue and retaliation.

Thus, there is much historical support for the power of the President to deploy troops without initiating hostilities and to direct rescue and retaliation operations even where hostilities are a certainty. There is precedent as well for the commitment of United States armed forces, without prior congressional approval or declaration of war, to aid an ally in repelling an armed invasion, in President Truman's response to the North Korean invasion of South Korea.[7] But clearly such a response cannot be sustained over time without the acquiescence, indeed the approval, of Congress for it is Congress that must appropriate the money to fight a war or a police action. While Presidents have exercised their authority to introduce troops into Korea and Vietnam[8] without prior congressional authorization, those troops remained only with the approval of Congress.

II. JUDICIAL REVIEW OF THE PRESIDENT'S EXERCISE OF CONSTITUTIONAL POWER

In the only major case dealing with the role of the courts with regard to this general subject, the Supreme Court upheld presidential power to act in an emergency without prior congressional authority. In the *Prize Cases*, 67 U.S. 635 (1863), the Court upheld President Lincoln's blockade of Southern ports following the attack on Fort Sumter. The Court thought that particular uses of inherent executive power to repel invasion or rebellion were "political questions" not subject to judicial review: "This Court must be governed by the decisions and acts of the political department of the Government to which this power was entrusted." (*Id.* at 670). The Court's unwillingness to review the need for presidential action in a particular instance in the *Prize Cases* or since has left the field to the President and Congress; much has depended on presidential restraint in responding to provocation, and on congressional willingness to support his initiatives by raising and funding armies.

More recently, the courts have applied the rationale of the *Prize Cases* to avoid judicial review of the constitutionality of the President's actions with regard to the Vietnam conflict.[9] Although the Supreme Court did not hear argument in the case, we believe some significance may be attached to the Court's summary affirmance of a three-judge court's decision that the constitutionality of the government's involvement in that conflict was a political question and thus unsuitable for judicial resolution. *Atlee* v. *Laird*, 347 F. Supp. Supp. 689 (E.D.Pa. 1972), *aff'd*, 411 U.S. 911 (1973).

III. THE PRESIDENT'S STATUTORY POWERS

Congress has restricted the President's ability to rely on statutory authority for the use of armed force abroad by its provision in the War Powers Resolution that authority to introduce the armed forces into hostilities or into situations "wherein involvement in hostilities is clearly indicated by the circumstances" is not to be inferred from any statutory provision not specifically authorizing the use of troops and referring to the War Powers Resolution. 50 U.S.C. §1547. Thus, the President may not rely on statutory authority for military actions clearly involving hostilities unless the statute expressly authorizes such actions.

Nevertheless, it may be possible for the President to draw authority for some actions not involving the use of the armed forces in actual or imminent hostilities from the provisions of an 1868 statute, now 22 U.S.C. §1732:

"Whenever it is made known to the President that any citizen of the United States has been unjustly deprived of his liberty by or under the authority of any foreign government, it shall be the duty of the President forthwith to demand of that government the reasons of such imprisonment; and if it appears to be wrongful and in violation of the rights of American citizenship, the President shall forthwith demand the release of such citizen, and if the release so demanded is unreasonably delayed or refused, the President shall use such means, not amounting to acts of war, as he may think necessary and proper to obtain or effectuate the release; and all the facts and proceedings relative thereto shall as soon as practicable be communicated by the President to Congress."

We are unaware of any instances in which this provision has been invoked. It was passed in response to a dispute with Great Britain after the Civil War, in which that nation was trying its former subjects, who had become naturalized Americans, for treason. The House version of the bill, which would have authorized the President to suspend all commerce with the offending nation and to round up its citizens found in this country as hostages, was replaced by the present language which was in the Senate bill. Cong. Globe, 40th Cong., 2d Sess. 4205, 4445–46 (1868). It is not clear whether this change was meant to restrict the President to measures less drastic than those specified in the House bill. It is also not clear what Congress meant by the phrase "not amounting to acts of war." At least Congress did not seem to be attempting to limit the President's constitutional powers.

IV. THE WAR POWERS RESOLUTION

The War Powers Resolution, 50 U.S.C. §§1541–48, begins with a statement of purpose and policy that seems designed to limit presidential use of armed forces in hostilities to situations involving a declaration of war, specific statutory authorization, or an attack on the United States, its possessions, or its armed forces. This policy statement, however, is not to be viewed as limiting presidential action in any substantive manner. That much is clear from the conference report, which states that subsequent portions of the Resolution are not dependent on the policy statement,[10] and from its construction by the President since its enactment.

The important provisions of the Resolution concern consultation and reporting requirements and termination of the involvement of the armed forces in hostilities. The Resolution requires that the President consult with Congress "in every possible instance" before introducing the armed forces into hostilities, and regularly thereafter. 50 U.S.C. §1542.

The reporting requirements apply not only when hostilities are taking place or are imminent, but also when armed forces are sent to a foreign country equipped for combat. 50 U.S.C. §1543(a)(2), (3). The report must be filed within 48 hours from the time that they are introduced into the area triggering the requirement, and not from the time that the decision to dispatch them is made.[11] The report must include:

(A) The circumstances necessitating the introduction of United States Armed Forces;

(B) the constitutional and legislative authority under which such introduction took place; and

(C) the estimated scope and duration of the hostilities or involvement.

50 U.S.C. §1543(a)(3). Reports which have been filed in the past have been brief and to the point. The reference to legal authority has been one sentence, referring to the President's constitutional power as Commander-in-Chief and Chief Executive.[12]

The Resolution requires the President to terminate any use of the armed forces in hostilities after 60 days unless Congress has authorized his action.[13] It also requires termination whenever Congress so directs by concurrent resolution.[14]

As enacted, the ambiguous language of the Resolution raises several issues of practical importance regarding the scope of its coverage as well as questions of constitutional magnitude. We shall discuss first several issues related to the scope of its coverage and then discuss several constitutional issues it raises.

A threshold question is whether the Resolution's use of the term "United States Armed Forces" was intended to reach deployment or use by the President of personnel other than members of the Army, Air Force, Marine Corps, Navy, or Coast Guard functioning under the control of the Secretary of Defense and the Joint Chiefs of Staff. For example, does it extend to military personnel detailed to and under the control of the Central Intelligence Agency (CIA), CIA agents themselves, or other individuals contracting to perform services for the CIA or the Department of Defense? We believe that none of these personnel are covered by the Resolution.[14a]

The provision most closely on point is §1547(c), which defines the term "introduction of United States Armed Forces" to include "the assignment of members of such armed forces to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country" in actual or imminent hostilities. This provision appears to be intended to identify activities subject to the Resolution, and not the identity of persons constituting "members of such armed forces." It could be argued that anyone officially a member of the armed forces of this country, although on temporary detail to a civilian agency, is within this provision and therefore covered by the Resolution. The legislative history of the Resolution, however, persuades us to take a contrary view. In the Senate, where §1547(c) originated, Senator Eagleton introduced the following amendment:

"Any person employed by, under contract to, or under the direction of any department or agency of the United States Government who is either (a) actively engaged in hostilities in any foreign country; or (b) advising any regular or irregular military forces engaged in hostilities in any foreign country shall be deemed to be a member of the Armed Forces of the United States for the purposes of this Act."

He explained that it was intended to cover CIA paramilitary operations involving persons who might be military officers under contract to the CIA. 119 Cong. Rec. 25,079–83 (1973). He recognized that without this amendment the Resolution as drafted would not cover the activities of such personnel, and argued that it should, citing CIA activities in Laos as leading to America's Indo-China involvement. Senator Muskie and Javits opposed the amendment, principally for reasons of committee jurisdiction. They argued that if the Resolution were extended to cover the CIA, its chances to escape presidential veto might be jeopardized, and that the matter should be considered pursuant to proposed legislation to govern the CIA. Senator Javits also argued that the amendment was overbroad, since it would include foreign nationals contracting with the CIA. He argued that CIA activities should not be within the Resolution, because the CIA lacks the appreciable armed force that can commit the Nation to war. Senator Fullbright came to Senator Eagleton's defense, arguing that the amendment, applying to the CIA and DOD civilians alike, would avoid circumvention of the Resolution. *Id.* at 25,083–84. No one suggested that the Resolution would apply to anyone other than military personnel under Department of Defense control unless the amendment passed. The amendment was defeated.[15]

In the House of Representatives, Congressman Badillo asked Congressman Zablocki, the manager of the bill, whether he would support in the conference committee a Senate provision that would include the CIA within the bill when it carried out military functions. Congressman Zablocki replied that he would support the Eagleton amendment if it passed the Senate. 110 Cong. Rec. 24,697 (1973).

Another provision of the Resolution that had its source in the House is consistent with the view that the Resolution was not intended to apply to CIA paramilitary activities. The reporting requirements of §1543(a)(2) apply when the armed forces are introduced "into the territory, air space or waters of a foreign nation, while equipped for combat . . ." It is clear from H.R. Rep. No. 287, 93d Cong., 1st Sess. 8 (173), that this provision was using the term "armed forces" to mean significant bodies of military personnel:

"A report would be required any time combat military forces were sent to another nation to alter or preserve the existing political status quo or to make the U.S. presence felt. Thus, for example, the dispatch of marines to Thailand in 1962 and the quarantine of Cuba in the same year would have required Presidential reports."

A companion provision reinforces the view that the Resolution applies only to significant bodies of military personnel. The House report goes on to discuss §1543(a)(3), which requires a report when the number of armed forces equipped for combat is substantially enlarged in a foreign nation. For examples of substantial increases in combat troops, the report gives the dispatch of 25% more troops to an existing station, or President Kennedy's increase in U.S. military advisers in Vietnam from 500 to 16,000 in 1962.

The section threshold question raised by the War Powers Resolution regards the meaning of the word "hostilities" as used in §1543(a)(1). In the 1975 hearings on executive compliance with the Resolution, Chairman Zablocki of the Subcommittee on International Security and Scientific Affairs drew the Legal Adviser's attention to a discussion of "hostilities" in the House report on the Resolution:

"The word *hostilities* was substituted for the phrase *armed conflict* during the subcommittee drafting process because it was considered to be somewhat broader in scope. In addition to a situation in which fighting actually has begun, *hostilities* also encompasses a state of confrontation in which no shots have been fired but where there is a clear and present danger of armed conflict. '*Imminent hostilities*' denotes a situation in which there is a clear potential either for such a state of confrontation or for actual armed conflict."

H.R. Rep. No. 287, 93d Cong., 1st Sess. 7 (1973) (emphasis added). Chairman Zablocki then requested the views of the Departments of State and Defense regarding the Executive's interpretation of the term "hostilities" in view of the language quoted above. Those Departments responded in a letter to the Chairman dated June 5, 1975, *reprinted* in *War Powers: A Test of Compliance* at 38–40. After first noting that "hostilities" is "definable in a meaningful way only in the context of an actual set of facts," the letter went on to state that, as applied by the Executive, the term included:

"a situation in which units of the U.S. armed forces are actively engaged in exchanges of fire with opposing units of hostile forces, and 'imminent hostilities' was considered to mean a situation in which there is a serious risk from hostile fire to the safety of United States forces. In our view, neither term necessarily encompasses irregular or infrequent violence which may occur in a particular area."

We agree that the term "hostilities" should not be read necessarily to include sporadic military or paramilitary attacks on our armed forces stationed abroad. Such situations do not generally involve the full military engagements with which the Resolution is primarily concerned. For the same reason, we also believe that as a general matter the presence of our armed forces in a foreign country whose government comes under attack by "guerrilla" operations would not trigger the reporting provisions of the War Powers Resolution unless our armed forces were assigned to "command, coordinate, participate in the movement of, or accompany" the forces of the host government in operations against such guerrilla operations.[16] 50 U.S.C. §1547(c).

Furthermore, if our armed forces otherwise lawfully stationed in a foreign country were fired upon and defended themselves, we doubt that such engagement in hostilities would be covered by the consultation and reporting provisions of the War Powers Resolution. The structure and thrust of those provisions is the "introduction" of our armed forces into such a situation and not the fact that those forces may be engaged in hostilities. It seems fair to read "introduction" to require an active decision to place forces in a hostile situation rather than their simply acting in self-defense.[17]

A final issue of statutory construction involves interpretation of the requirement for consultation with "Congress."[18] As a practical matter, consultation with more than a select group of congressional leaders has never been attempted. The Legal Adviser of the State Department has argued for this Administration, correctly in our view, that there are practical limits to the consultation requirement; he has said that meaningful consultations with "an appropriate group of congressional representatives should be possible."[19] During the *Mauaguez* incident about ten House and eleven Senate Members were contacted concerning the measures to be taken by the President.[20]

In requiring consultation in "every possible instance," Congress meant to be firm yet flexible. H.R. Rep. No. 287, 93d Cong., 1st Sess. 6(1973). The House report continued:

"The use of the word 'every' reflects the committee's belief that such consultation *prior* to the commitment of armed forces should be inclusive. In other words, it should apply to extraordinary and emergency circumstances—even when it is not possible to get formal congressional approval in the form of a declaration of war or other specific authorization.

"At the same time, through use of the word "possible" it recognizes that a situation may be so dire, e.g., hostile missile attack underway, and require such instantaneous action that no prior consultation will be possible."

The State Department Legal Adviser, again speaking for this Administration, has pointed out the problem that exists in emergencies, noting that "[B]y their very nature some emergencies may preclude opportunity for legislative debate prior to involvement of the Armed Forces in hostile or potentially hostile situation." He recognized, however, that consultation may be had "in the great majority of cases."[21]

There may be constitutional considerations involved in the consultation requirement. When President Nixon vetoed the Resolution, he did not suggest that either the reporting or consultation requirements were unconstitutional. Department of State Bulletin, November 26, 1973, at 662–64. No Administration has taken the position that these requirements are unconstitutional on their face. Nevertheless, there may be applications which raise constitutional questions. This view was stated succinctly by State Department Legal Adviser Leigh:

"Section 3 of the War Powers Resolution has, in my view, been drafted so as not to hamper the President's exercise of his constitutional authority. Thus, Section 3 leaves it to the President to determine precisely how consultation is to be carried out. In so doing the President may, I am sure, take into account the effect various possible modes of consultation may have upon the risk of a breach in security. Whether he could on security grounds alone dispense entirely with 'consultation' when exercising an independent constitutional power, presents a question of constitutional and legislative interpretation to which there is no easy answer. In my personal view, the resolution contemplates at least some consultation in every case irrespective of security considerations unless the President determines that such consultation is inconsistent with his constitutional obligation. In the latter event the President's decision could not as a practical matter be challenged but he would have to be prepared to accept the political consequences of such action, which might be heavy."

War Powers: A Test of Compliance at 100. Other constitutional issues raised by the Resolution concern the provisions terminating the use of our armed forces either through the passage of time (60 days) or the passage of a concurrent resolution.

We believe that Congress may, as a general constitutional matter place a 60-day limit on the use of our armed forces as required by the provisions of §1544(b) of the Resolution. The Resolution gives the President the flexibility to extend that deadline for up to 30 days in cases of "unavoidable military necessity." This flexibility is, we believe, sufficient under any scenarios we can hypothesize to preserve his constitutional function as Commander-in-Chief. The practical effect of the 60-day limit is to shift the burden to the President to convince the Congress of the continuing need for the use of our armed forces abroad. We cannot say that placing that burden on the President unconstitutionally intrudes upon his executive powers.

Finally, Congress may regulate the President's exercise of his inherent powers by imposing limits *by statute*. We do not believe that Congress may, on a case-by-case basis, require the removal of our armed forces by passage of a concurrent resolution which is not submitted to the President for his approval or disapproval pursuant to Article I, §7 of the Constitution.—John M. Harmon, *Assistant Attorney General, Office of Legal Counsel*.

FOOTNOTES

[1] Hamilton, in The Federalist No. 69, disparaged the President's power as that of "first General and Admiral" of the Nation, contrasting it to that of the British king, who could declare war and raise and regulate armies.

[2] *See* M. Farrand, 2 The Records of the Federal Convention of 1787, 318–19 (1911). Other presidential actions, such as protecting American lives and property abroad and defending our allies, were not directly considered by the Framers. This is understandable: the military needs of the 18th century probably did not require constitutional authority for immediate presidential action in case of an attack on an ally.

[3] *See generally United States* v. *Curtiss-Wright Export Corp.*, 299 U.S. 304 (1936).

[4] *See In re Neagle*, 135 U.S. 1 (1890) (broad view of inherent presidential power to enforce constitutional as well as statutory provisions).

[5] It should be observed, however, that treaties may not modify the basic allocation of powers in our constitutional scheme. *Reid* v. *Covert*, 354 U.S. 1 (1957). Mutual defense treaties are generally not self-executing regarding the internal processes of the signatory powers. Similarly, customary international law, which includes authority for reasonable reprisals in response to another country's breach of international obligation, probably does not confer authority on the President beyond the warrant of necessity.

[6] In other contexts, the Supreme Court has recognized the validity of longstanding presidential practices never expressly authorized by Congress but arguably ratified by its silence. *See United States* v. *Midwest Oil Co.*, 236 U.S. 459 (1915) (withdrawal of public lands from private acquisition).

[7] Although support for this introduction of our armed forces into a "hot" war could be found in the U.N. Charter and a Security Council resolution, the fact remains that this commitment of substantial forces occurred without congressional approval.

[8] The substantial American military presence in Vietnam before the Tonkin Gulf Resolution was known to and supported by Congress.

[9] *See, e.g., Mora* v. *McNamara*, 387 F.2d 862 (D.C. Cir.), *cert. denied* 389 U.S. 934 (1967); *McArthur* v. *Clifford*, 393 U.S. 1002 (1968); *Massachusetts* v. *Laird*, 400 U.S. 886 (1970).

[10] *See* H.R. Rep. No. 547, 93d Cong., 1st Sess. 8 (1973). Section 1547(d)(1) states that the Resolution is not intended to alter the constitutional authority of the President. Fisher, *A Political Context for Legislative Vetos*, 93 Political Science Quarterly 241, 246 (1978), explains that because the two Houses could not agree on the President's responsibilities under Article II, Congress fell back on purely procedural controls.

[11] *See generally* Franck, *After the Fall: The New Procedural Framework for Congressional Control over the War Power*, 71 Am. J. Int'l L. 605, 615 (1977).

[12] *See War Powers: A Test of Compliance Relative to the Danang Sealift, the Evacuation of Phnom Penh, the Evacuation of Saigon, and the Mayaguez Incident, Hearings before the Subcommittee on Int'l Security and Scientific Affairs of the House Comm. on Int'l Relations*, 94th Cong., 1st Sess. 75 (*Mayaguez*) (1975) (hereafter *War Powers: A Test of Compliance*); *The War Powers Resolution, Relevant Documents, Correspondence, Reports*, Subcomm. on Int'l Security and Scientific Affairs, House Comm. on Int'l Relations, 94th Cong., 1st Sess. 40 (Danang); 42 (Phnom Penh); 45 (*Mayaguez*) (Comm. Print 1976).

[13] 50 U.S.C. §1544(b). There are exceptions to the 60-day period if Congress extends the period or is unable to meet, or if the President certifies that more time is needed to extract the forces.

[14] 50 U.S.C. §1544(c).

[14] NOTE: This conclusion respecting the applicability of the War Powers Resolution to military personnel detailed to the Central Intelligence Agency was reconsidered and reversed in an opinion dated October 26, 1983, which appears as an appendix to this opinion at p. 197 *infra*. Ed.

[15] It is an accepted canon of statutory construction that the rejection of an amendment indicates that the bill is not meant to include the provisions in the failed amendment. *See, e.g., Norwegian Nitrogen Products Co.* v. *United States*, 288 U.S. 294, 306 (1933).

[16] We believe that the definition of "introduction of United States Armed Forces" in §1547(c) supports the proposition that members of the armed forces stationed in a foreign country for purposes of training or advising military forces of the host government are not generally to be viewed as subject to the War Powers Resolution.

[17] In contrast, as passed by the Senate, the bill would have required a report whenever our armed forces are "engaged in hostilities." S. 440, 93d Cong., 1st Sess. §4, 119 Cong. Rec. 25,119 (1973).

[18] This replaced an earlier version which merely required consultation with the leadership and appropriate committees of Congress. H.R. Conf. Rep. No. 547, 93d Cong., 1st Sess. 8 (1973); H.R. Rep. No. 287, 93d Cong., 1st Sess. 6 (1973).

[19] Statement of State Department Legal Adviser Hansell before the Senate Foreign Relations Committee, reprinted in State Department Bulletin, August 29, 1977, at 291–92.

[20] Testimony of State Department Legal Adviser Leigh in *War Powers: A Test of Compliance* at 78.

[21] Statement of Legal Adviser Hansell, *id.*

APPENDIX—WAR POWERS RESOLUTION: DETAILING OF MILITARY PERSONNEL TO THE CIA

Memorandum opinion for the Deputy Attorney General, October 26, 1983

This responds to your inquiry whether a Central Intelligence Agency (CIA) operation utilizing military equipment and military personnel detailed to the CIA would require compliance with the War Powers Resolution. In responding to this inquiry, this Office has found it necessary to re-examine and revise a broad conclusion expressed by this Office in its February 12, 1980 memorandum, the "Harmon Memorandum,"[1] that "military personnel detailed to and under the control of the CIA . . ." would not be covered by the War Powers Resolution were they to be deployed into hostilities or a situation otherwise triggering that Resolution.

The heart of the argument in the Harmon Memorandum is the essentially negative inference drawn from the Senate's rejection of the so-called "Eagleton amendment,"[2] which is reprinted on page 8 of that memorandum. The Eagleton amendment would have supplemented §8(c) of the War Powers Resolution regarding the definition of the term "introduction of United States Armed Forces." As enacted, §8(c) now provides:

"For purposes of this chapter, the term 'introduction of United States Armed Forces' includes the assignment of members of such armed forces to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government when such military forces are engaged, or there exists an imminent threat that such forces will become engaged, in hostilities." 50 U.S.C. §1547(c). Senator Eagleton urged adding the following sentence:

"Any person employed by, under contract to, or under the direction of any department or agency of the United States Government who is either (a) actively engaged in hostilities in any foreign country; or (b) advising any regular or irregular military forces engaged in hostilities in any foreign country shall be deemed to be a member of the Armed Forces of the United States for the purposes of this Act." 119 Cong. Rec. 25,079 (1973).

We observe at the outset that the Eagleton amendment on its face does not suggest that it deals with a situation in which uniformed personnel would be detailed to the CIA; indeed, what it would have done on its face was to provide that all government employees under the direction of *any* department or agency either engaged in hostilities in any foreign country or advising any regular or irregular military forces engaged in hostilities would be deemed to be a member of the armed forces for purposes of the War Powers Resolution. In other words, military or paramilitary activities by the CIA would have triggered the War Powers Resolution irrespective of whether the activities were performed by military personnel, civilian employees, or persons under contract to or under the control of the CIA.

The sentences in the Harmon memorandum that follow the quotation of the Eagleton amendment read as follows:

"He [Senator Eagleton] explained that it [his amendment] was intended to cover CIA paramilitary operations involving persons who might be military officers under contract to the CIA. 119 Cong. Rec. 25079–83 (1973). He recognized that without this amendment the Resolution as drafted would not cover the activities of such personnel, and argued that it should, citing CIA activities in Laos as leading to America's Indo-China involvement."

We have carefully reviewed not only the remarks of Senator Eagleton contained in the cited pages of the Congressional Record, but also the full Senate debate on the Eagleton amendment. We have been unable to find a single remark made by Senator Eagleton or any other Senator that reasonably could be read to support the assertion contained in the sentences quoted above from the Harmon Memorandum. In fact, Senator Eagleton and the other Senators who spoke at length for or against the Eagleton amendment manifested an understanding that the debate revolved around the CIA's potential use of *civilian* personnel to conduct combat operations rather than situations in which the conduct of the same operations by military forces might occur. Senator Eagleton and his principal ally in the floor debate, Senator Fulbright, repeatedly expressed the view that failing to include activities which the CIA might conduct with civilian personnel was a major "loophole" which would allow Presidents to evade the War Powers Resolution. The whole point of the Eagleton amendment, which emerges with considerable clarity once the legislative history is examined closely, is that Senator Eagleton intended that *civilian* forces were to be treated the same as military forces for purposes of application of the War Powers Resolution:

"My amendment would circumscribe the President's use of American *civilian* combatants in the same manner uniformed Armed Forces are circumscribed by S. 440 as presently drafted. It would, in other words, prevent a President from engaging *American civilians*, either directly or as advisers, in a hostile situation without the express consent of Congress." 119. Cong. Rec. 25,079 (1973) (emphasis added).

Thus, Senator Eagleton spoke at considerable length about his concern that wars or lengthy and costly military engagements would be caused by CIA covert civilian operations. The discussion did not relate to covering, by this amendment, the detailing of military personnel to the CIA.

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[1] Footnotes at end of article.

Furthermore, the record implies, albeit less strongly on this point, that CIA activities which actually used military personnel would be covered by the War Powers Resolution irrespective of the Eagleton amendment.

The closest that Senator Eagleton himself comes to saying something similar to what was attributed to him by the Harmon Memorandum is in a paragraph that reads as follows:

"So military activities will be carried on by *civilian* employees of the Pentagon, because under the War Powers bill nothing prevents the Pentagon from hiring or contracting with civilian employees, *ex-military* people perhaps, but people that are called civilians." *Id.* at 25,083 (emphasis added).

Senator Eagleton's statements do not support the argument that the Eagleton amendment was an attempt to expand the War Powers Resolution to embrace CIA activities using military personnel. When examined in their full context, it was concern over any American involvement in a military context which the Eagleton amendment was intended to address. He also said: "unless we treat all Americans in military situations alike, whether they are wearing a green uniform, red-white-and-blue or a seersucker suit with arms—what payroll you are on is really secondary; whether you get it from the Pentagon or whether you become a member of the Armed Forces, the end result is the same: Americans are exposed to the risk of war. And as they are exposed to the risk of war, the country, then makes a commitment to war." Id. at 25,080 (1973).

In this same debate, Senator Javits, speaking in opposition to the Eagleton amendment, stated his understanding of the applicability of the War Powers Resolution to paramilitary activities conducted by the CIA as follows:

"Another important consideration is that there [is] outside the Armed Forces . . . no agency of the United States which has any appreciable armed forces power, not even the CIA. They [the CIA] might have some clandestine agents with rifles and pistols engaging in dirty tricks, but there is no capability of appreciable military action that would amount to war. Even in the Laotian war, the regular U.S. Armed Forces had to be called in to give air support. The minute combat air support is required you have the Armed Forces, and the [War Powers Resolution] becomes operative." Id. at 25,082.

This debate over the Eagleton amendment stands rather clearly for the proposition that CIA civilian operations (at least most of them) were not embraced by the War Powers Resolution as ultimately passed by the Congress unadorned with the Eagleton amendment. We do not believe the negative inference to be drawn from the defeat of the Eagleton amendment can be stretched further than to confirm that CIA civilian operations are not embraced by the War Powers Resolution.

In summary, we believe the legislative history relied on in the Harmon Memorandum supports the proposition that Congress assumed that the CIA's use of civilian or exmilitary personnel would not trigger the War Powers Resolution. We do not believe that that legislative history may be relied upon for the conclusion that the involvement of military personnel, if temporarily detailed to the CIA and under civilian control, would remain outside the War Powers Resolution.—Theodore B. Olson, Assistant Attorney General, Office of Legal Counsel.

FOOTNOTES TO APPENDIX

[1] Memorandum for the Attorney General entitled "Presidential Power to Use the Armed Forces Abroad Without Statutory Authorization" from John M. Harmon, Assistant Attorney General, Office of Legal Counsel, Feb. 12, 1980. The occasion for this memorandum was planning relative to the holding by Iran of American hostages and a range of potential American responses to that situation including a possible rescue attempt. The memorandum was general, however, and did not focus on a specific factual situation. Particularly, the Harmon Memorandum's comments concerning a CIA operation involving detained military personnel was a part of a general discussion and was not in response to a precise fact-specific question.

[2] Senator Eagleton introduce several amendments to the War Powers Resolution. Some were adopted. This particular amendment was enumerated as amendment No. 366, and is set out in 119 Cong. Rec. 25.079 (1973).

Mr. WARNER. Mr. President, second, there was a legal opinion issued by the general counsel of the Department of Defense for Secretary of Defense Cheney on December 5, 1992, which, again, reiterates in specificity the authority of the President at that time, President Bush, to take certain actions in Somalia, and sets forth precisely the legal authority for President Bush taking his actions in that timeframe.

I, therefore, ask unanimous consent that that document, Mr. President, be printed in the RECORD.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

GENERAL COUNSEL OF
THE DEPARTMENT OF DEFENSE,
Washington, DC, December 5, 1992.

Memorandum for the Secretary of Defense
Through: The Deputy Secretary of Defense
From: David S. Addington
Subject: Legal Authority for Somalia Relief Operations

The Chairman of the Joint Chiefs of Staff has presented for your approval an order to the Commander in Chief of the Central Command (CINCCENT) to execute humanitarian relief operations in Somalia, which will include authority to use force if necessary to overcome resistance to safe and effective delivery of humanitarian relief. The order would implement the President's direction to you to conduct such operations. It is my legal opinion that the order is lawful.

The United States has the authority to employ the U.S. Armed Forces as contemplated by the order under a treaty and the laws of the United States concerning support for the United Nations and providing for the conduct of disaster relief activities. The President, as the commander in chief under the Constitution, may exercise this authority of the United States as contemplated by the order.

In addition to the President's constitutional powers as commander in chief, two basic lines of authority and funding exist for the conduct of the Somalia relief operations: (1) the UN Charter, UN Participation Act, and defense appropriations acts and (2) disaster relief statutes, including defense appropriations acts. The President may also have available various other authorities that could be brought to bear in appropriate circumstances in support of the Somalia relief operations.

UN CHARTER, UN PARTICIPATION ACT AND DEFENSE APPROPRIATIONS ACTS

The United Nations Charter is a treaty to which the United States is a party. Chapter VI of the Charter provides for the UN Security Council to address through pacific means situations the continuance of which are likely to endanger the maintenance of international peace and security. Chapter VII of the Charter provides for the UN Security Council to address threats to the peace, breaches of the peace and acts of aggression, including in specified circumstances taking "such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security." (Art. 42) Under Article 25 of the Charter, "[t]he Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter."

On January 23, 1992, acting under Chapter VI of the Charter, the UN Security Council adopted Resolution 733 calling upon all States "to contribute to the efforts of humanitarian assistance to the population in Somalia." With the determinations of the Secretary of State dated August 20, 1992 under Section 7 of the UN Participation Act (22 U.S.C. 287d–1) and Executive Order 10206, the U.S. Armed Forces have been and may continue to be used to implement Resolution 733 as a service to the UN, and Department of Defense funds may be used to fund such action. Operation and maintenance funds used for that purpose count against the overall limitation of $100 million on use of operation and maintenance funding under the UN Participation Act set by Section 9158 of the Department of Defense Appropriations Act, 1993 (Public Law 102–396). By memorandum of August 29, 1992, the Deputy Secretary of Defense authorized CINCCENT to provide support to the UN for UN disaster relief in Somalia under the UN Participation Act within specified funding limitations.

Acting under Chapter VII of the Charter, on December 3, 1992 the UN Security Council adopted Resolution 794, authorizing states to use all necessary means (i.e., including force) to establish as soon as possible a secure environment for humanitarian relief operations in Somalia. Chapter VII and Article 25 of the UN Charter, as a treaty, constitute the supreme law of the land under the Constitution and have the effect of this situation of a request to the United States to undertake a military mission, which the President has directed the Secretary of Defense to execute with the U.S. armed forces. Thus, defense appropriations may be used for employment of the U.S. armed forces for this mission in relation to Chapter VII of the UN Charter. See, Opinion of Acting Comptroller General to Acting Chairman, U.S. Civil Service Commission, 32 Comp. Gen. 347 (1953)("* * * existing appropriations of Departments of Agencies are available to defray the expenses of additional duties imposed upon them by proper legal authority.")

The Secretary of Defense has flexibility in the Somalia relief operation to determine when elements of the U.S. Armed Forces are proceeding in relation to Chapter VI authority and Section 7 of the UN Participation Act (i.e., the noncombatant authority) and when they are proceeding in relation to Chapter VII authority (excluding Article 43, which the Department of Defense is not acting under in this situation) to use all necessary means (i.e., including force).

DISASTER RELIEF STATUTES

With or without UN Security Council action under Chapters VI or VII of the UN

Charter, the U.S. Armed Forces may engage in disaster relief activities authorized by law to the extent of available appropriations. Such statutory authorization for disaster relief activities necessarily includes those security measurements required to ensure safe and effective delivery of disaster relief. The guiding statutory limitation with respect to funding is Section 1301 of Title 31 of the U.S. Code, which provides that "appropriations shall be applied only to objects for which the appropriations were made except as otherwise provided by law."

The Department of Defense may use the $25 million appropriated in Section 8105A of the Department of Defense Appropriations Act, 1992 (Public Law 102-172) "for the unanticipated costs of disaster relief activities of the Department of Defense and the military services overseas;" the at least $50 million available under the "Operation and Maintenance, Defense Agencies" heading of the Department of Defense Appropriations Act, 1993 (Public Law 102-396 for "the global disaster relief activities of the Department of Defense;" and the not to exceed $25 million for the CINC initiatives fund account under the "Operation and Maintenance, Defense Agencies" heading of the Department of Defense Appropriations Act, 1993 (Public Law 102-396). The Department of Defense also has available $28 million appropriated under the "Humanitarian Assistance" heading of the Department of Defense Appropriations Act, 1993 (Public Law 102-396) and Section 2551 of Title 10 of the United States Code and enacted by Section 304 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484). It must be emphasized that there are other planned uses for all these funds, so that use of them for Somalia relief operations would require the Department of Defense to forego alternative planned uses for the funds. It should be noted as well that portions of the amounts cited above already have been obligated.

CONCLUSION

For the foregoing reasons, it is my legal opinion that you may lawfully approve the execute order the Chairman of the Joint Chiefs of Staff has presented for your approval.

It should be noted that the U.S. armed forces always may defend themselves and expend for that purpose operation and maintenance funds appropriated to the Department of Defense.

To keep the Congress informed as a matter of comity and to avoid any unnecessary executive-legislative debate concerning the scope and constitutionality of the War Powers Resolution, the Executive Branch may wish to transmit promptly to the Congress a written description of the Somalia relief operation.

Mr. WARNER. I yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, storm clouds on this question have been gathering very quickly in the last several days with events that have transpired in Somalia. However, we really can go back several months into a slightly different part of the world to observe what has happened in the former Republic of Yugoslavia, particularly in Bosnia and Herzegovina because the events there raise many of the same questions that are being debated here this evening.

I also want to thank the Senator from West Virginia for raising this issue and raising the question, because I do believe that this Government, including the Congress and the executive branch, needs a serious debate over the question of what the role of the United States will be in this post-cold-war era, how we will define our foreign policy objectives, how we will use our armed services to help achieve those objectives, because there clearly has been a mix of efforts here, a mingling of efforts to utilize the military to achieve foreign policy objectives in ways which are different from those that existed during the cold war era.

For the sake of our future, for the sake of our ability to project an effective foreign policy and to provide world leadership, for the sake of those men and women who serve in uniform in our armed services, we need to carefully illustrate and define where we are headed in this regard or we will squander American prestige, American power and, most importantly, we will risk or put in jeopardy American lives.

So I do think it is appropriate that we are having this debate. It was unexpected but it is important, and I think we need to proceed with answering many of these questions with as much deliberate speed as possible.

I am reluctant to endorse this amendment because it does set a fairly narrow deadline for action. I think this question is too important to decide by amendment with limited debate and a vote this evening. I do believe and agree with the Senator from West Virginia that the Congress needs to play a very specific role and needs to voice its concerns, its questions, and help formulate policy that will guide us in the future.

I would hope that the Senator from West Virginia would recognize in a bipartisan nature the concerns that are expressed and the support that is given to his efforts to debate and discuss these issues. I would hope that something definitive can be determined between the Senator from West Virginia, the chairman and ranking members of the Foreign Relations Committee and the Armed Services Committee and the leadership to define a fairly specific course of action on which we can proceed to address these questions.

I think it is important that it involve the administration. While I have been a critic of many of the foreign policy decisions or lack of decisions by this particular administration, I think it ought to be engaged very directly in this question. I think we should tap into the expertise of the Department of Defense and, as I said, I think we should proceed with this debate with as much speed as possible. But I hope we can do it through a more thoughtful and more lengthy procedure than simply debating this amendment and voting on it this evening.

It is important because in defining a prudent foreign policy, we need to remember that there is a distinction and there is a difference between what we would define as vital American interests and those interests that involve humanitarian efforts or involve some degree of response just to provide justice when we see moral outrages and injustices taking place around the world.

But there is a distinction between those two goals. When we define a vital American interest, in a sense we make an open-ended pledge. We generally agree to involve whatever force is necessary to meet our objectives. It might involve defense of our territory. It might involve freedom of the seas. It might involve defense of our allies, access to resources, stability for trade, the safety of Americans abroad—these are the traditional commitments of enduring importance. And when we define that, we are willing to assume, risks that I would suggest are far different than the risks that we should assume, or should be willing to assume, when we are involving Americans in issues that engage our moral and humanitarian concerns but not our direct vital interests.

In those cases I think we can support intervention, as we have in Somalia, but only when it does not substantially undermine our broader interests. I believe that means decisions that will involve minimal risk, that define clear objectives and limited timetables, because when we enter into the quicksand of a hopeless or endless humanitarian mission, we squander two very important things: First and most importantly, we risk and waste American lives, and that is a burden that we should not bear. But, second, we squander the will of the American public to intervene in future events, in future conflicts even when those events or conflicts are important to our vital interests.

I think this is one of the lessons of Vietnam. It is possible to so wound our national conscience that we forfeit American prestige and power and we forfeit the opportunity necessary to intervene in future conflicts that are vital to our interests.

This is important because we cannot be isolationists. America has been thrust into a leadership position both by the commitments that it has made to power and to influence and by world events even beyond our control.

Changing events around the world, it seems to me, will require us to be even more active than we have been in the past. Weapons of mass destruction, ballistic missile technology proliferates in ways that are far less controllable and manageable than they have been in the past. American intervention may and probably will be necessary and essential to avoid a future of blackmail and a future of suffering. But if we compromise that mission or those missions with misguided interventions or misguided policy now, we are going to undercut our credibility and our national willingness to intervene in situations that are much more threatening, that are much more vital.

We have to understand that while our interests are substantial, they are not unlimited, and therefore we have to understand that we will not be able to intervene in every humanitarian cause, and even in causes where gross injustices are occurring, because as has been pointed out on this floor this evening, there are injustices just as cruel as those that we witness and have witnessed in the past in Somalia that are occurring all across the world. It is just that CNN really has not shown up there, or made it a priority to beam it into our living rooms every evening, or that our publications have not chosen to print the pictures of suffering humanity on the front page of the New York Times or Washington Post or other periodicals or papers that you read.

There are literally dozens of situations which exist in the world today that render our hearts, that build our moral outrage, and that call for justice to prevail. But we have to understand that American power is limited. And we have to understand, I believe, the distinction between those occurrences which directly threaten our vital interests and those which fall in the second category of humanitarian relief, because, as I said, if we do not, we risk squandering the ability to involve ourselves in what surely will be necessary interventions in the future.

When our interests are clear, thousands of casualties may not be too high of a price to pay, but when our goals are uncertain, one death is too many. It is not weakness to conclude in certain situations that one American death might be one too many, because we need to carefully defend American power and American will, we need to retain a responsible concern for America's armed forces and a very healthy respect for the complexities of history.

One of the things that we are dealing with both in Somalia and in Bosnia is the complexity of human history, the conflicts that arise out of ethnic tensions, out of religious, cultural, and social conflicts that have existed for centuries that do not lend themselves to easy intervention, to easy solution, easy American, or even allied, U.N. involvement and solution. We need to understand what we can and cannot do.

So Senator BYRD has raised these important questions before us this evening, and I commend him again for doing so because this is a debate that must take place, and it must take place not only this evening but in the next several days. It must involve, as I have said, both Congress and the executive branch. To postpone the effort is to not only risk American lives but also create a situation where we will squander American prestige and American will in intervening in situations that are important.

I cannot help but reflect as several have on an analogy of history. I visited Beirut shortly after the death of the 237 marines in the terrorist bombing. Those marines were sent to heal another ethnic and religious conflict. Those marines received very little specific direction. They were sent out of great compassion. They were sent with the highest of motives, but they were sent to their death without good reason. And we saw the anguish of innocent people in hopeless conflict and the result of what we did was simply add our suffering to their own.

Gen. John Vessey summarized the lesson of Lebanon which should be engraved in a monument to the sacrifice of those marines when he said, "Don't get small units caught between the forces of history."

We have before us the lesson of Lebanon, and we have before us the lesson of Desert Storm. We have before us two very different situations to which the United States responded with two very different results. I believe we should pay a great deal of attention to the history of those two conflicts and our involvement in helping determine policy for the future that will guide the United States.

I make it a practice to call the parents of sons and daughters in uniform who die serving their country who are from my State. It is the most difficult thing that I have to do in this position. We in the Senate bear the burden of our Nation's choice between war and peace, and that burden needs to be heavier than the weight of good intentions.

So I hope that as we engage in this debate both this evening and hopefully through the committee process in cooperation with the administration we can carefully understand and carefully separate the complexities of the decisions before us and formulate a foreign policy that will serve the best interests of our American men and women in uniform, the best interests of this Nation, and the best interests of the people of the world.

I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER (Mrs. FEINSTEIN). The Senator from Rhode Island.

Mr. PELL. Madam President, huge as is my respect and my regard for the Senator from West Virginia, I must concur with the Senator from Indiana in support of the United Nations' operation in Somalia. I believe it is important to recognize that the United Nations' goals there have been very clearly defined in Security Council Resolution 814. The United States has led the effort to gather multilateral humanitarian and military support to answer this crisis in Somalia. Twenty-three nations responded to our call for involvement. We should not and must not be the ones to disengage before the mission is complete. I believe United States leadership and participation in this effort remain crucial, and the precedent is of vital importance.

We have had a great deal of success with this mission since it started. We responded to a humanitarian crisis of immense proportions.

With our allies, we continue to provide an atmosphere of security, ensuring delivery of critical assistance throughout most of the area of the U.N. operation.

A premature withdrawal of American troops would open the way to collapse of the international coalition now engaged in Somalia and to the recurrence of the humanitarian crisis which we, as a nation, felt we had to respond to.

I conclude that we must see our mission in Somalia through. We should support continued American involvement in ensuring a secure environment for the provision of humanitarian relief for the people of that unhappy country and in paving the way for a genuine resolution of the crisis that has wrenched this Nation.

I understand the majority leader will be offering a compromise substitute, and I look forward to supporting it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Madam President, this Senator has already spoken on the subject. He merely asks unanimous consent to be included as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Dakota.

Mr. PRESSLER. Madam President, I rise in strong support of the original amendment offered by the distinguished President pro tempore, Senator BYRD. In fact, I would like to ask unanimous consent that I be added as a cosponsor of his amendment.

Madam President, from the day that United States troops first set foot in Somalia on December 9, 1992, I have had serious reservations about the extent of our involvement and the potential consequences. The time has come to finish our business in that beleaguered nation and to bring our troops home.

Madam President, I believe we should get our troops out lock, stock, and barrel. I opposed sending them there in the first place. I say that not as an isolationist. I voted for the gulf resolution. So I am not against using troops where we have strategic or national interests at stake. But I am concerned here that the War Powers Act has not been followed. We are getting more and more enmeshed in missions and responsibilities that have nothing to do with humanitarian reflief.

I shall be very brief and submit most of my statement for the RECORD.

I fear this is perhaps not the President doing this but certain Pentagon planners. I have recognized over the years their desire for adventure and desire for involvement.

As I stated earlier, I believe that such an operation should be carried out only if there are vital U.S. interests. The interests should be clear and understandable. The issue of moral obligation has been raised tonight. However, we have a moral obligation in a number of places. We have moral obligations all over the world. We have moral obligations right here in Washington, DC, on the Indian reservations in South Dakota, and within our cities that have crime. We have moral obligations everywhere. The problem is this government lacks the material resources to meet each and every obligation that cries out for help. Therefore we have to set priorities. We have to decide where our key national interests lie.

I do not believe that our national interests lie in having our troops engage in essentially a civil war in Somalia. I am very concerned about the precedent we are establishing when we commit troops to open interventions like the current operation in Somalia. Operation Restore Hope was based on fulfilling a humanitarian need. However, the current U.N. operation, Unisom II, has taken on missions and responsibilities that go far beyond simply providing relief. Our troops are now mired in a civil war. They are targets for reasons that have nothing to do with keeping the people of Somalia fed.

Again, Madam President, the precedent we are establishing is a dangerous one. Many in this Congress—I am one of them—always urge our President to define our mission when we commit troops abroad. This mission should be clear and understandable to Congress and to the people. There should be a plan to get them out when the mission has been accomplished. We should insist that the United Nations do the same. The United Nations is not following these simple principles in Somalia. The situation even is beyond the control of the United Nations.

Mr. President, I hope my colleague from West Virginia does not compromise his amendment. I am cosponsor of it. I hope he gets a rollcall vote on it. It is in the national interest. What he is doing is very important. I support him. I support him not as an isolationist. Indeed, I am an internationalist. I support NAFTA. I support the principles of GATT. I support free and fair trade. I voted to send our troops to the gulf. I proudly served in the Army in Vietnam. But it is time to get our troops out and to get them out as quickly as possible. The Byrd amendment will move us in that direction.

I have heard talk that there may be a compromise underway, that there is some kind of a substitute coming. I hope we get an up-or-down vote on the Byrd amendment. I hope that the Senator from West Virginia does not change his amendment. I am very, very proud to be a cosponsor. I salute him for his efforts on this very important issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Madam President, I think this is a very important debate taking place this evening. I want to commend Senator BYRD for offering his amendment.

I would like to relate an experience I had during the August recess. I traveled to Southeast Asia—to Malaysia, Singapore, and Hong Kong, briefly hitting a typhoon in Hong Kong.

In Malaysia, I had an interesting meeting with Prime Minister Mahathir and the Foreign Minister. An issue they raised repeatedly was that there seemed to be a double standard employed by the United States as to when and where we will intervene and under what circumstances. Namely, we were quick to intervene in Somalia, but we were not so quick, indeed we were quite resistant to intervene in Bosnia. This put me in the position of having to articulate U.S. foreign policy in terms of exactly when can the President of the United States act on his own and when must he call upon the Congress to support placing U.S. troops in harm's way.

And I had to review for each of these individuals, the Prime Minister and the Foreign Minister, the circumstances that we discussed here on the floor when we intervened in the Persian Gulf. I recall that debate very, very well. We had a situation where we had a brutal dictator who had invaded another country, who had raped and engaged in pillage, who had burned 600-plus oil wells.

At that time, President Bush was deciding whether he would come to the Congress, saying that perhaps he did not have to. The War Powers Act has been ignored by virtually every President since its adoption. They say it is unconstitutional. It is an unconstitutional intrusion upon the powers of the President as Commander in Chief.

I recall going to the White House on at least two occasions urging President Bush to come to Congress, saying that while you may believe it is unconstitutional, it is on the books as the law of the land. It has not been resolved by the Supreme Court. It may never be resolved by the Supreme Court. But at this point in time, you should at least comply with its letter, if not its spirit, and come to the Congress. Not that you would concede your position in the Supreme Court should you choose to challenge it at some future time, but rather for a political reason. You cannot send large numbers of American forces into harm's way and not have the support of the American people. If you do that, you run the risk of losing it virtually overnight. You run the risk of imperiling this country's reputation. You jeopardize any future missions which may very well have a great merit. For all of these reasons, it is important to have an expression of the American people's support through its elected representatives.

President Bush finally, after securing U.N. support for the resolution to use force to evict Saddam Hussein from Kuwait, decided to come to Congress. And in a very extensive debate, we went through all of the arguments. We said, well, we have a national security interest involved here. We have a vicious dictator who has invaded another country, who has engaged in rape, pillage, looting, every violent act conceivable, even those that are inconceivable, the torture, the brutality, the savagery. We were moved by that, but it was not enough to persuade a majority of Senators.

We said he was engaging in the development of chemical and biological weapons. That got our attention. But that was not enough.

I recall that our Secretary of State said jobs are at stake, and that provoked a great negative reaction on the part of the American people, as if it were only jobs that would cause us to deploy our gold reserves in the form of our young men and women to another country.

We said, here is a man who will stand astride of the oil fields of the world—or the Persian Gulf, at least—and dictate world oil prices, possibly throwing the world economy into a recession, should he choose to do so. We said that is not enough.

Finally, we came to the argument, which proved to be quite legitimate, that he was on a fast track to developing a nuclear capability.

And only through the totality of all of these arguments did we finally have enough votes, by maybe three or four, in favor of allowing the President to put those forces in harm's way, to go to war with Saddam Hussein's forces. Three or four votes, after all of those arguments.

So we are very reluctant to commit our treasure to another area of the world, unless we have a clearly, identifiable national security interest. And there we only prevailed by a few votes, less than a handful.

What about Somalia? Well, clearly, it is not national security that led us to deploy forces there. I know the Senator from Illinois suggested perhaps that we have a national security interest in helping to stabilize unstable areas, and that argument can perhaps be advanced. But the United States does not have a clearly identifiable national security interest in Somalia.

We are there because of humanitarian reasons. We looked at CNN on the television set, and we saw all of the suffering and starvation, and the American people's hearts opened up. They are abundant with sympathy and overflowing with humanitarian instincts.

Of course, we have to be cautious. There is something called the CNN curve. That is, when we see portrayals of inhumaneness and suffering and tragedy, the heart opens up and out leaps a willingness to do whatever is necessary, until we start seeing body bags coming home with Americans inside them. Then the curve goes immediately down. So we have to be conscious of the CNN curve, as it has been called.

So why did we intervene in Somalia? Whenever there is a humanitarian basis, we have to take into account a number of factors. Do we have a strategic goal? Do we know how we are going to get in safely and, equally important, how we are going to get out? How long will we be there? What is the probability of our success? And is there a minimum risk of the loss of life?

Regarding Somalia, President Bush obviously made the determination that we could, in fact, get in reasonably safely and also get out within a reasonable timeframe, and that we could accomplish our goal with some considerable probability of success and with a minimum risk of loss of life. And so we intervened.

But as speaker after speaker has pointed out, that mission has now changed. I was asked recently on one of the national programs: "Are we now running a risk of engaging in another Vietnam?" And my answer was, "No."

I do not think the American people would allow us to make that kind of a commitment, a long-term commitment, with those kinds of numbers of soldiers, men and women, committed to that region. They would not stand for it. I do not think the United Nations is prepared to make such a commitment on anyone's behalf. So I do not think it is a risk of another Vietnam.

Is it a risk of another Beirut? I think the answer clearly is yes.

So our mission has shifted from stopping the starvation to now instituting some kind of political stability, helping to organize a country's political system, to stabilize it so that people can live in peace and harmony and be well fed and, hopefully, well nourished in every respect. That is a mission of quite another dimension. I think it is imperative that the President of the United States now come before Congress to articulate a policy that he believes we ought to be committed to.

So, for that reason, I think the Senator from West Virginia has done an enormous service. He and Senator DOLE have made an enormous contribution to this debate. It is important that we debate this mission because it is in danger of losing its focus and becoming little more than hunting warlords.

Why do we want to catch this individual? And if we catch him, what do we do with him? Do we bring him back to the United States and put him on trial? Do we have a U.N. tribunal? What is the goal if we get him? Or is it something else—to simply take him out? That raises another issue about executive orders.

Nonetheless, the mission seems to have shifted, and because it has shifted and the focus has been broadened, the debate must be broadened and brought here. For that reason alone, it is important and commendable that the Senator from West Virginia has offered his amendment.

There was another dimension to this, I might say to my friend from West Virginia, and that is now that we are there, do we do what a former Senator from Vermont suggested we do in Vietnam—that is, to declare victory and come home? Is that what we do at this point? If we were to do that, have we succeeded in doing anything? Or have we simply undermined what we set out to do, and in 6 months from now, we will watch people starving all over again, and there will be no incentive whatsoever to return to that land?

So I think it poses a unique dilemma for us, because the policy was not really fully debated here before it was implemented, and because now we see it has lost its focus and has changed. Now we have another set of problems.

So it is important that we not simply rush into a decision without a thorough debate, which I believe we are having this evening and hopefully will continue perhaps until tomorrow. It is important that we think about the consequences of simply reversing the action without giving the President an opportunity to formulate a policy, to present it to us, to allow us to fully debate it and then either to support or reject it.

So I think this has been very helpful. And I say to my friend from West Virginia that he has caused us to focus on the issue in a way we have not focused on it previously. So whatever the resolution of this debate, be it through a compromise amendment from the leadership or an up-or-down vote on the original Byrd amendment, I think he has made an enormous contribution to a resolution that the American people need and deserve.

Mr. BYRD. I thank the distinguished Senator for his comments, which I respect and value very much.

Mr. MITCHELL. Madam President, I thank my distinguished friend and colleague from Maine. As is usually the case, he has made what I think is a very pertinent and appropriate observation on how best to proceed with this matter.

I have been discussing this over the past several hours, through staff and directly, with Senators DOLE, BYRD, NUNN, SIMON, LEVIN, and a number of others who have been interested in the matter. We have been attempting to fashion a compromise that hopefully will attract broad and bipartisan support. We have made good progress, but have not reached agreement on the matter yet.

And it is my judgment, therefore, that we permit the debate to continue on this matter for as long as Senators wish to address it this evening. But I am now stating that there will be no further rollcall votes this evening on this or any other amendment.

It is my understanding that the chairman of the committee and the manager of the bill would like to proceed at 9:30 a.m. tomorrow on another important amendment, that dealing with U.S. policy with respect to homosexuality in the Armed Forces and that an agreement has been reached on a time limitation on that.

So shortly I or my designee will propound an agreement under which the Senate would turn to that subject at 9:30 a.m. tomorrow, dispose of that, and then this amendment, having been set aside for that purpose, would occur at that time, presumably sometime shortly after noon, and by then we would be prepared either to proceed with a compromise or simply to proceed to debate further in any event.

So, Madam President, there will be no further votes, and either I or the chairman will shortly present to the Senate for approval a unanimous consent request governing disposition of the other amendment to which I referred and setting of this amendment aside for that purpose.

Madam President, does the Republican leader have any remarks?

Mr. DOLE. Madam President, only to underscore what the majority leader has said. I think there may be some way to resolve this which is satisfactory to the distinguished Senator from West Virginia and nearly every other Senator in the Chamber.

I think it is an important issue. I think it is time it was raised. The debate has been constructive, and, hopefully, by the time we reach the other amendment in the morning we will be able to come to some conclusion.

Mr. MITCHELL. Madam President, does the Senator wish to address this subject further?

Mr. CHAFEE. I would like to say a few words on this subject if it is appropriate.

Mr. MITCHELL. Madam President, I yield the floor.

Mr. CHAFEE. When the marvelous words "no rollcall votes" is announced the place loses a little bit of its excitement.

But, nonetheless, I have to say I have grave concerns about this amendment by the Senator from West Virginia. In effect, what the Senator's amendment does is to restrict the powers of the President of the United States and have those powers subject to the views of 34 Senators, because under the proposal of the Senator from West Virginia—and I share his grave concerns about what is happening in Somalia—certainly the President is having his powers severely restricted by the amendment of the Senator from West Virginia because what the Senator's amendment, if I understand it correctly, says is we must get out of Somalia unless there is a vote by the Congress of the United States saying we can stay, instead of the normal procedure in which the Congress can just cut off funds or vote by a majority that we should not stay there.

But under the amendment of the Senator from West Virginia things are turned upside down in which there has to be a positive vote in favor of staying there, and that positive vote can be prevented from occurring by the actions of 34 Senators through the filibuster.

So, whereas I am glad the Senator from West Virginia has this up for discussion and I think it is very important that we talk about Somalia, I certainly do not think that the presence or nonpresence of our forces should be controlled by 34 Senators out of 100.

Therefore, I am not in favor of the amendment proposed by the Senator from West Virginia and hope it will be defeated.

I suppose that some kind of a substitute is going to be presented, but I think we have to be pretty conscious around this place of the powers of the President, and whether he is a Republican President or a Democratic President, I think we should be very, very conscious of those powers.

I thank the Chair.

Mr. BYRD. Madam President, I have a modification to my amendment for which I would need unanimous consent inasmuch as action has been taken indirectly on my amendment by the unanimous consent order that was entered providing for the majority leader to offer a second-degree amendment to the amendment I have offered. I would like to read my modification.

My modification that I would like to present and get unanimous consent to enter into the language would affect paragraph (b) relating to the U.N. operation.

The effect of this change would be that if the United Nations wants to go forward with a peacekeeping operation in Somalia that does not include United States participation of funding, it should be able to do so. We should not veto. If the United Nations wants to do that, we should not veto that action. The original language that I have entered would require a veto of any U.N. operation with or without United States participation if the Congress had not enacted a law approving a Presidential plan for continued involvement in that situation.

The second change that my modification would make is shorten the period of time after enactment that the Secretary of State has in which to complete a report to the Congress on our policy in Somalia. Since the Secretary would be on notice of the reporting requirement when the bill passed the Senate, he would not have to wait several weeks for the conference committee to complete its work before starting the report. So he would have ample lead time even with a shortened 10-day requirement to complete his report.

Mr. President, I will not ask unanimous consent at this very moment to be allowed to modify my amendment. I just wanted to put my colleagues on notice.

I yield the floor.

The PRESIDING OFFICER (Mr. FORD). The Senator from California.

Mrs. FEINSTEIN. Thank you very much, Mr. President.

Mr. President, I have been listening to the debate, and I would just like to express my concerns, which are really not along the lines of constitutional war powers or separation of powers concerns but the concerns of a Nation, the leader of the free world, who can be made into a paper tiger.

I believe that the world today is a very unstable place. We are in a new post-cold-war world. We left the large, centralized control of the Soviet Union. There are more than 30 wars going on in the world today, six of them in the former Soviet Socialist Republics.

I see a big difference between what we are doing in Somalia and what we did in the Gulf war, and I would submit to you that virtually anyone who watched television in the Gulf war saw the cruise missiles, they saw the F/A-18's, they saw the Patriot missiles, they saw the tanks and helicopters, they saw the carpet bombing of B-1 bombers, and they saw the American infantry on the march.

Mr. President, that was a war.

You do not see that in Somalia. And I agree with what Senator KASSEBAUM said earlier. You see a nation that has risen to the obligation of the leader of the free world to step in in what was the largest public starvation case that we know of in the world and bring some humanitarian relief. As a product of that relief, what was found was a very unstable series of renegade forces within the country. Clearly without stability there is going to be no end to starvation. Clearly unless the country is stable, the starvation will return.

Mr. President, I am proud of what President Bush did in Somalia. I am proud of what President Clinton is doing in continuing the effort. What concerns me is that once this Nation is committed, this body can create a situation which then turns us into a paper tiger and moves us out because it sends a signal to every renegade dictator, every terrorist government that is out there—and there are some—that when the United States of America becomes involved it will not necessarily be to finish the job.

I am one who believes that we should finish the job in Somalia. I am one who believes that we made a mistake in not finishing the job in the Persian Gulf. And I would be hopeful that no action of this body would really be utilized to turn this country into this kind of paper tiger. We saw it once, and it should not happen again, and it should not happen in a post cold war world where there are regional wars where this kind of disruption that is so enormous in loss of life causes the conscience of the world to arise.

If we cannot be a conscience, if we cannot go in and help people, if we cannot say, "Dictators, stop fighting and starving your people," what is a democracy worth? What is a democracy worth if we cannot support our President when he does that? What is a democracy worth?

You can be sure a military dictatorship would do that.

And, yes, Mr. President, I do get a little upset, because I have been proud of our marines and troops in Somalia. I come from a large State. During the budget reconciliation bill, I had 194,000 phone calls in 1 week. I do not get phone calls on Somalia.

I believe the people of America are also proud of what our Armed Forces are doing to prevent starvation and to restore stability in that country. To me, that is not the kind of war with Patriot missiles and tanks and F-18's and carpet bombs and a moving infantry.

I think peacekeeping missions are something that we, as a democratic leader, are going to have to enter into more in the world of the future.

I think it is fine to ask the President to come before this body and state the intention, in one way or another. I cannot, respectfully, with all good intentions, create a situation which is a threat to the American will, which is a threat to our ability to carry out the job, and which, most importantly, by many can be interpreted as once again the United States of America is a paper tiger and cannot finish the job.

Thank you, Mr. President.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

(Mrs. FEINSTEIN assumed the chair.)

Mr. BYRD. I say to the distinguished Senator from California, we have finished the job. That is what I am saying. We were not told we were going to be there to develop a stable society or referee decisions between warlords or establish democracy.

We accomplished what we entered Somalia to do. We finished the job.

Who is going to pay this bill? We have all been talking about our monstrous budget deficits. These activities in Somalia do not come for free. We have a responsibility, first of all, to take care of the American people and problems here at home. We do not have any national security interests in Somalia.

I have been in the Senate 35 years now. I have never supported making the United States a paper tiger. Show me a vote in which I have made the United States a paper tiger.

I am saying we ought to step up to the plate and vote on whether or not we continue our participation in Somalia.

I do not believe that, just because a President—any President, Democrat or Republican—commits our troops to situations that go beyond the mission that we were originally told was the mission, we should just follow along and say, "Well, that is a commitment."

I do not read in the Constitution of the United States anything that says or implies that an action by the President of the United States to put United States troops in Somalia or anywhere else and keep them there for some vague objective—creation of political stability or whatever it is—I do not see any implication in the Constitution that that is a commitment that the Congress has to follow.

My amendment says, let us vote. The troops have to come out if, in the meantime, a law has not been enacted that authorizes their staying in Somalia.

Let us not run away from that vote. Let us not claim that this is a creation of a deadline for a troop pullout. It is not. It just creates a deadline for us to have to step up to the plate and vote, and let the American people hold us responsible for that. Those who want to vote to stay in Somalia can do so.

It is no paper tiger to honor our own Constitution, to which each of us has sworn an oath to support and defend. I do not consider any such commitment on the part of any President to be something that the Congress has to honor without question.

There is going to be a bill for this operation that has to be paid. And then it will come time to vote on the appropriation. Both Houses will have to vote on that.

We have huge budget deficits. We have to deal with natural disasters.

We recently voted on a reconciliation bill that commits us to take certain actions in order to reduce those budget deficits. We cannot turn the spigot off with the right hand and turn it on with the left.

So, let us demonstrate whether we really believe that it is the best thing for the American troops to stay in Somalia. Let us say what our national security interest is.

Let us not run away from this. Let us step up to the plate. We have a responsibility to take a stand one way or the other. That is what I am asking.

I was probably the last Senator out of Vietnam, I say to the Senator from California. I did not make the United States a paper tiger there.

But the American people have a right to expect those of us in the Congress to make a decision. Congress has a role here. I do not expect to just be the tail on any President's kite, Republican or Democrat.

I do not say this to cast any aspersions on my own President. I have a lot of respect for him; and I like him. I am fond of him. But this goes deeper than that. We are not shouldering our responsibility unless we step up to the plate and say we agree or disagree with this policy, and here is my vote. There is a deadline for us and the President to make an affirmative decision or a negative decision with respect to the current policy. That is the deadline.

If the Senate and House want to buy on to this operation in Somalia, then there is the record. The Senate and the House will have done so. I do not think we ought to continue as we are going: Say nothing, and when the appropriation requests come, then renege. I was in the recent conference on the supplemental bill. The Senator from New Mexico was there, Mr. DOMENICI. I took the position we ought to pay our bill to the United Nations, $293 million or whatever it was. But there was no support for that position in that conference. What kind of a paper tiger is that if we do not pay our bills to the United Nations?

We stand up and make big talk about keeping our commitments and sending signals and sending messages. What kind of a message does that send? We do not want to put our money where our mouth is. At some point, somebody is going to have to vote to pay these bills.

I contend, and I will continue to contend, that we have already fulfilled the mission that we set out to complete. I, too, am proud of our fighting forces for performing as they did in that mission. But that mission has long been completed, and as a Congress, we have not bought into the new mission of the United Nations there. I am saying let's debate it and let's show down, one way or the other. Either buy into it or get out.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Madam President, first I want to commend the Senator from West Virginia. We are having, really, the first debate that we have had on Somalia and I think that is good. What was unfortunate was the timing of all this, in terms of Presidencies, and when Congress was in session. It happened shortly after the election. We were not in session. And President Bush made a decision, the right decision, that we were going to see that food got to desperate people.

And here let me correct one of our colleagues who said earlier there have been a lot of other comparable situations just as bad as Somalia. I have been in Ethiopia, in refugee camps in Asia. I have seen a lot of grim things. We have had nothing—nothing comparable to this. Maybe in smaller numbers. In Sudan there is a desperate situation, but nothing like this.

President Bush made the right decision. The difficulty at that point was not only that we were not in session, but a new President took over on January 20. So we did not have a situation where we would have the normal kind of debate and consideration in Congress. But I believe our new and distinguished senior Senator from California was right in saying—maybe the phrase is not paper tiger—but what is at stake is what Senator WARNER, our colleague from Virginia, talked about: The credibility of the United States.

I think our failure to respond in any way to the Bosnian situation reduced our credibility. And for us just to leave the situation in Somalia because it is not risk free, after we got 23 other nations to come in, I think would be a great mistake. Since the United Nations has taken over there, there have been four American deaths. I asked my staff to check whether there were a comparable number of deaths in accidents at U.S. bases here. One base in California, and I forget the name of it, this past year had 10 deaths—on a U.S. military base right here.

There is no question this is not a risk-free operation. But the U.S. interest is, I think, very clear. And the debate is important.

I also believe that Senator BYRD and Senator NUNN are correct in saying we need to make clear our responsibility here, and we need to clarify this whole situation. But first of all, what if the United States had done nothing with 2 million-plus people starving to death? It would have just been terrible. We would have diminished our leadership appreciably.

But the second "what if?" is what if we just let the situation deteriorate and it goes back to the same old situation in Somalia? That, also, threatens the credibility of our country.

I think, again, the debate has been healthy. I have discussed with Senator NUNN the possibility of the subcommittee I chair holding joint hearings with the subcommittee of the Senate Armed Services Committee, just to get clarification of this. I think it is appropriate that Congress debate.

But I believe that the passage of a compromise amendment that I think is going to get worked out is the right move rather than the passage of the BYRD amendment, well motivated as it is.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Madam President, I rise with some reluctance to oppose the amendment of my distinguished colleague from West Virginia. My reluctance stems from considerable sympathy with his concerns about the United States mission in Somalia. I share many of his views of the problems now troubling the American people about our continued presence in that distant country. I too wonder when we will be coming home from Somalia, and how many more Americans must die before we do come home.

The Senator from West Virginia is correct in observing that what started out as a peaceful humanitarian mission has now degenerated into a combat mission in a confusing civil war. The enemy in this war is not clear, and our military mission is equally vague. He is also correct in noting that the Congress has never authorized this combat mission. In effect, we backed into a situation that has now consumed nearly a billion dollars that could be better spent, and American lives upon which no price can be placed.

Many critics of our Somalia intervention base their opposition on the grounds that United States forces there no longer serve any clear national purpose, and that there are no national interests at stake. This may be true in one sense, but not true in another—and this is where I begin to part company with my good friend from West Virginia. It is true that no direct national interests are involved. No vital markets, no critical resources, no allies are threatened in Somalia. But now that we are there, other, indirect national interests are at stake—U.S. leadership, prestige, credibility, and self-respect. These intangibles are perhaps not as compelling as Persian Gulf oil for example, but they are nonetheless essential to a great power. Throughout our history, Americans have sacrificed their lives and fortunes for these intangibles, which can be expressed simply as the integrity of the United States.

If we pull out prematurely, chased out by a tinpot warlord, I believe that U.S. leadership, prestige, credibility, and national self-respect will be significantly harmed. The Senator's amendment would in effect give Aideed and his thugs a time certain, a mere 30 days, through which they would simply have to hold out, and then the American blood and sacrifice expended there will be in vain.

Yet, in opposing this particular amendment, I have to agree with the Senator's basic premise that our commitment in Somalia must not remain indefinite and open-ended. There must be some limit on our involvement there, but those limits must not be announced publicly to the encouragement of Somali warlords. I would hope my colleague might accept compromise language to require the administration to submit a plan to the Congress for an orderly termination of the mission in the very near future.

But above all, let us not be thrown out of Somalia—or anywhere else—prematurely, and against our will. Let us continue to search for those who killed Americans and allied peacekeepers, and make them pay for their murders. Then, when we leave, we may march out with our heads high; and in the words of Robert E. Lee, "with the satisfaction of duty faithfully performed."

I yield the floor.

The PRESIDING OFFICER. Who yields time?

AMENDMENT NO. 782, AS MODIFIED

Mr. BYRD. Madam President, I ask unanimous consent to modify my amendment in accordance with the explanation that I gave earlier.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. I send to the desk the modification and ask that the clerk read it.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read as follows:

On page 242, strike out line 19 and insert in lieu thereof the following:

crew of that historic warship.

SEC. 1067. INVOLVEMENT OF ARMED FORCES IN SOMALIA.

(a) LIMITATION.—Effective 30 days after the date of the enactment of this Act, funds available to the Department of Defense may not be obligated for support of operations of the Armed Forces in Somalia except to the extent authorized in a law enacted after the date of the enactment of this Act.

(b) UNITED NATIONS ACTIONS IN SOMALIA.—(1) No later than 10 days after the date of the enactment of this Act, the Secretary of State shall complete a thorough review of the purposes of United Nations policy and actions in Somalia and submit to Congress a detailed assessment of the purposes of such policy and actions.

(2) The President is requested and urged to inform the United Nations that the United States will neither fund nor participate in continued operations of United Nations forces in Somalia after October 31, 1993,

except to the extent authorized in a law enacted after the date of the enactment of this Act.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Madam President, I understand the Senator from West Virginia has made a unanimous consent request. Has that been entered?

The PRESIDING OFFICER. It has been granted.

Mr. BYRD. Madam President, I wish to thank the distinguished manager Mr. NUNN, the majority leader and the Republican leader and others for agreeing to the modification which has now been entered into the RECORD.

I yield the floor.

UNANIMOUS CONSENT AGREEMENT

Mr. NUNN. Madam President, I ask unanimous consent that at 9:30 a.m., Thursday, September 9, Senator BOXER be recognized to offer an amendment relative to homosexuals in the military; that when the Senate disposes of Senator BOXER's amendment, Senator BYRD's amendment No. 782 recur as the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NUNN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. NUNN. Madam President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SEEDS OF PEACE IN THE MIDDLE EAST

Mr. PELL. Mr. President, it is my great pleasure today to speak about the impending peace accord between Israel and the Palestine Liberation Organization. At long last, the Israelis and Palestinians appear ready to cast aside decades of hatred, bloodshed, and distrust and take the bold step of mutual recognition. Immediately thereafter, the two sides are expected to sign an agreement for Palestinian autonomy in the Gaza Strip and the West Bank town of Jericho. This will serve as an interim arrangement as negotiations proceed during the next 5 years on a final settlement.

The pace of these developments has been stunning and rapid, much like the breakup of the former Soviet empire just a few years ago. Within a matter of days, the world learned of secret negotiations between Israel and the PLO, of the initialing of the accord on Gaza and Jericho, of an imminent agreement between Israel and Jordan, and of progress on talks between Israel and Syria. On their own, any of these events would have been a milestone. Collectively, they could herald the dawn of a new era.

This is not to say that that peace is already at hand, or that there will be no difficulties or pitfalls in the days and months ahead. As we have seen with the breakup of the U.S.S.R., the initial euphoria will give way to hard realities and challenges. The radicals, extremists, and rejectionists will make desperate and violent attempts to scuttle the negotiations. I do believe, however, that all sides recognize that they have larger interests at stake, and that they will not allow the rejectionists to succeed.

I would like to add a word, Mr. President, on the role of the United States in the recent successes. Much of the recent press coverage suggests—I think unfairly—that the Clinton administration had little to do with the Israel–PLO accord. I only wish to point out that the accord was reached in a climate that was carefully crafted and nurtured by both the Bush and Clinton administrations. If peace comes, there will be ample credit to distribute among many players. But one fact is evident: There would have been no impetus for Israelis and Palestinians to reach an agreement had there been no American leadership in setting up and institutionalizing the Middle East peace talks. The peace talks provided a forum for all sides to air their grievances directly, and when a back channel became desirable, they provided sufficient cover for the Israelis and Palestinians to meet secretly.

Much work, of course, remains to be done. The minutiae of the Israel-PLO agreement are still being hammered out, and the United States, of course, will have to determine its own role and responsibilities in the arrangements, including the difficult issue of our relationship with the PLO. I do hope, and have every expectation, that the current momentum will continue. We could be witness to a defining moment in history.

RECOGNIZING THE 75TH ANNIVERSARY OF THE DIPLOMATIC COURIER SERVICE

Mr. PRESSLER. Mr. President, today I rise to pay tribute to a branch of our Department of State that is celebrating its diamond anniversary. This year, the Department of State Diplomatic Courier Service celebrates its 75th anniversary. Under the watchful eyes of U.S. diplomatic couriers, the U.S. Government has maintained a secure flow of information essential to conducting a successful foreign policy.

The classified messages and other sensitive material and equipment taken across international borders always have been essential to policymakers. As custodians of the diplomatic pouch, their efforts have proven invaluable to the security of the United States and our embassies in foreign countries.

Since 1918, diplomatic couriers have been loyal, prompt, and diligent in delivering official U.S. Government messages worldwide. From World War I to the end of the cold war, diplomatic couriers carried out their missions without fail, even under perilous conditions. During that time, five couriers have given their lives in service to their country.

For 75 years, the U.S. diplomatic couriers have played an integral part in maintaining our national security, preserving confidential communications to Government leaders separated by vast distances, and helping in the monumental achievements of U.S. foreign policy. It is fitting that we honor more than two generations of dedicated official government messengers on the occasion of their diamond anniversary. I urge my colleagues to join me in recognizing the Diplomatic Courier Service as they mark this important milestone.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. NUNN. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 339, Maj. Gen. Daniel W. Christman, to be lieutenant general.

I further ask unanimous consent that the Senate proceed to the immediate consideration, the nominee be confirmed, any statements appear in the RECORD as if read, upon confirmation the motion to reconsider be laid upon the table, and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

IN THE ARMY

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601(a):

To be lieutenant general

Maj. Gen. Daniel W. Christman, [redacted], United States Army.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1398. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, notice of a report of the status of budget authority; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Banking, Housing and Urban Affairs, to the Committee on Commerce, Science and Transportation, and to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–262. A joint resolution adopted by the Legislature of the State of California; to the Committee on Armed Services.

"ASSEMBLY JOINT RESOLUTION NO. 27

"Whereas, Many military bases are the site of releases of hazardous substances; and

"Whereas, The hazardous substance contamination at those sites have not been cleaned up for years; and

"Whereas, The presence of hazardous substances at those closed military bases may prevent future civilian uses of those lands; and

"Whereas, Reliable and consistent funding for cleanup and for the evaluation of future land use has not been forthcoming; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Members of the Legislature hereby request the Congress of the United States, prior to the closure of any military facility in California, to provide a consistent and reliable source to finance the cleanup of any hazardous substance contamination at the site and to finance the Environmental Baseline Survey which is necessary to determine responsible and sound future land use for the site; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Defense, to the Administrator of the Environmental Protection Agency, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM–263. A resolution adopted by the House of the Legislature of the State of California; to the Committee on Armed Services.

"HOUSE RESOLUTION 28

"Whereas, The Ventura County Community College District has established an electronic communications system for Ventura County through the Ventura County Business Resource Center; and

"Whereas, In Ventura County, downsizing, plant closures, and out-migration to other counties and states has resulted in approximately 21,000 displaced workers in recent years and, as reported by the Employment Development Department, a decrease in employment of 8,400 over just the last 12 months; and

"Whereas, The Ventura County Business Resource Center has provided an information and training partnership between the Ventura County Community College District, the Port Hueneme Division of the Naval Surface Warfare Center, the Ventura County Economic Development Association, and other local professional societies; and

"Whereas, These entities have used technology transfer and resource sharing to promote growth and add and retain jobs and further provided immediate access by business and allowed the timely gathering of information for confident decisionmaking concerning community economic development activities and issues; and

"Whereas, Expansion of the Ventura County Business Resource Center into the California Communications Technology Center would provide immediate and direct benefit to the entire State of California by linking local government, utilities, and business with the information necessary to empower them through access to information and resources which will assist in the creation of jobs, business and job retention, and ultimately economic and community development efforts; and

"Whereas, As part of the federal effort to stimulate the economy and provide assistance to companies converting to a civilian customer base, establishment of the California Communications Technology Center would enable technology developed by the U.S. Navy to be transferred to local business, government, and education to strengthen their ability to compete and operate nationally and globally and thus create and save jobs; and

"Whereas, The Ventura County Community College District will continue to provide job training and retraining opportunities to enable companies to implement and utilize advanced technologies and production methods; and

"Whereas, The California Communications Technology Center will provide a technology upgrade of the extension enabling services currently provided through the Ventura County Business Resource Center; and

"Whereas, A tremendous need exists for economic development and business retention assistance as a result of numerous plant closures, downsizing, and out-migration of businesses, resulting in a significant increase in the unemployment rate; and

"Whereas, This project would transfer and deploy curriculums for communications technology to companies to support the growing requirements of distributed processing; and

"Whereas, The project recognizes and implements an expansion of total education-business-government, community-based partnerships as the model of cooperation that supports economic and community development; now, therefore, be it

"*Resolved by the Assembly of the State of California*, That the Members of the Assembly respectfully memorialize the President and Congress of the United States, through the Advanced Research Projects Agency of the Department of Defense, to provide a grant of approximately $4 million per year to the Ventura Community College District as lead agency for the partnership to expand the California Communication Technology Center; and be it further

"*Resolved*, That the Chief Clerk of the Assembly shall transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Ventura Community College District."

POM-264. A joint resolution adopted by the Legislature of the State of California; to the Committee on Armed Services.

"ASSEMBLY JOINT RESOLUTION NO. 42

"Whereas, The United States Marine Corps serves as the nation's primary force-in-readiness; and

"Whereas, The United States Marine Corps has a unique capability of diverting large cargo ships full of well-maintained combat supplies anywhere in the world at a moment's notice; and

"Whereas, By using its maritime prepositioning ships to deploy heavy equipment and weapons to the Persian Gulf and Somalia the Marine Corps demonstrated its ability to move the heaviest, most sustainable combat brigades operating from land, sea, and air anywhere in the world faster than any other military force; and

"Whereas, During Operation Desert Storm, personnel at the Marine Corps Logistics Base at Barstow, California, loaded more than 1,700 railcars with equipment and other supplies and transferred them to southern California ports over a two-week period; and

"Whereas, In support of the Marine Corps' worldwide commitment to deployment, despite being the smallest military service in the Department of Defense with the smallest budget and the fewest number of bases, the Marine Corps Logistics Base at Barstow is one of only two central distribution and maintenance activities responsible for supporting the Marine Corps worldwide; and

"Whereas, The mission of the Marine Corps Logistics Bases at Barstow, California, and at Albany, Georgia, of supporting the Marine Corps' maritime prepositioning forces worldwide cannot currently be accomplished by any other service; and

"Whereas, The Marine Corps Logistics Base at Barstow is centrally located in the Mojave Desert at the intersections of Interstates 15 and 40 as well as the Santa Fe and Union Pacific Railroads; and

"Whereas, These transportation links, in addition to the Barstow-Daggett Airport, which has the capacity to land the C-141 "Starlifter" cargo jet, enable the base to rapidly and efficiently support Marine Corps units west of the Mississippi and throughout the Pacific region and Asia; and

"Whereas, The Marines at Barstow efficiently operate the largest railhead facility in the entire Department of Defense supporting two of the largest training bases in the world, the nearby National Training Center at Fort Irwin and the Marine Corps Air-Ground Combat Center at Twentynine Palms; and

"Whereas, Barstow's arid desert climate allows outdoor storage and maintenance throughout the year, with warehouses and open storage lots in excess of 13 million square feet and with minimal corrosion and rust problems; and

"Whereas, The Marine Corps Logistics Base at Barstow repairs and rebuilds a multitude of equipment, including circuit boards, armored vehicles, and other equipment essential to fleet Marine Corps forces; and

"Whereas, Fort Irwin's main logistics and maintenance facility, the Sacramento Army Depot, has been slated for closure, leaving the next closest facility in another state; and

"Whereas, The Army already sends an average of 250 railcars through the Marine Corps Logistics Base at Barstow monthly; and

"Whereas, Fort Irwin's inventory includes 3,000 different pieces of equipment that require periodic rebuilding, and the Army can save tremendously on freight costs by sending its Fort Irwin equipment to Barstow rather than out of state; and

"Whereas, The Army is already in negotiations with the Marine Corps to have such rebuilding performed on Army Bradley fighting vehicles, and the Marine Corps Logistics Base at Barstow was recently awarded a maintenance contract for Paxman 5,000-horsepower engines, which are used in U.S. Coast Guard and Navy vessels; and

"Whereas, The Marine Corps Logistics Base at Barstow was awarded the maintenance contract for the U.S. Army Missile and Space Intelligence Command's XM-TAS radar carrier vehicle, awarded the contract over the FMC Corporation and Anniston Army Depot; and

"Whereas, A key reason for the awarding of this contract was Barstow's ability to integrate the vehicle into its workload and to provide an acceptable beginning and completion date; and

"Whereas, With the closure of deployment facilities at Long Beach, California, and Fort Ord, California, the Army's main point for deploying combat forces abroad will be Fort Irwin, which will increase transportation demands into and out of the area; and

"Whereas, Logistical distribution functions are being centralized under the Defense Logistics Agency, so the Marine Corps Logistics Base at Barstow has the potential to become an even more important logistics support activity for Fort Irwin, the Marine Corps bases at Camp Pendleton and Twentynine Palms, and other military services throughout the southwestern United States; and

"Whereas, The Marine Corps Logistics Base at Barstow is one of only two primary storage and distribution facilities in the Marine Corps and is responsible for supporting fleet Marine Corps forces west of the Mississippi, including the Pacific region and Asia, and is positioned to best support the largest concentrations of Marine Corps forces; and

"Whereas, The Marine Corps Logistics Base at Barstow possesses some of the most unique and modern testing facilities in the world, with an added ability to develop its own test equipment and to design, prototype, test, manufacture, ship, and install new equipment anywhere in the world within weeks, as occurred with the D-7 Dozer armor plate kits used in Operation Desert Storm; and

"Whereas, These kits were installed by the Logistics Command's own multicommodity maintenance personnel within 65 days and were installed in Saudi Arabia prior to the invasion of occupied Kuwait; and

"Whereas, Five of the armored D-7 Dozers were destroyed in battle and none of the Marines operating them were injured; and

"Whereas, The flexible production schedules and multicommodity capabilities of logistics bases make them uniquely qualified and essential to such immediate needs of the maritime prepositioning forces; and

"Whereas, The Marine Corps Logistics Base at Barstow operates at 98 percent of capacity, while Army counterparts operate far below capacity and as a result are closing 30 percent of their depots; and

"Whereas, The two Marine Corps Logistics Bases at Barstow, California, and Albany, Georgia, together constitute less than 1 percent of the Department of Defenses's Operations and Maintenance costs for logistics; and

"Whereas, The Marine Corps Logistics Base at Barstow is the largest employer of residents from the nearby community with a civilian payroll seven times the size of its military payroll; and

"Whereas, The City of Barstow suffers an unemployment rate of approximately 15 percent, with one-third of its residents on public assistance; and

"Whereas, The same region has recently suffered the closure of George and Norton Air Force Bases, and is facing a downsizing of March Air Force Base; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the Base Realignment and Closure Commission, the President, and the Congress of the United States, to recognize the cost-effectiveness, efficiency, and strategic importance of the Marine Corps Logistics Base at Barstow, California; and be it further

"*Resolved*, That the Legislature recommends to the President, the Congress, and the Base Realignment and Closure Commission that the Marine Corps Logistics Base at Barstow remain in operation due to its operational and strategic necessity to the United

States Marine Corps, the United States Army, and the United States Navy; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor, to each member of the Base Realignment and Closure Commission, to the President and Vice President of the United States, to the Secretary of Defense, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-265. A resolution adopted by the Senate of the Legislature of the State of New Mexico; to the Committee on Commerce, Science, and Transportation.

"SENATE MEMORIAL 44

"Whereas, although the United States funds nearly sixty percent of the World's Civil Space Activity, much of that funding is spent Abroad; and

"Whereas, because there are currently only two out of thirteen major World Launch Sites in the United States, the Nation is profiting from only a small proportion of this multi-billion dollar business; and

"Whereas, with the advancement of Single Stage Rocket Technology, a new generation of Space Vehicles is being developed with the advantage of Inland Launching and recovery capability; and

"Whereas, the prototype of a Single Stage Rocket Suborbital Vehicle will be rolled out at White Sands Missile Range on April 5, 1993 and will be launched in late June; and

"Whereas, there are other commercial Rocket Programs already doing business with White Sands Missile Range; and

"Whereas, Southern New Mexico is the recognized Birthplace of the Space Age in America and, with the development of the single stage to orbit vehicles, it could continue to be the Kitty Hawk of space Activities because it has a superb climate for Space Operations, a large, high-altitude launch and recovery range and numerous Scientific Laboratories and centers of technical excellence throughout the Region; and

"Whereas, Military and Commercial Space Advancement and Technology is supported and encouraged by the Citizens of New Mexico, and the State has introduced Legislation to create a New Mexico Commercial Space Office that would provide needed Statewide Coordination for the increasing Space-Related Research, Development and Manufacturing Activities which are occurring in the State; and

"Whereas, one such activity is the proposed Southwest Regional Spaceport, a full-service Launch, Reentry and recovery Range for Space Programs whose Mission is the integration and coordination of Space Development Interests among Government, Industrial and Educational Institutions; and

"Whereas, New Mexico has also introduced Legislation to promote and coordinate the Conversion from Defense- to Civilian-Oriented Technology and from Federal, State and Local Government Facilities to Private Sector Industries, and also to promote Private-Public Partnership and Business Development Programs; now, therefore, be it

"*Resolved by the Senate of the State of New Mexico*, That it applaud the efforts of White Sands Missile Range, the National Laboratories, Industries and Universities in New Mexico who are working together in advancing Aerospace Technology and in establishing the Southwest Regional Spaceport as a major World Launch and Recovery Site; and be it further

"*Resolved*, That it urge the President and the Vice President of the United States and the New Mexico Congressional Delegation to support the Southwest Regional Spaceport in Southern New Mexico; and be it further

"*Resolved*, That a copy of this Memorial be transmitted to the President and Vice President of the United States and to each Member of the New Mexico Congressional Delegation."

POM-266. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on Energy and Natural Resources.

"SENATE CONCURRENT RESOLUTION 100

"Whereas, the Department of Hawaiian Home Lands administers the Hawaiian Homes Commission Act of 1920; and

"Whereas, the purpose of the Hawaiian Homes Commission Act is to provide native Hawaiians with certain public lands in trust for homestead use, agricultural use, and other leases for the benefit of native Hawaiians; and

"Whereas, one of the major obstacles towards acceleration of homestead awards are the kinds of lands which require a great amount of off-site and on-site infrastructure improvements; and

"Whereas, Hawaiian home lands has the least amount of its lands on Oahu, less than 4% of its total holdings, and the highest demand for residential homesteads for Oahu, more than 40% of all applications; and

"Whereas, the United States continues to occupy more than 320 acres of Hawaiian home lands located at Kekaha, Kauai, and Pohakuloa, Hawaii, for a term of 65 years for a nominal rent of $1 for the entire term for each parcel; and

"Whereas, the United States claims fee ownership of 1,489 acres of valuable Hawaiian home lands at Lualualei, Oahu, which lands include an existing acquifer, and for which no payment has ever been made; and

"Whereas, the possible availability of federal lands, especially on Oahu, provides a unique opportunity for the United States to satisfy all or part of its obligations to resolve claims by replacing Hawaiian home lands which were taken; and

"Whereas, the addition of lands will help make whole again the Hawaiian Home Lands Trust and provide for the settlement of native Hawaiians in accordance with the mission of the Hawaiian Homes Commission Act; now, therefore, be it

"*Resolved by the Senate of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1993, the House of Representatives concurring*, That the Federal Government of the United States is urged to explore how federal lands no longer needed for military and other purposes can be used to compensate the Hawaiian Home Lands Trust for illegal takings and uses of trust lands; and, be it further

"*Resolved*, That the Legislature declares its support of actions by the United States of set right those wrongs that occurred long ago and to correct deficiencies that continue today in the spirit and context of ho'oponopono; and be it further

"*Resolved*, That certified copies of this Concurrent Resolution be transmitted to the President of the United States, President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Hawaii's Congressional Delegation."

POM-267. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Energy and Natural Resources.

"SENATE JOINT RESOLUTION NO. 12

"Whereas, The right of way was granted for the construction of highways over public lands not reserved for other public uses by section 8 of chapter 262, 14 Statutes 253 (former 43 U.S.C. §932), which was enacted in 1866; and

"Whereas, The placement of that section in an act primarily devoted to the encouragement of mining upon public lands suggests that an important purpose of the grant was to provide access to mining claims, but the operation of the grant was extended by section 17 of the Placer Act of 1870, which also affected other patents, preemptions and homesteads, so that the right of access was extended broadly to private property; and

"Whereas, When section 8 of the Act of 1866 was repealed in 1976 by section 706 of Public Law 94–579, section 701 of Public Law 94–579 also provided: "Nothing in this Act * * * shall be construed as terminating any valid * * * right-of-way [sic], or other land use right or authorization existing on the date of approval of this Act"; and

"Whereas, This Legislature is informed that the United States Forest Service is demanding that the users of rights of way which provide access to private parcels of land and which were established pursuant to section 8 of the Act of 1866 apply and pay for permits that limit the duration and nature of the use long and freely enjoyed by the owners of these parcels as an incident of their ownership, where the right of way lies within a National Forest; and

"Whereas, Such a limitation of use and provision for future extinction violates the rights of those users which were preserved in 1976 by section 701 of Public Law 94–579, and which necessarily include the right of access to their lands and the right to maintain that access physically; and

"Whereas, Because only 13 percent of the land in Nevada is privately owned, it is imperative for the well-being of the state as well as the taxpaying residents who own those lands to hold open their rights of access; and

"Whereas, This Legislature has recognized the important benefits to this state and its residents from the continued and permanent existence of the roads established over those rights of way, and has enacted law setting forth the rights and correlative duties of the owners of those rights of way and the rights of the public to use them; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of Nevada, jointly*, That the Nevada Legislature urges the United States Forest Service, the Bureau of Land Management, and other agencies of the executive department of the Federal Government to recognize the permanent rights existing in those roads that serve private property, and urges the Congress of the United States in the exercise of its oversight to ensure that those rights are in fact respected; and be it further

"*Resolved*, That a copy of this resolution and any related legislative measures enacted by this legislature be transmitted by the Secretary of the State to the Vice President of the United States as presiding officer of the Senate, to the Speaker of the House of Representatives, and to each member of the Nevada Congressional Delegation; and be it further

"*Resolved*, That this resolution becomes effective upon passage and approval."

POM-268. A resolution adopted by the Board of Chosen Freeholders of the County of Ocean, NJ, relative to the flooding in the mid-western United States; to the Committee on Environment and Public Works.

POM-269. A resolution adopted by the City Council of the City of Leander, TX, relative to the Endangered Species Act; to the Committee on Environment and Public Works.

POM-270. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Finance:

"ASSEMBLY JOINT RESOLUTION NO. 39

"Whereas, The State of Nevada has a vital interest in protecting and expanding the growth of jobs and industry in Nevada and the United States; and

"Whereas, The North American Free Trade Agreement is designed to create a "free trade" bloc between the United States, Canada and Mexico; and

"Whereas, The United States, Canada and Mexico have vastly different standards of living, wage structures, workers' rights, health standards, safety standards, environmental standards and regulatory climates; and

"Whereas, The North America Free Trade Agreement may threaten workers in the United States by allowing inexpensive, largely unregulated Mexican labor to produce duty-free goods, which are now produced in United States factories for export into the United States; and

"Whereas, Many agricultural issues remain unresolved with Canada from the United States-Canada Free Trade Agreement, such as transportation and energy resource subsidies, and a new agreement should not be signed until those issues are resolved; and

"Whereas, The North American Free Trade Agreement as currently negotiated, would adversely affect agriculture in Nevada and the United States by:

"1. Allowing Mexican commodities produced with 58 pesticides including DDT which are banned in the United States, to compete with Nevada agricultural producers whose pesticide use is regulated;

"2. Encouraging United States meat packing plants to move their operations to Mexico to take advantage of lower safety and sanitation standards because the North American Free Trade Agreement exempts Mexico from the Meat Import Act of 1979;

"3. Unduly limiting the ability of the United States to carry out domestic programs to foster the farm and rural economy; and

"4. Immediately eliminating the tariff on feeder cattle imported from Mexico and potentially increasing imports of Mexican feeder cattle by 100 percent, which would equal 10 percent of all cattle on feed in the United States, thereby preempting the Meat Import Act of 1979, which limits beef imports in the United States, and, as a result, allows Mexico to ship more of its current domestic production to the United States and to supply Mexico's domestic demand with cheaper imported beef and undermines consumer confidence in the safety of the imported beef thereby placing greater strain on the already overburdened and underfunded United States border inspection system and threatens livestock feeding operations by driving closely associated meat packing plants to Mexico; and

"Whereas, The North American Free Trade Agreement, as currently negotiated, would drive down United States per capita income, tax revenue, and standards of living by pitting workers in the United States against exploited workers in Mexico where workers:

"1. Are routinely paid less than $1 an hour compared with an average wage of $14.31 an hour for workers of the United States;

"2. Do not have minimum wage and hour protection;

"3. Are forced to work in unsafe and unsanitary conditions and do not have occupational health and safety protections;

"4. Do not have protection against the exploitation of child labor; and

"5. Are routinely blacklisted for organizing to better their working conditions; and

"Whereas, The North American Free Trade Agreement, as currently negotiated, contains no provisions to correct lax Mexican environmental standards or to address the existing environmental degradation of the United States/Mexican border where:

"1. Carcinogens such as methylene chloride at levels of 215,000 times the United States standards, are found in irrigation channels around existing industrial parks;

"2. Hazardous breakdowns, such as styrene and ethyl benzene from industrial plants and industrial pesticides, are found in biologic testing of stillborn infants; and

"3. Air emissions have contained toxic chemicals, such as benzene at levels 200 times and toluene at levels 56 times United States standards;
and

"Whereas, State environmental laws could be undermined by unrelated foreign policy concerns because states are not included in any dispute mechanisms between the Federal Government and foreign governments; and

"Whereas, State laws on banking and insurance may be in conflict with the final agreement and would have to be changed, with possible detriment to the residents of the State of Nevada; and

"Whereas, The North American Free Trade Agreement, as currently negotiated contains no provisions to discourage companies of the United States from relocating to Mexico; and

"Whereas, It also contains no provisions for the retraining of workers in the United States who may become displaced as an outcome of "free trade"; and

"Whereas, Workers in the United States have already lost more than 500,000 jobs to Mexico and projections show that at least another 500,000 jobs will be lost to Mexico under the current North American Free Trade Agreement; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of Nevada, jointly,* That Congress and the members of the Nevada Congressional Delegation are urged to oppose the North American Free Trade Agreement as currently negotiated; and be it further

"*Resolved,* That the Nevada Legislature strongly urges the Nevada Congressional Delegation to continue to oppose the North American Free Trade Agreement until the agreement and its enacting legislation provide for:

"1. Protection of workers' rights, minimum wage and hour standards, and occupational safety and health standards;

"2. The elimination of child labor;

"3. Remedial action to address environmental degradation of the border area;

"4. Increased enforcement of environmental laws and regulations in the United States, Canada and Mexico;

"5. Protection against imports of food products exposed to agricultural chemicals that are banned in the United States;

"6. Protection for import-sensitive industries in the United States;

"7. The denial of trade benefits to United States companies that transfer production to Mexico;

"8. Programs to provide real help to workers of the United States displaced by trade policies; and

"9. Increased border inspections for meat safety, protection against Mexican imports of beef from Europe and South American and Canadian imports of beef from Australia, and protection against the flooding of the United States feeder market; and be it further

"*Resolved,* That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

"*Resolved,* That this resolution becomes effective upon passage and approval."

POM-271. A resolution adopted by the General Assembly of the State of New Jersey; to the Committee on Finance.

"ASSEMBLY RESOLUTION NO. 125

"Whereas, President Clinton has indicated he will call for an increase in the top income tax rate, and for a surcharge, on incomes above a certain amount; for an increase in the top corporate tax rate; for an increased portion of Social Security benefits to be subject to income tax if the recipients have income that exceeds a certain amount; and for the imposition of a broad-based energy tax; and

"Whereas, Three years ago a policy and program of tax increases were adopted for New Jersey which resulted in a deepening of the economic recession in the State and a worsening of unemployment; and

"Whereas, The President and Congress should reflect upon and take into account the experience in New Jersey as they consider the program the President has announced; and

"Whereas, The President and Congress should also take into account the detrimental effect that an energy tax will have on the economy, especially at a time when the signs of growth and improvement are encouraging; and

"Whereas, The General Assembly believes that every member of New Jersey's Congressional delegation should oppose President Clinton's tax increase program and that President Clinton should re-examine his tax increase proposal in light of the detrimental impact it will have on New Jersey; now, therefore,

"*Be it Resolved by the General Assembly of the State of New Jersey:*

"1. This House calls upon every member of New Jersey's Congressional delegation to oppose President Clinton's tax increase program and upon President Clinton to re-examine his tax increase proposal in light of the detrimental impact it will have on New Jersey.

"2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk of the General Assembly, shall be transmitted to the President of the United States, the presiding officers of the United States Senate and the House of Representatives, and each member of Congress elected from this State."

POM-272. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Governmental Affairs.

"ASSEMBLY JOINT RESOLUTION NO. 8

"Whereas, Since the mid 1980's, Congress has increasingly shifted the cost of federally mandated programs to the states; and

"Whereas, Requiring the states to pay for programs created and favored by Congress seriously impairs the ability of each state to establish the social and economic programs that it determines are best suited to the particular conditions in the state; and

"Whereas, Shifting the cost of federal programs to the states enables Congress to avoid exercising the fiscal disciplines and restraint necessary for a balanced federal budget; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of Nevada, jointly*, That the Nevada Legislature urges Congress, before it adopts legislation which requires the states to provide particular services or benefits to persons on governmental agencies, to determine the approximate amount of money it will cost the respective states to comply with that mandate; and be it further

"*Resolved*, That the Nevada Legislature urges Congress not to enact such a mandate unless it also appropriate to the respective states an amount of money sufficient to cover those anticipated costs associated with the new federal mandate; and be it further

"*Resolved*, That copies of this resolution be transmitted forthwith by the Chief Clerk of the Assembly to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

"*Resolved*, That this resolution becomes effective upon passage and approval."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Veterans Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1030. A bill to amend chapter 17 of title 38, United States Code, to improve the Department of Veterans Affairs program of sexual trauma counseling for veterans and to improve certain Department of Veterans Affairs programs for women veterans (Rept. No. 103–136).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. EXON (for himself and Mr. KERREY):

S. 1443. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on luxury passenger vehicles; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 177

At the request of Mr. DOLE, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 177, a bill to ensure that agencies establish the appropriate procedures for assessing whether or not regulation may result in the taking of private property, so as to avoid such where possible.

S. 271

At the request of Mr. GRASSLEY, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 271, a bill to amend the Internal Revenue Code of 1986 to allow a credit for interest paid on education loans.

S. 636

At the request of Mr. KENNEDY, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 636, a bill to amend the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, and for other purposes.

S. 784

At the request of Mr. HATCH, the names of the Senator from Kansas [Mr. DOLE], the Senator from Texas [Mr. GRAMM], the Senator from New Mexico [Mr. BINGAMAN], and the Senator from Colorado [Mr. CAMPBELL] were added as cosponsors of S. 784, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes.

S. 914

At the request of Mr. BUMPERS, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 914, a bill to amend the Internal Revenue Code of 1986 with respect to the discharge, or repayment, of student loans of students who agree to perform services in certain professions.

S. 993

At the request of Mr. KEMPTHORNE, the names of the Senator from Utah [Mr. BENNETT], the Senator from Missouri [Mr. BOND], the Senator from Colorado [Mr. BROWN], the Senator from Colorado [Mr. CAMPBELL], the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from Kansas [Mr. DOLE], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from California [Mrs. FEINSTEIN], the Senator from Texas [Mr. GRAMM], the Senator from Texas [Mrs. HUTCHISON], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Indiana [Mr. LUGAR], and the Senator from Florida [Mr. MACK] were added as cosponsors of S. 993, a bill to end the practice of imposing unfunded Federal mandates on States and local governments and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations.

S. 1063

At the request of Mr. HATCH, the names of the Senator from Alabama [Mr. HEFLIN] and the Senator from Texas [Mr. GRAMM] were added as cosponsors of S. 1063, a bill to amend the Employee Retirement Income Security Act of 1974 to clarify the treatment of a qualified football coaches plan.

S. 1111

At the request of Mr. KERREY, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1111, a bill to authorize the minting of coins to commemorate the Vietnam Veterans' Memorial in Washington, DC.

S. 1207

At the request of Mr. CAMPBELL, the names of the Senator from Washington [Mrs. MURRAY] and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 1207, a bill to amend the District of Columbia Stadium Act of 1957 to authorize the construction, maintenance, and operation of a new stadium in the District of Columbia, and for other purposes.

S. 1326

At the request of Mr. CAMPBELL, the names of the Senator from Nevada [Mr. REID] and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of S. 1326, a bill to establish a forage fee formula on lands under the jurisdiction of the Department of Agriculture and the Department of the Interior.

SENATE JOINT RESOLUTION 7

At the request of Mr. GRAMM, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of Senate Joint Resolution 7, a joint resolution to provide for a balanced budget constitutional amendment.

SENATE JOINT RESOLUTION 105

At the request of Mr. INOUYE, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from California [Mrs. BOXER], the Senator from Arizona [Mr. DECONCINI], the Senator from Connecticut [Mr. DODD], the Senator from Kansas [Mr. DOLE], the Senator from Nebraska [Mr. EXON], the Senator from Utah [Mr. HATCH], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Rhode Island [Mr. PELL], the Senator from Tennessee [Mr. SASSER], the Senator from Illinois [Mr. SIMON], the Senator from Alaska [Mr. STEVENS], the Senator from South Carolina [Mr. THURMOND], the Senator from Virginia [Mr. WARNER], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of Senate Joint Resolution 105, a joint resolution designating both September 29, 1993, and September 28, 1994, as "National Barrier Awareness Day."

SENATE JOINT RESOLUTION 118

At the request of Mr. LAUTENBERG, the names of the Senator from South Dakota [Mr. DASCHLE] and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of Senate Joint Resolution 118, a joint resolution to designate the week of October 17, 1993, through October 23, 1993, as "National Radon Action Week."

SENATE JOINT RESOLUTION 120

At the request of Mr. COVERDELL, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of Senate Joint Resolution 120, a joint resolution proposing an amendment to the Constitution prohibiting the imposition of retroactive taxes on the American people.

AMENDMENTS SUBMITTED

DEPARTMENT OF DEFENSE AUTHORIZATION ACT OF 1994

BINGAMAN (AND OTHERS) AMENDMENT NO. 777

Mr. BINGAMAN (for himself, Mr. MCCAIN, Mr. MATHEWS, and Mr. NUNN) proposed an amendment to the bill, S. 1298, to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, as follows:

On page 432, strike out line 6 and all that follows through page 434, line 8.

SHELBY (AND THURMOND) AMENDMENT NO. 778

Mr. SHELBY (for himself and Mr. THURMOND) proposed an amendment to amendment No. 777 proposed by Mr. BINGAMAN to the bill (S. 1298), supra, as follows:

SEC. 3317. METALCASTING RESEARCH AND DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.) is amended by adding at the end the following new section:

"METALCASTING RESEARCH AND DEVELOPMENT PROGRAM

"SEC. 17. (a) The National Defense Stockpile Manager shall carry out a metalcasting research and development program.

"(b) Under the program, the Stockpile Manager shall support, through contracts, grants, or cooperative agreements, metalcasting industry research and development activities, including the following activities:

"(1) Development of casting technologies and techniques.

"(2) Improvement of technology transfer within the metalcasting industry in the United States.

"(3) Improvement of training for the metalcasting industry work force.

"(c) The Stockpile Manager shall use competitive procedures in awarding contracts, grants, and cooperative agreements under the program.

"(d) The Stockpile Manager shall ensure that each contract, grant, or cooperative agreement under the program includes a cost-sharing arrangement that requires contributions by non-Federal Government sources to the defraying of the cost of activities supported by the contract, grant, or cooperative agreement. The Stockpile Manager may waive the requirement in the preceding sentence in the case of any contract, grant, or cooperative agreement if the Stockpile Manager determines that cost-sharing is not feasible in such case.".

(b) IMPLEMENTATION.—Not later than 90 days after the date of the enactment of this Act, the National Defense Stockpile Manager shall prescribe regulations to carry out the metalcasting research and development program required by section 17 of the Strategic and Critical Materials Stock Piling Act, as added by subsection (a).

(c) FUNDING.—To the extent provided in appropriations Acts, for each of fiscal years 1994, 1995, 1996, 1997, and 1998, funds in the National Defense Stockpile Transaction Fund shall be available for the metalcasting research and development program required by section 17 of the Strategic and Critical Materials Stock Piling Act (as added by subsection (a)) in an amount not to exceed—

(1) $10,000,000.

MCCAIN (AND OTHERS) AMENDMENT NO. 779

Mr. MCCAIN (for himself, Mr. GORTON, and Mr. SIMON) proposed an amendment to the bill (S. 1298), supra, as follows:

On page 148, between lines 8 and 9, insert the following:

SEC. 547. EMPLOYMENT OF RETIRED MEMBERS BY FOREIGN GOVERNMENTS.

(a) FINDINGS.—The Congress makes the following findings:

(1) It is in the national security interest of the United States to promote democracy throughout the world.

(2) The armed forces of newly democratic nations often lack the democratic traditions that are a hallmark of the Armed Forces of the United States.

(3) The understanding of military roles and missions in a democracy is essential for the development and preservation of democratic forms of government.

(4) The service of retired members of the Armed Forces of the United States in the armed forces of newly democratic nations could lead to a better understanding of military roles and missions in a democracy.

(b) CONGRESSIONAL CONSENT.—(1) Chapter 53 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1058. Military service of retired personnel with newly democratic nations

"(a) CONGRESSIONAL CONSENT.—(1) Subject to subsection (b), Congress consents to a retired member of the uniformed services referred to in subsection (b)—

"(A) accepting employment by, or holding an office or position in, the armed forces of a newly democratic nation; and

"(B) accepting compensation associated with such employment, office, or position.

"(b) DETERMINATIONS AND APPROVAL REQUIRED.—(1) The Secretary concerned and the Secretary of State shall jointly determine whether a nation is a newly democratic nation for the purposes of this section.

"(2) The consent provided in subsection (a) for a retired member of the uniformed services to accept employment or hold an office or position shall apply to a retired member of the armed forces only if the Secretary concerned and the Secretary of State jointly approve the employment or the holding of such office or position.

"(c) CONTINUED ENTITLEMENT TO RETIRED PAY AND BENEFITS.—The eligibility of a retired member of the uniformed services to receive retired or retainer pay and other benefits arising from the retired member's status as a retired member of the uniformed services, and the eligibility of dependents of such retired member to receive benefits on the basis of such retired member's status as a retired member of the uniformed services, may not be terminated by reason of employment or holding of an office or position consented to in subsection (a).

"(d) RETIRED MEMBER DEFINED.—In this section, the term 'retired member of the uniformed services' means a member or former member of the uniformed services who is entitled to receive retired or retainer pay.".

(2) The table of sections at the beginning of chapter 53 of such title is amended by adding at the end the following:

"1058. Military service of retired personnel with newly democratic governments.".

(c) EFFECTIVE DATE.—Section 1058 of title 10, United States Code, as added by subsection (a), shall take effect as of January 1, 1993.

WALLOP (AND OTHERS) AMENDMENT NO. 780

Mr. WALLOP (for himself, Mr. WARNER, Mr. SMITH, and Mr. DOLE) proposed an amendment to the bill (S. 1298) supra; as follows:

On page 59, between lines 11 and 12, insert the following:

(g) ABM TREATY COMPLIANT CAPABILITY OF THEATER MISSILE DEFENSE SYSTEMS.—(1) A theater missile defense system, system upgrade, or system component described in paragraph (2) shall be considered as not in violation of the ABM Treaty for purposes of any review or determination of whether a theater missile defense system, system upgrade, or system component complies with the ABM Treaty.

(2) Paragraph (1) applies to a theater missile defense system, system upgrade, or system component that—

(A) has capabilities necessary to counter the most capable theater ballistic missile existing at the time of such review or determination;

(B) has not been tested against a modern strategic ballistic missile; and

(C) has not demonstrated a capability to counter such a modern strategic ballistic missile.

(3) Nothing in this subsection shall be construed as providing that a theater missile defense system, system upgrade, or system component other than those described in paragraph (2) is in violation of the ABM Treaty.

WALLOP (AND OTHERS) AMENDMENT NO. 781

Mr. WALLOP (for himself, Mr. WARNER, and Mr. DOLE) proposed an amendment to the bill (S. 1298) supra; as follows:

On page 55 of the bill, strike out lines 13–24 and insert in lieu thereof the following:

"(5) That the United States and its allies face existing and expanding threats from ballistic missiles capable of being utilized as theater weapon systems that are presently possessed by, being developed by, or being acquired by a number of countries such as Iraq, Iran, North Korea, and others.

"(6) That some theater ballistic missiles presently deployed or being developed (such as the Chinese-made CSS-2) have capabilities equal to or greater than missiles which had been determined to be strategic missiles 20 years earlier under the U.S.-USSR SALT I Interim Agreement of 1972.

"(7) That the ABM Treaty was not intended to, and does not, apply to or limit research, development, testing, or deployment of missile defense systems, system upgrades, or system components that are designed to counter modern theater ballistic missiles regardless of their capabilities, unless such systems, system upgrades, or system components are tested against or have demonstrated capabilities to counter modern strategic ballistic missiles.

"(8) That it is a national security priority of the United States to develop and deploy highly effective theater missile defense systems capable of countering the existing and expanding threats posed by modern theater ballistic missiles, as soon as is technically possible.

"(9) That it is essential that the Secretary of Defense immediately undertake and complete compliance reviews of proposed theater missile defense systems, system upgrades, and system components so as to not delay the development and deployment of such highly effective theater missile defense systems.

"(10) That the Secretary of Defense should immediately report to the Congress on any issue which arises during the course of such compliance reviews which appears to indicate that any provision of the ABM Treaty may limit research, development, testing, or deployment by the United States of highly effective theater missile defense systems capable of countering modern theater ballistic missiles.".

BYRD (AND OTHERS) AMENDMENT NO. 782

Mr. BYRD (for himself, Mr. GORTON, and Mr. PRESSLER) proposed an amendment to the bill (S. 1298) supra, as follows:

On page 242, strike out line 19 and insert in lieu thereof the following:

crew of that historic warship.

SEC. 1067. INVOLVEMENT OF ARMED FORCES IN SOMALIA.

(a) LIMITATION.—Effective 30 days after the date of the enactment of this Act, funds available to the Department of Defense may not be obligated for support of operations of the Armed Forces in Somalia except to the extent authorized in a law enacted after the date of the enactment of this Act.

(b) UNITED NATIONS ACTIONS IN SOMALIA.—(1) Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall conduct a thorough review of the purposes of United Nations policy and actions in Somalia and submit to Congress a detailed assessment of the purposes of such policy and actions.

(2) The President is requested and urged to direct the United States Representative to the United Nations and Representative in the Security Council to veto—

(A) any proposed authorization by the United Nations Security Council of continued operations of United Nations forces in Somalia after October 31, 1993, and

(B) any proposed authorization by the United Nations Security Council of funding for continued operations of United Nations forces in Somalia after that date,

except to the extent authorized in a law enacted after the date of the enactment of this Act.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Wednesday, September 15, 1993, at 10 a.m. in room 366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony from Tara O'Toole, nominee to be Assistant Secretary of Energy for Environment, Safety, and Health and Jay Hakes, nominee to be Administrator of the Energy Information Administration for the Department of Energy.

For further information, please contact Rebecca Murphy at (202) 224–7562.

SUBCOMMITTEE ON AGRICULTURAL RESEARCH, CONSERVATION, FORESTRY, AND GENERAL LEGISLATION

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry Subcommittee on Agricultural Research, Conservation, Forestry, and General Legislation will hold a hearing on S. 1406, the Plant Variety Protection Act of 1993. The hearing will be held on Monday, September 20, 1993, at 2 p.m. in SR–332. Senator J. ROBERT KERREY will preside.

For further information, please contact Marsha Stanton at 224–6551.

COMMITTEE ON FOREIGN RELATIONS

Mr. NUNN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 8, 1993, at 10 a.m. and 2 p.m. to markup the fiscal year 1994 foreign assistance authorization legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. NUNN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate, Wednesday, September 8, 1993, at 10 a.m. to conduct a hearing on S. 1275, the Community Development Banking and Financial Institutions Act of 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS

Mr. NUNN. Mr. President, I ask unanimous consent that the Communications Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet on September 8, 1993, at 9:30 a.m. on S. 1087, the Telecommunications Infrastructure Act of 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO JACK E. BOBO

• Mr. PRYOR. Mr. President, I rise today to pay special tribute to the leadership of a man whose professionalism and stewardship have contributed immeasurably to the effectiveness of writing the laws governing life insurance policyholders, agents, and companies.

Jack E. Bobo is retiring, after 15 years as the head of the professional association of this country's life insurance agents. While at the helm of the National Association of Life Underwriters, he worked closely and carefully with his colleagues, his constituents, and with elected officials in both the U.S. Congress and in the various States. His advice has been sound; his expertise has been crucial; his support has been gratifying.

Many of my colleagues in the Senate have shared my experience of working closely with Jack and his staff, and I know they join me in thanking Jack for the help he has given us over the years, and in hoping that he and his wife enjoy their well-deserved, hard-earned retirement in the best of health and happiest of circumstances.•

TRIBUTE TO CATHY BRAUNER

• Mr. LEAHY. Mr. President, after more than a decade of reporting and serving as city editor of the St. Albans Messenger in Vermont. Cathy Brauner is leaving journalism to continue her education at Boston University.

Managing Editor Gary Rutkowski described Ms. Brauner's dedication to the community she served so well, in a very poignant elegy, "A Farewell to One of Our Own," that appeared in the August 13, 1993, edition of this newspaper.

I share the respect of Ms. Brauner's peers for her distinguished contribution to Vermont journalism, and ask that Mr. Rutkowski's tribute to Cathy Brauner be made a part of the CONGRESSIONAL RECORD.

The editorial follows:

[From the St. Albans (VT.) Messenger, Aug. 13, 1993]

A FAREWELL TO ONE OF OUR OWN

(By Gary Rutkowski)

In one short week, a friend and colleague will push off on a new voyage. After 14 years with the *Messenger*, Cathy Brauner, our city editor, will leave St. Albans to study at Boston University.

Many people have come and gone in the nearly two decades that I have been with this company, none has had a more positive impact on this community than Cathy.

During her job interview in 1979, I sensed that she was not only a responsible and hard-working person, but an intelligent woman who could breathe new life into our editorial department.

The job interview is a roll of the dice. In Cathy Brauner's case, I have always felt that in asking her to join the *Messenger* this newspaper and its readers came up the real winners.

The public may not fully appreciate the life of a dedicated newspaper person. The hours are long, the recognition scarce, the stress level high. Sometimes even the best of intentions are viewed with skepticism and suspicion. You can be criticized for something which you believe was your best work, or be misunderstood all together.

On a small newspaper, there is always the frustration that the chain-owned, out-of-town competition wields the clout of a gorilla, that in some cases it steals all the glory without any of the personal sacrifice—its money and greater resources outshining all of the midnight oil the smaller competitor can muster.

Yet the battle is never truly lost, for we do what the competition cannot. We dedicate ourselves to be a local voice, a paper that reflects all aspects of our neighbors' lives: big and small. Success in community journalism is not achieved by standing above the readers, but by standing with them. No writer at the *Messenger* has exemplified that philosophy more than Cathy Brauner.

Her in-depth stories about the lives of Franklin County people have contained a common thread. Cathy cares dearly about the everyday man, woman and child, about the plight of the poor, about justice and decency. Her best writing, some of which has brought her state and regional journalism recognition, was never provincial in scope at all. It was heart and soul work, the kind of good journalism being done by the most thoughtful writers around the globe.

There is no magic in producing a newspaper. It is done by people of all persuasions, depths of knowledge, and sincerity of purpose and ethics.

There are newspapers today that send editors out on traveling roadshows. They hold court in our town parks and boardrooms, asking "the reader" what they can do to become better newspapers. They conduct polls and surveys to determine what the public wants. Points are won for telling the story in the least number of words, for being politically correct. In presenting life as though it can be sliced into pie charts, they do not always inform but sometimes confuse and even insult the reader.

Cathy Brauner is not that kind of journalist. It is not her style. Hard work is.

While many reporters shy from the rigors of the government beat, Cathy has looked beyond the tedious and sometimes tortuous aspects. She has attended hundreds, if not thousands, of hours of meetings always with the knowledge that a single comment could give rise to an important story that might otherwise be lost forever, or worse yet to the competition.

Cathy has never remained quiet when a story idea has deserved further discussion or work. Sometimes, I must admit, her enthusiasm, her drive to make or take one more telephone call, to check one more source, to reread and revise, to labor and agonize over her craft as though it were childbirth, has taxed her editor to his limits. But now that she is leaving, I know that much of what Cathy has said and done will reinforce my message to future Messenger writers.

In the coming week, as Cathy clears out an accumulated mountain of files and folders, Tab soda cans, newspaper clippings, notes, calendars, and assorted what-nots, the Messenger nears the end of an era.

We will not be the only ones preparing for a friend's departure. Over the years Cathy has somehow found a way to provide lengthy service to the Franklin County Humane Society. She also has been a Samaritan House volunteer, helping to staff the homeless shelter overnight on weekends. Many other organizations and individuals also have come to know her as a friend who could be counted on.

It is said that to discover new oceans one must lose sight of the shore. In that regard, I am sure that this has not been an easy decision for Cathy. Yet she is embarking on a journey toward greater personal fulfillment, and we are happy for her. We will not say goodbye, for we know we will be keeping in touch.

What we do say is: Bon voyage, the best of luck to you Cathy, and thank you for everything.•

CONGRATULATIONS TO REGAL WARE, INC.

• Mr. PRYOR. Mr. President, I rise today to congratulate Regal Ware, Inc., on the occasion of the expansion of its manufacturing operations in Jacksonville, AR. Jacksonville Manufacturing and its hard-working employees can be justly proud of their success over the past 9 years.

Regal Ware, one of the largest privately held manufacturers of cookware in the world, began operations in Jacksonville in 1984. Jacksonville Manufacturing's product line features drawn aluminum cookware, along with stainless steel cookware and small electric appliances. This facility recently completed a major expansion, bringing the current work force to 634, more than double the number of original employees.

Arkansas is proud of the commitment Regal Ware has made to our State. Jacksonville's partnership with Regal Ware has once again given Arkansas the chance to show that it is the right place to do business.

I know my colleagues join me in wishing the men and women or Jacksonville Manufacturing continued success throughout this decade and into the next century.•

ORDER OF PROCEDURE

Mr. NUNN. Madam President, I ask unanimous consent that Senator SPECTER be recognized to address the Senate, and that at the conclusion of his remarks the Senate stand in recess as ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. I thank the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

CONCLUSION OF MORNING BUSINESS

Mr. SPECTER. Madam President, I ask unanimous consent we close morning business, and that we be back on the bill so that my comments relate to the debate on the amendment No. 782 proposed by Senator BYRD.

The PRESIDING OFFICER. Without objection, morning business will be closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senate now resumes consideration of Senate bill 1298. The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

Madam President, I believe that the issue raised by the distinguished Senator from West Virginia, focusing on what the United States policy is in Somalia, and calling for a cutoff date on United States operations in Somalia by October 31, 1993, is a very important matter.

There are many questions as to the purpose of the United States in going beyond its stated mission of humanitarian relief in Somalia and the purpose of special troops going into Somalia with the thought of looking for Aideed to bring him to justice as a war criminal. There is also the question as to whether the War Powers Act is invocable with U.S. military personnel being subjected to hostilities. It is very important that these issues be addressed fully by the Congress of the United States if the United States is to stay in Somalia for a prolonged period of time.

Earlier this evening, a contention was raised by the distinguished Senator from Illinois [Mr. SIMON] that 23 nations have followed the United States into Somalia and the United States ought not to turn and leave.

I do not believe the issue is whether the United States ought to turn and leave, but that the decision as to whether the United States ought to stay or not ought to be decided by the Congress of the United States.

Our Nation has had the bitter experience of knowing that a war or extended military operations cannot be conducted without the consent and the will of the American people. And in a representative democracy it is up to the Congress of the United States to speak to that issue.

I have been very concerned and have expressed those concerns repeatedly in a variety of ways in Congress about our activities in Lebanon, our activities in Iraq, and, before I became a Member of this Senate, as to what happened in Korea and in Vietnam, where in fact wars were conducted without congressional action.

One of the most important provisions of the Constitution of the United States is the authority vested solely in the Congress to declare war and to engage in war operations. There is no doubt that Korea was a war not declared by Congress. Vietnam was also not a war declared by Congress and demonstrated the difficulty of extensive military operations in a war without public consent.

Within the course of the past 2½ years we have faced the issue of Iraq.

And there was a great deal of concern as to whether the Congress would take up the question as to whether a resolution would be passed authorizing military action after the deadline was established by the United Nations of January 15, 1991.

Finally, that issue was brought before the Senate. We had extended debate on the eve of that activity, a very close vote, 52 to 47, and a vote in the House which authorized the use of force. I supported that authorization. But I thought it was very important that the Congress speak and that there be a debate crystalling the matter and the action taken by Congress.

As the proceedings in Somalia have evolved, it has been my sense that Congress ought to act as well. Frequently, issues are not brought before the Congress. Our procedures do not lend themselves well to bringing up a matter by any individual Senator. It has to be on the calendar. Although any Senator can make an amendment, if it is not in a reasonably related way, it does not sit too well around here, period.

The distinguished Senator from West Virginia, Senator BYRD, has brought this amendment, and it is being debated. I believe that, if this amendment is adopted, there will be a much sharper focus on what United States policy is in Somalia. There has been a variety of statements made by a variety of executive branch officials, but there has not been a concise line laid down. This amendment draws that line and states that not later than 10 days after the date of enactment of the amendment, as modified, the Secretary of State shall complete a thorough review of the purposes of United States policy and actions in Somalia and submit to Congress a detailed assessment of the purpose of such policy and actions. That is going to be a good deal more definite, a good deal more precise than a news conference held by the Secretary of Defense or a statement by the Secretary of State on television or a statement by the President of the United States.

When new forces were recently sent to Somalia, the special unit, they had all the appearances of looking for Aideed in an effort to capture him for war crimes. It is my hope that Aideed will yet be captured and will be brought to trial as a war criminal by the war crimes tribunal which has now been authorized by the United Nations to deal with the atrocities in Bosnia.

This is an issue which has been before this body repeatedly in the course of the past decade where some of us have made efforts to have an international criminal court established to deal with terrorism and the narcotics trade. There is considerable impetus now with the U.N. resolution having been passed for a war crimes tribunal, and it is not directed toward Somalia or to Aideed, but it might well serve that purpose. So it may well be that when the Congress of the United States focuses on this issue, that further action of a humanitarian, perhaps of a military nature, may be authorized.

But with the enactment of such an amendment there will be a very sharp focus, a very concerted activity by the executive branch and the State Department. This will generate, if there is a cutoff date, considerable debate by the people of this country. And those sentiments will be heard when I travel through the 67 counties of Pennsylvania in open-house town meetings. It will be heard on telephone calls and will be seen in letters. The issues concerning our involvement in Somalia will give more consideration if we focus on it, and if there is a cutoff date.

I think there is very substantial merit in this amendment, so that a reflective policy may be adopted by the Congress in our representative democracy. And there is much to recommend in terms of our constitutional Government where the Congress is required to declare war—not that I am saying this is a war in its current posture, but there is great merit by analogy in having the Congress consider it. And the applicability of the War Powers Act may be closer.

In any event, American lives are an issue. There are considerable expenditures involved, which have been debated and talked about. Forty-four million dollars a month is not unsubstantial, and it does add up.

Having this matter up for congressional enactment will not prejudge the issue as to whether we stay to relieve, but will put the decision in the repository where I submit it is the law, that is in the Senate and the House of Representatives, with action by the President and in accordance with our constitutional procedures for legislation.

ORDERS FOR THURSDAY, SEPTEMBER 9, 1993

Mr. NUNN. Madam President, I ask unanimous consent that when the Senate completes its business this evening, it stand in recess until 9 a.m., Thursday, September 9; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that the Senate then resume consideration of S. 1298, the Department of Defense authorization bill; that the Byrd amendment No. 782, as modified, be laid aside to recur upon disposition of the Boxer amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. I thank the Chair.

RECESS UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 9 a.m., Thursday, September 9, 1993.

Thereupon, the Senate, at 9:23 p.m., recessed until Thursday, September 9, 1993, at 9 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate September 8, 1993:

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. DANIEL W. CHRISTMAN [redacted] U.S. ARMY.

EXTENSIONS OF REMARKS

WE SHOULD ALL KNOW MORE ABOUT MILITANT ISLAM

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. SOLOMON. Mr. Speaker, despite predictions a few years ago that the age of terrorism was behind us, recent events here in the United States and around the globe make it quite clear that, in fact, we face a new and even more challenging phase of terrorism. A new threat has emerged often dominated by a few radical clerics who call for holy wars against those who do not adhere to their form of religious and political views.

Now more than ever, we must remain vigilant and keep up our guard against these new terrorist threats, which in recent months have come home to America where we once believed we were invulnerable. In order to be prepared to counter these new threats, we, as a nation, must fully understand and appreciate the nature of Islam and the small unrepresentative minority within that great religion that sees terrorism and violence as a means to whatever political or religious goal they may seek to further.

I want to commend a very informative article about this radical Islamic threat by a expert on international terrorism now on the staff here in the Congress. I encourage my colleagues to read this revealing and informative article in order that we may better understand and appreciate the nature of the new form and threat of terrorism facing our Nation and all Americans, whether at home or abroad, I insert the article in its entirety:

THE ISLAMIC CONNECTION—RADICAL ISLAM MIXES VIOLENCE AND SOCIAL SERVICES TO ADVANCE ITS CAUSE

(By Robert M. Jenkins)

Religious fundamentalism has been on the rise around the world. From the Iranian revolution to the Hindu-led destruction of a mosque in India, events during the past two decades reveal that religious fundamentalism, with its terrorist extremism, is a phenomenon to reckon with. The apparent Islamic connection with the bombing of the World Trade Center has focused particular attention on political Islam and Islamic radicalism.

The popularity of this movement could be explained as a religious reaction to the rapid progress of modernization, which has often included a move away from traditional religious beliefs in many westernized societies. In some parts of the less-developed world, fundamentalists are counterattacking against the perceived threats to their societies posed by secularism and modernity, and some are blaming their societies' failures on the "godless West."

For the purposes of this discussion, the terms Islamic activists and political Islamists are used to designate Muslims with a primarily religious and political orientation who call generally for a more Islamic way of life through the gradual and nonviolent transformation of societies. Extreme fringe groups of these political Islamists are called militant Islamic radicals. They support the use of violence and armed struggle to attain their political objectives.

Political Islam calls for a renewal of Islamic values in the personal and public life of Muslims. Its manifestations include strict religious observances, the rapid growth of religious publications and readings from the Koran on radio and in television programming, and demands for the implementation of Islamic law. Political Islam often includes growing numbers of Islamic schools, organizations, and activist movements and expressions of resentment against America for exporting a secular "Coca-Cola" culture to the Islamic world.

Political Islamists and their more militant brethren, the Islamic radicals, often share similar views concerning the West and Israel. They blame the West for the failings of their political and social systems and believe that Western powers support corrupt regimes in many Arab nations. Many political Islamists also blame Western capitalism and Marxist socialism for having failed to address the poverty that troubles parts of the Arab world. The militant Islamists are particularly critical of America's close political relationship with Israel. Most recently, these groups have aggressively opposed the Middle East peace talks, labeling them as a sellout to the West.

The Islamic radical minority in the community of political Islamists often advocate extreme forms of Islamic revivalism. Some of these groups attempt to undermine pro-Western governments in the Muslim world, claiming that they are too pro-American, or not religious enough, especially if those governments are not based on Sharia, or Islamic law. These militant groups have threatened Israeli, American, and other western interests by launching terrorist attacks against the diplomatic facilities, businesses, and citizens of those targeted nations. The radicals believe that they are fully justified in using terrorism against their enemies.

In traditional Islam, the concept of jihad, or "a great striving," is frequently translated in the West as "holy war." Although jihad does not automatically mean the use of terror or violence, terror is sometimes used as a tool in this struggle. Arab journalist Ahmed Tahiri, who has written extensively on the topic, says, "Islamic terrorism has played a constant key role in revivalist movements in the Muslim world during the past 150 years. And, despite vehement protests from westernized Muslim intellectuals, the idea of murdering, maiming, and menacing the enemy for the purpose of hastening the final triumph of Islam has always held a very strong appeal among the Muslim masses."[1]

Throughout the Arab world, Muslim militants and terrorists are often recruited from the legions of unemployed and dispirited young men in both urban and rural settings in seriously underdeveloped countries. In many nations in the Middle East, there is never a shortage of those who are willing to find attractive the idea of launching a holy war against the enemy.

In classical Islam, church and state are not separate. Many Middle East experts believe that Islam is inherently political because it is far more than a religion. It is culture, society, and politics. For years, the Muslim world has maintained an ongoing debate about the merits of returning to the old ways of Islam with the political Islamists leading the charge for a more conservative approach to religion as a way of solving the ills of the Arab world. Secularists, on the other hand, have strongly advocated the gradual modernization of Arab countries.

Political Islam has its origins in Egypt where the Muslim Brotherhood was founded in 1928 by Hassan al-Banna in response to the negative impact that British occupation had on traditional Egyptian society. The brotherhood's founders insisted that the influence of the British and westernized elites was a threat to Egypt and Islam that could only be countered by a return to the basic religious principles of the faith.

Radical Islam caught the attention of the world in 1979 with the dramatic assumption of power of the late Ayatollah Khomeini and the establishment of the Islamic Republic of Iran. The subsequent hostage crisis at the American Embassy in Tehran highlighted the dangers radicalism posed.

In rapid succession, political Islamists sought to assert themselves in a number of Muslim states, with varying degrees of success. Hizballah, or the Party of God, is a militant Islamic group that also has a political agenda. This radical Shia organization was formed by Iran in Lebanon in 1983 and is dedicated to the creation of an Iranian-style Islamic republic in Lebanon and the removal of all non-Islamic influences from the region. The organization, with a terrorist, political, religious, and social services orientation, wants to become institutionalized as Lebanon's principal Islamic movement.

Hizballah is anti-Western and anti-Israeli. The group receives support from the Iranian government, which began funding extremist Lebanese groups as early as 1979. This support includes weapons, training, financial, and diplomatic assistance. Its Consultative Council, or Shura, reports to Iran. The organization operates in Lebanon's Bekaa Valley, around Beirut, and in southern Lebanon and has assets in other countries around the world.

Hizballah uses terrorism to support political and religious goals. The organization is responsible for the terrorist attack on the U.S. Marine barracks in Beirut in 1983, the bombing of two U.S. Embassy facilities there, and the kidnapping of U.S. and other Western hostages in Lebanon. In addition, Hizballah was implicated in the hijacking of a TWA passenger aircraft in 1985 and conducted a sophisticated terrorist bombing of the Israeli Embassy in Buenos Aires early this year, an act that revealed its ability to operate far from home.

Hizballah is determined to drive the Israeli Defense Force (IDF) out of the self-declared

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[1] Ahmed Tahiri. "Holy Terror" (London: Shere Books Ltd., 1987), 9.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

security zone in Lebanon. It has continued to operate against Israeli targets since 1983, when a suicide operative drove a car bomb into Israeli headquarters in Tyre, South Lebanon.

Last fall, Hizballah agents detonated a roadside explosive in southern Lebanon, killing five IDF soldiers and wounding others. The military arm of Hizballah, called the Islamic Resistance Movement, claimed responsibility. The group is developing the ability to fight a more sustained guerrilla war against the Israelis in south Lebanon as opposed to the random terrorist attacks that characterize a simple terrorist group.

Another prominent group is the Palestinian Islamic Jihad (PIJ). It is one of the two groups of radical Islamists that operate primarily in the Gaza Strip and the West Bank. This small activist group, which now has a terrorist agenda with a small political component, originated among militant Palestinian Islamists in Gaza during the late 1970s with inspiration from the Iranian revolution.

The organization began as a religious and political association and became violent after the Palestinian uprising began in 1987. The PIJ is currently composed of a number of loosely affiliated factions, with at least one element based on Damascus. It is successfully building influence in the Palestinian community.

The PIJ organization is committed to the destruction of Israel through holy war and the creation of an Islamic state there. The group is anti-American because of Washington's close ties with Tel Aviv. The PIJ also opposes moderate Arab governments that are considered to be too secular. Its members operate primarily in the occupied territories, actively in Jordan and Lebanon, and less frequently within the Green Line. The Green Line is Israel's original (pre-1967 war) border not including the West Bank and Gaza.

The organization reportedly has conducted joint operations with Hizballah against Israeli targets in south Lebanon and has representation in the Sudan. PIJ is a small fringe organization with only a few hundred active supporters. The tactics it uses in its operations are elementary. PIJ operatives were arrested in Egypt in 1991 for terrorism activities, and the group was responsible for the killing of Israeli soldiers in Jerusalem in that same year. The PIJ has carried out cross-border raids against Israeli targets in the West Bank and Gaza. In January, a member of PIJ who had been deported to Lebanon called for attacks on U.S. embassies in retaliation for allied air raids on Iraq. PIJ is believed to receive most of its funding and other support from Iran.

The Islamic Resistance Movement (HAMAS) is a group of radical Islamists with a religious, social services, and political agenda as well as a terrorist capability. The group was considered to be somewhat moderate until recently. HAMAS is an outgrowth of the Muslim Brotherhood in the Gaza Strip, which had religious and political objectives. Formed in 1987, the extremist group has become a threat to Yasser Arafat and Palestinian moderates in the occupied territories. In July 1992, skirmishes broke out in Gaza between the mainstream Palestinian movement. Fatah, and HAMAS, and the clash left one dead and 100 wounded. HAMAS claims that it has the support of 25 percent of the Palestinians in the territories and that it scored a victory last April over Palestine Liberation Organization (PLO) candidates who have called for a secular Palestinian state.

The PLO supports the peace talks. HAMAS which opposes the existence of Israel rejects a Middle East political settlement sees holy war as the solution and is eager to exploit a failure of the peace initiative. The group envisions an Islamic republic from the Mediterranean to the Jordan River and supports violent struggle to attain that objective. In early November Yasser Arafat chairman of the PLO warned HAMAS to stop acts of violence in the territories and said that he was not ready to "accept Iranian tutelage over us."[2]

To gain influence and win support among the Palestinians in the territories, HAMAS has provided a wide array of social services to Palestinians. The group has become extremely influential in Gaza and the West Bank. HAMAS is essentially self-sustaining, although it has probably received some funds and training from Iran. Its fighters number in the hundreds and operate mainly in the Gaza Strip and to a lesser extent in the West Bank.

The group recently strengthened its ties with the Iranian government. The action reflects a new level of cooperation between HAMAS, a Sunni group, and Iran, a Shia-dominated government. The organization has held public meetings in the Sudan and enjoys close ties with that government, now dominated by Islamic extremists.

Terrorists from an armed wing of HAMAS, the Brigades of the Martyr Izz al-Din al-Qassam, carried out successful attacks against Israeli military personnel in the territories last fall. HAMAS has clearly begun to exploit its terrorist potential. As violence escalated in Israel and the territories in late 1992, the Israeli government deported 415 suspected HAMAS and PIJ supporters to Lebanon as part of a strategy to curb attacks on soldiers and civilians. That action may have triggered another wave of violence in Israel, the West Bank, and Gaza. In March alone, fifteen Israelis were killed and thirty wounded, the highest monthly death toll for Israelis in several years.

The expulsion of the HAMAS political leadership appears to have freed its young gunmen to act more violently. As a strong supporter of both militant groups, Tehran encourages both PIJ and HAMSA to cooperate with Hizballah given the fact that the groups share a common ideology. Both PIJ and HAMAS have also issued statements to the press declaring the unity of the two organizations.

The Al-Gama'a al-Islamiyya, or The Islamic Group (sometimes called Islamic Jihad) is reportedly a radical offshoot of the Muslim Brotherhood in Egypt. The Islamic Group seeks the violent overthrow of the Egyptian government, hoping to replace it with an Islamic state. The Islamic Group became active in the late 1970s and is organized on the basis of semi-autonomous cells.

Although loosely organized and lacking an operational leader, Sheikh Omar Abdul Rahman, who is now based in New Jersey, is the preeminent spiritual leader of this extremist group. The Islamic Group was implicated in the assassination of President Anwar Sadat in 1981, and in 1990 murdered the speaker of the Egyptian People's Assembly and a noted Egyptian author who had espoused secularism and encouraged religious harmony.

In the past few years, this radical organization has fanned the flames of religious intolerance among the various groups in that country. In the fall of 1992, more than seventy Egyptians died in serious clashes between Muslims and Coptic Christians in central Egypt. The incidents were encouraged by the Islamic Group. The extremist movement also claims responsibility for attacks against foreign tourists. Recently, the Islamic Group warned foreign investors to leave Egypt. It is estimated that by the end of this year Egypt will have lost roughly $1 billion in revenues from a rapid decline of its tourist industry.

In response to this escalating violence, the Egyptian government has cracked down on the radical Islamists, putting twenty-one of them on trial last year on charges of plotting to assassinate public figures and inciting strife among Egypt's religious groups. More recently, police sweeps resulted in the jailing of 700 suspected Islamic extremists. Egyptian officials believe that Rahman is responsible for planning some of the terrorist operations in Egypt, although U.S. officials believe that his role in violent acts is limited to inflammatory oratory.

Last November, Egyptian President Husni Mubarak repeated his accusations that Iran was fomenting trouble in that country, intervening in internal Egyptian affairs, and exporting terrorism to Egypt. The Islamic Group receives support from Iran and has established various kinds of networks with several counterparts in the Arab world, including Afghanistan.

Although a number of terrorist incidents have occurred on American soil in past years, the bombing of the World Trade Center awakened many Americans to the fact that Middle Eastern terrorism has finally arrived. On February 26, a van loaded with approximately 1,000 pounds of conventional explosives and compressed hydrogen gas detonated in a parking garage under the World Trade Center, killing six and injuring more than 1,000. Losses from this, the most devastating act of domestic terrorism in recent history could approach $590 million, including physical repair costs and the associated economic damage.

A few days after the New York attack, a letter was received by the New York Times, allegedly from the group responsible for the bombing, that may shed some light on the motives of the attackers. In the letter, which was turned over to the police and FBI, the "Liberation Army Fifth Battalion" threatened to carry out additional attacks, both on military and civilian targets, if the United States failed to sever relations with Israel and meet other demands. The group claimed to have 150 suicide soldiers ready to carry out attacks in the United States.

Some of the suspects in the World Trade Center bombing are illegal aliens, and all were either Egyptians or of Palestinian descent. All of them shared an interconnected world. They attended the same mosques; some had joined the Islamic guerrillas in Afghanistan, a group which was fighting against the Soviet-backed Communist government in Kabul; and all apparently believed in Islamic militancy.

The suspects were also allegedly motivated by the preachings of Egyptian-born cleric Rahman, the spiritual head of Egypt's Islamic Group. This militant religious preacher has called for holy war, the downfall of the United States, and the overthrow of the secular Egyptian government. A likely recipient of Iranian funds, Rahman is still preaching in New Jersey while appealing a deportation order that is based on his failure to reveal he had practiced polygamy and other violations of U.S. immigration laws. The case is being closely watched.

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[2] Y.M. Ibrahim. New York Times. "Arafat Warning Fundamentalists on Violence in Occupied Lands." Nov. 10, 1992 A6.

Americans and American interests, along with those of the country's allies, will continue to be targeted both in the United States and around the world, especially in the volatile Middle East. The New York bombing is part of a broader terrorist trend toward large-scale indiscriminate violence designed to cause a significant number of casualties.

Although not given the same prominent media coverage as the World Trade Center incident, four reputed members of a terrorist organization led by Palestinian terrorist Abu Nidal were indicted in early April in what the Justice Department said was a conspiracy to buy weapons, kill Jewish Americans, and blow up the Israeli Embassy in Washington. The terrorist suspects, who were arrested in Milwaukee and St. Louis, were allegedly in the early stages of planning the terrorist operation as part of a conspiracy that began in 1986.

Although the Abu Nidal organization is a secular group, since 1974, it has been blamed for 100 terrorist attacks that killed more than 280 people. The same organization carried out attacks killing 18 persons at the Rome and Vienna airports in the 1980s. It was also responsible for the vicious killing of 21 worshippers in the bombing of a synagogue in Istanbul.

The growing numbers of both legal and illegal aliens will continue to remain a serious problem in that both groups can be used as a support network for radical terrorist groups that may plan future operations in the United States. The visa issuance policies of the American government continue to be relatively liberal, and its handling of those seeking political asylum will probably not be corrected through legislative initiative.

Overseas, U.S. facilities and personnel will also continue to be targeted. The Islamic Republic of Iran will continue to aggressively export its anti-Americanism and its militant Islamic revolution to target countries in the Middle East and Africa. Already, the Islamic government in Khartoum is providing a support base for Iran's plans to install Islamic governments. Iran has been successful in using international terror as an instrument of foreign policy.

Continuing uncertainty about the Middle East peace talks and the festering Israeli-Arab dispute will continue to fuel anti-American sentiment among radical Islamists in the region and inspire future militant Islamic attacks on U.S. targets in the Arab world and elsewhere in the world.

Despite the recent predictions of many pundits that the age of terrorism is over, security professionals and their programs will likely continue to be confronted with Islamic terrorism and its repercussions that may become more deadly and sophisticated in the future.

THE IMPACT OF THE PRESIDENT'S ECONOMIC PACKAGE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, August 18, 1993, into the CONGRESSIONAL RECORD:

THE IMPACT OF THE PRESIDENT'S ECONOMIC PACKAGE

The deficit reduction package signed into law by President Clinton last week received widely differing assessments of its impact on the economy. Some thought it would have a profound impact and be the key to restoring strong growth to our sluggish economy, while others felt it could even make things worse. As the heated political rhetoric dies down, it is important to try to get a balanced perspective on what it could accomplish.

IMPACT ON THE ECONOMY

The key question about the economic package is whether the plan will help or hurt the economy. There is no doubt in my mind that most Americans consider jobs and the economy much more important than the deficit.

Short-term: My view is that the plan may well cause some slowdown in economic growth and jobs over the next year or so as the new taxes and spending cuts take hold. Higher taxes and less government spending means less money in taxpayers' pockets. So in the short-run the package will tend to slow the economy.

At the same time, the plan should get at least some credit for the sharp drop in long-term interest rates. Lower interest rates will counteract a good deal of the impact from the taxes and spending cuts because the rates should stimulate businesses to invest and consumers to buy. The question, of course, is whether the lower interest rates will offset the drag on growth from tax increases and spending cuts. Nobody can answer that for sure now.

One of the key uncertainties is whether the Federal Reserve will act aggressively to keep interest rates low. Another is how quickly economic growth will pick up in the rest of the world. Ideally, with low interest rates and satisfactory growth abroad, we could have a solid and balanced recovery led by investment and exports. Realistically, however, the deficit reduction package will not generate many new jobs in the short run. The unemployment rate, which edged down to 6.8% in July, will continue to fall only gradually. With the unemployment rate likely to remain above 6% for some time into the future, the good news is that there should be little risk of higher inflation.

Long-term: The package probably does have some long-term gains. It brings stability, and should keep the deficits from exploding. That may not translate directly into more jobs right away, but a debt that is growing faster than Gross Domestic Product—as the federal debt has been doing recently—ultimately feeds on itself and brings instability. Another benefit from the package is higher investment. Cutting the deficit increases national savings directly and makes more resources available for productivity-boosting investments by the private sector.

Nobody should expect a sudden bounce to prosperity because of this package. I think it prevents a further decline that comes from rising deficits, but while the benefits will be real they will not be particularly visible. So the public is probably right to be skeptical about all the benefits that have been claimed for this economic package.

OVERALL LIMITATIONS OF PACKAGE

It is easy to overstate the impact of the budget package. Several factors need to be kept in mind.

First, it does not solve our budget deficit problem. Despite the cutbacks, the government will still be addicted to deficit spending—annual deficits will exceed more than $200 billion a year—and the national debt will continue to rise. The deficit five years from now will be about 40% below the level it had been projected to reach without this package. That is still much too high, but it is probably about all the restraint that was achievable in a weak economy.

Second, the package does not contain all of the President's economic reform plan. More attention still needs to be given to boosting productivity-enhancing investment—in education and training, research, infrastructure, and new plant and equipment. Only about one-third of the President's investment proposals remained in the final package passed by Congress.

Third, the budget package is only one of many factors that affect the economy. Others include the strength of U.S. trading partners, action by the Federal Reserve, and the normal course of the business cycle. The outcome of the President's health care reform package could also have a big impact. The U.S. economy is a $6 trillion economy on the way to becoming an $8 trillion economy in five years. In that context the changes made by this budget package are fairly small.

In general I have held the view that the federal budget's impact on the economy is often overstated in the political arena and its impact is more complex than the political debates suggest. There are just too many other things that matter in the American economy in addition to changes in government spending or taxes.

UPCOMING EFFORTS

While the President claimed a clear mandate from the passage of the budget proposal, I think that probably overstates it. The package that was passed was just barely able to muster a majority of both houses, and many of the issues addressed will inevitably have to be revisited. There is not much doubt but that there will be another round of budget cutting soon. Certainly Congress is going to have to address the tough issue of what to do about entitlement spending for social security, medicare, and medicaid. This budget battle was highly partisan, but my own view is that a bipartisan effort is still necessary and offers the best hope—maybe the only hope—of curbing entitlement spending and eliminating the deficits.

Whatever may be said about the politics of the budget plan, no one can accuse the President or Congress of ducking the issue. At the sometime, no one should think that its passage has dispelled skepticism about government or inspired confidence in its course. There is still an enormous amount of work to be done before that confidence can be earned.

CONCLUSION

The economic package put President Clinton's mark on the economy and he is likely to be blamed from this point on for its success or failure. Overall, I think the package will slightly reduce economic performance in the short-run and provide a modest boost over the long-term. It will be helpful, but by itself it is not going to have a monumental impact on the budget or on the economy. I think we have much work to do to help people understand the historic nature of the economic and budget challenges that we confront and to lead toward the changes in policy that are necessary to meet them.

IN RECOGNITION OF VIRGINIA KATES

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues an outstanding individual from Chicago, IL. On Saturday, September 11, 1993, Mrs. Virginia Kates will be installed as Chapeau Nationale of the Salon National La Botique of Eight and Forty, a subsidiary of he American Legion Auxiliary.

As national president, Mrs. Kates will be responsible for programs to help children afflicted with respiratory diseases. She will also award scholarships to nurses who will be specializing in respiratory therapy.

Mrs. Kates' commitment is outstanding and deserving of special recognition. I am sure my colleagues will join me in expressing congratulations to Mrs. Kates for her well-deserved honor. I salute Mrs. Kates for her selfless dedication and wish her well in this important new endeavor.

ST. MARY'S HIGH SCHOOL HOLDS ITS ALL-CLASS REUNION

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. KANJORSKI. Mr. Speaker, today, I am pleased to bring to the attention of my colleagues the all-class reunion of St. Mary's High School in Wilkes-Barre, PA.

Built around the turn of the century, St. Mary's was the first and largest Catholic high school in Luzerne County. Members of the faculty were Sisters of Mercy, who were also pioneers in local health care.

With an approximate enrollment of 800 students, St. Mary's boasts a long list of talented individuals among its alumni, such as musician Hugo Winterhalter and Michael Shovlin, who rose to fame in the 1940's and 1950's.

Many of our community leaders, in northeastern Pennsylvania, past and present, fondly remember their years at St. Mary's.

Located in the heart of the anthracite coal region, St. Mary's High School played an invaluable role in the development of the citizens of northeastern Pennsylvania by offering night classes to those employed in the mines during the day. Throughout its history, St. Mary's has made an immeasurable contribution to the community and to those it served.

The alumni of St. Mary's High School have scattered over the years, some as far as Ireland and British Columbia. As these former students return home to northeastern Pennsylvania for this reunion, I know they all will have memories to treasure and share. It is my pleasure to send my very best wishes as the classmates of St. Mary's High School reunite to renew those many friendships.

TRIBUTE TO COUNTY SUPERVISOR GRANTLAND JOHNSON

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. FAZIO. Mr. Speaker, I rise today to pay tribute to Grantland Johnson, chair of the Sacramento County Board of Supervisors, who was honored at the California State Fair on Saturday as part of Black Culture Day. Mr. Johnson has a long history of commitment and service to the African-American community, and I am honored to be allowed to speak on his behalf and enter into the RECORD a brief and incomplete list of his many accomplishments.

Mr. Johnson is a native Sacramentan who was raised in Del Paso Heights and attended Grant High School. He received his bachelors degree in government from California State University in Sacramento and now lives in South Natomas with his wife, Charlot Bolton, and their daughter, Patrice.

Prior to serving on the board of supervisors, Mr. Johnson served one term on the Sacramento City Council. He helped establish the City Office of Economic Development, the Office of Neighborhood Services, and the McClellan toxics task force which focuses on ground water pollutants around McClellan Air Force Base.

In addition to his duties as a supervisor, he currently serves on the Sacramento Regional Transit District Board of Directors, the Sacramento Transportation Authority, the Sacramento Cable Commission, the Sacramento Regional Sanitation District Board of Directors, and the Sacramento Sports Commission. Johnson also serves locally on the Cities In Schools Board of Directors, the Neighborhood Housing Services Board of Trustees, and the St. Hope Academy Board of Directors.

He holds several statewide positions including the Tanner Hazardous Waste Appeals Board, Co-Chair of the California Association of Counties [CSAC], Health and Human Services Policy Committee, CSAC's Managed Health Care Leadership Council, the Local Government Commission Board of Directors, and the executive board of the State Democratic Party.

Nationally, Mr. Johnson is a member of the credentials committee for the Democratic National Committee and is also active with the Council of Governor's Policy Advisors. He is a board member of the Alliance of Redesigning Government.

In the area of crime prevention, Johnson spearheaded a successful effort to fund a street drug team in the Sheriff's department—a program that has led to the arrest of hundreds of drug pushers. He has long been active in establishing neighborhood organizations to fight gangs and drugs.

Mr. Johnson was the founder of the Sacramento Area Flood Control Agency which provides local support for flood protection. He has recently worked to secure Federal funding for flood control improvements in the Sacramento area.

Grantland Johnson is well known in Sacramento for his efforts to reinvent government. He is a leading advocate for establishing new models of government services, including Sacramento County's ongoing human services organization and innovative plan to provide neighborhood-based services to families in impoverished areas.

As a member of the Board of Supervisors, Mr. Johnson represented district 1, an area that includes North Highlands, Elverta, Rio Linda, North Sacramento, North and South Natomas, Downtown Sacramento, Oak Park, portions of Tahoe Park, and Curtis Park.

He was the first African-American elected to the Sacramento County Board of Supervisors in November 1986. He was reelected to a second 4-year term in June 1990.

On Saturday, September 4, 1993, the California State Fair Board of Directors, the Black Culture Day Committee, Sacramento Area Black Caucus, Women's Civic Improvement Club, and Rancho Arroyo Health Club held a reception honoring Mr. Johnson for his many achievements. I can think of no one more deserving of this honor than Supervisor Johnson and I am proud to call him my friend and colleague. He is truly an asset to the entire Sacramento community.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me today in honoring Mr. Johnson and I personally extend my sincere appreciation for all he has done for the citizens of Sacramento County.

IN MEMORY OF THE HONORABLE PAUL B. HENRY

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. COMBEST. Mr. Speaker, while we attempt with our words to frame the life accomplishments of PAUL HENRY, we can look to the hearts and minds of the people he served from the Michigan townships north and south of Grand Rapids.

PAUL HENRY has remained popular among the people of his district. His constituents family and friends should be proud that PAUL also is held in warm esteem by his colleagues here in Congress. We saw PAUL as truly representing the conscience of his district and the concerns of this Nation.

PAUL brought his heart and his mind to this serious job of representation of the people. In countless matters of concern before Congress, he sought to bring both common sense and fairness to these deliberations. PAUL's approach to his work here in Washington serves as an enlightened example of representation in its finest form for its noblest purpose.

THE PRESIDENT'S ECONOMIC PACKAGE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, August 11, 1993, into the CONGRESSIONAL RECORD.

THE PRESIDENT'S ECONOMIC PACKAGE

By very slim margins the House and Senate last week passed one of President Clinton's top priorities—his economic reform package aimed at addressing the imbalances of the last decade. It has two main parts—$496 billion in net deficit reduction over the next 5 years and some $50 billion in investment-oriented spending and tax incentives.

OUTLINE OF PACKAGE

Although the package was revised in both the House and Senate, it contains most of what President Clinton requested of Congress in February. The annual budget deficits were projected to add $1.5 trillion to our national debt over the next 5 years; this package is estimated to decrease that accumulations by ⅓. The deficit reduction is split almost equally between spending and taxes, with $255 billion in spending reductions and $241 billion in tax increases. The biggest spending cuts are in defense, federal payrolls, and Medicare, and the largest revenue gains come from making high-income individuals pay higher income taxes and Medicare payroll taxes. The measures to increase investment and to encourage work include an expansion of the earned income on programs for children, tax breaks for small business investment, and incentives to encourage inner-city business growth.

MISCONCEPTIONS

Passage was made more difficult by public misconceptions about what the package contains. First, the heaviest tax burden is not borne by the middle class. Some 80% of the new tax revenue will come from the 1% of Americans whose income exceeds $200,000; middle-income working families are expected to see total tax increases of around $30 per year (from the gasoline tax). Second, the tax changes do not harm the average small business. Some 96% of small businesses are exempt from the new income taxes; indeed, the tax incentives in this package mean that more than 90% of small businesses will be eligible for a reduction in their taxes. Third, the package does not mean a big boost in gasoline prices. It contains a 4.3 cents per gallon increase, which for the average Hoosier family means about $3 a month. Fourth, it does not ignore the needs of seniors. Congress provides more benefits, by far, to seniors than to any other age group, and even after the changes in this package the share of federal spending going to seniors will continue to increase rather than decrease. Fifth, the package does not contain far more tax increases than spending cuts. Those who suggested otherwise were tallying spending cuts and taxes in ways quite different from past practice. Sixth, the package does cut spending. It includes 200 specific cuts in entitlement and discretionary spending, including 100 cuts of more than $100 million each over 5 years. Many of the cuts will be phased in over years, but so would the cuts proposed in the alternative. The package contains tight caps on appropriations, and President Clinton signed executive orders to further strengthen enforcement.

SHORTCOMINGS

Yet the package does, from my point of view, have some flaws. It does not tame the deficit. It contains roughly the same amount of tax increases as spending cuts, while my preference would be for $2 in spending cuts for every $1 in tax increases. It does not sufficiently tilt public and private spending toward investment, which is the key to economic growth. And some use of accounting gimmicks crept back into the process.

REASONS FOR SUPPORTING

So it is not a perfect package, and it is easy to find parts of it to criticize. But the positive features of the package far exceed the defects:

First, and foremost, the President's plan brings about serious deficit reduction and is an important step toward fiscal prudence. The fiscal policy of recent years simply had to be changed. Since 1980 our national debt has quadrupled, and $1 out of every $7 of federal spending now goes just to pay interest on the national debt. The large budget deficits of recent years deplete our pool of national savings and mean less private-sector investment. Long-term interest rates have come down in recent months to 20-year lows on the expectation that Congress and the President are finally serious about reducing the deficit. There is simply no way to have strong economic growth and to create jobs with high deficits and high interest rates. And for the vast majority of Americans the benefits from these lower interest rates will more than offset any tax increases or benefit cutbacks in the package.

Second, the package makes a modest, but significant, shift in our national spending priorities—recognizing that more of our resources need to go to investments in education, research, new plant and equipment, and the like. The package makes prudent investments in people. For example, with the earned income tax credit, work will be rewarded and every parent who works full time and has a child at home will not have to raise that child in poverty.

Third, the package helps to reverse the trends of recent years in which the wealthy got most of the breaks while the middle class shouldered most of the budget cutbacks. It tries to restore some fairness; those who pay most are those with the greatest ability to pay.

Fourth, there was no other viable alternative in play. At this stage the choice was between this plan or no plan. The alternative plan—which did not ask the wealthy to pay one dime for deficit reduction while making far deeper cuts in agriculture and health programs for older Americans—features unspecified cuts and was rejected weeks ago. And delaying action to call for some future budget summit would likely have resulted in long delays, increased uncertainty for the economy, and less deficit reduction.

Finally, defeat of the President's top priority would have meant a return to government gridlock and could have seriously undermined his ability to tackle other important items on the national agenda, such as health care reform.

CONCLUSION

It is certainly easier to tell people that we can cut their taxes and increase spending on programs they like and that the deficit will simply take care of itself. But that approach did not work during the 1980s, and it has led to the current fiscal mess and to near paralysis in Washington. So, compared to the approach of recent years, this package is surely a step in the right direction. Congress simply needed to start cutting the largest deficits in history and try to spread the sacrifice as fairly as possible. The package moves the country in the direction of fiscal discipline, restores some of the progressive edges of the tax system, and begins to attack selected social problems. It is certainly not a cure-all for our economic woes, and Congress will soon have to return to the questions of more spending cuts. But it begins to repair the damage from a long period of national neglect. In the end I felt it is far better than anything its opponents have offered, and we are better off with it than without it.

SIGN DISCHARGE PETITION NO. 2 NOW TO BRING SUNSHINE TO DISCHARGE RULE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 19933

Mr. SOLOMON. Mr. Speaker, I want to urge, all my colleagues who have not yet done so to come on down to the well and sign Discharge Petition No. 2 on Congressman INHOFE's House Resolution 134.

That resolution would amend House rules to require the immediate public disclosure of signatures on discharge petitions to dislodge popular bills that are pigeonholed in obstructionist committees.

Mr. Speaker, we have no business keeping the people's business secret from the people. This discharge petition secrecy rule is a relic of the dark ages that was overlooked when we passed all the House "sunshine" reforms in the 1970's.

That is when we reformed this House to open up committee meetings, hearings, and conferences, and to allow recorded votes on amendments in the Committee of the Whole.

The time has come to bring discharge petitions out of the dark drawer and into the light of day for all the people to see.

We all want the committee system to work as intended and report legislation after careful hearings and deliberation. But the fact is that some committees prefer to ignore the will of the people and a House majority and bottle up bills indefinitely.

The purpose of the discharge petition is to either force committees to be responsive and accountable or get out of the way and let the House act.

This week will tell the tale as to which Members prefer the secret order of the discharge to the saintly society of sunshine.

TEMPLETON PRIZE ADDRESS DELIVERED BY CHARLES W. COLSON

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. WOLF. Mr. Speaker, I commend to our colleagues an address delivered recently by Charles Colson, who was presented the 1993 Templeton Prize for Progress in Religion earlier this year. The Templeton Prize, established 20 years ago by Sir John Templeton, is presented annually for extraordinary originality in advancing humankind's understanding of God. Former recipients include Mother Teresa, Rev. Billy Graham, and Alexander Solzhenitsyn.

THE ENDURING REVOLUTION

(By Charles W. Colson)

I speak as one transformed by Jesus Christ, the living God. He is the Way, the Truth, and the Life. He has lived in me for 20 years. His presence is the sole explanation for whatever is praiseworthy in my work, the only reason for my receiving this award (the Templeton Prize).

That is more than a statement about myself. It is a claim to truth. It is a claim that may contradict your own.

Yet on this, at least, we must agree: the right to do what I've just done—to state my faith without fear—is the first human right. Religious liberty is the essence of human dignity. We cannot build our temples on the ruins of individual conscience. For faith does not come through the weight of power, but through the hope of glory.

It is a sad fact that religious oppression is often practiced by religious groups. Sad—and inexcusable. A believer may risk prison for his own religious beliefs, but he may never build prisons for those of other beliefs.

It is our obligation—all of us here—to bring back a renewed passion for religious liberty to every nation from which we came. It is our duty to create a cultural environment where conscience can flourish. I say this for the sake of every believer imprisoned for boldness or silenced by fear. I say this for the sake of every society that has yet to learn the benefits of vital and voluntary religious faith.

The beliefs that divide us should not be minimized. But neither should the aspirations we share: for spiritual understanding; for justice and compassion; for proper stewardship of God's creation; for religious influence—not oppression—in the right ordering of society. And for truth against the arrogant lies of our modern age.

For at the close of this century, every religious tradition finds common ground in a common task—a struggle over the meaning and future of our world and our own particular culture. Each of us has an obligation to expose the deceptions that are incompatible with true faith. It is to this end I will direct my remarks today.

THE FOUR HORSEMEN

Four great myths define our times—the four horsemen of the present apocalypse.

The first myth is the goodness of man. The first horseman rails against heaven with the presumptuous question: why do bad things happen to good people? He multiplies evil by denying its existence.

This myth deludes people into thinking that they are always victims, never villains; always deprived, never depraved. It dismisses responsibility as the teaching of a darker age. It can excuse any crime, because it can always blame something else—a sickness of society or a sickness of the mind.

One writer has called the modern age "the golden age of exoneration." When guilt is dismissed as the illusion of narrow minds, then no one is finally accountable, even to his conscience.

The irony is that this should come alive in this century, of all centuries, with its gulags and death camps and killing fields. As G.K. Chesterton once said, the doctrine of original sin is the only philosophy empirically validated by the centuries of recorded human history.

It was a holocaust survivor who exposed this myth most eloquently. Yehiel Dinur was a witness during the trial of Adolf Eichmann. Dinur entered the courtroom and stared at the man behind the bulletproof glass—the man who had presided over the slaughter of millions. The court was hushed as a victim confronted a butcher.

Then suddenly Dinur began to sob, and collapsed to the floor. Not out of anger or bitterness. As he explained later in an interview, what struck him at that instant was a terrifying realization. "I was afraid about myself," Dinur said. "I saw that I am capable to do this * * * Exactly like he."

The reporter interviewing Dinur understood precisely. "How was it possible for a man to act as Eichmann acted?" he asked. "Was he a monster? A madman? Or was he perhaps something even more terrifying * * * Was he normal?"

Yehiel Dinur, in a moment of chilling clarity, saw the skull beneath the skin. "Eichmann," he concluded, "is in all of us."

Jesus said it plainly: "That which proceeds out of the man, that is what defiles the man" (Mark 7:20).

The second myth of modernity is the promise of coming utopia. The second horseman arrives with sword and slaughter.

This is the myth that human nature can be perfected by government; that a new Jerusalem can be built using the tools of politics.

From the birth of this century, ruthless ideologies claimed history as their own. They moved swiftly from nation to nation on the strength of a promised utopia. They pledged to move the world, but could only stain it with blood.

In communism and fascism we have seen rulers who bear the mark of Cain as a badge of honor; who pursue a savage virtue, devoid of humility and humanity. We have seen more people killed in this century by their own governments than in all its wars combined. We have seen every utopian experiment fall exhausted from the pace of its own brutality.

Yet utopian temptations persist, even in the world's democracies—stripped of their terrors perhaps, but not of their risks. The political illusion still deceives, whether it is called the great society, the new covenant, or the new world order. In each case it promises government solutions to our deepest needs for security, peace, and meaning.

The third myth is the relativity of moral values. The third horseman sows chaos and confusion.

This myth hides the dividing line between good and evil, noble and base. It has thus created a crisis in the realm of truth. When a society abandons its transcendent values, each individual's moral vision becomes purely personal and finally equal. Society becomes merely the sum total of individual preferences, and since no preference is morally preferable, anything that can be dared will be permitted.

This leaves the moral consensus for our laws and manners in tatters. Moral neutrality slips into moral relativism. Tolerance substitutes for truth, indifference for religious conviction. And in the end, confusion undercuts all our creeds.

The fourth modern myth is radical individualism. The fourth horseman brings excess and isolation.

This myth dismisses the importance of family, church, and community; denies the value of sacrifice; and elevates individual rights and pleasures as the ultimate social value.

But with no higher principles to live by, men and women suffocate under their own expanding pleasures. Consumerism becomes empty and leveling, leaving society full of possessions but drained of ideals. This is what Vaclav Havel calls "totalitarian consumerism."

A psychologist tells the story of a despairing young woman, spent in an endless round of parties, exhausted by the pursuit of pleasure. When told she should simply stop, she responded, "You mean I don't have to do what I want to do?"

As author George Macdonald once wrote, "The one principle of hell is 'I am my own.'"

MODERNITY: A CASE STUDY

I have seen firsthand the kind of society these deadly myths create. In 17 years I have been in more prisons than I can count, in more nations than I can name. I have seen the face of the crisis of modernity in real human faces.

The myth of human goodness tells men and women they are not responsible for their actions, that everyone is a victim, "Poverty is the cause of crime," said a U.S. attorney general three decades ago. Looters are not to blame for looting, said a U.S. president. Thus excused, millions refused accountability for their behavior; crime soared—and is today the great plague on civilized societies.

Utopianism, however, assures us that crime can be solved by government policy. On the left, that means rehabilitation; on the right, more and tougher laws to scare people straight. But our efforts prove futile. In the past 30 years, the prison population in America has increased five-fold. But violent crime has increased just as fast.

For criminals are not made by sociological or environmental or economic forces. They are created by their own moral choices. institutions of cold steel and bars are unable to reach the human heart, and so they can neither deter nor rehabilitate.

A decade ago, social scientist James Q. Wilson searched for some correlation between crime and social forces. He discovered that in the late nineteenth century, when the nation was rapidly industrializing—conditions that should have caused crime to increase—crime actually declined. The explanation? At the time a powerful spiritual awakening was sweeping across America, inspiring moral revival and social renewal. By contrast, in the affluent 1920s, when there should have been less economic incentive for lawlessness, crime increased. Why? In the wake of Freud and Darwin, religion fell from favor. In Wilson's words, "The educated classes began to repudiate moral uplift."

A similar study in England by Professor Christie Davies found that crime was lowest a century ago when three out of four young Britons were enrolled in Sunday school. Since then, Sunday school attendance has declined, and crime has correspondingly increased.

Crime is a mirror of a community's moral state. A society cannot long survive if the demands of human dignity are not written on our hearts. No number of people can enforce order; no threat of punishment can create it. Crime and violence frustrate every political answer, because there can be no solution apart from character and creed.

But relativism and individualism have undermined the traditional beliefs that once informed our character and defined our creed. There are no standards to guide us. Dostoyevsky's diagnosis was correct: Without God, everything is permissible; crime is inevitable.

These myths constitute a threat for all of us, regardless of our culture or the faith communities we represent. The four horsemen of the present apocalypse lead away from the cloud and fire of God's presence into a barren wilderness. Modernity was once judged by the heights of its aspirations. Today it must be judged by the depth of its decadence. that decadence has marked the West most deeply; this makes it imperative that we understand the struggle for the soul of western civilization.

THE PARADOX OF OUR TIMES

We stand at a pivotal moment in history, when nations around the world are looking westward. In the past five years, the balance of world power shifted dramatically. Suddenly, remarkably, almost inexplicably, one of history's most sustained assaults on freedom collapsed before our eyes.

The world was changed, not through the militant dialectic of communism, but through the power of unarmed truth. It found revolution in the highest hopes of common men. Love of liberty steeled under the weight of tyranny; the path of the future was charted in prison cells.

This revolution's symbolic moment was May Day 1990. Protesters followed the tanks, missiles, and troops rumbling across Red Square. One, a bearded Orthodox monk, darted under the reviewing stand where Gorbachev and other Soviet leaders stood. He thrust a huge crucifix into the air, shouting above the crowd, "Mikhail Sergeyevich! Christ is risen!"

Gorbachev turned and walked off the platform.

Across a continent the signal went. In defiant hope a spell was broken. The lies of decades were exposed. Fear and terror fled. And millions awoke as from a long nightmare.

Their waking dream is a world revolution. Almost overnight the western model of economic, political, and social liberty has captured the imagination of reformers and given hope to the oppressed. We saw it at Tiananmen Square, where a replica of the Statute of Liberty, an icon of western freedom, became a symbol of Chinese hope. We saw it in Czechoslovakia when a worker stood before a desolate factory and read to a crowd, with tears in his eyes, the American Declaration of Independence.

This is one of history's defining moments. The faults of the West are evident—but equally evident are the extraordinary gifts it has to offer the world. The gift of markets that increase living standards and choices. The gift of political institutions where power flows from the consent of the governed, not the barrel of a gun. The gift of social beliefs that encourage tolerance and individual autonomy.

Free markets. Free governments. Free minds.

But just at this moment, after the struggle of this century . . . just as this moment, with a new era of liberty our realistic hope . . . . just at this moment, the culture that fashioned this freedom is being overrun by the four horsemen. It has embraced the destructive myths of modernity, which are poisoning its wellspring of justice and virtue and stripping away its most essential humanizing, civilizing influence.

ROOTS OF THE WESTERN IDEAL

Make no mistake: This humanizing, civilizing is the Judeo-Christian heritage. It is a heritage brought to life anew in each generation by men and women whose lives are transformed by the living God and filled with holy conviction.

Despite the failures of some of its followers—the crusades and inquisitions—this heritage has laid the foundations of freedom in the West. It has established a standard of justice over both men and nations. It has proclaimed a higher law that exposes the pretensions of tyrants. It has taught that every human soul is on a path of immortality, that every man and women is to be treated as the child of a king.

This muscular faith has motivated excellence in art and discovery in science. It has undergirded an ethic of work and an ethic of service. It has tempered freedom with internal restraint, so our laws could be permissive while our society was not.

Christian conviction inspires public virtue, the moral impulse to do good. It has sent legions into battle against disease, oppression, and bigotry. It ended the slave trade, built hospitals and orphanages, tamed the brutality of mental wards and prisons.

In every age it has given divine mercy a human face in the lives of those who follow Christ—from Francis of Assisi to the great social reformers Wilberforce and Shaftesbury to Mother Teresa to the tens of thousands of Prison Fellowship volunteers who take hope to the captives—and who are the true recipients of this award.

Christian conviction also shapes personal virtue, the moral imperative to be good. It subdues an obstinate will. It ties a tether to self-interest and violence.

Finally, Christian conviction provides a principled belief in human freedom. As Lord Acton explained, "Liberty is the highest political end of man . . . [But] no country can be free without religion. It creates and strengthens the notion of duty. If men are not kept straight by duty, they must be by fear. The more they are kept by fear, the less they are free. The greater the strength of duty, the greater the liberty."

The kind of duty to which Acton refers is driven by the most compelling motivation. I and every other Christian have experienced it. It is the duty that flows from gratitude to God that He would send His only Son to die so we might live.

THE FOUR HORSEMEN IN THE WEST

This is the lesson of centuries: that ordered liberty is one of faith's triumphs. And yet, western cultural and political elites seem blinded by modernity's myths to the historic civilizing role of Christian faith. And so, in the guise of pluralism and tolerance, they have set about to exile religion from our common life. They use the power of the media and the law like steel wool to scrub public debates and public places bare of religious ideas and symbols. But what is left is sterile and featureless and cold.

These elites seek freedom without self-restraint, liberty without standards. But they find instead the revenge of offended absolutes.

Courts strike down even perfunctory prayers, and we are surprised that schools, bristling with barbed wire, look more like prisons than prisons do.

Universities reject the very idea of truth, and we are shocked when the best and the brightest of their graduates loot and betray.

Celebrities mock the traditional family, even revile it as a form of slavery, and we are appalled at the human tragedy of broken homes and millions of unwed mothers.

The media celebrate sex without responsibility, and we are horrified by sexual plagues.

Our lawmakers justify the taking of innocent life in sterile clinics, and we are terrorized by the disregard for life in blood-soaked streets.

C.S. Lewis described this irony a generation ago. "We laugh at honor," he said, "and are shocked to find traitors in our midst . . . We castrate and bid the geldings be fruitful."

A generation of cultural leaders wants to live off the spiritual capital of its inheritance, while denigrating the ideals of its ancestors. Is squanders a treasure it no longer values. It celebrates its liberation when it should be trembling for its future.

THE PATH TO TYRANNY

Where does the stampede of the four horsemen lead us? Only one place: tyranny. A new kind of cultural tyranny that finds minds, uninformed by traditions and standards, easy to shape.

Philosopher Hannah Arendt described totalitarianism as a process where lonely, rootless individuals, deprived of meaning and community, welcome the captivity of ideology. To escape their inner emptiness, they seek out new forms of servitude. Trading independence for security, they blend into faceless conformity.

The lonely crowd always finds a leader. It submits to the party line and calls it freedom. America is filled with willing recruits to follow a new Grand Inquisitor.

This coming cultural tyranny already casts its shadow across university campuses where repressive speech codes stifle free debate; across court houses and legislatures where officials hunt down and purge every religious symbol; across network newrooms and board rooms where nothing is censored except traditional belief. Our modern elites speak of enlightened tolerance while preparing shackles from those who disagree. This is what Chesterton defined as true bigotry: "the anger of men who have no convictions."

Disdaining the past and its values, we flee the judgment of the dead. We tear down memory's monuments—removing every guidepost and landmark—and wander in unfamiliar country. But it is a sterile wasteland in which men and women are left with carefully furnished lives and utterly barren souls.

And so, paradoxically, at the very moment much of the rest of the world seems to be reaching out for western liberal ideals, the West itself, beguiled by myths of modernity, is undermining the very foundation of those ideals.

This is irony without humor—farce without joy. Western elites are carefully separating the wheat from the chaff and keeping the chaff. They are performing a modern miracle of turning wine into water.

This crisis is not only alarming, it is also urgent. In earlier times, social patterns were formed over centuries by tradition and intellectual debate, then gradually filtered to the masses. Now, through technology, a social revolution can be wired directly to the brain. It comes through satellites and videos, through pleasing images and catchy tunes. Refugees on a boat from Southern China were recently intercepted by the U.S. Coast Guard: their entire knowledge of the English language consisted of one acronym, "MTV."

The world's newly developing nations are in a revolution of rising expectations that may become a trap of misplaced hope. Nations that import a western ideal stripped of its soul will find only what we have found: pleasures as shallow as the moment, emptiness as deep as eternity.

THE CONTEMPORARY CHALLENGE

I say to you assembled here today from every part of the globe that this is a challenge facing all of us. At this extraordinary moment in world history, many nations once enslaved to ruthless ideologies have now been set free—only to face a momentous decision: Each must decide whether to embrace the myths of modernity or turn to a deeper, older tradition, the half-forgotten teachings of saints and sages.

I say to my compatriots in the West that we bear a particular responsibility—for modernity's myths have found fertile soil in our lands, and we have offered haven to the four horsemen who trample the dreams and hopes of men and women everywhere. As the world looks to us, let us summon the courage to challenge our comfortable assumptions, to scrutinize the effect we have on our global neighbors . . . and then to recover that which has been the very soul and conscience of our own civilization.

For the West today is like Janus, with a two-sided face—one offering futility, empty secularism and death; the other offering freedom, rich, biblically rooted spiritually, and life. Commentators have described the internal conflict between these two as a culture war. Some have even declared the war over. The four horsemen, they tell us, are the victors at this chapter in our history.

THE ENDURING REVOLUTION

Admittedly the signs are not auspicious, as I have been at pains to show, and it is easy to become discouraged. But a Christian has neither the reason nor the right, for history's cadence is called with a confident voice. The God of Abraham, Isaac, and Jacob reigns. His plan and purpose rob the future of its fears.

By the Cross He offers hope, by the Resurrection He assures His triumph. This cannot be resisted or delayed. Mankind's only choice is to recognize Him now or in the moment of ultimate judgment. Our only decision is to welcome His rule or to fear it.

But this gives every one of us hope. For this is a vision beyond a vain utopia or a timid new world order. It is the vision of an Enduring Revolution. One that breaks more than the chains of tyranny; it breaks the chains of sin and death. And it proclaims a liberation that the cruelest prison cannot contain.

The Templeton Prize is awarded for progress in religion. In a technological age, we often equate progress with breaking through barriers in science and knowledge. But progress does not always mean discovering something new. Sometimes it means rediscovering wisdom that is ancient and eternal. Sometimes, in our search for advancement, we find it only where we began. The greatest progress in religion today is to meet every nation's most urgent need: A revolution that begins in the human heart. It is the Enduring Revolution.

In the aftermath of the tragedy in Waco, Texas, and terrorist bombings in New York, we heard dire warnings, even from the president of the United States, of religious extremism. But that, with due respect, is not the world's gravest threat. Far more dangerous is the decline of true religion and of its humanizing values in our daily lives. No ideology—not even liberal democaracy—is sufficient. Every noble hope is empty apart from the Enduring Revolution.

This revolution reaches across centuries and beyond politics. It confounds the ambitions of kings, and rewards the faith of a child. It clothes itself in the rags of common lives, then emerges with sudden splendor. It violates every jaded expectation with the paradox of its power.

The evidence of its power is humility. The evidence of its conquest is peace. The evidence of its triumph is service. But that still, small voice of humility, of peace, of service becomes a thundering judgment that shakes every human institution to its foundation.

The Enduring Revolution teaches that freedom is found in submission to a moral law. It says that duty is our sharpest weapon against fear and tyranny. This revolution raises an unchanging and eternal moral standard—*and* offers hope to everyone who fails to reach it. This revolution sets the content of justice—*and* transforms the will to achieve it. It builds communities of character—and of compassion.

On occasion, God provides glimpses of this glory. I witnessed one in an unlikely place—a prison in Brazil like none I've ever seen.

Twenty years ago in the city of San Jose dos Campos, a prison was turned over to two Christian laymen. They called it Humaita, and their plan was to run it on Christian principles.

The prison has only two full-time staff; the rest of the work is done by inmates. Every prisoner is assigned another inmate to whom he is accountable. In addition, every prisoner is assigned a volunteer family from the outside that works with him during his term and after his release. Every prisoner joins a chapel program, or else takes a course in character development.

When I visited Humaita, I found the inmates smiling—particularly the murderer who held the keys, opened the gates, and let me in. Wherever I walked I saw men at peace. I saw clean living areas. I saw people working industriously. The walls were decorated with biblical sayings from Psalms and Proverbs.

Humaita has an astonishing record. Its recidivism rate is 4 percent compared to 75 percent in the rest of Brazil and the United States. How is that possible?

I saw the answer when my inmate guide escorted me to the notorious punishment cell once used for torture. Today, he told me, that block houses only a single inmate. As we reached the end of the long concrete corridor and he put the key into the lock, he paused and asked, "Are you sure you want to go in?"

"Of course," I replied impatiently. "I've been in isolation cells all over the world." Slowly he swung open the massive door, and I saw the prisoner in that punishment cell: a crucifix, beautifully carved by the Humaita inmates—the prisoner Jesus, hanging on the cross.

"He's doing time for all the rest of us," my guide said softly.

In that cross carved by loving hands is a holy subversion. It heralds change more radical than mankind's most fevered dreams. Its followers expand the boundaries of a kingdom that can never fail. A shining kingdom that reaches into the darkest corners of every community, into the darkest corners of every mind. A kingdom of deathless hope, of restless virtue, of endless peace.

This work proceeds, this hope remains, this fire will not be quenched: The Enduring Revolution of the cross of Christ.

A TRIBUTE TO WEST NOTTINGHAM ACADEMY OF COLORA, MD

HON. WAYNE T. GILCHREST

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. GILCHREST. Mr. Speaker, I rise today, as schools around this Nation are once again opening their doors to many young lives for yet another school year, to pay tribute to West Nottingham Academy, a coeducational boarding school in Colora, MD, and the second oldest of its kind in the United States. This institution, now in its third century of operation, continues to help equip its students for successful futures in an atmosphere of strong, educational distinction and rich tradition.

Originally founded in 1744 by a Scotch-Irish Presbyterian preacher named Samuel Finley, the original schoolhouse was but a small, single-room, log house. Finley, who was originally invited to Maryland to serve a Presbyterian congregation near the town of Rising Sun, MD, opened his and his wife's own home to students for room and boarding during the early stages of the school's development. While the original school structure no longer stands, a replica, crafted from past student's memoirs and various historical accounts, does presently exist on the school's campus.

West Nottingham Academy's legacy is one that is also enhanced by its student body. It was the learning ground for many young talents including some that were very influential contributors to our country's history. Two signers of the Declaration of Independence, Benjamin Rush of Pennsylvania and Richard Stockton of New Jersey, were products of West Nottingham. Several other alumni established colleges themselves, and Mr. Finley himself eventually became president of what would later be known as Princeton University—formerly known as the College of New Jersey.

Today, West Nottingham Academy continues to produce bright, talented young adults by breeding academic achievement in an environment that maintains its ties to its heritage. For many years, this school has succeeded by tending to the pupil as not only a student, but also a person. It is from this simple, yet responsible method of teaching, that I think all schools can learn.

And while I realize, Mr. Speaker, that this is but one example of the many schools that can be found in every Member's district, I think our educational system can benefit from this shining example. As a former high school teacher, I am familiar with the challenge and responsibility associated with the teaching of today's children. Each and every young life, with all of the hope, opportunity, and prospects for a pleasant and successful life ahead of it, is not something that should be taken for granted. Educating our country's youth with attentive care to not only the student, but to who that student can one day become, is an approach to the responsibility of teaching that should be universal. This is a formula that has worked at West Nottingham for 250 years and, as another school year begins, is one that offers a method of teaching from which our children's future and our country's future might benefit greatly.

THE SPECIAL RELATIONSHIP BETWEEN A FATHER AND SON

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. BURTON of Indiana. Mr. Speaker, I recently read what I thought was a very inspirational article in the Indianapolis Star. It was written by Ray Rutherford of Indianapolis, IN, about his father. I found this story about the special relationship between a father and his son very touching, so I wanted to share it with my colleagues.

A FATHER NEVER SHORT ON WORDS ALSO KNEW THE VALUE OF SILENCE

(By Ray Rutherford)

Each spring, when the time came to begin the annual ritual of preparing the soil for gardening, my dad would turn the soil, one shovelful at a time. It was laborious and tedious.

He always planted what I considered to be an unnecessarily large vegetable garden and, invariably, he gave away most of the produce.

On one particularly warm April day, he phoned and asked me to use my power till to plow his garden. He hadn't been feeling well and was not up to the task.

I had been avoiding my dad since he had learned that, a few weeks earlier, I had separated from my wife. He was very fond of her, and I didn't want to hear the "a marriage is hard, your mom and I had our problems, these things can be worked out" kind of lecture.

READY FOR TALK

We always held significantly different perspectives on most matters, and I knew that this would be no exception. He needed my help, however, so I reluctantly prepared myself to hear my father's world-class sermon.

Together, we unloaded the tiller from my pickup truck and wheeled it into position. I filled the tank with gas, advanced the throttle and gave a mighty pull on the rope. Nothing. Again, a deep breath and a mighty tug resulted in the same frustrating outcome.

After several minutes of choke adjustments and grueling rope-pulling, we came to the conclusion that this piece of modern machinery was simply not going to start.

Actually, my dad had given up long before I did, but the element of pride kept me trying a little longer than would have seemed reasonable. Of course, I also wanted to delay as long as possible the dreaded discussion.

We left the useless equipment in the garden, and my dad took a seat in his favorite steel lawn chair under the big maple tree in the center of the back yard. I leaned against the trunk of the tree beside him and struggled through several minutes of idle conversation related to fishing and the weather.

Finally, I couldn't stand it any longer. I decided to take the offensive "Well Dad," I said, "it looks like I'm going to be getting a divorce." From his chair, he looked me squarely in the eyes.

"You know, son," he said, rubbing his forehead in obvious gesture of frustration. "I painted this chair just a few minutes before you arrived." Sure enough, when my dad stood up, the entire rear end of his coveralls was covered with bright red paint.

We both giggled like children for several minutes. That was it. He offered no unsolicited advice. He was granting me the maturity to deal with my own problems. I resisted the urge to hug him for fear of becoming covered with paint as well.

We loaded the tiller back into my truck. I assured him that it would be repaired and he'd have his garden tilled and ready for planting in just a few days. As I was driving away, in my rear-view mirror I could see him waving. In the distance, when he turned away, his red backside was still clearly visible.

As it turned out, this was the last time that I talked to my dad. He died of a heart attack the next day. After the services, from inside his house, I noticed his long-handled shovel sticking up from the garden soil.

That spring and summer, I turned the soil, one shovelful at a time, and planted a wonderfully productive vegetable garden.

I gave away most of the produce, just as Dad had done for as many years as I could remember.

TRIBUTE TO BLANCHE BETTINGTON

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to Blanche Bettington, my high school history and civics teacher and the person who first introduced me to the great issues underlying the political dialog so vital to democracy. For better or worse, it was this provocative and challenging teacher who showed me the allure of the world of government and politics.

Blanche is not only a special teacher, but a special person as well. Her unwavering commitment to civil rights, civil liberties, and free speech is testimony to her humanity and basic goodness. Blanche exemplified the selflessness, patience, and empathy that is characteristic of the best high school teachers.

Thousands of lucky students were in Blanche's government, history, or English classes during her 42-year career. She began at Owensmouth High School—now Canoga Park High School—in 1924. She remained there until 1950, when she joined the faculty at Hamilton High School. Her career spans a period of immense change in American history: The Depression, Pearl Harbor, the dropping of the atomic bomb, the Korean war, McCarthyism, the civil rights movement and the war in Vietnam. Her ability to put these events in perspective for her students also made her an outstanding teacher.

At a time when public education in California is reeling, Blanche Bettington is a reminder of how good things were—and can be again. A teacher who can inspire her students, who can awaken their interest in the world, is a treasure. Blanche Bettington was such a teacher.

I was privileged indeed to have been one of Blanche's students. I ask my colleagues to join me today in saluting a wonderful teacher and a wonderful human being.

HONORING THE 442D MEDICAL COLLECTING CO.—WORLD WAR II

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. APPLEGATE. Mr. Speaker, I rise today to pay special tribute to the 442d Medical Collecting Co., whose faithful and valiant service was displayed in World War II. This company, celebrating its 49th anniversary, will hold its annual reunion on September 10, 11, and 12, 1993, in Zanesville, OH. The former company commander, Dr. Braston I. Tart Jr., has prepared a historical account of the company's formation and experiences. The account begins as follows:

The company was formed at Camp Barkley, Texas. After training exercises, we traveled by train to a staging area at Camp Kilmer, NJ., and then to New York City to board an English refrigerator ship, the H.M.S. Tamora, on 30 May 44 for England. Landed in Liverpool, 11 June 44. Immediate transport by both train and truck was made to Lopcombe Tented Camp to stay until call would be received to get ready for crossing of the English Channel. We performed temporary duties. At Ramsbury Airfield we did triage and transportation of battle casualties to English hospitals.

Our new move was to Southampton where we boarded a Liberty Ship to cross the channel to France. Upon arriving at Omaha Beach we drove our vehicles on to land and then to a location between hedgerows in southern France. After one more short move to a point near Paris, we were ordered to report to the First Canadian Army near Antwerp in Holland. Here we joined an American Evacuation Hospital stationed in what was once a sanatorium containing much glass. When one of the daily buzz bombs would crash in the far distance, we could see the flash of flame and brief seconds later be aware of the impact on the glass which would rattle and shake.

While we were here our entire ambulance platoon, which was in charge of Sgt. Horner, received stat orders to report to the battle front for transport of casualties to the appropriate hospitals. One driver, Pvt. Mormann, said "there were days when I never turned off my motor". Sgt. Horner has said, "when bomb fragments were falling we would dive under our vehicles". Fortunately, we had no members killed or wounded.

A happier note while here was dining in a large room with all personnel there. Frequently, at the end of a meal, our Sgt. Eckstein would often go to the front of the room and lead in singing. The main tune of "God Bless America" was sung by all to the fullest. It was beautiful and touching!

Our next orders were to leave and report to the Ninth Army in Germany where we would work with and support the 91st Evacuation Hospital. They were good to be with and we stayed with them until the fighting ended.

To reach the 9th Army, we drove at night using black-out lights, through Bastogne, the Argonne Forest and finally to Eupen, Germany, where we were quartered in a former leather factory. This was close to Aachen, Germany where shell bursts could be seen as the battle continued.

Next we moved deeper into Germany, and with the 91st Evacuation Hospital transferred to Valkenbergh, Holland. They used a large monastery for their hospital and headquarters. We lived in a smaller monastery used even then to teach men to become monks. Our association with them was very friendly and enjoyable.

In the final months of the war, we were subjected to three surprise inspections, each done by a Colonel. Two of these Colonels gave us a grade of "superior". One of them told me that in all of his years in the Army doing surprise inspections he had never graded a unit as being superior. The third Colonel graded us as "excellent". A few weeks later a special courier came to us from the 9th Army Headquarters bearing a directive from Lt. Gen. Simpson. It read: 9th U.S. Army—4 March 1945—Meritorious Service Unit Citation—"For superior execution of duty in the performance of exceptionally difficult tasks, from 10 Dec 1944 to 10 Feb 1945. Unit achieved and maintained a high standard of discipline and demonstrated superior performance in every duty it was assigned. Lt. General Simpson, Commanding General, 9th U.S. Army.

After the war came to a formal close, the Company transferred into another section of

Germany to supervise and direct German, and German Prisoner of War, Hospitals in that area. This was done carefully and properly.

Final days in Europe were relaxed, but assigned duties were attended to properly. Returned to the United States on a Victory Ship, which quartered our troops more comfortably than they had been on the passage to England.

A word about our food preparation department, Under S/Sgt. Nick Generis, he and his cooks would serve hot food to our men when other companies near by would be eating C or K rations. The fame of the 442nd's food preparation caused a Colonel and his Headquarters Unit to attach themselves temporarily to the 442nd for their meals. Part of a Regiment was served food at one time in battlefield conditions, due to the temporary loss of their food supplies. Sgt. Generis was actually capable of making dehydrated food taste good. These conditions certainly played a big part in the high morale of our Company.

First, Sgt. Max Schrinsky's role in directing the 442nd throughout its entire service, before and during the war, cannot be overstated. He was a tremendous help to me in total success of company operations.

My entire Non-Com group was observant, cooperative and efficient in helping the Company meet its goals. Under them the remainder of the hundred men of the 442nd who repaired and ran the ambulances and other vehicles; those who secured and cared for the company property, and even those who pulled K P duties, performed their duties diligently, and enough cannot be said about them.

All I have stated here made me feel that I was part of a group effort, and all were dedicated to doing their best to help win the war and return home safely. I was indeed proud to be the Commander of this outstanding Company.

BARRING LIBYAN PARTICIPATION IN THE WORLD UNIVERSITY GAMES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. HAMILTON. Mr. Speaker, on July 1, 1993, I wrote to Secretary of State Christopher, requesting the administration's rationale for barring Libyan participation in the upcoming World University Games in Buffalo, NY.

I received a reply on August 1. The complete correspondence, which I would like to bring to the attention of my colleagues, follows:

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, July 1, 1993.

Hon. WARREN CHRISTOPHER,
Secretary of State, Washington, DC.

DEAR MR. SECRETARY: I am writing with respect to the recent decision to keep the Libyan team from participating in the upcoming World University Games in Buffalo, New York. I would like to know why this decision was made.

It is my understanding that the majority of the other countries on the list of countries supporting international terrorism will be participating in the Games. The only exception is Iraq, which was invited to attend, but apparently has not accepted that invitation. I would like to know the rationale for barring Libya's participation when the other state sponsors of terrorism are being allowed to attend.

I am also concerned about the precedent which this will be setting with respect to politicizing international sporting events. To my knowledge, this will be the first time that the United States has kept a country from participating in such an event. While I agree with the U.S. policy of isolating the Government of Libya for its refusal to comply with U.N. Security Council Resolutions 731 and 748, this decision contravenes our long-standing policy of trying to keep politics out of international athletic competitions and affects the athletes more than the government.

Finally, I am concerned about the future economic consequences this decision could have on American cities that may desire to host events such as the World University Games. This decision could affect the consideration of U.S. cities as sites for international sporting, events, because the U.S. Government will be seen to be barring participation by countries for our own political interests.

Thank you for your consideration of this matter.

With best regards.

Sincerely,

LEE. H. HAMILTON
Chairman.

U.S. DEPARTMENT OF STATE,
Washington, DC, August 13, 1993.

Hon. LEE H. HAMILTON,
Chairman, Committee on Foreign Affairs,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Secretary has asked me to respond to your letter of July 1 concerning the decision to bar a Libyan team from participating in the World University Games in Buffalo, New York.

You note that other countries on the list of countries supporting international terrorism such as Cuba and Iran participated. However, Libya stands alone as the object of sanctions by the international community for its involvement in the bombings of Pan Am 103 and UTA 772, in which 441 innocent persons lost their lives.

In UN Security Council Resolutions 731 and 748, the UN sought to compel Libyan compliance with basic international principles, such as denying support to terrorists, cooperating in multinational efforts to bring terrorists to justice, compensating victims of terrorism and reducing the proliferation of weapons of mass destruction.

The United States, by virtue of its international standing and its long-standing and comprehensive bilateral sanctions against Libya, is seen as a leader in the global effort to compel Libyan adherence to UN demands. A major aim of the UN sanctions is to isolate Libya diplomatically until it complies with UN resolutions. To admit a large group of Libyan athletes, trainers and officials into the U.S. would be a highly visible breach of Libya's diplomatic isolation.

Nevertheless, this action with regard to Libya should not be seen as a precedent with regard to politicizing international athletics. Rather, it was a specific response to a unique set of circumstances. As the President said in his latest report to the Congress on Libyan sanctions, dated July 12, "The policies and actions of the Government of Libya continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States".

U.S. cities competing to host international athletic events can be assured that our policy with regard to admission of athletes to the U.S. will continue to be based on former President Bush's May 8, 1990 letter to the International Olympic Committee (attached) in which he assured the IOC of our respect for the Olympic Charter and our intention to provide free access to the United States for all accredited persons.

I hope we have been responsive to your inquiry. Please contact us if we may be of assistance in any way.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary, Legislative Affairs.

Attachment: Letter dated May 8, 1990 from former President Bush.

THE WHITE HOUSE,
Washington, DC, May 8, 1990.

His Excellency JUAN ANTONIO SAMARANCH,
President, International Olympic Committee,
Lausanne, Switzerland.

DEAR PRESIDENT SAMARANCH: The United States Government strongly supports the bid of Atlanta, Georgia, to host the 1996 Summer Olympic Games and will respect the provisions of the Olympic Charter, including free access to the host country for all accredited persons.

I wish to thank you and your colleagues for your consideration of Atlanta's bid.

Sincerely,

GEORGE BUSH.

LET'S BE REALISTIC ABOUT REINVENTING GOVERNMENT

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. SOLOMON. Mr. Speaker, amidst all of the hoopla surrounding the administration's supposed plan to reinvent government, allow me to inject a note of realism.

This is an administration whose upper- and mid-level managerial echelons are packed with academics, left-wing activists, and careerist bureaucrats who see their mission in life as an obligation to expand the powers of the Federal Government and to increase the dependency of the American people on that Government.

The Vice President himself, during a 16-year career in Congress, never met a new spending program or a new regulatory proposal that he didn't embrace with wild abandon.

So, if reinventing government and saving $100 billion are now to be taken as evidence that the Vice President and others have had a conversion experience worthy of the Damascus Road, so be it.

But, frankly, I doubt it.

And given the track records of these people, they need to prove that they can do more than just talk a problem to death, which so far is the only thing this administration has proven itself capable of doing.

TRIBUTE TO MIKE HALKO ON HIS RETIREMENT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to pay tribute to an outstanding individual of the Third Congressional District of Illinois, Mr. Mike Halko. This month, Mr. Halko is retiring from the Chicago Police Department after many years of dedicated service, an accomplishment worthy of special recognition.

Mr. Halko, a native of Chicago, graduated from Lindloom High School in 1948 and went on to attend Wilson Junior College. In 1950, Mike enlisted in the United States Army and served in Korea. Mike began his career with the Chicago Police Department on July 1, 1957 in New City. In 1968, Mike was promoted to lieutenant in the intelligence division. While serving in the intelligence unit, Mike worked on several famous cases including those of the Grimes sisters, Schuler and Peterson, and Judith Mae Anderson. His dedicated service is commendable, and I am proud to pay special tribute to Mike.

Mike and his wife, Mary recently celebrated their 39th wedding anniversary on September 5, an admirable commitment indeed. They have four children: Mark, Deborah, Michelle, and Lisa, as well as two grandchildren.

Mike Halko's commitment to his community and family is impressive and deserving of special recognition and honor. I am sure that my colleagues will join me in expressing congratulations to Mike for his many years of selfless dedication, loyalty, professionalism, and priceless contributions to his community. I wish him well on his retirement and hope his life continues to be an adventure full of pleasant memories.

WILKES-BARRE'S CORE 5 INVOLVES YOUNG PEOPLE IN THE LOCAL COMMUNITY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. KANJORSKI. Mr. Speaker, I rise today to recognize a program in my district which has brought great pride to the city of Wilkes-Barre—CORE 5, a drug and alcohol abuse prevention program. CORE 5 is the Community Organized Relief Effort, whose methods include education, enforcement, support, prevention, and rehabilitation. Every year CORE 5 sponsors a festival in downtown Wilkes-Barre. Festival '93 is scheduled for September 18 and 19.

Funded in part through the Federal Community Development Program and organized under the leadership of Wilkes-Barre mayor, Lee Namey, CORE 5 strives to enhance the quality of life within the city by stressing that entertainment and enjoyment can be achieved without the presence of alcohol and drugs. As a member of the House Banking, Finance and Urban Affairs Committee, which authorizes community development funding, I am proud to say I have supported funding for this program and have recognized CORE 5 as a program that can foster community awareness and involvement with our young people.

Last year's festival was extremely successful. More than 50 of northeastern Pennsylvania's finest social services and organizations were on hand to conduct educational programs and activities. This year's festival will be expanded considerably and will include a display by the Wilkes-Barre police force.

By bringing hundreds of community volunteers and social services together in a festive way, the message of a safe, drug-free environment will be delivered to all those in attendance.

Mr. Speaker, I would like to congratulate the organizers of this event and wish them continued success. The energy and dedication exhibited by those involved should serve as an example to us all.

AMBASSADOR MANSFIELD RECEIVES FIRST JEANNETTE RANKIN PEACE AWARD

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. WILLIAMS. Mr. Speaker, it is a great honor today that I am pleased to announce that the Institute for Peace Studies located at Rocky Mountain College in Billings, MT, is awarding its first Jeannette Rankin Peace Award to Ambassador Mike Mansfield on September 10, 1993.

It is appropriate that the Peace Institute has named its award after Jeannette Rankin and that the first recipient of this award is Mike Mansfield.

The Jeannette Rankin Peace Award has been established to honor one whose life was a steadfast witness to the practice and promotion of peace in human affairs. Many will remember how she worked to bring the vote to women early on in this century. Many will remember her as the first woman elected to the U.S. Congress. Others remember her as the only elected individual to vote against both world wars. Some remember her as a champion of equal rights between the sexes. All people who remember her see a woman of outstanding courage, devotion, integrity, a dedication to the causes in which she championed and a person who put her convictions before her political future.

There could not be a more fitting recipient of this award than the Honorable Mike Mansfield who hails from the same State that produced Jeannette Rankin, Montana. Mike Mansfield has served his country as a Congressperson, Senator and as United States Ambassador to Japan. The award recognizes the exceptional devotion in public service that he had both to his native State and also to the Nation. As a veteran of three branches of the armed services he has sought to promote the arts and works of peace throughout his life in public office. He, like Jeannette Rankin, sought out peace and is a servant of his fellow man. During his tenure as Ambassador he helped to bridge the gaps that the two countries felt after the war and bring them together on a level playing field so that future hostilities could be avoided.

These are two outstanding people who have devoted their entire lives to the idea of a common good. They have set in motion ideals and standards that we use as groundwork today. The impact that they have had is still felt and will continue to be felt for these are individuals whose lives have had purpose and meaning.

TRIBUTE TO RETIRED JUSTICE JOSEPH A. RATTIGAN

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Ms. WOOLSEY. Mr. Speaker, I rise today to pay special tribute to a very distinguished citizen in my district, Justice Joseph A. Rattigan. Through his years as one of California's preeminent legislators and legal scholars, Justice Rattigan has repeatedly demonstrated an unwavering devotion to his country and community.

A native of Washington, DC, Justice Rattigan has been a resident of Santa Rosa since graduating from Stanford University Law School in 1948. He and his wife Betty have six grown children and nine grandchildren. Before attending law school, Justice Rattigan served as an officer in the U.S. Navy during World War II, and was decorated for heroism and bravery in combat.

Justice Rattigan's remarkable public service career continued when he served on the board of public utilities of the city of Santa Rosa. A short time later, he became the youngest State senator from Sonoma County, defeating the incumbent by a significant margin.

During his distinguished 8 years as a State Senator, Justice Rattigan was recognized to be one of the most brilliant and gifted people to serve in the State Senate of California. As Chairman of the Senate Committee on Local Government, Justice Rattigan successfully coauthored and enacted legislation providing California with medical and hospital services to senior citizens. During his tenure in the State Senate, Justice Rattigan also established Sonoma State University as the first and only university in Sonoma County, which is one example of his many successful efforts to create and expand the economic, education, and agricultural base in Sonoma County.

After completing two very successful terms in the State Senate, Justice Rattigan was appointed to the Court of Appeals for the First Appellate District, San Francisco, by Governor Edmund G. (Pat) Brown. During his tenure on the court of appeals, Justice Rattigan personally handed down more than 1,000 appellate decisions and was involved in more than 3,000 others. Justice Rattigan also served two terms as a member of the California Judicial Council and represented the United States at a U.N. convocation on criminal justice. After retiring from the court of appeals in 1984, Justice Rattigan remained in the public eye.

Shortly after his retirement, Secretary of State March Fong Eu appointed him to the California Fair Political Practices Commission where he distinguished himself for a full 4-year term.

Mr. Speaker, it is my great pleasure to pay tribute to Justice Joseph A. Rattigan. It is because of his contribution to the greater good of Sonoma County and the State of California that Justice Rattigan is being honored by the Sonoma County Bar Association on September 10, 1993. I would like to express my heartfelt thanks and admiration to Justice Rattigan for his exceptional public service and his commitment to improving the human condition and strengthening the human spirit, and because, Mr. Speaker, Judge Joseph Rattigan, is an exceptionally nice man.

MEMORIAL DAY SPEECH OF KERRY A. KILAR

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. LEWIS of Florida. Mr. Speaker, today I would like to share with the House the words of encouragement and inspiration delivered this past Memorial Day by Kerry A. Kilar, of my home State of Florida.

As Ms. Kilar spoke, my hope for the future of our country was renewed. So eloquently she compares the individual voices that make up this great country to a harmonious choir.

Mr. Speaker, I commend to my colleagues the Memorial Day speech written and delivered by Kerry A. Kilar.

MY VOICE IN AMERICA'S FUTURE

(By Kerry Kilar)

The music of a choir singing drifts through the air as we listen intently to its melodious song. The unison of their voices is so harmonious and beautiful that tears well within our eyes. If you listen closely, you'll come to appreciate that each one of those voices is vital to the musical effect that reverberates within our ears. Although each individual within the choir is seemingly insignificant, once united they make a euphonious and symphonous sound.

Likewise, America is a choir that is made up of a variety of voices that are vital to its future. Through the years, thousands of voices have formulated our country and given it the substance it has today. Voices such as Thomas Jefferson, John F. Kennedy, and Martin Luther King called out to America and their voices have overtly made a difference. Our very own Constitution is a chorus of courageous American voices. Other lesser known voices such as Arturo Montoya who aided the Yaqui Indian Community, John Paul Riley and the other 58,000 men and women whose names will be forever engraved on the Vietnam War Memorial have helped to make America the world leader and often modeled country it is today.

Continue to listen, and many other soft voices can be heard. Voices belonging to people like Brother Joe Renery, who runs a shelter for homeless families, and Mary Beth Tober, who is combating alcoholism and drug abuse among teenagers in inner cities.

My voice will be one of the many within America's choir that will make a difference in our country's future. The wonderful thing about our country is that I am able to voice my opinion and it will be heard. I know that no matter what my race, occupation, or social status my voice will be heard today and tomorrow. Voices of the past fought in wars so that ALL in today's generation can have an opinion and state openly. I value the precious gift of being able to voice my thoughts and I thank each and every one who fought to afford me this privilege. May I never take it lightly.

My voice in America's future will be gentle at times and at others perhaps I will be heard more loudly. I will be persistent when I believe I am right and I will voice my concerns on important issues. I plan on my voice to be one of the many to save the environment—an intrinsic problem that needs addressing. I believe that America must develop and expand in unison with the environment—my voice can insure this. By exercising my right to vote, writing my representatives, lobbying and organizing people who believe as I do on issues—my voice will be heard. I can take a stand on an issue such as abortion and peacefully demonstrate my beliefs even when not held by all. Not only mine, but All voices within America's choir must sing and become involved. "If you are not part of the solution, you are part of the problem." People who do not voice their opinion and get involved in our country's decision making are quickly becoming part of the problem. In order for our country to be run FOR the people and BY the people, we must ALL speak out. There was a time in our country when a black person was not permitted to speak out and a woman was not able to vote. Today, At age eighteen all people regardless of color, race, gender, or creed are able to vote and we are able to speak out at any age. I intend to be a voice that will be heard and I refuse to sit by idly and apathetic.

Shame on those who neglect to voice their opinions—for this is our right! This is our privilege! Other countries who were once oppressed and blanketed by communism have admired America's choir—the diversity of voices—and have adopted democracy so that they too can sing the same beautiful song of democracy that we do. There is no doubt in my mind that listening to the voices of the people is the ONLY way to govern a country. I am proud to be a citizen of this country and am eagerly looking forward to the future, for I know that I will be able to speak and be heard. I believe there is no better sound than listening to each and every voice singing, black or white, high or low, in tune or out of tune, it makes no difference, as long as they are all singing. Sing out America! Let our voices harmonize and be heard, and let us make the changes necessary to keep America the Land of Liberty—of thee I sing!

ELIMINATING THE FEDERAL DEFICIT

HON. RICHARD K. ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. ARMEY. Mr. Speaker, I have received from a thoughtful citizen a modest proposal for eliminating the Federal budget deficit, which I should like to share with my colleagues.

A SIMPLE AND CONVENIENT PLAN TO ELIMINATE THE FEDERAL DEFICIT

(By Ronald T. Amberley)

Like most patriotic Americans, I am concerned with the welfare of our nation, and I have spent no little time thinking about ways to deal with the problem of our budget deficit and national debt, as well as other social difficulties. I make no claim to be a notable thinker, nor would I suggest that my ideas are anything out of the ordinary. Quite the opposite, in fact, is probably the case. But an idea has occurred to me which is so simple, yet would be so effective in cutting costs and painlessly raising revenue for the government, that I am baffled no one has publicly suggested it before. Some of the great minds of our day may have considered this plan previously, but I have never heard it mentioned. If they did think of it, they may have decided not to suggest it because it is so simple. (Some people feel it is beneath them for their fame to rest on anything but the most complex proposals.) Having no reputation to protect, I do not suffer from such a constraint, and I happily offer this simple idea which will promote our country's economic stability and provide many other benefits as well. I merely ask that my countrymen consider all I have to say before deciding on the merits of my plan. If, after due consideration, they deem me worthy of their approbation and thanks, I shall of all men be most humbly gratified.

As background let me reiterate a few facts about bees that most of us learned in elementary school. There are three classes of honey bees: queens, workers, and drones. The queen determines which eggs become workers and which will be drones when she decides which to fertilize. When drones are no longer of value to the colony, they are driven off to die and are replaced as needed by new generations of drones. As a great modern society which is increasingly free of the misguided moral queasiness and ethical restraint of our over-religious forebears, could we not embrace a more enlightened social order patterned in part on that of the bee?

In recent years we have justly become very sensitive about wasting our resources. We are wisely learning to recycle aluminum, paper, glass and plastic so that we do not consume raw materials or pollute the environment unnecessarily. Yet, for the most part, we continue to waste a very valuable resource without the slightest consideration for its economic value. I am referring, of course, to the annual financial loss which stems from the premature abortion of hundreds of thousands of potentially useful human offspring. How much more efficiently could we function if women had the option of bringing forth their offspring as drones, to their own financial gain and to the benefit of society at large? done with many other assets). Moreover, the government could rely on its existing management expertise to run the program efficiently and equitably. Initial estimates indicate that within twenty to twenty-five years drone-related revenues and cost savings could balance the federal budget and perhaps enable us to begin repaying the national debt. I know of no other plan with equal potential for improving the financial condition of the nation.

The government would establish prices and quality guidelines, guaranteeing itself a tidy return on each transaction. Drones would be sold to the government within twelve weeks of birth. Women who breast-fed their drones would receive a premium price to compensate them for providing a better product than women who did not. To protect the public interest the government would medically screen all drones before paying for them; those falling short of appropriate guidelines would be recycled immediately.

Until a drone reached a point of economic utility, the task of feeding, clothing, sheltering and training it would fall to the government. Drones would become saleable at various ages, depending on their individual attributes, potential use and market conditions. Trainers using behavior modification and other techniques of psychologists like B. F. Skinner would impart to drones a preference for the activities and environments for which they would be marketed. They would be conditioned to be honest, to work hard, and to view themselves as expendable masses of cells.

Local placement centers would be established so that people could view, select, and special-order drones for future delivery. No restrictions would be placed on who could buy or own drones nor on how they could be used, except that they could not be employed in criminal activities. Businesses could use them domestically or overseas; individuals could buy them for use in the home; and they would make an excellent product for export, thus helping eliminate the foreign trade deficit.

The range of potential uses for drones is enormous. They would replace people in dangerous employment situations. Among other applications would be the obvious ones of cleaning up toxic waste, asbestos and hazardous chemicals, working in radioactive environments and in mining operations. A drone's owner would not have to concern himself about drone safety beyond his interest in maintaining the value of his property. If the cost of protecting the drone was great, the owner could forego the expense in favor of the less costly option of replacement.

Thanks to their expendability drones would fit perfectly in the military and law enforcement fields for missions deemed too dangerous for people. In international peacekeeping roles, as minesweepers, in the vanguard of an infantry attack or amphibious landing, as well as in operations against Colombian drug lords, in battles with inner city street gangs, and as security guards in public schools they would be far preferable to citizen soldiers. Their cost effectiveness would enable us to police our borders against the influx of illegal aliens. The economic advantages of sending drone military units to third world countries ravaged by famine and conflict would be fantastic. After bringing an end to factional fighting in an area, they could readily be converted to nourishing fare for starving local civilians, saving American taxpayers both the expense of flying them home and the cost of shipping alternative food supplies overseas.

Researchers would test medical products and procedures on drones, eliminating the need for objectionable research using moneys, mice, doggies, and kitties. With the advent of drones, shortages of blood supplies, vital organs and hair for transplants would vanish. Drug companies would naturally compete with each other to maintain a full-line of quality replacement parts for people.

Wide use of drones in labor-intensive industries would enable us to compete with third-world countries for manufacturing facilities. As businesses relocated here to take advantage of our cheap labor, our balance of trade would improve.

The federal government itself could employ drones quite effectively as rank-and-file bureaucrats. This move alone would save hundreds of millions in tax dollars annually through reduced payroll, not to mention lower benefit and pension costs. A natural market for drones would also exist among state and municipal governments. To make sure there would be no decline in the current high quality of government service, drones targeted for government use would be specially trained to exhibit the same enthusiasm, courtesy and conscientiousness their human counterparts do now.

The government could also improve its cash flows by instituting PID (payment-in-drones) programs similar to its PIK (payment-in-kind) programs of the past. Many who receive government benefits like welfare or Social Security might be delighted to receive an occasional drone in lieu of cash. Such drones could be rented out as day labor, with the revenue going to the owner, and they could function as primary home-based caregivers for benefit recipients who were disabled, sick or elderly.

Another highly desirable application would have raised eyebrows a few years ago. Fortunately our culture has moved beyond its former prudery and puritanism to accept virtually any form of sexual activity and to endorse the universal human right to complete satisfaction of one's sexual drives, no matter how unorthodox. Sadly, however, many less fortunate members of our society encounter difficulty locating an adequate number of acceptable partners to fulfill their sexual desires. These deprived individuals are compelled to seek satisfaction in socially unpopular ways, and as a result, increasing numbers of people (including small children) are becoming involved in sexual acts against their will with people not of their choosing.

The availability of drones should reduce the incidence of child molestation and rape. With drones of every age, appearance, and of both sexes on sale at reasonable prices, anyone could select the model he or she found appealing, purchase it for immediate and subsequent use, and dispose of it when it was no longer deemed desirable. Such an arrangement would reduce several categories of violent crime and cut the spread of AIDS and other social diseases.

Numerous recycling options would exist for drones which had outlived their usefulness. Some would enter the human food supply (in fact, some new drones would be bred and raised specifically for this purpose); those unacceptable for consumption by humans or drones might find their way into premium pet food offerings or food stocks at zoos; and fertilizer companies could process used drones for lawn and garden applications. The organs and body parts of others would provide students a wonderful source of laboratory specimens for dissection, thus enhancing their knowledge of anatomy. And drone skins would be an economical source of leather for belts, shoes, gloves, and steering wheel covers.

TECHNICAL & LEGAL ISSUES

Having identified many advantages of my plan, I would now like to address some technical and legal issues associated with its implementation. First of all, Congress would have to decide whether or not a drone's father would be entitled to compensation when its mother sold it to the government. This is a difficult issue. On the one hand it seems only fair that the father receive some remuneration since no drone would have existed without his participation. Yet the mother holds a unilateral legal right to decide the fate of her fetus. Perhaps the best solution would be for a man to obtain a prefertilization agreement which spelled out his rights from any woman who might bear a drone in which he had a financial stake. Alternatively, he could collect a payment from the woman at the time he provided her with fertilization services. Either approach would protect his interests.

Second, we would need a law to prevent parents or other well-intentioned but old fashioned persons from interfering with a young woman's right to become a drone-producing entrepreneur as soon as her reproductive capacities became operational. On the contrary, such commercial initiative should be encouraged and rewarded. Grade schools would offer drone production classes starting in the third grade, and high schools could compete in drone production much as they do in sports and academics today.

Third, a method of easily identifying drones and distinguishing them from people must be established. The simplest approach would be to tattoo an identification number or bar code on several body parts when the newborn drone became government property. An alternative would be to implant a scanner-readable microchip in an accessible part of the body.

The government would also surgically install a deferred-abortion device in each drone. Options could include a small explosive in the skull or at another critical location in the body, valves to stop the flow of blood to the brain, or a mechanism to release a lethal chemical into the bloodstream. Any of these could be activated by radio signals from a specially coded transmitter given to the drone's owner at the time of purchase. Such devices would provide for foolproof post-delivery abortion as a control mechanism for renegade or runaway drones.

The issue of drone reproduction is also a matter of grave concern. Random reproduction among drones should be closely controlled lest the supply exceed demand, eroding government revenue. Crossbreeding drones with humans must also be restricted because of the confusion it would create regarding the legal status of their offspring. To enforce these restrictions, the government would sterilize most drones prior to selling them. Exceptions would exist for those used in medical research where the reproductive capacity would need to remain intact and for those used in the government's special drone breeding program.

A breeding program would allow for the development of drones with specially desirable attributes, e.g., physical strength, stamina, beauty, or intelligence. Such models would command premium prices. For instance, physically powerful and agile drones would be more cost effective than overpaid humans as athletes, making sports events more affordable to the general public. And the drones' expendability within economic limits could give rise to new sports and forms of entertainment. A reproductive resource branch would provide a sperm bank and artificial insemination services to women wishing to have a child, and female drones would be available to serve as surrogate mothers for women wishing to avoid the inconveniences of pregnancy and childbirth.

OBJECTIONS AND RESPONSES

Amazing as it may seem when one considers all the advantages of my proposal, some will object to it on one of several grounds. Let me, therefore, address the obvious objections and explain the fallacy in each of them, so that we may move ahead rapidly with implementation of this plan.

The first objection is that the drone program requires the government to spend too much before the first models could be delivered. While this objection seems at first to have some merit, it really would not take long to start delivering young drones. After all, there will be a demand for youthful models among pedophiles, while witches, Satanists and some other groups can use infant drones in their ancient religious practices. In addition, as is always the case with something new, some people will want to be the first on their block to own one, and many may wish to try training one themselves for household use from the initial supply. Furthermore, plenty of businesses rely on cheap, unskilled labor to turn a profit, for whom drones five or six years of age would be a boon.

The second objection is that the availability of drones would result in unemployment among humans. Undeniably, people would no longer need to do certain jobs, but generally these would be undesirable vocations in the first place. On the other hand, a large number of new positions would be created by the availability of drones. The government would hire people to buy and sell, care for, train and supervise them, and several new industries would be created, such as reproductive drone management. Moreover, women of childbearing years could supplement their incomes by drone production, and people likely to be replaced at work by drones could transition into another field during the few years before the first working models hit the market.

Furthermore, if the government saw that drones were materially affecting citizen employment, any of several remedies could be applied. Drones in particular industries might be subject to compulsory recycling every few years to keep those industries from becoming entirely dependent on them, or there could be a percentage cap on the number of available positions filled by drones.

It is also highly probable that the human population would decline as drones increased in number. This hypothesis is based on the expectation that many women bearing children would prefer the financial gain of electing drone status for their offspring to the stress and difficulties of child-rearing. This would certainly be true in the case of unwanted pregnancies, and would result in less child abuse and neglect, as well as some other forms of domestic violence and disharmony. Moreover, citizens would increasingly forego marriage or other similar relationships, preferring to have replaceable drones tend to their cooking, housekeeping, errands, and sexual desires without the tension, guilt and other annoyances commonly associated with long-term interpersonal commitments. As the human population decreased there would be fewer people seeking employment. It is very unlikely, therefore, that the availability of drones can be viewed as seriously detrimental to the employment prospects of more than a handful of people.

Finally, some will oppose this plan on the basis of a misinterpretation of our laws or an outdated view of ethics and morality. At the heart of every such objection lies a single issue: Are drones people? If they are, then this plan would be unacceptable; if they are not, then nothing is morally, ethically or legally wrong with my plan.

As a starting point, consider that pillar of our democracy, the Declaration of Independence. In this fundamental document of our nation we find these words, penned by that stalwart champion of justice, Thomas Jefferson: ". . . all men are created equal, that they are endowed by their Creator with certain inalienable rights. . . ."

What do these words mean? When Jefferson used the word "men," he did not use it in the literal sense of "adult male human beings"; his use of the word was necessarily figuratively since only white land-owners enjoyed full rights in his day. Today we interpret this term more broadly, without regard to race, sex or land ownership.

In the next clause Jefferson elucidates: "men" are those who have been "endowed by their Creator with certain inalienable rights." When Jefferson uses the term "Creator," does he mean a divine supreme being? I hardly think so. Instead it figuratively describes a pregnant woman who elects to give birth to her child, imparting to him/her the inalienable rights of personhood, thereby creating a human being. With the availability of abortion on demand, a woman may elect not to grant those inalienable rights to her fetus by aborting it. This same passage implies that the Creator may opt to give birth to offspring to whom she does not impart such rights.

It was the intent of the signers of the Declaration of Independence, as well as the framers of the Constitution, as evidenced by the penumbral emanations of these documents, that a woman would have the right to determine whether or not her fetus became a human being. She may currently exercise this right by choosing a pre-delivery abortion. My plan merely recognizes her Constitutional right to decline to bestow human status on a fetus to which she gives birth by the irreversible choice of a post-delivery abortion whose timing has yet to be determined.

We already recognize that a fetus is not a person and has no legal rights nor protection prior to birth. Otherwise how could we allow a woman to abort her fetus during pregnancy for any reason (or for no reason) and without limitation? But when and how does a fetus become a human being? Is not the fetus automatically endowed with inalienable rights at birth, without any deliberate action on the part of its mother?

The answer to this question is an unequivocal no; for not a few cases are on record in which the fetus of a woman who elected an abortion has survived the abortion process to be born alive. In such cases the attending medical personnel made no attempt to assist the aborted fetus as they undoubtedly would have if it had obtained constitutional rights automatically upon its emergence from the birth canal. Therefore, it is obvious that the fetus did not obtain any rights at birth, and it is equally obvious that the failure of this fetus to be endowed with such rights occurred strictly because the mother had previously exercised her unilateral right not to confer them on it.

It follows: then, that if a woman chooses to abort her fetus, it will not be endowed with the inalienable rights bestowed on human beings, even if it accidentally survives the abortive process. Why, then, can a mother not deliberately choose, prior to delivery, to have her fetus aborted at an indeterminate date after delivery, allow the fetus to be born, and provide a product useful to society?

Nothing in our laws prevents us from implementing my proposal. All we need to do is clarify a few definitions. After all, whoever defines the words controls the meaning of the laws. To create a legal distinction today between humans with civil rights and deferred-abortion fetuses without them is a step of no greater significance than it was in 1973 to say that human existence begins at birth, that a fetus is not human, and that it has no rights under the law. The past forty years have been marked with countless legal "redefinitions." Consider, for instance, the gradual change in the legal meaning of the terms "marriage," "family," "mother," and "father." This would be but another incremental change in an ongoing social progression.

Those who claim it is unethical or improper to use human offspring in such a way are living in the past. After all, scientists are already doing fetal tissue research, looking for ways medical, cosmetic, and fragrance companies can turn a profit from aborted fetuses. My question is: Why not keep some alive as drones and help a greater number of people? And who could claim that drones would be worse off for not having been aborted prior to birth?

CONCLUSION

Consider the substantial advantages to be obtained. The Constitution empowers the government to "insure domestic tranquility, provide for the common defense, promote the general welfare" of the nation. I have clearly and conclusively shown how my plan would contribute to each of these objectives. Crime and violence would decline; the nation would be economically and militarily more secure; a higher standard of living would prevail; life would be more convenient and comfortable for our citizens.

One final point is that with the institution of this plan we must make it illegal for citizens to oppose the drone program in any way. We must be prepared to prosecute to the fullest extent of the law those who try to protect drones or to claim that they are people, even to the point of imprisonment and removing their children to the care of law-abiding citizens. Only by such strong measures can we make it clear that they and their regressive views will not be tolerated.

It is my great hope that the broad dissemination of this proposal will result in its rapid implementation. There is little question that its effects would be salutary for our government and our people, and no doubt for our reputation internationally as well.

Since 1973 we have lost more than 33,000,000 potential drones through abortion. Over its lifetime the average drone would probably be worth more than $50,000 in direct and indirect benefits to the economy. (While this amount falls far short of the economic value of an average human being, it is nothing to sneeze at.) Based on an assumed economic value of $50,000 per drone, the financial cost to our economy from aborted potential drones from 1973–93 is $1.65 trillion dollars—a cost which will continue to grow every day until this drone proposal is implemented.

We simply cannot afford to continue to throw away drones like so much glass, paper and plastic. We must not waste this precious and valuable natural resource that would mean so much in terms of lower taxes, greater convenience, and a higher standard of living for all American citizens. Now is the time to mobilize in support of this proposal. A new day is dawning as we prepare for the arrival of the twenty-first century. We can seize the opportunity before us, or—letting it slip from our grasp—we can idly watch as our great nation slides further into decline.

WE MUST DEMAND JUSTICE FOR OUR SERVICEMEN KILLED IN EL SALVADOR

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. DORNAN. Mr. Speaker, I rise today to urge my colleagues and all the citizens of this country to join me in voicing outrage over the travesty of justice with regard to the cold-blooded murder of two American servicemen, Lt. Col. David H. Pickett and Pfc. Earnest Dawson, Jr., in El Salvador on January 2, 1991.

On January 2, Colonel Pickett and his crew were returning to Honduras after a logistics support mission to El Salvador when suddenly their helicopter was shot down by an FMLN patrol. One of the crew, CWO Dan Scott, was killed in the crash. However, both Colonel Pickett and Private Dawson survived and were seen by witnesses walking around the crash site asking for water and aid. When discovered by the FMLN patrol, they were executed without trial nor reason. Forensic experts confirmed the murders with the following details:

> Dawson died of a single, small caliber gunshot wound to the head * * * the shot being fired from within one or two feet although I am inclined to think the gun was directly in contact with Dawson's head. Pickett was hit by 10 gunshots from at least two bursts of automatic fire but he died as a result of four shots directly into his face from a range of two to three feet while he was lying on his back.

After first denying these murders, the FMLN arrested two individuals, Porforio [Ferman Hernandez] and Aparicio [Severino Fuentes] who later surrendered to the El Salvador Government. Then, in what can only be described as a corrupt sense of justice, amnesty was granted to these murderers as part of an overall agreement between Government and rebel officials.

I urge my colleagues and every citizen in this country in the strongest terms possible to call upon both our Government and the Government of El Salvador to bring these murderers to justice now. Colonel Pickett and Private Dawson were not the victims of war; they were the victims of coldblooded murder. Their families and comrades in arms deserve no less than swift and fair justice.

WRITING LETTERS TO CONGRESSMEN

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, September 8, 1993, into the CONGRESSIONAL RECORD:

WRITING LETTERS TO CONGRESSMEN

The number of letters Members of Congress receive from constituents is soaring. In 1992 I received about 600 contacts a week. So far this year that number has jumped to over 1,200 per week. My mail total in 1993 has already surpassed the mail total for 1992. Other congressional offices have experienced a similar increase in mail volume. Overall mail to the House of Representatives has exceeded 30 million pieces through August, surpassing the level for all of 1992. Constituents are taking advantage of the latest communications technologies, sending messages via fax, telephone and mailgram as well as the more traditional letter, postcard and petition.

MEMBERS AND THE MAIL

Most congressional mail used to come in the form of personal letters. That has changed. This year most Hill offices receive more computer-generated contracts than letters. Mail promoted by national organizations is the largest-growing segment of the congressional mail. These organized campaigns typically generate thousands of identical mailgrams, letters, or postcards, which many congressional offices merely count or weigh. This year, for example, constituents have sent hundreds of postcards on the President's budget, Social Security and Medicare benefits, and whether to allow homosexuals to serve in the military.

Constituents sometimes ask whether Members of Congress read and answer their mail. The heavy volume of mail can sometimes make that difficult. In general I read most of the personal letters and review some of the form letters that come into the office. Office policy is to try to respond to constituent letters within one working week. Staff play a critical role in researching and drafting responses to the thousands of letters on a huge variety of subjects received in a given year. I personally review and approve new letters that leave the office.

Constituents also want to know whether their letters make a difference in the legislative process. On balance, they do. Communications technologies have given citizens a strong voice in political decision-making. Their views and concerns have an impact, whether it is on federal appointments like Zoe Baird or public policy issues like health care reform. This is not to suggest that constituent contacts determine in all cases how I will vote. I will weigh other factors as well—for example, how much a particular bill will cost or whether it serves the national interest.

I keep a weekly tally of what issues people are writing about, and pay particularly close attention to personal letters from constituents. The written word is most effective. Personal letters, unlike computer-generated mailings, indicate to a Member that a constituent feels deeply about an issue and was not prompted to write by others. Such letters give Members original ideas or special perspective on an issue. Members are always interested in learning how legislation or legislative proposals affect constituents and their families. Letters can be very helpful on issues that are relatively new or about which a Member has little knowledge.

WRITING AN EFFECTIVE LETTER

The best letters share several common characteristics. First, a letter should be concise and to the point. A long, rambling letter can be difficult to follow, and the point of the letter can be easily lost. Members, like many working Americans, have very hectic schedules and must review scores of papers a day. It is particularly helpful if a constituent sticks to a single issue—which can focus the Member's attention on that issue as well. A letter which covers several issues at once usually makes less of an impact.

Second, the letter should be timely. The key is for a constituent to write when the Member is addressing the issue of concern—that is, when the Member is in the process of forming an opinion or position on a particular bill. This can be tricky. Some Members will consider a measure early in the legislative process, especially if it falls within the jurisdiction of one of the Member's committees. Others will review the merits of a bill right before it is voted on in the full House. A constituent should try to find out where the Member is on a given issue, and write in comments at the appropriate time. In general, the legislative process moves quite slowly—sometimes it takes several months for a bill to move through Congress—so constituents usually have time to register their views.

Third, the letter should be accurate. Members will quickly discount a letter filled with factual inaccuracies. Sometimes letters, particularly those generated by special interest groups, distort the meaning of legislation or imply that a government program is in danger, when in fact the threat is remote or nonexistent. Members will give closer scrutiny to letters that demonstrate an understanding of the issues.

Fourth, the letter should be informative. It is helpful when letters say more than whether someone is for or against a bill, and give some reasons and advice. The best letters discuss the effectiveness or merits of a particular federal program or legislative proposal, mention how it affects the writer, and offer suggestions about possible improvements. For example, a farmer from southern Indiana has written several instructive letters over the years about his experience with federal farm programs. They have helped educate me on the issues, and are particularly useful during congressional consideration of legislation affecting agriculture.

Fifth, the letter should be civil. Members do not mind tough, blunt language. They are accustomed to it, and it gives them the sense of the intensity of feeling of the voter. They also have an obligation to respond to constituents' comments and concerns. But letters that impugn the integrity or motives of a Member or use pressure and the threat of retaliation are given less weight than those that reflect an understanding of the issue. A coolheaded and thoughtful approach is usually the best one. Derogatory language should be avoided.

CONCLUSION

As the volume of mail grows, citizens need not fear that their message will be drowned out. Mail remains a very important way for a Member of Congress to stay aware of concerns in the district. Correspondence between citizens and legislators remains one of the cornerstones of our democracy. Constituents who understand how this relationship works can give their words maximum impact.

PRAISING SUCCESSFUL ANTI-DRUG PROGRAM

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. SOLOMON. Mr. Speaker, it makes no difference whom you talk to, or where you talk to them. Americans are still concerned about the serious drug problem in this country.

In 1990, legislation was introduced for the first time commemorating an approach that continues to help in the battle against drugs. It is called DARE, the Drug Abuse Resistance Education Program.

This worthy program teaches students the necessary skills to resist social pressures to experiment with drugs and alcohol, and how to seek positive alternatives to substance abuse. Originally developed and implemented in Los Angles in 1983, DARE is now operational in schools in 49 States.

Since legislation commemorating the DARE Program was introduced in 1990, I have supported it. Not only has this program proven itself to be enormously successful in helping students reduce substance abuse, including cigarettes and alcohol, but it has also been successful in improving study habits, improving relations between ethnic groups, and decreasing truancy and vandalism.

This year the Congress passed and the President signed into law, Public Law 103–74, Senate Joint Resolution 99. It designates today, September 8, 1993, and April 21, 1994, each as "National DARE Day." DARE is definitely deserving of this commendation and everyone should be proud of the achievements of DARE and the efforts of those involved with this exemplary program.

TRIBUTE TO UNIVERSITY HOSPITAL IN AUGUSTA, GA

HON. DON JOHNSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to pay tribute to a remarkable medical facility located in the 10th District of Georgia. On Saturday, September 11, University Hospital will celebrate 175 years of service to Augusta, GA, and the surrounding area.

What began as the 10-bed, 2-story City Hospital in 1818 has grown into Georgia's second-largest hospital, with 700 beds and a staff of 3,000. It continues, today, a tradition of exemplary medical care and devotion to the teaching of medical practices. I want to share with you some of the history of this institution.

In 1829, just 11 years after City Hospital was founded, Dr. Milton Antony established Georgia's first medical school on the premises. In 1833, the city of Augusta provided $5,000 for the construction of a new medical college building, and the tradition of fine medical instruction in Augusta had begun.

Drs. Henry and Robert Campbell opened a surgical infirmary for the city's black community in 1854 and operated that facility until the Freedman's Hospital was opened after the Civil War. In 1891, the Medical College of Georgia named a woman, Ella Thomas, to serve as chief executive officer. Her appointment and the opening of the infirmary for the area's black community demonstrate the hospital's devotion to serving all humanity and recognizing the talents of both men and women at a time when such recognition was unusual.

City Hospital battled smallpox for two decades beginning in 1851. It sent aid to those in need by horse-drawn ambulance and served as a medical center for Confederate soldiers. That proud tradition of service and excellent medical care has been passed down through these 175 years to University Hospital.

Mr. Speaker, I am proud to have such a facility in my district and I am proud to join the entire central Savannah River area in congratulating University Hospital on its 175th anniversary.

TRIBUTE TO NORTH CAROLINA STATE BAPTIST CONVENTION FOR HARD WORK IN HARDIN, IL

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. DURBIN. Mr. Speaker, I would like to recognize the members of the North Carolina State Baptist Convention who traveled to the flood-ravaged town of Hardin, IL, and volunteered for cleanup work. Their efforts were greatly appreciated by local residents and an inspiration to everyone.

Almost 200 volunteers traveled over 15 hours to the community of Hardin, IL, in my congressional district. Their arrival and fine work could not have come at a better time. While most Americans believe the flood of 1993 is a thing of the past, those who are victims of this disaster know the real work lies ahead. The Baptist volunteers brought perspiration and inspiration to a community which generously appreciated their help.

Many in our Nation identify themselves as Christians. The North Carolina Baptist volunteers showed by their good work the highest ideals of Christian belief.

The flood of 1993 left many heartaches in its wake but the memory of fine people like these volunteers will be with us for many years.

N.C. BAPTISTS FLOOD HARDIN WITH HARD WORK, GOOD WILL

(By Mike Matulis)

HARDIN.—The final troupe of North Carolina Baptists departed this flood-ravaged river town Friday, but their six-week stay won't soon be forgotten.

Hardin can almost be divided now into where the North Carolina State Baptist Convention cleanup crews were and where they were not.

The muck that covered many homes and grimly displayed the muddy Illinois River's high water mark is gone from many homes. Likewise, dozens of homes have been stripped of soggy wallboard and plaster, ready to dry and be repaired.

The section of town, which looked doomed two weeks ago, today shows signs of renewal.

"I don't know what the hell we would have done without them," said Mayor Bill Horman.

It was hard last week in this town of 1,100 not to run into one of the Baptist workers, wearing their distinctive yellow disaster-relief ball caps and T-shirts, and it is still impossible not to run into someone singing their praises.

"This is really a Catholic community," said Jill Smith, who watched as a crew washed the river crud off her vinyl-sided house. "Now since they've come, everybody just loves them. I think everybody's ready to turn Baptist."

James Greenwood, one of the guys on the high-pressure hose team, said the biggest question people have is "why"—why did close to 200 Baptists travel 15 hours, on their own time and at their own expense, to help total strangers begin recovering from the flood?

Greenwood and his many colleagues said the answer is simple.

"Everybody ought to help their neighbors. We love to help people, and we do it for the Lord," he said.

The North Carolina State Baptists Convention has been in the disaster-relief business for the past seven years. The Red Cross calls, and the Baptists come running.

Last year it was Hurricane Andrew in Florida, this year the great Midwest flood. Just last week, they were ready to take on Hurricane Emily, if she hadn't turned out to sea.

"It's a well-greased outfit," said Earl Woods, who coordinates one of the 10 regions of the North Carolina Baptist Convention.

Literally at a moment's notice, the Baptist relief group can begin pulling together volunteers, who soon will be on the road to the next natural disaster.

"North Carolina has just got beaucoup Baptist churches. That means a whole bunch," translated Gene Carpenter, one of the many Baptist cooks who helped feed Hardin and the many volunteers here for sandbagging and later for cleanup duty.

"One on every corner," chimed in Earl, explaining how the group can respond to disaster so effectively.

Most of the Baptist workers took vacation to come help Hardin. The workers stay a week and then are replaced by a fresh set of volunteers. A significant number of the volunteers are retired, including 62-year-old Carl Nance, who headed the work crews this past week.

Nance took early retirement seven years ago to devote his energy to his church's disaster-relief effort. Like his work crews, Nance said he did not come to Hardin for a pat on the back. He considers the hard work a religious commitment.

But it's obvious he appreciates the hug and thank-you offered by Kelly Robeen, whose house was being repaired by the Baptists.

Kelly and her husband, Mike, are a typical case for those living within three blocks of the river. Their first house was damaged too badly to repair. So the Baptists renovated a lesser-damaged home the young couple is buying.

"Now we'll be able to get rebuilding and hopefully be in at least by November before winter. They're done a great job," said Robeen.

The Baptists have been in Hardin for six weeks, but the work crews didn't really get started until two weeks ago. They have done more work than anyone dreamed possible in that time, washing, gutting and in some cases putting up new wallboard in dozens of the approximately 100 flood-damaged homes.

One crew out of Kannapolis, N.C.—"Towel City, USA" thanks to the Cannon towel factory—descended—on a mucked-up frame house on Water Street Thursday morning.

Within two hours, the crew had transported a small mountain of wallboard and damaged fixtures onto the front lawn, where city crews would collect it to be landfilled.

Betty Cunningham, one of two women on the crew, said the process of tearing a house apart is emotionally difficult.

"I can only imagine what it would be like to have a bunch of strangers come in and pick my house apart," she said. "It's picking your heart and soul apart."

Sweaty and already tired at 10 a.m., the crew members joked that they never worked this hard at their real jobs in North Carolina.

"But don't tell my employer that," said Tony Howell.

The riverfront area of Hardin is testimony to the hard work. Some homes will never be occupied again, but the mud that covered much of the area has been replaced by a new sheen of hope.

The Baptists' other mission in Hardin was just as impressive. When they pulled into town, they brought with them a huge 18-wheel, tractor-trailer that has been converted into a field kitchen.

Rotating 15 fresh cooks into town each week, the group was producing 2,000 meals a day from their mobile kitchen. The day would start at 3:30 a.m. for breakfast cooking, and it didn't end until the supper dishes were clean about 8:30 p.m.

"You talk about tired boys, we were some tired boys," said Carpenter.

Beside feeding Hardin residents, the Baptists shuttled food to the nearby towns of Mozier, Kampsville, Michael and Hamburg.

The volunteers worked 12- to 14-hour days, yet still some had trouble sleeping at night.

"This thing hasn't been all peaches and cream," said Carpenter, only half kidding. "When we came out here, there were 22 men put in one room with little cots to sleep on. And of those 22, 19 snored like hogs.

"It was absolutely awful. You would not believe the sound. I mean some were snoring bass, some were snoring tenor, some snore every breath, some snore every third breath. It was unreal."

Carpenter, suffering from sleep deprivation, bolted to the lone hotel in town, only to find a "no vacancy" sign.

"It was kind of like the story of Jesus," he said. "I went to the inn and the inn was full."

Luckily, Carpenter worked out a deal with Inell Smith, manager of the Hardin Hotel, to sleep in her camper, parked behind the full-up hotel.

As the demand for meals lessened, the giant field kitchen was shipped back to North Carolina in preparation for Hurricane Emily. So the women who cook at the Hardin senior citizens center agreed to share their kitchen.

"Now I think if I were these ladies and this was my kitchen, I'd be a little reluctant about letting a bunch of old hillbillies from North Carolina come in," said Carpenter. "But they have just turned this place over to us."

Besides the good food and the good will, the Baptist volunteers left some less tangible marks on Hardin.

One work crew had finished tearing the last of the plaster out of Bruce Presley's 100-year-old home. Another crew moved in to clean up the warped but fixable hardwood floors.

"Between the Baptists and the Red Cross, I think it's just amazing how much they do," said Presley, who hopes to repair the aged riverfront home.

Thanks to the example set by volunteers in Hardin, Presley, a single, 36-year-old probation officer, said he may be fixing other people's homes in the future.

"I'm going over to the Red Cross to see about becoming a disaster volunteer myself," said Presley. "I get four weeks vacation, and this year I took it to sandbag. Next year I hope I don't have to, and I'm going to go some place else where I'm needed.

"I want to give something back."

Carpenter said the Baptists have been offered thanks and even cash donations for their work in Hardin.

"Some people brought a letter in to give to our leaders. It was a very nice letter with adjectives that everybody likes to hear about themselves, and there was a $50 check," said Carpenter.

It's not as if North Carolina Baptists are the only people who respond in time of need, stressed Carpenter. As a matter of fact, he said the Baptist flood-relief efforts in Illinois are in part a payback for help their state received from the Midwest in past disasters.

"For three or four years, we had the drought. We just had loads and loads of hay brought in for the cattle farms. So we've been on the receiving end of this very same kind of thing over the years," said Carpenter.

Despite the snoring co-workers and the hard work, the Baptists said their time in Hardin was more than just spiritually satisfying.

"We have a ball everywhere we go," said Woods. "We don't let that work bother us."

Unfortunately, no matter how hard the Baptists and other volunteers worked, some buildings in Hardin are beyond salvage.

Violet Breden stood outside her home on Water Street, the road that hugs the river, late last week, sorting through personal papers, mementos and family photographs she had stored in her attic.

Papers she no longer needed were pitched onto a small bonfire. She was disposing of things she and her husband no longer consider essential, so they won't have to move them to the apartment they now occupy.

The Bredens will remain in Hardin, but they won't come back to their home on the banks of the Illinois River.

"I told my husband that I'm going to finish up this week, and then I'm leaving, and I'm not coming back," she said. "It's just too depressing every time you come back."

Weeks ago, volunteers fought a valiant effort building sandbag walls nearly 10 feet high in front of the Bredens' home. But the river won the battle, filling the houses to their ceilings.

Late last week, a city worker used a backhoe to begin tearing down the sandbags along the street. Some officials estimate a million sandbags were used in Hardin. Soon the bags of sand, like the Baptist and Red Cross relief workers, will be gone from town.

Some of the residents are gone for good as well. Of the four houses on the Bredens' block, not a single one will be reclaimed.

TRIBUTE TO RICHARD PETTY

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. COBLE. Mr. Speaker, on September 15, 1993, the entire North Carolina congressional delegation will honor our very own Richard Petty, the king of stock car racing, with a luncheon on Capitol Hill. No one else comes close to his awesome record of 200 NASCAR victories including 7 national championships and 7 wins at the famed Daytona 500.

Richard Petty's chief asset has to be that he became a national hero at a time when the popularity of American athletics began to fall because of drugs, high salaries, strikes, and the general impression that athletes had no time for their fans. Deb Williams, editor of the NASCAR racing publication Winston Cup Scene, estimated that Richard Petty has signed more than 8 million autographs during his illustrious career. Such a cooperative spirit, magnetic smile, and fancy signature have endeared Richard Petty to millions of auto racing fans around the world.

The winningest driver in NASCAR Winston Cup Grand National history, fans have come to expect that Richard Petty will be available for autographs, conversation, and photographs, on and off track property, 24 hours a day, 7 days a week, rain or shine, and the STP racing team star has never failed to meet the vast demands of his legions of fans. It is little wonder that Richard Petty was a nine-time winner of the most popular driver award on the Winston Cup circuit. His humility and thoughtfulness are unparalleled. He has never made a single excuse for himself or in any way shown the slightest hint of arrogance.

At 4:50 p.m. on November 15, 1992, at the Atlanta Motor Speedway, Richard Petty removed his red and blue helmet forever. "It's been a heck of a 35 years," Richard said to his many fans.

> God don't put many people on earth who can accomplish, and do, and play their own game as much as He has me. To be able to walk away from it, and say that to all of you, I can't really describe how I feel about that part of it. It's been a wonderful life for Richard Petty if he just falls over right here.

Richard's gracious wife Lynda added, "It's been tough, but it's been good. I think the good outweighs it all, and I'm just proud to be a part of it." Richard complemented Lynda by adding,

> She is the one who made it all work. She let me do what I wanted to do and she took up the gap. A lot of my responsibilities I didn't do; I just kept on racing. Racing is all I've really ever known. When I was growing up that's what my Daddy did, so naturally, I followed in his footsteps. And guess what, not surprisingly, there's my son Kyle in a race car.
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> Even though racing is the biggest part of my life, I'm not looking at just rolling over. I've got a new challenge. There is life after driving. I've seen people be made more successful after they drove than what they were driving. There is no event so important that it couldn't be done without. No matter how big you think you are or how important, it will go on without you. The world will keep turning, everybody will go doing their thing. So, you have to learn to live with that. That's the way it's supposed to be. The Good Lord fixed it like that so things could continue.

Although Richard Petty continues to be at the tracks as a team owner, Winston Cup racing is going to have to proceed without him for the first time in 35 years. He finished his driving career with 1,177 races. His last victory, with President Reagan in attendance, was at the Daytona Firecracker 400 on July 4, 1984. It was his 200th and final appearance in victory lane. Before his last start at the famed Daytona International Speedway in 1992, he said, "I want to dedicate this race to the late Bill France, Sr., because without Big Bill, I wouldn't be here and you fans wouldn't be here."

It is safe to say that without Richard Petty leading the way, the huge success of NASCAR Winston Cup racing would not have happened. On behalf of the entire North Carolina congressional delegation, we offer just three words to convey the feelings of everyone affiliated with motor racing: Thank you, Richard.

ONE HUNDRED TENTH BIRTHDAY TRIBUTE

HON. MIKE PARKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. PARKER. Mr. Speaker, I rise today in recognition of an outstanding Mississippian, Mr. Will Gray, who celebrated his 110th birthday on August 15, 1993. Mr. Gray was honored by local, county, and State officials at a celebration held that day in his honor. He has demonstrated a love for his home and his God, and in return, he has been blessed with friends and family.

Mr. Gray is held in high esteem by his neighbors and family. He has given of himself to his community and is characterized by all as a dear friend and an inspiration. His son, Wadell, said he has never seen his father lose his temper. The younger Mr. Gray told his hometown newspaper that his father "always helped people, night or day. If they needed and he had, then he gave to them."

Because of his good deeds and friendship to others, Mr. Gray deserves recognition as an outstanding Mississippian, an exceptional American, and a shining example for people of all ages, on this occasion of his 110th birthday.

Mr. Speaker, at this time, I ask that my colleagues join me in saluting Mr. Will Gray for his outstanding achievements.

A TRIBUTE TO JAZZ LEGENDS ELLIS MARSALIS AND THE MARSALIS FAMILY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. CONYERS. Mr. Speaker, I rise on behalf of the Congressional Black Caucus and the Congressional Black Caucus Foundation to bring attention of my colleagues to the distinguished cultural achievements of Mr. Ellis Marsalis, one of America's most notable patriarchs in the field of music. Mr. Ellis Marsalis is not only the father of four of the finest young musicians in modern jazz, he is one of the foremost educators and mentors of young initiates to the modern jazz tradition.

As founder of the Jazz Issues Forums, I am pleased to join with the Congressional Black Caucus, the Congressional Black Caucus Foundation, the American Society of Composers, Authors, and Publishers [ASCAP], and millions of music enthusiasts across the country in leading the tribute to this extraordinary patriarch and his family.

The Marsalis name has come to symbolize the great artistic achievement and potential of modern jazz. As such, the family has contributed greatly to building contemporary audiences for one of America's most brilliant contributions to world culture. They have brought a sense of dignity to being a jazz musician. Led by Ellis Marsalis, the family has figured prominently in developing and maintaining respect for African-American musicians and the music that stems from this rich tradition.

Mr. Speaker, such wide respect does not happen overnight. Nor is it won by an election or by some selective award ceremony that bestows this distinction upon you. It comes through the tireless work and the persistent effort of an individual who perfects his own talents and recognizes the necessity of passing this legacy on. Ellis Marsalis is such a man.

From its inception, the musical career of Ellis Marsalis has simultaneously followed two paths, that of performer and educator. He was born on November 14, 1934, studied music while at Dillard University in New Orleans, and received his bachelor's degree in that field.

A year after graduation from college, Ellis was drafted for service in the U.S. Marine Corps which further advanced his musical development. While stationed in El Toro Marine Base in Santa Ana, CA, he played with a cadre of musicians who were destined to change the direction of modern jazz including Ed Blackwell, Ornette Coleman, Billy Higgins, Charles Lloyd, Don Cherry, and others.

In 1967, after stints as a teacher in Beaux Bridge, LA, and as a band leader at a number of New Orleans clubs, Ellis accepted a job with Al Hirt's band, thus becoming the first African-American musician ever to tour with "Jumbo." One of the enduring facts in jazz lore is that Hirt gave the most famous of the Marsalis progeny, Wynton, his first trumpet when he was 6 years old.

Throughout the 1970's, Mr. Marsalis performed regularly at Lu and Charlie's, a small New Orleans jazz club where the foundation of the New Orleans modern jazz synthesis was laid, the melding of indigenous traditional New Orleans jazz with the great innovations in the form from around the country.

Marsalis is as well known for his endeavors work in the classroom as he is for his performances on the stages of the world. As much as any other living artist, he is responsible for passing the torch to a new generation of jazz artists who have carried the New Orleans jazz traditions to millions of fans in the United States and around the world.

Much of this success is due to his work with the New Orleans Center for Creative Arts [NOCCA], based in New Orleans, LA. Since 1974 NOCCA has become a world renowned multidisciplinary arts high school. The success of many of its students is testament to the outstanding training of this educator and performer. Names such as Harry Connick, Jr., Kent Jordon, Terence Blanchard, and Donald Harrison are just a few of the contemporary artists that he has either taught or had a major influence over.

For over three decades Ellis Marsalis has been a major contributor to the development of jazz as a national American treasure. His contributions have helped to guarantee that traditional and modern jazz, both once threatened with extinction, will be carried on for generations.

Finally, Ellis Marsalis' important personal accomplishment in the world of music as a pianist, bandleader, and composer have been enhanced by the support he has provided for the talents of his sons, Wynton, Branford, Delfeayo, and Jason Marsalis, each of whom, in their own right, has become an inspiration to an emerging generation of aspirants, practioners, and listeners.

Almost without exception, the sons and former students of Ellis Marsalis are leaders, both on their specific instruments and in the field of music in general. Branford has distinguished himself as one of the most versatile and innovative of today's young saxophonists. In addition to the nine jazz and classical albums that he has recorded, he has also performed with such musical greats such as Milt Hinton, Art Blakey, Clark Terry, Herbie Hancock, and Ron Carter, among others. He currently is featured as the band leader of the NBC "Tonight Show" Band, watched by millions of viewers each night around the nation.

Wynton, whose jazz and classical albums have amassed eight Grammy awards and countless chart-topping and poll-topping successes, is best known as one of the most brilliant trumpeter of his generation. He is virtually without peer among his contemporaries in his endeavors as composer, band leader, and jazz educator. Moreover, he has demonstrated extraordinary vision as the Artistic Director of the Jazz Programs at Lincoln Center in New York City, the Nation's premier performing arts center.

Delfeayo has built a reputation as one of the best record producers of his generation as well as an outstanding trombonist and band leader. Last, but not least, Jason at just 16 years of age has blossomed into an outstanding multipercussionist and composer.

Mr. Speaker, in the 1st session of the 100th Congress, I introduced House Concurrent Resolution 57 which declared jazz "a rare and national American treasure." On the occasion of the CBC 23d Annual Legislative Weekend, September 16–18, 1993, I am honored to present to the 103d Congress, a living testament of this national treasure known simply as JAZZ: Ellis Marsalis and the Marsalis family.

PRIVACY FOR CONSUMERS AND WORKERS ACT

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. WILLIAMS. Mr. Speaker, I rise to call attention to disturbing new evidence that highlights the need for a bill that I have sponsored along with more than 100 bipartisan Members of this body. The bill is the "Privacy for Consumers and Workers Act," H.R. 1900.

This bill attempts to draw reasonable boundaries around the explosion of electronic monitoring devices so as to protect basic privacy rights.

What is this disturbing new evidence? Here is an itemization.

Last month, 500 warehouse workers in Manteno, IL, voted to organize into a union.

Throughout the several months long organizing campaign, employees were monitored with video cameras during work time and on breaks. An employee recounts the reactions when the company installed the video cameras, "When they put the video cameras in, we thought it was big joke. Then one of the supervisors started threatening us, saying, 'I'm watching you through the cameras,' Then these cameras started to feel kind of scary—

the monitors are in glass bubbles. You can't tell if they're looking at you. You feel watched all the time."

Employees recently obtained internal company reports prepared by a private investigator who posed as an employee in order to identify union supporters among the 500 warehouse workers. The investigator is referred to as "Inv" in the reports. We have deleted names of employees. Following is a typical section: Inv talked with —— again. ——— is eagerly waiting for the union to come in. Inv hasn't heard from any of the so-called hardcore union people. ——— said he can't wait for the beers tomorrow at John's Pub ——— Two Ft. Wayne people from receiving were talking to ——— from repack and ——— said that he told ——— or ———, supervisors, that if there was any doubt about him sending in his card, there isn't any now ———"

The spying seems to repeat workers' experience in the 1930's when the pervasive use of employee surveillance and intimidation prompted congressional hearings on the subject before the LaFollette Committee and resulted in language in the National Labor Relations Act prohibiting such surveillance.

Days before the union election on Friday, an employee was taken out to take measurements for chains to lock up the warehouse's main gates. "The foreman insinuated that 'if things don't go right Friday * * *' the chains would be used for a lockout." Temporary employees wearing union buttons were threatened with firing.

Mr. Speaker, I believe this graphic evidence of the use of electronic monitoring during an organizing campaign reaffirms the importance of H.R. 1900. Existing law, including common law, already covers some of the alleged spying abuses at Kmart. But more is needed.

Let me emphasize that H.R. 1900 is a modest bill. It would not bar employers from using electronic or other monitoring devices. It would simply grant workers the basic right of being informed in a reasonable manner when those devices are being used.

THE SCHOOL-TO-WORK TRANSITION ACT OF 1993

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. FORD. Mr. Speaker, just before the August recess, I introduced the School-to-Work Transition Act of 1993, President Clinton's legislation to help noncollege-bound students prepare for careers in high-skill, high-wage jobs.

Our challenge is to connect the three-out-of-four high school students who do not complete college to a skill that will get them a good-paying job. We must establish close ties between schools, businesses, and labor to assure that graduating students get their fair shot at the American dream—a good wage in return for skilled work that employers need.

The bill would help States develop work-based learning, allowing students to work in chosen fields while receiving related instruction in the last 2 years of high school. Upon completion, students would receive a high school diploma; a certificate from a post-secondary institution, if appropriate; and a portable, industry-recognized, credential certifying mastery of specific occupational skills.

Under the bill, which the Committee on Education and Labor developed with Secretary Reich's Department of Labor and Secretary Riley's Department of Education, the Federal Government would provide grants to States to establish school-to-work programs and coordinate funding with other Federal programs. The bill would promote collaboration among local business, union, education and community leaders to establish and sustain successful school-to-work systems.

The basic components, developed by States, include work-based and school-based learning, and coordination of the two.

Under work-based learning, students would receive job training, paid work experience, workplace mentoring and instruction in skills and in a variety of elements of an industry. At school, students would explore career opportunities with counselors. They would receive instruction in a career major, selected no later than 11th grade. The study program's academic and skill standards would be those contained in the administration's school reform bill, H.R. 1804, the Goals 2000: Educate America Act. Typically, their coursework would include at least one year of postsecondary education and periodic evaluations to identify strengths and weaknesses.

To bring the two together, the bill would provide for coordinating activities, that is, involving employers, schools, and students, and matching students and work opportunities. It also would involve training teachers, mentors, and counselors for the school-to-work program.

States' school-to-work plans, submitted for Federal implementation grants, would have to detail how the State would meet program requirements. They also would explain how the plans would extend the opportunity to participate to poor, low-achieving and disabled students and dropouts.

This bill is an important blueprint to help us build a high-skilled workforce for the 21st century. In line with other proposals developed by the Clinton administration, it does not establish new Federal bureaucracies but makes States and localities partners with the Federal Government in achieving goals crucial to improving the lives of our citizens.

This program, which is scheduled to be funded beginning in fiscal 1994, will help States and localities deliver on their obligations to young people: To train them for good jobs in tomorrow's labor market. My committee looks forward to hearings and ultimately to enactment of this landmark legislation.

CONGRESSIONAL STAFF

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, September 1, 1993, into the CONGRESSIONAL RECORD:

CONGRESSIONAL STAFF

When the topic of congressional reform comes up, one suggestion that is almost always made is to cut congressional staff. The idea is being given serious consideration in Congress. I support cutting back congressional staff, although I find some of the claims made about staff to be exaggerated.

BASIC FACTS AND TRENDS

Sometimes figures of around 40,000 are given for congressional staff. Figures in this range more properly refer to total legislative branch employment, which includes not just congressional staff but also personnel in several support institutions such as the Government Printing Office, the General Accounting Office, and the Library of Congress. Total legislative branch employment stood at 26,900 in 1945 rising over the next four decades to 37,800 in 1984. Since then there has been no increase, with 1993 employment standing at 37,400.

However, the number of congressional staff—personal, committee, and administrative for both the House and Senate—is about half that number. Total congressional staff now stands at 19,500, of which 7,400 are Senate employees and 12,100 are House employees. Of the House staff, most—7,200—are personal staff of Members (an average of around 16 per Member); in addition, 2,200 are committee staff and 2,700 are administrative staff.

Congressional staff grew significantly from the 1950s through the 1970s, growing from 3,300 in 1945 to 19,200 by 1983. This growth was driven largely by the overall expansion of the executive branch, efforts by the Nixon White House to challenge congressional powers, and congressional reforms aimed at improving Congress's own policy expertise. Since 1983 congressional staff has stopped growing, and the number today (19,500) is basically the same as a decade ago.

Some of the growth in congressional staff over the years was offset by cuts in other legislative branch employment. For example, staff in the General Accounting Office was cut back from 13,800 in 1945 to the current level of 5,200. Thus total legislative branch employment over the past 50 years has shown relatively modest growth. The increase from 26,900 in 1945 to 37,400 today represents a 39 percent increase, which over 50 years translates into less than 1 percent growth per year.

COMPARISONS

Some comparisons might be helpful to put these numbers into perspective. Total legislative branch employment is, for example, one-seventh the size of the Department of Veterans Affairs (265,000) and one-third the size of the Department of Agriculture (123,000); but it exceeds employment at the Federal Reserve System (25,000). Overall, legislative branch employees represent about 1% of total federal employees.

The United States has more legislative branch employees than any other country, although some of that is a reflection of our nation's size. Canada, for example, has more legislative branch employees per capita than we do.

In terms of growth over the years, while total legislative branch employment increased 39% over the past 50 years, total U.S. population grew by some 80%. The fastest growing branch in recent decades has been the judicial branch, up some 300% since 1970.

CRITICS

Those who believe we have too many congressional staff make several arguments: First, cutting staff would save money, which is important especially at this time of national belt-tightening. Before we ask our constituents to sacrifice, we need to make cuts in our own operations. Second, businesses are making painful downsizing decisions from competitive pressures; so should Congress. Third, staff inflate the congressional agenda and worsen the workload burden, by getting their Members involved in their own pet projects and a host of marginal issues. Fourth, some staff are more interested in serving the campaign interests of their Members than focusing on the resolution of national problems. Fifth, unelected staff have too much power and influence. They often perform functions that Members should perform, and are less likely to compromise on issues than Members meeting face to face—thus contributing to gridlock. Finally, staff have been a nuisance to the executive branch over the years with micromanagement and intrusion into minute details of daily governance for which they are ill-suited.

SUPPORTERS

Those who defend current staffing levels make several arguments: First, staff has grown over the years as the workload of Congress has increased—as the U.S. has emerged as a world superpower, and as the federal government has attacked an increasing range of issues, from health care to defense conversion to environmental protection. Second, constituent contacts have greatly expanded over the years. In my own office, I now receive about 1,200 constituent contacts per week, triple the number only seven years ago. Third, effective oversight by committee staff can help save American taxpayers millions of dollars by discovering waste and abuse in the executive branch. Fourth, cutting staff will make Congress more dependent on the executive branch and interest groups for information and policy expertise, and power will flow to them. It is not possible to have a co-equal branch of government without providing Congress the resources to fulfill its constitutional role. Fifth, other countries are emulating our system of providing independent policy expertise for members of the legislative branch.

ASSESSMENT

My view is that Congress today deals with a very complex policy agenda—much more complex than even a few decades ago—and that Members are increasingly called on to assist their constituents in a variety of ways; neither of these basic facts will change. That means that members will continue to need strong, professional staff assistance. The past reforms that beefed up congressional research and investigative capabilities and strengthened Congress were, overall, a move in the right direction. The U.S. government should not be dominated by one branch. At the same time, Congress can certainly do some belt tightening and look for efficiencies and savings in its staff operations. Certainly we can find waste, and can cut some staff and staff functions that are no longer a high priority.

Earlier this year, House and Senate leaders announced plans to eliminate more than 1,300 legislative branch jobs by 1995. In addition, they proposed cutting legislative branch administrative expenses by 14% for a total savings of about $500 million by 1997. These are initial steps in the right direction, although somewhat modest, and I will support these and additional reductions. The goal should be to make the cuts in ways that preserve the ability of Congress to represent constituents, fulfill its constitutional responsibilities, and deal with the country's problems.

THE SUCCESS OF THE IEA SCHOOL-TO-WORK TRAINING PROGRAM

HON. DAVID MANN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. MANN. Mr. Speaker, and Members of the House, I would like to bring to your attention the successes of the Industry-Education Alliance [IEA], a new school-to-work training program that is currently underway back in my district in Cincinnati, OH. The Home Builders Association of Greater Cincinnati and Great Oaks Joint Vocational School District have launched this major training initiative with the Home Builders Institute [HBI], the educational arm of the National Association of Home Builders, and PAVE, The Education and Training Foundation. Together they are training and placing adult unemployed and dislocated workers into well-paying jobs in the homebuilding industry.

Every adult student completing the IEA school-to-work training program has been placed in a job with professional builders earning 31 percent above entry level wages. I would ask you all to join me in commending all participants in the IEA program on this significant and encouraging achievement as we work to break the cycle of unemployment and Government assistance.

STUDENT LOANS, H.R. 2264

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. POMEROY. Mr. Speaker, I would like to take this opportunity to respond to Chairman FORD's remarks on August 5 on H.R. 2264, specifically regarding direct lending of student loans. The chairman would have you believe that we had the opportunity to fully debate the proposal to move the direct Government lending and that this Chamber in fact supports that move.

I would like to remind the Members of this Chamber that the only opportunity we had to vote on this issue was on the Gordon-Goodling-Pomeroy amendment during consideration of the Labor-HHS-Education appropriations bill. Our amendment passed the House by a vote of 397–28. Because the chairman chose to cast that vote as meaningless, we sent a letter to the budget conferees stating our opposition to full-blown direct lending and continued support for a pilot program. In his statement yesterday, the chairman would have you believe that this letter was signed only by 148 Republicans. To the contrary, our bipartisan letter was signed by 285 Members—with over 120 Democrats. I have attached the letter, along with a list of cosigners in case there is still any doubt.

I would like to further point out that the compromise brought to this floor as a part of budget reconciliation is something we can live with for the meantime. It is by no means ideal. I am pleased that we have maintained a private-public partnership which works by reducing the excessive subsidies provided to lenders and guarantee agencies. This provides assurances that students will continue to have secure loan access at lower costs with the same quality of service they receive now.

I remain concerned, however, that this proposal allows for a ballooned bureaucracy by providing implementation to reach 40 percent by the 1995–96 school year. Additionally, the proposal has a provision that gives the Department of Education the authority to mandate a school's participation. Furthermore, many of the problems that prompted me to fight this proposal still exist: The estimated savings are illusive; many studies show the Department of Education does not have the ability to administer the program; this proposal will add $52.9 billion in new debt; and it will add 600 new bureaucrats to the Department of Education.

Mr. Speaker, I remain committed, as do many of my colleagues, to seeing that this program is improved upon at every opportunity in the future.

HOUSE OF REPRESENTATIVES,
Washington, DC, July 23, 1993.

DEAR CONFEREE: The Budget Reconciliation legislation which was passed by the House in May includes a title which will replace the guaranteed student loan program which has served student and parent borrowers since 1965 with an untested direct loan program by 1997. This dramatic change in the student loan delivery system was made without a specific vote on the issue having been held on the House floor.

Since that time, however, House Members were given an opportunity to express their concerns about direct lending by supporting an amendment to the Labor-HHS-Education Appropriations bill which would limit direct lending funding to the pilot program authorized last year.

This Gordon/Goodling/Pomeroy amendment passed the House on a recorded vote of 397 to 28 with our support. This is the only vote which has been taken on direct lending and it is intended to voice the concerns which many of us have about moving to a full-blown direct lending program without first testing a substantial pilot. As such, it is also intended to express our opposition to the direct lending provisions which have been included in the House reconciliation bill.

Our opposition to a full conversion at this time is based on several factors. Perhaps the most salient factor during these times of fiscal discipline is this: the Congressional Budget Office recently acknowledged that more than half of the budget savings attributable to direct loans are smoke and mirrors—caused only by the budget scoring conventions of the Credit Reform Act of 1990. Thus, in an apples-to-apples comparison the savings attributed to direct lending fall from $4.27 billion to $2.08 billion. And in February of this year economists at the Congressional Research Service (CRS) concluded that "[c]onversion to direct loans cannot be justified on the basis of either budget savings or increases in overall economic welfare."

Much of the concern surrounding the transition to direct loans also arises from fears about the Department of Education's ability to manage a loan program of such magnitude. In one of its December 1992 "high risk" reports, the GAO warned that "the inventory of known problems in the Department's administration of guaranteed student loans raises questions about its ability to adequately manage a direct lending program."

At a recent hearing held by the Subcommittee on Human Resources and Intragovernmental Relations, the GAO repeated that message, characterizing the Department's gatekeeping procedures for determining which schools can participate as "weak", its oversight as "slack", and its financial and management systems as inadequate to oversee the program and protect the federal interest. Although we have a strong team at the Department of Education, they certainly will have their hands full dealing with these existing problems without adding a new $18 billion a year program to the mix.

A representative from the National Association of Student Financial Aid Administrators (NASFAA) also testified as to the "deep concerns that a majority of financial aid administrators have expressed involving a lack of confidence in the Department's ability to satisfactorily carry out its responsibilities in a timely and efficient manner." Therefore, the NASFAA position is to proceed with a direct loan demonstration program before moving to full-scale direct lending.

Finally, we remain concerned about the expanded federal bureaucracy which will come with a new government program (the Department has estimated they will need to hire over 600 new employees) and the $52.9 billion in additional debt which will be taken on by the Treasury in the next five years.

Last year, the policy implications of terminating the guaranteed student loan program and transitioning to direct loans were considered by Congress as part of the reauthorization of the Higher Education Act. At that time, Congress decided to authorize a sizable pilot program to test the concept of direct lending. The pilot concept was adopted because of the wise disparity in views on this subject, and an unwillingness to risk failure in a complete transition to a totally untested program. It is unfortunate that, without full House consideration, we have chosen to move away from this careful compromise.

The fact is that there are alternative ways to find the required savings, specifically by squeezing out excess profits from the existing system. Following this path would provide immediate savings, would protect us from further growth in the federal bureaucracy, and would ensure that students continue to receive the loan funds they need when they need them. this process could run concurrently with a direct lending pilot project. We are enclosing one example of a package which could meet the necessary savings as well as a scoring of this package by the Congressional Budget Office (savings equal $4.34 billion over five years).

Though direct lending supporters will try to cast the Gordon/Goodling/Pomeroy amendment itself as of limited practical impact, they cannot deny that the vote on this amendment is of tremendous importance. The majority of Members voting yes on this amendment did so for one reason; they believe that a direct lending pilot program such as the one authorized last year does remain the preferred course of action over a short-term transition to full-blown direct lending.

We ask that you keep these views in mind in your negotiations with the other body.

Thank you for your time and consideration. If you have questions or would like more information on our position, please feel free to call any one of us directly.

Sincerely,

Bart Gordon, Earl Pomeroy, Lee Hamilton, Sonny Montgomery, Olympia Snowe, Doug Bereuter, Bill Goodling, Marcy Kaptur, Bill Clinger, Tim Valentine, Jim Slattery, Andy Jacobs.

Neil Abercrombie, Gary Ackerman, Wayne Allard, Michael Andrews, Bill Archer, Richard Armey, Jim Bacchus, Spencer Bachus, Richard Baker, Cass Ballenger, Peter Barca, James Barcia, Tom Barlow, Bill Barrett, Roscoe Bartlett, Joe Barton, Herb Bateman, Helen Delich Bentley, Doug Bereuter, Mike Bilirakis, Sanford Bishop, Peter Blute, Sherwood Boehlert, John Boehner, Henry Bonilla, Bob Borski, Rick Boucher, Bill Brewster, Corrine Brown, Sherrod Brown, Jim Bunning, Dan Burton, Stephen Buyer, Leslie Byrne, Sonny Callahan, Ken Calvert, Dave Camp, Charles Canady, Maria Cantwell, Michael Castle, Jim Chapman, Eva Clayton, Bob Clement, Bill Clinger, James Clyburn, Howard Coble, Ron Coleman, Michael "Mac" Collins, Larry Combest, Gary Condit, Jim Cooper, Sam Coppersmith, Jerry Costello, Chris Cox, Bud Cramer.

Phil Crane, Michael Crapo, Randy Cunningham, Pat Danner, Buddy Darden, Nathan Deal, Tom DeLay, Butler Derrick, Peter Deutsch, Lincoln Diaz-Balart, Jay Dickey, Calvin Dooley, John Doolittle, Bob Dornan, David Dreier, John Duncan, Jennifer Dunn, Chet Edwards, Bill Emerson, Eliot Engel, Glenn English, Anna Eshoo, Terry Everett, Thomas Ewing, Eni Faleomavaega, Sam Farr, Harris Fawell, Jack Fields, Bob Filner, Eric Fingerhut, Hamilton Fish, Floyd Flake, Tillie Fowler, Gary Franks, Elton Gallegly, Dean Gallo, George Gekas, Pete Geren, Sam Gibbons, Wayne Gilchrest, Paul Gillmor, Ben Gilman, Newt Gingrich, Dan Glickman, Bob Goodlatte, William Goodling, Bart Gordon, Porter Goss, Rod Grams, Fred Grandy, James Greenwood, Steve Gunderson, Luis Gutierrez, Tony Hall, Lee Hamilton, Mel Hancock, Jane Harman, Dennis Hastert, Alcee Hestings, Jimmy Hayes.

Wally Herger, Peter Hoagland, David Hobson, George Hochbrueckner, Peter Hoekstra, Martin Hoke, Tim Holden, Amo Houghton, Michael Huffington, Bill Hughes, Duncan Hunter, Tim Hutchinson, Earl Hutto, Henry Hyde, Bob Inglis, Jim Inhofe, Jay Inslee, Ernest Istook, Andy Jacobs, Jeff Jefferson, Don Johnson, Nancy Johnson, Sam Johnson, Tim Johnson, Harry Johnston, Paul Kanjorski, Marcy Kaptur, John Kasich, Joe Kennedy, Jay Kim, Pete King, Jack Kingston, Scott Klug, Joe Knollenberg, Jim Kolbe, Michael Kopetski, Jon Kyl, Blanche Lambert, Martin Lancaster, Larry LaRocco, Rick Lazio, James Leach, Richard Lehman, David Levy, Jerry Lewis, John Lewis, Tom Lewis, Jim Lightfoot, John Linder, Bill Lipinski, Bob Livingston, Marilyn Lloyd, Jill Long, Ron Machtley, Carolyn Maloney, David Mann, Thomas Manton, Donald Manzullo, Ed Markey, Robert Matsui.

Ron Mazzoli, Al McCandless, Frank McCloskey, Bill McCollum, Jim McCrery, Dave McCurdy, Joseph McDade, John McHugh, Scott McInnis, Buck McKeon, Alex McMillan, Mike McNulty, Martin Meehan, Carrie Meek, Jan Meyers, John Mica, Robert Michel, Dan Miller, David Minge, Susan Molinari, Alan Mollohan, Sonny Montgomery, Carlos Moorhead, Constance Morella, John Murtha, John Myers, Richard Neal, Steve Neal, Bill Orton, Michael Oxley, Ron Packard, Mike Parker, Bill Paxon, L.F. Payne, Tim Penny, Collin Peterson, Pete Peterson, Richard Pombo, Earl Pomeroy, John Porter, Rob Portman, Deborah Pryce, Jimmy Quillen, Jack Quinn, Jim Ramstad, Arthur Ravenel, Ralph Regula, Bill Richardson, Thomas Ridge, Pat Roberts, Harold Rogers, Dana Rohrabacher, Ileana Ros-Lehtinen, Toby Roth, Marge Roukema, Edward Royce, Bobby Rush, Rick Santorum, Bill Sarpalius, Jim Saxton.

Dan Schaefer, Steve Schiff, James Sensenbrenner, Phil Sharp, E. Clay Shaw, Christopher Shays, Karen Shepherd, Bud Shuster, Norman Sisisky, Joe Skeen, Ike Skelton, Jim Slattery, Louise Slaughter, Christopher Smith, Olympia Snowe, Gerald Solomon, Floyd Spence, Cliff Stearns, Bob Stump, Bart Stupak, Don Sundquist, Dick Swett, James Talent, John Tanner, Billy Tauzin, Charlie Taylor, Craig Thomas, William Thomas, Karen Thurman, Peter Torkildsen, Robert Torricelli, Jim Traficant, Fred Upton, Tim Valentine, Peter Visclosky, Harold Volkmer, Barbara Vucanovich, Bob Walker, James Walsh, Curt Weldon, Jamie Whitten, Charles Wilson, Bob Wise, Frank Wolf, Albert Wynn, Bill Young, Don Young, William Zeliff, Dick Zimmer.

SNUFF OUT SNUFF

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mrs. SCHROEDER. Mr. Speaker, many historical figures had tiny snuff boxes in their pockets, eagerly waiting for the perfect time to pinch. Now, spitters abound at virtually every sporting event, rodeo, gun show, car show, and fishing contest.

The Centers for Disease Control reports that snuff and chewing tobacco use has almost tripled since 1972, and that nearly 10 million Americans are chewing and spitting on a regular basis. Worse, an estimated 3 million chewers are under age 21.

Chewing tobacco is not a pretty sight. Spitters place a pinch between their gum and cheek, and chop away as the nicotine seeps directly into their blood stream. While nicotine addicts may think this is good news, the bad news is that chewing tobacco leads to high cholesterol and blood pressure, accelerated coronary heart disease, oral lesions, and oral cancer. The link between oral cancer and chewing tobacco is compelling. Of the 30,000 people diagnosed with oral cancer in 1992, 75 percent were smokeless users. As a result of the increased use of chewing tobacco among juveniles, the National Cancer Institute is predicting an epidemic of oral cancer in young men.

Today, Representatives DICK DURBIN, MIKE ANDREWS, MIKE SYNAR, ELEANOR HOLMES NORTON, and I are introducing two bills to stamp out snuff. The Smokeless Tobacco Distribution Control Act prohibits free distribution of smokeless tobacco either through the mail or at events. The Smokeless Tobacco Consumption Reduction and Education Act discourages tobacco use by raising the excise tax on smokeless tobacco—presently 3 cents-a-tin—to that of cigarettes—24 cents-a-pack. This move will generate approximately $300 million, 10 percent of which will go to the proposed smokeless tobacco education and prevention trust fund to inform the public on the risks of smokeless tobacco.

Smokeless tobacco is serious business. Smokeless tobacco manufacturers' profits shoot through the roof while spitters get sick, and taxpayers foot the bill. Americans need to kick the smokeless habit. Our legislation will start the trend.

REMEMBRANCE OF THE UKRAINE FAMINE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. BONIOR. Mr. Speaker, 60 years ago, Soviet dictator Joseph Stalin ordered the seizure of the Ukrainian grain crop and forced collectivization which resulted in mass starvation that left millions of Ukrainians dead. Sadly, too little has been known in the West about this tragedy. To put it in perspective, it would be as if the entire population of Michigan was made to starve to death.

Stalin began his campaign of terror against Ukraine by arresting scholars, writers, students, and priests. Then he turned to the ruthless annihilation of the Ukrainian countryside. Stalin made impossible demands on the Ukrainian grain harvest. These initial demands were followed by even more and more absurd ones on grain that no longer existed. When all the grain was seized, Stalin's minions took whatever food was left. Millions and millions of men, women, and children were forced to starve.

Through tremendous effort, Ukraine produced enough grain to appease Moscow in August 1932. However, this left the countryside utterly exhausted. By November, the exorbitant Soviet demands could no longer be met. At that time Ukrainians were already starving to death. Instead of easing up on Ukraine, Moscow tightened its grip.

An intense effort was made to wring every last bit of grain out of Ukraine. Watchtowers were erected in the fields manned by armed guards. Ukrainians caught with excess grain were shot. The number of executions rose dramatically during this period.

In the fields, the horror began full scale. As food ran out, people began to make bread out of nettle and weeds. In desperation, they turned to eating unimaginable things just to stay alive. In the winter, acorns were collected from beneath the snow. At the height of the famine, Communist party officials ridiculed the Ukrainians as parasites who would do anything to get out of working.

Of course these same party officials were well fed while the death ravaged the countryside. It is also these officials who brutally enforced the grain decrees. In the Kharsyn village of the Poltava Province, a women 7 months pregnant was beaten to death for plucking some spring wheat. In the same province, Nastia Slipenko was shot for digging up potatoes at night. Her three young children, whose father had been arrested earlier, starved to death.

Houses were searched on a regular basis. Any edible food was seized. There were reports of especially brutal Communist Party henchmen who, in order to avoid extra trips, brought both the dead and dying to the cemetery. Children and old people were left alive in mass graves for several days.

Stalin blamed the shortfall of grain on sabotage and the "unMarxist approach of a significant part of our village Communists." Reports of massive famine were dismissed. So, in 1933, more grain was demanded at a time when all the grain was long gone. In the spring of 1933, the famine reached its height. Entire villages were decimated.

The children were especially hit hard. An entire generation was wiped out by the famine. As their parents either died or were arrested, many children were left to fend for themselves. In Kirovohrad, the orphans were placed in a children's town where they starved to death. A wall surrounding the orphanage prevented people from seeing what was going on. At night, trucks would haul away the bodies. They fell off the trucks so often that each morning caretakers would look over their areas to see if any bodies had fallen there.

Unfortunately, these children had no one else to turn to. There was no international effort to help the Ukrainians. News of the famine was either suppressed or obscured by Stalin's propaganda machine. We must never forget this tragic period of history. We must never forget the terrible suffering of the Ukrainian people—suffering that was to continue throughout Soviet rule.

Commemorating the famine helps us better understand the very real concerns that Ukraine has today about Russia. These concerns are based on the deaths of millions of Ukrainians due to the cruel policies of Moscow. The best way to prevent history from repeating itself is to support a strong and independent Ukraine.

There are also enduring lessons from the famine. The international community failed to act in the face of this great human tragedy. Those who could help either didn't know or didn't want to recognize the brutal reality in Ukraine. This must never be allowed to happen. Food must never again be used as a weapon.

September 10–12 marks the official observance of the 60th anniversary of the Ukraine Famine. On that weekend, I will be joining the Ukrainian community to solemnly remember these terrible events. I urge my colleagues to join in this effort.

HONORING GEORGE W. "BOB" KOHL

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. GILMAN. Mr. Speaker, I wish to call to the attention of our colleagues the outstanding achievements and fantastic life of George W. Kohl, one of the premier citizens of New York's 20th Congressional District, and a role model for all Americans.

This week, George Kohl, affectionately known as "Bob" to his family, friends, and many loved ones, is being honored with the lifetime achievement award at the Harvest Ball of the Orange County Association of Realtors. Next week, George Kohl is being honored as the hospital trustee of 1992 by the Hospital Trustees of New York State. This prestigious award is given annually in recognition of a hospital trustee who has made a mark of utmost distinction in service to health care, the hospital, and his community.

When George W. Kohl first joined the board of trustees of Arden Hill Hospital in 1962, this health care facility—then known as Goshen Hospital—was a 50-bed, small community hospital. Largely, through George Kohl's efforts, the hospital moved to its present location in 1967, and ever since has been in the forefront of state-of-the-art, up-to-date medical facilities servicing an ever-expanding horizon.

It was due to the foresight of George Kohl that Arden Hill Hospital gradually occupied adjacent properties, to eventually encompass its current 85-acre site which houses a medical facility on the cutting edge of modern health care, including long-term care, three medical arts buildings, a mental health unit, and a self-care wing. Under George Kohl's leadership, during his tenure as president of the board of directors, 1974–80, the physical plant at Arden Hill Hospital doubled, with the number of beds available for patients increasing from 79 to 158.

In the 1980's, George Kohl challenged Arden Hill to begin a Life Care Center: a skilled nursing facility, including a social model adult day care program. Since entering the field of long-term care services for the elderly in 1985, the Arden Hill Life Care Center has become a statewide role model for adult care of this nature, and in fact has won the best practice award 5 years in a row.

Recognizing the need for a retirement community, George Kohl helped establish the Glen Arden, Inc., Life Care Retirement Community, the first community of its nature operating in New York State since the enactment of the 1989 State law enabling such ventures. Mr. Kohl is currently serving as the charter president of the Board of Glen Arden and is personally involved in the day-to-day operations of the exciting new facility.

A realtor by profession, George Kohl has served twice as president of the Orange County Board of Realtors. In this capacity, George significantly helped Orange County cope with the burdens of unprecedented growth during the period of one of the greatest expansions in our region's history. Twice, 1966 and 1976, George was named "Realtor of the Year" due to his leadership in the field of real estate, for George is a professional's professional who has served as a role model for his fellow realtors. George is past president of the New York State Association of Realtors, for his expertise and professionalism are known from one end of our State to the other, from Montauk Point to Niagara Falls. He was named New York State "Realtor of the Year" for 1982, and has been a member of the board of directors of the National Association of Realtors since 1975, as well as a member of that organization's Finance and Legal Action Committees; and chairman of the Strategic Planning Committee of the New York State Association of Realtors since 1991.

George Kohl is not the type of individual content to rest on his laurels, and he is living proof of the adage: "If you want a job done, ask a busy person."

He has been an active member of the Goshen Rotary Club. He has also served as a board member of the Goshen Historic Track and has accomplished much toward a public recognition of that site so rich in our Nation's heritage. George is a board member of the Orange County Citizens Foundation.

Mr. Speaker, I have known George Kohl and his family for many years, and am one of those who have come to depend upon his keen insight and his sound advice. He is the type of individual who not only has his fingers on the pulse of the community, but has the foresight and presence of mind to foresee the needs of tomorrow. Our world would be a better place if we had more George Kohl's.

I invite our colleagues to join in congratulating an outstanding American for his contributions to our communities and to our Nation.

THE DEFICIT AND THE DEBT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, August 25, 1993, into the CONGRESSIONAL RECORD:

THE DEFICIT AND THE DEBT

I often find that the two main measures of our government's red ink—the federal deficit and the federal debt—are not always understood. Here are some frequently asked questions and my answers.

WHAT IS THE DIFFERENCE BETWEEN THE DEFICIT AND THE DEBT?

The federal budget deficit is calculated for each year and is the shortfall between what the federal government will spend that year and how much it receives in revenues. For 1993, the government is projected to spend $1.44 trillion and raise $1.14 trillion in revenues, for a deficit of $302 billion.

The debt, on the other hand, is the sum of money that the government has borrowed to finance all the annual budget deficits—not just what we owe from the 1993 deficit, but the 1992 deficit, the 1991 deficit, and so on. It is similar to a family's accumulated borrowing over the years—how much it still owes on its home mortgage, its car loan, and the like. The federal debt is measured in different ways. The debt held by the public now stands at $3.3 trillion. The gross federal debt, which also includes federal debt issued to federal trust funds such as Social Security, is $4.4 trillion.

HOW MUCH INTEREST DO WE PAY?

The federal government must pay interest on its accumulated debt. This year the federal government will pay about $200 billion in interest payments to the public, which means that $1 of every $7 of federal spending goes for interest payments. The main holders of the public debt include state and local governments, foreign lenders, the Federal Reserve System, individuals, banks, and private pensions.

HOW MUCH HAVE THE DEFICIT AND DEBT GROWN OVER THE YEARS?

In tracking federal borrowing, economists are less interested in the dollar amount of the deficit and debt than their size as a share of national income—Gross Domestic Product (GDP). For example, whether a home mortgage of $100,000 puts a strain on a family's finances depends on whether the family's annual income is $50,000 or $500,000. Likewise economists are less worried about federal borrowing if our Gross Domestic Product is growing and is able to cover the interest payments from the indebtedness. Thus a particular concern has been that in recent years our deficits and debt have been growing faster than GDP.

The 1993 budget deficit is expected to be 4.9% of GDP. During World War II the deficit was much higher, reaching 31% of GDP in 1943. But from 1950 through the mid-1970s it hovered around 1% of GDP or less. During the 1980s the deficit averaged around 4% of GDP.

The federal debt held by the public was 114% of GDP after World War II. But as the economy grew in subsequent years, the ratio steadily declined—falling to 25% of GDP by the mid-1970s. The enormous deficits over the past decade have driven up the debt to the current 53% of GDP.

HOW DO WE COMPARE TO OTHER COUNTRIES?

The U.S. deficit and debt levels are considered about average. Our budget deficit this year of around 5% of GDP is slightly above the 4% average of the major industrialized nations, with the United Kingdom, for example, running a deficit of 8% of GDP and Japan and Germany running deficits of about 2% of GDP. Likewise, our debt as a share of GDP is about average, with Japan and Canada, and Italy having higher debt levels and Germany and France having lower debt levels.

WHAT HARM DO THE DEFICIT AND DEBT CAUSE?

Economists do not expect any catastrophe as a result of the large U.S. debt and deficits. High deficits have led to financial catastrophes in some countries over the years—for example, both Israel and Argentina experienced hyperinflation of around 800% annually in the mid-1980s when they ran budget deficits exceeding 50% of GDP.

Though far short of that, the U.S. deficit today still can cause significant harm. Large budget deficits mean that the federal government must borrow huge amounts from our pool of national savings, driving up real interest rates and absorbing savings that would otherwise be available to finance private sector investment in new plant and equipment, training, and research and development. Large deficits can also drive up the value of the dollar, making U.S. products less competitive in international markets. Moreover, the annual deficits boost our accumulated national debt, and each year enormous interest payments on the debt mean less revenue available for other federal priorities.

WHY HAVE THEY GROWN SO FAST?

Prior to 1981, the largest deficit in our nation's history was $74 billion. Since then they have averaged $200 billion. Several factors led to large deficits, including two recessions in the early 1980s, the tax cuts and defense build-up during the Reagan presidency, the steady growth of federal entitlement programs, and the bailout of insolvent Savings and Loans. The 1990 budget agreement between President Bush and Congress was expected to tame the deficit and nearly balance the budget by the mid-1990s. But unexpected developments—mainly weak economic growth and surging outlays for health care programs—have meant that the deficits continue to be large.

HOW MUCH OF THE BORROWING IS FOR INVESTMENT?

A particular concern about the large federal borrowing in recent years is that little went for increased national investment—just as a family's borrowing would be more sensible if it went to finance a college education rather than an ocean cruise. Our national debt basically quadrupled during the 1980s, but the share of total federal spending going for nondefense investment actually dropped, from 16% to 9%. The recently enacted deficit reduction package made some shifts toward greater investment, but not as much as the President originally proposed

WHAT IS THE OUTLOOK?

Earlier this year the budget deficit was projected to increase from $302 billion in 1994 to $360 billion by 1998. And federal debt as a share of GDP was projected to jump from 53% today to 61% in five years. The President's deficit reduction package is expected to reduce the deficit to $213 billion by 1998, and to slow the growth in the national debt by about $500 billion over the next five years. Although the dollar amounts of projected future deficits will still be large, the Clinton package does accomplish the goal of reducing the deficit as a share of GDP. The deficit would go down from the current 4.9% of GDP to 2.7% of GDP by 1998. And the debt as a share of GDP would basically stabilize. Yet they will both start rising again after 1998 unless steps are taken to rein in federal health care costs.

GALLEGLY BILL TO BAR IRAQI POW'S FROM ADMITTANCE TO UNITED STATES AS REFUGEES

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. GALLEGLY. Mr. Speaker, once again the United States is proving to the world how generous and magnanimous our Nation is, and once again the rest of the world is snickering at us under its collective breath.

As incredible as it may seem, the United States is in the midst of resettling some 4,000 Iraqi prisoners of war and their families in the United States. Around 1,000 these former POW's—and their families—have been resettled already, and another 3,000 are in the pipeline.

I believe it is an insult to the veterans of Operation Desert Storm to welcome these Iraqis with open arms, which is why I am introducing legislation today to prohibit anyone who served in the Iraqi Armed Forces between August 2, 1990, and February 27, 1991, from receiving refugee status. Mr. Speaker, I ask that the full text of this legislation be placed in the RECORD at this point.

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION OF ADMISSION TO THE UNITED STATES AS REFUGEES OF INDIVIDUALS WHO HAVE SERVED IN THE ARMED FORCES OF IRAQ DURING THE PERSIAN GULF CONFLICT.

(a) IN GENERAL.—Notwithstanding any other provision of law, individuals who have served in the armed forces of Iraq during the Persian Gulf conflict may not be admitted to the United States as refugees under the Immigration and Nationality Act.

(b) PERSIAN GULF CONFLICT DEFINED.—For purposes of this section, the term "Persian Gulf conflict" means the period beginning on August 2, 1990, and ending on February 27, 1991.

While many veterans, along with many other Americans, are facing an uncertain future because of the limping national economy, these Iraqi soldiers—who took up arms against American men and women—are eligible for a full range of Federal benefits, including Medicaid and Aid to Families with Dependent Children. They also can receive cash assistance for job and language training, free medical screenings, and Federal cash payments for up to a year if they don't qualify for State assistance.

Incredibly, the cost to the taxpayers could total $70 million before this process is complete.

The question is, why? Why, of all the people in the world who seek to immigrate to the United States, are we accepting 4,000 former enemy soldiers, and more than twice that number of their dependents?

The reason given by the State Department is that these POW's face imprisonment or even execution by the government of Saddam Hussein if they are returned to Iraq. Many of them were deserters who fled their units in fear for their lives in the hours and days before the awesome might of the American-led coalition force sliced through the Iraqi lines. Still others are members of ethnic and religious minorities that Saddam has persecuted for years.

But even if these Iraqis do have a legitimate fear of persecution if they return to their homeland, why can't Kuwait, Saudi Arabia, and the other Persian Gulf States take them in? After all, one would assume that the governments of the Gulf States are grateful to the United States for saving them from certain annexation into Greater Iraq, in fact if not necessarily in name.

Our Saudi friends, however, have refused to even think about the possibility, saying that most of the Iraqi POW's are Shiite Moslems and therefore not welcome in the Sunni Moslem kingdom. The other Gulf States, also overwhelmingly Sunni, also refuse to take in any of the Iraqis.

So while Iran and a couple of Scandinavian nations have accepted some of these leftover POW's, the vast majority apparently will be winging their way across the Atlantic. The State Department reports that around 1,000 ex-POW's are already here, and more are expected next year.

I believe this is ludicrous. If the Israeli government and the Palestine Liberation Organization can sit down and break bread together, surely Gulf State governments can set aside doctrinal differences and resettle their Arab brothers quickly.

Finally, there is another reason to oppose this resettling program—the possibility of terrorism. There is nothing Saddam Hussein would get more pleasure from than striking back at the United States, and as the World Trade Center bombing so clearly proved, we are not immune from acts of terror. Can we conclusively prove that none of these captured soldiers are still loyal to Saddam and ready to do his bidding?

The bottom line is clear: The U.S. Government has no business putting enemy soldiers ahead of some 9 million unemployed Americans, including veterans of Operation Desert Storm. As a nation, we are generous and we are magnanimous. Our entire history proves that. Our current immigration policies, under which we accept more legal immigrants and refugees than every other nation in the world, also proves that.

Mr. Speaker, since I first proposed this legislation, my office has been deluged with calls and letters in support. It's clear that the American people want nothing less than an immediate end to this ludicrous policy. I ask my colleagues to cosponsor this legislation, and to quickly debate and pass it. Just for once, can't we put Americans first?

CONGRATULATING SVOBODA

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. SOLOMON. Mr. Speaker, on September 15, a very special publication called Svoboda will celebrate its centennial anniversary. Svoboda, which means liberty, is the official publication of the Ukrainian National Association and the oldest Ukrainian newspaper in the world.

Throughout its history, Svoboda has provided hundreds of thousands of Ukrainian immigrants, in their native language, with information about the United States and the world. It has also served to enlighten America about the horrible truths of Soviet rule in Ukraine.

It was Svoboda which told us about the Great Stalinist Famine of the 1930's, which was wholly induced by idiotic Socialist economic policies. Svoboda chronicled for us the repression of human rights activists in the 1970's and 1980's. And Svoboda gave us insights into Ukraine's great struggle for independence from Gorbachev's ludicrous reformed Soviet Union in the late 1980's and early 1990's.

Mr. Speaker, I am honored to take this opportunity today and congratulate Svoboda on its anniversary. I hope there will be 100 years more of this enlightening publication.

A LITTLE "LEMON-AID" FOR MIDWESTERN FLOOD VICTIMS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. MAZZOLI. Mr. Speaker, today, I take pleasure in saluting residents of my community who took it upon themselves to help the victims of the recent and most disastrous Midwestern floods.

It is hard for any of us to imagine what it must be like to lose not only one's material possessions but also irreplaceable personal souvenirs in a natural disaster. This same thought occurred to Kristen Hubert, her family, and friends who reside in my hometown of Louisville, KY.

Rather than just discussing the issue, they got together and did something about it. Their unique and innovative idea to help those in need was to have a "Lemon-Aid" stand with the profits going to the victims in the Midwest.

Soon, help began to pour in from neighbors who offered to work at the stand, and from local businesses, which offered everything from advice to ice to help the worthy cause.

Because of this enthusiasm and spirit, the event was a complete success. The fund-raiser raised about $300 for the American Red Cross to use in the Midwest. Furthermore, it was even more of a success because it showed that a small group of people will come to the assistance of fellow human beings in times of desperation and need. The action proves that one person—such as Kristen Hubert—truly can make a difference.

I ask my colleagues to join me in saluting the many heroes of the Midwestern flood disaster who have given their time, their money, and their humanity in trying to make life for those suffering just a little more bearable.

Though not all the volunteers are listed below, the list is representative of those who put the welfare and well being of others before their own, and I am proud to represent all those who took part in "Lemon-Aid": Emily Readerer, Elizabeth Kinny, Nathan Shelburne, Suzanne Benninger, Rachel Benninger, Timothy Joseph Morton, Maggie Malone, Katy Hardy, Kimmy Kasey, Sara Spaid.

TRIBUTE TO EVA UGARKOVICH

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. FAZIO. Mr. Speaker, I rise today to pay tribute to Ms. Eva Ugarkovich, who will retire effective September 17, 1993, after 37 years of dedicated service to the U.S. Air Force. Ms. Ugarkovich has been Director, Financial Management Directorate, Sacramento Air Logistics Center at McClellan Air Force Base in Sacramento, CA, for the past 3 years.

A native of Mart, TX, Ms. Ugarkovich began her Government career as a clerk typist in Okinawa, Japan, in September 1956. While at the Sacramento Air Materiel Command, McClellan Air Force Base, CA, she switched from administrative work to management, progressing through management technician, management analyst, and program analyst positions. In June 1972, Ms. Ugarkovich transferred to Wright-Patterson Air Force Base, OH, as a maintenance planner and returned to McClellan in February 1975 to become Chief of the Plans Branch, Directorate of Plans and Programs. She then progressed through a series of branch chief positions in the Directorate of Maintenance, heading the Workloading and

Field Services Branch, Aircraft Production Branch, and finally the Flight Instruments and Pneudraulic Components Branch.

In 1981, she was promoted to Deputy Chief of the Aircraft Division, where she was responsible for complete overhaul of the F-111 aircraft weapon system and accomplishment of programmed depot maintenance of the F-4 aircraft weapon system Ms. Ugarkovich moved to the Directorate of Materiel Management in November 1982, to serve as Deputy Division Chief, first with the Resources Management Division and later in the Item Management Division. She was responsible for managing over 700 employees engaged in budgeting, requirements computations, manpower management, and worldwide distribution of assets in support of the F-111 and A-10 weapon systems along with communications and ground radar equipment. She became Deputy Director of Distribution in February 1986. In this position, she controlled all receiving, storage, warehousing, inventory, and transportation of materiel, with over 2,000 employees in the directorate.

Ms. Ugarkovich became the first female member of the Senior Executive Serve [SES] in the Air Force Logistics Command [AFLC] in November 1986, assuming the position of Deputy Director, Directorate of Contracting and Manufacturing at Ogden Air Logistics Center, Hill Air Force Base, UT. This was an absolute first for a female employee to serve as head of a large Air Force contracting activity.

Ms. Ugarkovich is a member of the Society of Logistics Engineers, the Air Force Association, and the Federal Managers' Association. She has received the Air Force nomination for Federal Woman of the Year, Outstanding and Sustained Superior Performance Awards, and the EEO for Affirmative Action Award. The extraordinary leadership, outstanding dedication, and ceaseless efforts of Ms. Eva Ugarkovich culminate a distinguished career in the service of her country and reflect great credit upon herself and the U.S. Air Force.

TRIBUTE TO PUBLIC HEALTH NURSING

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. CARDIN. Mr. Speaker, today I rise to pay special tribute to public health nursing in the United States in its centennial year. I also want to commend Gov. William Donald Schaefer for designating Friday, September 10, 1993, as a celebration of Public Health Nursing in the State of Maryland.

American public health nursing was founded by Lillian Wald who made her first home visit in 1893. Since then, public health nursing has provided vital health services to millions of Americans. Public health nurses are on the front lines providing skilled care to pregnant women and children, the chronically ill, the elderly, and the disabled. They are also critical in the fight to reduce communicable and infectious diseases, from AIDS to tuberculosis to measles.

The key to public health nursing is teaching. By teaching and explaining good medical care, public health nurses often extend their influence beyond the patient to the community.

As we approach the task of reforming our health care system, public health nurses will have an important role in the process. On September 10, 1993, in celebration of the 100th anniversary of public health nursing, the University of Maryland School of Nursing is sponsoring an important conference in Baltimore on reforming our health care system.

Mr. Speaker, I hope you and my colleagues will join me in recognizing the important contribution made by public health nurses in the last century and the vital role they will be called on to play in health care reform in the future.

PROTECTING AMERICANS FROM LEAD-BASED PAINTS

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. MANTON. Mr. Speaker, last year Congress passed legislation implementing a national lead-paint abatement program. But as we begin a program to remove lead-based paint, we must also make certain that children, workers, and the general public are protected from the potential dangers associated with that removal.

I commend to my colleagues the following summary of a significant proposal developed by the International Brotherhood of Painters to protect Americans from the threat of lead-paint removal. I believe this well thought out proposal deserves serious consideration by the Congress.

GETTING THE LEAD OUT—PROTECTING ALL AMERICANS FROM LEAD-PAINT POISONING

INTRODUCTION

When Congress passed the Housing and Community Development Act (HCDA) of 1992, the Federal Government took the first step in developing and implementing a national lead-paint poisoning prevention program. However, the passage of this Act should not be viewed as an end unto itself. Rather, it should be viewed as a starting point from which to develop a comprehensive national lead-paint prevention policy that protects all Americans from the dangers of lead-based paint—children, workers, homeowners and the general public.

To this end, the Federal Government must: (1) fully enforce the regulations that are currently being developed to implement Title X of HCDA, the section of the law that addresses lead-paint poisoning prevention issues; and (2) work to solve the lead-paint poisoning issues not fully addressed under the new law. These issues include: (1) finding economically feasible ways to fund a massive effort to remove lead-paint from the millions of private homes and other structures contaminated by this poisonous substance; and (2) property protecting the workers who are called upon to perform this hazardous work on residential, commercial, industrial and public structures. These two issues are intimately related, since the former will fuel the need for the latter.

A comprehensive national lead-paint protection policy will complement President Clinton's economic strategy of "putting people first." Reducing the amount of lead-paint in the environment and property training workers to safely perform this hazardous work will:

Decrease the public health threat and save billions of dollars in potential health care costs;

Create numerous technical deleading-related jobs;

Generate technologies to safeguard the environment; and

Save the Federal Government hundreds of millions of dollars as it invests in rebuilding America's infrastructure.

Even without a comprehensive, national deleading policy, lead-paint abatements will increase in the next decade for three primary reasons:

1. The Federal Government is making great strides to remove lead-based paint from all public-owned housing. Congress has ordered the U.S. Department of Housing and Urban Development to test all Indian and public housing units for lead-paint by 1994 and, if necessary, to remove it.

2. As the amount of information about the dangers of lead poisoning increases—which it will as the U.S. Environmental Protection Agency (EPA) launches a national public awareness campaign about the problem this spring—homeowners who can afford to remove lead-paint from their homes will do so.

3. The urgent need to rebuild the nation's infrastructure will create a large demand for lead-paint abatement jobs on bridges, overpasses, railways and other public structures that underpin our nation's economy.

As A.L. "Mike" Monroe, general president of the International Brotherhood of Painters and Allied Trades (IBPAT), has stated:

The Clinton administration and Congress cannot allow the lead-paint abatement industry to grow without enacting and enforcing regulations that protect Americans from the threat of lead-paint and its removal. Such inaction will cause massive amounts of unsafe lead-paint exposure among workers, homeowners and their dependents, and deter responsible contractors from entering the industry for fear of lawsuits from customers and employees.

The IBPAT is taking the lead in outlining specific policies that will protect workers, customers, and contractors, while ending one of America's primary environmental and health threats.

This paper will outline the magnitude of these challenges and offer creative solutions to promote and help finance the safe abatement of lead-paint from America's homes, schools, hospitals, businesses, bridges, and other structures, while protecting all Americans from lead-paint poisoning.

PROTECTING ALL AMERICANS FROM LEAD-PAINT POISONING

Title X of the Housing and Community Development Act of 1992 was a watershed in lead-paint poisoning prevention because it provided funds to abate lead-paint from public housing and established cursory lead-paint protections for construction workers. However, much more needs to be done.

The International Brotherhood of Painters and Allied Trades calls on Congress and President Clinton to support and enact legislation that will:

Assist with financing lead-paint abatements—The cost of deleading the millions of homes, schools, and other structures that contain lead-based paint is staggering. Unfortunately, budget deficits at all levels of government will make it difficult for government agencies to fund a massive lead-abatement effort.

Even with the huge Federal budget deficit, Congress must make a commitment to channel more funds to homeowners for deleading projects. With the cost of abating all homes estimated to be as much as $240 billion, the $134 million currently budgeted for such projects is a fraction of what is needed to prevent future lead-paint poisonings.

The American public must push the Federal Government to support creative solutions to help finance lead-paint removals. Massachusetts has already taken the lead. The Massachusetts Housing and Finance Authority has established a "Get Out the Lead" program to assist low- and moderate-income homeowners with lead-abatements by making no or low-interest loans available for this purpose. Massachusetts also provides financial incentives for homeowners to remove lead-paint by offering state income tax credits for deleading projects. Similar policies must be enacted nationally.

The federal government should subsidize and guarantee loans from union pension funds to allow unions to make loans available to homeowners for lead-abatements. Using pension funds for lead-abatements is in the best interest of union members and the country because it will create jobs, prevent lead-paint poisonings, and provide safe, affordable housing, while generating a strong financial performance for the funds.

Lending institutions should also be encouraged to provide discount home-equity loan interest rates for repairs, improvements, or additions that involve deleading. Massachusetts-based Neworld Bank has already established such a policy by setting aside $1 million for what the bank terms "green loans." The federal government must encourage similar innovative solutions from private lenders by granting tax breaks to banks and other institutions that provide loans to homeowners for lead abatement.

Develop and Enforce Occupational Safety Standards for Construction Workers—Legislation that mandates lead-abatement worker protections must include the following regulations as recommended by the National Institute of Occupational Safety and Health:

Personal Hygiene Practices—This is an important element of any program for protecting workers from exposure to lead dust. Employers should provide adequate washing facilities for workers to remove lead particles from their skin and hair to prevent workers from transporting lead-paint particles to their cars and homes.

Workers must not leave their work sites without showering and changing from their work clothes. The employer must arrange for the laundering of protective or disposable clothing and should maintain an adequate supply at the work site and arrange for its safe disposal according to federal and state regulations.

Workers should not eat, drink, smoke, or use tobacco products at the work site to prevent the ingestion of lead-paint particles. Workers should be forbidden to eat while wearing their contaminated work clothes and should wash their hands and face thoroughly before eating.

Personal Protective Equipment—Engineering controls and good work practices are two effective methods employers must use to minimize worker exposure to lead dust. However, proper personal protective equipment such as protective clothing and correct respirators, properly fitted to the individual, must be used whenever construction workers are potentially exposed to lead.

Environmental Controls—Utilize new technologies to contain and eliminate lead-paint debris and other airborne hazards at its source to minimize exposures to lead, dust, and abrasive and chemical vapors at the work site. Whenever possible, controls should include material substitution (i.e., repainting structures with less toxic materials), process and equipment modification (such as using chemical strippers rather than abrasive blast), isolation or proper containment, and effective local and general exhaust ventilation.

At a minimum, engineering controls should limit lead exposures to 40 µg/m3, as NIOSH recommends, to better protect employers and workers. While OSHA is developing interim guidelines to reduce allowable airborne lead levels in the construction industry from their current standard at 200 µg/m3 to the general industry standard of 50 µg/m3, the proposal does not yet carry with it the full teeth of an OSHA lead-in-construction standard.

Medical Surveillance—To detect the health effects of excess lead exposure and to provide a baseline for comparison with future results, an occupational health interview and a physical examination should be performed before the worker starts a lead abatement job. The interview and examination should also be conducted before employees return to work after being removed from the job because of elevated blood lead levels and annually for all workers exposed to lead.

Blood lead levels are currently the best indicator of personal lead exposure, although new x-ray technologies promise to be more accurate measures of exposure. Until these new technologies are proven reliable, workers should be monitored for the presence of lead in the blood every two weeks while they are performing abatement work. This assessment is necessary to ensure that engineering controls, personal hygiene practices, and personal protective equipment are preventing lead exposure. According to NIOSH recommendations, when blood lead levels exceed 25 µg/dl, the workers should be removed from the work site until the blood lead level is reduced to safe levels.

Construction workers need to be tested frequently because of their highly variable, unpredictable exposure to lead. These provisions already have been specified by the Connecticut Department of Transportation to be included in bid specifications for construction work involving lead exposure. All workers exhibiting signs of lead poisoning should be tested immediately. The testing should be performed only by OSHA-certified laboratories and evaluated only by physicians certified by OSHA to render such examinations.

Air Monitoring—A certified lead inspector should perform an initial hazard assessment of the work site to determine the level of lead in the paint. Monitoring should also measure the workers' exposure to airborne lead and other hazardous agents while the work is being performed. Environmental monitoring should be performed as needed throughout the abatement project to measure the effectiveness of protection methods.

Warning Signs—Warning signs must be used to mark the boundaries of lead-contaminated work areas, warn the public and employees about the lead hazard, and prohibit eating, drinking, and smoking in the contaminated area. The signs should also specify which personal protective equipment is required.

Mandatory Reporting—Currently, only 15 states require laboratories and health care providers to report cases of elevated blood lead concentrations to the State health departments. This should be mandated by the federal government for all states. Most health plans and health providers have the means and resources to start this reporting immediately.

Provide Guidelines for Certification, Licensing, and Training of Lead Abatement Contractors and their Employees—Title X requires that the EPA promulgate regulations that ensure worker training programs are accredited and systems are in place for the certification of residential contractors and workers. However, questions remain as to who is qualified to do the training and what requirements must be met to receive accreditation.

The EPA has established six university-based centers to train contractors and construction workers in lead abatement. Many lead-abatement training experts worry that the EPA centers are focusing too heavily on safety tips and how-to skills, such as putting on a respirator, and not enough on safe methods of removing lead-paint.

Industry groups and labor unions, such as the International Brotherhood of Painters and Allied Trades, the Painting and Decorating Contractors of America (PDCA), and the Steel Structure Painting Council (SSPC) lead in efforts to define and develop training programs that protect workers, employers and the general public from lead-paint debris. The IBPAT program is approved by the EPA and HUD and will meet and exceed new OSHA standards as mandated by Title X. However, this program does not yet have the force of law and cannot be mandated for all contractors.

The federal government must adopt a thorough curricula modeled after the programs sponsored by these groups to develop mandatory and universal national training standards. The universal or "one rule" standard must include:

Information about the potential adverse health effects of lead exposure;

Information about the early recognition of lead intoxication;

Safety data sheets for new paints or coatings that contain lead and other hazardous materials;

Instruction about heeding warning signs;

Discussion of the importance of personal hygiene practices in reducing lead exposure;

Instruction about the use and care of appropriate protective equipment, tools, and equipment used in lead-paint abatement;

Information and hands-on training for safe lead-paint abatement practices, with continuing education classes to keep workers up to date on the latest abatement technologies;

Instruction on record-keeping and medical surveillance to locate construction workers and track their lead exposure levels; and

Written and practical performance-based examinations that test literacy level and the knowledge and skills of employers, supervisors, and employees.

Establish an Office of Construction Safety—The federal government should establish an Office of Construction Safety to enhance OSHA's present oversight of the construction industry. As an important part of its mission, the office would combine the efforts to protect construction workers from lead-paint poisoning currently being performed by several different departments and agencies including the EPA, OSHA, and the Department of Health and Human Services. The office would oversee all construction safety and health programs, including those for lead-based paint, by:

Regulating mandatory safety and health programs;

Conducting thorough investigations of injuries and deaths caused by construction work;

Inspecting construction sites for health and safety hazards and violations;

Investigating workers' compensation records to identify industries and jobs where a large number of accidents occur—then increasing the number of OSHA construction inspectors at these work sites; and

Establishing qualifications and training requirements for OSHA construction inspectors.

Facilitate Entry into Lead-Paint Abatement Industry—As work practices and standards for certifying contractors are developed, drawing upon EPA's experience in resolving similar issues facing asbestos contractors, more insurers will be lured into the lead abatement insurance market. However, the federal government must encourage insurance companies to provide affordable and accessible liability insurance to deleading firms by providing subsidies and tax breaks to insurers who render such services.

Specify Worker Protection Guidelines in Procurement Bids—When painting companies bid on government contracts to repaint public housing units, bridges, tunnels, overpasses, and other government-owned structures, the bids often include a simple five-word phrase—"lead-paint abatement may be necessary." The simplicity of this phrase underestimates its importance as well as the costs associated with lead abatement.

The current federal procurement policies actually favor contractors who fail to take appropriate safety precautions. Knowledgeable and responsible contractors understand that abating lead-paint is a costly undertaking. To protect their employees, the public, and themselves, these contractors include the costs of safety precautions in their final bid. As a result, these contractors often lose contracts to ignorant and/or irresponsible contractors who underbid their competitors by omitting the expense of safeguards from their proposals.

These unscrupulous contractors frequently fail to take necessary safety precautions and poison their employees, infect neighborhoods surrounding the work site, and face huge liability suits. The taxpayers then must incur the additional expense of correcting the faulty abatements and awarding huge sums of money to victims of lead exposure.

A small number of states, including Connecticut, Massachusetts and Maryland, recognized the problems created by ambiguous procurement specifications and changed their own policies to level the playing field among contractors for government painting and lead abatement services. These new laws ensure that painting contractors who bid on work that involves lead abatement include the cost of safe abatement technologies, containment structures, and protective equipment in their bids. The U.S. Navy has issued similar procurement rules for lead-paint abatement of Naval structures.

Congress must pass legislation to ensure that the federal government issue stringent and clearly-outlined specifications for federal procurement contracts that include lead-paint abatement work. For example, contracts that contain lead-abatement work must have separate break-out line items for this work to clearly define the costs associated with lead-paint abatement.

Protect Children from Lead Poisoning—Since protecting all Americans from lead poisoning must be the primary objective of a national lead poisoning prevention plan, the IBPAT supports efforts to protect children, as well as adults, from the health hazards of lead poisoning. We therefore implore the federal government to implement the National Action Plan For Preventing Childhood Lead Poisoning, released by the Alliance to End Childhood Lead Poisoning in January 1993.

By taking the above steps to eliminate the environmental and health threat of lead-based paint, Congress and the Clinton administration will also create jobs, promote the development of environmental technologies, and save taxpayers billions of dollars over the long run.

TRIBUTE TO BILL ROBERTSON

HON. JULIAN C. DIXON
OF CALIFORNIA
HON. HOWARD L. BERMAN
OF CALIFORNIA
HON. HENRY A. WAXMAN
OF CALIFORNIA
HON. ANTHONY C. BEILENSON
OF CALIFORNIA
HON. XAVIER BECERRA
OF CALIFORNIA
HON. MATTHEW G. MARTINEZ
OF CALIFORNIA
HON. LUCILLE ROYBAL-ALLARD
OF CALIFORNIA
HON. ESTEBAN EDWARD TORRES
OF CALIFORNIA
HON. MAXINE WATERS
OF CALIFORNIA
HON. JANE HARMAN
OF CALIFORNIA
HON. WALTER R. TUCKER III
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 8, 1993

Mr. DIXON. Mr. Speaker, we rise today to pay tribute to Bill Robertson, a close friend of ours for many years and one of the truly great leaders in the history of Los Angeles. Bill is probably best known by the public for his tireless work as executive secretary-treasurer of the Los Angeles County Federation of Labor, AFL–CIO. But that is only part of the story.

Just ask the people at United Way, where Bill has been a mainstay since 1975. Bill's many accomplishments with United Way include setting up the organization's AFL–CIO Labor Community Services Program. He helped initiate the program's food bank and emergency assistance project, and started a college-accredited program in community services that has been taught at United Way of Greater Los Angeles. The program specifically develops volunteer leadership among union members.

Our talk to the homeless of Los Angeles, a group that was literally and figuratively shunned by government in the 1980's. However, they were not treated this way by Bill Robertson, who mobilized union volunteers to build a 144-bed shelter that is filled to capacity every night.

Sports fans also have a reason—make that two reasons—to thank Bill Robertson. In the early 1980's he was one of the key supporters of the then-Oakland Raiders' move to Los Angeles. With the Rams having left the city for Anaheim in 1980, the Raiders quickly became LA's football team in the hearts of fans from Boyle Heights to Westwood, Watts to Sylmar.

In 1984, Bill looked on in triumph as Los Angeles hosted the Olympic games. Much of the credit for the smashing success of the games goes to Bill, who was 1 of 7 community leaders appointed by Mayor Bradley to oversee the event.

Still, Bill's greatest single contribution is as a consistent, forceful advocate on behalf of the working men and women of Los Angeles County. Starting in 1957, when he was elected president of Hotel Employees and Restaurant Employees Local 694 in the San Fernando Valley, Bill has been nothing less than one of the most visible and effective labor leaders in Los Angeles. We have long admired his passionate commitment to working people, civil rights and the city of Los Angeles.

We are privileged to be good friends with Bill Robertson, who through good and bad times has always been there for his people. We ask our colleagues to join us today in saluting a selfless, dedicated man to whom so many owe so much.

A SPECIAL SALUTE TO THE 1992–93 GENERAL EDUCATION DEGREE RECIPIENTS

HON. LOUIS STOKES
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 8, 1993

Mr. STOKES. Mr. Speaker, the impact of a high school education on an individual's personal growth and career success cannot be overlooked. I am pleased that in today's world, a greater number of adults are re-entering the academic environment to complete their education. This is taking place in my congressional district in Ohio, and in areas around the Nation. Today, I rise to pay tribute to constituents from the Cleveland Heights and University Heights areas, who recently completed the General Education Degree [GED] Program and have been awarded diplomas.

A total of 48 students were honored for completing the Adult Basic Education Program. Their success was noted with a special reception and program highlighting their efforts. Throughout the festivities, graduates were commended for their dedication to pursue an education and for this outstanding achievement.

For the students, the graduation ceremony represented a culmination of many hours of hard work, dedication, and motivation. I am proud to note that more than 50 volunteers throughout the community gave freely of their time and talents to prepare the students for the rigorous GED course.

Mr. Speaker, the students who received their GED's have expressed their intentions to either attend college, enter the work force, or further their careers. Despite differences in goals, however, each of the graduates recognized the fact that they are now equipped with a diploma and able to reach any goal.

As a strong advocate of education, I am proud to salute the 1992–93 General Education Degree recipients from Cleveland Heights and University Heights. Each of these individuals have exercised a right often taken for granted—the right to pursue an education. At this time, I would like to share with my colleagues a list of the GED recipients.

GENERAL EDUCATION DEGREE GRADUATES

Aaron Anderson.
Adam Bell.
Ronald Bencs.
Michael Brainard.
Richard Burgess.
John Catana.
Ida Cirino.
Nicholas Cirino.
Lorene Clark.
Denise Cooper.
Cherise Edwards.
Sonya Edwards.
Michelle Erhardt.
Joseph Fealkovich.
Ernestine Ford.
Edith Godfrey.
Raymond Gordon.
Ruby Griffin.
Andrew Hehr.
Robert Herder.
Gail Johnson.
Mary Jones.
Armanda Keaton.
Edward Knipe.
David Kopf.
Ivan Lane.
Toni Logan.
Curtis Matthews.
Eileen McGeady.
Rebecca McKnight.
Eddie Melvin.
Kim Scott Murray.
Rosario Nicotra.
Marta Patete.
Melvie Pollard.
Cornelia Porchia-Porch.
Gary Remer.
Eugene Rice-Imani.
Michael Russell.
Patricia Semenak.
Shawn Short.
Nemo Sicking.
Anita Simmons.
Patreece Snell.
Lydia Thompson.
Charlene Wade.
Brian Warshaw.
Alexander Young.

HUMAN RIGHTS COMMISSION IN INDIA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. HAMILTON. Mr. Speaker, the Government of India is in the process of establishing a national human rights commission, and I have had an exchange of letters with Ambassador Ray on this subject.

In view of the interest many in this House have in the human rights situation in India, I thought Members might be interested in seeing copies of this exchange.

Text of three letters follows:

July 7—Rep. Hamilton to Ambassador Ray.

July 13—Ambassador Ray to Rep. Hamilton.

July 29—Ambassador Ray to Rep. Hamilton.

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, July 7, 1993.

His Excellency SIDDHARTHA SHANKAR RAY,
Ambassador of India, Washington, DC.

DEAR MR. AMBASSADOR: Many thanks for your letter of June 18, with its kind words about my Floor statement during the debate over the Burton amendment.

It seems to me that your government's plans to establish national and state human rights commissions represent a useful step toward addressing the conditions that gave rise to the Burton amendment.

I hope you will permit me to make a few observations about the proposed commissions.

First, it will be important that they are fully independent of government influence or control. This is relevant with respect to the powers of, appointments to, and funding of the commissions.

Second, the contemplated commissions must have both legal powers and human and material resources sufficient to render them effective mechanisms for the promotion and protection of human rights. For instance, one of the best ways of tackling problems of custodial violence is by allowing unannounced visits to jails and prisons. I would hope the new commissions would be given such powers. In addition, the commissions should be empowered to investigate human rights violations attributed to military and para-military forces.

Third, the commissions must not be allowed to substitute for, or diminish the value of, existing mechanisms for the protection of human rights. Specifically, the remedies currently available to Indian citizens from an independent and adequately funded judiciary must not be downgraded by the establishment of these new commissions.

A decision by your government to establish one or more official human rights commissions could be an important step in addressing U.S. concerns about the human rights situation in India, and in setting the stage for a further strengthening of the bilateral relationship between our two countries.

But this action will be helpful only if the commissions actually advance the cause of human rights in India. Above all else, you must avoid the impression that India is taking this step merely to deflect criticism of its human rights record.

I hope your trip to India has been both productive and enjoyable, and I look forward to seeing you upon your return.

With best regards,

Sincerely,

LEE H. HAMILTON,
Chairman.

AMBASSADOR OF INDIA,
Washington, DC, July 13, 1993.

Hon. LEE HAMILTON,
Chairman, House Foreign Affairs Committee, House of Representatives, Washington, DC.

DEAR CONGRESSMAN: Thank you very much for your letter of the 7th July. I appreciate your concerns with regard to our Human Rights Commission and I am sending a copy of your letter to our External Affairs Minister. I understand that the setting up of the Commission will be announced on the 15th August—our Independence Day—and there is no doubt that the provisions relating to this Commission should be such as to make it credible. As I understood things in Delhi, everybody was really interested in seeing that violations in Human Rights were properly investigated and what you say towards the end of your letter under reply is certainly relevant and I am sure people are looking into that aspect of the matter.

I hope to see you one of these days when you are a little free.

With very best wishes,

Yours sincerely,

SIDDHARTHA SHANKAR RAY.

AMBASSADOR OF INDIA,
Washington, DC, July 29, 1993.

Hon. LEE HAMILTON,
Chairman, House Foreign Affairs Committee, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On July 17, 1993, the Government of India made an important announcement with regard to visits to India by International Human Rights Organisations. I would like to bring the new policy decision to your personal attention.

In November last year we had invited a delegation of Amnesty International to India for discussions on a broad range of issues related to human rights. The Government of India had viewed this as the beginning of a constructive dialogue which has been continued. Periodic interaction has also continued with other organisations concerned with the promotion and protection of human rights.

In furtherance of the earlier initiatives, Government has now decided to allow certain Human Rights organisations to visit India to see for themselves how human rights safeguards operate in various parts of the country. The timings of such visits would be settled in consultation with the Government of India and the concerned State Governments. A dialogue with such organisations would be initiated in the coming days.

In keeping with Government of India's sustained commitment to the protection of Human rights in their widest form, a Bill for establishing a National Human Rights Commission was introduced in the last session of Parliament. The Bill will be debated during the next session of Parliament beginning on July 26, 1993. It is our expectation that the law setting up this independent National Human Rights Commission with wide powers will be passed in the coming week and the constitution of the Commission announced immediately thereafter.

Yours sincerely,

SIDDHARTHA SHANKAR RAY.

DECOMMISSIONING OF THE U.S.S. "FORRESTAL"

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. FOGLIETTA. Mr. Speaker, I rise today to bid a fond but sad farewell to the aircraft carrier U.S.S. *Forrestal,* which will be decommissioned on September 11, 1993, in a ceremony at pier 6E at the Philadelphia Naval Shipyard in my district.

The development of the *Forrestal,* the U.S. Navy's first super carrier, represented many significant improvements over previous carrier designs. *Forrestal* was the first carrier designed specifically to operate jet aircraft, and included an angled deck which permitted simultaneous takeoffs and landings. *Forrestal's* revolutionary design became the basis for all U.S. carriers that followed.

For over 30 years, the sailors and aviators of the *Forrestal* have sailed her though 21 successful operational deployments. In 1991, *Forrestal* provided support for Operation Provide Comfort, the international relief effort for the Kurds in northern Iraq. The ship completed the first noncombatant evacuation exercise ever conducted from a carrier, as well as many NATO and other multi-national exercises during her final deployment.

In February 1992, the *Forrestal* changed her homeport from Mayport, FL, to nearby Pensacola, to become the U.S. Navy's training carrier for naval aviators and support personnel.

I was there when *Forrestal* arrived at the Philadelphia Naval Shipyard in September 1992 for her scheduled 14-month complex overhaul. I shared the pride of the women and men at the shipyard as they prepared to return the *Forrestal* to peak operational condition. Unfortunately, the overhaul was discontinued in March 1993 when the *Forrestal* was designated for decommissioning.

Former members of the crew and their guests will join the current ship's compliment as they pay their respects to the Navy's oldest active aircraft carrier. I am sure my colleagues join me in paying tribute to the *Forrestal*, her crews, and the men and women who took care of her.

JOE DISHANNI "MR. IRWINDALE" FOR HIS OUTSTANDING RECORD OF SERVICE

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. TORRES. Mr. Speaker, today I rise and ask my colleagues to join me in recognizing Mr. Joe DiShanni, a true public servant and tireless advocate for the city of Irwindale's business community.

Following his retirement in 1980, after nearly 40 years in the auto body repair business, Joe DiShanni organized the Irwindale Chamber of Commerce. Over the past 13 years, Joe has been instrumental in helping to bring national and local businesses to establish their offices and manufacturing plants in Irwindale.

Born in 1909 in Wallkill, NY, and raised in Salerno, Italy, Joe has been a resident of California for the past 53 years. Joe and his lovely wife, the former Eva DiPietra, were married on November 24, 1940. They have 3 children, Neil, Cecilia, and Joey, and five grandchildren.

Once described as a person with boundless energy and a colorful personality, Joe claims that his nonstop involvement in community affairs is his way of not getting old. In addition to holding the executive director's job at Irwindale's Chamber of Commerce, Joe also has served as a trustee for the Sons of Italy and for West Covina's Queen of the Valley Hospital. He also has been president of the Irwindale Lions Club and the California Skeet Shooting Association. Joe also serves on the Los Angeles County Insurance Commission and is a member of the Los Angeles Attorney General's Advisory Council.

As an avid gun enthusiast, Joe has been a skeet shooting competitor for more than 45 years. In 1964 he was a member of the international skeet range five-man team winning the world record 500x500. He also won the 1960 and 1961 Will T. Sesman, Jr., skeet championship; the 1962 Southern California 12-gauge championship; and the 1959 San Gabriel Valley Gun Club skeet championship.

Though many have asked when he plans to retire and finally settle down, Joe simply says, "I'm not going to retire until I'm 103, there's still too much to be done."

Mr. Speaker, Joe DiShanni is a true champion of business and an individual who has dedicated his life to helping others. I am proud to count him among my friends, and I ask my colleagues to join me in saluting and thanking this exceptional individual for his record of unselfish service.

FIRST FLIGHT OF DC–X1

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1993

Mr. ROHRABACHER. Mr. Speaker, on Wednesday August 18, 1993, at 4:43 p.m. MDT, the DC–X1 rocket vehicle flew for the first time from Space Harbor at White Sands Missile Range, NM. White Sands is ably represented by Hon. JOE SKEEN, but the DC–X1—the Delta Clipper-Experimental 1—was designed and built in my congressional district by the talented and dedicated men and women at the McDonnell Douglas Aerospace-West plant in Huntington Beach.

It is my belief that August 18, 1993, will someday be seen to be as important to our future activities in space as the day that humans first landed on the Moon. Indeed, some have likened the first flight of the DC–X1 in importance to future space activities as being as important as the first flight of the Wright brothers 90 years ago was to the future of aviation.

The DC–X1 was built in 18 months, measured from the time authority was given to proceed, and it flew 22 months from contract signature. In today's aerospace environment, this is in itself an incredible accomplishment.

My hat is off in salute to the men and women responsible, and in order to help to give them their due, I'd like to cite them here.

From the Ballistic Missile Defense Organization: Col. Pete Worden, Lt. Col. H.P. Ladner, USAF, Ret., Lt. Col. Steve Theriault, Maj. Jess Sponable, Jim French, Ron Shena.

From the Air Force: Capt. Mitchell Clapp, Capt. Ed Spaulding, S. Sgt. Don Gisburne.

From McDonnell Douglas Aerospace Space Systems: Dr. William Gaubatz, program manager, SSTO programs, Paul Klevatt, deputy program manager, SSTO programs/DC–X1, Charles "Pete" Conrad, Jr., flight manager, DC–X1, Edward Webster, manager, operations and supportability, Don Amberg, Jim Anderson, Phil Arroyo, Bob Bell, David Brumley, Jose Burclaga, Kenneth Burdeno, Eric Burgdorf, Ernie Butler, Bill Byrkit.

Dino Capparelli, Aaron Carter, Donald Carter, John Caufield, Joyce Chandler, Ray Charette, Gerry Coleman, Layne Cook, John Copper, Bill Cottle, Ruth Coulter, Steve Cowls, Michael Cox, Shane Cuda, James Darling.

Jim Day, Randy De Merio, Robert Del Toro, Scott Dieter, Eric DiStefano, Donna Eggebrecht, Jack Farrell, Ray Fierro, Dave Forge, Sandee Fox, Dezi Gage, Marc Giegerich, Roger Glickman, John Greene, Julio Gutierrez.

William Hale, Twila Hart-Humphrey, Paul Heflin, Andy Helms, John Hensley, Lou Hoopingarner, Tom Ingersoll, Vance Jacobs, Mike Johnson, Ande Karllson, Richard Kraft, Dave Larson, Jeff Laskevich, Jeff Laube, Jim LeBar.

Joe Lee, Carl Lemons, Bruce Leonard, John Linnell, Bruce Maderic, Mike Mahoney, Matt Maras, Bruce Marvin, Lyle Menzel, Ken Novak, Michael Novratil, Dan Nowlan, Victor Olloqui, Bill Opperman, Al Paddock.

Young Oak, Dave Palmer, Nino Polizzi, Carolyn Pritzl, Brian Redfinger, David Robertson, Thomas Robinson, Chris Rosander, Ron Runyon, Mark Scatolini, Pat Sgarlate.

From McDonnell Douglas Aerospace Tactical Aircraft: Mike Berry, Rick Bean, Vince Briscuso, Nick Carter, Brad Corbin, Phil Inslee, Pat Madorin, Jim Mason, Marty Montgomery, Randy Nuedecker, Joe Rachel, Jim Whitehouse, Rick Wolfe, Rod Wyatt.

From McDonnell Douglas Kennedy Space Division: John Newsome, Carl Glim, Mike Grysikiewicz, Cathy Milloshewski, Steven Voglewede, William Wooten.

From Aerojet Propulsion Division: Lee May, Grant Hart, Tom Fanciullo, Dan Faiello, Chris Baxter, Scott Novak, Ross Hewitt, Scott Fieger.

From Chicago Bridge and Iron Co.: Leo Pasini, Lee Prestley, Larry Larson, Jacky Bagby, Keith Morgan.

From Deutsche Aerospace-DASA: Dr. Wolfgang Kleinau, Jorge Kase, Dr. Dietrich Koelle.

From Harris Corp.-Space Systems: John Mochannuk, Craig Guy, Tom Zimmer.

From Honeywell Inc.: Wayne Soehren, Bob Skoyles.

From Martin Marietta Launch Systems: Dick Rozycki, Larry Clark, Bill Edwards, Jim Greenwood, Sam Satterthwaite, Beth Worthington.

From Pioneer Aerospace Corp.: Roy Fox, Bob Geiger, Ron Golden, Bert Engstrom, Bill Wailes.

From United Technologies Pratt and Whitney: Jim Holloway, Tim Avampato, Joaquin Castro, Jim Currier, Don Galler, Paul Gannon, Steve Herndon, Paul Kanic, Chuck Limerick, Sam Owen, Larry Witherup, Doug Young.

From Scaled Composites Inc.: Burt Rutan, John Campbell, Manny Chavez, Jack Frye, Greg Garrett, Richard White.

From SpaceGuild: Max Hunter

I'd also like to thank Lt. Gen. Daniel O. Graham U.S.A. Ret., and Dr. Jerry Pournelle, who along with Max Hunter, are the three folks responsible for the original concepts that were the foundation for this program.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 9, 1993, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 10

9:30 a.m.

Indian Affairs

To hold hearings to examine constitutional issues relating to S. 1021, to assure religious freedom to Native Americans.

SR-485

10:00 a.m.

Foreign Relations

To hold hearings on bilateral investment treaties with Romania (Treaty Doc. 102-36), with Argentina (Treaty Doc. 103-2), with Bulgaria (Treaty Doc. 103-3), with Armenia (Treaty Doc. 103-11), with Kazakhstan (Treaty Doc. 103-12), with Kyrgyzstan (Treaty Doc. 103-13), with Moldova (Treaty Doc. 103-14), and a proposed bilateral investment treaty with Ecuador.

SD-419

SEPTEMBER 14

9:30 a.m.

Energy and Natural Resources

To hold hearings to review United States policy regarding oil and gas development on the Outer Continental Shelf.

SD-366

Environment and Public Works

To hold oversight hearings on implementation of the Clean Water Act Amendments of 1990.

SD-406

10:00 a.m.

Foreign Relations

Business meeting, to consider pending calendar business.

SD-419

2:30 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings to review the Civil War Sites Advisory Commission's report to Congress on the nation's Civil War battlefields.

SD-366

3:00 p.m.

Foreign Relations

To hold hearings on the nominations of James T. Laney, of Georgia, to be Ambassador to the Republic of Korea, and John D. Negroponte, of New York, to be Ambassador to the Republic of the Philippines.

SD-419

SEPTEMBER 15

9:30 a.m.

Environment and Public Works

Clean Water, Fisheries and Wildlife Subcommittee

To resume hearings on S. 1114, authorizing funds for programs of the Federal Water Pollution Control Act, focusing on wetlands issues.

SD-106

Indian Affairs

To hold hearings on S. 1146, to provide for the settlement of the water rights claims of the Yavapai-Presecott Indian Tribe in Yavapai County, Arizona.

SR-485

10:00 a.m.

Energy and Natural Resources

To hold hearings on the nominations of Tara O'Toole, of Maryland, to be Assistant Secretary for Environment, Safety and Health, and Jay E. Hakes, of Florida, to be Administrator of the Energy Information Administration, both of the Department of Energy.

SD-366

Special on Aging

To hold hearings to examine problems in the hearing aid industry.

SD-G50

3:00 p.m.

Labor and Human Resources

Employment and Productivity Subcommittee

To hold joint hearings with the Committee on Indian Affairs to examine the Job Training Partnership Act program and the implementation of the Indian Employment Training and Services Demonstration Act.

SR-485

Indian Affairs

To hold joint hearings with the Committee on Labor and Human Resources' Subcommittee on Employment and Productivity to examine the Job Training Partnership Act program and the implementation of the Indian Employment Training and Services Demonstration Act.

SR-485

SEPTEMBER 21

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.

334 Cannon Building

2:30 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 986, to provide for an interpretive center at the Civil War Battlefield of Corinth, Mississippi, S. 1033, to establish the Shenandoah Valley National Battlefields and Commission in the Commonwealth of Virginia, S. 1341, to establish the Wheeling National Heritage Area in the State of West Virginia, and H.R. 1305, to make boundary adjustments and other miscellaneous changes to authorities and programs of the National Park Service.

SD-366

SEPTEMBER 22

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

SEPTEMBER 23

10:00 a.m.

Commerce, Science, and Transportation

Consumer Subcommittee

To hold hearings on S. 687, to regulate interstate commerce by providing for a uniform product liability law.

SR-253

SEPTEMBER 30

10:00 a.m.

Environment and Public Works

Superfund, Recycling, and Solid Waste Management Subcommittee

To resume hearings to examine the Superfund clean-up process, focusing on clean-up options.

SD-406

POSTPONEMENTS

SEPTEMBER 9

9:30 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings on proposed legislation to authorize funds for the National Transportation Safety Board.

SR-253

HOUSE OF REPRESENTATIVES—*Thursday, September 9, 1993*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. HUTTO].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 9, 1993.

I hereby designate the Honorable EARL HUTTO to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray using the words of Robert Grant:

The earth with its store of wonders untold,
Almighty, thy power hath founded of old,
Hath established it fast by a changeless decree,
And round it hath cast, like a mantle the sea.
Thy bountiful care, what tongue can recite?
It breathes in the air, it shines in the light;
It streams from the hills, it descends to the plain,
And sweetly distills in the dew and the rain.
Frail children of dust, and feeble as frail,
In Thee do we trust, nor find Thee to fail;
Thy mercies how tender, how firm to the end,
Our Maker, Defender, Redeemer, and Friend. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York [Mr. HOUGHTON] to lead us in the Pledge of Allegiance.

Mr. HOUGHTON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2010) "An act to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would like to announce that it will recognize 15 Members on each side for 1-minutes speeches.

PUERTO RICAN STATEHOOD VOTE

(Mr. MURPHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY. Mr. Speaker, on November 14, 1993, the people of Puerto Rico will vote on whether to become the 51st State in our Union. It will be only the second such referendum held in Puerto Rico since we annexed the island after the Spanish-American War in 1898.

Since 1952, when the United States granted Puerto Rico local autonomy, support for statehood, as measured at the ballot box, has risen steadily. In 1992 the statehood candidates have captured 20 of 29 Senate seats, 36 of 53 House seats and 54 of 78 municipalities. One of my closest comrades in the U.S. Marine Corps was a Puerto Rican.

Mr. Speaker, frequently we forget that Puerto Ricans are American citizens—patriotic, hard working, and, unfortunately, among the poorest of our citizens. Statehood can and will do much to improve the economy and their status as Americans.

The time has come for the people of Puerto Rico to decide for themselves, and I enthusiastically support their efforts to become our 51st State. I truly believe that both Puerto Rico and this Nation would be much better off if they approve statehood.

And finally, for all of those Members critical of section 936 of the IRS Code, statehood would end this multibillion dollar subsidy which many believe has cost the Treasury precious dollars and their communities scarce jobs.

Mr. Speaker, I rise in strong support of Puerto Rican self-determination and I would like to be the first Member of Congress to welcome them as a State in our Union.

GIVE NAFTA A CHANCE

(Mr. HOUGHTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOUGHTON. Mr. Speaker, NAFTA is a big issue, with lots of disagreement, lots of numbers flying around. Labor and the far right say we are going to lose jobs; most businesses say we are going to build jobs. So the question is, where does the truth lie?

Today there are three disadvantages: one, labor is cheaper in Mexico; the tariffs are much higher for the United States products going into Mexico; and Japan and Taiwan have a terrific advantage with this maquiladoro springboard into the United States.

With NAFTA, the wage disparity shrinks, tariff disparity goes away, and the dreaded maquiladoro also goes away.

Mr. Speaker, this is not theory. It has always happened this way. Why? Because the United States is bigger, we have more technology, we are more resilient, and because we have a better work force. Look what happened in Canada. The trade relationship with Canada, they had higher average tariffs and a big trade surplus. We instituted the free-trade agreement and eliminated the tariffs. Our exports surged.

Mr. Speaker, it can happen. If NAFTA goes into effect, it will happen. We just have to give NAFTA a chance.

NATIONAL DAY OF THE WORKING PARENT

(Ms. SCHENK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHENK. Mr. Speaker, I rise today to acknowledge the tremendous accomplishments of millions of working people in our country—people who, after working hard all day, come home to their primary job—parenting.

Today we commemorate the "National Day of the Working Parent,"

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and we call for the resources to provide working families with the assistance they need to make it in today's world. Working parents need more quality time with their families, greater access to services, and more support from employers and community groups.

Today in my district in San Diego organizations are coming together, including the board of education, city officials, and community groups, such as the National Council of Jewish Women. They will pass out special "food for thought" boxes containing information on child and elder care for both parents and employers.

I commend their efforts and similar efforts throughout the country as we all recognize that the working parent is the backbone of this country.

THE GOVERNMENT IS BROKE

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, President Bill Clinton said, "The Government is broken and we intend to fix it." He was partially right.

In reality, the Government is broke, and we have to fix our spending habits. That means we should cut spending first.

AL GORE has made several excellent suggestions about reinventing Government. In fact, they are so good, Ronald Reagan's Grace Commission made them a decade ago.

The challenge is not in making recommendations. Almost every President in the last 20 years has made similar recommendations. The challenge comes in implementing those recommendations.

In my view, the best way to change the Government is to cut spending. Bureaucracies only adapt when the money supply is limited.

I applaud the President and the Vice President for taking a step in the right direction. Now, I urge them to show real leadership and cut spending first.

JUSTICE DEPARTMENT PERPETRATES FRAUD IN DEMJANJUK CASE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the saga of John Demjanjuk, accused of being the infamous Ivan the Terrible, goes on. Israel reversed that decision; he is not Ivan. Demjanjuk said he was never a Nazi; he never changed his name or appearance.

Mr. Speaker, there are more than 10 people with the name and the exact same spelling, Ivan Demjanjuk, in Ukraine. In fact, there is a member of the Ukrainian Parliament with the exact same name. The bottom line here is now German officials say the so-called Travniki identification card is a fraud.

Where is the Constitution, Congress? Do you just charge a man in America and throw the Constitution out? The bottom line is, John Demjanjuk is not afraid to come back home and look the Justice Department in the eye. They are afraid of John Demjanjuk. And from the evidence that I have uncovered, I say the Justice Department deliberately perpetrated a hoax, a fraud, on the courts of both America and Israel, and that is a felony.

Demjanjuk will not be coming back for a walk in the park; he will be going right back into court, under the Constitution and due process, to fight for his citizenship and face those allegations straight on. That is about all we should be able to guarantee, Members, is some freedom and fairness under the Constitution.

NOW IS THE TIME FOR HEALTH CARE REFORM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, not long ago I received a heartbreaking letter from a woman in my district.

Her husband is a highly skilled machine builder. But he has not worked steadily in 3 years. Every time he finds a job he just gets laid off again.

They have four boys, between the ages of 3 and 16. Money is tight. They have exhausted their savings. And bills are piling up.

But their greatest fear is not about jobs or income. Their greatest fear is about health care.

She writes:

> We are scared to death every time one of the kids get hurt. My 14-year-old was involved in an auto accident.
>
> Since we don't have health insurance, they want $300 before they will pay any bills. We just don't have it.

She summed up the problem better than any of the pundits. She wrote:

> I'm not looking for a handout, but when middle class skilled trades people can't make it, something's wrong.
>
> We need help with health care. It's urgent now.

And she is right.

We have seen all the statistics. We have heard all the stories. We cannot wait any longer.

Now is the time for health care reform.

REINVENTING GOVERNMENT

(Mr. GOODLATTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, promises, promises, promises. First, Americans were promised a middle-class tax cut last fall. Instead, we've been hit with the largest tax increase in history. Next, Americans were promised that Federal spending was going to be dramatically slashed. Instead, domestic spending is actually going up. Now, President Clinton promises to reinvent Government. Let's hope it's not just another empty promise to be forgotten.

Mr. Speaker, reducing the size of the Government is a good idea. In fact, it's such a good idea, Republicans have been pushing it for the last 50 years.

Cutting spending, especially funding for an overbloated, inefficient bureaucracy, is the key element that any reinvention must have. I urge the President and the Democrat leadership in Congress to work with Republicans to truly slash the massive Federal bureaucracy and to truly change the way they do business in Washington.

HEALTH CARE REFORM

(Ms. SHEPHERD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SHEPHERD. Mr. Speaker, when I mailed a health care reform survey to the residents of my district 2 months ago, I expected a constructive and spirited response. But I did not expect the avalanche of individual health care tragedies and urgent pleas for change that continue to descend upon my office even today.

The message from my district is simple and clear: We need health care reform and we need it now. Eighty-seven percent of my constituents who responded to the survey believe that spiraling health care costs are a serious national problem, while sizable majorities support the framework of the President's forthcoming proposal, along with sin taxes to finance these changes.

Mr. Speaker, my constituents and this Nation cannot afford to wait for health care reform. I urge my colleagues, Democrats and Republicans alike, to join me now in working with the President to return health security to our Nation's families.

CUTTING REDTAPE

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute.)

Mr. THOMAS of Wyoming. Mr. Speaker, I have in my hand the latest plan to reinvent Government. The administration says it will create a Government that works better and costs less. Great idea, and I am for it. It is entitled as going from redtape to results. I am for it. I guess everyone else is for it.

My problem is, it does not go far enough. But there are a couple of issues. One is, do we really mean it or is this another series of campaign slogans, again.

The second is, let us get on with it. Let us not talk about it for 5 years. It is interesting to me that these plans are all 5-year plans. I thought the administration was elected for 4.

We need to get on with it. So I am for moving. Basically, we need to reduce the size of Government and the cost of Government and shift some programs and taxes from the Federal Government to the State level. I'm not familiar with everything, but I do know about a couple of these things.

One is the Minerals Management Service. I have some experience with that. We showed in a hearing this year that the States can collect those Federal royalties for $12 a thousand. The Federal Government costs $80. Now we are asking that that be changed. But this program's solution is to increase the penalties and impose broader fees.

That is not increased efficiency. If it is, I have kind of forgotten what that word means.

ONE YEAR LATER

(Mrs. MEEK asked and was given permission to address the House for 1 minute.)

Mrs. MEEK. Mr. Speaker, on Monday President Clinton kept another promise—he returned to South Dade to visit with the victims of Hurricane Andrew. We have made much progress in the past year, but much remains to be done. Hurricane Andrew, along with the BRAC recommendation, has permanently destroyed tens of thousands of jobs. While thousands of homes have been repaired or rebuilt, thousands more remain.

The President months ago committed his administration to help us help ourselves. It took a little while to get going because the previous administration had made promises and done nothing to implement them.

The President repeated his commitment to be with us for the long haul. I wish I could report to you, Mr. Speaker, that we have completed our rebuilding, but we have a ways to go. In South Dade we do not want a handout but a hand up. We want to work in good jobs and pay taxes, not consume them.

I want to thank President Clinton for spending Labor Day with us and for repeating his promise to help us rebuild our future. He was able to see not just the work of Government but the volunteer efforts of thousands of individuals and organizations from the AFL-CIO to business groups.

One year can make a difference when promises are kept.

TOBACCO TAX

(Mr. ROGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS. Mr. Speaker, you would think President Clinton would be done with higher taxes after placing the largest tax increase in our country's history on the backs of American families.

Not so at the Clinton White House. Here comes health care, and with it—a massive tax increase on tobacco products.

They call it a "sin" tax. But if the new taxes on tobacco do not raise enough money, what sins are next? Twinkies? Moon Pies? Coca-Cola?

We are all committed to solving the health care crisis. I, too, look forward to helping make health care affordable and more accessible.

But singling out tobacco—a crop that employs over 100,000 people in Kentucky alone, and provides millions of dollars for our State—is unfair to rural families, and puts the burden of health care reform squarely on their backs.

Mr. Speaker, rural families will suffer enough from the Clinton gas tax. Don't add to their woes with higher taxes on tobacco.

PRESIDENT CLINTON OFFERS CHANGE

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, when an unanswered phone forces people in the northwest Indiana district I represent to take a day off from work and travel to Indianapolis only to find an inexplicably closed Federal office, something is terribly wrong. Unfortunately, this experience with the Federal Government has been repeated many times for the people of northwest Indiana.

That is why I am pleased that President Clinton and Vice President GORE have continued their efforts to change America by formulating a plan to reinvent Government to work better and cost less.

The redtape, which often binds businesses and individuals, will be cut.

The owners—the American taxpayers—will come first. The phones will be answered and the offices will be open for business.

And finally, spending will be cut and the Government will be run in an efficient, commonsense manner.

Mr. Speaker, the American people have called for change. President Clinton has—again—offered change. Let us deliver change with a Government that works better and costs less.

REINVENTING GOVERNMENT: ONE PROMISE PRESIDENT CLINTON MUST KEEP

(Mr. LINDER asked and was given permission to address the House for 1 minute.)

Mr. LINDER. Mr. Speaker, I have been watching as the cameras have been following Messrs. Clinton and GORE from prop to prop. They are going to reinvent Government, they say. They are going to cut the fat. They are going to streamline.

I am trying not to be skeptical. I really am.

The fact is that 60 percent of the Clinton-Gore plan can be accomplished by Executive order. Today. So I would suggest to the President that he stop mugging for the cameras and start signing those orders.

The fact is that 40 percent of the Clinton-Gore plan can be enacted by Congress. So, Mr. Speaker, I would suggest that you get your Democrat colleagues in line and bring this reform legislation to the floor.

Since we Republicans have been offering these reform proposals for years, we will be ready to assist in the drafting of the legislation. We are ready to go.

Mr. Speaker, I hope the President is sincere, because this is one promise he must keep.

HEALTH CARE REFORM MEANS REAL SECURITY FOR AMERICAN FAMILIES

(Mr. CARDIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARDIN. Mr. Speaker, President Clinton's commitment to national health care reform gives this Congress an opportunity to provide real security for American families.

Any illness is a cause for concern, but serious illnesses or injuries can be emotionally and financially traumatic. Worrying about finding the right doctor and the right treatment should be enough. But in our health care system, that is only the beginning of the worries.

First, you have to hope that you are employed and remain employed, because most likely you will have no health insurance otherwise. If you work for a small business you have to worry about whether your illness will cause the insurer to drop your firm's coverage or drastically raise the premium. And, if your illness is chronic, you may now be stuck in your current job because a new firm might exclude coverage for an existing health problem.

We need a health system that eliminates these worries for everyone and lets us concentrate on what is important—getting healthy. President Clinton's commitment to national health reform gives this Congress an opportunity to address the real needs of American families.

WITHDRAW TROOPS FROM SOMALIA

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, I asked my colleagues in July and August to withdraw United States military forces from Somalia.

Now in September, as the other body debates United States military presence in Somalia, I ask the leadership and my colleagues to give this important policy matter a fair hearing in the House.

Do not turn your back as we spend $10 in military aid in Somalia for every $1 in humanitarian aid.

Do not turn your back as we get more deeply involved in a civil war.

Do not turn your back as we ship Pakistanis, Americans, and this week Nigerians home in body bags—all in a clouded, confused, and questionable mission.

This week we learned that U.N. forces are taking sides with Somalia factions while other U.N. soldiers are being murdered.

Last week we raided our own U.N. mission. What travesty will next week bring?

Today, as administration officials scurry about the Congress worrying about saving face in Somalia, I think it is time the House of Representatives faced up to this issue.

INTRODUCTION OF LABELING BILL

(Mr. KLINK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINK. Mr. Speaker, have you ever opened a package that said "Made in the U.S.A." only to find that the contents were labeled "made in Taiwan"?

If that sort of abuse makes you and your constituents see red when you should be seeing red, white, and blue, you might want to cosponsor legislation that I am introducing today to penalize the fraudulent use of "Made in America" labels and require products with foreign content to be labeled to that effect.

Products with "Made in the U.S.A." labels would have to be registered with the Department of Commerce, at least 60 percent of the product must be manufactured in the United States and the final assembly of the product must take place in the United States.

In addition, my bill would assess a $100,000 fine for the fraudulent use of "Made in America" labels.

It would also allow the Secretary of Commerce to seek injunctive relief for fraudulent use.

Finally, my legislation would require products made overseas or products assembled in the United States with foreign content to be labeled to indicate the proportion of the product that is of foreign origin and what country it is from.

Realistically, Congress cannot mandate the purchase of American-made products, but we can and should encourage it.

And we can make sure that products that claim to be made in America really are.

I urge my colleagues to join me in cosponsoring this legislation to protect American jobs.

A CONFLICT OF NUMBERS

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, do you remember when President Clinton came before the House and told us that the only budget numbers we could believe were those generated by the Congressional Budget Office? Mr. Speaker, do you remember when the Democrats told us that their economic plan would cut the budget deficit by $500 billion? It turns out that those two things that were said before the Congress do not match up.

The Congressional Budget Office released a report yesterday indicating that the economic plan passed by the Democrats just before this House left on the August recess, using the Congressional Budget Office's own baseline, is only going to reduce the budget deficit by $433 billion over the 5-year period that they claim, and it also turns out that $433 billion, $241 billion of that came from increased taxes, and only $192 billion came from lower entitlement and discretionary spending and interest savings.

In other words, the Congressional Budget Office just wrote off what the Democrats told us time and time again on the floor when they passed the economic plan. The fact is that every Democrat who voted for the President's economic plan defrauded America on the numbers. The Democrats are hoping that middle-class America will overlook that fraud, but the numbers speak for themselves and the middle-class Americans paying the higher taxes are not about to overlook the big new tax bill that will not bring the deficit reduction that they were promised.

NATIONAL WORKING PARENT DAY

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, today is National Working Parent Day. this has been a country with a real attitude about working parents. The attitude is, if you are a parent you ought to work, but if you work, we do not want to hear about you being a parent. It has caused all sorts of stress on America's families, and today the National Council of Jewish Women and the Marriott Corp. have launched this day all over America to start talking about how we make America's workplace much more family friendly. It is long overdue. We are the worst of all industrialized nations on this issue.

I am pleased that there will be rallies everywhere. First we can celebrate the passage of the Family Leave Act that happened earlier, but we must also work on the tax code, which is very unfamily friendly.

Imagine, you do better raising a thoroughbred dog or horse than you do a child under the tax code. Imagine, there is a marriage penalty that only gets deeper when you are under our tax code. There is something wrong with that. Let us work on that.

I am thankful for beginning this day. I hope everybody gets out and starts trying to change America's attitude on working families.

LONG ON PROMISE, SHORT ON PERFORMANCE

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, this week the Vice President presented his report on reinventing Government. I cannot imagine anyone being anything but supportive of such an effort. At the same time, I cannot imagine anyone being anything but skeptical.

Reinventing Government does not necessarily mean reducing Government. It will not do us any good to cut Government here only to see it grow there. It is hard to believe this administration does not intend to do just that.

Until yesterday, the White House's solution to every problem has been another Federal program, more Federal spending, and more taxes to pay for them.

However, 60 percent of the GORE report can be accomplished by Executive order of the President, but in 8 months zero percent has been done. In the Senate, AL GORE had a zero rating from Citizens Against Government Waste. And now we are supposed to believe that the President and Vice President have become Government reformers.

That is why I am supportive but skeptical of the Gore report. So far this administration has been long on promise, but short on performance.

URGING COSPONSORSHIP OF THE BIENNIAL BUDGETING RESOLUTION

(Mr. HUTTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTTO. Madam Speaker, I want to join others in commending the Vice President of the United States, Mr. GORE, for his reinvent Government proposals. Some good proposals have been made. One of the best is that he advocates biennial budgeting. Earlier this year the gentleman from Alabama [Mr. CALLAHAN] and I introduced a biennial budgeting resolution. I hope the Members will join us in cosponsoring this measure.

It is no secret that Government spending is out of control, with annual large deficits and a national debt to prove it. I believe we need oversight of these programs. A 2-year budget cycle would give us more time for evaluating which programs are really working for America, and determining where cuts should be made.

□ 1030

A biennial budget cycle would provide more long-range fiscal planning and reduce Government spending and a biennial budget cycle would discourage agencies from spending all they have got so that they can get more next time.

So, Mr. Speaker, our present annual budget cycle does not encourage the frugal use of Government funds. It is time that we change their. So I ask for all Members to cosponsor and support our legislation for a biennial budget.

WE ARE ALL FOR REINVENTING GOVERNMENT

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Madam Speaker, the President and Vice President have struck a resonant chord with the American people who know that we must rein in the reign of arrogance in Government. It is the same chord Presidents Carter, Reagan, and Bush hit to deflate the bloated bureaucracy, to cancel the purchase orders for $700 screwdrivers and $900 toilet seats, to replace unwarranted perks and services with clear accounting and good Government services.

Pogo used to say we have met the enemy and he is us. No gender discrimination intended here.

This has new meaning in Congress, and I congratulate President Clinton for pointing it out.

What are we going to do? "Let's listen to the people," Vice President GORE tells us. That is a good idea.

The message is to cut wasteful funding first. Remember those jammed switchboards during the budget debate? Let us listen and act. Let us turn off the spigot of dollars flowing to unnecessary programs and the political payoffs and profligate perks, and Government will get smaller.

It is not too late to reinvent and repeal the $250 billion of new taxes that President Clinton has loaded on us. For that matter, it is not too late to reinvent the Boston Tea Party. That struck a chord we all heard.

CONGRATULATIONS TO VICE PRESIDENT GORE

(Mr. BARCA of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARCA of Wisconsin. Mr. Speaker, I rise today to offer my congratulations to Vice President GORE and President Clinton on their proposal for reinventing Government.

This proposal is a firm step in the direction we need to go to get Government working for the people.

I ask my Republican and Democratic colleagues to join together in bipartisan support to put this program on the front burner. This is not a Democratic or Republican idea. It is a sensible idea that will cut redtape, put people first, and empower Government employees to get the job done.

At the same time the program will save the taxpayers more than $108 billion. It will streamline the bureaucracy and it will make Government more effective and responsive to the taxpayers we were elected to serve.

These results will not be achieved overnight, but we need to work together, improve the plan, but most importantly move it forward.

I chaired the audit committee in the Wisconsin State Legislature which addressed some of these issues at the State level. My experience there leads me to believe that we need Government to focus on the modern philosophy of management that has been adopted by private industry.

Mr. Speaker, we need to take these bold kinds of steps and I hope that my colleagues will join me with their support of this innovative proposal.

IT IS TIME TO DEAL WITH CRIME IN AMERICA

(Mrs. ROUKEMA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, is it any wonder that the American people are cynical and losing confidence in government? Their cynicism and pessimism is justified.

I too find myself shaking my head in disbelief. What happened to our beloved America? I sat in front of my television set overnight and watched, shook my head in disbelief, and yet over and over again we heard the story of yet another foreign tourist gunned down in Miami.

But do you know what? It was not only the horrible realization that it was yet another tourist. The shock was and the realization was that in any given week Americans by the scores are being killed randomly. But few seem shocked, and the media hardly notices. The police and the media move in to high gear, as with this incident, but when Americans are shot down it is another day at the office.

The President and Congress have only been giving lip service to crime control and making our streets safe. Where is the crime package? Where is the war on drugs? Where is the Brady bill?

Let us get on with it. I ask the President to give us leadership and I ask you, my colleagues, to get behind the crime bill.

MAKING GOVERNMENT WORK BETTER

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, most of us can remember several years ago when President Reagan appointed the Grace Commission. Mr. Grace came through with a series of recommendations for trying to streamline government and to achieve many of the things which we all hope will be achieved to cut the cost of government.

We also recall that the day after the Grace Commission report Secretary of Defense Caspar Weinberger said that he was not going to follow its recommendations. That was a significant statement because many of the recommendations for change were in the Department of Defense.

Nevertheless, some were made by Congress, some by the administration, and some progress was made in an effort to meet the Grace Commission guidelines.

I would like to congratulate Vice President GORE and President Clinton for this new report which tries to get us moving forward again in creating a government that works better and costs less. This reinventing government is a challenge to Congress as well. Congress is either going to catch this wave of reform, or it is going to be drowned by it, because it is time that we stopped business as usual.

What Vice President GORE has done is to challenge us to look anew at the way government delivers its services. I am confident that we can work together in a bipartisan fashion to achieve that.

ADULT LITERACY

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, the United States is part of a highly competitive global economy, a world market that rewards high quality products and services. The key to competitiveness in this global economy is the human mind, its ingenuity and ability to innovate.

But, in today's Washington Post, we read that there are 90 million adults in our Nation who are, in some way, illiterate. The article states that, "Nearly half of all adult Americans read and write so poorly that it is difficult for them to hold a decent job. . . ."

American children do poorly in school, there are no school-to-work transition programs, American employers invest far less in worker training than do their competitors in other industrial nations, people who need to go back to school do not, and the effort Congress has made to address the problem of illiteracy has been fragmented.

And, yet, literacy affects the very core of this country. The quality of life, cycles of poverty and welfare, the education of our children—all of these depend on the education of our people.

Mr. Speaker, the problem of illiteracy should be a number one priority for a partnership of Federal, State, and local government along with the private sector.

TRIBUTE TO UNIVERSITY OF SOUTHERN CALIFORNIA SPIRIT OF TROY TROJAN MARCHING BAND

(Mr. COX asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COX. Mr. Speaker, as an alumnus of the University of Southern California, I am proud to rise in the House of Representatives today to pay tribute to Dr. Art Bartner and the University of Southern California Spirit of Troy Trojan Marching Band. Many of the members of the band and Dr. Bartner himself are with us today in the Chamber in the gallery.

The Trojan Marching Band is a student operated and staffed organization consisting of over 300 musicians representing more than 60 fields of undergraduate and graduate study. It was established in 1880 and has grown since that time to become the largest spirit band in the entire State of California.

It represents the University of Southern California throughout the country and overseas. During its over 100 years of existence, the Trojan Marching Band has performed for 12 United States Presidents. They have also participated in the Inaugural Marching Band and in the dedication ceremony of the Richard M. Nixon Library.

In 1984, the Trojan Marching Band added to the Olympic spirit in Los Angeles by participating in the All-American Marching Band, a key part of the 23rd Olympiad. And in the summer of 1990, the Trojan Marching Band played a historic concert at the Brandenburg Gate after the fall of the Berlin Wall.

Mr. Speaker, it is with great pleasure that I ask my colleagues to join me in honoring the USC Trojan Marching Band for their musical talent and their dynamic spirit.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HUTTO). Members will be advised not to refer or give recognition to those in the gallery.

NO NEW TAXES

(Mr. TAYLOR of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAYLOR of North Carolina. Mr. Speaker, yesterday, the administration indicated that it plans to increase excise taxes significantly. Before we venture down the path of higher taxes yet again, I hope my colleagues will consider the message most of us heard while we were home.

The American people are tired of higher taxes and bigger government. I held town hall meetings in each of the 16 counties in my district. At every one of these meetings, I was asked how Congress could justify higher taxes with nothing to show for it.

The fact is that excise taxes on gasoline already cost rural consumers like the ones in my district 52 percent more than they do urban consumers. Rural consumers also pay a 44 percent higher excise tax burden on tobacco and 26 percent higher burden on utilities, according to a recent Auburn University study.

Mr. Speaker, higher taxes are bad for the economy. Higher excise taxes hurt rural consumers. President Clinton just got the highest tax increase in history passed through Congress. Is it not time we gave the citizens of this country a break?

Let us all take the no tax pledge.

□ 1040

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

The SPEAKER pro tempore (Mr. HUTTO). Pursuant to House Resolution 246 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2401.

□ 1041

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2401) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1994, and for other purposes, with Mr. DURBIN (chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, September 8, 1993, amendment No. 3 printed in part 1 of House Report 103–223 offered by the gentlewoman from Colorado [Mrs. SCHROEDER] had been disposed of.

TRIDENT II (D–5) MISSILE

Pursuant to House Resolution 246, it is now in order to debate the subject matter of the Trident II (D–5) missile.

The gentleman from California [Mr. DELLUMS] will be recognized for 15 minutes and the gentleman from South Carolina [Mr. SPENCE] will be recognized for 15 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we now begin 30 minutes of debate on the Trident II D–5 missile. In order to set the stage, let me point out to my colleagues that at the end of general debate there will be three amendments presented to the House. The first amendment will be the Dellums-Penny-Woolsey amendment that would terminate procurement of the D–5 missile, followed by an amendment offered by the gentleman from Hawaii [Mr. ABERCROMBIE], that would eliminate advanced procurement for the D–5 missile. Finally, an amendment offered by the gentleman from Washington [Mr. DICKS], that would require a study of the D–5 program by April 1.

Having set the stage for this part of the debate on the fiscal year 1994 DOD authorization bill, let me now make a few comments.

Mr. Chairman and members of the Committee, I rise today to share with my colleagues my reasons for why we should end production of the D–5 nuclear missile in fiscal year 1994.

Most of the arguments you hear about the D–5 are that it is an effective missile, the backbone of our strategic deterrent, and so forth. Mr. Chairman, that argument in this gentleman's humble opinion is not relevant. The debate is not over whether we should have any in our arsenal—the fact is we already do—but rather how many we should have. This amendment does not say no D–5's at all. It just says buying 295 is enough, we do not need more of them with today's tight budget, in the post-cold war world that has radically changed.

No one is saying we should take the D–5's we now have or soon will have and grind them into dust. That may indeed be a good idea. But we just do not need any more at this time. We desperately need the billions that more D–5's will cost to use for deficit reduction and the needs of the citizens of this country.

We have at this time 249 D-5's delivered or on order and over 400 C-4 missiles. Russia wants to join NATO, our deficit is running at terrifying levels, and yet we are told we should continue to spend $1 billion per year on the D-5 nuclear missile for the rest of this decade and well into the next. What a tragic waste of scarce federal resources!

According to the Navy, we need at least 133 more D-5 missiles. Instead of paying billions of borrowed dollars to do this, we should consider the following steps:

No. 1, by keeping our D-5's with eight warheads each, instead of downloading them to four, we could still have the same 96 warheads per Trident submarine that the Navy says it needs, but it would require 120 fewer D-5's. This is almost all of the 133 the pentagon says it wants.

Now, Mr. Chairman, this may seem like a pie-in-the-sky option, but the fact of the matter is that this option was under active consideration by the previous administration. Indeed, in point of fact, former Secretary of Defense Cheney so stated in testifying before the Foreign Relations Committee in the other body in the summer of 1992. As a matter of fact, he specifically stated:

> We are still wrestling with and have not made the final decision yet as a department whether we will actually downgrade warheads on missiles to comply with START-II or whether we will downgrade missiles on boats. We could achieve the same result by 18 missiles instead of 24.

So that option is a very real option.

No. 2, by reducing the D-5 flight test rate to the same pace as that used by the Air Force for its strategic missiles, the Navy would need 60 fewer D-5's. Third possibility: reducing the START-II overall warhead ceiling from 3,500 to 2,500 and any time in the next 20 years could indeed lower the Navy's D-5 requirement by up to 125 missiles, nearly all of the 133 they say they want.

The administration tries to scare us into thinking that we should not act because we would "open Pandora's box on the START Treaty." This, in this gentleman's opinion, is a scare tactic. As they have said elsewhere, military and fiscal considerations are more important than arms control on the question of the D-5 and START. They are using START as a smokescreen to scare people from taking a close look at this issue. If you were to go to your constituents and ask them whether they would want the Government to buy as many as 325 more cold war nuclear missiles for $15 billion or to use that money to reduce the deficit and putting people back to work, what do you think they would say, Mr. Chairman? To ask the question, I believe, is to answer it.

Mr. Chairman and Members of this body, the cold war is over. We do not need to spend billions on weapons that are not needed. For these reasons, I urge my colleagues to support the amendment at the appropriate point in the RECORD.

Mr. Chairman, I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in strong support for a program that is critical to U.S. national security, the Trident II [D-5] sea-launched ballistic missile [SLBM]. Specifically, I rise in opposition to an amendment to H.R. 2401 to be offered by the gentleman from California [Mr. DELLUMS] to terminate production of the D-5 in fiscal year 1994. In addition, I rise in opposition to the amendment to be offered by the gentleman from Hawaii [Mr. ABERCROMBIE] to delete funding in H.R. 2401 for advanced procurement for the D-5 missile. I do support, however, the amendment to be offered by the gentleman from Washington [Mr. DICKS] to permit the expenditure of funds for the D-5 beginning on October 1 of this year.

Mr. Chairman, under the START I and II arms reduction treaties, the United States is required to dramatically reduce the number of strategic warheads in its arsenal. The administration has decided to place the bulk of the remaining U.S. warheads in the stabilizing and more survivable submarine leg of the strategic triad. Relying more heavily on SLBM's requires the United States to produce enough D-5 missiles to equip the 10 Atlantic Ocean strategic submarines configured to carry the D-5. In pursuit of this objective, DOD has requested the funds necessary to procure an additional 24 D-5 missiles in fiscal year 1994.

Terminating D-5 missile production now would force a choice between two equally undesirable options: (1) send submarines to sea with empty launch tubes, or (2) conduct costly modifications to the new Atlantic Ocean Trident submarines so as to permit them to employ the aging and less capable C-4 missile whose service life is limited—an option that could end up costing more than procuring the additional D-5 missiles. Either option will impose severe operational disadvantages and will create substantial inefficiencies in the overall U.S. strategic program.

Terminating D-5 production would also complicate U.S. arms control efforts. In fact, the Clinton administration strongly opposes any effort to reopen either START treaty to amendments—as would be required if the Dellums amendment were to become law. As President Clinton noted in a letter I received on August 2:

> Some have suggested that the United States could save money by simply deploying half as many D-5 missiles on each Trident submarine while doubling the number of warheads carried by each missile. In other words, instead of having each submarine carry 24 missiles, each of which would be armed with 4 warheads, we would deploy only 12 D-5s on each Trident while having each missile carry 8 warheads.
>
> There are a number of major problems with this "de-tubing" proposal. First, we have negotiated the START II Treaty on the assumption that each D-5 would be attributed as carrying 4 warheads, not eight. Second, under START rules the 12 "empty" missile tubes one each submarine would count as though they were each occupied by a D-5 missile with four warheads. As a result, this approach would place the United States in violation of the START II warhead ceilings unless we obtained permission from our treaty partners to change the Treaty.
>
> Unfortunately, a U.S. proposal along these lines would open a pandora's box in terms of inviting counterproposals by our START partners for relief from other treaty dismantlement requirements they find onerous. If the United States were to ask Russia, Ukraine, Belarus and Kazakhstan for permission to revise or eliminate the strict START SLBM launcher elimination procedures, each of these states would likely demand a quid pro quo in areas under both START and CFE where they are already pressing us to simplify or waive weapons elimination requirements. The result would be an unraveling of the meticulously negotiated dismantlement procedures contained in both accords, with an attendant degradation in the irreversibility of those agreements.

Here is what chairman of the Joint Chiefs Gen. Colin Powell said about the D-5 missile in a July 27 letter:

> The D-5 missile on Trident submarines will be the backbone of U.S. strategic deterrent forces [under START II] * * *. I do not support the proposal to renegotiate the terms of the START II Treaty with Russia to allow either country to decrease the number of missiles carried by a submarine * * *. I believe that production of the D-5 should not be prematurely terminated. The vast majority of the Trident investment is behind us, and procuring the remaining missiles for Atlantic Ocean Trident submarines will ensure a credible deterrent force well into the 21st Century.

Secretary of Defense Les Aspin also strongly opposes the Dellums amendment. According to a July 19 letter I received from Secretary Aspin:

> Terminating D-5 missile production now would shut down the only operating strategic ballistic missile production line in the United States. Sustaining a low rate of D-5 production, and the associated industrial and technology bases, provides a key and unique hedge against future uncertainties * * *. Continued D-5 production is, therefore, essential to the future health of our deterrent capability. I strongly urge your continued support for this critical program.

Mr. Chairman, for these reasons I strongly support the Trident II [D-5] missile program, and urge my colleagues to vote "No" on the Dellums and Abercrombie amendments to terminate production of the D-5 missile.

□ 1050

Mr. DELLUMS. Mr. Chairman, I am pleased to yield 3 minutes to the gentlewoman from California [Ms. WOOLSEY], who is also a coauthor of an amendment that will come before the body at the end of the general debate.

Ms. WOOLSEY. Mr. Chairman, the cold war is over, the cold war is over, the cold war is over. Mr. Chairman, we have heard this phrase repeatedly as we have debated defense spending here in the House of Representatives. But, while we keep hearing about the cold war being over, Mr. Chairman, Congress is failing to translate this message into sound peacetime spending policies.

Mr. Chairman, the cold war is over, but we still have a cold war defense budget—$30 billion more in 1994 dollars than were budgeted in 1975. The cold war is over, and we are still being asked to pay $10 billion for the Trident D-5, a relic from a past era no longer needed to penetrate targets in the former Soviet Union.

In this new era, we must spend our scarce dollars on the important domestic issues that have been neglected over the past 12 years. Thirty seven million people are going without health care, and programs like Head Start are not fully funded, because we choose to spend money on unnecessary weapons instead of our children. Later this year, Congress will consider health care reform, education reform, welfare reform, and worker retraining. I would hate to go home and tell the people of Marin and Sonoma Counties in California's 6th Congressional District, that we failed to deal with these problems because we voted to spend $10 billion on the Trident D-5 nuclear missile. I would much rather tell them that this money will be used to cut the deficit and invest in worker retraining.

Mr. Chairman, I urge my colleagues to vote for the issues we were all elected for in 1992, and to join Chairman DELLUMS, the gentleman from Minnesota [Mr. PENNY] and myself in voting to eliminate this wasteful spending program and invest in our country's future.

Mr. SPENCE. Mr. Chairman, I yield 4 minutes to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I agree with the gentlewoman from California who just spoke. The cold war is over. During the cold war we had something called the Triad system. During the Triad we had bombers, we had land-based missiles, and we also had sea-based missiles.

Now, you know, we do not have those anymore. The Triad system of the cold war is over, so we have decided not to use bombers anymore and most of our land-based missiles are being closed up at this particular time.

So the agreement we have come up with leaves us with one thing. That is all we have got, Mr. Chairman, one thing left, as I see it, that has a nuclear deterrent, and that is the Trident submarine in the Pacific and Atlantic Oceans. Please keep in mind that 70 percent of the world is covered with water. I think our negotiators were smart to put it on a basis where we had it in a Trident missile.

Now, keep in mind also that we have given up on a number of missiles in the past. They are no longer part of it. The one the gentleman from South Carolina spoke of, the C-4, is in the Atlantic Fleet at this time.

Was the C-4 ever intended to be our first line of defense? The answer is no. The C-4 was a temporary missile waiting to come up with the D-5. So the D-5 is now the issue in front of us.

So when we have only one thing left, all our eggs in one basket, it only seems reasonable to me that we use the one thing we have got, the best thing we have got.

You cannot compare missiles to missiles. We are talking apples and oranges. The D-5 is far superior to the C-4 or the missiles we had before, so we have to be very, very careful as we get into this situation.

We no longer have nuclear bombers on alert. The strategic role has all but disappeared. Our land-based force is being reduced. The Peacekeeper which contributed to bringing the changes in the former Soviet Union is being inactivated. Minuteman II's are being eliminated. Minuteman III's are approaching the end of their original design life cycle and are nowhere near as accurate as the D-5.

Please take a look at the GAO evaluation of the Strategic Triad. It outlines how expensive it would be to restart a D-5 line in the future. They say it would be extremely short-sighted. Every defense official that I have talked to, and that I have heard of, Gen. Colin Powell, Gen. Lee Butler and the Strategic Force Command, to Secretary Les Aspin have testified and written strong letters of support for the D-5 program.

And one other person we should all take heed to at this time by the name of William Clinton has said that he thinks it would be foolish to do away with the D-5 missile.

So, Mr. Chairman, I would say what we have left is the D-5. We are not in a position of saying we have the Triad.

I agree the cold war is over, but I would like to remind people of the statement that the Director of the CIA likes to make, Jim Woolsey. He makes the statement:

> The Soviet Union was a big dragon out in the jungle. Now it has dropped and fallen apart, and now there are 50 poisonous snakes.

I would worry about the 50 poisonous snakes, if I were the people voting on this today. Keep in mind those snakes can be just as devastating, just as powerful, just as hard as the Soviet Union, and the best deterrent we have got is our sea-based Trident D-5 missile which we would like to put in the Atlantic Ocean, as it is in the Pacific Ocean.

I have such great respect for the chairman of the committee and what he states about this, but Mr. Chairman, in this case let us vote to keep the D-5 alive.

Mr. DELLUMS. Mr. Chairman, I yield myself 30 seconds.

First, let me respond to my colleague by saying that to contemplate fighting a nuclear war, in this gentleman's opinion, is the height of madness. What we ought to be about is deterrence, not the actual use of these weapons.

To talk about no longer having a Triad, I would remind my colleagues that we still have 500 Minuteman missiles. We still have 20 B-2's nuclear equipped. We still have 96 B-1's nuclear equipped. We still have 95 B-52's nuclear equipped.

Mr. Chairman, with those remarks, I now yield 2 minutes to the distinguished gentlewoman from Maryland [Mrs. MORELLA], a supporter of the Dellums amendment.

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of the Dellums-Penny-Klug-Woolsey-Morella-Inslee amendment, which we will consider after this general debate. This amendment, as has been stated, will reduce spending on the D-5 missile program by $1.2 billion in fiscal year 1994. Half of the savings will go to further reducing the deficit, with the other half dedicated to Defense conversion programs.

The D-5 missile is a weapon conceived in the cold war with no practical purpose in the post-cold war era. Our security no longer requires a multi-layered hard target capability to counter a Soviet arsenal. Moreover, the Navy already has D-5 missiles in sufficient numbers to run up against the submarine-launched ballistic missile warhead limits agreed to in the START I and START II Treaties. In addition, the amendment which will be offered will allow for deployment of D-5 missiles already produced, resulting in a D-5 deployment which the Congressional Budget Office determined earlier this year to be sufficient to deter nuclear war.

The Dellums-Penny-Klug-Woolsey-Morella-Inslee amendment will bring about not only an immediate savings in fiscal year 1994, but it will also save $10 billion in procurement costs over the next several years, not including the interest costs on the money that we would need to borrow to pay for continued procurement. I urge Members to support the amendment when it is offered.

□ 1100

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, I want to say, first of all, a word of congratulations to the chairman of the committee, the gentleman from California [Mr. DELLUMS], and the ranking member, and to the distinguished staff of the committee. I think they are doing a great job, and I enjoy the fact that we can come to the floor of the House of Representatives and have a spirited debate on these very important national security issues, and the chairman and I have had these debates over the years. He has won some, and I won some, but I always look forward to it, and I appreciate the fact that we can come here, and engage each other, and discuss important national security issues.

On the question of the D–5 missile, Mr. Chairman, I would just say to my colleagues that I understand that some people feel the cold war is over, and yet the reality is that the former Soviet Union and the four new Republics still possess 10,000 nuclear weapons that have not yet been dismantled. I hope and pray that their leadership will remain in the hands of Mr. Yeltsin and the democrats, et cetera, but that is anything but certain.

I would also point out to my colleagues, as the gentleman from Utah [Mr. HANSEN] did, that we are taking down almost every single strategic program we have. We have ended the Peacekeeper missile. We are taking down our Minuteman III's from three warheads to one warhead. We are eliminating the small ICBM. We have canceled the SRAM II. We have eliminated the W–88 warhead. We have today one single strategic ballistic missile system under production, and that is the D–5 for the Trident submarine.

Mr. Chairman, I will later today offer an amendment which I think corrects a mistake that was made in this bill. The bill would have a study that would cause a production line interruption, and, according to the Navy, this would cause a serious escalation in cost of this missile. We are going to have a debate on this issue, up or down, on D–5, but after that is done I hope, if the House decides, as I expect that it will, that the D–5 should go forward, then I would hope that we could, under the Dicks amendment, correct the problems.

Basically what I say, Mr. Chairman, is:

Let's have a study that looks at the cost effectiveness of D–5's on the Pacific submarines and D–5's as compared to the C–4's for those Pacific submarines; and, No. 2, during that timeframe we would not break the production line. So, we would have the study, we would get the benefit of the study without breaking the production line, and that is basically what my amendment does.

However, Mr. Chairman, I would urge my colleagues to reject both the Dellums amendment and the Abercrombie amendment. I think we need to stay with the D–5 missile. It is our one strategic modernization that we still have in place. The world has changed, but we are still not yet confident of what is going to happen to those Russian Republics, and frankly we all support the D–5 and the Trident Program because it was the most cost effective, the most survivable system. If we are talking about, as my colleagues know, having a system, that is the one that makes the most sense to me, and we should not prejudge whether we take the C–4, fix it up, or put the D–5 on the Pacific Tridents. It may be less expensive to do D–5 modernization on the Pacific Tridents than to upgrade the C–4.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Mr. Chairman, I rise in opposition to the amendments that will be offered by the distinguished chairman and the gentleman from Hawaii.

Continued procurement of the D–5 missile is absolutely essential to our future strategic deterrent capabilities.

Those who want to stop production of this particular weapon system argue that we do not need any more since the cold war is over and since purse strings are tightening.

Yes, the cold war is over and the Soviet Union is no more, but many of the nuclear weapons that existed in the former Soviet Union still exist—and they exist in the hands of much less stable governments than the one that used to be run with an iron hand out of the Kremlin.

In an unstable world, strategic deterrent is still critical to America's defense, and the D–5 and Trident fleet are critical to that deterrent.

Additionally, stopping procurement now might very well force us to reopen negotiations on the START II Treaty. President Clinton has stated that some of the alternatives suggested by those who want to end procurement of the D–5 would do just that, and he is opposed to it.

Joint Chiefs Chairman Colin Powell calls the D–5 the backbone of U.S. strategic deterrent forces, and is opposed to terminating procurement.

Defense Secretary Les Aspin, has said continued D–5 production provides a key and unique hedge against future uncertainties.

I urge my colleagues to vote no on the amendments to halt procurement of the D–5 missile.

Mr. SPENCE. Mr. Chairman, I yield the balance of our time to the gentleman from South Carolina [Mr. SPRATT].

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from South Carolina [Mr. SPRATT] is recognized for 3 minutes.

Mr. SPRATT. Mr. Chairman, I thank the gentleman from South Carolina [Mr. SPENCE] for yielding this time to me.

Mr. Chairman, it has been stated on the floor here that there are 295 D–5's currently procured. In fact, there are 235 procured in an inventory. The balance have been used or expended in testing. The request this year is for 1,128,000,000. That will buy 24 more missiles. It will also fund $145 million for fiscal year 1995 advanced procurement, and, if that is knocked out by the Abercrombie amendment, we are effectively stopping this program in fiscal year 1994. If our chairman's amendment is adopted, we will effectively stop it after this fiscal year.

What happens? If we stop the D–5 Program at 235 missiles, as our chairman would propose, or at 259 missiles, as the gentleman from Hawaii [Mr. ABERCROMBIE] would have, then we are short of the Navy's requirement by a significant amount. The Navy says that they need, in order to accommodate the 10 boats in the Atlantic which will be outfitted and built custom-made to take the Trident II missile, they will need 428 Tridents.

Let me explain why 428. There are 24 tubes on each Trident II missile submarine. Each of those tubes obviously carries one missile—24 times 10 is 240. That is a basic requirement.

In addition, the Navy needs about 15 missiles for King's Bay, GA. When a missile turns up defective in a tube, they need to take one out and have a backup missile ready to insert in its place.

Furthermore, Mr. Chairman, the Navy has used a number of missiles and will need several more for certification. The number there is 35.

And finally this missile is tested periodically, and not just to test a missile, but test the whole system, the submarine, the crew, and everything, and since this will be the key strategic deterrent of the United States for years to come, it is critically important that it be tested rigorously, and the Navy says they need to test six missiles a year, the missile, the submarine, the crew, and everything. That comes to 138 missiles.

I say to my colleagues, If you add those together, 240 plus 15 backup missiles, plus 35 for test certification, plus 138, that is 428 missiles. If we vote for this amendment, the Dellums amendment, we will stop at 235, far short of the 428 requirement. If we vote for the Abercrombie missile amendment, we will stop at 259 missiles, far short still of the 428 requirement.

Now the implication is that we can just take the C–4 missile and stick it in the tubes, that it is already a substitute for the D–5 missile. Let me tell my colleagues why that is not so. The C–4 is 10 inches narrower in diameter, and the C–4 weighs 73 pounds versus 130,000 pounds for the D–5. It does not fit in the D–5 tube, and so five boats at least, maybe more, will have to be retubed, which means that the whole submarine will have to be reconfigured. The cost computed by the Navy is $350 million.

By the way, the last thing we want to do is take these contracts to Electric Boat, reopen the contract in a firm which has dwindling business, and start negotiating the price all over again. This is not a cost saver.

Let me make one more point. It has been stated that the additional cost to complete is $10 billion. The cost to procure all of these missiles is $4.4 billion if we add up all the procurement accounts over the next number of years to be procured.

Mr. DELLUMS. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Virginia [Mr. SISISKY], a member of the committee.

Mr. SISISKY. Mr. Chairman, I support the President's request to procure 24 D–5 missiles in fiscal year 1994.

Under START II, U.S. strategic defense will rely more heavily on sub-launched ballistic missiles.

With cutbacks and downsizing, it makes sense to ensure that our remaining defenses are trustworthy, capable, and reliable. The bottom-up review found that: 24 D–5's in fiscal year 1994 is necessary even to equip only 10 Tridents—rather than the 18 Tridents actually under consideration.

Twenty-four D–5's in fiscal year 1994 is necessary even if we lower the rate of test firings below accepted levels.

After next year, requirements remain unclear and depend on a number of factors that are difficult to predict.

These factors range from general uncertainty in the world to the size of the test program.

For the time being, however, the requirement is clear and the President made the right decision.

The D–5 is the only strategic missile currently in production, and continued production hedges against uncertainty.

Cutting D–5 removes one of the only incentives for Russia to continue complying with START.

Finally, we are not in this alone. Cutting production forces the United Kingdom to change their plans to equip their own Trident Force.

I urge my colleagues to support the President's request, and oppose amendments to terminate production of the D–5.

Mr. DELLUMS. Mr. Chairman, in order to close the debate on this side of the aisle, I yield the final 2 minutes to the distinguished gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Mr. Chairman, during debate on the recently approved reconciliation bill, I heard it said—time and time again—of the budgetary constraints that gripped our Nation and limited our ability to address important social needs. I have already heard mentioned—time and time again—that we may have to take a second look at this year's appropriations bills because more cuts must be found.

Well, Mr. Chairman, I submit that, if we are still looking for areas to cut spending, the D-5 missile is the best place to start and the Dellums amendment is the best approach to follow. This very sensible amendment would terminate procurement of the D-5 intended for Trident 2 submarines after 1993.

According to the Office of Management and Budget, the Dellums amendment will produce savings of $1.2 billion in fiscal year 1994, an nearly $10 billion by the year 2000. The amendment wisely allocates half of these savings to deficit reduction and half to economic conversion, thus balancing the needs of a sound defense policy with the needs of a sound budget policy.

Let me remind my colleagues that the termination of the D-5 proposed in this amendment would in no way inhibit U.S. ability to defend its borders or deter threats. The D-5 is a submarine launched missile that was designed to blow up the Soviet Union. Well, the Soviet Union has blown up on it own. Our Nation no longer needs this cold war dinosaur.

I urge my colleagues to come to terms with the defense realities of 1993, to support increased funding for economic conversion and job training, and to support a most reasonable deficit reduction effort by supporting the Dellums amendment on the D-5 missile.

Mr. WELDON. Mr. Chairman, for years, we have seen a concerted effort to undermine modernization of our strategic triad.

First, it was the MX. Unstable, unreliable, they said. We already have adequate systems to deliver nuclear weapons. I read a quote from the debate in 1989 against MX:

> As far as mobile systems are concerned, we already have many of those. We have three types of systems we are going forward with. We have our submarines, the best force in the triad, three types of bombers, and we are going to have possibly the Midgetman.

Then it was the bomber upgrades. In addition to citing technical program problems, the critics once again argued that we have other effective delivery systems to deliver nuclear warheads on target.

After years of congressional wrangling over this issue, the Bush administration announced an unprecedented standdown of nuclear forces. But we did so knowing we had finally made progress on other arms reductions agreements with the Soviets and with the confidence that we could finally achieve mutually verifiable strategic arms reductions with the Soviets.

In January 1992, President Bush terminated MX. He took our bombers off alert status. It was the most dramatic action taken toward nuclear drawdown in history. That year, Congress halted production of the B–2 bombers. All major accomplishments in the arms control arena.

There have been efforts in the past to kill the Trident D–5, but they have failed miserably. But now that all the other systems have been terminated, we're back to slay the last dragon. The sea leg of the triad is the only one left with a warm production line, so some in this body are going to insist that we go after it, too. No matter that it was always the Trident force which was used to justify elimination of other strategic modernization programs.

I want to read a quote from our former colleague, Charlie Bennett, the recently-retired Chairman of the Seapower Subcommittee. During the D–5 debate in 1989, he said:

> This body has rejected attempts to halt production of the D-5 missile seven times in recent years. Why is this so? Simply put, it is because the D-5 can carry either greater payloads or equivalent payloads to longer ranges than its predecessor, thereby providing a much greater scope of opportunities that mean greater flexibility and survivability for our strategic forces.

Well, my friends as we have continued to reject attempts to kill D–5 production since that time. And we should do so today. Because of cost considerations and sound policy reasons, we have all but abandoned our efforts to modernize the air and land legs of the triad. As Secretary Aspin said in his recent letter, the United States will rely more heavily on submarine launched ballistic missiles [SLBM's] under START II. He says ending production of D–5 would eliminate incentives for Russia to implement both START I and START II. Colin Powell says that the D–5 missiles on the Trident submarines will be the backbone of the U.S. strategic deterrent forces in the START II environment. President Clinton has echoed these sentiments, warning that efforts to undermine the Trident Program could jeopardize START progress and open a pandora's box in terms of inviting counterproposals by our START partners for relief from other treaty dismantlement requirements they find onerous.

The President, the Joints Chiefs of Staff, and the Secretary of Defense have all cautioned us that termination of D–5 could have significant consequences for progress on arms reductions and dismantlement. They all believe that D–5 is absolutely essential to our strategic deterrent.

Those who believe the cold war is over should take the time to learn how fragile the arms reduction process is, and to understand that significant progress does not equal complete success. We must heed the advice of our leaders who are dealing firsthand with strategic deterrence and arms reductions, and reject amendments to kill D–5.

Mr. ABERCROMBIE. Mr. Chairman, I rise today to share with my colleagues why I think we can safely bring to a close our program of building D–5 submarine launched missiles after we buy a final 24 in fiscal year 1994. My amendment would eliminate $145 million for advanced procurement of the D–5—Trident II—missile.

Most arguments you will hear about the D–5 will tell you that it is highly effective and the backbone of our strategic deterrent.

Mr. Chairman, you can agree with both of those statements and still vote for this amendment. This amendment does not say that the D–5 is a bad weapon. We thank the Navy for a job well done, but we must recognize, that in this era of budget cuts we just do not need to spend billions on still more missiles.

The current D–5/C–4 inventory exceeds 650, and the Department of Defense Weapon

Support Improvement Group reports that the C–4's will last 23 more years or until the year 2016.

No one is saying we should throw away or get rid of the 273 D–5's we do, or soon will, have. It is a fine missile. We just do not need to spend billions on more. My amendment would save a minimum of $4 billion and up to $11 billion in missile production costs alone. The additional $7 billion would be saved if the Navy finally decided not to backfit the Pacific Fleet and replace the C–4's currently in use.

Mr. Chairman, the cold war has been history for over 2 years, our deficit is the highest in the history of this country, and yet we are told we must continue to build 24 D–5's per year at a cost of $50 million per missile and $1 billion per year from now until the year 2007.

There are alternatives. According to the Navy, they need a minimum of 109 more D–5 missiles after 1994. Instead of borrowing billions of dollars to do this, I believe it would be better to consider the following:

First, maintain current number of warheads per missile at eight instead of reducing to four as the Navy has planned. We could have the same 96 warheads, but would require 120 fewer D–5's. This would already amount to more than the 109 the Pentagon has requested;

Second, reducing the D–5 flight test rate to the same pace as that used by the Air Force for its strategic missiles, 3 per year, would eliminate the need for 60 missiles, and

Third, any reduction in the overall warhead ceiling of START II down from 3,500 to 2,500 any time in the next 20 years would eliminate the Navy's requirement by up to 125 missiles.

Mr. Chairman, put simply, the production of the D–5 missile should be stopped after fiscal year 1994 because it is possible to maintain our START II ceilings on submarine launched warheads with our current inventory. Any suggestion that we should do nothing in this area because of START II considerations should be seen as a smokescreen to scare people away from taking a closer look at this issue.

The elimination of advanced procurement money from the fiscal year 1994 DOD budget would save a minimum of 120 missiles and a minimum of $4 billion while retaining the same basic strategic capabilities.

The House Armed Services Committee has already directed the Secretary of Defense to examine other options which would allow us to achieve the submarine-launched ballistic missile warhead levels permitted under START II at significantly reduced cost and to report to the congressional defense committees on these options no later than April 1, 1994. As I have outlined, the Navy has many options to meet our strategic needs.

The Senate Armed Services Committee has added money to their bill to increase long-lead funding for next year which would double D–5 production rates. We as members of this body need to pass this amendment to offset this unwise action.

Mr. Chairman, the cold war is over. The American public knows that 650 nuclear-tipped submarine-launched missiles, backed up by over 200 strategic nuclear bombers and 500 deployed ICBM's are far more than enough to meet our needs for a strategic nuclear deterrence. They also know that in this time of budgetary constraint more D–5's are not needed for the strategic defense of this country. With the production of 24 missiles in 1994, we will have a sufficient SLBM inventory of C–4/D–5's to meet our needs into the next century.

The adoption of my amendment would stop production of the D–5 after fiscal year 1994 and would save the taxpayers $4 to 11 billion. America needs to reduce the deficit and not spend billions more on unneeded relics of the cold war.

□ 1110

The CHAIRMAN pro tempore (Mr. DURBIN). All time on general debate has expired. It is now in order to consider amendment No. 1 printed in part 2 of House Report No. 103–223.

AMENDMENT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DELLUMS: Strike out subsection (a) of section 153 (page 31, line 22, through page 32, line 5) and insert in lieu thereof the following:

(a) TERMINATION OF PRODUCTION.—None of the amounts appropriated pursuant to section 102 for procurement of weapons (including missiles and torpedoes) for the Navy for fiscal year 1994 may be obligated for procurement of Trident II (D–5) missiles or for advance procurement for production of D–5 missiles for a fiscal year after fiscal year 1994.

Strike out subsection (c) of section 153 (page 32, lines 16 through 24).

At the end of subtitle E of title I (page 33, after line 6), insert the following new section:

SEC. 155. REALLOCATION OF FUNDS.

(a) REDUCTION IN FUNDS FOR D–5 MISSILE.—The amount provided in section 102(a)(2) is hereby reduced by $1,128,551,000, to be derived from the Trident II (D–5) missile program.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from California [Mr. DELLUMS] will be recognized for 5 minutes, and the gentleman from South Carolina [Mr. SPENCE] will be recognized for 5 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, to begin the debate on the Dellums amendment, I am pleased to yield 1 minute to the distinguished gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I find myself in an awkward position today, in fact working against, in some ways, a number of my colleagues I have worked with in the past, including the gentleman from Utah [Mr. HANSEN]. The gentleman from Utah and I were just involved in a move several months ago to terminate the ASRM rocket system because NASA had changed the definition of its mission for the space station, and we made the case it was no longer necessary because the mission was changed.

Well, I think that is the same situation we find ourselves in today. The D–5 was planned during the cold war in order to penetrate hardened targets such as missile silos found only in the Soviet Union. As we know today, the Soviet Union is not the threat it was just several years ago.

Again, the gentleman from Utah [Mr. HANSEN] made the case that instead of facing one monster in the world, we now face hundreds of snakes all over the world. Well, let me make the second point. That with nearly 400 C–4 and 300 D–5 submarine-launched ballistic missiles, and 3,500 nuclear warheads, I would suggest we have enough fire power to kill thousands of snakes, if necessary.

The D–5 was designed to carry a larger warhead than its predecessor, the C–4, was able to support. Again, we have a changing mission. The larger warheads have been limited, and the D–5's today are carrying the same warheads as the C–4.

Finally, the bottom line—it may cost $350 million to retrofit, as the gentleman from South Carolina [Mr. SPRATT] said. It will cost $1.2 billion to finish the project, and $10 billion to 1999. Three hundred fifty million dollars is a very good financial figure.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island [Mr. MACHTLEY].

Mr. MACHTLEY. Mr. Chairman, I must rise in opposition to my distinguished chairman's amendment to terminate the D–5 missile. This is more than just an economic consideration. It is an international arms control strategic decision that we are about to make today.

The START treaty, as supported by the President of the United States, President Clinton, was predicated upon having D–5 missiles. Were the D–5 missile program to stop today, the entire START treaty very likely would have to be renegotiated.

But it is more than just a missile. It is an economic consideration as well, as my distinguished colleague, the gentleman from South Carolina [Mr. SPRATT] has discussed on this floor. It will actually cost us more money to reconfigure the 10 Trident submarines which are currently under construction to carry a C–4 missile or to do something else than it will to save the expected $1.2 billion which is in this current budget.

I ask my colleagues to support the President of the United States. He understands, although we must cut defense dollars, that we must also make sure that we are not ruining our strategic arms agreements, which have been very delicately discussed, negotiated, and agreed to.

There is no question that the START treaty will be in severe jeopardy were this amendment to pass. For this reason, because I believe that the economic realities of the cuts are going to not be realized, I would ask my colleagues to join me in opposing this amendment. I think it is important that we understand the facts and the strategic implications.

Mr. DICKS. Mr. Speaker, will the gentleman yield?

Mr. MACHTLEY. I yield to my distinguished colleague from Washington.

Mr. DICKS. Mr. Chairman, I just want to compliment the gentleman on his statement. The arms control implications of this are very serious. We have in essence protected D-5 and Trident in our START I and START II agreements. What we would really do here is undermine the entire negotiations between the United States and the former Soviet Union at a time when this is still under great doubt about just how this is going to come out, because of the disintegration of the Soviet Union.

Mr. DELLUMS. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, first let me just respond to my colleagues on this arms control issue. Frankly, Mr. Chairman, I think this is a scare tactic. If my colleagues will recall, historically the Russians tried to get us to stop producing the D-5 a long time ago.

The cold war is over. To talk about fighting nuclear war is madness. It is extraordinary, it is extreme.

As the gentleman from Wisconsin [Mr. KLUG] pointed out, this weapons system was designed to hit hard targets. As the gentlewoman from New York [Ms. VELÁZQUEZ] pointed out, the Soviet Union has exploded on its own.

The CHAIRMAN pro tempore. The Chair would advise Members that the gentleman from California [Mr. DELLUMS] has 3½ minutes remaining, and the gentleman from South Carolina [Mr. SPENCE] has 3 minutes remaining. The gentleman from California [Mr. DELLUMS] does have the right to close debate.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, let us put this in proper perspective. I appreciate my friend, the gentleman from Wisconsin [Mr. KLUG], and his fine comments. I would point out that the C-4 and D-5 are different missiles, one very accurate, and one not too accurate. The C-4 is not intended to be the permanent missile. It probably does not have quite the firepower that we are referring to.

Let us get this thing in proper perspective if we may. The Chairman of the Joint Chiefs made the following statement. This is a very important man and a very good man. He is not a Republican or a Democrat, as far as any of us know. And this is what he said:

> The D-5 missile on Trident submarines will be the backbone—the backbone—of the U.S. strategic deterrent forces under START II. I do not support the proposal of renegotiating the terms of the START II treaty with Russia to allow either country to decrease the number of missiles carried by a submarine. I believe that production of the D-5 should not be prematurely terminated. The vast majority of the Trident investment is behind us, and procuring the remaining missiles for the Atlantic Ocean Trident submarines will ensure a credible deterrent well into the twenty-first century.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, is it not also true that Les Aspin, the Secretary of Defense, strongly opposes this amendment?

Mr. HANSEN. Mr. Chairman, that is absolutely correct. I also have his quote, and I will not bore Members with it. Basically it is the same thing as what the Chairman of the Joint Chiefs said.

Mr. DICKS. Mr. Chairman, if the gentleman will yield further, is it also not true that Bill Clinton, the President of the United States, has written the Congress, written every Member up here, urging them not to end the D-5 program?

Mr. HANSEN. Mr. Chairman, reclaiming my time, I would also respond to that that we have a letter here in our package from the President of the United States urging us not to stop the D-5 program. Yes, the gentleman is correct.

Mr. DICKS. Mr. Chairman, does it not make sense in this context then to continue D-5? We are eliminating, as the gentleman mentioned and I mentioned, almost every other strategic nuclear program. So we have heard the plea of we do not need these systems, we do not need to worry about nuclear war fighting. There is one system left that is still unfinished, that is the most survivable part of the triad. Is that not correct?

Mr. HANSEN. Mr. Chairman, I agree with the gentleman. I think the gentleman made the point in his earlier remarks that we have given up on the bombers and our land-based missiles. We have one thing left in the basket, and that is the D-5. We should have the very best, and that is the D-5.

Mr. SPRATT. Mr. Chairman, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Chairman, I would like to make the point, to amplify what the gentleman said and to follow up what I said, that the cost of simply sticking the old C-4 in the tubes of the D-5 is substantial, and it really wipes out all the apparent savings that are touted for this solution. Per submarine, the cost is $350 million.

Then this D-5 missile has a flight control, navigation and guidance system that is state of the art. The C-4 has an older system that is much less efficient. You have got to strip it out and substitute that.

□ 1120

Then we have got to go to Kings Bay, GA, which was built to accommodate only the D-5 missile, and make $300 million of military construction improvements. And finally, for this additional cost, we get an older, less reliable, less accurate missile which has a service life remaining of 10 years. We are going to put a 10-year service life missile in a submarine that has a whole life of 20, 30, 40 years. It does not make sense.

The CHAIRMAN pro tempore (Mr. DURBIN). All time has expired in opposition to the amendment.

The gentleman from Minnesota [Mr. PENNY] is recognized for 3½ minutes.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. PENNY. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Chairman, let me say that survivability is rhetoric of the cold war, and the cold war is over.

I might say, as the gentleman from Wisconsin [Mr. KLUG] pointed out, we have enough missiles to destroy all life on this planet. To go forward is bizarre. We can save billions of dollars.

Mr. PENNY. Mr. Chairman, I rise today to urge Members to vote in favor of the Dellums amendment to terminate the D-5 missile. Americans are clearly demanding that Congress cut spending. We should respond by cutting weapons that are no longer needed.

The Trident II submarines and the Trident I submarines are currently deployed by the Navy, and this D-5 missile is designed to go into the tubes of those submarines. The D-5 missile was planned as a replacement for the C-4, and it is specifically designed to hit the hard targets found only in the Soviet Union.

This amendment reduces the amount provided in the bill for procurement for the D-5 missile. It would save a total of $1.2 billion in fiscal year 1994, over $10 billion in the next several years, another $5 billion will be saved if we do not have to retube the old Trident I submarines.

This amendment does not prevent the Department of Defense from deploying the 18 Trident submarines by the turn of the century. It does not prevent the Department of Defense from deploying the maximum number of nuclear warheads allowed under the START II treaty so long as we get an addendum or an amendment to that treaty speaking to this tubing issue. But even without an agreement with the Russians on this issue, we can reduce the number of D-5 missiles on each of the Trident submarines, and we would end up no worse than parity with the Soviet Union in terms of the number of warheads, 3,000 warheads.

In sum, what this amendment does is end the procurement of D-5 after 1993, and it requires the Department of Defense to maintain our sea-based leg with a lower cost to American taxpayers. Instead of a total of 628 D-5 missiles, we will still have 295; enough to deploy on the Trident II submarines, as well as to carry out an adequate testing and evaluation program.

I urge support for this amendment, which has been endorsed by the National Taxpayers Union, the Federation of American Scientists and other groups. The choice today is simple. We can vote to save billions of dollars, or we can vote to waste billions of dollars.

American voters want Congress to use some common sense. We cannot cut the deficit unless we cut spending.

Vote for the Dellums amendment.

Mr. DELLUMS. Mr. Chairman, this amendment would terminate production of the D–5—Trident II—missile in fiscal year 1994. Half the $1.128 billion in funds would be used for deficit reduction and half would be transferred to Defense conversion, intended for use with the technology reinvestment package.

Halting this program now will save at least $5 billion in program costs and perhaps as much as $19 billion, if we include the cost of backfitting the first eight Trident submarines with D–5 missiles, which the Navy wants to do. All this money will be borrowed, so we will be paying interest on this money as well. Over the next 30 years, this interest cost would add an extra $50 to $60 billion to the tab. We can't afford this waste.

Last year the Bush administration gave serious consideration to the option of offloading missiles from submarines to meet our lower START II warhead requirements. Secretary Cheney testified before Congress to this. DOD finally made up its mind without taking fiscal considerations into account.

So let us not be stampeded into thinking that this is an unrealistic option and would hurt the START process. It will help save us billions. I urge your support for this amendment.

Mr. DICKS. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from California [Mr. DELLUMS] that would terminate production of the Trident II missile.

The world security environment has undergone revolutionary change over the last 5 years. The Soviet Union is no more. The nations of Eastern Europe and the former Soviet Union are undergoing the challenging task of converting from failed state socialism to market economies and democratic political institutions. The United States and our Western Allies are committed to assisting these efforts that will hopefully result in a stable, peaceful world environment.

But we have not reached the point where we can be certain that the world will live happily ever after. Just as no one could have predicted the events of the last few years, no one can say for certain where the world will be by the year 2000. As noted in Secretary Aspin's bottom-up review, "tens of thousands of nuclear weapons continue to be deployed on Russian territory, and on the territory of three other former Soviet Republics." The political future of these Republics, including Russia, and whether they will continue to cooperate with the West, is not cast in stone.

Nuclear proliferation is an increasing threat. North Korea may be closer to developing the capability to produce nuclear weapons, and deliver them against their neighbors, than we have predicted in the past. India and Pakistan have the potential to develop into a dangerous point of nuclear confrontation. Terrorist states such as Iraq, Iran, and Libya also have dangerous potential. The bottom line is that it is far too early to conclude that we can forgo our nuclear deterrent forces entirely.

The fact remains that the United States has removed 80 percent of the START I required reductions in the number of warheads on ballistic missile systems, where as the former Soviet Union has only removed 15 percent of the same type.

The Russians are currently developing, and plan to deploy three new ballistic missiles within the next 10 years: a road mobile, single RV, as well as a silo-based single RV, and a follow-on missile for the Typhoon class ballistic missile submarine. These deployments occur despite its country's severe economic problems.

Russia is still facing controversy in attempting to achieve complete control over all of the 30,000 tactical and strategic nuclear warheads within the former Soviet Union. The Ukrainian and Russian Governments still must ratify their President's recommendations to bring these weapons under Russian control. Under the very best circumstances, it would take longer than 10 years to destroy these levels of stockpiles.

Nonetheless, the changed environment allows us to make dramatic reductions in these forces. Consider the cuts we have already made, or plan to make to comply with START II ceilings. The Peacekeeper, small ICBM and Minuteman II ICBM's are eliminated. All 500 Minuteman III missiles will be downloaded to a single warhead. We are buying only 15 percent of the B–2 bombers originally programmed, the SRAM II Program has been canceled and cruise missile carrying B–52's retired. All but three of the Poseidon submarines have already been scrapped and the remaining ones soon will be. The Trident submarine program has been capped at 18 and the W–88 warhead terminated.

As a result, the Trident submarine force will be even more critical as the lowest cost and the most survivable leg of the strategic deterrent. In addition, the D–5 is the only strategic missile still under production.

The assertion that the Navy already has enough D–5 missiles for deployment is incorrect. The fiscal years 1994 through 1999 production quantities requested by the Department of Defense are needed to support the inventory objective of 428 D–5 missiles.

This inventory is based on the commitment of 10 D–5 capable subs, 24 missiles per sub on patrol, flight test programs based on demonstrated reliability, the START I and START II Agreements and the planned strategic force structure. And as President Clinton has stated:

> Even at the lowest Trident levels that remain under review pursuant to the bottom-up review, additional D-5 missile procurements are required in fiscal years 1994 and 1995.

There are many who are offering statements suggesting we just detube the submarines. Deploying with empty tubes is not the answer in terms of the START Agreements, given the fact that it is the tubes and the launchers that are counted. The President clearly stated the problems when he said:

> A U.S. proposal along these lines would open a Pandora's box in terms of inviting counterproposals by our START partners for relief from other treaty dismantlement requirements they find onerous. If the United States were to ask Russia, Ukraine, Belarus and Kazakhstan for permission to revise or eliminate the strict START SLBM launcher elimination procedures, each of these states would likely demand a quid pro quo in areas under both START and CFE where they are already pressing us to simplify or waive weapons elimination requirements. The result would be an unraveling of the meticulously negotiated dismantlement procedures contained in both accords, with an attendant degradation in the irreversibility of these agreements.

It is no secret that the many Russians still believe that the terms in the START II Treaty are overly favorable to the United States, especially ICBM silo elimination procedures.

Reopening START I would no doubt cause the very unraveling of this long negotiated dismantlement treaty. I do not believe this Congress wants such a responsibility.

The Trident submarine force will constitute half of the U.S. strategic deterrence in the 21st century, and will provide the flexibility and reliability in U.S. strategic forces.

Mr. Chairman, I urge my colleagues not to support the Dellums amendment.

The CHAIRMAN pro tempore. All time has expired for debate on amendment No. 1 printed in part 2 of House Report 103-223, the amendment offered by the gentleman from California [Mr. DELLUMS] relating to the Trident II D-5 missile.

The question is on the amendment offered by the gentleman from California [Mr. DELLUMS].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DICKS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 183, noes 240, not voting 15, as follows:

[Roll No. 415]

AYES—183

Abercrombie
Allard
Andrews (ME)
Applegate
Ballenger
Barca
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Blackwell
Bonior
Boucher
Brown (CA)
Brown (OH)
Bryant
Byrne
Cardin
Carr
Clay
Clayton
Collins (IL)
Collins (MI)
Condit
Coppersmith
Coyne
Crane
Danner
de Lugo (VI)
DeFazio
DeLauro
Dellums
Dooley
Duncan
Durbin
Edwards (CA)
English (AZ)
Eshoo
Evans
Everett
Faleomavaega (AS)
Farr
Fields (LA)
Filner
Fingerhut
Flake
Ford (MI)
Ford (TN)
Frank (MA)
Furse
Gephardt
Gibbons
Gilchrest
Glickman
Goodlatte
Gordon
Grandy
Green
Gutierrez
Hall (OH)
Hamburg
Hastings
Hilliard
Hinchey
Hobson
Hoekstra
Holden

Hughes
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy
Kildee
Klink
Klug
Kopetski
Kreidler
LaFalce
Lambert
Leach
Lehman
Levin
Lewis (GA)
Long
Lowey
Maloney
Margolies-Mezvinsky
Markey
McCloskey
McDermott
McHale
McInnis
McKinney
Meehan
Mfume
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Moran
Morella
Murphy
Nadler
Neal (MA)
Norton (DC)
Nussle
Oberstar
Obey
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Penny
Peterson (MN)
Petri
Pomeroy
Porter
Poshard
Rahall
Ramstad
Rangel
Reynolds
Roemer
Rohrabacher
Romero-Barcelo (PR)
Rostenkowski
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Schaefer
Schenk
Schroeder
Scott
Sensenbrenner
Serrano
Sharp
Shays
Skaggs
Slaughter
Snowe
Stark
Strickland
Studds
Stupak
Swift
Synar
Thompson
Thurman
Torres
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Velazquez
Vento
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Williams
Woolsey
Wyden
Wynn
Yates
Zimmer

NOES—240

Ackerman
Andrews (NJ)
Andrews (TX)
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Brewster
Brooks
Browder
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cantwell
Castle
Chapman
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Combest
Cooper
Costello
Cox
Cramer
Crapo
Cunningham
Darden
de la Garza
Deal
DeLay
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doolittle
Dornan
Dreier
Dunn
Edwards (TX)
Emerson
English (OK)
Ewing
Fawell
Fazio
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gallo
Gejdenson
Gekas
Geren
Gillmor
Gilman
Gingrich
Gonzalez
Goodling
Goss
Grams
Greenwood
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Hefner
Herger
Hoagland
Hochbrueckner
Horn
Houghton
Hoyer
Huffington
Hunter
Hutchinson
Hutto
Inglis
Inhofe
Istook
Johnson (GA)
Johnson, Sam
Kaptur
Kasich
Kennelly
Kim
King
Kingston
Kleczka
Klein
Knollenberg
Kolbe
Kyl
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Machtley
Mann
Manton
Manzullo
Martinez
Matsui
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDade
McHugh
McKeon
McMillan
McNulty
Meek
Menendez
Meyers
Mica
Michel
Mineta
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Natcher
Olver
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Pickett
Pickle
Pombo
Portman
Pryce (OH)
Quillen
Quinn
Ravenel
Regula
Richardson
Ridge
Roberts
Rogers
Ros-Lehtinen
Rose
Rowland
Sarpalius
Sawyer
Saxton
Schiff
Schumer
Shaw
Shepherd
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Torkildsen
Torricelli
Visclosky
Walker
Walsh
Weldon
Whitten
Wilson
Wise
Wolf
Young (FL)
Zeliff

NOT VOTING—15

Archer
Brown (FL)
Conyers
Dingell
Engel
Foglietta
Hoke
Hyde
Neal (NC)
Price (NC)
Reed
Stokes
Valentine
Vucanovich
Young (AK)

□ 1145

The Clerk announced the following pair:

On this vote:

Mr. Stokes for, with Mrs. Vucanovich against.

Mr. KASICH changed his vote from "aye" to "no."

Messrs. ROYCE, SCHAEFER, BLACKWELL, SWIFT, Mrs. UNSOELD, and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. DURBIN). It is now in order to consider amendment No. 2 printed in part 2 of House Report 103-223.

AMENDMENT OFFERED BY MR. ABERCROMBIE

Mr. ABERCROMBIE. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ABERCROMBIE: In section 153(a)(2), strike out "not more than $145,251,000 may be obligated for advance procurement" (page 32, beginning on line 3) and insert in lieu thereof "no amount may be obligated for advance procurement".

At the end of section 153 (page 32, after line 24), insert the following:

(d) MISSILE INDUSTRIAL FACILITIES.—Of the funds appropriated to the Navy for fiscal year 1994, not more than $50,000,000 may be obligated for industrial facilities for production of Trident II (D-5) missiles.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Hawaii [Mr. ABERCROMBIE] will be recognized for 5 minutes, and a Member opposed, the gentleman from South Carolina [Mr. SPENCE] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, I thank the gentleman for yielding the time.

Mr. Chairman, having defeated the previous amendment, this Congress has now made the commitment to spend another $1 billion on the D-5 missile in fiscal year 1994. But at the very least we ought to be willing to say that that is the end of it.

The amendment offered by the gentleman from Hawaii [Mr. ABERCROMBIE] and cosponsored by myself, would cancel this weapon system beginning in fiscal year 1995. It would slice out the $200 million in development funds for those additional weapons in this year's budget. We at least ought to be able to do that.

□ 1150

We ought to be able to knock out the advanced procurement money which commits us to even more D-5 missiles into the future. The Abercrombie amendment gives us 1 year to kick the cold war addiction. This weapons system is no longer needed. This weapons system is a tremendous expense at a time when the country cannot afford it. This weapons system should be canceled and at the very least we ought to be willing to cancel it starting in fiscal 1995.

Vote for the Abercrombie-Penny amendment.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. I thank the gentleman for yielding me this time.

Ladies and gentlemen, this is another way to kill the D-5. If you voted "no" on the last amendment, you want to vote "no" on this one. I would like to engage in a colloquy with the gentleman from Washington [Mr. DICKS]. Let me first say that we have made a lot of down selections in our strategic assets. The D-5 is the consensus centerpiece of our strategic deterrent. That is a consensus that has been reached on the conservative side, on the liberal side; it is a consensus that exists in the Department of Defense and has been agreed to by the President of the United States. It is the right way to go.

If you voted "no" last time, vote "no" this time.

Let me yield to the gentleman from Washington.

Mr. DICKS. I thank the gentleman for yielding.

Mr. Chairman, I want to point out to my colleagues who say, "Why do we need nuclear weapons?" Let me tell you what the systems we have already cancelled are: We have stopped the Peacekeeper, we have stopped the small ICBM, we are building 15 percent of the B-5's that we intended to build; we stopped the SRAM II; we have eliminated the W-88 warhead. This is the only remaining system we have got. If we kill it, we undermine our entire position in the arms control agreement in START-I and START-II. It is opposed by the President of the United States, Bill Clinton; it is opposed by Les Aspin, former chairman of this committee and now our Secretary of Defense; Colin Powell, our most distinguished military leader and chairman of the Joint Chiefs, they are adamantly opposed to stopping this program because of what it does to us both strategically and also what it does to our arms control regime.

The gentleman from South Carolina [Mr. SPRATT] points out very effectively that we are only halfway through this program. And if we do not go ahead, then we are going to have to go back and put C-4's on submarines that were built for the D-5. This amendment makes no sense. We ought to, as the gentleman pointed out, we ought to stay with our previous position and support the committee position.

Mr. HUNTER. The gentleman is absolutely right. This would destabilize the arms control agreement that we put in place. Beyond that, we have North Korea looming on the horizon with potential hard targets.

Mr. ABERCROMBIE. Mr. Chairman, may I confirm the fact that this side has the right to close? Am I correct in that?

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman is correct.

Mr. ABERCROMBIE. Mr. Chairman, with that in mind, I would yield 1 minute to the gentleman from Washington [Mr. INSLEE].

Mr. INSLEE. I thank the genleman for yielding.

Mr. Chairman, I wish to share with my colleagues two facts that I learned when I studied the D-5 missile.

Fact No. 1: We have the ability to bounce to rubble today and tomorrow and for the next 30 years the Soviet Union and its former colonies with the C-4 missiles. The C-4 missile, according to a study conducted by the Department of Defense, concluded that the C-4 missile, which can bounce to rubble already, is good to the year 2016, 2016.

Let me tell you what we can already do with our capability today. Let me tell you what I found out. Today we have a study showing that with 140 equivalent megatons we can kill 158 million citizens of the former Soviet Union, kill 45 percent of the Soviet Union. Colleagues, guess how many equivalent megatons we will have under SALT-II. With 140 equivalent megatons, we can kill half the Soviet Union, then how many do you think we are going to have without the D-5? We are going to have 1,370.

We do not need a missile to do hardened targets. Nothing is hardened in the Soviet Union. The only thing that is hardened is our Federal deficit.

The CHAIRMAN pro tempore. The gentleman from South Carolina has 3 minutes remaining, and the gentleman from Hawaii [Mr. ABERCROMBIE] has 3 minutes remaining.

Mr. SPENCE. Mr. Chairman, I yield the remaining 3 minutes of our time to my colleague the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. I thank the gentleman for yielding this time to me.

Mr. Chairman, let me restate and emphasize what my colleague from California [Mr. HUNTER] just said: If you voted against the last amendment, you should vote against this amendment because both kill the D-5 missile before it is even begun to get close to the Navy's requirement. This amendment would kill the D-5 somewhere in the range of 250 to 260 missiles. The Navy needs 428 D-5 missiles just to accommodate, just to outfit the Trident, 10 Trident submarine boats that have been built around this particular missile system, designed, custom-built for the D-5. It will stop the D-5 program, but it will not stop the spending, which is what I have been trying to emphasize out here in the debate today. The savings that are touted here are more illusory than real. Indeed, I do not even think they exist.

It has been claimed we will save $10 billion. The whole up-cost to complete the procurement of the D-5 is just over $4 billion. Furthermore, if we do what Mr. INSLEE said and go to the C-4 as a substitute, the spending starts up. We need $350 million per boat to take the tubes and build the tubes so that they will accommodate the C-4 missile instead of the D-5 missile. That is $1.75 billion for 5 submarine boats. We need $340 million still for spares. If you do not have a production line to support the cost of the spare production, it is going to cost more than that.

We will need $300 million to go to Kings Bay, GA, where the Trident II's are based, and accommodate the facility to handle the C-4's. So we do not save any money. Furthermore, we have bought a missile that has a remaining life of 10 to 15 years, we put it on a submarine which has a hull life of 30 years, specified, with a hull life probably of 40 years. So before the life of the Trident II submarine has exhausted its hull life, this missile will be spent. We will have to replace it, we will have to service it to extend its life. That will cost another $3 billion to $4 billion. There are no savings here. It is clearly a compromise.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. I thank the gentleman for yielding. The gentleman is a real expert in this area.

I just want to say that one of the few things we still do in foreign policy that is bipartisan is arms control and that we have built our arms control regime, which is very complicated, around the D-5 missile. We now have 4 former Soviet states with nuclear systems. We have a very complicated arms control regime that has been transferred successfully, I think, to the Clinton administration.

If you believe in a bipartisan, stable arms control regime, vote for D-5. I thank the gentleman for his expertise.

Mr. SPRATT. The bottom line, Mr. Chairman, is there is no savings represented by this amendment. If you voted against the Dellums amendment, you should also vote against the Abercrombie amendment and you should understand that they will not save anything and they will give us a less effective, less reliable, less efficient missile system in return for the D-5 missile, which is under production now.

□ 1200

Mr. ABERCROMBIE. Mr. Chairman, I yield such time as he might consume to the distinguished committee chairman, the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Just briefly, Mr. Chairman, let me point out in response to my distinguished colleague, the gentleman from South Carolina [Mr. SPRATT], No. 1, the Navy understands and the Navy has reported that the C-4 missile is lasting a lot longer than they thought. If you do not add the guidance system to the C-4 missile, it does save you a significant amount of money. If you buy all the other arguments, the gentleman from South Carolina is correct. I do not buy all the arguments. They do not need a new guidance system on the C-4 and the dollars that we talked about are real savings.

Mr. ABERCROMBIE. Mr. Speaker, 183 people voted for the Dellums amendment the last time, which does not end any systems, which does not inhibit the capacity of the United States to defend itself in one single instance. Anybody who is bringing up on this floor that somehow we are ending our nuclear deterrence is not telling the truth.

The truth is that we are either going to make an effort on deficit spending or we are not going to do it. This is the way to do it.

This is the biggest pork barrel there is. This is missile bulimia. We are vomiting missiles up. We cannot consume all the missiles that are here.

Every single one of these is like a sorcerer coming in, sweeping out of the castle, one after another, never ending.

This is the opportunity for 35 Members, we are looking for 35 Members to look into their conscience and say enough is enough.

The people who want us to keep going with these missiles, the continuation of the building of these missiles, are the hard-line Communists who want to bring down Yeltsin in Russia, who use our continued missile building in this area, the D-5, as an example of why the United States is getting ready to wipe out Russia.

They are just as cynical as the people who want to go forward here when we have more than enough. This is our opportunity. Thirty-five Members, that is what we are looking for to stand up and take a stand today for fiscal sanity in the defense budget.

We are not moving to the domestic side. This gives us the opportunity to build housing for our military people, to see to it that they get an adequate pay raise, to see that they have the kind of weapons that they need today.

Many of you have taken trips over the break, you know what our military needs. This is low priority with the Navy.

This is the area and this is the time for us to step forward and make our vote.

Thirty-five Democrats and Republicans and Independents here, 35 people to take a stand for fiscal sanity in defense.

The CHAIRMAN pro tempore. Under the rule, all time has expired for consideration of Amendment No. 2 printed in House Report 103-223.

The question is on the amendment offered by the gentleman from Hawaii [Mr. ABERCROMBIE].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. ABERCROMBIE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 188, noes 240, not voting 10, as follows:

[Roll No. 416]

AYES—188

Abercrombie
Ackerman
Andrews (ME)
Applegate
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Blackwell
Bonior
Boucher
Brown (CA)
Brown (OH)
Bryant
Byrne
Cardin
Carr
Clay
Clayton
Coble
Collins (IL)
Collins (MI)
Condit
Coppersmith
Coyne
Crane
Danner
de Lugo (VI)
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dooley
Duncan
Durbin
Edwards (CA)
English (AZ)
Eshoo
Evans
Everett
Faleomavaega (AS)
Farr
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Glickman
Gonzalez
Goodlatte
Gordon
Grandy
Greenwood
Gutierrez
Hall (OH)
Hamburg
Hastings
Hilliard
Hinchey
Hobson
Hoekstra
Holden
Horn
Hughes
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnston
Kanjorski
Kennedy
Kildee
Klink
Klug
Kopetski
Kreidler
LaFalce
Lambert
Leach
Levin
Lewis (GA)
Long
Lowey
Maloney
Margolies-Mezvinsky
Markey
McCloskey
McDermott
McHale
McKinney
Meehan
Mfume
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Moran
Morella
Murphy
Nadler
Neal (MA)
Norton (DC)
Nussle
Oberstar
Obey
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Penny
Peterson (MN)
Petri
Pomeroy
Porter
Poshard
Rahall
Ramstad
Reed
Reynolds
Roemer
Rohrabacher
Romero-Barcelo (PR)
Rostenkowski
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sawyer
Schenk
Schroeder
Scott
Sensenbrenner
Serrano
Sharp
Shays
Skaggs
Slattery
Slaughter
Smith (MI)
Snowe
Stark
Strickland
Studds
Stupak
Swett
Synar
Thompson
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Velazquez
Vento
Washington
Waters
Watt
Waxman
Wheat
Williams
Woolsey
Wyden
Wynn
Yates
Zimmer

NOES—240

Allard
Andrews (NJ)
Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Borski
Brewster
Brooks
Browder
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cantwell
Castle
Chapman
Clement
Clinger
Clyburn
Coleman
Collins (GA)
Combest
Cooper
Costello
Cox
Cramer
Crapo
Cunningham
Darden
de la Garza
Deal
DeLay
Derrick
Diaz-Balart
Dickey
Dicks
Dixon
Doolittle
Dornan
Dreier
Dunn
Edwards (TX)
Emerson
English (OK)
Ewing
Fawell
Fazio
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Frost
Gallegly
Gallo
Gekas
Geren
Gillmor
Gilman
Gingrich
Goodling
Goss
Grams
Green
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hayes
Hefley
Hefner
Herger
Hoagland
Hochbrueckner
Houghton
Hoyer
Huffington
Hunter
Hutchinson
Hutto
Inglis
Inhofe
Istook
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Kaptur
Kasich
Kennelly
Kim
King
Kingston
Kleczka
Klein
Knollenberg
Kolbe
Kyl
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Machtley
Mann
Manton
Manzullo
Martinez
Matsui
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDade
McHugh
McInnis
McKeon
McMillan
McNulty
Meek
Menendez
Meyers
Mica
Michel
Mineta
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Natcher
Olver
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Pickett
Pickle
Pombo
Portman
Price (NC)
Pryce (OH)
Quillen
Quinn
Ravenel
Regula
Richardson
Ridge
Roberts
Rogers
Ros-Lehtinen
Rose
Rowland
Sarpalius
Saxton
Schaefer
Schiff
Schumer
Shaw
Shepherd
Shuster
Sisisky
Skeen
Skelton
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Sundquist
Swift
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Torkildsen
Valentine
Visclosky
Volkmer
Walker
Walsh
Weldon
Whitten
Wilson
Wise
Wolf
Young (FL)
Zeliff

NOT VOTING—10

Brown (FL)
Conyers
Engel
Hoke
Hyde
Neal (NC)
Rangel
Stokes
Vucanovich
Young (AK)

☐ 1221

The Clerk announced the following pair:

On this vote:

Mr. Stokes for, with Mrs. Vucanovich against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. BROWN of Florida. Mr. Chairman, because I was unfortunately delayed at Bethesda Naval Hospital today, I missed two recorded votes. Had I been present, I would have voted yea on rollcall votes No. 415 and No. 416.

The CHAIRMAN pro tempore (Mr. DURBIN). It is now in order to consider amendment No. 3 printed in part 2 of House Report 103-223.

AMENDMENT OFFERED BY MR. DICKS

Mr. DICKS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

Amendment offered by Mr. DICKS: Strike out subsection (c) of section 153 (page 32, lines 16 through 24).

Strike out section 154 (page 33, lines 1 through 6) and insert in lieu thereof the following:

SEC. 154. STUDY OF TRIDENT MISSILE SUBMARINE PROGRAM.

The Secretary of Defense shall submit to the congressional defense committees, not later than April 1, 1994, a report comparing (1) modifying Trident I submarines to enable those submarines to be deployed with D-5 missiles, with (2) retaining the Trident I (C-4) missile on the Trident I submarine. In preparing the report, the Secretary shall include considerations of cost effectiveness, force structure requirements, and future strategic flexibility of the Trident I and Trident II submarine programs.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Washington [Mr. DICKS] will be recognized for 5 minutes, and a Member opposed, the gentleman from South Carolina [Mr. SPENCE], will be recognized for 5 minutes.

The Chair recognizes the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, I yield myself such time as I may consume, and I yield to the gentlewoman from Washington [Ms. CANTWELL].

Ms. CANTWELL. Mr. Chairman, I rise in support of the Dicks amendment.

Mr. Chairman, in this era of massive Federal deficits, we must carefully scrutinize how we spend and save scarce defense resources. It is imperative that the money we do spend is spent wisely. In view to terminate Trident II—or the D–5—missile premature.

The Pentagon is continuing its investigation into the appropriate size and composition of our strategic forces for the post-cold-war world, as part of its comprehensive bottom-up review of defense programs, military strategy, and force structure. While we know some of the results of this review, DOD has yet to come out with its analysis on the D–5.

A number of objective studies—including a recent GAO report which states, "the sea leg—the Trident II—emerges as the most cost effective, taking into account all the measures of effectiveness * * *"—clearly suggest that we must carefully consider our actions.

Canceling production of this missile today will preempt the decisions to be made in the very near future concerning its role in the future security of our Nation.

While our DOD military and civilian leadership continue to debate this extremely complex and multi-faceted issue, we must restrain ourselves from taking irreversible and potentially irresponsible actions limiting our strategic force structure alternatives.

Mr. Chairman, this amendment is clearly such an action and should be rejected.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the chairman of the full committee.

Mr. DELLUMS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, as I understand it, this is the Dicks amendment that would require a study of the D–5 by April 1.

Mr. DICKS. The gentleman is correct.

Mr. DELLUMS. Mr. Chairman, based upon that and the reality that we do need this information, based on this information, I think this body can make a rational and intelligent decision with respect to the future of the D–5. In that regard, I am prepared on this side of the aisle to accept the amendment offered by the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, I deeply appreciate the kindness and courtesy of the chairman of the committee.

Mr. SPENCE. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from South Carolina.

Mr. SPENCE. Mr. Chairman, we have considered that amendment on our side, and we have no objection to it. We are in favor of it, and we would vote for its adoption.

Mr. DICKS. Mr. Chairman, I rise to offer an amendment to modify language included in H.R. 2401 regarding the Trident II Missile Program.

The bill before the House provides requested funding for this program, but restricts the obligation of these funds that undercut the effective execution of the program and could increase the burden on the taxpayers by millions of dollars. My amendment prevents a D-5 production shutdown while the Defense Department prepares a report on the long-range future of the program, and it deletes the legislation that prohibits Trident I submarines from ever being modernized with the D–5 missile.

Ballistic missile submarines have always provided our most survivable element of the nuclear triad. Under the START II Treaty, more than half of the Nation's warheads will be deployed on submarine-launched ballistic missiles. This amendment recognizes the reliance we will place on the Trident Program to maintain the highest degree of confidence in the future credibility of our strategic deterrent.

I believe that the committee did not fully appreciate the implications of the language it included restricting obligation of these funds, until a report is provided by the Secretary of Defense on how the Department intends to structure the Trident missile forces under the START II ceilings.

I wholeheartedly agree that such a study needs to be conducted, and my amendment retains the requirement that it be undertaken. In fact the Department is already in the process of making this evaluation. Secretary of Defense Aspin noted in his presentation last week on the bottom review that strategic forces will now become an area of particular focus.

But all viable options under consideration by the Department will require procurement of the missiles authorized in this bill. President Clinton stated this clearly in an August 2 letter, "even at the lowest Trident levels that remain under review pursuant to the bottom up review, additional D–5 missile procurements are required in fiscal year 1994 and 1995." This is not a case of waiting to see if these funds are going to be wasted. President Clinton, Secretary Aspin and Joint Chiefs of Staff Chairman Colin Powell have all expressed their unreserved judgment that we need to go forward with the program at least to the point that the funds in this bill provide.

Waiting over 4 months to obligate any of the fiscal year 1994 Trident missile procurement funds will clearly result in a production gap. Secretary of Navy John Dalton stated in a letter to Chairman DELLUMS:

> Since production of the 24 D–5 missiles requested in fiscal year 1994 is required to support the ten new construction D–5 configured SSBN's under any Start II Treaty scenarios, delayed obligation authority needlessly increases program cost by breaking numerous prime and subvendor production lines, which would necessitate costly requalification efforts. Contractors would be forced to lay off production workers, some sub-tier suppliers would likely drop out of the program and the technical risk involved in producing reliable D–5 missiles would be greatly increased.

This is a cost saving amendment.

My amendment also deletes the language that prohibits retrofitting Trident I submarines to carry D–5 missiles. My amendment recommends that the Secretary of Defense conduct a study comparing the options of D–5 missile backfit with keeping the C–4 missile on the Trident I submarine. The study will also consider cost effectiveness, force structure requirements, and future strategic flexibility.

Secretary Dalton states:

> As to the issue of backfitting the eight Pacific based Trident SSBN's to D–5 capability, the prohibition proposed in the HASC Report restricts the Department before it explores options to determine the most cost effective SLBM force structure in the broad context of all U.S. strategic forces. This provision amounts to a unilateral reduction in U.S. capability, outside the context of arms control initiatives, prior to the coordinated Department wide nuclear force posture review which is anticipated to begin in late 1993.

A decision on this issue does not have to be made until fiscal year 1996. Initial analysis indicates that it may well be less costly over the life of the program to retrofit Trident I equipped submarines rather than try to extend the service life of their missiles. My amendment gives the Secretary the flexibility he needs to conduct his thorough review for the future of the U.S. strategic forces, including the future of the Trident SSBN, and prevents any option from being precluded in the future Trident submarine force.

I urge your support of this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Washington [Mr. DICKS].

The amendment was agreed to.

BURDENSHARING

The CHAIRMAN pro tempore. It is now in order to debate the subject matter of burdensharing.

The gentlewoman from Tennessee [Mrs. LLOYD] will be recognized for 10 minutes and the gentleman from Pennsylvania [Mr. WELDON] will be recognized for 10 minutes.

The Chair recognizes the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is long past time for this body to place the burdensharing debate where it belongs—solidly on the grounds of securing our own national interests. Every Member of this body should certainly understand that we do not have troops in Japan, Korea, or Europe primarily to defend those countries. We have judged that vital U.S. national interests are at stake overseas and that forward military presence is vital to securing those interests. The United States must be willing to bear the responsibilities and burdens associated with securing its interests and should insist that its allies share those responsibilities to the extent that their interests are also being secured.

The Lloyd/Sisisky amendment recognizes the importance of forward military presence to securing U.S. national interests and would provide adequate support for maintaining that presence. It also recognizes that such forward presence costs us far less in the long run—it helps us pursue our own national security interests on a collective basis rather than pursuing them on a costly unilateral basis.

Let's take a look at the progress we are making as a result of the mandates passed in last year's authorization bill. First, as a result of the amendment offered last year by Mrs. SCHROEDER, we are withdrawing our troops from Europe so as to have no more than 100,000 there by 1996. Also by 1996 Mr. Gephardt's amendment from last year is reducing our total overseas forces to 60 percent of the 1992 level. The amendments of Mr. FRANK and Mr. KASICH resulted in the reduction of $500 million in U.S. overseas military spending. The amendment we are offering here would provide a capstone to these congressional actions with the net result of cutting $3.3 billion from last year's figures.

Mr. Chairman, our allies have also taken significant steps in the direction of more equitably sharing the responsibilities and burdens associated with mutual security and stability. Japan, for example, currently contributes roughly $3 billion per year against United States stationing costs and has agreed to pay virtually all such costs by 1995 except those, such as salaries, that would not be appropriate. South Korea currently contributes roughly $2 billion per year against United States stationing costs, and has agreed to pay substantially more by 1995. Germany hosts the largest concentration of United States forces overseas, provides by far the greatest reductions and offsets of United States stationing costs, and contributes far more than any other country to the reconstruction, democratization and economic reform of Eastern Europe.

Mr. Chairman, the amendment I am co-sponsoring today takes into account this significant progress we have made in reducing the U.S. costs of maintaining the forward military presence we need to secure our own national interests. The Lloyd/Sisisky amendment takes the careful and prudent approach to sound and workable burdensharing.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, as the ranking member on the NATO panel of the Committee on Armed Services, I want to applaud our chairperson for the job she has done on the issue of burdensharing.

As a Member who has supported burden sharing initiatives in the past and in the last session by our colleague, the gentleman from Ohio [Mr. KASICH], and our colleague, the gentleman from Missouri [Mr. GEPHARDT], I am well aware of the need to have our allies share more of the responsibility financially for our commitment both in Europe and around the world. However, I think some of the amendments that are going to be offered need to be looked at very closely by our colleagues.

Those of us on the Republican side could play a partisan game here. We could take some of the amendments that are going to be offered, namely, the amendment to be offered by the gentleman from Texas [Mr. BRYANT] and the amendment that will be offered by the gentleman from Massachusetts [Mr. FRANK], and we could support them and we could force this administration into what they describe as an impossible situation. But to do that, we think, would be not just unrealistic, but we think it would not be responsible, and, therefore, many of us will oppose the amendments, not because we want to embarrass the President; we want to work with him on foreign policy.

I would submit, Mr. Chairman, a letter that was sent to our chairman of the full committee, the gentleman from California [Mr. DELLUMS] from both Les Aspin, our Secretary of Defense, and Warren Christopher, our Secretary of State. In the letter they state in no uncertain terms that these amendments would jeopardize our vital national interests.

□ 1230

We will get into these in the amendments. But specifically they say that the proposed amendments run contrary to U.S. interests and would protend disastrous consequences, certainly a diminution of American prestige and leadership.

Mr. Chairman, this is not a Republican saying this. This is the Clinton administration. But we are going to do the responsible thing over here. We are going to work to oppose these amendments and support our President, and work to support our Secretary of State and Secretary of Defense, working to provide a responsible foreign policy.

Mr. Chairman, in closing, I would suggest those who want to cut $1 billion out of our defense budget should be offering an amendment to bring our troops home from Somalia. We could save $1.5 billion, because that is what it is costing us. But I do not see any of my colleagues who voted to keep our troops in Somalia for unlimited time periods standing up saying to bring our troops home now, let us save the $1.5 billion we are spending on the Somalia operation.

Mr. Chairman, during this debate I think we have to look closely at these amendments. I am going to be supporting the amendment offered by my colleague and the chairperson of our task forces, and I applaud her for her efforts, along with the gentleman from Virginia [Mr. SISISKY]. I would ask our colleagues to work with the gentlewoman from Tennessee [Mrs. LLOYD] in a joint effort to bring about real burden sharing in this bill.

Mr. Chairman, for the record I include the letter from the Secretary of State and Secretary of Defense referred to earlier.

SEPTEMBER 7, 1993.

Hon. NORMAN SISISKY,
Chairman, Subcommittee on Oversight and Investigations, House Armed Services Committee, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: When the Defense Authorization bills reach the floor, amendments will be considered requiring increased allied burdensharing, which would jeopardize our country's ability to sustain its strategic interests abroad.

These proposed amendments would generally reduce force structures, require higher percentages of allied contributions, or reduce anticipated Operations and Maintenance budgets.

It is our assessment, after substantial, very directed and detailed discussions with the Europeans that our burdensharing negotiations with major European allies will not conceivably yield the contributions called for by these proposals. As a result, if enacted into law, these amendments would force the withdrawal of U.S. troops from Europe, and with them would go our leadership position in European affairs, and our ability to promote and protect our vital interests there.

The President has re-affirmed the United States commitments to NATO, Japan and Korea to maintain our forward military presence. The President made these commitments largely because they represent our own vital strategic interests. The post Cold War period has brought new dangers and instability that threaten our fundamental interests.

Our allied security arrangements with the U.S. forward-deployed presence are the underpinning of our larger vital interests in the world. They contribute immeasurably to world peace; the expansion of democracy and human rights; access to open markets and economic growth opportunities; long-term stability; and democratic consolidation across the region, especially in Eastern Europe, Russia and the newly-independent states of the former Soviet Union.

We share the Congress' concern about equitable burdensharing, and this remains a primary Administration policy. However, the proposed amendments run contrary to U.S. interests and would portend disastrous consequences, certainly a diminution of American prestige and leadership, U.S. European presence, and regional and world influence. What the United States has achieved in Europe over the past half century would be in jeopardy.

We will continue to negotiate vigorously arrangements with our allies that seek to be more beneficial to the United States. The Administration pledges to do its utmost to achieve the lowest possible stationing costs through determined negotiations with our allies, in return for a reasonable level of funding for an adequate forward-deployed force that is ready and capable of carrying out U.S. and collective missions.

But more importantly, the Clinton Administration intends to undertake with our NATO allies a wide-ranging review of our mutual commitments to trans-Atlantic and European regional security through an enlarged concept of security responsibility sharing. The objective is to take us beyond the old, sterile approaches of the Cold War, and seek new understandings with our allies in the areas of defense planning; resource management; cost sharing and policy management, including sharing new roles and missions involving the emerging democracies of central and eastern Europe, peacekeeping, conflict prevention, and humanitarian relief, among others.

NATO remains the key to stability in Europe. U.S. leadership is vital to the Alliance's future, and we can continue to lead only as long as we maintain the readiness of our forward-deployed forces. We will keep you and the other members of Congress fully apprised on our progress in achieving the goals and objectives of our new strategy. We need Congress as a partner in this endeavor.

WARREN CHRISTOPHER,
Secretary of State.
LES ASPIN,
Secretary of Defense.

Mrs. LLOYD. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. WELDON] for his remarks.

Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, let me say I think burden sharing is one of the most important things we can do. I have never enjoyed really carrying a lot of the water on this, because anywhere you go, people want to treat you like you are the skunk at the garden party. But had some of us not been out there talking about this for a long time, believe me, we would not have made the progress we made in Japan and other places. Because, while it is hard to close bases at home because of Congress, it is very hard to close bases overseas because of the State Department. They have always got a treaty somewhere, and it would not be nice, and you should not do this. They are a better defender of overseas bases and them not having to pay than we are of our own bases in our own districts.

So I am going to try and say what this Congress said in 1991, and this Congress said it by a vote of 412 to 14, and that was when we look at our bases, we ought to look at all our bases in the base closure system, foreign and domestic.

Mr. Chairman, I think that is only fair. Because while they can close them without us, they cannot close them without the State Department, and they protect them.

Mr. Chairman, I just got a letter from one of our European allies, and I will not mention who, but saying how terribly unfair it is that we are thinking about closing the Bermuda base, because that runs their international airport which sustains tourism.

Mr. Chairman, do our constituents want us to know that in the Defense Department we are keeping open foreign airports that sustain tourism? There was not one word of national defense. They cited that the State Department said we should not do this because of treaties signed in 1941 and 1948.

Mr. Chairman, if we are going to allow that to continue, then fine. But that is what we are going to say today, that we ought to treat all the bases fairly, as this Congress said originally and then the administration refused to do. But the time has come. Times have changed, and I hope we can make some progress on that.

Mr. WELDON. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. SPENCE], the distinguished ranking member and leader in the House on defense issues.

Mr. SPENCE. Mr. Chairman, I rise today to express my views on the four so-called burdensharing amendments to H.R. 2401 made in order by the rule.

I am strongly opposed to the Bryant amendment, which requires U.S. allies to pay 100 percent of our overseas costs or else all U.S. troops must be withdrawn. This amendment fails to recognize that the United States maintains forward deployed forces in order to promote democracy, enhance stability, and deter would-be aggressors in regions where the United States has critical economic, political, and security interests. Therefore, I strongly urge my colleagues to vote "no" on the Bryant amendment.

I am also strongly opposed to the Frank amendment, which would reduce DOD fiscal year 1994 funds for military activities in Europe by $1 billion. Deep cuts in the budget for overseas defense activities, as required by the Frank amendment, would result in a considerable loss in the readiness of U.S. forces stationed in Europe and/or deeper reductions in the number of U.S. forces stationed there. As such, the practical effect of this amendment could be to force a return to the "hollow forces" of the 1970's in a region where the United States maintains critical economic, political, and security interests.

I should remind my colleagues that U.S. forces based in Europe are responsible for promoting and defending America's interests across some 82 nations, in an area of responsibility that encompasses not just Europe but also parts of the Near East, North Africa, and sub-Saharan Africa. In the past year alone, these forces have been called upon to perform a wide variety of challenging missions—for example, emergency evacuations of U.S. citizens, humanitarian relief, monitoring and enforcing U.N. resolutions, and providing surveillance of suspected drug traffickers.

My colleagues also should be aware that defense overseas funding has already been cut by approximately 30 percent since fiscal year 1992. It may surprise some of my colleagues to know that, contrary to the grossly inaccurate conventional wisdom, less than 10 percent of the annual U.S. defense budget is actually allocated for overseas defense activities of U.S. troops. In addition, the basing infrastructure in Europe has already been significantly reduced. To date, the United States has announced the closure or realignment of over 50 percent of the installations we occupied at the start of the drawdown in January 1990.

It is vital that the United States sustain a credible force presence in Europe. As Gen. John Shalikashvili, our next JCS Chairman, has observed:

> Our military contribution [to NATO] is significant compared to those of other member nations; so is our influence. Nothing can be more favorable for U.S. interests in Europe than to retain that degree of influence.

Yet the approach recommended by Mr. Frank, if adopted, could result in a dramatic decline in America's ability to influence events in Europe and throughout parts of Africa and Asia. Furthermore, it could result in a regional military force that is increasingly "hollow" and unable to perform the missions it will inevitably be called upon to conduct. For these reasons, Mr. Chairman, I strongly urge my colleagues to vote "no" on the Frank amendment.

Likewise, I oppose the Schroeder amendment, which would require the 1995 Defense Base Realignment and Closure Commission to include foreign bases along with domestic bases in its closure recommendations and require that at least 25 percent of the bases recommended for closure be overseas facilities.

If enacted, the Schroeder amendment would slow the process of closing or realigning overseas military bases considerably. The United States is reducing overseas bases far more rapidly than here at home. The number of defense sites or installations overseas where operations have ended or been reduced now stands at 840. In light of President Clinton's stated intention to draw down to 100,000 troops in Europe by September 1996, additional overseas base closure announcements will be forthcoming. The DOD plan is to reduce the overseas base structure by approximately 40 percent from cold war levels, consistent with planned reductions in personnel stationed overseas.

In addition, the Schroeder amendment would greatly complicate U.S. foreign policy by involving civilian base closure commissioners in complex treaty and status-of-forces agreement negotiations with foreign nations regarding the residual value of base properties, and so forth. Such an approach is both undesirable, unrealistic, and untenable. Therefore, I urge my colleagues to oppose the amendment offered by my colleague, Mrs. SCHROEDER.

On the other hand, Mr. Chairman, I support the Lloyd-Sisisky amendment, which takes into account the progress in burdensharing negotiations with our allies that has occurred over the past several years. Many of these developments were noted in a May 1993 Department of Defense report to Congress entitled, "Allied Contributions to the Common Defense."

Let me briefly remind my colleagues of some of these positive developments. First, Japan currently funds virtually all DOD in-country construction costs and provides, at no charge, land and facilities used by United States forces. These contributions represent roughly $3 billion a year in direct outlays, forgone receipts, and opportunity costs. In addition, under the cost-sharing arrangement concluded in 1991, Japan is assuming all labor and utilities costs such that, by 1995, Japan will bear virtually all costs of United States forces stationed on its soil.

Second, the Republic of Korea provides land and facilities for United States use; logistics support including ammunition storage and equipment maintenance; and manpower augmentees to United States Army units. These contributions represent roughly $2 billion a year. In addition, Korea has agreed to assume by 1995 a cost-sharing contribution equal to roughly one-third of won-based stationing costs—for example, labor, construction, and operations and maintenance. Korea is also assuming the lead role in our defense alliance. For example, on December 1, 1992, a Korean general assumed command over combined United States and South Korean ground forces.

Third, our allies provide significant levels of economic assistance to developing nations worldwide, in addition to contributing aid to the nations of Eastern Europe, and to the newly independent states of the former Soviet Union. This percentage is likely to increase as the Congress requires further reductions in U.S. foreign assistance programs.

Fourth, a year ago, NATO agreed—in response to a U.S. request—to an important change in the Infrastructure Program: extending eligibility for common funding to operations and maintenance costs, specifically those O&M costs bore by the United States to operate reinforcement facilities. The United States annually pays about $275 million in such costs.

This is not to suggest that we should end our efforts to achieve more equitable burdensharing arrangements with our allies. Indeed, the U.S. Government is presently exploring with our allies a variety of ways to reduce our stationing costs, such as seeking additional in-kind support, reducing local national employment costs, waiving or reducing fees and taxes, and increasing cooperative programs.

It does suggest, however, that in designing burdensharing strategies for NATO and our Pacific allies, we should eschew a one-formula-fits-all approach to the issue. Instead, it is critical to tailor our objectives to strategic and political characteristics of each alliance, as well as to the military, political, and economic circumstances of each ally.

Of the four burdensharing amendments before us today, only the Lloyd-Sisisky amendment takes such developments into account.

Finally, Mr. Chairman, my colleagues should be aware that the administration strongly opposes the Bryant, Schroeder and Frank amendments. In a September 7, 1993, letter from Secretary of State Warren Christopher and Secretary of Defense Les Aspin, they state:

> [These amendments] would jeopardize our country's ability to sustain its strategic interests abroad. If enacted into law, these amendments would force the withdrawal of U.S. troops from Europe, and with them would go our leadership position in European affairs, and our ability to promote and protect our vital national interests there . . . These proposed amendments run contrary to U.S. interests and would portend disastrous consequences, certainly a diminution of American prestige and leadership, U.S. European presence, and regional and world influence. What the United States has achieved in Europe over the past half century would be in jeopardy.

For these reasons, Mr. Chairman, I strongly urge my colleagues to oppose the Bryant, Frank, and Schroeder amendments, and to support the Lloyd-Sisisky amendment.

Hon. CLAIBORNE PELL,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: When the Defense Authorization bills reach the floor, amendments will be considered requiring increased allied burdensharing, which would jeopardize our country's ability to sustain its strategic interests abroad.

These proposed amendments would generally * * * force structures, require higher percentages of allied contributions, or reduce anticipated Operations and Maintenance budgets.

It is our assessment, after substantial, very directed and detailed discussions with the Europeans that our burdensharing negotiations with major European allies will not conceivably yield the contributions called for by these proposals. As a result, if enacted into law, these amendments would force the withdrawal of U.S. troops from Europe, and with them would go our leadership position in European affairs, and our ability to promote and protect our vital national interests there.

The President has re-affirmed the United States commitments to NATO, Japan and Korea to maintain our forward military presence. The President made these commitments largely because they represent our own vital strategic interests. The post Cold War period has brought new dangers and instability that threaten our fundamental interests.

Our allied security arrangements with the U.S. forward-deployed presence are the underpinning of our larger vital interests in the world. They contribute immeasurably to world peace; the expansion of democracy and human rights; access to open markets and economic growth opportunities; long-term stability; and democratic consolidation across the region, especially in Eastern Europe, Russia and the newly-independent states of the former Soviet Union.

We share the Congress' concern about equitable burdensharing, and this remains a primary Administration policy. However, the proposed amendments run contrary to U.S. interests and would portend disastrous consequences, certainly a diminution of American prestige and leadership, U.S. European presence, and regional and world influence. What the United States has achieved in Europe over the past half century would be in jeopardy.

We will continue to negotiate vigorously arrangements with our allies that seek to be more beneficial to the United States. The Administration pledges to do its utmost to achieve the lowest possible stationing costs through determined negotiations with our allies, in return for a reasonable level of funding for an adequate forward-deployed force that is ready and capable of carrying out U.S. and collective missions.

But more importantly, the Clinton Administration intends to undertake with our NATO allies a wide-ranging review of our mutual commitments to trans-Atlantic and European regional security through an enlarged concept of security responsibility sharing. The objective is to take us beyond the old, sterile approaches of the Cold War, and seek new understandings with our allies in the areas of defense planning; resource management; cost sharing and policy management, including sharing new roles and missions involving the emerging democracies of central and eastern Europe, peacekeeping, conflict prevention, and humanitarian relief, among others.

NATO remains the key to stability in Europe. U.S. leadership is vital to the Alliance's future, and we can continue to lead only as long as we maintain the readiness of our forward-deployed forces. We will keep you and the other members of Congress fully apprised on our progress in achieving the goals and objectives of our new strategy. We need Congress as a partner in this endeavor.

WARREN CHRISTOPHER,
Secretary of State.
LES ASPIN,
Secretary of Defense.

Mrs. LLOYD. Mr. Chairman, I do want to thank my colleagues on the other side of the aisle for their tremendous bipartisan support on this amendment. Certainly I want to pay tribute to the gentleman from South Carolina [Mr. SPENCE] for his outstanding leadership on this NATO panel as well.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. BRYANT].

Mr. BRYANT. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, I would respond to the gentleman from South Carolina [Mr. SPENCE] by saying if we are going to start talking about protecting our many varied interests, how about protecting the interests of the people in the United States with a decent health care plan? How about protecting them from crime, and letting them have a decent education system?

Have you looked at what they have in Europe today? We in America today have a homicide rate 10 times higher than they do in Europe. We have a rate of rape seven times higher than Europe. We have four times more robberies than they do in Europe at the present time.

Mr. Chairman, I submit to the gentleman from South Carolina [Mr.

SPENCE] and the other advocates on this side of the status quo that it is about time we stopped subsidizing the Europeans and Japanese and protecting them, and took some of that money and started protecting the American people.

I would like to see our people have a health care plan. I would like to see our people have freedom from fear on the streets. I would like to see our young people educated to the extent they educate them in Europe and Japan. We cannot do it when we spend $150 billion a year subsidizing the defense of the Europeans and the Japanese and others.

Mr. Chairman, these are commonsense amendments here today that call upon us to make a simple decision: Are we going to continue borrowing billions of dollars and giving it away to the Europeans and the Japanese, who, after all, are well able to support themselves, or are we going to take that money and begin to balance our own budget and deal with our problems here in the United States?

Mr. Chairman, my amendment simply says that by the year 2000 either they are going to pay the full cost of our defense of their part of the world, or we are going to be pulling out. Surely, my goodness, 48 years after World War II, we can surely make that decision today, a decision that would simply say that by the year 2000 you Europeans and you Japanese and others, by golly, it is time for you to pay for your own defense. We need that money here in the United States to pay for the defense of the American people.

Mr. WELDON. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. GILMAN], the distinguished ranking member of the Committee on Foreign Affairs.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding time to me. At the heart of this debate is the issue of defining and maintaining our country's ability to sustain its strategic interests abroad.

It should be clear to each and every Member that our allied security arrangements in Europe, Japan, and in Korea serve as the underpinning of our larger vital interests in the world. Those vital interests cannot be protected without a substantial U.S. forward-deployed presence.

That presence, and the associated leadership and prestige it brings, is at risk if the House were to take action to force untenable reductions in our forces in Europe and elsewhere in the world. As Secretary Christopher and Secretary Aspin spelled out yesterday in a letter to the Congress—a substantial U.S. forward-deployed presence abroad contributes immeasurably to world peace; to the expansion of democracy and human rights; access to open markets and economic growth opportunities; long-term stability; and democratic consolidation across the region, especially in Eastern Europe, Russia, and the newly Independent States of the former Soviet Union.

This is not to say that the United States should not continue to vigorously pursue arrangements with our allies that seek to be more beneficial to the United States. Indeed the American people deserve no less. But we must remind the American people that cutting U.S. forces abroad too far and too fast undercuts U.S. interests.

Some would have us believe that no U.S. forces abroad have been withdrawn. To the contrary, since 1986 the number of U.S. personnel permanently stationed overseas has been reduced by almost 200,000. In addition, the total number of U.S. military facilities overseas has been reduced by about 50 percent since 1990 and the United States is cutting bases overseas more quickly than domestic bases.

In this time of rapid change and uncertainty, it is essential that the United States demonstrate continuity of resolve and commitment in upholding its end of the transatlantic relationship. To that end, the Congress should work to maintain and enhance NATO's position as the principal guarantor of transatlantic security interests and as a viable political-military influence in Europe.

Accordingly, I urge my colleagues to vote against the Bryant, Schroeder, and Frank amendment and for the Lloyd/Sisisky amendment.

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Mrs. LLOYD. Mr. Chairman, I yield 2 minutes to our distinguished colleague, the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentlewoman for the evenhanded way in which she is allocating the time. I certainly plan to vote for the amendment that she and the gentleman from Virginia have put forward, but I find no conflict between that and the amendments of my colleagues.

We are at a critical juncture. The question is, will the American economy get the benefit of the collapse of the Soviet empire? The United States has, since early in the 1940's, been a major source of manpower and money to save much of the rest of the world from threats to its freedom.

We have had a great deal of success. Yes, there continue to be in the world people who mean us no good. There are people who run countries and who, in the rational scheme of things, would not be allowed to drive cars. But there is a qualitative difference between the Nazis and the Soviet threat to our very existence as a society and the kind of problems we face today. And it is a difference which allows us to make a substantial reduction in the amount that we spend, particularly in a force permanently stationed in one of the richest areas of the globe, Western Europe.

Our Western European allies now confront a zero threat. We have been told, in the absence of Communism, leave the troops in case trouble should break out, for instance, in Yugoslavia. And when trouble broke out in Yugoslavia, those European allies, who are the beneficiaries of the billions, hundreds of billions we have spent, said "Don't do anything."

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would simply say that I agree with every word the gentleman has just uttered. The question here is whether Uncle Sam is going to be Uncle Sam or Uncle Sucker. It is time we stopped playing the sucker.

Mr. FRANK of Massachusetts. It is clear that the most widely read book in Western Europe is Tom Sawyer. Not only have we been painting their fences, we pay for the privilege of doing it. We are not talking about diminishing one iota our ability to defend ourselves or our ability to respond to those in need. But the permanent stationing of 100,000 or more American troops does noting but to stimulate the European economy at great cost to our own.

The CHAIRMAN pro tempore (Mr. CHAPMAN). The gentleman from Pennsylvania [Mr. WELDON] has 4 minutes remaining.

Mr. WELDON. Mr. Chairman, I yield myself 15 seconds.

I just wish this debate were on saving the taxpayers over $1 billion by bringing our troops home from Somalia. The distinguished gentleman from West Virginia in the other body is trying to do this right now. That is the amendment we should be voting on here today, because we would support it on this side.

Mr. Chairman, I yield 1 minute and 45 seconds to my distinguished colleague, the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, I thank the gentleman for yielding time to me.

Burdensharing, that is getting our allies to pay an increased share of the amounts necessary to provide for our national security as well as theirs, is something that I believe we can all agree on.

Some of the amendments that we will discuss later today to accomplish this goal, in my opinion, are well-thought-out and I intend to support them. Others are, in my opinion, overreactions and, in my opinion, ill-advised.

The practical effect of some of the actions that some would take today would be to simply withdraw our forces by the year 2000 from our forward deployed positions.

I would just ask my friends on the other side of the aisle to remember just a few short years ago, when we needed to get into the deserts of Saudi Arabia in a hurry. I would make the point that it would have been well nigh impossible for us to do the same kind of deployment that we did during that action, if we had not had our forward-deployed force.

In addition, I would point out that U.S. power projection, our global base structure, our lift and logistics capabilities, our maritime forces all depend on some degree of sustained, reasonable forward deployment. It is not that we like to have people away from home. It is not that there is some magic reason that is subject to some discussion as to why we ought to be there. But withdrawing or sharply reducing our forces in Europe would be the practical effect of some of the burden sharing amendments today.

I urge my colleagues to do the responsible thing and look at each of these amendments as they come up with an eye toward being sure that we have the type of forward deployment that is essential to our national security.

Mrs. LLOYD. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. WELDON. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Mrs. FOWLER], a hard-working distinguished member of the Committee on Armed Services.

Mrs. FOWLER. Mr. Chairman, I rise in opposition to the amendment by my distinguished colleague from Colorado.

This Congress established a base-closing process that was meant to be effective and fair. If bases in the United States were being closed while bases overseas were left untouched, I would be the first to say the process was unfair.

But such inequity is not the case, Mr. Chairman. Our bases overseas are being closed. The number of defense sites or installations overseas where operations have ended or been reduced now stands at 840.

President Clinton has stated his intention to drawdown to 100,000 troops in Europe by September of 1996. That means additional overseas base closure announcements will be forthcoming.

The Defense Department plan is to reduce the overseas base structure by almost 40 percent from cold war levels.

Finally, Mr. Chairman, passage of this amendment would put our base closure commissioners square in the middle of complex treaty and status-of-forces agreement negotiations with foreign nations.

I urge my colleagues to oppose this amendment.

Mr. WELDON. Mr. Chairman, I yield the balance of our time to our distinguished leader on the committee, the ranking Republican of the Subcommittee on Military Installation and Facilities, the gentleman from California [Mr. HUNTER].

The CHAIRMAN pro tempore. The gentleman from California [Mr. HUNTER] is recognized for 1 minute.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding time to me, and I am sure the chairman will be glad to know that I just became chairman.

Let me just say to my friend that the idea of burdensharing is an important idea, and it is important to prod our allies and to try to get them to pick up some of this massive cost of keeping the world free. They are reluctant, and it does take pressure by Congress.

I want to address myself to the Schroeder amendment that will be coming up that would place the closure of foreign bases under the purview of the domestic Base Closing Commission and just tell colleagues that with respect to closing foreign bases, things are working.

We are closing foreign bases. We have closed now some 840 worldwide; since 1990, some 773 in Europe.

While some Members will say some of those were simply radar sites and small unit bases, that is accompanied by a drawdown in personnel of about 150,000 personnel since 1990. So if we look at this chart, we have gone from 304,000 people in Europe, fiscal year 1990, to about 164,000 today. Base closing in Europe is working.

I think if we put base closing under the Commission, we are going to slow it down. They are already stretched logistically. If we throw it in the pot with all the domestic bases, we are going to have a slower drawdown in Europe than we would have otherwise.

Mr. SPENCE. Mr. Chairman, I rise today to express my views on the four so-called burdensharing amendments to H.R. 2401 made in order by the rule.

I am strongly opposed to the Bryant amendment which requires U.S. allies to pay 100 percent of our overseas costs or else all U.S. troops must be withdrawn. This amendment fails to recognize that the United States maintains forward deployed forces in order to promote democracy, enhance stability and deter would be aggressors in regions where the United States has critical economic, political and security interests. Therefore, I strongly urge my colleagues to vote "No" on the Bryant amendment.

I am also strongly opposed to the Frank amendment which would reduce DOD fiscal year 1994 funds for military activities in Europe by $1 billion. Deep cuts in the budget for overseas Defense activities, as required by the Frank amendment, would result in a considerable loss in the readiness of U.S. Forces stationed in Europe and/or deeper reductions in the number of U.S. Forces stationed there. As such, the practical effect of this amendment could be to force a return to the hollow forces of the 1970's in a region where the United States maintains critical economic, political, and security interests.

I should remind my colleagues that United States Forces based in Europe are responsible for promoting and defending America's interests across some 82 nations, in an area of responsibility that encompasses not just Europe, but also parts of the Near East, North Africa, and sub-Saharan Africa. In the past year alone, these forces have been called upon to perform a wide variety of challenging missions—for example, emergency evacuations of U.S. citizens, humanitarian relief, monitoring and enforcing U.N. resolutions, and providing surveillance of suspected drug traffickers.

My colleagues should also be aware that Defense overseas funding has already been cut by approximately 30 percent since fiscal year 1992. It may surprise some of my colleagues to know that contrary to the grossly inaccurate conventional wisdom, less than 10 percent of the annual U.S. Defense budget is actually allocated for overseas defense activities of U.S. troops. In addition, the basing infrastructure in Europe has already been significantly reduced. To date, the United States has announced the closure or realignment of over 50 percent of the installations we occupied at the start of the drawdown in January 1990.

It is vital that the United States sustain a credible force presence in Europe. As Gen. John Shalikashvili, our next JCS Chairman, has observed:

> Our military contribution [to NATO] is significant compared to those of other member nations; so is our influence. Nothing can be more favorable for U.S. interests in Europe than to retain that degree of influence.

Yet the approach recommended by Mr. FRANK, if adopted, could result in a dramatic decline in America's ability to influence events in Europe and throughout parts of Africa and Asia. Furthermore, it could result in a regional military force that is increasingly hollow and unable to perform the missions it will inevitably be called upon to conduct. For these reasons, Mr. Chairman, I strongly urge my colleagues to vote "No" on the Frank amendment.

Likewise, I oppose the Schroeder amendment which would require the 1995 Defense Base Realignment and Closure Commission to include foreign bases along with domestic bases in its closure recommendations and require that at least 25 percent of the bases recommended for closure be overseas facilities.

If enacted, the Schroeder amendment would slow the process of closing or realigning overseas military bases considerably. The United States is reducing overseas bases far more rapidly than here at home. The number of defense sites or installations overseas where operations have ended or been reduced now stands at 840. In light of President Clinton's stated intention to drawdown to 100,000 troops in Europe by September 1996, additional overseas base closure announcements will be forthcoming. The DOD plan is to reduce the overseas base structure by approximately 40 percent from cold war levels, consistent with planned reductions in personnel stationed overseas.

In addition, the Schroeder amendment would greatly complicate U.S. foreign policy by involving civilian base closure commissioners in complex treaty and status-of-forces agreement negotiations with foreign nations regarding the residual value of base properties, etc. Such an approach is both undesirable, unrealistic, and untenable. Therefore, I urge my colleagues to oppose the amendment offered by my colleague, Mrs. SCHROEDER.

On the other hand, Mr. Chairman, I support the Lloyd-Sisisky amendment which takes into account the progress in burdensharing negotiations with our allies that has occurred over the past several years. Many of these developments were noted in a May 1993, Department of Defense report to Congress entitled, "Allied Contributions to the Common Defense."

Let me briefly remind my colleagues of some of these positive developments. First, Japan currently funds virtually all DOD in-country construction costs and provides, at no charge, land and facilities used by United States Forces. These contributions represent roughly $3 billion a year in direct outlays, foregone receipts, and opportunity costs. In addition, under the cost-sharing arrangement concluded in 1991, Japan is assuming all labor and utilities costs such that, by 1995, Japan will bear virtually all costs of United States Forces stationed on its soil.

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Third, our allies provide significant levels of economic assistance to developing nations worldwide, in addition to contributing aid to the nations of Eastern Europe, and to the newly independent States of the former Soviet Union. This percentage is likely to increase as the Congress requires further reductions in U.S. foreign assistance programs.

Fourth, a year ago, NATO agreed—in response to a U.S. request—to an important change in the Infrastructure Program: Extending eligibility for common funding to operations and maintenance costs, specifically, those O&M costs borne by the United States to operate reinforcement facilities. The United States annually pays about $275 million in such costs.

This is not to suggest that we should end our efforts to achieve more equitable burdensharing arrangements with our allies. Indeed, the U.S. Government is presently exploring with our allies a variety of ways to reduce our stationing costs, such as seeking additional in-kind support, reducing local national employment costs, waiving or reducing fees and taxes, and increasing cooperative programs.

It does suggest, however, that in designing burdensharing strategies for NATO and our Pacific allies, we should eschew a one-formula-fits-all approach to the issue. Instead, it is critical to tailor our objectives to strategic and political characteristics of each alliance, as well as to the military, political, and economic circumstances of each ally.

Of the four burdensharing amendments before us today, only the Lloyd-Sisisky amendment takes such developments into account.

Finally, Mr. Chairman, my colleagues should be aware that the administration strongly opposes the Bryant, Schroeder and Frank amendments. In a September 7, 1993, letter from Secretary of State Warren Christopher and Secretary of Defense Les Aspin, they state:

> * * * [these amendments] would jeopardize our country's ability to sustain its strategic interests abroad * * * If enacted into law, these amendments would force the withdrawal of U.S. troops from Europe, and with them would go our leadership position in European affairs, and our ability to promote and protect our vital national interests there. * * * These proposed amendments run contrary to U.S. interests and would portend disastrous consequences, certainly a diminution of American prestige and leadership, U.S. European presence, and regional and world influence. What the United States has achieved in Europe over the past half century would be in jeopardy."

For these reasons, Mr. Chairman, I strongly urge my colleagues to oppose the Bryant, Frank, and Schroeder amendments, and to support the Lloyd-Sisisky amendment.

Hon. CLAIBORNE PELL,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: When the Defense Authorization bills reach the floor, amendments will be considered requiring increased allied burdensharing which jeopardize our country's ability to sustain its strategic interests abroad.

These proposed amendments would generally * * * structures, require higher percentages of allied contributions, or reduce anticipated Operations and Maintenance budgets.

It is our assessment, after substantial, very directed and detailed discussions with the Europeans that our burdensharing negotiations with major European allies will not conceivably yield the contributions called for by these proposals. As a result, if enacted into law, these amendments would force the withdrawal of U.S. troops from Europe, and with them would go our leadership position in European affairs, and our ability to promote and protect our vital national interests there.

The President has re-affirmed the United States commitments to NATO, Japan and Korea to maintain our forward military presence. The President made these commitments largely because they represent our own vital strategic interests. The post Cold War period has brought new dangers and instability that threaten our fundamental interests.

Our allied security arrangements with the U.S. forward-deployed presence are the underpinning of our larger vital interests in the world. They contribute immeasurably to world peace; the expansion of democracy and human rights; access to open markets and economic growth opportunities; long-term stability; and democratic consolidation across the region, especially in Eastern Europe, Russia and the newly-independent states of the former Soviet Union.

We share the Congress' concern about equitable burdensharing, and this remains a primary Administration policy. However, the proposed amendments run contrary to U.S. interests and would portend disastrous consequences, certainly a diminution of American prestige and leadership, U.S. European presence, and regional and world influence. What the United States has achieved in Europe over the past half century would be in jeopardy.

We will continue to negotiate vigorously arrangements with our allies that seek to be more beneficial to the United States. The Administration pledges to do its utmost to achieve the lowest possible stationing costs through determined negotiations with our allies, in return for a reasonable level of funding for an adequate forward-deployed force that is ready and capable of carrying out U.S. and collective missions.

But more importantly, the Clinton Administration intends to undertake with our NATO allies a wide-ranging review of our mutual commitments to trans-Atlantic and European regional security through an enlarged concept of security responsibility sharing. The objective is to take us beyond the cold, sterile approaches of the Cold War, and seek new understandings with our allies in the areas of defense planning; resource management; cost sharing and policy management, including sharing new roles and missions involving the emerging democracies of central and eastern Europe, peacekeeping, conflict prevention, and humanitarian relief, among others.

NATO remains the key to stability in Europe. U.S. leadership is vital to the Alliance's future, and we can continue to lead only as long as we maintain the readiness of our forward-deployed forces. We will keep you and the other members of Congress fully apprised on our progress in achieving the goals and objectives of our new strategy. We need Congress as a partner in this endeavor.

WARREN CHRISTOPHER,
Secretary of State.
LES ASPIN,
Secretary of Defense.

The CHAIRMAN pro tempore. All time for general debate having now expired, it is now in order to consider amendment No. 1 printed in part 3 of House Report 103-223.

AMENDMENT OFFERED BY MR. BRYANT

Mr. BRYANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BRYANT: At the end of title X, insert the following section:

SEC. 1043. REQUIREMENT TO USE SAVINGS FROM BURDENSHARING CONTRIBUTIONS FOR DEFICIT REDUCTION.

(a) BURDENSHARING AGREEMENTS.—(1) As soon as practicable after the date of the enactment of this Act, the President should enter into negotiations for purposes of revising the host-nation agreement with each foreign country described in paragraph (2). A revised host-nation agreement is an agreement under which the foreign country agrees to assume, beginning on or before September 30, 1996, all costs incurred by the United States related to the presence of all United States military personnel stationed in the country. The agreement may provide for the phased-in assumption of such costs over the three-year period beginning on October 1, 1993, and ending on September 30, 1996.

(2) Paragraph (1) applies with respect to—

(A) each country of the North Atlantic Treaty Organization (other than the United States);

(B) Japan; and

(C) Korea.

(b) TROOP WITHDRAWAL.—If a revised host-nation agreement described in subsection (a) is not entered into by September 30, 1996, in a country to which subsection (a) applies, the President shall order the withdrawal of all United States Armed Forces assigned to permanent duty ashore in that country. The President may provide for the phased-in withdrawal of such forces over the four-year period beginning on October 1, 1996, and ending on September 30, 2000.

(c) USE OF SAVINGS REALIZED.—The savings realized each fiscal year as a result of the assumption of an increased share of United States costs by the foreign countries to which subsection (a) applies shall be used for deficit reduction.

(d) REPORT.—The Secretary of Defense shall include in the annual report required by section 1304 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2546) the following information:

(1) For each foreign country to which subsection (a) applies, the costs to the United States of maintaining and operating each United States military installation in that country during the preceding fiscal year.

(2) For each such military installation, the savings realized during the preceding fiscal year (if any) as a result of the assumption of an increased share of United States costs by the host nation.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. BRYANT] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

Mr. WELDON. Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN pro tempore. The gentleman from Pennsylvania [Mr. WELDON] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Texas [Mr. BRYANT].

□ 1250

Mr. BRYANT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment which has been reported by the Committee on Rules, which would provide that a host nation agreement be negotiated by the President, under which foreign countries which we are now subsidizing will agree to assume, beginning on or before September 30, 1996, 3 years from now, all costs, 100 percent of the costs, incurred by the United States related to the presence of our military personnel stationed in that country. It does not say that we withdraw, it says that our allies who wish to have us present in their territory will pay 100 percent of the cost of that.

If they do not pay 100 percent of the cost of it, then a phased-in withdrawal will occur, resulting in the removal of our troops from that country by September 30 of the year 2000.

Mr. Chairman, I submit that it has been almost 50 years since the end of World War II. Those who are seeking in Europe today to protect the Europeans from, since the cold war is over, a threat that is not entirely clear or definable, are no longer those who fought in World War II, nor are they even the sons of those who fought in World War II, they are the grandsons and granddaughters, and in some cases the great-grandsons and great-granddaughters of those who fought in that conflict.

I think we have to face the question ultimately, and today is the day to do it, of how long we are going to continue to subsidize the defense of First World countries who are well able to pay their own way, and in fact do pay their own way in all other respects.

How long are we going to continue to borrow from the future, borrow from the inheritance of our own children, and give the money away to the Europeans and to the Japanese and others in the form of a subsidy of their defense while we are unable to balance our own budget or even to meet fundamental requirements of a government, such as education, health care, and protection from crime?

I read some statistics just a moment ago. It is no surprise to me that we have fallen so far behind the Europeans and Japanese in so many indicators of social strength when we are paying the cost of the greatest and most expensive expenditure of our Government, defense, while they are able to get by paying only a fraction.

For example, when we look at the rate of crime in those countries, as I said during the general debate, our homicide rate is 10 times that of the Europeans. Our rate of rape is seven times that of the Europeans.

I submit to the Members, it is time to stop paying to protect the Europeans from an unknown threat. It is time for us to begin paying to protect the American people from a known threat: crime, ignorance, a deficit in training necessary to compete worldwide, and a lack of health care.

There is an amendment that gives us until the year 2000. Surely by the year 2000 it is time for us to say to them, "You pay the cost of your own defense. We in the United States need to balance our budget and provide the basics for our people, just as you have been able to provide the basics for your people due to a subsidy by the American taxpayer for so long."

Mr. Chairman, I reserve the balance of my time.

Mr. WELDON. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise in the strongest possible disagreement with the amendment offered by our colleague, the gentleman from Texas [Mr. BRYANT]. I could be partisan in this debate and say we should accept this amendment because, like my colleagues, I also agree, we should as much as possible get our allies to bear their proper share of the costs of their defense as well as our national security interests.

Mr. Chairman, I also have a responsibility here to be responsible as a member of the Committee on Armed Services, and having looked into this with my colleagues on both sides of the aisle, I am willing to listen to what the President of this country, who is not of my party, and his Secretary of Defense and his Secretary of State have said about this amendment, and one of the other amendments that will be offered today.

I would like to quote from that letter, which was written to our committee chairman. This is what Les Aspin and Warren Christopher said the amendment would do in terms of having an effect on our foreign policy:

> It runs contrary to U.S. interests, and would portend disastrous consequences: certainly a diminution of American prestige and leadership, U.S. European presence, and regional and world influence. What the United States has achieved in Europe over the past half century would be in jeopardy.

We on this side of the aisle could play the partisan game. We could support this amendment, and we could then have the President and the Secretary of State and the Secretary of Defense put into an embarrassing position, because they know full well they cannot sustain the gentleman's amendment.

However, we are not going to do that. We are going to stand with this President. We are going to stand with Warren Christopher. We are going to stand with Les Aspin and do what is responsible.

I ask my colleagues to overwhelmingly oppose the gentleman's amendment, support the President, support the Secretary of Defense, and support the Secretary of State.

Mr. McCURDY. Mr. Chairman, will the gentleman yield?

Mr. WELDON. I am pleased to yield 15 seconds to the gentleman from Oklahoma.

Mr. McCURDY. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I want to take a moment to thank the gentleman for his statement. I want to make a point that we are not there just to protect Europeans, it is United States interests that are at stake. The gentleman cited the letter from the Secretary of State and the Secretary of Defense, and the bottom line is the U.S. forces stationed abroad are not mercenaries. Burden-sharing is important. We are not there doing their bidding, we are there protecting our interests. That is what we should be mindful of in this debate.

Mr. WELDON. Mr. Chairman, I thank my colleague for his excellent comments, and I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. CHAPMAN). The gentleman from Texas has the right to close, and the gentleman from Pennsylvania [Mr. WELDON] has 2¾ minutes remaining.

Mr. WELDON. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from Virginia [Mr. PICKETT].

Mr. PICKETT. Mr. Chairman, I rise in opposition to my distinguished colleague's amendment.

The gentleman's amendment pursues a worthy objective, one that I have shared for years in my service on the Armed Services Committee. But it takes the wrong approach.

Let us look at what the amendment does. If the allied governments do not cough up funding for U.S. presence, then we begin to withdraw our troops. I submit that the decision on U.S. troop levels overseas is one that rests with the American people through their Congress and should not be left by default to be decided by European countries, depending upon their level of legislative funding support.

Yes; we need to demand more financial support from our allies. Yes; it is time for our negotiators to get serious. But tying our Nation's troop strength to host nation dollars is the wrong way to go.

That is why I urge my colleagues to support an amendment that will be offered later by Representatives LLOYD and SISISKY that provides for a more measured approach to the issue of burdensharing. It is tough in that it reduces $580 million this year from overseas spending. It takes a hard line on negotiations with our allies. But it does not allow the foreign nations to dictate our presence. It keeps the prerogatives for American national security in the hands of the American people.

I urge my colleagues to defeat the amendment of Mr. BRYANT and support the more measured approach that will be offered by Representatives LLOYD and SISISKY.

Mr. WELDON. Mr. Chairman, I yield the remainder of our time to our distinguished colleague, the gentleman from West Virginia [Mr. WISE].

The CHAIRMAN pro tempore. The gentleman from West Virginia [Mr. WISE] is recognized for 1 minute.

Mr. WISE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, the reason I rise to reluctantly oppose the amendment of the gentleman from Texas [Mr. BRYANT], and I will be voting for other burdensharing amendments later, is that it implies only our interests are at stake, and particularly in Japan. Let us take Japan for a minute. Recently Japan was paying $2.5 billion out of a $6 billion tab incurred to keep our troops there. That is about 40 percent. Under a 1991 agreement, that now rises to 75 percent that will be paid by the Japanese of the costs of stationing United States troops. I think that is very, very significant.

Is it only Japanese interests at stake? This is our major Northern Pacific base. We are not in the Philippines any more. This is our Pacific base. We have China unsteady, we have Russia going through its throes, and the other nations in that area. We have North Korea always unpredictable. Certainly, it is not just Japan that has a vital interest in the United States being able to project its force from the bases in Japan.

I would urge rejection of this amendment. I think it certainly sends the wrong message.

The CHAIRMAN pro tempore. The gentleman from Texas [Mr. BRYANT] has 1½ minutes remaining to close debate.

Mr. BRYANT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I regret very much to see my colleague, the gentleman from West Virginia, rise in support of a nation that very definitely has an interest in us continuing the status quo. Japan, which spends only 1 percent of its gross domestic product on defense, while we in the United States spend 5.2 percent, while we in the United States run a $50 billion budget trade deficit with the Japanese, yes, they have an interest in our continuing to pay their bills.

I urgently implore my colleagues not to postpone this decision any longer. Surely 50 years, almost 50 years since the end of World War II, we can make a decision that by the year 2000 we will no longer continue to subsidize the defense of First World allies who do a better job than we do in balancing their budgets, a better job than we do in educating their people, providing health care, and protecting their people from crime.

The front page of today's Washington Post says we have 90 million Americans who are only marginally literate, who can only perform the most fundamental tasks in terms of computations and reading.

☐ 1300

Surely it is time for us to stop subsidizing these nations that outcompete us today, that do not cut us any slack when it comes time to make trade agreements, and that do a better job of educating and preparing their people, and start using these dollars not to protect countries that can well pay to protect themselves, but use these dollars to protect the American people from a future that may very well be bleak unless we recognize our responsibility to our own fiscal soundness today.

I urge Members to vote aye on the Bryant amendment.

The CHAIRMAN pro tempore (Mr. DURBIN). All time has expired.

The question is on the amendment offered by the gentleman from Texas [Mr. BRYANT].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BRYANT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 195, noes 231, not voting 12, as follows:

[Roll No. 417]

AYES—195

Abercrombie
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Baesler
Ballenger
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Blackwell
Bonior
Borski
Boucher
Brown (CA)
Brown (OH)
Bryant
Burton
Byrne
Camp
Canady
Cardin
Carr
Chapman
Clay
Coble
Collins (IL)
Condit
Costello
Coyne
Crane
Cunningham
Danner
de Lugo (VI)
DeFazio
Dellums
Deutsch
Dingell
Doolittle
Dreier
Duncan
Durbin
Edwards (CA)
Engel
English (OK)
Eshoo
Evans
Everett
Ewing
Faleomavaega (AS)
Farr
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gillmor
Green
Greenwood
Hall (TX)
Hamburg
Hastings
Hayes
Hefner
Herger
Hilliard
Hinchey
Hobson
Hochbrueckner
Holden
Horn
Hunter
Inslee
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
Kanjorski
Kaptur
Kennedy
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lantos
LaRocco
Laughlin
Lehman
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Long
Lowey
Markey
Martinez
McDermott
McHale
McInnis
McKinney
Meehan
Menendez
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Murphy
Nadler
Natcher
Neal (MA)
Norton (DC)
Nussle
Oberstar
Obey
Owens
Pallone
Parker
Pastor
Payne (NJ)
Pelosi
Peterson (MN)
Petri
Pombo
Pomeroy
Poshard
Pryce (OH)
Rahall
Ramstad
Rangel
Ravenel
Regula
Reynolds
Roberts
Rohrabacher
Romero-Barcelo (PR)
Roth
Rowland
Royce
Rush
Sanders
Sangmeister
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shepherd
Slattery
Slaughter
Stark
Strickland
Studds
Stupak
Swett
Taylor (MS)
Taylor (NC)
Thompson
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Velazquez
Vento
Washington
Waters
Watt
Wheat
Wilson
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zimmer

NOES—231

Ackerman
Allard
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baker (CA)
Baker (LA)
Barrett (NE)
Bartlett
Barton
Bateman
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Brewster
Brooks
Browder
Brown (FL)
Bunning
Buyer
Calvert
Cantwell
Castle
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (GA)
Combest
Cooper
Coppersmith
Cox
Cramer

Crapo
Darden
de la Garza
Deal
DeLauro
DeLay
Derrick
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Dornan
Dunn
Edwards (TX)
Emerson
English (AZ)
Fawell
Fazio
Fields (TX)
Fish
Fowler
Franks (CT)
Gallegly
Gallo
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Gunderson
Gutierrez
Hall (OH)
Hamilton
Hancock
Hansen
Harman
Hastert
Hefley
Hoagland
Hoekstra
Houghton
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Inglis
Inhofe
Istook
Johnson (CT)
Johnson (GA)
Johnson, Sam
Johnston
Kasich
Kennelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lancaster
Lazio
Leach
Levin
Levy
Lewis (CA)
Linder
Livingston
Lloyd
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McHugh
McKeon
McMillan
McNulty
Meek
Meyers
Michel
Mineta
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Olver
Ortiz
Orton
Oxley
Packard
Paxon
Payne (VA)
Penny
Peterson (FL)
Pickett
Pickle
Porter
Portman
Price (NC)
Quillen
Quinn
Reed
Richardson
Ridge
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Roybal-Allard
Sabo
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Sundquist
Swift
Synar
Talent
Tanner
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Torkildsen
Underwood (GU)
Valentine
Visclosky
Volkmer
Walker
Walsh
Waxman
Weldon
Whitten
Williams
Wise
Wolf
Zeliff

NOT VOTING—12

Callahan
Collins (MI)
Conyers
Ford (TN)
Hoke
Hyde
Mfume
Neal (NC)
Stokes
Tauzin
Vucanovich
Young (AK)

☐ 1321

The Clerk announced the following pair:

On this vote:

Mr. Stokes for, with Mrs. Vucanovich against.

Mrs. ROUKEMA changed her vote from "aye" to "no."

Mr. RUSH, Ms. MCKINNEY, and Messrs. WYNN, EWING, and HILLIARD changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in part 3 of House Report 103–223.

AMENDMENT OFFERED BY MRS. SCHROEDER

Mrs. SCHROEDER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. SCHROEDER: At the end of subtitle B of title XXVIII of the bill, add the following new section:

SEC. 2819. EXPANSION OF BASE CLOSURE LAW TO INCLUDE CONSIDERATION OF MILITARY INSTALLATIONS OUTSIDE THE UNITED STATES FOR CLOSURE AND REALIGNMENT.

(a) EXPANSION OF SCOPE OF BASE CLOSURE LAW.—The Defense Base Closure and Realignment Act of 1990 (Part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) by redesignating sections 2910 and 2911 as sections 2911 and 2912, respectively; and

(2) by inserting after section 2909 the following new section:

"SEC. 2910. CONSIDERATION OF MILITARY INSTALLATIONS OUTSIDE THE UNITED STATES.

"(a) RECOMMENDATIONS FOR TERMINATION AND REDUCTIONS OF MILITARY OPERATIONS OUTSIDE THE UNITED STATES.—With respect to recommendations made in 1995 for the closure and realignment of military installations under this part, the Secretary and the Commission shall include recommendations for the termination and reduction of military operations carried out by the United States at military installations outside the United States.

"(b) SELECTION CRITERIA.—(1) Not later than December 31, 1993, the Secretary shall publish in the Federal Register and transmit to the congressional defense committees the criteria proposed to be used by the Department of Defense in making recommendations for terminating and reducing military operations carried out by the United States at military installations outside the United States. The Secretary shall provide an opportunity for public comment on the proposed criteria for a period of at least 30 days and shall include notice of that opportunity in the publication required under the preceding sentence.

"(2) Not later than February 15, 1994, the Secretary shall publish in the Federal Register and transmit to the congressional defense committees the final criteria to be used in making recommendations for terminating and reducing military operations carried out by the United States at military installations outside the United States.

"(3) The criteria developed under this subsection, along with the force-structure plan referred to in section 2903(a), shall be the final criteria to be used in making recommendations for terminating and reducing military operations carried out by the United States at military installations outside the United States, unless the criteria are—

"(A) disapproved by a joint resolution of Congress enacted on or before March 15, 1994; or

"(B) amended by the Secretary in the manner described in section 2903(b)(2)(B).

"(c) RECOMMENDATIONS OF THE SECRETARY.—The Secretary shall transmit recommendations to the Commission for the termination and reduction of military operations of the United States at specified military installations outside the United States. The recommendations shall be included in the recommendations transmitted to the Commission with respect to the closure and realignment of military installations inside the United States under section 2903(c).

"(d) REVIEW AND RECOMMENDATIONS BY COMMISSION.—The Commission shall review the recommendations transmitted by the Secretary under subsection (c). The Commission may make changes in the recommendations made by the Secretary only in the manner provided in subparagraphs (B), (C), and (D) of section 2903(d)(2). The Commission shall include, in its recommendations to the President under section 2903(d), its recommendations for the termination and reduction of military operations of the United States at specified military installations outside the United States.

"(e) REVIEW AND TRANSMITTAL BY THE PRESIDENT.—The recommendations transmitted by the President under section 2903(e) shall contain the recommendations of the Commission for the termination and reduction of military operations of the United States at specified military installations outside the United States.".

(b) EFFECT OF FAILURE TO INCLUDE SUFFICIENT OVERSEAS INSTALLATIONS.—Section 2903 of such Act is amended by adding at the end the following new subsection:

"(f) FAILURE TO INCLUDE SUFFICIENT OVERSEAS INSTALLATIONS.—(1) In the case of the recommendations of the Commission required to be transmitted to the Congress in 1995 pursuant to subsection (e), if the closure or realignment of military installations outside the United States does not account for at least 25 percent of the closure and realignment recommendations of the Commission, as certified by the Commission under paragraph (2), then the process by which military installations may be selected for closure or realignment under this part with respect to that year shall be terminated.

"(2) In determining whether the percentage specified in paragraph (1) is satisfied, the Commission shall calculate such percentage both in terms of—

"(A) the number of military installations outside the United States recommended for closure or realignment as a percentage of the total number of military installations recommended for closure or realignment that year; and

"(B) the number of military personnel and civilian employees of the Department of Defense stationed or employed outside the United States directly affected by the recommendations as a percentage of the total number of military personnel and civilian employees of the Department of Defense directly affected by the recommendations.".

(c) CONFORMING AMENDMENTS.—(1) Subsection (b) of section 2901 of such Act is amended to read as follows:

"(b) Purpose.—The purpose of this part is to provide a fair process that will result in the timely closure and realignment of military installations inside and outside the United States.".

(2) Section 2911 of such Act, as redesignated by subsection (a)(1), is amended—

(A) in paragraph (4), by inserting after the first sentence the following new sentence: "With respect to military operations carried out by the United States outside the United States, such term includes the sites and facilities at which such operations are carried out without regard to whether the sites and facilities are owned by the United States."; and

(B) by adding at the end the following new paragraph:

"(8) The terms 'closure' and 'realignment' include, with respect to military operations carried out by the United States outside the United States, the termination or reduction of such operations.".

The CHAIRMAN pro tempore. Pursuant to the rule, the gentlewoman from

Colorado [Mrs. SCHROEDER] will be recognized for 5 minutes, and a Member opposing, the gentleman from Pennsylvania [Mr. WELDON], will be recognized for 5 minutes.

The Chair recognizes the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I would like to reserve the right to hold my time to close debate.

The CHAIRMAN pro tempore. The gentlewoman from Colorado reserves her 5 minutes.

Mr. WELDON. Mr. Chairman, I rise in strong opposition to the Schroeder amendment, and I yield 2 minutes to my distinguished colleague, the gentleman from New Jersey [Mr. SAXTON], a member of the committee.

Mr. SAXTON. Mr. Chairman, I rise in opposition to this amendment.

Having had bases in my district go through the BRAC process in 1988, 1991 and 1993 I believe this amendment will do great harm to a process that works.

I oppose this amendment for several reasons.

First, the BRAC process was designed to bypass the politics that prevented Congress from closing a single domestic base during the 70's and the late 80's.

We could learn a lesson from the BRAC process. Since parochial interests have blocked base closure in the past and still block spending cuts today, I personally believe that a BRAC type procedure should be established to reduce spending and eliminate the deficit.

However, There is no political gridlock when it comes to closing foreign bases. The Pentagon has closed bases abroad with little or no rumblings in Congress.

Since 1990, BRAC has approved the closure or realignment of approximately 60 major facilities in the United States.

During that same time frame we have closed approximately 700 installations abroad. This is according to information provided to my office from the House Armed Services Committee. In this year alone 90 overseas base closures or realignments were announced as opposed to 32 at home approved by BRAC.

The third reason I am opposed to this amendment is that it would be a logistical nightmare to include foreign base closures in the domestic process. The domestic process includes visits to every major facility that makes it on the Secretary of Defense's list for closure or realignment.

It would be a logistical nightmare and inflate the cost of doing business to send a BRAC commissioner and several staff members abroad to visit every major foreign base on that list. These visits also include input from community leaders as to why their bases should not be closed.

The fourth reason I am opposed to this amendment is that if we incorporate foreign base closures into the domestic process that would mean, as I mentioned, meetings with community leaders.

As the process operates now, communities in the United States can make a case for having their bases removed from the closure list—and some are successful. Communities abroad cannot do this.

By voting for this amendment Congress could be providing a forum where foreign communities would be given equal status with American communities in trying to get their base removed from the list.

I know this is exactly the opposite of what the gentle lady from Colorado intended when she proposed this amendment.

For these reasons I urge my fellow colleagues to vote against this amendment.

Mr. WELDON. Mr. Chairman, I thank my distinguished colleague for his remarks.

Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Oklahoma [Mr. MCCURDY], a very respected Member and chairman of the Subcommittee on Military Installations and Facilities of the Committee on Armed Services.

Mr. MCCURDY. Mr. Chairman, I rise in opposition to the amendment offered by my friend and colleague, the gentleman from Colorado. This amendment would place the 1995 base closure round in jeopardy.

This amendment would grant the already overburdened Independent Base Closure and Realignment Commission the ability to recommend closure of foreign bases. Giving this Commission the ability to determine our country's national security arrangements overseas is an abrogation of the responsibilities of the executive branch and the oversight responsibilities of this Congress.

In addition, the amendment mandates the termination of the 1995 base closure round if the Commission's foreign closure recommendations do not constitute 25 percent of the total list. This requirement eliminates any possibility of achieving defense savings through a proper reduction in infrastructure costs that this Congress intended by the passage of the 1990 Base Closure Act.

Furthermore, it is conceivable that the Commission could be forced to include more domestic closures to satisfy this percentage requirement.

While this amendment makes for good bumper sticker politics, its effect runs counter to its good intentions. This House should not be in the business of handing over this country's national security arrangements to independent Commissions. There has already been a 42-percent reduction in overseas infrastructure, with more closure announcements likely. This administration is living up to its pledge to ensure that taxpayer moneys are being spent wisely in our overseas locations. The recently released bottom-up review also spoke to the need to continue to reduce excess infrastructure.

Mr. Chairman, Secretary of Defense Aspin has recently stated as of July that the total number of U.S. military sites overseas has been reduced by about 50 percent since January of 1990; 840 locations overseas were reduced or ended in the last 3 years, and of those, 773 are in Europe where the United States and its NATO allies no longer face the Moscow-Warsaw Pact.

There is also the intention to reduce U.S. forces there to 100,000 by September 30, 1996.

For these reasons, Mr. Chairman, I urge a no vote on the Schroeder amendment.

Mr. WELDON. Mr. Chairman, I yield the remaining 15 seconds to our distinguished colleague, the gentleman from California [Mr. HUNTER].

□ 1330

Mr. HUNTER. Mr. Chairman, let me just say that in Europe we have drawn down from 304,000 to 164,000. The Subcommittee on MILCON will be working this extensively next year.

I say to my colleagues, "Please vote no on the Schroeder amendment."

The CHAIRMAN pro tempore (Mr. DURBIN). All time in opposition to the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER] has expired. The Chair recognizes the gentlewoman from Colorado for 5 minutes to close debate.

Mrs. SCHROEDER. Mr. Chairman, I rise in support of my amendment, which would put overseas military bases on the 1995 base closure process, just like domestic bases. I urge you to vote yes on the amendment.

It is ludicrous that overseas bases have not been included in past base closure rounds. As we think our defense infrastructure at home, we should be doing the same with our bases overseas. In order to achieve this, the Pentagon needs the same push, as they now have with domestic bases, to make the hard choices of overseas base closures.

The Defense Department argues that it already has the ability to close overseas bases, and that it has closed hundreds of bases in recent years. These numbers may look impressive, but a closer look shows they are comparing apples with prunes: Domestic base closure lists close entire installations, overseas lists close sites—often unmanned, like radar towers, or with no military mission, like country clubs.

My amendment will treat overseas bases just like domestic bases during the 1995 base closure process. DOD will continue to make recommendations to the Base Realignment and Closure Commission, which will analyze the choices and make final recommendations to the President and Congress. In order to make my amendment effective, 25 percent of the 1995 base closure list must include overseas bases, and if not, then the base closure process will terminate for that year.

The House passed a similar provision in 1991, by a vote of 412–14, during consideration of the 1991 base closure list. Mr. Chairman, I urge you and our colleagues to make a similar vote this week to make the 1995 base closure process a similar success.

Mr. HORN. Mr. Chairman, I am delighted to urge the House to support the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER]. It is a matter of fairness that foreign bases also be included in the base closure process which now includes only domestic bases. This does not infringe on the President's ability to conduct foreign affairs. If I were President, I would welcome an independent commission's evaluation of foreign bases and the military value which they contribute to the defense of this Nation. It would aid the President in explaining to some nations why such an action must be taken. If the President believed a foreign base was absolutely essential to the defense of the United States, his request would be surely accepted by those involved in the base closure process.

Earlier this year, several of us put in legislation to accomplish exactly what the gentlewoman from Colorado has offered today. H.R. 1321 had bipartisan support. I hope that this amendment will also have bipartisan support. I commend the gentlewoman from Colorado for offering it.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WELDON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 286, noes 137, not voting 15, as follows:

[Roll No. 418]

AYES—286

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Applegate
Baesler
Barca
Barlow
Barrett (WI)
Beilenson
Bentley
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Burton
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Cooper
Costello
Coyne
Cramer
Crane
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Dreier
Duncan
Durbin
Edwards (CA)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Gillmor
Glickman
Gordon
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Holden
Horn
Houghton
Hoyer
Hughes
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Klug
Kopetski
Kreidler
LaFalce
Lambert
Lantos
LaRocco
Leach
Lehman
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Long
Lowey
Maloney
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McHale
McHugh
McInnis
McKinney
McNulty
Meehan
Meek
Meyers
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Montgomery
Moran
Morella
Murphy
Myers
Nadler
Natcher
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickle
Pomeroy
Portman
Poshard
Price (NC)
Quinn
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schaefer
Schenk
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shepherd
Skaggs
Skelton
Slattery
Slaughter
Snowe
Spratt
Stark
Stenholm
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Tanner
Taylor (MS)
Taylor (NC)
Tejeda
Thompson
Thurman
Torres
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Vento
Volkmer
Walsh
Washington
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Zimmer

NOES—137

Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berman
Bliley
Blute
Boehner
Bonilla
Bunning
Buyer
Castle
Coble
Collins (GA)
Combest
Coppersmith
Cox
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dunn
Edwards (TX)
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gibbons
Gilchrest
Gilman
Gingrich
Gonzalez
Goodlatte
Goodling
Goss
Grams
Hamilton
Hancock
Herger
Hoekstra
Huffington
Hunter
Hutchinson
Hutto
Inglis
Johnson, Sam
Kim
King
Kingston
Knollenberg
Kolbe
Kyl
Lancaster
Laughlin
Lazio
Levy
Lewis (FL)
Linder
Livingston
Lloyd
Machtley
Mann
Manzullo
McCandless
McCollum
McCrery
McCurdy
McDade
McKeon
McMillan
Menendez
Mica
Michel
Molinari
Mollohan
Moorhead
Murtha
Nussle
Oxley
Packard
Paxon
Pickett
Pombo
Porter
Pryce (OH)
Quillen
Ramstad
Rohrabacher
Ros-Lehtinen
Santorum
Saxton
Schiff
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stump
Talent
Thomas (CA)
Thomas (WY)
Thornton
Torkildsen
Torricelli
Visclosky
Walker
Weldon
Young (FL)
Zeliff

NOT VOTING—15

Becerra
Conyers
Ford (TN)
Hoke
Hyde
McDermott
Mfume
Neal (NC)
Romero-Barcelo (PR)
Stokes
Tauzin
Vucanovich
Whitten
Yates
Young (AK)

☐ 1353

The Clerk announced the following pair:

On this vote:

Mr. Stokes for, with Mrs. Vucanovich against.

Mr. BACHUS of Alabama and Mr. MENENDEZ changed their vote from "aye" to "no."

Messrs. DUNCAN, TAYLOR of North Carolina, GILLMOR, CRAMER, and TEJEDA changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. DURBIN). It is now in order to consider amendment No. 3 printed in part 3 of House Report 103–223.

AMENDMENT AS MODIFIED OFFERED BY MRS. LLOYD

Mrs. LLOYD. Mr. Chairman, I offer an amendment, as modified.

The CHAIRMAN pro tempore. The Clerk will designate the amendment, as modified.

The text of the amendment, as modified, is as follows:

Amendment offered by Mrs. LLOYD, as modified: At the end of title X (page 346, after line 23), insert the following new sections:

SEC. 1043. SHARING DEFENSE BURDENS AND RESPONSIBILITIES.

(a) FINDINGS.—Congress makes the following findings:

(1) Since fiscal year 1985, the budget of the Department of Defense has declined by 34 percent in real terms.

(2) During the past few years, the United States military presence overseas has declined significantly in the following ways:

(A) Since fiscal year 1986, the number of United States military personnel permanently stationed overseas has declined by almost 200,000 personnel.

(B) From fiscal year 1989 to fiscal year 1994, spending by the United States to support the stationing of United States military forces overseas will have declined by 36 percent.

(C) Since January 1990, the Department of Defense has announced the closure, reduction, or transfer to standby status of 840 United States military facilities overseas, which is approximately a 50 percent reduction in the number of such facilities.

(3) The United States military presence overseas will continue to decline as a result of actions by the executive branch and the following initiatives of the Congress:

(A) Section 1302 of the National Defense Authorization Act for Fiscal Year 1993, which required a 40 percent reduction by September 30, 1996, in the number of United States military personnel permanently stationed ashore in overseas locations.

(B) Section 1303 of the National Defense Authorization Act for Fiscal Year 1993, which specified that no more than 100,000 United States military personnel may be permanently stationed ashore in NATO member countries after September 30, 1996.

(C) Section 1301 of the National Defense Authorization Act for Fiscal Year 1993, which reduced the spending proposed by the Department of Defense for overseas basing activities during fiscal year 1993 by $500,000,000.

(D) Sections 913 and 915 of the National Defense Authorization Act for Fiscal Years 1990 and 1991, which directed the President to develop a plan to gradually reduce the United States military force structure in East Asia.

(4) The East Asia Strategy Initiative, which was developed in response to sections 913 and 915 of the National Defense Authorization Act for Fiscal Years 1990 and 1991, has resulted in the withdrawal of 12,000 United States military personnel from Japan and the Republic of Korea since fiscal year 1990.

(5) In response to actions by the executive branch and the Congress, allied countries in which United States military personnel are stationed and alliances in which the United States participates have agreed in the following ways to reduce the costs incurred by the United States in basing military forces overseas:

(A) Under the 1991 Special Measures Agreement between Japan and the United States, Japan will pay by 1995 almost all yen-denominated costs of stationing United States military personnel in Japan.

(B) The Republic of Korea has agreed to pay by 1995, one-third of the won-based costs incurred by the United States in stationing United States military personnel in the Republic of Korea.

(C) The North Atlantic Treaty Organization (NATO) has agreed that the NATO Infrastructure Program will adapt to support post-Cold War strategy and could pay the annual operation and maintenance costs of facilities in Europe and the United States that would support the reinforcement of Europe by United States military forces and the participation of United States military forces in peacekeeping and conflict prevention operations.

(D) Such allied countries and alliances have agreed to more fully share the responsibilities and burdens of providing for mutual security and stability through steps such as the following:

(i) The Republic of Korea has assumed the leadership role regarding ground combat forces for the defense of the Republic of Korea.

(ii) NATO has adopted the new mission of conducting peacekeeping operations and is, for example, providing land, sea, and air forces for United Nations efforts in the former Yugoslavia.

(iii) The countries of western Europe are contributing substantially to the development of democracy, stability, and open market societies in eastern Europe and the former Soviet Union.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the forward presence of United States military personnel stationed overseas continues to be important to United States security interests;

(2) that forward presence facilitates efforts to pursue United States security interests on a collective basis rather than pursuing them on a far more costly unilateral basis or receding into isolationism;

(3) the bilateral and multilateral arrangements and alliances in which that forward presence plays a part must be further adapted to the security environment of the post-Cold War period;

(4) the cost-sharing percentages for the NATO Infrastructure Program should be reviewed with the aim of reflecting current economic, political, and military realities and thus reducing the United States cost-sharing percentage; and

(5) the amounts obligated to conduct United States overseas basing activities should decline significantly in fiscal year 1994 and in future fiscal years as—

(A) the number of United States military personnel stationed overseas continues to decline; and

(B) the countries in which United States military personnel are stationed and the alliances in which the United States participates assume an increased share of United States overseas basing costs.

(c) REDUCING UNITED STATES OVERSEAS BASING COSTS.—(1) In order to achieve additional savings in overseas basing costs, the President should—

(A) continue with the reductions in United States military presence overseas as required by sections 1302 and 1303 of the National Defense Authorization Act for Fiscal Year 1993; and

(B) intensify his efforts to negotiate a more favorable host-nation agreement with each foreign country to which this paragraph applies under paragraph (3)(A).

(2) For purposes of paragraph (1)(B), a more favorable host-nation agreement is an agreement under which such foreign country—

(A) assumes an increased share of the costs of United States military installations in that country, including the costs of—

(i) labor, utilities, and services;

(ii) military construction projects and real property maintenance;

(iii) leasing requirements associated with the United States military presence; and

(iv) actions necessary to meet local environmental standards;

(B) relieves the Armed Forces of the United States of all tax liability that, with respect to forces located in such country, is incurred by the Armed Forces under the laws of that country and the laws of the community where those forces are located; and

(C) ensures that goods and services furnished in that country to the Armed Forces of the United States are provided at minimum cost and without imposition of user fees.

(3)(A) Except as provided in subparagraph (B), paragraph (1)(B) applies with respect to—

(i) each country of the North Atlantic Treaty Organization (other than the United States); and

(ii) each other foreign country with which the United States has a bilateral or multilateral defense agreement that provides for the assignment of combat units of the Armed Forces of the United States to permanent duty in that country or the placement of combat equipment of the United States in that country.

(B) Paragraph (1) does not apply with respect to—

(i) a foreign country that receives assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2673) (relating to the foreign military financing program) or under the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.); or

(ii) a foreign country that has agreed to assume, not later than September 30, 1996, at least 75 percent of the nonpersonnel costs of United States military installations in the country.

(d) OBLIGATIONAL LIMITATION.—(1) The total amount appropriated to the Department of Defense for Military Personnel, for Operation and Maintenance, and for military construction (including NATO Infrastructure) that is obligated to conduct overseas basing activities during fiscal year 1994 may not exceed $16,915,400,000 (such amount being the amount appropriated for such purposes for fiscal year 1993 reduced by $3,300,000,000).

(2) For purposes of this subsection, the term "overseas basing activities" means the activities of the Department of Defense for which funds are provided through appropriations for Military Personnel, for Operation and Maintenance (including appropriations for family housing operations), and for military construction (including family housing construction and NATO Infrastructure) for the payment of costs for Department of Defense overseas military units and the costs for all dependents who accompany Department of Defense personnel outside the United States.

(e) ALLOCATIONS OF SAVINGS.—Any amounts appropriated to the Department of Defense for fiscal year 1994 for the purposes covered by subsection (d)(1) that are not available to be used for those purposes by reason of the limitation in that subsection shall be allocated by the Secretary of Defense for operation and maintenance and for military construction activities of the Department of Defense at military installations and facilities located inside the United States.

SEC. 1044. BURDENSHARING CONTRIBUTIONS FROM DESIGNATED COUNTRIES AND REGIONAL ORGANIZATIONS.

(a) IN GENERAL.—Section 1045 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1465) is amended—

(1) in subsection (a)—

(A) by striking out "During fiscal years 1992 and 1993, the Secretary" and inserting in lieu thereof "The Secretary"; and

(B) by striking out "Japan, Kuwait, and the Republic of Korea" and inserting in lieu thereof "any country or regional organization designated for purposes of this section by the Secretary of Defense"; and

(2) in subsection (f)—

(A) by striking out "each quarter of fiscal years 1992 and 1993" and inserting in lieu thereof "each fiscal-year quarter";

(B) by striking out "congressional defense committees" and inserting in lieu thereof "Congress"; and

(C) by striking out "Japan, Kuwait, and the Republic of Korea" and inserting in lieu thereof "each country and regional organization from which contributions have been accepted by the Secretary under subsection (a)".

(b) CLERICAL AMENDMENT.—The heading of such section is amended to read as follows:

"SEC. 1045. BURDENSHARING CONTRIBUTIONS FROM DESIGNATED COUNTRIES AND REGIONAL ORGANIZATIONS.".

SEC. 1045. MODIFICATION OF CERTAIN REPORT REQUIREMENTS.

(a) BIENNIAL NATO REPORT.—Section 1002(d) of the Department of Defense Authorization Act, 1985 (Public Law 98–525; 22 U.S.C. 1928 note), is amended—

(1) by striking out "(1) Not later than April 1, 1990, and biennially each year thereafter" and inserting in lieu thereof "Not later than April 1 of each even-numbered year";

(2) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2); and

(3) by striking out paragraph (2) (following the paragraph (2) designated by paragraph (2) of this subsection).

(b) REPORT ON ALLIED CONTRIBUTIONS.—Section 1046(e) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1467; 22 U.S.C. 1928 note) is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(4) specifying the incremental costs to the United States associated with the permanent stationing ashore of United States forces in foreign nations.".

(c) SENSE OF CONGRESS.—(1) The Congress finds that the Secretary of Defense did not submit to Congress in a timely manner the report on allied contributions to the common defense required under section 1003 of the National Defense Authorization Act, 1985 (Public Law 98–525; 98 Stat. 2577), to be submitted not later than April 1, 1993.

(2) It is the sense of Congress that the timely submission of such report to Congress each year is essential to the deliberation by Congress concerning the annual defense program.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentlewoman from Tennessee [Mrs. LLOYD] will be recognized for 5 minutes, and the gentleman from Pennsylvania [Mr. WELDON] will be recognized for 5 minutes.

The Chair recognizes the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will offer an amendment, along with my cosponsor, Mr. SISISKY, in an effort to provide the House with a responsible approach to the oversight of U.S. military basing activities overseas. And, frankly, Mr. Chairman, we offer this amendment to help counter and deflect less responsible amendments that would cut too deeply into the ability of the United States to secure its own vital national interests overseas.

Mr. Chairman, it is long past time for this body to place the burdensharing debate where it belongs—solidly on the grounds of securing our own national interests. Every Member of this body should certainly understand that we do not have troops in Japan primarily to defend Japan. We do not have troops in Korea primarily to defend Korea. We do not have troops in Europe primarily to defend Europe. The Armed Services Committee and the administration, like past Congresses and administrations, have judged that vital U.S. national interests are at stake overseas and that forward military presence is vital to securing those interests. The United States must be willing to bear the responsibilities and burdens associated with securing its interests and should insist that its allies share those responsibilities and burdens to the extent that their interests are also being secured.

This amendment recognizes the importance of forward military presence to securing U.S. national interests and would provide adequate support for maintaining that presence. It also recognizes that such forward presence costs us far less in the long run—it helps us pursue our own national security interests on a collective basis rather than pursuing them on a far more costly unilateral basis or ignoring them altogether and retreating into isolationism.

Our amendment takes into account the great strides that have been made in implementing recent congressional mandates regarding overseas basing activities and allied commitments to sharing more equitably the responsibilities and burdens associated with our mutual security. For example, since 1986, the number of U.S. military personnel permanently stationed overseas has declined by almost 200,000; Since 1989, U.S. spending for overseas basing activities has fallen by more than 36 percent; the total number of U.S. military facilities overseas has been reduced by about 50 percent and we are cutting bases overseas more quickly than domestic bases.

Let us take a look at the progress we are making as a result of last year's congressional mandates alone. First, as a result of the amendment offered last year by Mrs. SCHROEDER, we are withdrawing our troops from Europe so as to have no more than 100,000 there by 1996. Also by 1996, Mr. GEPHARDT's amendment from last year is reducing our total overseas forces to 60 percent of the 1992 level. The amendments of Mr. FRANK and Mr. KASICH resulted in the reduction of $500 million in U.S. overseas military spending. The amendment we are offering here would provide a capstone to these congressional actions with the net result of bringing U.S. military spending for 1994 down to about $3.3 billion lower than in 1993.

Mr. Chairman, our allies have also taken significant steps in the direction of more equitably sharing the responsibilities and burdens associated with mutual security and stability. Japan, for example, currently contributes roughly $3 billion per year against United States stationing costs and has agreed to pay virtually all such costs by 1995 except those, such as salaries, that would not be appropriate. South Korea currently contributes roughly $2 billion per year against United States stationing costs, has agreed to pay substantially more by 1995, provides manpower augmentees to United States Army units in Korea, and has assumed leadership of the ground forces deployed in that country. Germany hosts the largest concentration of United States forces overseas, provides by far the greatest reductions and offsets of United States stationing costs, and contributes far more than any other country (including the United States) to the reconstruction, democratization and economic reform of Eastern Europe and the former Soviet Union (including about 75 percent of all grant aid to the former Soviet Union).

Our NATO allies have also agreed to act collectively to help reduce U.S. stationing costs. NATO has approved the use of common funding (to which our allies contribute about 72 percent) to pay for embarkation facilities on the East Coast of North America and to extend eligibility for such common funding to U.S. O&M costs at reinforcement facilities such as air bases and the storage sites for prepositioned U.S. equipment and ammunition.

Mr. Chairman, the amendment I am cosponsoring today takes into account this significant progress we have made in reducing the U.S. costs of maintaining the forward military presence we need to secure our own national interests. Our amendment takes an important additional step as well. It proposes a reduction in our total overseas O&M spending of about $580 million below the level recommended in the committee bill. We are making this proposal primarily in anticipation of continued U.S. troop withdrawals from overseas bases somewhat ahead of the schedules on which the Pentagon's budget proposal was based. Because these withdrawn troops will be arriving at their new U.S. bases somewhat ahead of schedule, and neither the administration nor the Congress are recommending that they be ushered out of the force, our amendment would apply these savings in overseas costs to the increased readiness requirements at our bases here at home.

Furthermore, our amendment includes a sense of Congress that our security arrangements and alliances must be further adapted to the security environment of the post-cold war period. For example, NATO should continue developing its peacekeeping capabilities and embracing former adversaries in Eastern Europe and the former Soviet Union. Our amendment also insists that NATO review the cost-sharing percentages of its infrastructure program and conform them to current economic, military and political realities. Finally, our amendment insists that the President continue the reductions in our overseas military presence mandated by Congress and intensify his efforts to secure further agreements with our allies that bring additional reductions in our overseas basing costs.

Mr. Chairman, our amendment proposes a responsible approach to congressional oversight of overseas basing requirements and should be supported by both sides of the aisle. I urge my colleagues to vote yes on this Lloyd/Sisisky amendment. I urge them to vote no on the Frank Amendment that is to follow.

Mr. HUTTO. Mr. Chairman, will the gentlewoman yield?

Mrs. LLOYD. I yield to the gentleman from Florida.

Mr. HUTTO. Mr. Chairman, I hope Members listen to what the gentlewoman from Tennessee [Mrs. LLOYD] is saying and support this amendment offered by the gentlewoman from Tennessee [Mrs. LLOYD] and the gentleman from Virginia [Mr. SISISKY], instead of the one that follows.

Mr. Chairman, we all know we are drawing down in Europe at a big rate, but we do not want to pull the rug out from under our troops there. This is a reasonable course. I know that this is the operations and maintenance fund. Of course, under this amendment if they get in trouble with our maintenance and operations funding they can reprogram and make sure that our forces overseas have what they need.

Mr. Chairman, it is hard enough, it is difficult enough for our forces. Many of them are being discharged in mid-career. So I think the Members would be wise in supporting this amendment and voting no on the amendment to follow this.

Mrs. LLOYD. Mr. Chairman, I thank the gentleman from Florida [Mr. HUTTO] for his leadership, and also for his support.

Mr. Chairman, I yield to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, I appreciate the gentlewoman yielding to me.

Mr. Chairman, I think this is an excellent way of approaching this, because the $580 million that is going from one place to the other is sorely needed.

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And if we do not need it in one place, we certainly do in the other, particularly in the O&M area.

I congratulate the gentlewoman and compliment her and the gentleman from Virginia [Mr. SISISKY] on what they are doing.

Mrs. LLOYD. Mr. Chairman, I thank the gentleman from Missouri for his leadership and his willingness to increase our readiness capability here at home.

It is important to remember that our amendment also includes a sense of Congress that our security arrangements and our alliances must be adapted further to the security environment of the post-cold war world. I do hope that my colleagues will support this amendment.

Mr. Chairman, I yield the balance of my time to the gentleman from Virginia [Mr. SISISKY].

Mr. WELDON. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. SISISKY].

Mr. SISISKY. Mr. Chairman, for many years we have debated the proper level of funding for U.S. forces overseas, and the pace of troop withdrawals as we reduce our overseas presence.

At first these were considered in the context of their impact on our military capabilities and on U.S. influence in other regions.

However, these issues are now being considered in the context of their impact on the economy, or the amount of funding they could free up for economic conversion.

I think we need to go back and address these issues in the larger context of our role in the world.

In my opinion, there is no substitute for being there. We must maintain our day-to-day presence and influence overseas.

I doubt anyone would disagree. But as a practical matter, some of these amendments have that effect.

Using this money for deficit reduction or economic conversion sounds appealing—especially in a district like mine.

But the world is still a very dangerous place.

None of these amendments give us enough flexibility to meet the uncertain challenge of the future.

Yesterday I entered into the RECORD a letter from Secretary Aspin and Secretary Christopher.

They say,

> It is our assessment that our burdensharing negotiations with major European allies will not conceivably yield the contributions called for by these proposals.
>
> As a result, these amendments would force the withdrawal of U.S. troops from Europe, and with them would go our leadership position in European affairs, and our ability to promote vital national interests.
>
> The proposed amendments run contrary to U.S. interests and portend disastrous consequences.

But there is a way to move in this direction—without going too far—by supporting the Lloyd/Sisisky amendment.

Our amendment anticipates overseas troop reductions of 40 percent by fiscal year 1996, which I think is realistic.

In line with this, we reduce O&M funds for overseas commitments by $580 million in fiscal year 1994.

Our amendment does not go too far or too fast—and gets us where we want to go in a prudent, steady, responsible manner.

Just as important, it does not burn our bridges behind us.

We can continue to assess the situation as the need arises.

I ask you to support the Lloyd/Sisisky amendment—while opposing amendments that go too far, too fast in what could be a wrong and very risky direction.

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from Pennsylvania [Mr. WELDON] has 3 minutes remaining.

Mr. WELDON. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I rise in strong support of the amendment being offered by our colleagues on the committee. This is a responsible approach to burdensharing.

For all of our colleagues who are back in their offices or here in the Chamber, if they want to vote for a reasonable, responsible approach to burdensharing, to give the administration a signal that this is a top priority but not undermine this administration's attempt to deal with our allies in a responsible manner, this is the vote.

Republicans will be joining our Democratic colleagues in support of this amendment. I also ask our colleagues, both in their offices and here on the floor, to overwhelmingly reject the following amendment, which I think is irresponsible, which the administration has gone on record, both Warren Christopher and Les Aspin, in saying it would jeopardize their ability to have a reasonable relationship with our NATO allies and would undo the good will that we have established over the years in working to downsize our European forces.

In fact, when that amendment is offered, I am going to ask unanimous consent to amend it to instead of taking the $1 billion from our European allies to ask that that amendment take the $1 billion from the U.N. to pay for the Somalia operation.

Mr. Chairman, I yield the balance of my time, 2 minutes, to the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding time to me.

I ask my colleagues to support my amendment and reject the Frank amendment. The Frank amendment, if enacted into law, would force the withdrawal of U.S. troops from Europe. With them would go the leadership position in European affairs and our ability to promote and to protect our vital national interests there.

With continued U.S. involvement and leadership, we can marshal NATO's collective political, diplomatic, social, economic and military capabilities to pursue our mutual interests in stability and security. Americans don't want and can't afford to go it alone and play the world's policeman. Neither can we afford to see our country retreat from the world stage and return alone to "fortress America." If we don't act together, no one acts or we have to act alone.

I think this is a very succinct, workable amendment. It is logical. I do ask my colleagues to support this amendment and to reject the Frank amendment.

The CHAIRMAN pro tempore. The gentlewoman from Tennessee [Mrs. LLOYD] yields back the balance of her time.

The question is on the amendment, as modified, offered by the gentlewoman from Tennessee [Mrs. LLOYD].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mrs. LLOYD. Mr. Chairman, on that I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 424, noes 0, not voting 14, as follows:

[Roll No. 419]

AYES—424

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (MI)
Combest
Condit
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Faleomavaega (AS)
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastings
Hayes
Hefley
Hefner
Herger
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quillen
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Romero-Barcelo (PR)
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (FL)
Zeliff
Zimmer

NOT VOTING—14

Collins (IL)
Conyers
Hastert
Hilliard
Hoke
Hyde
McDermott
Neal (NC)
Reynolds
Stokes
Vucanovich
Whitten
Yates
Young (AK)

☐ 1425

So the amendment as modified, was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. REYNOLDS). It is now in order to consider Amendment No. 4 printed in part 3 of House Report 103–223.

AMENDMENT OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FRANK of Massachusetts: At the end of title X (page 346, after line 23), insert the following section:

SEC. 1043. ENFORCEMENT OF INCREASED HOST-NATION SUPPORT UNDER DEFENSE BURDENSHARING AGREEMENTS.

(a) OVERALL AUTHORIZATION REDUCTION.—The total amount authorized to be appropriated by this Act for fiscal year 1994 is the sum of the separate authorizations contained in this Act for that fiscal year reduced by $1,000,000,000.

(b) REDUCTION OF FUNDS FOR ACTIVITIES IN EUROPE.—Reductions in amounts authorized to be appropriated to the Department of Defense to achieve the overall reduction required by subsection (a) may be made only from funds for programs, projects, and activities for the support of United States forces assigned to or stationed in Europe. The effect on those programs, projects, and activities of such reductions in amounts authorized to be appropriated may be accounted for through either or a combination of the following:

(1) Increases in the level of host-nation support due to agreements reached pursuant to section 1301(e) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2544).

(2) Accelerated withdrawal of United States forces or equipment under the provisions of section 1302 and the amendment made by section 1303 of such Act (Public Law 102–484; 106 Stat. 2545).

(c) MAINTENANCE OF PRESENCE IN EUROPE.—To the extent that reductions required by subsection (a) are accounted for by accelerated withdrawal of United States forces as described in subsection (a)(2), the President is encouraged to enter into agreements with European member nations of the North Atlantic Treaty Organization for the short-term deployment of United States forces in such nations (in lieu of assignment to permanent duty in such nations) for joint training at military facilities that are paid for and maintained primarily by such nations.

(d) USE OF SAVINGS.—The savings realized as a result of the reductions for purposes of subsection (a) shall be allocated as follows:

(1) $500,000,000 shall be used for reduction of the deficit.

(2) $500,000,000 shall be used for defense conversion, reinvestment, and transition assistance programs under title XIII, of which—

(A) $300,000,000 shall be used to increase funding for activities of the Department of Defense under chapter 148 of title 10, United States Code, and section 2197 of such title, as described in section 1311;

(B) $40,000,000 shall be used to increase funding for community adjustment and economic diversification assistance under section 2391(b) of title 10, United States Code;

(C) $60,000,000 shall be used to increase funding for the teacher and teacher's aide placement programs under section 1151 of title 10, United States Code;

(D) $60,000,000 shall be used to increase funding for the law enforcement placement program under section 1152 of title 10, United States Code, and the health care provider placement program under section 1153 of such title, as added by section 1332;

(E) $10,000,000 shall be used to increase funding for the program to provide demonstration grants to institutions of higher education to provide education and training in environmental restoration to dislocated defense workers and young adults, as established by section 1333;

(F) $10,000,000 shall be used to increase funding for the demonstration program for the training of recently discharged veterans for employment in construction and in hazardous waste remediation, as established by section 1335; and

(G) $20,000,000 shall be used to increase funding for the Service Members Occupational Conversion and Training Act of 1992 (subtitle G of title XLIV of Public Law 102–484; 106 Stat. 2768).

(e) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the President should continue efforts to enter into revised host-nation agreements as described in section 1301(e) of National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2545) for purposes of providing that foreign countries assume an increased share of the costs of United States military installations in those countries and for the other purposes set forth in paragraph (2) of that section; and

(2) each host-nation agreement entered into pursuant to such section should require the host nation to increase its payments under the agreement at an annual rate of not less than 15 percent per year so that the host nation assumes, not later than September 30, 1998, at least 75 percent of the non-personnel costs of United States military installations in that nation.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. FRANK] will be recognized for 5 minutes, and a Member opposed, the gentleman from Pennsylvania [Mr. WELDON] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 30 seconds to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Massachusetts [Mr. FRANK], the gentleman from Connecticut, [Mr. SHAYS], and myself, to require increased burdensharing contributions from our allies.

I want to focus on one part of the amendment, which would encourage the President to enter into agreements with foreign allies to engage in joint training at allied bases—bases paid for and maintained by our foreign friends.

This amendment would encourage dual basing—keeping U.S. troops permanently stationed in the United States while maintaining training relationships with foreign countries. By using short-term deployments, military members can avoid being stationed overseas, away from their families and familiar culture.

We want to continue to have a foreign presence, but not at the expense of maintaining a costly network of infrastructure overseas. Allies who are able to host our training exercises with their own troops should benefit from U.S. presence.

Many of our allies believe that the United States will never reduce permanently stationed presence in their country. This amendment sends the clear signal that we don't intend to stay permanently, but will be happy to work with them if they are willing to pay a fair share of training costs—the cost of maintaining the base infrastructure in their country.

The Frank-Schroeder-Shays amendment will give U.S. negotiators the leverage they need to strike fair and effective agreements with our allies. We have seen the progress we have made in recent years in Asia, due in large part to amendments adopted by the Congress. The Frank-Schroeder-Shays amendment will carry on that tradition and improve our relationships with our allies around the world. Mr. Chairman, I urge support for the amendment.

Mr. WELDON. Mr. Chairman, I yield 1 minute to our distinguished colleague, the gentleman from California [Mr. HUNTER], the ranking minority member of the Subcommittee on Military Installations and Facilities.

Mr. HUNTER. My colleagues, this is a bad amendment because it does the worst disservice one can possibly do to our troops. It cuts maintenance, it cuts operations, and that means ammunition, it means spare parts, it means quality of life things like repairing barracks and repairing residence for military families overseas. The worst thing we can do when we have military people overseas is to leave them in a state of unreadiness.

We are reducing our troops in Europe. We have gone down almost 50 percent. Take a look here and see that we are down about 150,000 people since 1990. That is a sharp rate of reduction. It is a much steeper slope than our own base closure program at home.

Do not vote "yes" on the Frank amendment. It deprives our troops, your troops, of ammunition, of spare parts, of readiness, and that is a great disservice. Vote "no" on this amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Chairman, while the United States and the Soviet Union were involved in a cold war, Europe, Japan, and the Asian rim nations were involved in an economic contest and dividing the spoils. And they were doing that for decades. Now finally we have a chance to be involved in this economic contest and create jobs here at home.

But it is difficult when we still continue to subsidize Western Europe and to some extent Japan and Korea. I wonder, as I think about burden sharing, why the Japanese pay 68 percent of the nonpersonnel costs and give us $2.5 billion in cash, and Europe pays only 19 percent of the nonpersonnel costs and whats worse only $299 million in cash.

□ 1430

I wonder why that happens. The answer is obvious: We let them get away with it. We let them have a free ride. We passed an amendment last year that said they should pay 75 percent of our nonpersonnel costs by 1996. That is about $4.5 billion. They are way behind schedule.

The Frank-Shays-Schroeder amendment gets them back on schedule. It honors the amendment we passed last year.

I urge you to vote for this $1 billion reduction to our overseas basing account. Half of this money will go for deficit reduction and the other half helps get our troops and our businesses back competing with Western Europe, Japan, and the rest of the world economically.

Mr. WELDON. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, for all of our colleagues who voted for the previous amendment, which was, in my opinion, a responsible approach to burden sharing, I would ask that they not support this amendment which the administration is unalterably opposed to. Any of my colleagues, on either side, who has the opportunity to read the letter from Secretary of State Warren Christopher and Secretary of Defense Les Aspin, which states in very dramatic terms what this amendment would do to our relationship with our NATO allies, understands that this is not the most prudent course to take in terms of supporting this administration and its foreign policy objectives.

I would say to the authors of this amendment, ask them a question: If they would be willing to amend this amendment and take the $1 billion that they want to save, from the Somalia operation, I will support it. Would the gentleman be willing to accept that?

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. WELDON. I yield to the gentleman.

Mr. FRANK of Massachusetts. I thank the gentleman for yielding.

Mr. Chairman, I would accept that as a separate amendment. I think adding it to this one could endanger it. But if the gentleman wants to offer that as a separate amendment, we can deal with that if he asks and gets unanimous consent. But I do not want to burden it any more than he wanted to add it to the last amendment. He did not want to add it.

Mr. WELDON. If the gentleman would accept that amendment, I would be happy to change it to pay for it—have the U.N. pay for it from the funds for the Somalia operation and we could save $1 billion out of our defense budget this year and next. Obviously, my colleague does not want to accept it.

Mr. Chairman, I yield 30 seconds to the gentleman from Wisconsin [Mr. BARCA].

Mr. BARCA of Wisconsin. Mr. Chairman, I have watched attentively the last couple of days for the cries to cut spending first which have been echoed through this Chamber just 1 month ago being drowned out by a kind of missile mania. If we will not cut unnecessary spending, at least we can ask our allies, who have racked up foreign trade surpluses at our expense, to pay their fair share. We are not promoting isolationism, we are still willing to make the sacrifices to put our young men and women in the guardposts at the front lines. But our allies must share the financial burden. We simply cannot afford to continue this practice.

Mr. WELDON. Mr. Chairman, I yield 3 minutes to the very distinguished gentleman from Virginia [Mr. SISISKY].

Mr. SISISKY. Mr. Chairman, I rise in opposition to the Frank amendment that would take $1 billion away from the support of our men and women stationed in Europe to secure our own national interests.

I would like to remind my colleagues that our troops in Europe have not been maintained by administration after administration and Congress after Congress to protect our Nation's security interests alone. They have been maintained there to secure our economic interests as well. We can not afford to lose sight of the fact that Europe is already our Nation's largest economic market, even before you add the 400 million people of Central Europe and the former Soviet Union. Stability throughout that region is vital to securing economic development and opportunities for American commerce.

And, let me add here that, if any organization stands a chance of providing the necessary stability to that region, it is NATO. I'll go a step further and say that, if the United States had exercised its leadership in NATO and encouraged that alliance to join in taking even modest action in the former Yugoslavia in 1991 and 1992, that region would be a lot further from war and a lot closer to a stable market in 1993.

Mr. Chairman, we should see this amendment for what it is and not what it pretends to be. It is an attempt to reduce our military presence in Europe drastically below the levels mandated by Congress and proposed by the administration. Such reductions would eliminate the capabilities on which active U.S. participation and leadership in NATO are based. Isn't it strange and disturbing that some Americans and their representatives are clamoring to get America out of NATO at a time when the countries of Central Europe and the former Soviet Union are clamoring to get into NATO.

Mr. Chairman, this amendment also ignores the vital link between stability and economic opportunity by pretending that we could effectively reduce our budget deficit and enhance our defense conversion programs by reducing our security activities in Europe by a billion dollars. The foolhardiness of this approach is clear in President Clinton's statement that "We can not choose between international engagement and domestic reconstruction. They are two sides of the same coin. Our economy is increasingly tied to the world market."

Mr. Chairman, let me briefly lay out the consequences of this amendment in terms of our military presence in Europe and our overall force structure. First, the administration's projection, in conformance with last year's Schroeder amendment to reduce to 100,000 in Europe by 1996, is that our troop levels in Europe during 1994 would move from about 165,000 to about 135,000 and would cost us about $10.5 billion. Those troops would be operating at high operational tempo levels to train with our allies and maintain their combat effectiveness in the missions for which they are preparing.

Given that our estimates of the incremental costs of maintaining troops in Europe compared to basing them in the United States are only about 10 to 15 percent, if the Frank amendment were to be enacted, we would be forced into one of two options. First, we could withdraw all of our troops from Europe in 1994 and station them in the United States in order to save the incremental costs of $1 to $1.5 billion. Second, we could cut our European deployments to a very low level in 1994—the highest estimate is 50,000 troops operating at very low optempo levels—and bring the remaining 85,000 or more back home and put them out of uniform and on the street. Neither of these options would protect our national security or economic interests in Europe, effectively reduce the budget deficit, or enhance our defense conversion prospects.

Mr. Chairman, I won't rehearse here the significant progress being made in reducing our overseas basing activities to Congressional mandated levels and in securing allied commitments to sharing equitably in the responsibilities and burdens of security and stability. I will simply remind my colleagues that NATO is the most successful security organization the world has ever known. It was instrumental in deterring world war III and ending the cold war without major bloodshed in Europe. It offers the primary hope for building on that success and securing our national interests on a collective basis. We can't afford to do it otherwise—to play the world's policeman unilaterally or to retreat into isolationism. We have to maintain the necessary forward presence to avoid those outcomes. I urge my colleagues to vote no on the Frank amendment.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. SISISKY. I yield to the gentleman from Missouri.

Mr. SKELTON. I thank the gentleman for yielding.

I want to say that this is an isolationistic amendment. We are wanted in Europe, we have been important in Europe, we are reducing our size from 390,000 to 100,000. Our presence promotes stability. Twice this century this country has had to go over to Europe to bail it out. That is why it is important to stay the course, do what we have to do; we are reducing and we are saving.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 15 seconds to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. I thank the gentleman for yielding. Mr. Chairman, I rise in support of the Frank amendment.

Mr. Chairman, today's Washington Post headlines, "Brothers in Arms Now, GI Joe and Ivan Train Together. American and Russian divisions to train together for peacekeeping operations." There is a picture of the Russian defense minister and Defense Secretary Les Aspin signing the documents together. It is in today's Post.

Vote for Frank.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the one thing you can be sure of, when a Secretary of Defense is shaking hands with any European defense minister, nobody is leaving any bucks in his palm.

I have an amendment here that is going to make Western Europe feel safer. It is an amendment to increase the security level of our allies because, contrary to almost everything that you have heard from the other side, a well-intentioned set of errors, I am sure, this does not mandate the reduction of anything. It has an option. It says we will save a billion from spending American dollars in Western Europe, but the money can come from one of two ways. One way is for the Western Europeans to give us an additional billion dollars. As the gentleman from Connecticut says, they give us a pittance now. Western Europeans tell us they feel very insecure and need American troops. So we say, "Okay. You give a billion dollars," not a lot of money for an entity larger, wealthier in total than us, "give the American taxpayers a billion dollars and we will leave the troops there." Do you know what they are going to say? All of a sudden they will not feel so unsafe. All of a sudden they will not need the troops.

This does not produce ammunition, this does not even mandate pulling troops out. It does, if they do not want them. If the Western Europeans are not willing to pay even less than the Japanese pay for those troops to defend them against absolutely nothing—but then that is stupid. You ask them if they want them there. And of course they do. Why should they not want American troops spending American tax dollars, stimulating their economies?

Mr. WELDON. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. No.

The fact is that we are subsidizing the economies of Western Europe. We simply say in this amendment, "If you want the current troop presence, if you feel unsafe, give us a billion dollars; if not, we will reduce our troops or equipment, troops or equipment."

Mr. WELDON. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. No.

We will bring some home—the fact is the gentleman does not want to hear this argument, I understand that. The gentleman simply wants to harass me because he does not think that the accurate argument will work well.

☐ 1440

The fact is that the representation was inaccurate. This simply says if Europe is not going to give us another billion dollars, we will reduce it by a billion dollars worth.

It is more moderate than the Bryant amendment. It is the only way to help the American taxpayer.

The CHAIRMAN pro tempore (Mr. REYNOLDS). The question is on the amendment offered by the gentleman from Massachusetts [Mr. FRANK].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FRANK of Massachusetts. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 210, noes 216, not voting 12, as follows:

[Roll No. 420]

AYES—210

Abercrombie
Allard
Andrews (ME)
Andrews (NJ)
Applegate
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bishop
Blackwell
Blute
Boehlert
Bonilla
Bonior
Borski
Brown (CA)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Cooper
Costello
Coyne
Crane
Danner
de Lugo (VI)
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dingell
Dooley
Duncan
Durbin
Edwards (CA)
Engel
English (AZ)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Grandy
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Harman
Hastings
Hayes
Hilliard
Hinchey
Hochbrueckner
Holden
Horn
Hughes
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
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NOES—216

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Walker
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Weldon
Wilson
Wolf
Young (FL)
Zeliff

NOT VOTING—12

Boucher
Conyers
Faleomavaega (AS)
Hoke
Hyde
McDermott
Neal (NC)
Stokes
Vucanovich
Whitten
Yates
Young (AK)

☐ 1500

The Clerk announced the following pair:

On this vote:

Mr. Stokes for, with Mrs. Vucanovich against.

Mr. TAYLOR of Mississippi changed his vote from "aye" to "no."

Mr. BARCIA of Michigan changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ECONOMIC CONVERSION

The CHAIRMAN pro tempore (Mr. REYNOLDS). It is now in order to debate the subject matter of economic conversion.

The gentlewoman from Colorado [Mrs. SCHROEDER] will be recognized for 15 minutes and the gentleman from Pennsylvania [Mr. WELDON] will be recognized for 15 minutes.

The Chair recognizes the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, we now enter the general debate on one of the most important areas I think this country faces, and that is the area of conversion.

Mr. Chairman, I am very pleased to start by yielding 2 minutes to the gentleman from California [Mr. DELLUMS], the very distinguished chairman of the Committee on Armed Services, who is the one that has had the greatest vision of all and been a terrific leader on this issue.

Mr. DELLUMS. Mr. Chairman, I rise in support of the defense conversion title of H.R. 2401, Department of Defense Authorization Act for Fiscal Year 1994.

Our efforts in crafting the defense conversion title in this year's bill is, I hope, a first step in support of the President in establishing a truly national economic conversion strategy. For too long, we have relied upon military technology and industrial production to keep our Nation on the cutting edge of technology. While military security is vital, we must now turn to the broader task of economic security demanded both at home and in the global marketplace. In pursuit of this economic security we have neither a person nor any resource, including those of DOD, to waste.

However, despite the economic threat that looms before us as a nation, it is interesting that there are some in this body who still sincerely believe that defense conversion cannot work and should not be vigorously pursued as part of a larger national economic strategy to lift all of our people toward a higher standard of living. I want to commend our distinguished friend and colleague, Congresswoman SCHROEDER, for her leadership and diligence in her work in support of defense conversion. Importantly, I want to thank all of the chairs of the committees with whom we worked to make certain that we could put the defense conversion title in the committee bill.

Mr. Chairman, the case for defense economic conversion is compelling. It is not a social experiment with defense resources. It is an economic security necessity. Defense conversion now describes a larger and more ambitious process involving the redeployment of human and technology resources to strengthen our Nation economically in the larger process of economic conversion. It involves support for the diversification of defense contractors so they can remain economically viable. It now requires the integration of civilian and military industrial bases so DOD can obtain quality products made in this country at affordable prices so our defense needs are met in the future. In short, Mr. Chairman, defense conversion is no longer an option; it is an essential part of overall national economic strategy now and in the future.

Mr. Chairman, time permitting, I could go on. As I have said in the past defense conversion is an issue in which there are as yet probably no real experts. However, I hope all of us can begin and continue to work together in the future to make certain the benefits of defense economic conversion are shared by all Americans. I urge strong support of the committee's defense conversion title and amendments to strengthen the defense conversion program.

Mr. WELDON. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. SPENCE], the distinguished ranking Republican.

Mr. SPENCE. Mr. Chairman, rising out of the political and economic turmoil caused by the defense drawdown, defense conversion has emerged for some as the political solution of choice to the many problems caused by continuing defense reductions.

The rush to embrace defense conversion as a viable solution over the past few years has been remarkable both for its level of enthusiasm as well as for the lack of hard information and study on whether it will ever work.

More than a year after Congress gave birth to the current conversion program, it remains an unfocused and ill-defined concept that regularly changes shape, size, and characteristics as political requirements dictate.

This lack of a coherent definition of defense conversion stems from the fact that it has come to mean too many things to too many people. For some, it is the means to turn swords into plowshares, literally converting defense capabilities to civilian, commercial uses.

For others, it is an opportunity to leverage defense dollars to promote civilian, nondefense objectives, such as spending defense dollars on commercial technology and education programs with little or no return on investment for the Department of Defense.

Others, myself included, believe that any meaningful conversion program should focus on ensuring the preservation of key defense industrial and technology capabilities during this post-cold war drawdown.

The program currently called conversion was developed by Congress during last year's election-year defense debate. No consensus was developed around a definition of what conversion was or should be. For some members, many ongoing defense technology programs somehow fit a liberal definition of conversion and were labelled accordingly.

Others dreamed up new programs to assist workers and communities or to encourage defense companies to develop dual-use technologies. Still others sought to transfer defense dollars to non-defense civilian agencies to pay for job retraining and economic development.

The result was today's grab-bag of unfocused conversion programs covering the spectrum from job retraining to health care, from community assistance to dual-use technologies.

In fact, the only comprehensive review of the conversion program to date, conducted by the congressionally-mandated Defense Conversion Commission, was highly critical of the current conversion program, characterizing it as fragmented and disjointed, stating that it failed to address key conversion problems and included many projects that had little or nothing to do with conversion.

According to the General Accounting Office, whom I have tasked to track defense conversion spending, as of last month, not even 25 percent of the $1.7 billion appropriated for last year's conversion program had been spent; and more than half of what has been spent was for pre-existing technology programs which the Congress recategorized as conversion.

Even funds appropriated for defense conversion in fiscal year 1991 remain unobligated.

Despite this slow rate of spending, and despite dwindling defense budgets, the Armed Services Committee added nearly $800 million to the administration's already generous $2.2 billion 1994 defense conversion request.

Ironically, the only real constant in the evolving defense conversion debate involves the practice of taking money from the defense budget and using it to attempt to salve the wounds created by reductions in that same defense budget—it becomes a self-fulfilling prophecy as the more defense money we spend on conversion, the greater the turmoil and disruption and therefore, the greater the need for even more conversion spending.

After watching this closely for several years, I have come to the conclusion that the worst possible response to the economic challenges posed by the defense drawdown is to engage in a reallocation of dwindling defense dollars for thinly disguised conversion programs.

Instead, I believe we should carefully manage defense resources in order to retain an efficient and responsive defense industrial sector able to meet future national security needs while incorporating the more efficient management practices of the civilian sector.

While many self-proclaimed conversion experts dismiss the views of the defense industry with disdain, you do not have to scratch very deep to discover profound skepticism among defense industry professionals over the viability, worth and goals of the current conversion approach.

Industry is asking for government assistance, but not in the form of large appropriations for new-age dual-use technologies. Rather, they are asking for a slower, more predictable, and more manageable defense drawdown as a way of minimizing job loss, preserving financial viability and allowing an orderly contraction of the defense production base.

For instance, there is a pressing need for sweeping reform of the defense acquisition process. In addition, other legal changes must be examined in the areas of antitrust, investment tax credits, and harmonization of international standards and export promotion, among others.

Unlike the current conversion program, these kinds of initiatives would not drain dwindling defense dollars away from military readiness and needed investment in defense capabilities. However, they would keep more defense workers employed and directly address the need to preserve vital defense industrial base capabilities.

This is the kind of readjustment that this Congress should recommend. While we must be sensitive to, and where prudent, provide for the needs of workers, firms, and communities being affected by the severe defense cuts we are implementing, it cannot be done at the expense of the defense sector that is the backbone of America's still second-to-none military forces in a changing and increasingly turbulent world.

The rule makes in order three amendments dealing with the conversion issue.

The first amendment, originally filed under my name, will be offered by my friend and colleague on the Armed Services Committee, Mr. HANSEN. This amendment would fully fund the Office of Economic Adjustment, the DOD agency responsible for providing help to communities impacted by base or plant closures.

In short, the Hansen amendment will make sure that in the effort to help out those communities most severely impacted, we don't steal money from the rest of the 50 plus communities also hurting from base closures. This is a fairly straightforward amendment that deserves the support of the House.

The second amendment, offered by Mr. ANDREWS, prohibits the use of defense conversion money to provide loan guarantees to companies wishing to export defense products. This amendment was offered and defeated in committee by a significant bipartisan majority. I voted against it then and plan to oppose it now, for I believe that we must actively consider ways to assist our defense industry to compete in the international marketplace.

The Andrews amendment continues to have technical problems—it misses the target it intends to hit since there are no conversion moneys being used for export financing. But more importantly, it moves in the wrong direction tin terms of adopting government policies to protect jobs and capabilities in one of the most vital sectors of our economy.

Finally, Mr. WALKER will offer an amendment that I strongly support dealing with the Technology Reinvestment Program or TRP. The bill before the House makes a very important change to current law that requires that projects competing for TRP dollars have a direct national security benefit. This statutory requirement makes perfect sense; defense dollars ought be used for defense purposes and strengthen the defense industrial base.

The Walker amendment would maintain existing law by eliminating provisions in H.R. 2401 that weaken this requirement.

Finally, the Walker amendment eliminates the $300 million add to the administration's request for the TRP, leaving a more than adequate $275 million to fund this unproven program for next year.

Mr. Chairman, I urge my colleagues to support the Hansen and Walker amendments and to oppose the Andrews amendment.

Mrs. SCHROEDER. Mr. Chairman, I yield 1 minute to the gentlewoman from Oregon [Ms. FURSE], a distinguished member of the Committee on Armed Services.

Ms. FURSE. Mr. Chairman, I have long worked to see that defense conversion becomes a reality in this country, and as a freshman on the Committee on Armed Services, I am so excited to be working on real defense conversion.

Mr. Chairman, it is for that reason I rise in support of the Andrews-Kasich amendment to make sure limited conversion dollars are used for real economic conversion, and not to subsidize foreign arms sales. The people of this country want real conversion, and my constituents know the difference between arms sales and conversion.

Mr. Chairman, the United States is already the world's No. 1 arms dealer. We need to develop our manufacturing base. We need to develop our electronics industry. We need to become competitive in environmental technology. But we do not need to sell more arms.

Mr. Chairman, it is because of this that I urge Members to support the Andrews-Kasich amendment to ensure that we do all we can to diversify our industrial base and to make America become truly globally competitive.

Mr. WELDON. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. BATEMAN], a distinguished member of the committee.

Mr. BATEMAN. Mr. Chairman, first let me join in the remarks made by the distinguished ranking member of the committee, with which I generally concur. But I especially want to take this opportunity to thank the gentleman from California [Mr. DELLUMS], the chairman of our committee, and the gentleman from Massachusetts [Mr. STUDDS], the chairman of the Committee on Merchant Marine and Fisheries, for their support and cooperation in including in the bill the national shipbuilding initiative. Without their leadership and the joint bipartisan efforts of the Committee on Armed Services and the Committee on Merchant Marine and Fisheries, on each of which I serve, we would very likely be ruling out any hope of building commercial vessels in U.S. shipyards ever again.

I would also be remiss if I did not thank Chairman LIPINSKI and the gentleman from Mississippi [Mr. TAYLOR] for their persistence and dedication in this effort.

Mr. Chairman, I am particularly pleased to see that we have expanded the Title XI Loan Guarantee Program to vessels built for export. Demand is projected to almost double for this segment of the market by the year 2000. Changes in H.R. 2401 assure us the opportunity to participate in this lucrative market.

The media in recent days reported that the Export-Import Bank gave preliminary approval to $4.8 billion in loan guarantees to McDonnell Douglas and Boeing for sale of airliners to Saudi Arabia.

□ 1510

The title XI provisions in this bill will now allow the same type of access to world markets that Boeing and McDonnell Douglas have for our shipyards.

Finally, under the Credit Reform Act, the $200 million authorized in H.R. 2401 will actually result in over $2 billion in new ship construction. In this period of fiscal restraint, one would be hard pressed to find a more efficient use of Federal funds.

While there is a reasonable concern about elements of the economic conversion provisions in the bill, the Shipbuilding Loan Guarantee program is entirely supportable as it will help guarantee domestic shipbuilding survival as a national security requirement and will reduce the level of unemployment in shipyards as naval shipbuilding programs decline.

Mrs. SCHROEDER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I rise today in strong support of the Andrews amendment. Let me begin by clarifying an important definition for my colleagues and the defense industry.

If you look in your dictionary, conversion is defined as the act of changing from one form or function to another. Therefore, defense conversion is to change from the defense industry to another industry—such as one defense contractor's idea to transform MX missile systems into nutritional planning for hospital patients, or turning a machine shop at a closing naval shipyard into a manufacturing plant for car engines.

Mr. Chairman, I understand the meaning of conversion as do my constituents as they await the largest civilian job loss of the 1993 military bases slated for closure when Mare Island Naval Shipyard closes, eliminating over 5,500 direct civilian jobs in the next 2½ years.

Let me lay before you and my colleagues another fact. About 60 percent of the world's arms sales to the Third World are by U.S. companies. Clearly, in spite of any competition with government-subsidized European arms manufacturers, United States companies are managing to sell more weapons than the rest of the arms-exporting nations combined. Furthermore, our Government has a military foreign aid program whose annual average funding of $3 billion is largely used to finance U.S. foreign arms sales. We do subsidize the export of arms by U.S. weapons manufacturers. The market for foreign weapons sales exists without loan guarantees by the American taxpayer.

I am truly outraged by the audacity of some of my colleagues and defense industry giants who suggest that our scarce defense coversion dollars should be used to promote arms sales overseas. Promotion foreign arms sales is not conversion, pure and simple. Just because you call it conversion doesn't make it so.

Mr. Chairman, my constituents in Vallejo, CA, will certainly experience a disaster over the next 2 years as unemployment climbs to more than 30 percent when Mare Island Naval Shipyard closes. Should they be allowed to apply for disaster relief funds? No. Disaster relief funds are intended for victims of natural disasters and my constituents would not dream, no matter how desperate they become, of taking scarce dollars away from the flood victims in the Midwest or Hurricane Andrew victims in Florida. Surely it is no more appropriate for companies such as McDonnell Douglas and General Dynamics to take conversion funds to promote overseas arms sales.

This is a most egregious offense to the sensibility of Americans. If my constituents understand and respect the intent of the multitudes of Government assistance programs and the conversion funds for which they may apply, surely McDonnell Douglas and General Dynamics can. We must not let these companies continue to insult our intelligence by claiming that changing the recipient of the arms they manufacture represents a form of defense conversion.

I do not know how any of my colleagues can explain to their constituents why funding intended to lessen the impact of our country's downsizing—downsizing made possible by the end of the cold war—is being used to promote arms sales. Perhaps they are thinking that if we sell enough arms overseas, we will not need to downsize our military at all. Perhaps McDonnell Douglas and General Dynamics believe that the world should have more Bosnias and Somalias.

Mr. Chairman, my constituents would disagree, and so do I.

I strongly urge my colleagues to vote for the Andrews amendment.

Mr. WELDON. Mr. Chairman, I yield 2 minutes to the distinguished ranking Republican member of the Committee on Science, Space, and Technology, the gentleman from Pennsylvania [Mr. WALKER], the deputy whip and a leader on conversion and technology efforts.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding time to me.

I want to talk briefly about an amendment that I will be offering at the appropriate time later on. That is an amendment to remove $300 million of spending that was put in by the committee in the TRP effort, an amount of money that is well over what the President requested.

My particular amendment will be aimed at bringing the spending back down to the President's request of $275 million in this area. The fact is that this particular money that was added in in committee is going to end up, I think, being put into areas where we already are getting indications of some waste, fraud, and abuse.

Under the provisions that are going to be brought forward on this amendment, a large share of the money is going to be transferred to the Commerce Department for inclusion in their extension programs. One of these Commerce Department industrial grant programs is the advanced technology program.

On September 3, the General Accounting Office reported that 16 of the advanced technology program grantees had indirect costs over 100 percent and that 4 had rates over 200 percent going as high as 250 percent.

What does that mean? That means that in these cases in the industrial technology grants they are going for overhead, for administration costs, for facilities, and heaven knows what else. What is not being done is it is not paying for technology.

And if this money is to be aimed at technology, we are not going to get the bang for the buck in the programs to which this money is going to be transferred. So my suggestion is this, we take the $300 million out of the TRP program and keep it available for some of the other areas for economic conversion such as community assistance and personnel assistance and a number of other places where we can be assured that the money will be better used.

I can assure the House that the $300 million that is in the program right now that I will seek to remove will be wasted if it is kept there.

Mrs. SCHROEDER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Maine [Mr. ANDREWS], a member of the committee, who will later offer an amendment.

Mr. ANDREWS of Maine. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, at the end of the cold war there was a tremendous amount of excitement and enthusiasm about what that might mean to the planet and to the United States. The Third World nations would be able to use their resources in dealing with the problems that they are facing, economic and famine problems, and the loss of hope and that we at home could start using our industrial base and our workforce to build those products and services that we need to build in order to rebuild the economy as opposed to weapons of the cold war.

Since the post-cold-war era is upon us, we have begun to learn some lessons. Secretary Aspin has told us that in the post-cold-war era, one of the greatest challenges that we face as a country is the regional conflicts that exist around the world in regions where there is tension generated from religious, cultural or nationalistic conflicts.

We also know that conventional arms races around this planet are fueling these flames and creating tremendous problems around those regions.

We have also learned that since the end of Desert Storm, Mr. Chairman, the United States has become the largest exporter of arms on the planet. We sell more arms to the Third World than all other nations in this world combined. This is all supported by billions of tax dollars through our military aid programs, research and development dollars, financing and loan guarantees.

We also know, Mr. Chairman, that in Desert Storm, and in Somalia, and Panama, the young Americans that we sent into harm's way found themselves looking down the barrel of American weapons and American weapons technology.

I think, clearly, Mr. Chairman, these facts point to the reality that we have got to stop and look at the direction that we are heading in this country and reassess the policies that are fueling this conventional arms race and sending our young men and women into harm's way facing our own weapons. At the very least, I am proposing today an amendment, along with the gentleman from Ohio [Mr. KASICH], that says that while we look at and debate this issue, let us recognize that the administration's commitment to defense conversion has been met with some proposals that we take a portion of that defense conversion money and use it to finance and support even more foreign arms sales to these countries.

What our amendment does, clearly and very simply, is to say, defense conversion is not foreign arms sales. Specifically and clearly, Mr. Chairman, this amendment before us today, later on this afternoon, will clearly say that financial assistance, underwriting for foreign arms sales is not defense conversion.

We need every penny of that conversion money to go to help businesses and industries and communities and workers to build the things that this economy needs in this country, not to continue to fuel this conventional arms race which is destroying our planet and injuring our young people.

Mr. WELDON. Mr. Chairman, I yield 2 minutes to our own top gun expert, the gentleman from California [Mr. CUNNINGHAM], a distinguished member of the committee.

Mr. CUNNINGHAM. Mr. Chairman, we have a strange dichotomy in this country that we laud the men and women that fight our wars. Then we cut below the critical readiness level and, when we fight the next level, men and women die because of it.

Let me give Members the good, the bad, and the ugly of this. California's 52 Members, led by the gentleman from California [Mr. EDWARDS] and the gentleman from California [Mr. MOORHEAD], and progressive industry, are working together in a bipartisan measure to support defense conversion.

The bad of it, under the 1990 defense cut, 30 percent, which equated to $50 billion, cost California half-a-million jobs. The Clinton tax package cut an additional $127 billion, which will cost us 2 million jobs.

Defense conversion will not compute to one-thousandth of these job losses.

California took the lion's share of base closure. Two female Members of the other body said, "Don't close our bases in California," that are supporting this also voted to cut defense $127 billion.

□ 1520

California's 9 percent unemployment, some of the defense cuts that will cost 2 million jobs, Federal mandates, the Clinton tax plan that takes $40 billion out of banking regulations, that shuts down banks, Federal mandates that support illegal immigration services, are all counterproductive to this measure.

We need to support the items in conversion. However, it will not keep up with the job losses. Amounts such as a bridge system used by stealth technology and composite materials to strengthen our bridges, that is good. New highway systems, that is good, out of conversion, and a lot of others, but it will never keep up with the job losses.

The liberals think this is a good way to say, "Hey, let us cut defense and make it okay with conversion." It is not going to sell, and this dog does not hunt.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I am pleased to yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I was really pleased to hear the gentleman come out in favor of the bridge project and some of the uses of the composites. I know it is around his district in that area where that leadership is going.

I think the gentleman is absolutely right that it is not going to totally replace, one-for-one, the jobs, but it is important that we advance it.

Mr. CUNNINGHAM. I agree with the gentlewoman.

Mrs. SCHROEDER. Mr. Chairman, would the Chair state how much time remains on each side?

The CHAIRMAN pro tempore (Mr. REYNOLDS). The gentlewoman from Colorado [Mrs. SCHROEDER] has 8 minutes remaining, and the gentleman from Pennsylvania [Mr. WELDON] has 7 minutes remaining.

Mrs. SCHROEDER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HAMBURG].

Mr. HAMBURG. Mr. Chairman, I rise in strong support of the defense conversion portion of this bill.

The end of the cold war is a welcome event, not only for the lack of threat that emanates from overseas, but also because it gives us an opportunity to refocus our energies here in the United States. For decades upon decades, we have spent, and sometimes squandered, trillions and trillions of dollars building a war machine unparalleled in human history.

Now is the time to face our enemies within: A stagnant economy, a declining standard of living, poverty, homelessness, environmental degradation. These are all things that contribute to national insecurity.

The defense conversion portion of this bill addresses many of these problems, by attempting to move our industrial economy from defense-based to civilian-based. It also aims to ensure that communities, like those in my district that will be affected by the closure of Mare Island Naval Shipyard, have adequate resources to rebuild the economic base of their communities. In 3 years Mare Island will lock its gates as a military facility; however, with the proper assistance it will begin a new incarnation. The Federal Government has a responsibility not to simply abandon people who have given their lives to public service.

In this bill, funding for the Office of Economic Adjustment, the front-line agency for initial planning grants that help communities begin the conversion process, is greatly increased. Grants are established for higher education to retrain and educate laid-off workers, so that they may begin to move toward a successful life in the private sector. The National Shipbuilding Initiative aims to revitalize the sagging commercial shipbuilding industry in the United States.

Each of these components is part of a vision for the post-cold war United States. We must move forward from the mentality which has crippled our industrial base, which has kept us from addressing the many pressing national security problems within our borders. The global economy rewards innovation over stagnation and a dynamic economic base, not one that is dominated by the military-industrial complex.

Mr. WELDON. Mr. Chairman. I yield myself 3 minutes.

Mr. Chairman, I rise first of all to commend the gentlewoman from Colorado for her leadership on the issue of defense conversion. Having been asked by our Republican ranking member to chair the conversion effort in the committee, I had the pleasure of working with her. In fact, we made some significant contributions during the debate in the full committee and in the subcommittee on conversion issues.

For instance, we deleted unnecessary bureaucracies now required by law. We added a stringent reporting requirement on the efficacy of the host of programs funded through defense conversion, and we offered significant reform in the way DOD acquires commercial products. These are items that are a meager beginning, a modest beginning, but are things that the defense community have told us could best help them, better utilize our limited defense dollars.

I want to bring up some cautions now and raise some red flags. What concerns me is that we are using defense conversion as the Santa Clause to give away all the goodies to Members who perhaps are going to lose defense installations. Let me cite some facts and numbers for my colleagues who may be back in their offices right now.

According to both the Office of Technology Assessment and the Congressional Budget Office, in studies we requested in a bipartisan manner earlier this year, if the Clinton defense cuts are implemented over the next 5 years and we cut defense by $128 billion, we can talk about defense conversion all we want, but here are the hard numbers.

Today there are 5.5 million Americans who work for the Pentagon or who work in defense-related jobs. OTA and CBO estimate that under the current guideline proposals for defense spending, 2.8 million men and women will lose their jobs. So it is nice to hear all these proposals about new technologies, but let us talk about those 2.8 million American men and women who are right now looking to the unemployment line as General Dynamics and Martin Marietta and all the other major defense contractors are in the midst of downsizing, because we are trying in this body and in this administration to cut defense spending so rapidly.

In terms of conversion, I also want to mention a point that was raised by our distinguished Republican ranking member. That is that GAO estimates as recently as a month ago that 25 percent of the funds that were appropriated last year have been obligated, and 75 percent of those dollars are still unobligated. So here we are taking a conversion package that actually increases substantially the amount of money that the President requests. Actually in the TRP program we are going to add, if we follow through on this bill, $300 million above and beyond what the President has asked for the TRP program, when in fact we have only spent 25 percent of the money that we appropriated last year.

A third point I want to mention, we have been told that the TRP program is really going to be so successful because we had over 2,000 applications, and some of those applications, by the way, I supported.

The CHAIRMAN pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. WELDON. Mr. Chairman, I reserve the balance of my time, and I will make some additional points after other Members have had a chance to speak.

Mrs. SCHROEDER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Massachusetts [Mr. MEEHAN], a member of the committee.

Mr. MEEHAN. Mr. Chairman, I rise in strong support of the Andrews-Kasich amendment to prohibit the use of defense conversion funds to help finance arms sales overseas.

Economic security has been declared an official mission of the Department of Defense. The moral test of our Nation will be in determining how we achieve economic security. In my view, we have go to find ways to strengthen our defense conversion programs to ease the transition to a post-cold war economy. We cannot allow our concerns about jobs to become an excuse to export weapons that feed instability across the globe.

President Clinton has proposed a 5 year $20 billion defense conversion program. The committee authorized over $3 billion in the fiscal year 1994 DOD authorization act to continue the Defense Conversion, Reinvestment and Transition Assistance Act for industry and technology conversion, personnel transition, and community adjustment. We should put that money toward programs that provide jobs making products that improve the quality of life here, not weapons designed to destroy lives and property.

While defense workers will face tricky adjustments as a result of reduced military budgets, I think aggressive conversion to civilian use of defense capacity will create more jobs than continued arms production. We cannot expect to successfully manage the transition unless we make hard choices now.

A decision on the Andrews-Kasich amendment is one of the easier choices we will be faced with. It does not prevent arms sales abroad—it simply bars the use of defense conversion funds to finance arms sales.

The United States has a moral obligation to curb the proliferation of arms sales to the Third World. Join me in supporting the Andrews-Kasich amendment.

Mr. WELDON. Mr. Chairman, I yield myself 2 additional minutes.

Mr. Chairman, continuing my discussion of the TRP program, one of the amendments we are going to debate today is going to be the Walker amendment, which takes the TRP funding back to the original request of this President. I want to repeat this for my colleagues, who perhaps are not aware of this. President Clinton asked for $275 million of new money for the TRP program.

□ 1530

Our committee added $300 million above what President Clinton asked for, even though the GAO says we have only committed 25 percent of the money from last year's bill.

I want to make two points here. The first point is that while we are saying we have a ton of applications that have come in, and that could be argued correctly, ARPA has said publicly that their experience in solicitations is that they generally, and I quote, "are not embarrassed to fund roughly 10 to 15 percent of the proposals." So just because we have 2,800 applications does not necessarily mean we are going to fund anywhere near 2,800 proposals, and in fact if you listen to what the ARPA is saying, probably it is going to be more like 10 percent to 15 percent.

I want to make a second point. We are going to be hearing during the discussion about ARPA and the TRP program today that the corporate community in America is jumping at this. I would ask my colleagues to look very closely at the source of the bulk of the applications coming in for the TRP program. Many of these applications are not coming from corporate America, they are coming from academic institutions, they are coming from nonprofit institutions that see this as a nice way to expand their bureaucracy, and they are not necessarily going to immediately guarantee any new job creation.

The point I want to make is that when we hear this pie in the sky notion that corporate America is jumping at this program because they see tremendous prospects for new job creation, that is really not totally true. A significant amount of these applications are coming from nonprofits, from academic institutions, some of which I would be supportive of.

But I want to make the point that this is not going to be the cure-all solution that perhaps we think it might be.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. WELDON. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding. He is indeed a gentleman.

I just wanted to point out that the reason the funding has not been all spent is because of this TRP competition that the gentleman mentioned. And it will be very shortly spent. But we wanted it to be juried, and we wanted it to be looked at, and I am sure that the gentleman would agree with that. So I think that is kind of a phony issue, let us be honest about it.

Mr. WELDON. If I may reclaim my time, I appreciate the gentlewoman's comments about corporate America, but I maintain and repeat that ARPA has said that they are not embarrassed that the only fund 10 percent to 15 percent of the proposals that have given solicitation. It does not take a rocket scientist to multiply 10 percent of the amount of money available.

Mrs. SCHROEDER. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Chairman, I rise today in strong support of the Andrews-Kasich amendment to the defense authorization bill. This worthy amendment, offered by our distinguished colleagues from Maine and Ohio, prohibits the diversion of economic conversion funds to subsidize arms sales abroad.

Mr. Chairman, in the post-cold war era it is absolutely vital that our defense industry be aided in the difficult transition from wartime production to the pursuit of advanced technologies for peaceful purposes. With over 400,000 defense jobs having been eliminated over the past 5 years and America facing the prospect of losing 1 million more defense positions in the near future, the pain, suffering, and anxiety of workers in the defense industry must be stopped.

The picture before us is clear. The only real solution lies in developing new technologies for civilian uses that will create high-paying jobs. It is thus crucial that the defense industry be assisted in the conversion drive to retool for peacetime production.

I find it ludicrous that some would urge we pillage our already meager funds for defense conversion by subsidizing additional arms sales. Even if the proposed level of conversion funding is kept intact, we are nowhere near meeting urgent needs: Barely one-eighth of the worthy conversion proposals submitted to DOD can be funded.

The Andrews-Kasich amendment will stop shortsighted attempts to temporarily bolster the defense industry by raiding conversion funds. Such arms sales financing schemes will only prolong the defense industry's slow death—and ultimately sacrifice the future and rapid development of an important and vitally needed segment of our economy.

Moreover, I have long advocated that the United States should reduce her reliance on arms sales abroad. Last year we sold to the developing nations of the world over $13.6 billion in weapons of death, well over 57 percent of all arms sales to the developing world. How can we legitimately criticize other countries for arms transfers—for example, China—when our volume of weapons sales in 1992 was 136 times greater than the People's Republic of China? Certainly, our great Nation, if we are to credibly argue for a safer world, can stand to diminish her role as the planet's leading merchant of death.

I urge our colleagues to support the Andrews-Kasich amendment. It will contribute to a stronger America and a safer world.

Mr. WELDON. Mr. Chairman, I yield myself my remaining 1½ minutes.

Mr. Chairman, just in closing out the debate on this issue, I want to go back to the point that Members of both sides feel that there is a need to work with our industrial base to look to find ways that we can use existing technology to create dual commercial jobs, and all of us want to work toward that end. The question is not whether we are for conversion or not, the question is at what rate we are going to spend the money in a tough budget time such as we are having now as the President is proposing to cut defense by $128 billion. Should we be going above and beyond what this President has requested when the GAO has said we have not even spent the money that is already in the pipeline?

Perhaps no one has worked more for dual-use technology than this gentleman along with a number of my colleagues in this body who have fought for the last 4 years to maintain the Osprey program. I support dual-use technology. I support efforts to work with defense contracts to find ways to streamline the acquisition process. But we have to be careful that we do not go overboard, and that this defense conversion misnomer does not become a Santa Claus so that Members of Congress can look to it to take care of special projects and special industries in their districts where they are losing significant jobs because of our defense cutbacks. That is one major concern.

Another major concern in terms of the amendments is the Andrews amendment. I think it is wrongheaded. It does not properly address the concerns of the ability of our contractors to finance the sales of noncombatant technology, for instance helicopters, for instance the V-22 which the Japanese and the Europeans want to buy, for those items that perhaps our defense companies make that they in fact would like to import.

So I would ask my colleagues to listen intently to the pros and cons in this discussion on the Andrews-Kasich amendment, as it is being called, because I think there are potentially serious flaws with that amendment. And I think we ought to go back and rethink that whole issue.

Mrs. SCHROEDER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we will now consider three very important amendments on the issue of defense economic conversion. Before discussing these amendments and as chairwoman of the Subcommittee on Research and Technology, which has jurisdiction over defense conversion, I want briefly to review the defense conversion title of the fiscal year 1994 DOD authorization bill.

As my colleagues know, the House Armed Services Committee sought to build upon the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 and President Clinton's announced defense conversion initiative of March 11 of this year.

To this end, we have authorized $2.735 billion in our committee's bill together with enhanced and new defense economic conversion and reinvestment initiatives. In the technology area, those emphasizing defense conversion and reinvestment are:

TECHNOLOGY REINVESTMENT PROJECT

Allocated $575 million for continuation of the President's technology reinvestment project [TRP]. This is still not as much as the $605 million authorized last year. We have authorized this program to require cost sharing from the private sector and require awards be made on competitive basis.

Despite adding $300 million to the administration's request, this program is still, in my view, underfunded. This year's TRP authorization represents roughly only one-quarter of 1 percent of the entire DOD budget. Still, almost 3,000 proposals from thousands of participants have been received for nearly $9 billion in Government-shared funding.

This avalanche of interest in the TRP sends an unmistakable signal: Defense conversion is an idea whose time has come. We can no longer neglect our economic security if we are to remain strong militarily. And we cannot remain strong militarily unless we utilize our total national technology base, including DOD's share, as a launching pad for the growth industries of the future in such areas as communications, environmental clean-up, shipbuilding, aerospace, advanced materials, cost-cutting medical technologies, and other areas vital to economic security. This is what the committee's bill seeks to accomplish.

NATIONAL SHIPBUILDING INITIATIVE

In addition to the TRP we have provided $300 million for a national shipbuilding initiative contained in the bill will hopefully revive an industrial sector to make us competitive in the world again to build commercial ships in U.S. shipyards in an environmentally compliant way; $200 million is provided in loan guarantees and $100 million in R&D funding in coordination with the technology reinvestment project.

PERSONNEL RETRAINING INITIATIVES

The committee bill also contains continued authority and new, bipartisan initiatives to reemploy discharged military personnel and defense workers in the areas of teaching, law enforcement, health care, and environmental cleanup. We urgently need to redeploy the talents of those who won the cold war and Desert Storm to fight and win the global economic battles of today and tomorrow. It is important to understand that these initiatives provide a path to real employment in occupations where there are local shortages.

COMMUNITY ASSISTANCE

The committee bill recognizes the funding shortfall facing the agencies of the Department of Defense working to assist communities bearing the brunt of base closings and defense reductions. Accordingly, we have increased the funding request for the Pentagon's Office of Economic Adjustment by $40 million to $69 million and targeted this assistance to those communities especially hard hit by the latest round of base closings and defense spending reductions. Such efforts complements the activities of the Economic Development Administration of U.S. Department of Commerce in providing economic adjustment planning and implementation assistance.

DEFENSE CONVERSION AMENDMENTS

Very shortly, we will have the opportunity to reaffirm the committee's position on providing appropriate levels of defense conversion assistance to provide stimulus and hope to those sectors and workers of our Nation impacted by defense cuts. Unfortunately, two of the amendments before us would have the effect of undercutting a promising defense conversion program when it is most desperately needed.

OPPOSE THE WALKER AMENDMENT

One amendment in this area proposed by Mr. WALKER of Pennsylvania would reduce funding for the technology reinvestment project by $300 million. Adoption of this amendment will impede our efforts to fund the quality TRP proposals. It will also scale back our ability to facilitate defense conversion efforts by limiting support for defense conversion to only those objectives which enhance only the military. This misapprehends the connection between economic and military security. In short, it is a killer amendment which should be resoundingly defeated.

But the Walker amendment would do more than simply stymie defense conversion efforts. Reducing funds for the TRP will only invite foreign companies to commercialize the quality developmental projects being received by the TRP. In so doing, we will return to the treadmill we have been on where our foreign competitors commercialize U.S. technology and sell it back to us at the cost of lost jobs and lower wages. We must not allow this to happen. Vote down the Walker amendment.

OPPOSE THE SPENCE AMENDMENT

A second amendment will be offered to reduce funding for TRP projects by

$40 million. This amendment proposed by Mr. SPENCE of South Carolina would also increase funding for the Pentagon's Office of Economic Adjustment by $40 million. As I have pointed out, the committee bill already increases OEA funding by $40 million.

While the Spence amendment is well-intentioned, I must respectfully suggest it has the adverse, unintended consequences of reducing support for defense conversion programs specifically provided for small- and medium-sized businesses. This is because the manner in which the committee has funded the defense dual-use assistance extension programs. We have proposed that not less than 30 percent of the $50 million provided for this program be provided to facilitate computer resource assistance to small businesses for networking to find alternative markets, partners. This program which has been pioneered by the State of Minnesota with the support of the House Small Business Committee with very impressive results.

A second adverse consequence of the Spence amendment would be its reduction of our ability to provide loan guarantees to small- and medium-sized businesses wanting to capitalize nondefense markets. Again, we provided 30 percent of the $50 million in support of the loan guarantee defense diversification program sponsored by our colleague Mr. HOCHBRUECKNER from New York.

I urge my colleagues to reject the Spence amendment since it would reduce our ability to support proven programs to help small and medium businesses cope with reduction in defense spending.

SUPPORT THE ANDREWS/KASICH AMENDMENT

A third amendment being made in order is the amendment proposed by Mr. ANDREWS of Maine and Mr. KASICH of Ohio to prohibit the use of defense conversion funds from financing arms sales abroad. Clearly, arms sales are not defense conversion. Importantly, this amendment is consistent with administration policy which is to rule out the financing of such sales from the $20 billion multiyear defense conversion budget. Importantly, this amendment has been modified to restrict this prohibition to financing arms exports and permits a waiver in the case of an item developed with defense funding being used for civilian end-use. An example here could be the V-22 tilt-rotor aircraft for short-haul civilian aviation use.

At the same time, it may be important to examine the suitability of efficacy of Government-backed loan guarantees for defense exports as one of the several tools to help defense contractors remain viable as U.S. military needs decline. The Andrews-Kasich amendment allows such an examination to occur without diverting defense conversion funding to unrelated purposes. And such an examination will have to include whether such mechanisms unwittingly make U.S. defense firms dangerously dependent on foreign weapons sales; contribute to regional instability and conflict; reduce U.S. employment because of so-called offset agreements which require transfer of jobs as a condition of the sale; or impede our larger international trade strategy of which defense trade should be only one aspect in the post-cold war era. I urge my colleagues to support the Andrews-Kasich amendment.

Mr. Chairman, we have an opportunity to enhance our defense conversion program by taking the appropriate action on the amendments before us. I hope my colleagues will follow the recommendations of our committee and vote accordingly.

Mr. WELDON. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I am delighted to yield to the gentleman from Pennsylvania.

Mr. WELDON. Mr. Chairman, is it not true that a proposal could also put up in-kind services?

Mrs. SCHROEDER. Of course it could put up in-kind services, but a very high percentage of them have put up cash, cash, which is more than the amount that we have got funded even with our $300 million add-on. The tragedy is that we cannot do it even faster.

The CHAIRMAN pro tempore (Mr. REYNOLDS). All time for general debate on this issue has expired.

It is now in order to consider amendment No. 1 in part 4 of House Report 103–223.

AMENDMENT, AS MODIFIED, OFFERED BY MR. HANSEN

Mr. HANSEN. Mr. Chairman, as the designee of the gentleman from South Carolina [Mr. SPENCE], I offer an amendment, as modified.

The CHAIRMAN pro tempore. The Clerk will designate the amendment, as modified.

The text of the amendment, as modified, is as follows:

Amendment, as modified, offered by Mr. HANSEN:

After section 1303 of the bill, insert the following new section:

SEC. 1304. ALTERATIONS IN FUNDING FOR DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE PROGRAMS.

(a) COUMMUNITY ADJUSTMENT AND DIVERSIFICATION.—The amount provided in section 1321(a) (relating to community adjustment and diversification assistance) is hereby increased by $40,000,000.

(b) OFF-SETTING REDUCTIONS.—The amount specified in the matter preceding the paragraphs in section 1311 for activities of the Department of Defense under chapter 148 of title, 10, United States Code, and section 2197 of such title is hereby reduced by $40,000,000, of which—

(1) 50 percent of such reduction is hereby achieved by reducing the funding for the manufacturing extension program, as provided in paragraph (5) of section 1311, by $20,000,000; and

(2) 50 percent of such reduction is hereby achieved by reducing the funding for the defense dual-use extension program, as provided in paragraph (6) of such section, by $20,000,000.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] will be recognized for 10 minutes, and a Member opposed, the gentlewoman from Colorado [Mrs. SCHROEDER] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have a little problem regarding the chairman's mark. As we all know, base closures are adversely impacting many communities across the Nation. People are losing their jobs, people are having different kinds of problems.

But I want to talk about the chairman's mark where there is apparent inconsistency, and I hope we all think this through. In the chairman's mark we are going to take $69 million, and we are going to distribute it to 64 communities.

On July 2 of 1993 the President of the United States, Mr. Clinton, said a minimum to go to each community would be $1 million. Also in the chairman's mark it picks up on eight of these communities that would receive a designation of catastrophic.

□ 1540

These catastrophic folks are even going to get $6 million right off the top. Let us do some simple math: $48 million is taken care of, of the $69 million. Now you have 56 other communities. How can they possibly get the $1 million that President Clinton said they should get? There is no way in the world that they can. Of those eight communities—San Diego, Sacramento, San Francisco, Oakland, Charleston, Dallas-Fort Worth, upstate New York, and Philadelphia—there is absolutely no question that they are meritorious and they deserve the money; nobody would argue with that. These communities should have the money. But how do we ever figure out this basic math?

All this amendment does is it adds $40 million out of this ARPA money that we have been talking about, puts it back in so that these communities can receive the money given to them. Now, that is simply, Mr. Chairman—what this amounts to, fairness, equity, that we should come up to to take care of that. No one is arguing about the eight communities.

There is no way that this thing is structured now, the chairman's mark, that we can take care of the obligation we gave these people.

Now, you can say what is this? This is strictly a matter of prioritizing, that those little communities wherever they may be, in Tooele, Utah, or Colorado or Wyoming, that they can at least get that million dollars so that the office of economic group can take care of them and somewhat alleviate the pain that we are talking about in this particular problem of base closing. It is just a matter of fairness. I do not see why there should be any question on it.

Mr. Chairman, I reserve the balance of my time.

Mrs. SCHROEDER. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. HOCHBRUECKNER], a distinguished member of the committee.

Mr. HOCHBRUECKNER. I thank the gentlewoman for yielding this time to me.

Let me speak to my colleagues and to the Nation as an engineer, and as someone who comes from the defense community, who worked for over 20 years on some very important technology that has in fact helped us to be the No. 1 Nation on this Earth militarily, and certainly I was pleased to spend my time doing that.

Let me share my remarks as an engineer: Certainly we won the cold war, and we should rejoice in that. The probability of a nuclear war today is zero. But clearly we need to maintain strong conventional capability to meet the challenges that do and will continue to exist around the world.

Since 1985, defense spending has been coming down and will continue to decline into the future. Clearly, we must do our best to help those people, the people from the aerospace community, who have in fact won the cold war. We should not throw them out. We should maintain them, and we should help them and support them in transitioning into commercial products and certainly do our best to maintain an industrial base so that in the future, as we need weapons systems, these people are available.

How do we do that? The conversion, dual-use program is the way to go. It creates jobs.

If, for example, we needed a widget for the Air Force and we took $10 million and invested it in some company, they would put 100 people to work and in a year they would produce whatever that widget was, and that is fine. What we are talking about here is a conversion program, using the TRP and using the ARPA, we would still take those 100 people, put them to work spending $10 million developing a widget, but the idea is to have a dual use for that widget so that once it is developed, the Air Force is happy but we create hundreds of additional jobs because we now also have a commercial product that we can sell around the world to make us more competitive.

That is what this program is all about.

Certainly, the President in fiscal year 1993, which ends at the end of this month, took $471 million of last year's conversion money and dedicated it to the dual-use program. In this budget that we are working on right now the President asked for $275 million. What we are doing this year with this budget is adding $300 million to that and hopefully more because we do have over $8.4 billion of proposals to produce commercial products to make us more competitive in the world marketplace. And we need to support as many of these programs as possible. So we must oppose any amendment today that would reduce the conversion money.

As it is, with 1993 money and 1994 money, if we do not change it, we are only going to have a little over $1 billion to spend. We had 8.4 billion dollars' worth of proposals. We must support as many of those proposals as is possible because we need dual use. It is the best way to create private sector jobs in this country. It is the best way to put our people to work and the best way to thank our aerospace community for the wonderful job they did winning the cold war and to put them to work building the next generation of commercial products that will make us competitive. And the good part of it is that it also maintains our industrial base should we need them to return to producing needed weapons.

This is a program that makes sense. We ought to put much more money into it, and clearly we must oppose all amendments that would reduce this very important funding so necessary to our future and the future of our military and commercial industrial base.

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the gentleman from California, [Mr. CALVERT].

Mr. CALVERT. I thank my colleague, the gentleman from Utah for yielding this time to me.

Mr. Chairman, I rise in support of the Hansen amendment.

It is no secret that my State of California is going through some difficult economic times. We have been hit harder than any other State by a combination of base closures and defense and aerospace industry cutbacks.

Obviously, we cannot expect the Federal Government to solve all of our economic difficulties. It will take time for the private sector to adjust and bounce back. But, the Federal Government can—and should—help ease the pain of transition caused by the closing and realigning of military facilities.

The President has promised that every community adversely affected by the closing or realignment of a military base will be eligible to receive $1 million in Federal funds to help convert the bases to civilian uses.

This is not a lot of money, but it is important to communities such as mine in southern California which already has 13 percent unemployment and must cope with the realignment of March AFB.

Because the President has also proposed to provide a minimum of $6 million in assistance grants to heavily impacted areas, the $1 million for districts such as mine may not be available as promised. By shifting funds from a program which is already adequately funded to the office of economic adjustment, the Hansen amendment will allow my district and others to receive the full funding that the President has promised without adding new burdens on the Nation's taxpayers or increasing the Federal budget deficit.

If we do not pass this amendment, the President will have to find a new source of funding for the OEA or add to the budget deficit. This amendment will allow the President to keep his commitments without adding to our deficit.

Mrs. SCHROEDER. Mr. Chairman, I yield myself 3 minutes.

I want to use this time to answer the substantive questions that have come up.

First of all, when this bill came over, there were $29 million put in for OEA and the committee plussed it up to $40 million already. We already more than doubled the administration's request.

So that is point No. 1.

Point No. 2: The President has not asked for more money. He is perfectly aware, and I think everyone is aware, that his statement about impacted communities meant that he would be asking for the money over a period of time, phasing it in as they could best use it rather than lump summing it all right now.

The other reason that I think the President feels so strongly about leaving this $40 million in the TRP Program is for those impacted communities, especially California. That is where a very high percentage of the TRP requests are coming from.

So if you are going to take money out of that account and put it in the OEA account, you are really robbing Peter to pay Paul and, not only that, you are shortchanging the average person in those communities a whole lot more because every dollar that remains in the TRP account must be matched in kind or with hard cash by the person who gets the grant.

□ 1550

Now, the big hope for communities is real jobs, real jobs. I am a little surprised, because on that side of the aisle, we on this side of the aisle usually get attacked for things like the Office of Economic Adjustment saying, "Oh, that is warm fuzzies. You are giving them $1 million, but you are not giving them real jobs," and so forth.

Here is a chance to do real jobs. You have people saying, "We will put up half the money and develop it into the civilian economy and apply this technology."

The gentleman from San Diego, who was speaking earlier, was mentioning all the new ideas coming out of that area, new ideas on composites, new ideas on how to rebuild the infrastructure to make them earthquake proof, to do all these good things.

So I hope everybody turns this amendment down. It is precisely what the President wants. It is a way to keep both things on line.

Yes, you have to have some money going into those economies, but let me tell you, anyone who thinks getting $1 million for each of those economies is going to solve their problem is wrong. It has got to also have a rebuilding of our manufacturing base in the civilian sector. We all know how hard it is to get cash right now. That is why this program has been so oversubscribed; but the good news is those parts of the country are not brain dead. They have come up with a tremendous amount of ideas, and I think this would be a very shortsighted amendment to pass.

Mr. HANSEN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, let me reiterate, if I may with respect to the chairman's remark, it is quite ambiguous what the President really wanted out of this. We have asked, and I am sure the other side has asked, but the question is, do the people need the million dollars now?

I do not understand how we are ever going to take care of these people who are losing jobs, who do not have the community economic base that they have had all these years, how we can expect them to say, "Well, we're going to push this off for maybe 4 or 5 years." That is not the way I think this has been interpreted.

As you look at this, and you have $60 million, and I appreciate the gentlewoman from Colorado flushing it up to what it is, but at the same time they should have been able to fund it.

It is nice to say we are going to give $69 million and not give it.

So everyone should realize we have nothing at all that we are upset about of these catastrophic designees. These catastrophic designees are each going to get $6 million, no question. We agree with the gentlewoman. They do need the money. They do have to have the opportunity to be taken care of.

But does that mean we just reject everybody else in America?

There are 56 other committees being totally rejected because of this. What about them?

Well, they are just little guys. Let us not worry about them. They will work it out. They will all go broke. They will stand in bread lines. No, let us not buy that.

This would merely take this flush account that was $275 million, flushed up to $300 million, now $575 million, and merely say we are going to take $40 million is all out of that $575 million, which the gentleman from Pennsylvania aptly pointed out has not even used their 1993 money, and help some of these folks out.

What is wrong with that? This is an innocuous type of thing. It is merely a reaccounting. We are just reauthorizing the money. We are not taking money away. This is what the money was intended for, anyway.

So I just say to my friends from these eight big communities that automatically are going to get our $6 million, there is no way on earth we can meet the commitment that the President made to give every community a million dollars, unless we follow this amendment.

We are not trying to hurt anyone. We are just trying to take care of those little small communities which America has a way of overlooking in favor of these fat cats, and I say that very respectfully, I mean those who get the money. Let us take care of some of these other people.

Mrs. SCHROEDER. Mr. Chairman, I yield myself 3 minutes.

Let me try to answer some of the things that have come up. There may have been some ambiguity at the beginning of the year when the administration first took over and did not understand the seriousness of all this, but they are very clear now on what their proposals are.

Now, for anyone who wants to call this account of $575 million a fat cat account, let me tell you, there are $9 billion worth of proposals lined up to claim this half a billion dollars that we have in this account, which means we only have one-eighteenth of the money we would need if we tried to fund them all.

I feel a little silly talking to the other side of the aisle about leveraging, but let me tell you, for every one Federal dollar you can spend where you get a dollar put up by the private sector on the other side, that is terrific, so every one of these $575 million must have a dollar committed on the other side, or they do not get it. That is the kind of leveraging that is very real.

When you look at these proposals, you also find they were not the fat cats. The big mega corporations did not want to pay. These were the people who made America great. These are the entrepreneurs, the small businessmen, interesting new partnerships, interesting new joint ventures. It is a very creative group.

And yes, some of them said they would put in kind, but we have had so many put in hard cash, that is probably going to be the first easy cut. They got way more than enough hard cash proposals that they do not even have enough money to fund those.

Now, for each of these communities, and I am sure the gentleman from Utah that I am very concerned about them, because I happen to have one, we have a base closure in my district.

Yes, I want the million dollars. I want job training, I want all of that. But training for what? If we do not start creating new jobs in this society, we have not got anything to train them for.

I have gone to many of these job fairs at bases that are closing, and they are pathetic. People are not allowed to come unless they have real jobs. That should be the ground rule. But when you look at the real jobs they are coming with, it is, "Do you want to work as a burger flipper?" in many instances, and that is very degrading. People want us to rebuild this manufacturing infrastructure. That is why we are trying to do everything we can to try to get our shipbuilding back, our manufacturing back, get all of it back that we possibly can from our investment that we have made in this technology and trying to apply it to the civilian sector.

I tell you, if we do not do it, our allies will do it. They have been doing to us over and over again.

I will bet you that 90 percent of the things in your home and 90 percent of the things in my home started with federally funded military research that someone offshore bought and turned into a job.

So what we are trying to say in these very limited dollars is the best way to spend this money is this matching, creating real jobs, building the infrastructure. It is the vision thing.

I really hope you can join us on it.

Mr. HANSEN. Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Chairman, I thank my colleague for yielding this time to me.

I think we hear so much overstating in terms of what the TRP will do, how magnificent this response has been. Let us cite the facts.

Of the $8 billion of requests, the proposals that are in, $5 billion is in kind, $5 billion.

Now, we heard that for every dollar, there was a dollar of private money. Then we hear, well, there was some local in kind match. It is $5 billion to $8 billion. Let us get that straight.

The second point is, once again what ARPA said is that 10 to 15 percent funding is a good number. Let us keep those figures in mind, because they are facts.

Mr. HANSEN. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Chairman, I thank the gentleman very much for yielding this time to me.

Mr. Chairman, I hate to disagree with the gentlewoman from Colorado. I have great admiration for what she has done on defense conversion. I voted with her a number of times today on those issues; but as a Californian and as one who has much to gain from a full budget for the technology reinvestment project [TRP] and many proposals for my particular area that are going to try to access that funding, I must say on this issue—since this is an authorization bill, not an appropriations bill—I think the Hansen amendment ought to be supported as a simple matter of fairness. There ought to be a guarantee, as the President has suggested, that every community having this type of base closure process affecting its livelihood receive at least $1 million.

If the committee should authorize it, if there is a problem, let the Committee on Appropriations deal with the problem in the phasing of the funding. I would strongly urge a "yes" vote on the Hansen amendment.

Mr. HANSEN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I appreciate the gentlewoman from Colorado [Mrs. SCHROEDER], and I appreciate her leadership on the committee. But very candidly I say to my colleagues here and those sitting in their offices that we have 64 communities that the President of the United States said would receive at least $1 million. Of course we have empathy for the eight, and they should receive the $6 million, and there is no question. They do not have a corner on all the things that came to my house or the gentlewoman from Colorado's house. Many of these things came from little communities who have the wherewithal and the ability to do it, and have the university and the academic people who have done it.

So, Mr. Chairman, the gentleman from California said it best. This is a question of fairness. It is a question of fairness to the 64 communities who have suffered a devastating economic blow. All we are asking is that we live up to the commitment the President made on July 2 to give a million dollars to the Norman, Oklahoma's, or wherever it may be, and take care of the eight communities at the same time.

So, Mr. Chairman, I say to my friends as they prepare to vote, "All we are doing is taking care of fairness. The money is there, I think we can do it, and I would appreciate your support for this amendment, and I thank the gentlewoman from Colorado for her indulgence."

The CHAIRMAN pro tempore (Mr. DURBIN). The gentlewoman from Colorado [Mrs. SCHROEDER] has 1 minute to close.

Mrs. SCHROEDER. Mr. Chairman, I still do not understand the other side's arguments because we have it both ways, and I say to my colleagues, "Basically, if you vote for this amendment, which I hope you do not, you will be shooting yourself in the foot. There is absolutely no one on this side, including the chairman of this committee, who is in one of those impacted committees, that is going to allow any of those communities to be short-funded. We are going to continue putting money in OEA, and usually that side is attacking us for doing that. So, I am pleased they want to support more, but we have already added $40 million this year to it."

So, Mr. Chairman, we will meet the President's commitment, and he is happy about that, and that is all on target, and let me say to my colleagues, "If you look at these conversion projects that have come in, $5 billion may be in kind, but $4 billion are hard cash, and we only have $575 million to leverage that, so that means that hard cash proposals, to the tune of $3½ billion, will be turned down. If this amendment were to pass, it would be even more."

Mr. Chairman, I hope people vote against this amendment. I really cannot possibly believe that it would be doing anything but harming the long-term conversion potentials for all the areas that are affected and for the future of this country and the investments for the taxpayer.

The CHAIRMAN pro tempore. Under the rule, all time for debate has expired.

The question is on the amendment offered by the gentleman from Utah [Mr. HANSEN].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. HANSEN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 171, noes 251, not voting 16, as follows:

[Roll No. 421]

AYES—171

Allard
Andrews (NJ)
Archer
Armey
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bevill
Bilirakis
Bliley
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Collins (GA)
Combest
Cox
Cramer
Crane
Crapo
Cunningham
Darden
DeLay
Derrick
Diaz-Balart
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Emerson
Everett
Ewing
Fields (TX)
Fowler
Frost
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Goodling
Goss
Greenwood
Gunderson
Hamilton
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Horn
Houghton
Huffington
Hunter
Hutchinson
Hutto
Inglis
Inhofe
Istook
Johnson, E. B.
Johnson, Sam
Kanjorski
Kasich
Kim
King
Kingston
Knollenberg
Kolbe
Kyl
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Martinez
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Mollohan
Moorhead
Murtha
Myers
Orton
Oxley
Packard
Paxon
Pickett
Pickle
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quillen
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rostenkowski
Roukema
Royce
Saxton
Schaefer
Schiff
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stearns
Stump
Stupak
Sundquist
Talent
Thomas (WY)
Torkildsen
Upton
Visclosky
Walker
Walsh
Weldon
Wolf
Young (FL)
Zeliff
Zimmer

NOES—251

Abercrombie
Andrews (ME)
Andrews (TX)
Applegate
Bacchus (FL)
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Bilbray
Bishop
Blackwell
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Cooper
Coppersmith
Costello
Coyne
Danner
de la Garza
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dickey
Dicks
Dingell
Dixon
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Faleomavaega (AS)
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Franks (NJ)
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Goodlatte
Gordon
Grams
Grandy
Green
Hall (OH)
Hall (TX)
Hamburg
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnston
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Klug
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCloskey
McCurdy
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Montgomery
Moran
Morella
Murphy
Nadler
Natcher
Neal (MA)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Poshard
Price (NC)
Quinn
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Romero-Barcelo (PR)
Rose
Roth
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shepherd
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Stark
Stenholm
Strickland
Studds
Swett
Swift

Synar
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn

NOT VOTING—16

Ackerman
Conyers
Farr
Gutierrez
Hoke
Hyde
Kopetski
Lehman
McDermott
McNulty
Neal (NC)
Stokes
Thomas (CA)
Vucanovich
Yates
Young (AK)

□ 1623

The Clerk announced the following pairs:

On this vote:

Mr. Thomas of California for, with Mr. Stokes against.

Mrs. Vucanovich for, with Mr. Ackerman against.

Mrs. MEEK, Mr. DICKS, and Mr. HALL of Texas changed their vote from "aye" to "no."

Mr. CRAMER, Mr. GOODLING, and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from "no" to "aye."

So the amendment, as modified, was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. KOPETSKI. Mr. Speaker, I was unavoidably detained during the rollcall vote on number 421. Had I been present, I would have voted "no." My absence did not affect the outcome of the vote.

I ask that this explanation appear immediately after the rollcall vote during the appropriate place in the RECORD.

The CHAIRMAN pro tempore (Mr. DURBIN). It is now in order to consider amendment No. 2 printed in part 4 of House Report 103-223.

AMENDMENT OFFERED BY MR. ANDREWS OF MAINE

Mr. ANDREWS of Maine. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ANDREWS of Maine: At the end of title XIII (page 447, after line 6), insert the following section:

SEC. 1360. RESTRICTION ON USE OF DEFENSE CONVERSION FUNDS FOR THE SALE OR TRANSFER OF DEFENSE ARTICLES OR DEFENSE SERVICES.

(a) RESTRICTION.—Except as provided in subsection (b), none of the funds appropriated pursuant to an authorization of appropriations in this Act and made available for defense conversion programs may be used to finance (whether directly or through the use of loan guarantees) the sale or transfer to foreign countries or foreign entities of any defense article or defense service, including defense articles and defense services subject to section 38 of the Arms Export Control Act (22 U.S.C. 2778).

(b) CIVILIAN END-USE.—The Secretary of Defense may grant exemptions from the restriction of subsection (a) with respect to sales or transfers of defense articles or defense services for civilian end-use.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "defense article" has the meaning given that term in paragraph (3) of section 47 of the Arms Export Control Act (22 U.S.C. 2794).

(2) The term "defense service" has the meaning given that term in paragraph (4) of such section.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Maine [Mr. ANDREWS] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

Mr. WELDON. Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WELDON] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Maine [Mr. ANDREWS].

Mr. ANDREWS of Maine. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, the amendment before us today asks us to address the following question: Should defense conversion include the financing of foreign arms sales?

The basic question that this amendment addresses and asks us to address this afternoon is, should defense conversion include the financing of foreign arms sales?

Because of the tremendous confusion about what this amendment is and what it is not, I just want to clarify what it is and what it is not.

This amendment recognizes that the tremendous challenge that we are facing across this country in converting our industrial base, our work force, and our communities that gave so much during the cold war, that helped us to win the cold war, that we need to provide them all the tools that we can to convert into those industries and those resources that we need to win the economic competition of the post-cold war era.

When the proposal from the President became clear that he supported defense conversion, Mr. Chairman, there were elements who said, look, let us take a piece of this conversion money and use it to finance arms sales.

Mr. Chairman, we have limited dollars in the defense conversion area. Regardless of what Members think of the wisdom of the current policies regarding foreign arms sales, this amendment simply says, let us agree that foreign arms sales does not equal conversion. And conversion funds, Mr. Chairman, should be limited and directed to those activities which will help those industries, help those communities and help those workers retool so that they can build high-speed rail, so that they can build advanced telecommunications, so that they can build alternative sources of energy, in short, everything we need to compete in this next decade and century.

Nothing in this amendment, Mr. Chairman, affects sales or directs commercial sales that are approved and supported by our Government to foreign nations.

Since bringing this idea up to the full committee in July, we had a number of concerns addressed and questions addressed to us. So we made modifications. We changed the amendment, and we have an amendment that, in fact, does exactly what it says.

I urge my fellow Members to support my amendment.

Mr. WELDON. Mr. Chairman, I yield 5 minutes to the distinguished freshman member of our committee, the gentleman from Indiana [Mr. BUYER], who has done a fantastic job on this issue.

□ 1630

Mr. BUYER. Mr. Chairman, I rise in opposition to the Andrews amendment. This amendment is unnecessary. It has broader negative implications for defense conversions than the associated rhetoric that we are about to hear. The rhetoric associated with the amendment is not in fact what this amendment is about.

The sponsors are claiming it is about stopping the use of defense conversion funds for arms sales. In reality the amendment is simply being used as a vehicle to propound against arms sales, when in fact there is nothing in the administration's request for arms sales; arms sales are not within the jurisdiction of the Committee on Armed Services.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I would ask if the gentleman understands that should this amendment pass, there will be an extensive number of people who would be out of work and unemployed. Does the gentleman understand that? Does the gentleman agree with me on that?

Mr. BUYER. Yes, Mr. Chairman, I do. I do not support this amendment.

Mr. SKELTON. If the gentleman would continue to yield, I do not, either, but I think the author and those of us who are discussing this should understand that this is an unemployment amendment.

Mr. BUYER. Reclaiming my time, Mr. Chairman, the Committee on Armed Services opposed an earlier version of this amendment by a vote of 15 for and 39 against. The amendment is not supported by the Clinton administration's Defense Department.

The amendment is contrary to the export policies of the Clinton administration's Department of Commerce.

The amendment is contrary to economic growth and the maintenance of this Nation's industrial and technology base.

We should not be taking the time of the House to debate an amendment that was defeated on a 2-to-1 bipartisan basis in our committee markup.

The amendment is a badly crafted amendment. While the sponsors say that their objective is to prohibit the use of defense conversion funds to finance arms sales abroad, the amendment is about much more than prohibiting arms and weapons sales. Because the amendment does not match the sponsors' rhetoric and gets into the legalistic arcania of the Arms Export Control Act, it actually inhibits the very process of defense conversion that the sponsors say they support.

As I have mentioned, our members were against this amendment by a 2 to 1 margin because of concerns over potential unintended consequences of the amendment. The concerns over unintended consequences obtain in the current version of the amendment.

You all have heard of the phrase, "the devil is in the details." This is an example of the devil being in the definitions.

The sponsors of the amendment say that they are opposed to the use of funds authorized for defense conversion purposes being used to finance weapons and arms sales to foreign countries. The problem is that instead of saying what they mean in the amendment, the sponsors use the all-inclusive term "defense articles" which, under the reference they cite in the amendment, includes many of the items authorized under defense conversion. In other words, the sponsors' amendment could in effect prohibit the very defense conversion process that they otherwise support.

Under the reference cited in the amendment for defense articles there is a lengthy list of items that are not arms and are not weapons. The list includes many potential defense conversion items that are defined as defense articles. A few examples of defense articles that are funded by defense conversion and could be affected by the amendment include: advanced composites, engines, patrol vessels, auxiliary vessels, and service craft, navigation systems, power supplies, training equipment, electronic equipment, ground radar, radios and identification equipment, computers, night vision devices, cameras, energy conversion devices.

The items are all in the category of dual use. Under the amendment their sale could be prohibited to a foreign buyer.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from California for 15 seconds.

Mr. BERMAN. Mr. Chairman, the gentleman is misreading the Arms Export Control Act. The Arms Export Control Act covers the jurisdiction of the munitions list items. The defense articles are Government sales. We do not have any reason to be providing loan guarantees for Government sales. The gentleman is making an argument that is not related to the actual text of this amendment.

Mr. BUYER. Reclaiming my time——

Mr. BERMAN. The Secretary can waive any of this for civilian purposes.

Mr. BUYER. Reclaiming my time, this is directly related because with defense conversion, we are talking about dual use technologies——

Mr. BERMAN. Dual use technologies are——

Mr. BUYER. Regular order, Mr. Chairman.

The CHAIRMAN pro tempore. (Mr. DURBIN). The gentleman from California [Mr. BERMAN] will desist. The gentleman from Indiana [Mr. BUYER] is recognized and may continue.

Mr. BUYER. Mr. Chairman, the items that I listed were all in the category of dual use. Under the amendment their sale could be prohibited to a foreign buyer.

The sponsors claim that the waiver provision of the amendment would allow the Secretary of Defense to waive the prohibition for foreign sale for items intended for civilian end use. Does it make sense at a time when the President wants to cut 250,000 Federal jobs, to create yet another Federal bureaucracy to argue the end use potential for an endless list of defense conversion items? This waiver would create yet another hoop for our businesses to jump through in order to compete legitimately in international commerce—a hoop that their competitors in other countries do not have to jump through. And a hoop that is very long—more like a tunnel—that can take months for an approval for a given export license to come out the other end. I don't think our Members think that makes sense.

The sponsors make no distinction as to what countries the prohibition on financing should apply. If Members seek to limit arms sales they need to focus on likely recipients and should not support a blanket prohibition. We should not be making blanket prohibitions on the sale of defense conversion items that apply equally, for example, to Canada as they would apply to a country like Iraq.

The Defense authorization bill has nothing to do with foreign arms sales. Defense conversion has nothing to do with arms sales.

Those Members opposing arms sales have had an opportunity to join with our colleague from California [Mr. BERMAN] in writing to the President on July 30 of this year requesting a reevaluation of U.S. arms transfer policy.

Give the President a chance to respond.

This amendment was opposed by a 2 to 1 majority of the committee. It is not supported by the Clinton administration. It is contrary to the proexport policy of the Commerce Department. It is antigrowth. And it is antibusiness.

This amendment is for a different time and place and does not belong in our debate today. Defeat this amendment.

Mr. ANDREWS of Maine. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. KASICH], my distinguished Republican colleague on the committee.

Mr. KASICH. Mr. Chairman, maybe we are fighting a losing battle, because every time I come to the floor on this issue we seem to lose, and maybe one time we will have some real change and we can win. This is a real tragedy.

Between 1989 and 1992 the United States was involved in selling 56 percent of the arms transfers around the world, 56 percent, with the current mechanism that we have in place. Now we want to add another mechanism to have even more arms sales? Come on, folks. Talk about the devil in the details, the devil is in the details of the opposition to this program.

This program says, "If you have a legitimate commercial item and you want to sell it, you get an exemption to sell it." Rather than to have to fight to restrain the growth in the sale of arms around the world, this is designed to say, "Folks, let us slow it all down."

Fifty-six percent of the market share of weapons around the world I think is high enough. I do not think we need another mechanism to drive it up beyond 56 percent of the weapons that are sold around the world. Let me show the Members what has happened over the last 7 years.

We might see here that the Soviet Union in 1968 was really leading us, the Soviets in red and the United States in blue. However, in 1990, 1991, and 1992 America has become the super champion, dwarfing everybody else in the world when it comes to the issue of arms sales.

Mr. Chairman, we went to Iraq and we faced our own weapons. There is going to be an en bloc amendment that creates a commission that I worked on with the gentleman from Wisconsin [Mr. OBEY] to put some rational thinking into this whole issue. If we do not sell, someone else will sell. We have to deal with that.

Under the current mechanism that we have, what we do not need to do is exacerbate the problem. We do not need to capture more than 56 percent of market share.

□ 1640

I say to my colleagues on both sides of the aisle, let us just send this thing into the conference committee. The Senate already has a provision to provide for more exports of weapons. Let us get in the conference committee, and let us work out a reasonable provision that puts some rational thinking in the sales of arms. Let us not add another structure. Let us do this in a rational manner, give us a chance to go to conference committee.

This amendment is not perfect, but it puts us in the conference committee with a mechanism to try to bring some rationality into this whole issue of selling arms around the world that ultimately endangers the United States of America. Vote for the Andrews amendment.

Mr. WELDON. Mr. Chairman, I yield 1 minute to the very distinguished gentleman from Florida [Mr. HUTTO], chairman of the Subcommittee on Readiness.

Mr. HUTTO. Mr. Chairman, I rise in opposition to this amendment. It was defeated overwhelming in the Armed Services Committee. I know the gentleman from Maine is well intentioned, and I agree that we should stop the proliferation of arms around the world and selling weapons systems to every country. But we cannot do it here and disadvantage our people. If we can apply this to every other country, fine.

But what we have to do is have the State Department and the U.S. policy and get these countries together and have an agreement that we will stop these arms sales and buildup of weapons systems around the world. But we do not want to take jobs away from our people, and that is what this would do.

If we do not sell these particular arms, well then somebody else is going to do it. But we should get an agreement so that all of it would be stopped, and not just the United States of America.

So I urge Members to keep American jobs and vote against this amendment.

Mr. ANDREWS of Maine. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Michigan [Mr. BONIOR], a Member who is as concerned about jobs in this country as is any Member in this Chamber.

Mr. BONIOR. Mr. Chairman, U.S. arms sales, as these charts have just indicated, to Third World countries are now greater than any other nation or all other nations combined.

We talk about new threats from abroad. Yet our weapons come back to haunt us. Whether it is in Somalia, or Panama, or the Persian Gulf, American men and women have found themselves looking down the barrel of United States-made weapons.

Now there are those who would take conversion funds which have been set aside to help American workers to finance foreign arms sales. Foreign arms sales are not defense conversion. We need those funds right here at home. We need to expand exports, not arms sales.

The knowledge and experience of the defense industry can be used to make our Nation competitive again, and this amendment, the Andrews-Kasich amendment, is a sensible, reasonable, modest amendment. Foreign arms sales would simply be excluded from the definition of defense conversion.

So I ask my colleagues not to rob American workers to finance foreign arms sales. Vote for this amendment.

Mr. WELDON. Mr. Chairman, I yield 2 minutes to our very distinguished freshman Member, the gentleman from Missouri [Mr. TALENT] who has done an excellent job on the committee.

Mr. TALENT. Mr. Chairman, I thank the gentleman for yielding the time and for his kind compliment.

Mr. Chairman, the sponsor of this amendment says he is offering it because he wants defense conversion money to be used for defense conversion. That is why I am opposing it. I want defense conversion money to be used for defense conversion.

Here is what the amendment says, and if it passes this is what the law will be:

> None of the funds appropriated pursuant to an authorization of appropriations in this act and made available for defense conversion programs may be used to finance the sale or transfer to foreign countries or foreign entities of any defense article.

Defense article, Mr. Chairman, as defined under the statute includes a whole lot more than just defense systems of weapons. It includes composites, it includes electronics, it includes ships, it includes everything that we want these people to produce in defense conversion. So what we are going to be saying to them if we pass this amendment is here is some money and go out and fund these consortiums, produce articles like components for defense conversion, but you cannot export them. We do not want you to send them abroad.

A group of people in my district formed a consortium where they wanted to make a composite that would be used to make bridges stronger and earthquake proof. What we have said is go ahead and build it, but you cannot export it. Maybe there are billions of dollars worth of business to do in Canada with this, but you cannot do it. We do not want you to export to Canada.

Mr. Chairman, there is a time and place for a legitimate and strong debate about arms sales. Many Members of the House feel strongly about it, as I do. I think there has been a lot of loose rhetoric. I think it is important to distinguish between sales to Third World countries and sales to our friends which enhance American security and protect American lives and save thousands of American jobs. I would like the opportunity to have that debate on a bill coming out of the Foreign Affairs Committee. This is not the time or the place. With the complicated procedures already in place, it is going to cost thousands and thousands of U.S. jobs, so if you want to put people out of work, vote for the amendment. The gentleman said vote to have it in conference, and I am glad that my friend from Ohio said that because if it gets to conference we ought to conference it out, because we had sure better change it or we are going to put an awful lot of people out of work.

Mr. ANDREWS of Maine. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Connecticut [Mr. GEJDENSON], cochair of our conversion task force and chairman of the Committee on Foreign Affairs Subcommittee on Economic Policy, Trade and Environment.

Mr. GEJDENSON. Mr. Chairman, I just say to my friends that there is no debate here. The facts of the matter are that some of our colleagues who oppose this amendment are just factually wrong.

We are not attacking the fundamental method for financing arms sales. What we are saying is these new dollars ought to be used for the future to do a little long-term planning. We still have lots of money and lots of methods for aiding arms sales. we are doing too much of that. But that is really a different issue.

What we have here is after years of effort a handful of dollars to plan for the future. The choice is a simple one. Do we make some effort to make sure that our defense workers have an opportunity to enter into new products and to make sure they have jobs in the future, or do we take these few scarce resources, spend them fast now, and then not have access in the future markets in defense conversion. Technology that began in defense that has commercial application is not barred from use by the language in this amendment. This amendment, to the contrary, makes sure that the few resources that we have are used to establish new products and new fields with new customers.

Support the amendment. It is a good amendment.

Mr. ANDREWS of Maine. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Wisconsin [Mr. OBEY], chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, all this amendment does is prohibit the financing of arms sales or transfers with conversion funds. That is all it does. It does not affect ongoing military sales programs. It simply says use defense conversion money for defense conversion.

Are we so dull witted in this country that the only way we can think of to convert defense production into something else is to increase arms exports around the world? Are we not imaginative enough to figure out other ways to do it? We did it at the end of World War II. We did it at the end of the Korean war. Do we not have the capacity to do it again?

We have told the Russians, who are experiencing an economic catastrophe, we have told the Czechs, who are experiencing economic collapse, that they must cut back on their arms sales. Meanwhile we are shoving ahead, becoming the arms merchant of the world.

America is better than that. Support this amendment.

Mr. ANDREWS of Maine. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Indiana [Mr. VISCLOSKY], a member of the Subcommittee on Defense of the Committee on Appropriations.

Mr. VISCLOSKY. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Maine [Mr. ANDREWS]. First of all, using conversion funds to create a loan guarantee program for foreign arms sales defeats the purpose of conversion. I believe Government funds are better used for conversion programs that diversify the defense industry, not maintain the status quo. Also, the U.S. Government should not be accepting credit risks that private banks are unwilling to undertake.

Second, the loan guarantees are not needed, and amount to reverse burden-sharing. Why should the U.S. taxpayers subsidize rich foreign governments in a program of reverse burden-sharing, when the economies of some of the countries covered by the proposal are growing at almost three times the rate of ours.

Additionally, the U.S. share of world arms sales increased in recent years, while the European share decreased. In 1991—the most recent figures available—the United States sold almost 60 percent of the worldwide arms market. Indeed, insofar as sales to the countries covered under the loan guarantee proposal are concerned, the United States already has a virtual monopoly on the market: we sold 87 percent of arms to those countries, and the Europeans sold only 13 percent.

Finally, the proposal runs contrary to what our policy should be. Using conversion funds for subsidized arms sales would seriously undercut United States appeals to Russia, Ukraine, and former East bloc countries like the Republics of Czech and Slovakia to resist the temptation of selling arms to gain hard currency. Instead of exporting death, we should be setting an example and creating jobs here at home.

Mr. ANDREWS of Maine. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. BERMAN], chairman of the Subcommittee on International Operations of the Committee on Foreign Affairs.

Mr. BERMAN. Mr. Chairman, I rise in strong support of the Andrews-Kasich DOD amendment. Neither our foreign policy goals nor our domestic economic goals are served when precious defense conversion money is used to finance weapons abroad. Financing weapons sales abroad is supposed to be the result of a careful and deliberate foreign policy process. As a member of the Foreign Affairs Committee I take this policy process very seriously. As you know, tremendous time and energy has been invested in passing a foreign aid bill this year. And, about one-quarter of all foreign aid this fiscal year goes to supplying weapons or military training, the lowest percentage in many years. Ninety-five percent of it is in the form of grants to foreign governments generally restricted to purchases of U.S. built weapons. Most of the rest subsidizes $855 million in low-interest loans to buy U.S. arms on easy credit.

Assisting and encouraging weapons sales is tricky business. In the past, both our lives and our economic interest have been threatened by weapons and weapons technology that was either exported of financed via the American tax dollar. In the last three places the United States Armed Forces went into action—Panama, Iraq, and Somalia—they faced weapons or weapons technology either exported or financed by our own Government. And, many future U.S. markets have been devastated by conflicts fought with U.S. weapons and weapon technology. To finance further arms exports by robbing defense conversion accounts would add insult to injury.

Financing weapons abroad is not legitimate when it is done by robbing defense conversion money. Defense conversion money is supposed to be used to help industries and workers retool for a peacetime economy. While spending resources on the promotion of arms exports may postpone temporarily the pain of downsizing, it does nothing to treat the systemic problem. Defense conversion, on the other hand both eases the pain and treats the core problem. Calstart, a public-private partnership dedicated to the creation of an advanced transportation industry, serves as a perfect example of what these funds should be spent on. Calstart has already made great strides toward encouraging defense contractors to diversify into areas of high technology and encouraging the utilization of the specialized skills of displaced defense workers.

Unfortunately, even if the House provision for increased defense conversion funding prevails, we will be far short of funding even one-eighth of all of the worthy defense conversion proposals already on the table. DOD's technology reinvestment project has received 3,000 proposals requesting $9 billion in Government contributions. All of these proposals contain 50 percent local cost share commitments. There is no money to spare. If anything we should be increasing defense conversion accounts.

The United States does not suffer from a competitive disadvantage that would somehow necessitate the robbing of defense conversion money for arms exports. In fact, the United States has increased both its market share and volume of arms sales. The United States alone now supplies almost 60 percent of all sales to the developing world.

The Andrews-Kasich amendment does not, in any way, limit legitimate foreign arms transfers from taking place. Nor does it impact the export of commercial or dual-use items. The amendment specifically states that the Secretary may exempt the sale or transfer of defense articles or defense services for civilian end-use.

The amendment simply makes sure that defense conversion funds are used for one purpose: defense conversion.

We urge your support on this amendment.

□ 1650

Mr. ANDREWS of Maine. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma [Mr. MCCURDY].

Mr. MCCURDY. Mr. Chairman, I rise in strong support of the Andrews/Kasich amendment and believe it makes sound logic and that we ought to pass it.

Mr. ANDREWS of Maine. Mr. Chairman, I yield such time as he may consume to the chairman of our committee, the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I rise in strong support of the Andrews amendment. This is a great moral issue. We are on the cutting edge of significant policy here. I urge my colleagues to support the amendment.

Mr. Chairman, I rise in strong support of the bipartisan Andrews-Kasich amendment and urge its adoption.

The Andrews-Kasich amendment would prohibit the financing of arms sales from defense conversion funding. Emphatically, diverting defense conversion dollars for this purpose is not defense conversion.

I think it is vital that the House understand that this amendment is intended to engage a larger issue of how politically and morally we address the problem of supporting arms sales from which we may derive economic benefit at great human cost. Regrettably, in an effort to offset declining defense markets at home, we are scrambling to increase weapons sales abroad. Importantly, we must cope with the emergency of a global-military industrial complex. Defense conversion in the post-cold war era now has become an international issue which this Congress will have to consider in the years ahead.

The Andrews-Kasich amendment is therefore an important statement of principle with respect to the very important issue as to how we support the continued economic viability of defense-dependent sectors of our economy without fueling arms races abroad or impeding defense conversion, reinvestment, and diversification efforts at home. This amendment will also protect the limited funding provided in

H.R. 2401 to support loan guarantees for small and medium-sized diversification into nondefense markets and the national shipbuilding initiative loan guarantee program established for commercial ship construction.

The Andrews-Kasich amendment will preserve the opportunity for all committees of the House with jurisdiction over various aspects of financing weapons sales abroad to review issues with respect to arms proliferation, potential American job losses resulting from offset agreements required to gain foreign approval of weapons sales, relationship of U.S. arms export financing to overall international trade strategy and other related issues.

Currently, the administration is reviewing the types of mechanisms and circumstances which might be appropriate to support Government financing of arms sales. The Andrews-Kasich amendment does not preclude the establishment and support of an export financing facility at some point once the issues indicated above are resolved. However, it is clearly inconsistent to provide such financing from weapons sales from defense conversion funds. The Andrews-Kasich amendment seeks to establish this very important commonsense principle with which we should all agree.

Finally, on August 31, 1993, the Under Secretary of Defense for Acquisition released a letter to the Los Angeles Times stating that defense conversion funding would not be utilized to finance weapons sales abroad. Clearly, the Andrews-Kasich amendment is consistent with this stated policy and I urge its adoption.

Mr. ANDREWS of Maine. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in closing, I hope that the Members of this Chamber will look at the facts against the fiction that we have been hearing on the other side as to what this amendment will do and will not do. This is not going to cost jobs, it will create jobs.

Ladies and gentlemen, we sell more arms to the Third World than all other nations of the world combined. American young people put in harm's way in Desert Storm, in Somalia, in Panama, have found themselves looking down the barrel of American-made weapons and American-weapons technology. Meanwhile, thousands and thousands of sound proposals for real defense conversion, which can take our industrial base and put it to work to rebuild this country's economic greatness, go unfunded because we do not have the resources.

This amendment clearly states, and only states, the defense conversion funds will be used for defense conversion, period. Arms sales, foreign arms sales, there are other resources and sources of funds for that. It is not conversion.

Mr. WELDON. Mr. Chairman, I yield myself 15 seconds.

I want to make one statement: For all the rhetoric we have heard from those members of the Committee on Appropriations, I remind my colleagues that $7 billion a year in the foreign aid appropriations bill goes to arms sales. Why don't you offer this amendment on the foreign aid bill? That is where I suggest this debate should occur, not the way it is being offered here.

Mr. Chairman, I yield the remainder of our time to the distinguished gentleman from Virginia [Mr. BATEMAN].

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. BATEMAN. I yield to the gentleman from Missouri.

Mr. SKELTON. I thank the gentleman for yielding.

I might say this is an unemployment amendment. Let us not be mistaken about that. This amendment does not say to use defense conversion for defense conversion. The amendment says you cannot finance the sale of defense articles. That includes nuts and bolts and brass and paint and composites. What type of bureaucracy will you need to investigate whether someone's nuts and bolts go into defense articles?

This does not make sense. How many people are you going to have to put on the Federal payroll to create a bureaucracy to check into seeing whether every piece of paint or composite or screw or nut or bolt goes into something to make a defense article?

It just does not make sense.

I intend to vote against it.

Mr. BATEMAN. I thank the gentleman for his statement.

Mr. Chairman, in the few seconds remaining to me, let me say to my colleagues that most of the debate that I have heard on behalf of this amendment is something appropriate to something other than the amendment which has been proposed. This amendment will have absolutely zero effect upon the amount of arms distributed and sold in the world community in which we live. It will not impact the quantity; it will only say that no American jobs will be created or preserved because some of that equipment or more of that equipment is going to be American equipment. The chart that the gentleman from Ohio [Mr. KASICH] pointed to, the 1985 blip where Western European arms sales went up so high, why did they go up so high? Because we did not sell something to the Saudia Arabians that they bought from the French and the British. They bought it, it was equally almost as good as ours. They bought it, but it did not reduce the inflow of arms to the Middle East. This bill would not do so. This is totally a red-herring. It will do nothing but deprive American workers of the opportunity to retain their jobs.

Mr. Chairman, I urge a vote against it.

Mr. HAMBURG. Mr. Chairman, I rise in strong support of the Andrews-Kasich amendment to ban the use of defense conversion funds for financing foreign arms sales.

We have seen an ingenious lobbying campaign by Raytheon and other top military contractors to underwrite arms sales in an attempt to compensate for reductions in the defense budget. They are attempting to divert money from true defense conversion efforts to pay for more than $5 billion in loan guarantees for foreign arms sales.

I say to my colleagues this is not conversion. Defense conversion means a fundamental shift from a defense-based to a civilian-based economy. Financing arms sales to keep defense companies producing the same weapons of war is not conversion. Finding new markets for our weapons is not conversion. This policy destabilizes our fragile industrial base; it does not face the reality that the global economy is changing.

I question whether we should be financing foreign arms sales at all. If we look across the globe at the troubled spots of the world—Somalia and the Middle East in particular—we see one pattern that has fueled wars and tensions in those regions: a large supply of easily obtainable weapons. President Clinton shares this concern. In a recent response to a congressional letter about arms sales policy, he declared his intention to undertake a comprehensive review of arms transfers.

If we are ever to achieve any semblance of world peace and stability, as well as economic strength here at home, we must move beyond our cold war mentality. Vote for sanity; vote for the Andrews-Kasich amendment.

The CHAIRMAN pro tempore (Mr. DURBIN). Under the rule, all time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Maine [Mr. ANDREWS].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. ANDREWS of Maine. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 256, noes 160, not voting 22, as follows:

[Roll No. 422]

AYES—256

Abercrombie
Allard
Andrews (ME)
Andrews (NJ)
Applegate
Baesler
Ballenger
Barca
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Becerra
Beilenson
Bentley
Bereuter
Berman
Bilirakis
Bishop
Blackwell
Boehlert
Bonior
Borski
Brewster
Brooks
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Condit
Coppersmith
Costello
Coyne
Crane
Danner
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dixon
Dooley
Duncan
Dunn
Durbin
Edwards (CA)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Faleomavaega (AS)
Farr
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Franks (NJ)
Furse
Gallo
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Grams
Grandy
Green
Greenwood
Gunderson
Hall (OH)

Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Hoyer
Huffington
Hughes
Inslee
Istook
Jacobs
Johnson (SD)
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
Kleczka
Klein
Klink
Klug
Knollenberg
Kopetski
Kreidler
LaFalce
Lambert
Lantos
LaRocco
Lazio
Leach
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McHale
McInnis
McKinney
McMillan
Meehan
Menendez
Mfume
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murphy
Nadler
Neal (MA)
Norton (DC)
Nussle
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Penny
Peterson (MN)
Petri
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Roemer
Romero-Barcelo (PR)
Rostenkowski
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Sensenbrenner
Serrano
Sharp
Shepherd
Skaggs
Slaughter
Smith (NJ)
Spratt
Stark
Strickland
Studds
Swett
Swift
Synar
Tanner
Thompson
Thornton
Thurman
Torres
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Upton
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Wheat
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Zimmer

NOES—160

Andrews (TX)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baker (CA)
Baker (LA)
Bartlett
Barton
Bateman
Bevill
Bilbray
Blute
Boehner
Bonilla
Boucher
Browder
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Combest
Cox
Cramer
Crapo
Cunningham
Darden
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Doolittle
Dornan
Dreier
Edwards (TX)
Emerson
Everett
Ewing
Fields (TX)
Fowler
Franks (CT)
Frost
Gallegly
Gekas
Geren
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Hall (TX)
Hancock
Hansen
Hefley
Herger
Hobson
Houghton
Hunter
Hutchinson
Hutto
Inglis
Inhofe
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
King
Kingston
Kolbe
Kyl
Lancaster
Laughlin
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Mann
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McKeon
McNulty
Meek
Meyers
Mica
Michel
Molinari
Montgomery
Moorhead
Murtha
Myers
Natcher
Ortiz
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Pickett
Pickle
Pombo
Quillen
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rowland
Santorum
Sarpalius
Schaefer
Scott
Shaw
Shays
Shuster
Sisisky
Skeen
Slattery
Smith (MI)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Stupak
Sundquist
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (WY)
Torkildsen
Torricelli
Valentine
Walker
Walsh
Weldon
Whitten
Wilson
Young (FL)
Zeliff

NOT VOTING—22

Ackerman
Bliley
Conyers
Cooper
de la Garza
Ford (TN)
Gutierrez
Hastert
Hayes
Hyde
Johnson (CT)
Lehman
McDermott
Neal (NC)
Skelton
Smith (IA)
Stokes
Thomas (CA)
Vucanovich
Waxman
Yates
Young (AK)

□ 1715

The Clerk announced the following pair:

On this vote:

Mr. Ackerman for, with Mr. Thomas of California against.

□ 1715

Mr. BARTLETT of Maryland and Mrs. FOWLER changed their vote from "aye" to "no."

Messrs. RICHARDSON, BISHOP, DERRICK, MOAKLEY, GEPHARDT, and Mrs. BENTLEY changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HASTERT. Mr. Speaker, I was necessarily absent earlier today during the rollcall votes 419 and 422. I was unavoidably detained in a health care reform meeting.

Had I been present, I would have voted "aye" on rollcall 419 and "no" on rollcall 422.

The CHAIRMAN pro tempore (Mr. DURBIN). It is now in order to consider amendment No. 3 printed in part 4 of House Report 103–223.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WALKER:

Page 367, line 14, insert "(a) FUNDING FOR FISCAL YEAR 1994.—".

Page 368, strike out lines 7 through 18, relating to funds available for manufacturing extension programs under section 2523 of title 10, United States Code and for the defense dual-use extension program under section 2524 of such title.

Page 368, line 19, strike out "(7)" and insert in lieu thereof "(5)".

Page 368, after line 22, add the following new subsection:

(b) REDUCTION IN TRP FUNDING.—The amount provided in subsection (a) to be available for activities of the Department of Defense under chapter 148 of title 10, United States Code, and section 2197 of such title is hereby reduced by $300,000,000.

Page 372, line 4, strike out "or" and insert in lieu thereof "and".

Page 372, line 6, strike out "section 2501" and insert in lieu thereof "section 2501(a)".

Page 373, line 11, strike out "section 2501" and insert in lieu thereof "section 2501(a)".

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. WALKER] will be recognized for 10 minutes, and a Member in opposition, the gentlewoman from Colorado [Mrs. SCHROEDER], will be recognized for 10 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the intent of this amendment is to authorize the Technology Reinvestment Program [TRP] at President Clinton's budget request. This is the House's first real test to help the President hold the line on spending since the passage of the tax bill where we talked so much about the need for that. President Clinton has said that he wants $275 million in fiscal year 1994 funding for the TRP, not the $575 billion that is represented in this bill. Now that was $300 million that was added in committee to the grant program.

Mr. Chairman, I understood a little while ago the gentlewoman from Colorado [Mrs. SCHROEDER] to say the President is now for this $300 million more. I guess what we have to figure out is just what the President is for at any given time. The budget numbers say $275 million. That is the predication on which the whole defense cut was based, was on the fact that what we were going to do was have real savings in the defense appropriations. I am simply trying to make certain that the President gets the money that he originally requested, not the add-on money that the committee has put into this particular program.

Now I think that it is important also to look at this amendment from the standpoint of how the money is going to be spent because that is the real, real, question here, is whether or not this money is going to be well used if you give it an additional $200 million. Remember there is about $500 million in carryover money already available in this program, and so it is not as though the money is going to be starved in any way for this program, and the question is: How well is the $300 million going to be used?

Mr. Chairman, there is a very serious consideration with regard to the money being spent because Members should know that a large share of the money that will come out of this particular defense spending item will actually be transferred to the Commerce Department for inclusion in their extension programs. One of the Commerce Department industrial grant programs is the advanced technology program known as ATP. That is the kind of program that we are going to get here. The GAO on September 3 gave us a report about what is happening in the advanced technology program, and what we found is that of 16 ATP grantees, they had incorrect costs of over 100 percent, 4 had rates of over 200 percent, and 1 of those was as high as 250 percent.

What does that mean?

□ 1720

It means that the indirect costs, the overhead costs, are being charged off to government, and we are not getting technology out of these programs.

What is happening here is that the overhead, the administrative costs, the facilities, and heaven knows what else, are being written off to the Government, and out of these programs we are not getting technological development. So what the effect of my amendment is is to say that the $300 million ought to be kept for things like helping communities.

We are not taking this money away. We are keeping it in defense conversion. But it ought to go to communities that need the help. It ought to go to other programs in defense conversion. It ought not go into programs where GAO is now ready to certify that the money is being poorly used and we are not getting new technology.

Mr. Chairman, in my view, this is an attempt to make certain that if we are going to spend money on defense conversion, that it ought to be well spent. These new technological programs are not going to result. The fact is we have not spent the money that was there from last year. We got $500 million.

I understand that one of the issues is that there is $8 billion out there of people that want to use this program. That is exactly what we heard on ATP, and ATP did not try to fund all of those programs. What ATP did was went out and took the best of them. What is happening in the best of them? What we are finding is they are charging off massive overhead costs to the Federal Government, and we are not producing technological results.

So if you think that you have got a problem there, I think you had better really examine what is happening here, because this is $300 million of money that has not been justified in any way, shape, or form. It was $300 million that was dumped in the committee without any idea of what this is going to be used for, other than the fact that there are 8 billion dollars' worth of people out there that want some money.

Mr. Chairman, you can always find 8 billion dollars' worth of people that want money. They are around everywhere. The question is whether or not the money will be well used.

In my view, this is money that will not be well used. It would be better used somewhere else in defense conversion. I would suggest to the House that this is a good place to support the President's original figure.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I appreciate the comments of the gentleman from Pennsylvania [Mr. WALKER]. I hope the gentleman would look at page 348, because we specifically address what the gentleman is talking about.

Mr. WALKER. Mr. Chairman, the gentlewoman specifically addressed the overhead costs?

Mrs. SCHROEDER. Thirty million dollars.

The CHAIRMAN pro tempore (Mr. DURBIN). The Chair would announce that the gentleman from Pennsylvania [Mr. WALKER] has 5 minutes remaining, and the gentlewoman from Colorado [Mrs. SCHROEDER] has 10 minutes remaining in opposition to the amendment.

Mrs. SCHROEDER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BROWN], the distinguished chairman of the Committee on Science, Space, and Technology.

Mr. BROWN of California. Mr. Chairman, I am regretfully going to oppose the amendment of the gentleman from Pennsylvania [Mr. WALKER], which would strike $300 million from the committee's bill.

Mr. Chairman, the gentleman from Pennsylvania [Mr. WALKER] is quite familiar with these programs. We have worked together on them in the Committee on Science, Space, and Technology for several years, and we have tried to create a program similar to what is in this bill in the Department of Commerce under the Advanced Technology Program. Actually the Advanced Technology Program, on which this is based, was adopted in the foreign trade bill in 1988 and signed by President Reagan.

What some people object to, including the gentleman from Pennsylvania [Mr. WALKER], is the buildup of funding for this program, for the kinds of legitimate reasons that the gentleman has expressed: it is a new program, and it is possibly subject to abuse.

Nevertheless, in the authorizing legislation that we have already passed, the competitiveness bill, in the Commerce Department this program will wrap up to half a billion dollars or more over the next few years. This program, in defense, will not. It will go down, as a matter of fact.

What the two together do is give us a reasonable base from which we can begin to build a program of cooperation between government and industry that will help us to move through this transition period between the defense turndown and the buildup of a more effective program of cooperation between government and industry.

The $300 million reduction, I think, would be tragic. The Senate has already approved a $515 million program in the committee, and we expect that they will come to conference with that. We would be at a severe disadvantage if this amendment is approved.

Mr. WALKER. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Chairman, I rise in strong support of the Walker amendment. I rise in strong support of the TRP program. I worked within Pennsylvania to establish a major conference with my colleague from Pennsylvania [Mr. MURTHA], to bring in industry and business, to work on ways that we could develop new technologies, and to create jobs in our region.

Mr. Chairman, but I am also very much concerned about how much money we throw, and I say throw, before we really have looked at the way we are spending the money that has already been allocated.

We do not have money just to throw out there. The President requested $275 million. This takes it an additional $300 million beyond that, and it funds programs that we have not used the money there from last year. As we have heard, GAO said that less than 25 percent of the allocation from last year is actually being used.

Mr. Chairman, what I am very much concerned about is, we are looking at the TRP to become the solution to all of our problems, when the major problem is cutting defense over 5 years, which is going to cost us 2.8 million real jobs out of a total 5.5 million people in the work force.

What I am also worried about is this becoming the cash cow, the defense bill becoming the cash cow for everyone. What do I mean by that? Well, in committee I would tell you the TRP process was very strictly defined so that we actually earmarked money for certain programs that had nothing to do with defense.

We were able to change that. Our side offered an amendment, which the gentlewoman from Colorado [Mrs. SCHROEDER] agreed to accept, which the committee accepted, that removed those barriers. The amendment of the gentleman from Pennsylvania [Mr. WALKER] takes it one step further and says we must use this money for defense-related technology, and not become the cash cow for everybody who wants to go out and have their company feel that they are delivering the goods back home. And that is what we are doing.

Mr. Chairman, I would urge my colleagues to support the Walker amendment.

Mrs. SCHROEDER. Mr. Chairman, I yield 2½ minutes to the distinguished gentlewoman from California [Ms. HARMAN], a member of the committee.

Ms. HARMAN. Mr. Chairman, I want to recognize first the leadership of the gentlewoman from Colorado [Mrs. SCHROEDER] on this issue. No one has contributed more to developing the TRP than she has.

Mr. Chairman, I rise in strong opposition to the Walker amendment. This amendment would reverse one of the most proactive measures in the defense authorization bill: Increased funding for the Technology Reinvestment Project. As a Representative of one of the areas of the country that has been hardest hit by defense downsizing, I think this measure would send exactly the wrong signal to companies that are trying to diversify into important new industries, and could send thousands of our highest skilled workers to the unemployment lines.

As we debate this bill, the Clinton administration's 6-agency team is judging more than 2,700 proposals that were submitted to round one of the TRP this past July. Hundreds of those proposals were submitted by California companies. These applications covered technologies ranging from advanced batteries to health care systems to green manufacturing processes. The TRP has $471 million in fiscal year 1993 money to fund the best of these applications; it has 8.4 billion dollars' worth of proposals to choose from.

Every one of these proposals has two important features. First, companies have teamed with other firms, universities, national laboratories, and Government agencies to share ideas and resources. Second, every application requires that the sponsors put up half the money. The TRP is not a handout—it is Government as catalyst and as partner, working with companies that want to put intellectual and industrial resources to work on challenging nondefense priorities. It is market driven and merit based, and it is the leading edge of defense diversification.

I oppose the Walker amendment because it threatens to cut the TRP off at the knees just as it gets under way. Projects that are funded under the TRP this fall will receive only a year's worth of support, even though they are seeking to develop new technologies that may take years to prove out. The Armed Services Committee increased funding for the TRP by $300 million in fiscal year 1994 because Members did not want to have to deny funding for promising technologies after just 1 year's worth of work. The Walker amendment would make it much more likely that some projects will be only a flash in the pan, not because they don't work but because the Government can't see them through.

Mr. Chairman, my office received an overwhelming response to the first round of the TRP. Dozens of companies have sent their ideas and their proposals to me, and have visited Washington to show their commitment to diversification. Not every defense contractor is interested in seeking new markets, and that's fine. But I think it would be tragic to reward companies that do want to more into new industries by leaving them hanging when they have just committed their talent, money, and resources. We need these companies to help maintain and strengthen our industrial base and the high skill, high wage jobs on which it depends, and they want to do so. I urge all of my colleagues who believe in defense diversification to reject the Walker amendment.

□ 1730

Mrs. SCHROEDER. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from Pennsylvania [Mr. WALKER] has 3 minutes remaining, and the gentlewoman from Colorado [Mrs. SCHROEDER] has 5½ minutes remaining.

Mr. WALKER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we have heard some interesting arguments against this amendment. It seems to me that we need to be very cautious about what we hear.

The gentleman from California, my friend, who is chairman of the Committee on Science, Space, and Technology, indicated to us that President Clinton is going to ramp down this program, that this program is one of those which is supposed to be dropping in the defense area. The fact is that President Clinton is trying to do this with the $275 million appropriation here, and the committee is determined to ramp it up. In fact, the gentlewoman offered an amendment a little bit ago that she wanted to add even more money to this program.

The gentleman from Massachusetts added even more money in an amendment he had. They wanted to put an extra billion dollars over and above the $500 million that is already there. In other words, we are at $575 million. They were going to, if we take both of their amendments together, they wanted to go to $1.5 billion for this program. That is not ramping down. That is ramping up, exactly the opposite direction from where the Clinton administration wants to go. So these Members are arguing against their own President and making it very clear that their own President does not know what he is talking about.

Also, let me make another point; that is, that the gentlewoman from California told us about half the money goes from the companies themselves. This bill changes that for small businesses down to 30 percent. So already they are moving away from that as a criteria.

Second, I tell Members, that is not really money that they have to put up. It is in-kind money. That is exactly what the GAO said was causing the waste, fraud, and abuse in the ATP Program. They are putting up in-kind money, and then what they are doing is charging off all the overhead to the Federal Government. That is the reason why we now have 250-percent overruns in overhead to the Federal Government.

So what we are doing, when we endorse that as a concept, is we are encouraging the waste, fraud, and abuse that we are already seeing in this program.

What we have is arguments today that argue two different directions. First of all, they argue that they do not want to do what the Clinton administration wants to do and, second, what they argue is that they want to continue the pattern that ATP is already showing results in waste, fraud and abuse in these programs.

I would suggest that the House wants to prevent itself from the embarrassment of having voted to upgrade programs that are going to bring about more waste, fraud, and abuse. What we want to do is support the Walker amendment to assure that we get some good standards in these programs.

Do not support the arguments that we have heard already against this amendment, because the arguments against this amendment prove my point. That is, that this is a program that has major problems in it already and that they are going to continue those major problems.

The fact that we have got 8 billion dollars' worth of people out there who want money from the Federal Government, we can always find those people. If we have 2,700 applications, I am not surprised at that at all, particularly when they find out that they can charge off up to 250 percent of their expenses to the Federal Government. Sure, anybody wants in for that kind of free money. I do not think the taxpayers ought to have to pay it.

Mrs. SCHROEDER. Mr. Chairman, I yield myself the balance of my time.

Let us go through this one by one. I appreciate the gentleman having a wonderful pipeline to Clinton. I want to know when he last had his conversation with him, but I want to tell Members that the President has said very clearly he wants this $300 million add on.

No. 2, I would like to point out that the next part is if the gentleman would have read page 348, he would have discovered that the thing that he is so concerned about, the advanced technology manufacturing partnership, is not added onto by this $300 million. That was part of the administration's money that they requested, and only $30 million goes to it, according to that. And that was in the $275 million they asked for.

The $300 million that the committee added to this came from one of the most exciting things that is going on. I feel a little silly down here arguing as the capitalist, but anyone in this place who thinks they are a capitalist, who wants the American taxpayer to get something for the megabucks and gigabucks that they have invested in our research and development for our military, better vote no on this amendment, because they are not going to get it back otherwise.

Let me tell Members about how successful this TRP Program has been. When it went out, people did not think companies were going to apply. Most CEO's said, "No, we don't want to play; we want not to play."

But all sorts of people did apply, and we were absolutely overwhelmed by over almost 9 billion dollars' worth of Government share requests coming in.

The gentleman is saying how upset he is because some of this could be in kind. Yes, it could be, but none of them are going to be, I do not think, because we got over $4 billion that are coming in that are cash, cold cash, cold American dollars in cash, 50 percent. So we have got between 3 and 4 billion dollars' worth of cold cash out there ready to go into America's infrastructure and ready to create new jobs, if we can only match it.

And what do we have to put up against that $3 to $4 billion? $275 million.

Had we had vision and had we known how good it was going to be, we would have raised it way beyond the $300 million. I say to the gentleman from Pennsylvania, yes, I am proud of the fact I tried to add more money to that account. I am trying to add to it every way I can, because for everyone of those projects, the gentleman may not think it is a good deal, but there is a foreign investor somewhere on this planet drooling over that. What a deal.

They get all this wonderful research that American taxpayers have invested in. They will take it offshore. It is a 50-50 match. It is a great investment for any venture capitalist in this world, and they are ready to do it.

The gentleman from San Diego earlier on had talked about the bridge proposal there. I was telling him, the only other lab like that in the world is in Japan. They hope we turn this down. They hope we turn our back on this, because they are ready to take it. And they are ready to take the composite that we developed with taxpayer money here and turn it into a whole new way of how we rebuild infrastructure. And then we will start importing it, just like we did it over and over and over again.

I want to tell my colleagues, I cannot think of a more capitalist, entrepreneurial program than this one. If we are going to bet any money, we have got to put up half. We have had this terrific response in this whole area. And if we look at page 349 of the report, it will tell Members in which areas. They must come in ocean thermal energy conversion or they must come in advanced antenna technology or noncooled, pyroelectic thermal imaging systems or advanced wind power systems.

I can go on and on and on. These are all things America needs. When we look at these proposals, they are amazing. They are taking the imaging that we have created and putting it into medical science. It will break through all sorts of things, if we do that.

They are doing all sorts of appliance to try and finally clean up the environment so we stop spending money.

But when we look at this, we have a very serious, serious matter of technologies that we have spent billions on, billions. And when we look at the past 12 years, the majority of America's investment has been in military research and development. If we do not figure out how to take this research and apply it to the civilian sector, the rest of the world is ready.

□ 1740

They are drooling. They are wringing their hands and standing at America's gate. I hope the Members vote "no" on this. If the Members do not vote "no", they are voting for the flat Earth caucus.

Mr. DELLUMS. Mr. Chairman, I rise in opposition to the Walker amendment. As my colleagues know, the defense conversion title of the committee bill proposes $575 million for fiscal year 1994 Technology Reinvestment Project [TRP] funding.

To date, nearly 3,000 proposals have been received requesting almost $9 billion in Government support for defense conversion and reinvestment projects to develop and deploy technology for commercial as well as military application. Importantly, this program is market oriented by requiring proposers to cost-share with the Government. And it is competitive with the Congress designating technology focus areas, not technology winners or losers. We have reiterated the requirement in the bill this year that award of TRP funding be contingent upon competition.

Given the avalanche of interest in the TRP Program, it can be said that defense conversion is an idea whose time has come. Unfortunately, the Walker amendment seeks to turn back the clock.

The Walker amendment would retard our current efforts in at least two ways.

First, it would reduce TRP funding by $300 million, essentially gutting our capability to both continue the technology conversion program or fund a significant share of worthy proposes. I should add that during his recent trip to Alameda, CA, the President was clearly pleased with the action by our committee in increasing TRP funding by $300 million.

Second, it would descope the objectives supported by the committee bill by allowing defense conversion funds to be used only for uniquely defense technology development to support a warmaking capability. It would prevent funding for projects to achieve policy objectives relating to defense reinvestment, diversification and conversion as well as the integration of the civilian and military industrial base.

On both counts, the Walker amendment should be defeated because it is out of step with the economic conversion needs of our Nation. Ironically, it would also obstruct the military from taking advantage of developments in commercial technology by abandoning the civil-military integration goals of the Defense Conversion, Reinvestment and Transition Assistance Act of 1992.

As a Member of Congress who has been intensely interested in the requirement of this Nation to put forward a defense economic conversion agenda, I must also say that adoption of the Walker amendment will put us further out of touch with the requirements of our economic security. It will only continue to delay our defense conversion efforts and postpone our ability to redeploy our best minds, hands and talents in support of a truly national economic strategy to benefit all of our people.

Continued defense production is not the path to America's future prosperity. Utilizing all of the resources of the Nation's technology base—including those resident in DOD—toward reinvestment and economic conversion of our defense industrial and technology complex is the path we should choose.

The current defense conversion plan put forward by President Clinton last March was a welcome step in the right direction to deal with the economic consequences of the defense builddown. But we must not view it as merely an economic adjustment program; it should be seen as an initiative to convert attitudes about what is possible when government works in partnership with its workers, communities, and firms. Much more can and should be done. However, we cannot build on the current program if the foundations are removed. That is what the Walker amendment attempts to do and it should be resoundingly defeated. I urge my colleagues to vote "no" on the Walker amendment.

The CHAIRMAN pro tempore (Mr. DURBIN). The time of the gentlewoman has expired.

Under the rule, all debate on this amendment is completed.

The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 151, noes 261, not voting 26, as follows:

[Roll No. 423]

AYES—151

Andrews (TX)
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barca
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Boehner
Bonilla
Brewster
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clement
Clinger
Coble
Collins (GA)
Combest
Costello
Cox
Crane

Crapo
Cunningham
DeLay
Diaz-Balart
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Franks (NJ)
Gekas
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Huffington
Hunter
Inglis
Inhofe
Istook
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Manzullo
McCandless
McCollum
McDade
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Myers
Nussle
Orton
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Saxton
Schaefer
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (WY)
Upton
Walker
Weldon
Young (FL)
Zeliff
Zimmer

NOES—261

Abercrombie
Andrews (ME)
Andrews (NJ)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Bentley
Berman
Bevill
Bilbray
Bishop
Blackwell
Blute
Boehlert
Bonior
Borski
Boucher
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Byrne
Cantwell
Cardin
Carr
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Coppersmith
Coyne
Cramer
Danner
Darden
de Lugo (VI)
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dickey
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Faleomavaega (AS)
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Franks (CT)
Frost
Furse
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Glickman
Gonzalez
Gordon
Green
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Horn
Houghton
Hoyer
Hughes
Hutchinson
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Natcher
Neal (MA)
Norton (DC)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Romero-Barcelo (PR)
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Snowe
Spratt
Stark
Stenholm
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walsh
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn

NOT VOTING—26

Ackerman
Allard
Bliley
Bryant
Conyers
Cooper
de la Garza
Ford (TN)
Gallegly
Gutierrez
Hayes
Hutto
Hyde
Lehman
Manton
McCrery
McDermott
Murphy
Neal (NC)
Pickle
Smith (IA)
Stokes
Thomas (CA)
Vucanovich
Yates
Young (AK)

□ 1750

The Clerk announced the following pairs:

On this vote:

Mr. McCrery for, with Mr. Ackerman against.

Mr. Thomas of California for, with Mr. Conyers against.

Mrs. Vucanovich for, with Mr. Stokes against.

Mr. McHUGH and Mr. PENNY changed their vote from "aye" to "no."

Mr. KIM changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. McCLOSKEY. Mr. Chairman, I rise today in support of a provision in H.R. 2401, the Defense authorization bill, which would grant civilian employees in the Department of Defense important procedural rights when a security clearance is revoked or denied.

Section H.R. 943 of the bill requires the Secretary of Defense to prescribe regulations that would provide employees of the Department of Defense the same procedural safeguards that are currently given to employees of defense contractors under Executive order 10865. This change is long overdue.

Over 30 years ago, President Eisenhower signed Executive Order 10865, granting contractor employees due process rights when a final determination is made regarding a security clearance. There is no equivalent provision, either under Executive order, or by statute, that provides the same rights for Federal employees in the Department of Defense.

The purpose of section 943 is to provide a fair, uniform process in the Department of Defense before a final determination is made respecting a civilian employee's security clearance. The language in the bill is intended to simply give the same due process rights to civilian Department of Defense employees that contractor employees have held for over 30 years. It is a simple matter of fairness, and it in no way compromises national security to treat government employees the same as contractor employees.

The absence of statutory or Executive order authority defining the due process rights of Federal employees with respect to denials and revocations of security clearances has resulted in a patchwork of procedural rights for Federal employees throughout the Federal government. Different components of the Department of Defense apply different procedures to Federal employees. Some afford Federal employees the same rights as contractor employees, but most do not.

Although the Department of Defense has made efforts to address this issue on its own, adopting section 943 will end the disparity between contractor and civilian employees, and will result in more consistent criteria for security classification determinations.

One thing that is clear under the current system is that government employees receive fewer rights than do contractor employees, simply because of their status as Federal employees. Since many jobs in the Department of Defense are dependant on having a security clearance, it is critical that employees have a fair process for responding to allegations which might threaten their security clearance. Indeed, in some cases, jobs depend on it.

Under the current system, an employee could come to work one day only to be told that their security clearance had been indefinitely suspended pending an investigation. They are not notified as to why they are being investigated. They are not notified as to the substance of allegations that led to an investigation. They are not entitled to any information about their accuser—who might be anonymous—and the employee is not told how long the investigation will take. Sometimes these investigations go on for over a year, keeping the employee in limbo.

Once the clearance has been suspended, the employee can no longer perform their job function, and they might be reassigned to a menial job that requires no clearance while the investigation is pending. Oftentimes, employees are unwilling to wait out an indefinite investigation, and they simply give up their job before the investigation is completed.

As chairman of the Subcommittee on Civil Service, I have been contacted by civilian employees in the Department of Defense who have experienced this first hand. You can only imagine the fear and anxiety this causes, and how disruptive it is to real lives. Until civilian employees have the right to a hearing to respond to allegations made against them, this system will continue to be subject to manipulation.

The Department of Defense issues more security clearance to Federal employees than any other agency, accounting for about 90 percent of all security clearances in the Federal Government. In fiscal year 1992, over 570,000 civilian employees had security clearances granted by the Department of Defense.

In many cases, Government and contractor employees perform identical duties, and work side-by-side in the same work site, on the same projects, yet Federal workers are denied the same due process rights merely because of their status as Federal employees. It is time to end this anachronistic policy. Federal employees present no different security risk than contractor employees and deserve the same due process rights.

The procedures I am talking about—contained Executive Order 10865—are very reasonable. Section 3 of Executive Order 10865 provides the following protection for contractor employees before access to a specific security classification may be finally denied or revoked:

No. 1, a written statement of the reasons why his or her access authorization may be denied or revoked, which shall be as comprehensive and detailed as national security permits;

No. 2, a reasonable opportunity to reply in writing under oath or affirmation to the statement of reasons;

No. 3, after he or she has filed under oath or affirmation a written reply to the statement of reasons, the form and sufficiency of which may be prescribed by regulations issued by the head of the department concerned, an opportunity to appear personally before the head of the department concerned or his designees, for the purpose of supporting his or her eligibility for access authorization and to present evidence on his or her behalf;

No. 4, a reasonable time to prepare for that appearance;

No. 5, an opportunity to be represented by counsel;

No. 6, an opportunity to cross-examine persons either orally or through written interrogatories in accordance with section 4 of Executive Order 10865 on matters not relating to the characterization in the statement of reasons of any organization or individual other than the applicant; and

No. 7, a written notice of the final decision in his or her case which, if adverse, shall specify whether the head of the department or his designees, including but not limited to, those officials named in section 8 of E.O. 10865, found for or against him or her with respect to each allegation in the statement of reasons.

The language in section 943 would apply identical procedures to civilian Department of Defense employees.

The Committee on Post Office and Civil Service Subcommittee on Civil Service held a joint hearing with the Committee on the Judiciary Subcommittee on Civil and Constitutional Rights on May 5, 1993, on the subject of due process rights of Federal employees with respect to decisions affecting security clearances. The subcommittees heard testimony from the General Accounting Office, top security officials in the Department of Defense and the Department of State, and Federal employee unions.

Testimony given at the hearing made clear that the Government's security classification system has grown increasingly complex since its origin, and that there is a need to address the rights of employees in a more comprehensive and coherent way.

The country has strong national security reasons for a security classification system, and sensitivity to national security should permeate the process by which the Government controls access to classified information. However, consistent with these national security concerns, it is possible to provide Federal employees who require access to classified information to perform their jobs with a fair and consistent procedure to respond to and address any allegations that might arise affecting their access.

The provision in section 943 or the Defense authorization bill is a step in the right direction, and would improve our policy for Department of Defense employees establishing a fair, workable and uniform policy for civilian and contractor employees in the department.

Mr. WILLIAMS. Mr. Chairman, the Department of Defense Authorization Act makes changes in the requirements for notice to contractors, subcontractors, employees and affected units of local government when proposed or actual terminations in defense programs occur. This is a clarification of legislative intent of what became law in section 4471 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992. These clarifications were developed in consultation with the Department of Defense and the Education and Labor Committee.

As a result of these clarifications, each year in conjunction with the President's budget for the next fiscal year, the Secretary of Defense and Energy shall assess which defense programs, if any, in their jurisdictions are proposed to be terminated or substantially reduced in the budget. As soon as practicable after the budget is submitted, but not later than 180 days after such date, each Secretary shall notify each affected prime contractor of such proposed termination or substantial reduction. That notice must also be published in the Federal Register.

Once the Appropriations Acts pursuant to the President's budget are enacted, the Secretaries of Defense and Energy are required again to evaluate which of their programs would be terminated or reduced. Once that evaluation has occurred, notice shall be provided to each prime contractor, the Secretary of Labor, and through publication in the Federal Register.

In these cases, the contractor must then provide notice to major subcontractors.

Under this provision, the contractors and subcontractors receiving the above notice may not terminate the employment of an individual as a result of such actual terminations or substantial reductions until six months after the date on which the contractor or subcontractor provides written notice of the intent to terminate such individual. That notice must be provided to each individual, to the State dislocated worker unit under the Job Training Partnership Act, and to the chief elected local official of the unit of government in which the individual resides.

Such notice to individuals defined above will constitute the determination for such employees for the purposes of eligibility for training, adjustment assistance and employment services under section 325 and 325A of the Job Training Partnership Act.

In addition to these changes, the Education and Labor Committee clarified the intent of section 4467(f)(1) of the 1992 Act, to ensure that the Secretary of Labor and the Secretary of Education shall receive priority by the Secretary of Defense for the direct transfer of both real and personal property under the control of the Secretary of Defense that is in surplus or in excess of current and projected requirements of the Department of Defense. This practice will occur notwithstanding title II of the Federal Property and Administrative Services Act of 1949 and any other provision of law. This will permit programs serving the economically disadvantaged, such as Job Corps, to receive this property free of charge for use in its activities.

Also included is important legislation originally introduced by Representative PELOSI which provides grants to institutions of higher education to provide education and training in environmental restoration to dislocated defense workers and young adults.

Mr. ABERCROMBIE. Mr. Chairman, I would like to take this opportunity to elaborate and explain the unique situation we have in Hawaii regarding ceded lands. At the end of this statement I will insert for the record an excellent historical summary of the State of Hawaii and its ceded lands prepared by the Congressional Research Service. I would like to highlight this summation and explain my efforts in the House Armed Services Committee.

As far back as 1898 in the Act of Cession and Annexation the most important constraints on the disposition of Federal land holdings in Hawaii were imposed by: First, the declaration that Federal land holdings in Hawaii were "not subject to Federal laws concerning public lands then existing," and second, the assertion that "Congress would enact special laws for their management and disposition." Thus, from the earliest act creating the Territory of Hawaii, Congress set the precedent of making special laws concerning Federal land holdings in Hawaii.

Then in 1920 Congress passed the Hawaiian Homes Commission Act which set aside available lands as Hawaiian Homelands. This act created the Hawaiian Home Commission. These lands, as defined by the act, were to be leased to and for the benefit of native Hawaiians.

Any lands not leased by the Hawaiian Homes Commission were to resume status as public lands. As public lands they would come under the auspices of the State of Hawaii.

The Admissions Act of 1959 created the State of Hawaii and granted it title to all public property within the boundaries of the State at the time of admission except:

Lands set aside pursuant to law for the use of the United States under any Act of Congress, Executive order, Presidential proclamation, or proclamations of the Governor of Hawaii.

The Admissions Act went on to state that within 5 years each Federal agency having control over any land or property retained by the United States pursuant to this section shall report to the President the facts regarding the continued need for such land or property, and if the President determines that the "land or property is no longer needed by the United States it shall be conveyed to the State of Hawaii."

Further, the lands granted to the State of Hawaii by this section, and lands conveyed to the State, "shall be held in public trust for the support of the public schools and other public educational institutions, [and] for the betterment of the conditions of native Hawaiians as defined by the Hawaiian Homes Commission Act as amended."

On June 12, 1961, Attorney General Robert Kennedy responded to a request for an interpretation of section 5 of the Hawaii Statehood Act which required the Federal Government to identify lands no longer needed for any Federal purpose and to transfer title of those lands to the State of Hawaii.

The specific question addressed by the Attorney General was whether property acquired by the United States—for example, through purchase or condemnation—after the date of annexation was subject to the requirements of the Statehood Act.

The Attorney General characterized property acquired by the United States under the Resolution of Cession and Annexation as ceded property. In his ruling regarding lands acquired after annexation the Attorney General affirmed the "congressional purpose to convey to the State of Hawaii and its subdivisions the ceded property and territorial property * * * and as much of the territorial and ceded property which had been set aside as would not be required by the United States * * * and therefore could be returned to the State of Hawaii."

As time went by and 5 years came to a close since passage of the Admissions Act, Congress further amended the Admissions Act by passing the Revision of Procedures of the Conveyance of Certain Lands to the State of Hawaii. (Public Law 88–223) The Revision Act stated that after August 21, 1964 "whenever ceded lands are determined to be surplus property by the head of the department or agency exercising administration or control over such lands and property they shall be conveyed to the State of Hawaii."

The act goes on to outline how the lands or property should be conveyed and that these lands should then be considered a part of the public trust established by the Hawaiian Homes Commission Act of 1920. Thus, ceded lands no longer needed and then returned to the State are then to be administered as Hawaiian Homeland under the Hawaiian Homes Act.

Mr. Chairman, I hope that this clarifies the process of disposing of ceded lands in the State of Hawaii. Dating back from the resolution of Cession and Annexation, Congress has stated that Federal lands in Hawaii are special and "that existing laws of the United States relative to public lands shall not apply to such Hawaiian Islands." The special and unique nature of these ceded lands has been affirmed through the 20th century by the Hawaiian Homes Commission Act, the Admission Act, Attorney General Kennedy's ruling, and the Revision Act.

All of these have determined that the lands set aside for the Federal Government should be returned to the State of Hawaii for the benefit of the native Hawaiian people.

Mr. Chairman, you can see that my efforts are not to cause disruption, but rather to give the Hawaiian people, through their elected representatives, a voice in protecting their rightful and lawful interest in Hawaii's ceded lands. This is a singular and special situation applicable only to Hawaii. Because of the unique situation in Hawaii this proposal is the best way to provide for the national disposition of ceded lands while protecting the interests of native Hawaiians, the State of Hawaii and the Federal Government.

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, June 9, 1992.

To: Hon. Neil Abercrombie.
From: American Law Division.
Subject: Constraints On The Disposition Of Federal Land Holdings In Hawaii Used By The Military, Especially As Applied To Transfers To The State Of Hawaii Or To A Political Subdivision Of Hawaii.

The United States Government owns land in many States of the Union, including in Hawaii. In general, dispositions of federally owned lands are subject to a variety of constraints imposed under federal law. There are, however, several constraints on dispositions of federally owned land which are unique to land situated in Hawaii. Those constraints imposed by federal law that are uniquely applicable to federal lands in Hawaii are examined in the discussion which follows. They are examined in chronological order.

RESOLUTION OF CESSION AND ANNEXATION

Prior to European contacts, Hawaii had a monarchical form of government. The monarchy was overthrown and a Republic of Hawaii was created not long before Hawaii became a Territory of the United States. The transfer of sovereignty over the Hawaiian Islands from the Republic of Hawaii to the United States was accomplished through passage of the so-called "Newlands resolution," a joint resolution of the United States Congress more formally referred to as the Resolution of Cession and Annexation of the Hawaiian Islands as a Territory of the United States.[1]

The relevant language included in the Resolution of Cession and Annexation is, as follows:

"Whereas the Government of the Republic of Hawaii having, in due form, signified its consent, in the manner provided by its constitution, to cede absolutely and without reserve to the United States of America . . . and transfer to the United States the absolute fee and ownership of all public, Government, or Crown lands, public buildings or edifices, ports, harbors, military equipment, and all other public property of every kind and description belonging to the Government of the Hawaiian Islands, together with every right and appurtenance thereunto appertaining: Therefore,

"*Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled,* That said cession is accepted, ratified, and confirmed . . .

* * * * *

"The existing laws of the United States relative to public lands shall not apply to such lands in the Hawaiian Islands; but the Congress of the United States shall enact special laws for their management and disposition: *Provided,* That all revenue from or proceeds of the same, except as regards such part thereof as may be used or occupied for the civil, military, or naval purposes of the United States, or may be assigned for the use of the local government, shall be used solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes."

It seems appropriate to identify the most important constraints on the disposition of federal land holdings in Hawaii stated in the foregoing language. The two most significant rules are (1) the declaration that federal land holdings in Hawaii were not subject to federal laws concerning public lands already then existing and (2) the assertion that Congress would enact "special laws for their [*i.e.*, 'federal land holdings'] management and disposition."

HAWAIIAN ORGANIC ACT

The function served by so-called "organic acts" of United States Territories and Possessions is essentially the same as that served by the constitution in the case of a State of the Union. Fundamental law with respect to the organization of government, the separation and vesting of legislative, judicial, and executive powers, and general constraints on governmental authority are all set out under such laws. The organic act for the Territory of Hawaii[2] included relevant provisions to the following effect:

"SEC. 7. That the constitution of the Republic of Hawaii and the laws of Hawaii, as set forth in the following acts, chapters, and sections of the civil laws . . . relating to the following subjects are hereby repealed:

"CIVIL LAWS:

* * * * *

sections one hundred and sixty-six to one hundred and sixty-eight, inclusive, one hundred and seventy-four and one hundred and seventy-five, Government lands . . .

"SEC. 73. That the laws of Hawaii relating to public lands, the settlement of boundaries, and the issuance of patents on land-commission awards, except as changed by this Act, shall continue in force until Congress shall otherwise provide. That, subject to the approval of the President, all sales, grants, leases, and other dispositions of the public domain, and agreements concerning the same, and all franchises granted by the Hawaiian government in conformity with the laws of Hawaii between the seventh day of July, eighteen hundred and ninety-eight, and the twenty-eighth day of September, eighteen hundred and ninety-nine, are hereby ratified and confirmed.

* * * * *

"And no lease of agricultural land shall be granted, sold, or renewed by the government of the Territory of Hawaii for a longer period than five years until Congress shall otherwise direct. All funds arising from the sale or lease or other disposal of such lands shall be appropriated by the laws of the government of the Territory of Hawaii and applied to such uses and purposes for the benefit of the inhabitants of the Territory of Hawaii as are consistent with the joint resolution of annexation, approved July seventh, eighteen hundred and ninety-eight: *Provided:* There shall be excepted from the provisions of this section all lands heretofore set apart, or reserved, by Executive order, or orders, by the President of the United States."[3]

1904 OPINION OF THE ATTORNEY GENERAL

On July 23, 1904, the Attorney General responded to a question submitted by the Secretary of War asking whether the United States has acquired "complete" title to the Kahauiki Military Reservation on the Island of Oahu.[4] Attorney General Moody first cited the Resolution of Cession and Annexation as having ceded and transferred to the United States "all public, Government, and Crown lands." He then cited a sundry appropriations Act of June 28, 1902, which included a paragraph making appropriations for "miscellaneous objects" of the War Department. That paragraph included a proviso to the effect that "the Secretary of War is authorized

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Footnotes at end of article.

to acquire leases in such lands in Hawaii as have been set aside for purposes of a military post."[5] Finally, noting that the land in question had, evidently at the time of the cession and annexation, been public land leased to individuals and that the leases had subsequently been acquired by the Secretary of War, the Attorney General concluded that the United States' title to the lands was "now complete."

HAWAIIAN HOMES COMMISSION ACT, 1920

The organic act for Hawaii was amended by legislation which created a so-called "Hawaiian Homes Commission."[6] This legislation included numerous provisions relevant to the instant discussion. Among them are the following:

SEC. 203. All public lands of the description and acreage, as follows, excluding (a) all lands within any forest reservation, (b) all cultivated sugar-cane lands, and (c) all public lands held under a certificate of occupation, homestead lease, right of purchase lease, or special homestead agreement, are hereby designated, and hereinafter referred to, as "available lands";

[The follows here a list of numerous parcels of land.]

* * * * *

SEC. 204. Upon the passage of this Act all available lands shall immediately assume the status of Hawaiian home lands and be under the control of the commission to be used and disposed of in accordance with the provisions of this title, except that—

(1) For a period of five years . . . [only certain specified lands could be disposed of by the commission] . . . and none of the remaining available lands . . . shall, after the expiration of the said five-year period, be leased, used, or otherwise disposed of by the commission under the provisions of this title, except by further authorization of Congress and with the written approval of the Secretary of the Interior of the United States.

SEC. 207. (a) The commission is authorized to lease to native Hawaiians the right to the use and occupancy of a tract of Hawaiian home lands within the following acreage limits:

* * * * *

[There follow various descriptions of acreage limits.]

* * * * *

(b) The title to lands so leased shall remain in the United States.

* * * * *

SEC. 211. The commission shall, when practicable, provide from the Hawaiian home lands a community pasture adjacent to each district in which agriculture lands are leased, as authorized by the provisions of section 207 of this title.

SEC. 212. The Commission may return any Hawaiian home lands not leased . . . to the control of the commissioner of public lands. Any Hawaiian home lands so returned shall . . . resume and maintain the status of public lands in accordance with the provisions of the Hawaiian Organic Act and the Revised Laws of Hawaii of 1915, except that such lands may be disposed of under a general lease only.

* * * * *

SEC. 223. The Congress of the United States reserves the right to alter, amend, or repeal the provisions of this title.

THE ADMISSION ACT

The Act providing for admission of Hawaii into the Union as a State[7] included the following relevant language:

Sec. 4. As a compact with the United States relating to the management and disposition of the Hawaiian home lands, the Hawaiian Homes Commission Act, 1920, as amended, shall be adopted as a provision of the Constitution of said State . . . subject to amendment or repeal only with the consent of the United States, and in no other manner: *Provided*, That . . . (3) . . . all proceeds and income from the "available lands", as defined by said Act shall be used only in carrying out the provisions of said Act.

Sec. 5.

* * * * *

(b) Except as provided in subsection (c) and (d) of this section, the United States grants to the State of Hawaii, effective upon its admission into the Union, the United States' title to all the public lands and other public property within the boundaries of the State of Hawaii, title to which is held by the United States immediately prior to its admission into the Union. The grant hereby made shall be in lieu of any and all grants provided for new States by provisions of law other than this Act, and such grants shall not extend to the State of Hawaii.

(c) Any lands and other properties that, on the date Hawaii is admitted into the Union, are set aside pursuant to law for the use of the United States under any (1) Act of Congress, (2) Executive order, (3) proclamation of the President, or (4) proclamation of the Governor of Hawaii shall remain the property of the United States subject only to the limitations, if any, imposed under (1), (2), (3), or (4), as the case may be.

(d) Any public lands or other property that is conveyed to the State of Hawaii by subsection (b) of this section but that, immediately prior to the admission of said State into the Union, is controlled by the United States pursuant to permit, license, or permission, written or verbal, from the Territory of Hawaii or any department thereof may, at any time during the five years following the admission of Hawaii into the Union, be set aside by Act of Congress or by Executive order of the President, made pursuant to law, for the use of the United States, and the lands or property so set aside shall, subject only to valid rights then existing, be the property of the United States.

(e) Within five years from the date Hawaii is admitted into the Union, each Federal agency having control over any land or property that is retained by the United States pursuant to subsections (c) and (d) of this section shall report to the President the facts regarding its continued need for such land or property, and if the President determines that the land or property is no longer needed by the United States it shall be conveyed to the State of Hawaii.

(f) The lands granted to the State of Hawaii by . . . this section and public lands . . . later conveyed to the State . . . , together with the proceeds from the sale or other disposition of any such lands and the income therefrom, shall be held by said State as a public trust for the support of the public schools and other public educational institutions, for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended, for the development of farm and home ownership on as widespread a basis as possible, for the making of public improvements, and for the provisions of lands for public use.

ACT AMENDING FEDERAL LAWS TO ACCOUNT FOR ADMISSION OF HAWAII AS A STATE

Two provisions of the Act "to amend certain laws of the United States in light of the admission of the State of Hawaii into the Union"[8] are relevant for present purposes. They are, as follows:

Hawaiian Homes Commission lands

SEC. 41. Section 5(b) of the Act of March 18, 1959 (73 Stat. 5) [*i.e.*, the Admission Act], is amended by inserting, immediately following the words "public property" the words ", and to all lands defined as 'available lands' by section 203 of the Hawaiian Homes Commission Act, 1920, as amended,".

Lease by United States of public property of Hawaii

SEC. 42. Until August 21, 1964, there shall be covered into the treasury of the State of Hawaii the rentals or consideration received by the United States with respect to public property taken for the uses and purposes of the United States under section 91 of the Hawaii Organic Act and thereafter by the United States leased, rented, or granted upon revocable permits to private parties.

1961 OPINION OF THE ATTORNEY GENERAL

On June 12, 1961, Attorney General Robert Kennedy responded to a request which had originally been made by President Eisenhower for an interpretation of section 5 of the Hawaiian Statehood Act (Public Law 86-3), focusing specifically on which lands then being held by the United States Government were subject to a provision in section 5 that required the Federal Government, within five years after Hawaii's admission as a State, to identify lands no longer needed for any federal purpose and to transfer title to those lands to the State of Hawaii.

Under subsection (a) of section 5 of the Statehood Act, the state government (and its political subdivisions) succeeded to the title of the territorial government (and its subdivisions) in those "lands and other properties" in which the territorial government (and its subdivisions) held title immediately before admission. Under subsection (b) of section 5 of the Statehood Act, the state government was granted title by the United States to "all the public lands and other public property" in which the United States held title immediately before admission. Subsection (c) of section 5 of the Statehood Act created an exception to the two special rules set out under subsections (a) and (b). According to this exception, any "lands and other properties" that, as of the date of admission, had been "set aside" for use by the Federal Government pursuant to an Act of Congress, an Executive order, a proclamation of the President, or a proclamation of the Governor, would remain federal property (subject only to whatever limitations might be specified in the Act, order, or proclamation, as the case might be). Under subsection (d) of section 5 of the Statehood Act, in the case of any "public lands or other public property" title to which was granted by the United States to the State of Hawaii under the rule set out in subsection (b), if those lands or other property were controlled by the United States immediately before admission under a permit, a license, or by permission, of the territorial government, then, at any time within five years after admission, those lands or other property could be "set aside" for use by the United States by an Act of Congress or an Executive order of the President and would thereafter be the property of the United States. Subsection (e) of section 5 of the Admission Act was of crucial significance for purposes of Attorney General Kennedy's opinion. It imposed an obligation requiring every Federal agency controlling any "land or property" retained by the United States under either subsection (c) or subsection (d) of section 5 to report to the President within five years after admission with respect to their continued need for the land or other property. If the President then decided that no continuing need existed, the land or other property was to be conveyed to the State of Hawaii.

The specific question addressed by the Attorney General was whether property acquired (*e.g.*, through purchase or condemnation) by the United States *after* the date of annexation (*i.e.*, what the Attorney General, described as "afteracquired property") was subject to the reporting and conveyance requirement of section 5(e) of the Statehood Act. The Department of Defense and the General Services Administration held the position that such afteracquired property was not subject to section 5(e) while the Department of the Interior and the State of Hawaii held the position that it was. The Attorney General's opinion stated, in relevant part, that:

The complex provisions of section 5 are indicative of a congressional purpose to convey to the State of Hawaii and its subdivision the ceded property[9] and territorial property which had not been set aside[10] at the time of admission of Hawaii into the Union, and as much of the territorial and ceded property which had been set aside as would not be required by the United States within five years after admission. The statutory plan thus is for the new State to obtain title to the property acquired by the United States from the Republic of Hawaii and from the Territory to the extent that it had not been taken for the uses and purposes of the United States, and to determine during the following five years the extent to which set aside property no longer would be needed by the United States and therefore could be returned to the State of Hawaii. Underlying this plan is the reservation contained in the Joint Resolution of Annexation (*supra*, n. 3) that the ceded lands not needed by the United States should be used for the benefit of the inhabitants of the Hawaiian Islands. It seems plain that the afteracquired property of the United States,[11] *i.e.*, property not obtained from the Republic of Hawaii or from the Territory, does not find any place in this statutory design.[12]

REVISION OF PROCEDURES FOR CONVEYANCE OF CERTAIN LANDS TO THE STATE OF HAWAII

An Act for the revision of "procedures established by the Hawaii Statehood Act ... for the conveyance of certain lands to the State of Hawaii"[13] stated, in relevant part, that:

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That (a)(i) whenever after August 21, 1964, any of the public lands and other public property as defined in section 5(g) of Public Law 86–3 (73 Stat, 4,6) [*i.e.*, the admission Act], or any lands acquired by the Territory of Hawaii and its subdivisions, which are the property of the United States pursuant to section 5(c) or become the property of the United States pursuant to section 5(d) of Public Law 86–3, except the lands administered pursuant to the Act of August 25, 1916 (39 Stat. 535), as amended, and (ii) whenever any of the lands of the United States on Sand Island, including the reef lands in connection therewith, in the city and county of Honolulu, are determined to be surplus property by the Administrator of General Services (hereinafter referred to as the "Administrator") with the concurrence of the head of the department or agency exercising administration or control over such lands and property, they shall be conveyed to the State of Hawaii by the Administrator subject to the provisions of this Act.

(b) Such lands and property shall be conveyed without monetary consideration, but subject to such terms and conditions as the Administrator may prescribe: *Provided*, That, as a condition precedent to the conveyance of such lands, the Administrator shall require payment by the State of Hawaii of the estimated fair market value, as determined by the Administrator, of any buildings, structures, and other improvements erected and made on such lands after they were set aside. In the event that the State of Hawaii does not agree to any payment prescribed by the Administrator, he may remove, relocate, and otherwise dispose of any such buildings, structures, and other improvements under other applicable laws, or if the Administrator determines that they cannot be removed without substantial damage to them or the lands containing them, he may dispose of them and the lands involved under other applicable laws, but, in such cases he shall pay to the State of Hawaii that portion of any proceeds from such disposal which he estimates to be equal to the value of the lands involved. Nothing in this section shall prevent the disposal by the Administrator under other applicable laws of the lands subject to conveyance to the State of Hawaii under this section if the State of Hawaii so chooses.

SEC. 2. Any lands, property, improvements, and proceeds conveyed or paid to the State of Hawaii under section 1 of this Act shall be considered a part of [*sic*] public trust established by section 5(f) of Public Law 86–3, and shall be subject to the terms and conditions of that trust.[14]

SPECIAL RULE FOR FORT DE RUSSY

A special constraint on the disposition of lands comprising part of Fort De Russy was included in a military construction authorization bill in 1967.[15] This constraint was stated, as follows:

SEC. 809. Notwithstanding any other provision of law, none of the lands constituting Fort De Russy, Hawaii, may be sold, leased, transferred, or otherwise disposed of by the Department of Defense unless hereafter authorized by law.

As the foregoing discussion makes clear, the constraints imposed by federal law on dispositions of federally owned land situated in Hawaii are numerous and complex. A key consideration to be taken into account in assessing which might apply to a particular piece of property is how title to the property was acquired by the United States.

ROBERT B. BURDETTE,
Legislative Attorney.

FOOTNOTES

[1] See Joint Resolution No. 55, 55th Congress, 2d Session, 30 Stat. 750 (July 7, 1898).

[2] See "An Act to provide a government for the Territory of Hawaii," Chap. 339, 31 Stat. 141 (1900).

[3] *Ibid.*, at pages 142 and 154–55.

[4] See 25 Op. Atty. Gen. 225.

[5] See 32 Stat. 419, 464–465.

[6] Chapter 42, 67th Congress, 1st Session (1921), 42 Stat. 108 (July 9, 1921).

[7] The Hawaiian Statehood Act, Public Law 86-3, 86th Congress, 73 Stat. 4 (March 18, 1959).

[8] Public Law 86-624, 74 Stat. 411 (July 12, 1960), known as the Hawaii Omnibus Act.

[9] Earlier in the opinion, the Attorney General had characterized property acquired by the United States under the Resolution of Cession and Annexation (or in exchange therefor) as "ceded property" for purposes of the analysis.

[10] Earlier in the opinion, the Attorney General had noted that, following annexation, the Territory of Hawaii obtained title to property in two ways: some property was conveyed to the territorial government by direction of the President under the terms of the Organic Act and some property was purchased by the territorial government after the date of annexation. The opinion also explained that some property of both types was "set aside" by the territorial Governor under the terms of the Organic Act for the use of the United States. Title to property which was acquired after the date of annexation by the territorial government and which was not subsequently "set aside" for the use of the United States was retained by the Territory as of the date of admission.

[11] That is, property acquired by the United States through purchase or condemnation after the date of annexation.

[12] See 42 Op. Atty. Gen. 43, 53.

[13] Public Law 88-233, 77 Stat. 472 (December 23, 1963).

[14] Emphasis added.

[15] Section 809 of Public Law 90–110, 81 Stat. 279, 309 (October 21, 1967).

The CHAIRMAN pro tempore (Mr. DURBIN). Under the rule, the Committee rises.

□ 1800

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCNULTY) having assumed the chair, Mr. DURBIN, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2401), to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1994, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. BECERRA. Mr. Speaker, I was unavoidably detained during Rollcall No. 418, the Schroeder amendment to the Defense Department authorization bill, and did not cast a vote on this amendment. The Schroeder amendment calls on the Base Closure and Realignment Commission to include foreign bases in its recommendations. For the RECORD, I would like to announce that I would have voted "aye" on this amendment.

Mr. HYDE. Mr. Speaker, I was unavoidably absent for several rollcall votes and I would like to submit for the RECORD how I would have voted had I been present:

Rollcall No. 415, Dellums amendment, "no."

Rollcall No. 416, Abercrombie amendment, "no."

Rollcall No. 417, Bryant amendment, "no."

Rollcall No. 418, Schroeder amendment, "no."

Rollcall No. 419, Lloyd amendment, "yes."

Rollcall No. 420, Frank amendment, "no."

Rollcall No. 421, Hansen amendment, "yes."

Rollcall No. 422, Andrews (ME) amendment, "no."

Rollcall No. 423, Walker amendment, "yes."

GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the actions thus far taken on the bill, H.R. 2401, National Defense Authorization Act for Fiscal Year 1994.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

COMMUNICATION FROM THE HONORABLE FRANK PALLONE, JR., MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable FRANK PALLONE, Jr. a Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 8, 1993.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that a member of my staff has been served with a subpoena issued by the Municipal Court, Monmouth County, New Jersey.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,
FRANK PALLONE, Jr.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON WAYS AND MEANS

The SPEAKER pro tempore laid before the House the following communication from the Chairman of the Committee on Ways and Means:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 9, 1993.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, The Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to rule L of the rules of the House that a member of my Committee staff has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoena is not inconsistent with the privileges and precedents of the House.

Sincerely,
DAN ROSTENKOWSKI,
Chairman.

COMMUNICATION FROM THE DOORKEEPER OF THE HOUSE

The Speaker pro tempore laid before the House the following communication from the Doorkeeper of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 8, 1993.

Hon. THOMAS S. FOLEY,
Speaker of the House, The Capitol, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that a member of my staff has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

JAMES T. MOLLOY,
Doorkeeper.

APPOINTMENT OF CONFEREES ON H.R. 2403, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1994

Mr. HOYER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2403) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1994, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

MOTION TO INSTRUCT CONFEREES

Mr. LIGHTFOOT. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Lightfoot moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 2403 be instructed to insist on the House position on amendment numbered 38, to insist on disagreement to the Senate amendment numbered 39, to insist on disagreement to the Senate amendment numbered 43 for only that part of the amendment on pages 32 lines 8 through 15, to agree to the Senate amendment numbered 44, and to insist on disagreement to the Senate amendment numbered 45.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. LIGHTFOOT] will be recognized for 30 minutes, and the gentleman from Maryland [Mr. HOYER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Iowa [Mr. LIGHTFOOT].

Mr. LIGHTFOOT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, to keep this very brief, in essence our instruction to recommit basically in instructing the conferees to concur with the House's position on the Treasury/Postal bill, and in doing so we feel it is appropriate at this point in time that we continue with the House position, and basically what we are talking about is about $2.8 million. It is not a huge amount of money, but at the same time we have to step off, I think, in the right direction. We are talking about reinventing Government. One of the things that is foremost is obviously to cut down on spending and overlap of jurisdiction. Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this motion to instruct covers several amendments in disagreement. It instructs the managers on the part of the House to insist on the House position regarding the consolidation of the Office of Federal Procurement Policy and the Office of Management and Budget.

The motion would also instruct the managers on the part of the House to insist on the House position which eliminates all funding for both the administrative conference of the United States and the Advisory Commission on Intergovernmental Relations. Finally, the motion instructs the managers on the part of the House to agree to the Senate amendment which rescinds funds for the citizens Commission on Public Service and Compensation.

Mr. Speaker, I believe that the House conferees should be given the maximum flexibility in conference and, therefore, I oppose the motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mr. LIGHTFOOT. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. FISH].

Mr. FISH. I thank the gentleman for yielding to me.

Mr. Speaker, I rise in opposition to the motion.

The Administrative Conference of the United States [ACUS] has been in existence for nearly 30 years. The view that the important role performed by this agency is somehow no longer needed and no longer relevant is simply a mistaken notion. A decision to eliminate all funding for the Administrative Conference in fiscal year 1994 would, in my view, be "penny-wise and pound-foolish."

The Administrative Conference provides unique, expert advice to the executive branch, the independent regulatory agencies, the Federal courts, and to the Congress. As a member of the Judiciary Committee, I have frequently relied on the Conference's expertise in drafting and formulating legislation. It is the only entity in the U.S. Government which focuses on administrative law, in all of its many facets. Decisions made as part of the Federal regulatory process—the regulations that are adopted and the cases that are adjudicated—as we all know have a tremendous impact on the substantive direction of important public policy issues. We are talking here about health, education, public safety, the environment, transportation and consumer protection—just to cite a few areas impacted by Federal administrative procedure and regulatory enforcement.

The Administrative Procedure Act was passed by Congress to ensure that due process rights are accorded to individuals and to organizations when Federal regulations are promulgated and when cases are adjudicated. The Administrative Conference provides a forum for the resolution of questions relating to administrative fairness and uniform regulatory enforcement.

Many recommendations made over the years by the Administrative Conference have been enacted into law or have been implemented under existing statutory authority by the various departments and agencies. For example, ACUS has had a major role in the adoption and/or implementation of such laws as the Equal Access to Justice Act, Superfund, the Contract Disputes Act, the Fair Housing Act, the Regulatory Flexibility Act, the Government in the Sunshine Act, the Negotiated Rulemaking Act, and the Administrative Dispute Resolution Act.

It is particularly ironic that advocates for the elimination of the Administrative Conference would cite the savings of taxpayer dollars. As we all know, ACUS is an exceedingly small agency with a modest budget—$2.3 million in fiscal year 1993. But, even more compelling, is the fact that the pivotal role played by the Administrative Conference actually saves the taxpayers money. For example, in 1990, the Congress assigned ACUS the key role of coordinating and promoting alternative dispute resolution [ADR] mechanisms among over 80 Federal departments and agencies. The installation of ADR systems within the Federal Government has already led to significant cost savings. The Labor Department established a pilot program last year for OSHA and wage and hour cases—those cases are now resolved quicker and cheaper. The Federal Deposit Insurance Commission [FDIC] estimates that it has saved over $4 million annually based upon the installation of the ADR. Similarly, the Farmers Home Administration has used the ADR on foreclosure cases—not only saving money but actually preventing foreclosures on several farm families.

The role of the Administrative Conference is an ongoing one and it is needed. This Congress very soon will be called upon to deal with the complex issue of Health Care Reform and respond to the challenge presented by the report of the National Performance Review. Mr. Speaker, I submit that the Administrative Conference could again play a pivotal role with respect to both of these important matters. This is not the time to ignore the importance of administrative law or to do away with experts in the Federal regulatory process.

□ 1810

Mr. HOYER. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. BROOKS], the distinguished chairman of the Committee on the Judiciary.

Mr. BROOKS. Mr. Speaker, I rise in strong opposition to this motion to instruct Treasury appropriations conferees on the matter of funding for the Administrative Conference. The motion would encourage this body to exterminate a small agency that plays an important ongoing role in helping to improve the operations of the Federal Government. It is not a little ironic that the motion comes during the same week that the administration's national performance review has been unveiled which attempts—on a broader scale—to do across the Government precisely what the Administrative Conference does in streamlining agency procedures.

The Administrative Conference, a $2.3 million operation, provides advice and assistance on a continuing basis to Federal agencies charged with the implementation of new laws and regulations—to help those agencies improve and simplify their regulatory, enforcement, and adjudicatory functions. The agency also assists Congress by recommending or analyzing legislative changes intended to increase the efficiency and fairness of agency procedures.

In short, the Administrative Conference acts as an ongoing mini-national performance review in its area of expertise, just as the administrative office of the Judicial Conference does in overseeing the operations of the judiciary.

Because of its vital mission, the administration opposes defunding the Administrative Conference. Indeed, the administration supports fiscal year 1994 funding for this agency at a level higher than the Senate's $1.8 million.

Authorization for the Administrative Conference expires on September 30, 1994. The Judiciary Committee intends next year to thoroughly examine the agency's functions. That is the appropriate time and the proper forum to make determinations on the role and usefulness of the Administrative Conference. I strongly urge my colleagues to vote against this motion.

Mr. LIGHTFOOT. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Oklahoma [Mr. ISTOOK], a member of the committee.

Mr. ISTOOK. Mr. Speaker, I rise in support of this motion. The motion simply asks the conferees to consistently uphold the position already taken by this House in defunding several small agencies that provide services which duplicate those that are or could be performed elsewhere within the Government.

For example, regarding the Administrative Conference, their oversight function is basically to help other agencies to coordinate. That function dealing with Federal regulations and administrative oversight can be performed within the Department of Justice. It can be performed within the Office of Management and Budget which has subdivisions for an Office of General Management and also an Office for Informational and Regulatory Affairs.

This is a case of duplication of services, Mr. Speaker, and if we are serious about trying to restrict the amount of Federal spending to bring down the Federal Government to size, if on the one hand we have responded favorably to the Government re-invention initiatives of the Clinton administration and Vice President GORE, then to be consistent we have to vote that way.

When we have Federal agencies that provide duplicative efforts, then we need to do away with those agencies and roll them up into the others that are doing the same job or can do the same job without extra personnel, without extra rent, without extra fringe benefits, without extra personnel policies, without extra budgets.

The dollar amount here is fairly small, Mr. Speaker, in the scope of the national budget. It is $7 million, but it is important to inform the public whether or not we are serious about down sizing the Federal Government. If we are serious, we should vote the same way that we already voted previously in this House, in favor of this motion to instruct conferees. If we vote any other way, we are backing down. We are sending a message to the taxpayers around the country that we did not mean it when we said that we wanted to save their money and be more economical.

Mr. Speaker, I urge a vote in favor of the motion.

Mr. LIGHTFOOT. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Pennsylvania [Mr. CLINGER], the ranking member of the Committee on Government Operations.

Mr. CLINGER. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I just rise to express my concerns about the proposal to eliminate all funding for the Office of Federal Procurement Policy, which is a very important agency at this juncture, particularly as we are about to go in to a major overhaul of Federal procurement policy.

This agency has done a vital role. It has not done things perfectly. It has made mistakes, but I think we perceive it in the Committee on Government Operations as the vehicle which can be used to effect the very reforms which this administration is talking about; so to eliminate all funding for it, which would be tantamount I think to seeing it disappear as an element of expertise within the Office of Management and Budget to deal with these serious procurement reforms that we have to have ongoing, I think causes me some concern.

I have discussed this matter with the gentleman from Iowa [Mr. LIGHTFOOT], the ranking member of the subcommittee, and with the gentleman from Maryland [Mr. HOYER]. They assure me that they will work with us to discuss this, because I think we are all agreed that we do not want to lose the expertise we have. We want to build on what is there because if we are really serious about procurement reform, this group, the Office of Federal Procurement Policy, is the place where we can get those kind of reforms.

So with that, Mr. Speaker, I yield back the balance of my time, with the assurance that I have from my friends that they will discuss this matter with us.

Mr. LIGHTFOOT. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, the gentleman from Oklahoma and the gentleman from Iowa obviously have in mind reducing government spending. They have no greater ally in that overall movement than this Member; but I say to you with as much power as I can that this particular program breeds that kind of action by this agency that can save taxpayers' money only if it does what its main function is to do, and that is to provide alternative means of dispute allocation so that it can prevent litigation.

I have been personally involved in some of the oversight for this particular agency and have learned firsthand that in stopping certain suits and preventing others, we can save the taxpayers countless dollars. On this premise and on this premise alone, I feel it is justified to conserve this particular program.

Remember, I want to reduce the deficit. I want to reduce spending, but if we are going to throw out an agency who has as one of its tenets to save taxpayers' money by providing other means of dispute regulation, then we ought to be considering preserving this agency, not throwing it out.

Mr. LIGHTFOOT. Mr. Speaker, we have no further requests for time, and I yield back the balance of the time.

Mr. HOYER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCNULTY). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The question is on the motion to instruct offered by the gentleman from Iowa [Mr. LIGHTFOOT].

The motion was agreed to.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. HOYER, VISCLOSKY, DARDEN, OLVER, BEVILL, SABO, NATCHER, LIGHTFOOT, WOLF, ISTOOK, and MCDADE.

There was no objection.

□ 1820

NATIONAL POW/MIA RECOGNITION DAY

Mr. WYNN. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 126) designating September 10, 1993, as "National POW/MIA Recognition Day" and authorizing the display of the National League of Families POW/MIA flag, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Maryland?

Mr. GILMAN. Mr. Speaker, reserving the right to object, and I do not intend to object, but I would simply like to inform the House that the minority has no objection to the legislation now being considered, and, Mr. Speaker, as the chief sponsor of House Joint Resolution 219, I rise in support of this legislation to designate tomorrow, Friday, September 10, 1993, as "National POW/MIA Recognition Day." As the sponsor of this important resolution, I am proud that my colleagues who have cosponsored this measure have provided the opportunity for our Nation to support our courageous servicemen of the Vietnamese conflict whose fates are still not determined.

Mr. Speaker, I believe that the passage of this measure is important. At a time when our Government has been discussing options which would further expand our relations with China and Vietnam, we, as a nation must demonstrate to the families of those who are presumed missing in action that we have not forgotten their loved ones whose fates are uncertain. Designating September 10, 1993, as National POW/MIA Recognition Day does just that.

Because the Government of Vietnam has information on Americans who are presumed to be prisoners of war or missing in action, I continue to oppose the normalization of relations with Vietnam, until all remaining questions have been answered, and our Government has received a full accounting of those who are prisoners of war or missing in action.

I am concerned that information that has recently come to light indicates that North Vietnam may have made available captured United States airmen to China or the former Soviet Union for interrogation or for holding them. Both countries have always denied this. However, newly declassified United States intelligence reports and a 1967 document from the Soviet Embassy in Hanoi, discloses that the Chinese and the Soviets had access to captured United States airmen and to downed United States aircraft. While no returned POW's have reported being held in China, several of the intelligence documents specifically mention camps which were used to detain United States prisoners.

Based upon this new sensitive information, I believe that Vietnam and China must be more forthcoming on this issue—especially before the United States joins in any business-as-usual relationship.

Of late, there has been a great deal of pressure to put the Vietnam war behind us. Many suggest that by extending the most-favored-nation status to China and by normalizing relations with Vietnam, our Nation would gain economically, and our balance of trade would be improved. I disagree. We must not simply go on with normalization. We must learn from our history, and teach these lessons, so that future generations will not repeat yesterday's mistakes.

Furthermore, I believe that if and when most-favored-nation status is given to China, and once relations are normalized with Vietnam, any leverage that the United States has, with regards to the POW/MIA issue, will disappear.

While we may not all agree on the course that our future relations with China and Vietnam should take, we do all agree that we must not forget those still presumed to be prisoners of war or missing in action. By supporting House Joint Resolution 219, we will appropriately honor those who have given so much for the freedom and liberty that we enjoy today.

Mr. Speaker, this is the 21st year that I have cosponsored this legislation. And, I am hopeful that 1993 will be the last year that such a resolution will be necessary. My hope is that by this time next year, our Government will have obtained a full accounting of those brave Americans whose fates, at this time, are unknown.

Accordingly, I urge my colleagues to join me in recognizing America's heroes, those who are presumed missing in action, by designating September 10, 1993, as National POW/MIA Recognition Day. I invite all Americans to unite in demonstrating that we will not forget nor forsake those whose fates are unknown.

On Friday, September 10, 1993, let us proudly display the National League of Families POW/MIA flag.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York [Mr. SOLOMON], the distinguished ranking member of the Committee on Rules who at one time served as the chairman of our task force on MIA's and POW's.

Mr. SOLOMON. Mr. Speaker, I really thank the gentleman from New York [Mr. GILMAN] for yielding to me, and I want to really commend the gentleman for bringing this resolution to the floor of this House. For the past 15 years I have served on the task force for POW/MIA's on which I had the privilege of serving for a number of years along with the gentleman when he was chairman as well.

I say to the gentleman, "I recall the time that you and I, and Mr. DORNAN, as a matter of fact sitting on the other side there, when we went to a place called Hanoi in a place called Vietnam, and we sat across the table from these Communists and actually did something I never thought I would do, and I know you and Mr. DORNAN never thought you would do, and that is to literally beg for the return, not only for live POW's, but for the basic remains of our fallen soldiers, and it's always been a policy of this country that we would not forget these men and women who served in the United States armed forces and who gave their lives for their country."

Mr. Speaker, we must account for them. We are still doing it.

Just the other day we celebrated in this country the 40th anniversary of the end of the Korean war. We still have members of the Armed Forces missing from that war, and, as a matter of fact, in just recent months have brought home some of the remains of fallen soldiers from that war that happened over 40 years ago. We must continue our vigilance.

Mr. Speaker, I want to just commend the gentleman from New York [Mr. GILMAN] from the bottom of my heart for all he has done in this effort. We will not forget these men and women who literally are the reason why we are the greatest and freest Nation in the world today, and I commend the gentleman.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON] for his kind supporting remarks and for his diligent efforts over the years in trying to obtain a full accounting.

Mr. Speaker, further reserving the right to object, I yield to our good friend, the gentleman from California [Mr. DORNAN], who also has served for a number of years on this issue on both the task force and in many other capacities in trying to find a final solution to the missing.

Mr. DORNAN. Mr. Speaker, I thank the gentleman from New York [Mr. GILMAN] and say to him, "BENJAMIN, you have brought great honor to this body never forgetting these men."

As my colleagues know, Mr. Speaker, this Congress, the last Congress, the 102d Congress, and the next Congress, the 104th, are in a position to remember the 50th anniversary of all the great and climatic events of World War II. Today, September 9, 1993, is the 50th anniversary of our young men forces landing on the Italian mainland. They had gone through a horrible July and August 50 years ago freeing Sicily from German and Italian Fascist rule. Yes, 50 years ago the wiser heads in the Italian Government signed a separate surrender and peace treaty with the Allied Forces. The Salerno landings were opposed viciously by German forces. We had one battalion, the 2d Battalion from the 143d Army, 36th Division, absolutely decimated, and the words jumped at me off the page when I was reading this this morning: 450—some men missing in action, and some of them turn up in POW camps, some of them were accounted for, but at least in Italy one could walk the battlefields as in Europe later, as in most of the South Pacific, and, except for young men lost at sea, we could find the remains, we could find unmarked graves or graves in registration. People would bend over backwards to identify them.

I say to my colleagues, "When you walk away from a situation, as we did from Vietnam in 1973, and then watch the collapse to communism in 1975, we didn't have control of the battlefield as we did after World War I and after World War II. It was more like North Korea where thousands and thousands of Americans were buried in unmarked graves, and that story is going to go on for the next decade or two, locating and trying to identify the remains of people in North Korea."

But what is particularly agonizing about Vietnam, and the gentleman and I have sat there, as the gentleman from New York [Mr. SOLOMON] just mentioned, in Hanoi itself, and we begged that Communist government in Hanoi to come forward on the warehousing of American remains. The gentleman was in the foreign affairs room way back in 1979, 14 years ago, when a Vietnamese citizen, ethnic Chinese background, sat there. Lester Wolf was then chairman of the Asian Pacific affairs, and he passed multiple polygraph lie detector tests. He said that he personally boxed the remains of over 400 American heroes.

□ 1830

It has finally leaked out from the Intelligence community and has been in the press, it is an open secret, the Vietnamese know it, the Clinton people know it now that they have access to top secret documents, some bodies have obviously come out of the ground, the bones dark brown or blackened, where they sat since the day they died in a plane crash. But other bones have not been interred for more than a year before they were taken out of a grave, cleaned-up, and boxed, and those heroes' remains put on a shelf. Four hundred are still warehoused somewhere in the Hanoi area.

Mr. Speaker, until that government, that Communist government in Hanoi, ends this agony for over 400 American families and gives us the rest of our heroes' remains that have been boxed, then I do not see how any American Government, Republican or Democratic, could ever extend full diplomatic relations to Hanoi.

I have just become aware today of yet another National Endowment for the Arts outrage. They gave some $45,000 to a group in New York called Accountability, that says we have no right to ask for the accounting of our missing in action.

What has that got to do with art or Federal grants? I am going to get to the bottom of that.

I have one final thought. I am looking down at David Hrdlicka's name on my bracelet, shot down May 18, 1965. He was a known POW for 5 years. His son was too young to go to school. He has put in a full Navy career, Dave Hrdlicka, Jr., flying F-18's and is now a senior pilot flying 727's with American Airlines, about to go over to 757's.

Mr. Speaker, to see a whole family suffer this way, and all the kids grow up, and his brother Leo has still not given up, and you have met with Leo in your office, I am going to I guess wear Dave Hrdlicka's bracelet for the rest of my life until I get some sort of accounting out of North Vietnam.

Mr. Speaker, there is no doubt we left live men behind in Laos. The number one prisoner still carried on the books, our one POW from Vietnam, Col. Charles Shelton, April 29, 1965, went down 2 weeks before Dave, they were in a cave together. There are at least two verified intelligence stories that Charlie Shelton escaped, was shot both times, and recovered from his wounds. His wonderful wife Marian, after 25 years of fighting for recognition of his plight, the one American POW, rising in rank to colonel, he was a captain when he was shot down, Marian took her own life October 4, 3 years ago.

Mr. Speaker, the agony just goes on and on. We cannot recognize that Government until they resolve the mysteries of Laos and answer all the mysterious questions on Vietnam. But more than anything else, which is a hard fact, give us the remains of our heroes out of those warehouses, and then maybe we can heal finally some of the remaining wounds of that war. In addition, they must stop the human rights abuses.

Mr. Speaker, I once again thank the gentleman from New York [Mr. GILMAN], and look forward to standing at his side on his recognition day, so that we never ever forget the terrible way that we ended this conflict, leaving all these American families to wonder about the fate of their great heroes who died fighting for freedom, and some of them rotting in a prison cell, and they still might be there. Only God knows.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from California [Mr. DORNAN] for his eloquent remarks and for his continued strong support on this issue. I also thank the gentleman from New York [Mr. SOLOMON] and all of my colleagues who join together, over 225 Members, in support of this resolution.

Mr. Speaker, I withdraw my reservation of objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 126

Whereas the United States has fought in many wars and thousands of Americans who served in those wars were captured by the enemy or listed as missing in action;

Whereas many American prisoners of war were subjected to brutal and inhumane treatment by their enemy captors in violation of international codes and customs for the treatment of prisoners of war, and many such prisoners of war died from such treatment;

Whereas many of these Americans are still listed as missing and unaccounted for, and the uncertainty surrounding their fates has caused their families to suffer tragic and continuing hardships;

Whereas, in Public Law 101-355, the Federal Government officially recognized and designated the National League of Families POW/MIA flag as the symbol of the Nation's concern and commitment to accounting as fully as possible for Americans still prisoner, missing in action, or unaccounted for in Southeast Asia; and

Whereas the sacrifices of Americans still missing and unaccounted for from all our Nation's wars and their families are deserving of national recognition and support for continued priority efforts to determine the fate of those missing Americans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF NATIONAL POW/MIA RECOGNITION DAY.

September 10, 1993, is designated as "National POW/MIA Recognition Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

SEC. 2. REQUIREMENT TO DISPLAY NATIONAL LEAGUE OF FAMILIES POW/MIA FLAG.

(a) IN GENERAL.—The POW/MIA flag shall be displayed—

(1) at all national cemeteries and the National Vietnam Veterans Memorial on May 31, 1993 (Memorial Day), September 10, 1993 (National POW/MIA Recognition Day), and November 11, 1993 (Veterans Day); and

(2) on, or on the grounds of, the buildings specified in subsection (b) on September 10, 1993;

as the symbol of our Nation's concern and commitment to accounting as fully as possible for Americans still prisoner, missing, and unaccounted for, thus ending the uncertainty for their families and the Nation.

(b) BUILDINGS.—The buildings specified in this subsection are—

(1) the White House; and

(2) the buildings containing the primary offices of—

(A) the Secretary of State;

(B) the Secretary of Defense;

(C) the Secretary of Veterans Affairs; and

(D) the Director of the Selective Service System.

(c) POW/MIA FLAG.—As used in this section, the term "POW/MIA flag" means the National League of Families POW/MIA flag recognized officially and designated by section 2 of Public Law 101-355.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid upon the table.

GENERAL LEAVE

Mr. WYNN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on Senate Joint Resolution 126.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the request of the gentleman from Maryland?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, I take this time for the purpose of ascertaining the schedule from the majority leader.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, obviously business is finished for today. On Monday, September 13, the House will meet at noon to take up 16 bills on suspension. Recorded votes will be held until after the suspensions are finished; in other words, at the end of the day. We will have a rule vote at around 4 p.m. on an additional amount of amendments on the defense bill. We should be done on that day by 7 or 8 o'clock.

On Tuesday, the House will meet at 10 a.m. to take up again H.R. 2401, the Defense authorization for fiscal year 1994, and we will try to complete consideration. I do not know whether we will or not.

We also have scheduled H.R. 1340, the Resolution Trust Corporation Completion Act, subject to a rule. I am not certain at this point whether or not we will have time to bring that bill up, but it is scheduled.

On Wednesday, September 15, the House will meet at 2 p.m., but there will be no legislative business. We will have a pro forma session.

When the House adjourns on Wednesday, September 15, it will adjourn to meet on Monday, September 20, 1993. Conference reports will be brought up at any time. Any further program will be announced later.

Mr. WALKER. Mr. Speaker, reclaiming my time, I have just a couple of questions. If I understand correctly, the first vote we can expect on Monday will occur at 4 o'clock when we vote on the rule?

Mr. GEPHARDT. The first vote would be on the rule at about 4 p.m. Obviously, there could be additional votes after that on suspensions.

Mr. WALKER. Do we intend to move to the defense bill at all on Monday?

Mr. GEPHARDT. Yes.

Mr. WALKER. And then go on the defense bill until 7 or 8 o'clock that night?

Mr. GEPHARDT. That is correct.

Mr. WALKER. Mr. Speaker, if I look correctly at the amendments that have been made in order by the third rule on defense, there are 54 amendments, all allocated 10 minutes of time, which would mean we would have 9 hours of debate on those amendments alone, not including any time for votes. That seems to be a pretty large order for us to complete next week, unless we go very, very late on Tuesday night. Is that the intention of the gentleman from Missouri?

Mr. GEPHARDT. Mr. Speaker, if the gentleman will yield further, it is my understanding that the chairman of the committee has the authority to bring some amendments in an en bloc fashion, which might be able to shorten the time that it takes to finish the bill. I do not think we will go extraordinarily late on Tuesday. If we can finish it, we obviously want to. If we cannot, we will not.

Mr. WALKER. Mr. Speaker, if I understand the gentleman correctly, it is anticipated we will probably not get to the Resolution Trust Corporation next week.

Mr. GEPHARDT. Mr. Speaker, I think the chance of that is not high.

Mr. WALKER. Also it is my understanding that conference reports are probably ready on the District of Columbia bill and possibly on Commerce, State, and Justice. Is there any chance that we would get to those next week?

Mr. GEPHARDT. Mr. Speaker, if the gentleman will yield further, I think the chance of that is not at all likely. It is my understanding that the District of Columbia bill did not even go to conference, did not meet as a conference. So I think the chance of that is not high.

ADJOURNMENT TO MONDAY, SEPTEMBER 13, 1993

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

HOUR OF MEETING ON TUESDAY, SEPTEMBER 14, 1993

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, September 13, 1993, it adjourn to meet at 10 a.m. on Tuesday, September 14, 1993.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

HOUR OF MEETING ON WEDNESDAY, SEPTEMBER 15, 1993

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the

House adjourns on Tuesday, September 14, 1993, it adjourn to meet at 2 p.m. on Wednesday, September 15, 1993.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

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TRANSFER OF SPECIAL ORDER TIME

Mr. KOPETSKI. Mr. Speaker, I ask unanimous consent that the special order for the gentleman from Illinois [Mr. LIPINSKI], on Wednesday, September 15, 1993, be transposed with a special order for the gentleman from New York [Mr. RANGEL].

The SPEAKER pro tempore. (Mr. HILLIARD). Is there objection to the request of the gentleman from Oregon?

There was no objection.

THE ADMINISTRATION'S HEALTH PLAN

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, Time magazine reported last week that the Clinton administration health plan will cost the loss of as many 1 million jobs over the next 5 years. This report was based not on a charge by some group opposed to the President. According to Time, this estimate of a million job loss came from a computer projection by the President's own staff.

The National Federation of Independent Businesses has estimated a job loss of 1.6 million, if the President goes forward with his health plan. A study by the National Restaurant Association estimates job losses as high as 3.1 million over 5 years due to the proposed health reform.

Everyone knows we need some changes in our health care system, but it is the Federal bureaucracy, rules and redtape that has been the primary cause of rising health care costs.

If we really want health care costs to go down, we need more freedom in the system, not more government. It is easy to say 1 million jobs lost. But to the person who loses his or her job, there is nothing easy about it. We simply cannot afford, Mr. Speaker, a health care plan that causes us to lose 1 million more jobs.

Mr. Speaker, I include for the RECORD the following article:

[From Time magazine, Sept. 6, 1993]

PROGNOSIS: FEWER JOBS

(By Dick Thompson)

While Bill Clinton relaxed on. Martha's Vineyard last week, staff members were sweating and fretting back in Washington, studying computer models for answers to one of the most explosive questions facing his health-care-reform proposal. That question—the subject of a showdown meeting scheduled with the President this week—is, How many jobs will be lost during the long transition to reform?

Clinton has publicly stated that healthcare reform will "boost job creation," a claim that unnerves many of his advisers. What they know—and what some of them fear Clinton has not been told—is that the Administration's own preliminary computer-aided studies of the "employment effects" of health reform predict "significant" job losses.

Time has learned that according to one computer run, the plan would slow net employment growth by as many as 1 million jobs over the next five years. Other Administration forecasts—based on computer simulations of the U.S. economy at various government departments and the Urban Institute, a Washington think tank on contract to the White House—have produced lower estimates of job losses, sources said. But they do not support Clinton's claims of job gains.

Sources caution that these forecasts resulted from a draft of the health-reform plan that is still being refined, and was tested on an econometric model that included "faulty assumptions" about the ways in which employers, workers and health-care providers are likely to respond to healthcare reform. Still, these estimates—and others by independent economists who predict job losses in the 200,000-to-600,000 range—galvanized Clinton's health-reform advisers last week into a crash program to refine both their computer models and the health-care plan in order to minimize their forecast of unemployment. Says a worried official: "The jobs issue is probably the most sensitive one we face in health-care reform."

Privately, several of the President's advisers contend that the current runaway spending on public and private health care is a growing burden on the economy, which, like a surgical patient who must feel worse before he can get better, might need to endure modestly higher unemployment for several years as the price of reform. Trouble is, Clinton has not prepared the public for any sacrifice. He and his top health-care strategist, Ira Magaziner, have been selling health-care reform as a four-course free lunch. Everyone will be covered. It won't require new taxes. It will immediately boost job creation. And it will immediately reduce the federal deficit. "Several of us," says a political adviser to Clinton, "are worried that we're creating expectations for health care that can't be met."

No business will be required to pay more than 7.6% of its total payroll for health insurance. For big companies, such as automakers, which now pay about 19%, the potential savings would provide an incentive to hire new workers. But for small firms that now provide no health insurance, the requirement will add to the cost of labor. Some of these firms will cover the cost by cutting profits, raising prices, withholding raises or extending overtime hours. But many firms will not have these options. Most vulnerable are enterprises like restaurants and farms, which employ many of the nation's 4.8 million minimum-wage workers and often operate with slim profit margins. For them, cutting jobs may be the only option. The National Federation of Independent Business has estimated that 1.6 million jobs will be lost over five years. A new study, financed by restaurant owners, forecasts losses of 3.1 million.

The White House rejects these figures as flawed because they don't sufficiently account for jobs created in firms that save money through lower insurance costs and because they are based on false assumptions about the tightly guarded reform plan. The next computer runs, to be conducted on the Urban Institute's microsimulator (called TRIM, for Transfer Income Simulator), will include various "transition subsidies" designed to minimize job losses for small businesses and low-income employees. His advisers plan to present Clinton with four options this week for easing the transition, but one official said they were having trouble designing subsidies that were not "a nightmare to administer."

Hillary Clinton, who heads the health-care-reform effort, is committed to a rapid phase-in, by January 1996, for universal coverage and a generous basic-benefits package—through few others believe this schedule is realistic. She has waved off warnings of job losses as the propaganda of greedy business interests. Her strong views and assiduous hunting of suspected leakers have exerted what one official describes as a "chilling effect" in sessions she attends. Nevertheless, at a recent meeting, her colleagues report that Laura Tyson, chair of the President's Council of Economic Advisers, cautioned that once the plan is released, respected outside economists will run it through standard econometric models, which will probably show job losses, "and some of those numbers might be big."

Clinton health-care planners have tried to address the concerns raised by small business, which enjoys great influence in Congress. They emphasize that under the proposal, the smallest businesses will pay as little as 3.5% of their payroll for insurance, rather than the 7.6% top rate, with taxpayers subsidizing the rest. And the smallest businesses will be allowed a slower phase-in of the new expense. Insists Magaziner: "We think we can do this without having a negative employment effect." Magaziner, backed by Hillary Clinton, has so far insulated the President from international assessments that might challenge his rosy scenario. But that, officials say, will change in the meeting scheduled this week.

Many small-businesses owners who want to provide health coverage for their workers will back reform because the current situation inflicts large and growing hundreds on them. Audrey Rinker, owner of a graphics shop in New Port Richey, Florida, has been denied coverage by three insurance companies because her workers have pre-existing illnesses. Says Rinker: "We need something done right now." Even when they can get insurance, small companies pay some of the highest rates. Barbara Silver Miller, co-owner of a vending machine firm in Phoenix, Arizona, has seen premiums for her employees rise 20% to 30% a year.

To reform this festering mess, some Clinton officials argue privately, the transitional loss of a few hundred thousand jobs is not a high price to pay. Certainly not in an economy that employs 120 million workers and creates 2 million jobs a year. Yet for the individuals involved, a single job lost on a Nebraska farm isn't really "a net wash" when a new job—requiring relocation and training—is created in a Detroit auto plant.

BILLS TO COMBAT VIOLENCE AND DRUG-RELATED CRIME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. GALLEGLY] is recognized for 5 minutes.

Mr. GALLEGLY. Mr. Speaker, I am pleased to introduce today a package of four bills designed to combat violence and drug-related crimes in our streets and neighborhoods.

These bills are the Drive-By Shooting Prevention Act of 1993; the Juveniles in Crime Prevention Act of 1993; the Three-Time Loser Act of 1993; and the Law Enforcement Officers Death Penalty Act of 1993.

This legislation will provide Federal law enforcement with powerful new weapons in their war against illegal drugs and crime involving juvenile and repeat offenders.

Mr. Speaker, these bills are practically identical to those I introduced in the last Congress. Provisions of all four of these bills were incorporated in the Violent Crime Control Act passed by the Senate 2 years ago. Because of their importance to law enforcement, it is essential that these proposals also be included in the omnibus anticrime legislation that will be considered in the Congress this year.

My first bill would add to the Federal Criminal Code a provision aimed at curbing the indiscriminate use of weapons by youthful gangs involved in drive-by shootings in the furtherance of illegal drug conspiracies. The Drive-By Shooting Prevention Act of 1993 would make it a Federal crime for someone who, in the course of committing a major drug offense, intentionally fires a weapon into a group of persons gathered nearby, killing or endangering the life of an innocent bystander. The bill provides the death penalty or imprisonment for any term of years up to and including life for anyone convicted of murdering a drive-by shooting victim.

A constituent of mine, Carolyn Jamelkowski of Camarillo, wrote a letter to the editor of the Ventura Star Free Press about the war on drugs and the criminal gangs that rage in the streets of our cities. She also wrote to me and to then-President Bush earnestly seeking our assistance in stopping the increasingly frequent drive-by shooting incidents in her neighborhood and elsewhere. In her letter she asked why we must send our brave young men and women to fight in overseas battlegrounds when we cannot protect ourselves and our families from violence by drug criminals and street gangs in the streets of our communities right here in the United States. She bemoans the fact that some of our boys have returned home from war only to be shot and killed in their own country. She writes with passion and understanding, for Mrs. Jamelkowski's own son, a veteran, was the tragic, innocent victim of a drive-by shooting as he walked home from work one night.

Mr. Speaker, I am submitting the complete text of Mrs. Jamelkowski's letter for the RECORD.

Too many of us have known persons whose sons or daughters or other beloved ones have become the innocent victims of some drive-by shooting by a gang member high on drugs or seeking retribution against some other young pusher or rival gang member. I hope that my proposal will be adopted and included in the omnibus crime package so that we can soon bring an end to such senseless street crimes and to the tragic killings brought on by drug-related violence.

My second bill would mandate longer prison sentences for those criminals who sell illegal substances to minor youths or who use minors in their drug-trafficking activities. Under the Juveniles in Drug Crime Prevention Act of 1993, any adult who is convicted of selling drugs to juveniles or of utilizing a juvenile to peddle drugs to other youngsters will serve a mandatory minimum sentence of 10 years in prison, without parole.

This legislation will serve as a stiff warning to drug dealers that if they sell drugs to kids or employ kids in their illegal activities, they can expect to serve a long prison sentence, without any hope of getting off or of receiving probation or a suspended sentence. Moreover, if they come out of prison and are then caught committing additional drug crimes involving juveniles they will be locked up for life. Such a measure should help to safeguard many otherwise innocent children from the entrapment of using drugs or from inducements offered by adult traffickers to engage in the peddling of drugs.

My third bill, the Three-Time Loser Act of 1993, would mandate life imprisonment without parole for twice-convicted violent criminals or drug traffickers who are convicted of a third offense. Unfortunately the 3- and 4-time and even 10-time loser is too often released early or on bond and allowed to walk the streets of our cities, free to commit additional crimes. There is too much violent and drug-related crime in this country, in part, because there is too much crime without real punishment and there are too many felons who are allowed to go unpunished in America. Hardened, repeat criminals know they can expect to be set loose all to soon after being sentenced, perhaps to relieve jail overcrowding, and too many Americans are becoming the innocent prey to these recidivists.

According to one study by Dr. Morgan Reynolds of the National Center for Policy Analysis in Texas, of criminal arrests, indictments, convictions, sentencing and sentences actually served, based on data of crimes over a period of almost 40 years in the United States, a person who commits murder can expect to serve on the average only 2.3 years in prison; someone who commits burglary can expect to serve just 17.7 days; and for car theft the criminal can expect just 4.2 days behind bars. Some have argued that these figures are skewed because Dr. Reynolds includes in his figures those murderers, burglars, and thieves who don't get caught. I believe these figures are relevant because they certainly give comfort to prospective criminals. However, even if we look at only those apprehended and convicted, the statistics are still an outrage. The Justice Department reports that the convicted murderer can expect to serve a mean term of 83 months, the burglar 22 months, and the car thief 13 months. It's not very comforting to know that a murderer serves less than 7 years in prison on the average!

With such statistics showing how little time murderers and felons actually serve behind bars and how little chance they have of ever being arrested or convicted, it is little wonder that criminals repeat their crimes, realizing that can do so without severe or lengthy penalties—with little more than a slap on the wrist!

My bill will serve notice on repeat felons that they can expect to serve a mandatory life term in prison without parole if they are convicted of any combination of a violent crime or a drug felony as little as three times. If enacted, the proposal should result in a dramatically reduced rate of criminal recidivism. I also suspect we would hear less often of criminals who are let out of jail after a short sentence only to commit another drug-related or violent crime within a short time.

Finally, the Law Enforcement Officers' Death Penalty Act of 1993 would authorize the penalty of death for the murder of a Federal law enforcement officer while the officer is carrying out his official duties and for the murder of a State or local law enforcement officer while that officer is in the course of duty assisting a Federal law enforcement officer. The bill also sets forth the procedures and factors to be considered in imposing the sentence of death on a criminal defendant.

In my view, there are few crimes more despicable than the murder of a police officer while in the line of duty. These are the guardians of our lives and our security who protect us, our families, and our neighborhoods from criminals. Every day thousands of these brave and honorable men and women risk their lives so that we can be free to enjoy our rights, our privacy, our property, and our pursuit of happiness. The life of a cop or a Federal agent is in constant danger. In this era when illegal drugs, street violence, and swelling crime rates are everyday events, we must show well-deserved respect, honor, and gratitude to the squads of crimefighters we employ to protect us at the Federal, State, and local level. We must also demonstrate to the drug dealers, murderers, and other serious criminals that we will not tolerate, under any circumstances, the murder of these peace officers and that those who kill them intentionally or in the course of committing some other crime will pay for our loss with their own lives.

In 1990 there were 664 Federal law enforcement officers murdered in the line of duty; in 1991 there were 683. There are no figures available on the exact number of State and local public safety officers who were also killed while assisting Federal officers in crime-busting activities. My last bill is a kind of personal tribute to the cop on the beat and the Federal officer on duty. It also is a warning to the adult criminal that, regardless of whether his victim is a Federal law enforcement officer or a State law enforcement officer who has come to the assistance of the Federal officer, if he murders that officer while he is carrying out his law enforcement duties, he can expect to be sentenced to certain death. Perhaps the criminal, fearing capital punishment, will think twice before committing a violent crime that could result in the killing of police officers.

Mr. Speaker, I urge my colleagues to support this legislation and I call on the leadership of both parties in this chamber to include this package of bills, or similar related measures, when the House takes up the omnibus anticrime bill later this fall.

[From the Ventura Star Free Press]

WAR STILL RAGES—ON AMERICAN STREETS

TO THE EDITOR: I am writing President Bush to ask for his help in the fight against gang drive-by shootings.

We have a war going on in this country that keeps getting bigger by the day. People are being killed by these gangs whenever they see fit to go out shooting. Innocent children, women and our sons are victims, even though they haven't hurt gang members or even know them—it doesn't matter to gangs.

Many of the gangs have a requirement that to belong your first have to go out and kill someone—anyone, it doesn't matter. You might be asking how I know. Well, I am a mother whose son was killed in a drive-by shooting as he walked home from work one night three months ago.

I know I am only one voice, but I've decided to ask President Bush, our Senators, Members of Congress and newspapers across our Nation to petition the people of the United States to help put a stop to this war in our streets.

We sent our boys to the Gulf and they did a wonderful job, but some of those boys have come home only to be shot and killed in their own country. We ask, "What are we doing to protect our own people?"

This war has to stop. We are not safe in our own streets. How can we as a Nation tell other countries we are against aggression when in our own country we don't have the laws that will deter crime?

That is why I am asking our leaders to lead us once again into battle against invaders who are killing our people. Please, pass tough laws, such as providing for an automatic death penalty for someone convicted of a drive-by shooting.

Only then—maybe—will our streets be safe once more and the mothers across this nation can stop crying as they sit by the grave of a loved one lamenting, "I know not why".

CAROLYN JAMELKOWSKI.

H.R. 3034

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drive-By Shooting Prevention Act of 1993".

SEC. 2. NEW OFFENSE FOR THE INDISCRIMINATE USE OF WEAPONS TO FURTHER DRUG CONSPIRACIES.

(a) IN GENERAL.—Chapter 2 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 36. Drive-by-shooting

"(a) OFFENSE AND PENALTIES.—

"(1) Whoever—

"(1) in furtherance or to escape detection of a major drug offense listed in subsection (b);

"(2) whether or not in furtherance of criminal gang activities; and

"(3) with the intent to intimidate, harass, injure, or maim;

fires a weapon into a group of two or more persons and thereby causes grave risk to any human life shall be punished by a term of no more than 25 years, or by fine as provided under this title, or both.

"(2) Whoever, in furtherance or to escape detection of a major drug offense listed in subsection (b) and, with the intent to intimidate, harass, injure, or maim, fires a weapon into a group of two or more persons and who, in the course of such conduct, kills any person shall, if the killing—

"(A) is a first degree murder as defined in section 1111(a) of this title, be punished by death or imprisonment for any term of years or for life, fined under this title, or both; or

"(B) is a murder other than a first degree murder as defined in section 1111(a) of this title, be fined under this title, imprisoned for any term of years or for life, or both.

"(b) MAJOR DRUG OFFENSE DEFINED.—A major drug offense within the meaning of subsection (a) is one of the following:

"(1) a continuing criminal enterprise, punishable under section 403(c) of the Controlled Substances Act (21 U.S.C. 848(c));

"(2) a conspiracy to distribute controlled substances punishable under section 406 of the Controlled Substances Act (21 U.S.C. 846) or punishable under section 1013 of the Controlled Substances Import and Export Control Act (21 U.S.C. 963); or

"(3) an offense involving major quantities of drugs and punishable under section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) or section 1010(b)(1) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(1)).".

(b) TABLE OF SECTIONS.—The table of sections for chapter 2 of title 18, United States Code, is amended by adding at the end thereof the following:

"36. Drive-by shooting.".

H.R. 3035

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Juveniles in Drug Crime Prevention Act of 1993".

SEC. 2. LONGER PRISON SENTENCES FOR THOSE WHO SELL ILLEGAL DRUGS TO MINORS OR FOR USE OF MINORS IN DRUG TRAFFICKING ACTIVITIES.

(a) DISTRIBUTION TO PERSONS UNDER AGE 21.—Section 418 of the Controlled Substances Act (21 U.S.C. 859) is amended—

(1) in subsection (a) by inserting after the second sentence "Except to the extent a greater minimum sentence is otherwise provided by section 401(b), a term of imprisonment under this subsection in a case involving distribution to a person under eighteen years of age shall be not less than 10 years without release. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence and such person shall not be released during the term of such sentence."; and

(2) in subsection (b) by inserting after the second sentence "Except to the extent a greater minimum sentence is otherwise provided by section 401(b), a term of imprisonment under this subsection in a case involving distribution to a person under eighteen years of age shall be a mandatory term of life imprisonment without release. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence and such person shall not be released during the term of such sentence.".

(b) EMPLOYMENT OF PERSONS UNDER 18 YEARS OF AGE.—Section 420 of the Controlled Substances Act (21 U.S.C. 861) is amended—

(1) in subsection (b) by striking "Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment under this subsection shall be not less than one year." and inserting "Except to the extent a greater minimum sentence is otherwise provided by section 401(b), a term of imprisonment under this subsection shall be not less than 10 years without release. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence and such person shall not be released during the term of such sentence."; and

(2) in subsection (c) by striking "Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment under this subsection shall be not less than one year." and inserting "Except to the extent a greater minimum sentence is otherwise provided by section 401(b), a term of imprisonment under this subsection shall be a mandatory term of life imprisonment without release. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the preceding sentence and such person shall not be released during the term of such sentence.".

H.R. 3036

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Three-Time Loser Act of 1993".

SEC. 2. LIFE IMPRISONMENT WITHOUT RELEASE FOR CRIMINALS CONVICTED A THIRD TIME.

Section 401(b) of the Controlled Substances Act (21 U.S.C. 841(b)) is amended by striking "If any person commits a violation of this subparagraph or of section 418, 419, or 420 after two or more prior convictions for a felony drug offense have become final, such person shall be sentenced to a mandatory term of life imprisonment without release and fined in accordance with the preceding sentence. For purposes of this subparagraph, the term" and inserting "If any person commits a violation of this subparagraph or of section 418, 419, or 420 or a crime of violence after two or more prior convictions for a felony drug offense or crime of violence or for any combination thereof have become final, such person shall be sentenced to not less than a mandatory term of life imprisonment without release and fined in accordance with the preceding sentence. For purposes of this subparagraph, the term 'crime of violence' means an offense that is a felony and has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or by its nature involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense, and the term".

H.R. 3037

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Law Enforcement Officers Death Penalty Act of 1993".

SEC. 2. ESTABLISHMENT OF DEATH PENALTY FOR KILLING FEDERAL LAW ENFORCEMENT OFFICERS.

Section 1114 of title 18, United States Code, is amended—

(1) by inserting after “except that any such person” the following: “who is found guilty of first degree murder shall also be subject to the penalty of death in accordance with chapter 228 of this title and any such person”; and

(2) by adding at the end “Whoever kills a State or local law enforcement officer, while such officer is in the course of duty assisting a Federal law enforcement officer whose killing is a violation of this section, shall be subject to the same punishment as is provided under this section for the killing of such Federal law enforcement officer in the same circumstances.”.

SEC. 3. DEATH PENALTY PROCEDURES.

(a) IN GENERAL.—Title 18 of the United States Code is amended by inserting after chapter 227 the following:

“CHAPTER 228—DEATH PENALTY PROCEDURES

“Sec.
“3591. Sentence of death.
“3592. Factors to be considered in determining whether a sentence of death is justified.
“3593. Special hearing to determine whether a sentence of death is justified.
“3594. Imposition of a sentence of death.
“3595. Review of a sentence of death.
“3596. Implementation of a sentence of death.
“3597. Use of State facilities.

“§ 3591. Sentence of death

“A defendant who commits an offense under section 1114 of this title for which the death penalty may be imposed shall be sentenced to death if, after consideration of the factors set forth in section 3592 of this title in the course of a hearing held pursuant to section 3593 of this title, it is determined that imposition of a sentence of death is justified. However, no person may be sentenced to death who was less than 18 years of age at the time of the offense.

“§ 3592. Factors to be considered in determining whether a sentence of death is justified

“(a) MITIGATING FACTORS.—In determining whether a sentence of death is justified for any offense, the jury, or if there is no jury, the court, shall consider each of the following mitigating factors and determine which, if any, exist:

“(1) MENTAL CAPACITY.—The defendant's mental capacity was significantly impaired, although the impairment was not such as to constitute a defense to prosecution.

“(2) DURESS.—The defendant was under unusual and substantial duress, although not such duress as would constitute a defense to prosecution.

“(3) PARTICIPATION IN OFFENSE MINOR.—The defendant was an accomplice whose participation in the offense was relatively minor.

The jury, or if there is no jury, the court, shall consider whether any other mitigating factor exists.

“(b) AGGRAVATING FACTORS.—In determining whether a sentence of death is justified the jury, or if there is no jury, the court, shall consider each of the following aggravating factors and determine which, if any, exist:

“(1) PREVIOUS CONVICTION OF OFFENSE FOR WHICH A SENTENCE OF DEATH OR LIFE IMPRISONMENT WAS AUTHORIZED.—The defendant has previously been convicted of another Federal or State offense resulting in the death of a person, for which a sentence of life imprisonment or death was authorized by statute.

“(2) PREVIOUS CONVICTION OF OTHER SERIOUS OFFENSES.—The defendant has previously been convicted of two or more Federal or State offenses, each punishable by a term of imprisonment of more than one year, committed on different occasions, involving controlled substances or the infliction of, or attempted infliction of, serious bodily injury or death upon another person.

“(3) GRAVE RISK OF DEATH TO ADDITIONAL PERSONS.—The defendant, in the commission of the offense, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense.

“(4) HEINOUS, CRUEL, OR DEPRAVED MANNER OF COMMISSION.—The defendant committed the offense in an especially heinous, cruel, or depraved manner.

“(5) PROCUREMENT OF THE OFFENSE BY PAYMENT.—The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value.

“(6) COMMISSION OF THE OFFENSE FOR PAYMENT.—The defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value.

“(7) SUBSTANTIAL PLANNING AND PREMEDITATION.—The defendant committed the offense after substantial planning and premeditation.

“(8) VULNERABILITY OF VICTIM.—The victim was particularly vulnerable due to old age, youth, or infirmity.

The jury, or if there is no jury, the court, may consider whether any other aggravating factor exists.

“§ 3593. Special hearing to determine whether a sentence of death is justified

“(a) NOTICE BY THE GOVERNMENT.—If, in a case involving an offense described in section 3591 of this title, the attorney for the Government believes that the circumstances of the offense are such that a sentence of death is justified under this chapter, such attorney shall, a reasonable time before the trial, or before acceptance by the court of a plea of guilty, or at such time thereafter as the court may permit upon a showing of good cause, sign and file with the court, and serve on the defendant, a notice—

“(1) stating that the Government believes that the circumstances of the offense are such that, if the defendant is convicted, a sentence of death is justified under this chapter; and

“(2) setting forth the aggravating factor or factors, including a factor or factors not specifically enumerated in section 3592, that the Government, if the defendant is convicted, proposes to prove as justifying a sentence of death.

The court may permit the attorney for the Government to amend the notice upon a showing of good cause.

“(b) HEARING BEFORE A COURT OR JURY.—If the attorney for the Government has filed a notice as required under subsection (a) of this section and the defendant is found guilty of an offense described in section 3591 of this title, the judge who presided at the trial or before whom the guilty plea was entered, or another judge if that judge is unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. Before such a hearing, no presentence report shall be prepared by the United States Probation Service, notwithstanding the provisions of the Federal Rules of Criminal Procedure. The hearing shall be conducted—

“(1) before the jury that determined the defendant's guilt;

“(2) before a jury impaneled for the purpose of the hearing if—

“(A) the defendant was convicted upon a plea of guilty;

“(B) the defendant was convicted after a trial before the court sitting without a jury;

“(C) the jury that determined the defendant's guilt was discharged for good cause; or

“(D) after initial imposition of a sentence under this section, reconsideration of the sentence under the section is necessary; or

“(3) before the court alone, upon motion of the defendant and with the approval of the attorney for the Government.

A jury impaneled pursuant to paragraph (2) shall consist of 12 members, unless, at any time before the conclusion of the hearing, the parties stipulate, with the approval of the court, that it shall consist of a lesser number.

“(c) PROOF OF MITIGATING AND AGGRAVATING FACTORS.—At the hearing, information may be presented as to any matter relevant to the sentence, including any mitigating or aggravating factor permitted or required to be considered under section 3592 of this title. Information presented may include the trial transcript and exhibits if the hearing is held before a jury or judge not present during the trial. Any other information relevant to a mitigating or aggravating factor may be presented by either the attorney for the Government or the defendant, regardless of its admissibility under the rules governing admission of evidence at criminal trials, except that information may be excluded if its probative value is outweighed by the danger of creating unfair prejudice, confusing the issues, or misleading the jury. The attorney for the Government and for the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness of imposing a sentence of death in the case. The attorney for the Government shall open the argument. The defendant shall be permitted to reply. The attorney for the Government shall then be permitted to reply in rebuttal. The burden of establishing the existence of an aggravating factor is on the Government, and is not satisfied unless the existence of such a factor is established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless the existence of such a factor is established by a preponderance of the information.

“(d) RETURN OF SPECIAL FINDINGS.—The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return special findings with respect to the mitigating and aggravating factors concerning which information is received at the hearing, stating—

“(1) whether some mitigating factor required to be considered under section 3592 exists;

“(2) whether some aggravating factor required to be considered under section 3592 exists; and

“(3) which specific mitigating or aggravating factor or factors exist.

A finding under paragraph (1) or (2) that some mitigating or aggravating factor exists must be unanimous. A finding under paragraph (3) that a specific mitigating or aggravating factor exists may be made by a majority of at least nine members of the jury.

“(e) RETURN OF A FINDING CONCERNING A SENTENCE OF DEATH.—If, in the case of an offense described in section 3591, an aggravating factor required to be considered under section 3592 is found to exist, the jury, or if there is no jury, the court, shall then consider whether the aggravating factor or factors found to exist sufficiently outweigh all the mitigating factors found to exist to justify a sentence of death, or, in the absence of a mitigating factor, whether the aggravating factor or factors alone are sufficient to justify a sentence of death. Based upon this consideration, the jury by unanimous vote, or if there is no jury, the court, shall return a finding as to whether a sentence of death is justified. The jury or the court, regardless of its findings with respect to aggravating and mitigating factors, is never required to impose a death sentence and the jury shall be so instructed.

"(f) SPECIAL PRECAUTION TO ASSURE AGAINST DISCRIMINATION.—In a hearing held before a jury, the court, before the return of a finding under subsection (e) of this section, shall instruct the jury that, in considering whether a sentence of death is justified, it shall not consider the race, color, national origin, creed, or sex of the defendant or of any victim. The jury, upon return of a finding under subsection (e) of this section, shall also return to the court a certificate, signed by each juror, that consideration of the race, color, national origin, creed, or sex of the defendant or any victim was not involved in reaching the juror's individual decision.

"§ 3594. Imposition of a sentence of death

"Upon a finding under section 3593(e) of this title that a sentence of death is justified, the court shall sentence the defendant to death. Upon finding under section 3593(e) of this title that no aggravating factor required to be found exists or that a sentence of death is not justified, the court shall impose any sentence other than death that is authorized by law.

"§ 3595. Review of a sentence of death

"(a) APPEAL.—In a case in which a sentence of death is imposed, the sentence shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal must be filed within the time specified for the filing of a notice of appeal. An appeal under this section may be consolidated with an appeal of the judgment of conviction and shall have priority over all other cases.

"(b) REVIEW.—The court of appeals shall review the entire record in the case, including—

"(1) the evidence submitted during the trial;

"(2) the information submitted during the sentencing hearing;

"(3) the procedure employed in the sentencing hearing; and

"(4) the special findings returned under section 3593(d) of this title.

"(c) DECISION AND DISPOSITION.—

"(1) If the court of appeals determines that—

"(A) the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor; and

"(B) the information supports the special findings of the existence of an aggravating factor or factors; it shall affirm the sentence.

"(2) In any other case, the court of appeals shall remand the case for reconsideration under section 3593 or for imposition of another authorized sentence as appropriate.

"(3) The court of appeals shall state in writing the reasons for its disposition of an appeal of sentence of death under this section.

"§ 3596. Implementation of sentence of death

"A person who has been sentenced to death pursuant to this chapter shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and for review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States marshal, who shall supervise implementation of the sentence in the manner prescribed by law of the State in which the sentence is imposed. If the law of such State does not provide for implementation of a sentence of death, the court shall designate another State, the law of which does so provide, and the sentence shall be implemented in the manner prescribed by such law. A sentence of death shall not be carried out upon a person who lacks the mental capacity to understand the death penalty and why it was imposed on that person, or upon a woman while she is pregnant.

"§ 3597. Use of State facilities

"A United States marshal charged with supervising the implementation of a sentence of death may use appropriate State or local facilities for the purpose, may use the services of an appropriate State or local official or of a person such as an official employed for the purpose, and shall pay the costs thereof in the amount approved by the Attorney General.".

(b) CLERICAL AMENDMENT TO CHAPTER ANALYSIS.—Title 18, United States Code, is amended in the chapter analysis of part II, by adding the following new item after the item relating to chapter 227:

"228. Death penalty procedures ...... 3591".

SAVINGS IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho [Mr. LAROCCO] is recognized for 5 minutes.

Mr. LAROCCO. Mr. Speaker, We're going to hear a lot about imports and exports in the next few weeks as Congress confronts the NAFTA agreement.

Not all imports are bad. The United States imports goods and services from other countries for many good reasons. We import minerals that don't exist within our borders. We import foods that can't be grown in our climate. We import products that are made more efficiently abroad.

The right import choices can work to the advantage of American consumers and the U.S. economy.

On the other hand, the wrong import choices can hurt our economy and our country.

I believe that we are making an import choice right now that hurts this country and—in the long run, if we overdo it—can destroy us as a nation.

What is this dangerous commodity?

It's not a strategic mineral that we've become dependent on. It's not a dangerous pesticide or a weapons system.

The dangerous commodity we're bringing into our country is the savings of people from all over the world—which the United States is forced to import because Americans don't save enough money to meet the needs of our economy.

Let me be clear: It's not unusual for accounts to be out of balance in any given year. Showing a small net import of money now and then, and a small net export of money during other years is not a cause for great concern.

But ever since 1987, this country has been a net importer of money every single year, and we import more and more evey year. We are a debtor nation, like Peru or Togo.

As the economists would say: "The U.S. net international investment position shows an annual savings inflow." In 1980, we had a positive position of $392.5 billion. Currently, we have negative position: minus $521.3 billion.

Why did our country become an money importer, and why is this a problem?

The United States has to import capital because individuals, businesses and government in this country use more money than we have available for them domestically. This foreign capital is simply the savings that people in other countries set aside to invest.

It is something individuals abroad create and sell to us for a profit, just like cars or crops. If we think of savings as a crop, Americans eat a lot of it, but grow very little.

In 1981, Americans saved 6.3 percent of our gross domestic product. Last year, we collectively saved 3.6 percent.

Despite tax cuts and high interest rates in the 1980's, personal savings did not rise.

You would think that lower taxes would free up money in the family budget, and that a high return on savings would encourage people to put that extra money into some form of savings, but the numbers tell a different story—since the mideighties, Americans have never reached a savings rate as high as even 4½ percent.

Economists call this a preference for current versus future consumption. I call it betting the farm.

Since our desire for current consumption grows and grows, and our ability to pay for it isn't growing, we borrow money from foreigners to pay for our current consumption, and we apparently hope to keep borrowing from abroad to pay for future consumption.

So far, we have been able to borrow money overseas. It's a compliment, a sign of foreigners' confidence in our country's stability that they're willing to send their money here. So far, we have been able to keep up with our growing rate of domestic spending—and this is important, because current consumption isn't just money we spend going out to dinner. It's also the money we spend on new plants and modernized machinery and worker training.

And, of course, it's the money we use to finance the Federal deficit. Americans used to say that the national debt was just money we owed to ourselves—that's not true anymore. It hasn't been true since 1987.

The problem with being in everybody else's pocket is that when money is being imported, foreigners have claims on us. And interest and dividend income attributable to foreign-owned capital tends to be exported back to the country where the capital originated. So the cycle continues.

Mr. Speaker, saving money is not just a matter of good personal discipline or sensible family budgeting. It is a matter of national survival.

Experience has shown that lower taxes don't lead to adequate savings. Higher rates of return don't lead to adequate savings.

Even the shock of becoming a debtor nation didn't lead to adequate savings.

We can see that investment capital is not a crop that grows in our present climate. Based on the nationwide economic experiments of the 1980's, we have data to show what has failed to increase savings. Now we have to figure out what will lead to adequate savings.

I intend to explore this issue, and to share information about savings with this House in the months to come.

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 2401, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

Mr. DERRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 103–236) on the resolution (H. Res. 248) providing for further consideration of the bill (H.R. 2401) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1994, and for other purposes, which was referred to the House Calendar and ordered to be printed.

□ 1850

OUR TROOPS SHOULDN'T BE IN SOMALIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 60 minutes.

Mr. BEREUTER. Mr. Speaker, this body currently is in the midst of considering the annual Department of Defense authorization legislation, and is slowly beginning discussions on such weighty issues as when and under what circumstances the United States should deploy our military forces in the post-cold-war era. When should the United States participate in U.N. peacekeeping operations? Should we be sending troops abroad for humanitarian missions? These are important and timely matters that must be addressed.

With this in mind, this Member would direct his comments toward the continuing United States participation in the Somalia peacekeeping operation. This Member supported former President Bush's initiative to bring humanitarian relief to the starving people of that strife-torn country. However, this Member is equally firm in his belief that the Clinton administration's escalation of our military involvement in Somalia is misguided and inappropriate.

On May 25, 1993, this Member came before this body to explain my opposition to the joint resolution which authorized the further use of United States Armed Forces in Somalia. At that time, this Member reminded his colleagues that President Bush in December explicitly stated that our forces were sent to Somalia to assure that food and other humanitarian relief could be delivered by various organizations. Surely without that support hundreds of thousands of additional Somalis would have starved or been killed. Moreover, President Bush and his administration spokespersons were equally clear that our forces were not sent as a peacekeeping force or to disarm the warring factions except as was necessary to perform their primary hunger relief mission.

This humanitarian mission was largely accomplished by early 1993, but U.N. Secretary General Boutros-Ghali had more ambitious objectives. Regrettably, the Clinton administration permitted him to first stall the planned U.S. withdrawal and then it agreed to a continued U.S. troop presence. This Member joined with many of his colleagues—and, indeed, many Americans—in speaking frequently against an expansion of that limited American mission. However, as soon as President Bush sent our forces to Somalia various parts of the national media, the U.N. Secretary General, and other would-be opinion leaders—including some Members of this body—immediately set up a clamor to expand that United States role and broaden the interpretation of the Bush Presidential mission statement.

Since there are at least a dozen or more other hot spots around the globe where civil war and anarchy rein, these questions should be asked. Why do we have a role to restore order and civil government in Somalia and not the other places? Are we willing and able to be the policeman for the world? Is it wise? Is the U.S. national interest directly involved? How long will it take for American forces, hailed as heroes upon arrival, to be seen as the threatening outside troops which are lined up as targets in the gunsights of local combatants or terrorists? Or, as Senator SAM NUNN put it in his recent visit to Offutt Air Force Base: "People are now talking about having a military presence there until Somalia is stabilized; when was Somalia last stabilized," he asked?

Even after Defense Secretary Aspin struggled to better define the specific mission and length of deployment of United States troops in Somalia, the New York Times, no foe of the Clinton administration, said:

> Americans have not just a right but an obligation to demand that the Clinton administration explain what compelling national purpose justified such risks to the lives of U.S. soldiers and Somalia civilians caught in the crossfire.

The emerging wider range of U.N. peacekeeping operations in the post-cold-war era is a healthy and much-needed evolution of U.N. behavior. But this Member would once again repeat his views that the only way the United States can realistically participate in these new peacekeeping operations is if these peacekeeping missions for U.S. forces have the full support of the American people. We will never build public support if troops are dispatched for indeterminate periods, or if the mission of United States-deployed units continues to change as it has in Somalia during the Clinton administration.

Mr. Speaker, it was a mistake to expand the mission beyond the dire emergency feeding of Somalis to the larger role of United States combat forces serving as peacekeepers. Now we see that it was quite probably a tragic mistake as more Americans and U.N. troops are killed or wounded. As this Member has repeatedly warned, there is little prospect that peace can be kept or enforced in the long term and little likelihood that a system of civil government can be recreated in a number of years which will be adequate to return law and order, peace, and even a modicum of economic stability in Somalia. The Clinton administration listened to the harping of the national media elite and armchair interventionists who almost without exception have never served in a combat role. In doing so, the United States has been led into a progressive series of well-intended but mistaken actions. Thus it is that the Clinton administration has wandered into an enlarged mission for our Armed Forces in Somalia. It is likely to lead to a long-term commitment and tactically indefensible conditions. With each new action of the United States Ranger forces or other United States or U.N. forces, we look more like a foreign aggressor to the Somali people, and the despicable warlords and their killers mistakenly look more like the defenders of local autonomy against foreign troops.

In her nationally syndicated column, Marianne Means not only sharply criticized the Clinton administration for enlarging the mission beyond the delivery of food to starving people. She said, "Somalia smells like Vietnam, potentially an ever-expanding nightmare on inhospitable terrain." In general the Vietnam analogy is overused, but that does not make it always inaccurate; some of the lessons of Vietnam can be accurately applied to Somalia.

Of course, there will be embarrassment in some quarters about pulling our troops out of Somalia, just as there was when we beat a hasty retreat from Beirut. There the barracks blast tragically killed hundreds of U.S. Marines who were sitting ducks in a ridiculously vulnerable position while serving in an ill-advised noncombatant role. But, Ms. Means reminded us of Senator George Aiken's advice to Lyndon Johnson about the Vietnam war: "Declare victory and go home."

Mr. Speaker, the food has been successfully delivered to the Somali. Our intervention did not solve all the problems of that nation, but we saved hundreds of thousands of lives as intended. It is way past time for the United States to declare victory in Somalia and go home.

A PROGRESS REPORT ON RENEWING AMERICAN CIVILIZATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I am going to talk this evening on a progress report to my colleagues on renewing American civilization. Back in January, I came to the floor and reported on the idea that renewing American civilization was the central challenge for our generation, now that the Soviet empire had collapsed, and when we look at the terrible problems we have in our inner cities with violence; when we look at the report today, for example, that some 90 million Americans do not read well enough to have a good job in the world market, when we look at all the different concerns we have in this country, the concept that there is an American civilization and that it needs to be renewed is very central to where we must go as a country.

At that time I suggested there was a very simple test to ascertain whether or not we needed to renew American civilization. I suggested three propositions: first, that no civilization can survive with 12-year-olds having babies, 15-year-olds killing each other, 17-year-olds dying of AIDS, and 18-year-olds getting diplomas they cannot read, and that therefore, this is not about Republican or Democrat, about liberal or conservative. This was about the very survival of American civilization as we have known it.

Of course, that reference to 18-year-olds getting diplomas they cannot read was emphasized this morning by the article pointing out that some 90 million Americans cannot read well enough to really have a job competitive in the world market with a good income.

My second proposition was that the welfare state had failed; not that it needed to be repaired, not that it needed to be propped up, not that it was underfunded, but that it failed, and that the welfare state had failed for a very basic reason, that you cannot reduce a citizen to a client, subordinate them to a bureaucrat, and subject them to regulations that are anti-family, anti-work, anti-property, and anti-opportunity without creating social pathologies. And that most of the ills we see most tragically in the inner city, and see to a considerable extent in places like rural Appalachia where there has been generations of the welfare state, that those tragedies are in fact direct results of the welfare state. They are not consequences of the welfare state, they are not from the absence of a welfare state.

□ 1900

The third proposition then, if you believe that the welfare state has failed, and you believe that civilization is at stake, the third proposition was that we in our generation have an obligation to replace the welfare state, not just to oppose it, not just to tell horror stories, but in fact to develop a road map for the replacement of the welfare state.

I started with those basic ideas, and I suggested at the time that there were five principles that guide American civilization.

First, personal strength, that if you do not have the key ingredients of personal strength, integrity, courage, discipline, perseverance, hard work, if you do not have those characteristics that you cannot survive either in a free market or in a free society, because the individual has to have a considerable amount of personal discipline, personal commitment, personal courage for a free society to operate and for a free market to operate.

Second, the entrepreneurial free enterprise, the spirit of getting the job done is very essential to America, that whether it is in the private sector for profit, whether it is in the military as in Desert Storm, whether it is in science in the laboratory as in Jonas Salk's inventing a vaccine, the fact is that simply having the drive, the focus to get the job done is a very important part of America. And as we become more and more bureaucratic, as people have focused not on getting the job done but on simply doing the process, punching the card, filling in the forms, that in fact America has begun to lose energy. And I must say Vice President GORE's efforts at reinventing Government have much of the same language, much of the same approach as entrepreneurial free enterprise in the renewing American civilization model.

Third, we talked about the spirit of invention and technology, the whole idea that going out and discovering new things, going out and creating new opportunities, going out and learning whether it is in space, or in the ocean, or in science, whether it is inventing something as simple as the stickup cards that people now make, the paper you can put up on the wall of your refrigerator when you write phone numbers, or it is something as complex as a brand-new computer, all of these different kinds of inventions, the spirit of Benjamin Franklin, or Thomas Edison, of the Wright Brothers, that that spirit of discovery and invention is a very, very real part of America and what makes it work.

Fourth, we talked about the concept of quality largely as defined by Edwards Deming, but also Dr. Juran, and by Phil Crosby, people who had developed the ideas that we must work together as a team, that work is a system, and that there is a direct relationship from your suppliers and your workers all the way through to your customers, and that every person who participates has an ownership and a chance to improve every day the work they are doing, that that concept of quality could revolutionize government, could revolutionize opportunities for learning, could revolutionize our health system.

Then finally we talked about the lessons of American history, the concept that this has been the most successful civilization in the history of the world in liberating people, and that while we have problems, and we do, while we have difficulties in integrating races as much as we would like, and integrating cultures as much as we would like, while we have difficulties making sure every American has the right to pursue happiness, that nonetheless, on aggregate, more Americans have more opportunities to pursue more happiness, to do more things, to have more choices than any country in the history of the world, and that people from a wider range of backgrounds, here in the Congress HENRY BONILLA, who has a Hispanic background working from San Antonio, JAY KIM, a Korean-American background serving from California, ILEANA ROS-LEHTINEN, a Cuban-American background serving from Florida, GARY FRANKS of an African-American background serving Connecticut, each of these coming together, representing a broad range of backgrounds, but seeing themselves as an American, working together, creating better opportunities for the future.

So we suggested those five principles, personal strength, entrepreneurial free enterprise, the spirit of invention and discovery, quality, and lessons of American history could then be applied to solve problems. And we suggested four specific areas to solve.

First, economic growth and jobs in the world market. How do we create jobs for the future? How do we create better jobs with better take-home pay, with a higher standard of living?

Second, health. What do we do about 14 percent of our gross national product, life and death, a considerable concern about senior citizens with long-term care? What do we do about health?

Third, saving the inner cities, the proposition that America cannot ever be healthy if its great cities are centers of decay and death, the notion when it took the length of time of December and January that it took for 3 Americans to be killed in Somalia and 48 were killed in our National Capital, in the District of Columbia. The whole idea that the level of violence, the level of degradation, the level of abuse and destructiveness that you see every night on every television news in every city in America simply is not tolerable in a civilized country. And we have to find a way to save the inner cities, and saving them means healthy neighborhoods, safe neighborhoods, neighborhoods with jobs, neighborhoods with schools that work, neighborhoods with housing that is decent, neighborhoods that people can live in with pride and know that as an American they are truly endowed with inalienable rights.

Finally, the concept of citizenship. Here we are in the electronic age with C-SPAN and CNN, and faxes, and computers, with telephone conference calls and jet airplanes, and we have to rethink what does it mean to be a citizen when you live in a world where your neighbors are on a Rolodex. They are not next door, and you may be traveling all over the world. You may be getting some of your information by fax, some by mail, some by newspapers and magazines, some by radio or television. How do we organize citizenship for the 21st century?

Those were the concepts we wanted to focus on. And I said at the time I wanted to teach a course. I felt that the only way to develop a replacement for the welfare state, to create a road map for the future was to work at an intellectual level, to work with people who think about ideas and develop ideas, and to develop an approach which would be open to everybody, to Republicans, to Democrats, to independents, to Libertarians, to people of all backgrounds, liberal, conservative, to create an opportunity to talk about ideas and to find a way to renew American civilization.

During that period I was very fortunate in that I talked with Dean Tim Mescon at the school of business at Kennesaw State College, and they agreed to allow me to teach at Kennesaw State College. I might say in passing that I have a Ph.D. in history. I taught 9 years, 8 in the University of Georgia system and 1 year at Tulane University where I got my degree, and I had a background in college teaching. So we developed a 20-hour course. We took those basic ideas I have outlined. First, the concept that there is an American civilization, and then the five principles, and then the four specific areas to focus on, and then we developed a course that will start on September 18, and which will be available for 2 hours each Saturday by satellite for anybody in America who has a downlink or cable system or wants to take the course. In addition, the course will be available by audiotape and by videotape for anyone in America who wants to get the course. So we made available a very wide range for anybody who wants to participate to be involved in studying the concept of renewing American civilization.

The course is being taught for credit at Kennesaw State College. I am also very pleased to tell my colleagues that it is being offered for credit at the Porterville College in Porterville, CA, at Clemson University in Clemson, SC, at Lee College in Cleveland, TN, at the Kennedy School of Government at Harvard. It is not being offered for credit there, but it is being offered as a nonrequired class by Marty Conners, who is a fellow at Kennedy School of Government who is part of a class called electronic democracy. And it is being offered for credit at the University of California at Berkeley.

In addition to those 6 sites, counting Kennesaw State College in Kennesaw, GA, there are another 126 sites around the country which are already signed up for the course which begins on September 18. After teaching the course this fall, we will come back and teach Renewing American Civilization again in January of 1994. We will then spend 9 months studying and rethinking and rewriting the course, and we will teach it again in January of 1995. We will then study and rethink it one last time, and we will try to teach it again in January 1996.

We have three goals, public policy goals about our civilization, not about politics, not about elections, but about rethinking how we renew American civilization and developing a road map to replace the welfare state.

Our first goal is to genuinely create an intellectually serious and thoughtful road map for replacing the welfare state, to truly explore the principles that make up American civilization, and to create an opportunity for people to look at what we could be doing instead of what we are doing.

□ 1910

Second, to develop across the country at least 200,000 students who have participated in thinking about the process of renewing American civilization and who are committed to the idea that in a giant, continentwide, decentralized country you have to be able to renew your civilization at school board and county commission and city council, at State legislature and the Congress, that it is not just the President, not just the Governor, not just the mayor, that it is the full participation at every level of citizenship. It is getting out there and really trying to change things across the board simultaneously.

Third, frankly, we hope to do what may be the most difficult of all things, which is to actually operate programs sufficiently interesting and sufficiently powerful that the news media will actually study substance instead of style and that they actually would be willing to learn new ideas and new language and really think about what American civilization is all about and how to work with it.

Now, in that context let me say that we developed working with McGraw-Hill and their college custom series, a book entitled "Readings in Renewing American Civilization." That is by Dr. Jeffrey Eisenach and Steve Hanser. As some very prestigious contributors: Keith Butler, a city councilman in Detroit; and Stephen Corey, who has a best-selling book on the seven habits of highly effective people; George Gilder, who of course has written a number of important books on technology and entrepreneurship; Regina Herzlinger, a professor at the Harvard School of Business; Maryanne Huffington, who is a serious scholar of culture and who has written a number of major books, including a very renowned biography of Picasso; by George Keyworth, who was the science adviser to President Reagan, and a nationally known physicist; by Dr. Everett Carl Ladd, who may be our most distinguished student of American opinion and one of the truly creative thinkers in American culture and American civilization; Dr. Barbara Lawton, who is a protege of Dr. Edward Standing, one of the most knowledgeable people on the concept of quality in the entire United States; and by John Rutledge, a leading economist and one of the real students of how to get the economy going together.

This is a very serious work. It runs about 250 pages. It outlines across the board the principles and the core ideas that relate to renewing American civilization, and we are, frankly, going to be using it in class and are going to be making it available for a wide range of people who are interested in looking at these new ideas.

In addition to that, we put together and developed an advisory committee that we think is outstanding, people who have agreed to look at these ideas and to develop them, leading academic intellectual students from across the country: Dr. James K. Wilson, University of California at Los Angeles, who may be the leading student of crime and of society in America. He has a number of books to his credit and is widely regarded, I think, as one of the most serious students in American political science today. He is helping us particularly in the area of personal strength. We have Dr. Mike Moscone, the former dean at Georgia State University's School of Business and a very distinguished business consultant in his own right, who is advising us on entrepreneurial free enterprise; Bill Wattley, a very, very important student of technology, who is advising us on science and technology and who is from Scientific Atlanta, one of the leading scientific exporting companies in Georgia, who is helping us to look through; and particularly in that entire area, Dr. Barbara Lawton, whom I mentioned earlier, who is advising us on quality; Dr. Everett Carl Ladd who is advising us on the whole issue of lessons of American history and how we are to apply that. On economic growth we have Larry Kudlow, senior economist of Bear, Sterns, former senior economist of the Office of Management and Budget, who has thought long and hard about how to create jobs in America and how to make sure we are competitive in the world market.

We have Dr. Gail Wilensky, former head of the Health Care Finance Administration, former deputy director of domestic policy in the White House for President Bush, a person widely recognized as a real expert in that area.

On saving the inner city, Keith Butler, mentioned earlier as a city councilman in Detroit, a real reform manager, leader in thinking through what we need to do to save America's inner cities.

Finally, on citizenship in the 21st century, Dr. Larry Sabato, at the University of Virginia, probably the best known and most often quoted student of political parties in America today.

Now, seven of those nine have now agreed to participate. We have not heard back from the two yet. In a review session on December 4 in Georgia, the way this is going to work: We are developing an entire course. We are sharing it with our senior advisers, making it available to anyone who is interested, as I said earlier, anyone who is a Democrat, Republican, a Libertarian, of any background, who is interested in the concept of renewing American civilization, who wants to find ways to replace the welfare state.

Then, having taught the course for the first time we are going to spend an entire day with our senior advisers and any of the participants from the courses who want to come, and we are going to review the ideas again and begin to rewrite the course.

Then all through the winter quarter starting in January 1994 we are going to redevelop and rethink the ideas and reteach it. Then with the help of our senior advisers and other folks who have agreed to counsel us, we are going to spend all of 1994, after we have taught the course, rewriting it again. Then we are going to come back, teach it in 1995, have another conference to revise it, and then spend 9 months revising it and teach it again in January 1996.

Now, let me explain why I think this is so important to approach it as an intellectual project, not as a Rotary Club speech, not as a political speech on the House floor, not as a 30-second TV commercial, but 20 hours of lectures and outlines and ideas backed up by a book of readings and other assignments.

I believe that the greatest failure in American politics today is not money, it is not courage, it is not willpower; it is ideas. I believe that the scale of our problem, the fact that the bureaucracy is now totally obsolete in the information age, the fact that the welfare state has failed at its very core because of its misunderstanding of human nature, the fact that we have, frankly, gone further and further in the wrong direction toward a redistributionist, high-taxed, bureaucratic-dominated, socialist system, which is exactly the wrong direction, the direction that failed in Russia, the direction that is failing in Italy, the direction which was repudiated in this year's election in France, the direction that led to the collapse of the Liberal Democratic Party in Japan. That what in fact we need to do is to get back to the basics of American civilization.

Those basics start with a strong individual and a strong family, strong community and a strong neighborhood. Those basics start with a strong sense of faith, a belief in God, and a notion that we want freedom of religion, we do not want freedom against religion; the notion that you want to encourage people to work and that without the work ethic it is virtually impossible to have a healthy America; that you want to encourage and award people for working; that you want people to be able to go out and start businesses, create jobs, and have better opportunities; that you are insistent, you are adamant, you are determined at any cost to create safety; that if you cannot protect people, if you have 5-year-olds being killed randomly, 15-year-olds, as happened in Atlanta last week where a girl was taken off, abducted, tortured for 3 days, and then killed brutally by eight teenagers; if you cannot physically defend your citizens, you cannot maintain civilization.

So there are core needs here. There is a need for us to recognize the scale of the change. And when you do recognize how gigantic that change is, described best, I think, by Alvin Toffler in a famous book that talked of the Third Wave, which talks about going from an industrial society to an information society as a change that is fully as large a shift, for example, from hunting/gathering to agriculture and from agriculture to industry, a giant scale of change in the 18th and 19th centuries as we went from living on a farm, traveling by horse and having stagecoaches to having airplanes, railroads and steamships, and now you think about the same scale jump and you begin to understand while Vice President GORE's reinventing Government was a good start, it was a baby step. It was tiny step No. 1 in a journey of a thousand steps. What we have to understand is what is our destination, where are we going? The purpose of renewing American civilization is to go into an academic environment and create an intellectual framework for thinking about where we are going.

□ 1920

We have to understand that it has to start with the basics. When you talk about economic growth and jobs in the world market, you have to take all five of the principles, personal strength, entrepreneurial enterprise, the spirit of invention, discovery, quality, and the lessons of American history and weave all five of them into a synergism and say here is how we can maximize American inventiveness, American entrepreneurship, American energy, American drive, American ingenuity, so that we can create the best jobs with the highest value in the entire world, so that we can compete with anybody anyplace.

When you talk about health, what worries me most from everything I have heard, and this includes a meeting I was in this afternoon, is that the Clinton administration which talks at times as though it has studied under Ronald Reagan, but plans and acts as though it has studied under Governor Dukakis, they are going to develop a health plan which is more bureaucracy, more centralized control, higher taxes, more redtape, and what we know is that a Government-run health system will not work.

Well, if that is true that the current health system is a mess, what is the model we need? What kind of health system should we have?

I think you have to go back to those same five basic principles. You have to start with a sense of personal responsibility. You have to own your health care. You have to have ownership of your health. You have to have choice. You have to be responsible.

People say it is too complicated. Folks go out every day and they pick their careers. They buy a house that may cost $100,000 or $200,000 thousand dollars. They buy a new car. We make many decisions as consumers. We vote for a President and a Congress and a Governor and a legislature, and yet we are told, "Gee, you're not smart enough to understand health care." Nonsense.

What you have got to do is rethink from the ground up, starting with personal strength. If we really want personal responsibility, we would have a health care system where you could simply look up every doctor and every hospital in your area. You would know what their history was of treating certain illnesses, how much they charge, what the outcomes are like. That kind of data is available, but you cannot find it anywhere today, because we do not think about making it possible for every American to have control over their own health care and have their own choice.

We go through a series of changes. We emphasize preventive care. We know that a dollar spent on a pregnant woman helping her make sure that the baby is okay is probably worth between a hundred and two hundred dollars in care in a neonatal unit or in a unit for a baby that is born prematurely.

Now, we know that, and yet we simply do not go out and methodically and practically organize so that we can take advantage of that fact and save a lot of money.

We know that there are a lot of things we could do to make health care dramatically less expensive, not by having some bureaucrat establish another piece of paper, another regulation, but instead by encouraging and exciting people into the very same spirit of competition which lowers the price of Wal-Mart and Sears Roebuck and Kmart, which lowers the price at our local grocery stores, which is exactly the opposite direction from where the Clinton Task Force on Health is going.

So there are possibilities here for better health at lower cost.

When you talk about saving the inner cities, you have to start with personal responsibility. Nothing is going to be done in America to replace the welfare state unless we start first with how to encourage people to be personally responsible. How do we encourage families to stay together? How do we encourage society to be peaceful and nonviolent. How do we encourage a system in which predators, such as the person who killed the German tourist in Miami two nights ago, are not allowed back on the streets.

How do we develop a system where people who are innocent are safe and people who are criminals are locked up? That is a very different world.

We have to make sure that we take the whole current welfare system and replace it so that you have every incentive to work, every incentive to prosper, every incentive to have more opportunities, every incentive to study and you have access to schools that work where you can in fact learn something and have a chance for a better future.

Finally, in that framework, what does being a citizen mean? What should we expect from you? We have a lot of people who are mad at Washington, and I certainly join them in thinking that we need a lot of changes, but we also have a need to say to the citizen, "And what are you going to do? What responsibilities do you have?"

In many ways the most famous of all the American systems is the New Hampshire town hall meeting and the New England town hall meeting where everybody gets together once a year and they review the entire local township budget and they have a real sense of control and a real sense of impact and a real sense of involvement.

Well, that is the ideal model. Now how do we take that for a country of 260 million people scattered all across the continent who live in an electronic age, and how do we develop ways for citizens to be involved?

Let me suggest that C-SPAN is an important first step. One of the reasons I wanted to teach this course in renewing American civilization by satellite and make it available everywhere and also make it available by audiotape and by videotape was to make the point to people that we have got to get in the habit of thinking electronically and we have to get in the habit of reaching out to everyone in real time and making it easily accessible in your living room to do the things you want.

Now, I have been talking with Pete Jensen of Georgia Tech and some other experts on information sciences, and they have been making the point to me that we are on the verge of being able to create an information utility.

Now, what do I mean by information utility? This has direct relevance both to the scale of change we need when we get to phase 2 of Vice President GORE's reinventing Government and to the way we ought to rethink learning and health care and bureaucracy and, for example, public safety.

An information utility would be a little bit like the telephone is today or like your television set is. You know, when you go into your home now you do not think of the microwave as magic. You do not think of the mixer that you might have as magic. You do not think of your telephone as magic. It is just something you use. It is practical. It is handy and you are used to it.

Well, the concept of an information utility is that it should be possible within the next 5 years to develop a system much like a combination of your television and your telephone, which enables you to control it, to dominate it. I do not say user friendly, because I find user friendly is a term computer people use when they mean it is going to take people like you and me a long time to figure it out. I mean a system where literally you control it the same way you now control your microwave oven or the same way you now control your telephone, where you are comfortable with it.

In that setting, imagine that you could get up in the morning or any time of the day that you felt like it, 24 hours a day, 7 days a week, and first of all you had access to all the information you wanted.

You need to go get retrained because your company is phasing out your job? You get access to your home utility.

You need to learn more about how to read because you are one of those 90 million Americans who we are told by this morning's newspaper is not very good at reading. You have direct access to courses on reading that are right there, that are available, that are a combination of computer and video tape and personal training, but it is done in your living room at your convenience, when you want to do it, under your control.

You begin to think maybe you need some medical help. There is no reason that a tremendous quantity of information that is currently not available to the average citizen could not be made available by computer.

You are a young girl and you think you might be pregnant. Where is the nearest prenatal clinic?

You are a person getting older and you think you might have a problem with Alzheimer's. First of all, how can you learn about it? How can you get access?

Second, where is the nearest facility that has really good experts who can talk to you about it? What kind of advice can you get?

There are a thousand ways in which using electronics intelligently and creatively we can link people together.

It should bother all of us that the simplest and easiest ways of using computers today are games. I mean no disrespect to Nintendo and Sega and all the people who have done a brilliant job creating a future.

My good friend, Congressman JOHN KASICH, was down in Atlanta last weekend. We went to Dave and Buster's, which is a local arcade and restaurant complex. We played Virtual Realities. It was the first time we ever played it. It is magnificent. It is wonderful. It is fascinating. You put on a helmet. You are holding a gun and you are right in the middle of a game with a computer and you are in a computerized simulated world, and so are three other people and you are able to do all sorts of things. It was fascinating.

But if we can do that for fun, if we can do that for amusement, if we can do that for entertainment, why can we not with a little imagination offer some prizes for the best educational games, so that while you are having a good time, you are learning about Brazil or you are learning about history or you are learning about political science, so you begin to get involved in an interactive real-time dynamic process that dramatically expands the ability to learn, the ability to know, the ability to seek information.

All I am suggesting is that we are at the edge of this gigantic revolution, that the combination of technology and science on the one side, entrepreneurship and the spirit of getting a job done, the concept of quality, the idea of personal responsibility and the work ethic and the things that have made America work, and then learning to think once again like the Founding Fathers and like the people who made America great.

I go back in a sense to Franklin Roosevelt, a man who I regard as the greatest President of the 20th century. Roosevelt said in his first Inaugural that we have nothing to fear but fear itself. He promised that the effort to create a better America might often fail, but it would never stop, that they would experiment and experiment until they began to get things better. It took great courage. It was the right approach.

We need to insist that our goal is to replace the welfare state. We need to insist that our goal is to renew American civilization. We need to rethink earning from the ground up. We need to make the best learning in the world available to every American from the poorest to the richest, from the most urban to the most rural.

A high school in Carrolton, GA, offers Japanese by satellite from the University of Nebraska.

□ 1930

Now that can be made available everywhere. If we are creative and clever, if we are willing to rethink the whole structure of how we do things, we could literally, within 3 or 4 years, dramatically expand for every American their opportunities, their chance to have a good job and their chance to learn all their lives, and, if we do not do that, we are not going to compete in the world market. We are not going to create jobs, and we are not going to have an American civilization we can be proud of.

Now in that framework, with this scale of dramatic change available, with the kind of things we need to think through, what I am suggesting is not that Newt Gingrich is going to teach this class, but I am going to begin the dialogue, working with people like Lamar Alexander, the former Secretary of Education, and Bill Bennett who before him was the Secretary of Education, Jack Kemp, who was the leading advocate of economic growth in jobs and who then served as Secretary of Housing and Urban Development where he was, I think, literally a heroic figure in beginning to carry hope, and opportunity and a belief that poor people would own their own homes, and manage their own projects and have control over their own lives, that bringing together people of that caliber, working with Brett Schundler, the new mayor of Jersey City, who I believe is the most important Republican in America today because he represents a dramatic breakthrough, and Brett Schundler is a perfect example of what I am talking about.

Mr. Speaker, this is a young man who was originally a Gary Hart field man, who was a new-ideas Democrat who decided to change parties after Governor Dukakis was nominated because he gave up on the Democratic Party, who found himself running for mayor in a special election when the mayor of Jersey City ascended to jail. He was one of 19 candidates. He won with 16 percent of the vote. It was the first time since 1904 that a Republican was elected mayor of Jersey City, and in a city which is 70 percent Democrat, 6 percent Republican, a city in which 41 percent of all citizens speak a language other than English at home. Brett Schundler had such courage and such commitment. He went out and used such common sense, innovative, radical ideas that, when he, at 9 months later, ran in an election against the Democratic machine, he personally got 68 percent of the vote, and he elected nine out of nine city council members. All nine are reform oriented, new ideas, replace the welfare state approach.

Now he has a lot of new ideas. He happens to be, for example, in favor of school choice so that people have the option to go to the school that works, and he believes that parents should have the right to send their child to a school that works, and he is prepared to give them a voucher to enable them to do that. He has dramatically changed the police force to get more policemen out on the street. He has worked at newer and better ways of lowering taxes and cutting spending. He knows that creating jobs and encouraging people to come to Jersey City to open up businesses is the key to the future because, if you do not have a job, all other social policy stands to one side. The most important social goal of a society ought to be able to live in safety, and to go work, and to earn a decent living, and raise your family with your own money, and Brett Schundler is committed to that.

Similarly Bob King up in Rochester, NY, the county executive, has done dramatic new things, fascinating things, and has learned that by working hard, by being innovative, by bringing in quality from business and applying the concepts to quality that he is able to dramatically improve his county government. I will give my colleagues one example he did on a recent tape that I listened to of Bob King talking about reform in his county.

They did a study of welfare applications, and they discovered that when people came in for welfare, for public assistance, for food stamps, the worker who was dealing with them would take down all of the information by hand. That would then go up to another person in a computer room where it would sit for about 3 weeks and then finally be typed into the computer. Usually between 35 and 40 percent of the forms would have a mistake on them, a number written down wrong, a Social Security number written down wrong, an address written down wrong, some mistake. The person in the computer room would then submit all that to the New York State central computer for welfare which would then about 35 to 40 percent of the time send out a letter to the person who was getting their food stamps telling them they were now kicked off the food stamp roll because based on the false information in the computer they were not eligible. They would then come, anxiety ridden, rushing into the welfare office where the case worker would go upstairs, pick up the file, print out a copy, go downstairs and discover what the mistake was.

Now they were having to rework 35 to 40 percent of the applications because they had this two-step process. Bob King's obvious commonsense idea was: What if we were to bring the computer right down to the desk so that, when you talk directly to the welfare worker, they were typing directly into the computer, and you could then come around the desk, and look at the computer screen, and you could proofread your own information, or, if you are not literate, you could have it read to you at this moment by the welfare worker so that at that second, while you were standing there, the correct information could go into the New York State central computer. That one change, bringing the information down from upstairs to the desk of the intake worker by itself would eliminate, first of all, half the jobs. They would no longer have the computer input person sitting upstairs. Second, it would eliminate between 35 and 40 percent of the applications having an error.

Now that is the kind of innovative, commonsense, practical change which is what Dr. Demming means when he talks about continuous improvement as part of the key to quality, not that any one of them is a giant breakthrough, but that inch by inch, step by step, it is possible to create a whole new way of doing things and a whole new approach.

I wanted to report to my colleagues on the concept of renewing American civilization and on the course that we are going to teach because I believe it is a very important step in the right direction. I think it is fascinating, for example, that David Woodard, the Clemson professor who is going to be given the course at Clemson as part of the project, said that they filled the course to overflowing within 48 hours; he drew the line at 50 people, but that there were at least 200 students who wanted to take the course, and I hope that they are going to be able to offer it in a bigger room winter quarter when we teach it for the second time. I think it is fascinating that the opportunity is here for us to develop a dramatic breakthrough in new ideas and new approaches.

Now I want to again emphasize, if you look at "Readings in Renewing American Civilization," and you look at the last section, our appendix, which is our syllabus and selected readings, which actually runs from page 230 to page 251, you are going to find a very wide range of books. You are going to find a lot of different suggestions on things to look at. Let me just give my colleagues, for example, on class one: understanding American civilization. This introductory lecture provides an overview of the course, outlines the essential components of American civilization that make it unique and explains why an understanding of American history and the principles of American life is essential for effective citizenship. That opening 2 hours, which will be on September 18 at 8:30 in the morning has as its first required reading, I may say immodestly, the introduction I wrote to "Renewing American Civilization", which outlines the concepts, but then we have source documents to understand American civilization, and this is the only chapter that I am going to list, but I just want to read in this list from this one chapter, this one class, that gives people a sense of the breadth and the scale of what we are interested in. Source Documents and Further Reading for class one, Understanding American Civilization: the Bible (any version); the Constitution of the United States; the Declaration of Independence; Michael Barone, "Our Country"; Daniel J. Boorstin, "The Americans: The Colonial Experience"; "The Americans: The National Experience"; "The Americans: The Democratic Experience"; Alexander Hamilton, et al, "The Federalist Papers; W.J. Hoxie, "How Girls Can Help Their Country: The 1913 Handbook for Girl Scouts"; Samuel P. Huntington, "The Clash of Civilizations," Foreign Affairs (Summer 1993); Martin Luther King, "I Have a Dream: Writings and Speeches that Changed the World"; Russell Kirk," America's British Culture."

Nicholas Lemann, "The Promised Land: The Great Black Migration and How It Changed America"; Max Lerner, "America as a Civilization"; William McNeill, "The Rise of the West"; Ronald W. Reagan, "First Inaugural Address" (January 20, 1981) in "Inaugural Addresses of the Presidents of the United States", (Bicentennial Edition); Arthur Schlesinger, "The Disuniting of America: Reflections on a Multicultural Society"; Henry David Thoreau, "Walden and Civil Disobedience"; Alexis de Tocqueville, "Democracy in America"; Alvin Toffler, "The Third Wave"; Benjamin J. Wattenberg, "the First Universal National: Leading Indicators and Ideas About the Surge of America in the 1990's"; Theodore H. White, "In Search of History"; Garry Wills, "Inventing America: "Jefferson's Declaration of Independence"; Gordon S. Wood, "The Radicalism of the American Revolution"; (New York: Alfred A. Knopf, 1992), and another book by Gordon S. Wood, "The Creation of the American Republic".

Now I cite that reading list from that 1 class; this is 1 of the 10 sessions, to make 2 points: First, this is not a narrowly drawn, right wing Republican approach. This is a serious effort to try to develop on a broad base an understanding of American civilization and a sense of the principles that have made America work and an effort to really think through a road map for a place in the welfare state.

□ 1940

Second, this is an intellectual, rather than a political effort. I think all of my colleagues would agree, just looking at that one reading list, that that is hardly a brochure for reelection. That is hardly the beginning of a platform for a political party.

The reason I am saying this is that I have been extremely disappointed by some of the press coverage about the class, particularly by an extraordinarily inaccurate and false editorial in the Atlanta Journal and Constitution on September 5, which simply did not get it, which did not understand that this is a serious effort by a wide range of serious intellectuals, trying to think through where we are going.

So I wanted to reemphasize, my goal in talking this evening is to encourage every staff member in the Congress, every citizen who happens to watch on C-SPAN or read in the CONGRESSIONAL RECORD, every one of my colleagues, to feel that they can be involved. I do not care what your party is, I do not care what your ideology is. If you agree with a handful of basic principles, first, that there is an American civilization; that while we are multi-ethnic, we are one culture, and it is called American; second, that that civilization is so important and so vital and so decisive in freedom and in giving people the opportunity to pursue happiness, that it is worth renewing; third, that the welfare state has failed and must be replaced; and, fourth, that there are basic principles to American civilization, and that by thinking through those principles and reapplying them, we can create a dramatic, dynamic, twenty-first century, that will let all of our children live better lives with better jobs, with higher take-home pay, in greater safety, and with more freedom.

If you agree with those principles, I do not care what your background is, I want your ideas, I want your advice, I want your counsel. Because together, we may be able to solve the intellectual problem of creating a road map to replace the welfare state and of defining what it means to renew American civilization.

So I simply want to take a few minutes today to report to my colleagues that there is a course that will begin September 18, that Kennesaw College has shown enormous leadership in serving as the host; that, as I said earlier, it is being offered at 132 sites all together, including for credit at Kennesaw State College, at the University of California at Berkeley, at Lee College, at Clemson University, and at Porterville College, and it is being offered at places like Harvard and Stanford on a noncredit basis. But a wide range of groups of all kinds of backgrounds are participating. To let my colleagues know that the course will be available not only by satellite on Saturday mornings, but by audio and videotape; and, to let my colleagues know that there is a book and to let the staffs know that there is a book called "Readings in Renewing American Civilization" that is available and that really does create a framework that allows us to start thinking about these principles and these ideas.

I hope over the next few weeks to be able to report to my colleagues as the course develops and to be able to share with them the ideas and the concepts.

Then I hope that anyone who is interested, any of my colleagues, any of the staff, any of the other folks who might encounter these ideas, who are interested in joining us on December 4 in Atlanta to talk about what did we do, how can we improve it, how should it be changed, how do we develop the second course for January, I want to encourage the widest possible range of participation, because that is the only way I know to truly have a chance to renew American civilization.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YATES (at the request of Mr. GEPHARDT), for today, after 2 p.m.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BEREUTER) to revise and extend their remarks and include extraneous material:)

Mr. GINGRICH, for 60 minutes each day, on September 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, and 30, October 1, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, and 29, November 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29, and 30, and December 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30, and 31.

Mr. GALLEGLY, for 5 minutes today.

Mr. GOSS, for 5 minutes today.

Mr. BEREUTER, for 5 minutes, today.

Mr. HORN, for 60 minutes each day, on September 13, 20, and 27.

Mr. SENSENBRENNER, for 5 minutes each day, on September 13 and 14.

(The following Members (at the request of Mr. KOPETSKI) to revise and extend their remarks and include extraneous material:)

Mr. LAROCCO for 5 minutes each day, on September 13 and 14.

Mr. GEPHARDT for 60 minutes each day, on September 9, 14, 15, 16, 21, 22, 23, 28, 29, and 30.

Mr. HOYER, for 60 minutes, on September 13.

Mr. FALEOMAVAEGA, for 60 minutes, on September 13.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BEREUTER) and to include extraneous matter:)

Mr. PETRI.

Mr. BEREUTER in five instances.

Ms. ROS-LEHTINEN.

Mr. SPENCE.

Mr. YOUNG of Florida.

Mr. SOLOMON in three instances.

Mr. HERGER.

Mr. QUILLEN.

Mr. LEWIS of California.

Mr. LEACH.

Mr. CLINGER.

Mr. HORN.

Mrs. BENTLEY.

(The following Members (at the request of Mr. KOPETSKI) and to include extraneous matter:)

Mr. OLVER in two instances.

Mr. SCOTT.

Mr. HOLDEN.

Ms. HARMAN.

Mr. RUSH.

Mr. DERRICK.

Mr. HOCHBRUECKNER.

Mr. NEAL of Massachusetts.

Mr. CLEMENT.

Mr. MCCLOSKEY.

Mr. BERMAN.

Mr. ACKERMAN.

Mr. SLATTERY.

Mr. VISCLOSKY.

Ms. ESHOO.

Mr. KLEIN.

(The following Members (at the request of Mr. GINGRICH) and to include extraneous matter:)

Mr. GILLMOR.

Mr. CAMP.

Mr. COSTELLO.

Mr. HALL of Texas.

ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2010. An act to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes.

ADJOURNMENT

Mr. GINGRICH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 44 minutes p.m.) under its previous order, the House adjourned until Monday, September 13, 1993, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1810. A letter from the Director, Office of Management and Budget, transmitting notification of the President's intent to exempt all military personnel accounts from sequester for fiscal year 1994, pursuant to Public Law 101–508, section 13101(c)(4) (104 Stat. 1388–589); to the Committee on Appropriations.

1811. A letter from the Director, Office of Management and Budget, transmitting a report on revised estimates of the budget receipts, outlays, and budget authority for fiscal years 1993–1998, pursuant to 31 U.S.C. 1106(a) (H. Doc. No. 103–133); to the Committee on Appropriations and ordered to be printed.

1812. A letter from the Acting Assistant Secretary (Financial Management), Department of the Army, transmitting a report on the value of property, supplies, and commodities provided by the Berlin Magistrate for the quarter January 1, 1993 through March 31, 1993, pursuant to Public Law 101–165, section 9008 (103 Stat. 1130); to the Committee on Appropriations.

1813. A letter from the Comptroller General, General Accounting Office, transmitting status of the President's sixth special impoundment message for fiscal year 1993, pursuant to 2 U.S.C. 685; (H. Doc. 103–135) to the Committee on Appropriations.

1814. A letter from the Director, Congressional Budget Office, transmitting the CBO's Sequestration Update Report for fiscal year 1994, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–587); to the Committee on Appropriations and ordered to be printed.

1815. A letter from the Director, Office of Management and Budget, transmitting the OMB Sequestration Update Report to the President and Congress, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–587); to the Committee on Appropriations.

1816. A letter from the Director, Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of August 1, 1993, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 103–132); to the Committee on Appropriations and ordered to be printed.

1817. A letter from the Acting Secretary of the Army, transmitting notification that certain major defense acquisition programs have breached the unit cost by more than 15 percent, pursuant to 10 U.S.C. 2431(b)(3)(A); to the Committee on Armed Services.

1818. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, to revise the authorized strength limitations for Marine Corps commissioned officers on active duty in the grades of major and lieutenant colonel; to the Committee on Armed Services.

1819. A letter from the Assistant Secretary for Health Affairs, Department of Defense, transmitting notification that the Department has certified the expansion of the CHAMPUS Reform Initiative to Washington and Oregon, pursuant to Public Law 102–484, section 712(c) (106 Stat. 2435); to the Committee on Armed Services.

1820. A letter from the Director, Export-Import Bank of the United States, transmitting a report involving United States exports to the Peoples Republic of China, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

1821. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Review of the District of Columbia Public School System's Realty Program", pursuant to D.C. Code, section 47–117(d); to the Committee on the District of Columbia.

1822. A letter from the Office of Dependents' Education, transmitting the annual test report for school year 1992–93 for the overseas dependents' schools administered by the Department, pursuant to 20 U.S.C. 924; to the Committee on Education and Labor.

1823. A letter from the Secretary of Education, transmitting the fiscal year 1993 annual report of the National Advisory Council on Educational Research and Improvement, pursuant to 20 U.S.C. 1221e(c)(3); to the Committee on Education and Labor.

1824. A letter from the Secretary of Education, transmitting the second annual report on activities under the Individuals With Disabilities Education Act aimed at meeting needs of children and youth with disabilities from minority backgrounds; to the Committee on Education and Labor.

1825. A letter from the Secretary of Health and Human Services, transmitting a report on the implementation of the voluntary national child abuse and neglect data system for fiscal 1991 and 1992; to the Committee on Education and Labor.

1826. A letter from the President, the American Council of Learned Societies, transmitting the Council's annual report for the year 1991–92, pursuant to 36 U.S.C. 1101(56), 1103; to the Committee on Education and Labor.

1827. A letter from the Secretary of Energy, transmitting notice of the delay of the National Energy Policy Plan until April 1, 1995, pursuant to 42 U.S.C. 7321 (b), (c); to the Committee on Energy and Commerce.

1828. A letter from the Chairman, Consumer Product Safety Commission, transmitting the final report on the activities undertaken on standard test method to determine cigarette ignition propensity, pursuant to Public Law 101–352, section 4 (104 Stat. 406); to the Committee on Energy and Commerce.

1829. A letter from the Administrator, Environmental Protection Agency, transmitting report on the measures taken by the Agency and by the States to implement the provisions of section 112, as amended of the Clean Air Act, pursuant to Public Law 101–549, section 301 (104 Stat. 2573); to the Committee on Energy and Commerce.

1830. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's report entitled, "The Economic and Technical Capacity of States and Public Water Systems to Implement Drinking Water Regulations"; to the Committee on Energy and Commerce.

1831. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment and services sold commercially to Spain (Transmittal No. DTC-32-93), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1832. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1998 resulting from passage of H.R. 631, H.R. 798, and H.R. 2034, pursuant to Public Law 101-508, section 13101 (104 Stat. 1388-582); to the Committee on Government Operations.

1833. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1998 resulting from passage of H.R. 416, pursuant to Public Law 101-508, section 13101 (104 Stat. 1388-582); to the Committee on Government Operations.

1834. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1998 resulting from passage of H.R. 63 and H.R. 843, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

1835. A letter from the Comptroller General, General Accounting Office, transmitting the list of all reports issued or released in July 1993, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

1836. A letter from the Manager, Employee Benefits, ArgiBank, transmitting the 1992 annual report of the retirement plan for the employees of the Sixth Farm Credit District, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1837. A letter from the Chairman, Corporation for Public Broadcasting, transmitting the semiannual report of the inspector general for the period October 1, 1992, through March 31, 1993, pursuant to 5 U.S.C. App. 3; to the Committee on Government Operations.

1838. A letter from the Assistant Secretary for Administration, Department of Agriculture, transmitting the annual management report for the Commodity Credit Corporation, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

1839. A letter from the Associate Attorney General, Department of Justice, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1840. A letter from the FOI Officer, Environmental Protection Agency, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1841. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1992, pursuant to 5 U.S.C. 552b(j); to the Committee on Energy and Commerce.

1842. A letter from the Chairman, Federal Mine Safety and Health Review Commission, transmitting a report pursuant to the Inspector General Act Amendments of 1988 for fiscal year 1992; to the Committee on Government Operations.

1843. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of discretionary new budget authority and outlays for the current year (if any) and the budget year provided by H.R. 2348 and H.R. 2667, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-578); to the Committee on Government Operations.

1844. A letter from the Inspector General, Securities and Exchange Commission, transmitting a draft of proposed legislation to amend the Federal Civil Penalties Inflation Adjustment Act of 1990 to require the additional reporting of civil penalties imposed pursuant to a Federal law which does not set forth a specific or maximum monetary amount; to the Committee on Government Operations.

1845. A letter from the Chairman, Federal Election Commission, transmitting one recommendation for legislative action, pursuant to 2 U.S.C. 438(d)(1); to the Committee on House Administration.

1846. A letter from the Acting Comptroller General, General Accounting Office, transmitting a report and recommendation concerning the claim of Mr. Brad Hutchinson, pursuant to 31 U.S.C. 3702(d); to the Committee on the Judiciary.

1847. A letter from the Attorney General, Department of Justice, transmitting the Bureau of Justice Assistance Police Hiring Supplement Program; to the Committee on the Judiciary.

1848. A letter from the Secretary, Department of Transportation, transmitting the Department's annual report on the progress in implementing the Coast Guard Environmental Compliance and Restoration Program for fiscal year 1992, pursuant to Public Law 101-225, section 222(a) (103 Stat. 1918); to the Committee on Merchant Marine and Fisheries.

1849. A letter from the Secretaries of Commerce and State, transmitting the annual Foreign Allocation Report for 1992, pursuant to 16 U.S.C. 1821(f); to the Committee on Merchant Marine and Fisheries.

1850. A letter from the Administrator, Federal Aviation Administration, transmitting the report of progress on developing and certifying the Traffic Alert and Collision Avoidance System [TCAS], pursuant to Public Law 100-223, section 203(b) (101 Stat. 1518); to the Committee on Public Works and Transportation.

1851. A letter from the Administrator, General Services Administration, transmitting informational copies of various lease prospectuses, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

1852. A letter from the Administrator, National Aeronautics and Space Administration, transmitting his determination that it is in the public interest to use other than competitive procedures for the procurement of certain supplies and services from small disadvantaged businesses including women-owned businesses, pursuant to 10 U.S.C. 2304(c)(7); to the Committee on Science, Space, and Technology.

1853. A letter from the Secretary of Labor, transmitting the annual report on employment and training programs for veterans during program year 1991 (July 1, 1991 through June 30, 1992) and fiscal year 1992 (October 1, 1991 through September 30, 1992), pursuant to 38 U.S.C. 2009(b); to the Committee on Veterans' Affairs.

1854. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to restore the statutory eligibility for burial in national cemeteries of spouses who predecease individuals eligible for such burial; to the Committee on Veterans' Affairs.

1855. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation entitled "Veterans' Appeals Improvement Act of 1993"; to the Committee on Veterans' Affairs.

1856. A letter from the Secretary, Department of Health and Human Services, transmitting a copy of negative case actions under the program of aid to families with dependent children under State plans approved under part A of title IV of SSA, pursuant to Public Law 101-239, section 8004(g)(1) (103 Stat. 2460); to the Committee on Ways and Means.

1857. A letter from the Secretary, Department of Health and Human Services, transmitting a copy of a report on States' reevaluations of need and payment standards of AFDC child care, pursuant to 42 U.S.C. 602 note; to the Committee on Ways and Means.

1858. A letter from the Secretary of Labor, transmitting the quarterly report on the expenditure and need for worker adjustment assistance training funds under the Trade Act of 1974, pursuant to 19 U.S.C. 2296(a)(2); to the Committee on Ways and Means.

1859. A letter from the Director, Office of Management and Budget, transmitting the annual Status Report on Credit Management and Debt Collection, dated August 1993, pursuant to 31 U.S.C. 3719(b); to the Committee on Ways and Means.

1860. A letter from the Interim CEO, Resolution Trust Corporation, transmitting the status report for the month of June 1993 (The 1988-89 FSLIC Assistance Agreements), pursuant to 12 U.S.C. 1441a note; jointly, to the Committees on Appropriations and Banking, Finance and Urban Affairs.

1861. A letter from the Comptroller of the Department of Defense, transmitting notification that up to $135 million is proposed to be obligated to assist the Republic of Ukraine in activities related to dismantlement of strategic nuclear delivery vehicles and other weapons; jointly, to the Committees on Appropriations and Armed Services.

1862. A letter from the Comptroller of the Department of Defense, transmitting notification of the Department's intent to obligate up to $65 million to assist the Republic of Belarus in various activities related to dismantlement of strategic offensive arms; jointly, to the Committees on Appropriations and Armed Services.

1863. A letter from the Under Secretary, Department of Defense, transmitting a waiver under section 9069(b)(1) of Public Law 102-396 when the Secretary determines that the waiver is necessary in the national security of the United States, pursuant to Public Law 102-396, section 9069(b)(2) (106 Stat. 1917); jointly, to the Committees on Armed Services and Appropriations.

1864. A letter from the Secretary of Labor, transmitting the Department's annual report to Congress on the fiscal year 1992 program operations of the Office of Workers' Compensation Programs [OWCP], the administration of the Black Lung Benefits Act [BLBA], the Longshore and Harbor Workers' Compensation Act [LHWCA], and the Federal Employees' Compensation Act for the period October 1, 1991, through September 30, 1992, pursuant to 30 U.S.C. 936(b); jointly, to the Committees on Education and Labor and Post Office and Civilian.

1865. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on the nondisclosure of safeguards information for the quarter ending June 30, 1993, pursuant to 42 U.S.C. 2167(e); jointly, to the Committees on Energy and Commerce and Natural Resources.

1866. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of intent to exercise authority under section 506(a)(2) of the Foreign Assistance Act of 1961, as amended, in order to provide emergency assistance to Ecuador, pursuant to 22 U.S.C. 2318(b)(2); jointly, to the Committees on Foreign Affairs and Appropriations.

1867. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the Nuclear Reactor Safety Situation in Eastern Europe and the Former Soviet Union; jointly, to the Committees on Foreign Affairs and Armed Services.

1868. A letter from the Comptroller General, General Accounting Office, transmitting the results of the audit of the principal financial statements of the Defense Cooperation Account, fiscal year 1992, pursuant to Public Law 101-576, section 304(a) (104 Stat. 2853); jointly, to the Committees on Government Operations and Armed Services.

1869. A letter from the Secretary of the Navy, transmitting a report entitled "U.S. Navy Compliance with the Marine Plastic Pollution Research and Control Act of 1987," pursuant to 33 U.S.C. 1902 note; jointly, to the Committee on Merchant Marine and Fisheries and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of California: Committee on Natural Resources. H.R. 1845. A bill to establish the Biological Survey in the Department of the Interior; with an amendment (Rept. 103-193, Pt. 2). Ordered to be printed.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 2223. A bill to designate the Federal building located at 525 Griffin Street in Dallas, TX, as the "A. Maceo Smith Federal Building" (Rept. 103-226). Referred to the House Calendar.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 2431. A bill to designate the Federal building in Jacksonville, FL, as the "Charles E. Bennett Federal Building" (Rept. 103-227). Referred to the House Calendar.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 2532. A bill to designate the Federal building and United States courthouse in Lubbock, TX, as the "George H. Mahon Federal Building and United States Courthouse" (Rept. 103-228). Referred to the House Calendar.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 2555. A bill to designate the Federal building located at 100 East Fifth Street in Cincinnati, OH, as the "Potter Stewart United States Courthouse" (Rept. 103-229). Referred to the House Calendar.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 2559. A bill to designate the Federal building located at 601 East 12th Street in Kansas City, MO, as the "Richard Bolling Federal Building" (Rept. 103-230). Referred to the House Calendar.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 2677. A bill to authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct the West Court of the National Museum of Natural History building (Rept. 103-231, Pt. 1). Ordered to be printed.

Mr. MINETA: Committee on Public Works and Transportation. S. 779. An act to continue the authorization of appropriations for the East Court of the National Museum of Natural History, and for other purposes (Rept. 103-232, Pt. 1). Ordered to be printed.

Mr. MILLER of California: Committee on Natural Resources. H.R. 1348. A bill to establish the Quinebaug and Shetucket Rivers Valley National Heritage Corridor in the State of Connecticut, and for other purposes; with amendments (Rept. 103-233). Referred to the Committee of the Whole House on the State of the Union.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 2356. A bill to amend the Water Resources Development Act of 1990 to extend the authority of the Secretary of the Army to carry out certain construction projects in the Virgin Islands (Rept. 103-234). Referred to the Committee of the Whole House on the State of the Union.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 2824. A bill to modify the project for flood control, James River Basin, Richmond, VA (Rept. 103-235). Referred to the Committee of the Whole House on the State of the Union.

Mr. FROST: Committee on Rules. House Resolution 248. Resolution providing for further consideration of the bill (H.R. 2401) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1994, and for other purposes (Rept. 103-236). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HALL of Texas:

H.R. 3033. A bill relating to the valuation of stock received by certain employees in connection with the performance of services as employees; to the Committee on Ways and Means.

By Mr. GALLEGLY:

H.R. 3034. A bill to provide Federal penalties for drive-by shootings; to the Committee on the Judiciary.

H.R. 3035. A bill to protect the public safety by imposing minimum, mandatory prison sentences for drug crimes involving minors; jointly, to the Committees on Energy and Commerce and the Judiciary.

H.R. 3036. A bill to mandate life imprisonment without release for drug traffickers or violent criminals convicted for a third offense; jointly, to the Committees on Energy and Commerce and the Judiciary.

H.R. 3037. A bill to provide the penalty of death for certain killings of Federal law enforcement officers; to the Committee on the Judiciary.

By Mr. CLINGER (for himself, Mr. MICHEL, Mr. GINGRICH, Mr. ARMEY, Mr. HUNTER, Mr. HYDE, Mr. PAXON, Mr. LIGHTFOOT, Mr. WOLF, Mr. ISTOOK, Mr. MCCANDLESS, Mr. HASTERT, Mr. SHAYS, Mr. SCHIFF, Mr. COX, Mr. THOMAS of Wyoming, Ms. ROS-LEHTINEN, Mr. MACHTLEY, Mr. ZIMMER, Mr. ZELIFF, Mr. MCHUGH, Mr. HORN, Ms. PRYCE of Ohio, Mr. MICA, Mr. PORTMAN, Mr. RAMSTAD, Mr. GALLEGLY, Ms. SNOWE, Mr. MCDADE, Mr. BOEHNER, Mrs. JOHNSON of Connecticut, Mr. SAXTON, Mr. KASICH, Mr. GREENWOOD, Mr. FAWELL, Mr. HOUGHTON, Mr. LIVINGSTON, Mr. BLILEY, Mr. KLUG, Mr. BONILLA, Mr. GILLMOR, Mr. BARTLETT of Maryland, Mr. BAKER of California, Mr. BATEMAN, and Mr. WALSH):

H.R. 3038. A bill to amend the Inspector General Act of 1978 to establish an Office of Inspector General in the Executive Office of the President, and to amend title 31, United States Code, to establish a Chief Financial Officer for the Executive Office of the President; to the Committee on Government Operations.

By Mr. HOAGLAND:

H.R. 3039. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on luxury passenger vehicles; to the Committee on Ways and Means.

By Mr. JACOBS:

H.R. 3040. A bill to amend title 5, United States Code, to provide civil service retirement credit to a Federal employee for any period of service performed with the American Red Cross abroad during a period of war; to the Committee on Post office and Civil Service.

By Mr. KLINK (for himself, Mr. TRAFICANT, Mr. DIAZ-BALART, Mr. BROWN of Ohio, Mr. GENE GREEN of Texas, and Mr. FROST):

H.R. 3041. A bill to eliminate deception in product labeling or marking with regard to the country of origin of merchandise and merchandise parts; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. PAXON (for himself, Mr. BALLENGER, and Mr. RAMSTAD):

H.R. 3042. A bill to prohibit discrimination in contracting with potential contractors and subcontractors in federally funded construction projects on the basis of certain labor relations policies of the potential contractors and subcontractors; to the Committee on Government Operations.

By Mr. RIDGE:

H.R. 3043. A bill to provide for the voluntary environmental cleanup of existing industrial sites; to further define the cleanup liability of new industries, financial institutions and tenants; to provide for the voluntary cleanup of industrial sites by responsible owners; to define cleanup liabilities on abandoned industrial sites; to establish the Cleanup Loan Fund and the Industrial Land Recycling Fund to aid industrial site cleanups; and to provide for the registration of environmental consulting professionals; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

By Ms. SCHENK (for herself, Ms. SHEPHERD, Mr. FINGERHUT, Mr. DEAL, Ms. ESHOO, Ms. FURSE, Mrs. CLAYTON, Mr. KLINK, and Mr. MCHALE):

H.R. 3044. A bill to prohibit retroactive income tax increases; to the Committee on Ways and Means.

By Mr. SOLOMON:

H.R. 3045. A bill to extend through December 31, 1995, the existing temporary suspension of the duty on diphenyldichlorosilane and phenyltrichlorosilane; to the Committee on Ways and Means.

By Mr. WAXMAN (for himself and Mr. STARK):

H.R. 3046. A bill to amend the Public Health Service Act to limit the referral by a physician to certain services in which the physician has a financial relationship; to the Committee on Energy and Commerce.

By Mr. ANDREWS of Texas:

H.R. 3047. A bill relating to the tariff treatment of theatrical, ballet, and operatic scenery, properties, and sets; to the Committee on Ways and Means.

By Mr. HERGER:

H.J. Res. 258. Joint resolution proposing an amendment to the Constitution of the United States prohibiting retroactive increases in taxes; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

238. By the SPEAKER: Memorial of the General Assembly of the State of California, relative to the Marine Corps Logistics Base at Barstow, CA; to the Committee on Armed Services.

239. Also, memorial of the General Assembly of the State of California, relative to military base closure; to the Committee on Armed Services.

240. Also, memorial of the House of Representatives of the Commonwealth of the Mariana Islands, relative to Ambassador Franklin Haydn Williams; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. TRAFICANT introduced a bill (H.R. 3048) for the relief of Vivian Eney; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mr. FARR.

H.R. 48: Mr. ISTOOK.

H.R. 58: Mr. CALVERT.

H.R. 64: Mr. FALEOMAVAEGA.

H.R. 65: Ms. WOOLSEY and Mr. STEARNS.

H.R. 66: Mr. DORNAN.

H.R. 68: Mr. CANADY and Mr. FISH.

H.R. 133: Mr. STOKES and Mr. ARMEY.

H.R. 214: Ms. LAMBERT.

H.R. 291: Mr. BAESLER, Mr. PRICE of North Carolina, Mr. UPTON, and Mr. GEJDENSON.

H.R. 303: Ms. WOOLSEY.

H.R. 431: Mr. MACHTLEY.

H.R. 509: Mr. ISTOOK.

H.R. 546: Mr. FRANK of Massachusetts, Ms. ROS-LEHTINEN, Mrs. MORELLA, Mr. RAVENEL, Mr. ANDREWS of Maine, Mr. LANTOS, Mr. BAESLER, and Mr. UNDERWOOD.

H.R. 649: Mr. STARK.

H.R. 773: Mr. STRICKLAND.

H.R. 830: Mr. HOEKSTRA and Mr. ARMEY.

H.R. 840: Mr. TUCKER and Mr. RUSH.

H.R. 943: Mr. QUILLEN, Mr. SMITH of New Jersey, Mr. WASHINGTON, Mr. RAHALL, Mr. KOPETSKI, Ms. DUNN, and Mr. MURPHY.

H.R. 961: Mr. ROEMER.

H.R. 977: Mr. SLATTERY.

H.R. 998: Mr. ROEMER.

H.R. 1027: Mr. TUCKER, Mr. FILNER, Ms. WOOLSEY, Mr. WAXMAN, and Mr. TORRES.

H.R. 1135: Mr. NADLER and Mr. MCDERMOTT.

H.R. 1200: Mr. RAHALL.

H.R. 1276: Mr. GRAMS and Mr. HAYES.

H.R. 1293: Mr. TALENT, Mr. ARMEY, and Mr. SMITH of Michigan.

H.R. 1322: Mr. GALLO and Mr. SOLOMON.

H.R. 1332: Mr. HASTERT and Mr. MCCLOSKEY.

H.R. 1362: Mr. RUSH.

H.R. 1394: Mr. RUSH.

H.R. 1423: Mr. LAZIO, Mr. INSLEE, Mr. PORTMAN, Mr. KLEIN, Mr. GILCHREST, Ms. WOOLSEY, Mr. JOHNSON of Georgia, Mr. DIAZ-BALART, and Mr. TUCKER.

H.R. 1431: Mr. UNDERWOOD.

H.R. 1434: Mr. SANDERS and Mr. ANDREWS of Maine.

H.R. 1442: Mr. CLINGER, Mr. QUINN, and Mr. SANTORUM.

H.R. 1455: Ms. PELOSI.

H.R. 1480: Mr. RUSH.

H.R. 1583: Mr. MORAN, Mr. PALLONE, and Mr. ANDREWS of New Jersey.

H.R. 1617: Mr. CRANE, Mr. EVANS, Mr. EWING, Mr. HASTERT, Mr. HYDE, Mr. MICHEL, Mr. PORTER, Mr. GUTIERREZ, and Mr. POSHARD.

H.R. 1618: Mr. KOLBE.

H.R. 1671: Mr. WHEAT, Mr. CLAY, Mrs. MEEK, and Mrs. MORELLA.

H.R. 1709: Mr. LANCASTER, Mr. GUNDERSON, Mr. SANDERS, Mr. BACHUS of Alabama, Mr. KOLBE, Mr. ACKERMAN, Mr. LAZIO, Mr. HOBSON, Mr. WALSH, and Mr. RAVENEL.

H.R. 1793: Mr. ABERCROMBIE, Mr. BERMAN, Mr. RUSH, and Mr. EDWARDS of California.

H.R. 1795: Mr. HOLDEN and Mr. MARTINEZ.

H.R. 1815: Mr. BOEHNER, Mr. DOOLITTLE, and Mr. CLINGER.

H.R. 1841: Mr. BAKER of California.

H.R. 1843: Mr. MILLER of Florida.

H.R. 1898: Mr. LIGHTFOOT.

H.R. 2021: Mr. POSHARD.

H.R. 2059: Mr. ARMEY and Mrs. MEYERS of Kansas.

H.R. 2121: Mr. RAVENEL, Mr. BROWDER, Ms. MOLINARI, Mr. MILLER of Florida, Mr. TALENT, and Mr. MCCOLLUM.

H.R. 2132: Mr. POMBO.

H.R. 2173: Mr. GALLO.

H.R. 2207: Mr. BOEHNER, Mr. BURTON of Indiana, Mr. CRAPO, Mr. DOOLITTLE, and Mr. ORTON.

H.R. 2241: Mr. JOHNSON of South Dakota, Mrs. MEEK, Mrs. SCHROEDER, Mr. DARDEN, and Mr. MONTGOMERY.

H.R. 2292: Mr. COLLINS of Georgia.

H.R. 2417: Mr. UPTON, Mr. FOGLIETTA, Mr. BACHUS of Alabama, and Mr. MOAKLEY.

H.R. 2431: Mr. JOHNSTON of Florida, Mr. SHAW, Mr. LEWIS of Florida, Mrs. THURMAN, Mr. HASTINGS, and Mr. LANCASTER.

H.R. 2434: Mr. PAXON and Mr. SHAYS.

H.R. 2443: Ms. ROYBAL-ALLARD, Mr. GILLMOR, Mr. HOBSON, Mr. RUSH, Mr. WILLIAMS, Mr. MANN, Mr. PRICE of North Carolina, Mr. MONTGOMERY, Mr. BATEMAN, Mr. HANSEN, Mr. DOOLEY, Mr. FROST, Ms. DANNER, Mr. INSLEE, Ms. SNOWE, Mr. HAYES, Mrs. UNSOELD, Mr. KREIDLER, Mr. DURBIN, Mr. BERMAN, Mr. ANDREWS of Texas, Mr. ROSE, Mr. LIGHTFOOT, Mr. MCDERMOTT, Mr. SANTORUM, and Mr. PAYNE of Virginia.

H.R. 2462: Mr. ROBERTS, Ms. SNOWE, and Mr. FISH.

H.R. 2484: Mr. REYNOLDS and Mr. GUTIERREZ.

H.R. 2529: Mrs. THURMAN and Mr. HAYES.

H.R. 2589: Mr. MAZZOLI.

H.R. 2602: Mr. SENSENBRENNER.

H.R. 2609: Mr. HYDE, Mr. BARCA of Wisconsin, Mr. EMERSON, Mr. WILSON, Mr. FARR, Mr. PARKER, Mr. JOHNSON of South Dakota, Mr. UNDERWOOD, Mr. LAUGHLIN, and Mr. MILLER of California.

H.R. 2623: Mr. DEUTSCH and Mr. FRANK of Massachusetts.

H.R. 2641: Mr. CLAY.

H.R. 2691: Mr. TOWNS and Mr. GILMAN.

H.R. 2692: Mr. PASTOR, Mrs. MEEK, and Ms. VELAZQUEZ.

H.R. 2710: Mr. STARK and Mr. GENE GREEN of Texas.

H.R. 2727: Mr. BONIOR, Mr. BEILENSON, Mr. TORRES, Mr. ANDREWS of New Jersey, Mr. BERMAN, Mr. STARK, Mr. EVANS, and Mr. CLAY.

H.R. 2736: Mr. SCHIFF, Mrs. SCHROEDER, Ms. SCHENK, Ms. PELOSI, and Mr. BONILLA.

H.R. 2790: Mrs. THURMAN, Mr. OLVER, Mr. LANTOS, Mr. BERMAN, Mr. EDWARDS of California, Mr. FOGLIETTA, Mr. SABO, Mr. FAZIO, Mr. TUCKER, and Mr. FISH.

H.R. 2841: Mr. LIGHTFOOT.

H.R. 2846: Mr. BRYANT, Ms. MOLINARI, Ms. WATERS, Mr. JACOBS, Mr. GREENWOOD, Mr. TORRES, Mr. STUDDS, Mr. SERRANO, Mr. FRANK of Massachusetts, Mrs. MEEK, and Mr. HUGHES.

H.R. 2848: Mr. KANJORSKI, Mr. BEREUTER, and Mr. STUDDS.

H.R. 2873: Mr. BACCHUS of Florida, Mr. PORTER, Mr. QUILLEN, Mr. RAVENEL, and Mr. SUNDQUIST.

H.R. 2879: Mr. BATEMAN, Mr. PORTER, Mr. WELDON, and Mr. ARMEY.

H.R. 2884: Mr. FROST.

H.R. 2933: Mr. MCDERMOTT, Mr. SERRANO, Mr. RICHARDSON, Mr. BONIOR, Mr. DELLUMS, Mr. BACCHUS of Florida, Mr. SANDERS, and Mr. RANGEL.

H.R. 2973: Mr. SOLOMON, Mr. MCHUGH, and Mr. SCHIFF.

H.R. 3012: Mr. EVANS, Mr. EMERSON, Mr. TALENT, and Mr. SMITH of Iowa.

H.J. Res. 11: Mr. BECERRA, Mr. BISHOP, Ms. DANNER, Mrs. FOWLER, Mr. GEJDENSON, Mr. HAMBURG, Ms. KAPTUR, Mr. KLEIN, Mr. LAZIO, Mr. RAMSTAD, Mr. SABO, Mrs. UNSOELD, Mr. BILIRAKIS, Mr. BREWSTER, Mr. CALLAHAN, Mr. CLINGER, Mr. DE LUGO, Mr. DIXON, Mr. FALEOMAVAEGA, Mr. HALL of Ohio, Mr. HEFNER, Mr. JEFFERSON, Mr. LEVIN, Mr. SAXTON, Mr. SKEEN, Mr. BAKER of California, Mr. CARDIN, Mr. CASTLE, Mr. COOPER, Mr. HAMILTON, Mr. HYDE, Mr. LEWIS of Florida, Mr. MATSUI, Mr. MORAN, Mr. PALLONE, Mr. PAYNE of Virginia, Mr. ROBERTS, Mr. SKELTON, Ms. SNOWE, and Mr. STARK.

H.J. Res. 79: Mr. BUYER, Mr. SLATTERY, and Mr. TALENT.

H.J. Res. 86: Mr. KENNEDY, Mr. GENE GREEN of Texas, Mr. THOMAS of California, Mr. KING, Mr. SKELTON, Mr. HASTERT, Mr. HOUGHTON, Mr. BOEHLERT, Mr. CARR, Mr. SMITH of New Jersey, Mr. LANTOS, Mr. CALLAHAN, Mr. TORKILDSEN, Mr. PICKLE, Mr. REYNOLDS, Mr. GALLO, Mr. HOEKSTRA, and Mr. HOCHBRUECKNER.

H.J. Res. 111: Mr. EDWARDS of Texas, Mr. STENHOLM, Mr. DELAY, Mr. COX, Mr. HOLDEN, Mr. TORKILDSEN, Mr. BERMAN, Mr. ACKERMAN, Mr. WOLF, Mr. FISH, and Mr. SLATTERY.

H.J. Res. 131: Mr. CARDIN, Mr. DELAY, Mr. BLILEY, Mr. PICKLE, Mr. GALLO, Mr. MCCRERY, and Mr. DOOLITTLE.

H.J. Res. 140: Mr. COBLE, Mr. BURTON of Indiana, Mr. FALEOMAVAEGA, Mr. BAESLER, Mr. PETRI, Mr. FORD of Tennessee, Mr. CRAMER, Ms. BROWN of Florida, Mr. MENENDEZ, Ms. KAPTUR, Mr. HILLIARD, Mrs. MEEK, Mr. MCDERMOTT, Mr. MARTINEZ, Mr. ABERCROMBIE, Mr. LEWIS of Florida, Mr. QUINN, Mr. PASTOR, Mr. OWENS, Mr. BUNNING, Ms. DUNN, Mr. PRICE of North Carolina, Mr. SHAW, Mr. HUTTO, Mr. HAMILTON, Mr. COLEMAN, Mr. GORDON, Mr. NUSSLE, Mr. HASTINGS, Mr. CLEMENT, Mr. MCCRERY, Mr. MCCLOSKEY, Mr. COOPER, and Mr. DEUTSCH.

H.J. Res. 145: Mrs. JOHNSON of Connecticut, Mr. CANADY, Mr. MCDADE, Mr. FISH, and Mr. LIGHTFOOT.

H.J. Res. 194: Mr. BAKER of Louisiana, Mr. KOPETSKI, Mr. GEKAS, Mr. INHOFE, Mr. BLILEY, Mr. SHAYS, Mr. SLATTERY, Mrs. MINK, Mr. JOHNSON of Georgia, Mr. MOORHEAD, Mr. MANTON, Mr. LEWIS of Georgia, Mr. KLECZKA, Mr. DARDEN, Mrs. MEEK, Mr. EVERETT, and Mr. LEVIN.

H.J. Res. 198: Mr. VALENTINE, Mr. WOLF, Mr. DE LA GARZA, and Mr. BOEHLERT.

H.J. Res. 209: Mr. KIM.

H.J. Res. 212: Mr. CLYBURN, Mr. CLINGER, and Mr. BLILEY.

H.J. Res. 214: Mr. SOLOMON.

H.J. Res. 219: Mr. YOUNG of Alaska, Mr. DEFAZIO, Mr. GOODLING, Ms. DUNN, Mr. OXLEY, Mr. LEACH, Mr. BONILLA, Mrs. JOHNSON of Connecticut, Mr. ARMEY, Mr. COOPER, Mr. COSTELLO, Mr. DICKS, Mr. FOGLIETTA, Mr. PACKARD, Mr. ZELIFF, Ms. PRYCE of Ohio, Mr. BOEHLERT, Mr. COBLE, Mr. GONZALEZ, Mr. HALL of Texas, Ms. NORTON, Mrs. KENNELLY, Mr. ABERCROMBIE, Mr. FIELDS of Louisiana, Mr. FIELDS of Texas, Mr. MURTHA, Mr. ROGERS, Mr. SCOTT, Mr. SMITH of Oregon, Mr. SMITH of Iowa, Mr. BOUCHER, Mr. SANGMEISTER, and Mr. COLLINS of Georgia.

H.J. Res. 226: Mr. MCDADE.

H.J. Res. 234: Mr. KLECZKA, Ms. ESHOO, and Mr. VALENTINE.

H. Con. Res. 95: Mr. SANDERS, Mr. JACOBS, and Mr. MAZZOLI.

H. Con. Res. 100: Mr. YOUNG of Alaska, Mr. LANCASTER, and Mr. SYNAR.

H. Con. Res. 107: Mr. GILCHREST, Ms. MOLINARI, Mr. PETE GEREN of Texas, Mr. PAYNE of New Jersey, Mr. COBLE, Mr. ZIMMER, Mr. WOLF, Mr. TRAFICANT, Mr. TORRES, Mr. PALLONE, Mrs. MEEK, Mr. MINETA, Mr. MILLER of California, Mr. NEAL of North Carolina, Mr. BEREUTER, Mr. BILBRAY, Ms. BROWN of Florida, Mr. CONYERS, Mr. EDWARDS of California, Ms. FURSE, Mr. BRYANT, Mr. KLEIN, Mr. MANTON, and Mr. MARTINEZ.

H. Con. Res. 110: Mr. HAMILTON.

H. Con. Res. 141: Mr. BALLENGER, Mr. BLILEY, Mr. SAXTON, Mr. COMBEST, Mr. GOSS, Mr. HUTTO, Mrs. LLOYD, Mr. SOLOMON, Mr. LEHMAN, Mr. LEWIS of Florida, Ms. MOLINARI, Mr. BAKER of Louisiana, Mr. COPPERSMITH, Mr. SCHIFF, and Mr. HUNTER.

H. Res. 86: Mr. BARCA of Wisconsin.

H. Res. 134: Mr. PORTMAN, Mr. DEFAZIO, Mr. HANCOCK, Ms. MARGOLIES-MEZVINSKY, and Mr. WILLIAMS.

H. Res. 202: Mr. MOAKLEY, Mr. FINGERHUT, and Mr. ORTON.

H. Res. 234: Mrs. UNSOELD, Mr. BALLENGER, Ms. BROWN of Florida, Mr. GORDON, Mr. SANDERS, Mr. DICKEY, Mr. JOHNSON of Georgia, Mr. WASHINGTON, Mr. CONDIT, and Mr. TRAFICANT.

H. Res. 239: Mr. MILLER of Florida, Mr. GOSS, Mr. BARTON of Texas, and Mr. SAM JOHNSON.

H. Res. 242: Mr. BATEMAN, Mr. PORTER, Mr. WELDON, and Mr. ARMEY.

H. Res. 243: Mr. BATEMAN, Mr. PORTER, Mr. WELDON, and Mr. ARMEY.

H. Res. 244: Mr. BATEMAN, Mr. PORTER, Mr. WELDON, Mr. STUMP, and Mr. ARMEY.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

55. By the SPEAKER: Petition of the City Council of Seattle, relative to the rights of gays and lesbians to fair and equal treatment in the Armed Services; to the Committee on Armed Services.

56. Also, petition of the Municipal Council of Famagusta, Cyprus, relative to the unlawful invasion of the famous harbour and resort town of Famagusta in 1974; to the Committee on Foreign Affairs.

SENATE—*Thursday, September 9, 1993*

(Legislative day of Tuesday, September 7, 1993)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable RUSSELL D. FEINGOLD, a Senator from the State of Wisconsin.

The PRESIDING OFFICER. The prayer will be led this morning by the Reverend Richard C. Halverson, Jr., of Falls Church, VA, the son of the Senate Chaplain.

PRAYER

The guest Chaplain, the Reverend Richard C. Halverson, Jr., of Falls Church, VA, offered the following prayer:

It is written: *For promotion cometh neither from the east, nor from the west, nor from the south. But God is judge: he putteth down one, and setteth up another.*—Psalm 75:6,7.

And again, as God * * * changeth the times and the seasons: he removeth kings and setteth up kings * * *.—Daniel 2:21.

Eternal God, we are reminded that all authority comes from You. Though each Member of the Senate is elected by the people, they are ordained by You. Teach us to know that You have chosen us to fulfill a special purpose and that we are ultimately accountable, not just to the public, but to our Heavenly Father. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 9, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RUSSELL D. FEINGOLD, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. FEINGOLD thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of S. 1298, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1298) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Pending: Byrd modified amendment No. 782, to limit the involvement of Armed Forces in Somalia.

Mr. COATS. Mr. President, we hope this morning to clear a number of agreed-to amendments. I think we will be doing that shortly. We are waiting for the arrival of some other Members. In the meantime, let me proceed with just a few remarks in general about the legislation that is before us.

Mr. President, this year's defense budget, as it stands, shows good intentions confirmed by good judgment. Our changing world allows some reductions in military spending. Our dangerous world still demands American strength. On the Armed Services Committee, we have wrestled with the need for both realism and readiness. The budget before us manages to cut without crippling.

I think Senator NUNN and Senator THURMOND deserve a great deal of credit for continuing to focus our attention on the needs of the real world. We understand the restrictions and the limitations of the budget. We understand the need to redefine our mission and our roles in this post-cold-war era, but we also understand that the world we face continues to offer many challenges and many threats.

This budget authorizes an active duty strength of 1,622,200, which is 1,600 above the administration's request. It authorizes a military pay raise of 2.2 percent, effective January 1, 1994. It increases funds for readiness and training programs. It establishes a firm legal foundation for a DOD policy on homosexuality. And it authorizes a total of $89.4 billion for operation and maintenance programs, $300 million more than the budget request.

Secretary of Defense Aspin has called this a "treading water budget" and in many ways he is correct. It is not a radical departure from the recent past—the Bush administration's sustained but careful defense reductions. Last week, the Clinton administration released its preliminary outline of the bottom-up review. A close analysis of that review, along with more specific information, will be needed in an attempt to determine the President's broader vision for defense policy. I know Senator NUNN intends a thorough review of that proposal.

This budget is acceptable this year, but future defense spending plans will demand our very careful scrutiny and attention. The outlines of that future are very sketchy at this point, but have begun to emerge. There are signs of warning and danger, and we have heard some important words of caution.

Secretary Aspin himself has declared that there is "increasing and anecdotal evidence of softness" in military readiness. He says we can detect "early warning signs" that the force might be losing its combat edge.

Adm. Frank Kelso, the Chief of Naval Operations, has commented, "we are, I think, at the ragged edge of readiness."

Gen. Gordon Sullivan, the Army Chief, has said that the Army is "at the razor's edge." Readiness, he has argued, "is not only flying hours and moving trucks around, it is the civilians who support the force, it is the base structure, ammunition to train with, and maintenance."

What is the fear that we are looking at? Why the reservation? Why the caution? The fear is that we will return to a hollow force—slipping back into the military nightmare of the 1970's. Resources stretched and overextended. Morale in decline. Shortages of spare parts. Longer and more frequent deployments.

Former Secretary of the Navy Sean O'Keefe commented in a speech in April of this year,

> Force structure—this is the area of maximum danger * * * because excessive cuts here will lead us straight to the "strategy-resources mismatch" of the late 1970's—too big a strategy for our limited resources. We've been there. We've done that. And * * * we don't want to return.

"Too big a strategy for our limited resources."

We discussed that issue last night in what I thought was one of the most important debates the Senate has engaged in in several months. Senator BYRD'S amendment forced that debate. It was a necessary debate. It continues to today. It is a debate that I think this body should undertake until it is determined, along with the administration, how to fashion a policy for the nineties that will address the role of the United States and the role of the U.S. military.

Combat readiness is built with the work of years, even decades. But it can be undermined in a matter of months, or even with an amendment on this floor. With disruptive personnel policies and job insecurity, with drastic, politically motivated cuts, with funding for operations at the expense of readiness, with cutbacks in military health care.

We are starting to get a glimpse of some of the these concerns in the administration's 5-year defense budget. We do not want to take America's military closer to the edge of readiness.

I have a particular concern for military personnel issues. The quality and motivation of our people is central to our success. Even high-technology battles are ultimately won by individual skill, nerve, courage, and morale.

Men and women in the armed services risk their lives; are frequently forced to move; endure separation from their families for long periods of time; are stripped of their privacy; work long hours without extra pay; and often must return to the civilian job market in midlife. Under these circumstances, morale becomes a serious issue. Soldiers need to be convinced that civilian leaders understand their lives and speak for their interests.

It is deeply disturbing that the primary accomplishments of the 1994 defense budget debate are reversals of former administration's personnel policies. The pay freeze that the President proposed would have widened the gap between military and civilian pay, making retention of our best people all the more difficult and attraction of new recruits more difficult. Lieutenant General Boles, the Army Personnel Chief, comments,

> When the Nation moved to an all-volunteer military force in the early 1970's, it was acknowledged this would require a significant financial commitment to improving and sustaining military compensation programs * * * the lesson of the late 1970's is that too many good people leave if their pay and benefits lag too far behind for too long.

The President's policy on homosexuals in the military would have undermined morale and prevented commanders from dealing with problems in their units. Make no mistake. The legislation before us does not codify the administration's flawed approach—it overturns it. In fact, this Defense bill is primarily a success because the President was forced to retreat on several key issues.

There were some problems in this budget which were largely resolved. But the outlook is far more disturbing in the President's future years spending plan. It was adopted earlier this year without details on where cuts will come or what their effect might be.

The President has engaged in a bidding war over defense cuts. He started with $60 billion in defense reductions over 5 years during his campaign. The cuts he now proposes are more than double that amount. President Clinton has set a force level target of 1.4 million in 1995, 200,000 below President Bush's goal.

This comes layered on top of substantial reductions already made by President Bush. As the distinguished chairman of the Armed Services Committee commented during an earlier debate,

> Those who claim that defense has not been substantially reduced since the end of the cold war are flat out wrong * * * The Defense Department in the past few years has carried more than its share of sacrifice for lowering the deficit. Indeed, the Defense Department seems to be the only part of the Federal Government that has carried its fair share.

How will an additional $120 billion in Defense cuts proposed by the President effect the military? Will our technological edge be dulled? Will the quality of life and morale of our soldiers be undermined? Will we compromise the speed and effectiveness with which we can respond to aggression?

Will we be able to meet the challenges of the future? Will we be able to define a role for the military that will help us accomplish important foreign policy objectives?

We are waiting for answers to these questions. This is not just a matter of numbers on paper or political dealmaking. Our future choices will determine the quality of our force, the safety of our soldiers, and our ability to act in the world. And the President's direction and suggestions are not encouraging in this respect.

So, it behooves us as a Congress to address these questions seriously. Because these decisions are vital even after the end of the cold war.

We have had compelling proof of this fact in the 5 years since the fall of the Berlin Wall. Emergencies have followed, one on another. Who can forget the euphoria that existed in this body and across the Nation and around the world when the Berlin Wall fell; when the Russian revolution overthrew nearly 70 years of dictatorship and totalitarianism? Many were looking at a changed world, a whole new world order.

But emergencies have followed, one after another. Zbigniew Brzezinski talks of the "whirlpool of violence" erupting among 30 countries in early stages of nation building.

A recent center for naval analysis study shows that the United States has used military force more than 240 times since 1945. In spite of the focus on the former Soviet Union and Warsaw Pact countries during the cold war, well over 80 percent of these conflicts had nothing to do with cold war powers.

In defense policy, the future comes quickly. History can move with the speed of tanks. News travels with the speed of light. But morale and readiness must be carefully constructed over years. Short-term choices will have far-ranging consequences.

When readiness declines, isolationism advances. The limits on our power set the limits on our influence, our will and our vision. The trend of Clinton defense spending is clear—and it will constrict the range of America's future actions.

America stands at a pinnacle of world influence—influence that is not unlimited, but is still unprecedented. Yet in 5 years, if we follow the President's path, we may well be left with no other choice than to accept under Secretary of State Tarnoff's doctrine:

> We simply don't have the leverage, we don't have the influence, we don't have the inclination to use force and we certainly don't have the money to bring to bear the kind of pressure that will produce positive results any time soon.

The central lesson of five decades, under both Republicans and Democrats, is that American leadership works. Without our example and effort—without our readiness and capability—vast portions of the world might still remain in endless oppression. Berlin taken without an American airlift. Greece conquered by Guerrillas, without American help. Central America, imprisoned like Cuba. Hussein in control of half the world's oil supply.

New threats now replace old enemies—unstable dictatorships seek weapons of mass destruction; violence is unleashed by decaying empires; regional power grabs become global threats. And still it is America alone that can preserve the peace by preserving its power.

President Clinton inherited a military that is strong and ready. Those qualities were pursued in a military buildup and preserved through the careful spending reductions of recent years. That inheritance must not be wasted, because it is not easily regained.

I will conclude by stating there are warning flags flying. There are bells and whistles that are sounding. If our readiness is compromised by drastic cuts or undermined by disruptive policies; if American foreign policy in the future is paralyzed by American weakness, if the morale of American troops is undercut so when their needs are ignored; the responsibility will be clear. We will have squandered a precious resource that we took a decade to rebuild. We need to understand the value of this resource for a world that is troubled by a number of conflicts, and conflicts we cannot even anticipate. We cannot and should not allow this to happen, and I hope we do not.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, just a brief report of where we are on the bill. We made good progress on the Defense bill yesterday. We completed action on two very controversial amendments; one related to DOD support for research and development on metalcasting. That one had a good debate before we did settle it. It was originally to go to a rollcall vote but there was a settlement worked out that I think was basically a big improvement on what was in the bill.

And then we also had a very controversial and difficult amendment on antitheater ballistic missiles and the ABM Treaty. That one was also worked out I think in a sound fashion.

We made a good start on a long overdue debate in the Senate on United States policy in Somalia. Senator BYRD offered an amendment on that and we had a good debate on it. We are still determining if we can come up with a substitute that represents a consensus that would basically uphold the United States' position, leadership in terms of the United Nations and in terms of coalition working together in Somalia, but at the same time narrow the scope of the mission so we do have a clarity of what it is we are undertaking. Not so much, as far as I am concerned personally, in terms of length of time because I think it is always a mistake to define a military mission based on the calendar, but rather in terms of the mission itself and the scope of the mission.

We have hopes that one may be able to be at least crystallized to the point that we can reach a rollcall vote on it later today.

This morning we have a series of amendments that have been cleared on both sides, working together yesterday, which we hope to act on in the next few minutes. At 9:30 this morning, underthe agreement reached last night, Senator BOXER from California will be recognized to offer an amendment concerning the issue of gay men and lesbians in the Armed Forces.

We have provisions in our bill relating to that subject. It is my understanding the amendment will be in the nature of a motion to strike the provisions in the bill with a substitute proposed by our colleague. We will have a debate on that.

I hope we can reach a time agreement on that subject which would not allow any second-degree amendments on the subject, because I think the issue is very clear between the motion to strike and the provisions in the bill. But, if we do get permission from the Senate to enter into that time agreement it is my hope we will debate that subject within 2 or 3 hours.

Once we get action on the Boxer amendment, which I will hope will be somewhere in the neighborhood of 12 or 12:30, then we will return to the Byrd amendment. By that time it will be my hope we could at least come to some conclusion in terms of a vote on that amendment or substitute thereto.

It is then my hope, although there is no agreement on this, it will be up to the Senate—I hope we will then turn to a series of amendments on strategic defense initiative, which is another matter of considerable interest and concern and controversy. I hope we could say stay on that subject until we complete all amendments on that. There is no time agreement, but it seems to me that is the orderly way to proceed, to stay on that subject and complete action on all of those amendments relating to SDI funding or relating to other parts of SDI sometime late this afternoon or early evening.

The majority leader said he wants to complete action on the bill this week. Certainly I share that. If we put in a good day today, if we do not have any unexpected interruptions—and I use the word "unexpected" cautiously because I have gotten to the point here that I do not unexpect anything. I expect that the unexpected may occur.

If we were to have an unusual day in the Senate, without unexpected interruptions, then I hope we would be within sight of finishing this bill late tomorrow afternoon or tomorrow evening so we would not have to go into a Saturday session. That would be my hope.

That remains to be seen. Mr. President, that is where we are now. Does the Senator from Indiana have any observations from a Republican viewpoint?

Mr. COATS. Mr. President, I will just concur with the sentiments of the Senator from Georgia. I think the hope of committee members on both sides is that we can proceed with due diligence and get through a number of amendments and hopefully bring the bill to resolution this week. I know the majority leader and the minority leader are committed to that. We, on our side, are committed to that, so we will do everything we can to expedite that process.

Mr. NUNN. I thank the Senator from Indiana.

Mr. President, we do have some amendments that have been worked out. I see the Senator from Michigan on the floor. It would be my intention to take up several amendments at this point. It will not take long. Does the Senator have an amendment?

Mr. RIEGLE. Mr. President, I do have an amendment that I want to offer at the appropriate point that relates to the gulf war syndrome problem and some work that we have done that sheds new light on that. It is an amendment to provide medical research money. But I think the thrust of the analysis, the investigation we have done is significant enough and important enough that at an appropriate time today, I want to lay it out. It will take me about 15 minutes.

I think it is something every Member will be interested in knowing. So I would like to do that at a convenient time, both for the manager of the bill and for myself. We have other activities going on today.

Mr. NUNN. I thank the Senator from Michigan. That is a subject of considerable interest to members of our committee. I look forward to hearing from you on that subject. Has that amendment been submitted to us to determine if we can accept it?

Mr. RIEGLE. Yes, it has. We have made some adjustments to it, but you have that. My hope is it will have the support of the committee. One relevant part relates to earlier work that was done with respect to one weapons explosion condition that affected a number of troops from Alabama. Senator SHELBY, for example, a member of your committee, has been very much concerned about that particular element. But that fits into a larger story here.

In any event, I know the committee has had a chance to look at it. I want to make sure the committee is fully aware of it, and I hope to have the committee support at the appropriate time.

Mr. NUNN. I also will be alerted to any kind of window we may have here where the Senator will have a schedule convenience so he can come over.

Mr. RIEGLE. Before, if I may just for one additional minute indicate——

Mr. NUNN. I yield to the Senator from Michigan.

Mr. RIEGLE. I thank the Senator. What I would like to do at an appropriate point—and I think this will be of keen interest generally—is I would like to be able to take about 15 minutes, lay this analysis out. It will be, as I say, the foundation for the amendment, and I think it is a very important matter. I would like to do it as soon as possible because there is very strong interest in it. I think the sooner we can lay it out for everybody's information the better.

Mr. NUNN. I thank the Senator from Michigan. If we have any kind of lag in this proposed schedule we are talking about right now, I will be glad to get in touch with the Senator. Of course, he has the right to get the floor at any time in any event, but we will certainly try to accommodate him as best we can.

Mr. RIEGLE. This would not be a good time?

Mr. NUNN. We are supposed to start at 9:30 on the amendment of the Senator from California. That schedule has been laid down and has not been changed. It would be my preference we really have to get started on that one if at all possible.

Mr. RIEGLE. I wonder, would it be appropriate, as long as we are here and set to go, if I begin this. I may well be able to get through most of it before she arrives.

Mr. NUNN. Why not go ahead and do that, and I will defer these amendments.

Mr. RIEGLE. I appreciate that.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. Mr. President, over the last several months, I have heard from Michigan veterans of the gulf war about various unexplained illnesses that many of them are suffering.

For example, I was contacted by Brian Martin of Niles, MI, a gulf war veteran of the 37th Combat Airborne Engineer Battalion, 20th Airborne Brigade, 18th Airborne Corps, who arrived in Saudi Arabia on October 8, 1990. According to Martin, in late January 1991, while assigned to an area between Raffa and Naryian, about 6 miles south of the Iraqi border, he recorded in his journal and on videotape that chemical false alarms were going off almost every day. At first, the alarms were explained as being caused by vapors coming off the sand. Later, since the alarms kept going off, the troops no longer believed that they were being caused by the vapors. Martin said they were then advised that the alarms were sounding because of minute quantities of nerve agent in the air, released by the coalition bombing of Iraqi chemical weapons facilities. The troops were assured that there was no danger.

Martin also claims to have witnessed a Patriot intercept of an incoming Scud missile between Kafji and Wahdi Albatin during the air war period. Martin was given the antichemical warfare medication pyridostigmine, and suffered some adverse side effects. According to Martin, the drug made him jittery and made his vision jiggle. Since returning from the Saudi Arabia, Martin has experienced memory loss, swollen and burning feet, joint disorders, muscle weakness, heart palpitations, shortness of breath, rashes, fatigue, headaches, insomnia, bleeding from the rectum, chronic coughing, running nose, burning eyes, and uncontrollable shaking on his right side extremities.

After I heard his story, I asked my staff to look into this, and, with great care, to try to track this down. I now believe that there is a significant body of evidence to suggest that United States and coalition forces may have been exposed to chemical warfare agents and other hazardous substances during direct enemy attacks and as a result of downwind exposures during the bombing of Iraqi chemical, biological, and nuclear facilities.

So today, I am releasing in full a report detailing the coincidence of symptoms which suggest that these exposures may be causing many of the illnesses that have become known as gulf war syndrome. I now believe there is sufficient evidence to warrant a full investigation by the Department of Defense, and I will be offering an amendment, as I have just said, later in the day, calling for such an investigation as part of this bill.

In advance of the gulf war, there was a great deal of speculation about whether Iraqi Forces might resort to using chemical warfare agent loaded missiles in their attacks on United States Forces. We know, for example, that Saddam Hussein was capable of using these types of weapons.

Two United States-based human rights organizations have confirmed that they found residues of chemical weapons used by the Iraqi Government against Kurdish villagers in northern Iraq in 1988 and at least four people were killed in that attack. Physicians for Human Rights, and Human Rights Watch, using advanced analytical techniques, determined the presence of mustard gas and a nerve gas called Sarin in a Kurdish village. Five U.N. reports confirmed the use of chemical warfare agents in the Iran-Iraq war.

Nerve agents, of course, disrupt the metabolic process and inhibit the proper functioning of the nervous system. Exposure to chemical agents may cause drooling, sweating, cramping, confusion, irregular heartbeat, convulsions, loss of consciousness, coma and, obviously, people can die from these effects either immediately or over a longer period of time.

Little is known about the consequences of nonlethal exposure to these toxins. Thousands of American service men and women who served in the gulf war are reporting memory loss, muscle and joint pain, intestinal and heart problems, teeth problems, rashes, sores, and runny noses. Physicians have been unable to diagnose the cause of these disorders.

Weapons inspectors from the United Nations confirmed that Iraq manufactured mustard gas, as well as Sarin, and Tabun, nerve agents, in a major chemical weapons facility. One facility is described as the third-largest chemical weapons plant in the world. During the allied bombing in the early days of the gulf war these facilities were a priority target. They were repeatedly attacked and production sites were believed to be destroyed. Much of Iraq's chemical arsenal was destroyed, but many chemical weapons were removed to other locations before the gulf war started. Thousands of chemical artillery shells, bombs, missiles and other chemical weapons of mass destruction and hundreds of tons of mustard gas and nerve gasses survived the coalition bombings.

U.N. inspectors are now attempting to destroy Iraq's remaining chemical weapons arsenal. For example, 28 warheads for Scud missiles loaded with 5 gallons of the deadly nerve agent Sarin were drained and destroyed by the U.N. inspectors.

In testimony earlier this year before the Senate Committee on Armed Services, several gulf war veterans told what they believe are chemical weapons attacks. During the early morning hours on January 17, 1991, in an area of eastern Saudi Arabia south of Kuwait, there was a large explosion followed by the sounding of chemical alarms. Soldiers ran to the bunker and their faces began to burn. One member of the unit collapsed. About 10 minutes later, the unit's first sergeant came by and told everybody to go to the highest level of alert. The unit, an Army National Guard ordnance company, remained on chemical alert for 24 hours.

Two or three days later, several soldiers began feeling ill and had blood in their urine and rectums. The soldiers were later ordered by their commanders not to discuss the incident. Of the unit's 110 soldiers approximately 85 suffer from medical problemstoday, one has died, and another is totally incapacitated.

S. Sgt. Willie Hicks, a former teacher and Vietnam veteran, now carries a notebook with him everywhere because he has a severe problem with memory loss. He has quit his job because he keeps passing out and getting lost. He and other members of the unit believe they were exposed to chemical warfare agents.

That day—the day of this event out in the war zone—the Associated Press reported that Iraqi ground forces in southeastern Kuwait fired FROG missiles across the border into Saudi Arabia. Some of the missile batteries were destroyed shortly afterward by United States helicopter gunships. That same day the official Government newspaper in Baghdad announced Iraq would unleash a secret weapon "which would astonish our enemies and fascinate our friends" and release "an unusual force."

Three days later on January 20, 1991, during the early morning hours, members of the naval construction battalion in the area south of the Kuwaiti border reported they heard the sound of an explosion overhead. Chemical alarms went off and everybody started running toward their bunkers. They smelled the sharp smell of ammonia. Their eyes burned and their skin was stung. Members of the unit donned full chemical gear for nearly 2 hours until the all-clear was given.

Later, the unit was told what they heard was a sonic boom. Many discounted it was a sonic boom because they had seen a fireball when the explosion occurred. They were ordered not to discuss the incident.

Today, PO Sterling Symms suffers from fatigue, sore joints, runny nose, a chronic severe rash, and open sores which have been diagnosed as an itching problem. Of this unit of 725 Seabees about 100 now suffer from medical problems. That same day, up to five FROG missiles were launched into the area south of the Kuwaiti border in Saudi Arabia. These missiles fell into the desert near U.S. Marine positions and, according to an issued report, several marines were wounded during the attack.

When my staff contacted the Department of the Army and the Department of Defense regarding the possibility that U.S. service men and women may have been exposed to chemical warfare agents, they were repeatedly told, despite recounting the events cited above, that there was no evidence the coalition forces were exposed to chemical warfare agent attacks. Yet several statements made by DOD officials concerning the shooting down of a C-130 in late January 1991, which resulted in the death of 14 airmen and the performance of the JSTARS Program, however, confirmed that chemical munitions, particularly FROG rockets fitted with chemical munitions were deployed to the front by Iraqi forces.

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 9:30 a.m. having arrived, the Senator from California is to be recognized to offer an amendment.

Mr. RIEGLE. If the Senator from California would permit, I think I can finish rather quickly here.

Mrs. BOXER. Without objection.

Mr. RIEGLE. I thank the Senator. I ask unanimous consent to proceed.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. RIEGLE. This, of course, directly contradicts other statements made by the Department claiming that these weapons "never got distributed down to the battlefield" from storage sites north of the Euphrates River. Iraq reportedly followed Soviet chemical weapon and warfare doctrine which, according to the Centers for Disease Control, recommend the use of mixed agents and chemical warfare attacks.

These are these kinds of chemical cocktails that they talk about, that is, several types of these agents are used together. This sort of attack might carry a variety of nerve agents, blister agents, blood agents, and even biotoxins. The stinging and burning and smell of ammonia can be explained by a chemical agent such as lewisite. Other symptoms such as bleeding in the urine and rectum could occur from exposure to a biotoxin. The ability of chemical agents to penetrate a gas mask filter described by other members of this unit could be explained by the use of cyanogen which is another one of these agents.

According to CDC, different individuals would have different sensitivities to the effects of neuro and biotoxins administered in nonlethal doses, yet despite that fact 77.3 percent of the members of one unit and 13.8 percent of the other unit currently exhibit symptoms consistent with what has been called the gulf war syndrome, despite the fact that the Centers for Disease Control has advised that the military should be aware that Iraqi military doctrine advocates using these mixed agents or cocktails containing a variety of nerve-blister-blood agents as well as biotoxins.

So we have here this pattern beginning to fit together. Despite the fact that the stinging and the burning and the smell of ammonia described by the members of these units that I have cited are the very sensations that are consistent with the use of these kinds of chemical agents; yet we are told there is no evidence that chemical warfare agents were used.

According to the CDC, in order to develop proper diagnosis and to establish whether these illnesses are the result of the chemical warfare agent attacks, specific advanced neurological studies using computer enhanced EEG analysis and viral and other toxin searches using electron microscopes would need to be performed.

We know how to do this, but it is complicated and it takes some money, and we are not going to have the answer until that work is done. We certainly know we have a lot of walking wounded out there that come out of the field with the very symptoms we are describing.

U.S. military medical officials concede that they are notcurrently performing these tests because it is the position of the Defense Department that U.S. service men and women were not exposed to these agents.

In July, Senator SHELBY requested a Defense Department inspector general's investigation. As of last week, the Department of Defense informed my staff that this investigation has not yet even been started. I believe there is significant evidence that a chemical warfare agent attack could have occurred and that investigations into these events should be set in motion without any further delay.

A second group of veterans is exhibiting similar symptoms which could also be the result of exposure to chemical warfare agents and other hazardous substances. Gulf war veterans have reported that in January 1991, along the Iraqi-Saudi and Iraqi-Kuwaiti border, chemical alarms were going off almost every day. As Mr. Martin indicated, the alarms were first explained as being caused by vapors coming off the sand. Later, when the alarms kept going off, they were told that the alarms were sounding because of minute quantities of nerve agent in the area of coalition bombing of Iraqi chemical weapons facilities. They were assured there was no danger.

In late July 1993, the Czechoslovakia Minister of Defense confirmed that a Czechoslovak Federal Republic military decontamination unit that was stationed near the Saudi-Iraqi border detected chemical nerve agent Sarin in the air during the early stages of the gulf war. In this unit, 10 of the 185 individuals are believed now to be suffering from gulf war illnesses.

Weather reports during this period confirm that southeasterly winds could have carried these agents across the Saudi and Kuwaiti borders. The chemical warfare agent production plants, nuclear facilities, and other facilities bombed by the coalition forces during this period were located in Iraq northwest of coalition troops.

Yet despite the reports of our service men and women that chemical alarms sounded and troops were actually put on chemical alert, despite the unofficial confirmation of U.S. military personnel and the Czechoslovakian Government disclosure that the chemical alarms were sounding as a result of the nerve agent detection and despite the weather condition, the volume of agents released and the fact that chemical nerve agents are known to have cumulative effects, still the Defense Department claims there is no evidence that the U.S. troops were exposed to chemical warfare agents.

Finally, a third group of individuals may also beexhibiting symptoms as a result of side effects of taking medications designed to prevent the effects of chemical warfare agents. Nerve agent pretreatment drugs administered to U.S. service men and women also disrupt metabolic and nervous system processes in a way that interferes with the action of the nerve agent. Several veterans suffering from gulf war illnesses, including some who are medical officials, testifying before the House Veterans Affairs Committee earlier this year, claim that their illnesses are related to adverse side effects of these drugs they were given before they were even sent into the situation.

Little is known about the long-term consequences of exposure to low levels of nerve gas and even less about complications which might come from using combined agent weapons, but we need to understand how this can interfere with the neuro transmission process because that seems to be what is going on in many cases.

We do know that nonlethal exposure to pesticides, which would be somewhat relevant here, have manifested themselves in memory loss. Nearly every bodily process requires a properly functioning nervous system to operate. And there are sound neurological and biological diagnoses which could explain these symptoms and trace them back to these kinds of exposures.

But the research into the exposure of U.S. forces to chemical and biological warfare agents is not being conducted because, as I say, the Department has decided that there is no evidence that they were exposed to chemical warfare agents.

I say again I believe that, based on the examination of the facts cited above—and there is a longer report that buttresses this—there is sufficient evidence that members of the U.S. Armed Forces may have been exposed to mixed chemical warfare agents and possible biological toxins that an investigation is warranted, and it needs to get underway now before another day passes. There is just really no excuse for any further delay. The investigation should go into the issue of exposure of our service men and women to these hazards. I think we need the latest advanced medical research applied to this problem, and we need to track this down now.

There have been other possible causes for gulf war disorders that have been suggested, such as exposure to pesticides, petrochemicals, burning landfills, oil well fires, depleted uranium from antitank emissions, and things of that kind.

Some of these possibilities have been discounted. Others may explain some of the illnesses. And all of this ought to be thoroughly researched.

So with the courtesy of the chairman—which I greatly appreciate—I will later be offering an amendment which will require the Department of Defense, in cooperation with the Department of Veterans Affairs, to conduct this research into the effects of exposure of the gulf war veterans to chemical warfare agents, biological warfare agents, biotoxins, and other chemical biological and radiological hazards.

We are going to ask for $5.7 million to conduct this research. I will break it out at a later time in terms of how it would be spent. The amendment requires the Department of Defense to provide a full accounting to the Congress on the nature of these exposures. And I believe in light of the evidence that we have put together and I am presenting today that these steps are fully justified.

Finally, I would like to acknowledge that the analysis was done by a member of my staff, Mr. James Tuite, who served as a special agent in the forensic service of the Secret Service, who is a specialist in counterterrorism and who was a medical specialist in the United States Army during the Vietnam war. He has done this with very great care.

So this work is important work that needs to be studied by every Senator.

I thank the Senator from Georgia for his courtesy, and also the Senator from California for bearing with this time.

Mr. President, I ask unanimous consent that the staff report to which I have referred be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GULF WAR SYNDROME: THE CASE FOR MULTIPLE ORIGIN MIXED CHEMICAL/BIOTOXIN WARFARE RELATED DISORDERS

(Staff Report to U.S. Senator Donald W. Riegle, Jr.)

INTRODUCTION

Over 4,000 U.S. veterans of the Gulf War suffering from a myriad of illnesses collectively labelled "Gulf War Syndrome" are reporting symptoms of muscle and joint pain, memory loss, intestinal and heart problems, fatigue, running noses, urinary urgency, diarrhea, twitching, rashes, and sores.[1]

Over the last several months, a number of disclosures have been made which sparked this preliminary investigation. On June 30, 1993, several veterans testified at a hearing of the Senate Committee on Armed Services. They related details of events which they believed to be chemical warfare agent attacks. After these events, many veterans exhibited symptoms consistent with exposure to a mixed agent attack. On July 29, 1993, the Czech Minister of Defense announced that a Czechoslovak chemical decontamination unit had detected traces of a chemical warfare agent, Sarin, in areas of northern Saudi Arabia during the early phases of the Gulf War. They attributed the traces to fallout from coalition bombing of Iraqi chemical warfare agent production facilities.

In subsequent statements regarding these disclosures, Department of Defense spokespersons have continued to maintain that it is the position of the Department that there is no evidence that U.S. forces were exposed to chemical warfare agents. After the June 30, 1993 hearing, a Department of Defense Inspector General investigation was requested by Senator Richard Shelby. As of September 2, 1993, the Office of Congressional Liaison for the Director of the Joint Chiefs advised that this inquiry had not yet been initiated.

This investigation was initiated in early August 1993, at the request of Senator Donald W. Riegle. The results of this investigation, while not conclusive, do indicate that there is a large body of evidence linking Gulf War Syndrome symptoms to the possible exposure of Gulf War participants to chemical warfare agents and biological toxins. The evidence supporting this conclusion will be presented in this report as follows:

This report will discuss the relationship between the high rate of Gulf War Illnesses among both Group I individuals, those possibly exposed to a direct mixed agent attack (as high as 77% affected in one unit), and the much lower rates among those in Group II, individuals exposed to the indirect fallout from coalition bombings of Iraqi chemical, biological, and nuclear targets (5.5% affected in the Czech chemical decontamination unit). Despite the varying rates of illness, however, the symptoms are similar. While other possible causes of the Gulf War Syndrome, such as petrochemical poisoning, depleted uranium exposure, and regionally prevalent diseases, have been discussed, no other explanation proves as compelling.

Again, this report is not conclusive. Additional investigative efforts are needed. The medical information which is provided in Part E is not intended to be diagnostic, but is included to demonstrate that this theory provides cause and effect linkages which could explain these illnesses, and to make the case for additional research. Demographic data on those suffering from Gulf War illnesses must be collected. Further advanced medical testing, currently not being performed on these individuals, is absolutely essential.

All of the information provided in this report is unclassified and open to public scrutiny. The discloser of the assembled information, however, was seriously considered. the prospect that the conclusions are accurate and therefore expose a vulnerability in U.S. defensive capabilities was weighed. After thorough consideration, however, since the Gulf War illnesses are part of the public debate, and since the Iraqi government certainly knows whether or not chemical weapon and biotoxins were used in these attacks and would certainly feel free to discuss them with our potential adversaries, there remain only the adverse effects of non-disclosure. Non-disclosure of these events provides the false illusion that we may be prepared to deal with chemical and biological warfare. More importantly, the result of non-disclosure is a continuing failure to provide adequate medical care to thousands of veterans of the Gulf War who may have been wounded in action on the chemical/biological battlefield.

Part A. Iraqi Chemical and Biological Warfare Program

1. Iraqi Chemical and Biological Warfare Capability[2]

Over the last ten years, Iraq, a signatory to the Geneva Protocols of 1925 prohibiting the use of poisoned gas and to the Biological Warfare Convention of 1972 banning biological weapons, has expanded an enormous amount of research and energy and in developing these and other prohibited weapons.

Iraq was believed to have been manufacturing mustard gas at a production facility in Samarra since the early 1980s. Iraq had also begun an extensive program to produce nerve agent precursor chemicals, taking advantage of its own natural resources. Iraq has phosphate mines located at Akashat and civilian-use phosphate industries located in Akashat, Al Qaim, and Rutbah.[3]

The Iraqi Al Falluja gas warfare complex was believed to produce up to 1,000 tons per month of Sarin, as well as the nerve agent VX.[4] In addition, with the assistance of foreign firms, Iraq developed the capability to experiment with hydrogen cyanide, cyanogen chloride, and lewisite.[5]

By the start of the Gulf War, it was suspected that Iraqi forces had developed chemical delivery capabilities for rifle grenades, 81mm mortars, 152mm, 130mm, and 122mm artillery rounds; bombs; 90mm air-to-ground rockets; 216 kilogram FROG and 555 kilograms SCUD warheads; and possible land mines and cruise missiles.[6]

On July 30, 1991, Rolf Ekeus, director of a post-Gulf War United Nations commission overseeing the elimination of Iraq's chemical and nuclear arsenals, told the Security Council that U.N. inspectors had found chemical warheads armed with nerve gas. Mr. Ekeus claimed that some of the warheads found were already fitted onto SCUD missiles.[7]

In April, 1993, weapons inspectors from the United Nations charged with locating all of Iraq's nuclear, chemical and biological weapons by U.N. Resolution 687, confirmed that in Muthanna, 65 miles northwest of Baghdad, Iraq manufactured a form of mustard gas as well as Sarin and Tabun, both nerve agents. This vast desert complex was the nucleus of Iraq's chemical weapons program. During the allied bombing in the early days of the Gulf War, Muthanna was a priority target. It was repeatedly attacked and production sites was destroyed. As United Nations inspectors have attempted to destroy Iraq's chemical weapons arsenal, they discovered bombs, missiles, and chemical weapons of mass destruction spread out across this vast complex. Of particular concern were the chemical warheads of Al-Hussein modified SCUD missiles, each filled with five gallons of Sarin. Twenty-eight of these warheads have been drained and destroyed by the U.N. inspectors. These weapons were not destroyed during the bombings at Muthanna because they had been removed to other locations before the Gulf War started. Their relocation and transfer back to Muthanna was described by U.N. inspectors as a painstaking process.[8]

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[1] Footnotes appear at end of article.

Chemical warfare agents which either survived the allied bombing or were inventoried and returned to the Muthanna facility for destruction include:[9]

13,000 155-mm artillery shells loaded with mustard gas; 6,200 rockets loaded with nerve agent; 800 nerve agent aerial bombs; 28 SCUD warheads loaded with Sarin; 75 tons of the nerve agent Sarin; 60–70 tons of the nerve agent Tabun; and 250 tons of mustard gas and stocks of thiodiglycol, a precursor chemical for mustard gas.[10]

U.N. inspectors have concluded that the Muthanna plant was capable of producing two tons of Sarin and five tons of mustard gas daily. The plant was also capable of manufacturing VX, a nerve gas and one of the most toxic chemicals ever produced.[11]

UNSCOM also discovered, at various locations, evidence of research into certain biological agents, including botulinus toxin, anthrax, and an organism responsible for gangrene. The evidence discovered by the group suggested that this was primarily an offensive program.[12]

2. Soviet Military Chemical Warfare Doctrine and the Use of Combined Agent Warfare.

There is substantial evidence to suggest that in the use of chemical weapons, as in other military areas, the Iraqi military adhered to Soviet military doctrine. Soviet military doctrine suggests that chemical warfare should be conducted with mixed agents.[13] Mixed agents, often referred to as "cocktails," are intended to enhance the capabilities of nerve agents and defeat the precautions taken by the enemy.[14] Use of mixed agents could account for the wide variety of symptoms displayed by the Gulf War veterans. Mixedagents can be made by combining a variety of biotoxins, nerve agents, vesicants, and blister agents, described in detail below.

According to some sources, Iraq used mixed agent weapons combining cyanogen, mustard gas, and tabun in Kurdistan. Saddam Hussein stated on April 2, 1990, that Iraq had "double combined chemical" weapons since the last year of the Iran-Iraq War.[15]

The following is a listing of a number of agents which the Iraqi government could have combined:

Biotoxins:

Biotoxins are natural poisons, chiefly of cellular structure. A distinction is made between exotoxins, given off by an organism while it is alive, and endotoxins, given off after a cells' death. The former cause the injurious effects of biological weapons, but the latter guarantee those of chemical weapons and do not cause the widespread disease outbreaks associated with biological warfare. Some examples of biotoxins include botulinus toxin and staphylococcic enterotoxin.[16] Iraq was also known to be experimenting with the use of anthrax and an organism responsible for gangrene.[17]

Chemical Nerve Agents:

Nerve agents kill by disrupting the metabolic processes, causing a buildup of a chemical messenger (acetylcholine) by inhibiting the production of acetylcholinesterase, a key regulator of neurotransmission. Lethal exposure to chemical nerve agents is generally characterized by drooling, sweating, cramping, vomiting, confusion, irregular heart beat, convulsions, loss of consciousness and coma.[18] Little is known, however, about the long term effects of non-lethal exposure.

Sarin—A colorless and practically odorless liquid, Sarin dissolves well in water and organic solvents. The basic military use of Sarin is that of a gas and a persistent aerosol. A highly toxic agent with a clearly defined myopic effect, symptoms of intoxication appear quickly without any period of latent effect. Sarin has a cumulative effect, independent of its method of entry into the body. The progressive signs of initial Sarin intoxication include myosis (contraction of the pupil), photophobia, difficulty breathing and chest pain.[19]

Soman—A neuro-paralytic toxic agent, it is a transparent, colorless, involitile liquid smelling of camphor. Soluble in water to a limited degree, Soman is absorbed into porous and painted surfaces. Soman is similar to Sarin in its injurious effects, but more toxic. When it acts on the skin in either droplet or vapor form, it causes a general poisoning of the organism.[20]

Tabun—A neuro-paralytic toxic agent, it is a transparent, colorless, liquid. The industrial product is a brown liquid with a weak sweetish smell; in small concentrations, it smells of fruit, but in large concentrations, it smells of fish. Tabun dissolves poorly in water but well in organic solvents; it is easily absorbed into rubber products and painted surfaces. Injury occurs upon skin contact with Tabun vapor and droplets. The symptoms of injury appear almost immediately. Marked myosis occurs.[21]

VX—This colorless, orderless, liquid has a low volatility, is poorly soluble in water, but dissolves well in organic solvents. The danger of pulmonary VX intoxication is determined by meteorological conditions and the delivery method used. VX is thought to be very effective against respiratory organs when in the form of a thinly dispersed aerosol. The symptoms of VX intoxication are analogous to those of other nerve agents, but their development is markedly slower. As with other nerve agents, VX has a cumulative effect.[22]

Vesicants and Blood Agents:

Lewisite—A vesicant toxic agent, industrial lewisite is a dark-brown liquid with a strong smell. Lewisite is a contact poison with practically no period of latent effect. Lewisite vapors cause irritation to the eyes and upper respiratory tract.[23]

According to the Center for Disease Control, lewisite would cause stinging and burning. Its smell, generally characterized as the strong smell of geraniums, could be confused with the smell of ammonia (the reaction to which is regulated by pain fibers rather than smell).[24]

Cyanogen Chloride—The French first suggested the use of cyanogen chloride as a toxic agent. U.S. analysts have reported that is a capable of penetrating gas mask filters. Partially soluble in water, it dissolves well in organic solvents. It is absorbed easily into porous materials; its military state is a gas. Cyanogen chloride is a quick acting toxic agent. Upon contact withthe eyes or respiratory organs, it injures immediately. Lethal exposures result in loss of consciousness, convulsions and paralysis.[25]

Hydrogen Cyanide—A colorless liquid smelling of bitter almonds, hydrogen cyanide is a very strong, quick acting poison. Hydrogen cyanide affects unprotected humans through the respiratory organs and during the ingestion of contaminated food and water. It inhibits the enzymes which regulate the intra-cell oxidant-restorative process. As a result, the cells of the nervous system, especially those affecting breathing, are injured, which in turn leads to quick death. An important feature of hydrogen cyanide is the absence of a period of latent effect. The military state of hydrogen cyanide is as a gas. The toxic and physiologic properties of hydrogen cyanide permit it to be used effectively in munitions—predominantly in rocket-launched artillery. Death occurs after intoxication due to paralysis of the heart. Non-lethal doses do not cause intoxication.[26]

Blister Agents:

Mustard Gas—A colorless, oily liquid which dissolves poorly in water, but relatively well in organic solvents, petroleum, lubricant products, and other toxic agents. The injurious effect of mustard gas is associated with its ability to inhibit many enzyme systems of the body. This, in turn, prevents the intra-cell exchange of chemicals and leads to necrosis of the tissue. Death is associated mainly with necrosis of the tissue of the central nervous system. Mustard gas has a period of latent effect (the first signs of injury appear after 2–12 hours), but does not act cumulatively. It does not have any known antidotes. In military use, it can come in gas, aerosol, and droplet form. it therefore acts through inhalation, cutaneously, perorally and directly through the blood stream. The toxic and physicochemical properties of mustard gas allow it to be used in all types of munitions.[27]

Part B. Gulf War Syndrome—Group I Disorders

Group I Disorders—believed to be the result of a direct enemy attack.

1. The Reported "Chemical Weapons Attacks" on the 644th Ordinance Company and the Naval Reserve Construction Battalion 24*

Attack 1: January 17, 1991, early morning hours:

Mr. Willie Hicks, then with the 644th Ordinance Company, was serving as the non-commissioned officer in charge of arms and ammunitions shipments. Staff Sergeant Hicks testified before the Senate Committee on Armed Services' Subcommittee for Force Structure and Personnel that, at about 2:30 am on January 17, 1991, he heard a loud explosion, which was followed by a sounding of alarms. As Hicks was running to the bunker, his face began to burn. One member of the unit "just dropped." About ten minutes later, according to Hicks, the unit's first sergeant came by and told members of the unit to go to the highest level of alert. The unit remained at that level for 24 hours.

Two or three days later, Hicks began feeling ill and noticed blood in his urine. Several other members of the unit began experiencing "problems" with their rectums. Hicks testified that when members of the unit began to question what had happened. He said they were ordered by their superiors not to discuss it. Of the unit's 110 soldiers, 85 now suffer from medical problems. Hicks identified and described one member of his unit who was in good physical shape and suddenly died. Hicks also identified another member of the unit, whom he described as being mentally and physically incapacitated.[28]

Hicks, a former teacher and Vietnam veteran, carries a notebook with him everywhere. He claims to have a severe problem with memory loss. He quit his job because he kept passing out and getting lost on the way to work. His illness has been classified by the Veterans Administration as post traumatic stress disorder.[29]

FROG Missile Attack—January 17, 1992:

Iraqi ground forces in southeastern Kuwait fired FROG (free rocket over ground) missiles across the border into Saudi Arabia into the general area where the 644th Ordinance Company was assigned. Some of these missile batteries were destroyed shortly afterward by U.S. helicopter gunships.[30]

While the Army was able to provide details about SCUD launchings on January 20, 1992 to the hundredth of a second, they were not able to provide any details about the location of the 644th Ordinance Company or the time and location of the FROG attacks.

Iraqui Official Announcement—January 17, 1991:

On the same day, the official government newspaper in Baghdad announced that Iraq would unleash a secret weapon, "which will astonish our enemies and fascinate our friends," and release "an unusual force." U.S. experts speculated the reference was to some sort of radiation device.[31]

Attack 2: January 20, 1991, early morning hours:

Petty Officer Sterling Symms, then assigned to the Naval Reserve Construction Battalion 24, in an area south of the Kuwaiti border, testified that between 2:00 am and 3:00 am on January 20, 1991, there was a "real bad explosion" overhead. The alarms went off and everybody started running towards their bunkers. Petty Officer Symms said there was a sharp odor of ammonia in the air. His eyes burned and his skin stung. His unit donned full chemical gear for nearly two hours until the "all clear" was given.[32]

Later, according to Symms, members of the unit were advised that what they heard was a sonic boom. Petty Officer Symms said that he did not believe that it was a sonic boom because there was also a "fireball" associated with the explosion. Symms testified that they were ordered not to discuss the incident. Petty Officer Symms said he has since experienced fatigue, sore joints, running nose, a chronic severe rash, and open sores which have been diagnosed as an "itching problem." He has also been treated for streptococcus infections. In his testimony, Symms stated that 4 or 5 other members of his unit and two of their wives have been treated for similar infections.[33]

Larry Perry of North Carolina, a naval construction worker stationed near the port city of al-Jubayl in Saudi Arabia, says the explosion on January 20, 1991 sent his unit running for the bomb shelter. When they emerged in their gas masks, they were enveloped by a mist.[34]

Roy Butler, another member of the unit, said: "All of my exposed skin was like it was on fire. It was burning like crazy. I couldn't breathe. I had to take my mask off and clear my nose. I immediately thought we got gassed."[35]

FROG Missile Attack—January 20, 1991:

On January 20, 1991, the media reported extensively on the Iraqi Scud missiles streaking towards key allied military sites. The Iraqi missiles were reportedly destroyed in flight by Patriot rockets as they approached Dhahran, Saudi Arabia, from the north.[36]

In addition, however, up to five FROG missiles were launched into the area south of the Kuwaiti border in Saudi Arabia. These missiles fell into the desert near U.S. Marine positions, and, according to initial reports, "did no damage." Later reports confirmed that at least one Marine was wounded during the attack.[37]

One FROG missile landed across the street from a Saudi naval base. A U.S. newspaper journalist subsequently interviewed a Marine holding a silver-colored piece of shrapnel near the facility. The marine claimed that there had been as many as five "gas attack" alerts in a single day.[38]

Iraqi Official Announcement—January 20, 1991:

In a radio address to the Iraqi people, Saddam Hussein declared that his nation would be fighting back with "all the means and potential God has given us." There was no confirmation that the volley of SCUDS carried chemical weapons, but Saddam had reportedly vowed to use them against his enemies.[39]

The map on the following page indicates the areas in northeastern Saudi Arabia which would have been vulnerable to attacks by FROG-7 rockets.

[Map not reproducible in RECORD.]

2. The Relationship Between These Attacks and Gulf War Syndrome (Group I Disorders)

As mentioned above, the Center for Disease Control (CDC), Nerve Gas Division, has advised that Soviet Chemical Warfare Doctrine recommends the use of mixed agents in chemical warfare attacks (using several canisters of agents). Iraq, in this and other areas, followed Soviet doctrine. Based on this doctrine, a chemical warfare agent attack might carry a variety of nerve agents, vesicant and blood agents, blister agents, and biotoxins.

The stinging, burning and smell of ammonia (which is regulated by pain fibers rather than smell) could be explained by a chemical agent such as lewisite. Other symptoms, such as blood in the urine and bleeding from the rectum, could be explained by exposure to a biotoxin.[40] The failure of a gas mask to protect a soldier could be explained by the use of cyanogen.

Ammonia was also recommended in the former Soviet Union as a civil defense measure to neutralize mustard gas and nerve gas.[41] The CDC agreed that ammonia would be a readily available non-toxic alkali which could be used to neutralize exposure to nerve gas.[42]

According to the CDC, if these U.S. servicemen and women were exposed to these types of substances, advanced neurological studies using computer-enhanced EEG analysis and biological agent searches would be required in order to perform a proper diagnosis. A physician probably would not detect the disorders visually, and even a biological agent search would require a suspicion of what to test for.[43] Many of these biological agent searches could only be performed using electron microscopy.[44]

Incidence of Gulf War Illnesses in 644th Ordinance Company: Approximately 85 of 110=77.3% affected.

Incidence of Gulf War Illnesses—Naval Reserve Construction Bn. 24: Approximately 100 of 725=13.8% affected.

The following points illustrate why the chemical attack explanation of the events of January 17, 1991 and January 20, 1991 is consistent with the evidence for exposure in Group I:

These units are believed to have been in areas which suffered FROG rocket or other missile or artillery attack.

Sonic booms are not explosions associated with fireballs and it is unlikely that a commander would order troops not to discuss sonic booms.

Chemical alarms sounded and the servicemen were put on chemical alert.

The smell of ammonia, mist, and stinging of the eyes and skin are all consistent with the use of chemical weapons.

The servicemen who testified before the Armed Services Committee related events and subsequent symptoms consistent with what might be expected from a non-lethal mixed agent attack.

The rate of unexplained illness in both of these units is much too high to be the result of random events.

The CIA estimated one month prior to the war that Iraq had chemical munitions for both the SCUD and FROG missiles; Air Force commanders confirmed the deployment of FROG missiles with chemical munitions near the Saudi border.

As recently as September 2, 1993, it was the official position of the Department of Defense that there was no evidence that chemical weapons were used during the war.

3. Iraq's History in the Use of Chemical Warfare Agents

The fears and the precautions taken prior to the Gulf War were not the product of excessive hysteria. Five United Nations reports have confirmed the use of chemical warfare agents in the Iran-Iraq War.[45] In April 1993, two U.S.-based human rights organizations confirmed that they had found residues of chemical weapons used by the Iraqi government of Saddam Hussein against a Kurdish village in northern Iraq in 1988. These groups, Physicians for Human Rights and Human Rights Watch, said they had used advanced analytical techniques to discover the presence of mustard gas andthe nerve gas Sarin. Those chemical weapons reportedly were dropped by aircraft on August 25, 1988 and killed four people in the Kurdish village of Birjinni.[46]

This was the first time that scientists had been able to prove the use of chemical weapons, and especially a nerve gas, through the analysis of environmental residue acquired years after such an attack occurred.[47]

Soil samples were gathered from the 1988 bombing sites and then delivered to a British laboratory. Chemists at Porton Down found traces of mustard gas and Sarin. Testimony from survivors of the Birjinni bombing, who said many victims of the raids died writhing and coughing blood, led to accusations that Iraq had gassed its own citizens as part of a campaign against rebellious Kurds that killed tens of thousands.[48]

Dr. Graham Pearson, director of the British Chemical and Biological Defence Establishment, verified these results and confirmed the samples were taken from bomb craters near the northern Iraqi village of Birjinni in June 1992. The byproducts of the breakdown of these poisons are so specific that they provide a "unique fingerprint" in chemical analysis that points directly to a poison gas attack.[49]

4. Department of Defense Inconsistent Statements About the Chemical Warfare Capabilities of the FROG–7 Rocket

While some analysts had speculated prior to the Gulf War that Iraq did not have a chemical warhead capability, other events and statements which preceded and followed the attacks of January 17 and January 20, 1991 seem to indicate otherwise.

A month before the war began, then CIA Director William Webster estimated that Iraq possessed 1,000 tons of poisonous chemical agents, much of them loaded in shells, rockets and two types of missiles, the FROG and the SCUD B.[50]

On January 20, 1991, a spokesman for the joint allied forces reported that the Iraqi FROG missiles carried only conventional explosives.[51]

Jane's Strategic Weapons Systems lists warhead types for the FROG–7 missiles as high explosive, chemical, and nuclear.[52]

On January 31, 1991, according to Col. George A. Gray III, a U.S. Air Force Special Operations AC–130 was shot down while supporting Marine units engaged in nighttime operations near Khafji, Saudi Arabia. The Marines had located a FROG missile battery capable, according to Col. Gray, of launching an explosive or chemical attack. The AC-130 was shot down and its 14 crewmembers killed in the attempt to destroy the FROG battery.[53]

In March, 1991, Molly Moore reported from Jubayl, Saudi Arabia, that Marine commanders said that they found no indications of chemical weapons stockpiles on the battlefields of Kuwait. According to a Washington Post report that day, U.S. intelligence analysts claimed, as one senior officer put it, that these weapons "never got distributed down to the battlefield" from storage sites north of the Euphrates River.[54]

In June, 1991, in an article which appeared in *Air Force Magazine*, Lt. General Gordon Fornell, of Air Force Systems Command, Electronic Systems Division, noted that during the Gulf War, a Joint Surveillance and Target Attack Radar System (JSTARS) aircraft detected an Iraqi convoy carrying FROG missiles fitted with chemical munitions. The convoy was subsequently targeted and destroyed by F-16s.[55]

Part C. Gulf War Syndrome—Group II Disorders

Group II Disorders—resulting from downwind exposure to coalition bombings.

1. The Coalition Bombing of Iraqi Chemical, Biological, and Nuclear Facilities and the Detection of Chemical Agents by Both Czech and American Forces

U.S. Unofficial Reports

During the early phases of the "air war" there was extensive media reporting of the coalition bombing of Iraqi chemical, biological, and nuclear facilities.

Brian Martin of Niles, Michigan, a Gulf War veteran of the 37th Combat Airborne Engineer Battalion, 20th Airborne Brigade, 18th Airborne Corps, arrived in Saudi Arabia on October 8, 1990. According to Martin, in late January 1991, while assigned to an area between Raffa and Naryian,about six miles south of the Iraqi border, he recorded in his journal and on videotape that chemical "false alarms" were going off almost every day. At first, the alarms were explained as being caused by vapors coming off the sand. Later, since the alarms kept going off, the troops no longer believed that they were being caused by the vapors. Martin said they were then advised that the alarms were sounding because of minute quantities of nerve agent in the air, released by the coalition bombing of Iraqi chemical weapons facilities. The troops were assured that there was no danger.

Martin also claims to have witnessed a Patriot intercept of an incoming SCUD missile between Kafji and Wahdi Albatin during the air war period. Martin was also given the anti-chemical warfare medication pyridostigmine, and suffered some adverse side effects. According to Martin, the drug made him jittery and made his vision "jiggle." Since returning from the Saudi Arabia, Martin has experienced memory loss, swollen and burning feet, joint disorders, muscle weakness, heart palpitations, shortness of breath, rashes, fatigue, headaches, insomnia, bleeding from the rectum, chronic coughing, running nose, burning eyes, and uncontrollable shaking on his right-side extremities.[56]

According to another report, on January 27, 1991, near the Saudi-Kuwaiti border, elements of the 82nd Airborne Division went through a chemical alert drill that was more than an exercise. According to ABC News coverage, their sensors actually registered traces of chemicals in the air, the result, it appeared, of allied bombing of chemical plants in Iraq. A U.S. medical corpsman told reporters, "When the Air Force bombers hit all the gas places there in Iraq, there's a lot of contamination in the air. Some may have filtered down and set these things off. They're very, very sensitive.[57]

Czech Government Reports

In late July, 1993, the Czech Minister of Defense confirmed that a Czechoslovak Federative Republic military chemical decontamination unit assigned to an area near the Saudi-Iraqi border had detected the chemical nerve agent Sarin in the air during the early stages of the Gulf War. In this unit, 10 of 185 individuals are believed to be suffering from Gulf War illnesses.[58]

Weather Reports

Weather reports during this period were censored by the U.S. and Saudi governments. But environmental groups monitoring an oil spill in the Persian Gulf indicate that the winds were blowing from northwest to southeast. The chemical and biological warfare agent production plants bombed by the coalition forces during this period are located in Iraq to the northwest of coalition troop deployments along the Saudi-Iraqi and Saudi-Kuwaiti border.[59]

Known Allied Chemical/Nuclear Targets in Iraq: Ar Rutbah, Al Qaim, Al Falluja, Samarra, Salman Pak, Muthanna, Iraqi deployed chemical munitions along the Kuwaiti-Saudi border.

The yellow "downwind zone" on the map only includes the area between the targeted areas and those areas in which chemical agent alarms were sounding. The exposure area may have been much larger depending on a number of conditions reported below.

[Map not reproducible in RECORD.]

2. U.S. and Soviet Doctrinal Estimates on the Use of Chemical Weapons and the Dispersion of Chemical Agents

The utility of chemical weapons and the possibility of exposing one's own troops to indirect chemical weapons effects is an issue which has been seriously debated by both U.S. and Soviet military planners. Soviet doctrine questions the utility of initiating chemical warfare, since chemical weapons produce secondary effects that could obstruct troop advances. U.S. military doctrine warns that, according to its calculations, the use of a nerve agent against a target area of no more than a dozen hectares (a hectare is about 2.47 acres) can, under certain weather conditions, create a hazard zone downwind of up to 100 kilometers in length. Within this downwind area, friendly military units would have to take protective measures.[60]

According to the official military announcements made in the last half of January 1991, and based on the quantity of chemical agents observed by UN inspectors after the war, the scope of coalition bombing against these facilities involved hundreds, if not thousands, of tons of bulk chemical nerve agents, mustard gas, and tens of thousands of pieces of chemical munitions. This quantity of chemical warfare agent vastly exceeds the amounts than might be expected to be deployed by a military force in a single chemical attack. Additionally, the bombing of the Iraqi nuclear facilities during this period also likely resulted in the dispersion of radioactive substances, though that possibility is not addressed in this report.

The dispersal of the chemical agents and other hazardous substances is controlled by factors such as topography, wind velocity, direction, temperature, precipitation, vertical temperature gradient, and atmospheric humidity. These factors all contribute to the size and type of dispersal pattern which will be observed.[61]

Further, in considering the placement of troops in areas downwind, where non-lethal exposure to chemical warfare agents might be expected, it must be remembered that many chemical nerve agents and other agents have cumulative effects.[62]

3. The Relationship Between The Coalition Bombing and Gulf War Syndrome (Group II Disorders)

The following facts provide significant evidence that coalition forces were exposed to mixed chemical agents as a result of coalition bombings of Iraqi nuclear, chemical, and biological facilities.

Chemical alarms sounded and the servicemen were put on chemical alert.

U.S. military personnel and the Czech government confirmed that the chemical alarms were sounding as the result of nerve agent detection.

The combination of prevailing wind directions, the open terrain, the lack of structural impediments, and other factors listed above, indicate that chemical and possibly nuclear and biological agents from allied bombings became airborne and were blown across coalition forces emplacements along the Saudi-Iraqi and Saudi-Kuwaiti border.

Chemical nerve agents, such as Sarin and others, are known to have a cumulative effect.

Incidence of Gulf War Illnesses in Czechoslovak Chemical Decontamination Unit—Approximately 10 of 185=5.5%.

Part D. Gulf War Syndrome—Group III Disorders

Group III Disorders—resulting from the administration of nerve agent pre-treatment drugs and biological warfare inoculations.

1. Administration of Chemical and Biological Warfare Agent Pre-treatment Drugs and Gulf War Syndrome (Group III Disorders)

Another group of individuals is reporting that the antidotes given to US troops to protect them against Iraqi gas attacks may have permanently damaged some veterans' health.

Maj. Gen. Ronald Blanck, commander of the Walter Reed Army Medical Center, has said that, "Military intelligence reports indicated there was a real possibility that Iraqi forces would employ biological and chemical weapons; in response to that threat, anthrax vaccine and botulinum vaccine were administered." The Army also gave soldiers a course of pyridostigmine bromide pills, normally used for neuro-muscular disorders. A public interest group, that Public Citizen, had filed a suit to stop experimental drugs being used on soldiers without their consent, but immediately before the war the suit was dismissed.[63]

Carol Picou, assigned to a combat support hospital during the Gulf War, recalls that when the ground war began, "we were ordered to take the drug pyridostigmine to protect us against chemical attack. Within one hour of taking the drug, I began to experience serious side-effects such as uncontrollable twitching eyes, runny nose, excessive frothing from the mouth, neck and shoulder pain."[64]

Patricia Axelrod, a research specialist whose study of the drug was cited by the House Veteran Affairs subcommittee, said: "This drug is unproven [referring to pyridostigmine bromide]. The use of this drug in a healthy person can lead to a mixed variety of inhibitory and stimulatory responses in the central nervous system"—similar to the symptoms of some veterans.[65]

Dr. Sidney Wolfe, director of the Public Citizen's health research group, who filed a suit against use of the drug, said it was administered so sloppily that nobody knew who took it. No one in the Food and Drug Administration thought it was a good idea, but they were forced to do it by the Defense Department. Maj. Gen. Blanck said that there was a risk of minor side effects, but that these were worthwhile to be "prepared for exposure to deadly biological and chemical warfare agents."[66]

According to news reports, Ms. Axelrod claims these drugs were given without any real concern for the long-term effect on the soldiers.[67]

As reported above under Group II disorders, Brian Martin also claimed to have had side effects from the drug pyridostigmine. According to Martin, the drug made him jittery and made his vision "jiggle."

Chemically related to pesticides, nerve agents such as Sarin and Tabun kill by interfering with the metabolic processes, and cause a buildup of a chemical messenger in the human metabolic process called acetylcholine, which operates in the gap between the nerve and the muscle cells. A buildup of acetylcholine may cause drooling, excessive sweating, cramping, vomiting, confusion, irregular heart beat, convulsions, loss of consciousness and coma.[68] Little, however, is known about the consequences of non-lethal exposure to these toxins.

Nerve gas pre-treatment drugs such as pyridostigmine bromide, paradoxically, also meddle with these metabolic processes by creating carbamate-inhibited acetylcholinesterase, which interferes with the actions of nerve gas.[69]

Part E. Conclusions

1. Why Wasn't Everyone Affected—The Need for Immediate Advanced Medical Research

The ability of someone to resist an illness, disease, or the adverse effects of a medication varies with each individual. Not everyone who received nerve agent pre-treatment drugs exhibited adverse effects. According to the Center for Disease Control, Nerve Gas Division, not everyone who is exposed to nerve gas will cross a toxic threshold at the same time. Certainly, there is a threshold beyond which such exposure will surely be lethal. This is what has come to be accepted as the effect of nerve gas exposure.

The results of this investigation suggest that there is, in fact, a relationship between dosage and harmful effects. Units who believe they suffered a direct chemical weapons attack report illness rates as high as 77%. The Czech chemical decontamination unit, which suffered only indirect exposure, reports an illness rate of 5.5%. The extent of exposure in the larger population in the Gulf at the time, and the rate of illnesses, is unknown.

Nerve agents like Sarin kill by disrupting the metabolic processes, causing a buildup of a chemical messenger (acetylcholine) by inhibiting the production of acetylcholinesterase, a key regulator of neurotransmission. Nerve agent pre-treatment drugs (NAPP) administered to U.S. service men and women, such as pyridostigmine bromide, also disrupt these metabolic processes by creating a carbamite-inhibited acetylcholinesterase, which preempts the action of the nerve agent. Several veterans suffering from Gulf War illnesses, including some who are medical professionals, testified beforeHouse Veterans Affairs Committee earlier this year that they believe that these illness are related to the permanent adverse side effects from this drug.

Thousands of veterans of the Gulf War are reporting symptoms of memory loss, muscle and joint pain, intestinal and heart problems, fatigue, rashes, sores, and running noses. A number of veterans who have exhibited these symptoms since returning from the Gulf War have subsequently died. Physicians have been unable to diagnose the cause of the disorders.

Little is known about the long-term consequences of exposure to low levels of nerve gas, and even less about complications which might arise from using combined agent weapons. Further, little is known about other difficulties associated with interfering with the neurotransmission process. Non-lethal exposure to pesticides, however, has manifested itself in memory loss. Nearly every bodily process requires a properly functioning nervous system to operate.

Based on the research done on the drug pyridostigmine bromide, one would expect to see differences in the extent of the disorders an individual might suffer from, since pyridostigmine bromide is thought to be a poor penetrator of the central nervous system.[70]

The following is a summary, not offered as diagnostic evidence, suggesting how some of the symptoms noted could be rooted in neurotransmission-related disorders:

Memory-loss: Although neuroscience is a long way from explaining the memory functions of the human brain, considerable strides have been made toward understanding how neurons are modified by experience and how those modifications are maintained for extended periods of time. The ability to remember is regulated, however, by neural processing.[71] On August 25, 1993 a researcher who participated in the investigation of the use of nerve gas by the Iraqi government against the Kurds, suggested that the effects of non-lethal exposures to nerve agents could be similar to those involving non-lethal exposures to pesticides. He said these disorders are generally neuropsychological and include memory loss.[72] This assessment was not however intended as a diagnostic conclusion.

Muscle Pains: Myasthenia Gravis is a disease causing progressive muscle weakness. It has been shown that the disease is an autoimmune reaction to the acetylcholine-gated channels in the neuromuscular junction. Many drugs and toxins, including pesticides and nerve gas, are known to exhibit their effects through specific actions at the neuromuscular junctions, blocking the action of acetylcholinesterase.[73]

Joint Pains: When the force generated by a muscle acts on a load, there is a requisite exchange of energy between the muscle and the load. A failure of the nervous system to send impulses to effector muscles can result in the failure of effector muscles to provide the resistance necessary to protect joints from excessive torque. This failure, and the resultant joint pain, is consistent with the action of any agent or medication which functions by disrupting the communication process operating in the gap between the nerve and the muscle cells.[74]

Gastrointestinal Disorders: As a combined neural operation, the neural signals that control digestive functions, such as in the complex nervous system of the gut, are largely, but not entirely, independent of the central nervous system (CNS). Many of the control functions are conducted by local nerve networks and the endocrine systems. These digestive functions, however, depend on the ability of the CNS and local nerve networks to function properly.[75]

Heart problems, running noses and virtually every other problem lumped under the heading of Gulf War Illnesses can be explained by neuromuscular disorders or exposure to biotoxins. Some of the non-chemical warfare related diseases involving a disruption in the acetylcholine-gated channels in the neuromuscular messenger junctions, such as myasthenia gravis, while treatable, are irreversible. Neurotransmission disorders resulting from disrupted physiological processes, such as those regulating acetylcholines (including toxin acetylcholine and acetylcholinesterase) may be contributing to these disorders. Detection of these types of disorders may only be possible using highly sophisticated, computer-enhanced electroencephalograms (EEG). Further, given the possibility that some of these individuals were exposed to biotoxins and other biological agents, physicians using sophisticated procedures requiring electron microscopy must have some idea of what they are looking for.

12. Conclusions and Recommendations

Thousands of American servicemen and women are reportedly suffering from memory loss, muscle and joint pain, intestinal and heart problems, fatigue, rashes, sores, and running noses as a result of their service in the Gulf War. A number of veterans who have exhibited these symptoms since returning from the Gulf War reportedly have died. Physicians have been unable to diagnose or treat the cause of the disorders.

Despite the Department of Defense's position that no evidence exists for exposure to chemical warfare agents during the Gulf War, this investigation indicates that there is substantial evidence supporting claims that U.S. servicemen and women were exposed to low level chemical warfare agents and possibly biological toxins from a variety of possible sources. This exposure may account for many of the Gulf War Illness symptoms. Little is known about the long-term consequences of exposure to low levels of nerve gas, although most are known to have cumulative toxic effects. Even less is known about complications which might arise from exposure to combined agents and combined agent weapons. Non-lethal exposure to pesticides can result in memory loss, and nerve agents are chemically related to pesticides. Many of the veterans complaining of Gulf War Syndrome illnesses suffer from, among other disorders, memory loss. Many of the identified chemical and biological agents interfere with the body's neurotransmission processes, affecting the regulation of acetylcholine, toxin acetylcholine, and other necessary enzymes required by nearly every bodily process. In order to detect irregularities such as those which might be caused by exposure to nerve gas, computer-enhanced electroencoephalograms are needed; a physician probably would not be able to recognize the abnormalities in during a visual EEG interpretation.

If biotoxins or biological agents were used or released in the Gulf War, detection requires that physicians have some idea of what they are looking for. Further, if mycotoxins or viruses were used or released, they would be difficult to detect without the aid of an electron microscope.

Non-lethal exposure to chemical warfare agents, mixed chemical/biotoxin agents and the administration of nerve agent pre-treatment drugs could explain many of the symptoms of the Gulf War illness, as well as the inability to diagnose the disorders. Other possible causes for Gulf War syndrome have been suggested, such as exposure to pesticides, petrochemicals, burning landfills and oil wells, depleted uranium from anti-tank munitions, or exposure to other environmental hazards. Many of these possibilities already have been investigated and discounted. Additionally, these types of exposures are not specific to the Middle East or to the Gulf War and the evidence for these hazards causing the large number of unexplained illnesses is less than compelling. Each of these possible cause of unexplained illnesses, however, should be systematically researched.

Recommendations

Recommendation 1: Based on the description of the events, which indicate that Iraq may have deliberately employed chemical and toxin agents against U.S. forces, the inconsistencies in the statements by the Department of Defense as to whether chemical weapons were forward-deployed and about the capabilities of Iraqi FROG missiles and other Iraqi forward-deployed chemical weapons, an immediate investigation into the events of January 17, 1991 and January 20, 1991 is warranted.

Recommendation 2: Based on the inconsistencies between the unofficial reports of U.S. military personnel, the reports of the Czech government, and the Department of Defense official position that U.S. servicemen and women were not exposed to chemical and biological agents as a result of the "air war" bombings of Iraqi chemical, biological, and nuclear facilities, and a determination of the extent of the corresponding "downwind zone" of mixed chemical, biological, and radiological contamination, is warranted.

Recommendation 3: Research to determine if the symptoms exhibited by veterans of the Gulf War result from exposure to a combination of chemical and biotoxin warfare agents is warranted. Without this research, appropriate courses of treatment cannot be determined.

Recommendation 4: Research to determine what, if any, adverse side effects may be linked to the administration of nerve agent pre-treatment drugs and biological warfare agent inoculations is also warranted. Without this research, future policy on their use and appropriate courses of treatment cannot be determined.

FOOTNOTES

*The reporting in this section focuses on the coincidence on both January 17, 1991 and January 20, 1991, between the reported chemical attacks and reports of FROG missiles falling in the areas where these units were assigned. It should be noted, however, that even if the reported attacks do not coincide with the FROG launches, the evidence is clear that these individuals are reporting occurrences consistent with two separate chemical weapons attacks. Iraq had other chemical capable munitions which also could have been employed against these units.

[1] This estimate is based on media and veterans group sources. Other estimates by these groups range from 4,000–11,000 individuals

[2] For a more detailed discussion of Iraqi chemical and biological weapons capabilities see: Anthony H. Cordesman, *After the Storm: The Changing Military Balance in the Middle East* (Bounder and San Francisco: Westview Press, 1993), 494–507.

[3] Task Force on Terrorism and Unconventional Warfare, "Chemical Weapons In The Third World," 2; "Iraq's Expanding Chemical Arsenal," House Republican Research Committee, U.S. House of Representatives (May 29, 1990), 9–10; Anthony H. Cordesman, *After the Storm: The Changing Military Balance in the Middle East* (Bounder and San Francisco: Westview Press, 1993), 498.

[4] Anthony H. Cordesman, *After the Storm: The Changing Military Balance in the Middle East* (Boulder and San Francisco: Westview Press, 1993), 498, 546. According to Cordesman, some of these reports may be exaggerated. "There is no question that Falluja had large scale facilities, but some of these facilities seem to produce nothing but the precursor chemicals for sarin, like phosphorous oxychloride and phosphorous trichloride. Falluja have been concentrating on the production of precursors." For additional views, see Task Force on Terrorism and Unconventional Warfare, "Chemical Weapons In The Third World," 2; "Iraq's Expanding Chemical Arsenal," House Republican Research Committee, U.S. House of Representatives (May 29, 1990), 8.

[5] Peter Dunn, "The Chemical War: Journey to Iran," *NBC Defense and Technology International*, pp. 28–37; W. Seth Carus, *The Genie Unleashed: Iraq's Chemical and Biological Weapon Production*, (Washington: Washington Institute Policy Papers, No. 14) 22–23; Foreign Report (March 31, 1988), 12; *Jane's Defence Weekly* (January 9, 1998), 3; *Jane's Defence Weekly* (February 27, 1988), 336; Anthony H. Cordesman, *After the Storm: The Changing Military Balance in the Middle East* (Boulder and San Francisco: Westview Press, 1993) 498, 546.

[6] Michael Eisenstadt, *The Sword of the Arabs: Iraq's Strategic Weapons* (Washington: Washington Institute Policy Papers, No. 21, September 1990), 7; Seth Carus, "Chemical Weapons in the Middle East," *Policy Focus, No. 9*, Washington Institute for Near East Policy (December 1988), 4; "Iraq's Scare Tactic," *Newsweek* (August 2, 1982); *Washington Post* (April 5, 1988), A1; Dick Palowski, *Changes in Threat Air Combat Doctrine and Force Structure, 24th Edition* (Fort Worth: General Dynamics DWIC–91, February 1992), II–325, II–334; *Jane's Soviet Intelligence Review* (June 1989), 256; *Foreign Report* (March 31, 1988), 1; *New York Times* (November 12, 1991; as cited in Anthony H. Cordesman, *After the Storm: The Changing Military Balance in the Middle East* (Boulder and San Francisco: Westview Press, 1993), 499, 547;

[7] Frank J. Piral, "U.N. Team Finds Chemical Arms Four Times Greater Than Iraq Claims," *New York Times* (July 31, 1991), A1.

[8] "New Method Found to Destroy Iraqi Poison Gas Shells," *Xinhua News Service*, Item No. 0320210, Cairo, Egypt (March 20, 1993); Brent Sadler, "U.N. and Iraqi Teams Work to Destroy Chemical Weapons," *Cable News Network* Transcript #133–5 (October 8, 1992).

[9] "New Method Found to Destroy Iraqi Poison Gas Shells," *Xinhua News Agency* (March 10, 1993); "United Nations Destroying Iraqi Nerve Gas Stockpiles," *Associated Press* (September 24, 1992).

[10] Judith Perrera, "Iraq: Chemical Weapons Program Disabled, Say U.N. Inspectors," *Inter Press Service* (September 29, 1992).

[11] "U.N. Winds Up Survey of Biological Sites in Iraq," *Associated Press* (March 18, 1993), PM Cycle.

[12] Ibid.

[13] Interview with Dr. Sanford Leffingwell, Center for Disease Control, Nerve Gas Division, on September 3, 1993. Dr. Leffingwell advised that Soviet Chemical Warfare Doctrine recommends the use of mixed agents in chemical warfare attacks (using several canisters of agents); Anthony H. Cordesman, *After the Storm: The Changing Military Balance in the Middle East* (Boulder and San Francisco: Westview Press, 1993), 499, 547; Jane's Defense Weekly (January 9, 1988); Jane's Defense Weekly (January 28, 1989); Task Force on Terrorism and Unconventional Warfare, "Chemical Weapons In The Third World," 2; "Iraq's Expanding Chemical Arsenal," House Republican Research Committee, U.S. House of Representatives (May 29, 1990), 10.

[14] Ibid.

[15] Ibid.

[16] Joachim Krause and Charles K. Mallory, *Chemical Weapons in Soivet Military Doctrine: Military and Historical Experience, 1915–1991*, (Boulder, Co.: Westview Press, 1992), 162, 209.

[17] "United Nations Destroying Iraqi Nerve Gas Stockpiles," *Associated Press* (September 24, 1992).

[18] William Booth, "Gas Masks, Antidote Cause Three Deaths and Illness in Israel," *Washington Post* (January 19, 1991) A20.

[19] Joachim Krause and Charles K. Mallory, *Chemical Weapons in Soviet Military Doctrine: Military and Historical Experience, 1915–1991*, (Boulder, Co.: Westview Press, 1992), 208.

[20] Ibid, 209.

[21] Ibid.

[22] Ibid, 210.

[23] Ibid, 205.

[24] Interview with Dr. Sanford Leffingwell, Center for Disease Control, Nerve Gas Division, on September 3, 1993.

[25] Joachim Krause and Charles K. Mallory, *Chemical Weapons in Soviet Military Doctrine: Military and Historical Experience, 1915–1991*, (Boulder, Co.: Westview Press, 1992), 208; V.V. Miasnikov, *Defense Against Weapons of Mass-Destruction: A Guide* (Moscow: Voyenizdat, 1984, 82–83.

[26] Joachim Krause and Charles K. Mallory, *Chemical Weapons in Soviet Military Doctrine: Military and Historical Experience, 1915–1991*, (Boulder, Co.: Westview Press, 1992), 205; V.V. Miasnikov, *Defense Against Weapons of Mass-Destruction: A Guide* (Moscow: Voyenizdat, 1984, 82; Vladimir K. Pikalov, "Toxic Agents," *The Soviet Military Encyclopedia, Volume 6* (Moscow: Voyenizdat, 1978).

[27] Joachim Krause and Charles K. Mallory, *Chemical Weapons in Soviet Military Doctrine: Military and Historical Experience, 1915–1991*, (Boulder, Co.: Westview Press, 1992); Vladimir K. Pikalov, "Toxic Agents," *The Soviet Military Encyclopedia, Volume 6* (Moscow: Voyenizdat, 1978).

[28] Testimony before the Senate Committee on Armed Services, Subcommittee on Force Structure and Personnel (June 30, 1993).

[29] Ibid.

[30] Ruth Sinai, "Pre-Attack Predictions Were Right and Wrong," *Associated Press* (January 17, 1991).

[31] Ibid.

[32] Testimony before the Senate Committee on Armed Services, Subcommittee on Force Structure and Personnel (June 30, 1993).

[33] Ibid.

[34] Patrick Cockburn, "Gulf War Guinea Pigs Tell Senate of Mystery Illness; Experts Point to Experimental Drugs Given to Troops in Case of Gas Attack," *The Independent* (July 2, 1993), 13.

[35] Ibid.

[36] Diane Sawyer, "World News Sunday," *ABC News* (January 20, 1991); "Alert Sounded in Saudi Arabia," *Associated Press* (January 20, 1991), PM Cycle, Richard Pyle, "Patriots Said to Destroy Two Volleys of Iraqi Missiles Over Saudi Arabia," *Associated Press* (January 20, 1991).

[37] "Iraq Fires SCUDS at Saudi Capital—CNN," *Reuters* (January 20, 1991), BC Cycle; Department of the Army, August 31, September 3, 1993; *Boston Globe* (January 20, 1991); Testimony before the Senate Committee on Armed Services, Subcommittee on Force Structure and Personnel, June 30, 1993.

[38] Tarek Hamada, "Allied Men, Supplies Converging on Border," *Detroit Free Press* (January 21, 1991).

[39] Richard Pyle, "Patriot Said to Destroy Two Volleys of Iraqi Missiles Over Saudi Arabia," *Associated Press* (January 20, 1991).

[40] Interview with Dr. Sanford Leffingwell, Center for Disease Control, Nerve Gas Division, on September 3, 1993.

[41] Jane M. Orient, MD, "Chemical and Biological Warfare: Should Defenses be Researched and Deployed," *Journal of the American Medical Association* (August 4, 1989), 644–648.

[42] Ibid.

[43] Interview with Dr. Sanford Leffingwell, Center for Disease Control, Nerve Gas Division, on September 3, 1993.

[44] P.T. Yergorov, I.A. Shlyakhov, and N.I. Alabin, *Civil Defense: A Soviet View*, translated by the Oak Ridge National Laboratory, revised by the U.S. Air Force (Moscow: Vysshaya Shkola, 1970), 65.

[45] Steven R. Bowman, *Congressional Research Service Issue Brief: Chemical Weapons Proliferation: Issues for Congress, IB90084* (Washington, D.C.: Congressional Research Service, Foreign Affairs and Defense Division, Updated August 17, 1993) 2.

[46] "Washington Dateline: Group Offers Evidence Iraq Used Poison Gas Against Own People," *Associated Press* (April 29, 1993), PM Cycle; Deborah Zabarenko, "Scientists: Lab Shows Iraq Used Poison Gas on Kurds," *Reuters* (April 29, 1993), BC Cycle.

[47] Ibid.

[48] Ibid.

[49] Christopher Walker, "Overseas News: Saddam Glories in Birthday Homage," *The Times* (April 30, 1993).

[50] Rick Atkinson, "No Chemical Arms Found on Battlefield: U.S. Says Iraqi Logistics Failed," *Washington Post* (March 7, 1991), A1.

[51] David Mason, "Coalition Air Forces Dominate Skies," *Press Association* (January 20, 1991); Sam Donaldson, "This Week with David Brinkley," *ABC News* (January 20, 1991).

[52] Duncan Lennox, *Janes Strategic Weapons Systems*, (Surrey, U.K.: Janes Information Group, 1990).

[53] Bill Kaczor, "Commander: Gunship Downed Protecting Marines," *Associated Press* (March 15, 1991); "Airmen Died in Heroic Mission," *Chicago Tribune* (March 17, 1991), News 5; Judi Hasson, "Pensacola Native Buried in Arlington Ceremony," *Gannett News Services* (April 18, 1991).

[54] Rick Atkinson, "No Chemical Arms Found on Battlefield: U.S. Says Iraqi Logistics Failed," *Washington Post* (March 7, 1991), A1.

[55] Peter Grier, "Joint STARS Does Its Stuff," *Air Force Magazine* (June 1991), 38.

[56] Telephone interview of Brian Martin by the author on August 31, 1993.

[57] Sam Donaldson, "This Week With David Brinkley," *ABC News* (January 27, 1991).

[58] Dave Parks, "Czechs: Nerve Gas Detected During Gulf War," *The Times Picayune* (July 30, 1993), A6; Stanislav Mundil, *Czech News Agency and Mlada Fronta Dnes* (July 29, 1993).

[59] Ronald A. Taylor, "Air Masses Battle Over Desert Also," *Washington Times* (January 24, 1991); "Skies Could Clear in Gulf by Sunday," *Reuters* (January 25, 1991).

[60] United States, Department of the Army, Field Manual 100-5, *Operations* (Washington, D.C.: Army, August 1982), 7–13; Joachim Krause and Charles K. Mallory, *Chemical Weapons in Soviet Military Doctrine: Military and Historical Experience, 1915–1991*, (Boulder, Co.: Westview Press, 1992), 142–143.

[61] Ibid.

[62] Joachim Krause and Charles K. Mallory, *Chemical Weapons in Soviet Military Doctrine: Military and Historical Experience, 1915–1991*, (Boulder, Co.: Westview Press, 1992), 205; V.V. Miasnikov, *Defense Against Weapons of Mass-Destruction: A Guide* (Moscow: Voyenizdat, 1984), 78.

[63] Patrick Cockburn, "Gulf War Guniea Pigs Tell Senate of Mystery Illness; Experts Point to Experimental Drugs Given to Troops in Case of Gas Attack," *The Independent* (July 2, 1993), 13; Brian Christie, "Viewers Question Experts About Vets with Gulf War Illness," *Cable News Network* Transcript #267-2 (June 10, 1993).

[64] Ibid.

[65] Ibid.

[66] Ibid.

[67] Ibid.

[68] William Booth, "Gas Masks, Antidote Cause Three Deaths and Illness in Israel," *Washington Post* (January 19, 1991) A20.

[69] Col. Michael A. Dunn, MC, USA, and Frederick R. Sidell, "Progress in Medical Defense Against Nerve Agents," *Journal of the American Medical Association* (August 4, 1989), 649–652.

[70] Ibid.

[71] Lloyd D. Partridge and L. Donald Partridge, *The Nervous System: Its Function and Interaction with the World* (Cambridge, Massachusetts: MIT Press, 1993).

[72] Interview with a researcher from Physicians for Human Rights on August 25, 1993.

[73] Lloyd D. Partridge and L. Donald Partridge, *The Nervous System: Its Function and Interaction with the World* (Cambridge, Massachusetts: MIT Press, 1993).

[74] Ibid.

[75] Ibid.

Mr. NUNN. Mr. President, I thank the Senator from Michigan and I commend him for his interest in this very important problem.

We have been studying this for about 2 years. The Army has looked at it at the urging of our committee. The other military departments are also taking a close look. The Veterans' Administration is. But we do need a coordinated effort.

In our bill that is before us now, we direct the Department of Defense and the Veterans' Affairs Committee to work together on this research.

I think the Senator's amendment, after a hasty reading, would further strengthen and would move us very vigorously in that direction. I would hope we could support the amendment.

There are a couple of things we need to iron out in the wording. We need to make sure we understand exactly the funding sequence and how that would be handled. And there is some language that I know was not the intent of the Senator from Michigan. But we want to make sure it is clarified so that there will be no ambiguity about using any kind of human beings to experiment in this respect. We want to make sure we do not give any kind of indication in regard to that.

So those clarifications can be worked on by our staff, with the staff of the Senator from Michigan during the day. It would be my hope that we could, on both sides of the aisle, work this out. I know Senator COATS indicated to me, the Senator from Indiana, that he would hope also we could work this out.

So we appreciate the Senator's interest. It is a very important problem for a number of people, and has been a matter of a considerable amount of concern. And frankly, there are no easy, quick answers to it. But it ought to be diligently pursued. We owe the men and women who served there our every effort to make sure that we protect any health problems that come out of this conflict.

So I thank the Senator from Michigan.

Mr. RIEGLE. Mr. President, let me thank the Senator from Georgia, the chairman, for his courtesy and his response. My staff and I will be working with him in the course of the day to iron out these questions. It would be very helpful if the committee would support this amendment. I think it is essential that this work start.

I must say, too, that a number of veterans in Michigan contacted me directly on this issue. I think it is important that other veterans around the country that may be experiencing these symptoms also report in to the committee or to me or to their home State Senators so that we can assemble an even more complete body of information. But I have a number of case histories now that fit this pattern that make it clear to me that the logic here works.

So now I think we have to test it with the medical research. We know how to do it. But if there is no serious effort to examine that possibility of cause and effect, if that is a problem, then we are not going to get the answer. I do not think we can afford to wait any longer.

Mr. NUNN. I agree with the Senator.

Mr. President, I believe the regular order would be that the Senator from California be recognized at this point in time. I appreciate the courtesy of the Senator from California in permitting this amendment to be explained. It will help facilitate us later in the day, I hope.

The ACTING PRESIDENT pro tempore. The Senator is correct.

The Senator from California is recognized.

AMENDMENT NO. 783.

Mrs. BOXER. Mr. President, I have an amendment at the desk, and I ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 783.

Strike out section 546 (page 139, line 20, through page 148, line 8) and insert in lieu thereof the following:

SEC. 546. SENSE OF CONGRESS CONCERNING HOMOSEXUALITY IN THE ARMED FORCES.

It is the sense of Congress that the policy of the Government concerning the service of homosexuals in the Armed Forces is a matter that should be determined by the President, as chief executive officer of the Government and commander-in-chief of the Armed Forces, based upon advice provided to the President by the Secretary of Defense and the military advisors to the President and Secretary.

Mrs. BOXER. Mr. President, as you listened to my amendment, you can see that it is very brief and to the point. That is why I allowed it to be read in its entirety.

It strikes out the language in the bill that deals with gays and lesbians serving in the military, and it replaces that language found in section 546 with a simple resolution allowing the President to resolve this matter with the advice of the Secretary of Defense and other military advisers.

Mr. President, I object to the policy contained in the bill for a number of reasons. I am going to cite four.

First, on the question of codification, there is no historic precedent for the codification of the military personnel policy that prevents a whole class of Americans from serving their country in the Armed Forces. There is simply no compelling reason to believe that we should break with history and codify such a policy. Over the past four decades, Congress has declined to impose restrictive personnel policies on the military.

In fact, even when the Tailhook scandal occurred, Congress stepped back and allowed the military to exercise its professional judgment.

In his report on the Tailhook scandal, the inspector general found that 83 women were sexually assaulted during the course of the 3-day Navy convention in Las Vegas. In total, 117 officers were implicated in one or more incidents of indecent assault, indecent exposure, conduct unbecoming an officer, or failure to act in a proper leadership capacity. And these acts were all committed by heterosexuals.

The report is graphic in its description of the alcohol abuse and sexual abuse within the military. Assaults varied, from female victims being grabbed, groped, pinched, and fondled. Some victims were bitten. Others were knocked to the ground, and some had their clothing removed or ripped.

The report rejects the claim that Tailhook was isolated. The abuses were not significantly different from those of earlier Tailhook meetings and were accepted by too many of the Navy's civilian and military leadership.

The report cites an overall failure of Naval leadership. And yet, in light of that scandal, Congress was content to allow the military to deal with this issue. Yes, we exerted leadership, and much of that came from Chairman SAM NUNN. Senator SAM NUNN of Georgia exerted tremendous leadership in making sure the military got to the bottom of the Tailhook scandal.

Much leadership came from Congresswoman PAT SCHROEDER, and from the chairman of the Armed Services Committee at that time, Les Aspin, who is now the Secretary of Defense. They pushed and they prodded, and the military is responding.

But nobody at that time, nobody in this Chamber or on the other side, suggested a law that would kick all of the heterosexual men out of the military. Of course not. We did not even move to codify sexual harassment policy, although arguably such a policy would affect far more people than the policy this bill would codify concerning homosexuals.

So we in the Congress said after Tailhook, of those who behaved badly, who betrayed the honor of the military, we said it was behavior, not orientation. We did not condemn a whole class of heterosexual men because of that terrible behavior. Of course not.

We said that the Tailhook scandal was a matter of bad behavior, terrible behavior, on the part of heterosexual individuals and that the military should act to enforce strict behavioral rules. I bring that up, Mr. President, because I truly believe that the Tailhook scandal taught us a lesson, and the issue here is behavior, not sexual orientation.

My second principal reason for moving to strike the bill's provisions on homosexuality is that the policy in this bill before us is not the policy developed by the Pentagon and supported by General Powell, the Joint Chiefs of Staff, and the President. Most Americans saw the don't ask, don't tell, don't pursue compromise produced by the administration as a step forward on this issue. I feel I must correct the misimpression that the bill codifies this compromise. The don't tell provision is codified, but not the don't ask provision. Nor does the bill codify the Pentagon's call for an end to investigations based on mere rumor.

So what the bill codifies are only the most restrictive portions of the administration's compromise, leaving the cornerstones of the President's policy out. So the don't ask, don't tell, don't pursue compromise that most Americans, in polls, thought was a good step forward and a fair step forward—56 percent of the country thought it was a good step forward—that is not what is being codified in the bill before us.

My third reason for moving to strike section 546 relates to my feelings on the policy itself, whether codified or not. As former Senate Armed Services Committee Chairman Barry Goldwater has stated, banning loyal Americans from the Armed Forces because of their sexual orientation is just plain un-American.

I believe Senator Goldwater is correct. The issue is not whether gays and lesbians should be allowed to serve their country in uniform; they do, and they have done so with honor and distinction throughout the history of the U.S. military.

I remember, Mr. President, seeing a cartoon in one of the newspapers during the time that this issue was first raised, and if I remember it correctly—and I do remember the spirit of it—it was a cartoon of the Vietnam Memorial Wall, on which the names of 50,000 dead Americans are listed. And there was a little bit of a cartoon over a few of the names and it said, "Don't ask me now." I think that makes the point, Mr. President, that gays and lesbians have served in the military with honor and distinction. Indeed, many were awarded medals of distinction and, certainly, many have died for their country.

So we know that gays and lesbians have served in the military with distinction. The question is whether we will codify a policy of deceit that forces honest men and women to lie in order to serve their country. The policy contained in the bill is a policy of outright discrimination, which flies in the face of the very American values that the military is sworn to defend.

As I have already stated, Mr. President, military service should be judged on behavior and performance, not on a person's sexual orientation, whether the person is homosexual or heterosexual; the issue is behavior. No one disputes, even the proponents of this legislation, that gays and lesbians have served their country with honor and distinction.

Over the past few months, I have been struck by the courage of those military personnel who have been willing to comeforward to testify before the Congress, notwithstanding the personal risks involved, in the hope that others would no longer be the victims of an unjust, discriminatory policy.

Once more, I want to be clear on my view. No behavior that is inconsistent with military life should be tolerated, be it heterosexual behavior or homosexual behavior; and I support the strictest rules of conduct that would apply equally to all persons in the military, regardless of their sexual orientation.

What better place is there, Mr. President, to control behavior than in the military? All of military life is discipline. Tailhook serves as a glaring example of what is important in evaluating military service. It is behavior, it is performance, it is not sexual orientation.

This view is supported by the findings of the Rand Corp., a conservative defense industry think tank that the Pentagon commissioned to study this issue.

And that leads me to my fourth and final reason for objecting to codification. The policy contained in the bill was formulated without the benefit of the Rand Corp.'s study. This study cost American taxpayers $1.3 million, and its conclusions are being ignored in the bill that is before us today. I want to make that point to all of the taxpayers of this country: You paid, fellow taxpayers, $1.3 million for a study, an objective study, the Rand study, and its conclusions are being ignored.

At this point, I want to officially thank Chairman SAM NUNN, because when I went to him and I said to him, "Senator NUNN, I hope we will not bring up this military bill until I have had a chance to see this Rand study," he agreed, in all fairness—although he does not agree with me on this particular issue—that I had a right and other Senators had a right to see this report. I want to thank him for making sure we could get it.

The Rand experts visited seven foreign countries and the police and fire departments in six American cities seeking insights and lessons from similar experiences of other organizations and institutions. The Rand team considered the historical record, focusing on the military's integration of African-Americans and on the development of the current policy that prohibits homosexuals from serving. The team also reviewed public opinion, including the views of current active duty military personnel.

(Mr. CAMPBELL assumed the chair.)

Mrs. BOXER. Finally, the experts reviewed the scientific literature on group cohesion, sexuality, and related health issues, as well as the literature on implementing change in large organizations. The Rand report states that only one policy option is consistent with its research.

So I say again to the taxpayers of this great country: The Rand study, for which you spent $1.3 million, states that sexual orientation is not relevant to who may serve in the military. Let me repeat that. The findings of a taxpayer-funded study by the Rand Corp. concludes that sexual orientation is not relevant to who may serve in the military.

Without the benefit of the Rand report, the committee found that the mere presence of gays and lesbians is sufficiently disruptive of military order to justify their exclusion from service. The Rand experts did not agree, finding "ample reason to believe that heterosexual and homosexual military personnel can work together effectively."

The bill requires the discharge of people who simply say that they are gay, with nothing more. The Rand Corp. study reveals that such a policy is unfair and unnecessary. The study found that the policy on lesbians and gays in the military should not be based on sexual orientation but should be built around strict and equal rules governing sexual conduct.

In other words, it is clear that behavior is the issue, not sexual orientation.

The DOD authorization bill that is before us requires the discharge of gay people for private conduct and public displays of affection but does not do so for heterosexual service members. The Rand policy, on the other hand, would establish clear standards of conduct for all military personnel, equally and strictly enforced.

Now I ask you, Mr. President: Is that not the American way? Equal standards, equally enforced, based on performance, based on patriotism, based on behavior, not based on sexual orientation.

Contrary to what is in this bill, the Rand report's findings indicate that gays and lesbians can serve the military, with no damage to unit cohesion.

The study makes the significant point that task cohesion in a unit, the ability to work together to accomplish a mission, is a more important factor in mission success than social cohesion, which relates to personal association.

Unfortunately, the bill ignores the distinction, and that is why I am moving to strike that language.

Section 546, which I hope we strike, states that the—

> * * * presence in the Armed Forces of persons who demonstrate a propensity or intent to engage in homosexual acts would create an unacceptable risk to the high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

Let me read that again. The bill states: "The presence in the Armed Forces of persons who demonstrate a propensity or intent to engage in homosexual acts would create an unacceptable risk," and it goes on.

Talk about opening the door to litigation—a propensity. Who is going to make that decision if someone has a propensity to act in a certain fashion?

And this finding that the committee makes in section 546 is not supported by the Rand study.

Let me read what the Rand researchers found about "unit cohesion." And I am quoting from the Rand report, and I remind everyone it is a taxpayer funded report:

> Concern about the effect that an acknowledged homosexual would have on "combat effectiveness and unit cohesion" has dominated the debate. It also provides the basic rationale for the current policy that "homosexuality is incompatible with military service."

But the Rand experts reached a commonsense conclusion that contradicts that basic rationale. They say:

> It is not necessary to like people in order to work with them, so long as members share a commitment to the group's objectives.
>
> First, research suggests that leaders play an important role in promoting and maintaining unit cohesion.

That is the Rand study. Research suggests, they say, that "leaders play an important role in promoting and maintaining unitcohesion."

> Second, military roles, regulations, and norms all enhance the likelihood that heterosexuals will work cooperatively with homosexuals.
>
> Third, external threats enhance cohesion, provided that the group members are mutually threatened and there is the possibility that cooperative group action can eliminate the danger.

The task brings people together, and that is a very long way of explaining what I was told quite succinctly by an old friend of mine who served in World War II. I asked him, as we were debating this subject, whether they knew of gays in the military way back then. He said, "Of course we did." So I asked him whether it made a difference. And he turned to me and he said, "BARBARA, when you are down there in the foxhole and bullets are flying and you're counting on that guy next to you to save your life, you do not care whether he's gay or straight. You just care if he shoots straight."

The bottom line is they did not care if the person next to them was straight as long as they could shoot straight. And what does that say? And that is from a veteran who served with distinction, who put his life on the line. He is now a physician. It says that behavior, performance, and qualifications are what count. And that is why it is important to strike this language, Mr. President.

The Rand Corp. findings with regard to the experience of other countries is also highly relevant information that was not available to the committee when the bill was drafted. Researchers visited Canada, France, Germany, Israel, the Netherlands, Norway and the United Kingdom, and taxpayers paid their way so that we could find out what was the right thing to do. And what did they find out?

With the exception of the U.K. all of these countries permit known homosexuals to serve in some capacity in their armed forces. According to Rand, and I quote:

> Several broad themes emerged from these visits, with potential implications for the situation facing the U.S. In countries that allow homosexuals to serve, the number of openly homosexual service members is small and believed to represent only a minority of homosexuals actually serving.

So the number of homosexuals that were open was small in these countries.

Second, this is Rand:

> Service members who acknowledged their homosexuality were appropriately circumspect in their behavior while in military situations; they did not call attention to themselves in ways that could make their service less pleasant or impede their careers.

Third:

> Few problems caused by the presence of homosexual service members were reported. Problems that did arise were generally resolved satisfactorily on a case-by-case basis. If a problem developed action was taken to remove the individual, homosexual or heterosexual, from the unit.

Rand researchers also looked at the experience of American police and fire departments with nondiscrimination policies. As with foreign militaries, it was found that the key to successful integration of gays and lesbians was training that emphasized behavior.

Behavior must be the focus of our military personnelpolicy because behavior forms the basis of the qualifications of those who are asked to make the ultimate commitment, those who we ask to risk their lives. We look for competence, we look for strength, we look for courage, we look for patriotism, we look for people who are willing to put their lives on the line.

What is interesting, as Randy Shilts reported in his book, "Conduct Unbecoming," during wartime we have not seen the military make any moves against homosexuals. In other words, in wartime if people are willing to put their lives on the line, we allow them to do that. It is behavior, it is performance, it is willingness to serve, it is patriotism, and that has to be the yardstick.

An individual's sexual orientation, just like hair color, religion, just like their ethnicity, and just like their gender is no measure of their qualifications.

The Senate should not codify a policy that is just plain un-American. But that is what this policy is. It is a policy of discrimination based on status instead of behavior.

The Supreme Court has stated that "the fear and prejudice of others" does not provide a rational basis for a Government-sponsored discrimination. And in my opinion, in my humble opinion, and with great respect to the chairman of the Armed Services Committee, I say that this policy is based on discrimination. It is based on the proposition that, in the military at least, the fear and prejudice of others is all that is necessary to justify blatant discrimination based on status, not conduct.

Our Nation is built on the belief that people have the right to live and work in a world without discrimination. It is built on the belief that individuals, regardless of race, color, or creed, should be able to reach beyond their grasp, serve their country and live the American dream.

Let us not codify what Coretta Scott King has called "this un-American ban, which makes a mockery of civil and human rights in our country."

Finally, it is easy to lose sight of the impact that policies have on people's lives. It is easy to label people that are different from us as "those people." We might be able to temporarily fool ourselves into thinking that those people are not really part of our social fabric—and I am reminded, Mr. President, of a German philosopher who wrote about World War II.

> When the Nazis came for the Jews, I did not speak up because I wasn't a Jew. And when the Nazis came for the gypsies, I did not speak up because I wasn't a gypsy. And when the Nazis came for the mentally defective, I did not speak up because I was not mentally defective. When the Nazis came for me, there was no one left to speak up.

So let us not do this to gay and lesbian people. Let us have a code of behavior that affects us all and does not divide us.

We fool ourselves when we say that those people are not really part of our social fabric, and those people they are not really human, and those people do not really have an effect on our lives. That is not right. We are all God's children and those people are our sons and our daughters.

I have listened to the stories of my constituents whose lives and careers have been damaged by this policy. Take for example Benjamin Dillingham, a San Diegan, who served honorably for 8 years as an officer in the U.S. Marine Corps. He was even decorated by another branch of the military and given the Army Commendation Medal. And, for his service in Vietnam, he was presented with the Bronze Star Medal.

On the citation, they noted that Ben had "repeatedly distinguished himself by his courage and composure during critical situations." Courage. Composure. That is what the military said about Ben. Are these not the qualities that we hope all of our servicemen and women possess? Ben served with distinction. And, during these heroic battles, he witnessed and later told of combat situations where members of his platoon accepted and trusted peers of theirs whose sexual orientation was known.

Sure, it was known. It has always been known that there have been gays and lesbians in the military. But, frankly, it just was not an issue.

Or look at the story of Ruth, one of those interviewed for Randy Shilts' book, "Conduct Unbecoming." A midshipman at the U.S. Naval Academy, she was suspected of being a lesbian. So, what did her peers do? Did they confront her? Did they ignore it? Did they leave her alone? No. Instead, the male shipmen were assigned to ask her out and see if they could seduce her.

And, under the cruel guise of showing her "what it's like," one of these future officers physically attacked her. She escaped from the room, but was unable to file charges of rape. Why? Her career in the Navy depended not upon her skills, but rather upon her not being labeled as a "lesbian."

We need to listen to these human voices. We need to put a face on this issue. Because for these people, gays in the military is a reality, not a question.

We are all God's children. Codifying this restrictive policy on gays and lesbians in the military would simply perpetuate the injustice done to courageous Americans.

I, therefore, urge my colleagues to support this amendment to strike the section that would codify this discriminatory policy.

And I would sum up in 15 seconds the four reasons: First, there is no precedent or reason to codify; Second, it contradicts the Rand study; Third, it is not the compromise most Americans thought it was; and, fourth, in my humble opinion, it is un-American.

Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, first, I want to thank the Senator from California for her courtesy, both in the timing of bringing up this amendment and being willing to bring it up this morning—which I think is an ideal time from the point of view of the committee, particularly since we had the Somalia matter that was not able to be completed last evening—and for her willingness to enter into a time agreement.

I believe the Senator was willing to originally have about an hour on each side. I am informed there are a number of speakers on our side and probably also on your side. Therefore, we probably would not be able to complete the debate before 12:15, which is in another 2 hours.

I would now like to propound a unanimous-consent request, but I will wait until the Senator from California has a chance to talk to staff about how much more time she would desire.

We wanted to make sure there would be no second-degree amendment, before entering into a time agreement, and I now have an agreement to that effect.

Mrs. BOXER. May I ask the Senator, he is proposing an hour on each side, is that correct, approximately?

Mr. NUNN. That would be fine. I believe we may need about an hour and 10 minutes or an hour and 15 minutes on our side, since you already had one-half hour. But we can discuss it and in a moment I will propound that. I will wait to hear from the Senator.

Mr. President, the Senator from California, Senator Boxer, has been a forceful and articulate advocate of the proposition that gay men and lesbians should be permitted to serve in the Armed Forces. Certainly, I admire her and respect her greatly. We worked together when she was on the House side and we continue to work together here on many matters, so I have great respect for her. And I have respect for the arguments she has presented today. I do not agree with them, but I certainly respect them.

The amendment before us, everyone should understand, the Boxer amendment, does not directly overturn the restrictions on gays and lesbians serving in the military. Instead, this amendment, if it passes, would strike all the provisions in the bill where the Congress addresses this subject and it would leave the President—this President or any future President—with the sole discretion as to the changes, if any, that should be made in the policy.

In other words, this amendment basically says Congress is not part of this. It is up to the President.

The Boxer amendment, as I view it, presents the Senate with a clear choice as to how we should exercise our responsibilities under article I, section 8, of the Constitution which basically says that the Congress—quoting from the Constitution is:

> * * * to raise and support armies; * * * to provide and maintain a Navy; [and] make rules for the Government and Regulation of the land and naval Forces.

Now, that is not the Commander in Chief who is given that responsibility and authority under the Constitution. It is the Congress of the United States. That is very clear. Nothing is clearer under the Constitution than our duty under the Constitution,

> * * * to raise and support armies; * * * to provide and maintain a Navy; [and] make rules for the Government and Regulation of the land and naval Forces.

That is our duty. It is up to us as to how we exercise that duty. But there is no doubt whatsoever—some pundits to the contrary notwithstanding that I have read from time to time—that the Congress of the United States has the right to act in this area, and the Congress of the United States has the constitutional responsibility to make the rules and regulations governing our Armed Forces.

Some people may not like that. They may not believe that the Congress of the United States has any business putting its nose in what some people believe is only executive responsibility, but that is not what our Founding Fathers thought and that is not how our country has been run for the last 200 years.

So there is no doubt whatsoever that we not only have a right to legislate in this area, in my view and the view of the Constitution of the United States, but we have a responsibility.

The language in the pending bill that the Boxer amendment would strike fulfills our constitutional responsibilities by providing clear standards and procedures for addressing the issue of homosexuality in the Armed Forces. If we adopt the Boxer amendment, however, and strike the language from the bill, the Congress of the United States and the Senate of the United States will be providing no views, no guidance, and no legislation on a subject which has generated intense debate among the public in general and certainly among the members of the Armed Forces of the United States.

In effect, we will be saying to the Armed Forces of the United States: "No matter what your concerns are in this area, we are going to leave it up on the Commander in Chief. We will be silent on the matter which our military and civilian leadership has identified as having great significance with respect to the morale, good order, discipline, and effectiveness of our Armed Forces."

In my judgment, if we adopt the Boxer amendment, it would be an unfortunate abdication of our own obligations and responsibilities under the Constitution.

Mr. President, the background of the committee's action on this issue underscores the need for retention of the language in the committee's proposal. The impetus for congressional action came first from those who proposed a change in DOD's longstanding restrictions on the service of gays and lesbians.

I hope our colleagues will recall that the proponents of lifting the ban were the ones who undertook the legislative initiative. This committee did not pop up and say we wanted to legislate in this area.

The first time this subject came to the attention of the Senate was last year when Senator METZENBAUM, the Senator from Ohio, who is also a vigorous spokesman for eliminating the restriction, proposed a legislative amendment.

If we adopt the Boxer amendment, that would be saying that the Senator from Ohio, when he wanted to legislate on this subject, was getting into an area that only the Commander in Chief should have any voice in.

So I would say that the proponents of the Boxer amendment basically are coming from a totally opposite point of view, from an institutional responsibility perspective, from the original proponents of lifting the ban by legislation.

Last September during the debate on the DOD authorization bill, Senator METZENBAUM proposed an amendment to eliminate the restrictions. I said at that time, quoting from that debate, "I think this subject deserves the greatest care and sensitivity, and I think it deserves a hearing before our committee." I added,

> We will have hearings on this subject next year. We will hear from all viewpoints. We will take into consideration the viewpoints of our military commanders, the viewpoints of those in the homosexual community, the viewpoints of those who are in uniform today who may be homosexual, and we will also consider the men and women in the military who are not in that category * * *.

That ends the quote from last year's debate.

During the 1992 Presidential campaign, then-candidate Bill Clinton said that, if elected, he would take action to change the current policy restricting the service of gay men and lesbians serving in the Armed Forces. Indications that the policy would be changed after the inauguration led to an intense national and congressional debate in January of this year. A number of Senators indicated at that time that they would offer an amendment early in the congressional session that would prohibit any change in policy.

I expressed the view that neither the executive branch nor the Congress should make a significant change in DOD's longstanding policy by Presidential order, or by congressional action, prior to undertaking a comprehensive review and hearings on the subject.

Working with the majority leader, Senator MITCHELL, I discussed this matter in detail with President Clinton. The President, on January 29, directed the Secretary of Defense to complete a study of the issue by July 15. In addition, the President directed that the then-current DOD policy remain in effect with one significant change recommended by the Joint Chiefs of Staff: new recruits would not be questioned about homosexuality during the enlistment process.

The President and others in the Department of Defense accepted my suggestion that the new recruits, who were no longer going to be asking the question, would be given a full briefing not only about homosexual conduct and expectations relating to that conduct in the Uniform Code of Military Justice but it would also include sexual conduct including prohibitions against any kind of sexual harassment.

So we now have and have had in the interim policy and continuing policy, no questions asked about this at the beginning but a clear explanation so all new recruits, men and women, understand their obligations under the Uniform Code of Military Justice relating to all sexual activities, not simply homosexual matters. So that is the policy. That was the interim policy. That has now been part of the new policyarticulated by the President and Secretary of Defense in July of this year.

The issue soon came before the Congress. During Senate debate on February 4 on President Clinton's first major legislative initiative, the Family and Medical Leave Act, the Senate rejected an amendment, on a 62-to-37 tabling motion, which would have frozen in law the policy that was in effect on January 1, 1993. I argued that that motion should be tabled because I felt it was premature and the Congress of the United States should know what we were doing before we legislated.

The Senate then adopted an amendment which expressed the sense of the Congress that the Secretary of Defense should conduct a comprehensive review of this issue. In addition, the amendment directed the Committee on Armed Services to conduct comprehensive hearings on the current military policy and to conduct oversight hearings on the Secretary's recommendations as such are reported.

The Senate also agreed to an order that effectively precluded consideration of any further amendments in the Senate relating to the service of gay men and lesbians in the Armed Forces until July 15, 1993. In other words a moratorium. The President would study it, the Joint Chiefs would study it. Congress would not legislate. That was in effect the deal until July 15, 1993. That deal was respected by all sides and carried through.

The committee recognized that the question of whether changes should be made in the restrictions on the service of gay men and lesbians in the Armed Forces generated intense feelings in the Congress, in towns and communities around this country, and particularly throughout the ranks of the military services. Although the committee received testimony reflecting strongly held religious and philosophical views, the committee's primary focus and concern was on the implications of any change in DOD's policy on the effectiveness of our Armed Forces to carry out their mission to defend our Nation. That was the bottom line. That is where we started. That was our focus and that is the heart of what we have made recommendations on. That is, the ability and effectiveness of the men and women in the military to carry out their mission of protecting the security of this Nation. That is the bottom line.

The hearings, which are described in detail on pages 268 through 270 of the committee's report, enabled the committee to develop a detailed legislative record on this subject.

I will not go into the detail about the hearings but we did have a comprehensive set of hearings. We heard from people on both sides of the issue and we had considerable amount of testimony both in favor of lifting the ban and also in favor of keeping the current policy.

In addition to the eight hearings, the committee received testimony for the record from numerous private citizens and organizations. The testimony presented to the committee represented a wide range of experiences, including those of former and current service members who have publicly identified themselves as gays or lesbians.

The committee received a broad variety of views ranging from recommendations to reinstate the policy in effect prior to January 29, 1993, interim modifications, to recommendations for elimination of the restrictions on homosexual acts.

The committee carefully considered all points of view in developing its recommendation.

These hearings were extensive, and represented a major commitment of time and energy by the committee's members and staff. As with any controversial issue, we knew from the beginning that a number of people would not be pleased with the outcome. Some thought we should have conducted a major inquiry into the nature of homosexuality itself. Some urged very strongly that we go into the medical, philosophical, and religious considerations of this very sensitive and complicated, as well as controversial, subject.

Others, coming from a different point of view, believed that we should focus exclusively on civil rights. Some even said that focusing on military readiness was not something the committee should consider. It was simply a matter of civil rights. We did not go with either one of those views. We did not exclude any point of view but the committee maintained that our focus and our constitutional responsibility was to provide rules and regulations for the Government of the Armed Forces of the United States.

That focus was clearly recognized by Senator KERRY of Massachusetts, a very articulate and very persuasive proponent of lifting the restrictions. Again, I did not agree with him but I thought he made a presentation from his perspective which was very effective.

Senator KERRY expressed his appreciation, in his testimony before the committee, using his words, for the "sober, serious way" in which the committee approached the issue. Senator KERRY directly said, quoting him:

> While some may disagree with venues or locales or process occasionally, I think you have bent over backwards to guarantee that this is a discussion that is at a higher level than some discussions we have had around here, and I respect that and appreciate it.

Mr. President, Senator KERRY along with others testified forcefully in favor of lifting the restrictions on the service of gays and lesbians in the Armed Forces. Others testified very strongly against that change. The country expects the Congress to fulfill its responsibility on this issue, in my view, and not simply hand it off to the President, which is what would happen if we adopted the Boxer amendment.

The effect of the Boxer amendment would be that the President would have unfettered discretion to establish the rules and regulations on homosexuality in the Armed Forces.

For example, if the President wished to lift the ban in its entirety, he could do so if this amendment passes.

If the President wished to eliminate the requirement for discharge of persons who engage in homosexual conduct, he could also do that.

The President could also tighten the restrictions if he chose to do so. There is after all no guarantee that President Clinton might not adopt a different view on this issue, after he has served a couple of years as President and Commander in Chief. Moreover, President Clinton will not always be President.

I hope he will be President for years to come, but his successor would have the freedom under this law, if the Boxer amendment is adopted, to change the policy on homosexuality. For example, we could have a President who could go in a different direction altogether. He could, for instance, reinstate the pre-1981 policy of discharging service members for "homosexual tendencies."

At that time when we had that policy, there was certainly the possibility and, in some cases, it happened, that there would be separation from the military services even when there was no proof—no proof—of a homosexual act, statement, or marriage; in other words, someone simply coming to the viewpoint that someone had homosexual tendencies, whatever that is.

So there was no definitive standard at that time that, in my view, was sustainable. Another President could come back and say,

> Well, under the Boxer amendment, the Congress did not legislate, so we are going to go back to the old policy, and anyone who has "homosexual tendencies" will be kicked out of the military service.

Another President could replace the rebuttable presumption that an individual who states that he or she is homosexual has an intent or propensity to engage in homosexual acts, by irrebuttable presumption, which would result in mandatory discharge upon any admission.

In other words, under the committee's proposal, we would have a rebuttable presumption, but the individual would also be able to rebut that presumption. But that does not necessarily have to stay if we adopt the pending amendment and abdicate our congressional responsibility to pin down this policy in law.

Another example involves the authority to retain individuals when the conduct is a departure from the individual's customary behavior and is unlikely to recur: Under the committee's proposal, if an individual demonstrates and convinces the convening authority that this is a deviation from their customary behavior, a particular event that was a deviation and is unlikely to recur, then they would not have to be discharged. But if the pending amendment is adopted, a President could come in and say this is no longer the policy.

These examples are not exaggerated. There are many who advocate a policy much more restrictive than the policy that was adopted by the committee. Is this a matter we should leave to the unfettered discretion of this or any future President? My answer is clearly no.

We have had hearings on the subject. That is what we are here for, is to hear from all points of view and to make a deliberate decision: Why should the Congress of the United States not legislate in an area of this importance?

We have conducted comprehensive hearings. We are fully capable of reaching a legislative judgment as to what rules should govern the conduct of members of the Armed Forces in this area. Having undertaken this task, at the urging of those who wanted to lift the ban, it is my view that we should complete this task and legislate where we have the clear authority and responsibility.

Mr. President, the Senator from California has spoken, I think, very effectively about the Rand study. I think she has quoted that study in terms of its contents accurately. I do think, however, there are considerations of context of the Rand study that have to be considered by our Members in determining the weight to give that study in terms of its persuasiveness.

The Senator from California has indicated that the Rand study published by the Department of Defense in late August compels support for a position different from that recommended by the committee. In my judgment, this is a misreading of the context of the Rand study. During the committee's final hearings in July 1993, the committee requested that it be furnished with a study that the Department of Defense had commissioned in April 1993 from the Rand Corp. The study was submitted to the Congress and made available to the public in late August 1993, and the Senator from California was certainly a stimulus in that regard to get that published and released. I think that was entirely appropriate, and I agreed with her completely. The study should have been released, and it has now been released.

The study, of course, does not represent the official views of the Department of Defense or the President of the United States. In fact, they had this study and they analyzed this study. This was part of their deliberative process when they came to a conclusion which was different from the study. So this is not something the President and his people did not consider. They did consider it. Indeed, the senior civilian and military leadership of the Department of Defense concluded that the standards of conduct recommended by Rand were unworkable, and they did not adopt the recommendations in the Rand report.

It is critical to note that Rand did not study the issue that has been before the Congress: Whether the restrictions on service of homosexuals should be changed. What the Rand study did, and they were asked to do this, was:

> . . . to provide information and analysis that would be useful in helping formulate [an executive order] ending discrimination on the basis of sexual orientation in determining who may serve in the Armed Forces.

In other words, the Rand Corp. was asked: How do we do this; they were not asked whether we should do this.

The committee and the Congress has to decide whether we should do this. If the Senate of the United States had told the Committee on Armed Services not to study whether we should do this but how we should implement a lifting of the ban, then if we had been mandated to do that, that is what we would have had to do, if we had been mandated to do that by the Senate. We did not do that.

We first determined the elementary question of whether we should lift the ban. We determined the answer to that is the ban should not be lifted. If you are going to start with the proposition that the ban should be lifted and that you are going to tell the President how it should be lifted, then you could come to any kind of conclusions, as the Rand Corp. did.

I do not criticize the Rand Corp. You get what you pay for. If the executive branch pays a private group to study how you do something, the private group, if they want to get another contract, does not go back and say, "We looked at how you should do it; but, by the way, we do not believe you should do it." That is not what they were asked. If they were that kind of analytical group, then they would not get many contracts.

So you have to look pretty closely at what someone is being paid to do before you use their findings to support a proposition that they were not looking into. In other words, a specific policy outcome that homosexuals should be allowed toserve in the Armed Forces was assumed by the Rand study, and Rand was tasked with assisting in the implementation of that outcome. Consequently, Rand did not undertake an analysis of DOD's longstanding restrictions in terms of whether the interests of national defense would be best served by retention, modification, or repeal of these restrictions.

I would add one other comment on the Rand study. I think that anyone studying this matter would look at one of the most comparable areas, and that is the integration of women into the military. The Rand Corp. did not look into gender integration in the military because they said we did not integrate women into combat positions, and also because we do not integrate women and men in terms of living conditions. So they rejected a gender analysis and basis because they said we do not do this with men and women. So that analysis is not part of this study.

I find that a bit curious because certainly it seems to me when you are dealing with sexual matters that it is relevant as to how you handle gender integration. But it is true, we do separate men and women in living quarters. So when you are dealing with another aspect of sexuality and you are saying we are going to completely integrate and not have separate quarters, I suppose there is some at least loose rationale—I think it is pretty loose—in saying we would not consider that kind of comparison.

In short, the Rand report did not assess the validity of DOD's pre-January 1993 policy. They did not assess President Clinton's July 19, 1993, policy. They did not assess the committee's proposal, and the administration did not adopt the standards recommended by Rand.

The Senator from California has also talked about the general principles of the Dahl case. That is a decision of a district court in California in the case of Dahl versus Secretary of the Navy. That court held that restrictions on homosexuality in the Armed Forces are unconstitutional.

In Dahl, the district court held that a discharge under the pre-January 1993 policy based upon an admission of homosexuality was unconstitutional under the equal protection doctrine because it reflected irrational discrimination based on prejudice.

Mr. President, this decision concerned the pre-1993 January policy, not President Clinton's July 19, 1993, policy or the pending legislation. I think it is very dangerous to cite district court decisions as indicative of what the Supreme Court of the United States is finally going to do, and this matter will finally have to be determined at the Supreme Court level. I do not believe this case will be affirmed on appeal. Of course, that remains to be seen.

I am confident, however, looking at everything the judiciary has done regarding the military in the last 40 or 50 years, that when the judiciary—the Supreme Court and the appellate courts—has before it the legislation, if enacted by the Congress, as well as the full legislative record of our hearings and our deliberations and debates, the courts will give the Congress and the executive branch the historical deference that has traditionally been provided in military litigation.

Indeed, the Dahl case, I think, underscores the importance of rejecting the Boxer amendment.Judicial deference in military matters is at its highest when Congress and the executive branch are in accord. And if we pass this legislation, we will be in accord with the President's order and the executive branch policy. If the Boxer amendment is adopted, the actions of the executive branch will be assessed without the benefit of expressed congressional findings, standards, and procedures. The impact of the pending legislation on any litigation should not be underestimated, and it would be unwise for us to deny the Justice Department the important support that this legislation provides for the President's July 19, 1993, policy.

Before leaving the Dahl case, however, I would like to specifically address the issue of whether this policy is based upon prejudice. Perhaps the best response was framed by Gen. Colin Powell, Chairman of the Joint Chiefs of Staff, whose personal background has provided him with a very keen understanding of the concept of prejudice. I think he understands what prejudice means better than most of us.

General Powell made it clear that DOD's policy was based upon military requirements and not stereotypes, or prejudice, or religious views, or moral judgments. Quoting from General Powell:

> Our concern has not been about homosexuals seducing heterosexuals or heterosexuals attacking homosexuals. It is not our place as uniformed leaders in the armed forces to use our official position to make moral or religious judgments on this issue.

General Powell clearly distinguished the issues raised by homosexuality from the issues raised by racial or sexual prejudice.

General Powell said, and again quoting him:

> Unlike race or gender, sexuality is not a benign trait. It is manifested by behavior. While it would be decidedly biased to assume certain behaviors based on gender or membership in a particular racial group, the same is not true for sexuality. We have successfully mixed rich and poor, black and white, male and female, but open homosexuality in units is not just the acceptance of benign characteristics such as color or gender or background. It involves matters of privacy and human sexuality that, in our judgment, if allowed to exist openly in the military, would affect the cohesion and well-being of the force.

Mr. President, the committee specifically addressed the issue of prejudice in its report on page 284, and I am quoting from the committee report. By the way, this report was adopted by a 17-to-5 vote in the committee, a majority of Democrats and a majority of Republicans joined together. Quoting from that report:

> Some have suggested that the policy is based upon irrational stereotypes, such as the view that homosexuals are predators or that all homosexuals inevitably are attracted to all persons of the same sex.
>
> The committee, in recommending codification of restrictions relating to homosexuality, does not rely upon such stereotypical views. The committee notes that some individuals may view themselves as "homosexual," "gay," or "lesbian" based upon intentions that are never acted upon, just as there are persons who view themselves as heterosexual who remain celibate. Likewise, the committee notes that not every gay or lesbian person will find every person of the same sex to be sexually attractive, just as not every heterosexual person finds every person of the opposite sex to be sexually attractive.
>
> It would be irrational, however, to develop military personnel policies on the basis that all gays and lesbians will remain celibate or that they will not be sexually attracted to others. When dealing with issues involving persons of different genders, for example, the armed forces do not presume that service-

members will remain celibate or that they will not be attracted to members of the opposite sex. On the contrary, the military specifically provides men and women with separate quarters in order to ensure privacy because experience demonstrates that few remain celibate and many are attracted to members of the opposite sex.

Similar considerations apply to the development of policies with respect to homosexuality. The committee agrees with the view of the Department of Defense that it is appropriate to take into consideration that when a person indicates that he or she has a propensity or intent to engage in a homosexual act, the armed forces are not required to wait until the person engages in that act before taking personnel action.

Mr. President, I believe it is important that the Congress as a whole affirm that the policy of homosexuality is based upon prudence, not prejudice, by supporting the legislation recommended by the committee. I urge that the Boxer amendment be defeated and that the legislation recommended by the committee remain in the bill.

Mr. President, I yield the floor.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio [Mr. METZENBAUM] is recognized.

Mr. METZENBAUM. Mr. President, I had hoped that I would not have to be in this Chamber today on this subject. I had so hoped because in November, or sometime last year when this matter was before the Senate, I indicated my concern about being fair, nonprejudicial, and unbiased with respect to homosexuals in the military. I was prepared at that time to offer an amendment. My colleague from Georgia, in whom I have great respect, urged me not to go forward with the amendment at that time on the understanding that the committee would conduct hearings on the subject, and he certainly has lived up to his word on that.

But what is disappointing to me is that the President of the United States has made it clear what his position is with respect to the right of homosexuals to serve in the military of their country and for our military not to be discriminatory,provided, of course, the homosexual not create any particular problem by reason of his or her homosexuality.

Then the President enunciated his policy, which he had worked out with the military commanders, and I thought at that point, well, it was not all that it might have been but I thought the President had taken a middle-of-the-road position and that there was some reason to recognize the realities of the situation and go along with it.

But then along came the Armed Services Committee and they inserted the language that the Senator from California has addressed in her amendment. I commend her for her leadership in offering this amendment. It is an important amendment, as important as any civil rights legislation to come before this body. And I hope my colleagues will think of it in that regard.

I am concerned that too many will think about this amendment on the basis of its political consequences: Will it help me get elected or reelected? But that is not the issue. We have gone down that road over a period of many years with respect to civil rights legislation, and too many have voted on the basis of the political consequences instead of voting on the basis of what is the right thing to do.

In truth, I had hoped the issue of whether homosexuals would be able to serve in the Armed Forces had been settled when President Clinton issued his policy statement before the Joint Chiefs in July. As I previously stated, I was not completely satisfied with that position. I do not believe he was either. My personal belief was and is now that there should be no restriction on homosexuals in the military as long as they follow the military code of conduct. I believe that was the President's feeling as well.

Unfortunately, that was not possible given the opposition of the military and the possibility of a congressional override. The President did the best he could given the difficult circumstances. I wish I could say that I feel the same way about the action of the Armed Services Committee.

This committee provision, section 546, which purports merely to codify what the President has already done, in this Senator's view is a sham. It is far more restrictive to homosexuals than the President's position. It is a gratuitous slap in the face to courageous young men and women who have served their Nation. It is payback to the homosexual community for having had the effrontery to think they could serve openly in the military, for having had the audacity to believe that their substantial contributions to this Nation in war would ever be fully recognized.

It is a fact that the job performance of homosexuals in the military has been superb. That fact is indisputable because every time a gay man or lesbian is discharged from the service for reason of being a homosexual, his or her service record becomes part of the official investigative process. In nearly every instance, the job performance of these individuals has been substantially above average. Four times over the past year I have stood here on the Senate floor and spoken about the incredible cost of the military's prejudice against homosexuals.

Mr. President, I happened to have had a meeting with somebody yesterday concerning the matter of civil rights. I pointed out to him at that time, the first time I ever introduced a bill dealing with civil rights went back to 1943—1943, over 50 years ago.

I remember when I was in the State legislature at that time and I introduced that which was called an FEPC bill, Fair Employment and Practices Commission, how there was literature distributed around the House of Representatives that I was in in Ohio which accused me of being a Communist because I had come up with this unbelievably audacious proposal that no person should be discriminated against by reason of their race, color, creed, or national origin.

It took 7 or 8 years in order to get that legislation passed in Ohio. Nobody today ever remembers the term FEPC. But I remember how that which was out of sync with so much of the thinking politically has come to be accepted as a reality in our Nation regarding discrimination based upon race, color, creed, or national origin. But now we have this question of discrimination based upon sexual orientation.

I think that what has happened to some of the young men and women in the military is enough to make you cry. It is enough to sadden you and say what kind of Americans are we? Lt. Tracy Thorne was a 26-year-old navigator-bombardier. He finished first, first, in his flight training class. Then he received top honors from the Navy. And then he was busted out of the service for being gay.

Did he do anything wrong? Did he harass somebody? No. He did not do any of that. He merely said he was gay.

Last year the Army dismissed Col. Margarethe Cammermeyer, one of the finest nurses in the military. Colonel Cammermeyer served 14 months in Vietnam. She won a Bronze Star. She was named the Veterans' Administration Nurse of the Year in 1985. She had a magnificent record. But her crime was to acknowledge, during an interview, that she is a lesbian.

Lieutenant Thorne and Colonel Cammermeyer are just the most recent casualties of a policy that has destroyed thousands of careers and lives.

I say to my colleagues here in the Senate; do we have the political courage to recognize the reality of this situation, or will we hide behind some kind of concept that the committeeprovision is doing the right thing? The fact is the President's policy was a middle-of-the-road policy, accepted by the Joint Chiefs of Staff. And yet now the Senate has to come in and tighten up and make it tougher.

Some of these individuals who have already been fired would still be fired under the Clinton plan. All of them, all of them, would face dismissal under the committee provision. There was really no need for the committee to include this provision in the bill. It is a fact that our military leaders were satisfied by the President's proposal. They did not ask for codification. In fact they are probably against Congress intervening in matters that have always been under their jurisdiction, specifically military personnel policies.

This so-called codification is a return to the status quo ante as it existed prior to 1993 when homosexuals were routinely hunted down and kicked out of the military simply because they were gay.

Just compare the two. The President's announcement versus the committee provision. Under the Clinton plan, homosexuals are permitted to serve as long as they keep their sexual orientation to themselves.

The practice of questioning new recruits about their sexual orientation is abolished. Military commanders are directed to cease conducting witchhunts against suspected homosexuals. Violations of the Uniform Code of Military Justice are to be handled in an evenhanded manner without regard to whether the conduct alleged is heterosexual or homosexual. Harassment or violence against service members is not to be tolerated.

The spirit of the Clinton plan is protective of people's rights, their right to serve, there right to equal protection under the law, their right to privacy.

The Armed Services Committee provision, on the other hand, is brutal—brutal. It starts right out with a series of findings that culminates in the ambiguous sweeping and never-substantiated claim that homosexuals in the military create an unacceptable risk to the high standards of morale, good order and discipline, and unit cohesion.

Let me read it to you.

> The presence in the Armed Forces of persons who demonstrate a propensity or intent to engage in homosexual acts would create an unacceptable risk to the high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

Where does that come from? What is the proof for that statement? That is contradictory to what the President'sposition has been. Yet the suggestion has been made to us that this is merely codification of the President's program.

I say no way—no way.

Although that statement has oft been repeated throughout this debate, it has never, never, never been proven. Even the Pentagon's own Rand report on sexual orientation in the military said there was no evidence to support the claim that the presence of homosexuals breaks down unit cohesion.

According to Rand:

> No controlled experiment or other research bear directly on this issue.

And I quote further:

> The principal conclusion from an extensive review is the common sense observation. It is not necessary to like people in order to work with them, so long as members share a commitment to the group's objectives.

From there the operative language of the Armed Services Committee provision goes downhill. It says simply that homosexuals will be separated from the military. The Clinton call for moderation in investigations into witchhunts against suspected homosexuals is completely absent from the committee bill. There is nothing in the bill about evenhandedness in investigations of allegations of heterosexual misconduct.

Is heterosexual misconduct OK in the military, but homosexual misconduct is totally forbidden and you cannot even get close to the line? But heterosexual misconduct, that is fine. Don't worry about that, despite the fact that sexual harassment of women in the military continues to be a far greater detriment to morale, a far greater embarrassment to the military, a far greater impact on unit cohesion than any other sex-related issue including homosexuality.

But what is the Armed Services Committee doing about sexual harassment? Nothing that I know of. Nothing. I need only mention the Tailhook party in which hundreds of drunken naval aviators sexually assaulted and harassed their female colleagues.

Top Navy officials, including the Secretary of the Navy, lost their jobs for botching the internal investigation of Tailhook. They tried to cover it up. Many thought they were simply doing the job of covering up for the boys. They were taking care of the boys in the military.

There is nothing in the committee language that deals with harassment or violence against other service members, with sexual harassment, or any of the abuses of Tailhook. It is astounding, Madam President. Even the question asked of new recruits about their sexual orientation is brought back in this committee provision. The committee provision contains sense-of-the-Congress language permitting the Secretary of Defense—the Congress is doing all this great work and we are going to put something into the legislation, and when they get all done they provide that the Secretary of Defense may "reinstate that questioning with such questions or such revised questions as he considers appropriate * * *"

So as soon as you bring back somebody as Secretary of Defense who wants to really go even further than the committee language or the President's position, it is perfectly OK to do so. We give him or her carte blanche.

Madam President, I want to say that the Armed Services Committee provision is a bad, bad provision. It is discriminatory. It takes us back to the time when we discriminated against African-Americans and when we discriminated against Indians, and when we discriminated against Mexican-Americans and Hispanics. We have tried to move forward in this country with respect to those issues of discrimination. But with respect to discrimination against homosexuals, that is fine. That is OK. We are not going to do anything about that. In fact, we are going to turn the clock back from the position that the United States worked out with the Joint Chiefs of Staff.

This provision is cynical, and it denies reality. It will force thousands of servicemen and women to dishonor themselves, to lie every day to protect their careers and their livelihoods. Furthermore, it will let military commanders off the hook. It will spare them the added task of having to educate and inform the ranks of the truth—that homosexuals serve now and have always served, that they make brave soldiers, and that they have fought and died in all of the wars of this country.

It is a fact that many military organizations throughout the world accept openly homosexuals in their ranks. I saw some television coverage not too long ago where commanders of some of the military forces of other nations said openly that they were homosexual. Their ranks were filled with heterosexuals, and they had no problem being commanded by homosexuals. We have problems in this country, according to the Armed Services Committee, with respect to a homosexual having the right to serve his or her Nation. This provision is gratuitous, and it is mean spirited. It is unnecessary, and it should be struck from the bill.

I commend the Senator from California for offering her amendment. I urge my colleagues to vote for it.

I yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). The Senator from Indiana is recognized.

Mr. COATS. Madam President, the ranking member, Senator THURMOND, wishes to speak at this point, and he is in a meeting right now. He will come to the floor very shortly.

In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Madam President, I am contemplating an amendment which later today I will send to the desk and ask that it be printed, thereby putting it on the desks of the Members of the Senate for business tomorrow.

I will take this somewhat unusual procedure so that before I make the final decision to proceed with the amendment I can have the benefit of the thinking of other colleagues, most importantly, and the opinions of the Departments of Defense and State.

Briefly, the amendment will require the administration to clarify that policy in effect today whereby the United States is offering former Iraqi military members the opportunity to settle in this country and thereby compete in the job market and receive benefits being offered to Americans and, most specifically, Americans who fought in uniform for this country in the Persian Gulf conflict.

This is an issue that is terribly troublesome all across our land today. I think it is imperative that the administration clarify its position, and that the Congress have an opportunity to express its views on that policy. That is the purpose of the amendment which I will at some point today send to the desk for printing, so that it will be available for other Members and the various departments and agencies for the Government for comment. I thank the Chair.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. I will yield to the Senator from Georgia, Senator NUNN.

UNANIMOUS-CONSENT AGREEMENT

Mr. NUNN. Madam President, I would like to propound a unanimous-consent agreement to the pending amendment.

Madam President, let me describe it first, and then I will propound the unanimous consent.

What I would propose to do is to have a vote on or related to this amendment at 12:30, which means we would have the right to move to table if we so chose, with the time equally divided between now and 12:30 between the Senator from California and the Senator from Georgia but with 15 minutes of that time coming to the Senator from Pennsylvania. That would be the intent.

Mrs. BOXER. I am sorry. I did not hear the last part.

Mr. NUNN. We would basically be spliting the hour and 20 minutes between the Senator from California and the Senator from Georgia, but we would work out a way to yield half and half of that time to the Senator from Pennsylvania, 15 minutes.

Mrs. BOXER. I do not object.

Mr. NUNN. Madam President, then I propound a unanimous consent request that the vote occur on or in relation to Senator BOXER's pending amendment at 12:30 p.m.; that no intervening amendments be in order prior to disposition of the amendment; and the time between then and now be divided as follows: 15 minutes under Senator SPECTER's control; the remaining time to be equally divided under my control and under the control of the Senator from California.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. I thank the Chair, and I thank all Senators.

The PRESIDING OFFICER. Who yields time?

The Senator from Georgia.

Mr. NUNN. Madam President, I yield such time as the Senator from South Carolina may desire.

Mr. THURMOND. Madam President, the Armed Services Committee devoted an extraordinary amount of time and effort this year in hearings, research, interviews, visits to units in the field, and deliberations developing a policy on homosexuals in the military. The policy included in our bill and the accompanying language in the committee report is the result of thorough research and careful study after listening to many different views. The underlying premise of all our work was always to determine the best policy for our military forces which would not detract from readiness and overall military effectiveness. I am proud of the policy the committee reported to the Senate. It is very close to the President's recommended policy. In fact, the Department of Defense, the Department of Justice, and the White House have endorsed our policy. I oppose any move to modify or delete the policy.

This policy clearly sets out findings based on the testimony we heard during months of hearings. The policy is stated simply and succinctly.

The findings in the policy clearly state why homosexual conduct and military service are incompatible. The policy goes on to distinctly set out accession and separation policies. It is fair, easy to understand, and preserves unit cohesion and good order and discipline which will maintain military readiness.

Madam President, our hearings were comprehensive and, I believe, very objective. We listened to legal experts, social science experts, experts on foreign military policies, and Members of the Senate on both sides of the issue. We heard from DOD officials, the Joint Chiefs of Staff, and both homosexual and heterosexual service members of all ranks. The hearings were informative, interesting and, at times, shocking. Collectively, the hearings provided a full and complete review of the past policies and every imaginable variation of what the policy might be. The evidence guided the committee to the policy in our bill. It was clear to everyone in attendance that the Government has a legitimate interest in creating and maintaining the most effective and efficient military possible. Homosexual acts or the propensity to commit those acts are detrimental—I repeat—detrimental to an effective, efficient military. For that reason, we have formulated the legislation before the Senate today. It is noteworthy that the Secretary of Defense's working group and advisers came to a very similar conclusion after their own studies and deliberations.

Madam President, this debate began about this time last year when Senator METZENBAUM offered an amendment which would have established a prohibition on discrimination in the military based on sexual orientation. Senator NUNN agreed to conduct hearings this year. The issue surfaced again in the Presidential campaign and, as we all know, shortly after his inauguration, President Clinton issued an interim policy and directed the Department of Defense to recommend a policy by mid-July. In early February the Senate debated two amendments related to service of homosexuals in the military. The Senate Armed Services Committee began the hearings in late March.

The policy included in our bill is clear and straightforward. It is the culmination of a long, careful, thorough review.

Madam President, I urge my colleagues to support the policy concerning homosexuality in the Armed Forces as written in the bill and committee report and defeat any and all attempts to modify it.

Madam President, Senator COATS is a prominent and active and intelligent member of the Armed Services Committee, and he is a ranking member on the Force Requirements and Personnel Subcommittee.

Therefore, I am now going to turn to him to handle the rest of this matter during the debate, and he may allot as much time as he pleases to any one member or divide it to as many as he can to allow as many to speak as possible.

I now turn this matter over to Senator COATS, and he can now come over and take my place here.

Mrs. BOXER. Madam President, under the previous order, it is my understanding I would control approximately 30 minutes of time; is that correct?

The PRESIDING OFFICER. Thirty-two and one-half minutes.

Mrs. BOXER. I yield 5 minutes to the distinguished senior Senator from Illinois, Senator SIMON.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. I thank you, Madam President, and I thank my colleague from California. I am pleased to support her amendment.

Real candidly, I think a brandnew President came in and did not handle this as well as it might have been handled. I think it would have been better if a commission were formed and you had General Powell and the Secretary of Defense and others there handling it, and it could have been handled more smoothly. But that does not get to the merits of the issue.

First of all, my own experience. I served in the Army. It has been quite a few years ago. It was in something that no longer exists called the Counterintelligence Corps. Among other things, we had responsibility for screening people for security clearances.

At that point, anyone who was known as a homosexual wouldnot get a clearance for secret or top secret, but nobody talked about kicking them out of the service—and you may agree or disagree. I happen to think at least at that point the security clearance question was a legitimate one, that people could through threats be forced to give classified information.

But, in World War I, in World War II, in the Korean war, in the Vietnamese war, people served whatever their background was, and we did reasonably well in all those periods.

There is this kind of fundamental rule that we ought to apply in politics no matter what the situation, and that is that discrimination is wrong in whatever form it takes.

Let me give you a hypothetical situation—and it is not that hypothetical. Let us say someone wants out of the service today and you cannot get out through the usual means and that person says, "I am gay; I want out." Do we just let people out because they say they are gay?

Well, it just seems to me we are creating all kinds of problems. Or let me pose a question to those who oppose this amendment. Let us say that we have—and I see my friend from Indiana here and maybe he would want to answer this question. Let us say that we have a national emergency and that we have a draft —and I would love to say we are never going to have that in the future, but I think we may—are we going to say that anyone who says "I am homosexual" is not going to be drafted? If we say that, let me tell you we are going to have a lot of gays in our society. You know, let us be realistic.

And then I have, in town meetings, people get up and say "What about the Bible?" It is interesting in the Bible you have a number of things condemned. I have not counted them. But they say adultery is condemned 40 times as often as homosexuality. Are we going to eliminate anyone from the service who commits adultery? My recollection from my Army time is that would dwindle our ranks appreciably.

I think we have to be realistic. I think people ought to be judged on their conduct, not their genes. And if people misbehave, whether they are heterosexual or homosexual, they ought to be disciplined. But to set up separate categories for people entering the service, I just do not think makes sense.

Are the American people that much different from the people in Canada, in Australia, in Germany, in France, in other countries where there is no such discrimination?

I do not think so. I think we ought to use common sense and I think the amendment offered by the Senator from California makes common sense. I am pleased to support it.

I yield back to her the remainder of my time.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. COATS. May I inquire as to the time remaining on this side?

The PRESIDING OFFICER. There are 26 minutes remaining for opponents of the amendment, and 27 minutes and 11 seconds for the proponents.

Mr. COATS. Madam President, I know the Senator from California has two or three speakers waiting. We have some on the way. If she would like to go ahead and yield some additional time, we will pick it up and try to keep it equal after that.

Mrs. BOXER. I yield 5 minutes to the distinguished senior Senator from California, Senator FEINSTEIN.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Thank you very much, Madam President.

I rise to add my humble words of support to my colleague and friend, Senator BARBARA BOXER from California, and for the sense-of-the-Senate resolution that she has introduced today.

I do so, Madam President, because it is my belief that the code that is before us is really barking up an unconstitutional tree. This code is not "don't ask, don't tell." This code is "don't be."

And people cannot help what they are. Whether you are black or white, male or female, gay or straight, you are what you are. And the beauty of our country is that we function under a constitutional right to be what we are.

I am not a lawyer, but I have watched the law in this area. When I spoke on the floor some time ago, I mentioned a Federal court case in California which held that these laws were unconstitutional. Since then, there has been a new finding by a U.S. district court in Sacramento, CA. That finding was produced on August 30 of this year, just a few weeks ago. It is described in an editorial in the Sacramento Bee. I would like to quote, if I might, from that editorial and then enter the whole editorial for the RECORD.

It speaks about a ruling and says:

> The ruling offers a glimpse of the legal morass the administration may face as challenges to the new policy are heard.
>
> In his decision, (Federal Judge) Schwartz allows that military lives must be lived under special and strict rules. But, he writes, while "individual autonomy is not as great within the military community as it is within the larger civilian community, individual constitutional rights nevertheless remain intact."
>
> The central questions the judge then considers are these: If the military is going to use its latitude to discriminate against a class of enlistees, can it prove it has good reason to do so? Is there a rational basis for treating them differently, or does the policy stem only from prejudice?

On that point, Madam President, I ask unanimous consent to have printed in the RECORD a whole list of statements from former military personnel who indeed say that it is prejudice, not policy, that prevails in any prohibition against being gay in the U.S. military.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MILITARY LEADERS SPEAK OUT IN FAVOR OF A NONDISCRIMINATION POLICY

Contrary to popular belief that the military is adamantly opposed to lifting the ban on lesbian, gay and bisexual servicemembers, a significant number of military leaders have expressed their support publicly and in letters to President Clinton and members of Congress. the following examples are representative, but hardly exhaustive.

Admiral William J. Crowe, Jr., U.S. Navy retired. "Arguments against allowing homosexuals in the armed forces are 'generated more by emotion than by reason' and the military could adjust to their presence just as it has to minorities and women." Washington Post, April 11, 1993.

General Barry Goldwater, U.S. Air Force, retired. "It's no great secret that military studies have proven again and again that there's no valid reason for keeping the ban on gays.* * * We have the strongest military in the world because our service people respect chain of command and know how to follow orders. The military didn't want blacks in integrated units, or women, and now it doesn't want gays. Well, a soldier might not like every order, or every member of his or her unit, but a good soldier will always follow orders—and in time, respect those who get the job done." Washington Post, June 10, 1993.

General Benjamin O. Davis, Jr., U.S. Air Force, retired. "When there is discrimination—it's the same as women in combat—it's all the same thing. They are related, you can't get away from it." Buffalo News, December 2, 1993.

Major General Vance Coleman, U.S. Army, retired. "In listening to the Congressmen, the Senators talk about this issue, I really don't understand. They talk about equality and that is not equality. Gays and lesbians can perform. There's no reason why they shouldn't be given the opportunity to perform.* * * It's the same arguments put forth with African Americans." MacNeil/Lehrer Newshour, March 29, 1993.

Brigadier General Evelyn P. Foote, U.S. Army. "We should clear the air once and for all, and permit people to be honest.* * * If you stigmatize a whole class of people, that's not appropriate leadership." San Francisco Chronicle, April 6, 1993.

Captain Lawrence Korb, U.S. Navy, retired. "In final analysis, the military exists to serve society and must be a reflection of that society.* * * Opening up the military to gays will not undermine military readiness any more than did opening it up to blacks and women or ending the draft." Atlanta Journal and Constitution November 22, 1992.

Captain William K. Yates, U.S. Navy, retired. "Scientists are almost universally agreed that homosexuality is neither a choice or a disease. It is a matter of civil right and simple justice. * * * The morale and fighting effectiveness of the military will be undiminished." New London Day, June 2, 1993.

Colonel Karl Cropsey, U.S. Army, retired. "I can say without reservation that the military ban on gay and lesbian service personnel rests on prejudice and fear, not fact. * * * Like every soldier, gay men and women fought for America because we believe what this nation stands for—fairness, equal treatment under the law, civil justice. All we're asking for is the right to serve with dignity, nothing more, nothing less." Kansas City Star, May 30, 1993.

Colonel Ronald C. Anderson, U.S. Army, retired. "The ban on homosexuals in the military is blatant discrimination against good, dedicated, high-achieving soldiers who are just as ready to give their lives for our country as the next and who have no intention of breaching the military's discipline or code of justice." May 13, 1993 letter to Senate Armed Services Committee.

Chaplain (Colonel) Charles Dunlap Brown, U.S. Army, retired. "Gay and lesbian soldiers are not asking for special rights, only those rights and freedoms provided by our Constitution for all citizens. * * * The current policy of discrimination denies able bodied men and women the opportunity to serve our country and costs taxpayers millions of dollars each year." April 20, 1993 letter to President Clinton.

Colonel Sam J. Turnbull, U.S. Army, retired. "I served in several units that included both gays and lesbians. They were accepted by others in the unit because they performed their jobs well under competent leaders." June 10, 1993 letter to Members of Congress.

Colonel Richard A. Littlestone, U.S. Army, retired. "Suggested compromises of which we hear would confirm the status quo. It has not worked. The current policy is just plain wrong. Morale and effectiveness is hurt by it now!" June 12, 1993 letter to President Clinton.

Colonel Robert Guida, U.S. Army, retired. "Mr. President, we know you are under tremendous pressure to compromise on your commitment to lift the ban. We urge you not to vacillate at this critical juncture—you are right. We have led our Nation's troops in peacetime and war. Not withstanding some potential difficulties, we believe strongly that the military is more than capable of implementing such a policy. Troops are concerned fundamentally, and should be, with having leaders and soldiers who know their jobs. Competence and dedication are the issue, not sexual orientation." Letter to President Clinton, June 30, 1993.

Commander William R. Bryant, U.S. Navy, retired. "There is no genuine reason that gays cannot serve openly and effectively in our military forces. * * * Most gays simply want to be open and honest and to keep their private lives private, just like you and me. * * * There should be a clear set of rules for sexual conduct for both service men and women." May 16, 1993 letter to Senate Armed Services Committee.

Colonel William L. Hauser, U.S. Army, retired. "The problem is not status, but behavior, and the military can enforce rules of behavior." New York Times, April 4, 1993.

Commander Beth Coye, U.S. Navy, retired. "Remember the bottom line: Notwithstanding complexities involved in implementation, to lift the ban on gays and lesbians is right for the military and the country. * * * Only with clear direction and unwavering leadership will President-elect Clinton's vision be manifested * * * and will the healing begin." The Mail Tribune, January 10, 1993.

Lieutenant Colonel James R. Letchworth, U.S. Army, retired. "I knew many gays in the military during my twenty year career. They covered all enlisted and officer ranks and served with distinction and were an asset to the military." May 13, 1993 letter to a Senator.

Lieutenant Colonel Beverly L. Trevor, U.S. Army. "Your committee on lifting the ban contains the same ridiculous rhetoric I have heard for barring women from combat positions." May 13, 1993 letter to Sam Nunn.

Lieutenant Colonel Charles H. Mixon, U.S. Air Force, retired. "They are talented, reliable, tolerant and enthusiastic. In my experiences in * * * Europe, Korea, Vietnam, and in the Cold War, as a jet bomber pilot and commander, their performance has been flawless." International Herald Tribune, June 25, 1993.

Lieutenant Colonel Ken C. Williams, U.S. Army, retired. "Changing the policy will not degrade military effectiveness any more than integration of blacks did in 1948. Gays are Americans, and if physically and intellectually qualified, should be allowed to serve. * * *" May 12, 1993 letter to Campaign for Military Service.

Lieutenant Colonel Chuck Magness, U.S. Army, retired. "We're talking about discrimination against a class of people because of their status and I'm surprised that it's taken the president of the United States to teach us all the difference between status and behavior." CNN Newsmaker's Saturday, January 30, 1993.

Lieutenant Commander Timothy L. Davis, U.S. Navy. "The ban on gay men and lesbians in the military is silly. * * * Civil rights are like gun powder. You can't stop people from getting them." May 13, 1993 letter to Campaign for Military Service.

Major William Schneider, U.S. Army National Guard, retired. "We should be judged by our ability, our competence. Gay men and women are not a threat." Chicago Tribune, May 16, 1993.

Captain Michael Clarkson, U.S. Army. "I believe the integration of homosexual men and women in the armed forces is more a challenge to leadership and understanding than to discipline and morale." Gannett News Service, April 12, 1993.

Captain Thomas W. Ratliff, U.S. Air Force. "I would like you to realize that there are many members of the United States military who support ending the discriminatory ban on gays and lesbians from serving in the military." May 14, 1993 letter to Sam Nunn.

Lieutenant David Zeni, U.S. Navy, retired. "Having served on a 400 foot long nuclear submarine along side 135 men, I can report to you that sexual orientation was never an issue.* * *I am surprised at military leaders who fear that gay service personnel will be beaten, "fragged," and murdered. Are they saying that our military's command structure is so poor that no one has control of the troops? We have an expression in the Navy Community—it goes—'There are no bad ships in the Navy, only bad wardrooms.' This speaks to leadership." May 19, 1993 letter to Sen. J. Lieberman.

Lieutenant George Cooper, U.S. Navy, retired. Member of Golden Thirteen. "Ever since we've had a Navy, there've been gays in the Navy, and it has not ruined that Navy. Gays are in every aspect of this society, and they operate effectively. They operate just like anybody else. They operate just as well as blacks do. This is a part of living in our society today, and we have to accept it and find out ways to live with it. NPR February 24, 1993.

Other Military Leaders Who Have Expressed Their Support

(Prepared by Campaign for Military Service Legal/Policy Division)

General William Miranda, U.S. Army National Guard.

Brigadier General Lester L. Lyles, U.S. Air Force.

Rear Admiral Stanley S. Fine, U.S. Navy, retired.

Major General (Adjutant General) Donald W. Lynn, U.S. Army National Guard.

Colonel Lucian Truscott III, U.S. Army, retired.

Colonel Joseph B. Holt, U.S. Air Force, retired.

Colonel George W. Beddingfield, M.D., U.S. Air Force, retired.

Captain William R. Graner, U.S. Navy.

Captain Jim Bush, U.S. Navy.

Commander Gary N. Hess, U.S. Navy, retired.

Commander Hank Carde, U.S. Navy.

Lieutenant Colonel Glenn S. Harman, U.S. Air Force.

Lieutenant Colonel Nancy A. Russell, U.S. Army, retired.

Lieutenant Colonel Werner Braun, U.S. Army.

Lieutenant Colonel Leslie L. Smith, U.S. Air Force.

Lieutenant Colonel Gary E. Carpenter, U.S. Air Force, retired.

Major Linda Morey, U.S. Air Force, retired.

Major C.R. Meyers, U.S. Marine Corps.

Major Elbert C. Legion, U.S. Army, retired.

Major Paul Florentino, U.S. Air Force, retired.

Lieutenant Commander, John Norris, U.S. Navy.

Lieutenant Chris Chop, U.S. Navy.

Lieutenant Matthew Gloss, U.S. Navy.

Justice (Lieutenant) William S. White, U.S. Navy, retired. Member of Golden Thirteen.

Captain Gerald L. Rosanbalm, U.S. Army, retired.

Captain Michael McManus, U.S. Army Reserves.

Sergeant, Forest D. Holycross, U.S. Air Force, retired.

Sergeant, Patrick Arbec, U.S. Marine Corps.

Sergeant, Morton M. Kondracke, U.S. Army, retired.

Senior Chief Petty Officer Christopher Leach, retired.

Senior Chief Petty Officer John W. Kressley, U.S. Navy, retired.

Chief Petty Officer Steven R. Amidon, U.S. Navy.

Mrs. FEINSTEIN. Among these are Adm. William J. Crowe, Jr., U.S. Navy, retired, who says:

> Arguments against allowing homosexuals in the armed forces are "generated more by emotion than by reason" and the military could adjust to their presence just as it has to minorities and women.

Gen. Barry Goldwater, U.S. Air Force, retired:

> It's no great secret that military studies have proven again and again that there's no valid reason for keeping the ban on gays. . . . We have the strongest military in the world because our service people respect chain of command and know how to follow orders. The military didn't want blacks in integrated units, or women, and now it doesn't want gays. Well, a soldier might not like every order, or every member of his or her unit, but a good soldier always follow orders—and in time, respect those who get the job done.

And this goes on with Capt. Lawrence Korb, U.S. Navy, retired; Col. Karl Cropsey, U.S. Army, retired; Col. Sam J. Turnbull, U.S. Army, retired; Comdr. William R. Bryant, U.S. Navy, retired; and on and on, in statements that say that gays can serve just as well as anyone and the thing that is a deterrent to their service is nothing but unbridled prejudice.

Let me go on with the finding of the court.

The central questions the judge asked, again, is whether the military is going to discriminate against a class of enlistees; if there is a rational basis for treating them differently.

Then the editorial goes on to say:

> The military fails to convince the judge on all counts. While the Navy claims that homosexuals are a threat to morale, discipline, and unit cohesion, it offers no evidence to back up the claim. In fact, Schwartz cites Government documents that attest to the opposite. Three separate studies commissioned by the Department of Defense conclude either that the overall performance of gays and lesbians has been satisfactory or that there is no evidence to support the contention that homosexuality is incompatible with service. A 1992 General Accounting Office report concurs. And a 1990 Navy memorandum to its commanders reads * * *

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. FEINSTEIN. I ask Senator BOXER, may I have a few moments additional?

Mrs. BOXER. I have so little time, but I will yield to my colleague an extra 15 seconds so she can wrap up.

Mrs. FEINSTEIN. I thank the Senator.

The memorandum reads:

> The stereotypical homosexual female in the Navy is hard-working, career-oriented, willing to put in long hours on the job and among the command's top professionals.

Madam President, I can only but object to a policy that is not only "don't ask, don't tell," but "don't be."

In my heart of hearts, I believe that it will be found to be unconstitutional. And I believe that the body of case law that will determine that is now being established in the two Federal court findings in the State of California which have held that the Armed Forces cannot discriminate because an individual happens to be gay or lesbian.

I ask unanimous consent that the text of the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Sacramento Bee, Sept. 3, 1993]

CHALLENGING THE GAY BAN

> In a U.S. District Court decision handed down Monday in Sacramento, Judge Milton Schwartz issued a sharp indictment of the military's discriminatory ban on homosexuals and ordered the Navy to reinstate a sailor who was discharged in 1982 after he told his superiors he was gay.
>
> Though the case dealt with a ban that the Clinton administration has since made marginally less strict, the judge's decision has implications for the president's new policy, which requires gay and lesbian members to keep quiet about their orientation and refrain from "homosexual conduct." The ruling offers a glimpse of the legal morass the administration may face as challenges to the new policy are heard.
>
> In his decision, Schwartz allows that military lives must be lived under special and strict rules. But, he writes, while "individual autonomy is not as great within the military community as it is within the larger civilian community, individual constitutional rights nevertheless remain intact."
>
> The central questions the judge then considers are these: If the military is going to use its latitude to discriminate against a class of enlistees, can it prove it has good reason to do so? Is there a rational basis for treating them differently, or does the policy stem only from prejudice?
>
> The military fails to convince the judge on all counts. While the Navy claims that homosexuals are a threat to morale, discipline and unit cohesion, it offers no evidence to back up the claim. In fact, Schwartz cites government documents that attest to the opposite. Three separate studies commissioned by the Department of Defense conclude either that the overall performance of gays and lesbians has been satisfactory or that there is no evidence to support the contention that homosexuality is incompatible with service. A 1992 General Accounting Office report concurs. And a 1990 Navy memorandum to its commanders reads: "The stereotypical homosexual female in the Navy is hard-working, career-oriented, willing to put in long hours on the job and among the command's top professionals."
>
> The judge is equally unconvinced by the Navy's argument that the policy is justified because it protects troops who would be made anxious by the presence of known homosexuals among them, even if the behavior of these homosexuals is disciplined. He writes: "Policies based on or motivated by the prejudice of one group toward another do not further any conceivable legitimate government interest and must be deemed irrational as a matter of law." Prejudice, he's saying, is not reason enough.
>
> Though an 11-year legal battle for the defendant in this case, former Navy cryptographer Mel Dahl (who in the interim got a law degree and argued his own case), may have ended this week in Sacramento, the military's efforts to uphold a still-discriminatory policy looks to be only just beginning.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. Who yields time to the Senator from Nebraska?

Mr. COATS. Madam President, let me again see if I can get a handle here on the time remaining.

The PRESIDING OFFICER. There are 26 minutes remaining for opponents, controlled by the Senator from Georgia, for opponents to the amendment.

Mr. EXON. If I could have the attention of the Senator from Georgia, I believe he is about to announce he will yield me 3 minutes?

Mr. NUNN. I will be glad to yield to the Senator from Nebraska 3 minutes.

The PRESIDING OFFICER. The Senator from Georgia has yielded 3 minutes to the Senator from Nebraska.

Mr. EXON. Madam President, I had hoped this amendment would not come up. Certainly those who are offering the amendment have every right to do so. I am pleased a time agreement has been entered into and we will vote on this shortly.

I certainly hope that the Senate will recognize that the Armed Services Committee has put in a great amount of time and effort on this matter and come to what I think is the best possible compromise under the circumstances.

There have been some statements made on the floor of the Senate this morning that I would like to briefly refute. First, the compromise that has been agreed to and codified into law under the armed services authorization bill before us is in total compliance with the final decision of the President of the United States. The Armed Services Committee is walking in lockstep now with the position of the administration on this matter, after the administration had changed, somewhat, its earlier pronouncements on this matter.

Also, it has been indicated that the Armed Services Committee has not been sensitive to what I think are some of the legitimate complaints about the military with regard to women. I thank Senator BOXER, the Senator from California, the sponsor of this amendment, who, I believe, said earlier in remarks on the floor of the Senate that she saluted and thanked the Armed Services Committee for the important role that we played in the Tailhook scandal, which was a scandal. The Armed Services Committee is not deaf to the legitimate complaints that have been raised. Therefore, I come to the defense of the Armed Services Committee, those on both sides of the aisle, if anyone thinks we have been insensitive to all these matters.

We have held some rather lengthy hearings. If there are statements made on the floor of the Senate that there has been no documentation of some of the problems that open homosexual activity could bring to the armed services and national security interests of the United States, anyone making those kinds of statements simply did not hear or read or know anything about the extensive hearings that we held in the Armed Services Committee.

While this debate is in order, I hope that we will recognize a great deal of time, effort, and testimony on both sides of this controversial issue have been recognized and listened to by the Armed Services Committee. The Armed Services Committee overwhelmingly has come out with what we think is a workable compromise, as imperfect as it might be. I hope at the proper time we will lay this matter to rest, either by a tablingmotion on the amendment offered by the Senator from California, or if it comes to an up-or-down vote, I hope the Senate will have the wisdom to lay this matter to rest once and for all as outlined in the thoughtful addressing of this problem that has been given by the Armed Services Committee of the U.S. Senate.

I yield back my time and yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from California.

Mrs. BOXER. I yield 10 minutes to the Senator from Minnesota.

Mr. WELLSTONE. Madam President, leadership is inspiring people to be their own best selves. I support the Boxer amendment because I believe that our approval of the policy in this bill would not meet that definition of leadership.

I am an American Jew, and I know that I would be deeply offended if there was a policy adopted that essentially said that if I was to say to a friend of mine that I was a Jew, I could lose my job, my place of employment. I think what we are trying to codify is the functional equivalent of that, and I think it is truly appalling.

I heard my colleague from Nebraska, whom I respect very much, talk about the deliberations of the Armed Services Committee. I am not here to attack the committee, but I am here to say that there was only one independent outside study. The Department of Defense spent $1.3 million on a Rand Corp. multidisciplinary study: A whole array of experts, focus groups, a study in our country, a study of other countries' policies as well. And after very careful deliberation—and I think it is interesting that not until very late in the game did we really have the opportunity to view this study, despite repeated requests to the Pentagon. The Rand Corp. concluded that "There is no empirical research that supports the contention that homosexuality is incompatible with military service."

Madam President, I ask unanimous consent to have printed in the RECORD at the end of my statement the executive summary of this study.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. WELLSTONE. I hope my colleagues will carefully read this, maybe not under the light of the cameras, in a calmer atmosphere free of the fear of the 30-second attack ads, and take this analysis to heart.

Rather than adopting a policy which is historically informed and forward looking, we choose to know what we want to know and we completely ignore the one independent study commissioned by the Pentagon that says we should end the ban and that this could be done without harm to military discipline or morale.

We are today about to codify a policy based on fear and based on prejudice. It is a policy that does not look forward, it looks backward. And it fails to ensure equal protection of the law. It does not meet the most basic standards of justice, or of nondiscrimination. And it does not meet the standard of equalprotection under the law.

Let us be clear. After all the debate points are made and all the fine legal distinctions are drawn out, when all is said and done, the bottom line remains: This codification is a major step backward in our march toward nondiscrimination and equal protection for each and every American. And let there be no mistake: This codification is in fact more restrictive than the Executive order. It seriously weakens the don't ask prohibition in the President's Executive order for those entering the service by giving additional discretion to the Secretary to make changes in the policy as he sees fit.

It removes the requirement in the President's proposal for equal and evenhanded application of the Uniform Code of Military Justice, essentially ensuring that this code will continue to be selectively enforced against gay and lesbian persons.

It leaves effectively unchanged the language which suggests that homosexual orientation is incompatible with military service, by saying that those with a propensity to engage in homosexual conduct, defined by this policy to include even a simple public acknowledgment of one's sexual orientation, represents an unacceptable risk to military effectiveness.

This policy reduces a group of citizens, men and women, to categories, to stereotypes, and it relegates them to lesser treatment under the law. I am disappointed and saddened by this, because when any among us are so diminished, we are all diminished.

I do not think you can compromise on extending basic civil rights to all our citizens. I do not think you can split the difference on a matter of principle. The only standard that ought to be set is the standard of conduct, and we should have the strictest standard of conduct.

Madam President, whatever happened to Martin Luther King's appeal to the Nation that we should judge people by the content of their character? Is that what we are doing with the codification of this policy?

By adopting this pollicy, we put gay and lesbian people in an incredibly difficult position. We present them with a Hobson's choice: Refuse to acknowledge their orientation, lie about it so that they can stay in the armed services, or tell the truth and be discharged for telling the truth.

If there is anything that will erode the honor and integrity and the esprit de corps of the military it is a policy which prevents people from staying in the military unless they lie about it when asked by their colleagues or commanders.

This is a completely untenable position to put people in as Federal policy. The U.S. Senate should not endorse such a policy.

Madam President, after all the agonizing and haranguing and worrying over minor details, let me be crystal clear: This policy has overlooked—I say this to my lawyer friends—one basic principle enshrined in the Constitution: Equal protection under the law. Nondiscrimination against any group of citizens. That is the issue before us. It is straightforward: Will gay and lesbian persons in this country be given equal protection against discrimination?

As the President once said, we should not discriminate against people because of who they are. Rather, the issue is what they do. Sexual orientation is no basis for action against our servicepeople. Sexual misconduct is, whether by homosexual or heterosexual members of our Armed Forces, and the rules on such misconduct should be enforced fairly and evenhandedly.

Madam President, this policy provided a test of the fundamental right of Americans to live in a society regardless of differences in race, creed, color or sexual orientation. We have failed miserably in that test. We have failed to uphold our most precious values of equality, of justice, of fair play, and equal protection. We have abandoned our commitment to an entire group of men and women, of citizens in our country who will remain essentially unprotected against discrimination by Federal law. This policy is a pale shadow of the President's earlier promise to lift the ban.

Madam President, there are men and women who are gay and lesbian who work for U.S. Senators and work for U.S. Representatives, and they work for us with honor. Many do a brilliant job in their work, and we all know it. It must be very painful for them to see us moving toward codifying this policy which treats certain people as less than fully human. And the same is true for virtually every major institution in our Nation.

I would say to those men and women who work right here in this institution, I cannot answer what surely must be your question: Why should not the Government, why should not the Armed Forces be leading the way in ending discrimination? Why should we not be lighting a candle? We can do much better than this.

Madam President, I say to my colleagues, we can do better. And I say to my colleagues, if not today, if not tomorrow, as I look at our country and I look at the march toward ending discrimination and toward treating people with dignity and respect and sensitivity, there will come a day where we will end the ban. There will come a day when there is civil rights protection for all citizens, and there will come a day when the United States of America is all that she can be. I am saddened and angry that day is not yet here. I urge my colleagues to oppose codifying this new policy and to support the Boxer amendment.

EXHIBIT 1

1. SEXUAL ORIENTATION AND U.S. MILITARY PERSONNEL POLICY: POLICY OPTIONS AND ASSESSMENT—STUDY OVERVIEW

INTRODUCTION

On January 29, 1993, President Clinton signed a Memorandum directing the Secretary of Defense to "submit * * * prior to July 15, 1993, a draft of an Executive Order ending discrimination on the basis of sexual orientation in determining who may serve in the Armed Forces." The Presidential Memorandum also directed that the recommendation by the Secretary be one that could be "carried out in a manner that is practical and realistic, and consistent with the high standards of combat effectiveness and unit cohesion our Armed Forces must maintain."[1] In issuing his directive, the President was acting on a campaign pledge to end the prohibition on homosexuals serving in the United States military. Changing policy to permit homosexuals to serve is controversial, and the change is opposed by many in the public and in Congress. The Chairman of the Joint Chiefs of Staff and other senior military leaders have indicated that they believe permitting known homosexuals to serve in the military would undermine unit cohesion and performance.

A series of Congressional hearings, held during the spring of 1993, revealed a broad range of opinion on the subject. Many senior military officials, such as retired Army General Norman Schwarzkopf, stated that they believed current policy banning homosexuals should remain unchanged. Other current and former members of the military supported permitting homosexuals to serve. Expert witnesses and social scientists voiced divided opinions on the issue.

The absence of a political consensus, in Congress or in the country as a whole, combined with divided expert opinion and conflicting views among military personnel, makes the search for an acceptable solution difficult. The Secretary of Defense subsequently asked RAND to provideinformation and analysis that would be useful in helping formulate the required draft Executive Order.

Study Approach

RAND's National Defense Research Institute initiated this effort on April 1, 1993. An interdisciplinary team of researchers considered a wide range of topics potentially relevant to the issue of acknowledged homosexuals serving in the military. Staff members visited military organizations in seven foreign countries and police and fire departments in six American cities, seeking insights and lessons from analogous experiences of other organizations and institutions. The team considered the historical record, focusing on the integration of African-Americans and on the development of the current policy that prohibits homosexuals from serving in the military. It reviewed public opinion data and the data concerning the views of current active-duty military personnel. It also reviewed the scientific literature on group cohesion, sexuality, and related health issues. It examined a number of legal and enforcement issues, as well as the literature that deals with implementing change in large organizations. This chapter brings together the results of the team's research, which is reported more fully in subsequent chapters of the report.

The "Not Germane"/Conduct-Based Policy

In light of this research, the team examined a range of potential policy options. Most of the options were judged to be inconsistent with the President's memorandum, internally contradictory, or both. Only one policy option was found to be consistent with the findings of this research and the criteria of the Presidential memorandum, and to be logically and internally consistent. That policy would consider sexual orientation, by itself, as not germane to determining who may serve in the military. The policy would establish clear standards of conduct for all military personnel, to be equally and strictly enforced, in order to maintain the military discipline necessary for effective operations. The option requires no major changes in other military personnel policies and no change in current law. The "not germane" option could be implemented without any changes to the administrative guidelines for prosecutions under the Uniform Code of Military Justice (UCMJ). However, several considerations lead to the conclusion that the policy would be more legally defensible and less costly and cumbersome to implement if the guidelines were revised to exclude private sexual behavior between consenting adults. This policy option is described in greater detail later in this overview.

Introducing a change of this type in the military requires careful attention to implementation issues. The prevailing attitudes of both the leadership and many military personnel are hostile to any change. Based on the historical experiences of adaptation to change in the military and the research literature on change in large organizations, several key elements of an implementation strategy are identified and discussed.

This overview synthesizes the results of the RAND research and functions as a "road map" to the chapters and appendixes that follow. It begins with a review of the history of U.S. military policy toward homosexuals and of the applicable provisions in DoD regulations and military law that have restricted homosexuals from serving.

U.S. MILITARY POLICY ON HOMOSEXUALITY AND SODOMY

Since World War I, homosexuals have been restricted from serving in the Armed Forces of the United States through either personnel regulations or the application of the sodomy provisions of military law. Sodomy was defined as anal or oral sex between men or between a man and a woman. At the end of World War II, the legal definition was changed to include sexual relations between women as well.

Homosexuality and the Military, 1916 to 1940

Early attempts to regulate homosexual behaviors within the Armed Forces were sporadic and inchoate. The Articles of War of 1916 went into effect on 1 March 1917. As the first complete revision of military law in over 100 years, this new codification was the first legal document to address the incidence of sodomy within the military population. The first mention of sodomy in military law was in Article 93, which prohibited assault with the intent to commit sodomy.[2] In their 1920 revision, the Articles of War included sodomy as a separate offense.[3] This statute did not change until 1951.

Between the two World Wars, the military attempted to screen and exclude homosexuals from service by utilizing contemporary biological theories about the causes and manifestations of homosexuality. In 1921, for example, the Army's "stigmata of degeneration" included men who appeared overly feminine, with sloping shoulders, broad hips, and an absence of secondary sex characteristics, including facial and body hair. Also among the exclusion criteria was the degenerative characteristic of "sexual psychopathy," which included sexual relations between men.[4]

During the interwar period the military discharged homosexuals administratively more frequently than they formally court-martialed them, despite the official stance that sodomists had to be court-martialed under the Articles of War. Individuals suspected of homosexual acts were released under a "Section VIII" discharge for unsuitability. While in theory these could be honorable discharges, in cases of psychopathic behavior, the discharge was normally less-than-honorable, or "blue."

World War II: 1941 to 1946

In an attempt to rationalize policy concerning homosexuals in the months preceding America's entry into World War II, the Army Judge Advocate General tried to assess how existing policy was being applied in the field. In the absence of aggravating factors, the Army removed most sodomists from service through administrative proceedings. Court-martial was indicated, however, in those cases where force was employed, when minors were involved, or when the sexual partner was incapable of consent due to intoxication or other impairing condition.

During World War II, a lively debate took place among military authorities concerning the policies and practices regulating homosexual activity and the exclusion of homosexuals in the Armed Forces. Within the Army alone, for example, there were twenty-four separate revisions of regulations concerning homosexuality between 1941 and 1945, compared with eleven revisions before the war and seventeen between the end of the war and the passage of the Uniform Code of Military Justice in 1950. This debate had several causes. First, there was widespread variance in the treatment of individual cases within the military. Second, military authorities seemed increasingly willing to consult with and accept the recommendations of medical and psychiatric personnel with regard to homosexuals. The American Psychiatric Association's Military Mobilization Committee helped develop the procedures that would be used to evaluate the more than 18 million men who would be examined for induction during the course of the war. By the beginning of the war, Army and Navy Departments, along with Selective Service, had determined that overt homosexual behavior could be used to deny entry into the military.[5]

During World War II, the prewar practice of separating homosexuals from service through the use of the administrative discharge was continued and articulated as part of Army regulations. By the end of the war, military policy concerning homosexuality had undergone several important changes. First and most important, the "homosexual" had replaced the "sodomist" as the focal point of legal concern, although the criminal aspects of same-sex behaviors had been neither eliminated nor elucidated in any clear manner. People who engaged in same-sex behaviors could be separated from the service through their resignation or by administrative discharge. Even if no sexual activity had occurred, a growing body of policy supported the view that a homosexualpersonality could readily be identified, and that such persons were to be barred from military service at induction or separated from the service upon discovery.

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[1] Footnotes at end of article.

The Cold War Era: 1946 to 1956

Immediately after the war, in 1946, the Army liberalized policies toward homosexual personnel by increasing the likelihood of their receiving an honorable discharge (AR 615-360). Attitudes shifted soon afterward, however, and, in 1948, the provision for honorable discharge was deleted.[2] On October 11, 1949, the Department of Defense issued a memorandum that unified military policy toward homosexual behavior:

"Homosexual personnel, irrespective of sex, should not be permitted to serve in any branch of the Armed Services in any capacity, and prompt separation of known homosexuals from the Armed Forces be made mandatory."

The Eisenhower Administration, with the signing of Executive Order 10450 in 1953, codified "sexual perversion" as grounds for dismissal from federal jobs. By some estimates, dismissals from federal employment increased tenfold. In the military, the number of discharges for homosexuality remained about the same as it had been during World War II—roughly 2000 per year—but from the much smaller post-war force of 1.4 million. The rate of discharge in the military, therefore, was also approximately ten times greater than it had been during the war.[7]

The Military and Homosexuality in the 1960s and 1970s

Within the military, the separation of homosexuals proceeded unchallenged throughout the late 1950s and early 1960s. DoD policy was revised in 1959, with the issuance of the first version of DoD Directive 1332.14 on the subject of Administrative Discharges. Section VII.I of that directive indicated that among the reasons for discharge for "unfitness" was "sexual perversion," including homosexual acts and sodomy. This remained the policy of the Department throughout the 1960s. (When Directive 1332.14 was revised in 1975, the language was slightly altered to describe "homosexual acts or other aberrant sexual tendencies" as the grounds for determining unsuitability for military service—section G.3).

The 1965 DoD directive revised the regulations surrounding the separation of homosexual personnel. Members facing a less-than-honorable discharge were allowed the chance to present their cases before administrative discharge boards and to be represented by counsel. By liberalizing the rights of service members, the 1965 separation directives marked a turning point in the legal history of homosexuals in the services. Before the 1965 directive, most service members accused of homosexuality cooperated without protest in order to protect others or to avoid more severe punishment.[8] Inconsistency in the standards, in the documentation required, and in administrative procedures, however, led to a review during the Carter Administration of the policy and procedures for discharge.[9]

The results of the review were reflected in the new edition of DoD Directive 1332.14, issued on January 16, 1981. In a memorandum accompanying the new directive, outgoing Deputy Secretary of Defense Graham Claytor, noting that his revision "contains no change in policy," explained that the enclosure on homosexuality (a new Enclosure 8 to the 1976 version of Directive 1332.14) had been completely revised. Thepurpose of the new enclosure was to make it clear that, based on an investigative finding that a person "engaged in, has attempted to engage in, or has solicited another to engage in a homosexual act," discharge was mandatory.

The revised enclosure in 1981 also for the first time stated that "Homosexuality is incompatible with military service" and provided the following explanation for the exclusion of homosexuals:

"The presence of such members [homosexuals] adversely affects the ability of the armed forces to maintain discipline, good order, and morale; to foster mutual trust and confidence among servicemembers; to insure the integrity of the system of rank and command; to facilitate assignment and worldwide deployment of servicemembers who frequently must live and work under close conditions affording minimal privacy; to recruit and retain members of the armed forces; to maintain the public acceptability of military service; and to prevent breaches of security."

The revision also affected policy on discharges by making it clear that homosexuality alone did not require a misconduct discharge. In the absence of other actions (such as violence), the discharge could be under honorable conditions. As promulgated by Deputy Secretary Claytor, DoD Directive 1332.14 and its provisions concerning homosexuality remained the policy governing enlisted separations until January 1993. (Directive 1332.14 was reissued in 1982 and the enclosure regulating homosexuality is now numbered 3H, but the language remained unchanged. Identical language in a separate directive governs officer personnel.)

The Recent Past: 1981 to 1991

The armed services' policies concerning the exclusion and separation of homosexual personnel came under increasing legal challenges after the new DoD policies went into effect in 1981: among the most publicized were *Secora v. Fox, Pruitt v. Cheney, Steffan v. Cheney and Watkins v. United States Army*. In each case, different aspects of the new regulations were contested in federal court.

Between 1980 and 1991, according to a report compiled by the General Accounting Office, there were 16,919 discharges for homosexuality within the Armed Services. These discharges comprised 1.7 percent of all involuntary discharges in the Department of Defense for this period.[10] Like all involuntary separations during these years, the numbers of homosexual-related discharges peaked in 1982 and declined for the remainder of the decade. On average, however, over 1,400 service personnel were separated for homosexuality per year.

Military Law: Homosexuality and Sodomy

The sodomy provisions of the Uniform Code of Military Justice (UCMJ, Article 125) have also been used as the basis for removing homosexuals from the service. Some have argued that a policy allowing homosexuals to serve would be inconsistent with this provision of military law.[11] In fact, DoD Directive 1332.14 and Article 125 of the UCMJ do not use the same definition or standard, nor do they attempt to regulate precisely the same behaviors. Directive 1332.14 defines a homosexual as one who engages in or desires to or intends to engage in homosexual acts. These acts, in turn, are described as "bodily contact, actively undertaken or passively permitted, between members of the same sex for the purpose of satisfying sexual desires."

A review of the research on sexual behavior suggests that there are many people who call themselves heterosexual, and who are predominantly heterosexual in behavior, who also engage in homosexual acts.[12] Some may experiment with homosexual behavior once or twice. Others may occasionally act on their attraction to people of the same sex, even if they call themselves heterosexual. Still others may recognize their attraction to others of the same gender, but they establish a heterosexual public persona and refrain from acting on these attractions or revealing their orientation to others. Finally, there are people who consider themselves to be "homosexual" or "bisexual" who, for whatever reasons (e.g., health concerns, religious convictions, or simply lack of opportunity), refrain from homosexual activities.

Article 125 of the Uniform Code of Military Justice states that a person engaging in "unnatural carnal copulation" with members of the same or opposite sex is guilty of sodomy. The UCMJ does not define what is meant by "unnatural" carnal copulation in statutory language. This definition is left to the explanation provided in the Manual for Courts Martial (MCM), where the proscribed behavior is defined as oral or anal sex (or sex with an animal). The distinctions between the two regulations governing the sexual behavior of military personnel can be summarized as follows: the DoD directive forbids virtually any type of homosexual conduct; the UCMJ forbids a narrower set of behaviors, regardless of whether they are performed by homosexuals or heterosexuals.

Under military law, the act itself is forbidden under all circumstances, regardless of the nature of the partners to the act. Consequently, heterosexual sodomy is proscribed as well as homosexual sodomy. Contemporary surveys indicate that oral sex, as defined and prohibited by the UCMJ/MCM, is widely practiced by both homosexuals and heterosexuals.[13]

REVIEW OF ANALOGOUS INSTITUTIONS AND EXPERIENCES

To understand the possible effect of changing policy to permit homosexuals to serve and to examine how other institutions have implemented similar changes, members of the RAND team visited a number of foreign militaries and domestic police and fire departments. None of these organizations is an exact model for the U.S. military, of course, but the comparisons can be instructive for assessing proposed changes in U.S. military personnel policy. Besides these analogous institutions, analogous situations such as the experience of racial integration of theAmerican military were also studied for potentially instructive insights.

The Experience of Foreign Militaries[14]

Policy toward homosexuals serving in the military varies widely among countries. Several countries were selected, representing the range of policies toward homosexuals from affirmative advocacy of homosexual rights (the Netherlands) to a ban on service similar to the current U.S. policy (United Kingdom). In addition, researchers visited Canada, France, Germany, Israel, and Norway. In each country researchers interviewed key government officials and, where possible, held discussions with other experts and observers. In some instances, the findings and conclusions reported here (and by the General Accounting Office in its June 1993 report) appear to be at variance with testimony before the Senate Armed Services Committee and with often-recited, commonly held opinion about foreign practices.[15] Every effort was made to elicit from the foreign governmental officials their explanation for these discrepancies.

Each of the militaries visited exists within and reflects its own society and culture, and policies vary accordingly. France, Germany, Israel, the Netherlands, and Norway have conscript forces. Norway essentially trains recruits to serve as a militia that can be mobilized for territorial defense should future situations require it. Norway also contributes forces to international peacekeeping missions. The Netherlands is changing policy to end conscription and will rely on a volunteer force in the future. Both Norway and the Netherlands follow a nondiscrimination policy with respect to homosexuals serving.

The French policy on homosexuals is not to have an official policy. Unofficially, the issue of homosexuality is dealt with in the general category of medical/psychological issues. Homosexual status is not automatically disqualifying for conscription, but in practice homosexuals are excused from service if they so desire. Among the career force, flagrant homosexual conduct can be the proximate but unofficial cause for separation. In general, the French approach is that private sexual conduct is not relevant to performance of military duties.

Israel, like these European countries, relies on conscription, although in Israel's case the term of service is longer (36 months vs. an average of 10 months in Europe). Like Norway, the ethic in Israel is that all should serve and everyone should remain available for mobilization to defend the country, but Israel goes beyond that purely military notion to include the use of military service as an instrument of national socialization. It is an obligation and a duty to serve in the Israeli military, and the ethic is thus one of inclusion rather than exclusion—the Israeli military will make every effort to permit recruits to serve, accepting some who might otherwise be disqualified on purely military grounds.

Israel has recently (June 11, 1993) reaffirmed its policy of nondiscrimination, removed the requirement that homosexuals undergo a mental examination, and no longer automatically prohibits them from holding top-level security clearances. Israeli officials directly refuted the commonly made assertion that homosexual men are not permitted to serve in combat units, or are treated like women and given clerical jobs and allowed to live at home, stating that all such decisions are made on a case-by-case basis. The recently issued standing order makes it clear that no automatic restrictions will apply to homosexuals and that all members of the force will be judged by the same criteria. Because of the ethic of inclusion in the Israeli military and the concept of citizen-soldier that guides Israeli service, there is a well-developed system of support from counselors, psychologists, and social workers to assist military leaders in dealing with service members' problems of adjustment to military service.

Like the United States, Canada and the United Kingdom do not rely on conscription. Canada maintains a relatively small military that, in addition to its NATO responsibilities, is oriented primarily toward therole of international peacekeeper. In late 1992, Canada's policy was changed to eliminate the ban on homosexuals serving in its military, following court rulings that prohibited discrimination on the basis of sexual orientation in all areas of federal jurisdiction. The Canadian Forces then implemented a new policy that permitted acknowledged homosexuals to serve while prohibiting inappropriate sexual misconduct and personal harassment by all service members.[16] this new policy received strong endorsement and support from the leadership of the Canadian Forces. Thus far, the Canadian Forces report no detrimental effects resulting from the policy change.

The United Kingdom remains the only country of those visited to retain an absolute ban on homosexuals serving. It is the only country visited that will conduct investigations of alleged homosexuality and will expel known homosexuals from the service.

In all the countries visited, sodomy has been decriminalized in the civil law. The military law then followed suit in all countries other than Britain, where the Queen's Regulations still forbid homosexual acts. Even in Britain, however, the policy in practice is to expel homosexuals under provisions of a general administrative discharge, not to charge them with a violation of military law.

Like Britain, Germany will exclude known homosexuals from service. For homosexuals already in the military, German policy tends to be more variable. Conscripts are likely to be expelled if discovered to be homosexual. (Since Germany does not actively investigate these matters, discovery would almost always be associated with an actual incident of conduct, an adjustment problem, or a self-declaration.) In the professional force, an individual who has served less than four years may be expelled, depending on other factors. Individuals would not automatically be expelled if other factors indicated satisfactory performance on the job. After four years of service, the individual almost certainly would not be separated, although it is very possible he would be transferred to a job that is not in a "leadership" position. In Germany these decisions, which are infrequent, are made on an individual basis, and the outcome depends on a variety of factors. Indeed, the best summary characterization of German policy in this regard is the frequently heard explanation "it depends."

While it is generally accepted that homosexuals serve in all of the militaries examined for this study, few serve openly (and none, of course, can be open in the United Kingdom). RAND researchers were frequently told that if a meeting on this subject had not been requested by the visiting Americans, there would be no occasion to have a meeting to discuss the issue. Despite tolerance for homosexuality in the society and the decriminalization of homosexual acts, in none of these societies is homosexuality widely accepted by a majority of the population.[17] (The trend in society at large, however, is toward the expansion of legal rights of homosexuals.) In the Netherlands, easily the most tolerant and encouraging environment for homosexuals to serve, fewer than 1 percent of the men in the Dutch military identified themselves as "predominantly homosexual" on a questionnaire; 3.5 percent of women indicated that they were homosexual; and 4.8 percent of the men stated that they had had homosexual experiences at some time in their lives.

In four of the countries that have policies of complete nondiscrimination (Canada, Israel, the Netherlands, and Norway), no serious problems were reported concerning the presence of homosexuals in the force. While an occasional episode of ridicule or violence has occurred (reported mainly in Norway), these incidents have been sufficiently infrequent that no special measures were taken to prevent future incidents. In Canada, since the ban was lifted in 1992, no member of the Canadian Forces has declared himself or herself to be homosexual, and no incidents of violence against homosexuals or disruption in units have been reported. In the Netherlands, no serious problems have been reported. No effects on recruitment or retention were identified in these militaries.

Generally, the pattern in each of these organizations is to deal with homosexuals as individuals, treating any issues or difficulties that arise on a case-by-case basis. The Netherlands departs from this standard in providing sensitivity training for troops and making active efforts to ensure that homosexuals are integrated into the force. The affirmative action policies and the special status thus accorded to homosexuals as a category distinguish policy in the Netherlands from that in the other countries examined.

None of the militaries studied for this report believe their effectiveness as an organization has been impaired or reduced as a result of the inclusion of homosexuals. With the exception of the Netherlands, no special resources have been expended or programs created to deal with the presence of homosexuals. The Dutch assessment of their own policy has led to the conclusion that the program of promoting open acceptance has not been as successful as they desired. While each of these militaries has a different role to play in its social context, the key finding is that, in all cases where a decision has been made to include homosexuals in the force, the organization's leaders believe that the force's organizational performance is unaffected by that presence.

The Experience of Domestic Fire and Police Departments[18]

Unlike the foreign militaries, domestic police and fire departments function in the American cultural and societal context. Police and fire departments share a number of characteristics with the U.S. military that make them the closest domestic analog. They are hierarchically organized, with a well-defined chain of command. Members work together as teams. A substantial proportion of job time is spent training for short, intense periods of hazardous activity. An inherent feature of the job is putting one's life at risk. They are markedly different, however, in that only the military deploys its members on ships, or routinely engages in field exercises of extended length. Police officers and firefighters return to their homes after periods on duty; they often train and work in smaller units than the military; and they interact with the community at large to a much greater degree—indeed, as a central aspect of the job.

RAND researchers visited six U.S. cities that have policies of nondiscrimination in place: Chicago, Houston, Los Angeles, New York, San Diego, and Seattle. They focused on two main issues: (1) What were the behavioral responses at the individual level of both homosexuals and heterosexuals to the presence on the force of homosexuals? (2) What were the organizational strategies and polices put into place to implement the nondiscrimination policies? Geographic distribution was sought, and cities with atypical cultural climates with respect to homosexuals (e.g., San Francisco) were excluded. Cooperation from the local departments was generally good, although in Houston the police department and in Los Angeles the fire department declined to participate in the research effort. In addition to review of relevant documents and newspaper articles, RAND researchers also interviewed high-ranking leaders, personnel and equal opportunity officers, trainers, unit commanders, recruiters, and counselors. They also interviewed heterosexual rank-and-file members of the force and homosexual members, both alone and in groups ranging in size from three to twenty.

Based on the assessments of the experience in these six cities, it is possible to make some generalizations about the likely behaviors of homosexual members of the force. Virtually all homosexuals who join police and fire departments conform to the norms and customs of the organization they are joining. These individuals do not fit stereotypes that are inconsistent with the organization—those who join police departments, for example, wish to be "cops," not "homosexual cops." Homosexuals (male and female) declare their homosexuality gradually, and the numbers remain small (see Table 1-1), despite the existence of policies that codify their right to serve.

TABLE 1-1.—NUMBERS AND PERCENTAGES OF OPEN HOMOSEXUALS IN SELECTED POLICE AND FIRE DEPARTMENTS

Institution and city	Total force size	Number of open known homosexuals	Estimated prevalence (percent)
Police:			
Chicago	12,209	7	0.06
Houston	4,100	0	
Los Angeles	7,700	7	.09
New York	28,000	−100	.36
San Diego	1,300	4–5	.25
Seattle	1,300	2	.15
Fire:			
Chicago	4,700	0	
Houston	2,900	0	
Los Angeles	3,200	0	
New York	11,300	0	
San Diego[1]	845	1	.12
Seattle[1]	975	5	.51

[1] All openly homosexual firefighters in these cities were women.

Many more homosexuals were known to each other and to their colleagues than were known to their departments. Some of these individuals were members of confidential homosexual fraternal organizations. In one department, for instance, only seven individuals were known to the department, but more than forty belonged to a homosexual fraternal organization of department members. Moreover, in every city, homosexual officers knew of other homosexual members of the force who had opted not to join such groups, either for fear of being identified as homosexual or for lack of interest.

The number who publicly acknowledge their homosexuality and the pace at which they do it are strongly influenced by the perceived tolerance or hostility of the organizational environment, both in terms of leadership policies and attitudes and in terms of the attitudes and behaviors of fellow members of the force. Anti-homosexual attitudes are widespread within these organizations, and the process of making one's sexual orientation known is thus self-regulating to a large extent. Even in New York City, where the number of homosexuals on the force is highest and where the climate is generally more tolerant than in the other cities visited, fewer than half of the homosexuals belonging to the Gay Officers Action League are known to be homosexual by their supervisors or by the department.

Because of the general desire to conform to the norms of the organization and to "prove one's worth" as a member of the organization, homosexuals seldom engage in behaviors that challenge those norms or that are designed to shock or offend fellow members of the organization. Just as the process of making one's sexual orientation know is self-regulating, most other behaviors also conform to general expectations. Not a single case of an acknowledged homosexual male sexually harassing a heterosexual male was reported. Occasional hearsay reports, usually by commanding officers, were offered of homosexual woman harassing heterosexual woman, but these, too, were recognized as being rate, for less frequent than incidents of heterosexual men harassing woman.

Heterosexual members of these departments often voice sentiments hostile to homosexuals. These opinions did not necessarily result in overly hostile behavior. Some people reported that their opinion of homosexuals shifted after having served with them: Usually the homosexual officer had been know first in the role of policeman or policewoman, and only later as homosexual. Some instances of homosexual officers facing ostracism or being "framed" by fellow officers (e.g., planting false, incriminating evidence) were reported. While this was not a universal experience, it is not unheard of and concerns the leadership of the departments. Acknowledged homosexual members of the departments felt that they had generally been able to manage the hostility, especially if the decision to be open about their sexual orientation was their own. Those who had been exposed as homosexuals by others often experienced more difficulty.

Heterosexuals often voice a fear of AIDS, and the fear is often based on views that would not be supported by scientific data on the nature of the disease and the mechanisms for its transmission. Such attitudes have not been eliminated despite educational efforts regarding the disease. Notwithstanding the presence of concerns or fears over AIDS, no actual incidents where officers refused to work with or come to the aid of a homosexual colleague were reported to the research team.

Among heterosexuals there is widespread fear that homosexuals will be given special treatment or that efforts will be made to "educate" heterosexuals and change the attitudes toward homosexuals. Sensitivity training, special programs for homosexuals, or elements of affirmative action aimed at homosexuals foster deep resentments among the heterosexual members of these departments. Leaders emphasized the importance of controlling behaviors, not attitudes. It is possible for heterosexuals to work with a homosexual, but to ask them to alter fundamental moral or religious beliefs about homosexuality is to ask too much.

The departments visited report that, overall, the effectiveness of the organization has not been diminished by the presence of homosexuals on the force. Morale and discipline have been maintained, and recruitment and retention rates appear to be unaffected by the presence of known homosexuals in the department. Very few formal complaints of harassment are lodged, due in part to the relative rarity of such events but due also to the strong norms in these organizations to work out problems at the unit level—good cops do not "rate" on their fellows, and good units do not expose their problems to outsiders.

In order for a nondiscrimination policy to be implemented effectively, leaders in these departments suggested that the message that a new policy was in place needed to be clear and simple, and it needed to be communicated and enforced consistently. Since anti-homosexual attitudes are present among the rank and file and since sensitivity training and similar programs usually provoke resentment rather than tolerance, the emphasis on training is more successfully focused on leaders. Strict standards of professional conduct and behavior are important. Likewise, it was felt that education on the issues related to AIDS could be effective in helping to overcome some of the fears expressed by heterosexuals.

A final observation on implementation that applied to all departments studied is that the process of implementation unfolds gradually. Homosexuals reveal their sexual orientation over time, in a process calibrated in part to the perceived readiness of the organization to tolerate open acknowledgment. The organizational tolerance, in turn, evolves over time partially in response to the behavior of the members. Because the number of open homosexuals remains small, both as a percentage of the total force and as a percentage ofthe total number of homosexuals on the force, there is little need for policies "regulating" the behavior of acknowledged homosexuals on the force—the behaviors are self-regulating. The self-regulating and evolutionary nature of the process provides time for organizations to adapt to members as well as for members to expand, in a gradual fashion, the boundaries of the organization's tolerance.

The History of Racial Integration in the United States Military[19]

Our review of the military's experience with integrating blacks and women shows that racial integration is the more applicable analogy: women are still largely excluded from combat and, therefore, in a very fundamental way, are treated as a special class. The process of racial integration, begun in the late 1940s, required many years of effort in order to achieve the relatively successfully integrated fighting force of today. While a decision to permit homosexuals to serve is not directly comparable to this historical example, racial integration can serve as a source of potential insights into how the military as an organization has adapted to changing policies on a controversial social issue. The lessons of this experience may prove valuable in devising a practical and realistic implementation plan for changes in the future.

The main theme of those opposed to racial integration in the post-war period centered on the fact that whites were hostile toward serving with blacks. This argument was often accompanied by rhetoric similar to that surrounding the issue of homosexuals serving today. Integration was said to be inconsistent with prevailing societal norms and likely to create tensions and disruptions in military units and to impair combat effectiveness. The effect on combat effectiveness was put to an early test during the Korean War. Spurred in part by critical manpower needs and in part by a concern that the all-black units were not as combat-capable as required in the theater, the Army fielded integrated units for the fighting. The actual experience of these units indicated that the integrated units performed at a standard equal to the all-white units (and much better than the all-black units).

The initial positive experiences in the wartime environment of Korea were followed by further rapid and complete integration of the Armed Forces by the mid-1950s. Until the early 1960s, the military seemed to be moving ahead of civilian society in progress toward integration. Black reenlistment rates were high, and many blacks perceived the military as providing opportunities in some ways more attractive than those provided by civilian society.

This veneer of racial harmony was shattered in the late 1960s. The civil rights movement and the rise in racial tensions throughout the country during the 1960s were reflected in the military. For example, difficulties experienced by black troops in finding off-base housing in certain areas of the country created a significant challenge for the Department of Defense. The Vietnam war added an additional layer of racial tension. Initially, blacks volunteered in disproportionately high rates for combat duty in Vietnam and performed effectively. But as many civil rights leaders began to be vocal in their opposition to the war, many also began to question whether the draft calls and the casualty rates were falling disproportionately on black Americans from the inner cities. Racial tensions and, ultimately, race riots broke out in all four services. The military was forced to recognize that much still remained to be done to achieve integration, and that the level of racial tensions threatened to interfere with mission accomplishment.

By the end of the Vietnam war a vigorous effort to improve the racial situation in the military had been launched. Aggressive support for equal opportunity accompanied the post-Vietnam drawdown and the development of the all-volunteer force (AVF). Renewed attention from senior leaders and vigorous efforts to enforce policies forbidding discrimination resulted in the integrated, all-volunteer force of today.

While these historical examples can be instructive, they are not directly comparable to the issue of known homosexuals serving in the military. For example, in contrast to the issue of sexual orientation, there were compelling operational reasons favoring integration of blacks into the military. During World War II, many military leaders had begun to recognize that operational effectiveness was impaired by continued segregation in the force. Thus, elements of the military itself began examining ways to utilize black troops more effectively. In contrast, the argument for permitting homosexuals to serve is based on ending discrimination, not on compelling operational advantages.

Although a majority of Americans did not favor racial integration of the military in the late 1940s, public opinion changed over time. The wartime experience and the growing civil rights movement increased the pressure on the military to change. This pressure was a constant and growing factor for change throughout the 1950s and 1960s. Today, public opinion is more favorable to allowing homosexuals to serve than was public opinion favorable to racial integration of the military in the late 1940s.[20]

These distinctions must be kept in mind in evaluating the lessons suggested by the experience of racial integration of the military, but several points are nonetheless pertinent: The experience of integrating the races in the military suggests that civilian and military leadership can effectively overcome the initial resistance to change and can minimize the worst fears of opponents about the damaging effects on unit performance. Despite the presence of racial tensions, fighting performance did not suffer. The experience also suggests that military adaptation to social change does not occur overnight, and that constant monitoring and a clear commitment from top leadership over a substantial period of time will be required. The experience of racial integration also illustrates the length of time often required to put a change in policy into actual practice. Further, the integration of the workplace and the ability to accomplish the mission at hand does not automatically translate into social integration. Off-base and off-duty, blacks and whites customarily associate with members of their own race.

CURRENT AMERICAN ATTITUDES TOWARD HOMOSEXUALS SERVING

The historical lesson of racial integration clearly shows the importance of both general public opinion and the attitudes of service personnel toward homosexuality and toward homosexuals serving in the military.

Attitudes in the General Population[21]

Currently, the American public is divided on the question of whether homosexuality is acceptable as a "lifestyle," with a majority believing that it is not acceptable. Roughly 40 percent of Americans are willing to consider homosexuality as either not a moral issue or as an acceptable alternative lifestyle, a percentage that has remained relatively unchanged over the past decade. If a slightly different question is asked, such as whether homosexuality is "wrong," nearly three-quarters of the American public answer affirmatively. There is no trend toward greater acceptance of homosexuality discernible in these opinion data, either. for the past two decades, 70–75 percent of the public has responded that homosexuality is wrong.

While a majority of the public cannot be said to approve of homosexuality or a homosexual "lifestyle," opinion toward the civil rights of homosexuals is more favorable. Roughly 80 percent believe that homosexuals should not be discriminated against in the workplace (despite a personal preference of half the population not to have to work with a homosexual). On other issues of homosexual rights, such as homosexual marriage or child rearing rights, only about one-third of the American public supports extending such rights to homosexual couples.

On the question of service in the military, the American public is again divided. In a variety of polls, the percentage that favors lifting the ban on service varies from slightly more than 40 percent to slightly more than 50 percent. In the most recent poll, the Wall Street Journal/NBC News poll, published June 11, 1993, only 21 percent of registered voters opposed allowing homosexuals to serve under any circumstances. Thirty-eight percent favored service as long as sexual orientation was kept private, and 40 percent were in favor of homosexuals serving openly (but following the same rules of conduct as all military personnel while on base). While the opinions on removingthe restriction on homosexuals in the military more closely resemble opinions toward workplace and employment issues than opinions on "lifestyle" and morality, no strong consensus emerges from the data in favor of permitting homosexuals to serve. The American public remains divided on this issue.

Attitudes in the Military[22]

The popular press and recent Congressional hearings have provided a window into the military perspective on ending discrimination on the basis of sexual orientation in the military. Whether in opinion surveys or in group discussions the military members who have chosen to speak out on this subject have been overwhelmingly opposed to removing the restriction. However, this opposition has not been universal. Some military members have advocated allowing homosexuals to serve and some have expressed willingness to go along with whatever is decided, while some are strongly opposed to making any changes at all. Some have predicted the demise of the military if the ban is lifted and others have expressed their belief that the military would adjust to this change, as it has adjusted to changes in the past.

Two sources of information on military opinion were consulted by the study team: surveys and focus group interviews. While neither source provides a statistically representative view, together, they provide a reasonably comprehensive picture of contemporary military opinion.

Surveys: The two surveys of military opinion on this topic are by the Los Angeles Times, a survey of 2,346 enlisted men and women (E–1 through E–9) during February 11–16, 1993, and by Charles Moskos and Laura Miller, sociologists from Northwestern University. While these surveys are limited in scope and use convenience sampling methods rather than probability sampling to select respondents, they provide a source of information about a diverse sampling of military members.

The survey results indicate that three-fourths of males and about half of females in the military are opposed to permitting homosexuals to serve. A substantial minority of respondents in the Los Angeles Times poll, about 16 percent of males and 35 percent of females, approved of removing the ban; and 17 percent of males and 44 percent of females participating in the Moskos and Miller survey approved of removing the ban.

Those opposing homosexuals in the Los Angeles Times poll indicated that they feared sharing quarters with homosexuals, that they viewed homosexuality as immoral and contrary to their religious beliefs, and that they were concerned that homosexuals contribute to the spread of AIDS.[23] An overwhelming majority expressed the opinion that homosexuals would be subject to violence if restrictions on them were removed. Those Army personnel responding to the Moskos and Miller survey indicated that, while homosexuals were not generally considered to be desirable unit members, an overwhelming majority of respondents (72 percent of males and 87 percent of females) felt that private sexual behavior was none of their business. Fewer, about 38 percent of males and 29 percent of females, felt that homosexuals would be subject to sexual advances by homosexuals. The ban on homosexuals is not, however, the only important concern of military personnel. The Los Angeles Times survey found that while 48 percent rated removing the ban as the most important problem facing the military, 52 percent picked downsizing of the force; 66 percent felt that attention to removing the ban was "draining attention from other more important issues."

Focus Groups: RAND researchers also conducted 18 focus group discussions as part of this study. These focus groups provided a rich source of information on the diversity of military opinion and on how military members think about the issues and explain their views. Focus groups were conducted with Army, Air Force, and Marine participants at three California installations and with Army and Air Force participants from several installations near Frankfurt, Germany. The interview protocol used was designed to lead gradually into the topic of homosexuals in the military, in order to understand that issue in the larger context of opinion on other aspects of military life. To understand how conflict is managed in the military's workingenvironment, questions were asked about how differences in race and gender might cause problems and how these problems were resolved.

While there was diversity in opinions, some common elements emerged. First, military members felt that they had dealt successfully with racial integration in the military and were proud of it. They seemed to feel that racial integration had strengthened the military's ability to perform its mission. They also seemed to deal well with the low-level interpersonal conflict that happens in the barracks and on the job. Soldiers viewed it philosophically as the price for diversity, which they seemed to value. Officers viewed dealing with it as part of the job they were trained to do and an area that provided considerable challenge.

Most acknowledged that the integration of women into the military was still causing problems, in part because it was incomplete. Still, most group participants viewed women as there to stay and were confident that problems would eventually be worked out to a tolerable degree.

When the issue turned to homosexuals in the military, focus group participants' level of confidence in their ability to cope dropped sharply. While some could view the change with equanimity, many had difficulty imagining the consequences and viewed the problem in stark terms. Concerns centered around fears of special treatment of homosexuals, fears that homosexuals will band together and discriminate against heterosexuals, fears of being subjected to unwelcome sexual advances, and fears about their families and themselves being confronted by evidence of a lifestyle they regard as immoral. These concerns were particularly strong against a backdrop of downsizing and cutbacks in military benefits. Many perceived their own opportunities to be shrinking and resented what they see as extending rights and benefits to an unworthy group that is using the military for political and social advantage. Many predicted violence against homosexuals would result; this was expressed both in the surveys and in the focus groups.

They were unable to see how the conflict management skills they had learned in response to other problems could apply to this new situation, although this was in direct opposition to the "can do" attitude they had articulated earlier in the group sessions. In addition, while they had (for the most part) incorporated the presence of minorities and women into their image of the military, they had much more difficulty seeing how homosexuals could fit into that picture without changing it beyond recognition, compromising the military's ability to carry out an effective national defense.

ISSUES OF CONCERN: VIOLENCE AND AIDS

Focus groups with active-duty personnel, surveys of military personnel, testimony at Congressional hearings, and media reports have raised concerns about anti-homosexual violence and the possibility that AIDS would increase among military personnel if acknowledged homosexuals are allowed to serve.

Violence[24]

The evidence on anti-homosexual violence is almost exclusively restricted to its occurrence in the civilian population and is of limited quality. However, there is sufficient evidence to conclude that it occurs with some regularity in the civilian community. It also occurs in the military under current policy, although there are no data on the relative frequency of that occurrence. Experience in the civilian sector shows that there is a high rate of failure to report anti-homosexual violence. The ban on allowing homosexuals to serve, with the significant penalties for discovery, provides a further disincentive for victims to report anti-homosexual violence or threats of violence.

To the extent that changes in policy resulted in changes in the number of acknowledged homosexuals in the military, the rate of anti-homosexual violence might change, since acknowledged homosexuals are more readily identified targets for such violence. The experience of racial integration in the U.S. military, foreign militaries, and domestic police and fire departments suggests that if leaders make it quite clear that violence will not be tolerated and stern action will be taken, violence can be kept to a minimum.

HIV Transmission and AIDS[25]

DoD's testing program for Human Immunodeficiency Virus (HIV) almost entirely prevents the entry of HIV-infected individuals into the military. Therefore, the only way a change in policy permitting homosexuals to serve could significantly affect HIV infection rates in the military is by increasing the number of service members who are infected while serving. It is not possible to predict whether there would be an increase, much less to estimate its magnitude. However, if there were an increase, it would have little effect on military effectiveness. All military personnel whose health is seriously affected by HIV are discharged. Further, all service personnel must be tested before deployment and those who test positive cannot be deployed. Given the accuracy of HIV testing, very few HIV-infected personnel would ever deploy or serve in combat, the military blood supply would remain safe, and there would be virtually no danger from contact with blood on the battlefield.

Regardless of whether homosexuals are permitted to serve, the military could experience higher HIV infection rates in the future. Available evidence on sexual risk behavior and rates of sexually transmitted diseases among all service personnel suggests the potential for increased HIV transmission under conditions that place personnel in greater contact with infected populations.

UNDERSTANDING UNIT COHESION[26]

Concern about the effect that an acknowledged homosexual would have on "combat effectiveness and unit cohesion" has dominated the debate. It also provides the basic rationale for the current policy that "Homosexuality is incompatible with military service."[27] Most military leaders who have spoken publicly on the issue in the recent months argue that introduction of a known homosexual into a unit, no matter how discreet his or her behavior might be, would seriously undermine thecohesiveness of that unit. Unfortunately, opinion on this issue is intuitive or based on anecdote. There has been no systematic study of this subject, and no controlled experiments or other research bear directly on this issue.

There is a large body of potentially related empirical research in the fields of industrial organization, social psychology, sports psychology, and group behavior, a significant amount of which was sponsored by the military. Other potentially relevant material can be found in the ethnographic and biographical military literature. The principal conclusion from an extensive review of this literature is the commonsense observation that it is not necessary to like someone to work with him or her, so long as members share a commitment to the group's objectives. This conclusion was also borne out in the review of racial integration in the military, as discussed above.

"Cohesion" is a concept with many definitions and sources. While military researchers sometimes refer to "horizontal" cohesion, meaning the bonding of members of a group, and "vertical" cohesion, referring to the bonds between leader and members, these concepts are not widely used in the research literature. Leadership is recognized as an important aspect of military performance (and can have an effect on cohesion), but "cohesion" is generally used to refer to the forces that bond individuals together as a group. This notion of cohesion, in turn, can be generally divided into two important types: social cohesion (intragroup attraction) and task cohesion (commitment to shared goals and objectives). Cohesion can thus also be distinguished from other concepts such as morale, a concept more meaningfully applied to individual attitudes toward a larger group.

Research has shown that many factors can produce social and task cohesion. Simply being assigned to the same unit predisposes the group members to at least a moderate level of cohesion. Length of time together, a history of success experiences, and a sense of shared fate or interdependence all enhance a unit's cohesion. Sharing similar traits or values enhances social cohesion, but it is not necessary for task cohesion, so long as the individuals share a commitment to the group's mission.

In general, research has identified a positive, though not strong, association between cohesion and performance. However, the relationship between cohesion and performance is not a straightforward one. First, the effect of successful performance on cohesion appears to be stronger than the effect of cohesion on successful performance. Second, it appears that the positive association of performance and cohesion is almost entirely due to the influence of task cohesion, not social cohesion. Indeed, excessive social cohesion sometimes interferes with the successful completion of the group's assigned mission.[28]

The lack of direct evidence makes it difficult to predict confidently the effect of the presence of a known homosexual on the performance of the group. Sexual orientation is one dimension on which group members would be dissimilar, and this could reduce social cohesion. Members would share other traits, however, and the precise effect of the presence of a known homosexual on social cohesion is uncertain.[29] While the effect on social cohesion may be negative, the presence of a known homosexual is unlikely to undermine task cohesion, provided that the individual demonstrates competence and a commitment to the unit's mission. Task cohesion, not social cohesion, appears to be what drives successful performance.

Given the high levels of hostility toward homosexuals present in the military ranks today, a range of responses is possible to the introduction of a known homosexual into the group, including ostracism. At least initially, heterosexuals might be reluctant to cooperate or work with homosexuals. However, the reduction in social cohesion would not necessarily lead to the breakdown of the unit. In circumstances where disruptive behavior occurs or where standard leadership techniques are insufficient for preventing dysfunction in the unit, it may be necessary to provide additional resources to the unit leader, such ascounseling support or expert assistance. It may also be necessary to remove individuals (heterosexual or homosexual) from units if their behavior continues to disrupt the unit.

IMPLICATIONS OF THE RESEARCH

Homosexuals serve in all of the foreign militaries and in each of the domestic police and fire departments visited by RAND researchers. They serve with varying degrees of openness, however, and in most of these organizations the number of homosexuals known to the organizations was estimated to be a small fraction of the total number of homosexual members. A variety of factors explain this, including the generally hostile attitudes of many heterosexuals toward homosexuals. In these circumstances, homosexuals tend not to advertise their sexual orientation but rather conform to the mores and norms of the organization in which they serve. These organizations found that incorporating homosexuals into the force created relatively few problems. They experienced virtually no loss of organizational effectiveness or impairment in performance. Few disruptive incidents or examples of outright hostility were reported. The inherent gradualism of the process of integration accounts in part for the absence of negative effect, as do some of the strategies adopted by the organizations for assuring successful implementation.

Among the strategies for achieving successful implementation of a nondiscrimination policy, those that signaled clear leadership support and insistence on maintaining high standards of professional behavior resulted in relatively few problems. In the opinion of most officials interviewed, the resistance of heterosexuals to the process was dealt with more effectively through leadership training (throughout all levels of the chain of command) than through affirmative action or sensitivity training for the rank and file. Dealing with potential cases of incompatibility or disruptive behavior—as they arose—was generally preferred over special class protections for homosexuals.

It is difficult to predict how including known homosexuals in the military would affect unit cohesion, but some resistance can be expected from homosexuals, given the current state of opinion among servicepersonnel. Research suggests that, at least in the short term, the possible negative effects on social cohesion would not necessarily have a negative effect on task performance or on unit effectiveness. Further, the research indicates that there would be sufficient time for military leadership to use the tools available to enforce discipline and foster task cohesion: As discussed above, the process of integrating acknowledged homosexuals is gradual and self-regulating. The experience of foreign militaries and domestic fire and police departments suggests that few homosexuals would acknowledge their orientation and that they would do so only when they felt the group context was tolerant.

The research conducted by RAND provides evidence that homosexuals can be successfully integrated into military and public security organizations. It also revealed, however, that hostile opinion toward homosexuals is prevalent in the American military and that any effort to introduce a change in current policy must confront the challenges posed by this unique environment. In developing a policy option consistent with the President's criteria (ending discrimination in a way that can be implemented practically and realistically), issues of implementation must, therefore, be examined carefully. An option consistent with the findings of the research and satisfying those criteria is identified and assessed in the following section. A discussion of implementation issues follows the description of the option.

A POLICY THAT ENDS DISCRIMINATION BASED ON SEXUAL ORIENTATION

In light of this research, the team examined a range of potential policy options. In the past and in foreign militaries, policies to end discrimination have generally taken one of two forms:

1. Treat homosexuals as a protected class, with the special treatment or affirmative action such status implies, attempting to change majority attitudes to become more tolerant of the discriminated class.

2. Consider homosexuals on an individual, case-by-case basis, using existing, universally applicable rules and regulations in making personnel decisions.

The first policy of treating homosexuals as a protected class characterizes the experience of integrating blacks in the American military and policies toward homosexuals followed by the Netherlands. A variety of factors suggest, however, that the second approach is likely to be more successful for the American military in this case. First, there is no legal requirement to provide protected class status to homosexuals at the present time. In fact, most courts, at both the state and federal level, have refused to recognize such status. Legislative change is not likely in the near term, and, in recent state and local elections, voters have either turned down or preempted such status. Second, the research reported here consistently suggests that such status, and the special treatment it implies, would clearly foster resentment and arouse hostility toward homosexuals in the very organizations that would be implementing a nondiscrimination policy. By drawing special attention to the issue of sexual orientation, such a policy would in effect place more emphasis on sexual orientation than the current exclusionary policy does. A policy that does not create special class status for homosexuals is likely to be received with less hostility and, therefore, to be easier to implement. Ultimately, however, a decision not to grant protected class status to homosexuals must rest on the ability of other, less drastic policies to end discrimination, the stated goal of the change in policy.

A policy based on the principle that sexual orientation is not germane to military service thus emerged as the most promising option for achieving the President's objectives. This option ends discrimination on the basis of sexual orientation while assuring the requirement that military order and discipline be maintained. It implies no endorsement of a "gay lifestyle," nor does it require any special accommodations to homosexuals, who would be considered as individuals, not as a special class of people. This policy incorporates strict standards of personal conduct, applicable to all members of the force and designed to remove matters of sexual orientation from the professional environment.

A policy based on these premises could be built around the following basic elements:

A single, gender- and orientation-neutral standard of professional conduct.

Strict rules governing personal and sexual harassment, designed to remove such actions from the professional environment.

Elimination of prohibitions in DoD directives on private, consensual sexual behavior among adults, and adjustment of investigative and enforcement practices accordingly.

No changes in other military rules and regulations.

An illustrative Standard of Professional Conduct was designed as part of the research project, with the overarching objective of maintaining the order and discipline essential for an operationally effective military organization.[30] Similar standards have been used effectively in other organizations and foreign militaries[31] and are analogous to the "good order and discipline" and "conduct unbecoming" provisions in military law that have been used effectively by the U.S. military for years. Four features of this standard are central:

A requirement that all members of the military services conduct themselves in ways that enhance good order and discipline. Such conduct includes showing respect and tolerance for others. While heterosexuals are asked to tolerate the presence of known homosexuals, all personnel, including acknowledged homosexuals, must understand that the military environment is no place to advertise one's sexual identity or orientation.

A clear statement that inappropriate personal conduct could destroy order and discipline, and that individuals are expected to demonstrate the common sense and good judgment not to engage in such conduct.

A list of categories of inappropriate conduct, including sexual harassment, fraternization, personal harassment (physical or verbal conduct toward others, based on race, gender, sexual orientation, or physical features), abuse of authority, displays of affection, and explicit discussions of sexual practices, experience, or desires.

Application of these standards by leaders at every level of the chain of command, in a way that ensures that effective unit performance is maintained.

Strict standards of professional conduct and an environment free of personal harassment are critical to the successful implementation of this nondiscrimination option. The conduct-based standard provides military leaders with the necessary frame of reference for judging individual behaviors, just as it provides individuals with clear guidelines. Under this standard, behaviors that impeded the effective functioning of the unit (i.e., that undermine task cohesion) would not be tolerated.

The "not germane"/conduct-based policy does not require extensive revisions to existing military rules and regulations or to personnel policy. On issues such as recognizing homosexual marriages or conferring benefits on homosexual partners, there is no reason for the Department of Defense to change current policy or to become the "lead" federal agency in these areas.

Concerns about privacy are often cited by those who oppose permitting homosexuals to serve in the military. A survey of military facilities shows that in many newer military facilities there is greater privacy in showers and toilet areas today than was common twenty years ago.[32] However, members of the military often find themselves in situations where very little personal privacy is available, such as aboard ships or on field maneuvers. In situations where physical privacy is impossible, standards of conduct to foster personal privacy have already been developed: Individuals act in ways that do not intrude upon and are not offensive to others. For this reason, a strong emphasis on professional conduct conducive to good order and discipline is the key to dealing with privacy issues as well. Freedom from personal harassment and uniform standards of conduct are the best guaranties of privacy.

Legal Issues Regarding a "Not Germane"/ Conduct-Based Policy[33]

The legal implications of adopting and implementing the "not germane"/conduct-based policy were also examined. This policy could be adopted and implemented by the President under his authority as Commander-in-Chief of the Armed Forces and would probably be upheld by the courts as an exercise of executive authority. This policy, including implementing the Standard of Professional Conduct and revising the Manual for Courts Martial to exclude private, consensual sex between adults, is entirely legally defensible.

Implementing the illustrative Standard of Professional Conduct raises several potential issues from a legal perspective, however. First, is the standard itself sufficiently specific to withstand a void-for-vagueness challenge? Second, how specific must a Standard of Professional Conduct be to provide adequate notice that certain behavior violates good order and discipline? Third, would the code's lack or specific examples make it susceptible to challenges based on unequal enforcement in similar situations? And fourth, if specific examples were to be included, would the standard be susceptible to an equal protection challenge? For the reasons discussed below, we conclude that the Standard of Professional Conduct would likely be upheld against these potential challenges. That is, the Standard of Professional Conduct as drafted would provide sufficient specificity to satisfy prenotice requirements, but more specific provisions could also be sustained.

The Supreme Court has consistently upheld Articles 133 (conduct unbecoming an officer and a gentleman) and 134 of the UCMJ (the General Article, makes punishable "* * * all disorders and neglects to the prejudice of good order and discipline in the Armed Forces * * *") against challenges that they were "void for vagueness" and hence provided no notice of what would be punishable conduct. Although the court ruled that military law need not be as precise as civilian criminal statutes, in most instances, adequate notice has been provided by military custom, rules, and regulations.

Under the Standard of Professional Conduct it is inevitable that the same behavior in different circumstances would be treated differently. Commanders would likely respond differently to certain behavior and might view the consequences to morale and discipline of a particular act differently. Commanders would likely vary in how they would weigh the time, place, circumstances, and purpose of an action relative to its consequences. Thus, some degree of differential enforcement of the Standard of Professional Conduct should be expected, but this alone would not render the standard unenforceable. The result of providing maximum discretion to commanders, which already exists under Article 134, is that not all commanders treat the same situations alike, a result also likely under the Standard of Professional Conduct.

As noted above, the time, place, circumstances, and consequences of the conduct determine if an act would be punishable as disruptive conduct. The same standards would apply whether the conduct takes place on or off base. Thus, the Standard of Professional Conduct would be applicable to behavior that is disruptive to morale or unit cohesion regardless of where the behavior takes place.

If sexual orientation is regarded as not germane in determining who may serve, Enclosure 3H of the DoD regulations concerning administrative separations (DoD Directive 1332.14) should be rescinded. The most problematic regulatory and legal scenario would be to end discrimination without revising portions of the Manual of Courts Martial (MCM) relating to Article 125 (Sodomy) of the Uniform Code of Military Justice (UCMJ).[34] Those portions of the MCM have historically been applied differentially to heterosexuals and homosexuals. Retaining them after rescinding Enclosure 3H would weaken the "orientation-neutral" principle of the "not germane" policy.

A practical approach to dealing with this issue would be to revise the MCM to prosecute only non-consensual sexual behavior or sexual acts with a minor.[35] No changes would be necessary in the sodomy article of the UCMJ itself, because that code does not specify the sexual acts that are illegal. The definition of the offense is in the MCM, an administrative document.

In sum, an option that regards sexual orientation as not germane to military service, accompanied by the Standard of Professional Conduct and revisions to administrative enforcement of Article 125, is legally supportable.

IMPLEMENTATION OF A POLICY THAT ENDS DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION[36]

A policy for ending discrimination on the basis of sexual orientation will present implementation problems that go beyond those created by more usual structural or organizational changes. Like the racial integration, admitting acknowledged homosexuals represents a social change that touches not only on deeply held social attitudes, but on moral beliefs as well. For many, it makes no difference if they come into contact with a serving homosexual; just changing the policy alters their perception of their organization in very fundamental ways. For these people, the primary issue is not unit cohesion, but morality. Some may leave the organization. For those who stay, the challenge will be to implement the change in ways that preserve essential task cohesion and organizational effectiveness.

The manner in which policy change is implemented could have a decisive impact on whether these problems are managed with minimal disruptions or undermine the effort to change. Based on the research conducted in this study, key elements of an implementation strategy can be identified:

The message of policy change must be clear and must be consistently communicated from the top. Given the fact that senior leaders of the military are on record as opposing any change, it will be necessary, if policy is changed, for these and other leaders to signal their acceptance of the change and their commitment to its successful implementation. It must be clear to the troops that behavioral dissent from the policy will not be permitted.

The option selected should be implemented immediately. Any sense of experimentation or uncertainty invites those opposed to change to continue to resist it and to seek to "prove" that the change will not work.

Emphasis should be placed on behavior and conduct, not on teaching tolerance or sensitivity. For those who believe that homosexuality is primarily a moral issue, such efforts would breed additional resentment. Attitudes may change over time, but behavior must be consistent with the new policy from the first day.

Leadership must send messages of reassurance to the force. The military is currently undergoing a variety of other stressful experience, e.g., declining budgets and the drawdown in the force. In such an atmosphere, it is important to signal that the change in policy will not have markedly disruptive effects and that it is not intended as a challenge to traditional military values. This climate of psychological safety is conducive to acceptance of the change.

Leaders at all levels should be empowered to implement the policy, and some special training or assistance for leaders may be a useful device for ensuring that the change is understood and occurs rapidly.

A monitoring process should be established to identify any problems early in the implementation process and to address them immediately.

The option assessed here, a conduct-based set of standards applied under the premise that sexual orientation, as such, is "not germane" to military service, appears to meet the President's criteria and to be consistent with empirical research and historical experience. By following this implementation strategy, the Department of Defense should be able to increase the probability that a policy that ends discrimination based on sexual orientation can be implemented in a practical and realistic manner and that the order, discipline, and individual behavior necessary to maintain cohesion and performance are more likely to be preserved.

FOOTNOTES

[1] Memorandum for the Secretary of Defense, Ending Discrimination on the Basis of Sexual Orientation in the Armed Forces, January 29, 1993.

[2] The Manuals for Court-Martial, 1917, defined sodomy as anal penetration of a man or woman by a man; both parties involved were equally guilty of the offense. In these regulations, penetration of the mouth did not constitute sodomy. In the regulations that accompanied the revision of the Articles of War in 1920, however, The Manuals for Court-Martial redefined sodomy as anal or oral copulation between men or between a man and woman (Jeffrey S. Davis, "Military Policy Toward Homosexuals: Scientific, Historical, and Legal Perspectives." Military Law Review 131, 1991, p. 73).

[3] Ibid. and Manual for Courts-Martial, United States, 1921, para. 443.

[4] Army Regulation 40–105, 1921.

[5] Alan Bérubé, Coming Out Under Fire: The History of Gay Men and Women in World War Two, New York: The Free Press, 1990, pp. 10–18.

[6] Those men and women with good service records, however, were to be separated from the service with a general, rather than a dishonorable, discharge.

[7] Unfortunately, there are no consistently reliable statistics of separations for homosexual behavior across the different branches of the Armed Services, nor are there any internally consistent statistics for any one service over the entire postwar time period. While many analysts make the logical assumption that most separations for moral charges were indeed for homosexual behavior, unfortunately, medical, legal, and administrative statistics within the armed forces were not tabulated carefully enough to be certain.

[8] Colin J. Williams and Martin S. Weinberg, Homosexuals in the Military: A Study of Less Than Honorable Discharge, New York: Harper and Row, 1971, p. 102. The procedures of interrogation are outlined on pp. 100–114.

[9] The directive was issued in response to numerous court challenges, such as Matlovich v. Secretary of the Air Force, 591 F.2d 852, D.C. Cir. 1978, questioning why some open homosexuals were discharged while others were retained. The 1981 directive removed the military's discretion in deciding whether to retain an open homosexual, making such discharge mandatory.

[10] United States General Accounting Office, Defense Force Management: DoD's Policy on Homosexuality, GAO/NSIAD 92–98, Washington, D.C.: U.S. Government Printing Office, June 1992. These figures are calculated from statistics in a supplement to the report, Statistics Related to DoD's Policy on Homosexuality, pp. 22–30.

[11] In the Ben-Shalom case the court moved toward equating status as a homosexual with conduct proscribed under Article 125.

[12] For a more complete discussion, see Chapter 2 on sexuality, as it pertains to the DoD directive and the UCMJ.

[13] For example, the 1991 National Survey of Men, a nationally representative study of 3,321 males age 20 through 39 years of age (Billy et al., 1993) reports that 75 percent have performed and 79 percent have received oral sex. Among those currently married, the numbers were slightly higher. Similar results are reported for homosexual males, e.g., the Pittsburgh Men's Study (Silvestre et al.; 1993; see bibliography for Chapter 2).

[14] See Chapter 3 for a more comprehensive treatment of foreign militaries.

[15] Concurrent with this inquiry, the General Accounting Office also sent teams to Canada, Israel, and Germany. Their findings are reported in Homosexuals in the Military: Policies and Practices of Foreign Countries, GAO/NSIAD–93–215, June 1993.

[16] The Canadian regulations on personal harassment, sexual misconduct, and sexual harassment are contained in Appendix E.

[17] See Appendix D for survey results concerning attitudes toward homosexuality in Canada, the United States, and the United Kingdom.

[18] See Chapter 4 for a more comprehensive treatment of selected domestic police and fire departments.

[19] See Chapter 5 for a more detailed discussion.

[20] See Chapters 5 and 6 for more discussion of these public-opinion issues.

[21] See Chapter 6 for a more detailed treatment of American public opinion. Survey results are presented in Appendix F.

[22] See Chapter 7 for a more detailed discussion.

[23] For a discussion of AIDS in the military see Chapter 8.

[24] See Chapter 9 for a fuller discussion of anti-homosexual violence.

[25] Chapter 8 contains a more comprehensive discussion of health issues, risk behavior, and the military blood supply.

[26] See Chapter 10 for a more comprehensive treatment.

[27] Department of Defense Directive 1332.14, Enlisted Administrative Separations, Enclosure 3H.

[28] Examples where excessive social cohesion could undermine group performance include socializing among the workforce, "rate busting," groupthink, and mutinies.

[29] Acceptance of known homosexuals in police departments appears to be much greater, for example, if the individual is recognized as a "good cop," rather than a "gay cop." See the discussion in Chapter 4 on this topic.

[30] Appendix A contains such a Standard of Professional Conduct.

[31] See Appendix E for the Canadian regulations.

[32] Appendix B discusses the RAND survey of military facilities.

[33] See Chapter 11 for a more comprehensive discussion of the legal issues concerning such a standard.

[34] From the perspective of a homosexual member of the armed services, the policy choice would have both positive and negative consequences. A positive outcome would be the ability to serve openly in the military. But a negative consequences could be that if 1332.14 is repealed without changing Article 125, the only way for the military to discharge a homosexual would be through an Article 125 prosecution. Under current policy many homosexuals are given administrative discharges and are not usually prosecuted under Article 125. By not removing or modifying Article 125, homosexuals would be at greater risk of an Article 125 prosecution.

[35] Appendix C contains an example of such a revision.

[36] See Chapter 12 for a more detailed discussion. The research team also examined the potential effects of a change in policy on recruitment and retention. These findings are discussed in Chapter 13.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I ask the Senator from Indiana if he is ready to speak, or the Senator from Georgia, the chairman of the committee, if he has people to speak.

Mr. NUNN. I yield 10 minutes to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Madam President, I thank the chairman. I want to remind my colleagues of the issue that is before us. The Boxer amendment is a sense-of-the-Congress amendment which states that the matter relative to the service of homosexuals in the military is one that should be exclusively determined by the President based on advice provided him by the Secretary of Defense and that Congress should have no role in that issue.

I would like to remind my colleagues that article I, section 8, clause 14 of the Constitution of the United States specifically assigns to the Congress the authority to make rules for the Government in regulation of land and naval forces. As the Supreme Court stated in the Chapel Wallace case in 1983, and I quote:

> It is clear that the Constitution contemplated that the legislative branch have plenary control over rights, duties and responsibilities in the framework of the military establishment, including regulations, procedures and remedies related to military discipline.

In short, it is the Congress, not the President, that has the ultimate power to make the rules regarding this issue: service of homosexuals in the military. I think we would be avoiding our responsibilities and our obligations under the Constitution were we to adopt the Boxer amendment.

So the vote that will take place at 12:30 is on whether or not the Congress has a right under the Constitution and an obligation under the Constitution to determine this policy for the military.

Interestingly enough, the Congress and the executive branch are no longer in disagreement because the President has publicly announced, as have the Joint Chiefs of Staff and the military, support for the language that is provided in the defense authorization bill, as determined by the Senate Armed Services Committee. So there is no disagreement here. The question is, though, whether we are going to forfeit our role in making these regulations.

Having said that, I would like to address an issue that has been raised by a number of the speakers relative to status versus behavior, because this is an issue that the committee deliberated at great length. We held, as our colleagues know, exhaustive hearings over several months of time. We had military experts, sociologists, members from the military, legal experts, and many others who came before us, and we addressed this question over and over and over again, because I think it does go to the crux of the question.

It is something that the Supreme Court has looked at and made determinations on in a whole series of cases over the last 20 years. The Dahl case decision made by a district court judge is exceptional to 20 years of legal history as determined by the highest court in the land.

On addressing this question of status versus behavior, let me start out with a quote from the Chairman of the Joint Chiefs of Staff, Gen. Colin Powell. He said:

> Unlike race or gender, sexuality is not a benign trait. It is manifested by behavior. While it would be decidedly biased to assume certain behaviors based on gender or membership in a particular racial group, the same is not true for sexuality. We have successfully mixed rich and poor, black and white, male and female * * *.

And I would state to my colleague from Minnesota, a Jew, a Catholic, Protestant, members of different religious faiths, the comparison I do not believe is a valid one between someone's religious beliefs and someone's sexuality or gender.

As General Powell goes on to say:

> We have successfully mixed black and white, male and female, rich and poor, but open homosexuality in units is not just the acceptance of benign characteristics, such as gender. It involves matters of privacy and human sexuality that, in our judgment—

That is collective military judgment—

> if allowed to exist openly in the military would affect the cohesion and well-being of the force. It asks us to deal with fundamental issues that the society at large has not yet been able to deal with.

Madam President, sexual behavior is one of the most intimate and one of the most powerful forces in society. In civilian life, people are not compelled to live with individuals who are sexually attracted to persons of the same sex and our committee found no military necessity to compel persons to do so in the military.

The distinction that has not been made here by the proponents of homosexuality in the military is the fact that we are not asking people to work with each other on a 9-to-5 basis in an office building. We are asking people to live together in the most intimate of circumstances on a 24-hour-a-day, sometimes 365-day-a-year basis. And that is far different than showing up at work in a congressional office and working side by side with someone who happens to have a sexual preference different than your own. It would be equivalent to saying not only will you work with that individual until 5 o'clock, but you will go home with them, you will sleep with them, you will dress and shower and live and commune, and everything about your life will be closely associated with that individual. That is what we are looking at in the military. That is far different than a situation that is being suggested on this floor.

Quoting now from the committee report:

> While some individuals may view themselves as homosexual, gay or lesbian based upon thoughts that never ripen into propensity or intent to engage in homosexual acts, advocates of gay rights have expressly linked sexual orientation to conduct.

These are not statements coming from individuals who oppose homosexuality in the military. These are statements coming from advocates of gay rights who admit and who even advocate the link between sexual orientation and conduct.

In a brief challenging the constitutionality of sodomy laws in a Supreme Court case, the Lambda Legal Defense and Education Fund took the position:

> For gay people, sexuality and their sexual orientation play an especially central role in the definition of self. Sodomy laws impose an added burden on gay people, blocking their sense of self as well as their sexual fulfillment. State regulation of same-sex behavior constitutes the total prohibition of an entire way of life.

One of the individuals, gay individuals, a service person who testified before our committee said you cannot separate status and conduct. Status is conduct. The military experts, sociologists and others said status is conduct. Therefore, it is reasonable, as courts have held consistently, for the Armed Forces to take into account the potential behavior of persons who define themselves as homosexual, gay, or lesbian.

Now, we are not arguing that there are not individuals who have chosen to declare their sexuality, their sexual orientation as homosexual, but have chosen to lead a celibate life. We are not saying there are not those exceptions. But I think it would be irrational to develop military personnel policies on the basis that all gays and all lesbians will remain celibate or that they will not be attracted to others. Because when dealing with issues involving different genders, we have to assume that in most instances declaration of status, of sexual orientation, is going to result in conduct or at least sexual attraction. And when that happens, according to thousands of pages of testimony from hundreds if not thousands of individuals, that tends to seriously undermine and break down unit cohesion and unit morale.

The courts have consistently held that there is a rational basis for coming to this conclusion. That is the reason why we separate men and women. If we simply operated on a conduct status in the military, then there is no justification to separate men and women. There is no justification for having separate barracks. Women could charge that under equal protection of the law they deserved to not be segregated into separate barracks. No one would advocate having men and women live together on a 24-hour-a-day basis in the same living conditions without the issue of sexual attraction playing a very major role in the morale, in the discipline, in the good order and unit cohesion of the unit.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COATS. Madam President, may I ask how much time is remaining on the amendment?

The PRESIDING OFFICER. There are 11 minutes, 45 seconds remaining for the opponents of the amendment, 8 minutes 30 seconds remaining for the proponents.

Mr. COATS. I yield myself 3 minutes. That does not include the 15 minutes set aside for Senator SPECTER.

The PRESIDING OFFICER. That does not include it.

Mr. SPECTER. Parliamentary inquiry. That excludes the time which has been reserved for this Senator?

The PRESIDING OFFICER. The Senator from Pennsylvania was reserved 15 minutes outside the parameters of the time agreement.

Mr. SPECTER. I thank the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Madam President, the question to which we never received a satisfactory answer is the question of separation of men and women and the dynamic of human sexuality.

I think it is irrational to assume that we can totally ignore the element of human sexuality in any situation but particularly in situations where people live together on a 24-hour-a-day basis, where they are deployed together in submarines and ships, tents, field exercises. For that reason, we conclude that we need to have separate living quarters for men and women. The reason is human sexuality.

There is no other reason. The reason is right to privacy. There is no other rational basis to separate men from women—because there is a sexual attraction, and we know through common sense and human experience that attraction is going to lead to behavior.

Now, by definition, homosexuality is sexual attraction to someone of the same sex. And so the only logical conclusion that we can come to is that in order to avoid the sexual tension and the breakdown that occurs between people who are not married but are living together and sexually attracted to each other, the only way we can avoid that is separation. Then the only possible solution to the problem, if you include homosexuals in the military, is to give them separate barracks, but we know that that is not going to solve the problem of unwanted sexual activity.

That is going to exacerbate the problem. And for the reason that we do not employ a conduct standard for men and women by simply saying we are not going to do anything, just make sure—these are the rules. Even though you are living together 24 hours a day, we will not do anything until we seeevidences of unwarranted behavior, it is impossible to do that in the case of a situation where by definition sexual orientation throws people together who are sexually attracted to each other.

That is the rational basis for the conclusion that the committee arrived at based on the testimony provided by service people, not just people from the Pentagon, enlisted people all down through the ranks. In exhaustive hearings, in field trips, in meetings with men, women, those who wear the uniform virtually unanimously come to that same conclusion.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Pennsylvania.

Mr. COATS. Madam President, the Senator from Pennsylvania may want to wait until the full time has expired on both sides because I believe he has a series of questions he wants to ask relative to this, and if that is the case we can go ahead and conclude I think.

Mr. SPECTER. That would be entirely acceptable and preferable to this Senator, Madam President.

The PRESIDING OFFICER. Who yields time?

Mrs. BOXER. I would prefer that the Senator from Pennsylvania take his time at this point because I am waiting for some other colleagues to come over. I only have 8 minutes remaining.

How much time does the Senator from Indiana have?

The PRESIDING OFFICER. There are 7 minutes 51 seconds remaining for the opponents of the amendment, 8 minutes 15 seconds for the proponents.

Mr. COATS. Madam President, the only reason I suggest that is I believe the Senator from Pennsylvania has a number of questions which he would like to direct toward the Senator from Georgia, and the Senator from Georgia is not in this Chamber at this particular time. Let me just ask for clarification of that from the Senator.

Mr. SPECTER. Madam President, I thank my colleague. I am prepared to proceed providing Senator NUNN is here.

I had spoken to Senator NUNN earlier and advised him of the nature of the questions that I would be asking, inquiries I would be making. I am ready to go as soon as Senator NUNN is on the floor.

Mr. COATS. Madam President, if the Senator from California does not wish to use time at this time, I would yield myself an additional 2 minutes.

The PRESIDING OFFICER (Mr. KERREY). The Senator from Indiana.

Mr. COATS. Mr. President, I would like to address another question that arose during the debate here this morning. The Senator from Ohio indicated that there were no instances to his knowledge of individuals who were discharged from the military on the basis of their sexual orientation, that there was no indication of any faulty job performance or any lack of effective participation in our military services.

Mr. President, while there certainly have been publicized cases of individuals who have, either through remaining celibate or not evidencing outward expressions of their sexual orientation, performed honorably in our military, the facts relative to the discharges of those individuals who have their own sexual orientation disputed dramatically, the details of these discharges have not been publicized. But in almost every instance there are some exceptions. But in almost every instance discharges are a result of conduct and that conduct is a pretty sordid, pretty sorry tale.

There are tragedies that have occurred to young children that have scarred them for their lives. There are tragedies that have occurred to innocent young individuals who have enlisted in the military believing that it was a place where they would not be subjected to physical or sexual intimidation or violation. Those cases have been documented, and it is reading that I would not want to read on this Senate floor. But I do not want to leave the impression that individuals are being discharged without cause, that there is not a substantial basis for the military to conclude that we have a serious problem, that there are tragic consequences, that lives have been destroyed, and that the presence of this conduct has seriously broken down cohesion and readiness in units.

General Schwarzkopf, an Army personnel chief for a number of years, said he has never known an instance or knowledge of homosexual incidents that has broken down unit cohesion. Where there is evidence and where we know of the conduct, the results have been pretty grim for sure.

The PRESIDING OFFICER. Who yields time?

The Senator from Pennsylvania is recognized for up to 15 minutes.

Mr. SPECTER. I thank the Chair.

Mr. President, as I had noted earlier, I had asked for this time essentially to have a discussion with the distinguished chairman of the committee as to the basis for the conclusion that it harms the military mission. I would like to make a few preliminary comments before coming to those questions.

At the outset, I agree with the distinguished Senator from Georgia that this is a matter for Congress. I respectfully disagree with the distinguished Senator from California on that issue. It seems to me that the matter is laid to rest by article I, section 8 of the Constitution, which gives to theCongress the authority to make rules for the Government and regulation of the land and naval forces. As I read that language, this kind of consideration falls squarely within that purview.

I listened closely to the comments by Senator NUNN, and his arguments were directed to the congressional authority which I agree with. But it seems to me that although this amendment is subject to being defeated—and I intend to vote against it, because it wants to give to the President the exclusive authority to make these rules. And I do not think that is solely a Presidential prerogative or right. It is a congressional prerogative and right.

The underlying question here is what is the impact on acknowledged homosexuals and lesbians in the military? I have reviewed the record and I am in doubt as to whether this record establishes an impact on the military mission.

I note the testimony of Lawrence Korb, former Assistant Secretary of Defense:

> Based on my own military service policy research and Pentagon experience, I find no convincing evidence that changing the current policy would undermine unit cohesion any more than the other social changes that society has asked the Armed Forces to make over the past 50 years.

With respect to the very exhaustive study made by Rand, I heard Senator NUNN's comment that this report was not directed to whether there would be an impact on having open gays and lesbians in the military, but a way to carry out an Executive order; that nonetheless, on page 30, there is a flat statement in this very comprehensive report:

> There is no direct scientific evidence regarding the effects of the presence of acknowledged homosexuals on unit cohesion or unit performance.

General Powell has testified in support of the report of the Armed Services Committee. But I also note from his testimony the following important statement that:

> The challenge we faced was to reconcile the compromise, two sets of conflicting views. On the one hand are those who believe homosexuals should be allowed to serve openly in the military.

This is the important part:

> They note correctly that homosexuals have privately served well in the past and are serving well today.

There have been two recent court decisions which I think are significant on this matter. Earlier this year, on January 29, the U.S. District Court for the Central District of California came to the conclusion that there was no evidence to ban gays and lesbians from serving our country because of the "absence of conduct which interferes with the military mission."

I think that is the essential question, whether there is an interference with the military mission.

I agree with Senator NUNN that this is an issue which is really for the Supreme Court. But the quality of the reasoning of these two district court cases, I think, are worthy of some consideration. And in the case involving Mr. Dahl, the court came to this conclusion. And in this situation the court considered extensively the evidence which was presented at the Armed Services Committee.

The court came to this conclusion at page 34:

> The unsupported distinction between declared and undeclared homosexuals leads to the inescapable inference that the homosexual exclusion policy rests solely on prejudice against homosexuals.

They therefore struck down the distinction.

While Senator NUNN has argued that this decision did not consider the current legislation, the essence of current legislation, the distinction between those who declare themselves to be homosexual and those who do not, the declaration of homosexuality is grounds for exclusion unless there is a showing that this was an inadvertent statement or other extenuating circumstances.

And the question that I have for Senator NUNN at the outset is: What is the strongest evidence in the record which supports the conclusion that there would be harm to the mission of the military by having acknowledged gays and lesbians in the service?

Mr. NUNN. I ask my friend from Pennsylvania if he could repeat the exact question. I heard most of what he said. I want to make sure before I respond.

Mr. SPECTER. What is the strongest evidence in the record which supports a conclusion that there would be an adverse impact on the mission of the military services by having in the service individuals who are known to be homosexual?

Mr. NUNN. Mr. President, I say to the Senator from Pennsylvania, that is the bottom line here, and I think it is a very important question. We have, throughout our report that accompanies this legislation, quoted the direct testimony in evidence before our committee from numerous sources.

I know the Senator does not want to hear, on his time, all of that. But let me just refer to a couple of statements made by the Chairman of the Joint Chiefs, Colin Powell.

He stated:

> Unit cohesion is strengthened or weakened in the intimate living arrangements we force upon our people. Youngsters from different backgrounds must get along together, despite their individual preferences. Behavior too far away from the norm undercuts the cohesion of a group. In our society, gender differences are not considered conducive to bonding and cohesion within barracks living spaces.

The General also goes on to say, quoting him again:

> The presence of open homosexuality would have an unacceptable detrimental and disruptive impact on the cohesion, morale, and esprit of the Armed Forces.

He goes on to say:

> Active military service is not an everyday job in an ordinary workplace. It requires a unique blend of skills, ethics, bonding, and culture to have an effective fighting force. There is often no escape from the military environment for days and weeks and often months on end. We place unique demands and constraints upon our young men and women, not the least of which are eating and sleeping in close quarters. The fact that we as military members serve 24 hours a day under often severely constrained conditions is more than rhetoric, it is a way of life.

I will not take more of the time of the Senator, but the testimony before our committee, plus the record that accompanies this report, is replete with testimony that backs up and goes into more detail than General Powell.

There was General Schwarzkopf, and we have had testimony from a number of enlisted men and women in the services, as well as a number of military specialists from the outside.

Mr. SPECTER. I thank the chairman.

The opening part of the quotation relating to gender differences, I can understand. Of course, it is not an issue, having men and women serve and live in the same barracks, et cetera.

With respect to the testimony of General Powell, I ask my distinguished colleague about General Powell's statement that homosexuals have privately served well in the past and are serving well today; and I ask Senator NUNN what his basis is for disagreeing, if he does, with the district judge that the distinction between declared and undeclared homosexuals—and these are the Court's words—"leads to the inescapable inference that the homosexual exclusion policy rests solely on prejudice against homosexuals."

Mr. NUNN. I say to the Senator from Pennsylvania that I may not have read that decision as closely as the Senator from Pennsylvania may have. I have seen references to it. So I cannot go into detail about my feeling on the judge's view.

But it is very clear that many people in the military services do not go home at night. Those, obviously, in Congress do. People in the military uniform, in many different assignments, do not have separate quarters. They live in barracks together, and they live through field exercises together. So there is a fundamental difference between private life and military service.

When people are in the military, they in effect give up the right of privacy to a great extent. What we are trying to do is to protect that right of privacy for men and women in the military services to the extent that we can, consistent with military requirements. It is only a very limited right of privacy, but an open environment of homosexuality would have a definite distinct effect, according to all of the testimony we have, on others in the unit, those who are not homosexual. That is a difference between open and private conduct. We make it clear in this report.

There is no doubt about the fact that there are men and women who are gay and lesbian who have served with distinction. They have not done so openly. If they do so openly, they have violated the policy that has been in effect for a long time. So when a court or a Rand report says there is no scientific evidence on this unit cohesion question, the reason is that there has been no open homosexuality in the military.

By the very definition, the policy has been adhered to and complied with, so you have to go by the experts in this area, the people who live and breathe the military life.

So that is my general answer. If the Senator wants to be more particular, I will be glad to follow up.

Mr. SPECTER. I thank my colleague. How much time remains of my 15 minutes?

The PRESIDING OFFICER. One minute forty seconds.

Mr. SPECTER. Well, that is not time enough to propound another question. It may well be that the Senator from Georgia is correct, or it may well be that in fact he is not correct. Within the course of 15 minutes, which I thought was a reasonable amount of time to take from the limited timespan, I have attempted to get into some of the underlying questions.

I expressed my regret that more time has not been spent on the question of what is the evidence and the impact, as opposed to the other discussions as to who has the authority and the premises.

I had intended to pursue a number of other questions, one of which was the evidence relating to the experience in Canada, Germany, France, and Israel of homosexuals in the military, where there is evidence that it has not been disruptive and there has similarly been evidence that it has been disruptive.

This is a very important issue, and while I have no difficulty with the pending amendment, in voting against it, because I think it is the congressional responsibility, I am troubled by the current state of the record and the current evidence.

It had been my hope—and maybe we can do it on this bill—that there would have been a more extensive examination into the issue of impact on the mission.

I thank my colleague for his replies.

Mr. NUNN. Mr. President, I thank my friend from Pennsylvania.

Very briefly, I would say that I think our record here is replete with evidence. We have not had all that kind of discussion this morning, because we have had a limited period of time. Any court or any interested party reviewing the report of the Armed Services Committee will find abundant evidence on every single point that the Senator from Pennsylvania has raised, including the distinction between other countries in the world and their experience and the United States.

There is no other country in the world that deploys forces all over the world. There is no other country that has ships all over the world. There is no other country in the world that has the kind of responsibilities we have.

Most countries in the world that have a different policy on this subject either have just started that policy, where there is not very much evidence as to their own experience, or in the case of countries like Israel and other countries, most of their forces are deployed near home. And those forces, many of them defense forces—for instance, in Israel, and those are among the best in the world—they go home at night.

I would say that is a fundamentally different situation than what we have in this country.

So I do believe that we have evidence that is very abundant here.

I would finally say on the lower court's decision about there being no difference between declared homosexuality and private conduct that is undisclosed, I think any court that makes that finding is not tuned in with real life. I say that with all respect to the Federal court, but I think that an individual who makes such a finding simply has not thought very carefully about the distinct features of military life and the lack of privacy in military life and how open homosexuality affects other people, men and women, in the unit.

It is my view that that decision will be reversed at some point on the appellate ladder, but that is up to the courts to decide.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, I ask unanimous consent for 1 additional minute to respond to Senator NUNN.

Mr. GRAMM. Mr. President, reserving the right to object.

Mrs. BOXER. Mr. President, reserving the right to object.

The PRESIDING OFFICER. Is there objection heard?

Mrs. BOXER. I would like to ask the Senator to yield this side an additional 60 seconds as well. Then I would not object.

Mr. SPECTER. I would be agreeable.

Mr. NUNN. Could the Chair inform us how much time remains?

The PRESIDING OFFICER. Two minutes 45 seconds.

Mr. NUNN. I had 7 minutes the last time. I was answering on the time of the Senator from Pennsylvania. How did I lose the other time?

The PRESIDING OFFICER. The time of the Senator from Pennsylvania had expired, and the Senator from Indiana spoke earlier for 4 minutes.

Mr. NUNN. All right. I defer to the Chair.

Mr. GRAMM. Mr. President, reserving the right to object, I would simply ask 1 minute be added to both sides. That way we would have more time.

Mr. NUNN. Mr. President, I ask unanimous consent we have 5 additional minutes on each side on this question equally divided between the Senator from California and the Senator from Georgia.

The PRESIDING OFFICER. Is there objection?

Mr. NUNN. I yield 3 minutes to the Senator from Texas.

Mr. SPECTER. I have a unanimous-consent request for 1 minute.

The PRESIDING OFFICER. The request is for 5 additional minutes of time added equally divided on both sides.

Is there objection?

Mr. NUNN. Mr. President, I would not object to the Senator from Pennsylvania's having 1 additional minute if he wants to propound that.

Mr. SPECTER. I thank the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania has 1 additional minute.

Mr. SPECTER. Mr. President, I make a very brief rebuttal to what the distinguished chairman has said.

He may disagree with the conclusion of the district court. The district court may be wrong. What we have to do is analyze the reasoning and the issues.

There was a good deal of testimony before the Senate Armed Services Committee, but I suggest that it is virtually all-conclusive. The specific illustration is anecdotal. I believe that the conclusions and judgments made are to be drawn by the United States Senate.

That is why I say that however replete the record may be, there is a need to have a kind of discussion, debate, and analysis and conclusions here, and when you have a very extensive court opinion of 42 pages, it is worth our consideration.

The issue we have not taken up is what is the impact where someone knows a person is homosexual but not declared.

The PRESIDING OFFICER. The time of the Senator from Pennsylvania has expired.

Mr. SPECTER. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. I yield 3 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 3 minutes.

Mr. GRAMM. Mr. President, let me try to remind people how we came to be here and what the choice is.

The President, in a tough campaign, made commitments to special interest groups that, if elected, he would lift the ban on gay service in the military. The President then took office, set up a commission, looked at the hard facts, and came out with a policy that did not make sense to anybody.

The Armed Services Committee, under bipartisan leadership, put together the best workable policy under the circumstance that could be reached, a policy that we have reached a bipartisan consensus on given where the President is. That policy is now part of this bill.

The Senator from California would have us strike that workable policy and give this issue back to the President. There is no evidence the President wants the issue back. There is no evidence that the President is unhappy with what the Armed Services Committee did.

So the question is, Should we override the good work of the Armed Services Committee in making the best out of a bad circumstance in preserving a policy that will maintain recruitment and retention and keep the finest young men and women in uniform that we have ever had in uniform in the history of the country there?

I do not think we ought to put this ball back in the President's court. I do not think the President has asked for it back. I am not aware of an official White House position in support of this amendment.

What the Armed Services Committee has done, under the leadership of Senator NUNN and Senator COATS, is take a bad circumstance and come up with a workable policy, the best policythat could be put together under the circumstance. I think they deserve our support. I hope my colleagues will look at what they have done and recognize that this is a difficult and dangerous circumstance.

I have gone all over my State and talked to the people who really run the military, not the generals, but the sergeants. They tell me they could not have made the President's policy work. They believe they have a fighting chance to make the policy the Armed Services Committee put together work.

I think we ought to support our people in uniform, so I urge my colleagues to reject this amendment. Do not put this ball back in the President's court. The President has not asked for this ball back. The Armed Services Committee did a good job. Let us support them in this effort.

I yield back to Senator NUNN the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from California.

Mrs. BOXER. May I ask what the time situation is?

The PRESIDING OFFICER. The Senator from California controls 12 minutes 37 seconds. The Senator from Georgia controls 4 minutes 24 seconds.

Mrs. BOXER. Mr. President, I ask unanimous consent that Senators ROBB and FEINGOLD be added as cosponsors of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I yield 2 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I rise in support of the Boxer amendment. It truly reflects the President's policy. It is fair, and, most importantly, it gives the President and the armed services flexibility to implement the new policy on gay men and lesbians in the military.

I commend Senator BOXER for offering this amendment. The committee bill is not the President's policy. It is not the whole policy. It is selective, and it locks the President and the armed services into a policy that they did not propose.

I do not think we should be writing this policy into law at all. We should continue the current practice of allowing the President and the military, through the Uniform Code of Military Justice, the flexibility to implement the policy.

Frankly, we do not know if this policy will work. Suppose it does create a situation where tougher behavior standards are not in place. Suppose it creates a situation that allows sexual harassment of especially women and young men in our military. Suppose it does not work. The President would not be able to change it. He would have to come to Congress, and we would end up back here on the floor of the Senate for another lengthy debate. Precisely because of the arguments that are put forward on both sides of this issue today and the questions that are raised, we should not be codifying this law. We should allow the President and the military services the ability, with the Joint Chiefs of Staff, to get together to make sure this policy works and to continue the current practice of allowing them to put this policy in place.

Codifying this law would be a mistake for both sides. I think it is time to get past politics and to do what is right, to leave the policy in place as it is and to support Senator BOXER's amendment.

I yield back my time.

The PRESIDING OFFICER. Who yields time?

Mrs. BOXER. Mr. President, I yield 3 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I give my strong support of the amendment put forward by my colleague from California—Senator BOXER.

Opportunities for gay men and lesbians to serve in the Nation's Armed Forces is the latest chapter in the unfinished business of America—which is, and always has been, liberty and justice for all.

This Nation was founded on the principles of equality and opportunity. If we do not end discrimination whenever and wherever it exists in our society, then America is not America. We have been here before, and we will surely be here again. For our country—the work goes on.

The issue is not whether gays should serve in the Armed Forces. They already do, and with great distinction. All members of the Armed Services Committee have long since acknowledged that. The issue is whether they will have to lie about their private lives in order to be able to serve their country.

The task before us is how to move toward greater opportunity in the Armed Forces in a sound and effective manner that achieves the goals of individual liberty and military efficiency.

Military efficiency exists for the sake of our liberties, and not for its own sake—and we must never forget that fact.

The purpose of our Armed Forces is not simply to defend land, but to protect ideals. A military that denies those ideals to its members defeats its own most basic purpose.

A nondiscriminatory even handed approach to integrating openly gay men and lesbians into our Armed Forces is precisely what was recommended by the Rand Corp.—commissioned to address this issue by the Pentagon.

The Rand study reiterated the importance of focusing on misconduct—rather than establishing a litmus test based on sexual orientation. According to the study:

> Only one policy option was found to be consistent with the findings of our research, with the criteria of the Presidential memorandum, and to be logically and internally consistent. That policy would consider sexual orientation, by itself, as not germane to determining who may serve in the military. The policy would establish clear standards of conduct for all military personnel, to be equally and strictly enforced, in order to maintain the military discipline necessary for effective operations.

The compromise formulated by President Clinton takes a first step toward the goal of opening the opportunity of military service to all qualified and committed Americans. It is a serious mistake to write this transitional step into the ironclad language of a statute. I urge the Senate to adopt the Boxer amendment.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ADDITIONAL VIEWS OF SENATOR KENNEDY

I joined four other members of the Committee in voting against the amendment, entitled "Policy Concerning Homosexuality in the Armed Forces," which was offered during Committee consideration. I voted against the amendment because I believe it attempts to set in stone an unfair policy of discrimination against gay men, lesbians, and bisexuals in the United States armed forces.

I also voted against the amendment because I do not believe it is appropriate for Congress to micromanage the Department of Defense on issues concerning the qualifications for and conditions of service in the armed forces, absent compelling evidence of discrimination and unfair treatment in those qualification or conditions. For example, in 1991, Congress acted to remove the codified ban on women in combat aircraft, thereby providing the military with greater discretion in this area. In this legislation we take action to remove the ban on women in combat ships. By contrast, the codification of the policy on homosexuals restricts the authority of the Department of Defense, giving it less flexibility to shape and implement its policy.

I also challenge the validity of the legislative findings in the amendment that are intended to provide a justification for the policy. These findings were derived in large part from the controversial hearings the Committee held on this issue. In order to enable courts to assess the adequacy of these findings, I write to recount these hearings in some detail.

INTRODUCTION

The policy put forward by the Administration on July 19, 1993 on the service of gay and lesbian Americans in the military is a step in the right direction, but only a first step. It is far less than a clear policy of non-discrimination would require. Thousands of gay men and lesbians currently living a lie in order to serve their country deserve better. This issue will not be settled until true freedom from discrimination is achieved.

From the beginning, members of the United States Armed Forces have fought and died to defend the fundamental principles of liberty and justice upon which this nation was founded. One of the most important of those principles is that all individuals are to be judged by their abilities, not misjudged by the misperceptions of others.

During this long history, the military has faced a range of difficult social challenges that involve not only the defense, but the very definition of our nation. Time and time again, the armed forces have demonstrated the character to rise to the occasion. And, in the process, has been made toward a stronger and truer America.

But progress is seldom easy. Often it comes step by step, not leap by leap. Prejudice is deeply ingrained. But in the end, people can and do change—and America moves forward.

This latest chapter in the great unfinished business of our nation—which truly is "liberty and justice for all"—will continue to unfold. If we do not end discrimination wherever it exists in our society, then America is not America. We have been here before, and we will surely be here again. For our country, the work goes on until the ban on the service of gay and lesbian Americans is finally a fully lifted.

A. HEARINGS

1. History and Legal Issues

The first hearing was described as an objective presentation of the history of the ban and the legal issues surrounding a potential lifting of the ban.

With regard to the history of the ban, the Committee heard from Dr. David Burrelli of the Congressional Research Service. Dr. Burrelli, while performing an admirable job based on the extent of his experience, is not an expert in this area. His presentation of the history of the ban was derived primarily from secondary sources, including Allan Berube's book "Coming Out Under Fire: The History of Gay Men and Women in World War II" (New York: Free Press, 1990).

Unfortunately, the Committee did not hear from Allan Berube. Nor did the Committee hear from Dr. John D'Emilio, a Professor at the University of North Carolina at Greensboro and a historian with significant knowledge in this area. Nor did the Committee hear from Dr. Richard H. Kohn, currently President of the Society for Military History and author of an article entitled "Women in Combat, Homosexuals in Uniform: The Challenge of Military Leadership."[1]

It was unfortunate that the Committee did not receive a detailed and sophisticated analysis of the history of the ban and how the rationale for the exclusion has changed over time. I believe such a description would have been quite enlightening for Members of the Committee. For purposes of the hearing record, I recently have submitted a detailed history of the ban, written by Allan Berube.

On the legal issues surrounding the potential lifting of the ban, the Committee heard from Mr. David A. Schleuter, Professor of Law at St. Mary's University, Mr. Stephen A. Saltzburg, Professor of Law at George Washington University, and Mr. Charles Dale, from the Congressional Research Service.

Prof. Schlueter and Prof. Saltzburg are experts on military law, including the Uniform Code of Military Justice. Neither individual is an expert in constitutional law. Despite that fact, both individuals testified at length regarding the constitutional implications of either maintaining or lifting the ban.

For example, Prof. Schlueter told the Committee during his oral testimony that "[a]lthough entry into the armed forces is now voluntary, there is no right, no constitutional right, to such entry." (Reuters Transcript from the Senate Arms Services Committee Hearing on "The historical and legal background of the ban on homosexuals in the military," dated March 29, 1993 (hereinafter referred to as "RT1"), at 2.)[2] Prof. Schlueter never explained, however, the relevance of this assertion—which has been made repeatedly by those supporting the ban—to the issue at hand. Even if one accepts that there is no constitutional right to serve in the military, that does not end the constitutional inquiry. For example, while it is well accepted that there is no constitutional right to a job in the federal bureaucracy, the federal government is still barred from firing or refusing to hire individuals based on unconstitutional grounds. *See, e.g., Davis* v. *Passman*, 442 U.S. 228 (1978); *Norton* v. *Macy*, 417 F.2d 1161 (D.C.Cir. 1969) (sexual orientation). Similarly, the government cannot have a policy prohibiting certain classes of people from serving in the military (for example, African-Americans, Jews, or women) if that policy would violate constitutional requirements. Prof. Schlueter's unamplified comment nevertheless became Finding #2 of the amendment.

Prof. Schlueter spent much of his testimony on what he described as "a legal Rubik's cube, a complicated set of interlocking constitutional and military law issues and competing interests" (RT1, at 2) that would arise from lifting the ban. He then discussed what he termed "the most important constitutional issue" in this area: "the clash of competing privacy and liberty interests." (RT1, at 5.) Prof. Schlueter described the dilemma as follows:

"In the arena of human sexuality, these two rights take on greater importance. Much of the public's attention so far has focused on the privacy rights of homosexuals, that is, the right to choose and practice a particular lifestyle. But it is also necessary to analyze the potential impact on the privacy interest of heterosexual servicemembers. To admit homosexuals into the military arguably advances their personal privacy interests, but it raises concerns about the ability of heterosexual service members to be free from unwanted advances or unnatural attention from those who find them sexually attractive." (RT1, at 5.)

Prof. Schlueter further noted that a servicemember's home is often "a small two-person tent, a shared barracks room, a cramped berth in a submarine, or an open bay barracks," and therefore "what little privacy exists in such conditions is highly treasured." (RT1, at 5.) Prof. Schlueter ended his oral testimony with the following admonition to the Committee:

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[1] The Campaign for Military Service, a short-term, broad-based campaign effort to support the President's initial stated desire to lift the ban on gay people in the military, presented the staff of the Senate Armed Services Committee with a list of possible witnesses for the staff's consideration, together with background information on each of the witnesses. The original looseleaf binders presented to the Committee are on file with the Legislation Clinic at Georgetown University Law Center, which houses the archives of the work of the Campaign for Military Service.

[2] The numbering relating to Reuters Transcripts here and elsewhere in this report corresponds to the numbered portions of the transcripts as designated by Reuters.

"[I]n many instances the law is grounded on deeply rooted and firmly held moral and religious values. . . . A key question before Congress is whether the military, as a paradigm of a law-and-order society, should be required to accept or accommodate a status or conduct which some service members, civilians and potential service members, would find unacceptable on moral or religious grounds." (RT1, at 5.)

Although Prof. Schlueter discussed constitutional issues at length, he never mentioned the key Supreme Court cases of *Palmore* v. *Sidoti*, 466 U.S. 429 (1984) or *Cleburne* v. *Cleburne Living Center*, 473 U.S. 432 (1985). This is particularly striking because those cases provide direct guidance on what the government is expected to do when faced with significant rejection of a particular class of people by the public, including situations in which that rejection is based on moral and religious beliefs. (For example, in *Palmore*, it is likely that many white Southerners believed that interracial marriages were wrong, based on either moral or religious beliefs.) *Palmore* and *Cleburne* establish the principle that catering to and accommodating the prejudices of others is not a legitimate governmental objective, even when some harm may result. (For example, in *Palmore*, the court acknowledged that the child of an interracial couple may suffer discomfort and prejudice during her life, but that was not a basis for removing the child from her interracial family.)

Prof. Saltzburg, who also focused extensively on constitutional issues, was more open than Professor Schlueter to the possibility that the ban on gay people could be lifted without insurmountable legal or practical problems. For example, in his oral testimony, Prof. Saltzburg noted that "the integration of the races and the sexes was not welcomed by the military services," but that such integration was ultimately accomplished by "adding quality people in uniform." (RT1, at 8.) Prof. Saltzburg further noted that "[w]e have learned * * * that change can be accommodated more quickly than many would predict, provided the leadership of the military services commits to making the change work." (RT1, at 8.)

In his written testimony, Prof. Saltzburg attempted to take on the privacy dilemma, noting that military officials acknowledge that homosexuals have performed well in the armed services for years and thus heterosexual servicemembers have presumably lived in close quarters with gay people for years. (Statement by Stephen A. Saltzburg before the United States Senate Armed Services Committee, dated March 29, 1993 ("Saltzburg Statement"), at 37-38.) Prof. Saltzburg noted that "the concern is that, once it is clear that certainmen and women are homosexual, military service will be disrupted and privacy interests will be compromised. It must be, then, that showering with another person of the same sex who is homosexual is an invasion of privacy only if the other person is previously identified as homosexual." (Saltzburg Statement, at 38.)

Prof. Saltzburg noted that one way to respond to this concern "would be to prohibit anyone from injecting into the services identification of sexual preferences." He noted that: "This is theoretically possible, but impractical in many circumstances. Men and women talk about their families, their interests, and themselves. Efforts to police all conversations among military personnel are bound to fail and to raise the spector of thought police and totalitarian societies." (Saltzburg Statement, at 38-39.)

Prof. Saltzburg noted, however, that an open declaration of homosexuality is equivalent to a declaration that the person is "different" from other soldiers. This, he postulated, could be divisive in a military that requires the subordination of personal preferences and identities. (Saltzburg Statement, at 39.) Prof. Saltzburg concluded:

"Does this mean that the military services must force homosexuals back 'into the closet' or keep the ban in effect[?] These are two choices that could be made. Arguably, there is a middle ground that might be found, that would require homosexual soldiers not to inject their sexual preferences in any way into their military service, but that would recognize the legitimacy of their private sexual acts and not seek to regulate or punish them." (Saltzburg Statement, at 39-40.)

It is instructive to note that the policy set forth in the amendment adopted by the Committee is more stringent than this middle ground.

Mr. Dale, a legislative attorney in the American Law Division of the Congressional Research Service, presented a basic overview of the state of gay rights law. Mr. Dale did not claim to be an expert in this area but rather a research attorney who could summarize the state of the law. Mr. Dale did not participate significantly in answering questions from the panel.

Both Prof. Schlueter and Prof. Saltzburg testified far beyond their acknowledged area of expertise, that of military law. They ventured legal opinions on the constitutionality of the ban and presented some personal thoughts on issues they believed would be raised by lifting, maintaining, or modifying the ban.

In light of the extensive testimony received from Prof. Schlueter and Prof. Saltzburg, it is unfortunate that the Committee did not hear from preeminent constitutional scholars—such as Guido Calabresi, Dean of Yale Law School, whom I recommended as a witness—to hear their scholarly assessment of the constitutionality of any version of the ban and to elicit their personal views on how to handle difficult issues that may arise. Nevertheless, 120 legal scholars (including Dean Calabresi) prepared written testimony discussing the unconstitutionality of the ban which I have submitted for the record. It is unfortunate that this testimony was not delivered orally so that the Committee would have had an opportunity to ask questions and engage in a dialogue, as Members of the Committee did with the witness before them.

2. Unit Cohesion

The Committee heard from three witnesses on the issue of unit cohesion. The testimony from thesewitnesses was presumably crucial to the Committee's ultimate findings numbered 13 and 15 in the amendment.[3] Thus, an analysis of the substance and accuracy of this testimony is critical. In addition, it is instructive to note which witnesses were not called by the Committee, although these individuals had expertise in the area of unit cohesion as well.

The Committee heard from Dr. William Darryl Henderson, retired Research Fellow at the National War College, Dr. David H. Marlowe, Chief of the Department of Military Psychiatry at Walter Reed Army Institute of Research, and Dr. Lawrence Korb, Director of the Center for Public Policy of the Brookings Institute and former Assistant Secretary of Defense for Manpower in the Reagan Administration. Dr. Korb implemented and enforced the 1982 homosexual exclusion and was recommended to the Committee by me. Dr. Henderson and Dr. Marlowe were chosen by the Committee staff.

In his brief written testimony, Dr. Henderson laid out the elements of unit cohesion. He noted that "small-unit cohesion" is the critical component for sustaining soldiers during war and that servicemembers must be "controlled and led through an internalization of soldier values and personal operating rules that are congruent with the objectives, goals, and values of the organization." (Statement by Wm. Darryl Henderson for the United States Senate Arms Services Committee, dated March 31, 1993 ("Henderson Statement"), at 2.)

Dr. Henderson explained that both horizontal cohesion (among soldiers within a unit) and vertical cohesion (between soldiers and leaders) were critical. With respect to horizontal cohesion, Dr. Henderson offered this assessment:

"Core soldier values that dominate soldier behavior and control the soldier's day-to-day actions in a cohesive unit, are the result of an intense military resocialization process. Fighting skill, physical fitness, stamina, and self-discipline, teamwork, duty or selfless service, and loyalty to unit and leaders are the primary core soldier values and can be used to assess the strength of horizontal cohesion in a unit." (Henderson Statement, at 5.)

With respect to vertical cohesion, Dr. Henderson noted in his written testimony:

"Soldiers desire strong leaders who are capable of successfully dealing with dangerous situations. * * * The most potent source of a leader's power * * * is the leader's ability to cause the soldier to identify with the leader * * *. Successful officers and non-commissioned officers in cohesive units relay a strong sense of personal care, competence, and security to their soldiers which relieves soldier anxiety and gains a degree of influence and control over members of their units often associated with charismatic leaders * * * Such referrent power is based on the satisfaction of the soldier's personal needs for affection, recognition and security through strong identification with a respected leader who has successfully led his unit through situations of danger and hardship." (Henderson Statement, at 5-7.)

Dr. Marlowe's more lengthy written testimony essentially expanded on these concepts of horizontal and vertical unit cohesion. (See Statement by David H. Marlowe before the United States Senate Armed Services Committee, dated March 31, 1993 ("Marlowe Statement"), at 12-14.) Marlowe also noted that the contextual factors necessary to create both horizontal and vertical cohesion were:

1. A common and shared organizational culture and values.

2. Common status and primary identity as *soldiers*, for all members of the unit.

3. A commonly shared language, constructs, and metaphors characterizing members of the primary group.

4. Experiences in which the group collectively undergoes a series of challenges and stresses and successfully achieves a set of goals in which the members of the group see

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[3] Finding (13) states: "The prohibition against homosexual conduct is a longstanding element of military law that continues to be necessary in the unique circumstances of military service." Finding (15) states: "The presence in the armed forces of persons who demonstrate a propensity or intent to engage in homosexual acts would create an unacceptable risk to the high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability."

themselves as having successfully mastered a set of skills and demonstrated their competency executing these skills in order to achieve their goals.

5. Minimal unnecessary turbulence and continuity of tenure within units. (Marlowe Statement, at 14, emphasis in the original.)

In their written testimonies, Dr. Henderson and Dr. Marlowe did not state their views as to whether having openly gay people in the military would impact adversely on unit cohesion. Indeed, their written testimonies bore out what I had heard from both homosexual and heterosexual servicemembers, including enlisted people, noncommissioned officers and officers; the essential component for unit cohesion is for members of a unit to undergo hardships together successfully and to realize by those experiences that they can depend on each other and on their leader. Despite differences in race, religion, ethnicity, or gender, the key element is whether the servicemember perceives himself or herself as a "soldier first" and projects that to others. In addition, it is critical that the person believe in the shared culture and values of the military organization. There are hundreds of gay and lesbian servicemembers who want to go back into the military and thousands more who are currently serving in secret. These individuals have stressed that they view themselves as a "soldier (or Marine or military nurse etc.) first" and that they honor and seek to uphold the values of the military. For this reason, hundreds of gay people have indeed served effectively in the military even when it was common knowledge that the person was gay. I received more than 100 testimonials from homosexual and heterosexual servicemembers making these points and I have submitted a sample of these for inclusion in the hearing record.

Despite anecdotal evidence that known gay people have served effectively in the military, and despite the fact that the experience of shared hardships and adherence to military values is not inconsistent with being gay or lesbian, Dr. Henderson told the Committee, in response to questioning, that introducing "openly homosexual personnel" into small units would cause "severe disruption within these primary groups" and would make "the vertical and the horizontal bonding * * * extremely difficult." (Reuters Transcript from the Senate Arms Services Committee Hearing on "the role of unit cohesion in developing combat effectiveness in relation to the ban on homosexuals in the military," dated March 31, 1993 (hereinafter referred to as "RT2"), at 17). Henderson explained that his assessment of this fact was derived from the high percentage of soldiers who oppose allowing homosexuals into the military and the high percentage of those who believe that allowing gay people in the military would be disruptive to discipline and would result in violence against homosexuals. (RT2, at 17.)

Dr. Henderson also discounted the analogy to the integration of African Americans in the military by asserting that there was greater acceptance by white people of such integration than exists now with regard to gay people. (RT2, at 16.)[4] Dr. Henderson also discounted the experience of other countries who have no ban by dividing them into two categories: countries that place a higher priority on equal opportunity and individual rights than on military readiness (e.g., Canada, Denmark and the Netherlands) and countries that do not appear to have a ban but in practice discharge or sanction open homosexuals (i.e., France and Israel respectively.[5]

Dr. Marlowe had a more mixed response to the question of whether openly gay personnel would be disruptive to unit cohesion. Consistent with this written testimony, Dr. Marlowe focused on whether the person viewed himself or herself as "soldier first." The following comments from Dr. Marlowe indicate his more nuanced and uncertain views on the subject:

Senator Nunn asked: "Dr. Korb has stated his view that the question of whether the presence of openly gay men and lesbians in the armed services would undermine fighting effectiveness cannot be answered definitively until a policy is actually changed. Do you have a view on that?"

Dr. Marlowe answered:

"* * * I'm not quite sure what we mean by openly gay. If a homosexual identity is the primary thing that someone is going to present to the other three men in his tank crew, to the other men in his infantry squad, rather than the identity of a soldier, it's going to make cohesion and incorporation awfully difficult, if his statement is you've got to treat me as an A before I will behave as a B. I think there are a great many issues involved here that haven't been carefully looked at * * * and that it's a more complex issue than we might think going into it, but an issue that can be resolved only at the cellular level where soldier meets soldier." (RT2, at 17.)

Senator Thurmond asked: "Are you aware of cases of homosexuals openly serving on active duty? If so, what was the impact of their presence on unit cohesion?"

Dr. Marlowe answered:

"Senator, anecdotally I have come across cases in which homosexuals have openly served on active duty. [Let me say knowledge that people were homosexual.] The impact on cohesion depended on two things. Whether or not . . . they brought overtly homosexual behaviors into the group, in which case the group extruded them, usually moved to have them put out of the Army, or whether or not it was considered to be his private thing that is not exhibited while on duty.

"The response was very much dependent upon other factors as well relevant to the individual. The critical variable was did the individual behave homosexually in the group or restrict his behavior outside of the group off post." (RT2, at 18.)

I asked: "Dr. Henderson, you and Dr. Marlowe have stated that the core values and I quote, 'common in any first-rate army, are fighting skill, professional teamwork, physical stamina, self-discipline, duty, selfless service, respect for unit leaders and loyalty to the unit.' I'd be interested if each of the panelists can tell us which of these values may not apply or be embraced by gay or lesbian soldiers and how do you know? And tell us any research or fact basis for your belief."

Dr. Marlowe answered:

"Senator, first let me say that I know of no research on the specific issue you're asking about. Extrapolating from what we do know, I would only make the following observation, and I'm repeating myself. It will depend entirely upon the way in which the individual presents him or herself to the group and the primary identity that the individual interacts with the group with."

"If the identity is that of soldier, hewing to the values of soldier and behaving to the standards of soldier, I think you have one set of issues. If the individual insists upon being treated, first and foremost, in terms of a differing primary identity, as happened in Vietnam in terms of drug-using, as has happened in any number of cases, then I think we have another problem."

"So I think what we do get down to is the question that I would ask, which puzzles me, which is frankly, what role does open proclamation of gender preference have in terms of service as a soldier? I haven't been able to find an answer for that question that satisfies me." (RT2, at 19.)

In response to the same question, Dr. Korb answered as follows:

"I reject completely any inference that gay men and women do not embrace the values of the military, which is the desire to serve one's country and to deal with all enemies, foreign and domestic. I think in the military . . . we have people with various backgrounds and various views on every issue, but there's nothing that, with good leadership, would stand in the way of getting the correct values to perform effectively in battle."

"So I don't think that there's any reason why, with proper leadership and training, as well as training of the other members of the group, as we've done to deal with problems caused by the integration of women and blacks, that you cannot achieve the cohesion. In fact, I know we already do." (RT2, at 19.)

Dr. Henderson's response to the question was as follows:

"When recruits come into the service, they don't come into the service with those values. What happens in the military—they are put through an intense resocialization process to achieve those values and give primary loyalty to those values you just mentioned.

"To get to that point, and this is, I think, the essence of what most of us have been saying here, to get to the point to be able to arrive at those values, you've got to have commonality and group goals. You've got to have the subordination of the individual values to the group so that they can be resocialized into those group values.

"If you have gross, widespread dissimilarities in your initial population of recruits, you're going to have an extremely difficult time in achieving that resocialization process. You're going to have fragmentation. You're going to have personal conflict, and so on.

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[4] This is actually a false assertion. In fact, an Army study conducted in May 1942 by the research branch of the Special Services Division of the War Department, found an overwhelming majority of servicemembers strongly opposed to desegregation of the PX and recreational facilities. Another Army study conducted following World War II found that a majority of white servicemembers did not think that racial integration in the military was appropriate. 81% opposed integration in the PX; 83% opposed integration of the service clubs; and 84% stated their belief that there should be no integration of the entire military. Samuel A. Stouffer, et al., "The American Soldier," (Princeton, New Jersey: Princeton University Press, 1949). This point was highlighted in statements made by Dr. Gibson, President of the NAACP and Coretta Scott King, President of the Martin Luther King Jr. Center for Nonviolent Social Change.

[5] This sweeping categorization is also faulty. It is hard to believe that any country, including Canada, Denmark and the Netherlands, would place individual rights over military readiness. In fact, those countries justify their lack of a ban on gay people on the premise that accommodating the human rights of gay people is not incompatible with military readiness. In addition, Israel does not sanction openly gay soldiers and in fact recently reaffirmed its policy of non-discrimination, removing the last vestiges of differential treatment in the security arena. For a comprehensive review of the policies and experiences of foreign militaries, see Government Accounting Office Report "Homosexuals in the Military: Policies and Practices in Foreign Countries", (GAO/NSIAD-93-215) ("GAO Report 2"), and Frank D. Pond, "A Comparative Analysis of Military Policies With Regard to Gays and Lesbians", both of which I have submitted for inclusion in the hearing record.

"So basically what I'm saying is that if you do have severe differences in values in the group, you're never going to be able to achieve the levels of performance in those values you just listed." (RT2, at 18.)

The three witnesses who appeared at this hearing constituted the main source of expert testimony for the Committee on what effect allowing gay people to acknowledge their orientation in the military setting would have on unit cohesion. As the hearing transcript makes clear, there was no unanimity of opinion on the panel. Dr. Henderson was adamant that allowing openly gay people to serve in the military would have a severe and disastrous effect on unit cohesion. In response to my question, Dr. Henderson could not cite any studies that addressed this issue or that substantiated his views. Rather, his answer appeared to be that if a recruit was a gay man or a lesbian, that person would have such a "gross, widespread dissimilari[ty]" from other recruits that the necessary resocialization process to learn military values would not occur. Dr. Marlowe did state that simply saying one is gay could be considered injecting one's homosexuality into the group. In contrast to Drs. Henderson and Marlowe, Dr. Korb testified that his personal experience led him to believe that gay people could serve openly and effectively in the military and that any cohesion problems could be addressed through good leadership.

There are two studies on the issue of gay people in the military that were undertaken by the Department of Defense itself. See Theodore R. Sarbin and Kenneth E. Karols, "Non-Conforming Sexual Orientations and Military Suitability", Defense Personnel Security Research and Education Center, PERS-TR-89-002, Dec. 1988 ("PERSEREC 1"); Theodore R. Sarbin, "Homosexuality and Personnel Security", Defense Research and Education Center, Oct. 1991 ("PERSEREC 2"). In addition, the Government Accounting Office undertook two reports on the issue: one looked at the cost of the DOD's exclusionary policy regarding homosexuals, other nation's military policies on homosexual service, and non-discrimination policies in various domestic paramilitary organizations ("Defense Force Management: Statistics Related to DOD's Policy on Homosexuality" (GAO/NSIAD-92-98S) ("GAO Report 1"); and the other looked exclusively at the military policy regarding homosexuals of 25 foreign countries (GAO Report 2).

The two PERSEREC reports had favorable conclusions regarding the compatibility of the military's needs for unit cohesion and military readiness and the presence of gay people in the military setting. GAO Report 1 found that it was expensive to discharge homosexuals: it cost $28,226 to replace each enlisted person discharged because of his or her sexual orientation and $120,772 to replace each officer so discharged. GAO Report 1 also ascertained that public attitudes in the United States were becoming more accepting of homosexuality; that the domestic paramilitary organizations with non-discriminatory policies regarding homosexuals experienced no adverse effects; and that a variety of foreign militaries permit homosexuals to serve. GAO Report 2 concluded that many foreign countries permit gay men and lesbians to serve without restriction in their militaries. Studying four targeted countries, GAO Report 2 stated that "the inclusion of homosexuals in their militaries has not adversely affected unit readiness, effectiveness, cohesion, or morale." (GAO Report 2, at 10.) Despite the existence of these reports, the authors of these studies never testified before the Committee.

Perhaps the most striking gap in the information provided to the Committee was the absence of the study conducted by the Rand Corporation over the past six months. This study was commissioned by the Department of Defense specifically to inform the debate in a comprehensive, substantive manner. According to reports, approximately forty people (or perhaps more) worked on the Rand study intensively. The Rand Report is probably the best document, and certainly the most current document, on the issues of unit cohesion and military readiness.

The Secretary of Defense testified to the Committee that he had been briefed on the Rand report and had taken that data into account in making his determination. Unfortunately, the Committee was not briefed on this report. I do not believe the Committee was equipped to make the findings #13 and #15 in the amendment regarding unit cohesion and military needs without having seen the Rand Report or having called the authors of the Rand Report to testify.

In sum, I do not believe that findings numbered 13 and 15 of the amendment are substantiated by evidence heard by our Committee. This includes evidence presented in the hearing devoted to the issue of unit cohesion, as well as evidence presented in other hearings. (See below). I also believe that data and witnesses that would have been essential for a fair-minded and objective assessment of the issue were unfortunately not heard by the Committee.

3. International Comparisons

The Committee's third hearing was designed to elicit information regarding the experience of foreign militaries. Four witnesses appeared before the Committee: Professor Charles Moskos, Department of Sociology, Northwestern University; Professor David Segal, Department of Sociology, University of Maryland; Lt. General Calvin Waller (ret.); and Professor Judith Stiehm, Department of Political Science, Florida International University.

None of these witnesses had any longstanding experience with regard to foreign militaries and gay personnel. Professor Moskos was involved in this issue of the domestic front and, indeed, had stated his view in the press that gay people should not be allowed to serve openly in the military. In late November and early December of 1992, Professor Moskos visited Germany and Israel and talked to individuals in those countries. Professor Moskos' testimony focused almost exclusively on Israel and Germany and was based primarily on those interviews.

Professor David Segal, while not having an extensive track record in international comparisons, did a relatively exhaustive study of the policies of other countries. Most of his findings are consistent with the comprehensive report prepared by the General Accounting Office. (See below). Although Professor Segal was less explicit in his testimony before the Senate, he testified before the House Armed Services Committee that the experience of other countries tended to indicate that allowing gay people to acknowledge their identity in a military setting (if they wished to do so) would not harm unit cohesion.

Lt. General Waller provided testimony based on his years in service and his role as second in command during Desert Shield and Storm. Lt. General Waller was adamantly opposed to allowing "avowed homosexuals" who "openly foist their lifestyle upon soldiers, sailors, airmen, and marines" to serve in the military. (Statement by LTG C.A.H. Waller before the United States Senate Armed Services Committee, dated April 29, 1993 ("Waller Statement"), at 2.)

Professor Steihm offered a more positive assessment of the experience of foreign militaries that have no ban on gay people in the military. Her testimony was buttressed by a 100 page document detailing the experiences of foreign countries.

As an overall matter, the hearing fell far short of providing the Committee with comprehensive, reliable data detailing the foreign experience. It was particularly striking that no witness was called who had substantive, detailed knowledge of the situation in Canada and Australia—two countries that are culturally similar to the United States in which similar fears regarding unit cohesion were voiced and which have recently lifted their bans. Nothing in this hearing provided the Committee with reliable data on which to bases findings numbered 13 and 15.

By contrast, the one comprehensive, authoritative study of the experiences of foreign countries was conducted by the General Accounting Office (GAO), at the request of Senator John Warner. The GAO surveyed 25 countries and focused in detail on Canada, Israel, Sweden, and Germany. The first three countries have policies of not discriminating against gay people in the military, while Germany imposes restrictions on gay volunteers.

In the Executive Summary, the GAO states:

"Military officials in all four countries [that were reviewed in detail] said that the presence of homosexuals in the military is not an issue and has not created problems in the functioning of military units. A key factor, they said, was that homosexuals are reluctant to openly admit their sexual orientation for a variety of reasons. For example, (1) sexuality is considered to be a private matter, (2) homosexuals fear discrimination or negative reactions from their peers or superiors if they reveal their sexual orientation, and (3) homosexuals do not see any advantageto openly identifying their homosexuality. Military officials from Canada, Israel, and Sweden said that, on the basis of their experience, the inclusion of homosexuals in the military is not a problem and has not adversely affected unit readiness, effectiveness, cohesion, or morale. In Germany, military officials told us that problems associated with homosexual military personnel are dealt with on a case-by-case basis and their service is restricted if necessary."

The authors of the GAO Report never testified before our Committee.

The comments of the GAO that gay people in the military are reluctant to reveal their sexual orientation, even in countries that have no ban, is consistent with the information I have received in letters and testimonials. Gay and lesbian servicepeople desperately want an official governmental policy that provides that status as a gay person, and private, consensual gay conduct, are not grounds for discharge. This would remove the spector of their careers being cut short simply because someone overheard them say they were gay or had credible information that they had engaged in private, consensual sex. Even with such an official policy, however, it is clear to me that many gay people would not be eager to publicly proclaim their sexual orientation. This self-imposed reticence, which results from an ongoing assessment by homosexual servicemembers of the tolerance of those around them, is one reason why an official policy of non-discrimination would not result in damage to unit cohesion.

4. Members of the Senate

The Committee heard testimony from Senators who supported the ban on gay people in the military and from Senators who opposed the ban. While this hearing was useful in illuminating the beliefs of various Senators, it did not provide any credible basis for findings #13 and #15 of the amendment.

5. Field Hearing

The Committee selected fifteen active duty personnel at Norfolk Navy Base to provide testimony. All but two individuals supported the ban on gay in the military. The high visibility of those who supported the ban, and the low profile of those who opposed it, came as no surprise to me. During the week of the field hearing, I receive over 100 testimonials from heterosexual and homosexual individuals either currently serving at Norfolk or connected with the Norfolk Naval Base.

A common theme ran through these testimonials. All of the individuals were afraid to testify publicly against the ban. Homosexual servicemembers were afraid that their sexual orientation would become known, either during the testimony or after the testimony through an investigation. These people feared that they would lose their careers if their sexual orientation became known. The fact that an opportunity was given to provide "confidential" testimony did not sway these individuals to talk with the Committee. They noted that because the Committee could not assure them of immunity if their sexual orientation became known, they did not want to take the risk of talking.

Heterosexual servicemembers were also afraid to testify against the ban. In their letters, these individuals explained that such testimony could cause them to be suspected of being homosexual, thereby adversely affecting their promotion opportunities. Many of these individuals recounted in detail the atmosphere of fear and coercion that existed in military bases during the time when lifting of the ban was under consideration which precluded these individuals from feeling safe in speaking up against the ban.

A similar situation would have been found in a visit to Norfolk Naval Base in 1948 prior to racial integration.

6. Servicemembers

The Committee also heard from two panels of serving, retired or discharged servicepeople. One panel, consisting of General Norman Schwartzkopf (USA, ret.), Col. Fred Peck (USMC), Major Kathleen Bergeron (USMC) and Command Master Chief David Borne (USN) spoke in favor of the ban on gay people. General Schwartzkopf testified that every time there was a case of a known homosexual in a unit, there was a disruption. Col. Peck testified that he would not want his gay son to be admitted to the military because there was a good chance his son would suffer violence or even death at the hands of fellow servicemembers. Major Bergeron testified that military life was a "24 hour experience" for military families and that she would not be comfortable with her children being around known homosexuals.

A second panel, consisting of former Army Col. Greta Cammermeyer (USA), former Air Sergeant Tom Pannicia (USAF), Sergeant Justin Elzie (USMC), and Chief Petty Officer Steven Amidon (USN) spoke in favor of lifting the ban on gay people. Cammermeyer and Pannicia had been discharged from the military for stating they were homosexual. Elzie was in the process of being discharged for saying he was homosexual. Amidon was heterosexual and still on active duty.

Cammermeyer, Pannicia, and Elzie all testified that when individuals in their unit and/or under their command heard that they were homosexual, there was no disruption in their units or workplace. Amidon testified that, with proper military leadership, there would be no problem in maintaining good order, discipline and morale, and hence unit cohesion, with an openly gay person in the unit.

The hearing consisting of testimony from current and past servicemembers clearly did not provide a unanimity of views. The testimony essentially set the personal experiences and beliefs of one group of military people against the personal experiences and beliefs of another group of military people. This hearing did not provide a credible basis for findings #13 and #15 of the amendment.

While we all have tremendous respect for General Schwartzkopf for his service in Desert Storm, other military officials of similar stature do not share his view. For example, Retired Admiral William Crowe, former Chairman of the Joint Chiefs of Staff, has stated that "arguments against allowing homosexuals in the armed forces are 'generated more by emotion than reason' and the military could adjust to their presence just as it has to minorities and women.' (Washington Post, April 11, 1993.)

7. The Department of Defense

In its final hearing on July 21, 1993, the Committee heard testimony from Secretary of Defense Les Aspin, General Colin Powell, the Joint Chiefs of Staff, General Counsel Jamie Gorelick, and Maj. General John P. Otjen (USA). This testimony focused almost exclusively on the policy agreed to by the President and set forth in a July 19 memorandum from the Secretary of Defense. The testimony clarified that the grounds for discharge of the new policy were identical to the grounds for discharge under the pre-existing ban.

The testimony of the civilian and military officials of the Department of Defense rested on the premise that the simple presence of a person in the military who says he or she is homosexual, or who engages in homosexual acts, is disruptive to unit cohesion. No analysis was presented, however, as to why such individuals would disrupt unit cohesion in a manner that could not be managed through discipline and effective military leadership. The results from the RAND Corporation study were not presented to the Committee during this testimony.

Nothing in this hearing provided the Committee with credible evidence to sustain findings #13 and #15. Rather, these findings were assumed to be true by the witnesses.

B. FINDINGS

Based on this review of the hearings, and on the evidence I have studied, I offer the following comments on the legislative findings set forth in the amendment.

Finding #1: "[T]he Constitution * * * commits exclusively to the Congress the powers to * * * make rules for the government and regulation of the land and naval forces."

Comment: Article 8 of the Constitution clearly confers broad powers on Congress. Congress, in turn, has traditionally delegated to the President broad discretion in enacting rules for the armed forces. This broad discretion has been granted based on the judgment that the Commander-in-Chief deserves flexibility in regulating and maintaining the armed forces.

Finding #2: "There is no constitutional right to serve in the armed forces."

Comment: As I noted above, whether or not this finding is valid, it is irrelevant to the question of whether a ban on service in the military by homosexuals is constitutional.

Finding #3: "Pursuant to the powers conferred by * * * the Constitution * * *, it lies within the discretion of the Congress to establish qualifications for and conditions of service in the armed forces."

Comment: While Congress undoubtedly has the constitutional authority to make such rules, it traditionally has delegated such power to the Executive branch. There are good prudential reasons for Congress to refrain from micromanaging the military and to allow the Executive branch maximum flexibility in this area.

Finding #4: "The primary purpose of the armed forces is to prepare for and to prevail in combat should the need arise."

Comment: I agree.

Finding #5–#12: These findings continue to set forth premises regarding the role, requirements, and needs of our armed services. I basically agree with these findings. Indeed, I do not believe they have been disputed by anyone during the course of this debate. I make the following observations, however. First, finding #10 should not be viewed as a statutory codification of the *Solario* decision. Rather, because it is a finding, and not a statutory provision, it is properly viewed as setting forth the current state of the law. That is, based on the ruling of the Supreme Court in *Solario*, the armed forces can constitutionally extend the reach of the UCMJ to all conduct by servicemembers, even if that conduct is not "service-related." Second, although finding #12 is correct on its face, it is useful to remember that, in the large majority of cases, our servicemembers are not living in "spartan, primitive" working conditions.

Finding #13: "The prohibition against homosexual conduct is a longstanding element of military law that continues to be necessary in the unique circumstances of military service."

Comment: I disagree. It is certainly true that the prohibition against homosexuals serving in the military is a longstanding practice. But, as I noted above, the Committee did not receive a complete picture of the history of the ban. That history graphically demonstrates that the rationale for the exclusion has changed over the years. Thus, it is misleading to suggest—as this finding does—that the prohibition against homosexualconduct has a longstanding record of reason which has remained unchanged through the decades and that the prohibition "continues to be necessary" today because of the unique needs of the military. Indeed, no empirical evidence was heard by the Committee to support this finding.

Finding #14: The armed forces must maintain personnel policies that exclude persons whose presence in the armed forces would create an unacceptable risk to the armed forces' high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

Comment: I agree. I do not believe there has ever been any dispute on this issue.

Finding #15: "The presence in the armed forces of persons who demonstrate a propensity or intent to engage in homosexual acts would create an unacceptable risk to the high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability."

Comment: I disagree. As noted above, the Committee never received any empirical data to provide a credible basis for this assertion. To the contrary, the Committee received conflicting testimony that was based on various individuals' personal experiences and beliefs. Even one of the only two experts on unit cohesion called by the Committee, Dr. Marlowe, distinguished between gay people who publicly declare their sexual orientation to others (Dr. Marlowe believes those people would disrupt unit cohesion) from gay people who engaged in private conduct off-base and do not "inject their homosexuality" into the unit. (Dr. Marlowe believes those individuals would not disrupt unit cohesion.) Finding #15, while absolutely necessary to sustain the policy that follows, has no credible basis. Indeed, the only official studies that have been done in this area (for example, the two PERSEREC Reports and the Rand Report) are contrary to finding #15.

It is informative to note that the President, in his speech presenting this policy, described five facts that he noted "are not much in dispute." The fourth fact was:

"Fourth, the ban has been lifted in other nations and in police and fire departments in our country with no discernible negative impact on unit cohesion or capacity to do the job, though there is, admittedly, no absolute analogy to the situation we face and no study bearing on the specific issue."

While noting that the analogies are not absolute, the President appropriately referred to the nondisruptive results of lifting the ban in the militaries of other countries and in para-military organizations in our country. While this evidence may not be conclusive, it certainly weighs against finding #15, not for it.

The fifth fact cited by the President is also informative:

"Fifth, even if the ban were lifted entirely, the experiences of other nations and police and fire departments in the United States indicates that most homosexuals would probably not declare their sexual orientation openly, thereby making an already hard life even more difficult in some circumstances."

This fact is consistent with the results found in the comprehensive GAO report of June 1993. As noted above, the GAO found that most homosexuals do not openly declare their sexual orientation even when no official ban exists in their military. Thus, it would be possible to adopt a policy that protects homosexuals who state privately that they are gay, and who engage in private gay conduct, and not run the risk of danger to unit cohesion.

C. THE POLICY

The policy set forth in the amendment adopted by the Committee directly tracks the language of the preexisting DOD Directive 1332.14 of January 28, 1982. The amendment provides that a member of the armed forces shall be separated if the person has engaged in, has attempted to engage in, or has solicited another to engage in a homosexual act; if the person states that he or she is homosexual or bisexual; or if the person attempts to marry a person of the same sex.

The Secretary of Defense and the Joint Chiefs strenuously argued before the Committee that the President's policy represented a significant change because "witch-hunts" would no longer take place (i.e., systematic efforts to uncover homosexuals in the military, using among other things, interrogation techniques to force servicemembers to name other gay people in the military) and because investigations would not be initiated on mere rumors, but would require a higher standard of evidence ("credible information") before initiation. If indeed the Committee intends to codify the President's proposal, these positive steps forward should be included in the amendment.

In any event, the Secretary's directives remain in his July 19th memorandum. The experience of the next few years will tell whether that the promises made by the Secretary of Defense and the Joint Chiefs actually result in a better quality of life for homosexuals serving in the armed forces, and whether homosexual servicemembers actually have to "work hard to get on the radar screen," as Secretary Aspin put it, before those individuals are discharged.

The amendment further provides, in subsection (c), that the "Secretary of Defense shall ensure that the standards for enlistment and appointment of members of the armed forces reflect the policies set forth in subsection (b)." Subsection (b) sets forth the grounds for discharge described above. Because subsection (e) of the amendment reflects the sense of the Congress that "the suspension of questioning concerning homosexuality as part of the processing of individuals" for entry into the armed forces be continued, I presume that subsection (c) cannot be read to require the Secretary to reinstate the question concerning homosexuality or to reinstate a revised question concerning a propensity or intent to engage in homosexual acts—which is essentially the same question.

In subsection (d), the amendment provides that all members of the armed forces will receive a briefing upon entry, and periodically thereafter, which "shall include a detailed explanation of the applicable laws and regulations governing sexual conduct by members of the armed forces." I presume that this briefing will include detailed information about forms of sexual harassment and sexual misconduct applicable to both homosexual and heterosexual members of the armed services.

Subsection (e)(2) of the amendment states that "the Secretary of Defense should consider issuing guidance governing the circumstances under which members of the Armed Forces questioned about homosexuality for administrative purposes shall be afforded warnings similar to the warnings under section 831(b) * * * [of the UCMJ]." I strongly believe that servicemembers must be informed of their rights not to answer certain questions. Most servicemembers are currently unaware of these rights. If the Secretary truly wishes to change the "witch-hunt" atmosphere of investigations, appropriate warnings are critical.

D. AN ALTERNATIVE APPROACH

I continue to believe that we could have addressed this issue in a manner that would have affirmed the dignity and humanity of homosexuals and bisexuals in the military and would have met the legitimate needs of the military. The militaries of most of our NATO allies have accomplished this task. Why should we be any less capable than our allies?

As President Clinton noted in his speech on July 19, several distingusihed combat veterans, including Senators Robert Kerry, John Kerry, and my colleague on the Armed Services committee, Charles Robb, haveendorsed a policy more lenient than the one now codified in the Committee bill. A complete lifting of the ban has been endorsed by Lawrence Korb and former Senator Barry Goldwater. As the President noted, Senator Goldwater's statement makes clear that lifting the ban is "a reaffirmation of the American value of extending opportunity to responsible individuals and of limiting the role of government over citizens' private lives."

The President had hoped to be able to offer us a policy that met these words. Secretary Aspin, in testimony before our Committee, said there were two polar positions presented to the Pentagon: on one hand, a strict reaffirmation of the ban, complete with witchhunts, which conservatives desired, and on the other hand, a policy with no limits on conduct placed on homosexuals, endorsement of homosexuality by the military, and the provision of benefits to homosexual couples, which gay activists groups were purportedly requesting.

For purposes of the record, I believe it is important to set forth the official position of the gay rights, civil rights, and religious groups who supported a compromise which embodied a policy of non-discrimination. That position did not call for endorsement of homosexuality or for the provision of benefits to homosexual couples. It also accepted restrictions on the public conduct of homosexuals in the military setting. See "A Comprehensive Proposal for Lifting the Ban on Gay People in the Military," Campaign for Military Service, dated May 20, 1993 and "An Open Statement to President Clinton", Campaign for Military Service, dated July, 1993, which I have submitted for inclusion in the hearing record.

As I said in my statement in the Senate on July 20th, I believe that a policy of non-discrimination will ultimately be achieved—albeit in steps.

The courts will ultimately determine the validity of this legislation, which is clearly vulnerable to constitutional challenge on equal protection grounds and on first amendment grounds. If the debate on this policy has shown anything, it has shown that the reason for the exclusion of homosexuals from the military has nothing to do with the conduct of homosexuals. Rather, it has to do with the fears and concerns of heterosexual servicemembers who believe (I think, mistakenly) that they do not know any homosexuals and that they could not bear to serve the homosexuals. As the President acknowledged in his speech: "[T]hose who oppose lifting the ban are clearly focused not on the conduct of individual gay service members, but on how nongay service members feel about gays in general and, in particular, those in the military service."

If the Committee's hearings proved anything, they proved this point made by the President. The courts must now determine whether accommodating such fears and prejudices on the part of others is a legitimate government objective which should be met by an amendment of the kind passed by our Committee. As the testimony submitted by over 120 legal scholars demonstrates, accommodating such prejudices would not be a legitimate government objective under current Supreme Court doctrine.

The courts have not bowed to such prejudice in other areas, and they should not bow to such prejudice in this area. Our national and Congressional debate on this issue has clearly stripped away all of the purported rationales for the exclusion of open homosexuals from our military. The one rationale remaining is that the stark, purported prejudice of heterosexual servicemembers will inevitably disrupt unit cohesion, even with strong military leadership and growing familiarity with homosexual servicemembers.

There clearly are also serious first amendment problems inherent in this amendment. As the debate on this issue has made clear, it is no longer being a homosexual in the military which is the perceived problem. (By contrast, as Berube points out in his testimony, that was the genesis for the original ban because homosexuals were presumed to be inherently mentally unstable.) Rather, the perceived problem today arises when other people learn of the fact that a fellow servicemember is homosexual or has a propensity for homosexuality. For homosexuals, however, the primary way to let others know of their sexual orientation is through speech. The amendment adopted by the Committee directly suppresses this speech.

The courts should invalidate this unfair policy so that gay men and lesbians can serve their country with dignity, honor and honesty. I only wish the Congress could enact such a policy itself.

[From the Washington Post, June 10, 1993]

THE GAY BAN: JUST PLAIN UN-AMERICAN

(By Barry M. Goldwater)

After more than 50 years in the military and politics, I am still amazed to see how upset people can get over nothing. Lifting the ban on gays in the military isn't exactly nothing, but it's pretty damned close.

Everyone knows that gays have served honorably in the military since at least the time of Julius Caesar. They'll still be serving long after we're all dead and buried. That should not surprise anyone.

But most Americans should be shocked to know that while the country's economy is going down the tubes, the military has wasted a half-billion dollars over the past decade chasing down gays and running them out of the armed services.

It's no great secret that military studies have proven again and again that there's no valid reason for keeping the ban on gays. Some thought gays were crazy, but then found that wasn't true. Then they decided gays were a security risk, but again the Department of Defense decided that wasn't so—in fact, one study by the Navy in 1956 that has never been made public found gays to be good security risks. Even Larry Korb, President Reagan's man in charge of implementing the Pentagon ban on gays, now admits it was a dumb idea. No wonder my friend Dick Cheney, secretary of defense under President Bush, called it "a bit of an old chestnut."

When the facts lead to one conclusion, I say it's time to act, not to hide. The country and the military know that eventually the ban will be lifted. The only remaining questions are how much muck we will all be dragged through, and how many brave Americans like Tom Paniccia and Col. Margarethe Cammermeyer will have their lives and careers destroyed in a senseless attempt to stall the inevitable.

Some in Congress think I'm wrong. They say we absolutely must continue to discriminate, or all hell will break loose. Who knows, they say, perhaps our soldiers may even take up arms against each other.

Well, that's just stupid.

Years ago I was a lieutenant in charge of an all-black unit. Military leaders at the time believed that blacks lacked leadership potential—period. That seems ridiculous now, as it should. Now, each and every man and women who serves this nation takes orders from a black man—our own Gen. Colin Powell.

Nobody thought blacks or women could ever be integrated into the military. Many thought all-volunteer force could never protect our national interest. Well, it has—and despite those who feared the worst, I among them, we are still the best and will continue to be.

The point is that decisions are always a lot easier to make in hindsight, but we seldom have that luxury. That's why the future of our country depends on leadership, and that's what we need now.

I served in the armed forces. I have flown more than 150 of the best fighter planes and bombers this country manufactured. I founded the Arizona National Guard. I chaired the Senate Armed Services Committee. And I think it's high time to pull the curtains on this charade of policy.

We have the strongest military in the world because our service people respect the chain of command and know how to follow orders. The military didn't want blacks in integrated units or women, and now it doesn't want gays. Well, a soldier may not like every order, or every member of his or her unit, but a good soldier will always follow orders—and, in time, respect those who get the job done.

What would undermine our readiness would be a compromise policy like "Don't ask, don't tell." That compromise doesn't deal with the issue—it tries to hide it.

We have wasted enough precious time, money and talent trying to persecute and pretend. It's time to stop burying our heads in the sand and denying reality for the sake of politics. It's time to deal with this straight on and be done with it. It's time to get on with more important business.

The conservative movement, to which I subscribe, has as one of its basic tenets the belief that government should stay out of people's private lives. Government governs best when it governs least—and stays out of the impossible task of legislating morality. But legislating someone's version of morality is exactly what we do by perpetuating discrimination against gays.

We can take polls. We can visit submarines to get opinions on who are the best citizens. But that is not the role of democratic government in a free society. Under our Constitution, everyone is guaranteed the right to do as he pleases as long as it does not harm someone else. You don't need to be "straight" to fight and die for your country. You just need to shoot straight.

With all the good this country has accomplished and stood for, I know that we can rise to the challenge, do the right thing and lift the ban on gays in the military. Countries with far less leadership and discipline have traveled this way, and successfully.

When you get down to it, no American able to serve should be allowed, much less given an excuse, not to serve his or her country. We need all our talent.

If I were in the Senate today, I would rise on the Senate floor in support of our commander in chief. He may be a Democrat, but he happens to be right on this question.

When the government sets policy, it has a responsibility to acknowledge facts, tell the truth and lead the country forward, not backward. Congress would best serve our national interest by finding the courage to rally the troops in support of ending this un-American discrimination.

TOGETHER WE SHALL OVERCOME

(By Coretta Scott King)

The following remarks were delivered by Coretta Scott King at a press conference on Lesbians and Gay men in the military which took place at Dr. Martin Luther King's graveside in Atlanta, Georgia, on June 30.

As you know, President Clinton will soon announce his decision on what to do about the unjust ban against Lesbian and Gay people in the armed services. We are counting on the president to honor his pledge to end discrimination by taking clear and decisive measures to lift this un-American ban, which makes a mockery of civil and human rights in our country.

The arguments that have been raised in favor of the ban are the same arguments that were so often raised against racial integration in the past. Then, as now, we were told that making the military services more inclusive would somehow diminish morale. Then, as now, we were told that military leaders were not prejudiced, but they were concerned about "others" who might feel that way. This is not much different from businesses which cited "customer preference" to justify their refusal to hire African Americans to work in their stores.

Back then certain politicians raised the fear of health risks to oppose integration, and today we hear the same irrational arguments being used to deny Lesbian and Gay people their human rights in the military.

The controversy over this issue indicates that homophobia, as well as other forms of prejudice and intolerance, are serious problems in the military services, as they are throughout our society. Educational programs about the destructive effects of bigoted attitudes should be made a required part of basic training for all branches of the services.

I strongly believe that freedom and justice cannot be parceled out in pieces to suit political convenience, as my husband, Martin Luther King Jr., said, "injustice anywhere is a threat to justice everywhere."

On another occasion he said, "I have worked too long and hard against segregated public accommodations to end up segregating my moral concern. Justice is indivisible."

Like Martin, I don't believe that you can stand for freedom for one group of people and deny it to others.

Lesbian and Gay people have served their country with honor and courage in the military and other institutions since the early days of American history, and many have paid the highest price to defend the freedoms we cherish as Americans. I might also add that many Lesbians and Gays supported the African American freedom struggle, and I am not going to turn my back on their movement for freedom and dignity.

The great promise of American democracy is that no group of people will be forced to suffer discrimination and injustice. I believe that eliminating this ban altogether will strengthen the military and our country as a whole.

So I join with my colleagues in calling on President Clinton to stand firm against all forms of discrimination in the military and to accept no compromises which undermine the principles of fairness and human dignity. To this endeavor, I pledge my wholehearted support, and with this commitment, together we shall overcome.

THE CAMPAIGN FOR MILITARY SERVICE

ORGANIZATIONS THAT SUPPORT LIFTING THE BAN

AFL–CIO

AIDS Education Services for Minorities.

AIDS Project Los Angeles.

American Association of University Women.

American Bar Association.

American Civil Liberties Union.

American Ethical Union Washington Ethical Action Office.
American Friends Service Committee.
American Jewish Committee.
American Jewish Congress.
American Legion, Alexander Hamilton Post 448.
American Medical Women's Association.
American Nurses Association.
American Psychiatric Association.
American Psychological Association.
American Public Health Association.
Americans for Democratic Action.
Anti-Defamation League.
Black Gay and Lesbian Leadership Forum.
Black Lesbian Support Group.
Boston Human Rights Commission.
Catholic Organization for Renewal.
Center for Population Options.
Center for Women Policy Studies.
Church of Women United.
Citizen Soldier.
Coalition of Labor Union Women.
Dignity/Northern Virginia.
Draft and Military Freedom Project.
Equity Foundation, Portland, OR.
Federally Employed Women.
Federation of National Sisterhoods.
Fund for a Feminist Majority.
Gay and Lesbian Alliance Against Defamation.
Gay and Lesbian Community Action Council.
Gay and Lesbian Community Center of Baltimore.
Gay and Lesbian Emergency Media Campaign.
Gay and Lesbian Parents Coalition International.
Gay and Lesbian Utah Democrats.
Gay and Lesbian Victory Fund.
Gay, Lesbian & Bisexual Veterans of America.
Gay Men's Health Crisis.
Hetrick-Martin Institute.
Hollywood Policy Center.
Hollywood Women's Political Committee.
Human Rights Campaign Fund.
Japanese American Citizens League.
Jewish Labor Committee.
Lambda Legal Defense and Education Fund.
Lambda Youth Network.
Legislative Conference for Civil Rights.
Maine Women's Lobby.
Methodist Federation for Social Action.
Mexican American National Women's Association.
NAACP.
National Abortion Rights Action League.
National Association of Social Workers.
National Association of Women for Understanding.
National Black Caucus of State Legislators.
National Campaign for Freedom of Expression.
National Center for Lesbian Rights.
National Council of Jewish Women.
National Federation of Temple Sisterhoods.
National Gay and Lesbian Task Force.
National Lesbian and Gay Law Association.
National Lesbian, Gay and Bisexual Student Caucus.
National Organization for Women.
National Urban Coalition.
National Women's Law Center.
National Women's Party.
New Ways Ministry.
NOW Legal Defense and Education Fund.
Pan-Asian Women.
Parents and Friends of Lesbians and Gays, Inc.
People For the American Way Action Fund.
People for the Ethical Treatment of Animals.
Religious Action Center of Reform Judaism.
Sex Information and Education Council of the U.S.
Southern Christian Leadership Conference.
Southern Christian Leadership Conference of Greater Los Angeles.
Stonewall 25, NCBLG.
Stonewall Union.
Union of American Hebrew Congregations.
Unitarian Universalist Association of Congregations in North America.
United Church of Christ, Coordinating Center for Women.
United Church of Christ Office for Church in Society.
United Methodist Church, General Board of Church and Society Ministry of God's Human Community.
United States Student Association.
Universal Fellowship of Metropolitan Community Churches.
University of Connecticut Women's Center.
University of Utah Women's Resource Center.
Veterans CARE Redwood Empire.
Women for Meaningful Summits.
Women of Reform Judaism.
Women Strike for Peace.
Women's Action for New Directions.
Women's Law Project.
Women's Legal Defense Fund.
Women's Policy Group.
Women's Research and Education Institute.
Young Women's Project.
YWCA of the USA.

CONSERVATIVE SUPPORT FOR A NONDISCRIMINATION POLICY

Many conservatives support lifting the ban on gay, lesbian and bisexual servicemembers. The following are but a few examples.

Barry Goldwater, Former Republican Congressman, Arizona, and Senate Armed Services Committee Chairman; Republican Presidential nominee, 1964. "The conservative movement, to which I subscribe, has as one of its basic tenets the belief that government should stay out of peoples private lives. Government governs best when it governs least—and stays out of the impossible task of legislating morality. . . . Under our Constitution, everyone is guaranteed the right to do as he pleases as long as it does not harm someone else. You don't need to be 'straight' to fight and die for your country. You just need to shoot straight." Washington Post, June 10, 1993.

John Buchanan Jr., Former Republican Congressman, Alabama. "Not a shred of valid evidence suggests that allowing gays to serve openly would diminish the effectiveness of our fighting forces. . . . If leaders like you fail to stand up to discrimination against gays, America will be morally diminished." March 28, 1993 letter to Sam Nunn.

John Chafee, Republican Senator, Rhode Island; Secretary of the Navy, Nixon Administration. "I am one who strongly believes that any problems attendant to allowing homosexuals to serve in the military can be minimized. I'm certain there will be no noticeable deterioration in the quality or readiness level of the armed forces of the United States. As we all know, there are already many homosexuals in the military. My experience has been that when a discussion has taken place on a matter of import in the Navy, and a decision has been reached, that those in command follow the decision." 139 Congressional Record S 1262.

Dr. Lawrence Korb, Assistant Secretary of Defense for Manpower, Reagan Administration. "In final analysis, the military exists to serve society and must be a reflection of that society. . . . Opening up the military to gays will not undermine military readiness any more than did opening it up to blacks and women or ending the draft." Atlanta Journal and Constitution, November 22, 1992.

Alfonse M. D'Amato, Republican Senator, New York. "Last Tuesday, I stated a basic but important principle on the floor of the U.S. Senate, namely that no government has the right to discriminate against any of its own citizens. That's why I support allowing gays in the military. It's just that simple. . . . Individuals must be judged by how they perform, not by any other criterion. I can't imagine a more basic conservative position than to believe in individual responsibility and individual freedom." Newsday, February 2, 1993.

Dr. Richard H. Kohn, Chair, Curriculum in Peace, War and Defense, University of North Carolina; President, Society for Military History. "But civilian control means that our military will be organized and will operate according to the nation's needs and desires. . . . To resist would only make the adjustment more time-consuming and disruptive, and would itself undermine military effectiveness. In the long run, the services should find that their effectiveness . . . will be enhanced rather than diminished." Women in Combat, Homosexuals in Uniform: The Challenge of Military Leadership," 1993.

Andrew Sullivan, Editor, The New Republic. "The values that gays in the military are espousing, patriotism and public service, are traditional values. . . . As gays and lesbians, we do not want anything special from America. We merely want to give back to America something of what it has given us, without having to compromise the essence of who we are. That simple, and surely conservative, desire is what is really at issue in the months ahead." New York Times, February 9, 1993.

Marvin Liebman, "One of the fathers of the modern American Conservative Movement;" Newsday Interview: "Silence is the cement that keeps society's hypocrisies together. . . . Drive out these phonies who call themselves conservative, the sanctimonious Pat Robertson and the bully-boy Pat Buchanan. They preach hatred and intolerance. . . . Today you have people like Dan Quayle telling us that homosexuality is a 'learned' behavior. [I didn't 'choose' to be gay.] No more than Quayle chose to be dumb." Newsday, September 23, 1992.

Bishop Thomas Gumbleton, Archdioceses of Detroit. "[I have] been presented with no empirical evidence to support any of these misconceptions or erroneous beliefs. [I am] familiar with a recent government study that showed that gay and lesbian military personnel are no less qualified or effective than any other group. . . . The gospel . . . challenges every Christian to promote respect for all persons in word and action. [I] call on all Christians and citizens of good will to confront their own fears about homosexuality and ask the support of all Catholics to protect the civil rights of all gay and lesbian persons." Affidavit, January 15, 1993.

Bishop Herbert Chilstrom, Evangelical Lutheran Church of America. "We do not ban gay and lesbian persons from becoming pastors in our church. We judge them by their behavior rather than on the basis of sexual orientation." Dallas Morning News, February 13, 1993.

E.J. Dionne Jr., Columnist, Washington Post. "The people who most need protection from bigotry and discrimination are precisely the most conventional people in the gay community, the people who want to live and work in the mainstream." Washington Post, April 27, 1993.

William Weld, Republican Governor, Massachusetts. "Keep government out of people's pocketbooks and out of their bedrooms." Newsday, September 23, 1993.

Morton Kondracke, Senior Editor, Roll Call. ". . . if there is any institution in American society that can integrate gays successfully it's the military. After decades of shameful witch hunting, it's an experiment we ought to make." Virginian-Pilot And Ledger Star, June 13, 1993.

William Cohen, Republican Senator, Maine. "The argument has been that it will have a negative impact on morale, readiness, unit cohesion, and general fighting capability . . . . These arguments may no longer be valid or are less persuasive. Perhaps they were marshaled in the days of the dark ages and the time has come to allow sunlight to cast an illuminating eye upon unfounded bias or bigotry . . . . "I hope we can conduct an open-minded inquiry rather than react on a knee-jerk basis to how many phone calls and letters we are receiving. They are important, but we need to debate this on a dispassionate basis; otherwise we will find ourselves simply arguing on the basis of bigotry, prejudice and bias." 139 Congressional Record S 752, January 27, 1993.

Dave Durenberger, Republican Senator, Minnesota. "What we are addressing today is not the simple question of whether we approve or disapprove of the sexual orientation of certain individuals. We are discussing whether we have the right to deny some of these individuals the right to serve in the U.S. Armed Forces because of that status. It is a fundamental principle of the American government that we must not discriminate against an individual for having a certain status—a certain gender, religion, sex, race, disability, or age. . . ." 139 Congressional Record S 1087

Jonathan D. Hymer, Livermore, Calif., Author, "Conservative Defense of Gay Rights". "Contrary to what the Pentagon, some members of Congress and the religious right want us to believe, there is no contradiction between maintaining America's military might and lifting the prohibition on service by homosexuals. . . . Those of us who pay the bill are questioning the expenditure of a half-billion dollars on witch hunts. And we are dismayed by the message our government sends to the youth of America by enforcing this policy—that some people are inherently unworthy of sharing this most basic expression of full citizenship." Washington Post, May 17, 1993.

Peter J. Gomes, Professor of Christian Morals, Harvard University. "If the generals were so wrong about race in 1948, why should we think today's general know any more about sexuality in 1993? Fear denies change . . . . With the American people, inevitably, it is not power but rightness that prevails." Sacramento Bee, May 27, 1993.

Graham G. Storey, Navy Veteran. "I am a conservative, Republican, heterosexual military veteran who did not vote for Bill Clinton . . . . However, there was one thing that Clinton promised to do with which I agreed wholeheartedly—to end the ban on gays and lesbians in for which I served, is better than this. It should prove itself so by its actions." Oregonian, December 5, 1992.

MILITARY LEADERS SPEAK OUT IN FAVOR OF A NON-DISCRIMINATION POLICY

Contrary to popular belief that the military is adamantly opposed to lifting the ban on lesbian, gay and bisexual servicemembers, a significant number of military leaders have expressed their support publicly and in letters to President Clinton and members of Congress. The following examples are representative, but hardly exhaustive.

Admiral William J. Crowe, Jr., US Navy, retired. "Arguments against allowing homosexuals in the armed forces are 'generated more by emotion than by reason' and the military could adjust to their presence just as it has to minorities and women." Washington Post, April 11, 1993.

General Barry Goldwater, US Air Force, retired. "It's no great secret that military studies have proven again and again that there's no valid reason for keeping the ban on gays . . . . We have the strongest military in the world because our service people respect chain of command and know how to follow orders. The military didn't want blacks in integrated units, or women, and now it doesn't want gays. Well, a soldier might not like every order or every member of his or her unit, but a good soldier will always follow orders—and in time, respect those who get the job done." Washington Post, June 10, 1993.

Major General Vance Coleman, US Army, retired. "In listening to the Congressman, the Senators talk about this issue, I really don't understand. They talk about equality and that is not equality. Gays and lesbians can perform. There's no reason why they shouldn't be given the opportunity to perform . . . . It's the same arguments put forth with African Americans." MacNeil/Lehrer Newshour, March 29, 1993.

Brigadier General Evelyn P. Foote, US Army. "We should clear the air once and for all, and permit people to be honest . . . . If you stigmatize a whole class of people, that's not appropriate leadership." San Francisco Chronicle, April 6, 1993.

Captain Lawrence Korb, US Navy, retired. "In final analysis, the military exists to serve society and must be a reflection of that society . . . . Opening up the military to gays will not undermine military readiness any more than did opening it up to blacks and women or ending the draft." Atlanta Journal and Constitution, November 22, 1992.

Captain William K. Yates, US Navy, retired. "Scientists are almost universally agreed that homosexuality is neither a choice or a disease. It is a matter of civil right and simple justice . . . . The morale and fighting effectiveness of the military will be undiminished." New London Day, June 2, 1993.

Colonel Karl Cropsey, US Army, retired. "I can say without reservation that the military ban on gay and lesbian service personnel rests on prejudice and fear, not fact. . . . Like every soldier, gay men and women fought for America because we believe what this nation stands for—fairness, equal treatment under the law, civil justice. All we're asking for is the right to serve with dignity, nothing more, nothing less." *Kansas City Star*, May 30, 1993.

Colonel Ronald C. Anderson, US Army, retired. "The ban on homosexuals in the military is blatant discrimination against good, dedicated, high-achieving soldiers who are just as ready to give their lives for our country as the next and who have no intention of breaching the military's discipline or code of justice." May 13, 1993 letter to Senate Armed Services Committee.

Chaplain (Colonel) Charles Dunlap Brown, US Army, retired. "Gay and lesbian soldiers are not asking for special rights, only those rights and freedoms provided by our Constitution for all citizens. . . . The current policy of discrimination denies able bodied men and women the opportunity to serve our country and costs taxpayers millions of dollars each year." April 20, 1993 letter to President Clinton.

Colonel Sam J. Turnbull, US Army, retired. "I served in several units that included both gays and lesbians. They were accepted by others in the unit because they performed their jobs well under competent leaders." June 10, 1993 letter to Members of Congress.

Colonel Richard A. Littlestone, US Army, retired. "Suggested compromises of which we hear would confirm the status quo. It has not worked. The current policy is just plain wrong. Morale and effectiveness is hurt by it now!" June 12, 1993 letter to President Clinton.

Colonel Willian L. Hauser, US Army, retired. "The problem is not status, but behavior, and the military can enforce rules of behavior." New York Times, April 4, 1993.

Commander William R. Bryant, US Navy, retired. "There is no genuine reason that gays cannot serve openly and effectively in our military forces. . . . Most gays simply want to be open and honest and to keep their private lives private, just like you and me. . . . There should be a clear set of rules for sexual conduct for both service men and women." May 16, 1993 letter to Senate Armed Services Committee.

Lieutenant Colonel James R. Letchworth, US Army, retired. "I knew many gays in the military during my twenty year career. They covered all enlisted and officer ranks and served with distinction and were an asset to the military." May 13, 1993 letter to a Senator.

Lieutenant Colonel Beverly L. Trevor, US Army. "Your committee on lifting the ban contains the same ridiculous rhetoric I have heard for barring women from combat positions." May 13, 1993 letter to Sam Nunn.

Lieutenant Colonel Ken C. Williams, US Army, retired. "Changing the policy will *not* degrade military effectiveness any more than integration of blacks did in 1948. Gays are Americans, and if physically and intellectually qualified, should be allowed to serve. . . ." May 12, 1993 letter to Campaign for Military Service.

Lieutant Colonel Chuck Magness, US Army, retired. "We're talking about discrimination against a class of people because of their status and I'm surprised that it's taken the president of the United States to teach us all the difference between status and behavior." *CNN Newsmaker's Saturday*, January 30, 1993.

Lieutenant Commander Timothy L. Davis, US Navy. "The ban on gay men and lesbians in the military is silly. . . . Civil rights are like gun powder. You can't stop people from getting them." May 13, 1993 letter to Campaign for Military Service.

Major William Schneider, US Army National Guard, retired. "We should be judged by our ability, our competence. Gay men and women are not a threat." *Chicago Tribune*, May 16, 1993.

Captain Michael Clarkson, US Army. "I believe the integration of homosexual men and women in the armed forces is more a challenge to leadership and understanding than to discipline and morale." *Gannett News Service*, April 12, 1993.

Captain Thomas W. Ratliff, US Air Force. "I would like you to realize that there are many members of the United States military who support ending the discriminatory ban on gays and lesbians from serving in the military." May 14, 1993 letter to Sam Nunn.

Lieutenant David Zeni, US Navy, retired. "Having served on a 400 foot long nuclear submarine along side 135 men, I can report to you that sexual orientation was never an issue. . . . I am surprised at military leaders who fear that gay service personnel will be beaten, "fragged," and murdered. Are they saying that our military's command structure is so poor that no one has control of the troops? We have an expression in the Navy Community—it goes—'There are no bad ships in the Navy, only bad wardrooms.' This speaks to leadership." May 19, 1993 letter to Sen. J. Lieberman.

Lieutenant George Cooper, US Navy, retired. Member of Golden Thirteen. "Ever since we've had a Navy, there've been gays in the Navy, and it has not ruined that Navy. Gays are in every aspect of this society, and they operate effectively. They operate just like anybody else. They operate just as well as blacks do. This is a part of living in our society today, and we have to accept it and find out ways to live with it. *NPR*, February 24, 1993.

Testimony of Lawrence J. Korb on Homosexuals in the Military and Unit Cohesion

Mr. Chairman, members of the Committee, it is a pleasure to appear before you once again. I appreciate the opportunity to discuss with you the critical question of whether changing the policy on gays in the military will undermine unit cohesion. I commend you for addressing this complex and emotional question in an orderly and scientific manner. Since this subject has become an important public policy issue, there have been too many wild and unsubstantiated claims on all sides of the debate.

Regardless of their position on this issue, no responsible person, particularly someone who has served on active duty with the military, would desire to take any step which he or she knew would permanently undermine the unit cohesion or fighting effectiveness of our armed forces. However, the burden of scientific proof must be on those who wish to exclude gays from the military. We cannot infringe on the rights of any American to serve his or her country unless we can convincingly demonstrate that the presence of that person in a unit would prevent the development of cohesion even with the most competent and highly motivated leadership.

All my research and experience tells me that the question of whether the presence of openly gay men and women in the armed services would undermine fighting effectiveness cannot be answered definitively until the policy is actually changed. In many ways, the situation the nation faces today is analogous to that which we faced two decades ago when we made the transition to an All Volunteer Force and allowed women to move into non-traditional areas of military service. During my days in the Pentagon, there were some in the Congress and in the think tanks and universities who argued that a force of volunteers, supposedly attracted only by market incentives, would not fight because their main motivation was money, not patriotism. In fact, the volunteers were often decided by some as mercenaries. Similarly, there were some who said that the presence of large numbers of women in the operational theater would undermine military effectiveness and that, if women were captured and killed in battle, popular support for the conflict would be eroded. It was not until the Persian Gulf War that those myths were debunked.

Much has been made in the media about my supposed change of position on the issue of gays in the military. There is indeed a basis for these stories. As a result of my research and experience in this area, my opinions have indeed evolved over the last decade. This process was similar to the way in which my attitudes toward the All Volunteer Force and women in combat evolved. There was a time when I felt that all able bodied men should be made to serve their country. To this day, I have very strong feelings about those of my generation who beat the draft. Similarly, there was time that I did not believe that my sisters and daughters ought to be allowed to go "in harms way." However, I have come to the conclusion that in a country, that has never figured out who shall serve when not all shall serve, a volunteer professional military is the least worst alternative. And that despite my own biases, there was no good reason to prevent women from being "all that they can be." I might add that two men who have served as Secretary of the Navy in Republican administrations have also recently changed their opinion on the issue of gays in the military.

Those who are, opposed to changing the current policy cite surveys of active duty personnel which show that a vast majority of them are opposed to the change. Given the cues that they have received from their top leadership and the innate conservatism of the military institution, this should not be surprising. But, my research shows that, while in 1943 approximately 80 percent of the whites in the armed forces opposed integration, by 1951, three years after the policy change, that number had dropped to 44 percent. Moreover, some 80 percent of the Canadian armed forces opposed dropping the ban before the Canadian military decided it had no empirical or rational basis to fight the ban in court. Since the ban was dropped, the Canadians have not reported any morale or cohesion problems. There is no scientific reason to suppose that, if the ban against gays is lifted, opinion in the military on this issue will not change.

People opposed to lifting the ban also cite specific cases or anecdotal evidence to support their position. I have no reason to doubt the validity of these cases, but there are plenty of case studies on the other side as well. One needs only to look at recent articles in our major newspapers by General Lucian K. Truscott IV (West Point graduate), Robert Goodwin (special assistant to presidents Kennedy and Johnson), and Colbert King (Washington Post's editorial staff), to see specific evidence that openly gay men have served valiantly in battle without undermining unit cohesion. In addition, court papers reveal that Sgt. Perry Watkins served with distinction in this army as an openly gay man for some 15 years.

In terms of research that bears on the issue, there exists a body of empirical data from militaries around the world as well as police and fire departments in this country. For the most part, these studies reveal that dropping the ban has not undermined morale or cohesion. Countries that allow homosexuals to serve in the military such as Israel, Canada, the Netherlands, and Australia, say that they have not experienced problems that have undermined morale and cohesion. The GAO reported the same finding when they surveyed police and fire officials who have admitted homosexuals into their departments. However, there are those who will argue that these studies are irrelevant, that the U.S. military is "sui generis." Compared to the U.S. these other militaries are "lilliputian" and of course, U.S. police and fire departments do not go on overseas deployments. While there is some truth to this point of view, the experience of other militaries cannot be discounted completely as they have some bearing on the subject. Moreover, Professor Theodore Sarbin, co-author of a 1991 PERSEREC study for the U.S. military, has stated that there is no data linking gays to lower morale or cohesion. Rather he noted that where there's good leadership, there's high morale. Finally, let us remember that the French, Dutch, and Italians who fought and died alongside our men and women in the Gulf allow gays and lesbians to serve openly.

More recently, in March of this year, we have had the strange situation of Captain Pamela Mindt, of the Minnesota National Guard, who was in the process of being discharged as an admitted homosexual, being called to active duty by her unit to deal with an emergency situation.

Is there a probability that morale and cohesion may be undermined temporarily if this policy is changed? Unfortunately, based upon past experience, the answer is yes. Unit cohesion problems existed for many years after President Truman's executive order integrating the services. Unit cohesion broke down completely aboard the USS Kitty Hawk on its way to the Tonkin Gulf in 1972. As a result, 46 sailors were injured in a 15 hour race riot. At about the same time, 130 sailors on the Constellation charged their captain with calculated racism. And we had the wrong kind of unit cohesion among many male naval aviators at the annual Tailhook Conventions during the 1980s and 1990s.

Research tells us that the more dissimilar the group, the more difficult will be the task of trying to create unit cohesion. The dissimilarities can be based upon such things as race, creed, color, gender, philosophy and sexual orientation. But research also shows that proper leadership and training can surmount these impediments. Since our armed forces are composed of people with different backgrounds and values, its leaders have had and will continue to have to adjust to this diversity in building cohesion. As Professor Richard Kohn of the University of North Carolina and president of the Military History Society has stated, cohesion is the result of that bonding that occurs under the shared experience of strict authority and harsh discipline, and may be more difficult to achieve without all the traditional methods of male bonding—but that hardly means it can't or shouldn't be achieved.

Research also shows that changing the policy will not result in wholesale changes of behavior in the ranks. The recent experiences of the Canadians and Australians attest to this, as does the experience of the Dutch since 1974. Therefore, the short-term costs of maintaining unit cohesion caused by changes in the policy are likely to be minimal.

Obviously, there are considerations other than unit cohesion that must go into your deliberations on this issue. However, based upon my military service, policy research, and Pentagon experience, I find no convincing evidence that changing the current policy would undermine unit cohesion any more than the other social changes that society has asked the armed forces to make over the past 50 years. In fact, this change is likely to have less short-term impact on cohesion.

Women in Combat, Homosexuals in Uniform: The Challenge of Military Leadership

(By Richard H. Kohn)

Bill Clinton's promise to end the ban on homosexuals serving openly in the military, and the continuing furor over women in combat, threaten an ongoing civil-military battle that could damage military professionalism, alienate an otherwise friendly incoming Administration, and, ultimately, ruin the military effectiveness of the American armed forces for the foreseeable future. Military leaders who oppose these changes ought to consider some facts and principles that might change their minds.

First, history. Women have fought successfully, sometimes integrated with men, as in the World War II Allied underground, where they proved just as adept at slitting throats, leading men in battle, suffering torture, and dying, as men; sometimes segregated, as in Soviet air force units, which produced many female aces fighting the Germans. Homosexuals have for centuries served honorably and effectively in the United States and abroad. Arguments against open service assume that proper policies and effective leadership will fail, even though the services succeeded in integrating African-Americans and women, switching to a draft military in 1940 and then back to an all-volunteer force after 1973, and adjusting to other very divisive social changes over the last half century.

Second, there is fairness. In times of emergency, service is a fundamental obligation no citizen should escape unless disqualified physically or excused on religious or moral grounds, or because their skills need to be used in some other capacity. But also, participation in combat—dying for one's country—has historically enabled minorities to claim the full privileges of equal participation in society, something basic to our form of government. That is why African-Americans for generations "fought for the right to fight" and why combat and military service are so important to women and homosexuals. Combat and service promote equal protection of the laws and undermine prejudice and discrimination.

Third, the very real practical problems can be overcome. Without question, change will be complicated and costly and take time, and military efficiency will suffer in the short term. Unless carefully explained to the American people, these changes could harm recruiting, precisely in those areas and among those groups which have been traditionally supportive of military service. To accommodate women on combat ships and in flying units (few advocate women in ground combat units), facilities and perhaps weapon systems will need modification. There will be ticklish, perhaps intractable, problems of privacy and personal discomfort (there already are in the military). The services will be distracted from their primary peacetime duties of readiness, preparation, and modernization. Leadership at all levels will be challenged to maintain morale and effectiveness in circumstances where, historically, macho behavior and explicit sexual banter helped forge the personal bonds that enabled units to train and fight effectively.

Cohesion, the key to military success, will be more difficult without traditional methods of male bonding. The strict authority, harsh discipline, and instant obedience required for victory in battle have always been subject to abuse, and adding more women and ending discrimination against gay men and lesbians will increase the problem. To deal with it, military leaders will have to redouble their efforts to define appropriate conduct and to punish or expel those in the ranks who cannot or will not control their language and their behavior. The problem, as Tailhook so clearly reveals, already exists; the fundamental issue in the short run will not be attitude, but behavior, and the military can be extremely effective in controlling behavior. The services will have to review policies on acceptable conduct, on and off duty. Research on maintaining cohesion without scapegoating homosexuals and treating women as sex objects will have to be undertaken. The challenge to our military leadership, at all levels, will be enormous, and it will last as long as sexism and homophobia afflict significant portions of our population.

And yet, our military can adjust—once again. It is natural to resist because change poses a diversion from the primary purposes of preparing for and deterring war, and engaging in combat. That is why as outstanding a public servant as General George C. Marshall during World War II opposed racial integration, believing it divisive and concerned that the Army could not afford to act as a "social laboratory" during a national emergency. But civilian control means that our military will be organized and will operate according to the nation's needs and desires. Historically our national security and our social, legal, and constitutional practices have had to be balanced. The services know that military efficiency and combat effectiveness do not always determine our military policies, and less so in times of peace and lessened threat.

If President Clinton follows through on the promise to let gay men and lesbians serve openly, and if, for reasons of fairness and justice, he permits women to fight in combat units at sea and in the air, then the American military must comply, and without resistance. To resist would only make the adjustment more time-consuming and disruptive, and would itself undermine military effectiveness.

In the long run, the services should find that their effectiveness, as in the experience of racial and gender integration, will be enhanced rather than diminished. The strength of our military depends ultimately upon its bonds to the people; the armed forces will be stronger the more they reflect the values and ideals of the society they serve.

The PRESIDING OFFICER. Who yields time?

Mrs. BOXER. Mr. President, if it is all right with the chairman of the Armed Services Committee, I have a couple other people I would like to yield to before he concludes. Is that all right with him?

Mr. NUNN. I have no objection.

Mrs. BOXER. I yield 2 minutes to the Senator from Michigan, Senator LEVIN.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. I thank the Chair and I thank the Senator from California.

I support her amendment because I think it is generally unwise to legislate detailed military personnel matters because of the inflexibility which would be produced as a result. Congress has the right to do that, but it should not exercise every right that it happens to have.

It would be one thing if the Congress disagreed with the President. Then there would be a need for legislation to change the policy. Legislation would be the only way to do it. But the committee report on this bill states that:

> The standards and procedures set forth in the committee's recommendation are consistent with the policy of the Department of Defense as set forth in DOD directives and the policy memorandum issued by the Secretary of Defense on July 19, 1993.

The President's policy regarding gays in the military is based on the fact that many gays and lesbians are currently serving in the military with distinction, and have in the past.

The President's policy is based on the fact that certain conduct, be it homosexual or heterosexual, can be incompatible with military service. Nothing in the current bill language changes that.

The President's policy is based on the belief that military commanders should have the capability to deal with homosexual conduct that represents a threat to unit cohesiveness. Nothing in this language changes that.

It is unwise to put into statutory form, with its needless legislative inflexibility, a detailed personnel practice which has traditionally been left to the executive branch and the uniformed military's directives.

The military is capable of enforcing standards of conduct and policies regarding the acceptable conduct of gays and lesbians and non-gays, without pursuing separation from the military of individuals in the absence of objectionable conduct.

The President's policy, articulated on July 19, 1993, reflects that approach, and was devised by a military working group in careful consultation with the Joint Chiefs of Staff, the Secretary of Defense, the DOD General Counsel and other Pentagon officials. It has been reviewed and endorsed by the Attorney General. This policy replaces previous regulations that stated "homosexuality is incompatible with military service."

The President's policy also comments to treat investigations of violations of the Uniform Code of Military Justice "in an even-handed manner, without regard to whether the conduct alleged is heterosexual or homosexual or whether it occurs on base or off base." DOD will not conduct investigations that are based solely on suspicion that a person has a homosexual propensity.

The President's policy is based on the belief that homosexual orientation in the absence of unacceptable conduct is compatible with military service. The fact that many homosexuals have served with distinction is inscribed in white marble at Arlington National Cemetary and in black granite at the Vietnam Veterans Memorial.

For these reasons, I urge the adoption of the amendment.

The PRESIDING OFFICER. Who yields time?

Mrs. BOXER. Mr. President, I yield 2 minutes to the distinguished Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I rise to support the amendment of the Senator from California which strikes the provisions of the bill before us which codifies the ban on gays and lesbians in the military and substitutes a sense-of-the-Senate.

I want to make it very clear that I oppose the ban, or so-called compromise, proposed by the administration as well as the provisions of the bill before us.

The policy concerning homosexuality in the Armed Forces is also known as the "don't-ask, don't-tell, don't-pursue policy." This so-called compromise position is not a compromise at all, but rather, in my view, a blind capitulation to our most base fears. This policy is not founded upon fact, nor upon empirical evidence. For if it were, then the Department of Defense would have concluded, following the Armed Services Committee hearings, and so advised the President and this Congress, that homosexuality is not incompatible with military service, nor does the sexual orientation of service members or their private conduct represent an unacceptable risk to the Armed Forces high standards of morale, good order, discipline, and unit cohesion, which is the essence of military capability.

If the goal of the hearings, the compromise or the considered deliberations of the Joint Chiefs were to arrive at a policy formulated on a rational basis, then we would not be voting on a measure that rationalizes fears and unfounded truths as this one does. Instead, we would be asking of ourselves and of the proponents, of the ban, have we heard, seen and evaluated any evidence which credibly refutes the Crittendon report of 1957, the Perserec report of 1991 and the Rand study just recently released, all of which found that there is no statistical or otherwise empirical data which show a relationship between homosexuality and documented risk to security, or the effectiveness of a military unit in meeting its mission. Instead, we would be assessing the wisdom of allowing and encouraging the continued waste of the 491 million scarce and valuable training dollars used by the military to retrain those who replaced the 17,000 gay and lesbian service members discharged on the basis of their homosexuality between 1980 and 1990.

Mr. President, I received a letter from a constituent in Milwaukee, who has been discharged for a second time, on the basis of her admitted homosexuality after more than 16 years of service. She was a staff sergeant, Soldier of the Year in her battalion, honor graduate of the Primary Leadership Development Academy, a regular recipient of commendations for meritorious and superior service, and she achieved most of this as an openly lesbian service member. The circumstances of her initial illegal discharge, reinstatement after 4 years and, subsequently, her second release on the basis of erroneous admission, are well documented in the Federal courts and have left her without military benefits, a retirement income and in debt from the legal challenges and defenses.

She writes:

> Does no one realize that if I had committed an act of consummate dishonor—that is, if I had lied, I would next year be retiring from the army. Is this what we shall continue to ask of our youth, that they must lie, be dishonorable and hide, if they are to accept that most worthy of responsibilities of American citizenship: Service in the Armed Forces of America?

Miriam Ben-Shalom of Milwaukee, WI, hits the proverbial nail on the head. I ask you, what could be more of a risk to the Armed Forces' high standards of morale, good order, discipline, and unit cohesion than its own valuable and otherwise loyal service members forced by it to lie in order to serve, forced to hide to live a full life, forced to undermine a system totally dependent upon trust in order to preserve their dignity. It is clear from the example of Miriam Ben-Shalom, that the findings of the Armed Services Committee hearings and the conclusions drawn as evidenced by the President's and this bill's policy regarding the ban on gays and lesbians in the military, are in error and unfair.

For all the commonsense, logical, ethical, empirical reasons that defeat the soundness of this policy, perhaps the most powerful and hopeful reasons are the legal ones. While these principles are subtle, they are fundamental in nature. They are guiding principles and they are embodied in the Constitution. They are binding upon everyone and every institution in America. Freedom of speech and equal protection under the law are guaranteed rights of the citizens without exception, regardless of life circumstance, position or status, even military life.

The proposed policy violates the first amendment by permitting speech that reveals heterosexual orientation, but not homosexual orientation. This is content-based censorship, and as such the Supreme Court considers this type of speech limitation subject to the closest judicial scrutiny. So, even in a military setting, the armed services may not censor speech about sexual orientation on the basis of the point of view of the speaker. Clearly, there is value in treating all soldiers alike. After all, uniformity and unit cohesiveness are essential to military effectiveness. Yet these same elements are used to justify discriminatory treatment.

A policy that treats gay or lesbian service members unequally, also violates the equal protection clause. Equal protection under the law requires that each individual be judged according to their ability, and not the group to which they belong. The courts in evaluating an equal protection claim would require the Government to prove that its discriminatory practices regarding gay and lesbian soldiers is rationally related to a legitimate Government interest. The courts have previously ruled that viewpoints expressed by others that are based on their fears and prejudices concerning another group is not a legitimate Government interest. Both appellate and district courts have said that the Government must show that policy is not based on prejudice.

Even though this policy is touted as progress, we take two steps backward in the pursuit of liberty. Every American institution and instrument of government must necessarily protect the Constitution, and they are bound by it. There can be no exceptions, at any American's expense, no matter how difficult the task.

The PRESIDING OFFICER. Who yields time?

Mrs. BOXER. Mr. President, may I ask how much time this side has remaining?

The PRESIDING OFFICER. The Senator from California has 3 minutes and 49 seconds remaining.

Mrs. BOXER. And the other side?

The PRESIDING OFFICER. The Senator from Georgia has 4 minutes and 24 seconds remaining.

Mrs. BOXER. I ask that the Senator from Georgia continue at this point. I would like to close the debate.

Mr. NUNN. I will use a couple of minutes now.

Mr. President, just very briefly, there have been a number of things said that I think need to be addressed. I will not have the time to address them all.

First of all, the Senator from Ohio, Senator METZENBAUM, I am told basically took the committee to task for not dealing with sexual harassment.

I am not going to go into detail about all of the things we have done in terms of Tailhook, or the number of confirmation hearings we held over the years, including one very particularly controversial hearing, where sexual harassment has been gone into in detail. And we have dealt very, very strictly with that in our committee.

The best evidence of that, I think, is from the Senator from California, Senator BOXER, who said over and over again to me, publicly and privately, that the Armed Services Committee was responsible for requiring the military to go into great depth on the investigation of Tailhook. And we did. We held up all confirmations of everyone in the Navy and Marine Corps, while the military went back and did the job they should have done to begin with.

So I would completely and totally disagree with the Senator from Ohio's description of the Armed Services Committee on the question of sexual harassment.

I appreciate the comments of the Senator from Michigan, Senator LEVIN, even though I do not believe he is going to be voting on the same side of this issue with me. I am glad he clarified that this policy and legislation is consistent with the President's policy.

People may not like it, but it is consistent with the President's policy. The general counsel for the Department of Defense, Jamie Gorelick, made that very clear before our committee, both in oral presentations and in writing.

This is consistent with the President's policy, some of the statements to the contrary in the debate notwithstanding.

The third thing I would say is that we heard over and over again that the committee did not get enough evidence.

Mr. President, there have been thousands of cases that the military people who testified before us were referring to when they testified. It is not based on lack of evidence. We did not go into great detail in every case that the witnesses relied on.

Some of the very same people who are now criticizing the committee's position for not having enough evidence were the ones who were saying we were having too many hearings. "Why don't you stop the hearings?", they kept saying. "You have had enough. We do not want any more."

It was interesting to me that some of the same people who wanted the hearings to begin were the ones who were later urging us to stop them. They may have been hearing some things they did not want to hear.

So, Mr. President, I will just close my remarks by saying that I believe that this legislative position is consistent with the President's policy. I think it is, bottom line, as fair as we can be to the individuals involved, while, at the same time, maintaining the kind of unit cohesion and military effectiveness that we expect our military services to be able to carry out and perform for the country.

Mr. President, I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I yield 1 minute to the distinguished Senator from Massachusetts, Senator KERRY.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. It is my judgment that there should be no ban on homosexuals serving in the military. I testified to this point before the Committee on Armed Services, and I encouraged President Clinton to take action to rescind the ban.

I see no reason whatsoever that homosexuals serving in the military should be a threat to our national security, to the ability of our armed services to carry out their missions, or to heterosexuals who serve in the armed services. Homosexuals, like heterosexuals, should be subject to behavioral requirements which prohibit sexual misconduct and which limit sexual activity to consenting adults during personal time. Those should be strictly enforced for all who serve in the military; there is no place in the Armed Forces for any kind of sexual misbehavior or behavior which intrudes on the privacy or rights of others.

The reality is that many homosexuals have served their country in the military valiantly and with honor. The difference between them and heterosexuals is that homosexuals have been forced to remain absolutely silent with respect to their sexual orientation or they risked being drummed out of the service. That is not fair, and that is not right.

But we are not debating today what the Nation's policy should be with respect to homosexuals in the military. President Clinton has acted to put in place a policy which was deemed acceptable by the armed services and their senior commanders. It is clear that, despite my beliefs and feelings that homosexuals ought to receive equal treatment under the law, support does not exist for further easing the restrictions on homosexuals. I may not like it, but I am a realist and I can count votes.

Senator BOXER's amendment strikes the codification of the President's policy contained in the Defense Authorization Bill. That is not taking a step forward. It simply avoids taking a large step backward. The debate concerning the treatment that should be accorded in our society to gays and lesbians has just begun in earnest. I fully expect that, while popular sentiment will not turn around instantly, it will, indeed, moderate over time. As it does, the President of the United States should retain the ability, in consultation with the defense civilian and military leadership, to make adjustments in the policy regarding homosexuals in the military—a capability which traditionally has been the President's. Codifying any policy etches it into stone. Of course it can later be altered, but with much greater difficulty. That is neither warranted nor desirable in this situation.

I am very hopeful that President Clinton will act at a later date, as he indicated he would, to ease the restrictions that remain under his order. Equity calls for it, equal application of our laws and constitution requires it, and the facts support it. If we do not remove the codification from the bill before us by voting for the Boxer amendment, the President will not be able to do this; only the Congress will be able to act to do so. That, in my view is unnecessary and unwise. I will vote for the Boxer amendment, and I urge all my colleagues to join in supporting it.

Mr. President, I think it is an enormous mistake to codify what has traditionally been the purview of the President of the United States and our top military commanders. They made a decision and now Congress wants to meddle. And by meddling, Congress is, in effect, making a political statement, and one that I think denigrates the Constitution and the full measure of citizenship in this country.

There are gays in the military today. There will be gays in the future. They have fought with distinction and served with distinction all through the past. They are in every institution in America. They are part of the class of American society. What Congress will do by codifying this is to, in effect, deny them the full measure of their citizenship.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mrs. BOXER. Mr. President, I yield 1 minute to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ROBB. Mr. President, I will be very brief. I have been heard before on this question both in this Chamber and in the Armed Services Committee and elsewhere. In this instance, I hope this body will choose not to codify this particular provision. I agree with the chairman of the committee on so many things. I agree on the need for strong, credible deterrence. I want to preserve unit cohesion. I do not want to do anything to undermine good order and discipline and I take great pride in my 34 years of service to my country.

I believe this particular codification is constitutionally suspect under the first amendment's free speech clause and I think we are unjustifiably impeding the ability of the Commander in Chief and the uniformed services to carry out their own responsibilities. I know it is politically difficult and politically unpopular to vote against codification, but I think it is the right thing to do, and I think eventually those who vote the other way will be regarded much like the Justices in Plessy v. Ferguson in terms of how history will judge the rightness of their vote.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mrs. BOXER. Mr. President, if it is all right with the Senator from Georgia, I can complete my remarks at this time. I ask how much time that will be?

The PRESIDING OFFICER. The Senator from California has 1 minute and 24 seconds. The Senator from Georgia has 1 minute 27 seconds.

Mrs. BOXER. Mr. President, I thank my colleagues for the tone and tenor of this debate. I particularly thank the chairman of the Armed Services Committee for his graciousness to me. We have not agreed on this from day 1, but we have never been disagreeable toward one another, and that to me is very important.

I thank those who came over to the Senate floor to speak on this issue. I think it takes courage to speak on this issue. I particularly want to say to the last two speakers who served their country in Vietnam, for them to come over and to join in this debate means a whole lot to me and I think to this Chamber and to all Americans.

I ask unanimous consent that the Rand report executive summary be printed in the RECORD, as well as a letter from Secretary Aspin which comments on the report, as well as specific parts of the Rand study that deal with the question of unit cohesion and the experience of other countries, as well as a number of editorials.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEXUAL ORIENTATION AND U.S. MILITARY PERSONNEL POLICY: OPTIONS AND ASSESSMENT—NATIONAL DEFENSE RESEARCH INSTITUTE EXECUTIVE SUMMARY

OVERVIEW

On January 29, 1993, President Clinton signed a Memorandum directing the Secretary of Defense to "submit * * * prior to July 15, 1993, a draft of an Executive Order ending discrimination on the basis of sexual orientation in determining who may serve in the Armed Forces." The Presidential Memorandum also directed that any recommendation by the Secretary should be one that could be "carried out in a manner that is practical and realistic, and consistent with the high standards of combat effectiveness and unit cohesion our Armed Forces must maintain."[1]

On April 1, 1993, the Secretary of Defense asked RAND to provide information and analysis that would be useful in helping formulate the required draft Executive Order. This Executive Summary briefly describes the approach and major conclusions of the study. It then summarizes the major findings that support that conclusion.

Approach

An interdisciplinary team of researchers from RAND's National Defense Research Institute considered a wide range of topics potentially relevant to the issue of acknowledged homosexuals serving in the military. Staff members visited seven foreign countries and the police and fire departments in six American cities, seeking insights and lessons from analogous experiences of other organizations and institutions. The team considered the historical record, focusing on the integration of blacks and on the development of the current policy that prohibits homosexuals from serving in the military. It reviewed public opinion, including the views of current active-duty military personnel, and the scientific literature on group cohesion, sexuality, and related health issues. It examined a number of legal and enforcement issues, as well as the literature that deals withimplementing change in large organizations. The results of the team's research are detailed in the subsequent chapters of this report.

The policy option

In light of this research, the team examined a range of potential policy options. Most of the options were judged to be either inconsistent with the President's directive, internally contradictory, or both. Only one policy option was found to be consistent with the findings of this research, with the criteria of the Presidential memorandum, and to be logically and internally consistent. That policy would consider sexual orientation, by itself, as not germane to determining who may serve in the military. The policy would establish clear standards of conduct for all military personnel, to be equally and strictly enforced, in order to maintain the military discipline necessary for effective operations. The option requires no major changes in other military personnel policies and no change in current law. The "not germane" option could be implemented without any changes to the administrative guidelines for prosecutions under the Uniform Code of Military Justice (UCMJ). However, several considerations lead to the conclusion that the policy would be more legally defensible and less costly and cumbersome to implement if the guidelines were revised to exclude private sexual behavior between consenting adults.

REVIEW OF ANALOGOUS INSTITUTIONS AND EXPERIENCES

To understand the possible effect of changing policy to permit homosexuals to serve and to examine how other institutions have implemented similar changes, members of the research team visited a number of foreign militaries and domestic police and fire departments. None of these organizations is an exact model for the U.S. military, of course, but the comparisons can be instructive in assessing proposed changes in U.S. military personnel policy. Besides these analogous institutions, analogous situations such as the experience of racial integration of the American military were also studied for potentially instructive insights.

The experience of foreign militaries

Researchers visited Canada, France, Germany, Israel, the Netherlands, Norway, and the United Kingdom. With the exception of the United Kingdom, all of these countries permit known homosexuals to serve in some capacity in their Armed Forces. Several broad themes emerged from these visits, with potential implications for the situation facing the United States:

In countries that allow homosexuals to serve, the number of openly homosexuals service members is small and is believed to represent only a minority of homosexuals actually serving.

Service members who acknowledged their homosexuality were appropriately circumspect in their behavior while in military situations; they did not call attention to themselves in ways that could make their service less pleasant or impede their careers.

Few problems caused by the presence of homosexual service members were reported. Problems that did arise were generally resolved satisfactorily on a case-by-case basis. If a problem developed to the point that a unit might become dysfunctional, action was taken to remove the individual (homosexual or heterosexual) from the unit.

The experience of domestic fire and police departments

Unlike the foreign militaries, domestic police and fire departments function in the American cultural and societal context. Police and fire departments share a number of characteristics with the U.S. military that make them the closest domestic analog. They are hierarchically organized, with a well-defined chain of command. Members work together as teams. A substantial proportion of job time is spent training for short, intense periods of hazardous activity. An inherent feature of the job is putting one's life at risk. They are markedly different, however, in that only the military deploys its members on ships, or routinely engages in field exercises of extended length.

Vists to police and fire departments in six cities (Chicago, Houston, Los Angeles, New York, San Diego, and Seattle) resulted in several key findings:

Even where police and fire department policies prohibit discrimination based on sexual orientation, only a very small number of homosexuals acknowledge their orientation, particularly where the environment is perceived as hostile to homosexuals.

Homosexuals who join police and fire departments evidently join for the same reasons that heterosexuals do.

Acknowledged homosexuals are sensitive to the overall norms and customs of their organizations. They tend not to behave in ways that shock or offend, and they subscribe to the organization's values on working problems out informally and within the ranks.

Anti-homosexual sentiment does not disappear. However, heterosexuals generally behave toward homosexuals more moderately than would have been predicated based on their stated attitudes toward homosexuals.

AIDS is a serious concern of heterosexuals and not one that is quickly alleviated by education.

Policies of non-discrimination against homosexuals in these departments have had no discernible effect on the ability of their departments to recruit or retain personnel.

Implementation is most successful where the message is unambigous, consistently delivered, and uniformly enforced. Leadership is critical in this regard.

Training efforts that provide leaders with the information and skills needed to implement policy were essential. Sensitivity training for rank and file, however, tended to breed additional resentment and to be ineffective. Training that emphasized expected behavior, not attitudes, was judged most effective.

The history of racial integration in the United States military

The historical experience of including blacks in the military can also provide some insights concerning the military's ability, as an institution, to adapt to change. These are the key insights:

Starting as early as the final years of World War II and especially during the Korean War, integrated Army units were able to function effectively in all sorts of situations, even in the most demanding battlefield situations, and even if the individuals involved had not experienced prior social integration.

It is possible to change how troops behave toward previously excluded (and despised) minority groups, even if underlying attitudes toward those minority groups change very little.

Leadership matters for implementation—civilian and military leadership must be prepared to work together over a lengthy period to ensure effective implementation of controversial policies. In some cases, civilian oversight of implementation may be necessary.

PUBLIC AND MILITARY OPINION

How any option for ending the restriction on homosexual service will fare depends critically on its acceptance by the public and by the people serving in the U.S. military. A review of various surveys indicates that U.S. public opinion is divided over this issue. Until recently, roughly half of the population believed that homosexuals should not be allowed to serve. However, a very recent poll indicates that the percentage who believe they should not be allowed to serve under any conditions has dropped to 21 percent. It is worth nothing this is far below the percentage (61 percent) who were against racial integration of the services at the time of President Truman's order to desegregate the military.

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[1] Memorandum for the Secretary of Defense, Ending Discrimination on the Basis of Sexual Orientation in the Armed Forces, January 29, 1993.

Military opinion is overwhelmingly against allowing homosexuals to serve. In surveys and RAND-conducted focus groups, a minority of service members expressed indifference to or approval of the policy change, and women were less opposed than men. A few people in the focus groups believed that the military would be able to cope with the change, just as it coped with racial integration. However, most service members of all ranks expressed opposition and concerns about the effects it would have on privacy, morale, and unit cohesion and about the probability of anti-homosexual violence and the increase of AIDS in the military.

To the extent that changes in policy resulted in changes in the number of acknowledge homosexuals in the military, the rate of anti-homosexual violence might change, since acknowledged homosexuals are more readily identified targets for such violence. The experience of foreign militaries and police and fire departments suggests that if leaders make it quite clear the violence will not be tolerated and stern action will be taken, violence can be kept to a minimum.

As for concerns about AIDS, DoD's testing program for Human Immunodeficiency Virus (HIV) almost entirely prevents the entry of HIV-infected individuals into the military. Therefore, the only way a change in policy permitting homosexuals to serve could significantly affect HIV infection rates in the military is by increasing the number of service members who are infected while serving. If there were an increase, it would have little effect on military effectiveness. All military personnel whose health is seriously affected by HIV are discharged. Further, all service personnel must be tested before deployment and those who test positive cannot be deployed. Given the accuracy of HIV testing, very few HIV-infected personnel would ever deploy or serve in combat, the military blood supply would remain safe, and there would be virtually no danger from contact with blood on the battlefield.

UNDERSTANDING UNIT COHESION

Concern about the effect that an acknowledged homosexual would have on "combat effectiveness and unit cohesion" has dominated the debate. It also provides the basic rationale for the current policy that"Homosexuality is incompatible with military service."[2] Most military leaders who have spoken publicly on the issue in recent months argue that introduction of a known homosexual into a unit, no matter how discreet his or her behavior might be, would seriously undermine the cohesiveness of that unit. Unfortunately, the subject has not been studied specifically, and no controlled experiments or other research bear directly on this issue.

There is a large body of potentially related empirical research in the fields of industrial organization, social psychology, sports psychology, and group behavior, a significant amount of which was sponsored by the military. Other potentially relevant material can be found in the ethnographic and biographical military literature. The principal conclusion from an extensive review of this literature is a commonsense observation: It is not necessary to like people in order to work with them, so long as members share a commitment to the group's objectives. The literature also indicates the following:

If some members of a unit cannot accept the presence of an acknowledged homosexual, the result will probably involve some degree of ostracism of the homosexual, rather than a complete breakdown of the unit. Whether this occurs will depend partly on the conduct, competence, and loyalty of the homosexual individual in question.

Some heterosexuals might refuse to cooperate with known homosexuals. However, many factors will help to promote cohesion and performance even in the face of hostility toward homosexuals. First, research suggests that leaders play an important role in promoting and maintaining unit cohesion. Second, military roles, regulations, and norms all enhance the likelihood that heterosexuals will work cooperatively with homosexuals. Third, external threats enhance cohesion, provided that the group members are mutually threatened andthere is the possibility that cooperative group action can eliminate the danger.

Disruptive behavior or behavior that polarizes a unit or renders it dysfunctional, whatever the cause of the behavior, can undermine military effectiveness and should not be tolerated. Although some disruptions might result from having acknowledged homosexuals serving in the military, the literature on cohesion does not provide a basis for predicting the magnitude of the increase. Senior military leaders have stated that, in their professional judgment, the effects would be substantial. The experience of analogous organizations such as foreign militaries and domestic police and fire departments suggests that any increase is likely to be quite small. Because the magnitude of the problems cannot be predicted, military leaders must have tools available to help them manage potential disruptions and to implement the policy change successfully.

A POLICY OPTION FOR ENDING DISCRIMINATION

Based upon the research summarized above, a number of ways to respond to the President's directive were identified. A policy that focuses on conduct and considers sexual orientation, by itself, as not germane in determining who may serve was judged to meet the President's criteria and to be most consistent with the research findings. Such a policy emphasizes actual conduct, not behavior presumed because of sexual orientation, and holds all service members to the same standard of professional conduct. It requires tolerance and restraint to foster the good of the group, but implies no endorsement of a "homosexual lifestyle."

An illustrative "Standard of Professional Conduct" was designed as part of the research project, with the overarching objective of maintaining the order and discipline essential for an operationally effective military organization. Similar standards have been used effectively in other organizations and foreign militaries and are analogous to the "good order and discipline" and "conduct unbecoming" provisions in military law that have been used effectively by the U.S. military for years. Four features of this standard are central:

A requirement that all members of the military services conduct themselves in ways that enhance good order and discipline. Such conduct includes showing respect and tolerance for others. While heterosexuals would be asked to tolerate the presence of known homosexuals, all personnel, including acknowledged homosexuals, must understand that the military environment is no place to advertise one's sexual orientation.

A clear statement that inappropriate personal conduct could destroy order and discipline, and that individuals are expected to demonstrate the common sense and good judgment not to engage in such conduct.

A list of categories of inappropriate conduct, including personal harassment (physical or verbal conduct toward others, based on race, gender, sexual orientation, or physical features), abuse of authority, displays of affection, and explicit discussions of sexual practices, experience, or desires.

Application of these standards by leaders at every level of the chain of command, in a way that ensures that unit performance is maintained.

The conduct-based standard provides military leaders with the necessary frame of reference for judging individual behaviors, just as it provides individuals with clear guidelines. Under this standard, behaviors that commanders judged inimical to effective functioning of the unit (i.e., that undermine task cohesion) would not be tolerated.

The "not germane"/conduct-based policy does not require extensive revisions to existing military rules and regulations or to personnel policy. If sexual orientation is regarded as not germane in determining who may serve in the military, it is equally not germane to decisions on assignment, pay, military specialty, or benefits. On issues such as recognizing homosexual marriages or conferring benefits on homosexualpartners, there is no reason for the Department of Defense to change current policy or to become the "lead" federal agency in these areas.

Concerns about privacy are often cited by those who oppose permitting homosexuals to serve in the military. A survey of military facilities shows that in many newer military facilities there is greater privacy in showers and toilet areas today than was common twenty years ago. However, members of the military often find themselves in situations where very little personal privacy is available, such as aboard ships or on field maneuvers. In situations where physical privacy is impossible, standards of conduct to foster personal privacy has already been developed: Individuals act in ways that do not intrude upon and are not offensive to others. For this reason, a strong emphasis on professional conduct conducive to good order and discipline is the key to dealing with privacy issues as well. Freedom from personal harassment and uniform standards of conduct are the best guarantees of privacy.

If sexual orientation is regarded as not germane in determining who may serve, enclosure 3H of the DoD regulations concerning administrative separation (DoD Directive 1332.14) should be rescinded. The most problematic regulatory and legal scenario would be to end discrimination without revising portions of the Manual of Courts Martial (MCM) relating to Article 125 (Sodomy) of the Uniform Code of Military Justice (UCMJ).[3] They have historically been applied differentially to heterosexuals and homosexuals. Retaining them after rescinding Enclosure 3H would weaken the "orientation-neutral" principle of the "not germane" policy.

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[2] Department of Defense Directive 1332.14, "Enlisted Administrative Separations," Enclosure 3H.

[3] From the perspective of homosexual member of the armed services, the policy choice would have both positive and negative consequences. A positive outcome would be the ability to serve openly in the military. But a negative consequence could be that

A practical approach to dealing with this issue would be to revise the MCM to prosecute only non-consenting sexual behavior or sexual acts with a minor.[4] No changes would be necessary in the sodomy article of the UCMJ itself, because that code does not specify the sexual acts that are illegal. The definition of the offense is in the MCM, an administrative document.

IMPLEMENTATION ISSUES

The manner in which policy change is implemented could have a decisive impact on whether these problems are managed with minimal disruptions or undermine the effort to change. Based on the research conducted in this study, key elements of an implementation strategy can be identified:

The message of policy change must be clear and must be consistently communicated from the top. Given the fact that senior leaders of the military are on record opposing any change, it will be necessary, if a change in policy is selected, that these and other leaders signal their acceptance of the change and their commitment to its successful implementation. It must be clear to the troops that behavioral dissent from the policy will not be permitted.

The option selected should be implemented immediately. Any sense of experimentation or uncertainty invites those opposed to change to continue to resist and to seek to "prove" that the change will not work.

Emphasis should be placed on behavior and conduct, not on teaching tolerance or sensitivity. For those who believe that homosexuality is primarily a moral issue, efforts to teach tolerance would breed additional resentment. Attitudes may change over time, but behavior must be consistent with the new policy from the first day.

Leadership must send messages of reassurance to the force. The military is currently undergoing a variety of other stressful experiences, e.g., declining budgets and the drawdown in the force. In such an atmosphere, it is important to signal thatthe change in policy will not have markedly disruptive effects and that it is not intended as a challenge to traditional military values. This climate of psychological safety is conducive to acceptance of the change.

Leaders at all levels should be empowered to implement the policy, and some special training or assistance for leaders may be a useful device for ensuring that the change is understood and occurs rapidly.

A monitoring process should be established to identify any problems early in the implementation process and address them immediately.

The option assessed here, a conduct-based set of standards applied under the premise that sexual orientation, as such, is "not germane" to military service, appears to meet the President's criteria and to be consistent with empirical research and historical experience. By following this implementation strategy, the Department of Defense should be able to increase the probability that a policy that ends discrimination based on sexual orientation can be implemented in a practical and realistic manner and that the order, discipline, and individual behavior necessary to maintain cohesion and performance are more likely to be preserved.

ISSUES OF CONCERN: VIOLENCE AND AIDS

Focus groups with active-duty personnel, surveys of military personnel, testimony at Congressional hearings, and media reports have raised concerns about anti-homosexual violence and the possibility that AIDS would increase among military personnel if acknowledged homosexuals are allowed to serve.

VIOLENCE[1]

The evidence on anti-homosexual violence is almost exclusively restricted to its occurrence in the civilian population and is of limited quality. However, there is sufficient evidence to conclude that it occurs with some regularity in the civilian community. It also occurs in the military under current policy, although there are no data on the relative frequency of that occurrence. Experience in the civilian sector shows that there is a high rate of failure to report anti-homosexual violence. The ban on allowing homosexuals to serve, with the significant penalties for discovery, provides a further disincentive for victims to report anti-homosexual violence or threats of violence.

To the extent that changes in policy resulted in changes in the number of acknowledged homosexuals in the military, the rate of anti-homosexual violence might change, since acknowledged homosexuals are more readily identified targets for such violence. The experience of racial integration in the U.S. military, foreign militaries, and domestic police and fire departments suggests that if leaders make it quite clear that violence will not be tolerated and stern action will be taken, violence can be kept to a minimum.

HIV TRANSMISSION AND AIDS[2]

DoD's testing program for Human Immunodeficiency Virus (HIV) almost entirely prevents the entry of HIV-infected individuals into the military. Therefore, the only way a change in policy permitting homosexuals to serve could significantly affect HIV infection rates in the military is by increasing the number of service members who are infected while serving. It is not possible to predict whether there would be an increase, much less to estimate its magnitude. However, if there were an increase, it would have little effect on military effectiveness. All military personnel whose health is seriously affected by HIV are discharged. Further, all service personnel must be tested before deployment and those who test positive cannot be deployed. Given the accuracy of HIV testing, very few HIV-infected personnel would ever deploy or serve in combat, the military blood supply would remain safe, and there would be virtually no danger from contact with blood on the battlefield.

Regardless of whether homosexuals are permitted to serve, the military could experience higher HIV infection rates in the future. Available evidence on sexual risk behavior and rates of sexually transmitted diseases among all service personnel suggests the potential for increased HIV transmission under conditions that place personnel in greater contact with infected populations.

UNDERSTANDING UNIT COHESION[3]

Concern about the effect that an acknowledged homosexual would have on "combat effectiveness and unit cohesion" has dominated the debate. It also provides the basic rationale for the current policy that "Homosexuality is incompatible with military service."[4] Most military leaders who have spoken publicly on the issue in recent months argue that introduction of a known homosexual into a unit, no matter how discreet his or her behavior might be, would seriously undermine the cohesiveness of that unit. Unfortunately, opinion on this issue is intuitive or based on anecdote. There has been no systematic study of this subject, and no controlled experiments or other research bear directly on this issue.

There is a large body of potentially related empirical research in the fields of industrial organization, social psychology, sports psychology, and group behavior, a significant amount of which was sponsored by the military. Other potentially relevant material can be found in the ethnographic and biographical military literature. The principal conclusion from an extensive review of this literature is the commonsense observation that it is not necessary to like someone to work with him or her, so long as members share a commitment to the group's objectives. This conclusion was also borne out in the review of racial integration in the military, as discussed above.

"Cohesion" is a concept with many definitions and sources. While military researchers sometimes refer to "horizontal" cohesion, meaning the bonding of members of a group, and "vertical" cohesion, referring to the bonds between leader and members, these concepts are not widely used in the research literature. Leadership is recognized as an important aspect of military performance (and can have an effect on cohesion), but "cohesion" is generally used to refer to the forces that bond individuals together as a group. This notion of cohesion, in turn, can be generally divided into two important types: social cohesion (intragroup attraction) and task cohesion (commitment to shared goals and objectives). Cohesion can thus also be distinguished from other concepts such as morale, a concept more meaningfully applied to individual attitudes toward a larger group.

Research has shown that many factors can produce social and task cohesion. Simply being assigned to the same unit predisposes the group members to at least a moderate level of cohesion. Length of time together, a history of success experiences, and a sense of shared fate or interdependence all enhance a unit's cohesion. Sharing similar traits or values enhances social cohesion, but it is not necessary for task cohesion, so long as the individuals share a commitment to the group's mission.

In general, research has identified a positive, though not strong, association between cohesion and performance. However, the relationship between cohesion and performance is not a straightforward one. First, the effect of successful performance on cohesion appears to be stronger than the effect of cohesion on successful performance. Second, it appears that the positive association of performance and cohesion is almost entirely

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if 1332.14 is repealed without changing Article 125, the only way for the military to discharge a homosexual would be through an Article 125 prosecution. Under current policy many homosexuals are given administrative discharges and are not usually prosecuted under Article 125. By not removing or modifying Article 125, homosexuals would be at greater risk of an Article 125 prosecution.

[4] Appendix C contains an example of such a revision.

[1] See Chapter 9 for a fuller discussion of anti-homosexual violence.

[2] Chapter 8 contains a more comprehensive discussion of health issues, risk behavior, and the military blood supply.

[3] See Chapter 10 for a more comprehensive treatment.

[4] Department of Defense Directive 1332.14, "Enlisted Administrative Separations," Enclosure 3H.

due to the influence of task cohesion, not social cohesion. Indeed, excessive social cohesion sometimes interferes with the successful completion of the group's assigned mission.[5]

The lack of direct evidence makes it difficult to predict confidently the effect of the presence of a known homosexual on the performance of the group. Sexual orientation is one dimension on which group members would be dissimilar, and this could reduce social cohesion. Members would share other traits, however, and the precise effect of the presence of a known homosexual on social cohesion is uncertain.[6] While the effect on social cohesion may be negative, the presence of a known homosexual is unlikely to undermine task cohesion, provided that the individual demonstrates competence and a commitment to the unit's mission. Task cohesion, not social cohesion, appears to be what drives successful performance.

THE SECRETARY OF DEFENSE,
Washington, DC, August 26, 1993.

Hon. BARBARA BOXER,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR BARBARA: With this letter I am transmitting copies of the Summary Report of the Military Working Group and the Rand report on its research and analysis entitled "Sexual Orientation and U.S. Military Personnel Policy: Options and Assessments."

These documents formed the basis for the new policy giving the opportunity to serve to those who, as the President put it, "are willing to play by the rules, able to serve and make a contribution."

As is generally known, the recommendations of the Military Working Group provided the basic approach to the issue from which the specifics of this new policy on homosexuals in the military were developed. Less well known is the role of the work done by Rand that is now recorded in its final report.

What Rand's systematic research and analysis showed was that a policy change could be successfully implemented. That research and analysis was available to policy makers in the form of briefings prior to formulation of the new policy. Here are some of the pertinent points we drew from Rand's work during our deliberations:

"[T]here is ample reason to believe that heterosexual and homosexual military personnel can work together effectively."

Task cohesion in a unit, the ability to work together to accomplish a mission, is a more important factor in mission success than social cohesion, which relates to personal friendship and association.

There is no reason to expect a reduction in enlistments following a change in the policy regarding service by homosexuals.

There were many more, of course. For the future, Rand's proposal for a code of conduct may have broader application than the issue of homosexuals in the military. Changes in gender status and relations going on now in the armed services suggest that a clear, fair set of rules on conduct could benefit everyone.

Sincerely,

LES ASPIN.

[From the Washington Post, June 10, 1993]

THE GAY BAN: JUST PLAIN UN-AMERICAN

(By Barry M. Goldwater)

After more than 50 years in the military and politics, I am still amazed to see how upset people can get over nothing. Lifting the ban on gays in the military isn't exactly nothing, but it's pretty damned close.

Everyone knows that gays have served honorably in the military since at least the time of Julius Caesar. They'll still be serving long after we're all dead and buried. That should not surprise anyone.

But most Americans should be shocked to know that while the country's economy is going down the tubes, the military has wasted a half-billion dollars over the past decade chasing down gays and running them out of the armed services.

It's no great secret that military studies have proven again and again that there's no valid reason for keeping the ban on gays. Some thought gays were crazy, but then found that wasn't true. Then they decided gays were a security risk, but again the Department of Defense decided that wasn't so—in fact, one study by the Navy in 1956 that has never been made public found gays to be good security risks. Even Larry Korb, President Reagan's man in charge of implementing the Pentagon ban on gays, now admits it was a dumb idea. No wonder my friend Dick Cheney, secretary of defense under President Bush called it "a bit of an old chestnut."

When the facts lead to one conclusion, I say it's time to act, not to hide. The country and the military know that eventually the ban will be lifted. The only remaining questions are how much muck we will all be dragged through, and how many brave Americans like Tom Paniccia and Col. Margarethe Cammermeyer will have their lives and careers destroyed in a senseless attempt to stall the inevitable.

Some in Congress think I'm wrong. They say we absolutely must continue to discriminate, or all hell will break loose. Who knows, they say, perhaps our soldiers may even take up arms against each other.

Well, that's just stupid.

Years ago I was a lieutenant in charge of an all-black unit. Military leaders at the time believed that blacks lacked leadership potential—period. That seems ridiculous now, as it should. Now, each and every man and woman who serves this nation takes orders from a black man—our own Gen. Colin Powell.

Nobody thought blacks or women could ever be integrated into the military. Many thought an all-volunteer force could never protect our national interest. Well, it has—and despite those who feared the worst, I among them, we are still the best and will continue to be.

The point is that decisions are always a lot easier to make in hindsight, but we seldom have that luxury. That's why the future of our country depends on leadership, and that's what we need now.

I served in the armed forces. I have flown more than 150 of the best fighter planes and bombers this country manufactured. I founded the Arizona National Guard. I chaired the Senate Armed Services Committee. And I think it's high time to pull the curtains on this charade of policy.

We have the strongest military in the world because our service people respect the chain of command and know how to follow orders. The military didn't want blacks in integrated units, or women, and now it doesn't want gays. Well, a soldier may not like every order, or every member of his or her unit, but a good soldier will always follow orders—and, in time, respect those who get the job done.

What would undermine our readiness would be a compromise policy like "Don't ask, don't tell." That compromise doesn't deal with the issue—it tries to hide it.

We have wasted enough precious time, money and talent trying to persecute and pretend. It's time to stop burying our heads in the sand and denying reality for the sake of politics. It's time to deal with this straight on and be done with it. It's time to get on with more important business.

The conservative movement, to which I subscribe, has as one of its basic tenets the belief that government should stay out of people's private lives. Government governs best when it governs least—and stays out of the impossible task of legislating morality. But legislating someone's version of morality is exactly what we do by perpetuating discrimination against gays.

We can take polls. We can visit submarines to get opinions on who are the best citizens. But that is not the role of a democratic government in a free society. Under our Constitution, everyone is guaranteed the right to do as he pleases as long as it does not harm someone else. You don't need to be "straight" to fight and die for your country. You just need to shoot straight.

With all the good this country has accomplished and stood for, I know that we can rise to the challenge, do the right thing and lift the ban on gays in the military. Countries with far less leadership and discipline have traveled this way, and successfully.

When you get down to it, no American able to serve should be allowed, much less given an excuse, not to serve his or her country. We need all our talent.

If I were in the Senate today, I would rise on the Senate floor in support of our commander in chief. He may be a Democrat, but he happens to be right on this question.

When the government sets policy, it has a responsibility to acknowledge facts, tell the truth and lead the country forward, not backward. Congress would best serve our national interest by finding the courage to rally the troops in support of ending this un-American discrimination.

REMARKS BY CORETTA SCOTT KING PRESS CONFERENCE ON LESBIANS AND GAYS IN THE MILITARY, DR. KING'S GRAVESITE—ATLANTA, GA, JUNE 30, 1993

As you know, President Clinton will soon announce his decision on what to do about the unjust ban against lesbian and gay people in the armed services. We are counting on the President to honor his pledge to end discrimination by taking clear and decisive measures to lift this unamerican ban, which makes a mockery of civil and human right in our country.

The arguments that have been raised in favor of the ban are the same arguments that were so often raised against racial integration in the past. Then, as now, we were told that making the military services more inclusive would somehow diminish morale, then, as now, we were told that military leaders were not prejudiced, but they were concerned about "others" who might feel that way. This is not much different from business which cited "customer preference" to justify their refusal to hire African-Americans to work in their stores.

Back then certain politicians raised the fear of health risks to oppose integration, and today we hear the same irrational arguments being used to deny lesbian and gay people their human rights in the military.

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[5] Examples where excessive social cohesion could undermine group performance include socializing among the workforce, "rate busting," groupthink, and mutinies.

[6] Acceptance of known homosexuals in police departments appears to be much greater, for example, if the individual is recognized as a "good cop," rather than a "gay cop." See the discussion in Chapter 4 on this topic.

The controversy over this issue indicates that homophobia, as well as other forms of prejudice and intolerance, are serious problems in the military services, as they are throughout our society. Educational programs about the destructive effects of bigoted attitudes should be made a required part of basic training for all branches of the services.

I strongly believe that freedom and justice cannot be parceled out in pieces to suit political convenience, as my husband, Martin Luther King, Jr. said, "Injustice anywhere is a threat to justice everywhere." On another occasion he said, "I have worked too long and hard against segregated public accommodations to end up segregating my moral concern. Justice is indivisible." Like Martin, I don't believe you can stand for freedom for one group of people and deny it to others.

Lesbian and gay people have served their country with honor and courage in the military and other institutions since the early days of American history, and many have paid the highest price to defend the freedoms we cherish as Americans. I might also add that many lesbians and gays supported the African-American freedom struggle, and I am not going to turn my back on their movement for freedom and dignity.

The great promise of American democracy is that no group of people will be forced to suffer discrimination and injustice. I believe that eliminating this ban altogether will strengthen the military services and our country as a whole. So I join with my colleagues in calling on President Clinton to stand firm against all forms of discrimination in the military and to accept no compromises which undermine the principles of fairness and human dignity. To this endeavor, I pledge my wholehearted support, and with this commitment, together we shall overcome.

[From VSAT, July 20, 1993]

CLINTON POLICY ON GAYS DOESN'T GO FAR ENOUGH

(Our view the only support for continued discrimination against gays is blind prejudice and ignorance).

President Clinton gave in Monday to the politics of prejudice.

His "honorable compromise" on a "new policy" on homosexuals in military service amounts to this:

Tens of thousands of gay and lesbian members of the military must continue to hide who they are.

The military can still discharge them for any kind of homosexual conduct anywhere, anytime—such as kissing a person of the same sex off duty.

What's "honorable" about the military requiring people to live a lie and disemble to keep their jobs? And what's "new" about homosexuality being grounds for dismissal?

The only things the new policy permanently changes are that recruits won't be asked their sexual orientation and the military won't spend millions to track them down once they're in. New investigations will require "credible evidence" of homosexual conduct.

Clinton says that means no more "witch-hunts." But homosexuals, if they say who they are, can still be put through an inquisition. They can still be purged on a whim by some bigot.

So, what does this compromise gain? Clinton hoped to mollify the likes of Sens. Sam Nunn, D-Ga., and Strom Thurmond, R-S.C. He wanted to keep them from enshrining the gay ban into law, thus making it harder to change.

But Nunn says he still plans to write the ban into law. If so, Clinton will have sacrificed principles for nothing.

He should have stuck by them and by the facts that:

No study has shown gay or lesbian military personnel less capable, patriotic or productive than their peers.

Foreign militaries with openly homosexual men and women suffer no loss of morale or efficiency.

Thousands of homosexuals have served heroically and honorably in the U.S. military; their presence is not new.

Clinton's compromise wins little and loses much—a grand opportunity to dispel prejudice and promote individual rights.

CLINTON POLICY GOES TOO FAR

(Opposing view The 'straight' military majority has a right to protection from disease. By William Hamilton)

"Don't ask, don't tell" goes too far because it opens the door for homosexual military service without dealing with the health threats gay males will pose for other members of the military.

Combat is hazardous enough without putting the highest risk group for AIDS and hepatitis on the battlefield or aboard ship.

In combat, the most immediate supply of whole blood comes from the soldier in the next foxhole or the sailor in the next berth. Immediate blood transfusion from one soldier or sailor to another saves lives. A blood transfusion from an AIDS carrier is a death sentence.

If this relaxation of the ban against homosexual military service is allowed by the Congress to stand, the loved ones of our men and women in uniform should insist the ID tags of gay males be imprinted: "Use of this person's blood for transfusions is prohibited."

But how will we know the identities of the most likely AIDS carriers under "don't ask, don't tell"? Implicit in the new policy is greater protection of individual privacy rather than broader knowledge of who is most likely to be carrying AIDS.

The "straight" military majority ought to have some rights, foremost of which ought to be protection from a fatal disease-a disease that comes to its gay male carriers almost always as a result of their practice of anal sodomy.

Implicit in the Clinton argument for gays in the military is the notion that committing sodomy-the defining act of homosexuality-confers upon homosexuals the right to military service. Surely, the Congress will reject this warped notion, not only because it's illogical, but to protect the health of our armed forces.

[From the Washington Post, July 20, 1993]

SHIFTING GROUND ON THE GAY BAN

For the half-century before President Clinton took office, homosexual men or women who sought to serve in the armed forces or whose record of service while in uniform was exemplary were still considered unfit for duty when and if their sexual orientation became known. Nothing else about them was relevant—not their performance, or their character or honor. That 50-year-old rule, which flatly held homosexuality incompatible with military service, was altered yesterday by President Clinton, and in a way that takes the issue to a new place in history.

Under the new Department of Defense policy issued by Secretary Les Aspin, homosexual conduct, will be treated as "a personal and private matter, and * * * not a bar to service entry or continued service unless manifested by homosexual conduct." This change is far less than the more ambitious goals Bill Clinton announced during the campaign—a point he acknowledged yesterday. Consensual homosexual conduct—whether private or public—is still grounds for exclusion from the military. So, in the context of a total lifting of the ban, the new policy may not be the "major step forward" that the president says it is. But it is an important step away from the worst aspects of an unjust policy and practices that penalized and stigmatized men and women who have served their country with pride and distinction.

The more sordid aspects of military life, the witch hunts, entrapments and surveillances of service members based on lone allegations or suspicion of homosexuality, are now banned. Neither will military intelligence or policy units be free or encouraged to launch investigations based on a service member's presence at a gay bar, or a march or because gay literature has been glimpsed in a foot locker. The policy also requires the Uniform Code of Military Justice to be evenly applied—that is, homosexuals and heterosexuals engaging in the same sexual no-nos must be accorded the same treatment by commanders who feel compelled to conduct an inquiry. The whole idea behind the policy is to downgrade the military's official interest in sexuality—provided service members who are homosexuals keep their own proclivities out of sight.

Critics will say the policy still caters to unreasonable fears and biases, and that as a condition of service, homosexuals are being asked to deny who they are. The critics will have it right. But a return to last year's policy would be wrong too. And that's where President Clinton was headed in January if he had unilaterally lifted the ban. He said some of the things yesterday he should have been publicly saying all along, and he did not in the end produce the clean result that his commitment logically required. For this he was somewhat apologetic. But he believes the start he has made will lead inevitably to the eventual honoring of that commitment. That is what those who would have preferred a stronger policy should be hoping, and importantly, working for now. Meanwhile, the worst thing that could happen would be for those of the other side in Congress to try to take things the other way—back to where they were for 50 years.

[From the New York Times, July 6, 1993]

BIGOTRY IS WHAT'S INCOMPATIBLE

President Clinton will soon be faced again with the issue that has caused him more grief than any other: whether homosexuals can serve openly in the military.

There is little doubt that the worst excesses of the past—the witch hunts and mindless expulsions of dedicated soldiers, sailors and aviators—will be ended. The President's strong support for the right of gay soldiers to serve their country has likely achieved that salutary result.

But because he failed to issue an executive order at the start of his term, Mr. Clinton must now compromise on how to enact a new policy. There is simply no other way to win enough support in Congress and the military to make a new policy on gay soldiers stick.

Even so, Mr. Clinton needs to hold firmly to some bedrock values. The President has been right from the start on this issue. Ideally, there should be no ban or restrictions whatsoever based on sexual orientation;

every individual in the military should be judged by performance and behavior. The same rules of conduct should govern both homosexuals and heterosexuals. If Mr. Clinton is now forced to retreat, he must not give away the whole game.

It is astonishing and outrageous that the Joint Chiefs, while willing to liberalize a bit, still want their regulations to embody the assertion that homosexuality is "incompatible with military service." That statement is given the lie by the fact that many dedicated homosexuals have already served with distinction—while being forced to hide their sexual orientation.

The only thing homosexuality is "incompatible with" is bigotry and timidity—the venomous hatred of a minority of gay bashers in the ranks, and the reluctance of higher officers to deal with the problem. If Mr. Clinton knuckles under to the Chiefs on the incompatibility issue, he will have abandoned the core of his principled policy.

Much of the debate among military and civilian officials is now focusing on some version of an approach called "don't ask, don't tell." Under a "don't ask" policy, the military would no longer ask recruits if they are homosexual and would no longer aggressively ferret out and expel homosexuals. But under the "don't tell" element, there would be restrictions on the extent to which homosexuals could acknowledge their homosexuality.

Any regulation that forces homosexuals to lie to keep their orientation hidden would be offensive. For the purpose of political compromise, it may be necessary to accept rules against waving gay rights placards (or any other placards) in the faces of the generals or against kissing in public on military bases. But surely there is no good reason to prohibit gay soldiers from acknowledging their orientation in private, casual conversations with co-workers. And whatever compromise is ultimately reached, the policy needs to apply equally to heterosexuals and homosexuals.

Barry Goldwater, the icon of the conservative movement, had it right when he urged Congress to find "the courage to rally the troops in support of ending this un-American discrimination." So did Coretta Scott King, who called on President Clinton to accept "no compromises which undermine the principles of fairness and human dignity." In deciding just how far to retreat for tactical purposes, Mr. Clinton would do well to heed their advice.

[From the New York Times, July 20, 1993]

GAY SOLDIERS: HALF A LOAF

President Clinton's new policy on homosexuals in the military is a disappointment to all who hoped for an end to unfair, career-threatening discrimination. The President once hoped to lift the ban on gay soldiers, thus liberating gay men and lesbians who have served their country well from fear of discovery and expulsion. But in the end he yielded to fierce opposition and simply modified the ban, ending its worst abuses but forcing homosexuals to hide their private lives if they wish to serve.

Even so, the policy moves in the right direction and is probably the best that can be wrung from a Congress that is unwilling to go further than the Joint Chiefs of Staff will accept. So on practical grounds there is little choice but to take half a loaf. Were Mr. Clinton to fight to the end the most likely outcome would be a Congressional law even worse for gay soldiers.

The President has been right in principle on this issue all along. The old ban on gay soldiers was unfair to dedicated individuals and deprived the service of valuable talent. Homosexuals were screened out by recruiters; if they slipped through the screen they were hunted down by investigators and discharged no matter how long and distinguished their service. So Mr. Clinton deserves credit for asserting, during the campaign and afterward, that the only criterion should be behavior and performance.

But now he has retreated. The policy he announced yesterday would essentially allow homosexuals to serve in the military—but only if they stay in the closet or lead celibate lives. Gay service members can still be discharged for engaging in a homosexual act (even a private, consensual act) or making a statement that demonstrates "a propensity or intent" to engage in such acts.

Their only solace is that the military will rein in its investigations into what people are doing in their private lives. In other words, private homosexual acts are still forbidden, but those who engage in them have a better chance of getting away with it.

The new policy embodies some real gains. People will no longer be asked their sexual orientation when enlisting, or in most cases when serving. They will be free to engage in some previously suspect activities, such as drinking in a gay bar, marching in a gay-rights parade or having a same-sex picture on one's desk. And the notorious witch hunts will be curbed through strict guidelines. These changes should lighten the atmosphere in which homosexual service members work and ease their fears of discharge.

But the policy remains unfair to them. In barracks conversations, they will have to lie to avoid inadvertently disclosing any private homosexual acts or even their sexual orientation. If they do reveal they are homosexuals, they will have to present evidence that they are celibate and intend to remain so. Otherwise they remain subject to expulsion.

The blame for eviscerating Mr. Clinton's policy is shared widely. Bigoted opposition in Congress, the military and the public is the main problem. Narrow-mined Joint Chiefs, too timid to pioneer social change, is another. And Senator Sam Nunn, chairman of the Senate Armed Services Committee, has undercut his President at every opportunity by holding biased hearings and pledging, on the very eve of Mr. Clinton's announcement, to introduce legislation to ban people with "a propensity to engage in homosexual acts."

The Administration itself has floundered. Defense Secretary Les Aspin was too obviously ready to capitulate, leaving his wounded boss with little choice but to yield to the Joint Chiefs. And even Mr. Clinton, after enunciating a sound doctrine, failed to push it through quickly and never forcefully articulated a rationale for lifting the ban.

Still, the new policy at least pushes the military down the road toward a long-overdue social change. Now it is up to the Administration to make the policy work in practice. Witch hunts must truly end. Investigations must truly be rare. Commanders must be vigorous in clamping down on gay-bashing and harassment. The new policy must be instituted as a step toward fairness, not a fig leaf to cover continued discrimination.

[From the New York Times, February 9, 1993]

GAY VALUES, TRULY CONSERVATIVE

(By Andrew Sullivan)

WASHINGTON.—Perhaps the most depressing part of the last few weeks has been how predictably the politics of the military gay ban played itself out.

By and large, lifting the ban was portrayed as a liberal measure, prompted by the usual interest groups and framed within a crude paradigm of civil rights. The opposition rested its final argument on the simple fear of homosexuals, on those intangible emotions the Joint Chiefs of Staff describe as morale.

But there is another way of looking at the issue: lifting the ban is essentially a conservative measure. It is not a radical attempt to remake society but a pragmatic effort to react to a change that is already taking place: the presence of openly gay people in the military. The values that gays in the military are espousing, patriotism and public service, are traditional values. And the effect that ending the ban could have on the gay community is to embolden the forces of responsibility and integration and weaken the impulses of victimology and despair.

Certainly, radicals always suspected homosexuals who wanted to join the military, regarding them as foolishly embracing a system that oppressed them. For many years after the 1969 Stonewall riots in Greenwich Village in New York, which gave birth to the gay rights movement, the military issue wasn't on the official gay rights agenda at all. For those who came from the antiwar movement, it was anathema. It was only in the late 80's that some argued that it should be placed at the forefront of the battle for gay civil equality.

But the military issue came to the fore not because of political leadership but because of the gay people in the military who refused to compromise their integrity any longer.

Many were of the generation that came out after AIDS, a sober generation, more determined than ever to stand up to brutalization but more realistic about how to overcome it. Unlike many of their elders, they did not want to rebel against mainstream society but to join it as full equals. These are the people who became the unlikely heroes of the new war. And this is, perhaps, the cruelest irony of the ban—that it has singled out those gay Americans who are among the most patriotic, the most committed to living lives that, in other people, would be at the heart of the notion of civic virtue. Some—Joseph Steffan, Margarethe Cammermyer—are better known than others.

I think of my first boyfriend, Joe, the adopted son of a military family from Nebraska, whose devotion to his father, a three star general, led him into the Air Force. Joe could never talk to his family about his emotional life, never initiate the relationship that makes a family a family, because his father would have been obliged to bring charges against his own son. Unable to sustain the lie, Joe quit and told his father who he was soon afterward. (His father reacted with compassion and respect.)

I think of another friend who devoted 16 years to the Navy, rising to lieutenant commander, highly respected by his peers, who, in a medical examination, was suddenly questioned about his sexuality, blurted out the truth and is now being discharged. With four years until retirement, he will receive no benefits and have to start a new career.

And the friend who is a sergeant in an elite Army unit, who listens daily to his recruits say they will kill the first soldier in their unit who says he's gay and who told me that even if the ban is lifted, he would not have the "moral courage" to come out.

When I am asked by people why I believe homosexuality is an involuntary disposition, constitutive of a person's deepest identity and therefore deserving of respect and civil equality, I wish I could show them the lives of these people. These are the alleged radicals whose devotion to their country was strong enough to risk severing their livelihoods and disrupting their lives if their sexuality were discovered.

Within any other minority, these people would be heroes to conservatives. Their private conduct would be deemed irrelevant to their public service. Just as in 1948, when the Republicans campaigned for racial integration of the military. Republicans, of all people, should resist reactionaries on the right who believe gay people are condemned by nature to second-class status and reactionaries on the left who call for gay men and women to abandon the very society they most want to join. Some, to their credit, have done so, among them William F. Buckley, Jr. and Senator Alfonse M. D'Amato. Even Newt Gingrich a year ago voiced concern for gay soldiers' right to privacy before succumbing to political expediency and supporting the ban.

Conservatives should also see that lifting the restrictions is not a radical experiment that could risk military competence. It is a reaction to a problem already consuming the military as young lesbians and gay men refuse to acquiesce in their humiliation, and is a change that would be unlikely to accelerate the number of gay people prepared to come out in the barracks. (In Canada, where the ban was lifted three months ago, not a single person has come out.) It is also unlikely, unfortunately, to alter the harassment and intimidation gay soldiers are routinely subjected to, so deep is homophobia entrenched in a large part of military culture.

It is in the interest of all of us, straight and gay, that the cause of these people not result in defeat or worse, a new and bitter segregation. A defeat would send a signal to a gay community at a crossroads between hopeful integration and a new relapse into the victimology of the ghetto.

It would rebuke those who seek dialogue and community between gays and straights, penalize those members of the gay world who most want to join the mainstream and can lead the rest, and intensify the culture of despair already prevalent in a community wracked by plague.

Lifting the ban could heal a deep wound between gays and straights and lead the gay world in a new direction of integration and responsibility. The act would embody the sober, civic toleration that is the essence of what most gay men and women hope for—not the approval of anything we do in private, not the embracing of some mythical abstraction called the gay life style, not the derogation of traditional values, but merely the recognition that we are human beings too, that the mere statement of our identity should not be a cause for violence or hatred or public discrimination.

As gays and lesbians, we do not want anything special from America. We merely want to give back to America something of what it has given us, without having to compromise the essence of who we are. That simple, and surely conservative, desire is what is really at issue in the months ahead.

[From the New York Times, November 15, 1992]

Lift the Ban on Gay Soldiers

President-elect Clinton has wisely reaffirmed his determination to lift the long-standing ban on homosexuals in the military. The ban is unfair to patriotic homosexuals, male and female, and deprives the military of talent.

The prospect of change nevertheless stirs anxieties among military personnel who fear that open acceptance of homosexuals will hurt morale and possible provoke mass resignations. Some distinguished military leaders—including Gen. Colin Powell, Chairman of the Joint Chiefs of Staff—have opposed lifting the ban.

Their views deserve a respectful hearing. But they are not a reason for inaction. The rationale for the ban has become increasingly dubious.

No one any longer seriously contends that homosexuals are security risks by being subject to blackmail. Indeed, the likelihood of blackmail would disappear if the ban were lifted. Neither is AIDS an issue; recruits and servicemen are routinely tested.

Nor is there any doubt that gays can perform effectively in the military. Many thousands already have done so, often with great distinction and in responsible positions.

The greatest remaining fear is that the presence of known homosexuals will undermine morale, order and discipline in a way that covert homosexuality has not. General Powell, noting the lack of privacy in the military, says many heterosexuals would prefer not to share bedrooms, barracks, latrines and showers with others of the same sex who find them sexually attractive. But it is unreasonable to ban homosexuals based on the presumed reaction of straights.

Others worry that activist gays will challenge their military leaders, disrupting the command structure; but military service seldom attracts activists prone to civil disobedience. And some observers worry that homosexual affairs will undermine discipline, interfere with teamwork or provoke fights. These all sound like worst-case projections, similar to the dire predictions made when women and later blacks were admitted to military service.

Mr. Clinton had it just right when he said the real criterion should be conduct. The heterosexual males who mauled women in the Tailhook scandal were properly disciplined for their misdeeds, without punishing all heterosexual males. So, too, homosexuals who harass their comrades or proposition them in the showers should be disciplined; those who do their jobs should be left alone.

The military has already worked miracles race relations since Harry Truman ordered the Army to integrate in 1948, largely because the whole organization dedicated itself to that goal. Surely the military chiefs can achieve the same progress toward acceptance of homosexuals if they put their minds to it. Straight soldiers will overcome their fears once allowed to work side by side with dedicated, capable gay comrades.

[From the New York Times, January 29, 1993]

The Issue Is Bigotry

(Anthony Lewis)

BOSTON.—Over the last half-century Americans have come to understand that a civilized society does not mistreat people because of what they are. It is unacceptable to assault someone because he is a Jew, or deny him a job because he is black.

The question now is whether we are ready to apply that civilized standard to homosexuals. Are they to be despised and rejected because of what they are—because of a status that nature gave them?

That is the question in the dispute over President Clinton's plan to end discrimination against homosexuals in the armed services. It is the only question. All the rest of the noise around the issue—the talk about service morale and fighting effectiveness, the shrilling on talk shows—is demonstrable humbug, and bigotry

Col. Margarethe Cammermeyer won the Bronze Star in Vietnam in the Army nursing corps. She served 27 years in uniform and was chief nurse in Washington State's National Guard when the Pentagon ordered her discharged last year. Why did it do so? Because she had stated on a form that she was a lesbian.

Tracy Thorne, a Navy lieutenant (j.g.), was a navigator-bombardier, 25 years old, first in his flight training class, a member of a jet combat squadron. Last year the Navy grounded him. Why? Because he had said on ABC's "Nightline" that he was gay.

Did the firing of Colonel Cammermeyer or Lieutenant Thorne make our armed forces more effective? To the contrary, it removed two people of proved effectiveness. And it did so at heavy cost. The taxpayers paid $2 million to train Lieutenant Thorne, for example: money down the drain.

Then think of all the horror stories being told in the organized campaign of letters to Congress: Our men in the forces will not be safe from preying homosexuals, they will be embarrassed in the shower and so on. Did Colonel Cammermeyer or Lieutenant Thorne harass anyone, bother anyone? No. They did nothing except perform superbly for our country. They were punished not for what they did but for what they are.

Or think of the story told last fall in The Washington Post by Lucian K. Truscott 3d, a retired Army officer. He commanded an infantry rifle company in the Korean War, and one of the company's 150 men was thought to be gay. He did one of the toughest jobs, carrying and firing a Browning Automatic Rifle, and he was killed. Others in the company, including some who had mocked him in life, cried as his body was carried off.

There have always been homosexuals in the armed forces, and there always will be. President Clinton's plans do not change that reality. What they do is to stop officials from wasting time and money snooping out who may be gay and then discharging soldiers who have done a good job.

The waste of money is considerable. In the last 10 years the Pentagon estimates that it spent nearly $500 million finding homosexuals, discharging them and replacing them. But the real cost is human.

The Clinton plan does not condone any improper sexual conduct. It just stops the witch hunt of people who are gay.

If sexual conduct were the real concern of the critics, they would focus on the clear and present problem. You don't have to be a genius to know what that is: assaults on women in the armed forces.

Some of the critics are military men who are genuinely worried about change—just as the military fiercely resisted President Truman's 1948 order desegregating the forces. But in time the services did a superb job of fighting racial prejudice in their ranks: the best training program of any institution in the country. I think they will respond to clear leadership on this issue, too.

The organized opposition—highly organized—is political. It is coming from conservative religious groups and others on the extreme right. The Rev. Louis Sheldon of the Traditional Values Coalition boasts that his group shut down the telephone lines at the Capitol with its many calls. Oliver North is appealing for funds to stop the Clinton plan. Those who are truly religious might understand that God made people as they are.

In Washington, all you can hear is political calculation. President Clinton should have moved slower. He should have moved faster. That is Washington: maneuver, not substance. Politics matters, but it is not the issue here. The issue is bigotry.

[From the Washington Post, Jan. 27, 1993]

LIFTING THE BAN ON GAYS

It should come as no surprise that the Joint Chiefs of Staff found their commander in chief unchanged in his commitment to lifting the ban on homosexuals in the military. Having said as much several times during the campaign, President Clinton would cause far more surprise if he were to now abruptly reverse direction and drop the whole matter. There is no reason he should. The decision to end discrimination in the armed forces based on sexual status is sound, timely and necessary if the military is to move in the direction the rest of the country is headed.

As may be expected, Mr. Clinton is beginning to hear—and get hammered—from both sides now that work is underway on structuring the change. There are supporters of lifting the ban who fear that he's moving too slowly, that he is weakening somehow by not doing it immediately—as if that would settle matters once and for all. It didn't work that way for President Truman in 1948 when he began the racial desegregation of the armed services. Extending the highest standards of democracy to all who serve in today's military won't be any easier for this president. A year after Mr. Truman issued his order, the executive secretary to the advisory committee charged with examining the rules and procedures and recommending changes, concluded "the army intends to do as little as possible toward implementing the policy which it adopted and published." The bugaboo cited by the spoilers then is the same being heard now—that morale and discipline would go to ruin if the services were integrated racially. The manpower needs of the Korean War as much as anything finally brought them around.

Resistance to change is no less now than it was then, in both the military and Congress. That is no reason not to press ahead, however. And Defense Secretary Les Aspin's proposal to first end all military discharges, reassignments and recruitment screening based on sexual orientation, while laying the groundwork for an executive order a few months later formally lifting the ban, seems like a good approach.

President Clinton is now in company with President Truman, who had to buck the advice of many of his generals and admirals 40 years ago. The nation is better off because Mr. Truman did. The country also would be better served if today's leaders, who built a military force that is a symbol of pride, would stop holding the line against the idea of extending equality of treatment and opportunity to all who would serve in their nation's defense.

Gen. Colin Powell, chairman of the Joint Chiefs of Staff, who is on the wrong side of this issue, recently told a group of midshipmen how he and the chiefs restructured the armed forces for a "new environment": "First we had to acknowledge something that many * * *. Did not want to acknowledge, that the Cold War was truly ending. And that all of the assumptions we had * * * had to be changed, had to be rethought. We sat down with the commanders in chief * * * and began to work it out. And in due course we came up with a strategy that we believed would meet these new world conditions." That was a good course then. It would be a good course now.

[From the Washington Post, May 18, 1993]

'DON'T ASK, DON'T TELL' WON'T DO

(By Joseph Zuniga)

The Senate Armed Services Committee's debate about lifting the ban on homosexuals in the military seems to be arriving at what some have labeled a compromise position: The military will no longer ask recruits whether they "have homosexual tendencies," and in return, lesbians and gay men will be allowed to serve so long as they don't "announce" their sexuality.

This compromise could work if we were dealing with automatons, but for human beings, not announcing one's sexual orientation isn't the simple request that proponents of this compromise would have the public believe. There is no on-off switch when dealing with human identity. This policy affects homosexuals at the core of who we are as people, and in essence forces us to not accept ourselves—to constantly live a lie.

It is important to note the concessions that have been made in arriving at "don't ask, don't tell." The issue is no longer whether there are homosexuals in the military—suddenly, all concede that there always have been and always will be. Moreover, because so many decorated gay and lesbian service members have dared "come out of the closet," it is also now conceded that there is no correlation between a soldier's sexual orientation and his ability to perform in the military. It is common knowledge that homosexuality is not a proxy for "bad soldier." Rather, like heterosexuals, gay people come in all varieties, from soldier of the year to the average soldier simply wanting to complete a two-year enlistment.

Such acknowledgments have sounded a bitter defeat for those who even a year ago continued to bury their heads in the sand over this issue. Unfortunately, they have also forced a shift in the rhetorical focus to "unit cohesion," a phrase more accurately defined as how heterosexuals will respond to having to acknowledge that there are openly gay and lesbian soldiers among them. "Don't ask, don't tell" purports to solve this problem by avoiding it—if a gay or a lesbian soldier simply doesn't tell, the Rubicon will never be crossed, and unit cohesion will not be compromised. This solution may sound credible to Congress, but it has no plausibility in the service.

While the order that lesbians and gay men "don't tell" anyone about their sexual orientation sounds simple, it is not. It is true that the military explicitly asks people whether they are gay *once*, upon recruitment, and can easily stop doing so. But lesbian and gay service members cannot make such a black-and-white, one-time decision to "not tell" as they go about their everyday lives. A closeted homosexual must constantly negotiate a minefield to securely hide his sexual orientation, he must be on a 24-hour alert lest he "tell."

Heterosexuals display their sexual orientation a hundred times each day—from discussing what they did Saturday night to simply commenting on a Playboy centerfold. If announcing one's homosexuality brings nondiscretionary discharge, all conversation becomes a trap for the reckless. A gay GI must either withdraw from all social interaction with his peers or live an endless string of half-truths, avoided answers and downright lies.

The circumstances behind the discharge of the Rev. Dusty Pruitt show how degrading it is to know that announcing one's identity is forbidden. Pruitt, a lesbian Army sergeant who was also a minister in the Metropolitan Community Church (a denomination ministering primarily to the gay and lesbian community), was expelled from the service after the military learned of her association with that church through a 1983 Los Angeles Times article. What if Pruitt, on her way to her church services one Sunday, had been stopped by another soldier and asked where she was going? What if the second soldier then wanted to join Pruitt at her place of worship? What would it mean to "not tell" in this situation? Should anyone be forced to lie about so sacred an activity as worship?

"Don't ask, don't tell" is not realistic. Although the military won't ask at induction, day in and day out, in subtle ways, thousands of gay and lesbian service members would be forced not to tell in so many disparate and confusing situations that their lives would be one massive gray area.

More tragic, from a military perspective, is the fact that not only would homosexual service members be forced to not tell, but they would, in essence, be forced to lie. The central concept in a military life is honor, and the basic premise upon which one's honor depends is truth. As former Navy midshipman Joe Steffan explains when asked why he told Naval Academy officials that he was gay when they asked him point-blank: "Personal honor is an absolute—you either have honor or you do not." In short, good soldiers don't lie. The senators debating this issue would not arrive at political solutions that would force soldiers to do so—to make a choice between living honorably and continuing to serve their country.

The most obvious of the objections to this compromise is that it is discriminatory. It is acceptable to ask and to tell about sexual orientation so long as it is heterosexuality. In military life, as in civilian life, public discourse about heterosexuality is omnipresent: dates, sex, weddings, divorces.

Lesbians and gay men do not seek special rights; we do not want to flaunt our sexual orientation. Indeed, the many gay and lesbian soldiers I know are hardly the radical activists that some would have the public believe make up the entire gay community. They are generally conservative individuals, sworn to defend their country, who want only to do their job without constantly facing the risk of losing it based on an irrelevant characteristic. We only want the opportunity to be honest about our lives in the same manner as everyone else.

CANADA: NO PROBLEM WITH GAYS IN RANKS

(By Anne Swardson)

TORONTO.—Master Cpl. Mike Simic has no doubts about whether gays should be allowed to serve in the Canadian armed forces. They should not, he says, because they may disrupt the teamwork on which the military depends.

But Simic, a mechanic, also knows that his career would be torpedoed if he hassled a gay comrade. When the Canadian military decided to fully accept gays last fall, the top brass decreed that harassment or discrimination of any kind would be punished. Simic says he will keep his opinions to himself.

"My attitude is, grin and bear it," said Simic. "There's a lot of the military that's out of your hands. The policy is very clear."

The nine months since a court case induced Canada's military leaders to open the ranks to gays have been virtually casualty-free. No resignations, violence or harassment have been reported. Gay soldiers, while remaining discreet about their private lives, say they feel more comfortable now. And straight soldiers—not only those who have concerns about gays, but also those who do not—say they have accepted the new regime.

The ease of this transition may stem in part from Canada's tradition of tolerance. Canadians are told from childhood that their nation accepts all colors, creeds and cultures. Polls around the time the ban was repealed showed that a majority of Canadians favored admission of gays, while most Americans remain opposed. In addition, Canada's armed forces number 72,000, more manageable than the 1.7 million of the United States.

As the U.S. military and President Clinton wrap up six months of political warfare with an effort to compromise on admitting gays, it is apparent there is another reason for Canada's success: The highest leadership of Canada's armed forces has made clear that any recruit who has a problem with the new policy will face the consequences.

"It does take a commitment from the top," said John de Chastelain, who was chief of the Canadian Defense Staff at the time of the policy change and now is Canada's ambassador to the United States. Under him, the military revised all its harassment guidelines, began attitudinal training programs, set up new mechanisms to handle complaints and directed supervising officers down the line to follow the new rules.

At Canadian Forces Base Toronto, 300 men and women recently completed training sessions in recognizing and dealing with harassment. While the meetings did not focus on gay issues any more than on others requiring sensitivity, the base commander said they were just one more way of making the new policy take hold.

"It allows people to see that this is the military program, that it's not just a nice thing to do. We have zero tolerance for harassment, whether it's sexual, gender or ethnic," said Col. Edward Nurse, commander of this administrative base.

It was this base of 1,000 personnel that spawned the court case that led Canada to overturn its ban. In 1988, 2nd Lt. Michelle Douglas, then 23, was taken by superiors to a hotel and grilled for two days about whether she was a lesbian. Further interrogation went on for weeks. In addition to being asked about herself, Douglas said, she was asked to name other lesbians in the military.

Douglas subsequently was given the equivalent of an honorable discharge on the grounds that she was "not advantageously employable." She got a civilian government job and took the military to court. Last fall, just before her case was to go to trial, a settlement was reached that granted Douglas an $80,000 payment, not to mention a public about-face from her former employers.

Even before that, the armed forces had been easing toward a more open policy. Gays were allowed to join beginning in 1988, but until last October they could not be promoted or transferred.

"The best thing about ending the ban in Canada is that the element of fear has been taken away," said Douglas, who still has gay friends in the military. "There will be no knock at the door."

Some gays say they remain hesitant about disclosing their sexual preference or anything about their private lives to their military co-workers. Indications are that Canadian soldiers, while willing to obey the new policy, remain wary of gays.

Lt. Col. Susan Rodgeman, administrative officer for the Petawawa base new Ottawa, said perhaps 75 percent of the people with whom she serves have concerns about admitting gays, although the base has experienced no anti-gay incidents.

Among the issues military leaders wrestled with as they debated ending the ban was privacy. Could heterosexual and homosexual troops knowingly share quarters and remain comfortable? The decision was that they could. No accommodation exceptions were included in the new policy.

Some of the issues that remain, however, may give the Canadian military brass headaches in the future.

When the army began dismissal proceedings against Master Cpl. Derrick Dwyer because of his homosexuality, he, like Douglas, filed suit. As a result of the Douglas case, he received a settlement and was promoted. But recently, his superiors in Montreal—where he had stayed for years because of the ban on transfers for gays—informed Dwyer that he was being transferred to Toronto.

Dwyer's partner could not move because he was finishing college. So Dwyer asked that his transfer be delayed a year, on compassionate grounds. His request was denied. Then Dwyer asked for the same benefits that a married person of his rank would receive: free housing at the new post for a while, and help with transportation expenses back home. Again the request was denied—and he was released from the military for refusing a transfer.

"I don't think that's right," Dwyer said. "Why couldn't they give me the same entitlement as a heterosexual couple?"

[From the Los Angeles Times, Nov. 19, 1992]

ONE RULE FOR SOLDIERS—GAY OR STRAIGHT

(By David Link)

Sen. Sam Nunn of Georgia, the Democratic chairman of the Senate Armed Services Committee, has demonstrated beyond any question that he is unfit to be (as rumor proposes) secretary of defense in the Clinton Administration. Last weekend he insulted every member of the armed forces when he said that if the ban on openly homosexual men and women in the military were lifted too quickly, he would "fear for [their] lives" because of the "very emotional feelings" of bigoted heterosexual soldiers.

The statement is symptomatic of how topsy-turvy the debate over this issue has become. It is not often that a man who openly desires to be in charge of an organization finds it necessary to disgrace those he wants to command.

There is no community in the country that is as effective in training its people as the U.S. armed forces. Obedience to superior officers is the very heart and pride of military training. A critical part of military discipline is that, whatever trainees may think, if a commanding officer demands that they conduct themselves in a certain way, they will do so. Anything else would be insubordination. That is something the thousands of homosexual Americans serving in the military understand.

There have always been lesbians and gay men serving their country. Observing military rules of conduct to the letter, they have been fully able to do their work without revealing their attraction (if any) to other service members of the same sex. In most cases they have done this so successfully that no one suspects they are homosexual. Gays call this being in the closet, and every one who is homosexual knows how to do it. It is a form of self-discipline that any military organization should find exemplary.

Against this model of military rectitude, Nunn portrays heterosexual soldiers as so unable to control their feelings that they would disobey the most rudimentary rules, not only of military order, but of common civility, and give free reign to their most violent and vulgar impulses.

Similar to the boys-will-be-boys attitude that led to the Tailhook scandal, exculpatory comments such as Nunn's only encourage soldiers who want to believe that military order is order only to the degree that they accept it.

What is at issue here is not, and never has been, a soldier's sexual orientation.Even those who oppose lifting the ban do not deny the existence of lesbians and gay men in the military. The question is whether they can be open about their sexual orientation the way heterosexual soldiers are. Even under the present regulations, a gay man could serve in any branch of the military as long as he remained closeted—something dependent strictly on his conduct while in uniform, not his private sexual feelings.

Opponents argue that the right to privacy requires keeping the ban in place, citing as examples the difficulty of living in close quarters and using same-sex showers. But the fact is that gay and straight soldiers have been thrown together in such situations since the beginning of time. The only question is whether heterosexual soldiers know about another soldier's homosexuality. How is the issue of privacy changed depending on whether the gay soldier in the next bunk is closeted or open?

The military has searched in vain for evidence that any of the now openly lesbian and gay service members who were dismissed ever violated any rule of military conduct. From Perry Watkins and Dusty Pruitt through Margaret Cammermeyer and Keith Meinhold, homosexual servicemen and women have been dismissed not for what they have done, but solely because they have been honest about their sexual orientation.

Whatever fears heterosexual soldiers may have, it should be clear by now that they have nothing to fear in the barracks except fear itself. And there may be far less fear than those like Sam Nunn would wish. While there is certainly bigotry and prejudice in the military, soldiers have proved again and again that their sense of military order is stronger than people like Nunn want to give them credit for.

Nunn's suggestion—that in defiance of a direct order from the commander in chief, heterosexual bigots in the services will lose control of themselves and begin attacking fellow soldiers—says more about Nunn's own prejudices than anything else.

Whatever control the military has over a soldier's actions, people do not give up their beliefs when they serve their country. All Bill Clinton has said is that the military should get out of the thought-control business. Conduct is the measure, and the same rules of sexual conduct should apply to all soldiers, regardless of sexual orientation.

Nunn should condemn breaches of military conduct instead of holding them up as an excuse to keep the bigoted status quo.

[From Newsweek, Feb., 1993]

WHAT'S FAIR IN LOVE AND WAR

(By Randy Shilts)

On the first night of the Scud missile attacks on American troops in the Persian Gulf, an army specialist fourth class with the 27th Field Artillery found himself cramped in a foxhole with three other men. Like many young enlisted men, the specialist (who asked that his name not be used) had previously confided to the other men, his friends that he was gay.

During that night in the foxhole they huddled together in their suffocating suits meant to protect them from chemical and biological warfare agents. They could not see one another, but to reassure themselves that they were still there, still alive each man kept one hand on the other. Nobody hand on the other. Nobody seemed to mind that one reassuring hand belonged to a homosexual. The soldier recalls—there were more important things to think about.

Defense Department policy contends that the purpose of excluding gays from the armed forces is to preserve the "good order, discipline and morale" of the military because no heterosexual soldier would want to serve with take orders from or share a foxhole with a homosexual. America's experience in its past three wars suggests otherwise. The behavior of military officials in accepting gays during these wars also suggests that the generals themselves know their arguments are fallacious. At no time is good order discipline and moral more crucial for a fighting unit than in time of combat; at no time have the military's regulations against gays been more roundly ignored than in periods when troops were sent out to fight.

President Clinton's intention of integrating acknowledged lesbians and gay men into the armed forces has raised a great cry from opponents of reform, most of whom question how soldiers will respond to sharing a foxhole with a gay soldier. These arguments belie the fact that gay soldiers have served in U.S. military foxholes since the days of Valley Forge, some openly.

From the first days of the Defense Department's anti-gay regulations in the early 1940s, the government was willing to waive the for-heterosexuals-only requirement for military service if barring gays interfered with manpower exigencies. In 1945, just two years after the regulation was adopted, and during the height of the final European offensive against the Third Reich, Secretary of War Henry Stimson ordered a review of all gay discharges in the previous two years, with an eye toward reinducting gay men who had not committed any in-service homosexual acts. At the same time orders went out to "salvage" homosexuals for the service whenever possible.

The Korean War saw a dramatic plunge in gay-related discharges In the late 1940s the navy meted out * * * undesirable discharges a year to gay sailors. In 1950 at the height of the Korean War that number was down to 483. But in 1953 when the armistice was signed at Panmunjom the navy cracked down again with vigor distributing 1,353 gay-related undesirable discharges in that year alone.

The Vietnam War provides some of the most striking examples of the military's tacit acceptance of homosexuality in times of war. When Air Force Sgt. Roberto Reyes-Colon was seen leaving his base near the demilitarized zone with his Marine Corps boyfriend, military police brought him before his commanding officer the next day. The commander listened to the MPs complain that they had seen Reyes-Colon kiss the Marine, but once they left the room, the commanding officer ripped up the report they had written on the incident. Reyes-Colon's defense was that "there's a war going on" and the officer agreed.

Marine Corps Lt. Ben Dillingham, assigned to lead a reconnaissance platoon in Vietnam in 1970, was surprised to discover that two of his enlisted men were lovers, inseparable, patrolling together, even sleeping together under the same blanket. All the other soldiers in the tightly knit platoon were aware of the relationship and no one cared. It seemed to Dillingham that with a war going on and everyone's life depending on the others no one had time to quibble about gay soldiers.

Discharges for homosexuality still occurred but Pentagon statistics themselves bear out that the armed forces became strangely uninterested in enforcing their regulations against homosexuals during this period. Between 1963 and 1966, the navy, which at the time was the only branch of the military to keep detailed statistics of gay discharges, "separated" between 1,600 and 1,700 enlisted members a year for homosexuality. From 1966 to 1967 as the Vietnam buildup began in earnest the number of gay discharges dropped from 1,708 to 1,094. In 19969, at the peak of the escalation, gay discharges dropped to 643. A year later only 461 sailors were relieved of duty for being gay.

These dramatic reductions occurred during a period of some of the service's highest membership since World War II. It was not that there were any fewer gays in the navy, by all appearances there were many more. But the navy had effectively stopped enforcing regulations against homosexuality. Draftees who announced themselves to be homosexual at their induction centers frequently were told by army doctors that they were welcome in the army just the same. In at least three circumstances in the early 1970s, gay activists had to go to federal court to force the government to observe its own policies regarding the exclusion of gays.

[From the Washington Post, Nov. 24, 1992]

'HE WAS ONE OF US'

(By Lucian K. Truscott III)

"A GAY YOUNG CAVALRYMAN"

How times change. The words above appear as the title of a song opposite page 1 of the brief memoir my father wrote of his service in the U.S. Cavalry between the two world wars. Can you imagine a song today called "A Gay Young Fighter Pilot—or Infantryman—or Leatherneck?

I commanded an infantry rifle company in the first year of the Korean War. Among the 150 or so men I had with me on the tops of those mean mountains in that bitter cold was at least one gay soldier. All of the other 149 of us knew that if nothing else he was effeminate. That and his red hair are probably why I remember him so well after all these years.

I saw men ridiculing him to his face on occasion, as men will. You know: one hand on a hip, the other waving in the air with a limp wrist as the mimic took prim, mincing steps around him. And the first sergeant approached me one day and said, "Sir I think Wilson [not his name] is a goddam queer." About all I could say was, "Well, Top, I guess there's no damn law against it as long he's doing his job."

His job was BAR-man; the initials stand for Browning Automatic Rifle. It is a big weapon, weighing more than 20 pounds, but even at his size—about five-seven and 140 pounds—he carried the BAR in his squad. The weapon was so reliable and deadly that the Chinese invariably went for the BAR-man first.

But he did that job, which few men wanted, until a wet spring day in 1951, when I knelt down and looked at the small round hole dead center in his wet greenish-gray forehead below the line of his red hair. I noticed some of the men in his squad turning away from me so I wouldn't see them crying softly as they put him on a litter so we could carry him with us. He was one of us, a soldier.

I'm as sure of the fact that he was gay as I am that he no doubt wasn't the only one in the company, that he was a damned good soldier and that there were undoubtedly gay soldiers in the infantry battalion I commanded in Vietnam in 1967–1968. There are probably homosexuals in any group of a hundred or so men you assemble any place, any time.

A few years ago my son wrote a novel about a gay cadet at West Point and brought down the wrath of many graduates upon his (and my) head for even intimating that West Point ever had a homosexual cadet. And now looking back from the vantage point of 40 or 50 years of knowledge, experience and our society's finally having let gays out of the closet, I'm certain that four general officers I knew (two of them very well) were gay; one was a highly decorated infantry officer in World War II.

I am surprised that the chairman of the Joint Chiefs of Staff, Gen. Colin Powell, takes a stance against gays in the military. As a black officer, he must be more intimate with discrimination than most of us.

The argument seems to be that integration of gays will disrupt the discipline of an organization. Of course it will! Did the integration of blacks? You're damned right it did! And still does to a degree. But the armed forces have controlled it and will continue to until the last of the bigots is gone and we finally have complete equality.

Why don't we have the guts to admit that there always have been and always will be gays in our society? Admit it and treat them as men. They are, you know.

U.S. GENERAL ACCOUNTING OFFICE REPORT TO THE HONORABLE JOHN W. WARNER, U.S. SENATE—HOMOSEXUALS IN THE MILITARY, POLICIES AND PRACTICES IN FOREIGN COUNTRIES

JUNE 25, 1993.

Hon. JOHN W. WARNER,
U.S. Senate.

DEAR SENATOR WARNER: In response to your request, we performed a review of the policies concerning homosexuals in the militaries of 25 foreign countries, and a more in-depth review of both the policies and practices in four of these countries. The four countries—Canada, Germany, Israel, and Sweden—allow homosexuals to serve in the military. For these four countries, we gathered detailed information on their military policies, including the evolution of these policies; compared the military policies to civilian laws; determined whether the practices of the armed services are consistent with their policies; and discussed the experiences each country has had concerning homosexuals in the military.

The Canadian, German, Israeli, and Swedish military policies and practices regarding homosexuals developed as the result of circumstances unique to each country. Factors such as the rights of homosexuals, societal attitudes towards homosexuals, and the military's role in society appear to have had an impact on each nation's experiences. Various officials we interviewed said that their country's experiences cannot necessarily be reproduced by another country; however, insights can be gained from their experiences.

SCOPE AND METHODOLOGY

To obtain information on a broad range of foreign countries' laws, policies, and regulations governing the military service of homosexuals, we initially selected a sample of

29 countries which had active duty force levels over 50,000 in 1991. Four of the 29 countries did not wish to be included in this review or considered the issue too sensitive to address. For the remaining 25 countries, we obtained an official position on their laws, policies, and regulations concerning homosexuals in the armed services either through the U.S. embassies and foreign government officials in the respective countries or from the countries' embassies in Washington, DC. We also held discussions with some of the countries' embassy officials to clarify their laws, policies, and regulations.

For our detailed review, we selected Canada, Germany, Israel, and Sweden because these countries allowed homosexuals to serve in the military and met certain criteria regarding their cultural heritage, the size of theirarmed forces, and their recent combat or deployment experience. In addition, we attempted to include countries which represented a range of attitudes concerning homosexuality.

Our work in the four countries included discussions with mid- and senior-level military and government officials, former active duty military personnel, members of the reserve forces, representatives of veterans and homosexual advocacy groups, and academic experts. These groups provided a broad range of views concerning the treatment of homosexuals in the military. We also intended to talk to active duty officers and enlisted personnel at military headquarters and field units. However, of the four countries, only Sweden permitted us to interview active duty unit personnel. Nevertheless, our discussions with numerous other knowledgeable civilians and military personnel, representing a wide spectrum of opinions, gave us no indication that unit personnel would have provided a different perspective.

Appendix I discusses our scope and methodology in more detail. Appendix II describes the military policies concerning homosexuals for 21 of the 25 countries in our sample, including related information on the practices of some of the countries. Appendixes III through VI discuss the results of our in-depth review for the remaining four countries—Canada, Germany, Israel, and Sweden.

BACKGROUND

Congress is currently debating the President's proposal to lift the ban on homosexuals in the U.S. armed forces. As part of this debate, Congress has expressed an interest in foreign countries' military policies and experiences concerning homosexuals.

The 25 countries included in our review represent a wide range of cultures, religions, forms of government, and geographic locations. The four countries selected for our more detailed review—Canada, Germany, Israel, and Sweden—generally reflect Western cultural values yet still provide a range of ethnic diversity. Germany and Sweden have ethnically homogeneous populations. Israel's population is diverse, with immigrants from all over the world. The largest ethnic groups in Canada are people with British or French backgrounds, or some combination of the two. However, almost one-third of the population has other ethnic backgrounds.

Each of the four countries reviewed in detail has active armed forces that exceed 50,000 military personnel and has been involved recently in regional conflicts, United Nations peacekeeping missions, or both. Of the countries selected, only Canada has an all-volunteer military force. Germany's military consists of 57 percent volunteer forces, and the remaining 43 percent are conscripted.[1] Israel's and Sweden's forces primarily consist of conscripted military personnel, although they do maintain a small volunteer corps. All four countries allow women to serve in some capacity. Canada is the least restrictive in this regard, allowing women to serve in combat and non-combat roles; Germany is the most restrictive, allowing women to serve in only the medical and music corps.

Policies permitting homosexuals to serve in the military in these countries have been in place for a period of time ranging from 8 months in Canada to 45 years in Israel.

RESULTS IN BRIEF

While many countries have no specific law or military regulation on homosexuals serving in the military, of the 25 countries in our sample, 11 have policies that do not permit homosexuals to serve in the military, and 11 have policies that do. Three of the countries do not have any laws, regulations, or policies that address this issue and did not provide information regarding homosexuals serving in the military. Other variables may affect the service of homosexuals in the military. For example, most countries set standards of conduct applicable to all military personnel. Also, some countries place restrictions on known homosexuals who serve.

Of the four countries we reviewed in more detail, Canada, Israel, and Sweden have policies of not discriminating against homosexuals in the military. Germany imposes restrictions on homosexual volunteers. In all four countries, military policies concerning homosexuals developed over time, reflecting changes in civilian law and societal attitudes toward homosexuals. Most military officials and advocacy group representatives said that the countries' practices toward homosexuals in the armed services were consistent with military policies.

Military officials in all four countries said that the presence of homosexuals in the military is not an issue and has not created problems in the functioning of military units. A key factor, they said, was that homosexuals are reluctant to openly admit their sexual orientation for a variety of reasons. For example, (1) sexuality is considered to be a private matter, (2) homosexuals fear discrimination or negative reactions from their peers or superiors if they reveal their sexual orientation, and (3) homosexuals do not see any advantage to openly identifying their homosexuality. Military officials from Canada, Israel, and Sweden said that, on the basis of their experience, the inclusion of homosexuals in the military is not a problem and has not adversely affected unit readiness, effectiveness, cohesion, or morale. In Germany, military officials told us that problems associated with homosexual military personnel are dealt with on a case-by-case basis and their service is restricted if necessary.

POLICIES CONCERNING THE MILITARY SERVICE OF HOMOSEXUALS IN 25 FOREIGN COUNTRIES

Table 1 shows which countries do not permit homosexuals to serve and which do permit homosexuals to serve. The table also provides information on whether the country's military force consists of all volunteers, mostly conscripts, or some other combination of volunteers and conscripts. Volunteer forces generally are the source of career military personnel.

TABLE 1.—POLICIES CONCERNING MILITARY SERVICE OF HOMOSEXUALS IN FOREIGN COUNTRIES

County	Size of active force	Primary source of personnel	Policy allows homosexuals to serve[1]	Applicable laws, regulations, policies, and/or restrictions
Australia	68,000	All-volunteer	Yes	Military policy changed in November 1992.
Belgium	85,000	Both[2]	Yes	No specific law/military regulation.
Brazil	297,000	Both	No	No specific law/military regulation.
Canada	78,000	All-volunteer	Yes	Prohibition lifted in October 1992.
Chile	92,000	Both	No	Civilian law applies.
Colombia	134,000	Both	No	Military code applies.
France	453,000	Both	Yes	No specific law/military regulation.
Germany	476,000	Conscript	Yes	Civilian laws changed in 1969.
		Volunteer	No	
Greece	159,000	Conscript	No	Military regulation applies.
Hungary	87,000	Both	No	No specific law/military reg. Restrictions apply to volunteers.
Israel	141,000	Conscript	Yes	Military regulation on restrictions revoked in May 1993.
Italy	361,000	Conscript	No	Codified into law in 1985.
Japan	246,000	All-volunteer	(3)	No specific law/military regulation.
Peru	105,000	Conscript	No	No specific law/military regulation on acceptance. Military code applies regarding discharge.
Poland	305,000	Conscript	(4)	No specific law/military regulation.
Portugal	62,000	Both	Yes	Military laws modified in 1989.
Republic of Korea	600,000	Conscript	Yes	Military law applies.
Romania	201,000	Conscript	No	Civilian law applies.
South Africa	72,000	Both	(4)	No specific law/military regulation.
Spain	257,000	Both	Yes	Civilian laws revised in 1985.
Sweden	53,000	Conscript	Yes	Civilian law/military policy.
The Netherlands	92,000	Both	Yes	No specific law/military regulation. Military policy revised in 1974.
Turkey	579,000	Conscript	No	Military law applies.
United Kingdom	300,000	All-volunteer	No	Military law applies.

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[1] Conscription is the requirement for a person to enroll for compulsory service in the armed forces.

TABLE 1.—POLICIES CONCERNING MILITARY SERVICE OF HOMOSEXUALS IN FOREIGN COUNTRIES—Continued

County	Size of active force	Primary source of personnel	Policy allows homosexuals to serve[1]	Applicable laws, regulations, policies, and/or restrictions
Venezuela	75,000	Both	No	Military law applies.

[1] When no specific law or regulation applies, the countries' officials informed us of the policy.
[2] The Belgium military is currently transitioning to an all-volunteer force.
[3] Japanese officials indicated the issue is handled on a case-by-case basis.
[4] Officials did not provide detailed information to enable us to make this determination.

Note.—Appendix II provides additional information concerning these military policies.

MILITARY POLICIES CLOSELY REFLECT CIVILIAN LAWS IN THE FOUR SELECTED COUNTRIES

Military policies regarding homosexuals in Canada, Israel, and Sweden closely reflect civilian laws. In these three countries, military policies are consistent with civilian laws and regulations for homosexuals. In Germany, both civilian laws and military policies do not specifically address homosexuality. However, the court system has allowed the military to place restrictions on homosexuals.

Canada's constitution and laws have been interpreted by the courts to prohibit discrimination based on sexual orientation. On the basis of a court case which applied this interpretation to the military, the Canadian Forces recently revoked its policy prohibiting homosexuals from serving. Civilian antidiscrimination laws now apply to the military.

Israel's 1992 labor law prohibits discrimination against homosexuals in the workplace. Until May 1993, an Israeli military policy restricted known homosexuals from certain assignments in the military. Israel rescinded this policy and now places no restrictions on the recruitment, assignment, or promotion of homosexual soldiers and civilians due to their sexual inclination.

A 1987 Swedish law prohibits discrimination based on sexual orientation and makes it illegal for individuals to make derogatory comments about a person's homosexuality. The country's military policy concerning homosexuals parallels civilian law and prohibits discrimination against homosexuals.

The German constitution provides for basic civil rights and equality of all people, but German law does not specifically address sexual orientation. German military policy states that military personnel may be discharged for "suitability" reasons. Although the policy does not refer specifically to homosexuals, the military has interpreted the policy as applying to them. German courts have upheld this interpretation. As a result, the policy essentially gives the military flexibility in dealing with homosexuals by allowing the military to discipline or discharge a homosexual service member based on the individual's behavior, time in service, and status (conscript or volunteer).

MILITARY POLICIES CONCERNING HOMOSEXUALS HAVE EVOLVED

In all, four countries, military policies concerning homosexuals have developed over time. These policy changes were usually preceded by changes in civilian laws, reflecting the attitudes of the society at large. As society showed increased acceptance of homosexuals, the military tended to follow.

Canada has modified its military policy over the past 7 years to remove all restrictions on homosexuals. In 1986, the Canadian Forces began to reevaluate its policy of excluding homosexuals from the military. The review was prompted by the adoption of the equal rights provision of the country's new constitution. During this review, the military instituted an interim policy in 1988 that allowed homosexuals to serve, but with restrictions. In 1992, a court ruled that the military's policy concerning homosexuals was unconstitutional, and the military revoked its policy and removed all restrictions on homosexuals.

Germany's military policy has been modified over the past 24 years, although it does not grant homosexuals total equal rights. The German armed forces began permitting homosexuals to serve in 1969, when the penal code was revised to decriminalize homosexual acts[2] for males ages 21 and over. In 1987, Germany's Federal Administrative Court ruled that homosexual orientation alone was not sufficient grounds for revoking security clearances, and the military has since changed its policy accordingly. In 1990, this same German court found that the German military is justified in not allowing homosexuals to serve in leadership or educational positions.

Israel has no constitution or bill of rights; however, a number of basic laws, together, serve that purpose. The Israeli military has allowed homosexuals to serve since the country was founded in 1948. Under a 1983 military regulation, however, homosexuals were prohibited from serving in intelligence positions requiring top security clearances. The regulation also required identified homosexuals to undergo a psychological examination to determine their ability to serve. However, we were told that in practice those policies were never formally implemented. Recently, Israeli society has become more accepting of homosexuality and has increasingly recognized homosexual rights. Homosexual acts were decriminalized in 1988, and discrimination against homosexuals in the workplace was outlawed in 1992. In May 1993, the military adopted a policy that no restrictions will be placed on the recruitment, assignment, or promotion of homosexuals due to their sexual inclination.

Sweden modified its military policies over a period of 11 years before arriving at the current policy of not discriminating against homosexuals. The military had automatically exempted homosexuals from military service until 1976. In 1979, when the National Board of Health and Welfare removed homosexuality from its Classification of Illnesses Handbook, the military stopped considering homosexuality as an illness. The military, however, continued to annotate the file records of homosexual individuals. This practice was halted in 1984 when a Parliamentary commission concluded that homosexuality must not disqualify an individual from serving in the armed forces. In 1987, Sweden passed its law prohibiting discrimination against homosexuals. The law also applies to the armed forces.

NO APPARENT INCONSISTENCY BETWEEN MILITARY POLICIES AND ACTUAL PRACTICES TOWARD HOMOSEXUALS

Discussions with numerous government officials, private groups, and individuals indicated that military practices in Canada, Germany, Israel, and Sweden were consistent with military policies concerning homosexuals. In Canada and Sweden, military officials and others said the armed forces comply with their policies. Homosexual rights groups in Canada were satisfied with the military's policies and practices. While one homosexual rights group in Sweden believed that despite the military's anti-discrimination policy, homosexual officers may be denied career opportunities, the group could provide no supporting evidence. The other major Swedish homosexual rights group we interviewed did not believe homosexuals were discriminated against in the military.

German military officials said they deal with homosexuals on a case-by-case basis, in accordance with the flexibility provided under their policies. How each case is handled, they said, hinges on such factors as whether the individual is a conscript or volunteer, the individual's rank and time in service, and whether the individual exhibits homosexual orientation or engages in homosexual behavior. Depending on the circumstances, a homosexual soldier may not be punished at all, may be restricted from certain assignments, or may be disciplined in some other way. In practice, according to German military officials homosexuals may serve as conscripts in the military if medical personnel determine during the induction screening that the individual's sexual orientation does not prevent them from functioning effectively in a military environment;

Volunteers (officers and noncommissioned officers) who declare their homosexuality during induction are not accepted, and those already in military service may be removed from assignments involving leadership, training, and educational tasks; and

Individuals who engage in homosexual activity while on duty may be subjected to a range of disciplinary actions to include discharge.

While German military officials acknowledge that some of their policies and practices constitute discrimination, they believe this is justified in order to maintain good order and discipline in the armed forces.

According to military officials, Israel's practice toward homosexuals were less restrictive than its policies at the time of our review (before the current policy was instituted on May 18, 1993). For instance, according to military officials and others (including reserve officers), the 1983 regulation prohibiting the assignment of homosexuals to intelligence positions requiring security clearances was never formally implemented. According to officials, homosexuals were found to be capable of doing their jobs without problems, and therefore it did not make sense to enforce this regulation. With the recent revision of this policy, practices and policies are more consistent.

FEW HOMOSEXUAL MILITARY PERSONNEL OPENLY IDENTIFY THEIR SEXUAL ORIENTATION

According to defense officials, military personnel, and representatives of homosexual advocacy groups, there are some openly homosexual military personnel in the armed forces of the four countries; however, homosexuals tend not to openly admit their sexual orientation. Military officials and others we talked to in all four countries said a central reason is that these countries consider a person's sexuality a private matter. Other reasons varied from country to country and included: (1) homosexuals fear discrimination or negative reactions from their peers or superiors if they reveal their sexual orientation; (2) younger soldiers who feel they may be homosexual may still be struggling with their sexual orientation; (3) homosexuals do not see any advantage to openly identifying their homosexuality; and (4) many service members serve in close proximity to their homes and can maintain their private lives.

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[2] Homosexual acts are defined differently depending on the country, but generally refer to sexual acts between same gender partners.

Even though most homosexuals in the military do not openly identify their sexual orientation, some defense officials and others we interviewed said once a homosexual member of the armed forces has established a professional reputation and gained the respect of coworkers, the person may feel more comfortable in revealing his or her sexual orientation to them. In Israel, for example, we talked to a number of reserve military personnel who said that on active duty they served openly as homosexuals, still received promotions, an were not restricted in their assignments.

FOREIGN MILITARIES REPORT NO ADVERSE EFFECT BECAUSE PRESENCE OF HOMOSEXUALS IS NOT AN ISSUE

Military officials in Canada, Germany, Israel, and Sweden said that the presence of homosexuals has not created problems in the military because homosexuality is not an issue in the military or in society at large. We were told that a key reason the presence of homosexuals is not an issue in these countries' militaries is that few homosexual military personnel openly identify their sexual orientation, as discussed earlier. For example, a 1984 report on homosexuality by Sweden's Parliament stated that "the silence surrounding homosexuals and homosexuality is virtually total." Swedish military personnel at all levels agreed that this silence is pervasive in the military.

Military officials from each country said that, on the basis of their experience, the inclusion of homosexuals in their militaries has not adversely affected unit readiness, effectiveness, cohesion, or morale. For example, Israeli officials said that homosexuals have performed as well as heterosexuals and have served successfully in all branches of the military since 1948. In Canada, where problems in these areas were predicted, military officials said none had materialized since the revocation of the policy banning homosexuals. They attributed the lack of problems to the military leadership's support of the new policy and the military's ability to keep a low profile on the issue. German military officials said that their policies prevent problems because they allow for flexibility in dealing with homosexual individuals, and their services is restricted if necessary.

We are sending copies of this report to the Chairmen of the Senate and House Committees on Armed Services, to the Secretary of Defense, and to the Secretary of State. We will also make copies available to others on request.

This report was prepared under the direction of Mark E. Gebicke, Director, Military Operations and Capabilities Issues, who may be reached on (202) 512-5140 if you or your staff have any questions. Other major contributors to this report are listed in appendix VII.

Sincerely yours,

FRANK C. CONAHAN,
Assistant Comptroller General.

APPENDIX I

OBJECTIVES, SCOPE, AND METHODOLOGY

At the request of Senator John W. Warner, we performed a review of the policies concerning homosexuals in the militaries of 25 foreign countries, and a more in-depth review of the policies and practices in four of these countries to obtain a perspective of their experiences.

To obtain information on a broad range of foreign countries' laws, policies, and regulations governing the military service of homosexuals, we initially selected a sample of 29 countries which had active duty force levels over 50,000 in 1991. Four of the 29 countries did not wish to be included in this review or considered the issue too sensitive to address. For the remaining 25 countries, we obtained official information on their laws, policies, and regulations concerning homosexuals in the armed forces either through the U.S. embassies in the countries or from the countries' embassies in Washington, D.C. We also held discussions with some of the countries' embassy officials to clarify their laws, policies, and regulations.

In selecting the countries for a more detailed review of policies and practices, we attempted to capture a range of attitudes toward homosexuality. Other criteria we used included: (1) predominance of Western cultural values; (2) military forces exceeding 50,000; and (3) recent military combat and/or deployment experience (for example, participation in the Persian Gulf War, regional conflicts, or United Nations peacekeeping missions). On the basis of these criteria, we selected Canada, Germany, Israel, Sweden, and France. During the initial phases of our review, French government officials informed us that they did not wish to provide us information on this topic. As a result, we excluded France from the in-depth phase of this review.

We gathered detailed information on the military policies of Canada, Germany, Israel, and Sweden, including the evolution of these policies; compared the military policies to civilian laws; and determined whether the practices of the armed services are consistent with their policies. However, we did not attempt to describe the circumstances surrounding the development of these laws and policies. In addition, we discussed the experiences each country has had concerning homosexuals in the military with military personnel, veterans and homosexual advocacy group representatives, academics, and U.S. embassy personnel.

Canada, Germany, and Israel did not permit us to interview active duty unit personnel. They provided the following reasons:

Canadian officials cited the recent change in policy and their intent to keep a low profile on the issue. They believed that the military leadership would have more flexibility in implementing this policy if the issue remained low-key.

Germany's chief of protocol said that "an official visit to units would serve no purpose."

Israeli officials said our presence could be a disruption and preferred to maintain a low profile on this issue. Israeli officials felt that homosexuals were not an issue in the military and wanted it to remain that way.

To obtain a list of credible government and military officials, homosexual and veterans advocacy groups, and academic sources to interview in each foreign country, we contacted:

The countries' Auditors General;

U.S. government agencies, professional societies, and individual experts in a variety of fields, including the Congressional Research Service; the Army Research Institute; Walter Reed Army Hospital; the American Psychiatric Association; the American Sociological Society; the American Psychological Association; the American Ethnological Association; the American Anthropological Association; Lawrence Korb, a military analyst at the Brookings Institute; Charles Moskos, a military sociologist at Northwestern University; and Lieutenant General (Ret.) Bernard Trainor, Director of the National Security Program at Harvard University;

Public opinion polling experts, including World Association for Public Opinion Research, the Gallup Organization, and Roper Institute;

U.S. veterans associations, including the American Legion, Veterans of Foreign Wars, Association of the United States Army, Noncommissioned Officers Association, Retired Officers Association, the Military Coalition, and the Air Force Association; and

U.S. homosexual advocacy groups, including the Human Rights Campaign Fund, Campaign for Military Service, Military Freedom Initiative, International Gay and Lesbian Human Rights Commission, International Lesbian and Gay Association, National Gay and Lesbian Task Force, the Gay and Lesbian Foreign Service Association, the Federal Gay, Lesbian, and Bisexual Employees.

After we obtained a list of contacts for each country, we supplied the list to the respective U.S. embassy to verify the contacts' credibility within the country.

Specifically, we interviewed the following sources in each country:

Canada

In Canada, we interviewed officials from the U.S. embassy; the Department of National Defense's Personnel Policy Division; the Department of Justice's Human Rights Law Section; Canadian Human Rights Commission; the only open homosexual member of Parliament; a member of Parliament who belongs to the Progressive Conservative Party and is opposed to the new policy; the Canadian Auditor General; Statistics Canada, which tabulates government data; the Conference of Defense Associations, a veterans umbrella group, consisting of 22 organizations; Pink Triangle Services, a local homosexual advocacy group; and Equality for Gays and Lesbians Everywhere, the only national homosexual advocacy group. We also interviewed a cultural anthropologist from Criterion Research Corporation; Michelle Douglas, a former military officer whose court case forced the military to change its policy;' a political scientist from the University of Toronto who specializes in homosexual rights; a political scientist from the University of Toronto who specializes in polling data; a representative from Gallup Canada, Inc.; and a military sociologist under contract to the U.S. Army Research Institute to analyze the impact of Canada's new policy on homosexuals.

In Washington, D.C., we interviewed the former Canadian Chief of the Defence Staff, the key military official responsible for implementing the court's decision to allow homosexuals to serve in the military.

Germany

In Germany, we interviewed representatives from the U.S. embassy; the Ministry of Defense's personnel, health, and legal divisions; the Department of the Navy; the Bundestag (the German Parliament); the Ministry of Justice; the Deutscher Bundeswehr

Verband e.V., an association representing the views of active duty and retired members of the armed forces; the Catholic and Protestant churches; and the Schwulenverband in Deutschland and the Bundeverband Homosexualität, two homosexual advocacy groups in Germany. We also interviewed a professor conducting research for the U.S. Army Research Institute on Germany's military policy regarding homosexuals and a University of Frankfurt sexologist who is an expert on German sexuality and sociological trends.

Israel

In Israel, we interviewed officials from the U.S. embassy and the Israeli Defense Forces, including the Chief of Security, who was responsible for drafting the military's new regulation on homosexuals, and the head of the Mental Health Department; a member of the Israeli Knesset (equivalent tothe U.S. Congress) who has held public hearings on homosexuality in Israel; officials from the Society for the Protection of Personal Rights, the leading homosexual rights group in Israel; an attorney of the Association for Civil Rights in Israel, the country's primary civil rights group; the Director of the Israeli Institute for Military Studies, who was a former Chief Psychologist of the Israeli Defense Forces and is a specialist on cohesion and battlefield stress; the President of the Israel Psychological Association, the only body of professional psychologists in Israel; a pollster frequently used by the U.S. embassy; and a sociologist at the Jerusalem-based Israel Institute of Applied Social Research. Several Israelis we spoke with were either retired military officers or still in the reserves. In addition, we confidentially interviewed 11 homosexual and heterosexual reserve corps and retired Israeli Defense Forces military personnel to obtain first-hand information on their experience.

We attempted to identify organizations that oppose homosexuals in the Israeli military, but were told by several sources, including U.S. embassy officials, that there were none.

Sweden

In Sweden, we interviewed officials from the U.S. embassy and the Swedish Defense Personnel Division of the Joint Defense Staff and the National Services Administration Enrollment Office and Medical Board; senior military officers, 15 active duty unit-level officers and 27 conscripts at Air Force, Army, and Navy facilities; a member of Parliament from the Liberal Party who chairs the Parliamentary Commission on Registered Partnerships and is the former Director of the National Board of Health and Welfare; a member of Parliament from the Moderate Party who is the Vice-Chair of the Human Resource Council of the Swedish Defense; a member of Parliament from the Christian Democrat Party who opposes passage of legislation permitting registered partnerships; and an official from the Office of the Ombudsman Against Ethnic Discrimination. We also interviewed the President and other representatives of the Swedish Federation for Gay and Lesbian Rights, the most prominent advocacy group for gays, lesbians, and bisexuals; the President of Gay Moderaterna, and independent gay conservative organization that works both domestically and internationally to achieve equal rights for homosexuals; a social researcher with the Institute for Social Policy and the Department of Social Work of the University of Gothenburg; the Director of the Swedish Institute for Sexual Research; the Chairman and the Project Officer of the Central Council of Conscripts, whose members are elected by their peers to represent the conscripts before the Swedish Defense Force; and the President of Noah's Ark-Red Cross Foundation, founded to work with the prevention of HIV disease and to support those who are HIV-infected.

Officials from the homosexual advocacy groups and the U.S. embassy were unable to identify any organizations that were opposed to the admission of homosexuals into the military. In addition, the homosexual advocacy groups were unable to locate retired or active duty homosexual military personnel who were willing to meet with us.

We conducted our review from March to May 1993 in accordance with generally accepted government auditing standards. We discussed the results of our review with U.S. officials at the Departments of State and Defense.

APPENDIX II

FOREIGN COUNTRIES' POLICIES ON HOMOSEXUALS IN THE MILITARY

Australia

Although the Australian Defence Force did not have an official ban on admittance of homosexuals into the military (upon entry, recruits were not questioned about their sexual orientation), a 1986 military policy provided guidance to commanding officers in handling cases where a member of the armed forces was identified as homosexual. Under this policy, when a soldier declared his or her homosexuality or was found to be homosexual, the soldier was discreetly asked to resign and usually complied. Otherwise, the service would initiate actions to terminate the individual's military career.

In November 1992, the Australian government ended this policy of prohibiting homosexuals from serving in the military. The new military policy on unacceptable sexual behavior applies to all service members regardless of sexual orientation. The policy states that the passage of human rights legislation, in particular the Sex Discrimination Act and the Human Rights and Equal Opportunity Commission Act, necessitated the development of a policy on unacceptable sexual behavior.

An embassy official told us that Australia does not have laws prohibiting sodomy that would have conflicted with implementing the new policy. Implementation of the new policy is the responsibility of individual commanders. We were told that command briefings were held throughout the chain of command to implement the new policy. Implementation is monitored routinely through the chain of command.

An Australian official stated that although it is too early to assess the results of the revised policy, no reported changes have occurred in the number of persons declaring his or her sexual preference or the number of recruits being inducted. Effects on unit cohesiveness have not yet been fully determined. However, early indications are that the new policy has had little or no adverse impact.

Belgium

Belgium has no laws or regulations regarding the service of homosexuals into the military. Embassy officials stated that in practice homosexuality does not constitute grounds for exclusion or dismissal from the Belgian armed forces unless there is evidence of a psychopathic disorder such as sexual perversion. During recruitment, the military does not ask an individual's sexual orientation. If homosexuality is discovered after enlistment, however, commanders may restrict the individual's duty assignments. For instance, limitations may be placed on the person's access to classified information, or the person may be excluded from certain tasks or units. In addition, we were told improper sexual conduct among members of the armed forces is not tolerated.

Brazil

Although Brazilian law does not contain any specific reference to homosexuality, Brazilian embassy officials informed us that homosexuals who exhibit behavior which degrades the appropriate military decorum and military honor are barred from military service. Moreover, the Statute of the Military governs a pattern of behavior to be adhered to by all personnel while they are on and off duty. An individual found guilty of engaging in libidinous acts, including homosexual acts, while on duty or on base is considered to be in violation of the penal code and subject to punishment, including possible discharge.

Canada

Detailed information on Canadian policies and practices regarding homosexuals serving in the military is presented in appendix III.

Chile

The Chilean constitution does not specifically refer to sexual conduct or activities contrary to moral principles. Moreover, article 365 of the civilian penal code declares sodomy a crime against family order and public morality punishable by imprisonment. Because sodomy is a crime under the civilian penal code, neither the code of military justice nor the internal regulations of the various armed services deal with this subject. Nonetheless, there exists a longstanding military policy that persons found to have "some kind of abnormal conduct or deviance, such as homosexuality, alcoholism, drug addiction. . .," are rejected for military service.

Colombia

Known homosexuals are excluded from serving in the Colombian military. Article 184 of Colombia's Code of Disciplinary Action for the Military Forces describes offenses against military honor, which is understood to be a combination of moral and professional qualities. Among the offenses identified in the disciplinary code is "to associate oneself with or maintain obvious relations with persons that have a previous criminal record or are considered criminals of whatever category or are antisocial like drug addicts, homosexuals, prostitutes, or pimps." Engaging in homosexual acts is considered to be an offense against military honor.

France

The French government informed us that there are no specific laws, regulations, or written policies which deal specifically with homosexuals serving in the French military. Officials did not provide additional information on homosexuals serving in their military. However, in 1992, we reported that although homosexuals serve in the French armed forces, certain restrictions may apply to an individual's duty assignments.[1]

Germany

Detailed information on German policies and practices regarding homosexuals serving in the military is presented in appendix IV.

Greece

According to military regulation, known homosexuals are barred from serving in the

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[1] *Defense Force Management: DOD's Policy on Homosexuality* (GAO/NSIAD-92-98, June 12, 1992).

Greek armed forces. Upon initial screening, potential recruits are asked a series of questions to determine their suitability for service in the military. If an individual is found to have "psychosexual disorders," the term used for homosexuality, the recruit is considered unfit for service. After 2 years, the individual must return to the induction center for another evaluation. At that time, following a final screening, if an individual is still considered to be homosexual, the individual's military obligation is complete. Military personnel, including both officers and enlisted personnel, found to be engaging in homosexual acts while on active duty are discharged from the service on grounds of a "psychological disorder."

Hungary

Although Hungary has no specific laws on the acceptance of homosexuals into the armed forces, the Hungarian Ministry of Defense provided information that stated military personnel discovered to be homosexual may be discharged from the Hungarian Defense Forces. A conscript who claims to be a homosexual during the induction screening process is referred for a psychiatric evaluation. If the medical personnel declare an individual to be homosexual, that person is not considered qualified and receives an exemption.

If conscripts, who serve only 1 year, do not acknowledge their homosexuality during the induction screening process but are later discovered to be a homosexual, no effort is made to remove them from the military unless some other law is violated. In contrast, officers who are discovered to be homosexual are subject to dismissal. At least one officer was dismissed under this policy.

Israel

Detailed information on Israeli policies and practices regarding homosexuals serving in the military is presented in appendix V.

Italy

Current law prohibits homosexuals from serving in the Italian armed services. Individuals who declare their homosexuality during the draft enrollment process, or whose pre-induction psychological interview indicates homosexuality, whether acknowledged by the conscript or not, are barred from entering military service. If a soldier's homosexuality is discovered after enrollment, the soldier is administratively declared unfit for service and discharged.

Japan

No written regulations or policies exist regarding service of homosexuals in the Japanese Defense Force. However, Japanese embassy officials said the lack of any written regulations or policies does not necessarily constitute acceptance of homosexuality in the military. On the contrary, within the overall Japanese society, homosexuality is a subject which is not openly discussed. Known homosexuals might not be selected to enter the military, according to Japanese government officials, and persons found engaging in homosexual activities while in the military could be reassigned.

Peru

Although Peru's military code does not specifically prohibit homosexuals from joining the armed services, military recruiters routinely reject those they suspect of being homosexual. In addition, under article 269 of the Military Code of Justice, officers found to have committed homosexual acts are to be discharged, while enlisted personnel are subject to discharge and a prison term. If the officer's offense includes violence, threats, or abuse of authority, or involves any other type of coercion, then the officer is also subject to a prison term.

Poland

Poland does not have any special laws, regulations, or policies regarding homosexuals in the armed services.

Portugal

Following the revision of military service laws in 1989, there no longer exists any regulation that prohibits homosexuals from serving in the Portuguese armed services. As a result, homosexuals are theoretically permitted to serve without any career restrictions or discrimination.However, homosexuals who show signs of mental illness during the induction screening process may be excluded, according to Portuguese military officials.

Republic of Korea

Although Korea does not have specific laws on homosexuality, there are military and civilian laws governing sodomy and other sexual activities. Article 92 of the Korean Military Criminal Law prohibits certain sexual activity between soldiers, regardless of consent and regardless of whether the sexual activity is between two men, two women, or a man and a woman. If found in violation, persons are expelled from military service and are subject to a prison term. In contrast, civilian laws (articles 298, 299, and 245) which govern indecent sexual acts by force, sexual exploitation, and sexual acts in public apply only if no consensual agreement exists between the two people involved.

Recruits are not asked about their sexual orientation upon entry into service. An embassy official said it is a constitutional obligation for all healthy, able-bodied men to serve their country for a period of 2-½ years. Conscripts who declare their homosexuality are still required to serve. However, a commanding officer who knows of a conscript's sexual orientation may limit the soldier's duty assignments.

Romania

Under Romania's civil penal code, the practice of homosexuality is illegal. Homosexual acts in the military are punishable with a 1-to 5-year prison term. Further, if a member of the armed services declares that he is a practicing homosexual or is accused of engaging in homosexual acts, a trial is held to determine whether the civilian penal code has been violated. U.S. Department of State officials stated that because of the legal hurdles and complications, homosexuality is considered a non-issue in Romania's military.

South Africa

According to the South African Defense Force, there are no written laws, regulations, or policies regarding the service of homosexuals in the military.

Spain

Prior to the 1985 revision of civilian law to decriminalize homosexual activities, persons who committed improper sexual behavior would have been subject to a maximum penalty of a 6-year prison term. The Spanish government no longer considers being homosexual a crime, but certain sexual behaviors are still subject to prosecution, according to current civilian laws. Sexual behavior which is subject to prosecution includes indecent exposure, engaging in sexual activities with minors or with mentally incapacitated persons, or any type of non-consensual sexual activities. Civilian laws apply to the behavior of both homosexuals and heterosexuals.

Sweden

Detailed information on Swedish policies and practices regarding homosexuals serving in the military is presented in appendix VI.

The Netherlands

Article 1 of the Constitution of the Netherlands prohibits discrimination on the basis of religion, convictions about life, political affiliation, race, sex or on any other grounds. According to embassy officials, this includes sexual orientation. Other Dutch legislation elaborates on this principle, as a result, government policy, including military policy, explicitly prohibits unequal treatment based on the knowledge of an individual's sexual orientation. Individuals are to be judged on the basis of performance and conduct. Only when improper sexual behavior, heterosexual or homosexual, interferes with the proper performance of duties and discipline is action to be taken on the basis of Dutch military criminal disciplinary law.

Upon entering military service, an individual is not asked questions relating to sexual orientation. If the individual discloses a homosexual orientation, this information is not recorded in the individual's files. Dutch officials told us that they do not consider it relevant to a soldier's ability to carry out his or her duties. For this reason, the number of homosexuals in the Dutch armed forces is not recorded. However, a September 1992 study by the Netherlands Institute for Social and Sexological Research showed that 0.9 percent of male military personnel and 3.5 percent of female military personal regard themselves as homosexual.

A goal of the Dutch Ministry of Defence's policy is to actively create conditions within the armed forces that every employee is able to function optimally. With regard to homosexuals, this involves enhancing their acceptance and integration in the armed forces. In 1991, the Ministry of Defence (1) initiated a policy that made awareness of homosexuality a subject of initial training and education programs for new recruits, (2) expanded the expertise of social workers in dealing withhomosexuality-related problems, and (3) expanded general information program within the armed forces on the subject of the nondiscriminatory policy of the Ministry of Defense. Furthermore, the Advisory and Coordination Committee on Homosexuals in the Armed Forces advises the Minister of Defense on subjects pertaining to homosexuality. Participation on this committee are representatives of the armed forces and the Directorate-General of Personnel.

Despite these efforts, the Ministry of Defence acknowledges that the goal of full integration has not been reached. While explicit discrimination has become rare, heterosexuals still tend to keep homosexual colleagues at a distance, thereby excluding them from the atmosphere of comradeship that is of importance for cohesion within military units. Homosexuals continue to keep their sexual orientation private to avoid adverse reactions from colleagues.

Dutch military officials have emphasized that acceptance of homosexuals within the military, while not complete, has reached a point that their presence rarely becomes an issue. Naval commanders have noted that homosexuals and heterosexuals on board ship are subject to the same standard of conduct, namely, that sexual contact of any kind is not permitted. Where this standard is not upheld, disciplinary action, usually transfer of one or both individuals, is taken.

Turkey

The Turkish armed forces prohibits known homosexuals from serving. Homosexuality is regarded as immoral behavior, and military personnel discovered to be homosexuals are discharged from duty on charges of indecency, according to an article of the military penal code. The individual does not face further prosecution once this has occurred.

Traditional moral values governing Turkish social life do not tolerate homosexuality. The armed services view homosexuality as indecent behavior that degrades the honor, dignity, and credibility of the military.

United Kingdom

Under section 1 of the Sexual Offenses Act of 1967, an act of buggery or gross indecency between two, but no more, consenting males over age * * * in private ceased to be a criminal offense in the civil sector. However, an act remains an offense under the service discipline acts—the Naval Discipline Act 1957, the Army Act 1955, and the Air Force Act 1955. Homosexuals committing such offenses are therefore excluded from service in the United Kingdom's armed forces. (Lesbians are similarly excluded, although lesbianism is not, and never has been, a criminal offense in the United Kingdom.)

The service discipline acts are reviewed every 5 years. During the last review in 1991, the House of Commons Select Committee on the Armed Forces Bill recommended, and the Ministry of Defence accepted, that homosexual acts which are legal in civilian law should not constitute an offense under military law. Therefore, a member of the armed forces found to engage in a legal homosexual act will not be prosecuted under military law, but will be administratively discharged. However, a service member could still be prosecuted under military law if it is found that the act disgraced or discredited military decorum.

Upon entry into the British armed forces, the individual is provided a pamphlet entitled "The Armed Forces, Your Rights and Responsibilities." The pamphlet clearly states that homosexuality and homosexual behavior are not compatible with service life. Further, it states that if a person engages in homosexual acts, he or she may not be prosecuted under service law, depending upon the circumstances, but the person will be dismissed.

From approximately 1986 to 1991, 9 servicemen were dismissed from the Navy, 22 from the Army, and 8 from the Royal Air Force following conviction for an offense involving homosexual activity. Another 296 servicemen were discharged as a result of administrative action—no formal disciplinary charges were brought against them.

Venezuela

Regarding service of homosexuals in the military, Venezuelan officials responded, "The Military Legislation of the Venezuelan Armed Forces is clear and it does not admit homosexuals in the military."

APPENDIX III

CANADA

Canada has only recently revoked its policy prohibiting homosexuals from serving in the military. While it is too early to predict the long-term consequences of lifting the ban, the military did not experience any problems in the first 6 months since the new policy took effect in October 1992, according to Canadian officials and others we interviewed. Department of National Defence (DND) officials believe the Canadian Forces has made a smooth transition in implementing the new policy because of the military leadership's active support and enforcement of the policy and because of steps taken to keep it a low-profile issue. In addition, the Canadian people had already acknowledged the rights of homosexuals in civilian law and perceived the change as bringing military policy in line with civilian laws. Figure III.1 summarizes the development of civilian and military policies concerning homosexuals.

[Figure III not reproducible in RECORD.]

Background

According to the 1991 census, Canada has a population of approximately 27 million. The largest ethnic groups are people with British or French backgrounds or some combination of the two. However, almost one-third of the population has other ethnic backgrounds. The majority of Canadians are either Roman Catholic or Protestant. While most Canadians report a religious affiliation, a much smaller proportion regularly attends church.

The Canadian Forces, an all-volunteer military force, consists of approximately 77,800 active forces and 33,700 reserves. Men constitute 86 percent of the force and women 14 percent. Women are permitted to serve in combat and noncombat positions. Military personnel can be assigned to one of the many military bases throughout the country and therefore do not necessarily serve close to their homes.

According to a Department of National Defence document, Canadian Forces are committed to 16 peacekeeping operations and 4 related operations. These operations involve the deployment of Canadian Forces personnel to a wide variety of countries, such as Cambodia, Cyprus, El Salvador, India, Jordan, Korea, Lebanon, Somali, and the former Yugoslavia.

Canadian law prohibits discrimination on the basis of sexual orientation

Canadians believe that equality is one of their basic values, and this belief is reflected in their constitution and legislation. Canada's laws provide protection of equality rights and prohibit discrimination on the basis of sexual orientation. Homosexual rights have developed over time, marked by the following key events:

In August 1969, the Canadian government revised the criminal code to decriminalize sodomy.

In August 1977, Parliament passed the Canadian Human Rights Act, which states that "race, national or ethnic origin, colour, religion, age, sex, marital status, family status, disability and conviction for which a pardon has been granted are prohibited grounds of discrimination." The act does not specifically address sexual orientation.

In December 1977, Quebec's provincial legislature added sexual orientation to its list of illegal grounds for discrimination in its Charter of Human Rights. Quebec thus became the first Canadian jurisdiction—federal, provincial, or municipal—to explicitly prohibit discrimination based on sexual orientation.

In April 1982, Canada adopted the Charter of Rights and Freedoms as part of the country's constitution. Section 15, the equality rights provision of the Charter, went into effect in 1985.[1] The provision states: "Every individual is equal before and under the law and has the right to the equal protection and benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability." Like the Canadian Human Rights Act, section 15 does not specifically address sexual orientation.

In February 1989, the Supreme Court of Canada ruled that section 15 was to be interpreted broadly, and that analogous grounds or other characteristics that form the basis for discriminating against a group or individual will be entitled to protection under the provision. In the few cases that have dealt with the issue, most courts have ruled that sexual orientation is an illegal basis for discrimination.

In May 1990, the Federal Court of Appeal acknowledged in a court case that "it is the position of the Attorney General of Canada that sexual orientation is a ground covered by section 15 of the Charter [of Rights and Freedoms]."

In August 1992, the Court of Appeal for Ontario determined that the Canadian Human Rights Act should be interpreted to include sexual orientation as an illegal basis of discrimination. As of May 1993, the Department of Justice was sponsoring a bill that would amend the act to include sexual orientation as an illegal basis of discrimination.

Although sexual orientation is an illegal basis for discrimination, Canada does not officially recognize homosexual marriages and adoptions, and does not recognize partner benefits for homosexual couples. However, as a result of the Ontario Court of Appeal decision, Department of Justice officials said that new court cases have been brought forward which challenge the government's stance on partner benefits.

Homosexuals recently allowed to serve in the military

Until recently, the Canadian Forces prohibited homosexuals from serving in the military. Its former policy stated: "Service policy does not allow homosexual members or members with a sexual abnormality to be retained in the Canadian Forces." The policy also required military personnel to report to their superiors other soldiers whom they suspected or discovered were homosexual. DND began to reevaluate its policy in 1986, and the policy was amended in 1988. In 1992, the Federal Court of Canadadeclared that the Canadian Forces' policies restricting the service of homosexuals were contrary to the Charter of Rights and Freedoms. As a result, the Canadian Forces revoked its policies and removed all restrictions on homosexuals. Civilian anti-discrimination laws now apply to the military. DND officials said they are also revising related policies, including those concerning inappropriate sexual conduct, personal relationships, and harassment. According to these officials, the standards of conduct for homosexual members will be identical to those for heterosexual members.

According to DND officials, the Canadian Forces does not recognize homosexual marriages or extend partner benefits to homosexual couples. DND officials plan to make no changes to this policy until the civilian government resolves these issues.

Series of events led to the lifting of the ban on homosexuals

Soon after section 15 of the Charter of Rights and Freedoms went into effect, a DND official said that a number of service members filed discrimination lawsuits against the Canadian Forces. In 1986, DND began to reexamine its exclusionary policy on homosexuals, initiating a series of steps that led to the revocation of the policy.

In February 1986, the Canadian Forces removed the requirement that military personnel report a suspected or known homosexual member of the Canadian Forces to their commanding officer. In January 1988, as DND continued to review its ban on homosexuals, it created an interim policy. The interim policy stated that: "Administrative action might be taken to release a member of the Canadian Forces who acknowledges that he or she is a homosexual and the member concerned does not object to be released. If the member did not agree to be released he or she would be retained with career restrictions which, . . . would have meant [he or] she was ineligible for promotion, for conversion of [his or] her existing terms of service, for posting outside the geographic area, for transfer to the reserve force or for any further qualification courses or training except that required to carry out restricted employment."

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[1] Parliament authorized the 3-year delay to allow governments time to bring their laws in line with the Charter.

In their policy review, DND officials confronted a number of concerns that had been raised about homosexuals serving in the military. These concerns fell into the following areas: security, health, unit cohesion and morale, privacy, recruitment, and discipline. The officials said that they were unable to justify continuing the ban on the basis of any of these concerns. For example:

Concerns had been raised that homosexuals presented a security risk because they could be blackmailed on the basis of their sexual orientation. DND determined that homosexuals are not considered to be a greater security risk than heterosexuals. A DND official said that security classifications are now made on a case-by-case basis and that no assumptions are made about an individual's security risk based on sexual orientation.

Another argument for the ban was that the presence of homosexuals would disrupt unit cohesion and morale. DND officials said that they could not find compelling statistical evidence or research data to support this view, which they felt was needed because the courts do not defer to military expertise or opinion.

On the basis of the policy review, the military's senior leadership concluded that the policy excluding homosexuals should change. In 1991, DND attempted to administratively revoke the policy, but a group from the Progressive Conservative Party of Parliament blocked the proposal.

On October 27, 1992, a Canadian court ruled in favor of a former military officer, a homosexual, who had claimed in a lawsuit that the Canadian Forces discriminated in discharging her on the basis of her sexual orientation. The court stated that the "[Canadian Forces'] policy and any interim policies that have evolved regarding service of homosexuals in the Canadian Armed Forces are contrary to the Charter [of Rights and Freedoms]." That same day, the Canadian Forces' Chief of the Defence Staff issued a statement supporting the court's decision.

Officials said practices comply with new policy

In accordance with the new policy, the Canadian Forces does not take any action when a soldier declares his or her sexual orientation, DND officials said. They also said no restrictions, such as limitations in assignments and promotion opportunities, are placed on the individual.

No near-term problems reported

We discussed the new policy with the only open homosexual member of Parliament; a member of the Progressive Conservative Party who disagrees with the new policy; two homosexual advocacy groups, one of which is the only national organization for homosexuals; a veteran's umbrella group consisting of 22 individual veterans organizations; the Canadian Human Rights Commission; the Department of Justice; as well as DND. All but the Progressive Conservative Party member favor the new policy, and all said they had received no reports of problems associated with it. Mass resignations, lower recruitment, morale and cohesivenessproblems, gay bashing incidents, and more open displays of homosexual behavior—the major problems that had been predicted—have not materialized, DND officials said. In addition, DND and the Canadian Human Rights Commission stated that no active duty members have brought the Canadian Forces to court for discrimination based on sexual orientation since the policy changed.

DND officials told us that they considered implementing the new policy in three phases. First, DND is obtaining compliance with the new policy, and second, DND is promoting acceptance of the policy. DND has not yet attempted the third phase, which is to change the attitudes of military personnel toward homosexuals. Homosexual advocacy groups stated that training was needed to change attitudes.

DND officials and representatives of homosexual advocacy groups said the greatest advantage to the new policy is that homosexuals no longer have to fear being discovered and forced out of the military. They also believe, however, that many homosexuals will not openly express their sexual orientation because they will see no advantage gained in doing so. A representative of a homosexual advocacy group said that because the military is a conservative organization, it attracts conservative homosexuals who would be less likely to be open about their sexual orientation. DND officials said that the new policy has not caused homosexual military personnel to "come out of the closet" in mass numbers.

Significant factors in the Canadian experience

DND officials said the military leadership's public support for the new policy and its unified front were significant factors in making a smooth transition to the new policy. DND also has been able to keep a low profile on the issue. The press corps, for example, has been required to submit all questions relating to the policy to DND's public affairs office.

The cultural and legal aspects of the issue also played a pivotal role in Canada. Canadians believe that equality is one of their basic values, and it is reflected in their laws. Legislation and court rulings concerning discrimination on the basis of sexual orientation provided a legal impetus for lifting the ban.

APPENDIX IV

GERMANY

Germany's policy has permitted homosexuals to serve in the military as conscripts since 1969; however, homosexual volunteers are subject to restrictions during their military careers. While these policies are opposed by homosexual rights groups as discriminatory, they have been upheld by German courts. Military officials acknowledged that homosexual soldiers are discriminated against, but said the policies are effective because they allow for flexibility and deal with homosexual individuals on a case-by-case basis. The officials also said there have been few problems involving homosexual soldiers and characterized the issue of homosexuals in the military as a "non-issue." Figure IV.1 summarizes the development of civilian and military policies concerning homosexuals.

[Figure IV.1 not reproducible in RECORD.]

Background

Germany has a population of approximately 80 million, with ethnic Germans constituting 93 percent. Most Germans are either Catholic or Protestant, and the Churches play an important role in German society.

The German armed forces have about 476,300 service members on active duty and 1 million in the reserves. Women are allowed to serve only in the medical and music corps. Fifty-seven percent of the forces are volunteer, and the remaining 43 percent are conscripts. Conscripts are called up at age 19 and are required to serve 12 months. An individual's military service obligation may be deferred for educational reasons. In addition, conscientious objectors may fulfill their obligation in alternative civilian service. Military officials said they try to accommodate conscripts by housing them in areas close to their homes.

The German military is a home-based defense force with no recent combat experience. Military deployment overseas is limited because operations outside of North Atlantic Treaty Organization countries are restricted by the constitution; however, certain noncombat activities are allowed. As of March 1993, Germany has supported five noncombat missions outside Germany, including a recent peacekeeping mission to Bosnia.

Civilian law provides no specific rights or protection to homosexuals

The German constitution provides for basic rights and equality of all people, and Germany has relaxed its restrictions on homosexuals over the last 24 years. However, homosexuals have no expressed rights or protection under German law. In 1969, the civilian penal code was amended to no longer consider homosexual relations among males over age 20 as criminal behavior. In 1973, the law was modified to reduce the age of consent to 18. The law is expected to be changed in 1993 to eliminate specific references to homosexuality.

The changes in the penal code appear to reflect a slow change in German attitudes toward homosexuals. Studies have shown that Germans have become gradually more accepting of homosexuality, although a portion of the population still does not accept homosexuals. Older and more religious Germans living in rural areas tend to be less tolerant of homosexuals than younger, less religious Germans living in urban areas, according to these studies.

Military policies toward homosexuals are restrictive

Germany began to permit homosexuals to serve in the military after homosexual behavior was decriminalized in 1969. Military policy, however, makes a distinction between service as a volunteer and service as a conscript. If a volunteer is discovered to be homosexual during the induction process, he will not be inducted into the military. Military officials said homosexuals are not accepted as volunteers because it is assumed volunteers will eventually rise to leadership positions. According to these officials, homosexuals in leadership positions would undermine military order and discipline.

Similarly, if volunteers are identified as homosexual during their military service, they are usually removed from assignments involving leadership, training, and educational tasks, according to military officials. If a volunteer has served for only a short period of time (within the first 4 years of service), he may be discharged from service. Additional disciplinary actions may include demotion, ban from promotions, and a reduction in salary. These measures are taken, an official said, to prevent negative acts against the homosexual soldier, such as rejection, provocation, or ridicule, and to prevent breakdowns in discipline.

Homosexuals may serve as conscripts as long as their sexual orientation does not prevent them from living and working in the military environment. During the medical induction examination, examining physicians do not routinely ask conscripts about their sexual orientation, but they may do so if they suspect the conscript is homosexual on the basis of his dress, mannerisms, or statements he makes about his social and sexual activity. Once a conscript is identified as homosexual, he may be required to undergo a separate psychological evaluation. The physicians make this decision on a case-by-case basis, and the decision usually turns on the frequency of homosexual conduct.

If the psychological evaluation indicates that the homosexual would have problems integrating himself into a military environment, the individual will be released from his military obligation. The results of the exam and the reasons for dismissal are kept confidential.

German military policies tend to treat homosexual behavior more harshly than homosexual orientation. Under the military code of conduct, soldiers may be discharged for engaging in homosexual activity, such as acts conducted while on duty and acts involving superiors and theirsubordinates.[1] The code of conduct states that a discharge for such acts is justified when they indicate the individual lacks suitability for service in the military or his presence would imperil military order or harm the reputation of the armed services.

A senior military official said that until 1987, the armed forces had a policy of withdrawing security clearances from individuals found to have a homosexual orientation because these individuals were believed to be vulnerable to compromise by foreign intelligence agents. However, Germany's Federal Administrative court ruled in 1987 that a homosexual orientation alone was not a sufficient reason to remove an individual's security clearance. The armed forces changed its policy to reflect this decision. In November 1990, the Federal Administrative Court found that the German military is justified in not allowing homosexuals to serve in leadership or educational positions.

Officials said practices are flexible

Military officials said their practices concerning homosexuals generally are consistent with existing policies and that actions taken against homosexual soldiers vary depending on the individual involved and the circumstances surrounding each case. Military officials also said that disciplinary actions are also influenced by the rank of the soldier and his time in service. Since German military policies allow flexibility with regard to homosexuals, their cases tend to be dealt with on a case-by-case basis, according to officials.

German homosexual advocacy groups believe the military's policies and practices are discriminatory because they sanction disciplinary actions against a homosexual soldier regardless of the soldier's qualifications or skills. As a result of these policies, homosexual rights advocates state that the percentage of homosexuals in the military is lower than that in the general population. The military does not maintain its own statistics. In addition, these homosexual rights advocates said that professional soldiers are reluctant to acknowledge their homosexuality because doing so would effectively end their career.

Germany's Federal Administrative Court has upheld the military's policies regarding homosexuals. Nevertheless, if the current policy is not changed by the military or the German parliament in 1993, homosexual advocacy groups plan to present their case before the German Supreme Court.

Officials reported few problems involving homosexuals

Military officials, characterizing the issue of homosexuals in the armed forces as a "non-issue," said there have been few incidents involving homosexuals. Official documents indicate that 63 disciplinary court proceedings charging soldiers with homosexual behavior were convened between 1981 and 1992.

Significant factors in the German experience

German military officials acknowledge that homosexual soldiers are discriminated against, but believe that their policies and practices toward homosexuals have been effective for several reasons.

First, the policies allow for flexibility, and incidents involving homosexuals are dealt with on a case-by-case basis. A variety of disciplinary actions may be taken, ranging from no response to immediate removal from service.

Second, the German military focuses on behavior, not orientation. Individuals who are disruptive are separated from the military.

Finally, the regulations controlling the conduct of German soldiers are strict and clear.

APPENDIX V

ISRAEL

Homosexuals have been permitted to serve in the Israeli Defense Forces since the state was founded in 1948. There are no restrictions or limitations concerning the promotion potential of homosexuals, and no special effort is made to identify homosexuals while in the service. Government officials and others we interviewed said homosexuals have served without problems, and their presence has never been an issue. Generally, homosexual soldiers tend to keep their sexual orientation to themselves until they are well established in their units. Figure V.1 summarizes the development of civilian and military policies concerning homosexuals.

[Figure V not reproducible in RECORD.]

Background

Israel has a population of approximately 5.2 million.[1] Although 82 percent are Jewish, the society is diverse, with immigrants coming from all over the world. Israelis vary widely in their cultural, economic, and educational backgrounds, as well as their views toward religion and sexuality, but most remain bonded by their mutual religion (Judaism), their pride in the state, and the perception that the state provides the only means of ensuring their safety.

The Israeli Defense Forces has an estimated 141,000 people on active duty and 504,000 in the reserves. Service is based on universal conscription of men and women, who become eligible for service at age 18. Arabs and Bedouins are not required to serve but may volunteer. Also exempted from mandatory service are married and pregnant women and people with severe physical or psychological handicaps. Ultra-Orthodox Jews generally do not serve. Males are required to serve on active duty for 3 years, with reserve obligations of 30 to 60 days a year until they reach their mid-50s. Women must serve on active duty for 2 years, with reserve obligations until age 24. Generally, Israeli soldiers spend a minimal amount of time away from their homes.

We were told by various sources that the military is a very important part of Israeli society. Military service is often considered to be a precondition to a successful career because military service influences the networks and associations used later in life. Since nearly everyone is required to serve in the armed forces, establishing a military record is important. People with medical or psychological problems often try to hide their problems in order to serve.

The Israeli Defense Forces have been involved in perpetual regional conflicts involving the West Bank and Gaza Strip resulting from the 1987 Palestinian uprising. According to Defense officials, Israel is in a constant state of alert due to its close proximity to Arab countries.

Israeli law is supportive of homosexual rights

According to various sources, Israel in recent years has become more accepting of homosexuality, and this is reflected in recent changes in law. Israelis have traditionally held negative views towards homosexuals because Judaism condemns homosexuality. But due to Western influences, more homosexuals are revealing their sexual orientation. According to recent studies by Israeli and U.S. sociologists, Jews in Israel view homosexual rights more favorably than Americans. We were told by U.S. embassy officials that an active homosexual community now exists in Tel Aviv. Nevertheless, most homosexuals still do not reveal their sexual orientation until later in life due to fears of negative parental and societal reactions.

While Israel has no constitution or provisions similar to the U.S. Bill of Rights, the Declaration of the Establishment of the State of Israel includes language that guarantees freedom from discrimination on the basis of sex, race, or religion. Israel's laws regarding citizen rights, including homosexual rights, are still evolving and are gradually becoming more specific. In the absence of a Bill of Rights or similar legal provisions, Israel has relied on the courts to safeguard civil rights and liberties.

Israel has increasingly recognized homosexual rights. For example, Israel decriminalized sodomy in 1988. Further, in 1992, Israel amended its labor law to prohibit discrimination against homosexuals in the workplace. According to the amendment, employers cannot discriminate against employees and job seekers due to a person's "sexual inclination." The amendment covers all conditions of employment, including hiring, working conditions, promotion, training, and dismissal.

In February 1993, the Knesset's subcommittee dealing with homosexual rights hosted a conference to draw attention to homosexual equality before the law.[2] According to the subcommittee's chairperson, the subcommittee is working to obtain full equal rights for homosexuals, and is developing legislation to establish partnership rights for homosexual couples. Currently, homosexual marriages are not recognized, and homosexual partners do not have spousal rights.

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[1] Heterosexual military personnel engaging in sexual acts while on duty will be subject to disciplinary proceedings.

[1] This figure includes Jews living in the occupied territories of the West Bank, East Jerusalem, the Gaza Strip, and the Golan Heights. The estimated 2.1 million Arabs and other ethnic groups living in these areas are not included in this figure because they are not considered Israeli citizens.

[2] The Knesset is the Israeli equivalent of the U.S. Congress.

Homosexuals permitted to serve in the military without limitations

Under Israeli military policy, homosexuality is not a reason for deferment or discharge. Until recently, the military policy restricted homosexuals from serving in intelligence positions; however, this policy was not followed in practice. Currently, no special effort is made to identify homosexuals, and the military places no restrictions concerning the promotion potential of homosexuals. Further, military regulations on sexual behavior state that sexual activity is not to take place in the barracks (males and females live in the same barracks); the regulations make no distinction between heterosexuals and homosexuals. Any problems related to homosexuals are to be handled through normal channels, such as the unit psychologist.

During our in-country review, Israel officially had a military policy that placed certain limitations on the assignment of homosexuals. The regulation, established in 1983, stated that the assignments of homosexuals would be limited because their sexual orientation could prove to be a security hazard. According to the regulation, under no circumstances shall a homosexual soldier serve in a position requiring a top secret security clearance in the intelligence community.

Military officials said that conscripts are not asked about their sexual orientation during induction. However, those who identified themselves as homosexual were required under the 1983 regulation to undergo additional psychological testing. The tests were intended to determine whether (1) the individual's inclination could prove to be a security hazard or (2) the individual had the mental fortitude and maturity to withstand the pressure of serving in the defense forces.

On May 18, 1993, Israel adopted a new military policy concerning homosexuals. This policy states that no restrictions shall be placed on the recruitment, assignment, or promotion of homosexual soldiers and civilians due to their sexual inclination. This policy was implemented after we had conducted our in-country review.

Practices agree with new policy

Even though Israel's military policy toward homosexuals is new, our review shows that its practices are more consistent with the new policy than with the 1983 regulation. According to active and reserve military officials, the 1983 regulation prohibiting the assignment of homosexuals to intelligence positions requiring top secret clearance was never formally implemented. According to these officials, homosexuals were found to be capable of doing their jobs without problems, and therefore it did not make sense to enforce this regulation. Homosexual soldiers, we were told, have served and are currently serving in intelligence positions. For example, we spoke with a number of reservists and retired military personnel who stated that while on active duty they served openly as homosexuals, still received promotions, and were not restricted in their assignments. However, a former colonel in Israeli intelligence testified at the February 1993 conference hosted by the Knesset subcommittee dealing with homosexual issues that he was summarily dismissed from his unit when his homosexual orientation became known in 1983.

According to military officials, the Knesset's conference prompted the Israeli Defense Forces to reevaluate its written policy toward homosexuals. As a result of this conference, the Israeli Defense Forces drafted and adopted its new policy.

Representatives of the leading homosexual and civil rights organizations in Israel said they are satisfied with the military's practices toward homosexuals. They told us that being homosexual has no bearing on an individual's military career and that homosexual soldiers are judged on their merits like any other soldier. Other than the case involving the former colonel stated above, neither organization was aware of any cases in which a homosexual's career had been harmed because of the individual's sexual orientation.

Israel has experienced few problems related to the presence of homosexuals in the military

Military officials believe the Israeli Defense Forces has been very effective in including homosexuals in military service, and they knew of few problems associated with their presence. This was confirmed by representatives of Israeli homosexual and civil rights groups, openly homosexual reservists, and retired soldiers who told us they were openly homosexual during their active duty and reserve service.

Any problems concerning homosexuals that have arisen, officials said, generally involve a homosexual's inability to cope in the military environment. Some military officials believe that homosexuals tend to have more adjustment problems than heterosexuals and that this was one justification for the former policy requiring additional psychological testing of homosexuals.

However, military officials responsible for security and mental health said homosexuals adjusted to military life as well as heterosexuals. These officials noted that most heterosexual soldiers can control their sexual urges when they are living in mixed-sex quarters, and the same is true of homosexual soldiers. Security officials said homosexuals can hold security clearances without posing an unnecessary security risk.

Military officials said most conscripts do not declare their sexual orientation during mandatory service. We were told that most homosexual soldiers are not certain of their sexual orientation at the time of their conscription (usually age 18). Furthermore, those who are certain they are homosexual prefer not to reveal their sexual orientation while on active duty. According to homosexual advocacy groups, homosexual soldiers who openly declare their sexual orientation generally wait until their mid-20s or later when they are established in their units and are judged on their individual merits.

The military has not studied how the inclusion of homosexuals in the military affects unit readiness, effectiveness, cohesion, or morale, but officials told us that, based on their experience, the inclusion of homosexuals has not had an adverse impact on these areas. They also said homosexual soldiers performed as well as heterosexuals.

The Israeli Defense Forces does not provide any educational or training courses dealing with homosexuals to unit personnel. Military officials see no need for training because there are few problems related to the presence of homosexuals.

Significant factors in the Israeli experience

Israeli officials cited several factors that may account for Israel's lack of problems in integrating homosexuals in the military.

First, the Israeli military has allowed homosexuals to serve for 45 years, ever since the country was created. Hence, most people do not have strong feelings about homosexuals' presence in the military. Moreover, homosexuals and homosexual rights in general are not issues which are at the forefront of public debate.

Second, military service is highly regarded in Israel, and deferments are not viewed favorably.

Third, homosexuals have served creditably in the defense forces and have not hurt their units' morale, cohesion, readiness, or capability, based on the experiences of military officials.

Fourth, universal conscription in Israel results in a military force that reflects the diversity of Jewish society. Military personnel accept this diversity, and homosexuals are viewed as just another subgroup.

Finally, in peacetime, Israeli soldiers spend a minimal amount of time away from their homes and thus are not isolated from their private lives.

APPENDIX VI

SWEDEN

Sweden's military has experienced few problems since it began formally allowing homosexuals to serve in the military in 1976. Military officials believe they have been effective in integrating homosexuals, and military officials as well as unit-level officers and conscripted personnel agree with the current policy allowing homosexuals to serve in the military. However, most homosexuals keep their sexual orientation to themselves, and there was a perception among those we interviewed that openly homosexual members of the military might face subtle discrimination, harassment, or other negative treatment from their peers. Figure VI.1 summarizes the development of civilian and military policies concerning homosexuals.

[Figure VI not reproducible in RECORD.]

Background

Sweden has a population of about 8.6 million, with the vast majority being ethnic Swedes. Approximately 95 percent of the population belong to the Church of Sweden (Lutheran); however, only a small percentage are active in the church.

The Swedish military forces have approximately 53,000 active duty personnel. In the event of war, Sweden can call up a total of 850,000 troops. Women may serve in the military, but only as officers. About 225 women are currently in the armed forces.

Sweden has universal conscription of men between the ages of 18 and 47. Most young men enroll for military service at age 18 or 19 and start their service within 3 years of enrollment. After completing active duty, the men periodically receive refresher training to maintain their military skills and serve in the reserves until age 47. Swedish conscripts serve only a short time—5 to 17 months—and are permitted frequent visits home.

Military officials and others said most young men consider military service an obligation and want to fulfill their military duty. However, it has become easier to obtain an exemption from military service, and there is less stigma attached to not completing military service than in previous generations. In addition, for the first time, Sweden's current defense budget is not sufficient to conscript all available young men. As a result, about 6,000 of the eligible conscripts will not be required to serve this year.

Currently, Swedish soldiers are serving with United Nations peacekeeping forces in Lebanon, Korea, Cyprus, Angola, Kuwait, Central America, Kashmir, Cambodia, Croatia, and the Middle East.

Swedish law prohibits discrimination against homosexuals

Sweden has historically been a strong advocate of human rights, as demonstrated by its role as a "safe haven" for individuals denied human rights in their home countries. The basic rights and freedoms of Swedish citizens are guaranteed by the Instrument of Government, Sweden's constitution. Some rights are absolute, while other can be restricted by Parliament. Homosexuality is not a specifically protected right, but discrimination against homosexuals is prohibited by a 1987 law and is a criminal offense under the Swedish penal code. Sweden has no laws that restrict sexual behavior or prohibit sexual acts between consenting adults.

While homosexual rights are protected, the issue generally is not discussed in Swedish society because sexuality is considered a private matter. In 1984, a parliamentary commission on homosexuality found that "the silence surrounding homosexuals and homosexuality is virtually total." On the basis of our discussions with numerous individuals, we found that this silence is still pervasive in Swedish society. The overwhelming sentiment is that homosexuals should have equal rights, but that their sexual preferences should be kept to themselves.

Sweden began to ease restrictions on homosexuals in 1944, when it decriminalized homosexuality under the penal code, but most changes in homosexual rights have occurred within the last 15 years. In 1978, the age of consent for homosexuals was changed to 15 to coincide with the age of consent for heterosexuals. In 1979, the National Board of Health and Welfare removed homosexuality from the Classification of Illnesses Handbook.

In 1978, Parliament established a commission to study homosexuality in Swedish society. In its 1984 report, the commission concluded, "The only certain difference between homosexuals and heterosexuals is that homosexuals are emotionally attracted to persons of the same sex. In light of this background, it is obvious that homosexuals should not be discriminated against." This report, Swedish officials said, led to passage of the 1987 anti-discrimination and cohabitation laws providing rights and protection to homosexuals. The anti-discrimination law makes it a criminal offense for commercial establishments to refuse services to homosexuals or for individuals to make derogatory remarks based on a person's homosexuality. The cohabitation law provides each cohabiting individual the right to half of the jointly-owned home and household goods when cohabitation cases.

At the time of our review in April 1993, two other issues concerning homosexuals were under review in Parliament. The first was a proposal to establish registered partnerships, which would provide homosexual couples basically the same rights as heterosexual couples, but would not include the right to adopt children. If one partner were to die, for instance, the surviving partner would be able to receive insurance, pension, and inheritance benefits. The second issue was a proposal to include homosexuals as a protected category under the Act to Counteract Ethnic Discrimination. Officials we interviewed anticipated parliamentary approval of the registered partnership legislation and inclusion of homosexuals under the act by the spring of 1994.

Homosexuals permitted to serve in the military with no restrictions

Under Swedish military policy, homosexuals are permitted to serve in the Swedish armed forces. The current policy, established in 1984, states that since homosexuality is increasingly accepted by society, it is not a reason, by itself, for treating an individual differently in the military.

Prior to 1976, a medical diagnosis of homosexuality during the enrollment process was supposed to result in an automatic exemption from military service. According to Swedish Defense officials, however, this exemption was not strictly imposed, as most enrollment officers treated homosexuality on a case-by-case basis. In 1976, the Manual for Medical Personnel in the Armed Forces was revised to eliminate the automatic exemption for homosexuals. And in 1979, when the National Board of Health and Welfare removed homosexuality from the Classification of Illness Handbook, the military no longer diagnosed homosexuality as an illness. However, the military continued to maintain records of those individuals identified as homosexuals. This practice was halted in 1984, the same year that the commission on homosexuality issued its report stating that homosexuality must not disqualify an individual from serving in the armed forces.

Also in 1984, the Supreme Commander of the Swedish Defense issued a policy statement on homosexuals in the military. This policy, which is currently in effect, states that what is essential is the individual's ability to cope with his or her sexuality. If an individual has reached the level of maturity where homosexuality is an accepted or controlled part of his or her personality, there is no basis for treating this individual differently than others in the armed forces.

Under the current policy, as part of the routine psychological interview during enrollment, conscripts are asked if they have any problems that would interfere with their ability to fulfill military service, but they are not specifically asked if they are homosexual. They have the liberty and opportunity to disclose their homosexuality but are not pressured to do so. Individuals who believe they will have problems due to their homosexuality may be excused from their military obligation. If they choose to complete their military service, no record is kept of their homosexuality. There are no additional steps or follow-up tests required if conscripts declare their homosexuality.

Sweden's 1987 anti-discrimination law, which prohibits discrimination against homosexuals, also applies to the military. No separate military policies address assignments or promotions for homosexuals.

Practices appear to be consistent with policy

Our discussions with military personnel indicated that military practices are consistent with the policy on homosexuals. Senior officials and unit personnel told us that the armed forces do not make an effort to identify homosexuals, do not discriminate against homosexuals in the enrollment process, and do not formally place restrictions on the assignment and promotion of homosexuals.

Representatives of two homosexual advocacy groups said they are satisfied with the current policy of accepting homosexuals into the military, but the groups had differing opinions about discrimination in the military's promotion and assignment processes. Representatives of the Swedish Federation for Gay and Lesbian Rights believe that, despite the military's policy, homosexual officers may be denied career opportunities or promotions. However, they could provide no supporting evidence. The President of the Gay Conservatives of Sweden did not believe homosexuals were discriminated against in the military.

Few problems concerning homosexuals have occurred

Sweden has not studied the impact of admitting homosexuals into the armed forces, but military officials said few problems concerning homosexuals have occurred. For instance, the officials said that the inclusion of homosexuals had not adversely affected unit readiness, effectiveness, cohesion, or morale. Most of the unit personnel we interviewed agreed with the Swedish policy of admitting homosexuals, and few of these personnel knew of any problems concerning homosexuals. We frequently heard the comment that the important issue was whether the person could do the job.

Representatives of Parliament's Human Resource Council of the Swedish Defense and the Central Council of Conscripts[1] told us that homosexuality is not an issue in the military. The Human Resource Council makes several visits a year to various military installations to discuss personnel issues with military officials, unit-level officers, and conscripts. The Vice-Chair told us that in her 12 years on the council, homosexuality has never been raised as an issue. Likewise, the Chairman of the Central Council of Conscripts said issues related to homosexuality have never been raised to the organization.

Military personnel and others know of few open homosexuals in the military. For example, of the 42 unit personnel we interviewed, only 3 knew for sure that they had served in the military with a homosexual. Ten other unit personnel "suspected" that certain unit personnel may have been homosexual. Further, the four commanders at Air Force, Army, and Navy facilities we visited did not know of any homosexuals among the approximately 2,400 conscripts they commanded. A psychologist said that, at most, 10 conscripts a year disclose that they are homosexual during enrollment, out of approximately 12,000 conscripts that are processed through that enrollment office.[2]

Many military officials believe that openly homosexual individuals could experience some adverse impact on their careers. For example, the officials discussed two cases where homosexual officers had been reassigned. In one case, they said, the officer's homosexuality was believed to present a security risk. In the other case, the officer "was exerting his homosexuality in a bad way." Further, military officials and unit personnel said openly homosexual individuals could face harassment and other negative treatment from their peers, and possible subtle discrimination in the assignment and promotion process. Some military personnel and others said that when individuals choose to be open about their homosexuality, they tend to reveal their sexual orientation to those in their immediate unit that they know well and trust.

Significant factors in the Swedish experience

A significant factor in Sweden's ability to integrate homosexuals may be the private nature of sexuality in Sweden and the virtual silence surrounding homosexuality. We were told that few homosexuals in the armed forces are open about their sexual orientation, but that those who are could face harassment from peers and subtle discrimination.

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[1] The Central Council of Conscripts of Sweden is a group of conscripts elected by their peers to represent their interests in dealings with the Swedish Defense Force.

[2] This is one of six enrollment offices in Sweden.

Three other factors may contribute to Sweden's success in integrating homosexuals into the military.

First, Swedish conscripts serve only a short time—5 to 17 months—and are permitted frequent visits home. Thus, they are not isolated from their private lives for long periods.

Second, Sweden's strong commitment to human rights is reflected in civilian as well as military policies regarding homosexuals.

Finally, many homosexual conscripts at the age of 18 or 19 may not yet be fully aware of their sexuality or homosexual tendencies and therefore tend not to make their sexual orientation publicly known.

APPENDIX VII

MAJOR CONTRIBUTORS TO THIS REPORT

National Security and International Affairs Division, Washington, D.C.: Norman J. Rabkin, Associate Director; Foy Wicker, Assistant Director; Brenda S. Farrell, Evaluator-in-Charge; M. Elizabeth Guran, Evaluator-in-Charge; Keith N. Burnham, Evaluator; Janine M. Cantin, Evaluator; Michael T. Nolan, Evaluator; and Thomas W. Gosling, Editor.

European Office: Thomas J. Howard, Assistant Director; Patrick A. Dickriede, Site Senior; Paul M. Aussendorf, Senior Evaluator; Stephen M. Lord, Senior Evaluator; Danny C. Schreck, Senior Evaluator; David M. Bruno, Evaluator; Peter J. Bylsma, Evaluator; Kevin B. Perkins, Evaluator; and Pamela J. Timmerman, Evaluator.

Mrs. BOXER. I would like to say, in closing this debate, I think our side has shown, first of all, that Congress has never before excluded a whole category of people from service because they told the truth about who they are. Yes, I think the chairman of the Armed Services Committee is correct——

The PRESIDING OFFICER. The time of the Senator from California has expired.

Mrs. BOXER. I ask for 10 more seconds, if I might?

Mr. NUNN. I do not have any objection.

Mrs. BOXER. In these 10 seconds let me close by reading from Barry Goldwater, former chairman of the Armed Services Committee. "Congress will best serve our national interest by finding the courage to rally the troops in support of ending this un-American discrimination."

I hope my amendment will be agreed to.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. I yield such time as the Senator from Indiana may desire, consistent with my time.

Mr. COATS. Mr. President, we are coming to the conclusion of a very long, exhaustive process. The record is thorough; it is complete. The military has weighed in from generals to sergeants and privates and everyone in between. I believe there is a more than rational basis for the decision that the committee has made.

The issue before us and the vote before us is whether or not we should ignore the voice of Congress, the voice of elected representatives in determining what the policy should be relative to homosexuals serving in the military and rely exclusively upon the President. The Constitution of the United States not only gives us the right, it gives us the responsibility—I believe the obligation—to have our voice heard. We have done that in a thorough, thoughtful manner. I urge my colleagues to support the decisions the committee has made.

I commend Senator NUNN for his outstanding, extraordinary leadership on a most difficult issue.

Mr. BINGAMAN. Mr. President, I rise today in support of the amendment.

Mr. President, the first time I focused any real attention on this issue was when I read about the case of Col. Margarethe Cammermeyer of Washington State. Colonel Cammermeyer, a National Guard nurse given a Bronze Star for her efforts in Vietnam, was discharged last year after more than 27 years of service to this country. She was discharged after admitting during an application for security clearance to attend the War College, that she is a lesbian. Her commander apparently did not want to begin proceedings against her. He recognized her commitment to the armed services, and to our country, as strong and unwavering.

Unfortunately, he had no choice. He was bound—by law—to begin discharge proceedings against her.

From my perspective, this case was an important one because it raised serious questions about our policy for dealing with the problems of homosexuals in the military. It helped to set the stage for what we are about to vote on very soon.

As we all know, the issue became prominent on the national agenda because President Clinton, as part of his campaign, promised to end the ban on homosexuals serving in the military. After becoming President, he announced his intention to honor that promise and thus began the painful and torturous debate that has brought us to this point.

Mr. President, this is one case in which our efforts to reach consensus and a reasonable resolution of a difficult issue have fallen short. But it is a case in which the President, his Secretary of Defense, and the Joint Chiefs of Staff have deliberated long and hard on how to proceed. The Secretary of Defense has issued a directive incorporating their agreement, and I am persuaded that our best course of action is to leave the Department of Defense free to work with this new policy—without Congress legislating at this time.

Mr. President, there are many books written about the principle of judicial restraint—where courts hold back from exercising their power in deference to other branches of government or other centers of authority. Unfortunately, our history does not reflect a similar sentiment in favor of legislative restraint.

But that legislative restraint is exactly what I believe should be adhered to in this case.

Let me cite two reasons why I believe we should permit our military leaders the opportunity to implement their own policy in this area:

First, ours is a country founded on the great ideal that all men are created equal. We have not always honored that ideal, but history should demonstrate that where we have fallen short of that ideal we have come to regret our actions.

Once all the arguments have been made, the legislation we are here being asked to adopt codifies intolerance against persons with a particular propensity, even though there may be no evidence of objectionable conduct. India has its untouchables. Japan has its burakumin, and for purposes of our military, at least, this legislation makes it clear that we ourselves make no pretense of equal treatment for those with a homosexual propensity.

A second reason we should exercise legislative restraint is because military commanders need discretion to act in the best interests of their units. In many cases, that may mean that a homosexual should be excluded from the unit and discharged from the service. In other cases, a commander may conclude that unit morale may actually be heightened by permitting a soldier who has broken no code of conduct to continue honorably serving his or her country.

Commanders should be trusted with the authority to command their own troops. We in Congress should not legislate a "one-size-fits-all" solution regardless of the facts faced by a particular commander.

In conclusion, Mr. President, the proposed legislation may be good politics, but it is not worthy of the ideals upon which this Nation was founded. If our Bill of Rights means anything, it means that people should be judged on the basis of their conduct, not on the basis of being classified as part of an unacceptable group.

I urge my colleagues to vote to strike the proposed legislative language.

Ms. MOSELEY-BRAUN. Mr. President, I speak today in favor of the Boxer amendment.

After 6 months of excruciating national debate, the President and Secretary of Defense, working closely with the Joint Chiefs of Staff, arrived at a carefully-crafted compromise on the issue of gays and lesbians in the military. The policy was broadly described as "Don't ask, don't tell, don't pursue."

I was among those who was prepared to end the ban immediately, and I would still support an immediate end to the ban. The recently released comprehensive $3 million study by the

Rand Corp. confirmed what many of us in the Senate have known all along—there is not one shred of scientific or battlefield evidence that gay and lesbian Americans are unfit for military service or that their presence in the military is detrimental to order, discipline, or unit cohesion and morale.

In fact, every bit of evidence we have highlights the fact that gay and lesbians have historically served and will continue to serve their country with honor and distinction.

That is why when the President announced a new policy that would end the intrusive questioning of recruits on their sexual orientation, reinforce the importance of the strictest codes of conduct for all servicemembers—whether homosexual or heterosexual—and end the notorious witchhunts that are the real destroyers of unit morale, many Americans on both sides of this issue said "this seems like a reasonable compromise—let's see how things work."

But the language codified in this bill is not the language of the President's compromise. It omits the don't-ask and don't-pursue provisions of the compromise, ignores the Joint Chiefs' agreement that a certain zone of privacy should be respected for all servicemembers, and attempts to micromanage the Department of Defense.

So the question we face today is a simple one: Do we not trust President Clinton, Secretary Aspin, and General Powell to honorably carry out the policy that they arrived at after so much soul-searching and debate? The new policy may not be a perfect solution, but at least let us give it a chance to work before we replace it with something more restrictive, more punitive, and more in conflict with the principles of equal opportunity and fair play that we strive to uphold in this country.

One thing has become clear over the past 6 months: The American people want to move forward on the issue of gays in the military, not backward. Codifying a more restrictive version of the President's policy is nothing less than a giant step backwards. Until we reach the day when patriotic gay and lesbian Americans are allowed to serve openly and proudly in our military—a day that I know is coming—let us choose the alternative that allows for maximum flexibility and respect for individual rights. That is the President's policy. And that is the policy that the Boxer amendment upholds. I urge my colleagues to vote for this amendment.

Mr. DOLE. Mr. President, I rise in opposition to the Boxer amendment. In my view, granting the President the authority to lift the ban against gays serving openly in our military would strike a serious blow to the effectiveness of our fighting forces and would damage the morale of our military.

The sole purpose of our military is to fight and win. It is to protect our security and our freedom. Nothing else. And it is clear that the Congress has the constitutional responsibility in matters regarding military personnel policy, and to ensure that our forces are fully capable of securing our freedom.

This amendment ignores the massive evidence and testimony presented to the Congress by the experts that lifting the ban on open homosexuality in the Armed Forces would seriously degrade unit cohesion which is at the core of an effective fighting force.

In my view, military service is not a right—it is a privilege. And as a privilege, our military leaders are charged with setting standards of conduct and discipline which will strengthen their ability to meet their vital mission. So, I believe that we should listen to the experts when they warn us that lifting this ban would result in a serious degradation in our ability to fight and win. General Powell, General Schwarzkopf, and other military leaders provided compelling testimony that lifting the ban would cause serious harm to good order and discipline of the force. I received the same view from over 20 veterans groups who brought their concerns forward.

Now, I oppose discrimination. My record is long and clear on that point. But, I do not believe that this is an issue of discrimination. It is not a question of fairness or equal rights. It is a question of preserving the effectiveness of our fighting forces and ultimately, our national security.

It is for these same reasons that the military refuses to accept people who are overweight, too short, too tall, people who are color blind, or who are handicapped. While it might be more fair to allow anyone to serve, no matter that their presence might harm the effectiveness of the force, it is simply not a prudent course.

Conducting social experiments with our security is simply not good policy, and I commend the Armed Services Committee for crafting a policy which provides our military leaders with clear and unambiguous standards of conduct. That those standards specifically state that "homosexuality is incompatible with military service" is a result a careful analysis and testimony by our military experts. In my view, that finding is both rational and appropriate.

I urge my colleagues to oppose the Boxer amendment. The agenda of our military should be to secure our freedom.

Mr. PELL. Mr. President, I wish to express my support for the amendment offered by my colleague from California, Senator BOXER. Her amendment, which I believe is based on reason and fairness, would leave up to the President, our Commander in Chief, and his Secretary of Defense, the enactment and enforcement of a policy concerning the service of homosexuals in the Armed Forces.

My own view, Mr. President, is that men and women should not be prohibited from serving in the Armed Forces solely because of their sexual orientation. I believe such a prohibition is discriminatory and is just as inappropriate as discrimination based on race, gender, or religion. I believe all our service personnel should be judged on performance and behavior and held accountable to the strict code of military conduct which is necessary for the effective operation of military units.

I believe, Mr. President, that the section of this bill dealing with this issue is a less than perfect approach to an issue that has a profound impact, both real and emotional, on our society. When Congress entered into a compromise agreement with President Clinton on this issue on January 29, it was my hope that the 6-month period would provide an opportunity for the President and congressional and military leaders to explore an approach which, when implemented, would be positive, fair and equitable. However, to the dismay of many, Mr. President, the committee provision is indeed far more restrictive than President Clinton had envisioned and articulated earlier this year.

Moreoever, Mr. President, a $1.3 million study commissioned by Secretary Aspin and conducted by the Rand Corp. found most of the concerns stated by opponents of lifting the ban to be unfounded. Rand, a respected think tank in California, concluded that homosexuals in other countries have served admirably and with no adverse effect on unit morale or cohesion. The study also concluded that a proper approach to this vexing issue is the implementation of a policy which "emphasizes actual conduct, not behavior presumed because of sexual orientation, and holds all service members to the same standard of professional conduct." This, Mr. President, is the approach and resolution that most of us thought would be implemented subsequent to President Clinton's January directive to end the ban on gays from serving in the military.

Mr. GORTON. Mr. President, I am going to vote in opposition to the amendment that Senator BOXER has introduced today. This amendment would strike the current sections of the Defense authorization bill that outline policy on homosexuals in the military, and require that the President dictate policy on this issue.

While I agree with the broad outlines of the policy set forth by the President in July, I believe that the provisions Senator NUNN has included in this bill are preferable. According to those provisions, homosexual conduct will continue to qualify a service member for dismissal, as will a statement of homosexuality, unless the service member later disavows the statement or affirms celibacy while in the service. This policy also clearly defines homosexual conduct, and gives military commanders discretion in initiating investigations into homosexual conduct, while still demanding that they do so only when an activity appears to affect unit cohesion. This should end witchhunts into service members' sexual orientation.

Most importantly for the purposes of this amendment, this approach will also make the ban law, avoiding the lawsuits that would have resulted under the President's ambiguous policy, and effectively concluding this painful and divisive debate by removing it from the realm of administrative policy. I believe that those on both sides of this issue have been disappointed with the manner in which the President has conducted this debate.

Over the 6 months set aside for examining this policy, I listened closely to those people who would be most affected by it, paying special attention to those who serve in the Armed Forces. I also met with homosexual groups concerned with how this policy will affect their service in the military. While I understand their concerns, I disagree with them on this issue. I believe that the provisions included in this bill represent a balanced solution—one that will maintain our armed services high morale while allowing for some of the obvious changes in our society's attitudes and customs. As a result, I consider it the best possible solution to a difficult situation.

The Boxer amendment leaves entirely to the President a policy judgment which should be made by the Congress after listening to its national constituency.

The PRESIDING OFFICER. The Senator from Georgia has 18 seconds.

Mr. NUNN. Mr. President, I will use my 18 seconds to commend the Senator from California, the Senator from Massachusetts, who testified so eloquently before our committee, and all of those who have a very sincere, strongly held view on the other side of this issue. I think it is a very tough issue. It involves a balance between individual rights and the Nation's security, and people of good faith can come down on different sides of it.

I do think we have had a very high level debate both in the committee and on the floor, and I thank all of our colleagues for their attention.

The PRESIDING OFFICER. Under the previous order, all time having expired, the question occurs now on the adoption of the amendment.

Mrs. BOXER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Ohio [Mr. GLENN], is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Texas [Mrs. HUTCHISON], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Wyoming [Mr. WALLOP], are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. MURKOWSKI], the Senator from Wyoming [Mr. WALLOP], and the Senator from Texas [Mrs. HUTCHISON], would vote "nay."

The PRESIDING OFFICER (Mrs. FEINSTEIN). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 33, nays 63, as follows:

[Rollcall Vote No. 250 Leg.]

YEAS—33

Akaka
Biden
Bingaman
Boxer
Bradley
Campbell
Chafee
D'Amato
DeConcini
Dodd
Feingold
Feinstein
Harkin
Inouye
Jeffords
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Riegle
Robb
Sarbanes
Simon
Wellstone

NAYS—63

Baucus
Bennett
Bond
Boren
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
Danforth
Daschle
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Ford
Gorton
Graham
Gramm
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hollings
Johnston
Kassebaum
Kempthorne
Kohl
Lott
Lugar
Mack
Mathews
McCain
McConnell
Mitchell
Nickles
Nunn
Packwood
Pressler
Pryor
Reid
Rockefeller
Roth
Sasser
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Warner
Wofford

NOT VOTING—4

Glenn
Hutchison
Murkowski
Wallop

So, the amendment (No. 783) was rejected.

Mr. NUNN. Madam President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the Byrd amendment No. 782, as modified. There is no time agreement.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. I thank the Chair.

Madam President, our revered President pro tempore has agreed that I might speak at this point, and we will proceed to his amendment directly thereafter.

LYING TO A U.S. SENATOR

Mr. MOYNIHAN. Madam President, I rise on a point of personal privilege. I rise to say that as a United States Senator on an official visit to Bosnia and Herzegovina—specifically on a flight to Sarajevo—I was diverted by the United States Armed Forces, the United States Air Force in this particular case, and I was lied to. I have attempted in the most restrained manner to bring this to the attention of the Department of Defense and the Air Force.

The distinguished chairman of the Committee on Armed Forces has forwarded a letter of mine with the particulars to Secretary Aspin. I was on a plane flown by the West Virginia Air National Guard, a C–130, headed for Sarajevo. We were told to land at Zagreb—on the grounds that the Sarajevo airport was closed by weather. It was not closed. I was lied to.

Now, that is an act which no officer in the U.S. Armed Forces can ever allow to happen to a subordinate, much less himself or herself.

A moderate request was forwarded by the chairman of the Armed Services Committee to the Department of Defense on March 9. There has been no effort to explain. In response to repeated phone calls, to conversations with the Secretary of the Air Force, there has been no explanation. This Senator has been lied to with evident indifference and manifest impunity.

Madam President, I have a term of speech which was commonly used about 50 years ago in the Navy, the old Navy. Next year it will be 50 years ago that I joined the Navy. There was an offense in that Navy, and may still be—a former Secretary of the Navy is in this Chamber and may know. The term is "dumb insolence." It had been a flogging offense; it is not yet. Not silence, but expressed contempt.

I was lied to in the following manner. And I ask the Senate if it will indulge me to read the letter I prepared at the request of the chairman of the Committee on Armed Services, that he would forward to the Secretary of Defense. Which Secretary of Defense, we read in this morning's New York Times, is going to fly to Sarajevo himself—if he is not lied to.

We learn that the National Security Adviser does not wish him to. A tug-of-war appears to have broken out between the Pentagon and the White House over Defense Secretary Les Aspin's planned trip to Sarajevo.

I hope Mr. Aspin is listening to me because it is not a light thing to lie to a U.S. Senator on an official mission nor to the Committee on Foreign Relations. It is an occasion for censure. It is an occasion for court-martial. It is an occasion for dismissal from the service, and this Senator has seen too much of this through too many Presidencies, from John F. Kennedy forward, to think it may be shrugged off.

Madam President, I will take the liberty of reading the letter which I wrote to Chairman NUNN on March 9, 1993.

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, March 9, 1993.

Hon. SAM NUNN,
Chairman, Committee on Armed Services,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: During Thanksgiving week of last year, I travelled on Foreign Relations Committee business to assess the conflict in the former Yugoslavia. My travel had been authorized by Chairman Pell and concerned, of course, one of the most difficult and immediate foreign policy issues facing our country. In addition, I spoke to president-elect Clinton before my departure, and he asked me to prepare a report for him on my findings.

Because of the difficulty of travel in that region, I had requested and been promised in theater military aircraft. To go to Sarajevo I planned to hitch a ride on one of the U.N. relief flights. Thus it was on the morning of November 23, 1992, that I set out for Sarajevo from Frankfurt on a West Virginia Air National Guard C-130 loaded with meals ready to eat. En route, I was advised that EUCOM wished to divert the plane to Zagreb because it was Pentagon policy not to fly a U.S. Senator into Sarajevo. I told the crew to radio back that if the West Virginia Air Guard were prepared to take the risk of flying into Sarajevo, so would I. EUCOM seemed to acquiesce and on we went.

A short time later, we were advised that the Sarajevo airport was closed, and we would have to land in Zagreb after all. At the tarmac we were met by the U.S. Charge in Croatia, the estimable Ron Neitzke, who had been hastily summoned to greet the arriving dignitary. As I apologized for arriving on such short notice explaining about the Sarajevo weather, Neitzke looked at me with astonishment. Flights, he said, had taken off from Zagreb for Sarajevo just minutes before my arrival.

It happened I had been lied to. The next day I made my way to Sarajevo on a Canadian C-130, stayed through a night of incessant shelling, and returned to Zagreb on a British flight. Upon my return I received the following message from the Pentagon: "Further cooperation with Codel Moynihan is cancelled." Without the in theater aircraft I could not visit Belgrade, Kosova, or Macedonia. And, as a result, a mission undertaken for both the Foreign Relations Committee and President-elect Clinton was partially thwarted.

I can understand that the bush Administration did not want a U.S. Senator to see what was going on in Sarajevo. What is unacceptable, or so it seems to me, is for the U.S. military to mislead a United States Senator. Sarajevo airport was not closed on Monday morning, November 23. I was told it was. Before the Senate considers the nomination of the next Secretary of the Air Force, I would like to have a full written explanation of the decision to divert our aircraft to Zagreb, as well as for the subsequent petulant act of retribution.

As I know you recognize, the professionalism of our military is undermined when it is asked to mislead to Members of Congress. That is why I attach such importance to this matter.

Sincerely,

DANIEL PATRICK MOYNIHAN.

Madam President, this letter was sent by Senator NUNN to the Pentagon. He has talked to persons at the Pentagon about this letter. He has received no response. I have talked. We have received no response.

What do they think Iran-Contra was about? It was about lying. What do they think that whole sequence of troubles we have had in 40 years of cold war so frequently has been about? It has been about deception.

I indicated I would hold up the appointment of the Secretary of the Air Force, which I did not do. The President at that time was talking about air strikes in Bosnia, and it seemed to me no time for him to be in a situation that he did not have a Secretary of the Air Force. I have spoken to the distinguished incumbent and asked to have some explanation. None comes forward.

There are several possible explanations for this silence. One is that they could care less whether the Department lied to a Senator or not. This was not a pleasure trip. We were putting our lives at risk, as was that West Virginia Air National Guard crew. Something very large, important—genocide is important—was at stake. The whole post-cold-war international order was at issue. Mr. Clinton met with Mr. Izetbegovic yesterday. We met with him in Sarajevo. I drove in an Egyptian armored personnel carrier from UNPROFOR headquarters to the President's offices with shells landing nearby. I do not want to be dramatic about this, but this was not a trip to the beach.

Evidently, the Air Force does not mind that this is my view, or it knows that the view is correct and is concealing it. I do not know if there is any alternative view. They do not answer. I know that over a year ago, Senator WARNER went to Sarajevo. And a relief flight was shot down, and they became apprehensive about trips of this kind. I understand that.I do not understand that they lied, and do not even think my inquiries require some response.

Madam President, I will vote against this legislation and any legislation having to do with the Defense Department until they bring a response. I also propose to put a hold on any nominations from the Department of Defense. I have not, in 17 years in the Senate, done anything like this. But I was a member of the Select Committee on Intelligence for 8 years, and 4 years vice chairman with my esteemed colleague, Barry Goldwater. I saw Barry Goldwater lied about. I feel I have been lied to.

If Senators accept this, what else will we accept?

I see my able and gallant friend, the Senator from Virginia, on the floor. He got into Sarajevo in the spring of 1992. I got into Sarajevo later that year. Now the Secretary of Defense means to go. We did so in circumstances which were, at minimum, made difficult and, at worst, became duplicitous.

You cannot ask uniformed officers to lie to Senators. You cannot order them to do it. It breaks down the entire code of military honor. Clearly—I cannot say clearly, but I hypothesize that the order came from Washington, and it came from a civilian officer, and now the uniformed service is being allowed to suffer from it.

I think that is dishonorable in the utmost. Why their successors do not wish to clear it up is a mystery to me. Do they understand the military? Have any of them been in the military? Do they care about military honor? I hope they do. I hope they are listening. I hope they are ashamed. And I shall be happy to come to this floor and say this whole matter has been cleared up and put behind us. But Madam President, it happened almost a year ago. That war goes on, that war which evidently they did not wish people to see. I regret that it happened.

I see my gallant friend, the former Secretary of the Navy, has risen.

I yield the floor.

Mr. WARNER. Madam President, it is just by coincidence that I am present on the floor here today, and I am absolutely astonished by the facts revealed by our distinguished and most respected colleague. He is a former sailor in World War II. He has taken innumerable trips on behalf of this body and the respective committees on which he has served through the years. It is imperative that we get to the bottom of this.

It has been my experience, in the 14 years I have been privileged to serve in the Senate, that the military has always treated me and—so far as I know—other Members of the Senate with complete accord, dignity and honesty. Therefore, we must get to the bottom of this promptly.

The Senator mentioned that I did, in the spring of the same year, manage to get into Sarajevo. Again, it was facilitated bythe U.S. military, together with UNPROFOR commanders. It took modest persuasion, because at that point no other Member of Congress had actually gotten beyond the airport into Sarajevo, and I shall always be grateful to the French commander who took it upon himself to make that possible. That is the spirit in which all of those parties dealt with me and, presumably, other Members of Congress.

I think the chairman of the House Subcommittee on Defense Appropriations made a similar trip shortly thereafter, or in that basic timeframe, because it is important for those of us who by virtue of our committee assignments have some special responsibility for that particular conflict to get in and see it for ourselves. Indeed, that visit did, as I am sure did the Senator's visit, enable me to have a far better understanding of the situation and the complexity and indeed the insolubility of the problems in that region.

So I will join with my distinguished colleague and friend, the Senator from Georgia, together with the ranking member from South Carolina, to see what we can do to get a prompt response to the Senator's inquiry.

It is most regrettable and embarrassing that the Senator had to bring this matter to the floor of the Senate. I feel that he is perfectly within his rights not only to bring this up but also take his stance with respect to the nominations until this is resolved. I think those of us on this side of the aisle have some special responsibility, in that Secretary Cheney at that time was Secretary of Defense. I will personally undertake to work with our chairman to see if we can expedite a reply, and I am hopeful that that reply would be satisfactory.

Mr. MOYNIHAN. May I express my great gratitude to the Senator from Virginia. My concern is simply that the military not ever be put in a position of having to commit an action which to an individual officer would be dishonorable. This can be cleared up. Not to do so suggests that it does not matter. It matters a very great deal, as I know it does to the Senator from Virginia and the Senator from New York. I thank him very much.

Mr. WARNER. As the Senator said, he had taken of his time to go to that part of the world, and then to be thwarted in an attempt to get in to reach his destination, and to compound it, thereafter other portions of the trip he was undertaking, not only for the body of the Senate but also for the President-elect, were terminated. That is my understanding.

Mr. MOYNIHAN. Exactly.

Mr. WARNER. I think he is doing a service to this body, to refine whatever rules are out there so we have a full understanding such that other Members, when they might travel atsome point in time, will have a better understanding of what can and cannot be done and who has the discretion.

Mr. MOYNIHAN. I could not ask for more. I thank the Senator.

I yield the floor.

Mr. WARNER. Madam President, parliamentary inquiry. What is the status of the Senate?

The PRESIDING OFFICER. The pending business is the Byrd amendment. There is no time agreement, but Senator MOYNIHAN asked Senator BYRD to yield.

Mr. WARNER. That is clear. I ask unanimous consent to proceed for a period not to exceed 5 minutes on a matter related to the underlying bill, the armed services bill, and then I will yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Earlier today, I addressed the Senate regarding an amendment which I now send to the desk and simply ask that it be printed in the RECORD and laid upon the desks of the Members for possible action tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Madam President, I would like to read this amendment.

It is the sense of the Senate that no person who was a member of the Armed Forces of Iraq during the period from August 2, 1990, to February 28, 1991, and who was in a refugee camp in Saudi Arabia as of the date of enactment of this act, shall be granted entry into the United States under the Immigration and Nationality Act, as amended, unless the President certifies to Congress prior to such entry that such person, No. 1, assisted the United States or Coalition Armed Forces after defection from the Armed Forces of Iraq or after captured by the United States or Coalition Armed Forces and, No. 2, did not commit or assist in the commission of war crimes.

In essence, this amendment is to indicate to the administration that it is the sense of this body, and hopefully of the other body, that those persons who were serving in the Iraqi military, and in that capacity took up arms against the coalition military forces during Desert Shield and Desert Storm should not be allowed into this country for resettlement and given a status from which they can compete for jobs and other benefits with our own veterans, many of whom are still struggling with the aftermath of their heroic service in that Persian gulf conflict.

I should hasten to add that it is my understanding that the vast majority of Iraqis who have been admitted to the United States as refugees since the end of Desert Storm have been civilians who have a legitimate fear of persecution in Iraq, and thus qualify for refugee status.

My concern is with that small number of Iraqi refugees who served in the Iraqi military during the time of Desert Shield and Desert Storm against United States and a coalition Armed Forces. My amendment does make an exception for these former Iraqi soldiers who assisted the coalition war effort after their capture or defection. There are a number who fall in this category and who should be helped because of their assistance to our war effort.

I know that each Member of this body, including the Senator from Virginia, is receiving numerous inquiries from constituents, and indeed from Americans all across our land, expressing indignation at a policy which would enable our former adversaries in the Iraqi military to come to the United States and be given rights and privileges and protections. It is an affront to every Persian Gulf war veteran that this policy is in place.

The purpose of my laying this amendment before the Senate at this time and having it printed is, first, to suggest to my colleagues that they might wish to join me as cosponsors, and, second, to give the Departments of State and Defense an opportunity to come back and express an opinion on this amendment. I have made preliminary inquiries of both Departments, but I am still awaiting definitive responses.

I thank the Chair and I thank my colleagues.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NUNN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Madam President, I ask unanimous consent that the Byrd amendment, which I understand is the pending amendment, be temporarily laid aside for the purpose of the Senate deliberating and deciding on a Sasser amendment which is an amendment on SDI funding as I understand it.

Mr. SASSER. The Senator is correct.

The PRESIDING OFFICER. The Senator from Tennessee.

AMENDMENT NO. 785

(Purpose: To reduce the amount provided for ballistic missile defense programs and to allocate the total amount among the ballistic missile defense programs and program elements.)

Mr. SASSER. Madam President, I send an amendment to the desk on behalf of myself, Senators BUMPERS, JEFFORDS, SIMON, BOXER, and WOFFORD and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Tennessee [Mr. SASSER] for himself, Mr. BUMPERS, Mr. JEFFORDS, Mr. SIMON, Mrs. BOXER, and Mr. WOFFORD proposes an amendment numbered 785.

Mr. SASSER. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 64 strike out line 21 and all that follows through page 65, line 3, and insert in lieu thereof the following:

more than $2,684,535,000 may be obligated for programs managed by the Ballistic Missile Defense Organization, of which—

(1) not more than 48 percent of the total amount may be obligated for Theater Missile Defense;

(2) not more than 32 percent of the total amount may be obligated for the Limited Defense System;

(3) not more than 9 percent of the total amount may be obligated for Other Follow-On Systems;

(4) not more than 10 percent of the total amount may be obligated for Research and Other Support Activities; and

(5) not more than 1 percent of the total amount may be obligated for Small Business Innovation Research program and the Small Business Technology Transfer program.

Notwithstanding paragraphs (1), (2), (3), and (4), the Secretary of Defense may obligate for a ballistic missile defense initiative or program element referred to in any such program a total amount that exceeds by not more than 10 percent the maximum amount determined under that paragraph, except that the total amount obligated for all programs managed by the Ballistic Missile Defense Organization may not exceed the total amount authorized in the matter above paragraph (1).

(b) Limitation on Number of TMD Programs.—(1) Subject to paragraph (2), the amount authorized to be obligated for Theater Missile Defense may be obligated only for—

(A) the Patriot PAC-3 Missile program;

(B) not more than 2 other lower-tier theater missile defense programs;

(C) not more than 2 upper-tier theater missile defense programs; and

(D) not more than 2 boost-phase intercept theater missile defense programs.

(2) The President may waive the limitation in paragraph (1) to the extent that the President determines appropriate in the national security interest of the United States.

(c) Funds Not To Be Made Available for Brilliant Eyes.—None of the funds authorized to be obligated under subsection (a) may be obligated for the Brilliant Eyes space-based sensor program.

(d) Reporting Requirement.—Not later than 60

Mr. SASSER. Madam President, the defense authorization bill that we have been debating off and on for the past 2 days comes before the Senate at a time when virtually every Member of this body has gone on record vigorously many times, time after time, if not on the floor, back in their home States in favor of additional reductions or cuts in Government spending.

That is precisely what this amendment that I am offering the body addresses today. We will be reducing the authorization if this amendment is adopted for the SDI, the old strategic defense initiative, and its follow-on programs, reducing the authorization from $3.4 billion for fiscal year 1994 to $3 billion for fiscal year 1994.

In essence, what I am seeking to do today is to save $400 million of taxpayer money over the next fiscal year.

When my colleagues have been stating time after time that we need to cut spending, then I think they are speaking as they should. As we debate this bill, we speak not only to our national defense needs. We also speak to a threat that is burrowed deep into the economy of this country, and I am referring to the budget deficit that threatens the very survival of our Nation.

This budget deficit saps our economic strength. It tears at the very fiber of our republic.

Our former colleague, one that I had the great pleasure of serving with for 12 years, Senator Barry Goldwater, made this frightening prediction just a few months ago about what would happen if we do not control the budget deficit in the next 5 years. Senator Goldwater said: "This country will not last 10 years. It will be bankrupt."

So, the question before us today, as reflected in the amendment which I will offer, is one of balance. It is one of responsible management.

It goes to the heart of the fights that we wage on different fronts—one fight on the front of national defense and the other on the front of fiscal responsibility. We simply cannot ignore either, and if we do so, we do so at our peril.

We do not live in a world unvexed by war. I wish that we did. We do not live in a world that is not troubled by those who would plunge us once more into darkness and bloodshed. The despots are out there. Saddam Hussein and the unrelenting horrors of Bosnia show us how fragile the peace can be.

Of course, this country must never let down its guard. And charters, covenants, and treaties alone are not going to keep the peace. We know we must be strong and we know we must be vigilant.

But we also know in our hearts and we know intellectually that the world has changed since the late 1970's when we began the onset of the largest peacetime military buildup in the history of this country. Much has happened. No need to recount it all. It is obvious.

The other military superpower in the world, our chief rival, the Soviet Union, has disintegrated. It is no more. The Berlin Wall, or the few pieces that are left standing of it, is nothing more than a ghostly relic.

In light of the radically changed international order, the Senate Armed Services Committee moved decisively to review the military threat to our Nation and to set priorities for a new defensive strategy. I wish this afternoon to commend the committee and to commend its able chairman for moving in that direction.

During the 102d Congress, the committee charted a new course that would adapt to the changes in the post-cold-war era and ordered a military builddown. This military builddown had five guiding, bellwether principles that were as valid when they were enunciated as they are today.

The first principle is maintaining nuclear deterrence at lower levels and with greater stability.

Second, emphasizing a reinforcement strategy that comes about with increased military mobility and increased rapid deployment capability.

Third, increasing the utility of the reserve forces of our military.

Fourth, applying a flexible readiness, which is defined as keeping those echelons of our military that are likely to be first committed to be the most ready and those unlikely to be committed or, if they are to be committed, only when there is long lead time to prepare them for their commitment, allowing them to stay at a lower edge of readiness.

And, fifth, thinking smarter, not richer, in making procurement and force structure decisions.

But I submit to my colleagues that our task here today, in this Congress, is more difficult than it was in the 102d. It is made more difficult because the budget deficit looms even larger. The imperative call is to cut spending. The people are demanding that we cut spending. All spending, whether it be military, domestic, discretionary, entitlement spending—all spending. And no department of the Federal Government, no agency of the Federal Government, no program of the Federal Government is immune from scrutiny and immune from cuts.

Every Senator in this body who sits on an appropriations subcommittee or an authorizing committee knows the harsh realitythat we face. We no longer ask: What do you need? The question is: What can you cut further?

I think it is elementary that the American people have a right to expect their Government to watch every dollar and to husband every resource, and this must include military spending, as it does all other Government spending.

Even recognizing that military spending has steadily declined in real terms since the mid-1980's, we have to take cognizance of the reality that the starting point for this spending reduction was an all-time peacetime high in military spending.

Yes, the cuts have been real, no question about it. But they have been dictated by monumental world events. We still have to weigh every dollar of military spending in balance against the threat it would aim to deter.

That is why, Madam President, I am very concerned about the authorization for what we now call the ballistic missile defense organization, formerly known as the strategic defense initiative, SDI, or Star Wars, contained in this legislation.

Madam President, whether you call it ballistic missile defense, whether you call it strategic defense initiative, whether you call it Star Wars, or Brilliant Pebbles, or some other name, there can be little doubt this program took on almost mythic proportions after its creation in 1983.

We all remember very well the dramatic announcement made by President Reagan of this new wonder defense that was going to put an invisible shield all across the United States. Some of us were incredulous at the time.

Tens of billions of dollars later—tens of billions of dollars later—we learned that Star Wars was more dream than reality. We have learned that there really are no miraculous technologies to protect us from a nuclear nightmare.

In fact, it was revealed just 3 weeks ago that SDI was oversold to this Congress and the American public.

Quoting from an August 18 New York Times article:

> Officials in the Star Wars project rigged a crucial 1984 test and faked other data in a program of deception that misled the Congress.

On that particular point, Madam President, I heard the distinguished senior Senator from New York just a moment ago eloquently describing what he perceived to be a misinterpretation, to put it as charitably as possible, of the facts to him by persons in the Department of Defense last year.

On this whole question of officials in the executive branch or judicial branch, for that matter, actively and with knowledge and malice aforethought, misleading the elected representatives of the American people, and that is what the Congress is, I do feel that very strict penalties and very severe measures should be taken against those who actively and deliberately mislead the American people by misleading their elected representatives.

Mr. NUNN. Will the Senator yield on that point?

Mr. SASSER. I am pleased to yield.

Mr. NUNN. I know the Senator is referring to the New York Times article. I myself was disturbed when I read that article. I asked our committee staff to immediately get in touch with the Department of Defense about that, those series of allegations in the New York Times. I also asked Dr. Perry to come over and give us a description of what they found.

I ask the Senator from Tennessee to please get briefed on that subject this afternoon. I hope we will have an unclassified version of what actually happened, because Dr. Perry has informed us this morning that story was distorted and inaccurate and portrayed a false impression of what actually happened.

So I know the Senator has every right to be concerned about the allegations in that New York Times article. But I hope here in this debate no one will make judgment based on that article until they have heard the version that has been looked into in the new administration by the new civilian leadership, working for a Democratic President who had no responsibility whatsoever for the program at that time. Because that article, according to Dr. Perry's thorough examination, is grossly inaccurate.

I did want to let the Senator from Tennessee know that, as we proceed in this debate. I hope before the afternoon is over, I will have a statement from Dr. Perry that will show what did happen and what did not happen, and how that article is distorted.

Mr. SASSER. Mr. President, I thank the distinguished chairman. I must say, I certainly hope the article is incorrect. Because I would be very disturbed indeed if the article should prove accurate, that data was faked in a program of deception, to deceive the Congress, as the New York Times had previously reported. I will look forward to getting additional information on that subject as described by the distinguished chairman.

But, Madam President, I am not here this afternoon to revisit previous debates on the strategic defense initiative, nor to call for its elimination, for that matter, although the elimination of the whole SDI—strategic defense initiative, star wars, ballistic missile defense concept, whatever you want to call it—would be justified in the eyes of many.

This body has decided in the past that ballistic missiledefense has a place in our national defense, but that it must be tailored more closely to fiscal and strategic reality. In the post-cold war world, the threat posed by theater missiles to our forces deployed abroad and to our allied civilian population is real and it is immediate. But I would say that the threat of an intentional attack by a long-range ballistic missile against the United States has become almost nonexistent.

I believe the Armed Services Committee funding levels, providing nearly $3.5 billion at a time when the most serious threats facing this country in my view are not military threats from abroad but economic and fiscal threats within our own borders, I would say that funding this strategic defense initiative, or ballistic missile defense program, at a level of $3.5 billion is more in line with cold-war strategic thinking and a cold-war strategic threat.

The administration reoriented the ballistic missile defense focus away from Star Wars and directed it toward what I will call Scud wars, defense against short-range-type, Scud-type missiles that we saw operating in the Persian Gulf war. I think that war provided graphic rationale for increased vigilance against this type of short-range theater missile. So what is the problem here today with the funding for the ballistic missile defense, or the SDI funding? I think there are two problems and I think this amendment will address both of them.

First, there is a larger budgetary problem with the entire bill. I ask my colleagues to examine this chart. The first bar, the blue bar labeled cuts provided describes the action of the Senate Armed Services Committee in the bill before us. The distinguished chairman and the members of his committee are to be commended for the $188 million in spending cuts they have already made in this authorization bill.

However, based on a preliminary estimate of the appropriations allocation process, defense outlay cuts of nearly $2.6 billion could be required. Therefore, comparing the Congressional Budget Office estimate of the defense authorization bill with the cuts required, means the authorization bill totals could exceed the defense appropriations subcommittee's outlay allocation by about $2.4 billion.

What am I saying? What I am saying is that the Senate Armed Services Committee in this bill before us today has authorized the spending of about $2.4 billion more than the defense appropriations subcommittee is going to be able to fund or appropriate. So a final resolution of this outlay problem is going to have to be found.

But as things stand today, the defense appropriations subcommittee may have to reduce by over $2 billion the spending recommendations in the Armed Services version of the authorization bill to comply with its 602(b) appropriations allocation. And I am saying we ought to start today by trying to make the authorization bill comply with the appropriations that are available. And the easy way to begin is slicing $400 million off the SDI authorization.

I understand there are various scorekeeping issues surrounding the discrepancy. I do not minimize the difficulty involved, if the defense appropriations subcommittee must come up with the entire difference. But I would submit that cutting SDI a bit would be a good start toward bringing this bill into compliance with defense cuts likely to be required to meet the budget caps. And would do so in a manner which would not affect the two most important components of our military: Personnel and readiness.

We are all familiar with the argument that we are met with when we try to make cuts in the defense appropriations bill in large measure. We are told the only really substantial cuts you can make immediately are in personnel and readiness, and those are things that simply must not be sacrificed if we are to meet our defense obligations.

So let us begin today by slicing $400 million off the strategic defense initiative, saving this $400 million and not putting ourselves on a crash course or a collision course with the appropriations process when we get to the defense appropriations bill.

Second, and perhaps equally as important, SDI or BMD has become a program of pay now and then pay even more later. Since the program's inception, we have spent well over $30 billion on ballistic missile defense and, as you can see by this chart, if we closely follow the $3.8 billion request for fiscal year 1994, as this bill does, it will lead to even larger SDI costs in the outyears. You can see, if we fund here at the level of $3.8 billion, in order to maintain that funding level in the programs that we have started, by 1995 we are funding at $6.5 billion, culminating in a $7.1 billion program in fiscal year 1999 for the SDI.

In other words, the level of ballistic missile funding today has a direct effect on the level of funding in the future. One triggers the other. We have already put $30 billion in this strategic defense initiative since President Reagan announced it in 1983. Let me just give you some idea of how that $30 billion expenditure compares with other expenditures during the same period of time.

As we were putting $30 billion into the strategic defense initiative, we were putting $8 billion into drug interdiction to try to keep drugs from coming into this country. I ask my colleagues, what is the greatest threat to this Nation today? Intercontinental ballistic missiles coming across our borders or cocaine and heroin and other drugs coming across our borders by the ton and poisoning our youth?

As we were putting $30 billion in SDI, over the same period of time, we put $16 billion in Head Start, a program to take the disadvantaged children and give them a leg up in our society; twice as much, almost twice as much into SDI as into Head Start.

I ask my colleagues, if you will, to walk two or three blocks away from this Capitol Building today and walk through some of those neighborhoods. I will ask you, where do you feel the most threatened, by what you see around you in those neighborhoods or by an intercontinental ballistic missile that might be launched against the United States?

Or how about the environment? As we were spending $30 billion on SDI, we were spending $28 billion on protecting the environment right here in the United States of America.

So I refer to these other programs to give my colleagues some frame of reference in making a determination as to just how much money has already been spent and what we have gotten from that.

I see the distinguished Senator from Louisiana on the floor, and I will be pleased to yield to him.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER (Mrs. BOXER). The Senator from Louisiana.

Mr. JOHNSTON. Madam President, I want to congratulate the distinguished Senator from Tennessee. This is a battle over SDI that I have fought many years and this is, in a sense, a replay of that same battle.

I remember very well when Ronald Reagan, President of the United States, announced the first Star Wars Program. He announced we were going to have an astrodome over the United States, a leakproof defense, which was going to make this country impervious to Russian attack with their thousands of nuclear missiles.

Shortly thereafter—a few months—and after he had convinced millions of Americans that they need no longer worry about Russian nuclear arms, the ground shifted and we were told, "Well, the President did not literally mean that. What he did mean was we would have a continental defense which would insulate this country from the vast majority of Soviet missiles. But we were assured shortly thereafter that there would be a test applied to any kind of missile defense called the Nitze test, named after the distinguished arms control adviser, Paul Nitze.

That test was that we would build no system, that we would expend no money unless it was spent pursuant to a plan that would get us more defense than the opposition could get by spending more in additional weapons; in other words, we would not spend $2 to stop a weapon that it would take them $1 to build. Common sense. And it was, in fact, very reassuring to many of us who were highly skeptical of the fact that you could ever meet a Nitze test on any ballistic missile defense.

Nevertheless, that was declared as the policy of the Armed Services Committee, the Department of Defense, the policy of this Nation that the Nitze test of financial feasibility would always be applied. Then, Madam President, it is amazing the number of iterations and reiterations that we have gone through on Star Wars or SDI.

We started with a presumed architecture in which the missiles would orbit the Earth in more or less a bus—that is, a bus which would carry many missiles—with the control mechanism being a series of geosynchronous satellites which in turn would give the command to the bus to fire at the missiles.

There were some problems with that. We found that it could not shoot down the Russian missiles in the boost phase which meant that they would then deploy all of the warheads that came out of the missile which, in some cases, would be 20 or more, so that it presented a huge problem in being able to shoot down that many individual warheads coming over since you could not get them in the boost phase because we could not have that many buses orbiting.

We also found that there was an almost insurmountable problem with decoys because they could deploy out of one missile hundreds of Mylar decoys, which would be balloons, in effect, but would travel like missiles and look on the radar as if they were missiles in fact. Indeed, there was no answer to that.

Then the strategic defense initiative announced we had a new plan to deal with that. They called it interactive discrimination. They were going to have a neutral particle beam from another satellite which was going to be able to shoot neutral particle beams which, in turn, could get inside the Mylar fascia, the skin of the balloon, and, in effect, discriminate between that which had a lot of mass and that which did not have a lot of mass and, therefore, be able to give the command to shoot down only the real missiles rather than the Mylar decoys. This had a few problems, too.

First of all, they were not sure they could make it work to discriminate. Second, there were absolutely huge computing problems in being able to do all this discrimination, get the information back, and put it with all the millions of lines of code that the computers would require. Indeed, in all of these iterations, they never solved the computing problem. Computer experts would come in to see me and say absolutely you cannot solve that problem.

Mr. NUNN. Will the Senator from Louisiana yield just for a brief observation?

Mr. JOHNSTON. Yes.

Mr. NUNN. I think it is a fascinating bit of history we are hearing here about the SDI Program, and much of what the Senator from Louisiana says the Senator from Georgia agrees with in terms of over-described, rhetoric, excessive expectations that were portrayed.

As the Senator knows, we cut down the amounts and channeled this in a very precise way in the Limited Missile Defense Act of 1991, so we changed directions on this program very substantially 2 years ago.

But I would just ask the Senator from Louisiana if he recognizes that the administration, this administration, new President, Democratic President, new administration, new people in charge, are now allocating two-thirds of the money, of all this money to theater missile defense?

Mr. JOHNSTON. Madam President, I am perfectly aware of what the administration is saying and was going to get to that. But I think you have to get this history before you can vote those kinds of dollars.

If the Senator will allow me to go through the history, then in fact I would like to engage him in debate, because one of the problems with this whole thing is that this has always been sort of a confession and avoidance on the part of my dear friend from Georgia, skilled debater that he is, always caught with the faults of the administration, the overclaims, the exaggerated claims of the administration. Every year we would come in and see my distinguished friend from Georgia on the floor and say, "Do you not know that you cannot deal with this interactive discrimination?"

"Yes, we know that, but we have a new plan." And so I just wanted to go through these steps in the new plan.

Mr. NUNN. I understand the Senator's point, but I would also ask the Senator if he would think back just a couple years to the Persian Gulf war and recognize that the largest number of casualties we suffered in the Persian Gulf war was directly attributable to a theater ballistic missile basically killing 38 of our people. And this is what this program is primarily designed for now. Two-thirds of the program is designed for that.

I think it is interesting history here and there is nobody that could—I have given the Senator's speech myself several times in committee to the Reagan administration officials and even to some extent to the Bush program, although it changed substantially. But the question is what we are going to do now. This business we have heard this morning—I know the debate will become more enlightening as we go along, but so far all we have heard is about the Reagan administration. We have not heard anything about the theater defense. That is where two-thirds of the money is going to go. That is a present danger and threat to our military forces wherever they are deployed in the world and we have to have the defense for that.

Mr. JOHNSTON. I am ready to get to that if the Senator would permit me to go through it, because if it is not interesting to him, I think it is very salient history because it is a replay in some respects of what we have had——

Mr. NUNN. I would emphasize the word history.

Mr. SASSER. Will the Senator from Louisiana yield for just a moment?

Is the Senator from Louisiana aware that under the Senate Armed Services Committee bill there is no allocation to theater missile defense?

True, under the administration's provisions they are allocating 48 percent to theater missile defense, but under the authorization bill before us there is no allocation. In other words, we are simply asked to authorize a lump sum of money here that may go to theater missile defense; it may go to national missile defense; it may go to research and support. We do not know where it is going to go. We are leaving that to the administration. The Armed Services Committee authorization bill as I understand it has made no allocation.

Mr. NUNN. Will the Senator yield?

Mr. JOHNSTON. Madam President, if I could reclaim my time.

Mr. NUNN. Will the Senator let me answer the question. I will take 30 seconds.

The PRESIDING OFFICER. The Senator from Louisiana has the floor.

Mr. NUNN. If I could just answer that one question, then I will yield back to the Senator.

The Senator's chart is also history. The administration has two-thirds of their total request now, which is an average of $3.6 billion a year, that is allocated to theater defense. The Armed Services Committee bill allows the shifting of funds within this account. Presumably, the administration which has two-thirds in mind for theater defense would shift funds in accordance with the authority of the Armed Services Committee bill. It is the Sasser amendment that would limit the theater defense to 48 percent. So you would be cutting in your amendment the percentage that would be allowed in addition to cutting the amount, so this would go strongly against the President's program. And I would ask the Senator to update his chart on this because it is not in keeping with the bottom-up review.

Mr. JOHNSTON. Madam President, if I may reclaim my time.

Mr. NUNN. I thank the Senator.

Mr. JOHNSTON. We tried interactive discrimination, Madam President. It was found wanting. It did not work. Next they tried a ground-based laser. They built huge facilities out in New Mexico, and there were certain problems with the ground-based laser. First of all, it took an enormous amount of power, in the hundred megawatts of power. In effect, you had to build a huge, big powerplant or drop off on huge supplies of power. You had trouble focusing it and, indeed, getting it to propagate through the atmosphere. It is like trying to shine a huge light through the atmosphere. The atmosphere simply stops it.

Madam President, I think it is safe to say that the ground-based laser did not work. Then we were told, well, we have a new machine called the x ray laser, and the people from Lawrence Livermore came in, and they said, look, this is a pop-up laser, so you do not have to have these things orbiting in space. You can shoot them out of submarines upon word of the launch.

In other words, when the sensing satellites find that the launch has occurred, they can send the signal to the submarine which is waiting right under the water, send a rocket up into space and could have this—the rocket then goes up into space,senses where the warhead is coming in. There would then be a nuclear explosion which would propagate an x-ray laser. That is, in fact, how the x-ray laser was going to be propagated—by a nuclear explosion.

That obviously had huge problems, Madam President. For one thing, you could not reuse the laser once the explosion took place. And secondly, you would have to have a huge number of submarines all around the United States ready to pop up with their lasers and with many rockets.

And then there was a problem, what do you do with Canada and protecting that part from the x-ray laser.

And then there was a huge problem again with the computers.

But we had that debate here on the floor about the x-ray laser and the fact that it did not work.

Then, Madam President, they came up with a new solution. It was called Brilliant Pebbles. And the advantage of Brilliant Pebbles was that you would have these low-cost little machines. I was literally told that you could launch a rocket with an independently computerized sensor for $300,000; and therefore you would be able to put up thousands of them, independently targeted, so that they would be, in effect, swarming around the world in low altitude orbit. They would be able to sense—there would also be some kind of undescribed connection between the geosynchronous satellite, but they would be independently targeted and sensed and each with a portion of the atmosphere to guard against.

Well, Madam President, it was perfectly obvious that you could not solve the problem of cost with thousands of these machines, and you never could figure out how to get the computers to match, and how you would keep these from shooting down your own friendly satellites or somebody else's friendly satellites. In any event, Madam President, Brilliant Pebbles was finally abandoned.

Then we came up with a continental defense, Madam President, and this is more recent times. We were told there would be some seven sites that would be required, but it would be able to defend against an accidental launch only because when you are dealing with continental defense, which is in effect a ground-based defense, then there are too many warheads, if you are dealing with an intercontinental ballistic missile attack from at that time the Soviet Union or Russia or Ukraine or wherever it is.

And you reach to catch these things in the air or in the atmosphere, should I say, or better still in the boost stage in order to be able to guard against this. So it was really only for accidental launch that this was to guard against.

We further inquired about it. They said, well, there are some holes in it. Low trajectory from a submarine would not be covered, when a submarine would come off our coast and launch a low-trajectory shot at the United States. Actually it was not for nuclear attack so much because the preferred means of delivery, talking about a terrorist bomb, or one or two bombs, is in a suitcase. That way you cannot trace who did it. And a nuclear bomb can be carried literally in a briefcase, and certainly in a suitcase. If you cannot stop bales and bales of marijuana coming into this country, a sophisticated terrorist operation could clearly get in nuclear weapons.

So we began to scratch our heads and say: What is it we are defending against and who are we defending against?

The latest iteration before this one was that marvel of ambiguity which was sold to us as continental defense with one or more ground-based stations, one or more. And with a space option in between.

This was sold as a compromise in the Armed Services Committee, a compromise because they did not want to reveal what the full cost of seven sites in this country was, which would have been absolutely enormous. They did not want to reveal that if you built all seven sites you still would have to defend against the suitcase bomb and the low trajectory.

So they said one or more, and they held out the hope that one would cover the country. There was not a scientist in the country who believed that one ground-based site could cover the continental United States, absolutely could not do it. And it still did not solve the problem of the suitcase bomb. So why spend a huge amount of billions of dollars to do just that?

Madam President, the ground has shifted again. Now we have theater missile defense. But do you know what? There is no architecture for theater missile defense.

We are not told what kind of missiles, or where they are going to be. Oh, they describe it as a theater high elevation or something defense. We are not told how many, whether they are ground-based, whether they are ship-based, what they cost, what the delta for the program is; that is, what the spending delta will be.

Literally, Madam President, if you call them up today, well, at least if you called them up yesterday, because I did and asked for this information and they said that is not available. It is somewhere in the bottom-up review. We are being asked to support a program of this size and not only is there nothing in writing, you cannot call them up on the telephone at the Department of Defense and get a description. I am not kidding you.

So that maybe this is history. But I can tell you what I got yesterday is pretty recent history.

Madam President, the French have an expression that says the more things change, the more they stay the same. And that is certainly true with SDI and Star Wars.

Oh, there has been a huge amount of change. We started with a leakproof astrodome. Then we went to a continental attack defense, which was mostly leakproof. Then an accidental launch protection for continental defense. Then a continental point defense against accidental launch. Then a foreign ortheater nonnuclear defense. Now we are at someplace that at some time they come over and give you a briefing. I was told this morning as I was told a few months ago that as soon as this is available they will come over and give a private briefing. Only they want the money now.

So there has been a lot of change in the program. Let me tell what has not changed in this program. There is still no architecture. And $30 billion later we do not know what kind of machines, rockets, devices are going to make up this defense. We do not know where they are going to be deployed, on land or on sea, or in which theaters. We are just told theater. Does that mean NATO? Does that mean the former Soviet Union? Does that mean only Israel? Does that mean all of the Middle East? How many is it going to take?

How do we even know that these numbers have any meaning at all, because they will not give you the numbers, Madam President, if you call them up today.

The second thing that has not changed is it still does not meet the Nitze test. That is to say there is no proof given that the billions we spend here will be cost effective in the number of missiles they defend against. It never has in the past. We do not even know what this plan is.

Third, and I am sorry my friend from Georgia is not here, but every single year there has been this confession and avoidance tactic of the Armed Services Committee. Yes. We know the program was flawed in the past. But now it is different.

Madam President, at each one of these steps along the way that I described when they were talking astrodome, when they were talking interactive, Brilliant Pebbles, the bus delivery system, the ground-based laser, the X-ray laser, it was always, yes, we know that program is flawed but we have a new solution.

I sat here on the floor last year and inquired about this continental defense system where they had more than one continental-based system, and still a space-based system. And I was told that candidate Clinton is for the program. Well, I do not know what President Clinton is for, because they will not tell you over there, Madam President. And I think they have not focused yet on what the program is. If they have, they will not give that information to the Senate.

Madam President, I say this not in criticism of the Armed Services Committee because it is their job to carry out to some extent at least the program of the White House and of the Department of Defense. But the program of the Department of Defense has been found wanting for $30 billion.

The only thing that you can really count on as consistent policy from the Department of Defense is they want full funding. They will confess the errors of the past but, they want full funding for today's program even though they will not describe what today's program is, what it will cost; how it will be carried out; what kind of research will be done; where it will be deployed; how many countries; whether it is cost effective. All of these questions have never been answered. They do not even attempt to answer these programs.

Madam President, the Senator from Tennessee does not go nearly as far as I think he ought to go. Certainly until we are given a plan, with justification for that plan, we should not be spending $3 billion, $4 billion, whatever it is this year, $6 billion next year. It is madness, madam President.

This body which is so concerned about Federal spending. You talk about one of these programs of research and development on the civilian side and it involves fractions of this. You say, oh, we cannot do that, but if you do it in terms of SDI, you do not even have to explain the program. I mean you get a program that is changed from A to B to C to D to E to F every single year, it changes like night and day. You are still asked to fully fund it without being given justification for it.

Why we should do that, I do not know, Madam President. I can tell you this: The Senator from Tennessee has a plan here that saves a few bucks—I think $450 million.

Mr. SASSER. Slightly over $400 million. Let me say to my friend, the Senator from Louisiana, I applaud him for his long and vigorous fight against what I perceive to be exorbitant funding of this whole Strategic Defense Initiative over many years.

I remember the distinguished Senator from Louisiana telling me this some years ago when he first began fighting against the growth of this SDI Program: "Mark my words. Once they get this thing started, they will put a piece of it in this university, they will put a piece of it in somebody else's State. By the time they get through with it, they will have it spread around so you will not be able to stop this program, and it will not work." That is what the Senator from Louisiana said almost a decade ago.

I agreed with him then, and I agree with him today. I would be trying to cut more out of this Strategic Defense Initiative today if I thought we could, if I thought we had the votes to do it. You will remember that, last year, Senator BUMPERS and myself were successful in reducing the funding by $500 million here on the floor of the Senate. This led to a filibuster. The debate went on for days. The bill had to be taken down off the floor. And finally, we were able to compromise and save, I think, $250 million out of a total of $3.8 billion that was spent that year.

So we take as much as we can take, I say to my friend from Louisiana. If I could take $2 billion out today, I would be standing here doing it. But I think we may have a chance at getting a majority of votes to cut out over $400 million today. That is the reason I am proposing that. I would like to propose more.

Mr. JOHNSTON. Madam President, I appreciate the practical politics of being able to do as much as you can do, and I think that may be a worthwhile compromise.

I see that the Senator from Georgia has left the floor. I wonder if my friend from Maine—if he is sort of manning the shop—can tell us what the Department of Defense has in mind. Have they told the Senator from Maine how much is going to be spent, whether these things can be ground based, based at sea, how many theaters are going to be there, and what the cost is? I wonder if he knows the answer to those questions.

Mr. COHEN. If the Senator can wait a few moments, we are going to present some detailed information to him since he has not been able to get it directly from the Pentagon. We will see that he gets the information he has been looking for.

Mr. JOHNSTON. Have they given it to you then?

Mr. COHEN. I think you will find there will be satisfactory answers presented to you.

Mr. JOHNSTON. There will be answers.

Mr. COHEN. They may not be satisfactory to you, but they will be answers.

Mr. JOHNSTON. If they are satisfactory, Madam President, there have been technological breakthroughs that have occurred in the dark of night and have not been revealed to anybody on the Intelligence Committee and Defense Appropriations Committee, both on which I serve.

Madam President, there is another thing that has not changed about this program, and that is that there is an element of sort of a flim-flam, where the Senate somehow falls for it. There used to be a scam called a pigeon drop that I guess is a nationwide sort of thing. But they used to do it in Louisiana. They would get some poor, relatively poor, usually old, fairly ignorant person coming out of a bank, having made a deposit, and somebody would come up to him on the street with a bag of money and say, "I found this money. What do you think we ought to do with it?"

That person would say, "I do not know."

Then about that time the third person who is a confederate of the first would come up and say, "Well, I think we ought to split it up. But I will tell you what, you are going to have to put up some good faith money."

Then they get the first person to go back in and withdraw his or her life savings, and they would come back and say, "You give it to me, and the other person will come up with the money, and we will divide it up in just a minute."

Lo and behold, the real money would be gone, and they would be left holding the bag. It would work year after year after year, and I just heard—

Mr. COHEN. I think only in Louisiana.

Mr. JOHNSTON. I heard of a new part of that scam which was practiced, and I do not know whether it was in Maine. They called up somebody and said, "You have just won the Publishers Clearinghouse Sweepstakes, but you are going to have to pay your taxes in advance, so send us a certified check." They borrowed the money and sent a certified check of $200,000 or $300,000, the check was cashed and, of course, they had not won.

The Senate, Madam President, is falling for this pigeon drop year after year. I mean, they come in with this nonsense, such as interactive discrimination, Brilliant Pebbles, continental defense; every year it is something new. They say, oh, that is right, last year they did not have the right information, but this year we are right.

This year we do not even know what the program is. We are promised somebody is coming with a plan. We have sent a message to Garcia, and Garcia will at some time arrive, we hope, we think, but Garcia is not here, and the plan is not here.

Madam President, why we cannot cut this modest amount before we receive the plan, I do not know. At a time when everybody wants to cut the budget, why can we not at least cut a program that does not even exist? I mean, it is a concept over there in the Department of Defense. Somebody has an idea that they want to protect theater missile defense. Yes, we had a Scud missile that hit the barracks, but is that a reason to go into this multi tens of billions of dollars program sight unseen? That is what we are being asked to do, sight unseen. I hope we vote for the SASSER amendment.

Mr. SASSER. May I inquire of my friend from Arkansas how much time he would like?

Mr. PRYOR. I really want to ultimately ask a question, if I might, of the manager. But I would like to make a statement of 3 or 4 minutes before. So I will need 5 minutes.

Mr. SASSER. I yield to the Senator from Arkansas.

Mr. PRYOR. Madam President, first, I compliment my friend from Tennessee, because he has been a steadfast, concerned Member of this body about this program, which has grown by leaps and bounds, and whether it was good or bad in the mid-1980's or not, that remains to be seen. Notwithstanding all of this, he has been a steadfast and concerned United States Senator about the taking of taxpayers' money for this particular purpose.

I applaud him, and I also applaud my friend from Louisiana who left the floor, Senator JOHNSTON, and also my colleague and friend from Arkansas, Senator BUMPERS. The three of those Members of the Senate, I think, have been very responsible for years and years of attempting to shine light upon this particular subject.

When our friend from Louisiana just mentioned the pigeon drop scam, there is another one that has been around even longer than that—the old-fashioned snipe hunt. I do not know if they have that out in California or in Maine. I think in Tennessee there are some snipe hunts that go on.

But in Arkansas, the old snipe hunt is an old, fun game, where when somebody new came to town, you would say, "Let us go snipe hunting tonight." You say to the new person in town, "We are going to let you climb up in that tree and hold this big bag, and you sit up in that tree and do not move, do not wiggle a leaf, do not do one thing but sit there and hold that bag open. And at a certain time tonight a snipe is going to fly right into that bag, and you are going to close that bag, and you will have caught a snipe, and you will have won the prize. You climb up in that tree, do not say a word, and we are going to come get you when the time comes."

Of course, the person climbs up in the tree, holds the bag, and the snipe never comes.

We have been holding the bag, Madam President, the snipe bag, and the snipe has never come into the bag yet. And year after year after year, we have seen this debate over and over. This is not new. We are not going to hear a lot of new concerns and a lot of new allegations because this debate has been going on for a decade—for one decade—on the floor of the Senate and the floor of the House of Representatives.

For example, there is one thing, talking about a snipe hunt, that I have been trying to find out for the last week. It is the simplest of all questions, but there is no answer to it. There is no answer from the Pentagon. There is no answer from SDIO. There is no answer from the Armed Services Committee. Not one member of the committee has bothered to answer.

The question is this, Madam President: What today, after some $30 billion of appropriations—$30 billion—what today would be the unobligated balance in the SDI account? That is a pretty simple question. You can call HUD today and say, "What is in the section 202 program?" Or what have you. What is the unobligated balance in this or that program? They can tell you.

You can call the Small Business Administration. You can say, "What is the unobligated balance in the Small Business Administration account for small businesses in Arkansas?" They can tell you.

You call SDIO, the Armed Services Committee, or anyone in charge of this program: "Oh, we do not have that figure. We do not know how many funds we have that are unobligated."

Madam President, I think this is one of the key questions that we must have answered before we can continue appropriating money for this program.

Madam President, I was not on the floor a few moments ago, and I am sorry I was not. But at 4:30, or sometime—and I have been waiting all afternoon for someone to please tell me that a New York Times story was not correct relating to the testing of the SDI program in 1983 and 1984—I am available. I have canceled every appointment this afternoon. I am ready for someone from the Pentagon or the Armed Services Committee to come and show me why that New York Times story was not correct.

Until they do that, I am going to assume that we have seen some fraudulent testing of this program. I am going to assume that. Maybe they can disprove it, and I look forward to that briefing. I look forward to any report the distinguished chairman of the committee can bring out to help disprove this story.

Mr. NUNN. Madam President, will the Senator yield for a question?

Mr. PRYOR. I am glad to yield.

Mr. NUNN. I say to the Senator, I appreciate his remarks and his concerns. I think they are well placed because if that story is accurate, I think we have not only big problems in the Department of Defense over SDI, but the whole question of integrity.

I have just been briefed this morning, Senator EXON and I and Senator THURMOND and others, by Dr. Perry. He informs us that after a very thorough investigation, which we and others have requested, that that story is not accurate. In fact, it is badly misleading and distorted.

I hope the Senator will be briefed, as I mentioned to the Senator from Tennessee, by Dr. Perry, and I hope this afternoon.He is supposed to make a release this afternoon. As soon as he does that, we will be able to use that information in the public debate here on the floor of the Senate.

Mr. PRYOR. Madam President, perhaps the distinguished chairman may not have been on the floor. I have just stated I have been waiting for a briefing. I have canceled all appointments, all meetings of every kind this afternoon, awaiting the briefing. I am very hopeful that someone will tell me this story was not true.

But up until that time, I am going to believe it is true because I think there was a lot of testing going on at that time. It may have been in the area of disinformation, to fool the Soviets. But in the process of fooling the Soviets, which might or might not be bad, I think they also tried to fool the Congress, and I want some answers to that question.

Mr. NUNN. The Senator has every right to that, Madam President, and I hope he will be able to be briefed this afternoon. I hope we will be able to have information from DOD that we can share with all our colleagues this afternoon.

Mr. PRYOR. I thank the chairman. I thank the Chair and my colleague from Tennessee, and I yield the floor.

Mr. SASSER. I thank my friend.

Madam President, this committee mark that we have before us today reduces funding slightly below the administration's request. But, as I said earlier, it does not pare back or eliminate a single program within the SDI budget.

Therefore, the committee did not address the principal factor driving this cost growth—too many programs moving too quickly toward development.

Now, failing to make programmatic changes this year is going to leave us with some very unpleasant options.

First, if all of these programs live for another year, they are going to demand nearly $6 billion next year.

Second, if, as is likely, Congress does not appropriate $6 billion for SDI next year, then several of the programs that we failed to cut this year will have to be scaled back or eliminated next year.

In this case, failure to act immediately means we are going to dump scarce resources into programs for another year, only to have to turn around and make the cuts a year later.

What I am saying, Madam President, is we can either make the cuts now or we can make them later and waste money. If we make the cuts now we will not be spending the money in fiscal year 1994 on programs we are going to have to cut in fiscal year 1995.

Why do we not just make the decision now?

The amendment before us seeks to avoid this Hobson's choice. As you can see by our chart, we are accomplishing this by providing over $3 billion for ballistic missile defense. As I said earlier in response to the Senator from Louisiana, I think that is $1 billion too much. And a former distinguishedChairman of the Joint Chiefs of Staff, Admiral Crowe, who I think is the finest soldier/statesman that we have produced since George Marshall, indicated that $2 billion was adequate per year for this whole business of ballistic missile defense.

But under my amendment, recognizing the realities that we face today and recognizing that before you can make any cuts, you have to get 51 votes, we say, "OK; we are going to provide $3 billion for ballistic missile defense." We go ahead and say yes, and we preserve all of the administration's priorities, including 48 percent of the funds being allocated to theater missile defense in fiscal year 1994, with an option in the amendment for the Secretary of Defense to allocate an additional 10 percent of the overall funding to theater missile defense if he chooses to do so, or allocate it wherever he should wish to do so.

We allow full funding of the administration's core theater missile defense programs. We adopt the Armed Services Committee's position on "Brilliant Eyes." We protect the full range of ballistic missile defense options, but what we do is simply reduce the costly redundancy.

As I stated earlier, funding alone is not the whole story of the SDI cost explosion. Far from it. Much of the problem comes from the absence of direction emanating from the Congress, and indeed from the authorizing committee.

The committee, in this bill before us today, remains silent on just which programs should be funded and at what level, and left it completely to the discretion of the Defense Appropriations Subcommittee and the Department of Defense.

The distinguished chairman made the assertion that what I was talking about earlier with regard to allocations of resources—48 percent to theater missile defense on the part of the administration—was history. But that is incorrect.

In the fiscal 1994 request, the administration asks that 48 percent be allocated to theater missile defense. In fiscal year 1995, which is not before this body today, the administration goes forward and says, yes, they would like to allocate as much as 66 percent for theater missile defense. But that is not what is before us today. We are dealing with the fiscal year 1994 bill.

Mr. JOHNSTON. Would the Senator yield for a question?

Mr. SASSER. I am pleased to yield to my friend from Louisiana.

Mr. JOHNSTON. Madam President, when I just left the floor, I was given the latest bit of information that I could get, which is that there are 11 different programs under consideration.

Mr. SASSER. If the Senator would just yield, I was coming to that.

It is not 11 programs. There are presently 12. I counted 12 different theater missile defense programs.

Mr. JOHNSTON. And they have not downselected any of them?

Mr. SASSER. They have not selected any of them. The Army is the leader. The Army has four separate theater missiles. For instance, they have the Patriot PAC-2 upgrades; the Patriot PAC-3 multimode missile, extended range interceptor; the Corps Sam; and they have the THAAD. That is just the Army. They are the leaders.

The Navy has two programs. The Marine Corps has a program. The Air Force has two programs. And then, of course, we have Israel's program.

Mr. JOHNSTON. Can the Senator from Tennessee tell me how much would be spent on any of these, either short term or long term, or when they might ripen into a downselect or a mature technology, or what the outlook is?

Mr. SASSER. We have no way of knowing that. All we do know is that clearly they cannot fund all these programs. We do not know how much they intend to put into each particular program at this juncture. And the bill before us is totally silent as to the allocation of funding that is going into the so-called ballistic missile defense program, not just with regard to theater missile defense, but with regard to the whole spectrum of things that are funded under the title of ballistic missile defense.

So it is going to be left up to you, I say to my friend from Louisiana, on the Defense Appropriations Subcommittee, to either make the allocation there, or no allocation will be made.

Mr. JOHNSTON. In effect, what we are being asked to do is come up with this big multibillion-dollar pot of money and they will decide later how they want to spend it?

Mr. SASSER. Precisely. The Senator from Louisiana is precisely correct. But we do know that in fiscal year 1995 they are going to shrink these programs down. We do know that, in all likelihood, they are going to continue to fund these programs, all 11 or 12 of them here, in fiscal year 1994 and then come along in fiscal year 1995 and shrink them down.

Mr. JOHNSTON. Shrink them down, but with twice the budget request.

Mr. SASSER. Well, what they are going to do is delete, we assume, some of the programs here, because they simply are not going to be able to fund them in fiscal year 1995 unless we agree to increase the funding level from up to in excess of $6 billion.

Mr. JOHNSTON. The $6 billion, where does the Senator get that figure? That is a wish list?

Mr. SASSER. That is the bow wave that would be created if we are to continue funding all these programs.

Mr. JOHNSTON. So far as the Senator knows, none of this is for protection of the United States. None of it is for really nuclear defense against the former Soviet Union or any of those, and we do not know where these would be deployed if they are ever mature enough to use as a ballistic missile defense.

Mr. SASSER. Well, I think the Senator is correct. I cannot state that from my own information, and I do not know who has the answer to those questions. I do not know who has the answer to those questions. But I do think if the U.S. Senate is being asked to authorize $3.5 billion for ballistic missile defense, we ought to have the answers to those questions before we allocate 3.5 billion dollars' worth of taxpayers' money here.

Mr. JOHNSTON. Have we asked the distinguished floor manager if he has an answer to those questions?

Mr. SASSER. I see our friend from Nebraska is managing the bill. Perhaps he might be able to shed some light on that question.

Mr. EXON. I would be glad to respond to any question that I possibly could, although I have been waiting to make, at the appropriate time, the committee's position on this matter.

I simply say that some of the statements that I have heard made on the floor of the Senate today deserve an answer. The people that are suggesting the cut deserve an answer.

I am sorry you have not been able to get an answer to some of the questions that you have been seeking an answer to from the Department of Defense. As you know, the bottom-up review thing has not been thoroughly completed yet.

I will make a thorough statement on the committee's overall position on this and, at that time, after I have completed, try to round this out into the position that the Armed Services Committee has taken. I will be glad to try to respond to pertinent questions, but I would prefer to reserve that until I have a chance to put this in the overall context.

(Mrs. MURRAY assumed the chair.)

Mr. SASSER. I thank the Senator from Nebraska.

So, clearly, the answer to the question of the Senator from Louisiana is, I do not think anybody knows at the present time.

Last year, Senator BUMPERS and I offered an amendment here in this body to cut funding for SDI and the whole galaxy of programs or constellation of programs, ballistic missile defense programs, that come under that cover.

At that time, the distinguished chairman of the Armed Services Committee raised the alarm that there was a lack of allocation of resources in the SDI amendment that we were offering; that we were not saying specifically what programs in SDI should be cut, and we were not saying how the funds should be allocated.

My friend from Georgia, at that time, was very concerned, at least he appeared to be quite concerned, that the SDI Office and its Director, Ambassador Cooper, could, in the absence of congressional action, take the whole funding pot and spend it on anything they wanted. In other words, under the amendment we offered last year, the distinguished chairman was saying that, well, Ambassador Cooper could take all the money and put it in Brilliant Pebbles and there would be nothing left over for research and development.

Well, now, if this concern was valid then—and I assume it was—then it remains so today. I think the Congress must and can play a role in determining what are the Ballistic Missile Defense Office's priorities.

As I indicated earlier, I have compared here the administration's request, how they have allocated funding under their request, with what we have in the Senate Armed Services Committee authorization bill before us today.

Forty-eight percent, according to the administration—I see the Senator from Georgia is on the floor now. We are talking about fiscal year 1994, not fiscal year 1995. In fiscal year 1994, the administration said they intended to allocate 48 percent to theater missile defense.

In fiscal year 1995, they say they intend to allocate up to 66 percent for theater missile defense. But we are dealing with the present now and not the future; 48 percent is allocated to theater missile defense by the administration, 48 defense by the Sasser amendment. There is no allocation in the authorization bill before us.

The administration said they intended to allocate 32 percent to the national missile defense; 32 percent is allocated under the Sasser amendment; no allocation under the Senate Armed Services Committee mark.

It is the same all the way down. In other words, it appears to me what we are doing is simply handing DOD a pot of money, and that is precisely the criticism that was leveled at the Sasser-Bumpers amendment last year by the distinguished chairman. I would say nothing has changed.

If we did not want to trust DOD to make all of the allocations last year, why do we suddenly want to trust them this year?

Mr. NUNN. If I can just respond to that, if that was a question: I thought we had a new election. When the Senator said nothing has changed, we have a new President. We have a new Secretary of Defense. We have a new Under Secretary of Defense. There is no longer any SDIO office. The whole office has been changed. We have a new Under Secretary for Acquisition. We have a new administration set up. We have a bottom-up review.

The purpose of leaving the funds unallocated this year is because the administration was reviewing this very program and we wanted to give them the flexibility to shift those funds if they determined they were not being properly allocated and they have determined that they want two-thirds of them spent.

So when the Senator says, "What is new?" the answer is very clear. We have a different administration, a different President, a new philosophy, a new focus, a new effort on the whole SDI program which is much more oriented to theater defense.

The Senator's chart a month ago would have been accurate. It is not accurate now because we have had a bottom-up review. These things move. All

I am saying is the Senator was accurate in terms of where we were a month ago, but he is not accurate to where we are now.

Mr. SASSER. Let me just say I disagree with the chairman on that statement. The chairman was stating a moment ago the administration's intentions for fiscal year 1995. There is no dispute that they have said that 66 percent of the funding should go to theater missile defense in 1995. We are talking about the fiscal year 1994 bill today.

I do not care who is over in the Department of Defense. I do not care what political persuasion they come from. I think we have a responsibility here, just as we did last year—the chairman said we did—to make an allocation and make a determination and assign priorities as to how this money is to be spent.

I am extremely uncomfortable with simply sending a pot of money of over $3 billion over there and saying to the people in the SDI Office, or BMD Office—they have changed the namenow—many of whom are the same bureaucrats who have been there under both administrations, just saying here it is, fellows and gals. Spend it any way you want to.

That is not what we are all about here. We ought to be making some allocations, and particularly in view of the history of this whole program.

Mr. NUNN. Will the Senator yield for just a moment?

Mr. SASSER. Let me just finish my statement.

We spent $30 billion on this program so far and what have we got to show for it? The Senator, a moment ago, talked about casualties that were incurred in Saudi Arabia by a very primitive Scud missile. The missile defense there was a Patriot, an old antiaircraft missile that had been modified. It had nothing to do with this program that we had spent $30 billion on.

But my point is this. I do not want to get into debating the whole program here because we have had that debate. I have lost that debate. The Senator from Louisiana has had that debate. We have lost that debate.

All I am saying now to my colleagues is, let us shave $400 million off this program, let us save it, because $3 billion is enough for SDI, or ballistic missile defense. And you can take that $3 billion, under my amendment, and allocate it just the way the administration had it allocated when it made its submission over here.

We provide in our amendment that the Secretary of Defense shall have the discretion to add as much as 10 percent, to shift funds around as much as 10 percent if he should make that determination that it would be necessary as a result of this bottom-up review that the Department of Defense has been going through.

I think that is our point, Madam President.

A look at this chart that my friend from Louisiana and I were discussing a moment ago illustrates one reason, I think, why Congress simply cannot afford to follow the approach recommended by the Armed Services Committee. This chart, contained in a recent study by the Congressional Budget Office, lists the various programs within just the theater missile defense component of the ballistic missile defense. In an ideal world we would have three, or at most four theater missile defense programs. But look at this real world we are living in.

As the Senator from Louisiana and I discussed a moment ago, the Army itself has four theater missile defense programs going; the Navy has two; the Air Force has two; even the Marine Corps has one going. And, of course, then you have the Arrow program of Israel.

That is really an incredible overlap of roles and missions.

My friend, the chairman of the Armed Services Committee, made this point last year. In an excellent floor statement—I compliment him for it—

Mr. NUNN. Is the Senator always 1 year late in admitting that?

Mr. SASSER. The statement was "the need to overhaul DOD's roles and missions."

Mr. NUNN. I am in need of some current reinforcement. The Senator always commends my statement from the previous year.

Mr. SASSER. As the Senator will recall, I was very laudatory on his statement to overhaul DOD's roles and missions. I did raise the question, how soon do we get to the execution of this whole concept?

But the chairman pointed out that despite some recent progress in sorting out each service's proper role and mission, redundancy is rampant and much more work needs to be done.

The chairman said this, and I quote, and I take pride in quoting the chairman of the Armed Services Committee. He said, "this redundancy and duplication costs billions of dollars each year."

The distinguished chairman of the Armed Services Committee was right then and he is right today in that statement. The chairman went on to note, and I quote him directly, "progress on these issues will require outside pressures and determined oversight by Congress." Precisely what the Senator from Louisiana and myself, and others, are trying to do today on this whole missile defense concept.

If we do not start setting priorities, and if we do not start making specific allocations ourselves, we are going to continue funding at least a dozen similar theater antimissile defense programs, all of them designed to counter theater missiles, all of them making increasingly large budgetary demands on us.

I say to my colleagues, how in the world can we justify it? How in the world can we rationalize it? When everywhere we turn our constituents are saying, "cut spending. Cut spending."Cut spending. And we are cutting spending in areas where it hurts. Surely we can make some savings and start reducing these 11 or 12 different programs down to 3 or 4.

There is a lot of talk in this body about the need to control entitlement spending. I have been hearing that for a long time and heard it ad nauseam during the budget debate that took place a few weeks ago. They argue that entitlement spending is growing at an unacceptable rate, and I agree with that. I do not disagree with that statement.

But let me show you some real entitlement growth. As this chart shows, entitlement-like growth is not restricted to entitlements. Since 1991, funding for theater missile defense programs has grown by over 500 percent. And if we comply with the administration's request, a possibility that is not ruled out in the bill before us today, theater missile defense spending could grow to $1.8 billion this year and to $3.2 billion next year. I ask my colleagues: How many programs, entitlement programs, or otherwise, can grow by nearly 1,000 percent in just 3 years?

Even our friends in the Defense Department see a problem here. David Israel, the deputy assistant manager for theater missile defense programs recently stated that even if the Ballistic Missile Defense Office received the full amount requested by the administration—that is $3.8 billion and under the bill I think it is $3.4 billion—"* * * we would have," he said, "a tough time proceeding with all the theater missile defense programs on the table."

According to Mr. Israel, it would not be possible to carry all the theater missile defense programs to full maturity and that a reduction of the number of programs was necessary.

That is not the Senator from Tennessee, the chairman of the Budget Committee, speaking. That is the deputy assistant manager for theater missile defense programs, David Israel, saying even if we funded all these theater missile defense programs at the $3.8 billion level for the whole Ballistic Missile Defense Program the administration was requesting, it would not be possible to carry all these theater missile defense programs to full maturity, and they have to be reduced.

Finally, Mr. Israel stated that there is a host of technical problems that need to be overcome before a successful theater missile defense architecture could be put in place.

I say to my colleagues, in all sincerity, it strikes me as the prudent approach to heed the words of David Israel, the theater missile defense organization's own official, and that we should harness this theater missile defense funding frenzy. That is all I can call it.

As the previous chart showed, the theater missile defense budget is simply going through the roof, and we believe it is time to bring it back to Earth and to manage it more closely and effectively.

Mr. President, the amendment that I am offering today, in conjunction with others, brings a small bit of fiscal responsibility and management to the Department of Defense authorization bill. These are small steps we are taking today, but they are not small deals. The American people expect us to take this type of action to rein in spending wherever we could see escalating cost, waste and duplication. I think we have made a case today for our colleagues that there is excessive duplication, that there is waste.

Why in the world does the Army need four theater missile defense programs? Why in the world does the Navy need, in addition to the four the Army has, two for themselves? And why does the Air Force, in addition to the four for the Army and the two for the Navy, need two additional programs for themselves? And why does the Marine Corps, a branch of the Navy, after seeing four theater missile defense programs ongoing for the Army, two for the Air Force, two for the Navy, why does the Marine Corps then have to have their own theater missile defense program?

So I say to my colleagues, you can strike a real blow for liberty today. You can make some very substantial savings and you will not be impacting adversely one iota the whole Ballistic Missile Defense Program. You are simply going to be saving some money, and if you do not do that, if we do not make some savings today, if we do not assign some priorities, we are going to befunding programs that, just as sure as night follows day, are going to have to be jumped either in fiscal year 1995 or fiscal year 1996 and that is simply pouring money down a rat hole. That is what it will amount to.

Madam President, I see the distinguished Senator from California on the floor. I will be pleased to yield.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine is seeking recognition.

Mr. COHEN. Madam President, I would like to take just a few moments to perhaps offer a couple comments concerning the arguments being advanced by my friend from Tennessee.

First of all, it was news to me to learn of the type of sculduggery that is practiced down in Louisiana and Arkansas, pigeon drops in Louisiana and snipe hunting in Arkansas. I think after listening to the description of those kinds of activities, I now know why the North won the battles in the Civil War. If the folks in Louisiana and Arkansas were listening to those kinds of scams and falling for them, then you deserved to lose the war during the Civil War. But, in any event, let me come back to the points made by the Senator from Louisiana.

Just a moment ago, he ridiculed the whole notion of providing any kind of protection for an accidental launch against the United States by the former Soviet Union, or anyone else, or by some kind of a miscalculation of a limited attack. He ridiculed that notion but then stood on the floor and asked the Senator from Tennessee: "Is there anything in here that will provide protection for the Continental United States?" So, on the one hand, he accuses the Senator from Georgia of pleading by way of confession and avoidance—an old lawyer's technique—and then he engaged in one himself by pleading in the alternative, on the one hand saying this is ludicrous to even think about protecting the United States and then arguing, on the other hand, why does it not provide anything to protect the United States? So he is having it both ways.

Second, he says, "Where is this system, assuming it is ever developed, ever going to be deployed? Someone stand on the floor and tell me." Well, we could take the map of the world and we could perhaps point to the Persian Gulf where it could be deployed in the future. We might point to other regions, perhaps in Asia, where it might be deployed sometime in the future. Perhaps any point on the globe where the United States might have an interest or personnel deployed at some future time. But for anyone to stand on the floor and say where is it going to be deployed right now, tell us, is absurd. The whole purpose of having this capability is to prepare for contingencies.

I might call the attention of the Senator from Tennessee back to the debate during the Persian Gulf war where, once again, he cited Admiral Crowe as his expert and said that sanctions would be sufficient to drive Saddam Hussein out of Kuwait. At that time, I suppose you could have asked the question, "Why do we need the Patriot? Why do we need the Patriot deployed here? Why should we ever have funded the research for the Patriot?" You should tell that to the American forces who were serving.

Mr. SASSER. Will the Senator yield?

Mr. COHEN. I will not yield. I have been sitting on the floor for the past 2 hours for an opportunity to make a statement. I would like to finish my own comments, and then I will yield to the Senator. Madam President, I would like to continue if I might.

The PRESIDING OFFICER. The Senator retains the floor.

Mr. COHEN. Madam President, I suppose you can go back and look at the films of the Wright Brothers and watch them try to take off in their flying machines, those wonderful flying machines, collapse, fall, crash and look foolish and then extrapolate that and say, "Where would we be without those foolish attempts?" Some cost lives, undoubtedly cost money.

The research that has been poured into the aerospace industry has taken years to develop. I doubt if any scientific or technological breakthrough has ever occurred that has not been preceded by failure and by expense. And that is particularly true in the field of defense.

The Senator from Tennessee says, well, let us compare what we spent for missiles and look what we spent for drugs and Head Start and the environment. Easy to say right now. I suppose you could have raised the same issue just 2 years ago in the Persian Gulf: You have 500,000 American troops on the ground and get up here on the Senate floor and say just think about it, should we spend money on missile defense against Scuds or anything else? Would it have been better spent on defending against missiles coming into our deployed forces or should we have spent it on something else—on domestic concerns?

I wonder how any of us would have answered at that time. I wonder how many of us would have answered the mothers and fathers of their sons and daughters who were in fact deployed in that region.

Well, the Soviet Union no longer poses a threat to us. It no longer exists as a union. There are still some 30,000 nuclear weapons rolling around somewhere in the Soviet Union. They have not yet been dismantled. The political situation has not stabilized. Hopefully, it will at some future time.

But forget about the Soviet Union. Forget about Russia. Forget about the Ukraine. They are not the only countries in the world that are interested in missile technology. There are other countries, like China, by way of example. Just recently this administration raised questions about the sale of missile technology on the part of China to the Pakistanis. There will be other issues, I am sure, that will arise in the future in terms of who is engaging in the proliferation of missile technology to regions that are unstable or unfriendly toward the United States.

Unless we think that only advanced countries, technologically speaking, the like of the former Soviet Union or China or perhaps even Japan or other countries have access to this technology, remember that Saddam Hussein came very close to launching a satellite. And if you can launch a satellite into space, you can launch a missile intercontinentally.

Let us not forget that Saddam Hussein was on a fast track to developing nuclear weapons. And I doubt very much whether he has given up on that dream of acquiring them. And that it will not be just Saddam Hussein but those who follow and other nations in that region that might bear us ill will in the future.

So we can sit here and say, well, there is no threat out there; we do not have to worry about it. We do not care whether it takes 10 or 12 or 15 years to develop the kind of technology that will provide some kind of limited protection to our people and to our forces in future years.

By the way, the Senator from Louisiana, I suspect, and perhaps even the Senator from Tennessee, will not be here. I will not be here. Most of us will not be here at a time when this technology is fully developed and available for our forces. We will either be retired or long since have past from this Earth. But there will be young men and women we will still be calling upon to defend this country's interests and they will want to know at that time what is it that we have to defend us against this kind of technology.

So I know it is easy to ridicule this particular system. They say, what have we gotten for it? Well, I would submit to you that we got something in the way of some serious and substantive arms control agreements as a result of this country's commitment to the SDI program.

And I find it ironic that I should be on the floor defending the Clinton administration when for a number of years—and the Senator from Georgia will recall this—I was the only Republican on the Armed Services Committee who voted to cut the Reagan program, the only one, and subjected myself to substantial criticism for that because I did not agree with the dome light concept that was going to be erected over the United States to protect us from incoming missiles. I too found some fallacies in the thinking and voted to cut the program year after year.

But to the credit of the Senator from Georgia, he insisted that we try to design a system that would protect our populations and our people against an accidental launch, against a limited attack from whatever source. That has been his persistent goal. And now we have a new administration but apparently President Clinton cannot be trusted to manage this program; Vice President Gore, a former Member of the Senate Armed Services Committee, he cannot be trusted. Maybe I could sit here as a Republican and say, well, they have time to go on David Letterman and smash ashtrays but they do not have time to give the Senator from Louisiana the answers to his questions.

So I want to say, Madam President, that we look at these arguments that because you cannot defeat every conceivable type of attack, therefore you should have nothing. That is the argument the Senator from Louisiana was addressing initially.

I think that the Senator from Georgia and the committee have tried their level best to fashion a program that will achieve the goals that were set out by the Senator from Georgia and others several years ago. It has been endorsed by this administration, by President Clinton, by Vice President Gore, by Secretary Aspin, by Under Secretary Perry, and others. And here we come on the Senate floor once again let us just take another $400 million out.

Maybe they have the votes to do so. But I say that we are compromising our ability to really achieve the goals that each of us should be eager to achieve. And that is a program that is scientifically sound, technologically sound, and fiscally responsible. I believe that the Senator from Georgia has worked to that end.

So I will have a few more comments to offer at a later time, Madam President, but I do not want to see this debate simply degenerate into a ridiculing of a program and say, well, there is no threat, or we cannot identify where the threat is coming from. Therefore, we should not prepare for it or we should continue to cut the program back to the point where it jeopardizes its efficiency.

So I wish to commend the Senator from Georgia for his efforts to design a program which is supportable, which is technologically sound and responsible and hope that the amendment will be defeated.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Madam President, I will yield the floor in just a moment. I know the Senator from Nebraska will be making his statement. He heads up the subcommittee that handles this, and he is one of our most diligent and best informed members in this entire area. I would defer to him in just a moment.

I would say to my friend from Maine that I remember not only on this matter but on many matters where he has been either the only or almost the only Republican who was willing to take on the Reagan administration when the rhetoric was excessive and when it was out of tune with scientific reality.

And as he well knows, I have always greatly respected and admired him not only for his wisdom and integrity but for his pure own fortitude and courage. So I do appreciate very much his remarks.

The entire missile defense act is what we have done in recharting this program and channeling it to the actual threats, toning down the rhetoric and getting it into a scientifically sound basis. Moving in that direction has been largely attributable to the influence of the Senator from Nebraska, and the Senator from Maine has played a key role. So I thank him for his remarks but most of all for his leadership.

I would like to propose a brief question to the Senator from Maine and the Senator from Nebraska. The Senator from Tennessee might want to listen to this one, too—if the Senator from Tennessee does not mind putting that entitlement chart back up. I am not entitled to his charts. That is his entitlement. But I would like to discuss that for just a moment.

Mr. SASSER. Let me say to my friend from Georgia in the interest of comity and being sporting in these matters, I will be pleased to put this chart back up.

Mr. NUNN. I thank the Senator from Tennessee. I will want to use that chart to demonstrate its inaccuracy, I will have to tell the Senator from Tennessee.

Mr. SASSER. In that case, Madam President, I may want to take it down.

Mr. NUNN. The Senator from Tennessee can stand in front and block the camera, but I will still talk about it. I remember it. I do appreciate the Senator's indulgence.

First of all, on that chart, if I could propose a question to the Senators here on the floor, the word "entitlement" is in my view a misnomer because every year we appropriate the money. We not only appropriate the money. There is nothing on automatic pilot about this program. We debate it. We not only have a debate on the defense authorization bill as we are doing now. We have a debate on the appropriations bill. So this is not an entitlement program by anyone's definition.

The second thing I would observe—and the Senator made this remark himself a few minutes ago. He made the remark that the Patriot missile was not developed in the SDI program.

He is correct. It was not. But guess what? That chart showing theater missile defense does two things. First of all, it leaves out the Patriot missile development which was in the Army, in the early years—not in this, in the 1980's.

And second, it incorporates it as the line goes up because of the shift-in recently to the overall ballistic missile defense program. So it is a double distortion in the sense that a program that was very much a theater missile defense program was a part of another category of spending during the low level of this line. And then, as the line goes up, that program had been shifted into the theater area.

The second thing I would observe is that obviously, during the early years of the SDI Program under the Reagan administration, the theater defense program was not the top priority; it was a very low priority. And many of us on the committee—and Senator COHEN from Maine led the way in this respect, that it was not a high priority—tried to make it much more of a priority because we felt, long before the Persian Gulf war, that that was going to be the most immediate threat to our military forces.

So these strategic programs have been deemphasized and now the line is going up, based on this Congress. This Congress decided to shift the money more toward theater defense. I am gratified by the fact that the new administration has agreed with that, and they are naturally moving much more money into theater defense.

I repeat what I said a little while ago; that is, if you look at what happened in the last meaningful conflict that we have been engaged in, we had 148 people killed in action in the Desert Storm operation—148 total. We had 467 wounded in action. Of those 148 killed in action, 29 of them were killed by one Scud missile, a very unsophisticated weapon, one that is very crude, one that has been supplanted in technology by a number of Third World countries and other countries, and one that will not even represent the same kind of future threat that we will have to design these defenses to meet in the future.

So we have approximately 20 percent of all the individuals killed in the Persian Gulf war that were killed by one Scud missile, exactly what we are trying to protect here with the theater missile defense allocation. I would say if you look at the number of wounded, it also is a substantial percentage of the number of people wounded because in that Scud missile attack, there were approximately 98 people who were wounded by that attack, as well as the people who were killed.

So it is a threat. It is not a future threat; it is a present threat. We are behind the curve in trying to meet that threat. The Patriot missile was the first effort. But we have a number of programs, as the Senator from Tennessee has observed; there is redundancy now. That is what you have when you have experiments. You try to have a number of different options, and then you try to boil them down as you determine which ones have the best chance, technologically speaking, of succeeding.

So we are in that process. In fact, the committee this year consolidated a number of programs and is trying to accelerate the process of narrowing these programs down. But redundancy in an area of high technology in terms of determining which kind of technology is going to be the most successful is absolutely essential. If you already knew which missile and which defense system was going to be the best, then you could just narrow it down to one and say, "Let's go." But if we wake up 5 years later and it turns out we were wrong, then we are exposing our military forces in a way that is reckless, indeed.

So we do not choose to do that, nor do we do it in any kind of high-threat area.

I say finally, in my brief observations here—I will end up framing a question to my colleagues particularly relating to the Patriot system and the theater emphasis—that there are a number of Members here who urge us constantly to put more money into the Patriot, put more money into ERINT Arrow Program. We hear from people who vote against SDI wanting more money in these programs.

Everyone who has an interest in any of these programs should know that this amendment will cut both programs. Not only will it cut them in the overall amount, but it will allocate a percentage of 48 percent, which was the original administration position but is no longer the administration position.

So I think everyone should reexamine their position, even those though voted to cut this program last year, in light of the fact that we have a new administration; we have the kind of priorities that now are beginning to make sense in this program; we have a number of technological options that are going to be narrowed down. And if we arbitrarily make this kind of cut, we are going to pay a severe price in the future in terms of the very high area of priority; that is, theater defense.

Finally, I will just pose a question to my friend from Nebraska as to whether he would agree with my assessment of this particular chart in terms of the Patriot missile not being shown and in terms of it not being an entitlement program.

Mr. EXON. Let me respond in this fashion. I am delighted that the——

Mr. SASSER. Madam President, who has recognition?

The PRESIDING OFFICER. The Senator from Georgia retains the floor.

Mr. NUNN. I yield to the Senator from Nebraska for a question, and then I yield to the Senator from Tennessee for a question.

Mr. EXON. I would simply like to say, Madam President, that the Senator from Nebraska has been waiting for a long time and has a 4 o'clock appointment on a matter related to this issue.

I would like to make my statement as soon as I can on this matter.

I was delighted when the chairman of the committee referenced the chart that the Senator from Tennessee used. I was going to make some of the points but could not make them as well as the chairman of the committee.

I would certainly agree to the question asked by the Senator: That, exactly, this chart is totally meaningless if you look at the historical perspective of what we are talking about. I would also say that, due to television, since charts have become famous in this institution, we also like to have charts that show sharp increases or sharp decreases, depending upon which point of view one is trying to express.

The facts of the matter are—I cannot read the figure on the chart from here, but it would seem that most of us would agree, and I believe that even the Senator from Tennessee would agree—that if there has been a lack of funding, it has been for theater missile defenses; and, therefore, although the chart is now being covered up, the line that goes up so very abruptly is something that the Senate has expressed itself on on many occasions in the past. We are simply responding to what the Senate has voted for. I think we should not be criticized.

I would like to gain the floor in my own right, if I might.

Mr. NUNN. I yield to the Senator for—does the Senator have a question?

Mr. SASSER. I just wanted to make a retort to the analysis of the distinguished Senator from Georgia of my chart.

Mr. NUNN. Other than what I said about it, it is a wonderful chart. I like the colors.

Mr. SASSER. The Senator said that my chart was flawed. I want to indicate my view that the Senator's analysis of my chart is flawed, and that the chart itself, I think, is an excellent chart. I can make this point in just 2 or 3 moments.

One, with regard to the title of the program, clearly that is tongue in cheek. We all know that the military programs are subject to the appropriations process.

With regard to the Patriot missile being included in this upward thrust here, the Patriot PAC-2 is included in here, but that would mean a very small part of the upward thrust of this funding for theater missile defense.

Let me just say this, and then I want to defer to the distinguished Senator from California, who is on the floor. She has been here for a while. Let me just make this point, and I will retire.

We are not talking about emasculating this whole program of ballistic missile defense, as you might believe.

Mr. NUNN. Madam President, I would certainly be glad to answer any question. But the Senator from Nebraska has to preside over a meeting on this very subject at 4 p.m.

If the Senator will pose the question, then, so I could yield the floor.

Mr. SASSER. I yield the floor, and then my time will come.

Mr. NUNN. I thank the Senator. I yield the floor.

Mr. EXON. Madam President, I rise in opposition to the amendment before the Senate and others like it that might be proposed which would be cutting ballistic missile defenses and that organization of funding below—and I emphasize to the Members of the Senate "below"—the already significant reductions made in this overall program by the Armed Services Committee.

I believe that the Senator from Tennessee and also the Senator from Louisiana would agree that this Senator has been no shrinking violet on giving in to requests of the administrations in the past for defenses from outer space that would fall upon the United States of America.

I compliment my colleague and friend from Maine. He, too, has been with us on many occasions when the Armed Services Committee felt that the billions of dollars scheduled for appropriations by previous administrations were out of line.

I also did not buy the overall umbrella concept originally introduced by President Reagan under the heading of Strategic Defense Initiative many, many years ago. I thank my friend from Maine for a very excellent presentation, and I believe he has hit the mark as far as the defense that I think is necessary of the significantly reduced amount recommended by the Armed Services Committee for ballistic missile defenses.

At this time, I would like to insert in the RECORD—and I will furnish a copy of this to the Senator from Tennessee and the Senator from Louisiana, who an hour or so ago, while I was here waiting to make these remarks, were very upset about the fact that they were not able to get the unobligated balances in this overall program. I have that information. It was not difficult to obtain. It just might be that they asked the wrong party.

I ask unanimous consent that this material be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BMDO OBLIGATION STATUS

[In millions of dollars]

Program, element and appropriation	Program	Obligated	Unobligated as of Aug. 31, 1993
SBI, 63214C, RDT&E	211.637	196.661	14.976
LDS, 63215C, RDT&E	1,672.613	1,582.228	20.385
TMD, 63216C, RDT&E	1,027.350	971.933	55.417
TMD, 28060C, Procurement	75.200	40.200	35.000
OFO, 63217C, RDT&E	300.210	296.074	4.136
R&S, 63218C, RDT&E	417.990	355.053	62.937
Total	3,705.000	3,442.149	262.851
Less Potential Withdrawal (OSD requested de-obligation)	[1] −50.000		−50.000
Total all programs	3,655.000	3,442.149	212.851
Theater program, RDT&E, procurement	1,027.350 75.200	971.933 40.200	55.417 35.000
Less Potential Withdrawal	−2.000		−2.000
Total theater program	1,100.550	1,012.133	88.417
Non-theater ballistic missile programs (all programs less theater prog)	2,554.450	2,430.016	124.434

[1] Pending withdrawal by OSD.

Mr. EXON. In any event, this indicates that the total remaining unobligated balances on the program in question are $212.851 million and $124 million, or the largest portion of that unobligated money is for the ballistic missile defenses for our troops. The Senator from Maine went into a considerable discussion on that, and I agree with the remarks he made in that regard. So to indicate and end this alleged abuse of the Senate's not being able to get the right figures, I cite those figures from the Department of Defense, which, as of now, are made part of the RECORD.

Madam President, I would also like to discuss at this time, the concerns that have been expressed by several on the floor, including the junior Senator from Arkansas, with regard to the report in the New York Times of the Department of Defense under the Bush administration, as I understood it, who were trying to fool not only the Soviet Union, but the Congress of the United States with regard to previous programs.

As indicated by the chairman of the committee, we were briefed on this this morning. When I first heard about this story, I was concerned, too, because I had never received any information that would have led me to believe that the previous administration officials—and maybe this went back farther than the Bush administration; it may well have been gone back to when Caspar Weinberger, who I worked with for years, was Secretary of Defense. I always found Caspar Weinberger, and the people who succeeded him, to be people that I trusted. I did not always agree with them, but I never felt they were out to deceive me or other Members of the U.S. Senate. Therefore, the New York Times story was of great concern to me, and it was of great concern to the new administration as well.

Dr. Perry, whom most of us know very well—especially those of us in the Armed Services Committee—was a key member of the Carter administration. I believe Dr. Perry is one who had general trust on both sides. Dr. Perry briefed us this morning on the New York Times story that, as I understand it, went back to 1984 and may have carried over sometime later, but probably occurred, at least as alleged in the New York Times story, when Caspar Weinberger was Secretary of Defense. I am pleased to report to the Senate—and I believe something will be coming in writing this afternoon; I understood that it was going to be released at 1:30. I have just been handed the statement by the Honorable Les Aspin, Secretary of Defense, September 9, 1993, and I ask unanimous consent that it be printed in the RECORD at this particular point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY HON. LES ASPIN, SECRETARY OF DEFENSE, SEPTEMBER 9, 1993

A recent news account of a 1984 missile defense experiment raised a number of serious questions about conduct of the program. Those questions fall into three categories.

First, was the experiment "rigged?" That is, were the apparently successful results demonstrated in the experiment the product of misrepresentation?

Second, was there a deception program aimed at convincing the Soviet Union that our missile defense capability was greater than it was, and did this program have the consequence of also misleading the Congress?

Third, have any such deception programs misled the Congress about test results on other systems and could that happen in the future?

I want to say at the outset that we take these questions with the utmost seriousness. They go to the heart of the integrity of our testing programs and to the integrity of our dealings with the Congress on testing. I want to assure everyone that we will have honest testing and we will report the results honestly.

In this case, I asked Deputy Secretary Perry to get to the bottom of the assertion of rigged testing. He directed an inquiry by Under Secretary for Acquisition and Technology John Deutch. It is this effort we are reporting on today.

Let me begin by briefly describing the experiment in question. It occurred on June 10, 1984. It was conducted by the Department of the Army and was called the Homing Overlay Experiment. It's aim was to demonstrate that an interceptor missile could hit an incoming simulated Soviet re-entry vehicle. The test on June 10 was the fourth in a series. The previous shots had failed to hit the target.

On June 10, a missile carrying the simulated Soviet warhead was fired from Vandenberg Air Force Base in California. An interceptor missile was fired from Meck Island in the Kwajalein Missile Range in the Pacific. The interceptor's on-board, heat-seeking detector picked up the target in the last few seconds of flight and guided it to a direct hit.

Let me now take the three questions in order. Was the experiment rigged? A New York Times story August 18 quoted unnamed sources as saying it was "rigged" because a radar beacon had been placed on the target re-entry vehicle that directed the interceptor to the target.

There were four elements of the experiment that might give rise to questions about the validity of the results. Here is what we found:

Finding One. There was a radar beacon aboard the target vehicle. We also found that there was no receiver on board the interceptor for this radar. The beacon had been placed to assist in range and safety tracking of the target from the ground. The beacon was of a type not capable of the final guidance of interceptor to target. Our conclusion is that the experiment was not rigged, and in fact could not be rigged, by the presence of the radar beacon.

The inclusion of the beacon was discussed in unclassified portions of a 1984 report on the experiments written for the Army's Ballistic Missile Systems command. The report was available to Congress at the time and we have a declassified version of that report available here today.

Finding Two. The re-entry vehicle was heated to increase its visibility to the heat-seeking interceptor. The RV was heated to 100 degrees Centigrade. The heating of the RV and other aspects of the experiment were discussed in an unclassified study published by the congressional Office of Technology

Assessment in 1987 which was available to the public. The OTA report suggests that the RV may have been heated to temperatures higher than were expected in actual Soviet re-entry vehicles. Had the experiment been an operational test, this would have been a suspect action. As it was, the experiment was intended to demonstrate the basic process rather than test the sensitivity of the heatseeker.

Finding Three. There was a data link from the ground to the interceptor that could have been used to guide the missile to the target independent of the radar beacon. It was not used.

Finding Four. The target carried optical enhancers to make a direct hit more visible. These enhancers included flash powder. Since these enhancers come into play only after there is a direct hit, their presence does not constitute rigging of the result.

Overall, our conclusion on the experiment is this. It was not rigged by the inclusion of a radar beacon on the target, nor by other means. The experiment demonstrated what it purported to demonstrate, that the final guidance of the interceptor to a direct hit was done by the on-board heat seeker. We should also understand that this was not a test of a developing system, but rather a demonstration done under experimental conditions. The independent Office of Technology Assessment said in its 1988 report that the Homing Overlay Experiments were "sound experiments properly designed * * *."

That brings us to the second set of questions. Was there a deception program associated with the Homing Overlay Experiments designed to deceive the Soviets and did it also deceive the Congress?

The answer is that there was a deception program aimed at the Soviet Union associated with the experiments, but it deceived no one because it was not used.

The deception program was part of that category of highly secret activities called special access programs. It consisted of an explosive charge aboard the target vehicle. The plan was to detonate the charge in order to give a near miss the appearance of a direct hit to give Moscow our efforts were more successful than they were. In the early flights, the interceptor did not come close enough to the target to allow detonation of the charge. In the final flight, the charge was not activated and could not have been detonated.

So, our conclusion is one, that there was a deception program associated with the Homing Overlay Experiment, two, Congress was not informed about, but three, ultimately it was not used.

I should point out here that conducting such a program today without informing Congress would be illegal. But in 1984, there was no requirement to tell Congress about special access programs. That changed in 1988 when Congress required that all special access programs be reported. I had a hand in establishing that requirement as chairman of the House Armed Services Committee, as did Senator Sam Nunn, chairman of the Senate Armed Services Committee, then-Representative and now Senator Barbara Boxer, and former Senator Lowell Weicker.

That bring us to our third set of questions. Has the Congress been misled on test results on other systems and could it be misled about results in the future? Let me deal with the part about the future first. We do not confirm or deny the existence of any particular special programs, but we do state that Congress is being informed of all special access program. The Homing Overlay deception program could not happen today without Congress knowing about it.

Now on other systems. We have gone to serious lengths to determine if past test results were tainted by deception. Our conclusion at this point is that no past test results have involved deception programs that could have deceived Congress or the American people. The Homing Overlay Experiment episode could not be repeated today.

Our conclusion is that past test results were unaffected by the kind of deception effort attempted on the Homing Overlay Experiments, and that the Homing Overlay episode could not be repeated today.

To sum up, the experiment was not rigged and deception did not take place, although a program to practice deception existed. And I guarantee this. While I am here, Defense Department tests will be conducted honestly and reported honestly.

Mr. EXON. Madam President, I have not had a chance to read this in great detail. It simply says, I am sure, what we were briefed on by Dr. Perry today, that the New York Times story was simply wrong. The New York Times story was not accurate. The allegations that were directly or indirectly made against Caspar Weinberger and other distinguished members of the Reagan and/or Bush administration were wrong. There was no coverup. There was no attempt to fool the Congress of the United States. And it only proves, once again, that you should not believe everything that you read in the newspapers, even though some people jumped at that opportunity. And I particularly hope the junior Senator from Arkansas—who had some legitimate concerns about this, and I agreed with him—will understand that we were more misled by the New York Times story than any of us were misled—which we were not—by any officials of the previous administrations that had something to do with this program.

I believe it is important, Madam President, to place in perspective the ballistic missile defense funding level. There has been some talk on the floor of the strategic defense initiative. There is no Strategic Defense Initiative anymore. It is gone. The program is now known correctly as the Ballistic Defense Program, Ballistic Missile Defense Organization, BMDO, and it is a significantly scaled-back program, a drastic reduction in what we had before. Listening to the debate today by the Senator from Tennessee and the Senator from Louisiana, I had envisioned that we were talking about the days of yesteryear when we were talking many, many billions, $6, $7, or $8 billion for this program.

It has been drastically scaled back by the new administration. In so doing the administration made recommendations through the Armed Services Committee. We even scaled back, Madam President, the drastically reduced request by the new Clinton administration.

As has been said by others, I would hope that the bottom-up review, the drastic scale back of our total expenditures on defenses by the new administration, would give Members of the Senate, especially those on this side of the aisle, a little bit better understanding of what is going on and what is not going on.

To try to put this in some degree of perspective to demonstrate what we have done, I would simply say that the original request for the strategic defense initiative for 1994 by the Bush administration was $6.3 billion.

The Clinton request that matches with that called the Ballistic Missile Defense Organization, as I have just referenced it, cut that in half, from $6.3 billion to $3.7 billion.

The Armed Services Committee transferred an additional $253 million of that money from the Brilliant Eyes program to a warning account that would be under the control of the Secretary of Defense, and that money could not be expended until the Secretary of Defense had advised the proper committees of the Congress as to how he was going to be using it. It is designed for a surveillance and warning account to address what the Senate has repeatedly, in the last few years, said. That was simply, get off of the star wars concept, Madam President, and get back to the realistic field of building a defense that would be the defense of our troops on foreign shores.

The Senator from Georgia, the Senator from Maine, and others, have made excellent references as to where and how that would come into use and where an inadequate ballistic missile defense for our troops in combat caused a substantial amount of the casualties that we had in the gulf war.

In addition to that $253 million that we fenced in the Armed Services Committee, we cut an additional amount to bring the total recommended expenditures by the Armed Services Committee to $3.2 billion.

A refresher: The Clinton budget request was for $3.7 billion. The original Bush request was for double that, $6.3 billion. The Armed Services Committee, that some people have indicated have not acted responsibly in this fashion, cut the amount another 15 percent to a net figure of $3.2 billion.

If the Senate, unwisely in the opinion of this Senator, accepts the amendment offered by the Senator from Tennessee, there would be an additional cut of $400 billion, and the figure would be reduced from the Armed Services recommendation of $3.2 billion to $2.8 billion, about the same level that the House Armed Services Committee has marked to.

I believe it is important, therefore, to place in perspective the ballistic missile defense funding level contained in the authorization bill. As I have just referenced, the $3.75 billion proposed by the administration is indeed a far cry from the over $6 billion request projected for fiscal year 1994 by the Bush administration. More importantly, the administration's request reflects a missile defense program along the lines mandated and demanded by Congress. That is a program that emphasizes early deployment of theater missile defenses of a limited national defense system defense inballistic missile.

The defense authorization bill before the Senate funds the Ballistic Missile Defense Organization Programs, as I have referenced, at $3.2 billion; $553 million, or 15 percent, less than requested by the administration. The committee was able to achieve this savings by transferring $253 million requested for the space-based Brilliant Eyes Program from the Ballistic Missile Defense Organization to the consolidated surveillance and warning account, and by further reducing overall ballistic missile defense funding by $300 million.

Madam President, we have made the cuts. Any further reduction in this program, given the fact at what level we have funded previous, is simply irresponsible regardless of who proposes the amendment.

The committee also directs the Defense Department to begin promptly reviewing numerous ballistic missile defense systems, including the improved Patriot, the Erint, and the Thaad for compliance with the ABM treaty.

The important point here is that for the first time we seemingly have an administration that is proposing a missile defense program in keeping with the wishes, the requests, and the demands of Congress, and now we have an amendment on the floor that would do them in. The architecture being proposed is ground-based, not space-based, not star wars—it is realistic—thereby ensuring compliance with the ABM treaty.

Emphasis is now on the protection of our troops. Let me emphasize, Madam President. The emphasis is on the protection of our troops in the field in combat against theater missile attack, not on the increasingly unlikely proposition of an ICBM attack against the United States. On balance, therefore, the administration's missile defense program is now more realistic and a more affordable and practical program, as the Senate has been demanding.

Still, the committee was able to achieve modest savings in the ballistic missile defense account in the markup of the bill while the entire program was being evaluated as part of the bottom-up review. The bottom-up review findings released on September 1 reconfirm this emphasis on the development and deployment of a theater missile defense, once again what the Senate has demanded.

By also focusing on existing technology development in the national missile defense architecture, the bottom-up review concluded that it could reduce the 1995–1999 ballistic missile defense budget by $21 billion from the $39 billion, therefore, down to $18 billion.

Let me repeat that, Madam President. With regard to the bottom-up review, the new administration, which I think is taking a very realistic, reasonable look at this proposal, emphasizing the need to, as quickly as we can and reasonably build up protection for our fighting combat forces in the field wherever they might be located, that has been reduced from a figure of $39 billion for the 4 years, 1995 to 1999 program, down to $18 billion.

I suggest that is a significant and realistic reduction.

Based on my initial reading of the administration's findings, I believe that they have made a good-faith effort in streamlining this program by dealing with the theater missile threat first while preserving our investment in a national defense system that can protect the continental United States against ICBM threats emerging over the next 15 to 20 years.

To cut the ballistic missile defense organization budget below the $553 million reduction already taken in the committee, therefore, even before the ink is dry on the bottom-up review findings, is premature and would threaten our Nation's ability to field, in a timely manner, the weapons technology necessary to protect our combat troops in the field.

I hope and I think the Senate is not prepared to do that.

I certainly recognize the help that we have all had over the years, from the Senator from Tennessee and the Senator from Louisiana, in cutting back what I even agreed on many occasions, as the Senator from Tennessee I think would be willing to recognize, I think that the cuts that they are suggesting at this time is more of the same that we practiced in the past, while not recognizing that we have a new administration, that the Armed Services Committee felt were making significant reductions in this program and we felt it was important.

We felt it was important, since significant reductions were being made, to give them the flexibility that we think they need to make it all work.

Madam President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from California.

Mr. THURMOND. Madam President, a point of personal privilege.

Is it not customary in debate to alternate from side to side?

The PRESIDING OFFICER. That is correct, Senator. The Chair has to recognized the Senator——

Mr. THURMOND. That has been the policy in the past.

The PRESIDING OFFICER. The ruling of the Chair is the Chair recognizes——

Mr. THURMOND. Did not the Senator from South Carolina speak up first and ask for recognition?

The PRESIDING OFFICER. The Chair recognizes the first Senator who seeks recognition under no time constraints. The Chair, in her opinion, heard the Senator from California seek recognition.

The Senator from California has the floor.

Mrs. BOXER. Thank you very much, Madam President.

I say to my friend from South Carolina that I have been on this floor for several hours waiting to speak and I appreciate this opportunity and I will not take very long.

Mr. EXON. May I interrupt for a point of personal privilege?

Mrs. BOXER. Yes.

Mr. EXON. May I make a statement in behalf of the majority leader that will just take a moment?

Mrs. BOXER. Certainly.

Mr. EXON. If it has not been announced previously on the floor of the Senate—maybe it has—at 4 o'clock in the Armed Services Committee, Room S. 222, Assistant Secretary of Defense Deutch will be there for a full and thorough description of the inaccurate story in the New York Times.

Any Member of the Senate is invited to go and listen to that, because it has become a prominent part of this debate and we think every Senator should have the right if they want to go to that meeting.

I thank my friend from California for her courtesy.

(Mr. DORGAN assumed the Chair.)

Mrs. BOXER. Mr. President, it is always a pleasure to yield to the Senator from Nebraska.

I rise to support the amendment by my Budget Committee chairman, Senator SASSER of Tennessee.

Mr. President, for several years in the House of Representatives I served on the Armed Services Committee and I have tried for quite a while to return the star wars program to a basic missile defense program.

I think it is important to point out that that program—the basic missile defense research program—was started by President John Kennedy.

And when my colleague on the House side, RON DELLUMS—who is now chairman of the Armed Services Committee—and I put forward our amendments each and every year on star wars, we made the point that we favored a basicmissile defense research. We argued that if you took the amount of money that President Kennedy had dedicated to the program and you added enough funds for inflation year after year, then now, the program would be about $2 billion.

So I think it is very important to recognize that even with this modest cut in the program, which would in fact match the House-approved authorization, it would still be more than the missile research program plus inflation that started with John Kennedy.

I would like to say to my friend from Maine, Senator COHEN, who, unfortunately, is not on the floor, that he made an excellent presentation on behalf of this program. He was very eloquent in describing the kind of dangerous and unpredictable world that we live in.

He also said that, when Ronald Reagan was President, he, though a Republican, stood up and opposed the initial Star Wars program.

I think he makes the point very clearly: We should not be partisan when it comes to budgeting. We should not be partisan when it comes to debating a weapons system. Instead, we ought to look at the system, see what it is supposed to do and determine where it fits into our limited resources.

The Senator from Maine also stated that we Democrats supporting this modest cut were implying that we did not trust this administration.

Nothing could be further from the truth. Of course, we are going to have disagreements once in a while with this administration. It does not mean we do not trust them. It just means that we must do our job as well.

When Secretary Aspin announced the end of star wars, the end of the strategic defense initiative and the beginning of basic missile defense research, I thought we would see a commensurate reduction in funding, down to about the $2 billion level. Unfortunately, we did not see that and, as Senator EXON points out, the authorization we are considering is $3.2 billion.

And I would go back to the Senator from Maine's eloquent defense of a missile defense research program and say to him that the Senator from Tennessee is very clear in his amendment. He is still coming up with an adequate number for thisprogram.

I would say to my friend from Nebraska, Senator EXON, that he called this amendment irresponsible, but yet it matches the number that the House Armed Services Committee reported.

I want to tell him and my colleagues about the House Armed Services Committee, because I served on it for several years.

The House Armed Services Committee, I might say, Mr. President, is not a committee of doves. On the contrary, if you were to use the word "hawk" or "dove," you would say there were more hawks than doves on that committee. And I think the Chair knows what I mean because he knows the makeup of the committee. They are very strong and I do not think they would come up with an irresponsible number.

Mr. President, back in the days when I was on the Armed Services Committee in the House—and I think you might find this story kind of amusing—we were in a heated debate on whether or not we should fund star wars. I was making a passionate plea to bring it down a notch or two or three. One of my colleagues on the other side of the aisle got up quite agitated at me—I understood why; because he thought it was a great program—and he said, "Will the Congresswomen yield?"

I said, "Of course, I would be happy to yield."

He said, "Do you know, Congresswomen, that we spend more on panty hose in this country than we do on star sars?"

And I was kind of taken aback. And I thought quickly, and I said: "You know, I can understand why. Because panty hose are affordable. They do not change their mission every day. And panty hose are reliable. And if you look at star wars, it certainly is not affordable. It has not been reliable. And it changes its mission almost every day."

As I sat in the chair and I listened to the Senator from Louisiana talk about the changing missions of star wars, I was absolutely taken with how masterful he was.

He talked about the change from the shield that would protect us all, impenetrable, to a partial shield, to the continental defense, to the Brilliant Pebbles, to the ground-based defense system, to the space-based defense system.

Star wars changed its missions more times than Imelda Marcos changed her shoes. I do not think there is any question about it.

And then there are those who are against this amendment who say: Yes, we have had our problems in the past, but that should not be used against the program today.

I would like to challenge that assumption. I think if this were any other program on the social spending side and we did not have results to show for it, be it immunization or Head Start, if such a program had a bad record, I think that it would be fair to raise it. We need to make our decisions in the present based on what has happened in the past.

We are spending more money on this particular program than we are on any other weapons system. We have spent $30 billion so far without very much to show for it.

Some people say, "Did the Patriot missile come out of star wars?" I think the Senator from Tennessee, the sponsor of this amendment was very clear on that point. No, it did not come out of star wars. It came out of the Army's research into an antiaircraft program. So, really we do not have much to show for Star Wars except ever changing missions and a lot of money wasted.

Senator JOHNSTON of Louisiana said the program has been a flimflam. He said, basically it has been a shuck and a jive.

The Senator from Georgia says yes, that is true, but let us not bring up the old history.

I think we would be remiss if we did not. We have to learn from history.

So, to sum up, this amendment is very modest. There are many of us here who would like to see it go further. I think the Senator from Tennessee himself said that an argument could be made for reducing this program further, but he chose a $400 million cut for this amendment because he wants to be realistic. I support him in his effort. He knows the crunch we are in.

We have to look at drug wars. We have to look at the education wars. We have to look at crime wars. We have a lot of wars we have to fight. We have a deficit we have to bring down.

I appeal to my colleagues on both sides of the aisle. It is really time to support the Senator from Tennessee in what I think is an extremely responsible amendment. And then I think we can truly look the American people in the eye and say we are doing something, not only to make sure we have a solid missile defense system in place, but that the dollars that are behind it are not wasted.

Mr. President, I yield my time.

The PRESIDING OFFICER. The Senator from California yields the floor.

Who seeks recognition?

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I regret that the Senator from Tennessee has proposed this Draconian and ill-considered cut in funding for ballistic missile defense. I oppose it strenuously.

This amendment would cut $400 million from the Armed Services Committee recommended level of $3.5 billion. But I must point out that the funding level recommended by the committee already represents a $300 million reduction from the administration's budget request. Thus this amendment would make a total cut of $700 million from the administration's BMD request.

In his letter explaining the amendment, the Senator from Tennessee claims the amendment would allow robust growth in theater missile defense, and protect key components of national missile defense. No one seriously believes this. It simply is not so, and merely saying so does not make it so. If this amendment passes, I believe no meaningful missile defense will be possible. It would not only kill any hopes of national missile defense, but cripple the theater defense program as well, which is the administration's top priority.

Under Secretary of Defense John Deutch, in a letter to our chairman on September 7, urges the Senate not to cut BMD below the $3.5 billion committee mark.

> Budget cuts below the Armed Services Committee level and program fences this year will endanger our ability to deliver our new plan.

He is speaking of the BMD plan just released from the bottom-up review, which is frankly a very modest plan.

The Sasser amendment ignores the realities of a still troubled and uncertain world. While the threat of ballistic missile attack from the former Soviet Union is remote, there is still tremendous turmoil in the former Soviet Union. The Russians still have a powerful arsenal of nuclear missiles aimed at the United States. We must have a limited homeland defense to guard against a renewed threat from a hard-line Russian regime should one return to power. We must also guard against a long-range missile threat from a hostile Third World nation as well, which Director of Central Intelligence Woolsey says could be possible by the turn of the century. We already face a severe threat from theater ballistic missiles proliferating in the world's most hostile regions.

Members of both parties, including traditional opponents on the SDI issue, all agree that theater missile defense is absolutely essential to protect our forces and vital interests in the Middle East and Korea, and to discourage missile proliferation. Missile defense must continue, not just as research, but as an acquisition program that will protect American lives. I urge the defeat of the amendment.

The PRESIDING OFFICER. Senator THURMOND yields his time.

The Chair recognizes the Senator from Arkansas, Senator BUMPERS.

Mr. BUMPERS. Mr. President, I regret Senator JEFFORDS is not on the floor. He said he had only a 5-minute statement and I was perfectly happy for him to go ahead of me. Since he is not here, I will go ahead with what I had to say.

First of all, Mr. President, as you know, charts have become very trendy in the Senate. This just happened in the last 2 years. Nobody comes to the floor anymore without a fistful of charts. I think that is very healthy. As a former trial lawyer I used to put charts and displays in front of the jury. They are very fine instruments.

I brought my own chart here today. We have spent $30 billion since 1983 on SDI. And this is what we got for it.

Can everybody see that chart? It is a little difficult to see. But this is what we got for $30 billion—nothing.

Mr. President, harking back from this day of September 9, about 33 days ago this Chamber was full of Senators and on both sides of the aisle you heard all this rhetoric about what was wrong with the President's economic package; namely, that it did not go far enough, it did not cut enough.

I told some people at that time on both sides of the aisle, those people who were fearful that economic package was the beginning and the end of budget cuts around here, they would have a great opportunity to put their rhetoric right over their heart and head, and vote for one spending cut after another. Today is the first one. There are going to be many more. The space station, the collider, the advanced solid rocket motor, the Trident II, the intelligence budget—all of those are coming.

I hate to say this—I hate to say it to my colleagues and I hate to say it to the American people—I will predict that at least 75 percent of those cuts will be defeated. They will be defeated by the people who screamed the loudest about how the President's budget package did not go far enough.

Sometimes this is the most surrealistic place I have ever seen in my life.

I read a story in this morning's Washington Post about the space station. I can tell you as a trial lawyer, you should never mix apples and oranges. We are here talking about SDI. But the point ought to be made about how difficult it is to get anything done around here.

One of the reasons morale is lower in the U.S. Senate right now, in my opinion, than has ever been in the 19 years I have been here is because you cannot get anything done.

When I started running for Governor in 1970, I said the people have a right to be wrong if that is what they choose.

I can tell you one thing, the people are right about one thing: They have this crowd's number when it comes to spending cuts. They know rhetoric from reality. The rhetoric is, before the Chamber of Commerce back home, about what a great fiscal conservative you are, and about all those big taxers and spenders up there. And they come right back up here and vote for tens and hundreds of billions of dollars that are absolutely, utterly worthless; that have nothing to do with the real priorities of this Nation.

Here is a space station article of this morning:

> "We can't keep floundering around searching for a new configuration trying to decide how to build it—and with whom. We're spending $2 billion a year," said a House staff member who follows the issue.

They are talking about a design. I want you to listen to this:

> Meanwhile, because of significant uncertainties remaining as to "what we're buying," Mikulski's panel wrote in language that locks up until January 31 about $946 million of the space station funds, according to the aide, who spoke on condition of anonymity. That means "NASA can't spend it until they come back and tell us what the redesign looks like."

Then the aide says:

> In addition * * * "the President or his designee" must certify that the new design provides the same capabilities for scientific researchers that existed in the previous design: "It is the linchpin of whether this space station is worthy of support."

You think about that. The President said we are not going to build space station *Freedom;* we are going to build a much smaller version. And now they are saying the linchpin is whether or not this new design will have the same capability as the one we just torpedoed.

Now, we spent $8 billion on that. Let me go back to my chart. We spent $8 billion on the space station, and so far this is what we have gotten for it. There is $38 billion down the tube; I mean gone forever, for nothing except a bunch of macho spirits around here.

So now we come to the defense authorization bill, and as we head into the latter part of this month and October, all these appropriations bills will come sailing through here, and the first one is SDI. No, it is not SDI anymore; it is BMDO or BD. What is it? BDIO, ballistic missile—BMDO, Ballistic Missile Defense Organization. I said SDI and SDIO for so many years, I am having trouble with that one.

And so now there is a lot of talk here about did the Defense Department deceive us? Did they rig a test? The New York Times wrote this front-page story that in 1984, in order to scare the Russians and deceive Congress, they put a homing radar on the target so you could not miss it. Then they put some powder on it so that when it did explode, if they had to detonate it in case it was a miss, they could detonate it and it would make a big flash and the Soviets would think it was a hit.

That story came out just 2 weeks ago, that Congress had been deceived by an artificially rigged hit under the SDIO program in 1984, and before the ink got dry, all the conservative writers all across America say, "Are we smart or what? We got the Soviets to spend all those billions of dollars by deceiving them into thinking there had been a hit."

That was the first thing that happened, and the next thingthat happened, Mr. President, happened today. Now, is it not curious that the Secretary of Defense and his Deputy waited until noon of September 9, 2 hours before Senator SASSER and some of us were going to offer this amendment? It is the same old story.

On the super collider, the Secretary of Energy said, "Well, I fired the project manager. Everything is going to be hunky-dory now. The cost overruns are over. There is not going to be any more whiskey money spent, no potted flowers, no cost overruns. Everything is going to be hunky-dory because we fired the project manager."

This year, it is the same old story. Not SDI anymore. We already spent that $30 billion. We have even changed the name of it to the Ballistic Missile Defense Organization for theater missile defense, Patriot upgrade calculated to recall all those evenings you watched the Patriot missile during Desert Storm.

The truth of the matter is the Patriot did not perform as well as many believe. You get slightly varying versions of that, but the truth of the matter is the Patriot did not perform all that well. But we are not here to debate the desirability of a theater missile defense system. I agree with that.

But everybody in this body should realize that if you had an absolutely fail-safe, foolproof ballistic theater missile defense system, you still would not have anything that would intercept a cruise missile. The Iraqis shot some of our cruise missiles down with BB guns or .22 rifles or whatever. But I can tell you one thing, you are not going to shoot down a cruise missile with this system and the cruise missile is easily the most revolutionary system of this century. When the President chose to punish Saddam just recently, what did he do? He sent 20 cruise missiles. He did not sacrifice one single person or life to put 20 cruise missiles on what was designed to be an attack on their intelligence system.

It is not designed to shoot down bombers. If Saddam or some of the Islamic fundamentalists want to rent a Piper or Beech Baron in Miami and load an atomic bomb on the back of it, the ballistic missile system is not going to stop it. If somebody could bring a nuclear device into this country in a suitcase and plant it at the base of the Washington Monument, this system is not going to stop that.

So we are working on a Patriot upgrade.

Mr. President, I will tell you one of the most interesting stories you will hear in this particular debate. Let me turn to another chart. We had this very curious situation where the President was asking for $3.8 billion this year and saying—now listen carefully—the President said: I want $3.8 billion for 1994 for the Ballistic Missile Defense Organization, and then I want $7.8 billion each year thereafter.

So if you gave the President what he asked for until 2 weeks ago, $3.8 billion and $7.8 billion in 1995 through 1999, you have just spent $39 billion.

The Senator from Tennessee made the very cogent point this morning that this bill is enough over the budget resolution we passed, on the assumptions of the economic package, which brought blood all over this place—this bill is above that. So we passed that deficit reduction package and went home and patted ourselves on the backs and said, "We know you're unhappy, but, after all, this is going to cut $496 billion out of the deficit."

This morning, CBO shot a hole in that bone. So we have more work cut out for us to find that roughly $40 billion I think that CBO says we have to come up with to keep faith with the American people.

But shortly after we passed that thing, I think precisely 2 days, the Secretary of Defense said: We made a slight mistake. The defense numbers in this economic package are $20 billion short.

Then, later on, as recently as a couple of days ago, I had been advised the Defense Department now says we now have that $20 billion overrun down to $13 billion, and we will find the rest of that.

So give the devil his due. Let us assume the Defense Department is, indeed, going to find the $20 billion short that they said existed shortly after we stood up and took all those slings and arrows to vote for that economic package.

But, Mr. President, that does not satisfy all the rhetoric we heard around here for 6 months about why we have to cut more. And so the President, until 2 weeks ago, said, give me $3 billion this year, $7.8 billion thereafter and we will get the show on the road for $39 billion through 1999.

Two weeks ago, they changed it—2 weeks ago. This was the result of the bottom-up review. In the bottom-up review they said give us $3.8 billion this year, and $3.8 billion each year thereafter.

But if you take the $3 billion that Senator SASSER is asking for and correlate it to what they originally said, $6 billion a year thereafter, you spend $30 billion. Now, I assume that may be obsolete now.

But while I am a cosponsor of the Sasser amendment, I do not like it. The reason I do not like it is because it does not cut nearly enough. The reason it does not cut nearly enough is because I believe in Bill Crowe. I think Admiral Crowe is the best Chief of Staff this country has had since George Marshall. Certainly he is the first soldier-statesman we have had since George Marshall. But Bill Crowe is an honest man. He is a very, very capable military theatrician. And here is what he said:

> In any event, I would argue for a throttle-back effort which seems to accord with both economic and military reality, perhaps in the neighborhood of $2 billion annually to keep the program moving and our knowledge ahead of our competitors.

Two billion dollars is what the 8-year Chief of Staff of Ronald Reagan says the budget ought to be, and that was back when we were talking about SDI. That was back before Les Aspin said SDI is dead.

Admiral Crowe went on to say:

> I must admit that the case for a credible SDI mission, in my mind, grows weaker every day.

And then he goes on to say:

> The critical point is that defense is a zero sum game and money which funds SDI will come from programs which buy good defense against more plausible and likely threats. Given the Nation's pressing domestic agenda, the whole subject should be reviewed.

I like to coin a phrase, but I tell you he is a poet. He says these things so everybody understands. He says there is no viable threat to the continental United States for the foreseeable future.

Everybody in the Pentagon will tell you that the only three nations that will have ballistic missiles capable of hitting the United States by the year 2010—17 years from now—the only three nations that could hit us are Brazil, India, and Israel. Three friendly, for many, many years, friendly nations.

Mr. President, what does it take to get people not to knee-jerk these issues? As I read that Post article this morning, I thought, we have a lot of Senators who do not care what the facts are. Here they are saying on the space station, they are saying we have a new design but we do not know what it is. And this guy says we are floundering all over the place. How can we expect this station to survive when we do not know what we are trying to build?

Never fear, unidentified aide, you will get the money. You do not have to show us the design. You do not have to guarantee capability. Just throw it out there and say it will cure cancer.

The Senator from Texas [Mrs. HUTCHISON] said the other day the super collider is going to cure cancer. I have heard the argument year, after year, after year, that the research we are going to do on the space station will cure cancer, arthritis, corns, warts, burns, bruises. I submit to you that you will get more cancer cure out of a tube of Neosporin than you will get out of a $100 billion space station.

And yet the reason I said a moment ago this place is surrealistic at times is because it just does not seem to make any difference. You can point out that seven of the eight technologies we have tried on SDI have been discarded. Do not worry about the technologies of 1984 and whether the thing was rigged or not. Those have already been discarded, all of that technology. On the whole SDI concept, about which some of us stood in this Chamber and screamed our lungs out year after year since 1984, saying this is foolishness, in the year of Our Lord 1993, the Secretary of Defense says SDI is dead. But he did not say we could get back our $30 billion that we had wasted on it.

Mr. President, I do not mind telling you I am so weary. I have stood behind this desk now for 5 years and taken this on. Senator JOHNSTON, one of the most knowledgeable Members in the Senate on SDI, actually understands a lot of the technology. I confess I do not. All I know is they have tried every technology under the shining Sun, and they have just discarded them one after another, the technology. We have gone from Brilliant Pebbles now to Brilliant Eyes. What is that? What are Brilliant Eyes?

I am telling you, I sometimes think these acronyms and names they put on things are designed to confuse us further. You have to look at these things almost instinctively and with belt buckle native intelligence. You start trying to follow the Pentagon or CIA's acronyms, and I promise you you will go stark raving batty.

Senator JOHNSTON led the fight here for 2 or 3 years and, like everybody, grew weary and quit. I took it over for about 3 years. Then Senator SASSER started last year, and here we are back again this year.

But you know, in this environment, after everybody here has taken so much heat over the President's program, if we cannot cut this sucker this year, we never will.

I am tired of beating my head against the wall. I believe the deficit threatens the very economic future of the Nation, and I believe in doing something about it, not just talking about it.

So, Mr. President, as I say, that is not a threat. I guess I have worn out my welcome to my colleagues on SDI, the space station, and a lot of these other things. But I tell you. I would rather try to lose, as long as I am absolutely satisfied that I am on the side of the angels with this one.

I hope, and I really believe, the Senate might vote for the Sasser amendment this year. It is not very much. When I told you a moment ago I did not finish the sentence. I said I did not like his amendment, and the reason I did not like it is because it does not cut enough. When the appropriations process comes back I am going to offer an amendment to still cut it further because I believe what Bill Crowe said; $2 billion is enough. If the chief military officer of this country says that, why on God's green Earth do we not listen to him? When he says things we agree with, we say is he not wonderful? But if he happens to say something you disagree with, he is just dead wrong about that one. I think he is dead right about most of all of these things, but especially this.

So I am hoping that Senators will honor their commitments that they made 33 days ago when they said we have to cut a lot more money. You are either serious about deficit reduction or you just want to talk about it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I have listened intently to the very excellent statement and arguments of my good friend from Arkansas. There is little, if anything, that I disagree with. Certainly we have heard enough about the proponents of the plan, and the change of the name will somehow make it a very important difference.

I cannot conceive that something is a different system than the old SDI that we worried about, strategic defense, and that now the primary emphasis is supposedly on theater defense and other things, but the same weapons systems are being investigated; the same money is being spent; and the same, in my mind, wasteful progress toward the future.

I would like to change the argument to some extent. I think it is time, at this time in our history, that we just stop and look at the big picture, to think about what kind of priorities we are still dealing with, how we should change those priorities to meet the problems of the day and not of yesterday.

We can no longer afford to spend all that we might like to on the many programs that we have funded in the past. I have been sounding this same theme, prioritization in many areas, in education, health care, in foreign aid and defense. We cannot continue on the path we have trod for the past decade. We must once and for all decide which roads are most likely to get us to our destination and stick with them.

We can no longer afford to keep all of our options open to fund every worthy program and just see which program performs best over time, or to examine every conceivable problem which may come in the defense area and say that even though that threat seems to have disappeared it might reoccur and thereforewe should go forward with the same kind of funding. The American people elected us to show some leadership, and this is one of those moments when it may not be easy but it is truly necessary.

With the end of the cold war, the changing nature of threats to our national security, the defense budget has declined over the last few years. The bill before us continues that trend, as well it should. I have not been calling for radical cuts in defense spending, but I do advocate careful review of all defense programs to determine where our priorities now lie. The easy cuts in defense spending have all been made. From here on every cut we make helps in some quarter and causes some pain in some community. But we have been elected to do that job responsibly.

Let me say basically what we are talking about here. We are talking about research and development regarding defense systems for our future. But is that our greatest threat right now?

I believe our greatest threat right now is our inability to compete on the world markets, and that this Nation which has always prided itself at being the best in research and development has slipped dramatically in many areas. That slip has occurred primarily because our brains and our efforts have been working on the military side, and rightfully so. And it is because of that that we have developed the cruise missiles and to some extent the more elaborate defense systems.

But the situation now is different. We are competing with countries like Japan, Germany, and others who have spent all of their research and development in commercialization and how to win on the world markets.

We are being faced with cutting back on money. We are being faced with many issues of cutting back in research and development.

I say to the Senator from Arkansas that in some areas we agree, and in research and development we disagree. But in some ways I agree with him on that. But if I were to make a choice between the other things like the space station or the super collider or the strategic defense initiative, now called the ballistic missile defense, I would put the ballistic missile defense at the bottom of those three critical areas that we are examining. Each of the other two, the space station and the super collider, will give us an edge and hope to provide better research and development for commercialization, to make sure we can go to the future in hopes of being able to improve our standard of living by being able to compete on those international markets.

I may still vote against one of those other two, but if I had the choice between taking the money out of SDI and putting it in those, I would much rather do that. I think the national interest would be much better served.

Actually, the amendment we are seeking cuts nowhere near as much as I think ought to be cut. But it is a step in the right direction of reordering our priorities, and we will reopen these funds in other areas where R&D may be more than those three which I discussed.

In order to come within the limits allocated by the Appropriations Committee with respect to the system which we are talking about, $2.6 billion must be cut from this bill.

The Armed Services Committee, under the able leadership of Senators NUNN and THURMOND, has made great progress in articulating these tough decisions. But more needs to be done to this bill. And I believe the ballistic missile defense category stands out as one area where increased funding has been the norm, and we have little concrete progress to show for all of the money.

The strategic threats to the United States have changed rapidly since President Reagan first proposed converting the modest ballistic missile defense research program into his aggressive strategic defense initiative.

Now I fear that the greater threat to this Nation comes not from an ICBM strike by some former Soviet Republic, or a fledgling nuclear power, but rather from the inability of the United States military to carry out some future mission because Congress and the White House have refused to make the hard choices in the long-lead, high-technology programs, and have fallen instead into the easy trap of sacrificing readiness, operations and maintenance, or personnel accounts in order to make the short-term savings requirements.

I urge my colleagues to look closely at this to understand its very modest nature and to realize that this amendment will put us closer to more manageable Defense budgets in the years to come. Unchecked, the current SDI Program in the proposed budget, followed to its logical extension over the next few years, will quickly reach $6 billion, almost twice what it is in the bill today. The consequences of that type of funding explosion on the unworthy Defense programs would be very severe.

The Sasser-Jeffords amendment cuts $400 million from the committee's bill setting SDI funding at $3.06 billion, still a very robust program of research and development.

The amendment would eliminate redundancies in the BMD [Ballistic Missile Defense Program] without hampering the most productive lines of research. It is time to make some tough choices to decide what is the core of our national defense so it will not be sacrificed in this time of increasing fiscal constraints.

I urge my colleagues to vote in favor of this amendment.

Mr. President, we are facing many challenges in this world. These challenges require us to have the courage and resolve to take action.

There are areas in which we should be expending our efforts in defining our policies so we can better deal with such situations that are existing in the world today.

I, along with a number of others, met today with the President of Bosnia, who is seriously concerned about the future of his nation, and the inability of this Nation to provide any assistance whatsoever.

I came away from that meeting depressed in a sense, but encouraged in another sense that we do have an opportunity to be able to help that nation, and that is where we should be spending our time and effort now in redesigning our policies and efforts on what to do.

Mr. President, twice in the past year I have traveled to the war-torn land that was once Yugoslavia and have seen first hand the terrible human suffering. To talk with victims of ethnic cleansing and to hear their stories of rape and torture was a truly shocking experience.

Now I have just returned from Warsaw and a conference on Eastern Europe attended by representatives of most European countries. The key topic was the Bosnian situation, and I came away fully as shocked as by my earlier trips, but for a much different reason. What alarmed me this time was the absolute lack of resolve on behalf of the NATO nations. It has me thinking—what is the value of NATO if it is unable to act with conviction in situations like this?

The horror continues unabated in Bosnia, under a U.N. policy that, stripped to its essentials, amounts to this: The United Nations will make sure you are fed before you are raped, murdered, or displaced. Meanwhile, no effort is being made to stop ethnic cleansing. Indeed, the presence of U.N. peacekeepers often accomplishes little more than freeing more Serbs troops from occupation duties in conquered territory to fight on the front lines.

As a member of the Senate Foreign Relations Committee, I have written President Clinton urging that this country act now, and forcefully, to bring about at least two very reasonable objectives of the Bosnian Government in current peace negotiations. First, Bosnia wants a seaport on the Adriatic, a way to reach the outside world without having to pass through Serbian or Croatian lines. Second, it wants theboundaries that are agreed upon to be guaranteed with force.

While I consider it preferable to work within the framework of international organizations, if European allies remain unwilling to take decisive steps to bring about an equitable solution to the conflict, it may well be necessary for the United States to take unilateral action.

The time has come for us to bring real pressure to bear in the negotiations. This is the 11th hour, the last chance to exercise our responsibility as a world leader and to salvage a modicum of self-respect for the role we have played when confronted by Europe's greatest post-war tragedy. Winter is approaching, threatening to bring catastrophic starvation to Bosnia. Yet the near total collapse of the Serbian economy provides strong leverage. American willingness to ratchet up pressure still further on both Serbia and Croatia could secure an agreement which meets the very reasonable requests of the Bosnian Government. In the case of Serbia, which bears principal responsibility for the conflict, those pressures should include the threat, backed up by action if necessary, to carry out air strikes on tactical or even infrastructure targets held by the Bosnian Serbs or in Serbia itself.

At stake in the Bosnian crisis are the very credibility of the United States as a world leader and the effectiveness of the United Nations as an instrument of peace. Failure, once again, to take decisive action will merely feed the growing perception that the international community is not willing to stand up to aggressive behavior that deliberately flaunts U.N. mandates and is even less willing to do so when the victims of aggression are Muslims.

Such perceptions can only feed the ambitions of would-be aggressors elsewhere and heighten resentments in the Islamic world that have helped spawn international terrorism.

Mr. President, these are the kinds of issues we should be spending our time on. Yet, it is essentially important that we reorder our priorities so we can better meet these new demands being cast upon us. I urge support of the Sasser-Jeffords-Bumpers amendment as being a step forward in reevaluating our goals and priorities and placing ourselves in a better position to meet the needs of the present and the future.

I yield the floor.

Mr. SASSER. Mr. President, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. SASSER. I renew my request.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. KEMPTHORNE. Mr. President, I rise today in opposition to the amendment currently before us on the floor. The amendment proposes to cut the budget for the ballistic missile defense program by $400 million. This cut would be enacted in addition to the reduction of $300 million imposed by the Armed Services Committee on which I serve. Further, the proposed cut offered by the senior Senator from Tennessee would be in addition to the $21 billion cut in the former SDI Program in the 5-year defense plan that is recommended in the bottom-up review.

Mr. President, the ballistic missile defense program is, in my view, one of the most important programs in the entire defense authorization bill. The SDI Program is a research and development effort designed to give the American people and its troops deployed overseas protection against ballistic missiles.

No one in this Chamber can deny that the threat of missile proliferation is a growing challenge to U.S. security. As we witnessed so vividly in the gulf war, nations such as Iraq will use ballistic missiles, such as the Scud, in the pursuit of their military objectives. The United States currently possesses only a very modest capability, the Patriot antimissile defense system, to defend its troops. During the gulf war we were fortunate to have a Patriot. But now in an effort to increase our capability against far more capable theater ballistic missiles than the Scud the Armed Services Committee has focused its funding recommendation on the theater missile defense initiative, known as the TMDI.

Unfortunately, while we emphasized development of theater missile defenses we have dramatically reduced funding for the national missile defense initiative, known as NMDI. This program is designed to give the United States' homeland a defense against long-range ballistic missiles. In fact, the movement toward actual deployment of a national missile defense system that took place under the Bush administration has been reversed by the current administration. Now, instead of moving toward deployment of a national defense system, this program has been slowed and stretched out into a technology development program.

The decision to delay the development and deployment of defense for the

American people is a serious mistake, in my view. As we all know, more and more countries are acquiring longer and longer-range ballistic missiles. Indeed, it was earlier this year that President Clinton's director of the CIA, Jim Woolsey, warned that a nation hostile to the United States may acquire a ballistic missile that could reach the United States sometime after the turn of the century—the turn of the century, which is less than 7 years away. At the same time, the Clinton administration proposes delaying the deployment of a national missile defense system until sometime late in the next decade. In other words, we are leaving ourselves vulnerable to a threat that the CIA tells us is coming. I fear we will indeed regret this decision.

Mr. President, the SDI program has contributed more toward deficit reduction than any program in the Federal budget. As I noted earlier, the Clinton administration proposes to reduce spending on missile defenses by $21 billion over the next 5 to 6 years. And at the same time that it is proposing a deep cut in spending on missile defenses, Secretary of Defense Les Aspin has warned that the proliferation of weapons of mass destruction and the means to deliver them is one of the top threats facing this Nation.

In light of this acknowledged threat, I find the proposal to reduce spending on the program designed to counter this threat unwise.

Mr. President, the administration opposes any additional funding reductions in the ballistic missile defense program. We have a growing threat of ballistic missiles, and our troops and citizens need a defense against these weapons.

Mr. President, the question was asked what have we gotten for the $30 billion that has been invested in the SDI Program. I would like to quote from a report that has been released entitled "What Did We Get For Our $30-Billion Investment In SDI/BMD?" written by James A. Abrahamson and Henry F. Cooper, the first and second directors of the SDI Program.

In this report, it states:

> Marshal Sergei Akhromeyev (former Soviet Chief of Staff, close advisor to Gorbachev, and head of the Soviet Experts Group at Reykjavik) told Ambassador Vernon Walters (who was our Ambassador to the UN at the time of the Reykjavik Summit), that Reagan's refusal to give up SDI at Reykjavik was a "watershed event," by which Walters understood that Gorbachev was then persuaded that the Soviets could not compete. This view is shared by other world leaders, including former British Prime Minister Margaret Thatcher. At a February 1993 Princeton University meeting, former Soviet Foreign Minister Alexander Bessmertnykh (who was close to the US-Soviet negotiations throughout this period) and former Gorbachev aid Anatoly Chernyaev indicated that SDI had a decisive effect on Soviet political and economic calculations that hastened the end of the Cold War. (See press accounts in the February 27, 1993, Washington Post and Washington Times.) About the same time Russian Deputy Foreign Minister Grigorly Berdennikov, in an ABC interview in Madrid, said, "The Soviet Union fell precisely because it could not afford 'star wars' and the arms race against the West."

I think that quote is worth repeating:

> The Soviet Union fell precisely because it could not afford 'star wars' and the arms race against the West.
>
> Finally, Ambassador Vladimir Lukin (Chairman of the Supreme Soviet Foreign Relations Committee during the 1980s and now Russia's Ambassador to the United States) has observed that SDI accelerated the end of the Cold War "by five years."

Mr. President, I think this is dramatic evidence suggesting what SDI has meant for the welfare of the Nation and the world, the fact that it accelerated the demise of the former Soviet Union by perhaps 5 years. And this is according to the Russians themselves.

But, Mr. President, it does not mean that we simply live now in a world that can rest in peace. We do have countries that are undergoing multibillion dollar arms buildups and it is not for peaceful measures.

We have had a great deal of discussion, too, Mr. President, about the accusations that have been made on the report that was in the New York Times. The New York Times says that former officials of the DOD stated that the fourth homing overlay experiment was faked to deceive Congress about the feasibility and success of SDI, and that is a serious charge. The Pentagon has looked into this charge. The Office of Technology Assessment has looked into it, and this morning Under Secretary Perry told Senators the result of his own inquiry. He concludes that the accusations are "wrong, dead wrong."

Let me review for you, Mr. President, the particulars. The New York Times says that the interceptor did not track and guide to the target on its own but rather homed in on the radio beacon on the target.

The truth is that there were beacons on both the target and the interceptor. The beacons were mandatory for range safety so the range safety officer could determine if the missiles had gone out of control. In fact, the frequency of the beacon was such that the interceptor would have had to have an antenna 10 feet across to track the target. That was not the case.

The New York Times says that the target was artificially heated to make a better target. Yes; it was heated. The real target enemy reentry vehicles are quite hot because they go through the atmosphere so fast, but this target was sitting in the cold night air at Vandenberg. So the target in this case had to be heated to match the real targets.

The New York Times says that the target was not destroyed by impact but by an explosive charge. There was an explosive charge, but it was meant to accelerate and amplify the impact so it could be seen from the ground. It is called a marking charge and it is used all the time to make a cloud last for a few minutes so that the location of the impact can be determined. It was not exploded by anything but the impact, not by a proximity fuse and not by a signal from the ground. The New York Times article was inaccurate.

Now, Senators ought to know there was a deception program in effect at Pacific test range. There was a Russian trawler gathering intelligence on the test. It was meant to convince the Russians there had been a hit even if the interceptor missed. This would have been done by detonating the target on command. This was a planned feature of the first three tests. The deception plan was canceled for the fourth test.

Mr. President, I believe that we have sufficient information here that points out that the article in the New York Times was not correct. We have had the Pentagon, we have had Dr. Perry, who has now given us evidence, and Secretary of Defense, Les Aspin, released a statement that has been made part of the public record.

Mr. President, I believe that again the SDI Program has proven great worth to the United States. The continuation of the program in its current form is absolutely essential to us.

The PRESIDING OFFICER (Mr. WOFFORD). The Senator from Alabama.

Mr. HEFLIN. Mr. President, on behalf of the unprotected members of our Armed Forces, as well as our civilian population, I urge the Senate to reject the ill-advised attempt to take an additional $400 million from the ballistic missile defense budget for fiscal year 1994. This amendment, if passed, will undermine our capability to defend ourselves against the threat posed by the global proliferation of ballistic missile technology and weapons of mass destruction.

As the Persian Gulf war graphically illustrated, even the limited use of unsophisticated, short-range ballistic missiles such as the Scud, can have a dramatic impact on our ability to protect our national security interests at home and abroad. One need only take note of recent headlines concerning the activities of such countries as North Korea and Iraq to realize that many of our potential adversaries are perfectly capable of buying, not necessarily producing, but buying ballistic missile hardware and technology on the open market, and they have been doing so for years. Unfortunately, the collapse of the Soviet Union has created new opportunities for acquiring such weaponry throughout the world and the problem is getting worse by the day.

Our new Secretary of Defense, a respected former Member of Congress, chairman of the Armed Services Committee of the House, has repeatedly identified the proliferation of ballistic missile technology and weapons of mass destruction as one of the four major dangers that threaten our national security. In a recent address to the graduating class at West Point, President Clinton himself referred to this threat as one of the key challenges that our military leaders will face in the future. To quote the President,

> A particularly troubling element in the world you face is the proliferation, around the globe, of weapons of mass destruction and the means for their delivery. Today, ambitious and violent regimes seek to acquire arsenals of nuclear, biological, and chemical warfare weapons. As we discovered in Iraq, surging stocks of ballistic missiles and other advanced arms have enabled outlaw nations to extend the threat of mass destruction a long way beyond their own borders * * *

Our goal in reducing defense spending must be to maintain a healthy balance between offensive and defensive military capability without putting our national security at risk. For decades, we have pursued advanced offensive weapons, under a policy of mutual assured destruction [MAD], without investing in any type of defensive system. The threat has certainly changed, we no longer fear a massive attack by the Soviet Union. Unfortunately, though the Soviet Union has disappeared, we are still without any means of defending against attacks from hostile and possibly irrational third world leaders who are not deferred by threats of retaliation. How long will it before our luck runs out and we lost thousands of troops to a ballistic missile attack with chemical, biological, or nuclear warheads? How long before we are blackmailed by a fanatical third world leader with the threat of ballistic missile attack against one of our major cities?

I, too, recognize the need to reduce spending, to cut the deficit, but some costs are simply to high. Saving a few dollars now, at the cost of untold lives in the future, is no bargain. I, therefore, urge my colleagues to remember our experience in the Persian Gulf, to recognize our current vulnerability, and to then join me in defeating this unwise amendment.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, thank you very much.

Mr. President, if we had in this Chamber a map of the State of North Dakota, and if you were conversant with the communities and the regions of North Dakota, and if you looked in the northeast corner, you would find a small spot on that map called Concrete, ND.

That spot designates a major weapons program built in this country, the only antiballistic missile program built in the free world, a monument to colossal wasteful spending in our country. We built the only antiballistic missile system in the free world in the northeastern corner of North Dakota. We spent billions of dollars, and then we closed it 30 days after it was declared operational. It is truly a monument to Government waste.

I have spent now some months watching interest groups and politicians parade around this town with pins that say "cut spending first." I do not know who printed these pins, but clearly there is a political movement that says the national interest now on fiscal policy is to cut spending first.

Well, today, and increasingly in the days ahead, on appropriations bills, we will see whether those who wear the pin "cut spending first" have an appetite to cut spending at all. If we cannot cut spending on this program, then we cannot cut spending.

These are not rocket scientists' decisions. These are yes or no decisions on whether we should spend this money or not spend the money. Do we support this amendment to cut spending or do we not? Yes or no.

Now, that yes-or-no decision is made in the context of a dramatic change in the world. If, 5 years ago, someone had said, "You know, 5 years from now, the world is going to look different. We are not going to have an arms race. There won't be a Soviet Union. East Germany will not be East. Most of Eastern Europe will be free. There will be no Warsaw Pact," you would have said, "Well, clearly, you have been drinking something stronger than you should. That is not what the world is going to look like. There will remain a Communist threat. There will remain a Warsaw Pact. And Eastern Europe will still be under Soviet influence."

The fact is that in a very short period of time, things have happened that almost take our breath away. The people who make maps, people who draw the lines and create the maps of the world, simply cannot keep up. Countries are changing, the lines are changing, the names are changing. And democracy has been winning. The world has changed for the better in a breathtaking way.

You all remember the arms race. There was a time in the arms race when it did not matter what the other side did. We had to do it, too.

I said on the floor of the House a number of times, if the Soviets had been buying horses to start a new cavalry, we would decide we needed to start buying horses, as well. It did not matter how goofy it was, the arms race meant we spent and spent and spent. We spent with no object.

Well, I was on a bomber base not too long ago. And it looks different because the world has changed. Where there used to be crews sleeping in buildings on alert pads near their B–52's and B–1's, there are now no crews on alert. Where, for over30 years, an airplane used to fly 24 hours a day in an operation called Looking Glass, a flying command center, in the event of nuclear war—every minute, every day, all year long, that airplane was in the air in the event of a nuclear war—it landed. It is over. Its flight is done.

The Soviet Union does not exist on the map anymore. The world has changed.

The only thing that has not changed—the only thing that has not changed—is the way people in this Chamber view spending when it comes to projects like this. The only thing that has not changed is the appetite to spend money on projects we do not need, especially in the area of defense.

Now, I take a back seat to no one in demanding that we have a safe and secure America and a military able to defend our freedom. But, having seen the only antiballistic missile system ever built in the free world built in my State and closed 30 days after it was operational, I can tell you that that is a monument to Government waste we should not repeat.

So the question today will be: Shall we cut Government spending? Yes or no.

The Senator from Arkansas, Senator BUMPERS, had it absolutely correct. This is too timid. This amendment is far too timid. It cuts far too little.

When he does offer his amendment on the appropriations bill, I intend to be the first one to speak for it, if he will let me.

Two billion dollars is plenty. In fact, that is probably too much.

But this amendment is a timid amendment that cuts precious little money from a program that is not needed.

The question confronting this Chamber is: Will we take even this first modest step in living up to those pins we wear on our lapels that say "cut spending first?"

This program, at its roots, did not make sense. If there is a threat, if indeed there is a nuclear threat from a Third World country, it is far more likely to be the threat of a nuclear device planted in the trunk of a Yugo car parked on a vacant street in New York City; or it is far more likely to be the threat of a nuclear bomb planted in the hold of a ship tied up at a dock in some American port. Both of these threats are far more likely than that of a sophisticated intercontinental missile heaved across the skies by some Third World country.

That is a fact. That is not science. That is a fact.

As we talk today about what we want to fund, we need to decide what our priorities are.

I know some have talked about other needs. The Senator from Vermont, I think, talked about other needs in our country.

I just came from a meeting about an hour ago in which a doctor told me that, on an Indian reservation, a 13-year-old was put in a drunk tank and locked up for 3 months because there was no space to deal with him. He came from an alcoholic, dysfunctional family: a 13-year-old thrown in jail because we did not have the money to deal with him.

On that same Indian reservation, I told my colleagues on the floor, a 3-year-old girl was placed in a foster home and had her hair torn out, was bruised, her nose broken, her arm broken, abused by foster parents because one person on that reservation handled 150 cases because we did not have the money for more social workers. Relative to this program, we are talking about pennies.

And today we are talking about hundreds of millions of dollars for a weapons system we do not need. Yet many in this Chamber will vote for it.

I think it is disgraceful that we cannot sort out our priorities in a more thoughtful way, in a way that responds to the real needs here at home.

I am not saying we should not have a defense. I am not saying that at all. But I am saying that if we take a look at weapons systems when the world is changing and cannot say, this system does not make sense and this system ought to be scrapped, then, Lord, we are never going to make it. We are simply not going to make it.

I want to say one other thing. I heard until I was sick, in the last 6 or 8 months, about special interests. Special interests. I want to talk about special interests and this program.

They have talked a lot about building the first site for this program in my State. I am telling you, there are a lot of people in my State who very much want this program to move forward. They say it will be good for our State. "Great. New jobs in our State." We sure need new jobs. But I am saying this is not a good program.

But you know what the special interests do—the Defense Department, the contractors, the corporations that are going to get some of this business? They are out there in North Dakota holding seminars with small businesses saying, "Here is how you can be advantaged by this program if only your elected representatives will support it." That is how the special interests work. It is not, "What are the merits of this? Is it needed for our country's defense? Is this good for our future? How does this fit with our fiscal policy?" No, it is not that at all. It is classic special-interest politics: corporations in my State holding seminars telling small businesses, "Here is the money you will get from this project. So be sure and talk to your Senator or your Representative about supporting it." It is not about the merits; it is about money. It is about special interests.

This project should not be built. This project ought to be scrapped. The world has changed. If we do not recognize that, we do not recognize anything. We have plenty of other needs and plenty of other problems in this country.

I agree with those who wear the pin "Let's Cut Spending First." But I tell you, if you have a desire to wear that pin, let us see the desire to cast the vote that indeed cuts spending first. When the Senator from Tennessee calls for the vote, I ask everybody in this Chamber who has worn that pin to put the pin on. Cast the vote. Then let us see who voted to cut spending first.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I ask unanimous consent that a vote occur on or in relation to the Sasser amendment No. 785 at 5:50 p.m. today; that the time until the vote be equally divided in the usual form; and that no other intervening amendments be in order until disposition of the Sasser amendment.

The PRESIDING OFFICER. Is there objection?

Mr. KEMPTHORNE. Mr. President, on behalf of Senator THURMOND, the ranking member, we agree with that. We appreciate it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, Senators then should now be aware that at 5:50—that is just a little less than a half-hour from now—a vote will occur on or in relation to theSasser amendment. Senators' offices should alert Senators to be present during that vote.

Mr. NUNN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. Mr. President, I thank my colleagues and I yield the floor. The time will be under the control of Senator NUNN and Senator SASSER.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I ask the distinguished chairman if he will yield me about 5 minutes, please?

Mr. NUNN. Yes. I would like to save 5 minutes for the Senator from Connecticut, and I would also like to make remarks for just a couple of minutes. As I understand it, we have now, equally divided, approximately 30 minutes. I yield 5 minutes to the Senator from Virginia.

Mr. WARNER. Mr. President, I would like at this time to engage our distinguished colleague from Tennessee, the principal proponent of this amendment, in a colloquy on two programs which this body has supported consistently for many years, the ERINT and the Arrow programs; the Arrow, of course, being key to one of our principal allies, Israel.

I would like to ask of our distinguished colleague, what is his interpretation of the impact of this amendment on those two programs? The Senator from Virginia, in his analysis, is deeply concerned that this amendment would adversely impact both of those programs, which this Chamber in years past has deemed essential to the security of our country as well as that of our allies.

I wonder if the distinguished chairman might have the time for his reply allocated to his side of the debate?

Mr. SASSER. Mr. President, I would object to that. I will be pleased to reply on the time of the distinguished Senator from Virginia.

Mr. WARNER. Then I will allocate 1 minute of my time to the Senator.

Mr. SASSER. I say to my friend, it will have little or no impact. What the Sasser amendment does is to provide $3 billion for the ballistic missile defense. It preserves all of the administration's priorities in the ballistic missile defense, including the Arrow project and the other project that the Senator referred to. It will have the effect of reducing the 12 theater missile defense programs that are now ongoing down to eight programs. But it does protect all of the ballistic missile defense procurement funding.

What this amendment does, it actually allocates 48 percentof the total amount under my amendment to theater missile defense, which is what I understand the Arrow is associated with. It also gives the Secretary of Defense the discretion to allocate up to an additional 10 percent of the total funding to theater missile defense programs.

Mr. WARNER. Mr. President, I have to respectfully disagree with my colleague. The information I received from the Department of Defense is that this amendment would have a very serious and adverse impact on both of these programs.

Second, Mr. President, I say the advanced R&D program is going to be severely hurt, if not decimated, by this amendment.

Last, the Secretary of Defense—and I have publicly said this several times—has done a very crucial job on the bottom-up review. This amendment would, in my judgment and the judgment of others, have a serious negative impact on four out of the five objectives most recently stated in the Secretary of Defense's bottom-up review.

I reserve the remainder of my time.

Mr. NUNN. Will the Senator yield me back 1 minute of his time and then I will be glad to cooperate with him?

Mr. WARNER. Yes.

Mr. NUNN. On the point we have been debating a good bit off and on all afternoon and the point the Senator from Virginia just made with the Senator from Tennessee, I would say there is no doubt about the fact—and I said this earlier, but I now have a letter from Tony Lake, Assistant, National Security Affairs, on this very point, where he says:

> Your committee has recommended a level of $3.45 billion for BMD in fiscal year 1994, a level consistent with the 5-year defense plan funding profile envisioned by the Bottom-Up Review. A cut of $400 million in fiscal year 1994, as proposed in the amendment, would require the administration to request over $4 billion in 1995 if we were to keep track over the course of the 5-year defense plan with our new $18 billion BMD program.

I call the attention of my colleague from Virginia to this paragraph.

> In addition, the amendment would specify that no more than 48 percent of the funds approved in this bill for BMD could be spent on theater defenses. This restriction is inconsistent with the restructured BMD program that resulted from the Bottom-Up Review. Under the Bottom-Up Review, 67 percent of the funds allocated to BMD during the 5-year defense plan would go to theater systems.

Continuing to quote, bottom line, Tony Lake, Assistant to the President, National Security Affairs, he says:

> In short, the amendment would not allow the Defense Department to give theater missile defenses the priority the President directed in approving the Bottom-Up Review.

That is the end of the quote. And he says on the first paragraph, quoting again: "The administration is opposed to the Sasser-Bumpers-Johnston amendment."

Mr. WARNER. Does that not, Mr. Chairman, corroborate the statements I made briefly on the floor?

Mr. NUNN. Absolutely. And it also corroborates the entire dialog we had this morning where I made the statement that the chart of the Senator from Tennessee is out of date and does not take into account the new administration's program under theatermissile defense.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 8 minutes 10 seconds.

Mr. NUNN. Mr. President, I yield 4 minutes to the Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair and thank the chairman of the committee, my colleague and friend from Georgia.

Mr. President, I rise to speak in support of the ballistic missile defense program authorized by the Armed Services Committee and, therefore, against this amendment. I think it is important to stress here that we are not debating the strategic defense initiative. This is not a debate over a space-based missile defense system. This is a debate over a ground-based system. It is also not a debate over whether the Congress was deceived at earlier stages of testing of SDI. That is an interesting and, indeed, important question. But in my opinion it is irrelevant to this proposal before us today.

The question I think we have to ask ourselves is, does America, and do our troops in theaters of combat, face a threat from ballistic missiles?

I think the answer today and, increasingly so tomorrow, is yes. Today Russia, China, Ukraine, Kazakhstan, and Byelarus all have ballistic missiles on their territory with sufficient range to reach the United States. I am not saying this is an imminent threat, but let us recognize that reality and acknowledge, as we have seen in recent history, that governments can change quickly and unpredictably.

Let us also understand that after the turn of the century, several nations hostile to the United States may well be able to develop ballistic missiles indigenously and thus threaten the United States. It is hard to give a precise date for that, obviously. But over the next 10 years, according to experts that I have consulted, we are likely to see several Third World nations establish the infrastructure and develop the technical knowledge required to undertake intercontinental ballistic missile development.

The administration has wisely changed the Ballistic Missile Defense Program to give first priority to theater missile defenses, defenses that will protect our troops in combat from missile threats like those they faced in the Persian Gulf war and presumably will face in the years ahead in other theaters of combat.

However, although this program has been refocused, the administration has not abandoned the goal of missile defense for the United States. The BMO program, as authorized by the committee, will continue to develop the means necessary for defending our nation from long-range missile attack which, though unlikely today, is plausible tomorrow in the hands of those who are our enemies. While this threat is less immediate than that posed by shorter-range missiles to our forces in the field, the progress we make in countering these shorter-range missiles will give us both the knowledge and the technology that can be applied toward a national missile defense system.

Mr. President, ballistic missiles are, in fact, a threat today. If we reduce the funding authorized by the committee without knowing what the impact will be, I fear that we will be delaying deployment of missile defenses and thereby leaving our troops in some future theater of combat vulnerable to missile attack.

I would remind my colleagues, as others before me have, that during the Persian Gulf war, the largest single incident of American casualties was the result of such an attack.

Moreover, a number of nations currently possess or are developing ballistic missiles, including North Korea, Iran, Iraq and Libya, and these missiles have a sufficient range to reach American forces in possible fields of combat. We need to develop and field more effective missile defenses so that we can assure our ability not only to project forces abroad to areas of regional conflict, but also to protect those forces once they have been deployed.

The amendment under consideration would diminish our ability to do so and, therefore, I urge my colleagues to oppose it.

The PRESIDING OFFICER. Who yields time?

Mr. BUMPERS. Mr. President, I ask the distinguished floor manager for 2 minutes.

Mr. SASSER. Mr. President, I am pleased to yield my friend from Arkansas 2 minutes.

Mr. BUMPERS. Mr. President, I do not want our colleagues to lose sight of what this debate is about. Every statement in opposition to this amendment has been that there is a threat. That is not the debate. Everybody agrees there is a threat. What we are debating about is how much is a logical amount of money, a sensible amount of money to spend to meet the threat?

The House is already at this level, $3 billion. So if you defeat the amendment and you go to conference with the House, you are sure—Senator NUNN would admit this—you are going to wind up with $3.2 billion. You are not talking about terminating a program. Goodness, get back on the debate. We are talking about a $4 trillion debt we are trying to bring under control and at the same time provide a defense for this Nation.

So, Mr. President, I have heard a lot of strange things this afternoon. I heard my distinguished friend from Idaho quoting Mr. Cooper and General Abrams, two of the former directors of SDIO—not terribly distinguished directors, I might add—come out with a report and say look what we got for our $30 billion.

I showed you on a chart a while ago what you got for the $30 billion. Nothing. Nothing. And those two men had the audacity to write a report and say the Soviet Union fell because of our SDI efforts. That reminds me of a guy who was born on third base and thinks he hit a triple.

The Soviet Union fell because Marxist economic theories and policies were fatally flawed. It fell because it was a lousy system. The last reason in the world it fell was because of SDI. Paul Nitze said we ought not go forward with this unless we can do this for less money than they can overwhelm it, and everybody knew the Soviet Union could overwhelm the SDI system for a lot less money than it was going to cost us to build it. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Does the Senator from Arkansas need additional time?

Mr. BUMPERS. No.

Mr. SASSER. Mr. President, in listening to this debate today, it is really rather amusing. You would think we are here trying to delete all funding for the follow-on program to the strategic defense initiative—now we call it the ballistic missile defense, more or less the same program but we have changed the name.

Nothing could be further from the truth. What we are saying with the Sasser-Bumpers-Jeffords amendment is rather than providing $3.46 billion for the ballistic missile defense, or the SDI, we are going to provide $3 billion. We are simply going to save $400 million and spend $3 billion rather than $3.46 billion.

Our amendment will preserve all of the administration's ballistic missile defense priorities. They will not be changed at all. Our funding will be allocated among the various programs, just as the administration suggested when they sent their budget up here.

There is no allocation among the various programs in the defense bill before us today. The Armed Services Committee simply sends them a lump sum. There is no allocation among the various programs. We allow full funding of the administration's core theater missile defense programs. Bear in mind they now have 12 theater defense missile programs. What we are saying is we cannot fund all of those. DOD knows we cannot fund all of them.

Next year they are going to cut back on some of them. What we are saying here, this year, is let us save the money this year rather than next year when it will be gone. Let us go ahead and fund 8 of these theater missile defense programs rather than 12. Under the setup now, the Army has four separate theater missile defense programs—four. The Navy has two. The Air Force has two. The Marine Corps has one. We say, let us cut those 12 programs back to 8.

Where is this enormous threat we are hearing? Using Department of Defense information, we show you the current Third World country ballistic missile capability and the range of those missiles.

Look where they range into? They range into southern China, the south China seas; they range down into Africa, the Middle East, and into portions of southeastern Europe. No threats at all to the continental United States. No threats even to Western Europe. And you would think the barbarians were at the gates, to hear some of my colleagues talk here today.

Now, we are talking about saving $400 million. One of my colleagues said a moment ago there were 400 million words expended here just a few weeks ago along the lines of we have to cut spending and cut spending first. So we are going to give our colleagues who want to cut spending first an opportunity to make a modest cut in this whole SDI-TMD. It leaves the administration's priorities intact. It leaves the theater missile defense programs capable of funding 8 programs rather than the present 12. And what in the world does the Army need four separate theater missile defense programs for? They do not. They are going to be cut out next year. And we simply say let us save the money this year.

Mr. President, I ask unanimous consent that Senators LAUTENBERG, MATHEWS, WELLSTONE, and PRYOR be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SASSER. Mr. President, may I inquire how much time remains on our side?

The PRESIDING OFFICER. Six minutes and forty seconds.

Mr. SASSER. Mr. President, the distinguished junior Senator from Arkansas is in this Chamber and I will be pleased to yield him 5 minutes.

Mr. PRYOR. Mr. President, I thank my distinguished friend from Tennessee for yielding to me. I am going to try not to use all of the time allocated through his generosity.

Mr. President, there has been an allegation that in 1984 certain tests relative to the SDI program were rigged and that deception was practiced. This afternoon, Secretary Aspin issued a statement—and let me say not a report, but a statement—which dealt with an article which appeared in the New York Times, August 27, 1993.

Mr. President, I have just concluded a meeting, a briefing with the Under Secretary for Acquisition, John Deutch, from the Pentagon. We had an hour and 15 minute meeting. There were seven or so Members of the Senate at this particular meeting. And let me say that what we are dealing with here I think, Mr. President, may be, according to some, an issue of semantics.But I want to move beyond semantics for just a moment and say what was the general impression that was left not only with the Congress but also with the general public in 1984.

Well, here is the general impression that caused us to believe that there had been a very successful missile test practiced, actually engaged in in 1984, and I read from Reuters June 11, 1984, on Monday. I quote:

> The United States has successfully destroyed a test missile outside the Earth's atmosphere with another missile for the first time, Defense Department officials said today.

That was the story, Mr. President, that led us to the belief that this program was working.

The principal Deputy Secretary of the Army a short time later said, "We tried to hit a bullet with a bullet and it worked."

However, Mr. President, we see an intervening situation that is brought to light by the New York Times in an interview with Maj. Gen. Eugene Fox, the Army Ballistic Missile Defense System Commander, who stated clearly:

> We heated it, the missile, because we wanted to see it. People can argue about that, and that's fair. That didn't mean we were trying to cheat. In the entire concept of this test, people would fault us. My point is we did what was a normal test event.

What General Fox was saying also, Mr. President, was that they had artificially heated this missile so it could be tracked easier and shot down with greater ease.

We look further in a 1993 September GAO report. When we come to the credibility of testing by the Pentagon in the SDI program, we find, Mr. President, that of seven tests that were made in the SDI program the General Accounting Office in the September 1993 report indicates that four of the seven tests were inaccurate—not deceptive, Mr. President, inaccurate. What we are finding here is the Pentagon is like the student grading his or her own exam papers in these operational testing situations and we are going to have to certainly end that.

Mr. President, we are about to vote now on a huge authorization of some $3.5 billion for a program that is flawed, where the test results are tainted, and where the results of whatever this great experiment is are certainly held in question, and in fact some scientific quarters in absolute ridicule.

Mr. President, it is time to cut from this program, to step back from this program and to see how these dollars can be better used and certainly with a higher degree of priority. I salute my friend from Tennessee, Senator SASSER, and others who have been engaged for some number of years in trying to talk sense about this program.

I ask unanimous consent, Mr. President, that certain news articles relative to the flawed testing, and in some minds deceptive testing, which has been practiced with regard to these tests be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Reuters North European Service, June 11, 1984]

U.S. CONDUCTS FIRST SUCCESSFUL BALLISTIC MISSILE INTERCEPT

The United States has successfully destroyed a test missile outside the earth's atmosphere with another missile for the first time, Defence Department officials said today.

They said yesterday's successful interception of one missile by another followed three earlier failures.

Army Chief of Information Major General Lyle Barker told reporters: "This was the first known missile intercept not only for the United States but for the world."

The aim of the test, called "Homing overlay experiment" (HOE), is to develop a nonnuclear weapon able to knock down Soviet missiles outside the atmosphere—at least 95 KM (60 miles) above the earth, defence officials said.

Hoe research is part of President Reagan's strategic defence initiative or "Star Wars" effort to develop non-nuclear technology able to destroy incoming Soviet ballistic missiles.

Officials said this would save valuable time in case of an enemy attack because it would not require the Presidential approval necessary to launch a nuclear device.

Brigadier-General Eugene Fox, head of the Army ballistic missile defence systems command, told a news conference a dummy warhead was launched aboard a minuteman missile from Vandenberg Air Force Base, near Los Angeles.

The Hoe was lifted by a minuteman from Kwajalein Atoll, in the Pacific Ocean about 4,200 miles southwest of Los Angeles.

Using its infrared sensors and on-board computer, the Hoe manoeuvered itself to within seven or eight feet (just over two metres) of the dummy warhead and caught it in a metal net, Fox said.

Officials said 15 years ago there was another missile interception in space, but it was accidental. On that occasion the missile was controlled from the ground and not by computers within the projectile itself.

The U.S. announcement coincided with publication of an interview given by Soviet President Konstantin Chernenko, in which he called on the United States to start talks immediately on a ban on space weapons.

[From the New York Times, Aug. 27, 1993]

(By Tim Weiner)

WASHINGTON, August 26.—A retired general who helped oversee a disputed 1984 "Star Wars" test says the target missile in the test was artificially heated to make it a bigger target for a heat-seeking sensor on an interceptor missile, and thus easier to hit, but he denies that the action meant the test was rigged.

The retired Army major general, Eugene Fox, then the deputy program manager for the test, also denies that Congress had been misled about the experiment, in which the interceptor missile hit the target missile over the Pacific. the experiment was a crucial technological milestone for the fledging missile-defense program, which has been under attack by scientists and skeptics since its inception in 1983.

At the time of the test, Pentagon officials said it was proof that a missile should hit another missile in mid-flight. One former Secretary of Defense, Caspar W. Weinberger, said on Wednesday in a written response to questions on the subject that the test was intended to be "as realistic as possible."

But General Fox said in an interview on Wednesday that the artificial heating made the target 10 times more visible to the interceptor than an actual Soviet warhead would have been, citing an openly published report to Congress in 1988 on the test by the Office of Technology Assessment, an analytical branch of Congress.

"PEOPLE CAN ARGUE"

"Clearly, we heated it because we wanted to see it," he said. "People can argue about that and that's fair. That didn't mean that we were trying to cheat. In the entire concept of this test, people could fault us. My point is what we did was a normal test event." He said he was unsure whether the artificial heating was disclosed to Congress in 1984.

General Fox conceded it was possible, but unlikely, that something more was done to rig the test behind his back. Should something have happened around me?" he said. "Yes, that's obvious. But I don't think so. I think that test was done fairly."

General Fox said an explosive charge had also been placed on the target missile. "We put a charge on it so that if we just happened to nip it we could see it, and so that visual devices on the ground could see it, and so that usual devices on the ground could pick it up," he said. "It looked like a nuclear explosion."

John Pike, director of space policy at the Federation of American Scientists and a critic of the missile-defense program, said the general's description made it appear that "the test was rigged at least two different ways." He added, "The debate is now not whether the test was rigged, but how it was rigged."

WHO MADE ACCUSATIONS

The veterans of the missile-defense program who brought their test-rigging assertions to Congressional investigators this summer said the 1984 test was manipulated when the target missile was equipped with electronic devices that helped the interceptor locate and destroy it. General Fox said he knew of no such device.

These officials also said the manipulation of "Star Wars" tests was part of a deception campaign, intended to fool the Soviet Union, that overstepped its bounds and wound up misleading Congress about the progress of the missile-defense program.

The charges, first reported in The New York Times last week, outraged senior members of the Reagan Administration, who saw the accusations as a partisan political attack by Democrats in Congress.

Mr. Weinberger called the charges fairy tales. He said nothing was done to deceive the Congress or the Soviets about the program or the disputed test. Mr. Weinberger also said that comments he made last week about the frequent use of deception programs by the Pentagon were not meant to confirm the existence of any deception program connected with the Strategic Defense Initiative, or the suggest that the disputed test had been deceptive.

WEINBERGER'S STATEMENT

"The test was not enhanced in any way," Mr. Weinberger said in his written response. "Various aspects of the test were designed to make it as realistic as possible given the fact that obviously an actual Soviet re-entry vehicle could not be used to test our interceptor."

The charges, brought to Senator David Pryor, an Arkansas Democrat and a critic of "Star Wars" contracting practices, led Secretary of Defense Les Aspin to order an investigation last week. On Wednesday, William J. Perry, the Deputy Defense Secretary, asked John M. Deutch, the Under Secretary of Defense for Acquisition and Technology, to write a report in time for Mr. Perry to "resolve the issue in the next two weeks," a Pentagon official said.

Senator Pryor asked the General Accounting Office, the investigative arm of Congress, to examine the charges three weeks ago. Both teams of investigators lack a crucial piece of evidence: the missiles used in the experiment, which destroyed one another in what appeared to be a scientific triumph.

NO EVIDENCE TO EXAMINE

"They are in pieces at the bottom of the ocean," General Fox said.

The goal of the $30 billion "Star Wars" program, which began in 1983, was to build systems that could shoot down an enemy's intercontinental ballistic missiles. After 10 years, it produced little in the way of a working system, although its defenders say it contributed significantly to the downfall of the Soviet Union by accelerating Soviet defense spending and thus damaging the Soviet economy.

In May, Mr. Aspin announced "the end of the 'Star Wars' era" and a scaling-back of the missile-defense program.

The accusation that the 1984 test's target and interceptor were "interactive," as one of the accusers put it, was a serious, though not unprecedented, challenge to the scientific integrity of the program. General Accounting Office investigations have confirmed past charges that military officials misled Congress about aspects of the missile defense program.

Last year, the General Accounting Office audited seven "Star Wars" tests conducted between 1990 and 1992. The auditors found that three of the tests were accurately described to Congress. Those three tests were complete or partial failures. The missile-defense program's officials told Congress the other four tests were successes. That was untrue, the auditors said.

WHAT AN INQUIRY FOUND

The inaccurate claims included the success rates of experiments, the progress of the programs, the sophistication of the tests, the ability of interceptor missiles to distinguish between a target and a decoy and the missiles' achievement of accuracy and altitude goals, the G.A.O. reported.

"They have lied about certain functions that their missiles are supposed to perform," said a Federal investigator who agreed to speak only if he was not identified. "They've used things to enhance the target. The fact is that you've got something up there solving your guidance problem. And you've got an incentive to deceive. That's how you keep you program going."

A former Reagan Administration official, a nuclear physicist who closely studied the missile-defense program in the 1980's said it was characterized by "secrecy, greed, self-deception, deception of the Congress and actually even of the President." The former official, who remains a Pentagon consultant and who spoke on condition of anonymity, is not among the accusers in the debate.

Other Reagan Administration officials and Pentagon documents confirm the existence of deception plans attached to the missile-defense program.

TOP-LEVEL MEMORANDUM

An April 1987 Joint Chiefs of Staff memorandum entitled "Special Plans Guidance—Strategic Defense," says the Pentagon should improve and update deception plans covering the missile-defense program's cost and abilities. The memorandum was distributed to the joint chiefs, their top commanders and the director of the National Security Agency, the nation's largest intelligence organization.

Mr. Weinberger said that to the best of his knowledge and memory there was no such program. He would not comment on the memorandum.

The question of whether Congress also was misled has been raised before. In March 1986, the trade journal Aviation Week and Space Technology, reported that the Pentagon had long standing disinformation programs covering the most expensive weapons programs, including "Star Wars." Quoting Defense Department officials, the journal said that the deception programs were intended to trick the Soviets but that disinformation might be transmitted to Congress.

It remains unclear whether anyone in Congress, including Mr. Aspin, chairman of the

House Armed Service Committee from 1985 to 1992, was informed of the overall deception program, or whether anyone in Congress was deceived by progress reports on the missile-defense initiative. Also unanswered is a question put to Mr. Aspin by Senator Pryor: whether "this disinformation campaign may have laid a faulty foundation for what ultimately became a $30 billion program.

[From the New York Times, Aug. 19, 1993]

THE STAR WARS HOAX

The revelation on yesterday's front page was enough to rouse even the most cynical student of official mendacity: at great cost, The Times' Tim Weiner reports, the Reagan Administration back in 1984 designed an elaborate deception to mislead the Soviet Union about the "Star Wars" space-based missile defense. The scheme deceived not only the Kremlin but Congress, defrauding the American people of billions of dollars that could have been spent on real defense and domestic programs.

By willfully misleading Congress about the system's capabilities, Pentagon officials did more than damage their own credibility; they may have committed a crime. Congress must call those responsible to account.

Acting on the authority of Defense Secretary Caspar Weinberger, Mr. Weiner reported, the Pentagon rigged a test and falsified other data to make the $30 billion program appear more successful than it was. The rigged test was a thing of devilish deviousness. After three failed attempts to hit a target missile with an interceptor, both the target and interceptor were fitted with electronic devices that made a direct hit all but inevitable.

This charade had two main objectives. One was to bamboozle the Soviet Union into spending billions of rubles it could ill afford on a space-based shield of its own. Mr. Weinberger told The Times that artful fraud is essential to warfare, even cold warfare. "You are always," he said, "trying to mislead your opponents." But in a letter to The Times yesterday, he denied that Star Wars had been used for that purpose.

He also denies that Congress was the other intended victim of this deception. But as one project scientist told The Times: "We would lose hundreds of millions of dollars in Congress if we didn't perform it [the test] successfully. It would be a catastrophe."

The rigging was done by transmitting a signal from the target missile to a receiver on the interceptor, in effect helping the interceptor to home in on the missile by broadcasting the equivalent of: "Here I am. Come get me."

Congress was not told the test had been rigged. It was also fed other phony data attesting to Star Wars' magical protective powers. These actions clearly crossed the line of normal Pentagon misrepresentation. They denied Congress the information it needed to exercise its constitutional authority over spending.

Congress would be foolish to allow that to happen again. To that end, it needs to summon Mr. Weinberger and anyone else it can lay its hands on to get to the bottom of the deceit.

But more than Congress' pride and authority is at stake. The whole history of Star Wars is now thrown into question. Millions of Americans are still walking around with the impression that Star Wars was designed to protect them. But to some of its original proponents, like President Reagan's national security adviser Robert McFarlane, Star Wars was always, from first to last, an elaborate ruse to induce the Soviets to divert money and manpower into space-based defenses.

Trouble was, the United States wasted billions as well. And it's not clear which side wasted more. Further, it deepened Soviet paranoia at a perilous moment in East-West relations.

But Star Wars critics were not fooled. Nor were the wisest of Soviet scientists. If the Americans wanted to waste billions on a will-of-the-wisp, Andrei Sakharov told President Gorbachev in 1987, Moscow should not follow suit; indeed, Mr. Sakharov said, Moscow could comfortably proceed with a Start arms reduction treaty making deep cuts in missiles.

Whether or not disinformation to deceive the Soviets was fair play in the game of nations, defrauding Congress was not.

[From the New York Times, Aug. 19, 1993]

ASPIN SAYS INQUIRY IS SET ON 1984 "STAR WARS" TEST

(By Tim Weiner)

WASHINGTON, August 18.—Secretary of Defense Les Aspin said today that the Pentagon would investigate reports that a Star Wars test was rigged and test results manipulated in 1984. But the Secretary of Defense at the time, Caspar W. Weinberger, and the officer who ran the experiment for the missile defense program each denied the accusations today.

Mr. Aspin said the accusations, made by four former Reagan Administration officials familiar with the strategic defense program, raised serious questions.

The accusations, reported in The New York Times today, involved charges that a Reagan Administration program to feed disinformation about the Star Wars program to the Soviet Union had overstepped its bounds and led to the manipulation of a key experiment in 1984.

According to the officials, who asked not to be identified, electronic beacons were placed on a target missile and an interceptor missile to insure that the interceptor could find its target.

In interviews today, the officer in charge of the 1984 experiment, Eugene Fox, a retired major general who commanded the Army's Ballistic Missile Defense Systems Command, said the beacons had been put on the interceptor and the target missile only for reasons of safety and prudence, not to rig the test.

General Fox said Star Wars researchers would have been questioned by critics of the experimental program had the beacons not been on board. Without the beacons, there would be a risk that the interceptor would go astray and miss the opportunity to obtain crucial test results, he said.

The beacons were also needed to insure that the interceptor's on-board sensors could detect the general location of the target, but did not provide a fool-proof method of guaranteed interception, he said.

He said there was no attempt to manipulate or misrepresent the test. He denied that Star Wars officials misled Congress and said he had no knowledge of a separate disinformation campaign connected with the Star Wars project.

Challenging the former officials' assertion that he had approved the overall deception program, Mr. Weinberger said today that he had not authorized such an effort aimed at fooling the Soviet Union about the missile defense program.

SOVIETS HAD DATA

Mr. Weinberger said: "The Soviets were perfectly well aware of most of what we were doing, and could read most of our data as well as we could read theirs. For that reason, the whole idea of a deception program seems to me is quite absurd."

The former Reagan Administration officials say deception teams were attached to all the Administration's important military programs to try to confuse and mislead the Soviet Union.

Mr. Weinberger also said that the Pentagon had informed him that "the test was not rigged, but was in fact successful as was reported to the public and the Congress on June 11, 1984."

The investigation announced by Mr. Aspin was prompted in part by a request from Senator David Pryor, Democrat of Arkansas, who has long been critical of the missile defense program.

In a letter sent and made public today, he asked the Pentagon to determine whether Congress had been deceived by Star Wars program managers and whether President Reagan or White House staff had known that inaccurate information was given to Congress by military officials or contractors.

The Senator said the Government Accounting Office, the investigative arm of Congress, was already investigating the accusations.

PROGRAM CRITICIZED

Mr. Pryor said in his letter that a Pentagon program described to him was a "disinformation campaign that may have led laid a faulty foundation for a $30 billion program."

In May, Mr. Aspin significantly scaled back the 10-year-old, $30 billion missile defense program, formally known as the Strategic Defense Initiative, and announced the end of the Star Wars era.

[From The Washington Post, Aug. 19, 1993]

PENTAGON TO PROBE MISSILE TEST ALLEGATIONS

(By Andrew Brownstein and R. Jeffrey Smith)

The Defense Department said yesterday it would investigate new allegations that the Reagan administration deliberately falsified the results of an early test of technology for a ballistic missile defense system.

The allegations center on a space experiment in 1984 that military officials said at the time had demonstrated a Soviet nuclear warhead potentially could be destroyed in flight by a non-nuclear weapon before the warhead reached the United States.

The notion that the United States could shield itself against a Soviet nuclear attack was the animating goal of the Strategic Defense Initiative, or "Star Wars" program, set up in 1983. The Reagan administration's claims of a successful warhead interception in the 1984 test figured prominently in its effort to persuade Congress that billions of dollars should be spent to develop more advanced weapons to destroy Soviet warheads.

The program, which so far has cost $30 billion, never produced a viable weapon for defending against a missile attack against the United States.

Early this year, the Defense Department scaled back the program, emphasizing instead the development of a defense against limited attack by tactical, or short-range, missiles.

The allegations about the 1984 test have come from several former defense officials, who recently told congressional staff members that the test results were misrepresented by the Army Ballistic Missile Defense Command.

The Army conducted the test, launching a large interceptor from Kwajalein Island in the Pacific Ocean to attempt destruction of a mock Soviet warhead aboard a Minuteman I missile fired from Vandenberg Air Force Base in California.

The former defense officials have charged that what the Army billed as a successful intercept actually was rigged to ensure it would not fail, the staff members said.

A former Army official involved in the test has denied the allegations, but Secretary of Defense Les Aspin said in a statement yesterday that "any allegation that the Congress has been misled raises serious questions."

Aspin said Deputy Secretary of Defense William J. Perry will conduct an inquiry into how the 1984 test was conducted and "how it was reported to Congress."

Sen. David Pryor (D-Ark.), whose staff members have interviewed some of the former defense officials who are making the allegations, requested that the General Accounting Office probe the allegations in a letter he sent Aug. 5. Pryor told Aspin in a letter yesterday that if the allegations are true, "congressional and public confidence in DOD [Department of Defense] test results would be nonexistent."

One of the former defense officials has claimed that the scientists who conducted the 1984 test secretly placed equipment aboard the mock warhead so that the interceptor could home in on it without difficulty.

When the interceptor subsequently collided with the target, it produced the spectacular explosion that the Pentagon had sought, a congressional aide said he was told.

Another former defense official gave a slightly different account to the congressional staff. He told them, and repeated in a recent interview with The Washington Post, that he understood the scientists involved had purposely detonated explosives placed aboard the interceptor to simulate a direct collision with the warhead, which he said may have never occurred.

Neither of these two officials was directly involved in the test preparations, and both have declined to be named.

An article in yesterday's editions of the New York Times said at least four Reagan administration officials had alleged the 1984 test was rigged.

Eugene-Fox, who was a brigadier general with the Ballistic Missile Defense Command in Huntsville, Ala., in 1984, said in an interview that "as far as I was concerned . . . nothing was done that could be interpreted as fuzzing up or falsifying the results."

[From the Associated Press]

ARMY GENERAL DISPUTES REPORT OF RIGGED ANTI-MISSILE TEST

(By Robert Burns)

WASHINGTON.—The officer who ran an Army anti-missile defense experiment in 1984 denied a published report Wednesday that the test was faked and that the deception was meant to mislead Congress about the project's viability.

Eugene Fox, a retired major general who was commander of the Army's Ballistic Missile Defense Systems Command at the time of the test, said in an interview that the experiment was done June 10, 1984, with complete scientific integrity.

Nonetheless, a critic of the Pentagon's missile defense programs, Sen. David Pryor, D-Ark., asked Defense Secretary Les Aspin to investigate the charges to determine whether Congress was deceived about the program's scientific progress.

Aspin was a House member at the time of the allegedly rigged test.

Pryor asked Aspin to determine what role was played by former President Reagan, defense contractors and Pentagon officials in providing inaccurate information to Congress on the tests and whether any federal laws were violated.

"If these latest allegations are true, congressional and public confidence in (Pentagon) test results would be nonexistent," Pryor wrote in a letter to Aspin.

Aspin issued a brief statement saying the allegations raise "serious questions" and that he had instructed his chief deputy to investigate the facts surrounding the test flight and how it was reported to Congress.

In its report, The New York Times said four former Reagan administration officials told it that the test was rigged as part of a disinformation campaign to persuade the Soviets to spend billions of dollars to counter the U.S. progress in developing an anti-missile defense system, which came to be called Star Wars.

The four officials were not identified by name.

The Times said Pentagon officials also wanted to ensure continued congressional support for the program, which was begun before Reagan made his March 1983 "Star Wars" speech that gave birth later to the Strategic Defense Initiative.

The test in question was called the Army's Homing Overlay Experiment. It was a test of whether an interceptor rocket fired from the ground could use an on-board infrared sensor to guide itself into the path of a ballistic missile warhead in space.

A two-stage rocket carrying the interceptor was fired from the Army's Kwajalein missile test range in the south Pacific, and the target missile carrying a dummy warhead was launched from Vandenberg Air Force Base, Calif. The interceptor hit the warhead, marking the first such intercept in history.

The Times report said U.S. scientists rigged the target missile with a beacon and put a receiver on board the interceptor. "The target was talking to the missile, saying: 'Here I am. Come get me,'" the Times quoted an unidentified scientist as saying.

Asked about this, Fox said there was no receiver on board to interceptor, so there was no way the interceptor could communicate directly with the target.

Fox said the main point of the experiment was to see if the on-board infrared sensor could correctly guide the interceptor in the final stages of its flight not to prove that the interceptor itself could find its target from the moment of launch.

"We would have been beaten over the head and shoulders" by critics for wasting taxpayers money if no beacons had been used and the interceptor had flown along a path that did not enable it to test the on-board infrared sensors, Fox said.

Fox said the beacon system was used in three prior tests of the interceptor. In each of those cases, the interceptor missed the target because of what the Pentagon described in 1984 as sensor, electronics and computer malfunctions.

"We didn't do anything to keep any information from the Congress," Fox said, adding that he had no knowledge of a disinformation campaign related to the missile defense project.

STAR WARS TEST-RIGGING RILES ARKANSAS SENATOR

"It's one thing to deceive the Soviets." Sen. David Pryor, D. Ark, said in an interview Thursday. "But it's another thing to deceive Congress to get funds for a system that is not working."

Pryor on Wednesday asked Defense Secretary Les Aspin to investigate allegations that Star Wars tests were rigged in 1984 and false reports were given to Congress about the program.

Four former Reagan administration officials said in The New York Times on Wednesday that the same deceptive information used to persuade the Soviets to spend tens of billions of dollars on military development was also given to members of Congress.

The false data helped persuade Congress to spend more money on strategic defense, the former Reagan officials said.

"It was so easy to deceive the Soviets, they said Let's deceive Congress and get more money. It sounds crazy but that's the way it was working." Pryor said.

Costs for the Strategic Defense Initiative, as the program is formally known, have totaled $30 billion in 10 years, Pryor said.

This year, Star Wars officials are seeking $4 billion in funding, he said.

"The president has indicated he supports continuing the program, but I hope it will not continue. I never thought that it should have begun at all," Pryor said.

Pryor, a member of the Senate Governmental Affairs Committee, said he had been suspicious of Star Wars because the same contractors kept getting the contracts for the program, many without competition.

Several months ago, Pryor said, he asked investigators to study contractors who repeatedly were awarded government work.

Through those efforts, several people started talking to the investigators about the alleged deception, he said.

In a letter sent to Aspin on Wednesday, Pryor asked if any statutes or Department of Defense regulations regarding notification to Congress were violated, whether President Reagan or White House staff members knew the Defense Department was providing inaccurate information to Congress, and whether contractors who worked on the ballistic missile program were aware of the disinformation campaign.

Aspin said Wednesday that the Pentagon will investigate reports that a Star Wars test was rigged and test results manipulated.

Pryor said Thursday that he had not received any reaction from Aspin on his specific requests.

[August 20, 1993]

STAR WARS: SCANDAL AND COUP?

(By Stephen S. Rosenfeld)

Concerned legislators are gravely pursuing allegations that the Pentagon faked a missile test in 1984 in order to persuade Congress to spend billions on President Reagan's favored "Star Wars" defense against Soviet missile attack.

Well, yes, deceiving Congress is serious business, and it has to be pursued. But there is another allegation also to pursue: that the first purpose of this "disinformation" operation was to panic the Soviets into spending tens of billions, in an effort doomed by their technological and economic weaknesses, to counter the American drive for a space-based anti-nuclear shield.

If the first allegation about deceiving Congress is true, we are in the presence of a large scandal. If the second allegation about deceiving the Kremlin is true, we are in the presence of a great Cold War scan and, conceivably, an immense success of American policy. Both these possibilities may have some truth. If further disclosure bears them out, we would face an intriguing dilemma characteristic of the Cold War time: whether figuratively to spurn a great international benefit because it was obtained by means regarded as disreputable at home.

Behind the hint of misconduct—vigorously denied by Reagan Defense Secretary Caspar Weinberger—lies the hint that Weinberger and his Pentagon team took a huge risk and won a huge prize.

An immediate risk was that a phoney intercept would sweep the United States into false confidence and an imprudent investment in Star Wars. A larger risk was that in pretending that an American nonnuclear missile could hit a Soviet nuclear missile in space, the United States would be playing to Soviet paranoia, cranking up the arms race and providing Soviet hard-liners with fresh evidence of American hostility and aggressiveness.

Nobody who paid attention during that period will forget Moscow's resentment and rage over Star Wars, extreme even by Cold War standards. But it also happened that as the Soviets moved to counter the American program with their own, they put an unbearable extra load on their technology and their budget. Their economy and then their whole society began to collapse. Out went Leonid Brezhnev. In came Mikhail Gorbachev. The rest is the chapter of history called The End of the Cold War.

The Reaganites are not—not yet, anyway—making the grandiose claim that they set a trap for the Kremlin, and it worked; Weinberger, for one, denies all. The truth aside, they seem to be locked in by considerations of secrecy and discretion, although these are hardly unbreakable. Moreover, the claim may not be justified, or fully justified, since many other weights were pressing; not just a single missile test and the Star Wars program but Reagan's whole hard-line foreign policy, including ideological, political and military challenge around the world.

Nor is the hard-line view the only one that must be considered. There is another, moderate school; President Clinton's Soviet adviser, Strobe Talbott, was a leader of it in his previous incarnation as a Time magazine editor. This school believes that more important in hastening the demise of Soviet communism were (1) the ways the reform impulse was playing out in the public and private realms of Soviet society and (2) the opportunities for conciliation and accommodation that the West was opening up at the same time.

Reagan himself was a hard-liner in the sense that he thought the Soviet regime was economically, politically and morally close to buckling. (Moderates, rejecting the premise of imminent Soviet/communist vulnerability, thought it could muddle through.) Still, Reagan does not seem one to launch Star Wars, or to fake a missile test, simply as a gambit to suck the Kremlin into futile, draining expenditures on its own missile defense. He was a true believer—in space-based nonnuclear defense and then in the abolition of all nuclear arms.

In 1962—permit a digression—I was in a group that interviewed then-Kremlin leader Nikita Khrushchev. He took the occasion to boast that the Soviet Union was building a missile to "hit a fly in space." He was wrong; never did the Kremlin accomplish that feat. But it was a revealing illustration, or so I later thought, of Soviet aspirations and apprehensions alike. In 1984 it might not have been farfetched for Americans to imagine they could impress a new crop of soviet leaders by "hitting a fly in space."

[From Time, Aug. 30, 1993]

THE PLOY THAT FELL TO EARTH

STAR WARS SUFFERS ANOTHER BLOW WITH CHARGES THAT AN ANTIMISSILE TEST WAS FAKED

(By Bruce Van Voorst)

One night in June 1984, a test ICBM soared up from Vandenberg Air Force Base in California. Thousands of miles away in the middle of the Pacific, another rocket was launched on Kwajalein Island. It contained an infrared sensor powerful enough to detect heat from a human body 1,000 miles away. Closing at 15,000 m.p.h., the rocket locked onto the ICBM, intercepting it in midflight and destroying it by sheer physical impact. So devastating was the hit that the remaining shards of the ICBM's warhead measured less than an inch across.

Pentagon officials were ecstatic about the results of the $300 million test. It was, declared one official, like "hitting a bullet with a bullet." Moreover, it was proof of the potential of Ronald Reagan's Strategic Defense Initiative. It seemed to signal an important first step in building a high-tech astro-shield against nuclear-tipped ballistic missiles from the Soviet Union. A Wall Street Journal editorial proclaimed, "Star Wars Works."

But did it? Last week a report in the New York Times alleged that the test was a fraud and that the results had been rigged. While that may have served as part of a cold war strategy to deceive the Soviets into spending their way into oblivion to counter SDI, similar misinformation was provided to Congress to persuade it to fund the program with huge sums—$31 billion to date. Clearly stung, Defense Secretary Les Aspin, a former Congressman, ordered an internal investigation at the Pentagon. Said he: "Any allegation that the Congress has been misled raises serious questions." Said Senator David Pryor, whose long-standing probe of SDI seems to have triggered the revelations: "It could totally discredit the testing process and the credibility of the Pentagon."

Sources apparently within the SDI program told the Times hat the 1984 launchings did not prove the efficacy of the heatseeking infrared sensor. Rather, the target ICBM carried a beacon that guided the interceptor rocket toward a set-up collision. Officials involved with the test have vigorously defended the test results. Said General Eugene Fox, the retired Army missile-defense chief: "We didn't gimmick anything." William Inglis, the experiment's civilian test director, dismissed the accusations of an SDI hoax as "technical nonsense." There was indeed a beacon, but, said Inglis, it served only for "range safety" purposes, allowing ground crews to destroy the ICBM if it went off course.

Inglis admitted to Time, however, that some aspects of the test might have enhanced the results and made it easier for the interceptor to find its target. The warhead, for example, was preheated before launch to 100°F to provide a clearer infrared signature. The target warhead also carried explosives to increase the detonation and thus assist ground observations. Said a congressional staff member: "Either could have served to skew the tests."

While SDI's supporters, including the Reagan Administration officials, strenuously deny that the 1984 results were falsified, they all concede that deceptive practices are normal in statecraft. During the '80s a "perception management" program run by the CIA handled a disinformation operation aimed at deceiving the Soviets about U.S. technological research. Among the programs it had a hand in was SDI. A draft of a classified Defense guidance document from that period clearly toes the spend-Moscow-into-the-ground line and reads, "We should seek to open up new areas of military competition and obsolesce previous Soviet investment or employ sophisticated strategic deception options to achieve this end." A former official told Time, "A lot of time and money has been spent on this." It may have worked. Last year the Russian ambassador to the U.S., Vladimir Lukin, told Robert McFarlane, Reagan's National Security Adviser, that fear of competing with the U.S. in strategic defense "accelerated the Gorbachev revolution by five years."

Gimmicking military-weapons tests is nothing new at the Pentagon. In the mid-1980s congressional investigators determined that aircraft were exploded by remote ground control within seconds of each firing from the Sergeant York antiaircraft gun and that it never actually hit the drone planes. In operational tests of the Bradley Fighting Vehicle, ammunition in the turret was replaced with cans of water to douse fires and lower the level of explosions when the vehicle was hit.

The current controversy has cast further doubts on the SDI program, which even in this time of declining defense budgets is still slated for $3 billion in 1995. "This is a body blow to the integrity of everyone who worked on SDI," said Frank Gaffney, director of the Washington-based Center for Security Policy and a diehard Star Warrior. Caspar Weinberger, Reagan's Secretary of Defense, insists that "the test was scientifically based, did succeed and was accurately reported to the Congress and the American public." But he said there may be no overcoming the new allegations: "Once these fairy tales are out, they are picked up as gospel truth by editorial writers and never corrected."

Yet SDI has always been something of a fairy tale. In 1983 scientist Edward Teller, father of the hydrogen bomb, promised Reagan that nuclear-generated X rays would destroy warheads. It was a claim accepted by few in the scientific community and has long since proved false. Other SDI-related technologies—directed energy, chemical lasers, neutron beams—have turned out to be useless. Last May, Aspin conceded that the decade-long SDI program produced no credible defense against ICBMs. He renamed SDI—focused now on threats from mid-range rockets like the Scud—the Ballistic Missile Defense program. It was, said Aspin, "the end of the Star Wars era." True enough, but not the end of Ballistic Missile Defense, which will cost taxpayers a projected $40 billion more over the next six years.

FUN AND GAMES WITH THE KGB

As the Pentagon supposedly tried to deceive the Soviets with rigged Star Wars tests in the sky, the FBI attempted to fool the KGB on the ground—sometimes with comic contortions. In his new book, "The FBI" (Pocket Books), Ronald Kessler, a former investigative reporter for the Washington Post, tells of an operation against a Washington-based KGB officer who was trying to recruit a Pentagon employee. As the Soviet official slept, FBI agents stole his car to plant a bug in it. To avoid suspicion, they put an identical car in the official's parking space overnight. They also made sure that the replacement odometer's mileage read exactly the same as that of the real car. Meanwhile, the KGB car's odometer was temporarily removed to keep it from registering miles the Soviet would not be able to account for. Within three hours, the FBI was done and the cars were switched again. In the bugged car were a microphone and a tape recorder, which would be activated when the Soviet agent got into the driver's seat. What would the FBI do if the machine ran out of tape? An agent would walk up to the car, undo the taillight reflector, and replace the tape every few days. However, no arrests were made because the KGB's Pentagon target never responded to the Soviet's overtures.

Kessler also details another elaborate plan, in which high-tech devices were planted in the headrests of KGB cars. These would trigger sensors at specific intersections in Washington, allowing the bureau to keep track of KGB movements without recourse to machines that required replacement tapes or batteries. One car did not have a headrest, so agents planted the device in the glove compartment. When the car was brought in for a regular inspection, KGB mechanics found the bug and quickly inspected other vehicles for similar spy paraphernalia. By then the FBI had infiltrated 20 cars. The KGB removed every single bit of buggery. According to Kessler, the cost to the U.S. was in the hundreds of thousands of dollars.

The most explosive contention of Kessler's book is that in the U.S. hundreds of Americans, perhaps more than a thousand, worked for the KGB during the last years of the cold war. The FBI's source was a highly credible former KGB employee. Writes Kessler: "The break came just when FBI counterintelligence officials had concluded rather smugly that the end of the cold war had brought no great surprises about the degree to which the KGB had penetrated American secrets." He adds, "So specific was the information that the FBI was quickly able to establish the source's credibility." Among the spies, says Kessler, were "military men who had had top-secret information and officials of other agencies." The cases, he writes, are "enough to keep [the FBI's intelligence division] busy into the next century."

Sources familiar with the case have told Time that the former Soviet informant, who used to work for the first directorate of the KGB, defected about a year ago. But they say Kessler's figures are "highly exaggerated." The defector did have access to hundreds of names, but they included both Americans and non-Americans and were drawn from both KGB and Warsaw Pact files. More important, the great majority were innocent contacts. Only about a dozen cases of suspected espionage originating with this particular defector are being investigated by the FBI.

Mr. PRYOR. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. One minute twenty-five seconds.

Mr. SASSER. How much time is remaining on the other side?

The PRESIDING OFFICER. Three minutes twenty-eight seconds.

Mr. SASSER. Mr. President, I yield 1 minute to the distinguished Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I spoke earlier about what I regarded as waste in the history of this program, to the effect that the program is basically flawed. I would like to conclude, Mr. President, by speaking to those who are true believers in the Star Wars program but who also want to cut and want to do the responsible thing.

To them, Mr. President, I would say that a $400 million cut—$400 million and change—as proposed in the Sasser amendment is a responsible cut because it still allows the program to go forward in a very robust way.

Mr. President, this is not a mature program, ready for funding. This is an R&D program where there is still 12 competing technologies, none of which have yet been chosen.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JOHNSTON. The $400 million is a responsible cut.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. Three minutes and thirty-eight seconds.

Mr. NUNN. Mr. President, I yield a minute to the Senator from New Hampshire and a minute to the Senator from Utah.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. I thank the Chair. I thank the Senator for yielding.

Mr. President, people often remark that if anything is for certain in this world it is death and taxes. Well, as today has proven yet again, there is another item to add to this list. Whenever the defense bill comes to the floor, our colleagues from Tennessee, Arkansas, and Louisiana are sure to offer an amendment to gut the missile defense program. It seems as if its almost an involuntary reflex. It happens every year regardless of the threat environment and regardless of how much has already been cut from the program.

As my colleagues know, I have consistently supported the missile defense program. At the height of the cold war, I believed in and actively supported the robust missile defense program advocated by President Reagan. As events in the world changed, the Warsaw Pact fell, and the Soviet threat began to recede, I supported President Bush's initiative to provide a scaled down global protection against limited strikes. Two years ago, I joined with Senator NUNN and my colleagues on the Armed Services Committee in formulating the Missile Defense Act of 1991, which represented an historic consensus on both the need for, and architecture of a ballistic missile defense program.

My support for the program was based on a careful assessment of the threats to our security, and what type of force would be required to defend against this threat.

What is so ironic about this year's chapter in the continuing war against the missile defense program is that the proponents of this amendment are relying upon the same outdated cold war rhetoric that they have been using for 10 years, while the supporters of missile defenses are basing their votes on today's threat and national security needs. The fact is the missile defense program and its operational requirements have evolved over time because of the changed threat. But my friend from Tennessee and his colleagues seem lost in the cold war, bent on opposing a program that no longer exists in the form they remember. My friends continue to recycle the same flawed and outdated arguments they have been using for years, even though those arguments have no relevance to the program we are pursuing today.

Mr. President, I urge the Senate to reject the amendment before us to cut $400 million from the missile defense program. The threat confronting U.S. forces abroad and our citizens at home is real, and it is growing. Our servicemen and women need this missile defense. We must not allow the missile defense program to be randomly slashed without any regard to the national security implications of such action. The Constitution requires that we provide for the common defense. The American people demand no less.

I thank the Senator for yielding the time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I was listening to the Senator from North Dakota, Mr. DORGAN, talk about cutting spending first, attacking this program. And he made a lot of sense in saying this is a weapons system that we do not need. If it, indeed, were a weapons system, I might be somewhat in sympathy with him. But I rise to make the point of my perspective in this circumstance, and I put it in a historical context.

There was a time in our history when people were fooling around with airplanes and they were told airplanes are fine for reconnaissance, airplanes are fine for communications but obviously they will never be a weapon.

Well, today we are told as we discuss SDI, SDI is fine for communications.

SDI is fine for surveillance. But we must not consider ever taking the step to make space a form of a weapon.

I believe this is a logical thing to do because of the long-term historical implications, and we must stay with it.

Mr. NUNN. Mr. President, I reserve the remainder of my time.

Mr. SASSER. Mr. President, what we are offering today is a responsible amendment. We are offering to reduce funding for the SDI by a reasonable amount that leaves the administration's programs intact. For those of our colleagues who want to vote for cuts, this is their first opportunity to vote for cuts since the recess. Let us see who wants to cut and let us see who does not.

Mr. NUNN. Mr. President, I yield 20 seconds to the Senator from Idaho and 20 seconds to the Senator from Virginia.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that a letter from Dave Montague, president, missile systems division, Lockheed Missiles & Space Co. be printed in the RECORD.

Also, in reference to the report that was written by General Abramson and Ambassador Cooper, I simply quoted the Soviet chief of staff, the foreign minister and the Russian Ambassador to the United States. These are not my conclusions but the statements of the Soviets and Russians.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LOCKHEED MISSILES & SPACE
COMPANY, INC.,
Sunnyvale, CA, September 3, 1993.

HOWELL RAINES,
Editorial Page Editor, New York Times, New York, NY.

To the EDITOR: On August 18, the New York Times published an article by Tim Weiner, in which he reported allegations made by four unnamed Reagan administration officials that a strategic defense related test conducted in June of 1984 was faked to mislead the Soviets and the U.S. Congress. The following day, a Times editorial appeared in which the allegations of these unnamed sources were accepted without question as fact. The program itself was not named in the initial article or the editorial, but it is clear from the description of the program and the picture accompanying the article that the allegations are aimed at the Army's Homing Overlay Experiment (HOE) initiated in 1978.

I was responsible for the HOE program at Lockheed, the prime contractor to the Army for the experiments. The allegations about the 1984 test at Kwajalein reported in the 18 August New York Times article, and presented as fact on the next day's editorial page, are false.

There was no misrepresentation of test results to Congress or anyone else on any of the four HOE flights. The flight tests, while experimental, were planned and conducted with high fidelity to an operational intercept of a hostile warhead. The fourth and final flight, which was the subject of the allegations printed in the Times, resulted in a direct hit after the interceptor had acquired, tracked and homed in on the target using its infrared optical sensor. There was diagnostic instrumentation, including RF range tracking beacons, on the test target and the interceptor, as there had been on the three previous tests. However, there was no equipment on the HOE interceptor which could have detected or taken advantage of such a beacon.

In a subsequent article (August 27), the Times finds a sinister motive in the fact that the target was artificially heated before launch. The Times reported that the purpose of this heating was to make the target more visible to the heat-seeking sensor, and thus easier to hit. The facts: all four HOE flight test targets were preheated to 100 degrees Fahrenheit on the launch pad. The purpose of the pre-launch heating was to assure a known initial temperature for the target, which was subject to long delays at the launch pad in the cold night air at Vandenberg AFB. At the time of target acquisition by the interceptor, all four HOE target vehicles were within three degrees of a nearly identical, but not preheated, target flown and observed on a previous U.S. Army program. This has been confirmed by telemetry data from the HOE tests, which shows that the added temperature dissipated rapidly during flight. The difference in visibility to the HOE sensor caused by the pre-heating was negligible.

One might ask why it is so difficult for self-styled critics to accept that this test program actually achieved the success reported by the Army. I am proud to be one of more than 700 dedicated professional men and women in the U.S. Army Strategic Defense Command and industry who know the truth of their success, a fact which cannot be altered even by the Times. While those of us who know the facts of the HOE flight tests have tried to avoid public comment on the allegations during the Defense Department investigation that they have spawned, the Times and the scientific experts it quotes have made that impossible. The DoD investigation will examine the Homing Overlay Experiment results; I trust that the Times and their unnamed sources are willing to place their allegations under the same scrutiny.

If there has been an attempt to deceive Congress about the HOE program results, it occurred not high above the atmosphere in June of 1984, but in August of 1993 under the venerable masthead of the New York Times.

DAVE MONTAGUE,
President, Missile Systems Division.

Mr. WARNER. Mr. President, the Senator from Arkansas also stated that, after $30 billion has been spent, we have nothing to show for it. The Senator is not correct.

For one thing, we now know how to do missile defense. Through 9 years of research we have found the strength and weaknesses of different candidates for missile defense. We know what will work, what it will cost, and how long it will take. Furthermore, we have started down the road to deploy the upgraded Patriot capability in 1998 and the first really effective theater missile defense in 2002. These are good, hard dates—but only if Congress funds the budget request.

For another thing, SDI research has given us a treasure trove of technical achievements. The Senator from Arkansas said nothing about all the contributions to technology that would not be here without SDI. Let me give some examples from the excellent report by General Abrahamson and Ambassador Cooper to which reference was made by the Senator from Idaho.

With a $40 million investment in diamond film technology since 1986, SDIO is singularly responsible for fostering a new US industry with the potential of a multi-billion-dollar global market after the end of this century.

SDIO investments in sensors and detectors have produced major improvements. In particular, large (256256) pixel arrays carrying over 65,000 individual photodetectors are now manufacturable * * * Over the past eight years the cost per pixel has been reduced by a factor of 20 (and in some cases 100)—and there are prospects for another order-of-magnitude cost reduction.

Inertial measurement units (IMU's) that weighed over 5 pounds and cost about $100,000 a copy will shortly be replaced with more accurate SDI-developed IMU's that cost about $5,000 a copy and weigh ¼ pound—in a hardened configuration.

Representative of these advantages is the late-1980s state of the art Advanced Liquid Axial Stage (ALAS) axial engine (being used in, for example, the Lightweight Exo-atmospheric Projectile (LEAP) program, which is less than ⅒ the weight of the 1970's vintage technologies—with a corresponding reduction in cost. In addition, recent miniature divert propulsion motors fabricated by SDI-funded rocket scientists are 35 percent smaller than their late 1980's predecessors and also permit a 30 percent reduction in total weight since smaller amounts of higher performance fuels can be used.

Solar cells from SDI research are increasing the efficiency of photovoltaic systems from around 10 percent, where it had hovered for years, to over thirty percent * * *.

SDIO has documented 97 commercial products which have emerged directly from its technology programs, 26 patents granted for commercial applications of SDI technology, 19 new spin-off companies founded to commercialize new products based on SDI technology * * *.

Mr. President, I submit that this is a record of solid accomplishment. We got our money's worth.

Mr. LAUTENBERG. Mr. President, I am pleased to be a cosponsor of this amendment to reduce funding for the SDI Program. I urge my colleagues to support this amendment.

The amendment will reduce funding for the SDI Program by $400 million. That is a $400 million victory of the American taxpayers.

This is a prudent amendment. It saves $400 million for the American people without undermining national security. It still provides a significant level of funding for the program to enable the administration to move forward with the modified SDI Program. Importantly, the level of funding provided in this amendment will allow for growth in theater missile defense programs, the new focus of the administration's SDI Program. The amendment protects funding for other aspects of the program as well.

The end of the cold war has provided us with a historic opportunity to review our defense spending priorities and realize significant savings. The threat to our national security from a missile attack has been reduced significantly. And scientists shot down the viability of the original, vastly more expensive space-based interceptor program years ago.

Over the years, we have spent tens of billions of dollars on the SDI Program. And now we find out that critical tests for the program were reportedly rigged so the flawed system would pass. Some say that these rigged tests were designed to fool our Soviet opponents. This may be an expensive and cruel hoax on the American taxpayer.

Mr. President, reducing funding for the SDI Program by a modest $400 million is the least we should do. Frankly, we should cut even more. I have consistently supported amendments to cut funding from this program in the past. But this amendment to cut $400 million from the program is, nevertheless, an important step.

Mr. President, the American people have sent a message that by now should have come through loud and clear: cut the spending, set priorities and do not waste our tax dollars. The Senate should heed the call of the American people and support this amendment.

Mr. DODD. Mr. President, for over 40 years our Nation has lived with the threat of a full-scale thermonuclear war. Thankfully, with the demise of the former Soviet Union, much of that immediate threat no longer exists. But while global changes have certainly diminished the possibility of a single agressor attack, we must not forget that other, albeit less capable, threats remain.

The conflict in the gulf is ample evidence that any agressor with even moderate ballistic capability can inflict enormous damage to our troops during times of conflict. Clearly, a method of defense from this type of threat is necessary, if not required.

And as the Secretary Defense has briefed this Congress, the spread of ballistic missile technology remains one of the greatest challenges to the future defense of our Nation. Despite our efforts to limit the proliferation of both weapons and delivery systems, nation States seeking these types of offensive weapons are rapidly increasing. We have a responsibility to protect ourselves from these developing threats. And that is what is really at stake here.

So the issue is how do we provide for that defense in light of the changes in the global threat scenario? The answer to that question has been provided by the administration and the Secretary of Defense, despite claims to the contrary.

The administration has proposed spending $18 billion over the next 5 years on the development of ballistic missile defense systems. Of that, $12 billion will be spent on theater missile defense [TMD]. The remaining $3 billion will be spent on research-oriented long-range missile defense. This proposal represents a $21 billion savings from the Bush administration's proposals.

In addition to these savings, the Senate Armed Services Committee has recommended a further reduction from $3.8 billion for fiscal 1994 to $3.46 billion. This expenditure represents a responsible authorization level with which we can actively seek the development of a capable theater missile defense system, while continuing to engage in cost-effective research on future systems. I believe that any further reduction would endanger the effectiveness of this program and jeopardize our ability to develop systems that we need to adequately defend our troops against missile attacks.

I agree with my colleagues who say the elaborate and costly strategic defense initiative that the Reagan and Bush administrations envisioned is no longer needed. In fact theentire concept of a strategic defense initiative or SDI is gone and those who continue to use that terminology have missed the boat on what is really at issue here. We are not talking about SDI, or Brilliant Pebbles, or any of the other theoretical programs of previous administrations.

Instead, this administration has reviewed this technology and the entire ballistic missile technology base. And for the first time in our history, we are ready to move on proven technology here today—not testing theories of tomorrow.

I can not stress this point strongly enough. While the threat of an intercontinental attack has clearly subsided, U.S. allies, friends, and our troops abroad continue to live with the danger of short-range missile strikes. Theater missile defense systems need to be a top priority as we address our military needs for this changing global atmosphere.

Throughout my career, I have consistently supported programs that prudently and responsibly provide a strong return on the money invested. In the past I have opposed space-based missile defense systems because I believed that the military value and technologies such programs anticipated were not worth their expected costs. The current administration's proposal however, represents a fundamental change in our previous policies. Our Nation's military leaders have prepared a comprehensive review that fully addresses our military requirements for the future. A crucial part of this plan is an effective theater missile defense system and I support its development.

I therefore urge my colleagues to reject the amendment to reduce funding for the Ballistic Missile Defense Program.

Mr. SHELBY. Mr. President, I rise in strong opposition to the amendment offered by Senator SASSER which would reduce funding for ballistic missile defense funding by $400 million. This amendment would seriously inhibit any opportunity for the United States to proceed with the development of a system to protect American citizens from an intercontinental ballistic missile attack and undermine the Missile Defense Act of 1991.

The Armed Services Committee has been in the forefront in providing leadership on this issue since the inception of the strategic defense initiative. We have been working for the past 4 years, starting with an amendment that Senator BINGAMAN and I sponsored and reaching fruition in the Missile Defense Act, to move ballistic missile defense away from a space-based system and to a ground-based system.

In the bill, the Armed Services Committee has removed the last vestige of space-based system, Brilliant Eyes, out of ballistic missile defense and fashioned a program which now has two major elements—theater missile defense and limited defense. We have also reduced ballistic missile defense funding by an undistributed reduction of $300 million. The Armed Services Committee also reduced theater missile defense funding by $112 million and limited defense funding by $140 million to accommodate the transfer of the Brilliant Eyes Program. We chose to provide the undistributed reduction to the Ballistic Missile Defense Program to give the Secretary of Defense and the Director of the Ballistic Missile Defense Organization leeway in making these cuts. This resulted in a funding level of $3.2 billion for ballistic missile defense. It is a level that is supported by the Secretary of Defense and is consistent with funding levels that have been reported in the bottom-up review.

Mr. President, the threat from ballistic missiles is even more dangerous than ever before because of an ever expanding number of counties are developing or buying missiles. Just a few weeks ago, the CIA announced that North Korea has tested a new theater missile, capable of threatening the entire Far Eastern region with both nuclear and chemical warhead attacks. The CIA Director, Jim Woolsey, had previously warned that several additional nations may have the capability to launch missile attacks against the United States by the end of the decade. This is not a time when we should further cut our Ballistic Missile Defense Program.

Mr. President, I urge my colleagues to defeat the Pryor amendment and all other amendments to cut ballistic missile defense funding.

Mr. FEINGOLD. Mr. President, I am proud to be a cosponsor of the Sasser amendment to S. 1298 to limit the amount available for ballistic missile defense programs, to eliminate Brilliant Eyes, and to allocate the total amount among the ballistic missile defense programs in fiscal year 1994. I want to thank Senator SASSER for this initiative, as well as Senator BUMPERS for his bill introduced earlier this year to limit the SDI Program to $2 billion.

I am troubled by the $3.8 billion authorization in the bill for the Ballistic Missile Defense Program, formerly known as the strategic defense initiative. I am troubled that in a year when we are cutting many programs and raising taxes we have not reduced funding from last year of this controversial program. Quite frankly, I am troubled by the billions of dollars that have been wasted on this boondoggle. Finally, I am troubled by the impact that the deployment of BMD will have on international relations.

Today there is no threat to our national security which merits $3.8 billion in BMD funding. The Soviet Union has collapsed. The successor states are focusing on repairing and rebuilding their own economies. They cannot afford the ballistic missile systems discussed here today, nor have they demonstrated any inclination to do so. What do we gain by threatening them? Genuine, lasting security is achieved through mutual limits on our nuclear arsenals, not threats and demands.

It is indeed ironic—if not downright hypocritical—that as we sign major strategic arms control agreements with Russia, Kazakhstan, Ukraine, and Belarus; as we give lip service to nuclear nonproliferation throughout the world; as we focus on deficit reduction for the sake of our national security, we are shoveling out $3.8 billion more, after shelling out $3.8 billion last year, $4.1 billion the year before, and billions of dollars in the past decade for SDI. This budget continues at the same levels, but the intercontinental ballistic missile threat to our national security is diminishing. This strategic defense system whose time has come and gone is a robbery of the precious U.S. Treasury.

This year in this body we have debated extensively cuts in several Federal programs. Defenders of the status quo seem to win consistently. But with the number we are authorizing here today, Mr. President, I hope that we will have more success with this debate.

Mr. President, after $32 billion and 10 years of research, an electronic dome protecting the Nation is still an elusive idea. Brilliant Eyes is even more obscure. We have no guarantee that these systems would add anything to our strategic stability. In fact, we do know that they could even tinge the golden opportunities for peace which are before us today, and sap our national coffers.

For these reasons—for the sake of deficit reduction and the interests of the post-cold-war era I urge my colleagues to support the Sasser amendment to reduce spending on SDI, and eliminate Brilliant Eyes.

Mr. NUNN. Mr. President, in a very few seconds that I have remaining, let me again repeat the letter is on everyone's desk from Mr. Tony Lake, the assistant to the President, speaking for the President.

In addition, the amendment specifies no more than 48 percent of the funds in this bill for BMD could be spent on theater defenses. This restriction is inconsistent with the restructured BMD program resulting from the bottom-up review. Under the bottom-up review, 67 percent of the funds allocated to BMD will go to theater defense.

Mr. President, this amendment is opposed by the Secretary of Defense. It is opposed by the National Security Adviser. I want no one to make any mistake about it. If you vote for this amendment, you are voting to cut the Patriot system, you are voting to cut the ERINT system, you are voting to cut the Arrow system, the THAAD system, and the standard missile system. All of them are important theater defense systems. That is the vote that we will be making.

Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP], would vote "nay."

The PRESIDING OFFICER (Mr. KOHL). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 50, nays 48, as follows:

[Rollcall Vote No. 251 Leg.]

YEAS—50

Akaka
Baucus
Biden
Boxer
Bradley
Breaux
Bumpers
Byrd
Campbell
Chafee
Conrad
Daschle
DeConcini
Dorgan
Durenberger
Feingold
Feinstein
Ford
Glenn
Grassley
Harkin
Hatfield
Hollings
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Riegle
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—48

Bennett
Bingaman
Bond
Boren
Brown
Bryan
Burns
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dodd
Dole
Domenici
Exon
Faircloth
Gorton
Graham
Gramm
Gregg
Hatch
Heflin
Helms
Hutchison
Inouye
Kempthorne
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Nickles
Nunn
Packwood
Pressler
Robb
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Warner

NOT VOTING—2

Murkowski
Wallop

So, the amendment (No. 785) was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote.

Mr. METZENBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that Senator BYRD be permitted to offer, for himself, and for Senators MITCHELL, DOLE, NUNN, WARNER, MCCAIN, LEVIN, SIMON, and others, a second-degree amendment to his amendment No. 782; that there be a time limitation of 100 minutes for debate on the amendment controlled as follows: 30 minutes under the control of Senator MITCHELL, 30 minutes under the control of Senator DOLE, 30 minutes under the control of Senator BYRD, and 10 minutes under the control of Senator SPECTER; that immediately upon the disposition of that amendment, the Senate vote, without any intervening action or debate, on amendment No. 782, as amended, if amended.

Mr. DECONCINI. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. DECONCINI. Mr. President, I ask the manager of the bill. I am trying to get on the list of amendments. I wonder if there is objection that my amendment follow that with a time limit of 1 hour.

Mr. NUNN. I say to my friend from Arizona, I do not control the amendments. We do not have any unanimous-consent agreement as to where we will go after the Byrd amendment is dealt with. So it is whoever gets the floor. I would prefer to continue to deal with the SDI or ballistic missile defense program until we complete all amendments on that. I think that is the logical way to proceed.

Senator PRYOR had hoped to get an amendment up, which I hope he will get up next because I think it is just logical for us to continue the debate until we complete this subject. But I do not control the floor and it is whoever gets the floor. My preference as floor manager would be to complete the BMD type of amendments before we turn to other amendments. But that is beyond my power.

Mr. DECONCINI. Mr. President, if the leader will yield, there is no intent to hold up the manager's effort to do SDI. I have been ready since yesterday to come forward with an amendment with a time limit of 1 hour and was assured then I would get in the mix here.

In place thereof, the Senator from West Virginia offered his amendment, the Senator from California, Senator BOXER, offered her amendment, and, of course, the SDI amendment was offered. And I want to be in the course here. It does not have to be the next amendment. I would like some consideration of the manager.

I appreciate that the majority leader does not control the floor. The reality is, if the manager wants the amendment to be next, he can ask for unanimous consent. Apparently some are granted. I am still interested in getting on that list. It does not have to be the next one, but I am interested in getting it heard.

Mr. NUNN. Could I ask my friend from Arizona if it would be satisfactory to him if we agreed to do everything we could, as soon as we finish the ballistic missile amendments, to have his amendment next in order.

Mr. DECONCINI. That would be fine.

Mr. NUNN. I am not sure how many of those amendments we have.

Mr. DECONCINI. It does not have to be immediately, but I would like some assurance on it.

Mr. NUNN. I would be glad to work with the Senator from Arizona.

Mr. MITCHELL. Mr. President, I renew my request.

Mr. DECONCINI. Mr. President, I ask whether or not the minority could respond to what the manager of the bill said.

Mr. DOLE. I do not think we have any problem, depending on whether we have a time agreement and where you take the money from.

Mr. DECONCINI. Let me assure the leader, I am not asking for unanimous consent to approve it. You may want to debate it or take the money from someplace else. But I would like to have some assurance from the Senator from Arizona or somebody, at least that they would work with the chairman of the bill to get the amendment up.

Mr. DOLE. We have no problem with that.

Mr. DECONCINI. After we do the SDI amendments.

Mr. DOLE. We are happy to agree with that.

Mr. NUNN. I thank the Senator.

Mr. DECONCINI. I thank the Senator.

The PRESIDING OFFICER. Without objection, the request of the majority leader is agreed to.

Mr. MITCHELL. Mr. President, awaiting the arrival of the Senator from West Virginia, who I understood was prepared to proceed, I will, for the moment, suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, if we may have order in the Senate.

Mr. President, I call to the attention of my colleagues the following AP Wire story which as just appeared on the ticker:

> MOGADISHU, SOMALIA.—American Cobra helicopters fired into a crowd of Somali women and children Thursday in what the United Nations claimed was a "last-resort" effort to save its embattled peacekeepers from a mob.
>
> Nearby residents said the street was littered with the bodies of as many as 100 Somalis.
>
> The shooting, according to a U.N. spokesman, was a response to an assault by Somalia militiamen that killed a Pakistani soldier and wounded three Americans and two Pakistanis.
>
> The peacekeepers came under fire from heavy weapons as they cleared roadblocks from the notorious 21 October Road and were trying to withdraw when they were surrounded by a mob that contained Somali gunmen, Maj. David Stockwell said.
>
> "We saw all the people swarming on the vehicles as combatants," said Stockwell, the chief U.N. military spokesman. "This was not done lightly. This was a last-ditch, last-resort effort to save the troops.
>
> "We've seen this before," he said. "If they reach our soldiers they tear them limb from limb."
>
> Stockwell blamed the attack on the forces of fugitive warlord Mohamed Farrah Aidid, wanted by the United Nations for a series of assaults that have killed 48 peacekeepers and wounded more than 175 since May.
>
> Stockwell said he had no information on the number of Somalis killed or wounded, but told reporters, "What I am acknowledging is that if you go out there tomorrow, you may find some women and children casualties."
>
> The report of scores of Somalis killed could not be independently confirmed. But Stockwell acknowledged that U.N. troops and tanks, armored personnel carriers and helicopters used "heavy casualty-producing weapons" in defending themselves.

So these are not popguns and they are not shooting paper bullets. That is editorial comment.

> The clash came as the U.S. Senate debates whether to push for an end to America's Somalia involvement, which was initiated to ensure delivery of humanitarian aid and restore stability to the east African nation stricken by drought, famine and anarchy. More than 350,000 Somalis died in 1992.
>
> Gen. Colin Powell, chairman of the Joint Chiefs of Staff, said today that U.S. troops should stay in Somalia "for the foreseeable future" to ensure the success of the U.N. operation there and to preserve America's credibility.

That is the entire AP wire.

Mr. President, while I am reading wire stories I will read a September 5, 1993—this past Sunday—article from the London Times:

> The United Nations has been paying Mohamed Farah Aideed, the fugitive Somali warlord, more than $100,000 a month even while he has been hunted by UN troops and engaged in a terrorist war against them.
>
> The money was paid by UN agencies in Mogadishu, supposedly for the hire of gunmen loyal to Aideed who would provide security for aid convoys. In fact, since the Americans landed in Somalia last December, the gunmen have escorted no convoys and are kept on the payroll only out of fear of retribution.
>
> Peter Schumann, the UN development programme's chief in Somalia, admitted yesterday that much of the money would have gone straight to Aideed, but that the agencies had little choice but to pay the protection money: if they had stopped, they would have been attacked. "It was extortion, pure and simple," he said.
>
> Even when Aideed was declared a wanted person by UN forces in June, after his gunmen massacred Pakistani troops, the payments continued. This was despite the fact that UN officials knew the money was almost certainly going straight to the warlord, helping to sustain his survival and attacks on UN and American military targets. More than 30 UN soldiers have been killed by Aideed's men.
>
> The payments were only stopped last week after pressure grew within the UN. Accountants were also asking why such huge sums of money were being paid for no return.
>
> Sources in Mogadishu said Unicef, the UN children's agency, had been paying at least $40,000 a month for non-existent security to an Aideed lieutenant, known as "Mad Abd". The development programme was paying $10,000 a month; other agencies were meeting similar demands. Schumann said the agencies had repeatedly asked for military help in cutting off the payments. They had asked Admiral Jonathan Howe, head of the UN operation in Somalia, to give them a letter authorising the ending of the payments, and warning of UN military reprisals should there be any revenge attacks. Schumann said, however, that the request was refused.
>
> "We have been battling for months to end this nonsense," he said. "We needed to act collectively, but Unisom (the UN force in Somalia) seemed scared of the repercussions. In the end, we decided last week to go it alone and not make any more payments. We are still waiting to see what will happen."
>
> A UN military official conceded yesterday that they had been aware of the continuing payments to Aideed gunmen, but had decided that to end them would have sparked trouble. "It would have been like opening a second front," he said.
>
> The scandal over the financing of Aideed is likely to inflame tension between the American military and UN in Somalia. Relations were already strained following last week's bungled raid by American Ranger troops to capture Aideed, during which several UN officials were tied up and detained.
>
> Yesterday, American military sources in Mogadishu were furious that Aideed had been sustained financially by the UN while its troops were under attack and trying to capture him on the UN's behalf. "It's almost beyond belief," one said.
>
> An American intelligence source claimed that UN agencies were still helping Aideed by securing lucrative UN contracts for known Aideed supporters and by renting houses owned by his senior lieutenant. The Americans had now forced the UN to set up a committee to review all of its contracts. "The UN has given Aideed too much," said the source, "we have to cut him off."
>
> Schumann yesterday rejected the allegations, saying that the development programme had refused to sign a contract with a man it knew to be close to the warlord. "We are not into paying Aideed. This should all have been sorted out a long time ago. That's what we wanted, but the military did not seem interested."

Mr. President, what I have read in these two wires strains the imagination. What we are talking about here are two catastrophes. One, in which women and children have been killed by U.N. helicopter gunships. Is that why our U.S. forces are over there? Is that why they are in Somalia?

There are going to be a lot of questions asked now. One of the questions is going to be: Why is Congress not speaking up? Why is it not doing something? Why is it not taking a position? What has to happen before we shake the consciences of our representatives in Congress?

And the other catastrophe is this preposterous action on the part of the U.N. in paying this clan leader who has blood on his hands, the blood of Americans and Pakistanis and others. Thirty percent of that U.N. money is ours, 30 percent of it. How do the American people feel about that? Paying this clan leader? I understand that there are 14 of such tribes and clan leaders there.

And we have been trying to capture one warlord, and all the while, he has been on the payroll of the United Nations and the American people have been footing 30 percent of the bill. We are trying to track him down. He kills our people and 30 percent of the money that is going to him, to hire him, comes out of the American taxpayers' pockets. This is just the beginning—just the beginning.

Now where are those who say that, if we do thus and so, we will keep the President from keeping our commitments; we will be creating a paper tiger; we will be going back on our commitments.

This Congress, to my knowledge, has never entered into any commitment and, under the Constitution, the Congress is not bound to fund any such commitment by any President. It is a disgrace. There is a question of separation of powers involved here. That is what I have been saying all along.

I hope that Senators, when they renew their oaths if and when theyare reelected, as I hope to be reelected and intend to take that oath again, but I think we shall all review our high school lessons about the separation of powers and understand that we are being elected to a body that is a part of the legislative branch and that there is, indeed, a constitutional system of separation of powers, and checks and balances, and the Constitution is not to be treated lightly when we take an oath before God and man to support and defend it.

Montesquieu said that when it came to an oath, the Romans were the most religious people in the world, and that it formed the nerve of their military discipline. We ought to stop taking our oaths lightly. Let's not pretend that this is not a separation of powers matter. That is exactly what it is.

I say that these shocking news reports ought to shake the consciences of those who would advocate that we stay in Somalia and that the Senate stay out of this matter, as though it is not the Senate's business. "This is our President's business; he has made a commitment; what will we do to the image of the United States if we go back on our commitment?"

No Senator has gone on record by voting any commitment for the course we are now pursuing in Somalia, and under the Constitution, Congress is not bound to uphold any such commitment by any President—not until it votes to do so. And we have run from the issue up to this point. We have preferred to be left out of tough decisions. All we have to do is to look at a bit of Roman history and see exactly where we are going.

In the late summer of 29 B.C., Octavian came back to Rome after the Battle of Actium in 31 B.C. The Roman senate gratefully—gratefully, gratefully—ceded its powers to Octavian. It was glad to cede its powers to someone who would plan and take responsibility and lead, because the Roman senate had lost its will to make hard decisions. It had lost its will to lead. It had lost its nerve. It had lost its way.

What did Octavian do? One of the first things he did was to revise the membership of the senate and eliminate about 200 of the more disreputable senators, and when he had eliminated them, he replaced them with someone who would bend to his will. The senate lost its independence, and that marked the end of the Roman Empire.

On the 13th day of January 27 B.C., Octavian appeared before the purged senate. He proclaimed the restoration of the republic, and he dramatically offered to surrender his powers to the senate and to the Roman people. He expressed the desire at 35 years of age to retire to private life.

What was the response of the Roman senate? It was overwhelmed by this noble gesture, and so it countered his offer of abdication with its own abdication—its own abdication—and implored Octavian to continue his guidance of the Roman state. "Please, continue your guidance. Here are all your powers, Octavian." The Senate gladly gave up its responsibility to plan and to take responsibility and to lead.

What else did it do? Three days later, on the 16th of January 27 B.C., it conferred upon Octavian the title of Augustus, which did not convey any additional powers, in itself, but it was an epithet that was applicable to the gods and to all things holy. It was well adapted to his exalted position, and this exalted connotation and religious association made Augustus larger than life and worthy of veneration as a sacred being.

What else did the Senate do? It gave him the title of Imperator.

What else happened? In 23 B.C., Augustus appeared before the Senate, and he reached a new arrangement or understanding with the Senate. His powers at home and abroad were vastly increased. He was given complete control over the purse, and he acquired appellate jurisdiction, so that the habit of "appealing under Caesar" gradually established the Imperial Court of Appeal as a regular part of the constitution. He was master of the legions, and as the master of the legions, he was their paymaster. And whose work are you going to do? You are going to do the work of him who pays you.

And the Senate—note this—the Senate gave to Augustus the authority to conclude treaties with foreign nations without submitting them to the Senate or to the people for ratification. Lock, stock and barrel, gave it all to him. "Whoopee, we don't have any responsibilities anymore; free as a little bird. Let someone else lead." That is what happened twenty centuries ago in Rome.

I could say more. There is no need to at this point, I think. I have no doubt that there are some Members of the Senate who would just as willingly give to a President of the United States the complete authority to conclude treaties with foreign nations without submitting them to this Senate or to the people for ratification, just as the Roman Senate did under Augustus.

There are some Senators here who appear to think that the President should have the power of the purse; and that our constitutional framers did not know what they were doing when they lodged the power in the legislative branch. Share it with the President of the United States, they would say. We do not want to step up to the plate and vote on the tough issues. Let him do it. Give him the treaty-making power. Give him the power of the purse.

Now, that is what we are talking about here. Thank God that our framers had the vision and also had the guidance of Montesquieu and had the guidance of the history of the Roman and the English struggles so that they, indeed, included in the U.S. Constitution the separation of powers and checks and balances by which not one of the three separate branches of Government can enhance its own position at the expense of the others.

Fie on Senators, fie! Stand up there at the desk and take the oath. I have given the oath of office many times at that Presiding Officer's desk to some Senators who appear at times to completely disregard the Constitution of the United States. When it comes to the line-item veto, when it comes to shifting the power of the purse to the President, they are ready, for partisan reasons or some other reasons, to disregard the Constitution. They apparently do not even bother to read it. And in spite of what it says and in spite of what the framers themselves said at the various State Constitutional Conventions, some of my colleagues, at times, apparently chose to look the other way.

Well, that is what this is all about, Mr. President——the Senate's role in the resort to military force. It is a separation of powers matter, and the legislative branch is not to be ignored.

I am gratified by the spirited debate we have conducted thus far on United States policy in Somalia. Many important issues have been raised and the Congress is fulfilling one of its most critical roles in exercising its responsibilities regarding issues of war and peace.

I note that the President yesterday acknowledged clearly the important role of Congress in authorizing the potential deployment of United States military personnel as peacekeepers in Bosnia. United States involvement in Bosnia is a far more serious matter and far more risk-filled than our involvement in Somalia. And congressional support for any action there is absolutely critical for the President and the Nation. So I am glad the President has thought about this on yesterday. It is time to think about it, and it is time to seek the support of the Congress.

This is a branch that is not going to be ignored by any administration as long as this Senator can breathe and stand on his feet. Whether he stands on his feet or not, it does not make any difference—as long as he can speak and has a clear mind.

As I said yesterday, I anticipated there would be other amendments on this issue and some that might be better than mine. The compromise amendment that has emerged contains many commendable elements. I do not say it is better than my amendment. But I have thought about it a lot, and for several reasons I am pleased to sponsor it as a substitute to my original amendment.

Basically, it asks the President to outline for the Congress his goals and objectives for the mission in Somalia and the anticipated duration of that mission. Then it provides that the President seek congressional authorization for his plan and that the Congress act on his request by November 15, 1993.

These elements capture the essence of my concerns and ensure, or ought to ensure and had better ensure an active role for the Congress. This does not set a time certain for the withdrawal of United States troops from Somalia. That can come later. U.S. participation ends if the Congress fails to specifically authorize our continued involvement there.

Of course, we know U.S. participation can end anytime the Congress in its wisdom wishes to cut off the funds. That should be clear to anybody who can read and understand the Constitution—Congress can just cut off the funds.

If the Congress fails to specifically authorize our continued involvement there, U.S. participation ends. This is not a deadline unless one believes that the President cannot win the approval of Congress for continuing our involvement.

To those who have been critical of the amendment in the first degree because they maintain that it creates a deadline, it only creates a deadline if one thinks that the President cannot win. If he cannot win the approval of Congress, then it is a deadline. So it is a tacit admission that there is a real doubt as to whether or not the President can win that approval. If such an authorization cannot be gained, then I would suggest we should be packing up and bringing home our troops on the next flight.

It does not sound to me like they are creating an environment that is very stable there when our own people go out and have to kill over 100 women and children, if the AP story is accurate.

We should not continue to leave our troops under nightly shelling by mobs, in danger of being attacked by mobs, whichwill make it necessary for them, in attempting to defend themselves, to kill women and children.

We should not continue to leave our troops under nightly shelling in Mogadishu simply because no on here in the legislative branch is willing to address the issue.

The Congress has already been voting on U.N. peacekeeping missions with its pocketbook. I think our views have already been expressed by the reluctance to find the funding for our overdue peacekeeping bills.

In June, I attempted, at the behest of this administration, to secure funding for $293 million on the supplemental bill in order to pay our overdue peacekeeping bill to the United Nations. Was I successful? I failed in my attempt. And some of those who have been critical of my pending amendment here were in that conference. They were there as members of the Appropriations Committee. They know that there was no support for that, very little support to pay our bills. Yet, those bills are continuing to accumulate every day. That bill has now increased to $372 million.

In October, the U.N. Security Council will vote to extend the U.N. operation in Somalia. There will be a bill for that, as well. And the United States will be committed to pay one-third of that bill—one-third. I do not know how large that bill will be, but it will be added to our already overdue amount, our debt to the United Nations.

We must be prepared to harness our desire to participate or support peacekeeping operations around the world to the commitment to pay for those operations. I have not yet seen that team of horses hitched together in this debate.

In Somalia, we are dealing with two situations: United States troops under the U.N. command, and United States troops that are not under U.N. command. In Somalia, the United States troops that are under United States command—that is the Quick Reaction Force and the Rangers; they are not under the U.N. command—are paid for by the Defense Department, not the United Nations.

I hope that members of the Armed Services Committee realize this and that members of the Appropriations Subcommittee for Defense on the Appropriations Committee realize it. It is coming out of the Defense Department funds.

Although the cost of our troops operating under U.N. command are included in offsets to our U.N. bill, the Department of Defense indirectly absorbs some of these costs as well. Many here claim that the defense budget is too tight. Let them focus on the fact that that same reduced defense budget is partially paying for U.N. costs in Somalia.

This amendment asks that the administration define our mission and that the Congress approve that mission if we are going to continue with the deployment of American troops there. So it gives Members a chance to put their money where their mouth is. If they think this is a commitment, if they think Congress ought to honor such commitment, if they think that to do otherwise would make the United States appear to be a "paper tiger," then let them vote for the money. Let them focus, I say, on the fact that that same reduced defense budget is partially paying for U.N. costs.

The amendment asks that the administration define the mission, tell us what it is, and that the Congress approve that mission. We have already overstayed our original mission. We completed it. It is done. Nobody objected to that mission. That resolution passed the Senate by unanimous consent, not a single objection. Nobody objected. We saw the pictures of the starving children and mothers, old men and women on television on the news every evening. Nobody objected to that. That is the American way, to be charitable, to be the Good Samaritan. That is what we did. No objection. We fed starving people. That is what we were told we were going to do. That is done. That is over.

We overtayed our original mission, which was to "provide a secure environment for humanitarian relief," whatever that is. We were told it was to feed the starving. We did that. That was accomplished when we handed off our mission to the United Nations in May. If it was not finished, why did we hand it over to them? We handed it over to the United Nations in May. What was left of the emergency feeding operation finally ended in August. The harvest has been good. So much food is available in Somalia now that some farmers have contemplated not even harvesting their crops because the prices are so low, according to an administration official. Somalia is even exporting some food. So I think that the humanitarian mission is over.

The Quick Reaction Force remained behind in May to support the transition to a U.N. force, but it was not intended to take over the function of an international FBI in Somalia, hunting down fugitive warlords.

While Congress was in recess, the Washington Post, on Saturday, August

28, carried this story with the headline: "Aspin Lists U.S. Goals in Somalia. Troop Pullout Hinges on Three Conditions; No Timetable Is Set", by John Lancaster, Washington Post staff writer.

I now read:

> Defense Secretary Les Aspin said yesterday that the U.S. combat troops will stay in Somalia until calm has returned to its capital, "real progress" has been made in disarming rival clans, and "credible police forces" are up and running in major cities.

Not just in Mogadishu, in major cities.

> In a speech here, Aspin offered the most specific explanation yet of the Clinton administration's decision to step up military operations against fugitive warlord Mohamed Farah Aideed, whose forces have been waging war on U.S. and other foreign troops in the capital of Mogadishu.
>
> He avoided any discussion of a withdrawal timetable, emphasizing that the decision to bring home the troops would depend on their effectiveness in achieving the goals he described.
>
> "When these three conditions are met * * * then I believe the U.S. quick-reaction force can come back," Aspin said in what he termed the "endgame" of U.S. involvement in Somalia.

What right does any administration official have to lay down three criteria and say that when these are achieved, when these three conditions are met—in other words calm is returned to the capital, real progress has been made in disarming rival gangs, and credible police forces are up and running in major cities—when these three conditions are met, then "I believe the U.S. quick-reaction force can come home?"

Who said so? Whose commitment is that? To those who are saying we ought to "keep our commitment," whose commitment is that? Who up here on this Hill agreed to that, if those are the three criteria, and that when they have been achieved, and only then can we bring our boys home? When did Congress agree to these criteria as the prerequisites for our withdrawal from Somalia?

Is Congress going to be considered in this equation? Is it a player? Are we just going to roll over and play dead? No administration official—and I have great respect for Les Aspin. I respect his intent. He is a former Member of the other body, and I am sure he knows that there are three branches of this Government and that this branch controls the purse strings, and that it ought to be in on the takeoff as well as on the landing. Nobody cleared that, to my knowledge, with Congress. Congress has not bought onto these three criteria.

Clearly, this is an expanded mission in a hostile environment. If we have ears to hear the wire that was read, we ought to know that this is a hostile environment. An expanded mission in a hostile environment should be voted on by this Chamber. And the administration had better learn that. This Chamber is not going to be shunted aside and ignored. We are an equal partner because we represent the people. The President is not elected directly by the people. He is elected by electors, for those who have not read the Constitution lately. The distinguished Senator from Wisconsin, who is sitting in that chair presiding right now, is elected by the people of the State of Wisconsin.

The Senator from Maine, sitting to my right, is elected by the people of Maine. And the people had better be on board, else we will see the same thing that we saw happen in Vietnam and in Lebanon.

Have we forgotten that we are not above the people, and that the people's representatives are sent here to reflect the feelings of the people who are going to have to pay out in their hard-earned silver and gold, their treasure, and in the blood of their sons, grandsons and granddaughters?

Some have argued that if we leave Somalia, U.S. leadership is at stake. What leadership? Have we forgotten that there is a legislative branch?

(Mr. KERRY assumed the Chair.)

Mr. BYRD. They say this is a precedent that we do not want to set, but congressional support for policies of war and peace are critical to sound leadership. The Nation has to row this boat with two oars. Neither can go it alone. We all know what happens when one tries to row a boat with one oar. The Senator from Maine, I will bet, knows that. It goes in circles; it goes nowhere. It may even go backward. It can also sink.

Without a policy of gaining congressional approval and support for any such peacekeeping operation, U.S. leadership and U.S. Presidents are more, not less, vulnerable to abrupt swings in public support. Lebanon is just one example where public support for our troop deployment there collapsed—collapsed—after the October 23, 1983, bombing that resulted in the deaths of 241 American Marines.

I am not a Johnny-come-lately on this matter. I offered an amendment on that issue, also, seeking to limit the authorization for that deployment to 6 months. My amendment was tabled, so I have been defeated before. What passed was an authorization of an 18-month extension of our deployment there, and all but two Democrats voted against it. What passed was an authorization that was an 18-month extension of our deployment there, which passed some 24 days prior to the bombing. Even if my amendment had been adopted, it would not have saved our marines, because I was saying reduce the 18 months to 6. That was not enough.

Peacekeeping operations under chapter 7 of the U.N. Charter in hostile environments constitute a dark road, unlit by experience. No President should want to travel that dark road alone.

We have heard here on this floor in this debate that we have to support this or that deployment, because we have to support our troops, and their morale will plunge if we criticize the action. Why, there is no end to this. There is no logical outcome for that argument except to just continue. If the administration puts in more troops, we cannot take them out because we would destroy the morale of those who are there. So put in more. Well, we cannot take them out. We would make our Nation look like a "paper tiger."

Mr. President, that argument is a set-up to excuse any chief executive, without reference to the need to build consensus, to gain the support of the Congress, and to promote a policy of the country at large. It is a sham argument, because it puts the real vulnerability of our troops and the need to support them in a cart without a horse. Let us put the horse of consensus in front of the cart of policy.

This is fundamental in American operations abroad. When we put the credibility and reputation and good name of the United States on the line, we had better be sure that all of the parties have signed up; and we better be sure that the Appropriations Committees in both houses are willing to pay the bill.

It is great to stand up here and make these bold speeches on how we ought to keep our commitments, and then renege on paying our bills.

Originally, the mission and duration of U.S. involvement in Somalia was linked to ensuring a secure environment for humanitarian relief, although "secure environment" was never defined. We took for granted that the words meant that we have to get through there and feed those starving people. So we did it.

As of last December, we thought it meant protecting the ships, trucks and planes delivering food and humanitarian supplies, preventing those supplies from being looted, and making sure the people could be fed. Now it seems to mean "calm" in Mogadishu, "disarming warlords," and "establishing a countrywide police force."

We cannot even disarm the warlords in this city of Washington, D.C. It is a joke. We cannot even establish calm in our own Capital. Those who believe we can, I suggest that they take a walk down any of the streets two blocks away from this Capitol, alone, tonight. It is a joke to talk about establishing calm and disarming the warlords in Somalia. How do we disarm the drug dealers in the District of Columbia and the young men who carry guns, even the kids who are carrying guns—10, 11, 12 years old—to school in this city. We don't seem to be able to disarm them here in our own backyard.

It is an expansive, rubberized, one-size-fits-all term now covering everything from food to helicopter raids. I think we should avoid this phrase—"secure environment"—unless we define it very carefully. By continuing to use this phrase, we leave a hole that the administration can drive an 18-wheeler through.

I think it is clear that the compromise amendment asks the President for a clearly defined mission and an anticipated duration of the mission. Let the administration do that. Then the Congress needs to vote on whether to authorize such a mission. Congress has that role, and Congress has that duty under the Constitution. We have the responsibility on behalf of our own people, and we are going to face up to it one way or another.

This substitute amendment reflects the need for a limited mission and benchmarks for withdrawal, for an endgame. I wish it were more than a sense-of-the-Senate resolution; a sense-of-the-Senate resolution is not legally binding. We all know that. But I, for one, am taking at face value the statements that are in this amendment, and statements, as I understand them around here, I am taking them at face value—namely, that Congress is going to vote after that report comes up.

And the administration had better take it at face value and send up that report if it intends to continue on its current course in Somalia.

So we are not just doing something today to get us out of this current pickle. I am not buying onto that. We are not just coming up with this compromise, so-called compromise, amendment just so this bill can pass tonight or tomorrow, and we can then go home for the weekend. I am not on that train. That train is not going to leave my station.

I am on the amendment and expressing good faith, and I expect everybody else also to deal in good faith. If they do not, if the good Lord lets me live, we will hear some echoes and repercussions.

I am not going to put my name on this, as I am doing, and just then forget about it, and laugh, and say, "Well, we got rid of that. That is enough. I saw my name in the headlines this morning, so it is good enough for me."

That is not good enough.

We should think and believe that this is more than a sense-of-the-Senate amendment and that it represents a significant step forward for this Congress, and that it has garnered broad support.

Some of my colleagues want to vote on my original amendment. But I am willing to accept in good faith what other people say in what will pass here today. I am willing to let the administration have a little more time, let it have a chance to send up a report, let it justify what it requests, and then let the Congress stop running away from this. Let the Congress stop being ignored as an equal partner.

Meanwhile, we in the Congress should think long and hard about fulfilling our responsibilities. These risky, new peacekeeping operations that some think should be a centerpiece of the "new world order" must not be handed over to any President—this is no reflection on my President; I just happen to believe the Constitution. The Congress has a solemn duty and a sacred obligation to weigh in when American lives and American treasure are at stake.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator should be advised that, because the Senator has not yet submitted his amendment, the time, in fact, has not been counted at this point.

Does the Senator intend for his time used to be part of the agreement?

Mr. BYRD. No.

I thank the Chair for correctly stating the situation. I do not intend to take advantage of that fact, but I will have a little time left in case I need some.

AMENDMENT NO. 790 TO AMENDMENT NO. 782, AS MODIFIED

Mr. BYRD. Mr. President, I send to the desk an amendment on behalf of myself, Mr. MITCHELL, Mr. DOLE, Mr. NUNN, Mr. MCCAIN, Mr. LEVIN, Mr. COHEN, Mr. WARNER, Mr. COCHRAN, and Mr. KERRY; and I ask unanimous consent that any other Senators who wish to add their names after they hear the reading of the amendment or listen to any further debate may be allowed to do so to join as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. MITCHELL, Mr. DOLE, Mr. NUNN, Mr. MCCAIN, Mr. LEVIN, Mr. COHEN, Mr. WARNER, Mr. COCHRAN, and Mr. KERRY, proposes an amendment numbered 790 to amendment No. 782, as modified.

In the amendment, strike all after line 4, page 1, and insert:

Sense of Congress regarding United States Policy towards Somalia.

Since United States Armed Forces made significant contributions under Operation Restore Hope towards the establishment of a secure environment for humanitarian relief operations and restoration of peace in the region to end the humanitarian disaster that had claimed more than 300,000 lives.

Since the mission of United States forces in support of the United Nations appears to be evolving from the establishment of "a secure environment for humanitarian relief operations," as set out in United Nations Security Council Resolution 794 of December 3, 1992, to one of internal security and nation building.

Statement of Congressional Policy:

(a) CONSULTATION WITH THE CONGRESS.—The President should consult closely with the Congress regarding U.S. policy with respect to Somalia, including in particular the deployment of U.S. armed forces in that country, whether under United Nations or United States command.

(b) PLANNING.—The United States shall facilitate the assumption of the functions of U.S. forces by the United Nations.

(c) REPORTING REQUIREMENT.—

(i) The President shall ensure that the goals and objectives supporting deployment of U.S. forces to Somalia and a description of the mission, command arrangements, size, functions, location, and anticipated duration in Somalia of those forces are clearly articulated and provided in a detailed report to the Congress by October 15, 1993.

(ii) Such report shall include the status of planning to transfer the functions contained in paragraph (b).

(d) CONGRESSIONAL APPROVAL.—Upon reporting under the requirements of paragraph (c) Congress believes the President should by November 15, 1993, seek and receive Congressional authorization in order for the deployment of U.S. forces to Somalia to continue.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

The Senator from Arizona is assuming the time of the minority leader.

Mr. MCCAIN. Yes.

Mr. President I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. MCCAIN. Mr. President, this is a very important amendment, perhaps one of the most important actions that this body had debated in some years.

I realize that it is a sense-of-the-Senate resolution. At the same time, I believe that we all understand that this resolution establishes, in effect, a date certain for a vote on the commitment of United States forces to Somalia.

Let me repeat, Mr. President, in voting on this amendment, we should all understand that the Congress of the United States expects the President to present a plan for shaping U.S. withdrawal. We should understand that it sets a date for a vote on that plan and it establishes, in effect, a date certain for a vote on the commitment of United States forces in Somalia.

Mr. President, a date certain is necessary for many reasons. First, we should not commit U.S. forces to any military mission in the post-cold-war era without a national consensus, and this can only come from congressional review of such a commitment.

Second, we must be extraordinarily careful in submitting U.S. forces to U.N. command, or any foreign command, especially when the objective of the United Nations may not be our objective and the U.N. command may have uncertain organizational effectiveness.

Third, I think we all realize that we have drifted from the use of force to secure humanitarian relief to an open-ended effort at peace enforcement and nation building.

Mr. President, the consequences of this drift into has never been made more clear than by the tragic news we have heard tonight. Peacekeepers came under fire from heavy weapons, and were trying to withdraw, when women and children joined on the attack where someone was using grenades and small arms. According to the U.N. spokesman:

> The women and children were combatants. "When the helicopters cam in they shot at the gunmen behind the walls, and the women and children who were actively engaged as combatants as well. Whoever was behind the walls was shot at.

The spokesman went on to say that he had no information on the number of Somalis killed or wounded, but told reporters, "What I am acknowledging is that if you go out there tomorrow, you may find some women and children casualties."

Mr. President, we went to Somalia to keep people from starving to death. Now we are killing women and children because they are combatants.

This has to stop. It has to stop, and it has to stop soon. And the orderly way to stop it is for the President to present a plan for shaping U.S. withdrawal, set a date for that plan, and have the Congress of the United States either endorse or reject such proposal.

Our mission in Somalia has changed because the President decided, without seeking the approval of Congress, to expand it. He expanded it to include, as Ambassador Albright outlined, disarming, retraining, and reemployment of combatants, establishing democratic institutions, and stopping those who disrupt the peace.

When were there democratic institutions in Somalia? When was there peace? When was the population unarmed? When were clan politics peaceful? Our servicemen are increasingly involved in a region of the world where there is no compelling U.S. interest, where they serve under foreign command, and where they have been given no clear mission or objective.

We have also taken sides in a dispute among the two leaders of one major clan in Somalia, the clan located around the capital. We have become engaged in a warlord hunt. We are hunting down General Aideed.

I fear that in the process, we are making a very serious mistake in Somalia, and one that is eerily reminiscent of Lebanon. It is the mistake of failing to recognize the limits of American power. It is easy to talk about quelling violence, disarming warlords, and establishing effective police forces. It is far from clear, however, that anyone in the administration knows how to go about achieving any of these lofty objectives.

To date, the administration has done little more than indicate that it hopes to achieve these objectives by catching or killing General Aideed. It has talked about clan elders, but these have never been a unifying force and they have not had any real power for two decades.

We have heard no word about Somalialand, and the fact it has declared its independence and may be willing to fight for it. We have heard nothing about the threat from the Darod clan, and from General Morgan in the south.

We hear about Aideed, but he is only one armed subclan leader in a nation where there are at least 11 major political factions headed by similar warlords and clan leaders. Catching Aideed will resolve nothing when the entire country is armed and divided.

Somalia is filled with heavily armed warlords. It has no other politics, and U.N. and U.S. efforts to broker the rival interests of these clans with military forces are extremely dangerous. We simply cannot make military commitments in this way.

We also need to recognize that the United Nations is not a magic solution to anything. It is not a way of abrogating our responsibilities or achieving our goals. Our prestige is at stake. Our influence is at stake. Most important, the lives of our service men and women are at stake.

I believe it is time for the administration to seek congressional approval for a set of militarily achievable goals and a strategy for achieving them. I believe the leadership amendment will encourage it to do so.

The PRESIDING OFFICER. Who yields time?

Mr. SIMON. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 5 minutes.

Mr. SIMON. Mr. President, we are, with the adoption of the Byrd amendment, taking I think responsible action in seeing to it that Congress does have its voice heard. I think, as Senator BYRD has pointed out, the precedent is important, not just for Somalia, but for the future; that we cannot be involved in these things endlessly without congressional involvement.

The timing on this was unfortunate. What happened was a decision was made after the election in November, when Congress was not in session, to send our troops over there.

Then you had, on January 20, a new administration and a very different situation. And while the two Houses passed separate resolutions, there was no single resolution or act of Congress on this matter.

I also agree with Senator MCCAIN when he said one of the dangers in this kind of situation is that we should recognize the limits of American power.

I, frankly, think we have become obsessed with the Aideed thing.

Outside of Mogadishu in Somalia, things are going well. We get a distorted picture from the headlines. And I hope the story is not true, or is not completely accurate, in terms of the kinds of tragedies that have just occurred there.

But we have to balance that, I tell my colleagues, at the same time with what was taking place.

I see my friend, the Senator from Washington here, Senator GORTON. He last night indicated Somalia was no worse than what was happening in other countries.

Somalia was appreciably worse than anything that has happened in recent times. I was in Ethiopia, I have been to a number of these areas. And I visited those camps in Asia. I have seen some grim things.

I have never seen anything like what I saw in Somalia. I remember at one feeding station talking to a woman with a little boy, like these pictures you see, with his ribs sticking out. And I asked through the interpreter how old is he? And I was told 4 years old. My granddaughter then was 2. He was not as big as my 2-year-old granddaughter.

Then I said, "How did you happen to come here?"

And she said, "We lived about 20 kilometers away. We heard there was food here. My three children came here. Two of them died along the way."

My guess is that little 4-year-old is not alive today.

I saw children, and it is grim to talk about, and I have never seen this anywhere—the flies were everywhere. I saw children so weak they could not brush the flies from their eyes. And you see it and you know somehow we have to do something.

When I returned—Senator METZENBAUM was on this trip also—I called the Secretary General of the United Nations and talked to Secretary Eagleburger and talked to people in the administration. And, not because of my conversations with them but because of the cumulative thing, we faced the prospect of more than 2 million people starving to death.

In George Bush's finest moment he made a decision, along with the Secretary of State and Secretary of Defense and others, that we would go over in this humanitarian mission. And how many lives were saved, no one will ever know.

But I tell my colleagues, as an American citizen, I am proud of what we did.

Now the situation is different. And we have to define it carefully. I do believe we have to be careful that we do nothave a precipitous pullout. Gen. Colin Powell was quoted by Senator BYRD as saying the credibility of the United States is at stake.

President Bush asked other nations to come over.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SIMON. I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 3 additional minutes.

Mr. SIMON. President Bush asked other nations to come in, and they did. And while President Bush, I think, made a mistake in either a press conference or his announcement—I cannot remember—saying he hoped the American troops could be out by January 1, I remember General Powell saying at the time there would have to be a residual force of Americans to help on technical things, like seeing that we had clean water and other things there, as we aided other countries in this transition.

And it is a transition. This is unlike any other country. We have dealt with countries with despots before. Here we had a country with no government. There is no parallel to what the situation was in Somalia. But what we are now confronted with is the question: Should there be congressional action if we are to continue our presence?

I favor our continued presence. But I also believe there has to be congressional action. Otherwise, we do violate that Constitution that Senator BYRD was talking about.

I had a conversation, I guess, 2 or 3 months ago with Congressman LEE HAMILTON, of Indiana, the chair of the House Foreign Affairs Committee. And we talked at that point about the desirability of having some type of formal congressional action. That is what this amendment now calls for.

The precedent is important. So I guess my message to my colleagues is two: No. 1, it is important that, as a Congress, we act, both for the situation right now and as a precedent to the future. But the second message is let us not send the wrong message to a world that is threatened by instability that the United States cannot be an effective leader.

I think we have to use that power carefully. Senator MCCAIN is absolutely right. When you have a lot of power, sometimes the temptation is to use it unwisely. We have to make sure we are using it wisely, but let us not send the wrong message to the rest of the nations of the world that we cannot lead effectively.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. MCCAIN. I thank the Senator from Illinois for a very thoughtful and important statement.

I yield 5 minutes to the Senator from Washington, Senator GORTON.

The PRESIDING OFFICER. The Senator from Washington is recognized for 5 minutes.

Mr. GORTON. Mr. President, I read a paragraph of an essay by Charles Krauthammer that has turned out to be eerily predictive. I want to repeat it. He writes:

> There is no such thing as feeding the hungry, if what's keeping them from eating is not crop failure but vandalism and thuggery. One has first to destroy the vandals and the thugs. In a country wracked by civil war, what starts with feeding ends with killing. There is no immaculate intervention.

Today, Mr. President, the United States troops, through their gunships, have perhaps killed as many as 100 civilians—women and children—on the streets of Mogadishu. That killing was justified. That killing was necessary. It was justified and it was necessary because our troops are in Mogadishu and must be protected and otherwise might themselves have been killed.

What that killing illustrates, however, is that they do not belong in Mogadishu or in Somalia. This Senator faces the paradox of agreeing almost totally with the speech of the distinguished Senator from West Virginia and with the distinguished Senator from Arizona but disagreeing entirely with the resolution which they have presented because it is not consistent with their speeches.

This resolution says, perhaps on November 15—perhaps on November 15—the Congress of the United States will exercise its duty to make its views known in the form of law, but it will not do so now.

Mr. BYRD. Mr. President, will the Senator yield on my time?

Mr. GORTON. I will be happy to yield on your time.

Mr. BYRD. Let me assure the Senator that is not what this resolution says, in my thinking. That says those people will come out of there if Congress does not act by then. And I can assure you this Senator will be on his feet again if there is any reneging on the part of those who have helped put together this resolution.

Mr. MCCAIN. Will the Senator from West Virginia yield?

Mr. BYRD. I yield on my time.

Mr. MCCAIN. I would like to say I am in total agreement with the interpretation of the Senator from West Virginia and I would not support the resolution under any other circumstances, as well.

Mr. BYRD. I thank the Senator. I thank the Senator for yielding. Let me thank him also for his support of my amendment in the first degree and for the help that he has given to me in the development of this resolution because I did bounce it off him and at least one of his suggestions came back through my staff, and that suggestion was adopted. It was a good suggestion. I thank him.

But never let it be said that this Senator thinks that this is a fake. Do not let it be implied that I am doing this to get us off the hook, or the leadership or the President or anybody else. The administration has not talked with me on it. It would not make any difference if it did because I am morally, ethically, physically, and mentally bound at all times to uphold this institution, the legislative branch, under the Constitution, and I do not intend to leave any wiggle room.

We are going to face a showdown on this one way or another. We still have appropriations bills, and we are going to face a showdown on this matter one way or another because this Senator is not going to stand still for what is going on without Congress having a role. And when that time comes, I may vote against any authorizing method. My hands are free, my feet are free, and my jaws are free, and this Senator will stand to the last.

I thank the Senator. He is expressing a sincere opinion. He wants to say we mean business, and that is what I think we mean—business. I know I mean business. I can assure the Senator, we are saying here we will get a vote on this if we keep our troops in there; we are going to get a vote, and I mean that. If the President does not send up a plan to continue those troops in there, we will get a vote on an appropriations bill. That is where, to use Mr. Gore's words the other morning on television, the rubber hits the road.

Mr. GORTON. Mr. President, this Senator is grateful for both the expression of appreciation and the strong position which the Senators from West Virginia and Arizona have stated is their interpretation of the meaning of the amendment which is before us right now.

Nevertheless, the words of that resolution are words of a sense-of-the-Senate resolution. They do not have the force of law. They do not require the President to do anything. They do almost certainly state that we will be engaged in a debate on this subject on November 15, whether the President has done something or not.

It is, however, the position of this Senator that that debate on a substantive basis should take place now, and that what we should be passing is the modified original amendment which states that our troops will leave Somalia unless thePresident has come to us and gotten approval within, I hope, a shorter period of time than is the case.

Between now and November 15, Mr. President, there will be more American men and women killed in Somalia while we wait and engage in this debate, and there will be more gunships shooting at more Somalis during the course of that period of time. And that is why, from the point of view of this Senator, while we have moved a long way forward, due almost solely to the efforts of the Senator from West Virginia, I am not satisfied that we are taking decisive enough action tonight to deal with the very real problem that we have.

It may be the view of the Senator from Illinois that outside of Mogadishu, the Somali Republic is now Plato's Republic. It may be his view that this is the single worst situation in the world, though it is rather inconsistent with that other statement on his part. Let him tell that to the people of Angola. Let him tell that to the people of Sudan. Let him tell that to the people of Mostar. Let him tell that to the people of Nagorno-Karabagh. They will not necessarily agree, but the principle for which he stands would have us involved in every one of those places.

The problem that we have in this country, in the Somali Republic, is a very simple one: We are following the views and the policies of the United Nations and not the interests of the United States of America. We are letting ourselves be led around by policies set in New York, by the United Nations, in which the people of the United States and the Congress of the United States have not been consulted at all. And we are now asking, very late in the game, for some such consultation.

That is not the way in which we should engage the prestige and the lives of American men and women. We do not belong in this place. We also learned this afternoon that the same United Nations which apparently is setting our policies for us has been paying $100,000 a month in protection money to the very warlord we are seeking to capture. The very United Nations whose policies we are following is paying off the person we are seeking, and half of the troops in the United Nations are attempting to frustrate what we are doing.

We should get out now. We should vote against the secondary amendment and for the original Byrd amendment.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. SIMON. Mr. President, I yield 5 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 5 minutes.

Mr. PELL. Mr. President, I am supporting this amendment because it is a compromise position arrived at with concessions from both sides, but I must underline that the United States has agreed to U.N. Security Council resolutions regarding the deployment of troops in Somalia and that we have pledged to be part of this multilateral effort.

For example, on March 23 the Security Council went on record saying it decides to "expand the size of the forces at its mandate."

As such, it is my belief we should stay the course with the policy we have already agreed to and which I believe is right. If we want to change that policy, we should do it within the forum of the group with whom we have allied ourselves and agreed with, the Security Council.

It is critical we accomplish the goals set out in the Security Council Resolution 814. Last night, I spoke on this issue and said it is important to recognize that the U.N. goals in Somalia have been defined in that resolution.

I have agreed to this compromise amendment because I believe that, for the most part, it allows us to fulfill our obligations under United Nations Security Council Resolution 814 and that it lessens any harmful effects of the underlying resolution.

In my view, we have accepted responsibilities under the U.N. resolution which we must not abandon. The United States responded to an unequaled humanitarian crisis by leading the effort to gather multilateral humanitarian and military support for Somalia. We were not just one participant. We were a leader. Our endeavors brought 23 other nations on board to help answer the crisis in Somalia, and therefore it would seem to me imperative we should not disengage before the mission is complete or it has been agreed to by our allies. Somalia sets an important precedent for the United Nations peacekeeping and peacemaking efforts around the world, which I believe makes United States leadership in this effort critical.

We need to deal effectively with the events of Mogadishu which now threaten to cause a reappearance of the humanitarian disaster which brought the United States and our allies to Somalia originally. The way to do that is to support our continued involvement in ensuring a secure environment for the provision of humanitarian relief for the people of Somalia and paving the way for a genuine resolution of the crisis.

I support the compromise substitute. I yield the floor.

Mr. BYRD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. Mr. President, I yield 3 minutes to the Senator from Maine [Mr. COHEN].

The PRESIDING OFFICER. The Senator from Maine is recognized for 3 minutes.

Mr. COHEN. Mr. President, the Senator from West Virginia has often quoted poetry on the Senate floor, and he perhaps knows more poetry than any other Member of this body or the other body. And he will correct me, I am sure, if I am wrong, but I believe it was the poet W.H. Auden who said, "History held a moment too long burns the hand."

I wanted to thank him for forcing us to hold history in our hands much longer than we are wont to do. We use words in this Chamber and in this city not to reveal what our inner thoughts are. I think it was Justice Holmes who said that word is but "the skin of a naked thought." We do not use words to describe our naked thoughts but, rather, to conceal them. We know that, for example, going back historically, when we talked about the Korean "conflict." We did not have to have a declaration of war—it was a conflict. In Vietnam, a conflict. In Cambodia, an incursion. And we had the Grenada "rescue" mission. We had the Panama "invasion." And, of course, we finally came to the Persian Gulf "war." We used "war" for the first time in many, many decades, stating forthrightly what our intentions were—to wage "war." And even then, President Bush was reluctant and almost insistent upon not coming to Congress to declare warmaking authority, to allow this Nation to commit its treasure to that war.

And here we see that we have gone beyond that. We are talking about our troops being engaged in Somalia in "peacekeeping." That was the original purpose. But now it has evolved to peacemaking. Frankly, I am not sure exactly what that word means. Peacemaking is really warmaking. It seems to me that is what Senator McCAIN was describing in what happened over there today. We are making war to keep a peace, but we are nonetheless engaging in war fighting.

I think that we have to come back to some basics, and that means coming back to Congress to declare war, to declare our objectives, to get authority to commit our sons and daughters to an area in which their lives are placed in jeopardy.

We have used words to abdicate our responsibilities in so many ways. Whenever we come up to a tough issue, we abdicate that responsibility by forming a commission, finding some way to avoid the responsibility. And here we cannot and we should not avoid or evade our responsibility.

May I have 1 additional minute?

Mr. BYRD. Mr. President, I yield the Senator 2 minutes off my time.

The PRESIDING OFFICER. The Senator from Maine has 2 minutes.

Mr. COHEN. It is important that we support the Senator from West Virginia. I was happy to support his prior amendment. I agree with much of what my colleague from the State of Washington has said about the need to take action now and not defer it even to November 15. But nonetheless, this is the motion before us, and I think we should proceed on that basis.

But I was intrigued with his suggestion of the irony involved, that here we are seeking to make peace amongst fighting warlords when we cannot keep the peace in our own country; when the morning television news tells us of another German citizen murdered on his way to a vacation in Miami; when, as the Senator from West Virginia points out, step two blocks outside of the protected environs of the Capitol and not one of us is safe; when we cannot drive down the streets without making sure our doors are locked for fear of carjackers.

Charles Krauthammer, a brilliant columnist, has been quoted. Another columnist, George Will, pointed out that putting National Guard troops or Rangers from Somalia here will not solve our problems. Bayonets in the streets will not solve the problems of teenage pregnancies, illiteracy, poverty, homelessness, and hopelessness. It will not solve those. But it seems to me we would be far better off trying to put some discipline and some crime prevention into stopping the warlords in our own cities than we are in trying to stop the fighting that is taking place right now in Somalia.

So I support the Senator from West Virginia. I think it is important that we not abdicate our responsibility. We are talking about peacemaking, which is quite different from peacekeeping. It is much akin to warmaking in order to maintain that peace.

Let us stop using words to avoid and evade our responsibility. Our responsibility is for us to decide whether or not we are going to send our sons and daughters into harm's way, and whether or not we are prepared to face the mothers and fathers of those sons and daughters and say we are prepared to sacrifice, potentially sacrifice, your children for this cause. That is our responsibility, not the President's.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. Mr. President, I yield 5 minutes to the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 5 minutes.

Mr. PRESSLER. Mr. President, the distinguished President pro tempore, Senator BYRD, has shown great courage and leadership. I am very much in league with his efforts. I wish that his first amendment would be the order of the day. As I stated on the Senate floor just last evening, I believe we should get our troops out of Somalia now, lock, stock, and barrel. From day one, I opposed sending the troops to Somalia. I was concerned with the extent of our involvement and the dangerous precedent our involvement would set. The cost of our involvement has been enormous, and the precedent set is unsettling.

I believe there are times when we should use our troops abroad. I voted for the Persian Gulf resolution. In that case, our mission was clear. But this mission in Somalia is very strange. Our troops are involved in civil war, playing hide and go seek with a Somali warlord. This operation does not have congressional authorization. It is no longer a food distribution effort. We are now caught in the middle of a civil war. Young Americans are dying over issues that do not seem to have any defined purpose. We seem to be following the United Nations leadership here, not the United States. Bear in mind, I am a proponent of the United Nations. I once belonged to the Minnehaha County U.N. organization. I twice served as a congressional delegate to the United Nations. I believe the United Nations has a great role to play.

But in fact corruption within the United Nations has reached such a height that we learn today we are paying $100,000 per month of bribes to a warlord there, silence money or something. But young Americans are dying to protect and promote this type of corruption; this type of tribal warfare.

Earlier this year I was on a congressional delegation that visited eight countries in Central Africa. All of the leaders in the countries except one are kleptocrats. There is very corrupt leadership in those countries. They are stealing from the people, to put it bluntly. That is the truth.

There appears to be very little public service regard on the part of the so-called public servants in that part of the world. It is very much a tribal, local thing. And now to have American troops in the midst of this on a mission to capture one tribal leader is nonsense. We should get our troops out now.

Under the compromise resolution that is before us, as I understand it, the President would have essentially until November 15 before this body has to act. I wish action could occur much sooner. I wish that troops could not be deployed in this manner unless there was a resolution passed by Congress pursuant to the War Powers Act.

So, Mr. President, in conclusion, we should get our troops out now. I opposed sending them. I called on us to withdraw them earlier. Every day that they remain we will have more obligation, and more unnecessary bloodshed. Middle-class American taxpayers are paying for this unauthorized warlord hunt while in this city where I live, just a few blocks from here, we virtually need military protection.

We have plenty of problems here at home. We have plenty of problems within our own strategic sphere of interest. And yet, year after year, we find we do not have the resources to satisfy our broad interests and to solve our many problems here at home. I do not believe we could build a case that we have a strategic interest in the tribal battles of Somalia. Our troops are no longer distributing food. They are now mired in a civil war that has gone on for many years between tribes in Somalia.

Mr. President, we should withdraw our troops now completely.

Mr. McCAIN. Mr. President, I yield 2 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Thank you, Mr. President.

Mr. President, I would like to commend the distinguished Senator from West Virginia for bringing our deployment in Somalia to the floor for debate. Events in Somalia remind me of a recent statement by Secretary of Defense Les Aspin that the new world order is long on new but short on order.

While I share my friend's concern not only about the safety of our personnel and the underlying policy for their continued presence in Somalia beyond completion of Operation Restore Hope, I believe the Congress should send to the President a clear signal that the original humanitarian mission has been fulfilled.

Furthermore, hearings should be held by the Senate Armed Services Committee and the Foreign Relations Committee immediately upon completion of this bill.

Today's tragic news that women and children were killed as a result of their participation in an attack on the U.N. forces is another indication we are no longer stopping starvation but are targets in a civil conflict.

I appreciate what the Senator from West Virginia is doing. I think we must speak out. It is time for the President to consult Congress, and I think it is time for us to get out of Somalia in the most ordered possible way.

Thank you, Mr. President.

I yield my remaining time.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. Mr. President, there are two additional speakers that I have on this side. I hope they will be able to get here in a short period of time. Senator SPECTER I believe has 10 minutes, and I have 10 minutes remaining, of which wewould use 5. Other than that, I have no other speakers on this side that I know of except for Senator WARNER for 2 or 3 minutes.

Mr. SIMON. Mr. President, Senator LEVIN has asked to speak. We are trying to locate him right now. I have no other requests for anyone to speak.

Mr. McCAIN. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time be equally divided, and charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I yield 3 minutes to the Senator from Virginia, Senator WARNER.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 3 minutes.

Mr. WARNER. I thank the distinguished Senator from Arizona [Mr. McCAIN]. I wish to associate myself with the objectives of the Senator from West Virginia [Mr. BYRD] and, specifically, I ask to be an original cosponsor of this Byrd-Mitchell-Dole amendment, recognizing its importance.

Mr. President, many times I have had the privilege of joining the Senator from West Virginia in debates on the War Powers Act and time and time again he has urged this body to assert itself and its constitutional responsibilities as those responsibilities relate to the engagement of our men and women in the Armed Forces in armed conflict beyond our shores.

I interpret this amendment as doing just that, requiring the President and the Congress to work together in partnership. In no sense do I see this amendment as indicating a cut-and-run policy. To the contrary, it is urging both coequal branches of the Government, the executive and legislative branches, to work together in a partnership. That is very important because Somalia is but one action and, regrettably, tomorrow and the next day there will be other parts of the world where we will be called to come in as partners and members of coalition forces.

The credibility of the United States is on the line in Somalia, the credibility as a future reliable partner in fighting aggression somewhere else in the world. That is the future which we all, regrettably, are faced with, one of continuous problems. Through the coalitions of forces we can help to preserve freedom. Therefore, I interpret this amendment as putting the two branches of the Government in partnership for the purpose of establishing a procedure by which this country will make its determinations as to the future involvement in Somalia and preserving United States credibility.

I commend the distinguished Senator from West Virginia. I commend the leadership of the Senate for sponsoring this amendment. I yield the floor.

Mr. MCCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROBB). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided between both sides.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMON. Mr. President, I yield 5 minutes to the Senator from Michigan, Senator LEVIN.

Mr. LEVIN. Mr. President, the Senator from West Virginia has made a very useful contribution in raising this issue, and I believe that this new bipartisan amendment takes the right approach in resolving the issue.

We ought to support the continued presence of the United States in the Somalia operation. We should stand tall, strong and proud behind the men and women of our Armed Forces serving in connection with the United Nations mission now in Somalia. With the cold war over, we finally have an opportunity to develop a united worldwide effort to bring stability to areas where there is chaos.

This operation in Somalia is the first in peace enforcement under Chapter 7 of the United Nations Charter. It is historic. It is multinational. We must not allow it to fail because of one local warlord that is trying to foment chaos. If it was important for us to go to Somalia—and I believe it was and that most of us believed it was—then surely it is important enough to make a reasonable effort to see that when we leave Somalia it does not immediately relapse into the chaos and anarchy that caused the mass starvation to begin with. But, Mr. President, our presence in Somalia is currently too open-ended. The mission is not clear enough. We need a more carefully defined mission, and the U.S. forces should only remain until we accomplish that goal.

The chairman of the Armed Services Committee has rightly observed that setting a specific date for termination of the military operation is counterproductive. It will undercut our objectives. It will put our troops in limbo. And the last thing that we want to do is to put our own forces in a questionable status, where they see that a fixed date is coming for their departure, conditional or otherwise, because that raises the very uncertainty which saps the morale of our Armed Forces. We owe them more than that.

But the commitment to Somalia cannot be an endless commitment. There is another problem that we must try to resolve, and the effort of Senator BYRD will help us resolve, which is that the current command and control being exercised by the U.N. command in Somalia is unclear.

The United States must take the lead in improving the U.N. command, so that we do not have a repetition of the tragic incident earlier this week where Italian troops failed to come to the aid of Nigerian troops that were under attack. And we have to accelerate the effort to help the United Nations build the institutions in Somalia that must take over from the United Nations, the basic building blocks of society like police forces, which are essential if that society is going to rebuild.

But we cannot stay there until that society is rebuilt. We only can take reasonable action to see to it that when we leave there is not an immediate relapse into the chaos which brought us there to begin with. What brought us there was a thousand people dying every day, a half-million babies and elderly already dead, and 2 million more at risk.

We can be proud that we succeeded in our humanitarian mission. Surely we would not want the first Chapter 7 effort under the United Nations Charter to fail, the first multinational effort of this type to fail, and for mass starvation to return to the very site which took so many lives.

The first amendment of the Senator from West Virginia, in my opinion, was too broad, because it left in limbo our troops, because it prejudged the report of the President that we should rightly receive, and I believe prejudiced the outcome of that debate.

But this version, this new version, this bipartisan amendment before us, takes the right approach. It seeks a report from the President. It requires a better definition of our mission and plans to eventually bring the mission to a conclusion. It does not prejudge the report that we require by setting a near-term deadline for cutting off funds or withdrawing our troops.

So, Mr. President, in conclusion, with the report that we require under this amendment, Congress then can evaluate what the President lays before us without prejudgment, without prejudice. The substitute amendment accomplishes the very positive purposes that the Senator from West Virginia originally intended. It avoids the negative consequences that could have flowed from the original amendment that was before the Senate.

I yield the floor, and I thank the Chair.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. MCCAIN. Mr. President, I ask unanimous consent that Senator PRESSLER be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. SIMON. Mr. President, I suggest the absence of a quorum and ask that the time be equally divided.

The PRESIDING OFFICER. Without objection, the time will be equally divided.

The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I believe I have 5 minutes. I will try not to take the 5 minutes. I know the hour is late.

Mr. President, let us make it clear that this is a compromise. There have been a number of Senators on each side of the aisle concerned about this and we have tried to incorporate their views in the compromise. As we have learned over the past day or so, there are many views in the Senate about our involvement in Somalia.

I share many of the same concerns expressed by the distinguished President pro tempore about the nature of the present United States involvement in Somalia—should United States forces be pursuing warlords like General Aideed?

I also read the latest wire story, which was certainly disturbing and will certainly raise concerns as it appears in the news tonight and tomorrow morning—about what our role is, what our mission is, how long we should stay.

I think the distinguished Senator from West Virginia deserves a great deal of credit for bringing this to our attention many weeks ago.

I hope by this compromise we have indicated the strong feeling in the U.S. Senate. We have had consultations. We are going to continue to have consultations with the President and members of the administration. I do think the administration will have to enlist the support of Congress, and I hope that is done as quickly as possible.

So it seems to me that we have forged a compromise that I believe will have strong bipartisan support. I indicated yesterday to President Clinton that I wanted to be helpful. I have had some concerns for some time, triggered by, I might say, comments of my friend from West Virginia, Senator BYRD. We began our involvement in Somalia as a humanitarian effort and I think everybody agreed—maybe not everybody, but most everybody agreed—we were doing the right thing. The American people felt we were doing the right thing and we were, in my view, doing the right thing, because there were hundreds of thousands of people at risk of starvation.

With the humanitarian mission in Somalia nearly completed, U.S. forces are now trying to establish security in Somalia.

The Congress did not play a role in establishing this expanded mission—a mission, for which I must add, no dateline, no end-point has been set. We do not know when U.S. troops will be withdrawn or why they have not yet been withdrawn since the humanitarian effort is winding down.

Addressing the humanitarian crisis in Somalia, while it carried with it clear risks to U.S. military personnel, was a worthwhile mission—a mission I supported. However, now we find ourselves engaged in new operations aimed at pacification and nation-building—operations which place our forces in a dangerous situation without any clear American interest at stake.

As this policy has evolved the administration has consulted with the Congress, but the Congress has not had the opportunity to review in detail the mission, command arrangements, the size, function, locations and anticipated duration of U.S. forces.

Mr. President, this amendment would require the President to submit a detailed report to the Congress that would provide us with this critical information.

The amendment also states that the President should seek and receive congressional approval by November 15, in order for the deployment of United States forces in Somalia to continue.

Mr. President, I have shared my views and concerns about United States operations in Somalia with President Clinton—concerns that are reeinforced by today's news from Mogadishu. Like many of my colleagues I thought that by this time, we would be in the process of withdrawing our troops. I fear that if we do not review our involvement in Somalia and we assume new missions beyond that of providing humanitarian relief, we run the very real risk of getting bogged down in a quagmire. As such, I believe that we should begin transferring our operations to the United Nations.

A thorough review of United States involvement in Somalia is overdue. That is why this amendment is important. This amendment ensures that the Congress will be fully informed on the nature of U.S. operations in Somalia and on progress toward transferring responsibility to the United Nations.

Now some of my colleagues say, well, they like the original amendment much better because it was definite; no questions asked. If there was not a law passed at a certain time, that is it.

But I hope that most of my colleagues would understand that we have tried to work this out on both sides of the aisle. I believe we have reached a good accommodation satisfactory to the distinguished Senator from West Virginia and I think also the administration.

So I am pleased to support the compromise.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. Mr. President, under the previous unanimous consent agreement, I yield to Senator SPECTER for 10 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania [Senator SPECTER] is recognized for up to 10 minutes.

Mr. SPECTER. Mr. President, I thank the Chair.

I shall be relatively brief. I hope to yield back some of my time. I would like to add a few supplemental thoughts to those which have been expressed already this evening.

I supported the original amendment by the distinguished Senator from West Virginia and spoke on it briefly last night.

I think there are substantial reasons to consider this amendment an improvement in that it is not mandatory and cannot be considered an encroachment on executive authority in any way since it is a sense-of-the-Senate resolution, but it is a very clear statement of how the Senate feels.

I believe that it is very sound public policy, under the circumstances at hand, to require congressional approval before U.S. troops are committed long-term in Somalia. We do not have a situation where we are at war without a declaration by Congress, as we had in Korea and as we had in Vietnam, what I believe to be unfortunate precedents.

We had very substantial debate on the resolution for the use of force in Iraq. This instance demonstrated that in a representative democracy, it is very important to have the backing of the Congress, which means the backing of the people. The bitter experience from Vietnam further demonstrates that we cannot support prolonged military action without public support.

We have started the issue of the War Powers Act here and not gotten involved in the technicalities of that complex subject.

As a matter of public policy, however, our role in Somalia is sound. When the emergency presented itself, the President of the United States, then President Bush, acted. The humanitarian objectives have been fulfilled, at least largely fulfilled.

I believe that there is substantial wisdom to be added by the Congress in debating and focusing public attention on such a matter, especially in the context where we would require a statement of policy by the executive branch. And so far, we have not had that clear-cut statement of policy. We have had news conferences and statements have been made on the Sunday talk shows, but we have not had a statement of clear-cut policy. Such a statement is required and will force the executive branch to focus on our role in Somalia.

I do hope that before U.S. involvement is concluded, that we are able to bring Aideed to justice, because he is a war criminal. The action that he has taken in contravention of action by the U.S. brands him as a war criminal. We are now in the process of setting up a war crimes tribunal which is aimed at the situation in Bosnia on the Serbian atrocities. There may be a need for a tribunal in Somalia as well, if we gain jurisdiction and custody over Aideed.

I recall the wisdom of the Congress in a fascinating session held in S-407 after the bombing of Libya back in 1986. It was the distinguished Senator from West Virginia who at that time had a fascinating dialog with the then Secretary of State, George Shultz on a critical issue as to whether congressional leaders who had been consulted had the authority to recall the planes as they were in transit.

There was just a little bit of a disagreement as to whether Congress was notified or whether the leaders who had been notified could have recalled those planes.

Without talking too much about what happened or who was right and who was wrong, there was some institutional wisdom that Senator BYRD brought to bear on that situation, and others, which I think commends action by Congress.

We want to be supportive of the executive branch and our new President. But with the current situation in Somalia, there is ample reason to recommend a debate and expression of public policy by the Congress of the United States.

For these reasons, I support this amendment, and I yield the remainder of my time.

The PRESIDING OFFICER. The Senator's time is yielded back. Who yields time?

Mr. GRASSLEY. Mr. President, I wish to associate myself with the remarks of Senator GORTON relative to Somalia.

Mr. D'AMATO. Mr. President, I, too, wish to associate myself with the remarks of Senator GORTON relative to Somalia.

FURTHER MILITARY OPTIONS IN SOMALIA

Ms. MOSELEY-BRAUN. Mr. President, I was not here when President Bush ordered United States forces into Somalia for humanitarian purposes. However, I supported his decision because I knew only too well what was going on in Somalia.

As all of my colleagues know, the famine going on in Somalia last year was absolutely heart-wrenching. The country was losing an entire generation of its children to starvation. Ten-year-old children became the size of 5-year-olds. At the same time, starvation changed their heads and faces to make them seem not just older—children like to look older—but old, like they had missed their childhood and their adulthood and gone directly to very old age.

And their parents were not faring much better. If hunger did not kill them, it crippled them, or prevented them from keeping their own children alive. Can anything be worse for a parent than watching your children literally starve to death and be unable to do anything about it?

What made the situation last year so tragic is that the famine was avoidable. Somalia could have avoided the epidemic of starvation if food had not become a weapon in its ongoing civilwar, and if that war had not prevented the country's agriculture industry from feeding its people.

Ordinarily, when there is a famine, the world's relief apparatus, both private and governmental, goes into action. In Somalia, private charities, and U.N. aid workers attempted to feed people. The civil war, however, made it impossible for aid workers to perform their mission. The only way to get food to the starving innocent children and other victims of the civil war was to provide military protection to the aid workers so that they could feed people.

That is what President Bush proposed to do, and that is what the United States, and later the United Nations, did. And the policy worked; the famine was broken. Children were fed; their parents were fed. The terrible agony of the Somali people was broken.

While the famine has receded, however, the war has not. Because of that fact, the mission of our military forces, and the military forces of many nations serving in Somalia under the flag of the United Nations began to change. Almost imperceptibly at first, the policy began to expand beyond the original humanitarian message; the military forces that came to Somalia to feed the Somali people found themselves being drawn into the civil war, and into nation-building and the restoration of some sort of viable government in a country where all government had totally broken down.

The amendment now before the Senate is therefore very timely, Mr. President. It is time for us to step back a bit and to consider what we are doing and where we want to go.

This amendment ensures that the needed reassessment will happen. It does not require the United States to take precipitate action. Instead, it simply tells the President that the Congress and the American people want to understand where we are in Somalia, what our mission is, what its limits are, and when it will end. I therefore support this compromise amendment, and I urge its prompt adoption by the Senate.

The PRESIDING OFFICER. The Senator from Arizona, Senator MCCAIN.

Mr. MCCAIN. I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator is recognized accordingly.

Mr. MCCAIN. Mr. President, I thank the distinguished majority leader, the Republican leader, and especially our colleague and dear friend from West Virginia for shaping this compromise. I think Members of this body should know the original intent, as I understood it, of the Senator from West Virginia was a much sterner amendment. But for purposes of seeking a compromise I believe will be nearly unanimous, the Senator from West Virginia shaped this compromise.

I would like to thank all of the staffs, as well, who spent the entire day running back and forth between various Members.

We are about to vote on this as soon as the distinguished majority leader has completed his statement. I want to make it clear what we are voting on tonight, even though it is a sense-of-the-Senate resolution. We should all understand that this resolution establishes, in effect, a date certain for a vote on the commitment of United States forces in Somalia.

As the distinguished Senator from West Virginia pointed out, there are many ways that this body can enforce its will on various pieces of legislation that can be far more binding than a sense-of-the-Senate resolution. So the message tonight is we expect a date certain for a vote on the commitment of United States forces in Somalia. We need to do that for the sake of the Constitution, for the sake of the United States prestige, and most important, for the sake of the lives of the young Americans who are serving in Somalia today.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator's time is yielded back. Who yields time?

The Chair recognizes the majority leader, Senator MITCHELL.

Mr. MITCHELL. Mr. President, I yield myself such time as I may use, for up to the time remaining.

The PRESIDING OFFICER. The Senator is recognized accordingly.

Mr. MITCHELL. Mr. President, I join in commending Senator DOLE, Senator BYRD, Senator MCCAIN, Senator SIMON, Senator NUNN, and Senator WARNER, and all of those—Senator LEVIN and others—who participated in the working out of this compromise amendment. I urge all Senators to support the compromise amendment. It has the support of the administration.

The amendment is short, simple, and straightforward. It calls upon the President to report to the Congress by October 15 of 1993 a description of the mission, command arrangement, sites, function, location, and anticipated duration in Somalia of American forces there. And it expresses the belief of the Congress that the President thereafter should, by November 15, 1993, seek and receive congressional authorization in order for the deployment of United States forces in Somalia to continue.

There have been many statements made during this debatetoday on the previous actions or inaction by the Congress with respect to Somalia. I merely want to establish a few facts for the record because I think it is important that every Senator have in mind the context in which we are voting on this amendment.

On December 3, 1992, the United Nations Security Council enacted Resolution 794 which, in its principal operative provision, authorized the use of all necessary means to establish as soon as possible a secure environment for humanitarian relief operations in Somalia.

In response to that United Nations resolution, on December 8, 1992, President Bush began deploying United States Armed Forces to Somalia. On December 10, 1992, President Bush reported to Congress on the deployment of those forces to Somalia.

On February 4, 1993, the Senate considered Senate Joint Resolution 45, authorizing the use of United States Armed Forces in Somalia. In its operative provision, that resolution authorized the President to use United States Armed Forces pursuant to the United Nations Security Council Resolution 794 in order to implement that resolution.

The joint resolution considered in the Senate referred to the fact that Congress had, prior to then, expressed its support for a greater U.N. role in addressing the political and humanitarian situation in Somalia through two resolutions previously adopted in the Senate and one previously adopted in the House.

Senate Joint Resolution 45 was approved by the Senate without dissent. Not a single Senator objected to the approval of this, the resolution to which I have just referred. And, as I noted, in that resolution reference was made to the fact that previously the Senate had twice gone on record through resolutions urging support for a greater U.N. role in addressing the political and humanitarian situation in Somalia.

The matter then went to the House where sometime later it was taken up, and on May 25, 1993, the House considered Senate Joint Resolution 45. It amended that resolution substantially and greatly broadened the definition of the mission of American forces.

In its operative provision the resolution, as approved by the House of Representatives on May 25, stated that the Congress supports United Nations efforts in Somalia:

First, to help provide a secure environment for famine relief efforts;

Second, to prevent a resumption of violence;

Third, to help restore peace, stability, and order through reconciliation, rehabilitation, and reconstruction of Somali society;

And, fourth, to help the people of Somalia create and maintain democratic institutions for their own governance.

The resolution was approved by the House of Representatives by a vote of 243 to 179. And on the following day, May 26, 1993, it was returned from the House to the Senate. Shortly thereafter, I requested consent to proceed to conference with the House on the two resolutions. That was met with a Republican objection. Objection was made by a Republican Senator, not disclosed then or known to me now, to proceeding to conference on that matter. And that objection has persisted until now.

So it is true, as has been repeatedly stated, that the Congress as a whole has not acted with respect to this matter.

The differing versions—and as I noted they are substantially different—the differing versions approved by the Senate unanimously and by the House by a vote of 243 to 179 were never reconciled and approved as a whole by the Congress. But I think it is important that anyone listening to this debate understand that each body has previously separately acted with respect to this matter, in the Senate, as I noted, without dissent from a single Senator and in the House by the vote to which I referred.

I believe that the amendment on which we are about to vote is a sensible, prudent, responsible amendment, and I hope all Senators will join in voting for it. I hope, also, and I am certain that the President will take seriously the reporting requirement in this amendment and that he and the members of his administration will present a meaningful, detailed report to the Congress as called for by this amendment and that within the context of that report and the other provisions of this amendment that the Congress will have the opportunity to evaluate and express its view on what the mission and role of American forces should be, whether they should continue or be withdrawn. I think that is entirely appropriate and consistent with the requirements of the Constitution and with the responsibilities that this Senate and this Congress have.

Accordingly, Mr. President, I now ask unanimous consent, to complete the record in this matter, that the resolutions to which I previously referred, Senate Joint Resolution 45, as approved by the Senate, and in the amended form approved by the House of Representatives, be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

S.J. RES. 45

Whereas an estimated 300,000 Somalis reportedly have died of hunger or as casualties of widespread violence since the fall of Siad Barre in January 1991;

Whereas international relief agencies had been unable to deliver adequate assistance to those most in need due to increasingly difficult and dangerous security conditions, including pervasive banditry and looting;

Whereas Congress has expressed its support for a greater United Nations role in addressing the political and humanitarian situation in Somalia through Senate Resolutions 258 and 132 and House of Representatives Resolution 370;

Whereas the United Nations Secretary General and United States officials had concluded that massive intervention in Somalia would be necessary to avert further starvation on this scale;

Whereas the United Nations Security Council on December 3, 1992, enacted Resolution 794, authorizing the use of "all necessary means to establish as soon as possible a secure environment for humanitarian relief operations in Somalia";

Whereas President Bush began deploying United States armed forces on December 8, 1992, in response to United Nations Resolution 794;

Whereas more than 20,000 American servicemen and women are now in Somalia under Operation Restore Hope and have been joined by troops from many other nations;

Whereas President Bush has emphasized that United States Armed Forces will be withdrawn and that the security mission will be assumed by the United Nations' UNOSOM operation as soon as a "secure environment" for the delivery of food has been created; and

Whereas, on December 10, 1992, President Bush formally reported to Congress on the deployment of United States Armed Forces in Somalia: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Authorization for Use of United States Armed Forces in Somalia".

SEC. 2. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION.—The President is authorized to use United States Armed Forces pursuant to United Nations Security Council Resolution 794 in order to implement the Resolution, which authorizes the use of "all necessary means to establish as soon as possible a secure environment for humanitarian relief operations in Somalia".

(b) WAR POWERS RESOLUTION REQUIREMENTS.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

SEC. 3. SENSE OF CONGRESS.

(a) UNITED NATIONS PEACEKEEPING FORCES.—It is the sense of Congress that the President should consult with the Secretary General of the United Nations and with the other member countries of the United Nations Security Council to ensure that peacekeeping forces from other countries of the United Nations continue to be deployed in Somalia to maintain a secure environment and to allow United States Armed Forces to transfer the mission to a United Nations-led force at the earliest possible date.

(b) MEASURES OF SELF-PROTECTION.—It is the sense of Congress that the President should make every effort to ensure that United States Armed Forces serving in Somalia as part of a Untied Nations-led force are permitted to take all reasonable measures to protect themselves.

(c) ASSESSMENT OF COSTS.—It is the sense of Congress that the President should submit a report to Congress providing an assessment of the costs of Operation Restore Hope, indicating the costs assessed to the UnitedStates, the United Nations, and other countries and related organizations involved in the operation.

SEC. 4. REPORTING REQUIREMENT.

Not later than September 1, 1993, the Secretary of State and the Secretary of Defense shall jointly submit to Congress a report on the introduction and commitment of United States Armed Forces into combat situations. This report shall include—

(1) a specific review of the goals of United States policy in Somalia and an outline of objective criteria which will enable the United States to evaluate when those goals are achieved;

(2) a review of all actions taken to ensure that United States material contributions to United Nations forces in Somalia are counted against United States assessments in Somalia;

(3) a review of United States international interests and their correlation to the commitment of United States Armed Forces;

(4) a description of the factors to be used in evaluating future commitments of United States combat forces;

(5) specifically, a review of the many situations in the world where there are intense humanitarian needs and a means of evaluating what elements, when present, would permit these situations to rise to a level of importance necessary for the commitment of United States combat forces; and

(6) considerations which will affect whether United States Armed Forces will be permitted to be engaged as a portion of an international peacekeeping force, including—

(A) United States command of United States troops;

(B) equitable financial contributions of nations so engaged; and

(C) the right of United States combat forces to defend themselves throughout all levels of conflict.

Resolved, That the resolution from the Senate (S.J. Res. 45) entitled "Joint Resolution authorizing the use of United States Armed Forces in Somalia", do pass with the following amendments: Strike out all after the resolving clause and insert:

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the "Resolution Authorizing the Use of United States Armed Forces in Somalia".

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds the following:

(1) An estimated 300,000 Somalis have died as a result of hunger and widespread violence since the fall of Siad Barre in January 1991.

(2) On December 3, 1992, the United Nations Security Council adopted Resolution 794 in which the Security Council—

(A) determined that "the magnitude of the human tragedy caused by the conflict in Somalia, further exacerbated by the obstacles being created to the distribution of humanitarian assistance, constitutes a threat to international peace and security", and

(B) acting under Chapter VII of the Charter of the United Nations, authorized the use of "all necessary means to establish as soon as possible a secure environment for humanitarian relief operations in Somalia".

(3) United States Armed Forces entered Somalia on December 9, 1992, in response to Security Council Resolution 794.

(4) The United Nations Secretary General concluded in his report of March 3, 1993, that without improved security throughout Somalia "the political process cannot prosper and humanitarian relief operations will remain vulnerable to disruption".

(5) The Secretary General recommended in his report that the United Nations Security Council adopt a resolution effecting the transition from the United States-led force in Somalia to a United Nations-led force, with the formal date of transfer of command to be May 1, 1993.

(6) The Secretary General's report envisioned a United Nations-led force having a multinational military component of 20,000 personnel, plus an additional 8,000 personnel to provide logistic support.

(7) On March 26, 1993, the United Nations Security Council, acting under Chapter VII of the Charter of the United Nations, adopted Resolution 814 in response to the Secretary General's report. This resolution provides for the establishment of the United Nations-led force in Somalia by expanding the size and mandate of the original United Nations peacekeeping force in Somalia (commonly referred to as "UNOSOM") in accordance with the recommendations contained in the report of the Secretary General.

(8) United States Armed Forces will participate in the United Nations-led force in Somalia as part of the multinational logistic support contingent, providing logistical, communications, and intelligence support.

(9) In addition to logistic forces, the United States will make available a battalion-sized tactical quick reaction force to respond to requests for emergency assistance from the United Nations Force Commander in Somalia. This quick reaction force will be under United States operational control.

(10) The transfer of operations in Somalia from the United States-led force to the United Nations-led force will result in a substantial reduction in the number of members of the United States Armed Forces that are deployed in Somalia and in the costs incurred by the United States as a result of United Nations-authorized operations in Somalia.

(11) The Congress should authorize any use of United States Armed Forces to implement United Nations Security Council Resolutions 794 and 814.

(12)(A) The Congress does not anticipate that United States Armed Forces will need to remain in Somalia for more than 12 months after the date of enactment of this joint resolution to implement United Nations Security Council Resolution 814.

(B) Given the importance of the mission of the United Nations-led force in Somalia, however, the Congress will give strong consideration to extending the authorization for the use of United States Armed Forces to implement Resolution 814 should such continued use be necessary to ensure the success of the United Nations-led force in Somalia.

SEC. 3. SUPPORT FOR UNITED NATIONS EFFORTS IN SOMALIA.

The Congress supports United Nations efforts in Somalia—

(1) to help provide a secure environment for famine relief efforts;

(2) to prevent a resumption of violence;

(3) to help restore peace, stability, and order through reconciliation, rehabilitation, and reconstruction of Somalia society; and

(4) to help the people of Somalia create and maintain democratic institutions for their own governance.

SEC. 4. SUPPORT FOR UNITED STATES ARMED FORCES IN SOMALIA.

(a) FINDINGS.—The Congress finds that—

(1) prior to United Nations-authorized operations in Somalia, over 300,000 Somalia (including one-fourth of the children under the age of five) died due to civil strife, disease, and famine, and at least one-half of Somalia's population of 8,000,000 people, were considered at risk starvation;

(2) the number of deaths from starvation in Somalia has declined significantly since the arrival of the United States-led force in Somalia; and

(3) the United States contributed immeasurably to the United States-led force in Somalia, including the deployment of over 20,000 members of the Armed Forces and the loss of American lives.

(b) COMMENDATION OF UNITED STATES ARMED FORCES.—The Congress commends the United States Armed Forces for successfully establishing a secure environment for the humanitarian relief operations in Somalia.

SEC. 5. AUTHORIZATION FOR USE OF ARMED FORCES.

(a) IMPLEMENTATION OF SECURITY COUNCIL RESOLUTIONS.—The President is authorized to use United States Armed Forces to implement United Nations Security Council Resolutions 794 (1992) and 814 (1993), including the use of such Armed Forces—

(1) to provide logistic and related support for the United Nations-led force in Somalia under the authorization provided by United Nations Security Council Resolution 814 (1993); and

(2) to serve as a tactical quick reaction force, under United States operational control, to respond to requests for emergency assistance from the United Nations Force Commander in Somalia.

(b) STATEMENTS OF INTENT REQUIRED BY WAR POWERS RESOLUTION.—Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that subsection (a) is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution to the extent that any United States Armed Forces being used for the purposes described insection (a) are or become involved in hostilities or situations where imminent involvement in hostilities is clearly indicated by the circumstances.

(c) EXPIRATION OF AUTHORIZATIONS.—The authorizations provided by subsection (a) shall expire at the earlier of—

(1) the end of the 12-month period beginning on the date of enactment of this joint resolution, unless the Congress finds that continued participation by the United States Armed Forces is necessary to ensure the success of the United Nations-led force in Somalia and extends the period of such authorizations; or

(2) the expiration of the mandate of the United Nations-led force in Somalia.

SEC. 6. REPORTS REGARDING USE OF UNITED STATES ARMED FORCES.

(a) PERIODIC REPORTS.—

(1) INFORMATION TO BE PROVIDED.—The President shall submit periodic reports to the Congress with respect to United States Armed Forces participation in and support for the United Nations-led force in Somalia. Each such report shall—

(A) specify the number of members of the United States Armed Forces participating in the United Nations-led force in Somalia or operating in support of that force;

(B) specify where United States Armed Forces are deployed as part of the United Nations-led force in Somalia and where United States Armed Forces are deployed that are operating in support of that force;

(C) specify the functions being performed by United States Armed Forces participating in the United Nations-led force in Somalia;

(D) specify the functions of United States Armed Forces operating as a tactical quick reaction force in support of the United Nations-led force in Somalia, and describe any use of United States Armed Forces as a quick reaction force;

(E) specify the command arrangements applicable with respect to United States Armed Forces participating in the United Nations-led force in Somalia or operating in support of that force; and

(F) specify the anticipated duration of the deployment of United States Armed Forces as part of the United Nations-led force in Somalia or in support of that force.

(2) REPORTING DATES AND PERIOD COVERED BY EACH REPORT.—A report pursuant to this subsection shall be submitted—

(A) not later than July 1, 1993, covering the period since March 3, 1993; and

(B) not later than July 1, 1994, covering the period since the preceding report pursuant to this subsection.

(3) WAR POWERS RESOLUTION REPORTING REQUIREMENTS.—The requirements of this subsection do not supersede the requirements of section 4 of the War Powers Resolution.

(b) REPORT ON TRANSITION TO U.N.-LED FORCE.—The first report submitted pursuant to subsection (a) shall specify the number of members of the United States Armed Forces, if any, remaining in Somalia as part of the United States-led force in Somalia.

(c) AGREEMENT WITH UNITED NATIONS.—The President shall transmit promptly to the Congress a copy of any memorandum of understanding or other written agreement entered into by the United States with the United Nations Security Council, the Secretary General of the United Nations (or his Special Representative), or the United Nations Force Commander in Somalia—

(1) regarding the participation of United States Armed Forces in the United Nations-led force in Somalia;

(2) regarding United States Armed Forces operating as a tactical quick reaction force in support of that force or otherwise in support of that force; or

(3) otherwise regarding the availability to the United Nations Security Council of United States Armed Forces, assistance, or facilities to implement Security Council Resolution 794 or 814.

SEC. 7. REPORTS ON COSTS ON UNITED NATIONS-AUTHORIZED OPERATIONS IN SOMALIA.

(a) REQUIREMENT FOR PERIODIC REPORTS.—The President shall submit to the Congress periodic reports regarding the costs of the United States-led force in Somalia and the United Nations-led force in Somalia.

(b) INFORMATION ON COSTS AND OTHER CONTRIBUTIONS.—Each report pursuant to this section shall specify (to the extent such information is available to the United States)—

(1) the amount of the incremental costs incurred by the United States as the result of its participation in the United Nations-led force in Somalia or as the result of its participation in or military operations in support of the United Nations-led force in Somalia;

(2) the amount of other in-kind or financial contributions pledged, and the amount of such contributions made, by each participating country toward the costs associated with the United States-led force in Somalia and the United Nations-led force in Somalia, including contributions to the United Nations Trust Fund for Somalia and excluding amounts reported pursuant to paragraph (3);

(3) the amount assessed by the United Nations to the United States and each other country for its contributions to the costs associated with the United Nations-led force in Somalia;

(4) the amount received by the United States and each other country as reimbursement from the United Nations, including reimbursements from the United Nations Trust Fund for Somalia, as the result of its participation in the United States-led force in Somalia; and

(5) the amount received by the United States and each other country as credit against an assessment described in paragraph (3) from the United Nations for costs that it incurred as the result of its participation in or military operations in support of the United Nations-led force in Somalia.

(c) REIMBURSEMENT OF COSTS INCURRED BY THE UNITED STATES IN SOMALIA.—It is the sense of the Congress that the President should seek to ensure that incremental costs incurred by the United States in connection with the United States-led force in Somalia and in connection with the United Nations-led force in Somalia are reimbursed to the maximum extent possible by the United Nations and other members of the international community. Each report pursuant to this section shall review all actions taken by the United States to achieve this objective.

(d) REPORTING DATES AND PERIOD COVERED BY EACH REPORT.—A report pursuant to this section shall be submitted—

(1) not later than 1 month after the date of enactment of this joint resolution, covering the period ending on the last day of the penultimate month preceding the enactment of this joint resolution; and

(2) not later than 12 months and 24 months after that date, covering the 12-month period following the period covered by the preceding report pursuant to this section and also providing cumulative information.

SEC. 8. DEFINITIONS.

As used in this joint resolution—

(1) the term "United Nations Force Commander in Somalia" means the commander appointed by the Secretary General of the United Nations to command the United Nations-led force in Somalia;

(2) the term "United Nations-led force in Somalia" means the expanded force (commonly referred to as "UNOSOM II") authorized by paragraph 5 of United Nations Security Council Resolution 814 (1993);

(3) the term "United Nations Trust Fund for Somalia" means the trust fund established and maintained pursuant to United Nations Security Council Resolutions 794 and 814; and

(4) the term "United States-led force in Somalia" means the force (commonly referred to as the "Unified Task Force" or "UNITAF") authorized by United Nations Security Council Resolution 794 (1992).

Mr. MITCHELL. Mr. President, I yield back the remainder of my time. I ask my colleagues if we could not now have the vote so we can proceed on this matter, the issue having been thoroughly debated in the Senate?

The PRESIDING OFFICER. The Senator from West Virginia controls 27 minutes remaining.

Mr. BYRD. I thank the Chair. Mr. President, I feel that my colleagues and the majority leader and the minority leader have every intention of carrying out this resolution in good faith. I have no reason to question that. But I am supporting this resolution in the belief that the leadership of this Senate will insist that the Senate act when the administration sends up its report. I truly believe that. I have not asked the majority leader that. I take it for granted that will be the case.

And I want to say if it does not, there will be an appropriations matter, and we will get action in that event. I say this for the benefit of the administration. I will be glad to yield back my time.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to amendment No. 790. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. DANFORTH], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Missouri [Mr. DANFORTH] would vote "yea."

The PRESIDING OFFICER (Mr. SHELBY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 7, as follows:

[Rollcall Vote No. 252 Leg.]

YEAS—90

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feinstein
Ford
Glenn
Graham
Gramm
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Warner
Wellstone
Wofford

NAYS—7

Boren
Brown
D'Amato
Feingold
Gorton
Grassley
Mack

NOT VOTING—3

Danforth
Murkowski
Wallop

So the amendment (No. 790) was agreed to.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 782, as amended and modified.

Without objection, amendment No. 782 is agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NUNN. Mr. President, we made good progress today. We have not had as many rollcalls but we have been working with a number of Senators and worked out a number of amendments which we will be able to handle later tonight that are agreed to on both sides.

In addition, we have an important amendment by the Senator from Arkansas, Senator PRYOR. I have looked at that amendment and I talked about it. It is on testing of SDI. I will recommend to our colleagues on the Republican side that we accept it. But we have not gotten that signoff yet from them.

The Senator from Nebraska may have switched sides. If he is now with the Republicans, we have a deal, I think.

(Laughter.)

I would say that after that the Senator from Arizona, Senator DECONCINI, has an amendment which I will not agree to. I will be opposed to it. But I will have a substitute. The question is whether the substitute might be able to be agreed on. I cannot say that.

So we have two amendments that I think we can dispose of in the not too distant future. I do not believe the Senator from Arizona wants to talk too long.

Mr. DECONCINI. If the Senator will yield, will it be a substitute?

Mr. NUNN. It will be a modification. In any event, with these two amendments, then what I would like to do is to wrap up as many of the amendments that have been agreed to on both sides. I will stay here and any other Member who would like to stay here late tonight I will stay, and we will make sure if you have an amendment you think can be accepted we will stay in business until people have given us an opportunity to look at those amendments.

It is my view that we can complete this bill by sometime late tomorrow afternoon or tomorrow evening. I will leave it up to the majority leader as to how late we stay tomorrow night. But I do believe that we can finish this bill tomorrow night and it would be my hope that we would do so.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Does the Senator from Georgia yield?

Mr. DORGAN. Mr. President, would the Senator from Georgia yield?

Mr. NUNN. Yes.

Mr. DORGAN. Do I understand from the remarks of the Senator from Georgia that he would be anticipating additional rollcall votes this evening?

Mr. NUNN. It is impossible to say right now because I have not gotten agreement on the PRYOR amendment. We would hope to know in about 10 minutes on that and on the DECONCINI amendment. It depends on the substitute. I think the DECONCINI amendment, unless the modification is agreed to by the Senate, will require a rollcall vote.

Mr. DORGAN. I thank the Senator.

Mr. THURMOND. Mr. President, I have tremendous respect for our chairman. I have worked with him for years, and I admire him greatly. But I do not see any need to rush this bill. A number on both sides of the aisle I understand want to leave here tomorrow around lunchtime and we can come back here Monday and finish this bill up and get through it in a hurry. I do not see any need to discommode these people. Can we finish it Monday?

Mr. NUNN. I say to the Senator from South Carolina that I have been on the floor handling an awful lot of these defense bills in the last few years and I know he has also. My experience is if we do not finish the bill this week we will be in all of next week on the bill. I have never underestimated the ability of staff in this institution to think up new amendments faster than we can dispose of old amendments. I have watched it over and over again. The longer you keep a defense bill on the floor the more amendments there are.

We probably have something like 60 amendments now. My guess is about 30 of those are going to be able to be worked out. Three or 4 of them, maybe 5 or 6 of them, will require rollcall votes. That could easily be done in one day.

If we hold this bill off until Monday we will probably have 120 to 150 amendments by Monday morning. Then it depends on the majority leader.

I enjoy handling defense bills and I enjoy being on the floor. I am willing to be here all next week, but there are other matters of great importance to the Senate. So that is a matter for the majority leader to call. But the only way I would agree to go over to Monday myself would be if we locked out amendments and had an absolute ironclad number that we would be able to deal with. My experience is that there are a lot of amendments on this list that are going to evaporate about 3 or 4 o'clock tomorrow afternoon. But that is conjecture on my part.

Mr. THURMOND. Mr. President, as a matter of fact, could we just cut these amendments off?

Mr. NUNN. Senator, if the Senator will make the motion, I will second it, and we will see what the Senate does. But my experience tells me——

Mr. THURMOND. Just cut them off and come back here Monday and finish the bill. Just cut them off now.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I just want to say to my distinguished friend and colleague the last thing in my mind is inconveniencing the Members of the Senate.

I feel constrained to point out that we just returned from 4 weeks off. We have only been here in session a couple of days. We are only going to be in session a couple of days next week. Now we are already being asked to discontinue for this week. Pretty soon, we are going to have a Senate that meets between 2 and 4 a.m. once every other year. [Laughter.]

So we want, very seriously, to convenience as many Senators as possible, but we have to act on the appropriations bills prior to the end of this fiscal year. We have only a very few days left.

So my hope is that we could proceed and complete action on this bill this week. I hope we can do so. That means we will have to stay here for a while and work on it. I will talk with the chairman and the ranking member and the Republican leader about how best to proceed this evening. But I think it is essential that we be here tomorrow, and that Senators plan on being here for a long day tomorrow.

Mr. THURMOND. Are you not the one that wants to do this, and not the chairman? Are you not bringing pressure on him? That is the general rumor.

Mr. NUNN. I say that the chairman wants to finish this bill as much as the majority leader. I know the majority leader's situation. He has a lot of other bills to bring up. I know the Senator from South Carolina recognizes that if the authorization bill does not pass, we do not get to conference, and that the appropriations bills will basically come along without having the benefit of the guidance of the authorization process. So the longer this bill stays around here, the less relevant it becomes to the whole process.

Mr. THURMOND. Why do we not cut off all amendments and come back here Monday and finish it?

Mr. NUNN. If we could get the unanimous consent request, I would support it.

Mr. LEAHY. Would the Senator yield on this issue of schedule?

Mr. NUNN. Yes.

Mr. LEAHY. The Senator from Georgia and the Senator from Maine are absolutely right in trying to finish this bill up because of the appropriations bill. As chairman of the Foreign Operations Subcommittee, I must point out that we have an extraordinary problem coming up on the foreign aid bill, and which is that it contains both a supplemental and a regular bill. It has to be passed in this body, gone through conference, and the conference report passed by September 30, or half of the aid promised to Russia is gone. The aid to a number of other countries, including ones very much in the news tonight, is jeopardized.

It is a policy issue, and we may want to consider whether we go forward. There are a lot of other appropriations subcommittees I serve on. I think the Senator from Georgia would agree that one of our major security interests right now is our relationship with the former Soviet Union and what we might do in carrying out agreements supported by the Senator from Georgia, by the Senator from Kansas, the distinguished Republican leader, and others, on bipartisan support. But those agreements will not be carried out if we do not complete that legislation and have it signed by the President by September 30, and because of the unique nature of them. I suspect there are a lot of other bills like that.

While I would like to go home and go to bed and take off early for the weekend, I think we have to finish.

Mr. MITCHELL. Mr. President, I think it best that we proceed with the pending amendment and, as that is being considered, I will discuss with the managers and the distinguished Republican leader how best to proceed in a way that moves our business forward and represents the least amount of inconvenience for Senators.

Mr. NUNN. Mr. President, I suggest we go to the Pryor amendment.

AMENDMENT NO. 791

(Purpose: To provide for the monitoring of tests of projects and activities relating to the ballistic missile defense of the United States)

Mr. PRYOR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. PRYOR] proposes an amendment numbered 791.

Mr. PRYOR. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 65, between lines 13 and 14, insert the following:

SEC. 228. TESTING OF NATIONAL MISSILE DEFENSE PROGRAM PROJECTS.

(a) ADVANCE REVIEW AND APPROVAL OF PROPOSED DEVELOPMENTAL TESTS.—No developmental test may be conducted under the limited missile defense program element of the Ballistic Missile Defense Program until the Director of the Ballistic Missile Defense Organization has notified the Secretary of Defense of the test and the Secretary has reviewed and approved (or approved with changes) the test plan.

(b) INDEPENDENT MONITORING OF TESTS.—(1) The Secretary shall provide for monitoring of the implementation of each test plan referred to in subsection (a) by a group composed of independent persons who—

(A) by reason of education, training, or experience, are qualified to monitor the testing covered by the plan; and

(B) are not assigned or detailed to, or otherwise performing duties of, the Ballistic Missile Defense Organization and are otherwise independent of such organization.

(2) The monitoring group shall submit to the Secretary its analysis of, and conclusions regarding, the conduct and results of each test monitored by the group.

Mr. PRYOR. Mr. President, my amendment addresses one of the major portions of the SDI Program, the Ballistic Missile Defense Program, and would require that future tests be monitored by independent monitors and testers appointed by the Secretary of Defense.

We think that this amendment is constructive. I talked today to the Under Secretary for Acquisition, John Deutch, and I do not want to say that he has endorsed this, but he certainly sounded interested in it. I think I can report that he said it was something that could be constructively utilized.

Mr. President, due to the allegations that I have received on SDI test results and the disturbing findings of the General Accounting Office, I am offering an amendment to the DOD authorization bill to hopefully improve the reliability of the test results reported by the Star Wars Program, or as it is now called, the National Missile Defense Program.

The GAO and the Secretary of Defense are still reviewing the allegations that the 1984 test was rigged for success. However, in September 1992, the GAO reported that misleading test results were reported by the Strategic Defense Initiative Organization for tests conducted from 1990 to 1992.

For example, the Strategic Defense Command claimed in a press release that a test of the kinetic kill vehicle integrated technology experiment [KITE] "validated the design of the shroud." In fact, GAO says the test reports show just the opposite. The "shroud broke off in pieces and hit the vehicle." In yet another test, SDIO was attempting to prove the ground-based interceptor could discriminate between targets. SDIO and the Strategic Defense Command claimed that the goal was achieved. GAO says this claim is inaccurate.

Mr. President, like many highly technical programs, it is difficult to fully understand scientific advances that are being developed constantly. Testing allows the program managers to understand what they have developed and where they need to go. A successful test is very often the measure that Congress uses when making funding determinations. A successful test is also one of the measures that the public uses to determine whether they support or oppose a Government program. It is essential that we be able to fully trust the test results reported to us by the Department of Defense, in fact, by all Government agencies.

The GAO report, plus the serious allegations I have received, completely undermine the trust we can place in the test results given us by the SDIO, now the BMDO. Therefore, my amendment requires the BMDO to notify the Secretary of Defense whenever a test is needed and the Secretary must appoint an independent body to oversee the test and evaluate the test results. The testing authority would not be removed from BMDO but there would be someone looking over their shoulder to ensure that the actual test results are the test results reported to Congress and the public at large.

Mr. President, I believe this amendment is not unduly burdensome but gives us some assurance that we can trust again when we are told that a program has been successful. I urge my colleagues to support my amendment.

Mr. THURMOND. Mr. President, the amendment of the Senator from Arkansas is largely meaningless in that it would set up a new independent test organization to oversee national missile defense tests conducted by the Ballistic Missile Defense Organization. The Senate's earlier decision to pass the Sasser amendment cutting $400 million from missile defense funding guarantees there will be no national missile defense. That is why I say the measure is meaningless—at least in terms of its practical effect.

But there is still an important principle involved in the consideration of this amendment. While I do not intend to engage in a lengthy battle over the amendment, I nevertheless want to address this fundamental principle before sheathing my sword.

Years ago, Congress established an independent Office of Operational Test and Evaluation to oversee all DOD testing. In other words, what the Senator from Arkansas proposes already exists. Why does he want to duplicate this fine organization?

I can think of only one explanation. This amendment is the result of a well-orchestrated disinformation campaign that began a few weeks ago with an article in the New York Times, then was picked up and run in other news media around the Nation. As Senators have already heard, the article alleged that the June 1984 homing overlay experiment was rigged, and was part of an operation to deceive the Soviets about the potential of our SDI Program. The article also claimed that Congress was deceived at the same time.

These allegations have been denied by former Secretary of Defense Caspar Weinberger, and by Gen. Eugene Fox, who directed the experiment. I am forced to ask whether my friend from Arkansas thinks those gentlemen, who have sterling reputations, deliberately deceived us, and then lied about it.

The Times article was based on a deep ignorance of missile defense technology, and on a clear misunderstanding of the test. The reporter ignored the evidence that did not fit his preconceived bias, and he relied on unnamed, hostile sources who he admits were not directly involved in the test.

Dr. Bill Perry, Deputy Secretary of Defense, briefed several members of the Armed Services Committee earlier on the facts of the homing overlay experiment. Dr. Perry said the allegations in the article are not just wrong, but dead wrong. Moreover, he reminded us that all the technical aspects of the experiment which the article misrepresented so badly were a matter of public record, so there was clearly no deception involved in the June 1984 intercept test. Secretary Aspin said the same thing in a lengthy statement. In light of such a flawed and shoddy piece of journalism, who is really guilty of deception? Is a falsehood no less a falsehood because it appears in the New York Times?

Mr. President, it is a shame that people are so opposed to missile defense for the American people—an effort this body began funding 30 years ago, by the way, long before the homing overlay experiment—that they will even slander a U.S. Army officer and former Secretary of Defense to bolster their case. The experiment was not a scandal, but it is scandalous to accuse good people of lying without checking the facts with people who know the truth of the matter.

Thanks to the Times article and its aftermath, it now appears to be a crime to believe that the American people can and should be defended from ballistic missiles. Because of this so-called scandal, whipped up artificially just in time for Senate action on this bill, the Senator from Arkansas would have us set up an independent test organization for missile defense tests. He would create another layer of bureaucracy to make sure that BMDO does not deceive Congress.

It would have to be independent of the Defense Department, because the Pentagon has an agenda, and the Senator seems to believe people who have an agenda cannot be trusted to tell the truth. But if Congress can't trust the Pentagon to report test results, why should we trust a new group any more? What if they have an agenda? Does the Senator believe we would have better defense programs if we put people in charge who do not believe in their mission?

Mr. President, I now come back to the fundamental principle I mentioned earlier. I believe it would be a mockery of the legislative process to enact an amendment because of one article in a newspaper long known for its antidefense bias and bitter opposition to SDI. What confidence can the American people have in us, or the laws we pass, if we rush to embrace a punitive, unwise, and unnecessary amendment simply because of a discredited story in the New York Times?

Perhaps the Senator thinks we need this amendment to prove to the American people that the Congress is not easily deceived. But passing the amendment would do more to convince them we are gullible than anything we could do, for it is SDI opponents who have engaged in deception.

Mr. President, I urge the amendment be defeated, and yield the floor.

The PRESIDING OFFICER. Is there further debate? The question is on agreeing to the amendment. The amendment (No. 791) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. PRYOR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 792

(Purpose: To increase funding for comprehensive substance abuse treatment programs for women and children)

Mr. DECONCINI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. DECONCINI], for himself, Mr. HARKIN, and Mr. KENNEDY, proposes an amendment numbered 792.

Mr. DECONCINI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 242, after line 19, add the following new section:

SEC. 1067. DRUG TREATMENT FOR WOMEN AND THEIR CHILDREN.

(a) FINDINGS.—Congress finds the following:

(1) Despite the fact that drugs are having a devastating effect on families in America, drug-exposed babies and their substance-abusing mothers go largely untreated. Women who do seek treatmentoften face tremendous barriers to care, most notably the fear of prosecution for abuse or neglect or of losing children to protective services, and the lack of gender-specific treatment interventions, including inadequate child care services.

(2) The growing phenomenon of infants prenatally exposed to alcohol and other drugs is exacerbated by the inaccessibility of treatment for drug-addicted mothers. It is estimated that between 100,000 and 375,000 drug-exposed infants may be born annually to chemically dependent women, with 500,000 cocaine-exposed infants projected by the year 2000.

(3) Mother-to-baby drug exposure comes at great economic and social cost to the Nation. Human costs can be measured by the problems of premature and low birth-weight infants, fetal alcohol syndrome/fetal alcohol effect, mental and developmental delays, and perinatal transmission of HIV and other sexually transmitted diseases. The United States ranks poorly among Western nations in infant mortality with maternal use of alcohol and other drugs thought to be a contributing factor.

(4) Currently there are 430,000 children in foster care. By 1995, this number is expected to increase to 550,000 children. A large portion of this increase in thought to be due to the introduction of crack cocaine in the mid 1980s and the increasing number of families who are abusing alcohol and other drugs.

(b) TRANSFER OF CERTAIN FUNDS.—Of funds appropriated to or for the Department of Defense and which remain unobligated on October 1, 1993, $85,485,000 shall be rescinded and $50,000,000 shall be transferred to the Department of Health and Human Services and shall remain available until September 30, 1994. Of such amount—

(1) $30,000,000 shall be available under section 510 of the Public Health Service Act (42 U.S.C. 290bb-3), of which—

(A) 50 percent of such amount shall be used for comprehensive residential treatment programs for women and children; and

(B) 50 percent of such amount shall be used for comprehensive outpatient treatment programs for women and children; and

(2) $20,000,000 shall be distributed to States pursuant to the formula under section 1933 of the Public Health Service Act (42 U.S.C. 300x-33) to be used by States towards their responsibility to provide treatment services for women under section 1922(c) of such Act (42 U.S.C. 300x-22(c)).

Mr. FORD. Will the Senator yield?

Mr. DECONCINI. Yes, I yield to the Senator.

Mr. FORD. Do we have a time agreement?

The PRESIDING OFFICER. There is no time agreement.

Mr. FORD. Mr. President, I understand the Senator is willing to accept an hour, equally divided.

Mr. DECONCINI. Well, if the Senator would just hold off a minute, the manager of the bill is in another conference and is going to come out and talk about that, as well. I think we can do that.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, today I am joining with Senators KENNEDY and HARKIN to offer an amendment that would authorize the transfer of $50 million from the unobligated balance of funds available within the Department of Defense budget at the beginning of fiscal year 1994 to the Department of Health and Human Services to fund treatment programs for mothers and children.

In 1990, I stood before this body and offered a similar amendment that would have transferred $100 million from DOD to HHS for substance abuse treatment for families. I did so then—and I do so now—because I believe our national security is threatened today by an enemy within our very borders.

The substance abuse crisis in America cuts across lines of race and class. It infects not just our cities, but our suburbs and rural towns. It is a national tragedy that threatens to overwhelm our health care system, our overburdened foster care system, our system of education, our legal system—and our families.

According to a recent Columbia University report, one-fifth of all the Medicaid money we spend on hospital care is spent as a direct result of abuse of alcohol and drugs. If this same ratio is found to apply to all our health care spending, substance abuse is racking up a $200 billion a year medical bill.

Studies show 13 percent of breast cancers are due to alcohol abuse, 65 percent of strokes among younger Americans are related to either cigarettes or cocaine. Half of all children with pediatric AIDS are infected through their parents' IV drug use. Tuberculosis, once almost wiped out in this country, is staging a dramatic comeback, especially among IV drug users.

Substance abuse is threatening to overwhelm our foster care system, which already is overburdened. Currently, 430,000 children live in foster homes. By 1995, this number is expected to increase 22 percent—to 550,000 children. And the number one cause for the increase is drug abuse, particularly crack cocaine.

Drugs are also laying siege to our criminal justice system. Since 1980, the

U.S. prison population has increased 150 percent chiefly because of alcohol and other drug problems. Up to now our solution has been to spend more money and build more jails. And in spite of all our money and all our jails, our prisons remain overcrowded and our crime rates continue to soar.

Most importantly, drugs are having a devastating impact on our families, particularly on drug-dependent women and motherswho frequently do not have the resources for recovery available to them. The figures are staggering. It is estimated that 30–40 percent of cocaine addicts are women. The number of American women who came down with AIDS last year grew four times as fast as the number of men. Between 100,000 and 375,000 drug-exposed infants may be born annually to chemically dependent women, with 500,000 cocaine-exposed infants projected by the year 2000. We see the human costs of drug and alcohol abuse in premature and low-birth weight infants; in fetal alcohol syndrome—the leading known cause of mental retardation in the western world; in the prenatal transmission of HIV in the linkage between substance abuse and sexual abuse and domestic violence. The United States ranks poorly among Western nations in infant mortality. Maternal use of alcohol and other drugs is a major factor.

The problem is explosive, and it is getting bigger for the pure and simple reason we do not have enough treatment programs in this country, especially for women. Women and children are still at the bottom of the totem pole in the treatment services that are delivered. In one national study it is estimated that less than 11 percent of substance-abusing pregnant women get the treatment they need. Of the women who do get treatment, only a fraction receive comprehensive care from treatment programs specifically designed to meet women's needs.

I want to close with this chart, which speaks to the heart of that old saying, "penny-wise and pound-foolish." I want to stress that these are conservative figures, and the figures speak for themselves. The cost of providing hospital care for newborns prenatally exposed to crack cocaine is $500 million a year. This is a low-ball figure which does not include babies affected by drugs other than crack. It does not include babies affected with Fetal Alcohol Syndrome which adds almost $100 to the cost of every birth in the United States. It does not include the cost of so-called boarder babies—infants abandoned in the hospital by their mother, many of whom abuse alcohol and other drugs. The average stay for a boarder baby is 4 months, at a cost of $35,000 per baby.

Preschool costs for these babies who require special care is another $850 million. This does not even touch the amount we will spend to get the most severely impaired through high school—a cost estimated at $750,000 per child.

Foster care costs add up to a whopping $1.3 billion. This is one-third of all the Federal money we spend on foster care. This is the cost of placing 43,000 children in foster care each year who were exposed to alcohol or other drugs before birth.

The last bar represents what the Federal Government spends each year on treatment programs specifically designed to meet the needs of women and children. Just $100 million. This is less than one percent of our Federal drug budget. Lessthan 1 percent of the Federal drug budget.

Mr. President, I think this chart speaks for itself. The amendment before us today will increase the money we spend on programs which directly and comprehensively address the treatment needs of women and children. Specifically, it will increase by $20 million the substance abuse block grant set-aside for women—money that will go directly to the States for treatment services for women and children. It will increase funding for comprehensive residential treatment programs for women and children by $15 million. And it will fund for the first time ever comprehensive outpatient treatment for women and children. At this time not one Federal dollar goes for comprehensive outpatient services for women. Residential treatment is not the answer for every family and it is high time that the Federal Government put needed dollars into outpatient services for families.

This amendment is endorsed by a number of organizations, including the Children's Defense Fund, the Child Welfare League of America, the Legal Action Center, the National Association of State Alcohol and Drug Abuse Directors, the National Council on Alcoholism and Drug Dependence, NAPARE, and the Therapeutic Communities of America.

Mr. President, I repeat: We are facing a problem which has the potential to bankrupt this Nation. The problem affects not just those individuals and families who abuse drugs, but ultimately all of us who must pay for the consequences of substance abuse. It is a problem which impacts the very fabric of this Nation—our health care system, our educational system, our child welfare system, our legal system—and the crisis will only get worse. I call on my colleagues to support this, Mr. President. It is important to note some facts here.

The defense budget for 1994 will be approximately $260 billion; that is $260 billion. It is very close to what this country spent during the cold war era between the Korean and Vietnam wars, in between the Vietnam war and the Reagan-Bush unprecedented military buildup.

If $260 billion per year was needed from 1955 to 1965 and from 1972 to 1980 to stop the Soviet Warsaw Pact threat, why do we still need $260 billion every year when the Soviet threat is literally gone?

The DOD, the Department of Defense, unobligated funds are estimated to be about $46.4 billion at the end of fiscal year 1993. HHS unobligated funds are estimated to be less than $3.4 billion at the end of fiscal year 1993, with this amount decreasing to $160 million at the end of fiscal year 1994.

In addition, most HHS programs have a high spend-out rate, much higher than the DOD program. HHS funds are all spent by the end of the second year, and money traditionally is never returned to the Treasury.

Let me address the issue of why we are using a Defense bill for doing something on drugs. This body and the President made that judgment back in 1989 where we authorized and appropriated $300 million from the defense budget to help fund the Anti-Drug Abuse Act of 1988. This year we are spending $1.147 billion on antidrug activities. So we have a precedent for this action today. As a matter of fact, the Senator from Georgia was instrumental in passing the 1989 Anti-Drug Abuse Act, the 1988 bill, which placed firmly our defense establishment and capabilities and resources in the war against drugs.

The Senator from Georgia worked hard to pass that bill, as did many of us here, to see that some defense dollars were put into the war against drugs, and I am pleased that has happened and that the Defense authorization committee has continued over the years to increase that. Many of us have urged that more and more be done. I am only asking that $50 million of unobligated funds, funds that have not and will not be spent by the end of this fiscal year, be set aside for treatment of women and infants.

In my State of Arizona there is a small project now underway at a treatment center called Amity, and that center takes in mothers and children or pregnant women who are cocaine addicts or drug addicts. They live together, have their child there, and then live together and learn how to cope with this particular problem. It is a difficult problem.

I was just there last week, talking to the mothers who have had their babies or come in with their babies and the babies are cured. They are not drug addicts. The mothers are on their way to being rehabilitated. Many of them already have been. They are getting their high school education. They are getting training. They are starting to find out what it is to be a mother, to care for a sick child or a drug-addicted child, and to care for themselves.

So, once they can heal themselves, then they have a chance to bring this child on.

Of course, what happens to them is they realize that this is not the way of life that they want to be involved in and they realize that there is a different way of life that many of them never thought even existed.

These are women who have been abused in their homes when they were children, abused by their relationship with men and with women, abused in so many different ways that they have forgotten what it is to be a real individual of society. And they take pride in this program. This program costs a few hundred thousand dollars, where they can come and live in security, in safety, be with their children, receive counseling, and secure their self-confidence in themselves and proceed on with the capabilities of living what we would like to think is a normal life.

So, Mr. President, I am hopeful that the chairman of the committee and the ranking member and now the managing Senator from Mississippi might agree to this amendment. I understand the Senator from Georgia may have some substitute or a modification. In lieu of waiting for him to come back, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, I did not hear all of the explanation of the Senator from Arizona, but he and I have talked about this amendment. It is my understanding, and the Senator can correct me if I am wrong, that the DeConcini amendment basically makes available $50 million in funds from the unobligated balances of the Department of Defense for the purpose of drug treatment.

Mr. DECONCINI. The Senator is correct.

Mr. NUNN. I believe that drug treatment is directed toward——

Mr. DECONCINI. Women and children.

Mr. NUNN. Mr. President, I think everybody in this body would like to see more money available for drug treatment of women and children. My problem is that the Defense budget is coming down at a very strong rate. I am very concerned about the rate at which we are reducing defense. I am concerned about the jobs. I am concerned about the morale of the men and women in uniform, as well as the civilian workers. I am concerned about, bottom line, the national security and what we may be doing to it unintentionally, in good faith.

Therefore, I oppose the DeConcini amendment as it is now presented. All of this money would come out of defense. If we have a high priority on drug treatment—and I would certainly share the Senator's view that that is a very high priority and Senator MOYNIHAN and I, when we chaired the drug task force several years ago, we stated then unequivocally we felt drug treatment and education should have about 50 percent of all drug enforcement money, and law enforcement should have about 50 percent. We have come nowhere near that goal.

So I am on board philosophically with the Senator. My problem is I do not want to see the Defense budget of the United States continue to be raided for every purpose, no matter how noble, because the bottom line is there is no more important responsibility to the Federal Government under the U.S. Constitution than the national security.

So what I am proposing and will propose, and I talked with the Senator about this and I hope he will agree to it, is that we take this amendment that would basically have the same amount of money for the same purpose as desired by the Senator from Arizona, but we take it out across the board of all unobligated balances in the Government. This would mean that Defense would have a part of but not all of the $50 million cut. This then puts it in a situation where all unobligated balances would be totaled up on discretionary funds—this would not include the trust funds—and Defense and others would take their proportionate share of the $50 million in proportion to their overall share of the unobligated balances.

AMENDMENT NO. 793 TO AMENDMENT NO. 792

Mr. NUNN. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Georgia [Mr. NUNN] proposes an amendment numbered 793 to amendment No. 792.

Mr. NUNN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, strike lines 5 through 11 and insert in lieu thereof the following:

"(b) TRANSFER OF FUNDS.—

(1) The Director of the Office of Management and Budget shall transfer $50,000,000 from the funds appropriated for any discretionary programs, projects or activities which remain unobligated and available to all departments and agencies of the executive branch of the federal government as of October 1, 1993 as provided in paragraph (2).

(2) The amount authorized to be transferred from the unobligated balances of any department or agency pursuant to paragraph (1) shall be an amount which bears the same ratio to $50,000,000 as the amount of unobligated funds of that department or agency on October 1, 1993 bears to the total amount of unobligated funds for the discretionary programs of all departments and agencies of the executive branch on October 1, 1993.

(c) ALLOCATION OF FUNDS.—Of that amount—"

Mr. NUNN. Mr. President, I yield to the Senator from Arizona.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, what the Senator is offering is a reasonable alternative, and I do want to reiterate as I said when he was not here, the Senator was extremely instrumental in 1988 in passing the Anti-Drug Abuse Act where it set the precedent for $300 million in that year of appropriated funds from the defense budget would be spent on drug treatment and enforcement.

Since then, that has risen with the leadership of both the Senator from South Carolina, the Senator from Virginia and, of course, the chairman, Senator NUNN, to $1.147 billion today.

What the Senator is suggesting is that every account at the end of this fiscal year would share a proportionate share of the transfer of the $50 million. The sheet I have from OMB shows, for instance, an unobligated balance as of today in defense of roughly $46 billion; an unobligated balance in the Department of Health and Human Services of $3 billion; an unobligated balance in Housing and Urban Development of $30 billion; an unobligated balance in Transportation of 13; Department of Treasury, 35. Each of these will give a proportionate share toward this $50 million of transfer; is that my understanding, as I read the amendment?

Mr. NUNN. The Senator is correct.

Mr. DECONCINI. Mr. President, I thank the Senator from Georgia for his willingness to work out an effort here that would actually see some money transferred and would hope that the Senator could stay committed to this in conference because I think we really have an opportunity here to make a substantial increase in the effectiveness of the programs that do work with mothers and children who are cocaine and other drug addicts. I am willing certainly to accept that amendment and perhaps my amendment would be accepted. If not, I would like a vote on it.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, in view of the fact that the distinguished Senator from Arizona has agreed to the second-degree amendment of Senator NUNN, I am willing to go along with that and adopt it on that basis.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I am not sure I am going to object to the amendment, and I do not even expect my friend from Georgia to answer this question, but it does seem to me the Senate ought to know this is very unusual. Which subcommittee is going to be charged for this money as we appropriate this $50 million, if we do? Is it coming out of defense?

I thought the purpose was so it would not get charged to defense. If it is not going to get charged to defense, when the appropriators put the 13 categories together, put the money in, are we now to expect that authorizing bills can come along and direct us in the Appropriations Committee to take a little bit out of every Appropriations Committee and the allocated funds? I do not quite really understand.

On the other hand, I do share a couple of Senator NUNN's thoughts here. We just cannot keep on, no matter how noble theprogram, reducing defense substantially more than the President has reduced it.

Many of us were worried it was on far too fast a track when he recommended his extra $120 billion in cuts over 5 years. Now we can come along and a little bit at a time say here is a good program. It sort of looks a little like defense and it has some defense problems, so let us pay for a social program out of defense.

My friend from Arizona has been one who, on this issue, does not take a back seat. This is something he has been worried about. He works on it all the time. He plugs away at it. He is doing that here tonight, and I have no criticism. But I do think in an authorizing bill to authorize that money to come out of all the obligated accounts of the Government on a defense authorization bill, I do not necessarily think it is subject to a point of order, but it surely sounds funny and from my standpoint, at this late hour, I am not going to do any more than lay this issue before the Senate. But clearly I can see this is a new approach to authorizing without any real sense of where the money is coming from.

So having said that, in deference to the chairman and the Senator from Arizona, I am not going to object or raise a point of order, or see if it is subject to one but, frankly, I am not going to sit by on very many more authorization bills and watch this kind of thing happen. Second, there is no assurance it would get appropriated in any event.

Mr. WARNER. Mr. President, could I make a brief response to the Senator?

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. The discussions that led to the recommendation by the chairman and the ranking member for the substitute amendment, it was made clear that this was done once before and, therefore, you said it might be a new start. It was done one time before, and that was brought to our attention.

Mr. DOMENICI. I think it was done on a $300 million item that everybody agreed on and the then President agreed upon and everybody knew what it was going to exactly do to defense if that is the precedent. I understand it and know that, but I can see the floodgates kind of coming. I just wanted to be there a little bit with my finger saying I do not like the idea.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I normally do not like the idea, and I am going to oppose it. We may or may not have done this before. If we did, sometimes these things get done without every Member being aware of what is going on. We are so strapped for time and so fragmented and fractionated in the subject matters to which we have to give our attention. So I cannot verify whether or not it has been done before. But we are all fully aware that it is being done now. This is a very bad thing to do, and I do not intend to support this and I intend to talk about it awhile in the event that it is pressed.

I will not say more just now in the hope that we will withdraw this amendment. I have studied the amendment by Mr. DECONCINI, and I have another problem with it. If it purports to shift funds from defense to domestic discretionary and thus increase the allocation for the subcommittee, the jurisdiction of which would be affected by the Senator's amendment, I would have to oppose that as well.

So I suggest that we either go to another amendment at this time or go into a quorum until we can kind of get our bearings and not shipwreck this important effort to bring this action on this bill to a close.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. I do not quarrel with the Senator from West Virginia. And if we have enough Members in this body who are willing to vote to not take this money out of defense, then I would certainly join with the Senator.

My experience last year was that we had a similar amendment where we had an effort to shift $200 million from defense to cancer research. I was opposed to that amendment. And the body here voted for it overwhelmingly. That to me was an extremely bad precedent.

What I would say to the Senator from West Virginia, I believe that the second-degree amendment is preferable to the first-degree amendment. If you ask the Senator from Georgia his opinion, I would prefer that neither amendment pass. But if we are going to pass something on this subject, I think it is important that it be shared across the board and not taken strictly out of defense.

I would suggest, though, that we have a number of other amendments that we can accept tonight, and I think we would be well served to set this amendment aside, let us move to those amendments that can be agreed to with the DeConcini amendment and the second-degree amendment to that which is now pending recur tomorrow morning.

I ask the Senator from West Virginia if he would agree to that course of action.

Mr. BYRD. Mr. President, I am willing to move to table the underlying amendment which will carry both amendments with it. If that tabling motion fails, then we are in the soup. I shall not do that at the moment.

Let me call attention, if the Senator will yield without losing his right to the floor, we are saying, if this amendment is adopted, to the Director of OMB you are the head appropriator around here. You transfer $50 million from the funds appropriated for any discretionary programs—any of them. You make your choice. You are the big boy. You are the king. You take $50 million out of any discretionary program you want. Take it out of the items of the Senator from Kentucky——

Mr. FORD. I do not have any left.

Mr. BYRD. Or the Senator from Maine or the Senator from Georgia.

Mr. NUNN. Will the Senator yield on that?

Mr. BYRD. Yes.

Mr. NUNN. I have to correct the Senator. That is not what this amendment does. I would still prefer no amendment at all, as I have said to Senator DECONCINI and I have said to others. This amendment carefully follows the procedure we worked out before to avoid the very problem the Senator from West Virginia has described by making this a proportionate cut. The OMB Director would have no discretion here. He would have to make the cut across the board in proportion to the unobligated balances.

So it would be the Senate and the House, if the House agreed in conference to this, that would be making that choice and not OMB.

Mr. BYRD. Mr. President, will the Senator yield further without losing his right to the floor?

Mr. NUNN. Yes.

Mr. BYRD. The Senator is correct. I had not read paragraph 2. My eyes had gone blank when I read paragraph 1. But what the Senator says does not cure the problem. We are saying the Director of the Office of Management and Budget shall transfer $50 million from the funds appropriated for any discretionary programs. Now, when you do this, it has to be done in an amount which bears the same ratio to $50 million as the amount of unobligated funds to that department or agency on October 1 bears to the total amount. That is right, is it not, I ask the Senator?

Mr. NUNN. Correct.

Mr. BYRD. I am not willing to give this office, this OMB Director, or any other, or anybody else outside this Senate, that kind of authority. If the Senate wants to do that, wants to give its power of the purse away to that extent, then open the gates because we will do it again and again.

Mr. President, I counted on living a while longer, but if the Senate is going to do this it is going to do it over my dead body. So that terminates my life rather quickly.

Mr. DECONCINI. Will the Senator from West Virginia yield?

Mr. BYRD. The Senator from Georgia has the floor.

Mr. NUNN. I say to my friend from West Virginia that I would like to see the Senate make up its mind it is not going to transfer any more money.

Mr. BYRD. Right. Let us do it.

Mr. NUNN. I have opposed amendments and opposed amendments and opposed administration and opposed administration and watched time after time, particularly this year but in the Bush administration, the same thing happen. Again and again the amendments come up and the Senate votes to take money and put it elsewhere.

As the Senator from West Virginia will recall—and he and I were on the other side on this particular amendment—what I wanted to do and what we passed as a sense-of-the-Senate resolution this year would have cured this problem I think pretty significantly. That would be if we took money out of defense, if we cut money out of defense, then it would go to the deficit. It would not be able to be transferred to other programs.

The Senate of the United States went on record twice this year to do that. But then we voted on a procedural question where you had to have 60 votes and the walls came tumbling down. So now that the walls are tumbling down—and I opposed that—the Senate of the United States by majority opposed taking the walls down, but not by the 60 votes required under our rather tricky budget procedures now.

So what happened was the walls came tumbling down and now this defense bill is wide open to transferring money from defense to any other source.

We would cure the problem quickly by putting the walls back up, and then we would have any money taken out of defense—and I think there certainly can be defense cuts. We made a significant one here today. I did not vote with the majority but the majority prevailed. And if that money were to go to deficit reduction, then I think the taxpayers would be well served.

But what we have here is an open invitation for a raid on the defense budget. And even though sometimes it is done in this Chamber, it can also be done, I say in respect to the chairman of the Appropriations Committee, my good friend from West Virginia, it can be done by the chairman of the Appropriations Committee in allocating different funds to his subcommittees, and that is not an action that is taken by the Senate or House. That is an action taken by one committee.

So the problem is, the basic problem here that gives rise to this is that we have an open invitation to take money out of defense and to transfer it to other accounts.

This is just one way to do it. There are other ways that it has already been done, and I can cite by tomorrow morning to the Senator from West Virginia how this has been done in the appropriations process, how it has been done by the administration, how it has been done by OMB. I, frankly, am fed up with it.

If the Senator can prevail on a tabling of the underlying amendment, then I would vote with him. I would vote with him. I hope we would all stand together and say we are not going to take any money out of defense unless it goes to the deficit.

I am not saying every dime in defense is sacred. I am not saying that we cannot find money out of a $260 billion defense bill, but what I am saying is let us not go home and talk about curing the deficit if everybody knows what we are going to do time after time is take the money and transfer it.

So what I am trying to do—having observed this body in the past, would be willing to vote, for instance, $200 million out of defense for breast cancer—and I believe the vote was what, 89 to 4—89 to 4—having watched that and seen the knees buckle any time there is a worthy program mentioned that everybody is in favor of, it is my experience that as chairman of the committee I have to try to minimize the damage. I will be absolutely frank. This second-degree amendment is to try to minimize the damage.

Mr. DECONCINI. Will the Senator from Georgia yield?

Mr. NUNN. I will be glad to yield to the Senator.

Mr. DECONCINI. I thank the Senator. I just want to underscore to the Senator from West Virginia, I understand his prerogatives here and his concern. This is not the first time we have visited this particular issue.

In 1990, before the walls were there, which took the so-called super majority, such an amendment was before the Senate, almost identical to this, only it was $100 million at the time. And there was a motion then to table the amendment, and I am sorry to say the motion to table carried 51 to 48. I did not offer the amendment last year because of the walls. I did not think I could get the votes.

But some of us feel that the defense budget could easily take another $350 million to be used for women's and children's and drug treatment programs. That is what this does. So we are asking the Senate, whether it is a motion to table or up-or-down vote or as the second-degree amendment by the Senator from Georgia, to set an allocation here that out of a $260 billion bill can we take $50 million more and spend it on women and children who are drug addicts.

It seems to me very clear that you cannot without raiding the cupboard, without ruining our national security, and, yes, that ought to be a judgment here for this body, to determine whether or not that is a priority. In my judgment, it is. I wish we had done it back in 1990. We would have less crack babies today; we would have less mothers back on the street committing crimes, because there are some programs that have and are in place today that take mothers who are pregnant and mothers who have children, who are cocaine and heroin addicts, and let them live together in communities and be raised in a society that is different than they have ever known.

And what is the result? You know what the result is? It is a difference of their whole life. The children are no longer addicts; the mothers are at least on the verge of being cured—and many of them are. Some of them hold jobs. It is a matter of allocation.

There is nobody I respect more than the Senator from West Virginia and understand his prerogative and his carefulness as to protecting the appropriations process. I honor that and I do not just tromp on it or do it without careful thought. But it just occurs to me that now is the time when we have ample precedent of using defense funds—using defense funds—for the war on drugs, whether it is enforcement, the interdiction program, or whether it is treatment or education.

So if we have to have the motion to table, I understand the Senator from West Virginia's concern and I understand the Senator from Georgia. He did not want to take my amendment. He said "I will have to oppose it." But he said I may offer a substitute or second-degree. Obviously, he has the right to do that.

I thank the Senator from Georgia for yielding.

Several Senators addressed the Chair.

Mr. BYRD. Mr. President, I have no interest in having the Senator yield to me. I have an interest in getting the floor.

Would the Senator indicate when I might get the floor?

Mr. NUNN. I will be glad to give up the floor in just a few minutes. I want to yield to my friend from New Mexico first.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I thank the Senator for yielding. I will not be long as I said to the Senator from West Virginia.

First, let me say to the chairman that I stand squarely with him in the observation on this issue. I stated my point about my concern a while ago. With the passage of each 5 minutes around here, I get more concerned because more things come to my mind.

Let me suggest this. Actually, aside from the part about the walls and the issue that you have raised with reference to that, the situation is even more serious than that because the law of the land today is there are no laws.

So the Appropriations Committee does its work and in this case this year decided that they wanted to allocate less money to defense than the President asked for. That is their prerogative under the Budget Act and under the allocation of money to the 13 standing committees.

So they made that decision and these bills that are coming by are all responding to those allocations.

What really is disturbing is that after that is done and defense is reduced in that way, that we come along in a defense authorization bill and say let us cut it more by finding a function for defense money that is not defense but putting it on the defense bill.

And the question then comes, who gets charged for that money? Is it a defense function? Or is it where it properly belongs in labor, health, and human services?

Mr. NUNN. I say to the Senator the way this amendment is proposed, I am informed it would be charged to defense. This would be a direct charge to defense. The charge would be the difference in outlays. Budget authority is break even. The difference in outlays is something like $50 million and $48 million out of which is about a $2 million charge, direct charge, to defense of about $2 million.

Mr. DOMENICI. So my last observation—I am not at all sure that the Senator from Georgia has to respond to it, but it seems to me that you come here on an amendment that says here is a good social program, it is a good cause, and it is an establishment of priorities. We established the priorities. The priorities were established when we allocated the 13 functions of Government with dollars alongside of it and then we come along and we say here you have another good social program and it ought to come out of defense.

Mr. NUNN. If I could say to my friend from New Mexico, what we are hearing now is if the appropriators are going to join in with the Armed Services Committee to oppose the transfer out of defense to domestic programs in the full Senate, then I am going to vote with the appropriators who make the motion to table.

If there is a motion to table the underlying amendment even though it would take my second degree, I plan to support the Senator from West Virginia. I hope we can get a majority vote. If we get a majority vote, it will be a turnaround. This body will be turning around what it has been doing for the 2 or 3 years. I hope we do it on every amendment to ship money out of defense. I will voice that strong view and will vote on the appropriations and the authorization bill. I think this would be a remarkable development. And I hope it happens.

Mr. DOMENICI. I thank the Senator. Not that I need to do this in advance, but my vote will be that way.

Mr. NUNN. Mr. President, I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I do not want the record to stand as being this Senator's understanding of what we have been doing. I do not want the record to stand that this Senator understands what we have been doing as being in accordance with what the distinguished Senator from Georgia has just said we have been doing.

My opposition to this amendment is because it says to the Office of Management and Budget, the Director thereof, you do the appropriating. And may I say to my distinguished friend from Georgia, this Senate has already voted and the House also and the President signed the bill as to when the walls would come tumbling down. Senators already made that decision, that the walls will be down in fiscal year 1994. So I am not objecting.

As a matter of fact, I as chairman of the appropriations Committee have a right to make the allocations under the rule, and in making those allocations I can take money now that the walls are down from defense and give it to subcommittees that handle domestic discretionary matters.

I am not objecting to that. That is my right under thelegislation we all passed in the Budget Act. This was hewed out in 1990. So I do not regret that may I say to the Senator from Georgia. That is not what I am talking about here. I am talking about two things. When we transfer moneys out of defense and put them in the jurisdiction of the Interior Subcommittee or the other subcommittees that handle domestic, if we disturb the allocations and raise those allocations above the allocations which I recommended and the Senate voted on, then that raises a point of order.

So we have two problems here in mind. If we are going to shift money from defense to other subcommittees and raise their allocations over and above the allocations which were distributed to them by the chairman and voted on by the Senate, or at least will be voted on if those allocations go above the mark, that is a 60-vote point of order. If you are telling the Appropriations Committee that is what it would have to do, it would have a 60-vote point of order. I do not favor that. I make no apologies for distributing the money as I have seen fit to distribute. I do not have but so much money to go around. I try to be fair to all subcommittees.

But in 1990, we said that after fiscal year 1993 the walls are down.

If I may have the Senator's attention, if the distinguished Senator from Georgia thinks that I am coming to the altar tonight to confess my sins in having voted for the walls coming down, that is not what I am confessing at all. The Senate has already made that decision. The walls are down.

Mr. NUNN. Mr. President, if the Senator from West Virginia will yield, I do not in any way think the Senator is confessing to any sin. I do not know of any sin the committee chairman and the Senator from West Virginia has committed. So I am not asking nor implying any.

I am saying that the Senate of the United State voted twice for the walls not to come down by majority vote. The rules require 60 votes. The very intricate rules of the Budget Committee in effect were changed when the budget reconciliation came back. The Senate voted for that. In my view, the majority of the Senate never intended that to happen, but it did happen. It has happened. The Senate has acted. The Senator from West Virginia is basically within his right to do what he is doing. I am in no way implying otherwise.

I think it is bad government to have no walls, but that is a matter of disagreement. I think it is bad for national security and bad for the taxpayers, because instead of cutting defense for the deficit purposes, the money is going to be cut over and over again to be shifted.

But my point in no way implies or intended to imply that the Senator from West Virginia has not acted within his rights. I do not have to agree with the procedure of the Senate in taking down the walls. We have an honest disagreement.

Mr. BYRD. I understand the Senator's opposition to moving money from defense into discretionary subcommittee jurisdiction. I understand that and respect it. But the 60-vote point of order was in that 1990 budget agreement because I insisted on it. I insisted on having that kind of point of order to make the Senate and the House live up to the agreement, and it would give us an instrument by which we would discipline ourselves and make ourselves live up to that agreement. So you have to have 60 votes to break it.

It is also at my insistence that if the subcommittees exceed their allocations, there would be a 60-vote point of order on that score. I am glad the walls have come down.

I say further to my good friend from Georgia that if he can show me anywhere, in the morning, as he says, or now, or at any other time, where this Senator has supported any amendment that does what this amendment does, I will eat his coat right here in the Senate in front of everybody.

Show me where I have supported an amendment that says that the Director of the Office of Management and Budget shall transfer $50 million from the funds appropriated for any discretionary programs.

Mr. NUNN. I say to the Senator from West Virginia that I will try to do that tomorrow morning, and I will be very careful what coat I put on when I dress. I will try to get that information.

It is my recollection that it was in 1989 that we worked it out carefully with the Senator from West Virginia, and the Senator from West Virginia suggested that we do it proportionately, so that there would be no discretion by the head of the Office of Management and Budget.

The Senator has been consistent because he objected at that time to taking it out of unobligated balances and giving any discretion to the head of OMB. But it is my recollection—and I will make sure this is correct tomorrow morning; I would not want to say I am certain now.

My vague recollection is that we accepted the formula of the Senator to prevent that by saying it was proportionate. I believe that formula was suggested by the Senator from West Virginia and incorporated in an amendment. It was amendment vote No. 51, votes on S. 1352, the National Defense Authorization Act, 1990–1991, and this was a Harkin amendment on drug funding. On this amendment, there were 90 yeas and 9 nays, with Senator BYRD and Senator NUNN voting in the affirmative.

Mr. BYRD. Let us see the wording of the amendment. Lay it down beside this amendment, and let us remember that was in 1989, before the budget agreement in 1990.

Mr. NUNN. I will be glad to read it.

It says:

> Of the unobligated funds available to all Departments and Agencies of the executive branch of Government at the end of fiscal year 1989, from funds appropriated for defense and nondefense discretionary programs, $1.7 billion, as provided in subsection (b), is authorized to be transferred for the purpose of carrying out, during fiscal year 1990, the Anti-Drug Abuse Act of 1988, and the amendments made by such act.

This is the second part, which corresponds exactly to that amendment we have:

> Part (b): The amount authorized to be transferred from the unobligated funds of any Department or Agency, pursuant to subsection (a), shall be an amount which bears the same ratio to $1.7 billion as the amount of unobligated funds of that Department or Agency at the end of fiscal year 1989 bears to the total amount of unobligated funds of all Departments and Agencies for the executive branch at the end of such fiscal year from funds appropriated for defense and nondiscretionary programs.

This is the amendment we both voted for. It is my recollection that the Senator suggested this formula to avoid the problem he described tonight, originally, of giving the OMB that kind of authority. This takes away the authority of the Office of Management and Budget, because it does it across the board. They have no discretion.

This is the exact amendment this was patterned after, and we did vote for it in 1989.

Mr. BYRD. Does that amendment direct that the Director of OMB shall make the transfer?

Mr. NUNN. I do not believe it had a person. It just made the directive by law to the executive branch.

Mr. BYRD. There is quite a difference.

Mr. NUNN. I do not know who else would do it other than OMB.

Mr. BYRD. I do not think we need to quibble with that. In the first place, we have a budget agreement now that we all voted for in the Senate that changed things drastically from 1989.

Mr. NUNN. I was responding to the Senator's question about whether the Senator had ever voted for this kind of amendment.

Mr. BYRD. I do not think I have. I do not think the Senate approved that the Director of the OMB shall transfer *x* amount of money from the funds appropriated for any discretionary programs, projects, or activities which remain unobligated and available to all Departments and Agencies to the executive branch of the Federal Government.

Mr. President, my memory is a pretty good one. It is not infallible.

Mr. NUNN. If I may say to the Senator from West Virginia, I will give him this amendment, and I will say that the difference is very slight.

The Senator from West Virginia did sponsor this with myself and Senator WARNER.

Mr. BYRD. I ask, what difference does it make? If the Senator shoots at me and misses me very slightly, by half an inch, he might as well have missed it by a mile.

Mr. NUNN. I say that the Senator from Georgia is not shooting at the Senator. And having on a coat that I treasure, I would be delighted if I missed slightly. That would be the best of all worlds.

Mr. BYRD. Let me tell the Senator what I usually do when I get a little bit tense. I have a picture I always pull out and look at of my little dog, Billy. It relieves all of the tension, and I break out in a smile.

Mr. MITCHELL. Mr. President, will the Senator yield for an inquiry?

Mr. BYRD. Yes.

Mr. MITCHELL. Mr. President, this has been, I think, for all Senators, a very informative discussion. I believe both the chairman of the Appropriations Committee and the chairman of the Armed Services Committee, as well as my colleague from Arizona, presented information to the Senate that will be useful in the disposition of this amendment.

The distinguished Senator from West Virginia earlier in this discussion stated that he intended to move to table the underlying amendment. He correctly noted that, if the motion to table prevails, the underlying amendment and the second degree amendment of the Senator from Georgia would go down.

I inquire of the Senator from Arizona and the Senator from West Virginia and the Senator from Georgia whether it would be possible, if that is going to occur, in view of the hour, to have it occur promptly so that we could then dispose of, or at least see whether it is possible to dispose of, this matter one way or the other and then proceed to determine how we are going to get on with the rest of this bill.

Obviously, I do not want to cut off anybody or encourage anybody who has something more to add not to do so. But I think it is 10:20 and, if that is going to occur, if the Senator from Arizona does not object to that, if the Senator from Georgia does not object to that, and if Senator from West Virgina does not object to that, we should go to a vote.

Mr. BYRD. I intend to make that motion shortly, unless the majority leader feels it is so late we should not impose upon Senators who already left the Hill.

Mr. MITCHELL. Senators have been on plenty of notice that we are going to proceed.

I fear, Mr. President, that, if we delay it until tomorrow, what would take 10 minutes tonight would take several hours tomorrow.

Mr. DECONCINI. Will the Senator from West Virginia yield without losing his right to the floor?

Mr. BYRD. Yes.

Mr. DECONCINI. Mr. President, the Senator from West Virginia does not have to have any concurrence of mine to move to table the underlying amendment at any time. That is exactly what happened before. It was not the Senator from West Virginia, but it was tabled in 1990, and the Senator from West Virginia voted to table it and so did the Senator from Georgia.

I had anticipated that, quite frankly, because the Senator from Georgia, when I talked to him yesterday about it, said, "I am going to oppose your amendment." He did not say he was going to table it, but I understood that was what he was probably going to do.

In the course of working on the amendment today, he came up with a second-degree amendment, which was agreeable to me. The reason it was agreeable to me is because it establishes $50 million for treatment of women and children who are drug addicts. That is the objective here.

The reason I am offering this on this particular bill is because I believe we have an opportunity to see some priorities, and, as has been pointed out in the debate here, there is ample precedent for it. Maybe we do not want to do it. That is a judgment call. We are all big boys and girls and we can make that judgment. But there is precedent for it. We did it back in 1988. We did it on the Drug Abuse Act of 1988, where we clearly established that we were going to use defense dollars for the war on drugs. Now that was a little bit different because we set it up as a part of the original authorization bill, that there would be a transfer.

The authorization bill before us already has $1.4 billion, I believe, in it for the war on drugs. I am asking that we add $50 million for treatment of woman and children.

So I am prepared, of course to vote. I hope my colleagues will not vote to table. I think it would be a very clear statement of where our priorities are.

I do not think it is going to cause any great damage to our national security at all. As a matter of fact, I think that it would enhance our national security and enhance the better treatment of people in this country that can be much better spent here. Because let me just remind you, there are $46 billion of unobligated funds that have not been spent this fiscal year. We are asking for $50 million for woman and children in drug treatment plans.

This affects your criminal justice systems, your Medicare system, your health care systems all across the country. It is a good investment, I say to my colleagues.

I thank the gentleman from West Virginia for yielding.

Mr. BYRD. Mr. President, I will close shortly.

I believe that the walls should be down, that they are down in accordance with the provisions of the 1990 Budget Enforcement Act. I am not sorry for that and I am not voting to reinstitute the wall.

Second, I do not now, and I do not think I ever have, intend to knowingly vote for an amendment or legislation that directs the Director of the Office of Management and Budget, in essence, to be the chief appropriator. And that is no reflection on the gentleman who holds that office. He is a former Member of the House and a distinguished former Member of the House and one whom I respect and for whom I have friendship.

This Senator, as long as he is in his right mind, is not going to vote to tell the Director of the Office of Management and Budget that he shall transfer any amount of money from funds appropriated for any discretionary programs, any discretionary programs, projects—why, anybody could take some of my highway money out. He could. He could take something out of the Senator from Nevada's highway money. It says any programs, any projects, or activities.

I hope I have been in my right mine all these years.

In any event, the Budget Act of 1990, which I had a great deal to do with helping to write—and I supported it—changes the playing field, changes the game plan, and says the walls will be down. It says there will be walls for 3 years, but in the fourth and fifth years there would not be any walls.

It said, in essence, if authorities are transferred from one category to another and if it increases the allocations of the committee which is the recipient of the new authority above the caps, above the allocations by which that subcommittee is bound, it is a 60-vote point of order.

Before I move to table, let me express my respect for the Senator from Georgia. He is a very formidable Senator and he believes strongly in his work, in his committee's jurisdiction, and he ably defends it.

I am sorry to have had to disagree with him tonight to the point of saying that I would eat his coat. I do not think, though, that he could show me, line for line, what we are doing here. That is neither here nor there. If, per chance, my mind has slipped to that extent, it will not make any difference. My position is what it is exactly tonight and it will be the same.

I am going to move, now, to table. And I will move to table the underlying amendment. If it is not tabled, then this Senator is prepared to talk until this language is out. And I can do it and I can start now. That is no empty threat.

I just think it is a mistake to go in this direction. I do not want to go down that road under the Budget Enforcement Act; none of the circumstances in which we are now dealing with the Budget Act, appropriations bill, and authorization—I am just not willing to do. If the Senate wants to do that, it will be a while on this bill.

So, Mr. President, I move to table the underlying amendment. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate? The Senator from Georgia.

Mr. NUNN. I would say to the Senator from West Virginia, we are on the same side on this issue. I am with him on the motion to table. I am with him on the principle. I am with him on the underlying principle of not taking it out of unobligated funds.

As chairman of the Armed Services Committee, occasionally I have to read the sentiment, as the Senator from West Virginia does, on the floor. If I believe the overwhelming sentiment is in favor of taking some very substantial amounts of money out of defense and I can find a way to have less damage done, then that is what I was aiming to do. But I would be very pleased if the Senator from West Virginia's motion to table wipes out both amendments, and will be very pleased to join with the Senator from West Virginia in that.

I must add that I have, as the Senator knows, enormous respect for him and his leadership. So I urge the motion to table be accepted.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. BYRD. Mr. President, I withhold my motion momentarily.

Mr. THURMOND. Mr. President, I am very pleased the able Senator from West Virginia is pursuing the course he is. I think he is on the right track. Money here has been allocated to defense. Now there is an attempt here to take that money and use it for some other purpose.

If drug money is needed it should go through the appropriate committee in the Senate, the Labor and Human Resources Committee. If this motion fails, I then will vote for the second-degree amendment offered by the Senator from Georgia. But I think we can set a good precedent tonight to stop this idea of taking money from defense and using it for other purposes. I think that is a dangerous precedent. I think Senator Byrd is on the right track. I hope his motion will carry.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I do not want to be misunderstood here. I am not taking the position that I am now taking because we may be transferring money from defense to discretionary programs. As the chairman of the Appropriations Committee, that is my right to do when I allocate moneys to subcommittees. And I talk with each of those subcommittee chairmen, have their understanding, before I do it.

That is not what I am objecting to. The Senate can do that any time it wants to do that, if it has 60 votes to overcome thepoint of order that the allocations of the subcommittees are being raised above the allocations which were given at the beginning when all the subcommittees were sharing in a total pie. That is not my objection.

My objection is that we are shifting the power of the purse to the executive branch. We are saying that the Director of the Office of Management and Budget shall transfer moneys, take away moneys from the Defense and shift them to whatever—whatever it is, cut it out of discretionary programs and projects: Give him that role. I am not going to do that. That is what I am objecting to here.

And I am also objecting to raising the allocation of the affected subcommittee or subcommittees above the allocation that was given when this chairman distributed our limited resources among those subcommittees.

So do not let anybody put words in this Senator's mouth. I make the motion to table.

The PRESIDING OFFICER. The question is on the motion to table. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Mexico [Mr. BINGAMAN], the Senator from South Dakota [Mr. DASCHLE], and the Senator from Arkansas [Mr. PRYOR] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. COCHRAN], the Senator from North Carolina [Mr. HELMS], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina [Mr. HELMS] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 61, nays 32, as follows:

[Rollcall Vote No. 253 Leg.]

YEAS—61

Akaka
Bennett
Bond
Breaux
Brown
Bryan
Byrd
Campbell
Chafee
Coats
Cohen
Coverdell
Craig
D'Amato
Danforth
Dodd
Dole
Domenici
Durenberger
Exon
Faircloth
Ford
Glenn
Gorton
Graham
Gramm
Gregg
Hatch
Heflin
Hollings
Hutchison
Inouye
Johnston
Kassebaum
Kempthorne
Kerrey
Kohl
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Mikulski
Murray
Nickles
Nunn
Packwood
Pressler
Reid
Robb
Rockefeller
Roth
Shelby
Simpson
Smith
Stevens
Thurmond
Warner

NAYS—32

Baucus
Biden
Boren
Boxer
Bradley
Bumpers
Burns
Conrad
DeConcini
Dorgan
Feingold
Feinstein
Grassley
Harkin
Hatfield
Jeffords
Kennedy
Kerry
Lautenberg
Leahy
Metzenbaum
Mitchell
Moseley-Braun
Moynihan
Pell
Riegle
Sarbanes
Sasser
Simon
Specter
Wellstone
Wofford

NOT VOTING—7

Bingaman
Cochran
Daschle
Helms
Murkowski
Pryor
Wallop

So, the motion to lay on the table the amendment (No. 792) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NUNN. Mr. President, we are going to try to accept a number of amendments that have been worked out very carefully with the staffs and with the Senators on both sides of the aisle. So any Member who would like to have theirs presented this evening should remain here. And we will start on debating an amendment tomorrow morning at 9 o'clock. I anticipate Senator REID will have an amendment at 9 o'clock. We do not have any order in terms of any unanimous consent. It will be my hope that the Senator from Iowa [Mr. HARKIN] would present an amendment after the Reid amendment is disposed of. Both of those will require rollcall votes. And then we will have a Lautenberg amendment following that one that will also require a rollcall vote. So we are making substantial progress.

AMENDMENT NO. 794

(Purpose: To express the sense of Congress regarding establishment of an Office of Economic Conversion Information within the Department of Commerce)

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, the amendment I have just sent to the desk expresses the sense of the Congress, and I would ask that the amendment be considered.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 794.

Mrs. BOXER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 242, after line 19, insert the following:

SEC. 1067. SENSE OF THE CONGRESS REGARDING ESTABLISHMENT OF AN OFFICE OF ECONOMIC CONVERSION INFORMATION WITHIN THE DEPARTMENT OF COMMERCE.

(a) FINDINGS.—The Congress makes the following findings:

(1) The available Federal resources for defense economic adjustment and conversion assistance are spread among 23 different Federal departments and agencies.

(2) Numerous other Federal departments and agencies are involved in related technology reinvestment activities.

(3) Workers and communities adversely affected by closures of military installations or decreased spending for national defense often experience difficulty finding which Federal department or agency is appropriate for providing assistance needed by such workers and communities.

(4) Expanded coordination between Federal departments and agencies could greatly improve Federal efforts to assist in defense economic adjustment and conversion.

(b) SENSE OF CONGRESS REGARDING ESTABLISHMENT OF AN OFFICE OF ECONOMIC CONVERSION INFORMATION.—It is the sense of the Congress that the President should work with the Congress to establish within the Department of Commerce an Office of Economic Conversion Information which, under the joint direction of the Secretary of Commerce and the Secretary of Defense, would—

(1) serve as an information clearinghouse to provide comprehensive information regarding assistance for communities, workers, and businesses that have been adversely affected by closures of military installations and reduced spending for national defense;

(2) enhance and consolidate existing programs for collecting and disseminating information regarding defense economic adjustment and conversion;

(3) be widely publicized as the central point of access for the public on issues related to defense economic adjustment and conversion;

(4) develop data bases of information, to be available to help communities, businesses, and workers dependent on spending for national defense identify and apply for assistance from Federal departments and agencies, including—

(A) comprehensive listings and summaries of all major Federal, State, and local economic adjustment and conversion programs;

(B) a data base listing information available to the public regarding major defense contract terminations and closures of military installations and identifying affected communities, industries, and jobs;

(C) listings and summaries of defense conversion attempts and successes; and

(D) relevant reference lists and bibliographies;

(5) provide information to communities, workers, and businesses by such easily accessible and easily used means as toll-free telephone information lines, inexpensive and frequently updated manuals and other print materials, workshops on clearinghouse services, and on-line computer access to clearinghouse information;

(6) facilitate a series of community roundtables, involving consultation and briefings with communities, workers, and businesses adversely affected by closures of military installations and reduced spending for national defense, to be held annually in all major regions of the United States so affected; and

(7) establish a mechanism, coordinated by the Secretary of Commerce and the Secretary of Defense, to ensure adequate cooperation between all Federal departments and agencies that oversee defense economic adjustment and conversion assistance programs.

(c) SENSE OF CONGRESS REGARDING EVALUATION AND FUNDING OF THE OFFICE OF ECONOMIC CONVERSION INFORMATION.—It is further the sense of Congress that—

(1) after the Office of Economic Conversion Information has been in operation for three years, the Secretary of Commerce and the Secretary of Defense should jointly conduct a comprehensive evaluation of the operations of such office and consider whether the purpose of the office should be modified or the office should be terminated; and

(2) the operating expenses for the Office of Economic Conversion Information should not exceed $5,000,000 for each of the first three full fiscal years in which the office is in operation.

Mrs. BOXER. Mr. President, the amendment I have just sent to the desk expresses the sense of the Congress that the President should work with the Congress to create an Office of Economic Conversion Information to serve as a one-stop shop for information on defense conversion. The office would be located in the Department of Commerce, but would be jointly operated by the Department of Defense and the Department of Commerce.

Currently, resources and information on defense conversion are spread out among 23 different Federal agencies. Communities and workers adversely affected by the defense industry slowdown find themselves faced with an unnavigable maze of redtape. Amazingly, there is no single point of access—no single phone number to call, where all their questions can be answered.

My amendment calls for the creation of an information clearinghouse to serve as a central point of access for the public on issues related to defense conversion. The clearinghouse would develop databases of information on a wide variety of subjects that would help affected communities cut through the redtape and find the help available to them.

If we create an information clearinghouse, displaced defense workers and discharged military personnel will be able to call one phone number and learn about all the worker training and assistance programs available in the Department of Labor, the Department of Defense, and the Department of Energy.

Communities hit by base closures and cutbacks by large defense contractors can learn about the different kinds of planning and technical and financial assistance they can obtain from the Defense Department's Office of Economic Adjustment and the Commerce Department's Economic Development Administration, and about airport improvement funds available from the Federal Aviation Administration to help turn military air bases into civilian airports.

Defense-dependent firms would be able to find out about business assistance programs in the Small Business Administration and the Department of Commerce that can help them make the transition to civilian markets. They could learn all about the technology development and deployment programs of the Technology Reinvestment Project headed by the Advanced Research Projects Agency, and all the other relevant R&D programs administered by numerous agencies throughout the Federal Government.

The point is, Mr. President, that people threatened with the loss of their livelihood should not have to contact each of these offices individually. The defense conversion clearinghouse would serve as a one stop shop for all this information. One call and you could learn which programs can help your family, your community, or your business.

Mr. President, the slowdown in the defense industry combined with the recent rounds of base closures have hit my State of California hard. The administration and the Congress have worked diligently to develop innovative initiatives to help our Nation make the difficult transition to a civilian economy. This amendment would refine those efforts by making it easier for people to take advantage of these much-needed programs.

Finally, I would like to thank the Chairman of the Armed Services Committee and his staff for their assistance and for accepting this amendment as well as the ranking member and the minority staff.

I understand that both the majority and the minority staffs have no problem with this amendment.

I hope this amendment will in fact be accepted.

Mr. NUNN. Mr. President, I thank the Senator from California for working with the committee to both present this amendment and then resolve the amendment.

All of us are eager to see this conversion program work, and I suspect that no one is more anxious than the Senators from California because we all know that California has been hit very hard in the builddown in defense. All of us want to make sure that we have the kind of dual use industrial base that will meet our future defense needs as well as the broader needs of society and our economy.

This year, we received just under 3,000 proposals for conversion funds we authorized last year. I have been advised that about 25 percent of those came from California. I am sure that there are a number of outstanding proposals in that group. I believe that that is also due to the emphasis both Senators from California have placed on the importance of the conversion program in stimulating interest.

Mr. President, I urge adoption of the amendment. This amendment would set up an office within the Department of Commerce that would develop an extensive data base on defense conversion programs, and this data would be made available to the public, to States, to communities, to labor unions, to chambers of commerce, to industrial organizations and companies.

It would include State, local, and Federal programs. It would include outreach programs. It will include an interagency coordinating committee. The office would help particularly small companies that are totally dependent on defense conversion and are overwhelmed with trying to keep up with data relating to it.

It think it would also help State and local communities, not only in California, but throughout the country.

So I urge adoption of the amendment.

Mr. THURMOND. Mr. President, the Members on the Republican side have no objection to the amendment offered by my colleague, Senator BOXER of California. There is no question that some agency in the Federal Government must act as a single point of contact for the numerous programs for economic adjustment and defense conversion. This sense of Congress language affirms that principle.

The fact is that an office in the Defense Department has already been assigned the responsibility to act as the single point of contact for the Federal defense conversion programs. There is a companion office assigned to act as a clearinghouse for technologies that may have commercial applications. It is important that the record reflect Senate support for these ongoing efforts. We must ensure that changes to the administration of defense conversion programs in no way disrupt progress setting up clearinghouse activities in the Department of Defense.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from California.

The amendment (No. 794) was agreed to.

AMENDMENT NO. 795

(Purpose: To express the sense of Congress regarding targeting defense conversion funds to geographic areas most adversely affected by defense downsizing and military base closures and to small businesses)

Mrs. FEINSTEIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN] proposes an amendment numbered 795.

On page 180, after line 24, insert the following:

SEC. 804. TARGETING DEFENSE CONVERSION FUNDS.

It is the sense of Congress that—

(1) defense conversion funds, including funds for community assistance and dislocated personnel, should serve to relieve distress in areas of the country that are the most adversely affected by reduced spending for national defense and by military base closures;

(2) in the determinations of whether applicants for defense conversion assistance meet applicable cost-sharing requirements, all non-Federal funds, including funds from States and from local sources, should be considered;

(3) by April 30, 1994 (with respect to activities during the first half of fiscal year 1994) and by October 31, 1994 (with respect to activities during the second half of fiscal year 1994), the Secretary of Defense should submit to Congress a report setting forth—

(A) the geographic distribution of the sources of all proposals received for defense conversion assistance and the geographic distribution of the defense conversion assistance awarded (in order to indicate the extent to which the policy in paragraph (1) is being carried out); and

(B) the number of proposals for defense conversion assistance received from small businesses and the number of awards of defense conversion assistance to small businesses (in order to provide a basis for determining whether sufficient opportunities exist for small businesses to receive an appropriate portion of defense conversion funds and whether the cost-sharing requirements for small businesses should be reduced); and

(4) by January 1, 1994, the Secretary of Defense should—

(A) submit to Congress any recommendation that, taking into consideration the experience with providing defense conversion assistance during fiscal year 1993, the Secretary considers appropriate regarding—

(i) what share of the costs of participating in a defense conversion program should be borne by non-Department of Defense sources; and

(ii) what, if any, changes should be made in the laws providing authority for defense conversion programs; and

(B) prescribe regulations to provide full credit for in-kind contributions of non-Department of Defense sources for purposes of defense conversion program cost-sharing requirements.

Mrs. FEINSTEIN. Mr. President, I understand that the amendment has been cleared on both sides.

I would also like to thank the chairman and ranking member of the Armed Services Committee for help in drafting this amendment. This is a very important issue to me and I am very glad that we could reach an agreement that was satisfactory to everyone. So I thank you very much, again.

Mr. President, this amendment expresses the sense of the Senate that defense conversion funds should be aimed toward areas of the country adversely affected by defense downsizing and military base closures.

As the distinguished Senator from Georgia just remarked, there are some 3,000 defense conversion applications, of which at least 25 percent, it is my understanding and his, come from the State of California.

In California to date, defense-related job loss has been 250,000 in the last 2 years. This is directly relating to downsizing.

By 1998, it is estimated that the job loss will reach 650,000.

These are good, high-paying quality jobs. Not the minimum-wage jobs that we have been creating for the last decade, but these jobs pay $30,000 to $40,000 a year. People can raise a family and buy a home. They are blue-collar jobs, and good-paying jobs. Unfortunately, they are being wiped out as we reduce defense allocations and as bases are closed.

Mr. President, the $20 billion defense conversion program is a step I believe in the right direction. But one of the problems is that it does not necessarily utilize the money where the job losses and the downsizing and the base closures are taking place.

This sense-of-the-Senate resolution is simple and direct in saying that there should be attention given to seeing that these dollars go into areas where the need it most.

This is important to small business. It is important to the ability, if you are going to close down a shipyard, to be able to put that yard into some kind of civilian production.

So I am very pleased that both the distinguished Senator from Georgia and the ranking member of the committee have helped in drafting this language.

I rise today to introduce a very simple—yet very important—amendment expressing the sense of Congress that defense conversion funds should be targeted to areas of the country adversely affected by defense downsizing and military base closures.

Many areas throughout the country, and in particular California, are in desperate need. The end of the cold war has led to massive downsizing of the defense industry. Hundreds of firms are going bankrupt. The future economy of entire communities is in turmoil. And hundreds of thousands of hard-working men and women have lost their jobs or are at risk of losing their jobs in the future.

More than 250,000 defense related jobs have been lost in California in just the last 2 years. And, by 1988, California's job loss due to defense downsizing and base closures is expected to reach 650,000. These are good paying, high-quality jobs. Not the minimum wage jobs that are all too common in today's economy. These jobs pay $30 to $40 thousand a year. People can raise a family and, yes, buy a home. They are blue collar jobs—good paying jobs. Unfortunately, these jobs are being wiped out as we reduce defense spending in the aftermath of the cold war.

We, as a Nation, must not leave those who helped us win the cold war out in the cold. Strong steps must be taken immediately to help the transition from defense to civilian production so that new, high-quality jobs and economic opportunities can be quickly created.

President Clinton's 5-year, $20 billion defense conversion program is a step in the right direction. Its intentions are good—the transformation of the U.S. defense industry toward civilian production—but I fear that the program,in its current form, will not significantly address the needs of the defense industry and those who depend on it for their economic livelihood.

The backbone of defense conversion is job creation. Job creation for workers who lose their jobs when a production plant shuts-down, and job creation for workers who lose their job when a military base closes.

Currently, the various defense conversion programs include: community assistance programs that help cities and towns across the country plan for the reuse and redevelopment of closed military bases; job retraining and job placement programs that help laid-off workers learn new skills and find new jobs; and dual-use technology initiatives that help create new jobs by providing advanced and affordable products that will be competitive in the commercial market.

All of these programs are great ideas on paper, but in order for defense conversion initiatives to be truly effective, funds must go where the effects of defense downsizing are being felt the most. It just doesn't make sense to provide billions of dollars in defense conversion funding, if these funds will not benefit those most in need.

I agree that these defense conversion grants, commonly known as technology reinvestment grants, should be based on competitive procedures to assure that every scarce defense conversion dollar is spent wisely. But, consideration must be given to applicants from areas of the country most adversely affected by defense downsizing. It is that simple. In defense conversion programs, consideration should be given to areas of the country most adversely impacted by defense downsizing—where the suffering and need are greatest.

Targeting defense conversion funds will help protect the economic security of the U.S. defense industry. Targeting funds will help those who need the help the most. The defense conversion process will be helped along, dual-use capabilities will be encouraged, and critical technologies will be saved from extinction.

I also believe that an appropriate portion of defense conversion funds should go to small businesses. As we all know, small businesses are the key to growth in this Nation and the number one source of new jobs being created today.

Small defense firms are on the cutting edge of technology and have the most potential for economic growth and job creation in this Nation. At the same time, the risk involved in their technology and business ventures is often quite high and it may be nearly impossible to obtain capital. As a result, small defense firms have a crucial need for defense conversion funds to help them convert to civilian or dual-use production.

However, the high matching requirement could handicap small firms who are in desperate need of defense conversion funds. Because small businesses have less capital, less are less able to meet the high cost-sharing requirement. Thus, many small defense firms will be hindered from obtaining the desperately needed funds.

My amendment would also direct the Department of Defense to report to Congress on the number of small business applicants and the funds they receive. This will allow Congress to determine if the matching requirement should be lowered for small businesses.

Finally, my amendment would direct the Department of Defense to report on the progress of its defense conversion programs and make any recommendation it believes will assist these vitally important programs in the future.

This is a common sense amendment that I hope will be quickly adopted. It simply states:

First, defense conversion funds should be directed to areas where they are needed most; and

Second, the Defense Department should report to Congress on how its defense conversion programs are proceeding.

It is that simple. I urge my colleagues to support this important amendment.

The PRESIDING OFFICER (Mr. BRYAN). Is there further debate?

Mr. NUNN. Mr. President, again I say to the Senator from California, Senator FEINSTEIN, as I said to Senator BOXER, that I understand very well—and I know the Senator from South Carolina understands very well, also, because he knows how important the defense conversion funds are to California.

I also understand how diligently Senator FEINSTEIN and Senator BOXER are working to help those industries and those individuals that are affected, as well as the communities that are affected by the defense drawdown.

This amendment, I think, is a good amendment. It would emphasize that we intend, it is the sense of the Senate the conversion funds should serve to relieve distress in the areas of the country that are most adversely affected. It also provides certain considerations for small business that are important.

So I congratulate the Senator from California. I urge adoption of the amendment.

Mr. THURMOND. Mr. President, I rise to support the amendment offered by my colleague, Senator FEINSTEIN from California. As she pointed out in her statement introducing her similar legislation in May, defense conversion and economic adjustment programs should have the effect of relieving distress caused by defense cutbacks and base closures. My State of South Carolina will be hit very hard by base closures in the Charleston area, and we must ensure that such communities receive all the assistance they need and deserve. The men and women who have devoted the greater part of their working lives to supporting our national defense depend on us to provide them with an adequate transition into the post-cold-war economy. I urge Senators to support this amendment.

The PRESIDING OFFICER. The Chair hearing no further debate, the question is on agreeing to the amendment of the Senator from California.

The amendment (No. 795) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 796

(Purpose: To require the Secretary of Defense to prescribe regulations governing Economy Act purchases by the Department of Defense.

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. COHEN, proposes an amendment numbered 796.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 190, after line 24, insert the following:

SEC. 825. DEPARTMENT OF DEFENSE PURCHASES THROUGH OTHER AGENCIES.

(a) REGULATIONS REQUIRED.—Not later then six months after the date of the enactment of this Act, the Secretary of Defense shall issue regulations governing the exercise by the Department of Defense of the authority under section 1535 of title 31, United States Code, to purchase goods and services under contracts entered into or administered by another agency.

(b) CONTENT OF REGULATIONS.—The regulations issued pursuant to subsection (a) shall—

(1) require that each purchase described in subsection (a) be approved in advance by a warranted contracting officer of the Department of Defense with authority to contract for the goods or services to be purchased or by another official in a position specifically designated by regulation to approve such purchase;

(2) provide that such a purchase of goods or services may be made only if—

(A) the purchase is appropriately made under a contract that the agency filling the purchase order entered into, before the purchase order, in order to meet the requirements of such agency for the same or similar goods or services;

(B) the agency filling the purchase order is better qualified to enter into or administer the contract for such goods or services by reason of capabilities or expertise that is not available within the Department.

(C) the agency or unit filling the order is specifically authorized by law or regulations to purchase such goods or services on behalf of other agencies; or

(D) the purchase is authorized by an Executive order or a revision to the Federal Acquisition Regulation setting forth specific additional circumstances in which purchases referred to in subsection (a) are authorized;

(3) prohibit any such purchase under a contract or other agreement entered into or administered by an agency not covered by the provisions of chapter 137 of title 10, United States Code, or title III of the Federal Property and Administrative Services Act of 1949 and not covered by the Federal Acquisition Regulation unless the purchase is approved in advance by the Senior Acquisition Executive responsible for purchasing by the ordering agency or unit; and

(4) prohibit any payment to the agency filling a purchase order of any fee that exceeds the actual cost or, if the actual cost is not known, the estimated cost of entering into and administering the contract or other agreement under which the order is filled.

(c) MONITORING SYSTEM REQUIRED.—The Secretary of Defense shall ensure that, not later than one year after the date of enactment of this Act, systems of the Department of Defense for collecting and evaluating procurement data are capable of collecting and evaluating appropriate data on procurements conducted under the regulations issued pursuant to paragraph (a).

(d) TERMINATION.—This section shall cease to be effective one year after the date on which final regulations issued pursuant to subsection (a) take effect.

Mr. LEVIN. Mr. President, on July 30, the Subcommittee on Oversight of Government Management, which I chair and on which Senator COHEN is the ranking Republican, held a hearing on the practice of contract off-loading at Federal agencies. Contract off-loads are interagency purchases which occur when one agency buys goods or services through a second agency, under a contract administered by the second agency.

We learned that the abuse and misuse of contract off-load costs the taxpayers hundreds of millions of dollars every year.

Contract off-loads, which are intended to help agencies save money by using the expertise of other agencies or consolidating similar requirements in a single contract, are abused and misused to avoid competition. They are abused and misused to spend expiring funds before they revert to the Treasury. They are abused and misused to avoid audits in contract oversights. All too often, such off-loads result in sole source contracts with favored contractors for which agencies escape management responsibility.

Let me describe a typical case.

In 1991, the Department of Defense's nonacoustic antisubmarine warfare office decided that it needed outside expertise. Instead of competing the contract for it, the office entered into an interagency agreement with the Tennessee Valley Authority. You heard it right: the Tennessee Valley Authority.

The TVA then entered into an agreement with a company called ESG, Inc., a tiny company made up of just a handful of employees that did none of the required research themselves and had no capability to do it. ESG then subcontracted 96 percent of the work on a sole source basis to the subcontractor selected by the antisubmarine warfare office. That was pure subterfuge at the expense of the taxpayers. The Tennessee Valley Authority had no expertise in the area of antisubmarine warfare.

The DOD inspector general found that the antisubmarine warfare office off-loaded the project to TVA—in effect, it used TVA as the funnel—for one purpose only: To "quickly obligate funds and obtain the support of a specific contractor, without having to advertise or compete the program."

What was the result of that off-load? According to the DOD inspector general, neither the DOD nor TVA was able to document any formal approvals of work performed or costs incurred by that contractor, ESG. ESG was paid without providing such basic information such as names, position, rates, number of hours worked by employees. Its subcontractors were paid without even submitting invoices.

As a result, the inspector general found that the Department of Defense paid inflated billing rates, paid costs which should have been allocated to other projects, and paid fees for unallowable items like liquor and travel on corporate jets. The inspector general found that the added cost to the taxpayer could be as much as $2.8 million on an $18 million program. That does not include the half million dollars that ESG charged for its management services, or the $1 million "brokering fee"—brokering fee—that TVA raked off the top for doing nothing but being used as a funnel.

The story gets worse. As a result of an earlier DOD inspector general investigation of off-loading to TVA, the Undersecretary of Defense for acquisition ordered all commands to "stop paying other agencies to execute contracting functions that we should be performing ourselves."

The antisubmarine warfare office ignored that directive. It continued to send money to TVA and ESG. It took a second inspector general investigation before the antisubmarine warfare office stopped sending money to TVA.

But then the office used a new subterfuge to continue the off-load. Instead of terminating the agreement with TVA and ESG, the antisubmarine office redirected the funds to the National Oceanic and Atmospheric Administration, NOAA, which turned around and—you guessed it—off-loaded the money to TVA and to ESG. The documents sending that money to NOAA expressly state that "funds may not be redirected. The acceptor must be the performer." But NOAA, at the request of that same antisubmarine warfare office, sent that money to TVA and ESG anyway. And as a result of the deception, the antisubmarine warfare office was able to send an additional $3.3 million in DOD funds to TVA and ESG, despite two inspector general reviews condemning the practice. This case is not unique. For every abuse in that office, we have inspector general reports documenting a dozen more cases equally as bad.

For example:

> We have the Army Missile Command placing a $750,000 order for independent verification of test program sets through DOE, which the IG found was done so the Army could continue its sole-source relationship with a company whose Army contract had not been renewed.
>
> We have the very same command trying to purchase computer software for inventory item managers through a DOE laboratory and several layers of subcontractors—a procurement so badly botched that the command eventually had to terminate DOE, the contractor and two levels of subcontractors, and re-award the project to a local small business, to get the work done right.

We have the Army Tank and Automotive Command buying $750,000 of tank kits through NASA's Jet Propulsion Laboratory, which the IG found was done for the purpose obtaining the services of a specific contractor on a sole-source basis.

We have the Navy Ship Systems Engineering Station sending $32 million to TVA for ship modernization systems, in an apparent effort to obligate expiring funds that otherwise have been returned to the Treasury at the end of the fiscal year.

We have the Marine Corps sending more than $10 million to the Department of Transportation for logistics and computer support systems, holding on to expiring funds that could not otherwise have been spent after the end of the fiscal year.

We have an Air Force Wing spending $1 million on a gas utility vehicle, hand-held walkie-talkies, asbestos removal, design of a machine gun range, and brush-clearing services from TVA, which the IG found was done so that it would spend expiring year-end funds.

We have the Air Force Air Mobility Command sending $16 million to TVA to contract on a sole basis for the development of an audiovisual inventory control system, support for equipment management, and support for fasteners, connectors and tools modeling, augmentation of a computer local area network, and development of an underground storage tank proposal.

Here is what one Army memorandum has to say about the abuse and misuse of contract off-loads:

> Unauthorized and ill-considered offloading of Army acquisition requirements to other agencies, particularly to agencies not subject to the Federal Acquisition Regulation and the Competition in Contracting Act (CICA) (thus circumventing the competition requirements of CICA), are actions clearly contrary to policy and regulation. They cost the Army millions of dollars in fees for performance of a function (contracting) that we already pay a highly trained, professional staff to perform properly.

Many contractors are well aware that off-loading can be used to circumvent procurement laws and regulations, and turn this loophole to their own advantage. In unsolicited testimony submitted to the subcommittee, one contractor described how it was able to capitalize on off-loads through the DOE laboratories to obtain sole-source contracts from DOD. The testimony states:

> I became aware of a procurement process where one branch of the government sends money to another branch of the government to procure desired goods and services. An executive of another company explained to me how it worked and of course, assured me that it was totally above board and legal. All I had to do was find a customer in DOD that wanted my services. I would then arrange to have Martin Marietta Energy Systems (Martin) go with me to brief the customer on how to obtain my services through an interagency transfer of monies to the Department of Energy, Oak Ridge National Laboratory in Oak Ridge, Tennessee. . . . As DOE's agent, Martin would administer the money from my customer and make the procurement. For Martin's procurement services they would receive 20% off the top.

This contractor, who subsequently became disillusioned with the process, adds:

> It is my belief that the transferring of the procurement responsibility in the [DOE] "Work for Others Program" is at least unethical and perhaps illegal. The sole purpose for the program's existence is to circumvent the DOD procurement process. . . . It is a program of technological welfare that does not serve any national interest.

In all, we have documented more than $100 million of improper off-loading through the TVA; almost $100 million of improper off-loading through a single DOE laboratory; more than $10 million in improper off-loading through NASA's Jet Propulsion Laboratory; and more than $50 million in questionable off-loading through the Department of Transportation's Volpe Research Center.

There are billions of dollars in other off-loads that have not even been analyzed to see whether they have been subject to similar abuses. The DOD IG found that DOD alone is making more than $3 billion in off-loaded contracts every year. And this may be just the tip of the iceberg, because DOD has consistently refused to institute any system for tracking off-loads—and because DOD is far from the only agency that improperly off-loads contracts.

As a result of our subcommittee hearing, DOD promised to take steps to prevent future abuses. Unfortunately, however, such promises have been made in the past, with little apparent effect.

In a hearing before the Senate Governmental Affairs Committee 4 years ago, the DOD inspector general revealed that DOD had improperly off-loaded $80 million of contracts through the Library of Congress. That is right, the Libraryof Congress. DOD officials were sending millions of dollars of taxpayer money to the Library of Congress to purchase goods and services for them.

As a result of that hearing, and the Inspector General's report, the Department of Defense and each of the three military services promised to address the problem and make sure that it couldn't happen again.

Well, it has happened again, and again, and again. It has happened again through the TVA; it has happened again through the DOE laboratories; it has happened again through NASA; and it has happened again through the Department of Transportation.

The time has come for more direct action. The Economy Act—the basic statute which authorizes contract off-loads—provides absolutely no guidance as to when an off-load is in the best interest of the government. Well, let me tell you—it is not in the best interest of the government to avoid competition and place a contract with a favored contractor on a sole-source basis. It is not in the best interest of the government to spend expiring year-end funds as quickly as possible, to avoid having to return them to the Treasury. And it is not in the best interest of the government to duck responsibility for contract management and allow contractors to spend taxpayer money as they please.

We need clear, strong guidance on this point, and we need it now—before we send hundreds of millions more taxpayer dollars down the bottomless pit of improper contract off-loads. The amendment that I am proposing, with Senator COHEN as a co-sponsor, would require the Department of Defense to stop improper off-loads.

Under our amendment, DOD would be permitted to off-load contracts to other agencies only in specific circumstances—described by the Department at our hearings—where such off-loads are appropriate. These circumstances are where: (1) the other agency is purchasing similar goods or services for itself, and it makes sense to consolidate the purchases; (2) the other agency has unique capabilities or expertise, not otherwise available to the ordering agency or unit; or (3) the other agency is specifically authorized to make purchases on behalf of other agencies. The amendment would authorize off-loads in additional circumstances, in the event of the issuance of an Executive Order or a revision to the Federal Acquisition Regulation setting forth specific additional circumstances in which such purchases are appropriate.

Under the amendment, any off-load would have to be approved in advance by a contracting officer or other official specifically authorized by regulation to approve such purchases. Contracting officer approval is already required by regulation, but only 10 of 502 acquisitions reviewed by the DOD IG complied with the requirement. The amendment gives DOD flexibility to authorize higher-ranking procurement officials to approve off-loads in appropriate circumstances. As under the current rules, however, such approvals should be in the hands of procurement officials, and not program officials.

In addition to requiring new guidance and contracting officer approval of off-loads, our amendment would—

Prohibit DOD from off-loading contracts to agencies that are not covered by the Competition in Contracting Act and the Federal Acquisition Regulation, without prior approval by a Senior Acquisition Executive. There is absolutely no good reason for DOD to make purchases through agencies like TVA and the Library of Congress, and it has got to stop.

Prohibit the payment of any fee to the agency or unit to fill the order in excess of the actual or estimated cost of entering into and administering the contract. This provision would put an end to the practice by which some agencies charge a premium to help other agencies break their own procurement rules.

Require DOD to establish a system to track contract off-loads, so that we will know how many such agreements are entered, with whom, and by which commands within DOD. Appropriate data on contract off-loads would include, at a minimum, the number and value of off-loads, the identity of both the ordering agencies and the agencies filling the orders. This kind of information is essential if we are going to prevent future abuses. Despite repeated recommendations by the DOD IG, however, the Pentagon has refused to institute a tracking system, taking the position that what it doesn't know can't hurt it.

Although the amendment would address only off-loads from DOD to other agencies, there have been similar abuses of off-loads between DOD components. For example, in the early 1990's, when the Army Training Directorate bought $24 million of instrumentation systems for its combat training centers through the Marine Corps, for the apparent purpose of giving the project to a favored company which employed the spouses of two Army program officials. The amendment would not address these intra-DOD off-loads, because steps are already being taken to address these abuses, and because the Department needs flexibility to assign procurement responsibility among its components. However, we will be watching closely to make sure that the abuses we have seen in this area do not recur.

Finally, because we do not want to tie DOD's hands and limit regulatory flexibility in perpetuity, the amendment would cease to be effective one year after the date on which final implementing regulations become effective. The provision is drafted this way to permit appropriate changes to the regulation as the procurement system evolves in the years to come. This expiration date is not intended to authorize—and we would not tolerate—the withdrawal of the required regulations after the one-year period elapses.

Under this amendment, the DOD will be permitted to off-load contracts to other agencies only in specific circumstances as described by the Department at our hearings where off-loads loads are appropriate. Under the amendment, we are going to stop the inappropriate, wrongful funneling of money through other agencies to avoid competition, for hurry-up spending, to avoid competition in contracting, to avoid audits. We are taking a series of steps to put an end to those practices. They are shocking practices. It is a complicated, complex, technical subject.

The word "off-loading" will cause most eyes to glaze over in this body. I took months to figure out what off-loading really was. What it really is is the application of responsibility by our agencies to contract competitively for the services and products that they need, and by subterfuge, to use other agencies, with whom no competition is required, to funnel the money, frequently to favored contractors, in order to get goods and services without competition and in violation of requirements relative to year-end spending.

Mr. President, again, I thank the Chair. I thank my friends who worked long and hard today. It was a long day. I am sorry I took this 10 minutes, but this is a very significant wrong that is going on, and not just at DOD, but at a number of agencies that contract. We have to put an end to it. I thank Senators NUNN and THURMOND for helping with this amendment and to approve it as they have. I also thank Senator COHEN for cosponsoring this amendment.

Mr. NUNN. Mr. President, I congratulate the Senator from Michigan not only for this amendment but for his leadership in the whole defense area. Particularly, he zeroed in on the procurement process more than anybody on our committee, and I think more than anyone in the Congress. So I have tremendous respect for him, both in his capacity on the Defense Committee and Governmental Affairs Committee, where he works on procurement.

I am in favor of the amendment. There are abuses going on, and the Senator from Michigan is exactly right on that. Those abuses are not acceptable and must be curbed. These abuses are not confined, as he said, to the Department of Defense but also to other agencies. I want to add one word, though, and that is that the reason we have these abuses—and again there is no excuse for them—but the reason we have them is because the agencies, including but not limited to DOD, are simply overwhelmed with procurement requirements and regulations. It is just overwhelming, the combination of all of the things we do in the Congress, and that they do at the DOD level in terms of directors and what causes this moving around and maneuvering between agencies, is to avoid some of the rules and regulations that have made so cumbersome over the years, so that the procurement system takes forever to get anything done. The longer you take on procurement, the more bureaucracy and rules and regulations you have, and the more its costs.

So what we have are an awful lot of rules, regulations, laws and DOD directives that have all been well-meaning. Each one is designed to cure one problem here and one problem there. All of them had their purpose. Yet, when you accumulate them, total them, it is my view that all of the abuses they were aimed to cure—if you summarized all of those and added up the dollar marks, it would probably not be as much as the total cumulative burden of the regulations we have.

So in agreeing to this amendment, I would like to put down a marker that I believe most of my colleagues on the Armed Services Committee at least would agree with: We have to simplify the procurement rules and regulations. We have to change the acquisition system. We have to make it more like the commercial sector. If we do not, we are going to continue to have the abuses, because people are really, in effect, trying to work around the system. I urge support of the amendment.

Mr. LEVIN. If I could ask the Senator from Georgia just to yield for 1 minute. I think he is correct that there are many instances where it is the complication, the complexity of regulations which cause contract officers to try to evade them. However, that does not justify it, as my friend from Georgia aptly pointed out. And in any event, there is a significant percentage of this offloading which goes on for reasons which cannot be explained by the complexity of regulations.

So in many cases, indeed, the complexity which my friend from Georgia points out does explain that frustration on the part of people who are trying to get things done and to take short cuts. It does not justify it, but it does explain it in some instances. But in other instances we have had pointed out at our hearings with witnesses that there is not even that rationale for the subterfuge that goes on in so much of our contracts.

This amendment will address it in the Department of Defense and we will try to do it in other agencies as well, and work on some of the complex regulations which are needless, which in fact do frustrate so many of our contracting officers.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I favor this amendment and wish to commend my distinguished colleagues, Senators COHEN and LEVIN, for conducting the investigative hearings that have brought to light abuses with the use by the Department of Defense of other Federal agencies to enter into contracts for goods and services for the Department. Such practices have enabled offices within the Defense Department to avoid, among other things, competition requirements and restrictions on the expenditure of funds at the end of a fiscal year.

The amendment offered by Senators COHEN and LEVIN would require the Department of Defense to issue regulations governing the use of other Federal agencies for purchasing goods and services. This legislation will not change permanent law and will sunset once the required regulations are issued. It is an excellent model for how such problems should be addressed by Congress. I urge the adoption of the amendment.

The PRESIDING OFFICER. The Chair hearing no further debate, the question is on agreeing to the amendment of the Senator from Michigan.

The amendment (No. 796) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NUNN. Mr. President, earlier in the day, the Senator from South Carolina wisely suggested that the number of amendments had to be limited at some point and that we should basically get a list of the amendments from both Democrats and Republicans and let us say these are all the amendments that will be eligible.

We have discussed this, both of us have, with our respective leaders, the minority leader and the majority leader, and on behalf of the majority leader, I ask unanimous consent that the list of amendments at the desk, which are both Democrat and Republican amendments, all we know about, be the only amendments remaining in order to the DOD authorization bill; that they be subject to the relevant second-degree amendments; that upon disposition of the amendments remaining in order to the bill, the bill be read a third time and, without any intervening action or debate, the Senate proceed to final passage on S. 1298.

The PRESIDING OFFICER. Is there objection?

Mr. THURMOND. Mr. President, I concur with the request of the distinguished chairman of the committee and I favor that action.

The PRESIDING OFFICER. Without objection, the unanimous-consent agreement propounded by the Senator from Georgia is agreed to.

Mr. NUNN. Mr. President, lest anyone think we have a small list and they might have been left out, we have a total of 123 amendments that are at the desk. So I am not sure anyone has been left out. That is more than one amendment per person here in this body.

We hope to be able to agree to a number of the amendments. We hope a number of the amendments will await another bill, because some of them do not relate to the military at all and are not relevant to this bill.

So it is my hope that we will clear away some of this by around noon tomorrow. It is still my view that we can pass this bill tomorrow night. I do think everyone ought to be prepared to be here late in the afternoon and in the evening. I would put all Senators on notice to that effect.

I know that the Senator from South Carolina has put in a very full day and I assure him that only the amendments agreed to on both sides will be agreed to and I will see him tomorrow morning.

There being no objection, the list of amendments was ordered to be printed in the RECORD, as follows:

REPUBLICAN AMENDMENTS TO DOD AUTHORIZATIONS

Grassley—Advanced procurement.
Grassley—Anti-deficiency Act.
Grassley—C-17.
Grassley—Defense Business Operations Fund.
Helms—Relevant.
McCain—Maritime Administration.
McCain—Israel.
McCain—Iran-Iraq Nonproliferation.
McCain—Reports.
McCain—Def. Expenditures.
Lott—Delay of 95 BRAC.
Lott—SOS Naval Oceanography.
Gramm—Relevant.
Warner—Drug Rehabilitation.
Roth—NATO.
Roth—Defense Acquisition Reform.
Chafee—Navy Compliance with MARPOL.
Stevens—Procurement.
Stevens—Advisory Commission.
Coverdell—Veterans.
Smith—SGLI.
Smith—Food Distribution.
Smith—Navy Medal.
Mack—Re: Military Health Care.
Burns—Ft. Missoula.
Burns—Minute Man 3.
Cohen—C-17.
Kempthorne—Nominee Restrictions.
Wallop—DOE Tech. Transfer.
Hatch—Personal Property/BRAC.
Warner—Ship Navigation.
Warner—MPS.
Warner—Land Conveyance.
Warner—Yosemite.
Warner—Relevant.
Warner—Relevant.
Murkowski—Medical Study
Domenici—Jupiter Simulator.
Domenici—SSTO.
Domenici—DFAS.
Domenici—Nuclear Weapons Report.
Danforth—Troops to Teachers.
Danforth—Counter Proliferation.
Chafee—POW's in Arlington.
Warner—Counter-Prolif.
Warner—Joint Simulation Center
Warner—Relocate AFSC.
Brown—Environmental Compliance.
Brown—C-130.
Dole—MRE's.
Dole—UN Troops.
Dole—MFEL-Burn.
Dole—Guard Technicians.
Dole—Envir. Ed.
Dole—Relevant.
Thurmond—Veterans Awards.
Thurmond—Relevant.
Hutchison—Operational Support Aircraft.

DEMOCRATIC AMENDMENTS TO DOD AUTHORIZATION

Nunn: (1) Relevant, (2) Relevant.

Riegle: (1) Chemical Weapons Gulf War, (2) Base closing.

Harkin: (1) Nuclear testing, (2) Nuclear testing, (3) Anti satellite.

Boxer: (1) Conversion clearing house, (2) base personnel training for cleanup.

Akaka: Sense of Senate leave for military members.

Robb: (1) Ship transfer, (2) Competitive procurement.

Glenn: (1) Relevant.

Breaux: (1) Vessel charters.

DeConcini: (1) Transfer funds from DoD to HHS, (2) Nuclear test evaluation, (3) Commercial use test facilities.

Exon: Relevant.

Metzenbaum: Relevant.

Reid: (1) No funds for Ground Waves (GWEN project), (2) Prohibit military at Duck Valley Reservation, (3) Low overflights over Nevada, (4) Relevant, (5) Relevant.

Bingaman: (1) Waste Isolation Pilot,(2) ARPA Pilot program, (3) Missile proliferation, (4) Strike export loan guarantees.

Lautenberg: Burden sharing.

Kennedy: (1) Humanitarian land mines, (2) C–17 live fire testing.

Levin: (1) Defense contract off-loading, (2) Base closure, (3) Serbian sanctions, (4) Residual values, (5) Army modernization, (6) Army modernization, (7) Homosexuals, (8) Peacekeeping report.

Bryan: Credit Unions federal buildings.

Graham: (1) Military and maritime prepositioning, (2) Defense technology reinvestment projects, (3) Ft. Lauderdale Navy land/airport transfer, (4) Contractor dealings with military installations on BRAC list, (5) Youth Corp Academy at Orlando.

Moynihan: Intelligence budget.

Bumpers: SDI.

Pryor: (1) Defense conversion, (2) Recruiting.

Feingold/Kohl: Terminate Navy ELF operation.

Leahy: (1) B2, (2) Land Mines.

Wellstone: (1) Relevant, (2) Relevant.

Feinstein: (1) Defense conversion; Feinstein (with Lott): (2) Base Closure.

Dorgan: (1) Sense of Senate relocating research personnel.

Baucus/Chafee: Marine plastics.

Johnston: (1) National Labs, (2) National Labs, (3) Environmental cleanup, (4) DOE Employment Rules (Conflict of Interest), (5) Defense Nuclear Waste.

Simon: (1) Corp Engineers, (2) Corp Engineers.

Mitchell: (1) Relevant, (2) Relevant, (3) Relevant.

AMENDMENT NO. 797

Mr. NUNN. Mr. President, on behalf of Senators Robb and Warner, I propose an amendment to authorize the Secretary of the Navy to transfer the obsolete destroyer tender *Yosemite* to a nonprofit organization called Ships at Sea. This organization proposes also to use this vessel as part of a program of drug education and drug rehabilitation. The Secretary of the Navy would be allowed to prescribe the terms and conditions under which this vessel would be transferred.

Mr. President, I send the amendment to the desk and urge its adoption.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. Nunn], for Mr. Robb (for himself and Mr. Warner) proposes an amendment numbered 797.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

SEC. . TRANSFER OF OBSOLETE DESTROYER TENDER YOSEMITE.

(a) Authority.—Notwithstanding subsections (a) and (c) of section 7308 of title 10, United States Code, but subject to subsection (b) of that section, the Secretary of the Navy may transfer the obsolete destroyer tender Yosemite to the nonprofit organization Ships at Sea for education and drug rehabilitation purposes.

(b) Limitations.—The transfer authorized by subsection (a) may be made only if the Secretary determines that the vessel Yosemite is of no further use to the United States for national security purposes.

(c) Terms and Conditions.—The Secretary may require such terms and conditions in connection with the transfer authorized by this section as the Secretary considers appropriate.

The PRESIDING OFFICER. If there is no further debate, without objection the amendment is agreed to.

The amendment (No. 797) was agreed.

AMENDMENT NO 798

Mr. NUNN. Mr. President, I send another amendment to the desk on behalf of Senator Warner and Senator Robb.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. Nunn], for Mr. Warner and Mr. Robb, proposes an amendment numbered 798.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

SEC. . Notwithstanding any other provision of law, none of the funds authorized for appropriations in fiscal years 1994, 1993, and 1992 for the Navy shall be obligated or expended for the procurement of ring laser gyro navigation systems for surface ships under a sole source contract.

Mr. NUNN. Mr. President, on behalf of Senators Robb and Warner, I offer an amendment to prohibit the Navy from awarding any sole source contracts to purchase surface ship navigation systems including ring laser gyroscope inertial measurement units. The Navy and the contractors will be ready for a free and open competition for such systems in fiscal year 1994. The Navy should not be permitted to take any sole source procurement action in the mean time that could tend to prejudice that competition. Therefore, Mr. President, I urge that the Senate adopt this amendment.

Mr. WARNER. Mr. President, it is my understanding that the U.S. Navy intends to award a sole source procurement contract for the acquisition of ring laser gyro navigation systems for DDG–51 guided missile destroyers authorized in the fiscal year 1993 budget. Such action would represent a sole source procurement for a system which is still in the developmental stage.

To date, the Navy has been procuring a WSN–5 spinning mass navigation system for surface ships currently under contract. This amendment will enable the Navy to continue to procure spinning mass navigation systems for these ships. It will, however, prohibit the Navy from spending appropriated dollars in fiscal years 1992 through 1994 for the procurement of an untested ring laser gyro navigation system under a sole source procurement.

The Navy has stated that it does have a requirement to upgrade the current navigation system on surface ships and submarines with a more reliable and capable system. I believe it is in the best interests of the Navy and in keeping with standard Department of Defense procurement practices, that the Navy hold a full and open competition for a procurement of a new system such as the ring laser gyro. Competition will ensure that the Navy gets the most capable system at the most competitive price. It will also eliminate the possibility that the Navy will procure limited numbers of a RLG set under a sole source contract and incur an enduring logistics support requirement for a system that may not survive the subsequent competition.

In the interests of fairness and cost effective procurement, I strongly encourage my colleagues to adopt this amendment.

The PRESIDING OFFICER. Without objection, the amendment offered on behalf of Senators Warner and Robb is agreed to.

The amendment (No. 798) was agreed to.

AMENDMENT NO. 799

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of myself and the distinguished Senator from Michigan, Mr. Levin, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. Warner], for himself and Mr. Levin, proposes an amendment numbered 799.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the appropriate point in the bill, add the following new section:

Sec. . Authority to reprogram funds for the Close Combat Tactical Trainer Quickstart Program. Subject to existing reprogramming procedures, the Secretary of the Army is authorized to reprogram funds in fiscal year 1994 to procure long lead component hardware items to accelerate the

Close Combat Tactical Trainer Quickstart program.

Mr. WARNER. Mr. President, not all of the works of the Senate qualify as major issues. This amendment deals with a little issue, but it represents a chance to save $18 million.

The Army is developing a new generation of simulators to train combat forces called the Close Combat Tactical Trainers. The Army has been on the forefront of simulation technology. These simulators permit realistic training of combat units at a fraction of the cost of expensive field maneuvers.

The Army developed a plan to accelerate the fielding of these simulators in order to lower operating costs. The contract they negotiated anticipated this accelerated program. If the Army could initiate procurement in fiscal year 1994, it could save $18 million on the first two production lots. Unfortunately, the Army didn't negotiate this favorable contract until after the fiscal year 1994 budget was submitted.

The Army is prepared to find the funds to initiate this procurement, but they need reprogramming authority to do so. Defense Department rules prohibit starting a new program through a reprogramming, or to spend funds for long lead items in other procurement accounts.

My amendment would authorize the Army for this program to reprogram funds to initiate long-lead procurement in fiscal year 1994. This amendment doesn't provide any additional funds to the Army. It merely authorizes them to reprogram funds from other programs. The Army would have to comply with all existing reprogramming procedures, however.

Mr. LEVIN. Mr. President, this is a excellent amendment. The subcommittee I chair has taken the lead in promoting simulation technology. Two years back we encouraged the Army to initiate this so-called Quickstart program in order to get these simulators into the field faster. The Army is prepared to do that. This amendment doesn't provide more money. It does authorize the Army to prioritize its programs and take advantage of the favorable contract.

I am pleased to support this amendment and urge my colleagues to adopt it.

Mr. WARNER. This amendment is cleared on both sides, Mr. President.

The PRESIDING OFFICER. The Chair, hearing no further debate, without objection, the amendment offered by Senator WARNER is agreed to.

The amendment (No. 799) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider en bloc all the amendments that have been adopted in the last few moments, and I move to table those motions en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 800

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the Senator from Arizona, Mr. McCAIN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. McCAIN, proposes an amendment numbered 800.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following section:

SEC. . TRANSPORTATION OF CARGOES BY WATER.—Chapter 157 of title 10, United States Code, is amended by inserting a new section 2631a, as follows:

"2631a. Contingency planning

"(a) CONSIDERATION OF PRIVATE CAPABILITIES.—The Secretary of Defense shall ensure that all studies and reports of the Department of Defense, and all actions taken in the Department of Defense, concerning sealift and related intermodal transportation requirements take into consideration the full range of the transportation and distribution capabilities that are available from operators of privately owned United States flag merchant vessels.

"(b) PRIVATE CAPACITIES PRESENTATIONS.—The Secretary shall afford each operator of a vessel referred to in subsection (a), not less often than annually, an opportunity to present to the Department of Defense information on its port-to-port and intermodal transportation capacities.

"(c) CERTIFICATION REQUIREMENT.—The Secretary shall submit to the Secretary of Transportation, not less often than annually, a certification of compliance with the requirements of subsection (b)."

Mr. McCAIN. Mr. President, my amendment deals with our rapidly disappearing U.S.-flag merchant marine fleet. The facts are simple: the number of merchant ships operating under U.S. registry has been in a steady decline for the past several decades. If the trend is allowed to continue, we will soon witness the virtual extinction of U.S.-flag vessels operating in foreign trade.

Mr. President, I wish to acknowledge the concern that other Members have expressed for this increasingly serious situation. Senator BREAUX, the distinguished chairman of the Merchant Marine Subcommittee, and Senator LOTT, the distinguished ranking member of that subcommittee, are well aware of the problem and have recently held hearings to explore potential solutions. Their counterparts on the House Merchant Marine and Fisheries subcommittee have been similarly engaged. I know they are all working diligently to find an answer.

My amendment, therefore, is aimed only at areas that are clearly within the purview of the Armed Services Committee. It provides for the following:

First, it requires the Secretary of Defense to ensure that all studies and actions taken within the Department that concern sealift take into consideration the full range of the transportation and distribution capabilities that the operators of privately owned U.S.-flag merchant vessels can provide.

Second, it affords each operator an opportunity to present to the Department of Defense at least annually information on its port-to-port and intermodal transportation capabilities.

Third, it requires the Secretary of Defense to formally report to the Secretary of Transportation at least annually that he has afforded the operators the opportunity to make these presentations on their capabilities.

Mr. President, this amendment will make no sweeping changes in our Nation's maritime policy—that task will be left to the Commerce committees and their respective subcommittees. I only hope to send a clear signal to those few remaining operators of U.S.-flag merchant vessels that we recognize the importance of their contribution to our national security, and that we are prepared to work with them to ensure their viability operating under U.S. registry with U.S. crew members.

Mr. WARNER. This amendment has been agreed to on both sides.

Mr. NUNN. Mr. President, I urge the adoption of this amendment.

The PRESIDING OFFICER. The Chair, hearing no further debate, without objection, the amendment offered on behalf of the Senator from Arizona [Mr. McCAIN] is agreed to.

The amendment (No. 800) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 801

(Purpose: To provide for a land conveyance, Charleston, South Carolina)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the distinguished Senator from South Carolina [Mr. THURMOND].

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. THURMOND, proposes an amendment numbered 801.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered

The amendment is as follows:

On page 353, between lines 4 and 5, insert the following:

SEC. 2842. LAND CONVEYANCE, CHARLESTON, SOUTH CAROLINA.

(a) IN GENERAL.—The Secretary of the Navy may convey to the Division of Public

Railways, South Carolina Department of Commerce (in this section referred to as the "Railway") all right, title and interest of the United States in and to a parcel of real property consisting of approximately 10.9 acres and comprising a portion of the Charleston Naval Weapons Station South Annex, North Charleston, South Carolina.

(b) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a) the Railway shall pay to the United States on amount equal to the fair market value of the property as determined by the Secretary.

(c) USE OF PROCEEDS.—The Secretary may use the proceeds received from the sale of property authorized by this section to pay for the cost of any environmental restoration of the property being conveyed. Any proceeds which remain after any necessary environmental restoration has been completed shall be deposited in the special account established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the Railway.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) as the Secretary considers to be necessary to protect the interests of the United States.

Mr. THURMOND. Mr. President, the amendment I am introducing will authorize the Navy to convey to the division of public railways, South Carolina Department of Commerce approximately 11 acres including the railroad equipment maintenance facility known as the Roundhouse located in North Charleston, SC. The property will be conveyed at a fair market value of $500,000.

Mr. President this property is excess to the Navy and has not been used since it was damaged by Hurricane Hugo in 1989. The Navy has no plans to repair the facility nor is there any other use contemplated.

The division of public railways, which provides rail service for the Port of Charleston, owns property adjacent to the Navy property. It will repair the facility and use it as its equipment maintenance facility.

Mr. President, this is a good government provision. It requires the payment at fair market value. It will result in putting derelict property back into business. Most importantly, it will assist in the economic recovery of the Charleston community which is being devastated by the closure of the Charleston Navy Base.

Mr. President, I urge my colleagues to support this amendment.

Mr. WARNER. Mr. President, this has been cleared on both sides.

Mr. NUNN. Mr. President, this amendment provides an expedited conveyance of fair market value of approximately 11 acres of property developed in the railyard of the naval weapons station to the division of public railways, South Carolina Department of Commerce. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment offered on behalf of the Senator from South Carolina, Senator THURMOND, is agreed to.

The amendment (No. 801) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 802

(Purpose: To authorize the Advanced Research Projects Agency to carry out certain pilot demonstration projects and prototype projects)

Mr. NUNN. Mr. President, on behalf of Senator BINGAMAN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. BINGAMAN, proposes an amendment numbered 802.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 190, below line 24, add the following:

SEC. 825. AUTHORITY OF THE ADVANCED RESEARCH PROJECTS AGENCY TO CARRY OUT CERTAIN PILOT DEMONSTRATION PROJECTS AND PROTOTYPE PROJECTS.

(a) AUTHORITY.—The Director of the Advanced Research Projects Agency may, under the authority of section 2371 of title 10, United States Code, carry out pilot technology demonstration projects and prototype projects that are directly relevant to weapons or weapons systems proposed to be acquired or developed by the Department of Defense.

(b) EXERCISE OF AUTHORITY.—(1) Subsections (d)(2) and (d)(3) of such section 2371 shall not apply to pilot projects carried out under subsection (a).

(2) The Director shall, to the maximum extent practicable, utilize competitive procedures when entering into agreements to carry out projects under subsection (a).

(c) PERIOD OF AUTHORITY.—The authority of the Director to carry out projects under subsection (a) shall terminate 3 years after the date of the enactment of this Act.

Mr. BINGAMAN. Mr. President, the amendment which I am offering would allow the Advanced Research Projects Agency to use cooperative agreements authority on a pilot basis to execute some of its defense projects. ARPA already has the authority to use cooperative agreements and others transactions to implement its dual-use projects, where industry contributes its own resources and use of contracts would not be appropriate. Indeed, ARPA expects to utilize that authority extensively to implement the programs under the Technology Reinvestment Project.

My amendment would permit ARPA on a pilot basis over the next 3 years to experiment with use of cooperative agreements in carrying out its purely military research and development projects, to which we should not expect industry to contribute its own resources. Use of this more flexible authority is consistent with the thrust of the National Performance Review which the Vice President submitted to the President yesterday and with the desire for more flexibility in the defense acquisition system. ARPA led the way in use of cooperative agreements for dual-use projects, such as the high-performance computing program. I am sure the agency will make good use of this new authority and urge my colleagues to support this amendment.

Mr. NUNN. This amendment allows ARPA to use the authority in section 2371 of title X, U.S.C. to carry out pilot projects that are directly relevant to weapons or weapons systems. This amendment will allow ARPA to use the cooperative agreements for purely military research as a 3-year test.

The PRESIDING OFFICER. The Chair, hearing no further debate, without objection, the amendment offered on behalf of the Senator from New Mexico [Mr. BINGAMAN] is agreed to.

The amendment (No. 802) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 803

(Purpose: To extend the review of the Waste Isolation Pilot Plant in New Mexico)

Mr. NUNN. Mr. President, I send an amendment on behalf of Senator BINGAMAN and Senator DOMENICI to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. BINGAMAN, for himself and Mr. DOMENICI, proposes an amendment numbered 803.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 413, between lines 18 and 19, insert the following:

SEC. 3139. EXTENSION OF REVIEW OF WASTE ISOLATION PILOT PLANT IN NEW MEXICO.

Section 1433(a) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 2073) is amended in the second sentence by striking out "four additional one-year periods" and inserting in lieu thereof "nine additional one-year period".

Mr. NUNN. This amendment would extend the period of time for four additional 1-year periods in which the Department of Energy may contract with the Environmental Evaluation Group to conduct independent evaluations of the design, construction, and operation of the waste isolation pilot plant in New Mexico.

Mr. BINGAMAN. President, the amendment which I am offering with Senator DOMENICI will extend the contract currently in force between the Secretary of Energy and the New Mexico Institute of Mining and Technology that enables the Environmental Evaluation Group [EEG] to conduct independent reviews and evaluations of the design, construction, and operation of the waste isolation pilot plant [WIPP] in New Mexico.

This contract was first authorized in the 1989 Defense Authorization Act and will expire next year if not extended. This amendment provides for a simple 5-year extension of the contract and is needed to allow the EEG to continue their important work.

Additionally, Public Law 102-597, the WIPP Land Withdrawal Act, enacted into law last year requires the Secretary of the Energy to consult and cooperate with the EEG under the terms of the contract first authorized in 1989. In order for the Secretary to comply with the law and congressional intent, it is necessary to extend this contract.

This amendment has been cleared by the Energy and Natural Resources Committee on both sides of the aisle and by the Armed Services Committee on both sides. My staff has been informed that Tom Grumbly, Assistant Secretary of Energy for Environmental Restoration and Waste Management, has no objection to the amendment.

I urge its adoption.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 803) was agreed to.

Mr, NUNN. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 804

(Purpose: To improve pricing policies for use of major range and test facility installations of the military departments)

Mr, NUNN. Mr. President, on behalf of Senators DECONCINI, DOMENICI, and BINGAMAN I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. DECONCINI, for himself, Mr. DOMENICI, and Mr. BINGAMAN, proposes an amendment numbered 804.

Mr, NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 190, below line 24, add the following:

SEC. 825. IMPROVEMENT OF PRICING POLICIES FOR USE OF MAJOR RANGE AND TEST FACILITY INSTALLATIONS OF THE MILITARY DEPARTMENTS.

(a) IN GENERAL.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2680 the following new section:

"§ 2681. Use of test and evaluation installations by commercial entities

"(a) CONTRACT AUTHORITY.—The Secretary of the military department concerned, in consultation with the Secretary of Defense, may enter into contracts with commercial entities that desire to conduct commercial test and evaluation activities at a Major Range and Test Facility Installation under the jurisdiction of the Secretary.

"(b) TERMINATION OR LIMITATION OF CONTRACT UNDER CERTAIN CIRCUMSTANCES.—A contract entered into under subsection (a) shall contain a provision that the installation commander may terminate, prohibit, or suspend immediately any commercial test or evaluation activity to be conducted at the Major Range and Test Facility Installation under the contract if the installation commander certifies in writing that the test or evaluation activity is or would be detrimental

"(1) to the public health and safety;

"(2) to property (either public or private); or

"(3) to any national security interest or foreign policy interest of the United States.

"(c) CONTRACT PRICE.—A contract entered into under subsection (a) shall include a provision that requires a commercial entity using a Major Range and Test Facility Installation under the contract to reimburse the installation for all direct cost to the United States that areassociated with the test and evaluation activities conducted by the commercial entity under the contract, as determined by the installation commander. In addition, the contract may include a provision that requires the commercial entity to reimburse the installation for such indirect costs related to the use of the installation as the installation commander considers to be appropriate.

"(d) RETENTION OF FUNDS COLLECTED FROM COMMERCIAL USERS.—Amounts collected under subsection (c) from a commercial entity conducting test and evaluation activities at a Major Range and Test Facility Installation shall be credited to the appropriation accounts under which the costs associated with the test and evaluation activities of the commercial entity were incurred.

"(e) REGULATIONS AND LIMITATIONS.—The Secretary of the military department concerned, in consultation with the Secretary of Defense, shall prescribe regulations to carry out this section. The authority of installation commanders under subsections (b) and (c) shall be subject to the authority, direction, and control of the Secretary of the military department concerned.

"(f) DEFINITIONS.—In this section:

"(1) The term 'Major Range and Test Facility Installation' means a test and evaluation installation under the jurisdiction of the Secretary of a military department and designated as such by the Secretary.

"(2) The term 'direct costs' includes the cost of—

"(A) labor, material, facilities, utilities, equipment, supplies, and any other resources damaged or consumed during the test or evaluation activities or maintained for a particular commercial entity; and

"(B) construction specifically performed for the commercial entity to conduct test and evaluation activities.

"(3) The term 'installation commander' means the commander of a Major Range and Test Facility Installation.

"(g) TERMINATION OF AUTHORITY.—The authority provided to the Secretary of a military department by subsection (a) shall terminate on September 30, 1998.

"(h) REPORT.—Not later than January 1, 1999, the Secretary of each military department shall submit to the Secretary of Defense and Congress a report describing the number and purposes of contracts entered into under subsection (a) and evaluating the extent to which the authority under this section is exercised to open Major Range and Test Facility Installations to commercial test and evaluation activities."

"(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2680 the following new item:

"2681. Use of test and evaluation installations by commercial entities.".

Mr. NUNN. Mr. President, this amendment allows test facility commanders to set prices for the commercial use of DOD test facilities. Revenues from commercial use would be retained by the facility to defer costs rather than returned to the Treasury.

This is a more flexible pricing policy which would tend to attract commercial businesses to DOD test facilities. I urge the adoption of the amendment.

Mr. DOMENICI. Mr. President, I rise today to cosponsor the amendment offered by the Senator from Arizona, Senator DECONCINI, on the improvement of pricing policies for use of "major range and test facility installations of the military departments." This amendment will allow the service Secretaries to enter into contracts with commercial entities that desire to conduct commercial test and evaluation activities at major range and test facility installations.

Earlier this year, I introduced a bill to create the Commission for the Study of Dual-Use Application of Facilities and Resources at White Sands Missile Range Act. With the end of the cold war, the demise of communism, and the resurgence of democratic principles across the world, the United States has an opportunity to expand its attention and resources to economic growth and job creation in the American economy.

I had intended to offer my bill as an amendment to the DOD authorization bill. However, the report accompanying the bill contains language that directs the Secretary of Defense to appoint a Commission to study if some of our Nation's defense test centers, laboratories and other acquisition infrastructure could be converted to serving the commercial needs of the country. After engaging in a short colloquy with the distinguished chairman of the Armed Services Committee, and his assurances that WSMR was one of the facilities that could be studied under this section, I decided against offering my amendment.

I believe that the assurances of the chairman, coupled with the DeConcini amendment satisfy my concerns; namely, that DOD installations like WSMR be given the authority to enter into contracts to perform work for private industry.

White Sands is already collaborating with the private sector. For example, White Sands Missile Range's electromagnetic radiation effects facilities are being used to test air bags for Chrysler, Honda, and Nissan. This testing is to ensure that the air bag system will not erroneously deploy due to spurious electromagnetic radiation. White Sands Missile Range's shock and vibration facilities are being used to test shipping crates for Phillips Electronics. Phillips Electronics was experiencing a large failure rate in their electrical transformers after shipping. White Sands Missile Range is subjecting the creates to a series of vibration and shock tests. Finally, White Sands Missile Range's large temperature test facility is being used to test the heating and cooling system in General Electric's trailer-sized magnetic resonance imaging system. I believe that these examples are just the tip of the iceberg of what can be accomplished, Mr. President.

I believe that the amendment that the Senator from Arizona has offered will help facilitate collaboration for all of the major range and tests facility installations, and I am pleased to cosponsor this amendment. I urge my colleagues to support it, and I thank the Senator from Arizona for his fine work in this regard.

Mr. DECONCINI. Mr. President, I rise today to offer an amendment concerning pricing policy at major Department of Defense range and test facilities. I am pleased to be joined in this effort by both of the distinguished Senators from New Mexico, Senator BINGAMAN and Senator DOMENICI.

As you may be aware, Mr. President, the range and test facilities operated and maintained by the Defense Department are unique assets which have been developed and assembled over many years with considerable effort. Land has been set aside and future growth and development adjacent to these ranges has been limited so that the Departments of Defense and Energy are able to effectively develop and test the defense systems which have proven themselves in engagements such as Operation Desert Shield/Desert Storm.

Indeed, this Nation is fortunate that farsighted Government officials—going back to Gen. John Pershing at the turn of this century—recognized the advantages to the Army of having access to a desert test range such as that which has been developed at the Yuma Proving Ground in Yuma, AZ. This is but one example of the importance and uniqueness of these facilities. As we reduce our presence overseas, and as our access to overseas ranges is proscribed, facilities such as the Yuma Proving Ground and others here in the United States become even more important.

However, in an odd twist of fate, current regulations oftentimes limit or otherwise inhibit private U.S. companies from gaining access to these ranges at competitive prices. Often, these companies are forced to utilize similar facilities overseas in order to test a product and ultimately ready it for commercial sale. And, in the current need to reduce DOD infrastructure, there has been discussion of closing or consolidating some of these facilities because they are underutilized. If we do not allow the private sector access to the ranges, and we close them because there is not enough work for them to do, then we force U.S. companies and U.S. jobs overseas. This does not make any sense.

If we in the Congress are serious about putting some muscle behind the much-discussed phrase "defense conversion," then we should seriously examine the feasibility of allowing U.S. private sector companies access to our major DOD range and test facilities when they are not otherwise being used for their original purpose by the Defense Department. This makes a great deal of sense.

My amendment allows the Defense Department to establish pilot programs for the commercial use of major range and test facilities. It also ensures that such programs do not interfere with the regular activities being performed by the Armed Forces. As the Defense budget is further reduced, efforts permitting the utilization of these major range and test facilities by the commercial sector will help maintain these strategic assets at a reduced cost to the Defense Department, and thus the American taxpayer.

I thank my colleagues from New Mexico for their strong support and guidance in developing this legislation. I understand that this bipartisan amendment is supported by the Department of Defense. To this Senator it makes a great deal of sense for DOD to pursue the options provided for in this amendment, and I urge its adoption by the Senate.

Mr. BINGAMAN. Mr. President, I rise in support of the amendment offered by Senator DECONCINI regarding pricing policy at major range and test facilities.

Mr. President, the Defense Department's major range and test facilities are critical and in many cases unique U.S. assets. While the DOD range and test infrastructure represents a very large U.S. investment, the declining defense budget has impacted these facilities. In the coming years, we are in danger of losing critical capabilities that should be maintained. This amendment, which would facilitate the use of Department of Defense range and test facilities by the U.S. commercial sector, will go far in helping us maintain critical assets at a lower cost.

The type of government-industry partnership proposed by this amendment is very much in line with the efforts by the Armed Services Committee to support government-industry R&D partnerships and promote dual-use capabilities, as well as with the administration's efforts to reinvent government. This amendment allows the Department to establish pilot programs for the commercial use of major range and test facilities, when that use does not interfere with the military mission of those facilities, thereby lowering the cost of maintaining our testing infrastructure while benefiting the private sector.

By way of example, there is a major range and test facility in my State of New Mexico, White Sands Missile Range, with many capabilities that would be of interest to the private sector. However, under current policy it is difficult for the private sector to make use of this facility. I am informed that in some cases U.S. companies are even forced to go overseas to do the testing necessary to bring a product to market. This amendment will help facilitate the use of this critical testing infrastructure by the U.S. private sector and keep those jobs here at home.

Mr. President, this amendment is supported by the Department of Defense and by Members on both sides of the aisle. I believe that it is good government, and I urge my colleagues to accept it.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 804) was agreed to.

AMENDMENT NO. 805

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of Senator SMITH. I think I shall read this because I think it is rather interesting. If I may, I will read this prior to the clerk reporting it.

This amendment requires the Secretary of the Navy to award the Expeditionary Medal to those naval personnel who participated in the task force which supported the Doolittle Raiders in their attack on Tokyo in April 1942.

I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SMITH, proposes an amendment numbered 805.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SECTION 1. AWARD OF THE NAVY EXPEDITIONARY MEDAL.

The Secretary of the Navy shall direct that members of the Navy who served in Navy Task Force 16, culminating in the air-raid commonly known as the "Doolittle raid on Tokyo", during April 1942, be awarded the Navy Expeditionary Medal for such service.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

Mr. WARNER. If the chair will indulge the Senator from Virginia while I have a momentary conversation with the chairman?

Mr. NUNN. Mr. President, Senator WARNER and I conferred on this. We believe this needs for further examination. It may be we will agree with this tomorrow, but we will withdraw the amendment.

Mr. WARNER. I concur in that. Chairman NUNN and I, I think, basically are in favor of the concept, the objective. We just want to make sure if the Senate desires to take this action, that all persons who were involved in that raid were considered so that no one be omitted. This seems to be restricted to one branch of the service. We want to make certain the other members of the other branches of the service, the Marine Corps—this does not say Navy Department. It just says the Navy. I concur in that.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is withdrawn.

The amendment (No. 805) was withdrawn.

AMENDMENT NO. 806

Mr. NUNN. Mr. President, on behalf of Senator LEVIN, I offer an amendment to authorize the Department of Defense to reprogram, subject to the normal review procedures, up to $40 million for procuring and testing unmanned aerial vehicle systems consisting of nondevelopmental items to fill an urgent requirement for unmanned reconnaissance systems. Fielding an unmanned reconnaissance capability is critically important to military capability in future contingency operations.

I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN] for Mr. LEVIN, proposes an amendment numbered 806.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . Interim Reconnaissance Program. (a) Of the funds authorized to be appropriated in section 201 for the Joint Program Office for Unmanned Aerial Vehicles, up to $40,000,000 may be obligated and expended for the purposes of initiating a long-endurance, unmanned reconnaissance aerial vehicle program, subject to the conditions outlined in subsection (b) and subsection (c).

(b) The funds may be obligated only to procure, integrate, test and evaluate non-developmental airframes, sensors, communication equipment, mission planning equipment and ground stations.

(c) None of the funds may be obligated until the Department identifies the programs within the jurisdiction of the Joint Program Office that will be terminated or deferred, consistent with normal reprogramming procedures.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 806) was agreed to.

Mr. WARNER. Mr. President, I ask the Senator from Virginia be named as a cosponsor. I served on the subcommittee with the distinguished Senator from Michigan [Mr. LEVIN].

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 807

Mr. NUNN. Mr. President, on behalf of Senators KENNEDY and COHEN I send an amendment to the desk to delete a portion of a provision in last year's Authorization Act that would require the Air Force to use only fiscal year 1993 funds to conduct live-fire survivability testing on the C–17 aircraft. Additional testing will fall in other fiscal years. We believe this testing is important.

I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. KENNEDY, for himself, and Mr. COHEN, proposes an amendment numbered 807.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following section:

SEC. . Live-Fire Survivability Testing of C–17 Aircraft.

Section 132 (d) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) is amended by striking out "for fiscal year 1993."

Mr. NUNN. Mr. President, we urge that the Senate adopt this amendment to permit this C–17 testing to proceed in an orderly fashion.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 807) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 808

(Purpose: To express the sense of the Senate relating to equitable treatment for members of the Armed Forces from outside the continental United States in the provision of excess leave and permissive temporary duty in connection with the separation of the members from the Armed Services)

Mr. NUNN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. AKAKA, proposes an amendment numbered 808.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 156, between lines 2 and 3, insert the following:

SEC. 655. SENSE OF SENATE RELATING TO EXCESS LEAVE AND PERMISSIVE TEMPORARY DUTY FOR CERTAIN MEMBERS OF THE ARMED FORCES.

(a) SENSE OF SENATE.—(1) It is the sense of the Senate that the Secretary of Defense ensure that a member whose home of record is outside the continental United States and who is stationed inside the continental United States at the time of the separation of the member be eligible to receive the same amount of excess leave or permissive temporary duty under section 1149 of title 10, United States Code, as a member who is stationed overseas.

(2) In this subsection, the term "continental United States" means the 48 contiguous States and the District of Columbia.

(b) REPORT ON AREAS OF INEQUITABLE TREATMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense submit a report to Congress—

(1) describing all provisions of law concerning pay and allowances for members of the Armed Forces in which members whose homes of record are outside the continental United States receive different treatment than members whose homes of record are in the continental United States; and

(2) containing recommendations to equalize such treatment.

Mr. NUNN. Mr. President, this amendment expresses the sense of the Senate that separating military personnel with the home of record outside the continental United States shall be eligible for the same amount of excess leave or permissive temporary duty, PTD, as separating military personnel with a home of record in the continental United States.

I urge the adoption of the amendment.

Mr. AKAKA. Mr. President, the amendment I am offering today will provide equitable treatment for Armed Forces personnel who are stationed, or whose home of record is, outside the continental United States.

There have been a number of occasions where military personnel stationed at non-foreign bases have been denied basic benefits normally afforded to servicemembers because of that post. There have also been those who, as a result of the present build-down, have attempted to return to their home of record outside the continental U.S. only to be discriminated against by policies established by the Defense Department.

Several years ago, the Department of Defense implemented a policy for dependent relocation which discriminated against military personnel whose home of record was outside the continental United States.

A particular incident comes to mind in which a servicemember whose home of record was non-CONUS was ordered to a new overseas permanent station from a base in the United States. As allowed, he requested that his family accompany him to the new post. Since housing was unavailable at the new location and anticipated vacancies could not be projected, the service denied concurrent travel with his family. Under normal circumstances, the service member would have had the right to temporarily relocate his family to the home of record until suitable housing became available. However, since his home of record was non-CONUS, his request for temporary relocation was denied.

I understand that fiscal constraints have an affect on many decisions that are being made today. However, if you compare the expense of transporting a military serviceperson with three dependents between San Diego, California, and Honolulu, Hawaii, with that of travel from San Diego to Washington, D.C., you would find that there is no significant difference. The average cost of transporting a military family the 2,612 air miles from San Diego to Honolulu is $10,512. The move from San Diego to Washington, D.C. is 2,275 air miles, at a cost of $8,796. On a per-mile basis, you save 4 percent.

To deny benefits and assistance to members and their dependents simply because their home of record is not part of the contiguous United States is inappropriate. In fact, the need for family support, which is one of the reasons dependents are allowed to return to their home of record in such situations, is even more critical for those from non-foreign states and territories.

This is not an isolated example of a discriminatory policy either. Just this year, another servicemember, whose home of record was non-CONUS, was preparing to return home on Permissive Temporary Duty [PTDY]. PTDY is provided to individuals who are honorably discharged involuntarily, or have separated under the Voluntary Separation Incentive [VSI] and the Special Separation Benefit [SSB] programs. The policy established by the Department of Defense provided 20 days of PTDY to individuals stationed in CONUS and 30 days for those stationed in non-CONUS. This was obviously prejudicial against those individuals who had to leave their CONUS posts for their homes in the non-contiguous states or territories. The matter was brought to the DOD's attention by Congressman Robert Underwood. As a result, the PTDY policy was changed to provide 30 days of leave to individuals returning to their home of record in the non-contiguous states or territories.

The amendment I am offering today will ensure that servicemembers from outside CONUS are eligible for the same amount of PTDY as those who are from CONUS. It also seeks to correct other inequities by requiring the Defense Department to provide Congress with a report on all personnel allowances and policies which treat CONUS-stationed personnel differently from non-CONUS personnel, as well as recommendations on how to remedy them. It is time to recognize the contributions of all members of our Armed Forces, regardless of their home origin. Members who have sacrificed for the defense of this nation should not be overlooked or denied equal benefits simply because they come from Hawaii, Alaska or the U.S. territories or possessions. Those who have served their country with distinction should be treated with dignity and be afforded the same opportunities and benefits as their counterparts from the 48 contiguous states—no more but, certainly, no less.

I understand that this amendment has been accepted by both sides of the aisle. I thank the Chair and the Ranking Member for their support. Mr. President, I yield the floor.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 808) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 809

(Purpose: To authorize the burial in Arlington National Cemetery of the remains of former prisoners of war)

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of the Senator from Rhode Island, Mr. CHAFEE, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] for Mr. CHAFEE, for himself and Mr. THURMOND proposes an amendment numbered 809.

Mr. WARNER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 242, after line 19, insert the following:

SEC. 1067. BURIAL OF REMAINS AT ARLINGTON NATIONAL CEMETERY.

(a) ELIGIBILITY.—Under regulations prescribed by the Secretary of the Army, former prisoners of war who, having served honorably in active military, naval, or air service (as determined in accordance with such regulations), die on or after the date of the enactment of this Act shall be eligible for burial in Arlington National Cemetery, Virginia.

(b) SAVINGS PROVISION.—This section may not be construed to make ineligible for burial in Arlington National Cemetery any former prisoner of war who was eligible before the date of the enactment of this Act to be buried in such cemetery.

(c) DEFINITION.—In this section, the term "former prisoner of war" has the meaning given such term in section 101(32) of title 38, United States Code.

Mr. CHAFEE. Mr. President, my amendment will allow all prisoners of war—or POW's—from World War I, World War II, and the Korean war to be buried at Arlington National Cemetery. This will correct what, in my view, was a bureaucratic oversight, that has prevented thousands of veterans from being buried at Arlington Cemetery.

Currently, burial at the cemetery is limited to those who were killed in action, those who retired from the military with over 20 years of service, those with more than a 30 percent service connected disability, and recipients of the Purple Heart or other medals above the Bronze Star. In the 1960's an Executive Order awarding the Purple Heart to all future prisoners of war was issued, therefore entitling Vietnam era POW's to burial at Arlington Cemetery. This order was not made retroactive because of a Pentagon decision in the wake of World War II that injuries incurred during captivity constituted war crimes and should not be recognized as injuries incurred in war. Almost 50 years later, this distinction no longer makes sense.

Some may feel that if we allow these POW's to be interred at Arlington Cemetery, space will be depleted sooner than it otherwise would. Yet at present, there are 38,000 burial spaces remaining and between 50,000 and 100,000 columbarium spaces remaining at the Cemetery. As such, space will remain available there until the year 2025. The American Ex-Prisoners of War Association estimates that out of the 60,000 living prisoners of war, 75 percent currently qualify for burial at the Cemetery anyway. Of the remaining 25 percent only 5,000 have requested space there. Thus this measure will not accelerate the process of filling the Cemetery to any great degree.

Mr. President, I am certain my colleagues would agree that the torture and mistreatment American soldiers suffered in Japanese, German, or North Korean POW camps was no different than the conditions endured by those in Vietnam, and later conflicts. How can we deny our men and women who fell prisoner as they defended their country in World War I, World War II, and the Korean War the honor of burial at Arlington Cemetery? They, too, were subject to transport, like cargo, on crowded ships and boxcars, lack of medical care, grossly inadequate food, poor living conditions, forced marches in the middle of winter or in the jungle, and solitary confinement for refusal to divulge military plans and secrets.

Arlington National Cemetery is reserved for those who served their country to an exceptional degree. I believe that these World War I, World War II and Korean War POW's also served to an exceptional degree, and have earned the right as those who are already eligible under the law.

I think my colleagues would agree that survivors of the "Death March" to prison camps on Bataan and Corregidor should be granted the honor of burial at Arlington cemetery. And yet under current regulations, some of these POW's are denied this honor.

All prisoners of war who have served honorably have earned the privilege to be buried at Arlington National Cemetery. And I would urge my colleagues to honor our proud, brave POW's and vote for the passage of my amendment.

Mr. WARNER. I ask unanimous consent that the Senator from Alaska, Mr. MURKOWSKI, be designated as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 809) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 810

(Purpose: To make findings regarding maintenance of defense cooperation between the United States and Israel)

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of the Senator from Arizona, Mr. McCAIN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. McCAIN, proposes an amendment numbered 810.

Mr. WARNER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 233, after line 23, insert the following:

SEC. 1056. FINDINGS REGARDING DEFENSE COOPERATION BETWEEN THE UNITED STATES AND ISRAEL.

Congress makes the following findings:

(1) The President has made a commitment to maintain the qualitative superiority of the Israeli Defense Forces over any combination of adversely armed forces.

(2) The President has expressed a desire to enhance United States-Israeli military and technical cooperation, particularly in the areas of missile defense, counter-proliferation of weapons of mass destruction, and counter-proliferation of ballistic missiles.

(3) Maintaining the qualitative superiority of the Israeli Defense Forces and strengthing United States defense ties with Israel will help to ensure that Israel has the military strength and political support necessary for taking risks for peace while providing Arab states an incentive to pursue negotiations instead of war.

(4) The establishment of the United States Israel Science and Technology Commission, the binational Senior Planning Group, and the Technology Transfer Working Group is in the interest of both the United States and Israel.

(5) It is in the national interests of the United States and Israel for the organizations referred to in paragraph (4) to work to strengthen existing mechanisms for cooperation and to eliminate barriers to further collaboration between the United States and Israel.

(6) Israel continues to face difficult threats to its national security that are compounded by the proliferation of weapons of mass destruction and ballistic missiles.

Mr. McCAIN. Mr. President, my proposed amendment would serve to preserve the balance of power in the Middle East by continuing to support the qualitative edge of the Israeli military.

There are many benefits to the United States resulting from our strategic relationship with Israel. I commend the administration's commitment to maintaining Israel's qualitative edge over any combination of adversaries through technical cooperation, particularly in the areas of missile defense and counterproliferation.

The threat of conflict underscores the everyday existence of countries in the Middle East. I believe that negotiation is always preferable to conflict, however, this same belief is not shared as strongly by the Arabic countries which border Israel. Strengthening United States-Israeli defense ties provides an incentive for Arab states to pursue negotiations.

Mr. President, the initiatives currently being undertaken in the area of technical United States-Israeli relations, such as: The United States-Israel Science and Technology Commission, the binational Senior Planning Group, and the Technology Transfer Working Group are commendable. These bodies should continue to work to strengthen existing cooperation mechanisms and break down any barriers which may exist to hinder further collaboration.

Despite the ongoing process to bring about a lasting Middle East peace accord, Israel continues to face a difficult threat environment which is compounded by the proliferation of weapons of mass destruction and ballistic missiles. To help Israel maintain its qualitative edge, I recommend that any item, designed to prevent attacks by these types of weapons, which is offered for release to any NATO member, should also be available for purchase by Israel unless that would contravene United States national interests.

Furthermore, since Israel has not yet been accepted as a member of the Missile Technology Control Regime [MTCR], but has agreed to comply with its guidelines, Israel should be entitled to the same status with respect to technology exports and imports as MTCR signatories so long as Israel abides by the MCTR guidelines.

I believe this legislation will enable Israel to continue to negotiate with her neighbors in good faith, and will pay substantial dividends to the United States.

Mr. President, my amendment is a sense-of-the-Congress amendment with a simple purpose. It states our commitment to maintain Israel's military edge, and to strengthen military and technical cooperation between the United States and Israel. It declares what I believe we all agree is the policy of the United States: That our commitment to the security of Israel is just as strong in the post cold war era as it has been before.

I believe that we need to restate this policy for several reasons. First, because peace in the Middle East can only be based on a strong Israel which can deter and repel aggression. Second, because nations like Iran and Iraq must have no doubt about American policy towards Israel. And third, because Israel's neighbors must not confuse our search for a just peace with a lack of commitment to Israel's security.

We all hope that the present negotiations will bring peace to the Middle East. We hope that Israel will be able to live in peace and security. We hope that the Palestinians will find an acceptable political settlement, and that the threat of war along the Jordanian, Lebanese, and Syrian borders will end.

As recent weeks have shown, however, peace is a hope, but conflict is a reality. The conflict along the Lebanese border, and the shipment of Iranian arms to the Hezbollah, are further warnings that only a strong Israel can deter broader and more serious conflicts in the Middle East. These incidents are also warnings that only a strong Israel can ensure that a just peace is not broken.

The amendment I propose recognizes that fact. It is a signal to the world that we will continue to provide Israel with the aid and technology that is the key to deterring war in the Middle East, to support a strong Israel, and make peace the only alternative. It is a pledge to maintain the level of strength needed to sustain a peace settlement.

It is also a statement that if the peace negotiations should fail, or the proliferation of weapons of mass destruction should continue unchecked, Israel will never be left without the technology and support it needs. It is an assurance that peace is the only option, and that our friendship and alliance is unbreakable.

Mr. President I ask unanimous consent that other material be printed in the RECORD.

QUALITATIVE EDGE FOR ISRAEL

The Committee recognizes the many benefits to the United States resulting from our strategic relationship with Israel. The Committee commends the Administration's commitment to maintaining Israel's qualitative edge over any combination of adversaries. The Committee supports the Administration's desire to enhance Israeli-American military and technical cooperation, particularly in the areas of missile defense and counter-proliferation. The committee believes that maintaining Israel's qualitative edge and strengthening United States-Israel defense ties will help insure that Israel has the military strength and political support necessary for taking risks for peace, while providing the Arab states with an incentive to pursue negotiations instead of war. Further, the Committee compliments the establishment of the United States-Israel Science and Technology Commission, the binational Senior Planning Group, and the Technology Transfer Working Group. The Committee believes these bodies should work to strengthen existing cooperation mechanisms and break down barriers to further collaboration.

Despite the peace process, Israel continues to face a difficult threat environment compounded by the proliferation of weapons of mass destruction and ballistic missiles. To help Israel maintain its qualitative edge, the Committee recommends that it be United States policy that an item offered for release to any NATO member should concurrently be available for purchase by Israel, unless that would contravene United States national interests. Furthermore, since Israel has not yet been accepted as a member of the Missile Technology Control Regime [MTCR] but has agreed to comply with its guidelines, Israel should be entitled to the same status with respect to technology exports and imports as MTCR signatories so long as Israel abides by the MTCR guidelines.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 12, 1993.
Hon. SAM NUNN,
Chairman, Committee on Armed Services, Washington, DC.

DEAR SENATOR NUNN: I am writing to express my continued commitment to a strong U.S.-Israeli strategic relationship. As you are well aware, Israel is one of our most important allies in a volatile area of the world. Israel shares our commitment to democratic values, and provides the U.S. with opportunities for strategic cooperation including: prepositioning of defense materials, access to strategic ports and ship repair, combined military exercises, and joint high-tech weapons research and development.

Based on my commitment to a strong and growing U.S.-Israeli strategic relationship, I fully support the Administration's request for $56.4 million within the Theater Missile Defense account for continued funding of the U.S. share of the Arrow Continuation Experiments phase II program. As the Acting BMDO Director, Major General Malcolm O'Neil, recently stated, "We have real evidence of significant benefit that has been given to the United States through the [Arrow] program." I also understand that the Administration is currently negotiating with the Government of Israel to determine joint funding levels to support ancillary systems related to the Arrow test program. I believe funding of these ancillary systems is important to provide our country with the maximum technological benefit possible from this program.

I also support the Administration's funding request for the Joint Program Office for Remotely Piloted Vehicles, including the $69.3 million for Low Rate Initial Production of the Short Range Unmanned Aerial Vehicle (UAV) system and $180.112 million for Close and Short Range UAV R&D. As our experience in the Gulf War demonstrated, UAVs provide real time reconnaissance, surveillance, and target acquisition information without subjecting U.S. military personnel to risk while flying in enemy air space.

Further, I support the Administration's request of $60 million within H-1 development for continued Marine Corps procurement of the Night Targeting Systems for the AH-1W Super Cobra attack helicopter. This system will give the Cobra extra capability to operate at night and in adverse weather conditions. I also support the Administration's request for $20 million in Navy procurement for the Multisensor Stabilized Integrated Systems, enabling effective day and night observation capabilities in the most adverse weather conditions.

As part of our efforts to save funds in these times of drastic defense cuts, I also support the Administration's $34.913 million request for the Foreign Comparative Testing program. This program allows the DoD to test and evaluate off-the-shelf technology of foreign companies for possible inclusion in the U.S. defense arsenal, saving valuable U.S. defense dollars. In addition, I support the Administration's request for $15 million within Air Force O&M for the U.S.A.F.E. F-15 O&M. In 1991, IAI/Bedek was awarded a five year contract for the maintenance and repair of 60 U.S.A.F.E. F-15s.

I support the Administration's request for $20.811 million within Air Force RDT&E for the KC-135 Aerial Refueling program. This program will provide refueling capabilities for some of the KC-135 aircraft in order to use these planes to refuel Navy fighters. The need for this capability was demonstrated in the Gulf War. This worthwhile program also has the potential to further strengthen U.S.-Israeli security cooperation through the participation of Israeli firms in the program.

Finally, I support the inclusion of language in the FY-1994 Defense Authorization bill supporting the United States' continued commitment to maintain Israel's qualitative military edge over its enemies. I wholeheartedly advocate the continued growth and strengthening of the U.S.-Israeli strategic relationship. Through joint research and development efforts, joint military planning and exercises, enhanced pre-positioning of military equipment, as well as concerted efforts to lower barriers to trade, we can continue to help provide Israel the necessary tools to enable her to defend herself while increasing U.S. security and protecting U.S. interests.

Thank you very much for your concern regarding these issues. I look forward to working with you to ensure their eventual passage.

Sincerely,

JOHN MCCAIN,
U.S. Senator.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 810) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 811

(Purpose: To increase flexibility in the authority to allot space in Federal buildings to credit unions)

Mr. NUNN. Mr. President, on behalf of the distinguished occupant of the chair, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. BRYAN, for himself and Mr. COATS, proposes an amendment numbered 811.

Mr. NUNN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 356, between lines 19 and 20, insert the following:

SEC. 2854. ALLOTMENT OF SPACE IN FEDERAL BUILDINGS TO CREDIT UNIONS.

Section 124 of the Federal Credit Union Act (12 U.S.C. 1770) is amended in the first sentence—

(1) by striking out "at least 95 per centum" and all that follows through "and the members of their families,"; and

(2) by striking out "allot space to such credit union" and all that follows through the period and inserting in lieu thereof "allot space to such credit union without charge for rent or services if at least 95 per centum of the membership of the credit union to be served by the allotment of space is composed of persons who either are presently Federal employees or were Federal employees at the time of admission into the credit union, and members of their families, and if space is available.".

Mr. WARNER. Mr. President, I note this is an amendment cosponsored by the Senator from Indiana [Mr. COATS]. It appears also that the Senator from Michigan [Mr. RIEGLE] and the Senator from New York [Mr. D'AMATO] are to be cosponsors. I ask unanimous consent that they be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, as the Chair well knows, this being his amendment, this amendment is really in the jurisdiction of the Banking Committee, but we have been requested by both the chairman and the ranking member of the Banking Committee to agree to the amendment.

This deals with the Federal Credit Union Act, title 12, United States Code, section 1770, by adding after the phrase "at least 95 percent of membership" the following words: "to be served by the allotment of space."

This amendment gives greater flexibility to the 95-percent rule. It will clarify that credit unions could continue to occupy space on Federal property provided 95-percent of those who use the office on Federal property meet membership criteria, thus offering needed flexibility. It also ensures allotment of space of the credit union to continue to receive no special provisions for space and would not result in any increased cost to the Government.

I urge the adoption of the amendment.

Mr. WARNER. I ask unanimous consent that a letter addressed to the distinguished chairman of the Armed Services Committee, signed by Senators D'AMATO and RIEGLE, be printed in the RECORD.

There being on objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,
Washington, DC, July 27, 1993.

Hon. SAM NUNN,
Chairman, Armed Services Committee, U.S. Senate, Washington, DC.
Hon. STROM THURMOND,
Ranking Republican Member, Armed Services Committee, U.S. Senate, Washington, DC.

DEAR SENATORS NUNN AND THURMOND: We are writing to ask you to incorporate an amendment into the defense authorization bill dealing with the allotment of space in federal buildings for credit unions.

This amendment is technical in nature and it would merely clarify current law. The amendment would continue to allow credit unions to occupy offices on military bases if 95% of the members using the office located on federal property are military or federal employees and family members of these employees—even if they were forced to expand their field of membership to individuals outside the military base. Off-base facilities, however, would not receive special treatment and would be subject to all the normal expenses of credit unions in similar areas, including the payment of rent and logistic expenses.

The Department of Defense supports this change and had approved the Defense Credit Union Council's request for a moratorium on the application of the "95%" rule to allow time for congressional action to amend the Federal Credit Union Act.

This is not a controversial amendment. This is an issue which needs immediate attention since the Banking Committee presently has no legislation which will move in a timely fashion. The need for the amendment results from the impending base closings and military downsizing, and it would be appropriate to attach this amendment to the FY94 defense authorization bill.

We respect your desire to keep the defense authorization bill clean. However, we feel this issue is within the scope of the Armed Services Committee and the bill is the most appropriate vehicle to get this provision enacted into law.

Thank you for your consideration on this matter. If you have questions, have your staff contact Shellie Berlin or Gillian Garcia on the Banking Committee at 224-7391.

Sincerely,

ALFONSE M. D'AMATO,
Ranking Member.
DONALD W. RIEGLE, JR.,
Chairman.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 811) was agreed to.

AMENDMENT NO. 812

(Purpose: To amend the act to prevent pollution from ships to provide for the control of shipboard plastic and solid waste on certain ships owned or operated by the Department of the Navy)

Mr. NUNN. Mr. President, on behalf of Senators BAUCUS and CHAFEE, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. BAUCUS, for himself and Mr. CHAFEE, proposes an amendment numbered 812.

Mr. NUNN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 94, between lines 11 and 12, insert the following:

SEC. 328. SHIPBOARD PLASTIC AND SOLID WASTE CONTROL.

(a) SHORT TITLE.—This section may be cited as the "Act to Prevent Pollution from Ships Amendments of 1993."

(b) DEADLINE FOR COMPLIANCE BY SHIPS OWNED OR OPERATED BY THE DEPARTMENT OF THE NAVY WITH CERTAIN POLLUTION CONTROL CONVENTIONS.—Subsection (b)(2)(A) of section 3 of the Act to Prevent Pollution from Ships (33 U.S.C. 1902) is amended by striking out "after 5 years" and all that follows and inserting in lieu thereof ", subject to subsection (f) of this section, as follows:

"(i) After December 31, 1993, to all ships referred to in paragraph (1)(A) of this subsection other than those owned or operated by the Department of the Navy.

"(ii) Except as provided in subsection (c) of this section, after December 31, 1998, to all ships referred to in paragraph (1)(A) of this subsection other than submersibles owned or operated by the Department of the Navy when such submersibles are engaged in noncommercial service.

"(iii) Except as provided in subsection (c) of this section, after December 31, 2008, to all ships referred to in paragraph (1)(A) of this subsection.".

(c) SPECIAL AREA DISCHARGES.—Section 3 of such Act is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (g), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) DISCHARGES IN SPECIAL AREAS.—(1) Not later than December 31, 2000, all surface vessels owned or operated by the Department of the Navy, and not later than December 31, 2008, all submersibles owned or operated by the Department of the Navy, shall comply with the special area requirements of Regulation 5 of Annex V of the Convention.

"(2) Not later than 3 years after the date of the enactment of the Act to Prevent Pollution from Ships Amendments of 1993, the Secretary of the Navy, shall, in consultation with the Secretary of State, the Secretary of Commerce, the Secretary of Transportation, and the Administrator of the Environmental Protection Agency, submit to the Congress a plan for the compliance by all vessels owned or operated by the Department of the Navy with the requirements set forth in paragraph (1) of this subsection. Such plan shall be submitted after opportunity for public participation in its preparation, and for public review and comment.

"(3) If the Navy plan for compliance demonstrates that compliance with the requirements set forth in paragraph (1) of this subsection is not technologically feasible in the case of certain vessels under certain circumstances, the plan shall include information describing—

"(A) the ships for which full compliance with the requirements of paragraph (1) of this subsection is not technologically feasible;

"(B) the technical and operational impediments to achieving such compliance;

"(C) a proposed alternative schedule for achieving such compliance as rapidly as is technologically feasible; and

"(D) such other information as the Secretary of the Navy considers relevant and appropriate.

"(4) Upon receipt of the compliance plan under paragraph (2) of this subsection, the Congress may modify the applicability of paragraph (1) of this subsection, as appropriate.".

(d) COMPLIANCE MEASURES.—Such section 3 is amended by inserting after subsection (d), as redesignated by subsection (c)(1), the following new subsection:

"(e) COMPLIANCE BY EXCLUDED VESSELS.—(1) The Secretary of the Navy shall develop and, as appropriate, support the development of technologies and practices for solid waste management aboard ships owned or operated by the Department of the Navy, including technologies and practices for the reduction of the waste stream generated aboard such ships, that are necessary to ensure the compliance of such ships with Annex V to the Convention on or before the dates referred to in subsections (b)(2)(A) and (c)(1) of this section.

"(2) Notwithstanding any effective date of the application of this section to a ship, the provisions of Annex V of the Convention with respect to the disposal of plastic shall apply to ships equipped with plastic processors required for the long-term collection and storage of plastic aboard ships of the Navy upon the installation of such processors in such ships.

"(3)(A) Within 12 months after the date of the enactment of the Act to Prevent Pollution from Ships Amendments of 1993, the Secretary of the Navy shall promulgate regulations applicable to ships referred to in subsection (b)(1)(A) of this section owned or operated by the Department of the Navy. The regulations shall be consistent with operational requirements of such ships and shall be revised from time to time in accordance with this subsection.

"(B) The regulations promulgated under subparagraph (A) of this paragraph shall include the following requirements:

"(i) That compacted trash discharged from submersibles be negatively buoyant and contain the minimum amount practicable of plastic.

"(ii) That plastics contaminated by substances other than food not be discharged overboard from any ship during the last 20 days before the ship enters port.

"(iii) That plastics contaminated by food not be discharged overboard from any ship during the last 3 days before the ship enters port.

"(4)(A) The Secretary of Defense shall publish in the Federal Register a report setting forth the names of ships provided with equipment enabling such ships to comply with Annex V to the Convention and describing the amount and nature of the discharges in special areas during the preceding year from ships referred to in subsection (b)(1)(A) of this section owned or operated by the Department of the Navy. ".

(e) WAIVER AUTHORITY.—Such section 3, as amended by subsection (d), is further amended by inserting after subsection (e) the following new subsection:

"(f) WAIVER AUTHORITY.—The President may waive the effective dates of the requirements set forth in subsections (b)(2)(A) and (c) of this section and in subsection (f) of the Act to Prevent Pollution from Ships Amendments of 1993 if the President determines it to be in the paramount interest of the United States to do so. Any such waiver shall be for a period not in excess of 1 year. The President shall submit a report to the Congress each January on all waivers from the requirements of this section granted during the preceding calendar year, together with the reasons for granting such waivers.".

(f) OTHER ACTIONS.—(1) Not later than October 1, 1994, the Secretary of the Navy shall release a request for proposals for equipment (hereinafter in this subsection referred to as "plastics processor") required for the long-term collection and storage of plastic aboard ships of the Navy.

(2) Not later than July 1, 1996, the Secretary shall install the first production unit of the plastics processor on board a Navy ship.

(3) Not later than July 1, 1997, the Secretary shall complete the installation of plastics processors on board not less than 50 percent of the ships of the Navy that require such processors in order to comply with the provisions of section 3 of the Act to Prevent Pollution from Ships, as amended by subsections (b), (c), and (d) of this section.

(4) Not later than July 1, 1998, the Secretary shall complete the installation of plastics processors on board not less than 75 percent of the ships of the Navy that require such processors in order to comply with such provisions.

Mr. NUNN. Mr. President, this amendment will provide a fixed set of deadlines for the Navy to comply with the Marpol Convention. The Marpol Convention is the international agreement to which the United States is a signatory that regulates the disposal of plastics on the high seas and plastics and solid waste in environmentally sensitive special areas such as the Persian Gulf, the Mediterranean, and the North Sea.

This amendment requires the Navy to be in full compliance with the high seas plastics requirement by 1998 and special area requirements by the year 2000.

I urge the adoption of the amendment.

Mr. BAUCUS. Mr. President, my good friend, the distinguished ranking Republican on the Environment and Public Works Committee, and I join in offering this amendment to S. 1298, the Department of Defense authorization bill. This amendment will put the U.S. Navy on a strict schedule for compliance with the Marine Plastic Pollution Research and Control Act of 1987 and Annex V of the International Convention for the Prevention of Pollution by Ships [MARPOL].

This amendment is the result of some extraordinary cooperation on the part of the Navy, a number of environmental groups, the Keystone Center, and other parties to find a workable solution that protects the environment while recognizing the Navy's operational realities. This is the kind of cooperation that can overcome gridlock. I want to thank all those involved in the effort, especially Senator CHAFEE, for their hard work and perseverance. I hope the spirit exemplified here will be reflected in the work of our committee on other environmental issues over the coming months.

Briefly, this amendment requires that the Navy end the discharge of plastics from all of its surface ships by December 31, 1998, and from its submarine fleet by December 31, 2008. The amendment also establishes an interim compliance schedule.

Mr. President, the Navy has undertaken a serious, good faith effort in recent years to reduce plastic pollution from its ships. In addition, it has special processing equipment currently under development that will allow it to meet the schedule set forth in this amendment.

Furthermore, the amendment requires the Navy to comply with the restrictions on the discharge of all solid waste within the so-called "Special Areas," such as the Mediterranean Sea and the Gulf of Mexico, by December 31, 2000, for its surface ships, and by December 31, 2008, for its submarines.

The amendment has the wholehearted support of the Department of the Navy and is endorsed by several environmental groups, including the Center for Marine Conservation, Defenders of Wildlife, Ocean Advocates, the American Cetacean Society, the American Oceans Campaign, and the Gulf Coast Fisherman's Environmental Defense Fund. It is worthy of my colleagues' support.

Mr. CHAFEE. Mr. President, today I rise to join my colleague, the chairman of the Committee on Environment and Public Works, Senator BAUCUS, in offering an amendment to a law that is within the jurisdiction of the Committee on Environment and Public Works, the Act to Prevent Pollution from Ships. The amendment deals with the U.S. Navy's compliance with the major requirements of MARPOL Annex V, an international treaty which restricts and prohibits the dumping of garbage from ships at sea.

Although the Department of the Navy has been developing innovative waste technologies in order to implement Annex V, the Department cannot feasibly comply with all of the legislated requirements by December 31, 1993. The Navy does, however, expect to achieve surface ship compliance with the Annex's plastic dumping provisions by 1998 and submarine compliance by 2008. I might add, Mr. President, the Navy has given priority status to this program and is working to accelerate development, procurement, delivery and installation of plastic waste processing equipment on board its fleet.

Mr. President, our amendment is straightforward and is intended to provide the Navy with a stringent but rational schedule for compliance with Annex V. First, the proposal would give the Navy a 5-year window for complete compliance with the plastic dumping provisions of Annex V for its surface fleet and a 15-year schedule for its submarine fleet. Second, the amendment requires the Navy to submit to a plan to Congress within 3 years on compliance with the Annex V provisions regarding no-dumping of waste within special areas. Further, as specified by the amendment, by December 31, 2000, all surface vessels and by December 31, 2008, all submarines operated or owned by the Navy must comply with the special area requirements.

This amendment represents the combined efforts of the Department of the Navy, the distinguished chairman of the Environment Committee, Senator BAUCUS, myself, and several environmental groups. I commend the Navy and the interested parties from the environmental community for the willingness to work together to find a solution. At this point, I would like to submit letters of support from six of the environmental groups involved in the negotiations on this amendment for the RECORD.

Mr. President, this amendment represents a commonsense approach to dealing with the requirements of Annex V and establishes a clear-cut schedule for Navy compliance. I urge my colleagues to support the amendment.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SEPTEMBER 8, 1993.

Hon. SAM NUNN,
Hon. STROM THURMOND,
Hon. MAX BAUCUS,
Hon. JOHN CHAFEE,
U.S. Senate, Washington, DC.

DEAR SENATORS NUNN, THURMOND, BAUCUS, and CHAFEE: On behalf of the following undersigned environmental organizations, we endorse the introduction of an amendment to the Department of Defense Authorization Bill, S. 1298, by Senators Baucus and Chafee on the Senate floor. As environmental members of the Navy Plastics Dialogue/Ad Hoc Advisory Committee on Plastics facilitated by the Keystone Center, we have been working closely with the Navy since 1987 on helping them solve their plastics and solid waste discharge problems.

The Baucus/Chafee amendment would give the Navy a five year schedule for complete compliance with the plastic dumping provisions of Annex V of the MARPOL Protocol for its surface fleet. Given the Navy's success so far in eliminating the overboard discharge of plastic debris, its expeditious development of a prototype for plastics waste processing, and the time necessary for procurement of said equipment, we feel this time frame is a legitimate one. The amendment will also require the Navy to report to Congress within three years on how they intend to comply, both technologically and environmentally, with the Annex V provisions for no-dumping of waste within special areas. The language in this provision, as part of a compromise, is acceptable to us. We welcome the opportunity to continue to work with the Navy and key congressional staff on issues dealing with special areas as we have in the past with the plastics' issue.

Because of some logistics problems beyond our control, we were unable to reach agreement with the Navy on appropriate language until today. We, however, do endorse the amendment and hope that Senators Baucus and Chafee will see fit to introduce it on the floor of the Senate this week. Thank you for your interest and concern with this issue.

Sincerely yours,

ALBERT M. MANVILLE, II, PH.D.,
SHARRON STEWART,
ANDREW PALMER, ESQ.,
SALLY ANN LENTZ, ESQ.,
BARBARA BRITTEN.

CENTER FOR MARINE CONSERVATION,
September 8, 1993.

Senator JOHN CHAFEE,
U.S. Senate, Washington, DC.

DEAR SENATOR CHAFEE: The Center for Marine Conservation supports the proposed amendment to the Department of Defense Authorization Bill, S. 1298, offered by you and Senator Baucus, which requires Navy to comply with the Marine Plastic Pollution Research and Control Act (MPPRCA). Specifically it requires compliance with plastic discharges restrictions by December 31, 1998 and all restrictions in Special Areas by December 31, 2000.

We have been active participants in the Navy Plastics Dialogue/Ad Hoc Advisory Committee on Plastics for six years. As such, we have worked with the Navy, other environmental groups, and congressional staff on the amendment to be offered. It has been our pleasure to work with a variety of groups who we understand are also endorsing this amendment.

We endorse this legislation and its intent. We look forward to working with the Navy and Congress on its implementation.

We appreciate your assistance in bringing Navy into compliance with the MPPRCA, and your work toward a better marine environment.

Sincerely,

KATHRYN J. O'HARA,
Pollution Prevention Director.

Mr. THURMOND. Mr. President, I support the amendment offered by my colleagues, Senator BAUCUS and Senator CHAFEE. Their amendment, called the Shipboard Plastics and Solid Waste Control Act of 1993, will extend compliance deadlines for restrictions on waste discharges at sea by U.S. Navy ships.

It is reasonable to extend the deadlines because technology does not exist which would enable the Navy to comply with current law. Without the compliance extensions contained in this amendment, no Navy ship could stay at sea longer than 3 days. This is, of course, a serious detriment to our most important defense interests which we in this chamber cannot permit to occur.

The Navy continues to work hard with industry to develop the needed technology and equipment. This amendment will give the Navy the time it needs to complete research and development, and to plan the ship modifications which will be required.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 812) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 813

(Purpose: To promote the industrial competitiveness and economic growth of the United States by strengthening the linkages between the laboratories of the Department of Energy and the private sector and by supporting the development and application of technologies critical to the economic, scientific and technological competitiveness of the United States, and for other purposes)

Mr. NUNN. Mr. President, on behalf of Senators JOHNSTON, BINGAMAN, DOMENICI, WALLOP, CRAIG, and SIMON, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia (Mr. NUNN), for Mr. JOHNSTON for himself, Mr. BINGAMAN, Mr. DOMENICI, Mr. WALLOP, Mr. CRAIG, and Mr. SIMON, proposes an amendment numbered 813.

Mr. NUNN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

(The text of the amendment is located in today's RECORD under "Amendments Submitted".)

Mr. NUNN. Mr. President, this amendment adds additional provisions on technology partnership and technology transfer activities to the existing provisions in the authorization bill. These provisions provide broad jurisdiction to DOE activities, utilizing all funds authorized and appropriated to the DOE to enter into a wide variety of technology transfer and partnership agreements with industry. These provisions will allow DOE to carry out its missions, including defense missions, in such a manner that will allow broad industry participation and will help maintain the DOE technology base.

I urge the adoption of the amendment.

Mr. JOHNSTON. Mr. President, I have offered as an amendment to the National Defense Authorization Act the Department of Energy National Competitiveness Technology Partnership Act of 1993. The amendment is virtually identical to S. 473, which was reported by the Committee on Energy and Natural Resources on June 24, 1993. There are a few differences between the amendment and S. 473 as reported, which I will explain in a moment. The amendment replaces sections of the National Defense Authorization Act that address many of the same issues dealt with in S. 473.

The amendment will provide more flexible authority to the Department of Energy to work with domestic industry to strengthen the economic and technological competitiveness of the United States. The Department now has a significant program of cooperation with industry to develop new technologies. This legislation will build on DOE's existing program in response to the new emphasis the Clinton administration is placing on U.S. competitiveness.

We have a great opportunity to forge a government-wide policy for advanced technology development in the 103d Congress. Earlier this year, President Clinton forwarded to Congress the administration's technology initiative, which includes proposals to increase and expand the partnerships between our national laboratories and industry. Similarly, a number of our colleagues have introduced legislative proposals to improve the competitiveness of U.S. industry. We need to work together—among committees in Congress and with the administration—to develop a coordinated effort.

The amendment provides for the Department of Energy's role in a national effort to improve the competitive position of U.S. industry and to stimulate economic growth in the United States. It will enhance the ongoing efforts of the Department of Energy to work with U.S. industry to utilize the significant science and engineering assets at the national laboratories to address the needs of the domestic economy.

To date, the Department has joined with industry in over 500 cooperative research and development agreements with a total value over $700 million. Industry pays nearly 60 percent of the costs under these agreements. There is a tremendous opportunity for cooperative work with the Department's laboratories to develop new technologies. The Department of Energy is the Federal Government's largest employer of scientists and engineers and owns the nation's premier laboratories and facilities for basic science. No national technology policy can afford to ignore these assets.

The Department's laboratory system consists of 10 multiprogram national laboratories and approximately 20 other specialized program facilities around the country. Development of the laboratory complex stemmed from the Manhattan Project, and the primary focus of the laboratories' work was initially in the area of weapons production. Over the years, the scope of research and development within the laboratory system has been broadened to include the full spectrum of fundamental sciences. Almost every area of basic scientific knowledge is represented in the research activities of the laboratories.

The laboratories currently employ over 60,000 scientists, engineers and technicians, more than 8,500 of whom have doctorate degrees. In fiscal year 1993, the laboratories will carry out $6.6 billion worth of research and development. More than 50 Nobel Prizes have been awarded for work related to that performed at the national laboratories. No single laboratory or group of laboratories anywhere in the country can compare with this resource or match its record of accomplishment. The laboratory system has evolved into an interdisciplinary environment with the capability to undertake very complex research and development projects. Altogether, the laboratories represent one of the largest complexes engaged in fundamental research anywhere in the world.

Entire industries, as well as new companies and products, have evolved from technology initially developed within the Department's laboratories. Legislation over the last 10 years has promoted and simplified the transfer of technologies from the laboratories to the private sector. Yet, the laboratories' potential still remains largely untapped.

Several years ago, the Committee on Energy and NaturalResources began to reassess the missions and roles of the Department of Energy laboratories and to take a hard look at the adequacy of the mechanisms for technology transfer. In the 102d Congress, the Committee reported S. 2566, which was passed by the Senate in July 1992. As there was no companion measure in the House, there was insufficient time for the House to act on the measure.

On March 2, 1993, along with a number of my colleagues from the Committee on Energy and Natural Resources, I introduced S. 473, which builds on the Committee's work over the past several years. S. 473 reflects the input the Committee received during hearings held on the bill as well as input from industry, the educational community, the Department of Energy, and the laboratories. The amendment I offer today is virtually identical to S. 473. There are, however, a few differences that should be noted.

After S. 473 was reported by the committee, the administration developed a statement for the Department of Energy's laboratories that delineate their missions and responsibilities. The amendment replaces section 1102(a)(2)(C) of S. 473 with the Administration's statement.

The administration's statement clarifies the role of the departmental laboratories in developing technologies important to the nation. S. 473 as reported recognized the Department's traditional missions in national security, energy and technology transfer. S. 473 would have established industrial infrastructure as an appropriate mission of the departmental laboratories. Microelectronics, high-performance computing, transportation, advanced manufacturing, advanced materials, space, human health and environmental science were listed as examples of industrial infrastructure technologies. The departmental laboratories possess expertise in all of these areas of technologies. S. 473 authorized the departmental laboratories to pursue technology development in any of these areas, or any other area, as long as the activity built on the core competencies of the departmental laboratories.

The administration's statement recognizes the departmental laboratories traditional missions, referring to them as primary missions, and authorizes the laboratories to pursue missions that support the primary missions. The statement sets forth an illustrative listing of supporting missions—high-performance computing, advanced materials and advanced manufacturing. Many areas of technology not listed would also be appropriate supporting missions such as in microelectronics, transportation, space, human health and environmental science. To decide if an area of technology would be appropriate as a supporting mission, the Administration's statement provides a list of criteria. One of the key criteria is that the activity build upon the competencies developed at the laboratories in carrying out their primary missions and does not interfere with a primary mission. S. 473 similarly required the departmental laboratories to build upon the core competencies of the laboratories when developing technologies beyond the energy or defense missions.

The administration's statement also requires that in carrying out a supporting mission the Department consult and coordinate with other agencies. The purpose of this change is to ensure the maximum efficient use of the Federal Government's resources. The Department of Energy already consults and coordinates with other agencies in carrying out many of its technology activities. For example, the Department of Energy has worked within the Federal Coordinating Council for Science, Engineering, and Technology to establish the Department's role in the interagency high-performance computing and communications initiative. The amendment requires that industry views on supporting missions be solicited. Finally, the supporting mission should support the technology policies of the President.

Another important difference between S. 473 and the amendment should be pointed out. Section 7 of S. 473 dealt with important issues in the area of information infrastructure and technology. For example, a program was established at the Department of Energy that would lead to new applications for use on high-speed computer networks. Provisions in other legislation before the Senate, however, deal with similar issues. The provisions of S. 473 must be reconciled with these other provisions before this piece of S. 473 can move forward. I expect that we will work out these issues soon, and they will be considered by the Senate in a separate vehicle.

The amendment I have offered, which incorporates S. 473 with the changes I have outlined, will leverage the capabilities and resources of the Department of Energy laboratories through partnerships with U.S. industry and universities in key areas of technology such as an energy, high-performance computing, the environment, human health, advanced manufacturing, advanced materials and transportation. The amendment will establish a minimum goal for the percentage of each laboratory budget to be devoted to partnerships with industry, and it will provide more flexible authority to the Department of Energy to enter into partnerships with the private sector. Through these partnerships, a closer and more effective working relationship can be developed among the laboratories, U.S. industry, the educational community and other federal agencies. These relationships will improve the coordination between the laboratories and the private sector and ensure that technologies important to this country's long-term survival will be developed. The amendment ensures that benefits from these partnerships will accrue to the United States.

The legislation will also take bold new steps in the way the Department interacts with small businesses. The amendment directs the Secretary to grant preferential treatment for partnerships involving small businesses and allows the Secretary to waive cost-sharing requirements for small businesses who would otherwise be unable to participate in partnerships.

During the hearings on S. 473, the committee received testimony on the difficulty that minority colleges and universities have in competing for Federal research dollars. Because these other schools possess equipment and facilities far superior to those of minority colleges and universities, our minority institutions are at a significant disadvantage. Minority colleges and universities trail other colleges and universities in the number of students graduating in the sciences and in carrying out scientific research.

The amendment will help minority colleges and universities in achieving equal footing with other colleges and universities that have historically received the bulk of Federal research dollars. The amendment authorizes research or educational programs involving minority colleges or universities and requires the Department of Energy to identify opportunities for minority colleges and universities to participate in programs and activities being carried out by the Department or the departmental laboratories. The amendment will help students at minority colleges and universities in their study of energy-related scientific, mathematical, engineering, and technical disciplines by creating a minority college and university scholarship program.

This legislation will also establish a career path program to maximize the benefit that can be derived from laboratory employees. Scientists in the Department's contractor-operated laboratories frequently refuse to serve for a time in the Department as Federal employees, because employment restrictions in current law could threaten future career opportunities in the national laboratory system.

Even though the national laboratories perform exclusively governmental work with Government funding and Government-owned property to carry out Government programs, they are operated by contractors. If a person leaves laboratory service for work in the Department, and later returns to the laboratory system, he is subject to post-employment restrictions like any other former Federal employee now with a private contractor.

It is essential to effective management of the national laboratories that the laboratory employees, particularly those involved in the management of the laboratory, be able to communicate with Department officials in carrying out the day-to-day operations of the laboratories. Such communication, however, becomes virtually impossible when the laboratory employee has worked for the Department.

Mr. President, if this laboratory complex did not exist, we could not afford to create it in today's budget climate. We have these laboratories as a legacy from the time when the Nation invested heavily in the infrastructure of science for defense. These laboratories are on the brink of change in how they operate. With the end of the cold war, we are at a crossroads. As funding for nuclear weapons declines, it is prudent to redirect the activities of the national laboratories to help American industry and universities.

Some may think that we should simply let these laboratories fade away as they are no longer needed. The fact is, however, that the Department's laboratories already do more civilian research than weapons research. But they can still do more. We now have the opportunity to use these laboratories to solve the problems of today. We must define a new mission for DOE's laboratories—that of contributing strongly to the Nation's technological and economic competitiveness. This amendment will redirect the resources of the laboratories—and streamline the process for doing business—to do just that.

Mr. President, this is an important amendment, and I urge its adoption.

Mr. BINGAMAN. Mr. President, I am pleased to join Senator JOHNSTON in cosponsoring this amendment, which I believe is crucial to reorienting the DOE national laboratories, defense and civilian, to the post-cold war economic challenges facing this Nation.

The amendment we are offering today represents the result of three years of bipartisan effort by the Energy and Natural Resources Committee under Senator JOHNSTON's leadership. Senators WALLOP, DOMENICI, and CRAIG have all made important contributions on the Republican side, as has Senator MATHEWS on the Democratic side. It draws on a wide range of studies and is designed to promote our Nation's industrial competitiveness and economic growth by strengthening the linkages between the laboratories of the Department of Energy and the private sector.

The amendment, which contains most of the provisions of S. 473 as reported by the Energy Committee in May, is a critical component of our Federal technology policy, one that enjoys strong support from the President.

I have twice had the opportunity to join the President on visits to DOE laboratories. Last September 18 he visited Sandia during the campaign and on May 17 he visited Los Alamos. On both occasions the President spoke of his enthusiasm for the efforts of these "crown jewels in technology and science" in a broad rage of missions, including nonproliferation technologies, environmental and health care technologies, and industrial partnerships to support commercial industry. He was on both occasions particularly enthusiastic about the partnerships already forged between the labs and key sectors of our economy, such as semiconductors, high-performance computers, automobiles, and advanced materials.

Mr. President, we have a great opportunity to apply the enormous scientific and technical resources of the DOE national laboratories to the economic challenges facing this Nation. President Clinton and Vice President GORE in their February 22 technology policy statement clearly recognized this in calling on the multiprogram laboratories of the Department to devote 10 to 20 percent of their budgets to cost-shared partnerships with industry and in proposing to streamline the process whereby the private sector can enter into partnerships with the Federal labs.

We are convinced that the President's call to devote a larger percentage of the Federal R&D enterprise to industry-driven partnerships is exactly on the mark. We want to see the department and its laboratories play a role commensurate with their broad-ranging core competencies in this effort. In areas ranging from semiconductors and supercomputers to advanced materials to environmentally conscious manufacturing, the department and its laboratories clearly can and should work with industry to find synergies between the capabilities of the laboratories and the needs of industry.

I believe the amendment before the Senate today is totally consistent with the President's technology policy. The bill draws on a number of recent studies of lab-industry partnerships, including the work of the Office of Technology Assessment, the General Accounting Office, the Council on Competitiveness, the Center for Strategic and International Studies, and the Atlantic Council. On the key issue of the mission statement for the DOE laboratories, the President's Science and Technology Adviser, Dr. Jack Gibbons, on August 5 provided Senator JOHNSTON, Senator HOLLINGS and me language which has been incorporated in our amendment and which Senator JOHNSTON has described in his statement. I appreciate Dr. Gibbons' constructive contribution to moving this legislation toward enactment. I ask unanimous consent that his August 5 letter appeared in the RECORD following my remarks.

The PRESIDING OFFICER (Mr. BINGAMAN). Without objection it is so ordered. See Exhibit 1. Our amendment is a complement to the other pieces of the President's technology policy, as Dr. Gibbons pointed out in his August 5, letter. It is a complement to Senator

HOLLINGS' bill, S. 4, which addresses the role of the Department of Commerce and the National Science Foundation in our technology policy. It is a complement to the work which the Armed Services Committee did in last year's defense authorization bill and is continuing in this year's bill to outline the role of the Department of Defense, especially the Advanced Research Projects Agency, in fostering the development and application of dual-use technologies in partnership with the private sector and State and local governments.

I have personally been associated with all of these legislative efforts and I want to emphasize today the importance of making the best use of all of our Federal R&D resources, of the core competencies of all of our agencies and laboratories, to achieve the goals we all share, namely the growth of our economy and the creation of good jobs for American workers. In my view a far larger share of the $75 billion Federal R&D enterprise needs to be driven by industry's needs and executed in partnership with industry. We need more SEMATECH's, more advanced battery consortiums, more textile consortiums, more biotechnology, materials and manufacturing consortiums. Each of the Federal mission agencies has a constructive role in this effort to build effective partnerships with industry and they need to work together, as they already are in the Technology Reinvestment Project, high-performance computing, and other areas to insure the most effective use of our limited Federal resources.

Senator JOHNSTON's amendment aims to make the Department of Energy's laboratories, both defense and civilian, full partners with American industry in the broad array of technologies in which they have unmatched resources and capabilities. I believe such partnerships will benefit both the labs in carrying out their missions and industry as it competes in the global marketplace.

We have been going down this path for only a very brief time. In 1989 the National Competitiveness Technology Transfer Act for the first time made an effective mechanism, the cooperative research and development agreement, available to the DOE laboratories to work with industry. That was 3 years later than the Government-operated laboratories, such as the National Institute of Standards and Technology, received this authority in the Federal Technology Transfer Act of 1986.

Much progress was made in the last administration toward using this authority and toward broadening the laboratories' missions to include greater partnership with the private sector. But the practice of the past 3 years has also revealed significant problems in building the DOE-industry partnerships which the President's technology policy is calling for. The reports by OTA, GAO, CSIS, the Council on Competitiveness, and the Atlantic Council which I mentioned earlier have cataloged those problems and recommended solutions. Secretary O'Leary, to her credit, has vigorously sought to resolve those problems within the constraints of current statutes.

What we are trying to do in our legislation is give the Secretary additional authority to move the Department in the direction she and the President want to go. In each of the problem areas identified in the various reports, we have either directly proposed a solution or put in place a process which will empower Secretary O'Leary to achieve a solution. Our goal, and it is one I know Secretary O'Leary shares, is to put in place in DOE and its laboratories flexible arrangements for conducting cost-shared partnerships with industry. We are trying to learn from the best practices across government, whether at the Advanced Research Projects Agency or the National Institute of Standards and Technology or the National Institutes of Health, and put those practices into place at the Department of Energy.

The amendment would:

First, provide a clear and expanded mission statement for the DOE and its labs in research, development and application of a broad range of critical technologies;

Second, streamline the process by which partnerships between the labs and private industry are approved and improve the attractiveness of partnerships to industry;

Third, encourage use of a broader range of partnership mechanisms, extending beyond the Cooperative Research and Development Agreement [CRADA];

Fourth, starting in fiscal year 1994, set a minimum goal of 20 percent of each multiprogram lab's budget for use in cost-shared partnerships with industry;

Fifth, strengthen the ability of the Secretary of Energy to enter into cooperative agreements with industry;

Sixth, establish industry advisory boards at both Department of Energy and lab levels to maximize industry's involvement in lab activities;

Seventh, encourage the laboratories to work with other Federal agencies to address the needs of industry; and

Eighth, encourage employees of multiprogram labs to take assignments within the Department of Energy.

I urge my colleagues to support this important amendment, and once again express my appreciation to Senator JOHNSTON for his leadership in this effort.

EXHIBIT 1

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF SCIENCE AND TECHNOLOGY POLICY,
Washington, DC, August 5, 1993.

Hon. JEFF BINGAMAN,
Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR SENATOR BINGAMAN: As you know, President Clinton and his administration are committed to moving technology in a new direction to build America's economic strength and spur the Nation's economic growth. The President and Vice-President made clear in their technology policy document of February 1993 that they want all the technology programs and institutions in the Federal government to contribute effectively to these goals.

In this spirit, Vice-President Gore asked me to develop a statement for the Department of Energy's laboratories that would effectively delineate their missions and responsibilities, distinguishing them from those of other agencies with leading technology missions and at the same time assuring that special—and sometimes unique—capabilities in the Department of Energy laboratories are open to collaboration with industry and encouraged to contribute to the Nation's economic growth.

Over the past weeks, I have consulted with Secretaries Ron Brown and Hazel O'Leary and other members of the Administration to develop language that would meet the President's goals. Having reached agreement within the Administration, and on behalf of the Administration, I am sharing with you our conclusion on an appropriate and constructive statement of supporting missions for the Department of Energy's laboratories, in addition to their primary missions of national security and energy-related science and technology (Attachment A).

I also want to reiterate the Clinton Administration's firm commitment to early passage of S. 4, the National Competitiveness Act, and to strengthening the Commerce Department's technology programs. It is our intention to steadily increase funding for these programs, as announced in the President's vision statement of February 17, 1993. We also strongly support contributions to the President's technology goals from other government agencies, such as Secretary O'Leary's newly announced strategy to make cooperation between the Department of Energy and industry simpler and more effective.

We believe that the mission statement we have developed will effectively carry out the Administration's policies to use technology to build America's economic strength, and respectfully urge you to adopt it in relevant legislation.

Sincerely,

JOHN H. GIBBONS,
Director.

MISSION STATEMENT FOR DEPARTMENT OF ENERGY LABORATORIES [TO SUBSTITUTE FOR SUBSECTION 1102(a)(2)(C) IN S. 473]

(3)(A) In addition to the missions established in subsection (a)(2), the Departmental laboratories may pursue supporting missions to the extent that these supporting missions

(i) support the technology policies of the President; and

(ii) are developed in consultation with and coordinated with any other Federal agency or agencies that carry out such mission activities; and

(iii) are built upon the competencies developed in carrying out the primary missions defined in subsection (a)(2) and do not interfere with the pursuit of the missions identified in subsection (a)(2); and

(iv) are carried out through a process that solicits the views of United States industry and other appropriate parties

(B) These supporting missions shall include activities in the following areas:

(i) developing and operating high-performance computing and communications systems, with the goals of contributing to a national information infrastructure and addressing complex scientific and industrial challenges which require large-scale computational capabilities;

(ii) conducting research on and development of advanced manufacturing systems and technologies, with the goal of assisting the private sector in improving the productivity, quality, energy efficiency, and control of manufacturing processes;

(iii) conducting research on and development of advanced materials, with the goals of increasing energy efficiency, environmental protection, and improved industrial performance.

Mr. DOMENICI. Mr. President, I join today with my colleagues; Senators JOHNSTON, WALLOP, and BINGAMAN, to propose an amendment to the 1994 Defense Authorization Act. This amendment is a landmark measure designed to maximize the use of the Department of Energy [DOE] national laboratories' flexibility and diversity in nondefense areas while maintaining the labs' abilities in their national security and energy-related science and technology missions. If enacted into law, the measure will permit the Secretary of Energy and the Congress to maintain the labs by funding their various, diverse missions.

This legislation permits the national laboratories to focus the genius of its scientists and engineers on the new priority of helping American industry improve its competitive position.

Under the terms of the legislation, the Secretary of Energy and the directors of the labs will be allowed to enter into partnerships with the private sector that build on the core competencies of the labs. The legislation would also streamline and speed up the process under which the labs work with industrial and academic partners.

This measure is a significant addition to the National Competitiveness and Technology Transfer Act of 1989 that was included in the 1990 Defense Authorization Act. It directs the laboratories toward broad partnerships with consortia of industry to develop generic and precompetitive technologies. The measure also directs the Secretary of Energy to resolve many of the issues that have made the process of working with the labs through partnerships slow and bureaucratic.

If enacted, this measure will significantly increase the value of our laboratories to the Nation. It will enable them to make unequalled contributions to national competitiveness and ensure their resources will be brought to bear on national challenges.

Specifically, the legislation will expand the laboratories' missions in areas such as high performance computing, communications, advanced manufacturing, energy efficiency, and environmental protection.

This measure sets a goal for the DOE to spend 20 percent of each labs' annual funding on partnerships with industry and requires the Secretary of Energy to ease the process through which industry and academia work with the labs. This will entail that the Secretary develop guidelines for dealing with complicated issues such as intellectual property rights, U.S. preference, and liability resulting from research and development conducted under partnerships. By developing guidelines, the Department will avoid the time-consuming case-by-case negotiations that have backed-up the present process for approving CRADAs.

This legislation will also provide special incentives for small business to a work with the labs through partnerships by waiving some of the cost-share requirements small businesses have a hard time meeting.

The legislation authorizes all the funds available to the Secretary of Energy to be used in partnerships and directs that the Secretary shall, as much as possible, use partnerships to fulfill the missions of the Department.

The measure encourages cooperation between the DOE and State and local programs for technology development and dissemination.

In addition to their existing missions, this legislation authorizes the labs to pursue supporting missions. Three areas in which the laboratories will have a supporting mission are explicitly stated in the legislation to serve as examples; high performance computing and communications, advanced manufacturing systems and technologies, and advanced materials. The departmental laboratories possess capabilities in a number of other areas such as microelectronics, transportation, space, human health sciences, and environmental science which could also serve as examples of areas in which it is appropriate for the departmental laboratories to pursue supporting missions.

Finally, the legislation includes a number of other provision directed toward improving the administration of the Department's technology transfer activities. These provisions include the establishment of the career path program to allow lab employees to serve in the Department and return to their lab positions, the creation of three Under Secretary of Energy positions, and the creation of a laboratory partnership advisory board.

This legislation will greatly improve the ability of the national laboratories to make their expertise and resources available to non-Federal partners. I would like to thank my colleagues with whom I have worked closely on this legislation, and I look forward to its enactment.

Mr. CONRAD. Mr. President, I would like to applaud the Senator from Louisiana, the distinguished Chairman of the Committee on Energy and Natural Resources, for introducing this legislation to strengthen the links between the technology programs at the Department of Energy and private industry. The Department of Energy has tremendous technological resources that could provide great benefits to the U.S. economy if they were brought to bear effectively on the problems facing U.S. industry. The key requirement is to create productive working relationships between the technology programs funded by the Department of Energy and partners in private industry.

The Energy and Environmental Research Center at the University of North Dakota is a shining example of success in technology partnerships with private industry. Though no longer a DOE facility, EERC has a long-standing Cooperative Agreement with the Department of Energy to support cost-shared joint ventures on energy and environmental technology with private industry. Under this agreement EERC receives roughly $2.5 million per year for the Jointly Sponsored Research Program, which requires at least an equal matching of funds by industrial partners.

Using funding provided by the Department of Energy in fiscal year 1993 EERC received matching commitments for over $2.8 million from 48 industrial partners. Mr. President, I ask unanimous consent that a list of these partners be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

COMMERCIAL SPONSORS—1993 JSRP PROJECTS

1 3M.
2 Ahlstrom Pyropower.
3 Air Products.
4 AMAX.
5 American Coal Ash Assn.
6 APC.
7 API.
8 Babcock & Wilcox.
9 Bennett Industries of Alabama, Inc.
10 BNI Coal.
11 CAPP (Canadian Assn. Petro. Producers).
12 Community Energy Alternatives.
13 CONSOL.
14 Contech-J.W. Brett.
15 Cooperative Power.
16 Cyprus Coal.
17 Dakota Gasification Co.
18 EnerTech Environmental Inc.
19 Enviromentor.
20 EPRI.
21 ESEERCO.
22 GRI.
23 ISGS.
24 J.R. Simplot Co.
25 Kansas City Power & Light.
26 Kellogg.
27 Knife River Coal Mining Co.
28 LA County Sanitation Dist.
29 MDU Resources.
30 Minnesota Power.
31 Minnkota Power Cooperative.
32 National Corn Growers Assn.

33 Nebraska Ash.
34 NIPSCO.
35 North American Coal Company.
36 NRG Energy Inc.
37 NSP.
38 N.D. Industrial Comm.
39 Ontario Hydro.
40 Otter Tail Power.
41 Peabody Coal.
42 Riley Stoker.
43 Southern Co. Services.
44 Union Electric.
45 Utility Fuels, Inc.
46 U. of NY—Stony Brook.
47 Wisconsin Power and Light.
48 Ziegler Coal.

Mr. CONRAD. Mr. President, because of this record of success, the Department of Energy recently agreed to extend this Cooperative Agreement with EERC for an additional 5 years.

Mr. President, I believe that the Jointly Sponsored Research Program at EERC is an example of the type of program that this legislation is designed to promote.

Mr. JOHNSTON. I agree that the Cooperative Agreement between the Secretary of Energy and the Energy and Environmental Research Center is a good model for coupling technology programs supported by the Department of Energy into partnerships with private industry. The Secretary of Energy and the Departmental laboratories could learn from the example of the Jointly Sponsored Research Program at EERC in carrying out the mandate of this bill to pursue technology partnerships.

Mr. CONRAD. There is no need to reinvent the wheel when it comes to technology partnerships. It would be unproductive to create new programs that displace successful programs like EERC. Am I correct in assuming that the intent of this bill is to build on existing models of success like EERC?

Mr. JOHNSTON. The Senator is correct. This bill is not intended to displace the successful program at EERC. It is my view that successful technology partnerships like the Cooperative Agreement between DOE and EERC should be encouraged.

Mr. CONRAD. As I read this bill, it gives the Secretary of Energy the authority to undertake technology partnerships in any program of research, development, demonstration and the commercial application of technologies. This is not limited to programs at the departmental laboratories. Is that a correct interpretation?

Mr. JOHNSTON. That is correct.

Mr. CONRAD. With its experience in joint ventures with industry, the Energy and Environmental Research Center has much to offer to the Department of Energy as it works to implement this bill. EERC has the entrepreneurial spirit necessary to seek out productive partnerships with the private industry and has built up strong working relationships with a large number of industrial partners. The Department of Energy should make use of EERC's resources and experiences in developing technology partnerships programs to carry out this act.

Mr. JOHNSTON. I agree with the remarks of my colleague from North Dakota.

Mr. CONRAD. I thank the distinguished Chairman for clarifying the intent of this bill.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 813) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 814

Mr. NUNN. Mr. President, I send an amendment to the desk on behalf of Senators JOHNSTON, WALLOP, BINGAMAN, DOMENICI, and CRAIG, and I ask that it be reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. JOHNSTON, for himself, Mr. WALLOP, Mr. BINGAMAN, Mr. DOMENICI, and Mr. CRAIG proposes an amendment numbered 814.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 408, line 26, after "prescribes." insert:

"The Under Secretaries shall be compensated at the rate for level III of the Executive Schedule under section 5314 of title 5, United States Code, and the General Counsel shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code."

Mr. NUNN. Mr. President, this is an amendment in the nature of a technical amendment that will conform the provision in the authorization bill adding an additional two Under Secretaries of the Department of Energy to the existing language in the Department of Energy Organization Act that established the management structure at the Department of Energy.

I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate? Without objection, the amendment is agree to.

So the amendment (No. 814) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

The PRESIDING OFFICER. The chair would entertain a motion to table.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NUNN. Mr. President, I believe that that completes all the amendment that we are going to be able to complete tonight. I thank the cooperation of all Senators. We have had a long day, a very productive day. We have handled many amendments. We have handled at least 4 major controversial amendments today. We will be busy all day tomorrow and into the evening, but I think we can get through tomorrow night.

ACCESS TO MEDICAL CARE AT REMOTE BASES

Mr. BINGAMAN. Mr. President, I rise to engage my colleague Senator SHELBY, the chairman of the Armed Services Subcommittee on Force Requirements and Personnel, in a colloquy regarding access to medical care at remote military bases. During markup of the bill before us, Senator SHELBY and I discussed the problem of inadequate access to medical care for many of those in the military services. In response to this problem, which many of us have been made aware of this year, Senator SHELBY included language in the bill before us requiring the Secretary of Defense to certify the adequacy of all future submissions of the Defense health program budget. This was done in response to persistent underfunding of these accounts by the Department of Defense, which has resulted in the disruption or termination of certain services, and inconsistencies in the delivery of services both geographically and among the military services.

Mr. President, I strongly support that provision. I believe that we need to make every effort to ensure that DOD health program beneficiaries have access to normal medical services. Unfortunately, in many instances this is not the case. This is especially true of remote military bases with little access to civilian medical care. Holloman Air Force Base in New Mexico is a case in point, and I would inquire of my colleague Senator SHELBY if the provision we included is intended to address the medical care issues facing remote bases such as Holloman.

Mr. SHELBY. Mr. President, the Senator is correct that the provision we approved in the Force Requirements and Personnel Subcommittee is intended to improve access to medical care in those places where access may have fallen short. I understand the situation Senator BINGAMAN is describing. In fact, I have similar situations in my State. I believe that the actions we have taken will address these problems, and I look forward to continuing to work with Senator BINGAMAN on this issue in the years to come.

Mr. BINGAMAN. I thank my colleague for those remarks. I also believe that the provision we included in the committee markup will address these problems, and I would like to commend Senator SHELBY for his leadership in this area. I would add that it is my belief that the Department of Defense needs to take into account the location of military bases in budgeting for health care within the Department. Servicemembers and their families at these bases do not have access to the types of civilian health care facilities that others may have access to in larger cities. I feel that a special effort should be made to ensure that every beneficiary has access to normal medical services.

Mr. SHELBY. I agree that every beneficiary of these services deserves access to normal medical services, and I will work with my colleague from New Mexico to ensure that access.

Mr. BINGAMAN. I thank the Senator. I yield the floor.

MCCAIN AMENDMENT NO. 779

Mr. GORTON. Mr. President, since Estonia first won its independence in 1920, it has enjoyed 22 years of freedom—the first twenty coming between the two world wars and the last two having come recently, since the fall of the Soviet Union. In between, Estonia was absorbed by Russia, invaded by Germany, then retaken by the Soviet Union.

Of all the casualties of Soviet expansion, Estonia was one of the most painful. That country—with its agriculture, timber and oil shale resources—almost certainly would have used its 45 years of subjugation, if free, to its advantage, forging an economy more similar to its Scandinavian and European neighbors than to the Soviet Union. The extent of that development can only be guessed now that we see Estonia's accomplishments over the past two years: roughly 3.5% unemployment, 1.7% inflation, and a stronger and more stable currency than any other in either the former Soviet Union or Scandinavia.

It is understandable then that Estonia is intent on establishing its independence from Russia, including the creation of its own defense force. On February 1, Estonian President Meri wrote President Clinton to ask that he authorize a retired Army Colonel, Aleksandr Einseln, to assume the position of commander of these defense forces. The Estonian President's intentions were pure; Colonel Einseln was chosen because he could safely streamline and retrain Estonia's small defense forces. Early this Summer the Department of State denied Mr. Einseln authorization for the move, concerned that the presence of a retired military officer in Estonia could heighten tensions with Russia. When Col. Einseln assumed the position without the Department of State's authorization, the Department of Defense was then compelled by law to revoke Col. Einseln's pension, and reconsider the status of his citizenship.

Mr. President, I consider these measures, particularly the Department of State's opposition to Col. Einseln's move, unjust. The State Department's greatest concern for Col. Einseln's new position—that the Russian Government would object to an American in his position—has not materialized. And, when one considers that Col. Einseln now commands a force of 2,000 soldiers, two planes, and three small ships, it is highly unlikely that it will materialize. In my opinion, Col. Einseln is more likely to stabilize the area by providing responsible training, based on respect for the rule of law and human rights.

Today, however, I am more concerned with reinstating Col. Einseln's pension—an entitlement that should not be jeopardized by the State Department's refusal to authorize his move. Col. Einseln has served two tours in Vietnam, another in Korea, and earned three dozen medals, including two Bronze stars and the Legion of Merit. That service warranted a full pension. Any recent disagreement with the Department of States does not negate that service, and should not disqualify him for those benefits.

Mr. President, I am pleased to be a cosponsor of an amendment that Senator McCain successfully offered to the Defense Authorization bill yesterday. That amendment will allow retired U.S. members of the military to serve democratic countries, and, in the process, return Col. Einseln's pension in full. It is clear that the concerns that prevented the authorization of his command were not necessary, and that the Defense Department's requirements to revoke his pension was, in this case, unfair. With this amendment Col. Einseln will be allowed to continue his service with the Estonian defense forces without risk to his pension for citizenship. I am confident that that service will contribute to the further growth of this newly independent country.

MODIFICATION OF UNANIMOUS-CONSENT AGREEMENT

Mr. NUNN. Mr. President, I ask unanimous consent that the previous unanimous consent agreement covering S. 1298 be modified to stipulate that the amendments listed as remaining in order to the bill be considered first-degree amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

TRIBUTE TO NATHANIEL HANSFORD

Mr. HEFLIN. Mr. President, I want to take a moment to recognize a good friend and outstanding legal scholar, Vernon Nathaniel Hansford, who recently announced his intention to retire as Dean of the University of Alabama Law School. Nat, as his friends call him, served in a number of administrative positions at the law school over the last ten years. His resignation was effective September 7.

Dean Hansford has provided outstanding leadership for Alabama's Law School since arriving there almost 20 years ago as a professor. He did an excellent job of promoting progress at the school and university, and in improving the quality of legal education. The law school has gained a regional and national reputation, and several publications list it in their rankings of the top law schools in the Nation. Applications have increased significantly under his tenure as dean, and the school attracts some of the best and brightest students from all over the country.

A Phi Beta Kappa graduate of the University of Georgia, Nat also earned his law degree from Georgia. He later took his LL.M degree from the University of Michigan. After law school, he clerked for the Honorable Lewis R. Morgan, United States Court of Appeals for the Fifth Circuit. In 1970, he was commissioned a Captain in the Judge Advocate General's Corps and spent 3 years in the Army including 1 year in Korea. He remains a member of the United States Army Reserves and holds the rank of colonel.

Between 1973 and 1975, Nat practiced with the firm of Mitchell, Mitchell, Coppedge & Boyett in Dalton, GA. He joined the faculty of the University of Alabama Law School in 1975. From 1982 to 1985, he served as Associate Dean, and in June 1987 was appointed Dean.

In 1982, he was selected by the National Alumni Association of the university as the recipient of its Outstanding Commitment to Teaching Award, one of the highest honors bestowed upon faculty members at Alabama. Five years later, Nat was selected by the Law School Student Bar Association to receive the Outstanding Faculty Member Award. Clearly, he is a law professor of the highest caliber, and the school administration's loss will definitely be his students gain when he returns to the classroom.

Nat is the author of three books, Alabama Equity, UCC Transactions Guide, and Sales, Leases & Bulk Transfers, as well as numerous law review articles. He serves as a member of the Board of Directors of Synovus Financial Corporation of Columbus, Georgia, a bank holding company in Georgia, Florida, and Alabama. He is also a member of the Alabama, Georgia, and American Bar Associations.

Nathaniel Hansford has served the University of Alabama Law School well over the last two decades, and has been an outstanding dean during the last six. He is a true friend to faculty members and students alike, and his tenure as dean provides a new standard by which his successors will be measured. I congratulate him and wish him many productive years on the faculty of the Law School as he leaves the Dean's Office and returns to teaching the young attorneys of tomorrow.

TRIBUTE TO CHARLES B. ARENDALL, JR.

Mr. HEFLIN. Mr. President, I want to pay tribute to Charles Baker Arendall, Jr., of Mobile, Alabama, who recently passed away. At the time of his death, he was the senior partner in the law firm of Hand, Arendall, Bedsole, Greaves, and Johnson, one of the largest in Alabama. He was the driving force behind the growth of this outstanding firm. He once told me his goal in life was to build a truly outstanding law firm in Mobile. He certainly achieved his goal.

A native of Portsmouth, Virginia, Charles had been a resident of Mobile since 1921. His father was Dr. C.B. Arendall, who had served as the pastor of Dauphin Way Baptist Church for many years. Charlie graduated from the University of Richmond and Harvard Law School, where he was a cum laude graduate. He later served as a national vice president of the Harvard Law School Association and president of its Alabama chapter. He was also elected to the Samford University board of trustees in 1947 and served on the advisory board of Samford's Cumberland Law School.

Prior to joining the law firm that became known as Hand, Arendall, Bedsole, Greaves, and Johnson, Charlie was an associate with the firm of Smith and Johnston for 3 years. He was a member of the Mobile Bar Association, serving as its president in 1976, the New York Bar Association, the Alabama State Bar Association, and the American Bar Association. He was also a member of several fraternal organizations, including Kappa Sigma, Pi Delta Epsilon, and Alpha Psi Omega. His trial advocacy ability was recognized by his selection to the fellowship of the American College of Trial Lawyers.

Charles was indeed a pillar within the legal profession, to which he contributed so much over the last several decades. He was also a pillar within his community, commanding tremendous stature and respect. He was a deacon and Sunday School teacher of his Baptist Church and served as chairman of the Red Cross Fund Campaign for Mobile County. He was a founding member of Mobile College's Board of Trustees.

He was also the consummate family man, always making his wife and children his top priority, regardless of how busy his schedule became. He leaves behind four daughters and nine grandchildren.

Charles Arendall led a life focused on excellence, a commitment that carried through to every organization and task with which he chose to involve himself, and there were many. He was a giant in both his profession and his community and will be sorely missed by the many who had the honor and pleasure of knowing him over the years. I join his many friends and associates in extending my deepest condolences to his family.

IRRESPONSIBLE CONGRESS HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt stood at $4,391,317,318,053.12 as of the close of business on Wednesday, September 8. Averaged out, every man, woman, and child in America owes a part of this massive debt, and that per capita share is $17,096.22.

THE TRAGEDY OF CONTINUING ANTI-ABORTION VIOLENCE

Mr. KENNEDY. Mr. President, this summer, a new wave of anti-abortion violence and blockades has demonstrated that enactment of the Freedom of Access to Clinic Entrances Act, S. 636, is more urgent than ever.

On August 19, in an incident all too reminiscent of the killing of Dr. David Gunn in Pensacola, FL last March, Dr. George Tiller in Wichita, KS was shot in both arms outside a clinic where he performs abortions. His assailant was an individual who had been arrested in 1989 for blocking access to a clinic in Portland, OR, and who has two outstanding warrants against her for trespassing at clinics in San Francisco and Milwaukee.

Earlier in August, a clergyman in Alabama tried to place an advertisement in the Mobile Press Register advocating the murder of doctors. The ad depicted a man about to shoot an abortion provider. Its caption read: "Justifiable Homicide?" Not long after, a doctor who owned two abortion clinics in Mobile was murdered, although at this time his death has not been linked to his medical practice.

Incitements to violence against abortion providers are on the rise. Some anti-abortion literature calls Dr. Gunn's alleged murderer a hero. An anti-abortion group in Florida has called the shooting of Dr. Tiller "honorable." Bumper stickers urge, "Execute Murderers/Abortionists."

In July, a coordinated campaign of demonstrations was waged against clinics in seven cities across the country. While that effort did not produce the turnout anticipated by its organizers, it did result in serious disruptions at several clinics, including facilities in San Jose, CA and the Philadelphia area, where access was successfully blocked by several hundred demonstrators. Clearly, these high-profile campaigns tend to inflame some extremists to resort to the outright violence and calls for further violence that we have witnessed this summer.

It is not enough for Congress simply to condemn this reprehensible conduct. Legislation must be enacted before another doctor dies, or another clinic is blockaded or burned to the ground.

The Freedom of Access to Clinic Entrances Act will protect health care providers and patients from violent attacks, blockades, threats of force, and destruction of property intended to interfere with the exercise of the constitutional right to terminate a pregnancy. S. 636 will establish new Federal criminal offenses for this conduct, as well as a civil cause of action for injured parties. It will send an unmistakable message that violent conduct will not be tolerated.

Those who express their opposition to abortion through peaceful picketing and other activities protected by the First Amendment have nothing to fear from this legislation. The bill is carefully limited to address violent, threatening, obstructive or destructive conduct. It does not cover speech or expressive activities protected by the Constitution.

S. 636 is a top priority of all of the leading women's rights groups. It is also supported by law enforcement officials, the medical profession, Constitutional scholars and civil liberties organizations. The Clinton administration endorses it. Attorney General Reno has urged the Senate to act quickly.

The bill was reported favorably by the Committee on Labor and Human Resources last July with strong bipartisan support from Senators who consider themselves pro-choice as well as others who consider themselves pro-life. It deserves broad support, and I look forward to swift action by the Senate, so that we can end this unacceptable reign of terror.

JIM KIELSMEIER AND NATIONAL AND COMMUNITY SERVICE

Mr. DURENBERGER. Mr. President, as the Senate took final action yesterday on the National and Community Service Trust Act, I noted the strong leadership that has been given this initiative by my home state of Minnesota.

No one individual has contributed more to that leadership than has Jim Kielsmeier, the founder and president of the National Youth Leadership Council.

Jim's vision of making community service an integral part of teaching and learning helping found the Council a decade ago.

And, earlier this year, the Council—again under Jim's able leadership—received the first Federal grant to establish a national clearinghouse on service learning. The clearinghouse is headquartered at the University of Minnesota.

Jim Kielsmeier's vision of national and community service also stresses the need to reconnect young people in America with their communities.

And, the legislation we have now passed will open that opportunity to millions of American young people—through both stipended service programs and non-stipended service learning.

Fortunately, Jim Kielsmeier has never been satisfied to sit back and rest on his past success.

And, that insistence on always pushing out the frontiers of linking young people and their communities through service is at the heart of Jim's latest new venture—a new venture that he's personally now launching in far away East Africa.

That venture has taken Jim, his wife Deb, and two young children to Nairobi, Kenya, for the next 12 months.

While he's there, Jim has taken on the enormous challenge of using a new Somali National Youth Service Corps to help connect young people in Somalia to their war-torn communities.

Jim will begin that incredibly difficult task from Kenya where he will meet Somali refugees who may become a part of this new corps. He will also be contacting agencies and funding sources who are interested in supporting a pilot national service corps.

Jim plans a fall trip into Somalia to meet with elders in the Somali village of Bule Burti. He has a Somalia partner in this venture from that village who will helpfully carry on Jim's vision long after he leaves to return to America.

Organizing youth and community service activity in this country is difficult enough. And, Jim has demonstrated time and time again over the years that he is clearly capably of meeting that challenge.

But, imagine the difficulty of organizing young people positively around service opportunities in their communities in the middle of a chaotic civil war.

And, also, imagine the potential of positively linking young people to their country and their communities when the only opportunities to make that link in the past have been through fighting and killing, and destruction of those very same communities.

While in Kenya, Jim's wife Deb will also be working with Young Life International—a non-denominational ministry that reaches out to adolescents by building bridges through which God can minister.

What a commitment for this young family to be making.

But, what a tremendous opportunity to demonstrate the power that young individuals can have in dealing with some of the most pressing needs and devastated communities on earth.

I believe those challenges can be met—in Kenya, in Somalia, and in the cities and rural communities of this nation as well.

Under the legislation we adopted yesterday, we have made a commitment to begin that job here in America.

But, whether we succeed won't depend on national government programs or even on Federal funds.

National and community service will meet its goals because of the leadership and vision of people like Jim Kielsmeier.

All of us owe him an enormous debt of gratitude for what he has already done in Minnesota and all over America.

And, I personally wish Jim—and his wife Deb and children Sarah and Stina—Godspeed on this newest venture they are now launching—a venture from which we all pray they will safely return.

Thank you, Mr. President. I yield the floor.

THE SITUATION IN SOMALIA

Mr. MACK. Mr. President, the situation in Somalia has become intolerable. When President Bush first sent troops there, they went for humanitarian reasons—to end the starvation which was devastating the country. I supported that mission, but as far as I can tell, that work is done.

But now we have a new President, and the mission has evolved into something much more nebulous. We find ourselves in the middle of a civil war, and some of our troops are not even under the direct control of American commanders.

The truth is, we have no clearly defined objectives for our forces in Somalia. Since the administration cannot satisfactorily explain those objectives, our troops should come home.

We are now in a no-win situation: just this afternoon, our forces killed scores of Somalis, including women and children, while trying to defend themselves from attack. The American military should not be hunting for warlords in the Somalian countryside, much like the Peruvian army searching in vain for Butch Cassidy and the Sundance Kid.

The proposal before us simply does not go far enough, and therefore I am compelled to vote against it. I can no longer, in good conscience, stand by while further lives are lost under these conditions.

It is time to bring our troops home.

MESSAGES FROM THE HOUSE

At 1:58 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that pursuant to section 203(b)(1)(G) of Public Law 102-166, the majority leader and the minority leader appoint Mrs. ROUKEMA, on the part of the House, to serve as a member of the Glass Ceiling Commission; vice Ms. MOLINARI, resigned.

ENROLLED BILL SIGNED

At 6:08 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker signed the following enrolled bill:

H.R. 2010. An Act to amend the National and Community Service Act of 1990 to establish a Corporation for National Service, enhance opportunities for national service, and provide national service educational awards to persons participating in such service, and for other purposes.

At 7:48 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House had passed the following joint resolution, without amendment:

S.J. Res. 126. Joint Resolution designating September 10, 1993, as "National POW/MIA Recognition Day" and authorizing the display of the National League of Families POW/MIA flag.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2403) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1994, and for other purposes, it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. HOYER, Mr. VISCLOSKY, Mr. DARDEN, Mr. OLVER, Mr. BEVILL, Mr. SABO, Mr. NATCHER, Mr. LIGHTFOOT, Mr. WOLF, Mr. ISTOOK, and Mr. MCDADE as managers of the conference on the part of the House.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1399. A communication from the President of the United States, transmitting, notice relative to the fiscal year 1994 appropriations request for the Department of Energy; to the Committee on Appropriations.

EC-1400. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, the sequestration update report for fiscal year 1994; referred jointly, pursuant to the order of August 4, 1977, to the Committee on the Budget, and to the Committee on Governmental Affairs.

EC-1401. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within five days of enactment; referred jointly, pursuant to the order of January 20, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, and to the Committee on Armed Services.

EC-1402. A communication from the Acting Director of the Office of Civilian Radioactive Waste Management, Department of Energy, transmitting, pursuant to law, the annual report for fiscal year 1992; referred jointly, pursuant to Public Law 97-425, to the Committee on Energy and Natural Resources, and to the Committee on Environment and Public Works.

EC-1403. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report of the mid-session review of the 1994 Budget; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, and to the Committee on the Budget.

EC-1404. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on rescissions and deferrals; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition and Forestry, to the Committee on Banking, Housing, and Urban Affairs, to the Committee on Commerce, Science and Transportation, to the Committee on Environment and Public Works, to the Committee on Finance, to the Committee on Foreign Relations, and to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. MIKULSKI, from the Committee on Appropriations, with amendments:

H.R. 2491. A bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1994, and for other purposes (Rept. No. 103-137).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HOLLINGS:

S. 1444. A bill to establish a common market to bind together the countries of North America, Central America, and South America in a common commitment to promote democracy and mutually beneficial economic development; to the Committee on Finance.

By Mr. ROCKEFELLER (by request):

S. 1445. A bill to amend title 38, United States Code, to improve and clarify certain adjudication and appeal procedures relating to claims for benefits under laws administered by the Department of Veterans' Affairs; to the Committee on Veterans Affairs.

By Mr. WOFFORD:

S. 1446. A bill to help schools achieve the sixth goal of the National Education Goals, which provides that by the 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by supporting school and communitywide efforts to make schools and neighborhoods safe and drug free; to the Committee on Labor and Human Resources.

By Mr. KEMPTHORNE:

S.J. Res. 130. A joint resolution designating October 27, 1993, as "National Unfunded Federal Mandates Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HOLLINGS:

S. 1444. A bill to establish a common market to bind together the countries of North America, Central America, and South America in a common commitment to promote democracy and mutually beneficial economic development; to the Committee on Finance.

AMERICAN COMMON MARKET ACT OF 1993

Mr. HOLLINGS. Mr. President, I rise today to introduce a bill that would bind together the countries of North America, Central America, and South America in a common commitment to promote democracy and mutually beneficial economic development by establishing a common market for the Americas.

The first common market in the Americas was founded more than 200 years ago when the citizens of the 13 colonies pledged their lives, their blood and their sacred honor to form a union of liberty and democracy. The wealth our country has experienced throughout its history springs directly from those values and that commitment.

The Europeans got the picture. Rising from the ashes of World War II, the nations of Europe banded together to build a common market grounded in social and economic justice—free markets, free press, free association, and free elections—and buttressed by democratic institutions.

The accession treaty to the European Community declares that "principles of pluralistic democracy and respect for human rights form part of a common heritage of the peoples of the states brought together in the European Communities and constitute therefore essential elements of membership."

Mr. President, in the North American Free-Trade Agreement the word "democracy" does not appear. Yet the agreement attempts to integrate two developed, democratic, capitalist countries with a country that has been called the perfect dictatorship—without an attempt to address the fundamental differences between the nations. The disparity in wages between the United States and Mexico is indicative of the larger schism which will tear our economy apart unless we learn this lesson: the benefits of free markets cannot be enjoyed unless there are democratic institutions to protect the rights of its citizens.

Instead of pursuing the narrow economic agenda of the previous administration, we should offer a new vision for the Americas, one that will fulfill the legacy left by President Kennedy, who 30 years ago recognized that social change must accompany economic change. In his words,

> No program which is restricted to the technicalities of economic development can fully answer the needs of the Americas. Only an approach to economic progress and social justice which is based on wide acceptance of the fundamental ideals of political democracy and human dignity can conquer the many ills of our hemisphere and respond fully to the aspirations of our people.

Mr. President, the common market for the Americas enshrines the features necessary for the development of democracy and free markets—features that are absent from NAFTA:

First, admission to the common market for the Americas will require each country to commit to basic tennets of representative democracy.

Second, common market countries will agree to a social charter that will protect worker rights and guarantee the right to form independent labor unions.

Third, unlike NAFTA, which simply provides unlimited access to the U.S. market, the common market would be focused outward and would encourage exports from the Americas to other hemispheres.

Fourth, to prevent the nations of the common market from engaging in competitive devaluations, the market would create a mechanism to align exchange rates.

Fifth, the common market would also establish a common policy on competition so that large industrial conglomerates who operate free of the constraints of antitrust laws do not capture markets by engaging in predatory practices.

Mr. President, after decades of neglect it is time once again that we offer our neighbors to the south a proposal that puts people first by finally putting democracy first. Gone are the days of the cold war that forced us to embrace totalitarian regimes who shared our anti-Communist policies. As nations around the world are throwing off the mantle of oppression, it is time we stand with the forces of change and democracy rather than with the forces of status quo and oligarchy.

By Mr. ROCKEFELLER (by request):

S. 1445. A bill to amend title 38, United States Code, to improve and clarify certain adjudication and appeal procedures relating to claims for benefits under law administered by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

VETERANS' APPEALS IMPROVEMENT ACT OF 1993

• Mr. ROCKEFELLER. Mr. President, as Chairman of the Veterans' Affairs Committee, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 1445, the proposed Veterans' Appeals Improvement Act of 1993, a bill to improve and clarify certain adjudication and appeal procedures relating to claims for benefits under laws administered by the Department of Veterans Affairs. The Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated August 13, 1993.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs

Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the transmittal letter and enclosed analysis of the draft legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1445

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Appeals Improvement Act of 1993".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. COMPOSITION OF THE BOARD OF VETERANS' APPEALS.

(a) BOARD MEMBERS AND PERSONNEL.—Section 7101(a) is amended to read as follows:

"(a)(1) There is in the Department a Board of Veterans' Appeals (hereafter in this chapter referred to as the 'Board'). The Board is under the administrative control and supervision of a Chairman directly responsible to the Secretary.

"(2) The members of the Board shall be the Chairman, a Vice Chairman, such number of Deputy Vice Chairmen as the Chairman may designate under subsection (b)(4), and such number of other members as may be found necessary to conduct hearings and consider and dispose of matters properly before the Board in a timely manner. The Board shall have such other professional, administrative, clerical, and stenographic personnel as are necessary to conduct hearings and consider and dispose of matters properly before the Board in a timely manner.".

(b) APPOINTMENT AND REMOVAL OF BOARD MEMBERS.—Section 7101(b) is amended—

(1) in paragraph (2)(A), by striking "other members of the Board (including the Vice Chairman)" and inserting in lieu thereof "Board members other than the Chairman";

(2) in paragraph (2)(B), by striking "paragraph" and inserting in lieu thereof "subparagraph"; and

(3) by striking out paragraph (4) and inserting in lieu thereof the following new paragraph (4):

"(4) The Secretary shall designate one Board member as Vice Chairman based upon recommendations of the Chairman. The Chairman may designate one or more Board members as Deputy Vice Chairmen. The Vice Chairman and any Deputy Vice Chairman shall perform such functions as the Chairman may specify. The Vice Chairman shall serve as Vice Chairman at the pleasure of the Secretary. Any Deputy Vice Chairman shall serve as Deputy Vice Chairman at the pleasure of the Chairman.".

(c) ACTING BOARD MEMBERS.—Section 7101(c) is amended—

(1) by striking out paragraph (1) and inserting in lieu thereof the following new paragraph (1):

"(1) The Chairman may from time to time designate one or more employees of the Department to serve as acting Board members.";

(2) by striking out paragraph (2);

(3) by redesignating paragraph (3) as paragraph (2); and

(4) in paragraph (2), as so redesignated—

(A) by striking out "temporary Board members designated under this subsection and the number of"; and

(B) by striking out "section 7102(a)(2)(A)(ii) of this title" and inserting in lieu thereof "paragraph (1) of this section".

(d) CHAIRMAN'S ANNUAL REPORT.—Section 7101(d)(2) is amended—

(1) in subparagraph (D), by striking out "year; and" and inserting in lieu thereof "year;";

(2) in subparagraph (E), by striking out "year." and inserting in lieu thereof "year; and"; and

(3) by adding at the end the following:

"(F) the names of those employees of the Department designated under subsection (c)(1) to serve as acting Board members during that year and the number of cases each such acting Board member participated in during that year.".

(e) CONFORMING AMENDMENTS.—(1) Section 7101(d)(3)(B) is amended by striking out "section 7103(d)" and inserting in lieu thereof "section 7101(b)".

(2) Section 7101(e) is amended in the first sentence by striking out "a temporary or" and inserting in lieu thereof "an".

SEC. 3. ASSIGNMENT OF MATTERS BEFORE THE BOARD.

Section 7102 is amended to read as follows:

"§ 7102. Assignment of matters before the Board

"The Chairman may determine any matter before the Board, or rule on any motion in connection therewith, or may assign any such matter or motion to any other Board member or a panel of members for determination. Any such assignment by the Chairman may not be reviewed by any other official or by any court, whether by an action in the nature of mandamus or otherwise.".

SEC. 4. DETERMINATIONS BY THE BOARD.

(a) IN GENERAL.—Section 7103(a) is amended to read as follows:

"(a) When the Chairman retains a matter or submits it to another Board member or a panel of members for determination in accordance with section 7102 of this title, or to an expanded panel of Board members in accordance with subsection (b) of this section, the Chairman, other member, or panel of members may:

"(1) Issue an order dismissing any appeal, in whole or in part, which fails to allege specific error of fact or law in the determination being appealed or in which the determination being appealed has become moot. Each order of dismissal shall include a written statement of the Board's findings and conclusions, and the reasons or bases for those findings and conclusions, in support of the dismissal.

"(2) Issue an order remanding the case, in whole or in part, to the agency of original jurisdiction for such additional development as the Chairman, other member, or panel of members may consider necessary for proper disposition of the case.

"(3) Render a written decision with respect to any issues not dismissed or remanded, which decision shall constitute the Board's final disposition of the issues so decided. Such decisions shall be based on the entire record in the proceeding, upon consideration of all evidence and material of record, and upon applicable provisions of law and regulation. The Board shall be bound in its decisions, including allowances made under the provisions of subsection (d) of this section, by the regulations of the Department, the instructions of the Secretary, and the precedent opinions of the chief legal officer of the Department. Each decision of a Board member or a panel of members shall include—

"(A) a written statement of the Board's findings and conclusions, and the reasons or bases for those findings and conclusions, on all material issues of fact and law presented on the record; and

"(B) an order granting appropriate relief or denying relief.

Decisions by a panel of Board members, except as otherwise provided in subsection (b), shall be made by a majority of the members of the panel.".

(b) RECONSIDERATION.—Section 7103(b) is amended to read as follows:

"(b) The decision of a Board member or a panel of members is final, unless the Chairman orders reconsideration of the case, and a claim disallowed by the Board may not thereafter be reopened or allowed except as provided in section 5108 of this title and subsection (d) of this section. If the Chairman orders reconsideration in a case, the case shall be considered upon reconsideration by a panel of members other than the Chairman if one member originally decided the case or by an expanded panel of members other than the Chairman if a panel originally decided the case. When a panel considers a case after a motion for reconsideration has been granted, the decision of a majority of the panel members shall constitute the final decision of the Board, except as provided in subsection (d). If the expanded panel cannot reach a majority decision, the Chairman may either assign additional members other than the Chairman to the panel or vote with the members of the expanded panel so as to create a majority decision. Either the expanded panel majority or the majority made with the vote of the Chairman shall constitute the final decision of the Board, except as provided in subsection (d).".

(c) ADMINISTRATIVE ALLOWANCE; NOTICE OF DETERMINATION.—Section 7103 is amended by adding at the end the following:

"(d) Whenever a Board member other than the Chairman or Vice Chairman is of the opinion that a prior, otherwise final denial of a claim should be revised or amended to allow the claim in whole or in part, based on a difference of opinion as to how the evidence should be evaluated rather than on any error in the prior decision, the Board member shall recommend such allowance to the Chairman or Vice Chairman. The Chairman or Vice Chairman, whether upon the recommendation of any other Board member or upon the Chairman's or Vice Chairman's own motion, if of the opinion that a prior, otherwise final denial of a claim should be revised or amended to allow the claim in whole or in part, based on a difference of opinion as to how the evidence should be evaluated rather than on any error in the prior decision, shall approve the award of any benefit, or any increase therein, on the basis of such difference of opinion. The discretionary exercise of the authority provided to the Chairman and Vice Chairman under this subsection shall not be reviewed by any other official or by any court, whether by an action in the nature of mandamus or otherwise.

"(e) After reaching a determination under any of the provisions of this section, the Board shall promptly mail a copy of its written decision to the appellant and the appellant's authorized representative (if any) at the last known address of the appellant and at the last known address of such representative (if any), respectively.".

SEC. 5. JURISDICTION OF THE BOARD.

Section 7104 is amended—

(1) by striking out "(a)";

(2) by striking out "211(a)" and inserting in lieu thereof "511(a)"; and

(3) by striking out all after "made by the Board.".

SEC. 6. APPELLATE PROCEDURE.

Section 7105(d) is amended by striking out paragraph (5).

SEC. 7. MEDICAL OPINIONS.

Section 7109 is amended to read as follows:

"§ 7109. Medical opinions

"(a) A Board member or a panel of members before whom a matter which involves a medical question is pending may, in the discretion of the member or panel, request an opinion on that medical question from—

"(1) an employee of the Board who is licensed to practice medicine in any State;

"(2) an employee of the Veterans Health Administration who is licensed to practice medicine in any State and who has been designated by the Under Secretary for Health to provide such an opinion; or

"(3) an employee of any Federal department or agency who is licensed to practice medicine in any State and who has been designated, in accordance with arrangements made by the Secretary with the head of any such Federal department or agency, to provide such an opinion.

"(b) When, in the judgment of a Board member or a panel of members assigned a matter for determination in accordance with section 7102 of this title, the medical complexity or controversy involved in that matter warrants expert medical opinion in addition to, or in lieu of, that available within the Department or within another Federal department or agency, the Board may secure an advisory medical opinion from one or more independent medical experts who are not employees of the Department or of another Federal department or agency. The Secretary shall make necessary arrangements with recognized medical schools, universities, or clinics to furnish such advisory medical opinions at the request of the Chairman. Any such arrangement shall provide that the actual selection of the expert or experts to give the advisory opinion in an individual case shall be made by an appropriate official of such institution. For purposes of this section, an employee of a medical school, university, or clinic shall not be considered an employee of the Department or another Federal department or agency just because the medical school, university, or clinic receives grants from, or provides contract services to, the Department or another Federal department or agency.

"(c) Any opinion provided under this section shall be in writing and made a part of the record. The Board shall notify a claimant that an advisory medical opinion has been requested under this section with respect to the claimant's case and shall mail to the claimant and the claimant's authorized representative (if any) at the last known address of the claimant and at the last known address of such representative (if any) a copy of such opinion when the Board receives it. An opportunity for response by or on behalf of the claimant shall be provided following the mailing of the copy (or copies) of such advisory medical opinion.".

SEC. 8. HEARINGS.

Section 7110 is amended to read as follows:

"§ 7110. Hearings

"(a) The Board shall decide any appeal only after affording the appellant an opportunity for a hearing.

"(b) A hearing docket shall be maintained and formal recorded hearings shall be held by such member or members of the Board as the Chairman may designate. Such member or members designated by the Chairman to conduct the hearing will participate in making the final determination in the claim.

"(c) An appellant may request a hearing before the Board at either its principal location or a regional office of the Department. Any hearing held at a regional office of the Department shall be scheduled for hearing in the order in which the requests for hearing in that area are received by the Department at the place specified by the Department for the filing of requests for such hearings.

"(d) At the request of the Chairman, the Secretary may provide suitable facilities and equipment to the Board or other components of the Department to enable an appellant located at a facility within the area served by a regional office to participate, through voice transmission, or picture and voice transmission, by electronic or other means, in a hearing with a Board member or members sitting at the Board's principal location. When such facilities and equipment are available, the Chairman may, at his or her discretion, afford the appellant an opportunity to participate in a hearing before the Board through the use of such facilities and equipment in lieu of a hearing held by personally appearing before a Board member or members as provided in subsection (c).".

SEC. 9. TABLE OF CONTENTS.

The table of contents at the beginning of chapter 71 is amended by—

(1) striking "7102. Assignment of members of Board." and inserting in lieu thereof "7102. Assignment of appellate matters.";

(2) striking "7109. Independent medical opinions." and inserting in lieu thereof "7109. Medical opinions."; and

(3) striking "7110. Traveling sections." and inserting in lieu thereof "7110. Hearings.".

SEC. 10. EFFECTIVE DATES OF AWARDS BASED ON DIFFERENCE OF OPINION.

Section 5110 is amended by adding at the end the following new subsection:

"(o) The effective date of the award of any benefit, or any increase therein, pursuant to section 7103(d) of this title on the basis of a difference of opinion shall be—

"(1) if the award resulted from review initiated by an application to reopen the claim for the benefit in question under the provisions of section 5108 of this title, fixed in accordance with the facts found but shall not be earlier than the date the Department of Veterans Affairs received such application; or

"(2) if the award resulted from review of the final determination undertaken by the Department of Veterans Affairs solely on its own initiative, the date the Chairman or Vice Chairman of the Board of Veterans' Appeals approved the award.".

THE SECRETARY OF
VETERANS AFFAIRS,
Washington, DC, August 13, 1993.

Hon. ALBERT GORE, JR.,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: Transmitted herewith is a draft bill, entitled the "Veterans' Appeals Improvement Act of 1993," to amend title 38, United States Code, to improve and clarify certain adjudication and appeal procedures relating to claims for benefits under the laws administered by the Department of Veterans Affairs (VA or Department). I request that this bill be referred to the appropriate committee for prompt consideration and enactment.

The improvements proposed in this bill are urgently needed to reverse the trends of decreasing productivity and increasing response time of the Board of Veterans' Appeals (BVA or Board). The growing demand for personal hearings, changes made by the Veterans' Judicial Review Act of 1988, and the evolving body of case law generated by the United States Court of Veterans Appeals (CVA or Court) have all contributed to the increased delays appellants are experiencing. The number of BVA decisions issued declined from 45,308 in FY 1991 to 33,483 in FY 1992, and is projected to drop further to 27,600 in FY 1993. (The number of appeals received by the BVA has also decreased, but only from 43,903 in FY 1991 to 38,229 in FY 1992, and is expected to rise to 39,000 in FY 1993.) More dramatic has been the increase in response time, the projected number of days it would take the BVA to decide all currently pending appeals, based on the average number of decisions rendered per day over the preceding year. Response time increased from 139 days in FY 1991 to 240 days in FY 1992, and is expected to soar to 441 days in FY 1993. Current BVA procedures must be revised to permit the Board to improve its productivity and timeliness. It is estimated that allowing individual Board members to sign decisions (as proposed in the bill), alone, would raise the number of decisions issued in FY 1994 from 29,185 to 36,550, an increase of 25.2 percent.

This bill would authorize several changes in the procedures used by the BVA to adjudicate appeals from denials of veterans' benefits within VA. The changes would include allowing individual BVA members, instead of sections of three members, to rule on matters before the BVA; allowing the BVA Chairman or Vice Chairman to administratively allow, on the basis of difference of opinion, previously denied claims; and allowing the BVA to use modern telecommunications technology to hold hearings with the BVA member ormembers presiding in Washington, D.C., and the claimant appearing at a remote location. The draft bill would also clarify the BVA's authority to obtain and employ medical opinions from its own staff physicians, other VA physicians, and those of other Federal departments or agencies. The enclosed section-by-section analysis describes in more detail all the changes the draft bill would make. Most of these would give the Board more flexibility to meet its increasing work load and to improve the quality and timeliness of its decisions.

Probably the single most important change this proposed bill would make in current law is that in Section 3, to authorize the BVA Chairman to determine any matter before the BVA, or rule on any motion in connection therewith, or to assign any such matter or motion to any other BVA member or panel or members for determination. Current section 7102 of title 38 allows the Chairman to divide the BVA into sections of three members, to assign members to the sections, and to designate the chiefs of the sections, and requires that a BVA section make determinations in any proceeding instituted before the BVA and on any motion in connection therewith, assigned to the section by the Chairman. The proposed change would allow the BVA to use its resources more efficiently in two ways. First, it would permit individual BVA members to decide appeals and rule on motions and fee agreements. Instead of three BVA members reviewing the same case, each member could review and decide a different case. With review of BVA decisions by the CVA now available, having three BVA members review a case is not so critical to an assurance of good, fair decisions as it once was. Second, it would permit the Chairman to rule on procedural motions and other matters not requiring extensive familiarity with all the evidence in a case, thereby freeing the other members to review and decide cases on the merits.

The proposed bill would give the BVA the flexibility to use its resources more effectively in other ways. In addition to allowing individual-member decisions and a streamlined motion-ruling procedure, the proposed bill, at Section 2(a), would remove the 67-member limit on the BVA now in section 7101(a) of title 38. Removing the limit would give the Department more flexibility in meeting the BVA's increasing work load and complying with the Congressional mandate in current section 7101(a) of title 38 "to conduct hearings and consider and dispose of appeals . . . in a timely manner." In addition to increasing the number of matters pending before the BVA, judicial review has presented the challenge of an ever-evolving body of case law to be applied in the course of BVA's deliberations. Because decisional quality remains our top priority, Section 2(a) would also statutorily recognize the position of Deputy Vice Chairman, which was administratively created in 1980 to help control the quality of BVA decisions. No significant cost or saving is currently anticipated in connection with these changes.

Our bill would also authorize the BVA Chairman or Vice Chairman, either upon the recommendation of another BVA member or upon his or her own motion, to allow, on the basis of difference of opinion, a claim previously denied and otherwise final. The purpose of this provision is to allow the Chairman and Vice Chairman to temper harsh results in reviewing legally correct, albeit "close," prior decisions. It would re-establish an authority previously exercised by the BVA Chairman and Vice Chairman under regulation, which the VA General Counsel determined was inconsistent with current law. Although not directly affecting the timeliness or quality of BVA decisions, this provision of the bill would result in more allowed claims. Another provision of the draft bill, Section 10, would establish the traditional regulatory effective dates for awards administratively allowed, generally the date of application to reopen the claim, but for cases in which VA undertook review solely on its own initiative, the date the claim was administratively allowed (since no application to reopen the claim would have been received). Estimating 50 additional allowances under the provision for administrative allowance each year, based on 65 administrative allowances during FY 1989, the last full year the old procedure was in effect (the total number of cases the BVA decides in a year is now lower), the costs would be:

Fiscal year:	Costs:
1994	$250,433
1995	259,449
1996	269,049
1997	278,734
1998	288,769
Total	1,346,434

The number of requests for hearings before the BVA, especially in the field, has increased since passage of the Veterans' Judicial Review Act of 1988. In FY 1991, the BVA held 1,108 hearings in Washington, D.C., and 880 hearings in VA regional offices; in FY 1992, the BVA held 1,394 hearings in Washington and 1,258 in regional offices. Section 8 of the draft bill, besides bringing together in one section hearing provisions currently in various sections of title 38, would authorize the BVA Chairman, when suitable facilities and equipment are available, to offer an appellant the opportunity to appear at a remote facility and participate, through voice or picture-and-voice transmission by electronic or other means, in a hearing with the BVA member or members sitting in Washington, D.C. The authorityto hold telecommunicated hearings would provide an alternative to sending a BVA member to a field facility when such a trip would not be cost-effective or time-effective. Section 8 also allows VA to specify where field hearing requests must be filed, which would help the BVA to better maintain a docket that satisfies the provision of current section 7110 that hearings be scheduled in the order the requests were received.

Section 7 of the draft bill would make explicit the authority of the BVA to obtain medical opinions from its own staff physician-advisers, from physicians of the Veterans Health Administration within VA, or from physicians of other Federal departments or agencies. This would be in addition to its current authority, in section 7109 of title 38, to obtain advisory medical opinions from independent medical experts not employed by VA.

These changes would help the BVA to meet one of the evidentiary requirements articulated by the CVA, to consider only independent medical evidence to support its findings and not to rely on the unsubstantiated opinion of its own deciding members. *Colvin v. Derwinski*, 1 Vet. App. 171 (1991). An increased demand for medical opinions is expected because of this CVA-imposed requirement. Using in-house BVA staff physicians as medical experts would save time, and the BVA would also be able to take advantage of nationally recognized expertise within VA and other Federal departments or agencies as needed. To satisfy due-process concerns, the proposal would require that medical options be in writing and that the appellant have an opportunity to respond. No additional VA staff are required, and no cost or saving is anticipated from these changes.

Section 2(c) of the proposed bill would repeal the Chairman's authority, in current section 7101(c)(1) of title 38, to designate temporary BVA members and would remove the limits, in current sections 7102(a)(2)(A)(ii) and 7102(a)(2)(B), on the length of time an acting member may serve. Section 2(d) would require the BVA Chairman to report each year who served as acting Board members during the preceding fiscal year and how many cases they participated in. No chairman has ever used the authority to designate a temporary member. Removing limits on how long an acting member may serve is important to keeping the same member associated with a case until final disposition. The BVA has had acting members hold a hearing, request a medical opinion, or otherwise participate in the evidentiary development of a case only to have their period as acting members expire by the time a decision was ready to be made. Also, the administrative burden of staying within the 90 and 270-day limits is considerable. The proposed change would allow acting members to follow through with a case to completion and relieve the BVA of that administrative burden. On the other hand, Congress would be able to monitor the Chairman's use of acting Board members and to redress any abuse of that authority by the Chairman. No cost or saving is associated with these proposed changes.

Enactment of this draft bill would result in estimated additional costs, all associated with the administrative-allowance provision, of $250,433 for fiscal year 1994 and $1,346,434 for the five-year period of fiscal years 1994 through 1998. Because it would increase direct spending, it is subject to the pay-as-you-go requirements of the Omnibus Budget Reconciliation Act of 1990.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to submission of this legislative proposal to the Congress.

Sincerely yours,

JESSE BROWN.

ANALYSIS OF PROPOSED BILL

Section 1. Short title; references to title 38, United States Code.

Section 1(a) of the draft bill states the bill's title: Veterans' Appeals Improvement Act of 1993.

Section 1(b) of the draft bill provides that an amendment of a section or other provision of law made by this bill shall be considered an amendment of a section or other provision of title 38, United States Code, unless expressly provided otherwise.

Section 2. Composition of the Board of Veterans' Appeals.

Section 2(a) of the draft bill would amend current section 7101(a) to codify the position of Deputy Vice Chairman of the Board of Veterans' Appeals and to remove the current 67-member limit on membership of the Board. It would also divide current section 7101(a) into two paragraphs and consolidate two nearly identical sentences in current section 7101(a).

Section 2(b) of the draft bill would amend current section 7101(b) to simplify and technically correct its language, to authorize the Chairman to appoint Deputy Vice Chairmen, and to provide that they perform such functions as the Chairman may specify and serve at his or her pleasure.

Section 2(c) of the draft bill would rescind the Chairman's authority in current section 7101(c)(1) to designate temporary Board members, would relocate there the Chairman's authority in current section 7102(a)(A)(ii) to designate acting Board members, and would remove the 90-day and 270-day limits in current sections 7102(a)(2)(A)(ii) and 7102(a)(2)(B) on the period acting Board members may serve. It also would remove references in current section 7101(c)(3) to temporary Board members.

Section 2(d) of the draft bill would require the Chairman to report yearly who served as acting Board members during the preceding fiscal year and how many cases they participated in.

Section 2(e) of the draft bill would correct a reference in current section 7101(d)(3)(B) to a nonexistent section and remove a reference in current section 7101(e) to temporary Board members.

Section 3. Assignment of Matters Before the Board.

Section 3 of the draft bill would amend current section 7102 by allowing the Chairman, in lieu of the current scheme of dividing the Board into three-member sections, to determine any matter or motion before the Board or to assign any such matter or motion to any other individual Board member or panel of members for determination. It also would prohibit judicial review of any such assignment made by the Chairman. The provisions in current section 7102(b) concerning hearings would be relocated to proposed section 7110.

Section 4. Determinations by the Board.

Section 4(a) of the draft bill would amend current section 7103(a) to include the Board's authority in current section 7105(d)(5) to dismiss appeals which allege no specific error of fact or law in the determination being appealed. It would also amend section 7103(a) to authorize the Board to dismiss appeals in which the determination being appealed has become moot, to remand cases in which Board members deem additional development necessary for proper disposition, and to render a written decision on issues not dismissed or remanded, which decision shall constitute the Board's final disposition of such issues. It also would relocate into proposedsection 7103(a) various requirements in current section 7104: (1) that Board decisions be based on the entire record in the proceeding and upon consideration of all evidence and material of record and applicable provisions of law and regulation; (2) that the Board be bound in its decisions by the regulations of the Department, instructions of the Secretary, and precedent opinions of the chief legal officer of the Department; and (3) that each Board decision include a written statement of the Board's findings and conclusions, as well as the reasons or bases for those findings and conclusions, on all material issues of fact and law presented on the record, and an order granting appropriate relief or denying relief. Section 4(a) would also change references to Board sections in current section 7103(a) to Board panels and subject the provision concerning majority decisions of panels to the exception in proposed section 7103(b) of having the Chairman vote on reconsiderations to create a majority when a majority decision cannot otherwise be reached.

Section 4(b) of the draft bill would amend section 7103(b) to relocate there the provision in current section 7103(a) concerning the finality of Board decisions unless the Chairman orders reconsideration in a case. It would also relocate into proposed section 7103(b) the provision in current section 7104(b) concerning the exception provided in section 5108 to the finality of a claim disallowed by the Board. Section 4(b) would also make administrative allowances under proposed section 7103(d) an exception to the finality of Board decisions. It also would amend section 7103(b) to clarify that, when the Chairman orders reconsideration in a case, the case shall be considered by a panel of Board members assigned by the Chairman but excluding the Chairman if originally decided by an individual Board member, or by an expanded panel of Board members assigned by the Chairman but excluding the Chairman if originally decided by a panel of members. It further would provide that, if the panel or expanded panel cannot reach a majority decision, the Chairman may again expand the panel or vote with the panel so as to create a majority decision.

Section 4(c) of the draft bill would amend current section 7103 by adding a new subsection (d), which would require any Board member who believes that a prior, otherwise final denial of a claim should be revised or amended to grant a benefit in whole or in part, based on a difference of opinion as to how the evidence should be evaluated rather than on any error in the prior decision, to refer such case to the Chairman or Vice Chairman for consideration. It also would require the Chairman or Vice Chairman, if of the same opinion in a case, whether upon referral by a Board member or on the Chairman's or Vice Chairman's own motion, to administratively allow the claim. Further, it would prohibit judicial review of the determination of the Chairman or vice Chairman as to whether to exercise this authority. Section 4(c) of the draft bill would also relocate into a new section 7103(e) the provisions in current section 7104(e), concerning the notification that a Board decision has been made, as well as making technical changes to the language.

Section 5. Jurisdiction of the Board.

Section 5 of the draft bill would amend current section 7104(a) to correct the citation to former section 211(a). It would also eliminate provisions in current section 7104(a), concerning the opportunity for a hearing and the bases of Board decisions, which would be relocated to other sections by sections 8 and 4 of the draft bill, respectively, and eliminate current sections 7104(b) through (e), the provisions of which would be relocated by section 4 of the draft bill.

Section 6. Appellate Procedure.

Section 6 of the draft bill would eliminate current section 7105(d)(5), the provisions of which would be included in proposed section 7103(a)(1) by section 4(a) of the draft bill.

Section 7. Medical Opinions.

Section 7 of the draft bill would amend section 7109 to specifically authorize Board members to request opinions on medical questions from Board employees, Veterans Health Administration employees, or employees of other Federal departments or agencies, provided such employees are licensed to practice medicine in any state. It also would combine into one subsection, proposed section 7109(b), the provisions in current sections 7109(a) and (b) and specify that employees of a medical school, university, or clinic shall not be considered, for purposes of this section, employees of VA or another Federal department or agency just because the medical school, university, or clinic receives grants from, or provides contract services to, VA or another Federal department or agency. Further, section 7 would amend current section 7109(c) to require that the opinion be in writing and made a part of the record, and that the claimant be given the opportunity to respond. It also would change the reference to furnishing a copy of the opinion to the claimant to mailing a copy of the opinion to the claimant and any representative.

Section 8. Hearings.

Section 8 of the draft bill would amend current section 7110 to include the requirement in current section 7104(a) that the Board decide an appeal only after affording the claimant the opportunity for a hearing and change the reference to the claimant to the appellant. It also would include in proposed section 7110(b) the requirements in current section 7102(b) that a hearing docket be maintained and formal recorded hearings be held by a Board member or members designated by the Chairman. Such member or members will participate in making the final determination in the claim. Technical changes to comport with other provisions in the draft bill are also included. It would also delete the reference in current section 7110 to a traveling section of the Board and specify that appellants may request a hearing before the Board at either its principal location or a VA regional office, as well as authorizing VA to specify where hearing requests may be filed. In addition, section 8 would authorize the Secretary to provide suitable facilities and equipment to enable appellants at a facility within a regional office area to participate, via voice or picture-and-voice transmission by electronic or other means, in a hearing with a Board member or members sitting at the Board's principal location. Further, where such facilities are available, it would give the Chairman discretion to offer such a hearing to an appellant in lieu of a personal appearance before the Board in the regional office area or at the Board's principal location.

Section 9. Table of Contents.

Section 9 of the draft bill would amend the table of contents at the beginning of chapter 71, title 38, United States Code, to conform to new section headings for proposed sections 7102, 7109, and 7110.

Section 10. Effective Dates of Awards Based on Difference of Opinion.

Section 10 of the draft bill would amend current section 5110 to add a new subsection (o), which would provide that the effective date for the award of any benefit or any increase in any benefit on the basis of a difference of opinion as authorized in proposed section 7103(d) be no earlier than the date VA received an application under 38 U.S.C. §5108 to reopen the claim if the award resulted from review initiated by such an application, or the date the Chairman or Vice Chairman approved the award if it resulted from review undertaken solely on VA's own initiative.•

By Mr. WOFFORD:

S. 1446. A bill to help schools achieve the sixth goal of the National Education Goals, which provides that by the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning, by supporting school and communitywide efforts to make schools and neighborhoods safe and drug free; to the Committee on Labor and Human Resources.

SAFE AND DRUG-FREE SCHOOLS ACT OF 1993

• Mr. WOFFORD. Mr. President, schools are opening across the country. But already one young person in California is fighting for his life after being caught in the crossfire of a gang fight. Along with the hopes, anxieties, and anticipation that many students carry to their first day of school are the hidden baggage of guns and knives—and above all the fear of violence.

Only 29 percent of parents believe that their children are safe in school. According to the Centers for Disease Control, nearly three million crimes occur on or near school campuses every year—one every six seconds. It's estimated that over one hundred thousand students carry guns to school each day. Thousands of students and teachers alike are victims of physical attacks or threats of violence. It's a terrifying situation. And, it's a scandal.

That's why I am introducing today the Safe and Drug Free Schools Act of 1993. I'm doing so on behalf of the President and Secretary Riley. This legislation will provide parents, teachers, and students with the tools they need to fight violence in our schools. And they clearly need help in this battle.

Victoria Johnson, a teacher at Olney High School in Philadelphia said, "It's an everyday occurrence. I've had one student who attempted to shove me around. Recently, two of my students were arrested for carrying knives. There are four or five fights a day. I believe most of the students carry weapons, they just don't brandish them."

Ms. Johnson teaches in a large urban school. But school violence has infected our rural and suburban schools as well. Here's a letter I recently received from Barbara Ryan, a teacher in a Pennsylvania suburban school.

> I am a high school biology teacher in Pennsburg, PA, a typical rural/suburban community with a relatively low crime rate. On May 24 of this year, a tenth grade student pulled out a handgun and shot and killed another student in my classroom. In doing so, he destroyed two lives and permanently bruised the lives of countless others. . . . I am still grappling with the utter senselessness of this tragedy, with what may have caused it, and how it might have been prevented. . .
>
> I never ever want to see a child die in this manner again. It's imperative that we find solutions to this problem of teenage violence, because what happened in my classroom wasn't just an isolated incident, but has happened in countless communities across the country.

Mr. President, no teacher or student should have to feel that kind of pain and fear of senseless violence.

The sixth National Education Goal, established by the nation's governors, states, "By the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning." The legislation I am proposing today will bring us closer to that goal.

The Safe and Drug Free School Act will help local school districts develop and carry out comprehensive programs to prevent destructive behavior. Schools will be able to attack their own individual problems head-on. Schools could use funds to fit their own unique needs to develop programs such as teacher training, conflict resolution training for students, anti-gang efforts, or they could use funds to develop a partnership with the police, or a mentoring program with members of the business community.

Feelings of hopelessness, alienation, and cynicism that lure children into using drugs also lead to violent behavior. Since drug use and violence often go hand in hand, the most promising strategy is comprehensive, coordinated school and community efforts, efforts that bring together families, students, community organizations and law enforcement. This legislation will support these efforts.

This legislation does not create another federal program and bureaucracy. Rather, it alters an existing program to better meet the challenges facing our schools today. It will not burden schools with rigid, top-down, bureaucratic rules, but will leave communities free to produce the best course of action and give them some of the resources needed to get things done.

Many Pennsylvania communities have taken the lead in attacking violence in schools. I met today with students, teachers, and administrators from all parts of Pennsylvania who told me their own stories of the violence they see in their schools and how this legislation will help them do something about it. In Ptttsburgh, the school district formed a task force that's taking the ideas of parents to work to eliminate violence among young people. In Reading, a peer mediation program is teaching children how to settle their own disputes without resorting to weapons, punches, and insults.

Education is the one sure path to a better life for every American child. But children cannot learn if they don't feel safe. The Safe and Drug Free Schools Act will help us to once again make our schools a safe haven of knowledge, hope, and security.●

ADDITIONAL COSPONSORS

S. 455

At the request of Mr. HATFIED, the names of the Senator from Mississippi [Mr. LOTT], and the Senator from Virginia [Mr. ROBB] were added as cosponsors of S. 455, a bill to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes.

S. 463

At the request of Mr. BUMPERS, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 463, a bill to prohibit the expenditure of appropriated funds on the Superconducting Super Collider program.

S. 470

At the request of Mrs. BOXER, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 470, a bill to amend chapter 41 of title 18, United States Code, to punish stalking.

S. 588

At the request of Mr. ROBB, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 588, a bill to regulate aboveground storage tanks used to store regulated substances, and for other purposes.

S. 913

At the request of Mr. LIEBERMAN, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 913, a bill to provide that the Vietnam Veterans Assistance Fund, Inc. shall be considered as having complied with certain national eligibility requirements for purposes of the 1992 Combined Federal Campaign, and for other purposes.

S. 914

At the request of Mr. BUMPERS, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 914, a bill to amend the Internal Revenue Code of 1986 with respect to the discharge, or repayment, of student loans of students who agree to perform services in certain professions.

S. 1128

At the request of Mr. AKAKA, the names of the Senator from Idaho [Mr. CRAIG], and the Senator from Kentucky [Mr. FORD] were added as cosponsors of S. 1128, a bill to amend title 38, United States Code, to permit the burial in cemeteries of the National Cemetery System of certain deceased reservists.

S. 1314

At the request of Mr. LIEBERMAN, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1314, a bill to designate the United States Courthouse located in Bridgeport, Connecticut as the "Brien McMahon Federal Building."

SENATE JOINT RESOLUTION 69

At the request of Mr. PELL, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of Senate Joint Resolution 69, a joint resolution providing for the United States to assume a strong leadership role in implementing the decisions made at the Earth Summit by developing a national strategy to implement Agenda 21 and other Earth Summit agreements through domestic policy and foreign policy, by cooperating with all countries to identify and initiate further agreements to protect the global environment, and by supporting and participating in the high-level United Nations Sustainable Development Commission.

SENATE JOINT RESOLUTION 113

At the request of Mr. DECONCINI, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of Senate Joint Resolution 113, a joint resolution designating October 1993 as "Italian-American Heritage and Culture Month."

SENATE JOINT RESOLUTION 115

At the request of Mr. COCHRAN, the names of the Senator from Louisiana [Mr. JOHNSTON], and the Senator from Wisconsin [Mr. FEINGOLD] were added as cosponsors of Senate Joint Resolution 115, a joint resolution designating November 22, 1993, as "National Military Families Recognition Day."

SENATE CONCURRENT RESOLUTION 42

At the request of Mr. RIEGLE, the names of the Senator from Illinois [Mr. SIMON], the Senator from Kansas [Mr. DOLE], the Senator from Wyoming [Mr. WALLOP], the Senator from Michigan [Mr. LEVIN], the Senator from Maine [Mr. MITCHELL], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of Senate Concurrent Resolution 42, a concurrent resolution expressing the sense of Congress that the 60th anniversary of the Ukraine famine of 1932–33 should serve as a reminder of the brutality of Stalin's repressive policies toward the Ukrainian people.

AMENDMENTS SUBMITTED

DEPARTMENT OF DEFENSE AUTHORIZATION ACT OF 1994

BOXER (AND OTHERS) AMENDMENT NO. 783

Mrs. BOXER (for herself, Mr. FEINGOLD, Mr. ROBB, Mr. CAMPBELL, and Mrs. MURRAY) proposed an amendment to the bill, S. 1298, to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, as follows:

Strike out section 546 (page 139, line 20, through page 148, line 8) and insert in lieu thereof the following:

SEC. 546. SENSE OF CONGRESS CONCERNING HOMOSEXUALITY IN THE ARMED FORCES.

It is the sense of Congress that the policy of the Government concerning the service of homosexuals in the Armed Forces is a matter that should be determined by the President, as chief executive officer of the Government and commander-in-chief of the Armed Forces, based upon advice provided to the President by the Secretary of Defense and the military advisors to the President and Secretary.

WARNER AMENDMENT NO. 784

Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1298, supra; as follows:

On page 242, after line 19, insert the following:

SEC. 1067. PREVENTION OF ENTRY INTO THE UNITED STATES OF CERTAIN FORMER MEMBERS OF THE IRAQI ARMED FORCES.

It is the Sense of the Senate that no person who was a member of the armed forces of Iraq during the period from August 2, 1990 through February 29, 1991 and who is in a refugee camp in Saudi Arabia as of the date of enactment of this Act shall be granted entry into the United States under the Immigration and Nationality Act, as amended, unless the President certifies to Congress prior to such entry that such person—

(1) assisted the United States or coalition armed forces after defection from the armed forces of Iraq or after capture by the United States or coalition armed forces; and

(2) did not commit or assist in the commission of war crimes. On page 9, after the item relating to section 1066, insert:

Sec. 1067. PREVENTION OF ENTRY INTO THE UNITED STATES OF CERTAIN FORMER MEMBERS OF THE IRAQI ARMED FORCES.

SASSER (AND OTHERS) AMENDMENT NO. 785

Mr. SASSER (for himself, Mr. BUMPERS, Mr. JEFFORDS, Mr.. SIMON, Mrs. BOXER, Mr. WOFFORD, Mr. LAUTENBERG, Mr. MATHEWS, Mr. WELLSTONE, Mr. PRYOR, Mr. DORGAN, and Mr. FEINGOLD) proposed an amendment to the bill S. 1298, supra, as follows:

On page 64, strike out line 21 and all that follows through page 65, line 3, and insert in lieu thereof the following:

more than $2,684,535,000 may be obligated for programs managed by the Ballistic Missile Defense Organization, of which—

(1) not more than 48 percent of the total amount may be obligated for Theater Missile Defense;

(2) not more than 32 percent of the total amount may be obligated for the Limited Defense System;

(3) not more than 9 percent of the total amount may be obligated for Other Follow-On Systems;

(4) not more than 10 percent of the total amount may be obligated for Research and Other Support Activities; and

(5) not more than 1 percent of the total amount may be obligated for Small Business Innovation Research program and the Small Business Technology Transfer program.

Notwithstanding paragraphs (1), (2), (3), and (4), the Secretary of Defense may obligate for a ballistic missile defense initiative or program element referred to in any such paragraph a total amount that exceeds by not more than 10 percent the maximum amount determined under that paragraph, except that the total amount obligated for all programs managed by the Ballistic Missile Defense Organization may not exceed the total amount authorized in the matter above paragraph (1).

(b) LIMITATION ON NUMBER OF TMD PROGRAMS.—(1) Subject to paragraph (2), the amount authorized to be obligated for Theater Missile Defense may be obligated only for—

(A) the Patriot PAC-3 Missile program;

(B) not more than 2 other lower-tier theater missile defense programs;

(C) not more than 2 upper-tier theater missile defense programs; and

(D) not more than 2 boost-phase intercept theater missile defense programs.

(2) The President may waive the limitation in paragraph (1) to the extent that the President determines appropriate in the national security interest of the United States.

(c) FUNDS NOT TO BE MADE AVAILABLE FOR BRILLIANT EYES.—None of the funds authorized to be obligated under subsection (a) may be obligated for the Brilliant Eyes space-based sensor program.

(d) REPORTING REQUIREMENT.—Not later than 60

SPECTER AMENDMENTS NOS. 786–789

(Ordered to lie on the table.)

Mr. Specter submitted four amendments intended to be proposed by him to the bill S. 1298, supra, as follows:

AMENDMENT NO. 786

On page 323, between lines 19 and 20, insert the following:

SEC. 2816. FUNDS FOR EXCESS COSTS FOR THE CLOSURE OR REALIGNMENT OF MILITARY INSTALLATIONS.

(a) FUNDS.—Section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended—

(1) in subsection (d), by striking out "The Secretary of Defense" and inserting in lieu thereof "Except as provided in subsection (e), the Secretary of Defense"; and

(2) by adding at the end the following:

"(e) EXCESS COSTS.—(1) If the cost of the closure or realignment (under this part) of a military installation referred to in paragraph (2) exceeds by more than 50 percent the cost estimated for such closure or realignment in the cost estimate prepared by the Secretary of Defense in recommending the closure or realignment of the installation—

"(A) the Secretary shall—

"(i) use funds available to the Secretary for military construction activities or operation and maintenance activities of the Department of Defense as the sole source of funds for such excess costs; and

"(ii) notify the Comptroller General that such costs so exceed such estimated cost; and

"(B) not later than 6 months after the date of the notification under subparagraph (A)(ii), the Comptroller General shall submit to Congress a detailed audit of the costs to be incurred by the Secretary in carrying out such closure or realignment, including an assessment of the reasons that such costs differed from the cost estimated for such closure or realignment in such cost estimate.

"(2) A military installation referred to in paragraph (1) is any installation whose closure or realignment under this part results in a reduction in the Department of Defense civilian workforce of the installation by more than 1,000 persons or by more than 50 percent of such workforce.".

(b) CONFORMING AMENDMENT.—Section 2906(b)(1) of such Act is amended by striking out "The Secretary" and inserting in lieu thereof "Except as provided in section 2905(e)(1)(A)(i), the Secretary".

AMENDMENT NO. 787

On page 134, strike out line 3 and all that follows through page 136, line 23, and insert in lieu thereof the following:

(b) ARMY ASSIGNMENTS.—(1) Part II of subtitle B of title 10, United States Code, is amended by inserting after chapter 345 the following new chapter:

CHAPTER 346—ADMINISTRATION

"3591. Assignments of women members.

"§ 3591. Assignments of women members

"(a) AUTHORITY.—Under regulations prescribed by the Secretary of Defense, the Secretary of the Army may prescribe the kinds of duties which women members of the Army shall be assigned and the military authority which such members shall exercise.

"(b) NOTIFICATION OF CONGRESS.—The Secretary of the Army may not implement any regulation or other administrative authority prescribed by such Secretary pursuant to subsection (a) until the expiration of 30 days following the date on which the Secretary transmits to Congress a written notification of such regulation or other administrative authority.".

(2) The tables of chapters at the beginning of subtitle B of such title and of part II of such subtitle are amended by inserting after the item relating to chapter 345 the following:

"346. Administration .... 3591".

(c) NAVY AND MARINE CORPS ASSIGNMENTS.—(1) Chapter 555 of title 10, United States Code, is amended by inserting after section 6014 the following new section 6015:

"§ 6015. Assignments of women members

"(a) AUTHORITY.—Under regulations prescribed by the Secretary of Defense, the Secretary of the Navy may prescribe the kinds of duties which women members of the Navy and women members of the Marine Corps shall be assigned and the military authority which such members shall exercise.

"(b) NOTIFICATION OF CONGRESS.—The Secretary of the Navy may not implement any regulation or other administrative authority prescribed by such Secretary pursuant to subsection (a) until the expiration of 30 days following the date on which the Secretary transmits to Congress a written notification of such regulation or other administrative authority.".

(2) The table of sections at the beginning of such chapter is amended by striking out the item relating to section 6015 and inserting in lieu thereof the following:

"6015. Assignments of women members.

(d) AIR FORCE ASSIGNMENTS.—(1) Part II of subtitle D of title 10, United States Code, is amended by inserting after chapter 845 the following new chapter:

CHAPTER 846—ADMINISTRATION

"3691. Assignments of women members.

"§ 8591. Assignments of women members

"(a) AUTHORITY.—Under regulations prescribed by the Secretary of Defense, the Secretary of the Air Force may prescribe the kinds of duties which women members of the Air Force shall be assigned and the military authority which such members shall exercise.

"(b) NOTIFICATION OF CONGRESS.—The Secretary of the Air Force may not implement any regulation or other administrative authority prescribed by such Secretary pursuant to subsection (a) until the expiration of 30 days of continuous session of Congress following the date on which the Secretary transmits to Congress a written notification of such regulation or other administrative authority.".

(2) The tables of chapters at the beginning of subtitle D of such title and of part II of such subtitle are amended by inserting after the item relating to chapter 845 the following:

"846. Administration .... 8591".

AMENDMENT 788

Amendment to Section 2909 of S. 1298:

SEC. 2909. ASSISTANCE TO AFFECTED STATES AND COMMUNITIES THROUGH THE OFFICE OF ECONOMIC ADJUSTMENTS.

In subsection (b) strike out the words "or community" after the word "authority" in two separate locations and adding the following subsection:

"(c) REDEVELOPMENT AUTHORITY.—(1) As described in subsection (a), the redevelopment authority shall include, at a minimum, two representatives designated by the majority of the employees at the affected facility."

"(2) The responsibilities of the redevelopment authority as described in subsection (a), will be managed by a chairman jointly selected by the employees at the affected installation and the Office of Economic Adjustment."

AMENDMENT NO. 789

At the appropriate place, insert:

SPECIAL LIMITATION REGARDING ZINC.—The disposal of zinc from the National Defense Stockpile under section 98e(b) of the Strategic and Critical Materials Act, 50 U.S.C. 98 etc., must be used, to the greatest possible extent, by the U.S. Mint for coinage (stockpile meeting the U.S. Mint's specifications) or as government furnished material supplied to a contractor in the performance of a Federal Government contract.

BYRD (AND OTHERS) AMENDMENT NO. 790

Mr. BYRD (for himself, Mr. MITCHELL, Mr. DOLE, Mr. NUNN, Mr. MCCAIN, Mr. LEVIN, Mr. COHEN, Mr. WARNER, Mr. PRESSLER, Mr. COCHRAN, Mr. BOND, and Mr. KERRY) proposed an amendment to amendment No. 782, as modified, to the bill S. 1298, supra, as follows:

In the amendment, strike all after line 4, page 1, and insert:

Sense of Congress regarding United States Policy towards Somalia.

Since United States Armed Forces made significant contributions under Operation Restore Hope towards the establishment of a secure environment for humanitarian relief operations and restoration of peace in the region to end the humanitarian disaster that had claimed more than 300,000 lives.

Since the mission of United States forces in support of the United Nations appears to be evolving from the establishment of "a secure environment for humanitarian relief operations," as set out in United Nations Security Council Resolution 794 of December 3, 1992, to one of internal security and nation building.

Statement of Congressional Policy:

(a) CONSULTATION WITH THE CONGRESS.—The President should consult closely with the Congress regarding U.S. policy with respect to Somalia, including in particular the deployment of U.S. armed forces in that country, whether under United Nations or United States command.

(b) PLANNING.—The United States shall facilitate the assumption of the functions of U.S. forces by the United Nations.

(c) REPORTING REQUIREMENT.—

(i) The President shall ensure that the goals and objectives supporting deployment of U.S. forces to Somalia and a description of the mission, command arrangements, size, functions, location, and anticipated duration in Somalia of those forces are clearly articulated and provided in a detailed report to the Congress by October 15, 1993.

(ii) Such report shall include the status of planning to transfer the functions contained in paragraph (b).

(d) CONGRESSIONAL APPROVAL.—Upon reporting under the requirements of paragraph (c) Congress believes the President should by November 15, 1993, seek and receive Congressional authorization in order for the deployment of U.S. forces to Somalia to continue.

PRYOR AMENDMENT NO. 791

Mr. PRYOR proposed an amendment to the bill S. 1298, supra, as follows:

On page 65, between lines 13 and 14, insert the following:

SEC. 228. TESTING OF NATIONAL MISSILE DEFENSE PROGRAM PROJECTS.

(a) ADVANCE REVIEW AND APPROVAL OF PROPOSED DEVELOPMENTAL TESTS.—No developmental test may be conducted under the limited missile defense program element of the Ballistic Missile Defense Program until the Director of the Ballistic Missile Defense Organization has notified the Secretary of Defense of the test and the Secretary has reviewed and approved (or approved with changes) the test plan.

(b) INDEPENDENT MONITORING OF TESTS.—(1) The Secretary shall provide for monitoring of the implementation of each test plan referred to in subsection (a) by a group composed of independent persons who—

(A) by reason of education, training, or experience, are qualified to monitor the testing covered by the plan; and

(B) are not assigned or detailed to, or otherwise performing duties of, the Ballistic Missile Defense Organization and are otherwise independent of such organization.

(2) The monitoring group shall submit to the Secretary its analysis of, and conclusions regarding, the conduct and results of each test monitored by the group.

DECONCINI (AND OTHERS) AMENDMENT NO. 792

Mr. DECONCINI (for himself, Mr. HARKIN, Mr. KENNEDY, and Mr. WELLSTONE) proposed an amendment to the bill S. 1298, supra, as follows:

On page 242, after line 19, add the following new section:

SEC. 1067. DRUG TREATMENT FOR WOMEN AND THEIR CHILDREN.

(a) FINDINGS.—Congress finds the following:

(1) Despite the fact that drugs are having a devastating effect on families in America, drug-exposed babies and their substance-abusing mothers go largely untreated. Women who do seek treatment often face tremendous barriers to care, most notably the fear of prosecution for abuse or neglect or of losing children to protective services, and the lack of gender-specific treatment interventions, including inadequate child care services.

(2) The growing phenomenon of infants prenatally exposed to alcohol and other drugs is exacerbated by the inaccessibility of treatment for drug-addicted mothers. It is estimated that between 100,000 and 375,000 drug-exposed infants may be born annually to chemically dependent women, with 500,000 cocaine-exposed infants projected by the year 2000.

(3) Mother-to-baby drug exposure comes at great economic and social cost to the Nation. Human costs can be measured by the problems of premature and low birth-weight infants, fetal alcohol syndrome/fetal alcohol effect, mental and developmental delays, and perinatal transmission of HIV and other sexually transmitted diseases. The United States ranks poorly among Western nations in infant mortality with maternal use of alcohol and other drugs thought to be a contributing factor.

(4) Currently there are 430,000 children in foster care. By 1995, this number is expected to increase to 550,000 children. A large portion of this increase is thought to be due to the introduction of crack cocaine in the mid 1980s and the increasing number of families who are abusing alcohol and other drugs.

(b) TRANSFER OF CERTAIN FUNDS.—Of funds appropriated to or for the Department of Defense and which remain unobligated on October 1, 1993, $85,485,000 shall be rescinded and $50,000,000 shall be transferred to the Department of Health and Human Services and shall remain available until September 30, 1994. Of such amount—

(1) $30,000,000 shall be available under section 510 of the Public Health Service Act (42 U.S.C. 290bb-3), of which—

(A) 50 percent of such amount shall be used for comprehensive residential treatment programs for women and children; and

(B) 50 percent of such amount shall be used for comprehensive outpatient treatment programs for women and children; and

(2) $20,000,000 shall be distributed to States pursuant to the formula under section 1933 of the Public Health Service Act (42 U.S.C. 300x-33) to be used by States towards their responsibility to provide treatment services for women under section 1922(c) of such Act (42 U.S.C. 300x-22(c)).

NUNN AMENDMENT NO. 793

Mr. NUNN proposed an amendment to amendment No. 792 proposed by Mr. DECONCINI to the bill S. 1298, supra, as follows:

On page 3, strike lines 5 through 11 and insert in lieu thereof the following:

"(b) TRANSFER OF FUNDS.—

"(1) The Director of the Office of Management and Budget shall transfer $50,000,000 from the funds appropriated for any discretionary programs, projects or activities which remain unobligated and available to all departments and agencies of the executive branch of the federal government as of October 1, 1993 as provided in paragraph (2).

"(2) The amount authorized to be transferred from the unobligated balances of any department or agency pursuant to paragraph (1) shall be an amount which bears the same ratio to $50,000,000 as the amount of unobligated funds of that department or agency on October 1, 1993 bears to the total amount of unobligated funds for the discretionary programs of all departments and agencies of the executive branch on October 1, 1993.

"(c) ALLOCATION OF FUNDS.—Of that amount—".

BOXER AMENDMENT NO. 794

Mrs. Boxer proposed an amendment to the bill S. 1298, supra, as follows:

On page 242, after line 19, insert the following:

SEC. 1067. SENSE OF THE CONGRESS REGARDING ESTABLISHMENT OF AN OFFICE OF ECONOMIC CONVERSION INFORMATION WITHIN THE DEPARTMENT OF COMMERCE.

(a) FINDINGS.—The Congress makes the following findings:

(1) The available Federal resources for defense economic adjustment and conversion assistance are spread among 23 different Federal departments and agencies.

(2) Numerous other Federal departments and agencies are involved in related technology reinvestment activities.

(3) Workers and communities adversely affected by closures of military installations or decreased spending for national defense often experience difficulty finding which Federal department or agency is appropriate for providing assistance needed by such workers and communities.

(4) Expanded coordination between Federal departments and agencies could greatly improve Federal efforts to assist in defense economic adjustment and conversion.

(b) SENSE OF CONGRESS REGARDING ESTABLISHMENT OF AN OFFICE OF ECONOMIC CONVERSION INFORMATION.—It is the sense of the Congress that the President should work with the Congress to establish within the Department of Commerce an Office of Economic Conversion Information which, under the joint direction of the Secretary of Commerce and the Secretary of Defense, would—

(1) serve as an information clearinghouse to provide comprehensive information regarding assistance for communities, workers, and businesses that have been adversely affected by closures of military installations and reduced spending for national defense;

(2) enhance and consolidate existing programs for collecting and disseminating information regarding defense economic adjustment and conversion;

(3) be widely publicized as the central point of access for the public on issues related to defense economic adjustment and conversion;

(4) develop data bases of information, to be available to help communities, businesses, and workers dependent on spending for national defense identify and apply for assistance from Federal departments and agencies, including—

(A) comprehensive listings and summaries of all major Federal, State, and local economic adjustment and conversion programs;

(B) a data base listing information available to the public regarding major defense contract terminations and closures of military installations and identifying affected communities, industries, and jobs;

(C) listings and summaries of defense conversion attempts and successes; and

(D) relevant reference lists and bibliographies;

(5) provide information to communities, workers, and businesses by such easily accessible and easily used means as toll-free telephone information lines, inexpensive and frequently updated manuals and other print materials, workshops on clearinghouse services, and on-line computer access to clearinghouse information;

(6) facilitate a series of community roundtables, involving consultation and briefings with communities, workers, and businesses adversely affected by closures of military installations and reduced spending for national defense, to be held annually in all major regions of the United States so affected; and

(7) establish a mechanism, coordinated by the Secretary of Commerce and the Secretary of Defense, to ensure adequate cooperation between all Federal departments and agencies that oversee defense economic adjustment and conversion assistance programs.

(c) SENSE OF CONGRESS REGARDING EVALUATION AND FUNDING OF THE OFFICE OF ECONOMIC CONVERSION INFORMATION.—It is further the sense of Congress that—

(1) after the Office of Economic Conversion Information has been in operation for three years, the Secretary of Commerce and the Secretary of Defense should jointly conduct a comprehensive evaluation of the operations of such office and consider whether the purpose of the office should be modified or the office should be terminated; and

(2) the operating expenses for the Office of Economic Conversion Information should not exceed $5,000,000 for each of the first three full fiscal years in which the office is in operation.

FEINSTEIN AMENDMENT NO. 795

Mrs. FEINSTEIN proposed an amendment to the bill S. 1298, supra, as follows:

On page 180, after line 24, insert the following:

SEC. 804. TARGETING DEFENSE CONVERSION FUNDS.

It is the sense of Congress that—

(1) defense conversion funds, including funds for community assistance and dislocated personnel, should serve to relieve distress in areas of the country that are the most adversely affected by reduced spending for national defense and by military base closures;

(2) in the determinations of whether applicants for defense conversion assistance meet applicable cost-sharing requirements, all non-Federal funds, including funds from States and from local sources, should be considered;

(3) by April 30, 1994 (with respect to activities during the first half of fiscal year 1994) and by October 31, 1994 (with respect to activities during the second half of fiscal year 1994), the Secretary of Defense should submit to Congress a report setting forth—

(A) the geographic distribution of the sources of all proposals received for defense conversion assistance and the geographic distribution of the defense conversion assistance awarded (in order to indicate the extent to which the policy in paragraph (1) is being carried out); and

(B) the number of proposals for defense conversion assistance received from small businesses and the number of awards of defense conversion assistance to small businesses (in order to provide a basis for determining whether sufficient opportunities exist for small businesses to receive an appropriate portion of defense conversion funds and whether the cost-sharing requirements for small businesses should be reduced); and

(4) by January 1, 1994, the Secretary of Defense should—

(A) submit to Congress any recommendations that, taking into consideration the experience with providing defense conversion assistance during fiscal year 1993, the Secretary considers appropriate regarding—

(i) what share of the costs of participating in a defense conversion program should be borne by non-Department of Defense sources; and

(ii) what, if any, changes should be made in the laws providing authority for defense conversion programs; and

(B) prescribe regulations to provide full credit for in-kind contributions of non-Department of Defense sources for purposes of defense conversion program cost-sharing requirements.

LEVIN (AND COHEN) AMENDMENT NO. 796

Mr. LEVIN (for himself and Mr. COHEN) proposed an amendment to the bill S. 1298, supra, as follows:

On page 190, after line 24, insert the following:

SEC. 825. DEPARTMENT OF DEFENSE PURCHASES THROUGH OTHER AGENCIES.

(a) REGULATIONS REQUIRED.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall issue regulations governing the exercise by the Department of Defense of the authority under section 1535 of title 31, United States Code, to purchase goods and services under contracts entered into or administered by another agency.

(b) CONTENT OF REGULATIONS.—The regulations issued pursuant to subsection (a) shall—

(1) require that each purchase described in subsection (a) be approved in advance by a warranted contracting officer of the Department of Defense with authority to contract for the goods or services to be purchased or by another official in a position specifically designated by regulation to approve such purchase;

(2) provide that such a purchase of goods or services may be made only if—

(A) the purchase is appropriately made under a contract that the agency filling the purchase order entered into, before the purchase order, in order to meet the requirements of such agency for the same or similar goods or services;

(B) the agency filling the purchase order is better qualified to enter into or administer the contract for such goods or services by reason of capabilities or expertise that is not available within the Department;

(C) the agency or unit filling the order is specifically authorized by law or regulations to purchase such goods or services on behalf of other agencies; or

(D) the purchase is authorized by an Executive order or a revision to the Federal Acquisition Regulation setting forth specific additional circumstances in which purchases referred to in subsection (a) are authorized;

(3) prohibit any such purchase under a contract or other agreement entered into or administered by an agency not covered by the provisions of chapter 137 of title 10, United States Code, or title III of the Federal Property and Administrative Services Act of 1949 and not covered by the Federal Acquisition Regulation unless the purchase is approved in advance by the Senior Acquisition Executive responsible for purchasing by the ordering agency or unit; and

(4) prohibit any payment to the agency filling a purchase order of any fee that exceeds the actual cost or, if the actual cost is not known, the estimated cost of entering into and administering the contract or other agreement under which the order is filled.

(c) MONITORING SYSTEM REQUIRED.—The Secretary of Defense shall ensure that, not later than one year after the date of enactment of this Act, systems of the Department of Defense for collecting and evaluating procurement data are capable of collecting and evaluating appropriate data on procurements conducted under the regulations issued pursuant to paragraph (a).

(d) TERMINATION.—This section shall cease to be effective one year after the date on which final regulations issued pursuant to subsection (a) take effect.

ROBB (AND WARNER) AMENDMENT NO. 797

Mr. NUNN (for Mr. ROBB, for himself and Mr. WARNER) proposed an amendment to the bill S. 1298, supra, as follows:

SEC. . TRANSFER OF OBSOLETE DESTROYER TENDER YOSEMITE.

(a) AUTHORITY.—Notwithstanding subsections (a) and (c) of section 7308 of title 10, United States Code, but subject to subsection (b) of that section, the Secretary of the Navy may transfer the obsolete destroyer tender Yosemite to the nonprofit organization Ships at Sea for education and drug rehabilitation purposes.

(b) LIMITATIONS.—The transfer authorized by subsection (a) may be made only if the Secretary determines that the vessel Yosemite is of no further use to the United States for national security purposes.

(c) TERMS AND CONDITIONS.—The Secretary may require such terms and conditions in connection with the transfer authorized by this section as the Secretary considers appropriate.

WARNER (AND ROBB) AMENDMENT NO. 798

Mr. NUNN (for Mr. WARNER, for himself and Mr. ROBB) proposed an amendment to the bill S. 1298, supra, as follows:

SEC. . Notwithstanding any other provision of law, none of the funds authorized for appropriations in fiscal years 1994, 1993, and 1992 for the Navy shall be obligated or expended for the procurement of ring laser gyro navigation systems for surface ships under a sole source contract.

WARNER (AND LEVIN) AMENDMENT NO. 799

Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 1298, supra, as follows:

At the appropriate point in the bill, add the following new section:

SEC. . Authority to reprogram funds for the Close Combat Tactical Trainer Quickstart Program. Subject to existing reprogramming procedures, the Secretary of the Army is authorized to reprogram funds in fiscal year 1994 to procure long lead component hardware items to accelerate the Close Combat Tactical Trainer Quickstart program.

MCCAIN AMENDMENT NO. 800

Mr. WARNER (for Mr. MCCAIN) proposed an amendment to the bill S. 1298, supra, as follows:

At the appropriate place in the bill, add the following section:

SEC. . Transportation of Cargoes by Water.—Chapter 157 of title 10, United States Code, is amended by inserting a new section 2631a, as follows:

"2631a. Contingency planning—

"(a) CONSIDERATION OF PRIVATE CAPABILITIES.—The Secretary of Defense shall ensure that all studies and reports of the Department of Defense, and all actions taken in the Department of Defense, concerning sealift and related intermodal transportation requirements take into consideration the full range of the transportation and distribution capabilities that are available from operators of privately owned United States flag merchant vessels.

"(b) PRIVATE CAPACITIES PRESENTATIONS.—The Secretary shall afford each operator of a vessel referred to in subsection (a), not less often than annually, an opportunity to present to the Department of Defense information on its port-to-port and intermodal transportation capacities.

"(c) CERTIFICATION REQUIREMENT.—The Secretary shall submit to the Secretary of Transportation, not less often than annually, a certification of compliance with the requirements . . . subsection n(b)."

THURMOND AMENDMENT NO. 801

Mr. WARNER (for Mr. THURMOND) proposed an amendment to the bill S. 1298, supra, as follows:

On page 353, between lines 4 and 5, insert the following:

SEC. 2842. LAND CONVEYANCE, CHARLESTON, SOUTH CAROLINA.

(a) IN GENERAL.—The Secretary of the Navy may convey to the Division of Public Railways, South Carolina Department of Commerce (in this section referred to as the "Railway") all right, title and interest of the United States in and to a parcel of real property consisting of approximately 10.9 acres and comprising a portion of the Charleston Naval Weapons Station South Annex, North Charleston, South Carolina.

(b) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a) the Railway shall pay to the United States an amount equal to the fair market value of the property as determined by the Secretary.

(c) USE OF PROCEEDS.—The Secretary may use the proceeds received from the sale of property authorized by this section to pay for the cost of any environmental restoration of the property being conveyed. Any proceeds which remain after any necessary environmental restoration has been completed shall be deposited in the special account established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the Railway.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) as the Secretary considers to be necessary to protect the interests of the United States.

BINGAMAN AMENDMENT NO. 802

Mr. NUNN (for Mr. BINGAMAN) proposed an amendment to the bill S. 1298, supra, as follows:

On page 190, below line 24, add the following:

SEC. 825. AUTHORITY OF THE ADVANCED RESEARCH PROJECTS AGENCY TO CARRY OUT CERTAIN PILOT DEMONSTRATION PROJECTS AND PROTOTYPE PROJECTS.

(a) AUTHORITY.—The Director of the Advanced Research Projects Agency may, under the authority of section 2371 of title 10, United States Code, carry out pilot technology demonstration projects and prototype projects that are directly relevant to weapons or weapons systems proposed to be acquired or developed by the Department of Defense.

(b) EXERCISE OF AUTHORITY.—(1) Subsections (d)(2) and (d)(3) of such section 2371 shall not apply to pilot projects carried out under subsection (a).

(2) The Director shall, to the maximum extent practicable, utilize competitive procedures when entering into agreements to carry out projects under subsection (a).

(c) PERIOD OF AUTHORITY.—The authority of the Director to carry out projects under subsection (a) shall terminate 3 years after the date of the enactment of this Act.

BINGAMAN (AND DOMENICI) AMENDMENT NO. 803

Mr. NUNN (for Mr. BINGAMAN for himself and Mr. DOMENICI) proposed an amendment to the bill S. 1298, supra, as follows:

On page 413, between lines 18 and 19, insert the following:

SEC. 3139 EXTENSION OF REVIEW OF WASTE ISOLATION PILOT PLANT IN NEW MEXICO

Section 1433(a) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 2073) is amended in the second sentence by striking out "four additional one-year periods" and inserting in lieu thereof "nine additional one-year periods".

DECONCINI (AND OTHERS) AMENDMENT NO. 804

Mr. NUNN (for Mr. DECONCINI, for himself, Mr. BINGAMAN and Mr. DOMENICI) proposed an amendment to the bill S. 1298, supra, as follows:

On page 190, below line 24, add the following:

SEC. 825. IMPROVEMENT OF PRICING POLICIES FOR USE OF MAJOR RANGE AND TEST FACILITY INSTALLATIONS OF THE MILITARY DEPARTMENTS.

(a) IN GENERAL.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2680 the following new section:

"§2681. Use of test and evaluation installations by commercial entities

"(a) CONTRACT AUTHORITY.—The Secretary of the military department concerned, in consultation with the Secretary of Defense, may enter into contracts with commercial entities that desire to conduct commercial test and evaluation activities at a Major Range and Test Facility Installation under the jurisdiction of the Secretary.

"(b) TERMINATION OR LIMITATION OF CONTRACT UNDER CERTAIN CIRCUMSTANCES.—A contract entered into under subsection (a) shall contain a provision that the installation commander may terminate, prohibit, or suspend immediately any commercial test or evaluation activity to be conducted at the Major Range and Test Facility Installation under the contract if the installation commander certifies in writing that the test or evaluation activity is or would be detrimental—

"(1) to the public health and safety;

"(2) to property (either public or private); or

"(3) to any national security interest or foreign policy interest of the United States.

"(c) CONTRACT PRICE.—A contract entered into under subsection (a) shall include a provision that requires a commercial entity using a Major Range and Test Facility Installation under the contract to reimburse the installation for all direct costs to the United States that are associated with the test and evaluation activities conducted by the commercial entity under the contract, as determined by the installation commander. In addition, the contract may include a provision that requires the commercial entity to reimburse the installation for such indirect costs related to the use of the installation as the installation commander considers to be appropriate.

"(d) RETENTION OF FUNDS COLLECTED FROM COMMERCIAL USERS.—Amounts collected under subsection (c) from a commercial entity conducting test and evaluation activities at a Major Range and Test Facility Installation shall be credited to the appropriation accounts under which the costs associated with the test and evaluation activities of the commercial entity were incurred.

"(e) REGULATIONS AND LIMITATIONS.—The Secretary of the military department concerned, in consultation with the Secretary of Defense, shall prescribe regulations to carry out this section. The authority of installation commanders under subsections (b) and (c) shall be subject to the authority, direction, and control of the Secretary of the military department concerned.

"(f) DEFINITIONS.—In this section:

"(1) The term 'Major Range and Test Facility Installation' means a test and evaluation installationunder the jurisdiction of the Secretary of a military department and designated as such by the Secretary.

"(2) The term 'direct costs' includes the cost of—

"(A) labor, material, facilities, utilities, equipment, supplies, and any other resources damaged or consumed during the test or evaluation activities or maintained for a particular commercial entity; and

"(B) construction specifically performed for the commercial entity to conduct test and evaluation activities.

"(3) The term 'installation commander' means the commander of a Major Range and Test Facility Installation.

"(g) TERMINATION OF AUTHORITY.—The authority provided to the Secretary of a military department by subsection (a) shall terminate on September 30, 1998.

"(h) REPORT.—Not later than January 1, 1999, the Secretary of each military department shall submit to the Secretary of Defense and Congress a report describing the number and purpose of contracts entered into under subsection (a) and evaluating the extent to which the authority under this section is exercised to open Major Range and Test Facility Installations to commercial test and evaluation activities.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2680 the following new item:

"2681. Use of test and evaluation installations by commercial entities.".

SMITH AMENDMENT NO. 805

Mr. WARNER (for Mr. SMITH) proposed an amendment to the bill S. 1298, supra, as follows:

At the appropriate place in the bill, insert the following:

SECTION 1. AWARD OF THE NAVY EXPEDITIONARY MEDAL

The Secretary of the Navy shall direct that members of the Navy who served in Navy Task Force 16, culminating in the air-raid commonly known as the "Doolittle raid on Tokyo", during April 1942, be awarded the Navy Expeditionary Medal for such service.

LEVIN (AND WARNER) AMENDMENT NO. 806

Mr. NUNN (for Mr. LEVIN, for himself, and Mr. WARNER) proposed an amendment to the bill S. 1298, supra, as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . Interim Reconnaissance Program. (a) Of the funds authorized to be appropriated in section 201 for the Joint Program Office for Unmanned Aerial Vehicles, up to $40,000,000 may be obligated and expended for the purposes of initiating a long-endurance, unmanned reconnaissance aerial vehicle program, subject to the conditions outlined in subsection (b) and subsection (c).

(b) The funds may be obligated only to procure, integrate, test and evaluate non-developmental airframes, sensors, communication equipment, mission planning equipment and ground stations.

(c) None of the funds may be obligated until the Department identifies the programs within the jurisdiction of the Joint Program Office that will be terminated or deferred, consistent with normal reprogramming procedures.

KENNEDY (AND COHEN) AMENDMENT NO. 807

Mr. NUNN (for Mr. KENNEDY, for himself, and Mr. COHEN) proposed an amendment to the bill S. 1298, supra, as follows:

At the appropriate place in the bill, add the following section:

SEC. . Live-Fire Survivability Testing of C-17 Aircraft.

Section 132(d) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) is amended by striking out "for fiscal year 1993."

AKAKA AMENDMENT NO. 808

Mr. NUNN (for Mr. AKAKA) proposed an amendment to the bill S. 1298, supra, as follows:

On page 156, between lines 2 and 3, insert the following:

SEC. 655. SENSE OF SENATE RELATING TO EXCESS LEAVE AND PERMISSIVE TEMPORARY DUTY FOR CERTAIN MEMBERS OF THE ARMED FORCES.

(a) SENSE OF SENATE.—(1) It is the sense of the Senate that the Secretary of Defense ensure that a member whose home of record is outside the continental United States and who is stationed inside the continental United States at the time of the separation of the member be eligible to receive the same amount of excess leave or permissive temporary duty under section 1149 of title 10, United States Code, as a member who is stationed overseas.

(2) In this subsection, the term "continental United States" means the 48 contiguous States and the District of Columbia.

(b) REPORT ON AREAS OF INEQUITABLE TREATMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense submit a report to Congress—

(1) describing all provisions of law concerning pay and allowances for members of the Armed Forces in which members whose homes of record are outside the continental United States receive different treatment than members whose homes of record are in the continental United States; and

(2) containing recommendations to equalize such treatment.

CHAFEE (AND THURMOND) AMENDMENT NO. 809

Mr. WARNER (for Mr. CHAFEE, for himself, Mr. THURMOND, and Mr. MURKOWSKI) proposed an amendment to the bill S. 1298, supra, as follows:

On page 242, after line 19, insert the following:

SEC. 1067. BURIAL OF REMAINS AT ARLINGTON NATIONAL CEMETERY.

(a) ELIGIBILITY.—Under regulations prescribed by the Secretary of the Army, former prisoners of war who, having served honorably in active military, naval, or air service (as determined in accordance with such regulations), die on or after the date of the enactment of this Act shall be eligible for burial in Arlington National Cemetery, Virginia.

(b) SAVINGS PROVISION.—This section may not be construed to make ineligible for burial in Arlington National Cemetery any former prisoner of war who was eligible before the date of the enactment of this Act to be buried in such cemetery

(c) DEFINITION.—In this section, the term "former prisoner of war" has the meaning given such term in section 101(32) of title 38, United States Code.

MCCAIN AMENDMENT NO. 810

Mr. WARNER (for Mr. MCCAIN) proposed an amendment to the bill S. 1298, supra, as follows:

On page 233, after line 23, insert the following:

SEC. 1056. FINDINGS REGARDING DEFENSE COOPERATION BETWEEN THE UNITED STATES AND ISRAEL.

Congress makes the following findings:

(1) The President has made a commitment to maintain the qualitative superiority of the Israeli Defense Forces over any combination of adversary armed forces.

(2) The President has expressed a desire to enhance United States-Israeli military and technical cooperation, particularly in the areas of missile defense, counter-proliferation of weapons of mass destruction, and counter-proliferation of ballistic missiles.

(3) Maintaining the qualitative superiority of the Israeli Defense Forces and strengthening United States defense ties with Israel will help to ensure that Israel has the military strength and political support necessary for taking risks for peace while providing Arab states with an incentive to pursue negotiations instead of war.

(4) The establishment of the United States Israel Science and Technology Commission, the binational Senior Planning Group, and the Technology Transfer Working Group is in the interest of both the United States and Israel.

(5) It is in the national interests of the United States and Israel for the organizations referred to in paragraph (4) to work to strengthen existing mechanisms for cooperation and to eliminate barriers to further collaboration between the United States and Israel.

(6) Israel continues to face difficult threats to its national security that are compounded by the proliferation of weapons of mass destruction and ballistic missiles.

BRYAN (AND OTHERS) AMENDMENT NO. 811

Mr. NUNN (for Mr. BRYAN, for himself and Mr. COATS, Mr. RIEGLE, and Mr. D'AMATO) proposed an amendment to the bill S. 1298, supra, as follows:

On page 356, between lines 19 and 20, insert the following:

SEC. 2854. ALLOTMENT OF SPACE IN FEDERAL BUILDINGS TO CREDIT UNIONS.

Section 124 of the Federal Credit Union Act (12 U.S.C. 1770) is amended in the first sentence—

(1) by striking out "at least 95 per centum" and all that follows through "and the members of their families,"; and

(2) by striking out "allot space to such credit union" and all that follows through the period and inserting in lieu thereof "allot space to such credit union without charge for rent or services if at least 95 per centum of the membership of the credit union to be served by the allotment of space is composed of persons who either are presently Federal employees or were Federal employees at the time of admission into the credit union, and members of their families, and if space is available.".

BAUCUS (AND CHAFEE) AMENDMENT NO. 812

Mr. NUNN (for Mr. BAUCUS for himself and Mr. CHAFEE) proposed an amendment to the bill S. 1298, supra, as follows:

On page 94, between lines 11 and 12, insert the following:

SEC. 328. SHIPBOARD PLASTIC AND SOLID WASTE CONTROL.

(a) SHORT TITLE.—This section may be cited as the "Act to Prevent Pollution from Ships Amendments of 1993."

(b) DEADLINE FOR COMPLIANCE BY SHIPS OWNED OR OPERATED BY THE DEPARTMENT OF THE NAVY WITH CERTAIN POLLUTION CONTROL CONVENTIONS.—Subsection (b)(2)(A) of section 3 of the Act to Prevent Pollution from Ships (33 U.S.C. 1902) is amended by striking out "after 5 years" and all that follows and inserting in lieu thereof ", subject to subsection (f) of this section, as follows:

"(i) After December 31, 1993, to all ships referred to in paragraph (1)(A) of this subsection other than those owned or operated by the Department of the Navy.

"(ii) Except as provided in subsection (c) of this section, after December 31, 1998, to all ships referred to in paragraph (1)(A) of this subsection other than submersibles owned or operated by the Department of the Navy when such submersibles are engaged in noncommercial service.

"(iii) Except as provided in subsection (c) of this section, after December 31, 2008, to all ships referred to in paragraph (1)(A) of this subsection.".

(c) SPECIAL AREA DISCHARGES.—Section 3 of such Act is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (g), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) DISCHARGES IN SPECIAL AREAS.—(1) Not later than December 31, 2000, all surface vessels owned or operated by the Department of the Navy, and not later than December 31, 2008, all submersibles owned or operated by the Department of the Navy, shall comply with the special area requirements of Regulation 5 of Annex V of the Convention.

"(2) Not later than 3 years after the date of the enactment of the Act to Prevent Pollution from Ships Amendments of 1993, the Secretary of the Navy, shall, in consultation with the Secretary of State, the Secretary of Commerce, the Secretary of Transportation, and the Administrator of the Environmental Protection Agency, submit to the Congress a plan for the compliance by all vessels owned or operated by the Department of the Navy with the requirements set forth in paragraph (1) of this subsection. Such plan shall be submitted after opportunity for public participation in its preparation, and for public review and comment.

"(3) If the Navy plan for compliance demonstrates that compliance with the requirements set forth in paragraph (1) of this subsection is not technologically feasible in the case of certain vessels under certain circumstances, the plan shall include information describing—

"(A) the ships for which full compliance with the requirements of paragraph (1) of this subsection is not technologically feasible;

"(B) the technical and operational impediments to achieving such compliance;

"(C) a proposed alternative schedule for achieving such compliance as rapidly as is technologically feasible; and

"(D) such other information as the Secretary of the Navy considers relevant and appropriate.

"(4) Upon receipt of the compliance plan under paragraph (2) of this subsection, the Congress may modify the applicability of paragraph (1) of this subsection, as appropriate.".

(d) COMPLIANCE MEASURES.—Such section 3 is amended by inserting after subsection (d), as redesignated by subsection (c)(1), the following new subsection:

"(e) COMPLIANCE BY EXCLUDED VESSELS.—(1) The Secretary of the Navy shall develop and, as appropriate, support the development of technologies and practices for solid waste management aboard ships owned or operated by the Department of the Navy, including technologies and practices for the reduction of the waste stream generated aboard such ships, that are necessary to ensure the compliance of such ships with Annex V to the Convention on or before the dates referred to in subsections (b)(2)(A) and (c)(1) of this section.

"(2) Notwithstanding any effective date of the application of this section to a ship, the provisions of Annex V of the Convention with respect to the disposal of plastic shall apply to ships equipped with plastic processors required for the long-term collection and storage of plastic aboard ships of the Navy upon the installation of such processors in such ships.

"(3)(A) Within 12 months after the date of the enactment of the Act to Prevent Pollution from Ships Amendments of 1993, the Secretary of the Navy shall promulgate regulations applicable to ships referred to in subsection (b)(1)(A) of this section owned or operated by the Department of the Navy. The regulations shall be consistent with operational requirements of such ships and shall be revised from time to time in accordance with this subsection.

"(B) The regulations promulgated under subparagraph (A) of this paragraph shall include the following requirements:

"(i) That compacted trash discharged from submersibles be negatively buoyant and contain the minimum amount practicable of plastic.

"(ii) That plastics contaminated by substances other than food not be discharged overboard from any ship during the last 20 days before the ship enters port.

"(iii) That plastics contaminated by food not be discharged overboard from any ship during the last 3 days before the ship enters port.

"(4)(A) The Secretary of Defense shall publish in the Federal Register a report setting forth the names of ships provided with equipment enabling such ships to comply with Annex V to the Convention and describing the amount and nature of the discharges in special areas during the preceding year from ships referred to in subsection (b)(1)(A) of this section owned or operated by the Department of the Navy. ".

(e) WAIVER AUTHORITY.—Such section 3, as amended by subsection (d), is further amended by inserting after subsection (e) the following new subsection:

"(f) WAIVER AUTHORITY.—The President may waive the effective dates of the requirements set forth in subsections (b)(2)(A) and (c) of this section and in subsection (f) of the Act to Prevent Pollution from Ships Amendments of 1993 if the President determines it to be in the paramount interest of the United States to do so. Any such waiver shall be for a period not in excess of 1 year. The President shall submit a report to the Congress each January on all waivers from the requirements of this section granted during the preceding calendar year, together with the reasons for granting such waivers.".

(f) OTHER ACTIONS.—(1) Not later than October 1, 1994, the Secretary of the Navy shall release a request for proposals for equipment (hereinafter in this subsection referred to as "plastics processor") required for the long-term collection and storage of plastic aboard ships of the Navy.

(2) Not later than July 1, 1996, the Secretary shall install the first production unit of the plastics processor on board a Navy ship.

(3) Not later than July 1, 1997, the Secretary shall complete the installation of plastics processors on board not less than 50

percent of the ships of the Navy that require such processors in order to comply with the provisions of section 3 of the Act to Prevent Pollution from Ships, as amended by subsections (b), (c), and (d) of this section.

(4) Not later than July 1, 1998, the Secretary shall complete the installation of plastics processors on board not less than 75 percent of the ships of the Navy that require such processors in order to comply with such provisions.

JOHNSTON (AND OTHERS) AMENDMENT NO. 813

Mr. NUNN (for Mr. JOHNSTON, for himself, Mr. WALLOP, Mr. BINGAMAN, Mr. DOMENICI, Mr. CRAIG, and Mr. SIMON) proposed an amendment to the bill S. 1298, supra, as follows:

On line 19, page 413 through line 9, page 425, strike "Subtitle D—Cooperative Research and Development" and insert in lieu thereof the following new subtitle:

"SUBTITLE D—COOPERATIVE RESEARCH AND DEVELOPMENT

"SEC. 3141. SHORT TITLE.

"This subtitle may be cited as the 'Department of Energy National Competitiveness Technology Partnership Act of 1993'.

"SEC. 3142. DEFINITIONS.

"For purposes of this subtitle, the term—

"(a) 'Department' means the United States Department of Energy; and

"(b) 'Secretary' means the Secretary of the United States Department of Energy.

"SEC. 3143. COMPETITIVENESS AMENDMENT TO THE DEPARTMENT OF ENERGY ORGANIZATION ACT.

"(a) The Department of Energy Organization Act is amended by adding the following new title (42 U.S.C. 7101 et. seq.):

"TITLE XI—TECHNOLOGY PARTNERSHIPS

"SEC. 1101. FINDINGS, PURPOSES AND DEFINITIONS.

"(a) FINDINGS.—For purposes of this title, Congress finds that—

"(1) the Department has scientific and technical resources within the departmental laboratories in many areas of importance to the economic, scientific and technological competitiveness of United States industry;

"(2) the extensive scientific and technical investment in people, facilities and equipment in the departmental laboratories can contribute to the achievement of national technology goals in areas such as the environment, health, space, and transportation;

"(3) the Department has pursued aggressively the transfer of technology from departmental laboratories to the private sector; however, the capabilities of the laboratories could be made more fully accessible to United States industry and to other federal agencies;

"(4) technology development has been increasingly driven by the commercial marketplace, and the private sector has research and development capabilities in a broad range of generic technologies;

"(5) the Department and the departmental laboratories would benefit, in carrying out their missions, from collaboration and partnership with United States industry and other federal agencies; and

"(6) partnerships between the departmental laboratories and United States industry can provide significant benefits to the nation as a whole, including creation of jobs for United States workers and improvement of the competitive position of the United States in key sectors of the economy such as aerospace, automotive, chemical and electronics.

"(b) PURPOSES.—The purposes of this title are—

"(1) to promote partnerships among the Department, the departmental laboratories and the private sector;

"(2) to establish a goal for the amount of departmental laboratory resources to be committed to partnerships;

"(3) to ensure that the Department and the departmental laboratories play an appropriate role, consistent with the core competencies of the laboratories, implementing the President's critical technology strategies;

"(4) to provide additional authority to the Secretary to enter into partnerships with the private sector to carry out research, development, demonstration and commercial application activities;

"(5) to streamline the approval process for cooperative research and development agreements proposed by the departmental laboratories; and

"(6) to facilitate greater cooperation between the Department and other federal agencies as part of an integrated national effort to improve United States competitiveness.

"(c) DEFINITIONS.—For purposes of this title, the term—

"(1) "cooperative research and development agreement" has the meaning given that term in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(a)(1));

"(2) "core competency" means an area in which the Secretary determines a departmental laboratory has developed expertise and demonstrated capabilities;

"(3) "critical technology" means a technology identified in the Report of the National Critical Technologies Panel;

"(4) "Departmental laboratory" means a facility operated by or on behalf of the Department that would be considered a laboratory as that term is defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(2)) or any other laboratory or facility designated by the Secretary;

"(5) "disadvantaged" has the same meaning as that term has in section 8(a)(5) and (6) of the Small Business Act (15 U.S.C. 637(a)(5) and (6));

"(6) "dual-use technology" means a technology that has military and commercial applications;

"(7) "educational institution" means a college, university, or elementary or secondary school, including any non-for-profit organization dedicated to education that would be exempt under section 501(a) of the Internal Revenue Code of 1986;

"(8) "minority college or university" means a historically Black college or university that would be considered a "part B institution" by section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)) or a "minority institution" as that term is defined in section 1046 of the Higher Education Act of 1965 (20 U.S.C. 1135d–5(3)).

"(9) "multi-program departmental laboratory" means any of the following: Argonne National Laboratory, Brookhaven National Laboratory, Idaho National Engineering Laboratory, Lawrence Berkeley Laboratory, Lawrence Livermore National Laboratory, Los Alamos National Laboratory, National Renewable Energy Laboratory, Oak Ridge National Laboratory, Pacific Northwest Laboratory, and Sandia National Laboratories;

"(10) "partnership" means any arrangement under which the secretary or one or more departmental laboratories undertakes research, development, demonstration, commercial application or technical assistance activities in cooperation with one or more non-Federal partners and which may include partners from other federal agencies;

"(11) "Report of the National Critical Technologies Panel" means the biennial report on national critical technologies submitted to Congress by the President pursuant to section 603(d) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6683(d)); and

"(12) "small business" means a business concern that meets the applicable standards prescribed pursuant to section 3(a) of the Small business Act (15 U.S.C. 632(a)).

"SEC. 1102. GENERAL AUTHORITY.

"(a)(1) In carrying out the missions of the Department, the Secretary and the departmental laboratories may conduct research, development, demonstration or commercial application activities that build on the core competencies of the departmental laboratories.

"(2) In addition to missions established pursuant to other laws, the Secretary may assign to departmental laboratories any of the following missions:

"(A) National security, including the—

"(i) advancement of the military application of atomic energy;

"(ii) support of the production of atomic weapons, or atomic weapons parts, including special nuclear materials;

"(iii) support of naval nuclear propulsion programs;

"(iv) support for the dismantlement of atomic weapons and the safe storage, transportation and disposal of special nuclear materials;

"(v) development of technologies and techniques for the safe storage, processing, treatment, transportation, and disposal of hazardous waste (including radioactive waste) resulting from nuclear materials production, weapons production and surveillance programs, and naval nuclear propulsion programs and of technologies and techniques for the reduction of environmental hazards and contamination due to such waste and the environmental restoration of sites affected by such waste;

"(vi) development of technologies and processes that facilitate the effective negotiation and verification of international arms control agreements and the containment of the proliferation of nuclear weapons and the proliferation of delivery systems for such weapons; and

"(vii) protection of health and promotion of safety in carrying out other national security missions.

"(B) Energy-related science and technology, including the—

"(i) enhancement of the understanding of all forms of energy production and use;

"(ii) support of basic and applied research on the fundamental nature of matter and energy, including construction and operation of unique scientific instruments;

"(iii) development of energy resources, including solar, geothermal, fossil, and nuclear energy resources, and related fuel cycles;

"(iv) pursuit of a comprehensive program of research and development on the environmental effects of energy technologies and programs;

"(v) development of technologies and processes to reduce the generation of waste or pollution or the consumption of energy or materials;

"(vi) development of technologies and techniques for the safe storage, processing, treatment, management, transportation and disposal of nuclear waste resulting from commercial nuclear activities; and

"(vii) improvement of the quality of education in science, mathematics, and engineering.

"(C) Technology transfer.

"(3)(A) In addition to the mission identified in subsection (a)(2), the Departmental laboratories may pursue supporting missions to the extent that these supporting missions—

"(i) support the technology policies of the President;

"(ii) are developed in consultation with and coordinated with any other Federal agency or agencies that carry out such mission activities;

"(iii) are built upon the competencies developed in carrying out the primary missions identified in subsection (a)(2) and do not interfere with the pursuit of the missions identified in subsection (a)(2); and

"(iv) are carried out through a process that solicits the views of United States industry and other appropriate parties.

"(B) These supporting missions shall include activities in the following areas:

"(i) developing and operating high-performance computing and communications systems, with the goals of contributing to a national information infrastructure and addressing complex scientific and industrial challenges which require large-scale computational capabilities;

"(ii) conducting research on and development of advanced manufacturing systems and technologies, with the goal of assisting the private sector in improving the productivity, quality, energy efficiency, and control of manufacturing processes;

"(iii) conducting research on and development of advanced materials, with the goals of increasing energy efficiency, environmental protection, and improved industrial performance.

"(4) In carrying out the Department's missions, the Secretary, and the directors of the departmental laboratories, shall, to the maximum extent practicable, make use of partnerships. Such partnerships shall be for purposes of the following:

"(A) to lead to the development of technologies that the private sector can commercialize in areas of technology with broad application important to U.S. technological and economic competitiveness;

"(B) to provide Federal support in areas of technology where the cost or risk is too high for the private sector to support alone but that offer a potentially high payoff to the United States;

"(C) to contribute to the education and training of scientists and engineers;

"(D) to provide university and private researchers access to departmental laboratory facilities; or

"(E) to provide technical expertise to universities, industry or other Federal agencies.

"(b) The Secretary, in carrying out partnerships, may enter into agreements using instruments authorized under applicable laws, including but not limited to contracts, cooperative research and development agreements, work for other agreements, user-facility agreements, cooperative agreements, grants, personnel exchange agreements and patent and software licenses with any person, any agency or instrumentality of the United States, any State or local governmental entity, any educational institution, and any other entity, private sector or otherwise.

"(c) The Secretary, and the directors of the departmental laboratories, shall utilize partnerships with United States industry, to the maximum extent practicable, to ensure that technologies developed in pursuit of the Department's missions are applied and commercialized in a timely manner.

"(d) The Secretary shall work with other federal agencies to carry out research, development, demonstration or commercial application activities where the core competencies of the departmental laboratories could contribute to the missions of such other agencies.

"SEC. 1103. ESTABLISHMENT OF GOAL FOR PARTNERSHIPS BETWEEN DEPARTMENTAL LABORATORIES AND UNITED STATES INDUSTRY.

"(a) Beginning in fiscal year 1994, the Secretary shall establish a goal to make available for cost-shared partnerships with United States industry not less than 20 percent of the annual funds provided by the Secretary to each multi-program departmental laboratory for research, development, demonstration and commercial application activities.

"(b) Beginning in fiscal year 1994, the Secretary shall establish an appropriate goal for the amount of resources to be made available for cost-shared partnerships with United States industry at other departmental laboratories.

"SEC. 1104. ROLE OF THE DEPARTMENT IN THE DEVELOPMENT OF CRITICAL TECHNOLOGY STRATEGIES.

"(a) The Secretary shall develop a multi-year critical technology strategy for research, development, demonstration and commercial application activities supported by the Department for the critical technologies listed in the Report of the National Critical Technologies Panel.

"(b) In developing such strategy, the Secretary shall—

"(1) identify the core competencies of each departmental laboratory;

"(2) develop goals and objectives for the appropriate role of the Department in each of the critical technologies listed in the report, taking into consideration the core competencies of the departmental laboratories;

"(3) consult with appropriate representatives of United States industry, including members of industry associations and representatives of labor organizations; and

"(4) participate in the executive branch process to develop critical technology strategies.

"SEC. 1105. PARTNERSHIP PREFERENCES.

"(a) The Secretary shall ensure that the principal economic benefits of any partnership accrue to the United States economy.

"(b) Any partnership that would be given preference under section 12(c)(4) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. §3710a(c)(4)) if it were a cooperative research and development agreement shall be given preference under this title.

"(c) The Secretary shall issue guidelines, after consultation with the Laboratory Partnership Advisory Board established in section 1109, for application of section 12(c)(4) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(4)) and application of subsection (a) of this section to partnerships.

"(d) The Secretary shall encourage partnerships that involve minority colleges or universities or private sector entities owned or controlled by disadvantaged individuals.

"SEC. 1106. EVALUATION OF PARTNERSHIP PROGRAMS.

"(a) The Secretary, in consultation with the Laboratory Partnership Advisory Board established in section 1109, shall develop mechanisms for independent evaluation of the ongoing partnership activities of the Department and the departmental laboratories.

"(b)(1) The Secretary and the director of each departmental laboratory shall develop mechanisms for assessing the progress of each partnership.

"(2) The Secretary and the director of each departmental laboratory shall utilize the mechanisms developed under paragraph (1) to evaluate the accomplishments of each ongoing multi-year partnership and shall condition continued federal participation in each partnership on demonstrated progress.

"SEC. 1107. ANNUAL REPORT.

"(a) The Secretary shall submit an annual report to Congress describing the ongoing partnership activities of the Secretary and each departmental laboratory and, to the extent practicable, the activities planned by the Secretary and by each departmental laboratory for the coming fiscal year. In developing the report, the Secretary shall seek the advice of the Laboratory Partnership Advisory Board established in section 1109.

"(b) The Secretary shall submit the report under subsection (a) to the appropriate Committees of the Congress. No later than March 1, 1994, and no later than the first of March of each subsequent year, the Secretary shall submit the report under subsection (a) that covers the fiscal year beginning on the first of October of such year.

"(c) Each director of a departmental laboratory shall provide annually to the Secretary a report on ongoing partnership activities and a plan and such other information as the Secretary may reasonably require describing the partnership activities the director plans to carry out in the coming fiscal year. The director shall provide such report and plan in a timely manner as prescribed by the Secretary to permit preparation of the report under subsection (a).

"(d) The Secretary's description of planned activities under subsection (a) shall include, to the extent such information is available, appropriate information on—

"(1) the total funds to be allocated to partnership activities by the Secretary and by the director of each departmental laboratory;

"(2) a breakdown of funds to be allocated by the Secretary and by the director of each departmental laboratory for partnership activities by area of technology;

"(3) any plans for additional funds not described in paragraph (2) to be set aside for partnerships during the coming fiscal year;

"(4) any partnership that involves a Federal contribution in excess of $500,000 the Secretary or the director of each departmental laboratory expects to enter into in the coming fiscal year;

"(5) the technologies that will be advanced by each partnership that involves a federal contribution in excess of $500,000;

"(6) the types of entities that will be eligible for participation in partnerships;

"(7) the nature of the partnership arrangements, including the anticipated level of financial and in-kind contribution from participants and any repayment terms;

"(8) the extent of use of competitive procedures in selecting partnerships; and

"(9) such other information that the Secretary finds relevant to the determination of the appropriate level of Federal support for such partnerships.

"(e) The Secretary shall provide appropriate notice in advance to Congress of any partnership, which has not been described previously in the report required by subsection (a), that involves a federal contribution in excess of $500,000.

"SEC. 1108. PARTNERSHIP PAYMENTS.

"(a)(1) Partnership agreements entered into by the Secretary may require a person or other entity to make payments to the Department, or any other Federal agency, as a condition for receiving support under the agreement.

"(2) The amount of any payment received by the Federal Government pursuant to a requirement imposed under paragraph (1) may be credited, to the extent authorized by the Secretary, to the account established under paragraph (3). Amounts so credited shall be available, subject to appropriations, for partnerships.

"(3) There is hereby established in the United States Treasury an account to be known as the 'Department of Energy Partnership Fund'. Funds in such account shall be available to the Secretary for the support of partnerships.

"(b) The Secretary may advance funds under any partnership without regard to section 3324 of title 31 of the United States Code to—

"(1) small businesses;

"(2) not-for-profit organizations that would be exempt under section 501(a) of the Internal Revenue Code of 1986; or

"(3) State or local governmental entities.

"SEC. 1109. LABORATORY PARTNERSHIP ADVISORY BOARD AND INDUSTRIAL ADVISORY GROUPS AT MULTI-PROGRAM DEPARTMENTAL LABORATORIES.

"(A)(1) The Secretary shall establish within the Department an advisory board to be known as the "Laboratory Partnership Advisory Board," to provide the Secretary with advice on the implementation of this title.

"(2) The membership of the Laboratory Partnership Advisory Board shall consist of persons who are qualified to provide the Secretary with advice on the implementation of this title. Members of the Board shall include representatives primarily from United States industry but shall also include representatives from—

"(A) small businesses;

"(B) private sector entities owned or controlled by disadvantaged persons;

"(C) educational institutions, including representatives from minority colleges or universities;

"(D) laboratories of other federal agencies; and

"(E) professional and technical societies in the United States.

"(3) The Laboratory Partnership Advisory Board shall request comment and suggestions from departmental laboratories to assist the Board in providing advice to the Secretary on the implementation of this title.

"(b) The director of each multi-program departmental laboratory shall establish an advisory group consisting of persons from United States industry to—

"(1) evaluate new initiatives proposed by the departmental laboratory;

"(2) identify opportunities for partnerships with United States industry; and

"(3) evaluate ongoing programs at the departmental laboratory from the perspective of United States industry.

"(c) Nothing in this section is intended to preclude the Secretary or the director of a departmental laboratory fromutilizing existing advisory boards to achieve the purposes of this section.

"SEC. 1110. FELLOWSHIP PROGRAM.

"The Secretary shall encourage scientists, engineers and technical staff from departmental laboratories to serve as visiting fellows in research and manufacturing facilities of industrial organizations, State and local governments, and educational institutions in the United States and foreign counties. The Secretary may establish a formal fellowship program for this purpose or may authorize such activities on a case-by-case basis. The Secretary shall also encourage scientists and engineers from United States industry to serve as visiting scientists and engineers in the departmental laboratories.

"SEC. 1111. COOPERATION WITH STATE AND LOCAL PROGRAMS FOR TECHNOLOGY DEVELOPMENT AND DISSEMINATION.

"The Secretary and the director of each departmental laboratory shall seek opportunities to coordinate their activities with programs of State and local governments for technology development and dissemination, including programs funded in part by the Secretary of Defense pursuant to section 2523 of title 10 of the United States Code and section 2513 of title 10 of the United States Code and programs funded in part by the Secretary of Commerce pursuant to section 25 and 26 of the Act of March 3, 1901(15 U.S.C. 278k and 2781) and section 5121(b) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 2781 note).

"SEC. 1112. AVAILABILITY OF FUNDS FOR PARTNERSHIPS.

"(a) All of the funds authorized to be appropriated to the Secretary for research, development, demonstration or commercial application activities, other than atomic energy defense programs, shall be available for partnerships to the extent such partnerships are consistent with the goals and objectives of such activities.

"(b) All of the funds authorized to be appropriated to the Secretary for atomic defense activities shall be available for partnerships to the extent such partnerships are consistent with the goals and objectives of such activities.

"(c) Funds authorized to be appropriated to the Secretary and made available for departmental laboratory-directed research and development shall be available for any partnership.

"SEC. 1113. PROTECTION OF INFORMATION.

"Section 12(c)(7) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(7)), relating to the protection of information, shall apply to the partnership activities undertaken by the Secretary and by the directors of the departmental laboratories.

"SEC. 1114. FAIRNESS OF OPPORTUNITY.

"(a) The Secretary and the director of each departmental laboratory shall institute procedures to ensure that information on laboratory capabilities and arrangements for participating in partnerships with the Secretary or the departmental laboratories is publicly disseminated.

"(b) Prior to entering into any partnership having a federal contribution in excess of $5 million, the Secretary or director of a departmental laboratory shall ensure that the opportunity to participate in such partnership has been publicly announced to potential participants.

"(c) In cases where the Secretary or the director of a departmental laboratory believes a potential partnership activity would benefit from broad participation from the private sector, the Secretary or the director of such departmental laboratory may take such steps as may be necessary to facilitate formation of an United States industry consortium to pursue the partnership activity.

"SEC. 1115. PRODUCT LIABILITY.

"The Secretary, after consultation with the Laboratory Partnership Advisory Board established in section 1109, and the Attorney General shall enter into a memorandum of understanding establishing a consistent policy and standards regarding the liability of the United States, of the non-federal entity operating a departmental laboratory and of any other party to a partnership for product liability claims arising from partnership activities. The Secretary and the director of each departmental laboratory shall, to the maximum extent practicable, incorporate into any partnership the policy and standards established in the memorandum of understanding.

"SEC. 1116. INTELLECTUAL PROPERTY.

"The Secretary shall, after consultation with the Laboratory Partnership Advisory Board established in section 1109, develop guidelines governing the application of intellectual property laws by the Secretary and by the director of each departmental laboratory in partnership arrangements.

"SEC. 1117. SMALL BUSINESS.

"(a) The Secretary shall develop simplified procedures and guidelines for partnerships involving small businesses to facilitate access to the resources and capabilities of the departmental laboratories.

"(b) Notwithstanding any other law, the Secretary may waive, in whole or in part, any cost-sharing requirement for a small business involved in a partnership if the Secretary determines that the cost-sharing requirement would impose an undue hardship on the small business and would prevent the formation of the partnership.

"(c) Notwithstanding section 12(d) of the Stevenson-Wydler Innovation Act of 1980 (15 U.S.C. 3710a(d)(1)), the Secretary may provide funds as part of a cooperative research and development agreement to a small business if the Secretary determines that the funds are necessary to prevent imposing an undue hardship on the small business and necessary for the formation of the cooperative research and development agreement.

"SEC. 1118. MINORITY COLLEGE AND UNIVERSITY REPORT.

"Within one year after the date of enactment of this title, and annually thereafter, the Secretary shall submit to the appropriate Committees of the United States Senate and the United States House of Representatives a report identifying opportunities for minority colleges and universities to participate in programs and activities being carried out by the Department or the departmental laboratories. The Secretary shall consult with representatives of minority colleges and universities in preparing the report. Such report shall—

"(a) describe ongoing education and training programs being carried out by the Department or the departmental laboratories with respect to or in conjunction with minority colleges and universities in the areas of mathematics, science, and engineering;

"(b) describe ongoing research, development, demonstration or commercial application activities involving the Department or the departmental laboratories and minority colleges and universities;

"(c) describe funding levels for the programs and activities described in subsections (a) and (b);

"(d) identify ways for the Department or the departmental laboratories to assist minority colleges and universities in providing education and training in the fields of mathematics, science, and engineering;

"(e) identify ways for the Department or the departmental laboratories to assist minority colleges and universities in entering into partnerships;

"(f) address the need for and potential role of the Department or the departmental laboratories in providing to minority colleges and universities the following:

"(1) increased research opportunities for faculty and students;

"(2) assistance in faculty development and recruitment and curriculum enhancement and development; and

"(3) laboratory instrumentation and equipment, including computer equipment, through purchase, loan, or other transfer;

"(g) address the need for and potential role of the Department or departmental laboratories in providing funding and technical assistance for the development of infrastructure facilities, including buildings and laboratory facilities at minority colleges and universities; and

"(h) make specific proposals and recommendations, together with estimates of necessary funding levels, for initiatives to be carried out by the Department or the departmental laboratories to assist minority colleges and universities in providing education and training in the areas of mathematics, science, and engineering, and in entering into partnership with the Department or departmental laboratories.

"SEC. 1119. MINORITY COLLEGE AND UNIVERSITY SCHOLARSHIP PROGRAM.

"The Secretary shall establish a scholarship program for students attending minority colleges or universities and pursuing a degree in energy-related scientific, mathematical, engineering, and technical disciplines. The program shall include tuition assistance. The program shall provide an opportunity for the scholarship recipient to participate in an applied work experience in a departmental laboratory. Recipients of such scholarship shall be students deemed by the Secretary to have demonstrated (1) a need for such assistance and (2) academic potential in the particular area of study. Scholarships awarded under this program shall be known as Secretary of Energy Scholarships.".

"(b) CONFORMING AMENDMENT.—The table of contents of the Department of Energy Organization Act (42 U.S.C. 7101 et. seq.) is amended by adding at the end thereof the following items—

"TITLE XI—TECHNOLOGY PARTNERSHIPS

"Sec. 1101. Finding, Purposes and Definitions.
"Sec. 1102. General Authority.
"Sec. 1103. Establishment of Goal for Partnerships Between Departmental Laboratories and United States Industry.
"Sec. 1104. Role of the Department in the Development of Critical Technology Strategies.
"Sec. 1105. Partnership Preferences.
"Sec. 1106. Evaluation of Partnership Programs.
"Sec. 1107. Annual Report.
"Sec. 1108. Partnership Payments.
"Sec. 1109. Laboratory Partnership Advisory Board and Industrial Advisory Groups at Multi-Program Departmental Laboratories.
"Sec. 1110. Fellowship Program.
"Sec. 1111. Cooperation with State and Local Programs for Technology Development and Dissemination.
"Sec. 1112. Availability of Funds for Partnerships.
"Sec. 1113. Protection of Information.
"Sec. 1114. Fairness of Opportunity.
"Sec. 1115. Product Liability.
"Sec. 1116. Intellectual Property.
"Sec. 1117. Small Business.
"Sec. 1118. Minority College and University Report.
"Sec. 1119. Minority College and University Scholarship program.".

"SEC. 3144. NATIONAL ADVANCED MANUFACTURING TECHNOLOGIES PROGRAM.

"The Secretary is encouraged to use partnerships to expedite the private sector development of advanced manufacturing technologies as required by Section 2202(a) of the Energy Policy Act of 1992 (42 U.S.C. 13502).

"SEC. 3145. NOT-FOR-PROFIT ORGANIZATIONS.

"The Secretary shall encourage the establishment of not-for-profit organizations, such as the Center for Applied Development and Environmental Technology (CADET), that will facilitate the transfer of technologies from the departmental laboratories to the private sector.

"SEC. 3146. CAREER PATH PROGRAM.

"(a) The Secretary, utilizing authority under other applicable law and the authority of this section, shall establish a career path program to recruit employees of the national laboratories to serve in positions in the Department.

"(b) Section 207 of title 18, United States Code, is amended by inserting after subsection (j)(6) the following:

"(7) NATIONAL LABORATORIES.—(A) The restrictions contained in subsections (a), (b), (c), and (d) shall not apply to an appearance or communication made, or advice or aid rendered by a person employed at a facility described in subparagraph (B), if the appearance or communication is made on behalf of the facility or the advice or aid is provided to the contractor of the facility.

"(b) This paragraph applies to the following: Argonne National Laboratory, Brookhaven National Laboratory, Idaho National Engineering Laboratory, Lawrence Berkeley Laboratory, Lawrence Livermore National Laboratory, Los Alamos National Laboratory, National Renewable Energy Laboratory, Oak RidgeNational Laboratory, Pacific Northwest Laboratory, and Sandia National Laboratories."

"(c) Section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. section 423) is amended by inserting the following new subsection;

"(q) NATIONAL LABORATORIES.—(1) The restrictions on obtaining a recusal contained in paragraph (c)(2) and (c)(3) shall not apply to discussions of future employment or business opportunity between a procurement official and a competing contractor managing and operating a facility described in paragraph (3): Provided, That such discussions concern the employment of the procurement official at such facility.

"(2) The restrictions contained in paragraph (f)(1) shall not apply to activities performed on behalf of a facility described in paragraph (3).

"(3) This subsection applies to the following: Argonne National Laboratory, Brookhaven National Laboratory, Idaho National Engineering Laboratory, Lawrence Berkeley Laboratory, Lawrence Livermore National Laboratory, Los Alamos National Laboratory, National Renewable Energy Laboratory, Oak Ridge National Laboratory, Pacific Northwest Laboratory, and Sandia National Laboratories.".

"SEC. 3147. AVLIS COMMERCIALIZATION.

"(a) PREDEPLOYMENT CONTRACTOR.—Not later than 90 days after the date of enactment of this Act, the Secretary shall solicit proposals for a commercial predeployment contractor to conduct such activities as may be necessary to enable the Secretary or any successor to the Secretary's uranium enrichment enterprise to deploy a commercial uranium enrichment plant using the Atomic Vapor Laser Isotope Separation (AVLIS) technology. Such activities shall include;

"(1) developing a transition plan for transferring the AVLIS program from research, development, and demonstration activities at the Lawrence Livermore National Laboratory to deployment of a commercial AVLIS production plant;

"(2) confirming the technical performance of AVLIS technology;

"(3) developing the economic and industrial assessments necessary for the Secretary or his successor to make a commercial decision whether to deploy AVLIS;

"(4) providing an industrial perspective for the planning and execution of remaining demonstration program activities; and

"(5) completing feasibility and risk studies necessary for a commercial decision whether to deploy AVLIS, including financing options.

"(b) ADDITIONAL ACTIVITIES.—Based upon the results of subsection (a), the Secretary may solicit additional proposals to complete the following activities:

"(1) site selection, site characterization, and environmental documentation activities for a commercial AVLIS plant;

"(2) engineering design of a production plant, developing a project schedule, and initiating operations planning;

"(3) activities leading to obtaining necessary licenses from the Nuclear Regulatory Commission; and

"(4) ensuring the successful integration of AVLIS technology into the commercial nuclear fuel cycle.

"(c) REPORTS.—The Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and to the Speaker of the House of Representatives a written report on the progress made toward the deployment of a commercial AVLIS production plant 90 days after the date of enactment of this act and each 90 days thereafter.

"SEC. 3148. AMENDMENTS TO STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT.

"(a) Section 12(c)(5) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a (c)(5)) is amended—

"(1) by deleting subparagraph (c)(i) and inserting in lieu thereof the following:

"(C)(i) any agency that has contracted with a non-Federal entity to operate a laboratory shall review and approve, request specific modifications to, or disapprove a joint work statement and cooperative research anddevelopment agreement that is submitted by the director of such laboratory within 30 days after such submission. In any case where an agency has requested specific modifications to a joint work statement or cooperative research and development agreement, the agency shall approve or disapprove any resubmission of such joint work statement or cooperative research and development agreement within 15 days after such resubmission. No agreement may be entered into by a Government-owned, contractor-operated laboratory under this section before both approval of the cooperative research and development agreement and a joint work statement.";

"(2) by adding in subparagraph (C)(ii) the words, "or cooperative research and development agreement" after "joint work statement";

"(3) by deleting subparagraph (C)(iv);

"(4) by deleting subparagraph (C)(v) and inserting in lieu thereof:

"(C)(iv) If an agency fails to complete a review under clause (i) within any of the specified time-periods, the agency shall submit to the Congress, within 10 days after the failure to complete the review, a report on the reasons for such failure. The agency shall, at the end of each successive 15-day period thereafter during which such failure continues, submit to Congress another report on the reasons for the continued failure."; and

"(5) by deleting subparagraph (C)(vi).

"(b) Section 12(d)(2) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(2)) is amended—

"(1) in subparagraph (B) by striking "substantial" before "purpose"; and

"(2) in subparagraph (C) by striking "the primary purpose" and inserting in lieu thereof "one of the purposes".

"SEC. 3149. GUIDELINES.

"The implementation of the provisions of this Act shall not be delayed pending the issuance of guidelines, policies or standards required by sections 1105, 1115 and 1116 of the Department of Energy organization Act (42 U.S.C. 7101 et. seq.) as added by section 3143 of this Act.

"SEC. 3510. AUTHORIZATION.

"(a) In addition to funds made available for partnerships under section 1112 of the Department of Energy Organization Act (42 U.S.C. 7101 et. seq.) as added by section 3143 of this Act, there is authorized to be appropriated from funds otherwise available to the Secretary for partnership activities with industry in areas other than atomic energy defense activities $100,000,000 for fiscal year 1994, $140,000,000 for fiscal year 1995, $180,000,000 for fiscal year 1996 and $220,000,000 for fiscal year 1997.

"(b) There is authorized to be appropriated to the Secretary for the Minority College and University Scholarship Program established in section 1119 of the Department of Energy Organization Act (42 U.S.C. 7101 et. seq.) as added by section 3143 of this Act in areas other than atomic energy defense activities $1,000,000 for fiscal year 1994, $2,000,000 for fiscal year 1995 and $3,000,000 for fiscal year 1996.

"(c) There is authorized to be appropriated to the Secretary for research or educational programs, in areas other than atomic energy defense activities, carried out through partnerships or otherwise, and for related facilities and equipment that involve minority colleges or universities such sums as may be necessary.".

JOHNSTON (AND OTHERS) AMENDMENT NO. 814

Mr. NUNN (for Mr. JOHNSTON, for himself, Mr. WALLOP, Mr. BINGAMAN, Mr. DOMENICI, and Mr. CRAIG) proposed an amendment to the bill S. 1298, supra, as follows:

On page 408, line 26, after "prescribes." insert:

"The Under Secretaries shall be compensated at the rate for level III of the Executive Schedule under section 5314 of title 5, United States Code, and the General Counsel shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code."

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will be holding a hearing on Friday, September 10, 1993, beginning at 9:30 a.m., in 485 Russell Senate Office Building on the constitutional issues relating to S. 1021, the Native American Free Exercise of Religion Act of 1993.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. NUNN. Mr. President, I request unanimous consent that the Senate Select Committee on Intelligence be allowed to meet on Thursday, September 9, 1993, at 4 o'clock to hold a closed briefing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. NUNN. Mr. President, I request unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, September 9, 1993, at 10 a.m. to conduct a hearing on encouraging lending to and investment in small business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. NUNN. Mr. President, I request unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Thursday, September 9, 1993, at 3 p.m. to hold nomination hearings on the following nominees: Reginald Bartholomew, of the District of Columbia, to be Ambassador to Italy; Richard N. Gardner, of New York, to be Ambassador to Spain; Richard Holbrooke, of New York, to be Ambassador to the Federal Republic of Germany; and William G. Miller, of Virginia, to be Ambassador to Ukraine.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGRICULTURAL RESEARCH, CONSERVATION, FORESTRY, AND GENERAL LEGISLATION

Mr. NUNN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry Subcommittee on Agricultural Research, Conservation, Forestry, and General Legislation be allowed to meet during the session of the Senate on Thursday, September 9, 1993 at 2:30 p.m. in SR-332 on the use of water to control grain dust.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SUPERFUND, RECYCLING AND SOLID WASTE MANAGEMENT

Mr. NUNN. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Recycling and Solid Waste Management, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Thursday, September 9, beginning at 10 a.m., to conduct a hearing on the Superfund cleanup process.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COURTS AND ADMINISTRATIVE PRACTICE

Mr. NUNN. Mr. President, I ask unanimous consent that the Subcommittee on Courts and Administrative Practice of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Thursday, September 9, 1993, at 10:30 a.m., to hold a hearing on S. 841 a bill to amend chapter 37 of title 31, United States Code, relating to false claims action, and for other purpose.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO REGAL WARE, INC.

• Mr. BUMPERS. Mr. President, I want to join my colleague, Senator PRYOR, in paying tribute to Regal Ware, Inc. This major housewares manufacturer has just announced a major expansion of its Jacksonville plant in Arkansas.

Jacksonville Manufacturing began operating as a Regal plant in 1984 and today has a work force of 634, making it the largest private employer in that community.

This Arkansas plant produces the largest assortment of drawn aluminum cookware in the industry, as well as cast cookware.

We are proud to have Regal Ware in our State and appreciate the continued commitment the company has made to the people of Jacksonville and the surrounding area in announcing this expansion.

As chairman of the Senate Small Business Committee, I am pleased to cite yet another example of one of the strengths of this Nation. That strength, of course, is a vibrant and growing small business sector in the economy.•

GREG WYATT EXHIBITS IN THE SENATE

• Mr. D'AMATO. Mr. President, I rise today to recognize Mr. Greg Wyatt, the sculptor-in-residence at the Cathedral Church of Saint John the Divine, and to urge my colleagues in the Senate to attend a unique exhibition that I am sponsoring on his behalf in the Russell Senate Office Building rotunda from Monday, September 13, 1993, through Friday, September 24, 1993.

Greg Wyatt, born in the small town of Grand View-on-the Hudson, NY in 1949, was nurtured in the artistic tradition of his native Hudson River Valley. His talent was encouraged at an early age by his father, art professor at Columbia University and City College of

New York. Upon completion of his bachelor of arts degree in art history at Columbia College in 1971, he studied classical sculpture for three years at the National Academy of Design. In 1975, he taught sculpture in Italy, where he developed his love of Renaissance art that led to the resignation of his teaching position at New York University and to his full-time devotion to sculpting.

Mr. Wyatt is currently the sculptor-in-residence at the Cathedral Church of St. John the Divine, a long-term appointment to a Renaissance studio within the crypt of the world's largest Gothic cathedral.

When the National Arts Club in 1983 in New York City wanted to have a symbol of its concern for children and the role of the arts in their development, it turned to Greg Wyatt to provide a fountain for Gramercy Park. Its excellence won for him critical acclaim, the patronage of the public and the admiration of other artists. His technical powers and his diligence in executing work have brought him many commissions. No other young artist has done more to restore sound principles of design and form to American sculpture.

When the Episcopal Diocese of New York celebrated its 200th anniversary the sculptor chosen to create a new statue to provide a message of strength and thanksgiving was inevitably Greg Wyatt. In the 16-ton bronze sculpture named "Peace Fountain," an imposing winged angel is depicted in combat against the incarnations of evil. It is a tribute to the decorative strength and charm of the bronze forms that the piece is not overwhelmed by the towering Gothic Cathedral of St. John the Divine. In this religious statuary is an example of Wyatt's genius on an imposing scale.

Wyatt's true inspiration continues to come from Roman and Greek sources. The Renaissance is also an important influence in his portraiture and in his medals. Wyatt has the rare gift of historical imagination. From his studies at the National Academy School and art history bachelor's degree at Columbia College, Wyatt is informed, soundly equipped and deeply inspired. This sculptor can easily project himself into another culture, extract its essence, and make it his own. Diverse elements and larger themes are fused in the white heat of his imagination into something entirely original.

Following his outstanding exhibition at the Metropolitan Museum of Art, Greg Wyatt was invited recently by Dudley House Graduate Student Center of Harvard College to place three heroic-scale works on the brick pavement in front of Lehman Hall in Harvard as part of a major sculpture exhibition. Of course, we have had the pleasure of having Mr. Wyatt here on Capitol Hill when he displayed his work in the Cannon House Office Building rotunda last March.

Finally, Mr. President, Mr. Wyatt is the president of Fantasy Foundation Inc., which provides a rare opportunity for apprentices in his sculpture studio at the Cathedral Church of St. John the Divine—high school and college aged students—to gain further insight into the Renaissance craft tradition.

I honor Greg Wyatt today on the floor of the U.S. Senate and wish him well in his efforts to bring the beauty of his art to education.•

NATIONAL COMMUNITY SERVICE ACT

• Mr. ROCKEFELLER. Mr. President, because of a personal commitment to attend a family event out of town, I simply could not be on the Senate floor yesterday to vote for the conference report on the National and Community Service Trust Act of 1993.

This legislation has been debated extensively in the Senate, and the outcome of the vote was not in doubt. The Senate passed the conference report with a bipartisan support. Had I been in the Senate Chamber, I would have voted for the legislation, and I want to reiterate my strong, personal support for it. As an original cosponsor of the bill and a VISTA worker in West Virginia over 25 years ago, I truly believe that investing in public service will greatly strengthen our country.

Also, I want to commend Senator KENNEDY, Senator WOFFORD, and my colleagues who have shown tremendous leadership and commitment to moving this legislation forward in a bipartisan manner. National service is an issue for every American, and having bipartisan initiative is important to bring our country together around the themes of national and community service. Enactment of this legislation should spark a bold new commitment across our country to public service.

I joined President Clinton at Rutgers University in March when he unveiled his vision for national service. It was a moving event designed to reach out to all Americans, especially young people by challenging them to serve. It is rewarding that the Senate acted within 6 months of that speech to establish the Corporation for National and Community Service and begin the initiative proposed by President Clinton.•

RECOGNIZING THOMAS TAYLOR OF FORT WAYNE, IN

• Mr. COATS. Mr. President, Hoosiers have a long tradition of caring for their environment. From the Dunes National Lakeshore in the northern part of the State to the Hoosier National Forest in the south, the people of Indiana are proud of the beauty and diversity of their natural environment.

It is in this spirit of Hoosier conservationism that Thomas Taylor of my home town of Fort Wayne has written a clear and concise statement about dedication to the environment.

Mr. Taylor's pledge was selected out of 10,000 entries to be Outdoor Life magazine's new conservation pledge. It will appear in each issue of the magazine, having made its debut in the July 1993 edition.

Mr. Taylor, his wife, and two children are a camping family, one that recognizes that enjoying nature together is one of the best ways to strengthen family ties.

In addition to being a lover of the out-of-doors, Mr. Taylor has had an effective career in public service, serving the people of Fort Wayne as a policeman for over 14 years.

Outdoor Life has a distinguished history of publishing America's leading writers and lovers of the out-of-doors, among them Theodore Roosevelt, Ernest Hemingway, Wally Schirra, and Patrick McManus.

Thomas Taylor's pledge deserves a place in the CONGRESSIONAL RECORD. It expresses eloquently the appreciation and duty we all must bring to the environment God has created, for our own sake and the sake of our children. I am pleased to include it here:

> I pledge to protect and conserve the natural resources of America. I promise to educate future generations so they may become caretakers of our water, air, land and wildlife.•

TRIBUTE TO ED HAMILTON: LOUISVILLE SCULPTOR RECEIVES NATIONAL RECOGNITION

• Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a fellow Louisvillian who has recently been honored by the Washington, DC Commission on the Arts and Humanities. A design by Mr. Ed Hamilton was recently chosen by the commission as the one for the Civil War memorial honoring black soldiers.

Mr. Hamilton is excited about the opportunity to pay homage to these special American citizens in such a prominent forum. The national monument, which is scheduled to be completed in 2 years, will be located at the corner of 10th and U Streets in northwest Washington.

Mr. Hamilton's design was deemed the most impressive of all the submissions. Included in the memorial will be all 185,000 names of the veterans, considerably more than the 58,000 which line the Vietnam Memorial Wall.

The Civil War, Mr. President, is an era in our Nation's history which is perhaps the darkest passage in our Nation's history. Brother was pitted against brother as Americans of all colors fought to protect their homes, families, and ideals. It is important that we recognize the soldiers who fought in this epic conflict, for their commitment to freedom and individual liberties.

Mr. President, it is obvious that a project of this magnitude requires a special person to follow it to fruition. Ed Hamilton has proven that he has the skill and compassion that are necessary to portray this important part of our Nation's history. His previous works include a bronze of boxer Joe Louis in Detroit, a statue of Booker T. Washington in Hampton, VA, and a monument to African Joseph Cinque in New Haven, CT. I think my colleagues will agree that this is an impressive body of work.

Mr. President, I ask my colleagues to join me in honoring this gentleman who has devoted his professional life to memorializing the people and ideas which have made this country great. In addition, I ask that an article from the August 20, 1993, Courier Journal be included in the RECORD at this point.

The article follows:

LOUISVILLE SCULPTOR HAS DESIGNS ON CAPITAL

(By Mark E. McCormick)

Lousiville sculptor Ed Hamilton's newly commissioned war memorial will include something often forgotten through the hazy memory of history: the families his Civil War soldiers were fighting for.

Hamilton recently was selected to design the centerpiece for a Civil War memorial in Washington, D.C., for black soldiers.

His design depicts a line of Civil War infantry and sailors on the convex side of a semicircle wall and the family figures they were leaving behind and for whom they were fighting on the other side of the wall.

"The committee agreed that this conveys the sense that they 'were fighting for the protection of their families from the slave trade, unjust treatment, and (for) equal protection under the law,'" said the commission's announcement letter to Hamilton.

Hamilton was one of two finalists for the $200,000 project to create a memorial honoring the 185,000 black Union troops. The memorial, commissioned by the District of Columbia, will be placed at the corner of 10th and U streets in northwest Washington.

Hamilton said he used to tell his wife, "I'll probably be 60 or something before I'll start (getting the opportunity) to build the big memorials."

But at 46, Hamilton has, in the Civil War memorial, possibly his most prestigious national project yet.

"It was like a burden had been lifted," said Hamilton in his Phoenix Hill neighborhood studio about hearing the news. "I felt triumphant. I wanted this so badly."

Matt Radford, art in public places coordinator with the Washington, D.C., Commission on the Arts and Humanities, said Hamilton's proposal for the project "truly told the story that they felt should be told."

"What they particularly appreciated was the way he was able to tell that story through the design proposal," Radford said.

The site also features a walkway leading to the monument lined on each side with nine light fixtures symbolizing the 18 free states. The names of the 185,000 black soldiers have been inscribed on ½-inch stainless steel plates and mounted on the semicircular walls behind the monument.

The Vietman Memorial by contrast is a much larger site but has 58,000 names.

Paul Devrouax, president of Devrouax & Purnell Architect Planners P.C., the firm that did the overall and landscaping design for the Civil War memorial, said he was impressed with Hamilton and Hamilton's past works.

"His approach was quite unique and refreshing," Devrouax sad, "Clearly we felt we had a number of artists that were renowned vying for the project. But it was his concept that really won over the other members of the board. It fit."

Hamilton said he wrestled with how to depict effectively the experience of the 185,000 soldiers and what they were fighting for.

"It goes beyond looking at bricks and mortar," Hamilton said. "I'm telling the story of our people's history. It's a narrative piece. You can't tell a story with just one or two figures. This tells what they are really fighting for."

This work, when completed in about two years, will be a continuation of Hamilton's march into national prominence as a top sculptor.

His previous public commissions include a bronze of boxer Joe Louis for Detroit, a statute of orator and teacher Booker T. Washington for Hampton Institute in Hampton, Va., and a monument to African Joseph Cinque in New Haven, Conn.

"I sleep and breathe this stuff," said Hamilton, whose father was a tailor and whose mother was a barber. "I can't even go on vacation because all I do is think about what I should be doing."

It wasn't long ago, however, that Hamilton was enduring the creative turmoil all artists endure—pursuing thematically fulfilling projects while trying to meet the financial needs of his family.

"I was having a crazy renaissance," said Hamilton of some of his earlier work, which included a collection of welded-metal abstractions called "Junkology." "But I was torn between wanting to do this full time and realizing I had to do something to pay the rent."

But now, hard at work in his studio crammed with works big and small that he says ooze with feeling, Hamilton is "right where I want to be. I can do what I want."

"I can look at where I've come and say, 'This kid off of Sixth and Walnut has done this?' I'm just lucky to be here."•

IN HONOR OF WILLIAM J. "BILL" HIMES, SR.

• Mr. BIDEN. Mr. President, when my friend, Bill Himes, talks about his memories from childhood, he literally traces the history of his beloved home town of Seaford, DE, and of Delaware's fire service community, in which he has been an active leader for more than 50 years.

Bill Himes remembers the sights and sounds of hose carts on steel-rimmed wheels, being pulled by firemen down unpaved streets; he can still hear the sound of those old fire bells and of voices through the smoke, and he still conveys the emotions that he felt as a young boy watching the very human struggle, the very real danger and the bravely shared fight to save a neighbor's home, a neighbor's life.

To young Bill Himes, what he saw and heard in his youth was a call to service. He decided before he was old enough for first grade that he would be one of those courageous and selfless good neighbors who would answer the fire alarm.

In the almost 80 years since that decision, Bill Himes has never failed to answer the call of the fire service. He joined the ranks of Seaford firefighters as soon as he was old enough; that was in 1942. He has been the company's chief engineer, chief, and president, and for the past 20 years, he has been the first and only member of the Seaford Volunteer Fire Company to hold the title of chief emeritus.

Even beyond his own home company, Bill Himes is one of the true founding fathers of Delaware's modern fire service. He has been there literally since the beginning, as an original member and longtime officer of the Sussex County Volunteer Fire Chiefs' Association; he has served on the Delaware State Fire Commission, and as president and director of the Fire Chiefs' Association of Delaware. Among the honors Bill has received are the Order of the First State and election to both the State and regional Firefighters Halls of Fame.

But no award and no words could ever capture the meaning of what Bill Himes has contributed to our State. Firefighters represent the very best of the ideals and spirit of American community, and Bill Himes represents the very best of the ideals and spirit of firefighters.

Bill is the kind of citizen who makes communities work, and moves them closer to what they can and should be. Bill Himes is a neighbor you can count on, a friend you can trust. It has been my privilege to trust and count on him for many years, and like the firefighter he is, Bill has been there every time I have needed him.

Last year, we in Delaware had an opportunity to say thank you to Bill, as his home company honored him for 50 years of faithful service and able leadership. An important part of that celebration was the Himes family, especially Bill's wonderful wife, Grace, who for the more than 64 years of their marriage has given the best possible support to Bill's work and has been a leader in her own right in the fire service community.

It is my privilege today to share with the Senate and with the nation the celebration of Bill Himes' 50 years as a firefighter, and of the countless contributions he and Grace have given so generously. The value of such citizens and of such friends cannot be measured in words, it can only be felt in our hearts. And from the heart, to Bill and Grace, I am proud to say thank you, from all of us.•

HUNDREDS OF BILLIONS WASTED ON INTEREST SPENDING

• Mr. SIMON. Mr. President, I rise today to direct the attention of my colleagues to a matter that has caused me great anguish. An uncontrollable enigma, this ever growing interest on the Federal debt.

No other industrial nation except Israel spends as much on interest and on defense as we, the United States, do.

I have written about this topic with great fervor in a newspaper column that is appearing in dozens of Illinois newspapers this week.

Mr. President, without objection, for the benefit of my colleagues, I would like to reprint a copy of this newspaper column in the RECORD.

The article follows:

HUNDREDS OF BILLIONS WASTED ON INTEREST SPENDING

(By Senator Paul Simon)

Recently I read an article stating that the United States has the lowest rate of total taxation of any major industrial or Western European nation, with the possible exception of Greece.

One of the most highly respected, if not widely known, public officials. Robert Ball, who headed the Social Security Administration under Presidents Kennedy, Johnson and Nixon, recently wrote: "We are an undertaxed nation, hesitant as our political leaders may be to proclaim that fact. The International Organization for Economic Cooperation and Development tells us that some 30.1 percent of our Gross Domestic Product goes for federal, state and local taxes, including Social Security. Comparable levels elsewhere include 38.1 percent for Germany, 43.8 percent for France and 36.5 percent for Great Britain."

He adds that our relatively low taxes have been one of the reasons for our huge deficit which has harmed our economy, and he notes with accuracy: "Cutting benefits from Social Security—one of the few federal programs in surplus and one that plans ahead for adequate financing—is clearly not the way to address the problem."

But the good news that our taxes are lower than other countries (even though it may not feel like it), is balanced by another fact: No other industrial nation, except Israel, spends as little of the total taxes collected on the immediate needs of its people as does the United States.

But it another way: No other major industrial nation except Israel spends as much on interest (because of our reckless debt) and on defense as we do.

When the federal government this year spends roughly $300 billion on gross interest, and $290 billion on defense, most Americans see little benefit from that in their day-to-day living.

It is important to have a strong defense, but the other day one newspaper reported that Secretary of Defense Les Aspin wants to change defense plans to add 10 more submarines to the fleet. Why? We need to keep one submarine construction facility going, and we do need to maintain a minimum level of construction capabilities. But what is the great threat as this point? Why do we need 10 more submarines?

And our fiscal folly, which do President Clinton's credit he is addressing, means that the $300 billion we will spend this year on interest is 10 times what the federal government will spend on education, 40 times what we will spend on foreign economic non-military assistance, and twice what we will spend on all the domestic poverty programs combined. All of this illustrates why we need a constitutional amendment requiring a balanced budget unless there is an emergency.

Those who say that our taxes are lower than other nations are correct.

But it is also true that we should spend our money more wisely.•

GOVERNMENT PERFORMANCE AND RESULTS ACT OF 1993

• Mr. SASSER. Mr. President, S. 20, the Government Performance and Results Act of 1993, which was recently passed, presents us with an opportunity to improve the effectiveness of the Federal Government in addressing vital public needs. It offers an opportunity to demonstrate to the American people that government can work efficiently and effectively on their behalf for the public good.

We should be constantly looking for ways to improve congressional policymaking, spending decisions and program oversight by focusing on program performance and results. I think S. 20 is an important step in that direction. In assessing these results, however, we must concern ourselves not with just the effective functioning of individual agencies, but with the performance of the Federal Government as a whole.

The mission of Government is to use existing resources more effectively and efficiently to solve the problems we face as a nation. We have begun to recognize that many of today's problems no longer can be solved by individual agencies no matter how well they perform separately. Too many of the complex issues we deal with now cut across traditional classifications and are too wide-ranging to be addressed by a single agency.

As you know, Mr. President, S. 20 requires Federal agencies to establish 5-year strategic plans, setting forth explicitly their mission and long-term goals. I believe each agency should use the development of this strategic plan as a tool for improving cooperation with other agencies in addressing issues that can best be resolved through deliberate interagency coordination. Too often a lack of coordination between agencies results in wasteful duplication, inefficiencies and, ultimately, unwise use of public funds. There has been a lot of discussion lately about the notion of interagency cooperation and public/private partnerships, but it seems that these concepts seldom get beyond the realm of discussion and put into practice. This appears to be especially true in the area of natural resource management, despite a growing recognition that environmental and natural resource issues transcend man-made boundaries and are most effectively addressed in a much more cohesive and wholistic manner than has traditionally been the case.

There have been some notable successes in managing resources through interagency partnerships. Several good interagency programs have been developed with an ecosystems management approach in different regions of the country. Such projects demonstrate that strategic planning and cooperative approaches can indeed work effectively in addressing pressing public issues. For example, in the six-State region of the southern Appalachian, which includes my home State of Tennessee, we have a program called the Southern Appalachian Man and Biosphere Program or SAMAB. This program is dedicated to finding ways for developing a sound economy while maintaining and enhancing a healthy environment. Through SAMAB, Federal, State and local, and public and private institutions have developed innovative, cooperative approaches to ecosystems management and sustainable economic development. We still have a long way to go in these areas, but I believe SAMAB provides a useful model on a national and even international level.

In conclusion, I urge the Federal agencies covered by the Government Performance and Results Act of 1993 to used the opportunities it provides to include interagency coordination and public/private partnerships in their long-term strategic plans whenever such cooperation is possible and appropriate.•

NATIONAL DAY OF THE WORKING PARENT

• Mr. GLENN. Mr. President, I rise today in support of the National Council of Jewish Women's Day of the Working Parent. The National Council of Jewish Women [NCJW] has designated September 9, 1993 as the National Day of the Working Parent to bring attention to the needs of Americans who balance work responsibilities with the demands for caring for their families.

In 1989, NCJW initiated the work family project, a national public education and action campaign. NCJW believes that the public, private and volunteer sectors can work together to assure an adequate supply of high quality, affordable dependent care services and positive workplace policies which will help sustain a productive and viable work force.

Local NCJW organizations all over Ohio are planning a number of activities today. In Akron, over 2,000 boxes of information on child care and elder care will be distributed downtown and at four local hospitals. Cincinnati is distributing the same type of information to corporations and planning a breakfast at which the mayor will issue a proclamation. In Cleveland, they plan a resource fair on elder and childcare and distribution of boxes. Government officials from 50 municipalities around Cleveland will issue Proclamations. Columbus plans an event at the State House and Youngstown will distribute about 1000 boxes and give awards to family-friendly corporations. In all it is expected that 7000 boxes will be distributed in my state. I applaud these efforts.

It is important that workplaces become more flexible to more effectively deal with the changing needs of workers with families. I was pleased that the Congress passed the parental leave bill last year and will be working on child care and programs for the aging population this session. Again I applaud the efforts of NCJW in calling attention to the needs of working families by declaring September 9, 1993 as the National Day of the Working Parent.●

ORDERS FOR FRIDAY, SEPTEMBER 10, 1993

Mr. NUNN. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Friday, September 10; that following the prayer the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that the Senate then resume consideration of S. 1298, the Department of Defense authorization bill, and that Senator REID be recognized to offer his listed amendment relating to Gwen project and that upon disposition of the Reid amendment Senator LOTT be recognized to offer his listed amendment relating to delay of 95 BRAC.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9 A.M. TOMORROW

Mr. NUNN. Mr. President, if there is no further business to come before the Senate today, I ask unanimous consent the Senate stand in recess under the previous order.

There being no objection, the Senate, at 11:55 p.m., recessed until Friday, September 10, 1993, at 9 a.m..

EXTENSIONS OF REMARKS

CVN-76, THE NEXT NUCLEAR AIRCRAFT CARRIER AND IT'S IMPORTANCE TO OUR NATION

HON. ROBERT C. SCOTT
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, September 9, 1993

Mr. SCOTT. Mr. Speaker, I wish to address an issue raised by Secretary of Defense Les Aspin and the Chairman of the Joint Chiefs of Staff General Colin Powell when they unveiled the "bottom-up review." This review of our defense requirements outlined the administration's bold plan to meet the challenges we face in the post-cold war world.

It is obvious that the world is changing very rapidly in the wake of the collapse of the Soviet Union. Our national defense requirements are changing as well.

The United States faces new dangers that require new strategies. the post-cold war world will be highlighted by a wide range of nation states that are unstable and whose actions will be unpredictable.

As proven by the gulf war and as clearly enunciated in the bottom-up review, aircraft carriers are the centerpiece of our Nation's response to such regional conflicts.

Today I will speak about the need to maintain a flexible and capable carrier force. Specifically, I will address the need to fund CVN-76, the next Nimitz class aircraft carrier as soon as possible.

We here in Congress will play an important part in reshaping our military to meet the defense requirements of the next decade. Mr. Speaker, as a Nation, we are at an important turning point and the decisions we make this year on defense issues will help shape our armed services as we move into the next century.

In the past, Congress has been party to rapid downsizing of our military. After World War II, we dramatically reduced our Armed Forces and we did so very rapidly. We have found that after each major downsizing we have had to rebuild our forces to meet the continuing threats of a dangerous world.

Our Nation is again downsizing defense and it is important that we get it right! We must both gain from the victory in the cold war and still maintain a strong enough capacity to lead in the still dangerous world we face. These dangers are very clear when we think of what is now happening in places like the Balkans, Iraq, Iran, and North Korea. Nuclear proliferation, regional instability, and terrorism are but a few of the dangers facing this Nation. Some of these threats can be anticipated, but many cannot. In this environment, America needs to remain strong militarily. This can only be done if we have a modern, flexible, capable and mobile military force to meet all threats to our national security.

NAVAL POWER AND FORWARD PRESENCE

As our Nation continues to adapt to this changing international environment and the new kinds of dangers we face, it is important for Congress to help reshape our military forces to meet these new hostile challenges.

Clearly, the past 40 years of U.S.-Soviet nuclear confrontation are gone. Now we face a new world where regional conflict, ethnic wars, and economic competition are the rule. Further compounding these challenges is the fact that we are closing many of our bases overseas.

The Secretary of Defense has correctly stated that, in this environment, our national security strategy must give renewed attention to power projection, mobility and forward presence. We will need military forces that can move rapidly to meet any crises that endangers important U.S. interests. This can only be accomplished with a strong and well equipped Navy.

As Dr. Jacquelyn Davis of the Institute for Foreign Policy points out in her recently published monograph, "Aircraft Carriers and The Role of Naval Power in the Twenty-First Century:" "The routine deployment in key regional theaters of U.S. aircraft carriers could mean the difference between stability and crisis for people caught up in conflicts emanating from religious intolerance, ethnic rivalries, historical regional antagonism, resource disputes, or other conflict sources coming to dominate the post-cold war setting."

Ultimately, aircraft carriers are the instrument called upon most frequently when aggression must be stopped. More importantly, they are the diplomatic instrument used to contain conflict and prevent wars from breaking out in the first place.

We saw a clear example of the importance of aircraft carriers when Kuwait was invaded. Within 48 hours, U.S. aircraft carriers were in the region. Many people believe if the carriers were not there, Saddam Hussein may have invaded Saudi Arabia and quickly gained control of a huge portion of the oil reserves of the Middle East.

Mr. Speaker, very few people dispute the need for nuclear aircraft carriers. The core issue is quite simple. How many carriers are needed to complete the Navy's vital missions? Secretary of Defense Les Aspin and General Colin Powell make strong arguments that this Nation needs at least 12. However, I suggest no matter how many carriers we decide to maintain, the critical concern should be that these carriers are modern and capable.

As the newly elected Member of Congress from the Third Congressional District of Virginia, I have the privilege of representing the working people of Newport News, VA, and I have the privilege of having the largest and most capable shipyard in the world in my district.

Because I represent Newport News and because the issue of building the next aircraft carrier will be before the Congress soon, I have studied this issue very carefully.

I am sure, Mr. Speaker, it is no surprise that I support the aircraft carrier. It means hundreds of millions of dollars and thousands of jobs for the Hampton Roads area of Virginia. But that reason alone, is obviously not sufficient. There are strong arguments on the merits and I want to share with my colleagues some of the facts and some of the arguments which persuaded me that building CVN-76 is in our national interest.

The case for CVN-76 rests basically on four pillars: National security strategy; preserving the industrial base; cost effectiveness; and economic stimulus.

Mr. Speaker, each of these pillars has merit and I would like to outline briefly the arguments on each of these themes.

The first element is our national security. Aircraft carriers are a proven weapon system. Aircraft carriers have provided every President beginning with Franklin Roosevelt with an effective means of power projection and military force. Presidents Reagan and Bush used aircraft carriers in over 30 crisis situations, including the use of 8 carrier groups in the Persian Gulf war. Even President Clinton has found it necessary to deploy aircraft carriers in the first few months of his administration.

In fact, every President and every Secretary of State since World War II has come to appreciate the utility of the aircraft carrier as a crisis management tool; as an element of diplomacy; and, as we saw in the Persian Gulf war, a highly effective part of overall U.S. military forces in combat.

As Secretary Aspin stated in the bottom-up review, "The flexibility of our carriers, and their ability to operate effectively with relative independence from shore bases, makes them well suited to overseas presence operations, especially in areas where our land-based military infrastructure is relatively underdeveloped."

The aircraft carrier has been and continues to be a cost effective element of our national security strategy. We do not have many of them and they have to cover every important region of the world. They are probably the hardest working elements of our military forces. We expect our aircraft carriers to be forward deployed. We expect our sailors to spend 6 or 7 months at a time at sea—away from their families. It is for this reason that I believe our carriers should be the most modern and capable the Congress can provide.

A second element, Mr. Speaker, is that building CVN-76 is important as a means of preserving our U.S. industrial base—particularly our nuclear shipbuiling industrial base. Secretary Les Aspin last year published a paper on the defense industrial base and that study emphasized the precarious situation in the nuclear shipbuilding industrial base. The bottom-up review also illustrated the need to maintain this base.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

If we do not build CVN–76 in the near-term, our ability to build an aircraft carrier in the future will be in jeopardy. This is not just my view. It is the view of the Navy Department which has testified before Congress many times. Even a 1-year delay in funding for CVN–76 will result in the loss of critical skills which will take up to 5 years to reconstitute via new hires and training. A longer delay could cause a permanent loss in the skills necessary to maintain our carrier force.

Mr. Speaker, a third important factor with respect to CVN–76 is the question of cost-effectiveness. Carriers last a long time. They have a service life of more than 50 years and their costs should be amortized over this half century of service. A lot of this kind of cost benefit analysis is impossibly complicated and technical. Some of it cannot be quantified. How do you measure the costs or the cost savings of the war that did not happen; you cannot measure the lives that were not lost; you cannot measure the economic hardship that did not happen because Saddam Hussein did not invade Saudi Arabia. These costs, or these benefits, are intangible in detail but they are nonetheless very real—and they are the reasons that the United States has been willing to shoulder the costs of a strong Navy in the past.

Mr. Speaker, there is another aspect of cost effectiveness that is important to consider. If we delay building a new aircraft carrier, the cost will go up. To delay funding from fiscal year 1994 to fiscal year 1995 will add an additional $300 million. A delay of 1 more year—to fiscal year 1996—would raise the cost by another $500 million dollars. Delay in building CVN–76 is not cost efficient. Funding CVN–76 as soon as possible is in the best interest of the taxpayer and it makes good business sense.

There is one more cost factor to keep in mind, Mr. Speaker, and that is that the costs of building another carrier are known and they are under control. Unlike so many other major defense programs where costs are really unknown, the costs of building the next carrier are certain. In fact, the man hours required to construct CVN–75 will be 19 percent less than the man hours needed to build CVN–71. Due to the learning curve, CVN–76 will be built more efficiently than any of its predecessors.

Finally, Mr. Speaker, the fourth pillar in the case for CVN–76 is an economic one—a jobs one—an economic stimulus one—and yes, a fairness one. There are tens of thousands of jobs hanging in the balance depending on whether we build CVN–76. There are more than 6,000 jobs involved just in my district. More important, there are many times more jobs involved around the country. In fact, there are suppliers in 43 States.

Mr. Speaker, I am also concerned that, if the carrier is not funded, a disproportionate share of the economic burden will fall on those who can least afford it. They are the skilled workers—highly trained. They are not minimum wage people. These are the hard-working people who are a critical part of the local community. And once these men and women lose their jobs, it is unlikely that equally high paying positions will be available. There is no reason for this to happen when their jobs are vital to our Nation. This country needs their skills and these people need their jobs.

Mr. Speaker, I don't believe jobs alone are a persuasive case for any defense program—even if a large portion of those jobs are in my district. However, as I have pointed out, there is a strong case for CVN–76 on the merits—on military, diplomatic and industrial base grounds. I urge my colleagues to consider these issues carefully. I am confident you too will conclude that building CVN–76 is in the national interest and should be supported.

THE CHINESE ECONOMY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. SOLOMON. Mr. Speaker, as this body was debating my resolution of disapproval of MFN for China recently, supporters of MFN argued that continued open trade with China was the only way to encourage reform there.

The argument went like this: MFN for China will mean freer trade with China; freer trade with China will encourage more market economic reform there; market reform will lead to political liberalization and the world will live happily ever after. Revoking MFN, proponents argued, would undercut capitalist reforms, encourage the regime to revert to more statist methods, and crack down politically.

Well, Mr. Speaker, it is absolutely intriguing that just weeks after these arguments prevailed, the Chinese Government has begun to resort to more statist methods and crack down politically.

On Friday, August 13, the Wall Street Journal reported that the Beijing dictatorship has closed 1,000 special economic zones that had been set up by local authorities. These zones, which offered tax and tariff breaks to encourage foreign investment, have been the scene of booming economic activity.

The Chinese Government says that the economy is overheated, and that these zones are the culprit. Of course, the way to cool an overheated economy is to rein in the money supply, but that would mean cutting the regime's favorite State-owned enterprises off the dole. The regime says further that these zones diverted money to "dubious projects," had limited chance of success and ruined some land. Translation: the Communist regime could not control this economic activity, and Communists are about nothing if not control.

I hate to say that I told you so, but I did.

[From the Wall Street Journal, Aug. 13, 1993]

CHINA SHUTS MANY SPECIAL ZONES

China closed 1,000 economic development zones that local governments had set up in booming coastal regions but that had contributed to an overheating economy.

About 1,200 of these special zones, offering preferential treatment such as tax and tariff breaks to attract foreign investors, had sprung up as local officials defied state rules and sought to cash in on China's economic reforms and rapid modernization. The cabinet had approved only 30 zones since the market-oriented experiment was begun in the early 1980s.

The closures followed a review begun in May as Beijing struggled to deal with the surging economy, which grew at a 12% annual rate in the first half, and to control inflation, which ran at a 12.5% pace.

The government decided that many of the special zones diverted money to projects of dubious value, had limited development prospects, and wasted or damaged land that could be used for farming. The shutterings reduced the total area dedicated to the economic zones to 640 square miles from more than 3,000.

75TH ANNIVERSARY VISITING NURSE ASSOCIATION

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. COSTELLO. Mr. Speaker, I rise today to congratulate the Visiting Nurse Association on their 75th anniversary. The Visiting Nurse Association was a virtual pioneer in home visitation for sick and elderly persons who either could not afford extended hospital care, or who simply needed follow-up health care. For 75 years this association has remained a non-profit organization helping all those in need of medical attention.

I commend the Visiting Nurse Association on their 75 years of public service, and I would personally like to thank both Dr. J.W. Buesser and Joseph Lowery for all of their outstanding efforts and preparations which I am certain will make this 75th anniversary celebration one to remember.

I urge my colleagues to help me extend a warm congratulations to this wonderful association. I hope the Visiting Nurse Association continues its public service, and will celebrate many more successful anniversaries in the future.

A NEED FOR BALANCE IN RESOLVING WETLANDS ISSUE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. BEREUTER. Mr. Speaker, this Member would like to commend to his colleagues the following editorial from the August 26, 1993, Lincoln Star, regarding the Clinton administration's wetlands proposal. As the editorial states, while wetlands are indeed a valuable natural resource, the rules protecting them should not be oppressive for farmers.

[From the Lincoln Star, Aug. 26, 1993]

SOUND WETLANDS POLICY

President Clinton's understated wetlands proposal deserves a more emphatic reception.

Its nod toward farmers ought to defuse a land-use time bomb that threatened to destroy wetlands protection on private land.

All-or-nothing environmentalists feel cheated by the prospect of giving landowners more control over use of wetlands on their property, including the exemption of wetlands drained for farming before 1985. But it was a prudent move.

The issue was marching toward the courts, where wetlands protection would be hurt by a ruling that denial of a permit to develop wetlands amounts to an unconstitutional taking of property. On other environmental issues, notably coastal development, courts have found that environmental regulations on private land are a violation of the Fifth Amendment. This has been a particularly potent weapon restricting the government's ability to protect sensitive habitat on private land.

Just as landowners deserve compensation for putting aside private land deemed in the public interest, there's no reason that farmers, particularly, must bear the economic cost of our collective social conscience. Nor will the world end should farmers drain some potholes.

Environmentalists ought to get a grip. The radicalism at this movement's fringes is alienating landowners of good will.

A test of the success of Clinton's plan is that it has drawn criticism equally from environmentalists as well as development and mining interests. The broad American middle approves of protecting recognized national assets, but recoils from draconian government.

Environmentalists can take comfort from other parts of the president's proposals, notably the protection of Alaskan wetlands and the closing of loopholes that allowed developers to build shopping malls and housing in certain wetlands areas.

More suspect is the endorsement of a mitigation bank, allowing developers to destroy wetlands if another wetlands is created. While the idea sounds good on paper, artificial wetlands creation lacks supporting scientific evidence. There may be more to wetlands than flooding some otherwise dry ground.

With this in mind, it's wise to prudently preserve wetlands. They have intrinsic value as wildlife habitat, ground-water purifier and flood control.

BAN RETROACTIVE TAX INCREASES

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. HERGER. Mr. Speaker, today I have introduced legislation to prohibit enactment of retroactive tax increases. The outcry that met this year's budget reconciliation legislation resulted in part, I believe, to the public's outrage at Congress changing the rules in the middle of the game.

I believe there is a fundamental question of fairness which is raised when Congress backdates tax increases. American families and businesses plan their financial affairs based on laws they know are currently in effect, or which they have an assurance will be in effect during a given year. They should not be forced to play the role of a political pundit in estimating what tax liability they might face should Congress change tax laws during the current tax year.

My legislation would permit the public to make their plans in accordance with current tax laws by preventing the implementation of changes in tax laws until the tax year following adoption of the change. This would end the practice of Congress imposing surprise tax increases on the public.

Because my legislation applies only to future changes in tax law, it has no revenue impact. I believe the issue of ending retroactive taxation is important enough that the emotions raised in this year's tax battles should not overshadow the basic principle that backdated taxes are unfair.

Mr. Speaker, I believe this proposal is also necessary as a re-affirmation of the constitutional prohibition against ex post facto laws. When Congress imposes retroactive tax increases, I believe it undermines the spirit of the Constitution, which says American citizens should not be subjected to laws prior to their date of enactment.

Americans are disillusioned with Congress because they do not believe that Congress is listening to their concerns. By responding to the public outcry against retroactive taxation through adoption of this legislation, I believe we can begin restoring public confidence in the fairness of our Federal institutions.

B.J. GAVIN HONORED AS A FINALIST IN THE NATIONAL D.A.R.E. POSTER CONTEST

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. YOUNG of Florida. Mr. Speaker, it is a pleasure for me to congratulate B.J. Gavin, an 11-year-old constituent from St. Petersburg, for being honored in our Nation's Capital this week as a finalist in the National D.A.R.E. poster contest.

D.A.R.E., which stands for Drug Abuse Resistance Education, is an outstanding national drug education and prevention program which my colleagues and I in the House have strongly supported over the years. It brings together in our schools students, teachers, police officers, and parents to teach our children to say no to drugs.

The theme of B.J.'s poster, which was judged the winning entry in the entire Southeastern United States, is "Don't let drugs build a barrier between you and success." It features a three-dimensional brick wall to emphasize to his fellow students that no good can come from drug use and abuse.

It was a pleasure to visit with B.J. this week and to share the pride of his parents Lt. and Mrs. Tom Gavin, and his teacher Carol Sheehan, and his fellow students.

Mr. Speaker, I also want to applaud the efforts of the officers of the St. Petersburg Police Department who are active participants in this effort. In particular I want to thank Officer Alathia Smith who was B.J.'s D.A.R.E. officer and whose enthusiasm for the program encouraged B.J. to enter the contest and for B.J.'s classmates to say no to drugs.

Every one of us must constantly reaffirm to our children the message of B.J.'s poster, that no good can come from the use and abuse of drugs. Through efforts such as those being made in our schools by the St. Petersburg Police Department, and police departments throughout our Nation, we can be sure that the message of the D.A.R.E. program is heard and understood by every student. There is no greater goal to ensuring that our children remain on the path to success.

A TRIBUTE TO BOB AND DORIS MATSUI

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Ms. HARMAN. Mr. Speaker, I rise to place into the RECORD today an article in last Sunday's New York Times about two wonderful friends—Bob and Doris Matsui. Washington may be buzzing about how this power couple is working together to pass NAFTA, but I know that out of the limelight the most powerful thing about them is their warmth and friendship. And though I disagree with them about the trade agreement, it is thrilling to see them work. I have no doubt that if you look up Synergy in the dictionary, it says "See Matsui, Bob and Doris."

Sunday's Times article captures the thoughtfulness, compassion and humor that defines both their professional and private lives, and I am pleased to submit this article for the RECORD.

[From the New York Times, Sept. 4, 1993]

TRADE AGREEMENT PUTTING COUPLE IN THE LIMELIGHT

(By Keith Bradsher)

Washington, Sept. 4—Maybe it was the August blue moon, but romance and policy making, it seems, are suddenly in convergence.

Representative Bill Paxon proposed on the House floor last month to a fellow New York Republican, Representative Susan Molinari. (She accepted.) Senator Bob Dole this summer filibustered a national service plan backed by his wife, Elizabeth Hanford Dole, the president of the American Red Cross. Mary Matalin, the political director of the Bush Presidential campaign, announced her engagement to Bill Clinton's chief campaign strategist, James Carville, during her cable television talk show a couple of weeks ago.

But aside from the Clintons, no political couple may be so prominent this autumn as Doris O. Matsui and her husband, Representative Robert T. Matsui. They have emerged as the season's hot couple because they are campaigning from opposite ends of Pennsylvania Avenue for the latest hot issue, the North American Free Trade Agreement.

Mrs. Matsui is a White House deputy director of public liaison in charge of rallying grass-roots support for the accord. She must figure out how to explain to business groups and the public why they should love the agreement, which, if approved by the House and the Senate, will gradually eliminate trade and investment barriers among Canada, Mexico and the United States.

DIVISION IN HOUSE

Mr. Matsui, a California Democrat, is the chairman of the House Nafta Liaison Group, a bipartisan coalition of 30 legislators who favor the deal. The liaison group has become important because the 60 Democratic whips whose job it is to round up votes in the House on important legislation are deeply divided on the issue, while Representative David E. Bonior of Michigan, the chief Democratic whip, is using the staff, computers and other resources of the whip's office against the agreement.

Mr. Matsui is now trying to create a new whip organization from scratch, turning the liaison group into a team that can count votes accurately and put pressure on wavering members when the final House vote comes, most likely in early December. "You basically pick like-minded people" for the group, he said. "This is really going to be a member-to-member operation."

Seven years ago, Mr. Matsui set up a similar temporary whip organization for Representative Don Rostenkowski, chairman of the House Ways and Means Committee, to push an overhaul of the tax laws through Congress, when the Democratic leadership was similarly fractured.

The Matsuis' campaign this year is already producing some odd coincidences. When 100 top retailing executive came to Washington several weeks ago to lobby for the agreement, for example, they headed first to the White House for a pep talk from Mrs. Matsui, Treasury Secretary Lloyd Bentsen and Mickey Kantor, the United States Trade Representative.

TAG-TEAM EFFORT

Two hours later, the same executives attended a lunch on Capitol Hill before fanning out to lobby senators and representatives from 20 states. The speaker at the lunch was Mr. Matsui.

"It was really a tag-team effort" by the couple said Robin W. Lanier the lobbyist who arranged the executives' visit.

The Matsuis' link has also proved a little awkward at times. During the spring and summer, Mr. Matsui occasionally criticized the Administration (and implicitly his wife) and business leaders for not taking the political risk of pushing the agreement more aggressively.

Mr. Matsui said on Thursday that he was now satisfied with the White House's current efforts, which will expand further in coming weeks.

The Matsuis and the Administration say the agreement would create American jobs by eliminating Mexico's barriers to American exports. Opponents contend it would move jobs and polluting factories to Mexico, where wages are low and enforcement of environmental laws is lax.

GROUPS OPPOSING ACCORD

Mr. Matsui's outspoken advocacy of the agreement has won no friends in several traditional Democratic constituencies, including labor, environmental and consumer groups that are opposing the agreement.

"Matsui sounds more and more like a Republican, and he's carrying water for the corporations that are pushing the same deregulation agenda that the Republicans are," said Craig A. Merrilees, the director of the California Fair Trade Campaign.

The free-trade agreement's opponents have threatened to unseat some representatives if they vote for the accord. But Mr. Matsui has received no such threats because the redrawing of Congressional districts after the 1990 census left him representing downtown Sacramento, where only 23 percent of the voters are registered Republicans.

"He has one of the safest districts in the state, and that makes it difficult to oust him—much as I'd like to," said Craig K. Powell, chairman of the Sacramento County Republican Party.

Mr. Powell said any serious threat to Mr. Matsui could only come in a Democratic primary. But the free-trade agreement has stirred limited interest among Sacramento's government workers, who would be less affected than manufacturing workers, while labor unions are generally less influential in California than in other states.

Environmentalists also tend to be weaker in Sacramento than along California's coast, said Bruce E. Cain, associate director of the Institute for Government Studies at the University of California at Berkeley.

AN ADVANTAGE IS SEEN

Opponents of the agreement warn that the Matsui marriage may give the Administration a small edge in coordinating its push for Congressional approval.

"It's to their advantage," Mr. Bonior said. "They're lovely people and I wish them all the bad luck in the world on this issue. It's probably not a great help, but they talk, they share information."

Yet in a town where policy wonks spend hours at dinner parties discussing the political arithmetic and economics of trade agreements, the Matsuis are not sure they have an advantage at all.

The Matsui marriage is nonetheless becoming a favorite subject of gossip in Washington trade circles. Few ethical questions have been raised.

A former ethics official in the Bush Administration said the Matsuis did not appear to violate any Federal laws because neither of them had a financial stake in the agreement's fate. "There's no private interest here," the official said.

Charles R.E. Lewis, executive director of the Center for Public Integrity, a research group here, said the Matsuis were unusual because "normally with these spousal things, they rarely work on the same issue."

But Mr. Lewis, an outspoken critic of the Mexican Government's lavish lobbying on behalf of the deal, said the arrangement did not create an image problem. "There are a lot of things I object to, but this probably isn't one of them," he said.

The White House is assembling an interagency group to try to persuade Congress to approve the agreement this fall. William M. Daley, named by President Clinton on Aug. 19 to lead the group seeking passage, said he saw no problems in the Matsui combination and did not foresee any need to move Mrs. Matsui to another issue.

"If they don't see that as a problem, I don't—she's very talented," Mr. Daley said.

For Mrs. Matsui, who has served on community service organization boards for many years, the current struggle offers a chance to emerge as a Democratic political operative in her own right. For Mr. Matsui, House passage of the agreement could propel him a long way toward eventually becoming chairman of the Ways and Means Committee, a job now held by his mentor, Representative Dan Rostenkowski of Illinois.

Mr. Matsui is the committee's eighth-ranking Democrat now, but at 51 years old he is a decade younger than most of the members ahead of him. While he refuses to discuss his political future, he acknowledges that the issue "gives me a visibility that I did not have or would not have had on this committee."

The Matsuis have faced a difficult battle this year, with scant support until recently from President Clinton. Opponents and defenders alike predict the Senate will approve the agreement, but a splintered House Democratic Caucus has cast the future of the accord in doubt.

The Speaker of the House, Thomas S. Foley of Washington, leans toward supporting the agreement but said two weeks ago that the chamber's Democratic leadership was too divided to set a party line on the vote. The majority leader, Richard A. Gephardt of Missouri, the second-ranking Democrat, leans toward opposing the agreement.

SIMILARITY OF VIEWS

Yet, after 26 years of marriage, the Matsuis seem well matched for an uphill political struggle, with no policy differences that they can recall. "I'm sure we have differed, but we probably forgot about them," Mrs. Matsui said. "We've been married a long time."

But their new roles have exposed a few differences on political tactics. Asked about the Administration's priorities this fall, Mrs. Matsui started with health care, mentioning that all 15 employees of the White House public liaison office would be working on the issue this fall.

Mr. Matsui quickly leaned forward on the flowery couch, unable to contain himself. Interrupting his wife with a gesture, he complained to a visitor, "I can't even get her to say she'll make Nafta No. 1!"

A SPECIAL SALUTE TO W. GERRY WHITLOCK OF BELCHERTOWN, MA

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. OLVER. Mr. Speaker, I rise today to pay tribute to W. Gerry Whitlock. Mr. Whitlock is retiring as the executive secretary of Belchertown, MA. He has served Belchertown for 34 years, first as a town selectman and then as the executive secretary. Throughout his career he has fought tenaciously to benefit the town.

Gerry Whitlock's friends call him a public servant by career, but a farmer at heart. His generous spirit has shown in his service to both the young and the old as an active supporter of the town's schools, and its senior center. Before he began to serve his town, he served his country in the U.S. military. Mr. Whitlock has had a rich home life as father to five children, and now as a grandfather. On behalf of the residents of Belchertown, I wish Gerry Whitlock a fulfilling and relaxing retirement. I know that I speak for many in saying I am also glad that Mr. Whitlock intends to continue his service to Belchertown. I ask my colleagues to join me in saluting Gerry Whitlock's distinguished career as a selectman and the executive secretary of Belchertown.

TRIBUTE TO AL NAGLE

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. HOLDEN. Mr. Speaker, I rise today to recognize Mr. Al Nagle, a most worthy gentleman from Schuylkill County, PA, who should have been the 29th State senatorial district's representative to the Pennsylvania Senate in 1964. I say should have been because Senator Nagle never had the opportunity to serve in our State's Capitol. Instead, Mr. Nagle spent 2 years and too many dollars out of his personal savings in order to prove to the Pennsylvania Supreme Court, the Pennsylvania Senate, and the Republican Party the truth the men and women of his district already knew. Mr. Nagle clearly won his election by nearly 800 votes. It is now time for Al to receive the praise and gratitude he truly deserves.

I believe Mr. Nagle would have had an outstanding term as senator. In fact, his only regret is that the people of his district were not represented for those 2 years. It is truly a shame that Al was never able to bring his plans to improve his community to fruition. Mr. Nagle desired to bolster his area's infrastructure, to provide universal access for students to college and other forms of higher education, and to build geriatric centers for the aged and infirm. With his strong background in labor as president of the Schuylkill County AFL-CIO and his involvement in various charitable organizations such as the Schuylkill County Heart Association, the American Legion, and the Association for Retarded Persons, Al understood first hand the problems which afflicted his area, and he knew how to solve them.

I know my colleagues will join me in honoring Al as the truly devoted public servant that he is. Mr. Nagle continues to serve his community as the postmaster of Auburn, PA. I can do nothing but admire a man who still firmly believes in the superiority of our democratic form of Government even when he has been exposed to its less than admirable underside. Mr. Nagle's commitment to Government and his unshakable faith in the ideals of this country should serve as an example to every civic minded American citizen.

TRIBUTE TO INTEL CORPORATION CHAIRMAN AND CEO

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Ms. ESHOO. Mr. Speaker, I rise today to salute two pioneers of American industry, Dr. Gordon E. Moore, the chairman of Intel Corp., and Dr. Andrew S. Grove, Intel's president and chief executive officer. These two visionaries, along with the late Bob Noyce, have seen Intel Corp. evolve from its inception 25 years ago with an initial $3 million in venture capital to its preeminent position today as the world's largest semiconductor manufacturer with close to $8 billion in revenues. In so doing, they have led a revolution in global technology that has truly changed the way in which we live.

Gordon Moore and Andy Grove are being honored on the occasion of Intel's 25th anniversary this Saturday, September 11, 1993, by the American Electronics Association, which itself is celebrating its 50th anniversary. Over 1,200 people are expected to attend and honor the leadership of Gordon Moore and Andy Grove. On behalf of the people of the 14th Congressional District of California, and the Members of the House of Representatives, I want to commend the innovation and dedication exemplified by these two leaders; the kind of innovation and dedication that will lead this Nation into the 21st century.

Mr. Speaker, Intel Corp. and its leadership are proud of their achievements and their continued desire to be at the forefront of their industry. This year alone, under the guidance of Gordon Moore and Andy Grove, Intel is investing $1.6 billion in capital plant and equipment and $900 million in research and development. With their eyes on the future, and a record of unparalleled success behind them, Gordon Moore and Andy Grove are working to insure that Intel remains a premier global corporate leader providing quality jobs, superior products and continued growth for our Nation's economy.

Mr. Speaker, I am proud to bring these two outstanding industry leaders to the attention of the House and I ask you and our colleagues to join with me in expressing our appreciation.

CONGRESS PAYS TRIBUTE TO MICHAEL J. ROCK, RESPECTED PUBLIC SERVANT FROM UPSTATE NEW YORK

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. SOLOMON. Mr. Speaker, one of the finest public servants I've ever known recently retired, and I'd like to say a few words about him.

Michael J. Rock is one Democrat I've never hesitated to praise, because he has distinguished himself from his first day in office.

Mr. Rock was appointed to the Rensselaer County legislature in 1975 when Cornelius Ryan died. His county district covered East Greenbush, North Greenbush, and Rensselaer, which I represented as a congressman until this year. Mr. Rock was a valued member of such standing committees as Public Safety, Law Enforcement and Judiciary, Public Utilities and Environmental Planning, and Social Services, as well as the Rensselaer County Fire Advisory Board.

I'll always remember him as a stalwart supporter of veterans, youth, and seniors issues. He played an important role in establishing Vietnam and Korean War memorials in the county.

He is a veteran himself, having served in the U.S. Army during the Korean War.

With his county seat and his job as an engineer with Amtrak, Mr. Rock's time was at a premium. Nevertheless, he found time to be active in St. Mary's Parish Council, the Holy Name Society, the Melvin Roads Post of American Legion, the Disabled American Veterans, the Korean War Veterans Association, the Cardinal Spellman Council of the Knights of Columbus, the LaSalle Institute Fathers Club, and the Ancient Order of Hibernians. He also served as a manager and coach in the local little league.

Like many men who give so willingly of themselves to their communities, Michael Rock was also a devoted family man. He and his wife, the former Catherine M. Shaw, are the parents of four children.

His peers thought highly enough of him to elect him vice-chairman of the county legislature, and to re-elect him in 1989. He announced this year that he would not seek another 4-year term. He is retiring to take advantage of his Amtrak pension.

And while all who know Michael Rock can wish him well, we hasten to add that it's not going to seem the same without him in the county legislature.

Mr. Speaker, I would ask you and all members to join me in tribute to Michael J. Rock, a good railroad man, a good family man, a model public servant, and an outstanding American.

TRIBUTE TO SAM MUCHNICK

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. COSTELLO. Mr. Speaker, I rise today to wish Mr. Sam Muchnick a very happy 88th birthday. Mr. Muchnick is a native of East St. Louis, IL and a legend in the St. Louis metropolitan area, known both regionally and nationally as a promoter of professional wrestling. Mr. Muchnick is also well known in my district for his many accomplishments made while serving as the president of the National Wrestling Association, and for his work on behalf of the young people over the years.

It is with great pleasure, that today I am able to wish Mr. Muchnick a happy birthday from our Nation's capital. Mr. Muchnick is truly a model citizen, and it is for this reason that I urge my colleagues to help me extend to him, on this day, a warm birthday greeting.

BEWARE OF FAULTY HUNGER STATISTICS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. BEREUTER. Mr. Speaker, there are many hungry children in America, but they will be hurt, not helped, by fabricated statistics about their numbers. The following editorial from the Omaha World-Herald of August 24, 1993 points out the errors inherent in a Tufts University study which purported to find that 13 percent of the U.S. population is hungry, including 62,000 children in Nebraska. Continued use of such discredited figures hinders the effort to design appropriate policies to end the real hunger in America.

[From the Omaha World-Herald, Aug. 24, 1993]

HUNGER NUMBERS FALL APART, STILL USED TO DEFEND STUDY

Hungry children. The words have special force in American society.

But often the specter of hungry children is misused to drum up support for more social spending. For that reason, any study that purports to have found wide-spread hunger in America should be viewed cautiously.

One such study recently produced the claim that, in Nebraska alone, 62,000 children suffered physical or psychological damage because they didn't have enough to eat. A World-Herald editorial pointed out that researchers didn't interview hungry people or attempt to count them. They merely massaged government statistics and survey results, and, wonder of wonders, the figures materialized.

The researchers, based at Tufts University, responded to the editorial with a Public Pulse letter defending their methodology.

But in the past few days skeptical voices have been raised at the Heritage Foundation, a conservative think tank. One of its experts on hunger and nutrition, Robert Rector, said the Tufts study proves nothing about hunger in America.

A Tufts administrator, Larry Brown, again defended the university's methodology. But then he said something remarkable. He conceded that the actual number of hungry people might be only half the 30 million figure on which Tufts based its study.

A study with a margin of error that great is meaningless.

Tufts based its conclusions on a 1992 survey by Kraft Foods. The pollster had interviewed 1,000 Americans, asking them, among other things, whether they knew someone who didn't have enough to eat at some time in the previous year.

About 13 percent said yes. The pollster took 13 percent of the nation's population and declared that about 30 million people were hungry. Tufts broke the figure down to the 50 states, assuming on the basis of census information that 12 million of the 30 million were children and that they were distributed in the population in the same proportion as low-income families.

That's how Nebraska came to be identified as the home of 62,000 hungry children. That's how the myth got started that one of every six kids in Nebraska up to age 15 is hungry regularly.

"None of these studies has the least shred of scientific reliability," said Rector. "There's no evidence whatsoever that these people are nutritionally deprived." Government food-consumption figures, he said, show that low-income people are being fed at almost the same rate as the general population.

So frequently have Americans been force-fed stories of hungry children that they sometimes begin to believe that America is heartless. They need to remember that sometimes the stories are weapons, wielded by zealots in a campaign to expand welfare programs. They need to remember that zealots sometimes think nothing of using discredited figures.

REMARKS CONCERNING ELIGIBLE PERSONS WHO FORMERLY RECEIVED PHARMACEUTICALS, BUT NOW HAVE BEEN DENIED EASY ACCESS BECAUSE OF THEIR ZIP CODES

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. HALL of Texas. Mr. Speaker, recently, many of my constituents and others could easily receive their pharmaceuticals at Carswell Air Force Base, and with very little notice, they were informed that a catchment area had been designated around Carswell. For those who do not know what a catchment area is, it is the legal boundary which surrounds a military treatment facility and is used to determine the requirement for nonavailability statements for Champus beneficiaries. In other words, it is an area where certain citizens are deemed eligible for pharmaceuticals, and those outside that area were given significantly different treatment.

The problem is, persons who are eligible to receive pharmaceuticals, but who are not necessarily Champus eligible, because they are over age 65, are barred from entering the 40-mile radius for pharmaceuticals because their ZIP Codes are not acceptable for current eligibility to enter this zone.

A person is eligible for Champus until age 65 and then the person transitions to Medicare. The benefits are not nearly so attractive under Medicare.

Military retirees have been able to obtain pharmaceuticals at military facilities, and therefore, not having to rely on Medicare. But those who had easy access to pharmaceuticals in the Carswell area have had the door closed on them. Those retirees and other eligible persons who are fortunate enough to live within the 40-mile radius are indeed privileged as they still have pharmaceutical benefits, but now at designated drug stores in this catchment area.

Even though an eligible retiree might live across the street from one of these drug stores, he or she has been told they cannot partake of the pharmaceutical benefits because they do not have the right ZIP Codes.

I would like to see our eligible retirees, nationwide, able to share in the benefits provided by DOD. I would like to see their privileges restored. I would like for all members and former members of our uniformed services provided with these pharmaceutical benefits.

I want to point out this amendment is to make it possible for our eligible retirees to obtain their pharmaceuticals by mail. This amendment would not add on new, or additional participants. Of course, if additional folks fall under the same exclusion in the future, they would have the same privileges.

We are talking about those citizens who are already eligible, those who have had their benefits removed, taken away, overnight, as it were, by a demonstration project within a 40-mile, 5-digit ZIP Code area, as designated by others, which now excludes them. We are talking about older members who need medications, have limited financial resources, and now must find a way to travel, sometimes 4 or 5 hours for medications that they used to be able to obtain easily and, for some, practically across the street.

There is a feeling of concern, frustration, and of being left out, and obviously, this situation is unfair.

The majority of these retirees would be grateful and satisfied with a system that would provide their pharmaceuticals by mail, and of course, by use of a card at their local drug store or pharmacy.

Mr. Chairman, and colleagues, please remember, these beneficiaries have served our country—sometimes in as many as three wars. These are the ones who have suddenly found that because they reside outside a boundary line arbitrarily drawn around a base closure site, they are left without a pharmacy benefit. This boundary lockout causes extreme hardship on those who can least afford it.

I believe it is wrong to penalize those eligible beneficiaries simply because of the geographical location of their residence and a 5-digit ZIP Code.

To say it another way, to provide equality and fairness, please allow these eligible folks to receive their badly needed pharmaceuticals by mail or by a card, presented to a pharmacy or their local drug store.

This is simply the right thing to do.

TRIBUTE TO COL. CASMIER JASZCZAK

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. SPENCE. Mr. Speaker, it is my honor to rise today to pay tribute to a dear friend Col. Casmier Jaszczak, the Chief of the Air Force House legislative liaison office for the past 2 years. Colonel Jaszczak is leaving the Hill for new duties and will be missed by all who had the honor to work with him.

Cash, as he is affectionately known to his friends, was an invaluable asset to both the Air Force and Members of Congress. To his credit, he worked each and every Member's issue—no matter how trivial—with competence and commitment.

In working with us, Cash has also helped us to better understand the role airpower can and will play in the security challenges and conflicts of the post-cold war era. His experience as an aviator, his personal and political skills, and his honesty made him a trusted advisor to all of us and justifiably earned him our undying respect and admiration. I will miss his wise counsel.

Cash has had a distinguished career as a fighter pilot, culminating in his command of the 4404th Composite Wing during Operation Desert Storm. While I have the highest regard for Cash's unquestionable courage and skill as a "fighter jock," those of us who know him personally will also remember him for his infectious sense of humor, his uplifting spirit, his love of the Air Force, and his devotion to friends and family. Cash is the role model citizen soldier.

I am certainly going to miss Cash as he moves on to a new assignment and new challenges and wish only the best for my friend who, in his brief tenure here, has positively impacted so many of our lives. I wish Cash, his wife, Marilyn, and his children, Leah, Charles, Janelle, Renee, Elizabeth, and Mark all the very best. Good luck and God bless.

KANSAN WINS VFW VOICE OF DEMOCRACY COMPETITION

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. SLATTERY. Mr. Speaker, I am proud to report that Ronda Grogan of Fort Leavenworth, KS, is one of this year's winner of the Veterans of Foreign Wars' Voice of Democracy Scriptwriting Competition and Scholarship Program.

Each year thousands of students from across the United States and its territories participate in the VFW's contest. Ronda was selected as the winner of the competition from the Panama Canal.

Ronda's essay, "My Voice in America's Future," is a statement about the freedoms and responsibilities we enjoy as Americans, and the pride she has for her country. I would like to commend Ronda on her consideration and articulation of her ideas on these important issues; and congratulate her on the achievement of winning the Voice of Democracy contest in the Panama Canal.

Ronda's essay is reprinted below:

MY VOICE IN AMERICA'S FUTURE

(By Ronda Grogan)

"Congress shall make no law abridging the freedom of speech or of the press, the right of the people peaceably to assemble, and to petition the government for a redress of grievances." This is the first amendment in the Bill of Rights. The founding fathers of the United States felt that these rights, these freedoms were so important for the future of the country, they placed them first in the Bill of Rights. Using the Bill of Rights, Susan B. Anthony fulfilled her ideas. She had ideas of equality, equality for women. Through her protests and complaints, she led the movement which gave the women of the United States the right to vote and many other rights. Like Susan B. Anthony, Dr. Martin Luther King, Jr. fought for an equality, too, the equality of mankind. He assembled men and women sharing his ideas and beliefs. Together they marched, making their voices heard, bringing upon us the dawn of understanding and equality in law. The list of these people who have used the rights granted them is long. These are the people who have helped mold America into a true democracy, the democracy of today. They accomplished this task by making voices heard. I too am granted the power they used. As a United States citizen, I have the right of free speech, the freedom to assemble peacefully, and the power of Congress to help me make my voice heard.

A definition of freedom is a particular privilege or unrestricted use. In the first amendment, we have been granted the particular privilege to speak our ideas unrestricted. By letting our ideas be heard, we are using this privilege. To hide our ideas is to abuse this freedom, to become speechless or struck dumb. I would hate to become speechless. Even if my idea is no greater than what color I think my shirt should be, it is still important. My pride is involved, as is my heart. To have my idea used, makes the shirt more personal and my pride in the shirt causes me to wear the shirt more often. If an idea of mine was used in a law, I would be less likely to break that law, for in a way, it is my law. A truly dumb person cannot speak a word. A lack of communication isolates them in their own world. For some, it is a world of horror. No one being able to hear them, alone. So it can be also, if you do not express your ideas. Your narrow world is filled with only you and a few others. The freedom of speech is a particular privilege bestowed upon us, and I intend to use it.

To calmly collect or gather together in one place for a common cause or purpose, this is another freedom of expression the first amendment grants us. Dr. King's march on Washington was a demonstration of this. Even controversial groups and ideas are protected by this portion in the first amendment. Our Constitution allows for no discrimination. Recently the pro-life and pro-choice groups have demonstrated this right. Pickets, gatherings, and pamphlets have filled the campaigns of these two groups. If the communist party were to march on Washington, no arrests would be possible as long as it remained peaceful. Many teenagers enjoy walking down a mall and just looking. They have the right to do so without the fear of being removed from the premises. This right protects everyone of us, and peace is brought about through this liberty.

If I have an idea I think would be beneficial to the government, I have the authority to write to my Congressman informing him of my idea. My Congressman must listen to my idea, for he is there for that reason alone, to present the ideas of the people and to vote on behalf of the people he is representing. To do anything other than his duty is to betray the people who voted him into office. With this knowledge I would be foolish not to object for fear of being scorned. The Congressman cannot scorn me, that too would be foolish, for that is one lost vote. If a city were to section off a certain area for a dumping ground of toxic chemicals, the only way the people of that area could get the government to open the area is to petition them. Write a letter stating why they do not want this dumping ground in their neighborhood and having a certain number of people sign it. The dumping ground will not be moved without someone telling the city they don't want it there. Without letting their voice be heard.

My voice in America's future is a strong one. Without it my pride in my country would decrease, almost becoming nonexistent. I know this and so will keep my voice heard. My country needs my input to stay a true representative democracy. It is my duty, my moral or legal obligation to let my voice be heard, to help shape my town, so that it can help build my state, that my state can help make the United States of America.

A SALUTE TO THE KOREA FESTIVAL

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. ACKERMAN. Mr. Speaker, today it is my pleasure to share with you plans for the Festival of Korea, an unprecedented year-long celebration that promises to be the largest single program of Korean cultural events ever presented in the United States.

The Festival of Korea is designed to broaden American understanding of the richness and variety of Korean culture and contemporary life. It will bring outstanding performances, films, symposia and other exciting events to cities across the country, and will also host eminent statesmen from both Korea and America, as well as scholars and business leaders.

I hope that the entire Nation will join in celebrating the Festival of Korea by proclaiming a Korea Day on October 3, 1993. This day is recognized officially in Korea as Korea Foundation Day. The establishment of "Korea Day" in our country will help recognize the vital heritage of Korean-Americans throughout the United States and the positive contributions they have made to the American cultural experience.

The Festival of Korea will open officially in New York City with colorful performances of classical music, dance, and masked dance drama at the Lincoln Center for the Performing Arts on September 25 and 26, 1993. Sponsored by the Asia Society, the performances will next travel to the Lisner Auditorium at George Washington University before embarking on a tour across America. As a collaborative effort between the Asia Society and several other cultural institutions, the festival will unfold in at least seven major cities including Washington, DC, Los Angeles, Houston, Atlanta, Chicago and Seattle. I am especially pleased to inform you that Washington, DC was chosen as one of only three American cities to host an extraordinary exhibition of 18th century Korean art treasures, many of which have never been seen outside of Korea.

The Asia Society, long committed to public education on Korea, is ideally suited to bring Korean culture to the forefront of American national attention. The society is a leader in its dedication to increasing American understanding of Asia and to fostering knowledge and communication between Asians and Americans. With headquarters in New York and regional centers in Washington, DC, Houston, Los Angeles and Hong Kong, the Asia Society provides a forum for intellectual exchange through its varied and distinguished programs at its centers on college campuses and cultural centers across the country.

For over 30 years, the Korean Association of Greater New York has been a recognized leader and role model for all Korean-American organizations in the United States. For the 300,000 Koreans living in the New York metropolitan area, it serves as the umbrella organization for over 1000 professional, trade, educational and religious organizations. The Korean Association endeavors to support and further the dreams and aspirations of all Korean Americans by working closely with other Korean and non-Korean ethnic organizations to foster mutual growth and understanding.

I would especially like to thank Mr. Jae Taik Kim, President of the Korean Association of New York, for his outstanding work in bringing the Korean community together in my State.

Ambassador Nicholas Platt, after a distinguished diplomatic career, a great deal of it devoted to Asian affairs, has done a magnificent job as president of the Asia Society, continuing that organization's fine tradition of disseminating knowledge about a region with which the United States will be increasingly engaged through the 1990's and into the 21st century.

Mr. Speaker, we look with pride to the upcoming Festival of Korea as an opportunity for the American public to become acquainted with the vitality and richness of Korean life and culture. I hope you will join me in recognizing and supporting our Korean friends and all Korean-Americans in their efforts to add the rich colors and textures of Korean culture to the already intricate weave and mix of heritages that make America so unique. I invite you to join me in visiting the festival when it comes to our Nation's Capital.

DUFFY LAYTON AND MARK GERMOND OF STANFORDVILLE, NY SHOW AMERICAN SPIRIT OF GIVING AT ITS BEST

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. SOLOMON. Mr. Speaker, let me tell you a story about America at its best.

Mr. Duffy Layton of Stanfordville, NY in our 22d District runs an excavating, sand and gravel business. He heard from one of his customers that there didn't seem to be any local coordinated effort to help flooded farmers in the Midwest.

Duffy Layton thought we should help. So he got in touch with some friends who called their own friends and got some information on Iowa farmers who were really in need. By that, I mean farmers who were having a tough time even before the terrible floods.

Then Duffy Layton placed a notice in a local newspaper asking for donations of fuel, hay, and money to help feed farm animals. He donated his own tractor-trailer, and another Standfordville resident, Mark Germond, volunteered to ride with Duffy to Colfax, IA.

Beside the efforts of Duffy Layton and Mark Germond, Mr. Speaker, I want to express the highest praise for the many people who made major contributions to this spontaneous relief effort. They delivered 600 bails of hay, and a check of $5,000 from Marge Zimmerman of the James Cagney Estate.

The point I want to make, Mr. Speaker, is that these contributions came from upstate New York farmers who are hurting themselves. Many of them live in counties recently included in a Federal disaster area because of severe drought this summer. Yet they did not hesitate to help fellow farmers halfway across the country.

That, Mr. Speaker, is the American spirit in action.

I'd also like to thank the States of Ohio, Indiana, Illinois, and Iowa for waiving the taxes usually required on this load of hay.

Duffy Layton plans to make additional runs in September and October.

Mr. Speaker, I am enormously proud of the generous farmers who contributed. But I'd especially like to take this opportunity to single out Duffy Layton and Mark Germond for their leadership in this relief effort. I would ask everybody to join me in saluting these two American patriots.

TRIBUTE TO OLGA CONNOR AND AGING AND ADULT SERVICES

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Ms. ROS-LEHTINEN. Mr. Speaker, it is with great pleasure that I recognize Olga Connor and the staff of the aging and adult services program for their dedication to serving the south Florida community.

Ms. Connor has dedicated 26 years to the well-being of this community and has continually demonstrated her commitment to helping the elderly and less fortunate members of our community. As the present program administrator for the aging and adult services program, a program specifically designed to provide necessary assistance to the elderly, she has shown her leadership and continued support for the welfare of the elderly in south Florida.

I would like to congratulate the staff of this valuable program for their continued dedication to assisting the elderly and also take this opportunity to congratulate the following individuals who will be honored on Friday, September 10th, at the aging and adult services awards luncheon for their outstanding contribution to the south Florida community: Jenny A. Brugal, Connie Lowe, Gonzalo Ferreira, Teresita Fernandez, Fernando Garcia, Pablo Larger, Jamie Paul, Margarita Singer, Carol Hernandez, Melinda Rosado, Lois Young, William Ludeke, Lourdes Paneda, Fran Decker, Samuel Eskenazi, Mahmood Eslamafir, Sharon Bain, Gabriela Rodriguez, Silvia Garcia, Jose Soroa, Yasmin Gonzalez, Dorothy Richards, Aixa Escarra, Paul Winfrey, Nerieda Paulette, Laurie Mesa, Elizabeth Covino, Don Yost, Candace Braunle, Linda Feyerisn, Leila Nicole, Marla Hanson, Barbara Gray, George Steven Rings, Cheryl Davis, Luthr Gaulding, Ana Romero, Rafael Andino, Emiliano Moreno, Amparo Gutierrez, John Moats, Oscar Ernand, Isac Cajina, Isolina Sanchez, Sergio Miyares, Katie Frazier, Rosa Montes, Miguel Arrue, Amelia Lavielle, Herminia Alvarez-Tabio, Alberto Tarafa, Ana Contreras, Jeannette Henao, George Pollak, Elena Herrera, and Luisa Portocarrero.

MR. GORE, BETTER CHECK WITH BOSS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues the following editorial from the September 6, 1993, edition of the Omaha World-Herald.

[From the Omaha World-Herald, Sept. 6, 1993]

MR. GORE, BETTER CHECK WITH BOSS

> Vice President Gore says he wants government to operate more like business. He'd better notify the White House. It seems to want business to operate more like government.
>
> Gore heads a committee to look for ways to improve government operations. A report is expected Tuesday. Gore says the goal is to reduce red tape and make government more efficient.
>
> We wish him well. The government is too big, too wasteful. It tries to do too many things that conflict with the philosophy of limited government. And it meddles too much in the private sector. If the committee can address some of these problems, it would be commendable.
>
> But Gore is also the member of an administration whose policies would make it harder for the private sector to deliver goods and services, create jobs and provide a return on shareholders' equity. The administration has raised corporate tax rates, reducing the pool of funds for economic growth. It wants government to force employers to provide more time off, higher pay and more benefits.
>
> Gore says he wants to reinvent government. But a government that finds a better way to tax, regulate and mandate is still taxing, regulating and mandating. What the country needs is a reform movement that will go beyond "reinvention" and look for ways to reduce the government's control over the private lives and businesses of the people.

THE NEED FOR MEWA LEGISLATION, H.R. 1272

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. PETRI. Mr. Speaker, I want to bring attention to an important health care issue which was raised recently by the acting inspector general of the Department of Labor, Mr. Charles C. Masten, before the Senate Committee on Appropriations. The issue concerns multiple employer welfare arrangements [MEWA's].

With the rapid escalation in health care costs, small employers have found it increasingly difficult to offer affordable health care coverage. One method small employers use to control costs is to establish group health plans known as multiple employer welfare arrangement. The idea underlying MEWA's is for small employers to band together to pool premiums and risks in a manner similar to the way many large companies operate their own self-insurance programs.

Since the enactment in 1983 of the ERISA preemption amendments, the States have had the authority to regulate MEWA's. What has developed since 1983 is a patchwork quilt of regulatory schemes. Some States have failed to regulate MEWA's in a vigorous and uniform fashion. In these States, some MEWA's have been created not to sell legitimate health insurance but to sell fraudulent health care policies; they collect premiums but do not pay claims. On the other hand, some States have chosen to overregulate MEWA's to such an extent that they threaten the very existence of longstanding multiple employer health plans like those maintained by the United Agribusiness League and other associations.

In order to prevent the spread of fraudulent MEWA's and to prevent States from shutting down all MEWA's as unlicensed insurers, Representative MATTHEW MARTINEZ, myself, and other colleagues introduced MEWA legislation, H.R. 1272 earlier this year. The inspector general of the Department of Labor stated the following in connection with H.R. 1272 in his testimony to the Senate Appropriations Committee on June 18, 1993:

> H.R. 1272 is a comprehensive effort to better regulate MEWA's by clearly defining them and mandating certain minimum operating standards * * * [Furthermore] H.R. 1272 incorporates important elements of four MEWA bills that were introduced in the house and Senate during the last Congress. This bill establishes a Department of Labor process by which a MEWA can receive an exemption from state regulation that will require MEWA operators to annually register

with the Department and comply with certain standard requirements. The bill also requires MEWA's to notify all state Insurance Commissioners that they will be operating and conducting business in their respective states. Although to date there has been no companion bill introduced in the Senate, we are hopeful that there will be consideration and discussion of such a Senate bill in the near future.

Similarly, in the March 31, 1993, semiannual report "Office of the Inspector General, U.S. Department of Labor," the following statement was made:

> During this reporting period, the Department of Labor has taken no action to address this issue. The OIG was encouraged, however, by the introduction of H.R. 1272, a bill which defines and sets specific standards to which MEWA's and their operators must comply. DOL support for such legislation is needed to appropriately address this problem.

Mr. Speaker, I hope both Chambers of Congress take a closer look at H.R. 1272, as recommended by the inspector general of the Department of Labor. The intent of my bill is to properly regulate and keep alive hundreds of self-insured multiple employer health plans which provide needed health care benefits to thousands of employees and their dependents.

At a time when increasing access to health care is of great concern, we should be taking these needed steps to prevent the shutdown of existing viable health plans while preventing fraudulent health insurance schemes.

20TH ANNIVERSARY OF RETIRED SENIOR VOLUNTEER PROGRAM

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. COSTELLO. Mr. Speaker, I rise today to commemorate the 20th anniversary of the Retired Senior Volunteer Program in Belleville, IL, a city in my congressional district. The Retired Senior Volunteer Program is an exceptional program with which my wife and I have been involved with now for several years. I commend the great work that the RSVP has so generously given over these past 20 years. Our community has greatly benefited from the work and dedication given by these fine retired citizens.

In fact, I am happy to say that Byron Nordacker and Margaret O'Maley are two active RSVP volunteers who are currently working in my congressional office. In addition to Byron and Margaret, my wife, Georgia Costello has worked closely with the RSVP, and continues to serve as a member on the RSVP Board.

I ask my colleagues to join with me today to congratulate the Retired Senior Volunteer Program on their 20 years of public service. I wish them a very happy anniversary, and I look forward to celebrating this momentous event with them at their annual awards luncheon on September 17, 1993.

TRIBUTE TO STEVEN CULEN, EXECUTIVE DIRECTOR OF AFSCME COUNCIL 31

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. RUSH. Mr. Speaker, I rise today to pay tribute to Mr. Steve Culen, who has recently retired from his position as executive director for Council 31 of the American Federation of State, County, and Municipal Employees. Mr. Culen will be honored this Friday, September 10, 1993, in Chicago, IL, for his outstanding efforts on behalf of AFSCME members over the past 13 years.

Mr. Culen is also being recognized this day, Mr. Speaker, for his dedication to helping the elderly. He was recently elected to the national vice-chairmanship of Little Brothers/Friends of the Elderly, an international organization dedicated to relieving feelings isolation and loneliness among the elderly. Mr. Culen has been involved with Little Brothers for a number of years, and has deeply enriched the lives of many elderly Chicagoans.

I am especially pleased, Mr. Speaker, to be able to enter these words of acclamation into the RECORD to honor Mr. Culen. And because of Mr. Culen's exceptional leadership abilities and devotion to the community, I urge my colleagues to join me in paying this special tribute to a great American.

OPPORTUNITIES FOR STRATEGIC ALLIANCE

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. LEACH. Mr. Speaker, I commend to our colleagues an address delivered recently by Richard H. Stanley on the occasion of a visit to Iowa by a distinguished group of ambassadors to this country sponsored by Senator CHARLES GRASSLEY. Mr. Stanley is president of Stanley Engineering as well as the Stanley Foundation which is the world's preeminent think tank for the study of multilateral diplomacy. His perspective on the opportunities in history is profound, worthy of serious consideration in this body:

OPPORTUNITIES FOR STRATEGIC ALLIANCES

(By Richard H. Stanley)

Senator Grassley, Distinguished Guests, Ladies and Gentlemen, it is indeed a pleasure for me to add my welcome to this outstanding group visiting Muscatine and the state of Iowa. Those of us who live in what we consider to be the heartland of this country delight in opportunities to show our region to foreign diplomats whose experience in this country is too often limited to Washington, D.C., New York City, and a few other major cities. Visits to areas like this show the delightful diversity of our country and let you experience Iowa values and hospitality which are a significant part of why we choose to live and pursue our careers here.

Among these values, you will find that Iowa has a strong international outlook. This derives from a long-standing perspective that sees Iowa as a part of a larger world and which recognizes the need for Iowans to be contributing citizens in a global community.

Iowa is known as an agricultural state and our agricultural heritage contributes to our international outlook. Indeed, nearly one bushel in three of corn raised in this state is exported. But contrary to this reputation, less than ten percent of our gross state product is derived from farming. Iowa is quite industrialized and the great majority of our people live in cities and towns across the state. But our industrial base also adds to our international outlook. In 1990, Iowa exported almost $2.2 billion of goods and services.

This evening, I have been asked to address "Opportunities for Strategic Alliances" across national boundaries. I choose to define "Strategic Alliances" broadly; including not only business and commercial alliances which are certainly central and of growing importance; but also cultural and religious linkages; alliances centered around global policy issues such as development, environment, human rights, population, and similar matters which are coming to be recognized as the survival issues of the future; and also alliances formed primarily for the joy and perspective gained from human social interaction.

The short answer to the question of how opportunities for strategic alliances are faring is that they have never been better. The displays you have seen and the conversations which have already taken place this evening demonstrate the vibrant international interest of Muscatine's people and industries. You have been greeted by representatives of our city government, the Muscatine Chamber of Commerce, the Muscatine Development Corporation, the Muscatine Sister Cities Association, and The Stanley Foundation. You have seen displays by representative Muscatine businesses and industries, including Bandag, HON Industries, Grain Processing Corporation, Stanley Consultants, Carver Pump, and BT Prime Mover.

As I travel in this and other countries and as I meet and visit with people around the world, it is clear that the energy and interest being applied to developing strategic alliances are pervasive. It is equally clear that the benefits being derived from strategic alliances are both substantial and widespread.

Why is this? Why are the opportunities for strategic alliances so great in this decade of the 1990s?

One major reason is the changed political climate. For almost all of the adult lives of most of us in this room, the east-west Cold War has been the organizing imperative of our thought and actions. Perhaps without our fully recognizing it as the cause, the Cold War froze activity. The "enemy" or someone aligned with the "enemy" was suspect and to be avoided. The Cold War structured relations, tying them to east-west divisions. During the Cold War, nationalism was fanned and the power and dominance of national governments was strengthened. In days when we feared nuclear cataclysm, we lived with the possibility of being minutes away from nuclear destruction. Our national leaders were seen as the guardians of our security with their fingers on the nuclear button. National leaders were understood to have secret inside information and we empowered them to act on our behalf, ceding to them authority over many aspects of our lives. This encouraged national command

and control systems. Ethnic, cultural, and other differences were suppressed on grounds of national security. We accepted all this because we perceived our survival as being at stake.

But in 1989, the Berlin Wall—symbol of the Cold War—came tumbling down and, with its fall, the world entered a new post-Cold War era. The organizing imperatives that structured our Cold War existence were shattered. While it takes time to recondition attitudes and reflexes trained during more than four decades of the Cold War, the post-Cold War era brings a new political climate with new opportunities.

This new era values democratic governance, decentralized decision making, market economies, openness, and communication. It places high importance on human life and the protection of human rights. It permits and encourages attention to the non-military survival issues—environment, develop-ment, population stabilization, etc.—of the 21st century. These changes provide a climate conducive to strategic alliances.

Changing technology and an economic climate that is globalizing nearly everything combine to constitute a second major factor encouraging strategic alliances.

International travel is mushrooming. Tourism is big business.

Strikingly improved communications technology brings us to the world an the world to our door. In the past, I have carried a shortwave radio with me when I travel overseas in order to be able to access BBC, Voice of America, or other news sources. I don't do this very much anymore because of the ubiquitous presence of CNN and other international news media. Direct-dial and cellular telephone technology along with facsimile transmission and computer modems speed and expand the availability of information. In this post-Cold War era, we can know what is happening almost anywhere in the world quickly and in living color. We can talk to and hear from almost anyone.

Financial markets have become global. With few exceptions, availability of capital is no longer constrained by national boundaries. Indeed, international financial flows are more than twenty times the international trade flows. One out of every seven equity transactions in the United States is cross-border, either someone in this country purchasing equity in another country or vice versa. In the economic arena, world trade is increasing and sales by foreign affiliates is growing even faster. Corporations and businesses have become transnational and we are moving toward an integrated international production system. The 1993 World Investment Report: Transnational Corporations and Integrated International Production, published by UNCTAD, states:

"The number of transnational corporations from the 14 leading home developed countries has grown from 7,000 two decades ago to 24,000 today. Worldwide, there are 37,000 transnationals including an increasing number from developing countries, with over 170,000 foreign affiliates. By 1992, these companies had generated a global stock of foreign direct investment reaching $2 trillion and sales by foreign affiliates were close to $5.5 trillion, considerably larger than the $4 trillion in world exports of goods and non-factor services."

Robert B. Reich, now Secretary of the U.S. Department of Labor, caught the scope of this globalization in his book; "The Work of Nations" when he wrote, "The standard of living of Americans, as well as the citizens of other nations, is coming to depend less on the success of the nation's core corporations and industries, or even on something called the "national economy" than it is on the worldwide demand for their skills and insights."

In short, "national economy" is fast becoming a misnomer.

To sum up, the changed political climate and the globalization of human activity are resulting in three significant trends. First, capacity of national governments to control transnational activity is sharply eroded. Second, market forces are becoming the primary factor guiding economic activity and resource allocation. Finally, there is a new and rapidly growing phenomenon transnational networks and alliances of all types including business and commercial, ethnic, cultural, religious, political, social, and individual.

What, then, is happening because of these trends? What impact are they having on the way the world thinks and acts? There are both positive and negative elements. Among others, five aspects of change merit mention.

First, we see significant efforts toward regional integration. Perhaps the most discussed of these is the European Economic Community. While the rate of progress has varied and there have been recent setbacks, there is clear movement to compensate for the weakening national role by moving toward a regional common market and a greater degree of political and financial integration. An example in this hemisphere is the movement toward a North American common market. U.S.-Canadian agreements are being implemented and the NAFTA agreement has been signed and will shortly be up for U.S. ratification. There are other examples of regional integration by intergovernmental agreement. But perhaps even more significant in the long run, is the extent of regional integration which is taking place without particular national government sponsorship. Illustrating this, the press release on the World Investment Report 1993 included the statement, "Evidence cited in WIR '93 indicates that while TNC activities often follow regional integration patterns, as with the Single Market in the EC, they also promote integration in the absence of governmental arrangements. Thus, Japanese TNCs have been establishing integrated production systems in Asia, integrating more closely the economies of a number of countries in South and Southeast Asia; while United States TNCs began establishing regional links involving Mexico prior to the negotiation of NAFTA. In addition, data on Foreign Direct Investment flows and examples of company practices, especially in industries such as automobiles, indicate a growing degree of integration that is crossing regions, perhaps leading towards a truly globally-integrated world economy. The result of the expansion of complex strategies on the part of TNCs is the evolution of an integrated international production system."

A second striking development is that governments below the nation-state level are becoming increasingly active internationally, facilitating the creation of strategic alliances. Just yesterday, five Russians from Muscatine's sister city, Kislovodsk, left here to return home after a two-week visit. Four of the visitors were business and professional people who were here in significant part to pursue strategic business alliances. The fifth was a representative of the city of Kislovodsk who carried the title of Mayor's Assistant for International Affairs. Such a position wouldn't have existed during the Cold War. Here in this country, the various states have many more overseas trade and commercial offices than does the U.S. Federal Government. In the western part of this continent, five U.S. states and two Canadian provinces have established the Pacific Northwest Economic Region which looks toward economic relations with Pacific Rim countries. Without the blessing or particular support of their respective national governments, these seven states and provinces are endeavoring to align their state and provincial regulations and practices to appear as and to be a single economic region in dealings with other countries.

The list of similar developments could go on and on. Clearly, governments below the nation-state level are taking many transnational initiatives. They are telling national governments, both literally and by their actions, to get out of their way while they promote strategic alliances and global integration.

Third, private transnational activity is burgeoning. Discussion and actions toward establishing private partnerships and strategic alliances are commonplace. This is occurring on a personal level, on the basis of cultural and ethnic ties, and, of course, in the business and commercial arena. Often, a blend of these aspects is involved. Again in the "Work of Nations," Robert B. Reich states, "But in the emerging high-value economy, which does not depend on large-scale production, fewer products have distinct nationalities. . . . Consider some examples: . . . A sports car is financed in Japan; designed in Italy; and assembled in Indiana, Mexico, and France using advanced electronic components invented in New Jersey and fabricated in Japan. A microprocessor is designed in California, and financed in America and West Germany, containing dynamic random-access memories fabricated in South Korea. . . . Which of these is an American product? Which a foreign? How does one decide? Does it matter?

A fourth aspect is the flourishing of transnational Non-Governmental Organizations, usually focused around political, social, ethnic, or religious concerns. While the effect of this can be either positive or negative, the fact of their growing significance is undebatable. As examples, the planning, conduct, and outcome of the 1992 U.N. Conference on Environment and Development held in Rio de Janeiro were greatly influenced by nongovernmental organizations. NGOs were highly visible at this year's U.N. Human Rights Conference in Vienna. Radical religious fundamentalist groups have had influence and caused difficulties in various countries and across national boundaries. Although their degree of influence varies from place to place, Non-Governmental Organizations are growing factors affecting public perception, private practice, and government policy.

Finally, and clearly on the darker side, the diminished dominance of the nation-state, which has come with the ending of the Cold War, has permitted the emergence of formerly repressed hostilities, resulting in dire human tragedies like the festering boil of Bosnia, and the collapse or implosion of governments formerly propped up by the Cold War such as Somalia.

So what then does the future hold in store? What are the most constructive actions for governments and for those of us in the private sector?

First, we need to understand that the forces of global integration are compelling and gaining strength. They will not be denied. In fact, most of us here in this room are part of those forces. We see opportunities for strategic alliances. We are impatient with obstacles. We are actively pursuing strategic alliances in ways that fit our circumstances and situation. As individuals, as groupings of people with common interests, and as enterprises, we will continue to press our interests in a world that is increasingly integrated, interdependent, and globalized.

This means that national governments must adjust and respond. National governments cannot stop, and should not try to stop, the forces of integration. They must recognize their limitations and reduced capacity for control. Nation-states can and should create a supportive climate for integration. They can and should channel and guide globalization so that public as well as private ends are satisfied. They can and should promote global awareness and international understanding, helping to prepare their citizens to live and work in the post-Cold War world.

It also means that the existing international and regional institutions must be re-created and strengthened. New global and regional organizations may be required. For the most part, present institutions were created and designed for a different era when the role of the nation-state was far more dominant than today. Now more than ever before, there is great respect and support for a revitalized United Nations. A report to be released next month by the United States Commission on Improving the Effectiveness of the United Nations states, for instance, that "there is widespread recognition that global problems require global solutions. Surveys indicate that four out of five Americans believe that the United Nations should take the lead in future international crises involving aggression." Such study and negotiation are needed, but they will be wasted unless fundamental institutional changes actually occur.

The real challenge is moral and philosophical. It falls on all of us. Can humankind bring off this transition to a global society in a way that lets us survive not only into but beyond the 21st century? Can we temper narrow self interest with concern for the greater global good? Can we think and act to serve long-term needs, rather than being seduced by immediate gratification? Can we build a global society able to cope with the long-term survival issues including environment, development, population pressures, and resource limitations? Can we learn to celebrate and enjoy our diversity of race, religion, nationality, and ethnicity and yet understand and be guided by the more fundamental truth that beneath our diversity we are all members of humanity and must learn to guard each other's dignity and protect each other's rights? Can we re-create our institutions and practices to foster these goals?

A YOUNG SOUTH CAROLINIAN'S VOICE IN AMERICA'S FUTURE

HON. BUTLER DERRICK

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. DERRICK. Mr. Speaker, I thought my colleagues and other Americans would be interested in reading an excellent essay written by Ms. Sundi Smith of New Ellenton, SC, which is in my district. I congratulate Sundi on her thoughtful essay and wish her every success for the future.

MY VOICE IN AMERICA'S FUTURE

The story is told of a young man and his father traveling in a truck along a country road one day. Suddenly the father stopped the truck. A large tree limb had fallen into the road and was blocking their path. The young man looked at his father and said, "You know, somebody ought to move that tree limb out of the road." To his remark his father replied, "Son, you are somebody." With that the young man got out of the truck and moved the limb out of the road.

Like the young man, I am somebody and I have a voice in shaping our nation. A voice had spoken to the young man telling him that he was somebody—that is, someone who could be active, helpful, and considerate. He listened to that voice and it made a difference for him and those who would follow him down that country road.

It is not enough that we simply raise our voices. Mobs of people have raised their voices and brought forth nothing but violence and destruction, I must be careful that my voice speaks words of encouragement, words of honesty, and words that build up my nation.

It is also important that I not be fearful of speaking alone. The voice of Patrick Henry was singular when he cried out, "Give me liberty, or give me death!" Soon other voices took up that cry but it all began with the courageous voice of one person, Patrick Henry.

In the Bible, John the Baptist told about the coming of Jesus Christ. John's was a "voice crying in the wilderness, preparing the way." My voice may at times speak alone but what's important is that words are positive, honest, and helpful.

My greatest desire, however, is to join my voice with others so that together our voices can serve to preserve the liberties and sacred institutions that have made our nation great. Democracy must be preserved against the evil forces that would destroy the very fabrics of our freedom. But as one great citizen has said, "all that is necessary for the forces of evil to triumph is that enough good men do nothing." Democracy must be nurtured, guarded, and prized.

When Benjamin Franklin emerged from the hall in Philadelphia after just signing the Constitution, a women ran up to him and said, "Well, doctor, what have we got, a republic or monarchy?" Franklin answered, "A republic if you can keep it!"

Can we keep it? We can if enough of us are willing to raise our voices and commit our lives to the never ending task of maintaining this democracy.

In ending this speech, I would like to quote a line of verse written by James Weldon Johnson. These words represent my hope for all the voices of America:

"Lift every voice and sing,
Till earth and heaven ring,
Ring with the harmonies of liberty;
Let our rejoicing rise
"High as the listening skies,
Let it resound loud as the rolling sea."

LEAVE ABORTION OUT

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. BEREUTER. Mr. Speaker, this Member agrees with and commends to his colleagues the following editorial from the September 7, 1993, edition of the Lincoln Star.

[From the Lincoln Star, Sept. 7, 1993]

LEAVE ABORTION OUT

One word of advice to the Clinton administration: Don't include abortion in any mandatory health insurance package.

The philosophic arguments for including abortion coverage are obvious. This is a legal procedure that should be available to all Americans. Abortion could become an option of middle- and upper-income women only if it is not a part of mandated insurance package in any national health program.

But the practical realities outweigh philosophy or equity.

Any national program that includes abortion will be filleted by the pro-life forces.

The details of any national health plan will bring controversy and debate, primarily centered on economic interests:

Including abortion coverage will inject the emotional moral debate that is at the heart of the abortion controversy into the national health care discussion.

Average Americans are ambivalent about abortion, polls continue to show. And they are made uneasy by the shrill and rancorous abortion debate. Bringing that debate into the national health plan will bring no new supporters to a national plan, assure vocal opposition from the pro-life extreme and make those in the middle uneasy.

A national health care plan is important if we want to better control costs and assure health care for all Americans.

President Clinton is already heading into stormy waters. The ordinary controversy engendered by such a massive change and the potential cost may kill any national health care proposal.

But defeat is certain if abortion coverage is part of the package.

EXECUTIVE OFFICE ACCOUNTABILITY ACT OF 1993

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. CLINGER. Mr. Speaker, today I rise with nearly 45 of my Republican colleagues to introduce a bill which appears to be long overdue. The Executive Office Accountability Act of 1993, cosponsored by every Member of the Republican leadership and nearly every member of the House Committee on Government Operations, would establish for the first time an independent inspector general within the Executive Office of the President. The bill also requires the White House to comply with the requirements of the Chief Financial Officers Act of 1993 by appointing a chief financial officer and preparing annual, audited financial statements.

Examples of mismanagement and malfeasance at the White House are legion and may be just the tip of the iceberg of bad management practices. These examples include the firing of long-time, career employees at the White House Travel Office, avoidance of procurement laws to buy millions of dollars worth of unnecessary equipment, and the retroactive personnel and pay actions. Unfortunately, we would never know of the full extent of this mismanagement because the White House is the only function within the executive branch which does not have an ongoing oversight function.

This pattern of mismanagement strongly suggests the need for an inspector general and chief financial officer at the White House. That is why I am today introducing the Executive Office Accountability Act of 1993. Although this legislation will provide for full-time oversight of administrative activities at the White House, the President need not be concerned that he will have an auditor looking over his shoulder at every turn. When drafting this legislation I went to great lengths to give the President authority over his inspector general enjoyed by no other Government official.

If the White House IG is conducting a review of any activity which the President believes interferes with his constitutional authority as President or Commander in Chief, he need only notify the IG that no such investigation is to be conducted. The IG, in turn, will notify the House and Senate Government Operations Committee that he has been denied authority to conduct an investigation. The IG cannot appeal the decision.

Furthermore, it is my hope that the President will reach into the inspector general community to select the White House Inspector General. In any case, that individual will be subject to confirmation by the Senate. His or her integrity will be on the line if a management scandal, such as the firings in the Travel Office, is discovered to have been ignored by the Office of the White House IG.

I am attaching to this statement a summary of my legislation and a list of cosponsors. I encourage all of my colleagues to join me in reinventing the Government at the White House by supporting the Executive Office Accountability Act.

EXECUTIVE OFFICE ACCOUNTABILITY ACT OF 1993

(By William F. Clinger, Jr.)

BRIEF SUMMARY

The bill amends the Inspector General Act of 1978 to establish an Office of Inspector General within the Executive Office of the President. The Inspector General will be a presidential appointee with Senate confirmation and must comply with those reporting requirements as all other Inspector Generals, including the submission of semiannual reports to Congress.

Special provisions included in the bill concerning the IG in the Executive Office of the President include:

Placement of the IG under the president's authority, direction and control with respect to matters concerning policy making, national security and the national interest, among others; and,

Authority to the president to prohibit an IG action which interferes with the core functions of the constitutional responsibilities of the president.

The bill also requires the Executive Office of the President to comply with the requirements of the Chief Financial Officers Act, including:

Appointment of a Chief Financial Officer for the Executive Office of the President.

Preparation of annual, audited financial statements.

Sponsor: William F. Clinger, Jr.

Cosponsors: Robert Michel, Newt Gingrich, Dick Armey, Duncan Hunter, Henry Hyde, Bill Paxon, Jim Lightfoot, Frank Wolf, Ernest Istook, Al McCandless, J. Dennis Hastert, Christopher Shays, Steven Schiff, Christopher Cox, Craig Thomas, Ileana Ros-Lehtinen, Ronald K. Machtley, Dick Zimmer, William Zeliff, Jr., John McHugh, Steve Horn, Deborah Pryce, John Mica, Rob Portman, Jim Ramstad, Elton Gallegly, Olympia Snowe, Joe McDade, John Boehner, Nancy Johnson, Jim Saxton, John Kasich, Jim Greenwood, Harris Fawell, Amo Houghton, Bob Livingston, Tom Bliley, Scott Klug, Henry Bonilla, Paul Gilmor, Roscoe Bartlett, Bill Baker, Herb Bateman, Jim Walsh.

HENRY C. ENGEL, JR. RETIRES FROM 30 YEARS OF SERVICE AS A PUBLIC DEFENDER

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mrs. BENTLEY. Mr. Speaker, my fellow colleagues, I rise today to recognize Mr. Henry C. Engel, Jr., who will be honored on September 10, 1993 as he enters retirement from 30 years of dedicated service as a public defender, 27 of those years in Harford County, MD. In fact, Henry was the first public defender for Harford County and the State of Maryland, and has continued as the public defender for Harford County to date.

Through his long and dedicated career, Henry Engel has been an asset to the State of Maryland, gaining much respect and making many friends. In a recent Baltimore Sun article, Assistant Public Defender Francis Henninger was quoted as saying:

> He's a good role model who cares about his clients, us and the community. He takes an interest in me as a person and not just as an attorney, and that's something I'll miss.

Not only has he ensured the rights of his clients, but has ensured a better life and brighter future for many people. Henry's compassion for human life extends past his job. He has been known to take children deemed hopeless by the legal system into his home and provide them love and guidance. One child whom Henry saved from an institution still calls him every Sunday. Henry says, "he loves working closely with people to make positive changes in their lives," and that is what will be missed most about him.

Henry Engel began his law career in 1958. At the age of 31, Henry became master in Juvenile Causes serving from January 7, 1963 to June 30, 1966. Henry's role as public defender began on July 1, 1966, allowing the Hartford County judicial system to serve as a role model. In the following years, other counties throughout Maryland added the office. In his position, he led by example and demonstrated tremendous leadership. Through his many years of distinguished service, respective accomplishments and dedication to his profession, he has paved the way for many generations to follow.

In addition to his work, Henry has demonstrated his undivided commitment to his community and profession by being a member and holding several leadership positions with the American Bar Association, 1957–76; Maryland State Bar Association, 1958 into the 1970's; Harford County Bar Association, 1957 to present; Harford County Board of Zoning Appeals, 1959–63; Harford County Commission for the Study of Juvenile Delinquency, 1963–66; State Young Democrats Club of Maryland, 1962–71; Dickinson Club of Baltimore, Phi Delta Theta Alumni Club, the Lions Club of Bel Air, Susquehanna Law Club, Regional Jail Commission, Jaycees of Bel Air, Bel Air Teen Club, Fraternal Order of Police, U.S. Naval Reserve, 1949–53; and the U.S. Army Reserve, 1953–71. He is also a very active member of the First United Presbyterian Church of Bel Air, serving as an elder, as well as teaching senior high age students.

Mr. Speaker, my fellow colleagues, I am proud to congratulate Henry C. Engel, Jr., upon his retirement from 30 years of devoted service to his State. His work as a public defender for Harford County is deserving of the utmost recognition. To invest over three decades of one's life to one particular job reflects a great deal of dedication and satisfaction with one's place in life. I extend my best wishes to Henry for many more years of continued success and happiness.

TRIBUTE TO EVELYN GLICKMAN AND JACK LEARNER ON THEIR 50TH WEDDING ANNIVERSARY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. NEAL of Massachusetts. Mr. Speaker, I pay tribute today to Evelyn and Jack Learner on their golden anniversary. Evelyn and Jack, together, have demonstrated their love and commitment to each other and their community.

Evelyn Glickman has dedicated her outstanding services as an executive officer to the sisterhood at Temple Beth El, located on Long Island, NY. She is known for her successful efforts working for the charity "Fight for Sight Campaign."

Jack Newton Learner attained his professional skills through his undergraduate studies at New York University and his graduate studies at New York University Law School. Upon graduation, Mr. Learner was admitted to the bar in 1938 and became a member of the New York State Bar Association. During World War II, he was a prominent attorney in the Office of Price Administration. His success and hard work led him to become a chairperson of the committee on the civil court and a member of committee on the Supreme Court. Mr. Learner devoted much of his free time to educating students interested in the profession of law. He gave informative lectures at New York Law School and at the New York County Lawyer's Association. He is also a member of the New York State and American Bar Association.

Together, Evelyn and Jack Learner, have built a life together which was founded upon a commitment to the community in which they live. Their marriage of 50 years has produced two children and two grandchildren. All of whom plan to carry on their legacy of commitment to family, work, and civic duty.

PATCHOGUE PROUDLY MARKS ITS CENTENNIAL

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to pay tribute to the Village of Patchogue, NY. This community in my congressional district is celebrating its centennial this year.

Patchogue is a charming village situated on the picturesque Great South Bay on Long Island's south shore. Its residents have planned an ambitious celebration for their village's 100th anniversary. Our U.S. Navy and Coast Guard will be providing a major local presence at their centennial events this Saturday, September 11.

The Navy will bring to Patchogue its popular educational mock ship U.S.S. *Enterprise*. This remarkable 30-foot land-based replica of the famous Navy ship will provide a dramatic parade float as well as an excellent learning center for Long Islanders of all ages. There will also be a temporary Navy recruiting station on site.

A major highlight will be a mock search-and-rescue operation performed on the bay by Coast Guard personnel using a helicopter and rescue boat. The helicopter will be on the ground for public inspection when not in use. Additionally, the Coast Guard's color guard will march in the centennial parade, and a Coast Guard recruiting station will be set up for the day. Finally, Long Island members of the Coast Guard Auxiliary will be staffing a land-based boating safety educational display.

Mr. Speaker, I ask that the Congress join with me in recognizing the centennial of the great Village of Patchogue.

ARTS AMERICA TOUR: NASHVILLE TRIO HIT THE ROAD

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. CLEMENT. Mr. Speaker, I congratulate Nashville's Barenberg, Douglas and Meyer Trio on being selected to tour overseas under the auspices of the Arts America Program of the U.S. Information Agency.

Selected to promote a better understanding abroad of the United States and our culture, the Barenberg, Douglas and Meyer Trio started their month-long tour August 17 with performances in Dhaka and are continuing with stops in Kathmandu, Calcutta, New Delhi, Bombay, Hyderabad, Madras and Colombo. I know the audiences in each of these cities will enjoy the trio enormously and gain an appreciation for some of the finest mix of country, folk and blue-grass music the United States has to offer.

Russ Barenberg has long been one of the foremost guitarists on the acoustic music scene. His rich and varied background gives him a wide knowledge of country, jazz and pop music. In the studio his skills include top notch bluegrass and country rhythm, delicate fingerstyle accompaniment, swinging jazz and Latin rhythms, and the distinctive melodic playing for which he is known. His beautiful, clean sound, impeccable time and confident rhythmic feel make him an ideal studio player. With his extensive experience in ensemble arranging, Russ can be counted on to come up with interesting parts that make the music sound good.

Country music fans have been turning on their radios and enjoying the music of Jerry Douglas for years. As Nashville's dobro-player-on-call, Douglas has lent his singular instrumental wizardry to the work of Randy Travis, Ricky Skaggs, Reba McEntire, Foster and Lloyd, Rosanne Cash and countless others. In the process, he has raised the dobro-consciousness of all who encounter his music.

The third member of the trio, Edgar Meyer, has established himself not only as one of the top instrumentalists of his generation, but also as an innovative and often-performed composer. Stating at age 5 with the instruction of his father, Meyer was the winner of numerous competitions, including the 1981 Zimmerman-Mingus competition, which was the first international bassist competition held in the United States. In 1985, he became the first regular bass player for the Santa Fe Chamber Music Festival and to date has written five commissioned works for the festival. He regularly records with other artists, including Kathy Mattea, Garth Brooks, Bruce Cockburn, Hank Williams, Jr., T-Bone Burnett, Reba McEntire, Lyle Lovett and the Indigo Girls.

Individually, each member of the trio is an accomplished artist. Together, they create music that is a wonderful combination of their individual styles, training and inventiveness. Their performance have been called a fusion of jazz, classical, bluegrass, rock and just about anything else that will fit an acoustic format.

To be selected by USIA to represent the United States is a great honor. Only a limited number of performing artists are sent abroad each year, mostly to areas of the world where few American artists or their works appear commercially. The choices are intended to reflect the great quality and diversity of American culture and I am proud to join all Nashvillians in congratulating the selection of the Barenberg, Douglas and Meyer Trio.

TRIBUTE TO THE FAMILY AND FRIENDS OF BRIAN GAYLORD

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. CAMP. Mr. Speaker, it is with great pleasure that I rise today to recognize several outstanding individuals of Lake City, MI. Dave Gaylord, Wayne Seger, Troy Green, Todd Petersen, Tamara Green, and Christi Herrema all took part in a bicycle marathon across America to raise money for the Brian Gaylord Memorial Scholarship Fund.

These dedicated friends made a commitment to bike across this formidable country in order to pay tribute to Dave's brother, Brian Gaylord. Brian was a bright and well loved child who lost a valiant fight against leukemia at the very young age of 14 years. The friends' journey sets the cornerstone for the Brian Gaylord Memorial Scholarship Fund.

The cyclists endured rough terrain, long days, and short nights in meeting this momentous challenge. One of the riders was injured very badly at the outset of the quest, and these injuries only added to each cyclist's grueling task of carrying 80 to 100 pounds of weight day after day. The friends refused to give up the dream in spite of early setbacks. Mile after treacherous mile, as their legs became like lead weights, and the country stretched out like a never ending road before them, the only thing that kept these six brave young men and women going was the quiet strength of the memory of Brian, and the love they had for him. Now, with the trip completed, Dave, Wayne, Troy, Tamara, Christi, and Todd can reflect with enormous pride on their unique accomplishment of establishing Brian's scholarship fund.

Mr. Speaker, I know you will join me in congratulating and commending these outstanding individuals, for the heartfelt effort that they have put into preserving Brian's memory. Their dedication is to be congratulated, and should serve as an example of commitment of family, friendship, and leadership. My sincerest congratulations to these brave young men and women who conquered this heroic effort for such a worthy cause.

TRIBUTE TO BLANK'S AGRI-SERVICE

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. GILLMOR. Mr. Speaker, I would like to bring to the attention of the Members of the House the recent 40th anniversary of Blank's Agri-Service in Marion, OH.

Since 1953 Blank's has been an innovator in farm technology. Liquid fertilizer, banding, and the weed and feed method are just a few of the practices introduced over the years which are sill popular today.

The founder Bob Blank, was an agronomist who worked diligently to increase corn, soybean and wheat yields in central Ohio. In 1970, Bob turned over the reins of the company to his longtime coworker Richard Farst. Under Richard's leadership Blank's has continued to expand and lead the way in agriculture progress.

Mr. Speaker, I ask my colleagues to join me in congratulating Blank's Agri-Service for their past achievements and encouraging them to continue to hold themselves to the high standards of quality products and services that Ohio farmers have come to expect.

REQUIRE A PLEDGE FROM FIRED AIR TRAFFIC CONTROLLERS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. BEREUTER. Mr. Speaker, this Member would like to commend to his colleagues the following editorial from the August 17, 1993, Norfolk Daily News, regarding the Clinton administration's decision to remove the ban on rehiring air traffic controllers who went on strike in 1981. It is a noteworthy commentary.

[From the Norfolk Daily News, Aug. 17, 1993]

DEMAND A PLEDGE

The Clinton administration has declared amnesty for the lawbreakers who voted to shut down the nation's commercial air system in 1981. It has lifted the ban on rehiring the air traffic controllers fired by President Reagan, with congressional assent, in 1981. The implication is that those barred by federal law from striking may still do so and get their old jobs back.

At this late date, it is guessed that relatively few of the 11,400 fired workers will be affected. Job openings are limited, but the National Air Traffic Controllers Association, successor to the dissolved union which led the illegal strike, estimates perhaps 3,000 of the strikers would like to return to their careers as federal air traffic controllers.

Even an administration which has unusual compassion for these individuals who put their union's interest first, their family's second and the nation's third—and were willing to risk air safety in the process—should be willing to impose a condition on re-employment. That should consist of a solemn vow from the rehired strikers that they will abide by all the terms of their federal employment.

Having once broken the pledge they took not to strike, a condition of their employment in the first instance, the public has a right to see some evidence of regret on their part. They should promise not to be repeat offenders, and pledge anew to rely on the normal channels of government, including a Congress inclined toward generosity so far as civil servants are concerned, when it comes to bargaining for better pay, more benefits or improvements in the system.

As as been noted repeatedly, these can be stressful jobs and mistakes or inattention are life-threatening. They consequently demand people with both good judgment and talent. Whatever else the arguments, that example of their choosing to strike impeaches the "judgment" standard. Only those who acknowledge their previous action as a serious mistake should be considered for rehiring.

A TRIBUTE TO REV. ALFRED STEELE

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. KLEIN. Mr. Speaker, I rise to pay tribute to an outstanding citizen of Paterson, NJ, Rev. Alfred Steele. Reverend Steele has dedicated his life to helping others and providing hope to those who are in need.

Reverend Steele is currently the pastor of Seminary Baptist Church. He has always been responsive to the needs and concerns of the community. He is an advocate of the African-American population and a role model for area young people.

As a lifelong leader and champion of the civil rights movement, Reverend Steele has fought for employment opportunities and political empowerment for all people. Economic, social, and religious development of minority and traditionally disadvantaged communities have been a priority for the Reverend.

Reverend Steele's accomplishments are impressive. In addition to being pastor of the Seminary Baptist Church, he is currently assistant chaplain at the Passaic County Jail, juvenile counselor at Straight and Narrow, executive director of the BJ Wilkerson Memorial Day Care, chaplain of Social Club #628 and has served on the boards of United Way, American Heart Association, and the Private Industry Council Organization.

These exceptional achievements have not gone unnoticed. Reverend Steele has been honored by the Paterson Task Force and the Trinity Temple for his prison ministry. He was also honored by the John F. Kennedy High School Black History Month Committee for his outstanding stewardship and his inspirational leadership to the Paterson community.

Mr. Speaker, I commend Rev. Alfred Steele for his tireless dedication to Paterson and the African-American communities. His commitment and devotion are valuable treasures and I am grateful for all that he has done.

A 25TH ANNIVERSARY TRIBUTE TO THE YUCAIPA ELKS LODGE

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention a very special celebration that took place in early August when the Yucaipa Elks Lodge marked its 25th year of service to its members and our community.

The Yucaipa Elks Lodge was chartered on August 6, 1968 at 4th Street and Yucaipa Boulevard over the Food Fair Market in Yucaipa. Of the 106 charter members of the lodge, 22 are still living and participating in its many activities. The lodge's second location was the Old Christian Church on California Street between A and B Streets, now the location of Grandlund's Restaurant and Candy Store. In 1976, the lodge purchased the two-story Grange Hall where the Elks make their home today.

The Yucaipa Elks Lodge today has 398 members who play an active role in and provide a great many services to the community. Each year, the Yucaipa Elks sponsor an Essay on America contest for 8–13 year olds and Flag Day observance to promote patriotism. The lodge also sponsors cub scout and girl scout packs, scholarships for graduating seniors, public bingo, a Young at Heart dance, and a Hoop Shoot basketball tournament. In addition, the Elks also play an important role in the lives of our veterans providing transportation each month from the Pettis Veterans Hospital for dinner.

The Elks have established themselves as among the most outstanding service organizations in the country with over 2,000 active lodges. Founded in 1868, the Elks serve as a patriotic American fraternal organization with its guiding principles being brotherly love, justice, charity, and fidelity.

Mr. Speaker, I ask that you join me, our colleagues, and many friends of the Yucaipa Elks Lodge as they celebrate 25 years of outstanding service to our community. It is fitting that the House of Representatives pay tribute to these special Elks today.

H.R. 3033

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. HALL of Texas. Mr. Speaker, I rise to offer explanation concerning a bill I introduced today, H.R. 3033. Mr. Speaker, this is the third session of Congress in which I have introduced this legislation. So far the House of Representatives has held no hearings and conducted no debate on this matter. So some Members may think it is futile to again bring this bill before the House. But that is not the case. This matter is too important; the cause behind this bill is too just; the damage done to ordinary citizens is too egregious to leave this matter alone.

To assist the Members of this body in understanding the background of this bill, I would like to offer a brief explanation of the events which led up to its introduction.

In 1931, an Italian immigrant, Joe Zeppa, founded Delta Drilling Co. In doing so he was simply following the American dream. Joe was able to take part in the oil boom of the 1930's that helped bring east Texas out of the Great Depression and make the American dream a reality for many people like him. Organized as a closed corporation, Delta Drilling was modestly profitable until the early 1970's, when the energy crisis dramatically increased the company earnings. Increased profitability made the prospect of going public a very attractive option—and inspired Joe with a method of rewarding his many longtime, loyal employees.

Considering the possibilities of the company going public, Delta founder Joe Zeppa worried about the fate of employees should a takeover occur. In order to protect these ordinary, hard-working men and women and to reward them for their loyalty over the years, he initiated employee participation plans under which each employee—executives, managers, secretaries and laborers alike—with at least 15 years of service with Delta was allocated participation units based on his or her annual compensation and years of service in excess of 15. Each participation unit was to be valued at the price of one share of Delta stock when the company went public. The plans were implemented in 1974 with 88 employees participating. In 1975, Joe Zeppa passed away and was succeeded by his son, Keating Zeppa. With revenues jumping from $38 million in

1974 to $161 million by 1980, Delta decided to go public.

On March 17, 1981, Delta Drilling Co. publicly offered 2 million shares of common stock at $17.50 per share. The public offering triggered the participation plans and the exchange of participation units. Under the agreement with the underwriters for the public offering, however, the employees at Delta could not sell or transfer shares issued to them under these terms for a 120-day period after the commencement of the offering. Immediately prior to the public offering of stock the employees agreed to exchange their participation units for a combination of stock and cash. As a result, they received Delta stock equal to 70 percent of the value of their units and cash representing the remaining 30 percent. All told, 2,128,665 shares and $5,321,667 were distributed to the 87 remaining participating employees. An additional $10,643,333 representing 20 percent of the total value of their participation units was withheld for taxes.

Although Delta stock sold in the initial public offering at $17.50 per share, at the end of the 120-day transfer restriction period, the over-the-counter market price had plummeted to only $13.50. In January 1982, the price fell below $9 and dropped to $6.625 per share by April 6, 1982. Due to circumstances completely out of the hands of Delta Drilling employees, the stock eventually became entirely worthless.

This wouldn't seem that bad, Mr. Speaker, because it was just a gift that they had not had before. Right? Wrong. Enter the IRS.

On April 15, 1982, the employees who received this gift of stock found themselves subject to an enormous tax burden. Under the IRS Code, the shares received under the plan were taxed as ordinary income at the rate of 50 percent and were valued at the initial public offering price of $17.50—regardless of when the employees disposed of their stock. Consequently the average tax burden for each employee was a staggering $300,000. In order to help the former plan participants, Delta provided them with an option to exchange each share of stock they received under the plan for one 5-year convertible bond valued at the then per-share market price of Delta stock, $6.625, which could then be used as collateral for loans to pay their taxes. Only 30 of the 87 employees who had received stock under the plans accepted the offer.

Delta, as a group, also sought relief directly from the Internal Revenue Service, and—after extended negotiations—several individuals were offered the opportunity to report receipt of each stock at $15.50 per share. Clearly, however, in no event could any employee have received more than $13.50 per share for their stock received under the plan—even if they had sold it on the very first day after the expiration of the 120-day transfer restriction period. Indeed, if all the employees had managed to sell their stock, the resulting flood of shares would have had a precipitous impact on the market. Further, as I said earlier these are ordinary people—the majority of the employees had little formal education, no training in finance, and few had been to college. Most had never previously owned stock and many did not even know how to go about selling it.

So you see, hard-working employees—many of whom had spent years with this company—were given a gift by their employer. He certainly had no malicious intent in setting up this program. In fact, it is one of the most generous gifts I have ever heard of an employer giving his employees. And the employees certainly stood to gain from his generosity. But instead, they were forced to pay income taxes on an income that they never received—and that is wrong.

The end result of this is that you have ordinary people—as I said earlier this includes janitors, secretaries, everyone—who have to pay more than they make. It would have been a typical scenario for an employee of this company who made $25,000 a year to be told by the IRS that he or she owed $300,000 or more. In fact, many employees had to sell their homes and other possessions to pay taxes on a benefit they never had a legal right to enjoy.

This body is often referred to as the people's House. With this legislation, we have the opportunity to assist ordinary people and correct an extraordinary wrong. The employees of Delta Drilling who were affected by this financial burden are not just the top managers and executives. Do not think this bill is some sort of loophole or tax break for a bunch of rich oilmen down in Texas. That is simply not the case. This bill changes a policy that has hit a small group of ordinary people in a bad way. That's what we are supposed to do here in the people's House—establish good laws that help good people and change bad laws that hurt good people. We must pass this good bill to help these good people and other people all across our Nation who have faced or may face this devastating situation.

I will be working with my friends and colleagues on the Ways and Means Committee to see this bill through the legislative process. I think it is important that we hold a hearing on this matter. When the Members of this body are able to hear firsthand the stories of these ordinary people from east Texas, I know they will understand the injustice of what has happened to them. I urge my colleagues to take a look at this matter, read the bill, talk to me, talk to the people involved and you will see that we must pass this bill.

TRIBUTE TO RAYMOND McKAY

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. QUILLEN. Mr. Speaker, over the recent Congressional recess, this country lost a pioneer of the American labor movement, and I lost a good friend. Raymond McKay, who was the long-time president of the American Maritime Officers—a union that is such a vital link in this nation's seaborne economy—passed away on August 9 at age 68.

Ray McKay first served his country by joining the merchant marines and serving in the Pacific theater during World War II. His experiences there inspired him to devote his life to helping the workers who make our civilian merchant marine the greatest sealift force in the world.

In 1949, in New York, Ray helped found the Brotherhood of Marine Engineers, and rose to become its president in 1957. Over the next 35 years, Ray's continuous leadership of the union brought about a variety of expansions, name changes, and unrelenting growth. Ray's union, in 1992, became the American Maritime Officers, this country's greatest organization of seafaring officers. Ray defied the odds against a troubled U.S.-flag merchant marine by bringing new commercial and military charter jobs to his constituents.

Ray McKay was an innovator in labor-management relations and a true champion of the rights of his merchant marine officers. As someone who had worked at every level of the industry, his understanding of the realities and situations his members faced on their jobs helped him in his quest to better their conditions. He constantly strove to improve the benefits given to his members, but he never crossed the line that would have led to the harm of the overall industry. He always realized that a strong merchant marine is vital to the defense of this country, and all his efforts went towards this goal.

I knew Ray for many years. He was always an impassioned advocate, a giver of sound counsel, and a loyal friend. My wife Cecile and I join a host of his other friends in sending our deepest condolences to his wife and the rest of his extensive and loving family. Ray McKay has gone, but his legacy and memories remain with us. His friends, his industry, and his country will sorely miss him.

Mr. Speaker, so that others may better know Ray and his accomplishments, I would like to include this full-page tribute from page one of the American Maritime Officer, the official publication of AMO District 2 MEBA, Maritime Trades Department, AFL-CIO, Volume 23, Number 8, August, 1993.

[From the American Maritime Officer, August 1993]

RAYMOND T. McKAY, SEAFARING LABOR STATESMAN, DEAD AT 68

AMO President Raymond T. McKay, who turned a small union of marine engineers into the nation's strongest organization of licensed civilian American seafarers, died of heart failure in a Florida hospital on August 9. He was 68.

McKay, a marine engineer and the statesman of the licensed seagoing labor movement, also served as vice president of the National Marine Engineers Beneficial Association, president of the AFL-CIO Maritime Trades Department's Greater South Florida Maritime Trades Council, and as a U.S. delegate to the Seafarers' Section of the International Transport Workers Federation.

McKay—known among friends for a quick, earthy wit and a sharp strategic sense—had just been elected to another three-year term as president of AMO, the union he helped launch in New York in 1949.

"Ray McKay knew the players, the problems, the policies affecting the men and women who live and work at sea in the American merchant marine," said AMO Executive Vice President Jerome E. Joseph. "No one in maritime had a keener eye for the developing trend or a deeper appreciation of the past and what it means."

McKay, who held Union book No. M-1, "understood challenge, and he knew how to respond," Joseph added. "No licensed seafaring union leader had been more thoroughly tested—in the enginerooms of U.S. merchant ships, in organizing drives and on picket lines, at the bargaining table, in government, industry, and labor. No one put in more time for more merchant marine officers."

Joseph said McKay, a native New Yorker, "was driven by character and instinct, dedicated to sustained employment for the men and women he was proud to represent."

McKay's legacy is "a union ahead of the pack, with the maritime industry's broadest job base for engine, deck, and radio officers, the most comprehensive benefits for officers and their families, the greatest opportunity for individual professional advancement."

In recent years, McKay defied the political and economic odds against a troubled U.S.-flag merchant marine by bringing new commercial and military charter jobs to his constituents while unemployment grew in other unions.

"Ray McKay knew that the easy decisions were not always the right ones," Joseph explained. "He wasn't afraid of the tough choices, and that courage made ours the most stable organization of its kind, the one best placed to cope with the extraordinary difficulties dogging our industry."

McKay's seafaring career began in the days before World War II. He was on an ammunition ship that left Pearl Harbor hours ahead of the Japanese attack that brought the U.S. into the war, and he sailed on several American-flag merchant ships in perilous North Atlantic convoys.

Those closest to McKay said the war experience instilled in him a respect for the sea, an appreciation of the U.S. merchant marine as a sealift asset, and an enduring devotion to those he considered the most admirable and valiant of all American workers—civilian merchant mariners.

After the war, McKay helped establish the Brotherhood of Marine Engineers, a union chartered by the Seafarers International Union of North America. "My office was the trunk of my car." McKay once recalled. "There weren't many of us, but we made a real difference."

Working first as a BME patrolman, then as director of the union's pension and welfare funds, McKay was elected BME president in 1957. McKay's work with the late SIUNA President Paul Hall was the start of a lasting if informal alliance with the Seafarers' union, now led by Michael Sacco.

In 1959, BME merged with MEBA locals to become MEBA Great Lakes Local 101, and McKay was elected president. The new union brought effective representation to engine and deck officers on the Great Lakes for the first time while maintaining contractual jurisdiction over a growing number of deep-sea jobs.

In 1960, Local 101 became District 2 MEBA and, later, District 2 MEBA-AMO (Associated Maritime Officers, which reflected the union's increasing representation of deck and radio officers). In 1992, the union's name was changed to American Maritime Officers, which McKay explained was "a more accurate indication of who we are."

As president of AMO, McKay gained the respect of management and labor as a tough but responsible negotiator who struck the necessary balance between the needs of union members and the health of the industry that employed them—even his rivals acknowledged McKay as a man of his word.

Joseph credited McKay with winning, and keeping, the industry's only "100-percent" medical and hospitalization benefits for merchant marine officers and their families, the most liberal retirement benefits, a unique college scholarship benefit for all dependent children of all AMO members, and an unequaled training and license upgrading program—which began in 1967 as a joint program with SIU to meet sealift manpower requirements during the Vietnam war.

McKay's commitment to excellence at sea through education and practical training led him to conceive of STAR Center—Simulation Training and Research, the most advanced ship simulator systems in the world, now in service at AMO in Dania, Florida. STAR Center is typical of McKay's vision and indicative of his confidence in our union's place in the 21st-Century American merchant marine."

But, for all his achievements, McKay shunned the spotlight. "Self-promotion was not Ray's style," Joseph said.

Joseph concluded: "Ray had a very simple philosophy, which said that work is everything to a person. He fought long and hard for good jobs for good people. We will miss him, particularly in this critical political time for the American merchant fleet."

McKay is survived by his wife, Dolly, three sons, a daughter, a brother, 15 grandchildren and four great-grandchildren.

McKay was waked at the AMO School of Marine Engineering and Navigation in Dania on August 11 and 12 and in New York on August 14 and 15. He was buried in Orangeburg, New York.

LONG BEACH REPEATS LITTLE LEAGUE CHAMPIONSHIP

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1993

Mr. HORN. Mr. Speaker, I rise today to congratulate an outstanding group of young men from Long Beach who won the Little League World Series in late August in Williamsport, PA. The Long Beach squad is the first American team in the 47-year history of the Little League World Series to win the championship 2 years in a row.

The victory could not have been more dramatic or more satisfying. It was, as Mike Downey said in an August 30 Los Angeles Times column, "a situation from some fable, from some movie." Jeremy Hess, a 4 foot 11, 114-pound pinch hitter, came off the bench with two out in the bottom of the sixth and last inning to hit a bases loaded single into the gap in right center field, driving in pinch runner Charlie Hayes for a come-from-behind 3–2 win. The crowd of 40,000 watching the game included a large contingent of family and friends who had traveled from Long Beach to cheer the team to victory.

From Hess and Hayes to Sean Burroughs, the 5 foot 5, 171-pound dynamo whose hitting heroics and three consecutive no-hitters dominated the Little League World Series, all 14 boys—Alex DeFazio, Billy Gwinn, Brent Kirkland, Timmy Lewis, Chris Miller, Kevin Miller, Nate Meoiny, Travis Perkins, Scott Tobis, Cassidy Traub, and Brady Werner, in addition to Hess, Hayes, and Burroughs—on the team played a key role in this considerable achievement. They were guided by manager Larry Lewis, Timmy's father, and Jeff Burroughs, Sean's father, the former major league star who served as coach.

"This time," Long Beach Press Telegram sports writer Dave Cunningham noted in his article on the game, "they got to dance on the field." He was alluding to last year, when Long Beach lost in the championship game to the Philippines, 15–4, then was awarded the title a month later after it was learned that the Zamboanga team had used a number of ineligible players.

As Doug Krikorian said in a Long Beach Press Telegram column, "What [the team] accomplished the past few weeks has been quite impressive and a godsend to a community wracked in recent times by a slumping economy. But what made Long Beach's triumph even more satisfying is that it was done within the bounds of the Little League rules. This Long Beach victory was legitimate and forever will remain a sacred part of the city's history.

The accomplishment of these talented young men is all the clearer when one considers that some 2.7 million youths ages 11 to 12, on 180,000 teams world-wide began the Little League baseball season last spring. Only 14 of these youngsters—all living within a few blocks of each other in Long Beach—emerged as champions.

These young athletes fulfilled every athlete's fantasy—to become the best in the world at their sport. They have made their families and community very proud. The honesty, dedication, and hard work they exemplified in becoming this year's world champions will, I know, serve them well as they face challenges throughout their lives.

Tom Hennessy, who did a superb job of chronicling the Long Beach team's progress through the competition, perhaps best captured the essence of why the Little League experience is so important. "Little League," he said, "may be the most palpable example of the payoffs that come when adults invest time in kids."

In an August 29 article, Hennessy also quoted team mom Cissy Werner, who placed this experience in the proper perspective, noting, "I've always told my kids that baseball is a small part of their lives." To this, Hennessy added, "Right now, with the spotlight on them, and hometown waiting to welcome them, the kids can be forgiven for thinking of baseball as a very large part of their lives. Things, however, will right themselves soon enough, and, in time, they will go on to do the things in life they were meant to do.

"With the exception of Sean Burroughs, it seems safe to speculate that those things probably will be light-years from the game they played so well Saturday afternoon. Perhaps there is a surgeon's hand inside the magic glove of outfielder Cassidy Traub. Perhaps a future CEO lurks in the alert responsive brain of catcher Billy Gwinn. But whatever these 14 lads one day do, again and again, they will drift back in memory to about 6 p.m. on the 28th day of August 1993."

These young men, their parents, and the entire community can feel a great sense of pride in this accomplishment. It is a measure of what can be achieved when 14 young people demonstrate teamwork, dedication, fair play, hard work, and commitment to excellence in pursuit of a common goal. I applaud the example of the Long Beach Little League team and wish all those associated with it the best as they embark on their exciting and challenging futures.

In closing, I would like to include some of the articles of which I have made reference which tell of the victory and of the young men who made it a reality.

[From the Long Beach Press Telegram, August 29, 1993]

REPEATS—WE'RE WORLD CHAMPS!

Long Beach becomes first U.S. team to win 2 in a row.

[From the Los Angeles Times, Aug. 30, 1993]

NOTHING IS LITTLE ABOUT THEIR HEARTS

(By Mike Downey)

Mom, Dad, read this story. You'll love it. It is as good as mommy-daddy stories get. You can put yourself in the story. You can put your own child in it. You can even play the kid's part yourself, if you like. Throw a ball. Run through grass. Roll in the dirt. Play a game. Replay a dream.

This is the story of children, ages 11 and 12. They are from the age of innocence. These days, our storytellers don't always bring us happy news about children. But this is something good for a change. This one is straight from the parenthood manual. This one is for the whole family.

It takes place at a baseball game. There is a bright sun in the sky. There are boys on the field. There are parents in the stands.

Among them is Jill Bratton, a mother clutching an infant. She has an older boy, whose name is Jeremy Hess, who is not on the field with the other boys. He is sitting inside the dugout, wishing that he, too, could play.

It could be a Saturday afternoon anywhere in the world. In this case it is a weekend in the hinterland of Williamsport, Pa., population 33,401, which is a town famous for one thing. Every summer around this time, the Little League World Series is played here. And boys—and girls—from all over the world come here to play.

On this day, playing for the championship is a team of boys from a city with a boy's name, David, Da-veed, a village off the southwest Panamanian coast.

Yes, boys also play baseball beside the Golfo de Chiriqui, same as they do along the California coast.

The second team comes from Long Beach, where winning the Little League championship of the world is more than a fantasy. It is a reality.

This very championship was won by Long Beach in 1992. Trouble is, it was won on a technicality. The actual winning team, from the Philippines, had played boys in their mid-teens, boys who practically were men.

Every boy in the Long Beach lineup wants to win this time by scoring the most runs. Alex DeFazio, Sean Burroughs, Brady Werner, Timmy Lewis, Kevin Miller, his twin brother Chris, Brent Kirkland, Billy Gwinn, Nate Moeiny.

Everybody on the bench understands this, too. That includes a manager, Larry Lewis, and a coach, Jeff Burroughs, whose sons are on the field. And it includes Jeremy Hess, who is not.

Should the team lose to Panama, it will shake hands and try again next time, with new players. That would be the mature thing to do. Yet it isn't easy to be mature, not with the example set by grown men who play ball.

Suspensions galore had been handed down in the majors the day before, including some for a 48-year-old manager who attacked a player and some for a pitcher who sucker-punched an opponent whose arms were restrained.

Men will be boys; boys will be men. On the mound for Panama is a weed-thin, well-brought-up boy named Alex Beitia, who throws a soft curve in the first inning that strikes a Long Beach batter, 86-pound Brady Werner the opposing pitcher on the arm. Brady runs to first base. So does Alex, who sticks out his hand and says—in Spanish or English, it doesn't matter—that he is sorry.

If only someone could guarantee us that every game ever played by adults was as good as this game. From the very beginning there is a charm to it. For example, there is a 12-year-old girl, Maria Sansone, hired as a temp broadcaster by ABC-TV, who does interviews before and during the game.

"What did you eat for breakfast?" she inquires of Long Beach's star player, Sean Burroughs, who has hit many homers and missed few breakfasts.

"Three big bowls of cereal," Sean says.

The six innings that follow give everyone butterflies. Lewis, the Long Beach manager, sends his players onto the field with this: "Six innings of good, hard play, good fun, and we'll have a lifetime of memories!"

His coach, Burroughs, still has good memories of 5,536 major league at-bats. But today he is a parent.

So are Jim and Sissy Werner, whose son pitches a great game. So is Sandy Lewis, whose husband manages while their son plays left field. So is Debbie Burroughs, who clings to a lucky blue-haired troll doll like Linus to a blanket as her son plays shortstop with the skill of an adult.

They will remember everything from this day.

Billy Gwinn, getting advice on catching from Gary Carter before the game. Alex DeFazio, blocking a grounder like a pro. Anwar Morales, pinch-running with the potential winning run. Brent Kirkland, fouling one back into Jim Palmer's palms. Shaelen Burroughs, giving an exclusive to ABC's 12-year-old Diane Sawyer of tomorrow how her brother sure can be "annoying sometimes."

Everything.

Especially, the sixth inning of a six-inning game. The score is 2-2. Tim Lewis singles and goes to second on a wild pitch. Kevin Miller tries to bunt him along, but Lewis is out at third. Charlie Hayes pinch-runs. Chris Miller singles to left. Brent Kirkland singles to center. Judy Gwinn watches anxiously as her son, Billy, who has caught a great game, goes down swinging with a good rip at a 3-and-2 pitch.

Bases full, two out. For the championship. No parent alive can't appreciate what happens next.

There sits Jill Bratton, enjoying the game, edge of her seat, arms full of baby, when who should be asked to pinch-hit but No. 6 Jeremy Hess, her son; a situation from some fable, from some movie.

First pitch, he swings and misses. Cut to Mom, going: "Ohhh!" Second pitch, and the doink of an aluminum bat is music to a mother's ears. There goes the baseball, back, back, all the way to the wall.

To home plate runs Charlie Hayes. And around first base, arms in the air, pumping like Kirk Gibson's boy of the hour, runs Jeremy, whose mom is now crying and laughing all at once.

Forever and ever, for sons, for daughters, for fathers, for mothers, there are few moments such as this.

[From the Long Beach Press Telegram, Aug. 29, 1993]

LONG BEACH RULES BECAUSE IT FOLLOWED RULES

(By Doug Krikorian)

Viva Long Beach!

Hooray from its world champion Little League team.

Enshrine Babe Ruth Burroughs in Cooperstown pronto.

And I'm sure in the euphoria of Long Beach's dramatic 3-2 triumph over Panama that their giddy fans figure that Burroughs's teammates Alex DeFazio, Billy Gwinn, Charlie Hayes, Jeremy Hess, Brent Kirkland, Timmy Lewis, Chris Miller, Kevin Miller Nate Moeiny, Travis Perkins, Scott Tobis, Cassidy Traub and Brady Werner should be enshrined, too.

The Long Beach kids accomplished on the field of young men's dreams in Williamsport, Pa., Saturday afternoon what they couldn't do a year ago against those teen-agers posing as adolescents from the Philippines.

They won on the scoreboard this time—not as a result of an administrative edict as was the case when the Philippines' 15-4 triumph over them later was reversed.

They showed once again, as they have throughout the Little League playoffs, that there is no finer group of 11 and 12-year-old baseball players on one team in the whole, entire, wacky world.

From Bixby Knolls to the Wrigley District to Los Altos to El Dorado to Belmont Shores to Naples to Park Estates to the downtown to the west side to every corner of this vast city and its surrounding areas, people can rejoice and feel proud about the achievements of these Long Beach youngsters.

And you know what I found most interesting about the title game?

I knew I was actually witnessing an honest-to-goodness duel between two teams who actually abided by Little League's rules.

For a pleasant change of pace, there were no ringers on the field, no kids with fake birth certificates, no kids sporting mustaches, no accusing fingers being pointed by distrusting fans in the stands.

Everyone actually played by the same rules.

Alas, apparently that hasn't been the case for almost a quarter of a century in these Little League test matches that were dominated for so long by teams from the Far East, mainly Taiwan.

Taiwan probably would have emerged victorious again had the Little League hierarchy not become embarrassed by the Philippines' indiscretions—it took a brave Manila newspaperman to divulge that most of players were ineligible—and become more vigilant in its enforcement policies.

In light of this year's Taiwan entry—as well as the representative from the Dominican Republic—being booted out of the Little League tournament earlier this month, one now wonders about the legitimacy of the championships won by all those Taiwanese teams who routinely turned Williamsport into their private stomping grounds.

Were they always cheating?

Were they always sending kids over here that might have been in their teens, or been selected from a pool of players much larger than the rules permit?

The overwhelming feeling here is that they were, in light of all those one-sided scores.

In retrospect, one wonders why the Little League leaders waited so long to get tough with such frauds, considering a lot of innocent kids over the years suffered humiliating losses and personal indignities—one pitcher once yielded 21 runs to Taiwan in a title game—that might have been prevented.

So, as one viewed Saturday's exercise, one at least was comfortable in the knowledge that nothing but 11- and 12-year-olds were performing on the ball diamond.

Still, it would be understandable if skeptics wondered if the Long Beach team had been employing a true ringer in its robust pitcher/slugger/superstar performer, Sean Burroughs.

The ESPN announcers have been giving Sean's vital stats as 5-5 and 170. His papa, former major league baseball star Jeff Burroughs, recently told me he's 5-7 and 165.

It's really irrelevant what his height and weight are, but there is one thing about Sean Burroughs that everyone is in agreement about—he's one unique athletic specimen.

Obviously, there have been countless dominant Little League players across the seasons.

Those from Taiwan were spectacular, but I'm sure there are some Pony League players who would be spectacular, too, if they could sneak into the World Series competition.

Sean Burroughs is a mere 12 years old and, with natural development and maturation, it would seem he's destined to one day follow his father into the major leagues.

What he and his teammates accomplished the past few weeks has been quite impressive and a godsend to a community wracked in recent times by a slumping economy.

But what made Long Beach's triumph even more satisfying is that it was done within the bounds of the Little League rules.

This Long Beach victory was legitimate and forever will remain a sacred part of the city's history.

[From the Long Beach Telegram, Aug. 29, 1993]

CHAMPS—ALL STARS WIN BACK-TO-BACK

(By Tom Hennessy)

WILLIAMSPORT, PA.—The Little League world is Long Beach's oyster.

One year after a humiliating defeat by a Philippines team of ineligible players, the Long Beach All-Stars showed what they can do when the game is honest and the playing field is level.

They defeated Panama, 3-2, in a storybook ending on a hit by Jeremy Hess, the third baseman I once likened in a column to Winnie the Pooh.

Because Long Beach was later awarded the 1992 world title, when the irregularities were uncovered in the Philippines, this marks the first time a U.S. team has won back-to-back world titles since the series began in 1947.

Hess' game-winning single came with the bases loaded in the nail biting . . . no, make that knuckle-gnawing sixth inning of a tough, momentum-swinging game that recalled Ted Williams once asked about baseball: "Do you know how hard all this is?"

(In Little League baseball, the sixth is the last inning of regular play.)

The final run, scored by utility man Charlie Hayes, sent ecstasy through the stands where Long Beach fans had ridden a roller coaster for two innings that were so draining, some of the Beachers took on the ashen pallor of convicts in solitary.

In fact, so intense was Barbara Gorman, grandmother of Long Beach slugger Sean Burroughs, that she came close to cutting a hand—on her rosary.

"Maybe Little League (officials) will now see it's more exciting when the game is played by 11- and 12-year-olds," said team dad Dave Traub.

(Some of last year's team members from the Philippines were overage.)

Five minutes into the victory celebration team manager Larry Lewis said: "It doesn't get any better than this. I think this game epitomizes Little League baseball at its best."

Added Bob McKittrick, director of the Little League district that includes Long Beach: "I think it's a fine example of what can happen when the play is clean. And I think it says something for the (Little League) program that this game was clean."

Others, in their hysteria, screamed comments that alternately were profound or made no sense at all.

"This is better than the major leagues," said team mom Nancy Tobis.

"I can't talk, I can't think," said team mom Sandy Lewis, wife of the manager. "I'm just thinking of God, the country, apple pie and baseball. I'm speechless."

When she regained her speech, she said, "I also think that last year's Long Beach All-Star team made this possible."

Others overhearing her agreed, and some called for last year's players in the stands—Ryan Stuart, Dane Mayfield and Ryan Beaver—to join in the traditional victory run around the field. That, however, did not happen.

Said Debbie Mayfield, Dane's mother: "I'm so happy for them. It's really sweet to see this happen this way instead of the way it happened last year."

The first two congratulatory messages to be received here by the Long Beach All-Stars were from Long Beach Mayor Ernie Kell and from the California Angels.

What next?

Well, there will be a parade at noon Tuesday, as you doubtless know by now, in downtown Long Beach. And following, there will be a victory celebration in the Promenade Amphitheater.

It is a heady thing, of course, to think that Long Beach is being talked about today from Armenia to Zambia, Argentina to Zimbabwe, and all 75 countries in which Little League baseball is played.

"I've always told my kids that baseball is a small part of their lives," team mom Cissy Werner told me the other day.

She is quite correct to tell her kids that. But right now, with the spotlight on them, and their hometown waiting to welcome them, the kids can be forgiven for thinking of baseball as a very large part of their lives.

Things, however, will right themselves soon enough, and, in time, they will go on to do the things in life they were meant to do.

With the exception of Sean Burroughs, it seems safe to speculate that those things probably will be light-years from the game they played so well Saturday afternoon. Perhaps there is a surgeon's hand inside the magic glove of outfielder Cassidy Traub. Perhaps a future CEO lurks in the alert responsive brain of catcher Billy Gwinn.

But whatever these 14 lads one day do, again and again, for the rest of their days, they will drift back in memory to about 6 p.m. on the 28th day of August 1993.

When a kid the size of Winnie the Pooh hit a single. And he and his pals became the champions of the world.

[From the Long Beach Press Telegram, Aug. 31, 1993]

FOR THESE KIDS, THE (BASEBALL) PLAY'S THE THING

(By Tom Hennessy)

F. Scott Fitzgerald once called baseball "a boy's game."

He said that in derision, scolding Ring Lardner posthumously for having spent much of his writing talent on the sport.

Fitzgerald was wrong, I think. Baseball, at least from a spectator standpoint, is anybody's game. In the stands at Williamsport, Pa., last week when Long Beach won the Little League World Series, were all manner of people, including a starry-eyed woman with—I cannot explain this—a gerbil on her shoulder.

But if Fitzgerald had meant to say that baseball is most charmingly played by boys (and girls), I think he would have been right on the mark.

Perhaps no kids ever played it as charmingly and excitingly as the 14 Long Beach youngsters who are now the world champs of Little League.

Geography is part of that charm. In other years, teams have gone to Williamsport after being culled from entire nations. But if you put the point of a compass on the house of manager Larry Lewis, and draw a half-mile circle, it will include, I am told, the homes of 13 of the 14 Long Beach players.

In short, while our guys are world champions, they are a neighborhood team. Some of the players have been together since nursery school.

(Second local note. To measure how well baseball is played by kids in our area, consider this: one of the closest brushes the world champs had was a 1-0 contest against the All-Stars of the Lakewood-Cerritos Little League.)

Another part of the charm is that Little League baseball may be the best baseball there is; played without the impurities of exploding scoreboards, domed stadia, contract haggling, designated hitters or greed. It is baseball played mostly for joy.

Al Miller, whose twin sons, Kevin and Chris, are on the world champion team, says, "Baseball is so pure at this age. I don't expect to ever see baseball quite like this again."

Nor do I.

There is a criticism that Little League puts too much pressure on kids, and another that parents, coaches and managers become obsessed with winning. But one of the astonishing things to me is that the champs never appeared to be under pressure as they won one tournament after another.

It is true adults get carried away with their involvement now and then. But in games I saw this year, a lot of games, I doubt that sort of thing happened more than two or three times.

To the contrary, Little League seems to bring families closer than they might otherwise be. In Williamsport, a note came to me from Elliot Lewis, who is 15. His brother, Timmy, plays on the All-Stars. His dad, Larry, is the manager.

What Elliot wrote two days before the world championship game dispels the lore about sibling rivalry and unappreciative big brothers.

"I'm proud to be the brother of Timmy Lewis and the son of Larry the Legend. Strikeout or home run, Timmy always has a smile. When he gets a hit, it makes me tingle with pride.

"My Dad has handled the pressure and publicity great. His strategy and positive attitude have helped his team get to Williamsport . . . When the boys win the world championship, I can say, 'That's my Dad and Number 21 is my brother!'"

There is, too, a bit of childhood faith on this championship team. Partway through the All-Star playoffs, the team's slugger, Sean Burroughs, told his mom, "When I have two strikes against me, I've been asking God to give me something I can hit. He hasn't let me down yet."

"Do you remember to thank him?" asked Deborah Burroughs.

"Oh, yeah," said Sean. "I say, 'Thanks, God.'"

He may be the next Henry Aaron or Babe Ruth, but as his mom says, "There's still a lot of little boy in him."

And, happily, in all those world champions. Little League also may be the most palpable example of the payoffs that come when adults invest time in kids. At breakfast one morning, when the team was still a long way from going to Williamsport, Lewis, an attorney, mused about his role as a Little League manager.

"Sometimes I ask myself, 'In the scheme of life, is all this really worth it?' And I answer myself, 'Yeah, in the scheme of life, all this really is worth it.'"

As noted, my wife and I watched a lot of Little League baseball this year. When, perhaps, we should have been doing "responsible" things—social things, business things—we were in the stands instead, shouting encouragement and strategy to kids who, most likely, never absorbed a word of our sage advice.

I would not trade those games for anything. In fact, watching Little League taught me more about the strategy of baseball than I ever derived from watching the major leagues.

Yet, when the rains end next spring, and Long Beach's Stearns Park is pronounced fit for another season, I am not sure we will be back.

It is difficult to explain that—save, perhaps, with a story of why the Irish writer, Sean O'Casey, once walked out in the middle of a concert by the great tenor, John McCormack.

When astonished friends asked why he had done this, O'Casey replied, "I couldn't bear another minute. It was too beautiful."

Thanks, kids, for a great season. An almost too beautiful season.

[From the Long Beach Press Telegram, Aug. 29, 1993]

HESS' HEROICS GIVE LONG BEACH SECOND CONSECUTIVE WORLD TITLE

(By Dave Cunningham)

WILLIAMSPORT, PA.—This time, they got to dance on the field.

Long Beach won the Little League World Series in a 3–2, sweaty-palms thriller over Panama Saturday afternoon.

The game was decided in the bottom of the last inning when pinch hitter Jeremy Hess delivered a two-out, bases-loaded single before 40,000 at Lamade Stadium in Williamsport, Pa.

And the All-Stars reveled in an experience that was denied them last year. They got to celebrate right there on the field.

"This is an absolutely indescribable feeling," said Long Beach manager Larry Lewis. "It's instant gratification.

"It's a victory that's not tainted in any fashion. There are no questions raised. We won it fair and square on the field."

Last year, Long Beach lost in the championship game to the Philippines, 15–4, only to have the world title transfered to them one month later, when the Zamboanga team was found to have used ineligible players.

"It's just a great feeling to leave the ballpark knowing we won it on the field," Lewis said, "and that all the players contributed, instead of winning it in some meeting room where all the bigwigs make the decisions."

Long Beach becomes the first U.S. team in the 47-year history of this tournament to repeat as Little League World Series champion.

When the season opened last spring, 2.7 million youngsters on 180,000 teams worldwide began playing Little League baseball in 75 different countries. Only 14 of those youngsters can eventually claim to be the best in the world.

Those 14 world champions live in Long Beach.

But David Doleguita Little League, the Latin America champion from David, Chiriqui, Panama, made Long Beach earn everything it got.

Panama pitcher Alex Beitia took a no-hitter into the fifth and didn't really falter until the bottom of the sixth and final inning, when he was trying to preserve a 2–2 tie.

That's when Long beach loaded the bases with one out. Panama brought in hard-throwing reliever Abel Navarro, who got a strikeout and was just one out away from escaping the jam and sending the game into extra innings.

"As soon as I saw that the kid was throwing nothing but fast-balls," Lewis said, "I told (coach) Jeff Burroughs, 'I think Hess is our man.'

"The reason I didn't start Jeremy is because they were throwing a curveball pitcher, and he has trouble with curves. But he's an extraordinary fast-ball hitter."

With one strike on him, Hess lined the next pitch to the fence. Pinch runner Charlie Hayes stomped on the plate with the winning run, and the celebration began.

"Mr. Beitia pitched one heck of a game," Burroughs said. "We were lucky to dribble a few hits in, but my hat is off to Panama. That was one of the most exciting games in Little League World Series history."

Panama struck first, scoring in the third inning when Navarro's two-out single to center brought home Ivan Atencio from second base.

Long Beach tied it in the fourth inning without the benefit of a hit.

Sean Burroughs and Brady Werner drew back-to-back walks to start the inning,and while Beitia was in the process of striking out the next two batters, the runners moved to second and third on a wild pitch.

Another wild pitch enabled Burroughs to score from third.

Panama reclaimed the lead in the fifth. Onesimo Morales drew a two-out walk, and Atencio lined a single to right, which sent Morales toward third. Burroughs' relay throw bounced away from third base, and Morales scored to make it 2–1.

Long Beach answered with a run in the bottom of the fifth on Werner's single to center, scoring Alex De Fazio from second base. De Fazio had broken up Beitia's no-hitter with a single to center and taken second on a wild pitch.

Long Beach looked like it was going to end the drama quickly in the bottom of the sixth and final inning.

Timmy Lewis led off with a single to left, then took second on a wild pitch.

Kevin Miller tried to sacrifice Lewis to third, but Navarro fielded the bunt cleanly at third and threw to shortstop Atencio covering for a tag play on Lewis.

Then Chris Miller and Brent Kirkland hit consecutive singles to load the bases.

Navarro replaced Beitia and struck out Billy Gwinn. Then he faced Hess, who had a date with destiny.

"As soon as I hit it," Hess said, "I knew it was in the gap."

Hess seemed more composed than his adult coaches.

SENATE—*Friday, September 10, 1993*

(Legislative day of Tuesday, September 7, 1993)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore [Mr. FEINGOLD].

PRAYER

The guest Chaplain, the Reverend Richard C. Halverson, Jr., Falls Church, VA, offered the following prayer:

Let us pray:

Father in heaven, it is written that, *Two are better than one; because they have a good reward for their labour. For if they fall, the one will lift up his fellow: but woe to him that is alone when he falleth; for he hath not another to help him up.*—Ecclesiastes 4:9, 10.

Lord, we see the wisdom of these words embodied in the association of two parties within the Senate, rather than one. Inasmuch as You have sovereignly determined that legislation among men, for this time in our land, emerge from the synthesis of these two parties—laboring together even from opposite poles—we pray for the quiet, invisible, reconciling presence of the Lord on the floor of this Chamber.

Lord, in this dispensation of Your coming into the world, we are humbled. Yet we boldly ask that Your divine influence make the aisle down the center of this room a common meeting ground rather than a dividing wall for separation.

Lord, as an instrument is finely tuned in the proper tension of its strings, we pray that the two extremes on each side of the issue can be not so slack that the sound of the outcome be dull, nor so taut that it be strident. May Your divine hand so guide our imperfect deliberations here, that, in this time, the performance of this instrument of government ring true to the ears of its people.

We ask now for this measure of good will among us, in the name of the Messiah, Jeshua. Amen.

And then, Lord, I pray for the pages here who have been here only a few days now. We remember them and thank You for their presence and help in this Senate. We pray for their families and their relatives and friends and ask that this be a wonderful experience for them. May they learn much and be strengthened and encouraged in their service here.

We ask all of these things. Amen.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of S. 1298, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1298) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

CBO COST ESTIMATE FOR S. 1298, THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

Mr. NUNN. Mr. President, when the Armed Services Committee reported S. 1298, the National Defense Authorization Act for fiscal year 1994, to the Senate on July 27, the Congressional Budget Office [CBO] cost estimate on this bill was not available. The committee indicated in our report accompanying the bill that this cost estimate would be included in the material presented during the Senate floor debate.

Mr. President, the committee has received the CBO cost estimate on the bill, and I ask unanimous consent that it be included in the RECORD at this point.

There being no objection, the cost estimate was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 30, 1993.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for S. 1298, the National Defense Authorization Act for Fiscal Year 1994, as ordered reported by the Senate Committee on Armed Services on July 23, 1993.

The bill would affect direct spending and thus would be subject to pay-as-you-go procedures under section 13101 of the Budget Enforcement Act.

Should the Committee so desire, we would be pleased to provide further details on the attached cost estimate.

Sincerely,

ROBERT D. REISCHAUER,
Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE—JULY 30, 1993

1. Bill number: S. 1298.

2. Bill title: National Defense Authorization Act for Fiscal Year 1994.

3. Bill status: As ordered by the Senate Committee on Armed Services on July 23, 1993.

4. Bill purpose: This bill would authorize appropriations for 1994 for the military functions of the Department of Defense (DoD), the Department of Energy, and the Federal Emergency Management Agency. This bill also would prescribe authorized personnel strengths for each active duty and selected reserve component.

5. Estimated cost to the Federal Government: The costs of this bill are shown in Table 1. All estimates assume that funds will be appropriated for the full amount of the authorization and will be available for obligation by October 1, 1993. Outlays are estimated based on historical outlay rates. Costs of the bill would fall under function 050, National Defense, except for certain items noted below.

Direct Spending and Asset Sales—The direct spending and asset sales in this bill stem primarily from provisions that would survey or lease government property, sell assets of the strategic stockpile, use the proceeds of sales, and expand pay and benefits.

Property conveyances.—The bill would convey land and other property in barter arrangements and in cash transactions. In one case the Department of Defense (DoD) would be allowed to use the cash proceeds.

The bill would remove a provision from current law requiring appropriations action before DoD could use the proceeds of a lease at the Naval Reserve Center in Atlanta, Georgia for constructing a Marine Corps Reserve Center at Dobbins Air Force Base. CBO estimates direct spending of $3 million from this provision.

TABLE 1.—ESTIMATED COSTS OF THE NATIONAL DEFENSE AUTHORIZATION ACT, 1994, AS ORDERED REPORTED BY THE SENATE ARMED SERVICES COMMITTEE

[By fiscal year, in millions of dollars]

Category	1994	1995	1996	1997	1998
Direct spending:					
Estimated budget authority	34	59	62	65	73
Estimated outlays	31	61	63	65	73
Asset sales:					
Estimated budget authority	−39	−33	−33	−8	−8
Estimated outlays	−39	−33	−33	−8	−8
Authorizations of appropriations:					
Stated authorizations	190,610	0	0	0	0
Estimated outlays	105,970	48,981	21,260	8,481	4,343
Estimated authorizations	49,784	1,691	2,987	2,983	3,017
Estimated outlays	46,257	5,119	2,932	2,985	3,016

A land conveyance of 18.45 acres in Broward County, Florida could result in a cash payment of $3 million to the federal government. In this case, DoD would not be able to use the proceeds.

In another provision, the bill would waive Section 514 of the Foreign Assistance Act of 1961 to permit the Secretary of Defense to augment defense appropriations through barter or sale of items to the Government of Korea. This amendment would authorize the Secretary to negotiate concessions including cash, services, waiver of charges, and other items of value. CBO cannot estimate the magnitude of the direct spending—either forgone receipts or use of the proceeds—because of insufficient data.

Section 3133 would allow the Secretary of Energy to transfer certain government property to any person if the transfer will mitigate adverse economic consequences of closing a facility. Consideration for the transfer may be less than fair market value and any monetary proceeds would constitute an asset sale under the Budget Enforcement Act of 1990. The Department of Energy does not appear to have a plan to use this authority, but the reconfiguration of the nuclear weapons complex may offer many opportunities to use it. Nevertheless, CBO cannot estimate the budgetary impact of this provision without a departmental plan.

Stockpile sales.—The bill calls for the sale of selected materials contained in the Strategic Stockpile. These asset sales would raise receipts by about $36 million in 1994 and about $118 million for the five-year period 1994–1998. This provision would also cause direct spending by requiring payment of $20 million to the American Metalcasting Consortium from stockpile receipts.

Disability benefits.—Effective October 1, 1994, section 602 would permit a veteran with a service-connected disability rating of 100 percent who is also a retired member of the Armed Forces to receive compensation from the Department of Veterans Affairs (VA) concurrently with retired pay, without deduction from either.

Under current law, military retirees who have some service-related disability are not permitted to receive a full annuity from DoD in addition to disability compensation from VA. Such retirees must waive either their entire VA disability compensation benefit or a portion of their DoD military retirement equal to the amount of their disability compensation. Because VA disability compensation is not taxable, most retirees forgo all or part of their DoD retired pay in order to collect compensation from the VA.

The cost of this provision is shown in the following table. The estimate assumes that the benefits of this bill would not be retroactive; that is, it assumes that beneficiaries will not be reimbursed for payments they waived in previous years. The estimate is also based on CBO projections of cost-of-living adjustments, military pay raises, military personnel levels, and the military retiree population.

According to the Defense Manpower Data Center, as of September 30, 1992, there were approximately 15,000 former servicemembers who were rated 100 percent disabled and who retired with at least 20 years of service. These people received disability compensation from the VA. The total value in 1992 of retirement benefits being waived by this group was close to $43 million. To project the costs in future years, this total was increased for actual and anticipated cost-of-living adjustments.

Section 602 would cost about $50 million a year over 1995–1998 with costs divided between direct spending and authorization of appropriations. First, higher payments to military retirees through outlays from the military retirement trust fund in the income security function (function 600) would constitute direct spending. They would increase outlays by approximately $189 million over the next five years.

Second, the budget's accounting for the military retirement system reflects an estimate of the system's accruing liabilities. Therefore, the yearly contributions to the trust fund (paid by DoD in budget function 050) also would increase. These contributions are subject to appropriations action and thus are not direct spending. CBO estimates that accrual payments would increase by approximately $73 million over the five-year period ending in 1998. The change in this payment would be offset in the undistributed offsetting receipts function (budget function 950).

[By fiscal year, in millions of dollars]

	1994	1995	1996	1997	1998
Direct spending					
Estimated budget authority	0	44	46	48	50
Estimated outlays	0	44	46	48	50
Authorization of appropriations:					
Function 050:					
Estimated authorizations	0	18	18	18	19
Estimated outlays	0	18	18	18	19
Function 950:					
Estimated authorizations	0	−18	−18	−18	−19
Estimated outlays	0	−18	−18	−18	−19

Other pay and benefits for personnel.—Section 337 amends the pilot program that uses National Guard personnel to provide medical services in certain communities. The provision would provide retirement credit for any service performed in fiscal year 1993. Because most of the Guardsmen involved with this program would not receive retirement benefits during the five-year period covered by this estimate, costs would be less than $500,000 each year.

Section 654 would provide retirement pay to spouses or former spouses of military members if the members abused their dependents, were subsequently court-martialed, and as a result lost their right to retired pay. Currently, a dependent can receive the retired pay of the military member, but only after completion of the entire appeals process. This provision would provide immediate payments. If the initial conviction were overturned, however, payments would be terminated. Costs for 1994 would be about $300,000, including retroactive payments. Out-year costs would average about $160,000 a year.

Section 603 would allow the Secretary of the Air Force to waive repayment of basic pay advances made in connection with the evacuation of Homestead Air Force Base in 1992, at a cost of approximately $1 million. Because this provision would reduce a receipt to the government, it constitutes direct spending.

Section 641 provides permanent authority for payments to former prisoners of war whose captors violated provisions of the Geneva Convention. Currently, if Congress does not grant this authority for a specific armed conflict, DoD can still make payments under existing authority to compensate victims of terrorism. Section 642 would allow former prisoners of war to be compensated only under the prisoner of war provisions and not under the terrorism provisions. These changes would affect only participants in future armed conflicts, and would not increase costs relative to the provisions of current law.

Section 532 extends the authority of DoD to carry out certain force management initiatives related to the personnel drawdown. These authorities were originally granted until 1995, but this bill would extend them until 1998 in anticipation of continued reductions in personnel. A number of these provisions affect direct spending.

One such provision continues the waiver on the minimum service requirement for certain reservists under the Montgomery GI Bill. This provision would cost approximately $1 million annually because participants would receive their benefit sooner than would otherwise have been the case.

Another of these provisions would require certain limited duty officers who would otherwise serve in the Navy between October 1, 1995, and October 1, 1998, to retire early. According to the Navy, this provision would apply to 45 officers, all of whom would retire with more than 30 years of active duty service. Annual retired pay for this group would be about $2 million after 1996.

Section 532 would also allow certain categories of officers to retire at their current rank with fewer years of service in that grade than current law requires. The provision would affect officers voluntarily leaving the service at any grade above major or lieutenant commander and below lieutenant general of vice admiral. The additional retirement costs would not exceed $500,000 annually.

Another provision of this section affects the length of service an individual must serve as an officer in order to retire with officer status. Under current law, the minimum time required is ten years 1995; but this bill would extend a reduction to eight years through 1998. DoD is unable at this time to determine the number of officers affected by this provision; consequently, its cost impact is uncertain.

Section 512 of the bill affects the calculation of years of service for mandatory transfer to the retired reserve. In the absence of this provision, some members would need to reenlist in order to acquire sufficient years of service for retirement. DoD estimates that the number of personnel affected by this provision is small, and that added retirement costs would amount to less than $500,000 per year.

Section 545 would award the Purple Heart to servicemembers killed or wounded in action by friendly fire. This provision is retroactive, so its costs would constitute direct spending. CBO estimates the spending to be less than $500,000 per year.

Changes in Medicare Fee Schedule.—Under current law, physicians in the first year of practice receive a maximum of 80 percent of the Medicare Fee Schedule. In the subsequent three years, the maximum rises annually to 85 percent, 90 percent, and 95 percent. The reductions from the full fee do not apply for primary care services or services performed in rural Health Manpower Shortage Areas. This bill would eliminate the fee schedule reduction for physicians who have practiced in the military but are new to Medicare.

The cost of this provision is $10 million in 1994 and $75 million for 1994–1998. This estimate was based on the average reimbursement for a physician's initial year of practice and the number of military physicians leaving the service, as provided to CBO by DoD and the American Medical Association.

The House- and Senate-passed reconciliation bills include provisions that would repeal the reduction in payments to new physicians and practitioners, which would include physicians with prior military experience. If the reconciliation bill is enacted before this bill, this provision would have no budgetary effect.

Other direct spending.—Section 336 would allow the National Board for the Promotion of Rifle Practice to use monies generated from the sale of ammunition beyond the fiscal year in which they were received. This reappropriation of proceeds would be less than $500,000 in 1994.

Finally, the bill would allow the Secretary of Defense to accept and spend cash contributions from Japan, Kuwait, and the Republic of Korea. Any contributions would be available to pay local national employees, to construct facilities, and to purchase supplies and services. This provision constitutes direct spending because no appropriations action would be required. The new budgetary impact would probably be close to zero in any one year primarily because receipts and expenditures would offset each other. The gross amounts of burdensharing for these 3 countries could total over $7 billion a year, but this burdensharing will probably take a form other than the cash contributions affected by this bill. Other nations also help finance U.S. deployments overseas by providing aid in-kind or by directly paying the bills of U.S. forces. For example, the Japanese government has committed itself to paying 75 percent of the yen-denominated costs of stationing U.S. troops in Japan; these costs total about $3 billion annually. The Korean government has similarly committed itself to paying three-fourths of the approximately $3 billion in won-denominated costs of stationing U.S. troops there.

Stated Authorizations of Appropriations: The bill states the amount of authorizations for appropriations for several accounts totaling about $191 billion for 1994. It authorizes a subset of the supplemental appropriations for 1993 enacted as Public Law 103–50; the authorizations equal the actual appropriations.

Estimated Authorizations of Appropriations: The bill contains implicit authorization of appropriations extending beyond 1994 affecting primarily military personnel costs; Table 2 contains CBO estimates for the amounts authorized and the related outlays. The following sections describe the items shown in Table 2 and provide information about CBO's cost estimates.

Endstrength.—The bill would authorize 1994 end strengths for active and reserve components of DoD. Endstrengths authorized for active-duty personnel would total 1,622,200—1,600 more than the Administration's request and 144,300 below authorized 1993 levels. Current trends indicate that reductions in personnel are outpacing the budget's estimates, so that the endstrength authorized by this bill will cost $359 million less than the Administration requested.

Reserve endstrengths levels for 1994 would be authorized at 1,040,000—about 21,000 more than requested, but 39,500 less than the 1993 level. Compared to the budget request, the reserve authorization would cost $86 million in pay and allowances.

Also, the bill would authorize an endstrength of 10,500 people for the Coast Guard Reserve in 1994, which is 2,500 above the level of the budget request. This authorization would cost $60 million and falls under budget function 400.

Budget function 950—undistributed offsetting receipts—records the receipt of payments from function 050 for military retirement, retirement for DoD's civilian employees, Social Security and Medicare. The total of over $21 billion shown in Table 2 for function 950 relates to the costs of both civilian and military personnel.

Military Pay Raise.—The bill authorize a 2.2 percent pay raise in 1994 for military personnel. The Administration's budget request assumed that military pay was frozen in 1994; this change costs $1,033 million relative to the request.

Force management authorities.—Section 532 contains provisions that increase authorizations by extending force management initiatives related to the personnel drawdown. (Other provisions of this section would increase direct spending, as described above.) One provision extends DOD's authority, granted in 1992, to offer early retirement to certain military personnel with less than 20 years of service. Current law allows this practice until 1995, and this bill would extend it through 1998. DOD's current plan is to grant a total of about 13,000 early retirements during 1993 and 1994, at a cost of $370 million over the two-year period. If use of the program continued at this rate after 1995, costs would amount to about $200 million per year. Because DOD's ability to offer such retirements is subject to the availability of appropriations, and payments are made from discretionary accounts rather than from the military retirement trust fund, these payments do not constitute direct spending. These gross costs would be offset by salary savings resulting from replacing the senior personnel who retire with new recruits, whose pay is significantly lower. The net cost of extending this program is $88 million in 1996 and $119 million for 1996–1998.

This section also extends through 1998 authority for the Voluntary Separation Incentive (VSI) program. This program gives selected servicemembers the opportunity to leave service voluntarily and receive a recurring annual payment over a fixed period of time. When servicemembers opt for VSI, DOD must provide sufficient funding up from to meet all future payments, which can extend for up to 38 years. These amounts are deposited in the VSI trust fund. Based on current participation rates, CBO estimates that approximately 5,000 individuals would choose VSI each year during the period of the extension. This would require up-front funding totalling more than $500 million annually from military personnel accounts. However, these amounts are offset elsewhere in the defense budget. For the three years of the extension, 1996–1998, outlays would rise by $289 million.

This section also extends through 1998 authority for the Special Separation Benefit (SSB) program created in 1991. This program, currently set to expire after 1995, gives selected servicemembers the opportunity to leave service voluntarily in return for a lump sum cash payment. CBO estimates that if use of the SSB program remains at the levels planned for 1992 through 1994, approximately 30,000 individuals will participate each year at an annual cost of more than $1.2 billion.

Section 532(c) would extend the Guard and Reserve Transition Initiatives, authorized by the National Defense Authorization Act for 1993 from September 30, 1995, until October 1, 1998. The extension would add $580 million to costs for 1996 through 1998.

Section 532 would also extend the authority to pay certain travel and transportation allowances to certain members leaving service. Current law allows such payments through 1995, but this change would extend them through 1998 at a cost of about $1 million annually.

Other compensation and benefits.—Sections 611 and 612 would extend for two years certain authorities for bonus programs that would otherwise expire at the end of 1993. Authority to pay bonuses to certain health professionals including nurse officer candidates, registered nurses, and nurse anesthetists would increase authorization by $9 million in 1994. Payment authorities for enlistment and reenlistment bonuses for active duty personnel would cost $210 million in 1994. Finally, extension of certain bonus programs for Selected Reserve personnel would increase costs by $49 million in 1994.

Section 621 that would raise the number of days for which military personnel can be reimbursed for certain travel expenses. This change would increase costs by about $30 million annually.

Section 652 of the bill allows the secretaries of the military services to reimburse servicemembers for losses on deposits for rental housing in foreign countries due to foreign currency fluctuation. The secretaries would advance funds to the members for deposit payments, and collect repayment at the end of the rental period based on the same exchange rate that was in effect at the beginning of the rental period. Thus over time the secretaries would realize some losses and some gains depending on the direction of the fluctuation. Because this is a new program, costs would amount to about $1 million in the first year due to the initial advance payments.

Section 431 would cap the authorization of appropriations for military personnel at $70,711 million in 1994. Because other sections of the bill increase costs above this level, this section has the affect of reducing the authorization by about $188 million.

Other provisions.—The bill would authorize the President to issue up to $1 billion in guarantees for the sale of defense articles and services to certain countries and would authorize the appropriation of $25 million for the subsidy cost of such guarantees. The guarantees authorized by this amendment are similar to, but somewhat more restrictive, than the foreign military financing authorized by the Arms Export Control Act; the terms of the guarantees must be similar to medium- and long-term guarantees extended by the Export-Import Bank and the countries eligible for financing are listed. Assuming the subsidy cost of the loans authorized by this section is similar to the subsidy provided by Eximbank guarantees, the authorized amount may not support $1 billion in long-term guarantees. Outlays of $2 million in 1994 are estimated using the historical spendout rate for foreign military financing for countries other than Israel and Egypt. The cost of this provision would fall in budget function 150, International Affairs.

The bill would also authorize the Panama Canal Commission to spend any sums available from operating revenues or Treasury borrowing for operation, maintenance, and improvement of the canal in fiscal year 1994. This spending and the canal's operating revenues are considered discretionary, because the appropriation bill customarily establishes an obligation ceiling for this account. CBO estimates that 1994 collections will be about $558 million and that collections will exceed spending by about $3 million, resulting in net outlays of −$3 million in budget function 400, Transportation.

Section 625 would allow members of the Coast Guard Reserve who are involuntarily dismissed from service to receive transitional benefits as authorized under the National Defense Authorization Act for 1993. Based on the budget request, costs could be about $4 million in 1994 and roughly $20 million for the five-year period. However, with the endstrength authorized in this bill, this provision would have no cost.

TABLE 2.—ESTIMATED AUTHORIZATIONS IN THE NATIONAL DEFENSE AUTHORIZATION ACT, 1994, AS REPORTED BY THE SENATE ARMED SERVICES COMMITTEE

[By fiscal year, in millions of dollars]

Category	1994	1995	1996	1997	1998
End strengths:					
Function 050:					
Estimated authorization level	69,567	0	0	0	0
Estimated outlays	66,123	3,444	0	0	0
Function 400:					
Estimated authorization level	60	0	0	0	0
Estimated outlays	58	0	0	0	0

TABLE 2.—ESTIMATED AUTHORIZATIONS IN THE NATIONAL DEFENSE AUTHORIZATION ACT, 1994, AS REPORTED BY THE SENATE ARMED SERVICES COMMITTEE—Continued

[By fiscal year, in millions of dollars]

Category	1994	1995	1996	1997	1998
Function 950:					
Estimated authorization level	−21,012	−18	−18	−18	−19
Estimated outlays	−21,012	−18	−18	−18	−19
Compensation and benefits:					
Military pay raise:					
Estimated authorization level	1,033	1,335	1,318	1,307	1,308
Estimated outlays	982	1,320	1,319	1,308	1,308
Expiring force management authorities:					
Estimated authorization level	0	0	1,532	1,555	1,617
Estimated outlays	0	0	1,456	1,554	1,614
Expiring bonus authorities:					
Estimated authorization level	268	325	106	91	63
Estimated outlays	255	322	117	92	64
Travel reimbursement:					
Estimated authorization level	30	30	30	30	30
Estimated outlays	30	30	30	30	30
Disability benefits:					
Estimated authorization level	0	18	18	18	18
Estimated outlays	0	17	18	18	18
Rental deposit reimbursement:					
Estimated authorization level	1	1	1	....	....
Estimated outlays	1	1	1	....	....
Cap on military personnel appropriations:					
Estimated authorization level	−188	0	0	0	0
Estimated outlays	−179	−9	0	0	0
Loan guarantees for defense purchases:					
Estimated authorization level	25	0	0	0	0
Estimated outlays	2	10	9	2	1
Panama Canal:					
Estimated authorization level	0	0	0	0	0
Estimated outlays	−3	0	0	0	0
Total estimated authorizations:					
Estimated authorization level	49,784	1,691	2,987	2,983	3,017
Estimated outlays	46,257	5,119	2,932	2,985	3,016

6. Pay-as-you-go considerations: Section 13101 of the Budget Enforcement Act of 1990 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1995. The direct spending costs of this bill that are subject to the pay-as-you-go procedures are shown in the following table:

[By fiscal year, in millions of dollars]

	1994	1995
Change in outlays	31	61
Change in receipts	(1)	(1)

[1] Not applicable.

7. Estimated cost to State and local government: None.

8. Estimate comparison: None.

9. Previous CBO cost estimate: None.

10. Estimate prepared by: Eugene Bryton, Elizabeth Chambers, Victoria Fraider, Lori Housman, Amy Plapp, Deborah Reis, K.W. Shephard, Lisa Siegel, Kevin Weiss, and Joseph C. Whitehill.

11. Estimate approved by: Paul Vande Water (for C.G. Nuckols), Assistant Director for Budget Analysis.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Nevada is recognized.

Mr. REID. Thank you, Mr. President.

AMENDMENT NO. 815

(Purpose: To terminate the Ground Wave Emergency Network (GWEN) Program of the Air Force)

Mr. REID. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mr. WOFFORD, Mr. WELLSTONE, and Mr. FEINGOLD, proposes an amendment numbered 815.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 51, after line 24, insert the following:

SEC. 218. TERMINATION OF GROUND-WAVE EMERGENCY NETWORK PROGRAM.

(a) TERMINATION OF PROGRAM.—The Secretary of the Air Force shall terminate the Ground Wave Emergency Network (GWEN) program of the Air Force.

(b) FUNDING LIMITATION.—Funds available to the Department of Defense for obligation for the Ground Wave Emergency Network (GWEN) program may be obligated for that program only for payment of the costs associated with the termination of such program.

PEACE ACCORDS BETWEEN ISRAEL AND THE PLO

Mr. REID. Mr. President, before getting into my remarks on this amendment, I think it is appropriate to mention how elated I am—and I hope the rest of the country is and the rest of the world is—over the signing of the peace accords, at least the initial aspects of them, between the State of Israel and the Palestinian Liberation Organization. If in fact in that part of the world there were a war today and it had been declared, as has happened numerous times in the past 50-odd years, we would certainly be focusing on that issue. I think perhaps we are not focusing on it enough. What took place there yesterday and will take place in the next few weeks is momentous, and I certainly commend and applaud leaders who were able to negotiate that most delicate beginning aspect of the peace in that part of the world.

AMENDMENT NO. 815

Mr. REID. Mr. President, what we are going to talk about here this morning in relation to this amendment, as far as I am concerned, is almost unbelievable. To think that we would have to come to the Senate floor and offer an amendment to cut a project that goes back to an era of time that we all dreaded; namely, the cold war, and to think that the military is going forward with this is, I think, incomprehensible.

What are we talking about here today? We are talking about the ground wave emergency network. We will refer to that here today in this debate as the GWEN, the ground wave emergency network.

What is the ground wave emergency network? Mr. President, it is a system which started out with about 250 towers, 300 feet high, all over this country. The first one, I believe, was built in Massachusetts. They were designed to provide a redundant military communication system after a nuclear attack on the United States by the former Soviet Union. There are people who even at the time questioned whether or not GWEN would work. Now people are still questioning it, and rightfully so.

Retired Adm. Eugene Carroll, of the Center for Defense Information, states: "GWEN is a satire on military spending. There was not anything to justify it in the early eighties"—still quoting Admiral Carroll—"when it was originated and there is nothing to justify it now. The fact this program is still surviving is absolute proof that once a program gets funded it is impossible to stop." That is what Admiral Carroll stated.

When I first came to Washington—that was not many years ago—I was told, do not waste your time on trying to eliminate a defense program no matter the size of the program especially if it has been funded on one previous occasion. It will never stop. And those people that said that are basically right. Programs never stop. They just continue to go on and on.

There might be some who say why worry about GWEN? Why worry about the ground wave emergency network? It is not much money. A lot of people think it is a lot of money. A statement was given recently by Congressman OBERSTAR, a veteran Congressman from Minnesota, who talked about stopping the doomsday tower. He began his article by saying: "A body at rest remains at rest. A body in motion continues to move in the same direction with the same speed unless a force is impressed upon it."

This is Newton's first law of motion, of course. But what Congressman OBERSTAR went on to say is that had Sir Isaac Newton lived today, he might have called his laws of dynamics the laws of military bureaucracies since the first law closely describes the U.S. Air Force and its actions with regard to the ground wave emergency network. Fifty-four of these towers, Mr. President, have already been built at a cost of $235 million.

The Congressional Budget Office says canceling the project now will save $41.2 million during the next 4 years.

It will also save the yearly operating cost of about $6.5 million annually after the system is built. There will be those that never saw a military program they did not like—especially after it is already started—who will stand and say that it will cost money to terminate the program. And that is absolutely true. It will cost money to terminate the program. But I think if you look at what CBO told us, even considering what it costs to terminate the program, we will still save $41.2 million.

Robert Reischauer, Director of the CBO, in July of this year, in a letter to Congressman BARNEY FRANK, indicated just that. I will quote in part from this letter:

> Gross savings from ending GWEN would total $47.9 million. Of appropriations provided prior to 1994, $13.7 million has been obligated but not yet spent pending a report from a scientific advisory board. About $1.7 million would be saved from the administration's budget submission for research, development, test, and evaluation and procurement funding for 1994, about $0.5 million and $1.2 million, respectfully. Additional savings would result from eliminating future operations and support costs. According to the Air Force, maintenance costs for the entire network total $6.5 million annually.

Let us talk about termination costs, Mr. President. As Mr. Reischauer mentions:

> Termination are costs of canceling existing contracts. The costs include penalties and payment for work performed to date. CBO cannot estimate total termination costs with certainty, but it appears that these costs could total about $6.7 million dollars. About $5.7 million would be required to end the contract for installing 29 relay nodes. Terminating 44 property leases would probably cost no more than $1 million. Other costs may be associated with terminating a contract to maintain the network, but the Air Force could not supply sufficient data for an estimate.

I think what Congressman OBERSTAR stated in his article is an apt description of what is happening in the Air Force with regard to the ground wave emergency network. It is a throwback to the cold war. It is a throw back to the cold war, and even at the time there was not agreement that it would work as a redundant system.

We are talking about trying to save money. We have debated this defense bill and all of the appropriations bills to this point. Monday, we are going to start Interior appropriations. Senator BYRD, chairman of the subcommittee, and Senator NICKLES, the ranking member, have struggled so that we can have maintenance for our park systems, so that the Forest Service can have enough money to replace workers that are being laid off. And all through the interior budget process, we are fighting to save $1,000 here and $10,000 there. We are talking about being able to save over $40 million here today, which can be used in many different ways.

As I indicated, Mr. President, GWEN started out as a system of about 250 towers. Because of the criticism, it was cutback to 121 towers. These towers are 300 feet tall. They were designed, as I have indicated, to provide a redundant military communications system.

These transmitters are designed to be resistant to the electromagnetic pulse, EMP, and other effects of a nuclear attack. So in the event of nuclear annihilation of this country, the few surviving military leaders will be able to give orders to fire more nuclear weapons at our enemy. That is the purpose of it.

The question of "what enemy?" has been asked on this floor during the debate on the defense bill. I think it is an important one. It came up during the Somalia question yesterday. What objectives do we have as a military? What objectives do we have as a country? That is the question that is here today regarding GWEN. What are we talking about? Where do we need to spend our money? What are our military options? Who is our enemy? President Bush announced that the cold war was over, and I do not think anybody would dispute that. We still have to worry about careless attacks with nuclear weapons, of course, but that is not the purpose of GWEN. The threat of nuclear conflict is not entirely gone, but it is certainly different than the mutual annihilation in effect several years ago between the Soviet Union and the United States.

As I mentioned, Mr. President, 54 of these towers have already been built. We can save $41.2 million. We can save the operating costs of $6.5 million each year. This amendment terminates the program and allows for termination costs, which CBO estimates will be, as I have indicated, $6.7 million.

Every day, we write letters to our constituents, because they ask us questions and send mail to us asking: What are you going to do to save money? We just finished a budget battle where we passed the largest deficit reduction bill in the history of this country, and most of us said afterward that there were more cuts to come. Mr. President, here are some real, honest-to-goodness dollars that can be saved, over $40 million. So these are real cuts. These are not just pie-in-the-sky cuts. Here is a chance to make a cut in a program that is completely unnecessary.

Other controversies exist in relation to this program. One controversy that exists regarding this program is because of a concern over the possible effects of health on the electromagnetic emissions from these towers. There are some who say that the health concern is significant. In fact, it was so significant, the construction was halted in 1990 because of possible concerns over health. For six seconds every hour, the towers emit 150 to 175 kilohertz test signals.

Scientists say that is dangerous. The National Academy of Sciences took, not 3 days, 3 weeks, or 3 months, but 3 years to test what this would mean. It was determined that there was "no evidence of adverse effects of GWEN fields on public health." This conclusion has been significantly criticized, and many feel that the issue is still unsettled. This, though, Mr. President, is only one reason I came to the floor today. The main reason I am here is to save over $40 million on a program that is totally wasteful. We do not need it.

GWEN is the relatively new nuclear war fighting mentality of prior administrations. The United States has maintained a highly credible nuclear deterrent without GWEN. This amendment would save $41.2 million. The Pentagon should not continue to waste scarce resources on projects left over from the superpower confrontations of the cold war.

Each relay tower—I exaggerate by 1 foot—is 299 feet. Each 300-foot tower is topped by a flashing strobe light that is signaled by a buried copper cone some 600 feet in diameter. People, including scientists, questioned the environmental and esthetic impacts of such installations and have objected to their intrusion into peaceful and often rural landscapes. It is doubtful, as has been clearly established, that the work done to determine whether or not it is safe to be around these towers certainly has been shown not to be conclusive by many. The GWEN project is a project that is a dinosaur and should go the way that the dinosaurs have gone.

Mr. GRASSLEY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Iowa.

DEFENSE BUSINESS OPERATIONS FUND

Mr. GRASSLEY. Mr. President, I want to take a few minutes to bring to the attention of my colleagues an amendment that I am going to be offering on the legislation later on when I can get the floor. I think it is very important that I do not try to catch anybody off guard.

I also want to take advantage of the opportunity because it gives a few hours for people who have worked with me on defense reform in the last decade to realize what I am doing and for them to consider what I am doing, because, hopefully, I would get some help from them in the same way that I have worked with them in the past when we have had Republican Presidents, particularly people from the other side of the aisle who have worked with me on defense procurement reform before. I want to make sure that we continue our efforts and they are not changed because we have a Democratic President.

So at some point during consideration of the fiscal year 1994 defense authorization bill, I will offer an amendment on the Defense Business Operation Fund. We call that DBOF, for short. I have spoken probably four or five times since March on the floor of the Senate on this subject, about how the books are in such terrible condition that they cannot even be audited, and urging the Defense Department to take some action and do some things, and also urging our colleagues to show an interest in this. Because, obviously, if books cannot be audited, it is very difficult to know about the waste of taxpayers money. And we all know there is considerable waste of taxpayers' money.

So, for my colleagues on both sides of the aisle who are interested in defense reform and who have helped me in the past, I want them to be aware of my attentions and to better understand what I am trying to accomplish.

The reason for my amendment is very simple and clear. The Department of Defense inspector general has just completed an audit of the defense business operation fund, or DBOF. He has completed an audit of its financial statements for fiscal year 1992.

Now that audit was required by law, and it was required by an act that we just passed not very many years ago, the Chief Financial Officers Act of 1990.

The inspector general audit is really quite devastating about this fund. It is really another fiscal horror show that is going on at the Pentagon.

DBOF's books are, quite frankly and simply, a mess. DBOF's books are in such bad shape, the inspector general had to issue a disclaimer of opinion—and that is all in capital letters. And, in the language of accountants, that disclaimer of opinion means that the IG could not audit the books.

We know from other sources that over $2 million was stolen from DBOF. The thief, a Mr. James Lugas, was caught—not because of any internal controls, but because he just simply had outrageous behavior connected with the $2 million he was stealing and he was caught as a result of that outrageous behavior. He is now serving jail time for this crime.

But if you are a taxpayer and you have a fund here in the Defense Department that somebody can steal $2 million from, and the inspector general, on the other hand, puts a disclaimer of opinion on it because the books are in such a bad mess that he cannot audit them, you can easily come to the conclusion why it is easy to take $2 million.

We cannot be very satisfied that this thief is in jail. And this $2 million is not the purpose of my amendment. Even if there were never a Mr. James Lugas, if there were never a thief, if there were never a person who went to jail for this, it would not be any less important for my offering the amendment. That is just a very small example of the problems we have in bookkeeping with this fund and the accounting of the expenditure of money from this fund in the Pentagon.

In fiscal year 1992, about—and we have to say "about," because how are you going to know exactly, with the way the books are kept—about $120 billion was pumped through the DBOF money pipe.

The bureaucrats at the Pentagon have a responsibility to arrive at a full and accurate accounting of how all the money was used. If we cannot get an accurate accounting of how the money is being used, then, in my opinion, DBOF should be shut down.

This legislation before us extends it to December 31, 1994. It was supposed to go out of business in April 1993. Then it was extended into this year. Now this legislation extends it again.

We are not arguing with that extension. We are not going to put an end to that extension, as far as my amendment is concerned. But as this legislation does not authorize it beyond December 31, 1994, my amendment would not go beyond that either, but it would force upon the Department of Defense and the DBOF fund certain conditions that would have to be met.

First, the Department of Defense IG's audit of DBOF's fiscal year 1993 financial statement would have to be completed by June 30, 1994. That is almost a year from now that we are saying that last year's expenditures ought to be accounted for. And it must indicate then, in the process, that DBOF is in compliance with all the applicable statutes, including the Chief Financial Officers Act.

I can give, during the debate, a long list that I am not going to go into now, a long list of the statutes that DBOF is in violation of. And that is from statements based upon the General Accounting Office and statements based upon the inspector general, and it is not my determination that they are in violation.

So, in the first step that would have to be done according to my amendment, this audit must be completed by June 30, 1994, and it has to indicate that DBOF is in compliance with the laws.

Second, the inspector general's fiscal year 1993 audit must not contain a disclaimer of opinion.

Why the disclaimer of opinion? Because the books are a mess. He cannot audit them, so he puts that disclaimer on them. The books should be in shape so that they can be audited. I mean, that is simple business. When you are talking about reinventing Government, basic accounting is a part of the infrastructure to make sure that you get good delivery of goods and services for the people of this country.

And then, third, the IG's audit must certify that all DBOF assets are protected against loss from unauthorized use.

Who knows beyond that $2 million—the guy has been caught and he is in jail—how much additional money has been illegally spent?

We are saying that DBOF's expenditure of money must be done in a legal fashion. The basic premise of power of the purse is that you do not spend money if there is not a legal basis for its expenditure. Now, that is just common sense.

And then my amendment would give DBOF 1 more year to shape up and get its books in order.

My amendment then would give the Armed Services Committee ample time, next year, to examine all the new evidence that may surface, to weigh alternatives, and to decide how to proceed with DBOF in the fiscal year 1995 bill.

Let me say, for some history here, what is DBOF all about? Before DBOF, for 40 years we had M accounts, slush accounts, money that was not expended in a particular year put over into the M accounts.

The M accounts built up to $50 or $60 billion. Then, when we had some legislation in 1990, we legislated those M accounts out of business by a certain deadline—September 1993. I think that deadline will soon be gone.

In the transition from $50 or $60 billion slush fund accounts, there was a feeling you needed a mechanism to give the Department of Defense some flexibility so DBOF was set up.

But DBOF, if we are not careful, is going to become just another M account. M accounts are probably a constitutional, legal way for the Department of Defense to spend money without congressional control over the expenditure of that money.

So I hope my colleagues will study this amendment and realize what we are trying to do here is simple basic common sense. First, the Department of Defense IG's audit of DBOF's fiscal year 1993 must be completed by June 30, 1994, and it must be in compliance with the laws; the books must be in order, so the IG does not have to use that disclaimer and then the IG can certify that all DBOF assets are protected against loss from unauthorized use.

I took the point position and leadership on many defense reform issues in the 1980's when we had a Republican President and when it was not particularly popular for a Republican. It was not particularly easy for a Republican to take on a Republican President, but I was not afraid to do it because I had staunch allies on the other side of the aisle.

Mr. REID addressed the Chair.

Mr. GRASSLEY. Do not get nervous, I am only going to take another 30 seconds. It will take you that long to ask me a question.

So I hope, now, that those Members in the majority party who always fought so hard with me for more responsible defense in the 1980's will still be dependable allies now that we have a Democratic President in the White House. It is just as simple, that no one Senator can watchdog the Pentagon by himself. It was not done during the eighties, and it is not going to be done during the nineties.

The reformers of the eighties ought to be reformers in the nineties as well. Reformers when we had a Republican President ought to be reformers when we have a Democratic President.

I think the Reagan-Bush watchdogs need to draw new uniforms and join up as Clinton watchdogs. There is much work to be done.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

AMENDMENT NO. 815

Mr. EXON. Mr. President, I would like to serve notice on the Senate if we are going to complete action on the Defense Department authorization bill, as has been planned after some debate last night about why can we not put this over until Monday, we are going to have to exercise some discipline among ourselves. It is pretty clear that we are going to finish this bill today. There has been a lot of talk about that inconveniencing a lot of Senators. Talk about inconveniencing Senators when they are supposed to be here on the matters of the Senate does not set very well with this particular Senator.

I am only saying this because it indicates to me we are going to have to exercise some discipline among ourselves today on the amount of time we take on debating very legitimate issues that every Senator has a right to bring up under the rules. Over and over again, time and time again, this body demonstrates devastatingly that we are the greatest and the most long-winded debating society in the whole world. I hope we could express some discipline today and get on with the matters at hand, giving every Senator the rights that he has under the rules, but entering into some time agreements so we can get moving on the amendments.

The Senator from Nevada has offered an amendment. It is before the body. I hope we can dispose of this, have a vote in rapid fashion. I have consulted with the Senator from Nevada. We are prepared to enter into a time agreement along the following lines. Since the Senator has made his opening remarks he would have an additional 20 minutes of time under his control for proponents of the amendment. I would have half an hour in opposition to the amendment that has been offered. Therefore we would schedule a vote on this measure somewhere in the neighborhood of 10:35.

So I propose that as a unanimous-consent agreement specifically with regard to the time agreements on the amendment offered by the Senator from Nevada.

Mr. REID. I only suggest, Mr. President, my friends from Nebraska will set a good example, I am sure, and will not use the full half-hour under the time limit. So we are ready to move even more quickly than that.

Mr. EXON. I am only reserving the right for those who may want to speak against it. I have already studied the amendment and have my opinion on it. I will try to be brief in my remarks. I have proposed a unanimous-consent agreement.

Mr. REID. Mr. President, I ask there would be no second-degree amendments.

Mr. EXON. I certainly agree to incorporate in with my unanimous-consent agreement that there would be no second-degree amendments, reserving a right to offer a tabling motion if that is our wish.

Mr. REID. I certainly understand.

I have no objection to the unanimous-consent request. I would ask permission from the floor manager, Senator EXON, if Senator WELLSTONE could use 10 minutes of my 20 minutes now. He was not expecting the Senator from Iowa to be speaking.

Mr. EXON. I have no objection to that.

The ACTING PRESIDENT pro tempore. Will the Senator please state his request?

Mr. EXON. I ask unanimous consent that time agreements be entered into at this point allowing 20 minutes additional debate on the amendment offered by the Senator from Nevada, 20 minutes on their side, a half an hour on this side—those in opposition—and that upon the expiration of that time we would vote, approximately between the hour of 10:20 and 10:25; and that no second-degree amendments would be in order to the amendment offered by the Senator from Nevada.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. THURMOND. Reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. THURMOND. We would like to check with the Republican leader before we could agree with that.

Mr. EXON. We have fallen down already on the attempt to move things along. Let the RECORD so show. We will go on with unlimited debate.

Mr. THURMOND. Mr. President, I have just gotten word the Republican leader does not object.

Mr. EXON. Does not object.

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous-consent agreement? Hearing none, the unanimous-consent agreement is agreed to. The Senator from Nevada has 20 minutes.

Mr. REID. I yield 10 minutes to the Senator from Minnesota.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Thank you, Mr. President. I will not need the full 10 minutes.

This amendment that Senator REID has proposed on the floor of the Senate is timely. Reportedly, in closed session the defense appropriations subcommittee—I do not know whether the Senator from Nevada is aware of this—has voted to delete funding for the GWEN system.

I rise to support this important amendment to terminate funding for the GWEN system. This military program is a wasteful and unnecessary anachronism of the cold war, and it ought to be stopped dead in its tracks before we waste additional taxpayer dollars on it.

I know a good many of my colleagues have GWEN tower sites in their States and they have probably heard from constituents about this program. I urge them to look at both the budgetary and public health effects of this program and to cast their vote on this amendment in favor of the Reid amendment.

The Congressional Budget Office estimates that we could save over $41 million in the next 5 years by terminating this program. That is a substantial amount of money, even when compared to a still almost $300 billion military spending schedule for the next year.

I have heard from rural Minnesota constituents who are very worried about the health effects of these radio towers erected near their farms and near their homes. I share many of their concerns, and I believe that the funding for this program ought to be terminated immediately.

Mr. President, the GWEN system is a network of radio towers designed to be a backup communication system in case we have massive nuclear war. I would argue on the floor of the Senate today that in the face of the post-cold war transformation of the former Soviet Union, it is hard to believe that people at the Pentagon are still planning and spending all this money—this is really a small part—on our response to a massive nuclear exchange from an enemy superpower. For most people, it is very hard to square the end of the cold war with this continuing feverish preparations to preserve our capacity to launch a retaliatory nuclear strike.

I think, Mr. President—and I believe the Senator from Nevada has offered a very, very important amendment which speaks to this question—that this is an example of one of those big technology projects which at one point in time we thought we could afford when the sky seemed to be the limit on what we could spend money on.

One of these projects has a kind of bureaucracy, vested power behind it based upon, again, the assumption that we need to think about a backup communication system in the case of massive retaliatory nuclear strike against the Soviet Union that does not even really exist any longer.

Several sites under consideration for this program are in central Minnesota, including one near Kapsner, which has been chosen by the Air Force for deployment of an additional tower.

I wrote to Secretary Aspin several months ago urging him to halt construction of additional towers in Minnesota and urging him to reconsider deployment of this system nationwide. In that letter, I raised a number of questions about a National Academy of Sciences study conducted to assess the health effects of this program.

I ask unanimous consent to print a copy of my letter to Secretary Aspin in the CONGRESSIONAL RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 24, 1993.

Hon. LES ASPIN,
Secretary of Defense, The Pentagon, Washington, DC.

DEAR SECRETARY ASPIN: I am writing to urge you to discontinue construction and deployment of additional Ground Wave Emergency Network (GWEN) facilities now under consideration by the Air Force Materiel Command. I am particularly concerned because several of the GWEN sites being considered for installation are in Minnesota, and the Pentagon's preferred "Kapsner" site in Morrison County has met with widespread opposition by local residents.

The Air Force recently completed an environmental assessment of the remaining 30 sites nationwide under the National Environmental Policy Act, as required by Congress. Congress has also required that you certify that the Air Force has demonstrated a continuing need for the GWEN system. I urge you not to make such a certification. GWEN was designed to provide emergency communications in the event of a massive nuclear exchange, a contingency that has become very remote with the collapse of communism in the former Soviet Union. In addition, a decision to terminate deployment of GWEN will save an estimated $39 million in unnecessary defense spending, especially important in these times of tight budgets.

The GWEN system was planned during the 1980s, when defense programs were expanding exponentially and the budget deficit had not yet reached its current very high levels. In view of the continuing defense drawdown and the difficult task of curbing the budget deficit we now face, we cannot afford to continue to fund programs that have outlived their usefulness. Instead, these funds should be transferred to support programs designed to address pressing domestic needs.

I have heard from a large number of my constituents who are concerned about the possible health effects of the GWEN sites on area residents. I share many of these concerns. In response to congressional guidance, the Air Force requested that the National Academy of Sciences (NAS) review the potential impact on health of electromagnetic fields (EMFs) emitted by GWEN.

While the recently-issued NAS study concluded that GWEN emissions would likely have only a minimal impact on public health, even a cursory review of the study makes it clear that this assessment is based on a number of uncertainties. For example, there are very few biological studies that have been conducted at frequencies comparable to those of GWEN transmissions. Consequently, the NAS study's conclusions were inferred from investigations using both lower and higher frequencies than those used by GWEN. It is unclear how such inferences could be drawn when the study itself noted that there were many examples from the scientific literature suggesting that exposure effects "appear only within particular windows of frequency or field intensity."

While the NAS' review and analysis of the scientific literature is impressive, the substantial gaps in our knowledge of possible health effects of EMFs makes any risk analysis tenuous at best. The study itself observes that there is little scientific data on the possible carcinogenic effect of EMFs. The thesis that EMFs may be promoters or copromoters of tumor growth is currently under study; I understand that no firm conclusions can be drawn yet from the available data. On this question the study observes that there is no data on harmful cellular or subcellular changes after exposure to EMFs comparable to those of GWEN and, therefore, "firm conclusions cannot be drawn."

Finally, the study's executive summary cites a recent epidemiological study of cancer risk in a population exposed to AM-broadcast fields (such studies were used by NAS to help determine risk from GWEN emissions) which found "no excess cancer risk." However, NAS added that the statistical power of this study to detect cancers other than short-latency ones, such as leukemia, was low. This means that the study had little ability to determine risk of long-latency cancers, such as breast, uterine, and lung cancers.

I understand that many independent researchers are currently assessing the epidemiological effects of EMF exposure, and that many are concerned about a growing body of research which suggests that EMF currents can interact with human cell membranes and trigger abnormal reactions. The Department of Energy was designated by Congress last year as the lead federal agency for EMF research, with total federal research funding on EMF effects to exceed $12 million in FY 1993. According to the Congressional Research Service, a similar amount is to be spent this year by the private sector, for a total of $25 million. Thus, it appears to me that there is still much that is unknown about any potential carcinogenic and other damaging health effects of EMFs generally and of GWEN transmissions specifically. Most experts agree that these questions warrant considerable further investigation and study.

In addition to these concerns about the necessity for the GWEN program and its budgetary and public health implications, other concerns have generated broad local opposition. For example, the Air Force's environmental assessment of the area neglected to consider that the Morrison County site is an area of lakes, wetlands, and dairy farms. At the Kapsner site, there have been a number of reports concerning problems with stray voltage. The region's geology appears to be highly conductive of EMFs and this has reportedly resulted in problems for some local dairy operations.

In addition, there was a major controversy in Central Minnesota over the siting of high voltage power lines in the 1980s, which was the subject of a book I authored entitled "Powerline: The First Battle of America's Energy War." In that book, I observed that important public health and other similar concerns about these issues must be taken seriously by policymakers. Many area residents do not believe their serious health concerns have been addressed by the Air Force—and likely could not be, given the state of current research on EMFs.

I am hopeful that the strong local and Congressional opposition to this GWEN site, grounded in legitimate budgetary, public health, and other concerns will prompt you to discontinue GWEN deployment in Minnesota. Further, I hope that these concerns will prompt you to reconsider deployment of the system nationwide. I intend to endorse and strongly support efforts to oppose deployment of additional GWEN sites.

Thank you for your consideration. I look forward to your response.

Sincerely,

PAUL WELLSTONE,
U.S. Senator.

Mr. WELLSTONE. Mr. President, this letter outlines some of my concerns about the study, the methodology of the study, and about the current state of research on the health effects of these radio towers. I have not yet received a response from Secretary Aspin, though I press for a response. I do understand, however, that the Air Force intends to move forward on deployment unless prohibited by the Congress.

Let me just simply say that additional research is certainly required before we can draw any firm conclusions about the health risks. For those people who live near these towers, their point of view is as follows, and though the Senator from Nebraska and I may disagree on some of the substance on this, on this point I think I can enlist his sympathy.

Their viewpoint is: When the scientific evidence is ambiguous and we do not really know, we would rather err on the side of caution. The problem is this research is not going to be completed in time, and I think for sure we ought to have this research before we go forward with this program.

So when I consider the budgetary implications of this, when I consider some of the health effects and when I consider the timing of this and, again, I want to report to my colleagues on the floor of the Senate, lest they think the Reid amendment does not have considerable backing on the House side, reportedly the Defense Appropriations Subcommittee voted to delete this. I think that vote makes sense because I think each and every time that we have an opportunity to cut a wasteful program, to cut a program which is really anachronistic, to cut a program that is no longer needed—that is the definition of waste to me—we ought to do so.

We have an opportunity to do that by supporting the Reid amendment and, therefore, I urge my colleagues to vote for this amendment. Again, I hope my colleagues will listen closely. I know many of them have these towers in their States. I know many of them have heard from their constituents, and we have both budgetary issues and public health issues and this is clearly a vote that makes a great deal of sense to delete the funding for these towers which is just simply not needed.

I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska controls 30 minutes.

Mr. EXON. I yield myself 10 minutes.

Mr. President, I oppose this amendment. The GWEN system is safe, inexpensive, and useful despite the collapse of the former Soviet Union. The National Academy of Sciences has found no evidence—and if I can have the attention of the Senator from Minnesota, I may be able to dispel some of his concerns. So I address this to the Senator from Minnesota, and I address this to his constituents and let us put to bed once and for all this matter about adverse health effects.

The National Academy of Sciences has found no evidence of any adverse health effects from the GWEN system, which is not surprising, I would say, given the fact that it operates only 6 seconds every hour at a very low power level in frequencies adjacent to television and AM radio stations. If there is any concern whatsoever about the safety or ill-health effects of the GWEN system, then the first thing we ought to do is close down AM radio stations and television stations in Minnesota, in Nebraska, in Nevada, and elsewhere because they are operating at much higher power than the GWEN system, in many instances, 24 hours a day.

To back this up, I would like to enter into the RECORD a letter from Dr. William Perry, Deputy Secretary of Defense, of May 25, 1993, addressed to Senator NUNN, the chairman of the Armed Services Committee, with a copy to Senator STROM THURMOND, the ranking member thereof. I quote from that letter:

> The fiscal year 1991 Defense Authorization Act directed the Department of Defense to sponsor an independent study as to the health effects of the Ground Wave Emergency Network (GWEN) system. The National Research Council Board on Radiation Effects Research was tasked to conduct this assessment.
>
> I am pleased to forward the executive summary of the National Research Council's recently completed report. I have reviewed its contents and agree with its findings. The report says that ". . . no evidence of adverse health effects of GWEN fields on public health was found."

I do not know what more we need.

Mr. WELLSTONE. Will the Senator yield?

Mr. EXON. I will address the concerns raised by the Senator from Nevada on this, but unless we are advocating the closing down of all our AM radio stations and all our television stations for health safety reasons, I think we can put that one to bed and forget about it.

Mr. WELLSTONE. Will the Senator yield?

Mr. EXON. I will yield on your time.

Mr. WELLSTONE. I will just take 30 seconds. I appreciate the Senator's statement. I would like to quote from a letter that I sent to the Secretary, so you can see the full depth of my concern. The issue is not power, the issue is one of intensity:

> The recent NAS study concluded that GWEN emissions would likely have only a minimal impact on public health.

Which is the study you refer to.

> Even a cursory review of the study makes it clear that this assessment is based on a number of uncertainties. For example, there are very few biological studies that have been conducted at frequencies comparable to those of GWEN transmissions. Consequently, the NAS study conclusions were inferred from investigations using both lower and higher frequencies than those used by GWEN.

I could go on. I simply want to say there are a number of questions about this study. There are a number of these health and safety issues that are left unresolved. This is not silly on the part of people to be concerned about it. I will leave it at that because I know the Senator from Nevada wants to focus on other issues, such as whether or not this is needed period, in terms of eliminating some wasteful expenditures. I want the Senator to know these concerns are not frivolous, and I think they are important.

Mr. EXON. I thank my friend from Minnesota for that explanation. I suggest, I reiterate—I will go even further—I think the concerns are frivolous. I think they are without foundation. And I say, again, maybe we should also do a thorough investigation and close down the television stations and AM radio stations in Minnesota. We do not want to do that in Nebraska.

The GWEN system, I submit to the Senate, has already been bought and paid for. I would be the first to say, Mr. President, that if we were proposing to build the GWEN system at this time, then I think it would not be an investment that we should make.

We have the system. It is in place. The annual cost to operate the network is about $8 million a year. There are not many programs in the Department of Defense costing less than this one.

The GWEN communications system is impervious to the electromagnetic effects of a nuclear burst in the atmosphere. That means, Mr. President, that we will not be blinded by one or two weapons going off should that happen in the future. On a day-to-day basis, we have no other such protected communications system connecting the President of the United States, our Commander in Chief, to our early warning command system posts, bombers, and ICBM's.

Yes, I agree and I am delighted that, because of the GWEN system, because of our nuclear deterrent, because there were those of us in the Senate as a whole and the House and the executive branch of Government who saw fit to be prepared, we have won the first part of the cold war. But let us not forget that there has not been any, certainly not any significant, destruction of nuclear weapons around the world. We still have a great proliferation of highly accurate, deadly nuclear weapons that, given a dramatic change in the picture, would be an immediate threat to the United States of America.

Therefore, it is the opinion of this Senator, and I hope the majority of the Senate, that since this system is bought and paid for, the Pentagon and the President are absolutely correct in saying we need this standby protection.

When compared with the overall budget of the Defense Department, this is minuscule. We have grounded all and retired many of our airborne command posts which used to be in the air in conjunction with a redundant system that we had for the President to communicate to our commanders around the world with regard to nuclear alerts. That alert was a 24-hour-a-day, every day system. That alert remains there as long as we have GWEN. We have done this because the threat has subsided and because communications systems like GWEN give us the confidence that we can get those planes airborne again if we have to.

Who knows what we are going to be facing next week or next month or next year. We have grounded the air warning command post that used to fly out of Omaha, NE, the *Looking Glass*. That was a redundant system with GWEN. That has been grounded. GWEN is bought. GWEN is paid for. GWEN is there. We hope we never have to use it. But I suggest to the Senate it would be foolhardy, indeed, to now discontinue a system that is bought and paid for since I think and the military leadership of the United States and the Commander in Chief feel it is necessary.

Yes, we have made substantial reductions in the size and readiness of our deterrent forces due to the reduction of the threat. One of the things that makes this possible is assured and reliable communication that we have partially shut down with the elimination of the *Looking Glass* flown out of Omaha, NE. I think it would be unwise for us to take the step that this amendment would have us do, and that is to destroy the GWEN system as well after it is there, operative, bought and paid for.

The PRESIDING OFFICER. The Senator has spoken for 10 minutes.

Mr. EXON. I yield myself an additional 5 minutes.

The new administration reviewed this program as recently as May of this year. We have received a letter of certification from the Deputy Secretary of Defense announcing the DOD's intention to proceed with the installation of the last 29 sites that are bought and paid for. We will retain a significant strategic deterrence force for the foreseeable future. As long as we do it, it is imperative that we also maintain a healthy system for controlling that force. GWEN is one very affordable way, since it is bought and paid for, of achieving that control. The alternative to GWEN is to deploy very expensive special satellite communications terminals at all of our airborne command posts, ICBM sites, bomber bases, and early warning censors. We could not achieve that for a decade or more and the cost would be in the hundreds of millions of dollars. Even with GWEN fully deployed, the Department of Defense will be in violation in many areas of U.S. policy that requires, under the present law, two assured means of communications to our strategic forces. I suggest that is not necessary, but I think it is very necessary that we keep the GWEN program in place.

I reserve the remainder of my time, and I yield 10 minutes to my colleague from South Carolina.

Mr. THURMOND. Mr. President, it will not be a surprise to you that I strongly oppose this amendment. It would have us throw away a brandnew communications system that is a key link in our deterrent posture. GWEN is a simple network of radio relays, really just low-power AM radio stations. It is survivable in a nuclear exchange because it does not rely on the ionosphere which is disturbed when nuclear weapons go off. It is part of the minimum essential emergency communications network which gives assured communications so that the President can order nuclear retaliation if it is ever needed.

Mr. President, the purpose of this amendment is not to save money. There is only one-half million dollars in the request for GWEN. No, the obvious purpose is to begin to dismantle the Nation's strategic deterrent. Bit by bit, I expect to see amendments that nibble away at the ability of this Nation to maintain a secure and survivable nuclear deterrent that is a threat to no nation save those that threaten us.

If we have learned anything since World War II, it is that nuclear deterrence works. And since nuclear weapons have proliferated in the world, it is now necessary. It is the height of folly to cancel a brandnew communications system after it is bought and paid for merely as some sort of symbol that the cold war is over. The cold war is over, but the nuclear threat has not gone away. It is pointless to terminate GWEN, and I oppose the amendment.

Mr. REID. I yield 3 minutes to the junior Senator from the State of Wisconsin.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER (Mrs. FEINSTEIN). The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Madam President, I rise in support of the amendment of the Senator from Nevada. I was delighted to hear, as I was presiding, that he was bringing this up and added my name as a cosponsor, because this is so amazingly similar to another item that we have been working on in Wisconsin.

I am struck by the way in which the Defense Department defends these programs.

This program, I agree, is a cold war relic. We have a similar program in Wisconsin and Michigan called Project ELF. I am always amazed by some of the names that are used for these programs such as "Brilliant Pebbles" and "GWEN," when taking time to explain to constituents what this is all about. But in the case of ELF, and in the case of GWEN, when constituents come to me in my home State when I hold town meetings, they come to say, "Why do we not get rid of these programs, now that they are not needed anymore?" The ELF Program, the extremely low frequency program, is a communications system. The idea is to somehow transmit, through extremely low frequency, messages to submarines telling them that they have messages so they do not have to come up to the surface and thereby be detected by the Soviets.

That, of course, is a consideration largely of the past. Listening to the Senator from Nevada and the Senator from Minnesota I see a great deal of similarity to GWEN. There are two major similarities in the arguments that make me think that the points of the Senator from Nevada are very credible.

First of all, the discounting of the health concern: In the case of Project ELF there are also concerns in Wisconsin and Minnesota about the health issue. In fact, several years ago a district court ruled that there may be negative health effects from the extremely low frequency program. The court, in that case, at the appellate level the ruled that they could not take that into account because of national security considerations. That just squashed the health concern even though no one had effectively denied it.

That is one pattern; the denial for security reasons of any sort of health concerns. I am not sure that it is a fair approach at this point given the end of the cold war.

The other item that really bothers me more, the main reason I support this amendment and the main reason I support the elimination of Project ELF is the willingness of those who support the current appropriations to say that it is really not that much money. It is only $8 million a year to run this program. It is only going to cost $40 million over the next few years to run it. That is almost identical to what they say about Project ELF. Project ELF costs $8.9 million a year. Over the next 4 years it will be about the same amount of money as GWEN.

The point is, back home, people consider that to be real money. It appears to me on any argument that this is, at best, a frill for the Defense Department. There is no evidence that GWEN is critical to any real threat to this country. It is based on some vague notion of a nuclear threat without any clear demonstration that this would actually be critical to the continuation of our national security.

The PRESIDING OFFICER. The Senator's 3 minutes has expired.

Mr. FEINGOLD. I thank the Chair.

Mr. EXON. Madam President, how much time remains on each side?

The PRESIDING OFFICER. Fourteen minutes and fifty one seconds, and the Senator from Nevada has 9 minutes and 31 seconds.

Mr. EXON. How much time does the Senator from Mississippi desire?

Mr. LOTT. Just 5.

Mr. EXON. I yield 4 minutes to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 4 minutes.

Mr. LOTT. Thank you, Madam President. I thank the Senator from Nebraska for yielding me that time.

I rise in opposition to this amendment. I have a great respect for the Senator from Nevada. He does a great job, a very effective job in representing his constituency. But this amendment sums up some feelings that have been developing with me over this week.

Every Senator seems to be coming in and saying let us cut defense some more; let us cut this program; let us take from the defense cookie jar; and let us move it over into some other program—many good programs.

Everybody says "The cold war is over, let us relax. We just don't need defense anymore." It may sound insignificant that we be able to communicate at a low frequency to submarines. But it could get to be a serious matter depending on what happens in the future. We cannot just drop our guard. We cannot continue to cut, dramatically, personnel, eliminate bases that we may have to buy back at a premium in 4, 5, or 10 years, or eliminate programs that we bought with millions of dollars.

Now it is not costing a great deal of money, but we have already spent $235 million. The money has been spent. The work has been done. The job has been done. There is something that we may need and we should keep. We have already bought it.

So I really do not understand where my colleagues are headed in this area. We cannot just drop our guard completely.

In this case, the claim of health risk, I do not understand that. The ground wave emergency network, known as GWEN, is an AM radio station. They are not a health risk. Compare GWEN to WMAL in the Washington, DC, metropolitan area. The frequency of GWEN is 150 to 175 kilohertz versus 630 for WMAL. The power is 2,000 to 3,200 watts versus 50,000 watts for WMAL. Time on the air is 2.4 minutes per day versus 24 hours for WMAL.

If there is some evidence that there is any kind of health risk, I would be interested in seeing it. We should check it out. Is WMAL a danger? Do I have to stop listening to WMAL, or is it a potential threat to me?

I take it very seriously when a Senator, any Senator, raises that concern it might affect his constituency. But I just do not feel that it applies here.

I urge my colleagues to oppose this amendment and think very seriously about other amendments. We just can't say everything is nice and peaceful, it is all over, relax, so we can spend this money on anything we want.

We have made this same mistake already twice this century. Why must we be doomed to repeat history again? Yes we can make reductions. The distinguished Senator from Nebraska has led the way in cutting spending under the jurisdiction of his subcommittee. There have been reductions. There have been lots of reductions over the past 5 years, billions of dollars. We have a projection of $120 billion more in reductions.

How much can we afford, and how fast? The next amendment that will be offered will be offered by the Senator from California, which will raise some questions about what we have already done in terms of damage to the defense of our country and the economy of our country in the form of base closures.

So I just urge my colleagues, let us not take advantage of this moment and jump on every little concern, every opportunity to close or eliminate something. It may be a mistake. Thank you Madam President.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Madam President, I would like the Senator from Nebraska to yield me 2 minutes.

Mr. EXON. I am happy to yield 2 minutes.

Mr. NUNN. Madam President, later today the Senator from Nevada and I will undoubtedly be on the same side of an amendment proposed by the Senator from Iowa, Senator HARKIN, to basically eliminate the money that is there for standby purposes in terms of nuclear testing.

Madam President, the reason I will be in favor of retaining the money for testing is because we have an uncertain world out there. All of us hope we do not really have to test again, although I think certain safety and reliability tests will be necessary. But we are going to be debating in a little while an effort to knock out some several hundred million dollars that are standby for testing. That is a contingency. That is a remote contingency that we may need if things develop adversely down the road in terms of the revival of nuclear threats against the United States.

I think we all have to understand though that we have had a dramatic change in the world, but we still have the same number of nuclear weapons we had 2 or 3 years ago. These nuclear weapons are still under the command of the Russian military. Hopefully, they are controlling them. The worst-case is that they are not controlling them.

If they are controlling them, we had better still have some kind of communication with our strategic forces. If we cannot communicate with our strategic nuclear forces, then we should not be spending hundreds of billions of dollars maintaining bombers and maintaining Trident submarines and maintaining the missiles that we have.

And we certainly should not be spending $200 million or $300 million for nuclear testing. It is very hard for me to see how the Senator from Nevada, on the one hand, wants to spend money—and I agree with him—on a remote possibility of nuclear testing. On the other hand, he wants to knock out money for existing capability to communicate day to day with our nuclear forces, which are protecting this country.

If the cold war is truly over and we abolish all nuclear weapons and there is no more danger, somebody let us know. The cold war is over, but we do not have the danger abolished. There is still danger. Certainly, it is less danger. Certainly, the world is safer than it was. But if we are going to do away with our ability to communicate with our strategic forces, which costs about $8 million a year, we ought to go a lot further and eliminate hundreds of billions of dollars in costs in the forces themselves.

If you cannot communicate with the strategic nuclear forces they are basically out there on their own. Do we want to unplug the *Trident* submarine commanders, the people who are in the bombers, and the people manning the missiles, unplug them from civilian authority, where we cannot communicate with them, or where they are threatened in terms of communication, if there is some kind of explosion? I do not think so. We have already taken down the Tacamo aircraft, the communication aircraft, the Looking Glass aircraft. They can be put back up. We took them down. That was part of the communications system. We eliminated some redundancy because the danger has gone down.

If we eliminate the GWEN system, we are going to have to put back up far more expensive equipment. This amendment will cost us money, because we will have to replace the system with something far more expensive. This system is virtually bought and paid for—almost paid for. It costs $8 million a year to run. If we have to do away with this, if this passes, we are going to be spending a lot more money than that almost immediately in trying to replace this capability.

As long as we have strategic nuclear forces—unless we want to turn them purely to the military and change our constitutional system, and that it is not important for the civilian authorities to make decisions on war and peace, unless we want to do that, we are going to have to communicate with them. The world has not changed that much.

Madam President, I urge defeat of the amendment.

Mr. REID. Madam President, the chairman of the committee, the manager of this bill, recognizes, I am sure, that the GWEN has no communications ability with submarines. In fact, if there were a need for any type of nuclear retaliation, a submarine could fire 34,000 bombs in 30 minutes. GWEN has no ability to communicate with submarines.

The ranking member of the committee, the senior Senator from South Carolina, said that someone that—I am paraphrasing, of course—supports this amendment is for tearing down our military.

Mr. NUNN. Will the Senator yield on another point? I need to propound a unanimous-consent request?

Mr. REID. Yes, I yield for that purpose.

UNANIMOUS-CONSENT AGREEMENT

Mr. NUNN. Madam President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Investment Treaty with the Republic of Ecuador—Treaty Document No. 103-15—transmitted to the Senate by the President today; and ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The President's message is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the United States of America and the Republic of Ecuador Concerning the Encouragement and Reciprocal Protection of Investment, with Protocol and related exchange of letters, signed at Washington on August 27, 1993. Also transmitted for the information of the Senate is the report of the Department of State with respect to this Treaty.

This is the first bilateral investment treaty with an Andean Pact country, and the second such Treaty signed with a South American country. The Treaty is designed to protect U.S. investment and encourage private sector development in Ecuador, and support the economic reforms taking place there. The Treaty's approach to dispute settlement will serve as a model for negotiations with other Andean Pact countries.

The Treaty is fully consistent with U.S. policy toward international and domestic investment. A specific tenet, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive fair, equitable, and nondiscriminatory treatment. Under this Treaty, the Parties also agree to international law standards for expropriation and compensation for expropriation, free transfers of funds associated with investments, freedom of investments from performance requirements, and the investor's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible, and give its advice and consent to ratification of the Treaty, with Protocol and related exchange of letters, at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 10, 1993.*

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

The Senate continued with the consideration of the bill.

Mr. REID. Madam President, I have voted consistently for a strong military, and I think we need not get lost in that debate. Because you want to eliminate over $41 million does not mean that you are opposed to the military.

In fact, if you look at the State of Nevada, the State of Nevada has and is giving significantly to the defense posture of this country. Nellis Air Force Base and Fallon Naval Air Station are the two facilities that the Air Force and Navy look to for granting PhD's in the ability to fly fighter aircraft. Hawthorne Ammunition Depot has been in existence since the 1920's. Forty percent of the State is restricted air space, because the military can only use that air space. We have a station for communications with submarines. When you look in southeastern Nevada and see those lights blinking, that is so submarines can communicate and know at any time where they are located in the world. And there is the Nevada test site.

Safety and reliability is a concern of this country, of course, and a concern of the President, and that is why he issued this order relating to nuclear testing. We should be on standby. I have traveled to the Nevada test site with the senior Senator from the State of Nebraska. He understands the importance of nuclear testing if another power begins nuclear testing.

Mr. BENNETT. Will the Senator yield for a question?

Mr. REID. Yes.

Mr. BENNETT. As I hear the Senator from Nevada describe the impact of defense activities in Nevada, I am very sympathetic, because there is a similar impact on the State of Utah. Bombing runs and air space is tied up, and the constituents in Utah have raised some questions about GWEN, and I would like the Senator from Nevada to help me examine and understand this.

It is our understanding, Madam President—and I would like the Senator from Nevada to comment—that GWEN is an interim communication setup, and at some point in the future, rather quickly, it will be rendered obsolete by capabilities from space. Does the Senator from Nevada have information as to the accuracy of that?

Mr. REID. That is my understanding. That is what the literature indicates.

Mr. BENNETT. So if that is the case, the debate we are making is not for a long-term communications circumstance here but simply to fill a gap that will exist for a few years; is that the Senator's understanding?

Mr. REID. My understanding is that the ultimate goal would be the ability to have a space-based communication.

Mr. BENNETT. The concern of the people of Utah is that if the GWEN towers going to be built in Utah, if this program goes forward, are built with the kind of degradation of our living circumstances that the Senator from Nevada described for Nevada, the risk is that they will then be left there for years and years, considering the way the Defense Department seems to get around to moving things when they no longer need them, while the need for them will have gone away.

Mr. REID. That is my understanding.

Mr. BENNETT. Can we have a further understanding as to what would happen under the Senator's amendment with respect to existing GWEN capability, the capability we have depended on up to this point? Would that be done away with, or does this amendment stop the putting in place of additional capabilities?

Mr. REID. My amendment is different than what transpired in the House. The House prevents further construction of towers. My amendment eliminates the program.

Mr. BENNETT. I see. So there is a difference between the Senator's amendment and that which we have been given from the House?

Mr. REID. That is right. That would be resolved in conference if my amendment is adopted.

Mr. BENNETT. I see. I thank the Senator.

Mr. REID. Madam President, so there is no dispute—I hope there is not—about the need to do away with this program to save $41 million. The Senator from Nebraska indicated that the program was safe. We need not get lost in this debate about radio stations, AM radio stations. The reason it has been raised is because, different than a radio or TV station these powerful electromagnetic impulses go on the ground where people stand. This amendment, as I stated in my opening statement, is not being offered because of health concerns, even though it is a reason. It is being done because the system is unnecessary, and it would save this country money. So we need not get hung up on safety.

As indicated, Madam President, in an article in the New York Times by Ronald Fraser: "If Congress can't cut this, then it can't make headway on the Pentagon budget at all." I believe that.

I reserve the remainder of my time.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Madam President, I yield myself 3 minutes.

During the debate today, I learned that the Senator from Wisconsin is also going to offer an amendment regarding the ELF system, which is the way we communicate to submerged submarines, including the U.S.S. *Nebraska,* which was just commissioned.

Mr. REID. Will the Senator yield?

Mr. EXON. The Senator will no longer yield. I am out of time. I am sorry.

The lower end system, which was referenced by the Senator from Nebraska, can communicate with submarines on the surface, but not submarines that are submerged. The ELF system, which I understand we are going to have to fight out, is, in the opinion of this Senator, even a more irresponsible, if possible, amendment than the one offered by the Senator from Nevada.

I certainly would point out that Russia today has satellites up there, in addition to all of the ICBM's that they had at the end of the cold war. We are in a very, very dangerous world.

It is not only irresponsible, in my opinion, but foolhardy for people to be nitpicking the maintenance of a system that has been bought and paid for and put it out of business to save $7 or $8 million a year.

That is a part of our deterrence. We continue to fund deterrent forces. If we are going to have bombers, if we are going to have Trident submarines out there to protect our deterrent force and make it worthy, then it is foolhardy, it is irresponsible, Madam President, in the view of this Senator, to start nitpicking the defense budget, for whatever reasons motivating some of these people.

We continue to fund the deterrent forces, including, I might add, as has been brought up by the chairman of the committee, the vast test site in Nevada, to be certain of the integrity of our deterrent if we need to be concerned about the safety of our deterrence.

As long as we have strategic forces, we must maintain the means to control and communicate with them. In fact, as we reduce the size and readiness of our forces, assured communications become even more important than they were previously.

GWEN is not designed for fighting and winning a nuclear war, as the Senator from Nevada seems to maintain. It was designed not to survive an attack. It was designed, rather, to function in the period before a weapon was fired at us. This is a deterrent system, not a war-fighting system.

I suggest it is absolutely essential that we defeat this amendment and the ELF amendment that follows.

I reserve the remainder of our time.

Mr. REID. Will the Chair indicate the time remaining?

The PRESIDING OFFICER. The time remaining is 2 minutes and 50 seconds.

Mr. REID. And for the Senator from Nebraska?

The PRESIDING OFFICER. The Senator from Nebraska has 2 minutes and 29 seconds.

Mr. REID. Madam President, the Senator from Nebraska indicated that he opposed this amendment because the system was safe. We have established that it may be safe and it may not be safe, that the electromagnetic pulses go on the ground different than an AM radio station or a TV station.

He said that it is inexpensive. CBO said we would save $41.2 million. Under no circumstance would that be inexpensive.

Second, that it is useful. I suggest to my friend, the senior Senator from Nebraska, that it is not a deterrent, that all the literature dealing with GWEN indicates it would be used after a nuclear attack. That is the purpose of it. It was to be set up as a redundant system, not a deterrent. And that is the reason it is not useful. In fact, it is anything but useful.

As indicated in the literature, if we cannot cut this program, then we really cannot cut anything. We should not get lost on red herrings like safety and nuclear testing. This is a system that is no longer of any benefit.

Mr. EXON. Madam President, I hope we can keep this issue straight. As I said at the beginning of this debate, if we were starting out to build the GWEN system at the present time, the arguments made by the Senator from Nevada would be accurate. That is not the case. It is there. It is important for standby deterrence that we keep this system, as certified by the Commander in Chief, the Department of Defense, and those of us who have followed this issue for a long time.

I hope that we defeat this amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DURENBERGER. Mr. President, I rise in strong support of amendment 815, offered by my friend from Nevada, Senator REID. This amendment would terminate the Ground Wave Emergency Network [GWEN] Program of the Air Force.

This program is a truly outdated relic of the cold war. Conceived and initiated during the height of the defense buildup of the mid-1980's, GWEN is a radio communications system which would not be affected by high-altitude nuclear attack. The idea is to allow communication to continue between strategic military sites in the event of a nuclear attack from the air.

There have already been 54 GWEN towers built in various parts of the United States. The construction of yet another one is currently planned in my own State of Minnesota.

Over the past several years, I have received numerous letters and phone calls from Minnesotans concerned about the GWEN site that is scheduled to be constructed outside of the central Minnesota town of Lastrup. Area residents have expressed concern about the potential health effects and environmental effects of the electromagnetic fields that are emitted by GWEN. Some even refer to it half-jokingly as the "Doomsday Tower."

I expressed my concern about these issues in early 1990. At a time when the cold war is behind us—and a $4 trillion budget deficit still ahead of us, I think we have a clear responsibility to reexamine projects like this one.

The Congressional Budget Office estimates that terminating this program would save about $41.2 million over the next 5 years. The new realities of the post-cold-war era, coupled with a potentially adverse impact on the health of area residents, leads me to the conclusion that this program must be terminated. I thank my colleague from Nevada for his leadership in addressing this issue at this time, and I am pleased to offer him my support for this amendment.

Mr. BURNS. Madam President, I rise today to express my support for the amendment by my colleague from Nevada.

In the past, I supported the Ground Wave Emergency Network [GWEN] Program. Several years ago, the nuclear threat from our former enemies in the U.S.S.R. were very real and I felt then that the GWEN Program was an important part of our Nation's defensive communications system.

However, as we all know, the situation has changed. The cold war has ended, and with it, the need for a GWEN system has ended as well.

I have heard from numerous constituents in my State, particularly from the area of Livingston, who are concerned about the installation of a GWEN tower near their town. I understand these concerns. While some folks continue to be concerned about health risks despite the National Academy of Sciences study, others feel that the GWEN towers are just plain eyesores. For example, the tower slated for the Livingston area is planned to be built very close to the town. That these 299-foot towers might be plain unnecessary to boot is further reasons to question the need for this program.

That is why I am a cosponsor of this amendment and will support its adoption.

Thank you, Madam President. I yield the floor.

Mr. BAUCUS. Madam President, today, I join with my colleague, Senator REID, to offer an amendment to the fiscal year 1994 Department of Defense authorization bill. This amendment would terminate funding for the Ground Wave Emergency Network [GWEN] Program. After much deliberation, I decided that this was the correct course of action, even though I do not believe that—ultimately—the GWEN Program deserves to be terminated. However, give the way the Air Force has mismanaged this program, it certainly deserves to be put on hold—and the end of the cold war certainly removes some of the urgency to complete the GWEN Program.

While it is reasonable to say that we could do without GWEN in the current global environment, it is important to realize that this could change over time. While the Soviet threat is gone and world tensions have eased, there are still nuclear powers which possess the capability to strike the United States. In that world, GWEN continues to play an important role.

Simply put, the question is not whether GWEN should be completed. The question is when and where these towers will be located.

I support this amendment in order to express my outrage over the Air Force's plans to build a GWEN tower in Park County, near Livingston, MT. In the process of planning this tower, the Air Force has run roughshod over the legitimate concerns expressed in good faith by many Montanans. I cannot stand on the sidelines and allow this to continue.

In an August 18, 1993, letter to Secretary of Defense Les Aspin, I reiterated my position that "where there may be locations in Montana that would be appropriate for a GWEN tower, Livingston, the Paradise and Shields River Valleys are not among them." In addition, I told the Secretary of Defense that the Air Force was still giving me "nothing more than a rehash of the tired old excuses and rationalizations that the people of Livingston and I find simply unacceptable." I asked the Secretary to "send the Air Force back to the drawing board."

I want everyone to understand that I believe that GWEN is still desireable. I am equally certain, however, that a 300-foot GWEN tower marring the scenery of one of Montana's most beautiful towns is unacceptable.

Mr. REID. Mr. President, if the Senator from Nebraska would yield back his time, which is short, I would yield back mine.

I ask unanimous consent that Senator BAUCUS be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

All time is yielded back.

Mr. EXON. Madam President, I ask unanimous consent that amendment No. 815 be temporarily laid aside and that Senators FEINSTEIN and LOTT be recognized in order to jointly offer their listed amendment regarding the 95 BRAC, with no intervening amendments in order prior to the disposition of the Feinstein-Lott amendment; further, that upon disposition of the Feinstein-Lott amendment, the Senate return to the Reid amendment and, without intervening action or debate, the Senate proceed to a vote on or in relation to the Reid amendment numbered 815.

The PRESIDING OFFICER (Mr. REID). Without objection, it is so ordered.

Mr. EXON. I would explain to the Chair that the leaders are not here and that is the reason we cannot vote as we had agreed to with the previous arrangement. That is why we are putting off the vote on the Reid amendment.

I have yielded back my time on the Reid amendment. Senator REID has yielded back his time. Therefore, we are prepared to vote on that amendment after we have disposed of the Feinstein-Lott amendment.

I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. We have no objection to the request made by the able Senator.

The PRESIDING OFFICER. Senator FEINSTEIN is now recognized.

Mrs. FEINSTEIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 816

(Purpose: To amend the Defense Base Closure and Realignment Act of 1990 in order to postpone the commencement of the next round of the base closure process until 1997)

Mrs. FEINSTEIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself, Mr. LOTT, Mr. SMITH, and Mr. INOUYE, proposes an amendment numbered 816.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following:

SECTION . POSTPONEMENT OF FINAL ROUND OF BASE CLOSURE PROCESS.

The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended—

(1) in section 2902—

(A) in subsection (c)(1)(B)(iii)—

(i) by striking out "January 3, 1995," and inserting in lieu thereof "January 3, 1997,"; and

(ii) by striking out "104th Congress" and inserting in lieu thereof "105th Congress";

(B) by striking out "1995" in subsection (c)(1)(C) and inserting in lieu thereof "1997";

(C) by striking out "1995" in subsection (e)(1) and inserting in lieu thereof "1997"; and

(D) by striking out "December 31, 1995" in subsection (l) and inserting in lieu thereof "December 31, 1997";

(2) in section 2903—

(A) by striking out "1996" in subsection (a)(1) and inserting in lieu thereof "1998,"; and

(B) by striking out "March 15, 1995," in subsection (c)(1) and inserting in lieu thereof "March 15, 1997,"; and

(3) in section 2909(a), by striking out "December 31, 1995," and inserting in lieu thereof "December 31, 1997,".

(Mr. BINGAMAN assumed the chair.)

Mrs. FEINSTEIN. Mr. President, I offer this amendment on behalf of myself, Senators LOTT, SMITH, and INOUYE.

This amendment is simple. It will delay the 1995 base closure round until 1997.

Mr. President, I am very pleased to have the occasion to work with the Senator from Mississippi, and I am also very pleased that the Senator from Georgia, the chairman of the Armed Services Committee, is on the floor to hear this debate.

Mr. President, since 1988, the Defense Department has selected 249 military bases for closure. And the Base Closure Commission has examined an additional 400-plus bases, up to 50 bases in California alone.

As this map will show, these are the major bases in our Nation which have been closed in rounds 1988, 1991, and recommended closures for 1993. You will see the large numbers in one State alone, the largest State in the Union, California.

Mr. President, all told, these actions have created tremendous economic turmoil, regional recession, and dislocation for hundreds of thousands of people who depend on military bases for their economic livelihood, all at a time when the Nation is still recovering from an economic recession.

It is my belief after carefully watching the 1993 base closure rounds that this process is deeply flawed and arbitrary.

The first major base closure round occurred in 1988. Since then, there has been a round in 1991 and 1993. All totaled, the Nation has lost over 300,000 direct and indirect jobs as a result of base closure alone—the majority in California.

Most of the civilian jobs lost are good, well-paying jobs. They are not the minimum wage jobs that this Nation has been producing and that have been all too common in today's economy. These jobs pay $30,000 to $40,000 a year. People can raise a family and, yes, buy a home. They are blue collar jobs and they are good jobs. And, like clockwork, regardless of circumstance, another base closure round is scheduled to occur in 1995 and more of these jobs will be eliminated, regardless of the cost, regardless of the economic impact, and regardless as to whether the closures are actually cost effective.

The 1995 base closure round was established way back in 1990 when Congress adopted the Base Closure and Realignment Act. Whether additional bases need to be closed or not, the next base closure round must occur under current round. In fact, the 1995 round—again, regardless of circumstance—will soon start. Within 8 months, the Army, the Navy, the Air Force, and the Marine Corps will begin sending out questionnaires to all of their bases around the country.

Though the cold war is over and some reductions in defense spending are appropriate, I believe the base closures are moving too quickly. We need to slow down and examine whether further base closures are appropriate. We must better understand the impact of the 249 bases already in the closure process. We must evaluate what is working and what does not work with defense conversion. Are the closures really cost effective in the long run? I am going to make a showing later in my remarks that I believe they are not when the real costs are known. Can our labor pool be better employed if America can recover from the recession?

Before additional base closures, we should give our economy time to recover. New jobs need to be created. As you know, from the latest economic indicators, new job creation is down; it is not up, despite a drop in the unemployment rate. The Congress and the administration should answer some of these questions before proceeding with another base closure round. The last base closure round, which recommended the closure or realignment of 32 major bases across this country, has not yet been approved but already dislocation is setting in in many of our regions.

Let me give an example. I live close to a base, a block from a base. I found that the moment that base was closed, the Presidio of San Francisco, the whole area began to be impacted. I will give one small example. A gas station 2 blocks from my home had a contract to service automobiles and they hired additional people to service that contract. Immediately after the closure was announced, jobs began to dwindle away. The gas station revenues dropped, the gas station began to fire its people, and that was even before the base was closed. It has not been closed yet.

That is just one small indication of what happens the minute the announcement takes place. Another thing happens: Banks stop lending. People begin to understand their business is challenged if it depends on a base and they look for other opportunities.

This latest round alone will adversely impact 115,000 people in more than 20 States, and communities across the country are still feeling the effects of the 1988 and the 1991 base closure rounds as those bases begin to close their gates.

So, by delaying the next round for 2 years, the Federal Government will be able to complete an examination of the effects of prior base closures, we will be able to review our force structure and assess the need for additional base closures, and we will give the economy time to fully recover before throwing hundreds of thousands of working men and women out of work.

This second chart shows that, although the Soviet Union is no more, the world is still an unsafe place. There are currently more than 30 conflicts raging throughout the world, and 6 in the former Soviet Socialist Republics. The Soviet Union has not completed its fragile journey to democracy. Our post-cold-war experience is still in its infancy. In fact, in just these few short years we have been involved in two separate military operations: Iraq, and a different one, Somalia.

In downsizing our military the United States can reduce troop strength and the stockpile of certain weapons but still quickly build up again in time of national emergency. But it is much more difficult to build infrastructure. Once lost, it is gone. Is our Nation closing bases today that will in fact be needed tomorrow? I do not believe anyone in this room can answer that question with certainty.

I am also not convinced that base closures actually save money. I understand the need to shrink the deficit and reduce Government spending. But are base closures in the long run truly cost effective? Let us begin to talk about some of the numbers of base closures. This chart shows that the costs, according to the Armed Services Committee hearing report, of base closures beginning in 1990, 1991, 1992, 1993, 1994, and 1995—the cost is $2.3 billion.

The savings, it is estimated, would be $2.4 billion.

The net cost, they say—and the savings—totals, by fiscal year 1995, $159 million.

But let me tell my colleagues something. They do not include in that the cost of environmental cleanup, which is anticipated on the very low end to be $898 million. If that is included there is not a net saving, there is a net cost of $739 million—a net cost of all of the first round. It costs; it does not save. I am going to contend that cost is greatly underestimated.

In reality, it is my belief that savings from the 1988 base closure round alone may never be recovered. Congress is anticipated to appropriate nearly $900 million—that is the best figure we can get—$900 million. That is the anticipated appropriation for environmental cleanup by fiscal year 1995 for bases closed in just the 1988 rounds.

If these costs are included, it will actually cost hundreds of millions of dollars, and, quite possibly, billions, to clean up and shut down the bases slated for closure in just 1988 alone.

Moreover, strangely enough, environmental cleanup costs are not considered when calculating base closure costs. That is the flaw in the process. But these monumental costs are a reality nonetheless. One can say that these bases would have to be cleaned up anyway, so do not count the costs. But the costs are there and they must be included.

During the 1993 base closure round, the official estimated cost for toxic cleanup at California's military bases is more than $800 million, but local estimates, just for the cleanup of one base alone, El Toro, exceeds $1 billion. So the cost of cleaning up just one base in California will be $200 million more than the anticipated costs of cleaning up all of the bases.

Let me show you on this chart. Here is the estimated cleanup cost for Mather Air Force Base, $40 million. In actuality, it is going to be $175 million. That is a 360-percent increase over estimate. Here is Castle Air Force Base, estimated at $30 million. It is going to be $120 million. That is a 300-percent increase. Sacramento Army Depot is estimated at $20 million. It is going to be $70 million. That is a 350-percent increase above expectations. Here is George. It is $35 million. It is going to be $70 million. That is a 200-percent increase above estimates. Here is Norton Air Force Base. It is $45 million. It is going to be $130 million. That is a 300-percent increase above estimates.

If these are not correct figures, someone should tell me why they are incorrect. We should figure the correct numbers into the analysis, I believe, before proceeding further.

If we abide by what history teaches us in just this one graph, environmental cleanup costs will skyrocket. If other cost factors to the Federal Government are considered, such as unemployment insurance—and let me tell you, since we have begun the base closure process, we have put in excess of $85 billion into unemployment insurance. On October 2, unemployment insurance runs out, and we will be faced with having to find additional moneys for it.

How much in unemployment insurance are base closures costing? We know not. Should we not know before we proceed with an additional cost? Should we not know how much in defense conversion dollars is going to be spent to convert to a peacetime economy? Should we not factor in the cost of defense conversion on base closures? Is that not a more real analysis?

In the last round—I will give you one specific example of the flawed costing that the military has used, and it is Alameda Naval Air Station versus Everett. The cost of closing Alameda and moving part of the nuclear carrier fleet to Everett, WA, is not included in the costs. If it were included, it would clearly be more cost-effective to maintain Alameda Naval Air Station than to complete a base that is only half completed and will cost $200 million to complete. But those numbers are not included in this, and I believe that is a flawed cost analysis.

So why the rush? Why proceed with the 1995 base closure round after completing three huge prior rounds? Let us give the administration and the Congress time to examine the need for additional base closures. Let us assess the impact of the 1988, the 1991, and the 1993 base closure rounds. Let us assess their portion of defense conversion dollars. Let us assess their portion of unemployment insurance.

Let me give you two precise examples. The Presidio, closed in an earlier round, I am told this year will need $45 million and they say in the future they are going to come to the Congress for from $45 to $200 million a year to sustain the Presidio as part of the Department of the Interior to which it goes by law. That is not factored in in any of this.

Mr. NUNN. Mr. President, will the Senator from California yield just on a procedural point?

Mrs. FEINSTEIN. I will be happy to.

Mr. NUNN. Mr. President, I have been asked by the majority leader to try to ascertain whether we can get some time agreement on this amendment on both sides. From our side, we would be willing to take as short a time as the Senator from California and the Senator from Mississippi think would be necessary to make their case.

Mrs. FEINSTEIN. If I may, I am just about ready to complete my remarks, and I would like to consult with the Senator from Mississippi. Perhaps as soon as I finish we can give you a time estimate.

Mr. NUNN. I thank the Senator.

Mrs. FEINSTEIN. Mr. President, to take up where I left off, the costs of the closure of the Presidio, which had been closed in a prior round, are not known. We know that $45 million will probably be appropriated this next fiscal year just to sustain it in a state of limbo.

The cost of closure of Fort Ord—I have a request to make it into a State university. The Federal Government is going to be requested to put up $150 million. Right there, I have added, in just two bases, an additional $200 million of costs which have not been figured into any of this. What are the costs of the additional 249 bases? I have given you two. No one knows.

Mr. President, I hope that outside there is some independent think tank that is going to take on a full analysis of the real costs of base closures, and I will predict that they will stagger the imagination of this Senate.

With that in mind, what is the rush? Let us wait. Let us see our economy recover. Let us see if we cannot do this in a more sensible way.

So I join with the distinguished Senator from Mississippi in presenting this amendment. We are delighted to have the cosponsorship of Senator SMITH and Senator INOUYE in asking that the 1995 round of base closures be delayed until 1997. Thank you.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. LOTT. Mr. President, I rise in very aggressive support of the Feinstein-Lott, and others, amendment to delay the next round of the Base Closure Commission activities from 1995 to 1997.

I want to compliment the distinguished Senator from California for her remarks this morning. I think she really has done an excellent job. She has raised some very serious points that we need to consider, we need to think about, need to try to find some answers to. That is my real thinking about this issue.

As a member of the Armed Services Committee, I am always hesitant to offer or be part of offering amendments on the floor of the Senate. We try to get that job done in the committee. I know the distinguished chairman of the committee would acknowledge that, in the last couple years, I have raised questions about the Base Closure Commission and my concerns about the next round and what the impacts are.

I think that the distinguished Senator from California, Senator FEINSTEIN, and her State of California is a perfect example of what we need to do in terms of stopping and thinking about and analyzing what we have done already in terms of the impact on national defense, the impact on the economy of this country, and loss of jobs.

I will tell you why I really joined in supporting and cosponsoring this amendment with Senator FEINSTEIN. I sat next to her on a Friday afternoon earlier this year when the Base Closure Commission was meeting and making decisions. Her State had already been hit by the activities in 1988 and by the first rounds in 1991, and now we have come to 1993. She was sitting there with numbers, and we started talking. I was looking at her numbers. This is how many civilian jobs are going to be affected. This is how many military jobs. This is how many jobs we have already lost.

We were not talking about hundreds, we were talking about tens of thousands. I was shocked that some of those decisions that were being made that day concerning bases, very important bases in California, were going to affect 10,000 and 12,000 people—more than that. It really stunned me because in my own State of Mississippi, while we have some military bases—not very many—the numbers are not nearly as great as she was dealing with on that day.

The decisions were made and the hammer came down, a few positive ones but a lot of very negative ones. So I really felt for this Senator and for her State. It brought to my attention, again, my concerns about this whole effort.

No. 1, I keep asking myself, are we doing damage here for which we are going to pay a heavy price for? There are those who say, "Don't worry, we are going to have savings in the outyears." I keep asking, "How far out?" "Oh, by the year 2000, give us 8 years, 10 years, 12 years."

Who among us knows what the situation will be in the world or domestically in 10 years or 12 years? I am willing to bet you that we are going to pay a higher premium price to buy back or to replace facilities that we are now in the process of closing or, if you will, destroying.

So I am worried about the cost really involved here and the future of our national security. I am worried about States and communities that have been hit and devastated by these decisions.

Sometimes these decisions are understandable. They are always hard decisions. Do not get me wrong. I think the Commission personnel, the staff have done a magnificent job under very bad circumstances. I am not critical of the Pentagon for the work they have done. I am just saying that the impact has been very tough and sometimes the decisions are very hard to justify on the merits.

You are saying, well, wait a minute. He must have had some facility that really made him mad. No. No. My State is not in that category as much as other States are. Yes, we paid our share. We have had a major facility closed. After spending $600 million of the taxpayers' money, an Army ammunition facility in Hancock, MS, was shut down. Built by the Army in such a way that it could not be altered to produce the next generation of shells, now it is just sitting there, a ghost, a $600 million ghost. The jobs are gone. It is empty.

Has it been replaced? Is the Government using it? Is the private sector getting to make use of it? None of the above.

I am not cosponsoring this amendment because my State has been really slammed or that it would be in the future. I am looking at what is happening all around this country. And there is another reason. How many bases are really being closed? Two-hundred fifty, approximately, have been recommended for closure. How many have really been closed? Eleven, twelve? After 1988, 1991 and now coming to 1993, 11 or 12 bases.

So I would like for us to know what have we really done? Are we saving money or is it costing money?

How much has really been done based on decisions that have been made? I know of one instance where a State and its congressional delegation went to Federal court and got an injunction blocking a closure that had been decided by the Commission. What does that mean? Because other decisions are made based on the assumption that closure was going to happen.

What is the environmental impact? Do we know? How much cleanup really is going to be involved? I think a lot of these bases will not be closed for years and there will be millions, maybe billions, in expenditures trying to do the environmental cleanup. Should we not assess that? Should we not at least ask what is happening, what is really at risk there?

I think the Chairman of the Armed Services Committee, the distinguished Senator from Georgia, and the committee are going to want to have a hearing on this. In fact, there has been indication that later on this fall maybe we will have an extensive hearing to see what is being done. But should we not do that before we go to the next round? And remember, as the Senator from California was saying, if we do not delay this for 2 years and do it pretty much right now, this process is going to be underway. The Pentagon, the service branches are going to be asked to start gathering information, start making decisions. It will be underway.

I have always raised questions about this process of base closure. I did it when I was in the House. I voted against it in the House—this no-hands, no-eyes, no-ears, don't-tell-me-I-do-not-want-to-know approach. Is that the way we ought to be doing business? I do not think so. I think we ought to pause here now, get our breath, assess what we have done, and make sure we know how it is being done before we let it go forward another round.

So again, I wish to thank Senator FEINSTEIN for her fine remarks. I think she summed it up well. Her charts were very good. I think she has given us a lot to really think about this morning.

Mr. President, to paraphrase President John F. Kennedy, the great enemy of the truth is very often not the deliberate lie but the persistent myth, and I assert here this morning that there is a lot of mythology involved in this base closure process. This same quote, I believe, applies to the notion that base closing decisions save money. I do not believe it. And I am going to give you some numbers I think will back that up.

Since the late 1980's, the Defense budget has shrunk more than 30 percent. So for those who say we need to cut more, that we have not cut enough, the Armed Services Committee has been doing its job. The previous administration and this administration have moved forward in making tough decisions in saving through defense spending.

Over 1.5 million defense industry related jobs, many of them in California, have disappeared from the economy. Over 750,000 active duty and Reserve troops have been eliminated from force structure. More than 120 weapons systems have been terminated and over 800 bases have been closed or consolidated worldwide. No one can argue that defense spending has not taken a large hit in the push to have a smaller Government. The Defense budget has contributed its share of spending cuts for deficit reduction while domestic nondefense spending has continued to grow.

Now, the argument may be made later on today "but we have closed only 14 percent of our excess capacity." What excess capacity? Just this week we received the so-called bottom-up review. Had we ever assessed base closures, not only domestically but worldwide, in view of this bottom-up assessment of what we need in the future?

I am not suggesting that defense spending should not have been cut over the last 8 years. Clearly, communism's collapse in Eastern Europe and the former Soviet Union has allowed this chance for us to change our defense priorities, and that is fine with me. I understand that. I have supported realigning defense priorities, just as I have supported every Defense bill considered by the Senate since 1988. I believe I opposed the one in 1988 when I was still in the House, but every one since I have been in the Senate I have supported, with reservations and with criticism sometimes.

I have been concerned that we are making unwise, ill-conceived defense cuts that are eroding our military readiness and capabilities, but we have tried our best, and I think the Armed Services Committee of the Senate particularly has led the way in trying to do it in a careful, rational, thoughtful, concerned way. But I still am worried about it.

Now, here is the myth. Since 1988, as I pointed out earlier, 249 domestic bases have been selected to be closed in the United States with only 11 or so actually having been closed. In addition, 147 bases have had major realignments. Some of these 147 bases have increased employment but most have had reduced employment. Some bases have actually had increased numbers but always taking from somewhere else, so there has been usually a net loss involved. And all the while we are told that money would be saved. If we did not close these nonessential bases in 5 years, we could not afford to buy airplanes, ships or even tanks.

I do not want that to happen. It will not do any good to have great bases if we do not have men and women and ships and equipment to do the job. I understand that. I think it is folly if we do not provide what we need for the minimum national security interests of our country both in equipment and in bases. But now, like a ship sailing through rocky straits cloaked in fog, the reality of base closure savings sticks out like a sore thumb. The rhetoric of savings is cracking under the scrutiny of fact. The reality of base closure savings is a myth because I do not think you will find there are any savings. And I will give some more numbers in a minute.

By this year, we were told that savings from base closures would have reached $3.5 billion. This was the myth. But what have we actually saved? Only $1.7 billion—maybe. That is the reality.

We are saving less than half of what was projected. I say to my colleagues, look at the numbers. Where are the savings? Is it really happening? No, I do not think so. Maybe way on out in the future.

This year we are being asked—this is how it happens—we are being asked to authorize and appropriate $3.458 billion for base closure. In other words, we have to spend a lot of money to get base closure, particularly in the first year and hopefully the savings in the future. It is very interesting to me that the distinguished chairman of the Defense Appropriations Subcommittee, Senator INOUYE of Hawaii, is now a cosponsor of this amendment.

He is looking at the numbers. He is looking at what his committee has to do to find additional money to pay for the myth of savings by closing these bases.

Since 1990 the Congress has authorized and appropriated $5.1 billion for base closures in the United States. After this bill, Congress will have authorized a total of $8.56 billion to pay for base closures in the United States. We are authorizing and appropriating $8.56 billion to save what?

Not much in fact. That does not take into consideration impact on the communities; the human face of these base closures; the loss to the economy; the loss of these jobs; the closure of the service station that was affected and caused by this base closure in California, as the distinguished Senator pointed out.

What do we have to show for our money? How many billions have we saved?

The savings from the base closure myth would lead us to believe we have saved a bundle, but it has not happened. According to accounting data supplied by the military services, we have saved only $1.72 billion through 1993 fiscal year. So we have already spent $5.1 billion, but we have only saved $1.72 billion. It does not sound like a very good deal to me.

The stark truth is, closing bases costs us billions, maybe weakens our defense capability, and has devastated many areas of our economy.

If Ross Perot is right and the deficit is the "crazy aunt in the basement," then the notion that closing bases saves money is the Grinch that stole Christmas because there are no presents under the base closure tree for anybody—not for the country, not for the defense of our country, and certainly not for the communities involved. The only presents we get for closing bases are economic dislocation, regional recession, and increased unemployment.

Let me talk a little bit about the base closure process. In 1990, Congress passed this Base Closure and Realignment Act, which established the formal process and made it easier for the Secretary, the President, and the Congress to close bases.

I understand the reasoning for it. I watched in the past where Presidents or Secretaries of Defense would recommend a base closure and Congress would ignore it or override it. There had to be a way to do it. There is that capability. It has to be done. It is never going to be pleasant. There needed to be a way to do it. I do not think this is the best way. But it was passed by Congress.

The secret was to create this independent Commission nominated by the President and confirmed by the Senate to review recommendations by the Secretary and issue their judgments on the Secretary's list, which he sends to the President. The President could either approve the list and send it to Congress or send it back to the Commission. The act was replete with schedules, deadlines, and requirements, some of them realistic. And to the credit of the Armed Services Committee this year, we stretched out some of those deadlines so that a little more time could be allowed for careful consideration.

As a process, the Base Closure Commission has worked very well. I have to acknowledge that. After two rounds together, the Defense Department, the President, and the Congress have sent us 249 bases to close. Boy, it has worked, and many others are in line here.

But here are some other things you need to think about that have been happening as a result of this base closure process.

In some States millions of dollars have been spent by the State and communities to defend these bases over the past 2 years. The Washington consultants have been doing quite well. I understand that this past year the people in Charleston, SC, spent over $1.5 million to defend their bases before the Commission. I understand they did a great job.

Certainly, under the leadership of the distinguished Senator from South Carolina, Senator THURMOND, you knew they would do the job and whatever is necessary to make sure that all the information that needed to be considered was available. Then they would take their lumps like everybody else.

But this is one angle of this whole thing that I think people seem to forget about; $1.5 million in South Carolina. Estimates are California spent over $4 million just to try to defend their bases, yet they lost over 50,000 jobs from closures in 1993. I believe that is an accurate number. It is a staggering amount even if it is less than that.

Not only have States spent exorbitant payments to defend their bases from the base closures, they face double and triple jeopardy. In a court of law, the Constitution protects presumed innocents from the threat of double jeopardy, but in base closures, the presumption of innocence just does not exist. It is double, triple, quadruple jeopardy. It seems like if you get on the list, you are there forever, and keep turning up again and again.

These are communities which have supported our country in good times and bad. These communities have both suffered and benefited from the vagaries of defense spending. Never in the history of this country have these communities been under the constant threat of the budget knife like they have been recently—States like California, New York, South Carolina. In the future it will be many others—Arizona, Alabama, Georgia, all of us could be affected by this.

I want to urge my colleagues to think about this. Some of our colleagues may come to the floor and say, "Look, I already paid at the office. I have already had cuts after cuts, bases closed, jobs lost. They have already done all they can do to me." Some States may say, "We do not have any left."

But most of us now are going to realize, I think, that in 1988 we stripped off the excess clothing. We got the jacket off of that which we did not really need. In 1991 we got down to the skin and started hitting bases where it hurt. But we could still survive. In 1993, I submit we got down to the bone.

I am saying before we go ahead and do mortal damage to the defense of this country, to the economy of this country, let us take 2 extra years, put it over until after the 1996 Presidential campaign—although it does not relate to this at all. Let us assess it and extend it 2 years.

I urge my Senate colleagues to think about this now. You may like this I-did-not-do-it process. Today, you are going to have a chance to vote on slowing down this train so we can review this carefully. Slow down, take your breath, let us push it back 2 years and do not always think that it is going to be in somebody's else's State.

This week I was doing an interview on the reinventing of Government proposal which the former Senator GORE, now Vice President GORE, proposed. I was saying positive things about it. I think the concept is good. As I have gotten into it, I have some question about how real is it? How much teeth does it have? We ought to be in the position if it does not have enough teeth, let us help it. At least he is trying. I think it was a good effort.

One of the reporters said, "But you realize this could affect some offices in Mississippi?" I said, "Yes. We cannot only have it affect New York or California. We may have to be involved, too."

In this case, let me tell you: Every State, every service, everything in your State could be affected by this. So just think very carefully before you allow this process to go forward now, not with a hammer but a meat ax in 1993.

The time has come to stop and look this over very carefully. Can we clearly predict what will happen in Bosnia, in North Korea, the People's Republic of China? The Senator from California had a map of hot spots around the world and clearly what we have in terms of bases affects what we are able to do around the world.

At this point, I see the distinguished Senator, the chairman of the committee, standing. Would he like me to yield? I only have a few more minutes.

Mr. NUNN. I was just going to inquire when the Senator gets to a convenient point as to whether we could get some kind of a time agreement. Last night it was indicated that we would have about, I believe, 20 minutes on each side, 30 minutes on each side—I had heard.

(Mr. MATHEWS assumed the chair.)

Mr. LOTT. On all amendments?

Mr. NUNN. Only this one. I had heard that. That may not be accurate.

In any event, we have, as you know, something like 100 amendments left. People are going to want to get away from here this afternoon. Everybody thinks their amendment is the most important one that has ever been presented before the Congress of the United States. If I had one, I would feel the same way. But we do have a lot of them. I would love to get a time agreement so that other people can make their plans, too, if we can do it.

Mr. LOTT. If I could respond to the distinguished chairman. We did talk about it last night. I do not remember talking about 20 or a total of 40 minutes, 20 on each side. I did think we could get a reasonable time agreement and I still hope we can do that.

I do not have any desire at all to drag this out. But I have not had a chance to speak about the time agreement with the Senator from California. Senator SMITH is here and would like to speak, and I understand there may be other Members on this side who would like to speak. Possibly, at least one on the other side indicated he would like to speak. We also are trying to communicate with the distinguished Republican leader. I hesitate to agree to a time until we have had a chance to consult with the ranking member on the committee and our leader. As soon as I get through with my remarks, I will work industriously to try to find out about a time agreement.

Mr. NUNN. I do not think our side will need as much time as yours. We may need it, but we will not take it.

Mr. LOTT. Mr. President, I have a few more remarks, and at the appropriate time, I would be glad to yield to Senator SMITH, or others.

Mr. President, this amendment does not terminate the base closure process. Frankly, I would like to do that, but I am reasonable enough, and I know the facts of life. We are going to have more base closures. I am willing to confront that problem. But that is not what this does. This just delays it for 2 years. Let us think about it and find out what the costs are and what the savings are.

The amendment suggests that we need to have a better understanding of the new post-cold-war situation. The amendment does not affect the continuance of consolidation or closure of European bases impacted by the collapse in the Soviet Union. Earlier, I said I am not going to support domestic base closures until we close them overseas. After some delay, that started happening. As we continued to have the need to cut spending, it started affecting domestic bases. This amendment only says let us wait 2 years, and then we will decide what to do.

At this point, I ask unanimous consent that an op-ed from the Washington Post by Mr. Frank Sullivan, a former staff director of the Armed Services Committee and the Appropriations Committee be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 21, 1993]

PEOPLE AND EQUIPMENT, WEAR AND TEAR

(Frank J. Sullivan)

In recent years, defense spending has been cut about 30 percent in real terms, and more real cuts of 5 percent to 10 percent per year can be forecast through 1997. Some 1.2 million defense related jobs have already been cut, with another million or so more planned. No tanks, only three warships and 92 combat aircraft are budgeted for procurement next year—far below replacement needs. Military formations—divisions, ships, air squadrons—are being rapidly reduced. Military bases are being closed in record numbers, and defense industry layoffs and cutbacks continue apace.

A major dismantling of the Cold War American military establishment is well underway. It is time to stop and take a look at what will be left and whether it is adequate for future needs.

There are several compelling reasons to declare a temporary moratorium on further cutbacks in American military spending.

We should keep enough of the right stuff to help ensure America's role as superpower in a very unsettled world. Such order and stability as resulted from the alliances created by the U.S.-Soviet confrontation have not been replaced by a new kind of order, and the list of trouble spots is long—Iraq, Bosnia, North Korea, Somalia and Guatemala, to name a few. The troubles run the gamut from nuclear weapons to humanitarian relief. While U.S. forces may not be used in most cases, military power is one aspect of American world leadership and helps create other nonmilitary options.

We have not reduced the calls on our military forces to help out around the world. Iraq, Somalia and the Adriatic (Bosnia) all have required significant and rapid commitments of U.S. military personnel and equipment that endure for months and even years. With shrinking numbers, those that are left must operate at higher tempo—putting more wear and tear on people and equipment. The recent warnings on recruiting and readiness may mean we are beginning to use up the force.

We do not have a consensus on a military strategy for the future. That means we don't have firm criteria for setting new priorities within a smaller defense budget. Both the threat and the overseas land bases to support our forces have changed. The types and proportions of military capabilities that were needed to face massive Soviet tank formations along the inter German border from highly developed bases deep in Europe are different from those needed for ill-defined, smaller actions in unpredictable and poorly developed locations supported largely from the sea. If we continue to cut using Cold War priorities, we may cut the things we need most for the future and keep the things that we need least.

We cannot solve the deficit problem with further defense cuts. The deficit is forecast to grow to more than $350 billion within five years, while total defense spending declines to $250 billion. A temporary hiatus in future defense cuts would have only a marginal impact on the deficit. We should not risk major damage to American security and leadership in the name of minor changes to the bleak deficit picture.

More and more of the declining defense budget is being siphoned off for things other than military capability. Aid to the former Soviet Union, converting defense industry to civilian use, environmental cleanup, health care, base closure costs and a growing variety of civilian programs are all being funded out of the defense budget to the tune of billions. There are estimates that a growing 25 percent of the entire DOD budget is outside of the military departments, yet all the combat units are funded by the military departments. The elimination of the "walls" between defense and domestic spending this year by the Budget Enforcement Act of 1991 could accelerate the siphoning of defense funds for non-military purposes. We should impose tougher budget discipline to ensure against backdoor cuts of real American military capability.

Real savings in overhead and infrastructure are lagging behind cuts in forces. It takes more time to reorganize support functions, realign and close bases, release civilian and military personnel, and restructure industry than it does to stop operating ships, tanks, and aircraft. It will take several more years to fully translate the budget cuts of the last few years into savings of overhead and infrastructure. In the meantime, there is a likelihood that military capability will pay a disproportionate and unintended part of the bill. We should take time to ensure that proper support and overhead reductions are in fact being made before piling more cuts on military capability.

This is not to argue that there should be no future cuts in defense spending. It is to say that we should take a time out—freeze defense purchasing power for a year or so—until we clearly know where we stand and there is a consensus on where to go. American security, leadership and prestige depend on it.

Mr. LOTT. Mr. President, this article—and this is a very respected expert on defense issues—argues that it is time to take a look at what this contraction in defense spending has been doing. He says that we need to determine whether our remaining capabilities will be adequate for future needs. He is right. He feels like this pause in the base closure process would be a wise thing to do.

Mr. President, before I conclude my remarks, I want to just refer to some charts, too. I did not get them made into big, nice charts, but I think the numbers are really what is important. I have here on the first chart—this comes from the Base Closure Commission's final summary, and also it comes from the military construction appropriations subcommittee of the House. So these are reliable numbers. It shows the projected cost of closing bases in 1988, 1990, 1991, 1992, 1993, and the cumulative effect.

The cumulative total appropriated over these past 5 years is $8.56 billion. That is what we have paid to supposedly close these bases. The projected costs of that number, plus the next 4 years, brings the total to $14.5 billion. That is the cost to get the savings of closing the bases.

Let us look at the estimated and actual savings schedule. Let me emphasize that a lot of this is projection and estimated, because this is what we think we are going to get and what we hope to get. I think it is, once again, myth. Over the 1990, 1991, 1992, 1993, 1994 period, the savings has been estimated at $5.2 billion. And over the next 4 years, the cumulative estimated total savings is $13.2 billion.

So from 1990 to 1998, with the base closures, we are talking about saving an estimated $13.2 billion, while we would have been spending $14.5 billion to get that savings. Think about that. You do not have to be MIT educated to figure out that over this multiyear period of time here, 9 years, we are going to have a cost of about $1 billion for an illusory savings.

And then just one final point here, Mr. President. I could give you other numbers. I do not want us to choke on numbers. I just want us to use some common sense and really assess what we have done. When I tried to make that happen as a member of the Armed Services Committee, in talking to the services or base closure people, I cannot put my finger on it. It is like trying to get ahold of a jellyfish; it sort of slithers away. You know, "Go away, we do not want to talk about that. Trust us, we are going to get the savings." It is not happening, Mr. President. I do not think it will happen. But the harm and the damage to the defense of our country and to the people and the communities has been great. I think we need to assess it before we go forward.

At this time, Mr. President, I yield the floor.

Mr. THURMOND. Mr. President, although the base closure process is disruptive and causes economic turmoil to communities throughout the Nation, the Department of Defense must reduce its excess infrastructure. In my judgment, the sooner we eliminate these excess installations, the sooner the Nation will reap the savings that will be achieved in this process. Therefore, I oppose the Lott-Feinstein amendment.

Over 250 military installations have been recommended for closure since this process was started in 1988. Although most of them are still in the process of being closed, the Department of Defense estimates that it will save $8 billion annually by the turn of the century. These are savings that cannot be ignored.

Mr. President, the amendment sponsored by Senator LOTT and Senator FEINSTEIN will delay any additional base closures until 1997 and, therefore, burden the Department of Defense with excess facilities for 2 more years. The excess capacity is certain to be aggravated as a result of the administration's bottom-up review which calls for the deactivation of two more Army divisions, mothballing almost 100 ships, and eliminating three active duty fighter wings.

The Congress carefully crafted the 1990 Base Closure and Realignment Act and directed that the last segment of the process occur in 1994. If we pass this amendment it may be the first step toward abandoning the entire process and I do not want that to happen. It is not good for the national defense and it is not good for the Nation.

Mr. President, I urge my colleagues to oppose this amendment.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SMITH. Thank you, Mr. President.

I rise in very strong support of the amendment of my colleagues from Mississippi and California, and I am pleased to be a cosponsor of this amendment.

I might just say that this is a commonsense amendment, as the Senator from Mississippi just said. It is a very thoughtful amendment.

I think there are times when we have to step back, pause, and take a look at what we are doing. And I commend them both for their leadership in this area.

Senator THURMOND just indicated that this could be the first step in abandonment of the base closing process. I totally disagree with that analysis. I do not think that is the case at all. We have had three rounds of base closings already, and this will not prevent the fourth.

I think myself, Senator FEINSTEIN, and Senator LOTT understand full well the implications of this. We have had closures in all three States.

In my State of New Hampshire, in the first round, I supported the closing of Pease Air Force Base. So I stand here not as one who has any sour grapes, but who bit the bullet and supported the closure. I think it was justified.

But, today, I just think that it is time to step back, pause, take a look and think about what we are doing.

This is not an abandonment of the process. It is a postponement.

Mr. President, the U.S. military is in a free fall. The administration is demanding $178 billion in unsubstantiated spending cuts. Dozens of weapons programs are being terminated. Tens of thousands of volunteer service men and women with outstanding service records are being fired.

I can cite one example of a case where several people at a particular Air Force base had received commendations for being the best in their field and then, a short time after that, were given their pink slips and told that they were going to have to leave the military. It is a travesty.

Our national defense infrastructure is being decimated. We are going back to the hollow force. And all of this, we are told, is our reward for winning the cold war.

Well, I have a hard time justifying how you can call that a reward for winning the cold war, when we are decimating the very people and infrastructure that caused us to win the cold war.

At the outset, let me be very clear about one thing. I support and have voted in favor of responsible reductions in defense spending. I have also supported each and every round of base closures thus far, even when it negatively affected my State, as I said, at Pease Air Force Base.

I recognize that the dissolution of the Warsaw Pact and the demise of the Soviet Union have, in fact, fundamentally transformed the international security environment. There is no question about that. And with the nuclear threat receding and the prospect of a massive Soviet attack across the Fulda Gap having all but disappeared, the United States is now able to restructure its military forces and adapt its war-fighting doctrine to the changed threat environment.

But it also behooves us, as responsible men and women who are in a position to make these major decisions, to look very carefully at the consequences. When the Base Closure Commission began its work, we still had a Soviet Union. That has changed now. I think we need to look at it in that environment.

This does not mean that we should continue now for the fifth straight year to randomly pillage our defense program without any regard to the long-term consequences of our actions, all under the guise of some mythical peace dividend.

I would say to my colleagues, the only real peace dividend is peace itself. That is the dividend—peace itself.

The fact that the Soviet Union no longer exists and hopefully will no longer be aiming its missiles, its warships, or its guns at us; that is the dividend. But the ongoing effort to wring more and more money from a defense well run dry is actually costing U.S. taxpayers money, not saving it. If it is costing them their jobs, their livelihood, their community economic vitality, and their security, how can it be a dividend?

Mr. President, of the many myths being perpetrated in the post-cold-war defense debate, perhaps the most egregious, is that somehow we are saving billions of dollars by closing all of these military bases. Nothing, unfortunately, could be further from the truth.

Since 1988, some 249 bases have been targeted for closure in the United States; another 147 have been realigned. Congress has been led to believe that these actions would have saved about $3.5 billion by now. What we have actually saved is about half of that, about $1.7 billion. That is positive. If installations are not needed, we ought to close them, and we have and we will in the future.

But what have we spent on base closures? Since 1990, Congress has authorized and appropriated $5.1 billion to close bases in the United States. In addition, the bill before us includes some $3.5 billion in assorted funds for base closures. Thus, once this legislation is enacted, Congress will have authorized $8.5 billion to pay for base closures that as yet have saved only $1.7 billion.

According to the military services, we have already spent $5.1 billion on base closures and, as I said, we are authorizing $3.5 billion this year. But to date we have saved only $1.7 billion.

It does not take Price Waterhouse to tell you that these are not savings. Now, savings may come in the future. But we should not continue recklessly closing bases without stepping back and taking a look at the results.

It is high time that we slowed the train down just a bit and took a long, hard look at where we are going and how we got here. We have come a long, long way since that August day 2 years ago when the beginning of the end occurred for the Soviet Union.

We are decimating our defense infrastructure recklessly and without any regard for the military and the economic implications. That is wrong.

It is time we looked at the effects these actions are having on our national security, first, our economic vitality, second, and the health of our communities.

It is important that we do that. We have a responsibility to do that.

These contractors, these communities, these bases, these people, they are the ones who delivered us a safer world. They did it. We have a responsibility to them to be responsible in how we deal with the cutbacks.

Mr. President, I speak from authority on this issue. Pease Air Force Base in New Hampshire was the first base to close as a result of the 1988 base closure first round. I supported that base closing, as I indicated. The community agreed, for the most part. There was very little opposition. Pease provided a great service to our country as a strategic air base, and we are proud of it.

But, Mr. President, I have seen the massive economic turmoil that resulted from that closure and the loss of services.

I have seen the dramatic effect that it had on the surrounding communities whose businesses thrived on that military presence for decades.

I have seen the dislocation of military retirees who suddenly lost access to the base hospital and health care, and I have seen environmental complications arise from decades of military use and abuse and a burdensome cleanup process. These are real problems that have to be dealt with by people, by communities.

While New Hampshire was the first State to experience this turmoil, the pain now has spread throughout the country, exacerbating its impacts and increasing the transition and adjustment costs which must be absorbed. If we are saving some defense dollars by closing these bases but spending a far greater amount on realignment, on environmental cleanup, and community adjustment, it is time we take a hard look at the merits of further closures. Because, if the goal is to save money then we ought to save money. If we are not saving money, then it does not make a lot of sense to proceed.

The amendment before the Senate does not terminate the base closure process. It merely delays the next round by 2 years so we can examine the international threat environment, determine what type of military force structure will be required to counter these threats, and survey the results in the first three rounds of base closures that have been piggybacked on one another in such a brief time.

What people do not realize is that in order to prepare for the 1995 round of base closings, the process has to begin now. It does not begin in 1995 when the list is finalized. The process begins now, and that is too soon and it is too far-reaching.

Let me emphasize this amendment has nothing to do with overseas base closures. We are continuing to reduce our overseas troop levels and basing structure as expeditiously and responsibly as appropriate. What this amendment does do is ensure that adequate attention is focused on our domestic infrastructure—those national assets that are so vital to preserving national security and an effective reconstitution capability.

All of us in this body talk, from time to time, to the people who work at these installations, and the contractors who produce the weapons. I think we have to stop and think about the fact that they may not be around the next time we need them. They are getting hit hard. Once you close a military installation and you develop it into condominiums, say, along the shore front somewhere, you are not going to be able to get that back. Try going through the environmental hoops you have to jump through to establish another military installation.

Slow it down. That is all we are saying. We are moving too fast. It was too fast in 1977 and 1978 and 1979, after the Vietnam war, and it is too fast now. Former Secretary of Defense Cheney said, "Every time we build down the military we screw it up." That is what I am afraid is happening again. I hope we can stop that process.

That is the key point in this debate. Our shipyards and our military installations are national treasures. The workers in these facilities are second to none in their patriotism and diligence in what they accomplish.

If we shut down these installations and send their skilled work force into the streets, they simply cannot be reconstituted. They are not going to be there when we need them. This is particularly evident in the case of our Nation's shipyards.

The public shipyards are unique national assets. They cannot be replaced. We know from experience, once a shipyard is closed and converted to condominiums or some commercial venture, they are not going to be reconstituted again. The environmental challenges and nuclear licensing restrictions are simply prohibitive.

Why not step back. Let what the first three rounds have done settle in. Lord knows how difficult it has been in California, the tremendous hit that the Senator from California has seen in her State. There is no reason why we cannot step back and let those cuts settle in. Then we can initiate the next round if need be.

We should close what we need to close based on national security. We should not close bases just to save money. We should close bases because they are not needed for national security anymore and, secondarily, to save money. Unless somebody here has the capability to predict the future, which I will not claim to be able to do, I do not see how anyone can know what the threat is going to be in 50 years or 100 years. I think we are moving too fast, and I think history will judge that we are moving too fast if this amendment is defeated.

Let me close on this point. This amendment, again, does not terminate the base closure process. There are going to be those who come to the floor and say this is the end of the base closure process. That is simply not true. This amendment merely defers the next scheduled round of closures by 2 years. That is all it does. It defers, not terminates, to enable us to survey what we have done.

Frankly, we ought to be doing this in many other areas of the defense budget as well: In manpower, in weapons, force structure, all of it. And we ought to be analyzing what effect the previous closures will have on our national security and economic health and determine how we can apply these lessons learned to the next round. The world is in transition. There are tremendous amounts of weapons being exported around the world. Terrorism and regional instability are everywhere.

Just because there is no longer a Soviet Union does not mean we are not going to have problems in the world. The world is in transition. The threat environment is changing.

We need to assess these threats very carefully. We have a constitutional and a moral responsibility to provide for the common defense. We need to develop a comprehensive strategy to promote U.S. interests and formulate a blueprint for U.S. force structure in the future.

I am afraid, as I listened to some of the debate on this bill, and I heard it yesterday with SDI, the same people are coming down here year after year with the same outdated arguments. They prevailed yesterday, took another $400 million out of SDI. But I think they are looking at the past. We cannot afford to look just at the past. We have to look at the future. We can learn from the past but we better be looking to the future.

Thank goodness under Democrat and Republican Presidents from the 1940's through today, Presidents and Congresses of the United States of America were thoughtful enough to prepare to face the Soviet threat. That is why it is gone.

We won the cold war because we built the weapons and bases needed to protect our security. We now stand alone as the preeminent world power. We must not jeopardize our military and economic security by haphazardly decimating our national assets, our national treasures. All the amendment before us does is propose a more responsible, methodical approach to the ongoing base closure process while preserving its statutory mandate and mission.

I urge my colleagues to support this amendment. It is thoughtful, it is in our national interest, and it certainly is in the interest of hundreds of thousands of jobs throughout the United States of America.

So I commend, again, Senator LOTT and Senator FEINSTEIN, for their leadership and I urge my colleagues to support this important amendment.

At this time, Mr. President, I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I would like to address the same subject. I rise in opposition, regrettably and I want to talk for a very few minutes about why I oppose this amendment. Let me give a little bit of background.

The base closure authority envisioned three closure rounds. They were to be conducted on off-election years: 1991, 1993, and 1995. We still have the 1993 package that is to come before the Congress. It will involve some 250 installations in the United States to be closed, 70 of them major installations.

I realize the problems involved when a base is closed in a particular area. It is a very vexing matter which creates problems with employment and job opportunities, impacts the local economy, and so on. But unless the law is changed, the President has the option—I want to emphasize—the President has the option. The 1995 Base Closure Commission will be at the option of the President. He can nominate another Base Closure and Realignment Commission in 1995 to consider any U.S. base closure or realignment that is made by the Secretary of Defense. I stress that option because I think we have some time to look at this whole process. Currently, we are conducting a bottom-up review of the Department of

Defense. We have been briefed on it in the last few weeks and are thoroughly reviewing it. I may have misgivings about the bottom-up review.

I, too, am concerned whether we are moving too far, too fast with some of the cutbacks, but we have 2 years to analyze what is going on in the world, and the President has the option of saying whether he wants to nominate another Base Closure and Realignment Commission in 1995.

What this legislation would do, as I understand it, is cut out that option for the President. We are now in the process of defining whether the bottom-up review recommendations will be enacted into law. But at this point to say we would automatically cut back and not give the President the option of initiating the third base closure round would be premature.

I realize that the economic dislocation of closure, particularly in California, is great. With a flat economy right now on the west coast, we need time to absorb these transitions. I agree with all that. But the proposal to do away with the current round of closures or to knock out the option of the President to even have the option of having a Base Closure Commission in 1995 or putting that off until 1997, rather, is something I do not think we need to do right now.

The three-round base closure process spaced over 5 years is based upon the need to make an orderly and timely reduction in U.S. base infrastructure. DOD plans and phasing and have been based upon this schedule.

The end-strength of the Department of Defense is projected to be reduced by about a fourth from the cold war level. Overseas bases have been reduced already by some 37 percent. U.S. bases measured in investment value at least will be reduced only 15 percent, and that includes the 1993 package. Delaying the next closure round for 2 years simply prolongs the expense of operating unneeded bases, funds that DOD cannot afford to waste.

I am very concerned about that area because I do not want to see us wasting money. We already are short of operation and maintenance accounts. The Army is putting off a lot of their overhaul of equipment. The Navy is doing the same thing. We are running short of dollars already in some of these areas. Keeping open unneeded bases is not a luxury that we can afford.

Secretary Aspin's bottom-up review envisions force reductions below the Bush base force of two active Army divisions, three Air Force active fighter wings and about 55 ships. That is a big order. His plans also emphasize the need to reduce support infrastructure, and cites the unwillingness to do this in the post-Vietnam era as a major reason for the readiness shortfalls of that period.

In other words, we kept too much overhead, too many bases still open. We did not cut back when we had the opportunity to do so and wound up spending far more on overhead than we should have been spending. We were getting less bang for the buck out of every defense dollar than we should have been getting at that time. Clearly, we do not want to repeat those mistakes of the seventies in the nineties.

Secretary Aspin's 1993 base closure recommendations were based upon the Bush base force. It is a continuation, not a complete elimination, which was a concern I shared with most of the people on the Republican side of the aisle.

I think Secretary Aspin needs the opportunity to adjust the base structure in 1995 to bring it into line with the Department's revised force structures and to make support reductions that were not included in the 1993 package or at least providing the option to do it then.

We are in the middle of a national performance review, with a goal to be as efficient as possible. Base closure is part of that process. To thwart it and to say, no, we should not have another round, to not try and be more efficient, more effective in our military, whether it is with bases or people, or whatever, is just not the way we should be going. Delaying the next closure round until after the next Presidential election, which is what the proposal would do, could deny the Clinton administration the opportunity to make its base closure recommendations and increase the overall projected shortfall in defense funds over the next 6 years.

The Clinton administration is committed to helping communities transition from defense-dependent economies. A major tenet of the bottom-up review is the need for a strong national economy. If the economic cost of military base closure proves too great, the President has the option now of canceling the 1995 closure round by simply not nominating a commission. If that happens, Congress can then address whether a 1997 closure round is in order.

So, Mr. President, I propose that we oppose this amendment and defeat it, and still give the President the option of going ahead with the 1995 base closure round. I yield the floor.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, shortly I will propound a unanimous consent request that would request that this amendment be voted on at approximately 1:10 today and that there will be 5 minutes equally divided for debate on the amendment at that time, so that we would resume consideration of the amendment at 1:10 after we complete this debate and hopefully move to another amendment. There will be 5 minutes for debate. And then at that stage, we would vote on the Feinstein-Lott amendment and then we will move to vote on the Reid amendment.

It is my hope—and I see Senator HARKIN on the floor—that we can end this debate in the next 5 or 10 minutes, move on to the Harkin amendment, debate that Harkin amendment, and I will talk to the Senator about a possible time agreement on that amendment. Then we can have all three of these votes hopefully around the 1:10 timeframe. I will not propound that request at this moment. I want to give people a chance to know.

Let me say a few words about the amendment we now have pending.

First of all, Mr. President, I understand completely the position of the Senator from California. She makes her points vigorously. She is representing a State that is, of course, one of our more important States. It has been one of our most important States in the entire period we have been engaged in the cold war. We have had tremendous military presence in California. I would say that the California people have been superb in their support of our defense and national security needs.

We have literally scores of bases in California. Even after the whole builddown, we are still going to have an enormous defense presence in California. But the adjustment in California more than any other State I know has been very difficult.

So I have tremendous sympathy for that point of view. I think we ought to do everything we can to help in the conversion fund so that, as we agreed yesterday in the amendment we accepted of the Senator from California, we give priority in those conversion funds to the States that have been hardest hit.

I also believe in, and we accepted the amendment of Senator BOXER from California, a consolidated data base to help small businesses not only in California but throughout the country on the conversion effort.

Having said that, and understanding the authors of this amendment and what they are saying, having sympathy with the position they offer, I would have to say this. Mr. President, we are told on the Armed Services Committee you have to bring down the Defense budget. We are given a number that in my opinion is too steep. I think we are cutting too steeply. I have said that over and over again.

I also think we are not putting a wall between defense and other expenditures so that if we do cut spending, it does not pour into domestic. Because it is just an open invitation for anyone who wants to grab the great big Defense budget and wrestle $100 million here, $200 million there, $300 million there and put it in domestic need.

Nobody ever talks about from where this money is going to come. So what we like to do in this body—and I say sometimes we reflect our constituents in that regard—we like it both ways. We like to say, by golly, we are bringing down the Defense budget, but then we like to say we are not going to hurt this State, this community, these people.

Mr. President, there is one thing we can all bet on. You cannot bring down the Defense budget without bringing down the defense establishment. You cannot cut money from defense without losing jobs. It is impossible. You cannot do it. If you do not take the money out of one area, you have to take it out of another.

Now, one of the most visible and difficult things to do is to cut military bases. That is reflected in what we have done so far. We have cut, since 1985, about one-third out of the force structure of the national defense, that is, Army, Navy, Marine Corps, Air Force. About one-third has been cut. In the infrastructure, the bases primarily but not simply the bases, we have cut about 15 percent.

Even with this last round of base closures, we are not keeping up with the force structure cuts in infrastructure cuts. We have cut in the European and other overseas bases about 37 percent of the bases. So we have cut overseas about 2½ times more than we have cut at home. And that is appropriate. I would like to see that ratio go higher, although we do have obligations around the world. There is no doubt about that.

So the bottom line is we have a choice: Are we going to take the cuts primarily out of force structure and readiness or are we going to take some of the cuts proportionally out of overhead?

This amendment basically says the Senate is in favor of keeping overhead at the expense of readiness.

What do we mean by readiness? We mean by readiness the ability to pay for the training, the flying hours, the steaming hours, all of those things that go into making our men and women able and ready to fight. And a high degree of that is in the morale factor.

In the 1970's, the Senator from Ohio said, we did just the opposite. We said we are going to bring down this large force we built up in Vietnam, but we are going to spare the communities and we are not going to close any bases, and we did not. We closed very few bases after Vietnam.

What happened? We ended up with a hollow military force at the end of the 1970's. It became a major political issue. In fact, it was one of the main things that helped to elect—not the only thing; there were many—a Republican President in 1980 because that was a big issue. We had hollowed out our military forces because we had protected infrastructure and overhead.

So we have to choose. And the time to decide whether we are going to hurt people on the Defense budget and how fast we are going to bring it down and whether communities are going to be hurt, the time to decide that is when the budget debate takes place. That is when we set the level of Defense. That is when we make those decisions.

But, of course, there are an awful lot of people who want to have it both ways. They want to drive down the Defense budget but then every time we get ready to cut something say, "Not here; not us; not this time; not now; let us wait."

You cannot do it both ways. You cannot save money without cutting out some functions. And you cannot bring down an Army, Navy, Air Force force structure by one-third and then have the infrastructure and the overhead come down only 15 percent. But that is what we will be doing if we pass this amendment.

I know it is said, and I have heard this and it is frustrating and it is hard to explain, it is hard to explain to people that it costs more money to close bases in the first 3 or 4 years than you save. So in the short term the proponents of this amendment are correct in the sense that we do not save a lot of money. In the long term, we save huge amounts of money because we get to a point where we have paid for all the expenses of closing bases; we have paid for the environmental cleanup; we have paid for any RIF's that might occur in taking care of those people under the Federal procedures or civil service, we have paid for moving equipment, in consolidation. All of that costs money. And it is true you do not save much money in the first 2 or 3 years.

So we are talking about about a 10-year picture. And one of the reasons we are in such a terrible fiscal blight in this country is because we debate everything as if the savings have to occur in the first year or two, otherwise it is not worth doing.

So what we do is we build up these huge expenses. We start off programs that are very small. They grow; they grow; they grow. But we get the foot in the door. The same thing is true in reverse. The only way you can save big bucks in the Defense budget or any other budget in this country is to do it over the long haul unless you do not care about people, unless you do not care about communities, unless you are just going to lay people off and not help them get another job or give them some special severance pay.

We do not do that in this country. We care about people. We care about communities. So when we bring down military bases, we do everything we can to help them adjust and that costs.

There is one other argument that is made over and over again, and I also understand the logic of this. And yet, Mr. President, when you look at it, if we followed that line of reasoning, we would really have a complete environmental nightmare on military bases, and that is that we should not close bases unless those bases do not have a lot of environmental cost.

Mr. President, the same people who demand that we do something about cleaning up the environment seem to be saying if we have an environmental problem on a military base, do not close it because we would have to fix it.

Well, are we going to just leave these environmental problems on military bases if they do not close? If anyone thinks through it, what we would really be saying, if we say, look, we are going to measure all of those environmental costs and if we are going to have to spend $500 million to clean up a base even though it would take us 6 years to get to the point where we save money net, we are not going to close that base, do we realize what that would be doing? We would be inviting every military base that wants to stay open to make sure they have the worst environmental problem.

We would say the way to stay open, if you do not want to close this, is to pollute the streams, bury waste, get hazardous material all over the base, and then we will not close you because it will cost too much. That is the absolute opposite of what we want to do in terms of incentives. Is that what we want to do?

I can guarantee you—we have some smart people in Georgia. We have some military bases that are exposed, and I understand where the Senator is coming from. I had four on the list, none of them are closed. But we went through the trauma, not to the point of having them closed but we went through some considerable amount of anxiety. I understand something about where the Senator is coming from. But if we send out the word in this body, the congressional policy——

Mr. BURNS. Mr. President, will the Senator yield for a question?

Mr. NUNN. Let me make one point. I will be glad to yield.

If we send out the word in this body the way you keep a base open is to pollute it to despoil the environment, to make sure you do everything you possibly can to make it more expensive to close it, I will guarantee you we will have some people who can figure out how to do that. It is hard to figure out how to clean up the environment. It is not hard to figure out how to wreck it. I do not think that is the incentive we want to send out.

So the military and the Defense Department have said we are not going to cost account the environmental cleanup in determining which bases to close because if we do we will give reverse incentives. Besides that, we have to clean up those anyway. We are not going to leave hazardous waste knowingly in the middle of a military base even if it is not closed. We owe something to the communities where the bases are in terms of cleaning that up, even if those bases stay open. I yield to my friend from Montana.

Mr. BURNS. Mr. President, I would ask my friend from Georgia, after we made the decision to establish this Commission to put us on some kind of a schedule to scale back and close down some of our military installations, which was clearly the intent—and I think the American people have made the decision that we are in a different kind of environment, the walls are down, we have to start thinking about peacetime and doing business in a little bit different way, I listened to this debate—I ask the Senator, the distinguished chairman of the committee, do we really save any money by not going on with the plans that have been stated by the Commission?

Mr. NUNN. I say to the Senator, if you are asking me whether, if we do not close bases in 1995 but wait until 1997, whether we will save any money the next 2 or 3 years or if we are going to spend more money, I would say the answer is this: Over the next 10 to 12 years, if we delay this 2 years, which is what this amendment does, it will cost us an enormous amount of money.

Mr. BURNS. To back that up.

Mr. NUNN. Not in the first 5 years, but over a 10-to-12-year period. If we delay this 2 years, it will cost a great deal of money.

Mr. BURNS. If that be the case, and that is the way the figures show, then I would think—I ask the Senator, are we eroding the integrity of the original intent of the Commission?

Mr. NUNN. I would say if the amendment passes, we will be. I will say, as has been said by Senator GLENN from Ohio, that if the President chooses not to, if he believes the economic impact is such—he may get to that point where he does not want to tackle this in 1995—then he does not have to appoint a Commission. But if we pass this amendment, he will not have that option. It will not be on the table. The Congress would have said, look, we finally bit the bullet, we did something we were not willing to do in the sixties, seventies, until the late eighties, we finally set up a Commission, we said to the Commission, you have the authority, we have the final say, but we will want to go on about the task of getting rid of some of this overhead, we finally said that.

We would now, if we pass this amendment, be saying, whoops, we did not know there was going to be any pain and suffering involved. Whoops, we did not know anybody is going to have to pay a price. We did not know it is going to cost anybody a job.

We all knew that when we set up the Commission. I think we have to stick with it. My view is let us stick with it. If the President decides not to move in 1995, that will be his right. But if we jerk the rug out now, one of the few things that Congress has done around here in the last 5 to 6 years that really gets at the heart of saving some money, we would have taken a significant step backward. We would not have wrecked it.

We would still be addressing it in 1997. The process will not be over, but we would be basically saying we have looked at it very carefully, we have weighed the effect of cutting overhead versus the effect of harming readiness and we choose to preserve overhead at the expense of readiness.

That is what it does over a period of time. It is not the intent. It is not what anybody intends, but it is what happens. Nobody intends to hurt readiness. Nobody intends to create a hollow force. It is just what happens. Those of us who have been around here awhile understand it because we have seen it happen.

Mr. BURNS. I thank the Senator for the information. But I would suggest that if the conditions of security around the world had changed in the last year since this Commission has ended, has been set in motion, and where conditions change to where maybe we should take a look at our own priorities as far as the Nation's security, I would say the argument to delay the closing or the mission of this Base Closing Commission would have to change with it.

But so far as this Senator has been able to tell, those conditions around the world have not changed, that we have to some way still protect the integrity not only of this body but what we are trying to do here. I thank the Senator for his time.

Mr. NUNN. I agree with the Senator from Montana. I thank him. I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Virginia.

Mr. NUNN. Would the Senator yield for one moment?

Mr. WARNER. Yes.

Mr. NUNN. Mr. President, I ask unanimous consent, notwithstanding the pendency of any other amendment, the Senate move to the consideration of the Feinstein-Lott amendment No. 816 at 1:10 p.m. today; that there be 5 minutes equally divided in the usual form for debate on the amendment at that time; and that at the conclusion or yielding back of the time, the Senate vote on or in relation to the amendment to be followed without any intervening action or debate by a vote on or in relation to the Reid amendment No. 815.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, reserving the right to object, I do not intend to object, I want to say I think this has been checked out on all sides. I think it is very fair. I appreciate the chairman's courtesy. I think we ought to be able to go with it.

Mr. NUNN. I thank the Senator from Mississippi.

Mr. COATS. Reserving the right to object, I want to clarify the procedural situation. Will the time between now and the vote be reserved for debate on their amendment and equally divided between those?

Mr. NUNN. No. It would be my hope that we would conclude debate on this amendment very shortly. As soon as we do, I would hope we move to the testing amendment, do as much of that as we can. That would be interrupted if this unanimous-consent agreement is agreed to, interrupted at 1:10. Then we would vote on these two amendments, come back to the Harkin amendment after that.

Mr. THURMOND. Mr. President, I have no objection to the unanimous-consent agreement.

Mr. COATS. Mr. President, I would say my only interest is in speaking briefly in opposition to the amendment. I want to reserve the right to do that.

Mr. NUNN. The Senator will not be losing his right.

Mr. EXON. Reserving the right to object, may I make inquiry? The unanimous-consent request is to put off any votes until an hour from now at 1:10, and at that time we would interrupt debate on the Harkin amendment, which I understand will be next, set that aside temporarily for the two votes.

Mr. NUNN. That is correct.

Mr. EXON. I reserve my right to table the amendment offered by the Senator from Nevada, as I indicated earlier.

Mr. NUNN. The Senator has that right.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the chairman? Without objection, it is so ordered.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I rise to join the distinguished chairman and ranking member in opposing this amendment. I would like to step back in history a little bit because I had the privilege of serving in the Department of Defense as Secretary of the Navy, and perhaps I may be the only one, or certainly one of a very few Members of the U.S. Senate who had to go through a base closing prior to the enactment of the framework of these laws.

I remember very vividly. It was about 1972. The distinguished Senator from Massachusetts [Mr. KENNEDY] stared down behind a battery of television cameras in the caucus room as the then Chief of Naval Operations, Elmo Zumwalt, and I defended our decisions as the two leaders of the Department of the Navy to close the Boston Naval Shipyard; one of the most historic yards in American history.

The U.S.S. *Constitution* I believe, is docked up there now, and, indeed, the ancillary facilities, the Newport, RI, destroyer facilities, and other facilities on the east coast that were a part of the complexion of mutual support with the Boston Naval Shipyard and the operating fleet. The distinguished senior Senator from Rhode Island [Mr. PELL] was also in that hearing room.

For the better part of a day, that caucus room was filled with people examining whether or not the Department of Defense could move forward and close an installation. And only by the narrowest of margins, and only by the narrowest of votes was that decision sustained.

I point out, as a footnote, the difficulty of closing a base or an installation, because historically they have grown to become a part of each and every community. They have become symbols of the pride in that community, of that community's contribution to our Nation's defense, past, present, and future. And the pain associated with the cut of those bases and installations is one that is very difficult for the local citizenry to accept.

Then I step up in the chronology to one day when the distinguished chairman and I were visiting with Secretary of Defense Carlucci. Secretary Carlucci was among the first to recognize that the base and installation structure in this country was out of balance, in terms of the cost to support them, with the future sizing and configuration of the U.S. military, in terms of numbers of personnel, in terms of types of equipment. And it was in that meeting that the seeds were planted by which this series of legislative actions by the Congress—that is, the laws—for base closure started. And the basic concept was that the Congress could not really come to grips with the closure. Members of Congress would band together and say, "You protect my base, I will protect yours, and we will form a network and a coalition, and we will block successive actions by the Department of Defense."

Time and time again, reference was made to the closing of the Boston Naval Shipyard. That shipyard had more history, more tradition, than any other shipyard in the United States of America. It was, I think, the first. Out of that meeting, again, flowed this series of enactments by Congress by which we have taken away from the Congress in some substantial measure the voice as to what should be closed in terms of bases and installations.

I agree with the proponents of this amendment that it has not worked as well as we had hoped. It has not generated to date the savings that we had hoped. And, indeed, the several actions through the years of the Base Closure Commission has caused irreparable pain and harm to communities and individual Members of this body.

I can remember the day when Chairman NUNN hit the gavel in our committee to ask for a vote this year to ratify the actions of the present Commission. My distinguished colleague and friend, Senator ROBB, also a member of the Armed Services Committee, and I knew that our responsibility was to vote "yea," even though our State, the Commonwealth of Virginia, had taken a terrific hit, in our judgment, by this round of base closures. Indeed, we were severely criticized in our State by the Governor himself. But we felt it was our duty to support the concept of this law and to support the actions by that Commission, and to do what was in the best interest of this country. Senator ROBB and I did it together, and we still take, as we say in political parlance, "heat" in our State. But there are times when you have to step up and make these decisions, and we did it.

With no disrespect to my colleagues, the proponents of this amendment, I would call it the "Humpty-Dumpty" amendment, because if this amendment passes, all the king's horses and all the king's men would never put back together again a base closure package, a base closure law. This will be, as we say in naval parlance—I see here watching me a distinguished former naval officer—it is like pulling the sea cock, and the ship will go down. And this chapter in American history, where the Congress has come to grips and faced the fact that they could not close bases, will be erased from the books forever, and we will be back to the old system where, on an ad hoc basis, the Secretary of Defense or one or more of the several Secretaries of the military departments will have to come and sit in that caucus room and try to convince the Members of the Congress to stick by a decision that has been made by the Department of Defense.

Others speaking on this issue this morning have given, in precise detail—particularly the chairman of the Armed Services Committee—the fact that if this concept of base closure is fractured, we will see a steady erosion of those dollars which are necessary for readiness, necessary for personnel and, indeed, bottom line, necessary to maintain the strongest possible national defense establishment that we can for our Nation and for our allies.

Earlier today, Mr. President, a group of us had the privilege of being with the President of the United States. He started the meeting describing to us this historic moment in which the enemies of 100 years-plus are now trying to forge an alliance—Israel and the PLO. It was a very moving briefing, the President and the Secretary of State and the leadership of the Congress being present. But our President, in his foreign policy to date, in my judgment, has conducted himself very admirably. The chairman of the committee, and others, have worked with him in months past this year on Bosnia and Somalia. And, in particular, this day the President is striking a key note of modesty on behalf of the United States and its participation in the arrival of this historic agreement.

I think that is a proper tone for the President to take with regard to this historic moment in history, because many people have assumed great personal risk, risk on behalf of their political institutions, respective institutions, and on behalf of their country, to lay down and forge these two historic agreements, which will soon take place. And in other actions, be it the Bosnian conflict, the tragedies of Bosnia and of Somalia, I think our President has very wisely judged the actions that he will take on behalf of the United States, in terms of the best solution for the present crisis, but always the President is looking beyond such that the actions he takes on the immediate crisis, may become building blocks for the future, become decisions which bring about a greater degree of credibility and respect for this Nation so that we can continue to take a role of leadership in solving the world's problems.

So I commend the President for the conduct of his foreign affairs today, in particular with relation to Bosnia and Somalia and now in striking a keynote of humility and recognition to the tremendous leadership of others in bringing about this historic détente between two ancient enemies.

It has certain parallels to where we are today because we have had longstanding animosities among ourselves with respect to how we should cut this defense budget.

I have been privileged for 14 years to work with our distinguished chairman and many Members of this Chamber on working with the defense budget and how we should carefully put those budgets together to reflect, most importantly, the threat as it is being posed today and in the future to the United States of America. We should spend not one penny more than we absolutely need to meet our own security requirements and that of our allies, with whom we are becoming more and more dependent in this multipolar world, more and more dependent on establishing freedom, security, with a continuation of democracy.

And a key element of that budgetary planning cycle has always been the allocation of funds to support the infrastructure, sort of the foundation on which the military rests, the bases and the installations.

I remember when we first started this process—and this is way back in 1969, when I first went to the Department of Defense—there were actually military posts in America, primarily in the central regions of our country, that were associated with that conflict that we had with Native Americans, the Indians, years ago. Someone was preserving those posts for the historical significance in that chapter of American history. That was the primary reason for keeping a lot of those far-flung posts open.

I will always remember at the outbreak of World War II, right after Pearl Harbor, when the Department of the Army, as it was known in those days, suddenly realized that we were going to be confronted with a very major military action, one of the first decisions—if you can believe it—was to go out and buy 50,000 horses and mules to equip the U.S. cavalry.

Now, mind you, here we had seen the Nazi forces go through Poland in September 1939 and Poland used the cavalry against the Nazi tanks, the Nazi armored carriers.

And so we rushed to buy horses and mules because the money was flowing into the coffers of the Department of the Army. We bought them, again, thinking about the old days and the grand old days of the cavalry.

Indeed, the cavalry, if you will read Patton's biography, was the line to get promoted in the Army.

George Patton, in World War I, was a burly lieutenant colonel. He commanded all of the elements of the AEF, the American Expedition Force, that was known as the mechanized, the first use of tanks, first use of tanks in World War I.

The British had started them in about 1914–15, and their program sort of bogged down in the mud and it just did not come to fruition. But the Americans came along and made a contribution with those tanks. Patton, a brilliant tactical officer, employed those few assets we had, those few mechanized assets, in a way that indeed impressed all the military observers at that point in time. And they were very successful, the overall successful package of the results of the AEF in 1917–18.

Patton came back to the United States and he tried to sell to the old Army brass still hanging around then in the War Department—the War Department was right up next to the White House in those days, in the EOB. You can still go up there and see on the knobs on those doors, the Department of the Army and the Department of Navy. There was no Air Force then. The Air Force was a corps, the Army Air Corps, within the Army.

And Patton came back to sell the concept of armor to America's future military. What happened? The old guys slipped right back to their thinking, decided armor would not be a part of the Army in the aftermath of World War I. He could not get any budget. What little budget he got was minuscule for the research and development of armor in the period of 1920, 1921, 1922.

So what did George Patton do? It is right there in his biography. George Patton resigned from armor and went back to the cavalry because he recognized that was the only way he would ever advance in this man's Army. That is the tunnel vision that the brass had in those days.

And, indeed, he did succeed, slowly through the period of the twenties and the thirties, advancing through the ranks to where he became a colonel. My father knew him. My father was a resident of this area.

George Patton became a colonel over here right across the river in Virginia. He had the honor guard. He was a very elegant character. He had a home which is very near the home I now occupy down in Virginia.

He used to be a great horseman. As a matter of fact, he would be the first to say he rose through the ranks primarily because of his horsemanship.

I bring out that little vignette in history and take the time of this prestigious body today because, again, it shows the thinking that you have to combat in the Department of Defense from time to time, the lethargy that sets in: We do not want change.

But, finally, the Department has come along and recognized we have to get change in terms of cutting back this base structure, which is draining the lifeblood out of the active forces. And it took a lot of guts by Secretary Carlucci and some Members of this body and some Members of the other body to sit down and enact this framework of the base closure statute.

Why come all the way back around to Humpty-Dumpty? If this amendment passes, Humpty-Dumpty comes down off the wall. And I daresay, in the years that I am privileged to remain in this body, I do not think that we will ever see Humpty-Dumpty put back together again.

But I see my distinguished colleague from Indiana patiently waiting. He has been kind enough to listen to my thoughts on this. Therefore, I shall yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I want to assure my friend from Iowa that I am not intending to take very long at all. I understand that we want to try to deal with an amendment the Senator has so we can couple the votes. I will not impede on that for more than about 3 or 4 minutes of time.

I want to briefly commend my colleague from Virginia for his statement, which I think sheds considerable light on this whole process. I also want to commend my colleagues from Virginia for stepping up to the plate in a very, very difficult vote and very difficult decision with immense political ramifications and staring down the politics and the political fallout and saying we are going to do the right thing even though it impacts our State, even though it impacts our people. We are sent here to look beyond the short term and look at the long term and what is in the best interests of the United States and ultimately the best interests of the people of the State of Virginia.

I believe the people of the State of Virginia will recognize that and reward that with their support. I say that because I have been there. I have been at the plate also at a tough time with an election pending, and I can hear the press releases beginning to roll as the roll was called in the committee about whether or not you would support the base closing recommendations when it included your bases.

It was very easy for both the House and the Senate back in the eighties to vote for the base closing process because we all knew that the current process was broken. No bases were being closed. We knew that it contributed significantly to the hollow forces of the late seventies. We had an infrastructure that was far greater than the forces necessary to occupy that infrastructure. And the drain of funds into maintaining an infrastructure were funds directly out of the paychecks of armed services personnel, funds directly out of training functions which affected their ability to be effective, which in many cases can cost lives if they do not have proper training. These are funds directly out of operations and maintenance, funds out of necessary functions, necessary in order to provide for effective and efficient military.

We went through that once. Congress in the eighties basically said, save us from ourselves. We are going to vote for a procedure whereby we do not have final veto authority individually. We can reject or accept the entire list as propounded by the Base Closure Commission, but there will be none of this "everybody's but mine."

We are in a significant drawdown period. Some of us think the drawdown is too fast. But I guarantee the drawdown on base infrastructure is not too fast, it is too slow. We are ending up with far more infrastructure than we need to accommodate the size of the force for the future. In the interests of time I will not go through the number of arguments that I have had because of the agreement worked out with the Senator from Iowa, but I urge my colleagues to not forfeit here one of the few things that this Congress has done in the last decade to truly effect savings.

There are very few times we can stand on the floor and say we have constructively reduced the burden on the taxpayer. I know what the pain is at home. I know what the difficulty is for those who are directly involved in the decision to close the base.

The administration has been sensitive to that. They have created a fund to help with the transition. Those communities that have rolled up their sleeves and gone to work have actually found it is to their long-term economic benefit to make the transition because we are not serving the community, we are not serving the people who occupy the bases or support the bases if we simply end up with a base that is partially manned, where the economic activity there is significantly reduced simply because we do not have the budget to support the infrastructure.

We prepared a port infrastructure to house up to 600 ships. We planned a 600-ship Navy in the early 1980's. We are now looking at a little more than half of that. Yet we want to keep the same amount of port structure. It is possible. We can divert our funds into that. But we are sacrificing and jeopardizing the security of the U.S. Armed Forces and the security of this country by diverting funds to unnecessary purposes.

Virtually every corporation in America has had to downsize, restructure, consolidate in order to become more productive and more efficient. The only institution that does not do that is government and here is one element of government where we have made the right decision, as painful as it is in the short term, where we have made the right decision and where it actually is going to effect savings.

I understand the point of my friend from Mississippi. I find myself reluctant to argue against his amendment because we find ourselves together on so many issues. We share a common philosophy relative to the strength of our military and to a whole number of issues. But on this issue, unfortunately, we disagree. I think we need to understand that during the period of time when Congress had ultimate control over base closings we did not close a base. We could always find a justification to keep a base open. We did not close a base. That authority used to belong to the Secretary of Defense. Congress took it away from the Secretary of Defense and we ended up, in this country, with 3,000 military facilities occupying a land total greater than the entire square mileage of the State of Indiana.

There may have been some justification for most of that during the cold war. But with the end of the cold war the world has changed and we need to change with it or we are going to find ourselves in a situation like that described by the Senator from Virginia, and that is a force structure based on the past and not on the future. We cannot anticipate conflicts of the future. We are beginning to get a glimpse of them and we need to understand we have to have a force that is differently constituted than that of the past. That means we cannot afford to pour money into unneeded infrastructure because that takes money away from the very elements of our force that are going to provide us that winning edge in the future.

Credibility of Congress is on the line these days. There is a lot of cynicism and skepticism throughout the land about whether we are going to be business as usual, politics as usual, or whether we are going to bring about real change, whether we are going to step up to the plate and take the high hard one and suffer the political consequence. But I can tell my colleagues, if they think the people they represent want politics as usual, if my colleagues think that pork barrel, bring home the bacon is the way to political popularity and the way to ensure election, I think they are misreading the public. I think my colleagues would be misreading what the public is looking at. They are about to tear this place down and start over because they do not see represented here the kind of change they are demanding.

I think we would be wise to send some strong signals that this Congress has heard the message, that we are willing to be responsive, that we are willing to make the tough votes, and that we are willing to proceed with a procedure that, while the savings we had hoped for are not achieved in the timetable originally laid out, it is going to achieve those savings. It has to achieve those savings if we continue the process of eliminating unwanted infrastructure.

In that regard I hope our colleagues will resist the temptation of the short term, look at the benefit of the long term, and reject the amendment offered here before us.

With that I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa [Mr. HARKIN] is recognized.

Mr. LOTT. If I could, Mr. President.

Mr. HARKIN. Mr. President, I thought I was recognized.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. LOTT. Mr. President, we had not completed the debate on this amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa.

Mr. NUNN. Mr. President, if I can suggest something, I talked with the Senator from Mississippi. He informs me he has very brief concluding remarks and the debate will be concluded on this amendment. I think if we could, even though the Senator from Iowa has the floor, if he does not mind yielding for that purpose, then we can finish debate on this amendment and move to his.

Mr. HARKIN. I yield the floor.

Mr. LOTT. I thank the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. We do have 5 minutes for closing remarks, on our side.

Mr. NUNN. Five minutes equally divided.

Mr. LOTT. The final 2½ minutes will be used by the Senator from California, Senator FEINSTEIN, in support of the amendment. I will be very brief.

There have been several points made by Senators WARNER, COATS, and GLENN that I need to just respond to briefly.

First, I want to emphasize, this amendment does not stop the base closure process. Every decision that has been made, every base that has been recommended for closure, I presume, will go forward to closure, and that includes the 1988–1989 timeframe, 1991 and 1993. So it does not stop the process. It just says instead of the next round occurring in 1995, it would recur in 1997. It would just slip that timeframe 2 years to give us time to assess what has happened, the damage that has been done and make sure that the next round of decisions on this are based on reality and take into consideration what has actually been closed and what costs have been involved.

Ninety-seven will be the next round, and unless Congress votes and the President, I guess, signs a bill that will stop that, it will go forward. So do not misunderstand this. This is not trying to undo what has happened or stop another round. It is just to have one little extension for cooling off. This does not jerk the rug out from under base closure. We are simply recognizing the facts.

Senator WARNER made the points. He said base closure has been expensive. He said we have not saved what we wanted to. That is a fact. I think we ought to look at what we are really saving and also look at what we are spending for the savings we are getting.

He notes that base closure devastates communities. In these numbers of costs that are involved, they do not include the devastation to the community, the loss of the jobs, the people who had a position on a base that wound up having to go on welfare and food stamps. There is no way to assess the economic damage that base closure has done to the State of California, and it has affected other States.

We all realize it has to be done. We are not arguing stop it. We are just saying let us look at what we have done and make sure we are doing the right thing. Let us look at the impact on national security as well as the cost, the savings and the impact on the economy. That is all we are advocating with this amendment.

Also, Senator GLENN mentioned the bottom-up review requires more closure and more money. He is right. The Secretary of Defense needs about $15 billion more to pay for the bottom-up force review. As a matter of fact, I think this Base Closure Commission is costing money that we could be using on readiness and sustainability.

I will just conclude with this one point. Closing bases costs us money, it does not save money, or at least it has not so far, and it will not be projected over 9 years. This chart just shows, first of all, as has been indicated, that so far the savings have been $1.64 billion below what was estimated; $1.6 billion below what was estimated in savings.

I want to emphasize again for my colleagues to look at these numbers. Over the 9-year period, the cost is estimated to be $14.5 billion. The savings is estimated to be $13.2 billion. I do not think the savings stack up against the costs, and it does not even include the impact on the economy.

Mr. President, I ask my colleagues to think about this vote carefully, think about national defense, but also think about your State and what we are getting in the process.

With that, I will yield the floor. I believe we will be ready to go to the Harkin amendment and then come back for a final statement at 1:10.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, the Senator from Iowa will be here in one moment. I have persuasive rebuttals for every point the Senator from Mississippi made. As a member of the committee, I would like to make those points. As manager of this bill, I would like to move on to the next amendment.

If I could say for the RECORD, there are counterpoints to those points, but the Senator has made his case effectively. I think we had a good discussion on this amendment. We will have 5 more minutes on it before the vote, which will begin 10 minutes after 1. That gives the Senator from Iowa 25 minutes to make at least a start on his amendment. I appreciate his patience. He has been here a long time.

Mr. HARKIN. I want to inquire if I could, the vote starts on this amendment at 1:10, or the debate?

Mr. NUNN. At 1:10, we go back to the Feinstein-Lott amendment. If you lay down your amendment now, that amendment is the pending business until 1:10. We would go then, assuming we do not finish your amendment by 1:10, we go to their amendment, we vote on the Feinstein-Lott amendment, then vote on the Reid amendment and then we come back to yours. As I said to the Senator privately, I hope we can get a time agreement as we go along.

Mr. HARKIN. I am sure we can.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa.

Mr. HARKIN. Mr. President, I ask unanimous consent that the Feinstein-Lott amendment No. 816 be laid aside.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 817

(Purpose: To reduce amounts available for nuclear testing activities)

Mr. HARKIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, Mr. JEFFORDS, Mr. KERRY, Mrs. MURRAY, Mr. BUMPERS, Mr. WELLSTONE, Mr. SASSER, and Mr. HATFIELD, proposes an amendment numbered 817.

Mr. HARKIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 375, line 15, strike out "$3,788,954,000" and insert in lieu thereof "$3,582,954,000".

On page 375, line 19, strike out "$428,383,000" and insert in lieu thereof "$222,383,000".

On page 393, strike out line 13 and all that follows through page 394, line 12.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

AMENDMENT NO. 818 TO AMENDMENT NO. 817

(Purpose: To reduce the amount authorized to be appropriated for fiscal year 1994 for operating expenses of the Department of Energy for weapons testing)

Mr. EXON. Mr. President, I send a substitute amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the substitute.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON] proposes an amendment numbered 818 to amendment No. 817.

In lieu of the matter proposed to be inserted, insert the following:

On page 375, line 15, strike out "$3,788,954,000" and insert in lieu thereof "$3,735,571,000".

On page 375, line 19, strike out "$428,383,000" and insert in lieu thereof "$375,000,000".

On page 393, line 13, section (f), change "$150,000,000" to "$131,250,000", "$125,000,000" to "$109,375,000", and "$153,383,000" to "$134,375,000".

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, the amendment I just sent to the desk is a substitute amendment to the amendment offered by Senator HARKIN, and I have asked and received permission for its immediate consideration. The defense authorization bill, in explanation, funds the nuclear weapons testing budget request of $428 million.

Mr. President, without losing my right to the floor, I would like to request that I might be able to yield to the Senator from West Virginia. In granting the request to my friend from West Virginia, I yield the floor.

Mr. BYRD. Mr. President, I do not want the Senator to yield the floor, unless he intended to anyhow.

Mr. EXON. Without losing my right to the floor, I would like to yield to the Senator from West Virginia then, if I understand it, for what purposes he might have.

AMENDMENT NO. 793 TO AMENDMENT NO. 792

Mr. BYRD. Mr. President, my purpose will take about 2 minutes, so I will know how to proceed with eating my lunch. I am getting hungry, and last night, my culinary instincts took offense at my suggesting that I might have to chew on a coat this morning. So I want to find out from the distinguished, very distinguished Senator from Georgia as to how I should plan to go about my lunch. Am I supposed to eat his coat this morning, or shall I go ahead and do the normal thing?

Mr. NUNN. Mr. President, I say to my good friend from West Virginia that I thought about it very carefully last night as to whether, as the Senator described so well, whether I had hit the Senator or whether I had narrowly missed. Of course, if I hit the Senator, he would have to eat my coat. If I narrowly missed, he would not. I looked through my wardrobe this morning, and I may have rationalized a bit, but I came to the conclusion that I narrowly missed and I wore my second dark suit.

So I would say to the Senator, I appreciate his courtesy but I believe I narrowly missed, and I would encourage him to have a normal meal, but thank him for his consideration.

Mr. BYRD. I am deeply grateful to the Senator. I feel much relief. My wife especially is relieved because I used to have an ulcer and she does not want me to have any such problems.

In return for the Senator's application of mercy, may I say to him, any time he might feel the need to lower his blood pressure a bit, I will loan him my picture for a brief period of my little dog Billy which so relieves blood pressure and might even do other things.

Mr. NUNN. I say to my friend from West Virginia, around 5 o'clock this afternoon, if I have to send an emergency message down that I need the picture, the Senator will know what I am talking about.

Mr. BYRD. I thank the Senator, and I thank the Senator for his kindness in yielding.

Mr. NUNN. I thank the Senator.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. In explanation then of the substitute amendment now before the Senate, I simply say that the defense authorization bill funds the nuclear weapons testing budget request of $428 million. The Armed Services Committee approved this funding request during its July markup pending—and I emphasize pending—the formal submission of the President's nuclear test report and a Department of Energy budget amendment revising, revising downward the administration's requested amount. But in so doing, the committee did fence $180 million until this detailed spending plan was submitted.

The nuclear testing report was sent to Congress during the August recess. The budget amendment is due later this month in time for the conference on the bill with the House and will bring the testing budget in line with the President's July 3 policy to extend the moratorium through fiscal year 1994.

Given that this document will be essential in determining the appropriate level of funding for the testing program, I have urged my colleagues on both sides of this issue to not propose any amendments cutting the testing budget or tinkering with the Hatfield-Exon-Mitchell provision signed into law last year.

I understand, Mr. President, that the Senator from Iowa would like to make his opening remarks on the amendment, and I know he has been waiting for an extended period.

Did the Senator wish for me to go ahead?

Mr. HARKIN. Fine.

Mr. EXON. I do not have a long statement, but I am trying to put into context what I just offered.

It is too soon after the President's July 3 announcement to begin tying his hands, I suggest, as he seeks to form a multinational agreement on a comprehensive test ban treaty which I think is the will and wish of the vast majority of the Senate. Administration officials have been consulting with our allies and other nations over the past few months as to how to best achieve such an agreement, an important step in limiting the proliferation of nuclear weapons throughout an increasingly unstable world.

This is the first opportunity I have had to take the floor and speak on the nuclear testing issue since the President's July 3 policy announcement. I applaud President Clinton's action as it has been applauded by many nations around the world that fear that international security will be undermined if nonnuclear countries are able to develop, test, and field with confidence these weapons of mass destruction.

The President's decision to extend our testing moratorium on a voluntary basis throughout September of next year was recognition that there is no compelling reason at this time to continue our testing program.

Furthermore, President Clinton understands, as I and other proponents of last year's testing law had been saying for quite some time, that the world is looking to the United States of America for leadership in halting the spread of nuclear weapons.

When Russia and France unilaterally halted their testing programs last year, the world looked to the United States and Britain to pick up the gauntlet and do likewise, in the process isolating China as the only testing nation not to accept a "No First Test" pledge.

The consequences of doing nothing were potentially great. With the Nuclear Non-Proliferation Treaty up for renewal in 1995, the nonnuclear nations of the world have made it clear that progress towards a comprehensive test ban agreement would be necessary or the renewal of this important treaty would be in doubt. To do nothing would have been a step backward on curbing the spread of nuclear weapons in the Third World.

President Clinton's policy was articulated very well in that August nuclear testing report and it shows great courage on his part, great vision and leadership reminiscent of President John F. Kennedy. Like President Kennedy 30 years ago, he has made a compelling case that both American and global security can be enhanced through limits on nuclear testing. President Clinton should be commended for seizing a remarkable window in history and attempting to realize what may be the most exciting and historic achievement of the post-cold-war world to date, the comprehensive test ban treaty.

As the past few years illustrate, the course of international events is difficult to predict, and therefore I am not in a position to say categorically that the United States will or will not need to conduct nuclear weapons tests in the future. At this point in time, however, I am convinced as chairman of the Nuclear Deterrence, Arms Control, and Defense Intelligence Subcommittee of Armed Services that such tests, whether for safety or reliability purposes, are not justified in that the costs of such tests far outweigh the benefits. Yet I agree with President Clinton that our Nation's only testing facility in Nevada should be kept in a standby status until more is known about the progress toward a comprehensive test ban treaty.

Based on the information I have been able to obtain from the administration, the budget amendment now being prepared by the Department of Energy will likely propose a reduction of $53 million—let me repeat that, Mr. President—the administration is proposing and preparing and has recommended to us that there be a $53 million reduction in the request, the original request, from the administration. The remaining $375 million then will be used to keep the work force and the facilities at the Nevada test site in a standby status as the United States continues to work toward a comprehensive test ban treaty.

While I have not seen the actual amendment and cannot attest to supporting the rationale behind all of these figures, I believe it is more than reasonable and a responsible number than is being proposed by my good friend from Iowa. It seems to me, Mr. President, that to go as far in the cuts as proposed by my friend from Iowa would not fit with the standby status that is necessary.

For this reason, I have offered the substitute amendment that has just been delivered to the desk reducing—and I emphasize reducing—the testing budget by $53 million. This is now the official position of the administration. My amendment is in contrast to the chain saw approach, the cutting of the testing budget which, if successful, will only result in layoffs at the test site and confusion over its mission.

My colleagues should be aware that the House Armed Services Committee has cut $206 million from the testing budget in its authorization bill.

So when we go into conference, we will have a difficult position to bargain with the House when we meet later this month. We will be revisiting this issue again at that time. At that time, we will have the administration's formal budget. And I am assured that will be exactly in line with the substitute amendment that I have just offered.

At that time then we will be in a better position to deal with the House if the Senate will accept my substitute amendment which is the $53 million cut rather than the larger cut figure that is incorporated in the amendment on this subject offered by my friend from Iowa.

Mr. President, in these early weeks following the announcement of President Clinton's nuclear testing policy it is important that we not undercut our negotiators as they strive to reach an international consensus laying the groundwork of a comprehensive test ban treaty. The Senate endorsed the objective contained in the Clinton policy in overwhelmingly passing the Hatfield-Exon-Mitchell amendment last year. Now that the administration has adopted the Senate position, we should allow the President the necessary flexibility to implement that policy.

For those reasons I urge my colleagues to adopt the pending substitute amendment which would make a $53 million cut in the program now endorsed and accepted by the administration, and if that action is taken, then the substitute amendment would be a replacement thereof, a cut like Senator HARKIN is suggesting but not as deep a cut.

Mr. President, I yield the floor.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

(Mrs. MURRAY assumed the Chair.)

Mr. HARKIN. Madam President, I want to make sure I understand the substitute amendment. It was offered I think as a substitute. If my friend from Nebraska could again let me know precisely what it is. What it does is it has an overall $53 million cut from the figure of $428 million. It cuts it $53 million down to $375 million?

Mr. EXON. The Senator is correct.

Mr. HARKIN. It leaves intact also the $195 million fence. That is in there until the report is given by the Secretary of Energy.

Mr. EXON. Yes. The $180 million fence is still in the package. That would be the position as the Senator from Iowa will understand when we go to conference with the House.

Mr. HARKIN. I understand that. I appreciate that.

Madam President, first of all I want to say to my good friend from Nebraska, he is a dear and good friend, I want to recognize his leadership in this area going back over the last several years in carving out a pathway to hopefully by 1995 not only extending the Nuclear Nonproliferation Treaty but of course by then having a total comprehensive ban enacted, a nuclear test ban treaty signed by the nations of the world so that we will indeed have no more nuclear explosions.

I can only assume that is the desire and the desired goal that the Senator from Nebraska has, I am sure it is, as we all do, to have a comprehensive test ban, to put this era behind us, and to secure for future generations the security of knowing that no more nuclear weapons will be exploded. And of course in 1995 strengthening and extending the Nuclear Nonproliferation Treaty. So all well and good. So we agree on that.

But the cut that the distinguished Senator from Nebraska has made, while it is of course in the right direction, certainly does not comport with the situation we find ourselves in right now with the moratorium on testing that has been put forward by the President of the United States; that is, we had no tests this year and we will have no tests next year. Yet, at the same time that we are not having any tests the budget for testing continues to go up. That is really what I wish to address myself to.

I perhaps can see the handwriting on the wall, so to speak, in terms of this amendment. Again, while I applaud the Senator for moving the figure down at least $53 million, I certainly do not think again that it is in line with what we are looking at in reality. That is what I want to address myself to.

So I commend the Senator from Nebraska for his leadership in this area over the last several years. He has been a leader in, again as I say, carving out this pathway of getting to a comprehensive test ban treaty.

I would also like to congratulate President Clinton for his decision to extend the testing moratorium until at least October 1994, assuming of course that no other nation explodes a nuclear weapon.

I applaud the decision because it sends a clear message to the rest of the world. It is not business as usual in the nuclear weapons domain. The United States is serious about curbing nuclear proliferation and considers a permanent global ban on nuclear testing as one component of a comprehensive nonproliferation policy.

Extending the moratorium shows that the international message of nuclear nonproliferation is far more important than any marginal information that might be gained from a few more nuclear explosions. Extending the moratorium would indeed make progress towards strengthening and extending the Nuclear Nonproliferation Treaty in 1995 much more likely.

So while I applaud this policy decision I must also note that the testing budget, the nuclear testing budget in the bill before us today, is not consistent with a continued testing moratorium.

The President and Vice President have just released a major report with recommendations on reinventing Government, making Government more responsive to the needs of our citizens by improving efficiencies and cutting out unnecessary Government programs. Nuclear weapons testing is just such an unnecessary program. We have exploded 942 nuclear bombs over the last 48 years. We do not need any more tests.

The President's decision to continue the moratorium indicates that additional nuclear weapons explosions are not necessary for our national security, yet, the nuclear testing budget has not been reduced.

Many Senators of course have pointed out repeatedly that outdated Government programs and subsidies like the wool and mohair program for example, or the honey program, ought to be done away with. Well, continued cold war funding levels for nuclear testing are just as unjustified as continued wool and mohair subsidies. I might point out that wool and mohair is only $154 million a year, and honey is $2.5 million a year. It pales in insignificance to what we are talking about here in terms of the nuclear testing budget.

Incredibly, the administration request includes a $53.4 million increase for nuclear testing for fiscal year 1994.

So what has happened now is that the Department of Energy wants $428.4 million to conduct no tests—compared to $375 million this fiscal year also to conduct no tests—although plans of course were made to conduct up to 5 tests before the moratorium was extended.

So I can see clearly now that what the amendment of the Senator from Nebraska does is it just sort of freezes the level of last year at about $375 million.

The PRESIDING OFFICER. The Senator's time has expired.

PRIVILEGE OF THE FLOOR

Mr. REID. Madam President, unanimous consent request, please. I ask unanimous consent that Larry Ferderber, Congressional Fellow, be allowed floor privileges during this bill that is being debated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Madam President, I ask unanimous consent that on the second rollcall vote, which I believe is the Reid amendment, there may be a tabling motion; too, that there be 10-minute rollcall votes since we will have already had everyone here for the 15-minute rollcall vote.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Madam President, I also ask unanimous consent that upon the ending of the second rollcall vote, the Senator from Iowa be recognized to continue and complete his statement?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 816

The PRESIDING OFFICER. Under the previous order, the question recurs on the Feinstein amendment No. 816. There remains five minutes for debate equally divided and controlled in the usual form.

The time is controlled by the Senator from Georgia, Mr. NUNN, and the Senator from California, Mrs. FEINSTEIN.

Mr. NUNN. Madam President, I suggest the absence of a quorum and ask unanimous consent that the time be equally charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Madam President, it is my understanding that we have 2½ minutes to close the debate.

The PRESIDING OFFICER. The Senator from California has 2 minutes remaining.

Mrs. FEINSTEIN. Madam President, I want to say that I think there is some misunderstanding about what this amendment does. We are not trying to call off base closures. What we are trying to say is, look, in a short period of time, 250 bases across this great Nation have been closed. What we are trying to say is that there is evidence now being brought to bear that the base closures are not cost effective. What we are trying to say is that hundreds of thousands of people have been discommoded.

Is not the point of the Government in this base closure to save money? Is that not why we are doing it? If we do not look and see if we are really saving money, then I think it is a very foolish public policy to have a kind of arbitrary procedure that goes on over a decade, regardless of ramifications, and I cannot believe that this is what the American people want; that we set into motion something that absolutely wreaks havoc in some communities.

In the largest State of the Nation, it is doing just that, and what I hear is this: We said it in 1990; therefore, we are going to continue it. We are sorry, lady, what happens to your State. That is just the way it is. I must say that I profoundly differ with that kind of public policy. I do not believe it is good. I think there is enough evidence coming forward——

The PRESIDING OFFICER. The time of the Senator from California has expired. The Senator from Georgia has the remaining 2 minutes.

Mr. NUNN. I did not hear the question.

Mrs. FEINSTEIN. Is it possible to have another minute?

Mr. NUNN. I yield another minute.

Mrs. FEINSTEIN. For my State, if you delay the 1995 round to 1997, we will save two big bases that otherwise, in addition to what we have already lost, will be closed. One of them is McClellan Air Force Base, and the other one is the Long Beach naval shipyard. These employ tens of thousands of people, in addition to 50 percent of the personnel hit in the Nation. In 1995, with 9 percent unemployment, and up above 14 percent in many of the affected areas, there are two more bases that will most probably go. So there is a very real application that keeps operating for 2 years, two more big bases in my State. Thank you very much.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. NUNN. Madam President, I will just take a few seconds here to say this is one of those times where the United States has to decide whether we are willing to have this tough vote. It would be much easier for me and everybody who has a military base in this country to delay it 2 more years. But as I have said in the debate, we will be kidding ourselves, because we will pay the price and we will pay the price in other ways. We have a declining defense budget and so many dollars that has to come from somewhere. We cut the force structure by about one-third since 1985. We have cut the infrastructure, the overhead, by about 15 percent. It is a question of overhead versus readiness. If we do not get the money here, we have to find it elsewhere. I urge defeat of the amendment.

CHARLESTON'S NAVAL FACILITIES: WHY CLOSE THE NAVY'S BEST?

Mr. HOLLINGS. Mr. President, I will vote against the Base Closure Commission list. I do so out of loyalty to the fine men and women of the Charleston Naval Station and Shipyard. And I do so for reasons of common sense and cost effectiveness.

Let me first emphasize the special qualities of the work force at Charleston Naval Complex. Time and again, these men and women have been cited for their superior productivity, competitiveness, and dedication to duty. The fact is, it took a willful act of denial for the Base Realignment and Closure Commission to ignore the unique qualities of Charleston's work force.

Last June, when the BRAC Commission visited Charleston, they witnessed the destroyer *O'Bannon* being refurbished in drydock at the Navy Yard—a project that was subsequently finished $21 million under budget and months ahead of schedule. The Commission witnessed work teams from Pearl Harbor, Norfolk, Portsmouth, and Mare Island who were visiting the Charleston yard for the express purpose of studying the superior teamwork and methods employed on the *O'Bannon* project. Likewise, the BRAC Commission was fully aware of the extraordinarily distinguished record of the Charleston Shipyard stretching back nearly a century.

In recent years, Charleston has been recognized with Presidential citations, Navy E Awards for excellence, and other top honors. Repeatedly, the Charleston Navy Ship Yard has won contracts in competition with private shipyards. This is a record of excellence that stretches back decades. For example, after World War II, the West German Government insisted that Charleston do the repair and rehabilitation work on ships destined to the Federal Republic under Lend Lease.

So the Navy is closing down its very best. In this case, the Navy's motto should be "no good deed goes unpunished."

Mr. President, quite aside from the issue of loyalty and good faith to the outstanding people in the Charleston Navy work force, there is the collateral issue of the waste involved in shutting down Charleston at the same time the Navy plans to spend hundreds of millions expanding bases at Pascagoula, Ingleside, and Everett to accomplish the same mission.

Bear in mind, in the case of Charleston Naval Station, we have a mature, up-and-running base that is fully equipped with the most modern facilities and equipment. In contrast, the bases at Pascagoula, Ingleside, and Everett are bare-bones facilities that will require huge investments if they are to aspire to Charleston's stature. Given the practical demands of keeping a volunteer Navy happy, each of these facilities will have to be equipped with commissaries, PX's, clinics, snack bars, recreation facilities, day care centers, bachelor officer quarters, and so on.

Today, Ingleside will require $41 million to build small boat piers and a degaussing station. Charleston Naval Station already has these facilities, but Charleston is to be closed.

Today, Everett Naval Station requires millions to build a commissary and child care center. Charleston already has these facilities, but Charleston is to be closed.

In the name of saving taxpayer dollars, the BRAC Commission opted to close the time-tested, fully equipped Charleston Naval Station and to spend hundreds of millions expanding Pascagoula, Ingleside, and Everett. This simply defies rational analysis, and can only be explained by a distorted and biased base-closure process.

On that score, I place no small measure of blame on the incestuous nature of the BRAC proceedings. The Navy assigned personnel to staff the BRAC Commission. Those uniformed staff members were not there to do an objective job; they were there to justify the Navy's predetermined choices. For example, Naval staff officers attempted to justify moving the Mine Warfare Center from Charleston to Ingleside partly on the grounds that Corpus Christi Air Station is close to the Texas naval facility; they failed to note that Charleston Air Force Base—home to the C-17 Globemaster—is even closer to the existing Mine Warfare Center in Charleston.

Mr. President, it is not in the best interest of the Navy to lose its best equipped, best staffed facility. And it is not in the interest of taxpayers for us to sanction the tremendous waste involved in closing Charleston at the same time we are building up three other naval bases with a directly comparable mission.

The list drawn up by the BRAC Commission is grossly flawed with regard to Charleston. I will vote against it.

Mr. MITCHELL. Mr. President, I oppose the Feinstein-Lott amendment to delay the 1995 base closure round until 1997. There are clear indications that if the 1995 base closure round is delayed until 1997, Portsmouth Naval Shipyard's future would be less secure.

The Defense Department recently released the results of its Bottom-Up Review, a comprehensive analysis of our Nation's future defense needs. It is anticipated that this review will serve as the basis for the force structure plan that will guide DOD base closure recommendations in 1995. Of interest to Portsmouth Naval Shipyard, this review indicated that the Navy will require between 45 and 55 attack submarines in the foreseeable future. Portsmouth is the Navy's lead shipyard for the repair and overhaul of these submarines, and the majority of its future workload will come from these vessels.

If the base closure round is delayed until 1997, it is almost certain that a lower force structure—including submarines—than that outlined in the Bottom-Up Review would be used as a basis for base closure recommendations. This will result in more base closures than expected in 1995, putting all installations at greater risk.

In the aftermath of the 1993 base closure round, the Navy is considering the establishment of submarine refueling capabilities at several of its remaining shipyards. Such an effort is ill-advised: Portsmouth Naval Shipyard is the only Navy facility performing this work, and establishing new capabilities at other yards would be a waste of taxpayer dollars. However, if the Navy proceeds with this effort, by 1997 other Navy shipyards may have the capabilities and equipment that are now unique to Portsmouth. Therefore, while Portsmouth is expected to still be the only Navy shipyard performing refueling in 1995, this may not be the case in 1997. Consequently, a delay of base closes to 1997 would likely eliminate the shipyard's ability to claim unique capabilities to serve the Navy's submarine fleet in the future.

Others have called for a delay of the base closure process in order for the Defense Department to evaluate the post-cold-war security environment and the impact of previous base closures on our national security. However, they ignore the fact that such an evaluation was part of the recently completed Bottom-Up Review. I believe that the results of this review support the continued service of Portsmouth Naval Shipyard to our Nation. No one can predict whether the same can be said for the possible force structure plan that would likely be used in a delayed base closure round.

Mr. LEVIN. Mr. President, we need to close excess military bases, but we need to do it fairly. I would have voted against this amendment but for some actions of the Air Force as relates to a Michigan Air Force base.

After months of deliberations, site visits, testimony, and communications between the Base Closure and Realignment Commission and community leaders from Michigan's Upper Peninsula, and extensive work by this Senator and others in the Michigan congressional delegation, the Air Force pulled some punches.

Less than 24 hours before the Commission was slated to vote on the recommendation to close K.I. Sawyer, the Air Force presented to the Commission new conclusions about the costs and savings associated with that recommendation and other alternatives. The Air Force significantly reduced its estimate of savings available from an alternative to closing Sawyer that the Commission had under active consideration—shutting down flying operations at Grand Forks Air Force Base while leaving missile operations there intact. The underlying assumptions behind these conclusions were not made available to the Base Closure Commission or the public before the decision was made to close Sawyer.

Since that happened at the beginning of July, I have repeatedly requested this information from the Air Force and it has yet to be provided. Without it, there is no way to evaluate or rebut the Commission's decision. I have never received a full explanation of precisely which personnel and facilities the Air Force assumed would be required to operate Grand Forks without its KC-135 tankers and B-1 bombers, so that I may examine these assumptions and validate their accuracy.

Without those details, I remain deeply skeptical of the Air Force's 11th hour conclusion that operating Grand Forks with 3,053 personnel instead of 5,104 would result in annual savings of only $1 million.

Mr. President, Michigan has borne more than its fair share of base closings—Kincheloe, Wurtsmith, and now K.I. Sawyer Air Force Bases are all closed or in the process of being closed. This means very real pain for the local communities around the closing bases. It means a tough period of economic adjustment. These impacts are being felt all around the country, not just in Michigan.

But I want the Department of Defense to make this process open, and I don't believe it has been. So I'm voting "aye" as a protest and will support the amendment of the Senator from California.

Mr. DODD. Mr. President, for years my home State of Connecticut has been hammered time and time again by consequences of military downsizing. If you want to see the negative repercussions that are brought on by this process, look no further than Connecticut's defense-dependent communities. The results have been devastating to my State financially, emotionally, and physically. Thousands of workers who have relied on the steady and dependable jobs that military contracts have provided have been greeted in this new era of peace with pink slips and unemployment checks. I have seen some of the worst that this process has created and I've spent a large portion of my time working to ease the difficult transition to a peacetime economy for my constituents.

I say this because despite the difficulties my State has faced, I continue to believe that Congress should play no part in the individual decisions regarding the closing of our military bases. I know better than most how hard base closures are on local communities, but the fact is that cuts need to be made. And they need to be made in a impartial manner that allows for the greatest cost savings while at the same time protecting those communities particularly vulnerable to further reductions.

The Base Realignment and Closure Commission was created for a reason—to keep these decisions from becoming overly politicized. Congress is not capable of carrying out that charge. We are all far too wrapped up in the problems of our individual regions to carry out this task without prejudice. Therefore we have given this odious responsibility to the appointed members of the BRAC Commission.

This amendment however, changes that philosophy. We all know that cuts made in 1995 will be hard. But that does not negate nor rationalize a change in the current public law which would delay the BRAC Commission's review until 1997. That would be a reversal of the very principles that the Commission was based upon. It is, quite simply, the wrong thing to do, and I urge my colleagues to reject this amendment.

The PRESIDING OFFICER. The yeas and nays have not been ordered on the amendment.

Mr. NUNN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is an agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DOLE. I announce that the Senator from Alaska [Mr. MURKOWSKI], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. SIMPSON] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 18, nays 79, as follows:

[Rollcall Vote No. 254 Leg.]

YEAS—18

Akaka
Boxer
Campbell
Cochran
Feinstein
Gorton
Helms
Inouye
Johnston
Levin
Lott
Mikulski
Moseley-Braun
Pressler
Riegle
Simon
Smith
Specter

NAYS—79

Baucus
Bennett
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Chafee
Coats
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Ford
Glenn
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Hollings
Hutchison
Jeffords
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Lieberman
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mitchell
Moynihan
Murray
Nickles
Nunn
Packwood
Pell
Pryor
Reid
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Stevens
Thurmond
Warner
Wellstone
Wofford

NOT VOTING—3

Murkowski
Simpson
Wallop

So the amendment (No. 816) was rejected.

Mr. NUNN. Madam President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 815

The PRESIDING OFFICER. Under the previous order—

Mr. REID. Madam President, may we have order. I cannot hear.

The PRESIDING OFFICER. The Senate will be in order.

Under the previous order, the question is now on the Reid amendment.

Mr. REID. Madam President, I ask for the yeas and nays.

Mr. EXON. Madam President, I move to table.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Nevada.

The Chair reminds all Senators under the previous order this will be a 10-minute rollcall vote.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DOLE. I announce that the Senator from Texas [Mr. GRAMM], the Senator from North Carolina [Mr. HELMS], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. SIMPSON] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 67, nays 28, as follows:

[Rollcall Vote No. 255 Leg.]

YEAS—67

Akaka
Bennett
Biden
Bingaman
Bond
Boren
Breaux
Brown
Bryan
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feinstein
Ford
Glenn
Gorton
Graham
Grassley
Gregg
Hatch
Heflin
Hollings
Hutchison
Inouye
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Mitchell
Moseley-Braun
Murray
Nickles
Nunn
Packwood
Pressler
Robb
Rockefeller
Roth
Shelby
Smith
Specter
Stevens
Thurmond
Warner

NAYS—28

Baucus
Boxer
Bradley
Bumpers
Burns
Daschle
DeConcini
Durenberger
Feingold
Harkin
Hatfield
Jeffords
Kohl
Lautenberg
Leahy
Levin
Metzenbaum
Mikulski
Moynihan
Pell
Pryor
Reid
Riegle
Sarbanes
Sasser
Simon
Wellstone
Wofford

NOT VOTING—5

Gramm
Helms
Murkowski
Simpson
Wallop

So, the motion to lay on the table the amendment (No. 815) was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Iowa is recognized.

Mr. HARKIN. Madam President, I might again just bring Senators up to date on what the situation is right now in this Chamber.

I offered an amendment to reduce the money for the nuclear testing facilities program. The Senator from Nebraska offered a substitute amendment that also reduces it but not as much as the amendment that I introduced. So now the debate, if I am not mistaken, Madam President, is on the substitute offered by the Senator from Nebraska. Is that the correct floor situation?

AMENDMENT NO. 818

The PRESIDING OFFICER. The pending question is the amendment of the Senator from Nebraska to the amendment of the Senator from Iowa.

Mr. HARKIN. I thank the Chair.

Madam President, I also wanted to point out that the amendment that I had offered, to which the substitute has been offered, was cosponsored by Senators JEFFORDS, KERRY of Massachusetts, MURRAY, BUMPERS, WELLSTONE, SASSER, and HATFIELD. I wanted to list those as cosponsors of the amendment. I ask unanimous consent that they be listed as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Madam President, the Senator from New Jersey has a statement not pertaining, I understand, to this bill. I understand the Senator would like to speak as if in morning business for how long?

Mr. BRADLEY. Four minutes.

Mr. HARKIN. The Senator wanted to speak as if in morning business for 4 minutes.

Madam President, I wonder, to accommodate his schedule, if I could yield the floor to the Senator from New Jersey.

I ask unanimous consent that I yield him the floor and that I be recognized immediately upon his yielding back the floor when he is finished with his statement.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from New Jersey.

Mr. BRADLEY. I thank the distinguished Senator from Iowa.

PRINCIPLES IN CUTTING FEDERAL SPENDING

Mr. BRADLEY. Madam President, the Federal Government spends too much taxpayer money. While it is true that taxes are the price of a civil society, it is also true that we have become uncivilized in the eagerness with which we overspend these tax dollars.

Madam President, is there anyone in this Chamber who would disagree with the assertion that we are uncivilized in our eagerness to overspend taxpayer dollars? I do not think so. As we will see in the coming weeks, there is a stronger consensus than ever before for the need to reduce Federal spending. That consensus will hopefully lead us to enact some real cuts in Federal appropriations.

We have all talked with great courage about making new spending cuts. Now is the time to support the talk with real proposals and real votes.

It is here that the consensus will be difficult to achieve. Even as the trumpets have sounded for additional spending cuts, a wide variety of notes have been heard, each proclaiming either the inviolate value of one's specific program or the utter absurdity of another. Clearly there is not consensus in the Senate about exactly what to cut.

Madam President, I contend that agreement on spending cuts will be impossible without a set of principles that inform our action. Unless we establish a set of principles against which we can measure the value of all Federal spending, we will continue to argue in circles about the relative value of specific programs.

So what principles? First, does the spending provide something that is in the general interest and is essential to American public life? At this time of profound economic transformation and personal insecurity, we cannot afford having public dollars fund things which are of a narrow interest and which are merely good rather than essential. The purposes served with taxpayer money must be broad and the interests affected must be many. Scarce urban parks might meet this test. Landscaping for military officers' golf parks probably would not. An appropriation which does not meet this test should be voted down by this body, but not every one which passes the first test should be adopted.

There should be a second test. The second principle is, is taxpayer funding the only and most cost effective way that this specific important public purpose can be met? The simplest way to use this principle is to apply the free market test, to ask whether the market should be sorting out whether a service should be provided or a specific project should survive or fail.

Almost any time we put a subsidy on one project rather than the other, we distort the selection process and waste money. Not every subsidy is wrong, but the hurdle to justify a subsidy should be very high. Compelling reasons are needed. The tougher issues are those where consumer selection cannot provide the discipline. In those cases we need to decide whether something will get done only if it has Government support. Certain types of research fall in this category. Programs that build communities and social programs that lift people to the level where they can begin to function freely are other examples. Because we do not apply this if-Government-does-not-do-it-it-will-not-get-done test, we have failed to provide transitional support for people caught in major economic transformations.

Mr. President, in the next few weeks I will propose amendments to cut spending that violates these principles. We must bring a systematic approach to our effort to reduce Federal spending or be left only to trade sound bites with each other.

I believe the two principles that I have laid out reflect basic American values and take into account the obvious limitations we have on Federal spending. We have always believed that since taxpayer funds come from everyone they should serve everyone, and that the marketplace is a better allocator of resources than the Federal Government. If we have to make choices, should not they be our guidelines? If not, what should they be?

To those who would argue with the principles I have proposed, I say what is your alternative? And I do not mean wasteful spending.

One person's waste is another person's essential services. And I do not mean listing out specific budget cuts to fill a sound bite. That will never be sufficient. That is business as usual.

Mr. President, finally, we cannot go on spending taxpayer's money whether in appropriations, entitlements, or tax loophole spending. We cannot continue spending in such reckless and undefined ways. As the Senate embarks on the bulk of its works on the appropriations bills, I contend we should ask two questions. Is this a use of tax dollars that meets an essential public need which serves a good general interest? And then can this general purpose be better served by the market and not by Government funding the effort or the project? If we can apply these two principles consistently, I believe we can save billions of dollars and help restore faith in Government.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER (Mr. LEVIN). Under the previous order, the Senator from Iowa was to be recognized.

Mr. HARKIN. Mr. President, I see the distinguished Senator from Vermont on his feet. He is a cosponsor of the amendment. I know he has other pending business that he has to attend to off of the floor. So I yield the floor and hopefully regain the floor after he finishes.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise in strong support of the amendment being offered by the Senator from Iowa. I think the importance of the amendment far, far outweighs the money involved here. The world has changed. The dangers of the world have changed. No longer is there a viable or imminent or even an expected possibility of attack from Russia or any of the others who have ballistic missiles. However, there is a real and present danger from the spread of nuclear weapons that some other country not presently so enabled will utilize a nuclear weapon. The spread of nuclear proliferation is by far a greater danger to this Nation than the existence of nations with ballistic weapons.

I commend President Clinton for his decision to extend the moratorium on U.S. nuclear testing until October 1994. I believe that my children's and my grandchildren's future will depend on our ability to stop nuclear proliferation and stop nuclear testing worldwide.

I have argued for several years that the response to nuclear proliferation should not be a Strategic Defense Initiative. Rather, I believe that we should work through the United Nations to establish a worldwide nonproliferation regime to set stiff penalties against any nation that proliferates. A major stumbling block to this type of international system has been the U.S. insistence that it is not willing to eliminate its own underground testing program.

Now that we finally have shown the restraint in our own testing programs, we are in a much better position to protect ourselves against a much greater threat of nuclear proliferation.

I urge the administration to exercise real leadership and to put us solidly on the road to a comprehensive test ban agreement.

So where does this amendment come in? The Harkin amendment recognizes that things have changed since last year. We are no longer planning to conduct an aggressive series of tests in this coming year. Unfortunately, this bill does not recognize that reality and has actually increased the testing budget by $53 million over this year's funding level. The House Armed Services Committee and Congress reduced the testing ban by $152.6 million. The amendment of my colleague from Iowa could bring the testing budget in this bill in line with those House figures.

Mr. President, there are so many worthy programs competing for our funding, even in this bill here, that we cannot afford to fund them all. Why then are we considering increasing funds for the program that has been put on hold?

I urge my colleagues to make the tough calls when reason so dictates and support the Harkin amendment. I also say though I know that the amendment by Senator EXON to the amendment of the Senator from Iowa is good and well intentioned. But it does not do what really can be and should be done; that is, to reduce the amount of money for testing down to a level that would just maintain some semblance of the ability to test but not indicate that we intend really to test again and that we are not in any way looking towards changing our policy which will assist us in trying to bring the proliferation of nuclear weapons under control.

Mr. President, I strongly support the amendment of the Senator from Iowa and will vote against the substitute.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I will not pose a unanimous consent request, but several Senators indicated they would like to vote as promptly as we could. I believe the Senator from Iowa needs 10 or 15 minutes, I believe the Senator from South Carolina needs about 5 minutes, possibly. I need about 10 seconds to place a statement in the RECORD. Then maybe we could vote.

I will advise the Senate that with a little bit of luck, we will have a vote on the substitute amendment, hopefully, in about 10 minutes. Is that agreed to generally by those on the floor at this time?

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, the Senator from Iowa proposes that we should cut the funds authorizing nuclear testing in DOE because we are in a test moratorium. I can easily see how the Senator from Iowa might conclude that there is no need to keep all of these funds. What the Senator omits from his argument is that we may have to go back to nuclear testing. If we have to go back to testing, it would be far more expensive, far more time consuming, and potentially far more dangerous if we do not retain the technical capabilities to test.

Mr. President, underground nuclear testing is a fragile art. It took us many years and many millions to get it right. We learned over the years to conduct these tests so that we successfully get back a treasure trove of data and at the same time trap underground all the radioactive products of the detonation. By comparison, Soviet nuclear tests routinely leak radioactive gas, and no other countries were able to conduct the sensitive nuclear tests that we did. Already we are starting to lose that confidence. The best people believe that is what we will do if we have to return to nuclear testing.

The administration has proposed an answer to that question. If we maintain the testsites safe and securely, and if we rigorously continue the technical art of testing, we can safely resume if we have to.

Mr. President, that does not come cheap. It will take about $150 million to maintain the testsite. It takes 8,000 people to operate the site even if we are not going to do tests.

These people provide security, operate utilities, prevent environmental damage, and the like. Remember, this site is in the middle of the desert. DOE has to build the roads. It takes about $125 million to attain the technical capability to test and design, test instrumentation, to engineer safe containment, and the like. For instance, the test satellites against nuclear weapons effects require that DOD build 1,000-foot-long vacuum pipe inside the mountain.

This is not trivial and it is not cheap. The largest expense DOE proposes is for research to discover alternatives to testing. We need to design military equipment like satellites, to be able to survive nuclear environments. What would we have done if Saddam Hussein had detonated a crude weapon in space? We could have lost intelligence and communication satellites.

We used to test these systems underground with nuclear detonation; now we cannot. But we do not know how to design electrical machines that give the same kind of radiation that nuclear explosions do. We can only approximate.

It would take years of expensive research before we can have any confidence that experiments above ground can actually have the same effect on delicate electronics and optics that nuclear weapons do.

Mr. President, the Senate should realize that the alternatives to nuclear testing are going to be quite a bit more expensive than nuclear testing itself. The funds in this bill are just the first installment, and the Senator from Iowa is not correct in proposing to eliminate these funds.

I yield the floor.

Mr. HARKIN. Mr. President, I ask unanimous consent to add Senator LAUTENBERG and Senator FEINGOLD as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, the amendment I sent to the desk would cut back on the money for nuclear weapons testing to the level that was adopted in the House of Representatives. Right now, we face an interesting situation, Mr. President. We have a moratorium on testing, yet, we are asked to spend about $53 million more money for testing.

I must say, Mr. President, in fairness to the President of the United States, the nuclear testing budget request preceded the decision to extend the moratorium. But now that the decision has been made on the moratorium, it is our responsibility to reduce the budget accordingly.

The House cut this nuclear testing funding request by $206 million, down to $222.4 million. My amendment would do the same.

The amendment, offered by the Senator from Nebraska as a substitute to mine, would only cut it down to $375 million, or the level of last year.

Let us put this in a frame of reference. In 1980, the Department of Energy spent $209 million to conduct 14 nuclear tests. Adjusting for inflation, this would be equivalent to about $362 million in 1994 dollars. Now the Department of Energy is asking for $428 million to conduct zero tests.

In this time of obscene national deficits, how can we justify to our constituents spending $428 million to conduct no tests, when $362 million—in constant 1994 dollars—was adequate to conduct 14 tests in 1980?

My amendment would still provide $222.4 million to maintain the nuclear weapons testing capability in the event that the United States should have to resume testing in the future. My amendment would not eliminate all funds. I repeat, my amendment would not eliminate all funds.

Furthermore, the Department of Energy has requested a total of about $5.9 billion in other accounts to maintain our nuclear weapons arsenal. The testing budget is but one small component of the DOE nuclear weapons budget. Cutting the nuclear testing budget does not eliminate funds for maintaining our nuclear arsenal for deterrence purposes.

For frame of reference, I have some charts here to illustrate the history of DOE budgets. These charts compare the 1994 budget for nuclear weapons R&D, production and testing. First, chart one addresses the issue of nuclear weapons testing in constant 1994 dollars. The red line shows the number of nuclear tests per year conducted since 1960. The blue line shows the testing budget in billions of dollars for each of those years. Note that from about 1960 until about 1980, the nuclear testing budget tracked the number of tests pretty closely.

In other words, as the number of tests went up, the budget went up. As the tests went down, the budget went down. There is one exception. This big spike in 1962 is when the United States exploded 96 nuclear weapons. Except for that one anomaly there, all the way through 1980, the budget for testing tracked the number of tests.

In 1980, that began to change. The number of nuclear tests, beginning actually in 1982, started going down. But the budget did not. The budget continued to go up until about 1987; then it started down a little bit, but not as much as the reduction in the nuclear tests.

Here is the interesting point. The number of tests have been coming down to where we have no tests now. We are down to zero tests, but at the very point that we are at zero tests, this budget line starts to go back up again. So rather than keeping the budget coming down, we are now being asked to increase, once again, the budget for nuclear testing at a time when we are at zero nuclear tests.

This very clearly points out what this amendment tries to do—to try to close this gap. It is not complete, because we left about $222.4 million in the testing budget, but we at least try to get the testing budget coming back down again. The amendment offered by the Senator from Nebraska, rather than bringing this line down, simply levels it off at last year's level. So the gap will continue to widen between the number of tests, which now is zero and the costs of those tests.

The second chart provides the same data in a little bit different form. This shows the number of dollars spent per nuclear test since 1961 in millions of dollars. We can see that the cost per test has gradually gone up. But the cost per test from about 1964 until about 1980 stayed about the same.

Generally speaking, from about 1964 until about 1980, the average cost per test stayed about the same. The average cost was about $34.08 million per nuclear explosion.

Beginning in about 1980, the cost per test started increasing dramatically and now we are at about $75 to $80 million per test. Of course, now that we are at zero tests, the cost per test is infinite.

In other words, we have no tests, but we are still spending a lot of money.

The next chart, shows why we should not be too worried about what the Senator from South Carolina was alluding to—and that is that we will not be ready to test; that we have all these personnel and sites we have to keep up. This chart shows why we should not be too worried about cutting a couple hundred million dollars out of the nuclear testing program.

This chart shows that nuclear testing is but one component of the DOE nuclear weapons budgets, the so-called atomic energy defense activities. It is just one component. Nuclear testing is the blue line at the bottom. R&D is the green line. Weapons production is the orange line—nuclear materials production, plutonium, highly enriched uranium, and tritium. The red line is waste management.

We are proposing to authorize in this bill $11.3 billion for all of these activities. This includes $5.3 billion to clean up the radioactive mess from 48 years of building nuclear weapons.

As I said, the blue line shows the testing budget.

The orange line adds a nuclear weapons production activity. But now we are not building any new nuclear weapons, so this has been renamed "stockpile support." A new name, but still the same amount of money. We are not producing more nuclear weapons, but still we are spending a little over $2 billion in that area for nuclear weapons, but it is now called stockpile support.

The nuclear testing budget is only 3.8 percent of the DOE nuclear weapons budget.

So we have about $5.9 billion in this account—the Atomic Energy Defense Activities—to maintain our nuclear weapons stockpile, to make sure that our facilities are kept in order, to make sure that we have the personnel.

Let me repeat, $5.9 billion. So cutting $53 million is not going to do anything. The $200 million that I wanted to take out still leaves well over $5 billion for DOE to maintain our nuclear stockpile.

The argument that my amendment might gut our ability to maintain our nuclear arsenal is totally absurd when you look at the amount of money that we have in the entire DOE weapons budget. Cutting the $200 million out of nuclear testing would still leave $1.15 billion in nuclear weapons R&D.

Now, again, that is at a time when we are not designing any new nuclear weapons. Cutting $206 million out of nuclear testing still leaves $1.79 billion in nuclear weapons production at a time when we are not producing any new nuclear weapons. And cutting $206 million out of nuclear testing still leaves $2.1 billion for nuclear materials support and other defense activities.

Cutting $206 million, Mr. President, still leaves $1.15 billion in nuclear weapons R&D at a time when we are not designing any new nuclear weapons. It leaves $1.79 billion in nuclear weapons production when we are not producing any more. And it still leaves $2.1 billion in nuclear material support.

This last chart compares the relative levels of the fiscal year 1994 DOE nuclear weapons request with the 1980 levels. I have used constant 1994 dollars so we can compare actual purchasing power.

Starting on the left of this chart, we can see that the testing budget that we are voting on here is 11.7 percent above the 1980 level, again in constant dollars. Again, 11.7 percent more to conduct zero tests than we had in 1980 when we conducted 14 tests.

The second pair of bars shows that nuclear weapons R&D is up 8.8 percent over 1980, despite the fact that we are designing no new nuclear weapons in 1994.

The third pair of bars shows the incredible fact that nuclear weapons production costs are up almost 50 percent over 1980, despite the fact that we are not producing any new nuclear weapons.

Someone please explain that to me. Nuclear weapons production costs are up almost 50 percent in constant dollars over what they were in 1980, yet we are not producing any nuclear weapons.

Now I think this is a real candidate for Vice President GORE's reinventing government and how we keep programs going even though their useful life has gone out and there is no mission.

Of course, I do want to point out that the name of the program has been changed. It is no longer called weapons production. It is called stockpile support. But the money remains there, nonetheless.

The last pair of bars illustrates that the nuclear material support account is an amazing 73 percent higher this year than it was in 1980, again in constant dollars, even though we are not producing any new nuclear material.

Again, I wish somebody would explain that to me. It costs 73 percent more in constant dollars to produce nuclear material today, even though we are not producing any. Now, this has got to be a candidate for some comic strip someplace. We have stopped producing weapons grade plutonium, highly enriched uranium, and tritium, and yet we are being asked to authorize 73 percent more next year than we did in 1980, again in constant dollars.

So, to summarize, Mr. President, my amendment would cut the budget for nuclear testing from $428 to $222 million, the level approved by the House of Representatives. This level would provide funds to maintain the Nevada test site on a standby basis, ready to resume testing should that be necessary in the future. This $222 million is in addition—is in addition—to the roughly $5.7 billion available in the DOE budget for maintaining our nuclear weapons stockpile.

So, again, Mr. President, I understand the situation. The amendment offered by the Senator from Nebraska is a substitute. It will be voted on.

I find myself in an odd position. I, of course, believe that we should reduce the amount of money that we have in this account for the very reasons I have stated here, for the data that I have shown on these charts. But I believe that any cut warrants support. I think the cut ought to be a lot deeper, obviously, because my amendment was $200 million and this substitute is only $53 million. This only takes it back to last year's level. I am hopeful that when they go to conference, since the House was $222 million and this is at $375 million, assuming this amendment would be adopted, that we might get closer to the House level.

But I find myself in the position of being partially supportive of this amendment, the substitute compared to the original bill reported by the Armed Services Committee, because at least it cuts $53 million. But it does not cut nuclear testing enough.

Faced with the situation of voting for or against this substitute, with no other option, I would vote for it because at least it moves it in the right direction. But we do have another option; defeat the substitute amendment and vote for my original amendment to cut $206 million.

Mr. WARNER addressed the Chair.

Mr. HARKIN. If the Senator will wait, I will be through in a second, unless he wanted to engage in a colloquy.

Mr. WARNER. I wanted to ask my distinguished colleague a question. He raised a very good point, about why is it more expensive? That same issue was one I felt obligated to look into. I wonder if, in the Senator's analysis, he had studied the increased environmental protection costs, the increased cost for security, and the costs associated with, frankly, preserving these unique facilities which are really only useful for one purpose? Those are the associated costs which, in my judgment, give an explanation for the added expenditures.

Mr. HARKIN. If the Senator will yield, I did not include environmental cleanup costs in my comparison. This is not included in the $5.9 billion. Environmental cleanup is over and above that, raising the total Atomic Energy Defense Activities budget to over $11 billion.

As I pointed out, I will show the Senator this chart right here, waste management includes all of the programs the Senator is talking about. That is not included in my comparison. I have exempted that.

Mr. WARNER. But you asked the question why would it cost more today than it did when we were in full production. I just suggest those are some of the reasons.

Mr. HARKIN. That is this account here. That is the waste management account. I have no problems with that.

Mr. WARNER. All right.

Mr. HARKIN. What I have problems with is the R&D and weapons production. As you can see, the actual production is going down because we are not producing any more, and yet the cost of producing has gone up.

Even though we are not making any highly enriched uranium or tritium, those accounts this year are 50 percent and 73 percent higher than they were in 1980, when indeed we were producing a lot of nuclear materials and a lot of weapons.

Mr. WARNER. Mr. President, one last point and I will yield to the distinguished acting chairman here.

The weapons production has a lot of associated cost in correcting the deficiencies to meet environmental standards. And that, in our analysis, explains in part why there is this increased cost.

I just make the point and thank my colleague. I yield the floor.

Mr. HARKIN. I appreciate it. I do not know if I understand that fully—but I will leave that as it is. I just do not understand why, if we are not producing more nuclear weapons—I am sure there are environmental concerns we have to deal with for existing weapons—but that should come under the environmental cleanup and waste management account. Perhaps there is a element here that needs to be cleared up.

Mr. President, I wanted to have printed at this point in the RECORD a letter of support from a number of organizations: The Council for a Livable World; Friends Committee on National Legislation; Greenpeace USA; Institute for Science and International Security; Military Production Network; the National Taxpayers Union; the Natural Resources Defense Council; Peace Action; Physicians for Social Responsibility: Plutonium Challenge; 20/20 National Project; and the Union of Concerned Scientists, all in support my amendment.

I ask unanimous consent that letter and the signatories appear at this point in the RECORD.

Mr. HATFIELD. Mr. President, I commend Senator HARKIN for addressing in his amendment a very important issue. Last year the Senate adopted historic legislation placing a moratorium on the U.S. nuclear testing program and since that time a great deal of momentum has been gained toward comprehensive test ban talks. President Clinton has affirmed his strong support for the CTB and for the continued suspension of the U.S. testing program.

These important changes have not been fully integrated into the Department of Energy's budget for the Nevada test site and for its other nuclear weapons programs. I agree with the Senator from Iowa that further reductions in this program can be made. I will support Senator HARKIN's amendment as well as any other proposal which decreases the weapons testing budget and look forward to working to reduce appropriations for this program when the Senate considers the fiscal year 1994 Energy and Water Appropriations legislation.

I would only take this time to further note that I do not consider the debate today to be another referendum on the need for the United States to continue testing. Congress spoke clearly last year when it suspended our testing program and placed it under strict conditions. For the first time the Senate stated that the underground testing program, which at that time was operating virtually without limitation, was an obstacle to the effort to halt such tests worldwide.

President Clinton also has expressed his belief that the continued moratorium on U.S. testing is in our best interests as we pursue a comprehensive test ban treaty. He too recognized that the de facto worldwide moratorium, which has been in place since last year, is fragile and should not be broken by the United States. In his July 3 radio address to the Nation, the President said that "the price we would pay for conducting those tests now by undercutting our own nonproliferation goals and ensuring that other nations would resume testing outweighs these benefits."

So with this commitment of the White House and Congress to pursue this new course of testing policy, we arrive today to this debate over the appropriate amount of spending for maintenance of the test site and for alternatives to underground nuclear tests. I appreciate Senator HARKIN'S continued commitment to this issue and his decision to bring this amendment before us today. I think it is clear from this debate today that there is room for significant savings in the testing budget.

Mr. LAUTENBERG. Mr. President, I rise to support this amendment to reduce the nuclear testing budget by $206 million. I am pleased to be a cosponsor of this amendment. It is a prudent amendment and is entirely consistent with the current U.S. nuclear testing moratorium policy.

Earlier this year, President Clinton announced an extension of the nuclear testing moratorium until at least October of 1994. I, along with many of my colleagues in the Senate, welcomed that announcement.

Although the testing moratorium has been extended, the fiscal year 1994 budget includes an increase of $53.4 million above the level provided in fiscal year 1993 for nuclear testing. The budget request for fiscal year 1994 is $428.4 million.

In an effort to save the American taxpayer's money and to bring the nuclear testing budget in line with current policy, the House of Representatives reduced the budget request by $206 million. The Senate should do the same.

Even with this amendment, the nuclear testing budget will be adequately funded at $222.4 million. Our capability to remain on stand-by will not be undermined.

Mr. President, this is a prudent amendment. It will save money without undermining the national security of the United States.

It is the type of fiscal responsibility the American people are calling for in the Congress. With a deficit of $266 billion and a $4 trillion national debt, we cannot afford to speed additional money on nuclear testing that we simply don't have. We can't afford to approve the funding level in the current budget. I urge my colleagues to sport this amendment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 9, 1993.

DEAR SENATOR: We are writing to urge you to support Senator Tom Harkin's amendment to the FY 1994 Defense Authorization Act to reduce the nuclear weapons testing budget by $206 million. The amendment would leave $222.4 million for the Department of Energy's nuclear testing program. The Senate Armed Services Committee approved $428.4 million for FY 1994 nuclear weapons testing activities. We believe that this amendment is an important step towards enforcing stronger budgetary discipline on a nuclear testing program that remains at unnecessarily high Cold War spending levels.

The U.S. Department of Energy last conducted a nuclear test explosion in Nevada in September 1992. The President's decision to extend the U.S. nuclear test moratorium at least through September 1994 means that it is unlikely that United States will conduct a nuclear test explosion in FY 1993 or FY 1994. Despite the nuclear test moratorium, the U.S. Department of Energy spent approximately $419.1 million this fiscal year for nuclear testing activities—and will soon submit a revised nuclear testing budget request of $402.7 million for FY 1994 activities. The Department of Energy claims that the $402.7 million is necessary to maintain the capability to conduct tests and to initiate new research and construction projects to "substitute for the loss of data which had been available from underground nuclear tests."

However, the Harkin amendment would allow the DOE to maintain a nuclear test capability. Furthermore, if additional resources are necessary to pursue new nuclear weapons research and construction activities to ensure the safety and reliability of the remaining U.S. nuclear weapons stockpile, the DOE could use funding resources for nuclear weapons laboratory research and development activities. The Department of Energy has requested $1.32 billion for nuclear weapons research and design activities in FY 1994—a 10.1 percent increase over FY 1993.

On behalf of the tens of thousands of citizens represented by our organizations, we strongly urge you to support the Harkin amendment to save taxpayer dollars by reducing the FY 1994 nuclear weapons testing budget. Thank you for your attention to this matter.

Sincerely,

John Isaacs, Council for a Livable World.
Joe Volk, Friends Committee on National Legislation.
Audrey Cardwell, Greenpeace USA.
Tom Zamora Collina, Institute for Science and International Security.
Stephen Schwartz, Military Production Network.
Jill Lancelot, National Taxpayers Union.
Christopher Paine, Natural Resources Defense Council.
Burton Glass, Peace Action.
Daryl Kimball, Physicians for Social Responsibility.
David Culp, Plutonium Challenge.
Kerry Cooke, 20/20 National Project.
Lara Levison, Union of Concerned Scientists.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Nebraska.

Mr. EXON. Mr. President, I feel maybe we are close to a vote that we indicated might happen around 2:30.

I will just make two or three statements. First, let me say I appreciate very much my friend from Iowa making some very, very good points. I hope the money we are spending on this program—we are reducing it as the Senator from Iowa has indicated by $53 million. I would also say if the Exon substitute is agreed to, we will be spending in the area of $375 million. As the Senator from Iowa has properly said, the House of Representatives is about $228 million. So even if the Exon substitute amendment is agreed to, we are going to have a pretty vast difference between the Senate position and the House position.

I think history dictates the Senate is not likely to hold to its position. So the funding level, I am sure, will go down at least some. I hope not too much below the level I have indicated.

Why is that? I hope we never have to start up testing again at the nuclear test site. Those of us who have been there and have seen the operation hope we never test again. I have a feeling, though, that maybe somewhere along the line some other country will begin testing. If they do that I believe it will all but eliminate the chances for a comprehensive test ban treaty that I think the vast majority of the Senate wants.

So I simply say the expense of maintaining the expertise that we have out there—that we would have great difficulty ever getting back together if we lose—is worth the protection I think this country needs if we should be forced back in early on because someone else begins testing.

I would like to have printed in the RECORD at this time a letter from the Secretary of Energy, authorizing and suggesting the reductions that we have made.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SECRETARY OF ENERGY,
Washington, DC, September 9, 1993.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR SENATOR NUNN: I am writing to express my strong concern over a proposed amendment to S. 1298, the National Defense Authorization bill for Fiscal Year 1994 which would reduce funding available to the Department of Energy to carry out its responsibilities to assure a safe and reliable nuclear weapons stockpile and effective nonproliferation programs.

In his July 3, 1993, decision to continue the nuclear testing moratorium, the President directed the Department of Energy to maintain the capability to resume underground testing if the testing moratorium is broken by another nation. He also directed the Department to explore other means of maintaining the Nation's confidence in the safety, reliability, and performance of our nuclear weapons and refocus the talent and resources of our Nation's nuclear laboratories on new technologies to curb the spread of nuclear weapons and verify arms control treaties.

In order to fulfill the President's directives, we must have sufficient funding to implement a stockpile stewardship program which can maintain a strong science and technology base, retain and develop experienced nuclear scientists and engineers, and provide experimental facilities and computational capabilities to substitute for the loss of data which had been available from underground nuclear tests. In addition, we must maintain a minimum infrastructure and capability to support a return to testing at the Nevada Test Site, if necessary. This has resulted in an amended Fiscal Year 1994 budget request which you should be receiving shortly. The Administration's budget amendment contains $402.7 million for testing, which is $53 million lower than the original budget request.

I understand that the proposed amendment to the Fiscal Year 1994 National Defense Authorization Act would result in significant reductions in the funding levels available for the Department's weapons testing activities. While I am mindful that the moratorium on nuclear testing has raised expectations that the Department could significantly reduce funding for these activities, such an amendment would seriously impede the ability of the Department to fulfill its fundamental responsibilities to assure the continued safety and reliability of the nuclear weapons stockpile and maintain the minimum infrastructure and capability to resume underground testing if directed by the President. I seek your continued support for the Department's amended Fiscal Year 1994 budget and urge you to defeat the proposed amendment.

Sincerely,

HAZEL R. O'LEARY.

Mr. EXON. Mr. President, I ask for the yeas and nays on the Exon substitute amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

NUCLEAR TESTING

Mr. GLENN. Mr. President, as the Senate considers the fiscal year 1994 DOD authorization bill, I would like to take the opportunity to express my strong support for President Clinton's decision—announced on July 3—to extend the moratorium on U.S. nuclear testing through September of next year, as long as no other nation conducts nuclear tests.

Last year, Congress passed legislation—which I supported—which was enacted into law stating that "no underground test of nuclear weapons may be conducted by the United States after September 30, 1996 unless a foreign state conducts a nuclear test after this date." The provision mandated an interim test moratorium through July 1, 1993, to allow the administration sufficient time to assess what, if any, additional nuclear tests were needed. Under the law, a maximum number of 12 tests were permitted by the United States to improve the safety and confirm the reliability of nuclear weapons in our arsenal. Three other nuclear tests could be conducted in cooperation with Great Britain.

In a statement issued on July 3, the White House declared that "after a thorough review, the administration determined that the nuclear weapons in the United States arsenal are safe and reliable. Additional nuclear tests could help us prepare for a CTB—comprehensive test ban—and provide some additional improvements in safety and reliability. However, the President determined that these benefits would be outweighed by the price we would pay in conducting those tests now—through undercutting of our nonproliferation goals."

It is precisely because of my strong concern with the threat of nuclear proliferation that I had sent a letter to President Clinton on June 25 recommending that he announce that the United States continue its nuclear test moratorium as long as no other nation resumes nuclear testing.

Mr. President, I ask unanimous consent that my letter to President Clinton be included in the RECORD at the conclusion of my remarks.

(See exhibit 1.)

I believe that the perceived need for additional nuclear tests does not supersede the far more compelling national security requirement to strengthen our nuclear nonproliferation policy. Continued nuclear testing compromises efforts to end the proliferation of nuclear weapons to other nations around the world. From the standpoint of our Nation's nuclear nonproliferation policy, it is nothing less than a double standard for the United States to claim the right to engage in nuclear testing, while seeking to deny nuclear testing programs to other nations.

In my more than 18-year career in the Senate, I have been more concerned with the proliferation of nuclear weapons than any other national security issue. As author of the Nuclear Non-Proliferation Act of 1978, and more recently the Omnibus Nuclear Proliferation Control Act of 1993 (S. 1054), and the Nuclear Export Reorganization Act of 1993 (S. 1055), I cannot emphasize strongly enough the important nonproliferation aspect of continuing the current nuclear test moratorium.

I believe that if the United States were to break the current nuclear test moratorium, Russia and France would be highly likely to resume their nuclear test programs, ending pressure on China to terminate its nuclear testing. This in turn will impact the nuclear weapons programs of other nations.

The preamble to the Non-Proliferation Treaty [NPT] of 1968 recalls the Limited Test Ban Treaty of 1963 to "seek to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end." The NPT comes up for renewal in 1995, and under article VI of the treaty the nuclear weapons states are committed to pursue effective measures relating to the cessation of the nuclear arms race at an early date.

Mr. President, the NPT will only be renewed if a majority of its parties conclude that the treaty continues to promote their national security interests. If the United States and other nuclear powers do not do more to distance themselves from the logic that a dynamic nuclear arms competition—fueled by a dynamic nuclear testing program—confers greater security than negotiated restraints, other nations can be expected to employ a similar logic to rationalize decisions to pursue their own nuclear weapons programs.

I would also like to note that the administration is making an effort to increase our capability to monitor low-yield tests—a critical CTB and NPT verification issue. In late September of this year, the Department of Energy is conducting a major verification experiment at the Nevada test site. The nonproliferation experiment [NPE] will involve the detonation of a one kiloton conventional explosive which will serve to provide a basis for comparing previous conventional and nuclear explosion results. The NPE will increase our ability to discriminate between conventional and nuclear explosions. Such tests play an invaluable role in enhancing our monitoring efforts.

Mr. President, I also ask unanimous consent that at the conclusion of my remarks a July 28 article in the New York Times entitled, "U.S. Hopes To Curb A-Arms by Restricting Fuel Output," be included in the RECORD.

(See exhibit 2.)

The article states that the Clinton administration is in the end game of proposing an arms control proposal to ban the production of highly enriched uranium and plutonium unless it is subject to international inspection. According to the press account, this is part of a more comprehensive plan that will also encompass biological and chemical weapons, and missiles—in addition to fissile material.

While the administration is apparently still in the process of formulating its proposal, I believe that the outline of the plan as described in the New York Times is a step in the right direction. For a number of years, I have advocated that the United States and what is now the former Soviet Union explore the possibility of a verifiable ban on the production of weapons grade fissile material. With the collapse of the Soviet Union, the need for such an agreement is all the more compelling.

Mr. President, a multilateral agreement on the control of fissile material would greatly enhance our Nation's nuclear nonproliferation efforts and serve as a useful supplement to a ban on nuclear testing. I hope that the administration's proposal ultimately will, in fact, include a ban on the production of fissile materials, require accurate inventories of these fissile materials, and establish tight safeguards and security controls to lower the risks of weapons proliferation and terrorism.

In conclusion, I applaud President Clinton's decision to extend the nuclear test moratorium and his ongoing efforts to halt the spread of nuclear weapons.

EXHIBIT 1

U.S. SENATE,
Washington, DC, June 25, 1993.

The PRESIDENT,
The White House, Washington, DC.

DEAR PRESIDENT CLINTON: I am writing to express my concern about certain proposals apparently being considered by your Administration regarding the continuation of nuclear testing.

As you know, legislation passed by the Congress and enacted into law last year states that "no underground test of nuclear weapons may be conducted by the United States after September 30, 1996 unless a foreign state conducts a nuclear test after this date." Under the law, a maximum number of 15 nuclear tests would be permitted for "safety" or "reliability" purposes prior to that date.

It is my understanding that some individuals in your Administration are recommending that nuclear tests below the one kiloton threshold level be conducted after September 30, 1996. I believe that such a proposal would be inconsistent with the spirit as well as the letter of last year's law. Most importantly, the continuance of low-yield nuclear testing would seriously undermine the primary rationale for a comprehensive nuclear test ban—halting the proliferation of nuclear weapons.

Because of my strong concern with the threat of nuclear proliferation, I recommend that you announce that the U.S. will continue its current nuclear test moratorium as long as no other nation resumes nuclear testing.

The primary rationale for breaking the current moratorium is a perceived need to conduct additional safety tests. However, it appears that the additional safety tests being contemplated would at best be a marginal improvement in the safety of certain nuclear warhead designs. It also appears that the Department of Defense may be reluctant to expend the considerable resources required in an increasingly constrained budget environment to make the modest safety upgrades that would ostensibly be the purpose of the few additional nuclear tests currently under consideration.

I believe that the perceived need for these few additional nuclear tests does not supersede the far more compelling national security requirement to strengthen our nuclear non-proliferation policy.

In my more than 18-year career in the Senate, I have been more concerned with the proliferation of nuclear weapons than any other national security issue. As author of the Nuclear Non-Proliferation Act of 1978, and more recently the Omnibus Nuclear Proliferation Control Act of 1993 (S. 1054), and the Nuclear Export Reorganization Act of 1993 (S. 1055), I cannot emphasize strongly enough the important non-proliferation aspect of continuing the current nuclear test moratorium.

Continued nuclear testing compromises efforts to end the proliferation of nuclear weapons to other nations around the world. From the standpoint of our nation's nuclear non-proliferation policy, it is nothing less than a double standard for the U.S. to claim the right to engage in nuclear testing, while seeking to deny nuclear testing programs to other nations.

The preamble to the Non-Proliferation Treaty (NPT) of 1968 recalls the Limited Test Ban Treaty of 1963 to ". . . seek to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end. . ." The NPT comes up for renewal in 1995, and under Article VI of the Treaty the nuclear weapons states are committed to pursue "effective measures relating to the cessation of the nuclear arms race at an early date."

The NPT will only be renewed if a majority of its parties conclude that the Treaty continues to promote their national security interests. If the U.S. and other nuclear powers do not do more to distance themselves from the logic that a dynamic nuclear arms competition (fueled by a dynamic nuclear testing program) confers greater security than negotiated restraints, other nations can be expected to employ a similar logic to rationalize decisions to pursue their own nuclear weapons programs.

If the U.S. were to break the current nuclear test moratorium, Russia and France are highly likely to resume their nuclear test programs, ending pressure on China to terminate its nuclear testing. This in turn will impact the nuclear weapons programs of other nations.

If we expect to lead the fight on nuclear non-proliferation by example, we must begin by setting the example of ending nuclear testing. Extension of the current test moratorium to a multilateral test ban would help to establish a global norm of "non-testing" that would raise the political cost of acquiring nuclear weapons.

As the U.S. seeks to redefine its role in a post-Cold War world, there is no more urgent need than to do all that we can to prevent the spread of nuclear weapons which could ultimately destroy all of civilization. A nuclear test moratorium is, as Adlai Stevenson said more than 36 years ago, a "step which would reaffirm our purpose to act with humility and a decent concern for world opinion." This is a step that needs to be taken. And the time to take it is now.

I hope you will consider my views as you make a decision on this important national security issue. I look forward to continue working with you and your Administration on nuclear non-proliferation issues.

Best regards.

Sincerely,

JOHN GLENN,
U.S. Senator.

EXHIBIT 2

[From the New York Times, July 28, 1993]

U.S. HOPES TO CURB A-ARMS BY RESTRICTING FUEL OUTPUT

(By Michael R. Gordon)

WASHINGTON, July 28.—The Administration is preparing a new arms-control plan that calls for a worldwide ban on the production of materials for nuclear weapons.

President Clinton promised during the campaign to step up efforts to slow the spread of weapons of mass destruction. Washington has pushed diplomatic efforts to stop North Korea's efforts to develop nuclear weapons and has sought to persuade Ukraine to give up its nuclear arsenal, but critics have complained that the Administration has been slow to propose a comprehensive plan.

In the coming weeks, Administration experts hope to present a proposal to ban the production of highly enriched uranium and plutonium unless it is subject to international inspection. Those materials are used to make the explosive warheads in nuclear weapons, and the purpose of the ban would be to stop the further development of nuclear arsenals.

CONSENSUS SEEMS CLEAR

President Clinton has yet to formally approve the plan, which covers nuclear, biological and chemical weapons and the missiles that deliver them. But there is broad agreement about the effort among State, Defense and Commerce Department officials and the staff of the National Security Council, and Washington has begun sounding out its allies.

While Administration officials defend their plan as a careful balance of arms-control and diplomatic concerns, it is drawing fire from critics who complain that some elements do not go far enough. Some experts have urged the Administration to propose a worldwide ban on the production of all enriched uranium and plutonium.

Under the plan, all nations would be asked to join an international agreement to stop producing uranium and plutonium for nuclear weapons. The United States has already stopped producing such material, but Britain, China and Russia still produce it.

This agreement would not prohibit Western European nations and Japan from producing highly enriched uranium or plutonium for nuclear power. But the producers would have to let the International Atomic Energy Agency inspect such production, and insure that excess plutonium is stored securely.

IN SOME NATIONS, A TOTAL BAN

Other nations, including South Africa, North Korea, Israel, Pakistan and India, would be treated differently: the United States would try to discourage them from building plants to make these materials even for civilian purposes.

India, Pakistan and Israel already produce highly enriched uranium and plutonium; they would be expected to stop all production. South Africa has said it has abandoned its nuclear bomb program, but it has a factory that can produce highly enriched uranium. United States officials hope to persuade South Africa to limit its production to less-enriched uranium.

Administration experts describe the plan as a first step that, along with a ban on nuclear testing, will restrain weapons development while Washington and its allies grapple with the thorny question of how to reduce stock piles of fissionable material.

Officials also say that the emerging plan is the most that the United States can hope to achieve, and that asking Japan and Western European nations to stop all production of uranium and plutonium would be futile.

THE HURDLES AHEAD

Even carrying out Washington's new plan may prove difficult. Britain, for example, has indicated that it wants to keep producing material to make warheads for its new Trident submarine-launched missiles. And third-world nations may object to the request that they stop all production of uranium when Western Europe and Japan are not being asked to do the same.

Another potentially contentious feature involves controls on United States exports of technology that might be used to develop weapons of mass destruction. Under the new plan, there is to be a thorough review of such controls, and officials say that in some cases, regulations may be relaxed if they prove ineffective and are more stringent than those imposed by other nations.

But some critics are concerned that the Administration's efforts to create jobs may triumph over its push to control such exports.

The Administration plan would also seek to strengthen the ban on the production of biological weapons by calling for compulsory inspections of suspected factories.

The 1972 treaty banning biological weapons does not provide for verification. The Bush Administration opposed verification provisions, arguing that they would be ineffective. Some officials worried that such procedures would open up sensitive American installations to inspections.

U.S. PRODUCTION ENDED IN '92

The Bush Administration announced in 1992 that the United States would no longer produce plutonium or uranium for nuclear warheads, making a formal policy of a suspension that had been in effect for years because of production problems and arms-reduction agreements. The United States now has a surfeit of material from old warheads that can be recycled to make new weapons if Washington decides they are needed.

But Leonard S. Spector, a senior associate at the Carnegie Endowment for International Peace, said getting other countries to suspend production would be significant step.

Mr. Spector said the plan would be a useful way to involve China in the arms-control process and could help pressure India to agree to constraints on its nuclear program. While India says its nuclear research and production is for civilian purposes, others say India is carrying out military research under the guise of an energy program.

Mr. EXON. I am prepared to vote. We are under no time agreement. We are just trying to move this along.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, I appreciate the effort of the floor manager to move this measure along. I assure my colleagues I will not be lengthy. I want to make it clear the outcome of this debate on the Senate floor will have a profound and long-lasting impact on our national security. In my judgment, if the Harkin amendment becomes law the Senate will force dangerous limitations on the Department of Energy in their ability to monitor the safety and reliability of the nuclear weapons stockpile.

Let me read that one more time. That is the ability of the Department of Energy to monitor the safety and reliability of our nuclear weapons stockpile.

In effect, we will be declaring a unilateral and irreversible United States nuclear test ban for the next 3 to 5 years without negotiations or careful study.

Finally, we will be laying to waste a very valuable national resource, the Nevada test site.

My preference is the $428 million funding level by the Senate Armed Services Committee, which was approved for the weapons testing program. However, as we are all aware, the President of the United States has announced an extension to the moratorium on nuclear testing, extending that through September 1994. As the acting floor leader has pointed out, the administration will soon submit a revised nuclear testing budget which takes into account the moratorium. That is the $375 million level which the distinguished senior Senator from Nebraska has in his substitute.

The Exon substitute will reduce the testing funding by $53 million. And although I do not support this reduction I do intend to support the Senator from Nebraska in an effort to defeat the more draconian and totally unacceptable funding reductions as proposed by the distinguished Senator from Iowa.

The Harkin amendment would slash the post cold war budget level provided by the administration, that is the reduced figure, by nearly half. I want to be clear, the Harkin amendment not only destroys the ability of the United States to resume nuclear tests but it also seriously impedes research into developing technology to monitor our nuclear weapons stockpile without nuclear tests.

The Department of Energy has initiated research into a series of new technologies to monitor the safety and reliability of our nuclear weapons stockpile without—and I emphasize the word without—without underground nuclear testing.

These technologies would be absolutely necessary for national security during a comprehensive test ban. By cutting off funding for these initiatives, this amendment could delay the time when a comprehensive test ban is possible.

The Secretary of Energy, Hazel O'Leary, in a letter to the distinguished chairman of the Armed Services Committee, Senator NUNN, stated that the Harkin amendment "would seriously impede the ability of the Department to fulfill its fundamental responsibilities to assure the continued safety and reliability of the nuclear weapons stockpile and maintain the minimum infrastructure and capability to resume underground testing if directed by the President." The Energy Department opposes the Harkin amendment, the Department of Defense opposes the Harkin amendment. This level of cuts is dangerous.

It is plain reckless for our Nation to hold thousands of the most powerful and dangerous weapons known to mankind, and destroy the ability to test them for safety and reliability.

That is the essence of his directive.

Mr. President, no one in this body can state with certainty that the nuclear weapons created by the United States have, suddenly, become completely safe and reliable for the foreseeable future. No one in this body can say with certainty that we will never again discover a dangerous flaw in a nuclear weapon.

Individuals working with the test program have estimated that, under the terms of the Harkin amendment, it would take 3 to 5 years to resume testing if that became necessary. Mr. President, that is 3 to 5 years of endangering our national security, or even endangering military personnel and civilians who may be in the vicinity of a flawed weapon. This is unacceptable. This is not a hypothetical concern.

Only 5 years ago, dangerous flaws were discovered in nuclear weapons that had already been placed in stockpiles throughout Europe. Computer calculations and earlier underground nuclear tests had been unable to detect the problem. Only through nuclear testing at the Nevada test site was it possible to find the flaw, and fix the problem.

The story was reported in a Washington Post article in May 1990 when the Department of Defense unexpectedly discovered a defect in a type of nuclear weapon after it had been deployed throughout Europe. Urgent orders were issued not to move the warheads, and repair teams had to hurry to the nuclear ammunition depots to disable the weapons so they could not accidentally be detonated. Computer calculations and underground tests before the start of production had indicated no safety problems. Yet, a new safety analysis in 1988 raised concerns that were only confirmed by actual underground nuclear tests conducted at the Nevada test site.

Should safety standards change or weapons deteriorate, we must have a capability to monitor and test our nuclear weapons arsenal. The Harkin amendment in my view seriously jeopardizes that ability.

The Nevada testing facility is a unique resource, and the Nation's investment in it must not be wasted. Some of America's greatest technological resources have been devoted to design, production, and testing of our nuclear weapons. Personnel at the Nevada test site are a small community of highly specialized workers, with expertise found nowhere else in the world.

Mr. President, in less than 2 weeks, a 1 kiloton conventional explosion will occur in the tunnels at the Nevada test site. The nonproliferation experiment will be conducted in the general vicinity of previous low-yield nuclear tests, and will provide vital data on the different seismic signals between a conventional explosion and a nuclear explosion. By furthering our ability to distinguish between conventional explosions and low-yield nuclear explosions, we will greatly expand our ability to monitor the proliferation of nuclear weapons. And that is an objective that all of us share. This test will have far-reaching consequences in the ability of the United States to prevent renegade nations from disguising low-yield nuclear tests.

No other facility in the world has recorded data from low-yield nuclear explosions that make this test possible. No other facility in the world has the unique tunneling capability that enabled this conventional test to occur efficiently and without undue expense. Yet, if the Harkin amendment would have been adopted last year, the nonproliferation experiment may not have been possible.

Most of our colleagues recognize the unique assets and expertise of the personnel at the Nevada test site. What my colleagues may not realize is that a wide variety of activities, such as the nonproliferation experiment, are now occurring at the test site, and many more activities are being planned for the future.

With my colleagues in the Nevada delegation, I am working to find ways to use the valuable assets at the Nevada test site. I introduced an amendment in last year's defense authorization bill to explore the solar energy possibilities at the test site. Because of its size and location, the test site is ideally suited for research in solar energy development, which I believe should have a very high priority in supplying our future energy needs. Even a small portion of the test site, devoted to solar electric generation, could supply substantial energy resource for the Nation.

In addition, promising proposals have been developed to use the tunnels at the Nevada test site for environmentally responsible demilitarization of rocket motors and rocket fuel. Again, passage of the Harkin amendment would threaten the development and study of these proposals.

Most importantly, the infrastructure and expertise at the site make it ideal for future nonnuclear testing activities that will help us maintain confidence in the safety and reliability of our nuclear weapons stockpile should a comprehensive test ban eventually be negotiated. Facilities such as the national ignition facility, hydrodynamic experiment facilities, and other simulation technologies will form the core of Department of Energy weapons testing activities should a comprehensive test ban be enacted. Many of these programs would be ideally suited for the Nevada test site.

Mr. President, I think it is important for us to bear in mind that, even if START II is ratified, the United States will continue to maintain a stockpile of thousands of nuclear weapons. The reliability of these weapons forms the basis for their existence, as a strategic deterrence. The recently released bottom-up review reaffirmed strategic nuclear deterrence as a fundamental part of our national security structure. The Harkin amendment in my view, threatens this structure.

In fact, as our stockpile of nuclear weapons is reduced, the reliability of each nuclear weapon becomes even more critical to an effective deterrence. Only through testing at the Nevada Test Site can we have adequate assurance that our nuclear weapons will function as expected in a time of crisis. Stockpile surveillance, above ground experiments, and modeling often uncover flaws that cannot be resolved without the use of a nuclear test. Almost one-half of the nuclear weapons systems developed since 1970 have needed nuclear testing to correct or evaluate defects. Clearly, the Harkin amendment, in my view, would seriously hamper our confidence in our nuclear weapons stockpile.

Despite the collapse of the Soviet Union, and advances in arms control agreements with Boris Yeltsin's new Russian state, we should not be blinded by euphoria. The communist dictatorship still remains in Beijing, and their nuclear program continues to progress, unchecked by any treaty. Indeed, there are reports that circulate that perhaps a test will occur sometime this year or early next year in the People's Republic of China. Countries as diverse as North Korea, India, and Libya all have nuclear weapons development programs. Reports out of Iraq should be sobering to all of us, that Saddam Hussein was dangerously close to having a nuclear weapon. Even now, many believe that U.N. monitors in Iraq have failed to halt the Iraqi nuclear development program. It is disingenuous to believe that by inflicting devastating cuts on our own nuclear weapons testing program, we will somehow, magically cause renegade nations to halt their nuclear weapons development.

As long as dictatorships are striving to acquire weapons of mass destruction, we must be vigilant. Our nuclear deterrence, tested time and again in the Nevada desert, helped prevent the tensions between the Soviet Union and the West from ever resulting in a nuclear conflict. Testing was part of that success, and we must not lightly discard such a proven capability.

Again, the Harkin amendment would have grave consequences not only to the Nevada test site, it's infrastructure, facilities, and ongoing projects, but more importantly, to our national security. I strongly urge the Senate to reject the Harkin amendment.

I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we heard the statements made by my friend from Nebraska and my colleague from Nevada regarding the Nevada test site. I associate these remarks with those of my colleague from Nevada as to the reason and the necessity of voting for the amendment offered by the Senator from Nebraska.

Before we proceed to cut the testing budget—both nuclear and nonnuclear—with emotional and politically motivated attacks, we need take a step back and look at the facts. We need to be reasonable.

First, we need to review our national goals that require testing; we then need to discuss the issues and challenges involved with reaching those goals; and we need to look logically at what the requirements are to meet those challenges.

What are our national goals that require testing? The first goal is to certify the stockpile. We need to do this through surveillance, monitoring, and maintenance in order to assure the safety, reliability, security, and survivability of the weapons systems.

Our second goal is to assess the capability of other nuclear weapon states, proliferants, and terrorist groups and be prepared to counter any threats that may develop.

Third, we need to retain the capability to resume testing should the Nation judge it to be in its best interest to do so.

And, fourth, we need to support international efforts in arms control, including the pursuit of a comprehensive test ban [CBT] and the extension of the Non-Proliferation Treaty [NPT].

Now, what are the issues and challenges we must face in reaching these goals? What are the questions that need to be answered?

First, how do we maintain the stockpile and nuclear weapons expertise without nuclear testing? Or without adequate nonnuclear testing?

Second, how do we maintain the capability to resume testing without wasting money and leaving our experts to sit around doing nothing?

And, third, how do we maintain the competence and capability to assess, and respond to, proliferation issues without a nuclear test program, or a program that involves tests of nuclear components?

One of the misconceptions of the testing program is that it is all nuclear testing. The fact is that it is far more than just setting off nuclear devices under the ground.

Historically, the weapons testing budget has supported a wide variety of tests both nuclear and nonnuclear.

With the present restrictions on nuclear tests, greater emphasis will have to be put on nonnuclear tests and other treaty compliant experiments to acquire the information necessary to maintain the stockpile and address nuclear proliferation issues. The moratorium on nuclear tests does not mean we don't need any tests.

Critical to all weapons testing is the maintenance of the Nevada Test Site. It is the only place where the Nation can conduct a wide variety of nuclear and/or hazardous experiments. It is the foundation upon which the specific testing programs are built.

Maintenance of the facility includes both the physical plant—roads, utilities, communication, water, and power—and the key operations personnel who manage the operations and can coordinate and oversee various test programs.

The Department of Energy and the National Labs, with the concurrence of the administration and Congress, are refocusing the considerable skills of our nuclear weapons scientists and engineers on weapons-related and other issues of national importance already mentioned.

The weapons RD&T budgets should be supported so that the labs and field technology teams may address this new task of developing our national security missions.

I would like to review that mission in some detail to demonstrate that there is much more going on than just nuclear testing.

First is stockpile stewardship: assuring enduring confidence in the performance of weapons in the stockpile well past their intended lifetimes without the benefit of nuclear tests.

Nuclear tests have been the proof of performance in the past. Should a stockpile weapon require modification, new techniques must be developed to allow performance recertification—if possible.

Such techniques need to be developed and proved to be of value in assessing stockpile changes with time. Success is not assured—there is no substitute for a nuclear test in this mission. Experimental programs will address critical areas of weapons physics which can allow continuing upgrades to the physics models in our computer simulations. This is critical to understanding the significance of subtle changes in an aging warhead.

Treaty compliant experiements—hydronuclear experiments—at very low yield—less than 4 pounds of yield—are being evaluated by the administration with regard to legal and policy issues. If allowed, such experiments may have significant utility as part of an enhanced stockpile surveillance program, in addressing safety and security in the U.S. stockpile, and for disabling terrorist and proliferant devices. These experiments require test skills at the labs and in Nevada.

Experiments to demonstrate the safety from nuclear yield of stockpile weapons ignited abnormally, or after exercising built-in disablement techniques can perhaps be conducted with treaty compliance. This class of experiments will improve our capability for calculating three-dimensional problems in dynamic criticality, an important feature in addressing subtle changes in stockpile weapons. These experiments, too, require test skills at the labs and in Nevada.

Enhanced hydrodynamic experiments using replacements for nuclear material are already underway. These will explore changes in implosion dynamics when subtle changes such as those which might be expected with aging, are introduced into the test assemblies. Improved radiography and other diagnostic techniques will be required for this most demanding mission.

Ultimately, a single user facility for well-enhanced hydrodiagnostic experiments, capable of using plutonium assemblies with very small yield should be built at the Nevada test site. Plutonium experiments will be directly applicable to stockpile issues as differentiated from today's practice of extrapolating from data based on the use of surrogates. The facility will go well beyond today's state of the art in image definition and image framing, building on current local improvements now in the works.

Experiements addressing the physics of materials with temperature and density approaching nuclear weapons conditions can be accomplished using any of several pulsed laser and electrical energy sources. These will be increased in scope and number. Such experiments will greatly improve in value with significant increases in energy inputs from new large laser and pulsed electrical power facilities.

Second, we need to develop counterproliferation technologies including assessing foreign capabilities, detecting delivery across our borders, improving search technologies in response to threats, rendering safe a discovered proliferant device, and devising means for identifying the proliferant from analysis of the device or—in the worst case—its debris.

Design, engineering, materials, and production specialists are developing credible designs to determine the necessary manufacturing processes, the requirement for testing and other experimental work, and finally their vulnerability to detection and disablement.

Radiation detection and analysis technologies developed for nuclear testing are being expanded for adaptation to intelligence gathering, border monitoring, and search and evaluation missions for a suspected weapon. Experiments requiring the use of nuclear weapons materials demonstrating the effectiveness of these developing techniques will be conducted at the Nevada Test Site.

Nuclear chemistry techniques for measuring minute isotopic concentrations are being applied to identifying the country of origin of nuclear materials in a suspect explosive before or after its detonation. The information will be important for informed decisionmaking should the need arise. Data from the Nevada Test Site will be necessary for development of a consistent methodology for this analysis

Third, we need to improve techniques for simulating nuclear weapons effects testing.

The loss of effects tests leaves the Nation little ability to accurately simulate over large volumes the x-ray output of a nuclear device for determining the vulnerability of military systems to this threat.

Appropriate pulsed x-ray sources can perhaps be developed by scaling up existing technologies. Studies are under way by DOE and the Defense Nuclear Agency. A new facility based on state-of-the-art technologies has been proposed for construction in Albuquerque.

Fourth, we must maintain a technological ability to conduct full-scale tests at the Nevada Test Site if it is deemed to be in the national interest.

The current requirement is to be ready to test with a 6-month notice. Whereas 12 to 15 months are required under normal circumstances to make ready and execute a nuclear test, much of the hardware has to be in place now, field preparation must be complete, treaty compliance assured, and most fiscally important, the test organization must be at full test staffing.

Treaty compliant experiments which resemble nuclear tests in their execution will not only provide a scientific mission, but also will maintain functional readiness for full-scale tests. Such experiments will aid in keeping test scientific and engineering technologies abreast with the state of the art.

There are many other experiments that are either ongoing or planned or need to be planned that are necessary for us to attain our national security goals.

For example, experiments still need to be conducted in the dismantlement of retired nuclear weapons; production capabilities in a scaled-down nuclear complex; applying weapons designs, manufacture, and test skills to commercial endeavors with the goal of improving the economic competitiveness of the Nation in world markets; and applying weapons design, manufacture, and test skills to other national and international priorities such as environmental issues such as global climate change and ozone depletion.

So we must conclude that the testing budget cannot be cut. We cannot support this amendment.

The weapons program has provided a stockpile that is second to none over a history of changing test restrictions, and can continue to do so if provided with continuing support.

Zero yield does not mean zero tests. The Nevada Test Site is a unique national resource that has supported the nuclear deterrent for over 40 years and is prepared to support it as long as the United States has nuclear weapons.

Nuclear competence and expertise are too valuable in this uncertain world to allow them to be jeopardized by a precipitous budget cut—too valuable to be ruled by emotion and politics.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Iowa.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Again, Mr. President, we are about to vote on this amendment. I have heard the comments made by my friends from Nevada on this amendment. I wish to make it clear again that the amendment that I offered still leaves $222.4 million in the account of nuclear testing, even though we are not testing. It is the same level as passed by the House of Representatives. There still is in the whole atomic energy defense activities $5.7 billion of nonenvironmental funding to maintain our nuclear weapons stockpile. And yet to hear my friends from Nevada talk, you would think I was gutting this whole program. Far from it.

The amendment offered by the Senator from Nebraska does go in the right direction, but it is not enough. It simply freezes it at last year's level. And last year's level is $375 million for operating expenses, even though we are not doing any testing.

Again, I agree that we have to maintain the facilities, and make sure we get to the point where we can have a Comprehensive Test Ban Treaty. I think we are close to that right now. So that in 1995 we might have an extension of the Nuclear Non-Proliferation Treaty. But I believe that this amendment does not go far enough. It simply freezes at last year's level.

Mr. President, I think we need to do much more than that. I believe that there are a number of Senators here who believe as I do, and because of that, I move to table the amendment offered by the Senator from Nebraska and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment.

The yeas and nays have been ordered. The clerk will now call the roll.

The assistant legislative clerk called the roll.

Mr. DOLE. I announce that the Senator from New Mexico [Mr. DOMENICI], the Senator from Texas [Mr. GRAMM], the Senator from North Carolina [Mr. HELMS], the Senator from Arizona [Mr. MCCAIN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Wyoming [Mr. SIMPSON], the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. SIMPSON] would vote "nay."

The PRESIDING OFFICER (Mr. WELLSTONE). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 31, nays 62, as follows:

[Rollcall Vote No. 256 Leg.]

YEAS—31

Boxer
Bradley
Bumpers
Conrad
Danforth
Daschle
DeConcini
Dorgan
Durenberger
Feingold
Feinstein
Grassley
Harkin
Hatfield
Jeffords
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Metzenbaum
Moseley-Braun
Pell
Pryor
Riegle
Sarbanes
Sasser
Simon
Specter
Wellstone
Wofford

NAYS—62

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Breaux
Brown
Bryan
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Dodd
Dole
Exon
Faircloth
Ford
Glenn
Gorton
Graham
Gregg
Hatch
Heflin
Hollings
Hutchison
Inouye
Johnston
Kassebaum
Kempthorne
Kerrey
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McConnell
Mikulski
Mitchell
Moynihan
Murray
Nickles
Nunn
Packwood
Pressler
Reid
Robb
Rockefeller
Roth
Shelby
Smith
Stevens
Thurmond
Warner

NOT VOTING—7

Domenici
Gramm
Helms
McCain
Murkowski
Simpson
Wallop

So the motion to table the amendment (No. 818) was rejected.

Mr. NUNN. Mr. President, I move to reconsider the vote.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NUNN. Is the Senator from Iowa willing to have a voice vote on the amendment?

Mr. HARKIN. Yes.

Mr. NUNN. I hope we can now deal with the EXON amendment. I ask unanimous consent that the yeas and nays be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the EXON amendment.

The amendment (No. 818) was agreed to.

Mr. EXON. I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Is there further debate on the Harkin amendment?

Mr. NUNN. Mr. President, the Exon amendment is in the form of a substitute. I thought we agreed to that. I believe we could go ahead with the Harkin amendment, as amended.

The PRESIDING OFFICER. The question its now on agreeing to the Harkin amendment, as amended.

The amendment (No. 817), as amended, was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey seeks to speak on the floor. Will all other conversation desist. There will be order in the Chamber.

The Senator from New Jersey is recognized.

AMENDMENT NO. 819

(Purpose: To require the President to seek to obtain host-nation payment of most or all of the overseas basing costs for forces of the Armed Forces of the United States in such nation, to limit the use of funds for paying overseas basing costs for U.S. forces, and for other purposes)

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for himself, Mr. CONRAD, Mr. HARKIN, Mrs. BOXER, Mr. METZENBAUM, Mr. RIEGLE and Mr. CAMPBELL, proposes an amendment numbered 819.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 233, after line 23, insert the following:

SEC. 1056. INCREASED BURDEN SHARING BY ALLIES OF THE UNITED STATES.

(a) DEFENSE COST-SHARING AGREEMENTS.—The President shall enter into negotiations with each foreign nation referred to in subsection (b)(1) that is not excluded by subsection (b)(2) to seek to conclude an agreement that provides for such nation to pay at least 75 percent of the overseas basing costs that are incurred for the stationing of members of the Armed Forces of the United States and related civilian employees of the Department of Defense in that nation as a result of the implementation of a bilateral or multilateral defense agreement with that nation.

(b) COVERED FOREIGN NATION.—(1) Except as provided in paragraph (2), subsection (a) applies with respect to the following foreign nation:

(A) Each member nation of the North Atlantic Treaty Organization (other than the United States).

(B) Every other foreign nation with which the United States has a bilateral or multilateral defense agreement that provides for the assignment of combat units of the Armed Forces of the United States to permanent duty ashore in that nation.

(2) Subsection (a) does not apply with respect to any foreign nation—

(A) that receives assistance or financing under—

(i) section 23 of the Arms Export Control Act (22 U.S.C. 2763), relating to the foreign military financing program; or

(ii) the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.); or

(B) in which not more than 1,000 members of the Armed Forces of the United States and related civilian employees of the Department of Defense are assigned to permanent duty ashore as a result of the implementation of a bilateral or multilateral defense agreement.

(c) USE OF FUNDS FOR PAYING OVERSEAS BASING COSTS.—(1) Funds may not be expended to pay more than the allowable percent of the overseas basing costs that are incurred during a fiscal year referred to in paragraph (2) for the stationing of members of the Armed Forces of the United States and related civilian employees of the Department of Defense in a nation referred to in subsection (a) as a result of the implementation of a bilateral or multilateral defense agreement with that nation.

(2) For purposes of paragraph (1), the allowable percent for a fiscal year is as follows:

(A) For fiscal year 1994, 60 percent.

(B) For fiscal year 1995, 40 percent.

(C) For each fiscal year that begins after September 30, 1995, 25 percent.

(d) WAIVER AUTHORITY.—If the President determines that it is necessary to do so in the national security interest of the United States, the President may waive, with respect to a foreign nation referred to in subsection (a), the limitation in subsection (c). In the case of each such waiver, the President shall submit to Congress a written certification of the determination and a description of the extent of the waiver.

(e) DEFINITIONS.—In this section, the term "overseas basing costs" means all costs related to the operation of installations in foreign countries at which forces of the Armed Forces of the United States are based and—

(1) includes, among other costs—

(A) pay for foreign nationals;

(B) costs of utilities;

(C) costs of local services;

(D) costs of military construction projects;

(E) costs of real property maintenance;

(F) costs of environmental restoration;

(G) leasing costs;

(H) taxes;

(I) user fees;

(J) tolls; and

(K) import duties; and

(2) does not include the pay and allowances of members of the Armed Forces of the United States and civilian employees of the Department of Defense.

AMENDMENT NO. 820 TO AMENDMENT NO. 819

(Purpose: To express the sense of Congress regarding increased defense burdensharing by allied countries, and other friendly countries)

Mr. NUNN. Mr. President, I send an amendment to the desk in the form of a substitute and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Georgia [Mr. NUNN], for himself and Mr. THURMOND, proposes an amendment numbered 820 to amendment No. 819.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On the first page, strike out line 2 and all that follows through the end of the amendment and insert in lieu thereof the following:

SEC. 1056. DEFENSE BURDENSHARING.

(a) FINDINGS.—Congress makes the following findings:

(1) Since fiscal year 1985, the budget of the Department of Defense has declined by 34 percent in real terms.

(2) During the past years, the United States military presence overseas has declined significantly in the following ways:

(A) Since fiscal year 1986, the number of United States military personnel permanently stationed overseas has declined by almost 200,000 personnel.

(B) From fiscal year 1989 to fiscal year 1994, spending by the United States to support the stationing of United States military forces overseas will have declined by 36 percent.

(C) Since January 1990, the Department of Defense has announced the closure, reduction, or transfer to standby status of 840 United States military facilities overseas, which is a 50 percent reduction in the number of such facilities.

(3) The United States military presence overseas will continue to decline as a result of actions by the executive branch and the following initiatives of the Congress:

(A) Section 1302 of the National Defense Authorization Act for Fiscal Year 1993, which required a 40 percent reduction by September 30, 1996, in the number of United States military personnel permanently stationed ashore in overseas locations.

(B) Section 1303 of the National Defense Authorization Act for Fiscal Year 1993, which specified that no more than 100,000 United States military personnel may be permanently stationed ashore in NATO member countries after September 30, 1996.

(C) Section 1301 of the National Defense Authorization Act for Fiscal Year 1993, which reduced the spending proposed by the Department of Defense for overseas basing activities during fiscal year 1993 by $500,000,000.

(D) Sections 913 and 915 of the National Defense Authorization Act for Fiscal Years 1990 and 1991, which directed the President to consult with East Asian allies, and to develop a plan, regarding gradually reducing the United States military force structure in East Asia.

(4) The East Asia Strategy Initiative, which was developed in response to sections 913 and 915 of the National Defense Authorization Act for Fiscal Years 1990 and 1991, has resulted in the withdrawal of more than 12,000 United States military personnel from Japan and the Republic of Korea since fiscal year 1990.

(5) In response to actions by the executive branch and the Congress, allied countries in which United States military personnel are stationed and alliances in which the United States participates have agreed in the following ways to offset more of the costs incurred by the United States in basing military forces overseas:

(A) Under the 1991 Special Measures Agreement between Japan and the United States, Japan will pay by 1995 almost all yendenominated costs of stationing United States military personnel in Japan.

(B) The Republic of Korea has agreed to pay by 1995, one-third of the won-based costs incurred by the United States in stationing United States military personnel in the Republic of Korea.

(C) The North Atlantic Treaty Organization (NATO) has agreed that the Infrastructure Program could pay the annual operation and maintenance costs of facilities that would support the reinforcement of Europe by United States military forces.

(b) FUNDING REDUCTIONS.—(1) The total amount authorized to be appropriated to the Department of Defense for operation and maintenance and for military construction (including NATO Infrastructure) to conduct overseas basing activities during fiscal year 1994 may not exceed the amount equal to the baseline for fiscal year 1993 reduced by $1,355,500,000.

(2) For purposes of paragraph (1), the baseline for fiscal year 1993 is the sum of the amounts that were made available for overseas basing activities out of the amounts appropriated for such fiscal year for the following purposes:

(A) Operation and maintenance.

(B) Family housing, operations.

(C) Family housing, construction.

(D) Military construction (including NATO Infrastructure).

(c) SENSE OF CONGRESS.—It is the sense of Congress that the amounts obligated to conduct overseas basing activities should decline significantly in fiscal year 1995 and in future fiscal years as—

(1) the number of United States military personnel stationed overseas continues to decline; and

(2) the countries in which United States military personnel are stationed and the alliances in which the United States participates assume an increased share of United States overseas basing costs.

(d) BURDENSHARING AGREEMENTS FOR INCREASED HOST NATION SUPPORT.—(1) In order to archive additional savings in overseas basing costs, the President should intensify his efforts to negotiate a more favorable host-nation agreement with each foreign country to which this paragraph applies under paragraph (3)(A).

(2) For purposes of paragraph (1), a more favorable host-nation agreement is an agreement under which such foreign country—

(A) assumes an increased share of the costs of United States military installations in that country, including the costs of—

(i) labor, utilities, and services;

(ii) military construction projects and real property maintenance;

(iii) leasing requirements associated with the United States military presence; and

(iv) actions necessary to meet local environmental standards;

(B) relieves the Armed Forces of the United States of all tax liability that, with respect to forces located in such country, is incurred by the Armed Forces under the laws of that country and the laws of the community where those forces are located; and

(C) ensures that goods and services furnished in that country to the Armed Forces of the United States are provided at minimum cost and without imposition of user fees.

(3)(A) Except as provided in subparagraph (B), paragraph (1) applies with respect to—

(i) each country of the North Atlantic Treaty Organization (other than the United States); and

(ii) each other foreign country with which the United States has a bilateral or multilateral defense agreement that provides for the assignment of combat units of the Armed Forces of the United States to permanent duty in that country or the placement of combat equipment of the United States in that country.

(B) Paragraph (1) does not apply with respect to—

(i) a foreign country that receives assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2673) (relating to the foreign military financing program) or under the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.); or

(ii) a foreign country that has agreed to assume, not later than September 30, 1996, at least 75 percent of the nonpersonnel costs of United States military installations in the country.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that a congressional fellow from my office, June Dignan, be granted the privileges of the floor during this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senator from New Jersey be allowed to yield to me without losing his right to the floor and with the right to reclaim the floor at any time he asks.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LAUTENBERG. I yield to my colleague and friend from Vermont.

Mr. LEAHY. Mr. President, I thank the distinguished Senator from New Jersey.

The PRESIDING OFFICER. Would the Senator withhold for a moment?

There will be order in the Chamber. The Senator from Vermont is speaking. There will be order in the Chamber.

The Senator is recognized.

LANDMINE AMENDMENT

Mr. LEAHY. Mr. President, many of us have seen photographs like this. It is a horrible photograph. It is not one that any of us like looking at. A photograph of a young boy, one leg badly burned, damaged, crippled, the other leg torn off, one arm torn off.

I do not show this picture simply to upset my colleagues. It is a picture of just one of hundreds and hundreds of thousands of landmine victims worldwide; innocent children, legs and arms blown off by landmines.

I show the picture, though, because it has to touch the morality of every man and women in this Chamber. It does not make any difference whether we are conservative, liberal, moderate, Democrat or Republican, we have to understand how terrible these things are.

I recall the first time I met one of these children in a field hospital in the jungles of Honduras, a little boy who lost his leg and lived in that hospital because he had no other place to go. He was from a peasant family, and could no longer work.

I asked him how it happened. He said it was a landmine on a jungle trail. I ask him if it was put there by the Contras or the Sandinistas? He did not know. But one thing he did know, was that his life was horribly changed.

Bombs and artillery can target military targets and soldiers can aim, at other combatants. But, like chemical weapons, landmines do not discriminate. A landmine will blow the arm or leg off anybody who steps on it, civilian or military. Usually it is a civilian.

Landmines are used more and more as weapons of terror against civilian populations.

The Senator from New Jersey has kindly yielded to me for a few moments. I will return later and offer up my landmine amendment. Fifty-nine Members of this body have already cosponsored it. Both leaders, the Republican leader and the Democratic leader, have. Again, Senators who range across the political spectrum.

But today it is estimated that at least 85 million landmines are scattered in 62 countries, and they kill or maim hundreds of innocent people every month.

In Cambodia alone there are four million landmines, and those mines are being cleared, as they say, an arm and a leg at a time. Much of the arable land in that country may never be safe for farming because the people cannot even walk in the fields without dying.

Kuwait has already spent $700 million to get rid of some of the seven million Iraqi landmines, many of which were sold to Iraq by NATO countries. Afghanistan, Lebanon, El Salvador, Mozambique, Armenia, even the Falkland Islands—these are some of the countries strewn with landmines, some dating back to World War II. My amendment extends the moratorium on exports of landmines an additional 3 years. By doing so we can pressure other countries to stop exporting them, and finally to give the same onus to landmines that we give to chemical and biological weapons. Then we can say once and for all that people of any morality, of any respect for humanity, will not use landmines.

For me, this is a moral issue. And the most powerful nation on Earth, the only superpower, can set the example.

Mr. President, I thank my good friend from New Jersey for his courtesy.

Mr. KENNEDY. Will the Senator yield very, very briefly?

Mr. LEAHY. The Senator from New Jersey has the floor.

Mr. KENNEDY. I just need 1 minute.

Mr. LAUTENBERG. I am happy to yield, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, the Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I join in commending the Senator from Vermont for this proposal. I am also grateful to the chairman of the Armed Services Committee and the ranking minority member for also being willing to accept a corollary amendment that will permit an authorization of up to $10 million to permit surplus Army equipment that could be helpful and useful in clearing up these mines, permit some technical help and assistance, when appropriate and available, to be utilized in the country.

I have heard, as chairman of the Refugee Committee, if you talk to any of the nongovernmental agencies or any of the international agencies, the No. 1 concern that they have is how to clear up these landmines.

We have some very considerable capability to do it. I commend the Senator from Vermont, who has been a great leader in this area.

And I am grateful to the chairman of the committee for being willing to accept a very modest amendment which would permit up to $10 million in the O&M account to be utilized in ways that can further advance this humanitarian cause.

I have heard the chairman of the Armed Services Committee in our markups and in our considerations speak very eloquently about this problem, as well. I really think that this is something that will be very modest but very useful, particularly for the children in many of these war-torn lands.

I thank the Senator.

Mr. NUNN. Will the Senator yield for 30 seconds?

Mr. LAUTENBERG. I am happy to yield.

Mr. NUNN. Mr. President, I commend the Senator from Vermont. I will recommend to the Senate that we accept this amendment, as well as the amendment of the Senator from Massachusetts.

This is a tragedy that occurs every day. It is beyond human imagination the number of innocent women and children and people having nothing to do whatsoever with battles that are going on around the world that are victims of this.

I am not sure that this amendment will alleviate much of it because there are so many mines out there now, but at least it puts us on record in strong support of this kind of conduct.

I remember very well visiting with our American military people in Cambodia. Most people do not realize we had American people in Cambodia. They were assigned as observers; unarmed observers, of course. They told of the horrors they witnessed. As they walked from one village to another as observers, they had to follow oxen down the trail because there were so many mines in the area. They have one story after another about the horrors of dealing with this and the number of atrocities they have seen.

So, at the appropriate time, I would certainly recommend the acceptance of both of these amendments.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. First, Mr. President, I commend the Senator from Vermont for his proposed amendment. I think it is appropriate that, as much as possible, we remove the ability to destroy, maim, and kill people who had no involvement with the conflict at the time, and that we should do whatever we can to protect those lives.

I ask unanimous consent that I be included as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 819

Mr. LAUTENBERG. Mr. President, I sent an amendment to the desk. It is on behalf of Senator CONRAD, Senator HARKIN, Senator BOXER, Senator METZENBAUM, Senator RIEGLE, and Senator CAMPBELL. The proposal we are offering today is intended to shift the burden of defending Europe and the Pacific from the American taxpayer to our allies who can and should pay more. This amendment is based on a bill that I introduced earlier this year, S. 802. The amendment would require the United States to secure burden-sharing agreements with our allies that have major concentrations of U.S. military installations. We are talking about allies like Germany and the United Kingdom, Italy, and South Korea.

These agreements would require that our allies pay for at least 75 percent of the stationing costs of maintaining U.S. troops in their countries.

We are not asking them to pay for our service persons' salaries. That is our responsibility. We pay those salaries. But by 1996, we are asking that our friends and allies meet this requirement that we have included in our amendment.

The agreements called fcr by this amendment are modeled on the burden-sharing agreement that our country currently has with Japan. Under that agreement, the Japanese are required to pay for the majority of our overseas basing costs. By the end of 1996, Japan will pay nearly all of the yen-dominated costs of stationing United States forces in Japan. At that time their direct contribution will be 75 percent of the total stationing costs of U.S. deployment. Again I remind everybody, that excludes salaries of U.S. armed services and civilian personnel.

The Japanese will also provide an additional contribution through free rent for facilities that we use.

The Japanese agreement is an appropriate deal for the American taxpayer. But in many other countries the United States currently pays more than 75 percent of the overseas basing costs while our allies pay less than 25 percent of these costs. This amendment seeks to shift that burden away from the American people and to our allies who, frankly, can afford to pay more.

If one looks at the balance of trade on this chart it becomes quite obvious that there is a significant gain for our trading partners. And we ought to ask them to help out in our protection of the free world.

These allies include Germany, South Korea, Belgium, Iceland, the Netherlands, Spain, the United Kingdom, and Italy. The United States would contribute no more than 60 percent of the total overseas basing costs for 1994.

In fiscal 1995, our allies would contribute 60 percent of the total costs of maintaining our bases. The U.S. contribution would be reduced to 40 percent. And in fiscal year 1996 and beyond, our allies would then pay a minimum of 75 percent of the overseas basing costs and we, the United States, would pay no more than 25 percent. Again, I remind everybody, that is on top of the wages and the equipment, ammunition that we pay for. Those are our responsibilities and we accept them as part of our contribution to defending the free world.

Overseas basing costs are the costs related to the operation of military installations in foreign countries. They include, but they are not limited to foreign national's salaries, utilities, cost of local services, military construction costs, costs of real property maintenance, environmental restoration, leasing costs and user fees. It is important to note once again that they do not include the considerable salaries of U.S. personnel, which we would still pay for in addition to our 25-percent contribution.

To ensure that our troops will not be undermined and our national security will not be compromised, if a country does not increase its contribution, the amendment includes a waiver for the President of the United States, in case he needs flexibility. The President could authorize additional U.S. contributions to pay for overseas basing costs if he determines and certifies to Congress that it is essential to the national security of the United States. This waiver is an important part of the amendment and provides the administration with the flexibility it needs to ensure that national security will not be undermined.

Additionally, the amendment includes an exemption for foreign nations that receive foreign aid from the United States. This would exempt countries like Turkey and Greece and Portugal, for example, that cannot at this time afford to pay a greater share. The amendment also exempts any country in which we have less than 1,000 troops stationed. And it does not cover any country in which the United States only has military equipment, for instance, that is prepositioned.

Even if this amendment is enacted, the United States will still pay a significant share of the overseas basing costs of countries where we have bases. If the United States was contributing only 25 percent of the costs in 1994, we would be spending only $3.8 billion of the total of $15.4 billion that it will cost for overseas basing.

Even if this amendment becomes law, we will still pay our significant costs for the salaries of our personnel. Based on 1996 troop level expectations of 100,000 persons in Europe, the United States would still be paying an additional $3.5 to $4 billion just for the salaries and benefits for our personnel, in addition to our 25-percent contribution. And we would still pay the cost of equipment and training. That is quite significant.

Based on Department of Defense documents, the Congressional Research Service estimates that the United States spent approximately $12 billion for equipment in Europe out of a total of $50 billion that we spent in Europe in 1992.

The percentages established in the amendment are reasonable. They set targets and they phase in these changes over 3 years to reach those targets. Because the amendment includes a national security waiver, the administration still maintains significant flexibility.

Some argue that our allies are already contributing more, and that this amendment is unnecessary. I could not disagree more. All one has to do is ask the American people, who have just been asked to cough up a significant sum more on taxes, and to sacrifice in other ways.

When you look at the favorable trade balance that these countries have, just these four we are showing here, we are talking about a significant burden. We ought not to turn to our people first when other countries, with whom we do business and have a negative balance of trade, are doing so much better.

Last year, in an effort to secure increased contributions from our allies, the fiscal year 1993 DOD Appropriations Act stated that the level of Japanese burden-sharing efforts should be emulated by our European allies. The Congress reduced funding by $250 million for operations and maintenance and foreign nationals who are employed by the United States at bases in Europe. The Congress fenced an additional $175 million for overseas basing costs, pending certification that negotiations to revise the current European agreements are yielding increased contributions from the allies.

Because the certification was made, some argue that our allies are doing better. And, while it is true that the certification was made that the allies are doing better, it was based on only a 2.4-percent increase in contributions. That is their increase.

I would not call that a tremendous negotiating success when, in fact, costs overall are going down. And although the percentage claims a slight increase of 2.4 percent, our European allies were actually contributing less money than they did the year before. According to the DOD certification in fiscal year 1992, our European allies were contributing $1.6 billion toward the total overseas basing costs. But in fiscal year 1993, after the negotiations were supposed to yield increased contributions, our European allies were contributing over just $1.5 billion. Again, I remind my colleagues that that is compared to $1.6 billion in the previous year.

The percentage on which the certification was based increased because our total overseas basing costs were coming down. I would not say that our allies are doing better by contributing less.

The fiscal 1993 DOD appropriations conference agreement was very clear. It said:

> * * * notify the Congress that negotiations to revise the current agreements governing European allied contributions yield increased contributions from the allies.

I do not understand how successful negotiations could result in a decrease in actual dollars contributed by our allies.

Mr. NUNN. Will the Senator yield for a brief procedural question?

Mr. LAUTENBERG. I will be happy to yield.

Mr. NUNN. Could we get a time agreement, I ask my friend from New Jersey, on this one of, say, 30 minutes on each side?

Mr. LAUTENBERG. I ask the chairman of the Armed Services Committee whether that would include time reserved for what I understand is going to be an amendment that he already sent to the desk?

Mr. NUNN. On our side, I will describe the second-degree amendment within that timeframe. I would not ask for additional time for that. So it would include the discussion of both amendments.

Mr. LAUTENBERG. I have a couple of colleagues who would like to speak. Is the Senator from Georgia asking for 1 hour from this point forward?

Mr. NUNN. Yes, that would be fine with me.

Mr. LAUTENBERG. Divided——

Mr. NUNN. Divided equally.

Mr. LAUTENBERG. I think that would be acceptable. May I ask the Senator from North Dakota how much time he would like to have?

Mr. CONRAD. I would like 10 minutes, 15 minutes.

Mr. NUNN. Is there any shorter period of time? I do not want to leave any period of time on the table here.

Mr. LAUTENBERG. If we can do it in less time, maybe so. Of course, if the Senator from Georgia dropped his second-degree amendment, it would shorten the time considerably.

Mr. NUNN. I would say we can really expedite it if the Senator would withdraw the underlying amendment.

Mr. LAUTENBERG. Let us agree upon 1 hour equally divided, and if we can yield time back, we certainly will be happy to do it.

Mr. NUNN. I will propound that in just a moment. I will prepare that unanimous-consent agreement.

Mr. LAUTENBERG. Mr. President, I take it that what is being asked for is a time agreement that is 1 hour equally divided, a half hour on each side for the opponents and the proponents.

Mr. NUNN. Mr. President, I thank my friend from New Jersey.

I ask unanimous consent that there be a time limit of 1 hour equally divided, with time controlled by the Senator from New Jersey, and I will control the time——

Mr. LAUTENBERG. That is not 2 hours now because I had just asked for that hour.

Mr. NUNN. We are talking about 1 hour equally divided.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Reserving the right to object, those of us in opposition, of course, would be beholden to the distinguished chairman for such time allocations as required. I might suggest the following: The Senator from South Carolina would like how many minutes?

Mr. THURMOND. Three minutes.

Mr. WARNER. Let us say 5. The Senator from Maine [Mr. COHEN], it is my understanding would probably take about 7. I would like to have 10. Can you factor that in? I can reduce mine to——

Mr. NUNN. That would be a total of 20 minutes.

Mr. WARNER. Yes.

Mr. NUNN. I will make sure you have that much time within my 30 minutes.

The PRESIDING OFFICER. Is there further objection?

Mr. CONRAD. Reserving the right to object, and I will not object, I, too, would just like to make provision so that I would have at least 10 minutes out of the 30 minutes.

Mr. LAUTENBERG. The Senator from North Dakota has my assurance that he will get at least 10 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LAUTENBERG. I thank the chairman of the Armed Services Committee and our colleagues on the other side of the aisle.

We were talking before about negotiations with our allies in terms of getting them to participate more fully in the costs for basing our troops overseas offering protection to the free world, as well as specific protection for those countries and strategic positioning for our mutual interests.

As we struggle to regain our competitive edge, I think it is fair to say that most people in this country feel very strongly that our allies ought to be paying a fairer share.

Mr. President, I am sympathetic to the daunting task that is faced by our burden-sharing negotiators. They have a tough job, and there has to be a fair balance struck. It is difficult, and the world economy is dragging. However, I think that our negotiators should, at a minimum, be holding a firm line. Under no circumstances should we let the actual contributions of our allies go down.

Look at Germany for example. According to a DOD budget document, Germany was paying for $1.68 billion of the total overseas basing costs in fiscal 1992. But in fiscal 1994, Germany will pay for only $1.336 billion of the total cost. That is nearly a $350 million decrease in their spending.

Let us look at what this amendment will require our friends in Germany to do in fiscal 1994. It says that they have to contribute 40 percent of the total overseas basing costs.

According to the same DOD document, the Germans currently pay for 31 percent of these costs, or the $1.336 billion out of a total of $4.3 billion it costs to maintain our bases in Germany. To reach the 40 percent goal in the amendment, the Germans would need to increase their contribution by 9 percent in fiscal 1994. Well, 9 percent of the total amount it costs us to maintain our bases in their country is $388 million.

My point is that if the United States had simply required the Germans to hold their contributions steady since 1992, rather than letting them decline by nearly $350 million, Germany would be fairly close to contributing what this bill requires in the first year, 40 percent of the total costs. And instead of letting them reduce their contributions by nearly $350 million since fiscal 1992, we should have demanded that, at least, they hold it steady and gradually increase the level of their contributions.

Now, I think it is important also, Mr. President, to note that America wins the prize on the percentage of GDP allocated to defense spending. We want to have strength, and we want to play a leadership role when our country is needed and when appropriate. But when you look at 2.2 percent of GDP for Italy spent on defense, and 2.5 percent of the GDP spent on defense for France, and 4.5 percent from our very prosperous friends in South Korea, it looks like an extra burden is being assessed the United States. We spent 5.7 percent of our GDP to provide for defense spending.

Mr. President, this amendment is long overdue. There is not any reason for the American taxpayer to continue paying the lion's share of the overseas basing costs in countries that can afford and should afford to pay more. We have, as we all know from the debates that have gone on here in the last few weeks, a $266 billion deficit, and a $4.2 trillion national debt. We can no longer afford to be the policeman of the world without significant help from our friends who want us to share that responsibility with them in some cases or take it on our own in others.

If we secure the agreements called for by this amendment over the next 5 years, we will save almost $13 billion. In fiscal 1994 alone, we would save nearly $1 billion. That is why this amendment has been endorsed by people like the National Taxpayers Union and Citizens Against Government Waste.

I ask unanimous consent that copies of the letters from these organizations endorsing this amendment be printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LAUTENBERG. I hope, Mr. President, my colleagues will support this amendment. While our economy continues to stagnate and unemployment claims take their toll on the American people, our allies are getting, if not a free ride, certainly a cheap ride at the expense of the American people. While we continue to pour money into the defense of our nations, theirs and ours, they pour more money into their economies. That is why we have a negative trade balance with the U.K., Germany, Italy, and South Korea as we saw on the other chart. And yet we have spent the highest proportion of our GDP, nearly 6 percent, on defense and collective security.

This amendment will move the Nation in the right direction and will at long last provide some relief for the American people from the part of the defense burden which they have carried fully for too long. It sets reasonable goals for the administration to achieve based on our agreement with Japan. A similar agreement ought to be able to be executed with our other friends. It phases in increased contributions over 3 years, gives people time to make the adjustment, and gives the administration flexibility to authorize additional contributions in the event that national security necessitates increases.

Mr. President, I urge my colleagues to give this amendment their support.

I yield to my friend from North Dakota the 10 minutes that he requested.

Mr. CONRAD. I thank the Senator from New Jersey.

First of all, I commend the Senator for this amendment because I think it is an important amendment to once again raise the issue and the question of what is a reasonable distribution of the common burden of defense.

Mr. President, when I came to this Chamber, we had over 300,000 troops stationed in Europe. We were spending over $100 billion a year paying the defense costs for Europe, or a substantial part of the defense costs for Europe. We had over 50,000 troops stationed in Japan, spending tens of billions of dollars providing for a significant share of the defenses of that country, keeping the sea lanes open so they could get their Hondas and their Toyotas to the United States for sale.

Mr. President, in the midst of that, we were running $200 billion budget deficits ourselves. In effect, we were paying the bills for others when we could not pay our own bills. What sense that made and what sense that makes eludes me.

Mr. President, we have just had the Vice President of the United States unveil reinventing Government. This is an opportunity to reinvent Government. This is an opportunity to reinvent relationships because something is wrong when the United States, which is already in serious fiscal shape itself, keeps on spending a disproportionate part of its Treasury defending others who are well able to defend themselves.

Beyond that, Mr. President, I think we should begin to ask, what are we defending Europe from? What is the threat to Europe? When we started this, when I came to the Chamber in 1987—or when my involvement began, because others had taken up the battle before then—the threat was still the Soviet Union. We were told then we had a 24-hour warning period—24 hours that we could count on, that we would know in advance before the Soviets launched an attack on Europe. Today, that waiting period, that warning period, has been extended to over a year. It would take over a year for them to concentrate the troops and prepare for any invasion of Europe, and yet we keep on doing what we have done in the past. We keep on spending tens of billions of dollars defending Europe against some threat. We are not even sure what the threat is anymore, but we are certainly ready to keep on spending the money.

One has to ask, does it make any sense for us to continue to spend 2 and 3 times, as a percentage of our gross domestic product, what they spend in providing for the common defense, the common defense?

I suggest those days are over. It is, in my judgment, time for us to take another step in the direction of asking those we have defended for a very long time to take on a greater share of the burden.

Very frankly, we need to move from burden sharing to burden shedding. This country is still in deep fiscal crisis. Even after the budget reconciliation agreement that we have passed, we see $200 billion deficits as far as the eye can see and still this country, through its elected leadership, insists on paying the bills for others when we cannot pay our own.

Mr. President, when I came to this Chamber in 1987, I offered an amendment requiring the President to negotiate greater burden sharing arrangements with our allies. That became law. We had negotiations that went on that asked our allies to take on a greater portion of the common defense burden.

In 1989, I offered an amendment to reduce the forces in Europe by 30,000. In 1990, I offered an amendment to require the Japanese to pay all incountry costs of United States troops, and that too became law. In 1990, I offered an amendment to again reduce the number of forces in Europe, and in 1991 I again offered a sense-of-the-Senate resolution asking to reduce the number of forces in Europe to 100,000 by 1995. That was enacted. And in 1992, we took the final step of asking that U.S. troops in Europe be limited to 100,000 by 1996, and that was adopted. So some steps have been taken, but still we find that we are bearing a disproportionate part of the load.

Mr. President, last year, Congress required that our European allies pay a greater share of the overseas basing costs. And so what happened? DOD certified that European contributions will increase from 10 percent to 12 percent.

Mr. President, that is not what we had in mind. That is not good enough. Wealthy countries like Germany are still paying only 25 percent or less of U.S. basing costs.

Mr. President, what is the result when we pay a disproportionate share of the burden? What happens? What do they do with what is in effect a subsidy?

They invest it in businesses in their countries that compete with businesses in ours. Mr. President, Germany enjoys a trade surplus with this country. They take the money that they save because the United States is footing the bill and they invest it in health care for all of their people, something we have not yet accomplished in this country.

Mr. President, they take the money that we save them by paying their bills for defense, and they invest it in their kids' education, in preparing them to compete in this global economy.

We had better smarten up. We had better toughen up. We had better say to those allies who are well able to pay their own bills, the gravy train is over. The United States can no longer afford to pay others' bills when we cannot pay our own. Our allies can and must do more, Mr. President. There is no reason for us not to insist.

The most recent figures for 1992 indicate that we are spending about 6 percent of our gross domestic product on defense; the United Kingdom 4.3 percent; Germany, 2.5 percent, less than half of what we are doing; Italy, 2.2 percent; in Japan, 1 percent, at the very time that we are bearing a disproportionate part of the common defense burden for Japan and they have a $50 billion trade surplus with this country. And we are wondering why it is the United States is falling behind. One reason is because we have paid the bills, we have footed the charges, and we have not asked those whom we are defending to appropriately chip in.

Mr. President, this is a modest amendment, but it moves us another step in the direction that we must go.

So I hope that my colleagues will study this amendment, that they will revisit the history of all of the burden-sharing amendments that have been offered as long as I have been in this Chamber, and look back and see that every time they voted for one of these burden-sharing amendments they cast the right vote, because I believe that, if they vote with Senator LAUTENBERG today, they will again be able to look back and see that they cast the right vote, the right vote for this country, the right vote for our position in the world; the right vote for a fair distribution of the burden.

I thank the Chair. I yield the floor.

EXHIBIT 1

NATIONAL TAXPAYERS UNION,
Washington, DC, July 29, 1993.

Hon. FRANK R. LAUTENBERG,
U.S. Senate, Washington, DC.

DEAR SENATOR LAUTENBERG: On behalf of the 250,000 members of the National Taxpayers Union, I am writing to let you know of our support for your burdensharing bill, S. 802 and related amendment to the FY 1994 Department of Defense Authorization bill.

Your proposal to shift the burden for defending Europe and the Pacific from the American taxpayers to our Allies is a step in the right direction toward eliminating such subsidies. The United States can no longer afford to pay the lion's share of defending the collective security.

Your proposal will save American taxpayers billions of dollars in the long run. According to the Congressional Budget Office, this legislation could result in savings totaling $9.6 billion over the 1994–1998 period.

With the budget deficit hovering around $300 billion and with a national debt over $4 trillion, it is imperative to do everything in our power to save tax dollars. Your proposal should be adopted with that end in mind. We look forward to working with you to enact this legislation.

Sincerely,

JILL LANCELOT,
Director, Congressional Affairs.

COUNCIL FOR CITIZENS AGAINST
GOVERNMENT WASTE,
August 3, 1993.

Hon. FRANK R. LAUTENBERG,
U.S. Senate, Washington, DC.

DEAR SENATOR LAUTENBERG: I am writing to express the Council for Citizens Against Government Waste's (CCAGW) support for your burdensharing bill, S. 802, and related amendment to the fiscal year 1994 Department of Defense Authorization bill.

With a budget deficit of $290 billion and a national debt of over $4.3 trillion, the United States cannot afford to continue to foot the entire bill for defending the Free World. The burden of protecting Europe and the Pacific must be more equitably distributed. According to preliminary estimates of the Congressional Budget Office, burdensharing could save $8.7 billion in budget outlays over five years.

CCAGW is supportive of this bill because it makes fiscal sense. In fact, Citizens Against Government Waste identifies burdensharing as one of 50 "Prime Cuts" (enclosed), which would save more than $245 billion over five years. Your proposal is an important step in restoring fiscal sanity to our country and reducing the inefficient use of our tax dollars.

Sincerely,

THOMAS A. SCHATZ,
President.

The PRESIDING OFFICER (Mr. GRAHAM). Who yields time? The Senator from New Jersey.

Mr. LAUTENBERG. Do the opponents want to take any of their time at this juncture?

Mr. THURMOND. Yes.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I yield myself 5 minutes.

Mr. President, I rise to support the substitute amendment offered by Senator NUNN and myself.

The Lautenberg amendment would force nations hosting U.S. forces to pay 75 percent of their upkeep. While the amendment may be intended to save the U.S. taxpayer money, I believe it will harm the taxpayers—perhaps not intentionally, but harm them nevertheless in the long run by undermining U.S. security. It will also hurt American forces overseas, and jeopardize good relations with our allies.

In a letter written to Senator NUNN, chairman of the Armed Services Committee, on 7 September 1993, by Warren Christopher, Secretary of State, and Les Aspin, Secretary of Defense, there are certain excerpts that I would like to quote at this time.

> Our allied security arrangements with the U.S. forward-deployed presence are the underpinning of our larger vital interests in the world. They contribute immeasurably to world peace; the expansion of democracy and human rights; access to open markets and economic growth opportunities; long-term stability; and democratic consolidation across the region, especially in Eastern Europe, Russia and the newly-independent states of the former Soviet Union.
>
> We share the Congress' concern about equitable burdensharing, and this remains a primary Administration policy. However, the proposed amendments run contrary to U.S. interests and would portend disastrous consequences, certainly a diminution of American prestige and leadership, U.S. European presence, and regional and world influence. What the United States has achieved in Europe over the past half century would be in jeopardy.
>
> We will continue to negotiate vigorously arrangements with our allies that seek to be more beneficial to the United States.
>
> U.S. leadership is vital to the Alliance's future, and we can continue to lead only as long as we maintain the readiness of our forward-deployed forces.

As I say, that letter is signed by Warren Christopher, Secretary of State, and Les Aspin, Secretary of Defense.

I remind my colleagues that we have forces stationed overseas not just to defend our allies, but to protect our own interests. Since World War II our policy has used forward deployment to prevent regional crises from exploding into world conflicts, and to meet threats far from our own soil. The United States still has vital interests in the Pacific, in Europe, and in the Middle East. If we impose this Draconian cost-sharing formula on our allies, it will result in fewer U.S. bases abroad, or fewer dollars to support Americans who must remain overseas.

The U.S. Government is making real progress in improving the allied burden-sharing formula through negotiations and goodwill. But our allies will see this amendment as punitive. It could do genuine harm to the alliances and partnerships we rely on for our mutual security.

I urge the Senate not to accept this amendment.

Mr. President, I want to say again that we send troops overseas primarily to protect our interests, not to protect allies necessarily, but to protect our interests. We have to keep that in mind.

I yield the floor, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG. Mr. President, I yield 4 minutes to the junior Senator from North Dakota.

SUPPORT MILITARY BURDENSHARING

Mr. DORGAN. Mr. President, I rise as a cosponsor in strong support of Senator LAUTENBERG's amendment to require that the President negotiate new Host Nation Support agreements, which offset overseas basing costs for U.S. forces. I am also pleased to join in this effort with my colleague Senator CONRAD, who has been a Senate leader on this issue for years.

The amendment does the right thing: It asks our wealthy allies to pay for 75 percent of basing costs—other than the salaries of U.S. military personnel. This prevents U.S. forces from becoming mercenaries while also requiring that wealthy allies bear a reasonable share of mutual defense costs. The amendment proposes a formula similar to one that I helped to develop several years ago; namely, that wealthy allies could and should pay the nonpersonnel costs of U.S. forces based overseas.

Some colleagues may argue that burdensharing is a dead issue. They might advance that the cold war is over and that every allied nation should take care of its own budgets. The world says otherwise. Interventions in the Persian Gulf, Somalia, and Bosnia symbolize that United States forces still have a global role and that few other allied nations can play that role—either in stopping aggression or making peace.

True, the cold war is over. And thank Heavens for that. But as I have mentioned our global responsibilities are not. And I submit that most of our allies still lag behind the United States in paying a fair of mutual defense costs that arise in sustaining world peace. So this amendment is still timely and necessary.

It reflects a strong trend in Congress to address the burdensharing issue. Let me review for a moment my concerns about mutual burdensharing.

Several years ago I offered an amendment to section 1243 (1257) of H.R. 2461, the fiscal year 1990–91 Defense authorization bill, which urged the President to negotiate a new pact with Japan to increase that nation's share of host nation support costs by $2.5 billion. The amendment passed on July 27, 1989, and became a mandated part of section 913 of Public Law 101–189 on November 29, 1989.

I later teamed up with Representative DAVID BONIOR to pass an even tougher law on Japanese burden sharing, which many now regard as the model for other mutual cost sharing efforts. The amendment to section 1346 of H.R. 4739 mandated that Japan pay all costs of supporting United States troops in Japan. The final version included in Public Law 101–510 required that Japan pay all nonpersonnel costs.

The result is that Japan by 1992 paid 50 percent of costs in 1995, a $1 billion per year increase from the 40-percent level of 1989.

As the Persian Gulf war began, I introduced legislation (House Joint Resolution 92) in Congress to permit imposition of tariffs on allied countries which did not honor their pledges to share the costs of the war. I subsequently worked with colleagues in both bodies to ensure our allies contributed all of the $53 billion in pledged aid, which they ultimately did do.

I adopted the model of cost sharing in the gulf war as the basis for a more comprehensive burden sharing law. This amendment in section 1046 to the 1992 Defense Authorization Act for fiscal year 1992 and 1993—(Public Law 102–190)—mandated that the President negotiate new cost-sharing agreements with all of our military allies, set up an allies mutual defense payments fund, and report to Congress on the progress of these efforts.

This initiative and others helped to produce improved burden sharing agreements with Japan, Korea, and NATO Allies. Increased participation by our allies will surely save American taxpayers billions of dollars in the years ahead.

I conclude by saying that my colleague, Senator LAUTENBERG is on the mark. The United States still bears the largest share of its gross domestic product for defense—half of which of more really goes to defend others. In the face of our persistent deficits and sluggish growth, we can no longer allow our allies to get a cheap ride on defense and a sweet ride on economic investment.

This amendment would save $13 billion over 5 years and nearly a billion dollars next year alone. It builds on a longstanding effort in the Congress to fairly share mutual defense costs.

I strongly urge support for this amendment as offered.

Mr. NUNN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 25 minutes, 47 seconds.

Mr. NUNN. Mr. President, I will not take much of my time. I yield myself 4 minutes and ask to be notified.

Mr. President, the Lautenberg amendment would require countries in which U.S. military forces are stationed to pay at least 75 percent of those force's basing costs by fiscal 1996. The amendment would cover all countries hosting U.S. forces and do not receive U.S. security assistance. Japan is already to that level. I think the Senator from New Jersey already mentioned that.

So the countries most affected would be South Korea, Great Britain, Germany, Italy, and Spain. The Senator mentioned a moment ago the French, and that we were protecting them from a Polish invasion and Poland was free. I believe those are close words. I inform my colleagues that we got kicked out of France in 1968, so there are not any American basing costs to be reimbursed in France.

Frankly, if everybody decides we are going to just issue edicts and just tell them what they have to do, we will be kicked out of a number of other countries, and we will wake up and wonder what happened. I do not know how many people recognize what we had to do with our allies in terms of the Middle East conflict, which we so brilliantly executed from a military perspective. We had to use the Spanish overflight rights extensively. We had airplanes flying out of Spain—and I am going to get to the actual number of flights in a few minutes. The Italians were enormously helpful. We flew flight after flight out of Great Britain. We were running bombing runs out of Great Britain and were getting refueled from the Spanish bases.

Are we going to say to them: We are helping you so much that you are going to have to pay this, particularly Great Britain. Great Britain and South Korea now spend virtually the same amount of GNP on defense as the United States. We are moving toward less than 4 percent of our GNP on defense. Great Britain and the South Koreans spend proportionately at least what we do, and we are going to have several allies that, within 2 or 3 years, are going to be spending more than we do.

The world has changed; there is no doubt about that. We do not need as many forces in Europe as we did. We are drawing down those forces as quickly as we can load the men and women on planes, that are in uniform, and bringing them home without having very severe disruptions on their families. That is how quickly we are withdrawing from these countries.

If we are going to decide we do not need any allies in the world—and we are now in a position to basically not have European bases—then go ahead and take this approach. Ever since I have been in the U.S. Senate I have been urging—and in some cases very successfully—various administrations to really be firm with the allies in terms of reimbursement. One of the first amendments I sponsored was to require that there be much more of a contribution from the Germans, back in the 1970's. We have gotten much more of a contribution from the Germans.

However, if we just look and get the periscope a little wider, the Germans have, in the last 5 years, put something like $50 billion in the account of Russian aid. Part of it was wasted, because part of it went when it was formed into the Soviet Union. But we wanted them to do it then; we urged them to do it. They have put so much more resources into East Germany and the Eastern European countries and Russia than we have. And for us to point to Germany now and say, "You are not doing enough," they will laugh. They will first be outraged, and then they will start laughing.

We have to adjust to the times. This is not the 1970's and 1980's when we were over there, I think, primarily to defend Europe. What we have in Europe today and what we intend to keep in Europe—maybe we need to go lower—is going to be utilized primarily for our own national security.

So this amendment in this time, in this circumstance, at this juncture, considering the history, considering the Middle East, considering the fact that we still have a very great stake in trying to protect certain groups in the Middle East that were virtually slaughtered by the Iraqis after the Persian Gulf war, including the Shiites in the south and Kurds in the north, considering all of that, we are really dependent on our allies in giving us assistance.

Any time we can get the allies to do more, let us do it. I have spent a great deal of my time in the U.S. Senate doing exactly that. But there are ways to do it, and there are ways that would be totally counterproductive. If this amendment were to pass, I can assure you that the first thing we would have is at least four countries in Europe that would be outraged. The French would die laughing, because they would say, "We got rid of that problem in 1968. We told them to vamoose. We did not want them." The French, as I have said many times, are very carefully a la carte with NATO. They take what they like and do not take what they do not like. I have been a critic of that.

I understand the appeal, I say to my friend from New Jersey, of saying we are going to do more to make our allies pay more. But this amendment is out of sync with what is happening in the world. It is particularly out of sync with our interests in Europe. It is particularly out of sync with what is happening in the former Soviet Union. It is particularly out of sync with what is happening in Eastern Europe, and out of sync with our obligations in the Middle East.

If this amendment passed, and if the Spanish and Italians and the Germans and others do what I think they will do, if the result is basically a sense of both outrage and scorn, then I think what we are going to do is end up cutting off our ability to really even have the counter capability in the Middle East that everybody I think here knows we have to have, particularly at a time where we have just seen a tremendous breakthrough in terms of the hope and dreams and aspirations of millions of people in this country and all over the world, and particularly in Israel and in other countries surrounding Israel, for peace there.

If all of a sudden we get into a war with our allies over burden sharing at this point in time when we are bringing home our forces, when the Spanish, for instance—really, a large number of the Spanish people would like us out. If you pass this kind of amendment, in Spain you will see very quickly that the elements over there will say we are going to adopt a French position.

And then let the Americans ask us what they are going to do? Overfly Spain or use our bases or cargo aircraft? And the British will say, "We have forces, for a small country, all over the world. What are you doing? What are you telling us?"

Mr. President, I certainly understand the sentiment. If we can find some way—and I think our second-degree amendment does that—to urge the President to negotiate carefully and to use as much leverage as is diplomatically wise to get more contributions from certain countries, then I think it is time to do so.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. NUNN. How much more time do I have?

The PRESIDING OFFICER. Seventeen minutes and fifty-six seconds.

Mr. NUNN. I ask for 2 more minutes, Mr. President.

At a time where we are bringing down our defense budget very, very rapidly, we are bringing home our forces very rapidly, we still have contingencies in the Middle East, we still have obligations in the Middle East, we have obligations in various parts of the world.

We are worried about the North Koreans building a bomb. Is this the time to get into a virtual standoff with our South Korean allies? When the North Koreans build a nuclear weapon, it is going to have a profound effect on the Japanese, on the Chinese, on the whole Far East.

This is just not the time for this kind of action. If we are going to have this kind of action by the U.S. Senate, Mr. President, really I would fear for what we are going to be able to do in future years in a changed world. It would send the wrong signals all over the world.

I will be the first to join with my colleague from New Jersey in a carefully crafted effort to try to get more contributions from our allies. I have been frustrated for years because we have done more than our share.

But if you look at the U.S. Treasury now and you look at what we have at stake in terms of freedom in Europe, freedom in Eastern Europe, Poland, and Czechoslovokia and Hungary and these other countries that are struggling for freedom, and you look at the empty U.S. Treasury, you say, "Who is going to help these countries that we have spent lots of money trying to defend over the years and try to avoid them being permanently part of the Soviet Empire? Who is going to help them succeed in democracy?"

You are going to have to turn to some of the same countries that are the focus of this amendment, because they are the ones that, unfortunately, because we have been so fiscally irresponsible for years in this country, they are the ones that have the money.

The Germans, I repeat, have put up many times more than we have for Russian aid. They are putting up $11 billion now, $11 billion to help move the Russian forces out. That dwarfs any contribution that they would make to the United States under this.

Do we want those Russian troops to stay in Germany? Do we really want to have that kind of disruption with our allies now?

I ask all of our colleagues who may be favorably inclined to this amendment to think a little deeper about the security interest of the United States.

Mr. President, how much time would the Senator want?

Mr. WARNER. I want to make a short statement so the Senator from Maine has some time.

How much time does the Senator have remaining?

The PRESIDING OFFICER. The Senator from Georgia controls 15 minutes and 17 seconds.

Mr. WARNER. I would think 5 minutes or less.

Mr. NUNN. I yield 5 minutes to the Senator from Virginia.

Mr. WARNER. That would leave adequate time to the Senator from Maine, I ask the Senator from Georgia.

Mr. NUNN. Yes.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 5 minutes.

Mr. WARNER. Mr. President, I join my distinguished colleague from Georgia in opposing the Lautenberg amendment. Anyone reading the so-called bottom-up review will see that the entire blueprint for our Nation's defense is predicated on the doctrine of forward deployment. Let me repeat that—the doctrine of forward deployment.

I would like to indulge in just a short anecdote about our Nation's defense. This gray hair connotes that I have been here a little longer than some others.

I remember very well, on the eve of World War II, my father, who had been in World War I as a surgeon in the front lines in France, took me down and showed me, on the beaches of Virginia, my beloved State, coastal artillery pieces, enormous cannons, basically half the length of this Chamber. They could fire 22 miles out to sea. My father and others at that time felt that these cannons would defend America. No invader would challenge our shores. America was ringed with these coastal artillery pieces.

They never fired a single shot. They were eventually melted down and made into other weapons.

I state that because, from that moment on, from World War II on, we recognized the value of forward deployed forces—forces that can work on an hour's notice with our allies in all parts of the world, to defend the security of the United States.

Were we to recede, now, back to a fortress America mentality and bring our troops home and sever, one after another, relationships with our allies, we would be reverting to a 1930's mentality on the defense of this country.

In this bill there is a specific authorization for more prepositioning of our supplies, pre-positioning of military equipment, again, to support the doctrine of forward deployment.

We recognize now that conflicts today can erupt on a moment's notice. We do not have time to move troops and supplies from the heartland of America across the ocean to meet the contingency and the enemy. We have to be there beforehand. We have to be ready and we have to have training relationships with our allies. We have to have our troops there to train with our allies, so that they can march out arm in arm on a moment's notice.

I say to my friend from New Jersey, we want to save money wherever we can in our defense budget. But the doctrine of forward deployment is predicated on relationships with our allies, pre-positioning forces, and the ability to move on a moment's notice to face and confront the contingency.

So we will work, as the distinguished chairman of the committee and the ranking member have indicated, with you in every way possible to try and find ways to increase the burden sharing contributions of our allies.

The Senator's amendment gives them an alert across the ocean that there are those who are deeply concerned about this issue. And it will be helpful to the administration, as we continue to negotiate these burden sharing agreements. But to accept it today would be to reverse a period of the military history that was initiated basically in 1941.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. Mr. President, I yield 5 minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized for 5 minutes.

Mr. COHEN. Mr. President, I thank the Senator from Georgia for yielding.

Mr. President, I recall when Mikhail Gorbachev came to the United States several years ago, he gave a speech in San Francisco. As I recall, he was quoted as saying at that time, "The cold war is over. Let us not argue about who won it."

And I recall reading an article in the New York Times, I believe, by a columnist who said it was almost tantamount to Max Schmeling, after having been knocked out by Joe Louis, saying, "Joe, this fight is over. Let's not argue over who won it."

Of course, it is important to remind ourselves what the fight was all about and how much was expended and why we expended it. It is important to remind the world that, indeed, it was the West who won the cold war and how much we were willing to pay for the winning of that war.

The argument I have heard today tends to ignore much of history, saying "we spent all of these billions—for what?" We spent it to maintain the peace. It is as if somehow this money that has been expended overseas is only for their benefit, for the Europeans or the Japanese or the South Koreans, as if we have no interest whatsoever.

Senator NUNN mentioned we are about to witness the signing of an agreement between Israel and the PLO. The parties are coming here to Washington. There will be great joy in the hearts of many people. Why is that? Many of my constituents over the years have asked me why should we spend one penny for aid to the State of Israel—one penny? What is in it for us? And I am called upon to justify exactly what is in it for us.

I know the Senator from New Jersey is a very strong supporter of Israel, as are the Senator from Illinois, the Senator from California, and others.

What is in it for us? Maintaining peace in that region is in it for us.

You might ask why should we care how many Israelis die in the course of a day or week, or how many Palestinians are killed? What is it to us? And the answer is, If the killing goes on, if war breaks out as it has on a number of occasions before, perhaps it will not be contained. And perhaps now in this age of technology we are going to find that other countries, such as Iraq and Iran, and maybe even Saudi Arabia and other Arab nations will have the capability to step in and wage war, which will draw many other nations into that conflict.

So we have an interest. We have an interest in seeing to it that we help to maintain the peace in that region. We tend to forget that. We seem to slip into the notion that somehow we are only defending other people, we are wasting all of this money on other people who are not carrying any burden or at least an acceptable burden.

If you accept the logic of the Senator from New Jersey and the arguments being offered by the Senator from North Dakota and others—if you accept that logic, you ought to defeat this amendment. You ought to defeat the Lautenberg amendment because we have no interest in these regions. We ought to get out now. Let us not spend another penny on any overseas deployment. If we have no interest in Southeast Asia, why do we have any ships over there? To help Japan, as someone said, simply send their Hondas over here? Is that why we are there?

If we have no interest in South Korea, let us pull the 36,000 troops out today and not spend another penny. And if North Korea goes to war with South Korea, so be it. What is it to us? The fact that Japan might have to get involved and perhaps China and other countries, it should not be of any concern. That is their problem.

If you start applying the logic of the Senator from New Jersey, all you have to do is just pull all the troops right back to the continental United States. We can wrap ourselves in a cocoon and let the world walk by. Let world events unfold as we sit here in Maine and New Jersey and Los Angeles and San Francisco and watch events unfold on CNN, because we have no interest out there. That is the logic of the arguments being offered by the Senator from New Jersey, only saying: But we just want better burden sharing.

We all want other countries to bear a greater burden. But what this amendment would do is apply the Japanese solution to Europe, as Senator NUNN has pointed out. We are applying the solution for Japan to Great Britain, to Germany, to Italy, and others.

We adopted a compensatory program for Japan because they were only spending 1 percent of their gross domestic product on defense and we said that is not enough, you must pay more. And they have agreed to do it. Now proponents of this amendment are saying we must apply the Japanese solution to Europe.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. NUNN. I yield the Senator 1 more minute.

The PRESIDING OFFICER. The Senator from Maine is recognized for 1 additional minute.

Mr. COHEN. We are told, let us apply that particular formula to South Korea which, as I understand it, spends as great a percentage of their GDP on defense as we do, maybe more. So let us just apply the Japanese formula to every other country.

What we have to have is a rule of reason and not a rule of thumb. What they are proposing to do is to impose an arbitrary rule of thumb that does not have applicability. If you really want to jeopardize our relationships with these countries, take this action.

The Senator from Georgia has offered a substitute that will try to achieve a greater balance. As the world continues to shrink and our presence in the world shrinks, we will try to achieve a better balance, but let us do so in a responsible fashion and not jeopardize the very tenuous situation that we have in many parts of the world.

I again switch back to the Middle East. We are about to witness the signing of a historic document.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. NUNN. Mr. President, I yield another 30 seconds to the Senator from Maine.

Mr. COHEN. At a time we are going to celebrate the signing of that agreement as glimmer of hope to the resolution of that conflict which has existed too long, it seems to me we ought to take into account the fact that there we have an interest in maintaining stability and peace. We have other interests in the world.

We are seeking ways to arrive at a more equitable sharing of the burden. We are doing it, I think, in a more appropriate fashion through the amendment of the Senator from Georgia as opposed to that of the Senator from New Jersey.

To reiterate, this amendment is based on a false understanding of American interests in the world and the threat to those interests. If adopted, this amendment would undercut our ability to defend our interests while increasing the chance that American troops would be forced to go in harm's way, as well as increasing the likelihood of nuclear proliferation.

This amendment is also based on a misreading of the facts of the cost of basing U.S. forces overseas. It would require most allied nations in which we station forces to pay at least 75 percent of the cost of basing those forces. This figure is taken from our arrangements with Tokyo, under which Japan, by 1996, will pay about 75 percent of the cost of basing United States forces there.

But the amendment fails to take into account that this agreement with Japan was negotiated as a means for Japan to compensate for the fact that it spends a disproportionately small amount on defense, just 1 percent of its gross domestic product.

We can and are negotiating with allies to increase their contributions to the common defense, including increasing their support for U.S. forces deployed overseas. But it makes no sense to try to apply the compensatory Japanese arrangement to other countries that make significant contributions to the common defense.

South Korea can contribute more to support our troops there, and our negotiators have won significant concessions from Seoul and are working to gain more. But why would anyone try to apply the compensatory Japanese standard when South Korea spends five times more of its GDP and federal budget on defense than does Japan? In fact, South Korea spends more of its GDP and more of its federal budget on defense than we do.

Great Britain devotes about the same portion of its GDP to defense as we do and has thousands of troops deployed in combat zones in the former Yugoslavia. Why would anyone think it appropriate to apply to Great Britain a compensatory arrangement designed to make up for Japan's inadequate contributions to the common defense?

The authors of the amendment argue that the United States cannot continue to afford to foot the entire bill for defending our allies. It is difficult to debate with such a grotesquely distorted perception of the facts. The fact is, of course, that essentially half of the cost of providing for the common defense is provided by our allies.

Finally, the authors of this amendment assert that it would somehow reduce the Federal deficit. This is erroneous. First, the amendment would not reduce the total amount of funding in this bill. More importantly, the withdrawal of troops that the amendment would compel would cost more than it would save. Finally, the amendment would lead to greater risk of war and nuclear proliferation, in which case U.S. defense expenditures would have to be increased.

So this amendment is founded on a misreading of the facts.

This amendment also completely misreads American security interests abroad and the threats to those interests. It is premised on the belief that deploying our forces overseas is an act of altruism. Far from altruism, stationing our forces overseas is an act of cold, calculated self-interest. We may engage on rare occasions in operational deployments such as in Somalia for humanitarian reasons, but we permanently station forces abroad only where we have strong national interests.

Secretary Aspin's just-released bottom-up review confirmed the continuing need for overseas stationing of forces to defend American interest. Under the Clinton administration's plan, we would station about 100,000 troops in Europe and just 100,000 in East Asia. This is a drastic reduction from our cold war deployments in Europe and a one-third cut from that advocated by the Bush administration. But in the opinion of the Clinton administration, the military, and many of us who have studied this question for years, this is as low as we can go and still be able to defend our interest.

Let there be no doubt or misunderstanding. In a letter dated September 7, the Secretary of Defense and the Secretary of State have clearly stated that, if adopted, this amendment "would force the withdrawal of U.S. troops from Europe * * * and with them our ability to promote and protect our vital national interests there."

And, I would add, not just there. Our troops in Europe defend our interests not only there but in Southwest Asia, as well. When we fought the war against Iraq, the bulk of our ground combat forces came from our troops stationed in Europe.

Adoption of this amendment would make it well-nigh impossible to defend our interests in the gulf region—interests for which Americans in uniform fought and died just 2 years ago.

Do the proponents of this amendment really argue that those interests have somehow disappeared or diminished to the extent that we do not intend to protect them, just 2 years after Operation Desert Storm? We still have military personnel on the ground and over the skies of Iraq, enforcing the Security Council resolution, yet we are supposed to believe that we no longer have vital interest in the region.

We do not know if adoption of the amendment would force a reduction of our troops in Korea, but that uncertainty alone will lead to changes in North Korea's and South Korea's calculations.

The North will have far less incentive to negotiate on giving South Korean and international inspectors access to its nuclear facilities while it waits to see if America will remain engaged. The scales of war and peace now hang in precarious balance on the Korean peninsula. It is quite possible that adoption of this amendment could tip those scales in the wrong direction, at incalculable cost.

If South Korea becomes uncertain of America's commitment, it could well turn to the nuclear option to ensure its security. Some South Korean parliamentarians are publicly regretting Seoul's decision in the late 1970's to forgo the nuclear option and the defense minister publicly refused to reject a reconsideration of that decision. I would note that Seoul made that decision in the late 1970's only after the uncertainties about America's commitment were put to rest.

And, of course, any resurrection of a Korean nuclear option could well lead to the initiation of a Japanese nuclear option.

And what of Europe? Some have cavalierly asserted that the United States presence in Europe and NATO are worthless if we will not use them to intervene to end the fighting in Bosnia.

Those who wring their hands over inaction in Bosnia, worrying that we are eroding the foundations of stability and security in Europe have not seen anything compared to what would result if this amendment were adopted.

The withdrawal of U.S. forces from Europe, as this amendment would compel, would lead to the effective collapse of NATO and the renationalization of European defense. Ancient rivalries in Western and Central Europe, which we thought had been transcended over the past four decades, could re-ignite. Actual conflict, now restricted to the European periphery, could once again threaten the heart of Europe.

And while neo-isolationists, like their ideological brethren of half a century ago, might argue against American involvement, our interests in Europe are so obvious that we would have no choice but to once again interject ourselves—at a far greater cost than if we had simply remained engaged in the first place.

To quote Secretary Christopher and Secretary Aspin again:

> The proposed amendments run contrary to U.S. interests and would portend disastrous consequences * * *. What the United States has achieved in Europe over the past half century would be in jeopardy.

The tragic history of the first half of this century and the remarkable success of the second half has taught us that protecting our interests in Europe requires an American presence and American involvement.

Mr. President, the underlying amendment is ill conceived and seems to presume that not American politics but American interests stop at the water's edge. I urge its defeat.

Mr. NUNN. I thank the Senator from Maine for his remarks that are, as usual, right on target.

I reserve the remainder of my time.

Mr. LAUTENBERG. I yield 3 minutes to the distinguished Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 3 minutes.

Mrs. BOXER. Mr. President, I want to speak as one Senator who believes that we have great interests in the world for sure; as one Senator who wants to see a strengthened NATO, a strengthened United Nations; as one Senator who is absolutely filled with joy at the events in Israel. And I do agree that a lot of what has happened there is in many ways a result of the end of the cold war.

But I do not think that feeling this way, as the Senator from Maine does, and as I do, and as the Senator from Georgia has expressed, and others have expressed, should preclude those countries who can afford it from paying their fair share of their defense. To me, it is a commonsense premise and does not contradict one wishing to have America as a leader in the world.

I say to those who have stated that this is not the time for burden sharing, that if this is not the time for burden sharing, I do not quite know what is. We saw that it did work in the Persian Gulf. Our allies did not get upset with us when we asked them to pay their fair share. We saw it did work with Japan, even though I was in the House of Representatives at the time and people said, "Oh, my God, do not ask this because they will kick us out and we have to be there."

It worked.

So we can build on that experience. I do not think we should forget that experience. I think we should build on it. I believe the Lautenberg amendment is a very important policy that accurately reflects the new world order.

It was understandable, after World War II, that we take on the defense responsibility of a war-torn Europe. They needed to get on their feet. They needed to rebuild. That was the right thing to do, that we were there for them.

But the Senator from New Jersey today has shown us just how well they are doing now. I am glad they are doing well. I am proud they are doing well, because this country made it possible for them to be doing well. If you look at Germany, and the United Kingdom, and Italy, and South Korea, as the Senator has wisely shown, they are doing well in their trade with America. They have a trade balance with us in the billions of dollars. All the Senator is asking is that they pay their fair share of their defense.

I do not know how many of my colleagues have read John Steinbruner of the Brookings Institute, and his call for cooperative security. I think it is a very important, fundamental policy. I think it is embodied in this very commonsense amendment.

Our allies should pay their fair share. That is as simple as it is. And in this amendment the Senator wisely gives the President the right to waive these requirements.

So, in summing up, I trust that my colleagues will support the Lautenberg amendment. I think it accurately reflects where we are at this time in history.

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG. Mr. President, I will take as much of the remaining time as necessary. I listened with interest to this debate and I heard myself variously described as cut and run—I almost felt like Neville Chamberlain for a minute here. All we are asking, after all, is for our allies to do their share. How dare we?

But Senators on this floor, one by one—especially those who are talking now about my amendment—voted against charging the American taxpayers more money to run our Government.

But what those Senators are saying is we do not want our citizens to pay for it. They do not even want our allies to pay for it.

Mr. President, at some point, somebody has to pay for it. Our allies, whom we join in protecting should do more. I have not once suggested withdrawing, I am only asking our allies to pay more, contrary to the statements made by my colleagues on the other side. I, too, like the Senator from Virginia, served in World War II, served in Europe; I remember it very clearly.

But to suggest that what we want to do here is drive our allies out of the coalition is absurd. The amendment gives the President flexibility. It is up to the President of the United States, the Commander in Chief. He is the one who has the ability to waive any charges for them if we want to. But I would tell you this: When I look at this chart, I do not worry about whether our allies chip in or not. It is clear they should. I see the American taxpayers being asked to pay more because America is not demanding that our allies pay more. I think it is darned unfair to the American taxpayer. If they do not want to pay, they should not pay; and if they want us out, we may have to negotiate something. We have been kicked out before. It is not a very good experience.

My interest is in America and that is why I want to see the balance paid here. I want to see our allies pay their fair share. That is not too much to ask.

This chart that displays the share of GDP attributed to defense was based on the most recent CIA world fact book, and I refer to the comments of the Senator from Maine. These figures are based on the CIA world fact book of 1992.

To all the Senators in this Chamber, I say when you walk up to vote, you ought not to vote the Nunn substitute because what the Nunn substitute says is that we will cap our expenditures—cap them—at a fixed number. That number is the 1994 budget. But what it fails to say is that the stationing costs are coming down. So our percentages go up while our allies pay less. The substitute does not save any money.

I do not think it is too much to ask our allies to pay 75 percent of the basing costs. We are paying salaries. We are paying for ammunition. We are paying for equipment. And we will still be paying 25 percent of the basing costs. So I think it is fair and reasonable.

Mr. President, I did not want this debate to get into this kind of a mode, but I am struck by the fact that our friends are so concerned about offending—offending—our allies. I say that our allies have a joint responsibility and they ought to pay their fair share. If our relationship is so tenuous with them that if we ask them to pay something more for the basing costs, they will walk away, then we had better rethink what our relationships are.

They are sending money; yes, the Germans have paid a lot. They paid a lot to bring their country together, to bring back East Germany to West Germany. And we paid a lot when we sent 540,000 young people to the Persian Gulf to protect their interests.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LAUTENBERG. Their interests, my friends.

I hope that we will defeat the Nunn amendment.

The PRESIDING OFFICER. The Senator from Georgia controls 3 minutes 42 seconds.

Mr. NUNN. Mr. President, I will take just 30 seconds. I hope the Senator does not have a date on that chart. I hope if it was prepared by the CIA that they are more accurate in their assessment abroad than they are at home. I hope the date on the chart would reflect several years ago, because if that was prepared by the CIA and that far off, we have moved down to about 4 percent of our GNP being spent on defense, and that shows 5.7.

Mr. LAUTENBERG. The year is 1992, in response to the Senator.

Mr. NUNN. Mr. President, I do not have any more time. I do not yield. That chart is woefully inadequate and out of date.

I yield the remainder of my time to the Senator from Virginia.

Mr. LAUTENBERG. Will the Senator yield for a quick question?

Mr. NUNN. I do not have enough time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. COHEN. Will the Senator yield?

Mr. WARNER. I yield.

Mr. COHEN. Mr. President, I want to note, having served on the Senate Intelligence Committee for 8 years, that I believe that that chart, although it may be dated 1992, is based upon data that is perhaps a year or two older than that. So it is going on being 3 years out of date.

Mr. WARNER. Mr. President, could I pick up on an entirely different consideration? And that is, the words have been used during this debate that this amendment will "offend our allies." I am deeply concerned about offending someone else, and that is the President of the United States.

We have a new President. It has been my privilege, along with a number of others in this Chamber, to work with him, not just in the context of our legislative problems, but in small meetings at the White House. The Senator from Georgia and I came back from a trip to the former Yugoslavia and met with the President privately on that issue. I met with him and with other Senators in connection with the situation in Somalia, and today I was privileged to be with the Senate leadership when he made the historic announcement about the coming agreement in the Middle East.

Here is a new President, a young President grappling with the reins of foreign policy, and I have gone on record and will again go on record to say that he is doing a good job. He is always looking ahead, not just at the immediate crisis but at how the solutions to the immediate crisis will lay a more solid foundation for our United States to be credible in the future crises.

What is the President's opinion with respect to my distinguished colleague's amendment? I have a letter addressed to Senator NUNN, signed by the Secretary of State, signed by the Secretary of Defense, and I read one sentence:

> If enacted into law, these amendments would force the withdrawal of U.S. troops from Europe and with them would go our leadership position—

I repeat—the leadership position that our new President is putting forward.

> in European affairs and our ability to promote and protect our vital national interest there.

Mr. President, January of next year will mark his first anniversary in office, and he will be attending his first NATO summit.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WARNER. Let us not require our President to go to that meeting and have to deal with the provisions of this amendment. Let him go and hold his head up and stand proudly as the leader of the Western World with the Congress supporting him.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. NUNN. Mr. President, what is the pending business?

The PRESIDING OFFICER. All time on the amendment has expired.

The question is on agreeing to the Nunn amendment No. 820.

Mr. NUNN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 820. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Colorado [Mr. CAMPBELL] is necessarily absent.

Mr. DOLE. I announce that the Senator from Utah [Mr. BENNETT], the Senator from New Mexico [Mr. DOMENICI], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Texas [Mr. GRAMM], the Senator from North Carolina [Mr. HELMS], the Senator from Florida [Mr. MACK], the Senator from Arizona [Mr. MCCAIN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. SIMPSON], would vote "yea."

The PRESIDING OFFICER. [Mr. REID]. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 74, nays 15, as follows:

The result was announced—yeas 74, nays 15, as follows:

[Rollcall Vote No. 257 Leg.]

YEAS—74

Akaka
Baucus
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Bryan
Bumpers
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dodd
Dole
Durenberger
Exon
Feinstein
Ford
Glenn
Gorton
Graham
Grassley
Gregg
Hatch
Hatfield
Heflin
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Leahy
Levin
Lieberman
Lott
Lugar
Mathews
McConnell
Mitchell
Moseley-Braun
Moynihan
Murray
Nickles
Nunn
Packwood
Pell
Pryor
Reid
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Smith
Specter
Stevens
Thurmond
Warner
Wofford

NAYS—15

Boxer
Brown
Conrad
Daschle
DeConcini
Dorgan
Feingold
Harkin
Kohl
Lautenberg
Metzenbaum
Mikulski
Pressler
Riegle
Wellstone

NOT VOTING—11

Bennett
Campbell
Domenici
Faircloth
Gramm
Helms
Mack
McCain
Murkowski
Simpson
Wallop

So the amendment (No. 820) was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the Lautenberg amendment No. 819, as amended.

The amendment (No. 819), as amended, was agreed to.

WHITE SANDS MISSILE RANGE

Mr. DOMENICI. Mr. President, I would like to engage the distinguished chairman of the Armed Services Committee in a short colloquy. I note that the report accompanying the committee's bill contains language directing the Secretary of Defense to appoint a commission to study if some of our Nation's defense test centers, laboratories, and other acquisition infrastructure could be converted to serving the commercial needs of the country. I also note that the report language recognizes that several Senators have introduced legislation regarding specific installations. I would say to the chairman, that I am one of those Senators. I would like to ask the chairman if White Sands Missile Range is one of the test centers that the commission would study for this purpose?

Mr. NUNN. Yes.

Mr. DOMENICI. I thank the chairman of the Armed Services Committee. I had intended to offer my bill, S. 614, as an amendment to the committee's legislation. However, I am satisfied with the chairman's response, and I am confident that my concerns will be addressed by the Department of Defense in their attempt to comply with the committee's directive.

BENEFITS TO CERTAIN ABUSED MILITARY SPOUSES

Mr. DOMENICI. Mr. President, I would like to engage the Senator from Alabama [Mr. SHELBY] in a short colloquy. The Senator from Alabama will recall that last year, on this bill, I offered an amendment that would provide some benefits to certain abused military spouses. This amendment was included in Public Law 102-484. The Department of Defense has been working diligently on this issue, and recently issued its implementing regulations. I have two concerns about those regulations which I believe are inconsistent with the original intent of the legislation.

First, the implementing regulations state that in order for the abused spouse to be eligible for the benefits provided by the amendment, "the spouse or former spouse to whom the payments are to be made was married to the member for a period of 10 years or more during which the member performed at least 10 years of service credible in determining the member's eligibility for retired pay." Is it the understanding of the chairman of the Subcommittee on Force Requirements and Personnel that this was the intent of the legislation I offered last year?

Mr. SHELBY. I say to my friend from New Mexico that this was not the original intent of the legislation. The original intent of the legislation was to provide some benefits to certain abused military spouses without regard to the length of the marriage to the member during the member's time of service.

Mr. DOMENICI. I agree with the chairman of the subcommittee. The second issue I am concerned about is that the implementing regulations state that the payments to the abused military spouse shall terminate no later than the date of the death of the former member. Is it the understanding of the Senator from Alabama that this was the intent of the original legislation?

Mr. SHELBY. I say to my friend from New Mexico that, once again, this was not the intent of the legislation this committee passed last year. The intent of the legislation that the Senator from New Mexico offered, which this body passed, and the President signed into Public Law 102-484, was to provide some benefits to certain abused military spouses until the death or remarriage of the abused military spouse to whom the payments are being made.

Mr. DOMENICI. Thank you. Will the Senator from Alabama join me in strongly urging the Department of Defense to change the implementing regulations so that the two concerns we have discussed today will be implemented in accordance with the original intent of the legislation?

Mr. SHELBY. I join the Senator from New Mexico, and agree that the Department of Defense should take actions to implement the legislation consistent with its original intent and as we have discussed here today.

Mr. DOMENICI. I thank the Senator, and I yield the floor.

DEFINING OUR MISSION IN SOMALIA

Mr. DORGAN. Mr. President, last night, I voted for an amendment regarding Somalia offered by Senator BYRD to the Defense authorization bill. I would like to explain why I voted as I did.

The original commitment of United States troops to Somalia was laudable. It was something that I supported. That is because it was an unprecedented multilateral effort to prevent mass starvation and safeguard human lives.

Our troops succeeded brilliantly in fulfilling their original mission. They helped to save probably hundreds of thousands of lives. And they created an atmosphere in which Somalis could start producing food and supporting themselves.

Now, however, circumstances have changed. So has the U.S. role, and that is what was in question last night. I joined with my colleagues in raising the question of what useful role United States forces can continue to play in Somalia. Their mission has clearly shifted from ensuring delivery of food and medical supplies to tracking down power-hungry warlords and helping to rebuild the country's social and political structure.

I would have no truck with the warlords who terrorized their own people and brought Somalia to the brink of total collapse. But I do not believe that hunting the warlords down is a clear, definable, and finite goal for our forces.

I have no quarrel with those who want to rebuild the Somali nation. But I do not think that the current congressional resolutions give any support for the broader mission of nation building.

I support this President. But that does not mean that I think that Congress should abandon its war powers role. We in Congress have a duty to question the role of our forces in Somalia because the American people themselves are questioning that role. And in reverse, if the Congress understands and supports the mission of our troops, the American people will also understand and support it. A national consensus would fortify our forces in Somalia.

Our troops may need such renewed support. That is because the multinational forces, which have now belatedly been put under overall U.N. command, do not have a clear operational command. This has caused not only confusion and conflict among the U.N. forces, but also tragic loss of life. Nigerian soldiers were recently slain by local militiamen when other coalition forces did not quickly come to the Nigerians' rescue.

Consequently, I agreed with Senator BYRD that we have reached a crossroads, that we must reexamine our policy, and that we must clearly define the present mission of United States forces and must plan for the option of early withdrawal.

The bipartisan compromise resolution which the Senate approved would do this.

It requires the President to consult closely with the Congress and to report to the Congress on the goals and objectives of United States forces remaining in Somalia. It also urges the President to seek and receive congressional approval for the deployment of our forces there to continue.

Again, I reiterate that our armed forces have made an outstanding contribution under Operation Restore Hope to create a secure environment for humanitarian relief. Our troops have helped save hundreds of thousands of Somali lives. And some relief officials still report serious problems in providing humanitarian aid.

At the same time, when our troops' mission is unclear and unauthorized, we should no longer put them in jeopardy of being killed or wounded by marauding Somali militiamen. That is why I voted for the modified Byrd amendment and asked that the administration work with the Congress in setting a new course.

DEPARTMENT OF ENERGY NATIONAL LABORATORIES

Mr. CRAIG. Mr. President, I am honored to be a cosponsor of an amendment to the National Defense Authorization Act for Fiscal Year 1994 that establishes a clear mission and direction for the Department of Energy National Laboratories.

This amendment encourages the Department of Energy's laboratories to join forces with the private sector in meeting the challenges of the future. I want to emphasize how important it is that, as a nation, we recognize our economic competitiveness in the international community is central to our survival as a world leader. We have amassed a tremendous pool of scientific and technological talent within the national laboratories over the years. It would be folly to forego the opportunity to reap the economic harvest of our investment in that pool of talent. This course not only will result in new and valuable products and services, but will ensure numerous additional employment opportunities at the Idaho National Engineering Laboratory as well as elsewhere.

This amendment confirms that the laboratories have a mission to share their expertise with our business and educational communities. I am strongly supportive of that mandate. I want to emphasize that in my view, the laboratories should use every avenue open to them to contribute to development of technologies that will prove useful to our economic health and the well-being of our citizens.

Mr. President, this is a good amendment that will allow our national laboratories to play a vital role in our increasingly technical world.

THE INSTRUMENTED FACTORY FOR GEARS AT THE ILLINOIS INSTITUTE OF TECHNOLOGY

Ms. MOSELEY-BRAUN. Mr. President, as we consider the fiscal year 1994 Defense authorization bill, I would like to call the attention of my colleagues to a unique technology transfer program that is critically important to the U.S. gear manufacturing industry, the Instrumented Factory for Gears, also known as INFAC. I would like to take a moment to share with my colleagues the unique contribution of this industrial initiative.

INFAC is an in-place, fully equipped experimental teaching facility that provides research, education, and industrial extension in the field of gear manufacturing technology. Located at the Illinois Institute of Technology [IIT], the project features a hands-on shop floor with state-of-the-art precision machine tool equipment. Researchers and students at INFAC provide consulting and seminar services to small- and medium-sized manufacturers to develop methods to keep these firms competitive and up to date with current technologies. The unique training and extension activities at the INFAC complex are a successful, working example of technology transfer.

This program was awarded to the Illinois Institute of Technology Research Institute in October 1989 as a result of a competitive procurement. The contract is for 5 years and requires a 25-percent non-Federal cost share. In fiscal year 1993, Congress appropriated $8.5 million for continued funding for INFAC, but reassigned INFAC into the Defense Conversion Program under the technical direction of the Advanced Research Project Agency. Since that time, INFAC has faced serious funding obstructions based on inconsistencies between the cost-share terms of its contract and the requirements of the Defense Conversion Program. For INFAC to survive, it is crucial that the program be returned to the technical direction and operating conditions which prevailed in earlier years, and to the cost-share terms and duration of its current contract.

Given that nearly $15 million in Illinois and Federal funds have been invested in this program to date, I ask that steps be taken to guarantee that INFAC continues without further funding disruptions. The past support of INFAC by the distinguished Senator from Georgia has been instrumental in proving the concept of industrial partnerships such as INFAC. I thank him for his continued support, and I ask that the members of the Senate Armed Services Committee concur with House language authorizing $8.5 million for INFAC, the same level as provided for fiscal year 1993. I also urge that INFAC be returned to the technical direction of the Army. Thank you for your assistance.

Mr. NUNN. I thank the Senator from Illinois for her comments regarding the Instrumented Factory for Gears. I can assure the distinguished Senator that I will give every consideration to her request in conference.

CREDIT UNION AMENDMENT

Mr. D'AMATO. Mr. President, I rise today to add my support for the adopted amendment the distinguished Armed Services Committee chairman offered last night to the Defense authorization bill on behalf of Senators BRYAN and COATS. This amendment deals with the allotment of space in Federal buildings for credit unions.

This amendment is technical in nature and it would merely clarify current law. The amendment would continue to allow credit unions to occupy offices on military bases if 95 percent of the members using the office located on Federal property are military or Federal employees and family members of these employees—even if they were forced to expand their field of membership to individuals outside the military base. Off-base facilities, however, would not receive special treatment and would be subject to all the normal expenses of credit unions in similar areas, including the payment of rent and logistic expenses.

The Department of Defense supports this change and had approved the Defense Credit Union Council's request for a moratorium on the application of the 95-percent rule to allow time for congressional action to amend the Federal Credit Union Act.

Mr. President, I want to thank Chairman RIEGLE, my colleague on the Banking Committee, and Senators NUNN, THURMOND, BRYAN, and COATS for their assistance in expediting adoption of this amendment.

HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAMS

Mr. HATFIELD. Mr. President, I would like to take this opportunity to engage the managers of the bill in a colloquy regarding the Department of Defense's high performance computer modernization program, and the high performance computer and communication program. I am specifically concerned about four provisions which were included in H.R. 2401, the House-passed version of the National Defense Authorization Act.

First, section 214 of title II of the House-reported bill contains language that is not competitive and virtually shuts out some important nonincumbent supercomputing vendors who could provide the Pentagon with new and possibly better technologies. Specifically, this section of the House bill gives the Department of Defense discretion to upgrade or actually replace obsolete computer facilities with new products from the same incumbent vendors without a new and competitive procurement. This discourages DOD from seeking the best products in the supercomputing arena as well as fair and open competition.

Second, this same section of the House-reported bill further precludes the Department of Defense from considering high performance computing alternatives that are not substantially compatible with existing systems. This is inconsistent with recommendations made in the Department's high performance computer modernization plan of March 31, 1992. This language micromanages the Department's ability to modernize its supercomputer assets and shuts out a whole class of computer systems that the Pentagon may determine better meets its needs.

Third, the House Armed Services Committee report contains language that recommends the fencing of 50 percent of all high performance computing and communications funds in the bill until the Secretary of Defense submits a plan to respond to the General Accounting Office report that criticizes the program. In my view, this restriction is unwarranted because most of the findings contained in the GAO report have been addressed by DOD and are being corrected.

Finally, I would strongly recommend that a study of the interagency high performance computing and communications initiative by the National Academy of Sciences, mandated by section 215 of the House bill, be opened to allow for input from the high performance computing industry.

Mr. NUNN. I am aware of the provisions contained in sections 214 and 215 of title II of the House bill, and the restrictions on HPCC funds recommended in the House report. I am also aware of the distinguished Senator's concerns about these provisions.

Mr. THURMOND. I also am aware of the concerns raised by Senator HATFIELD.

Mr. HATFIELD. The chairman and ranking member of the Senate Armed Services Committee should know that it is not my intention to offer any amendments to S. 1298 to counter the House provisions. I would like, however, to receive a commitment from both Senators that they will seek appropriate changes and modifications to sections 214 and 215 in conference with the House, to assure a process for full and open competition for the Pentagon's high performance computing [HPC] requirements.

I would also hope that the Senate conferees will consider report language which would supersede the House report language regarding the withholding of HPCC funds. The managers may also want to consider requesting a full report by the Secretary of Defense on the GAO report findings by March of next year.

Mr. DOMENICI. I would like to associate myself with the comments of the ranking member of the Senate Appropriations Committee, Senator HATFIELD.

Mr. BINGAMAN. If the Senator would yield, I want to concur with the views of the Senator from Oregon on this matter involving the Department's high performance computing programs, and the language contained in both the House bill and report in this regard. I have carefully examined these sections in title II of H.R. 2401 as reported, and I agree with the Senator that they discourage competition; they unnecessarily micromanage the Department's HPCC programs; and they severely restrict the ability of the Department to consider new technologies and supercomputing products that could be more effective and substantially less expensive to procure.

The Senator from Oregon has my total commitment to work with my counterpart subcommittee chairman, Representative PAT SCHROEDER, and the ranking member, Representative BOB STUMP, in conference to correct the problems that you have outlined today on the floor. I agree that changes should be made in sections 214, 215, and the statement of managers to counter the House report language with regard to the fencing of HPCC funds.

Mr. NUNN. The Senators from New Mexico and Oregon have made an excellent case for addressing these issues in conference, and they have my assurance that I will give every consideration to making the changes in conference.

Mr. THURMOND. I concur with the chairman and am committed to supporting consideration of these changes during conference.

Mr. HATFIELD. I thank my colleagues for their shared concern and for their commitments to address these matters in conference.

Mr. DOLE. Does the Senator from Vermont have an amendment?

Mr. LEAHY. I have an amendment, but if the Republican leader is seeking recognition, I will withhold.

Mr. DOLE. I would like to make a couple of brief statements on my leader time. If I might have the attention of the majority leader, I will direct a question to him.

It is my understanding that there may be some agreement in the works, or about to be worked out with the distinguished chairman from Georgia and the distinguished ranking member from South Carolina, to stay here tonight, continue to debate amendments, debate amendments all day Monday, and Monday evening that would be over, and votes would occur then on Tuesday.

That seems to be agreeable on this side of the aisle, if that is what the majority leader had in mind.

Mr. MITCHELL. Mr. President, within the last 30 minutes, I met with the distinguished chairman of the committee and others interested in the legislation, including Republican Members, and after hearing their report on the current situation, I suggest that we proceed in the manner that the distinguished Republican leader has just stated.

There really are two options. The first option is that we can simply stay here and complete action on this bill this evening. That would necessitate a few more hours and a few more votes. I was advised that several Members have left, and several more wish to leave. So as an alternative to that, I propose what the Republican leader has just stated: That the managers would stay here this evening and be present on Monday.

There exists, by virtue of a previous order, a finite list of amendments to the bill. All of those amendments, or any amendment, would have to be offered either this evening or Monday, and there would be no amendments in order after the close of business on Monday; and that any amendments that have been fully debated with respect to which a vote was scheduled would then occur not prior to 2:15 on Tuesday.

In the meantime, we would proceed to the Interior appropriations bill promptly on Tuesday morning. So there would be the possibility of votes on that on Tuesday morning. If that is agreeable—it is now being prepared at my direction by the staff, and I will propound it shortly—then there will be no further rollcall votes between now and Tuesday morning. The votes with respect to the pending defense bill would occur following the caucus on Tuesday.

At the request of the distinguished Republican leader, I will also include that if a Senator could not be present to offer his or her amendment on Monday, the managers would be authorized to offer the amendment on behalf of that Senator. I will propound that request shortly.

Mr. DOLE. I know of no objection on our side to that request.

Mr. LEAHY. Mr. President, if the leader will yield, I realize the request to be propounded has now been stated. I would just ask for further information. I am going to have two amendments, and one, I am led to understand, will not require a rollcall. On the second one, a number of the cosponsors have requested a rollcall.

If those were laid down and debated either tonight, or on Monday, how does that work on the one that might require a rollcall? Do we have a specific order for that on Tuesday, or would it be possible to add into the order that it would be the first rollcall to occur on this on Tuesday?

Mr. MITCHELL. Rather than attempting to anticipate all that might occur this evening and tomorrow, it is my intention to leave that to the discretion of the managers in the handling of the bill on Monday. So that decision would be made as the Senate proceeds.

Mr. LEAHY. If the leader will yield further, might I make a suggestion to the managers of the bill. If a rollcall is ordered on the landmine amendment, might we have that as the first in whatever series of rollcalls you have on this bill on Tuesday?

Mr. NUNN. Mr. President, I will respond to the Senator from Vermont. I do not have any objection to voting on this one first. But I can see how handling 20 or 30 amendments, maybe 10 or 15 or 20 rollcalls, everybody is going to have a particular order in mind. I do not mind this being first, but my instinct as a manager would be to recommend that we take the amendments that would require a rollcall in order as they are presented.

If the Senator would like to present his this evening, it would be at the top of the order. Otherwise, we could get into an impossible situation of everybody asking us what order their amendments will be voted on. I do not want to get into that. I say to anyone that stays this evening, we will vote on their amendment first if it cannot be agreed to.

Mr. LEAHY. I would be happy to bring that up next so that it would be in order to have that vote. I know on Monday we are going to be voting in committee on a major appropriations bill, and I would prefer to be able to do that.

Mr. NUNN. That is fine. The logical way to order rollcalls would be in the order in which they are debated.

Mr. MITCHELL. Mr. President, the only thing I would like to make clear, which I did not previously because it was not asked, but I want to add it. The one thing I will ask the managers is not to agree to a request by Senators that their amendment then be redebated prior to the vote on Tuesday. Then what we will get is Senators not coming in here, having their amendment offered, and having the debate occur Tuesday. That will defeat the entire purpose of the process through which we are going.

Mr. NUNN. Mr. Leader, if we get the agreement, I can assure you that the managers will not have any kind of debate on Tuesday.

Mr. MITCHELL. That should be understood before the Senators accept the agreement.

Mr. LEAHY. Mr. President, I understand this unanimous-consent agreement is being written up. I wonder if I might be recognized to begin on my antipersonnel landmine. I will then ask for the yeas and nays with unanimous consent that the vote not occur until Tuesday, provided you get your unanimous-consent request, which apparently you will.

Mr. DOLE. We have no objection to the unanimous-consent request. We are signing off now.

Mr. MITCHELL. I believe Senator DOLE had the floor previously for a statement he wished to make.

SALUTE TO MALCOLM WALLOP

Mr. DOLE. Mr. President, "Leadership, hard work, experience, loyalty to Wyoming—That's what MALCOLM WALLOP is all about."

Ronald Reagan made that statement a while back, and as usual, the "Gipper" was right on target.

No doubt about it, MALCOLM WALLOP's leadership, hard work, experience, and loyalty to Wyoming will be greatly missed when he retires in January 1995, after 18 years as a U.S. Senator.

Of all the qualities that President Reagan listed, I think MALCOLM would say that the most important is loyalty to Wyoming.

And whether it was protecting Wyoming jobs and Wyoming interests as ranking Republican on the Energy and Natural Resources Committee, standing up for small businesses and family farms, or helping to lead the Sagebrush Rebellion, MALCOLM WALLOP never forgot the priorities of the men and women who sent him here.

He also never forgot that one of the most important duties of government is to protect its citizens.

And throughout his three terms, there have been few Senators who have worked harder to strengthen our national security.

I believe that America's victory in the cold war was a direct result of the visionary leadership of Ronald Reagan, George Bush, and public servants like MALCOLM WALLOP who knew that the only way to achieve peace was through strength.

When MALCOLM announced that he would not seek a fourth term, he said "I don't think the only place to fight for freedom is in the Halls of Congress."

MALCOLM is still a very young man, and I have no doubt that he has many more years of fighting for Wyoming and fighting for freedom ahead of him.

I look forward to another year of serving alongside Senator WALLOP, and I wish he, French, and their family all the best in the years ahead.

Mr. President, I believe the leader's time was reserved.

The PRESIDING OFFICER. The minority leader is correct.

NAFTA IS GOOD FOR AMERICA

Mr. DOLE. Mr. President, I want to report to my colleagues about a recent meeting in Mexico City with President Salinas and members of his Cabinet. Our Republican delegation, consisting of myself, Senators GRAMM, HATCH, MCCAIN, and GREGG, and Representative BONILLA, went to Mexico City to discuss the North American Free-Trade Agreement. We wanted to tell President Salinas that the debate over NAFTA this fall will be contentious, but that we are committed to fight for it.

President Salinas is a very positive person, but he is also realistic. He told us he fully recognizes the difficulties facing this agreement in Congress. He said that he wants to help in any way possible. He also said what we all know to be true about NAFTA: That it will create jobs, opportunity, and growth on both sides of the border. That is what NAFTA is all about, and that is why I support NAFTA and intend to help President Clinton every step of the way to respond to NAFTA's critics, build support for this agreement, and pass it in the U.S. Congress.

But, Mr. President, I am becoming increasingly concerned about the fate of this trade agreement in Congress. We seem to be losing ground every day, whereas we should be gaining ground. Support for NAFTA may be eroding in Congress because we do not hear the administration speaking out about the importance of this agreement. I must note that Ambassador Mickey Kantor has done an outstanding job as an advocate for NAFTA, but he has been virtually a lone voice up to this point. President Clinton has made a few supportive remarks, but other issues seem to be crowding out the message. I have been doing everything I can to build support for NAFTA. Nevertheless, no one but the President can demonstrate the administration's unwavering commitment. No one but the President can work with all Members of the House and Senate, in both parties, to show them why NAFTA is so important and must pass the Congress. If we do not see action soon, I fear that the loud and persistent critics of NAFTA will prevail before we even get started.

NAFTA is good for America, Mr. President. While NAFTA is primarily a trade agreement, the consequences of NAFTA are far-reaching. Creation of jobs and a rising standard of living in the United States and Mexico will help to resolve a host of collateral problems. President Salinas knows that jobs and opportunity at home help remove the incentive to seek them elsewhere. Ambitious, risk-taking Mexicans from southern and central Mexico will be less inclined to find a brighter future to the north when that future is available to them in their own cities and towns. Furthermore, poor countries are poor defenders of the environment. A wealthier, increasingly prosperous Mexico will have greater resources to devote to compliance with environmental laws, and to environmental cleanup and improvement.

We discussed all of these issues with President Salinas, and our Republican delegation was very encouraged by our visit. We invited him to come to the United States this fall to help us and President Clinton educate the American people on the truth about NAFTA. I hope he is able to do this.

Educating the American people about NAFTA is crucial because so much misinformation is currently in circulation. The effort to tell the truth about NAFTA has been nearly dormant, while the hysterical and paranoid campaign against the agreement is in high gear.

To listen to NAFTA's critics, you would think this trade agreement was negotiated in the middle of the night, in the middle of a desert by double agents seeking this country's economic ruin. Nothing could be further from the truth. NAFTA's critics probably would say that the Declaration of Independence and the Bill of Rights received insufficient public scrutiny before they were adopted. The truth is that no trade agreement in history has ever been the subject of as many legislative and private sector consultations as NAFTA. During negotiations, the administration held almost 1,000 consultations or briefings with persons outside the executive branch. This included public hearings at which hundreds of individuals testified, 350 meetings with official advisory committees, and briefings of House and Senate staff on average more than 3 times per day, every working day.

No superlative has gone unuttered in attacking this trade agreement. Practically no image has been too preposterous, no hyperbole too outrageous for these fear-mongering protectionists trying to depict NAFTA as a sellout.

What is the truth about NAFTA? The truth is that trade with Mexico today supports 700,000 jobs in the United States. Under NAFTA, that figure will grow to nearly 1 million jobs. The United States has a $5.4 billion trade surplus with Mexico, as United States exports to Mexico more than tripled since 1986. Mexicans can't get enough of United States-made products: Out of every dollar Mexicans spend on imports, 70 cents goes for products imported into Mexico from the United States. Mexico is our third-largest trading partner, after Canada and Japan. Barriers to trade with Mexico exist today. These barriers make it harder to do business with Mexico, and yet our trade with that country has exploded over the past few years. The reason is that Mexico itself has liberalized its own economy extensively, and that liberalization has brought a new era of increasing prosperity, rising wages, and a brighter future for Mexico. It has also brought new business for United States exporters, and 426,000 new jobs for Americans who produce those exports.

This is just the beginning. Other countries are lining up, seeking the opportunity to enter this exciting new market-opening enterprise. This enterprise is not a zero-sum game, as the critics contend. Our gain is not some other country's loss. It is a win-win situation, and nothing shows that more clearly than our immediate experience with Mexico after President Salinas took bold and courageous steps to open up his country's economy to the world, and let his people begin to enjoy the benefits of trade.

To prosper we must trade. It is that simple. I will be working to help President Clinton pass this agreement because it is the right thing to do. We promised President Salinas that we would do everything possible to make NAFTA a reality, and that is what we will be doing over the weeks and months ahead.

ISRAELI-PALESTINIAN PEACE AGREEMENT

Mr. DOLE. Mr. President, many of us thought we would never live to see today's headlines proclaiming peace between Israelis and Palestinians. And while there were many indications over the past week that peace was at hand, it was still remarkable to read the text of Yasir Arafat's letter to Prime Minister Rabin stating that the PLO recognizes Israel's right to exist in peace and security and that the PLO renounces the use of terrorism. And, it was just as remarkable to read Prime Minister Rabin's letter stating that the Government of Israel recognizes the PLO.

While the achievement of this peace accord at first glance appears so sudden, if we look back at developments over the past 2 or 3 years, we can see more clearly why this peace agreement was achievable at this point in time.

Starting with the gulf war, the dynamics in the Middle East changed significantly. The United States, under the strong leadership of President Bush, spearheaded a multinational coalition against Iraq which included most of the Arab countries. This U.S. led coalition successfully rolled back Saddam Hussein's forces. However, the coalition was not supported by the PLO, nor by Jordan. And so, when the war ended, the PLO and Jordan were left standing alone, cut off from the Gulf States who had provided substantial financial support over the years.

With the collapse of the Soviet Union only months later, the PLO lost another patron.

These two developments created the ideal conditions for the onset of negotiations between Israel and its neighbors. President Bush launched the diplomatic initiative to seek a Middle East peace in March 1991, and brought the Russians on board to support the negotiating process in Madrid in October 1991. The pursuit of peace in the Middle East remained one of Secretary Baker's top priorities until his departure.

Upon assuming office, the Clinton administration wisely continued the U.S. role established under the Bush administration—that of facilitating the peace process.

But, as we have learned in recent days, the Norwegian Government was the key intermediary in the secret negotiations which have led to this particular accord.

In my view this Israeli-Palestinian peace pact was made possible because of a number of factors: The success of the gulf war, the collapse of the Soviet Union, United States leadership in the Middle East, the active participation of the Norwegian Government, and last, but not least, the commitment of the Israeli Government and Palestinian leaders to breaking the cycle of violence and laying the foundation for a genuine peace.

The peace accord will be signed on Monday, but that alone will not bring peace. There are still extremists on both sides who oppose peace—those who want more Israel and those who want no Israel. Nevertheless, I believe that the majority of Israelis and Palestinians desire peace and recognize the benefits peace will bring. And, so I encourage the Israelis people and their leaders, and the Palestinians and their leaders, to stay the course. The U.S. Government and the American people support this accord. I hope that it will be the first step toward a broader Middle East peace.

Mr. President, I thank the Chair, and I reserve the remainder of my leader time.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

The Senate continued with the consideration of the bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that all first-degree amendments remaining in order to S. 1298, the DOD authorization bill, as contained in the previous unanimous consent agreement, must be offered by the close of business on Monday, September 13; that no rollcall votes associated with amendments to the DOD bill occur prior to 2:15 p.m. on Tuesday September 14; and that at 9:30 a.m., on Tuesday, September 14, the Senate proceed to the consideration of H.R. 2520, the Interior appropriations bill.

Mr. BROWN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. If I might inquire of the distinguished leader, does that mean that an amendment that is filed but which a Member is not recognized to offer could well be extinguished by this unanimous consent?

Mr. MITCHELL. Yes.

Mr. BROWN. I will object.

Mr. MITCHELL. Mr. President, the Republican leader just stood out on the Senate floor a few minutes ago and said that this was approved by all Republicans. Now Senators have left here. If we are going to have an objection now, we better get notice out to all Senators to come back, because the alternative to this is, as I clearly stated previously, that we were going to stay here tonight and finish the bill.

Mr. BROWN. With the Chair's permission, let me simply say, I believe two of my amendments are ones that we already agreed to clear on both sides of the aisle. On the other, I believe I can agree to a 5-minute limitation or anything reasonable. But I do not want to be in the situation I was on the reconciliation bill, where I have amendments, where they are duly filed, and where even a 5-minute period is not available for them.

Mr. MITCHELL. There is no intention to do that. If the Senator had been present during the previous discussion, I stated the managers will stay here this evening and on Monday, and be available to consider amendments that will be offered by Senators. All the Senator has to do is stay here and offer his amendment.

But we are not going to have a situation where a Senator can just—just leave, does not want to bother to be here on Friday or Monday, but says, "I still want to offer my amendment at some later time."

The PRESIDING OFFICER. Is there objection? Hearing none, the unanimous consent agreement is entered and agreed to.

Mr. MITCHELL. Mr. President, I just further say to the Senator from Colorado, I also stated even if the Senator is not present, the managers will be present and will be permitted to offer the amendment on behalf of the Senator.

Mr. BROWN. I thank the leader for his explanation.

Mr. MITCHELL. If I may say one thing further. I want to repeat what I said earlier. We are going to start on the Interior bill on Tuesday at 9:30. There may be votes on that bill Tuesday morning. The inclusion in the unanimous consent agreement of the provision that votes on the DOD bill will not occur prior to 2:15 on Tuesday means that there will certainly be votes after 2:15 p.m. on Tuesday, but should not be interpreted to mean that there will be no votes on Tuesday morning. That will be up to the distinguished manager of the Interior appropriations bill and the Senators who are offering amendments to that.

But I am advised it is at least possible that there will be votes on Tuesday morning. So no Senator should be under any misunderstanding in that regard.

Mr. DOLE. That is the point I wanted to make. I think some Senators felt there would not be any votes until after 2:15. It was my understanding there could be votes Tuesday morning on the appropriations bill. The majority leader has made that clear so everybody should be on notice.

Mr. MITCHELL. Right. Mr. President, I thank my colleague.

I want to make one other thing clear. Next week, in observance of Rosh Hashanah, the Senate will not have rollcall votes from sundown Wednesday through the remainder of the week. That means that the only full day we will have will be Tuesday.

There are a number of potential amendments to the Interior appropriations bill. So I want to say right now, so there can be no misunderstanding on anybody's part, we are going to be in session late on Tuesday. Tuesday will be a day on which there will be many votes throughout the day, and we will be in session late on Tuesday as we attempt to make good progress on the Interior appropriations bill.

I thank my colleagues for their cooperation.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 821

Mr. LEAHY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself, Mr. MITCHELL, Mr. PELL, Mr. INOUYE, Mr. MOYNIHAN, Mr. DECONCINI, Mr. KERREY, Mr. KERRY, Mr. DODD, Ms. MIKULSKI, Mr. WOFFORD, Mr. SIMON, Mr. KENNEDY, Mr. BRYAN, Mr. LAUTENBERG, Mr. RIEGLE, Mr. EXON, Mr. ROCKEFELLER, Mr. BUMPERS, Mrs. FEINSTEIN, Mrs. MURRAY, Mr. FORD, Mr. HARKIN, Mr. METZENBAUM, Mr. DASCHLE, Mr. BRADLEY, Mr. GRAHAM, Mr. DORGAN, Mrs. BOXER, Mr. LEVIN, Mr. FEINGOLD, Mr. SARBANES, Mr. AKAKA, Mr. REID, Mr. KOHL, Mr. WELLSTONE, Mr. MATHEWS, Mr. PRYOR, Mr. SASSER, Mr. ROBB, Mr. BINGAMAN, Mr. CAMPBELL, Mr. GLENN, Mr. BYRD, Ms. MOSELEY-BRAUN, Mr. DOLE, Mr. JEFFORDS, Mr. D'AMATO, Mr. SPECTER, Mr. HATFIELD, Mr. DURENBERGER, Mr. MCCAIN, Mr. DOMENICI, Mr. MURKOWSKI, Mr. CHAFEE, Mrs. KASSEBAUM, Mr. LUGAR, Mr. SIMPSON, Mr. BURNS, and Mr. GRASSLEY, proposes an amendment numbered 821.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

SEC. LANDMINE MORATORIUM EXTENSION ACT.

(a) This section shall be titled the "Landmine Moratorium Extension Act of 1993".

(b) FINDINGS.—The Congress makes the following findings:

(1) Anti-personnel landmines, which are designed to maim and kill people, have been used indiscriminately in dramatically increasing numbers around the world. Hundreds of thousands of noncombatant civilians, including children, have been the primary victims. Unlike other military weapons, landmines often remain implanted and undiscovered after conflict has ended, causing massive suffering to civilian populations.

(2) Tens of millions of landmines have been strewn in at least 62 countries, often making whole areas uninhabitable. The State Department estimates there are more than 10 million landmines in Afghanistan, 9 million in Angola, 4 million in Cambodia, 3 million in Iraqi Kurdistan, and 2 million each in Somalia, Mozambique, and the former Yugoslavia. Hundreds of thousands of land mines were used in conflicts in Central American in the 1980s.

(3) Advanced technologies are being used to manufacture sophisticated mines which can be scattered remotely at a rate of 1000 per hour. These mines, which are being produced by many industrialized countries, were found in Iraqi arsenals after the Persian Gulf War.

(4) At least 300 types of anti-personnel landmines have been manufactured by at least 44 countries, including the United States. However, the United States is not a major exporter of landmines. During the past ten years the Administration has approved ten licenses for the commercial export of anti-personnel landmines with a total value of $980,000, and the sale under the Foreign Military Sales program of 108,852 anti-personnel landmines with a total value of $980,000, and the sale under the Foreign Military Sales program of 108,852 anti-personnel landmines.

(5) The United States signed, but has not ratified, the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed To Be Excessively Injurious or to have Indiscriminate Effects. Protocol II of the Convention, otherwise known as the Landmine Protocol, prohibits the indiscriminate use of landmines.

(6) When it signed the 1980 Convention, the United States stated: "We believe that the Convention represents a positive step forward in efforts to minimize injury or damage to the civilian population in time of armed conflict. Our signature of the Convention reflects the general willingness of the United States to adopt practical and reasonable provisions concerning the conduct of military operations, for the purpose of protecting noncombatants.".

(7) The United States also indicated that it had supported procedures to enforce compliance, which were omitted from the Convention's final draft. The United States stated: "The United States strongly supported proposals by other countries during the Conference to include special procedures for dealing with compliance matters, and reserves the right to propose at a later date additional procedures and remedies, should this prove necessary, to deal with such problems.".

(8) The lack of compliance procedures and other weaknesses have significantly undermined the effectiveness of the Landmine Protocol. Since it entered into force on December 2, 1983, the number of civilians maimed and killed by anti-personnel landmines has multiplied.

(9) Since the moratorium on United States sales, transfers and exports of anti-personnel landmines was signed into law on October 23, 1992, the European Parliament has issued a resolution calling for a five year moratorium on sales, transfers and exports of anti-personnel landmines, and the Government of France has announced that it has ceased all sales, transfers and exports of anti-personnel landmines.

(10) On December 2, 1993, ten years will have elapsed since the 1980 Convention entered into force, triggering the right of any party to request a United Nations conference to review the Convention. Amendments to the Landmine Protocol may be considered at that time. A formal request has been made to the United Nations Secretary General for a review conference. With necessary preparations and consultations among governments, a review conference is not expected to be convened before late 1994 or early 1995.

(11) The United States should continue to set an example for other countries in such negotiations by extending the moratorium on sales, transfers and exports of anti-personnel landmines for an additional three years. A moratorium of this duration would extend the current prohibition on the sale, transfer and export of anti-personnel landmines a sufficient time to take into account the results of a United Nations review conference.

(c) STATEMENT OF POLICY.—

(1) It shall be the policy of the United States to seek verifiable international agreements prohibiting the sale, transfer or export, and further limiting the manufacture, possession and use of anti-personnel landmines.

(2) It is the sense of the Congress that the President should submit the 1980 Convention on Certain Conventional Weapons to the Senate for ratification. Furthermore, the Administration should participate in a United Nations conference to review the Landmine Protocol, and actively seek to negotiate under United Nations auspices a modification of the Landmine Protocol, or another international agreement, to prohibit the sale, transfer or export of anti-personnel landmines, and to further limit their manufacture, possession and use.

(d) MORATORIUM ON TRANSFERS OF ANTI-PERSONNEL LANDMINES ABROAD.—For a period of three years beginning on the date of enactment of this act—

(1) no sale may be made or financed, no transfer may be made, and no license for export may be issued, under the Arms Export Control Act, with respect to any anti-personnel landmine; and

(2) no assistance may be provided under the Foreign Assistance Act of 1961, with respect to the provision of any anti-personnel landmine.

(e) DEFINITION.—For purposes of this section, the term "anti-personnel landmine" means—

(1) any munition placed under, on, or near the ground or other surface area, or delivered by artillery, rocket, mortar, or similar means or dropped from an aircraft and which is designed to be detonated or exploded by the presence, proximity, or contact of a person;

(2) any device or material which is designed, constructed, or adapted to kill or injure and which functions unexpectedly when a person disturbs or approaches an apparently harmless object or performs an apparently safe act;

(3) any manually-emplaced munition or device designed to kill, injure, or damage and which is actuated by remote control or automatically after a lapse of time.

Mr. LEAHY. Mr. President, on July 22 when I introduced the Landmine Moratorium Extension Act, I spoke at length about the urgent need to stop the slaughter of innocent people by landmines.

My amendment today is simple. It extends the current U.S. moratorium on the sale, transfer, and export of antipersonnel landmines for an additional 3 years. The moratorium was passed last year but it will expire this October unless we extend it.

With one minor change, my amendment is the same as the legislation I introduced in July, which has 59 cosponsors, including the majority and minority leaders of the U.S. Senate.

In addition to myself and Senators MITCHELL and DOLE, the cosponsors are Senators INOUYE, BYRD, MOYNIHAN, ROBB, SASSER, JEFFORDS, MCCAIN, DECONCINI, GLENN, KERRY, KERREY, LUGAR, KASSEBAUM, DODD, PELL, SPECTER, HATFIELD, DURENBERGER, D'AMATO, MIKULSKI, WOFFORD, MURKOWSKI, CHAFEE, SIMON, EXON, DOMENICI, LAUTENBERG, KENNEDY, ROCKEFELLER, BRYAN, BUMPERS, FEINSTEIN, MURRAY, HARKIN, METZENBAUM, BRADLEY, DASCHLE, FORD, GRAHAM, DORGAN, FEINGOLD, LEVIN, RIEGLE, BOXER, SARBANES, AKAKA, REID, KOHL, WELLSTONE, MATHEWS, PRYOR, CAMPBELL, SIMPSON, MOSELEY-BRAUN, BINGAMAN, BURNS, and GRASSLEY.

I mention their names because I defy anybody to find an ideological root in this. You have Senators across the political spectrum, from all parts of the country. They join together because this is not a political or economic issue as much as it is a statement of moral leadership on the part of the United States.

When we passed the moratorium last year, there was not a great deal of notice, initially. Certainly no notice, as I recall, in the press in Washington or anywhere else. But like so many other seeds that take root, the effect was great.

Let me tell you what has happened since we passed it, I think largely because of the moral leadership of the United States.

The French Government has announced that it ceased all exports of antipersonnel landmines. In fact, it went further and urged all other European countries to do the same.

The European Parliament issued a resolution calling upon its members to support a 5-year landmine moratorium.

Belgium has stopped all production of the antipersonnel landmines, and has said it will not permit the transit of landmines within its territory. It is also moving to ratify the Landmine Protocol.

Members of the British Parliament introduced a resolution for an indefinite moratorium.

The French, Swedish, and Dutch Governments have asked the United Nations to schedule a conference to review the 1980 Landmine Protocol.

UNICEF has called for a worldwide ban on production and trade in landmines.

The Secretary of State, Warren Christopher, testified in the Foreign Operations Subcommittee in support of restrictions or prohibitions on the export and use of landmines, and the State Department has said it supports an extension of the moratorium and has called on other countries to adopt similar laws.

Mr. President, everyone has seen the horrifying pictures, like this one, of innocent children with their legs and arms blown off from landmines. These are not combatants.

Bombs and artillery can be aimed at military targets, and bullets fired by soldiers at other combatants. But, like chemical weapons, landmines do not discriminate. A landmine will blow the arm or leg off whoever steps on it, and usually it is a civilian.

According to a recent State Department report titled "Hidden Killers," the first report of its kind produced by the U.S. Government on the global problem of landmines, at least 85 million landmines are scattered in 62 countries.

The magnitude of the death and destruction caused by these insidious weapons is absolutely incredible. Landmines kill or maim hundreds of people every month, most of them innocent noncombatants, many of them children, who just happen to walk in the wrong place.

Cambodia, where there are over 4 million landmines, is being cleared of mines an arm, a leg, and a life at a time. Large areas of that country will never be rid of these timeless death traps.

Kuwait has already spent over $700 million to get rid of some of the 7 million Iraqi landmines, many of which the NATO countries exported to Iraq.

Afghanistan, Lebanon, El Salvador, Mozambique, Somalia, Cyprus, Bosnia, Armenia. Even the Falkland Islands. These are a few of the countries strewn with millions and millions of landmines, some of them dating from the Second World War and still capable of blowing off an arm or a leg.

The United States is not a major exporter of landmines, but I would offer this amendment even if it were. We simply must show leadership. Landmines are increasingly being used as weapons of terror, and once they are sold there is no way of knowing where they end up, or how they are used.

High-technology landmines are capable of being scattered from the air by the thousands. Some are made to self-destruct after a period of weeks or months, but they also endanger civilians and can end up in the wrong hands.

Let me read what Gen. Patrick Blagden, head of the U.N. demining program says about self-destruct mines.

Blagden's deminers found 181 unexploded "self-destruct" mines in southern Iran, 2 years after they were sown. I am quoting him:

> If they so successfully self-destruct, how come I've got one?
>
> I don't know how many were sown, so I don't know the proportion that did self-destruct. But it certainly wasn't 99 percent. If somebody is going to prove to me that there is a 99 percent chance of self-destruction, then I am going to say, "OK, fine." But until that time, no way.

This amendment sets an example for other countries that are major landmine exporters, but it does not affect the manufacture of landmines by U.S. companies for use by U.S. forces.

Obviously, by itself, this amendment will not get rid of this horrendous problem. But it does call on the President to seek to negotiate an international agreement to prohibit the export of antipersonnel landmines and further limit their manufacture, possession, and use.

If other countries follow our example, as they are beginning to, and controls on exports are coupled with measures to limit the kinds of landmines that are manufactured and used, that would go a long way toward banning these weapons altogether.

I make no bones about it. I believe that should be our goal. Like chemical weapons, there is simply no way these weapons can be designed so they distinguish between combatants and civilians. They are inherently indiscriminatory, and they are inherently inhumane. They should be outlawed.

We are a long way from seeing that day. But in the meantime, by this amendment, we can continue the momentum we have begun.

Let me emphasize two other points. There is an international treaty that deals with landmines, but the United States has not ratified it. The administration needs to send the Landmine Protocol to the Senate for ratification without further delay.

And next year, or in early 1995, the United Nations will sponsor a conference to review the Landmine Protocol, for the purposes of strengthening it. A dialogue has already begun to define the agenda for that conference. The administration should assert an active, creative role in those discussions. The agenda should be broad enough in scope to encompass a wide range of ideas for correcting the flaws and weaknesses in the treaty.

Mr. President, I appreciate the support of all the cosponsors of this legislation.

It gives me a great deal of pride in the U.S. Senate that this amendment will be adopted on Tuesday, and I applaud those Senators of both parties.

We discuss many weighty issues on this floor. Next week we will have the signing of the first steps toward real peace in the Middle East. Perhaps like last year, what we do on landmines will be missed by the newspapers, but it is an idea taking root around the world. Here in the U.S. Senate we lit the spark, we lit the fire.

Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. I thank the Chair. Mr. President, I understand that rollcall will now occur on Tuesday; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. I ask unanimous consent that when we begin the rollcalls after 2:15, according to the distinguished majority leader's original request, this be the first of the rollcalls to occur.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I know the Senator from Arkansas is here to speak. We have a second amendment. I am simply going to put it into the RECORD because it is going to be accepted. It is offered on behalf of myself and Mr. KENNEDY. But I had wanted the managers of the bill on the floor to do that.

Mr. PRYOR addressed the Chair.

Mr. LEAHY. I yield to the Senator from Arkansas.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. Has the Senator yielded for a question?

Mr. LEAHY. Mr. President, I yield to the Senator from Arkansas for——

The PRESIDING OFFICER. The Senator has a right to yield to the Senator for a question. The Senator from Colorado is seeking recognition.

Mr. LEAHY. Mr. President, I am reluctant for a moment to give up the floor. I am only going to hold it for about a minute. I just was hoping that——

Mr. PRYOR. I was going to make a suggestion as to how to get us out of our dilemma.

Mr. LEAHY. I ask unanimous consent to yield for that purpose without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. I am wondering, I certainly do not want to take over from the Senator from Colorado, because I think he may want to go next with an amendment. I am not in the business of yielding time. I wonder if we might temporarily lay the Senator's amendment aside for a moment to allow the Senator from Colorado to go forward with his statement and then perhaps return to the amendment of the Senator from Vermont.

Mr. LEAHY. I am perfectly willing to do that. I think I can do it in about 20 seconds, now that the distinguished chairman is here.

The PRESIDING OFFICER. The Senator from Vermont has the floor.

Mr. LEAHY. I have completed my discussion of my amendment. We have ordered the yeas and nays. The vote will be on Tuesday. I ask if I might simply insert a statement on behalf of Senator KENNEDY, a statement on behalf of myself, and an amendment on behalf of Senator KENNEDY and myself and ask for its acceptance on the subject of authorizing funds for clearing landmines.

Mr. NUNN. Is this the second amendment we discussed that has been cleared that basically provides surplus funds for the purpose of clearing landmines?

Mr. LEAHY. That is right.

Mr. NUNN. I recommend acceptance.

Mr. THURMOND. Mr. President, I share the concerns expressed by the senior Senator from Vermont, Senator LEAHY, and the senior Senator from Massachusetts, Senator KENNEDY, regarding the tragic accidental deaths and injuries suffered by innocent civilians as a result of antipersonnel landmines left on former battlefields around the world.

Unfortunately, the weapons of war are intended to maim and kill. Antipersonnel landmines are particularly bad because they may remain in battle areas long after the battles are over causing injury and death to innocent civilians.

I support Senator KENNEDY's amendment to utilize resources of the Department of Defense to assist in the removal of these mines and for research to develop better ways to detect and neutralize residual antipersonnel landmines.

I appreciate the cooperative manner in which Senator LEAHY's staff has worked with members of my staff. I understand that Senator LEAHY has agreed to maintain the wording of the current law with respect to the policy of the United States regarding the manufacture, possession, and use of antipersonnel landmines.

Last year the Senator from Vermont agreed that the moratorium on sale, transfer, or export of antipersonnel landmines should be for only 1 year. This year, he proposes that the moratorium should be extended for 3 more years. Unfortunately, because of this proposed moratorium, the U.S. manufacturers will continue to be prohibited from exporting antipersonnel landmines with self-destruct features.

Antipersonnel landmines manufactured by the United States have self-destruct or self-neutralizing features rendering them harmless after reasonable periods of time. Obviously, these mines do not pose the threat to innocent civilians that less sophisticated mines do.

As a result, countries seeking to buy such mines from the U.S. firms will be forced to buy elsewhere and may buy the more dangerous mines without self-destruct features, thereby making the situation Senator LEAHY has described, and which we all abhor, even worse.

In fact, the protocol of the 1980 convention cited throughout Senator LEAHY's amendment does not preclude the use of antipersonnel mines with self-destruct or self-neutralizing features. But Senator LEAHY's amendment prohibits the sale or export of such mines.

Mr. President, I am also concerned that the United States will be prohibited from transferring antipersonnel landmines to allies and coalition parties even when hostilities are imminent or have begun.

I hope that the Senator from Vermont does not intend to propose limitations on the future use of mines by our own forces. Our military forces should not be required to go into battle with unilaterally imposed restrictions which greatly increase their risks. Our forces may arrive in areas of combat outnumbered, requiring the use of economy of force measures where the employment of both antitank and antipersonnel mines are essential to deny the enemy key terrain and critical avenues of approach.

Mr. President, all of us share the concern expressed by Senator LEAHY's amendment. However, I believe that the moratorium proposed in this amendment may have a symbolic effect but will do little to alleviate the situation.

Mr. President, I yield the floor.

AMENDMENT NO. 822

(Purpose: To authorize the use of funds by the Department of Defense for the clearing of landmines for humanitarian purposes)

Mr. LEAHY. Mr. President, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Under the request of the Senator from Arkansas, the amendment that has been discussed here the past hour or so by the Senator from Vermont is laid aside.

The clerk will report.

The bill clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. KENNEDY, for himself and Mr. LEAHY, proposes an amendment number 822.

Mr. LEAHY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 81, between lines 7 and 8, insert the following:

SEC. 307. FUNDS FOR CLEARING LANDMINES.

Of the funds authorized to be appropriated in section 301, not more than $10,000,000 is authorized for activities to support the clearing of landmines for humanitarian purposes (as determined by the Secretary of Defense), including the clearing of landmines in areas in which refugee repatriation programs are on-going.

Mr. NUNN. Could the Senator from Vermont bring me up to date on what the status of his first amendment is?

Mr. LEAHY. I want to make sure I understand. Mr. President, am I correct in that we debated my first amendment and it is before the Senate? I have asked for the yeas and nays and, under the earlier unanimous-consent request, a vote will now occur as the first of whatever series of votes we have following the caucuses on Tuesday.

Mr. NUNN. I thank the Senator.

The PRESIDING OFFICER. The statement of the Senator from Vermont is correct.

Mr. LEAHY. I further understand Senator KENNEDY's amendment, cosponsored by me, is now before the Senate?

The PRESIDING OFFICER. Amendment No. 822 is now before the Senate.

Mr. LEAHY. I will accept a voice vote on that.

Mr. KENNEDY. Mr. President, this amendment continues an effort begun by last year's defense bill to address a serious worldwide humanitarian problem—the tens of millions of uncleared, unexploded land mines that plague large numbers of Third World nations around the globe. My amendment would provide $10 million to the Defense Department to support current and planned efforts to remove these mines.

This problem has been carefully studied. Last year, I sponsored a provision in the fiscal year 1993 Defense Authorization Act that required a report from the President on the status of international mine-clearing efforts in situations involving the repatriation and resettlement of refugees. That report, "Hidden Killers: The Global Problem With Uncleared Land Mines," was issued this past July. It paints a devastating picture of uncleared mines as a scourge of war-torn nations trying to rebuild themselves after the conflict ends.

According to the report, more than 85 million landmines scattered around the world kill 150 people each week, maim countless more, and pose a devastating obstacle to efforts to repatriate refugees and resettle lands in areas that were formerly war zones.

If mines are not cleared from these areas of habitable land, refugees cannot return to these areas and rebuild their lives and their societies. Farmers cannot plant crops in fields littered with mines. Injuries from mine explosions overwhelm health care facilities. The cost of demining is a heavy burden to struggling economies. To demine up to 7 million landmines spread across Cambodia, that nation's entire GDP for 5 years would have to be devoted to nothing else but clearing these mines.

The "Hidden Killers" report outlines practical steps that the United States can take to address this enormous problem. The solution involves training foreign military personnel and civilians to conduct demining operations, and providing them with the equipment and technical assistance to carry out the job themselves. U.S. know-how and equipment can help these nations to help themselves.

In particular, the report focuses on the interagency Demining Consultative Group. This group, consisting of representatives of the Office of the Secretary of Defense, the Joint Chiefs of Staff, regional bureaus of the State Department, and selected demining experts of the Defense Department, brings together experts on the technical and policy problems of demining to formulate a national strategy for addressing the global problem.

The specific recommendations contained in the report emphasize three main areas: education and training, technical assistance, and equipment and technology.

The report points to two training methods that have proved effective to date. The first consists of bringing foreign personnel to the United States for training as demining instructors. In the spring of 1993, the U.S. Army conducted its first demining training course for foreign mine clearing instructors. The course was a success, and the report recommends continuing this form of training, which costs less than $4,000 per trainee.

The second method consists of sending Special Operations Forces overseas to conduct training on mine clearing in the nations that need it. The Special Operations Command has already conducted a successful demining training course under U.N. auspices in Afghanistan. The command has used this experience to develop a demining training course that it can tailor to local conditions around the world.

With respect to technical assistance, the Defense Department has outstanding experts on mine detection and removal located at several key centers around the Nation. They have compiled a comprehensive database on mines and demining. This database should be put in declassified form and made available to foreign demining personnel and to the U.N.

The Demining Coordination Group is currently looking at ways to establish an official communications channel between the United States and other nations. This system can make technical assistance available on a regular basis.

Finally, we can provide equipment to foreign personnel trained by our forces to clear mines. Much of this material consists of excess stocks maintained by our Armed Forces, and will require no additional procurement. We should also pursue new technologies for wide-area mine clearing.

The committee bill provides $10 million in research and development for advanced counter-mine warfare capability, and I hope that the needs of civilian mine clearing will be considered in that program as well.

This amendment provides $10 million to the Defense Department to implement these recommendations. This sum is an investment that will help remove a main obstacle to the reconstruction of war-torn nations, and I urge the Senate to approve it.

Mr. LEAHY. Mr. President, I rise to offer an amendment on behalf of Senator KENNEDY and myself to authorize up to $10 million for activities to support clearing landmines. When the Defense appropriations bill comes to the floor I intend to offer an amendment to make these funds available.

I want to applaud Senator KENNEDY for sponsoring this amendment, which I understand has been accepted by both sides.

Five years ago I started a fund in the foreign aid program to get medical aid to landmine victims. Last year I sponsored a moratorium on the export of antipersonnel landmines from the United States. This amendment is the third leg of this effort to stop the slaughter of innocent people by landmines.

There are 100 million landmines scattered around the world in over 62 countries. Think of what that means for the people of those countries, who live in constant fear that they, or their children, will inadvertently step on one of these explosives and lose a leg, or an arm, or their life.

In Cambodia, over 4 million mines have turned huge areas of that country into death traps for returning refugees. The same is true of Afghanistan, Nicaragua, Mozambique, Somalia, Bosnia. The list goes on.

The Defense Department has a long history of involvement in mine clearing, but from a military perspective. Its focus has been in countermine warfare, not getting rid of mines in humanitarian situations, to enable civilians to return to their land after a conflict.

The purpose of this amendment is specifically to get U.S. military personnel involved in training, technical assistance, and provision of equipment, and other activities in support of landmine clearing efforts in a humanitarian context.

We are not contemplating that these Americans will get involved in actual mine clearing. That is for the people of those countries. but our people have the expertise and the resources to assist countries that are trying to deal with their own landmine problems.

I look forward to discussions with the administration on the specifics of implementing this program.

Mr. President, long after the conflict has ended and people have forgotten why they were fighting, millions of landmines continue to kill and maim innocent people. The human and economic costs of these weapons is incalculable. This amendment is another step toward stopping this senseless slaughter.

The PRESIDING OFFICER. Is there further discussion on amendment No. 822?

Mr. NUNN. Mr. President, I believe we now have a unanimous-consent agreement, as I understand it, that has been entered on the Leahy amendment which has just been debated and will be voted on Tuesday.

The PRESIDING OFFICER. It will be the first vote taken after the caucus.

Mr. NUNN. Are the yeas and nays ordered on that?

The PRESIDING OFFICER. Yes.

Mr. NUNN. I ask unanimous consent there be no other amendment to that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate on amendment No. 822?

The amendment (No. 822) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BROWN. I thank the Chair. Mr. President, I have three amendments. Two have been agreed to by both sides. One has not been agreed to by both sides. I ask unanimous consent that I might be allowed to offer the three in order, and that my time in presenting the one amendment that has not been agreed to, by both sides, be limited to 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. NUNN. The majority would object. I apologize to the Senator. I did not hear.

The PRESIDING OFFICER. The Senator has asked unanimous consent that the three amendment, he has, be allowed to be offered now in order, and that the final amendment which has not been agreed upon by the managers have a 5-minute time agreement.

Mr. BROWN. Five minutes only to apply to my presentation.

Mr. NUNN. I think we can accomplish the same purpose, but this is a big unanimous-consent request. I do not have the amendments before me. I do not know what they are all about. We are under a very unusual kind of agreement, so I would ask the Senator if he would please deal with one amendment at a time.

I would at this point object to that unanimous-consent request, but I believe we could get the same thing done.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 823

(Purpose: To affirm that the Department of Energy will honor its commitments under existing environmental compliance agreements)

Mr. BROWN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Colorado [Mr. BROWN], for himself, Mr. CAMPBELL, and Mr. METZENBAUM, proposes an amendment numbered 823.

Mr. BROWN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 413, between lines 18 and 19, insert the following:

(e) EXISTING OBLIGATIONS.—(1) Notwithstanding any other provision of this section, nothing in this Act is intended to void or amend any obligation of the United States under any agreement referred to in subsection (a). In addition, this section is not intended to require any party to any agreement referred to in subsection (a) to renegotiate its agreement.

(2) The Secretary of Energy shall, 60 days prior to filing its report required in subsection (d), provide a copy of the proposed report and request comments from parties to agreements referred to in subsection (a). Any such comments received shall be printed as an appendix to the report to Congress.

Mr. BROWN. Mr. President, this bill that is before us provides for a review and an analysis of a number of projects in the environmental area. This amendment simply attempts to make it clear that the Department of Energy will honor its existing commitments under environmental compliance agreements, those, that is, agreements that have already been entered into and executed.

I believe it has been okayed by both sides.

Mr. CAMPBELL. Mr. President, I want to take this opportunity to thank the Armed Services Committee for its assistance in accepting this amendment to section 3138 of S. 1298, the Department of Defense authorization bill. Section 3138 of this bill requires the Secretary of Energy to review all of the Department of Energy's environmental compliance agreements, and identify requirements that are unnecessary or that cannot be completed by the required date. The language also requires the Department to consider alternatives to the agreements and report these alternatives to the congressional defense committees.

While the language is purportedly neutral with respect to future enforceability of these agreements, concerns have been raised that section 3138 of the bill severely undermines existing agreements between the DOE and State and Federal agencies.

Thanks to the passage of the Federal Facilities Compliance Act, States are now authorized to fine Federal agencies for violations of State hazardous waste laws. Section 3138, as written, seems to assume that States have been unreasonable in exercising their new enforcement authority. This assumption is totally unfounded. In short, section 3138, as written, weakens the position of the States in enforcing environmental agreements entered into with the Federal Government. This provision could jeapordize the current cleanup framework and further delay site cleanup, making a mockery of the Federal Government's stated goal of expedited cleanup at these sites.

The Campbell-Brown amendment clarifies the language in section 3138 by stating that nothing in the bill lessens any existing U.S. obligation with respect to these previous agreements between the States and the Department of Energy.

This amendment ensures that State sovereignty is protected so environmental agreements may be enforced, as outlined in the Federal Facilities Compliance Act.

Mr. NUNN. Mr. President, let me make sure that we are talking about the same amendment.

As I understand it, this amendment will clarify that the study of DOE environmental activities required by section 3138 of this bill would not void or amend any obligations that DOE has made in any environmental agreements. In addition, this amendment will clarify a provision of the authorization bill and would not require one party to any of the environmental agreements to renegotiate any agreement.

Is that the amendment we are talking about?

Mr. BROWN. It is.

Mr. NUNN. Mr. President, I recommend approval of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 823) was agreed to.

AMENDMENT NO. 824

(Purpose: To require the Secretary of the Air Force to determine the unit assignment and basing location for C-130 aircraft procured for the Air Force Reserve from funds appropriated for National Guard and Reserve Equipment procurement for fiscal year 1992 or 1993 in such manner as the Secretary determines to be in the best interest of the Air Force)

Mr. BROWN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Colorado [Mr. BROWN] for himself and Mr. CAMPELL, proposes an amendment numbered 824.

Mr. BROWN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 242, after line 19, insert the following:

SEC. 1067. BASING FOR C-130 AIRCRAFT.

The Secretary of the Air Force shall determine the unit assignment and basing location for any C-130 aircraft procured for the Air Force Reserve from funds appropriated for National Guard and Reserve Equipment procurement for fiscal year 1992 or 1993 in such manner as the Secretary determines to be in the best interest of the Air Force.

Mr. BROWN. Mr. President, this particular amendment is to require the Secretary of the Air Force to determine the unit assignment and basing locations for C-130 aircraft procured for the Air Force Reserve from funds appropriated for the National Guard for Reserve equipment procurement for fiscal years 1992 and 1993 in such manner as the Secretary determines to be in the best interests of the U.S. Air Force.

This amendment has been cleared by both sides.

Mr. CAMPBELL. Mr. President, I rise to support this amendment, and I commend the senior Senator from Colorado, my friend and colleague, for sponsoring this legislation.

Mr. President, this amendment is very short, and very simple, and I hope that we can accept it without debate. This amendment simply makes it clear that the Secretary of the Air Force has sole responsibility for determining where she wants to base C-130 aircraft already procured for the Air Force Reserve.

I trust Secretary Widnall to make this decision based on military efficiency and cost-effectiveness. Unfortunately, she may find her decisions second-guessed and undermined by congressional interference, which is usually entirely unjustified in military terms. I hope that the Senate will support this amendment in this particular instance, and perhaps we can set a small example here that we are going to quit playing political games by moving around military units.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 824) was agreed to.

AMENDMENT NO. 825

(Purpose: To ensure proposals for merger of United States Space Command and the United States Strategic Command proceed with thorough cost-benefit analysis and consultations with Canada)

Mr. BROWN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 825.

Mr. BROWN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 193, between lines 3 and 4, insert the following:

"Sec. 905. Requirement for Proposals to Merge the United States Space Command and the United States Strategic Command.

(a) DEFENSE DEPARTMENT REPORT.—Before submitting a final report on and before beginning a merger or move of any United States Space Command assets or functions to United States Strategic Command, the Secretary of Defense shall:

(1) CONSULTATIONS.—consult with the government of Canada on any proposed functional or operational transfers and the effect of any proposed merger of the two commands on existing agreements and practices of the two countries in defending the North American continent;

(2) REPORT.—submit to the Speaker of the House of Representatives and the Chairman of the Armed Services Committee of the Senate a report detailing—

(i) all of the costs, including possible environmental costs, that would be incurred through relocation of the United States Space Command or of any of its elements, functions or missions;

(ii) the results of consultations with the government of Canada, and the effect of such a merger on the defense agreements and practices of the two countries.

Mr. CAMPBELL. Mr. President, I join my friend and colleague from Colorado in support of this amendment. I know that General Powell broached the idea of merging the U.S. Space Command and the U.S. Strategic Command, and I agree that we need to study that option. I think we need to consider all proposals that might allow our armed services to do the job they need to do more efficiently. The Defense Department should have the freedom to make decisions based on military goals and cost effectiveness; it's our job to play politics.

It's also our job to provide oversight and guidance to the executive branch, including the Department of Defense. This amendment simply provides that oversight by ensuring the Secretary of Defense considers international factors regarding a potential Spacecom-Stratcom merger, and ensures that Congress has the necessary information to make an informed decision about this merger. We need that information to do our jobs as elected representatives.

Mr. President, I yield the floor.

Mr. BROWN. Mr. President, my intention is to limit my remarks on this amendment to 5 minutes or less.

Mr. NUNN. Will the Senator yield just for a brief observation?

It is my understanding the Senator from Nebraska [Mr. EXON] objects to the amendment. We are letting him know. This will be one of these amendments that will be debated and I assume we will vote on it on Tuesday.

Is that the Senator's understanding?

Mr. BROWN. Yes. While I do not have a final word for him, my thought would be to ask for a record vote. That can always be vitiated. But I think as a courtesy to the Senator from Nebraska that would be appropriate.

Mr. NUNN. He will be here in a moment, so if the Senator will just proceed we will be guided by that.

Mr. BROWN. I thank the Senator.

Mr. President, this particular amendment deals with a study that is currently underway, and that is the potential merger of the U.S. Space Command and the U.S. Strategic Command. There is an amendment dealing with this subject that is a part of the House bill. That particular amendment suggests that there be a moratorium on any merger or any recommended merger until a variety of items are studied and reviewed.

This amendment that I am proposing does not suggest a moratorium. I am suggesting simply that several factors be included in any analysis of that potential merger. Indeed, if there are savings to be achieved, this Congress ought to be willing to look at those potential savings.

What this amendment does, though, is pretty basic. Since the U.S. Space Command is a joint command—it is a command that is participated in by the sovereign nation of Canada along with the United States—this amendment asks that the Canadians be consulted before the report on this subject is completed.

It seems to me that is the least that we should do. It should not inordinately delay any decision in this area, but it seems the least that we ought to do before a decision or a report is made.

Mr. President, it also asks one additional thing. It asks that any report on this subject include the cost of moving that. That seems to me to be a basic item. I cannot imagine a report coming out without it. But this makes clear and makes sure that no decision is made and no report is generated without analyzing the cost.

These are two pretty basic, reasonable suggestions.

Mr. President, at this point I reserve the remainder of my time.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I was visiting with Senator LEAHY. Did the Senator from Colorado yield?

The PRESIDING OFFICER. The Senator from Colorado no longer has the floor. The Senator from Arkansas now has the floor.

Mr. PRYOR. Mr. President, I thank the Chair very much for recognizing me. I will be very brief. It is late. It is Friday afternoon. But I do want to address for a few moments a very critical issue in those communities, Mr. President, which have been adversely affected or will be adversely affected by military base closing.

On this amendment that I am offering today, we worked very carefully with several cosponsors, members of the Armed Services Committee, with members of the various committees involved with the issue of base closings.

We are very proud today to offer this amendment. I do so in behalf of 15 Members of the Senate, and in a moment I will send the amendment to the desk. I will read the names of the cosponsors.

The PRESIDING OFFICER. The Senator is advised that there is now an amendment pending. You have to ask unanimous consent to set it aside.

Mr. PRYOR. I was not aware of that. I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, before I proceed, I see my friend from Nebraska appearing, and he might want to question what we are doing. Am I wrong in that interpretation?

Mr. EXON. If I may respond without the Senator losing his right to the floor, I came down to speak against—possibly at some length—the amendment offered by the Senator from Colorado. That is why I am here. I will be talking about this for some time. I am not sure. Is the Senator from Arkansas offering an amendment?

Mr. PRYOR. Yes. Mr. President, if I may respond to my friend from Nebraska, I am about to momentarily send an amendment to the desk. It is an amendment that I understand has been accepted on both sides of the aisle. I will speak very shortly. Then I have another amendment. It, too, has been accepted on both sides of the aisle. I will not even speak on that amendment. I will just insert my statement in the RECORD. I do not want to detain the Senator, nor do I want to detain the Senate.

Mr. EXON. The Senator from Vermont has an amendment that I understand has been agreed to on both sides. The only possible difficulty the Senator from Nebraska has is an airplane schedule that I am somewhat tight on but not that tight.

Let me ask the Parliamentarian. Since we are on a streamlined procedure here, when an amendment is offered by a Senator then is that the proper time and the proper order for anyone who has differing points of view with regard to the amendment?

The PRESIDING OFFICER. The Senator is directing the question to the Chair. Is that right?

Mr. EXON. Yes. Or is it open to whoever gets the floor to do whatever they wish to do after an amendment has been offered?

The PRESIDING OFFICER. Under the procedure of the Senate, if there is an amendment pending, unless there is some unanimous-consent agreement entered to change that, if there is an amendment pending, it would have to be set aside to take up another amendment.

Mr. EXON. I would object therefore to the matter of procedure of setting aside of the amendment that I understand has been——

The PRESIDING OFFICER. The unanimous-consent agreement has already been entered into. The amendment has been set aside.

The Senator from Arkansas has the floor.

Mr. EXON. The Senator from Nebraska then is not in a position to make any further objection. I will await my turn.

Mr. PRYOR. Mr. President, I want to apologize to the Senator from Nebraska. I did not know I was doing anything that was going to preclude him from making his statement short or long on this.

Mr. President, I understand the Senator from Wisconsin, speaking of plane schedules, has a plane to catch. I am not yielding time. But for the moment I am going to sit down.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin [Mr. FEINGOLD] is recognized.

Mr. FEINGOLD. Thank you Mr. President. This will only need 30 seconds.

AMENDMENT NO. 826

Mr. FEINGOLD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself and Mr. KOHL, proposes an amendment numbered 826.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in bill add the following new section:

Purpose—Sense of the Congress regarding the justification for continuing the Extremely Low Frequency Communication System.

Findings—There is a need to re-evaluate all defense spending in light of the post-Cold War era and budget and fiscal constraints;

The Extremely Low Frequency Communications System (ELF System) was originally designed to play a role in the strategic deterrence mission against the former Soviet Union;

The threat of nuclear war has greatly diminished since the collapse of the Soviet Union;

The ELF system is increasingly in use for communications with our SSN attack submarines in addition to our strategic missile submarines;

Military base closing, downsizing of military facilities and activities, and termination of selected projects are appropriate in light of the end of the Cold War and the approximately $4 trillion national debt; and

It is appropriate to establish funding priorities within the military defense budget; and

Ongoing studies of the effects of ELF operations on human health and the environment are due to be concluded next year;

Now, therefore, it is the Sense of Congress that—

(1) The Secretary of Defense should conduct an evaluation of the benefits and costs of continued operation of the Extremely Low Frequency Communications System and alternatives thereto, if any;

(2) The results of such an evaluation should be submitted to the Congressional Defense Committees prior to consideration of the Fiscal Year 1995 Defense Budget request; and

(3) Extremely Low Frequency Communication System should again be considered in the next round of military base closures.

Mr. FEINGOLD. Mr. President, I understand that this amendment will be accepted by the managers and I appreciate their willingness to reach an agreement on the text of the amendment.

The amendment is a sense-of-the-Congress resolution that the justification for continuing the extremely low frequency [ELF] communications system should be reevaluated in light of our budget and fiscal constraints and the need to reevaluate all defense spending in light of the post-cold-war era. The amendment calls for DOD to conduct an evaluation of the benefits and costs to continue operation of the ELF system.

The ELF Project is a communication system of the U.S. Navy which was developed during the cold war as a device for the *Trident* submarine fleet to communicate through deep-water signals. This project is of special concern to Wisconsin because one of the 28-mile transmitter sites is in Clam Lake, WI.

ELF operates as a messenger—or bell ringer—which sends electromagnetic waves with one-way, phonetic-letter-spelled-out [PLSO] messages to submarines deployed in deep waters. The PLSO messages act like a beeper and tells the deep-water submarine that it needs to come to shallow waters to receive a message. In essence, ELF protects submarines by allowing them to surface to shallow waters only when they know they have messages, rather than risking periodic surfacing to check for messages. However, as we all know, the naval nuclear threat has greatly diminished since the collapse of the Soviet Union. Although originally designed for the *Trident* submarine, the resolution has been modified to note that it is also used in the SSN fleet.

Wisconsinites have been trying to kill this program ever since its creation in the early 1980's. On July 15, I introduced legislation, S. 1247, 5o terminate the program. The safety and security benefits it offered then were marginal at best. Today, as this amendment reflects, I believe a thorough review of ELF's continued purpose and costs is warranted.

I hope that the study which the resolution encourages the Secretary to undertake will look not only at the cost-effectiveness and relevance of this program, but also look at the environmental and public health hazards associated with ELF. The Navy has historically claimed that electromagnetic waves emanating from the transmitter are similar to the electromagnetic fields produced by ordinary civilian electric power companies. Residents in the area, however, point to a 1992 Swedish finding about the link between magnetic fields of power lines to leukemia.

Furthermore, I would point out that in 1984 a U.S. district court, ruling on State of Wisconsin versus Weinberger, ordered ELF to be shut down because the Navy paid insufficient attention to ELF's possible health effects and violated the National Environmental Policy Act. An appeals court threw out the ruling, arguing that the national security threat at the time from the Soviets was more important. While our national security is still of paramount concern, it seems sensible to review this ruling in light of the changed geostrategic realities.

For these reasons, I am pleased that this amendment will be accepted. We most certainly need a review and justification of ELF which will address both our military concerns and the threat to our national security posed by the bloated Federal deficit. This amendment calls on the Secretary of Defense to conduct such a review; I would hope that given its candidacy as a cold war relic the Office of Management and Budget will also play a major role in the study.

Once again, I thank the managers of this bill for their cooperation, and hope that this will be only the first step in eliminating project ELF and reordering our military priorities.

Mr. NUNN. Mr. President, I hope we will be able to accept this amendment.

Mr. President, this amendment has been worked out. The Senator from Wisconsin has been very cooperative in working with us on the working of this amendment. It is now a study as I understand it, and it would take an objective look at this system and determine whether it is still relevant and needed. Is my understanding correct?

Mr. FEINGOLD. That is correct.

Mr. NUNN. I recommend adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment (No. 826) was agreed to.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, with the tremendous cooperation and help from the distinguished Senator from Georgia [Mr. NUNN], I have an amendment.

The PRESIDING OFFICER. The Senator is advised that the Brown amendment has reoccurred.

Mr. LEAHY. I understand. I want to do this for the edification of the Senator from Colorado. I have an amendment which has been agreed to. I wonder if he would object if I ask unanimous consent to set it aside. I guarantee it will not take more than a minute.

I ask unanimous consent that the Brown amendment be momentarily set aside so that I can send to the desk an amendment in behalf of myself and Mr. SASSER.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO 827

(Purpose: To impose certain limits on the B-2 bomber aircraft program)

Mr. LEAHY. Mr. President, I send an amendment to the desk on behalf of myself and Mr. SASSER, and I ask for its immediate consideration.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself and Mr. SASSER, proposes an amendment numbered 827.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 20, between lines 4 and 5, insert the following:

(c) TOTAL PROGRAM LIMITATIONS.—(1) Notwithstanding any other provision of law, funds available for the Department of Defense pursuant to authorizations of appropriations in this or any other Act may not be expended for acquisition of more than 20 fully operational B-2 bomber aircraft that meet the Block 30 requirements (as defined by the Secretary of the Air Force as of August 1, 1993), plus one test aircraft.

(2) The total amount obligated on or after the date of the enactment of this Act for research, development, test, and evaluation for, and acquisition, modification and retrofitting of, the 20 B-2 bomber aircraft (and the one test aircraft) referred to in paragraph (1) and for paying the costs associated with termination of the B-2 bomber aircraft program upon completion of the acquisition of such 20 aircraft (and the one test aircraft) may not exceed $28,968,000,000 (in fiscal year 1981 constant dollars).

(3) The Congress declares that it will consider enacting legislation to increase the amount of the limitation specified in paragraph (2) if—

(A) for any fiscal year beginning after September 30, 1994, the Secretary of Defense has requested funds for the B-2 bomber aircraft program in the documents submitted to Congress by the Secretary in connection with the budget submitted to Congress pursuant to section 1105 of title 31, United States Code, for that fiscal year;

(B) obligation of the total amount of the funds so requested would not have violated the limitation; and

(C) the requested funds—

(i) have not been made available for such fiscal year as requested; or

(ii) have been made available for such fiscal year but have not been obligated in such fiscal year by reason of any limitation or restriction on the obligation of such funds that is contained in an Act enacted after the date of the enactment of this Act.

Mr. LEAHY. Mr. President, this is an amendment on the B-2 that would not have been worked out now except for the tremendous help of chairman of the committee and other Senators, Senator SASSER, and myself. I think we have an agreeable amendment.

Mr. President, this is a simple amendment: I am seeking to cap the B-2 bomber program at 20 planes, with a total program cost of $44.4 billion.

This is identical to the proposal put forward by then President Bush and Secretary of Defense Richard Cheney in January 1992.

As a long time opponent of the B-2 bomber, I was hoping this amendment would not be necessary.

I had thought the issue was settled once and for all last year.

The Senate tacitly endorsed the 20-plane proposal of the Bush administration, by barely rejecting an amendment I offered with Senators SASSER and COHEN to stop the program after 15 planes.

But 1 year later, 1 year after receiving its last rites, the heart of the B-2 program continues to beat. One prominent Senator, my good friend from Hawaii Senator INOUYE, recently sent a letter to the Secretary of Defense suggesting 60 B-2 bombers may be needed to handle future contingencies.

And, the report to this Defense authorization bill suggests that if the United States wants to retain the capability to fight two wars at once, the Air Force would need 60–100 B-2 equivalents.

The beat goes on.

Mr. President, enough is enough. We just voted to cut the budget deficit by $500 billion over the next 5 years. The American people say we still have not cut enough.

My amendment is about accountability and affordability. The Senate needs to ensure that the B-2 bomber program is finally going to cost what it is advertised to cost.

And if there are attempts to overturn the decision to build 20 B-2 bombers, a vigorous public debate is called for.

This amendment will guarantee just that.

Let me give you a few facts about the B-2 program and you can decide if we are at a point where we can even consider spending another dime on this program.

Congress has appropriated over $30 billion for the B-2 program over the past decade and the first plane is not yet operational.

The last five B-2's are more than one third complete but the Air Force has still not yet negotiated a contract with Northrop—the prime contractor.

The Secretary of Defense has not yet issued a required report that provides the final cost to build 20 planes.

Despite touting the conventional capability of the B–2, the Secretary of Defense asked Congress this year to begin a new $200 million program that improves the plane's bombing capability.

Under the most optimistic Air Force scenario, the B–2 will not reach its full potential for performing the most demanding conventional missions until after the turn of the century.

Mr. President, the chairman of the Senate Armed Services Committee will correctly inform the Members of this body that the Defense authorization bill includes no funding for more than 20 B–2 bombers.

There is not one penny to build an additional plane in the bill. But the door has been left open at the Treasury Department to spend billions more on additional planes.

The Defense Authorization Act report provides several pages of skepticism that the B–1 can be the backbone of our future bomber fleet as called for in Air Force planning documents.

I opposed the B–1—a plane which the American taxpayers spent over $30 billion to build in record time under no pretense of workmanship. I am not going to stand here on the Senate floor defending what I once referred to as the flying Edsel until Chairman NUNN pointed out to me that the plane does not fly half of the time. Now I just call it the grounded Edsel.

My patience on the B–1 is exhausted. The rubric of claims and counterclaims made about the plane is impossible to decipher. Here is an example: In April, the Air Force Chief of Staff testified that:

> This aircraft continues to perform magnificently in the field. The B–1 is becoming the work horse of the conventional bomber force.

But the Defense Authorization Committee came to quite a different conclusion in its report:

> The committee is also concerned about the ability of the B–1 to become a reliable conventional bombing workhorse.

The American taxpayer spent over $30 billion on either an incredible bomber or an incredible flying heap of junk.

Mr. President, I want to make sure that Congress does not end up throwing good money after bad. The debate over the current capabilities of the B–1 will continue this year. But that alone is not reason to start purchasing more B–2's—the only plane more expensive than the B–1.

While Chairman NUNN has not included any additional funding for B–2 bombers, the bill also does not impose a spending cap on the program at 20 planes.

The B–2 is not an entitlement program.

The amendment I am offering today simply ensures that the American taxpayer gets B–2's as advertised for the cost promised by the Air Force. Here is an insurance plan for accountability. If there is a cost overrun, the Air Force will need to ask for relief from the cap and why should the American people not deserve explanations after committing billions to the program.

I fully acknowledge that the debate over the future of the U.S. bomber force is ongoing. But, my amendment does nothing to preclude the President and Congress from deciding at a future date to turn the spicket back on for the B–2.

I am against purchasing any planes beyond the 20 authorized but if the Secretary of Defense at a future date determines we need additional bombers, he can seek to overturn the cap.

Accountability and affordability. The President and Vice President are fighting to bring that to the Federal Government. We need to reinforce those values on the Senate floor.

Mr. President, over the past several days, I have worked with Chairman NUNN on a modification that will accommodate his concerns about future funding fences that might be imposed by the Congress on this program.

I am pleased that we have come to an agreement on this issue that strikes a proper balance between accountability and common sense.

The modification I have made to my amendment states that Congress will consider lifting the cap in the future.

Let me put the Department of Defense on notice, however, that I will vigorously oppose attempts to lift the cap for sloppy cost overruns or defects.

Finally, Mr. President, I would like to thank several individuals who made important contributions to the negotiation of this compromise: J.P. Dowd of my staff, Bill Hoehn from the Senate Armed Services Committee, Ken Luongo from the Union of Concerned Scientists, and John Issacs from the Council for a Livable World.

Mr. SASSER. Mr. President, I rise today in support of an amendment to limit our Nation's fleet of B–2, Stealth bombers to 20. I commend Senator LEAHY for his strong leadership on this issue. I am glad to join him yet again in this continuing effort to restrain spending for the B–2 program.

Early last year we were told that the program would be stopped at 20 bombers. Indeed, in 1992 President Bush and Secretary of Defense Cheney declared that 20 would be adequate to meet the Nation's security needs.

But now we are hearing murmurs out of the Pentagon, and even here in the Senate, about the possibility of buying more B–2's. This amendment will nip that effort in the bud and write the already agreed upon cap of 20 bombers into law.

Otherwise, I believe there could be an attempt to reincarnate the B–2. I say reincarnate because some advocates of the B–2 are planning a second life for the so-called Stealth bomber.

In its first life the Stealth bomber was rationalized as a nuclear deterrent to the Soviet Union. But now that the Soviet Union is dead and gone, we can expect to see an effort to reincarnate this cold war relic as a conventional bomber. We will be told that all the B–2 needs is a new reason to live and it will be as good as new.

But in a February 1993 report, the General Accounting Office found that "Given the early stage of B–2 development, we believe it is premature to confirm its operational capabilities in a conventional role."

The Soviet threat is dead and gone and it is not coming back to life. But there are those who would like to bring the Stealth bomber back to life. I do not think we can afford to let that happen. I do not think we can afford any more $2 billion airplanes.

I hope we are going to be engaged in a great debate on the roles and missions of our Armed Forces. Providing for the common defense is one of this body's most fundamental responsibilities. As a Senator I feel a sense of urgency to well and faithfully discharge that duty.

I do not believe we can best serve the national security if we let the deliberations about our Nation's military needs be distorted by an effort to fabricate a new mission for a plane that belongs to the cold war era. We can only meet our real security needs with the resources available if we turn our backs on the past.

In 1986 advocates of the B–2 claimed that it would cost only a few percent more than the equivalent cost of the earlier B–1 Program. The record is now settled. We built the B–1's at a cost of, of about $280 million a copy. In anyone's book that's a lot of money.

But what is the actual cost of the B–2? A few percent more than the B–1? The taxpayer should be so lucky. The stealth bomber costs far more than its own weight in gold. The B–2's price today is over $2 billion a copy, almost 10 times the cost of the B–1. And I say today because if history is any guide, the B–2 will cost even more in the future.

As for performance, we heard that the B–2's payload would exceed anything we have in inventory. But now, according to the Air Force, if and when the B–2 becomes operational, its payload will be smaller than the two bombers in the inventory today. The B–2's payload will be far less than half that of the B–1—even less than the old B–52.

We are told we still need the B–2 to give our military global reach. I find that a surprising argument since, according to the Air Force, it also has less range than either the B–1 or B–52.

And the B–2 has failed radar tests. The Air Force is confident that the stealth problem can be addressed with a redesign—but it will cost money and time. This should remind us that the B-2 is still a long way from deployment, and no one knows what the next problem will be or when it will crop up.

Now the B-2 proponents' response to this dismal record is—and this is hard to believe—the answer is to change the standards. Despite the end of the cold war, and the numerous shortcomings of the B-2, there are those who will try to persuade us that we need more than 20 stealth bombers, even at a cost of $2 billion each, and even with the problems I have outlined.

These B-2 advocates would seek additional B-2's even after the Air Force has admitted that 20 is enough. In a study last year by the Department of the Air Force, known as the bomber roadmap, the Air Force declared that:

> The Total Aircraft Inventory force structure of 95 B-52Hs, 96 B-1Bs, and 20 B-2s meets future requirements. With that force structure, our analysis shows that we will be able to strike the priority target set under the harshest wartime conditions * * *

The B-2 belongs to the past, Mr. President. It is time that we put a definite end to this mistake and move on to the important business of providing for the real defense needs of this Nation in a post-cold-war world. Already defense priorities such as tactical aircraft modernization, strategic lift, and fair compensation for our outstanding service members are coming under heavy budgetary pressure. If the sluice gates were reopened to pay for more B-2's, then real defense needs such as these would go wanting.

Mr. President, the economic problems this country faces are the real national security issue here. We passed the largest deficit reduction plan in history. The American people are being asked to make sacrifices to put our economic house in order. They expect their Government to do the same. They expect meaningful change in the way we do business. They expect us to watch every penny of spending.

For 40 years we confronted a ruthless, implacable foe bent on world domination. Extraordinary measures were undertaken whenever the just cause of the cold war required. The United States never blinked, and the world will long remember the unshakable resolve of the American people.

But now the days of unbridled defense spending are over. They came to an end with the fall of the Berlin Wall and a soaring budget deficit. Each program within the Department of Defense must now make a legitimate and compelling case for its continued funding.

And, Mr. President, there is not one legitimate reason for expanding the B-2 bomber program beyond the currently planned level. I trust we will recognize that fact and exercise some spending restraint. To do less would fail the American people and our commitment to fiscal responsibility.

Mr. NUNN. Mr. President, this amendment limits the number of B-2's to 20, and limits the amount of funding on the B-2 to the amount that the Air Force has basically presented to the Congress as the total program.

Mr. President, it is no secret that I do not believe that limiting the B-2 to 20 was a wise decision. I have said that before. I will say it again. But if we are going to have more than 20 B-2's, it would have to only be done after very thorough deliberation and debate. In my view it should only be done if there are tradeoffs of the largest savings that the B-2 renders us as opposed to the alternative means of delivering long-range striking power.

The B-2 is a stealth aircraft. Many people still have not grasped what a stealth aircraft does. It allows you to have a long-range bombing mission from the United States in emergency situations without having to fly in F-16's and F-15's to protect the bomber. So it means that you can respond much quicker from bases in the United States than any other weapons system we have.

If for instance the Iraqis had continued to go into Saudi Arabia rather than stopping in Kuwait, we would have had no other way until we got all of our air power in the region. It would have taken days, if not weeks, to make these kind of missions because bombers would have had to be protected. The stealth does not have to be protected.

But the Senator has an amendment which is now the official position of this administration. It was the official position of the previous administration. It is not my own view but if we are going to have a different view on it, it should be fully debated and at that stage we would deal with this matter as we would have to deal with it. So I do not want the Senator to think that I agree with the substantive position. But I do not think there is any difference between this amendment and what the administration's position is at this point in time.

Mr. LEAHY. Mr. President, the Senator from Georgia and I are in total agreement on the point that if we are going to go further, if there is reason for it for national security, it should be debated at that point. We are in agreement on that.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Vermont.

The amendment (No. 827) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. This is an inquiry by the Senator from Nebraska. Have we now returned to the regular order?

The PRESIDING OFFICER. The Senator is advised we are now on the Brown amendment.

Mr. EXON. Mr. President, the amendment offered by the Senator from Colorado was one that he had discussed with me briefly earlier in the day, and we should have a thorough understanding and a thorough debate on this matter. If the amendment remains before the body, then certainly I would insist on a rollcall vote on this matter at the appropriate time in the schedule.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CONRAD). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEMPTHORNE. I ask unanimous consent that it be in order to move to reconsider and table, en bloc, the actions taken on amendments 823 and 824.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote on amendments No. 823 and No. 824.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 828

(Purpose: To revise the provision of assistance to communities affected by base closures)

Mr. PRYOR. Mr. President, I have conferred with the managers of the bill, and they have given me the opportunity, for which I am very grateful, to proceed with this amendment which is going to be sponsored by some 15 Members of the Senate.

This amendment deals with those communities that have been subjected to base closings, and those communities which will be adversely affected by base closings in the future.

Mr. President, this amendment is very simple. It represents a lot of work and a lot of cooperation with various committees of the Senate. It states, as a purpose, that community economic redevelopment will be the primary goal of the military base closure process. This amendment implements provisions of President Clinton's previtalizing base closure communities plan, as well as the recommendations of the 1993 Senate Democratic Defense Reinvestment Task Force report entitled "Reinventing Government to Help Defense-Impacted Communities."

There are several main features of this community economic redevelopment plan as it relates to base closures, Mr. President. I am going to suggest two or three of them. It is late in the afternoon, Friday, at 6:15. But because of its importance and because of the message we now must get out to the communities—and it is good news, I might add—let me hit just two or three of these basic points.

For most military bases, this amendment is going to require that the military itself maintain the condition of these bases and leave all but mission-essential property on the base for a period of 2 years—2 years after the closure is announced—and this will give the communities more time to organize and plan for base redevelopment.

The second thing it is going to do, Mr. President, is make base properties available for reuse much earlier than before, make them cheaper for communities to obtain and to afford, will leave them fully equipped, all in the name of creating jobs and restoring communities to economic health.

Mr. President, within the Department of Defense, it is further going to decentralize the authority to grant leases for base properties in order to speed up this very vital process.

Right now, each town, each community in which a base has been closed, has to send every proposed lease to Washington, DC, for review by the Deputy Secretary of Defense and some 20 lawyers in order to obtain approval for the lease. It adds time, and it takes money. Communities and their representatives have to hire attorneys to go through this laborious and complicated and bureaucratic process. We are going to eliminate that and decentralize this authority.

The third area, Mr. President, is, it is going to implement the Fast Track Cleanup process the President recommended for removing needless delays to redevelopment, while protecting human health and safety. This deals, of course, with the environmental concerns on those bases.

The fourth thing that this amendment does is, it is going to empower base closure communities across America. It gives the communities the attention, the information, and the technical assistance they are all going to need to succeed at redevelopment. It creates transition coordinator positions proposed by the President to cut through Federal redtape and assist communities with redevelopment. It also requires each Federal agency involved in base closure or redevelopment to designate a contact person to provide information and assistance for each base.

It creates a Community Response Board composed of Federal decisionmakers that communities can come before annually to air their concerns, grievances, or suggestions.

The fifth area, among others, is it speeds the planning and redevelopment grants, and it does this considerably. It gets the money for redevelopment planning in the hands of the communities much sooner. It makes planning grants available to base closure communities within 7 days of the receipt of a completed application. Finally, it ensures the Economic Development Administration has adequate administrative funds to make redevelopment grants to the communities.

Mr. President, once again, we think this is good news for communities across America, those that have been affected, and those that will be affected by the military Base Closure Commission's decisions. I have had the unpleasant opportunity, I might say to my colleagues, to experience the pain of a base closing firsthand, when, in 1991, the Base Closure Commission decided to shut down the Eaker Air Force Base, which was some three decades old. It was a B-52 SAC base in Blytheville, AR. Without question, it was the largest employer in northeast Arkansas. Today, that base is totally closed.

In our State, our efforts, with Senator BUMPERS and other members of our delegation, with members of the State delegation in Little Rock and then-Governor Clinton, our efforts to create new jobs on the old base have been not constantly helped, but actually hindered, by our own Government, in barriers and endless bureaucratic redtape.

Until very recently, the Department of Defense and other Federal agencies have done little more than stand in the way of progress, as the local communities out there found themselves on their own, working hard but sometimes working diligently without any results and without any assistance to redevelop the base property. It is still unclear to me why our Government has not been extending a helping hand to these communities before now.

But we think that help is on the way. We think that help is on the way because we have a President who listens to these concerns and an administration that cares about these matters. We believe that we are going to, with the adoption of this amendment, cut out a lot of redtape. We are going to show the communities that we are sensitive to their concerns, and that we are going to make economic redevelopment the No. 1 priority in the base closure process.

Fortunately, President Clinton has provided magnificent leadership on this issue. On July 2 of this year, just moments after the Base Closure Commission submitted its list, President Clinton unveiled his bold plan to help base closure communities.

The President's plan recognizes that former military bases can be fertile grounds for future economic activity, and that we should help communities create new jobs on closed bases. I am pleased to say that the amendment we are offering today will implement the key elements of the President's plan and complement it by incorporating numerous recommendations contained in the 1993 report of the Senate Democratic Task Force on Defense Reinvestment.

This year the Senate majority leader asked me to reconvene our task force to study and report on ways to make base closure and redevelopment easier on communities. During the deliberations of our task force, it quickly became apparent that base closure communities all across America were experiencing similar problems, and they needed help immediately. Earlier this summer our task force issued its report recommending specific ways to help base closure communities, and as I said earlier, I am pleased that this amendment we are offering today incorporates a majority of the recommendations in our task force report.

Our amendment will make economic development the top priority at closing bases and will minimize the bureaucratic problems that plagued redevelopment for years. It will help put base property to work creating new jobs. The amendment takes a commonsense approach toward the difficult environmental cleanup process and it will provide needed relief to the interim leasing process that has been so disruptive and cumbersome in the past.

Our amendment will speed up the delivery of grants for economic planning, and finally, it will empower communities to obtain the critical information and assistance they need to attract businesses and generate economic activity on a closing base.

Mr. President, perhaps the most amazing aspect of our amendment is that it does not cost the taxpayers one single penny of new money. Let me restate this point. This amendment will provide a tremendous amount of relief and assistance to base closure communities without costing the taxpayers a single penny. That, Mr. President, is what I call good government reinventing a spirit of common sense.

Base closure communities have clearly stated that money is not the problem in their efforts to redevelop closed bases. The government's attitude has been the problem, and this amendment is an attitude adjustment.

Base closure communities have been crying out for help, Mr. President, and in the past our government was not listening. I am very proud to say that our President is listening to base closure communities.

President Clinton truly understands that we cannot turn a cold shoulder to those who helped us win the cold war. Communities and workers who faithfully supported military installations for years deserve much more than a handshake when the time comes to shut down their hometown bases.

Let me emphasize that of the 71 major installations targeted for closure since 1988, only 8 have actually closed their doors. We are only beginning to feel the painful effects of base closings. We must act now and help these communities.

I would like to thank the distinguished chairman and ranking member of the Senate Armed Services Committee for their help and assistance in bringing this amendment to the floor. I would like to express my gratitude to Madelyn Creedon and Bob Bayer of the Armed Services Committee staff for their work. I would also like to express my gratitude to Mr. Charley Armstrong of the Senate Legislative Counsel's office for his help drafting the amendment. Most importantly, I want to thank and commend each of the 24 members of the Senate Democratic Task Force on Defense Reinvestment for their commitment to easing this difficult transition from swords to plowshares.

I urge my colleagues to support the Base Closure Community Empowerment Act.

Mr. President, I ask unanimous consent that a summary of the amendment stating the five points that this amendment attempts to accomplish be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE PRYOR BASE CLOSURE AMENDMENT

The Pryor amendment will make community economic redevelopment a primary goal of the military base closure process. The amendment implements provisions of President Clinton's "Revitalizing Base Closure Communities" plan, as well as recommendations of the 1993 Senate Democratic Defense Reinvestment Task Force report, "Reinventing Government to Help Defense Impacted Communities." The main features of the amendment are as follows:

First, protect community interests in closing bases. For most bases, the amendment will require the military to maintain the condition of the base and leave all but mission essential property on base for two years after the closure is announced to give communities time to get organized and plan for base redevelopment.

Second, put property to work creating new jobs. Make base properties available for reuse much earlier than before, make them cheaper for communities to obtain, and leave them fully equipped—all in the name of creating jobs and restoring communities to economic health.

Conduct the review of base properties for reuse by other federal agencies and homeless providers within six months after the closure is finalized to allow communities to move forward with redevelopment plans earlier.

Allows the Secretary of Defense to lease or transfer the land and buildings on base to the local community at a reduced price or for free.

Within the DOD, decentralize the authority to grant leases for base properties in order to speed this vital process.

Requires the military to sit down with the local communities, find out what equipment and fixtures on base are needed for redevelopment, and transfer all these items with the land and buildings.

Third, fast-track cleanup. Implements the President's recommendations for removing needless delays to redevelopment while protecting human health and safety.

Identify clean base parcels and make them available for reuse within 18 months of the closure announcement, or 9 months for parcels with an already identified reuse.

Complete the documentation required by the National Environmental Protection Act within twelve months, and with the community reuse plan in mind.

Fourth, empowering communities. Give communities the attention, the information, and the technical assistance they need to succeed at redevelopment.

Creates the transition coordinators position proposed by the President, to cut through federal red tape and assist communities with redevelopment.

Requires each federal agency involved in a base closure or redevelopment to designate a contact person to provide information and assistance for each base.

Creates a Community Response Board composed of federal decision makers that communities could come before annually to air grievances and suggest improvements to the closure process.

Requires the Secretary of Defense to conduct seminars to educate communities on federal programs of assistance for redeveloping closed bases.

Fifth, speed planning and redevelopment grants. Get money for redevelopment planning and projects in the hands of communities sooner.

Makes planning grants available to base closure communities within seven days of receipt of a completed application.

Ensures the Economic Development Administration has adequate administrative funds to make redevelopment grants to communities.

Mr. PRYOR. Mr. President, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. CONRAD). If there is no objection, amendment No. 825 is set aside.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. PRYOR], for himself, Mrs. BOXER, Mr. BINGAMAN, Mr. PELL, Mr. RIEGLE, Mr. DODD, Mr. ROBB, Mr. WOFFORD, Mr. HOLLINGS, Mr. KENNEDY, Mr. JOHNSTON, Mrs. FEINSTEIN, Mr. ROCKEFELLER, Mr. SASSER, Mr. CONRAD, and Mr. SHELBY, proposes an amendment numbered 828.

Mr. PRYOR. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 358, strike out line 13 and all that follows through page 374, line 15, and insert in lieu thereof the following:

SEC. 2903. PROHIBITION ON TRANSFER OF CERTAIN PROPERTY LOCATED AT MILITARY INSTALLATIONS TO BE CLOSED.

Section 2905(b)(2) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended—

(1) in subparagraph (A), by striking out "Subject to subparagraph (C)," and inserting in lieu thereof "Subject to subparagraphs (C), (F), and (G),"; and

(2) by adding at the end the following:

"(F)(i) Not later than 6 months after the date of approval of closure of an installation, the Secretary of Defense shall, in consultation with the local reuse authority recognized and funded by the Secretary, identify the items (or categories of items) of personal property related to real property on that installation that is anticipated to be included in a reutilization and redevelopment plan with respect to such installation. Such items may include common use items.

"(ii) If no local reuse authority recognized and funded by the Secretary exists with respect to a military installation referred to in clause (i), the Secretary shall consult with—

"(I) the local government in whose jurisdiction the installation is wholly located; or

"(II) a local government agency or State government agency designated for the purpose of such consultation by the chief executive office of that State.

"(iii) Except as provided in clauses (vi) and (vii), the Secretary of Defense may not carry out any of the activities referred to in clause (iv), until the earlier of—

"(I) one week after the date on which the reutilization and redevelopment plan, if any, for the installation is submitted to the Secretary by the local reuse authority;

"(II) the date on which the local reuse authority notifies the Secretary that it will not submit a plan referred to in subclause (I);

"(III) twenty-four months after the date of approval of closure or realignment of the installation; or

"(IV) ninety days before the closure of the installation.

"(iv) The activities referred to in clause (iii) are activities relating to the closure of a military installation as follows:

"(I) The transfer from the installation of items of personal property identified in accordance with clause (i).

"(II) The reduction in maintenance and repair of facilities or equipment of the installation below levels required to support the use of such facilities or equipment for nonmilitary purposes.

"(v) The Secretary may not transfer items of personal property on an installation to be closed or realigned under this part to another installation, or dispose of such items, if they are identified in a reutilization and redevelopment plan for the installation submitted to the Secretary by a local reuse authority as items essential to the reuse of the installation.

"(vi) This subparagraph shall not apply to any personal property—

"(I) that is required for the operation of a unit or weapons system being transferred to another installation;

"(II) that is uniquely military in character, and has no civilian use (other than use for its material content or as a source of commonly used components); or

"(III) that the local reuse authority agrees is not required in connection with the reutilization or redevelopment of an installation to be closed.

"(vii) Notwithstanding clauses (iii) and (v), the Secretary may carry out any of the activities referred to in clause (iv) and (v) if the Secretary determines that such activities are in the national security interest of the United States.".

SEC. 2904. AUTHORITY TO TRANSFER PROPERTY AT CLOSED OR REALIGNED INSTALLATIONS TO AFFECTED COMMUNITIES AND STATES.

Section 2905(b)(2) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), as amended by section 2903, is further amended by adding at the end the following:

"(G)(i) The Secretary of Defense may, under regulations prescribed by the Secretary that set forth guidelines for determining consideration, transfer real property or facilities and any personal property related thereto (including common use items of personal property) located at a military installation to be closed or realigned under this part to—

"(I) the redevelopment authority of a community that is located near the installation, if such redevelopment authority is authorized to accept the transfer;

"(II) the redevelopment authority of the State in which the installation is located, if such redevelopment authority is authorized to accept the transfer; or

"(III) any other public entity selected for such transfer by the Secretary.

"(ii) The transfer under this subparagraph may be for consideration, without consideration, for consideration in kind, or for consideration at or below the fair market value of the real property, facilities, or personal property transferred.

"(iii) The transfer under clause (i) may not take place until the redevelopment authority or other public entity selected by the Secretary for the transfer has taken into consideration in the reutilization and redevelopment plan for the military installation to be closed or realigned the needs of the homeless in the community or communities affected by such closure and has reasonably provided for such needs in such plan. All transfers shall be in accord with section 120(h) of CERCLA".

SEC. 2905. AUTHORITY TO LEASE CERTAIN PROPERTY AT INSTALLATIONS TO BE CLOSED.

(a) LEASE AUTHORITY.—(1) Section 2667(f) of title 10, United States Code, is amended by inserting "or local reuse authorities recognized by the Secretary of Defense" after "governments".

(2) Section 2667 of such title is amended by adding at the end the following:

"(g)(1) Notwithstanding paragraph (3) of subsection (a) and title II of the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 481 et seq.), whenever the Secretary of a military department concerned considers it advantageous to the United States, the Secretary concerned may lease to any lessee, upon any terms that the Secretary concerned considers appropriate, any real and related personal property (including common use items of personal property) that is located at a military installation that has been selected for closure under the following provisions of law:

"(A) The provisions of title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

"(B) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

"(2)(A) The Secretary concerned may provide, in the case of the lease of property referred to in paragraph (1), for the payment (in cash or kind) by the lessee of consideration in an amount that is less than the fair market rental of the leasehold interest. Services relating to the protection and maintenance of the property leased may constitute all or part of such consideration.

"(B) The term of a lease under this paragraph may be for such number of years as the Secretary concerned determines appropriate.

"(C) A lease under this paragraph may include an option to purchase the property subject to the lease. Such option shall be exercisable upon the termination of the lease and shall be for a price, fixed in the lease, that the Secretary concerned considers likely to represent fair market value of the property subject to the option at the anticipated date of termination of the lease. The exercise of such option shall be in accordance with section 120(b) of CERCLA.

"(3) Before entering into any lease under this subsection, the Secretary shall consult with the Administrator of the Environmental Protection Agency in order to determine whether the environmental conditions at the property proposed for leasing permit the lease of the property. The Secretary and the Administrator shall enter into a memorandum of understanding setting forth procedures for carrying out the determinations under this paragraph.

"(4)(A) The Secretary of Defense shall, in regulations prescribed by the Secretary, permit the payment by the Secretary concerned of the administrative costs (including any administrative costs of the Department of Defense or of contractors of the department) relating to the entry of a lessee described in subparagraph (B) into a lease under this subsection.

"(B) A lessee referred to in subparagraph (A) is any lessee whose financial circumstances are such that the payment of costs under this paragraph is necessary to facilitate the entry of the lessee into the lease.

"(C) The regulations prescribed under this paragraph shall provide for determining whether a lessee is entitled to the payment of costs under this paragraph.".

(b) CONFORMING AMENDMENTS.—(1) The section heading of section 2667 of title 10, United States Code, is amended to read as follows:

"§ 2667. Leases: non-excess property; property at installations to be closed".

(2) The table of sections at the beginning of chapter 159 of such title is amended by striking out the item relating to section 2667 and inserting in lieu thereof the following:

"2667. Leases: non-excess property; property at installations to be closed.".

(c) REGULATIONS.—The Secretary of Defense shall prescribe the regulations referred to in section 2667(g)(3)(A) of title 10, United States Code (as added by subsection (a)), not later than 30 days after the date of the enactment of this Act.

SEC. 2906. DELEGATION OF AUTHORITY TO ENTER INTO LEASES OF CERTAIN PROPERTY.

The Secretary of Defense shall, in regulations prescribed by the Secretary, provide for the delegation of the authority of the Secretary to enter in leases under section 2667(g) of title 10, United States Code (as amended by section 2905(a)). The regulations shall specify one or more officials to whom such authority shall be delegated. The Secretary shall prescribe such regulations not later than 30 days after the date of the enactment of this Act.

SEC. 2907. EXPEDITED DETERMINATION OF TRANSFERABILITY OF EXCESS PROPERTY OF INSTALLATIONS TO BE CLOSED.

(a) EXPEDITED DETERMINATION OF TRANSFERABILITY.—Section 2905(b)(2) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), as amended by section 2904, is further amended by adding at the end the following:

"(H)(i) Except as provided in clause (ii), the Secretary of Defense shall take such actions as the Secretary determines necessary to ensure that final determinations under subsection (b)(1) regarding whether another department or agency of the Federal Government has identified a use for any portion of an installation to be closed under this part, or will accept transfer of any portion of such installation, are made not later than 6 months after the date of approval of closure of that installation.

"(ii) The Secretary may, in consultation with the local reuse authority with respect to an installation, postpone the making of the final determinations referred to in clause (i) with respect to the installation for such period as the Secretary determines appropriate if the Secretary determines that such postponement is in the best interests of the communities affected by the closure of the installation.".

(b) APPLICABILITY.—The Secretary of Defense shall make the determination required under section 2905(b)(2)(H) of such Act, as amended by subsection (a), in the case of installations whose date of approval of closure occurred more than 6 months before the date of the enactment of this Act, and which are not closed within 6 months of such date, not later than 6 months after such date.

SEC. 2908. AVAILABILITY OF PROPERTY AND SERVICES FOR ASSISTING THE HOMELESS.

(a) AVAILABILITY OF PROPERTY.—Section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2667 note) is amended by adding at the end the following:

"(3)(A) Except as provided in subparagraph (B), nothing in this section shall limit or otherwise affect the application of the provisions of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.) to installations closed or realigned under this part.

"(B)(i) Not later than 30 days after the date of approval of closure or realignment of an installation under this part, the Secretary of Defense shall submit to the Secretary of Housing and Urban Development information with respect to the buildings and other real property located at the installation that satisfies the requirements for quarterly requests for information of the Secretary of Housing and Urban Development under subsection (a) of section 501 of such Act (42 U.S.C. 11411).

"(ii) Not later than 60 days after the date referred to in clause (i), the Secretary of Housing and Urban Development shall identify the buildings and other real property at the installation that meet the requirement of the third sentence of such subsection (a) and notify the Secretary of Defense of such identification.

"(iii) Not later than 15 days after the date referred to in clause (ii), the Secretary of Housing and Urban Development shall publish in accordance with subsection (c) of such section a list of the buildings and other real property identified under clause (ii).

"(iv)(I) Buildings and other real property included in the list published under clause (iii) shall remain available to assist the homeless in accordance with subsection (d) of such section 501.

"(II) If, at the end of the period referred to in paragraph (1) of such subsection (d), no notice of intent to use the buildings or other property, or any portion thereof, to assist the homeless is received by the Secretary of Health and Human Services under paragraph (2) of such subsection, the Secretary of Defense may make such buildings or other property, or portion thereof, available to the local redevelopment authority, if any, that has submitted a reutilization or redevelopment plan with respect to such installation for use of such buildings or other property, or portion, thereof, in accordance with such plan.''.

(b) APPLICABILITY.—The Secretary of Defense shall carry out the requirements of section 2905(b)(3)(B) of such Act, as amended by subsection (a), with respect to installations whose date of approval of closure is more than 90 days before the date of the enactment of this Act, and which are not closed on such date, not later than 30 days after such date.

SEC. 2909. TRANSITION COORDINATORS FOR ASSISTANCE TO COMMUNITIES AFFECTED BY THE CLOSURE OF INSTALLATIONS.

(a) IN GENERAL.—The Secretary of Defense shall designate a transition coordinator for each military installation to be closed under a base closure law. The transition coordinator shall carry out the activities for such coordinator set forth in subsection (c).

(b) TIMING OF DESIGNATION.—A transition coordinator shall be designated for a military installation under subsection (a) as follows:

(1) Not later than 15 days after the date of approval of closure of that the installation.

(2) In the case of installations approved for closure under a base closure law before the date of the enactment of this Act, not later than 15 days after such date of enactment.

(c) RESPONSIBILITIES.—A transition coordinator designated with respect to an installation shall—

(1) encourage, after consultation with officials of Federal and State departments and agencies concerned, the development of strategies for the expeditious environmental cleanup and restoration of the installation by the Department of Defense;

(2) assist the Secretary of the military department concerned in designating real property at the installation that has the potential for rapid and beneficial reuse or redevelopment in accordance with the reutilization and redevelopment plan for the installation;

(3) assist such Secretary in identifying strategies for accelerating completion of environmental cleanup and restoration of the real property designated under paragraph (2);

(4) assist such Secretary in developing plans for ensuring that, to the maximum extent practicable, the Department of Defense carries out any activities at the installation after the closure of the installation in a manner that takes into account, and supports, the reutilization and redevelopment plan for the installation;

(5) assist such Secretary in developing plans for the closure of the installation that take into account the goals set forth in the reutilization and redevelopment plan for the installation;

(6) assist the Secretary of Defense in making determinations with respect to requirements for, or the transfer of property at, the installation under section 2905(b)(2)(H) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as added by section 2907;

(7) assist a local economic redevelopment authority concerned with reuse of the installation in identifying real or personal property located at the installation that may have significant potential for reuse in accordance with the reutilization and redevelopment plan for the installation;

(8) assist the Office of Economic Adjustment of the Department of Defense and other departments and agencies of the Federal Government in coordinating the provision of assistance under transition assistance and transition mitigation programs with community redevelopment activities with respect to the installation;

(9) assist the Secretary of the military department concerned in identifying leases of property located at the installation that are consistent with the reutilization and redevelopment plan for the installation; and

(10) assist the Secretary of Defense in identifying real or personal property located at the installation that may be utilized to meet the needs of the homeless by consulting with the Interagency Council on the Homeless or the local lead agency of the homeless, if any, referred to in section 210(b) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11320(b)) for the State in which the installation is located.

SEC. 2910. COORDINATION OF ACTIVITIES OF OTHER FEDERAL DEPARTMENTS AND AGENCIES RELATING TO INSTALLATIONS TO BE CLOSED.

Not later than 30 days after the date of the enactment of this Act, the head of each department or agency of the Federal Government having jurisdiction over a matter arising out of the closure of a military installation under a base closure law, or the reutilization of such an installation, shall designate for each such installation an individual in such department or agency who shall provide information and assistance to the transition coordinator for such installation designated under section 2907 on the assistance, programs, or other activities of such department or agency with respect to the closure or redevelopment of such installation.

SEC. 2911. COMMUNITY RESPONSE BOARD.

(a) REQUIREMENT.—The Secretary of Defense shall establish a community response board with respect to the closure of military installations under base closure laws. The community response board shall have the responsibilities set forth in subsection (c).

(b) COMPOSITION; CHAIRMAN.—(1) The community response board shall be composed of the following members:

(A) The Secretary of each military department concerned or a representative or representatives of such military department who has an expertise in environmental matters or property disposal matters and who shall be appointed by that Secretary.

(B) One representative of the Department of Defense having an expertise in environmental matters, to be appointed by the Secretary of Defense.

(C) One representative of the Department of Defense having an expertise in the disposal of property, to be appointed by the Secretary of Defense.

(D) One representative of the Office of Economic Adjustment of the Department of Defense, to be appointed by the Secretary of Defense.

(E) On representative of the Department of Labor, to be appointed by the Secretary of Labor.

(F) One representative of the Environmental Protection Agency, to be appointed by the Administrator of the Environmental Protection Agency.

(G) One representative of the General Services Administration, to be appointed by the Administrator of General Services.

(H) One representative of the National Economic Council, to be appointed by the Director of the National Economic Council.

(I) The Executive Director of the Interagency Council on the Homeless pursuant to section 201 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11311).

(J) One representative of the Department of Housing and Urban Development, to be appointed by the Secretary of Housing and Urban Development.

(K) Such other representatives as the Secretary of Defense, in consultation with the Director of the National Economic Council, determines appropriate.

(2) The Secretary of a military department may serve as a representative of such department under paragraph (1)(A).

(3) The Secretary of Defense, in consultation with the Director of the National Economic Council, shall designate the chairman of the board.

(c) RESPONSIBILITIES.—(1) The community response board shall—

(A) receive comments from appropriate representatives of the redevelopment authorities, if any, established with respect to installations to be closed or realigned under a base closure law on the progress, if any, made by such authorities toward the reutilization or redevelopment of such installations, and any impediments to such progress;

(B) to the maximum extent practicable, propose and develop solutions to such impediments; and

(C) submit a report to the President on such comments and solutions.

(2) In proposing and developing solutions to impediments to the reutilization or redevelopment under paragraph (1)(B), each member of the board shall, to the maximum extent practicable, solicit comments and proposals on such solutions from the Federal department or agency of which such member is a representative and utilize the resources and expertise of the Federal department or agency of which such member is a representative.

(3)(A) The community response board shall receive comments under paragraph (1)(A) by public hearing and by any other means determined appropriate by the board.

(B) The community response board shall offer to hold, and upon the approval of a redevelopment authority shall hold, not less than one such hearing each year with respect to each major installation approved for closure under a base closure law until that installation has been closed for more than 5 years. When holding a hearing with respect to an installation, the board shall ensure that the member or members of the board from the military department having jurisdiction over the installation is present.

(C) At each hearing with respect to an installation, the transition coordinator designated for such installation, or the designee of the coordinator, shall appear before the board with representatives of the redevelopment authority.

(D) The community response board shall meet at least three times each year to carry out the activities referred to in paragraph (1)(B).

(E) The community response board shall submit a report referred to in paragraph (1)(C) at least once each year.

(d) TERMINATION.—The authority of the community response board to carry out activities under this section shall terminate on December 31, 2006.

SEC. 2912. ASSISTANCE TO AFFECTED STATES AND COMMUNITIES THROUGH THE OFFICE OF ECONOMIC ADJUSTMENT.

(a) IN GENERAL.—From the funds authorized to be appropriated to the Department of Defense for the activities of the Office of Economic Adjustment of the Department of Defense, the Secretary of Defense may make grants to not more than one redevelopment authority of each community adversely affected by the closure of a military installation, to redevelopment authorities of States so affected, and to communities so affected in order to assist such authorities and communities, as the case may be, in developing and implementing reutilization and redevelopment plans for property located at military installations closed under base closure laws.

(b) PROCESSING REQUIREMENT.—The Secretary shall determine whether to make a grant under this section to a redevelopment authority or community, as the case may be, not later than 7 days after receiving a complete application for a grant from such authority or community.

SEC. 2913. IDENTIFICATION OF UNCONTAMINATED PROPERTY AT INSTALLATIONS TO BE CLOSED.

The Secretary of Defense shall identify the real property located at each military installation selected in 1993 or 1995 for closure under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) pursuant to the provisions of section 120(h)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(4)). The Secretary shall identify such real property at an installation not later than the earlier of—

(1) the date that is 9 months after the date of the submittal, if any, to the transition coordinator for the installation of a specific use proposed for all or a portion of the real property of the installation; or

(2) the date that is 18 months after the date of approval of closure of that installation.

SEC. 2914. SEMINARS ON REUSE OR REDEVELOPMENT OF PROPERTY AT INSTALLATIONS TO BE CLOSED.

The Secretary of Defense shall conduct seminars for communities in which a military installation to be closed or realigned under a base closure law is located. Such seminars shall be conducted within 6 months after the date of approval of closure of that installation, shall present the various Federal programs for the reutilization and redevelopment of installations to be closed under such law, and shall provide information about employment assistance, including employment assistance under Federal programs, available to members of such communities.

SEC. 2915. COMPLIANCE WITH CERTAIN ENVIRONMENTAL REQUIREMENTS RELATING TO CLOSURE OF INSTALLATIONS.

The Secretary of Defense shall, with respect to each military installation approved for closure or realignment under a base closure law—

(1) complete any environmental impact analyses required with respect to the installation pursuant to the base closure law under which the installation is closed, and pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), not later than 12 months, to the extent possible, after the date of the submittal, if any, to the Secretary of the military department concerned of an acceptable (as determined by the Secretary) reutilization and redevelopment plan for the installation by the community (as determined by the Secretary); and

(2) ensure that the environmental impact statement addresses environmental matters arising out of such plan.

SEC. 2916. AUTHORITY TO CONTRACT FOR CERTAIN SERVICES AT INSTALLATIONS BEING CLOSED OR REALIGNED.

(a) BASE CLOSURES UNDER 1988 ACT.—Section 204(b) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note) is amended by adding at the end the following:

"(5) The Secretary may contract with local governments for the provision of police services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this title if the Secretary determines that the provision of such services under such contracts is in the best interests of the Department of Defense. The Secretary may exercise the authority provided under this paragraph without regard to the provisions of chapter 146 of title 10, United States Code.".

(b) BASE CLOSURES UNDER 1990 ACT.—Section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), as amended by section 2906(b) is further amended by adding at the end the following:

"(4) The Secretary may contract with local governments for the provision of police services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this title if the Secretary determines that the provision of such services under such contracts is in the best interests of the Department of Defense. The Secretary may exercise the authority provided under this paragraph without regard to the provisions of chapter 146 of title 10, United States Code.".

SEC. 2917. CLARIFICATION OF UTILIZATION OF FUNDS FOR COMMUNITY ECONOMIC ADJUSTMENT ASSISTANCE.

(a) UTILIZATION OF FUNDS.—Subject to subsection (b), funds made available to the Economic Development Administration for economic adjustment assistance under section 4305 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2700) may by utilized by the administration for administrative activities in support of the provision of such assistance.

(b) LIMITATION.—Not more than three percent of the funds referred to in subsection (a) may be utilized by the administration for the administrative activities referred to in such subsection.

SEC. 2918. DEFINITIONS.

(a) BASE CLOSURE COMMUNITIES ACT.—In this title:

(1) The term "base closure law" means the following:

(A) The provisions of title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(B) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(2) The term "reutilization and redevelopment plan", in the case of an installation to be closed under a base closure law, means a plan that—

(A) is agreed to by the local redevelopment authority concerned or other entity recognized by the Secretary of Defense as the authority to direct the reutilization and redevelopment of the installation; and

(B) provides for the reuse of the real property and related personal property of the installation that is available as a result of the closure of the installation.

(3) The term "date of approval", with respect to a closure or realignment of an installation, means the date on which the authority of Congress to disapprove a recommendation of closure or realignment, as the case may be, of such installation under the applicable base closure law expires.

(b) BASE CLOSURE ACT 1990.—Section 2910 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following new paragraph:

"(8) The term 'date of approval of closure', with respect to a closure or realignment of an installation, means the date on which the authority of Congress to disapprove a recommendation of closure or realignment, as the case may be, of such installation under this part expires.".

Mr. PRYOR. Mr. President, I stated earlier that I was going to name the sponsors of this amendment. Let me at this time name those particular sponsors.

In addition to myself, we have Senators BOXER, BINGAMAN, PELL, RIEGLE, DODD, ROBB, WOFFORD, HOLLINGS, KENNEDY, JOHNSTON, FEINSTEIN, ROCKEFELLER, SASSER, CONRAD, and SHELBY.

Mr. President, also, Senator PELL from Rhode Island has been most instrumental in developing this amendment and most creative, I might say, in working in this field of base closures, and defense conversion issues across our country. He has been a loyal supporter in the field.

Mr. PELL. Mr. President, I am pleased to cosponsor this amendment offered by my able and esteemed colleague, Senator PRYOR. This amendment includes the provisions from the 1993 Senate Democratic task force on defense reinvestment and would supplement the 1993 Base Closure Communities Act already in the bill.

The recommendations included in this amendment are a result of numerous meetings between the 25-member task force and various local and Federal officials as well as experts from academia and the private sector.

Mr. President, as we move into the post-cold-war era, we will have to face complex economic problems that were heretofore overshadowed by the threat of global conflict. The economic effects of military downsizing are pinching many communities. Much of the debate surrounding some of the amendments that have been offered deal precisely with the economic impact on communities—from the BRAC process to drastic downsizing of defense-dependent firms.

These complex economic problems, though formidable, can be overcome with an imaginative, creative, and cooperative effort to help bring about a positive resolution. Coming on the heels of the 1993 base closure process, this amendment will make community economic redevelopment a primary goal of the military base closure process and implements provisions of President Clinton's "Revitalizing Base Closure Communities" plan. Among the main features of the amendment are provisions which would make base properties available for reuse much earlier than before as well as making them cheaper for communities to acquire. It would also quicken the cleanup process at the closed bases, and speed planning and redevelopment grants to get money in the hands of communities sooner.

Mr. President, the overall recommendations set forth in this amendment are positive and creative and, for the most part, will use existing Government structures wherever possible and leverage minimum public expenditures into maximum public benefits. After being briefed by officials from communities affected by the defense downsizing and base closures, the task force was convinced that the Federal Government's response to these defense impacted communities must be to eliminate bureaucratic barriers to economic redevelopment.

I commend Senator PRYOR for his tireless efforts as chairman of the task force and urge my colleagues to support this amendment.

Mr. RIEGLE. Mr. President, I rise in support of the amendment by Senator PRYOR, of which I am a cosponsor. This amendment embodies the recommendations of the Senate Democratic defense reinvestment task force. I commend Senator PRYOR for his leadership as chairman of the task force.

The overriding theme of the task force's report is "giving communities a voice". I heartily endorse that call. Too often in the base closing process, the community has been treated as a secondary, or even irrelevant, party. The emphasis within the system has been on shutting the base down, closing up, and getting out. We need to change that emphasis and put economic conversion and base reuse first.

One of the keys to putting economic conversion and base reuse first is early reuse planning. In that regard, I am especially pleased that this amendment contains a provision derived from my legislation on base reuse planning. The provision requires the military to continue to maintain the base and leave nonmission essential property on base for a period of 2 years after the closure announcement or until a reuse plan is developed. This ban on shutting down the base's essential systems and transferring the assets will give communities time to plan for reuse and economic development.

The amendment makes a number of other changes to the base reuse process. For example, the amendment provides for reform of the interim leasing process so that users can get on base as quickly as possible—even before the base is transferred to local control. These changes will give communities earlier and easier control of the base land and buildings and leave the base in a more development-ready state.

The changes to the base reuse process incorporated in this amendment are an attempt to learn from the mistakes of the past. In Michigan, we have twice gone through the painful process of closing an Air Force base. In the late 1970's, Kincheloe Air Force Base near Sault Ste. Marie was closed. At that time, this was almost a unique event and we needed to create the reuse process as we went along.

Earlier this year, the Wurtsmith Air Force Base near Oscoda was closed. In that case, it was part of a larger set of base closures. Yet, many of the laws and regulations dealing with base reuse were the same as when base closings were a unique event—not as part of the routine operations of the military in the wake of the end of the cold war.

Now, we face the closure of K.I. Sawyer Air Force Base in Michigan's Upper Peninsula. The changes to the process proposed in this amendment will be especially important as we go forward with the conversion and reuse of that base. They constitute a much needed updating and reform of the process to learn from our past experience.

Mr. President, this amendment will put the redevelopment needs of the communities first and prevent many of the problems that occurred in the past. The changes should help buffer some of the devastating impacts of a base closing on a community—and clearly prevent the process from becoming a bureaucratic nightmare for those already the hardest hit.

I urge its swift adoption.

Mr. RIEGLE. Mr. President, my colleague from Michigan, Senator LEVIN, and I would like to seek some clarification from the author of this amendment, Senator PRYOR, because of the impact that it may have on base closures in our home State. I am specifically concerned about the possibility of a Job Corps training center at K.I. Sawyer Air Force Base in Michigan's Upper Peninsula, which my colleague will describe.

Mr. LEVIN. Mr. President, I was recently in the Upper Peninsula of Michigan, and I was impressed with the determination of the citizens in the communities surrounding K.I. Sawyer AFB. The local economy faces potential devastation as a result of the impending closure of that Air Force base. But there is already extensive activity to try to develop reuse around that base.

Among the very real opportunities for reuse of K.I. Sawyer's facilities is the proposal being developed to place a Job Corps training center on the base, to be run by the Forest Service. This training center proposal is being developed in consultation with key community leaders, and it is the intention of everyone concerned to also consult with the local conversion authority as soon as it is constituted by the Michigan State Legislature.

Full development of this proposal by the Forest Service and other departments of the Federal Government may take more than the 6 months proposed to be allowed for Federal agencies to identify alternative uses for a closing base. That 6-month limitation is being established to protect local communities from long delays while Federal agencies consider whether to make use of such facilities, delays which could interfere with community efforts to attract private businesses and other reusers. But in this case, a 6-month limitation could, ironically, hurt the community, if it precludes complete preparation of a training center proposal that the community supports. Am I correct that it is just this kind of bad result that this amendment seeks to avoid?

Mr. PRYOR. The Senator is correct.

Mr. RIEGLE. Mr. President, I share my colleague's concern over the closure of K.I. Sawyer AFB and the possible economic devastation that may result. I too am impressed with the determination of the local communities to maintain and expand their economic base. The Job Corps proposal is one example of their efforts.

We must ensure that we do not inadvertently hinder these efforts. The amendment before the Senate does address the way Federal agencies can make use of facilities at bases being closed. I would like to inquire of Senator PRYOR, does the amendment in any way limit the possible use of facilities at K.I. Sawyer AFB by other Federal departments or agencies, and specifically, would the amendment foreclose the Job Corps training center proposal Senator LEVIN and I have described?

Mr. PRYOR. Mr. President, let me answer my colleagues' questions by stating that the legislation would permit the Secretary of Defense to leave open the opportunity for another Federal agency to obtain base property for an alternative use, beyond the normal 6-month Federal screening period that will be established by this amendment. The Secretary would determine whether to leave open this opportunity after consulting with the local redevelopment authority about what it wants done with the base property.

Thus, in the case raised by my colleagues from Michigan, the Secretary would be able to hold open the option for the Forest Service to use part of the base beyond the 6-month limit if so requested by the local community.

It is not our intent to completely preclude reuse by other Federal entities after the 6-month period. The language of this amendment is simply intended to limit to 6 months the ability of other agencies to exercise their current right to first priority for closed installations. For example, the redevelopment authority might recruit a Federal prison to the installation as part of their reuse plan. This amendment would not limit the ability of the Secretary to transfer property to the Justice Department when requested by the redevelopment authority, even after the final determinations have been made by the other agencies as to their claims on the site.

Mr. RIEGLE. Mr. President, I have one additional question. Am I correct in noting that this amendment, particularly the language in section 2903 which restricts the DOD from removing property from the base during the first 24 months after the closure has been finalized, does not require a complete halt in conversion and reuse activities at an installation while the local community is developing its reuse plan?

Mr. PRYOR. I agree with the Senator's interpretation. The 24-month ban on the transfer of personal property from a base is intended to protect the local community from the DOD stripping the nonmilitary assets of a base and transferring those assets to another facility. Nowhere in this amendment do we preclude the Secretary from taking actions to lease or sell real property on a base to a legitimate user at the request of the redevelopment authority and transfer the related personal property to that user, even before the submission of a reuse plan by the redevelopment authority. This amendment is intended to maximize the flexibility of the Secretary and the redevelopment authority to get alternative uses started as quickly as possible at the installation, not create more roadblocks to the process.

Mr. RIEGLE. I thank the Senator for his clarifications.

Mr. LEVIN. I thank the Senator and urge adoption of the amendment.

The PRESIDING OFFICER. Is there further discussion or debate on the amendment?

Mr. NUNN. Mr. President, this amendment to the Base Closure Act will help local communities that have been impacted by the loss of a military facility or the substantial realignment of the facility.

The amendment differs from the provisions reported by the Armed Services Committee in some key aspects, while maintaining its important provisions dealing with the lease and transfer of real property.

This amendment would allow the Defense Department to transfer or lease the base property that has been closed for less than full market value where appropriate as determined by regulations issued by DOD.

It will allow the lease and transfer of personal property related to the real property at reduced or no cost. It will expedite other parts of the overall base conversion process to try to help, to the maximum extent possible, local communities.

This is a good amendment. I want to congratulate Senator PRYOR. He has not only done a good job on this amendment, which has taken a considerable amount of work and a considerable amount of thought, but he has done a superb job as head of the task force on defense conversion. He has worked long and hard.

He has been faithful in the hearings and in the procedures and in the follow through. He did not have a press conference or two, and then rest on his laurels. He has followed through on this important subject, and I know he is going to continue to do so.

We do not call the names of staff very often around here, not nearly enough, because they work so long and hard. But I know from both observation and from what my staff tells me that Desten Broach, who is seated by Senator PRYOR, has done a superb job. And Steve Ronnel, who, I believe, is sitting in the back of the room, has done a superb job.

My staff has praised both of you over and over and over again. I know Senator PRYOR is very proud of the work you have done.

No matter what community it may be in this country, no matter how hard they have been hit, the problems are going to be eased somewhat by the work that this task force has done.

I also want to thank George Lauffer and Ron Kelly. Ron is no longer with the minority on the Armed Services side. George is here and working every hour on this bill. They have done a terrific job in helping in this respect, and in coordinating.

And, finally, on my staff Madelyn Creedon, seated here, and Bob Bayer, have been working with Senator PRYOR's staff and with the minority. They have done a superb job and, of course, I am very proud of both of them.

So to these fine people, we want to say thank you. There are many more staff people that should be thanked here on other aspects of this bill, but I particularly wanted to note this because it has been an unusual effort and an unusual degree of cooperation thanks to the leadership of the Senator from Arkansas.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I thank the Senator from Georgia, the chairman of the Armed Services Committee, for cooperating 100 percent with us and with our respective staffs throughout the Senate in crafting this amendment.

This was not an easy amendment to craft, Mr. President. It worked through a lot of issues, a lot of agencies, a lot of various departments. It took into consideration a lot of different types of military installations.

But I want to thank the distinguished chairman and the ranking member of the Armed Services Committee for their cooperation.

I was about to, Mr. President, express my gratitude to Madelyn Creedon and Bob Bayer, who, as the chairman has mentioned, are seated on the floor at this time. We owe them a great deal of gratitude. They are fine staff people, along with Desten Broach and Steve Ronnel on our staff.

And special mention, Mr. President—sometimes we do not really take time to mention some of the people who probably work late at night after we close up in the legislative counsel's office drafting some of these amendments.

Like I said, this was a tough amendment to draft. It was, I believe, some 15 or so pages long, or maybe longer.

But Charles Armstrong of the Senate legislative counsel's office, was superb in his cooperation, knowledge, and commitment in making this amendment become a reality.

Mr. President, there are one or two further points that the chairman wanted me to bring out about this amendment that he felt that our colleagues at this point might like to be made aware of.

Before I close, let me, if I might, Mr. President, just mention one or two of these points. I think the most amazing aspects of this amendment that has now been sent to the desk is that this amendment, unlike some of the other amendments that we have seen in the last several days on this bill, does not cost one penny.

It does not add one penny. It does not take away one penny. It is, let us say, revenue neutral.

I would like to restate that point. It is going to provide a tremendous amount of relief and assistance to the base closure communities without costing the taxpayers a penny.

I think that is not only good government, I think that is sort of reinventing a spirit of common sense. We are, lately, in the business of reinventing government. I hope at the same time we reinvent the spirit of common sense.

Base closure communities have clearly stated without question that money is not the problem in their efforts to redevelop closed bases. The problem that we have found is our own Government—that is the problem—and the Government's attitude has been the problem. This has been the concern faced by the communities. This has been the obstacle in the way of progress by the communities in redeveloping these bases.

This amendment is, in fact, an attitude adjustment, and we think it is certainly timely. Base closure communities have been crying out for help. In the past, our Government, I am afraid, has not been listening. We have not had a keen ear to their concerns.

I am very proud to say we are turning the corner here, that we are doing a lot better, and we do have a President who is listening to these communities and one who truly understands that we could not turn a cold shoulder to those who helped us win the cold war. Communities and workers who have faithfully supported military installations for years deserve much more than a handshake or a gold watch when the time comes to shut down their hometown bases and, in most cases, their major source of economic activity and payroll in those communities.

I will emphasize that of the 71 major installations targeted for closure since 1988, only 8 have actually closed their doors. We are only beginning to feel the real impact of the painful effects of these base closings across America. And now we must stand ready to assist our communities in their time of need.

I think those are the points the chairman wanted me to make in the closing moments. I thank the chairman once again. I thank the ranking member on the other side of the aisle.

Mrs. BOXER. Mr. President, I support the Pryor amendment because it protects the interests of communities where bases are closing.

It requires the military to maintain the condition of the base and leave nonmission essential property on-base for 2 years.

It puts property to work creating new jobs by allowing the Secretary of Defense to transfer land to a local community or authorized public entity.

This provision will help facilitate the redevelopment plan for Fort Ord, located near Monterey, CA. The local community hopes to transform this base into a State university and research center. This amendment will allow the Secretary to convey the land directly to the university system. Mr. President I believe that Fort Ord redevelopment plan is a model for base reuse. This amendment will help move the plan along and encourage other communities to adopt similarly ambitious strategies.

This amendment speeds up the base cleanup process, making bases available for re-use sooner. It implements the President's recommendations for removing needless delays to redevelopment while fully protecting public health and safety.

The amendment empowers communities by giving them a voice in the base re-use process. It creates the position of transition coordinator to cut through the redtape that can slow redevelopment, and it creates a Federal community response board, where communities can air grievances and suggest improvements in the base re-use process.

Finally, Mr. President, I wish to publicly thank the Senator from Arkansas for his leadership on this issue and congratulate him and his staff on this amendment. I am pleased to serve with him on the Task Force on Defense Reinvestment, and I am proud to cosponsor this amendment.

Mr. NUNN. I will yield to my colleague from Idaho for his comments in just a moment. I again want to thank Bob Bayer and Madelyn. Bob Bayer happens to be selected by the Department of Defense and the President to be the Deputy Assistant Secretary of Defense for Economic Development and Base Closure. So Bob will be one of the primary people who will be administering all of this and helping make these key decisions on adjustment. We hate to lose him very much. He has been a tremendous member of our Armed Services Committee staff. He has handled military construction as well as readiness matters, and many other matters, and has done a superb job. He is retired Air Force, and he has had a second career of great distinction here in the Senate, and he is now going to be in a key position. I thought the author of this amendment, Senator PRYOR, might like to know that.

Mr. PRYOR. Mr. President, I am very proud to know that Mr. Bayer has certainly been an active participant in developing this amendment. He has shown a deep concern for reinvestment in this field.

I must add, Mr. President, had I known Mr. Bayer was getting ready to get this high appointment, I might have been a lot nicer to him in the past. But he is going to be a splendid appointee for this position, and is someone who cares, and who is going to be working with those communities. We congratulate him.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. I also wish to thank the chairman for this courtesy. Our side does agree to this amendment. This is an amendment concerning assistance to communities affected by base closures.

There are also communities that are impaired by the defense downsizing that are not currently the result of the base closure process itself. I am concerned about how we assist these communities, and I will be revisiting this issue in conference.

To give a specific example, we were notified this week—and today we met with Admiral DeMars of the U.S. Navy—that because of the downsizing of the Navy in the State of Idaho where we have had a prototype and training center for officers in nuclear submarines and nuclear aircraft carriers, they will no longer in 1994 and 1995 require those prototypes to be used. They, instead, will be using prototypes in upstate New York, which are newer, and also submarines that are surplus now.

As a result of this, it has the same impact as a base closure and it has a real negative impact to the communities in eastern Idaho. So that is why we will be revisiting this, so the application of this amendment can also apply to communities affected as in eastern Idaho.

The PRESIDING OFFICER. Is there further debate? The Senator from Arkansas.

Mr. PRYOR. Mr. President, I have a unanimous-consent request that the Senator from Florida, Senator GRAHAM, and the distinguished Senator from Georgia, the chairman of the Armed Services Committee, Senator NUNN, be added as original cosponsors of the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nebraska.

Mr. EXON. Mr. President, are we now in a position to return to the regular order once again, the Brown amendment?

The PRESIDING OFFICER. We are still on the Pryor amendment.

Mr. NUNN. Mr. President, I urge consideration of the Pryor amendment.

The PRESIDING OFFICER. Is there further debate on the Pryor amendment?

If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 828) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote.

Mr. KEMPTHORNE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 825

The PRESIDING OFFICER. The question recurs on the Brown amendment.

The Senator from Nebraska.

Mr. EXON. Mr. President, I am compelled to bring to the attention of the Senate what I think the Brown amendment is attempting to do and explain to the Members of the Senate what the situation is with regard to the Brown amendment.

I have been trying to find out for the last few minutes what the vote was on the base closure proposition. The Senate spoke loud and clear, I believe, on a vote of 79 to 18. We overwhelmed, we smashed, a concept that was attempted earlier today with regard to the interference with or the extension of the matter of base closures.

The amendment offered by the Senator from Colorado is one small but very specific matter that is being attempted, to subvert the normal process for base closures and/or consolidation of bases. That is amendment that has been offered by the Senator from Colorado.

The staff, unbeknownst, evidently, of my objections to this, were trying to work out some kind of concept of the—oftentimes, when we try to speed things up by working out something that satisfies everyone so we do not have to have a vote, we get ourselves into all kinds of difficulties. In my view, we would get ourselves into all kinds of difficulties on this particular amendment. I simply say, if this amendment is going to come to a vote, as has been requested and properly so by the Senator from Colorado, then I intend to offer a tabling motion when this is voted on, under the present schedule, on Tuesday next. If that tabling motion does not prevail, then we may indeed have extended debate on this because I think this is such a serious matter that maybe the staff of the Armed Services Committee does not fully understand.

If we start down the road that is being suggested by the Senator from Colorado, then we are going to be violating the principle of the vote of 79 to 18 earlier today.

This controversy started out on a role and mission report by the Chairman of the Joint Chiefs of Staff, General Powell, sometime last spring as a part of pointing to how we could operate more efficiently in the future and reduce costs. The Chairman of the Joint Chiefs said that he felt it would be worthwhile for us to consider the movement of the space command, which is now located in Colorado Springs, CO—at least the leadership of the space command—into the STRATCOM command located at Offutt Air Force Base in Omaha.

This is something this Senator had not pushed. This is something that this Senator, nor none of the other Members of the delegation from Nebraska, had been working on. It was a very legitimate recommendation, at least, from the Chairman of the Joint Chiefs in his responsibilities to carry out roles and missions and try to consolidate the activities of the Government as we begin our downsizing.

But as we all know, and sometimes so painfully, when it comes to the closure of bases or the consolidation of bases, there is a lot of parochialism, there is a lot of pork barrel, there is a lot of moaning at the bar at the local level.

What happened then, so that the Senate fully understands, without the suggestion of this Senator or the other Senator or House Members from Nebraska, the Chairman of the Joint Chiefs said this is something that should be considered.

Shortly thereafter, there was great cause, as understandably so, in Colorado Springs, CO. My position was that this is something for the military through their usual procedures. I took no action at that time to try and encourage this or discourage it.

The next thing I know, two of the House Members from the State of Colorado, who happen to be members of the House Armed Services Committee, inserted in the House version of the Department of Defense authorization bill a measure that would prevent any movement of any of the space command facilities from its present location in Colorado Springs to STRATCOM or anywhere else until a lengthy study was made. It was obviously a protective pork barrel procedure that the local home folk were led to believe that their people really were on the ball out there and they were going to do something to stop this move.

When I heard about that, I was asked about it: "Are you concerned about it?" And I said, "No, I am not concerned about it because it is strictly pork barrel politics. It is a violation of the spirit of the whole base closure and consolidation proposition that we have been going through."

When the Strategic Air Command was eliminated at Offutt Air Force Base in Omaha, NE, there was no moaning at the bar by this Senator. I recognized that the Strategic Air Command no longer had a mission that it once had with the end of the cold war. I had nothing whatsoever to do with the new location of STRATCOM there. But in the process, we lost 25 to 30 percent of that base, and there was a great deal of concern in the Omaha and Bellevue, NE, area, as there obviously was in Colorado Springs when that took place.

My position was that we all had to make some sacrifices, we all had to make some changes. The good people of Omaha and Bellevue, NE, like the good people of Colorado Springs and all other communities similarly located and blessed with some kind of a military facility around the country are, by and large, the same people who are demanding that we cut down the cost of the Government and particularly the military, except, of course, those facilities located right there close to home.

It seems to me that we should take the position on this particular suggestion that I have taken before; and that is, we should not have anything, nor should we allow any Member of the House or the Senate to play pork barrel politics with the defense authorization bill or other measures.

Again I cite the overwhelming statement and expression of feeling by the Senate on this matter earlier today. The proposal offered by the House Members from Colorado and now presented in a somewhat different form, but the same general thrust by the Senator from Colorado, is simply that nothing can be done until this happens and until that happens.

I will simply cite to the chairman of the committee on this side of the aisle and the ranking people on that side of the aisle that if we set a precedent by not having the wisdom, regardless of which side of the aisle we sit on now, of allowing Colorado and the Senator from Colorado, a House Member from Colorado to be successful in calling for a delay, in calling for a study for the obvious reason to delay or stop something that may be planned but may never work out, then I think we are going to open up ourselves to the wrath of every Member of the Senate and every Member of the House of Representatives any time they hear or think or somebody dreams up something about either consolidating their local base or their local military facility somewhere else. They will rush to the floor of the House, they will rush to the floor of the U.S. Senate and, by golly, they will protect their people. They will put something in legislation to get it corrected.

I hope that the Senate and the House would recognize that this is a terrible precedent. It would be directly opposite the overwhelming vote that we expressed earlier today to not be delaying, but encouraging the military to do consolidation and closure of bases under the procedure prescribed. The procedure prescribed by the Base Closure Commission did not entail, nor was it anticipated, in my opinion—and I was there the first day that this was discussed by then Secretary Frank Carlucci—that individual Members would try in advance to preclude any consideration of any change in the military base or facility in their area.

Certainly, it is entirely proper before a decision has been made for Members of Congress to appear before the Base Closure Commission, go to the military and argue against the closure of their facility or the merger of their facility because it does not make sense militarily or from the standpoint of saving money. I think that is very proper.

I think it is highly improper, I would say we would be traveling down a very, very difficult and rocky road if we set the precedent that evidently is being attempted by Members of the Colorado delegation, both on the House and Senate side, to come forth in bills of major importance and try to protect their flanks or their base.

Therefore, I say that this Senator is not in a position, Mr. President, to work out any kind of a compromise on this because any kind of a compromise would set a precedent that I suggest would come home to haunt us in the future.

If this measure is adopted by the Senate—it is already over on the House side and we are going to have to deal with it over there in conference with the House on the Department of Defense budget—if this is allowed to happen, Katie, bar the door, because it would be almost malfeasance in office for any other Member of the Senate or any other Member of the House of Representatives to not try and do the same for their facility as the House Members and the Senate Member from Colorado have done for themselves.

Therefore, I hope that all would recognize and realize that notwithstanding the legitimate concerns of what might happen in the future—and there is no assurance that it will—I think it would be a terribly bad precedent that the leadership and the individual Members of the House and Senate would say, "Wait a minute. Let's not open up that kind of a Pandora's box or we are going to find ourselves in great, great difficulty on a whole series of matters on down the road as we have further mergers and further base closures."

This Senator is not suggesting that we take any move whatsoever, nor do I think we should at this juncture, Mr. President, with regard to any possible movement from the facility at Colorado Springs to STRATCOM or from STRATCOM to Colorado Springs, which is also a possibility. I think that we should let the usual process work its course and, therefore, I strongly oppose the amendment offered by the Senator from Colorado and will have to make a request that this be scheduled in due fashion for a vote on Tuesday.

Evidently, we probably will not have a chance to debate this any further, although the Senator from Nebraska will be on the floor in this chair on Monday and I may have additional things to say about this proposition at that time.

Mr. NUNN and Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I ask unanimous consent this amendment be set aside to be voted on as per the unanimous-consent order on Tuesday and there be no second-degree amendments.

The PRESIDING OFFICER. Is there objection?

Mr. KEMPTHORNE. Mr. President, reserving the right to object, may I inquire, in light of the fact that the sponsor of this amendment, the Senator from Colorado, is absent, will there be an opportunity on Monday where he could perhaps engage in debate with the Senator from Nebraska?

Mr. NUNN. I say to my friend from Idaho, the floor is going to be open on Monday and any Senator will be able to offer observations on the amendments.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, might I inquire as to the parliamentary situation.

Mr. NUNN. Mr. President, we have a pending unanimous-consent request.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. Is there objection?

The Senator from Idaho.

Mr. KEMPTHORNE. One final inquiry. Have the yeas and nays been requested for that?

Mr. NUNN. No. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there objection to the request? If not, the unanimous-consent request is agreed to.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, might I again inquire, what is the parliamentary situation right now?

The PRESIDING OFFICER. The bill is open for amendment.

Mr. HARKIN. Mr. President, I am introducing an amendment to eliminate funding for the Army's kinetic energy antisatellite weapon program. The Army itself has tried to cancel this cold war weapon for several years but the Bush administration continued the program even though the military did not want it.

The Clinton administration has zeroed the program as has the House of Representatives, but the Senate Armed Services Committee included an amendment in its bill that provides $10 million for this ASAT program to keep it alive. My amendment would eliminate this $10 million cold war relic.

Proponents of ASAT weapons will argue that we build weapons to shoot down airplanes, tanks, and ships. Why not build weapons to shoot down satellites in space?

Mr. President, there is a major difference between battles on land, air, or sea and battles in outer space. The debris from a battle on land or air or sea sinks to the ground or the ocean bottom immediately after a battle. Commercial planes can fly and commercial ships can sail soon after hostilities end here on Earth but not so in outer space. The collision of one ASAT weapon with one enemy satellite would create thousands of pieces of junk. And this debris from a single battle in space continues to orbit the Earth at speeds of 17,000 miles per hour. At lower altitudes from 200 to 400 kilometers air molecules will gradually slow this debris until it reenters the atmosphere and burns up in a few months. Above 600 kilometers debris will remain in orbit for many years and may continue to orbit the Earth for decades or even centuries. Every piece of orbiting debris is a lethal weapon traveling, as I said, at speeds up to 17,000 miles per hour. This debris could damage any satellite or any astronaut intersecting its orbit. Thus, vast orbital bands of space could be rendered unusable for years, decades or even centuries by one single battle in space.

Indeed, we have examples of such debris creation from old Soviet ASAT space tests. Several Soviet ASAT tests did create thousands of detectable pieces of junk that are still in orbit after 20 to 25 years.

For example, the Soviet Union launched Cosmos 249 and detonated it as an ASAT weapons test on October 20, 1968. This explosion in space created 109 identifiable objects at the intercept altitude of 525 kilometers. Now, because Cosmos 249 ASAT was in a highly elliptical orbit, this lethal debris spends most of its time at higher altitudes. As a result this debris has survived longer than expected. Today, at least 55 detectable pieces of debris from this ASAT explosion are still orbiting the Earth 25 years later.

In total, 371 pieces of orbiting junk still survive from various Soviet ASAT weapons tests out of 736 pieces created originally.

Similarly, the F–15 direct ascent ASAT test of 1985 created 285 pieces of orbiting junk detectable at an altitude of 540 kilometers when that ASAT collided with the Solwind satellite. Today, at least nine of those orbiting objects that are detectable still threaten satellites in space.

From time to time, the space shuttle, probably little known to most people, and other U.S. space assets have had to be moved in order to avoid collision with known trackable space debris.

Mr. President, I keep using the words detectable, identifiable, trackable. These are particles that are big enough to be seen even through optical measures or through radar or other detection devices. But beyond these pieces of junk, there are probably thousands, perhaps tens of thousands of smaller, yet still very lethal, pieces of junk orbiting the Earth that we just simply cannot detect.

The development of effective ASAT weapons would exacerbate this situation, creating the possibility of poisoning vast orbital bands of space in some future star wars space battle.

Some military experts will argue that they must have ASAT's to shoot down enemy satellites. They often assume that we will maintain technological superiority, that we alone will have ASAT weapons if we develop them. But history proves otherwise. We assume that we alone would have MIRV'd missiles and went ahead MIRVing our missiles only to find our own security degraded when the Soviets copied our lead. Our land-based missiles became vulnerable to a surprise attack by Soviet MIRV'd missiles and our national security suffered. The same would undoubtedly happen with ASAT weapons. If we develop them, some future adversary will, too, be pitting our crucial satellites at risk in the future.

Mr. President, the military indeed has a legitimate need. To protect troops in the future, the U.S. military should have the capability to deny some future enemy the use of spy satellites in space. But ASAT weapons are not the only way. We can deny the use of space assets without destroying satellites. That is, all satellites are merely conduits of information. If we can disrupt or lock the communication channels from the satellites to the enemy military command structure, the utility of the satellite is negated just as surely as if that satellite were destroyed.

But blocking satellite communications by jamming or spoofing or otherwise disrupting the flow of information has definite advantages over ASAT weapons.

Electronic countermeasures may be less expensive. ECM may be more effective since ASAT weapons may fail or have low intercept probabilities. By spoofing or generating false or misleading information, active ECM systems may be able to confuse the enemy. And, most importantly, ECM electronic countermeasures will not create orbital debris that could threaten our own satellites—both peaceful and military.

Mr. President, again to sum it up, a lot of people say we have to develop ASAT to deny the enemy the use of satellites in the future. But surely, if we develop that, others will develop it, too.

Second, the use of an ASAT weapon against any satellites in space will create vast junkyards orbiting the Earth and denying us the use of space for peaceful purposes for decades and maybe even centuries to come.

Third, there is another way of denying the enemy the use of their spy satellites in days of a future battlefield situation; that is, through electronic countermeasures. As I said, a satellite is only a conduit of information. It is not passive. It is active. It has to actually send information down to some receiver. We could intercept that. We can spoof it. We know we can do that now. We can take satellite information and the enemy may think a tank is here. We can send our a false signal and put the tank 3 or 4 miles away. We know that we can jam. We have years and years of experience effectively jamming these types of communications.

Last, I believe this would be more effective and less costly than an ASAT developed weapon.

So, again, it is not a big item, I suppose, when you talk about billions of dollars in the military spending. It is a $10 million item to kept ASAT alive. No one really says we want to move ahead with it anyway.

So I think in keeping with the spirit of again trying to cut wasteful spending and old cold war relic programs that have no use any longer, Mr. President, I offer this amendment.

Mr. President, again, a parliamentary inquiry. I guess there is no amendment pending, is there?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 829

(Purpose: To strike the provision requiring the conversion of the Kinetic Energy Antisatellite [KE-ASAT] Program)

Mr. HARKIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 829.

On page 37, strike out line 4 and all that follows through page 37, line 15.

Mr. HARKIN. Again, all this does, Mr. President, is cut that line item to $10 million to keep the ASAT program alive.

I understand that we will have no votes tonight.

Mr. NUNN. The Senator is correct. It is my understanding the chairman of the Strategic Subcommittee, Senator EXON, would oppose the amendment. He will be here momentarily giving his views on it, and we would then, when the Senator completes his remarks, set it aside but have it on the schedule to be voted on on Tuesday.

Mr. HARKIN. I appreciate that.

Do we have to reserve time? I know Senator KERRY from Massachusetts wanted to speak on this perhaps on Monday.

Mr. NUNN. He could speak on this Monday. We will be in business tonight as late as people are interested in presenting amendments and arguments. We will be in business most of the day Monday. So he would be able to speak on it Monday.

Mr. HARKIN. Is this an appropriate time to ask for the yeas and nays on the amendment at this time?

The PRESIDING OFFICER. Is there a sufficient second?

Mr. HARKIN. Let me inquire of the chairman.

Mr. NUNN. Mr. President, I ask unanimous consent that this amendment be set aside and be scheduled to be voted on Monday or Tuesday without any second-degree amendment.

Let me withdraw that and check with the Senator from Nebraska. I withdraw the request.

Mr. President, since the Senator from Nebraska is not immediately here and may not be able——

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. HARKIN. I yield.

Mr. NUNN. If the Senator will yield, the Senator from Nebraska will be handling this. He will be here most of the day Monday. He is not here now. I suggest we temporarily set the amendment aside. Mr. KERRY will be here to talk about it on Monday, Senator EXON will be here on Monday, and the amendment will still then be able at that time to be put over until Tuesday for a vote.

Mr. HARKIN. I did not want to use my right to ask for the yeas and nays at some point on this.

Mr. NUNN. The Senator will not lose that right.

AMENDMENT NO. 830

(Purpose: To authorize funding for defense nuclear waste disposal)

Mr. JOHNSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana (Mr. JOHNSTON) proposes an amendment numbered 830.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 391, line 6, strike "$100,000,000" and insert "$120,000,000".

Mr. JOHNSTON. Mr. President——

Mr. KEMPTHORNE. Mr. President, we are not familiar with this amendment.

Mr. JOHNSTON. I will explain it. It is very simple.

Mr. President, this amendment simply restores the authorization for the nuclear waste fund to the requested amount of $120 million. The bill started off at $120 million. I think the Armed Services Committee needed to save more money. So they cut that to $100 million. This restores it to $120 million in accordance with the budget request.

Mr. President, I ask unanimous consent that a copy of the budget request that came over from the Department of Energy be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

III. ACTIVITY DESCRIPTIONS

[New budget authority in thousands of dollars]

Program activity	Fiscal year 1992	Fiscal year 1993	Fiscal year 1994
Defense Nuclear Waste Disposal	Defense Nuclear Waste Disposal Appropriation not established in fiscal year 1992. $0.	Provide funds for Yucca Mountain site characterization activities, including Exploratory Studies Facility (ESF) construction, site investigations, systems engineering, waste package and repository design, and regulatory, institutional, quality assurance, and information management activities. $100,000.	Provide funds for Yucca Mountain site characterization activities, including ESF construction, site investigations, systems engineering, waste package and repository design, and regulatory, institutional, quality assurance, and information management activities. $120,000

III. ACTIVITY DESCRIPTIONS—Continued

[New budget authority in thousands of dollars]

Program activity	Fiscal year 1992	Fiscal year 1993	Fiscal year 1994
Total Defense Nuclear Waste Disposal	$0	$100,000	$120,000

Mr. JOHNSTON. Mr. President, they need the funds. The Federal Government now owes $700 million to the nuclear waste fund, and we need this money this year for the ongoing characterization of the site.

I think it is a very simple amendment.

Mr. NUNN. Mr. President, I do not have any personal objection to this amendment. I do think we have a member on the Armed Services Committee that needs to be notified of the amendment. I am waiting to hear back from him.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, this amount of money was cut out for strictly budgetary purposes because we were under very severe constraints. This amendment would restore approximately $20 million in funds that were cut when we were squeezed on outlays in the committee. A motion was not made by any Member on a substantive basis but on an exercise to try to find funds that could be cut.

The Senator has made a strong case that the funds should be restored. We do not have the same kind of budgetary restraint now because we made certain changes in the bill.

I urge that the amendment be adopted.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 830) was agreed to.

The PRESIDING OFFICER. The Chair alerts the Senator from Georgia that no reconsideration motion was made on the previous amendment.

Mr. NUNN. I thank the Chair.

AMENDMENT NO. 831

(Purpose: To strike out or modify various provisions of subtitles E and F of title X, title XI, and title XII, and related authorizations of appropriations)

Mr. NUNN. Mr. President, I send an amendment to the desk on behalf of myself and Mr. PELL and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for himself and Mr. PELL, proposes an amendment numbered 831.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 74, strike out lines 12 through 15, and insert in lieu thereof the following:

(1) For the Army, $15,194,036,000.

(2) For the Navy, $19,081,792,000.

(3) For the Marine Corps, $1,790,489,000.

(4) For the Air Force, $18,932,246,000.

On page 75, strike out lines 15 through 20 and insert in lieu thereof the following:

(18) For Humanitarian Assistance, $48,000,000.

On page 208, line 10, insert "the second sentence of" after "Notwithstanding".

On page 208, strike out line 15 and all that follows through the matter between lines 20 and 21 on page 210 and insert in lieu thereof the following:

(b) EXTENSION OF AUTHORITY.—Section 403(h) of title 10, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1994".

On page 211, line 2, strike out "shall transmit to Congress" and insert in lieu thereof ", after consultation with the Secretary of State and the Secretary of Defense, shall submit to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives".

On page 215, strike out line 3 and all that follows through the end of page 221.

On page 222, strike out line 3 and all that follows through the matter between line 13 and 14 on page 224.

On page 224, line 14, strike out "SEC. 1052." and insert in lieu thereof "SEC. 1051.".

On page 224, line 23, insert ", in consultation with the Secretary of State," after "Defense".

On page 225, line 9, strike out "costs:" and insert in lieu thereof "costs associated with facilities used by the armed forces:".

On page 227, strike out line 15 and all that follows through page 229, line 3.

On page 229, line 4, strike out "SEC. 1054." and insert in lieu thereof "SEC 1052.".

On page 231, strike out line 15 and all that follows through the end of page 233.

On page 243, strike out line 1 and all that follows through the end of page 259.

On page 266, line 7, strike out "1208" and insert in lieu thereof "1207".

On page 268, strike out lines 11 through 17, and insert in lieu thereof the following:

SEC. 1207. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this title, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committees on Appropriations of the House and the Senate, wherever the account, budget activity, or program is funded from appropriations made under the international affairs budget function (150);

(2) the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives, wherever the account, budget activity, or program is funded from appropriations made under the national defense budget function (050); and

(3) the committee to which the specified activities of section 1203, if the subject of separate legislation, would be referred under the rules of the respective House of Congress.

Mr. NUNN. Mr. President, I have consulted with the minority, and we have had deliberations for about 6 weeks on this amendment. The Armed Services Committee included in our bill a number of provisions requested in the Department of Defense legislative proposal. After we reported our bill out of committee, it was learned that the legislative proposal had not been cleared by the executive branch in accordance with the normal administrative processes. In other words, the Department of Defense sent it as part of their legislative proposal, but the administration itself had not fully aired the issue within the administration.

The committee received objections after we incorporated this legislative proposal which was requested by DOD. We received objections from both the Foreign Relations Committee, and also certain elements of the administration, to a number of these provisions.

Despite the intervening Senate recess, at which time this issue was worked on very hard within the executive branch and also in the committee, between Foreign Relations and Armed Services, Senator PELL and I have basically informed the administration that unless they were able to get together on exactly what it was they wanted to do, and unless that was satisfactory to both our committees, we were going to move to take these provisions out of the bill.

Despite the intervening recess, the agreement within the executive branch proved to be very difficult. These provisions primarily relate to funding and authorities for conduct of peacekeeping, peace enforcement, disaster and famine relief, and promotion of democracy. The committee staffs on Armed Services and Foreign Relations have worked together and have reached agreement on an amendment to remove several of these provisions and to modify several others.

It is my view that these provisions are not essential to the conduct of these types of activities by the Department of Defense. They fall more in the category of facilitating the conduct of these activities. In other words, this was to give legislative framework to the activities that will probably have to take place anyway from the Department of Defense relating to peacekeeping.

As members are aware, the administration is conducting a comprehensive review of the policies relating to U.S. approval and participation in international peacekeeping and peace enforcement. That review by President Clinton and his administration is not yet complete, and several issues relating to the Department of Defense's legislative proposal will be affected by the outcome of that review. We on the Armed Services Committee and the Foreign Relations Committee both look forward to the completion of the review and the submission of a comprehensive legislative package by the administration in the coming months.

I anticipate that legislative proposals will include matters within the jurisdiction of both the Armed Services and Foreign Relations Committees. I look forward to working with Senator PELL and members of his committee on both sides of the aisle on comprehensive legislation relating to these matters. The amendment I am offering tonight along with Senator PELL thus defers legislative action on these matters until a later date. I regret that it is not possible to go forward with these proposals at this time, and I assure all Members of the Armed Services Committee and the Senate that we will be addressing these matters at the earliest possible date once the Clinton administration submits a comprehensive legislative proposal.

Mr. President, Senator LEVIN from Michigan has worked long and hard on this subcommittee on the subject of peacekeeping. He has been very much involved in the negotiations in the last 5 or 6 weeks between the Armed Services and the Foreign Relations Committee.

Mr. LEVIN. Mr. President, the amendment before us strikes several provisions of the bill as passed by the Armed Services Committee owing to jurisdictional concerns. After discussions with the chairmen of the Foreign Relations Committee and the Armed Services Committee, I am pleased that this amendment leaves some important provisions intact, in particular two provisions regarding multinational peacekeeping and peace enforcement.

First, I would like to note that the elimination of several provisions regarding the way the Department of Defense handles the contributions it makes to peacekeeping and peace enforcement missions should in no way be interpreted as a lack of congressional support for those contributions.

On the contrary, most of the members of the Armed Services Committee and, to the best of my knowledge, the Foreign Relations Committee understand that multinational efforts are the wave of the future in terms of creating a more secure world.

There is lots of work to be done to create systems that work, and figure out how to pay for them. The institutions we will use, including NATO and the United Nations, need major improvements in the way they are organized and funded. Our own Government agencies and officials within the administration need to get their act together and develop a common approach.

The committee and its Subcommittee on Coalition Defense and Reinforcing Forces have begun an extensive investigation into the international organizations with which the United States has and may conduct multinational peacekeeping and peace enforcement operations, and that effort will continue. The committee bill made an attempt to address several of these issues, specifically establishing dedicated accounts for these activities within the Department of Defense. Apparently, that approach has met with some jurisdictional objections.

But the Secretary of Defense has made this clear in a letter dated September 10, 1993:

> The Department currently is supporting a range of peacekeeping and peace enforcement activities and is financing those activities through the respective operation and maintenance accounts of the respective Services. The Department will be able, under the legal authorities that permit the current operations, to continue to sustain those activities, and meet such new responsibilities as the President assigns.

I ask unanimous consent that the entire letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEVIN. One important provision that will remain in the bill with a minor modification is section 1043, a report on multinational peacekeeping and peace enforcement.

The fiscal year 1993 Department of Defense Authorization Act contained a requirement requiring a comprehensive report by the President on proposals of the Secretary General of the United Nations with respect to peacekeeping, peace enforcement, and preventive diplomacy.

President Bush did submit a report in accordance with that section, but it failed to address substantively many of the most pressing policy questions on this subject. In addition, a number of additional proposals have been made on the subject since President Bush's report was prepared. NATO has had under consideration changes to its charter, mission, doctrine, and priorities, and other international organizations and regional alliances have plans or explorations regarding these subjects.

President Clinton and key administration officials have indicated their intention to make additional proposals for U.S. policy on these subjects, beyond those presented to the committee for consideration as part of the fiscal year 1994 Department of Defense Authorization Act.

The comprehensive report required in section 1043 will inform future congressional considerations on this subject.

A second important provision that remains in the bill is section 1041, a 1-year extension of the existing $300 million authority for peacekeeping activities.

Mr. President, we urgently need a long-term, comprehensive plan for developing peacekeeping and peace enforcement capabilities, and I look forward to working with the chairman of the Armed Services Committee, other Senators, and the administration to assist in that development.

I urge adoption of the amendment.

EXHIBIT 1

THE SECRETARY OF DEFENSE,
Washington, DC, September 10, 1993.

Hon. CARL LEVIN,
U.S. Senate
Washington, DC.

DEAR CARL: I am writing in response to your letter of September 9, 1993. It is my understanding that Section 1044 might be dropped from the bill during floor action. In anticipation of that action, you wrote to ask whether or not the Department of Defense has the ability to provide support for peacekeeping and peace enforcement activities through the operation and maintenance accounts of the individual Services.

As you know, the Department currently is supporting a range of peacekeeping and peace enforcement activities and is financing those activities through the respective operation and maintenance accounts of the respective Services. The Department will be able, under the legal authorities that permit the current operations, to continue to sustain those activities, and meet such new responsibilities as the President assigns. However, we are concerned that funding these costs in this manner will be detrimental to readiness.

The Department urges the Senate to enact the coordinated position that has been provided to the Committee. In addition to peacekeeping, it contains other authorities in support of Global Cooperative Initiatives that are critical to achieving the President's objectives.

With warm regards,

LES ASPIN.

Mr. NUNN. Mr. President, just a further word of explanation. Specifically, this would strike out provisions relating to the $448 million global cooperative initiative, which is peacekeeping, peace endorsement, disaster and famine relief, and promotion of democracy, leaving the original $48 million for humanitarian assistance. The remaining $400 million is distributed among the various service and operation and maintenance budgets, where it can be used for, but not specifically dedicated to, these activities.

In other words, this money is still in O&M. We still have tremendous pressures on operation and maintenance. That is what we call the readiness accounts. This money will still be in those categories, and if urgent needs arise in these areas, it could be reprogrammed in accordance with the normal procedures.

This also extends for 1 year the Levin-Simon provision that authorizes the Secretary of Defense to provide up to $300 million to pay for our U.N. assessments for peacekeeping. This was money that was in the budget last year that has not yet been expended, but it would extend for 1 year that provision.

Finally, it strikes out several minor provisions relating to the prevention and control of proliferation of weapons of mass destruction.

Mr. President, I ask if the Senator from Idaho has any comments or questions on this amendment.

Mr. KEMPTHORNE. Mr. President, I would like to lend my full support to this amendment as proposed by the chairman. This amendment, as the chairman pointed out, would increase O&M funding, in the aggregate, $400 million, while preserving $300 million in peacekeeping funds and $48 million for humanitarian assistance. These funds are now appropriately controlled, and I believe we have a better understanding of how they will be managed in the future.

The PRESIDING OFFICER. Is there further discussion?

If not, the question is on agreeing to the amendment.

The amendment (No. 831) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KEMPTHORNE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NUNN. Mr. President, I think we have several other amendments that have been agreed to that we can now present.

AMENDMENT NO. 832

(Purpose: To extend teacher placement assistance to noncommissioned officers who first become educationally qualified for such assistance within 5 years after discharge or release from active duty)

Mr. NUNN. Mr. President, on behalf of Senator DANFORTH, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. DANFORTH, for himself, and Mr. KENNEDY, proposes an amendment numbered 832.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

On page 128, between lines 8 and 9, insert the following:

(c) ELIGIBILITY OF MEMBERS NOT EDUCATIONALLY QUALIFIED FOR TEACHER PLACEMENT ASSISTANCE.—Section 1151 of title 10, United States Code, is amended—

(1) in subsection (c)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following new paragraph (2):

"(2) For purposes of this section, a former member of the armed forces who did not meet the minimum educational qualification criterion set forth in paragraph (1)(B)(i) for teacher placement assistance before discharge or release from active duty shall be considered to be a member satisfying such educational qualification criterion upon satisfying that criterion within 5 years after discharge or release from active duty.";

(2) in subsection (e)(1), as amended by subsection (a), by inserting before the period at the end of the first sentence the following: "or, in the case of an applicant becoming educationally qualified for teacher placement assistance in accordance with subsection (c)(2), not later than one year after the applicant becomes educationally qualified.";

(3) by redesignating subsection (k) as subsection (l); and

(4) by inserting after subsection (j) the following new subsection (k):

"(k) IDENTIFICATION OF NCOs WITHOUT DEGREES AS CANDIDATES FOR ASSISTANCE.—The Secretary shall provide under the program or—

"(1) identifying, during each fiscal year in the period referred to in subsection (c)(1)(A), non-commissioned officers who, on or before the end of such fiscal year, will have completed 10 or more years of continuous active duty, who have the potential to perform competently as elementary or secondary school teachers, but who do not satisfy the minimum educational qualification criterion under subsection (c)(1)(B)(i) for teacher placement assistance; and

"(2) informing the noncommissioned officers so identified of the opportunity to qualify in accordance with subsection (c)(2) for teacher placement assistance under the program.".

Mr. NUNN. Mr. President, this is an amendment Senator DANFORTH offered, and I ask unanimous consent to be added as a cosponsor. Senator KENNEDY is a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. We took a major initiative in the bill last year giving the administration broad authority to greatly increase the likelihood that a number of our retired military people would be able to participate in the educational system of our State and local governments and to become teachers or teachers' aides.

We did this with some very strong incentives relating to military retirement. So that if individuals who were early-out candidates in surplus categories and served 15 years in the military, they would be able to take early retirement and then, if they went into teaching or law enforcement or some other designated critical public type service, they would be able to earn the other 5 years of their retirement.

Mr. President, there are certain technical impediments, particularly relating to enlisted personnel, because they are not put on the DOD list in the same form, since they do not normally have college degrees.

As I understand the Danforth amendment—and I think it is an excellent amendment—it would allow enlisted personnel who want to be placed on the teacher list of DOD, enhancing their likelihood of becoming teachers, not to simply be placed on the teachers' aides list, but be placed in the full category of eligibility if they have gone back and gotten their college degree within 5 years of the time they leave military service.

That is my understanding of the amendment. I think it is a very good amendment.

I have said this many times—and this is not part of this amendment—but with the discipline problems we have in our schools in this country and with the number of school teachers who have told me that they have a hard time doing their job because of the discipline problems and that they could think of nothing more effective than having increased discipline, in terms of their own productivity and the education of the students.

I cannot think of anything better than having school systems around this country take advantage of the men and women who enlisted in the military who have been training young people, who have been disciplining young people and having them participate in the educational process. I think it would add a great dimension, not only to the discipline but also to the role modeling, which is so badly needed in certainly many of our urban school districts.

I wholeheartedly support the Danforth amendment. It is an encouragement of our enlisted people to be involved more in education once they leave the military service.

The PRESIDING OFFICER. Is there further debate?

Mr. DANFORTH. Mr. President, I rise to offer an amendment to the Troops to Teachers Program. Troops to Teachers was signed into law last October as part of the National Defense Authorization Act of 1993. Its purpose is to encourage separating servicemembers to begin a second career as schoolteachers and teacher's aides in elementary and secondary schools where qualified and committed teachers and role models are sorely needed.

I understand that the Department of Defense is now beginning to implement Troops to Teachers. Before it is set in motion, however, I offer this amendment to correct a deficiency which was, I am certain, an oversight.

Troops to Teachers requires participants who want to be teachers rather than teacher's aides to have a bachelor's degree before they separate from the military. Unlike commissioned officers, 96 percent of noncommissioned officers—NCO's—do not earn a college degree while in the service. For practical purposes, therefore, the overwhelming majority of NCO's are excluded from participating.

This is a terrible waste of teaching talent. In many ways, NCO's are the premier educators of the military.

Their job is to transform young recruits into skilled and dedicated professionals and leaders.

By freezing out NCO's, we are also ignoring the unique contributions minority NCO's can make in inner-city schools as strong and capable role models. This amendment dramatically increases the pool of such role models. In fact, there are seven times as many minority NCO's as minority officers.

In short, NCO's, of whatever ethnicities, are experienced, performance-oriented mentors who should be included. My amendment does this in two ways.

First, it calls for a program to identify and recruit likely teacher candidates from among NCO's who have been in the services for 10 or more years. Statistically, most NCO's who reenlist after 10 years of active duty will remain until retirement or separation due to downsizing. We cannot continue to wait until their last 6 months to provide servicemembers with transition assistance and guidance.

Second, it opens Troops to Teachers to NCO's who do not have a degree at the time of separation if they earn one within 5 years after separation. NCO's could use their GI bill benefits to earn a degree and then have 1 year from the time they earn the degree to apply for the program.

As participants, these former NCO's would be eligible for the two benefits under Troops to Teachers: up to $5,000 for teacher certification expenses and 2 years of federally subsidized employment as classroom teachers in eligible school systems. An eligible school system is one which receives chapter 1 Federal funding for disadvantaged students and can demonstrate a shortage of qualified teachers.

Mr. President, I am gratified to be joined by my distinguished colleague Senator KENNEDY in introducing this amendment. I also want to thank both Chairman NUNN and Senator THURMOND for their support. But the final acknowledgement for this amendment must go to a distinguished and learned constituent of mine, Dr. J.H. Hexter. Dr. Hexter, who has held professorships at both Washington and Yale Universities, has for several years championed the idea of turning ex-NCO's into teachers in needy school districts. He has argued his case elegantly and compellingly to me and to many policymakers across the country. This summer, the St. Louis Post-Dispatch printed one of his essays on the subject. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

[From the St. Louis Post-Dispatch, June 18, 1993]

THE RIGHT SIGNAL AT THE RIGHT TIME

(By J.H. Hexter)

In the world of the 21st century, the armed forces of the United States will be assigned new long-term missions. It can find such a mission at home by turning the solution of one problem into an opportunity to attack another—by retraining military personnel re-entering civilian life as teachers uniquely qualified to teach in public schools beset by truancy and disruptive behavior.

The armed forces of the United States are the most effective in the world. The collapse of world communism requires them to redefine their mission. This is a task not of days but of years, as the contours of a new world order gradually emerge. A new mission for the military is to prepare those it trains to continue their service to their country when they return to civilian life. Before their separation from the defense force, some members of the military can be prepared to teach in public schools.

By the year 2000, the United States' place in an increasingly competitive world will depend on the quality of our public education. In recent years we have allowed that education to deteriorate to where its quality now puts the nation at risk. These new times demand that we restore our schools to a level competitive with the schools of other industrial societies. This has become hard to do because we have allowed poverty in too many of our school districts to deprive students of the means to achieve the ends of education.

The most serious symptoms of that deprivation are truancy and chronic intrusive misbehavior. Teachers cannot teach those who are not present, and they cannot teach those who are present if their classes are kept in chaos by disruptive student behavior. Truancy and class disruption are companions of poverty in school districts. So is school failure.

An opportunity is at hand for a bold, unexpected and mutually beneficial partnership between teachers and soldiers: educators retraining soldiers to come back into civilian life as new teachers especially qualified to relieve beleaguered classrooms.

Career non-commissioned officers are uniquely qualified to bring such relief. They are the primary teachers in the armed forces. Their career advancement is earned through servicewide competition and depends on how well they mold raw recruits into seasoned soldiers. Along the way they become experts in dealing with absence without leave (truancy) and disruptive behavior. When they separate from service after 20 years or more, all of them will have taught successfully for at least 15 years. They understand that discipline is not an end in itself, but a prerequisite of effective performance.

Black career non-commissioned officers are present in the volunteer active duty force in numbers disproportionate to their numbers in the civilian population. From now on, recruiting men and women of a like quality in like proportion into military careers will be easier if, early on, recruits see the possibility of two careers open to those who earn them. Action now will favor blacks not by favoring black career non-commissioned officers, but by giving them their due. They have earned the rank that prepares them to earn a second career in public-school teaching. They have made good in the military, where achievement—not color—is what counts.

The non-commissioned officers now teaching in the armed forces can become excellent candidates for teaching in our schools, especially grades 4-9. They are models of achievement. And their very presence, along with their ability and experience, will help nip truancy and disruption in the bud.

By the laws of 50 states, prospective teachers must have a bachelor's degree before they can be certified as primary- and middle-school teachers. At present, fewer than 5 percent of the 15,000-20,000 career non-commissioned officers annually retiring have such a degree.

Service Education Centers, in which all service members can in the future earn the degree or degrees leading to certification, are already in place. Courses to provide 24 hours in education credits toward a degree and toward teachers' certification have been prepared by Sara Victoria Harding, a manager at Servicemembers' Opportunity Colleges.

No such curriculum was in place a year ago. Through Harding's initiative, it is about to be available at more than 50 of the 200-plus service education centers. The counselors at the centers can now call to the attention of servicemembers the long second career that certification as public school teachers would afford them. The secretary of defense can coordinate his effort with that of the secretary for veterans' affairs to shape a package of benefits for career non-commissioned officers that, on retirement, will attract them to teaching in the poorer school districts.

The time to act is now. To guide retiring non-commissioned officers toward new careers in public school teaching would give the right signal at the right time. Educational lag is now devastating the ill-educated poor, and, by rapid transfer of costs, the whole nation. The plan outlined above treats the problem of race for what it primarily is—a problem of undereducated poverty.

Mr. KENNEDY. It is a privilege to be a sponsor of this Troops-to-Teachers amendment proposed by Senator DANFORTH to give noncommissioned officers the opportunity to participate in this program to help former members of the Armed Forces become elementary and secondary school teachers.

Troops-to-Teachers provides impressive opportunities for retiring military personnel. It holds great promise for developing a well-qualified supply of new teachers for large numbers of American schools. Those who have served the country in the military can bring a worthwhile background of discipline and experience to teacher-training programs, and they can become an important addition to the Nation's classrooms.

Current law already enables former officers in the Armed Forces to participate in the Troops-to-Teachers Program. This amendment enables noncommissioned officers to participate as well. It also addresses the vital need to make more opportunities available for minorities in the ranks of American teachers.

We know that in the years ahead, the school population will increase substantially, and there will be an urgent need for additional teachers. This amendment will help to meet that need, and I urge the Senate to approve it.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 832) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KEMPTHORNE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 833

(Purpose: Relative to the importance of Naval Oceanography Survey and research in the post-cold-war period)

Mr. KEMPTHORNE. Mr. President, on behalf of Senator LOTT, I offer an amendment to express the sense of the Senate relative to the importance of the Naval Oceanographic Survey and research in the post-cold-war period. It would state how important the Congress believes these activities are and that additional reductions in this mission should be avoided.

I urge the Senate to adopt this amendment.

Mr. NUNN. I urge the adoption of the amendment.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. KEMPTHORNE], for Mr. LOTT, proposes an amendment numbered 833.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

Purpose: Relative to the Importance of Naval Oceanography Survey and Research in the Post-Cold War Period.

The Senate finds that:

The Oceanographer of the Navy is responsible for all the Navy oceanographic research and survey efforts;

Oceanographic research and surveys are critical investments in the Navy's ability to operate in littoral waters of the world with an increased confidence of operational success;

Oceanographic surveys enable the Navy to conduct naval operations in greater safety, particularly in littoral waters;

The survey of littoral waters is most safely conducted during periods of peace when conflict is not imminent and the risk to lives and ships are diminished;

The Navy has reduced their oceanographic research and survey effort by almost 50 percent over the last five years;

This reduction in effort is the result of undistributed budget reductions required by the Comptroller of the Navy to meet overall Navy budget targets;

The number of naval ships dedicated to oceanographic survey and research has been reduced from 12 to 7 over the last five years, significantly reducing the Navy's oceanographic survey capability;

Therefore, it is the sense of Congress that

(1) Additional reductions to the Office of the Oceanographer of the Navy which will further reduce the level of oceanographic surveys and research efforts of the Navy should be avoided;

(2) A window of opportunity exists which allows near unencumbered access to littoral waters which are now available for surveying and research;

(3) Committing limited resources to the Navy's oceanographic research and survey effort should be considered a force multiplier to U.S. combat forces in future conflicts, particularly in littoral waters;

(4) The Navy should exploit this opportunity to survey and research these critical littoral waters and maintain funding levels for oceanographic surveying and research.

Mr. LOTT. Mr. President, for the last 5 years the Oceanographer of the Navy has experienced a substantial reduction in operation and maintenance funding as a result of undistributed marks by the Navy Comptroller. While I am very sensitive to the challenges facing the Navy Comptroller to parcel out budget reductions, I am very concerned that our oceanographic survey and research effort is not the place to seek additional cuts.

The United States enjoys a critical window of opportunity which allows us almost total, unchallenged access to the littoral water on every continent. We should exploit this opportunity to research and survey these littoral waters now—while hostilities are diminished and the missiles are not flying. We may not have another opportunity like this for some time.

Mr. President, it is my understanding that the Oceanographer of the Navy has cut five of the Navy's oceanographic ships over the last 5 years. We cannot afford to decommission any more oceanographic survey ships from the Navy's fleet. Now is the time we should be doing more oceanographic research not less. Continued reductions in oceanographic survey and research has profound and significant impacts on the future Navy's ability to operate in littoral areas of the world.

This is a critical time for the U.S. Navy to exploit the peace which has gripped the world. More cuts should not be made which further reduce the Navy's ability to chart the survey littoral waters where our future Navy may be required to operate with confidence. If we learned anything from Desert Storm, we learned that brown water operations require planning and research. Oceanographic research is one part of this critical planning process, and now is the time for this research to continue with diligence.

This amendment will send a strong signal of support for the future of Navy brown water operations. We can't afford to continue squeezing this survey and research effort. Our Navy's ability to operate in hostile waters and place missiles on target require that this survey and research effort continue.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 833) was agreed to.

Mr. KEMPTHORNE. Mr President, I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 834

Mr. NUNN. Mr. President, on behalf of Senator LEVIN I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. LEVIN, proposes an amendment number 834.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert:

SEC. . Of the funds authorized to be appropriated pursuant to section 201(1), $24,000,000 may be obligated and expended for the purposes of demonstrating in field maneuvers the integration of digital electronic devices for purposes of command, control, battle management and combat identification for all major weapon systems contained in a combined arms brigade.

Mr. NUNN. Mr. President, the Army has discovered the revolutionary potential for improving the combat effectiveness of existing weapon systems by integrating the command and control systems of those competition systems. The Army calls this concept "horizontal integration of the battle field."

In order to demonstrate this promising concept, this amendment would provide $24 million for a field demonstration. I think this is an excellent amendment. I urge its adoption.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 834) was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 835

(Purpose: To state the sense of the Senate on ensuring the provision of adequate medical care to military retirees)

Mr. NUNN. Mr. President, on behalf of Senator COVERDELL I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. COVERDELL, proposes an amendment numbered 835.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 175, below line 20, add the following:

SEC. 707. SENSE OF SENATE ON THE PROVISION OF ADEQUATE MEDICAL CARE TO MILITARY RETIREES.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of Defense should encourage increased use of physicians, dentists, and other health care professionals in the reserve components of the Armed Forces of the United States in order to provide retired military personnel with care under section 1074(b) of title 10, United States Code, while such members of the reserve components are performing active duty, full-time National Guard duty, or inactive-duty training consistent with other military training requirements.

(b) DEFINITIONS.—In this section:

(1) The term "retired military personnel" means persons who are eligible for medical and dental care under section 1074(b) of title 10, United States Code.

(2) The terms "active duty", "full-time National Guard training", and "inactive-duty training" have the meaning given such terms in section 101(d) of such title.

Mr. KEMPTHORNE. The amendment that is coming from Senator COVERDELL would express the sense of the Senate that the Secretary of Defense should encourage increased use of military personnel to provide care to retired military personnel in the course of their training, consistent with their military mission and training requirements.

Mr. NUNN. Mr. President, this is an excellent amendment. I have felt for a long time we needed to do everything we could to more fully utilize our personnel in reserves. This goes to a particularly important need. We are running into serious problems, particularly with base closures, with the problems in the Veterans Administration's squeeze on the budget and taking care of our retired military personnel and their medical needs.

This would encourage a more comprehensive and effective and efficient use of reserve medical personnel in helping take care of the medical needs of the retired military community. I urge the adoption of the amendment offered by the Senator from Georgia, the junior Senator from Georgia [Mr. COVERDELL].

Mr. COVERDELL. Mr. President, I hereby submit to the Senate an amendment encouraging the Secretary of Defense to make increased use of health care professionals in the reserve components of the Armed Forces of the United States—as part of their service—to provide military retirees with health care.

As a veteran myself, I am concerned that those men and women who served in uniform in defense of this country not be forgotten. Their sacrifices comprise the foundation on which the security of the United States is maintained. How many times have we as a nation turned to them in times of need? How many times have they met that call to arms with grit and determination? They have earned our trust and gratitude a thousand times over.

Just as their service to the United States does not end as they enter civilian life, our obligations to these patriots continue into their retirement. Nowhere in this obligation more pronounced than in the arena of health care.

Disturbingly, many veterans have contacted me to report problems receiving access to adequate medical care. As we enter a period of downsizing the armed services, I believe that extensive reductions in personnel levels will significantly increase the population of military retirees. It is likely that these events will further compound the existing access problems.

The Senate is about to consider the reform of our Nation's health care delivery system. I believe we must target those aspects of health care that need reforming. We must look to reform those pieces that can bring others into the system without destroying what is working so well. Increased utilization of reservists such as I have proposed will help to address those weaknesses as we embark on a course of targeted reform of the health care system.

We owe it to these patriots to meet their efforts on America's behalf with our efforts on their behalf. It is my hope that this amendment will move us closer to that goal.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 835) was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 836

(Purpose: To enhance the prevention and control of proliferation of weapons of mass destruction)

Mr. KEMPTHORNE. Mr. President, I send an amendment from Senator WARNER and Senator BYRD to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. KEMPTHORNE], for Mr. WARNER, for himself and Mr. BYRD, proposes an amendment numbered 836.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 74, between lines 2 and 3, insert the following:

Subtitle E—Programs in Support of the Prevention and Control of Proliferation of Weapons of Mass Destruction

SEC. 241. SHORT TITLE.

This subtitle may be cited as the "Prevention and Control of the Proliferation of Weapons of Mass Destruction Act of 1993".

SEC. 242. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States should have the ability to counter effectively potential threats to United States interests that arise from the proliferation of such weapons;

(2) the Department of Defense, the Department of Energy, and the Intelligence Community have an important role in preventing the proliferation of weapons of mass destruction and dealing with the consequences of any proliferation of such weapons;

(3) the Department of Defense, the Department of Energy, and the Intelligence Community have unique capabilities and expertise that can enhance the effectiveness of United States and international nonproliferation efforts, including capabilities and expertise regarding—

(A) detection and monitoring of proliferation of weapons of mass destruction;

(B) development of effective export control regimes;

(C) interdiction and destruction of weapons of mass destruction and related weapons material; and

(D) carrying out international monitoring and inspection regimes that relate to proliferation of such weapons and material;

(4) the Department of Defense, the Department of Energy, and the Intelligence Community have unique capabilities and expertise that directly contribute to the ability of the United States to implement United States policy to counter effectively the threats that arise from the proliferation of weapons of mass destruction, including capabilities and expertise regarding—

(A) responses to terrorism, theft, or accidents involving weapons of mass destruction;

(B) conduct of intrusive international inspections for verification of arms control treaties;

(C) direct and discrete counterproliferation actions that require use of force; and

(D) development and deployment of active military countermeasures and protective measures against threats resulting from arms proliferation, including defense against ballistic missile attacks; and

(5) in a manner consistent with the nonproliferation policy of the United States, the Department of Defense, the Department of Energy, and the Intelligence Community should continue to maintain and improve their capabilities to identify, monitor, and respond to the proliferation of weapons of mass destruction and delivery systems for such weapons.

SEC. 243. JOINT COMMITTEE FOR REVIEW OF NON-PROLIFERATION PROGRAMS OF THE UNITED STATES.

(a) ESTABLISHMENT.—(1) In support of the non-proliferation policy of the United States, there is hereby established a Non-Proliferation Program Review Committee composed of the following members:

(A) The Secretary of Defense.

(B) The Secretary of Energy.

(C) The Director of Central Intelligence.

(D) The Director of the United States Arms Control Disarmament Agency.

(E) The Chairman of the Joint Chiefs of Staff.

(2) The Secretary of Defense shall chair the committee.

(3) A member of the committee may designate a representative to perform routinely the duties of the member. A representative shall be in a position of Deputy Assistant Secretary or a position equivalent to or above the level of Deputy Assistant Secretary. A representative of the Chairman of the Joint Chiefs of Staff shall be a person in a grade equivalent to that of Deputy Assistant Secretary of Defense.

(4) The Secretary of Defense may delegate to the Under Secretary of Defense for Acquisition the performance of the duties of the Chairman of the Committee.

(5) The members of the committee shall first meet not later than 30 days after the date of the enactment of this Act. Upon designation of working level officials and representatives, the members of the committee shall jointly notify the appropriate committees of Congress that the committee has been constituted. The notification shall identify the representatives designated pursuant to paragraph (3) and the working level officials of the committee.

(b) PURPOSES OF THE COMMITTEE.—The purposes of the committee are as follows:

(1) To optimize funding for, and ensure the development and deployment of—

(A) highly effective technologies and capabilities for the detection, monitoring, collection, processing, analysis, and dissemination of information in support of United States nonproliferation policy; and

(B) disabling technologies in support of such policy.

(2) To identify and eliminate undesirable redundancies or uncoordinated efforts in the development and deployment of such technologies and capabilities.

(c) DUTIES.—The committee shall—

(1) identify and review existing and proposed capabilities (including counterproliferation capabilities) and technologies for support of United States nonproliferation policy with regard to—

(A) intelligence;

(B) battlefield surveillance;

(C) passive defenses;

(D) active defenses;

(E) counterforce capabilities;

(F) inspection support; and

(G) support of export control programs;

(2) as part of the review pursuant to paragraph (1), review all directed energy and laser programs for detecting, characterizing, or interdicting weapons of mass destruction, their delivery platforms, or other orbiting platforms with a view to the elimination of redundancy and the optimization of funding for the systems not eliminated;

(3) prescribe requirements and priorities for the development and deployment of highly effective capabilities and technologies to support fully the nonproliferation policy of the United States;

(4) identify deficiencies in existing capabilities and technologies;

(5) formulate near-term, mid-term, and long-term programmatic options for meeting requirements established by the committee and eliminating deficiencies identified by the committee; and

(6) in carrying out the other duties of the committee, ensure that all types of counterproliferation actions are considered.

(d) ACCESS TO INFORMATION.—The committee shall have access to information on all programs, projects, and activities of the Department of Defense, Department of Energy, and the intelligence community that are pertinent to the purposes and duties of the committee.

(e) BUDGET RECOMMENDATIONS.—The committee may submit to the officials referred to in subsection (a) any recommendations regarding existing or planned budgets as the committee considers appropriate to encourage funding for capabilities and technologies at the level necessary to support United States nonproliferation policy.

SEC. 244. REPORT ON NONPROLIFERATION AND COUNTERPROLIFERATION ACTIVITIES AND PROGRAMS.

(a) REPORT REQUIRED.—Not later than May 1, 1994, the Secretary of Defense shall submit to Congress a report on the findings of the committee on nonproliferation activities established pursuant to section 243.

(b) CONTENT OF REPORT.—The report shall include the following matters:

(1) A complete list, by program, of the existing, planned, and proposed capabilities and technologies reviewed by the committee, including all directed energy and laser programs reviewed pursuant to section 243(c)(2).

(2) A complete description of the requirements and priorities established by the committee.

(3) A comprehensive discussion of the near-term, mid-term, and long-term programmatic options formulated by the committee for meeting requirements prescribed by the committee and eliminating deficiencies identified by the committee, including the annual funding requirements and completion dates established for each such option.

(4) An explanation of the recommendations made pursuant section 243(e) and a full discussion of the actions taken on such recommendations, including the actions taken to implement the recommendations.

(5) A discussion of the existing and planned capabilities of the Armed Forces of the United States—

(A) to detect and monitor clandestine programs for the acquisition or production of weapons of mass destruction;

(B) to respond to terrorism or accidents involving such weapons and thefts of materials related to any weapon of mass destruction; and

(C) to assist in the interdiction and destruction of weapons of mass destruction, related weapons materials, and advanced conventional weapons.

(6) A description of—

(A) the extent to which the Secretary of Defense has incorporated nonproliferation and counterproliferation missions into the overall missions of the unified combatant commands; and

(B) how the special operations command established pursuant to section 167(a) of title 10, United States Code, might support the commanders of the other unified combatant commands and the commanders of the specified combatant commands in the performance of such overall missions.

(c) FORMS OF REPORT.—The report shall be submitted in both unclassified and classified forms, as appropriate.

SEC. 245. DEFINITIONS.

In this subtitle:

(1) The term "appropriate congressional committees" means the following:

(A) The Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

(B) The Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term "intelligence community" has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

Mr. KEMPTHORNE. The effect of this is to strengthen the nonproliferation and counterproliferation programs of the U.S. Government.

Mr. NUNN. Mr. President, this is, I think, an excellent amendment by the Senator from West Virginia, Senator BYRD, and the Senator from Virginia, Senator WARNER. This establishes a joint review committee in the Department of Defense to review the development of technologies to improve the capabilities to detect and monitor proliferation activities. This would also require a report to the Congress on these activities.

This underscores the Senate's continued commitment in cooperating with President Clinton in carrying out effective policy to control proliferation of weapons of mass destruction. I urge adoption of the amendment.

Mr. WARNER. Mr. President, I rise to offer an amendment, cosponsored by Senator BYRD, to strengthen the nonproliferation and counterproliferation programs of the U.S. Government. Simply put, this is a good Government amendment.

As many of us have stated time and again, the proliferation of weapons of mass destruction, along with ballistic and cruise missiles, is currently the greatest threat posed by the security of American, allied, and friendly interests. Many of the regional powers who seek these capabilities are controlled by some of the most ruthless regimes in existence: To wit—Iran, Iraq, Libya, North Korea, and Syria. We have witnessed one of these regimes—just a little over 2 years ago—launch Scud missiles at our troops and at Israel. Imagine the consequences if the Patriot missile had not been deployed and if the missiles had carried chemical, biological, or nuclear warheads.

Because of the gravity of this threat, it is incumbent upon the U.S. Government to develop the most capable program to collect, monitor, analyze, and disseminate information on the proliferation of such weapons systems. It is also incumbent upon the U.S. Government to develop an effective program to counter the spread of these weapons.

The three primary organizations charged by the U.S. Government to develop the capabilities described above are the Department of Defense, the Department of Energy, and the Central Intelligence Agency. Reviews of the nonproliferation and counterproliferation programs of these three organizations conducted by the staff of the Armed Services, Intelligence, and Appropriations Committees indicate that all three of them have increased funding and activities to stem or counter the tide of the proliferation of such weapon systems.

Unfortunately, Mr. President, the programs developed by these agencies are not well coordinated. We have found instances in which all three organizations are seeking to develop similar collection capabilities, but each program is underfunded. In many of these instances, by combining resources and efforts, we could develop and procure collection systems that will not be underdesigned, but rather will have the capabilities to provide the information required by policymakers.

Another problem with each organization developing nonproliferation and counterproliferation programs in a vacuum is that we fail to prioritize individual programs. In one recent instance, the Director of Central Intelligence recommended cancellation of a major collection program, which has been very useful to our nonproliferation efforts, because there was not sufficient funds available within his budget. But if this program were to have been traded off within the context of all three budgets, it might have survived.

Mr. President, the problem I have just described is no reflection on the capabilities or the attitudes of the hard working officials in our Government who develop our acquisition programs. Nor is it a new problem. Whenever an issue transcends the jurisdiction of one department or agency, there are inevitable coordination problems. Similar problems have occurred with our counternarcotic efforts, space programs, and science programs.

The amendment offered by myself and Senator BYRD would create a high-level review committee composed of senior officials from all relevant organizations. These officials would have complete access to all programs. They would jointly review current and proposed programs, prioritize them, and insure that the most promising capabilities are adequately funded. At the end of this effort, they would submit a report to Congress. In short, Mr. President, this is a good Government amendment—one that will bolster our nonproliferation effort. Given the threat posed by the proliferation of weapons of mass destruction, we can do no less than to support it with enthusiasm.

Mr. BYRD. Mr. President, I join with the distinguished Senator from Virginia in offering an amendment that will, if adopted, help the United States to more rapidly and effectively develop the means to detect, characterize, and defeat a nuclear, chemical, or biological weapon. The proliferation of these weapons of mass destruction is a subject of great concern to this Congress and this administration. The bombing of the World Trade Center and the plot to bomb other sites in and around New York City brought home to all of us the fragility of our security. In the future, that bomb could just as easily be a nuclear device. Trucking a bomb into a city is certainly easier than developing a ballistic missile, and a lot more cost effective, although ballistic missiles, advanced cruise missiles, and advanced conventional weapons also continue to pose serious and growing threats to U.S. national security interests.

The United States must deal with the spread of these lethal capabilities not only as a diplomatic and export control problem, but also as a military problem. If we fail to prevent the spread of technology and technical knowledge, we must be prepared to actively counter the use of those weapons. This poses a considerable challenge, demanding the development of the appropriate policy, detection technology, intelligence and analytical capability, inspection support, export controls, and defenses. I know that the administration is already at work on defining a counterproliferation policy. But much confusion continues to exist throughout the many Government agencies working on counterproliferation technology development programs that support that policy. It is essential to eliminate the unnecessary duplication of efforts on such programs, and to ensure that no critical gaps are unmet. We must achieve the maximum efficiency in the use of our reduced resources.

The current informal mechanisms established by the defense and intelligence community are not, I believe, adequate as a permanent solution to the difficult task of consolidating and coordinating the counterproliferation research and development program throughout the Government. The intentions of those involved in these informal networks are admirable, and their efforts are impressive, but their enforcement mechanism is lacking.

This amendment creates a Joint Review Committee, chaired by the Secretary of Defense, and including the Secretaries of Energy and the Directors of the Joint Chiefs of Staff and the intelligence agencies. This committee is charged with reviewing and rationalizing priorities across the range of research programs, including intelligence, battlefield detection, passive and active defenses, counterforce capabilities, inspection and on-site support, export control programs, and the critical but expensive sensor programs designed to detect and characterize nuclear, chemical, and biological weapons. Additionally, the committee, composed as it is of senior-level members, can actively influence all relevant agency budget decisions in order to maximize the effective use of resources.

Mr. President, the threat of nuclear diversion, terrorism and blackmail is serious enough to focus the attention of this Government as a matter of the most urgent priority. It is, in reality, an emergency situation begging our best efforts to minimize the potentials and dangers. This amendment is a needed step in focusing the resources and efforts of the Executive branch on the requirements, programs and planning needed to address it on an urgent basis.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 836) was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote.

Mr. NUNN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 837

(Purpose: To provide for research on the possible exposure of members of the Armed Forces to chemical, biological, radiological, and other hazardous agents and materials as a result of service in Southwest Asia during the Persian Gulf war)

Mr. NUNN. Mr. President, on behalf of Senator RIEGLE I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. RIEGLE, for himself, and Mr. SHELBY, proposes an amendment numbered 837.

Mr. NUNN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 242, below line 19, add the following:

SEC. 1067. RESEARCH ON EXPOSURE TO HAZARDOUS AGENTS AND MATERIALS OF ARMED SERVICES PERSONNEL WHO SERVED IN THE PERSIAN GULF WAR.

(a) FINDINGS.—Congress makes the following findings:

(1) A number of veterans of the Persian Gulf War have reported unexplained illnesses and claim that such illnesses are a consequence of exposure to chemical, biological, radiological, or other hazardous agents or materials as a result of service in Southwest Asia during the Persian Gulf War.

(2) Members of the Armed Forces of the former Czechoslovakian Federative Republic who served on a chemical decontamination team in Southwest Asia during the period of the Persian Gulf War have claimed exposure to chemical agents during such service, and the Czech Minister of Defense has confirmed that members of that chemical decontamination team detected low levels of nerve gas in that region during that period.

(3) Reports indicate that members of the United States Armed Forces who served in Southwest Asia during the Persian Gulf War may have been exposed to combined chemical warfare agents and other hazardous agents and substances during such service.

(4) Such exposure may have occurred directly as a result of attack on such members by Iraqi forces or indirectly as a result of prolonged "downwind" exposure to airborne chemical warfare agents or other hazardous substances that were dispersed as a consequence of the bombing of Iraqi chemical weapons facilities, nuclear facilities, and other facilities containing hazardous substances.

(5) It is in the interest of the United States that medical professionals providing care to members of the Armed Forces and to veterans understand the nature of the illnesses that such members and veterans may contract in order to ensure that such professionals have sufficient information to provide proper care to such members and veterans.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) one of the threats to international peace and to the interests of the United

States in the post-Cold War era is the proliferation of weapons utilizing chemical, biological, radiological, or other hazardous agents or materials;

(2) the readiness of the United States to engage in future military conflicts will be directly related to the capability of the United States—

(A) to identify the threat to members of the Armed Forces posed by the utilization of such weapons and the agents and materials utilized in such weapons;

(B) to protect such members from the adverse effects of exposure to such agents and materials; and

(C) to treat the casualties that result from the utilization of such weapons and from exposure to such agents and materials; and

(3) the Department of Defense is uniquely capable of conducting research into the sources and effects of exposure of members of the Armed Forces during military conflicts to chemical, biological, radiological, and other hazardous agents and materials.

(c) CONTRACT FOR RESEARCH FACILITY AND ACTIVITIES.—(1) Subject to paragraph (2), the Secretary of the Army shall enter into a contract with a hospital or other existing health care or health care research facility in order to ensure that the research referred to in paragraph (3) is carried out.

(2)(A) The Secretary shall enter into the contract under paragraph (1) using full and open competition.

(B) The facility referred to in such paragraph shall be affiliated with a medical facility of the Department of Veterans Affairs.

(3) The research referred to in paragraph (1) is research into the effects upon humans of exposure to hazardous agents and materials, including chemical and biological warfare agents, toxins, and materials to which members of the Armed Forces may have been exposed as a result of service in Southwest Asia during the Persian Gulf War.

(4) Humans may not be exposed to hazardous agents or materials as a result of the carrying out of research under this subsection.

(d) STUDY ON REPORTS OF EXPOSURE TO HAZARDOUS AGENTS AND MATERIALS.—(1) Subject to paragraph (2), the Secretary of Defense shall carry out a study in order to determine the validity and accuracy of claims that members of the Armed Forces who served in Southwest Asia during the Persian Gulf War were exposed to combined chemical warfare agents, biological warfare agents, biological toxins, and other unconventional warfare agents or other environmental conditions hazardous to the health of such members as a result of such service. The study shall identify the locations at which such exposure, if any, occurred and the extent, if any, of such exposure.

(2) The study under paragraph (1) shall include an investigation of such exposure directly as a result of attack on such members by Iraqi forces and indirectly as a result of prolonged downwind exposure to such agents and toxins dispersed in consequence of the bombing of Iraqi chemical weapons facilities, nuclear facilities, and other facilities containing hazardous substances.

(e) STUDY ON EXPOSURE TO DEPLETED URANIUM.—The Secretary of the Army shall carry out a study of the effects upon humans of exposure to fragments of depleted uranium from weapons rounds that have been fired.

(f) PARTICIPATION BY THE DEPARTMENT OF DEFENSE.—(1) The Secretary of Defense shall ensure that all elements of the Departments of the Defense, including all chemical and biological warfare defense programs, provide to the facility with which the Secretary of the Army contracts under subsection (c) any information possessed by such elements on the identity and quantity of the chemical, biological, radiological, and other hazardous agents and materials to which members of the Armed Forces may have been exposed as a result of service in Southwest Asia during the Persian Gulf War and on the effects upon humans of such exposure.

(2) The Secretary of Defense shall ensure that the elements of the Department of Defense referred to in paragraph (1) provide to the persons or entities carrying out the study referred to in subsection (e) information possessed by such elements on the sources and effects of exposure to depleted uranium on the members referred to in paragraph (1).

(g) REPORTS TO CONGRESS.—(1) Not later than each of March 1, 1994, and October 1, 1994, the Secretary shall submit to the congressional defense committees an interim report on the results during the year preceding the report of the research and studies, as the case may be, carried out under subsections (c), (d), and (e).

(2) The reports submitted under this subsection shall be submitted in an unclassified form but may have a classified annex.

(h) BUDGET INFORMATION.—The Secretary of Defense shall ensure that each budget submitted to the Congress under section 1105 of title 31, United States Code, for a fiscal year in which the contract referred to in subsection (c) is in force, the Secretary carries out the study referred to in subsection (d), or the Secretary carries out the study referred to in subsection (e), as the case may be, contains a request for such funds as the Secretary determines necessary in order to carry out the contract or such studies, as the case may be, during that fiscal year.

(i) FUNDING.—Funds for programs authorized in this section shall be derived from amounts to be appropriated for the Department of Defense.

(j) LIMITATION ON EXPENDITURES.—The total amount that may be expended in fiscal year 1994 with respect to activities under this section is as follows:

(1) For research activities carried out under subsection (c), $2,000,000.

(2) For the study carried out under subsection (d), $2,000,000.

(3) For the study carried out under subsection (e), $1,700,000.

(k) DEFINITION.—In this section, the term "Persian Gulf War" has the meaning given such term in section 101(33) of title 38, United States Code.

Mr. NUNN. Mr. President, this amendment provides $5.7 million for three studies. The first is to determine if there were any exposures to chemical or toxic agents during Desert Storm; the second is to determine the effects upon humans of the exposure to chemicals and other hazardous materials; the third is a study of the effects upon humans to the exposure of fragments of depleted uranium from weapon rounds that have been fired.

This amendment is a combination of two similar amendments that are also being offered in the House.

The proposed studies would be helpful to the Department of Defense if there was any exposure to nerve gas or other toxic agents. The study of the effects of exposure to depleted uranium from fired rounds is acceptable to all concerned and I believe this is an important amendment.

There was considerable debate and discussion on this amendment by Senator RIEGLE earlier in the consideration of this bill. The amendment, I think, is very important. I think most of us who have Desert Storm veterans in our States have received complaints from them about certain medical problems they are having that are of great concern to our committee in the Senate and all who value the service of the men and women of the American Armed Forces in that conflict. So I urge the adoption of the amendment.

Mr. President, I believe I have already noted Senator SHELBY from Alabama is a cosponsor of this amendment.

Mr. SHELBY. Mr. President, I am pleased to join Senator RIEGLE in this effort to get to the heart of the unexplained illnesses that have beset veterans of the Persian Gulf war. I have been in the forefront of this effort and believe that this amendment will provide additional assistance in determining the extent of veterans exposure to chemical, biological, or other hazardous agents.

On June 30, 1993, I chaired a hearing of the Armed Services Committee Subcommittee on Force Requirements and Personnel on military health care. Dramatic testimony was provided to the subcommittee during the hearing by gulf war veterans that on January 17, 1991, and January 20, 1991, U.S. forces were hit by chemical attacks. The most telling testimony centered on events of the early morning hours of January 20 at Jubayl, Saudi Arabia.

I would like to quote from Petty Officer Sterling Sims, who was a member of the 24th Naval Reserve Construction Battalion out of Huntsville, AL and an eyewitness to the events of January 20, 1991.

> On that night around 2:00 or 3:00 in the morning there was a real bad explosion overhead. The alarms went off. Everybody started hitting their bunkers. There was a high odor of ammonia in the air that burned your eyes. * * * We went to full chemical gear, and were in that situation for about two hours before it was passed down that there was an all clear. We were told that it was a sonic boom. To my knowledge you do not get a fireball from a sonic boom.

I would also like to quote from statements made to the Birmingham News by Chief Larry Perry from Gold Hill, NC, a member of the construction battalion, who was stationed at Jubayl.

> The Scud alert ended about 1 a.m., and men had gone to sleep in their tents when they were awakened by tremendous explosions. I stood straight up in bed almost. We just grabbed our gas masks and headed for the bunker,

Perry said,

> Shortly after the all clear signal had sounded the men emerged from their bunkers and around a dozen gathered at a latrine area about 20 feet away.

Chief Perry then states,

> That's when the mist came. It was more like you felt it. It was somewhere between fog and a light drizzle. It was like a real light rain, real fine.

Roy Butler, a first class petty officer from Columbus, GA, who was among this group stated, "All of my exposed skin was like it was on fire. It burned like crazy. I couldn't breathe. I had to take my mask off and clear my nose. I immediately thought we got gassed."

Mr. President, I ask unanimous consent that the article by Dave Parks of the Birmingham News which contains the accounts of Larry Perry and Roy Butler as well as my letter of July 29, 1993, to Secretary Aspin requesting the inspector general to investigate this issue appear in their entirety in the CONGRESSIONAL RECORD directly following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SHELBY. Mr. President, these men were given a direct order to stop talking about the incident. They were told that nothing happened—that the explosion was caused by jets breaking the sound barrier. But, Mr. President something did happen that night and on the night of January 17. The Czech Defense Ministry has confirmed that members of its decontamination team detected low levels of gas in that region. Sterling Sims, Larry Perry, and Roy Butler and perhaps thousands of other gulf war veterans are suffering because of their experience in Southwest Asia.

As I stated earlier, I have asked the Secretary of Defense to authorize the DOD inspector general to investigate these reports of chemical attack. The legislation before us directs the Department of Defense to establish a formal program of cooperation with the Department of Veterans Affairs to research the cause of the symptoms and develop treatments for any veteran of Operation Desert Shield/Storm who requests treatment from a military medical facility or veterans hospital. The cooperative program will include shared research, examinations, treatments and out-reach activities.

The amendment offered by Senator RIEGLE coherently lays out these issues. It provides $2 million for studies to identify those affected by gulf war illnesses and an additional $3.7 million to conduct research into the sources and effects of exposure of members of the Armed Forces to chemical, biological, radiological, and other hazardous agents and materials during the gulf war and exposure to depleted uranium. The Department of Defense will then report its findings back to the congressional defense committees on a timely basis.

Mr. President, I commend Senator RIEGLE for his efforts on behalf of gulf war veterans who suffer from unexplained illnesses. This amendment will give the Department of Defense the direction it needs to get to the bottom of this issue. I am proud to join the Senator from Michigan on this effort and urge my colleagues to support the amendment.

EXHIBIT 1

[From the Birmingham News, June 27, 1993]

ILL VETS SUSPECT CHEMICAL WEAPONS—SEABEES TELL OF ATTACK, GAS WARNINGS

(By Dave Parks)

Several veterans of a Navy Reserve Seabee unit say it is probable that their camp was hit by a chemical weapon at the beginning of the Persian Gulf War, and then they were ordered to keep quiet about the incident.

"It scared us to death," said Larry Perry of Gold Hill, N.C., a former chief petty officer.

"I know I got hit," said Mike Haynes, a former second-class petty officer who is now a preacher in Galivants Ferry, S.C.

"It just happened. It damm sure did," said Thomas Harper of Shiloh, Ga., a former second-class petty officer.

Military officials expressed immediate skepticism over the allegation, saying it was contrary to accepted facts about the Persian Gulf War. They said there was no evidence that chemical weapons were used in the conflict.

The use of chemical and biological weapons by Iraq was a threat throughout the Persian Gulf War. The international coalition aligned against Iraq warned of "terrible escalation" if the weapons were used, and analysts interpreted that as an implied nuclear threat.

Many of the Seabees said they were speaking openly about the possible chemical warfare incident because many members of their unit are suffering serious health problems possibly caused by exposure to chemical warfare agents. Some of the Seabees said health problems forced them from the Naval Reserve and they are having difficulty getting proper medical care and disability benefits.

The Seabees served with the 24th Naval Reserve Construction Battalion of Huntsville. The unit, with members in Alabama, Georgia, Tennessee, North Carolina and South Carolina, suffered high casualties from mysterious illnesses linked to the war, and those maladies have been the subject of an ongoing investigation by *The Birmingham News*.

Perry, who spent 23 years in the Navy and Reserves, was the first Seabee to tell the *News* about suspicions of a chemical weapons attack, and he supplied names of 10 other Seabees who hold similar beliefs.

The *News* spoke with those Seabees and then contacted four more at random, in addition to the detachment's commanding officer. All the Seabees recalled the incident on Jan. 20, 1991, when the unit was taken to the highest level of readiness for chemical warfare. Two of the Seabees chosen at random said it was very possible the men were exposed to chemical weapons, one Seabee said it was impossible to tell and the fourth dismissed the allegations.

The detachment's commander expressed doubt that any of his men were exposed to a chemical weapon and said it would have been an "isolated instance."

The Seabees were part of a 106-member air-support detachment stationed near an air strip south of the port of Al Jubayl on the Persian Gulf. They were at a base occupied by thousands of Marines and British military personnel.

U.S. Navy officials in Washington denied any knowledge of the use of chemical weapons in the Persian Gulf War.

I've not heard any discussion about any CB (chemical-biological) warfare that actually went on," said Capt. Perry Bishop, a spokesman on medical affairs for the Navy. "There were a lot of fears, but I've never seen anything that indicates that anything was ever used."

He expressed skepticism about the Seabees' story because many of them seemed to agree on the main point of it; he said it could be a product of medical desperation.

"If that's their story, I can't change their opinion, but I don't think it's correct," he said. "I think they're struggling to try to figure out what it is that they've got, and nobody can give them an answer.

"People with AIDS have the same kind of desperation," he said. "That doesn't mean there's a cure or an answer or even a reason,"

A spokesman for Navy Reserve headquarters in New Orleans said every effort had been made shortly after the 1991 incident to determine if an attack had occurred, and tests showed that there had been no chemical attack.

COLD NIGHT OF TERROR

The Seabees say the incident occurred during a cold night of terror on Sunday, Jan 20, 1991. That was just a few days after the air war started and about the time that allied bombers hit production facilities for Iraqi chemical and biological weapons.

Perry, a chief who retired because of health problems, said the incident occurred about 3:30 a.m., after the detachment had been under attack by Scud missiles.

The Scud alerts ended about 1 a.m., and the men had gone to sleep in their tents when they were awakened by tremendous explosions, he said.

"I stood straight up in bed almost," Perry said. "We just grabbed our gas masks and headed for the bunker."

The Seabees scrambled into eight-foot-deep, bomb-proof shelters they had constructed outside their tents, he said. Soon, the all-clear sounded, Perry said. The men emerged from the bunkers, and about a dozen of them gathered at a latrine area about 20 feet away.

"That's when the mist came," Perry recalled, adding that he was unable to see the substance. "It was more like you felt it. It was somewhere between fog and a light drizzle . . . It was like a real light rain, real fine."

Pandemonium ensued for the next few moments as chemical alarms sounded and men struggled to put on gas masks while running back to bunkers where their chemical suits were stored, Perry said.

Once back in his bunker, Perry noticed his face burning around his mask.

Two other Seabees said they were struggling to breathe because their noses, mouths and eyes were watering.

Roy Butler, 49, a first-class petty officer from Columbus, Ga., was one of those Seabees.

"All of my exposed skin was like it was on fire," he said. "It was burning like crazy. I couldn't breathe. I had to take my mask off and clear my nose. I immediately thought we got * * * gassed."

Haynes said his lips went numb.

"I got hit in the face with it," He said. "My lips were numb—like I had been to the dentist with Novocaine—for about seven days. In fact, I still have a touch of it right in the center of both lips."

He added. "We were on fire, burning all around our face masks. It was a blistering agent."

Harper, a radioman in the Seabee detachment's command post bunker, said he heard over the radio that a gas attack had been confirmed.

"I was down in that hole," he said. "I heard everything—everything."

Dale Milsap of Soddy Daisy, Tenn., a second-class petty officer at the time, was in a command post bunker, too, and listened to radio traffic.

"It was a confirmed blister agent," he said.

The men stayed in their chemical warfare suits until they were told it was safe to come out of their bunkers, they said. Then, they learned the gas attack had been "unconfirmed" by military officials.

"When we started asking questions about it the next morning, we were told nothing happened," Perry said. "We thought that was kind of strange."

He said many servicemen on the base were discussing aerial combat that had supposedly occurred over their tents between British Tornado jets and an Iraqi Mig 23.

About 6:30 a.m., the Seabee detachment's commander, Lt. Lewis Harrison, called the chief petty officers in for a meeting, Perry said.

"We were called together and given a direct order to stop the talk about it," Perry said "It was nothing. There was no Iraqi jet, no bomb. Nothing happened. We figured it was for national security reasons and stopped talking about it."

An Air Force official said there were no records of a Mig 23 being shot down at the camp on or around the date of the incident.

Harrison, who lives in Newnan, Ga., acknowledged that he might have told the men to stop talking about the incident, but that would have been because he discouraged rumors.

He was told that the chemical warfare alert Jan. 20 was caused by a false alarm from a British detector set off by diesel fumes. Gas was never confirmed, he said.

He was unable to explain the burns suffered by some people.

"I know there were some isolated instances of some people getting burns and some other things, and I'm not sure from exactly what," Harrison said. "I can't say anything about it because I don't know."

Asked if there was a possibility that some of his men were gassed, Harrison said: "Well, it would have been an isolated instance, and I know that there would have been other people out on the airfield and probably even closer to a possible—if I were just thinking about the terrain—a possible strike who showed no problems."

But he was told that there wasn't a strike, he said, and that the explosions were caused by jets breaking the sound barrier.

"I know the guys still have some problems with it," Harrison said. "If I had something that I couldn't explain, I'd probably be looking for reasons, too. I sympathize with them and I don't dismiss the fact that something could have happened, but I don't know what it is. They're good guys."

Despite Harrison's order not to discuss the incident, Seabees said they made entries in diaries and collected information. And many of the Seabees said they began getting ill a few days later and have never recovered.

Perry, who developed pneumonia a short time after the incident, later gathered testimony and information from other Seabees about what happened. Among other documents, he has access to what he said is an original note from a radioman who wrote down the following message:

"Grid 652 832
South of Port
Liquid contamination
on test kit.
Confirmed blister agent!"

Perry also made notes in his diary and listed the men who were badly affected by the mist. Other Seabees said they documented the event in a similar fashion.

And one Seabee, Paul Moyers of Covington, Ga., a first-class petty officer who was the detachment's safety officer, said he further confirmed details of the incident.

Moyers said three teams of military personnel trained in chemical and biological warfare defense arrived at the base and began testing and decontamination. He said British decontamination personnel told him all three teams found traces of "dusty mustard gas."

"It's a real dusty powder," he said. "That's what they told me."

Iraq is known to have used mustard gas during its border war with Iran in the early 1980s, and by the end of that conflict it was mixing in nerve gas. A few years later, Iraqis used gas within their own borders against Kurds.

SEABEES DISABLED

One thing is for sure. Some members of the Seabee detachment are seriously ill.

Perry was interviewed while being treated at Tonro Infirmary in New Orleans for a severe infection. Perry said he had been disabled by severe psychiatric problems and other medical disorders since returning from the Persian Gulf War.

Haynes, like many men in the detachment, suffers from severe memory loss and other problems. "I have soreness in the bottom of my feet. I can't hardly walk. All my joints ache."

He was unable to complete his tour in the Middle East because of heart problems, he said. His son, who also served with the detachment, is in worse shape. "He's having a little more serious problem," Haynes said. "There's a rectal bleeding this has caused."

Harper said he suffers from aching joints, headaches and fatigue.

Like most of the Seabees interviewed, he expressed frustration over trying to get medical care for problems that haven't been designated as service-connected.

"I don't understand all this denial," Harper said.

The denial has created many problems for the Seabees, several said.

For instance, Butler said VA doctors don't want to take it seriously when he mentions the possibility that he was gassed.

"When you mention that, folks don't want to hear it," he said. "They turn off on you real quick."

Before being forced out of the Reserves because of health problems, Butler attended drills in Columbus, Ga. Health problems were so severe among Reservists there that a special team of military and VA doctors was sent to investigate. They didn't want to listen when some of the men tried to explain their illnesses and how they might be linked to a chemical weapons attack, Butler said.

"They wouldn't hear no part of it," he said. "They said you could get those things from overreacting."

Nicholas Roberts of Phenix City said he doesn't believe his cancer of the lymph nodes was caused by "overreacting." The former second class petty officer said he thinks it was caused by whatever hit him on Jan. 20, 1991, but he also believes some health problems among veterans were caused by vaccinations they received when activated.

DISGUSTED BY VA

Like many of the other former Seabees, he expressed disgust with medical care from the military and VA. The Navy refused to treat the ailments he brought back from the Persian Gulf, and he was referred to the VA Medical Center in Tuskegee, he said. There, he underwent tests and doctors told him they could find nothing wrong, he said.

Then, he went to a private physician who diagnosed his cancer, Roberts said.

Perry said he is angry and hurt.

"We were willing to go to war," he said. "Now we have to fight our own government. We did our commitment. All we're asking is for the U.S. government to uphold its commitment to us."

"There are people who know what's wrong with us," he said. "They need to come forward. We won a star in 45 days, and 2½ years later, we still can't get medical treatment."

U.S. SENATE,
Washington, DC, July 29, 1993.

Hon. LES ASPIN,
Secretary of Defense, Department of Defense, The Pentagon, Washington, DC.

DEAR SECRETARY ASPIN: Recent testimony before the Senate Armed Services Subcommittee on Force Requirements and Personnel by veterans of the war in the Persian Gulf has left me deeply concerned that U.S. troops may have been exposed to chemical warfare agents.

On June 30, 1993, I chaired a Subcommittee hearing concerning military medical health care. The Subcommittee received testimony from Rear Admiral Edward Martin, the Acting Assistant Secretary of Defense for Health Affairs and the Surgeons General of the military services. Four veterans, including Representative Stephen Buyer of Indiana, testified about the medical problems that have affected Gulf War veterans since coming home.

I was astonished to learn during the testimony of two veterans of the Gulf conflict that they believe they were subject to a chemical attack. Articles in the *Birmingham News*, my personal conversations with other servicemen who served in the Persian Gulf, and reports that Czech soldiers detected increased concentrations of mustard gas and nerve agents in the atmosphere have all raised the speculation that American troops may have been subject to chemical exposure during their Gulf service. It is my understanding that the Czechs sent samples of the chemicals to military laboratories in the United States.

I do not know whether or not members of our armed forces were subject to a chemical attack. However, I do believe that there is sufficient evidence to warrant an investigation by the Department of Defense Inspector General.

I would appreciate hearing from you on this issue as soon as possible.

Sincerely,

RICHARD SHELBY.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 837) was agreed to.

AMENDMENT NO. 838

(Purpose: To require the Secretary of Defense to carry out or support an independent study of the conduct of a series of medical studies carried out during or prior to 1957 by the Air Force Arctic Aeromedical Laboratory, Ladd Air Force Base, AK)

Mr. KEMPTHORNE. Mr. President, I send an amendment by the Senator from Alaska, Senator MURKOWSKI, to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. KEMPTHORNE] for Mr. MURKOWSKI, for himself and Mr. STEVENS, proposes an amendment numbered 838.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 175, after line 20, insert the following:

SEC. 707. INDEPENDENT STUDY OF CONDUCT OF MEDICAL STUDY BY ARCTIC AEROMEDICAL LABORATORY, LADD AIR FORCE BASE, ALASKA.

(a) REQUIREMENT FOR STUDY.—The Secretary of Defense shall provide, in accordance with this section, for an independent study of the conduct of a series of medical studies performed during or prior to 1957 by the Air Force Arctic Aeromedical Laboratory in Alaska. The series of medical studies referred to in the preceding sentence was designed to study thyroid activity in men exposed to cold, and involved the administration of a radioactive isotope (Iodine 131) to certain Alaska Natives.

(b) CONDUCT OF REQUIRED STUDY.—The study referred to in subsection (a) shall be conducted by the Institute of Medicine of the National Academy of Sciences or a similar organization.

(c) DIRECT OR INDIRECT DOD INVOLVEMENT.—The Secretary may provide for the study either—

(1) by entering into an agreement with an independent organization referred to in subsection (b) to conduct the study; or

(2) by transferring to the Secretary of the Interior, the Secretary of Health and Human Services, or the head of another department or agency of the Federal Government funds to carry out the study in accordance with subsection (b).

(d) REPORT.—The Secretary of Defense or the head of the department or agency of the Federal Government carrying out the study shall submit to Congress a report on the results of the study. The report shall, at a minimum, include the following matters:

(1) Whether the series of studies referred to in subsection (a) was conducted in accordance with generally accepted guidelines for the use of human participants in medical experimentation.

(2) Whether Iodine 131 dosages were administered in accordance with radiation exposure standards generally accepted as of 1957 and with radiation exposure standards generally accepted as of 1993.

(3) The guidelines that should have been followed in the conduct of the series of studies, including guidelines regarding notification of participants about any possible risks.

(4) Whether subsequent studies of the participants should have been provided for and conducted to determine whether any participants suffered long term ill effects of the administration of Iodine 131 and, in the case of such ill effects, needed medical care for such effects.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of Defense for fiscal year 1994, $150,000 for carrying out the study referred to in subsection (a).

Mr. KEMPTHORNE. The purpose of this bill is to require the Secretary of Defense to carry out or support an independent study of the conduct of a series of medical studies carried out during or prior to 1957 by the Air Force Arctic Aeromedical Laboratory, Ladd Air Force Base, AK.

Mr. MURKOWSKI. Mr. President, today I rise on behalf of myself and my colleague, Mr. STEVENS, to offer an amendment directing the Secretary of Defense to support an independent review of the conduct of medical studies involving Alaska Natives and military personnel serving in Alaska at the height of the cold war.

In 1957, the Arctic Aeromedical Laboratory at what was then Ladd Air Force Base, AK, conducted a series of medical studies using Alaska Natives from the villages of Wainwright, Point Lay, Anaktuvuk Pass, Arctic Village, Fort Yukon, and Point Hope. In the course of these studies, dosages of a radioactive isotope, iodine 131, were administered to approximately 100 Eskimos and Athabascan Indians in Alaska. Similar dosages were also given to control groups of nonnative airmen serving at Ladd Air Force Base.

These studies were intended to study thyroid activity in persons exposed to cold, and to understand why Alaska Natives performed so well in bitter cold, presumably in an attempt to better train and equip the cold weather soldier.

Discusions with those involved with the studies and the readily available literature and technical papers available from the now defunct Arctic Aeromedical Laboratory has led us to several preliminary conclusions.

First, while the individual dosages administered in the studies—up to 65 microcuries per dose—would not be expected to create adverse medical effects, the literature is unclear about whether or not individuals were given repeated dosages.

Second, it appears that participants did not provide informed consent. The participants did not know they were being given a radioactive isotope.

Third, there was no followup to evaluate the impacts of the studies, if any, on the participants.

When I learned of these studies, I asked the National Academy of Sciences to help us determine the answer to a number of important questions:

Were these studies using iodine 131 conducted in accordance with generally accepted guidelines governing the use of human participants in medical experimentation?

Was the administration of iodine-131 dosages in accordance with radiation exposure standards of the time? Were they in accordance with the radiation exposure standards of today?

What guidelines should have been followed with respect to the notification of participants about the possible risks, if any, that were involved with the experiments? What followup studies should have been performed to assure that the participants suffer no long-term ill effects?

We have had some discussions with the National Academy of Sciences and the staff of its Polar Research Board and Institute of Medicine. Preliminary indications are that a rigorous effort to review the literature, search the archives, contact the surviving participants and answer the above questions will cost up to $150,000.

The purpose of my amendment, therefore, is to direct the Department of Defense to fund such an effort by an independent entity such as the Institute of Medicine or the Polar Research Board of the National Academy of Sciences, on behalf of the Department of Defense or another agency such as the Bureau of Indian Affairs, the National Institutes of Health, or the National Science Foundation, and to authorize sums up to $150,000 for the same.

It is my understanding that this amendment has been reviewed and is acceptable by both sides. Therefore, Mr. President, I move the amendment and ask for its adoption.

I thank the chairman, the ranking member, and my colleagues.

Mr. NUNN. Mr. President, I urge the adoption of the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 838) was agreed to.

AMENDMENT NO. 839

(Purpose: To state the sense of the Congress with respect to the proliferation of space launch vehicle technologies)

Mr. NUNN. Mr. President, I send an amendment to the desk on behalf of Senator BINGAMAN and Senator MCCAIN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. BINGAMAN, for himself, Mr. MCCAIN and Mr. GLENN, proposes an amendment numbered 839.

Mr. NUNN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 242, below line 19, add the following:

SEC. 1067. SENSE OF CONGRESS RELATING TO THE PROLIFERATION OF SPACE LAUNCH VEHICLE TECHNOLOGIES.

(a) FINDINGS.—The Congress finds the following:

(1) The United States has joined with other nations in the Missile Technology Control Regime (MTCR) which restricts the transfer of missiles or equipment or technology that could contribute to the design, development or production of missiles capable of delivering weapons of mass destruction.

(2) Missile technology is indistinguishable from and interchangeable with space launch vehicle technology.

(3) Transfers of missile technology or space launch vehicle technology cannot be safeguarded in a manner that would provide timely warning of diversion for military purposes.

(4) It has been United States policy since agreeing to the guidelines of the Missile Technology Control Regime to treat the sale or transfer of space launch vehicle technology as restrictively as the sale or transfer of missile technology.

(5) Previous congressional action on missile proliferation, notably title XVII of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1738), has explicitly supported this policy through such actions as the statutory definition of the term "missile" to mean "a category I system as defined in the MTCR Annex, and any other unmanned delivery system of similar capability, as well as the specially designed production facilities for these systems".

(6) There is strong evidence that emerging national space launch programs in the Third World are not economically viable.

(7) The United States has successfully dissuaded countries from pursuing space launch vehicle programs in part by offering to cooperate with them in other areas of space science and technology.

(8) The United States has successfully dissuaded other MTCR adherents, and countries who have agreed to abide by MTCR guidelines, from providing assistance to emerging national space launch programs in the Third World.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Congress supports the strict interpretation by the United States of the Missile Technology Control Regime concerning—

(A) the inability to distinguish space launch vehicle technology from missile technology under the regime; and

(B) the inability to safeguard space launch vehicle technology in a manner that would provide timely warning of its diversion to military purposes; and

(2) the United States and the governments of other nations adhering to the Missile Technology Control Regime should be recognized for—

(A) the success of such governments in restricting the export of space launch vehicle technology and of missile technology; and

(B) the significant contribution made by the imposition of such restrictions to reducing the proliferation of missile technology capable of being used to deliver weapons of mass destruction.

(c) DEFINITIONS.—In this section:

(1) The term "Missile Technology Control Regime" or "MTCR" means the policy statement, between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on the MTCR Annex, and any amendments thereto.

(2) The term "MTCR Annex" means the Guidelines and Equipment and Technology Annex of the Missile Technology Control Regime, and any amendments thereto.

Mr. NUNN. Mr. President, this is an amendment by Senator BINGAMAN and Senator MCCAIN which expresses the sense of the Congress that transfers of space launch vehicle technology continue to be treated as restrictively as transfers of other missile technology.

This is a proliferation amendment that is concerned about the proliferation of our sensitive technology.

I urge the adoption of the amendment.

Mr. BINGAMAN. Mr. President, over the past 3 months the efforts of the Clinton administration to control the spread of missile technology have clearly made significant progress. These efforts, of course, build on those of the Bush administration, which also enjoyed important successes last year.

I have in mind the announcement made by the government of South Africa on June 30, 1993, that it was abandoning its space launch vehicle [SLV] program, which the United States had sanctioned in the fall of 1991 for having imported foreign missile technology that exceeded the guidelines of the missile technology control regime [MTCR]. I also have in mind the announcement on July 17, 1993, by the State Department that Russia had agreed to freeze its sale of SLV technology to India and would henceforth adhere to the guidelines of the MTCR in all of its missile technology export activities.

These two announcements follow similar actions last year by the governments of Argentina and Taiwan. Last year Argentina terminated its Condor II program, which had been intended for use both as a missile and as a space launch vehicle, and Taiwan announced that it would forego development of a space launch vehicle as well.

This encouraging trend is not an accident. In each case, the United States and other key MTCR members made the case that development of space launch vehicles would raise serious security concerns, would entail the violation of MTCR guidelines covering the transfer of missile and space launch vehicle technology, and would be very unprofitable financially.

These points were recently driven home in a study released by the Rand Corp. entitled "Emerging National Space Launch Programs: Economics and Safeguards." Authored by Brian Chow, this study concluded that emerging national space launch vehicle programs in the Third World are not economically viable and that "it is not possible to safeguard such space launch vehicle programs against technical transfers to ballistic missile development." The study also concludes that "if the United States and other nations wish to slow the proliferation of ballistic missiles, they should not assist these emerging launch programs" and that "the United States and other major launch-providing nations should make a commitment to launch any country's payloads at a reasonable price and in a timely manner."

Obviously this study's conclusions are consistent with the policy which our country has been pursuing for some time through three different administrations. The study's conclusions are consistent with the statutes governing United States policy toward missile proliferation, notably title XVII of the fiscal year 1991 Defense Authorization Act, on which I worked with then-Senator GORE, Senator MCCAIN, Senator PELL, Senator HELMS, Senator SARBANES, and then-Senator Garn.

Those provisions embody the notion that space launch vehicle technology is indistinguishable from missile technology and can not be safeguarded in a manner that would provide timely warning of diversion to military uses. Indeed, the definition of "missile" in both the Arms Export Control Act and the Export Administration Act reads as follows: "the term 'missile' means a category I system as defined in the MTCR Annex, and any other unmanned delivery system of similar capability, as well as the specially designed production facilities for these systems." The reference to "any other unmanned delivery system of similar capability" was, among other things, a reference to space launch vehicle technology.

My colleagues and I had sought to make this point very clear because a 1989 State Department report to Congress had suggested the possibility of aiding emerging space launch programs in the Third World, and we wanted to make our opposition to such an approach crystal clear. In my statement describing our amendment on August 3, 1990, I told the Senate:

> However, we should not, and I wish to emphasize this, we should not be providing space launch vehicles or related technology as an incentive not to proliferate, as suggested in a State Department report submitted to Congress last year. It is simply too difficult to prevent such technology from being used for missile purposes. Timely warning of diversion to military uses would be lost.

The sense-of-the-Congress resolution Senator MCCAIN and I are offering today as an amendment to this bill is intended both to congratulate the administration for its recent successes in controlling missile proliferation and to restate Congress' support for treating transfers of space launch vehicle technology as restrictively as transfers of other missile technology. We should not be providing space launch technology even to most adherents of the MTCR. We have many other means available to cooperate with nations which are foregoing development of missiles and space launch vehicles.

My sense is that the Clinton administration, in no small measure due to the efforts of the Vice President, has been doing an excellent job of making missile nonproliferation a real priority in its national security policy. As Senator McCAIN and I wrote to the Vice President on June 25:

> We know that maintaining nonproliferation as a priority in our national security policy is often difficult. In the past actions by both the executive branch and the Congress have too frequently contradicted their rhetoric on nonproliferation. We are sure from our past collaboration that you are playing the key role in this administration in insuring that actions and rhetoric coincide.

Mr. President, our insistence on a strict interpretation of the missile technology control regime both in law and policy over the last few years is now clearly paying dividends that deserve to be recognized. Our resolution does that. Our resolution is also intended to signal to those in the career State Department bureaucracy, who first proposed in 1989 that our policy on transfers of space launch vehicle technology be relaxed and who apparently continue to do so, that we intend to stay the course and we hope they will desist from their efforts to undermine the Clinton administration's nonproliferation policy. Particularly in light of the string of recent successes I cited earlier, it would make no sense to change course now. I repeat, it would make no sense to change course now.

Let me conclude by reading the closing paragraph of the Rand report I cited earlier:

> Space launch suppliers need not maintain the view that proliferation of space launch capabilities is irreversible. The miserable economics and the difficulties in obtaining technical assistance might kill many of them. That all the major launch suppliers are either members or abiders of MTCR provides an unprecedented opportunity to form a unified position and refrain from providing space launch and ballistic missile assistance to others. The United States and other MTCR members should not give up prematurely. They should discourage emerging national space launch development instead of hoping that it can be safeguarded. Otherwise, the MTCR members might end up promoting missile proliferation instead of slowing it.

Mr. McCAIN. Mr. President, the sense-of-the-Senate resolution that Senator BINGAMAN and I are introducing today is intended as a message to every official in the U.S. Government that deals with the issue of proliferation.

It is a constant temptation to give priority to the diplomatic issue of the moment, to compromise and avoid controversy, and to put trade before national security. Proliferation, however, is not an area where we can give way to that temptation. Proliferation is simply too dangerous. It risks replacing the structured nuclear confrontation of the cold war with unstructured chaos. It threatens our national interest, that of our allies, and that of humanity.

President Bush and President Clinton have both publicly supported this policy. At the same time, it is not always clear that Presidential policy is being supported with the necessary energy and force at the working level within the bureaucracy and the key departments charged with enforcing this policy and the law.

This is why I wrote Secretary Christopher in early June about our possible failure to firmly enforce our policy and law regarding the missile technology control regime in the case of China. It is why I recently joined Senator BINGAMAN in calling upon the inspector general of the State Department to investigate the quality of enforcement in that Department.

More is involved, however, than the missile technology control regime. While our bill reinforces the need to firmly enforce the missile technology control regime, its spirit is equally applicable to controls affecting chemical, biological, and nuclear weapons. These controls must be enforced even when the case is difficult, and even when they conflict with other priorities.

If they are not so applied, the future is all too predictable. More missiles will fall on defenseless cities, more chemical weapons will be used on helpless civilians, biological weapons will leave the laboratory and join in the killing, and we will again see hellfire from nuclear weapons.

International arms control regimes are vital. They are symbols of international consensus and international law. They are important steps toward a new world order, and they provide the framework for rolling back proliferation as well as preventing it.

International arms control regimes, however, will never be adequate or effective unless nations individually enforce the letter and spirit of that regime, and all of today's arms control regimes lack adequate inspection and enforcement provisions. This makes U.S. leadership, and our example, absolutely critical. If we falter the world falters, and slides toward a new form of Armageddon.

This is why Senator BINGAMAN and I urge our colleagues to join us in supporting this bill, and in a continuing effort to ensure there is no ambiguity anywhere in the executive branch regarding our firm bipartisan support for enforcement of the missile technology control regime.

No aspect of politics, trade, or diplomatic convenience can ever be an excuse for threatening the future of our children, the Nation, and the world.

Mr. President, I ask unanimous consent that the text of my letter to Secretary Christopher and of the letter that Senator BINGAMAN and I sent to the inspector general of the State Department be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
June 10, 1993.

Hon. WARREN M. CHRISTOPHER,
Secretary of State, U.S. Department of State, Washington, DC.

DEAR SECRETARY CHRISTOPHER: The announcement by Winston Lord that the People's Republic of China (PRC or China) was continuing missile sales to Pakistan on June 9, 1993, raises issues about China's role in proliferation that go far beyond the case in point. I am deeply concerned that we may face a broad pattern of Chinese activity in selling the technology for weapons of mass destruction that continues in spite of China's accession to agreements like the Missile Technology Control Regime (MTCR) and Nuclear Non-Proliferation Treaty (NPT).

I am also concerned that in our efforts to maintain friendly relations with China, and to avoid disturbing the flow of trade, we may be placing too much reliance on informal diplomacy, failing to properly inform the Congress and the public of China's action, and failing to properly enforce legislation that I cosponsored with Vice President Gore to enforce the MTCR and block sales to Iran and Iraq.

To be specific, I am concerned that the PRC may be systematically violating the MTCR in sales and technology transfers that affect Iran, Pakistan, and Syria, and where some form of de facto cooperation or technology transfer is taking place between China and North Korea. I am also concerned that in contravention of various agreements and assurances, China may be selling technology to these countries that can be used for the production of nuclear, chemical, and biological weapons.

I realize that Senator Pell and Senator Helms have written you regarding some specific instances where China may have violated its agreements, but I am concerned with both the broader pattern of Chinese actions and the need for formal and unclassified assurances as to our knowledge of Chinese actions, our policy towards, and our enforcement of all relevant U.S. law and sanctions.* * *

We understand it is standard practice at the Commerce Department not to refer any MTCR related cases for interagency review if the export is intended for a MTCR nation. Apparently, other agencies have protested this practice for years, fearing that without such interagency referral Commerce would automatically approve exports that could result in illicit retransfers (e.g., from such nations as Germany to countries of concern). If this is Commerce Department practice, State Department tolerance of such a practice, in its role as chair of MTAG and MTEC, is most troubling since the MTCR itself requires review of export cases on a case-by-case basis. Such review is supposed to be U.S. policy.

This raises several questions. Has U.S. policy been consistent concerning the review of MTCR exports to MTCR nations? Does the State Department, in its role as chair of MTAG and MTEC, oppose the Commerce Department's current practice? Does Commerce refer such dual use MTCR cases to the MTAG and MTEC for decision? How many of these cases has Commerce approved and how many has Commerce denied without referral to the interagency process?

CONCLUSION

We believe receiving a case by case review of the answers to these questions is critical for the Congress to carry out its constitutional responsibilities, and essential to assure that officials in the new administration responsible for implementing the law get off to a statutorily sound start. Given the sensitive nature of the answers to some of the more specific questions asked, it may be necessary to produce both a classified and unclassified report. We look forward working with you. If you have any questions please feel free to contact Tony Cordesman (Senator McCain, 224–2235) or Ed McGaffigan (Senator Bingaman, 224–5521), of our staffs.

JOHN MCCAIN,
U.S. Senator.
JEFF BINGAMAN,
U.S. Senator.

Mr. THURMOND. Mr. President, I am pleased to support the amendment proposed by the Senator from New Mexico. I agree with the restrictions included in the 1991 authorization act that have come to be known as the MTCR, the missile technology control regime. The problem of missile proliferation may be our greatest national security worry sometime in the near future. There are countries that hate us, and they want to get missiles, long range strategic missiles, missiles that can hit Washington from Asia or Africa. That is why so many of us support a national missile defense system.

The Senator's amendment aims at a problem: the State Department does not like trade restrictions that anger our friends. Our relations with India are very strained because the United States insisted that the Russian booster engine that they wanted to buy was restricted under the MTCR. But we have to have these restrictions, so we need a strong statement that the State Department will heed.

Mr. President, I recommend that my colleagues support the amendment.

The PRESIDING OFFICER. Is there further discussion on the amendment? The question is on agreeing to the amendment.

The amendment (No. 839) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KEMPTHORNE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NUNN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NUNN. Mr. President, that completes the amendments that we have anyone presenting here tonight and completes the amendments that we have been able to get agreement to on both sides.

We now have the situation as earlier described by the majority leader. We will have managers on the bill Monday morning and we will have managers on the bill most of the day in the afternoon and evening on Monday. So we will be here to receive amendments and proposals from people in the form of amendments that can be debated at that time.

I had informed the Senator from Iowa earlier this evening there was a strong possibility there would be a second-degree amendment proposed to the Harkin amendment. The Harkin amendment will recur on Monday. I know the Senator from Iowa is not here personally, but I would like to make it clear to his staff—and we will also try to notify him—there is a strong probability there will be a second-degree amendment offered to his amendment. That would, of course, be presented for a vote on Tuesday unless there is some agreement in the meantime, which I do not foresee. So I would want to make that clear since he has had to leave the floor this evening.

CREDIT UNION PROVISION

Mr. RIEGLE. Mr. President, I rise today to record my support for a provision concerning credit unions in the defense authorization bill that passed the Senate on September 9, 1993. That provision ensures the continued allotment of space in Federal buildings and military bases for credit unions.

Military downsizing is currently forcing military credit unions to expand their operations to members beyond military bases. This extension could cause military credit unions to lose their current on-base privileges.

The provision, however, allows credit unions to continue to have offices on military bases if 95 percent of the members using such offices are military or Federal employees or their family members. Off-base facilities, on the other hand, continue to be subject to all the normal expenses, including rent, that non-Federal credit unions incur.

The Department of Defense supports military credit unions' continued access to on-base offices and had earlier approved the Defense Credit Union Council's requests for a moratorium on the application of the 95-percent rule to allow time for congressional action to amend the Federal Credit Union Act.

I want to thank Senator D'AMATO, ranking Republican member of the Banking Committee, and Senators NUNN, THURMOND, and BRYAN for their assistance in expediting action on this amendment.

Mr. President, I ask unanimous consent that a letter of support for this provision from myself and Senator D'AMATO to Senators NUNN and THURMOND be placed in the CONGRESSIONAL RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMITTEE ON BANKING, HOUSING,
AND URBAN AFFAIRS,
Washington, DC, July 27, 1993.

Hon. SAM NUNN,
Chairman, Armed Services Committee, U.S. Senate, Washington, DC.

Hon. STROM THURMOND,
Ranking Republican Member, Armed Services Committee, U.S. Senate, Washington, DC.

DEAR SENATORS NUNN AND THURMOND: We are writing to ask you to incorporate an amendment into the defense authorization bill dealing with the allotment of space in federal buildings for credit unions.

This amendment is technical in nature and it would merely clarify current law. The amendment would continue to allow credit unions to occupy offices on military bases if 95% of the members using the office located of federal property are military or federal employees and family members of these employees—even if they were forced to expand their field of membership to individuals outside the military base. Off-base facilities, however, would not receive special treatment and would be subject to all the normal expenses of credit unions in similar areas, including the payment of rent and logistic expenses.

The Department of Defense supports this change and had approved the Defense Credit Union Council's request for a moratorium on the application of the "95%" rule to allow time for congressional action to amend the Federal Credit Union Act.

This is not a controversial amendment. This is an issue which needs immediate attention since the Banking Committee presently has no legislation which will move in a timely fashion. The need for the amendment results from the impending base closings and military downsizing, and it would be appropriate to attach this amendment to the FY 94 defense authorization bill.

We respect your desire to keep the defense authorization bill clean. However, we feel this issue is within the scope of the Armed Services Committee and the bill is the most appropriate vehicle to get this provision enacted into law.

Thank you for your consideration on this matter. If you have questions, have your staff contact Shellie Berlin or Gillian Garcia on the Banking Committee at 224–7391.

Sincerely,

ALFONSE M. D'AMATO,
Ranking Member.
DONALD W. RIEGLE, JR.,
Chairman.

Mr. CAMPBELL. Mr. President, thank you for allowing me the opportunity to speak on this amendment. Mr. President, as much as anybody here, I want to eliminate unnecessary Government spending. I realize the tough choices that our commitment to deficit reduction means. It means that the Federal Government can't fund every single project that helps our constituents. It means that committees have to choose carefully among many different spending proposals, and try to pick those which are the most needed and cost-effective.

I know the Armed Services Committee had a particularly difficult time this year in meeting budget targets, and I commend the committee members for toiling diligently until they met their goals.

Nobody is perfect, though, and in one specific case I believe the committee made a mistake by not funding a military construction project for Fitzsimons Army Medical Center in Denver, CO. The amendment I propose here would authorize $4.4 million for a dial office central facility at Fitzsimons.

Mr. President, I would not stand up here in support of this small project if it did not make good business sense for the Army. But the fact is, Mr. President, Fitzsimons is an integral part of the Army's medical treatment and training system, and it badly needs to modernize its telephone facilities. The Army already set aside funding in other accounts to pay for necessary improvements to accommodate this new dial office facility, money which will disappear if this project is not authorized this year.

There is apparently some question about whether Fitzsimons is going to be around in the next few years, which is why the Armed Services Committee wants to hedge its bets on spending money there. I think that concern is misplaced:

Year after year, evaluations and reviews show that Fitzsimons is an essential component of the Army's health care delivery system.

Fitzsimons provides all levels of health care to a million beneficiaries from 12 States in the Midwest.

Fitzsimons is a critical component of the U.S. Army's medical training mission.

Congress has always shown its support for Fitzsimons. In fact, last year Congress voted not only to support the current facility, but to authorize $390 million for a replacement hospital at Fitzsimons. The Army strongly supports this proposal. Congress also appropriated $30 million last year to complete designs for this new hospital.

But in order for Fitzsimons to fulfill its mission, at a minimum it needs $4.4 million in authorization for the dial central office facility. I urge my fellow Senators to recognize the importance of this facility to the Department of the Army, and to active and retired military personnel from throughout the Midwest.

Mr. HOLLINGS. Mr. President, few of my colleagues have expended more effort than this Senator grappling with the Federal deficit and working to cage the Government spending monster. From those budget battles, I have come to recognize that adequate planning and time schedules are essential to successfully implement Government reforms. For that reason, I rise today to express concerns regarding the provisions of the defense authorization bill and committee report dealing with the Defense Meteorological Satellite Program [DMSP].

The bill before the Senate and the committee report propose a $47.4 million reduction in the DMSP Program, a cut of almost 50 percent, as well as a deferral of the launch of the next military weather satellite. the rationale for the provision is that civilian and military weather satellite systems should be integrated or merged.

At this point, I think it is important to take note of the information these satellites provide—they collect temperature, moisture, and other weather and environmental information that is vital for both weather forecasting and global climate research. At present, the Federal Government supports two different systems, one run by the Department of Defense [DOD] and the other by the National Oceanic and Atmospheric Administration [NOAA] within the Department of Commerce. In addition, the National Aeronautics and Space Administration is planning a third system. According to current Government estimates, these three systems will cost the American taxpayer about $6 billion over the next 10 years.

Currently, NOAA's National Weather Service uses the data from the NOAA and DID satellites for long-term forecasting, severe storm tracking, and search and rescue services. In areas like Alaska, the polar-orbiters are the principal weather satellites. And, since we have only one geostationary or GOES satellite remaining in orbit, they provide critical back-up for hurricane tracking and monitoring.

Creation of a single operational U.S. weather satellite system may well be a sensible and cost-effective goal. The NOAA and DOD satellites are produced by the same contractor, at the same location, and carry similar instruments. Convergence of the two systems was proposed as a cost-cutting idea during the Reagan Administration. However, the civilian policy of allowing open access to civilian weather information could not be reconciled with the military's operational and national security needs. With current shifts in military requirements, interest in a single joint program has reemerged. Indeed, the President's National Performance Review calls for establishment of a single civilian operational environmental polar satellite program. The Review states that "to reduce duplication and save taxpayers a billion dollars over the next decade, various current and proposed polar satellite programs should be consolidated under NOAA." In the Senate, my colleague from Nebraska and a senior member of both the Armed Services and the Commerce Committees, Senator EXON, has provided important focus and leadership on this issue.

While the goal of converging military and civilian satellite programs may make sense, dismantling existing polar satellite systems before plans for a new joint system are completed does not make sense. As NOAA Deputy Administrator Doug Hall stated in a recent letter:

> The Clinton administration is committed to convergence of the civilian and defense polar satellite programs. However, the process of convergence requires significant lead time, and this reduction would adversely affect the ability of the nation to maintain polar coverage.

As Senator EXON has written:

> Merging the two satellite programs will take time—time to design a common system, to determine management arrangements between DOD and NOAA, to build new satellites, and to launch them. Both DOD and NOAA will obviously have to continue to launch and operate their own systems until the new system can be deployed.

The administration currently is conducting an interagency assessment of polar-orbiting weather satellite programs. However, I question whether slashing the DMSP budget and deferring launch of new satellites provides adequate time to develop and implement the results of that study.

The need to maintain flexibility in the budget and schedule for operational satellite programs was reinforced in August, when NOAA satellite controllers lost contact with a $67 million polar-orbiting satellite launched earlier in the month. While the implications of the loss have not yet been fully analyzed, program managers anticipate significant increases in long-term NOAA program costs, as well as immediate changes in budget and schedule requirements. Efforts by the past administration to short-cut planning and development stages for NOAA's geostationary weather satellites contributed to budget overruns of more than $1 billion, 5-year launch delays, and reliance on satellites borrowed from other nations to maintain essential coverage. As a nation, we cannot afford the luxury of redundancy in Federal programs, but the cost of shortsighted budget cuts may well be higher.

Mr. GLENN. Mr. President, I am pleased to support S. 1298, the National Defense Authorization Act for fiscal year 1994.

At the beginning of this year, I took over as chairman of the Subcommittee on Military Readiness and Defense Infrastructure on the Armed Services Committee.

I want to take a few moments today to summarize for my colleagues the portions of the bill dealing with issues under the jurisdiction of this subcommittee, and then offer my observations and comments on other portions of this important bill.

The Subcommittee on Military Readiness and Defense Infrastructure has a broad charter to oversee two critical elements of our military capability—the ability of our military forces to carry out their assigned missions, and the ability to sustain those forces in combat.

Mr. President, our military forces exist for one reason: To protect our national security. As we reduce the size of the military services, it is absolutely essential that our forces remain fully capable of carrying out the full range of their assigned missions at all times.

The primary focus of our subcommittee is on the combat readiness and combat capability of our military forces. We have other very important areas under our jurisdiction—such as base closings, environmental cleanup, and military construction—but combat readiness remains the bottomline for our work on this subcommittee.

Mr. President, I am becoming more and more concerned that we may be cutting the defense budget too much, too fast.

This year the full committee heard testimony from the service chiefs and from the unified combatant commanders on readiness issues.

The Subcommittee on Military Readiness and Defense Infrastructure followed up these full committee hearings with five hearings that focused on maintaining the readiness and combat capability of our military forces as we reduce the defense budget and draw down the size of our defense establishment.

We heard testimony from the representatives of four unified combatant commanders; from the senior logistics commanders in each service; and from the Operations and Maintenance—or O&M—Directors in each service.

In addition, the subcommittee had special hearings on military construction programs; on environmental programs; on base closure implementation; and on the defense business operations fund.

Mr. President, the funding in the O&M accounts has an immediate and direct impact on the combat readiness of our military forces, second only to the quality of the people we recruit and retain in the military services.

The O&M accounts pay the costs of:

Day-to-day operations of our military forces in the United States and around the world;

All individual and unit training for military members, including joint exercises;

Maintenance and support of the weapons and equipment in the military services;

Purchase and distribution of spare parts and supplies to support military members and their equipment wherever they are stationed or deployed; and

Support, maintenance, and repair of buildings and bases throughout the Department of Defense.

Witnesses from the Office of the Secretary of Defense and the military services testified before the committee this year that, in their view, approximately 70 percent of the funds in the O&M accounts are directly related to combat readiness and effectiveness.

In both full committee and subcommittee hearings this year, DOD witnesses expressed the view that the overall level of O&M funding requested for fiscal year 1994 was the minimum level adequate to maintain current readiness levels.

They also raised concerns that funding shortfalls in some O&M areas could lead to readiness problems in the near future.

Admiral Larson, the Commander in Chief of Pacific Command, testified before the full committee that "We are standing on the brink of a degradation of readiness."

The committee heard the same concerns from the service chiefs. General Sullivan, the Army Chief of Staff, testified that as far as readiness and O&M funding are concerned, "in the case of the Army, we are at the razor's edge." General Mundy, the Commandant of the Marine Corps, said, "I think we are on the same razor's edge."

We heard the same concerns in our subcommittee hearings. For fiscal year 1994, operating and training tempos in all of the services remain at the high levels of the last several years, but the growing backlogs of equipment waiting for regular depot maintenance in each service could put these operating and training tempos in jeopardy if not corrected.

In fiscal year 1994, for example, the Army is funding only 58 percent of its annual depot maintenance requirement; the Navy is funding only 72 percent; and the Air Force is funding only 80 percent.

These large backlogs will have an impact on equipment readiness and availability in operational units very soon.

Another area of concern is real property maintenance—the repair and maintenance of facilities and bases.

DOD's own figures show that the backlog of real property maintenance and repair reaches $14.2 billion in fiscal year 1994, a 20-percent increase over the fiscal year 1993 level and almost a 60-percent increase over the fiscal year 1992 level.

Unless reversed, this growing backlog of real property maintenance will have an impact on readiness and on the quality of life on military bases.

There are other critical programs within the O&M accounts that we need to watch carefully.

Recruiting high quality young people to join the military services remains essential even as we reduce the size of the military services, and there are some indications that the recruiting environment is becoming more difficult.

Timely environmental cleanup and restoration of military installations, particularly those scheduled for closure, is also a priority.

Secretary Aspin and Deputy Secretary Perry have pledged to avoid the "hollow force" programs of the past, and I share this commitment.

Members will find that this Defense Authorization bill actually increases the overall level of O&M funding requested for fiscal year 1994 and realigns funds to high priority readiness areas, including depot maintenance and real property maintenance, from lower priority programs.

For example, the bill increases funding for depot maintenance activities by $300 million in an effort to bring down the growing backlogs in this area; adds $100 million to the budget request for maintenance and repair of real property; and provides $31.4 million for repair and refurbishment of supplies on 3 of the Marine Corps' maritime prepositioning force ships.

In addition, we have increased funding for the civilian personnel transition incentives that Congress authorized last year so that the services can use these incentives to minimize involuntary reductions in force during fiscal year 1994.

The subcommittee has spent a fair amount of time this year on the implementation problems with the defense business operation fund or DBOF.

This fund was created in October, 1991 by consolidating 9 separate revolving funds into a single fund to operate DOD industrial activities—shipyards, depots and supply centers—on a more businesslike basis.

Everyone agrees that this concept has merit, but the DBOF has been plagued from its inception with persistent problems. As GAO and the Governmental Affairs Committee has been pointing out for a number of years, many of these problems have been endemic to DOD financial management systems for a long time.

Deputy Secretary of Defense Bill Perry established a special DBOF review group to make recommendations for correcting the problems facing the DBOF.

Our legislative provisions in this area direct the Secretary of Defense to establish milestones to address these problems, particularly in the financial management area; require a progress report next year on how they are meeting these milestones; and direct GAO to monitor DOD's work and report to Congress on the results.

Another provision I want to mention in the bill would authorize the Secretary of Defense to increase the threshold on purchases made with O&M funds from $15,000 to $100,000. Currently, purchases of items with a unit cost of over $15,000 must be budgeted and centrally managed through the procurement accounts.

This sounds like a small item, but I believe it will give local commanders more flexibility to manage their programs and achieve efficiencies, particularly in making tradeoffs between leasing and buying items at local bases.

The subcommittee had a particular problem this year in the fiscal year 1994 costs of the 1993 base closure round.

The budget assumed $1.2 billion in fiscal year 1994 costs in this area, offset by savings of $1.0 billion, most of which DOD assumed would be in the O&M accounts.

Working with DOD, we have been able to identify $955 million of the projected $1.0 billion in savings, largely from canceling military construction projects that are no longer needed.

In addition, the package contains an increase of $300 million to the fiscal year 1994 request for base closing costs to expedite the cleanup at closing bases.

Finally, Mr. President, the bill contains an important initiative to assist communities facing significant realignments or base closures.

The provisions in this initiative will help the Defense Department and other executive branch agencies implement the President's five point program announced on July 2 to assist local communities affected by base closures.

For example, these provisions will allow DOD to convey or lease property at closing bases to communities at little or no cost for economic development purposes.

I want to thank my friend and colleague, the ranking minority member of the subcommittee, Senator JOHN MCCAIN, for his cooperation and assistance on the subcommittee this year.

Senator MCCAIN and I served together for 6 years on the Manpower and Personnel Subcommittee before moving over to the readiness area, and it is always a pleasure to work with him on national security issues.

Mr. President, in addition to my comments on readiness issue, I would like to make a few comments on the committee's action with respect to the B–1 Bomber.

B–1B BOMBER

I offer these comments because I feel that the B–1 is fully capable of realizing its operational potential if we follow through properly on the modernization program on which we have already embarked.

Mr. President, the B–1B Lancer heavy bomber has been designated by the Air Force—rightly in my view—to be the "backbone" of its conventional bomber force, however, the B–1's weapons delivery capability currently is severely limited, and its operationally ready status is unacceptably low. This needs to be corrected on a priority basis if we are to realize any significant mission capability for the 95 B–1's in the operational inventory. If the Congress fails to adequately fund this program, we stand in danger of squandering the approximately $30 billion—fiscal year 1994 dollars—already invested in the B–1 program.

The committee recommended a cut of $50 million in RDT&E and $36 million in procurement from the budget request, as shown below. These cuts, in my view, would critically alter the modernization and operations program that the Air Force has undertaken for the B–1. I succeeded in getting the $86 million in cuts restored to full funding in the Nuclear Deterrence Subcommittee, however, the full committee did not accept the offset funding that I identified. This was doubly unfortunate, since the Senate Armed Services Committee reported the fiscal year 1994 Defense Authorization bill to the Senate well below the committee's funding bogie in budget authority.

In my view, the Air Force concept of operations for the B–1 is on course to make the best use of this aircraft. In a June 2, 1993 letter response to my request for updated information, General Mike Loh, U.S. Air Force, Commander, Air Combat Command, provided a coherent overview of the B–1 conventional modernization program.

In the letter General Loh says, in part:

> The B–1's are being re-roled to become our primary conventional warfighting bombers with both a penetration and standoff capability. The B–1 has the highest speed and greatest payload of our current bombers. Its speed makes the B–1 ideal for working as a part of multi-aircraft force package operations.
>
> Additionally, the B–1 has an automatic terrain following system, allowing the crew to fly at very low altitudes in bad weather and at night over extremely long-range with heavy payloads avoiding enemy defenses and penetrating to attack targets in a medium to high threat environment.
>
> While the B–2 has unmatched penetration capabilities, its numbers are too small to be used except for extremely high-value targets. Therefore, we have to rely on B–1's in operationally significant numbers for routine force package operations; and, modifying all the aircraft—95—gives reach, mass, and immediacy for worldwide missions.

I strongly agree with General Loh's assessment and intend to continue to pursue the B–1 modernization effort through legislative means.

It is important to recognize that the backbone of any long-range bomber fleet must be the B–1. By 1997, our heavy bombers will number only 210 aircraft: 95 B–52H's; 95 B–1B's; and 20B–2's.

The B–52's will be almost 40 years old, and are suitable only for stand-off missions. The B–2's are capped at 20 aircraft, and any attempt to increase this number is certain, in my view, to run into a buzz saw of congressional opposition because of the extraordinary cost of the aircraft; the Nation just cannot afford the astronomical amounts of money that would have to be plowed into the B–2 program to increase the buy, particularly in this era of severely constrained defense budgets.

General Loh closed his June 2, 1993 letter with this comment:

> I consider the B–1 conventional upgrade program essential to carry out our responsibilities for rapid power projection worldwide as we become more of a home-based force. We simply don't have enough range-payload capability in our aircraft without the B–1 to do our projected mission.

That, I feel, is an entirely appropriate summary of the status of the B–1B program, and provides a very strong justification for full funding of $306.8 million contained in the budget request.

Mr. President, I ask that the chart describing fiscal year 1994 funding for the B–1 program, and also the June 2, 1993 letter from General Loh to me be included in the RECORD.

Mr. President, I yield the floor.

FUNDING FOR B–1B FISCAL YEAR 1994

[In millions of dollars]

	Budget request	Committee recommendation	Reduction
RDT&E	$93.5	43.5	−50.0
Risk reduction for electronic countermeasures replacement	7.2		
Conventional weapons upgrade cluster bomb unit (CBU) integration	86.3		
Procurement	213.3	177.3	−36.0
Support equipment, deferred	46.5		
Contractor maintenance depot	116.0		
Special antenna 1122 (3d year)	8.6		
Engine safety improvements	13.4		
Begin conventional weapon integration	1.7		
Simulator mods to match A/C mods	8.2		
Aft DC battery, safety mod	14.4		
Reliability/maintain ability mods	4.5		
Total	306.8	220.8	−86.0

EFFECT OF REDUCTIONS IN FUNDING

RDT&E: Defers CBU integration and substantially slows conventional weapons system modernization;

Delays MIL STD 1760 data bus development such that it will not be ready for JDAM–1 or GAM (GPS aided munitions).

Procurement: Reduces Interim Contractor Support at maintenance depot which will result in fewer flight hours, less testing, and slower development of conventional capabilities.

Summary: 96 modern B–1B heavy bombers, procured at a cost of approximately $30 billion (FY–94 dollars) (95 assigned to operational squadrons), will continue to be limited in their mission capability to the delivery of MK82 500# (gravity) bombs. Scheduled qualifications of the aircraft for additional conventional weapons (scheduled next: CBU integration) will be delayed for lack of funding if the committee recommended reductions prevail.

The overall operational readiness (OR) status of the B–1 fleet, which now averages 58%, well below desirable and acceptable levels, will continue to degrade for lack of adequate logistics support.

HEADQUARTERS AIR COMBAT COMMAND,
Langley Air Force Base, VA, June 2, 1993.

Hon. JOHN GLENN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR GLENN: I am pleased to report to you that we in ACC are firmly on course to upgrade the B–1 bomber as you have so forcefully advocated for the last decade. We have committed to an integrated, deliberate, improvement program of approximately $2.5 billion phased over ten years. In the near term, CBU capability is being integrated onto the aircraft. The program will also integrate accurate and precise weapons including JDAM I and III, JSOE, and TSSAM, but will not ignore improvements to the defensive system and other aircraft subsystems.

Our concept of operations is to use the B-52 force for the nuclear deterrence mission for launch of standoff weapons outside target defenses, and to penetrate to target depth when defenses have been suppressed to ensure the B-52's survivability. The B-2 will be used to penetrate and attack high value, heavily defended targets where attack in mass is not warranted. The B-1s are being reroled to become our primary conventional warfighting bombers with both a penetration and standoff capability. The B-1 has the highest speed and greatest payload of our current bombers. Its speed makes the B-1 ideal for working as a part of multi-aircraft force package operations. Additionally, the B-1 has an automatic terrain following system, allowing the crew to fly at very low altitudes in bad weather and at night over extremely long-range with heavy payloads avoiding enemy defenses and penetrating to attack targets in a medium to high threat environment. While the B-2 has unmatched penetration capabilities, its numbers are too small to be used expect for extremely high-value targets. Therefore, we have to rely on B-1s in operationally significant numbers for routine force package operations; and, modifying all the aircraft (95) gives reach, mass, and immediacy for worldwide missions. Upgrades to electronic countermeasures are justified so the B-1 will be able to penetrate more modern Blue-Gray threat environments. I believe these investments are prudent, are done within dollars available in the POM, and are integrated with other bomber and fighter investments to implement our CONUS-based force projection strategy so necessary as we retrench. Without the B-1, this strategy would be extremely difficult to implement.

Although the B-52 is available and qualified to deliver a variety of conventional weapons, it will be increasingly unable to survive and operate on the modern battlefield as we focus more and more in integrated strike packages. Since the B-1 will become the workhorse of our conventional bomber force, we need to upgrade its capabilities to hold a large percentage of the CINC's most important targets at risk. The B-52H currently carries a variety of unguided munitions and an extremely limited number of conventional ALCM, but "smart" weapon carriage is no less costly in the B-52 and must be delayed pending completion of the heavy stores adapter beam conversion as the B-52C retires. Moreover, no matter how much we upgrade the B-52H lethality, its inability to penetrate and survive potential target defenses makes it unusable in integrated force packages. Therefore, the B-52H will be primarily a standoff platform and will remain the primary SIOP contributor where its speed incompatibility is not a liability.

After careful review of all the options, I am convinced it makes good fiscal sense to upgrade the B-1. At the Joint Requirements Oversight Council meeting on 20 May, all four services agreed with our priorities for the long-range conventional bomber roadmap. As you know, we have never received all the initial funds promised by Congress for the B-1 supportability. So, the Air Force has not had the opportunity to obtain full organic maintenance capability at the depot level. Consequently, this has tied my hands to expensive Interim Contractor Support (ICS) for maintaining certain parts at the depot. I have been able to transition to 100 percent organic capability at the operational level of maintenance, however our goal is now to achieve a stable mission capable rate of 75 percent. But I cannot do that without your support to ensure all our long-term supportability efforts, such as the purchase of deferred support equipment, full funding for ICS, and reliability and maintainability upgrades, receive all the requested funding to make the B-1 fully supportable as we normally do for other systems.

The B-1 will be able to employ the JDAM family of weapons if the planned upgrades for increased computer capacity and smart weapons multiple data buses are supported. We plan to carry eight JDAMs on the rotary launcher in each of the three bomb bays. Coupled with the large, high altitude footprint expected from the JDAM, this will allow the B-1 strike to target containing multiple points of impact (such as an airfield with several aircraft shelters) on a single pass effectively.

We simply could not afford to include a FLIR or low-light TV for the B-1 in the Bomber Roadmap because it was not central to our operational concept for mission accomplishment and was very costly. The excellent, existing automatic terrain following system will be adequate without these upgrades.

I consider the B-1 conventional upgrade program essential to carry out our responsibilities for rapid power projection worldwide as we become more of a home-based force. We simply don't have enough range-payload capability in our aircraft without the B-1 to do our projected mission. The B-1 promises to provide that capability at an affordable price in the time required to make a significant contribution to the war fighting needs of our CINCs worldwide. I appreciate your support for the B-1 Conventional Mission Upgrade Program.

Sincerely,

JOHN M. LOH,
General, USAF Commander.

MORNING BUSINESS

Mr. NUNN. Mr. President, I ask unanimous consent there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL POW/MIA RECOGNITION DAY

Mr. RIEGLE. Mr. President, I rise today in honor of those American service personnel who remain unaccounted for in the wake of the war in Southeast Asia. It is unacceptable that more than 2,200 American soldiers are still missing even though two decades have passed since the Vietnam war ended. On this day of national recognition of POW/MIA's, my heart goes out to the families and friends of missing Americans, who have endured these years of pain and frustration awaiting information about the fate of loved ones.

On this important day, America must clearly recall that the acronym POW/MIA stands for prisoner of war and missing in action. These words describe the lives, suspended in uncertainty, of brave Americans who answered their country's calling. In the past, the executive branch manifested little initiative in resolving the POW/MIA issue. At best, families of missing Americans were offered hope for a future solution accompanied with minimal action; at worst, the evidence of the existence of live soldiers missing in Vietnam was recklessly discarded and ignored.

The need to reach a final resolution to the POW/MIA issue has been a priority of mine and I will continue vigorously to seek answers to this ongoing tragedy until the fate of all American soldiers is determined. In 1991, I cosponsored legislation that created the Senate Select Committee on POW/MIA Affairs and fought the Department of Veterans Affairs to allow Michigan's only national cemetery to fly the POW/MIA flag on a daily basis. I will soon propose legislation to create a postage stamp commemorating POW/MIA's.

I strongly believe that our relationship with Vietnam must be linked with progress on the POW/MIA issue. America must be firm in demanding that the Hanoi government be honest and forthcoming with any and all information relating to missing Americans before relations with Vietnam are normalized. Our cooperation with the Russian Government on POW/MIA issues has brought to light valuable Soviet intelligence files containing pertinent information on the fate of missing Americans and should continue.

On this day of POW/MIA recognition, let us recognize the contributions to this country of those still missing and unaccounted for. This country must not rest until every avenue is explored and the fate of every missing American soldier is determined. Until that momentous day, the cause of POW/MIA's must remain at the forefront of our national consciousness—it must be clear that: "They are not forgotten!"

TRIBUTE TO MEN AND WOMEN OF THE U.S. COAST GUARD

Mr. METZENBAUM. Mr. President, I rise today to pay tribute to the men and women of the U.S. Coast Guard.

As the smallest of our military services, the Coast Guard often operates within the shadow of the larger services—often in obscurity—certainly never receiving the degree of recognition deserved.

The fact is, for over 200 years, the Coast Guard has performed one of the most important services of Government. It has endeavored to protect the safety of people on the water—whether at sea, on the Great Lakes, or on our Nation's many rivers.

Year in and year out, Coast Guard members place their own lives in jeopardy—often in high seas search and rescue operations—in order to save the lives of people in danger.

They are heroes and they deserve our special recognition.

Specifically, Mr. President, I want to commend the men and women of the Coast Guard First District for their bravery in conducting one of the largest rescue operations ever in Rockaway, NY, on June 6.

On that night, the Coast Guard, with help from the police and fire units of New York City—and I do not want to understate their magnificent and heroic contribution to this rescue effort as well—rescued hundreds of Chinese migrants from the ship *Golden Venture*, which had run aground in the breaking surf.

In a rescue operation that went on throughout the night and morning, and in which several Coast Guard boats capsized in the 6 foot, 54 degree breaking surf, 280 Chinese migrants were brought to safety.

It was an incredible operation.

Several servicemembers were injured, but none were killed.

It was an event that was well covered by the national media. But I do not recall any of the stories focusing on the dangerous and heroic performance of the Coast Guard and the New York police and fire departments—and that is why I wanted to bring it to the attention of the Senate today.

They did a fantastic job.

So I would say to my colleagues that the next time any of us find ourselves in a boat somewhere—we might remember that if the engine cuts out, or a storm blows up—chances are, the Coast Guard will be there to help.

It's entire cadre of Government workers have dedicated their lives and their careers to protecting people on the water.

They deserve our recognition and our admiration and over gratitude.

I yield the floor.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as of the close of business on Thursday, September 9, the Federal debt stood at $4,389,196,193,736.30, meaning that on a per capita basis, every man, woman, and child in America owes $17,087.96 as his or her share of that debt.

COMMEMORATING THE JEANNETTE RANKIN PEACE AWARD TODAY TO SENATOR MIKE MANSFIELD

Mr. BURNS. Mr. President, it is my honor to inform my fellow colleagues that the Institute of Peace Studies located at Rocky Mountain College in Billings, MT, is presenting its first Jeannette Rankin Peace Award today to former Senate majority leader and Ambassador to Japan Mike Mansfield.

The Jeannette Rankin Peace Award was established to honor one whose life was a steadfast witness to the practice and promotion of peace in human affairs. Many will remember Jeannette Rankin as the first Congresswoman ever elected. Others will recall her votes against war in 1917 and 1941. Montana has seen fit to honor her with one of our States's two statues in Statuary Hall in our Nation's capitol.

The purpose of the award is to honor people who have devoted their lives to peace-making efforts and to encourage others to follow in the footsteps of Jeannette Rankin and the recipients of the award. Senator Mansfield clearly fits that bill.

Senator Mansfield is considered by those of us from the Big Sky Country of Montana to be the most distinguished political figure in our State's history. This award is once again a recognition of that fact.

In my home State of Montana, the name Mike Mansfield is an institution in and of itself. Raised in Butte, Mike went on to teach history at the University of Montana in Missoula. He dove into politics in the 1940s, and won a House seat for the western Congressional district in 1942. Ten years later he won a Senate seat. In 1961, he ran for majority leader, a position he did not seek out but one that was pressed upon him by his colleagues.

He continues to be one of the most respected Members of the United States Senate. A man who served as majority leader from 1961 until 1977—the longest period of service in this post—who went on to serve as the Ambassador to Japan for 12 years, and who is today considered one of the Nation's foremost experts on Far Eastern Affairs.

A veteran of three branches of the Armed Services, Senator Mansfield has sought in his public life to promote the arts and works of peace. In the aftermath of war, he labored to heal relations with former enemies and to avert future hostilities.

As you look back on the history of this great body, you realize that the halls of Congress have seen many great men and women. Each one of my colleagues will leave a mark on this institution, as those who have come before us have in one way or another. But there are those whose fingerprints will never fade, like the fingerprints of Mike Mansfield.

As majority leader, Senator Mansfield was a team player, a consensus builder. He understood that the rules of American politics were changing. He reached across party lines, encouraged equality among Members and gave Senators the opportunity to express their voices on key issues of importance.

In his own right, Senator Mansfield became an expert in foreign affairs, particularly concerning Far Eastern Affairs. His many awards include the Presidential Medal of Freedom, awarded by President Reagan, and the Grand Cordon of the Order of the Rising Sun presented by Japanese Prime Minister Takeshita.

Senator Mansfield is a man whom I admire and respect deeply. I am honored to know him and am honored to have the opportunity to serve Montana in the best Montana tradition as he did before me.

Mr. President, I ask my colleagues to join me in congratulating Senator Mike Mansfield as the first recipient of the Jeanette Rankin Peace Award.

Mr. President, I would also ask to include in the Record the following editorial from the Billings Gazette which was published on Tuesday, September 7.

I yield the floor.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[The Billings Gazette, Sept. 7, 1993]

MAGNIFICENT MONTANANS RECOGNIZED

Time is a shaky line, sprawling across the heavens.

The beginning is tied to the end, and the end to the future.

This week in Billings, time will loop around and touch present to past and past to future.

The Institute for Peace Studies at Rocky Mountain College will present Mike Mansfield the Jeannette Rankin Peace Award Friday night. Mike Mansfield is not likely to be there. Someone else will stand in his place, but he will stand there in spirit.

It is appropriate that the Peace Institute has named their award after Jeannette Rankin.

Rankin worked to bring the vote to women early on in this century. She helped push suffrage through the Legislature in 1913 and was part of a drive in 1914 that gave women the right to vote by a narrow 41,302 to 37,588 margin.

The suffragettes met in Helena in January and formed the Montana League of Women Voters to better wield their newfound power. The next year, Jeannette Rankin was elected to Congress, the first woman ever to sit in that august body.

She proved the strength of her convictions in 1917 when she voted against the United States' entry into WWI. In 1918, she ran for the Senate—and failed. In 1940, Rankin ran for Congress on an antiwar platform and was elected again. Once more, she voted against American entry into the war.

Jeannette Rankin, spokesman for the common man and a woman who put her convictions ahead of her political future, is a remarkable bit of Montana history.

It is fitting that the first Jeannette Rankin Peace Award should be passed to another remarkable Montanan. Mike Mansfield, too, is a seeker of peace and a servant of his fellow man.

Mike, may he always be known as that in his home state, served in the Congress and the Senate. He was elected Senate Majority Leader and in his soft-spoken way guided this nation's destiny. After leaving the Senate, Mansfield was appointed U.S. Ambassador to Japan.

In Japan, Mike was a healing force, seeking always to strengthen the ties between the two countries, seeking always to rub out any rancor left over from WWII.

Two truly remarkable people from a loosely populated state in the West. Two truly remarkable people reaching figuratively across the web of time to pass the wand. Two seekers of peace in a troubled world.

What a spark those two have struck.

CORRECTING THE RECORD

Mr. DOLE. Mr. President, on behalf of Senator MITCHELL and myself, I ask unanimous consent to place in the RECORD a recently released document entitled "Correcting the Record: Response of the Office of the U.S. Trade Representative to the Perot/Choate NAFTA Book."

We want this document to be available to Americans around the country and are placing it in the RECORD to make it easier for people to have access to the information it contains.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

CORRECTING THE RECORD: RESPONSE OF THE U.S. TRADE REPRESENTATIVE'S OFFICE TO THE PEROT/CHOATE NAFTA BOOK

Page	Book says	Statement
3	"* * * NAFTA jeopardizes the safety of American travelers . . . by opening U.S. roads to trucks and drivers who do not meet U.S. minimum safety standards." "* * * Under NAFTA, Americans can expect to see overloaded Mexican trucks that will crush our highways.".	These statements are dead wrong. No provision of the NAFTA exempts Mexican or Canadian vehicles or drivers from U.S. environmental or safety standards. The United States made it clear from the beginning of the NAFTA negotiations that Mexican and Canadian trucks will have to comply with all applicable safety and environmental standards when they are operating in our country and that these standards will be enforced with the same stringency applicable to U.S. operators. This is true for regulations regarding trucks (such as size and weight, brakes and out of service criteria), drivers (including language, and hours of service) and the environment (fuel and emissions standards). Mexican drivers are tested for licensing according to a standard fully comparable to that used in the United States. Mexican drivers and equipment must comply with U.S. regulations today, and they will have to comply subsequent to implementation of the NAFTA.
3	"NAFTA gives Mexican investors a distinct competitive advantage in the U.S.-Mexican trucking industry in that it does not allow U.S.-owned trucks to cross into Mexico for three years, even though Mexican trucks already are allowed to move goods into U.S. border areas."	This book misses the fundamental point. Mexico's trucking market is now closed to the United States. NAFTA will open that market by phasing out Mexico's restrictions. This will eliminate rather than create the competitive advantage for Mexican trucks that the authors describe. NAFTA is the solution; the status quo is the problem.
4, 5	"Despite the fact that Federal and state agencies are supposed to enforce U.S. trucking regulations, they are so understaffed that they will not be able to adequately enforce the increased traffic volumes associated with NAFTA."	We do want to improve enforcement of U.S. trucking regulation everywhere, but this is not a NAFTA problem. Trucking revenues associated with Mexican trade in 1991 were about $4 billion or about 1.5 percent of the U.S. total,[1] and increased truck-access will not begin until December 1995. That is ample time to assure effective enforcement, as is our right under NAFTA.
6, 7	"Under NAFTA, smuggling drugs into the United States will become much easier."	Drug-smuggling is a problem now. Rejecting NAFTA won't help us solve that problem in any way. In fact, the opposite is true. Closer economic relations will help us work with Mexico to solve problems like illegal drugs. Nothing in NAFTA limits our ability to stop illegal drugs.
9	"Clearly, the Mexican negotiators out traded the U.S. negotiating team in the areas of land ownership, communications, shipping and banking. But it didn't stop there. The U.S. negotiators stuck to their strategy and gave away more U.S. jobs."	Virtually the entire U.S. services industry disagrees with the Perot book's conclusion about services. Why? Because under NAFTA we, for the first time, open Mexico's market for our larger, more efficient services companies from banking to insurance companies to telecommunications. NAFTA is the solution, not the problem. Mexico currently has many more restrictions in services than we do. NAFTA phases out most of those restrictions. Rejecting NAFTA will only enable Mexico to keep those restrictions.
10	"(T)he U.S. team had agreed to let Canada continue to require U.S. automakers who sell in Canada to manufacture most of their vehicles there."	NAFTA does not create this problem; NAFTA helps solve the problem. Since 1965, Canada has offered manufacturers the benefit of duty-free treatment if they made enough cars in Canada. Under NAFTA (as with the U.S.-Canadian Free Trade Agreement), all duties between the United States and Canada will be gone in four years, eliminating the need for U.S. companies to meet performance requirements in Canada in order to receive duty-free treatment on products imported from the United States.
10–11	When the Perot book states that "U.S. negotiators stuck to their strategy and gave away more U.S. jobs," its reference is to the auto sector. The book goes on to state that "NAFTA will allow U.S. automakers to replace American workers with Mexican workers. At the same time, European and Japanese manufacturers will gain easy access to the U.S. markets. Northern Mexico will replace Detroit as the car production center of North America."	This characterization totally misrepresents the agreement and its effect (as described in entries further on). It is inconsistent with a large body of economic literature suggesting that U.S. auto workers will benefit, not be harmed, by NAFTA. Another quotation from the Congressional Budget Office's study of NAFTA is both balanced and broadly representative of what sector analysis has shown concerning NAFTA and the U.S. auto sector: "in the short and medium term, U.S. firms and autoworkers should both benefit. The current Mexican trade surpluses in motor vehicles and motor vehicle parts are largely a result of export incentives and the required minimum trade balance imposed by the Mexican government, which NAFTA would phase out. The low U.S. tariff on automotive imports mean that eliminating these tariffs would not significantly increase the competitiveness of Mexican products in the U.S. market, whereas eliminating the much more substantial Mexican barriers would markedly improve the competitiveness of U.S. products in Mexico. Further, most Mexican assembly plants are not very efficient . . ."
10, 31–33	"The United States agreed to immediately drop its tariffs on automobiles imported from Mexico * * * while allowing Mexico to keep half its tariffs on vehicles produced in the United States. The remaining Mexican tariffs would be phased out over a ten-year period.".	This statement is misleading and completely fails to explain why NAFTA will increase U.S. auto production. They fail to state that the current U.S. tariff on automobiles is only 2.5 percent; In contrast, Mexico's tariff is 20 percent, or eight times larger than the U.S. duty. Under the NAFTA, this tariff is cut in half immediately to ten percent and then eliminated over the next nine years. The NAFTA also phases out Mexico's current laws that require U.S. auto companies to manufacture in Mexico in order to sell there. Without NAFTA, Mexico could maintain its high duties and non-tariff barriers. The fact is that the United States is already open to Mexican-produced automobiles, whereas a variety of factors leave the Mexican market closed to U.S. autos. NAFTA will open the Mexican market. That is why the Big Three auto producers estimate that NAFTA will increase annual U.S. autos exports from their current level of only 1,000 vehicles to over 60,000 vehicles in the first year of NAFTA.
10	"[T]he NAFTA deal on agricultural trade is just as bad."	U.S. agriculture and the American farmer are big winners under the NAFTA. Conservative estimates show an expected increase of $2.0 billion to $2.5 billion in U.S. agricultural exports annually by the end of the transition period because of the NAFTA.[2] Importantly, NAFTA eliminates Mexico's import licensing system which has been a major barrier to U.S. agricultural exports to Mexico. Tariffs will also be eliminated, giving the United States preferential access to the rapidly growing Mexican market.
10	"* * * only Mexicans can own land that is used for agricultural production in Mexico."	Right now, Mexico restricts foreign ownership of Mexican farmland (though not to the degree suggested by the book). NAFTA does not change those restrictions, just as our states can maintain their restrictions. But the book misses the point. Our major objective is to boost sales of American farm products to Mexico, not American ownership of Mexican farms.
10	"* * * NAFTA allows Canadian wheat producers to keep the price and marketing advantages over U.S. producers that were negotiated in the 1988 Canadian Free Trade Agreement.".	The book tells a very misleading story on wheat. We would like Canada to cease its wheat subsidies, but neither we nor Canada were willing to give up this right. NAFTA does not change that situation, nor would rejecting NAFTA help. The agreement does not provide for this. Accordingly, we maintain our right to subsidize our wheat exports to enable us to compete with subsidized Canadian sales. More significantly, what the NAFTA does do is open opportunities to U.S. wheat farmers to sell in Mexico. U.S. wheat exports to Mexico will not be subject to Mexico's import licensing requirements, which are by far the greatest obstacle to trade in Mexico. Instead, the import license will be replaced by a tariff, which will be reduced to zero over a ten year period. As a result, U.S. wheat exports to Mexico are expected to rise about 20% because of the NAFTA.[3]
10	"The U.S. citrus industry will also suffer under NAFTA. The United States must immediately cut its tariffs on the import of frozen concentrated citrus from Mexico in half. In contrast, Mexico only has to phase out its 20 percent duty on imports of U.S. citrus over an extended period of time.".	U.S. negotiators recognized the sensitivity of the citrus sector, and the NAFTA contains unique transitional arrangements for frozen concentrated orange juice (FCOJ) to provide the maximum transition period for U.S. producers. Currently, Mexico's duty on frozen concentrated citrus is 20 percent ad valorem while the U.S. duty is 9.25 cents per liter (equal to about 30% on an ad valorem basis). Both the U.S. and Mexican duties are reduced over a fifteen year period. A portion of Mexico's FCOJ exports are given immediate access at 50 percent of the existing tariff rate. However, the quantity which benefits from this duty reduction is capped for 13 years. In recent years (1990–91), the United States imported one-quarter of its FCOJ consumption from Brazil. It is, therefore, likely that increased Mexican imports will displace sales of Brazilian orange juice, not sales of U.S. orange juice. Although U.S. citrus producers will face increased competition, this fifteen year transition period will help the citrus industry to adjust.

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Page	Book says	Statement
10	"NAFTA also exempts Mexico from the U.S. Meat Import Act, which limits the amount of imported beef that can enter U.S. markets. At the same time, the agreement will give Mexico unrestricted access to U.S. and Canadian feed grains, which it needs to develop a large scale cattle-feeding and beef-processing industry. The result will be a massive shift of the U.S. beef industry from the United States to Mexico as investors rush to take advantage of cheap wages, low safety standards, and lax sanitation practices."	This statement completely misrepresents the benefits of NAFTA for U.S. beef producers. The American beef industry is one of the biggest winners of all under the NAFTA. Mexican tariffs of 15 percent on live cattle, 20 percent on fresh beef, and 25 percent on frozen beef will immediately be eliminated under the NAFTA. As a result, U.S. beef exports to Mexico are expected to double under the NAFTA. That is why U.S. cattlemen are among the strongest supporters of this Agreement. The scenario imagined by Mr. Perot is simply not realistic. Mexico imports millions of tons of grain and oilseeds for feed purposes, not to mention beef, pork, and poultry, from the U.S. Neither its policies nor its resources are appropriate for a rational, efficient large-scale, livestock feeding sector. While the U.S. Meat Import Act does permit us to restrict beef imports from Mexico and other supplying countries, Mexico has not been subject to any limitations for more than a decade because Mexico has posed no threat. NAFTA is no danger to U.S. beef producers. The fact is, the U.S. cattle and beef industry is too large, too competitive and too efficient to be threatened by growth in Mexico which is likely to be limited.
12	"The eventual elimination of Mexican tariffs on U.S. goods going to Mexico, which average only about ten percent, will mean little to most U.S. companies and workers. The reason is simple: Mexico's market is small—less than five percent of the size of the U.S. market—and Mexican consumers are poor.".	The Perot books dismissal of Mexico as an important market shows a lack of understanding of international trade. While Mexico is currently a small economy, it is a big market for U.S. exports. It is our third largest—and fastest growing—major export market, after Canada and Japan. Mexican per capita imports from the U.S. total $450 per year, more than that of Japan or Europe, even though Mexico's per capita income is far lower.[4] Moreover, Mexico is growing, and in the future will represent an even bigger opportunity. Those who dismiss Mexico as a market represent the same mentality that 30 years ago said, "Japan isn't an important market." We should learn from history and secure an open market in Mexico. The book is also wrong in minimizing the importance of Mexico's current trade barriers. The fact is that Mexican tariffs are 2.5 times as high as U.S. tariffs, and Mexico also relies on non-tariff barriers to restrict U.S. access to their markets. NAFTA will level the playing field.
14	"Mexico reduced the wages of its workers to attract foreign-owned factories."	This statement is false and misleading. In the mid 1980s Mexico froze wages to fight the high levels of inflation and recession the country was experiencing. Moreover, real wages for Mexican workers fell as the Mexican government moved to balance the federal deficit and correct its trade imbalance. Since 1989, Mexican wages have been rising. Indeed, Mexico made many of the tough decisions to reduce its federal deficit as Ross Perot calls on the U.S. to do.
14	"President Salinas asked President Bush for a Free Trade Agreement to open investment in the same manner as the Maquiladora program.".	This statement is dead wrong. A major benefit of the NAFTA for the United States is that it reverses the Maquiladora program. That program gave products assembled in Mexico preferential access to our market while maintaining all of Mexico's trade and investment barriers. In effect, the Maquiladora program established an export platform in Mexico and encouraged U.S. companies to move there. NAFTA produces the exact opposite effect by opening entirely Mexico's market and eliminating the distortions created under the Maquiladora program.
14–16	"The most bitter congressional fight of 1991 was over an obscure little piece of legislation called the "Fast Track." It gave President George Bush the authority to negotiate the North American Free Trade Agreement in complete secrecy and without the participation of either Congress or the U.S. public. * * *. The term "Fast Track" refers to a process whereby Congress turns over to the President its authority to regulate foreign commerce. * * *.	These mischaracterizations are an attempt to discredit the major mechanism by which Congress and the President share the authority for concluding and implementing trade agreements. Fast Track has existed since 1974. Fast Track procedures were used to implement the results of the Tokyo Round, in 1979 when Jimmy Carter was President, and the Free Trade Agreements with Israel in 1985 and Canada in 1988, with Republican presidents in the White House. All of those agreements were approved by overwhelming margins in Congress, in part because the fast track mechanism preserves Congress' role during the negotiation, approval and implementation of trade agreements through extensive notification and consultation requirements. Throughout the negotiating process, there are extensive consultations with members and committees of Congress. After the agreement is reached, Congress and the Administration work in close consultation to formulate implementing legislation, with all committees of jurisdiction involved. They are hardly "secretive" and they clearly do not exclude Congress or the public. The 1991 extension of Fast Track was debated for seven weeks and passed by both Houses of Congress in an open, democratic process. This authority merely gives the President the same powers all of his counterparts around the world have. Without it, the United States could not open markets around the world through multilateral and bilateral agreements.
14–16	"Congress gave President Bush "Fast Track" authority for NAFTA in late May of 1991. But there was a catch—these extraordinary powers would expire at the end of 24 months. contrary to expectations, the pact was not sent to Congress within that time period. Thus, the "Fast Tract" powers expired on June 1, 1993. * * *. This was a problem to which there was only one answer—Congress had to pass another "Fast Track" bill. Rather than replay the bitter legislative fight of 1991, congressional allies of the Clinton Administration quietly slipped legislation into the one thousand page budget reconciliation package that was rushed to a House vote late in the evening on May 27, 1993. Not a word was said about "Fast Track" during abbreviated debate on the budget bill. Days later, House members learned that while they were passing the budget bill they were also reauthorizing "Fast Track" status for NAFTA.".	This passage of the book is pure fiction. In fact, because of the 1991 legislation, Fast Track procedures were available for trade agreements entered into by the President prior to May 31, 1993. President Bush signed NAFTA on December 17, 1992; consequently, the fast track procedures were available for NAFTA; no new legislation was needed. President Clinton sought additional fast track authority only for his effort to complete the Uruguay Round of multilateral trade negotiations. This fast track legislation was not a part of the reconciliation debate; it did not sneak through in the dead of night; it was a separate piece of legislation dealing only with the fast track. It was debated by the House on June 22, and passed by an overwhelming vote of 295–126. It was debated by the Senate on June 30 and passed, as the authors note, by the vote of 76–16. After it passed both Houses separately, it was later included in the Omnibus Reconciliation bill.
14–16	"Congress also agreed to make the agreement a top priority and vote on it within 90 days after receiving it from the President. Congress agreed, moreover, to limit any debate to 20 hours in the House and 20 hours in the Senate * * * [without] filibuster.".	There is a requirement to vote within 90 legislative days after the implementing legislation is submitted to Congress. "Legislative days" refers to days that one or the other House of Congress is in session, and 90 legislative days is far longer than calendar days; it could be a period of many months. Twenty hours of debate is far longer than the period of floor debate provided for most major legislation. Moreover, while debate in the full House and Senate is limited, there is extensive debate and hearing in committees on the implementing bill, which is painstakingly fashioned over a period of months by all the committees of jurisdiction. the overwhelming votes on past fast track trade agreements confirms the degree to which Congress and the President have used the implementation process to develop wide-ranging consensus.
17	"Some of the bureaucrats on the U.S. negotiating team were experienced, but many were not. One participant reports that when the trade talks began not a single person in the U.S. Department of Commerce's Office of Mexico spoke Spanish. He says that during one inter-agency session, only two of the 14 members of the U.S. negotiating team knew that key sectors of the Mexican economy, such as petroleum, had once been American owned before they were nationalized by the Mexican government. He also reports that only five percent of the Mexican documents, such as copies of proposed regulations and administrative procedures, received by the U.S. negotiating team were ever translated for review.".	Misleading. These statements are based on a paper that was repudiated shortly after it was produced by both the author and by the Commerce Department's Chief Counsel for International Commerce. The retraction stated that the paper quoted in Perot's book "should not be relied on as a source of information on the NAFTA because it is replete with factual and legal errors." This memo was published in Inside U.S. Trade on February 26, 1993 (p. 16). At the time the NAFTA negotiations commenced, virtually every member of the Department of Commerce's Office of Mexico had some knowledge of Spanish, and several members were fluent speakers of Spanish whose language expertise was often relied upon by their respective negotiating groups. All necessary documents were translated for the benefit of negotiators. The author of the statement, however, was not one of the negotiators.
18	"Under the 1974 Trade Act, Congress directed the Office of the U.S. Trade Representative to seek advice and counsel from private advisory panels during any treaty negotiations, including NAFTA. For the most part, it never happened.".	Totally untrue. The U.S. Trade Representative consulted with its 39 advisory committees and other members of the private sector to the fullest extent. During the NAFTA negotiating process, NAFTA negotiators held over 350 meetings with private sector advisory committees, and an additional 350 briefings for trade associations and private sector organizations throughout the country. Each of the advisory committees later wrote reports on the final agreement reflecting their extensive knowledge of the agreement.
18	"The Bush White House * * * announced the completion of the agreement on August 12, 1992, but refused to give its own Labor Advisory Committee the text to review until September 8.".	This statement is misleading. Throughout the entire negotiating process, the Labor Advisory Committee (LAC), as well as all other advisory committees, were allowed to view all portions of the NAFTA text as they were negotiated. Upon completion of the agreement, all advisory committees, including those representing labor, industry, agriculture, environmental groups and other private sector interests, were given all completed portions of the final version of the text. In fact, the first available sections of the text were given to the advisory committees on August 20, and by August 27, all sections of the text had been distributed. September 8, 1992 was the date the entire combined text was distributed to the committees in its final form.
18	"The 29 official U.S. trade advisory committees, involving more than 825 industry representatives, were created by Congress to ensure that U.S. goals and bargaining positions in trade talks, such as the NAFTA, would be guided by advisers who represent the broad interests of the United States. This balanced review did not occur during the NAFTA negotiations.".	The Office of the United States Trade Representative has 39 advisory committees, which are composed of over 1000 representatives of not only U.S. industry, but also U.S. agriculture, labor and environmental groups as well as a committee of state and local government officials. Furthermore, the Labor Advisory Committee (LAC), which consists of approximately 100 representatives of a broad range of organized labor throughout the United States, had more interaction with NAFTA negotiators than most other individual committees. During the NAFTA negotiating process, representatives of the LAC met with negotiators 42 times to discuss the details of the agreement.

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Page	Book says	Statement
18	"The most important of these advisory committees was the Advisory Committee on trade policy and Negotiations (ACTPN). Its 45 members were appointed by the president. None were confirmed by Congress * * * Each member was prohibited from sharing information outside the group. The ACTPN meetings were exempt from the sunshine provisions of the Federal Advisory Committee Act, which require that the public's business be conducted in public."	Here, Mr. Perot incorrectly claims that Congress has no say in the structure of the advisory committees. However, as Mr. Perot, himself, states in the paragraph preceding this, it was Congress that drafted the legislation creating the advisory committee system in its current form. In accordance with this legislation, the President is required to select advisory committee members. Also, with regard to public disclosure, the statutes governing the ACTPN and other committees state that information discussed in meetings is to remain confidential to "the extent to which public disclosure of such information can reasonably be expected to prejudice the development of trade policy, priorities, or the United States negotiating objectives." Since the information discussed in advisory committee meetings during the NAFTA negotiations revolved around U.S. negotiating objectives, public disclosure of this information would have undermined the U.S. negotiating position. Mr. Perot, of all people, should understand how important it is not to give our trading partners access to sensitive information about our negotiating position. Congress certainly does, and has insisted that we maintain such confidentiality.
20	"After the trade pact was completed, one of the U.S. negotiators explained to an audience of federal regulators that although changes in most domestic regulations normally require notice and public comment, secret trade negotiations (such as NAFTA) could alter these same regulations without the need for notice and public comment. The negotiator said, 'I have seen specific instances where USTR staff denied copies of U.S. negotiating positions which would require overturning Federal regulations from the staff of the agency issuing those regulations'."	False. This is another quote from the same paper later repudiated by its author. As noted in the Department of Commerce's retraction: "Contrary to the assertion in the [paper], the NAFTA is not a treaty that is self-executing and it will not automatically supersede any Federal laws or regulations. Rather, the NAFTA is an executive agreement that will supersede existing laws only to the extent provided by the Congress in implementing legislation." Congress has the final say as to whether to change our laws. NAFTA doesn't change that. Extensive consultations with every regulatory agency ensured that they were informed of NAFTA developments, and regulators from many agencies, including the Department of Agriculture, the Food and Drug Administration, the Environmental Protection Agency, the Federal Communications Commission, and the Department of Energy were integral members of the NAFTA negotiating team.
20–22	Perot makes a variety of claims regarding the treatment of the broom industry	The U.S. broom industry was accorded one of the longest transition periods of any industry under the NAFTA—a longer adjustment period than given any Mexican manufacturing industry. Contrary to the allegations of Mr. Perot, it is not true that the U.S. industry was promised an even longer period; it is not true that U.S. negotiators sought to encourage the broom industry or any other to move production to Mexico; and it is not true that the Mexican industry was allowed to participate in the negotiations with the United States and Mexico. What is true is that broomcorn brooms have been one of the most highly protected products in the United States (although the United States, by Act of Congress, already gives duty free treatment to imports of Caribbean and Andean brooms.) In extensive consultations with Mr. Libman and other U.S. broom producers during the course of negotiations, the industry made clear its major goal was to maintain the U.S. tariff at half its current rate for as long as possible. The agreed-upon 12-year phase out accomplishes this. Mexico is permitted to ship 100,000 dozen brooms without duties (which Mr. Libman approved, on behalf of the U.S. broom industry). For all exports above this level, duties reduced are by 30 percent in year one, an additional 20 percent in year seven, with no further reductions until year 12. Thus, the duty will remain at or above 50 percent of its current level for 12 years. Under the 15 year phase-out provided to other sensitive industrial products, the tariff would have fallen below this mark in 7 years.
23	"When the agreement was initialled on October 18, 1992—two weeks before the U.S. Presidential election—the American public was handed a short, marked up version of the agreement.".	All these statements are false. The NAFTA was initialled October 7, 1992, not October 18, 1992. The text of the tariff reduction schedules had previously been released on August 27, and the full text of the agreement had been provided to the public on September 18. In the period from August 12 on, the text was complete, but subject to technical corrections in a process of legal review. The texts were at all times available to members of Congress, and from September 18 were available to the public as the text went through technical verification.
23	"When the Agreement was officially signed on December 18, 1992, no additional information was provided to the American people. The complete text of NAFTA was finally released to the American people on the afternoon of January 20, 1993.".	The agreement was signed on December 17 (not 18), 1992, and the completed text was publicly available at that time. No new text was issued January 20, 1993, which was inauguration day in the United States.
23	"Only a handful of people * * * know what is actually in the agreement * * *."	NAFTA is the most broadly received trade agreement in history. It has been publicly available for a year, and has been the subject of numerous economic studies (almost all of which are positive). This statement is irresponsible in implying that NAFTA has somehow been kept a secret.
28–29	"NAFTA will accelerate the loss of manufacturing jobs in the United States."	False. U.S. exports of manufactures to Mexico have grown rapidly since Mexico lowered its trade barriers after 1986, and are projected to grow more under NAFTA. This has actually added more than 400,000 new jobs to the American economy. The Clinton Administration agrees that "manufacturing matters" and is concerned about the structure shifts in manufacturing employment during the last decade. However, NAFTA is not part of the problem. It is, instead, part of the solution. NAFTA will create the largest market in the world. By increasing our export opportunities, NAFTA will enable us to take advantage of U.S. economic strengths, which include high-wage, high-tech manufacturing, and to increase further the number of jobs associated with exports to Mexico.
31	"Mexico provides automakers an easy escape hatch from the high cost of operating in the United States, and they are taking advantage of it.".	False. NAFTA immediately reduces and eliminates Mexican local content and local production requirements that have encouraged U.S. automobile and parts manufacturers to move production, and jobs, to Mexico. With NAFTA, the United States will be able to export automobiles and parts to Mexico, the fastest growing market for these products in North America. NAFTA reduces and eliminates Mexican trade balancing rules that require the export of automotive products produced in Mexico to the United States in order to import parts needed for assembly to serve the Mexican market. In other words, NAFTA phases out current Mexican measures which force investment in Mexico and exports from Mexico in order for a company to sell in Mexico.
33	"High-wage, skilled electrical workers are also on the NAFTA-endangered U.S. jobs list."	NAFTA will benefit, not hurt, U.S. electrical workers. The demand for electrical equipment in both countries is skyrocketing, as technological change increases demand. While U.S. imports of Mexican electrical equipment more than doubled, so have exports of American products to Mexico, even though Mexico's average tariff barrier on these products is six times as high as U.S. tariffs on Mexican products. Under NAFTA, the removal of the average 14.2 percent Mexican tariff on imports of U.S. electrical equipment is bound to help U.S. exports much more than the removal of the U.S. 2.3 percent tariff on Mexican products will help Mexican exports.
33	"Industries that produce products that metalworking machinery, partitions, fixtures, metal forgings, clay products, office furniture, fabricated metal products, aircraft, aircraft parts, aircraft repairs, concrete products, lighting equipment, electrical wiring equipment, and luggage, among many others, are on the NAFTA-endangered U.S. job list.".	Most of the industries on Perot's list have already benefitted, not lost, from increased trade with Mexico despite existing Mexican trade barriers, and will further benefit under NAFTA. Since 1986, when Mexico began to reduce its barriers to imports from the United States, our exports have grown faster than imports for metalworking machinery, metal products, clay products, office equipment, and aircraft equipment—even though remaining Mexican tariffs are generally several times higher than the corresponding U.S. tariffs in each of these categories. These remaining Mexican tariffs will be eliminated under NAFTA.
34	"The University of Illinois at Chicago, for instance, has identified 67,088 jobs and 42 factories that moved from Illinois to Mexico between 1980 and 1990.".	False. The study cited by Perot-Choate did not actually show that jobs had moved from Illinois to Mexico. It examined plant closings in Illinois and broadly assumed that, if the company was a multinational, jobs must be shifting abroad. As the author of the University of Illinois report states on pages 4 and 5 "* * * we did not attempt in our analysis to specify the causation between plant closings/layoffs and transnational investment." This study has been criticized as flawed by other academic experts and by the Illinois state government. Perhaps more important is the fact that Illinois has 28,600 jobs dependent on exports to Mexico.[6] Illinois has increased exports to Mexico by $1 billion since 1986, thus adding an estimated 19,000 new jobs. Illinois has gained far more than it has lost from trade with Mexico.
34–37	Perot and Choate claim that various states will be particularly harmed by the liberalization of trade with Mexico. They mention, in particular, the mid-Western auto producing states and the key textile and apparel states, including New York, New Jersey, California, Texas, Tennessee, the Carolinas, and Georgia. They also point out (p. 35) that while South Carolina experienced a net loss of 58,000 manufacturing jobs between 1978 and 1990, it had a net gain of 72,000 service jobs that paid only half as much wages. They further single out (pp. 36–37) young people, low-skilled workers, racial and ethnic minorities, and women as particularly threatened by the NAFTA.	USTR analysis of information gathered by the Department of Commerce shows that from 1987 to 1992, each of the states singled out by Perot experienced a rise in employment directly related to increased exports to Mexico. As Mexican tariffs are eliminated and other barriers to U.S. imports are reduced, we expect that all of the states will experience additional gains in jobs. The discussion of South Carolina has nothing to do with NAFTA, but relates to structural changes in the U.S. over the past decade that have hurt manufacturing employment. NAFTA, on the other hand, will lead to increased manufacturing exports and increases in high-wage, export-related jobs in the U.S. Jobs supported by U.S. exports to Mexico pay, on average, 12 percent more than the U.S. national average.

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Page	Book says	Statement
41	"Mexico's national development strategy is reminiscent of strategies used by Japan, Korea, and Taiwan a generation ago. Like the strategies used by those countries, Mexico's strategy depends on taking jobs from the United States.".	Once again, the book misses the point completely. The authors focus on how a trade relationship can have problems, but ignore the fact that NAFTA will remedy and prevent problems. Rejecting NAFTA will leave the problems and allow them to worsen. Perot and Choate also suggest that a job gained in another country implies that a job will be lost in the U.S. In fact, growth in those countries, and elsewhere in the world, has lead to increased growth and employment in the U.S. Experience indicates that increased trade benefits all participating countries. A richer Mexico will be a better customer for our products and services.
45, 68	"In terms of absolute purchasing power, Mexican workers are now making less than half of what they made a decade ago, according to The Economic Policy Institute, a Washington, D.C.-based research organization.". ". * * * real wages in Mexico have dropped by more than 50 percent over the past decade."	False. As reported in the Wall Street Journal (8/27/93), Thea Lee, an economist at the Economic Policy Institute, says, "That's not correct." Mexico has gone through a decade of major economic crisis, inflation, deep recession, and gradual recovery. Due primarily to its debt crisis, Mexico experienced a substantial decline in real wages (but less than 50 percent) for 1983–88, Ms. Lee is reported as stating. In the past five years, however, as Mexico has opened and liberalized its economy, real wages have grown rapidly—much more rapidly than in the U.S.
31, 44–45, 69	A recurring argument in the book is that low wages will lead American companies to relocate to Mexico. Page 69: "The arithmetic of relocation is awesome." Page 31: "On this endangered U.S. jobs list, the auto industry ranks close to the top. Mexican autoworkers make one-seventh the pay of their U.S. counterparts. * * *" Page 44 again cites very low hourly wages in Mexican auto factories and say that quality is comparable to that in the U.S. Page 45: "Cheap labor can offset all of the areas where Mexico is still deficient." Page 69: "* * * labor costs are the principal cost of production for most U.S. manufacturers.".	The argument is simplistic and greatly overstates the advantages of low labor costs and underestimates the importance of other factors. For example, a study of NAFTA by the Office of Technology Assessment (OTA) analyzes the costs of automobiles in Mexico and the U.S. Mexican labor costs are certainly lower. However, the study finds that the total cost of delivering a car to the U.S. market is higher for a plant in Mexico than for one located in the United States ($9,180 compared to $8,770). U.S. auto companies and workers will both gain under the NAFTA.[7]
31, 48–50	The book argues that Mexico "* * * is a large and growing manufacturing platform for companies that want cheap labor and easy access to the U.S. market." (p. 50) The study cites as a particular example of this trend the Maquiladora program. "Most of these U.S. and foreign companies already in Mexico are operating under Mexico's Maquiladora Program. * * * Not surprisingly, the finished and semi-finished goods made in these factories are exported primarily to the United States. * * * The Mexican government closely watches the finished products to ensure that they do not enter the Mexican market, where they might compete with similar goods produced by Mexican companies. * * * Production in such Mexican factories will expand 400 percent by the end of the 1990s.".	Under NAFTA, the Maquiladora program will effectively end, since all imported inputs from the U.S. will enter Mexico without duty or conditions. Under NAFTA, there will be no Maquiladora-type restrictions requiring goods produced by such factories to be sold back in the U.S., and Maquiladoras can freely sell into the Mexican market. Moreover, in the last seven years, most U.S. exports have not gone to the Maquiladoras only to be reexported to the United States, as the book claims. Indeed, an estimated 83% of U.S. export growth since 1987 has been for Mexican consumption and not for re-export.[8]
48	"To encourage U.S. companies to operate in Mexico, the U.S. government subsidizes companies in Mexico that ship products to the U.S. by removing import fees (taxes). These factories are known as 'Maquiladoras.'".	The U.S. levies tariffs (import fees) on the value added to goods produced in Maquiladoras using components produced in the U.S. The U.S. does not charge tariffs on the value of the components produced in the U.S. There is no U.S. subsidy to Maquiladoras. This encourages the use of U.S. components over European or Japanese. But the most important point, as stated earlier, is that the Maquiladora program will be phased out under NAFTA.
53–54	The study discusses companies "at risk" for relocation to Mexico. It draws on a study by Pat Choate that argues that those at risk are: "companies with moderate to good growth, low to mid-technology operations, and a labor component of 20 percent or more of the costs of goods sold." It then states that: "75 U.S. manufacturing industries fit these criteria. They employ more than 5.9 million U.S. production workers. Their payrolls to U.S. workers exceed $138 billion a year.".	The Choate study is not an economic analysis of the effects of NAFTA. It simply identifies, from Census data, U.S. industries where wages account for more than 20 percent of the value of output; and then declares, without analysis, that these industries are all "at risk" to move to Mexico. Nowhere in the book do the authors suggest that 5.9 million jobs will be lost. The figure is utilized simply so the press will report it as a job-loss figure. The resulting list of "at risk" sectors is absurd. It includes high-wage, high-skill sectors such as sonar equipment, aerospace, medical equipment, and telecommunications. These are the very sectors in which credible economic studies show future U.S. job growth due to NAFTA. It also includes sectors producing non-traded goods such as bakeries and wood-pulp millers. The study really has nothing to do with NAFTA. U.S. barriers are already low compared to Mexico's. If these jobs were really "at risk," they would already have been lost.
59	"[F]oreign interests can buy the knowledge, contacts, and advice of 'both famous and not-so-famous former government officials and Members of Congress—Washington's so-called revolving door, as well as lawyers, public relations specialists, coalition builders, marketing experts, communicators, consultants, and many others who have experience in government or on Capitol Hill.'".	Mr. Perot's criticism of the "revolving door" is focused on the acts of prior administrations. It completely ignores the fact that on his first day in office, President Clinton signed Executive Order 12834, requiring his senior appointees and trade negotiators to sign pledges governing their post-employment activities before the federal government. These pledges, which are enforceable through injunctions, debarment, and recoupment, reflect the most stringent post-employment restrictions ever imposed on senior noncareer officials.
63	"Multinational corporations have had their eye on Mexico for years—not as a market of real consequence, but as a locale for an unlimited supply of cheap, high-quality labor.".	This statement is demeaning to Mexico and American businesses. Mexico is our third largest trading partner and the second largest purchaser of American manufactured goods (Canada is the largest). It ranks ahead of every European country. Moreover, Mexican consumers have a strong preference for U.S. goods. Indeed they buy more per capita from the U.S. than the much wealthier Europeans or Japanese.
64	"USA*NAFTA companies will profit greatly if Congress ratifies NAFTA."	This statement is misleading because it implies that companies profiting from the NAFTA is either negative or sinister. Indeed, Ross Perot is so successful because his businesses have profited so much. Moreover, only with profits can companies continue to invest in workers, plant, equipment. Only with profits can the U.S. job base expand and businesses invest or save for our future.
64	"Most of the sponsoring companies (of USA*NAFTA) also maintain full-time lobbying offices in Washington.".	This statement ignores the fact that most of the organizations opposed to NAFTA also maintain full-time lobbying offices in Washington. Indeed, Ross Perot's companies have lobbying offices in Washington D.C.
65	"It is illegal for the executive branch to lobby Congress, but the White House and the dozens of agencies under its control employ hundreds of people in a category called 'congressional relations.' It's the same thing as lobbying, but it doesn't pay as well.".	This is false. The Anti-Lobbying Act, 18 U.S.C. § 1913, is intended to prohibit the use of appropriated funds to promote grass-roots lobbying efforts, such as letter-writing campaigns by private citizens. Members of the executive branch are entitled to express their opinions to Congress, and there is nothing illegal about it.
66	"When NAFTA negotiations began in 1991, advocates claimed NAFTA would create more jobs for Americans. In 1992, during the middle of the negotiations, the U.S. Secretary of Labor testified before Congress that NAFTA would cost 150,000 American jobs. In July 1993, the Congressional Budget Office reported that the total number of lost American jobs would be 'well under half a million.'".	The statement misleads by a half truth because it overlooks the fact that when then-Secretary of Labor Lynn Martin testified before Congress she also noted that NAFTA would create 100,000 to 180,000 MORE U.S. jobs than would be lost—that is, NAFTA would result in a net increase in U.S. employment of 100,000 to 180,000 jobs. Perot/Choate confuse net job creation and gross job turnover. Similarly, the July 1993 report by the Congressional Budget Office (CBO) noted that net increases in U.S. employment of 35,000 to 170,000 due to NAFTA have been forecast, which is "negligible" compared to total U.S. employment of almost 120 million. With regard to the number of U.S. workers that might be displaced by NAFTA, the CBO study concluded that 100,000 to 200,000 U.S. workers might face job losses from NAFTA. This conclusion was summarized at the beginning of the study as: "Even though NAFTA would increase total employment in the United States, some workers could lose their jobs. The total number of jobs lost would probably be well under half a million, spread over at least a decade. Viewed as part of a larger, dynamic labor market in which nearly 20 million workers were displaced during the 1980s, the effects of NAFTA appear very small."[9]
66		Increased U.S. merchandise exports to Mexico since 1986 have already generated over 400,000 jobs, and are projected to generate another 200,000 jobs under NAFTA by 1995. These are good which pay, on average, 12 percent more than the national average.[10] Perot/Choate simply ignore the export side. When asked by the Wall Street Journal (8/27/93) about their selective quotations, Choate responded: "I believe the displacement. I don't believe the gain."
66–67	"Myth 2": The reason that most U.S. policymakers are so blind to the job shifting that will occur if NAFTA is ratified is that they rely on the dozens of "reputable" academic studies that say it won't happen.	Several comments are in order. First, NAFTA supporters do not simply rely on economic studies. We rely also on the experience and advice of American producers who export American products to Mexico.
	Yet, these studies are based on unrealistic assumptions and flawed mathematical models. Most of these models assume, for instance, that the United States is operating at full employment * * * [and] * * * that Mexico will not become an export platform into the United States for Asian and European manufacturers. * * *.	Second, it is curious for the authors to fault methodology in other studies, given the methodology employed in the Choate study, which has been widely criticized by virtually all independent economists.
	Specifically, * * * the NAFTA studies * * * are based on mathematical models that are unable to "capture" the effects of key elements of the agreement[,] * * * unable to satisfactorily calculate the effects of NAFTA on key agricultural sectors[,] * * * cannot calculate whether NAFTA will result in U.S. companies moving to Mexico[,] * * * [and] assume that U.S. companies will not relocate. These mathematical model studies are worthless.	Third, no one economic study should be the only guide for any public policy. * * * Each study has had individual weaknesses, but it is remarkable that, despite varying assumptions, these studies reach such similar conclusions: NAFTA will promote economic growth in Mexico and the United States, and will benefit workers of both countries.
	Let's be clear about this: These studies certainly do not provide a basis on which Congress can make an informed decision about NAFTA.	An impressive array of academic, government, and business analyses of the eocnomic impact of NAFTA have been done. NAFTA is probably the most thoroughly studied trade agreement in history. These studies have been surveyed by impartial researchers at, for example, the International Trade Commission (ITC), the Congressional Budget Office (CBO), and the Brookings Institution.

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		The ITC concludes: "Despite the different approaches taken in these studies, there is a surprising degree of unanimity in their results regarding the aggregate effects of a NAFTA. All three countries are expected to gain from a NAFTA. The greatest impact will be on the Mexican economy, with less impact on the Canadian and U.S. economies." The CBO concludes: "A thorough review of the myriad changes brought about by NAFTA, and of their interactions, leads to the single resounding conclusion that the net effect on the U.S. economy would be positive and very small. * * * Contrary to some commonly expressed concerns, the reallocation of resources would not be massive. Americans should not fear that NAFTA would cause a wholesale relocation of U.S. manufacturing plants and jobs to Mexico to take advantage of the lower average wage." The Brookings Institution survey concludes: "A consensus emerged * * * that the direct economic effects of NAFTA will be small for both Mexico and the United States. * * * [M]any of the changes in commercial relations that are often associated with NAFTA in public discussions have already occurred, and others will be spread over future years. * * * The general consensus of the studies * * * is that NAFTA will raise the average wage of U.S. workers and that the effect on low-wage workers will be negligible."
67	In what he calls, "Myth 3," Perot argues that "NAFTA is the ticket" for companies considering moving their operations to Mexico.	Misleading. NAFTA will eliminate the distortions and restrictions faced by companies attempting to sell in Mexico. In many cases, U.S. companies have only been able to sell in Mexico by locating there. High Mexican barriers to U.S. made products or provisions require U.S. firms to manufacture in Mexico. NAFTA will eliminate these distortions.
68	In attacking "Myth 4," Perot argues that lower Mexican wages are what matter most to potential investors.	The truth is that in most industries low Mexican wages are insufficient to attract investment to Mexico. Other factors such as the availability of raw materials, intermediate goods, support services, reliable infrastructure (including transportation, telecommunications and other business services), skilled labor and proximity to markets are important as well. Production in Mexico is usually disadvantaged compared to production in the U.S. with respect to most of these other factors.
11, 68	"Ultimately, NAFTA is not a trade agreement but an investment agreement. NAFTA's principal goal is to protect the investment of U.S. companies that build factories in Mexico." (p. 11).	The book misstates the purpose and effect of the NAFTA. While NAFTA does have rules that prohibit unfair treatment of each country's investors, (for example, arbitrary seizure or expropriation), the major purpose of the NAFTA is to remove the distortions in Mexican law that prevent U.S.—and often Mexican—investors from making the most productive and beneficial trade and investment decisions. Under NAFTA the Mexican government will eliminate an array of policies that required U.S. companies to locate in Mexico in order to sell in the Mexican market. U.S. firms can then sell goods produced in the U.S. to Mexico without restriction. With respect to the maquiladoras, NAFTA effectively removes requirements that the goods they produce be exported to the U.S. Under NAFTA, they can sell products made with U.S. components and equipment in Mexico.
68	"Mexican workers are very good * * * Dozens of articles in leading publications * * * document that * * * the productivity of the new Mexican plants operated by U.S. corporations is fully competitive with plants located anywhere in the world.". "If a U.S. company has been sitting on the fence trying to decide whether to move its manufacturing operations to Mexico, then NAFTA removes most of the remaining impediments and doubts.". "The real reason U.S. manufacturers don't go to Haiti or Bangladesh is that these countries don't have the political stability or investment guarantees of NAFTA.".	The analysis is simplistic. Mexican workers in some sectors are very good. However, not all sectors share in the high productivity reported in the articles cited. Certainly, on average, American workers are still the most productive in the world—much more productive than Mexican labor. However, labor productivity is only part of the story. If economic development could be achieved by simply locating modern factories in developing countries, then it would be easy for poor countries to catch up with the developed world; and it would have happened long ago. The analysis is faulty in suggesting that producers will bet against U.S. workers—located in a rich country with great resources and infrastructure—in head-to-head competition with workers in Mexico.
68	"The vital link of workers getting more pay for greater productivity has been broken by the Mexican government's wage controls. This is why real wages in Mexico have dropped by more than 50 percent over the past decade even as Mexican workers in export industries have dramatically increased their productivity.".	See our comment on page 45 of the Perot book for a denial of the claim that wages fell 50 percent (by a representative of the organization to which the figure is attributed in the Perot/Choate book). Mexico did impose wage and price controls in the mid-1980s as a response to extremely rapid inflation. Real wages declined sharply in the first half of the 1980s as a response to extremely rapid inflation. Real wages declined sharply in the first half of the 1980s as Mexico entered a period of crisis over foreign debt, and deep recession. More recently, however, the Mexican economy has revived and wages have been growing.
69	"[L]abor costs are the principal cost of production for most U.S. manufacturers * * * Other manufacturers are moving to Mexico in search of cheap labor.".	False. Labor costs are not the principal costs of production for most U.S. manufacturers. Even a figure for labor at 20 percent of production costs—the figure used by Choate claim that 5.9 million U.S. workers are at risk from NAFTA—does not represent "the principal cost of production" reported in the book. While important, labor costs are far from the most important consideration in making decisions about plant location.
69	"They [U.S. manufacturers] have few means to cut the costs of interest, taxes, supplies, components, energy, and other factors of production. But management can cut labor costs.".	This argument overlooks the principal way in which the United States has cut labor costs for decades while expanding jobs and increasing wages: by increasing productivity. That is what the great American tradition of innovation is all about. Investment in innovation lowers labor costs and ultimately creates higher paying jobs. NAFTA, far from being a threat to U.S. wages, will encourage innovation in the United States, raise average labor productivity and help lay the foundation of increasing real wages.
69	In what he calls "Myth 5," Perot argues that the statistics of U.S.-Mexican trade give the mistaken impression that Mexico is a vast and growing market for American exports..	This is not a myth. Mexico is a large market for U.S. exports—our third largest after Canada and Japan. On a per capita basis, Mexico imports more from the United States than does either much wealthier EC or Japan.
69–70	"Of the $40.6 billion of U.S. exports to Mexico in 1992, $15.5 billion was in capital goods—that is, factories * * * At this rate the U.S. will go bankrupt running up trade surpluses.".	The Perot/Choate book does not understand what capital goods are. Capital goods are everything from drilling equipment to electric generators, machine tools, and construction equipment and machinery. Any healthy economy or company constantly needs to replace and expand capital goods—a fact every business person should know. We are among the world's most efficient producers of all kinds of capital goods—mostly for the U.S. market. Exports of these products, however, provide hundreds of thousands of jobs. If we did not export to these countries, other countries, like Japan and Germany would eagerly sell instead, have been growing fast. The United States will not go bankrupt with exports of capital goods to Mexico. Most capital equipment exported to Mexico is used to produce goods and services for the Mexican market which, with NAFTA, is now set on a healthy growth path. If U.S. capital goods exports to Mexico were being used to flood the U.S. market with imports, one would expect our trade balance with Mexico to have moved into larger deficit over the last 6 years. In fact, our trade balance has moved from substantial deficits in the mid-1980s to substantial surpluses today. According to U.S. government statistics, the proportion of American exports of capital goods to Mexico have fallen from 40 percent of total exports in 1986 to 33 percent in 1992. The reason for this relative decline of U.S. capital goods exports to Mexico has been that exports of capital goods to Mexico have been rising, but American exports of all other major end-use categories of exports to Mexico have been growing even faster. The book is correct in stating that capital goods was the largest category of U.S. exports in 1992, but is wrong in implying that such exports serve to the detriment of U.S. workers and economic interests. The U.S. has the world's most competitive goods industry. Capital goods include not just factories, but electric generators, oil-drilling equipment, construction equipment, machine tools and an array of high tech goods. Capital goods accounted for 39 percent of U.S. exports to the world in 1992.[12] Such exports—whether to Mexico or to the rest of the world—support hundreds of thousands of U.S. jobs. The book's authors should not disparage such exports; it is certain that Japan, Germany and our other main trade competitors would be eager to supply Mexico and the world with capital goods if we did not wish to export such products.
70	In what he calls "Myth 6", Perot argues that, rather than NAFTA creating a market of $7 trillion for 362 million people as advocates claim, the United States is the market, within the U.S. economy constituting more than 85 percent of the North American market while Mexico offers only a plentiful supply of low-wage workers..	The authors call this a myth because "[t]he U.S. economy constitutes more than 85 percent of the North American market, while Mexico's economy is 4 percent of the market." The United States may dominate North America's economy, but Mexico and Canada loom large in U.S. trade, accounting for almost 30 percent of U.S. exports. Because Mexico currently has such lower per capita income, its growth potential (given the continuance of domestic economic reforms) is large. With 90 million people, Mexico has the potential to be a rapidly expanding market for U.S. exports and a source of benefits to U.S. production and U.S. workers. For the U.S. to benefit, however, NAFTA is critical in legally binding Mexico to the removal of its substantial barriers against the export of U.S. goods and services. Under NAFTA, our exports of capital goods will have a leg up on our main competitors in Mexico's market, because we and Canada will have preference over foreign products that still will have to pay tariffs in Mexico.

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70	"Another $9.4 billion of U.S. exports were for industrial supplies that were used in the manufacturing of products—a large proportion of which were shipped back to the United States.	All countries—the United States included—need to import industrial supplies, equipment and components which enhance its domestic production. That we have significant exports of such products to Mexico benefits us by supporting thousands and thousands of high-paid jobs in the United States. It is far better that Mexico purchases these parts from U.S. sources than from other countries such as in Asia or Europe. The Perot book also ignores the fact that U.S. exports of finished goods to Mexico have grown far faster than exports of parts and components. Moreover, the impression, created by this statement and others in "Myth 5" that U.S. export growth has not been real is completely refuted by the facts. The U.S. International Trade Commission has calculated that U.S. exports of inputs for production-sharing arrangements in Mexico (i.e., Maquiladoras) comprised an estimated 22 percent of all U.S. exports to Mexico in 1992, down from 32 percent in 1987. An estimated 83 percent of the growth in U.S. exports to Mexico in the last 5 years was for use in Mexico, not reexport to the United States.[13]
72	In what he calls "Myth 7," Perot argues that as manufacturing in northern Mexico expands, "Hundreds of thousands of Mexican workers will be drawn north. They will quickly find that wages in the Mexican maquiladora plants cannot compete with wages anywhere in the United States. Out of economic necessity, many of these mobile workers will consider illegally migrating into the United States. In short, NAFTA has the potential to increase illegal immigration, not decrease it.	NAFTA will help generate more economic activity in Mexico thus expanding jobs and opportunities throughout the entire nation, decreasing the need for Mexicans to migrate northward. As President Salinas of Mexico has said, Mexico is interested in exporting goods, not people. Others who have made a strong case for economic development in Mexico as a long term solution to the immigration problem include a high level Commission (the Commission for the Study of International Migration and Cooperative Economic Development) created by the 1986 Immigration Reform and Control Act. Its July 1990 report listed as its first recommendation that, "the United States should expedite development of a U.S.–Mexico free trade area and encourage its incorporation with Canada into a North American free trade area." In a July 24, 1990 statement, the Commission Chairman said, "[t]he basic conclusion that we came to was that the only thing that could possibly work would be the development and promotion of international trade." Interestingly, the Economic Policy Institute, so heavily (and favorably) cited in the Perot/Choate book concluded that Mexican immigration will decrease with free trade. Congressional testimony by William E. Spriggs of the Institute on May 15, 1991 presented mathematical economic research which concluded that NAFTA would reduce U.S. immigration from Mexico from what it would otherwise have been in the year 2000 by 1.4 million persons in one scenario and 1.6 million in the * * *
72	In what he calls "Myth 8," Perot questions the Administration's estimate that 400,000 jobs will be lost if NAFTA is defeated.	This figure has been correctly used by U.S. government officials as an illustrative example of the job loss potential arising from a failure to implement NAFTA. The "Administration Statement on the North American Free Trade Agreement," states the following: "Without NAFTA, we anticipate a reduction in U.S. exports and related jobs. Mexico could suffer capital flight, disinvestment, and a loss of confidence in its economy. A less healthy Mexico would be less able to afford imports produced in the United States. "The precise impact is difficult to measure. However, in the first two years of the Mexico debt crisis (1981–1983), U.S. exports to Mexico dropped by almost half. "If even a quarter of U.S. exports to Mexico were lost by 1995, U.S. export-related jobs would fall from their current level [1992] of 700,000 to 500,000—a loss of 200,000 high wage-jobs (and a sharp contrast with the 900,000 projected jobs with NAFTA)."[14] The Administration stands behind this statement, which is consistent with known facts. By contrast, the Perot book assumes that U.S. job growth will not continue as a result of exports to Mexico. Since Mexico began liberalizing its economy in 1986, U.S. exports have exploded and U.S. jobs supported by these exports have risen from 274,000 to an estimated 700,000 in 1992.
74	In what he calls "Myth 9," Perot argues that NAFTA should not be used as a foreign policy device to take sides in the upcoming Mexican elections.	This is a red herring. Two American Presidents have actively negotiated these agreements and concluded that NAFTA with its supplemental accords is a good trade agreement which will benefit America and American workers. NAFTA stands on its own merits for the U.S. and should be approved first and foremost because of the benefits it will bring here. Moreover, as Mexico grows, it will be able to deal more effectively with shared problems from the environment to narcotics and our interests are more likely to coincide than conflict. NAFTA proves to Europe and to Asia that the United States wants level playing fields wherever we compete. And it shows the rest of the countries of the hemisphere that open markets and economic reform are in their interests. Rejection of NAFTA, on the other hand, would leave Mexico to pursue development strategies that cut us out of the Mexican market.
79	"NAFTA chapter Three tariff provisions will quickly open the U.S. market to goods shipped from Mexico".	Fifty percent of goods entering the United States from Mexico currently enter free of duty, and have been doing so for years. Chapter Three merely codifies current treatment for such products.
		For those tariffs that have not been reduced previously, NAFTA provides sufficient time (up to 15 years for some highly import-sensitive goods) for U.S. industries to adjust to the elimination of those tariffs.
80	"U.S. textile manufactures are disadvantaged by the NAFTA."	U.S. exports to Mexico of textiles, fibers and apparel have grown 25 percent on average each year since 1986, reaching $1.5 billion in 1992, and creating a trade surplus in the sector of $81 million, in spite of Mexico's current 10–20 percent tariffs. NAFTA will continue and accelerate this export growth because it will phase out remaining tariffs and barriers to trade in this sector.
80	"Mexican restrictions on used equipment will ensure that only Mexican construction equipment will be used in the post-NAFTA building boom".	NAFTA ensures that U.S. construction firms will be able to bring whatever equipment—new or used—into Mexico as necessary to perform work there under contract.
80	"Chapter Four establishes rules that deny preferential treatment for goods produced outside of North America. The way for a Japanese or European company to get preferential treatment, of course, is to build a factory in Mexico".	The rules of original will ensure that products made outside the NAFTA do not benefit from NAFTA tariff treatment. Jobs created in Canada or Mexico are more likely to create markets for U.S. goods than jobs created elsewhere.
81	"Limited numbers of Customs agents at the U.S.-Mexico border will not enable Customs to cope with increased imports from Mexico".	Customs is already increasing manpower and expanding its facilities on the border. More importantly, NAFTA provides that Mexican or Canadian exporters that violate U.S. customs laws will be subject to criminal and/or civil penalties within their own countries, a deterrent to fraud that does not now exist. Moreover, enforcement of NAFTA preference will not be done exclusively at the border. In fact, it will be done primarily by Customs personnel going directly to the factories in Mexico and Canada to confirm that the goods are manufactured there, rather than transshipped from other countries. Finally, customs agents, through laboratory analysis and tracing of shipments can differentiate between shirts made in China and those made in Mexico.
81	"Mexico kept energy off the NAFTA negotiating table "for the most part."	The book fails to mention that Mexico agreed to: subject its energy and petrochemical sector to disciplines on import and export restrictions; —allow U.S. firms to negotiate contracts directly with Mexican end-users; and —apply the guarantees of the NAFTA investment chapter to private investment it allows in basic energy activities in Mexico.
10, 82	"Two of the most important provisions [of NAFTA], however, concern the export of wheat and corn to Mexico. Under NAFTA, Mexico's market will be opened to U.S. and Canadian exports of both commodities. But U.S. wheat farmers will be at a price disadvantage because the 1988 Canada Free Trade Agreement already permits Canada to subsidize the wheat production of its farmers.".	The book tells a very misleading story on wheat. We would like Canada to cease its wheat subsidies, but Canada was not willing to give up this practice. Accordingly, we maintained our right to subsidize our wheat exports to enable us to compete with subsidized Canadian wheat. NAFTA does not change this situation, nor would rejecting NAFTA help. More significantly, NAFTA opens opportunities for U.S. wheat, corn and barley producers. According to USDA, by the end of the NAFTA transition period, annual U.S. corn exports are expected to be 60 percent higher than otherwise and industry revenues for corn and grain sorghum will likely increase by about $400 to $500 million due to NAFTA. Similarly, USDA anticipates that by the end of the transition period, U.S. wheat exports are expected to be about 1.5 million metric tons, about 20 percent above the level that would be expected without NAFTA.
82, 83	"Perhaps the greatest dangers from NAFTA are contained in the food hygiene standards undermine existing U.S. health and environmental standards. Rather than adopt the highest possible food hygiene levels, NAFTA adopts standards developed by something called the Codex Alimentarius Commission, plus those of the International Office of epizootics, the International Plant Protection Convention, and the North American Plan Protection Organization.* * * NAFTA is backdoor deregulation of U.S. health and environmental standards.".	False. Perot's assertions regarding food safety and standards are completely wrong and amount to nothing more than scare tactics. Perot's book is dead wrong in claiming that NAFTA, in any sense, requires us to reduce our standards or to adopt the standards recommended by international bodies such as the Codex Alimentarius. Article 713.3 specifically provides that "nothing . . . shall be construed to prevent a party from adopting, maintaining or applying, in accordance with the other provisions of the Section, a sanitary or phytosanitary measure that is more stringent than the relevant international standard, guideline or recommendation."

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		The supplemental agreements include a commitment for the three countries to work to harmonize standards upward. No provision of NAFTA creates an obligation that states adopt the same measures as the federal government. Accordingly, there is no basis under the NAFTA for challenging a state measure simply because it is more stringent than a relevant federal measure. The NAFTA does not require that the United States change any particular standard and the provisions were specifically negotiated to be clear that there would be no "downward harmonization" of health and safety standards. Instead, the NAFTA creates a process by which the three countries can try to reach greater compatibility of standards, but that does not require us to agree to any particular change in standards. No "harmonization" process can ever force us to agree to standards we find unacceptable, nor could Congress be bound by any result it found unacceptable. Congress would need to pass specific legislation to effect any change.
84	"The NAFTA will nullify the federal Buy America Act."	Misleading. The NAFTA requires minimal changes at the Federal level and no change at the state level. The procurement provisions offer significantly expanded opportunities for U.S. firms to do business in Mexico and Canada. The NAFTA Government Procurement Chapter will permit access to government tenders in the three countries on a competitive basis by companies from those countries. For Mexico, this is the first time that it has opened its government procurement in an international agreement. The NAFTA explicitly allows in Annex 1001.2b for the continuation of U.S. small and minority business programs, which reserve certain contracts for qualified U.S. suppliers. NAFTA also preserves other sensitive procurement for U.S. suppliers including the "Berry Amendment" Defense Department purchases of textiles, shoes, other goods and specialty metals. (Annex 1001.1b, Section A).
85	NAFTA will also undermine the Buy America laws of 35 states and hundreds of cities.	False. The NAFTA procurement provisions do not apply to state and sub-central level government procurement. Therefore, NAFTA cannot possibly undermine state "Buy America" laws. The NAFTA government procurement chapter, Article 1024 provides only that within five years after implementation of the agreement, the United States, Canadian and Mexican governments will consult with their state and provincial governments about voluntarily including their procurement under the NAFTA. This will be an entirely voluntary decision by the U.S. states, and would only proceed if Canadian provinces and Mexican states also agreed to participate.
85	"NAFTA allows Mexico and Canada to challenge Buy America laws as illegal trade barriers."	This is incorrect. In Articles 1001 and 1003 of the NAFTA, all three countries agreed to open their government procurement above specified levels to suppliers from the other two countries. In the United States case, the Buy America laws will be suspended for Canada and Mexico above a specified contract value. Similarly, Canada and Mexico will suspend their buy national legislation for the other NAFTA parties.
86	"Canada * * * is allowed to review the direct acquisition by foreigners of all Canadian business assets over $5 million * * *".	False. The screening level of $5 million applies to non-NAFTA investors. For investors from Canada and Mexico, the screening level is C$150 million, which is adjusted for inflation and economic growth. This high level assures that only a limited amount of transactions are reviewed by Investment in Canada.
87	"NAFTA allows Mexico and Canada to protect certain industries and to exclude U.S. investors (both individuals and corporations) at their discretion".	While all three countries retained some investment limitations, NAFTA does not create restrictions, but rather works to remove a wide array of restrictions and distortions. The book fails to note for example, that under NAFTA, Mexico must eliminate "performance requirements" that force foreign investors to export their production (usually to the United States) or use locally made inputs in their production. The elimination of performance requirements in Mexico is very beneficial in the United States, as it will increase demand for U.S.-made inputs (thereby increasing employment in the United States) and allow increased sales in Mexico of goods produced by United States investors.
87	"Mexico and Canada reserve the right to limit or prohibit foreign investors. The United States does not have this same right under NAFTA".	The United States currently restricts foreign investment only in sensitive areas of our economy. Under NAFTA, the United States preserves this right, and the rights of individual states to do so as well. These restrictions can be found in Annexes I–VII of the Agreement.
87	"Mexico and Canada's entertainment industry (movie and television production, for example) have important exclusions under NAFTA. Similar exclusions are not available to the United States."	This statement is wrong. The statement implies that the United States has no reservations under NAFTA. In fact, the United States has taken reservations affecting investment in cable television (II–U–2) and television and radio broadcasting (II–U–3). In addition, the United States has the same rights as Canada respecting "cultural industries." NAFTA liberalizes certain Mexican restrictions.
88	"NAFTA is a threat to more than blue-collar jobs. Today, more than 15 million Americans work in professional occupations. All professionals have a major stake in ensuring the standards of their profession. Under NAFTA, those standards will be subject to a challenge which will be heard by an international panel. U.S. professionals will soon be competing with lower wage Mexican professionals in the United States services market."	False. The statement implies that Mexican professionals can enter the United States and practice their profession without being licensed in the U.S. In reality, under NAFTA Mexican professionals must be licensed in whatever state they seek to practice in. A Mexican doctor may not practice in Texas until he or she has been licensed to do so by the state of Texas. In addition, Mexican professionals must obtain the appropriate U.S. visa before they enter the United States. U.S.-licensed professionals will not be competing with Mexican-licensed professionals in the United States market. This statement also implies that all professional standards are subject to dispute settlement for any reason. This is incorrect. Licensing and certification criteria may be challenged if they discriminate against citizens of another NAFTA country. Tough licensing and certification requirements that are equally applied to all applicants do not violate NAFTA, and may be established at any level deemed necessary by the appropriate regulatory body. Finally, the book seems to assume American professionals can compete with Mexican counterparts. In fact, we have the world's finest professionals who earn more because they are the best.
90, 91	"Today, foreign professional workers can enter the U.S. labor market, but only 'temporarily' and if an employer gets a certification that a qualified U.S. worker cannot be found."	This statement is false. Under current U.S. law, Business Visitors, Traders and Investors, Intra-Company Transferees, and certain Professionals temporarily admitted into the U.S. are not held to the requirement that qualified U.S. workers must be unavailable. Current U.S. immigration law is the basis for our Temporary Entry Admission Commitments in the NAFTA. The Perot statement overlooks the benefit that NAFTA requires Canada and Mexico to provide reciprocal access for United States personnel who will be admitted in these same categories into all NAFTA countries.
90, 91	"Also, the existing U.S. immigration laws place a numerical limit on the number of temporary workers.".	This statement is untrue. With the exception of "Specialty Occupation" personnel existing U.S. immigration law does not apply numerical limits to persons admitted under NAFTA. Business Visitors, Traders and Investors, are admitted without limitation.
90, 91	"Under NAFTA, Mexican and Canadian workers in 63 designated categories may be hired in the United States, even if qualified American workers are available."	The statement is misleading. Admission of 60-plus categories of Professionals is already allowed under U.S. law if these workers are paid prevailing wages and several other criteria are met.
90, 91	"NAFTA also eliminates, by stages, any numerical limits on the number of these professionals who can work in the United States. In year one of the agreement, only 5,500 professional 'temporary' workers from Mexico and Canada can enter the United States. After the first year, NAFTA obligates the United States to consider raising the ceiling. But in any case, another 5,500 can enter in the second year, and another 5,500 in the third year. If any ceiling remains at the end of three years, the United States must enter into negotiations with Canada and Mexico."	The numerical ceiling affects only admission of Professionals from Mexico, not from Canada, where admission of professionals will continue to be unrestricted for agreed categories as is the case under the United States-Canada Free Trade Agreement. No commitments to lift the ceiling on admissions from Mexico after three years have been made. It will be raised only if it is in the interest of the United States. Under the NAFTA, Mexico imposes no numerical ceiling on its admission of U.S. Professionals.
90, 91	"At the end of ten years, NAFTA allows an unlimited number of Mexican and Canadian professionals to enter the United States labor market on a "temporary" status".	Professionals entering from Canada and Mexico must meet very specific requirements to enter the United States as stated in Annex 1603(D). These requirements completely discredit the myth that individuals entering under NAFTA Chapter 16 will be a source of cheap labor. First, the professional must have a four year post-secondary baccalaureate or equivalent experience in professions set forth in Appendix 1603.D.1. This means the individual must present before entering the United States documents that prove the professional status required for temporary admission. Second, the professional must also have a letter or contract from an employer. An employer seeking admission of a professional from Mexico must attest that the individual will receive the prevailing wage and that working conditions meet safety and health standards. Third, the employer will have filed with the Department of Labor an attestation stating that this individual is not entering to adversely affect a strike or lockout.
90, 91	"There is more. Once 'Temporary' workers from Canada and Mexico begin to work in the United States, their 'temporary' status can be extended for an unlimited number of years.".	This is the case under existing U.S. law. In addition, Business Persons admitted under the terms of the Agreement hold citizenship in another Party country. Most Business Persons do not want to stay in the United States for a long period of time.

CORRECTING THE RECORD: RESPONSE OF THE U.S. TRADE REPRESENTATIVE'S OFFICE TO THE PEROT/CHOATE NAFTA BOOK—Continued

Page	Book says	Statement
		The terms of admission prevailing under existing U.S. law and regulation are the basis for NAFTA commitments and do not offer an unlimited term of stay. In the case of Professionals, the Immigration and Naturalization Service can deny annual renewals for individuals who are indefinitely staying in the United States.
90, 91	"NAFTA also expands the concept of 'business worker', which previously meant the owner or executive-level employer of a company doing international business. The expanded concept includes business visitors who are paid from a non-U.S. source. Mexican and Canadian professionals, whether or not they have anything to do with international trade, can work in the United States so long as they are paid from a company in either Mexico or Canada.".	False. NAFTA does not expand the definition of Business Visitor. It uses the existing definition in U.S. law and regulation. Annex 1603, Section A.1.c. of the agreement requires a Business Visitor to present: "evidence demonstrating that the proposed business activity is international in scope and that the business person is not seeking to enter the local labor market."
90, 91	"As a result, hundreds of thousands of professional and semi-professional American workers are going to be put under intense pressure to cut their wages and benefits. Tens of thousands of other American workers are not going to be so lucky. They're going to lose their jobs to low-paid foreign contract workers from Mexico and Canada".	Misleading. The temporary entry provisions of the NAFTA do not admit "semi-professionals." The maximum number of professionals that would enter from Mexico is 5,500 in the first three years. The U.S. is not obligated to increase this number for 10 years. During this 10-year transition, employers must attest that they are paying prevailing wages to professionals entering from Mexico. U.S. wages and benefits will not be driven down.
90, 91	"While no one was watching, U.S. NAFTA negotiators radically revised the nation's immigration laws".	False. U.S. immigration laws were not "radically" revised. The commitments made to streamline admission procedures for NAFTA business visitors, traders and investors, intra-company transferees and professionals all correspond to current immigration laws. Moreover, there is nothing radical or extremely different in the U.S.-Canada Free Trade Agreement's Chapter 15 and the current proposed Chapter 16 of the NAFTA.
93	* * * NAFTA takes away the constitutional right of American citizens to seek redress in U.S. courts if they are harmed by * * * dumping.	Mr. Perot's statement erroneously assumes that U.S. courts are the forum for redressing unfair trade practices. In reality, the U.S. Department of Commerce and the U.S. International Trade Commission ("ITC") investigate the existence and effect of unfair trade practices, such as dumped and subsidized imports, on American industries. Chapter 19 of the NAFTA, "Review and Dispute Settlement in Antidumping and Countervailing Duty Matters," recognizes and reinforces the right of American industries to redress unfair trade practices such as dumped and subsidized imports through existing administrative proceedings. NAFTA Art. 1902. Existing law permits appeals from the administrative proceedings to the U.S. Court of International Trade. Chapter 19 of the NAFTA adds the option of appeals to a binational panel. NAFTA Art. 1904.11–12.
94	Over the past several decades, the United States has often been target of dumping and subsidized exports. . . . Subsequently, protections have been built into U.S. laws and victims have access to expedited methods to deal with these predators in U.S. courts. NAFTA would wipe out these rights and procedures.	NAFTA does not "wipe out" their rights and procedures. The protections built into U.S. law to deal with dumped and subsidized imports provide expedited methods for the U.S. Department of Commerce and the ITC—not U.S. courts—to investigate unfair trade practices. Chapter 19 of NAFTA recognizes and reinforces the right of American industries to petition the Department of Commerce and ITC to launch unfair trade investigations. NAFTA Art. 1902. NAFTA further improves the expedited nature of these proceedings by reducing the time an agency's ruling can be held on appeal. NAFTA Art. 1904.8. If U.S. judicial procedures find that Mexican or Canadian firms are either dumping goods in the U.S. market or are being subsidized by their governments, the Mexican and Canadian governments can appeal the ruling by requesting the formation of a binational panel. (p. 94).
94	If U.S. judicial procedures find that Mexican or Canadian firms are either dumping goods in the U.S. market or are being subsidized by their governments, the Mexican and Canadian governments can appeal the ruling by requesting the formation of a binational panel.	This is misleading because it erroneously assumes that U.S. courts investigate unfair trade practices such as dumped and subsidized imports. Only the Department of Commerce and the ITC can find that Mexican or Canadian goods are dumped into the U.S. market or subsidized by their governments. Existing law permits appeals to the U.S. Court of International Trade. Chapter 19 of the NAFTA adds the option of appeals to a binational panel. NAFTA Art. 1904.11–12.
94	The rulings of the international panel are final	This is false because the United States may request review of binational decisions through the "extraordinary challenge procedure" under NAFTA Art. 1904.13.
94	Ultimately, U.S. citizens and corporations are denied the protection of American laws within the United States.	This statement erroneously assumes that binational panels do not apply U.S. laws. U.S. citizens are afforded the protection of American laws in a binational panel proceeding because the panel must apply U.S. law just as a U.S. court would apply U.S. law. NAFTA Art. 1904.2–3.
95	"A panel is comprised of five people. The two nations each identify two panelists, and the four panelists then pick the fifth from a list.".	This is inaccurate. Each country selects two panelists, and the countries then jointly select the fifth panelist. NAFTA Annex 1901.2.3.
95	"Of the 25 potential panelists [initially selected by the White House in 1989], 14 were either registered foreign agents or senior partners in Washington law firms that serve as lawyer/lobbyists for foreign interests, including those from Canada".	NAFTA will correct the perception that panelist lack neutrality by requiring that the roster include judges and former judges "to the fullest extent practicable." NAFTA Annex 1901.2.1. In addition, Chapter 19 of the NAFTA built in a series of safeguards to prevent panel proceedings from being tainted by even the appearance of impropriety. First, the panelists selected must be "of good character, high standing and repute, and shall be chosen strictly on the basis of objectivity." NAFTA Annex 1901.2.1. Second, each country may exercise peremptory challenges to disqualify panelists selected by another country. NAFTA Annex 1901.2.2. Third, panelists are to avoid even the appearance of impropriety and partiality. If a participant believes that a panelist is violating the code, the panelist may be removed. Fourth, a country may use the "extraordinary challenge procedure" to vacate any panel proceeding where a member of the panel was guilty of gross misconduct, bias, or serious conflict of interest. NAFTA Art. 1904.13.
95	"The list of panelists is now kept secret. These panelists, who in effect serve as international judges, are not confirmed by the Senate. Indeed, like the American public, the Senate does not even know who is on this list".	This is false. The roster of panelists is notified to Congress each year and published annually in the Federal Register. The American public, or member of Congress, may obtain the list of panelists by calling the United States/Canada Free Trade Agreement Binational Secretariat in Washington, D.C.
95	"The work of the panel is done in secret, and the proceedings are not released to the public. * * * These are modern-day Star Chambers—secret courts empowered to decide matters of enormous consequence to Americans".	This is false. Binational panel proceedings concerning dumping and subsidies investigations are open to the public to the same extent as other U.S. court proceedings. Notice of all binational panel proceedings are published in the Federal Register. All documents submitted to the panel and all panel decisions are available for review and copying at the FTA Binational Panel Secretariat. All hearings are conducted in public. Business proprietary information will be kept under seal and deleted from public documents at the request of the parties submitting the documents. This is a routine procedure in all U.S. courts.
96	"Canadian interests have appealed the decision of 16 rulings of the U.S. International Trade Commission (ITC). Binational panels were created, and ten of the 16 times they reversed the ITC ruling in favor of the Canadians".	This is inaccurate. As of August 1993, Canadian interest had appealed 27 U.S. decisions under Chapter 19 of the NAFTA—nine of which are still pending before binational panels and seven of which terminated without a panel decision. Of the 11 completed panel proceedings, the panel upheld the agency's decision in all respects in four appeals, partially upheld the agency's decision in five appeals, and reversed the agency's decision in all respects in only one appeal. Therefore, even though there have been several remands in binational panel proceedings, these remands have affected only one or two of the issues presented in each appeal. Furthermore, binational panels only may uphold a determination or remand it to the agency for further action; this power is less than U.S. courts possess in reviewing agency decisions. NAFTA Art. 1904.8.
96	"U.S. industry has appealed three dumping decisions made by the Canadian government. Panels were formed, and three out of the three times they ruled in favor of the Canadians".	This is inaccurate. As of August 1993, American interests had appealed 11 Canadian decisions under Chapter 19 of the CFTA—six of which are still pending before binational panels and two of which terminated without a panel decision. Of the three completed panel proceedings, the panel upheld the agency's decision in all respects in one appeal, and partially upheld the agency's decision in two appeals.
96	"Of the 16 panels that reviewed ITC decisions, ten had one or more U.S. panelists who was either a registered foreign agent or from a law firm that represents foreign interests".	NAFTA will correct the perception that panelists lack neutrality by requiring that the roster include judges and former judges "to the fullest extent practicable." NAFTA Annex 1901.2.1. Use of judges will reinforce the importance of according appropriate deference to the Department of Commerce and ITC, and of adhering to U.S. law.
96	"No one should be surprised to learn that these panels reversed 67 percent of the U.S. dumping and countervailing duty rulings brought before them. In the process, these lawyer/lobbyists established legal precedent that will favorably affect their clients in other cases".	This is misleading because it fails to recognize that panel decisions are not binding precedent on subsequent panels or courts except with respect to the "particular matter" decided by the panel. NAFTA Art. 1904.9. Moreover, the Binational Panel Code of Conduct prohibits panelists from serving where to do so would benefit their clients in other cases.
96	"By contrast, the Court of International Trade, which is an independent judiciary and handles all other trade appeals in the United States other than those in the CFTA, has a reversal rate of only seven percent".	This is misleading because it compares the Court of International Trade's "reversal rate" with the binational panel's "remand rate." This is a comparison of apples and oranges. The Court of International Trade very rarely reverses agency decisions completely. In contrast, the Court of International Trade, like binational panels, frequently remands agency decisions for further explanation or revision.

CORRECTING THE RECORD: RESPONSE OF THE U.S. TRADE REPRESENTATIVE'S OFFICE TO THE PEROT/CHOATE NAFTA BOOK—Continued

Page	Book says	Statement
96	"The dispute settlement mechanism imposed in the United States is sufficient reason to reject NAFTA * * *"	The book totally ignores the benefit for U.S. exporters from these provisions. Mexican procedures have previously been secretive with frequent U.S. complaints that taxes were imposed arbitrarily. NAFTA's Chapter 19 dispute settlement mechanism will afford greater protection to U.S. industries that are subject to dumping and subsidies investigations in either Canada or Mexico. U.S. companies have long complained that Mexico's antidumping and countervailing duty laws are unfair because the provide inadequate notice of the proceedings, deny meaningful participation in the investigation, and do not base determinations on sufficient evidence or a consistent interpretation of the law. NAFTA's dispute settlement mechanism requires Mexico to institute far-reaching changes to its antidumping and countervailing duty laws, and to provide U.S. exporters with fair procedures and due process in the administration of an investigation. NAFTA also gives U.S. industries an opportunity to appeal adverse rulings to neutral binational panels. Currently, U.S. exporters do not have a right to judicial review of Mexican rulings.
97	"Mexico, Canada, and the United States also agreed to form a new trade bureaucracy that would assist in the administration of NAFTA. This is just what the U.S. taxpayers need—another international agency to support".	The NAFTA won't require a new, costly "international agency." Nothing of the sort has been required under nearly identical provisions of the U.S.-Canada FTA. What the NAFTA will provide is a comprehensive forum for the countries involved to consult on and resolve trade and investment issues before they turn into costly disputes that could threaten U.S. jobs.
97	"The Free Trade Commission, its staff, and its mandate are the undefined features of NAFTA, yet this Commission will wield substantial power over U.S., Canadian, and Mexican trade".	The Free Trade Commission set up under the NAFTA will not be an independent, international agency. NAFTA Article 2001 defines the Commission as a decision-making body comprising the designated trade officials of the countries involved—in our case, the U.S. Trade Representative. These same officials currently meet to discuss issues, so the NAFTA neither increases nor decreases the "power" that such officials have over trade relations. The mandate of the group is also defined in the NAFTA Article 2001.
97	"If the panel rules against the United States, the United States would be required to pay some form of compensation to either Mexico, Canada, or both countries. The net effect of this new supranational commission is to shift the judicial power over vital jobs-related issues from the hands of the U.S. Government and U.S. courts into the hands of international bureaucrats".	The book mis-states the dispute settlement provisions and completely fails to note the value of these provisions for the United States. Congress and the American people have called for effective dispute settlement provisions to enforce the rights we have negotiated. Under NAFTA, if we believe Mexico or Canada is not honoring the terms of the agreement, an independent panel of experts from the private sector (not "international bureaucrats") will hear the arguments and issue a report. Mexico and Canada have access to the same process. If a country is found not to meet its obligations, it has three choices: agree on some remedy with the complaining country, offer compensation, or do nothing. Contrary to the book's assertion, neither the United States nor Canada or Mexico can be forced to change its practices or give compensation. Panel decisions cannot override U.S. law or U.S. courts unless the Congress so provides. However, if a country that has been found to breach its obligations declines to make any changes, then it is the right of the injured country to retaliate. That is a right we insist on, because we want to be able to act if our trading partners fail to keep their commitments.
97	"What's worse, the rules of procedure for this new bureaucracy will not even be available until January 1, 1994. Congress and the American people are being asked to accept this powerful new quasi-judicial bureaucracy before they are told its rules and procedures. As with the trade negotiations, the American people are being kept in the dark about something that will have a profound impact on their jobs and future".	Chapter Twenty of the NAFTA sets out in significant detail the deadlines for dispute settlement panels, the qualifications required for panelists, and the manner in which outside experts may participate in the panel process. The "model rules of procedure" that will be established by January 1, 1994, relate to the mechanics of the panel process and will not alter the essential nature of the process.
99	"No one knows precisely how much the environmental clean up of Mexico will cost, but some estimates have run as high as $20 billion.". "The further industrialization of Mexico will require additional billions of dollars to be spent modernizing its environmental infrastructure such as the water and waste water treatment facilities, utility emissions, and solid waste disposal systems, among others."	NAFTA, of course, did not cause any of the environmental problems at the U.S.-Mexican border. Rather, NAFTA, the supplemental agreements, and the additional measures we are pursuing at the border are vital to address these problems and improve the environment. That will help us in two ways: our border communities will benefit, and U.S. companies, who lead the world in environmental technology, will have the opportunity to provide many of the goods and services needed for these purposes. NAFTA will help generate resources for this purpose. The environmental agreement which has just been completed has good mechanisms to expose problems of lax enforcement, with sanctions for failure to remedy those problems. Finally, the impact on U.S. citizens of inadequate environmental infrastructure (on the border) is being addressed through the creation of a binational infrastructure financing mechanism which will leverage small amounts of capital by attracting private sector investment and will require that those causing pollution and those benefitting from clean-up pay. In short, the environment will clearly be better off with the NAFTA than without it.
99	"NAFTA does not address these necessary and costly environmental issues. It merely suggests that no nation should use weak enforcement of its environmental laws as a means of attracting foreign investment. Yet, Mexico has consistently done this for many years, and continues to do so".	This allegation is groundless. Weak enforcement has many causes and it would be very hard to prove that Mexico's enforcement efforts are designed to attract investment. What is easier to prove is that effective enforcement is expensive. The stringency of many of Mexico's environmental laws indicates their intentions. Why have strong laws if attracting investment through lax enforcement is your goal? Once again, the economic growth derived from NAFTA will give Mexico the resources to beef up its enforcement.
102	"Any trade agreement that can't stand full public scrutiny by Congress before, during, and after the negotiations is not worth having".	It is not possible to negotiate in public, but it is absolutely true that any trade agreement must be able to stand full scrutiny by Congress and the public. NAFTA has been, and will be, the subject of exhaustive public discussion and Congressional debate: —The issues raised by NAFTA were subject to an extraordinarily extensive public and Congressional debate before the fast track authority was granted in 1991. Concerns raised by Congress and the public about environmental and labor issues prompted the Bush Administration to engage in an extensive environmental review and propose a significant worker retraining program not previously contemplated. Fast track authority was granted only after the Bush Administration responded to those issues in a way that addressed Congressional concerns. —The agreement being negotiated was one of the major issues of the 1992 presidential campaign. As a candidate, Bill Clinton had to decide whether to support or oppose NAFTA at the height of the campaign. —Throughout the negotiations, Administration officials briefed and consulted with many members of Congress, and hundreds of private sector advisers representing all sectors of the economy, labor unions, and environmental groups. The upcoming debate over NAFTA this fall promises to be one of the most intensive in memory. Congress will pass the implementing legislation for NAFTA only after full satisfying itself that the agreement is in the national interest. The Administration believes that it can and will make that case, but there is surely no danger of any rush to judgment.
102	"The first action that is required of Congress is to reject NAFTA. Congress' second action should be to reauthorize the president to negotiate a win-win trade deal with Mexico".	Virtually every serious study done has shown that the NAFTA, strengthened by the supplemental agreements recently completed, is a "win-win trade deal with Mexico." But if this agreement, negotiated by a Republican President and supplemented by a Democratic President, is rejected, there should be no illusions that the U.S. and Mexico will be back at the table, negotiating some better deal. There will be no further negotiations; trade relations between the countries will be set back significantly, for years to come.
103	"In recent years, the trade mandate from Congress to the President can be summarized as "do whatever you want and we will rubber stamp it".	It is simply absurd to contend that Congress has been a rubber stamp for the President in trade policy in recent years. Throughout the 1980's, an increasingly frustrated and restive Congress clashed repeatedly with Presidents Reagan and Bush over trade policy, most often with respect to Japan. The Omnibus Trade and Competitiveness Act of 1988 was a bipartisan Congressional initiative forced on the Reagan Administration and passed over the President's veto. By the authors' own admission, Congress subjected President Bush's request for fast track authority for NAFTA to a bitter debate, and it is certainly not going to "rubberstamp" NAFTA and the implementing legislation when they are submitted this fall.
106	The United States should "impose a 'social tariff' at a level that is equal to the difference between the wage paid in the developing nation and the wage paid in the United States for comparable work".	A 'social tariff' is a thinly disguised return to the protectionist, isolationist policies that resulted in the great depression. It would be a blatant violation of trade rules and inevitably result in retaliation against our exports by countries all over the world. This would increase U.S. unemployment and decrease U.S. wages, rather than raising wages elsewhere. In addition, Mr. Perot's proposal would require the creation of a huge bureaucracy to calculate and collect the 'social tariff' appropriate for each good from each country, and contrary to Perot's own position on page 97.

CORRECTING THE RECORD: RESPONSE OF THE U.S. TRADE REPRESENTATIVE'S OFFICE TO THE PEROT/CHOATE NAFTA BOOK—Continued

Page	Book says	Statement
107	"[T]he United States should require that exports from Mexico to the United States be produced by workers who:. —Possess the right to organize independent unions and bargain collectively; —Have working conditions—hours, minimum wages, work-place safety, and health care—that are equal to those found in the United States;. —Have the right of association; and —Are not exploited by age or sex"	Mr. Perot says nothing about the North American Agreement on Labor Cooperation that was concluded on August 13 to supplement the NAFTA. This is the first labor agreement negotiated specifically to accompany and build on a trade agreement. It will promote improved labor conditions and strong enforcement of national labor laws in all three countries, and addresses all the issues cited by Perot and Choate, and several more. To quote from the summary released last month: "Each party is committed, in accordance with domestic laws, to promote the following principles: the freedom of association, the right to bargain collectively, the right to strike, prohibition of forced labor, restrictions on labor by children and young people, minimum employment standards, elimination of employment discrimination, equal pay for men and women, prevention of occupation accidents and diseases, compensation in cases of worker accidents or occupational diseases, and protection of migrant workers."
107	"The imposition of worker rights standards is nothing new. Several existing U.S. laws contain worker rights provisions. Among them are the Caribbean Basin Economic Recovery Act of 1986, the Generalized System of Preferences Act of 1986, the Overseas Private Investment Corporation statute of 1986, and the 1988 Omnibus Trade and competitiveness Act. The problem is the worker rights provisions in these laws are not enforced."	Wrong. A large number of countries have had trade benefits suspended as a result of determinations that they did not meet the worker rights standards of U.S. law. This includes Nicaragua, Paraguay,* Romania, Chile,* Burma, The Central African Republic,* Liberia, Sudan, Syria and Mauritania. In addition, 8 countries currently have their trade preferences under review, and reviews of additional countries are expected to be initiated shortly. In addition, the Caribbean Basin Economic Recovery Act was passed in 1983, not 1986, and the Generalized System of Preferences Act was passed in 1975, not 1986 (with the worker rights provisions added in 1984). The Overseas Private Investment Corporation worker rights provision was included in the Foreign Assistance Act of 1985. *After taking action to improve worker rights protection, trade preferences were restored for these three countries.

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[1] U.S. Department of Transportation estimate derived from relationship of transportation accounts to U.S. GNP.

[2] "Effects of the North American Free Trade Agreement on U.S. Agricultural Commodities," U.S. Department of Agriculture, March 1993.

[3] "Effects of the North American Free Trade Agreement on U.S. Agricultural Commodities," U.S. Department of Agriculture, March 1993.

[4] Calculated from data from the U.S. Department of Commerce.

[5] "U.S. Jobs Supported by U.S. Merchandise Exports to Mexico," Office of the Chief Economist, Economics and Statistics Administration, U.S. Department of Commerce, May 1992. Estimated for 1991 and 1992 to the Office of the U.S. Trade Representative based on data from the U.S. Department of Commerce.

[6] State export information furnished by Office of Mexico, U.S. Department of Commerce, job figures by U.S. Department of Commerce and Office of the U.S. Trade Representative.

[7] "U.S.-Mexico Trade: Pulling Together or Pulling Apart," Congress of the United States, Office of Technology Assessment, October 1992.

[8] Estimates furnished by U.S. International Trade Commission, based on U.S. Department of Commerce data.

[9] "A Budgeting and Economic Analysis of the North American Free Trade Agreement," Congress of the United States, Congressional Budget Office, July 1993.

[10] Office of the U.S. Trade Representative based on data from the U.S. Department of Commerce and the U.S. Department of Labor.

[11] "Economy-wide modeling of the Economic Implications of a FTA with Mexico and a NAFTA with Canada and Mexico," U.S. International Trade Commission Publication 2508 and 2516, May 1992. "A Budgetary and Economic Analysis of the North American Free Trade Agreement," Congress of the United States, Congressional Budget Office, July 1993. "North American Free Trade: Assessing the Impact." Nora Lustig, Barry P. Bosworth and Robert Z. Lawrence (editors), The Brookings Institution, Washington, D.C. 1992.

[12] Based on U.S. merchandise trade data from the U.S. Department of Commerce.

[13] Estimates provided by the U.S. International Trade Commission based on U.S. Department of Commerce trade data.

[14] "Administration statement on the North American Free Trade Agreement," July 1993 (Available from the Office of the U.S. Trade Representative, Washington, D.C.).

THE VERMONT TEDDY BEAR CO.

Mr. LEAHY. Mr. President, I am pleased to congratulate the Vermont Teddy Bear Co. on receiving the Best of America Award for being the top small business in America. On August 22, 1993, independent business leaders brought together by Dun & Bradstreet and the National Federation of Independent Business Foundation selected the Vermont Teddy Bear Co. from a field of 585 companies as the winner of this national award in recognition of the company's outstanding growth, innovation and community service.

The Best of America contest was open to companies with fewer than 250 employees that have been under the same management for 5 years. Entrants were judged on the ability to effectively manage growth, to build spirit and teamwork among employees, and to respond quickly to changing economic or competitive conditions.

The Vermont Teddy Bear Co. has risen from the ranks—starting in 1983 as a streetcart enterprise in downtown Burlington—to today occupying a booming factory in Shelburne. Throughout its history, the Vermont Teddy Bear Co. has held fast to its roots as a business committed to employees and the community as well as dedicated to quality teddy bears. This company has worked hard to be a success story in the competitive teddy bear field.

The Vermont Teddy Bear Co. represents the spirit of American entrepreneurial business and the dedication and productivity of American workers. A large part of their success can be attributed to its innovative business approach which is not limited to company interest in the bottom line on balance sheets. The Vermont Teddy Bear Co. is also involved in improving a community, encouraging workers to take control of their work and their work environment, and striving for the highest in customer satisfaction.

Again, the contribution Vermont Teddy Bear Co. has made to Vermont communities, workers and business is deeply appreciated. This company is an excellent choice for this award, and I am honored to take this opportunity to recognize its achievement on this momentous occasion. I am confident that this company will continue to grow while maintaining its important work with the same commitment and quality it has shown in the past.

TRIBUTE TO HON. H. KELLEY, CHIEF BANKRUPTCY JUDGE

Mr. SASSER. Mr. President, today I rise in recognition of Hon. H. Kelley, chief bankruptcy judge for the eastern district of Tennessee where he has provided 25 years of distinguished service. Judge Kelley's concern for both debtors and creditors as he tenaciously works out legal arrangements from his bench in the interest of all parties is unheralded. In the State of Tennessee, I have witnessed his legal and judicial creativity which has held together the economic livelihood of communities in the face of overwhelming financial and environmental challenges.

As a legislative resource to Congress, he has been very valuable, testifying numerous times regarding bankruptcy laws and relative budget issues in the capacity of President of the National Conference of Bankruptcy Judges. He has become a national expert on budget matters relative to the judiciary after his decade of service on the U.S. budget committee of the judicial conference, and he has been a mentor to hundreds he instructed at the Federal Judicial Center.

As a youngster, Ralph Kelley served as a page in the U.S. House of Representatives from 1941 to 1946. He served in the Army Air Corps from 1946 to 1949; after which, he completed his education at the University of Chattanooga in 1952 and secured his doctor of jurisprudence degree from Vanderbilt University in 1954. His career in public service provides the foundation for his sensitivity and responsiveness to the needs of people. After acting as assistant attorney general for Hamilton County from 1958 to 1959, he was elected to the Tennessee House of Representatives where he served from 1959 to 1961. Responding to the call for local service, Ralph returned home from Nashville to be elected mayor of the city of Chattanooga in 1963 where he served until appointed bankruptcy judge in 1969. While mayor, Ralph Kelley became intent on furthering race relations and started a listening process in a city where minorities had not been heard.

Contributing to this successful record of public service is Ralph's wife of 33 years, the former Barbara Ann Fahl, and his three daughters, Laura, Ellen, and Karen. Upon his retirement on October 1, 1993, I understand that

Ralph will take up his hobby of working when he will return to his bench the morning after to resume his judicial service to the people of Eastern Tennessee and I take this opportunity to stand in honor of his tireless efforts to improve the quality of the thousands of lives he has touched.

REMEMBERING THE MARCH ON WASHINGTON

Mr. PRESSLER. Mr. President, this year marks the 30th anniversary of the historic civil rights march on Washington. I was very fortunate to have been standing about seventy yards away from the Reverend Dr. Martin Luther King, Jr., when he gave his famous speech on the steps of the Lincoln Memorial. During that summer of 1963, I was serving as a summer intern in the Near Eastern and South Asian section of the State Department. I read about the march and also heard about it on the radio. I arranged to take some time away from the office so that I could go to hear the proceedings. I heard Dr. King's speech and was very inspired by it.

I had only to travel a few blocks from Foggy Bottom to the Lincoln Memorial. I was not one of the thousands who had traveled a great distance, and planned for a long time in advance, to make a dramatic statement for the cause of civil rights. However, I agreed strongly with the eloquent words I heard. I have seen recordings of that speech often. And each time I see Dr. King recite those stirring words, I feel very fortunate I was there to witness that landmark event in our Nation's history.

Mr. President, I ask unanimous consent that the text of Dr. King's speech be printed in the RECORD following the conclusion of my remarks. I consider it one of the great orations of our time. I would probably classify it as the greatest speech I have ever heard and seen in person.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE REVEREND MARTIN LUTHER KING, JR., ENNOBLES THE CIVIL RIGHTS MOVEMENT AT THE LINCOLN MEMORIAL

I am happy to join with you today in what will go down in history as the greatest demonstration for freedom in the history of our nation.

Five score years ago, a great American, in whose symbolic shadow we stand, signed the Emancipation Proclamation. This momentous decree came as a great beacon light of hope to millions of Negro slaves who had been seated in the flames of withering injustice. It came as a joyous daybreak to end the long night of captivity.

But one hundred years later, we must face the tragic fact that the Negro is still not free. One hundred years later, the life of the Negro is still sadly crippled by the manacles of segregation and the chains of discrimination. One hundred years later, the Negro lives on a lonely island of poverty in the midst of a vast ocean of material prosperity. One hundred years later the Negro is still languishing in the corners of American society and finds himself an exile in his own land. So we have come here today to dramatize an appalling condition.

In a sense we have come to our nation's capital to cash a check. When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir. This note was a promise that all men would be guaranteed the unalienable rights of life, liberty, and the pursuit of happiness.

It is obvious today that America has defaulted on this promissory note insofar as her citizens of color are concerned. Instead of honoring this sacred obligation, America has given the Negro people a bad check; a check which has come back marked "insufficient funds." But we refuse to believe that the bank of justice is bankrupt. We refuse to believe that there are insufficient funds in the great vaults of opportunity of this nation. So we have come to cash this check—a check that will give us upon demand the riches of freedom and the security of justice. We have also come to this hallowed spot to remind America of the fierce urgency of now. This is no time to engage in the luxury of cooling off or to take the tranquilizing drug of gradualism. Now is the time to make real the promises of democracy. Now is the time to rise from the dark and desolate valley of segregation to the sunlit path of racial justice. Now is the time to open the doors of opportunity to all of God's children. Now is the time to lift our nation from the quicksands of racial injustice to the solid rock of brotherhood.

It would be fatal for the nation to overlook the urgency of the moment and to underestimate the determination of the Negro. This sweltering summer of the Negro's legitimate discontent will not pass until there is an invigorating autumn of freedom and equality. Nineteen sixty-three is not an end, but a beginning. Those who hope that the Negro needed to blow off steam and will now be content will have a rude awakening if the nation returns to business as usual. There will be neither rest nor tranquillity in America until the Negro is granted his citizenship rights. The whirlwinds of revolt will continue to shake the foundations of our nation until the bright day of justice emerges.

But there is something that I must say to my people who stand on the warm threshold which leads into the palace of justice. In the process of gaining our rightful place, we must not be guilty of wrongful deeds. Let us not seek to satisfy our thirst for freedom by drinking from the cup of bitterness and hatred. We must forever conduct our struggle on the high plane of dignity and discipline. We must not allow our creative protest to degenerate into physical violence. Again and again we must rise to the majestic heights of meeting physical force with soul force. The marvelous new militancy which has engulfed the Negro community must not lead us to a distrust of all white people, for many of our white brothers, as evidenced by their presence here today, have come to realize that their destiny is tied up with our destiny and their freedom is inextricably bound to our freedom. We cannot walk alone.

And as we walk, we must make the pledge that we shall march ahead. We cannot turn back. There are those who are asking the devotees of civil rights, "When will you be satisfied?" We can never be satisfied as long as the Negro is the victim of the unspeakable horrors of police brutality. We can never be satisfied as long as our bodies, heavy with the fatigue of travel, cannot gain lodging in the motels of the highways and the hotels of the cities. We cannot be satisfied as long as the Negro's basic mobility is from a smaller ghetto to a larger one. We can never be satisfied as long as a Negro in Mississippi cannot vote and a Negro in New York believes he has nothing for which to vote. No, no, we are not satisfied, and we will not be satisfied until justice rolls down like waters and righteousness like a mighty stream.

I am not unmindful that some of you have come here out of great trials and tribulations. Some of you have come fresh from narrow jail cells. Some of you have come from areas where your quest for freedom left you battered by the storms of persecution and staggered by the winds of police brutality. You have been the veterans of creative suffering. Continue to work with the faith that unearned suffering is redemptive.

Go back to Mississippi, go back to Alabama, go back to South Carolina, go back to Georgia, go back to Louisiana, go back to the slums and ghettos of our modern cities, knowing that somehow this situation can and will be changed. Let us not wallow in the valley of despair.

I say to you today, my friends, that in spite of the difficulties and frustrations of the moment I still have a dream. It is a dream deeply rooted in the American dream.

I have a dream that one day this nation will rise up and live out the true meaning of its creed: "We hold these truths to be self-evident; that all men are created equal."

I have a dream that one day on the red hills of Georgia the sons of former slaves and the sons of former slave owners will be able to sit down together at the table of brotherhood.

I have a dream that one day even the state of Mississippi, a desert state sweltering in the heat of injustice and oppression, will be transformed into an oasis of freedom and justice.

I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character.

I have a dream today.

I have a dream that one day the state of Alabama, whose governor's lips are presently dripping with the words of interposition and nullification, will be transformed into a situation where little black boys and black girls will be able to join hands with little white boys and white girls and walk together as sisters and brothers.

I have a dream today.

I have a dream that one day every valley shall be exalted, every hill and mountain shall be made low, the rough places will be made plains, and the crooked places will be made straight, and the glory of the Lord shall be revealed, and all flesh shall see it together.

This is our hope. This is the faith with which I return to the South. With this faith we will be able to hew out of the mountain of despair a stone of hope. With this faith we will be able to transform the jangling discords of our nation into a beautiful symphony of brotherhood. With this faith we will be able to work together, to pray together, to struggle together, to go to jail together, to stand up for freedom together, knowing that we will be free one day.

This will be the day when all of God's children will be able to sing with new meaning "My country 'tis of thee, sweet land of liberty, of thee I sing. Land where my fathers died, land of the pilgrim's pride, from every mountainside, let freedom ring."

And if America is to be a great nation this must become true. So let freedom ring from the prodigious hilltops of New Hampshire. Let freedom ring from the mighty mountains of New York. Let freedom ring from the heightening Alleghenies of Pennsylvania!

Let freedom ring from the snowcapped Rockies of Colorado!

Let freedom ring from the curvaceous peaks of California!

But not only that; let freedom ring from Stone Mountain of Georgia!

Let freedom ring from Lookout Mountain of Tennessee!

Let freedom ring from every hill and molehill of Mississippi. From every mountainside, let freedom ring.

When we let freedom ring, when we let it ring from every village and every hamlet, from every state and every city, we will be able to speed up that day when all of God's children, black men and white men, Jews and Gentiles, Protestants and Catholics, will be able to join hands and sing in the words of the old Negro spiritual, "Free at last! Free at last! Thank God Almighty, we are free at last!"

PAINFUL ISSUE OF HONORABLE CONDUCT

Mr. MOYNIHAN. Mr. President, yesterday, in the course of the present debate, I rose to discuss a painful subject. Almost 1 year ago in the course of an official mission on behalf of the Committee on Foreign Relations, I was en route to Sarajevo in a C-130 when the plan was diverted to Zagreb with the reason given that the airport at Sarajevo had been closed. The American charge at Zagreb informed me on landing that this was not so. I felt I had been misled. The next day I made my way into the besieged city of Sarajevo aboard a Canadian C-130 and the following day made my way out aboard a British Hercules, as I recall. Upon returning to Zagreb, EUCOM informed me that there would be no further assistance to my Codel, as the term is. I was in consequence unable to visit Macedonia or Kosovo, or to get to Belgrade.

I protested this treatment, in particular the fact that uniformed officers were required to tell a U.S. Senator something that was not so. This would be in my view an intolerable order.

My protests received little attention and I was given no satisfaction whatever. On March 9, 1993 I wrote Chairman NUNN a detailed account of what, in my view, had happened, asking that this matter be cleared up before the next Secretary of the Air Force was confirmed.

The chairman passed my letter along to the Department of Defense. Six months went by. No answer of any kind was received. And so I went to the floor yesterday. Explaining, incidentally, that I had not held up the nomination of the Secretary of the Air Force, given that the United States had been considering air strikes in Bosnia. I said however that I now intended to do so with respect to future appointments. As it happened, the distinguished senior Senator from Virginia, a senior member of the Armed Services Committee, was on the Senate floor during my remarks. He understood the significance of these events. And stated: "It is most regrettable and embarrassing that the Senator had to bring this matter to the floor of the Senate. I feel that he is perfectly within his rights not only to bring this up but also to take his stance with respect to the nominations until this is resolved."

In the middle of yesterday evening, 6 months to the day I had written Senator NUNN, a response finally arrived from Secretary Aspin.

Mr. President, I regret to say that the account in his letter does not at all square with my understanding. If in fact Sarajevo airport had closed but then reopened before we arrived at Zagreb, why did not this urgent food shipment simply continue to Sarajevo with the Senator on board? The Pentagon must answer this question or raise the painful issue of honorable conduct.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, September 9, 1993.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am pleased to respond to your letter of March 22, 1993, which asked that we review certain matters concerning the Department's support to Senator Moynihan's travels in November, 1992.

In the prior Administration, as in this one, decisions concerning support of congressional travel with DoD assets in the overseas theaters are made at the OSD level, not within the individual Services. Prior to Senator Moynihan's arrival in Frankfurt from India, the Department had advised his staff in Washington and had passed through State Department channels to India for relaying to the Senator, that it was the Secretary's policy that the Department was not supporting travel into Sarajevo due to safety concerns for both the VIP and the enhanced danger his presence might incur for the crew supporting him.

Senator Moynihan was to arrive in Frankfurt at 1000 on 23 November via Delta Flight 107. His actual Flight arrived nearly two hours early. The Commander of the 435 Airlift Wing at Rhein-Main relayed to the Senator that his VIP aircraft would not be available for two hours but offered to make available UN-19, a C-130 destined for Zagreb via Sarajevo. Enroute, the crew who now had a VIP onboard, went through a series of communications, trying to confirm its original flight plan, or the change to Zagreb, to conform to existing DoD policy. During this period, the crew also received information from an EC-135, which was confirmed by UNHCR Air Operations Cell in Geneva, that current weather conditions did not permit landing at Sarajevo and other aircraft had in fact been diverted. However, by the time the Senator's party landed in Zagreb, the weather had cleared and flights into Sarajevo had resumed. It was during this time that the Senator received perhaps contradictory and confusing messages. At no time was false information passed to UN-19 or directed to be passed to Senator Moynihan. After landing, the pilot told the Senator they could not continue to Sarajevo, in compliance with the Secretary of Defense policy. As if to underscore the point, it was learned that earlier that same afternoon a French C-160 took a small caliber round through its left wing.

At no time, did either the staff at EUCOM or the crew of the West Virginia Air National Guard C-130 have the authority to deviate from existing policy. The Department has a long-standing record of providing outstanding support of Congressional travel. The personnel who provide such support take rightful pride in the fact that in doing so they have adhered to the highest levels of safety standards and professionalism. In this new Administration we are committed to building on that record to develop greater rapport with the Congress on such issues as these and preclude any such misunderstandings as may have occurred in Senator Moynihan's situation. Within the constraints of safety and available assets we will support the Congress in the performance of its oversight functions wherever we may be called on to assist.

Sincerely,

LES ASPIN.

REPORT OF THE U.S. COMMISSION ON IMPROVING THE EFFECTIVENESS OF THE UNITED NATIONS

Mr. PELL. Mr. President, earlier today the U.S. Commission for Improving the Effectiveness of the United Nations released its final report entitled: "Defining Purpose: The U.N. and the Health of Nations." The Commission was established last year with two broad purposes: first, to examine the U.N. system as a whole and identify and evaluate its strengths and weaknesses; and second, to prepare and submit to the President and the Congress recommendations on ways to improve the effectiveness of the U.N. system and the role of the United States in the U.N. system. It was a great pleasure to serve as a member of the Commission. I particularly want to congratulate Congressman LEACH for his fine work as co-chairman of the Commission and my colleague Senator PRESSLER for his contributions to the Commission on U.N. Management Reform.

Since my participation in the San Francisco conference, I have maintained an abiding interest in and involvement with the United Nations. Only now are we beginning to realize our original hopes for the organization.

The recommendations of the Commission can help make those hopes a reality. They cover a range of topics, including: peacekeeping, nonproliferation and arms control, human rights, and environment. I urge my colleagues to examine the Commission's recommendations.

For my own part, I was particularly pleased with the Commission recommendations in the area of peacekeeping. These include negotiation of article 43 standby agreements and establishment of a standing U.N. force of blue helmets. If implemented, these recommendations would substantially increase the United Nations' ability to perform its fundamental purpose "to maintain international peace and security * * *" I ask unanimous consent that the Commission's findings and recommendations on peacekeeping appear following my remarks in the RECORD.

Mr. President, this is a timely report. It addresses issues that are on the cutting edge of public and congressional debate about the United Nations and the U.S. participation in the United Nations. I urge my colleagues to examine the Commission's report. it will be time well spent.

KEEPING THE PEACE

Since the end of the Cold War, U.N. peacekeeping efforts have grown exponentially. The Security Council has authorized as many peacekeeping operations since 1988 as in the previous 40 years, and the number of active operations has doubled since January 1991 to 18. There are today some 80,000 troops under the U.N. flag, compared to about 10,000 three years ago. Peacekeeping costs have also risen dramatically. They were $700 million in 1991, and are projected to go over the $4 billion mark in 1993.

Up to this time, the act of peacekeeping has generally encompassed the interposing of forces as a buffer between parties who have agreed to a cease-fire, thus creating conditions conducive to the resolution of differences through negotiation. Recently, consensus has emerged for a more activist U.N. role in peacemaking and peace enforcement.

Article 99 of the Charter empowers the Secretary-General to "bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security." By extension, this Charter provision implies that preventive diplomacy, peacemaking, should be invoked early and often as a deterrent to potential breaches of the peace.

Peace enforcement refers to forceful actions taken to compel the recalcitrant party in a conflict to abide by orders of the Security Council, as provided in Chapter VII of the Charter.

The lines that separate peacekeeping, peacemaking and peace enforcement are often blurred, in part because member states, and particularly the major powers, have not defined the mandate of missions they have authorized with precision. Peacekeeping forces have been sent into situations that contain the seeds of renewed conflict, or threaten to escalate into more widespread conflict, without a realistic appraisal of what they would need to do the job. This lack of precision in the mandate has had the effect of eroding the U.N.'s credibility in such places as Bosnia, Angola and Somalia, where U.N. forces have found it difficult to contain local combatants.

The perception of the U.N. as an effective organization, and an essential one, is in large measure a function of how well it performs as a constructive keeper of the peace. The pressure on the U.N. to move into conflicts will almost certainly increase in coming years, as long-repressed ethnic and nationalist tensions boil to the surface. The U.N.'s expanding peace mandate reflects profound civilizing precepts in world affairs, but there is a danger that this trend may lose momentum when and if ambitious mandates are not fulfilled. The challenge of balancing high expectations with realistic capabilities is likely to put U.N. statecraft to a unique test in coming decades.

The Commission believes that, if the U.N. is to discharge its peace mandate effectively, the Security Council should agree on a general pattern of priorities. First, the U.N. should work to strengthen its capabilities for settling disputes before conflicts turn violent. The Commission recommends the creation of a formal Mediation Service within the Secretariat, made up of specially trained conflict-resolution teams, which would be available to the Security Council, the Secretary-General or the parties to the dispute. The Commission also suggests establishing a fact-finding office to help the Security Council and the Secretary-General resolve factual disputes. These additions should be made by reassigning people from other activities, without increasing the overall number of Secretariat employees.

Secondly, the Commission believes that, when sending blue helmets into action is considered, the United Nations should be guided by clear standards. Only under the most extraordinary circumstances should operations be launched if these standards are not met. In addition, operations that do not have a high probability of success should not be sanctioned. The United Nations cannot afford to support missions that will fail because their mandate is politically weak or operationally unfeasible.

GUIDELINES

For traditional peacekeeping operations, the rules laid down by Dag Hammarskjold in 1956 provide valuable historical perspective:

The peacekeeping force should be temporary.

It should remain neutral, and be so perceived, as between the contending parties.

Its role is to maintain order, supervise compliance with the cease-fire, and "observe" the execution of the relevant U.N. resolutions establishing the force and defining the rules of engagement.

The force shall not include military contingents of the permanent members of the Security Council.

The contending parties must agree in advance to the deployment.

For peace enforcement operations, the standards should include the following:

A clear and unambiguous mandate must be expressed in the Security Council, and widely supported in the international community generally, that U.N. intervention is called for and that the U.N. is capable of making a constructive contribution to the preservation or restoration of peace and security.

The purpose of the action, its duration and conditions and rules of engagement must be carefully defined, with costs projected in advance by credible professional experts.

The mandate of the force should be broad enough to allow a full range of operations within a specified geographic area in pursuit of the force's objectives.

The intervention of the force should come at a critical juncture, where the prospect of stabilizing an area, politically and economically, for the long term exists.

The U.N., depending on the situation, should have the ability to respond with appropriate levels of armed force or threat of force. Massive peace enforcement actions, such as Desert Storm, should continue to be conducted on an ad hoc basis with coalitions assembled for deterring or redressing a specific act of aggression. For smaller-scale interventions, the Commission recommends strengthening the U.N.'s peacekeeping and peace enforcement capabilities in the following ways:

Establish a rapid-reaction force, now often referred to as a U.N. legion, that could be deployed within hours after Security Council action. It should be under the control of the Security Council and consist initially to 5,000 to 10,000 highly trained soldiers.

The Commission believes that a U.N. rapid-reaction force is necessary because no nation likes to send its soldiers into potential combat zones when its own interests may not be directly affected by the outcome. Security Council actions too often come after the conflict has escalated beyond the control of a small force. The rapid-reaction force should be composed of soldiers supplied by member states who have volunteered as individuals.

On its own, a 5,000- to 10,000-man force has limited value if a large-scale conflict breaks out, but a U.N. legion would strengthen the hand of the Secretary-General in preventive diplomacy and be a useful arm of the Security Council for deterring conflict or providing early on-site reconnaissance. It could also be used to give the U.N. an immediate presence in a troubled region, while a larger force is formed using units contributed by member nations.

Negotiate stand-by arrangements, either under Article 43 of the Charter or in agreements not requiring ratification, with member countries, including the U.S. to augment the size and capabilities of the rapid-reaction force so that the Council has the ability to respond to several small and medium-size crises at the same time. Forces pledged under these stand-by arrangements should be available for deployment within days of Security Council action.

The Commission believes that U.S. participation in peacekeeping and peace enforcement operations may promote U.S. influence at reduced cost to the taxpayer and with increased likelihood that authorized operations will be professionally carried out. Accordingly, the Commission recommends that the U.S. designate and earmark appropriate ground, sea and air units for U.N. deployment. Whenever feasible, these units should be made up of soldiers who have volunteered for possible U.N. duty. Deployment of U.S. forces under U.N. flag should explicitly conform with applicable legislation and existing constitutional requirements.

Activate the Military Staff Committee (MSC) to provide professional military advice to the Security Council, with the understanding that operational control of missions would rest with commanders in the field, who shall be designated by the Security Council. As provided in the Charter, the MSC would consist of the chiefs of staff or their representatives from the Council's permanent members. In addition, the MSC should include military representatives from the principal contributors of military units to a U.N. force. The MSC should have a permanent staff of professional officers seconded from the forces of member countries. They would be selected for competence and appointed by the Secretary-General with the approval of the Security Council. Under the supervision of the Security Council, the MSC would advise in the establishment of military standards and procedures for U.N. forces and assist in the training of these forces.

Speed up the process and broaden the basis for funding peacekeeping operations. The process now in effect was designed at a time when the U.N. ran very few peacekeeping operations simultaneously. Once an operation is approved by the Security Council, the Secretariat prepares a mission budget. The budget must then be approved by the Advisory Committee on Administrative and

Budgetary Questions. After that, the budget goes to the General Assembly's Fifth Committee and the General Assembly itself for approval. Only then can an assessment letter be sent to member states and the U.N. can begin spending up to the full cost of the mission. This cumbersome methodology demands streamlining.

Several countries, including the U.S., are currently in arrears on their share of the peacekeeping costs. The Commission finds that peacekeeping decisions increasingly are made without a realistic assessment of the costs involved. Countries that give political support to the launching of peacekeeping operations should be prepared to finance these commitments. The U.S. should be no exception. Once the U.S. votes for an operation, it should promptly pay its share of the costs.

The Commission endorses the recommendation of the Independent Advisory Group on U.N. Financing, chaired by Paul Volcker and Shijuro Ogata, to establish a $400-million revolving fund to finance the start-up costs of peacekeeping operations. The Secretary-General should be granted authority to obligate up to 20 percent of the estimated cost of an operation as soon as it has been approved by the Security Council. The Commission recognizes, however, that such a revolving fund may be inadequate to meet near-term contingencies and recommends that member states give higher priority to funding peacekeeping.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a treaty which was referred to the Committee on Foreign Relations.

(The treaty received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 5:20 p.m., a message from the House of Representatives, delivered by Gay Topper, a clerk to the parliamentarian, announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 126. Joint Resolution designating September 10, 1993, as "National POW/MIA Recognition Day" and authorizing the display of the National League of Families POW/MIA flag.

The enrolled joint resolution was subsequently signed by the President pro tempore (Mr. BYRD).

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that he had presented to the President of the United States, the following enrolled joint resolution:

S.J. Res. 126. Joint Resolution designating September 10, 1993, as "National POW/MIA Recognition Day" and authorizing the display of the National League of Families POW/MIA flag.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1405. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the sequestration update report; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Armed Services, to the Committee on Banking, Housing and Urban Affairs, to the Committee on Commerce, Science and Transportation, to the Committee on Energy and Natural Resources, to the Committee on Environment and Public Works, to the Committee on Finance, to the Committee on Foreign Relations, to the Committee on Governmental Affairs, to the Committee on the Judiciary, to the Committee on Labor and Human Resources, to the Committee on Rules and Administration, to the Committee on Small Business, to the Committee on Veterans' Affairs, to the Committee on Indian Affairs, and to the Select Committee on Intelligence.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-273. A resolution adopted by the City Council of the City of Seattle, Washington relative to lesbians and gays in the Armed Services; to the Committee on Armed Services.

POM-274. A resolution adopted by the Common Council of the City of Buffalo, New York relative to the selling of names or credit information to agencies of companies for profit; to the Committee on Banking, Housing and Urban Affairs.

POM-275. A joint resolution adopted by the Legislature of the State of Nevada; to the Commission on Energy and Natural Resources.

"ASSEMBLY JOINT RESOLUTION NO. 37

"Whereas, Congress is currently considering proposed legislation that establishes a surcharge on water provided from federal reclamation projects; and

"Whereas, the proposed legislation would require individuals and nonfederal entities who are municipal, industrial or rural users of water provided from federal reclamation projects to pay to the United States a surcharge sufficient to generate at least $10,000,000 in each of the next 3 fiscal years and at least $15,000,000 in each fiscal year thereafter; and

"Whereas, the surcharge would be in addition to the annual operation and maintenance charges that are currently paid by users of water provided from federal reclamation projects and would also be in addition to any proposed energy tax that may be paid in the future by such users; and

"Whereas, estimates of the initial surcharge range from 50 cents to $12 for each acre-foot of water stored, transported or delivered; and

"Whereas, the proposed legislation that is currently being considered by Congress establishes a flat surcharge in which each user must pay the same rate on the water, without regard to the user's ability to pay or any other special circumstances; and

"Whereas, the proposed legislation contains no sunset provision and therefore essentially establishes a permanent tax; and

"Whereas, in a year of average precipitation, the Truckee Carson Irrigation District in Churchill County delivers an average of 210,000 acre-feet of water from the Newlands Reclamation Project and under the provisions of the proposed legislation the surcharge to be paid by users of this water would fall within the approximate range of $105,000 to $2,500,000, thereby having a detrimental effect on the economy and citizens of the State of Nevada: Now, therefore, be it

Resolved by the Assembly and Senate of the State of Nevada, Jointly, That the Nevada Legislature urges the members of the Congress of the United States to oppose the proposed legislation that establishes a surcharge on water provided reclamation projects; and be it further

Resolved, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

Resolved, That this resolution becomes effective upon passage and approval.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 11. A bill to combat violence and crimes against women on the streets and in homes (Rept. No. 103-138).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BRYAN (for himself and Mr. D'AMATO):

S. 1447. A bill to modify the disclosures required in radio advertisements for consumer leases, loans and savings accounts; to the Committee on Commerce, Science, and Transportation.

By Mr. SASSER (for himself, Mr. SPECTER, Mr. MITCHELL, Mr. KENNEDY, Mr. BOREN, Mr. DODD, Mr. KERRY, Mr. BRADLEY, Mr. BUMPERS, Mr. HEFLIN, Mr. LIEBERMAN, Mr. GRAHAM, Mr. REID, Mrs. FEINSTEIN, Mr. MATHEWS, Mr. ROBB, Mr. LEVIN, Mr. INOUYE, Mr. BRYAN, Mr. SIMON, Mr. WELLSTONE, and Mr. RIEGLE):

S. 1448. A bill to establish a Police Corps Program and a Law Enforcement Scholarship and Employment Program; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BRYAN (for himself and Mr. D'AMATO):

S. 1447. A bill to modify the disclosures required in radio advertisements for consumer leases, loans, and savings accounts; to the Committee on Commerce, Science, and Transportation.

RADIO CONSUMER INFORMATION ACT OF 1993

Mr. BRYAN. Mr. President, I rise today to introduce the Radio Consumer Information Act of 1993. This bill is designed to remedy the unintended consequences of advertising disclosure regulations imposed by three laws—the Truth in Lending Act, the Truth in Savings Act, and the Consumer Lease Act.

Under these laws, certain disclosures are triggered in advertisements whenever specified terms appear in an ad. For radio advertisements, these disclosures can be extremely unwieldy. While these disclosure requirements also apply to television or print advertising, they can be accommodated through the fine print that appears at the bottom of the ad. For radio, of course, these disclosures must be given orally.

Take the example of an ad for a car lease. If the ad mentions the amount of any downpayment, the number of payments required, or that no downpayment is required at the commencement of the lease, then the ad also must disclose the following: First, the fact that the ad is for a lease; second, the amount of any downpayment required at the inception of the lease or that no downpayment is required; third, the number, amounts, due dates or periods of scheduled payments and total of the payments; fourth, whether the lessee is responsible for the differential between the fair market value of the leased property and its actual value at the termination of the lease; and fifth, any other liabilities imposed on the lessee, and whether the lessee has the option to purchase the leased property and at what price.

As a result, advertisers simply do not place certain types of ads on radio, because these disclosures cannot be made within the standard 30-second spot. The public loses the consumer benefits of learning about many competitive products and services when they listen to radio. In addition, radio broadcasters must forgo significant advertising revenues. Returning to the example of car lease advertising, the radio industry estimates that it may lose more than $300 million in advertising revenue per year by the year 1995 because of the lease disclosure requirements alone.

This bill is designed to modify the disclosure requirements for loan, lease, and savings account advertisements on radio, while preserving the overall goal of providing important information to consumers for these goods and services. Under this bill, consumers still will be provided with all of the necessary disclosure information, either through toll-free numbers announced in the radio ads, through point-of-purchase information, or through other convenient means determined by the Federal Reserve.

Congress in the past has acted to simplify these consumer advertising disclosures in order to provide more useful and effective means of distributing important consumer information. This bill is consistent with that history. I look forward to working with my colleagues on the Banking Committee to ensure its swift passage.

Mr. President, I ask unanimous consent that the text of his bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1447

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act my be cited as the "Radio Consumer Information Act of 1993."

SEC. 2. CONSUMER LEASE DISCLOSURES.

Section 1667c of The Consumer Leasing Act of 1976 (15 U.S.C. Section 1601 et seq.) is amended—

(1) by redesignating Section 1667c(b) as Section 1667c(c); and

(2) by inserting immediately before it the following new subsection:

"(b) For advertisements, announcements or solicitations made through any radio broadcast, the disclosures required by this section may be made by providing consumers with access to the disclosure information through toll-free telephone numbers or by other means which provide consumers with the disclosure information prior to a lease."

SEC. 3. CONSUMER CREDIT DISCLOSURES.

The Truth in Lending Act of 1968 (15 U.S.C. Section 1601 et. seq.) is amended by inserting the following new Section 1639:

"CONSUMER CREDIT DISCLOSURES IN RADIO ADVERTISING.

"SEC. 1639. For advertisements, announcements or solicitations made through any radio broadcast, the disclosures required by Section 1637 and Section 1638 of this Title may be made by providing consumers with access to the disclosure information through toll-free telephone numbers or by other means which provide consumers with the disclosure information prior to the extension of credit."

SEC. 4. CONSUMER SAVINGS DISCLOSURES.

Section 4303(b) of The Truth in Savings Act of 1991 (12 U.S.C. Sections 4301 et. seq.) is amended to read as follows:

"(b)(1) For advertisements, announcements or solicitations made through any radio broadcast, the disclosures required by this section may be made by providing consumers with access to the disclosure information through toll-free telephone numbers or by other means which provide consumers with the disclosure information prior to the opening of an account.

(2) The Board may, by regulation, exempt advertisements, announcements, or solicitations made by any broadcast or electronic medium or outdoor advertising display not on the premises of the depository institution from any disclosure requirements described in paragraph (4) or (5) of subsection (a) of this section if the Board finds that any such disclosure would be unnecessarily burdensome."

Mr. D'AMATO. Mr. President, I rise today to join my colleague Senator BRYAN in introducing the Radio Consumer Information Act of 1993. The purpose of this bill is to modify the advertising disclosure requirements in current banking, lending, and leasing laws to provide better information to the public on terms and conditions of these services.

The disclosure requirements in current law make radio advertising of such services virtually impossible. In fact, most advertisers do not place many of these types of ads on radio, because it is nearly impossible to make the necessary disclosures even in a 60-second spot. This deprives the consumers of vital information about competitive services when listening to radio and prevents the broadcaster from obtaining potential advertising revenues.

This bill sets up a more useful and effective method of informing customers about these services, either through a toll-free number, point-of-purchase information, or another method agreed upon by the Federal Reserve.

I look forward to working with my distinguished colleague from Nevada in passing this bill.

By Mr. SASSER (for himself, Mr. SPECTER, Mr. MITCHELL, Mr. KENNEDY, Mr. BOREN, Mr. DODD, Mr. KERRY, Mr. BRADLEY, Mr. BUMPERS, Mr. HEFLIN, Mr. LIEBERMAN, Mr. GRAHAM, Mr. REID, Mrs. FEINSTEIN, Mr. MATHEWS, Mr. ROBB, Mr. LEVIN, Mr. INOUYE, Mr. BRYAN, Mr. SIMON, Mr. WELLSTONE, and Mr. RIEGLE):

S. 1448. A bill to establish a Police Corps Program and a Law Enforcement Scholarship and Employment Program; to the Committee on the Judiciary.

POLICE CORPS AND LAW ENFORCEMENT SCHOLARSHIP AND EMPLOYMENT ACT

Mr. SASSER. Mr. President, I introduce legislation to establish a National Police Corps Program.

Joining me as original cosponsors of this legislation are Senators SPECTER, MITCHELL, KENNEDY, BOREN, DODD, KERRY, BRADLEY, BUMPERS. HEFLIN, LIEBERMAN, GRAHAM, REID, FEINSTEIN, MATHEWS, ROBB, LEVIN, INOUYE, BRYAN, SIMON, WELLSTONE, and RIEGLE.

Our legislation would establish a program similar to the Reserve Officers Training Corps. Students would complete their normal course of college studies. They would then serve for 4 years in a State or local law enforcement agency. In return for this service, the Federal Government would reimburse the cost of their tuition up to $7,500 per year. Up to 20,000 students per year would be able to participate.

In many of our Nation's cities, the police are simply overwhelmed by violent street crime. Day after day we see more examples of savage and mindless violence. We see people killed in their homes by stray bullets from the gunfights going on literally outside their windows. We see children caught in the crossfire as drug dealers fight it out for control of street corners and neighborhoods.

Vicious and violent criminals are ravaging our communities, they are crippling our families, and they are destroying our youth.

One of the greatest deterrents to crime is simply police presence—on the streets and in our neighborhoods. It increases the risk factor for criminals. The vicious thugs who are terrorizing our neighborhoods are making a cold, calculating decision about crime as if it were a business—and the income from crime outweighs the business risk of getting caught.

We need to increase the risk for the criminal that if he commits a crime a patrolman will apprehend him, or a strike force will be operating on that block, or that the citizens will promptly inform the police.

The American people agree. In a Time/CNN poll taken just last month, 80 percent agreed that increasing the number of police on the streets would decrease the amount of violent crime. In that same poll, 61 percent of our citizens stated that crime in their neighborhoods had increased over the last 5 years. Only 5 percent—5 percent, Mr. President—responded that crime had decreased.

The new officers provided by the Police Corps will increase the manpower options open to our local communities. It is exactly the type of assistance they need. At the same time, it allows them the flexibility of deciding how they will assign the increased personnel.

The Police Corps Program offers a way to enlist the best and brightest of our young people of every race and class in the vital effort to restore peace to our streets. These recruits will not only gain the general benefits of education and experience at a college, but also will receive two summers of extensive Federal law enforcement training. For immediate effect, seniors and juniors could be recruited, trained, and on the streets within 1 year of the bill's passage.

Finally, there is another major benefit from our legislation that should not go unmentioned. Too few of our citizens understand the pressures and the dangers that our police officers face. When some of the graduates of the Police Corps Program complete their police service, they will go on to other careers. However, they will know what it is to be a police officer. They will be able to share that knowledge with their neighbors. I firmly believe that this will increase respect and support for the brave men and women who put their lives on the line every day for all of us.

Mr. President, I want to particularly note the work of my distinguished colleague, the senior Senator from Pennsylvania [Mr. SPECTER]. He has worked long and hard on the Police Corps legislation and I want to commend him for it.

I, also, want to thank the chairman of the Judiciary Committee, Senator BIDEN, for agreeing to include the Police Corps proposal in this year's crime bill. The Police Corps has been approved by the Senate as part of previous crime bills, and I am hopeful the legislation will pass the Congress in the months ahead.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1448

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Police Corps and Law Enforcement Scholarship and Employment Act".

SEC. 2. PURPOSES.

The purposes of this Act are to—

(1) address violent crime by increasing the number of police with advanced education and training on community patrol;

(2) provide educational assistance to law enforcement personnel and to students who possess a sincere interest in public service in the form of law enforcement; and

(3) assist State and local law enforcement efforts to enhance the educational status of law enforcement personnel both through increasing the educational level of existing officers and by recruiting more highly educated officers.

SEC. 3. DESIGNATION OF LEAD AGENCY AND SUBMISSION OF STATE PLAN.

(a) LEAD AGENCY.—A State that desires to participate in the Police Corps program under title I or the Law Enforcement Scholarship and Employment program under title II shall designate a lead agency that will be responsible for—

(1) submitting to the Director a State plan described in subsection (b); and

(2) administering the program in the State.

(b) STATE PLANS.—A State plan shall—

(1) contain assurances that the lead agency shall work in cooperation with the local law enforcement liaisons, representatives of police labor organizations and police management organizations, and other appropriate State and local agencies to develop and implement interagency agreements designed to carry out the program;

(2) contain assurances that the State shall advertise the assistance available under this Act;

(3) contain assurances that the State shall screen and select law enforcement personnel for participation in the program;

(4) if the State desires to participate in the Police Corps program under title I, meet the requirements of section 107; and

(5) if the State desires to participate in the Law Enforcement Scholarship and Employment program under title II, meet the requirements of section 206.

TITLE I—POLICE CORPS PROGRAM

SEC. 101. DEFINITIONS.

In this title—

"academic year" means a traditional academic year beginning in August or September and ending in the following May or June.

"Director" means the Director of the Office of the Police Corps appointed under section 102.

"dependent child" means a natural or adopted child or stepchild of a law enforcement officer who at the time of the officer's death—

(A) was no more than 21 years old; or

(B) if older than 21 years, was in fact dependent on the child's parents for at least one-half of the child's support (excluding educational expenses), as determined by the Director.

"educational expenses" means expenses that are directly attributable to—

(A) a course of education leading to the award of the baccalaureate degree in legal- or criminal justice-related studies; or

(B) a course of graduate study in legal- or criminal justice-related studies following award of a baccalaureate degree,

including the cost of tuition, fees, books, supplies, transportation, room and board and miscellaneous expenses.

"institution of higher education" has the meaning stated in the first sentence of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

"participant" means a participant in the Police Corps program selected pursuant to section 103.

"State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

"State Police Corps program" means a State police corps program that meets the requirements of section 107.

SEC. 102. ESTABLISHMENT OF OFFICE OF THE POLICE CORPS.

(a) ESTABLISHMENT.—There is established in the Department of Justice, under the general authority of the Attorney General, an Office of the Police Corps.

(b) APPOINTMENT OF DIRECTOR.—The Office of the Police Corps shall be headed by a Director, who shall be appointed by the President by and with the advice and consent of the Senate.

(c) RESPONSIBILITIES OF DIRECTOR.—The Director shall be responsible for the administration of the Police Corps program established in this title and shall have authority to promulgate regulations to implement this title.

SEC. 103. SCHOLARSHIP ASSISTANCE.

(a) SCHOLARSHIPS AUTHORIZED.—

(1) IN GENERAL.—The Director may award scholarships to participants who agree to work in a State or local police force in accordance with agreements entered into pursuant to subsection (d).

(2) AMOUNT.—(A) Except as provided in subparagraph (B), each scholarship payment made under this section for each academic year shall not exceed—

(i) $10,000; or

(ii) the cost of the educational expenses related to attending an institution of higher education.

(B) In the case of a participant who is pursuing a course of educational study during substantially an entire calendar year, the amount of scholarship payments made during such year shall not exceed $10,000.

(C) The total amount of scholarship assistance received by any one student under this section shall not exceed $30,000.

(3) SATISFACTORY PROGRESS.—Recipients of scholarship assistance under this section

shall continue to receive such scholarship payments only during such periods as the Director finds that the recipient is maintaining satisfactory progress as determined by the institution of higher education the recipient is attending.

(4) DIRECT PAYMENT.—(A) The Director shall make scholarship payments under this section directly to the institution of higher education that the student is attending.

(B) Each institution of higher education receiving a payment on behalf of a participant pursuant to subparagraph (A) shall remit to such student any funds in excess of the costs of tuition, fees, and room and board payable to the institution.

(b) REIMBURSEMENT.—

(1) IN GENERAL.—The Director may make payments to a participant to reimburse the participant for the costs of educational expenses if the participant agrees to work in a State or local police force in accordance with the agreement entered into pursuant to subsection (d).

(2) AMOUNT.—(A) A payment made pursuant to paragraph (1) for an academic year of study shall not exceed—

(i) $7,500; or

(ii) the cost of educational expenses related to attending an institution of higher education.

(B) In the case of a participant who is pursuing a course of educational study during substantially an entire calendar year, the amount of scholarship payments made during the year shall not exceed $10,000.

(C) The total amount of payments made pursuant to subparagraph (A) to any 1 student shall not exceed $30,000.

(c) USE OF SCHOLARSHIP.—Scholarships awarded under this subsection shall only be used to attend a 4-year institution of higher education, except that—

(1) scholarships may be used for graduate and professional study; and

(2) if a participant has enrolled in the program upon or after transfer to a 4-year institution of higher education, the Director may reimburse the participant for the participant's prior educational expenses.

(d) AGREEMENT.—

(1) IN GENERAL.—Each participant receiving a scholarship or a payment under this section shall enter into an agreement with the Director that contains assurances that the participant will—

(A) after successful completion of a baccalaureate program and training as prescribed in section 105, work for 4 years in a State or local police force without there having arisen sufficient cause for the participant's dismissal under the rules applicable to members of the police force of which the participant is a member;

(B) complete satisfactorily—

(i) an educational course of study and receipt of a baccalaureate degree (in the case of undergraduate study) or the reward of credit to the participant for having completed 1 or more graduate courses (in the case of graduate study); and

(ii) Police Corps training and certification by the Director that the participant has met such performance standards as may be established pursuant to section 105; and

(C) repay all of the scholarship or payment received plus interest at the rate of 10 percent per annum if the conditions of subparagraphs (A) and (B) are not complied with.

(2) DEATH OR DISABILITY.—(A) A recipient of a scholarship or payment under this section shall not be considered to be in violation of the agreement entered into pursuant to paragraph (1) if the recipient—

(i) dies; or

(ii) becomes permanently and totally disabled as established by the sworn affidavit of a qualified physician.

(B) If a scholarship recipient is unable to comply with the repayment provision set forth in paragraph (1)(C) because of a physical or emotional disability or for good cause as determined by the Director, the Director may substitute community service in a form prescribed by the Director for the required repayment.

(C) The Director shall expeditiously seek repayment from participants who violate the agreement described in paragraph (1).

(e) DEPENDENT CHILD.—

(1) SCHOLARSHIP ASSISTANCE.—A dependent child of a law enforcement officer—

(A) who is a member of a State or local police force or is a Federal criminal investigator or uniformed police officer,

(B) who is not a participant in the Police Corps program, but

(C) who serves in a State for which the Director has approved a Police Corps plan, and

(D) who is killed in the course of performing police duties,

shall be entitled to the scholarship assistance authorized in this section for any course of study in any institution of higher education.

(2) NO REPAYMENT.—A dependent child shall not incur any repayment obligation in exchange for the scholarship assistance provided under this subsection.

(f) APPLICATION.—Each participant desiring a scholarship or payment under this section shall submit an application as prescribed by the Director in such manner and accompanied by such information as the Director may reasonably require.

SEC. 104. SELECTION OF PARTICIPANTS.

(a) IN GENERAL.—Participants in State Police Corps programs shall be selected on a competitive basis by each State under regulations prescribed by the Director.

(b) SELECTION CRITERIA AND QUALIFICATIONS.—

(1) IN GENERAL.—In order to participate in a State Police Corps program, a participant shall—

(A) be a citizen of the United States or an alien lawfully admitted for permanent residence in the United States;

(B) meet the requirements for admission as a trainee of the State or local police force to which the participant will be assigned pursuant to section 107(5), including achievement of satisfactory scores on any applicable examination, except that failure to meet the age requirement for a trainee of the State or local police shall not disqualify the applicant if the applicant will be of sufficient age upon completing an undergraduate course of study;

(C) possess the necessary mental and physical capabilities and emotional characteristics to discharge effectively the duties of a law enforcement officer;

(D) be of good character and demonstrate sincere motivation and dedication to law enforcement and public service;

(E) in the case of an undergraduate, agree in writing that the participant will complete an educational course of study leading to the award of a baccalaureate degree and will then accept an appointment and complete 4 years of service as an officer in the State police or in a local police department within the State;

(F) in the case of a participant desiring to undertake or continue graduate study, agree in writing that the participant will accept an appointment and complete 4 years of service as an officer in the State police or in a local police department within the State before undertaking or continuing graduate study;

(G) contract with the consent of the participant's parent or guardian if the participant is a minor to serve for 4 years as an officer in the State police or in a local police department, if an appointment is offered; and

(H) except as provided in paragraph (2), be without previous law enforcement experience.

(2) TEMPORARY AVAILABILITY FOR EXPERIENCED APPLICANTS.—(A) Until the date that is 5 years after the date of enactment of this Act, up to 10 percent of the applicants accepted into the Police Corps program may be persons who—

(i) have had some law enforcement experience; and

(ii) have demonstrated special leadership potential and dedication to law enforcement.

(B)(i) The prior period of law enforcement of a participant selected pursuant to subparagraph (A) shall not be counted toward satisfaction of the participant's 4-year service obligation under section 106, and such a participant shall be subject to the same benefits and obligations under this title as other participants (including those stated in subsection (b)(1) (E) and (F)).

(ii) Clause (i) shall not be construed to preclude counting a participant's previous period of law enforcement experience for purposes other than satisfaction of the requirements of section 106, such as for purposes of determining such a participant's pay and other benefits, rank, and tenure.

(3) NUMBER OF PARTICIPANTS.—(A) It is the intent of Congress in this title that there shall be no more than 20,000 participants in each graduating class.

(B) The Director shall approve State plans providing in the aggregate for such enrollment of applicants as shall ensure, as nearly as possible, that there are annual graduating classes of 20,000.

(C) In a year in which applications are received in a number greater than that which will produce, in the judgment of the Director, a graduating class of more than 20,000, the Director shall, in deciding which applications to grant, give preference to those who will be participating in State plans that provide law enforcement personnel to areas of greatest need.

(c) RECRUITMENT OF MINORITIES.—

(1) SPECIAL EFFORTS.—Each State participating in the Police Corps program shall make special efforts to seek and recruit applicants from among members of all racial, ethnic or gender groups.

(2) COMPETITIVE STANDARDS.—This subsection does not authorize an exception from the competitive standards for admission established pursuant to subsections (a) and (b).

(d) ENROLLMENT OF APPLICANT.—

(1) CONDITION.—An applicant shall be accepted into a State Police Corps program on the condition that the applicant has been graduated from or will be matriculated in, or accepted for admission at, an institution of higher education—

(A) as a full-time student in an undergraduate program; or

(B) for purposes of taking a graduate course.

(2) REVOCATION OF ACCEPTANCE.—If the applicant is not matriculated or accepted as set forth in paragraph (1), the applicant's acceptance in the program shall be revoked.

(e) LEAVE OF ABSENCE.—

(1) FROM STUDY, TRAINING, OR SERVICE.—(A) A participant in a State Police Corps program who requests a leave of absence from

educational study, training, or service for a period not to exceed 1 year (or 18 months in the aggregate in the event of multiple requests) due to temporary physical or emotional disability shall be granted such leave of absence by the State.

(B) A participant who requests a leave of absence from educational study, training or service for a period not to exceed 1 year (or 18 months in the aggregate in the event of multiple requests) for any reason other than those listed in paragraph (1) may be granted such leave of absence by the State.

(2) FROM STUDY OR TRAINING.—A participant who requests a leave of absence from educational study or training for a period not to exceed 30 months to serve on an official church mission may be granted such leave of absence.

(f) ADMISSION OF APPLICANTS.—An applicant may be admitted into a State Police Corps program either before commencement of or during the applicant's course of educational study.

SEC. 105. POLICE CORPS TRAINING.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—(A) The Director shall establish programs of training for Police Corps participants.

(B) Such programs may be carried out at up to 3 training centers established and administered by the Director or at State training facilities under contract.

(C) The Director shall contract with a State training facility upon request of such facility if the Director determines that such facility offers a course of training substantially equivalent to the Police Corps training program described in this title.

(2) CONTRACTS FOR SERVICES.—The Director may enter into contracts with individuals, institutions of learning, and government agencies (including State and local police forces) to obtain the services of persons qualified to participate in and contribute to the training process.

(3) AGREEMENTS WITH FEDERAL AGENCIES.—The Director may enter into agreements with agencies of the Federal Government to utilize on a reimbursable basis space in Federal buildings and other resources.

(4) EXPENDITURES.—The Director may authorize such expenditures as are necessary for the effective maintenance of the training centers, including purchases of supplies, uniforms, and educational materials and the provision of subsistence, quarters, and medical care to participants.

(b) TRAINING SESSIONS.—

(1) IN GENERAL.—A participant in a State Police Corps program shall attend two 8-week training sessions at a training center, one during the summer following completion of sophomore year and one during the summer following completion of junior year.

(2) PARTICIPANTS ENTERING AFTER SOPHOMORE YEAR.—If a participant enters the program after sophomore year, the participant shall complete 16 weeks of training at times determined by the Director.

(c) FURTHER TRAINING.—

(1) BASIC TRAINING.—The 16 weeks of Police Corps training authorized in this section is intended to serve as basic law enforcement training but not to exclude further training of participants by the State and local authorities to which they will be assigned.

(2) ADDITIONAL TRAINING.—(A) Each State plan approved by the Director under section 106 shall include assurances that following completion of a participant's course of education each participant shall receive appropriate additional training by the State or local authority to which the participant is assigned.

(B) The time spent by a participant in such additional training, but not the time spent in Police Corps training, shall be counted toward fulfillment of the participant's 4-year service obligation.

(d) COURSE OF TRAINING.—The training sessions at training centers established under this section shall be designed to provide basic law enforcement training, including vigorous physical and mental training to teach participants self-discipline and organizational loyalty and to impart knowledge and understanding of legal processes and law enforcement.

(e) EVALUATION OF PARTICIPANTS.—A participant shall be evaluated during training for mental, physical, and emotional fitness, and shall be required to meet performance standards prescribed by the Director at the conclusion of each training session in order to remain in the Police Corps program.

(f) STIPEND.—The Director shall pay participants in training sessions a stipend of $250 a week during training.

SEC. 106. SERVICE OBLIGATION.

(a) SWEARING IN.—Upon satisfactory completion of the participant's course of education and training program under section 105 and meeting the requirements of the police force to which the participant is assigned, a participant shall be sworn in as a member of the police force to which the participant is assigned pursuant to the State Police Corps plan, and shall serve for 4 years as a member of that police force.

(b) RIGHTS AND RESPONSIBILITIES.—A participant shall have all of the rights and responsibilities of and shall be subject to all rules and regulations applicable to other members of the police force of which the participant is a member, including those contained in applicable agreements with labor organizations and those provided by State and local law.

(c) DISCIPLINE.—If the police force of which the participant is a member subjects the participant to discipline such as would preclude the participant's completing 4 years of service and result in denial of educational assistance under section 103—

(1) the Director may, upon a showing of good cause, permit the participant to complete the service obligation in an equivalent alternative law enforcement service; and

(2) if such service is satisfactorily completed, section 103(d)(1)(C) shall not apply.

(d) LAYOFFS.—If the police force of which the participant is a member lays off the participant such as would preclude the participant's completing 4 years of service, and result in denial of educational assistance under section 103—

(1) the Director may permit the participant to complete the service obligation in an equivalent alternative law enforcement service; and

(2) if such service is satisfactorily completed, section 103(d)(1)(C) shall not apply.

SEC. 107. STATE PLAN REQUIREMENTS.

A State Police Corps plan shall—

(1) provide for the screening and selection of participants in accordance with the criteria set out in section 104;

(2) state procedures governing the assignment of participants in the Police Corps program to State and local police forces (no more than 10 percent of all the participants assigned in each year by each State to be assigned to a statewide police force or forces);

(3) provide that participants shall be assigned to those geographic areas in which—

(A) there is the greatest need for additional law enforcement personnel; and

(B) the participants will be used most effectively;

(4) provide that to the extent consistent with paragraph (3), a participant shall be assigned to an area near the participant's home or such other place as the participant may request;

(5) provide that to the extent feasible, a participant's assignment shall be made at the time the participant is accepted into the program, subject to change—

(A) prior to commencement of a participant's fourth year of undergraduate study, under such circumstances as the plan may specify; and

(B) from commencement of a participant's fourth year of undergraduate study until completion of 4 years of police service by participant, only for compelling reasons or to meet the needs of the State Police Corps program and only with the consent of the participant;

(6) provide that no participant shall be assigned to serve with a State or local police force—

(A) the average size of which has declined by more than 5 percent since June 21, 1989; or

(B) which has members who have been laid off but not retired;

(7) provide that participants shall be placed and to the extent feasible kept on community and preventive patrol;

(8) ensure that participants will receive effective training and leadership;

(9) provide that the State may decline to offer a participant an appointment following completion of Federal training, or may remove a participant from the Police Corps program at any time, only for good cause (including failure to make satisfactory progress in a course of educational study) and after following reasonable review procedures stated in the plan; and

(10) provide that a participant shall, while serving as a member of a police force, be compensated at the same rate of pay and benefits and enjoy the same rights under applicable agreements with labor organizations and under State and local law as other police officers of the same rank and tenure in the police force of which the participant is a member.

SEC. 108. ASSISTANCE TO STATES AND LOCALITIES EMPLOYING POLICE CORPS OFFICERS.

Each jurisdiction directly employing Police Corps participants during the 4-year term of service prescribed by section 106 shall receive $10,000 on account of each such participant at the completion of each such year of service, but—

(1) no such payment shall be made on account of service in any State or local police force—

(A) the average size of which, in the year for which payment is to be made, not counting Police Corps participants assigned under section 107, has declined more than 2 percent since January 1, 1993; or

(B) which has members who have been laid off but not retired; and

(2) no such payment shall be made on account of any Police Corps participant for years of service after the completion of the term of service prescribed in section 106.

SEC. 109. REPORTS TO CONGRESS.

(a) IN GENERAL.—Not later than April 1 of each year, the Director shall submit a report to the Attorney General, the President, the Speaker of the House of Representatives, and the President of the Senate.

(b) CONTENTS.—A report under subsection (a) shall—

(1) state the number of current and past participants in the Police Corps program, broken down according to the levels of educational study in which they are engaged

and years of service they have served on police forces (including service following completion of the 4-year service obligation);

(2) describe the geographic, racial, and gender dispersion of participants in the Police Corps program; and

(3) describe the progress of the Police Corps program and make recommendations for changes in the program.

SEC. 110. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $150,000,000 for fiscal year 1994, $250,000,000 for fiscal year 1995, and such sums as are necessary for fiscal years 1996, 1997, and 1998.

TITLE II—LAW ENFORCEMENT SCHOLARSHIP AND EMPLOYMENT PROGRAM

SEC. 201. DEFINITIONS.

In this title—

"Director" means the Director of the Bureau of Justice Assistance in the Department of Justice.

"educational expenses" means—

(A) expenses that are directly attributable to—

(i) a course of education leading to the award of an associate degree;

(ii) a course of education leading to the award of a baccalaureate degree; or

(iii) a course of graduate study following award of a baccalaureate degree; and

(B) includes the cost of tuition, fees, books, supplies, and related expenses.

"institution of higher education" has the meaning stated in the first sentence of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

"law enforcement position" means employment as an officer in a State or local police force, or correctional institution.

"State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

SEC. 202. ALLOTMENT.

Of amounts appropriated under section 210, the Director shall allot—

(1) 80 percent to States on the basis of the number of law enforcement officers in each State compared to the number of law enforcement officers in all of the States; and

(2) 20 percent to States on the basis of the shortage of law enforcement personnel and the need for assistance under this title in the State compared to the shortage of law enforcement personnel and the need for assistance under this title in all States.

SEC. 203. SCHOLARSHIP AND EMPLOYMENT PROGRAM.

(a) USE OF ALLOTMENT.—

(1) IN GENERAL.—A State that receives an allotment under section 202 shall use the allotment to pay the Federal share of the costs of—

(A) awarding scholarships to in-service law enforcement personnel to enable such personnel to seek further education; and

(B) providing—

(i) full-time employment in summer; or

(ii) part-time (not to exceed 20 hours per week) employment for a period not to exceed 1 year.

(2) EMPLOYMENT.—The employment described in paragraph (1)(B)—

(A) shall be provided by State and local law enforcement agencies for students who are juniors or seniors in high school or are enrolled in an institution of higher education and who demonstrate an interest in undertaking a career in law enforcement;

(B) shall not be in a law enforcement position; and

(C) shall consist of performing meaningful tasks that inform students of the nature of the tasks performed by law enforcement agencies.

(b) PAYMENTS; FEDERAL SHARE; NON-FEDERAL SHARE.—

(1) PAYMENTS.—The Secretary shall pay to each State that receives an allotment under section 202 the Federal share of the cost of the activities described in the application submitted pursuant to section 206.

(2) FEDERAL SHARE.—The Federal share shall not exceed 60 percent.

(3) NON-FEDERAL SHARE.—The non-Federal share of the cost of scholarships and student employment provided under this title shall be supplied from sources other than the Federal Government.

(c) RESPONSIBILITIES OF DIRECTOR.—The Director shall be responsible for the administration of the programs conducted pursuant to this title and shall, in consultation with the Assistant Secretary for Postsecondary Education, issue regulations implementing this title.

(d) ADMINISTRATIVE EXPENSES.—A State that receives an allotment under section 202 may use not more than 8 percent of the amount of the allotment for administrative expenses.

(e) SPECIAL RULE.—A State that receives an allotment under section 202 shall ensure that each scholarship recipient under this title is compensated at the same rate of pay and benefits and enjoys the same rights under applicable agreements with labor organizations and under State and local law as other law enforcement personnel of the same rank and tenure in the office of which the scholarship recipient is a member.

(f) SUPPLEMENTATION OF FUNDING.—Funds received under this title shall be used only to supplement, and not to supplant, Federal, State, and local efforts for recruitment and education of law enforcement personnel.

SEC. 204. SCHOLARSHIPS.

(a) PERIOD OF AWARD.—A scholarship awarded under this title shall be for a period of 1 academic year.

(b) USE OF SCHOLARSHIPS.—A scholarship recipient under this title may use the scholarship for educational expenses at an institution of higher education.

SEC. 205. ELIGIBILITY.

(a) SCHOLARSHIPS.—A person shall be eligible to receive a scholarship under this title if the person has been employed in law enforcement for the 2-year period immediately preceding the date on which assistance is sought.

(b) INELIGIBILITY FOR STUDENT EMPLOYMENT.—A person who has been employed as a law enforcement officer is ineligible to participate in a student employment program carried out under this title.

SEC. 206. STATE APPLICATIONS FOR ALLOTMENT.

(a) IN GENERAL.—A State that desires an allotment under section 204 shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may reasonably require.

(b) CONTENTS.—An application under subsection (a) shall—

(1) describe the scholarship program and the student employment program for which assistance under this title is sought;

(2) contain assurances that the lead agency will work in cooperation with local law enforcement liaisons, representatives of police labor organizations and police management organizations, and other appropriate State and local agencies to develop and implement interagency agreements designed to carry out this title;

(3) contain assurances that the State will advertise the scholarship assistance and student employment it will provide under this title and that the State will use such programs to enhance recruitment efforts;

(4) contain assurances that the State will screen and select law enforcement personnel for participation in the scholarship program under this title;

(5) contain assurances that under the student employment program the State will screen and select, for participation in such program, students who have an interest in undertaking a career in law enforcement;

(6) contain assurances that under the scholarship program the State will make scholarship payments to institutions of higher education on behalf of scholarship recipients under this title;

(7) with respect to the student employment program, identify—

(A) the employment tasks that students will be assigned to perform;

(B) the compensation that students will be paid to perform such tasks; and

(C) the training that students will receive as part of their participation in the program;

(8) identify model curriculum and existing programs designed to meet the educational and professional needs of law enforcement personnel; and

(9) contain assurances that the State will promote cooperative agreements with educational and law enforcement agencies to enhance law enforcement personnel recruitment efforts in institutions of higher education.

SEC. 207. INDIVIDUAL APPLICATIONS FOR SCHOLARSHIP OR EMPLOYMENT.

(a) IN GENERAL.—A person who desires a scholarship or employment under this title shall submit an application to the State at such time, in such manner, and accompanied by such information as the State may reasonably require.

(b) CONTENTS.—An application under subsection (a) shall describe—

(1) the academic courses for which a scholarship is sought; or

(2) the location and duration of employment that is sought.

(c) PRIORITY.—In awarding scholarships and providing student employment under this title, a State shall give priority to applications from persons who—

(1) are members of racial, ethnic, or gender groups whose representation in the law enforcement agencies within the State is substantially less than in the population eligible for employment in law enforcement in the State;

(2) are pursuing an undergraduate degree; and

(3) are not receiving financial assistance under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

SEC. 208. SCHOLARSHIP AGREEMENT.

(a) IN GENERAL.—A scholarship recipient under this title shall enter into an agreement with the Director.

(b) CONTENTS.—An agreement under subsection (a) shall—

(1) provide assurances that the scholarship recipient will work in a law enforcement position in the State that awards the scholarship in accordance with the service obligation described in subsection (c) after completion of the recipient's academic courses leading to an associate, bachelor, or graduate degree;

(2) provide assurances that the scholarship recipient will repay the entire scholarship in accordance with such terms and conditions

as the Director shall prescribe if the requirements of the agreement are not complied with, unless the recipient—

(A) dies;

(B) becomes physically or emotionally disabled, as established by the sworn affidavit of a qualified physician; or

(C) has been discharged in bankruptcy; and

(3) set forth the terms and conditions under which a scholarship recipient may seek employment in the field of law enforcement in a State other than the State that awards the scholarship.

(c) SERVICE OBLIGATION.—

(1) IN GENERAL.—Subject to paragraph (2), a scholarship recipient under this title shall work in a law enforcement position in the State that awards the scholarship for a period of 1 month for each credit hour for which funds are received under the scholarship.

(2) MINIMUM AND MAXIMUM REQUIRED PERIODS OF SERVICE.—For purposes of satisfying the requirement of paragraph (1), a scholarship recipient shall work in a law enforcement position in the State that awards scholarship for a period of not less than 6 months but shall not be required to work in such a position for more than 2 years.

SEC. 209. REPORTS TO CONGRESS.

(a) IN GENERAL.—Not later than April 1 of each year, the Director shall submit a report to the Attorney General, the President, the Speaker of the House of Representatives, and the President pro tempore of the Senate.

(b) CONTENTS.—A report under subsection (a) shall—

(1) state the number of present and past scholarship recipients under this title, categorized according to the levels of educational study in which the recipients are engaged and the number of years that the recipients have served in law enforcement;

(2) state, with respect to student employees under this title—

(A) the number of present and past student employees;

(B) the number of such employees who complete a course of study at an accredited institution of higher education; and

(C) the number of such employees who subsequently accept a law enforcement position;

(3) describe the geographic, racial, and gender dispersion of scholarship recipients and employees; and

(4) describe the progress of the scholarship program and the student employment program and make recommendations for changes in the programs.

SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title $30,000,000 for each of fiscal years 1994, 1995, 1996, 1997, and 1998.

(b) USES OF FUNDS.—Of the funds appropriated under subsection (a) for a fiscal year—

(1) 75 percent shall be available to provide scholarships described in section 203(a)(1)(A); and

(2) 25 percent shall be available to provide employment described in section 203(a) (1)(B) and (2).

Mr. SPECTER. Mr. President, I am pleased to join the distinguished Senator from Tennessee and several other colleagues in cosponsoring the Police Corps and Law Enforcement Training Act being introduced today. This bill will help combat the violent crime that plagues so many of our communities and will help preserve neighborhood safety by substantially increasing the number of police officers on patrol.

This legislation calls for the creation of a Police Corps Program which, like the Reserve Officer Training Program, would provide educational assistance in exchange for a commitment to post-graduation police service. The bill is based on legislation I first introduced as S. 1524 in the 99th Congress, following on legislation I introduced in 1985 to authorize a demonstration project. The Police Corps Program passed the Senate as part of the 1990 omnibus anticrime bill. Because House conferees objected to its inclusion in the final bill, it was dropped. The Police Corps passed the Senate again in the 1991 omnibus anticrime bill and was retained by the conference committee. While the conference report passed the House, it never came to a vote in the Senate because of provisions unrelated to the Police Corps. During the 1992 campaign, both President Bush and Governor Clinton endorsed the Police Corps Program.

When I first introduced legislation to establish the Police Corps, it was urgent that this body take affirmative steps to combat the escalating drug and criminal violence that plagued our cities and towns; 4 years later, it is all the more urgent as the number of crimes and criminals continues to grow and overwhelm the police officers who patrol our streets. In fact, the ratio of police officers to reported violent crimes has significantly declined during the last four decades. Reports indicate that in 1948, for every one violent crime reported in a U.S. city, there were 3.22 police officers. By 1988, that ratio had completely reversed itself so that for every one officer there were 3.1 reported violent crimes. In the Nation as a whole, we are now allocating to violent crime a mere one-sixth of the police power we were some 30 years ago. If we are to make a dent in crime, this ratio must change.

Crime is a complex subject with no single, simple solution. The causes include poverty, a lack of housing, a lack of adequate education, a lack of job training and jobs, and a lack of strong family structure, support, and moral code. All of these issues must be addressed in order to ultimately get at the underlying causes of crime in our country, although some may not be susceptible to solutions through the political process. At the same time, however, it is imperative that we also address the issues of arrest, prosecution, conviction rehabilitation where possible, and incarceration where rehabilitation is not possible. I believe that augmenting the strength of police forces around the country is an essential part of the task before us. More police patrolling aggressively and investigating a greater proportion of crimes will reduce criminal activity and will help to reestablish safety and tranquility in our communities.

The Police Corps offers a way of enlisting the best and brightest of our young people, of every race and class, in this vital effort to reclaim our streets. Developed under a Justice Department grant by distinguished New York lawyer, Adam Walinsky, and former Philadelphia police officer, Jonathan Rubenstein, with help from people at the center for Research on Institutions and Social Policy, this program will significantly affect and benefit the communities that are served by providing more officers who are young, well-educated and enthusiastic. The program will also benefit those who serve, for the recruits will gain the general benefits of education and experience at college, as well as receive two summers of intensive Federal law enforcement training.

Under the Police Corps Program, a student would be able to obtain federally guaranteed Federal, State or private loans of up to $30,000 to cover educational costs. In exchange for this educational assistance, upon graduation the student would serve 4 years in a State or local police force. The goal of the program is to increase total sworn officers in the Nation by 80,000 through this program.

I want to address specifically two concerns that have been raised concerning the program. The first is that the required term of police service should be longer than the currently proposed 4 years. The advantage of a 4-year service term is that it is a long enough period in which graduates can successfully integrate into the force and meaningfully contribute to it, and yet it is a short enough period so that graduates do not become eligible for pension benefits which typically vest after 5 years, thereby keeping the costs manageable for the communities that hire Police Corps graduates.

Second, some have expressed concern over whether local communities could afford to hire the program's graduates. The argument has been made that no matter how many individuals take advantage of the scholarships, local communities do not have the funds to hire them. In response to this criticism, this legislation will authorize the Federal Government to provide jurisdiction that employ Police Corps participants $10,000 per participant for each of the 4 years of required service.

Since the development of the Police Corps concept, this innovative and practical proposal has sparked a great deal of interest and a great number of endorsement. Surveys conducted as part of the feasibility study carried out by the Department of Justice indicate that over 40 percent of the college students asked said that they would be "very likely" or "fairly likely" to join a Policy Corps Program. For example, over 45 percent of minority college students surveyed said they would be likely to join.

It is my strong conviction that this program offers great hope in our ongoing struggle to bring greater security to our neighborhoods, and at the time it is a program that does so by enlisting the service of young people who want to gain an education and in exchange help better our communities. I cannot think of two more worthy goals and accordingly, I urge my colleagues to join me in support of the Police Corps and Law Enforcement Training Act. Together, we can make this vital program of national importance a reality this year.

ADDITIONAL COSPONSORS

S. 4

At the request of Mr. HOLLINGS, the name of the Senator from Tennessee [Mr. MATHEWS] was added as a cosponsor of S. 4, a bill to promote the industrial competitiveness and economic growth of the United States by strengthening and expanding the civilian technology programs of the Department of Commerce, amending the Stevenson-Wydler Technology Innovation Act of 1980 to enhance the development and nationwide deployment of manufacturing technologies, and authorizing appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes.

S. 67

At the request of Mrs. KASSEBAUM, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 67, a bill to regulate interstate commerce by providing for uniform standards of liability for harm arising out of general aviation accidents.

S. 431

At the request of Mr. DASCHLE, his name was added as a cosponsor of S. 431, a bill to amend the Motor Vehicle Information and Cost Savings Act.

S. 578

At the request of Mr. KENNEDY, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 578, a bill to protect the free exercise of religion.

S. 784

At the request of Mr. HATCH, the names of the Senator from South Dakota [Mr. DASCHLE], the Senator from Hawaii [Mr. INOUYE], the Senator from Florida [Mr. MACK], the Senator from Georgia [Mr. COVERDELL], the Senator from Illinois [Mr. SIMON], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Oregon [Mr. HATFIELD], the Senator from South Carolina [Mr. HOLLINGS], the Senator from South Dakota [Mr. PRESSLER], the Senator from Texas [Mrs. HUTCHISON], the Senator from North Dakota [Mr. DORGAN], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Missouri [Mr. BOND], the Senator from Alaska [Mr. STEVENS], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Alabama [Mr. HEFLIN], the Senator from Tennessee [Mr. MATHEWS], the Senator from Mississippi [Mr. LOTT], and the Senator from Colorado [Mr. BROWN] were added as cosponsors of S. 784, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes.

S. 921

At the request of Mr. BAUCUS, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 921, a bill to reauthorize and amend the Endangered Species Act for the conservation of threatened and endangered species, and for other purposes.

S. 1128

At the request of Mr. AKAKA, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1128, a bill to amend title 38, United States Code, to permit the burial in cemeteries of the National Cemetery System of certain deceased reservists.

S. 1356

At the request of Mr. DOLE, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 1356, a bill to restore order, deter crime, and make our neighborhoods and communities safer and more secure places in which to live and work.

S. 1415

At the request of Mr. PRYOR, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 1415, a bill to amend the Internal Revenue Code of 1986 to clarify provisions relating to church pension benefit plans, to modify certain provisions relating to participants in such plans, to reduce the complexity of and to bring workable consistency to the applicable rules, to promote retirement savings and benefits, and for other purposes.

SENATE JOINT RESOLUTION 94

At the request of Mr. DOLE, the names of the Senator from Florida [Mr. MACK] and the Senator from Maine [Mr. COHEN] were added as cosponsors of Senate Joint Resolution 94, a joint resolution to designate the week of October 3, 1993, through October 9, 1993, as "National Customer Service Week."

AMENDMENTS SUBMITTED

DEPARTMENT OF DEFENSE AUTHORIZATION ACT OF 1994

REID (AND OTHERS) AMENDMENT NO. 815

Mr. REID (for himself, Mr. WOFFORD, Mr. WELLSTONE, Mr. FEINGOLD, Mr. BAUCUS, Mr. BURNS, and Mr. DURENBERGER) proposed an amendment to the bill (S. 1298) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, for military construction, and for defense activities for the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, as follows:

On page 51, after line 24, insert the following:

SEC. 218. TERMINATION OF GROUND-WAVE EMERGENCY NETWORK PROGRAM.

(a) TERMINATION OF PROGRAM.—The Secretary of the Air Force shall terminate the Ground-Wave Emergency Network (GWEN) program of the Air Force.

(b) FUNDING LIMITATION.—Funds available to the Department of Defense for obligation for the Ground-Wave Emergency Network (GWEN) program may be obligated for that program only for payment of the costs associated with the termination of such program.

FEINSTEIN (AND OTHERS) AMENDMENT NO. 816

Mrs. FEINSTEIN (for herself, Mr. LOTT, Mr. SMITH, and Mr. INOUYE) proposed an amendment to the bill S. 1298, supra, as follows:

At the appropriate place in the bill, add the following:

SEC. . POSTPONEMENT OF FINAL ROUND OF BASE CLOSURE PROCESS.

The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) in section 2902—

(A) in subsection (c)(1)(B)(iii)—

(i) by striking out "January 3, 1995," and inserting in lieu thereof "January 3, 1997,"; and

(ii) by striking out "104th Congress" and inserting in lieu thereof "105th Congress";

(B) by striking out "1995" in subsection (c)(1)(C) and inserting in lieu thereof "1997";

(C) by striking out "1995" in subsection (e)(1) and inserting in lieu thereof "1997"; and

(D) by striking out "December 31, 1995" in subsection (1) and inserting in lieu thereof "December 31, 1997";

(2) in section 2903—

(A) by striking out "1996" in subsection (a)(1) and inserting in lieu thereof "1998,"; and

(B) by striking out "March 15, 1995," in subsection (c)(1) and inserting in lieu thereof "March 15, 1997,"; and

(3) in section 2909(a), by striking out "December 31, 1995," and inserting in lieu thereof "December 31, 1997,".

HARKIN (AND OTHERS) AMENDMENT NO. 817

Mr. HARKIN (for himself, Mr. JEFFORDS, Mr. KERRY, Mrs. MURRAY, Mr. BUMPERS, Mr. WELLSTONE, Mr. SASSER, Mr. HATFIELD, Mr. LAUTENBERG, and Mr. FEINGOLD) proposed an amendment to the bill S. 1298, supra, as follows:

On page 375, line 15, strike out "$3,788,954,000" and insert in lieu thereof "$3,582,954,000".

On page 375, line 19, strike out "$428,383,000" and insert in lieu thereof "$222,383,000".

On page 393, strike out line 13 and all that follows through page 394, line 12.

EXON AMENDMENT NO. 818

Mr. EXON proposed an amendment to amendment No 817 proposed by Mr. HARKIN to the bill S. 1298, supra, as follows:

In lieu of the matter proposed to be inserted, insert the following:

On page 375, line 15, strike out "$3,788,954,000" and insert in lieu thereof "$3,735,571,000".

On page 375, line 19, strike out "$428,383,000" and insert in lieu thereof "$375,000,000".

On page 393, line 13, section (f) change "150,000,000" to $131,250,000", "$125,000,000" to "$109,375,000", and "$153,383,000" to "$134,375,000".

LAUTENBERG (AND OTHERS) AMENDMENT NO. 819

Mr. LAUTENBERG (for himself, Mr. CONRAD, Mr. HARKIN, Mrs. BOXER, Mr. METZENBAUM, Mr. RIEGLE, Mr. CAMPBELL, Mr. DORGAN, and Mrs. FEINSTEIN) proposed an amendment to the bill S. 1298, supra, as follows:

On page 233, after line 23, insert the following:

SEC. 1056. INCREASED BURDEN SHARING BY ALLIES OF THE UNITED STATES.

(a) DEFENSE COST-SHARING AGREEMENTS.—The President shall enter into negotiations with each foreign nation referred to in subsection (b)(1) that is not excluded by subsection (b)(2) to seek to conclude an agreement that provides for such nation to pay at least 75 percent of the overseas basing costs that are incurred for the stationing of members of the Armed Forces of the United States and related civilian employees of the Department of Defense in that nation as a result of the implementation of a bilateral or multilateral defense agreement with that nation.

(b) COVERED FOREIGN NATIONS.—(1) Except as provided in paragraph (2), subsection (a) applies with respect to the following foreign nation:

(A) Each member nation of the North Atlantic Treaty Organization (other than the United States).

(B) Every other foreign nation with which the United States has a bilateral or multilateral defense agreement that provides for the assignment of combat units of the Armed Forces of the United States to permanent duty ashore in that nation.

(2) Subsection (a) does not apply with respect to any foreign nation—

(A) that receives assistance or financing under—

(i) section 23 of the Arms Export Control Act (22 U.S.C. 2763), relating to the foreign military financing program; or

(ii) the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.); or

(B) in which not more than 1,000 members of the Armed Forces of the United States and related civilian employees of the Department of Defense are assigned to permanent duty ashore as a result of the implementation of a bilateral or multilateral defense agreement.

(c) USE OF FUNDS FOR PAYING OVERSEAS BASING COSTS.—(1) Funds may not be expended to pay more than the allowable percent of the overseas basing costs that are incurred during a fiscal year referred to in paragraph (2) for the stationing of members of the Armed Forces of the United States and related civilian employees of the Department of Defense in a nation referred to in subsection (a) as a result of the implementation of a bilateral or multilateral defense agreement with that nation.

(2) For purposes of paragraph (1), the allowable percent for a fiscal year is as follows:

(A) For fiscal year 1994, 60 percent.

(B) For fiscal year 1995, 40 percent.

(C) For each fiscal year that begins after September 30, 1995, 25 percent.

(d) WAIVER AUTHORITY.—If the President determines that it is necessary to do so in the national security interest of the United States, the President may waive, with respect to a foreign nation referred to in subsection (a), the limitation in subsection (c). In the case of each such waiver, the President shall submit to Congress a written certification of the determination and a description of the extent of the waiver.

(e) DEFINITIONS.—In this section, the term "overseas basing costs" means all costs related to the operation of installations in foreign countries at which forces of the Armed Forces of the United States are based and—

(1) includes, among other costs—

(A) pay for foreign nationals;

(B) costs of utilities;

(C) costs of local services;

(D) costs of military construction projects;

(E) costs of real property maintenance;

(F) costs of environmental restoration;

(G) leasing costs;

(H) taxes;

(I) user fees;

(J) tolls; and

(K) import duties; and

(2) does not include the pay and allowances of members of the Armed Forces of the United States and civilian employees of the Department of Defense.

NUNN (AND THURMOND) AMENDMENT NO. 820

Mr. NUNN (for himself and Mr. THURMOND) proposed an amendment to amendment No. 819 proposed by Mr. LAUTENBERG to the bill S. 1298, supra, as follows:

On the first page, strike out line 2 and all that follows through the end of the amendment and insert in lieu thereof the following:

SEC. 1056. DEFENSE BURDENSHARING.

(a) FINDINGS.—Congress makes the following findings:

(1) Since fiscal year 1985, the budget of the Department of Defense has declined by 34 percent in real terms.

(2) During the past few years, the United States military presence overseas has declined significantly in the following ways:

(A) Since fiscal year 1986, the number of United States military personnel permanently stationed overseas has declined by almost 200,000 personnel.

(B) From fiscal year 1989 to fiscal year 1994, spending by the United States to support the stationing of United States military forces overseas will have declined by 36 percent.

(C) Since January 1990, the Department of Defense has announced the closure, reduction, or transfer to standby status of 840 United States military facilities overseas, which is a 50 percent reduction in the number of such facilities.

(3) The United States military presence overseas will continue to decline as a result of actions by the executive branch and the following initiatives of the Congress:

(A) Section 1302 of the National Defense Authorization Act for Fiscal Year 1993, which required a 40 percent reduction by September 30, 1996, in the number of United States military personnel permanently stationed ashore in overseas locations.

(B) Section 1303 of the National Defense Authorization Act for Fiscal Year 1993, which specified that no more than 100,000 United States military personnel may be permanently stationed ashore in NATO member countries after September 30, 1996.

(C) Section 1301 of the National Defense Authorization Act for Fiscal Year 1993, which reduced the spending proposed by the Department of Defense for overseas basing activities during fiscal year 1993 by $500,000,000.

(D) Sections 913 and 915 of the National Defense Authorization Act for Fiscal Years 1990 and 1991, which directed the President to consult with East Asian allies, and to develop a plan, regarding gradually reducing the United States military force structure in East Asia.

(4) The East Asia Strategy Initiative, which was developed in response to sections 913 and 915 of the National Defense Authorization Act for Fiscal Years 1990 and 1991, has resulted in the withdrawal of more than 12,000 United States military personnel from Japan and the Republic of Korea since fiscal year 1990.

(5) In response to actions by the executive branch and the Congress, allied countries in which United States military personnel are stationed and alliances in which the United States participates have agreed in the following ways to offset more of the costs incurred by the United States in basing military forces overseas:

(A) Under the 1991 Special Measures Agreement between Japan and the United States, Japan will pay by 1995 almost all yen-denominated costs of stationing United States military personnel in Japan.

(B) The Republic of Korea has agreed to pay by 1995, one-third of the won-based costs incurred by the United States in stationing United States military personnel in the Republic of Korea.

(C) The North Atlantic Treaty Organization (NATO) has agreed that the Infrastructure Program could pay the annual operation and maintenance costs of facilities that would support the reinforcement of Europe by United States military forces.

(b) FUNDING REDUCTIONS.—(1) The total amount authorized to be appropriated to the Department of Defense for operation and maintenance and for military construction (including NATO Infrastructure) to conduct overseas basing activities during fiscal year 1994 may not exceed the amount equal to the baseline for fiscal year 1993 reduced by $1,355,500,000.

(2) For purposes of paragraph (1), the baseline for fiscal year 1993 is the sum of the amounts that were made available for overseas basing activities out of the amounts appropriated for such fiscal year for the following purposes:

(A) Operation and maintenance.

(B) Family housing, operations.

(C) Family housing, construction.

(D) Military construction (including NATO Infrastructure).

(c) SENSE OF CONGRESS.—It is the sense of Congress that the amounts obligated to conduct overseas basing activities should decline significantly in fiscal year 1995 and in future fiscal years as—

(1) The number of United States military personnel stationed overseas continues to decline; and

(2) the countries in which United States military personnel are stationed and the alliances in which the United States participates assume an increased share of United States overseas basing costs.

(d) BURDENSHARING AGREEMENTS FOR INCREASED HOST NATION SUPPORT.—(1) In order to achieve additional savings in overseas basing costs, the President should intensify his efforts to negotiate a more favorable host-nation agreement with each foreign country to which this paragraph applies under paragraph (3)(A).

(2) For purposes of paragraph (1), a more favorable host-nation agreement is an agreement under which such foreign country—

(A) assumes an increased share of the costs of United States military installations in that country, including the costs of—

(i) labor, utilities, and services;

(ii) military construction projects and real property maintenance;

(iii) leasing requirements associated with the United States military presence; and

(iv) actions necessary to meet local environmental standards;

(B) relieves the Armed Forces of the United States of all tax liability that, with respect to forces located in such country, is incurred by the Armed Forces under the laws of that country and the laws of the community where those forces are located; and

(C) ensures that goods and services furnished in that country to the Armed Forces of the United States are provided at minimum cost and without imposition of user fees.

(3)(A) Except as provided in subparagraph (B), paragraph (1) applies with respect to—

(i) each country of the North Atlantic Treaty Organization (other than the United States); and

(ii) each other foreign country with which the United States has a bilateral or multilateral defense agreement that provides for the assignment of combat units of the Armed Forces of the United States to permanent duty in that country or the placement of combat equipment of the United States in that country.

(B) Paragraph (1) does not apply with respect to—

(i) a foreign country that receives assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2673) (relating to the foreign military financing program) or under the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.); or

(ii) a foreign country that has agreed to assume, not later than September 30, 1996, at least 75 percent of the nonpersonnel costs of United States military installations in the country.

LEAHY (AND OTHERS) AMENDMENT NO. 821

Mr. LEAHY (for himself, Mr. MITCHELL, Mr. PELL, Mr. INOUYE, Mr. MOYNIHAN, Mr. DECONCINI, Mr. KERREY, Mr. KERRY, Mr. DODD, Ms. MIKULSKI, Mr. WOFFORD, Mr. SIMON, Mr. KENNEDY, Mr. BRYAN, Mr. LAUTENBERG, Mr. RIEGLE, Mr. EXON, Mr. ROCKEFELLER, Mr. BUMPERS, Mrs. FEINSTEIN, Mrs. MURRAY, Mr. FORD, Mr. HARKIN, Mr. METZENBAUM, Mr. DASCHLE, Mr. BRADLEY, Mr. GRAHAM, Mr. DORGAN, Mrs. BOXER, Mr. LEVIN, Mr. FEINGOLD, Mr. SARBANES, Mr. AKAKA, Mr. REID, Mr. KOHL, Mr. WELLSTONE, Mr. MATHEWS, Mr. PRYOR, Mr. SASSER, Mr. ROBB, Mr. BINGAMAN, Mr. CAMPBELL, Mr. GLENN, Mr. BYRD, Ms. MOSELEY-BRAUN, Mr. DOLE, Mr. JEFFORDS, Mr. D'AMATO, Mr. SPECTER, Mr. HATFIELD, Mr. DURENBERGER, Mr. MCCAIN, Mr. DOMENICI, Mr. MURKOWSKI, Mr. CHAFEE, Mrs. KASSEBAUM, Mr. LUGAR, Mr. SIMPSON, Mr. BURNS, and Mr. GRASSLEY) proposed an amendment to the bill S. 1298, supra, as follows:

At the appropriate place insert the following:

SEC. . LANDMINE MORATORIUM EXTENSION ACT.

(a) This section shall be titled the "Landmine Moratorium Extension Act of 1993".

(b) FINDINGS.—The Congress makes the following findings:

(1) Anti-personnel landmines, which are designed to maim and kill people, have been used indiscriminately in dramatically increasing numbers around the world. Hundreds of thousands of noncombatant civilians, including children, have been the primary victims. Unlike other military weapons, landmines often remain implanted and undiscovered after conflict has ended, causing massive suffering to civilian populations.

(2) Tens of millions of landmines have been strewn in at least 62 countries, often making whole areas uninhabitable. The State Department estimates there are more than 10 million landmines in Afghanistan, 9 million in Angola, 4 million in Cambodia, 3 million in Iraqi Kurdistan, and 2 million each in Somalia, Mozambique, and the former Yugoslavia. Hundreds of thousands of landmines were used in conflicts in Central America in the 1980s.

(3) Advanced technologies are being used to manufacture sophisticated mines which can be scattered remotely at a rate of 1000 per hour. These mines, which are being produced by many industrialized countries, were found in Iraqi arsenals after the Persian Gulf War.

(4) At least 300 types of anti-personnel landmines have been manufactured by at least 44 countries, including the United States. However, the United States is not a major exporter of landmines. During the past ten years the Administration has approved ten licenses for the commercial export of anti-personnel landmines with a total value of $980,000, and the sale under the Foreign Military Sales program of 108,852 anti-personnel landmines.

(5) The United States signed, but has not ratified, the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed To Be Excessively Injurious or To Have Indiscriminate Effects. Protocol II of the Convention, otherwise known as the Landmine Protocol, prohibits the indiscriminate use of landmines.

(6) When it signed the 1980 Convention, the United States stated: "We believe that the Convention represents a positive step forward in efforts to minimize injury or damage to the civilian population in time of armed conflict. Our signature of the Convention reflects the general willingness of the United States to adopt practical and reasonable provisions concerning the conduct of military operations, for the purpose of protecting noncombatants.".

(7) The United States also indicated that it had supported procedures to enforce compliance, which were omitted from the Convention's final draft. The United States stated: "The United States strongly supported proposals by other countries during the Conference to include special procedures for dealing with compliance matters, and reserves the right to propose at a later date additional procedures and remedies, should this prove necessary, to deal with such problems.".

(8) The lack of compliance procedures and other weaknesses have significantly undermined the effectiveness of the Landmine Protocol. Since it entered into force on December 2, 1983, the number of civilians maimed and killed by anti-personnel landmines has multiplied.

(9) Since the moratorium on United States sales, transfers and exports of anti-personnel landmines was signed into law on October 23, 1992, the European Parliament has issued a resolution calling for a five year moratorium on sales, transfers and exports of anti-personnel landmines, and the Government of France has announced that it has ceased all sales, transfers and exports of anti-personnel landmines.

(10) On December 2, 1993, ten years will have elapsed since the 1980 Convention entered into force, triggering the right of any party to request a United Nations conference to review the Convention. Amendments to the Landmine Protocol may be considered at that time. A formal request has been made to the United Nations Secretary General for a review conference. With necessary preparations and consultations among governments, a review conference is not expected to be convened before late 1994 or early 1995.

(11) The United States should continue to set an example for other countries in such negotiations by extending the moratorium on sales, transfers and exports of anti-personnel landmines for an additional three years. A moratorium of this duration would extend the current prohibition on the sale, transfer and export of anti-personnel landmines a sufficient time to take into account the results of a United Nations review conference.

(c) STATEMENT OF POLICY.—

(1) It shall be the policy of the United States to seek verifiable international agreements prohibiting the sale, transfer or export, and further limiting the manufacture, possession and use of anti-personnel landmines.

(2) It is the sense of the Congress that the President should submit the 1980 Convention on Certain Conventional Weapons to the Senate for ratification. Furthermore, the Administration should participate in a United Nations conference to review the Landmine Protocol, and actively seek to negotiate under United Nations auspices a modification of the Landmine Protocol, or another international agreement, to prohibit the sale, transfer or export of anti-personnel landmines, and to further limit their manufacture, possession and use.

(d) MORATORIUM ON TRANSFERS OF ANTI-PERSONNEL LANDMINES ABROAD.—For a period of three years beginning on the date of enactment of this Act—

(1) no sale may be made or financed, no transfer may be made, and no license for export may be issued, under the Arms Export Control Act, with respect to any anti-personnel landmine; and

(2) no assistance may be provided under the Foreign Assistance Act of 1961, with respect to the provision of any anti-personnel landmine.

(e) DEFINITION.—For purposes of this section, the term "anti-personnel landmine" means—

(1) any munition placed under, on, or near the ground or other surface area, or delivered by artillery, rocket, mortar, or similar means or dropped from an aircraft and which

is designed to be detonated or exploded by the presence, proximity, or contact of a person;

(2) any device or material which is designed, constructed, or adapted to kill or injure and which functions unexpectedly when a person disturbs or approaches an apparently harmless object or performs an apparently safe act;

(3) any manually-emplaced munition or device designed to kill, injure, or damage and which is actuated by remote control or automatically after a lapse of time.

KENNEDY (AND LEAHY) AMENDMENT NO. 822

Mr. LEAHY (for Mr. KENNEDY, for himself and Mr. LEAHY) proposed an amendment to the bill S. 1298, supra, as follows:

On page 81, between lines 7 and 8, insert the following:

SEC. 307. FUNDS FOR CLEARING LANDMINES.

Of the funds authorized to be appropriated in section 301, not more than $10,000,000 is authorized for activities to support the clearing of landmines for humanitarian purposes (as determined by the Secretary of Defense), including the clearing of landmines in areas in which refugee repatriation programs are on-going.

BROWN (AND OTHERS) AMENDMENT NO. 823

Mr. BROWN (for himself, Mr. CAMPBELL, and Mr. METZENBAUM) proposed an amendment to the bill S. 1298, supra, as follows:

On page 413, between lines 18 and 19, insert the following:

(e) EXISTING OBLIGATIONS.—(1) Notwithstanding any other provision of this section, nothing in this Act is intended to void or amend any obligation of the United States under any agreement referred to in subsection (a). In addition, this section is not intended to require any party to any agreement referred to in subsection (a) to renegotiate its agreement.

(2) The Secretary of Energy shall, 60 days prior to filing its report required in subsection (d), provide a copy of the proposed report and request comments from parties to agreements referred to in subsection (a). Any such comments received shall be printed as an appendix to the report to Congress.

BROWN (AND CAMPBELL) AMENDMENT NO. 824

Mr. BROWN (for himself and Mr. CAMPBELL) proposed an amendment to the bill S. 1298, supra, as follows:

On page 242, after line 19, insert the following:

SEC. 1067. BASING FOR C-130 AIRCRAFT.

The Secretary of the Air Force shall determine the unit assignment and basing location for any C-130 aircraft procured for the Air Force Reserve from funds appropriated for National Guard and Reserve Equipment procurement for fiscal year 1992 or 1993 in such manner as the Secretary determines to be in the best interest of the Air Force.

BROWN AMENDMENT NO. 825

Mr. BROWN proposed an amendment to the bill S. 1298, supra, as follows:

On page 193, between lines 3 and 4, insert the following:

"SEC. 905. REQUIREMENT FOR PROPOSALS TO MERGE THE UNITED STATES SPACE COMMAND AND THE UNITED STATES STRATEGIC COMMAND.

(a) DEFENSE DEPARTMENT REPORT.—Before submitting a final report on and before beginning a merger or move of any United States Space Command assets or functions to United States Strategic Command, the Secretary of Defense shall:

(1) CONSULTATIONS.—Consult with the government of Canada on any proposed functional or operational transfers and the effect of any proposed merger of the two commands on existing agreements and practices of the two countries in defending the North American continent;

(2) REPORT.—Submit to the Speaker of the House of Representatives and the Chairman of the Armed Services Committee of the Senate a report detailing—

(i) all of the costs, including possible environmental costs, that would be incurred through relocation of the United States Space Command or of any of its elements, functions or missions;

(ii) the result of consultations with the government of Canada, and the effect of such a merger on the defense agreements and practices of the two countries.

FEINGOLD (AND KOHL) AMENDMENT NO. 826

Mr. FEINGOLD (for himself and Mr. KOHL) proposed an amendment to the bill S. 1298, supra, as follows:

At the appropriate place in the bill add the following new section:

Purpose:

Sense of the Congress regarding the justification for continuing the Extremely Low Frequency Communication System.

Findings:

There is a need to re-evaluate all defense spending in light of the post-Cold War era and budget and fiscal constraints;

The Extremely Low Frequency Communications System (ELF System) was originally designed to play a role in the strategic deterrence mission against the former Soviet Union;

The threat of nuclear war was greatly diminished since the collapse of the Soviet Union;

The ELF system is increasingly in use for communications with our SSN attack submarines in addition to our strategic missile submarines;

Military base closing, downsizing of military facilities and activities, and termination of selected projects are appropriate in light of the end of the Cold War and the approximately $4 trillion national debt; and

It is appropriate to establish funding priorities within the military defense budget; and

Ongoing studies of the effects of ELF operations on human health and the environment are due to be concluded next year;

Now, therefore, it is the Sense of Congress that—

(1) The Secretary of Defense should conduct an evaluation of the benefits and costs of continued operation of the Extremely Low Frequency Communications System and alternatives thereto, if any;

(2) The results of such an evaluation should be submitted to the Congressional Defense Committees prior to consideration of the Fiscal Year 1995 Defense Budget request; and

(3) The Extremely Low Frequency Communication System should again be considered in the next round of military base closures.

LEAHY (AND SASSER) AMENDMENT NO. 827

Mr. LEAHY (for himself and Mr. SASSER) proposed an amendment to the bill S. 1298, supra, as follows:

On page 20, between lines 4 and 5, insert the following:

(c) TOTAL PROGRAM LIMITATIONS.—(1) Notwithstanding any other provision of law, funds available for the Department of Defense pursuant to authorizations of appropriations in this or any other Act may not be expended for acquisition of more than 20 fully operational B-2 bomber aircraft that meet the Block 30 requirements (as defined by the Secretary of the Air Force as of August 1, 1993), plus one test aircraft.

(2) The total amount obligated on or after the date of the enactment of this Act for research, development, test, and evaluation for, and acquisition, modification and retrofitting of, the 20 B-2 bomber aircraft (and the one test aircraft) referred to in paragraph (1) and for paying the costs associated with termination of the B-2 bomber aircraft program upon completion of the acquisition of such 20 aircraft (and the one test aircraft) may not exceed $28,968,000,000 (in fiscal year 1981 constant dollars).

(3) The Congress declares that it will consider enacting legislation to increase the amount of the limitation specified in paragraph (2) if—

(A) for any fiscal year beginning after September 30, 1994, the Secretary of Defense has requested funds for the B-2 bomber aircraft program in the documents submitted to Congress by the Secretary in connection with the budget submitted to Congress pursuant to section 1105 of title 31, United States Code, for that fiscal year;

(B) obligation of the total amount of the funds so requested would not have violated the limitation; and

(C) the requested funds—

(i) have not been made available for such fiscal year as requesed; or

(ii) have been made available for such fiscal year but have not been obligated in such fiscal year by reason of any limitation or restriction on the obligation of such funds that is contained in an Act enacted after the date of the enactment of this Act.

PRYOR (AND OTHERS) AMENDMENT NO. 828

Mr. PRYOR (for himself, Mr. GRAHAM, and Mr. NUNN) proposed an amendment to the bill S. 1298, supra, as follows:

On page 358, strike out line 13 and all that follows through page 374, line 15, and insert in lieu thereof the following:

SEC. 2903. PROHIBITION ON TRANSFER OF CERTAIN PROPERTY LOCATED AT MILITARY INSTALLATIONS TO BE CLOSED.

Section 2905(b)(2) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended—

(1) in subparagraph (A), by striking out "Subject to subparagraph (C)," and inserting in lieu thereof "Subject to subparagraphs (C), (F), and (G),"; and

(2) by adding at the end the following:

"(F)(i) Not later than 6 months after the date of approval of closure of an installation, the Secretary of Defense shall, in consultation with the local reuse authority recognized and funded by the Secretary, identify the items (or categories of items) of personal property related to real property on that installation that is anticipated to be included in a reutilization and redevelopment plan with respect to such installation. Such items may include common use items.

"(ii) If no local reuse authority recognized and funded by the Secretary exists with respect to a military installation referred to in clause (i), the Secretary shall consult with—

"(I) the local government in whose jurisdiction the installation is wholly located; or

"(II) a local government agency or State government agency designated for the purpose of such consultation by the chief executive office of that State.

"(iii) Except as provided in clauses (vi) and (vii), the Secretary of Defense may not carry out any of the activities referred to in clause (iv), until the earlier of—

"(I) one week after the date on which the reutilization and redevelopment plan, if any, for the installation is submitted to the Secretary by the local reuse authority;

"(II) the date on which the local reuse authority notifies the Secretary that it will not submit a plan referred to in subclause (I);

"(III) twenty-four months after the date of approval of closure or realignment of the installation; or

"(IV) ninety days before the closure of the installation.

"(iv) The activities referred to in clause (iii) are activities relating to the closure of a military installation as follows:

"(I) The transfer from the installation of items of personal property identified in accordance with clause (i).

"(II) The reduction in maintenance and repair of facilities or equipment of the installation below levels required to support the use of such facilities or equipment for nonmilitary purposes.

"(v) The Secretary may not transfer items of personal property on an installation to be closed or realigned under this part to another installation, or dispose of such items, if they are identified in a reutilization and redevelopment plan for the installation submitted to the Secretary by a local reuse authority as items essential to the reuse of the installation.

"(vi) This subparagraph shall not apply to any personal property—

"(I) that is required for the operation of a unit or weapons system being transferred to another installation;

"(II) that is uniquely military in character, and has no civilian use (other than use for its material content or as a source of commonly used components); or

"(III) that the local reuse authority agrees is not required in connection with the reutilization or redevelopment of an installation to be closed.

"(vii) Notwithstanding clauses (iii) and (v), the Secretary may carry out any of the activities referred to in clause (iv) and (v) if the Secretary determines that such activities are in the national security interest of the United States.".

SEC. 2904. AUTHORITY TO TRANSFER PROPERTY AT CLOSED OR REALIGNED INSTALLATIONS TO AFFECTED COMMUNITIES AND STATES.

Section 2905(b)(2) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), as amended by section 2903, is further amended by adding at the end the following:

"(G)(i) The Secretary of Defense may, under regulations prescribed by the Secretary that set forth guidelines for determining consideration, transfer real property or facilities and any personal property related thereto (including common use items of personal property) located at a military installation to be closed or realigned under this part to—

"(I) the redevelopment authority of a community that is located near the installation, if such redevelopment authority is authorized to accept the transfer;

"(II) the redevelopment authority of the State in which the installation is located, if such redevelopment authority is authorized to accept the transfer; or

"(III) any other public entity selected for such transfer by the Secretary.

"(ii) The transfer under this subparagraph may be for consideration, without consideration, for consideration in kind, or for consideration at or below the fair market value of the real property, facilities, or personal property transferred.

"(iii) The transfer under clause (i) may not take place until the redevelopment authority or other public entity selected by the Secretary for the transfer has taken into consideration in the reutilization and redevelopment plan for the military installation to be closed or realigned the needs of the homeless in the community or communities affected by such closure and has reasonably provided for such needs in such plan. All transfers shall be in accord with section 120(h) of CERCLA".

SEC. 2905. AUTHORITY TO LEASE CERTAIN PROPERTY AT INSTALLATIONS TO BE CLOSED.

(a) LEASE AUTHORITY.—(1) Section 2667(f) of title 10, United States Code, is amended by inserting "or local reuse authorities recognized by the Secretary of Defense" after "governments".

(2) Section 2667 of such title is amended by adding at the end the following:

"(g)(1) Notwithstanding paragraph (3) of subsection (a) and title II of the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 481 et seq.), whenever the Secretary of a military department concerned considers it advantageous to the United States, the Secretary concerned may lease to any lessee, upon any terms that the Secretary concerned considers appropriate, any real and related personal property (including common use items of personal property) that is located at a military installation that has been selected for closure under the following provisions of law:

"(A) The provisions of title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

"(B) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

"(2)(A) The Secretary concerned may provide, in the case of the lease of property referred to in paragraph (1), for the payment (in cash or kind) by the lessee of consideration in an amount that is less than the fair market rental of the leasehold interest. Services relating to the protection and maintenance of the property leased may constitute all or part of such consideration.

"(B) The term of a lease under this paragraph may be for such number of years as the Secretary concerned determines appropriate.

"(C) A lease under this paragraph may include an option to purchase the property subject to the lease. Such option shall be exercisable upon the termination of the lease and shall be for a price, fixed in the lease, that the Secretary concerned considers likely to represent fair market value of the property subject to the option at the anticipated date of termination of the lease. The exercise of such option shall be in accordance with section 120(b) of CERCLA.

"(3) Before entering into any lease under this subsection, the Secretary shall consult with the Administrator of the Environmental Protection Agency in order to determine whether the environmental conditions at the property proposed for leasing permit the lease of the property. The Secretary and the Administrator shall enter into a memorandum of understanding setting forth procedures for carrying out the determinations under this paragraph.

"(4)(A) The Secretary of Defense shall, in regulations prescribed by the Secretary, permit the payment by the Secretary concerned of the administrative costs (including any administrative costs of the Department of Defense or of contractors of the department) relating to the entry of a lessee described in subparagraph (B) into a lease under this subsection.

"(B) A lessee referred to in subparagraph (A) is any lessee whose financial circumstances are such that the payment of costs under this paragraph is necessary to facilitate the entry of the lessee into the lease.

"(C) The regulations prescribed under this paragraph shall provide for determining whether a lessee is entitled to the payment of costs under this paragraph.".

(b) CONFORMING AMENDMENTS.—(1) The section heading of section 2667 of title 10, United States Code, is amended to read as follows:

"§ 2667. Leases: non-excess property; property at installations to be closed".

(2) The table of sections at the beginning of chapter 159 of such title is amended by striking out the item relating to section 2667 and inserting in lieu thereof the following:

"2667. Leases: non-excess property; property at installations to be closed.".

(c) REGULATIONS.—The Secretary of Defense shall prescribe the regulations referred to in section 2667(g)(3)(A) of title 10, United States Code (as added by subsection (a)), not later than 30 days after the date of the enactment of this Act.

SEC. 2906. DELEGATION OF AUTHORITY TO ENTER INTO LEASES OF CERTAIN PROPERTY.

The Secretary of Defense shall, in regulations prescribed by the Secretary, provide for the delegation of the authority of the Secretary to enter in leases under section 2667(g) of title 10, United States Code (as amended by section 2905(a)). The regulations shall specify one or more officials to whom such authority shall be delegated. The Secretary shall prescribe such regulations not later than 30 days after the date of the enactment of this Act.

SEC. 2907. EXPEDITED DETERMINATION OF TRANSFERABILITY OF EXCESS PROPERTY OF INSTALLATIONS TO BE CLOSED.

(a) EXPEDITED DETERMINATION OF TRANSFERABILITY.—Section 2905(b)(2) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), as amended by section 2904, is further amended by adding at the end the following:

"(H)(i) Except as provided in clause (ii), the Secretary of Defense shall take such actions as the Secretary determines necessary to ensure that final determinations under subsection (b)(1) regarding whether another department or agency of the Federal Government has identified a use for any portion of an installation to be closed under this part, or will accept transfer of any portion of such installation, are made not later than 6 months after the date of approval of closure of that installation.

"(ii) The Secretary may, in consultation with the local reuse authority with respect to an installation, postpone the making of the final determinations referred to in clause (i) with respect to the installation for such period as the Secretary determines appropriate if the Secretary determines that such postponement is in the best interests of the communities affected by the closure of the installation.".

(b) APPLICABILITY.—The Secretary of Defense shall make the determination required under section 2905(b)(2)(H) of such Act, as amended by subsection (a), in the case of installations whose date of approval of closure occurred more than 6 months before the date of the enactment of this Act, and which are not closed within 6 months of such date, not later than 6 months after such date.

SEC. 2908. AVAILABILITY OF PROPERTY AND SERVICES FOR ASSISTING THE HOMELESS.

(a) AVAILABILITY OF PROPERTY.—Section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2667 note) is amended by adding at the end the following:

"(3)(A) Except as provided in subparagraph (B), nothing in this section shall limit or otherwise affect the application of the provisions of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.) to installations closed or realigned under this part.

"(B)(i) Not later than 30 days after the date of approval of closure or realignment of an installation under this part, the Secretary of Defense shall submit to the Secretary of Housing and Urban Development information with respect to the buildings and other real property located at the installation that satisfies the requirements for quarterly requests for information of the Secretary of Housing and Urban Development under subsection (a) of section 501 of such Act (42 U.S.C. 11411).

"(ii) Not later than 60 days after the date referred to in clause (i), the Secretary of Housing and Urban Development shall identify the buildings and other real property at the installation that meet the requirement of the third sentence of such subsection (a) and notify the Secretary of Defense of such identification.

"(iii) Not later than 15 days after the date referred to in clause (ii), the Secretary of Housing and Urban Development shall publish in accordance with subsection (c) of such section a list of the buildings and other real property identified under clause (ii).

"(iv)(I) Buildings and other real property included in the list published under clause (iii) shall remain available to assist the homeless in accordance with subsection (d) of such section 501.

"(II) If, at the end of the period referred to in paragraph (1) of such subsection (d), no notice of intent to use the buildings or other property, or any portion thereof, to assist the homeless is received by the Secretary of Health and Human Services under paragraph (2) of such subsection, the Secretary of Defense may make such buildings or other property, or portion thereof, available to the local redevelopment authority, if any, that has submitted a reutilization or redevelopment plan with respect to such installation for use of such buildings or other property, or portion, thereof, in accordance with such plan.".

(b) APPLICABILITY.—The Secretary of Defense shall carry out the requirements of section 2905(b)(3)(B) of such Act, as amended by subsection (a), with respect to installations whose date of approval of closure is more than 90 days before the date of the enactment of this Act, and which are not closed on such date, not later than 30 days after such date.

SEC. 2909. TRANSITION COORDINATORS FOR ASSISTANCE TO COMMUNITIES AFFECTED BY THE CLOSURE OF INSTALLATIONS.

(a) IN GENERAL.—The Secretary of Defense shall designate a transition coordinator for each military installation to be closed under a base closure law. The transition coordinator shall carry out the activities for such coordinator set forth in subsection (c).

(b) TIMING OF DESIGNATION.—A transition coordinator shall be designated for a military installation under subsection (a) as follows:

(1) Not later than 15 days after the date of approval of closure of that the installation.

(2) In the case of installations approved for closure under a base closure law before the date of the enactment of this Act, not later than 15 days after such date of enactment.

(c) RESPONSIBILITIES.—A transition coordinator designated with respect to an installation shall—

(1) encourage, after consultation with officials of Federal and State departments and agencies concerned, the development of strategies for the expeditious environmental cleanup and restoration of the installation by the Department of Defense;

(2) assist the Secretary of the military department concerned in designating real property at the installation that has the potential for rapid and beneficial reuse or redevelopment in accordance with the reutilization and redevelopment plan for the installation;

(3) assist such Secretary in identifying strategies for accelerating completion of environmental cleanup and restoration of the real property designated under paragraph (2);

(4) assist such Secretary in developing plans for ensuring that, to the maximum extent practicable, the Department of Defense carries out any activities at the installation after the closure of the installation in a manner that takes into account, and supports, the reutilization and redevelopment plan for the installation;

(5) assist such Secretary in developing plans for the closure of the installation that take into account the goals set forth in the reutilization and redevelopment plan for the installation;

(6) assist the Secretary of Defense in making determinations with respect to requirements for, or the transfer of property at, the installation under section 2905(b)(2)(H) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), as added by section 2907;

(7) assist a local economic redevelopment authority concerned with reuse of the installation in identifying real or personal property located at the installation that may have significant potential for reuse in accordance with the reutilization and redevelopment plan for the installation;

(8) assist the Office of Economic Adjustment of the Department of Defense and other departments and agencies of the Federal Government in coordinating the provision of assistance under transition assistance and transition mitigation programs with community redevelopment activities with respect to the installation;

(9) assist the Secretary of the military department concerned in identifying leases of property located at the installation that are consistent with the reutilization and redevelopment plan for the installation; and

(10) assist the Secretary of Defense in identifying real or personal property located at the installation that may be utilized to meet the needs of the homeless by consulting with the Interagency Council on the Homeless or the local lead agency of the homeless, if any, referred to in section 210(b) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11320(b)) for the State in which the installation is located.

SEC. 2910. COORDINATION OF ACTIVITIES OF OTHER FEDERAL DEPARTMENTS AND AGENCIES RELATING TO INSTALLATIONS TO BE CLOSED.

Not later than 30 days after the date of the enactment of this Act, the head of each department or agency of the Federal Government having jurisdiction over a matter arising out of the closure of a military installation under a base closure law, or the reutilization of such an installation, shall designate for each such installation an individual in such department or agency who shall provide information and assistance to the transition coordinator for such installation designated under section 2907 on the assistance, programs, or other activities of such department or agency with respect to the closure or redevelopment of such installation.

SEC. 2911. COMMUNITY RESPONSE BOARD.

(a) REQUIREMENT.—The Secretary of Defense shall establish a community response board with respect to the closure of military installations under base closure laws. The community response board shall have the responsibilities set forth in subsection (c).

(b) COMPOSITION; CHAIRMAN.—(1) The community response board shall be composed of the following members:

(A) The Secretary of each military department concerned or a representative or representatives of such military department who has an expertise in environmental matters or property disposal matters and who shall be appointed by that Secretary.

(B) One representative of the Department of Defense having an expertise in environmental matters, to be appointed by the Secretary of Defense.

(C) One representative of the Department of Defense having an expertise in the disposal of property, to be appointed by the Secretary of Defense.

(D) One representative of the Office of Economic Adjustment of the Department of Defense, to be appointed by the Secretary of Defense.

(E) On representative of the Department of Labor, to be appointed by the Secretary of Labor.

(F) One representative of the Environmental Protection Agency, to be appointed by the Administrator of the Environmental Protection Agency.

(G) One representative of the General Services Administration, to be appointed by the Administrator of General Services.

(H) One representative of the National Economic Council, to be appointed by the Director of the National Economic Council.

(I) The Executive Director of the Interagency Council on the Homeless pursuant to section 201 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11311).

(J) One representative of the Department of Housing and Urban Development, to be appointed by the Secretary of Housing and Urban Development.

(K) Such other representatives as the Secretary of Defense, in consultation with the Director of the National Economic Council, determines appropriate.

(2) The Secretary of a military department may serve as a representative of such department under paragraph (1)(A).

(3) The Secretary of Defense, in consultation with the Director of the National Economic Council, shall designate the chairman of the board.

(c) RESPONSIBILITIES.—(1) The community response board shall—

(A) receive comments from appropriate representatives of the redevelopment authorities, if any, established with respect to installations to be closed or realigned under a base closure law on the progress, if any, made by such authorities toward the reutilization or redevelopment of such installations, and any impediments to such progress;

(B) to the maximum extent practicable, propose and develop solutions to such impediments; and

(C) submit a report to the President on such comments and solutions.

(2) In proposing and developing solutions to impediments to the reutilization or redevelopment under paragraph (1)(B), each member of the board shall, to the maximum extent practicable, solicit comments and proposals on such solutions from the Federal department or agency of which such member is a representative and utilize the resources and expertise of the Federal department or agency of which such member is a representative.

(3)(A) The community response board shall receive comments under paragraph (1)(A) by public hearing and by any other means determined appropriate by the board.

(B) The community response board shall offer to hold, and upon the approval of a redevelopment authority shall hold, not less than one such hearing each year with respect to each major installation approved for closure under a base closure law until that installation has been closed for more than 5 years. When holding a hearing with respect to an installation, the board shall ensure that the member or members of the board from the military department having jurisdiction over the installation is present.

(C) At each hearing with respect to an installation, the transition coordinator designated for such installation, or the designee of the coordinator, shall appear before the board with representatives of the redevelopment authority.

(D) The community response board shall meet at least three times each year to carry out the activities referred to in paragraph (1)(B).

(E) The community response board shall submit a report referred to in paragraph (1)(C) at least once each year.

(d) TERMINATION.—The authority of the community response board to carry out activities under this section shall terminate on December 31, 2006.

SEC. 2912. ASSISTANCE TO AFFECTED STATES AND COMMUNITIES THROUGH THE OFFICE OF ECONOMIC ADJUSTMENT.

(a) IN GENERAL.—From the funds authorized to be appropriated to the Department of Defense for the activities of the Office of Economic Adjustment of the Department of Defense, the Secretary of Defense may make grants to not more than one redevelopment authority of each community adversely affected by the closure of a military installation, to redevelopment authorities of States so affected, and to communities so affected in order to assist such authorities and communities, as the case may be, in developing and implementing reutilization and redevelopment plans for property located at military installations closed under base closure laws.

(b) PROCESSING REQUIREMENT.—The Secretary shall determine whether to make a grant under this section to a redevelopment authority or community, as the case may be, not later than 7 days after receiving a complete application for a grant from such authority or community.

SEC. 2913. IDENTIFICATION OF UNCONTAMINATED PROPERTY AT INSTALLATIONS TO BE CLOSED.

The Secretary of Defense shall identify the real property located at each military installation selected in 1993 or 1995 for closure under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) pursuant to the provisions of section 120(h)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(4)). The Secretary shall identify such real property at an installation not later than the earlier of—

(1) the date that is 9 months after the date of the submittal, if any, to the transition coordinator for the installation of a specific use proposed for all or a portion of the real property of the installation; or

(2) the date that is 18 months after the date of approval of closure of that installation.

SEC. 2914. SEMINARS ON REUSE OR REDEVELOPMENT OF PROPERTY AT INSTALLATIONS TO BE CLOSED.

The Secretary of Defense shall conduct seminars for communities in which a military installation to be closed or realigned under a base closure law is located. Such seminars shall be conducted within 6 months after the date of approval of closure of that installation, shall present the various Federal programs for the reutilization and redevelopment of installations to be closed under such law, and shall provide information about employment assistance, including employment assistance under Federal programs, available to members of such communities.

SEC. 2915. COMPLIANCE WITH CERTAIN ENVIRONMENTAL REQUIREMENTS RELATING TO CLOSURE OF INSTALLATIONS.

The Secretary of Defense shall, with respect to each military installation approved for closure or realignment under a base closure law—

(1) Complete any environmental impact analyses required with respect to the installation pursuant to the base closure law under which the installation is closed, and pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), not later than 12 months, to the extent possible, after the date of the submittal, if any, to the Secretary of the military department concerned of an acceptable (as determined by the Secretary) reutilization and redevelopment plan for the installation by the community (as determined by the Secretary); and

(2) ensure that the environmental impact statement addresses environmental matters arising out of such plan.

SEC. 2916. AUTHORITY TO CONTRACT FOR CERTAIN SERVICES AT INSTALLATIONS BEING CLOSED OR REALIGNED.

(a) BASE CLOSURES UNDER 1988 ACT.—Section 204(b) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note) is amended by adding at the end the following:

"(5) The Secretary may contract with local governments for the provision of police services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this title if the Secretary determines that the provision of such services under such contracts is in the best interests of the Department of Defense. The Secretary may exercise the authority provided under this paragraph without regard to the provisions of chapter 146 of title 10, United States Code.".

(b) BASE CLOSURES UNDER 1990 ACT.—Section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), as amended by section 2906(b) is further amended by adding at the end the following:

"(4) The Secretary may contract with local governments for the provision of police services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this title if the Secretary determines that the provision of such services under such contracts is in the best interests of the Department of Defense. The Secretary may exercise the authority provided under this paragraph without regard to the provisions of chapter 146 of title 10, United States Code.".

SEC. 2917. CLARIFICATION OF UTILIZATION OF FUNDS FOR COMMUNITY ECONOMIC ADJUSTMENT ASSISTANCE.

(a) UTILIZATION OF FUNDS.—Subject to subsection (b), funds made available to the Economic Development Administration for economic adjustment assistance under section 4305 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2700) may by utilized by the administration for administrative activities in support of the provision of such assistance.

(b) LIMITATION.—Not more than three percent of the funds referred to in subsection (a) may be utilized by the administration for the administrative activities referred to in such subsection.

SEC. 2918. DEFINITIONS.

(a) BASE CLOSURE COMMUNITIES ACT.—In this title:

(1) The term "base closure law" means the following:

(A) The provisions of title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(B) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(2) The term "reutilization and redevelopment plan", in the case of an installation to be closed under a base closure law, means a plan that—

(A) is agreed to by the local redevelopment authority concerned or other entity recognized by the Secretary of Defense as the authority to direct the reutilization and redevelopment of the installation; and

(B) provides for the reuse of the real property and related personal property of the installation that is available as a result of the closure of the installation.

(3) The term "date of approval", with respect to a closure or realignment of an installation, means the date on which the authority of Congress to disapprove a recommendation of closure or realignment, as the case may be, of such installation under the applicable base closure law expires.

(b) BASE CLOSURE ACT 1990.—Section 2910 of the Defense Base Closure and Realignment

Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following new paragraph:

"(8) The term 'date of approval of closure', with respect to a closure or realignment of an installation, means the date on which the authority of Congress to disapprove a recommendation of closure or realignment, as the case may be, of such installation under this part expires.".

HARKIN AMENDMENT NO. 829

Mr. HARKIN proposed an amendment to the bill S. 1298, supra, as follows:

On page 37, strike out line 4 and all that follows through page 37, line 15.

JOHNSTON AMENDMENT NO. 830

Mr. JOHNSTON proposed an amendment to the bill S. 1298, supra, as follows:

On page 391, line 6, strike "$100,000,000" and insert "$120,000,000".

NUNN (AND PELL) AMENDMENT NO. 831

Mr. NUNN (for himself and Mr. PELL) proposed an amendment to the bill S. 1298, supra, as follows:

On page 74, strike out lines 12 through 15, and insert in lieu thereof the following:

(1) For the Army, $15,194,036,000.

(2) For the Navy, $19,081,792,000.

(3) For the Marine Corps, $1,790,489,000.

(4) For the Air Force, $18,932,246,000.

On page 75, strike out lines 15 through 20 and insert in lieu thereof the following:

(18) For Humanitarian Assistance, $48,000,000.

On page 208, line 10, insert "the second sentence of" after "Notwithstanding".

On page 208, strike out line 15 and all that follows through the matter between lines 20 and 21 on page 210 and insert in lieu thereof the following:

(b) EXTENSION OF AUTHORITY.—Section 403(h) of title 10, United States Code, is amended by striking out "September 30, 1993" and inserting in lieu thereof "September 30, 1994".

On page 211, line 2, strike out "shall transmit to Congress" and insert in lieu thereof ", after consultation with the Secretary of State and the Secretary of Defense, shall submit to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives".

On page 215, strike out line 3 and all that follows through the end of page 221.

On page 222, strike out line 3 and all that follows through the matter between line 13 and 14 on page 224.

On page 224, line 14, strike out **"SEC. 1052."** and insert in lieu thereof **"SEC. 1051."**.

On page 224, line 23, insert ", in consultation with the Secretary of State," after "Defense".

On page 225, line 9, strike out "costs:" and insert in lieu thereof "costs associated with facilities used by the armed forces:".

On page 227, strike out line 15 and all that follows through page 229, line 3.

On page 229, line 4, strike out **"SEC. 1054."** and insert in lieu thereof **"SEC. 1052."**.

On page 231, strike out line 15 and all that follows through the end of page 233.

On page 243, strike out line 1 and all that follows through the end of page 259.

On page 266, line 7, strike out "1208" and insert in lieu thereof "1207".

On page 268, strike out lines 11 through 17, and insert in lieu thereof the following:

SEC. 1207. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this title, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committees on Appropriations of the House and the Senate, wherever the account, budget activity, or program is funded from appropriations made under the international affairs budget function (150);

(2) the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives, wherever the account, budget activity, or program is funded from appropriations made under the national defense budget function (050); and

(3) the committee to which the specified activities of section 1203, if the subject of separate legislation, would be referred under the rules of the respective House of Congress.

DANFORTH (AND OTHERS) AMENDMENT NO. 832

Mr. NUNN (for Mr. DANFORTH, for himself, Mr. KENNEDY, and Mr. NUNN) proposed an amendment to the bill S. 1298, supra, as follows:

On page 128, between lines 8 and 9, insert the following:

(c) ELIGIBILITY OF MEMBERS NOT EDUCATIONALLY QUALIFIED FOR TEACHER PLACEMENT ASSISTANCE.—Section 1151 of title 10, United States Code, is amended—

(1) in subsection (c)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following new paragraph (2):

"(2) For purposes of this section, a former member of the armed forces who did not meet the minimum educational qualification criterion set forth in paragraph (1)(B)(i) for teacher placement assistance before discharge or release from active duty shall be considered to be a member satisfying such educational qualification criterion upon satisfying that criterion within 5 years after discharge or release from active duty.";

(2) in subsection (e)(1), as amended by subsection (a), by inserting before the period at the end of the first sentence the following: "or, in the case of an applicant becoming educationally qualified for teacher placement assistance in accordance with subsection (c)(2), not later than one year after the applicant becomes educationally qualified.";

(3) by redesignating subsection (k) as subsection (l); and

(4) by inserting after subsection (j) the following new subsection (k):

"(k) IDENTIFICATION OF NCOs WITHOUT DEGREES AS CANDIDATES FOR ASSISTANCE.—The Secretary shall provide under the program for—

"(1) identifying, during each fiscal year in the period referred to in subsection (c)(1)(A), noncommissioned officers who, on or before the end of such fiscal year, will have completed 10 or more years of continuous active duty, who have the potential to perform competently as elementary or secondary school teachers, but who do not satisfy the minimum educational qualification criterion under subsection (c)(1)(B)(i) for teacher placement assistance; and

"(2) informing the noncommissioned officers so identified of the opportunity to qualify in accordance with subsection (c)(2) for teacher placement assistance under the program.".

LOTT AMENDMENT NO. 833

Mr. KEMPTHORNE (for Mr. LOTT) proposed an amendment to the bill S. 1298, supra, as follows:

Purpose: Relative to the Importance of Naval Oceanography Survey and Research in the Post-Cold War Period

The Senate finds that:

The Oceanographer of the Navy is responsible for the all Navy oceanographic research and survey efforts;

Oceanographic research and surveys are critical investments in the Navy's ability to operate in littoral waters of the world with an increased confidence of operational success;

Oceanographic surveys enable the Navy to conduct naval operations in greater safety, particularly in littoral waters;

The survey of littoral waters is most safely conducted during periods of peace when conflict is not imminent and the risk to lives and ships are diminished;

The Navy has reduced their oceanographic research and survey effort by almost 50 percent over the last five years;

This reduction in effort is the result of undistributed budget reductions required by the Comptroller of the Navy to meet overall Navy budget targets;

The number of naval ships dedicated to oceanographic survey and research have been reduced from 12 to 7 over the last five years, significantly reducing the Navy's oceanographic survey capability;

Therefore it is the Sense of Congress that—

(1) Additional reductions to the Office of the Oceanographer of the Navy which will further reduce the level of oceanographic survey and research efforts of the Navy should be avoided;

(2) A window of opportunity exist which allows near unencumbered access to littoral waters which are now available for surveying and research;

(3) Committing limited resources to the Navy's oceanographic research and survey effort should be considered a force multiplier to U.S. combat forces in future conflicts, particularly in littoral waters;

(4) The Navy should exploit this opportunity to survey and research these critical littoral waters and maintain funding levels for oceanographic surveying and research.

LEVIN AMENDMENT NO. 834

Mr. NUNN (for Mr. LEVIN) proposed an amendment to the bill S. 1298, supra, as follows:

At the appropriate place insert:

SEC. . Of the funds authorized to be appropriated pursuant to section 201(1), $24,000,000 may be obligated and expended for the purposes of demonstrating in field maneuvers the integration of digital electronic devices for purposes of command, control, battle management and combat identification for all major weapon systems contained in a combined arms brigade.

COVERDELL AMENDMENT NO. 835

Mr. NUNN (for Mr. COVERDELL) proposed an amendment to the bill S. 1298, supra, as follows:

On page 175, below line 20, add the following:

SEC. 707. SENSE OF THE SENATE ON THE PROVISION OF ADEQUATE MEDICAL CARE TO MILITARY RETIREES.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of Defense should encourage increased use of physicians, dentists, and other health care professionals in the reserve components of the Armed Forces of the United States in order to provide retired military personnel with care under section 1074(b) of title 10, United States Code, while such members of the reserve components are performing active duty, full-time National Guard duty, or inactive-duty training consistent with other military training requirements.

(b) DEFINITIONS.—In this section:

(1) The term "retired military personnel" means persons who are eligible for medical and dental care under section 1074(b) of title 10, United States code.

(2) The terms "active duty", "full-time National Guard training", and "inactive-duty training" have the meaning given such terms in section 101(d) of such title.

WARNER (AND BYRD) AMENDMENT NO. 836

Mr. KEMPTHORNE (for Mr. WARNER, for himself, and Mr. BYRD) proposed an amendment to the bill S. 1298, supra, as follows:

On page 74, between lines 2 and 3, insert the following:

Subtitle E—Programs in Support of the Prevention and Control of Proliferation of Weapons of Mass Destruction

SEC. 241. SHORT TITLE.

This subtitle may be cited as the "Prevention and Control of the Proliferation of Weapons of Mass Destruction Act of 1993".

SEC. 242. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States should have the ability to counter effectively potential threats to United States interests that arise from the proliferation of such weapons;

(2) the Department of Defense, the Department of Energy, and the Intelligence Community have an important role in preventing the proliferation of weapons of mass destruction and dealing with the consequences of any proliferation of such weapons;

(3) the Department of Defense, the Department of Energy, and the Intelligence Community have unique capabilities and expertise that can enhance the effectiveness of United States and international nonproliferation efforts, including capabilities and expertise regarding—

(A) detection and monitoring of proliferation of weapons of mass destruction;

(B) development of effective export control regimes;

(C) interdiction and destruction of weapons of mass destruction and related weapons material; and

(D) carrying out international monitoring and inspection regimes that relate to proliferation of such weapons and material;

(4) the Department of Defense, the Department of Energy, and the Intelligence Community have unique capabilities and expertise that directly contribute to the ability of the United States to implement United States policy to counter effectively the threats that arise from the proliferation of weapons of mass destruction, including capabilities and expertise regarding—

(A) responses to terrorism, theft, or accidents involving weapons of mass destruction;

(B) conduct of intrusive international inspections for verification of arms control treaties;

(C) direct and discrete counter proliferation actions that require use of force; and

(D) development and deployment of active military countermeasures and protective measures against threats resulting from arms proliferation, including defenses against ballistic missile attacks; and

(5) in a manner consistent with the nonproliferation policy of the United States, the Department of Defense, the Department of Energy, and the Intelligence Community should continue to maintain and improve their capabilities to identify, monitor, and respond to the proliferation of weapons of mass destruction and delivery systems for such weapons.

SEC. 243. JOINT COMMITTEE FOR REVIEW OF NONPROLIFERATION PROGRAMS OF THE UNITED STATES.

(a) ESTABLISHMENT.—(1) In support of the nonproliferation policy of the United States, there is hereby established a Non-Proliferation Program Review Committee composed of the following members:

(A) The Secretary of Defense.

(B) The Secretary of Energy.

(C) The Director of Central Intelligence.

(D) The Director of the United States Arms Control Disarmament Agency.

(E) The Chairman of the Joint Chiefs of Staff.

(2) The Secretary of Defense shall chair the committee.

(3) A member of the committee may designate a representative to perform routinely the duties of the member. A representative shall be in a position of Deputy Assistant Secretary or a position equivalent to or above the level of Deputy Assistant Secretary. A representative of the Chairman of the Joint Chiefs of Staff shall be a person in a grade equivalent to that of Deputy Assistant Secretary of Defense.

(4) The Secretary of Defense may delegate to the Under Secretary of Defense for Acquisition the performance of the duties of the Chairman of the committee.

(5) The members of the committee shall first meet not later than 30 days after the date of the enactment of this Act. Upon designation of working level official and representatives, the members of the committee shall jointly notify the appropriate committees of Congress that the committee has been constituted. The notification shall identify the representatives designated pursuant to paragraph (3) and the working level officials of the committee.

(b) PURPOSES OF THE COMMITTEE.—The purposes of the committee are as follows:

(1) To optimize funding for, and ensure the development and deployment of—

(A) highly effective technologies and capabilities for the detection, monitoring, collection, processing, analysis, and dissemination of information in support of United States nonproliferation policy; and

(B) To identify and eliminate undesirable redundancies or uncoordinated efforts in the development and deployment of such technologies and capabilities.

(c) DUTIES.—The committee shall—

(1) identify and review existing and proposed capabilities (including counterproliferation capabilities) and technologies for support of United States nonproliferation policy with regard to—

(A) intelligence;

(B) battlefield surveillance;

(C) passive defenses;

(D) active defenses;

(E) counterforce capabilities;

(F) inspection support; and

(G) support of export control programs;

(2) as part of the review pursuant to paragraph (1), review all directed energy and laser programs for detecting, characterizing, or interdicting weapons of mass destruction, their delivery platforms, or other orbiting platforms with a view to the elimination of redundancy and the optimization of funding for the systems not eliminated;

(3) prescribe requirements and priorities for the development and deployment of highly effective capabilities and technologies to support fully the nonproliferation policy of the United States;

(4) identify deficiencies in existing capabilities and technologies;

(5) formulate near-term, mid-term, and long-term programmatic options for meeting requirements established by the committee and eliminating deficiencies identified by the committee; and

(6) in carrying out the other duties of the committee, ensure that all types of counterproliferation actions are considered.

(d) ACCESS TO INFORMATION.—The committee shall have access to information on all programs, projects, and activities of the Department of Defense, Department of Energy, and the intelligence community that are pertinent to the purposes and duties of the committee.

(e) BUDGET RECOMMENDATIONS.—The committee may submit to the officials referred to in subsection (a) any recommendations regarding existing or planned budgets as the committee considers appropriate to encourage funding for capabilities and technologies at the level necessary to support United States nonproliferation policy.

SEC. 244. REPORT ON NONPROLIFERATION AND COUNTERPROLIFERATION ACTIVITIES AND PROGRAMS.

(a) REPORT REQUIRED.—Not later than May 1, 1994, the Secretary of Defense shall submit to Congress a report on the findings of the committee on nonproliferation activities established pursuant to section 243.

(b) CONTENT OF REPORT.—The report shall include the following matters:

(1) A complete list, by program, of the existing, planned, and proposed capabilities and technologies reviewed by the committee, including all directed energy and laser programs reviewed pursuant to section 243(c)(2).

(2) A complete description of the requirements and priorities established by the committee.

(3) A comprehensive discussion of the near-term, mid-term, and long-term programmatic options formulated by the committee for meeting requirements prescribed by the committee and eliminating deficiencies identified by the committee, including the annual funding requirements and completion dates established for each such option.

(4) An explanation of the recommendations made pursuant to section 243(e) and a full discussion of the actions taken on such recommendations, including the actions taken to implement the recommendations.

(5) A discussion of the existing and planned capabilities of the Armed Forces of the United States—

(A) to detect and monitor clandestine programs for the acquisition or production of weapons of mass destruction;

(B) to respond to terrorism or accidents involving such weapons and thefts of materials related to any weapon of mass destruction; and

(C) to assist in the interdiction and destruction of weapons of mass destruction, related weapons materials, and advanced conventional weapons.

(6) A description of—

(A) the extent to which the Secretary of Defense has incorporated nonproliferation and counterproliferation missions into the overall missions of the unified combatant commands; and

(B) how the special operations command established pursuant to section 167(a) of title 10, United States Code, might support the commanders of the other unified combatant commands and the commanders of the specified combatant commands in the performance of such overall missions.

(c) FORMS OF REPORT.—The report shall be submitted in both unclassified and classified forms, as appropriate.

SEC. 245. DEFINITIONS.

In this subtitle:

(1) The term "appropriate congressional committees" means the following:

(A) The Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

(B) The Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term "intelligence community" has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

RIEGLE (AND OTHERS) AMENDMENT NO. 837

Mr. NUNN (for Mr. Riegle for himself, Mr. Shelby, and Mr. DODD) proposed an amendment to the bill S. 1298, supra, as follows:

On page 242, below line 19, add the following:

SEC. 1067. RESEARCH ON EXPOSURE TO HAZARDOUS AGENTS AND MATERIALS OF ARMED SERVICES PERSONNEL WHO SERVED IN THE PERSIAN GULF WAR.

(a) FINDINGS.—Congress makes the following findings:

(1) A number of veterans of the Persian Gulf War have reported unexplained illnesses and claim that such illnesses are a consequence of exposure to chemical, biological, radiological, or other hazardous agents or materials as a result of service in Southwest Asia during the Persian Gulf War.

(2) Members of the Armed Forces of the former Czechoslovakian Federative Republic who served on a chemical decontamination team in Southwest Asia during the period of the Persian Gulf War have claimed exposure to chemical agents during such service, and the Czech Minister of Defense has confirmed that members of that chemical decontamination team detected low levels of nerve gas in that region during that period.

(3) Reports indicate that members of the United States Armed Forces who served in Southwest Asia during the Persian Gulf War may have been exposed to combined chemical warfare agents and other hazardous agents and substances during such service.

(4) Such exposure may have occurred directly as a result of attack on such members by Iraqi forces or indirectly as a result of prolonged "downwind" exposure to airborne chemical warfare agents or other hazardous substances that were dispersed as a consequence of the bombing of Iraqi chemical weapons facilities, nuclear facilities, and other facilities containing hazardous substances.

(5) It is in the interest of the United States that medical professionals providing care to members of the Armed Forces and to veterans understand the nature of the illnesses that such members and veterans may contract in order to ensure that such professionals have sufficient information to provide proper care to such members and veterans.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) one of the threats to international peace and to the interests of the United States in the post-Cold War era is the proliferation of weapons utilizing chemical, biological, radiological, or other hazardous agents or materials;

(2) the readiness of the United States to engage in future military conflicts will be directly related to the capability of the United States—

(A) to identify the threat to members of the Armed Forces posed by the utilization of such weapons and the agents and materials utilized in such weapons;

(B) to protect such members from the adverse effects of exposure to such agents and materials; and

(C) to treat the casualties that result from the utilization of such weapons and from exposure to such agents and materials; and

(3) the Department of Defense is uniquely capable of conducting research into the sources and effects of exposure of members of the Armed Forces during military conflicts to chemical, biological, radiological, and other hazardous agents and materials.

(c) CONTRACT FOR RESEARCH FACILITY AND ACTIVITIES.—(1) Subject to paragraph (2), the Secretary of the Army shall enter into a contract with a hospital or other existing health care or health care research facility in order to ensure that the research referred to in paragraph (3) is carried out.

(2)(A) The Secretary shall enter into the contract under paragraph (1) using full and open competition.

(B) The facility referred to in such paragraph shall be affiliated with a medical facility of the Department of Veterans Affairs.

(3) The research referred to in paragraph (1) is research into the effects upon humans of exposure to hazardous agents and materials, including chemical and biological warfare agents, toxins, and mateials to which members of the Armed Forces may have been exposed as a result of service in Southwest Asia during the Persian Gulf War.

(4) Humans may not be exposed to hazardous agents or materials as a result of the carrying out of research under this subsection.

(d) STUDY ON REPORTS OF EXPOSURE TO HAZARDOUS AGENTS AND MATERIALS.—(1) Subject to paragraph (2), the Secretary of Defense shall carry out a study in order to determine the validity and accuracy of claims that members of the Armed Forces who served in Southwest Asia during the Persian Gulf War were exposed to combined chemical warfare agents, biological warfare agents, biological toxins, and other unconventional warfare agents or other environmental conditions hazardous to the health of such members as a result of such service. The study shall identify the locations at which such exposure, if any, occurred and the extent, if any, of such exposure.

(2) The study under paragraph (1) shall include an investigation of such exposure directly as a result of attack on such members by Iraqi forces and indirectly as a result of prolonged downwind exposure to such agents and toxins dispesed in consequence of the bombing of Iraqi chemical weapons facilities, nuclear facilities, and other facilities containing hazardous substances.

(e) STUDY ON EXPOSURE TO DEPLETED URANIUM.—The Secretary of the Army shall carry out a study of the effects upon humans to exposure to fragments of depleted uranium from weapons rounds that have been fired.

(f) PARTICIPATION BY THE DEPARTMENT OF DEFENSE.—(1) The Secretary of Defense shall ensure that all elements of the Departments of the Defense, including all chemicals and biological warfare defense programs, provide to the facility with which the Secretary of the Army contracts under subsection (c) any information possessed by such elements on the identity and quantity of the chemical, biological, radiological, and other hazardous agents and materials to which members of the Armed Forces may have been exposed as a result of service in Southwest Asia during the Persian Gulf War and on the effects upon humans of such exposure.

(2) The Secretary of Defense shall ensure that the elements of the Department of Defense referred to in paragraph (1) provide to the persons or entities carrying out the study referred to in subsection (e) information possessed by such elements on the sources and effects of exposure to depleted uranium on the members referred to in paragraph (1).

(g) REPORTS TO CONGRESS.—(1) Not later than each of March 1, 1994, and October 1, 1994, the Secretary shall submit to the congressional defense committees an interim report on the results during the year preceding the report of the research and studies, as the case may be, carried out under subsections (c), (d), and (e).

(2) The reports submitted under this subsection shall be submitted in an unclassified form but may have a classified annex.

(h) BUDGET INFORMATION.—The Secretary of Defense shall ensure that each budget submitted to the Congress under section 1105 of title 31, United States Code, for a fiscal year in which the contract referred to in subsection (c) is in force, the Secretary carries out the study referred to in subsection (d), or the Secretary carries out the study referred to in subsection (e), as the case may be, contains a request for such funds as the Secretary determines necessary in order to carry out the contract or such studies, as the case may be, during that fiscal year.

(i) FUNDING.—Funds for programs authorized in this section shall be derived from amounts to be appropriated for the Department of Defense.

(j) LIMITATION ON EXPENDITURES.—The total amount that may be expended in fiscal year 1994 with respect to activities under this section is as follows:

(1) For research activities carried out under subsection (c), $2,000,000.

(2) For the study carried out under subsection (d), $2,000,000.

(3) For the study carried out under subsection (e), $1,700,000.

(k) DEFINITION.—In this section, the term "Persian Gulf War" has the meaning given such term in section 101(33) of title 38, United States Code.

MURKOWSKI (AND OTHERS) AMENDMENT NO. 838

Mr. KEMPTHORNE (for Mr. MURKOWSKI, for himself, and Mr. STEVENS) proposed an amendment to the bill S. 1298, supra, as follows:

On page 175, after line 20, insert the following:

SEC. 707. INDEPENDENT STUDY OF CONDUCT OF MEDICAL STUDY BY ARCTIC AEROMEDICAL LABORATORY, LADD AIR FORCE BASE, ALASKA.

(a) REQUIREMENT FOR STUDY.—The Secretary of Defense shall provide, in accordance with this section, for an independent study of the conduct of a series of medical studies performed during or prior to 1957 by the Air Force Arctic Aeromedical Laboratory in Alaska. The series of medical studies referred to in the preceding sentence was designed to study thyroid activity in men exposed to cold, and involved the administration of a radioactive isotope (Iodine 131) to certain Alaska Natives.

(b) CONDUCT OF REQUIRED STUDY.—The study referred to in subsection (a) shall be conducted by the Institute of Medicine of the National Academy of Sciences or a similar organization.

(c) DIRECT OR INDIRECT DOD INVOLVEMENT.—The Secretary may provide for the study either—

(1) by entering into an agreement with the independent organization referred to in subsection (b) to conduct the study; or

(2) by transferring to the Secretary of the Interior, the Secretary of Health and Human Services, or the head of another department or agency of the Federal Government funds to carry out the study in accordance with subsection (b).

(d) REPORT.—The Secretary of Defense or the head of the department or agency of the Federal Government carrying out the study shall submit to Congress a report on the results of the study. The report shall, at a minimum, include the following matters:

(1) Whether the series of studies referred to in subsection (a) was conducted in accordance with generally accepted guidelines for the use of human participants in medical experimentation.

(2) Whether Iodine 131 dosages were administered in accordance with radiation exposure standards generally accepted as of 1957 and with radiation exposure standards generally accepted as of 1993.

(3) The guidelines that should have been followed in the conduct of the series of studies, including guidelines regarding notification of participants about any possible risks.

(4) Whether subsequent studies of the participants should have been provided for and conducted to determine whether any participants suffered long term ill effects of the administration of Iodine 131 and, in the case of such ill effects, needed medical care for such effects.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of Defense for fiscal year 1994, $150,000 for carrying out the study referred to in subsection (a).

BINGAMAN (AND OTHERS) AMENDMENT NO. 839

Mr. NUNN (for Mr. BINGAMAN, for himself, Mr. MCCAIN, Mr. THURMOND, and Mr. GLENN) proposed an amendment to the bill S. 1298, supra, as follows:

On page 242, below line 19, add the following:

SEC. 1067. SENSE OF CONGRESS RELATING TO THE PROLIFERATION OF SPACE LAUNCH VEHICLE TECHNOLOGIES.

(a) FINDINGS.—The Congress finds the following:

(1) The United States has joined with other nations in the Missile Technology Control Regime (MTCR) which restricts the transfer of missiles or equipment or technology that could contribute to the design, development or production of missiles capable of delivering weapons of mass destruction.

(2) Missile technology is indistinguishable from and interchangeable with space launch vehicle technology.

(3) Transfers of missile technology or space launch vehicle technology cannot be safeguarded in a manner that would provide timely warning of diversion for military purposes.

(4) It has been United States policy since agreeing to the guidelines of the Missile Technology Control Regime to treat the sale or transfer of space launch vehicle technology as restrictively as the sale or transfer of missile technology.

(5) Previous congressional action on missile proliferation, notably title XVII of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1738), has explicitly supported this policy through such actions as the statutory definition of the term "missile" to mean "a category I system as defined in the MTCR Annex, and any other unmanned delivery system of similar capability, as well as the specially designed production facilities for these systems".

(6) There is strong evidence that emerging national space launch programs in the Third World are not economically viable.

(7) The United States has successfully dissuaded countries from pursuing space launch vehicle programs in part by offering to cooperate with them in other areas of space science and technology.

(8) The United States has successfully dissuaded other MTCR adherents, and countries who have agreed to abide by MTCR guidelines, from providing assistance to emerging national space launch programs in the Third World.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Congress supports the strict interpretation by the United States of the Missile Technology Control Regime concerning—

(A) the inability to distinguish space launch vehicle technology from missile technology under the regime; and

(B) the inability to safeguard space launch vehicle technology in a manner that would provide timely warning of its diversion to military purposes; and

(2) the United States and the governments of other nations adhering to the Missile Technology Control Regime should be recognized for—

(A) the success of such governments in restricting the export of space launch vehicle technology and of missile technology; and

(B) the significant contribution made by the imposition of such restrictions to reducing the proliferation of missile technology capable of being used to deliver weapons of mass destruction.

(c) DEFINITIONS.—In this section:

(1) The term "Missile Technology Control Regime" or "MTCR" means the policy statement, between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on the MTCR Annex, and any amendments thereto.

(2) The term "MTCR Annex" means the Guidelines and Equipment and Technology Annex of the Missile Technology Control Regime, and any amendments thereto.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. NUNN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Friday, September 10, 1993, at 10 to hold hearings on Bilateral Investment Treaties with Romania, Argentina, and Bulgaria.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. NUNN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Friday, September 10, 1993, beginning at 9:30 a.m., in 485 Russell Senate Office Building on the constitutional issues relating to S. 1021, the Native American Free Exercise of Religion Act of 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE HOLOCAUST ANALOGY IS TOO TRUE

• Mr. SIMON. Mr. President, over the August recess I caught up on some of my reading and came across an article on Bosnia by Henry Siegman, executive director of the American Jewish Congress.

Anyone who is concerned about tolerance, understanding, and the need to build bridges between people of various races, ethnic backgrounds, and religions has to be concerned about what is happening to the Muslims in Bosnia.

I was pleased to see the Henry Siegman article, which comments on that from the Jewish perspective.

At this point, I ask to insert into the RECORD the Henry Siegman article, which appeared in the Los Angeles Times on Sunday, July 11, 1993.

The article follows:

PERSPECTIVE ON BOSNIA—THE HOLOCAUST ANALOGY IS TOO TRUE

(By Henry Siegman)

To compare Bosnia and the Holocaust is to invite angry disagreement from some Jewish critics who correctly see the Holocaust as a unique evil, an unprecedented descent into hell. But the uniqueness of the Holocaust does not diminish the force of powerful parallels that do exist between these two tragedies, and no one should understand these commonalities better than the Jews.

To be sure, Hitler's obsession with the total eradication of the Jews of Europe (and of the world, if he could have had his way) and the crematoria of the concentration camps, the Nazis' method of choice for achieving their goal, are not elements in the Serbian violence against Bosnia's Muslims. But virtually everything else is, including the cynical and total abandonment of Bosnia's Muslims by the West to certain slaughter or expulsion.

Surely President Clinton and Secretary of State Warren Christopher know what journalists reporting from the Balkans have known for some time: that the current negotiations in Geneva to carve Bosnia into "ethnic states" for Serbs, Croats and Muslims are, like the negotiations to implement the Vance-Owen plan, a ruse, disguising the real goal of Serbs and Croats to extinguish Bosnia as a state and to kill or drive into exile all of its Muslim inhabitants.

In the face of this massive calamity-in-the-making—its outcome can hardly be in doubt, given our perverse insistence on observing an arms embargo that denies Bosnia's Muslims arms to defend themselves while the Serbs militias are fully supplied—Christopher's assurance that the United States will go along with whatever plan the three parties agree to is cruelly irrelevant and morally obscene.

What we are witnessing is the West total abandonment of Bosnia's Muslims to the destruction programmed for them. It is as complete and as cynical an abandonment as that of the Jews in World War II. The notion that America and its allies are helpless to do anything about this human and political disaster is a palpable lie. It is as believable as the argument that European countries and America could do nothing to help the Jews in the 1930s, even while those governments were turning away from their shores shiploads of Jewish refugees from Nazi Germany.

Of course, intervention in the Balkan tragedy is not cost-free, but the notion that putting a stop to so horrendous a human tragedy, and to the profound damage to the international order that is now being done in Bosnia, is not worth some cost is in itself the most pernicious long-range consequence of this Administration's distressing handling of the crisis in the Balkans.

A part of the shameful truth is that the West is indifferent to the fate of Bosnia's Muslims for the same reason it was indifferent to the fate of the Jews in the 1930s. There was something in Hitler's hatred of the Jews that resonated, however distantly (or not so distantly) with residual anti-Semitism in Western culture. Similarly, there is something in the Serbian demonization of Bosnia's Muslums—the fear of "a Muslim state in the heart of Europe"—that finds an echo in lingering Western prejudice. It confirms Samuel P. Huntington's thesis (in the current issue of Foreign Affairs) that in the aftermath of the collapse of the Soviet Union, world politics is entering a new phase in which "civilizational" (that is, cultural and religious) differences re-emerge and replace traditional economic and ideological rivalries.

However we rationalize our indifference to what is happening in the Balkans, its cost will surely haunt us in the days and years to come. For what is at stake in Bosnia is not only indescribable human suffering, but also the idea of the universality of the civilized norms that are the foundation of our freedom and democracy. On the threshold of an unfolding new world order, we have been offered the opportunity to reaffirm that fundamental principle in Bosnia, and we are failing that test miserably.

Some will read this concern for Bosnia's Muslims as just another example of misguided Jewish altruism, so characteristic of a certain brand of Jewish liberalism. I make no apologies for liberalism, Jewish or otherwise, but such criticism could not be more off the mark. Patrick Glynn, in the current issue of Commentary (hardly the voice of Jewish liberalism) makes the point that in the Balkans, "the voices of the rational and the tolerant—for example, officials of the secular-mined Bosnian government—have been drowned out by the guns of ethnic fanatics. Efforts to secure democracy on the basis of rational Western principles have been crushed by the bloodthirsty exponents of 'ethnic cleansing.'"

These "new barbarians," say Glynn, are the vanguard of a re-mythologization and reversion to ethnic particularism. We are entering an era characterized by a diminished appeal of reason to the human imagination. We will, he says, move either toward ever greater fragmentation and violence or toward "the tolerance and rationality by which we in the West have learned to live and prosper." No one has benefited more from that rationality and tolerance than have the Jews, and no one is likely to suffer more from their abandonment.

(Henry Siegman, a survivor of the Holocaust, is executive director of the American Jewish Congress.)•

JEANNETTE RANKIN PEACE AWARD TO AMBASSADOR MANSFIELD

• Mr. BAUCUS. Mr. President, today I rise to inform the Senate that later today, Mike Mansfield, former Senate majority leader, Ambassador to Japan, and the pride of Montana—will receive the first Jeannette Rankin Peace Award in Billings, MT.

The Jeannette Rankin Peace Award has been established by the Institute for Peace Studies at Rocky Mountain College in Billings, MT. Jeannette Rankin, of course, was a renowned peace activist and the first woman ever elected to Congress. She won her seat from the First District of Montana in 1916, 4 years before the passage of the woman's suffrage amendment.

Jeannette Rankin devoted her years in public service to promoting peace in human affairs. Like Mike Mansfield, she was a person of unrelenting integrity and commitment to principle.

She believed that military action had no place in world affairs, and held firm to that belief at the cost of her political career. She voted twice against the United States going to war—the first time in 1917, when we entered World War I; and the second time in 1941, after Pearl Harbor.

Many Montanans disliked Jeannette Rankin because of those votes. But I also believe that most Montanans respected her courage to stand up for her convictions. That is why Montanans made her one of two Montana leaders to be honored with the statue in the Capitol's Statutory Hall.

Throughout his career, Mike Mansfield has earned the greatest respect and admiration. And Mike, of course, is a beloved figure not only in Montana but all over the world—and particularly in this body. He has been a voice of wisdom, moderation, and board vision in our foreign policy for longer than most of us have been alive.

First elected to Congress in 1943, he served in the House of Representatives. In 1961 he was elected Senator. During his 25 years in the Senate, he held the position of Senate majority leader for 16 years—longer than any other U.S. Senator.

On his retirement from the Senate, President Carter called him to serve as Ambassador to Japan. He held that crucial post from 1977 to 1989, making him the longest standing Ambassador to Japan in our country's history. In total, his public career spans 46 remarkable years.

Prior to his election to Congress, Mike was professor of history and political science at the University of Montana. Even then, he was recognized as a national expect on the Far East. Just a year after he came to Congress, for instance, President Franklin Roosevelt asked him to travel to China in 1944 and report on the situation there.

Mike has always been recognized as a fair player. He listens carefully, gives serious thought to all sides of an issue, and then presents his views and opinions with sincerity, honesty, and conviction.

Mike was also one who stood firmly behind his convictions. One of his longest battles was his opposition to the Vietnam war. On this issue, as on so many others, he saw the truth years before anybody else. In 1950, he told President Truman that under no condition should we send troops to Indochina. For nearly 20 years he argued against the United States policy in Vietnam. Our country still suffers because administrations did not listen to him.

Today, 6 months short of his 91st birthday, Mike remains a leader. Still acknowledged as a leading authority on Asian and Pacific affairs, his advice on foreign affairs is sought by leaders all over the world—and, of course, by me and my colleagues in the Montana congressional delegation. No American has done more to make the alliance between the United States and Japan a permanent contributor to Asian and world stability.

This award could not go to a more dedicated, deserving, and accomplished person. I congratulate Ambassador Mansfield, and I congratulate the Institute for Peace Studies on their inspired choice for the first Jeannette Rankin Peace Award.•

VIOLENCE ON TELEVISION

• Mr. SIMON. Mr. President, one day during the August recess, I picked up the New York Times of Monday, August 30, 1993, with a story by Marlise Simons titled, "Blaming TV for Son's Death, Frenchwoman Sues." It was a story about an American television series, which she alleges caused the death of her son.

It may help to focus attention on the problem of television violence that we have in the United States.

The same day, I picked up the Boston Globe and found an article by Alison Bass, which again illustrates the problem of television violence, indicating that we have a different attitude toward nudity than we do for violence.

It is of interest that in Western Europe there is generally a much more tolerant attitude toward nudity, but a much more vigorous antiviolence stand.

Mr. President, I ask to insert both articles into the CONGRESSIONAL RECORD at this point.

The articles follow:

[From the New York Times International, Aug. 30, 1993]

BLAMING TV FOR SON'S DEATH, FRENCHWOMAN SUES

(By Marlise Simons)

PARIS, Aug. 29.—A Frenchwoman is suing the head of a state-owned television channel for manslaughter after her 17-year-old son was killed by a home-made bomb that she said he learned to make from the American television series "MacGyver."

Marine Lainé said her son, Romain, and his friend, Cedric Nouyrigat, also 17, mixed crystallized sugar and weedkiller, stuffed it into the handlebar of a bicycle and ignited it to test a technique used by MacGyver, a television hero who is part adventurer, part scientific wizard.

Romain was killed immediately by the powerful explosion, which occurred in October in the cellar of the boy's grandmother's home. Mrs. Lainé said Cedric died minutes later, but lived long enough to explain what they were doing.

The television channel, France 2, denied responsibility, saying that the series had ended two months before the accident and that no scenes had shown any overt chemical manipulations. It also said that "MacGyver," starring Richard Dean Anderson, had been shown in 87 countries and that a 1991 opinion poll in France had shown the series to be a favorite among children, parents and teachers.

Mrs. Lainé said in an interview on Friday that she would use the lawsuit and her son's death to campaign against excessive violence on television. "There is so much violence and manipulation of children," she said. "It dominates everything."

To underscore the point that the two boys followed a MacGyver recipe, Mrs. Lainé and several scientists will remake the bomb and re-enact the explosion before guests and television cameras in October.

"This is not the first time something happened because of MacGyver," she said, citing a large fire that almost destroyed a school in a village in northern France last year. A group of boys set the fire accidentally when they were trying to imitate one of MacGyver's inventions, it was reported at the time. The hero of the adventure series uses ingenuity to outwit his adversaries and instead of using conventional weapons he often invents his own contraptions using everyday objects.

For her campaign starting in September, Mrs. Lainé has been promised help from some politicians, teachers, psychologists and others who want to impose limits on daytime television broadcasts. Among them is Liliane Lurcat, a prominent child psychologist and author of many articles and three books on the effects of television on small children.

Mrs. Lurcat, who has just retired as research director at the National Center of Scientific Research, said she has long deplored the absence of a real debate in France about the ethics and the powers of this pervasive medium.

"There has been no real debate," she said, "because there has been no forum, except for a few specialized publications. Television and newspapers have backed away from the issue."

But, she added, "there is a silent majority" of many parents, teachers and others who are deeply concerned about the impact of television on the young. She says such groups regularly invite her and others to speak on the subject.

By forcing the question of the death of Mrs. Lainé's son's into the courtroom, some specialists say the mother may well touch off a broad public debate about the ethics of television. Mrs. Lainé is suing Hervé Bourges, the head of French state television which owns the channels France 2 and France 3. She has also filed suit against Jacques Boutet, the head of the regulatory agency for radio and television. Mr. Bourges has said he will sue anyone who repeats the "defamatory charges" made against him.

France's television channels do not usually rate their programs except for the music channel M6, which commonly introduces films by describing the age-groups for which they are suitable. Specialists say violence on television has increased in the last decade as the number of channels and the competition for viewers has risen. In recent years, France has imported more foreign television series and cartoons, including many from the United States and Japan.

[From the Boston Globe, Aug. 30, 1993]

FILM SEX OK, VIOLENCE IS NOT, SURVEYS FIND

(By Alison Bass)

Americans are surprisingly tolerant of graphic sexual portrayals, but not of the violence being depicted on television and in films, new studies have found. And these attitudes run counter to the way television shows and films are rated today.

"Our current rating system is far less restrictive of violence than it is of sex," said Edward Donnerstein, a professor of communication at University of California at Santa Barbara who has studied public attitudes. "As long as the woman is nude, you can cut her up any way you want to, and that's okay. But it's not okay to show a nude man touching her."

The chasm between people's attitudes about sex and violence and what the television and film industries consider socially permissible may be explained to some extent by a new and unusual finding: People may find something personally acceptable but believe that their neighbors would find it intolerable and vice versa.

"It's called the third-party effect," said Donnerstein, who reported the finding this month at the American Psychological Association conference in Toronto. "We asked people whether they would tolerate the explicitly violent material they saw in some films and they said no. But when you ask them whether they think their neighbor would, they said yes." The reverse was true for sexually explicit material.

Donnerstein says this startling discrepancy between personal beliefs and the perception of third-party beliefs may be due in large part to the power of "vocal minorities." Conservative religious forces, for example, have long exerted a powerful influence in keeping sexually explicit material tobaoo, while the anti-violence lobby is a relatively new phenomenon.

The regulatory approach to violent or sexual programming also flies in the face of mounting evidence that antisocial behavior is correlated more with watching film portrayals of violence than with viewing depictions of graphic nudity and nonviolent sex. A series of studies have shown that college-age men exposed to extremely violent films—the "Friday the 13th" variety—become more accepting of violence and more callous toward real-life victims of sexual violence than men exposed to nonviolent films.

"It's the violence against women that drives the antisocial effects we find in our studies, not the porn material," said Daniel Linz, a psychologist at University of California at Santa Barbara and one of the researchers who did these studies. "There are enough studies now that show if you remove the sexual content in violent films, you still get the antisocial effects."

Because of mounting pressure from Congress and the public, the television industry this summer agreed for the first time to put parental advisory warnings on programs that are particularly violent. And while the Motion Picture Association of America has not altered its basic film rating system, a spokeswoman for the association said she believes the Motion Picture Rating Board, which rates movies for distribution in this country, is tougher on violence than it is on sex.

"All the rating system is, is a guide to parents," said Elizabeth Barnes, association public affairs director. If people deplore violence, "why then do so many go to see films like 'The Terminator'? There are a lot of violent films that do extraordinarily well at the box office."

Researchers who study public attitudes say the appeal of violent shows is not surprising, given that certain segments of the population, principally young males, are drawn to violent imagery for complex cultural reasons. But the same predilections are not found in random surveys of people from different ages, genders and races.

Large-scale telephone surveys by researchers at Ohio State University and elsewhere, for example, have found that Americans are far more disturbed by the violence they see on the screen than by graphic depictions of nudity and sex. Donnerstein, Linz and their colleagues at the University of California found similar attitudes in two laboratory studies that compared the reactions of adults in two relatively conservative regions of the country.

The California researchers asked a random sample of 252 people—129 in Mecklenburg County in North Carolina (which includes Charlotte) and 123 in Greater Memphis—to view a selection of films. The sexually explicit films were X-rated material that had been the subject of obscenity trials in the participants' own states. The violent films were of the "slasher" genre, containing gory depictions, usually of young women being sliced to death.

THE THIRD-PARTY EFFECT

The researchers discovered that the majority of the viewers were surprisingly tolerant and accepting of the X-rated material but deeply offended and disturbed by the violent films. This is where they also discovered the "third-party" effect: While the participants were personally offended by the violent portrayals, they thought their neighbors would be accepting of them. And vice versa with the sexually explicit depictions.

The finding puzzled researchers at first, but "once we looked at it, it really wasn't so surprising," said Donnerstein, who published the Mecklenburg study last year in Public Opinion Quarterly and will soon publish the Memphis study. "It reflects what people see going on out there."

What people see in their communities, particularly conservative communities, is a vocal minority protesting the display or sale of sexually explicit material, he says. But they don't see a similar uproar over an extremely violent film, in which women are butchered.

"While the violent stuff bothers people personally, they say, 'gee, it's playing in all the local theaters so it must be acceptable to others,'" Donnerstein explained. "But because there's a vocal minority complaining about the sexually explicit material, many people make the assumption that their neighbors won't like it."

These assumptions are abetted by the widespread view in this country that sexual matters are somehow dirty or taboo and not to be discussed openly. So while surveys show that between 65 and 70 percent of American adults have seen a sexually explicit X-rated video, they don't discuss that fact with their neighbors, Donnerstein notes.

Such inconsistent attitudes toward sex increasingly separate Americans from other industrialized nations, such as Sweden, Germany and Great Britain. In a newly released study of rating systems in five countries, Mediascope, a nonprofit research organization based in California, found British censors "have not cut sex from a mainstream film in six or seven years." In Sweden, erotic film sequences are not automatically regarded by the film censors as inappropriate for children.

RESTRICTIONS ON VIOLENCE

"Fairly open hints of people having sex, in a normal, healthy and happy manner, may be approved for rather small children, though films concerned with sexual aberration may not," Mediascope concluded about the Swedish system.

By contrast, the study found that these countries were much more stringent in restricting on-screen violence than are the US television and film industries. In Sweden, for example, distributing films or television programs that depict "sexual violence or coercion" or "graphic violence toward people or animals in a detailed or outdrawn manner" can mean fines or two years imprisonment. In Britain, violent scenes in American films are often cut before distribution, and the most recent banning of a film in England was "Leatherface: Texas Chainsaw Massacre III," one of three films in the last nine years to be banned.

In the United States, the Texas Chainsaw massacre series, along with other slasher films, are R-rated—the same rating given to the movie "Rainman" because it was sprinkled with four-letter words. The only films that are banned outright are those that involve sexually explicit child pornography and the so-called snuff films, in which women reportedly have been killed during filming.

"Of the five countries studied in depth, the [Motion Picture Association's] rating system is distinct in that it is more restrictive with regard to depictions of sex, and less restrictive with regard to violence, than ratings systems in the other four countries," concluded the study, which was funded by the Carnegie Foundation. "It is hypothesized that this difference is due to the disproportionate influence of conservative religious groups in the United States."

LIMITING ACCESS

The Mediascope report found much the same differences in the way on-television violence is handled. For example, while American networks and cable producers have recently agreed to an advisory label policy for violent programming, several countries go much further in limiting the access of minors to violent programming. Australia, Great Britain and New Zealand, for example, prohibit violent programming when children are most likely to watch TV and require penalties when standards are flouted.

"The new parental advisory system proposed by the US television industry has a lot of problems," said Ronald Slaby, a psychologist at Harvard Graduate School of Education who has studied the effects of television violence on children. "The best I can say is that it's a baby step in the right direction."•

60TH ANNIVERSARY OF UKRAINE FAMINE

• Mr. DECONCINI. Mr. President, I am pleased to cosponsor a resolution to commemorate the Ukraine Famine of 1932–33, introduced by my friend Senator RIEGLE. The Ukraine famine is a subject which is close to my heart.

As a member of the Commission on the Ukraine Famine in the 1980's, I vividly recall the poignant and often gut-wrenching testimony of witnesses who lived through that horrific experience. At hearings I chaired in February 1987 in Phoenix, I recall eyewitnesses describing the deaths of their loved ones, the passing of starved bodies on the streets, the eating of treebarks and grasses to survive. I remember one elderly eyewitness describing an episode she witnessed of a mother leaving her crying, emaciated children at a market in a town. The mother kept repeating, "Don't cry, it will be better for you. They will take you to the orphanage and give you bread, but at home, you will soon die. If I stay alive, I will find you." These kinds of scenes were not at all uncommon, as desperate, starving, suffering people resorted to desperate measures.

But the profound truth of the matter, Mr. President, is that this famine, which decimated 7 to 10 million people, was man-made, and hence, could have been avoided. It reminds us, in the starkest of terms, of the brutality of totalitarian regimes. The man-made Ukraine famine would have been inconceivable in an independent, democratic country which respected human rights and the rule of law. As this resolution states, the man-made Ukraine famine is a graphic illustration of the unacceptable alternative to democracy and a free-market economy.

I believed then, and believe now, that it is vital for all Americans to understand what Ukrainians suffered 60 years ago. More importantly, it is essential that we recognize why the famine occurred, and what can result from the oppression of inhuman regimes that use food as political weapons.

The Commission on the Ukraine Famine, in its report, concluded that Stalin's regime committed genocide against Ukrainians in 1932–33. The purpose of this artificial famine was to suppress any Ukrainian expression of its cultural and political identity—an identity that was rooted in the peasantry. Despite the tremendous cost in lives, and the innumerable personal human tragedies, Stalin was patently unsuccessful in eradicating Ukrainian identity. The fact that Ukraine is now independent is as much a testimony to Stalin's failure as it is a testimony to the indomitable will and spirit of its people.

But I wish it was that simple and that Ukraine's independence was assured. Increasingly over the last few months, I have been wondering whether Ukraine will remain an independent, democratic state. Unfortunately, Mr. President, the current economic and political situation in Ukraine gives me cause for grave concern. Yes, human rights are generally respected, and the average Ukrainian is much freer than under Soviet domination. And, yes, independent Ukraine is affirming itself as a partner on the international scene. However, political paralysis in the Ukrainian Government is precluding any real efforts toward serious economic reform. Attempts at market-oriented reforms continue to be blocked by the so-called red directors and collective farm chairman in the Parliament, and their bureaucratic cronies in the government. Meanwhile, the population of Ukraine suffers from hyperinflation and lowered living standards. The situation, in my view, is becoming dangerous, and I am not using the word dangerous lightly.

The legacy of the Soviet command economy is still deep, but Ukraine is moving all too slowly to overcome that legacy. Furthermore, Ukraine's problems are exacerbated by those in Russia who seem to have great difficulty in shedding their imperial mentality. But I cannot stress enough the necessity of economic, market-oriented reform for Ukraine, especially in the areas of privatization, credit and monetary policy, and land reform. I believe that at this juncture, the lack of movement in these areas can be as threatening to Ukraine's political future as any external threat.

The famine resulted when Ukraine did not control its own destiny. It pains me to say this, as one who has monitored closely developments in Ukraine in my capacity as Helsinki Commission Chairman and strongly advocated Ukrainian independence, but right now, Ukraine's future is becoming increasingly precarious. Only a functioning economy in a state based on the rule of law will guarantee that Ukraine stays independent and does not find itself under foreign, totalitarian domination as it did in 1932 and 1933.•

WHY NOT A NATIONAL ID CARD?

• Mr. SIMON. Mr. President, I am frequently described by the newspapers as a liberal Democrat; and Robert Kuttner, who writes in the field of economics for the Washington Post and other publications, is frequently given the same tag.

I also happen to be a longtime member of the American Civil Liberties Union and generally applaud their stands for the defense of basic civil liberties.

But I confess, the Robert Kuttner column in the Washington Post the other day, "Why Not a National ID Card?" hit a responsive cord with me.

I know there is a reaction on the part of many people that a national ID card smacks of a police state. But many free countries have them, and what threatens us today in the world of computers and other invasions of privacy is not a national ID card but a number of other things.

And, as Mr. Kuttner points out, it would protect people who are questioned by the Immigration and Naturalization Service at the present time, sometimes with less than the kind of sensitivity there should be.

I also believe a national ID card would be of great help to Hispanic-Americans and others who speak with broken English, whose mother tongue is not English.

At this point, I ask to insert into the RECORD the Robert Kuttner article, and I ask my colleagues who have not seen it to read it.

The article follows:

[From the Washington Post, Sept. 6, 1993]

WHY NOT A NATIONAL ID CARD?

(By Robert Kuttner)

When White House officials disclosed a plan to create a national health insurance card last week, there was the usual squawking by some civil libertarians and immigrant-rights advocates.

Administration health planners say the card will allow more efficient processing of health claims, as well as the creation of a more comprehensive health database. The plan, however, prompted concerns by immigrant-rights groups, that the health card could be used as a device to screen out aliens. It elicited anxiety by the American Civil Liberties Union that the health card might become a backdoor national ID card.

As a journalist I am of course devoted to the First Amendment. But in this case the fears of the civil libertarians are misplaced.

The idea that any of us is sheltered from countless national databases or ID cards has long since been overtaken by technology. If anything, there is far more abuse of private databases than of government ones.

Just look in your wallet. Your Social Security card number, which once (but no longer) pretended that it could not be used "for purposes of identification," is likely to be your driver's license number as well as your IRS identifier. If you have a Visa or MasterCard, merchants can obtain profiles of your shopping habits. If you have health insurance, personal information is collected in private medical bureau databases, from which it can be bought and sold among insurance companies.

In 1991 a reporter for Business Week set out to expose the laxity of credit bureaus. He truthfully told a major credit bureau that he was an employee of McGraw-Hill (Business Week's parent company). This affiliation implied a legitimate business purpose and enabled him to obtain a password that gave him access to the confidential credit histories of millions of Americans, including that of then-Vice President Dan Quayle.

So Americans are already vulnerable to massive invasions of their privacy, courtesy of computerized databases and ID cards. The real challenge is to regulate the abuse of ID cards and information banks, not to somehow ban them.

The paradox of our national phobia against ID cards is that we already have most of the liabilities, while denying ourselves potential benefits, of computerized record-keeping.

For example, a universal health card would not just simplify billing; it also would allow research into epidemiology, the correlation of cancers with environmental risks, the tracking of whether all children are vaccinated and a host of other social benefits.

By the same token, the fears of immigrant groups are misplaced. Whether you favor liberal immigration or strict quotas, some limits and criteria always will be imposed on who may legally enter the country.

Unless we go to the extreme of having totally open borders, some device is necessary to differentiate citizens and legal foreign visitors from illegally resident (or "undocumented") aliens. The paradox is that the more we resist some uniform ID card, the more foreigners whose documents are not in order are likely to be harassed by immigration officials. Let's decide who is legally here and who isn't—and then keep track.

Although an "internal passport" is associated with totalitarian societies, wouldn't it also be nice for law-abiding citizens if there were reliable records of who are eligible to vote (no more need for voter registration), whose medical license had been withdrawn by another state for malpractice, who was ineligible to drive or to buy a gun?

Americans, whose first national motto was "Don't Tread on Me," have been conditioned to equate a "national ID card" (gasp!) with an incipient police state. You would think that we never had experienced driver's licenses, tax returns, Medicare cards, voter rolls, the Selective Service, the decennial census or demographically targeted junk mail.

We assume we are shielded from abuse because these records are haphazard. But in the checkered history of liberty in our country, there have been plenty of witch hunts, enemy lists, red scares and the like, long before computerized databases or ID cards. Sen. Joe McCarthy, J. Edgar Hoover and the House Committee on Un-American Activities did their dirty work without national ID cards or databases.

The issue is not whether these information banks and ID cards can be eliminated—they are unfortunately part of modern society—but how best to regulate their abuse. If anything, we need much tighter controls on the ability of private business to buy and sell data collected for one purpose and then used for another. We need higher walls between government agencies, lest the IRS and CIA peek at individual census or health records, and lest off-duty cops illicitly sell data from the uniform crime reports to private eyes. We need stricter penalties for misuse.

The penchant of Americans to become fixated on the wrong grievance is nothing short of astonishing. Surely the greater national disgrace and greater denial of liberty is the fact that tens of millions of Americans risk financial ruin if they become sick.●

AMERICANS UNDER FOREIGN COMMAND?

● Mr. SIMON. Mr. President, there has been a lot of ridiculous talk that has arisen out of the fact that we will occasionally have American service personnel under the command of someone designated by the United Nations.

The reality is, if we do not want to be the world's policeman, we are going to have to work with other countries.

People can't have it both ways.

I was pleased to read the editorial in the Chicago Tribune titled, "Americans Under Foreign Command?"

I ask to insert it into the RECORD at this point.

The article follows:

[From the Chicago Tribune, Aug. 20, 1993]

AMERICANS UNDER FOREIGN COMMAND?

Although U.S. troops fought under non-American commanders in World Wars I and II, Washington's recent practice has been to have its own officers in charge when the American military goes into action.

This seems bound to change when—or, rather, if—President Clinton goes ahead with plans to permit full U.S. participation in United Nations peacekeeper missions.

Reports that Clinton would issue the necessary policy directive as early as next month caught members of Congress off guard. Some are expressing outright opposition; others maintain, reasonably, that more consultation with Congress is in order before a change of such importance is undertaken.

Whether or not they are entitled to such consultation, Clinton would be wise to give it to them. At the same time, however, he should argue vigorously for his proposed policy modification, which seems a sensible, positive step that accords with today's increasing emphasis on multinational actions undertaken by the UN.

There was little reason to doubt the wisdom or necessity of safeguarding U.S. command prerogatives during the Cold War. Almost any conflict in which Americans were involved, no matter how remote, had the potential to spark superpower conflict. With the stakes so high, it was only reasonable to have American commanders calling the shots.

In the last few years, though, the post-World War II international order has dissolved and the threat of superpower confrontation has disappeared. New or re-emergent perils have come to the fore, and the response to them has tended to be not unilateral but multilateral, with UN members acting in concert to dispatch blue-helmeted peacekeepers.

For the most part, American units have been conspicuous by their absence. The operation in Somalia, where a U.S. military logistics outfit is not only at work but also under UN command, represents a significant departure for this country. U.S. troops probably would find themselves in more such ventures, under the command of non-Americans, in the future.

Traditionalists who worry about such a prospect need to remember that America's military capability wouldn't be weakened. Nor would the U.S. be compelled to commit troops to any particular international operation.

Rather, the U.S. could move away from any outsized role as world cop while still joining with other nations in international peacekeeping duties.

All in all, the Clinton administration, members of Congress and the American people should feel comfortable with such a modest bow to contemporary reality.●

OLYMPIC GAMES 2000 IN CHINA

● Mr. SIMON. Mr. President, there is some discussion about the United States Congress going on record in opposition to the Olympics going to China.

Where nations violate basic human rights principles, the United States should stand up, but we should stand up in a sophisticated and responsible way.

When we deny computer sales to China because China is selling military equipment in violation of an agreement, that is perfectly proper. To let China know when that nation imprisons people who stand up for religious freedom and freedom of speech, that is proper. When someone is kicked out of China because he wants to organize free labor unions, and we protest, that is proper.

But we should not try to politicize the international Olympics.

A strong case can be made for the fact that the invasion of tens of thousands of guests around the world will hasten the demise of the hard-line regime that now runs China. That may have played a role in Moscow.

In any event, my decision not to cosponsor the resolution on the Olympics came in part because of the advice of Nancy Chen, a Chinese-American who heads my Chicago office.

Nancy Chen has done excellent work, not only for PAUL SIMON but for many good causes in the Chicago area.

Recently, she wrote to me after I had consulted with her on the decision on the Olympics, and I thought my colleagues would be interested in her comments.

I ask to insert them into the CONGRESSIONAL RECORD at this point.

The letter follows:

JULY 27, 1993.

DEAR PAUL: I am writing this letter to you as one of your constituents, not as director of your Chicago office. Because what I am writing to you is not entirely devoid of personal feelings and observations.

I am writing to let you know my thoughts on the resolution passed in the House yesterday by an overwhelming majority calling for the International Olympic Committee to reject China's application to host the Olympic Game in the year of 2000. I realize that the resolution will most likely be presented in the Senate soon, and you will have to make a decision whether to support it.

I was very grateful that you called me to ask my opinion on this issue a few weeks ago. I have always respected your strong support on human rights for the Chinese people in China. That was why you were standing with the Chinese students at Grant Park to protest against the tragic event at Tienanmen Square on June 4, 1989. That is also why you have made strong statements against the renewal of the Most Favored Nation (MFN) status to China, even when you knew this was enormously unpopular during your visit to Hong Kong in 1991 when you were lobbied by scores of American businessmen and Hong Kong officials. I was proud of your conviction. Because of this, I was not sure how you would take my opinion on the Olympic issue. On one hand, I did not want you to receive any criticism, even the slightest, on your human rights record for not going along with Senator Bradley's proposal. On the other hand, I felt you would be the only member of the Senate who would be willing to view this issue not entirely from an American's perspective, and therefore, I boldly stated my feelings on the issue to you. I was gratified to learn later that you decided against sponsoring the resolution after listening to me.

When Jennifer came home from China, the first thing she told me was how excited the Chinese were about the possibility of hosting the Olympic Game in the year of 2000. She said everywhere she went, people were talking about this. The excitement was obviously contagious, because she too was enthusiastic about that prospect. She told me, "Mom, just think, for the first time, the athletes around the world will come to China, to compete on their physical strength, endurance, and sportsmanship. This will really open the eyes of all Chinese people." I was glad that I was able to tell her that I thought so, and that Senator Simon also thought that politics had no place in an Olympic Game.

I am puzzled by the strong sentiment in the House against China being a host for the Olympic Game. If Congress is unhappy with the Chinese government's intransigence over the issues of human rights, arms sales and trade imbalance, the best tool to bring China down to her knees is to deprive her of the Most Favored Nation status NOW. But Congress deferred to President Clinton who, although added on a condition calling for improved human rights in China, nevertheless, granted the MFN status to China. Why then should Congress feel we ought to punish the Chinese government by denying them the opportunity to host the Game seven years later? Is it because it is easier to sanction a country when members don't have the American business interests at stake? How would depriving the one billion Chinese who take pride in their ability to host the international athletic communities in their ancient country make them feel closer to the American government and her people? Denying China this opportunity is no punishment to the Chinese government, it is a punishment to the innocent people who may not have much of other things they so deserve, but certainly never lack pride.

I just finished teaching my first class on American democracy to a group of Chinese executives who were attending a training program on commodity exchanges at the University of Illinois at Chicago. The reaction from the leader of the group was that my talk was good, but talking about the MFN issue made them uncomfortable because I inadvertently criticized the Chinese government on its action against a democratic movement. The man had a point, because they are government officials and they felt helpless in that situation. But judging from the reaction from the class, they were very absorbed in my lecture. There were many questions about our form of government and our political system. My point is this is the kind of interaction we need between people of the two countries. If the Chinese government didn't allow its officials to come to the United States, they would never have been exposed to the true American democracy. By the same token, if we keep our athletes away from China, and they retaliate by keeping their athletes and others from coming to the United States, will we gain better understanding of each other? Will democracy be furthered by our punitive action?

China is an old country with a long history of authoritarian and imperial governments. Democracy will not come from the top down, it can only come from the bottom up. When the masses finally awaken to the idea of a democratic society, the government will have no choice but change. The more people in China come into contact with people from the free world, the better they are able to decide what form of government they want for themselves and their children. Taiwan and Korea are two good examples for the Chinese to follow, and I believe they are taking close notice on the prosperity of their neighbors.

The Chinese people have always held Americans with high regards thoughts the last century, even during the 50s and the 60s. Let's not destroy that good will by destroying their pride. Without pride, people can be driven to do anything.

Thank you once again for allowing me to express my thoughts on this issue.

Very gratefully yours,

NANCY CHEN.●

ENGLISH AS A PRECIOUS LANGUAGE

● Mr. SIMON. Mr. President, we had people who are making a lot of noise that we ought to make English the official language, an action that would do not one thing to help anyone learn English.

In the meantime, there are hosts of people in most urban centers who are standing in line to get into classes so that they can learn English and be more productive citizens.

What we clearly have to do is to fund those programs.

When we reauthorize the Elementary and Secondary Education Act, I hope we will do something about this.

Deborah Sontag had an excellent article in the New York Times about the situation in New York.

People wait 4 months to 3 years to get into a class to learn English.

Riverside Church in Manhattan has a class for 50, and they had a lottery with more than 500 people showing up for the 50 spaces.

If anyone thinks that those who emigrate to our country are not eager to learn English, please read Deborah Sontag's excellent article.

Mr. President, I ask to insert her article into the RECORD at this point.

The article follows:

[From the New York Times, Aug. 20, 1993]

ENGLISH AS A PRECIOUS LANGUAGE

(By Deborah Sontag)

Riverside Church was packed with immigrants hoping their number was up. Hairdressers, plumbers and mathematicians from Russia, Haiti and the Dominican Republic, they formed lines that snaked through a cavernous assembly hall, 500 people desperate for the luck of the draw.

A lottery had drawn them to this spot beneath stained-glass windows, but it was no ordinary cash-prize game. This was a lottery to win one of 50 coveted spaces in the free intensive English classes offered at the Manhattan church.

In the years before the lottery, spaces were awarded on a first-come, first-served basis, and the night before registration, immigrants would sneak into the church and sleep there, in line. Their passion to learn was that intense, and the opportunities to do so that rare.

At Wednesday's lottery, Bilga Abramova, a 35-year-old Russian refugee, tugged at the sleeve of a program administrator. "Please, madam, please help—is not my first time at lottery, is my third time."

"I NEED TO WIN"

Ms. Abramova switched into Russian: "I need to win, I need it badly. My future is on hold. Without English, I cannot begin a new life. I do not want to depend on welfare. That is shameful."

Contrary to some native-born Americans' belief that immigrants no longer make a genuine effort to learn English, the demand for English lessions in New York City—as in immigrant havens across the country—far outpaces the supply. Very few immigrants who arrive with no knowledge of English can afford private tuition, and in New York City, immigrants must wait four months to three years, depending on the program, to get into free classes. For newcomers eager to move into American jobs and society, the wait can be unnerving.

Free English classes—financed with Federal, state and local funds and offered by the Board of Education, the City University of New York, public libraries and community groups—fill to capacity with about 30,000 students a year. But about 1.36 million New Yorkers may need them, a conservative estimate of city residents with limited proficiency in English, according to the 1990 Census. Most classes are open to all immigrants, regardless of their legal status.

"There's not a single English-language program in the city that isn't inundated, and waiting lists go into years, not months," said Kay Sardo, assistant commissioner of the city's Community Development Agency.

In New York State, more immigrants languish on waiting lists for adult English classes than in any other state, according to a study by Beltway Associates, a Washington consulting firm. The study found about 17,000 New York immigrants on waiting lists in 1990, a conservative tally since the study dealt only with programs receiving Federal adult-education funds, and many programs, like Riverside, have abandoned waiting lists altogether.

To some experts, the shortage of English classes reflects a laissez-faire attitude by the Federal Government toward the needs of the 800,000 immigrants legally admitted each year. About half speak poor English or none at all, immigration experts say. But the United States Government, which has one of the most liberal admissions policies in the world, has traditionally left newcomers to fend for themselves—or state and local government to pay for their services.

('PEOPLE DO WANT TO LEARN')

"Unlike Canada, Israel and Australia, the United States has an immigration policy but no deliberate Federal immigrant policy, which is a mistake," said Michael Fix, an immigration expert for the Urban institute in Washington. "We need to think of immigrants not just in terms of the costs and burdens they impose, but in terms of the investments that need to be made in them."

As anti-immigrant sentiment built with the influx of immigrants during the recession, much hostility focused on what some perceived to be the threat to English as the nation's common language. But many experts say that immigrants' desire to retain their native tongue does not translate into an apathy about learning English.

"I've never run into a single person who said, 'I don't need English, I can just hide in my neighborhood and get along fine,'" said Heide Spruck Wrigley, who directs a research project on immigrant adults' English study for the Southport Institute for Policy Analysis, a nonpartisan group in Washington. "Instead, there is overwhelming evidence that people do want to learn English and either can't get into classes or have such complex lives that they can't fit in the time."

Juliana Loma, an accountant from Panama, applied to English classes in the Bronx when she arrived in this country. "It was the logical first step, and I didn't have anything else to do yet," she said in Spanish. Two years later, a place finally opened up for her in a community college class. By that time, however, she was working during the day at a garment factory, and at night and on weekends at a restaurant. The class was a luxury she could not afford, she said.

"It's frustrating," she said. "I'm stuck in menial work because I don't speak English, and I don't speak English because I can't afford to quit my menial jobs to take a class."

The Federal Government spends about $300 million each year, through a variety of financing mechanisms, on English programs for immigrants —"a spit in the ocean," Mr. Fix said. In New York City, the combined Federal, state and city financing for general English classes for immigrants, which is renegotiated every year, is about $20 million. Some additional Federal money supports programs for political refugees only.

New immigrants, impotent politically, lack the clout to demand what they need.

"English as a second language, particularly for adults, is considered a marginalized field, a stepchild in all the various areas of funding and decision-making," Ms. Wrigley said. "And you're not likely to see a march on Washington by the students. They're just not in a position to make demands."

There is no typical immigrant student of English. Most believe that learning English will help them find a decent job. But some are grandparents who feel alienated from their English-speaking grandchildren, and some parents tired of the imbalance of power in their homes that results from relying on their children as interpreters. Still others want to learn English to negotiate with landlords, police officers or welfare officials, or to participate more fully in their new culture.

"Where I live, in Borough Park, nobody speak English, only Hebrew, Yiddish, Russian," Iana Skylarevich, a Russian immigrant, said in halting English. "I hear English only on TV, never in street. So I am not in America. Yet."

Aura Kevalier, a Dominican doctor, agreed. "I'm enjoying a mountain of things here, but without English, I'm trapped outside all the opportunities I came for," she said in Spanish. "I'm not going to stay here if I have to stand on a street corner and sell flowers. No way."

To avoid pandemonium, there was no public drawing at the Riverside Church lottery. Instead, winners were chosen privately and informed by postcard.

Ms. Abramova, on her third try, did not get lucky. And because in September she will have been in the United States for a year, she will no longer be eligible for the program, which serves only immigrants in their first year. She will now have to search elsewhere for language instruction. And she will have to delay, for the moment, her aspirations of a new career.

"I am a barber," she said. "But I truly want to go into medicine."•

GIVE TV THE CHANCE TO REGULATE ITSELF

• Mr. SIMON. Mr. President, a great deal has been said about what should or should not be done regarding television violence.

I'm pleased to say that we are slowly making progress in this area, a major public health hazard. The evidence is simply overwhelming that violence on television adds to violence in our society.

Recently, the Quad City Times of Davenport, IA, had an editorial, which concluded:

> Right now, it's up to the industry to act. If they refuse to do so, Congress should step in and come up with a solution that protects the industry's freedom-of-speech rights and the rights of viewers to not be confronted by material they find offensive.

I ask that the entire editorial be placed in the RECORD at this point.

The editorial follows:

[From the Quad-City Times, Aug. 4, 1993]

GIVE TV THE CHANCE TO REGULATE ITSELF

About 650 writers, producers and television executives gathered Monday in Beverly Hills to discuss television and violence.

Predictably, there was a lot of debate and very little agreement. Sen. Paul Simon, D-Ill., told industry leaders they have about two months to voluntarily limit or restrict violence in programming or they will face increased regulation from Congress.

Simon, a former newspaper publisher, says he may not support such regulation. Unless the legislation is carefully drafted, he said, it could easily go "beyond the point of being healthy for free speech."

Simon seems to be on the right path. It's unfair, not to mention unconstitutional, to restrict freedom of speech. But it's not unfair to demand that people exercise that freedom in a responsible fashion. A speech delivered from a soapbox in a city park is far different from a speech delivered in front of your house through a bullhorn.

Some misinformed First Amendment advocates argue that restricting broadcast television content is the same as restricting the content of books, newspapers and magazines. Not so. If you don't want to be offended by books or articles that glorify violence or promote irresponsible behavior, you don't bring them into your home. With television, you have no choice; the material is already there, brought to you over the public airwaves and ready to be accessed with the touch of a button.

Television sets are essentially video mailboxes, and what viewers are concerned with is the equivalent of unsolicited video junk-mail. It's true that offended viewers have the option of turning off their set or changing channels—just as they have the option of discarding junk-mail or closing their window on the orator with the bullhorn.

But why should they be subjected to this material to begin with? Television deserves to be regulated in much the same way as the U.S. mail, in which one-on-one communication flows back and forth virtually unrestricted, but unsolicited mass-mailings that may be deemed offensive is forbidden.

That kind of regulation is easy to implement when it comes to television. The technology that created the problem of broadcasting to meet the varying standards of millions of Americans is the same technology that offers us a solution: Viewers now have the ability to access whatever kind of television programming they want—no matter how offensive it may be by their neighbors' standards—through "subscriptions" to cable channels, the purchase of pay-per-view programs and the rental of videotapes.

This kind of access is what the First Amendment is all about. It allows for free speech without mandating reception by an unwilling public. If the more restrictive outlets were used as a conduit for R-rated programming, broadcast television could focus on delivering material created for family viewing.

That kind of programming change involves separation by content—not censorship—and could be based on the same kind of rating system used by the film industry to restrict access to violent and sexually explicit films.

Right now, it's up to the industry to act. If they refuse to do so. Congress should step in and come up with a solution that protects the industry's freedom-of-speech rights and the rights of viewers to not be confronted by material they find offensive.●

EVER-PRESENT PAST LINGERS FOR VISITORS TO MODERN VIETNAM

● Mr. SIMON. Mr. President, Dorothy Collin was a highly respected reporter on the Washington scene and then went back to Chicago to coauthor a column that is usually referred to as a "gossip column," the highly read column called "INC." in the Chicago Tribune.

Recently, she took a trip to Vietnam and her observations are interesting and significant.

At the close of her column she writes:

> But Vietnam is there whether we like it or not. The French (who lost before we did) are in country. So are the Brits, the Swiss, the Australians, and the Japanese. (The Russians are almost gone.) Americans can't pretend Vietnam doesn't exist because we had such a traumatic experience. Even if we're still bitter, we should lift the embargo because, to be crass, the light at the end of the tunnel is a dollar sign.

Frankly, that makes sense.

Caterpillar, from the State of Illinois, would like to do business there. AMOCO, from the State of Illinois, would like to do business there.

Many other American companies would like to, but they're being squeezed out by other companies from other countries because we are responding to the national passion rather than the national interest.

I ask to insert the Dorothy Collin observations into the CONGRESSIONAL RECORD at this point. I urge my colleagues to read what she has to say.

The column follows:

[From the Chicago Tribune, Aug. 3, 1993]

EVER-PRESENT PAST LINGERS FOR VISITORS TO MODERN VIETNAM

(By Dorothy Collin)

For Americans of a certain age, images of Vietnam flicker in the memory like reels of old TV news clips. So a trip to the country that was a graveyard for a generation's innocence takes place in two time zones—the present and the ever-present past. The experience is surreal.

There are Americans in Vietnam these days. Most of them are young, in their 20s, about the age of those other Americans who came in the 1960s (and the age of the Americans who did everything they could to stay away from Southeast Asia). But the new versions are entrepreneurs, not soldiers. They are waiting for the U.S. embargo to be lifted so they and companies they represent can do business. Unlike their fathers or uncles who tried to fight (or avoid) an impossible war, the new Americans want to sell computers and burgers to 70 million Vietnamese. And the Vietnamese want to buy them.

The young Americans aren't the only ones going to Vietnam. There are a growing number of tourists. And there are the veterans. One recent visitor to Saigon was Col. David Hackworth, a congressional medal of honor winner who later turned against U.S. policy. He was there to write an article for Newsweek and to close the book on the war. As he sat on the roof of the Rex Hotel, where Dan Rather recently interviewed Norman Schwarzkopf, Hackworth laughed about how he'd spent his first night back. He went to a party with the young Americans, a toga party. Talking about the war, he said: "It's over."

But "don't the Vietnamese hate us?" another visitor asked. One of the young Americans assured her they did not, mostly because so many Vietnamese are young, too. For them, the war with America is a blip in a long history of trying to achieve independence. They want to improve their country, which is poor, and their standard of living, which is somewhere in the 1930s. In Saigon (officially Ho Chi Minh City), young Vietnamese crowd into a makeshift theater that shows American music videos, sort of a sidewalk MTV. The currency of choice for hotels, restaurants, beggars, bargainers and the government is the U.S. dollar. The T-shirt lady's hottest sellers are "Good Morning Vietnam" and "Lift the Embargo." The musician in native dress at the Vietnam House restaurant plays a beautiful, haunting version of "Country Roads."

But there are those newsreels in the head. The former American embassy, now a Vietnamese government agency, stands mildewed and weed-choked. Barbed-wire, torn and tangled, crawls along the top of the outside wall. The roof, where helicopters landed to take the last Americans out of Vietnam is as familiar as Mary Tyler Moore's living room. A stroll through the streets of Saigon is like walking through the pages of old Life magazines. In your mind, you see a South Vietnamese general shooting a prisoner in the head.

The road from Hue to Danang goes through rice paddies and villages that look like the evening news intercut with scenes from "Platoon" and "Apocalypse Now." (A bar in Saigon named "Apocalypse Now" was closed by the government in a somewhat mysterious dispute over who should own what.) China Beach is one of the world's most beautiful, but the road from Danang is lined by the ruins of U.S. installations. The forks at lunch in Hue are marked "U.S.," remnants of a service mess. A traveler feels sort of guilty when she likes Hanoi better than Saigon.

And then there's the almost choking realization of what it must have been like for 20-year-old American kids to walk off planes and find themselves in this place of extreme heat and strange smells, where much of the country seems to be one large, dirty village strung out along a few roads and millions of dikes, where the people look like delicate 12-year-olds, but are tough, unreadable adults. "Ami American," the peddlers in Saigon say to visitors. "Before 1975, I work with Americans . . ." Sure. They guy was probably a Viet Cong sapper.

There are few mental news clips of Hanoi. But its still disconcerting to enjoy a visit to Ho Chi Minh's little house and to find a rather lovely city with many of its French colonial buildings intact. In hotels, stores and pagodas, Americans are welcomed. On the street, if they notice American visitors at all, people don't seem to care. But there are those surreal moments.

A guide takes a tourist to see the marker commemorating the spot where John McCain, then a young Navy pilot, now a U.S. Senator, was shot down. McCain has visited the marker and the guide chats brightly about the occasion. The tourist knows McCain and knows that his arms are forever bent because of his injuries and because he was tortured. But it all seems so long ago as the guide and the visitor stand on the shore of a quiet, pretty lake on a gorgeous sunny day.

A visit to the "Hanoi Hilton" also is otherworldly. It's an old city prison in the middle of town, kind of like County Jail. It's going to be torn down and replaced by a business center. Can a real Hanoi Hilton be far behind?

There are Americans who think that the United States should have nothing to do with Vietnam, that the embargo should not be lifted, that we should not establish full diplomatic relations. There are Americans, many of them elected officials, who are still paralyzed by Vietnam. Some are afraid to commit American power; others are afraid not to. Not only have they learned from history, they're transfixed by it. There also are a whole lot of Americans who don't care, who think Vietnam is ancient history.

But Vietnam is there whether we like it or not. The French (who lost before we did) are in country. So are the Brits, the Swiss, the Australians, and the Japanese. (The Russians are almost gone). Americans can't pretend Vietnam doesn't exist because we had such a traumatic experience. Even if we're still bitter, we should lift the embargo because, to be crass, the light at the end of the tunnel is a dollar sign.

In the most surreal twist of all, a country we could not control by force of arms or with anti-communist fervor, appears ready to embrace the elements of American culture that appeal to so many others around the world. In a year, they'll be wearing jeans, high-tops and Michael Jordan T-shirts, and munching Big Macs.

You can already get a Coke.●

A REVIEW OF INTANGIBLE ASSETS PROVISION

● Mr. SIMON. Mr. President, I want to comment on one provision of the Budget Reconciliation Act. I was prepared to do this before this legislation was passed by the Senate, but in the rush of events before adjournment, I failed to do so. But I want to make it clear that the 100 percent amortization of goodwill and other intangible assets that is allowed in the Budget Reconciliation Act is of great concern to me. It will not help our deficit reduction efforts. In fact, it will cost the Treasury more than $2 billion each year in the long term.

Prior to the enactment of the new law, companies could deduct the cost of tangible assets, such as buildings and machinery, which are purchased in corporate buyouts. The acquiring company could also deduct interest costs on borrowed money. This generous tax treatment for companies acquiring other companies stimulated the buyout and merger mania we saw in the 1980's and early 1990's at great cost to taxpayers.

The wave of merger mania led companies to increasingly seek deductions for their intangible assets as well. According to a 1991 report by the GAO, the reported value of intangible assets—assets that do not physically depreciate but that companies claim decline in value over time—in leveraged buyouts and other merger activities went from $45 billion in 1980 to $262 billion in 1987.

In the past, the IRS disallowed many deductions claimed by corporations for intangible assets. These included claims for goodwill, which can be defined as the value of a company's good name. Corporations attempted to deduct such items as customer lists, patents, and brand name loyalty. When the IRS refused to allow these deductions, these major corporations went to court to avoid paying the taxes they owed to the IRS. This led to the so-called litigation explosion that allegedly drove this change in the tax law. Proponents of this provision claimed that simplification was needed to address the chaos created by this litigation explosion.

No one believes that the IRS or the Nation is well-served by spending time and money in court settling tax disputes. And of course, simpler tax laws are preferable to complicated tax laws. But the solution was not to simply in one strike give the big corporations seeking to avoid paying taxes an even bigger tax break. In this provision, we gave away the store, Mr. President.

Proponents of this proposal claim it is revenue neutral. But even by Congressional standards, this is a very bizarre notion of revenue neutral. Before the law was changed, the Treasury stood to lose $13.9 billion over the 5-year budget window, and over $7 billion per year outside the 5-year budget window. The change proposed in this bill means that the Treasury will only lose about $12 billion over the budget window, but over $9 billion per year outside the budget window. Only in Congress can we claim that replacing a $14 billion tax break with a $12 billion tax break is revenue neutral. Let's be honest about what we are doing—we are taking an affirmative step to give away $12 billion in taxpayer money to corporations that take over other corporations.

And, to add insult to injury, we are setting in motion a process that will increase the cost to taxpayers from about $7 billion to over $9 billion a year after the 5-year period. Much has been made about projections that suggest that even after adopting this plan, the deficit will begin to rise again after 5 years. After reviewing the details of this intangibles proposal, I have found one good reason why. But this one has nothing to do with demographics or projected increases in health care costs. This is a specific decision by Congress to help a very specific special interest.

There was one very clear question for the Senate to consider on this provision: at a time of shared sacrifice could we really justify retaining a $12 billion tax break for mergers and acquisitions when everyone else—Social Security recipients, Medicare recipients, the transportation industry, motorists, businesses, individual taxpayers—are being asked to bite the bullet?

Did this tax break ever make sense? If members were to go back to their States and take a hand count at town meetings or hold a referendum among voters, do they really think voters would approve a $14 billion appropriation to businesses for mergers and acquisitions? Do Senators really believe that Mike Milken and Ivan Boesky need hand-outs from Uncle Sam? There is no way such an appropriation could pass the Senate, but that is exactly what this provision was. The provision said we should not give the merger artists $14 billion over 5 years, we should give them only $12 billion. And at the same time, their long-term take from the Treasury will increase from $7 billion to about $9 billion a year. Anyone care to go home and explain this one?

I led the battle against a similar provision last year during the debate on the unsuccessful tax bill. This year the Senate approved a less generous version of this tax break for mergers and acquisitions. The Senate version would have only allowed a write-off of 75 percent of the value of an intangible asset. I received a pledge from Chairman MOYNIHAN that he would fight for the Senate provision on intangible assets in conference. I would like to submit a copy of his letter to me on this issue for the RECORD.

The Joint Tax Committee and the GAO estimated that goodwill constitutes approximately 25 percent of all intangible assets, so the Senate provision would have effectively maintained the present law on goodwill. This would not only have saved billions of dollars, but would also have lessened the provision's promotion of corporate mergers.

I believe the conference committee's decision to include the House provision on intangible assets, as opposed to the Senate provision, was very unwise.

One staffer who has worked closely on tax issues for many years told me that he had never seen an issue that had been worked so heavily by corporate lobbyists. That is who is really helped by this provision—the K street lobbyists and the merger and acquisition crowd. In the midst of an anguished national debate over how to achieve deficit reduction through a painful mix of revenue increases and spending cuts, this Congress voted a multibillion dollar giveaway for mergers and acquisitions. This makes no sense. It is bad economics, bad policy, and bad politics. It will cost the Treasury money, it will encourage corporate behavior that costs jobs, and it is the wrong way to make tax policy and the wrong way to legislate. And it is unfair to middle class taxpayers.

I supported the Budget Reconciliation Act, Mr. President, because there is much in it that is good, and we desperately need to get a handle on the deficit. This new law is a good beginning. But I want to make my views clear on the intangible assets provision. I do not approve, and I would not rule out efforts to revisit the issue in the days ahead.

The letter follows:

COMMITTEE ON FINANCE,
Washington, DC, June 24, 1993.

Hon. PAUL SIMON,
U.S. Senate, Washington, DC.

DEAR PAUL: I write to let you know of my commitment to vigorously push the Senate position on amortization of goodwill and other intangible assets in the budget reconciliation conference. I know of your strong reservations on this issue, and your commitment to ensuring that any change in the tax laws not encourage takeovers or leave the Treasury with a long-term revenue loss.

I know that you have been concerned that allowing full amortization for goodwill and other intangible assets will encourage more takeovers, particularly in industries that depend on goodwill.

As you know, the Senate reconciliation bill allows only a 75% amortization for intangible assets, as opposed to the 100% deduction allowed in the House version of reconciliation. The Joint Tax Committee and the GAO have estimated that goodwill constitutes approximately 25% of all intangible assets. Therefore, the Senate Finance Committee bill accomplishes important tax simplification, while also attempting to ensure that goodwill will not be amortizable.

The long-term revenue problem with a 100% deduction, which you brought to the attention of the Senate last year, has also been remedied with the Senate provision. According to the Joint Tax Committee, a 75% amortization over 14 years does not lose revenue in the long term, while the House provisions would lose revenue in the long term.

Again, I appreciate your leadership and commitment on this issue.

Sincerely,
DANIEL PATRICK MOYNIHAN,
Chairman.●

COMMANDER'S CROSS OF MERIT GIVEN TO EDWARD MOSKAL, PRESIDENT OF THE POLISH NATIONAL ALLIANCE

• Mr. SIMON. Mr. President, many years ago, I joined the Polish National Alliance at the suggestion of a friend. That was more than 25 years ago.

I wish I could claim Polish heritage, though it is possible I am partly Polish. I have never had a thorough background check on my family heritage. It is one of the things I hope to do some day when I retire or get someone to do; but I have taken a special interest in Poland, initially because of the sizable Polish population in Illinois.

But it has been increasingly clear to me that Poland has represented the breakthrough country for Eastern Europe. I believed that before the Berlin Wall came down, and I believe that after the Berlin Wall has come down.

The Polish National Alliance is a fraternal organization that preserves the Polish heritage in the United States, and also, encourages sound policies toward the needs of Poland.

Recently, I learned that the president of the Polish National Alliance, Edward Moskal, was honored by the President of Poland, Lech Walesa, when he presented him with the highest award that can be given to someone who is not a Polish citizen, the Commander's Cross of Merit.

I am pleased to see this tribute to Ed Moskal and his leadership, and I want to join the others who paid tribute, not only to Ed Moskal, but to the Polish National Alliance for their good work. This award of appreciation given to Ed Moskal should also be a reminder to all of us that much of what happens in Eastern Europe will depend on the continued success of the economic and political development of Poland.•

REPORT CARD ON EDUCATION

• Mr. NICKLES. Mr. President, the American Legislative Exchange Council [ALEC], with the cooperation of Empower America and the National Center for Education Information, recently released a comprehensive, State-by-State report card on American education. The purpose of the report was to learn where we have been, what we have invested, and how we have done during the last 20 years. The news is not good.

Ten years ago, the U.S. Department of Education published "A Nation at Risk," which documented the shortcomings of American educational performance. Today, I must report that there has been no significant improvement in academic achievement. In 1993 America is still a nation at risk.

And this conclusion is made even more disturbing by trends in education spending. This is important. I know it is fashionable to talk about underinvestment in education. But we have invested, and invested heavily. Since 1973:

After adjusting for inflation, total spending on education rose 47 percent;

Per pupil spending increased 62 percent—that is about the same as health care costs have risen; and

The average American household now spends $808 more in taxes every year to support education.

This investment has not paid off in higher student achievement nationwide: Dropout rates have increased and achievement test scores have not improved.

The data shows that there is virtually no correlation between academic achievement and the amount we spend on education. Some of the States with the highest levels of academic achievement are also some of the lowest spending States. In other words, money—alone—is not the answer.

So if money is not the key to success in education, what is?

The report card offers some clues. Ten States dominate the top rankings on every measure of student achievement. While even these States could do much better, their students are outperforming students in the rest of the country and they have held these top ranks for 20 years. What makes them different?

The data offers two insights. Students in these high achieving States take more core academic courses throughout high school. And a large number of students in these States attend small schools, schools with less than 300 pupils.

Twenty years of data shows that students do better if excellence is expected; courses are challenging; and schools are organized small enough to be managed effectively by principals, teachers, and parents. To most people, that is almost common sense but it has cost us 20 years and trillions of dollars to learn it.

In addition to all this, the report card raises a key question about our investment in education: Where has all the money gone?

What the report card shows is that over the last 20 years, we have hired twice as many nonteaching staff as we have teachers. And less than a quarter of every new dollar we have invested in education went to pay teachers. Where has all the money gone? Too much has gone to bureaucracy; too little to our children's education.

This mountain of data, and the conclusions it yields, should be the starting point for a new emphasis on reinventing education. In this, we must stop listening to the rhetoric and start looking at the facts. That is why ALEC has published this report card. State lawmakers will play the central role in reinventing education, determining how to spend more that 90 percent of all the money we devote to education. ALEC, as the Nation's leading association of State legislators, will continue to provide sound data and solid analysis upon which we can act effectively. Our Nation faces no greater challenge.

I ask that the two tables on education taxes and teachers salaries be included in the RECORD at this point.

The material follows:

Additional taxes for education per household—1993 compared to 1973

	Amount
United States	$808
Alabama	721
Alaska	2,854
Arizona	1,268
Arkansas	772
California	776
Colorado	860
Connecticut	1,219
Delaware	337
Florida	980
Georgia	1,208
Hawaii	947
Idaho	991
Illinois	211
Indiana	900
Iowa	292
Kansas	885
Kentucky	1,028
Louisiana	642
Maine	1,184
Maryland	660
Massachusetts	487
Michigan	357
Minnesota	350
Mississippi	581
Missouri	336
Montana	784
Nebraska	634
Nevada	1,185
New Hampshire	1,158
New Jersey	1,484
New Mexico	874
New York	535
North Carolina	928
North Dakota	490
Ohio	683
Oklahoma	668
Oregon	1,265
Pennsylvania	657
Rhode Island	605
South Carolina	911
South Dakota	447
Tennessee	572
Texas	1,371
Utah	1,117
Vermont	1,233
Virginia	823
Washington	1,213
West Virginia	938
Wisconsin	851
Wyoming	1,578

Note.—Current expenditures in 1993 dollars.

Portion of each new education dollar used for teacher salaries: 1973–93

	Amount
United States	$0.24
Alabama	.22
Alaska	.13
Arizona	.09
Arkansas	.31
California	.09
Colorado	.26
Connecticut	.38
Delaware	.28
Florida	.15
Georgia	.26
Hawaii	.37
Idaho	.24

Portion of each new education dollar used for teacher salaries: 1973–93—Continued

	Amount
Illinois	.40
Indiana	.26
Iowa	.23
Kansas	.33
Kentucky	.29
Louisiana	.09
Maine	.26
Maryland	.22
Massachusetts	.33
Michigan	.28
Minnesota	.26
Mississippi	.28
Missouri	.33
Montana	.19
Nebraska	.22
Nevada	.22
New Hampshire	.29
New Jersey	.24
New Mexico	.21
New York	.30
North Carolina	.18
North Dakota	.20
Ohio	.24
Oklahoma	.33
Oregon	.14
Pennsylvania	.23
Rhode Island	.27
South Carolina	.28
South Dakota	.19
Tennessee	.30
Texas	.25
Utah	.02
Vermont	.30
Virginia	.26
Washington	.12
West Virginia	.29
Wisconsin	.25
Wyoming	.18•

TELEVISION VIOLENCE

• Mr. SIMON. Mr. President, as many of my colleagues know, I have been working for many years now to reduce gratuitous violence on television, and I am pleased to see that people from all over the country are now recognizing the impact of media violence, particularly on young children and teenagers. I am also hearing from more and more of my colleagues in Congress who want to get involved and I believe that there are many in the industry who now realize their responsibility in this effort.

I would like to share with you today a recent Wall Street Journal editorial on this issue written by Newton Minow, the former Chairman of the Federal Communications Commission. Mr. Minow was busy championing the use of television in the public interest long before I first became involved in the issue. His comments below are shared by many:

One evening as I watched, with my remote control in hand, I flipped through the channels and saw a man loading his gun on one channel, a different man aiming a gun on a second, and another man shooting a gun on a third. And if you don't believe me, try it yourself. I think the most troubling change over the past 30 years is the rise in the quantity and the quality of violence on television. In 1961 I worried that my children would not benefit much from television, but in 1991, I worry that my grandchildren will actually be harmed by it.

I sympathize with Mr. Minow's concern: watching television with my 3-year-old granddaughter leaves me with the same fears. Television can appeal to the best in each of us or to the worse in us—all too often, it is appealing to the worst of us.

Mr. President, I ask that the full text of Mr. Minow's editorial be printed in the RECORD at this point.

The editorial follows:

[From the Wall Street Journal, Aug. 3, 1993]

HOW TO ZAP TV VIOLENCE

(By Newton N. Minow)

Television producers, writers and network executive met yesterday in Beverly Hills with parents, psychologists and public officials to talk about television violence and its effect on children. This meeting of warring camps came after both houses of Congress held hearings on the subject this spring, and only a month after the television networks announced that they will begin labeling programs to alert parents to their violent content.

As expected, this consciousness-raising seminar, led by ABC's Jeff Greenfield, was strong on hand-wringing and soul-searching, was studiously polite and unusually educational. But it didn't go far enough. Few people seriously believe that the proposed warning system is equal to the problem, and most people think it will make the problem worse by drawing attention to especially offensive programs.

Nonetheless, the conference participants managed to tiptoe around the prospect of further action. And little wonder. Anyone who proposes doing anything more to curb violence is almost certain to be shouted down as a censor. This refrain is already de rigueur in the television industry, and Congress is understandably reluctant to get into the standards-and-practices side of television programming. Even many parents who think television violence is excessive are uncomfortable with judging speech.

They shouldn't be. If we really cared about our children, invocations of the First Amendment would mark the beginning, not the end, of such discussions. For more than a quarter century the Supreme Court has recognized the need to protect children from expression intended exclusively for adults. But providing such protection has proved especially difficult in broadcasting, which, unlike the magazine rack or the video store, cannot be partitioned or its contents hidden in a plain brown wrapper. Commenting on the broadcast industry's cynical demand that parents be ever vigilant against offense, Justice John Paul Stevens once wrote: "To say that one may avoid further offense by turning off the radio when he hears indecent language is like saying that the remedy for an assault is to run away after the first blow."

Today, a simple inexpensive and readily available computer chip, if built into a TV set, could provide a technological answer to this old constitutional dilemma. The chip would exponentially expand the power of the remote control, making it possible for parents to lock out programs unsuitable for children, provided only that such programs are transmitted with a code that labels them as such. When Massachusetts Rep. Edward Markey suggested that the chip be a required component of all television sets, broadcasters disdainfully dubbed this lock-out technology the "v-chip" and equated it with censorship.

More likely is that the v-chip might chip into advertising revenues. After all, these are the same broadcasters who for generations have insisted that the responsibility for children's television belongs with parents, whose sole power resides in their control of the on-off switch. Now that a truly effective switch exists, the entertainment industry is indignant. "I'm opposed to a single button that can block out a whole program day or a single program week," said Motion Picture Association of America President Jack Valenti. Fox TV Chairman Lucie Salhany argues: "Quite frankly, the very idea of a v-chip scares me. I'm also very concerned about setting a precedent. Will we have a 's-chip' [for sex]?"

The real question is what kind of programming is appropriate for children, especially the millions who watch with little or no adult supervision. The best answer is simply to rate all programs in much the same way motion pictures are rated, thereby notifying parents of a program's suitability for children. Such ratings should apply to all broadcasters and all cable programmers.

Rating programs is not censorship—far from it. Indeed, when combined with lock-out technologies, a ratings system would actually extend the reach of free expression on television, allowing adults to watch whatever suited them while effectively eliminating children from the audience. Parents would still have to go to the trouble of locking out undesirable programs, and doubtless many would continue to neglect their primary responsibility of monitoring what their children watch. But if millions of other parents chose to block out "America's Most Wanted" or "NYPD Blue" (ABC's steamy new policy drama), what concern is that of broadcasters, who for years have insisted that the public interest is whatever interests the public?

At bottom, the v-chip controversy is illustrative of the fact that while the public interest is supposed to be the guiding principle behind television regulation, neither Congress, the television industry nor the public itself has ever been clear on just where that interest lies. The debate over televised violence offers an opportunity to rethink the question at a propitious time, as television is being transformed into a new, interactive medium.

Those meeting yesterday in Beverly Hills had the first opportunity to address these essentially moral questions in a serious way. Even if their effort fell short, the discussion they began must not be allowed to close with the conference. It is time we used the First Amendment to protect and nurture our children, rather than as an excuse to ignore them.

(Mr. Minow is a former chairman of the Federal Communications Commission and director of the Public Service Television Project of the America Academy of Arts and Sciences. Craig L. LaMay, the project's associate director, contributed to this article.)•

CHICAGO'S "WEEK OF UNITY"

• Mr. SIMON. Mr. President, the week of August 22–29 of this year was declared a Week of Unity in Chicago, a time for the people of Chicago to celebrate the wonderful diversity of our city and Nation. The week marked the 30th anniversary of the 1963 Civil Rights March on Washington.

The occasion provided a time to reflect on where we have been and where we are going. Since the days when Martin Luther King began his journey, great changes have occurred.

We have passed historic legislation protecting the rights of the disadvantaged and dispossessed, such as the Voting Rights Act of 1965, the Civil Rights Acts of 1964 and 1991, the Fair Housing Act of 1968, and the Americans with Disabilities Act of 1990.

Landmark cases—such as Brown versus Board of Education, Baker versus Carr, Loving versus Virginia, Roe versus Wade, and Griswold versus Connecticut—have redefined the way we think about discrimination and the right to privacy.

Two African-Americans and two women now have served on the Supreme Court. Last year, the State of Illinois made history by electing the first African-American woman to the U.S. Senate. And Illinois soon may have the first Hispanic sitting on a Federal court in this State.

I mention these things to show, for those who may be discouraged, that progress has been made. That progress can continue to be made if, like Martin Luther King, we stand up for justice.

On the 30th anniversary of that momentous day in 1963, we pay tribute to those who led us. Our tribute will mean little, however, if it is limited to speeches and simple nostalgia. We must dedicate ourselves to the true spirit of the civil rights march, to the fight to make a better life for all our fellow citizens.

So much still needs to be done. We must strive to provide:

Jobs for people in America's pockets of poverty.

Quality educational opportunities for all Americans, not just for some.

Educational opportunities for those who missed them as young people. Twenty-three million adults who cannot read and write is an inexcusable economic drag on our Nation.

Long-term care for people who need it, self-financed by all of us so we don't devastate families.

Safer schools and safer cities. We need to get guns off the streets and out of the hands of children.

We are fortunate to have a President who is willing to get past partisanship and tackle these problems. I am hopeful that in the coming year we will see legislation that begins to address these difficult problems.

During the Week of Unity, we honored the memory of Martin Luther King and those in the past who have worked for justice and equality. We honored the women and men who have dedicated their lives to bring this Nation forward, to unite the people of our communities and of our Nation, and to improve the lives of those less fortunate.

The Week of Unity was sponsored by the city of Chicago Commission on Human Relations and the Human Relations Foundation in coordination with other outstanding groups. These groups all are working to develop harmony and promote respect among the many different racial, ethnic, and religious groups that make up the city of Chicago. They are bringing people together through work, play, educational programs, and civic activities. They are examples of how progress can and is being made in our country today.

I ask my colleagues to join me in commending those who made the Week of Unity possible, in remembering the accomplishments of the past, in celebrating the great progress we have made, and in renewing our efforts to make good on the promise of America, the promise of equal justice and opportunity for all.●

ORDER OF PROCEDURE

Mr. NUNN. Mr. President, the unanimous-consent requests we are about to propound have been cleared on the Republican side.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. NUNN. Mr. President, I ask unanimous consent the Senate proceed to executive session to consider the following nominations: Calendar No. 313, Mollie H. Beattie to be the Director of United States Fish and Wildlife Service, and Calendar No. 317, Albert J. Herberger, to be the Administrator of the Maritime Administration. I further ask unanimous consent the nominees be confirmed en bloc; that any statements appear in the RECORD as if read; that upon confirmation the motions to reconsider be laid upon the table en bloc and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and agreed to en bloc are as follows:

DEPARTMENT OF THE INTERIOR

Mollie H. Beattie, of Vermont, to be Director of the United States Fish and Wildlife Service.

DEPARTMENT OF TRANSPORTATION

Albert J. Herberger, of New York, to be Administrator of the Maritime Administration.

STATEMENT ON THE NOMINATION OF ALBERT J. HERBERGER

Mr. HOLLINGS. Mr. President, today the Senate is considering the nomination of Albert J. Herberger, of Virginia, to the important position of Administrator of the Maritime Administration within the Department of Transportation.

When Secretary of Transportation Peña appeared before the Senate Commerce Committee in January for his confirmation hearing, he designated maritime reform as one of his two main priorities, if confirmed as Secretary of Transportation. Pursuit of this goal is not an easy task. After 12 years of neglect from the two previous administrations, the revitalization of the U.S.-flag merchant fleet is not a project that will be completed overnight. However, we must work quickly before we lose the handful of U.S. shipping companies that remain along with the U.S. merchant mariners that crew their ships.

If Admiral Herberger is confirmed to this position, the challenges of the office will be many. He will serve as Secretary Peña's primary authority on the U.S. marine industry and will face the demanding duty of aiding him in providing what we hope will be a viable plan for revitalizing our once formidable merchant fleet. Given his vast background in the U.S. merchant marine, his long service in the U.S. Navy, his experience as the Deputy Commander in Chief of the United States Transportation Command, and his most recent duties as a maritime consultant for the International Planning and Analysis Center, he has accumulated an impressive list of credentials that I believe will be important for this job and enable him to meet the challenges ahead. We must work together to save the U.S. maritime industry, which is so important to the national security and economy of our Nation.

Mr. President, I heartily endorse Admiral Herberger's nomination, and I urge my colleagues to do the same.

NATIONAL CUSTOMER SERVICE WEEK, NATIONAL REHABILITATION WEEK, AND NATIONAL SCLERODERMA AWARENESS MONTH

Mr. NUNN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged en bloc from further consideration of Senate Joint Resolution 94, Senate Joint Resolution 50, and House Joint Resolution 220, and the Senate proceed en bloc to their immediate consideration; that the joint resolutions be read three times and passed en bloc; that the motions to reconsider be laid upon the table en bloc; that the preambles be agreed to en bloc; further, that any statements relating to these measures appear in the RECORD at the appropriate place as though read and the consideration of these items appear individually in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolutions (S.J. Res. 94, S.J. Res. 50, and H.J. Res. 220) were passed.

The preambles were agreed to.

The joint resolutions, with their preambles, are as follows:

S.J. RES. 94

Whereas recognition of the value and importance of the customer raises the quality of customer service;

Whereas the high cost of attracting new customers today heightens the need for companies to keep existing customers through effective customer service;

Whereas recognition of the contributions made by customer service to the profitability of a company increases the professional status of customer service;

Whereas excellent customer service distinguishes successful companies that understand the important influence a customer has on the success of a company; and

Whereas excellent customer service can contribute to the growth and success of every company: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 3, 1993, through October 9, 1993, is designated as "National Customer Service Week". The President is authorized and requested to issue a proclamation calling on the people of the United States to observe the week with the appropriate ceremonies and activities.

S.J. RES. 50

Whereas the designation of a week as "National Rehabilitation Week" gives the people of this Nation an opportunity to celebrate the victories, courage, and determination of individuals with disabilities in this Nation and recognize dedicated health care professionals who work daily to help such individuals achieve independence;

Whereas there are significant areas where the needs of such individuals with disabilities have not been met, such as certain research and educational needs;

Whereas half of the people of this Nation will need some form of rehabilitation therapy;

Whereas rehabilitation agencies and facilities offer care and treatment for individuals with physical, mental, emotional, and social disabilities;

Whereas the goal of the rehabilitative services offered by such agencies and facilities is to help disabled individuals lead active lives at the greatest level of independence possible; and

Whereas the majority of the people of this Nation are not aware of the limitless possibilities of invaluable rehabilitative services in this Nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) the week of September 19, 1993, through September 25, 1993, and of September 18, 1994, through September 24, 1994, is designated as "National Rehabilitation Week" and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such week with appropriate ceremonies and activities, including educational activities to heighten public awareness of the types of rehabilitative services available in this Nation and the manner in which such services improve the quality of life of disabled individuals; and

(2) each State governor, and each chief executive of each political subdivision of each State, is urged to issue proclamation (or other appropriate official statement) calling upon the citizens of such State or political subdivision of a State to observe such week in the manner described in paragraph (1).

THE 60TH ANNIVERSARY OF THE UKRAINE FAMINE

Mr. NUNN. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of Senate Concurrent Resolution 42, a concurrent resolution relating to the 60th anniversary of the Ukraine famine; that the Senate proceed to its immediate consideration; that the concurrent resolution and preamble be agreed to; that the motion to reconsider be laid upon the table, and that any statements thereon appear in the RECORD at the appropriate place as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE 60TH ANNIVERSARY OF UKRAINIAN FAMINE

Mr. RIEGLE. Mr. President, 60 years ago, the Soviet Union engineered one of the most loathsome acts of genocide ever perpetrated—the Ukraine Famine of 1932–33. The world must commemorate this cruel and inhuman deed perpetrated against Ukraine so that we never forget its millions of victims. Only by remembering can we prevent this kind of atrocity from ever happening again. Senators MITCHELL, DOLE, PELL, DECONCINI, D'AMATO, BIDEN, SARBANES, LEVIN, and WALLOP have joined as cosponsors of this important resolution.

Although six decades have passed, we must comprehend that the Soviet Government committed this terror with malice aforethought. There was no blunder. Let this be completely clear: The famine in Ukraine was deliberately planned and carried out by Soviet totalitarian dictator Joseph Stalin. Within only a few short years, Moscow's policies of forced collectivization and grain seizures brought about the deaths of more than 7 million people in Ukraine.

During the famine and after it was perpetrated, the Soviet Government employed a massive effort to deceive the world. It endeavored to convince the international community that the horrible act never occurred. As a result, it took half a century for scholars, using newly available transcripts and eyewitness testimony, to thoroughly uncover the real story concealed behind Communist-fabricated distortions.

To understand how six decades were able to pass without the facts of this massive terror ever coming fully to light, we must comprehend that Stalin used every means available, including ridicule, to suppress the truth. When, in 1932, Roman Terekhov, a former provincial secretary of Ukraine, requested famine aid, Stalin not only threatened to remove him from office, but proposed that he "work in the Union of Writers where you would write fairly tales for idiots to read.* * *"

In "Harvest of Sorrow," a detailed account of the Ukraine famine, Robert Conquest explains that "the task of the historian is a notoriously difficult one of trying to represent clearly and truly in a few hundred pages events which cover years of time and nations of men and women." The effort to fit together all of the pieces of this tragic puzzle required extensive research by a team dedicated to learning the truth. For this reason, Congress created in 1984 the Commission on the Ukraine Famine to develop a clear account of this event and inform the world of the massacre of millions of Ukrainians in the early 1930's.

In 1988, the Commission on the Ukraine Famine issued a report which successfully rejects the Stalinist falsehoods. It confirms that "Joseph Stalin and those around him committed genocide against Ukrainians" in an effort to repress the Ukrainian peasantry and suppress any Ukrainian expression of a cultural or political identity. "The famine," the Commission explained, "was not, as is often alleged, related to drought." Moreover, the Commission uncovered evidence of "attempts * * * made to prevent the starving from traveling to areas where food was available," serving only to intensify the calamity.

I am pleased to announce that today, members of the Commission that studied the Ukraine famine are in Kiev to officially present a copy of the Commission's report to the Government of Ukraine. In fact, from the State of Michigan, Commission member Bohdan Fedorak arrived in Kiev several days ago to participate in the ceremony. This resolution commemorates this momentous event, while providing the Congress an opportunity to pledge its continued support for Ukraine and other former Soviet Republics as they travel the difficult road to democracy and market-based economies.

Mr. President, the world must never be allowed to forget the victims of the famine in Ukraine. This resolution expresses the sense of Congress that the United States must recall those who suffered at the hands of Stalin's repressive policies while helping to avert future acts of genocide. I thank the members of the leadership and the Foreign Relations Committee for their cooperation in moving this resolution forward and urge my colleagues to support this important measure.

The concurrent resolution (S. Con. Res. 42) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 42

Whereas, during 1932–1933, an estimated seven million to ten million people starved to death in Ukraine because of forced collectivization and grain seizures from the rural population by the Government of the Soviet Union;

Whereas Public Law 99-180 established the Commission on the Ukraine Famine to conduct a study to expand the world's knowledge of the famine and to provide the American public with a better understanding of the former Soviet system by revealing the Soviet role in the Ukraine famine;

Whereas the Commission's report to Congress confirms that Soviet dictator "Joseph Stalin and those around him committed genocide against Ukrainians in 1932–1933" to repress the Ukrainian peasantry and to suppress Ukrainian self-assertion;

Whereas, on February 7, 1990, the Central Committee of the Communist Party of Ukraine acknowledged that the Ukraine famine was artificially created by the policies of Stalin and his closest associates;

Whereas internationally accepted principles of human rights prohibit the use of food as a political weapon;

Whereas the official observances of the Days of Sorrow and Remembrance of the Victims of the Imposed Famine are commemorated this year on September 10 through 12 in Kiev, Ukraine; and

Whereas members of the Commission on the Ukraine Famine are presenting a copy of their findings and conclusions to the Government of Ukraine during the official observances in Ukraine: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SENSE OF CONGRESS.

It is the sense of the Congress that—

(1) the victims of the Soviet-engineered Ukraine famine of 1932–1933 be solemnly remembered on its sixtieth anniversary;

(2) this anniversary underscores the hardship and inhumanity of life under the repressive regime of the Soviet Union during the Ukraine Famine of 1932–1933;

(3) the Congress condemns the systematic disregard for human life, human rights, and human liberty that characterized the policies of the Government of the Soviet Union during the Ukraine famine of 1932–1933;

(4) the presentation of a copy of the findings and conclusions of the Commission on the Ukraine Famine to the Government of Ukraine on September 10–12 by members of the Commission will assist in the dissemination of information about the Ukraine famine of 1932–1933, and thereby help to prevent similar future tragedies; and

(5) the manmade Ukraine famine is a graphic illustration of the unacceptable alternative to democracy and a free market economy, and therefore the United States should seek to help Ukraine and other newly independent States of the former Soviet Union as they transform their societies.

SEC. 2. TRANSMITTAL OF RESOLUTION.

The Secretary of the Senate shall transmit a copy of this resolution to the President and the Secretary of State and request that the Secretary of State transmit a copy of the resolution to the Government of Ukraine.

ORDERS FOR MONDAY, SEPTEMBER 13, 1993

Mr. NUNN. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. Monday, September 13; that following the prayer by the Chaplain, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that the Senate then resume consideration of S. 1298, the Department of Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9:30 A.M. MONDAY

Mr. NUNN. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 7:55 p.m., recessed until Monday, September 13, 1993, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 10, 1993:

DEPARTMENT OF TRANSPORTATION

ALBERT J. HERBERGER, OF NEW YORK, TO BE ADMINISTRATOR OF THE MARITIME ADMINISTRATION.

DEPARTMENT OF THE INTERIOR

MOLLIE H. BEATTIE, OF VERMONT, TO BE DIRECTOR OF THE U.S. FISH AND WILDLIFE SERVICE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.